



## AGENDA: REGULAR SESSION

WEDNESDAY, NOVEMBER 4, 2020

WASCO COUNTY BOARD OF COMMISSIONERS

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

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

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

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

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

In light of the current COVID-19 crisis, the Board will be meeting electronically. You can join the meeting at <https://wascocounty-org.zoom.us/j/3957734524> or call in to [1-253-215-8782](tel:1-253-215-8782) Meeting ID: 3957734524#

We appreciate your patience as we continue to try to serve the public during this time. Please use the chat function to submit real-time questions or comments. You can also submit comments/questions to the Board anytime on our webpage: [Your County, Your Voice](#)

9:00 a.m.	<b>CALL TO ORDER</b> Items without a designated appointment may be rearranged to make the best use of time. Other matters may be discussed as deemed appropriate by the Board. <b>Corrections or Additions to the Agenda</b> <b><u>Discussion Items</u></b> (Items of general Commission discussion, not otherwise listed on the Agenda) <b><u>NCPHD COVID-19 Updates; Streaming BOC Meetings; Letters of Appreciation</u></b> <b><u>Consent Agenda: 10.21.2020 Regular Session Minutes</u></b> (Items of a routine nature: minutes, documents, items previously discussed.)
10:00 a.m.	<b><u>Public Hearings – Planning Ordinances 20-001 &amp; 20-004</u></b> – Kelly Howsley-Glover
10:15 a.m.	<b><u>Landfill/Waste Connections Rate Increases</u></b> – Nichole Bailey
10:30 a.m.	<b><u>Disaster Assistance</u></b> – Sheridan McClellan & Lissa Biehn
10:45 am.	<b><u>Executive Session</u></b> Pursuant to ORS 192.660 (2)(h) conferring with Legal Counsel
	<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

NOVEMBER 4, 2020

This meeting was held on Zoom

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

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

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

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

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

General Election

Chair Hege commended the Clerk's office for the work they did throughout the election. Wasco County Clerk Lisa Gambie reported that they wrapped up and were able to go home almost as early as they had for the primary election. Many of the ballots were counted prior to Election Day. There is a 14 day period for them to follow up on signatures that have been challenged or are missing. In addition, ballots from other counties that arrived in time but not at the correct office will be routed to the appropriate Clerk's Office for counting. Most of the races with any volume are unlikely to change. Antelope may change as there were as many write-in votes as there were votes for the candidate; if all the write-ins are for the same person, there will be a recount and eventually a coin toss. The election will be certified in 20 days.

Chair Hege asked if we have ever had a coin toss to decide an election. Ms. Gambie responded affirmatively, saying that it was for a fire district position in southern Wasco County.

Chair Hege thanked all those who ran; it is not easy to put your name on a ballot. He thanked them all for their willingness to serve.

### Discussion List – COVID Update

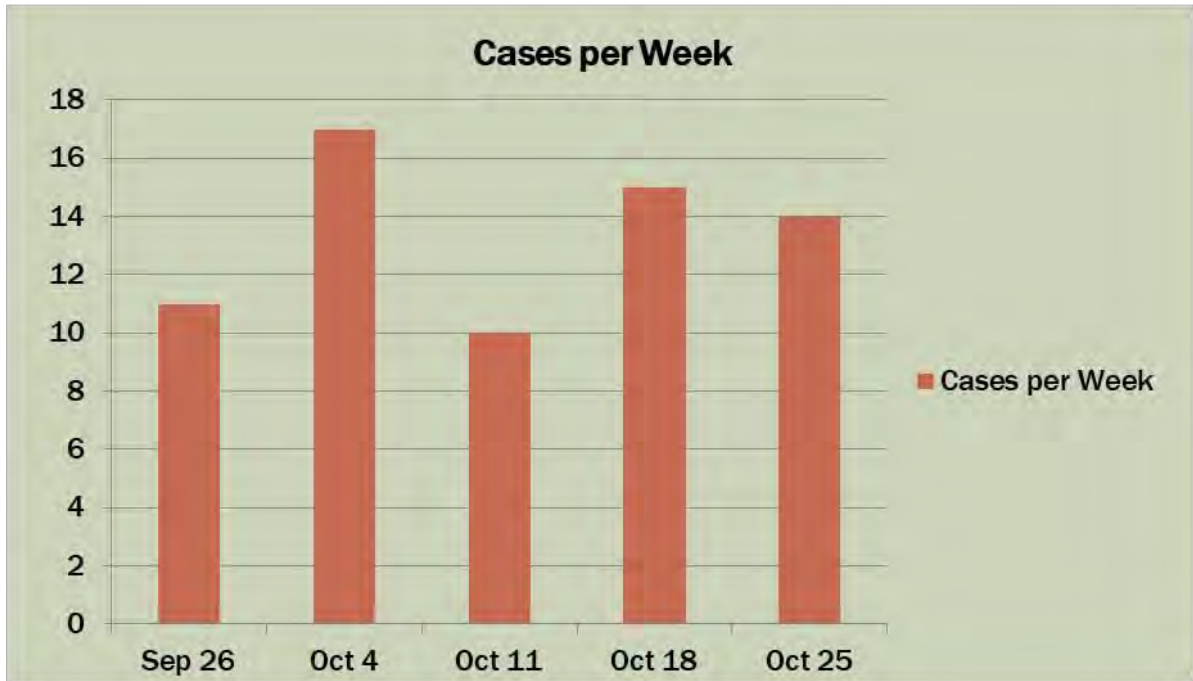
North Central Public Health District's Medical Officer Dr. McDonell reviewed the case counts for Wasco, Gilliam and Sherman Counties; these counts are a total numbers since the beginning of the pandemic.

## COUNTY DATA TOTAL CASES TO DATE DEATHS AND RECOVERED CASES

■ Wasco		
■ Total	368	
■ Recovered	287	
■ Deaths	16	
■ Sherman		
■ Total	23	
■ Recovered	18	
■ Gilliam		
■ Total	17	
■ Recovered	9	

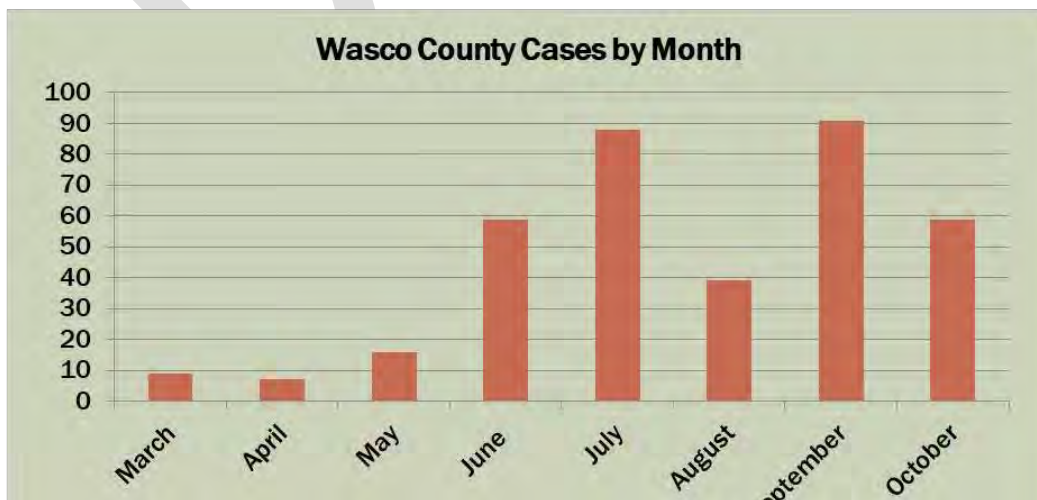
Dr. McDonell said that the slide below illustrates the cases per week for the month of October. She said that the counts for October in Wasco County are essentially steady. While we are not where we would like to be, but we have been pretty steady. All the hard work that citizens have been doing makes a difference. Now is not the time to give up.

## WASCO CASES OCTOBER



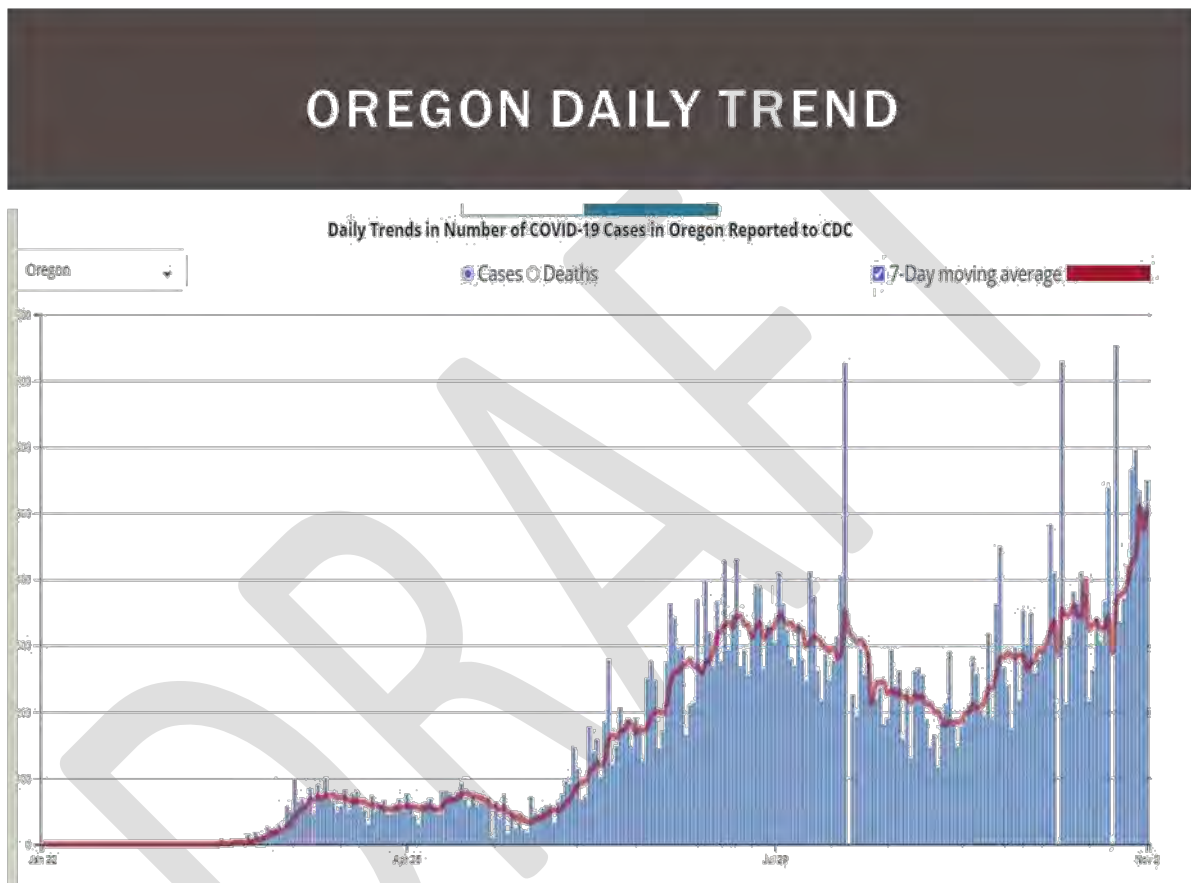
The following slide looks at the cases in Wasco County by the month. Dr. McDonell pointed out the spikes in July and September. She reminded everyone that over 50 of the September cases are related to the outbreak at Flagstone Senior Living. For the month of October there were just under 60 cases in Wasco County.

## WASCO CASES BY MONTH





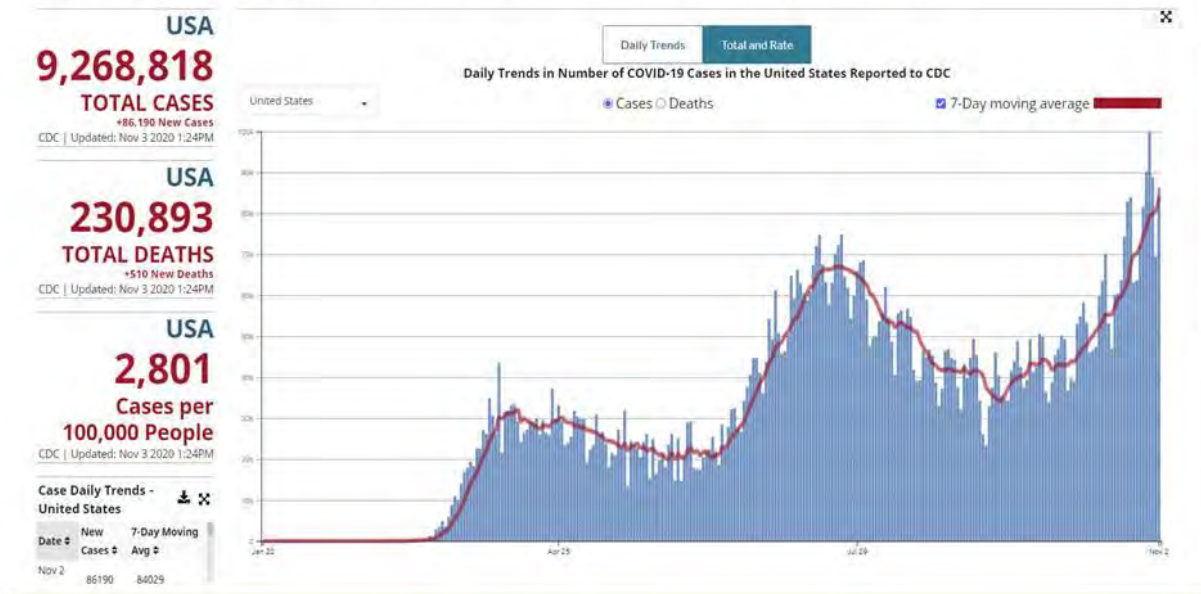
The following slide illustrates the daily trend in Oregon since the beginning of the pandemic. She suggested that the 7 day rolling average (the red line) makes it easier to follow the trending. People have probably heard about the predicted third wave – across Oregon, we are at the highest 7 day average that we have ever had. The pandemic continues to be present in our communities. In Wasco County for the month of October, we are doing a really good job – it is not gone, but people have been working hard and keeping the rate steady.



The next slide demonstrates the trend across the nation since the beginning of the pandemic. Dr. McDonnell she pointed out that it is basically the same trend you see in the State of Oregon, though the numbers are much larger. The last 5 days have been the highest average in the United States. It is heartbreaking that it continues to wreak havoc in our communities.

## UNITED STATES CASE COUNTS

Trends in Number of COVID-19 Cases in the US Reported to CDC, by State/Territory



The slide below reviews the adjusted metrics for public schools. The state is trying to prioritize getting kids back to some kind of in-person education. Oregon Health Authority and the Oregon Department of Education have released new metrics for how we measure how counties are doing in terms of what is permitted for schools in providing education to children. The new metrics focus on a 2-week rolling average. Percent of positivity is still important, but the case count is a two-week look back. She noted that we will not be looking at the case rate because we are a small county; we will be looking at the case count. She noted that a school district may become eligible for on-site learning and still choose to continue distance learning or a hybrid of distance and in-person learning. The standards are not as stringent as they were previously because, as they look at elementary schools across the nation, it is not increasing the rates in those communities. There is science behind this – not just a desire to get kids back to in-person learning. One of the questions that has come up is what if you have less than 30 cases but more than 5%. To make a big move, you would have to meet both metrics. She said that it is likely that Wasco County will remain in the yellow zone for a while.

## WHAT'S NEW

Metrics & Models	On-Site	On-Site and Distance Learning	Transition	Distance Learning
<b>County Case Rate</b> per 100,000 People Over 14 days	<50.0	50.0 to <100.0	100.0 to ≤200.0	>200.0
<b>County Case Count</b> Over 14 days (for small counties <sup>1</sup> )	<30	30 to <45	45 to ≤60	>60
<b>County Test Positivity<sup>2</sup></b>	<5.0%	5.0% to <8.0%	8.0% to ≤10.0%	>10.0%
<b>Instructional Model</b>	Prioritize <i>On-Site</i> or <i>Hybrid</i> (as needed to maintain small cohorts) instructional models.	Prioritize careful phasing in of <i>On-Site</i> or <i>Hybrid</i> for elementary schools (starting with K-3 and adding additional grades up to grade 6).  Middle school and high school primarily <i>Comprehensive Distance Learning</i> with allowable <i>Limited In-Person Instruction</i> . Over time, if elementary schools can demonstrate the ability to limit transmission in the school environment <sup>3</sup> , transition to <i>On-Site</i> or <i>Hybrid</i> .	Consider transition to <i>Comprehensive Distance Learning</i> with allowable <i>Limited In-Person Instruction</i> .  → For counties with an upward case/positivity trend (entering from a lower risk category), school officials should discuss with their local public health authority (LPHA) and consider the spread of COVID-19 within schools and the local community in deciding whether to return to <i>Comprehensive Distance Learning</i> (CDL). <sup>4</sup>  ← Schools in counties with downward case/positivity trend must remain in CDL until they drop into the "On-Site and Distance Learning" category or lower.	Implement <i>Comprehensive Distance Learning</i> with allowable <i>Limited In-Person Instruction</i> only.

Dr. McDonnell reminded everyone that there is a lot of information available on the OHA/ODE website:

## OHA/ODE WEBSITE

- School status updates weekly
- Latest metrics
- School Metrics Dashboard
- Metrics Explainer

The following slide shows Wasco County's rolling 2-week numbers of the last 3 sets of 2-week time frames. Our test positivity rate is higher than we would like – that can be an increase in cases; however, a decrease in the clinics doing testing can also impact that rate. She said they are working with the local clinics to have them test anyone even with mild symptoms.

WASCO				
County	Time	Case Count	Case/100,000	% Positivity
WASCO	10/4-10/17	28	102	6.0%
	10/11-10/24	25	91	5.5%
	10/18-10/31	30	110	8.1%

The slide below shows what each of the Districts in our region is doing regarding public education.

SCHOOL UPDATE	
■ Condon School	in-person
■ Arlington School	hybrid
■ Sherman County School	in-person
■ Dufur School	hybrid
■ South Wasco Schools	in-person/DL
■ St. Mary's Academy	in-person
■ D-21	DL



Dr. McDonell said that the point of care rapid tests have been distributed and are being used. Because One Community Health and Mid-Columbia Medical Center are such large organizations, it has been a little harder for them to integrate this into their work flow. She is continuing to encourage them to use the tests. It is very useful for people who are symptomatic or those who are close contacts of someone who has tested positive. They are not meant to be used just for screening purposes. There have only been a handful of flu cases in Oregon, but any COVID-10 test is also automatically being tested for influenza A and B.

## TESTING UPDATE

- Point of care rapid testing HERE!!!
- BinaxNOW Ag Card in use at some local clinics and at NCPHD
- Testing for COVID-19 and flu available

Dr. McDonell encouraged everyone to get a flu vaccine. A lot of the Wasco County employees have gotten theirs. Call NCPHD; go to the pharmacy or your primary care provider to get yours. The COVID-19 vaccine is still a work in progress. Washington, Oregon and California are working together to prepare for it. EMS providers and community based organizations are involved in that work.

Chair Hege noted that there is a question in the chat for Dr. McDonell: On the OHA website under the Testing and Outcomes by County when highlighting Wasco County the numbers are 368 COVID-19 cases and also 332 people with positive COVID-19 tests, why the difference in the numbers? Dr. McDonell replied that she would look into that.

NCPHD Interim Executive Director Shellie Campbell said that when the pandemic started Unified Command was implemented and a lot of work has come out of that. In the last month, now that we have our arms around the situation, the UC is stepping back and work is moving to NCPHD Incident Command. They will



continue to work with community partners and County liaisons; we want to be able to ramp UC back up if needed. Lines of communication will remain open. She thanked everyone who participated in the Unified Command; their work was very much appreciated. NCPHD continues to look at needs and resources with a focus on the right balance in hiring staff.

Vice-Chair Schwartz asked what Public Health's role is if a school wants to go back to in-person learning. Do they submit a plan? Does Public Health approve the plan? Dr. McDonell replied that all schools submitted a blueprint which is posted on each school's website. They are lengthy, detailed plans. NCPHD provided feedback as those plans were being developed. It is up to each district as to whether or not they go in-person once they meet the metrics.

Vice-Chair Schwartz asked if the outbreak at the Oregon Veterans Home has grown or if it is contained. Dr. McDonell responded that 2 residents and 4 staff have tested positive at OVH. She said she is very happy to report that it has been incredibly well-contained by the practices they had in place and the swift action they have taken. They isolated positive residents and quarantined staff. All recommendations have been followed to a "T." Residents were all tested Monday and staff was all done by Tuesday. That is the second round of testing; the first round revealed only 1 additional resident.

Chair Hege commented that he thought there were 9 cases at OVH. Dr. McDonell replied that the additional 3 cases are family members of staff. That is second tier exposure.

Chair Hege said that looking at Wasco County, we have had a fair number each day not related to OVH. He asked how many are community spread as opposed to known contacts. Dr. McDonell said that we do not have an exceptionally high sporadic number; most are workplace or social gatherings. Being able to do point-of-care testing is very helpful. We do still have some sporadic cases and she expressed trepidation about the upcoming holiday season gatherings; a lot of people indoors is a recipe for spread.

Chair Hege asked if she has any recommendations for the holidays. Dr. McDonell stated that people should celebrate with those who live in their household. If you are getting together with others, please do it outside – it makes a huge difference in terms of spread.

Chair Hege asked if the school metrics are applied to colleges. Dr. McDonell replied that colleges have their own set of metrics. Chair Hege asked what would allow Columbia Gorge Community College to open for in-person education. Dr. McDonell replied that she has not looked at that closely and will do so.

Chair Hege asked how many quick tests we have received and if we are getting more. Ms. Campbell replied that we have received 5,000 test kits which have been distributed and we will have the opportunity for more. Dr. McDonell added that MCMC received an additional 1,000 from the state. She said she believes that is true for other facilities as well.

Commissioner Kramer asked if we know how many of those tests we have used. Dr. McDonell said she would find out. NCPHS is doing 5-10 tests per day but they are not really set up for that. In Gilliam County they are using a lot. MCMC and One Community Health have not really gotten it into their workflow; she is encouraging them to do so.

Commissioner Kramer commented that unless we can get them as needed, we need to plan ahead to order now.

Chair Hege asked the status of our hospital capacity, noting that Idaho is facing challenges there. Dr. McDonell replied that we are doing well but have been able to transfer patients as needed – Providence in particular. In the rising case numbers, we have seen more young people getting it and they are less likely to need hospitalization. OHA is no longer offering staffing support.

Chair Hege asked if we have any COVID-19 patients in the hospital now. Dr. McDonell responded that she does not believe so.

Chair Hege said he read about how states are reporting deaths differently – some reports say patients died from COVID while others say patients died with COVID. A lot of the deaths reported are died with COVID but not as the direct cause of death. He asked how we are reporting in Oregon. Dr. McDonell replied that it is pretty nuanced in terms of how deaths are conveyed. Anyone who has been diagnosed within 60 days of death is reported as a COVID death. As a medical examiner determining cause of death when it is natural causes - we will never know exactly as we just don't often do autopsies for natural causes. Providers are trying to delineate this on death certificates.

Forest Service Area Manager Lynn Burditt reported that they are starting to see more visitors especially on the west end of the Gorge; with that comes some of the typical behaviors. There have been more search and rescues. They are continuing group conversations and statewide conversations. Those will transition to snow recreation conversations. Post Labor Day fire reports indicate that the Oregon Emergency structure that was created has really been tested. There are 7 basic recovery functions and all have been activated. One piece is around recreation and they will try to anticipate where people will go who used to go to the burned out areas. She advised that they will be doing another prescribed fire today in the same area around Mosier as they did two weeks ago. She said that based on the lack of sites available, most people who come to Wasco County will be those who formerly visited Mt. Hood National Forest and the Willamette National Forest. They will continue to assess over the next few months.

Vice-Chair Schwartz asked if the ski resorts will be open. Chair Hege replied that they will be open with new rules. These resorts are on Forest Service properties and there are rules that need to be observed. We have learned a lot from the southern hemisphere about operating under these conditions. Visitors will have to plan ahead.

#### Discussion List – Letters of Appreciation

Commissioner Kramer explained that he was notified of Ray Johnson's illness and wanted to thank him for all his years of service to the citizens of Wasco County.

**\*\*\*The Board was in consensus to send a letter of appreciation to Ray Johnson for all his years of service to the citizens of Wasco County.\*\*\***

Mr. Stone explained that the Farm Bureau has committed \$20,000 to improvement projects at the fairgrounds and he would like to get a letter of thanks out to them.

Chair Hege asked if these are to be physical improvements. Mr. Stone replied that they would be and are to be determined in conjunction with the Farm Bureau. We are currently working on the water and electrical infrastructure and will work with them to see if that is a project we can apply this funding to.

**\*\*\*The Board was in consensus to send a letter of thanks to the Farm Bureau for their contribution toward improvements at the Wasco County Fairgrounds.\*\*\***

**Agenda Item – Planning Ordinances Public Hearings**

At 10:00 a.m. Chair Hege opened a public hearing as follows:

We will now commence the November 4, 2020 public hearing for 921-18-000221 and 921-19-000126, a review of a recommendation made by the Wasco County Planning Commission for:

A legislative hearing to consider approving amendments to the Wasco County Comprehensive Plan, Comprehensive Plan Zoning Map and Land Use and Development Ordinance primarily relating to policies and implementation strategies for Natural Resources, Scenic and Historic Areas and Open Spaces, Forest Lands and Recreation. Amendments also include the adoption of a new format for the plan. These amendments relate to work tasks 18 of Wasco County's Periodic Review to update the Comprehensive Plan and the Post Acknowledgment Plan Amendment to update Goals 4 and 8 of the Comprehensive Plan.

The proposed amendments will have a widespread affect, on many properties and zones, and is therefore a legislative amendment.

As a reminder, the process for this amendment has been consistent with the **notice procedures** required by Chapter 2 of the LUDO, this hearing was advertised for today, November 4, 2020, 10:00 a.m. via electronic video conferencing, as permitted by Oregon Revised Statutes 192.640 and 192.670. Notice was provided in the newspaper and on the County's website.

This hearing is the second of two Board of County Commission hearings scheduled for this text amendment. The first hearing was held on October 7, 2020 and continued to October 21, 2020. Oral and written public testimony were accepted at the first hearing. The purpose of the second hearing is for the Board to hear from staff, ask questions, deliberate and vote on the proposed Ordinance.

**The criteria for approval of this request include:** Wasco County Comprehensive Plan Chapter 11 and Oregon Administrative Rules 660-025

The hearings process, notice and appeal period are governed by ORS 197.612 and by ORS 197.763 and qualify as a land use decision under ORS 197.015(11).

The proposed amendments must comply with the Wasco County Comprehensive

Plan.

**The procedure I would like to follow is:**

- (a) The Planning Department will provide synopsis of previous presentations related to this Ordinance.
- (b) The Board of Commissioners will ask questions of staff.
- (c) The Board of Commissioners will deliberate and will provide direction to staff for any additional information or amendments they would like to see for the next hearing.

**Chair Hege 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.

Chair Hege asked staff to present a brief overview.

Long Range Planner Dr. Kelly Howsley-Glover said that this ordinance is for Work Task 18 which is updates to the sensitive wildlife maps for elk and deer winter range and sensitive birds – EPD 8 and EPD 12. In conjunction with the map updates we have some new policies for the Comprehensive Plan and they are also planning to propose to revise the ordinance language in the Land Use and Development Ordinance in conjunction with EPD 8. In addition, this ordinance covers post-acknowledgement plan amendments to Chapters 4, the forest lands chapter, and Chapter 8, which is recreation. In conjunction with Chapter 8, they are also proposing the adoption of what would be called EPD 15 – a destination resorts eligibility map. She said she is happy to answer any questions.

Commissioner Kramer said this Comprehensive Plan is a tool; it is road map – it is not etched in stone. He asked that if we find that we need to make some modifications/changes/amendments, can we do that at a future date. Dr. Howsley-Glover replied that it is correct for everything outside of things that are mandatory



according to state law.

Chair Hege said we have received input related to property rights issues that people believe will be taken away from them or that they won't be able to do things with their property. Based on his reading and questions he has asked, he said that essentially the things that are allowed today under our current Comprehensive Plan – really not much is changing; not really anything. If they tried to do something today, the process they will have to do is essentially the same that they will have to do if this Plan is implemented. The whole point is to try to make the Plan updated from 40 years ago and easier for people to understand and read and simpler. But it is not going to change the uses, there are no zoning changes or anything like that. He asked if that is an accurate portrayal.

Dr. Howsley-Glover replied that with the sensitive wildlife maps – it is a difficult question because it is based on people's philosophy about what constitutes property rights and whether they are absolute or conditional – that is where things come into play. She said her understanding of the Oregon State law is that property rights are conditional. In this sense the conditions that are placed on property usage, rights and activities really boil down to siting standards. What we are talking about with the amendments to the overlay zones is the property owner would have to do some consultations with Oregon Department of Fish and Wildlife (ODFW) to potentially modify their site plan. The worst case scenario is that if they are coming into one of these zones – EPD 8 or EPD 12 – that say if they wanted to put their new house somewhere on the property that conflicts with one of these zones and they have a consultation with ODFW, the end result may be that ODFW request they move the house placement. She stated that from her perspective, that is not a prohibition on property rights. She said that she can appreciate that there are people who philosophically disagree with that, but she said she thinks it is important to emphasize that these overlay zones don't prohibit uses or activities. Really, where the limitations come in is where development or activity is sited if – and that is a big if – it presents a conflict to the resource. So, the way this works in practice – because we already have these overlay zones in Wasco County and it is a familiar process – it is pretty easy to mitigate with ODFW after they have done a site visit. They may suggest moving the house site, but the overlay zones do not outright prohibit uses and activities.

Chair Hege asked if it is true today, even with the current Comprehensive Plan, that those consultations are required. Dr. Howsley-Glover replied that it is true. He said that they are just not included in the current Plan but it doesn't mean that the maps

don't exist and it doesn't mean that ODFW won't be consulting on developments on these properties even though the map is not in our plan. Dr. Howsley-Glover said that is true for conditional use permits. Conditional Use Permits all over Wasco County, regardless of a properties presence in one of these overlay zones, already there is a trigger in the conditional use criteria for them to meet with ODFW and for staff to make findings to determine there is no conflict, adverse impact, to sensitive wildlife. That is not changing, that is the same. That map is ODFW's map and was adopted in 2012 in the case of EPD 8. She said that the only properties where this may be a new phenomenon, where there is not a trigger somewhere else in the LUDO, are for things that are subject to standards. If you are coming into one of these overlay zones for subject to standard use – these are for things like utility facilities, land partitions, wineries, etc. – those will now have to go through the review process with ODFW. For the most part, most of the things we are seeing in Wasco County are already subject.

Chair Hege asked if farm uses – using the ground to farm, run cattle, fence, etc. – will be affected at all. Dr. Howsley-Glover said that they will not be affected. EPD 12 for sensitive birds already has specific language in it, which is why they did not update that chapter, which excludes/exempts farm and forest practices from the restrictions placed on development within that nesting buffer. One of the critical things that they did with EPD 8, recognizing that it was going to bring in a significant amount of A-160 farm land, was to have the EC analysis. They invited the public to participate and provide feedback with an eye to agriculture because they knew it would impact the agricultural producers. They used that input in combination with peer reviewed literature and consultations with ODFW to establish a finding that is in the ECEE analysis in the appendix for Chapter 5 that agricultural uses don't conflict with protection of deer and elk winter range. That is how they are able to propose this exemption. Agricultural uses and activities, with only a few exceptions – that is CUP such as wineries and agri-tourism where it is much more commercial activity – but, standard agricultural uses such as farming, crop production, agricultural buildings such as pole barns, pump houses and sheds, and farm dwellings are all going to be exempt under EPD 8. That means they do not have to have the review or pay the fee and are not subject to any of the site modifications.

Chair Hege said that he has been back and forth regarding the destination resorts. In the beginning there were some other eligible areas located in the north part of the county and those were removed based on public comment. Right now there are 2 areas – one down in the very south eastern part of the county and one centrally located in the Maupin/Pine Grove area. He has heard from some people that they

don't like these zones and want them taken away. Right now we have that opportunity to make one or both disappear or keep both. He said he likes the idea of them because he thinks it is an opportunity for those areas. It doesn't at all mean that anything is going to happen there. He said he thinks the reality and likelihood of something happening is pretty slim. It just says that here is an area where it could be done. There will be additional work as we go forward in the LUDO that is basically going to put the rules in place to how those could potentially happen. He said he thinks the concerns that he has heard related to that kind of development in those areas are water and fire response. He said that as we develop the LUDO, those are exactly the things that will be addressed – is there sufficient water, what are the public concerns, how are we going to deal with fire protection, etc. He said he feels like he does not want to take away that opportunity from that area, the communities there and the land owners. At the same time, it doesn't force anything on them and we could probably remove that area at some point if in the future, if for some reason, it isn't something we want. He said he is curious to know what the other Commissioner's thoughts are at this point.

Vice-Chair Schwartz said she is totally in favor of keeping the resorts and eligibility map in the Plan. She said she has attended a lot of meetings in south Wasco County and has heard a lot about the desire for economic development and the need for jobs. She said she thinks it is the Board's job to smooth the way rather than put up more barriers. She said she really has not heard any real objective reasons to take it out at this point in time. She said our staff has done a great job of choosing those sites and the Planning Commission passed it almost unanimously. Staff has gone out of their way to adjust the map based on feedback they received already. She said she just doesn't think that we should remove that. She said she thinks the most important thing for her is really about not putting up more barriers to economic development in south Wasco County. There are some good examples already of destination resorts. We have the Washington Ranch and in the past we had Kah-Nee-Tah Resort which was a family favorite of hers. She said she does not know why it is closed now, but it existed for a long time and was a very popular place for folks. It seemed to work well. She said the map does not allow destination resorts; it is important to recognize that. As Chair Hege said, it merely allows for someone to further explore the area. If there is serious interest, it would trigger a robust review of development standards that would include concerns about fire safety and water. It would also trigger public comments from neighbors, etc. It just simply streamlines the process for the developer if one should inquire seriously about a potential site in Wasco County. She said she is absolutely in favor of it. She said this has been a 2-year process for her attending meetings, listening to feedback,

attending the Road Shows, watching people put the dots on the flip chart of what concerns them. It has not been just the last month or so of comments that are influencing her decisions here. She restated that she is absolutely in favor of the destination resorts map and has heard no good reasons not to do it today.

Commissioner Kramer stated that he echoes the comments of both of the other Commissioners. We need more economic drivers in the county. This is just an opportunity and doesn't guarantee anyone the right. As we go forward with the LUDO, that will be the time for the details. He said he is okay with leaving it in.

Dr. Howsley-Glover clarified that the eligibility map wasn't something that staff chose, it is actually based on pretty specific criteria developed in Goal 8.

Chair Hege asked if there is anything other information that the Board needs to make a decision or any other amendments they would like to see. There were none.

Chair Hege closed the hearing at 10:21 a.m.

**{{Vice-Chair Schwartz moved to approve Ordinance 20-001 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 4, 5, and 8 in Chapters 4, 5, and 8 of Wasco County 2040, The Comprehensive Plan (File Numbers 921-18-000221, 921-19-000126) and revisions to The Comprehensive Plan Zoning Map Epd-8 And Epd-12. Commissioner Kramer seconded the motion which passed unanimously.}}**

Commissioner Kramer thanked staff and the Planning Commission for the outstanding work they have done. This has been a long process. This is a road map – if it doesn't work for Wasco County, we can revise it. Vice-Chair Schwartz said she echoes Commissioner Kramer and also would like to thank citizens for their participation in the process. There have been a lot of community meetings where participation has been wonderful; engagement in the work groups has been amazing. That has been really helpful in this process to go forward with a decision. She thanked the citizens as well as our staff.

Chair Hege said he agrees with everything said by the other two Commissioners. He added that there are some people in our county who are very concerned about this. We have recently received a lot of comments from them. He said he is not sure we can do anything to alleviate their concerns; but, from his perspective, he fully

and completely supports property rights. At the same time, there is a context in which we have to deal with this information. There are state laws that we have to follow; many of them think we should push back and not follow the laws but that is really not an option that would be successful. We do have a Comprehensive Plan now. The whole goal behind this, the reason staff brought this forward is because it is an almost 40-year-old plan; a lot has changed in 40 years. We want to make a better plan that is actually easier for our citizens to understand and easier for them to use. He said he thinks this plan is going to do that. He said that some of the folks who say that we are totally taking away property rights and we are not supporting agriculture – he thinks that will prove out to not be true. He said that he thinks things will be better and staff has told us in response to our questions that it will not do many of the things people think it will do. He said we have reasonable and excellent staff. It does depend a little bit on the people that sit in the seats and people have concern about that; but from a Commission stand point . . . when he came to the Commission, we were very clear with staff to not be regulators. We want them to be helping our citizens be able to do those things that they can do on their property. He said he thinks that our staff is doing that. We reinforce that over and over. Our Planning Director Angie Brewer has that perspective. He said it is not their goal to make things hard on our citizens or to try to put barriers up. Our staff try to help citizens do the things they want to do on their property. That doesn't mean that you can do anything you want. That is not the world in which we live today. You can't put nuclear plants on small parcels; you can't have junk yards all around. There are all these things – people say that they don't want Planning but the reality is that they want it when they want it and don't want it when they don't. He said he thinks we have a good plan before us. There are some people who don't like it; but he thinks it will prove out well and our staff has done a great job. It has been a long time coming.

At 10:27 a.m. Chair Hege opened a public hearing as follows:

We will now commence the November 4, 2020 public hearing for 921-20-000072, a review of a recommendation made by the Wasco County Planning Commission for:

A legislative hearing to consider approving amendments to the Wasco County Comprehensive Plan, primarily relating to process and criteria including the Introduction, Plan Revisions Process and Goal Exception chapters. Amendments also include the adoption of a new format for the plan. These amendments relate to the Post Acknowledgment Plan Amendment to update remaining chapters from the Comprehensive Plan.



The proposed amendments will have a widespread affect, on many properties and zones, and is therefore a legislative amendment.

As a reminder, the process for this amendment has been consistent with the **notice procedures** required by Chapter 2 of the LUDO, this hearing was advertised for today, November 4, 2020, 10:00 a.m. via electronic video conferencing, as permitted by Oregon Revised Statutes 192.640 and 192.670. Notice was provided in the newspaper and on the County's website.

This hearing is the second of two Board of County Commission hearings scheduled for this text amendment. The first hearing was held on October 7, 2020 and continued to October 21, 2020. Oral and written public testimony were accepted at the first hearing. The purpose of the second hearing is for the Board to hear from staff, ask questions, deliberate and vote on the proposed Ordinance.

**The criteria for approval of this request include:**

- Wasco County Comprehensive Plan Chapter 11 and Oregon Administrative Rules 660-025
- The hearings process, notice and appeal period are governed by ORS 197.612 and by ORS 197.763 and qualify as a land use decision under ORS 197.015(11).
- The proposed amendments must comply with the Wasco County Comprehensive Plan.

**The procedure I would like to follow is:**

- The Planning Department will provide synopsis of previous presentations related to this Ordinance.
- The Board of Commissioners will ask questions of staff.
- The Board of Commissioners will deliberate and will provide direction to staff for any additional information or amendments they would like to see for the next hearing.

**Chair Hege 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.

Dr. Howsley-Glover said this ordinance pertains to procedural process and informational chapters of Wasco County 2040. That includes a rather lengthy introduction chapter, the plan revisions process information – that’s the criteria we use to make updates to the Comprehensive Plan - and then finally, the chapter related to the goal exceptions – those are rezones from resource lands to non-resource lands and that serves as an inventory. She said she is happy to answer any questions.

Chair Hege commented that we have received a number of comments on this as well. The sheer volume – the number of pages – is overwhelming; he said he would agree that it is a bit of a challenge for citizens to be able to follow and read through all this. It is a lot and it is complicated; unfortunately, it is a process dictated in large part by the State. He said that what we are approving here is part of the Comprehensive Plan. We have approved several other parts of the Comprehensive Plan prior to this. These are the last two that we will be approving. Ultimately, what he hopes to be able to see in the near future is “the” Comprehensive Plan – the document that will be a bound book. He asked if there is a sense of how many pages that document will be and when that final document will be available.

Dr. Howsley-Glover replied that we do have all the things that have been adopted by the Board of Commissioners available now on the Wasco County website. If the Board approves both of today’s ordinances, staff will send them to the Department of Land Use and Development for their acknowledgement – which means they approve it. At that time, we are able to go live. That process can take anywhere from a month to a couple of months. In the meantime, we will be working with a graphic designer to clean up the document and make it look consistent with our brand standards. She said they anticipate that the final bound version will be available within the first couple of months of the New Year. As far as the total document, it will be 310 pages. She said it is important to clarify that 151 of those pages – about half – are actually appendix material. A lot of that is in Goal 5 which is the inventories such as aggregate pits, potential wildlife in the county, park sites, etc. – all that information. When we actually talk about the policies and the

implementation strategies that directly tie to the Land Use and Development Ordinance and regulations, we are talking about around 125 pages.

Chair Hege said that some people think it is an 800 or 900 page document. It is really not. A lot of work was done to get to those pages that will actually be in the document but it is going to be a fairly readable document. It is still pretty exhaustive but that is because it needs to be.

Chair Hege asked if there is any information not provided by staff that would assist the Board in making a decision or any additional amendments the Board would like to see. There were none.

Chair Hege closed the public hearing at 10:34 a.m.

**{{{Commissioner Kramer moved to approve Ordinance 20-004 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 of Wasco County 2040 with revisions to the Plan Revisions Process Chapter, The Goal Exception Chapter and the addition of an Introduction Chapter, The Comprehensive Plan (File Number 921-20-000072). Vice-Chair Schwartz seconded the motion which passed unanimously.}}}**

Chair Hege thanked the staff for a job well-done. Ms. Brewer thanked the Board for their support saying that this is a big milestone.

<b>Agenda Item – Landfill/Waste Connections Rate Increases</b>
--

Ms. Clark stated that NCPHD Environmental Health Specialist Supervisor Nicole Bailey is unable to be here today. Waste Connections Regional Manager Jim Winterbottom and Wasco County Landfill Site Manager Nancy Mitchell are here to answer questions. Commissioner Kramer noted that although he is not a member of the Solid Waste Advisory Committee (SWAC), he understands that our partners have a need to increase their fees based on the Consumer Price Index (CPI).

Mr. Winterbottom reported that they went before the SWAC – the landfill is guaranteed 85% of the CPI which for this year is a 1.45% increase that will be enacted in 2021. Waste Connections has mirrored that request. He said they are sensitive to how that will affect rate payers; he explained that for a 32 gallon can the increase will be 7¢ per pick-up; dumpsters will an increase of 33 ¢ per pick-up.

Vice-Chair Schwartz asked if these increases are in our franchise agreement. Ms. Mitchell replied that they have a license agreement with the County and this is allowed in that document. The request is not greater than what is outlined in the agreement. Vice-Chair Schwartz commented that she hates to raise anything right now.

Commissioner Kramer explained that 85% of the CPI is a guaranteed increase. We could refuse but we would have to have further discussion later. This is pretty straightforward and what we have already agreed to. We would need to negotiate to change that for the future. Anything above and beyond the guarantee would be at the Board's discretion.

Chair Hege observed that the good thing about adjusting every year as that you don't have a huge increase - 32 ¢ a month is not unreasonable.

**{{{Commissioner Kramer moved to approve Resolutions 20-010 and 20-011 in the matters of 2021 rate increases as proposed by the Wasco County Landfill and Waste Connections and approved by the Solid Waste Advisory Committee. Vice-Chair Schwartz seconded the motion which passed unanimously.}}}**

#### Agenda Item – Disaster Assistance Programs

Emergency Manager Sheridan McClellan introduced Lissa Biehn – County Executive Director for the Wasco/Hood River County Farm Service Agency. Ms. Biehn reviewed flyers (included in the Board Packet and attached) explaining the various programs available for recovery from the recent fires. She explained that 56 farms were affected although not all are officially established as farms. There is funding available to restore fencing – signup for these programs began on Monday. Landowners have until December 31, 2020 to sign up. They can call the office to work with them for a cost share program. The program will pay up to 75% of the cost up to \$3 per foot. The program will not pay to restore fencing that was in poor repair prior to the fire. Program technicians are available to assist landowners.

Ms. Biehn went on to say that the Emergency Forest Restoration Program is for non-industrial, private land – primarily those affected by the White River fire – at a 75% cost share. Sign-up ends December 31, 2020. The focus is on replanting trees. They are still working on restoration from the 2018 fires as the South Valley fire restoration is not yet completed.

Chair Hege asked if they have reached out to Dodge Logging. Ms. Biehn replied

that Dodge Logging contacted them and they have talked to them a number of times.

Ms. Biehn continued by saying that the Livestock Indemnity Program (LIP) is always in place for producers and is usually accessed during calving season winter storms. Right now, if anyone had cattle burned in the fire, those losses can be evaluated. There is a 30-day reporting requirement. The Emergency Livestock Assistance Program works for those who have had to haul water due to the drought. The Livestock Forage Assistance Program has been implemented as well.

Vice-Chair Schwartz asked if Dodge Logging is eligible when it is considered a company. Ms. Biehn replied that they will work with Dodge Logging to determine if they are eligible. They may not qualify if it is determined that they are industrial. For instance, Weyerhaeuser would not be eligible as it is on industrial forest land. There is a process in place to determine whether or not the business is industrial. Baker County has done a lot more work in this area and they are learning – it is a learn-as-you-go process. A lot of folks in the south valley are just property owners.

Chair Hege thanked Ms. Biehn for the information saying that the Board would help get the word out.

#### Discussion Item – Live Streaming Board Sessions

Vice-Chair Schwartz said that the Board had previously had a discussion around live-streaming and video hosting and tasked the Information Services Department with researching the process and costs associated with that. We have already met one of the objectives which is to record and post videos of the meetings – it has been of value to our citizens. The next iteration is the ability to live-stream. Programmer/Analyst Andrew Burke has a well-done proposal for virtual and in-person meetings. The value that it brings is to give citizens access to meetings without having to sign-in. She noted that she goes into meetings on live stream and enjoys the anonymity of that and thinks others will as well. It provides more access and supports our mission, vision and values.

Mr. Burke reviewed the memo included in the Board Packet. He reported that the recent election process allowed him to test the streaming feature. We have platforms for the short-term at \$330 per year. If we move to physical streaming there will be an initial cost of \$8,185. All of the video will need to be stored – we have the capacity to store up to 48 videos. They are not official records and must be kept for only 1 year. In monitoring the election streaming, he found that we used



less than 1.5% of the bandwidth capacity; we currently use only about 10%-15% so that is not a problem. He said that staff time is a concern – it will take approximately 2 hours of staff time per video. As far as integrating Zoom with YouTube, that will be about 5 hours to set up something that is reusable. It will take about 25 hours to set up the Board Room for in-person meetings to be live-streamed. He reported that looking at the City of The Dalles metrics for live-streaming, they average 47 views per video.

Vice-Chair Schwartz asked what would the 2 hours of staff time per video entail. Mr. Burke replied that it would be time spent ensuring the quality of the video. She asked if that would mean 4 hours per month recurring for the Board Session videos. Mr. Burke confirmed.

Commissioner Kramer said that his thoughts are that we are live-streaming now. You can see how many are on the call – there were 28 earlier. Three-quarters of those attending are staff members and he thanks them all for taking an interest. He said he would like us to continue this at minimal costs and table the long-term solutions for when COVID is resolved.

Chair Hege asked how this differs from what we are doing now. What is not happening that is not live streamed in real time? Instead of just being on our web page, it would be on YouTube? Mr. Burke responded that people have to sign in now. Live streaming means we push the video to YouTube where you do not have to be admitted.

Chair Hege said that the cost for the year is not an issue. If it is 2 hours of staff time; that is a fair amount of time. The only thing we are getting is the live stream. Anyone can join us now and watch it live. Ms. Clark is posting the videos as a time-shifted element. The only thing we are getting is that they can watch it on YouTube rather than signing into the meeting.

Mr. Burke added that staff time is for agenda items if we choose to flag the agenda item to the video. That would likely be Ms. Clark's time.

Chair Hege asked Vice-Chair Schwartz for her thoughts saying that more people have been participating and we have the video on our website. He asked if that is enough.

Vice-Chair Schwartz said this is a piece that broadens our communications to

citizens. School District 21 and the City Councils of The Dalles and Maupin are already doing this – one might question why we are not. The short-term objectives are being met. More of the long-term objectives is to have some forum where we could push the information out to get more participation. That is what the Social Media Team is working on. It may not make a lot of difference right now but it will in the future. There will be more to come. We talk a lot about being transparent – there are a lot of information platforms that we are not using that are very helpful to citizens.

Chair Hege observed that we are live now – it is just not on YouTube. It is better to have people sign in and we do provide the time shift to watch it later. He said that he understands that it is different. It won't get us a lot today but when we get back to in-person sessions, it would be useful. He said that today, he doesn't see it adding as much. Pushing the information out is not addressed in the report but we can do that today. We can post the videos on social media. The additional work to push it out – he said he is not seeing a difference in what we are doing today but we could try it.

Commissioner Kramer said he agrees – we are live-streaming now. He said he has a different view about anonymity. If we are going to be transparent in our communications, we should know who we are interacting with. Hiding behind a computer screen is a bigger issue in our society. We need to have conversations – let's not hide behind a computer screen.

Chair Hege asked how YouTube will be different from what we are doing now. Vice-Chair Schwartz said it is just another venue and one we are not using - just another way to be open and transparent. We may underestimate how many people are using YouTube. This is one piece of a bigger picture. We don't have a way to push it out yet – we don't have a social media presence for the BOC. She said she wants to thank her fellow commissioners for having the discussion which meets her objective now – to talk about it and get their thoughts. She said she will look forward to future discussions.

Commissioner Kramer thanked Vice-Chair Schwartz for bringing this forward. He said there are really two separate issues and future conversations will be good. He said he thinks we do need more opportunities to interact with the public.

Chair Hege said that the equipment to stream in-person meetings seems very pricey. He asked why. Mr. Burke replied that when we stream, we want to stream

quality video. When we use speakers, we want to be able to hear. The audio devices are designed for spaces of the size of our Board Room. We cannot put cameras on a floor stand as we do not have room; so we will have to mount them out of the way and they will have to be able to zoom in. That will meet the needs of the physical space. When you think about it, these costs are actually on the lower end compared to what is available.

Chair Hege commented that we do have the ability to push our videos out individually although it is not coordinated. He said that perhaps staff can do the integration now as they have time. He said at some point we are going to be sitting together and it could help to have it ready. Mr. Burke said that some of the work has already been done due to the work they had to do for elections. Chair Hege said if it isn't going to cost anything outside of staff time, it will be good to have it ready. It is great to have people attending virtually.

Vice-Chair Schwartz thanked Mr. Burke for his research and work and thanked Ms. Clark for the posted full meeting videos and clips of the COVID updates that she provides.

**Consent Agenda – 10.21.2020 Minutes**

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

Chair Hege recessed the meeting at 11:36 a.m.

The session resumed at 11:41 a.m.

**Executive Session Pursuant to ORS 192.660(2)(h) Legal Counsel**

Chair Hege recessed the Regular Session and opened an Executive Session with the following instructions:

The Wasco County Board of Commissioners will now meet in executive session pursuant to ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. This executive session will be held in a separate virtual meeting room. Representatives of the news media and designated staff shall be allowed to attend the executive session in a separate virtual room. All other members of the audience may remain in the main meeting 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 in the regular session virtual meeting room.

The Regular Session resumed at 1:32 p.m.

#### Commission Call

Vice-Chair Schwartz reported that the Veterans Services Advisory Committee (VSAC) has not been meeting. She said she talked to Elijah Preston about seeing if they would be willing to meet virtually. A lot has been happening around outreach and updating social media. Ms. Clark added that she has corresponded with VSAC Chair Mark Fortin and offered to set up virtual meetings for the Committee.

Vice-Chair Schwartz announced that the warming shelter has a site on the corner of Bargeway and Terminal Road. They are looking for more pallet homes – they have 6 but need 12. She is working with Administrative Services Director Matthew Klebes to identify possible funding streams.

Vice-Chair Schwartz announced that there is a new Executive Director at the Community Action Program. Jim Slusher retired after 43 years of service. Kenny LaPoint who lives in Mosier and worked for Oregon Housing and Community Services will be a good addition to the organization.

Commissioner Kramer said all his committees are moving forward. He is working on fire recovery – MCEDD is doing a wonderful job. Household Hazardous Waste will be meeting when he returns from vacation.

Chair Hege stated that he continues his regional meetings with the Governor's office.

Ms. Clark reminded everyone that there is no second Board Session in November due to the AOC Fall Conference.

Chair Hege adjourned the meeting at 1:39 p.m.

#### Summary of Actions

#### MOTIONS

- **To approve Ordinance 20-001 in the matter of the Wasco County**

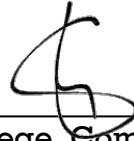
**Planning Commission's request to approve proposed Periodic Review Legislative Amendments to update the Comprehensive Plan related To Land Use Planning Goals 4, 5, and 8 in Chapters 4, 5, and 8 of Wasco County 2040, The Comprehensive Plan (File Numbers 921-18-000221, 921-19-000126) and revisions to The Comprehensive Plan Zoning Map Epd-8 And Epd-12.**

- **To approve Ordinance 20-004 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 of Wasco County 2040 with revisions to the Plan Revisions Process Chapter, The Goal Exception Chapter and the addition of an Introduction Chapter, The Comprehensive Plan (File Number 921-20-000072).**
- **To approve Resolutions 20-010 and 20-011 in the matters of 2021 rate increases as proposed by the Wasco County Landfill and Waste Connections and approved by the Solid Waste Advisory Committee**
- **To approve the Consent Agenda: 10.21.2020 Regular Session Minutes.**

**CONSENSUS**

- **To send a letter of appreciation to Ray Johnson for all his years of service to the citizens of Wasco County.**
- **To send a letter of thanks to the Farm Bureau for their contribution toward improvements as the Wasco County Fairgrounds.**

Wasco County  
Board of Commissioners



\_\_\_\_\_  
Scott C. Hege, Commission Chair



\_\_\_\_\_  
Kathleen B. Schwartz, Vice-Chair



\_\_\_\_\_  
Steven D. Kramer, County Commissioner



## DISCUSSION LIST

---

[COVID-19 UPDATES](#) – Community Partners

---

[STREAMING BOC MEETINGS](#) – Andrew Burke

---

[LETTERS OF APPRECIATION](#) – Steve Kramer/Tyler Stone

---



## DISCUSSION ITEM

### COVID-19 Updates

---

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

---



## DISCUSSION ITEM

STREAMING BOC MEETINGS

---

[STAFF MEMO](#)

---





## INFORMATION SERVICES

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.*

### Overview

The Wasco County Board of County Commissioners directed Information Services to conduct a cost and systems analysis for live streaming county commission meetings to the public. Information Services approached this project by examining solutions with short-term and long-term impacts in mind and polled other Oregon counties to determine how they are doing it.

Six Oregon counties hold virtual meetings through Zoom and seven stream through YouTube. YouTube is not a virtual meeting platform and only “streams” the video and audio without real participation. In order to conduct virtual meetings and stream, Wasco County will need to utilize both Zoom and YouTube together. Wasco County already has both these platforms, which is why it makes most sense to use these options should the commission decide to move forward with the project.

### Costs

Wasco County can leverage existing systems through their GSuite platform by enabling YouTube and Zoom licensing for minimal short-term cost impacts. Total recurring costs will be \$350 annually for a Zoom and Google Account license combined; implementation will take ~5 hours of staff time. Streaming will be easy to implement in the short-term for virtual meetings; however, with potential for returning to physical meetings, new streaming hardware will need to be purchased to accommodate a physical meeting space. The cost breakdown associated to this project is as follows:

Short-Term (virtual space)		Long-Term (short-term + below)	
Zoom License	\$200 / annual	2 x Room Video Cameras	\$4065
YouTube & Video Storage Account	Included in Google Account	2 x Room Audio Microphones + Connection Hub	\$870
Zoom / YouTube Integration	Staff Time ~5 hrs	Streaming Computer System	\$3,250
Google Account License	\$150 / annual	Video System Setup	Staff Time ~25 hrs / ~2 hrs staff time per video
Total:	\$350 / recurring annual	Total:	\$8,185 / one time



## INFORMATION SERVICES

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.*

### System Requirements

The following requirements are the contributing factors that led to the cost analysis provided above:

- Zoom will be used to capture the video stream of meetings, both short-term and long-term
- The video stream will be broadcast to YouTube for public viewing
- Meetings will be recorded so citizens can watch them on demand
- Recordings must be stored for a minimum of 1 year as public record
- Recordings will be stored in the cloud to reduce demand on physical county systems
- Transcript translation will be turned off due to inaccurate & problematic translation errors
- Viewership numbers will be captured to perform usage tracking and analysis

### Expected Usage

The City of The Dalles streams their city council meetings over YouTube as well. To gauge potential usage of Wasco County's streaming system, the views for the city council meeting videos were analyzed from the months of June to September 2020 as reported by YouTube for each video. Figure 1 below shows a simple positive increase of views over that time and the following stats:

- Total Views: 425
- Average Views by Video: ~47
- Average Views by Month: ~106



Figure 1: Views By Month



## INFORMATION SERVICES

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.*

### Conclusion

Overall, a short-term solution will cost \$350 recurring annually. Should streaming continue for physical commission meetings, one-time costs will also be incurred at \$8,185 for hardware plus the total recurring costs. Storage costs are included in the recurring annual amount. Approximately 5 hours of staff time will be required to set up integration between YouTube and Zoom and approximately 25 hours will be required to set up a physical recording system; both systems are expected to add an estimated 2 hours of staff time for video processing, per video. A comparable system is used at the City of The Dalles; it averages about 47 views per video and 106 views per month. A short-term system can be quickly set up, while a long-term, physical solution will require more work for installation into the BOCC meeting room.



## DISCUSSION ITEM

### LETTERS OF APPRECIATION\*

---

[LETTER THANKING RAY JOHNSON FOR HIS SERVICE](#)

---

[LETTER THANKING FARM BUREAU FOR DONATION](#)

---

\*These are consensus items and do not require a motion or vote.



**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.***

Ray Johnson  
c/o Columbia Basin Care  
1015 Webber  
The Dalles, OR 97058

Dear Ray,

Wasco County and its citizens owes you a great debt of gratitude for your service to our community. From your work at Oak Springs in the 1960s to your many years locally served with the Oregon Department of Fish and Wildlife which included management of White River Game Management Headquarters, public service has been central to your life.

Not only did you serve us all professionally, but used your personal time to contribute as well. Your participation was key to keeping the Barlow Grange going and you were also active in the Pine Hollow Fire Department.

Your contributions to your community in Wamic and to Wasco County are immeasurable and will be felt for many years to come. Please accept our heartfelt thanks.

Sincerely,  
Wasco County Board of Commissioners

---

Scott C. Hege, Chair

---

Kathleen B. Schwartz, Vice-Chair

---

Steven D. Kramer, County Commissioner



## 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.***

Wasco County Farm Bureau  
c/o Ken Polehn, President  
2690 3 Mile Road  
The Dalles, OR 97058

Dear Farm Bureau Members,

Recently, the Wasco County Farm Bureau moved to commit up to \$20,000 for the Farm Bureau to work with the Wasco County Fair Board for mutually agreed upon fairgrounds improvement projects to benefit all Wasco County Citizens. The Wasco County Board of Commissioners would like to express their gratitude for your generosity.

The county fair has been part of the fabric of farm life since the first one was held in 1807 in Pittsfield, Massachusetts. Our own Wasco County Fair has enjoyed over 100 years of support from the local agricultural community – farmers and their families showcasing their products and skills and passing their traditions on to the next generation. While local citizens invest a lot of sweat equity into the annual fair, there is often only enough funding to get by from year to year making maintenance and improvements to the infrastructure an ongoing challenge.

The Wasco County Farm Bureau's generous donation honors the long tradition of county fairs and recognizes their importance to rural citizens. We are excited to see what comes of this partnership between the Fair Board and Farm Bureau. Thank you again for your support and commitment to our communities.

Sincerely,  
Wasco County Board of Commissioners

---

Scott C. Hege, Chair

---

Kathleen B. Schwartz, Vice-Chair

---

Steven D. Kramer, County Commissioner



## **CONSENT AGENDA**

---

[MINUTES: 10.21.2020 REGULAR SESSION](#)

---



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2020

This meeting was held on Zoom

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

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

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

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

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

**Public Comment**

Marolyn Wilks commented on the wonderful job she thought the County did during the extended fire/smoke/hazardous air quality event in late summer this year. She stated that she and her husband, Bruce Lumper, received notifications through the County system and were able to get the N95 masks distributed to the public. She said they were so proud of our County and shared those sentiments with friends outside of Wasco County.

**Discussion List – BRIC Grant**

Administrative Services Director Matthew Klebes reported that there was an opportunity to submit a pre-application letter for funding through the BRIC (Building Resilient Infrastructure and Communities) program. While the County has to be the applicant, he submitted the pre-application letter in conjunction with QLife and MCEDD. We have received approval to apply for the grant; the application is due the day after Thanksgiving. He said that he wanted to be sure the Board is aware of the application and give them the opportunity to comment. While the County will be the applicant, QLife will manage the grant. He added that they also helped Mosier submit a pre-application letter for a backup generator for their water system; they were not successful.

Vice-Chair Schwartz asked if he knows why Mosier was rejected. Mr. Klebes said that he does not have the details but will look into it.



Commissioner Kramer commented that it is a good idea and thanked Mr. Klebes for taking it on.

Chair Hege pointed out the local management costs of 5%. Mr. Klebes explained that the 5% is what the grantee is allowed to charge back to the grant for administrative costs.

#### Discussion List – COVID Funding Updates

North Central Public Health District Health Officer Dr. Mimi McDonell reviewed the following slides:

### COUNTY DATA TOTAL CASES TO DATE DEATHS AND RECOVERED CASES

■ Wasco		
▪ Total	334	
▪ Recovered	219	
▪ Deaths	15	
■ Sherman		
▪ Total	18	
▪ Recovered	18	
■ Gilliam		
▪ Total	11	
▪ Recovered	8	

Dr. McDonell reviewed the current data (above) for the three counties represented by NCPHD; these numbers are totals since the start of the pandemic in March.

## CASES, CASE RATES, & PERCENT POSITIVES

- **Wasco**
  - Week of October 11-17
    - 10 cases
    - 36.7/100,000/week
    - 3.7%
- **Sherman**
  - Week of October 11-17
    - 0 cases
    - 0/100,000/week
    - 0.0%
- **Gilliam**
  - Week of October 11-17
    - 1 cases
    - 50.2/100,000/week
    - 0.0%

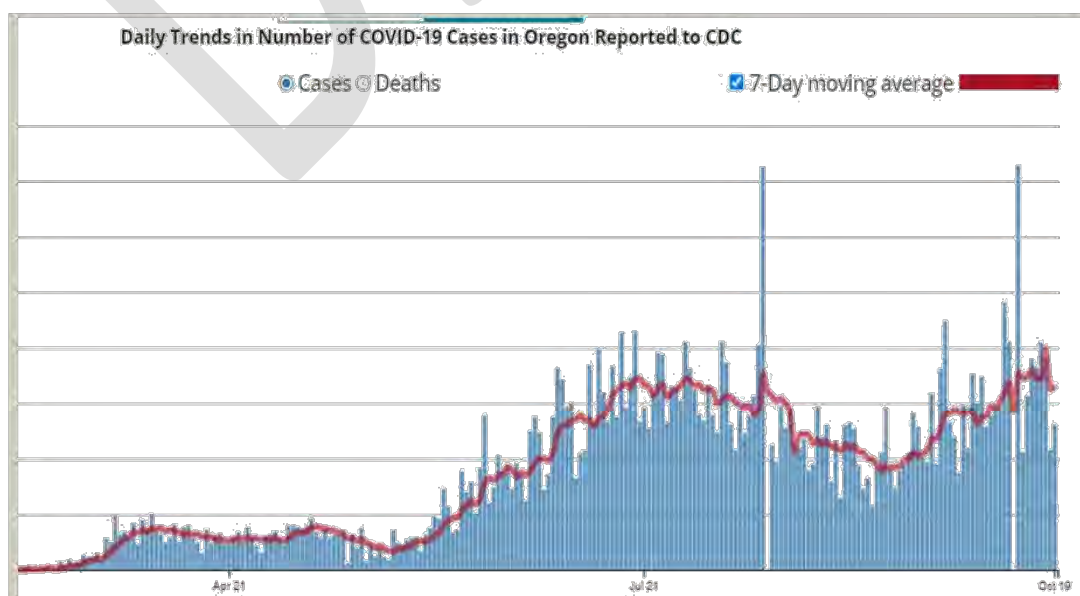
Dr. McDonell explained that during the past week, we had 10 cases (See above slide) which is lower than the prior two weeks. That translates to 36.7 cases per 100,000 for the week. The school metric requires less than 30 per 100,000. Our percent positive went down to 3.7% which means that out of 100 tests performed, only 3.7 were positive for COVID-19. We are testing a good number of people to be sure that we are capturing as many COVID cases as we can. That means there is not a lot out there that we are missing.

## 4 WEEK WASCO & OR RATE TRENDS

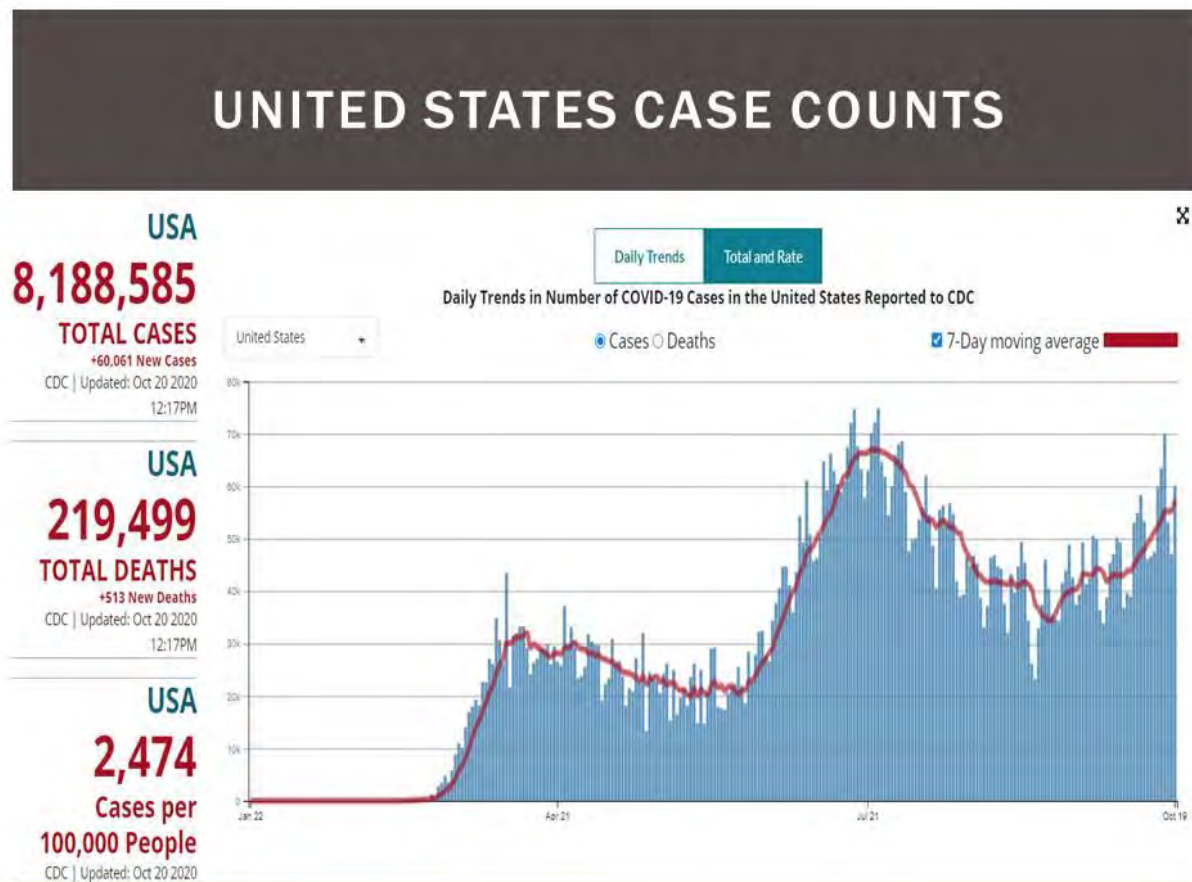


Dr. McDonnell reviewed our 4-week trend as it compares with the State, saying that our number spiked in September due to the outbreak at Flagstone Senior Living. The graph illustrates how impactful cases are to the trend when you are tracking in a small county such as our own. Oregon is recently showing a slight trend up.

## OREGON DAILY TREND



The last slide on the previous page shows daily trends in Oregon from April to mid-October. She said the graph – along with others – is available on the CDC website. She said that we hope to be over the last bump and be on a downward trajectory.

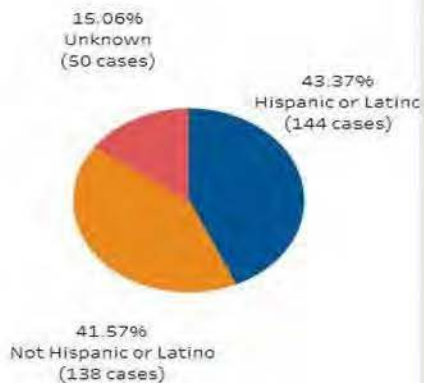


The slide above illustrates the case counts for the United States from January to mid-October. She said this essentially mirrors what we are seeing in our state. Cases are trending up; the reasons, as always, are multi-factorial. It has to do with colder weather in some parts of the country causing people to congregate more indoors, some states are loosening up some of their restrictions and there is some discussion about college students on campuses driving up the rate – that is just one of the theories as to why we are seeing a spike in cases.

The following slides revisit the data on over represented populations. In Wasco County our Latinx community represents 15-20% of the general population but compose 43.3% of our COVID-19 cases. It is similar throughout the state. Part of this is due to working conditions and living conditions – people tending to live with more family members in one area.

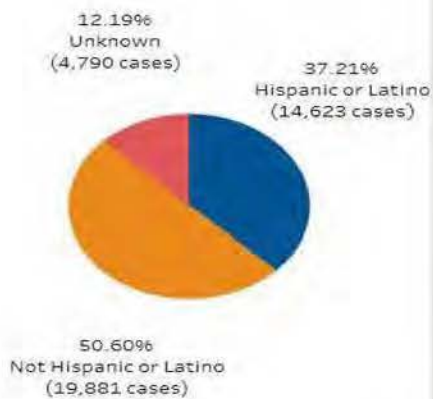
## DEMOGRAPHICS IN WASCO

COVID-19 cases by ethnicity



## DEMOGRAPHICS IN OREGON

COVID-19 cases by ethnicity





## FLAGSTONE SENIOR LIVING

- 52 cases since September 5th linked to COVID-19 outbreak at Flagstone Senior Living
- 12 deaths during time of outbreak
- No cases since October 1<sup>st</sup>.
- Residents have returned to their homes in the memory support
- DHS and OHA continue to provide oversight

Dr. McDonell reviewed the information (see slide above) related to the outbreak at Flagstone Senior Living. She noted that the case count has not changed but we have lost one more resident to the disease. It is encouraging that there have been no new cases at the facility since October 1<sup>st</sup>. Patients and staff are being tested weekly. We cannot say that the outbreak is officially over until 28 days after the last identified case. She stated that there has been a lot of hard work by a lot of dedicated people. Those residents who have been able to return to their homes in the memory support unit at Flagstone are no longer actively sick or testing positive. They are accepting those residents back but not yet accepting new residents to memory support.

Dr. McDonell reviewed the following slide related to the status of in-person education in our region. She noted that earlier she had incorrectly stated that the South Wasco School District has been open for in-person education – they will open for that starting November 2<sup>nd</sup>. She said that in-person education is not easy under the circumstances – it is a lot of work; but it is very exciting and we are happy to see it. OHA has advised that they will be coming out with revised school metrics which will provide the opportunity for more children to experience in-person education.

## SCHOOL UPDATE

- Condon School in-person education
- Arlington School in-person education
- Sherman County School in-person education
- Dufur School in-person hybrid education
- South Wasco Schools in-person education starting November 2nd
- St. Mary's Academy in-person education

Dr. McDonell said that the rapid test kits have arrived and many have been distributed to local clinics and will also be distributed to schools as appropriate. The tests are very specific; if it comes up positive, you can be assured of its accuracy. It does still have a number of false negative results as do all the other tests; that is when clinicians rely on their judgement. The fast turnaround for results – 45 minutes – is huge and will be very helpful in combating the spread.

## TESTING UPDATE

- Point of care rapid testing HERE!!!
- BinaxNOW Ag Card
- 5000 distributed to NCPHD- and we are distributing these to all local clinics ( and schools when approved)

Dr. McDonell concluded by saying that OHA has put out revised guidance regarding face coverings. She said it really isn't different than what they had already released; they are trying to clarify that face masks or face coverings are

preferable to shields. There are some instances where face shields are appropriate but they are limited. The preference is for face coverings or masks.

Vice-Chair Schwartz thanked Dr. McDonell for clarifying the face mask guidance. She commented that there have been 25 instances in Oregon schools of positive test results either among teachers or students. She asked what the response is in those cases. Dr. McDonell replied that it is really determined on a case by case basis. The person or persons testing positive are isolated; contacts are quarantined. For instance, if it were in a classroom setting, all the students in that class would go to distance learning but the school could continue with in-person education. However, if it happened in an 8<sup>th</sup> grade classroom, it might not be an entire class that would need to be quarantined as they are better able to identify close contacts. To shut down an entire school it would probably mean there is a sporadic, spontaneous spread in the school. In terms of our region, it would be very, very, very unlikely that we would send an entire county or district to distance learning.

Vice-Chair Schwartz asked if any schools in the state have had to go back to distance learning. Dr. McDonell said that she would look into it.

Vice-Chair Schwartz asked if OHA aggregates data based on income levels. Dr. McDonell responded that she believes they collect data on housing, race, ethnicity and language among other data points but she does not believe they have specifically asked about income level. Vice-Chair Schwartz commented that it would be interesting if they break it down to the county level.

Commissioner Kramer commended Public Health on the outstanding job they are doing in keeping the community safe.

Chair Hege noted that with colder weather there is a concern. He asked if that is due to the temperatures or just because people will be indoors more. Dr. McDonell replied that globally, there doesn't seem to be an aspect related directly to temperature; the cold weather drives people indoors and over the winter there are often seasonal holiday gatherings.

Chair Hege said that we have had a question about sewer testing and he sees that The Dalles is doing some of that. He asked if Public Health is involved in that and if the testing can predict outbreaks.

NCPHD Environmental Health Supervisor Nicole Bailey confirmed that the purpose



of the study is to determine community spread. It is a very basic litmus test. They are looking for smaller cities to do the testing so it would not be surprising for The Dalles to be a participant.

Chair Hege asked who is doing that work. Ms. Bailey replied that she assumes they are taking the samples themselves and turning them over to DEQ who she believes is the sponsor of the study. County Assessor Jill Amery provided a link to an article on the study. <https://www.opb.org/article/2020/08/27/coronavirus-testing-wastewater-oregon/>

Chair Hege asked what lessons we have learned from the outbreak at Flagstone. Dr. McDonnell replied that one of the first things learned was the importance of getting test results back immediately and testing early. She said Public Health will be having more conversations with local long term care facilities to help them understand the symptomatology especially for memory care patients . . . those patients should be tested on the slightest suspicion of infection. She said communication is important – the more upfront and forthcoming we are about results without compromising an individual's right to privacy, the more reassuring it is to the population. For Public Health, we know what we need to do to support a facility in an outbreak.

Chair Hege thanked Public Health for getting us through that outbreak; it is good to see the numbers falling.

Vice-Chair Schwartz commented that as she looks back at the data, it seems that when we have a holiday, we see a spike. She observed that we have Halloween, Thanksgiving and Christmas coming up in the next few months. She encouraged the public to look at the guidance for getting together over the holidays. She reported that she still sees people congregating indoors and out without masks when they clearly are not a family unit.

Forest Service Area Manager Lynn Burditt said that in terms of recreation, they are moving more towards fall; temporary employees are leaving or have left. They are still seeing visitation at Multnomah Falls without a requirement to make a reservation. It is going well; many of the visitors appear to be from out of state. With children in distance learning, families find it easier to travel. The regional insights group will continue to meet every 3 weeks to prepare for spring and summer. The summer fires may inform some of the planning for next spring. The White River fire was impactful for Wasco County. Emergency response reports have been

completed and will be posted. They will create a treatment projection map for public safety and to protect assets. With the number of acres burned throughout the state, vacationers may choose to spend more time at the coast. They will model that and other possibilities for recreation patterns in future years. She noted that they saw changes in the Gorge following the Eagle Creek fire and will use that experience to model for the future. The studies create data on damage done by fire suppression, damage done by the fire and future plans.

#### Discussion List – Finance Report

Finance Director Mike Middleton reviewed the report included in the Board Packet. The Board thanked him for the level of detail he provides. Commissioner Kramer added the Board's thanks Mr. Middleton for his presentation to staff at yesterday's All-Staff Training.

#### Discussion List – DOD Grant

Long Range Planner Dr. Kelly Howsley-Glover explained that the military uses air space over Wasco County. With additional activity in our county for wind energy, they want to be notified about activity in their air space and they are encouraging us to apply for this grant to facilitate that reporting. The grant is for \$50,000 and will add these notifications to our LUDO. This will be for really tall structures such as wind turbines, meteorological towers and communications towers.

Chair Hege said that this issue came up a lot a number of years ago in the counties east of us as they developed wind energy. They experienced a lot of frustration with the military. He suggested that while this process may allow us to get out ahead of that, it would be a good idea to chat with our partners to the east all the way to Morrow County – they may help us ask the right questions.

**\*\*\*The Board was in consensus to sign the authorization letter to submit an application for Community Economic Adjustment Assistance for Compatible Use Plans.\*\*\***

#### Discussion List – LPSCC Appointments

Ms. Clark reviewed the memo included in the Board Packet.

**{{Vice-Chair Schwartz moved to approve Orders 20-047 through 20-051 appointing the District Attorney, Juvenile Services Director, Community Corrections Manager, County Sheriff and NCPHD Executive Director to the Local Public Safety Coordinating Council. Commissioner Kramer seconded**

**the motion which passed unanimously.}}**

**Consent Agenda – 10.7.2020 Regular Session Minutes**

**{{Commissioner Kramer moved to approve the consent agenda. Vice-Chair Schwartz seconded the motion which passed unanimously.}}**

**Agenda Item – Planning Ordinance Hearings – 20-001 & 20-004**

ORDINANCE 20-001

Chair Hege said that this is a continuation of the hearing from October 7<sup>th</sup>; we wanted to keep the written record open as people indicated they still had more to say. We are not taking any more verbal testimony this week. He said there was not much of an opportunity for the Board to discuss or deliberate on the Ordinance at the last session. We will have time for that at this session. He said we appreciate that there were a number of comments that came in.

Chair Hege said this is a long, long process. We started the work on the Comprehensive Plan over three years ago; the work on this last section has taken over a year.

Chair Hege opened the hearing at 10:02 a.m.

We will now commence the public hearing continued from October 7, 2020 for 921-18-000221 and 921-19-000126, a review of a recommendation made by the Wasco County Planning Commission for: A legislative hearing to consider approving amendments to the Wasco County Comprehensive Plan, Comprehensive Plan Zoning Map and Land Use and Development Ordinance primarily relating to policies and implementation strategies for Natural Resources, Scenic and Historic Areas and Open Spaces, Forest Lands and Recreation. Amendments also include the adoption of a new format for the plan. These amendments relate to work tasks 18 of Wasco County's Periodic Review to update the Comprehensive Plan and the Post Acknowledgment Plan Amendment to update Goals 4 and 8 of the Comprehensive Plan.

The proposed amendments will have a widespread affect, on many properties and zones, and is therefore a legislative amendment.

As a reminder, the process for this amendment has been consistent with the **notice procedures** required by Chapter 2 of the LUDO, this hearing was advertised for,

October 7, 2020, 10:00 a.m. via electronic video conferencing, and was continued until today, October 21, 2020, as permitted by Oregon Revised Statutes 192.640 and 192.670. Notice was provided in the newspaper and on the County's website.

This is a continuation of the first of two Board of County Commissioners hearings scheduled for this text amendment. The second hearing will be on November 4, 2020 at 10:00 AM.

**The criteria for approval of this request include:**

Wasco County Comprehensive Plan Chapter 11 and Oregon Administrative Rules 660-025

The hearings process, notice and appeal period are governed by ORS 197.612 and by ORS 197.763 and qualify as a land use decision under ORS 197.015(11).

The proposed amendments must comply with the Wasco County Comprehensive Plan.

**The procedure I would like to follow is:**

The Planning Department will provide a brief overview of their October 7, 2020 presentation of the amendments recommended by the Planning Commission.

The Board of Commissioners will ask questions of staff.

The Board of Commissioners will deliberate and will provide direction to staff for any additional information or amendments they would like to see for the next hearing.

Chair Hege asked the following questions:

*Does any Commission member wish to disqualify themselves for any personal or financial interest in this matter?* There were none. Chair Hege noted that the Board has received some communications from the public and have forwarded those to Planning staff for inclusion in the record.

*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.

Chair Hege asked staff to proceed with their presentation.

Dr. Howsley-Glover said that she wanted to take the opportunity, in the interest of time, to do something a little bit different here today. Specifically, because the most contentious issue being considered is Work Task 18, she wanted to focus the presentation on that. She said that she has given the same presentation consistently since March and decided to change it to answer some questions that have been raised in testimony. She said she also wants to explain more thoroughly why this work task is required.

Dr. Howsley-Glover said that essentially, with the Comprehensive Plan update, there were two types of updates: those that were community driven through feedback they received at roadshows and other types of outreach and input and those that were required by state law. Typically, the state-required updates were flagged to staff when they were creating their work plan in 2017. In addition to going out to the public, they were required to send notices out to state agencies and federal partners to let them know that we were undertaking this process and for them to give us a heads-up about any kind of feedback. A lot of that work was in the Goal 5 Chapter, so we did a lot of that work last year. This is, obviously, a continuation of that work.

## Overview of Ordinance 20-001

### **Updates Comprehensive Plan chapters:**

- Goal 5 (Natural Resources, Scenic, and Historic Areas and Open Spaces)
- Goal 4 (Forest Lands)
- Goal 8 (Recreation)

### **Makes revisions to the following maps:**

- Sensitive Wildlife Habitat (EPD 8)
- Sensitive Birds (EPD 12)

### **Adds a new map:**

- Destination Resort Eligibility (EPD 15)

In 2017, ODF&W notified us that our sensitive wildlife maps were now out of date and needed to be updated to be consistent. While Ordinance 20-001 includes Goal 5 issues – sensitive wildlife issues – we also included Goals 4 and 8 which are forest lands and recreation. She said she wants to focus her time today on Work Task 18 which is EPD 8 (Sensitive Wildlife Habitat), EPD 12 (Sensitive Birds), the policies and implementation and the LUDO language because that is a little bit unique in this work task

## Work Task 18: Goal 5

Update EPD 8 (Sensitive Wildlife Habitat)

Update EPD 12 (Sensitive Birds)

Update Policies/Implementation

Update LUDO 3.920 language for EPD 8

*Pioneering pathways to prosperity.*

Dr. Howsley-Glover said that, as she mentioned, in 2017 they were notified of these maps that needed to be updated. It did make it into the official work plan with the Department of Land Conservation and Development and has been publicly available since 2018 on our project website. It is also been published to share with community members. She said she also wants to cover the vast array of outreach that we have done. To be clear, why this is important is this work task actually only requires one mailed notice and three newspaper notices. She said she wants to demonstrate that they have really tried to go above and beyond to solicit public input and make citizens aware of these changes. They leveraged every free or low-cost resource they could find – social media, flyers and a project website. She said

they have a great relationship with members of the local media so she tries to go on radio shows regularly to give updates. For this particular work task, they did send a notice in February to everyone in the County – it was a post card notice. In addition, they sent a separate notice for anyone coming into or going out of EPD 12 – that was a separate, longer notice specifically targeted to those residents.

When it became clear in March that COVID was going to impact their ability to have in-person public meetings, they solicited an extension from the Department of Land Conservation and Development for the maximum amount of time they would allow within the periodic review schedule – that was November 30<sup>th</sup>. They followed up with DLCD to make sure that, because we were moving our first evidentiary hearing, that we had to re-notice it. They did confirm that, so staff sent again another notice county wide in August of 2020 to let folks know of these proposed changes. They also had some assistance in translating that notice into Spanish to make sure they were really reaching all populations in Wasco County.

In addition, they have had newspaper notices. In addition to the Board of County Commissioners hearings, they noticed every Citizens Advisory meeting. Those are typically work sessions where there is a lot of opportunity for public participation and comment. They also have tried to generate folks getting involved through the email/newsletter notification system. They have approximately 150 folks who regularly get newsletter notices from the Planning Department. In this case, they sent four about this work task specifically to keep folks informed about their movement forward.

## Work Task 18: Public Outreach/Notices

- Has been part of our publicly available work plan since February 2018
- Used newspaper, media, website, social media, flyers
  - [www.wasco2040.com](http://www.wasco2040.com)
  - Facebook, Twitter, Instagram
  - Postcards and fliers
- County-wide mailers (mailed directly to all county landowners)
  - February 2020 Countywide mailer, with a separate mailer for EPD 12.
  - August 2020 Countywide Mailer
- Newspaper Notices for Community Advisory Group and Planning Commission meetings
  - February 12 for March 3 Community Advisory Group Meeting
  - July 15, 2020 for August 4, 2020 Citizen Advisory Group meeting
  - August 12, 2020 for September 1, 2020 Planning Commission hearing
  - August 26, 2020 for September 15, 2020 Planning Commission hearing
  - September 16, 2020 for October 7, 2020 BOCC hearing
- Newsletter Notices – sent by email to those who signed up to receive notifications
  - March 26, 2020
  - July 28, 2020
  - August 25, 2020
  - September 2, 2020



Dr. Howsley-Glover said that, for this work task in particular, by November 4<sup>th</sup>, they will have conducted 12 public meetings – they are only required to have 3 . . . 1 Planning Commission Hearing and 2 Board of County Commissioner Meetings. Again, they really wanted to have all that public input so they invested a lot of time and resources into having lots of public meetings. They had an initial open house in September of last year to talk to folks about all the Goal 5 issues. They went out on the road in February of this year to talk to folks about these changes and also to get their input on the ECEE analysis which impacts the ordinance language. She reported that they had a really great turn-out with over 200 people from all over the county attending, participating and providing feedback. That is part of the Outreach Report included in the Board Packet. You will be able to see how folks commented and how that informed the ECEE analysis. She said they also had an online survey and other types of opportunities for those folks who could not participate in the road show meetings.

Dr. Howsley-Glover went on to say that they had a Citizens Advisory Group meeting on March 3<sup>rd</sup>. The intention was to go forward with a Planning Commission Hearing in April; but when it became evident that the COVID situation was going to put limitations on public meeting sizes, they asked for the extension and hit pause on this until August 4<sup>th</sup>. She said there has been some confusion about all the work they have talked about doing between March and August. And what they were really working on. She explained that what she was really referencing was, for the most part, the work related to Ordinance 20-004 which is the introduction, plan revision and goal exceptions chapter. So, that was really the bulk of what she was working on during that time and that is why we have those two things combined.

Dr. Howsley-Glover stated that they held another Citizens Advisory Group work session on August 4<sup>th</sup>. In September it became apparent that we had a number of residents that had been evacuated or impacted by wildfire. As a result, staff requested the Planning Commission issue a continuance of their hearing so we had two Planning Commission Hearings in September to insure public participation. That leads us up to today. She said the other point she wants to make is that she recognizes that Zoom meetings/video conferencing are not ideal for staff and are not ideal for members of the public. She said that staff understands that there is frustration involved in that. However, one of the things she wants to point out is that since they have gone the video-conferencing route, they have seen their numbers, in most instances, double, triple or quadruple from what they were at in-person meetings. In some respects, moving forward, staff thinks that a hybrid approach will be really beneficial because it give folks the opportunity to call in when otherwise



their work or home life schedules wouldn't really allow them to drive into The Dalles where most of the Planning Commission meetings are held.

## Work Task 18: 12 Public Meetings

- **Open House** on September 19, 2019 to talk about Goal 5 generally
- **Roadshow work session events** to discuss ESEE analysis and proposed map updates in February 2020
  - The Dalles, 52 attendees
  - Dufur, 72 attendees
  - Wamic, 63 attendees
  - Mosier, 50 attendees
  - Also hosted online survey/data for remote participation
- March 3 Citizen Advisory Group **work session** (4 attendees)
- August 4 Citizen Advisory Group **work session** (12 attendees, 18 streamed online)
- September 1<sup>st</sup> Planning Commission **Hearing** (33 attendees, 55 streamed online)
- September 15<sup>th</sup> Planning Commission **Hearing** (17 attendees, 36 streamed online)
- October 7<sup>th</sup> BOCC **Hearing**

*Pioneering pathways to prosperity.*

Dr. Howsley-Glover said she has tried to make clear why they are doing the updates. She stated that she is going to walk through the specific state requirements for periodic review. She explained that this isn't something that planners chose to do because they want to have a big impact on residents. It is, first and foremost, a requirement of periodic review that we listen to our agency partners when they flag things that are out of date. She said staff also really thinks that it is in Wasco County's best interest to use the best available data to really reduce the situations that ODF&W and staff has experienced with confusion between Wasco County's map and ODF&W's map. She said that she thinks something that keeps getting lost in the noise is the fact that ODF&W's maps are already actively being administered. They are being used to advise any kind of conditional use permits in Wasco County and have been since 2012. The fact that our maps are not consistent does create a lot of confusion for potential development applications. What they have tried to do in this process because it is a requirement, is really leverage the opportunity to streamline the permitting process by removing all the voluntary standards that

ODF&W and our public have said are not effective – things like the fencing standard - and take out some of the language in the Land Use and Development Ordinance that is confusing and frustrating and really take it down to the bare bones or what is required by law and what serves best interests while still building up exemptions for things like agricultural uses and allowing for variances, particularly for the dwelling 300 foot standard.

## Why Make These Updates?

- Periodic Review requirement
- Ensure maps are consistent with existing ODFW map already used for Conditional Use Permits
- Streamline & simplify existing permitting process

Dr. Howsley-Glover explained that there are a couple of triggers in Oregon Revised Statutes, Oregon State Law, that require us to make these updates. Most of those rules live in ORS 197. 197.175 and require our Comprehensive Plan be consistent with statewide planning goals. Work Task 18 falls under Goal 5. ORS 197.250 specifically requires that in our plans we adopt things that are consistent with statewide land use planning goals. The statewide land use planning goals are really outlined in the Oregon Administrative Rules. There has been some discussion about whether or not Oregon Administrative Rules are actually state law. For all intents and purposes, the courts consider them state law. When we are really looking into Goal 5, that is where the rubber hits the road. She said she also thinks ORS 197.319-197.335 outlines the power and authority of the Land Conservation and Development Commission's ability to issue enforcement actions on Wasco County for not having a Comprehensive Plan that is not consistent with state law requirements.

## Why is this required?



Dr. Howsley-Glover continued by saying that there are carrots and there are sticks; this boils down to a stick issue. Specifically with Goal 5, as outlined in Oregon Administrative Rule 660 Division 23, there are some requirements for the way we treat resources and inventory them. What it says is when we go through Periodic Review, which is the process we offered to undertake to update our Comprehensive Plan, we have to listen to our partners, like Oregon Department of Fish and Wildlife, about our resource inventories. Planners are not the subject experts when it comes to wildlife; we really rely on those partners who study this for a living and have specific federal and state rules they have to follow. We rely on their best available data. There are some specific triggers on Oregon Administrative Rules that require us to ask somebody like ODF&W – “Hey, do you have habitat inventory?” That is depicted in the form of a map. Not all of our inventories are depicted or illustrated by a map; some are actual lists. In other cases we have both, like the agricultural inventory – we have a whole list in the index as well as a graphic map available for view. Again, these are really specific regulations that Oregon Administrative Rules give us in Chapter 23 that we have to do this and prescribing the process we have to follow – prescribing that we have to go through the ECEE analysis to identify impacts and consequences; developing our strategies from there and then putting that into rulemaking.



Dr. Howsley-Glover said that she thinks it is important to pause and acknowledge that there have been some jurisdictions that have tried to not comply with Goal 5. Recently, Washington County had an enforcement order from LCDC for noncompliance with Goal 5. It was initiated by a private citizen who had a problem with some aspect of the Comprehensive Plan. In any case, these enforcement actions typically can be – “Hey, you need to do this;” “Hey you need to do this and we are going to stop your ability to issue permits or basically do any work until you do this;” or “We are going to authorize the Department of Land Use and Conservation to do this for you.” We don’t have a lot of wiggle room. The wiggle room is within the ECEE analysis and public input. We also have a lot of recent case law, some with counties and some with cities, where when the jurisdiction has not been in compliance with Goal 5, LUBA will send it back. We are talking about spinning in a washing machine of litigation. That is really something that, by complying with state law, we are trying to avoid. We don’t want to abuse taxpayer resources by going through unnecessary litigation.

---

Enforcement Order of Washington County pursuant to ORS  
197.324 for non-compliance with Goal 5 (2020, LCDC)

---

Nicitia v. City of Oregon City (2018, LUBA)

---

King v. Clackamas County (2015, LUBA)

---

Lofgren v. Jackson County (2007, LUBA)

---

Dr. Howsley-Glover said she wants to talk a bit about some of the questions that have come up over the course of the hearing. She said that something she has heard a lot is, :”Why is there so much reading material? It’s 500/600 pages and is just too much.” She stated that they actually have a lot of requirements about the way in which they do planning work; it is in state law that is sort of dictated to us what we need to put in the record. She said it is impossible for them to submit a 2-pager. We have to submit the adopting ordinances, which is also required that we put in those notices. We have to include studies, inventories, supporting evidence for any changes because all of our findings and conclusions that support amendments have to be backed by facts and evidence. We have to have the staff reports that talk about the findings and conclusions. We have to have the hearing minutes which is



why the packet from the 7<sup>th</sup> to now has jumped up because we had to include those extensive minutes that Kathy Clark produced in this packet because in a lot of cases that is testimony so we want to make sure that we are preserving that verbal testimony on the record through the minutes. Obviously, we have gotten a lot of public interest in this so we have a lot of testimony that makes it into the record. We have the actual proposed changes. For the sake of clarity and for people to really understand what we are updating, we've included in this packet a redlined, strikes and underlined, version and a clean version. They can look and see what is actually being changed and look at the clean version to see what it will look like if adopted.

## What we heard October 7, 2020



### Why so much reading material?



#### We are required by DLCD to submit:

- Adopted Ordinances (20-001)
- Studies, inventories, and other supporting evidence
- Staff reports with findings and conclusions on criteria
- Hearing minutes
- Written testimony/evidence
- Actual proposed changes in plans (for clarity we included strikes and underline and clean versions)

Dr. Howsley-Glover said she has already addressed the 'Why can't we meet in-person?' question a little bit. She wants to add that there are some provisions in state law that allows us to conduct public meetings by phone and electronic communications. Staff really did try to put this off as long as possible through the extension to try to get us back in a room together. Unfortunately, the way things have gone with the State of Oregon requirements and Wasco County's policies with COVID, it has just not been a possibility. She said they hope they will soon be able to meet again in a room but right now, because of the impact on people, to really be equitable to everybody, electronic communications have really been the best strategy for us. Staff really thinks that the numbers demonstrate that folks are finding us more accessible than when meeting in public.



### Why can't you meet in person?



State of Oregon limits the size of public meetings. Due to the popularity of this topic, and procedural requirements, it was determined it needed to be held remotely. This is also consistent with Wasco County's general policy to reduce the spread of COVID-19.

ORS 192.640 and 192.670 allow for public bodies to hold meetings via means of phone and/ electronic communication. We are using the Zoom video conferencing software that allows for both video and phone participation, as well as streaming during and after the meeting.

As our public meeting slide demonstrates, we have seen a dramatic increase in participation by using the Zoom platform.

Dr. Howsley-Glover said she has already walked through why it is mandatory. The slide below outlines those reasons. We have to follow the statewide land use and planning goals. During periodic review, we have to listen to our partners; in this case that is ODF&W.



### Why is this mandatory?



**ORS 197.250** specifically requires local government to comply and adopt rules consistent with the Statewide Land Use Planning Goals which are outlined in OAR 660.


**OAR 660-023-0250** requires at Periodic Review to amend Comp Plan if new information about inventories is provided during work plan development.

Required by **OAR 660-023-0110 (2)** to obtain current habitat inventory from ODFW and others.

Rule **OAR 660-023-0110 (4)(a-e)** requires that we rely on this information.

Dr. Howsley-Glover said that something she has heard from some testimony is, "Hey, you're a home rule county – can't you just say no, we don't want to do this?" There are actually only 9 home rule counties in Oregon. Wasco County is not one of them. There is this ability, granted by the legislature in 1973, for jurisdictions to adopt local legislation on matters that only concern us as a county. This doesn't cover it. In reviewing the case law, even if we were a home rule county, that is not a get out of jail free card as far as following state law. Courts, typically, have determined that state law will prevail over a conflicting local ordinance. Again, we are not a home rule county, but even if we were we would likely still have to follow state law and in fact, we see that with all of our counterparts who are one of the 9 counties who are home-ruled. They are still following Oregon state law in terms of land use planning.

 **Staff said they want to be the baseline for the state. What does that mean?**

 Staff is referencing the **process** to update the Comprehensive Plan, including robust citizen involvement (Goal 1) above and beyond what is required. Most jurisdictions don't create websites, use social media, use infographics, use polls, surveys, and roadshow work sessions when updating plans.

Staff is also referring to the overall effort to update our almost 40 year plan, because most Counties have similarly aged documents.

Dr. Howsley-Glover said that she has made some remarks in past presentations about how we really argued to LCDC when we wanted to do this comprehensive update, that we were trying to muddle through this process to give other jurisdictions, that are much less resourced than we are, some good guiding principles for how to do a good job. She said she thinks people have interpreted that to mean that she is talking specifically about Work Task 18 or that she is talking about any of the other work tasks. Really, planners are pretty process-focused; that is really what they get excited about. When she is talking about wanting to be a baseline for the state or wanting to share our example or share resources, really what she is talking about is the process. Staff is really proud of the robust citizen involvement that they have done. We have really gone above and beyond what is required and really tried to get as much participation from all corners of the county

as possible and tried to bridge all kinds of gaps to try to get that involvement from people. That is what we want to share with our counterparts in other counties. We want them to use some of the tools and the lessons we've learned to update their own plans. Just like our plan is almost 40 years old, most other counties are in that same boat. The state hasn't given a lot of resources to counties to update these things. The focus has typically been on urban jurisdictions. We wanted to shine a light that as the keepers of a huge amount of land mass in the State of Oregon, resources should be dedicated to this work. We should be making sure that these plans are a reflection of our values today moving forward rather than 40 years ago because, quite frankly, things have changed in Oregon. Again, when we say we want to be the baseline or that we are celebrating, we are celebrating the process; we are celebrating the achievements in terms of citizen involvement. It is not related to any public work tasks. She said she wants to be clear that there were two tracks of updates that they did in this process; one was things that we were required by law to do and one was things that the community told us to do. We did not want Wasco County's vision for what to do in the county; this is really the community's vision. Staff takes that role and that responsibility very, very seriously.



**Staff said they want to be the baseline for the state. What does that mean?**



Staff is referencing the **process** to update the Comprehensive Plan, including robust citizen involvement (Goal 1) above and beyond what is required. Most jurisdictions don't create websites, use social media, use infographics, use polls, surveys, and roadshow work sessions when updating plans.

Staff is also referring to the overall effort to update our almost 40 year plan, because most Counties have similarly aged documents.

Dr. Howsley-Glover said that in her previous presentation she talked about the LUDO chapter related to EPD 8 and that they were removing some of the redundant notifications. People became concerned that she was talking about public notifications. She said that she wants to be very clear that the notifications that are proposed to be removed from that chapter are not public notices. They are notices between Planning Department staff and the Department of State Lands and ODF&W about wetlands. There is no correlation between wetlands and this EPD. The



wetlands stuff lives specifically in zone chapters; so when she says it is redundant, it really is redundant and in some cases just confusing to planners. When staff is looking for whom to notice about wetlands, they are not looking here. It doesn't make sense to have it live here; that is why we are taking it out. The other notice they are proposing to remove and calling redundant is notices to ODF&W about areas of voluntary siting standards. One of the ways they have streamlined with the map and the ordinance language is to remove the voluntary siting areas. Those are not necessary if we are taking out the voluntary piece.



**Why is staff allowed to decided what notices are redundant or won't this impact public notice?**



The notices proposed to be removed are **not public notices**. They are:

- 1) Notices from Planning staff to Department of State Lands and ODFW about wetlands. These notices are already required within the wetland provisions in each zone and are redundant.
- 2) Notice to ODFW about Area of Voluntary Siting Standards which is proposed to be removed.

Dr. Howsley-Glover said there was some feedback on making the two-page overview more accessible. Staff almost immediately put that up on the Wasco County homepage on the scrolling header. Hopefully, everybody got a chance to read that. It has been on the project website since the September hearings. For anybody on those notifications and email lists, it was sent to them and they promoted it through social media. She said she would encourage any citizen listening today to really look for that email notification list and get involved in it. It is a really great way to stay engaged.



**Can you make the two page overview more accessible?**



Following the October 7 hearing it was immediately added to the rotating header on the Wasco County home page.

It has been on the on the project website since the Planning Commission's September hearing, was emailed to individuals on the notification list, and has been promoted through social media.

Dr. Howsley-Glover said that they heard a little about folks feeling that the project had a pre-determined outcome. She said that she assumes they are talking about the ODF&W maps. She said she wants to bring some clarity to this. The specific map revisions – making our Wasco County EPD 8 and EPD 12 maps look like ODF&W's maps – yes, that is predetermined, because we are not the authors of the inventory. We do not create the data; we are not the experts on where deer and elk and birds live in the county - ODF&W is. That is why we rely on them to generate those maps. The adoption of those maps is required by state law. So, in that sense, the direction has always been to follow state law, it is predetermined. We are going to follow state law and adopt these maps that are already recognized and utilized by ODF&W. What wasn't predetermined were those regulations. When we talk about the exemptions or the voluntary standards, such as the fencing standards that we are proposing to remove – those are the pieces that we focused our road show meetings on and a lot of our public outreach on, because that is where we had the ability and flexibility to make some changes. Staff feels like the results of that are really positive for the vast majority of Wasco County residents because we've created where there were none previously, exemptions for agricultural uses, including agricultural dwellings. We have removed all the unnecessary voluntary standards that ODF&W and the public found frustrating and unhelpful. We have also removed some of the redundant and confusing language to really streamline it and make it very clear and to make sure we are giving the greatest amount of allowances while really meeting the goals of the resource.



**It feels like this project had a predetermined outcome.**



Revisions to the map are based on ODFW maps revised in 2012 and currently used in their review of Conditional Use Permit applications. Adoption is required by state law.

Proposed revisions to simplify the regulations are new. Planning staff included the public in the ESEE analysis to learn what kinds of development were felt to be in conflict. The result of that public conversation and ODFW coordination allowed for exemptions and criteria. This occurred at the road-show events, attended by more than 230 residents, and with written or website participation.

Dr. Howsley-Glover said that one of the questions that came up during the October 7<sup>th</sup> verbal testimony was “Are the formerly voluntary areas becoming mandatory?” She says she apologizes that she did not have an answer ready to go. She said she did scrutinize the maps in more detail. She stated that there are areas that were formerly identified as low elevations which was considered by staff an area of voluntary compliance that are being moved into the general overview. We are doing away with all these distinctions and having just one general map. There is a portion of them that are coming out of the EPD completely and a portion that will remain and, in that respect, become mandatory. She said it is important to know that regardless of whether folks were voluntary or non-voluntary, they still had to go through a review; they still had to pay the fees. The only thing that was really voluntary in that case was the dwelling standards. That is for new dwellings; it is not for existing dwellings. She said another thing she thinks is getting lost in translation is that, with the 300 feet from the road or right of way access point, there are variance options. ODF&W meets with the developer, applicant, homeowner, property owner on a case by case basis to look at the property. ODF&W uses their available data and expertise to really determine whether or not that clustering makes sense for that property. The property owner has the opportunity at that point in time to really work with ODF&W staff to look at some alternatives. It is not a set-in-stone standard; there are variance opportunities. She said she wants to stress that one of the new additions to this language is that exemption for agricultural uses, including agricultural dwellings. Farm dwellings in A1-160 would not be subject to that 300 foot standard.



**Are the formerly Voluntary Areas becoming mandatory?**



The proposed map will result in the conversion of some areas of Low Elevation and Voluntary Areas. Other areas will be removed completely. Its important to understand that the Voluntary Areas still required review by staff and ODFW (cost and time), but the new dwelling standards were voluntary. That will now be mandatory, but with the option for a variance on a case by case basis, and an exemption for A-1 (160) farm dwellings.

Dr. Howsley-Glover said that one of the things that was asked is can we ask for an extension. She said they already asked for the maximum extension we could under periodic review. Periodic review has a really specific drop-dead date for us. It is what we agreed to when we asked to undergo periodic review. In order to prove that we need an extension we have to be able to prove the cause. It is staff's viewpoint that, considering the mandatory nature of adopting these maps, the previous extension, the extensive hearing schedule and then the fact that we haven't had a lot of evidence showing any errors in the analysis or mapping to present that there are contradictory findings that would mean we have to do a lot more research or analysis, an extension would not likely be granted by the Department of Land Conservation and Development.



**Can you ask for an extension?**



We already have. Periodic Review requires completion within 3 years (ORS 197.633). Work Task 18 was originally due to DLCD by June 30. As a result of COVID-19, and hoping for in person hearings, staff requested the maximum possible extension until November 30<sup>th</sup>.

To obtain an extension, rule (ORS 197.636) requires we demonstrate “good cause”. Considering the mandatory nature of this update, the previous extension, the extensive hearing schedule, and insufficient evidence contradicting findings, its unlikely a second extension would be granted.

Dr. Howsley-Glover said that the bottom line is that these amendments were made with community input; that is what made up the ECEE analysis which was supplemented by peer review; research on wildlife patterns and habitat considerations. She said they took the input they got from the public very seriously. That is why staff really worked with ODF&W to find an exemption for agricultural uses. The maps are required by state law. In most cases they are already being used in Wasco County, it's just not clear to folks – an extension is not going to change the outcome of that. One way or another – either we do it ourselves or we get an enforcement order put upon us by LCDC – it is going to happen. She said that she understands that it feels very frustrating to some of our residents. She says that she hears them and appreciates it but we would not be doing our jobs as a planning

department for the taxpaying citizens of Wasco County if we didn't clearly lay out the risks of litigation and enforcement actions if we don't adopt these revisions.

## Bottom Line

- **Amendments were made with community input, including on the ESEE Analysis;**
- **Proposed revisions to maps are required by state law, an extension will not change the outcome; and**
- **Not adopting mandatory updates exposes the county to risk of litigation or enforcement action by the State of Oregon**

Dr. Howsley-Glover concluded her presentation and offered to answer any questions the Board may have.

Chair Hege thanked Dr. Howsley-Glover saying that it was an outstanding presentation. He said she answered a lot of questions that came up recently for all of us. He asked if the Commissioners had any questions.

Commissioner Kramer said that he did not have any questions. He said he wanted to comment that the presentation was excellent and it hopefully, gave that little bit of transparency piece that we have been accused of not providing. It is all there; our staff has done a great job. As was pointed out by one of our citizens, we took an oath of office and within that oath we are to respect the laws thereof. He said that with in mind, our staff has done an outstanding job on this and it is time that we move forward

Vice-Chair Schwartz said that she totally concurs with Commissioner Kramer and thanked him for his comments. She said that having read the documents – lots of pages – not just once, but twice, having had multiple conversations with planning staff, having read all of the testimony, she really doesn't have but one question. She said she recalls two weeks ago citizens expressed concerns about restrictions on



uses of their lands. They were encouraged to reach out to the Planning Department specifically about their particular land issues. She asked if anyone has reached out.

Dr. Howsley-Glover said that she had a really nice, long conversation with one citizen who was not at the October 7<sup>th</sup> hearing. She said that was the only person that wanted to meet with her and have a discussion.

Vice-Chair Schwartz said that she does not have any more questions but wants to thank staff for the excellent report.

Chair Hege said that he has a number of things he wants to say and has some questions. He said this has honestly been a great process. He said that he thinks it is one of those processes that we have been working on for over 3 years and this particular section over a year. It has been great but it's been frustrating at the end, based on a lot of the comments we have been receiving. He said that he has two overall frustrations that play into this that he thinks has caused some of these issues.

Chair Hege said that the first is the State mandated language – because we heard a lot of comments on this. He said that he wants to read the language that was in our notification for this last section. He said that he thinks a lot of people read the first part of it but did not read the whole thing, which he thinks is important. The language in the notification that everybody in Wasco County inside the jurisdictions got – he asked who got the notification. Dr. Howsley-Glover replied that the notification was sent to everybody in unincorporated Wasco County outside of the National Scenic Area. Chair Hege said there are a lot of words on the page but this is what it says:

*Wasco County has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in Wasco County and may change the value of your property. ORS 215.503 requires notice which contains the above language. Wasco County is notifying thousands of property owners of these proposed changes, and Wasco County has no way to know whether, how or when these updates might affect the value of your property. Your receipt of this notice does not necessarily mean that any of the proposed updates will limit the use of your property or change the value of your property.*

Chair Hege said he read that because, if you read the whole thing, it is very clear. He said he thinks the thing that frustrates him is that the State mandates that we tell you that this may affect your use and may affect your value - which is true. He said

that he thinks the reason that is in State law is because that wasn't happening and people were becoming very frustrated and went to the legislature and said "This is happening and we didn't know about it." He said now he thinks we have some kind of inflammatory language that kind of fans flames and gets people all riled up. Most of or many of the people he got comments from said "you **are** going to impact the use of my property" and "you **are** going to reduce its value." That is not true. One – we didn't say that, we made it very clear we don't know and two, he thinks very strongly that a lot of what we are talking about is certainly not going to change the use and in all likelihood is not going to change the value of properties. He said that is something that has frustrated him but we have to do it; we are mandated by the State to do it. He said he does not think it is the best way but in some ways it is a good thing. It is good to have the discussion,

Chair Hege said the other thing that he finds frustrating, and many of our citizens did as well, is the amount of material to sort through. He said that Dr. Howsley-Glover addressed this very well. He said it is just stunning for the normal person in our county to be able to deal with the volume of material and try to understand it, understand how it might or might not affect them. He said he understands the concern and has a great deal of empathy for people that are really concerned about this because they don't understand it. He said he would tell you, based on all of the work he has done over the last three years, that he really doesn't think this is going to make substantial changes to any property owner in the county. He said that he does not think their values are going to change substantially, if at all. He said that for those who are really, really up in arms about this, he thinks they are blowing it way out of proportion. When we talk about land use planning, the U.S. is a free country – we talk about that a lot. But, it's not an anarchy. We have laws and rules that we have to follow. If you think about land use planning it's always interesting because it's always like, "I should be able to do anything with my property." That is kind of our first response. But what if your neighbor started doing something that really irritates you; what if they have a business that runs 24 hours; what if they start mining? There's all these things that other people do. All of this land use planning is to try to create some sort of a peace among property owners so that people understand what you can and can't do; why you can and can't do it. But it is not an anarchy; we have governments and we have rules all over. People have to understand that land use planning is a rule. He said there was a comment that was made and he wants to read it because he thinks it makes a lot of sense and he totally agrees with it: He said this is just a snippet out of many comments:

*In our opinion, this protection includes enforcing ORS 30.933 which provides that*

*"Farming and forest practices are critical to the economic welfare of the State. And in the interest of continued welfare of the State, farming and forest practices must be protected from legal actions that may be intended to limit or have the effect of limiting farming and forest practices."*

Chair Hege said that is a law in the State of Oregon. He said that he agrees with that law. He said that frankly, what he thinks we are doing here is really helping to do that. Land use laws actually protect farm and forest practices more than many things. If we didn't have these laws and there was anarchy, you cannot imagine what would happen. He just wants people to understand that – it's important.

Chair Hege observed that the plan is almost 40 years old – that's a very old plan, but very little is changing. The sky is not falling; democracy is not over; the County is not taking over your land and driving your costs up. That's not what this plan's about and frankly, that is not what this plan will do. He said a lot of people have made some very strong statements to that effect and frankly, it's just not true. He said that he thinks what they will find is that what they are suggesting is not even remotely close to reality.

Chair Hege said that another thing that has been very disappointing is a lot of the comments that folks have made. He said that while we appreciate the comments, there have been a number of comments that breach the personal boundaries, particularly towards our staff. He said he can tell you that our staff are incredible professionals. We are so proud of the staff we have and they are doing their job. This is the job that they were hired to do and that they are directed to do. They are directed to do it by the Commission and they are directed to do it by the Planning Commission. They have done an excellent job and he appreciates the work they do. It's honestly frustrating when people take their frustration out on our staff. We are elected officials – we are the people that you need to take your frustrations out on. We get the big bucks to take the heat. Our staff has done a great job and we sincerely appreciate it. They are doing their jobs; so, please do not disparage our staff at all. This is tough work and they have done a great job.

Chair Hege said that the Planning Commission is you. This is citizens in our county. They are the ones that have done really the yeoman's work in terms of reviewing and approving this work. There were some comments, as well, about the Planning Commission somehow being beholding to the Planning Department in the context of they take an oath of office. He said he wants to read that oath of office because they are not beholding to the Planning office at all. If you have ever been to a



Planning Commission meeting you would clearly see that's not the case. There's lots of push back and comment. This is what the oath of office our Planning Commissioners take says:

*I do solemnly swear or affirm that I will support the constitution and the laws of the United States and the State of Oregon. And I will diligently apply the ordinances of Wasco County and that I will faithfully discharge the duties of the Wasco County Planning Commissioner to which office I have been appointed.*

Chair Hege went on to say that they are beholden to the U.S. Constitution and the laws and the laws of the State of Oregon. They are not beholden to our staff. They are there to do good work. They are there to represent all of the people that have been making comments. They are you; this is a citizen board. It is not even government bureaucrats like myself – even though I hate to call myself that.

Chair Hege asked, rhetorically, where are we headed? He said he thinks this is important because we have a packet of over 800 pages before us which is overwhelming. When we talk about a long document – Dr. Howsley-Glover mentioned that the minutes for the last meeting are in the new packet for the Planning Department. Not only are the minutes in their packet but they are in our packet. That's 75 pages for each one; that's 150 additional pages. They are the same pages. He said that even in the Planning packet there are also other things that are duplicated in there as well. But, where we are headed is we are going to have a document and the document is the Comprehensive Plan and it's essentially a book. It will be way easier to read. One thing he said he would maybe ask the staff to consider and maybe bring forward at our next meeting in November is to tell us how many pages that document is going to be. He said that he does not believe that document, the Comprehensive Plan itself, is going to be 800 pages long. He said he thinks it will be significantly less than that. He thinks that the document that the Commission is going to be asked to approve, even though there are a lot of documents that help us approve that, is a document – it is not all these 800 pages. He said he thinks the goal of this is to have it be much more usable by you, our citizens. That is the full intention of doing that as well as getting it up to date.

Chair Hege said he looks forward to it and thinks that when it's in its final form, people will view it and it will serve us well for a long time – maybe not 40 years, but a long time.

Chair Hege said that with that, he does have a couple of questions that he wanted to

put out there based on some of the comments he has been hearing. He said before he goes there, the other thing is that this is step one of our land use planning. The next step is the Land Use Development Ordinance – the LUDO. The LUDO is going to be a challenge as well. That is where we come down to the minute laws of: can you build a house of this size; what is an accessory dwelling. There are a lot of things in that. This is kind of an umbrella giving us guidance for the Land Use Development Ordinance. We have to be able to get through that; there is a lot of work to do. This is step one.

Chair Hege asked if this is proposed to be more restrictive than the State of Oregon – the requirements that the State has. If so, why?

Dr. Howsley-Glover asked if he was specifically asking about Work Task 18. Chair Hege said yes and maybe just generally the Comprehensive Plan – what we have approved and what we have moving forward. We have heard in the past that some of our LUDO is more restrictive than the State requires. He said that if he understands it correctly, we can be more restrictive but not less restrictive. He said they get a lot of questions saying that if we are more restrictive than the State, why? He said, in the context of the Comprehensive Plan, is there anything in it that is more restrictive than the State is requiring.

Dr. Howsley-Glover replied that the only thing she can think of, off of the top of her head, that we do that is more restrictive is some of our fire safety standards. Senior Planner Will Smith is going through that process to update the Community Wildfire Protection Plan which will then feed into regulations that are in the Land Use and Development Ordinance. By in large, what we heard from the community was they didn't want a lot of extra regulations. Really what they want is more outreach tools, more informational tools. So, that is most of what you are seeing in terms of edits in the Comprehensive Plan. She said in some cases, they have gotten direction to eliminate some of those additional restrictions in the Land Use Development Ordinance – particularly some of the housing work that we are looking forward to doing in 2022. She said one of the things they talked to people about was eliminating the prohibitions on single wide mobile homes. The public did want some side guards on that in terms of design standards; they are really looking forward to increasing more housing flexibility. She said probably, unless we were required by law to do it, anything that we have done based on community input for the most part is really informational.

Planning Director Angie Brewer said nothing that we have touched in the last

couple of years. Some of our existing regulations are unique to Wasco County but nothing related to the Comprehensive Plan update that we are doing right now or any ordinance changes that we are aware are going to be required or prioritized in the next phase that will be more restrictive than State law. We are mostly trying to align our consistency and accuracy and expand some of our options that are currently limited but otherwise allowed by State law.

Chair Hege said that one thing that has been commented on is, talking about transparency that people find frustrating, the maps and the maps related to bird nesting habitat. He asked if they can explain why those maps are “secret?” They are not really secret but they are protected.

Dr. Howsley-Glover said she thinks “protected” is a better way to think about it. She said it is a requirement from ODF&W; it is nothing that we arbitrarily decided to do. The reason they keep them confidential until the time of development is that they are nesting sites, they are habitat sites. When that information has been publicly available, unfortunately, citizens – not necessarily in Wasco County, maybe it’s elsewhere in the state or nationally – citizens have taken it upon themselves to damage the habitat, to damage the nesting sites. That creates a lot of problems in terms of the state and federal standards for the protection of species. It is not uncommon for our residents – the Scenic Area residents deal with this with a number of resources such as cultural artifacts and plant species – to keep some of our resources confidential. She said she can appreciate how frustrating that is from a public perspective but it is designed to protect birds.

Chair Hege said he thinks it comes off as not transparent but in fact the property owners themselves actually have full access to all that information and inventory. Dr. Howsley-Glover confirmed saying they would have to consult with Planning Staff, but yes.

Chair Hege said that he thinks in many cases that inventory exists because that landowner oftentimes was partnering perhaps with an energy company that did the studies and that is why those inventories exist. Dr. Howsley-Glover said that is absolutely correct.

Chair Hege said it is not something where someone secretly went on to their property and is looking around for bird habitat. It is their own selves working with their partners, usually energy companies that have to do these studies for EFSEC. It is important for people to know that.

Dr. Howsley-Glover said that she thinks it is also important to reiterate that recognizing that we couldn't show the maps to everybody in Wasco County, that is why they sent a targeted notice to anybody impacted, either coming out of or going into that EPD, to let them know if they were coming in or going out so they had the ability to follow-up with staff and staff could give them site specific, property specific feedback about that EPD.

Chair Hege said let's talk a bit about destination resort mapping. He said we had some comments about the maps and how the maps are not specific. He said he believes all of the maps we are talking about are basically GIS, specific maps. People would be able to find exactly where that line is and whether their property is in or out. Dr. Howsley-Glover said that as a policy, our GIS Department does not publish maps that are not adopted. If you are talking about would the public, right now, be able to go on the web app and look up destination resorts - no they would not. They would have to contact staff and we would definitely go over that with them because we do have a back end. We don't make them publicly available until they are adopted. We did hear the feedback and did revise the static map so it did show township and range and published it at a scale that is zoomable and gave some directions on how to do that on the project website. They then sent out that notification. Hopefully the folks that were concerned about that map in particular were able to engage with the new map.

Chair Hege said to continue on the destination resort issue, the whole idea behind the destination resort is an opportunity. We obviously heard that through the meetings that people wanted opportunities to do things – maybe farming wasn't going well and they wanted other opportunities. That is what is behind all this; it certainly is not an intention from our staff or the Commission or anyone to force this on somebody and say "Thou shalt have a destination resort." It is an economic opportunity and jobs and everything else. But, if people don't want it – there are a couple of other areas that are mapped in the northern part of the county and we got a lot of comments saying that the people don't want that in those areas and those were removed. He said that he thinks this one that actually remains in the central part of the county around the Maupin/Tygh Valley area; that could also be removed. He said he has not heard anybody speak positively about it. Maybe we want to wait until our final meeting on that, but at this point, his sense is that maybe we should remove that one as well and have one identified destination resort area which is the one in the far southeast corner of the county which is where Washington Family Ranch is. He said these areas didn't just magically appear; he asked how did they end up where they are.

Dr. Howsley-Glover said that state law, in Goal 8, does really set specific parameters for what qualifies as a destination resort. Staff asked GIS to do analysis based on those criteria – soil based, topography based, etc. EPD 8 has an impact on that. That produces this eligibility map. She reported that they did have significant testimony at the Citizen Advisory Group level about the areas in Petersburg and along Tygh Ridge. As a result, the Citizen Advisory Group opted to remove those from the map. The whole eligibility map is optional. Staff was really looking for economic development opportunities and trying to throw in everything that was possible because that is the feedback we heard really clearly in 2017 and throughout this process. It is all optional, so if the Board feels very strongly that they would like to remove one or all of those locations, that is totally allowable and Planning Department would support that.

Chair Hege said he thinks it is important for people to understand, as you did a good job of explaining, this overlay zone doesn't allow a destination resort – it allows an opportunity for someone to perhaps look at it. If someone was interested they would have to have the property or an agreement to use the property and they would have to meet a litany of development standards which include all of the things people are concerned about – is it going to have an impact on water; how are they going to deal with fire, etc. He said he thinks the important thing is that it is not going to change anything at all unless somebody came in and said they wanted to do a destination resort and were able to get the property, go through all the rules and convince all the people. It is an opportunity and he said that part of him hesitates to toss that away because he thinks it is an opportunity. At the same time, if people don't want it and are concerned about it . . . He said he thinks Washington Family Ranch hasn't commented on it and it is kind of what they are doing anyway. He said maybe it makes sense. He said that the other Commissioners should think about it as well and the citizens who are interested in it – the Board needs to hear from them. He said we have not heard from people who want it; only those who don't want it.

Chair Hege said the last question he has is about a comment that was made about the definition of "land." They asked why the definition of "land" is different than what we would find in Webster's Dictionary. Specifically, they talked about air as being defined in our Comprehensive Plan as "land." He said he has had a brief discussion about that with Ms. Brewer. He asked that they talk a little bit about the relationship of air to the land. He said he doesn't think we are defining land as air.

Dr. Howsley-Glover said we are not defining land as air. She said that Goal 6 is air,

land and water quality. Land use planning has a cross-over; it has a lot of criteria, particularly with conditional use permits. Planners have to scrutinize adverse impacts to the air, land and water. It is one of those features of the landscape, the world that we live in, the county, that our staff has to do analysis on. It is not that we are making an interpretation that air is land. She said that she wants to be clear that air does have an impact. It is one of the reasons we are pursuing the grant because the military has air space – you would see that more in urban jurisdictions where you would have to worry about air space in terms of really tall high rises. Air sometimes has a land use development component to it. It is not typical in rural landscapes but it is a consideration for land use planning.

Chair Hege said the air space issue makes it make a lot more sense even though it is not necessarily the context we are talking about here. Air quality certainly plays into land use and the effect of development on air quality.

Chair Hege said that those are all his comments and questions. He asked if the other Commissioners have any follow-up.

Vice-Chair Schwartz said some of her thoughts regarding some of the statements are that we should not necessarily underestimate the ability of our citizens to read and comprehend the documents that we have. They also have the ability, when they don't understand, to ask our Planning staff excellent questions. She said that she recognizes that it is her job as a government bureaucrat to do this work but she also thinks it is her job as a citizen. She said that she lives in an unincorporated area. She said it is her job to read the letters that are sent to her, do the work, ask the questions, read and digest the material to the best of her ability and, when she does not understand, to reach out to our amazingly accessible Planning staff to ask those questions about those things she doesn't understand whether of a general nature or things specific to her property. She said that she is certainly not a land use expert. These things affect her where she lives. She thinks that our citizens can certainly read and digest and ask the questions that need to be asked.

Vice-Chair Schwartz commented that something that came up around maps and being able to use the tools – it is difficult. She said she really hates some aspects of technology and that is one of them – trying to figure out these maps. But, she does realize that our Planning staff, if we call them, will bring up the map for you and show it to you specific to your question.

Vice-Chair Schwartz said that regarding the destination resorts, she would

comment that there were actually some positive comments in the packet. Perhaps not in the last two weeks of testimony but if you look back there were some positive comments around the economic development that destination resorts could bring to Wasco County. There is also this issue of if we don't do this. There is some clarity needed around if somebody wanted to put in a destination resort – if we don't have some sort of high-level area where it is possible, it just puts us back into confusion and she would ask that staff elaborate a little more. If we don't do this and somebody right now or in the past has requested it – what is the process? She said she understands it is difficult.

Chair Hege said that we have lost Commissioner Kramer and he wants to take a brief recess to work on getting him back before she answers. Ms. Clark said that Commissioner Kramer is at his office and our IS department is trying to get him back online.

Chair Hege called a recess at 11:13 a.m.

The session reconvened at 11:23 a.m.

Commissioner Kramer rejoined the session by phone. He said that the last he heard was Chair Hege's comment regarding the possibility of removing the destination resort areas. Chair Hege and Vice-Chair Schwartz reviewed the comments that he missed.

Vice-Chair Schwartz went on to say that we did receive some generalized comments over the last two weeks that were in support of the work plan being proposed. She repeated her request for elaboration around what the process would be if someone wants a destination resort without the benefit of the eligibility map.

Dr. Howsley-Glover replied that that the first step is to have the eligibility map which is why we think it is useful because it enables planners to advise where in the county these could occur. Without having an official map, they have to do a lot of research and a lot of back and forth to scrutinize what the law says, where we can permit them and then try to ascertain based on the person inquiring on whether or not that property would be eligible. It would create a lot of extra staff work that we were hoping to minimize by having this official map. Right now we have this map with two places around Juniper Flats/Pine Grove area and Washington Family Ranch. Let's say we decide to not adopt the map and somebody who lives near Walters Corner were to want to pursue it – we might say we did some analysis and

you might be good to go; let's go ahead and adopt the map. The next step from the eligibility map is to establish the criteria. The criteria live in the Land Use and Development Ordinance that enables planners to issue permits. She said Chair Hege talked about the fire and water standards –the considerations that would be part of a land development application. Planning staff has two concerns about putting it off. One is if we wait for a developer who is interested in pursuing it, we would be adopting criteria on the fly and usually developers are kind of in a hurry. We wouldn't have the opportunity to have a really broad conversation about, above and beyond what is required by state law – what other kind of criteria are the residents of Wasco County wanting to see go into those development applications. Fire and water are two of the biggest things we have heard throughout this process that people are worried about. We really want to make sure that we are addressing that in a way that is equitable, sustainable and taking those things into consideration. If we wait for a development application to start that process it becomes problematic. Second, we already have committed to doing a major overhaul of our Land Use and Development Ordinance upon the completion of our Comprehensive Plan update. We already have the wheels in motion to do that work over the next two years. We have a place holder in our scope to tackle this criteria. A lot of that criteria is in state law, but we want to open it up to the public to ask if they want to be more restrictive, do they want to add additional fire and/or water considerations. We would get to do that without the time sensitivities of a specific development application; without the perception of bias because we won't have a development application in front of us and won't be trying to shoehorn anything through the regulations. It would be a neutral process. Nothing would be on the table – it would literally be just asking the public to have a conversation about if something could happen in the future, what is important to us; what are we worried about. It gives us that neutrality and it gives us the ability to leverage a process that is already underway and all the things that go along with that. Notifications are a cost to the County. Anytime we modify these maps we have to send these scary notices that say what Chair Hege read off to us. It is a cost savings, it preserves neutrality and it leverages a process that is already underway. She said she does think that if the recommendation is to just keep Washington Family Ranch in there, it still gives us the opportunity to talk about that criteria whether or not we keep the Juniper Flat area or just stay around the Washington Family Ranch.

Commissioner Kramer said that all of his questions have been answered and he appreciates Chair Hege's comments.

He said we need to have our first reading and asked if any Commissioner would



like the Ordinance to be read in full. No one requested a full reading. Commissioner Kramer questioned that the title does not include EPD 15. Dr. Howsley-Glover explained that it is included within the body of the Ordinance and is covered under Chapter 8 Goal 8 in terms of the title and is mentioned in the actual ordinance..

Commissioner Kramer read into the record the title of the ordinance being proposed: ORDINANCE 20-001 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 4, 5, AND 8 IN CHAPTERS 4, 5, AND 8 OF WASCO COUNTY 2040, THE COMPREHENSIVE PLAN (FILE NUMBERS 921-18-000221, 921-19-000126) AND REVISIONS TO THE COMPREHENSIVE PLAN ZONING MAP EPD-8 AND EPD-12 ORDINANCE # 20-001

Chair Hege said the Board will be coming back in November to take a vote on this ordinance.

Chair Hege closed the public hearing at 11:28 a.m.

ORDINANCE 20-004

Chair Hege read the following into the record:

We will now commence the public hearing continued from October 7, 2020, for 921-20-000072, a review of a recommendation made by the Wasco County Planning Commission for:

A legislative hearing to consider approving amendments to the Wasco County Comprehensive Plan, primarily relating to process and criteria including the Introduction, Plan Revisions Process and Goal Exception chapters. Amendments also include the adoption of a new format for the plan. These amendments relate to the Post Acknowledgment Plan Amendment to update remaining chapters from the Comprehensive Plan.

The proposed amendments will have a widespread affect, on many properties and zones, and is therefore a legislative amendment.

As a reminder, the process for this amendment has been consistent with the **notice**

**procedures** required by Chapter 2 of the LUDO, , this hearing was advertised for, October 7, 2020, 10:00 a.m. via electronic video conferencing, and was continued until today, October 21, 2020, as permitted by Oregon Revised Statutes 192.640 and 192.670. Notice was provided in the newspaper and on the County's website.

This is a continuation of the first of two Board of County Commissioners hearings scheduled for this text amendment. The second hearing will be on November 4, 2020 at 10:00 AM.

**The criteria for approval of this request include:** Wasco County Comprehensive Plan Chapter 11 and Oregon Administrative Rules 660-025.

The hearings process, notice and appeal period are governed by ORS 197.612 and by ORS 197.763 and qualify as a land use decision under ORS 197.015(11).

The proposed amendments must comply with the Wasco County Comprehensive Plan.

**The procedure I would like to follow is:**

The Planning Department will provide a brief overview of their October 7, 2020 presentation of the amendments recommended by the Planning Commission.

The Board of Commissioners will ask questions of staff.

The Board of Commissioners will deliberate and will provide direction to staff for any additional information or amendments they would like to see for the next hearing.

Chair Hege asked the following questions.

*Does any Commission member wish to disqualify themselves for any personal or financial interest in this matter?* There were none. Chair Hege stated that the Board has received some communication from the public and had provided those to the Planning staff for inclusion in the record.

*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.

Chair Hege asked Planning staff to provide an overview.

Dr. Howsley-Glover said, in the interest of time and to not burden the Board with repetitive presentations, she did not prepare a formal presentation. She said that she recognizes that in a lot of the testimony both ordinances have been lumped together as having an impact on property rights. She said she wants to stress that revisions related to Ordinance 20-004 are the introduction, plan revision process and goal exception. These are by-in-large informational chapters that have no direct rule-making or criteria implications. They are really meant to serve as a how-to for researchers, for folks wanting to understand our land use planning program and for planners. She said she does not think it is hyperbolic to say these have almost no impact on property values or uses in the future. The plan revision process chapters – they guide process. So, the revisions chapter is really what we use in staff reports for making amendments to the Comprehensive Plan. The goal exception chapter basically functions as an inventory of resource lands that have been converted to urban purposes – residential or commercial. We have to keep it as a state law requirement – we have to preserve it as an inventory. It is not changing anything to preserve that in the Comprehensive Plan. The introduction – the only exception would be that we have adopted maps by reference and we have been using the GIS system as our official map system since the late 90s but it hasn't always been clear; so, we wanted to make sure that it is really clear that the GIS system is our official Comprehensive Plan and Zoning Map. We went a step further to really identify when those maps have been digitized and updated. Other than that, we are talking about definitions; we are talking about history; we're talking about how to use the document. She said that she hopes that assuages any public concern about this having an impact on their property rights. She said she is happy to answer any questions from the Board.

Commissioner Kramer commented that this is not controversial and is just a clean-up. He thinks we need to move forward.

Chair Hege noted that it is interesting that on page 638 of the packet, it actually gives you a little bit of the vision of the document – it is a draft of the cover of the Comprehensive Plan and if you go forward you will see the table of contents and so on. He said that his hope is that by the next meeting we can see that whole document in a draft form. This gives you an indication of what it will look like as

opposed to the 800 pages we have today.

Chair Hege asked if any Commissioner if they wished to have the full ordinance read. There were none.

Vice-Chair Schwartz read the title of the ordinance into the record: ORDINANCE 20-001 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 4, 5, AND 8 IN CHAPTERS 4, 5, AND 8 OF WASCO COUNTY 2040, THE COMPREHENSIVE PLAN (FILE NUMBERS 921-18-000221, 921-19-000126) AND REVISIONS TO THE COMPREHENSIVE PLAN ZONING MAP EPD-8 AND EPD-12

Chair Hege said we would be back at the first meeting in November to consider these for their second reading and potential adoption. He closed the hearing at 11:34 a.m.

#### Commission Call

Ms. Clark asked that the Board provide direction on whether or not they want to reschedule the work session and if so when and where. She pointed out that with the weather growing colder, it is going to make it more difficult to have it outside. She suggested that the large courtroom is available November 12<sup>th</sup> and 13<sup>th</sup>. That room would accommodate social distancing. Commissioner Kramer said that he would be unavailable from the 4<sup>th</sup> through the 16<sup>th</sup> of November. The Board directed Ms. Clark to look for other dates for the work session.

Vice-Chair Schwartz said that she was unable to attend the District 3 meeting but did view the recording afterwards. She complimented Commissioner Kramer on his chairing of the meeting and said that it was a very informational meeting. She said she appreciates being able to participate afterwards when she is unable to attend. She said that is happening a lot in her life right now and it is great to be able to catch up.

Chair Hege announced that the burn ban has been lifted throughout the county. He said that we will have a resolution to lift it. Ms. Clark explained that when the Board passed the burn ban Order, it included language indicating that the County ban is lifted when the local fire authority lifts their ban. We do not do a follow-up resolution or order, we are just concurrent with what the local authorities do. Chair Hege added that if folks want to burn, they will need a permit from their local fire

district.

Vice-Chair Schwartz asked when it was lifted. Commissioner Kramer responded that it was lifted on October 17<sup>th</sup>.

Chair Hege thanked everyone for staying with this process. He thanked the Planning Department for all their hard work and said that they are appreciated – we are proud of them.

Chair Hege adjourned the meeting at 11:40 a.m.

#### Summary of Actions

#### MOTIONS

- **To approve Orders 20-047 through 20-051 appointing the District Attorney, Juvenile Services Director, Community Corrections Manager, County Sheriff and NCPHD Executive Director to the Local Public Safety Coordinating Council.**
- **To approve the Consent Agenda: 10.7.2020 Regular Session Minutes.**

#### CONSENSUS

- **To sign the authorization letter to submit an application for Community Economic Adjustment Assistance for Compatible Use Plans.**

Wasco County  
Board of Commissioners

---

Scott C. Hege, Commission Chair

---

Kathleen B. Schwartz, Vice-Chair

---

Steven D. Kramer, County Commissioner



## AGENDA ITEM

### Planning Ordinances Public Hearings

---

[CONTINUATION OF HEARING FOR ORDINANCE 20-001](#)

---

[CONTINUATION OF HEARING FOR ORDINANCE 20-004](#)

---



## PLANNING HEARINGS

### ORDINANCE 20-001

---

[STAFF REPORT #921-18-000221](#)

---

[GOAL 5 – STRIKES AND UNDERLINES](#)

---

[GOAL 5 – CLEAN COPY](#)

---

[WASCO COUNTY 2040 OUTREACH REPORT](#)

---

[CHAPTER 3 EPD 8 REDLINE](#)

---

[CHAPTER 3 EPD8 CLEAN COPY](#)

---

[EPD 12 PROPERTIES LIST](#)

---

[AUGUST 2020 MEASURE 56 NOTICE](#)

---

[UPDATED PUBLIC COMMENTS](#)

---

[EX PARTE TO BOCC](#)

---

[STAFF REPORT #921019-000126](#)

---

[GOAL 4 \(FOREST LANDS\)](#)

---

[GOAL 8 \(RECREATIONAL LANDS\)](#)

---

[ATTACHMENT D PUBLIC COMMENTS](#)

---

[ELIGIBLE AREA FOR DESTINATION RESORT SITES MAP](#)

---

[PLANNING COMMISSION MINUTES FOR 9.1.2020 \(APPROVED\)](#)

---

[PLANNING COMMISSION MINUTES FOR 9.15.2020 – DRAFT](#)

---

[PLANNING COMMISSION RECOMMENDATIONS TO BOC](#)

---

[BOC MINUTES FOR 10.7.2020 – APPROVED](#)

---

[BOC MINUTES FOR 10.21.2020 – DRAFT](#)

---

[ORDINANCE 20-001](#)

---

[MOTION LANGUAGE](#)

---



PLANNING DEPARTMENT

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

*Pioneering pathways to prosperity.*

# **WASCO COUNTY** **BOARD OF COUNTY** **COMMISSIONERS** **AGENDA PACKET**

**FOR**

Hearing Date: November 4, 2020

Hearing Time: 10:00 am

Hearing Location: Electronically via Zoom

**BOARD OF COUNTY COMMISSIONERS HEARING #1 CONTINUANCE:  
Ordinance 20-001 Wasco County 2040 Periodic Review Work Task 18  
and Post Acknowledgment Plan Amendments 921-19-000126. (1)  
Staff will be presenting proposed updates to Wasco County's  
Comprehensive Plan Goal 4, 5 & 8 include revisions to maps for EPD-8,  
EPD-12, and proposed new EPD-15 as well as revisions to Land Use  
and Development Chapter 3.920. Review Authority: Chapter 2 and 9  
of the Wasco County Land Use and Development Ordinance and  
Chapter 11 of the Wasco County Comprehensive Plan. Review Criteria:  
Chapter 11 of the Comprehensive Plan and Oregon Administrative  
Rules 660-025. This will be the second reading of Ordinance 20-001.**





MEMORANDUM TABLE OF CONTENTS

Date: October 28, 2020  
To: Wasco County Board of County Commissioners  
From: Wasco County Planning Office  
Subject: Submittal for hearing dated November 4, 2020  
Re: **Wasco County 2040 Hearing #1**

<u>Item</u>	<u>Page</u>
Staff Report - #921-18-000221	BOC 1 – 1
Goal 5 – (Open Spaces, Scenic / Historic Areas, Natural Resources) Strikes and Underlines	BOC 1 – 28
Goal 5 – (Open Spaces, Scenic / Historic Areas, Natural Resources)	BOC 1 – 52
Wasco County 2040 Outreach Report	BOC 1 – 182
Chapter 3 - EPD 8 (Sensitive Wildlife Habitat) Redline	BOC 1 – 212
Chapter 3 - EPD 8 (Sensitive Wildlife Habitat)	BOC 1 – 215
EPD 12 Properties List	BOC 1 – 217
August 2020 Notice (Measure 56)	BOC 1 – 220
Updated Public Comments	BOC 1 – 224
Ex Parte Contact to BOCC	BOC 1 -- 244
Staff Report - #921-19-000126	BOC 1 – 280
Goal 4 (Forest Lands)	BOC 1 – 301
Goal 8 (Recreational Needs)	BOC 1 – 308
Attachment D – Public Comments	BOC 1 – 317
Eligible Area for Destination Resort Sites Map (2020)	BOC 1 – 320
Planning Commission Minutes for 09/01/20 (Approved)	BOC 1 – 321
Planning Commission Minutes for 09/15/20 (Draft)	BOC 1 – 357
Planning Commission Recommendation to Board of County Commissioners	BOC 1 – 395
Board of County Commission Minutes for 10/07/20 (Draft)	BOC 1 – 397
Board of County Commission Minutes for 10/21/20 (Draft)	BOC 1 – 454
Ordinance 20-001	BOC 1 – 486



**PLANNING DEPARTMENT**

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

*Pioneering pathways to prosperity.*

---

**FILE #:** 921-18-000221

---

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

---

**Attachments:**

- A. Overview of Chapter 5
- B. Strikes and Underline Draft of Chapter 5
- C. Final Draft of Proposed Chapter 5 of Wasco County 2040 (Comprehensive Plan) including ESEE Analysis for Sensitive Wildlife Habitat and ESEE for Sensitive Birds
- D. Wasco County 2040 2019-2020 Outreach Report
- E. Strikes and Underline Draft of Proposed Wasco County Land Use and Development Ordinance Section 3.920 (EPD-8)
- F. Final Draft of Proposed Wasco County Land Use and Development Ordinance Section 3.920 (EPD-8)
- G. Map of revised EPD-8
- H. List of newly identified properties with buffer sites for EPD-12
- I. Notice sent to all property owners outside the NSA in Wasco County in accordance with ORS 215.503
- J. Comments
- K. Ex Parte Comments

**File Number:** 921-18-000221

**Request:** Amend the Wasco County Comprehensive Plan

1. Change the format to align with Statewide Land Use Planning Goals
2. Update and modify Goal 5 including Sensitive Wildlife, Aggregate Resources and Historic Resources.
3. Revisions to EPD-8 (Big Game Habitat) and EPD-12 (Sensitive Birds).

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

**Prepared for:** Wasco County Planning Commission

**Applicant:** Wasco County Planning Department

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

**Planning Commission Hearing Date:** September 1<sup>st</sup> and 15th, 2020

**Board of County Commissioner Hearing Dates:** October 7<sup>th</sup> and 21<sup>st</sup>, 2020 and November 4, 2020

**Procedure Type:** Legislative

**Attachments:**

- Attachment A: Overview of Chapter 5
- Attachment B: Strikes and Underline Draft of Proposed Chapter 5 of Wasco County 2040 without ESEE
- Attachment C: Final Draft of Proposed Chapter 5 of Wasco County 2040 (Comprehensive Plan) including ESEE Analysis for Sensitive Wildlife Habitat and ESEE for Sensitive Birds
- Attachment D: Wasco County 2040 2019-2020 Outreach Report
- Attachment E: Strikes and Underline Draft of Proposed Wasco County Land Use and Development Ordinance Section 3.920 (EPD-8)
- Attachment F: Final Draft of Proposed Wasco County Land Use and Development Ordinance Section 3.920 (EPD-8)
- Attachment G: Map of revised EPD-8
- Attachment H: List of newly identified properties with buffer sites for EPD-12
- Attachment I: Notice sent to all property owners outside the NSA in Wasco County in accordance with ORS 215.503
- Attachment J: Public Comments

## **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
- C. Oregon Administrative Rules 660-023: Procedures and Requirements for Complying with Goal 5
  - 1. OAR 660-023-0020 Standard and Specific Rules and Safe Harbors
  - 2. OAR 660-023-0040 ESEE Decision Process
  - 3. OAR 660-023-0050 Programs to Achieve Goal 5
  - 4. OAR 660-023-0110 Wildlife Habitat
  - 5. OAR 660-023-0250 Applicability

## **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 3, 2020:

Public notice for a Citizen Advisory Group meeting was published in *The Dalles Chronicle* on February 12, 2020, more than 15 days prior to the Citizen Advisory March 3<sup>rd</sup> work session.

#### Citizen Advisory Group Work Session August 4, 2020:

Public notice for a Citizen Advisory Group meeting was published in *The Dalles Chronicle* on July 15, 2020, more than 15 days prior to the Citizen Advisory August 4, 2020 work session.

#### Planning Commission Hearing September 1, 2020:

Public notice for a Planning Commission hearing was published in *The Dalles Chronicle* on August 12, 2020 more than 15 days prior to the September 1st hearing.

#### Planning Commission Hearing September 15, 2020:

Public notice for a Planning Commission hearing was published in *The Dalles Chronicle* on August 26, 2020 more than 20 days prior to the September 15th hearing.

Board of County Commission Hearing October 7<sup>th</sup>, 2020:

Public notice for the Board of County Commission hearing was published in The Dalles Chronicle on September 16, 2020 more than 20 days prior to the October 7<sup>th</sup> hearing.

Board of County Commission Hearing November 4<sup>th</sup>, 2020:

Public notice for the Board of County Commission hearing was published in The Dalles Chronicle on October 21<sup>st</sup>, 14 days prior to the November 4<sup>th</sup> hearing.

**B. Postcard Notice**

On February 1, 2020, a postcard notice was sent to all residents in unincorporated Wasco County, outside the National Scenic Area, in accordance with ORS 215.503. The language included that required by ORS 215.503, as well as roadshow event dates and time, the address for the project website and contact information.

Because the proposed hearing in April was cancelled as a result of COVID-19 restrictions, Wasco County sent a new mailed notice to all residents in unincorporated Wasco County, outside the National Scenic Area, in accordance with ORS 215.503 on August 10<sup>th</sup>, 2020. The notice is attached to the packet as Attachment I.

**C. Information Available on Website**

Information regarding the proposed amendments was placed on the Wasco County Planning Department Website<sup>1</sup> starting in December 2019. If documents are amended as a result of a public 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
- 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 49 subscribers that receive notification of new content, and is also promoted on the Planning Department's social media channels which have over 380 followers.

**D. 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 19, 2020. The notification included links to the staff report, proposed amendments, and the opportunity to comment.

A revised notification was sent on August 18<sup>th</sup>, 2020 to the Periodic Review Assistance Team.

---

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

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

#### **E. 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 184 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 26, 2020. Additional notices were sent to this list on July 28<sup>th</sup>, August 25, and September 2.

The notification included links to the proposed amendments, and information on how to provide comment.

#### **F. Notice of Recommendation**

Consistent with the Wasco County Land Use and Development Ordinance (LUDO) Section 9.070 and 9.080, a Notice of Planning Commission Recommendation was emailed to all hearing participants on September 16, 2020, a day after the hearing and 21 days before the Board of County Commissioner Hearing. Those who testified in writing or verbally during the September 1<sup>st</sup> or 15<sup>th</sup> hearings were also mailed a copy of the Notice via mail.

The notice was also posted to the project website on September 16<sup>th</sup> and an email was sent to the notification list, also on September 16<sup>th</sup>, with the Planning Commission recommendation.

#### **G. 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.

It's important to note that Work Task 18 was the focus of a series of roadshow events in February 2020 where citizens were engaged to give input on the analysis and proposed map revisions.

### **IV. FINDINGS**

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

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

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

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

---

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

**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. In addition, the proposal is for modification to the Comprehensive Plan Zoning Map, specifically for Environmental Protection Districts (EPD) 8 (Big Game Habitat) and 12 (Sensitive Birds). 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. There are also significant revisions to policies and implementation measures based on required ESEE analysis, external plans, and public input.

**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:**

Periodic Review was requested by Wasco County, in accordance with Oregon Administrative Rule (OAR) 660-025-0035, along with a justification for the requested action based on public input on local circumstances and conditions that warranted periodic review.

During the 2017 Periodic Review scoping phase, the Wasco County Planning Department conducted outreach to key stakeholders including the Oregon Department of Fish and Wildlife (ODFW). At that time, ODFW informed Wasco County Planning that the sensitive wildlife maps were out of date and needed to be revised during Periodic Review. Specifically, ODFW launched their interactive mapping tool, COMPASS, in 2012. COMPASS is based on a variety of data sets from federal, state and regional partners. This data is currently used by ODFW in their consultations and advisement with applicants on any conditional use applications in Wasco County, regardless of their inclusion in EPD-8.

OAR 660-023-0000 outlines how local governments are required to apply Goal 5 when conducting periodic review. This includes the process for evaluating protections for each of the listed Goal 5 resources. OAR 660-023-0110 specifically addresses sensitive wildlife habitat. OAR 660-023-0110 (2) states that “local governments shall obtain current habitat inventory information from the Oregon Department of Fish and Wildlife (ODFW), and other state and federal agencies” which include sensitive bird sites, big game winter range, and threatened and endangered wildlife species habitat information. The rule goes further in (4)(a-e) to identify that local government must rely on documented wildlife habitat information provided by the state of Oregon and federal partners. Because the “area is identified as mapped by ODFW as habitat for a wildlife species of concern and/or as habitat of concern” (OAR 660-023-0110 (4)(e)) the proposed revisions to the map meet the criteria of significant wildlife habitat.

Wasco County relied on ODFW, as technical experts, to provide information supporting the need for changing inventories as consistent with OAR 660-023. Although some of the information is confidential, particularly with sensitive bird species, it was evident in comparing Wasco County’s environmental protection district overlay zones and those used for regulatory and advisement purposes by ODFW, that

there were obvious discrepancies. In order to support Statewide Land Use Planning Goals 1, 2, and 5 appropriately, staff worked with ODFW to evaluate the potential for map revisions based on the data.

OAR 660-023-0250 states that local governments are required to amend their Comprehensive Plan to address Goal 5 at the time of Periodic Review if they meet one of the criteria. Criteria “c” is “New information is submitted at the time of periodic review concerning resource sites not addressed by the plan at the time of acknowledgment or in previous periodic reviews.” As ODFW did inform Wasco County at the time of developing the work plan for Periodic Review that revisions to the maps and sensitive wildlife protections were needed to protect resource sites not currently under protection, it was evident this criteria applied. Wasco County identified this need under Work Task 18 in the official Periodic Review work plan submitted to the State Department of Land Conservation and Development and approved by the Department in 2018. The work task was specifically meant to address big game habitat, but as ODFW continued to develop their analysis, they identified better available data for sensitive birds as well. As a result, ODFW submitted two new maps to Wasco County with big game habitat and sensitive bird revisions in 2020.

Wasco County has protected big game winter range since the adoption of the Wasco County Comprehensive Plan in 1983. Some revisions were made to Goal 5 protections in the late 1990s with the Transition Lands Study Area (TLSA). Big game winter range is currently protected by Wasco County through the administration of Environmental Protection District (EPD) 8. The sensitive bird overlay zone, EPD 12, was first adopted into the Wasco County Comprehensive Plan Zoning Map in 2004 during Periodic Review to address Goal 5 issues.

In 2012, ODFW adopted a revised map for big game winter range statewide including portions in Wasco County. The new map includes protections for areas zoned Exclusive Farm Use, minimum parcel size 160 acres, that were previously omitted because they were considered protected by the EFU zone and parcel size. According to ODFW, the maps were amended to remove assumptions and procedural oversights with the increasing amount of conflict presented by commercial energy facility projects and other conditional uses or rezones that significantly changed the landscape and uses in formerly agricultural lands. These changes in conditions necessitated modifications to mapped protections. These projects and conversations about impact also increased targeted research for sensitive bird nesting sites to understand impacts of uses like commercial wind facilities on sensitive birds.

Per OAR 660-023-0110 (5), ODFW has determined that publication of location information may increase the threat of habitat or species loss. Pursuant to ORS 192.345 (13), Wasco County will disclose the nesting sites in EPD 12 at the time of development application, in person and as needed. Staff has included a list of impacted properties as Attachment H. All impacted property owners were sent a separate mailed notice, consistent with ORS 215.503, to inform of them of any changes to their inclusion/exclusion in EPD-12. This notice was sent on February 6, 2020.

The proposed maps for EPD 8 and EPD 12 provided by ODFW demonstrate proof of change in the inventories and are consistent with the OAR requirements that Wasco County rely on documented resources from state and federal partners. Revisions do not represent a mistake in the Comprehensive Plan but a change in conditions that necessitate updates to be consistent with Goal 5. As detailed in Attachment D, community meetings were held to discuss the proposed maps and allow for the public to

provide input on the ESEE analysis for both EPD 8 and EPD 12 - to ensure revisions factor in impacts to public health, safety, and aesthetic surroundings.

In conjunction with map revisions, staff is recommending revisions to the EPD 8 ordinance language in the Wasco County Land Use and Development Ordinance, and policies and implementation measures within Wasco County 2040, the Wasco County Comprehensive Plan. These can be viewed in Attachments E and F.

Additional revisions to other Goal 5 policies include clarifications to language or terminology or references to current practice. These reflect the passage of time or updates made to the Land Use and Development Ordinance. For instance, language related to mineral resources are modified to reflect current inventory naming conventions and updates from Division 16 to Division 23 of the Oregon Administrative Rules.

One revision that is substantive is proposed for Historic, Cultural and Archaeological resources and is related to the review process. Work Task 17, related to historic resources, was removed from the work plan. However, after input and consideration, staff is proposing to remove all references to the Historic Landmarks Commission and replace with delegating authority to the Planning Director or designee. The Historic Landmarks Commission has not functioned as a body in several decades, and the Planning Department has served as a proxy. However, they have only had to hear one matter in those several decades. In evaluating other models statewide, the Planning Director is a common and expeditious option for permits. In keeping with the public interest of reducing regulation and streamlining the planning process, staff proposes that the Planning Director can heretofore be the authority on development review, modification or demolition of historic resources.

***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.

***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 6 to 1 the Planning Commission voted to recommend approval of the amendments to Goal 5 including revisions to Comprehensive Plan Zoning Maps EPD-8 and EPD-12 to the Board of County Commissioners. The first hearing by the Board of County Commissioners will be held on October 7, 2020, 22 days following the Planning Commission 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.***

\*\*\*

#### ***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 February 26, 2020, consistent with requirements, to inform them of the proposed April 2, 2020 hearing and subsequent hearings to adopt Chapter 5 related to Periodic Review work task 18. Due to COVID-19, staff wrote DLCD in March requesting an extension. An extension was approved. A new notice was sent to DLCD on July 27, 2020, consistent with requirements, to inform them of the proposed September 1, 2020 hearing and subsequent hearings to

adopt amendments. A list of persons who participate orally or in writing in the local proceedings will be submitted with materials 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 Tasks 18 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.

#### **OAR 660-023-023-0020 Standard and Specific Rules and Safe Harbors**

**(1) The standard Goal 5 process, OAR 660-023-0030 through 660-023-0050, consists of procedures and requirements to guide local planning for all Goal 5 resource categories. This division also provides specific rules for each of the fifteen Goal 5 resource categories (see OAR 660-023-0090 through 660-023-0230). In some cases this division indicates that both the standard and the specific rules apply to**

**Goal 5 decisions. In other cases, this division indicates that the specific rules supersede parts or all of the standard process rules (i.e., local governments must follow the specific rules rather than the standard Goal 5 process). In case of conflict, the resource-specific rules set forth in OAR 660-023-0090 through 660-023-0230 shall supersede the standard provisions in OAR 660-023-0030 through 660-023-0050.**

**(2) A “safe harbor” consists of an optional course of action that satisfies certain requirements under the standard process. Local governments may follow safe harbor requirements rather than addressing certain requirements in the standard Goal 5 process. For example, a jurisdiction may choose to identify “significant” riparian corridors using the safe harbor criteria under OAR 660-023-0090(5) rather than follow the general requirements for determining “significance” in the standard Goal 5 process under OAR 660-023-0030(4). Similarly, a jurisdiction may adopt a wetlands ordinance that meets the requirements of OAR 660-023-0100(4)(b) in lieu of following the ESEE decision process in OAR 660-023-0040.**

#### **FINDING:**

OAR 660-023-0110(4) allows for local governments to determine significant wildlife habitat sites where one or more of the following conditions exist:

*(a) The habitat has been documented to perform a life support function for a wildlife species listed by the federal government as a threatened or endangered species or by the state of Oregon as a threatened, endangered, or sensitive species;*

*(b) The habitat has documented occurrences of more than incidental use by a species described in subsection (a) of this section;*

*(c) The habitat has been documented as a sensitive bird nesting, roosting, or watering resource site for osprey or great blue herons pursuant to [ORS 527.710](#) (Oregon Forest Practices Act) and OAR 629-024-0700 (Forest Practices Rules);*

*(d) The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to ORS Chapter 496; or*

*(e) The area is identified and mapped by ODFW as habitat for a wildlife species of concern and/or as a habitat of concern (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, or pigeon springs).*

ODFW informed Wasco County of data available identifying new big game habitat and sensitive bird nesting sites during the Periodic Review assessment period. These species are all identified by the Oregon Department of Fish and Wildlife as threatened, endangered, or sensitive species. The habitat has been documented by ODFW as having more than incidental use by sensitive wildlife species,

including nesting sites for sensitive birds. ODFW has documented sites as essential to achieving to achieving policy objectives.

The big game habitat for sensitive wildlife is currently used and implemented by ODFW through their COMPASS map tool. The sensitive bird sites, while confidential, have also been mapped for bird species of concern.

Wasco County has elected to use the safe harbor method to determine significance based on these factors and the documented resources provided by ODFW and consistent with requirements of OAR 660-023-0110.

Wasco County finds that the new data for big game winter range and sensitive birds sites as provided by ODFW is consistent with the safe harbor criteria and 660-023-0110.

#### **OAR 660-023-0040 ESEE Decision Process**

***(1) Local governments shall develop a program to achieve Goal 5 for all significant resource sites based on an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. This rule describes four steps to be followed in conducting an ESEE analysis, as set out in detail in sections (2) through (5) of this rule. Local governments are not required to follow these steps sequentially, and some steps anticipate a return to a previous step. However, findings shall demonstrate that requirements under each of the steps have been met, regardless of the sequence followed by the local government. The ESEE analysis need not be lengthy or complex, but should enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected. The steps in the standard ESEE process are as follows:***

***(a) Identify conflicting uses;***

***(b) Determine the impact area;***

***(c) Analyze the ESEE consequences; and***

***(d) Develop a program to achieve Goal 5.***

***(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:***

***(a) If no uses conflict with a significant resource site, acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (Therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)***



***(b) A local government may determine that one or more significant Goal 5 resource sites are conflicting uses with another significant resource site. The local government shall determine the level of protection for each significant site using the ESEE process and/or the requirements in OAR 660-023-0090 through 660-023-0230 (see 660-023-0020(1)).***

***(3) Determine the impact area. Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.***

***(4) Analyze the ESEE consequences. Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.***

***(5) Develop a program to achieve Goal 5. Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:***

***(a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.***

***(b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.***

***(c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.***

#### **FINDING:**

Wasco County staff conducted an ESEE Analysis for both sensitive wildlife habitat and sensitive birds (Attachment C, Appendix 5-D). These analyses identify conflicting uses in the underlying zone, state the

impact area as those identified with the safe harbor method, an analysis of ESEE consequences and recommendations for a program to achieve Goal 5.

To determine conflicting uses, Wasco County listed all the uses permitted in the underlying zones and separated them into broader categories of residential, commercial, and industrial. For the sensitive wildlife habitat analysis, staff added in a consideration for resource uses as most of the impacted zones are resource. The sensitive bird analysis created a separate category for commercial energy facilities to specifically address unique aspects of the use that may impact sensitive birds in a different way, by in large due to height and other characteristics of the facilities.

During work sessions in February 2020, the public was also asked to identify their perceived conflicts and/or uses that don't conflict with the resources. That information, along with other public input, is included in Attachment D.

The review of sensitive wildlife habitat underlying zones, and consistent with consultation from ODFW, determined that farm uses represent no conflict to both sensitive wildlife types. For sensitive birds, forestry uses were also considered to not conflict due to the ODF regulations that govern forest practices related to sensitive species. The Ordinance language for EPD 8 has been amended to reflect an exemption to additional rules for farm uses (Attachment F).

Analysis found conflicts for all other categories of uses and utilized the ESEE analysis to determine the level of protection for all sites.

Utilizing public input, staff then analyzed the ESEE consequences that could result from decisions to allow, limit or prohibit a conflicting use. This was done by looking at groups of similar conflicting uses, or use categories.

Based on the analysis, staff provided recommendations for a program to achieve Goal 5 including maintaining existing overlay zone ordinance regulations and criteria with some modifications. It was found in all cases, except for farm uses for sensitive wildlife habitat and farm and forest uses for sensitive birds, that all conflicting uses are important compared to each other and that the conflicting uses should be allowed in a limited way that protects the resource to a desired extent necessary to be consistent with ODFW management plans and the ODFW Conservation Strategy.

The ESEE analysis will be adopted as appendix material to Goal 5/Chapter 5 of Wasco County 2040.

Based on the analysis and process as outlined above, staff finds Wasco County is consistent with OAR 660-023-0040.

#### **660-023-0050 Programs to Achieve Goal 5**

***(1) For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to OAR 660-023-0040(5). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific***

***standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see OAR 660-023-0040(5)(b) and (c)).***

***(2) When a local government has decided to protect a resource site under OAR 660-023-0040(5)(b), implementing measures applied to conflicting uses on the resource site and within its impact area shall contain clear and objective standards. For purposes of this division, a standard shall be considered clear and objective if it meets any one of the following criteria:***

***(a) It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;***

***(b) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or***

***(c) It is a performance standard that describes the outcome to be achieved by the design, siting, construction, or operation of the conflicting use, and specifies the objective criteria to be used in evaluating outcome or performance. Different performance standards may be needed for different resource sites. If performance standards are adopted, the local government shall at the same time adopt a process for their application (such as a conditional use, or design review ordinance provision).***

***(3) In addition to the clear and objective regulations required by section (2) of this rule, except for aggregate resources, local governments may adopt an alternative approval process that includes land use regulations that are not clear and objective (such as a planned unit development ordinance with discretionary performance standards), provided such regulations:***

***(a) Specify that landowners have the choice of proceeding under either the clear and objective approval process or the alternative regulations; and***

***(b) Require a level of protection for the resource that meets or exceeds the intended level determined under OAR 660-023-0040(5) and 660-023-0050(1).***

**FINDING:**

The ESEE Analysis for both sensitive wildlife habitat and sensitive birds describe the degree of protection intended for the resource and make directions to the implementing ordinance revisions. Revisions to the implementing ordinance for EPD-8 are attached (Attachment E).

The standards for EPD-8 include the clear and objective requirement for new dwellings to be located within 300 feet of a road or access way. This provision allows for alternative approvals subject to ODFW review to exempt them from the 300 feet standard that are not clear and objective but allow landowners to select either or.

Also included in the implementing ordinance is the connection to notice and review by ODFW required based on other provisions. This connects to site specific performance standards required with subject to standards and conditional use reviews.

The regulation and criteria for EPD-12 are focused on site specific performance standards that describe the outcome to be achieved by the design, siting, construction, or operation of the conflicting use based on a review of a sensitive resource plan by ODFW and the unique site and resource characteristics.

Based on the analysis, public input, and consultation with ODFW, these protection measures for sensitive wildlife have been determined to meet the intended level determined under OAR 660-023-0040(5) and 660-023-0050(1).

#### **OAR 660-023-0110 Wildlife Habitat**

***(1) For purposes of this rule, the following definitions apply:***

***(a) “Documented” means that an area is shown on a map published or issued by a state or federal agency or by a professional with demonstrated expertise in habitat identification.***

***(b) “Wildlife habitat” is an area upon which wildlife depend in order to meet their requirements for food, water, shelter, and reproduction. Examples include wildlife migration corridors, big game winter range, and nesting and roosting sites.***

***(2) Local governments shall conduct the inventory process and determine significant wildlife habitat as set forth in OAR 660-023-0250(5) by following either the safe harbor methodology described in section (4) of this rule or the standard inventory process described in OAR 660-023-0030.***

***(3) When gathering information regarding wildlife habitat under the standard inventory process in OAR 660-023-0030(2), local governments shall obtain current habitat inventory information from the Oregon Department of Fish and Wildlife (ODFW), and other state and federal agencies. These inventories shall include at least the following:***

***(a) Threatened, endangered, and sensitive wildlife species habitat information;***

***(b) Sensitive bird site inventories; and***

***(c) Wildlife species of concern and/or habitats of concern identified and mapped by ODFW (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs).***

***(4) Local governments may determine wildlife habitat significance under OAR 660-023-0040 or apply the safe harbor criteria in this section. Under the safe harbor, local governments may determine that “wildlife” does not include fish, and that significant wildlife habitat is only those sites where one or more of the following conditions exist:***

***(a) The habitat has been documented to perform a life support function for a wildlife species listed by the federal government as a threatened or endangered species or by the state of Oregon as a threatened, endangered, or sensitive species;***

***(b) The habitat has documented occurrences of more than incidental use by a species described in subsection (a) of this section;***

***(c) The habitat has been documented as a sensitive bird nesting, roosting, or watering resource site for osprey or great blue herons pursuant to ORS 527.710 (Oregon Forest Practices Act) and OAR 629-024-0700 (Forest Practices Rules);***

***(d) The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to ORS Chapter 496; or***

***(e) The area is identified and mapped by ODFW as habitat for a wildlife species of concern and/or as a habitat of concern (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, or pigeon springs).***

***(5) For certain threatened or endangered species sites, publication of location information may increase the threat of habitat or species loss. Pursuant to ORS 192.501(13), local governments may limit publication, display, and availability of location information for such sites. Local governments may adopt inventory maps of these areas, with procedures to allow limited availability to property owners or other specified parties.***

***(6) As set out in OAR 660-023-0250(5), local governments shall develop programs to protect wildlife habitat following the standard procedures and requirements of OAR 660-023-0040 and 660-023-0050. Local governments shall coordinate with appropriate state and federal agencies when adopting programs intended to protect threatened, endangered, or sensitive species habitat areas.***

**FINDING:**

The documented wildlife habitat are those areas identified by ODFW as sensitive habitat. These were identified as significant by Wasco County using the safe harbor method as described in the safe harbor section of the staff report. The data included sensitive bird site inventories, sensitive wildlife species habitat, big game winter range areas identified and mapped by ODFW, and sensitive bird sites mapped by ODFW.

ODFW informed Wasco County of data available identifying new big game habitat and sensitive bird nesting sites during the Periodic Review assessment period. These species are all identified by the Oregon Department of Fish and Wildlife as threatened, endangered, or sensitive species. The habitat has been documented by ODFW as having more than incidental use by sensitive wildlife species, including nesting sites for sensitive birds. ODFW has documented sites as essential to achieving policy objectives.

The big game habitat for sensitive wildlife is currently used and implemented by ODFW through their COMPASS map tool. The sensitive bird sites, while confidential, have also been mapped for bird species of concern.

Wasco County has elected to use the safe harbor method to determine significance based on these factors and the documented resources provided by ODFW and consistent with requirements of OAR 660-023-0110.

Wasco County finds that the new data for big game winter range and sensitive birds sites as provided by ODFW is consistent with 660-023-0110.

#### **OAR 660-023-0250 Applicability**

***(1) This division replaces OAR 660, division 16, except with regard to cultural resources, and certain PAPAs and periodic review work tasks described in sections (2) and (4) of this rule. Local governments shall follow the procedures and requirements of this division or OAR 660, division 16, whichever is applicable, in the adoption or amendment of all plan or land use regulations pertaining to Goal 5 resources. The requirements of Goal 5 do not apply to land use decisions made pursuant to acknowledged comprehensive plans and land use regulations.***

***(2) The requirements of this division are applicable to PAPAs initiated on or after September 1, 1996. OAR 660, division 16 applies to PAPAs initiated prior to September 1, 1996. For purposes of this section “initiated” means that the local government has deemed the PAPA application to be complete.***

***(3) Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:***

***(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;***

***(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or***

***(c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.***

***(4) Consideration of a PAPA regarding a specific resource site, or regarding a specific provision of a Goal 5 implementing measure, does not require a local government to revise acknowledged inventories or other implementing measures, for the resource site or for other Goal 5 sites, that are not affected by the PAPA, regardless of whether such inventories or provisions were acknowledged under this rule or under OAR 660, division 16.***

***(5) Local governments are required to amend acknowledged plan or land use regulations at periodic review to address Goal 5 and the requirements of this division only if one or more of the following conditions apply, unless exempted by the director under section (7) of this rule:***

***(a) The plan was acknowledged to comply with Goal 5 prior to the applicability of OAR 660, division 16, and has not subsequently been amended in order to comply with that division;***

***(b) The jurisdiction includes riparian corridors, wetlands, or wildlife habitat as provided under OAR 660-023-0090 through 660-023-0110, or aggregate resources as provided under OAR 660-023-0180; or***

***(c) New information is submitted at the time of periodic review concerning resource sites not addressed by the plan at the time of acknowledgement or in previous periodic reviews, except for historic, open space, or scenic resources.***

***(6) If a local government undertakes a Goal 5 periodic review task that concerns specific resource sites or specific Goal 5 plan or implementing measures, this action shall not by itself require a local government to conduct a new inventory of the affected Goal 5 resource category, or revise acknowledged plans or implementing measures for resource categories or sites that are not affected by the work task.***

***(7) The director may exempt a local government from a work task for a resource category required under section (5) of this rule. The director shall consider the following factors in this decision:***

***(a) Whether the plan and implementing ordinances for the resource category substantially comply with the requirements of this division; and***

***(b) The resources of the local government or state agencies available for periodic review, as set forth in ORS 197.633(3)(g).***

***(8) Local governments shall apply the requirements of this division to work tasks in periodic review work programs approved or amended under ORS 197.633(3)(g) after September 1, 1996. Local governments shall apply OAR 660, division 16, to work tasks in periodic review work programs approved before September 1, 1996, unless the local government chooses to apply this division to one or more resource categories, and provided:***

***(a) The same division is applied to all work tasks concerning any particular resource category;***

***(b) All the participating local governments agree to apply this division for work tasks under the jurisdiction of more than one local government; and***

***(c) The local government provides written notice to the department. If application of this division will extend the time necessary to complete a work task, the director or the commission may consider extending the time for completing the work task as provided in OAR 660-025-0170.***

**FINDING:**

These amendments are submitted as part of Voluntary Periodic Review consistent with the DLCD work plan. Items (2)-(4) do not apply.

As required by (5), Wasco County is amending the Comprehensive Plan and implementing ordinances at the time of periodic review to address Goal 5 because new information was submitted during the work plan drafting phase of Periodic Review concerning resource sites not addressed by the plan at the time of acknowledgment or in a previous periodic review.

Wasco County has not received an exemption from work task 18, the work task to address sensitive wildlife habitat.

Staff finds that this work task, and the work contained herein, are consistent with rule and requirements of OAR 660-023-0250 requiring revisions to sensitive wildlife habitat maps and ordinances to be consistent with Goal 5.



## 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: Supplemental materials, including inventories.

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

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

This new chapter maps to Goal 5 and includes an overview of Wasco County's Goal 5 resources, 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 Goal 5 as applied in Wasco County.
2. **Goal 5 Inventories:** An overview of various Goal 5 inventories in Wasco County.
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:** This maps directly to the State's Goal 5, and has not been modified from existing broad goal.
5. **Photo:** A collection of staff photos showing various Goal 5 resources in Wasco County.
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. Most of the policies were revised with previous Periodic Review work tasks and were adopted on December 18, 2019. The focus of this work task is on policy 3, wildlife. Minor revisions to other policies are also included.
  - a. Policy 1, Implementation "d" is proposed to be added to make clear additional projections for habitat. The proposed language references a current Environmental Protection District: "Conserve important riparian areas with the implementation of the Reservoir Overlay Zone (EPD-6)".
  - b. Policy 3: Is taken from parts of the former "Fish and Wildlife" category. The newly adopted policy is similar to riparian and wetlands: "Preserve wildlife habitat to provide for productive ecological function."
    - (1). Implementation measure "a 1" modified to include the acronym (EPD) for Environmental Protection District, as it is a common acronym used throughout the text.

- (2). Implementation measure “a 2” is proposed to be removed, as staff and ODFW recommends removal of Area of Voluntary Siting Standards.
- (3). Implementation strategy “b” is revised to include the overlay zone for sensitive wildlife, EPD-8.
- (4). Implementation measure “c” is also revised to refer to EPD-8 rather than using the general term “overlay zone”.
- (5). Implementation strategy “d” is a new policy that reflects current Ordinance language, so is a clarification rather than an additional regulation recommendation: “Areas designated as Impacted Areas in the Transition Lands Study Area shall be exempt from provisions of EPD-8.”
- (6). Implementation measure “e” is proposed to clarify additional exemptions identified through the ESEE analysis, public input, and ODFW consultation: “Based on the ESEE Analysis, farm uses have been identified as non-conflicting with Big Game Habitat protections. Farm uses permitted outright or with ministerial review shall be exempt from the provisions and siting standards of EPD-8.”
- (7). Implementation measure “f”. Although renumbered, no change is proposed for this implementation strategy related to riparian area setbacks.
- (8). Implementation measure “g” is revised for clarity to read: “Sensitive bird habitat sites are protected through provisions in the EPD-12 overlay zone. Sites are confidential and the map is only available for onsite review by the property owner at the time of application.” The confidentiality of data is a requirement by ODFW.
- (9). Implementation strategy “h” is proposed to now read: “h. Western Pond Turtles are protected through the EPD-13 overlay zone. Sites are confidential and the map is available for onsite review by the property owner at the time of application.”
- (10). Implementation measure “i” has a minor revision to the capitalization of “wildlife” and updating division 16 to the new Goal 5 Oregon Administrative Rule 660, division 23.
- (11). Implementation strategies previously numbered f-h are proposed to be removed. F and H are no longer relevant, based on the proposed removal of voluntary siting standards from EPD-8. G is being addressed by the proposed adoption of a destination resort map.
- (12). Implementation measure “j” is a new strategy, based on public and stakeholder feedback: “Sensitive wildlife maps shall be evaluated for update on a five year cycle or in conjunction with major updates from Oregon Department of Fish and Wildlife or other State or Federal wildlife agencies.”

- c. Policy 9.1 relates to Mineral Resources. A few minor revisions are proposed to the following implementation measures:
    - (1). Implementation “c and c1”, the term “other sites” is replaced with “existing sites” to clarify how the inventory currently reads on maps.
  - d. Policy 9.2 also relates to Mineral Resources. A few minor revisions are proposed to the following:
    - (1). Policy point “a”, quotes will removed around the classification “Significant Sites” to be consistent with previous conventions.
    - (2). Policy point “b” will remove quotes to “Potential Sites” and add the clarification “that were established prior to 1996” to the sentence related to significance determinations to connect to Wasco County’s process and Goal 5 requirements.
    - (3). Policy point “c” will follow revisions to “b”, and read: “An inventory of Existing Sites, previously identified as Other Sites, that were established prior to 1996 and for which available information demonstrates that the site is not a significant resource to be protected.”
    - (4). Policy point “d” is proposed to add in the acronym for Environmental Protection District, EPD.
    - (5). Implementation “b” is proposed to remove redundant “or grandfathered” language.
    - (6). Implementation measure “c” replaces Other with Existing.
    - (7). Implementation measure “d” and its subpoints are proposed to be removed.
  - e. Policy 11, related to historical, cultural, and archeological resource has the following updated revisions, based on feedback:
    - (1). Implementation measure “g” will remove language about the Historical Landmarks Commission and add the following sentence: “All designations or removals from the inventory are required to go through a Comprehensive Plan amendment.”
    - (2). A new Implementation strategy “o” is proposed: “The Planning Director or designee, shall have authority of review of application related to historical, cultural, and archaeological landmarks and sites including development review and demolition or modification.”
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. Findings are included as endnotes and reference specific text within the policies and

implementation measures. 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.

9. **Appendix:** The appendix for Goal 5 includes a variety of inventories, analysis and supporting information related to the Goal 5 resources. The ESEE analysis for both EPD-8 and EPD-12 are included as Appendix 5-D.

**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 resources.

### Goal 5 Inventories:

Goal 5 requires inventories be developed for each resource to help protect and plan for conflicting uses and development. Resource sites are assessed to identify significant sites.

Six Goal 5 resources rely on state or federal inventories: wild and scenic rivers, state scenic water ways, ground water resources, Oregon recreation trails, Sage Grouse habitat, and wilderness areas.

Wasco County has maintained local inventories for several of the Goal 5 resources since 1983 including: aggregate and mining resources, historic resources, scenic views, natural areas and open spaces. The National Wetland Inventory and State Wetland Inventory have traditionally been used to identify riparian and wetland 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: Goal 2, Goal 13

## Wasco County Goal

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

To conserve open space and protect natural and scenic resources.





## Policies

### Riparian Corridors

- 5.1.1 Preserve riparian areas to provide for productive ecological function.

#### Implementation for Policy 5.1.1:

- a. 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.
- b. Maintain wildlife diversity and habitat so that it will support optimum numbers of wildlife for recreation and aesthetic opportunities.
- c. Consistent with the development standards of the land use ordinance, sensitive riparian areas of perennial and intermittent streams identified by the State Wetland Inventory, 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 or river or riparian area in a resource zone, and 50 feet of the mean high water mark of a perennial or intermittent stream or lake or river or riparian area in residential zones.

~~e.d.~~ Conserve important riparian areas with the implementation of the Reservoir Overlay Zone (EPD-6).

### Wetlands

- 5.2.1 Preserve wetland areas to provide for productive ecological function.

#### Implementation for Policy 5.2.1:

- a. The county shall notify the Oregon Department of State Lands and the Oregon Department of Fish and Wildlife of any development application for land within a wetland identified

Formatted: Indent: Left: 1.06"

## 5.1 P o l i c i e s

on the State Wetland Inventory.

- b. Consistent with the development standards of the land use ordinance, wetlands identified in the State Wetland Inventory, the zoning ordinance shall prohibit development within 100 feet of the mean high water mark of perennial or intermittent stream or lake or river or wetland in a resource zone, and 50 feet of the mean high water mark of a perennial or intermittent stream or lake or river or wetland in residential zones.

## Wildlife Habitat

**5.3.1** Preserve wildlife habitat to provide for productive ecological function.

### Implementation for Policy 5.3.1:

- a. Identify and maintain all wildlife habitats by:
  - 1. Implementation of an Environmental Protection District (EPD) 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, EPD-8.
- c. The Rural Service Centers identified in the Comprehensive Plan which lie within the EPD-8 overlay zone shall be exempt from the provisions of the EPD-8 overlay zone.
- d. Areas designated as Impacted Areas in the Transition Lands Study Area shall be exempt from provisions of EPD-8.
- ~~b.e.~~ Based on the ESEE Analysis, farm uses have been identified as non-conflicting with Big Game

Habitat protections. Farm uses permitted outright or with ministerial review shall be exempt from the provisions and siting standards of EPD-8.

e.f. 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.

g. Sensitive bird habitat sites (~~bald eagle, golden eagle, osprey, great grey owl, great blue heron~~) are protected through provisions in the EPD-12 overlay zone. Sites are confidential and the map is only able for onsite review by the property owner at the time of application.

d.h. 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 Western Pond Turtles during periodic review pursuant to the current County approved work program are protected through the EPD-13 overlay zone. Sites are confidential and the map is available for onsite review by the property owner at the time of application. If a deed restriction is required, a map will be provided by staff to the property owners for their records.

e.i. 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-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. ~~1623~~.

Formatted: Font: Bold

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

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

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

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

- ~~f. The county shall review the Transition Land Study Area (TLSA) 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). 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.~~
- ~~g. 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)~~
- ~~h. 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.~~
- i. Sensitive wildlife maps shall be evaluated for update on a five year cycle or in conjunction with major updates from Oregon Department of Fish and Wildlife or other State or Federal wildlife agencies.

Formatted: Font: Bold

## Federal Wild and Scenic Rivers

- 5.4.1 The White River will be protected consistent with the White River Management Plan and OAR 660-023-0120.

### Implementation for Policy 5.4.1:

- a. The White River was designated an Outstanding Scenic and Recreation Area by the 1983 Comprehensive Plan.
- b. Rules and criteria pertaining to the Federal Wild and Scenic Rivers program are administered through the Comprehensive Plan Map designation Environmental Protection District (EPD) 7 and related overlay zone chapter in the Wasco County Land Use and

Development Ordinance.

- c. In accordance with the Federal White River Management Plan, applicants for development along the White River shall be given educational materials to support mitigating development impacts such as erosion, run off, and scenic impacts.

## **Oregon Scenic Waterways**

**5.5.1** The Deschutes and John Day Scenic Waterways shall be maintained and protected consistent with respective management plans and OAR 660-023-0130.

### **Implementation for Policy 5.5.1:**

- 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 Deschutes and John Day rivers.
- e. Consistent with the Scenic Waterways Act, Oregon Parks and Recreation Department (OPRD) must be notified of certain changes that landowners may want to make to their property, and those changes may be subject to review. The landowner is obligated to make this notification on OPRD forms and submit directly to OPRD.
- f. Rules and criteria pertaining to the Oregon Scenic

Waterways program are administered through the Comprehensive Plan Map designation Environmental Protection District (EPD) 7 and related overlay zone chapter in the Wasco County Land Use and Development Ordinance.

## **Groundwater Resources**

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

### **Implementation for Policy 5.6.1:**

- a. The County Watermaster and Environmental Health Specialist shall continue to regulate appropriations, diversions and sewage waste disposals to ensure quality water resources.
- b. The adequacy and quality of ground water supplies shall be a major consideration of all development.
- c. Limit water dependent development in areas with known water deficiencies including areas adjacent to the watershed.
- d. Coordinate with local, state and federal agencies, including the Department of State Lands, the Army Corp of Engineers, and Oregon Water Resource Department, on projects and applications as appropriate.
- e. When significant ground water resources are identified in Wasco County, the Comprehensive Plan shall be updated to follow requirements of OAR 660-023-0040 for protection.

## **Approved Oregon Recreation Trails**

- 5.7.1** Recreation trails designated as an Oregon Recreation Trail shall follow rules set forth by OAR 660-023-0150.



## Natural Areas

- 5.8.1 Protect identified natural areas from conflicting uses and activities.

### Implementation for Policy 5.8.1:

- a. Maintain identified natural area protections through administration of EPD-7.
- b. Amendments to the Oregon State Register of Natural Heritage Resources or the Wasco County Natural Areas trigger the requirement to amend the natural areas inventory and conduct an ESEE analysis.

## Mineral Resources

- 5.9.1 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 5.9.1:

- 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 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 Existing Sites"~~ inventory or ~~"Significant Sites"~~ inventory.
  1. Mining at sites on the ~~"Other Sites Existing Sites"~~ (formerly "other sites") inventory may be allowed by a conditional use permit.

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

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.

Formatted: Highlight

**5.9.2** 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 process (OAR 660-023-0030) 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 that were established prior to 1996;
- c. An inventory of Existing Sites, previously identified as "Other Sites", that were established prior to 1996 and for which available information demonstrates that the site is not a significant resource to be protected.
- d. The inventory is kept in the Comprehensive Plan and on the Comprehensive Plan Zoning Map as Environmental Protection District (EPD)-5. Rules related to permitting for these sites are listed in the Land Use and Development Ordinance under EPD-5, Mineral and Aggregate Resources.

Formatted: Highlight

**Implementation for Policy 5.9.2:**

- 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 ~~Existing~~ "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.d. \_\_\_\_\_ 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.e.~~ 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.f.~~ 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.g.~~ 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.

**5.9.3** Applications for new aggregate mining sites shall be consistent with the process and rules in OAR 660-023-180.

Formatted: Highlight

Formatted: Highlight

#### **Implementation for Policy 5.9.3:**

- a. An application for a Post Acknowledgment Plan Amendment (PAPA) concerning a significant aggregate site shall be adequate, in accordance with OAR 660-023-0180, if it includes:
  1. Information regarding quantity, quality, and location sufficient to determine whether the standards and conditions in section (3) of this rule are satisfied;
  2. A conceptual site reclamation plan;
  3. A traffic impact assessment within one mile of the entrance to the mining area pursuant to section (5)(b)(B) of OAR 660-023-180;
  4. Proposals to minimize any conflicts with existing uses preliminarily identified by the applicant within a

1,500 foot impact area; and

5. A site plan indicating the location, hours of operation, and other pertinent information for all proposed mining and associated uses.

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

## **Energy Sources**

**5.10.1** Promote energy conservation and limit conflicting uses of significant energy source sites.

### **Implementation for Policy 5.10.1:**

- a. A current inventory of significant energy sources, including those applied for or approved through the Oregon Energy Facility Siting Council (EFSC) or the Federal Energy Regulatory Commission (FERC), shall be maintained in the Comprehensive Plan (OAR 660-023-0190).
- b. New conflicting uses within the impact area of significant energy sources shall be limited (OAR 660-023-0190).
- c. For new energy facilities not under the jurisdiction of EFSC or FERC, Wasco County shall follow the standards and procedures of OAR 660-023-0030 through 660-023-0050 to inventory and protect energy resources (OAR 660-023-0190).
- d. Support incentives for homes and businesses to install alternative energy systems.
- e. Review and revise the Wasco County Land Use and Development Ordinance as needed to ensure up to date practices and standards for commercial and non-commercial energy facilities.

## **Historic, Cultural, and Archeological Resources**

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

**Implementation for Policy 5.11.1:**

- 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. All designations or removals from the inventory are required to go through a Comprehensive Plan amendment.
- i.** 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.
- ~~P.O.~~ The Planning Director, or designee, shall have authority of review of applications related to historical, cultural and archaeological landmarks and sites including development review and demolition or modification.

## Open Space

- 5.12.1** Protect existing open space as defined by OAR 660-023-0220 and ensure for the maintenance of new open spaces.

### Implementation for Policy 5.12.1:

- a.** Continue to preserve A-1, F-1, F-2, FF zones for open space, in addition to primary permitted uses.
- b.** Ensure ongoing maintenance of open space and road systems through deed restrictions and HOA requirements when approving new subdivisions.

**5.12.2** Consider impacts of new open space to public facilities and services as part of development review.

**Implementation for Policy 5.12.2:**

- a. Mitigate impact to public facilities and services, including emergency services and infrastructure, by requiring contracts with a rural fire protection district when outside a service area.
- b. Limit tax deferral for open space or land trusts.

## **Scenic Views and Sites**

**5.13.1** Protect scenic views and areas identified in the 1983 Comprehensive Plan inventory.

**Implementation for Policy 5.13.1:**

- a. Evaluate impact of development on scenic resources during permitting processes.
- b. Work with public and private organizations, landowners, and the general public to identify, record, and protect valued scenic and open space resources.
- c. Newly identified scenic views and sites are required to go through an inventory and ESEE Analysis consistent with OAR 660-023.



## References

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

Oregon Administrative Rules. 660-023.

Oregon Biodiversity Information Center. Register of Natural Heritage Resources.

Oregon Department of Energy and Energy Facility Siting Council. (1990). *State Agency Coordination Program*.

Oregon Department of Environmental Quality. (1990). *State Agency Coordination Program*.

Oregon Department of Fish and Wildlife. (1990). *State Agency Coordination*.

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

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

Oregon Department of Geology and Mineral Industries. (1992). *State Agency Coordination Program*.

Oregon Department of State Lands (2012). *Oregon Wetland Monitoring and Assessment Strategy*.

Oregon Department of State Lands (2017). *Oregon Wetland Program Plan*.

Oregon Department of State Lands. (2006). *State Agency Coordination Program for Coordinating DSL's Activities with Cities and Counties, Tribal Governments, Federal and State Agencies, and Special Districts*.

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*.

Oregon Parks and Recreation. *2015 Oregon Natural Areas Plan.*

Oregon Parks and Recreation. (2001). *The Oregon Scenic Waterways Program: A Landowner's Guide.*

Oregon Parks and Recreation. (1990). *State Agency Coordination Program.*

Oregon Water Resources Department. (1990). *Land Use Planning Procedures Guide: Water Resources Department State Agency Coordination Program.*

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

US Fish and Wildlife. *National Wild and Scenic Rivers System.*

US Fish and Wildlife Service. *National Wetlands Inventory.*

## Findings and References

~~5.1.a~~ OAR 660-023-0090 (5) allows jurisdictions to apply safe harbor to riparian areas to address Goal 5 requirements. Wasco County has adopted these rules into the property development standards/setbacks.

~~5.2.a~~ ORS 215.418 outlines the noticing requirements for developments on wetlands.

~~5.4.a~~ The White River was designated a Federal Wild and Scenic River on October 28, 1988. Portions are classified as either scenic or recreational. According to the Wild and Scenic Rivers Act, each river in the National System, regardless of classification, is administered with the goal of protecting and enhancing the values that caused it to be designated.

~~5.5.a~~ Oregon Parks and Recreation Department (OPRD) publishes *A Landowners's Guide to The Oregon Scenic Waterways Program* which outlines the notification and other requirements. OPRD is statutorily mandated (ORS 390.805-390.940) to review development and determine if scenic and recreational values can be maintained within the one quarter mile boundary.

~~5.5.b~~ The Oregon Scenic Waterways Act was established in 1970. It designated the Deschutes and John Day Rivers as Oregon State Scenic Waterways.

~~5.5.c~~ EPD 7 was developed, in part, to protect the Wild and Scenic and Oregon Scenic Waterways.

~~5.6.a~~ Significant groundwater resources are defined in OAR 660-23-0140 (2)(a) and (b).

~~5.6.b~~ Water Resources Commission is designated by statute to control the use of ground water to achieve policy goals. The Legislature created the critical ground water area (CGWA) designation as a tool to mitigate or prevent excessive ground water level declines, overdraft, interference between users, and contamination. Statutory authorization for CGWA are in ORS 537.620, 537.730, 537.735 and 537.740. ORS 537.730 has the criteria necessary for a declarant of CWGA.

~~5.7.a~~ There are no currently no approved Oregon Recreation Trails in Wasco County.

~~5.8.a~~ 5.8.1 OAR 660-023-0160 requires new natural areas meet requirements of OAR 660-023-0040 through OAR 660-023-0050.

~~5.12.a~~ Open space is defined by Goal 5 as parks, forests, wildlife preserves, nature reservations or sanctuaries and public or private golf courses. The inventoried open spaces are included in the Appendix.

~~5.12.b~~ According to Goal 5, the main goal of protecting open space is to reduce impact as a result of converting open space lands to inconsistent uses.

~~5.13.a~~ OAR 660-023-0230 requires amendments or additions to scenic resources must meet requirements of OAR 660-023-0030 through OAR 660-023-0050.

## References

Oregon Administrative Rules. 660-023.

Oregon Biodiversity Information Center. Register of Natural Heritage Resources.

Oregon Department of Energy and Energy Facility Siting Council. 1990. State Agency Coordination Program. <https://www.oregon.gov/led/About/Documents/ode-efsc-sac.pdf>

Oregon Department of Environmental Quality. 1990. State Agency Coordination Program.

<https://www.oregon.gov/lcd/About/Documents/odeq-sac.pdf>

Oregon Department of Fish and Wildlife. 1990. State Agency Coordination. <https://www.oregon.gov/lcd/About/Documents/odfw-sac.pdf>

Oregon Department of Geology and Mineral Industries. 1992. State Agency Coordination Program. <https://www.oregon.gov/lcd/About/Documents/odogami-sac.pdf>

Oregon Department of State Lands. 2006. State Agency Coordination Program for Coordinating DSL's Activities with Cities and Counties, Tribal Governments, Federal and State Agencies, and Special Districts. <https://www.oregon.gov/lcd/About/Documents/odsl-sac.pdf>

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.

Oregon Parks and Recreation. 2015 Oregon Natural Areas Plan. <https://inr.oregonstate.edu/sites/inr.oregonstate.edu/files/2015-or-natural-areas-plan.pdf>

Oregon Parks and Recreation. 2001. The Oregon Scenic Waterways Program: A Landowner's Guide. <https://www.oregon.gov/oprd/RULES/docs/sww-log.pdf>

Oregon Parks and Recreation. 1990. State Agency Coordination Program. <https://www.oregon.gov/lcd/About/Documents/osprd-saw.pdf>

Oregon Water Resources Department. 1990. Land Use Planning Procedures Guide: Water Resources Department State Agency Coordination Program. <https://www.oregon.gov/lcd/About/Documents/owrd-sac.pdf>

US Fish and Wildlife. National Wild and Scenic Rivers System. <https://www.rivers.gov>



**Goal 5**

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

---

# Goal 5

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

### Overview

Goal 5 offers a 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.

Using this approach, this Chapter contains inventories, policies and implementation strategies for the following resources:

- Riparian Corridors
- Wetlands
- Wildlife Habitat
- Federal Wild and Scenic Rivers
- Oregon Scenic Waterways
- Groundwater Resources
- Approved Oregon Recreation Trails
- Natural Areas
- Mineral Resources
- Energy Resources
- Historic, Cultural, and Archeological Resources
- Open Space
- Scenic Views and Sites

### Goal 5 Inventories:

Goal 5 requires inventories be developed for each resource to help protect and plan for development and conflicting uses. Inventoried resources are assessed to identify significant sites that warrant formal protection.

Six Goal 5 resources rely on state or federal inventories: wild and scenic rivers, state scenic waterways, ground water resources, Oregon recreation trails, Sage Grouse habitat, and wilderness areas.

Wasco County has maintained local inventories for several other Goal 5 resources since 1983 including: aggregate and mining resources, historic resources, scenic views, natural areas and open spaces. The National Wetland Inventory and State Wetland Inventory have traditionally been used to identify riparian and wetland 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: Goal 2, Goal 13,

## Wasco County Goal

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

To conserve open space and protect scenic, historic and natural resources.





# Policies

## Riparian Corridors

**5.1.1** Preserve riparian areas to provide for productive ecological function.

### Implementation for Policy 5.1.1:

- a. 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.
- b. Maintain wildlife diversity and habitat so that it will support optimum numbers of wildlife for recreation and aesthetic opportunities.
- c. Consistent with the development standards of the land use ordinance, sensitive riparian areas of perennial and intermittent streams identified by the State Wetland Inventory, 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 or river or riparian area in a resource zone, and 50 feet of the mean high water mark of a perennial or intermittent stream or lake or river or riparian area in residential zones<sup>i</sup>.
- d. Conserve important riparian areas with the implementation of the Reservoir Overlay Zone (EPD-6).

## Wetlands

**5.2.1** Preserve wetland areas to provide for productive ecological function.

### Implementation for Policy 5.2.1:

- a. The county shall notify the Oregon Department of State Lands and the Oregon Department of Fish and Wildlife of any development application for land within a wetland identified on the State Wetland Inventory<sup>ii</sup>.
- b. Consistent with the development standards of the land use ordinance, wetlands identified in the State Wetland Inventory, the zoning ordinance shall prohibit development within 100 feet of the mean high water mark of perennial or intermittent stream or lake or river or wetland in a resource zone, and 50 feet of the mean high water mark of a perennial or intermittent stream or lake or river or wetland in residential zones.

## Wildlife Habitat

**5.3.1** Preserve wildlife habitat to provide for productive ecological function<sup>iii</sup>.

### Implementation for Policy 5.3.1:

- a. Identify and maintain all wildlife habitats by:
  - 1. Implementation of an Environmental Protection District (EPD) overlay zone for significant fish and wildlife habitats and for the big game winter range.
- b. The winter range identified on the Sensitive Wildlife Habitat Map included in the Resource Element of this plan shall be protected by an overlay zone, EPD-8.
- c. The Rural Service Centers identified in the Comprehensive Plan which lie within the EPD-8 shall be exempt from the provisions of EPD-8.
- d. Areas designated as Impacted Areas in the Transition Lands Study Area shall be exempt from provisions of EPD-8.
- e. Based on the ESEE Analysis, farm uses have been identified as non-conflicting with Sensitive Wildlife Habitat protections. Farm uses permitted outright or with ministerial review shall be exempt from the provisions and siting standards of EPD-8.
- f. 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.
- g. Sensitive bird habitat sites are protected through provisions in the EPD-12 overlay zone. Sites are confidential and the map is only available for onsite review by the property owner at the time of application.
- h. Western Pond Turtles are protected through the EPD-13 overlay zone. Sites are confidential and the map is available for onsite review by the property owner at the time of application.
- i. 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. 23.
- j. Sensitive wildlife maps shall be evaluated for update on a five year cycle or in

conjunction with major updates from Oregon Department of Fish and Wildlife or other State or Federal wildlife agencies.

## **Federal Wild and Scenic Rivers**

**5.4.1** The White River will be protected consistent with the White River Management Plan and OAR 660-023-0120.

### **Implementation for Policy 5.4.1:**

- a. The White River was designated an Outstanding Scenic and Recreation Area by the 1983 Comprehensive Plan<sup>iv</sup>.
- b. Rules and criteria pertaining to the Federal Wild and Scenic Rivers program are administered through the Comprehensive Plan Map designation Environmental Protection District (EPD) 7 and related overlay zone chapter in the Wasco County Land Use and Development Ordinance.
- c. In accordance with the Federal White River Management Plan, applicants for development along the White River shall be given educational materials to support mitigating development impacts such as erosion, run off, and scenic impacts.

## **Oregon Scenic Waterways<sup>v</sup>**

**5.5.1** The Deschutes and John Day Scenic Waterways shall be maintained and protected consistent with respective management plans and OAR 660-023-0130.

### **Implementation for Policy 5.5.1:**

- 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 Deschutes and John Day rivers.

- e. Consistent with the Scenic Waterways Act, Oregon Parks and Recreation Department (OPRD) must be notified of certain changes that landowners may want to make to their property, and those changes may be subject to review. The landowner is obligated to make this notification on OPRD forms and submit directly to OPRD<sup>vi</sup>.
- f. Rules and criteria pertaining to the Oregon Scenic Waterways program are administered through the Comprehensive Plan Map designation Environmental Protection District (EPD) 7 and related overlay zone chapter in the Wasco County Land Use and Development Ordinance<sup>vii</sup>.

## **Groundwater Resources**

**5.6.1** Maintain quantity and quality of water in compliance with state and federal standards<sup>viii</sup>.

### **Implementation for Policy 5.6.1:**

- a. The County Watermaster and Environmental Health Specialist shall continue to regulate appropriations, diversions and sewage waste disposals to ensure quality water resources.
- b. The adequacy and quality of ground water supplies shall be a major consideration of all development.
- c. Limit water dependent development in areas with known water deficiencies including areas adjacent to the watershed.
- d. Coordinate with local, state and federal agencies, including the Department of State Lands, the Army Corp of Engineers, and Oregon Water Resource Department, on projects and applications as appropriate.
- e. When significant ground water resources are identified in Wasco County, the Comprehensive Plan shall be updated to follow requirements of OAR 660-023-0040 for protection<sup>ix</sup>.

## **Approved Oregon Recreation Trails**

**5.7.1** Recreation trails designated as an Oregon Recreation Trail shall follow rules set forth by OAR 660-023-0150<sup>x</sup>.

## **Natural Areas**

**5.8.1** Protect identified natural areas from conflicting uses and activities<sup>xi</sup>.

**Implementation for Policy 5.8.1:**

- a. Maintain identified natural area protections through administration of EPD-7.
- b. Amendments to the Oregon State Register of Natural Heritage Resources or the Wasco County Natural Areas trigger the requirement to amend the natural areas inventory and conduct an ESEE analysis.

**Mineral Resources**

**5.9.1** 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 5.9.1:**

- 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 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 Existing Sites inventory or Significant Sites inventory.
  - 1. Mining at sites on the Existing Sites(formerly “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.

**5.9.2** 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 process (OAR 660-023-0030) 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 that were established prior to 1996;
- c. An inventory of Existing Sites, previously identified as Other Sites, that were established prior to 1996 and for which available information demonstrates that the site is not a significant resource to be protected.
- d. The inventory is kept in the Comprehensive Plan and on the Comprehensive Plan Zoning Map as Environmental Protection District (EPD)-5. Rules related to permitting for these sites are listed in the Land Use and Development Ordinance under EPD-5, Mineral and Aggregate Resources.

**Implementation for Policy 5.9.2:**

- 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 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 Existing Sites inventory shall not be protected from conflicting uses.
- d. 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.
- e. 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.
- f. 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.

- g. 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.
- h. To be removed from the inventory, property owners must apply to Wasco County for a Comprehensive Plan Amendment, demonstrating that the site has been certified by DOGAMI as reclaimed.

**5.9.3** Applications for new aggregate mining sites shall be consistent with the process and rules in OAR 660-023-180.

**Implementation for Policy 5.9.3:**

- a. An application for a Post Acknowledgment Plan Amendment (PAPA) concerning a significant aggregate site shall be adequate, in accordance with OAR 660-023-0180, if it includes:
  - 1. Information regarding quantity, quality, and location sufficient to determine whether the standards and conditions in section (3) of this rule are satisfied;
  - 2. A conceptual site reclamation plan;
  - 3. A traffic impact assessment within one mile of the entrance to the mining area pursuant to section (5)(b)(B) of OAR 660-023-180;
  - 4. Proposals to minimize any conflicts with existing uses preliminarily identified by the applicant within a 1,500 foot impact area; and
  - 5. A site plan indicating the location, hours of operation, and other pertinent information for all proposed mining and associated uses.
- b. New mineral and aggregate sites shall not be allowed within the quarter mile boundary of either the John Day or Deschutes River.

## **Energy Sources**

**5.10.1** Promote energy conservation and limit conflicting uses of significant energy source sites.

**Implementation for Policy 5.10.1:**

- a. A current inventory of significant energy sources, including those applied for or approved through the Oregon Energy Facility Siting Council (EFSC) or the Federal

Energy Regulatory Commission (FERC), shall be maintained in the Comprehensive Plan (OAR 660-023-0190).

- b. New conflicting uses within the impact area of significant energy sources shall be limited (OAR 660-023-0190).
- c. For new energy facilities not under the jurisdiction of EFSC or FERC, Wasco County shall follow the standards and procedures of OAR 660-023-0030 through 660-023-0050 to inventory and protect energy resources (OAR 660-023-0190).
- d. Support incentives for homes and businesses to install alternative energy systems.
- e. Review and revise the Wasco County Land Use and Development Ordinance as needed to ensure up to date practices and standards for commercial and non-commercial energy facilities.

## **Historic, Cultural, and Archeological Resources**

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

### **Implementation for Policy 5.11.1:**

- 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. 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. All designations or removals from the inventory are required to go through a Comprehensive Plan amendment.
- 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.
- o. The Planning Director, or designee, shall have authority of review of applications related to historical, cultural and archaeological landmarks and sites including development review and demolition or modification.

## Open Space

**5.12.1** Protect existing open space as defined by OAR 660-023-0220 and ensure for the maintenance of new open spaces<sup>xii</sup>.

### Implementation for Policy 5.12.1:

- a. Continue to preserve A-1, F-1, F-2, FF zones for open space, in addition to primary permitted uses.
- b. Ensure ongoing maintenance of open space and road systems through deed restrictions and HOA requirements when approving new subdivisions.

**5.12.2** Consider impacts of new open space to public facilities and services as part of development review<sup>xiii</sup>.

### Implementation for Policy 5.12.2:

- a. Mitigate impact to public facilities and services, including emergency services and infrastructure, by requiring contracts with a rural fire protection district when outside a

service area.

- b. Limit tax deferral for open space or land trusts.

## Scenic Views and Sites

**5.13.1** Protect scenic views and areas identified in the 1983 Comprehensive Plan inventory.

### Implementation for Policy 5.13.1:

- a. Evaluate impact of development on scenic resources during permitting processes.
- b. Work with public and private organizations, landowners, and the general public to identify, record, and protect valued scenic and open space resources.
- c. Newly identified scenic views and sites are required to go through an inventory and ESEE Analysis consistent with OAR 660-023<sup>xiv</sup>.

---

<sup>i</sup> OAR 660-023-0090 (5) allows jurisdictions to apply safe harbor to riparian areas to address Goal 5 requirements. Wasco County has adopted these rules into the property development standards as setbacks.

<sup>ii</sup> ORS 215.418 outlines the noticing requirements for developments on wetlands.

<sup>iii</sup> Protections shall be consistent with ODFW's Mitigation Policy (OAR 635-415), which they use to review development and develop mitigation measures.

<sup>iv</sup> The White River was designated a Federal Wild and Scenic River on October 28, 1988. Portions are classified as either scenic or recreational. According to the Wild and Scenic Rivers Act, each river in the National System, regardless of classification, is administered with the goal of protecting and enhancing the values that caused it to be designated.

<sup>v</sup> The Oregon Scenic Waterways Act was established in 1970. It designated the Deschutes and John Day rivers as Oregon State Scenic Waterways.

<sup>vi</sup> Oregon Parks and Recreation Department (OPRD) publishes *A Landowner's Guide to The Oregon Scenic Waterways Program* which outlines the notification and other requirements. OPRD is statutorily mandated (ORS 390.805-390.940) to review development and determine if scenic and recreational values can be maintained within the one quarter mile boundary.

<sup>vii</sup> EPD-7 was developed, in part, to protect the Wild and Scenic and Oregon Scenic Waterways. This environmental protection district also includes protections for natural areas sites identified by the Oregon Heritage Program.

<sup>viii</sup> Water Resources Commission is designated by statute to control the use of ground water to achieve policy goals. The Legislature created the critical ground water area (CGWA) designation as a tool to mitigate or prevent excessive groundwater level declines, overdraft, interference between users, and contamination. Statutory

---

authorization for CGWA are in ORS 537.620, 537.730, 537.735 and 537.740. ROS 537.730 has the criteria necessary for a declarant of CWGA.

<sup>ix</sup> Significant groundwater resources are defined in OAR 660-23-0140 (2)(a) and (b).

<sup>x</sup> There are currently no approved Oregon Recreation Trails in Wasco County.

<sup>xi</sup> OAR 660-023-0160 requires new natural areas meet requirements of OAR 660-023-0040 through OAR 660-023-0050.

<sup>xii</sup> Open space is defined by Goal 5 as parks, forests, wildlife preservers, nature reservations or sanctuaries and public or private golf courses. The inventoried open spaces are includes in the Appendix.

<sup>xiii</sup> According to Goal 5, the main goal of protecting open space is to reduce impact as a result of converting open space lands to inconsistent uses.

<sup>xiv</sup> OAR 660-023-0230 requires amendments or additions to scenic resources must meet requirements of OAR 660-023-0030 through OAR 660-023-0050.

# References

- Anders, E, M. Borman and W. Krueger (1998). [\*The Ecological Provinces of Oregon\*](#). OSU. Oregon Administrative Rules. 660-023.
- Oregon Biodiversity Information Center. Register of Natural Heritage Resources.
- Oregon Department of Energy and Energy Facility Siting Council. (1990). [\*State Agency Coordination Program\*](#).
- Oregon Department of Environmental Quality. (1990). [\*State Agency Coordination Program\*](#).
- Oregon Department of Fish and Wildlife. OAR 635-415, Fish and Wildlife Habitat Mitigation Policy.
- Oregon Department of Fish and Wildlife. (1990). [\*State Agency Coordination\*](#).
- Oregon Department of Fish and Wildlife (2007) [\*White River Wildlife Area Management Plan\*](#).
- Oregon Department of Fish and Wildlife (2009). [\*Lower Deschutes Wildlife Area Management Plan\*](#).
- Oregon Department of Geology and Mineral Industries. (1992). [\*State Agency Coordination Program\*](#).
- Oregon Department of State Lands (2012). [\*Oregon Wetland Monitoring and Assessment Strategy\*](#).
- Oregon Department of State Lands (2017). [\*Oregon Wetland Program Plan\*](#).
- Oregon Department of State Lands. (2006). [\*State Agency Coordination Program for Coordinating DSL's Activities with Cities and Counties, Tribal Governments, Federal and State Agencies, and Special Districts\*](#).
- 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*.

Oregon Parks and Recreation. [2015 Oregon Natural Areas Plan.](#)

Oregon Parks and Recreation. (2001). [The Oregon Scenic Waterways Program: A Landowner's Guide.](#)

Oregon Parks and Recreation. (1990). [State Agency Coordination Program.](#)

Oregon Water Resources Department. (1990). [Land Use Planning Procedures Guide: Water Resources Department State Agency Coordination Program.](#)

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

US Fish and Wildlife. [National Wild and Scenic Rivers System.](#)

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

## Appendix 5-A

## Riparian Areas

### Table 5.1 – Fish Species and Habitats in Wasco County

[illegible]

[illegible]

# Wildlife Habitat

Table 5.2 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											
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		
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
Northern Goshawk								R	R	R	R
French Red-legged Partridge								R	R	R	R
Wild Turkey								A	A	A	A
American Coot								C	C	C	C
Sandhill Crane								R	R	R	R
Spotted Sandpiper								R	R	R	R
Flammulated Owl								R	R	R	R
Snowy Owl								R	R	R	R
Northern Pygmy-owl								R	R	R	R
Great Gray Pwl								R	R	R	R
Black-chinned Hummingbird								U	C	C	C
Calliope Hummingbird								U	C	C	C
Rufous Hummingbird								U	C	C	C
Red-breasted Sapsucker								R	R	R	R
Willow Flyvatcher								C	C	C	C
Hammond's Flycatcher								U	C	C	C
Dusky Flycatcher								U	C	C	C
Pacific Slope Flycatcher								U	C	C	C
Blue Jay								R	R	R	R
American Crow								C	C	C	C
Moutain Chickadee								C	C	C	C
Plain Titmouse								C	C	C	C
Canyon Wren								U	C	U	U
Gray Catbird								R	R	R	R
European Starling								U	A	A	U

Warbling Vireo								U	C	C	C
Spotted Towhee								C	C	C	C
Pacific Loon										X	X
Common Loon								R		R	R
Pied-billed Grebe								U	R	U	R
Red-necked Grebe											X
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
Spotted Frog						F		X	X	X	X
Leopard Frog						F		X	X	X	X
Bullfrog											
<b>Reptiles</b>											
Painted Turtles						F		X	X	X	X
Northwestern Fence Lizard	C	C	C	C	F	C	C	X	X	X	X
Western Shink	F	F	F		F	F	F	X	X	X	X
Oregon Alligator Lizard		F	F			F	F	X	X	X	X
Rubber Boa						U		X	X	X	X
Sharp-tailed Snake		U	U			U		X	X	X	X
Stripped Whipsnake		U	U		F	U		X	X	X	X
Western Yellow-bellied Racer		U	U			U		X	X	X	X
Great Basin Gopher Snake	U	U	U	U		U		X	X	X	X
Pacific Gopher Snake		C	C	C		C	C	X	X	X	X
Valley Garter Snake		C	C	C		C	C	X	X	X	X
Wandering Garter Snake					U	U		X	X	X	X
Northern Pacific Rattlesnake	F	F	F	F	F	F	F	X	X	X	X
Western Ring-necked Snake	F	F	F	F	F	F	F	X	X	X	X
Great Basin Fence Lizard					F			X	X	X	X
Sagebrush Lizard	U	U	U	U	F	U	U	X	X	X	X
Side-blotched Lizard	U	U	U	U	F	U	U	X	X	X	X
Western Whiptail	U	U	U	U	U	U	U	X	X	X	X

Rocky Mt. Rubber Boa	U	U	U	U	U	U	U	X	X	X	X
Bullsnake			C	C	C	C	C	X	X	X	X
Night Snake	U	U	U	U	U	U	U	X	X	X	X
Western Pond Turtle											
Southern Alligator Lizard											
Western Fence Lizard											
Racer											
Western Terrestrial Garter Snake											
Common Garter Snake											
<b>Mammals</b>											
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

[illegible]

Sagebrush Vole											
North American Porcupine											
California Bighorn Sheep											
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											
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											

### **ESEE Analysis for EPD – 8 Sensitive Wildlife Habitat**

#### ***Executive Summary***

The Oregon Department of Fish and Wildlife (ODFW) made amendments to their Big Game Winter Range maps in 2012 with the launch of their Centralized Oregon Mapping Products and Analysis Support System, Compass. Significant portions of Wasco County, that were previously excluded because of protections inherent in the underlying zone and minimum parcel size (A-1(160)) were added to the Compass tool to accurately reflect the actual habitat of deer and elk.

This created a discrepancy between Wasco County's Environmental Protection District (EPD)-8 (Sensitive Wildlife Habitat) and the ODFW Big Game Winter Range.

Oregon Administrative Rules (OAR) 660-023, which relates to inventory, analysis and protection for Goal 5 resources provides insight into how jurisdictions should manage Wildlife Habitat. First, the "impact area" is defined by a map published by ODFW (OAR 660-023-0110). Second, an Economic, Social, Environmental and Energy (ESEE) Analysis must be conducted to determine conflicting uses within the impact area. Once the conflicting uses have been established, a program to protect big game habitat must be established.

Wasco County currently protects big game habitat through an overlay zone; EPD-8 currently requires all dwellings to locate within 300 feet of a road or easement unless it can be demonstrated protection values are greater elsewhere. EPD-8 also contains additional voluntary fencing standards. In addition, all conditional uses in Wasco County must demonstrate that the proposed use "will not significantly reduce or impair sensitive wildlife habitat" which requires comment from ODFW.

ODFW manages sensitive wildlife through management plans. Those species eligible for management include those that meet the criteria for OAR 635-100-0040. The Oregon Elk Management Plan (2003) is adopted by OAR 635-160-0000 as the plan to provide program direction, objectives and strategies for management, research and habitat needs. OAR 635-190-0000 adopts the Oregon Mule Deer Management Plan (2003) for similar purposes for the sensitive mule deer program.

#### ***The Oregon Elk Management Plan***

The Oregon Elk Management Plan identifies several land use related threats to Elk habitat and species including:

- Factors affecting elk security are topographic relief, vegetation density, and proximity to human activity.
- Disturbance and development impact on available forage/food sources.
- Increased motorized and non-motorized access and use of public lands from recreation creates disturbance to habitat and food supply.

### ***The Oregon Mule Deer Management Plan***

The Oregon Mule Deer Management Plan identifies several land use related threats to Mule Deer habitat and species including:

- Drought conditions which reduce forage and cover.
- Development and activity which creates disturbance and reduces deer security for reproduction, forage, and habitat.

### ***Conflicting Uses***

OAR 660-023-0040 (2) requires an examination of all zones within the impact area of the resource to understand possible conflicting uses. These are typically land uses allowed outright or conditionally by the zone. The zones impacted by the proposed map amendment include: F-1, F-2, A-1, and FF.

All of these zones permit a variety of uses and activities according to different review criteria. F-1, F-2, and A-1 are resource zones. The primary function of these zones is for the protection and maintenance of resource uses, including agriculture and forestry. The primary function of the FF zone is “to permit low-density residential development in suitable locations while reducing potential conflicts with agricultural uses, forestry uses, and open space” (Wasco County Land Use and Development Ordinance). All relevant zones include a variety of other uses including residential, commercial, and industrial.

Conflicting uses are defined by OAR 660-023-0010 as a “land use, or other activity reasonably and customarily subject to land use regulations that could adversely affect a significant Goal 5 resources.” The definition states that local jurisdictions are “not required to regard agricultural practices as conflicting uses.” These means that all non-agricultural practices and uses permitted in these zones must be examined for adverse impacts.

What follows is an analysis of the main categories of uses: resource, residential, commercial and industrial. As proscribed by OAR 660-023, three protection alternatives are evaluated

against these conflicting uses to determine what might be the most efficient, effective and equitable approach to protecting sensitive wildlife.

Based on current practice and models, staff is recommended the following three alternative scenarios for protection:

Allowed use:

This possible scenario would permit uses and activities, as allowed by the Wasco County Land Use and Development Ordinance, without additional criteria or regulations.

Environmental Protection District protections:

Current protections for sensitive wildlife are implemented through EPD-8 and the proposal is to amend that EPD map. Regulations tied to that map include some voluntary siting standards and that all new dwellings are required to locate with 300 feet of a road or access easement. Subject to standards (Type II) approvals are eligible for appeals by ODFW and all conditional use permits must demonstrate the development does not “significantly reduce or impair sensitive wildlife habitat” (Wasco County Land Use and Development Ordinance).

This possible scenario would maintain subject to standards and conditional use review requirements and possibly maintain additional standards with EPD-8 ordinance language, including siting of dwellings within 300 feet of roadways for the purposes of clustering.

Not allowed

Prohibiting uses which demonstrate significant impact and consequences is a possible option for protecting sensitive wildlife.

***Conflicting Uses***

The next section analyzes four categories of development activity, resource, residential, commercial, and industrial, and defines potential conflicts. Each use is evaluated according to the ESEE consequences and finally, a recommendation for protection is made.

*Resource Uses: (F-1, F-2, A-1)*

The majority of land being proposed to be added to EPD-8 is resource land, either forest or agricultural zoned. The resource uses in these zones include farm and forest practices as defined by state law, restoration activities, and limited transportation activity and

development. The policies that govern resource land uses are consistent with many of the strategies identified by ODFW for protection of sensitive wildlife habitat including:

- The preservation of a maximum amount of the limited supply of agricultural land (ORS 215.243).
- To conserve forest lands...consistent with sound management of soil, air, water, and fish and wildlife resources (OAR 660-015-0000(4)).

Based on these goals, the state defines a list of uses permitted in both exclusive farm use and forest zones and which uses and activities require a higher standard of review including additional criteria.

Historically, ODFW in Wasco County did not require inclusion of a large area of A-1 (160) properties, because it was determined the 160 acres typically provides inherent protections for sensitive wildlife. However, recent conversions of rangeland and farmland to commercial energy facilities created a need to better clarify which lands serve as winter range for deer and elk. ODFW continues to support that farm and forest uses consistent with farm and forest practices pose little conflict to sensitive wildlife habitat.

During a review of proposed map amendments, Wasco County staff presented to the public the opportunity to identify conflicting uses and ESEE consequences of limiting or prohibiting certain uses. This was done through a series of public meetings in February 2020, and surveys available online. During work sessions in February 2020, the public was also asked to identify their perceived conflicts and/or uses that don't conflict with the resources. The majority of participants identified, based on their experience with their own properties, that farm use does not present a conflict with protection of sensitive wildlife habitat.

A review of the literature suggests that livestock grazing (Vavra, 2005) and other agricultural activities can increase the nutritive quality of forage, the diversity of the habitat, and generally enhance wildlife habitat.

OAR 660-034-0010 on Goal 5 also states that "(l)ocal governments are not required to regard agricultural practices as conflicting uses." This clearly aligns with the feedback provided by ODFW and the public.

Based on feedback from ODFW, Wasco County citizens, and staff interpretation of Goal 5 and state law on Goal 5, staff finds that resource uses included in resource zones as permitted outright or with a Type 1 review are non-conflicting.

The recommendation will be to make these uses exempt from application of EPD-8 as they are not conflicting uses.

*Residential Uses: (F-1, F-2, A-1, FF-10)*

Residential development in conjunction with resource uses are allowed in A-1 and F-2 zones. Farm dwellings, lot of record dwellings and replacement dwellings are permitted in A-1 (160) subject to standards. In F-2, residential development is permitted, subject to standards, for lot of record or large tract dwellings. They are also permitted, subject to standards, in FF-10. Certain qualifying properties are also eligible, in A-1, for a non-farm related dwelling. In all relevant zones, temporary medical hardship dwellings are permitted subject to a conditional use review. These temporary dwellings are required to be serviced by the primary dwelling's water and septic.

In addition to the construction of homes, residential development may include the construction of other accessory structures, access drives, parking, landscaped areas, utility connections, and other related development. This type of development activity may include removal of vegetation or other natural features that make up sensitive wildlife habitat. It also has been demonstrated to be disruptive to wildlife resulting in changing patterns or mortality.

Once dwellings are in place, human occupancy creates household lights, noises, landscaping, and other human activities that may disturb wildlife and threaten their security. Research has found that noise can be a source of habitat degradation (Keyels, 2017). Light, according to the report, can also have a significant detrimental impact on ecosystem health (Longcore, 2016).

Traditionally, ODFW has identified that site location for residential development can be one of the most adverse impacts to sensitive wildlife. Elk and deer security and habitat can be disturbed by human activity such that it results in early mortality or impacts to reproduction. This is not only because of destruction of forage or food supply but also habitat for bedding, reproduction, and hiding from predators.

Clustering of activity has been found by ODFW and research to reduce negative impacts on wildlife habitat (Theobald, 1997). Deer and elk generally have been found to avoid roads in all instances except in highly developed migratory routes (Lendrum, 2012). The combination of clustering development and activity and doing so in relation to roads or similar infrastructure is understood to be a good mitigation strategy for conflicts between development and wildlife habitat. In Wasco County, this has been achieved by requiring residential development, with



some exceptions, to locate within 300 feet of a road or access easement. This keeps development clustered near an existing disturbance (roadway) and clustered together.

Clustering is especially invaluable when higher densities of development occur (Lendrum, 2012). When there is more dispersed development, like with farm dwellings and associated outbuildings on large acres, wildlife generally is able to make adjustments.

Residential development, because of the scale and density, are the least impactful non-resource use to occur on these lands. However, for the reasons explained above there are some potential impacts on the protected resource. Therefore, staff finds that residential uses are a conflicting use.

### ***Residential ESEE Analysis***

#### **Economic consequences:**

Allowed use (no protection):

No economic consequences have been identified for no protection of sensitive wildlife from residential development.

Environmental Protection District protections:

Current practice is to protect sensitive wildlife from residential development through the 300 feet requirement. This requires additional findings and a moderately complex review, which made add time or money on to a permitting process

Not allowed:

Eliminating the ability to build a residence in EPD-8 has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues.

#### **Social consequences:**

Allowed use (no protection):

Limited social consequences of no protection would be diminished scenic opportunities for wildlife viewing.

Environmental Protection District protections:

There are no known social consequences with mitigation via EPD 8.

Not allowed

Prohibiting residential activity may increase opportunities for scenic viewing, but will further compound housing needs throughout the county and contribute to further limit supply.

**Environmental consequences:**

Allowed use (no protection):

Allowing residential uses has potential environmental consequences including disturbance of wildlife habitat, the introduction of pollutants to the resource, and potential diminishment of food supply. Construction and development waste and disturbance and human occupancy related disturbance have been demonstrated to have significant impact on the natural resource.

Environmental Protection District protections:

Current practice is to protect sensitive wildlife habitat through additional setbacks for residential development, namely the 300 feet within a road standard. This requires a subject to standards review for residential development. Mitigation for impacts to habitat can be managed through the setback.

Not allowed:

Eliminating the ability to build a residence in EPD 8 has no known environmental consequences.

**Energy consequences:**

Allowed use (no protection):

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the dwelling.

Environmental Protection District protections:

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the dwelling.

Not allowed:

There are no known energy consequences of not allowing residential uses.

***Conclusions/Recommendations:***

Allowing residential uses without additional criteria or restriction does not ensure for protection of the resource in keeping with the ODFW management plans and general best practices for reducing impacts to big game. Because residential development carries with it potential for adverse impacts to sensitive wildlife habitat, a review requiring consideration of impacts and mitigation would be most consistent with the management plans.

Furthermore, current practice of requiring all new developments, with limited exceptions, locate within 300 feet of roadways clusters development in such a way that has been demonstrated to reduce or eliminate adverse impacts to sensitive wildlife habitat. Staff is recommending this provision remain in effect for all new dwellings, except farm dwellings and accessory farm dwellings.

As a farm use, farm dwellings are not required to be considered as a conflicting use and, due to the larger parcel sizes, are dispersed enough to show limited adverse impacts. Staff recommends the ordinance language be written to exempt farm dwellings but make clear that as subject to standards review permits, will still be required to adhere to ODFW notice and comment.

**Commercial Uses:** (F-1, F-2, A-1, FF)

Commercial uses in conjunction with resource uses are permitted in both resource zones. In addition, there are some additional non-resource commercial uses that may be permitted in the zones.

Table 1: Commercial Uses and Activities by Zone  
(SR (Subject to Review), CU (Conditional Use, NP (Not Permitted))

Commercial Use	F-1 (80)	F-2 (80)	A-1 (160)	FF-10
Winery	NP	NP	SR	NP
Farm Processing	NP	NP	CU	NP
Forest Processing	NP	SR	NP	NP
Farm Ranch Recreation	NP	NP	CU	NP
Major Home Occupation	CU	CU	CU	CU
Bed and Breakfast	NP	NP	CU	NP
Dog Kennels	NP	NP	CU	CU
Private Park, Campground, Playground	NP	CU	CU	CU
Golf Course	NP	NP	CU	NP
Fee Hunting/fishing Accommodations	NP	CU	NP	NP
Youth Camps	NP	CU	NP	NP

Public Park	NP	CU	CU	CU
Cemetery	NP	CU	SR	NP
Firearms Training Facility	NP	CU	NP	NP
Mobile Home Park	NP	NP	NP	NP
Retirement Center/nursing Home	NP	NP	NP	NP

Wineries in A-1 consist of growing grapes, processing, and manufacturing. Some agro-tourism activities also can be permitted with wineries. The commercial aspect involves a structure often with associated parking, outbuildings, landscaping and access road. Building placement and developing these assets typically involves clearing the existing vegetation. The loss of vegetation can lead to habitat loss and forage loss.

Once the buildings are in place, occupancy from workers and visitors can contribute light and noise pollution, pollution from vehicles and other human activity, and other disruptions to the natural environment.

Farm and Forest Processing have similar impacts, although the frequency or volume of visitors is significantly reduced.

Farm Ranch Recreation, and Bed and Breakfast lodging, which consists of visitors staying and recreating on farms, has similar impacts to wineries, with the primary difference being in production and overnight occupancy. Visitors engaging with the wildlife, or infrastructure built for recreation, may create erosion, pollution, or general disturbances to wildlife habitat. In the forest zone, fee hunting and fishing accommodations share impacts to farm accommodations.

Home Occupations carry with them the same impacts as residences plus any additional disturbances caused by the business related activity. Impacts are similar but amplified.

Dog Kennels carry impacts of residences with increased impact of animal and customer activity. The noise from animals can be disruptive to natural values as habitat and reduce big game security.

Golf Courses typically have limited structures but intensely landscaped property which could result in significant problems with erosion, invasive species, and destruction of habitat. Pollutants as a result of landscape may also get introduced to the resource from runoff or leeching. As indicated in the residential section, a high level of infrastructure or development is detrimental to population's security and foraging abilities.

Private and Public Parks or Campgrounds may include landscaping, infrastructure for recreation, or other modifications to the landscape that may introduce noise and other human impacts to the natural environment. Both deer and elk management plans cite recreation trips as a common disturbance adversely impacting both species.

Youth Camps typically involve overnight lodging, facilities for gathering and eating, and recreation resources. The density of people, required infrastructure, and activity associated with a youth camp could have impacts to wildlife and habitat through noise, pollution, and generally human activity.

Cemeteries, as a result of organic and inorganic decomposition, can introduce pollution to soil, ground water, and the resource. They typically carry with them minimal structures or infrastructures, but consistent digging for plots may contribute to soil erosion and impacts to the natural landscape that provides forage. Similarly, depending on landscaping practices, maintenance of the site may create disturbance of food sources.

Firearms Training Facility would contribute significant noise impacts unless mitigated through noise reducing building materials. Other impacts would be similar to other structures.

A Mobile Home or RV park involves dense siting of temporary or semi-permanent homes. The level of density increases potential noise and environmental pollution from human activity. Development also potentially disturbs food supply and habitat. The dense scale of development may also impact view corridors or scenic aspects of the resource.

A Retirement Center or Nursing Home is also a source of dense, shared housing with additional facilities often requiring a sizeable footprint. The scale of the building could introduce impacts associated with built environment as covered above.

Commercial Uses often require extensive site clearing and grading. As a result, the removal of vegetation and habitat are common. This can create a variety of issues including the elimination of shelter for security and plant life for forage. Similar to impacts discussed with residential use, commercial impact can be more significant due to the scale of structures and development.

Commercial uses also often carry with them dense human activity that can create noise, smells, and other impacts to the natural habitat as well as scenic and recreation values of the place. These impacts are discussed more thoroughly in the residential use section.

## ***Commercial ESEE Analysis***

### **Economic consequences:**

Allowed use (no protection):

If commercial development is allowed to occur in such a way that it creates the adverse impacts, the economic consequences may include: cost of future restoration of habitat.

Environmental Protection District protections:

Current practice is to protect sensitive wildlife habitat through EPD 8 and through review by ODFW for conditional uses, which most commercial uses are in the underlying zones. This requires additional findings and a moderately complex review, which made add time or money on to a permitting process.

The public identified the following possible consequences of limiting commercial uses:

Not allowed:

Eliminating the ability for commercial development in sensitive wildlife habitat land has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues. Commercial uses offer employment opportunities, economic growth, and support for existing businesses.

The public identified the following possible economic consequences of prohibiting commercial uses: loss of jobs, reduced value of property and increased time and money for permitting.

### **Social consequences:**

Allowed use (no protection):

The primary social consequence of allowing commercial uses without restriction would be diminished wildlife for viewing and hunting.

Environmental Protection District protections:

Current practice is to protect sensitive wildlife habitat through the application of EPD-8 and conditional use permit review. Because commercial uses are typically conditional use permits, ODFW is able to work on a project by project basis to recommend mitigation strategies, including different siting of development to reduce or eliminate adverse impacts to habitat and species.

The social consequences of limiting commercial uses, defined by the public include limitations on private property rights. The public also cited concerns about increases to traffic from clustered developments.

#### Not allowed

Commercial uses offer employment opportunities, economic growth, and support for existing businesses and residents. In some cases, these commercial enterprises may offer housing opportunities, recreation activities, and energy production which represent Statewide Land Use Planning Goals 10, 8 and 13.

The public identified concerns over limitations on private property rights.

#### **Environmental consequences:**

##### Allowed use (no protection):

Allowing commercial uses with no protections has potential environmental consequences including disturbance of wildlife habitat in terms of migration paths, foraging, security and reproduction sites. Big Game grazing can help reduce fire fuels and invasive species, according to the elk and deer management reports. Both plans stress primitive development, dispersed recreational activities, and limited access as beneficial environments for the stability and security of both animal populations. This habitat, according to ODFW, is also critical for a variety of other species including trees, plants, and animals. One example is the Oregon White Oak, which is habitat for species like the grey squirrel.

As the main mitigation strategy between development and protection of sensitive wildlife is relocation, fundamentally the lack of protections may be disastrous for multiple species and plants. The overall impacts of endangerment or extinction are manifold.

The public expressed concern that unmitigated commercial development poses the environmental threat of increased noise and fire risk.

##### Environmental Protection District protections:

Current practice is to protect sensitive wildlife habitat through the application of EPD-8 and conditional use permit review. Because commercial uses are typically conditional use permits, ODFW is able to work on a project by project basis to recommend mitigation strategies, including different siting of development to reduce or eliminate adverse impacts to habitat and species.

These steps are able to preserve wildlife habitat while protection environmental resources, suggesting limited consequences for this strategy.

Not allowed:

Eliminating the ability to build commercial use structures in sensitive wildlife habitat has no known environmental consequences.

### **Energy consequences:**

Allowed use (no protection):

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the commercial building.

Environmental Protection District protections:

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the commercial building.

Not allowed:

Not allowing commercial uses may help preserve existing energy sources for other uses. No other consequences are known.

### ***Conclusions/Recommendations:***

Allowing commercial uses without additional criteria does not ensure for protection of the resource in keeping with the ODFW management plans. Because any commercial development carries with it potential for adverse impacts to sensitive wildlife habitat, a review requiring consideration of impacts and mitigation should be required.

Economic impacts, such as lack of employment opportunities or business growth, coupled with affiliated social consequences suggest prohibiting commercial uses in big game winter range may be detrimental to Wasco County residents.

Most commercial uses in the underlying zones are conditional and subject to additional review by ODFW. Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings for adverse impacts. Evidence must demonstrate that the proposed use will not significantly reduce or impair sensitive wildlife habitat and generally safeguard the air, water and land quality. Possible



conditions may include siting requirements like clustering or limiting removal of critical habitat like tree clusters.

Implementation of EPD-8 with commercial subject to standards uses provides an opportunity to solicit feedback from ODFW for mitigation strategies that may be employed, like clustering, in a similar fashion to the conditional use permit review.

Staff is recommending all permitted commercial uses be subject to EPD-8 and, for conditional uses, to conditional use analysis and ODFW review.

**Industrial Uses:** (F-1, F-2, A-1, FF-10)

Table 2: Industrial Uses and Activities by Zone  
(SR (Subject to Review), CU (Conditional Use, NP (Not Permitted))

Industrial Use	F-1 (80)	F-2 (80)	A-1 (160)	FF-10
Utility Facility	CU	CU	SR	CU
Aggregate Mining	NP	NP	CU	CU
Asphalt Batching	CU	CU	CU	NP
Mineral Processing	CU	CU	CU	NP
Water Bottling	NP	NP	CU	NP
Manufacturing	NP	NP	NP	NP

Utility facilities are permitted, following review, in all zones within sensitive wildlife habitat overlay. The installation of utility facilities typically involves construction activities that disturb wildlife habitat. Once construction has been completed, utility facilities may have, depending on the type, continued impacts to the natural area from noise, development in migratory paths, and the reduction of foraging.

Mining, mineral processing, asphalt batching and other related uses and activities can create a variety of disturbances and pollution that can be detrimental to the resource. Noise, dust, odors, ground disturbance and blasting which can cause ground shaking or seismicity are commonly cited impacts from mining. Mining also typically involves a large footprint of disturbance over an entire property limiting connections between adjacent parcels for migration, food supply, and security.

Water bottling and extraction, which involves components of industrial production, would have significant impacts on the resource including erosion, pollution, scenic impacts, noise, and development disruption of habitat.

Manufacturing and other industrial uses are not permitted in the underlying zones.

Generally, the scale of development and disturbance can adversely impact sensitive wildlife by disrupting migration paths, reducing forage and habitat for security and reproduction, and introducing a high level of human activity to the natural environment.

### ***Industrial ESEE Analysis***

#### **Economic consequences:**

Allowed use (no protection):

If industrial development is allowed to occur in such a way that it creates the adverse impacts, the economic consequences may include: cost of future clean up and restoration.

Environmental Protection District protections:

Current practice is to protect sensitive wildlife habitat through EPD-8 and conditional use review and conditions. This requires additional findings and a moderately complex review, which made add time or money on to a permitting process.

Not allowed:

Eliminating the ability for industrial development along the White River has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues. Industrial uses offer employment opportunities, economic growth, and support for existing businesses.

#### **Social consequences:**

Allowed use (no protection beyond EPD-1 and setbacks):

Allowing industrial uses without protections could have significant social consequences.

Industrial activity, by its nature, is typically done at a scale and in the type of structures that doesn't blend with the natural environment. Industrial uses and activities also typically create noise, smells, and other emissions that may be undesirable to visitors and residents as well as wildlife.

Environmental Protection District protections:

There are limited social consequences to allowing industrial activity with a conditional use review and application of EPD-8, and these protections offer mitigation to some of the impacts that have a connection to social values including aesthetics and recreation. The primary concern expressed from the public was “red tape”, or the increased time of added process.

Not allowed

The public expressed concern that people will give up when faced with “red tape” and that will limit use of private property.

### **Environmental consequences:**

Allowed use (no protection):

Allowing industrial uses with limited protections has potential environmental consequences including impacts to ground water quality, disturbance of wildlife habitat, and the introduction of pollutants to the resource. Industrial activities typically occur at a scale and with materials that can be especially detrimental to the natural environment.

Noise is one of the most obvious adverse impacts of industrial uses that could threaten wildlife habitat. Machinery noise from manufacturing, storage yards, auto repair, or other activities can be disruptive to security, migration and reproduction. It also can impact the perceived human experience of the scenic and recreation resource. Additional traffic, particularly that of heavy machinery or trucks, can create noise, have leaks, or create ground disturbance. This can introduce a variety of pollutants to ground, which can, in turn, reduce the quality of food supply. This can also disrupt the scenic values by introducing noise that is at a higher volume than ambient.

Waste, by product, drainage, leeching, and spills can contaminate soil and groundwater through a variety of accidental or intentional activities. Industrial activity tends to generate pollutants by its very nature, lending to exposure to the resource.

Some permitted industrial uses involve application of chemicals or other practices which may release noxious odors. Smells generated from certain types of industrial activities may impact wildlife or human visitors.

Industrial uses also often require complete site clearing and grading, with the retention of few if any natural resources on a site. They therefore can have more severe environmental effects than other uses. Industrial uses also often draw substantial amounts of water from wells or

public water sources, drawing down the water table which can, in turn, reduce food and water supply for wildlife.

There are significant potential environmental consequences for allowing industrial uses without additional protections.

Environmental Protection District protections:

Current practice is to protect sensitive wildlife habitat through EPD-8 and conditional use review and conditions with the goal of mitigation. There are no known environmental consequences of this strategy.

Not allowed:

Eliminating industrial uses within sensitive wildlife habitat has no known environmental consequences.

### **Energy consequences:**

Allowed use (no protection):

Industrial uses may require large amounts of power for operation requiring additional infrastructure or development to support the demand.

Environmental Protection District protections:

Industrial uses may require large amounts of power for operation requiring additional infrastructure or development to support the demand. This would typically be outside the purview of the Wasco County Planning Department review.

Large scale commercial energy projects are subject to conditional reviews which allow for input from ODFW on adverse impacts and mitigation strategies. This allows for continued access or development of alternative energy sources while reducing or eliminating adverse impacts to sensitive wildlife and habitat.

Not allowed:

Removing opportunities for the development of alternative energy could reduce the resiliency of Wasco County and its residence. Comments from the public indicated a concern in increased costs in the lack of availability of energy sources.

### ***Conclusions/Recommendations:***

Industrial uses pose significant potential environmental, social and energy consequences. These include adverse impacts like noise, erosion, pollution, ground disturbance, waste, and scenic disruption. Allowing without or minimal restrictions create a scenario where the uses are likely to adversely impact sensitive wildlife habitat.

To balance environmental impacts and social consequences with potential economic and energy consequences, industrial uses should, at a minimum, be required to meet conditional use criteria demonstrating no adverse impact to wildlife or, mitigation strategies that meet with approval of ODFW. Because many of the uses and activities are diverse, the ability to apply rules with discretion towards individual conditions provide for an equitable solution.

Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings made regarding adverse impacts. Evidence must demonstrate that the proposed use will have minimal impact from dust, noise, and odor during construction, will not significantly reduce or impair sensitive wildlife habitat and generally safeguard the air, water and land quality. Findings would also need to demonstrate how the proposed development does not impact the scenic aspect of wildlife and wildlife habitat.

Staff is recommending the continued application of conditional use criteria for industrial uses that allows for ODFW comment and mitigation in conjunction with the additional review required by EPD-8.

To strengthen and clarify EPD-8, staff is recommending the language within the LUDO be re-written to clearly indicate which resource uses are exempt and that other uses are subject to ODFW review.

Environmental Protection Agency. (2013). *Our Built and Natural Environments: A Technical Review of the Interactions Among Land Use, Transportation, and Environmental Quality*. <https://www.epa.gov/sites/production/files/2014-03/documents/our-built-and-natural-environments.pdf>

Keyel, A., et al (2017). *Evaluating anthropogenic noise impacts on animals in natural areas*. <https://pdfs.semanticscholar.org/daa1/bfefd87455d8e923496b188c2f6600b76306.pdf>

Lendrum, P. et al. (2012). Habitat selection by mule deer during migration: effects of landscape structure and natural-gas development. *Ecosphere*; 3(9), p. 1-19.

Longcore, T. et al (2016). *Artificial night lighting and protected lands: ecological effects and management approaches*. Natural Resource Report.

Pejchar, L., et al (2015). *Consequences of residential development for biodiversity and human well-being*. Front Ecol Environ; 13(3), p. 146-153.

Natural Resources Conservation Service. (2008). *Urban Soil Erosion and Sediment Control: Conservation Practices for Protecting and Enhancing Soil and Water Resources in Growing and Changing Communities*.

[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs141p2\\_034363.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs141p2_034363.pdf)

Theobald, D. et al. (1997.) Estimating the cumulative effects of development on wildlife habitat. Landscape and Urban Planning; 39(1), p. 25-36.

Vavra, M. (2005). *Livestock Grazing and Wildlife: Developing Compatibilities*. Rangeland Ecology and Management; 58(2), p. 128-134.

### **ESEE Analysis for EPD – 12 Sensitive Birds**

#### ***Executive Summary***

Wasco County entered Periodic Review in 2004 to make specific Goal 5 updates including adopting EPD-12 map and ordinance language for the protection of sensitive bird species. This data has not been updated since.

Numerous commercial energy facility applications in Wasco County over the last decade have resulted in significant additional data and changes to existing data that prompted ODFW to identify the need for an updated EPD-12. This is, in part, due to the perceived and real risk to raptor and other avian species from wind turbines. There was also an ongoing statewide nesting study for Golden Eagle that has increased the available data for sites.

Oregon Administrative Rules (OAR) 660-023, which relates to inventory, analysis and protection for Goal 5 resources provides insight into how jurisdictions should manage Wildlife Habitat. First, the “impact area” is defined by a map published by ODFW (OAR 660-023-0110). Second, an Economic, Social, Environmental and Energy (ESEE) Analysis must be conducted to determine conflicting uses within the impact area. Once the conflicting uses have been established, a program to protect sensitive bird sites must be established.

Wasco County currently protects sensitive bird habitat through an overlay zone; EPD-12 currently requires all development within the buffers to submit a sensitive resource plan in conjunction with a development application. The sensitive resource plan includes the proposed location of development, a map of existing development and supporting infrastructure, an outline of operating characteristics, timing of construction and a description of existing vegetation and vegetation proposed to be removed. This is then evaluated by ODFW who can provide mitigation strategies, including timing construction outside of nesting window for identified species.

There are several components of this protection plan. The first, foundational component are the buffers. The buffers are dictated by the species and individual site characteristics which influence the sensitivity to disturbance (Blumstein, 2003 and Harness, 2015). These buffers have been dictated by best practices in wildlife management and recommended by the biologists of Oregon Department of Fish and Wildlife. According to local ODFW biologists, the buffers are the minimum distance required between humans and nesting sites to reduce or eliminate disturbances.

Buffers have been found to be one of the most effective management strategies, but need to be specialized by species (Harness, 2015). For instance, research has shown that big raptors that nest in trees have greater sensitivity to disturbance than raptors nesting in cliffs. Spatial and temporal buffer zones have been successful in reducing raptor disturbance (Richardson, 1997). Overall, the abundance of nesting sites correlates to the health of the species (USFW, 2002).

Human disturbance is a greater factor in nest abandonment than habitat destruction in many cases (USFW, 2002). Human disturbance can include walking, driving or other movement near nest sites (Holmes, 1993). The scale, intensity and timing of all uses and activities will have varying impacts on species, which is why it's also critical to examine on a case by case basis (Harness, 2015). Quality habitat is most important during breeding season when birds nest in trees, cliffs, and other spaces. According to US Fish and Wildlife: "If that habitat is destroyed or disturbed during the breeding season, nests may be lost or abandoned or productivity may be reduced" which has a chain effect across populations nationally (<https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/habitat-impacts.php>). US Fish and Wildlife identifies that the best method for avoiding habitat impacts are "to avoid placing development and energy projects in or near important bird habitat" (<https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/habitat-impacts.php>). In

addition to nest abandonment, human disturbance at nesting sites can result in nestling mortality (USFW, 2002).

A scientific literature review shows the most two successful approaches to protecting raptors are first, to prevent human access to nesting sites and second, putting in place temporal activity and use management based on nesting cycles (Knight, 1988). The first strategy is most often used with threatened and endangered species, as prohibiting all use and activity can be difficult to require, monitor and enforce (Knight, 1988). The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) identifies criminal penalties for the disturbance of eagles and nest sites. This includes nest abandonment which results from disturbance. Typically, this method is only a recommended strategy for sensitive birds in Wasco County.

The second strategy is most successful for mitigating impacts when development and activity is unavoidable (Knight, 1988). This includes identifying a buffer zone for disturbance, and then limiting activity and uses from occurring within the nesting and reproductive cycles of the species. Because many of the nest site features and species characteristics are unique, this level of mitigation needs to be applied on a case by case basis.

The Utah Field Office US Fish and Wildlife guidelines recommend the following strategies to reduce nest abandonment and disturbance driven mortality of species:

- Avoid disturbance
- Retain or increase snags
- Place new construction and human activities within already disturbed areas and/or within areas that reduce loss of nesting/roosting habitat.
- Limit the project footprint to the smallest area necessary,
- Reclaim disturbed areas (including roads) following construction and completion of project activities.
- Reduce or close road use within high use raptor areas. Reduce maximum allowable speeds. Reduce access to minimize recreational activity and human-raptor interactions.
- Increase prey habitat through vegetation planting or thinning.
- Install and maintain powerlines and other tall utilities in a way that will reduce raptor collision, electrocution, etc.

Based on their extensive analysis, the Utah Field Office USFW recommended some additional land use planning specific guidelines for mitigating impacts to raptors:



- Create buffer zones to restrict human activity within the spatial boundaries.
- For activity within the buffer zones, they should be timed to coincide with when most raptors leave their roost.
- Activities should not occur within buffers during courtship/nest selection season.
- Long-term land use activities and human activities should be restricted near nesting sites up to seven years.

These findings and recommendations represent the current strategies for mitigating impacts to sensitive bird species and detail the human disturbances that result in nest abandonment and mortality. The USFW paper clearly indicates that all land use and human activities represent conflict with sensitive birds, and that they are often unique to individual landscapes, which supports Wasco County's current strategy of requiring a sensitive resource plan for all use and activity within the buffer site, excepting some forest and farm uses.

The following analysis identifies conflicting uses in the underlying zones for proposed new sites and then goes through the ESEE consequences for three alternatives to Goal 5 protection: no protection, EPD-12, and prohibiting uses.

### ***Conflicting Uses***

OAR 660-023-0040 (2) requires an examination of all zones within the impact area of the resource to understand possible conflicting uses. These are typically land uses allowed outright or conditionally by the zone. The zones impacted by the proposed map amendment include: F-1, F-2, A-1, FF, and TV-R.

OAR 660-023-0060 requires opportunities for citizen involvement during the inventory and ESEE process. In addition to providing notice, Wasco County staff presented to the public the opportunity to identify conflicting uses and ESEE consequences of limiting or prohibiting certain uses. This was done through a series of public meetings in February 2020 and surveys available online. During work sessions in February 2020, the public was also asked to identify their perceived conflicts and/or uses that don't conflict with the resources. The input received during these sessions has become part of the analysis for conflicting uses and ESEE impacts.

All of these zones permit a variety of uses and activities according to different review criteria. F-1, F-2, and A-1 are resource zones. The primary function of these zones is for the protection and maintenance of resource uses, including agriculture and forestry. The primary function of

the FF zone is “to permit low-density residential development in suitable locations while reducing potential conflicts with agricultural uses, forestry uses, and open space” (Wasco County Land Use and Development Ordinance). TV-R is a rural service center residential zone which primary function is for residential development. All relevant zones include a variety of other uses including residential, commercial, and industrial.

Conflicting uses are defined by OAR 660-023-0010 as a “land use, or other activity reasonably and customarily subject to land use regulations that could adversely affect a significant Goal 5 resources.” The definition states that local jurisdictions are “not required to regard agricultural practices as conflicting uses.” Similarly, Wasco County and ODFW have identified that forest practices subject to ORSS 527.610 to 527.770 are not subject to additional sensitive bird overlay regulations; Oregon forest practice laws require specific mitigation strategies for forestry uses and harvest which do not fall into the authority of the planning department but instead are implement by the Oregon Department of Forestry. This means that all non-agricultural and non-forest practices and uses permitted in these zones must be examined for adverse impacts.

What follows is an analysis of the main categories of uses: residential, commercial and industrial. As proscribed by OAR 660-023, three protection alternatives are evaluated against these conflicting uses to determine what might be the most efficient, effective and equitable approach to protecting sensitive wildlife.

Based on current practice and models, staff is recommended the following three alternative scenarios for protection:

Allowed use:

This possible scenario would permit uses and activities, as allowed by the Wasco County Land Use and Development Ordinance, without additional criteria or regulations.

Environmental Protection District protections:

Current protections for sensitive birds are implemented through EPD-12 and the proposal is to amend that EPD map. The current protections associated with the map require that all non-farm and non-forest development applications or land divisions submit a sensitive resource plan for evaluation by ODFW with possible mitigation recommendation including moving the project site, limiting construction times, and changing lights and other disturbance features from the design.

Not allowed

Prohibiting uses which demonstrate significant impact and consequences is a possible option for protecting sensitive birds.

### ***Conflicting Uses***

The next section analyzes four categories of development activity residential, commercial, industrial, and energy facilities and defines potential conflicts. Each use is evaluated according to the ESEE consequences and finally, a recommendation for protection is made. Staff has elected to segregate energy uses from the commercial/industrial heading due to height and other characteristics of commercial energy projects that make them unique.

#### *Residential Uses: (F-1, F-2, A-1, FF-10, TV-R)*

Residential development in conjunction with resource uses are allowed in A-1 and F-2 zones. Farm dwellings, lot of record dwellings and replacement dwellings are permitted in A-1 (160) subject to standards. In F-2, residential development is permitted, subject to standards, for lot of record or large tract dwellings. They are also permitted, subject to standards, in FF-10. The TV-R zone's main purpose is to provide for single family residences, but also permits conditionally multi-family dwellings. Certain qualifying properties are also eligible, in A-1, for a non-farm related dwelling. In all relevant zones, temporary medical hardship dwellings are permitted subject to a conditional use review. These temporary dwellings are required to be serviced by the primary dwelling's water and septic.

In addition to the construction of homes, residential development may include the construction of other accessory structures, access drives, parking, landscaped areas, utility connections, and other related development. This type of development activity may include removal of vegetation or other natural features that make up sensitive wildlife habitat. It also has been demonstrated to be disruptive to wildlife resulting in changing patterns or mortality.

Once dwellings are in place, human occupancy creates household lights, noises, landscaping, and other human activities that may disturb wildlife and threaten their security. Research has found that noise can be a source of habitat degradation (Keyels, 2017). Light, according to the report, can also have a significant detrimental impact on ecosystem health (Longcore, 2016) and disturb nesting (ODFW, 2006).

Residential development, because of the scale and density, are the least impactful non-resource use to occur on these lands. However, for the reasons explained above there are

some potential impacts on the protected resource. Therefore, staff finds that residential uses are a conflicting use.

### ***Residential ESEE Analysis***

#### **Economic consequences:**

##### Allowed use (no protection):

There are potential economic costs to the lack of protection including restoration efforts, moving nesting sites, and

##### Environmental Protection District protections:

Current practice is to protect sensitive birds from residential development by mitigating site specific conditions and construction timing. This typically adds more cost to a development application due to more criteria.

##### Not allowed:

Eliminating the ability to build a residence in EPD-12 has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues.

#### **Social consequences:**

##### Allowed use (no protection):

Limited social consequences of no protection would be diminished scenic opportunities for bird viewing.

##### Environmental Protection District protections:

Social consequences may include additional time associated with more criteria and review by ODFW for development applications, inconvenience for buildings schedules or redesigns of structures, and limitations for things like outdoor lights.

The public also cited concerns about restrictions on private property.

##### Not allowed

Prohibiting residential activity may increase opportunities for scenic viewing, but will further compound housing needs throughout the county and contribute to further limit supply.

Members of the public expressed concern that prohibition would deprive land owners the use of their land.

**Environmental consequences:**

Allowed use (no protection):

Allowing residential uses has potential environmental consequences including disturbance of nesting sites and the introduction of pollutants to food sources or habitat. Construction and development waste and disturbance and human occupancy related disturbance have been demonstrated to have significant impact on the natural resource.

The reduction in some species that serve as predators for other species could create significant ecological impacts.

Environmental Protection District protections:

Mitigation strategies on a site by site basis demonstrate no known environmental consequences.

Not allowed:

Eliminating the ability to build a residence in EPD 12 has no known environmental consequences.

**Energy consequences:**

Allowed use (no protection):

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the dwelling.

Environmental Protection District protections:

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the dwelling.

Not allowed:

There are no known energy consequences of not allowing residential uses.

***Conclusions/Recommendations:***

Allowing residential uses without additional criteria or restriction does not ensure for protection of the resource in keeping with the ODFW conservation strategies, federal law and general best practices for reducing impacts to sensitive birds. Because residential development carries with it potential for adverse impacts to sensitive birds, a review requiring consideration of impacts and mitigation would be most consistent with the best practices.

Staff is recommending maintaining the current EPD-12 standards for all new dwelling development within the overlay zone. This includes any development in the newly identified buffers.

**Commercial Uses:** (F-1, F-2, A-1, FF, TV-R)

Table 1: Commercial Uses and Activities by Zone  
(SR (Subject to Review), CU (Conditional Use, NP (Not Permitted))

Commercial Use	F-1 (80)	F-2 (80)	A-1 (160)	FF-10	TV-R
Winery	NP	NP	SR	NP	NP
Farm Processing	NP	NP	CU	NP	NP
Forest Processing	NP	SR	NP	NP	NP
Farm Ranch Recreation	NP	NP	CU	NP	NP
Major Home Occupation	CU	CU	CU	CU	CU
Bed and Breakfast	NP	NP	CU	NP	CU
Dog Kennels	NP	NP	CU	CU	NP
Private Park, Campground, Playground	NP	CU	CU	CU	CU
Golf Course	NP	NP	CU	NP	CU
Fee Hunting/fishing Accommodations	NP	CU	NP	NP	NP
Youth Camps	NP	CU	NP	NP	NP
Public Park	NP	CU	CU	CU	CU
Cemetery	NP	CU	SR	NP	NP
Firearms Training Facility	NP	CU	NP	NP	NP
Mobile Home Park	NP	NP	NP	NP	CU
Retirement Center/nursing Home	NP	NP	NP	NP	CU

Wineries in A-1 consist of growing grapes, processing, and manufacturing. Some agro-tourism activities also can be permitted with wineries. The commercial aspect involves a structure often with associated parking, outbuildings, landscaping and access road. Building placement and developing these assets typically involves clearing the existing vegetation. The loss of vegetation can lead to habitat loss and forage loss.

Once the buildings are in place, occupancy from workers and visitors can contribute light and noise pollution, pollution from vehicles and other human activity, and other disruptions to the natural environment. This level of human activity is likely to create disturbance, particularly for highly sensitive species. Disturbance can lead to nest abandonment.

Farm and Forest Processing have similar impacts, although the frequency or volume of visitors is significantly reduced.

Farm Ranch Recreation, and Bed and Breakfast lodging, which consists of visitors staying and recreating on farms, has similar impacts to wineries, with the primary difference being in production and overnight occupancy. Visitors engaging with the wildlife, or infrastructure built for recreation, may create erosion, pollution, or general disturbances to habitat. In the forest zone, fee hunting and fishing accommodations share impacts to farm accommodations. Generally, this scale of development within the buffer is likely to create disturbance, particularly for sensitive species.

Home Occupations carry with them the same impacts as residences plus any additional disturbances caused by the business related activity. Impacts are similar but amplified.

Dog Kennels carry impacts of residences with increased impact of animal and customer activity. The noise from animals can be disruptive to natural values as habitat and cause disturbance to nesting.

Golf Courses typically have limited structures but intensely landscaped property which could result in significant problems with erosion, invasive species, and destruction of habitat. Pollutants as a result of landscape may also get introduced to the resource from runoff or leeching. The noise from activity and the airborne golf balls may also introduce disturbance to habitat.

Private and Public Parks or Campgrounds may include landscaping, infrastructure for recreation, or other modifications to the landscape that may introduce noise and other human impacts to the natural environment. They also typically involve some kind of development that may contribute to disturbance through light, dust, and activity during nesting season.

Youth Camps typically involve overnight lodging, facilities for gathering and eating, and recreation resources. The density of people, required infrastructure, and activity associated with a youth camp could have impacts to wildlife and habitat through noise, pollution, and generally human activity.

Cemeteries, depending on landscaping practices, maintenance of the site may create disturbance of food sources.

Firearms Training Facility would contribute significant noise impacts unless mitigated through noise reducing building materials. Other impacts would be similar to other structures.

A Mobile Home or RV park involves dense siting of temporary or semi-permanent homes. The level of density increases potential noise and environmental pollution from human activity. Development also potentially disturbs food supply and habitat. The dense scale of development may also impact view corridors or scenic aspects of the resource.

A Retirement Center or Nursing Home is also a source of dense, shared housing with additional facilities often requiring a sizeable footprint. The scale of the building could introduce impacts associated with built environment as covered above.

Commercial uses also often carry with them dense human activity that can create noise, smells, and other impacts to the natural habitat as well as scenic and recreation values of the place. These impacts are discussed more thoroughly in the residential use section. This can be particularly problematic if activity is occurring during nesting seasons.

### ***Commercial ESEE Analysis***

#### **Economic consequences:**

Allowed use (no protection):

If commercial development is allowed to occur in such a way that it creates the adverse impacts, the economic consequences may include: cost of future restoration of habitat.

Environmental Protection District protections:

Current practice is to protect sensitive wildlife habitat through EPD 12 and require a sensitive resource plan which is reviewed by ODFW for mitigation strategies based on location and site characteristics. This requires additional findings and a moderately complex review, which made add time or money on to a permitting process.

The public identified the following possible consequences of limiting commercial uses: loss of jobs.

Not allowed:



Eliminating the ability for commercial development in sensitive wildlife habitat land has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues. Commercial uses offer employment opportunities, economic growth, and support for existing businesses.

### **Social consequences:**

Allowed use (no protection):

The primary social consequence of allowing commercial uses without restriction would be diminished wildlife for viewing.

Environmental Protection District protections:

The public cited “red tape” as a social consequence of limitations

Not allowed

Commercial uses offer employment opportunities, economic growth, and support for existing businesses and residents. In some cases, these commercial enterprises may offer housing opportunities, recreation activities, and energy production which represent Statewide Land Use Planning Goals 10, 8 and 13.

The public identified concerns over limitations on private property rights.

### **Environmental consequences:**

Allowed use (no protection):

Allowing commercial uses with no protections has potential environmental consequences including disturbance of nesting and reproduction, impacts to food supply, and the overall impacts to the ecology.

As the main mitigation strategy between development and protection of sensitive birds is relocation, fundamentally the lack of protections may be disastrous for most species. The overall impacts of endangerment or extinction are manifold.

Environmental Protection District protections:

The mitigation steps are able to preserve wildlife habitat while protection environmental resources, suggesting limited consequences for this strategy.

Not allowed:

Eliminating the ability to build commercial use structures in sensitive birds has no known environmental consequences.

**Energy consequences:**

Allowed use (no protection):

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the commercial building.

Environmental Protection District protections:

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the commercial building.

Not allowed:

Not allowing commercial uses may help preserve existing energy sources for other uses. No other consequences are known.

***Conclusions/Recommendations:***

Allowing commercial uses without additional criteria does not ensure for protection of the resource in keeping with the ODFW and USFW guidelines. Because any commercial development carries with it potential for adverse impacts to sensitive birds and nesting sites, a review requiring consideration of impacts and mitigation should be required.

Economic impacts, such as lack of employment opportunities or business growth, coupled with affiliated social consequences suggest prohibiting commercial uses within the sensitive bird buffers may be detrimental to Wasco County residents.

Most commercial uses in the underlying zones are conditional and subject to additional review by ODFW. Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings for adverse impacts. Evidence must demonstrate that the proposed use will not significantly reduce or impair sensitive wildlife habitat and generally safeguard the air, water and land quality. Coupled with the requirement for a sensitive resource plan and case by case analysis, staff feels the Goal 5 resource can be protected consistent with guidelines.

Staff is recommending all permitted commercial uses be subject to EPD-12 and mitigation strategies suggested by ODFW on a case by case basis.

**Industrial Uses:** (F-1, F-2, A-1, FF-10, TV-R)

Table 2: Industrial Uses and Activities by Zone

(SR (Subject to Review), CU (Conditional Use, NP (Not Permitted))

Industrial Use	F-1 (80)	F-2 (80)	A-1 (160)	FF-10	TV-R
Utility Facility (non-energy)	CU	CU	SR	CU	CU
Aggregate Mining	NP	NP	CU	CU	NP
Asphalt Batching	CU	CU	CU	NP	NP
Mineral Processing	CU	CU	CU	NP	NP
Water Bottling	NP	NP	CU	NP	NP
Manufacturing	NP	NP	NP	NP	NP

Utility facilities are permitted, following review, in all zones within sensitive bird overlay. The installation of utility facilities typically involves construction activities that can disturb nesting. Once construction has been completed, utility facilities may have, depending on the type, continued impacts to the natural area from noise, development in migratory paths, and the reduction of food sources.

Mining, mineral processing, asphalt batching and other related uses and activities can create a variety of disturbances and pollution that can be detrimental to the resource. Noise, dust, odors, ground disturbance and blasting which can cause ground shaking or seismicity are commonly cited impacts from mining.

Water bottling and extraction, which involves components of industrial production, would have significant impacts on the resource including erosion, pollution, scenic impacts, noise, and development disruption of habitat.

Manufacturing and other industrial uses are not permitted in the underlying zones.

Generally, the scale of development and disturbance can adversely impact sensitive birds by disrupting migration paths, disturbing nesting resulting in nest abandonment, and potentially impact food sources.

**Industrial ESEE Analysis**

**Economic consequences:****Allowed use (no protection):**

If industrial development is allowed to occur in such a way that it creates the adverse impacts, the economic consequences may include: cost of future restoration.

**Environmental Protection District protections:**

Application of EPD 12 review procedures requires additional findings and a moderately complex review, which made add time or money on to a permitting process.

**Not allowed:**

Eliminating the ability for industrial development within the sensitive bird overlay zone has tax revenue implications for Wasco County. Industrial uses offer employment opportunities, economic growth, and support for existing businesses.

**Social consequences:****Allowed use (no protection beyond EPD-1 and setbacks):**

Allowing industrial uses without protections could have significant social consequences. Industrial activity, by its nature, is typically done at a scale and in the type of structures that doesn't blend with the natural environment. Industrial uses and activities also typically create noise, smells, and other emissions that may be undesirable to visitors and residents as well as wildlife.

**Environmental Protection District protections:**

There are limited social consequences to allowing industrial activity with a conditional use review and application of EPD-12, and these protections offer mitigation to some of the impacts that have a connection to social values including aesthetics and ecology.

**Not allowed**

The public cited social concerns of limiting industrial uses within the sensitive bird overlay zone but did not specify what particular concerns they had. It is likely the primary concerns were related to the restriction of property rights.

**Environmental consequences:****Allowed use (no protection):**

Allowing industrial uses with no protections has potential environmental consequences including disturbance of nesting and pollution of natural environment impacting food supply. Industrial activities typically occur at a scale and with materials that can be especially detrimental to the natural environment.

Noise is one of the most obvious adverse impacts of industrial uses that could threaten wildlife habitat. Machinery noise from manufacturing, storage yards, auto repair, or other activities can be disruptive to nesting as evidenced by research. Additional traffic, particularly that of heavy machinery or trucks, can create noise, have leaks, or create ground disturbance. This can introduce a variety of pollutants to ground, which can, in turn, reduce the quality of food supply. This can also disrupt the scenic values by introducing noise that is at a higher volume than ambient.

Waste, by product, drainage, leeching, and spills can contaminate soil and groundwater through a variety of accidental or intentional activities. Industrial activity tends to generate pollutants by its very nature, leading to exposure to the resource.

Some permitted industrial uses involve application of chemicals or other practices which may release noxious odors. Smells generated from certain types of industrial activities may impact wildlife or human visitors.

Industrial uses also often require complete site clearing and grading, with the retention of few if any natural resources on a site. They therefore can have more severe environmental effects than other uses. Industrial uses also often draw substantial amounts of water from wells or public water sources, drawing down the water table which can, in turn, reduce food and water supply for wildlife.

There are significant potential environmental consequences for allowing industrial uses without additional protections.

Environmental Protection District protections:

There are no known environmental consequences of this strategy.

Not allowed:

Eliminating industrial uses within sensitive wildlife habitat has no known environmental consequences.

**Energy consequences:**

Allowed use (no protection):

Industrial uses may require large amounts of power for operation requiring additional infrastructure or development to support the demand.

Environmental Protection District protections:

A case by case analysis of industrial uses within specific sites should produce no known consequences.

Not allowed:

There are no known energy consequences of prohibition of industrial uses.

***Conclusions/Recommendations:***

Industrial uses pose significant potential environmental, social and energy consequences. These include adverse impacts like noise, erosion, pollution, nesting disturbance, and scenic disruption. Allowing without or minimal restrictions create a scenario where the uses are likely to adversely impact sensitive birds.

To balance environmental impacts and social consequences with potential economic and energy consequences, industrial uses should be required to meet conditional use criteria demonstrating no adverse impact to wildlife or, mitigation strategies that meet with approval of ODFW based on the EPD-12 required submission of a sensitive resource plan. Because many of the uses and activities are diverse, the ability to apply rules with discretion towards individual conditions provide for an equitable solution.

Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings made regarding adverse impacts. Evidence must demonstrate that the proposed use will have minimal impact from dust, noise, and odor during construction, will not significantly reduce or impair sensitive wildlife habitat and generally safeguard the air, water and land quality. Findings would also need to demonstrate how the proposed development does not impact the scenic aspect of wildlife and wildlife habitat.

Staff is recommending the continued application of conditional use criteria for industrial uses that allows for ODFW comment and mitigation in conjunction with the additional review of the site specific features required by EPD-12.

**Commercial Energy Facilities:**

(F-1, F-2, A-1, FF-10, TV-R)

Table 2: Industrial Uses and Activities by Zone

(SR (Subject to Review), CU (Conditional Use, NP (Not Permitted))

Industrial Use	F-1 (80)	F-2 (80)	A-1 (160)	FF-10	TV-R
Commercial Energy Facilities	CU	CU	CU	CU	CU

Disturbance and mortality to raptor and other avian species related to wind turbine facilities has been broadly studied since the 1980s. Recent research (Erickson, 2002) found that raptor mortality has been absent to very low at all newer generation wind plants studied in the U.S. This is in part due to the slower speeds of new generation facilities (Erickson, 2002). The main concerns with commercial energy projects are primarily with fatalities when birds come in to contact with wind turbine blades, but towers or solar panels near nesting sites may also serve as a disturbance.

Research suggests that a case-by-case approach is the most appropriate for limiting negative impacts and determining overall impact predictions (Erickson, 2002).

The public generally found commercial energy facilities to be in conflict with sensitive birds. ODFW has also been concerned about the impacts to sensitive birds which resulted in the development of new studies and buffers for species.

**Commercial Energy Facilities ESEE Analysis****Economic consequences:**

Allowed use (no protection):

If industrial development is allowed to occur in such a way that it creates the adverse impacts, the economic consequences may include: cost of future restoration or moving nesting sites to reestablish species.

Environmental Protection District protections:

The requirements of EPD 12 include additional findings and a moderately complex review, which made add time or money on to a permitting process.

Not allowed:

Eliminating the ability for energy development within sensitive bird habitat has tax revenue implications for Wasco County as well as limitations on employment opportunities, economic growth, and support for existing businesses. However, in most cases these can be mitigated by moving towers and other facilities outside of the buffer.

### **Social consequences:**

Allowed use (no protection):

Allowing commercial energy facilities without protections could have significant social consequences. The facilities are typically developed at a scale and in the type of structures that doesn't blend with the natural environment.

Environmental Protection District protections:

There are limited social consequences to allowing commercial energy facilities with some restriction.

Not allowed

No social consequences have been indicated by prohibiting commercial energy facilities within sensitive bird buffers.

### **Environmental consequences:**

Allowed use (no protection):

Allowing commercial energy facilities with limited protections has potential environmental consequences including disturbance of nesting, impacts to food, and impacts to habitat. Commercial energy projects and required construction typically occur at a scale and with materials that can be especially detrimental to the natural environment.

Noise is one of the most obvious adverse impacts of industrial uses that could threaten wildlife habitat. Machinery noise from manufacturing, storage yards, auto repair, or other activities can be disruptive to security, migration and reproduction. It also can impact the perceived human experience of the scenic and recreation resource. Additional traffic, particularly that of heavy machinery or trucks, can create noise, have leaks, or create ground disturbance. This can introduce a variety of pollutants to ground, which can, in turn, reduce the quality of food supply. This can also disrupt the scenic values by introducing noise that is at a higher volume than ambient.



Commercial energy facilities also often require site clearing and grading, with the retention of few if any natural resources on a site. They therefore can have more severe environmental effects than other uses.

There are significant potential environmental consequences for allowing industrial uses without additional protections.

Environmental Protection District protections:

There are no known environmental consequences of this strategy.

Not allowed:

Eliminating industrial uses within sensitive bird has no known environmental consequences.

### **Energy consequences:**

Allowed use (no protection):

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the energy facility.

Environmental Protection District protections:

Large scale commercial energy projects are subject to conditional reviews which allow for input from ODFW on adverse impacts and mitigation strategies. This allows for continued access or development of alternative energy sources while reducing or eliminating adverse impacts to sensitive wildlife and habitat. Some impacts, as a result of transportation to and from the site during development, still exist.

Not allowed:

Removing opportunities for the development of alternative energy could reduce the resiliency of Wasco County and its residence. Comments from the public indicated a concern in increased costs in the lack of availability of energy sources.

### ***Conclusions/Recommendations:***

Commercial energy facilities pose significant potential environmental, social and energy consequences. These include adverse impacts like noise, erosion, pollution, and scenic disruption as well disturbance to nesting sites. Allowing without or minimal restrictions create a scenario where the uses are likely to adversely impact sensitive birds.

To balance environmental impacts and social consequences with potential economic and energy consequences, commercial energy facilities uses should, at a minimum, be required to meet conditional use criteria demonstrating no adverse impact to wildlife or, mitigation strategies that meet with approval of ODFW. The added requirement of a sensitive wildlife plan will ensure there is clarity of the site, construction and development conditions to provide ODFW enough information to develop a site specific mitigation strategy.

Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings made regarding adverse impacts. Evidence must demonstrate that the proposed use will have minimal impact from dust, noise, and odor during construction, will not significantly reduce or impair sensitive birds and generally safeguard the air, water and land quality. Findings would also need to demonstrate how the proposed development does not impact the scenic aspect of wildlife and wildlife habitat.

Staff is recommending the continued application of conditional use criteria for commercial energy facilities that allows for ODFW comment and mitigation in conjunction with the additional review required by EPD-12.

Avian Power Line Interaction Committee (APLIC). 1996. *Suggested practices for raptor protection on power lines: the state of the art in 1996*. Edison Electric Institute/Raptor Res. Found., Washington, D.C. 125pp.

Blumstein, D. et al. (2003). *Testing a key assumption of wildlife buffer zones: is flight initiation distance a species-specific trait?* Biological Conservation; 110 (1), p. 97-100.

Brown, B.T. and L.E. Stevens. 1997. *Winter bald eagle distribution is inversely correlated with human activity along the Colorado River, Arizona*. J. Raptor Res. 31(1):7-10.

Environmental Protection Agency. (2013). *Our Built and Natural Environments: A Technical Review of the Interactions Among Land Use, Transportation, and Environmental Quality*. <https://www.epa.gov/sites/production/files/2014-03/documents/our-built-and-natural-environments.pdf>

Erickson, W. et al. (2002). *Synthesis and Comparison of Baseline avian and Bat Use, Raptor Nesting and mortality Information from Proposed and Existing Wind Developments*.

[http://www.altamontsrcarchive.org/alt\\_doc/west\\_synthesis\\_and\\_comparison\\_etc\\_study\\_dec\\_2002\\_for\\_bpa.pdf](http://www.altamontsrcarchive.org/alt_doc/west_synthesis_and_comparison_etc_study_dec_2002_for_bpa.pdf)

[Harness, R. \(2015\). Mitigation. Pp. 365-382 in D.M. Bird and K.L. Bildstein \(eds.\), Raptor research and management techniques, Hancock House, Surrey, British Columbia, Canada.](#)

Holmes, T.L., R.L. Knight, L. Stegall, and G.R. Craig. 1993. *Responses of wintering grassland raptors to human disturbance*. Wildl. Soc. Bull. 21:461-468.

Kennedy, P. (1980). *Raptor Baseline Studies in Energy Development*. Wildlife Society Bulletin; 8(20), p. 129-135.

Keyel, A., et al (2017). *Evaluating anthropogenic noise impacts on animals in natural areas*. <https://pdfs.semanticscholar.org/daa1/bfef87455d8e923496b188c2f6600b76306.pdf>

Knight, R.L. and S.K. Skagen. 1987. *Effects of recreational disturbance on birds of prey: a review*. Pages 355-359 in B.G. Pendleton, ed. Proc. of the western raptor management 36 symposium and workshop. Nat. Wildl. Fed., Washington, D.C.

Longcore, T. et al (2016). *Artificial night lighting and protected lands: ecological effects and management approaches*. Natural Resource Report.

Lucas, M. et al. (2008). *Collision fatality of raptors in wind farms does not depend on raptor abundance*. Journal of Applied Ecology; 45(6), p. 1695-1703.

Martinez-Abrain, A. et al. (2010). *A systematic review of the effects of recreational activities on nesting birds of prey*. Basic and Applied Ecology; 11 (4), p. 312-319.

Oregon Department of Fish and Wildlife. (2006). *The Oregon Conservation Strategy*. <https://www.oregonconservationstrategy.org/overview/>

Pejchar, L., et al (2015). *Consequences of residential development for biodiversity and human well-being*. Front Ecol Environ; 13(3), p. 146-153.

Natural Resources Conservation Service. (2008). *Urban Soil Erosion and Sediment Control: Conservation Practices for Protecting and Enhancing Soil and Water Resources in Growing and Changing Communities*. [https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs141p2\\_034363.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs141p2_034363.pdf)

Richardson, C. et al. (1997). *Recommendations for Protecting Raptors from Human Disturbance: A Review*. Wildlife Society Bulletin; 25(3), p. 634-638.

Thompson, S.P., R.S. Johnstone, and C.D. Littlefield. 1982. *Nesting history of golden eagles in Malheur-Harney Lakes Basin, southeastern Oregon*. J. Raptor Res. 16(4):116-122.

US Fish and Wildlife (Utah Field Office) (2002). *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances*.

Widén, P. (1994). Habitat Quality for Raptors: A Field Experiment. Journal of Avian Biology, 25(3), 219-223. doi:10.2307/3677078

### **Sensitive Turtle Habitat Location Quality and Quantity of the Resource**

Biologists from the non-game division of ODFW and the USFS National Scenic Area Office have identified a series of ponds that provide critical Western Pond Turtle habitat. Wasco County reviewed the location information provided by ODFW and USFS for the sites along with the ownership patterns, parcel sizes and surrounding zoning and worked with ODFW to identify significant sites outside the Columbia River Gorge National Scenic Area that require Goal 5 protection. These sites are included in the inventory list and a mapped inventory is also included in the County's Comprehensive plan inventory section. The Western Pond Turtle is listed as a Critical Sensitive Species in Oregon. Habitat areas are mapped by ODFW as habitat for a wildlife species of concern or as a habitat of concern. All listed and mapped sites are deemed significant under OAR 660-023-0110 (4).

Significant Habitat areas extend into the Columbia River Gorge National Scenic Area (NSA) – General Management Area (GMA). A local ordinance has been adopted by Wasco County to implement the applicable GMA policies and guidelines in the NSA Management Plan. Further Goal 5 protection is not deemed necessary inside the NSA at this time. The only sites inventoried as significant are those sites located outside the NSA.

Significant sensitive habitat areas also provide distinct habitat values and are designated in accordance with their distinct functions to support the species. The core habitat area is inventoried and identified on the Western Pond Turtle Inventory Map. Upland management areas have also been identified and are also shown on the Western Pond Turtle Inventory Map. The function of each area, uses potentially in conflict with the function, and a program to protect the resource are discussed in the ESEE analysis.

### **Conflicting Uses**

The significant core habitat and upland management areas for Western Pond Turtles are located on land zoned for resource use and non resource use. Two lots impacted by the upland management area are zoned for agricultural use. All remaining habitat areas are located on Forest Farm land with a 10 acre minimum lot size or Rural Residential land with a 10 acre minimum lot size. Conflicting uses generally consist of residential, driveway, or roadway construction, land divisions that may result in the need to locate improvements in identified upland management or core habitat areas. A majority of the parcels are developed with residential uses. Redevelopment or expansion on parcels in this area is a concern and must be

reviewed to limit potential impacts on sensitive resources. Specific conflicting uses are evaluated in the site specific ESEE analyses.

### **Economic, Social, Environmental and energy Consequences of Conserving Sensitive Western Pond Turtle Habitat**

1. Economic consequences:
2. Social Consequences:
3. Environmental Consequences:
4. Energy Consequences:
5. Conclusions:

An ESEE analysis has been prepared that considers both the core habitat and the upland management area. The ESEE analysis once adopted becomes a part of the County's comprehensive plan inventory and provides the frame work for program adoption. As new sites are deemed significant due to the availability of additional information about the location or status of the site an ESEE analysis will be performed to provide the necessary framework for the protection of newly inventoried sites.

### **A Program to Conserve Sensitive Pond Turtle Habitat**

The ESEE analysis done for both the core habitat and upland management areas helps the County to determine whether: the resource warrants protection to the point of prohibiting surrounding conflicting uses per OAR 660-023-0040 (5) (a), whether the conflicting uses should be allowed in a limited way that can protect the significant site to the desired extent per OAR 660-023-0040 (5) (b), or whether the conflicting use(s) warrant protection to the point of suspending resource protection measures without regard for the possible impacts to the resource site OAR 660-023-0040 (5) (c). A determination of whether to allow, limit, or prohibit identified conflicting uses has been made for each of the significant resource sites on the County's inventory. New sites deemed significant in the future will be subject to the same site specific determinations regarding the type or level of protection that should be afforded newly inventoried resource sites or areas before a program for protection is developed and adopted. The County shall amend its comprehensive plan so that the determinations will be included with the ESEE analyses for additional significant sites or areas in the same manner as those currently inventoried.

### **ESEE ANALYSIS – Western Pond Turtle Sensitive Habitat Area Inventory**

The western pond turtle is listed as a critical sensitive species in Oregon. The Oregon Department of Fish and Wildlife (ODFW) in cooperation with the U.S. Forest Service has identified a population of western pond turtles along Morganson Road within Township 2N, Range 12E, Sections 7,8,9,17 and 16B. The population of western pond turtles along Morganson Road inhabits lands that are primarily zoned for rural residential uses. Most of the parcels are developed with residential uses. At the time this ESEE was developed three undeveloped parcels of land are considered to be impacted by inventoried significant sensitive habitat area. The sensitive habitat area is made up of:

1. Core habitat, consisting of the ponds, known or likely nesting habitats, and corridors between and to other nearby ponds that interconnect these ponds; and
2. Upland management area, an area in which nesting may take place and in which land uses may be limited to protect the core habitat values.

The core habitat and upland management areas are designated on the Western Pond Turtle Map in the County's Comprehensive Plan inventory section.

### **Sensitive Habitat Area Characteristics**

#### **A. Core Habitat**

The biology of the turtle indicates that there are four critical habitat components which must be protected to ensure a viable turtle population:

1. Ponds such as the Six large primary ponds A, B, C, D, I, and J at the Morgansen Road area. Both the primary ponds and related secondary ponds E, F,G, and H are critical to this habitat area though the secondary ponds are considered less important due to size, location or existing developments and land uses;
2. Known or likely nesting habitats surrounding the ponds;
3. Corridors between and to other nearby ponds; and
4. Water quality and quantity

The core habitats (ponds and corridors) are considered together due to their close proximity and because their protection measures are the same and overlay each other spatially. The ponds are the primary water habitats for adult turtles and where they obtain most of their food. Ponds where turtles are known to occur and where existing land uses are minimal were considered critical. This includes ponds A, B, C, D, I and J. Some ponds already have human dwellings and other developments immediately adjacent to them and were not considered critical, such as ponds G and H. Ponds E and F are not known to have turtles.

Primary ponds (A, B, C, D, I, J) and their potential adjacent nesting habitats require a 600 ft. no disturbance buffer to protect the resource. The inventoried 600 ft. core habitat area is decreased if the habitat is altered or determined to be of decreased value due to topographic aspect or because of impacts related to existing development. All buffer zones are measured horizontally from the edge of a pond or wetland and from the ordinary high watermark on each

side of a stream. Although ponds E and F are not known to be used by the western pond turtles, protection of these ponds is important in supporting the core habitat. A 150' foot buffer around each secondary pond and a connectivity corridor with a 150 ft. buffer was considered minimal. No core habitat was identified around Ponds G and H because of the existing adjacent land uses and the impacts they already pose. The existing buffers that apply to ponds G and H are per the Wasco County ordinance which requires a 100 ft. setback.

A 150 "no disturbance" buffer around the stream connectivity corridors is considered minimal. These corridors ensure that the turtles have an undisturbed route by which they can move from one pond to another. Movement along the corridors to other ponds may be critical in helping the turtles disperse to other areas and to encourage genetic out-breeding. It is common for food sources to dry up in some areas while not in others; if the individuals cannot move to more plentiful food sources, then the population becomes threatened.. Although the 150 ft. corridor buffers were diminished in some instances due to previous developments or land uses, the full buffer width was applied to most of the stream corridors.

Pond I is the only pond located outside the National Scenic Area. This pond and a narrow strip of core habitat area providing connectivity along a length of drainage way that follows the NSA boundary just west of pond I are the only core habitat areas located beyond the NSA boundary and subject to protection through the County's goal 5 process.

The core habitat is considered a no disturbance buffer in the Management Plan for the Western Pond turtle population on Morganson Road, Oregon prepared by the Forest Service and ODFW. "No disturbance" is defined to mean:

1. No new building construction
2. No new agricultural cultivation
3. No motor vehicle use, except for those required to maintain existing utilities and road; use of existing roads; and use for enhancement projects.
4. No livestock use.
5. No new ground disturbance
6. No livestock grazing

The no disturbance limitations have been applied inside the National Scenic area through implementation of the National Scenic Area Ordinances. Application of a compatible set of sensitive area protection measures will be accomplished outside the National Scenic Area through adoption and implementation of a Goal 5 program.

### **Upland Management Area**

The upland management area consists of upland nesting/hibernation areas and can be up to ¼ mile (1320 feet) from the ponds. In the spring (May-June) gravid females leave their water habitat and search for a nesting site which can be up to ¼ mile away from ponds or streams.



The eggs are laid in nests excavated in the soil, in a sunny and warm location. The females then return to their water habitat. There is some evidence that the females return to the same nesting site year after year. The loss or disturbance of nesting sites could have significant implications to these relatively small populations.

The eggs hatch within about 75 days but do not emerge from the nest until the following spring. The young turtles then attempt to reach the water. Whenever the turtles are away from the water, they are vulnerable to being crushed by heavy livestock or vehicles. Overgrazing will diminish suitable vegetation cover for hibernation.

The following table lists the parcels entirely or partially within the sensitive habitat area (core habitat and upland management areas) outside the NSA and subject to Wasco County's Land Use Ordinance and Comprehensive Plan. A majority of the sensitive habitat area is within the National Scenic Area. These areas are adequately protected by the Management Plan and National Scenic Area Ordinance criteria.

<b>Western Pond Turtle Sensitive Habitat Area – Impacted Parcels</b>					
<b>Map and Lot #</b>	<b>Zone</b>	<b>Size</b>	<b>Ownership</b>	<b>Developed Undeveloped</b>	<b>Core Habitat (CH) Upland Management (UM)</b>
2N 12 7:2700	A-1(40)/GMA	23.08	Private	Dev	UM
2N 12 7:2800	A-1(40)/GMA	20	Private	Dev	UM
2N 12 8:1900	F-F(10)/GMA	10.03	Private	Undeveloped	CH/UM
2N 12 8:2100	F-F(10)/GMA	9.56	Private	Undeveloped	CH/UM
2N 12 8:2200	F-F(10)	10.02	Private	Dev	UM
2N 12 8:2300	F-F(10)	9.81	Private	Dev	CH/UM
2N 12 17:400	R-R(10)	10	Private	Dev	UM
2N 12 17:100	R-R(10)	9.5	Private	Dev	CH/UM
2N 12 17:200	R-R(10)	10.05	Private	Dev	CH/UM
2N 12 17:300	R-R(10)	10.06	Private	Dev	UM
2N 12 17:1200	R-R(10)	10.07	Private	Undeveloped	UM
2N 12 17:1300	R-R(10)	10.07	Private	Dev	UM
2N 12 17: 1400	R-R(10)	10.10	Private	Dev	UM
2N 12 17:1600	R-R(10)	10	Private	Dev	UM
2N 12 17:1700	R-R(10)	10	Private	Dev	UM
2N 12 16B:1000	R-R(10)	1.17	Private	Dev	UM

## **Conflicts Identification**

Potentially Conflicting Uses within the Sensitive Habitat area are discussed below following the list of uses permitted outright or conditionally in affected zones.

### **A. A-1(40) - Exclusive Farm Use Zone – Section 3.210**

#### **Uses Permitted Outright:**

1. Farm use defined by ORS 215.203
2. Buildings customarily provided in conjunction with farm use.
3. Dwelling provided in conjunction with farm use subject to section 3.210
4. Dwelling for farm use occupied by a relative on the same parcel as farm operator's dwelling
5. Lot of Record dwelling which does not otherwise qualify for a dwelling on less than 80 acres which meets the standards of this section
6. Propagation and harvesting of a forest product.
7. Public or private schools
8. Churches except within three miles of an urban growth boundary.
9. Utility facilities

**Uses Permitted Conditionally:** In a A-1 Zone, the following may be permitted when authorized in accordance with the requirements of this Ordinance::

1. A dwelling not in conjunction with farm use subject to 3.210(F).
2. Operation conducted for mining.
3. A site for disposal of solid waster under ORS 459.245.
4. Home occupation carried on by the resident as an accessory use within their dwelling or other building customarily provided in conjunction with farm use.
5. Dog Kennels
6. Personal use airports
7. Golf courses
8. Commercial utility facilities
9. Private parks, playgrounds, and campgrounds except that such uses are prohibited on high value farmland.

### **B. F-F (10) – Farm Forest Zone- Section 3.220**

#### **Uses Permitted Outright:**

1. Farm use
2. A single family dwelling and other buildings and accessory uses in conjunction with forest or farm use

3. Propagation or harvesting of a forest product
4. Subdivisions
5. Planned Unit Developments
5. Breeding, boarding and training horses for profit

Uses Permitted Conditionally: In a F-F Zone, the following may be permitted when authorized in accordance with the requirements of this Ordinance::

1. Additional single family dwellings in conjunction with a commercial farm or forest use subject to income requirements
2. A single family dwelling not in conjunction with a farm or forest use
3. Commercial activities in conjunction with farm use
3. Exploration ,mining, and processing of aggregate resources
4. Private parks, playgrounds, hunting and fishing preserves and campgrounds.
5. Parks, playgrounds, or community center owned and operated by a governmental agency or non-profit organization
6. Home occupations
7. Personal use airports
8. Public or private schools
9. Churches
10. Sanitary landfill
11. Kennels

#### C. R-R Rural Residential Zone – Section 3.250

##### Uses Permitted Outright

1. A single family dwelling subject to standards
2. A single family dwelling and other buildings and accessory uses in conjunction with forest or farm use
3. Propagation or harvesting of a forest product
4. Subdivisions
5. Planned Unit Developments
6. Breeding, boarding and training horses for profit

Uses Permitted Conditionally in the RR zone - In the R-R Zone, the following may be permitted when authorized in accordance with the requirements of this Ordinance:

1. Commercial activities in conjunction with farm use
3. Commercial activities in conjunction with farm use
7. Exploration ,mining, and processing of aggregate resources
8. Private parks, playgrounds, hunting and fishing preserves and campgrounds.
9. Parks, playgrounds, or community center owned and operated by a governmental agency or non-profit organization

10. Home occupations
11. Personal use airports
12. Public or private schools
13. Churches
14. Sanitary landfill
15. Kennels

The significant conflicting uses in the above zones would be farm uses including cultivation of land and grazing. Cultivation would destroy and/or disturb nesting sites which could have significant implications to these relatively small populations. Grazing is a conflict because whenever the turtles are away from the water they are vulnerable to being crushed by livestock. Overgrazing will also often diminish suitable vegetation cover for hibernation with resulting loss due to exposure or predation.

Another important conflict to the turtles arises from the existing and future roads and driveways within the buffer area because whenever the turtles are away from the water they are vulnerable to being crushed by vehicles.

Residential building construction within the buffer area would also destroy and/or disturb nesting sites located most frequently on sunny south facing slopes. Continued habitation and landscaping around a dwelling will also diminish suitable vegetative cover for hibernation and nesting.

Water quantity can be altered by use of existing or future water rights to the waters of the ponds. The only presently known water right is on pond A. In the long term, present water rights should be discontinued when appropriate alternatives are found. Future water rights should not be given for any of the water bodies or streams in the sensitive area.

Water quality will most likely be influenced by influx of pesticides from adjacent land uses, from sedimentation due to soil erosion, and from spillage of toxic compounds. All of these are unlikely to occur or directly influence the core water habitat if the upland management area is used in a manner consistent with the goal 5 program.

### **Economic, Social, Environmental and Energy Consequences Analysis.**

#### **A. Economic Consequences**

##### **1. *Core Habitat Area***

The limited land area designated core habitat area limits the economic consequences that would result from regulatory steps taken to protect the resource. Vehicular access to portions of the parcel separated from public or private roads by core habitat area will need

to be provided for in some instances to ensure a loss of use of the property does not result. Existing drives will be used when ever possible. Agricultural practices will not be limited in the EFU (A-1 Zone). Limitations on grazing and new cultivation in core habitat areas in non resource zones may result in inconvenience but will not result in serious economic impacts. Typical parcel sizes outside the EFU zone are 10 acres or less. These parcels will not support commercial cattle or other uses reliant on the feeding and care of numerous large cloven hoofed animals. Location of buildings, other structures, and ground disturbing activities outside the core habitat area will not result in serious economic impact due to the large amount of ground available outside the core habitat area. Most parcels impacted by the overlay are developed with residential uses and limitations on development, redevelopment, or expansion of existing uses will be balanced against the need to accommodate reasonable uses on the rural residential parcels while limiting conflicting uses in a manner that will adequately protect resources. The limited extent of the core habitat area will help ensure that necessary protection measures are not applied over large areas of many parcels. The greatest concern regarding the need to balance required access to developable portions of a property against the need to avoid impacts in the core habitat area would be expected to be on parcel 2100.

## **2. *Upland Management Area***

Reviewing and potentially limiting new agricultural cultivation and grazing for FF and RR zoned parcels would not have significant economic impact on the County but could prove inconvenient and Costly to the individual land owner. Though the parcels are not generally managed for commercial agricultural production and the lot sizes are not consistent with accepted commercial scale farm management, it is not uncommon for residents in this rural area to have a horse, small orchard, or other small scale agricultural activity. It is important that all agricultural disturbance not be completely excluded in the upland management area. A Site Plan review process will identify allowable ground disturbances and allow limited agricultural activities in most instances. Likewise, however, such ground disturbances must be subject to review, in order to ensure that impacts to significant sensitive habitat are avoided wherever possible.

There are two parcels in the A-1 zone which total 48 acres. No restrictions on accepted agricultural practices are to be imposed upon Exclusive Farm Use or A-1 zones. Though the economic impact on commercial farming related to proposed limitations is limited by the limited number of parcels containing upland management area, the state law precluding state, city or county agencies from limiting agricultural use in the A-1 zone prevents any economic impact on these areas.

Limiting the location of residential development would not reduce the value of the property. No prohibition of development is being considered. A dwelling is anticipated to be sited on each legal parcel even where an entire parcel is located within the Upland management area. Site Plan Review will enable the site to be selected to avoid impact to valuable areas within the Upland management area and to minimize impacts if impacts cannot be avoided. Parcel sizes provide some flexibility with regard to siting of dwellings

and driveways or private easement roads. Parcel sizes within the sensitive habitat area are not large enough to support further subdivision so no value related to prospective additional home sites will be lost. Two of the three parcels within the sensitive habitat area that were vacant at the time this ESEE was performed, are predominantly covered by upland management area. A single family home site will be able to be provided on each vacant parcel through the site plan review process to preclude any economic loss to the current or future owner related to the program to protect the resource.

Limiting new water rights could prevent some irrigated farm uses in the FF and RR zones. The review of water rights is outside of the purview of the zoning ordinance and Wasco County and is within the jurisdiction of the State Water master.

## **B. Social Consequences**

### ***1. Core Habitat Area***

The social consequence of allowing unregulated conflicting uses in the core habitat area would be degradation or elimination of critical habitat and a potential loss of a visible species that inspires public interest.

A prohibition on all ground disturbance in the core habitat area, however could potentially deprive a land owner of basic use of their property, particularly where access through a core habitat area to a less sensitive upland area is needed. The limited extent of the core habitat area should minimize the need for flexibility to allow disturbance where it cannot otherwise be avoided without depriving a land owner of the basic use of their property.

Strict limitations on disturbance within the core habitat area is needed to preserve a very visible and interesting species, however, a degree of balancing may be necessary in very specific instances to ensure an entire parcel is not rendered inaccessible or undevelopable due to limitations on ground disturbances in the core habitat .

### ***2. Upland Management Area***

Prohibiting residential development (driveways and roads included) within the upland habitat area would have a social impact as property owners would be unable to develop their property in a manner consistent with the rural surroundings.

Limiting the location, and in some instances the timing, of development and ground disturbing activities would have less impact because homes could still be constructed on each parcel and land use practices typically employed in a rural area could be continued to some permissible extent on areas determined to be less sensitive to disturbance.

## **C. Environmental Consequences**

### ***1. Core Habitat Area***

The environmental consequence of allowing unregulated development in the core habitat area would be direct impacts on the core habitat area that could be expected to result in the loss of nesting sites and the continued loss of population leading to the potential for the extinction of the species.

The prohibition of conflicting uses within the core habitat area would have only positive environmental consequences.

### ***2. Upland Management Area***

Unregulated development in the upland management area might include the establishment of residences, roads, and other ground disturbing activities which would require removal of native vegetation which could provide cover for hibernation and predation or allow chemicals or pollutants to be transferred into the core habitat area. Though less direct, these secondary impacts, left unchecked would be expected to be detrimental to the habitat area and the species as a whole.

The prohibition of conflicting uses within the upland management area, though not reasonable based on the social or economic consequences, would likely be preferable from a strictly environmental perspective. A balancing of these issues should allow for development and redevelopment to occur in a reasonable fashion within the upland habitat area without directly or indirectly adversely impacting the core habitat area or the overall health of the species and its habitat.

## **D. Energy Consequences**

### ***Core Habitat Area and Upland Management Area***

The energy consequence of allowing residential development and other potentially conflicting uses are the increased use of fuels for transportation of materials to support continued development and redevelopment, consumption of fuels for transportation to and from home if rural residents can be expected to inhabit population centers if rural housing options are lost, and the increased cost of other services such as law enforcement and fire protection outside existing cities and communities.

The potential negative energy consequences for prohibiting development in the sensitive habitat area would be to encourage growth to continue further out from the population centers of Mosier and The Dalles. The area at Morganson Road is a relatively high demand area and the lack of rural dwelling opportunities in this area could be expected to transfer the demand for rural living further out increasing the energy costs to commute from and serve the areas further removed.

#### 5. Program to Meet Goal 5.

Based on the ESEE consequences the County finds that both the sensitive resource area and some of the conflicting uses (residential and agricultural development in the A-1 Zone and access to some portions of parcels) are important relative to each other and should be balanced to allow the conflicting uses in a limited way (OAR 660-23-040(5)(b). and ; in some instances the resource site is more important than the conflicting uses (building and new public road construction and cultivation and grazing in RR-FF zones and ) and should be prohibited (OAR 660-23-040(5)(a).

#### Core Habitat Area

1. In order to protect the core water habitat uses permitted outright and conditional uses except accepted farm practices on Exclusive Farm Use Land are not allowed within the core habitat area. The core habitat will be considered a no disturbance area and new disturbances will be allowed only in extremely limited situations where the use must be allowed to protect a substantive property right of the land owner and the use cannot be accommodated outside the core habitat area. This circumstance is not anticipated to arise. New ground disturbances are expected to be permitted in the core habitat area only in the most extreme circumstance and mitigation measures including monitoring for success of the mitigation effort will be required if a disturbance is allowed.
2. Wasco County will notify Oregon State Division of State Lands (DSL) of this habitat based limitation on disturbance by sending them maps and text describing the limitation. This coordination will be done to help decrease confusion should an independent party contact DSL regarding removal fill permit requirements in a wetland or riparian area. The County will request that DSL inform anyone making inquiry about ground disturbing activities in the wetland or riparian areas that activities in the core habitat area are limited and local sensitive habitat review may be required by the County prior to any new ground disturbance.

#### Upland Management Area

3. The upland management area will be managed for protection of critical nesting habitat primarily consisting of those areas having a south or west aspect and suitable vegetation and the area between these areas and the core habitat. New ground disturbance



including construction activities for expansion, maintenance, replacement of existing structures or construction of new structures, utilities replacement or maintenance, and new utilities requiring a building permit from the Wasco County Planning Department or septic installation requiring a permit for the Health Department shall be subject to a site plan review by the County and by the Oregon Department of Fish and Wildlife as part of the County's review to determine how the proposed development is or can be made to be compatible with the protection of the habitat.

<b>Sensitive Habitat Area</b>	<b>Start of Peak Sensitivity</b>	<b>End of Peak Sensitivity</b>
Core Habitat Area	Year round	None
Upland Management Area	May	September

4. Maintenance and repair of existing structures not requiring a construction permit, permitted work conducted within an enclosed structure creating no new ground disturbance, or repair of a failing septic system are exempt from this requirement.

### **Wild and Scenic River**

The White River was designated a Federal Wild and Scenic River on October 28, 1988. Historically, Wasco County has protected the White River through EPD-7, which includes protections for natural areas and the Oregon Scenic Waterways. Oregon Administrative Rules 660-023-0120 requires at periodic review for Wasco County to ensure the Wild and Scenic River is clearly addressed as a Goal 5 resource. Because the 1983 plan was written anticipating the designation but prior to the federal management plan, the requirement that the resource be protected consistent with the White River Management Plan has never been formally evaluated.

To fulfill this requirement during the Wasco County 2040 update, staff conducted an ESEE analysis of the White River and impacted areas to determine protections.

#### **ESEE Analysis for the White River**

##### ***Executive Summary***

The White River originates from the eastern slope of Mt. Hood at the White River glacier, and flows 47 miles through two wilderness areas before converging with the Deschutes River.

The White River was designated a National Wild and Scenic River on October 26, 1988. The Wild and Scenic Rivers Act required the Bureau of Land Management (BLM) and the US Forest Service (USFS) to develop a management plan for the river. A Management Plan for the White River was adopted in 1990 and amended in 2015.

During the Management Plan development process an environmental assessment was conducted. The Environmental Assessment for the White River provides a summary of White River values and issues. The outstandingly remarkable values include geology, hydrology, botany, fish habitat and populations, wildlife habitat and populations, historic resources, recreation and scenic resources. The issues listed are commodity production, recreation management, water quality, vegetation management, public/private lands conflicts, and final corridor and viewshed boundaries.

For the segment within Wasco County, the following particular assets are called out in the narrative: hydrology, botany, fish habitat (particularly White River redband rainbow trout and the introduction of Chinook salmon), and historic resources.

Portions of the upper White River are surrounded by public lands that are managed through Federal efforts. The majority of the segment through Wasco County is privately owned and as a result, the BLM has no direct administration of land uses. However, it is expressly stated in the Environmental Assessment that mandated intergovernmental coordination and plan consistency are critical foundations of the Wild and Scenic Rivers Act.

The Environmental Assessment also states that the “Wild and Scenic Rivers Act envisioned high reliance of local comprehensive plans to achieve the Act’s objectives”. During the BLM environmental assessment, they reviewed the Wasco County Comprehensive Plan and Land Use and Development Ordinance (LUDO) and found that, coupled with topographical constraints, Environmental Protection District 7 (EPD-7) adequately protects the resource. The assessment goes on to state that it’s recommended “Wasco County incorporate the river plan’s recommendations as appropriate.”

Oregon Administrative Rules (OAR) 660-023, which relates to inventory, analysis and protection for Goal 5 resources provides insight into how jurisdictions should manage Federal Wild and Scenic Rivers. First, the “impact area” is defined by the Wild and Scenic River corridor already established by the federal government. Second, an Economic, Social, Environmental and Energy (ESEE) Analysis must be conducted to determine conflicting uses within the impact area. Once the conflicting uses have been established, a program to protect the Federal Wild and Scenic River must be adopted.

Wasco County currently protects the White River through an overlay zone; EPD-7 requires all permitted uses within the overlay zone be treated as conditional uses. This allows the decision maker to apply additional criteria to more accurately determine potential adverse impacts and mitigate impacts through conditions or deny the application based on impact.

An interpretation from the Wasco County Board of Commissioners has resulted in conditional uses in the underlying zones within EPD-7 to be considered prohibited. The required ESEE analysis will help determine whether that is a necessary protective measure for the resource.

### ***The White River Management Plan***

The White River is surrounded by forest, agricultural and residential lands. These lands present a variety of opportunities for land use and activities which conflict with the federal program for protection. The BLM White River Management Plan provides the following general resource management goals:

- *Protect the river's free-flowing character and protect and enhance its outstandingly remarkable values.*
- *Provide opportunities for a wide range of recreation opportunities along the river corridor managed to prevent degradation of the outstandingly remarkable values.*
- *Protect and enhance the quality and quantity of river water. Maintain acceptable levels of water temperature, suspended sediment, and chemicals.*
- *Identify, provide, and protect instream flows which are necessary to maintain and/or enhance the outstandingly remarkable values of White River.*
- *Protect and enhance habitat for fish and wildlife species.*
- *Protect threatened, endangered, and sensitive species of plants, fish and wildlife found in the corridor.*
- *Protect culturally significant features and resources.*
- *Maintain and/or enhance the integrated ecological functions of rivers, streams, floodplains, wetlands, and associated riparian areas.*
- *Protect, and where necessary, seek to restore the natural ecological and hydrologic functioning along the river.*
- *Provide for plant and plant community diversity and maintain and/or enhance healthy functioning ecosystems to sustain long-term productivity.*
- *Help reduce conflicts between recreation users and private property owners and reduce trespass on private property.*
- *Strive for a balance of resource use and permit other activities to the extent that they protect and enhance the quality of the river's outstandingly remarkable values.*
- *Develop a partnership among landowners; county, State, and tribal governments; and federal agencies in deciding the future of White River and share in management responsibilities for the river.*
- *Strive to develop effective, compatible, and consistent land use management through coordination with local land use planning authorities.*
- *Emphasize user education and information. Establish as few regulations as possible and ensure that any regulations established are enforceable and enforced.*
- *Foster cooperative interpretation and environmental education efforts.*
- *Consider the needs of local communities regarding economic development. Recognize that the public with its varied needs as partners and participants in managing the river corridor through awareness, interaction, and communication.*
- *Require all developments to harmonize with the natural environment.*
- *Have a management plan that is reasonable, cost-effective, and viable and that achieves protection of the river's outstandingly remarkable values.*

### ***The White River in Wasco County***

The Environmental Assessment offers some additional insights on County zoning, including the statement: "Wasco County and The Nature Conservancy designated White River Canyon as a Natural Area and placed the area in the Environmental Protection District zone." It also details

some of the uses that occurred in the 1990s in Wasco County along the White River corridor, including agriculture.

OAR 660-023-0040 (2) requires an examination of all zones within the impact area of the resource to understand possible conflicting uses. These are typically land uses allowed outright or conditionally by the zone. As indicated by Figure 1, the majority of land surrounding the White River in Wasco County is zoned F-2 (80) (Forest) or A-1 (160) (Exclusive Farm Use). These resource zones are intended to preserve forest and farm operations and activities while restricting more urban uses, like residential and commercial. Properties tend to be large in size.

The river also runs through the Tygh Valley rural service area, which includes a variety of zones and uses including residential, commercial and industrial. The White River Management Plan describes Tygh Valley as “an agrarian community complimented by a free-flowing, natural-appearing river” (BLM, 20). The industrial sites were formerly part of a mill that has been closed for several decades and is available for redevelopment. Tygh Valley’s dense scale development is impeded by sanitary waste and water limitations.

All of these zones permit a variety of uses and activities according to different review criteria. Within the EPD-7 overlay zone, the additional restriction of treating all permitted uses like conditional uses is applied. However, no analysis has been done to date to determine which specific uses or activities conflict with the resource.

Conflicting uses are defined by OAR 660-023-0010 as a “land use, or other activity reasonably and customarily subject to land use regulations that could adversely affect a significant Goal 5 resources.” The definition states that local jurisdictions are “not required to regard agricultural practices as conflicting uses.” These means that all non-agricultural practices and uses permitted in these zones must be examined for adverse impacts.

Based on the Federal White River Management Plan, protection measures are focused on the quality and quantity of the river as well as preserving the conditions, like temperature and sediment. Emphasis is on maintaining health, functioning ecosystems for ecological and hydrological function as well as serving as habitat to wildlife and endangered and sensitive species of plants, fish and animals. Outstanding values are also the scenic and recreation opportunities. While some of the recreation and scenic viewpoints or access points are limited in the Wasco County portion of the White River, there is still value in acknowledging these points in determining conflicting uses and impacts.

The Federal White River Management Plan also emphasizes education and outreach in favor of more regulation and that all developments should “harmonize with the natural environment”.

What follows is an analysis of the main categories of uses: residential, commercial and industrial. As proscribed by OAR 660-023, three protection alternatives are evaluated against these conflicting uses to determine what might be the most efficient, effective and equitable approach to protecting the White River.

Based on current practice and models, staff is recommended the following three alternative scenarios for protection:

Allowed use:

This possible scenario would permit uses and activities, as allowed by the Wasco County Land Use and Development Ordinance, without additional criteria or regulations. Currently, the White River is protected under riparian setbacks and floodplain regulations that create a buffer around the waterway. This would not prohibit permitted uses and activities in the underlying zones that occur outside of riparian setbacks or the floodplain buffer.

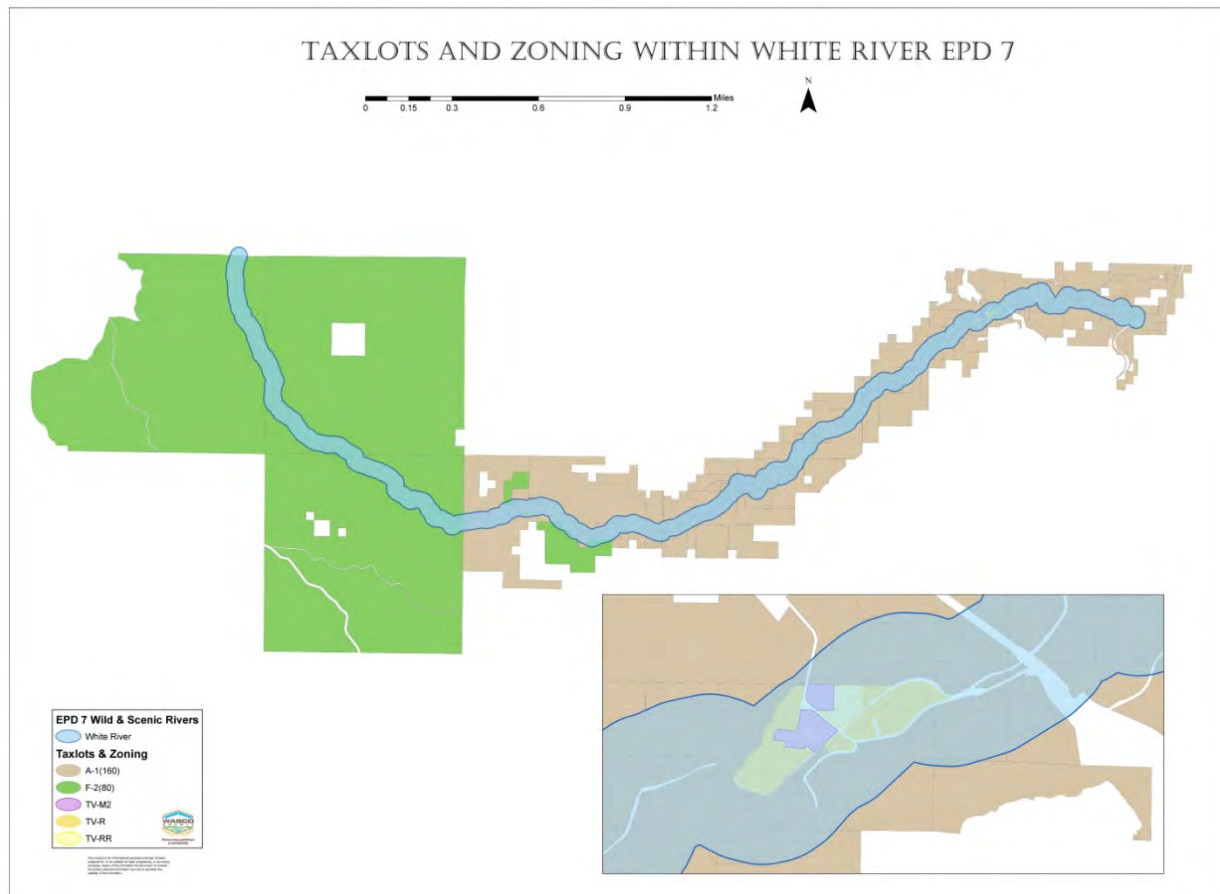
Environmental Protection District protections:

Currently, the White River is protected by the Environmental Protection District – 7, a natural areas overlay that requires all permitted uses be treated as a conditional use. A current Board of County Commissioner interpretation of the language prohibits conditional uses in the underlying zone to be permitted.

This possible scenario would permit uses and activities with additional standards and analysis as required by conditional use permits. Clarification over which uses can be permitted (all uses allowed in the zone or only those permitted subject to standards or outright) should be incorporated into any revisions of this protection.

Not allowed

Prohibiting uses which demonstrate significant impact and consequences is a possible option for protecting the White River.



**Figure 5.4- Zoning surrounding the White River in Wasco County**

### ***Conflicting Uses***

The next section analyzes the three categories of development activity, residential, commercial, and industrial, and defines potential conflicts. Each use is evaluated according to the ESEE consequences and finally, a recommendation for protection is made.

### ***Residential ESEE Analysis***

#### **Economic consequences:**

Allowed use (no protection beyond EPD-1 and setbacks):

If residential development is allowed to occur, the economic consequences may include: cost of future clean up and restoration of protected resources, infrastructure costs for diminishing water capacity, and fines as a result of not meeting Clean Water Act standards.

Environmental Protection District protections:

Current practice is to protect the White River from residential development through additional setbacks in the EPD-7 Natural Areas Overlay. This requires additional findings and a moderately complex review, which made add time or money on to a permitting process. If residential development is not appropriately mitigated through design or conditions, this option may carry with it similar consequences to allowed use without additional protection.

Not allowed:

Eliminating the ability to build a residence along the White River has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues.

**Social consequences:**

Allowed use (no protection beyond EPD-1 and setbacks):

With the exception of impacts as described, allowing residential uses without additional protections has limited social consequences.

Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the EPD-7 Natural Areas Overlay. There are no known social consequences, and these protections offer mitigation to some of the impacts that have a connection to social values including aesthetics and recreation.

Not allowed

Prohibiting residential activity may increase opportunities for recreation or scenic viewing, but will further compound housing needs throughout the county and contribute to further limit supply. Limited housing opportunities can have the impact of making the rural service area, Tygh Valley, increasingly unviable.

**Environmental consequences:**

Allowed use (no protection beyond EPD-1 and setbacks):

Allowing residential uses has potential environmental consequences including impacts to ground water quality, disturbance of wildlife and fish habitat, and the introduction of pollutants to the resource. Construction and development waste and disturbance and human occupancy related disturbance have been demonstrated to have significant impact on the natural resource.



Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the EPD-7 Natural Areas Overlay. This requires a conditional use review for all permitted uses and the development of findings which demonstrate the natural value will not be damaged by the use or activity. Mitigation for impacts to ground water, habitat, and river quality can be managed through permit conditions.

Not allowed:

Eliminating the ability to build a residence along the White River has no known environmental consequences.

### **Energy consequences:**

Allowed use (no protection beyond EPD-1 and setbacks):

There are no known energy consequences of allowing residential uses.

Environmental Protection District protections:

There are no known energy consequences of allowing residential uses with some limitations.

Not allowed:

There are no known energy consequences of not allowing residential uses.

### ***Conclusions/Recommendations:***

Allowing residential uses without additional criteria or restriction does not ensure for protection of the resource in keeping with the federal management plan. Because all residential development carries with it potential for adverse impacts to the White River, a review requiring consideration of impacts and mitigation would be most consistent with the management plan. This, in turn, is consistent with a conditional use permit review process.

Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings on adverse impacts. Findings, based on evidence in the record, must demonstrate that the proposed use will have minimal impact from dust, noise, and odor during construction, will not significantly reduce or impair sensitive wildlife habitat, subject the ground to excessive soil erosion, and generally safeguard the air, water and land quality. The majority of impacts from residential uses are potential erosion, noise, and pollution. Through the application of conditions, these impacts can be reduced or eliminated.

The economic and social consequences of prohibiting residential uses to Wasco County and Wasco County residents suggests more long term, sustained adversity than a mitigation strategy through conditional use. Risk of litigation, loss of tax revenue, and compounding limited housing supply have the potential to have serious negative impacts on Wasco County.

Staff is recommending all permitted residential uses be allowed as conditional uses to help mitigate impacts to the resource while preventing identified economic and social consequences.

***Commercial Uses:*** (A-1, F-2, TV-R, TV-RR)

Commercial uses in conjunction with resource uses are permitted in both resource zones. In addition, there are some additional non-resource commercial uses that may be permitted in A-1 and F-2.

Table 1: Commercial Uses and Activities by Zone  
(SR (Subject to Review), CU (Conditional Use, NP (Not Permitted))

Commercial Use	A-1 (160)	F-2 (80)	TV-R	TV-RR
Winery	SR	NP	NP	NP
Farm Processing	CU	NP	NP	NP
Forest Processing	NP	SR	NP	NP
Farm Ranch Recreation	CU	NP	NP	NP
Home Occupation	CU	CU	CU	NP
Bed and Breakfast	CU	NP	CU	NP
Dog Kennels	CU	NP	NP	NP
Private Park, Campground, Playground	CU	CU	CU	NP
Golf Course	CU	NP	CU	NP
Fee Hunting/fishing Accommodations	NP	CU	NP	NP
Youth Camps	NP	CU	NP	NP
Public Park	CU	CU	CU	CU
Cemetery	SR	CU	NP	CU
Firearms Training Facility	NP	CU	NP	NP
Mobile Home Park	NP	NP	CU	NP
Retirement Center/nursing Home	NP	NP	CU	NP

Wineries in A-1 consist of growing grapes, processing, and manufacturing. Some agro-tourism activities also can be permitted with wineries. The commercial aspect involves a structure often with associated parking, outbuildings, landscaping and access road. Building placement and developing these assets typically involves clearing the existing vegetation. The loss of vegetation can lead to habitat loss, soil erosion, and pollution of the resource.

Once the buildings are in place, occupancy from workers and visitors can contribute light and noise pollution, pollution from vehicles and other human activity, and other disruptions to the natural environment. The structures and activity also impact the natural scenic beauty of the area through introduction of the built environment.

Farm and Forest Processing have similar impacts, although the frequency or volume of visitors is significantly reduced.

Farm Ranch Recreation, and Bed and Breakfast lodging, which consists of visitors staying and recreating on farms, has similar impacts to wineries, with the primary difference being in production and overnight occupancy. Visitors engaging with the wildlife, or infrastructure built for recreation, may create erosion, pollution, or general disturbances to wildlife habitat. In the forest zone, fee hunting and fishing accommodations share impacts to farm accommodations.

Home Occupations carry with them the same impacts as residences plus any additional disturbances caused by the business related activity. Impacts are similar but amplified.

Dog Kennels carry impacts of residences with increased impact of animal and customer activity. The noise from animals can be disruptive to recreational values as well as natural values as habitat. Animal waste, depending on disposal, can also potentially become a pollutant to the river.

Golf Courses typically have limited structures but intensely landscaped property which could result in significant problems with erosion, invasive species, and destruction of habitat. Pollutants as a result of landscape may also get introduced to the resource from runoff or leeching.

Private and Public Parks or Campgrounds may include landscaping, infrastructure for recreation, or other modifications to the landscape that may contribute to river pollutants, alter the scenic resource, or introduce noise and other human impacts to the natural environment.

Youth Camps typically involve overnight lodging, facilities for gathering and eating, and recreation resources. The density of people, required infrastructure, and activity associated with a youth camp could have impacts to wildlife, habitat, and introduce a variety of pollution sources to the resource site.

Cemeteries, as a result of organic and inorganic decomposition, can introduce pollution to soil, ground water, and the resource. They typically carry with them minimal structures or

infrastructures, but consistent digging for plots may contribute to soil erosion. Similarly, depending on landscaping practices, maintenance of the site may create pollution from run off or leeching.

Firearms Training Facility would contribute significant noise impacts unless mitigated through noise reducing building materials. Other impacts would be similar to other structures.

A Mobile Home or RV park involves dense siting of temporary or semi-permanent homes. The level of density increases potential noise and environmental pollution from human activity. Development also potentially disturbs soil, contributing to erosion, and habitat. The dense scale of development may also impact view corridors or scenic aspects of the resource.

A Retirement Center or Nursing Home is also a source of dense, shared housing with additional facilities often requiring a sizeable footprint. The scale of the building could impact scenic resources as well as introduce additional impacts associated with built environment as covered above.

Commercial Uses often require extensive site clearing and grading. As a result, the removal of vegetation and habitat are common. This can create a variety of issues including erosion, reduced permeability and therefore increased runoff, and the introduction of pollutants to the White River. Similar to impacts discussed with residential use, commercial impact can be more significant due to the scale of structures and development.

Commercial development often results in more impervious surfaces which can exacerbate these issues.

Commercial uses also often carry with them dense human activity that can create noise, smells, and other impacts to the natural habitat as well as scenic and recreation values of the place. These impacts are discussed more thoroughly in the residential use section.

### ***Commercial ESEE Analysis***

#### **Economic consequences:**

Allowed use (no protection beyond EPD-1 and setbacks):

If commercial development is allowed to occur in such a way that it creates the adverse impacts, the economic consequences may include: cost of future clean up and restoration, infrastructure costs for diminishing water capacity, and fines as a result of not meeting Clean Water Act standards.

Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the EPD-7 Natural Areas Overlay. This requires additional findings and a moderately complex review, which made add time or money on to a permitting process.

Not allowed:

Eliminating the ability for commercial development along the White River has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues. Commercial uses offer employment opportunities, economic growth, and support for existing businesses.

### **Social consequences:**

Allowed use (no protection beyond EPD-1 and setbacks):

With the exception of impacts as described, allowing commercial uses without additional protections has limited social consequences.

Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the EPD-7 Natural Areas Overlay. There are no known social consequences to allowing for commercial activities beyond described impacts, and these protections offer mitigation to some of the impacts that have a connection to social values including aesthetics and recreation.

Not allowed

Commercial uses offer employment opportunities, economic growth, and support for existing businesses and residents. In some cases, these commercial enterprises may offer housing opportunities, recreation activities, and energy production which represent Statewide Land Use Planning Goals 10, 8 and 13.

### **Environmental consequences:**

Allowed use (no protection beyond EPD-1 and setbacks):

Allowing commercial uses with limited protections has potential environmental consequences including impacts to ground water quality, disturbance of wildlife and fish habitat, and the introduction of pollutants to the resource. The White River Management Plan stresses primitive development, dispersed recreational activities, and limited access. The lack of additional restrictions may limit Wasco County's ability to ensure for development consistent with the White River Management Plan.

Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the EPD-7 Natural Areas Overlay. This requires a conditional use review for all permitted uses and the development of findings which demonstrate the natural value will not be damaged by the use or activity. Mitigation for impacts to ground water, habitat, and river quality can be managed through permit conditions.

Not allowed:

Eliminating the ability to build commercial use structures along the White River has no known environmental consequences.

**Energy consequences:**

Allowed use (no protection beyond EPD-1 and setbacks):

There are no known energy consequences of allowing commercial uses.

Environmental Protection District protections:

There are no known energy consequences of allowing commercial uses with some limitations.

Not allowed:

Not allowing commercial uses may help preserve existing energy sources for other uses. No other consequences are known.

***Conclusions/Recommendations:***

Allowing commercial uses without additional criteria does not ensure for protection of the resource in keeping with the federal management plan. Because any commercial development carries with it potential for adverse impacts to the White River, a review requiring consideration of impacts and mitigation should be required, and would be most consistent with a conditional use permit.

Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings for adverse impacts. Evidence must demonstrate that the proposed use will have minimal impact from dust, noise, and odor during construction, will not significantly reduce or impair sensitive wildlife habitat, subject the ground to excessive soil erosion, and generally safeguard the air, water and land quality. The majority

of impacts from residential uses were related to potential erosion, noise, and pollution. Through the application of conditions, these impacts can be reduced or eliminated.

Economic impacts, such as lack of employment opportunities or business growth, coupled with affiliated social consequences suggest prohibiting commercial uses near the White River may be detrimental to Wasco County residents. Adverse impacts by commercial development can be mitigated through the additional conditional use criteria and process.

Staff is recommending all permitted commercial uses be allowed as conditional uses to help mitigate impacts to the resource while preventing identified economic and social consequences.

**Industrial Uses:** (A-1, F-2, TV-R, TV-RR, TV-M2)

Table 2: Industrial Uses and Activities by Zone  
(SR (Subject to Review), CU (Conditional Use, NP (Not Permitted))

Industrial Use	A-1 (160)	F-2 (80)	TV-R	TV-RR	TV-M2
Utility Facility	SR	CU	CU	CU	CU
Aggregate Mining	CU	NP	NP	NP	NP
Asphalt Batching	CU	CU	NP	NP	CU
Mineral Processing	CU	CU	NP	NP	NP
Water Bottling	CU	NP	NP	NP	NP
Manufacturing	NP	NP	NP	NP	SR
Auto Repair/assembly	NP	NP	NP	NP	SR
Storage or Retail Yard	NP	NP	NP	NP	SR
Welding Shop	NP	NP	NP	NP	SR
Laundry/cleaning	NP	NP	NP	NP	SR
Circus, Rodeo, etc.	NP	NP	NP	NP	SR
Junk or Wrecking Yard	NP	NP	NP	NP	CU

Utility facilities are permitted, following review, in all zones adjacent to the White River. The installation of utility facilities typically involves construction activities that disturb soils, landscape, and wildlife habitat. Once construction has been completed, utility facilities may have, depending on the type, continued impacts to the natural area and scenic values of the resource.

Mining, mineral processing, asphalt batching and other related uses and activities can create a variety of disturbances and pollution that can be detrimental to the resource. Noise, dust, odors, ground disturbance and blasting which can cause ground shaking or seismicity are commonly cited impacts from mining. In addition, spill/tailing, erosion, and drainage can add pollutants to the river as well as the groundwater.

Water bottling and extraction, which involves components of industrial production, would have significant impacts on the resource including erosion, pollution, scenic impacts, noise, and impact to aquifers.

Manufacturing, which typically occurs in a structure, can create potential sources of environmental pollution, disturb wildlife habitat through the building footprint and associated infrastructure, and potentially disrupt scenic views. Similarly, auto repair or assembly, laundry and cleaning facilities, and welding shops can involve chemicals or other materials that through spill or improper storage pose contamination to ground, ground water, and the adjacent resource.

Circus, rodeo, or other large entertainment facilities as permitted can create significant impacts through waste, recycling, infrastructure, human traffic, and noise.

Junk or wrecking yard typically involves the collection, processing, and storage of non-functioning automobiles in open air on untreated ground. This could result in direct pollution to the habitat and resource, create a real visual impact from the river, and also have ongoing impacts of noise. This use is permitted only in Tygh Valley Industrial, contained within the rural service area.

Storage or retail yard for a variety of products including lumber, building materials and heavy machinery.

### ***Industrial ESEE Analysis***

#### **Economic consequences:**

Allowed use (no protection beyond EPD-1 and setbacks):

If industrial development is allowed to occur in such a way that it creates the adverse impacts, the economic consequences may include: cost of future clean up and restoration, infrastructure costs for diminishing water capacity, and fines as a result of not meeting Clean Water Act standards.

Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the Natural Areas Overlay. This requires additional findings and a moderately complex review, which made add time or money on to a permitting process.



Not allowed:

Eliminating the ability for industrial development along the White River has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues. Industrial uses offer employment opportunities, economic growth, and support for existing businesses.

### **Social consequences:**

Allowed use (no protection beyond EPD-1 and setbacks):

Allowing industrial uses without protections could have significant social consequences related to scenic and recreational value of the White River. Industrial activity, by its nature, is typically done at a scale and in the type of structures that don't blend with the natural environment. Industrial uses and activities also typically create noise, smells, and other emissions that may be undesirable to recreators or other visitors.

Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the Natural Areas Overlay. There are no known social consequences to allowing industrial activity with these additional rules, and these protections offer mitigation to some of the impacts that have a connection to social values including aesthetics and recreation.

Not allowed

There are no known social consequences for prohibiting industrial activities and uses.

### **Environmental consequences:**

Allowed use (no protection beyond EPD-1 and setbacks):

Allowing industrial uses with limited protections has potential environmental consequences including impacts to ground water quality, disturbance of wildlife and fish habitat, and the introduction of pollutants to the resource. Industrial activities typically occur at a scale and with materials that can be especially detrimental to the natural environment.

Noise is one of the most obvious adverse impacts of industrial uses that could threaten wildlife habitat. Machinery noise from manufacturing, storage yards, auto repair, or other activities can be disruptive to nesting or other related wildlife activity. It also can impact the perceived human experience of the scenic and recreation resource. Additional traffic, particularly that of heavy machinery or trucks, can create noise, have leaks, or create ground disturbance. This can

introduce a variety of pollutants to ground, groundwater or the River. This can also disrupt the scenic or recreational values by introducing noise that is at a higher volume than ambient.

Waste, by product, drainage, leeching, and spills can contaminate soil, groundwater or the River directly through a variety of accidental or intentional activities. Industrial activity tends to generate pollutants by its very nature, lending to exposure to the resource.

Some permitted industrial uses involve application of chemicals or other practices which may release noxious odors. Smells generated from certain types of industrial activities may impact wildlife or human visitors.

Structures or the open yard nature of industrial uses impact the scenic or recreational values by introducing large scale built environment to a Wild and Scenic River. One of the action items from the federal White River management plan requires development to harmonize with the natural environment.

Industrial uses also often require complete site clearing and grading, with the retention of few if any natural resources on a site. They therefore can have more severe environmental effects than other uses. Industrial uses also often draw substantial amounts of water from wells or public water sources, drawing down the water table which can, in turn, reduce surface water flows in the streams and river.

There are significant potential environmental consequences for allowing industrial uses without additional protections.

Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the Natural Areas Overlay. This requires a conditional use review for all permitted uses and the development of findings which demonstrate the natural value will not be damaged by the use or activity.

Mitigation for impacts to ground water, habitat, and river quality can be managed through permit conditions. Conditions can also limit hours of operation, structure size, and impose other limitations through site plan review.

For mining activities there is typically the requirement for reclamation or rehabilitation of lands once resource is exhausted. However, this implies finite operations. Many of the permitted industrial uses require structures and infrastructure which increase the permanency of development.

There may be limitations to how EPD-7 protects the White River from industrial use environmental consequences.

Not allowed:

Eliminating industrial uses along the White River has no known environmental consequences.

**Energy consequences:**

Allowed use (no protection beyond EPD-1 and setbacks):

Industrial uses may require large amounts of power for operation requiring additional infrastructure or development to support the demand.

Environmental Protection District protections:

Industrial uses may require large amounts of power for operation requiring additional infrastructure or development to support the demand. This would typically be outside the purview of the Wasco County Planning Department review.

Not allowed:

There are no known energy consequences of not allowing industrial uses.

***Conclusions/Recommendations:***

Industrial uses pose significant potential environmental, social and energy consequences. These include adverse impacts like noise, erosion, pollution, ground disturbance, waste, and scenic disruption. Allowing without or minimal restrictions create a scenario where the uses are likely to adversely impact the White River.

To balance environmental impacts and social consequences with potential economic consequences, industrial uses should, at a minimum, be restricted through additional criteria and regulations consistent with EPD-7. EPD-7 requires all uses be evaluated through conditional use standards which require analysis of potential adverse impacts and the application of conditions to mitigate impacts.

Because many of the uses and activities are diverse, the ability to apply rules with discretion towards individual conditions provide for an equitable solution.

Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings made regarding adverse impacts.

Evidence must demonstrate that the proposed use will have minimal impact from dust, noise, and odor during construction, will not significantly reduce or impair sensitive wildlife habitat, subject the ground to excessive soil erosion, and generally safeguard the air, water and land quality. Findings would also need to demonstrate how the proposed development does not impact the scenic or recreation values of the White River.

Staff is recommending all permitted industrial uses be allowed as conditional uses to help mitigate impacts to the resource while preventing identified economic and social consequences. If evidence suggests that the industrial use may have adverse impact on the resource and cannot be mitigated, a denial should be issued for the development permit application.

To strengthen and clarify EPD-7, staff is recommending the language within the LUDO be re-written to clearly indicate all uses within this overlay zone should be treated as conditional uses. Furthermore, the language should expressly state the impacts identified in the Federal Management Plan which need to be mitigated for.

Environmental Protection Agency. (2013). [\*Our Built and Natural Environments: A Technical Review of the Interactions Among Land Use, Transportation, and Environmental Quality\*](#).

Keyel, A., et al (2017). [\*Evaluating anthropogenic noise impacts on animals in natural areas\*](#).

Longcore, T. et al (2016). *Artificial night lighting and protected lands: ecological effects and management approaches*. Natural Resource Report.

Pejchar, L., et al (2015). *Consequences of residential development for biodiversity and human well-being*. Front Ecol Environ; 13(3), p. 146-153.

Natural Resources Conservation Service. (2008). [\*Urban Soil Erosion and Sediment Control: Conservation Practices for Protecting and Enhancing Soil and Water Resources in Growing and Changing Communities\*](#).

## Appendix 5-E

### Natural Areas

Areas in Wasco County which appear to have ecological and scientific value have been identified by the Nature Conservancy for the Oregon Natural Heritage Program. Personal interviews, extensive literature review, field investigations, and aerial photography in the 1978 were the basis of this inventory list of natural areas. The list does include some areas which have not been verified by research or field study, but are considered potentially significant. Table 5.8a lists the natural areas in Wasco County as identified by the Nature Conservancy in 1978.

A “site” as it appears in Table 5.8 is the geographic location of one or more noteworthy element occurrences. An element is any one natural feature of the landscape; for example, a bald eagle nest or an age-old forest, and the site is where it occurs. A site may have only one feature, such as a nest, or it may include several features, such as a stretch of river surrounded by an old growth forest with a rare plant species and nesting areas for endangered bird species. Descriptions accompanying the site on the inventory list have been written to point out features at the site.

Not all lands identified by the Nature Conservancy are being considered as natural areas. Many of the elements have not been verified. Many of the ones that have been verified have not been located specifically. The attempt has been made to locate the most significant natural areas and identify them with specific boundaries. Ownerships, conflicts of use, location, surrounding uses, size of the area and citizen input were taken into account when designating natural areas: Additional sites not listed by the Nature Conservancy have been included as natural areas. Table 5.8b lists these sites.

All natural areas have been identified on the zoning map by placement of an environmental protection district overlay zone (EPD-7). The zone is described in the Wasco County Land Use and Development Ordinance.

**Table 5.8a- Natural Areas as Identified by the Nature Conservancy (4/78)**

REF NO.	*SR	**REFERENCE NAME	LOCATION Township, Range & Section	***P S	ELEMENT NO.	****V O	ELEMENT NAME
WC-4	+	Oak Springs (B)	-4S, 14E, SE1/4 17	3	1.18.986 2.02.402 2.02.402 4.11.110	V V V V	Wetland shrubland Rough-skinned newt Pacific giant salamander Cold spring

WC-6	+	Confluence of White River & Tygh Creek to Deschutes River (B)	-4S, 13E, 1, 2, 11, 12 -4S, 14E, 5 - 8	3	1.08.912 4.04.120 4.04.450 4.04.460 5.14.596	V V V V V	Wetland forest Low stream segment, low gradient reach River island Waterfalls Great blue heron rookery
WC-8	+	Lawrence Memorial Grassland Preserve (The Nature Conservancy) (B)	-7S, 16E, 15, 22	2	1.18.931 1.28.910 1.28.911 1.28.920 3.01.049 6.01.000	V V V V V V	Stiff sage/Sandberg's bluegrass Bluebunch wheatgrass-Idaho fescue Bluebunch wheatgrass-Sandberg's bluegrass Sandberg's bluegrass communities <i>Lomatium minus</i> Geologic feature
WC-11		Tygh Ridge Summit (C)	-3S, 14E, 16, 17, 20	3	1.28.910	V	Bluebunch wheatgrass-Idaho fescue
WC-13		Hollow Creek Area (A)	-7S, 18E, NW1/4 1 -8S, 17E, NE1/4 1	3	2.02.642	V	Golden eagle (2 nests)
WC-14		Mission Hollow (A)	-2S, 15E, 6	3	2.02.642	NV	Golden eagle
WC-15		Butler Canyon (B)	-3S, 13E, 14, 23	3	1.18.931 1.28.910 1.28.911	V V V	Stiff sage/Sandberg's bluegrass Bluebunch wheatgrass-Idaho fescue Bluebunch wheatgrass-Sandberg's bluegrass
WC-20		Buck Hollow Creek (C)	-6S, 17E, W1/2 16	3	1.18.931 1.28.910 1.28.911	V V V	Stiff sage/Sandberg's bluegrass Bluebunch wheatgrass-Idaho fescue Bluebunch wheatgrass-Sandberg's bluegrass
WC-28		Black Rock/Rotten Lake Basin (B)	-7S, 18E, 1-3, 10-15 -7S, 19E, 5-8, 18	3	2.02.642 4.07.110 4.10.100 6.01.000 6.02.000	NV NV NV NV NV	Golden eagle Low lake, permanent Lowland pond Geologic feature Paleontologic feature
WC-30		White River Canyon (B)	-4S, 5S, 11-13E	3	3.04.800	V	Isolated population, Douglas fir
WC-34		Camas Prairie (C)	-5S, 10E, 16, 17	3	1.25.118 3.04.000	V V	Marshland Wildflower area
WC-37		Mill Creek Falls (C)	-1S, 12E, NW1/4 5, NE1/4 6	3	1.05.620 4.04.460	NV V	Douglas fir forest Waterfalls
WC-38		Mill Creek Drainage (C)	-1S, 11E, NW1/4 3	3	3.01.037 3.02.000	V V	<i>Hydrophyllum capitatum</i> var. <i>thompsonii</i> <i>Lomatium columbianum</i>
WC-40		Nena Ranch (B)	-6S, 13E, 1, 12	3	1.05.913	NV	Wetland forest

WC-44		Oak Canyon (C)	-2S, 14E, 35, 36	3	1.05.621 1.05.911 1.25.114	V V V	Douglas fir-ponderosa pine Oregon white oak/grassland Bluebunch wheatgrass-Idaho fescue
WC-47		Boulder Creek Drainage (C)	-8S, 9S, 9-11E	3	1.05.600	V	Old growth Douglas fir forests
WC-50	+	Rowena Dell (The Nature Conservancy Preserve, part) (B)	-2N, 12E, 3, 4	2, 3	2.02.636 3.01.037 3.02.000 3.04.700 4.10.110 4.10.120 6.01.000 6.04.000	NV NV V V V V V V	Osprey <i>Hydrophyllum capitatum</i> var. <i>thompsonii</i> <i>Lomatium Columbianum</i> Wildflower area Lowland pond/wetland, permanent Lowland pond/wetland, intermittent Geologic feature Historic feature
WC-51		Mosier Area (C)	-2N, 11E, 2	3	1.05.912 3.04.700	NV V	East Col. Gorge rockfall with forest complex Wildflower area
WC-52		Seven Mile Hill Area (A)	-2N, 12E, 11	3	1.05.912 1.25.110	V V	East Col. Gorge rockfall with forest complex East slopes Cascade grassland
WC-56		Memaloose Island (B)	-3N, 12E, 32	3	2.02.636	V	American osprey
WC-61		Mill Creek Research Natural Area (B)	-1S, 11E, 4, 8, 9, 16, 17	2	1.05.621 1.05.911 1.25.114	V V V	Ponderosa pine-Douglas fir Oregon white oak/grassland Bluebunch wheatgrass-Idaho fescue
WC-62		Persia M. Robinson Research Natural Area (C)	-6S, 10E, 10, 11	2	1.05.621 1.05.630 4.04.120	V V V	Ponderosa pine-Douglas fir Mixed conifers Lowland stream segment, low gradient reach
WC-65		Wapanitia Warm Springs (C)	-6S, 12E, 2, 11	3	4.11.120	V	Hot spring
WC-67		Deschutes Island (C)	-2S, 16E, 5	3	5.14.596	V	Great blue heron rookery
WC-69		Antelope Creek (A)	-8S, 15E, 25, NW1/4 35 -8S, 16E, NE1/4 4	3	2.02.642	V	Golden eagle (7 nests)
WC-70		Antelope Valley (C)	-S1/2 7S, 17E -N1/2 8S, 17E	3	2.02.640	V	Swainson's hawk (8 nests)
WC-71		Tygh Creek (C)	-3S, 12E, 26	3	2.02.643	V	Northern bald eagle
WC-72		White River Wildlife Management Area (B)	-4S, 5S, 11E, 12E	2	2.02.643 2.02.510 2.02.513	V V V	Northern bald eagle Ring-necked duck Bufflehead

					2.02.641 2.02.642 2.02.654 2.02.752 2.02.881 2.02.902 5.14.621 5.17.806	V V V V V V V V	Ferruginous hawk Golden eagle Western burrowing owl Gray-crowned rosy finch White-tailed jackrabbit Sagebrush vole Band-tailed pigeon mineral springs Elk critical winter range
WC-74		Sunflower Flat (C)	-6S, 11E, SW1/4 2, S1/2 3, NW1/4 11	3	1.05.710 1.05.810 1.05.911	NV NV NV	Ponderosa pine Western juniper woodland Oregon white oak/grassland
WC-75		Abbot Pass (proposed Research Natural Area (C)	-5S, 9E, 17	3	1.05.310	NV	Mountain hemlock
WC-76		Four Hills Grassland (C)	-8S, 17E, 2, 3, 10, 11	3	1.28.910 3.04.700	V NV	Blubunch wheatgrass-Idaho fescue Wildflower area
WC-77		Antelope Watershed (C)	-7S, 17E, 30	3	1.08.814	V	Western juniper/big sage/bitterbrush
WC-80		Unnamed (C)	-7S, 17E, 18	3	3.01.049	V	<i>Lomatium minus</i>
WC-81		Unnamed (C)	-7S, 16E, 5	3	3.01.049 3.02.000 3.02.000 3.02.000	V V V V	<i>Lomatium minus</i> <i>Allium macrum</i> <i>Allium tolmiei</i> var. <i>tolmiei</i> <i>Claytonia minus</i>
WC-82		Unnamed (B)	-4S, 14E, 20, SW1/4 29	3	3.02.000	V	<i>Mimulus jungermannioides</i>
WC-83		Dinger/Clear Lake proposed Research Natural Area (A)	-5S, 81/2E, W1/2 1	3	1.05.310	V	Western hemlock zone
WC-84		Wasco Lookout (C)	-2N, 12E, SE1/4 32	3	3.01.037	V	<i>Hydrophyllum capitatum</i> var. <i>thompsonii</i>

\*SR = Site Report

\*\*Areas Marked with:

- (A) have been designated as natural areas using locational description given.
- (B) have been designated as natural areas, although the area descriptions have been altered.
- (C) have been removed from the list because they are not considered unique or significant natural areas.

\*\*\*PS = Protection Status

- 1 = Preserved
- 2 = Legally Protected
- 3 = Unprotected

\*\*\*\*VO = Verification of Occurrence

- V = Verified
- NV = Not Verified



**Table 5.8b – Natural Areas**

#	Site Name	Location	VO	Element Name
1	Cedar Island	T3S, R15E, Sec. 4	UV	River Island with a distinct population of incense cedars. (B.L.M.)
2	Sharps Island	T1S, R16E, Sec. 5	UV	Great Blue Heron rookery and riparian habitat.
3	Fall Creek Island	T1N, R16E, Sec. 31	UV	Great Blue Heron Rookery
4	Underhill Site	T2S, R11E, Sec. 15	UU	Environmental education site for children. Natural vegetation and habitats, trails, and historic sites are preserved (U.S. Forest Service)
5	Postage Stamp Lookout	T3S, R13E, Sec. 18, 19, & 20	UV	Laboratory research site. (State of Oregon)

VO = Verification of Occurrence:

-UV = Unsurveyed, verified.

-UU = Unsurveyed, unverified.

Application of Statewide Planning Goal # 5 To Inventoried Natural Areas in Forest Lands

In the May 20, 1982, Land Conservation and Development Commission's "in order to comply statement", Wasco County was directed to analyze the economic, social, environmental and energy (ESEE) consequences of the conflicts between forest operations and inventoried natural areas and develop a program to achieve the goal (3). Wasco County has identified three natural areas that are within forested areas. These areas include: the western end of the White River Canyon, site "WC-30"; the Mill Creek Research Natural Area, site "WC-61"; and the Dinger/Clear Lake Proposed Natural Research Area, site "WC-83".

Sites "WC-30" and "WC-83" are within the "F-2 (80)" zone and are also within the Environmental Protection District, EPD-7, overlay zone which permits the following uses which are identified as conflicting ESEE uses:

Permitted:

- Management, production and harvesting of forest products, including primary wood processing and operations.
- Utility facility necessary for public service.

Conditional:

- Single family residences and mobile homes in conjunction with a farm or forest use.

- Public facilities
- Personal-use airports
- Public and private parks
- Mining
- Sanitary Landfill

The prime factor in analyzing the ESEE consequences on these sites is ownership. There are no private holdings involved within these sites. Site "WC-30" is owned by the Oregon State Game Commission and is being managed for Big Game Winter Range and other wildlife habitat. The conflicting uses identified above, except for timber harvesting, will not occur on state lands. Any timber harvesting will be controlled by the Oregon Department of Fish and Wildlife under their program for wildlife habitat. The conflicting uses are, therefore, controlled and limited by the Department of Fish and Wildlife's program for habitat improvement.

Site "WC-83" is owned by the United States Forest Service and is part of the Mt. Hood National Forest. Again, timber harvesting would be the only conflicting use and that activity is controlled by the Forest Service. Compliance with local plans is not mandatory of federal agencies, although their co-operation is encouraged by Wasco County.

Site "WC-61" is within the "F-1 (80)" zone. This zone includes only those lands within The Dalles Watershed. The EPD-7 over-lay zone permits only conditionally the following uses which are identified as conflicting ESEE uses:

- Management, production and harvesting of forest products, including primary wood processing and operations.
- Mining
- Utility facilities necessary for public service.

Site "WO-61" is totally owned by the United States Forest Service and is within The Dalles Watershed. The watershed is managed through an agreement between The Dalles and the Forest Service called. "Comprehensive Management Plan for The Dalles Municipal Watershed". 1972. Forest harvesting activities as well as other uses is strictly controlled by both federal programs and regulations and by the cooperative agreement with The Dalles. The conflicting uses are, therefore, controlled and limited and no other measures need to be taken to protect the natural area.

## 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 (Wasco County Aggregate Site and Aggregate Demand Analysis (1976) Montagne and Associates). Total resources as inventoried in that document are 6.3 million tons. The demand project was based on a per capita average.

Available information was sufficient to identify 135 resources sites in Wasco County during the original 1983 Comprehensive Plan Process. A study done in 1976 by Montagne and Associates, Wasco County Aggregate Sites and Aggregate Demand Analysis (1976), provided the basis for this process. During 1990-1991 additional information, as a supplement to the 1976 data, was gathered from individual owner/operators and from the DOGAMI Mined Information Layer database to provide the County a more thorough and accurate record of sites in the County.

All Wasco County sites listed in the County Inventory (Table 5.9) but without significant research are Potential Sites. Significant Sites have been identified in accordance with OAR 660-016 or OAR 660-023 rules.

### 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.

Specific potentially conflicting uses contained within the A-1, FF, and F-2 zones are;

Zone	Permitted Uses	Conditional uses
A-1	Farm dwelling	Additional Farm Dwelling
	Utility facility (public)	Nonfarm dwelling
		Commercial activities in conjunction
		Private recreation facilities
		Churches
		Schools
		Public parks and playgrounds
		Golf courses
		Utility facilities (commercial)
		Personal use airport
		Home occupations
		Solid waste disposal site
F-F	Same as A-1 Zone except boarding of horses for profit.	Same as A-1 zone except for kennels
F-2	Utility Facilities (public)	Forest Farm Dwelling

#### a. Economic, Social, Environmental and Energy Consequences of Conserving Mineral Resources

- (1) Economic Consequences: Aggregate is a crucial resource for nearly all types of structural development. As a basic building material, its relative abundance can exert either a positive or negative influence on the development of a local economy. It provides the building blocks for development, and the removal, transport and use provides jobs upon which a substantial part of the economy depends.

To protect mineral resource sites through the resolution of conflicts between mineral extraction and other competing uses (as identified) will help ensure a strong economic future. The economic consequences of not protecting mineral sites could be costly to the local economy through increased costs for basic building materials.

- (2) Social Consequences: The consequence of protecting mineral resource sites is necessary in order for public and private construction projects. The characteristics of sand and gravel operations may be a nuisance in that they do contribute to noise, dust, and visual blight.

The negative social consequence of applying regulations is similar to the negative economic consequences in that the same individuals may be inconvenienced in their building plans.

- (3) Environmental Consequences: The importance of any mining activity lies within its economic value and the relative scarcity of the resource. State agencies regulate mining activities and require that reclamation plans be submitted prior to permit approval. Reclamation plans provide for productive uses of property following a mining operation and can include recreational features such as lakes and wildlife habitats.

Because the natural environment will, of necessity, be disturbed by mining, the protection of mineral resource sites may not result in positive environmental consequences (mineral extraction is temporary in nature). Farming, forestry and recreation can and do occur before and after a mining operation. In case of important mineral resource sites, the positive economic and social benefits must be weighed against the environmental consequences.

- (4) Energy Consequence: Because of transportation costs, the deposits nearest to developing areas are, of necessity, the best ones in order to remain economically viable. As a result, the energy consequence of protecting the best mineral resource site (those close to construction areas) is entirely positive.

- (5) Conclusion: In Wasco County decisions to protect aggregate sites for Goal 5 will be on a site by site basis. The consequences of establishing requirements which limit conflicting uses in identified mineral resource sites should prove to be of substantial benefit to the economic, social, and energy systems within which we live. As long as provision for reviewing extenuating circumstances is included, the limitation of conflicting uses within identified mineral resources sites is warranted.

- b. A Program to Conserve Mineral Resource Sites: The program to conserve significant mineral resource sites is designed to limit some conflicting uses and prohibit others through the use of an overlay zone. The overlay will ensure that most structural development will not preempt the use of a needed mineral resource.

Based on a site specific ESEE analysis, the County shall make a determination on the level of protection to be afforded each significant site. The County shall make one of the following determinations:

- (1) Protect the site fully and allow mining. To implement this decision the county shall apply the Mineral and Aggregate Overlay zone. Development of the significant site shall be governed by the standards in Section 3.835 of the Wasco County Land Use and Development Ordinance. As part of the final decision, the County shall adopt site-specific policies prohibiting the establishment of conflicting uses within the Impact Area.
- (2) Allow conflicting uses, do not allow surface mining. To implement this decision the county shall not apply the Mineral and Aggregate Overlay zone. The significant site will not be afforded protection from conflicting uses, and surface mining shall not be permitted.
- (3) Balance protection of the significant site and conflicting uses, allow surface mining. To implement this decision the county shall apply the Mineral and Aggregate Overlay zone, and identify which uses in the underlying zone will be allowed, allowed conditionally, or prohibited. Development of the significant site shall be governed by the standards in Section 3.835 of the Wasco County Land Use and Development Ordinance and any other site-specific requirements designed to avoid or mitigate the consequences of conflicting uses and adopted as part of the final decision. Development of conflicting uses within the Impact Area shall be regulated by Section 3.845 of the Wasco County Land Use and Development Ordinance and any other site-specific requirements designed to avoid or mitigate impacts on the resource site and adopted as part of the final decision.

Any uses not mentioned below will be allowed as specified in the Land Use and Development Ordinance.

Under the Mineral Resource Overlay, the following uses, by zone, will be prohibited:

Zone	Prohibited Use
F-2	Single Family Dwelling
A-1	Churches
	Second farm dwelling
	Schools
	Additional farm dwellings
	Nonfarm dwellings
F-F	Churches
	Second farm dwelling
	Schools
	Additional farm dwellings
	Nonfarm dwellings

The following uses by zone, will require a conditional use permit:

Zone	Conditional Use
------	-----------------

F-2	Public recreational facilities
	Water impoundments
	Private recreation facilities
A-1	Public utility facilities
	Solid waste disposal site
	Water impoundments
	Commercial activities in conjunction with farm use
	Private recreation facilities
	Public parks and playgrounds
	Golf courses
	Commercial utility facilities
	Personal use airport
	Boarding horses for profit
	Farm Dwellings
F-F	Placement of power generation facilities
	Kennels
	Public utility facilities
	water impoundments
	Commercial activities in conjunction with farm use
	Public parks and playgrounds
	Golf courses
	Commercial utility facilities
	Personal use airport
	Boarding horses for profit
	Private recreation facilities
	Solid waste disposal sites
	Farm Dwelling

**Table 5.9 - 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. 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
<b>Inv. #</b>	<b>Current Map/Tax Lot</b>	<b>Zone</b>	<b>Owner Name &amp; Address</b>	<b>Former Map &amp; Tax Lot</b>	<b>DOGAMI #</b>	<b>Application #</b>	
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	2N 13E 20 1000 not shown on map	33-0064	CUP-98-122 - <i>Exp. 1-2000</i>	No



			The Dalles OR 97058				
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)	2N 13E 20 600	33-0011	CUP 91-101 &	No
			1022 W 9th Street		33-0083	SPR 91-103	
			The Dalles OR 97058				
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	2N 14E 1000			No
			4550 Fifteen Mile Road				
			The Dalles OR 97058				
26	2N 14E 2200	A-1	Donna E. Ashbrook et al	2N 14E 28 2700	33-0014		No
			P O Box 158				
			Dufur OR 97021				
27	2N 14E 33 500	A-1	Judith F. Bayley et al	2N 14E 33 400			No
			6331 SW Radcliff St				
			Portland OR 97219				
28	2N 14E 2400	A-1	C Gard Fulton	2N 14E 33 3000	33-0023		No
			3775 Fifteen Mile Rd.				
			The Dalles OR 97058				
29	1N 14E 300	A-1	Forest J. Hay	1N 14E 400			No
<b>Inv. #</b>	<b>Current Map/Tax Lot</b>	<b>Zone</b>	<b>Owner Name &amp; Address</b>	<b>Former Map &amp; Tax Lot</b>	<b>DOGAMI #</b>	<b>Application #</b>	<b>Goal 5</b>
			609 E 9th St				
			The Dalles OR 97058				
<b>30</b>	<b>1N 14E 2000</b>	<b>A-1</b>	<b>Sylvia Weimer</b>	<b>1N 14E 3500</b>			<b>Yes</b>
			<b>4100 Old Dufur Rd.</b>				
31	1N 14E 2300	A-1	William & Sheli Markman/Wasco	1N 14E 3300			No
			County				
			4785 Eight Mile Road				
			The Dalles OR 97058				
32	1N 15E 3700	A-1	William & Carmen Eddins	1N 15E 3700			No
			1515 E 21st Street				

			The Dalles OR 97058				
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.	1S 14E 3100			No
			1 NW Greenwood Ave.				
			Bend OR 97701				
36	1S 14E 3000	A-1	Paul & Velma Limmeroth	1S 14E 3401			No
			2520 Ward Road	Boyd			
			The Dalles OR 97058				
37	1S 14E 18 100	A-1	Miller Ranch Co.	1S 14E 18 100			No
			1 NW Greenwood Ave.				
			Bend OR 97701				
38	1S 14E 3200	A-1	Mary Sylvester	1S 14E 3600			No
			3813 Faith Home Road				
			Ceres CA 95307				
39	1S 14E 20		Dufur	1S 14E 20			No
40	2S 13E 35 100	A-1	William Neil	2S 13E 100	33-0050		No
			62883 US Hwy 197				
			Dufur OR 97021				
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	3S 13E 100			No
			P O Box 427				
			Dufur OR 97021				
43	3S 13E 2300	A-1	Paul & Velma Limmeroth	3S 13E 2500			No
			2520 Ward Road				
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	3S 13E 2500			No
			2520 Ward Road				
			The Dalles OR 97058				
45	3S 13E 3200	A-1	Irl Jr. & Orlena Davis	3S 13E 3400	33-0054	CUP 96-101	No
			45 N Eagle Pt Road				
			Tygh Valley OR 97063				
46	3S 13E 33 100	A-1	Robert & Meredith Lindell	3S 13E 33 3500	33-0047		No
			P O Box 217				
			Tygh Valley OR 97063				

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
<b>Inv. #</b>	<b>Current Map/Tax Lot</b>	<b>Zone</b>	<b>Owner Name &amp; Address</b>	<b>Former Map &amp; Tax Lot</b>	<b>DOGAMI #</b>	<b>Application #</b>	<b>Goal 5</b>
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	2S 14E 1600			No

			Dufur OR 97021				
59	2S 14E 2000	A-1	Martin & Beverly Underhill	2S 14E 1800			No
			P O Box 266				
			Dufur OR 97021				
60	2S 14E 2300	A-1	Robert & Nancy Hammel	2S 14E 2000			No
			62250 Tygh Ridge Road				
			Tygh Valley OR 97063				
61	1N 15E 2200	A-1	William & Barbara Hammel	1N 15E 21 2100			No
			7075 Fifteen Mile Road				
			The Dalles OR 97058				
62	1N 15E 2200	A-1	William & Barbara Hammel	1N 15E 2100			No
			7075 Fifteen Mile Road				
			The Dalles OR 97058				
63	1N 15E 2900	A-1	Eldon F Emerson et al	1N 15E 20 2700			No
			6124 Roberts Market Road				
			The Dalles OR 97058				
64	1S 14E 4500	A-1	Lucie Underhill Life Estate	1S 14E 4900			No
			85429 Easton Canyon Road				
			Dufur OR 97021				
64	1S 14E 4500	A-1	Clara A. O'Brien	1S 14E 4900			No
			2867 Breckenridge NW	Duplicate			
			Salem OR 97304				
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	1S 14E 31 5600			No
			US Nat'l Bank Trust Dept				
			P O Box 3168				
			Portland OR 97208				
66	1S 14E 2800	A-1	Daniel Bolton	1S 14E 1900			No
			P O Box 731				
			Dufur OR 97021				
68	2N 12E 4 1100	NSA	Wasco County	2N 12E 4/5			No
70	2S 12E 1700	A-1	Sharon L. Sorensen	2S 12E 12 3000			No
			Rt 1 Box 180				
			Dufur OR 97021				

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
<b>Inv. #</b>	<b>Current Map/Tax Lot</b>	<b>Zone</b>	<b>Owner Name &amp; Address</b>	<b>Former Map &amp; Tax Lot</b>	<b>DOGAMI #</b>	<b>Application #</b>	<b>Goal 5</b>
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.	6S 16E 5 106			No

			Rt 1 Box 16 Baker OR 97814				
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 Antelope OR 97001	8S 17E 35 2100			NO
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	8S 15E 22 1701			No
			Gateway Star Route Box 465				
			Madras OR 97741				
212	8S 15E 2000	A-1	Charles & Betty Johnson	8S 15E 27/28 1701			No
			Gateway Star Route Box 465				
			Madras OR 97741				
213	8S 15E 26 3500	A-1	Annan & Marla Priday	8S 15E 26 2900	33-0094	CPA 96-101	Yes
			HC 62, Box 462			Goal 5	
			Madras OR 97741				
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 Added 3/93	No
218	4S 12E 2800	A-1	Metzentine Quarry	4S 12E 17 1900	33-0086	CUP 91-102 Added 3/93	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

# Historic Resources

Table 5.11-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 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 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 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

## Open Space

During the 1983 Comprehensive Plan planning process, a list of open spaces to be preserved and protected were developed and subsequently listed in the Findings and Recommendations Chapter. Table 5.13 summarizes that information.

**Table 5.13 – Open Space Resources in Wasco County**

Open Space Resource	Details	Conflicting Uses
Agricultural and forest lands	Lands are protected through low density and conditional uses for non-resource related development	Residential uses
Columbia Gorge	Formerly protected by an Environmental Protection Zone, now protected via the Columbia River Gorge National Scenic Area Act and implementing Management Plan and Ordinances	Non-resource uses
Deschutes and John Day Rivers	Protected by the State Scenic Rivers Act and EPD 7	Non-resource uses
The White River	Designated natural area by the Nature Conservancy and Wasco County, Federally Designated Wild and Scenic River.	Non-resource uses
The Dalles and Dufur Watersheds	Zoned F-1 to limit conflicting uses	Residential uses

## Scenic Views and Sites

**Table 5.14-Wasco County Designated Scenic Areas**

Route No	Hwy	From MP & Location	To MP & Location	Remarks
US I-84 N	2	67.72 – Hood River/Wasco County Line 70.63 – E City Limits of Mosier 87.85 - .06 E of E City Limits of The Dalles 96.70 - .25 W of Jct Celilo-Wasco Hwy	69.62 – W City Limits of Mosier 79.70 – 1.08 W of Tayler Frantz Rd O-Xing 96.70 - .25 W of Jct Celilo-Wascy Hwy 99.85 – Wasco/Sherman County Line	660' Both Sides 660' Both Sides 660' Both Sides Within View
US 97	4	2.00 - .16 S of O-Xing, Equipment Pass 22.42 - .06 N of Tygh Ridge Summit 47.00 - .14 N of City Limits of Maupin	11.00 - .14 S of Starveout Road 43.83 - .13 N of W City Limits of Maupin 50.00 – 2.58 S of S City Limits of Maupin	Within View Within View Within View
US 197/US 97	4	59.00 – 1.07 S of Criterion	74.26 – Wasco/Jefferson County Line	660' Both Sides
US 97	42	48.81 – Sherman/Wasco County Line 56.72 – W City Limits of Shaniko	56.04 – N City Limits of Shaniko 68.66 – Jct The Dalles-California Hwy	Within View Within View
ORE 216	44	0.00 – Jct Warm Springs Highway	26.17 – Jct The Dalles-California Hwy	Within View
US 26	53	62.15 – Clackamas/Wasco County Line	77.99 - .11 W of Willow Creek	660' Both Sides
ORE 216	290	6.00 - .45 W of Winter Water Creek	8.30 – Wasco/Sherman County Line	660' Both Sides
ORE 218	291	0.56 – S City Limits of Shaniko 8.24 – E City Limits of Antelope	7.31 – N City Limits of Antelope 23.07 – Wasco/Wheeler County Line	660' Both Sides 660' Both Sides
US 30	292	2.00 - .91 E of City Limits of Mosier	13.00 - .73 W of Taylor – Frantz Road	660' Both Sides

**Figure 5.14a - Wasco County Outstanding Scenic and Recreational Areas**

Columbia River Gorge: Includes area defined by the Columbia River Gorge Commission and O.R.S. 390.460.

Deschutes River: Areas within the river canyon that can be seen from the Deschutes River or lands designated under the State Scenic Rivers Act. This is a potential Federal Wild and Scenic River.

John Day River: Land seen from the river within the river canyon, or lands designated under the State Scenic Rivers Act. This river is under study for inclusion as a Federal Wild and Scenic River.

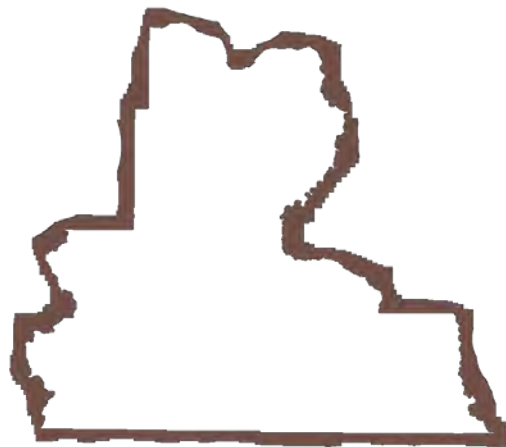
Rock Creek Reservoir: Includes land adjacent to the reservoir.

Pine Hollow Lake: Includes land adjacent to the lake.

White River: Lands within the River Canyon, or lands within approximately 4 mile of the river



# WASCO COUNTY 2040 OUTREACH REPORT



Wasco County 2040

May 2019-March 1, 2020



3/1/2020

## Outreach Results and Summary

In February 2018, the Wasco County Planning Department officially entered Periodic Review and commenced work on the Comprehensive Plan update, Wasco County 2040. The process includes public outreach efforts to engage citizen involvement in updates. This report is a summary of those efforts, including feedback received through online comments, email, mailed in comments, online surveys, and at workshop events.

The Wasco County Citizen Advisory Group set a goal for total participation of 20% of the population, roughly 1,629 residents living outside UGBs (this number includes children). In 2017, outreach efforts engaged 890<sup>1</sup> people including 60 key stakeholders and over 830 residents. Between the end of 2017 and June 2018, outreach efforts engaged an additional 1,014 people. From June 2018 until April 10, 2019, participation numbers totaled over 1,447 interactions. Between May 2019 and February 2020, there were over an additional 2,072 contacts with the public through either public meetings, comments, website visits, phone calls or emails.

This brings the total reach to over 5,400 interactions. Due to ongoing participation of some of our citizens, and the nature of counting interactions that are in some cases anonymous, it's difficult to conclude exactly how many discrete contacts have been made over the last several years. Planning staff estimates, based on

---

<sup>1</sup> This number counts each interaction as unique (e.g., survey filled, meeting attendance, etc.). Because many of the activities were anonymous, staff could not identify all interactions as discrete. We also had some people participating separately as citizens and stakeholders. The same count method was used in 2018, 2019, and 2020.

available data, that roughly have of the total 5,400 interactions are discrete which far exceeds the 20% goal set by the Citizen Advisory Group.

This interaction percentage also does not include the mailers sent every year to every property owner in unincorporated Wasco County. Total recipients for the postcard in 2020 were 3,694 residents. Many new faces were at the February 2020 roadshow meetings and told staff they were specifically in attendance because of the mailer.

Planning staff and the Citizen Advisory Group will continue, in the last year, to work to improve total reach and encourage public participation. The intention is to build on the momentum of outreach from Wasco County 2040 for the Land Use and Development Update in 2021-2022.

# Wasco County 2040 Outreach Report

## OUTREACH RESULTS AND SUMMARY

### Online Exercises

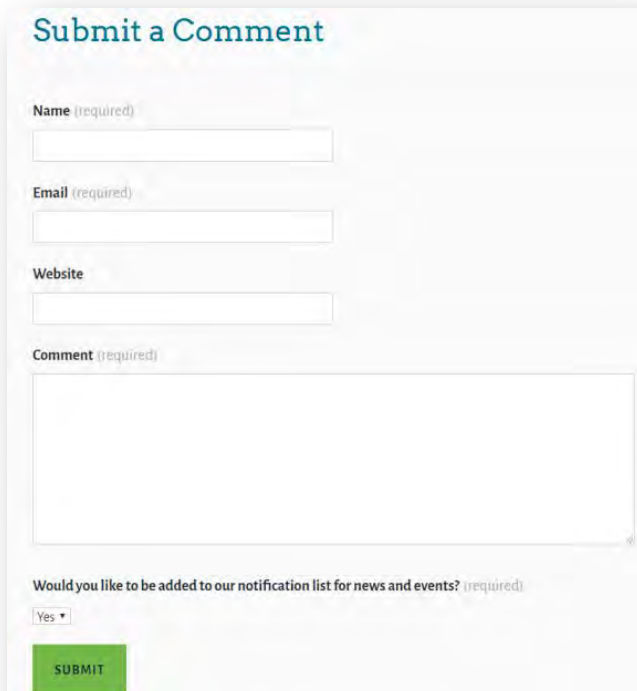
To model activities at the 2020 roadshow meetings, staff developed a survey tool to seek public input about the Economic, Social, Environmental and Energy (ESEE) Analysis needed to update the sensitive wildlife maps. In particular, participants were asked to identify possible conflicting uses and potential ESEE consequences of limiting those conflicting uses.

The surveys were posted online on February 17, 2020 and shared through links on the Wasco County main the Wasco County 2040 project website and Wasco County Planning social media.

The surveys were closed on February 28th to tabulate results.

The survey received a total of **0** responses.

### Online Comment Submissions

A screenshot of a web form titled "Submit a Comment" in teal text. The form has a light gray background and a white border. It contains four input fields: "Name (required)" with a text box, "Email (required)" with a text box, "Website" with a text box, and "Comment (required)" with a large text area. Below these fields is a dropdown menu labeled "Would you like to be added to our notification list for news and events? (required)" with "Yes" selected. At the bottom left is a green "SUBMIT" button.

To make it easy for residents and businesses to submit comments, an online comment submission form was created in 2017 and posted on the project website.

8 comments were received from the online submission form between May 2019 and February 2020. Online comments can be read in [Appendix A](#). We have redacted email addresses.

### Emailed Comments

Community members were encouraged to email planning staff at any time during the Comprehensive Plan Update process to voice their hopes, concerns, and other feedback for Wasco County 2040.

No comments were received via email in 2020.

### Mailed Comments

Community members were also encouraged to mail comments to planning staff at any time during the Comprehensive Plan Update process to provide feedback for Wasco County 2040.

No mailed comments were received to date in 2020.

## **Phone Calls and Counter Visits**

Between May 2019 and February 2020, staff received 24 inquiries by phone or at the counter related to Wasco County 2040.

## **September 2019 Open House**

On September 19, 2019 Wasco County Planning held an open house to share information with the public on updates to Goal 5, Goal 7 and Goal 13.

There were 3 people in attendance.

## **October 1<sup>st</sup> Citizen Advisory Group Meeting**

In October, a Citizen Advisory Group meeting was held to review proposed amendments to Chapters 5, 7, 11, and 13 of Wasco County 2040. There were 2 members of the public in attendance.

## **November 5<sup>th</sup> Hearing**

In November, a Planning Commission meeting was held to review proposed amendments to Chapters 5, 7, 11, and 13 of Wasco County 2040. There were 2 members of the public in attendance.

The Planning Commission recommended approval of the amendments to the Board of Commissioners.

## **December Board of County Commissioner Meetings**

The Planning Commission recommendations were presented to the Board of County Commissioners in two separate hearings in December. No members of the public attended to provide testimony.

## **2020 Roadshow Work Sessions**

As part of work task 18, staff and the Citizen Advisory Group held four community workshops to address topics of sensitive wildlife, forest lands, and recreation. Interested in understanding community visions for policy and implementation, the sessions were structured to be two hours long and consisted of a short presentation, three informational tables with exercises, and a large group discussion.

- The Dalles Attendance: 52 citizens, 3 CAG members, 1 BOCC, 1 ODFW, 4 staff
- Dufur Attendance: 72 citizens, 2 BOCC, 1 ODFW, 4 staff
- Wamic Attendance: 63 citizens, 3 CAG members, 1 BOCC, 1 ODFW, 5 staff
- Mosier Attendance: 50 citizens, 2 CAG member, 2 BOCC, 1 ODFW, 5 staff

Notes from each meeting can be seen in [Appendix B](#).

Participants were also encouraged to make written comment on comment cards at the meetings. We received 17 comment cards that can be seen in [Appendix C](#).

At the roadshow meetings, staff requested the public support the ESEE Analysis by identifying potential land use conflicts and ESEE consequences. The exercises can be seen in [Appendix D](#).





## Ad Hoc Meetings

Although they were offered, no ad hoc meetings were requested of staff.

## Social Media Engagement

The Planning Department currently maintains 4 social media accounts, in addition to the project website, including YouTube, Facebook, Twitter, and Pinterest. These accounts are used to push out material from the project website in order to increase audience engagement and capture. All accounts have restricted comments in order to funnel comments through official methods.

The Facebook page has continued to grow in followers and has been helpful in directing visits to the project website. Over 600 visitors to the website were referred to Wasco2040.com between May 2019 and February 2020.

				
Followers	271	54	142 (views)	3
Likes	84	7	1	NA
Shares	11	1	0	NA
Posts	64	89	2	102

## Media Coverage

Staff sent a press release to all regional media, including the newspapers and radio stations for updates in 2019 and 2020.

**Radio:** 2 radio interviews with Mark Bailey of KHR radio, BiCoastal Media Columbia River (July 31, 2019 and January 22, 2020)

**Websites:** *Reprint of Press Release on Gorge Country Radio website homepage*

Wasco 2040 To Discuss Wildlife, Forests, And Recreation  
Published January 22, 2020



Wasco 2040, Wasco County's Comprehensive Plan update, will be discussing goals relating to wildlife, forests, and recreation over the next few months. Wasco County Long-Range Planner Kelly Howsley-Glover this could be one of the most contentious parts of the process, noting wildlife map revisions in the past have brought up both private property and conservation issues. She says they will be updating two overlay maps based on new data from the Oregon Department of Fish and Wildlife. Four public meetings are scheduled in February on the topic starting February 19 at Columbia Gorge Community College in The Dalles, and moving on to Dufur School on February 20, Wamic School on February 26, and Mosier Grange Hall on February 27, all at 5:30 p.m. More information is available at [wasco2040.com](http://wasco2040.com).

## Project Website

In March 2017, a project website (wasco2040.com) was launched to house information about the Comprehensive Plan Update, including data and research about Wasco County, upcoming events, ways to participate, and results from public participation.

In addition to sharing information, the project website's main goal is to channel public participation into methods that could help support visioning efforts including promoting the survey, offering an online comment submission form, links to social media pages, and offering a variety of ways to sign up for notifications on news and events.

In 2017, the project website had a total of 2,494 views by 749 visitors. In 2018, the website had 1,657 views by 509 visitors. The project website currently has 48 followers by email (a 28 person increase in 2020), 325 by social media and 10 by feed. Between May 2019 and February 2020, the website had 1,800 visitors that resulted in 5,089 views.



**WASCO COUNTY 2040**

HOME ABOUT FAQ PARTICIPATE

**GET INVOLVED!**

### Upcoming Events

- Wed. Feb 19th  
5:30-7:30PM  
Columbia Gorge Community College  
Lecture Hall Building 2
- Thur. Feb. 20th  
5:30-7:30PM  
Dufur School Cafeteria
- Wed. Feb 26th  
5:30-7:30PM  
Wamic School Community Center
- Thur. Feb 27th  
5:30-7:30PM  
Mosier Grange Hall

### Notice about Updates

Did you get a postcard and/or letter in the mail? Wondering what it's all about?

[Click here to learn more!](#)

You can also view the proposed map for EPD 8 [here](#).

Want to help provide feedback for our analysis? Respond to the [Sensitive Wildlife Survey here](#). Respond to the [Sensitive Bird Survey here](#).

The most popular pages are: Progress to Date, Wasco County 2040: Look Ahead, References, and Participate. There were also a significant number of views to the Wildlife Habitat Overlay Zone Updates during this cycle.

The website has a steady readership of between 200 to 500 views a month.

## **Notification List**

---

Staff has compiled a list, through meetings and the website, of all citizens who have indicated that they want notifications about news and events related to Wasco County 2040. To date, the list has 184 individuals signed up.

Staff sends out email notices for upcoming events and other news as they happen.

## **Analysis and Recommendations**

---

### ***Goal 4***

The primary concern expressed at all public meetings to date with forest lands is wildfire risk. There was some discussion and questions related to buildability of forest lands by individual property owners, but by in large the community feels current regulations are consistent with values of residents and goals for the future.

Staff is recommending revisions to Goal 4 focus on ensuring the language, policies and implementation strategies are consistent with the Natural Hazards Mitigation Plan, Community Planning Assistance for Wildfire recommendations, and the Community Wildfire Protection Plan.

### ***Destination Resorts***

Citizens were concerned about impacts to water and increased fire risk of destination resorts. In particular, areas of concern were in the north east portion of the County that is largely winter wheat crops. When shown the correlation between fire protection districts and the eligible destination resort sites, the feedback by in large preferred the location around Pine Grove and at the Big Muddy Ranch.

Staff proposes that we address this concern by a). adding fire risk/emergency service availability to the eligibility criteria for mapping or b). as part of the criteria for approval of a destination resort . To address water, staff proposes we address this concern as an analysis required at the time of approval.

### ***Additional Goal 8***

There continues to be significant concern over the conflict between recreation and commercial agricultural activity, particularly on the transportation network. Staff is recommending an implementation strategy to increase education and outreach to recreators and partners about harvest seasons and hazards, and to work with Public Works to notify residents when major events are happening on the roadway.

### ***Sensitive Wildlife***

The next step to adopt revised maps for Environmental Protection District 8 (Sensitive Wildlife/Big Game Habitat) and Environmental Protection District 12 (Sensitive Birds) is to conduct an Economic, Social, Environmental and Energy (ESEE) analysis. The roadshow meetings were focused on soliciting feedback that would be helpful to staff in conducting this analysis.

Here are the primary takeaways based on public input:

- Farm uses should be exempt from additional restrictions in EPD 8
- Maintain exemptions for dwelling setback requirements if there are better alternatives on site for protecting habitat in EPD 8
- Remove fencing standards (they don't make sense and don't keep cows/livestock in) from EPD 8
- Update Sensitive Bird map on more frequent basis
- Most non resource uses pose potential conflict with Goal 5 wildlife resources
- There are significant ESEE consequences for prohibition of any land use

The recommendations based on public feedback are as follows:

- Revise EPD 8 to remove voluntary standards, including fencing, exempt farm uses and maintain exemptions for dwelling setback in case of better alternatives
- Add an implementation strategy to have EPD 12 evaluated on a five year cycle
- In the ESEE Analysis, ensure the ESEE consequences for prohibition of uses are clearly reflected
- Tie these recommendations into implementation measures and references to clearly identify public input



Appendix A –

**Amie Davis** wordpress@wasco2040.com via a.atomicsites.net  
to me ▾

Mon, Jul 15, 2019, 10:15 PM ☆ ↩ ⋮

**Name:** Amie Davis

**Email:** amie.davis@wasco2040.com

**Website:**

**Comment:** No regulations. (For now) Given the very small number and percentage of short term rentals, it doesn't seem necessary at this point in time. We also want to encourage tourism and one way to do that is to provide a place to stay!

**Would you like to be added to our notification list for news and events?:** Yes

**Johnk658** wordpress@wasco2040.com via a.atomicsites.net  
to me ▾

Sun, Jul 28, 2019, 5:38 PM ☆ ↩ ⋮

**Name:** Johnk658

**Email:** johnk658@wasco2040.com

**Website:**

**Comment:** A big thank you for your article. Really thank you! Cool. eddeedegkece

**Would you like to be added to our notification list for news and events?:** No

**Nicole Y Chaisson** wordpress@wasco2040.com via a.atomicsites.net  
to me ▾

Fri, Feb 14, 8:39 AM ☆ ↩ ⋮

**Name:** Nicole Y Chaisson

**Email:** nicole.y.chaisson@wasco2040.com

**Website:**

**Comment:** I will be at the meetings but I am really worried that you will restrict my F1 and F2 land use even further. Also the chance that our taxes will rise and different agencies will be allowed to have access to my property at any time.

**Would you like to be added to our notification list for news and events?:** Yes

**steve m carlson** wordpress@wasco2040.com via a.atomicsites.net  
to me ▾

Sun, Feb 16, 6:32 PM (12 days ago)



**Name:** steve m carlson

**Email:** [REDACTED]

**Website:**

**Comment:** The maps on this page are useless as you cannot enlarge them and nothing is visible.

I'm assuming the Community College is in the Dalles as there is also one in Hood River.

**Would you like to be added to our notification list for news and events?:** Yes

**steve m carlson** wordpress@wasco2040.com via a.atomicsites.net  
to me ▾

Sun, Feb 16, 6:39 PM (12 days ago)



**Name:** steve m carlson

**Email:** [REDACTED]

**Website:**

**Comment:** The entire idea that the forest is closed outside of Rock Creek in the Winter because of pregnant deer is ridiculous. Every winter there are around 150 female and male deer on our sewer system drain field eating the grass. They're not out in the forest. On top of that, the area has been a popular ATV and 4 Wheel drive area for the last 50 years or so.

I find it funny that since you put the East side of the lake off limits to people, the eagles don't hang around as much. 15 years ago they watch the fishermen and swimmers from the dead trees on the West side of the lake. Now, you don't see them as frequently.

Now you've closed the trail around the lake by digging another drain or something, and put big rocks in the way over the dam. That used to be a enjoyable Mt. Bike ride for years and the hike around the lake was special.

Not a fan of you making the plan and then when you take input very little is ever taken. You already have your plan based on your needs and could give a rip about those that live there.

**Would you like to be added to our notification list for news and events?:** Yes

**Steve M. Carlson** wordpress@wasco2040.com via a.atomicsites.net  
to me ▾

Feb 27, 2020, 9:01 AM (1 day ago)



**Name:** Steve M. Carlson

**Email:** [REDACTED]

**Website:**

**Comment:** Want more jobs in the county? Reinstate the logging industry. The supposed "migration" habitat is just a theory and isn't even common sense. Look what the fish and wildlife theories have done already! The Wolves have wiped out the coyotes in Yellowstone so you now have an over population of rodents eating the grass needed for the Bison. Northern Idaho's wonderful Elk hunting grounds have been decimated. You've caused a disaster at the Coast as the logging industry shifted down there to private land and less control. The oyster industry is suing the logging because the increase sedimentation in the bays are ruining the industry. The soils in the Coast range are much more subject to erosion because they were initially deposited on the slopes of Volcanoes in the ocean and now move down slope easily. Fish and Wildlife has bankrupt all of those little logging communities and the schools no longer receive funding from the industry. All for a theory about making a Cascade Corridor.

**Would you like to be added to our notification list for news and events?:** Yes

**Elizabeth Turner** wordpress@wasco2040.com via a.atomicsites.net  
to me ▾

Feb 27, 2020, 6:45 PM (14 hours ago)



**Name:** Elizabeth Turner

**Email:** [REDACTED]

**Website:**

**Comment:** I left a long comment but it deleted it. Im against any expansion of wildlife overlay.

Its a farce and unneeded.

Best plan for good wildlife management is do a good job on Goal 3 working with a agriculture working group. They are the ones taking care of wildlife. The more you restrict their flexibility the more you endanger wildlife. All these little zones just restrict their ability to survive and to take good care of the land. After 40 years in agriculture here I cant tell you what fish and wildlife really does for wildlife. As far as survivability of animals its always the ranchers who are critical to survival.

Anywhere you go where resource ranch managers are allowed to be flexible and use their skills to be profitable you will find good Wildlife numbers.

In sage grouse country for example. The best habitat and numbers of grouse is on privately controlled ground.

I never received notification of these meetings nor did others.

Thank you

**Would you like to be added to our notification list for news and events?:** Yes

**Pete Dalke** wordpress@wasco2040.com via a.atomicsites.net  
to me ➔

7:00 AM (3 hours ago)



**Name:** Pete Dalke

**Email:** [REDACTED]

**Website:**

**Comment:** Thanks for your presentation in Mosier last evening. I am writing to indicate full support for including ODFW's habitat maps in the Wasco County planning work and comprehensive plan documents.

Regards,  
Pete Dalke

**Would you like to be added to our notification list for news and events?:** Yes

## Appendix B – Roadshow Meeting Notes

### WASCO COUNTY 2040 Roadshow

**February 19, 2020**

**5:30pm**

**Columbia Gorge Community College**

**Staff present:** Kelly Howsley Glover, Angie Brewer, Daniel Dougherty, Lexi Stickel

**CAG Members present:** Leroy Booth, Kate Willis, Lynne McIntire

### **CALL TO ORDER (5:30pm):**

**Long Range Planner Kelly Howsley Glover** called the meeting to order. Howsley Glover then gave introductions, went over the agenda for the meeting, and presented the Wasco County 2040 PowerPoint presentation. At 6:05, the group was split up into three stations.

Group was reassembled at 7:00PM for question and answer.

Question: Sensitive wildlife habitat (property north of me is not in it) and they've put in orchards land and have fences. Will new regulations apply to them.

Answer: Ag fences have changed migratory paths of animals, but actually excluding that wildlife from those high intensity ag zones is good for species in the long run. We create those overlay zones assumed habitat utilization from December to April – deer or elk would utilize during that critical period.

March 3<sup>rd</sup> is the Citizen Advisory Group work session --- not March 7<sup>th</sup>

Enforcement question. Answer: we don't do code enforcement unless there is a complaint. If there's a complaint our code enforcement officer will investigate and work with the land owner for abatement.

Question: Looking at the EPD 8, I see that my neighbors are within it, but they didn't receive a postcard.

Answer: Everyone outside of the NSA and outside of incorporated area received a postcard

Question: Possible property value changes?

A: That language is required by state law. It's hard for planners to estimate a potential loss of value maybe – typically it happens if you weren't able to build a certain type of development.

Question: "May" is concerning word, I should prefer "shall"

Answer: It's hard to say with certainty when we haven't done the analysis yet. And the analysis requires citizen involvement and feedback.

Question: Exceptions for use, what does that mean?

Answer: This is referring to concerns about south Wasco County moving into EPD 8, and A1-160 isn't concerning as it provides a lot of protection for deer and elk and those typical activities of farming doesn't concern ODFW. Unusual uses on A1-160 is what concerns ODFW, however, those uses are already CUPs and as part of that process and in reality we're already doing that work.

Question: There's more talk of parcels being available... website... more parcels for development within the sensitive areas?

Answer: Without seeing the context, it's hard to see. Please contact me and we can chat through that and I can provide context.

Question: If you are in EPD 12, are you still able to use your land in the same way, for instance, can you still cut your hay during the same time as birds nesting. Can I still use my property in the same way?

Answer: We wouldn't limit any current uses. We would look at proposed uses – new development.

Question: What if you purchased a house, 20 years ago, that was never permitted.

Answer: We do have something within our LUDO called a non-conforming use, and we have some provisions in state law that would allow us to approve a dwelling that wasn't permitted. It's tricky, but there are options to make the house permitted and legal.

Question: Why are deer and elk important to Wasco County? Is it a Wasco County rule or ODFW?

Answer: Wasco County is required to protect anything that has been identified by ODFW. Deer and elk are the species that we have the greatest data due to hunting we are required to gather data on these two



species and they serve as a surrogate for all the other species that rely on open space. We also believe in our hunting heritage. It serves a far greater purpose than just deer and elk. There's a long list of species that we know migrate or depend on some level of movement – big horned sheep, bear, coyote, antelope. Some of the last good habitat for some of these species is located in Wasco County. Part of the comprehensive plan, we list all the species that exist in Wasco County (birds and fish too).

**WASCO COUNTY 2040 Roadshow**

**February 20, 2020  
5:30pm  
Dufur School**

**Staff present: Kelly Howsley Glover, Angie Brewer, Daniel Dougherty, Lexi Stickel**

**CAG Members present:**

**CALL TO ORDER (5:30pm):**

**Long Range Planner Kelly Howsley Glover** called the meeting to order. Howsley Glover then gave introductions, went over the agenda for the meeting, and presented the Wasco County 2040 PowerPoint presentation. At 6:07, the group was split up into three stations.

Group was reassembled at 6:50PM for question and answer.

Question: I noticed that the boundary for voluntary participation has been taken away and that expands this map into legal requirements. Can we lessen the law?

Answer: We can more strict in our rules, but not less strict. In terms of our maps, it up to Wasco County and our partners to develop our inventories.

Question: So you had an advisory committee that helped put this together and you as the planner guided their work?

Answer: Voluntary advisory committee (wide diversity), and naming the farmers who helped. This map was not created. Process moving forward with March 3<sup>rd</sup> 3-5pm at the Discovery Center at the Citizen Advisory Group.

Question: Why do I feel like this has already been decided? It feels like my feedback isn't taken seriously.

Answer: We talk your feedback very seriously, it's gone a long way in shaping our work plan and policies. The only decision that's been made is that we need to use the maps provided by ODFW.

Question: Destination resort – there's a placement of a destination resort on the highest value farmland in the county. Why?

Answer: Based on NRCS data that state requires us to use –

Question: If we don't want to adopt the new map, does public comment make a change – specifically wildlife?

Answer: We are required by state law (OAR 660, division 23) to update maps.

Question: You mentioned mitigation? What do you mean? If there potential to change the maps from ODFW?

Answer: The only time ODFW would comment on uses within that new zone, mainly A1-160, is for unusual uses. For example, if an energy

Question: Lot line adjustment, affect Sensitive Birds

Answer: I think the concern is that if you create a new property then there's an increased a likelihood of new development. To date there's only been one application in the last 15 years that I've been here with ODFW, there's only been one application. The lot line adjustment becomes a concern when it crosses over into a buffer zone (or creates an unbuildable land).

Comment: Destination resorts – in unprotected areas for fire prevention – our resources are so limited right now that it could be an huge issue if something were to happen. The cost of that resort will be rolled over onto the community.

Comment: Water constraints are also very real so these areas and if there's limited water

Question: Along with fire, bicyclists with farm equipment, and now with a destination resort now there will be more traffic year round and now it would create more interaction on road with bicyclists. Also they might be selling this destination resort as a quiet place, but then a tractor rolls through loud in the morning – they may not like that, but that's how we make our living.

Question: Are the maps set in stone, or will they change?

Answer: Maps have been quite static for some time, they were updated in 2012. These are statewide map. We need to have a county go through periodic review for the update then there would be a public process. These a conglomeration of protections for

Question: Where did you get your directive to erase the boundary for the voluntary changes?

Answer: The County map is reflective of old data that the County has been using, but we haven't been using that for ODFW. As an agency directive comes from ODFW Commission. As I've gone back through the files, and looked at the original map, Ag 1-160 inherently provides more protection than other zones. The farm land community already provides that protection. We've had conflict and confusion arise when energy developers come in, ODFW comments off of our map. Through that process, we realized that it would be nice if the maps were the same so when an applicant looks at the county map they can see what the map will be that their application is actually based off of. We will want mitigation measures taken into account. It's helpful to uncouple the protections from A1-160 parcel size from EDP-8. This makes it really, really clear what exists on your property and what resources need to be protected.

Question: On fencing, if that was to be incorporated into all that area – is that retroactive?

Answer: No, new development only. ODFW would not recommend any language around any voluntary fencing standards in Ag1-160 (if at all). Handout for county for new landowners about wildlife friendly fencing.

Question: You know you're constantly repairing fences, because of the wildlife.

Question: Will we be voting on this? So as landowners we don't have a say?

Answer: We take your feedback to the CAG and the Planning Commission.

Comment: Postcards were really great.

#### WASCO COUNTY 2040 Roadshow

**February 26, 2020**

**5:30pm**

**Wamic School Community Center**

**Staff present: Kelly Howsley Glover, Angie Brewer, Daniel Dougherty, Lexi Stickel, Brent Bybee**

**CAG Members present: Leroy Booth, Kate Willis, Vickie Ashley**

#### **CALL TO ORDER (5:32pm):**

**Long Range Planner Kelly Howsley Glover** called the meeting to order. Howsley Glover then gave introductions, went over the agenda for the meeting, and presented the Wasco County 2040 PowerPoint presentation. At 6:04, the group was split up into three stations.

Group was reassembled at 6:55PM for question and answer.



Question: So you don't have the maps available unless we come into the office. What are you using on our private property to determine these sites?

Answer: We don't maintain that map set, it's maintained by ORBIC. It's probably within 6 miles of an energy proposal. Most of those nests are within the Deschutes River corridor, Columbia Gorge condor in public lands. Located in rim rock canyon cliffs. Only time in 15 years I've been here there's only been one time that I've made a comment

Question: How come we don't have those maps? Why don't we have them more specific. Nice Kate is going to charge us by the mile to drive into the office.

Answer: When it comes to Big Game Winter Range, it's publically available. You can call or email and we can send you a zoomed in map that shows on your property.

Question: What do you consider big game? Why are 200 elk on my property? What happened to the fence? What about these damned goose? Can I send you a bill? 10,000 goose on your property to destroy the wheat? You going to fix my fence. (Juniper Flat)

Answer: We can help with tags and deterrents. You can call our office. We haven't had many damage management complaints. You need to call our office so we know what's going on. We can absolutely work with landowners to help?

Comment: Elk crossing Deschutes River.

Question: 42 inches – not a cow or horse that will stay in with only 42 inches.

Answer: My recommendation is to remove that requirement. This is why we recommend that those rules are removed. We aren't following those requirements either. It's my understanding

Question: I just need to get rid of these elk.

Answer: I have till May to lethally remove elk (kill). I need a phone call. I know that not all of my solutions work.

Question: What about the wolves? We have them on Juniper Flats. They came right over on Victor Road.

Answer: The current pack is 7 of the White River Pack – mostly hanging out on the reservation.

Question: EPD 8, we're intermixed with the forest service and white river management area. It doesn't really bother use to see the big game on the forest ground, but the rules that get adopted here for our land (above the Indian Reservation) – the Forest Service adopts rules based on County and ODFW rules, we have timber sales but you can only log from winter.... Subtlety over time the rules affect us.

Answer: Agency to agency collaboration with the Forest Service to help with the rules. They have their own overlay for big game.

Question: Kelly, you mentioned that you have no jurisdiction over publically owned land. Where'd you get the authority to have all the rules over us? If it's state law, why do we need you? Can't we just follow state law? It's 5<sup>th</sup> amendment takings – courts and law won't say it is. French revolution there's a man who said "I don't care, I'm going to die anyway, I'm going to say. It's call legal plunder."

Answer: It's to help citizens navigate state law. We want to become subject experts to help citizen navigate regulations. Land use is all about regulations between

Question: Who is on the Citizen Advisory Group that's here tonight? What are the other categories besides ranching and farming?

Answer: Business owners, ODOT government worker, attorney, real estate (we used to have someone in forestry), and someone with food systems/nonprofit sector

Question: I don't understand the correlation between someone who owns a business up in The Dalles – I don't understand why they have the power to create laws that govern our land when they don't understand our lifestyle.

Answer: Process – voluntary, applications, Planning Commission. We care very much about what we get back from us. That's why we do so much public meetings. Wasco County is very diverse and it's incredibly hard to find a handful of volunteers who represent the county. We encourage you to apply to the Planning Commission. Leroy and XX are examples of that. Don't have vacancies right now, but the applications are always online.

Question: Elk problem on the flats. Who could harvest the elk?

Answer: At this scale, I would work with the landowners, they can determine who they want on their land as long as they didn't get a tag in 2019, and then ODFW issues them a tag (must pay for hunting license and tag).

#### WASCO COUNTY 2040 Roadshow

**February 27, 2020**

**5:30pm**

**Mosier Grange Hall**

**Staff present: Kelly Howsley Glover, Angie Brewer, Daniel Dougherty, Lexi Stickel, Will Smith**

**CAG Members present: Leroy Booth, Rus Hargrave**

#### **CALL TO ORDER (5:30pm):**

**Long Range Planner Kelly Howsley Glover** called the meeting to order. Howsley Glover then gave introductions, went over the agenda for the meeting, and presented the Wasco County 2040 PowerPoint presentation. At 6:10, the group was split up into three stations.

Group was reassembled at 6:55PM for question and answer.

Question: Energy facilities – but there's solar and wind, and there's a difference between one versus the other. A lot of the stuff is so general, it's hard to understand and hard to comment on the ESEE analysis. But if you're in support of protecting the birds, and you want to change some of the rules to protect. For big game, why aren't you protecting just elk and deer.

Answer: There's indicator species (elk and deer) and their habitat and migrations tend to help inform about a lot of other species. Once we get this high level feedback, we're able to start narrowing it down to more specifics. The proposed specifics will be available on March 26<sup>th</sup> – it will be posted on the Wasco County 2040 website and planning website. You can also come down to our office to pay for a copy.

Question: How does the sensitive bird map relate to wind farms, which are notorious for killing birds? How does it related to siting of wind farms?

Answer: We're not ODWF staffer. The new data is by and large related to all the wind farm activity. EPD 12 the only tie-in is related to all the data/surveys we had to gather due to the wind farm activity. The data tends to be pretty accurate – I trust the professional who conducts these studies for a lot of the wind farms. Bird habitat tends to change more rapidly, and one thing we're discussing is to update that map more frequently.

Question: Can you tell us how many acres in Wasco County are public lands versus private ownership? It would seem like the public lands are much higher than other private. So with all the thousands of acres that timber companies hold, why are you expanding big game habitat down to Mosier?

Answer: Spilt between 60% of private land, and 40% public. The majority of lands from Mosier to Mt Hood are privately held by timber companies. A lot of the areas that we've developed used to be the best habitat for deer and elk, and now we need to more land for them to survive in the winter on less than ideal land.

Question: ODFW used to have a recommendation, but now it's a rule that the County enforces that you have to build within 300 ft of an existing road. I was told that I may impact the migration of big game

Answer: Our recommendation (ODFW) was originally one house on every 160 acres on the habitat. It was negotiated with the County to determine how to condensed development in currently impacted corridors.

Question: The result is that you could have 10,000 acres, you'd have to build within 300 ft of an existing road or easement – in the dust zone within the county road.

Answer: If you read the code, and you can demonstrate that you can maintain that habitat, Wasco County would go with ODFW's recommendation. The goal is not to create additional burden on the landowner, but to work with the landowners to create ways to maintain critical habitat.

Question: So 160 is no longer the minimum parcel size?

Answer: Our resource zones are 80 minimum, and then there are some mixed farm forest parcels with a 10 acres minimum. In the Ag 1-160, if someone wants to explore uses beyond agriculture is that the applicant meets with ODFW to discuss mitigation. We're not telling land owners no, it's telling the land owners that we need a mitigation plan. We find other areas that need restoration. This doesn't change the underlying zoning.

Question: Are there, within EPD8, are there restrictions on logging?

Answer: No. The County doesn't have the power to restrict forestry practices. We want to protect resource lands to be able to use that land for that resource in the future – as the foundation of the Oregon system. It would be counter-intuitive to put restrictions

Question: In F-2 (80) can you build a dwelling?

Answer: There's two ways to build a new dwelling – either lot of record (you or your family has owned that land since 1985) or large tract tested (240 contiguous acres of land). You'd still have to apply through our office and through a STS application (fire site safety standards, setback standards). You could apply for a land use application, and then sell that approved application with the parcel then it could be developed (only one time). It's intended to balance resource zones with residential development.

Question: Why is map regarding birds confidential?

Answer: Federally protected species because they cross state lines, and therefore the information is confidential.

Question: So it doesn't impact underlying zoning, this is for future development. If you get a lot of kickback from the community about this, will the map be re-shaped?

Answer: We don't have flexibility on the map. State law requires that we use ODFW's map. Where we have flexibility is the rules we use to enforce these maps. We could exempt things from the overlay zones, like farm uses or forestry practices. What ODFW is most concerned is conditional use permits like large scale energy projects, rezoning.

Question: How much are we talking about opinion versus scientific data?

Answer: Public input is really critical to land use, and actively involve the public in the analysis. We do the analysis based upon scientific data, then we go out to the public looking to gut check that. It's a way to ground truth and test.

Question: Does Wasco County work with ODF about wildfire? For the most part they will not fight a structure fire. At some point in time, they will need to have a year round fire protection. Does Wasco County or Commissioners?

Answer: We can't speak for Commissioners. ODF does comment in development applications. Wildland fire fighters in Oregon don't have the equipment or expertise to fight structure fires.

Question: All our neighbors and myself don't have fire protection from a fire district so it's a big concern that we don't have fire protection. ODF won't come fight fires.

Answer: Yeah, the best we can do at the Planning Department can do on the front hand to help prevent or prepare applicants for fire. CWPP process will be beginning soon, and work with partners like ODF, ODFW, BLM, etc.

Questions: Any interest in expanding the fire districts?

Answer: It would be a fire district questions, I believe you can apply if you live close-by. All these are all voluntary run fire district. A lot of recommendations from the fire marshal is to install sprinklers to help prevent fires.

Question: Are you required to have a well for new development?

Answer: Fire safety standards, if you're outside the fire district there are requirements for gallons of water onsite. Inside the fire district, the fire marshal makes comment

Question: Are there any proposed questions for water quality?

Answer: Water was a big issue that arose during the visioning process in 2017. What we heard loud and clear is that Wasco County Planning is not water experts and we don't want more rules or conservation plan. What the community wanted from us was good quality data about water.

Question: Multi dwellings for family members?

Answer: We're still waiting for the rural-residential zones to be in state law as an allowable use.



Question: How big are those zones?

Answer: Rural residential zones are typically 5 or 10 acres. Though it would be an accessory dwelling, and would typically be smaller or be hooked up to same septic.

Question: What happens when that family member dies?



Answer: Accessory dwellings are different than a temporary hardship or temporary medical hardship, in those instances it would have to be removed after the hardship is over. ADU's are different and would not be required to be for a family member.

Appendix C –

   
We Want Your Feedback  
Name: Keith Mobley Email: [REDACTED]  
☐ Sign Me Up for Notification on News and Events



Dest. Resort design for Pine Grove  
area makes most sense - between  
Mt. Hood & Deschutes

Wildfire mitigation - Supervisor does it well.  
Will provide contact info if needed.

   
We Want Your Feedback  
Name: Sharon Brunley Email: [REDACTED]  
☒ Sign Me Up for Notification on News and Events

destination Resorts sitting on the Brakes  
of the Deschutes & needs to not happen,  
due to wild life hab. nat., fire danger,  
and conflict between ag and tourist,  
bicycles, walking traffic and traffic in general.

How did you come up with the  
two areas for the destination Resorts.

   
We Want Your Feedback  
Name: Linda May Email: [REDACTED]  
☐ Sign Me Up for Notification on News and Events

The destination Resorts would be  
a very possible fire risk for the  
farmers in the area. (Tygh Ridge)  
Also, water is in short supply.

Tygh Ridge should not be a  
destination resort area.



We Want Your Feedback



Name: \_\_\_\_\_ Email: \_\_\_\_\_

☐ Sign Me Up for Notification on News and Events

Northern most - Highest Valley  
- Wild fire - farmland  
Concerns  
M. Jelle  
Wild fire concerns



We Want Your Feedback

Name: Ben Marenco Email: [REDACTED]☐ Sign Me Up for Notification on News and Events

ELIGIBLE AREAS FOR NORTH  
END FOR R-2000 SITES MAKES NO  
SENSE. BEST WHEAT GROUND IN  
COUNTY



We Want Your Feedback

Name: Ben Turner Email: [REDACTED]☐ Sign Me Up for Notification on News and Events

Northern zones are high fire risk  
zones, High value ~~farm~~ farm land  
County roads not designed for high traffic  
impact to property value along travel path





We Want Your Feedback



Name: Tom May

☐ Sign Me Up for Notification on News and Events

Tygh Ridge should NOT be a  
Destination Resort AREA.

Fire Risk

Water Issues

Not good for wildlife.



We Want Your Feedback



Name: Clinton Cox

Email: [REDACTED]

☒ Sign Me Up for Notification on News and Events

My vision for Wasco County is.... I feel that  
there are pluses and minuses for  
destination resorts. They can be good  
economically and bring needed  
resources to the county. The bad  
could be an influx of people, creating  
more traffic and road wear/damage



We Want Your Feedback



Name: Tamie Grundy

Email: [REDACTED]

☒ Sign Me Up for Notification on News and Events

My vision for Wasco County is.... to grow slowly.  
I've seen what happened in 40 years  
to area just west of Mt. Hood  
(Welches and Sandy) and don't want  
the beauty + quaintness taken  
by those who abuse our  
lands.





We Want Your Feedback

Name: Tim Seitz Email: [REDACTED]
☒ Sign Me Up for Notification on News and Events



My vision for Wasco County is.... Lands for resort  
recreation will be so hard to do without  
water sewer the land cant handle  
the water it's so hard to get approved for  
my own septic water ect



We Want Your Feedback

Name: Bob MANESS Email: [REDACTED]
☐ Sign Me Up for Notification on News and Events



My vision for Wasco County is.... THERE ARE POLITICIANS  
MAKING DECISIONS ABOUT THE USE  
OF FARMLAND THAT HAVE 1) NO IDEA  
ABOUT FARMING 2) NEVER FARMED  
A DAY IN THEIR LIFE.

  We Want Your Feedback

Name: Dezi Remington Email: [REDACTED]

☒ Sign Me Up for Notification on News and Events


Green Area off Kelly cutoff in NE  
has 60-80 Bushel wheat ground  
throughout. There this has some canyon  
ground for 15 mile that runs through it.  
We farm the ground next to it and it  
is some of our best ground for 4 generations  
All buildable ground there is high value  
farm ground.

  We Want Your Feedback

Name: Russ Hargrave Email: \_\_\_\_\_

☐ Sign Me Up for Notification on News and Events

Dest. Resort map  
makes sense to me

  We Want Your Feedback

Name: Susan Gabay Email: [REDACTED]

☒ Sign Me Up for Notification on News and Events

I am most concerned about big developments -  
multiple housing or resort complexes since  
the Mosier Valley where I reside (have for  
44 yrs) has seen continuous decline in its  
water aquifers - I am on the watershed  
Council and request strict attention to  
the limited water resources we have here



We Want Your Feedback



Name: Robert Dye Email: [REDACTED]

☒ Sign Me Up for Notification on News and Events

Small destination resorts are not allowed in almost all of Wasco Co. Why not have a map for small 160-500 ac. resorts, then another for 500-2000 ac, then a third for over 2000, that way you don't shut out the entire county from small.



We Want Your Feedback



Name: Bill Gibbs Email: [REDACTED]

☒ Sign Me Up for Notification on News and Events

My vision for Wasco County is... Not to become a destination resort area because it would ruin the quiet farm community county it has been known to be for many many years



We Want Your Feedback

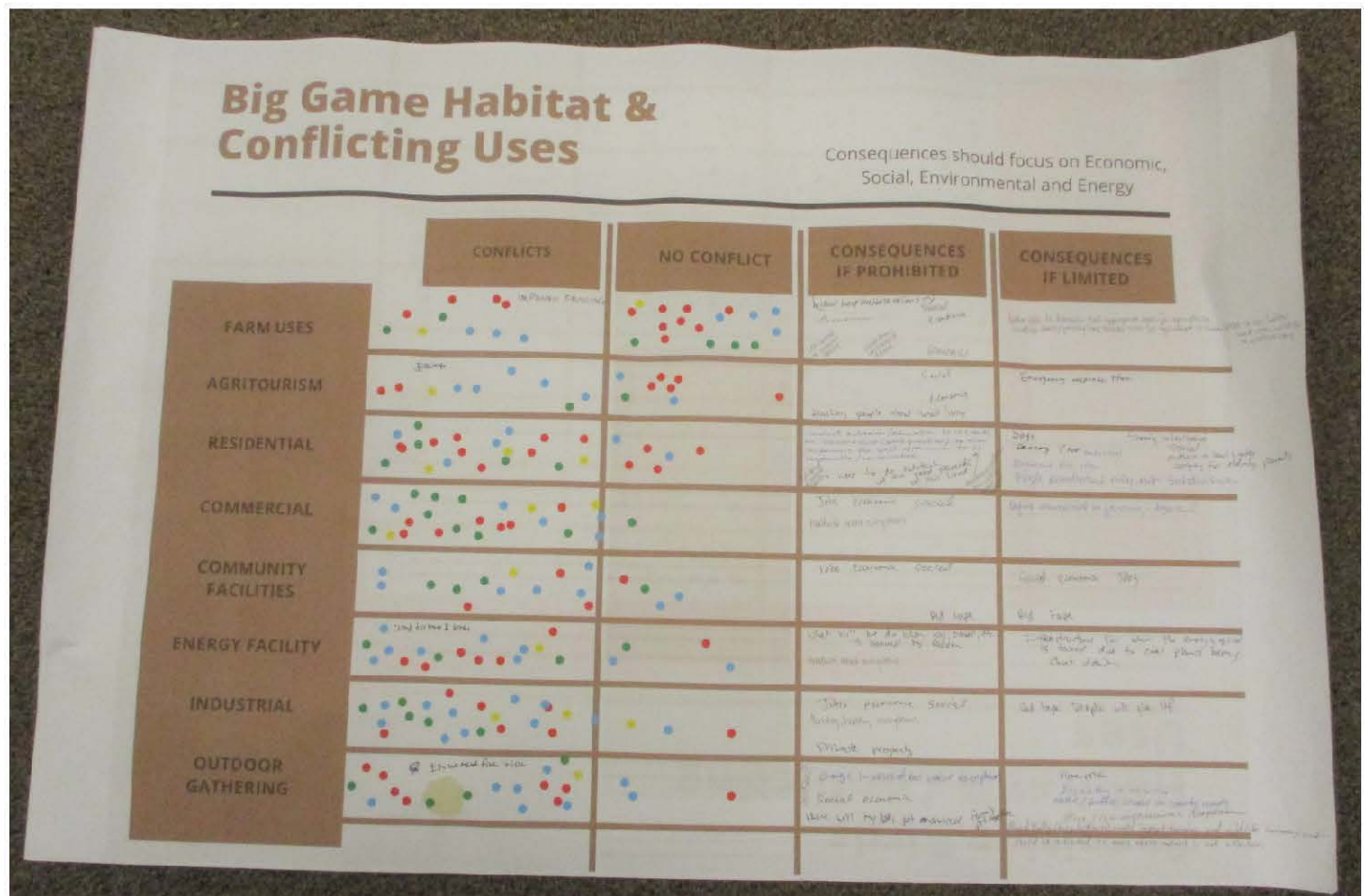


Name: Karen Bailey Email: [REDACTED]

☒ Sign Me Up for Notification on News and Events

Water availability is an enormous concern. Mosier is a critical water area and ~~develop~~ more development for residential, farms or recreational ~~uses~~ would impact that resource even if it were on a scale of 160 acres or more. Please consider that. Also, the fire danger in summer & fall.

Appendix D





# Sensitive Birds Habitat & Conflicting Uses

Consequences should focus on Economic,  
Social, Environmental and Energy

	CONFLICTS	NO CONFLICT	CONSEQUENCES IF PROHIBITED	CONSEQUENCES IF LIMITED
FARM USES			Prohibited: No net loss of habitat to net gain habitat Prohibited: No net loss of habitat to net gain habitat	Prohibited: No net loss of habitat to net gain habitat
AGRITOURISM			Prohibited: No net loss of habitat to net gain habitat Prohibited: No net loss of habitat to net gain habitat	Prohibited: No net loss of habitat to net gain habitat
RESIDENTIAL			Prohibited: No net loss of habitat to net gain habitat Prohibited: No net loss of habitat to net gain habitat	Prohibited: No net loss of habitat to net gain habitat
COMMERCIAL			Prohibited: No net loss of habitat to net gain habitat Prohibited: No net loss of habitat to net gain habitat	Prohibited: No net loss of habitat to net gain habitat
COMMUNITY FACILITIES			Prohibited: No net loss of habitat to net gain habitat Prohibited: No net loss of habitat to net gain habitat	Prohibited: No net loss of habitat to net gain habitat
ENERGY FACILITY			Prohibited: No net loss of habitat to net gain habitat Prohibited: No net loss of habitat to net gain habitat	Prohibited: No net loss of habitat to net gain habitat
INDUSTRIAL			Prohibited: No net loss of habitat to net gain habitat Prohibited: No net loss of habitat to net gain habitat	Prohibited: No net loss of habitat to net gain habitat
OUTDOOR GATHERING			Prohibited: No net loss of habitat to net gain habitat Prohibited: No net loss of habitat to net gain habitat	Prohibited: No net loss of habitat to net gain habitat

## Section 3.920 - Sensitive Wildlife Habitat Overlay (EPD-8)

Section 3.921 – Purpose .....	1
Section 3.922 - Application of Provisions.....	1
Section 3.923 - Exempt Areas .....	1
Section 3.924 - Permitted Uses.....	2
Section 3.925 - Conditional Uses .....	2
Section 3.926 - Siting Standards .....	2
Section 3.927 - Fencing Standards .....	3
Section 3.928 – Other Provisions.....	3

~~In any zone which is in the Wildlife Overlay (EPD-8), the requirements and standards of this Section~~ shall apply in addition to those specified ~~in this Section~~ for the underlying zone. If a conflict in regulation or standards occurs, the provisions of this Section shall govern except that the larger minimum lot size shall always apply.

### Section 3.921 – Purpose

The purpose of this overlay district is to conserve important wildlife areas by providing supplementary development standards; to promote an important environmental, social, and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

### Section 3.922 - Application of Provisions

Except as provided in Section [3.923](#) below, this overlay district shall be applied to all areas identified in the Comprehensive Plan as ~~Big Game Winter Range Habitat and Area of Voluntary Siting Standards~~ Sensitive Wildlife Habitat.

### Section 3.923 - Exempt Areas

The following areas are exempt from these provisions:

- A. Rural Service Centers.
- B. Areas designated as Impacted Areas in the Transition Lands Study Area.

### Section 3.924 – Exempt Uses

- A. All uses permitted without review in the underlying zone are exempt from provisions and siting standards in this Section.
- B. All uses in A-1 (160) that are permitted subject to Type I Review are exempt from provisions and siting standards in this Section.

Formatted: Font: Bold

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: List Paragraph

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: 12 pt

Formatted: Indent: Left: 0.5", Space After: 10 pt, Line spacing: Multiple 1.15 li, No bullets or numbering

C. Farm dwellings, accessory farm dwellings, and relative farm dwellings in A-1 (160) are exempt from provisions and siting standards in this Section but still require notice to ODFW consistent with subject to standards review.

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: 12 pt

Formatted: Indent: Left: 0.5", Space After: 10 pt, Line spacing: Multiple 1.15 li, No bullets or numbering

Formatted: List Paragraph

#### **Section 3.924—Permitted Uses**

All uses allowed in the overlay zone shall be those farm and forest uses permitted outright by the underlying zone.

#### **Section 3.925—Conditional Uses**

The conditional uses permitted in the zones in which this overlay is applied, shall be those permitted conditionally by the underlying zone subject to the other applicable standards of this Section.

### **Section 3.926-925 - Siting Standards**

A. Within EPD-8, subject to standards uses permitted in the underlying zone are subject to notice to and comment from the For lands within the Area of Voluntary Siting Standards a meeting between the applicant and Oregon Department of Fish and Wildlife, shall be required if Oregon Department of Fish and Wildlife determines that habitat values exist which may be important to discuss with the applicant. The result of the meeting shall be included as information in the county review of a land use application.

B. Within EPD-8, conditional uses permitted in the underlying zone are subject to notice and comment from the Oregon Department of Fish and Wildlife. This includes conditional use requirements per Section 5.020 F.

~~B-C.~~ Within EPD-8, in the area designated Big Game Winter Range the following siting standards shall be applied as a condition of approval for all new dwellings in all zones not exempt under Section 3.924. In the area designated Area of Voluntary Siting Standards the following siting standards shall be by voluntary agreement of the applicant.

Formatted: Font: 12 pt

Formatted: Indent: Left: 0.5", Space After: 10 pt, Line spacing: Multiple 1.15 li, No bullets or numbering

1. New dwellings shall be located within three hundred feet (300') of public roads or easement or private roads or easements existing as of October 22, 1997, unless it can be found that:
  - a. Habitat values (browse, forage, cover, access to water) are afforded equal or greater protection through a different development pattern; or,
  - b. The siting within three hundred feet (300') of such roads or easements would force the dwelling to be located on irrigated land, in which case, the dwelling shall be located to provide the least impact on wildlife habitat possible

considering browse, forage cover, access to water, and minimizing length of new access roads.

#### **~~Section 3.927—Fencing Standards~~**

~~The following fencing standards could apply to new fences constructed as a part of development of a property in conjunction with conditional use permit. These standards shall be a voluntary agreement by the applicant.~~

~~New fences in the Big Game overlay zone are designed to permit wildlife passage. The following standards are guidelines approved by the County after consultation with the Oregon Department of Fish and Wildlife:~~

- ~~A. To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.~~
- ~~B. A 3-wire or 4-wire fence with the bottom wire at least 18 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire to avoid injury to animals.~~
- ~~C. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.~~

#### **~~Section 3.928—Other Provisions~~**

- ~~A. 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.~~
- ~~B. 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.~~
- ~~C.A. \_\_\_\_\_ 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 (Added October 1997).~~



## **Section 3.920 - Sensitive Wildlife Habitat Overlay (EPD-8)**

Section 3.920 - Sensitive Wildlife Habitat Overlay (EPD-8) .....	1
Section 3.921 – Purpose .....	1
Section 3.922 - Application of Provisions.....	1
Section 3.923 - Exempt Areas .....	1
Section 3.925 - Siting Standards .....	2

The requirements and standards of this Section shall apply in addition to those specified for the underlying zone. If a conflict in regulation or standard occurs, the provisions of this Section shall govern except that the larger minimum lot size shall always apply.

### **Section 3.921 – Purpose**

The purpose of this overlay district is to conserve important wildlife areas by providing supplementary development standards; to promote an important environmental, social, and economic element of the area; and to ensure development is compatible with the protection of the wildlife resource.

### **Section 3.922 - Application of Provisions**

Except as provided in Section [3.923](#) below, this overlay district shall be applied to all areas identified in the Comprehensive Plan as Sensitive Wildlife Habitat.

### **Section 3.923 - Exempt Areas**

The following areas are exempt from these provisions:

- A. Rural Service Centers.
- B. Areas designated as Impacted Areas in the Transition Lands Study Area.

### **Section 3.924 – Exempt Uses**

- A. All uses permitted without review in the underlying zone are exempt from provisions and siting standards in this Section.
- B. All uses in A-1 (160) that are permitted subject to Type I Review are exempt from provisions and siting standards in this Section.
- C. Farm dwellings, accessory farm dwellings, and relative farm dwellings in A-1 (160) are exempt from provisions and siting standards in this Section but still require notice to ODFW consistent with subject to standards review.

### **Section 3.925 - Siting Standards**

- A. Within EPD-8, subject to standards uses permitted in the underlying zone are subject to notice to and comment from the Oregon Department of Fish and Wildlife.
- B. Within EPD-8, conditional uses permitted in the underlying zone are subject to notice and comment from the Oregon Department of Fish and Wildlife. This includes conditional use requirements per Section 5.020 F.
- C. Within EPD-8, the following siting standards shall be applied as a condition of approval for all new dwellings in all zones not exempt under Section 3.924:
  - 1. New dwellings shall be located within three hundred feet (300') of a public road or private road or road easement existing as of October 22, 1997, unless it can be found that:
    - a. Habitat values (browse, forage, cover, access to water) are afforded equal or greater protection through a different development pattern affirmed by Oregon Department of Fish and Wildlife; or
    - b. The siting within three hundred feet (300') of such roads or easements would force the dwelling to be located on irrigated land, in which case, the dwelling shall be sited to minimize impact on wildlife habitat considering browse, forage cover, access to water, and minimizing length of new access roads.

Map \*

5S 13E 0 2400  
5S 12E 0 1700  
1S 12E 15 800  
1S 12E 15 800  
4S 13E 0 3500  
5S 16E 0 2200  
4S 13E 0 1800  
4S 13E 15 400  
4S 12E 31 800  
1S 12E 15 700  
4S 11E 0 400  
1S 12E 0 2700  
4S 16E 0 500  
7S 14E 0 2000  
2N 12E 30 700  
7S 18E 0 300  
4S 13E 15 500  
4S 13E 6 101  
2S 15E 0 800  
1S 15E 0 3200  
4S 13E 6 100  
6S 15E 0 1302  
4S 14E 0 3100  
5S 15E 0 1500  
2S 15E 0 1000  
2N 12E 30 600  
4S 13E 6 800  
6S 14E 0 2000  
6S 13E 0 2200  
4S 14E 0 3400  
5S 12E 0 4300  
4S 12E 0 5500  
5S 13E 0 3000  
5S 13E 0 6000  
8S 17E 0 1600  
2N 12E 30 1000  
2N 12E 30 800  
6S 17E 0 3000  
4S 13E 6 400  
5S 12E 0 400  
2S 15E 0 1200  
2N 12E 30 200  
4S 13E 10 1100  
1S 12E 0 2800

4S 13E 6 700  
4S 13E 0 1200  
4S 13E 6 701  
1S 16E 0 1500  
2S 15E 0 400  
5S 13E 0 2300  
8S 19E 0 2100  
5S 13E 0 5900  
5S 13E 0 500  
4S 13E 6 702  
3S 13E 0 2100  
8S 17E 0 2300  
4S 13E 10 1200  
4S 13E 0 2200  
4S 11E 0 800  
4S 13E 0 3600  
4S 13E 0 2000  
4S 13E 0 2000  
1N 16E 0 200  
4S 13E 0 900  
4S 13E 0 2000  
4S 13E 0 4800  
6S 18E 0 100  
4S 13E 6 300  
4S 13E 0 4900  
4S 13E 0 3101  
8S 19E 0 700  
1S 12E 15 900  
6S 17E 0 2900  
2N 12E 0 3100  
1S 12E 15 100  
4S 12E 4 200  
4S 12E 3 500  
3S 12E 0 3100  
4S 15E 0 100  
6S 17E 0 1800  
4S 13E 6 500  
2N 12E 30 101  
4S 16E 0 300  
4S 15E 0 200  
2S 15E 0 1200  
5S 13E 0 2300  
4S 15E 0 100  
4S 13E 6 102  
1S 12E 0 3000

4S 11E 14 100  
4S 13E 6 702  
5S 12E 0 1400  
2N 12E 0 3200  
1S 11E 0 1800  
6S 14E 0 2500  
4S 13E 6 200  
4S 13E 0 2400  
2N 12E 30 300  
5S 13E 0 5900  
2N 12E 30 1100  
1S 11E 0 1700  
2N 12E 30 400  
5S 15E 0 500  
4S 13E 0 3500  
4S 13E 15 300  
5S 14E 0 600  
4S 13E 10 1300  
7S 17E 0 1900  
6S 17E 0 2800  
1S 12E 0 500  
5S 12E 0 200  
8S 19E 0 2000  
4S 13E 10 1100  
8S 19E 0 2100

## IMPORTANT NOTICE THAT MAY AFFECT YOUR PROPERTY

**THIS IS TO NOTIFY YOU THAT WASCO COUNTY HAS PROPOSED A LAND USE REGULATION THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES.**

**WASCO COUNTY PLANNING DEPT.**  
2705 East Second Street  
The Dalles, Oregon 97058



Phone: (541) 506-2560  
Fax: (541) 506-2561

<http://co.wasco.or.us>

On **September 1, 2020**, the Wasco County Planning Commission will hold a public hearing regarding the adoption of Ordinance Numbers 20-001 and 20-004. These ordinances are the adopting documents for proposed revisions to Chapters within the updated comprehensive plan, Wasco County 2040, and comprehensive plan map.

Wasco County has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in Wasco County and may change the value of your property. ORS 215.503 requires notice which contains the above language. Wasco County is notifying thousands of property owners of these proposed changes, and Wasco County has no way to know whether, how or when these updates might affect the value of your property. Your receipt of this notice does not necessarily mean that any of the proposed updates will limit the use of your property or change the value of your property.

Due to the statewide restrictions on public meetings, this meeting will be held virtually, and we encourage your participation online or by phone. Please visit: [https://www.co.wasco.or.us/departments/planning/pc\\_remote\\_meetings.php](https://www.co.wasco.or.us/departments/planning/pc_remote_meetings.php)

This hearing includes the following Wasco County 2040 agenda items:

- Introduction
- Committed Lands Chapter
- Forest Lands Chapter
- Recreation Chapter
- Finalization of Wasco County 2040
- Adoption of Destination Resort Map
- Revisions to Sensitive Wildlife Policies and Implementation Measures
- Adoption of Revised Sensitive Wildlife Map (EPD-8)
- Adoption of Revised Sensitive Birds Map (EPD-12)

Proposed revisions are part of the Planning Commission packet and will be available for view on **August 25<sup>th</sup>, 2020** here: [https://www.co.wasco.or.us/departments/planning/agendas\\_and\\_minutes.php](https://www.co.wasco.or.us/departments/planning/agendas_and_minutes.php). The proposed revisions, criteria, rules for legislative hearings, and all other documents and evidence related to updates have also been summarized and shared on the project website: <https://wasco2040.com>. To view a FAQ and find links to posts visit: <https://wasco2040.com/faq/2020-updates/>.

Ordinance Numbers 20-001 and 20-004 are available for inspection by appointment at the Wasco County Planning Department at 2705 E 2<sup>nd</sup> St, The Dalles, OR. Please call 541-506-2560 to schedule an appointment. A copy of Ordinance Numbers 20-001 and 20-004 are also available for view or download on the project website: <https://wasco2040.com/faq/2020-updates/> or for purchase at a cost of \$0.25 per page.

For additional information concerning Ordinance Numbers 20-001 and 20-004 you may call the Wasco County Planning Department at 541-506-2560.

These are part of the final work tasks to complete the update of Wasco County 2040, the Wasco County Comprehensive Plan.

## WASCO COUNTY 2040 HIGHLIGHTS

As this multi-year project winds down, we want to share some of the highlights for the new Wasco County Comprehensive Plan.

- New, user friendly format
- Updated data, references, and findings
- Encourages incentive programs for development applications
- Reduces restrictions where appropriate
- Updated resource inventories
- Clarified restrictions in Natural Areas and Wild and Scenic Rivers Overlay to make all proposed uses conditional/no longer prohibit certain uses
- Allows for potential of agri-tourism uses permitted by state law
- Allows for potential for accessory dwelling units in rural residential lands when permitted by state law
- Promotes coordination and outreach with partners

The focus has been on creating a transparent long range vision for the future of land use and development in Wasco County over the next twenty years. To read more about Wasco County 2040 please visit our project website: <https://wasco2040.com>. Thank you for your participation and helping to create a new pathway to prosperity for Wasco County.

## UPCOMING LONG RANGE PLANNING PROJECTS

As we wrap up Wasco County 2040, our multi-year project to update the Wasco County Comprehensive Plan, Wasco County Planning is kicking off the following new projects:

**Update the Community Wildlife Protection Plan (CWPP).** The current CWPP was written in 2005. The primary purpose for the plan is to identify and prioritize wildfire hazards and to develop a strategy to reduce those hazards. The plan will assist the county, its communities and fire districts in securing National Fire Plan grants and other funding sources to treat hazard fuel situations and to better prepare residents for wildfires that may occur. The updated plan will align with the National Cohesive Wildland Fire Management Strategy focused on making meaningful progress toward the three goals of 1. Resilient Landscapes, 2. Fire Adapted Communities, and 3. Safe and Effective Wildfire Response. To learn more visit: <https://WascoCWPP.com>

**Update the Land Use and Development Ordinance.** This multi-year project will focus on creating or removing criteria and/or regulation from many of the strategies identified by Wasco County 2040. To view the proposed timeline and more information, visit: <https://wasco2040.com/ludo-update/>

To submit comment about any of these matters, mail us a letter, email the project manager at [kellyg@co.wasco.or.us](mailto:kellyg@co.wasco.or.us), or use our easy online comment submission form: <https://wasco2040.com/submit-a-comment/>

# AVISO IMPORTANTE QUE PUEDE AFECTAR SU PROPIEDAD

**ESTO ES PARA NOTIFICARLE QUE EL CONDADO DE WASCO HA PROPUESTO UN REGLAMENTO DE USO DE LA TIERRA QUE PUEDE AFECTAR LOS USOS PERMISIBLES DE SU PROPIEDAD Y OTRAS PROPIEDADES.**

**DEPARTAMENTO DE PLANIFICACIÓN  
DEL CONDADO DE WASCO**

2705 East Second Street  
The Dalles, Oregon 97058



Teléfono: (541) 506-2560

Fax: (541) 506-2561

<http://co.wasco.or.us>

El 1 de septiembre de 2020, la Comisión de Planificación del Condado de Wasco llevará a cabo una audiencia pública sobre la adopción de las Ordenanzas Números 20-001 y 20-004. Estas ordenanzas son los documentos que adoptan las revisiones propuestas a los Capítulos dentro del plan integral actualizado, el Condado de Wasco 2040 y el mapa del plan integral.

El condado de Wasco ha determinado que la adopción de esta ordenanza puede afectar los usos permitidos de su propiedad y otras propiedades en el condado de Wasco y puede cambiar el valor de su propiedad. ORS 215.503 requiere un aviso que contenga el idioma anterior. El Condado de Wasco está notificando a miles de propietarios de estos cambios propuestos, y el Condado de Wasco no tiene forma de saber si estas actualizaciones podrían afectar el valor de su propiedad, cómo y cuándo. Al recibir este aviso no significa necesariamente que algunas de las actualizaciones propuestas limitarán el uso de su propiedad o cambiará el valor de su propiedad.

Debido a las restricciones estatales en las reuniones públicas, esta reunión se llevará a cabo virtualmente, y esperamos su participación en línea o por teléfono. Por favor visite:

[https://www.co.wasco.or.us/departments/planning/pc\\_remote\\_meetings.php](https://www.co.wasco.or.us/departments/planning/pc_remote_meetings.php)

Esta audiencia incluye los siguientes puntos de la agenda del Condado de Wasco 2040:

- Introducción
- Capítulo de tierras comprometidas
- Capítulo de Tierras Forestales
- Capítulo de recreación
- Finalización del plan Condado de Wasco 2040
- Adopción del mapa del destino turístico
- Revisiones de políticas sensibles de vida silvestre y medidas de implementación
- Adopción del Mapa de vida silvestre sensible revisado (EPD-8)
- Adopción del Mapa revisado de aves sensibles (EPD-12)

Las revisiones propuestas son parte del paquete de la Comisión de Planificación y estarán disponibles para su visualización el **25 de agosto de 2020** aquí: [https://www.co.wasco.or.us/departments/planning/agendas\\_and\\_minutes.php](https://www.co.wasco.or.us/departments/planning/agendas_and_minutes.php). Las revisiones propuestas, los criterios, las reglas para las audiencias legislativas y todos los demás documentos y pruebas relacionados con las actualizaciones también se han resumido y compartido en el sitio web del proyecto: <https://wasco2040.com>. Para ver una lista de preguntas, respuestas y encontrar enlaces a publicaciones visite: <https://wasco2040.com/faq/2020-updates/>.

Si necesita un interprete, por favor llame una semana antes del evento al (541) 506-2560 de lunes a viernes, de 10:00 a.m. a 4:00 p.m., y si necesita adaptaciones especiales

Los números de ordenanza 20-001 y 20-004 están disponibles para inspección con cita previa en el Departamento de Planificación del Condado de Wasco en 2705 E 2nd St, The Dalles, OR. Llame al 541-506-2560 para programar una cita. Una copia de los números de ordenanza 20-001 y 20-004 también está disponible para ver o descargar en el sitio web del proyecto: <https://wasco2040.com/faq/2020-updates/> o para comprar a un costo de \$ 0.25 por página.

Para obtener información adicional sobre los números de ordenanza 20-001 y 20-004, puede llamar al Departamento de Planificación del Condado de Wasco al 541-506-2560.



Estas son parte de las tareas finales de trabajo para completar la actualización del Condado de Wasco 2040, el Plan Integral del Condado de Wasco.

## DETALLE DEL PLAN DEL CONDADO DE WASCO 2040

A medida que este proyecto de varios años termina, queremos compartir algunos de los aspectos más destacados del nuevo Plan Integral del Condado de Wasco.

- Nuevo formato fácil de usar
- Datos actualizados, referencias y que encontramos
- Fomenta programas de incentivos para aplicaciones de desarrollo.
- Reduce las restricciones cuando sea apropiado
- Inventarios de recursos actualizados
- Se aclararon las restricciones en las áreas naturales y de ríos en áreas escénicas para hacer que todos los usos propuestos sean condicionales / ya no prohíban ciertos usos
- Permite potencialmente el uso de agroturismo permitidos por la ley estatal
- Permite unidades de vivienda accesorias en tierras residenciales rurales cuando lo permite la ley estatal
- Promueve la coordinación y participación con los socios.

El enfoque se ha centrado en crear una visión transparente de largo alcance para el futuro del uso y desarrollo de la tierra en el condado de Wasco durante los próximos veinte años. Para leer más sobre el condado de Wasco 2040, visite nuestro sitio web del proyecto: <https://wasco2040.com>. Gracias por su participación y ayuda para crear un nuevo camino hacia la prosperidad para el Condado de Wasco.

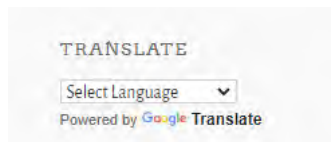
## PRÓXIMOS PROYECTOS DE PLANIFICACIÓN DE LARGO ALCANCE

A medida que concluimos el Condado de Wasco 2040, nuestro proyecto de varios años para actualizar el Plan Integral del Condado de Wasco, la Planificación del Condado de Wasco está iniciando los siguientes proyectos nuevos:

**Actualice el Plan comunitario de protección de la vida silvestre (CWPP).** El CWPP actual se escribió en 2005. El objetivo principal del plan es identificar y priorizar los peligros de incendios forestales y desarrollar una estrategia para reducir esos peligros. El plan ayudará al condado, sus comunidades y distritos de bomberos a obtener ayuda del Plan Nacional de Incendios y otras fuentes de financiamiento para tratar situaciones de combustible peligroso y preparar mejor a los residentes para los incendios forestales que puedan ocurrir. El plan actualizado se alinearán con la Estrategia Nacional de Manejo Cohesivo de Incendios Forestales enfocada en lograr un progreso significativo hacia los tres objetivos de 1. Paisajes resistentes, 2. Comunidades adaptadas al fuego y 3. Respuesta segura y efectiva a los incendios forestales. Para obtener más información, visite: <https://WascoCWPP.com>

**Actualizar la Ordenanza sobre el uso y el desarrollo del suelo** Este proyecto de varios años se enfocará en crear o eliminar restricciones y / o regulaciones de muchas de las estrategias identificadas por el Condado de Wasco 2040. Para ver el tiempo propuesto y más información, visite: <https://wasco2040.com/ludo-update/>

Para enviar comentarios sobre cualquiera de estos asuntos, envíenos una carta, envíe un correo electrónico al gerente del proyecto a [kellyg@co.wasco.or.us](mailto:kellyg@co.wasco.or.us), o use nuestro sencillo formulario de envío de comentarios en línea: <https://wasco2040.com/submit-a-comment/>. Este sitio web tiene una función de traducción. vaya hasta la parte inferior de la página y busque este signo:



En el sitio web del condado de Wasco, busque en la pantalla superior izquierda este signo:

VISIT THIS PAGE IN: ENG □

## Attachment J- Public Comments

---

Elizabeth Turner <[REDACTED]>

Tue, Oct 20, 3:58 PM

I was going to send some specific examples in the fire ordinance but on the planning site its no longer there. Only a summary.

It says there was going to be some hearings for public comment on it this fall. That would be good.

I read who the core group is. But was not able to find out if volunteer groups like 15 mile were involved in the process.

From all my years of experience I would just say please do hold some hearings prior to approval. Anyone whos lived here a long time does NOT want the Forest Service in charge of fires.

Without the document I can only make one comment area.

Maps: the maps are vague just like destination resorts are. They should have township range and section.

For a fire emergency response its absolutely necassary to know where the boundary lines are. For instance Mid- Columbia Fire only goes to certain areas. There are specific lines on the ground such as a road or address they do not go beyond. There was a lawsuit threatened in a fire at the end of Eight Mile as to who should of responded. Alot of 8 mile is in no mans land. But some is in Mid Columbia district.

They fight structure fires but volunteer groups dont. If you live here you absolutely need to know who to call.

Its also true if your buying property you need definite answers about fire protection.

Who, or is there a fire group, what are the rules? Insurance has to be dealt with. You have to know.

The boundry lines should be very distinguished. As in a road or landmark people can understand in a emergency to respond.

I agree that fire suppression efforts such as mowing grass and other things are important. But it really depends on the owners response. Alot dont do it. If your in no mans land, you know the risk. 7 mile is a good example of scary fire confitions every year.

My neighbors house burned to the ground in January one year. I saw it first. But it was cold. We had water in a tank. But it was frozen. There was nothing anyone could do. Im careful..really careful about fire.

I think one thing that could be very useful to everyone is a map of whos responsible to respond for all the county areas and a list of contact numbers for each group. Maybe color coded. And boundry markers clearly mapped. Very easy to understand.

A good short concise plan is important. I hope we will have some more meetings on this.

Thank you

Elizabeth Turner

Jillian Barker

Tue, Oct 20, 1:48 PM (16 hours ago)

To the Wasco County Board of Commissioners:

I am commenting today in support of adopting the Wasco County Comprehensive Plan amendments as recommended by the Wasco County Planning Commission, updating Goals 4,5 and 8 as well as other revisions to the sensitive wildlife maps (EPD 8 & 12) and the adoption of the destination resort eligibility map (EPD 15) in Ordinance 20-001.

I realize and appreciate how much time and effort these amendments have consumed by the Planning Department's staff as well as by the Planning Commissioners and fully support their recommendations for these updates and revisions.

Sincerely,

Jill Barker  
P.O.Box 572  
Mosier, OR 97040  
(3375 Vensel Rd.)  
541-806-0260

Elizabeth Turner

Mon, Oct 19, 5:38 PM (2 days ago)

The big picture:

The city of The Dalles recently held a meeting to hear what a planning firm, said about how much UGB growth they could ask for. That really was nothing according to their rules. The city, thank goodness, did ask for ground and recieved 50 acres.

My point is we are in a similar situation. The ODFW map severely limits any growth in our county. Its forcing the siting of destination resort possibilities onto farm ground.

If we are to adopt any of the proposed plans, including fire, as they are suggested by a planning mindset our county cant grow.

The fire plan must be simplified. It should read simply what the standard is for a area. It should not have 15 different standards that might mean you cant do something. When its discretionary instead of solid, certain people get to do things while others do not in the same zone.

We can no longer let the agenda of green liberals decide our future. There is alot of room to grow here with no negative affects. Please vote no on all the plans.

You may have to negotiate on ODFW. But the LODO has options. Get the best plan.

Specifically:

I looked up building requirements for the A 1 zone, agriculture. I believe the destination resort soil standard they used is not in agreement with building standiards set already for soils.

To build in the A 1 zone you have about 3 options. A farm dwelling on 160 acres or more; a Part of Parcel or a accessory dwelling.

Part of Parcel is not allowed in A40 orchard zoning.

To build on 80 to 160 you must meet standards like the income test. Its nearly impossible to do. We have many of them sitting unbuildable. The portion you put the house on must be partially class V11 soils. THIS IS WHERE THE 300 FEET FROM ROAD HITS. (ODFW) If the class seven soils are farther in on the property you couldnt build.

Under 80 the land must be UNSUITABLE for agriculture. The entire parcel must be found to be generally unsuitable. 50 percent class V11 soils or poorer. To build.

#### GENERALLY UNSUITABLE CRITERIA:

1. Greater than 40 percent slope
2. Produces less than 25 bushels of grain; less than a ton per acre of hay. Averages nased on NRCS data.
3. Never been cropped. According to ASCS. Requires more than 5 acres per AUM for grazing based on soil productivity. Ir a foeld determination.

Even on a 160 acre parcel there can be no other dwelling; it cant be built on high value soil. The owner must be principally engaged in farming.

These are the main standards farm and ranch people must initially meet. There are other things as well..We are saying that we can descriminate against a farmer or rancher who needs a home because the standards for them on agriculture land are much tighter than this proposed destination resort.

I checked the soils maps and certainly the destination resort is not meeting the same standard. If we set a building standard to protect farm land shouldnt it be the same for everyone?

A destination resort should be on rough ground, not farmable. And low in grazing capabilities. We have thousands of acres like that if you dont let ODFW steal them.

One example of fire rules in the A1 zone. You had to be in a fire district. It had to have recognition as existing by the state fire marshall. There were siting rules based on that for water and cordination with the volunteer district.

Theres more could be cited. But overall to me we are deciding the future of this county. Yes votes mean we cannot grow in the industries that need growth space for housing of future generations. You will kill the biggest economic sector of the county. As Scott said on the city call: if we have nothing in inventory we can develope we are dead in the water.

You can negotiate ftom a position saying no this wont work for us. If you say YES you cant say we didnt really mean it.

Im a believer in Jesus. The new era we have entered promises growth and greater prosperity. Keep our county open. New times politically should let us streamline things more.

Planners are trained to use the rules. Its fine if you start with what we need and find a way to get it. Let's not be told from the outset we cant. Put people of the county back in developing plans.

921-18-000221

Thank you  
Elizabeth Turner

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

From: **Phil Swaim** [REDACTED]  
Date: Thu, Oct 15, 2020 at 10:18 AM  
Subject: Written testimony on Wasco County 2040 for BOCC  
To: Wasco County Planning <[wcplanning@co.wasco.or.us](mailto:wcplanning@co.wasco.or.us)>

Attached are my written comments regarding Wasco County 2040 for the October 21st BOCC meeting.

Thanks,

Phil Swaim

October 15, 2020

Dear Wasco County Commissioners,

I'm writing in support of the adoption of the Wasco County Comprehensive plan updates as recommended by the Planning Commission. A group of citizens has come forward at the last minute to complain about the process. Nothing of substantive value has been put forth and their input is only serving as a distraction.

They appear to be putting up roadblocks at the very end as they are opposed to any land use planning. To allow them to do this is not fair to the Planning staff, Planning Commission, and the numerous citizens who showed up and participated throughout the years.

The majority of the goal updates have been approved by the BOCC. There is already a comprehensive plan in place and the Wasco County 2040 process presents needed revisions. These revisions are being done to meet periodic review requirements, align maps with ODFW's which are already being used for conditional use permits, and simplify the existing permitting process.

Thank you for this opportunity to comment.

Sincerely,

Phil Swaim

3300 Vensel Rd.  
Mosier, Oregon 97040  
[pswaim3300@yahoo.com](mailto:pswaim3300@yahoo.com)

**Mary Bushman**

Mon, Sep 14, 9:21 PM (9  
hours ago)

Please see my written comments and provide them to the planning commission as part of their comment review.

Dear Wasco County Planning Commission.

Thank you for taking on the huge task of updating the Comprehensive Plan for Wasco County. I have reviewed the materials that staff made available in the Packet for the September 1 online meeting. I provided some comments at that meeting but wanted to follow up with more details in written format. Thank you for that opportunity.

Mary Bushman  
2280 Dundas Way  
Mosier, OR 97040

Given the huge volume of material that the county planners have compiled I am going to focus my comments on of the statewide goals.

**First, Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces**

The Goal 5 section of the comprehensive plan update appears woefully limited. The natural resources and open spaces of Wasco County are incredible and warrant recognition, should be documented in more detail, and should have specific guidance from the county as to how to protect them from the slow degradation that occurs in rural areas as they develop and change.

So what is missing?

Oregon's Goal 5 is about more than just big game, rare birds, and riparian areas. The county should look to the State of Oregon Department of Fish and Wildlife **Oregon Conservation Strategy**. There are several habitats and species of concern that are not included in Wasco County 2040 Goal 5 and they should be.

*Quoted here from the Oregon Conservation Strategy: Conservation Opportunity Areas such as Oregon White oak habitats are missing from the Wasco County 2040 Comprehensive plan update. Changes to oak habitats in the northwest. It is not so evident here but it has happened and will happen without guidance on thoughtful development in the county. Through the land*

*use planning tools that this comprehensive plan represents.*

<https://www.oregonconservationstrategy.org/strategy-habitat/oak-woodlands/>

*Because much of the remaining oak woodlands are in private ownership and maintenance of these habitats requires active management, cooperative incentive-based approaches are crucial to conservation.*

*Loss of oaks, particularly large-diameter, open-structured trees valuable to wildlife, is of particular concern because oak trees have a slow growth rate, slowing restoration success. In addition, reproduction and recruitment of younger trees are poor in many areas.*

*Depending on the area, Strategy Species associated with oak woodlands include Columbian white-tailed deer, Chipping Sparrow, White-breasted Nuthatch, Lewis's Woodpecker, white rock larkspur, and wayside aster.*

Planners should consider where the bulk of new development is happening in the county, areas such as Mosier, Rowena, and the outskirts of The Dalles in areas that are not protected by the scenic area planning process are being developed at a slow but steady pace. It is imperative that the Wasco 2040 plan ensures the natural resources in these areas are protected. While development may be happening on rural residential lots the recommendations from the Oregon Conservation Strategy for incentives designed to reduce the impacts of land use changes is never more important than in these areas.

Additional issues of concern related to the Goal 5 section of the 2040 plan:

Wildlife: I was very disappointed that the new map of the **EPD-8** has left out protected wildlife areas in the proximity of Mosier / Dry creek and Rowena. I am also disappointed that this seems to be the primary focus for the Goal 5 plan for Wasco 2040.

I recognize that they map is directly linked to the ODFW big game migration areas. It falls gravely under the bar because it does not recognize the non-game wildlife that are associated with all of Wasco County. Many of which are strategy species for the Oregon Conservation Strategy. The county should express the need in these areas for protecting and encouraging conservation of all strategy species of wildlife.

The areas that were removed from the new county overlay map may not be recognized by ODFW as critical to big game there are many other wildlife species that breed, nest and forage in these areas. I would also argue that the removal of them from our area was a mistake that should be corrected. We have elk on our property migrating in search of water every fall. State recognized species of concern such as Lewis' woodpecker, and olive sided flycatcher are common here but will only persist if the county makes policy that recognizes the resource values. The protection layers included in the old map that are being removed are also a step in the wrong direction. Even if enforcement was not possible in those areas the recognition of wildlife species in these areas sets the stage for more wildlife friendly development that is informed by information and supported by programs.

While more people live in these areas they are also in a place learn about and be stewards of the resources. The oak and prairie, and the oak pine habitats that local residents love to live need to attention of our land use policies to keep them from degrading further, and to assist in land owners like me in setting up conservation easements to keep them protected in perpetuity.

The voluntary protection area zones illustrate the importance of the higher density rural residential areas to a wide variety of wildlife species. It alerts residents to the fact that their lands provide a valuable resource to wildlife. To live in these areas is an honor and we should be given notice that the animals are here and information and support for how to “live with wildlife”!

Please consider bringing the mapped areas with voluntary measures for protecting wildlife and habitats back in to protect these mapped important resources. Or consider developing an additional overlay that would moderate development and encourage behaviors that recognize these important natural resource values.

**Wildflowers-** Keeping the protection area zones in the north end of the county also provides recognition and potential voluntary protective measures to the wildflowers that are so critical to the wildlife and are a very significant magnet for tourism to the area. I am sure the Travel Oregon has some statistics on the increase of tourism in the area over the last 5 years. Anecdotally, I have noted a very significant increase in wildflower tourism. Again, recognition of this important resource is missing from the Wasco 2040 plan.

**Wetlands-** I have a wetland on my property that has not been afforded any kind of protection under either the old or the new 2040 planning policies. I am very familiar with the State of Oregon Wetland inventory. I am a retired wetland professional. Their inventory is gravely lacking in detail for wetlands. It is essential to the conservation of wetland in the county that Wasco County embark on a Local Wetland Inventory and submit it as part of their Goal 5 inventory.

#### **Goal 4 – Forest Lands**

*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.*

Goal 4 is very focused on forests that provide economic benefits. That focus misses other important Forest values. The 2040 plan needs to be more explicit about the values that are provided by oak and oak/pine habitats.

Oak habitats cross over many of the goal objectives

1. Properly managed oak woodlands and forests provide safer locations for homes that are mixed with woodlands. Oak trees and their habitats are ideal for providing fire safety in the WUI’s of Wasco County.



2. Climate change – oaks are more tolerant and resilient than all of the conifer species. From a habitat perspective and a fire safety perspective this is a critical concept to integrate into any planning for the future of Wasco forests.
3. Oak is not currently a high value commodity but there are industries that are looking at oak for products such as wine barrels, whiskey barrels, furniture, flooring, biochar.

Given the recent tragedies in the forests and woodlands of Oregon the state will come along soon in developing plans to encourage more fire safe woodland habitats around woodland homes. It would be good for Wasco County to be ahead of the curve and incorporate language in Goal 4 that recognizes the changes coming due to climate change.

**Forest lands, according to OAR 660-015-0000(4) include “lands which are suitable for commercial forest uses...and other forested lands that maintain soil, air, water and fish and wildlife resources.”**

This means that not all zoned forest lands will necessarily be productive but may have other values that merit their zoning and protection. This is an important consideration for Exceptions to Goal 4.

Conservation easements should be called out as a mitigation tool, and as a way to recognize the forest lands “other values that merit their zoning and protection. I have a conservation easement and a tax credit on my property that is possible due to the Oregon code. These tools should be explicitly included in the 2040 Plan to help encourage the conservation of oak habitats.

---

**Sheila Dooley** <wordpress@wasco2040.com>  
To: "\"kellyg\"<kellyg@co.wasco.or.us>

Mon, Sep 14, 2020 at 10:44 AM

**Name:** Sheila Dooley

**Comment:** Wasco County 2040 9-1-20 Meeting Testimony

I support the recommendation made by the Citizens Advisory Group at its August 4th meeting.  
Goal 4: Forest Lands: - the updated language is consistent with current practice and the added wildfire recommendations consistent with the CPAW (Community Planning Assistance for Wildfire) and CWPP (Community Wildfire Protection Plan).

As proposed Goal 4 updates reflect the updates made to Goal 7 (Natural Hazards) in regards to wildfire mitigation measures.

People I know in the forest zone support restrictions due to the increased risk of fire. The gorge has high winds and steep terrain. Residences not only increase fire risk but result in firefighters diverting their time and resources to fight structure fires rather than stopping a fire's spread.

In today's Mosier Valley Newsletter there was the following statement:

“One homeowner told me as I stared at the burned-out slope behind her house ending a couple of feet from her back door, that firefighters sat on the ground, with their backs to her house, tools in hand all night watching for flair ups and keeping the fire at bay.” This is an example of protecting one house vs. stopping the fire's spread.

Also from the Mosier Valley Newsletter:

The Mosier Creek Fire was driven by three factors: fuel, weather and topography. Mosier hadn't had any rain for more than two months with almost all fuel completely dry. Second, winds were driving the fire up drainages very fast. Third, the topography included steep slopes, houses tucked into forested landscapes, and steep drainages that allowed the fire to leap up and over hills. This was a very challenging fire. (Mosier Valley Newsletter, September 1)

90% of Oregon wildfires are human caused and the percentage of human caused fires has increased 10% this year (Oregon State Fire Marshall). With climate change we can expect this to continue to increase.

Wildfires, lack of water, and roads are all concerns. Inadequate infrastructure such as roadways make it difficult to get fire suppression equipment in and out during an emergency (which relates to Goal 7: Natural Hazards). Much of the forest land is not in a fire district and is on steep terrain. There is no fire truck access on some private roads leading to development. Our steep, narrow road (Vensel) is impassable at times during winter and then only room for one vehicle at some times.

During the Mosier Creek Fire evacuation (the fire came within ¼ mile of our house) we encountered an oversized truck and two trucks pulling cattle trailers on upper Chenoweth Rd., a steep, narrow, winding road. I had to back up on the hill (three times) which slowed things down. With more development it would be a real mess during an emergency.

It takes 60 to 80 years to grow marketable timber. If growing trees you're in it for the long haul. If destroyed by a fire, it would take generations to replace old trees. In the 1950s there were 7 to 8 sawmills operating in the Mosier Valley and much of it was clear cut. We're now finally seeing big trees again. With selective logging you can continue to make a profit over time and preserve habitat.

Due to the wildfire risks involved combined with the lack of road capacity, fire protection, and water, I urge you to adopt Goal 4 as recommended and not adopt new provisions such as the template test that have not worked out in other areas of the state and that arbitrarily increase fire risk in the forest zone.

Thank you for this opportunity to comment.

Sheila Dooley  
[3300 Vensel Rd.](#)  
Mosier, Oregon 97040

---

Wasco County Statement 9-15-2020

To the Wasco County Commission:

The Wasco County Commissioners, in a mailer sent to all Wasco County residents titled: **Important notice that may affect your property** which stated, in part, that *"Wasco County has*

*determined that the adoption of this ordinance may affect the permissible uses of our property and other properties in Wasco County and may change the value of your property”.*

Knowing that almost everything government at all levels does nowadays has the net effect of punishing the working class citizens while profiting the ruling class I would ask the County Commission, if they vote to approve these changes, they also vote to indemnify the citizens negatively impacted by these changes.

The definition of the word *indemnify* is: To guarantee against any loss which another might suffer. Example: two parties settle a dispute over a contract, and one [Wasco County, in this case] of them may agree to pay any claims which may arise from the contract, holding the other harmless [The citizen(s)].

This should include monetary reparations and legal fees if necessary to the citizen(s) that suffer losses resulting from the implantation of these rules and regulations.

Britt Storkson  
5475 Hawley Road,  
The Dalles, OR 97058  
Phone: 541-296-3792

Received 8/26/2020

August 20, 2020

Dear Project Manager for 20-001 + 20-004:

I purchased 231 Lake View Loop, in Sportsman park, after confirming with your office that it was, in fact, as listed: a buildable lot. It was, and I bought it, using every penny I had and borrowing some, only to be string along, told the property didn't meet minimal requirements for development.

After months of research and pleading, Angie Brewer sent me an email telling me the property was indeed zoned Residential and approved for a single-family dwelling, and invited me to apply for a permit to begin the process.

In good faith, my contractor finished enclosing the long-standing existing treehouse, but the permit never came, and after telling me the structure required a 5' vegetation-free buffer all the way around, I understood they would not ever issue a permit and I got angry. They sent a letter advising me to seek homeless housing assistance and that they would throw me off my property should anyone complain.

I told them I made other housing arrangements, but have been camping here ever since, not wanting to go back to sleeping in my car.

Earlier this year, I sold my

property and am currently only here taking care of the place for the new owners, who will only use it as an occasional wknd escape in the future.

Now I get notice the property may be subject to further restrictions.

Since your office does not obey the laws it was installed to uphold, and since the words of your office mean nothing, used only to waste our time and tyrants do whatever they want - destroy lives,

these new proposed bs ordinances are just another tossed word salad offered by narcissist psychopaths that have sold us out to communism and tyranny.

Good Day.

Disgusted citizen

Cheryl Anne

Cheryl Anne  
231 Lake View Loop  
Tygh Valley, OR 97063

**Steve Carlson**

Tue, Aug 25, 11:01 AM (2 hours ago)

I've made several comments already and see nothing has changed. You're still going to shut the forest down on the theory that it will provide a corridor for animals, regardless of the consequences to the people. I see no use in taking part in any input as your plan is in place and you have the meetings so you can explain "your plan" regardless.

---

**Elizabeth Ann**

**Turner wordpress@wasco2040.com via b.atomicsites.net**

Sun, Aug 23, 11:25 PM (2 days ago)

**Name:** Elizabeth Ann Turner

**Website:**

**Comment:** I object to this being done electronically. It needs to be in person. Its just to easy to manipulate the oricess and when you dont see people totally different. I want to see and hear peoples comments. I want to know its really them.

Before hand Id like to kniw what tour going to do about the fact you violated public meeting law by having conflict of interest on the planning Commission who didnt declare it and voted. Please respond.

Thank you

**Would you like to be added to our notification list for news and events?:** Yes

---

Sat, Aug 15, 4:11 PM

**Name:** Nikki Lahy

**Website:**

**Comment:** Please take the time to provide maps that are readable/viewable. It's not that hard to enlarge before pasting/printing. I enjoyed your presentation, but the maps and handouts, along with this web map information is unreadable and unprofessional. It makes me wonder if it is done on purpose or someone is not qualified for the job.

**Would you like to be added to our notification list for news and events?: Yes**

---

**Vance Ellett**

**[Wasco County 2040] Submit a Comment**

28 May 2020

at 4:18

I was born in The Dalles and have lived in my (our) current house for @ 5401 Chenoweth Rd for 30 years. Our place is about 360 acres of hills with Hay fields and pastures mostly zoned AG. We spent parts of 5 years trying unsuccessfully to get a 5 acre parcel ( that was created by Wasco County) rezoned to RR 2 1/2 so the 2 tracts could be sold as housing sites. I feel that the Wasco County Planning Department did nothing to help us achieve our goals. Based on the time and thousands of dollars we wasted on this issue (and the fact that I have paid property taxes in Wasco County for 40+ years) I have the following recommendations that I would like to see addressed in Wasco County 2040: 1) Have the Planning Commission help citizen taxpayers achieve owners goals w/ land. 2) Recognize that in the 40 years since LCDC was passed that the needs of Oregon has changed and that as a State and County, we need to get more housing and get it closer to town. When you force people to build 10 miles from Town, you cause more "Fragmentation" and loss of wildlife habitat. And even worse, the environmental cost to the Planet is 5 or 10 fold because every trip to work, to town, to sports, to get groceries takes 5 to 10 times as much fuel and time for the 50 to 100 years somebody lives in the house. And loss of wintering range and fire fighting issues. 3) Our 5,7 acre tract that we wanted to split in 2 buildable lots has a well on it, The County will not allow a house to be built on the side where the well is. The County should allow Landowners to position the buildable footprint adjacent to the existing well. Same amount of development just located intelligently. 4) What the County should really do is say that the best thing to do in 2020 is divide the 5.7 acres into 2 or 4 lots and keep that many houses closer to town because people need places to live Respectfully Linda and Vance Ellett 5401 Chenoweth Road

---

**Would you like to be added to our notification list for news    Yes**

**and events?****Steve Carlson****[Wasco County 2040] Submit a Comment**

4 Mar 2020 at

3:53 am

I'm frustrated with the forest service and fish and wildlife because you have this idea that you can reestablish ancient migration routes from Canada to California with very little fact to support it! Just theory! You've already shut the forest industry down and don't really appear to care much about the property owner! The forest service was given a mandate during the Clinton Administration to manage better and they then wrote regulations that control with little regard for property owners! You mentioned jobs development in your presentation ! Well, maybe restoring the timber industry and towns would be a great start! I watched the documentary on OPB regarding Wolves and the head guy said, "Well, we didn't really know how it would work out! Now you have a problem in Yellowstone as the wolves have decimated the coyote population and the rodent population has exploded causing a bison habitat problem as their grass is being eaten by the rodents! What you're doing is similar to what happened to the Kaibab plateau in the Grand Canyon when TR made it illegal to hunt the white tail deer! In about 1929 the deer over populated and ate everything! The carrying capacity of the plateau has never recovered! People are tired of "the government " coming in with some theory that may or may not work! Meanwhile, the citizen suffers the consequences of your actions and the way leaders in your professions are moved around no one is ever responsible! The survey I Looked at during the meeting was a joke! Black and white answers out of context are worthless and of course you can draw most any conclusions you want! I've been to many meetings and it's clear the agencies have their plan and will change very little! When I petitioned to have the forest service follow ADA, Washington DC said they didn't have to because ADA "didn't follow their plan!" Just like everything else in government, congress passed laws with good intentions and then bias people with their own agendas write the regulations! It's no wonder the rural population is fed up! Nite

---

**Would you like to be added to our notification list for news**    Yes



and events?

From: **Elizabeth Turner**

Date: Wed, Mar 4, 2020 at 6:49 AM

Subject: Re: Fish and wildlife overlay. Planning concerns

I hope you understand that if I have to be silent when facts are being misunderstood or incorrectly applied then I'm disrespecting thousands of farm families.

I either have to interrupt the meeting and disrespect them or the people who live here. I'm going to choose ranchers supported by facts every time. That's why I'm saying give us access to the process as citizens advising so we can answer when facts are misrepresented.

I did not hear today that the road department or the county sheriff and others have been consulted about supporting a resort. I'd like to hear from them.

I don't think a destination resort belongs here except in far south county. Don't save someone with money problems and hurt everyone else. That's how we screwed up the Columbia wheat district.

Thank you

On Tue, Mar 3, 2020, 6:52 PM Elizabeth Turner wrote:

Take a look at ORS 660 23 which is how we fall under the law for wildlife.

Under 110 we are allowed to use a safe harbor process instead of just let ODFW do their thing. It's mostly recognizing animals on endangered list or threatened. It might help us quite a bit with this overlay and reporting problem.

I will ask Angie about it.

Please don't think my intention is to disrespect. But we gained a huge amount of knowledge and have to sit in meetings not able to inform of really important things to our citizens.

Soils is a big one. It's not simple at all. There are a number of factors. Juniper flat has very unusual soil. We did update some of it before. But to judge it by a map would not always reflect its productivity.

The Dulings Natural Pasture wheat ranch is either under the destination resort overlay or very near it. Most successful ranch in south county in wheat. I wanted to remind Chris on the commission about that. But I wasn't allowed to.

There needs to be an educated group just like before. The commission needs that kind of input. It's not the same to comment as a rancher rather than a rancher with years of planning knowledge.

I'm very pro wildlife. The big issues are probably sprays. If we could reduce chemicals it would help all species.

Please find a way for some more involvement by those trained to navigate the difficult areas.

Thank you

On Tue, Mar 3, 2020, 9:59 AM Elizabeth Turner wrote:

I've been asking farmers questions and getting some response. There appears to be action being taken outside fish and wildlife's overlay at present. Actually telling people they can't use their land.

So by whose authority is that being allowed?? Is our planning office using their recommended ideas outside our approved overlay? Why?

I'm getting copies of the maps today to look closer and to ask for the source of rule that allows our people to be hassled outside our approved plan.

The farmers I talked to said they thought the idea of a destination resort in those locations is silly. What needs addressed is our own citizens' options to improve existing cities and rural facilities and housing. It's very similar to cap and trade in that you create an elitist society next to a slave society with no rights. I'm very against resorts unless we address our people.

Do you know that last time on the ag zone they put in that people owning even 80 acres couldn't put an RV on it for the summer season??? Our group agreed to have it so they took them home for the winter. But planning later changed it so it isn't long enough for summer season.

So we have a housing crisis but we penalize people for finding a way to not be homeless. Why don't we take a vacant area and license it to park RVs on? This whole agenda is from the same group as cap and trade. The removal of people from areas they want no one in. We are in one of those.

I think it would be very wise to hold a hearing or two of your own for people to come talk about wildlife overlays and the resort. The planning hearing will be very contentious with Thousand Friends and I don't think people will feel they can be heard.

A lot of people didn't get those post cards. A lot of people have told me they couldn't get to the planning comment meetings. There's a big back lash coming. If you do what you did for cap and trade you can diffuse it. I would suggest one be an evening so farmers can get in.

Bottom line we need to better address the real concerns of this county's citizens.

There's needed infrastructure and housing to have stable successful farms and ranches. It really is utterly ridiculous that a county with this much rough ground and rock piles has one of the most restrictive planning ordinances in the state. Check that out. It's a real statistic.

The old ag group could help if you ask them to.

Thank you

<b>Pete Dalke</b>	<b>[Wasco County 2040] Submit a Comment</b>  Thanks for your presentation in Mosier last evening. I am writing to indicate full support for including ODFW's habitat maps in the Wasco County	28 Feb 2020  at 3:00 pm
-------------------	---	-------------------------------

planning work and comprehensive plan documents. Regards, Pete Dalke

---

**Would you like to be added to our notification list for news and events?** Yes

**Elizabeth  
Turner**

**[Wasco County 2040] Submit a Comment**

28 Feb 2020  
at 2:45

I left a long comment but it deleted it. Im against any expansion of wildlife overlay. Its a farce and unneeded. Best plan for good wildlife management is do a good job on Goal 3 working with a agriculture working group. They are the ones taking care of wildlife. The more you restrict their flexibility the more you endanger wildlife. All these little zones just restrict their ability to survive and to take good care of the land. After 40 years in agriculture here I cant tell you what fish and wildlife really does for wildlife. As far as survivability of animals its always the ranchers who are critical to survival. Anywhere you go where resource ranch managers are allowed to be flexible and use their skills to be profitable you will find good Wildlife numbers. In sage grouse country for example. The best habitat and numbers of grouse is on privately controlled ground. I never received notification of these meetings nor did others. Thank you

---

**Would you like to be added to our notification list for news and events?** Yes

On Thu, Feb 27, 2020, 6:05 PM Elizabeth Turner wrote:

Thank you for respecting all the opinions. I wanted to comment after the fact because it was obvious to me that the different view points were heart felt beliefs. Disrespecting them today would not help. Its true many are misinformed. That they read the propaganda from leftist environmental groups. Its become a political weapon instead of true science.

For instance having a warm January. There's been many warm Januarys and many years I lived here we had warm springs and low water for irrigation. I live in a 12 inch rainfall area. When we have wet years like the last several we forget our long term environment.

People would be more aware if our Oregon climate scientist hadn't been fired because he used facts that didn't suit the left.

The long term solution is to get back to facts and real science. The rotation of the earth around the sun is the number one indicator of weather.

To put out facts from resource people who do manage the land well. We have to stop thinking our only job is to produce a crop.

I hope you did pass an agreement that lines up with Rep. Danial Bonham and Senator Findley. They are smart reasonable people. What they say about being bullied and the danger of the bills I believe is true. I called every GOP Senator a week ago. They were trying their best to get reasonable things in the bill. They were not treated fairly. I think they have done the only thing they could do to protect us.

One last comment on the wildlife overlay planning goal, I expressed to Steve. I don't believe the boundary for game needs extended at all. I've lived out in the farm district since 1979. I still don't know what good fish and wildlife really do. They have never addressed problems or concerns we had. I believe the best thing you can do for wildlife is make sure you do a good job with Goal 3 agriculture. Get a working group and let them help define what really works. They really are the ones hosting wildlife. How you impact them will impact how well they survive and how much they can do for wildlife.

The profit levels are very low at this point. It's very important how what they need is addressed. Several orchards sold out in the last year for example.

My neighbors the Weimers work so hard. They do a good job. But profits are so tight. I feel for them because they are doing everything they can but have no control over the price they are paid.

The fish issues that arose on 15 mile were not farmer mistakes. The one kill event was the mistake of fish and wildlife and the watermaster. Into a long stretch of 100 degree days, most in a row historically, there was a long holiday weekend. They did not turn back the water years to shut off some irrigation prior to vacation. By the end of it was too late. Dead fish below Dufur. On my road we saw what was happening and we all shut off our water. No dead fish on my road. Just an example.

Than you again.  
Liz Turner

**Nicole Y Chaisson** [wordpress@wasco2040.com](mailto:wordpress@wasco2040.com) [via a.atomicsites.net](http://a.atomicsites.net) Fri Feb 14,  
8:39 AM

**Name:** Nicole Y Chaisson

**Comment:** I will be at the meetings but I am really worried that you will restrict my F1 and F2

921-18-000221

land use even further. Also the chance that our taxes will rise and different agencies will be allowed to have access to my property at any time.

**Would you like to be added to our notification list for news and events?:** Yes

Attachment K- Ex Parte Contact to the Board of County Commissioners

From: **J K Cantrell** <[j.k.cantrell77@gmail.com](mailto:j.k.cantrell77@gmail.com)>

Date: Tue, Oct 20, 2020 at 10:17 PM

Subject: Wasco County 2040 Hearing and Ordinance 20-001 and 20-004 10/21/2020

To: <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>, Scott Hege <[scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)>, <[kathys@co.wasco.or.us](mailto:kathys@co.wasco.or.us)>

At the hearing on 10/7/2020 I gave a short testimony and said I would be sending you each a hard copy of a lengthier testimony as I have exhibits that I would like to enter into the record. Since there is a high volume of mail due to Vote by Mail, this testimony will not arrive by the cutoff date to present testimony .I will email it to each of you Commissioner's.

I have spent hours and days pouring over complex wording contained in the document you were given by Planning. I can tell you there is nothing more disheartening than to hear at a Republican Party meeting that you Commissioner's had made up your minds prior to the hearing on 10/7.

These ordinances are the adopting documents for proposed revisions to chapters in the update of the Comprehensive Plan. Please table your decision until a time of concern for Covid-19 passes. People need to meet in person with you as these changes will impact the uses of private property and the potential to earn a living from the land.

From the first hearing with the Citizens Advisory Group through the two hearings with the Planning Commission and after the votes took place, Dr. Kelly Howsley Glover said she would make amendments. The document went from 300 pages to 565. Your packet contained 666 pages that day There was no opportunity for any public input or participation after those amendments were added. From the time the packets came out six and a half days prior to the hearing, there was not enough time to read and absorb all the information. That is one reason I was so angry as I testified at the hearing on the 7th. I had heard you came with your decision made to pass everything, plus the fact there was no time to actually understand what was going to be happening as a result of a yes vote. In my thinking I cannot justify taking peoples valuable time to serve on committees or groups if the agenda is already determined, especially with the ability of planning to go in and make adjustments without the group or anyone from the public being aware. I keep hearing the buzz word "transparency". The process did not feel that way at all.

As for conducting public meetings electronically, that method of conducting hearings actually eliminates public participation and input. Some live where internet service is unpredictable, such as my case. we can be watching news or any program and our system goes down multiple times. Service is interrupted and when it was with a hearing, the call drops off and you get to redial and hope you get in. It's all new territory for me. Some folks do not have the tech skill to participate and some may not even own a computer or smartphone.. I was talking to one friend at the time of the hearing and he said his internet had been down for two days. Further reason to consider postponing your decision.

You must all be aware of a "gag order" in place when a person fills out an application to serve on the Planning Commission. It states that no ex parte conversations may happen. Ex parte has to do with talking beyond the group, either conveying what was talked about or talking with anyone that may have a differing opinion. Well that sure isn't a very transparent way to conduct business. Liz Turner on BOC 235 said, "we gained a huge amount of knowledge today and have sat in meetings but not able to inform of really important things to our citizens." Well again what and why is this happening? Another concern on the application is members take an oath to the planning department in order to serve on the commission. Please review this By Law and correct it. Elected Officials are the ones to be taking an Oath to the Constitution of the United States, no one should make an oath to any department in county government..Another area of concern to serve on the commission, is to not have conflict of interest. I hear people buzzing about the opportunity to build destination resorts and it's a pretty well known fact there are developers in the mix interested in that very thing. If we make laws for some and restrict the abilities of others to use their land in the same way, that is wrong. The law should be designed to work equally for all those who own land and pay taxes..

Some random concerns are tools that allowed landowners to build. I heard Dr. Howsley Glover say she would be removing the template in forest zones as well as out right permitted uses. If she truly removed these two options, then she single handedly made a more strict law.. Those were two tools that allowed folks to do things on their property. I remember hearing Dr.Howsley Glover say she would eliminate sending out notices if she felt it was redundant to do so. I think state law is specific when uses and values have the ability to change. Notice is to be given! There were other random areas that allowed for Planners to make decisions that the County Commissioner's used to make, under historical designations and an area in aggregate. You must not give up your ability to make decisions for us. We depend on you to protect our rights.

In 1983( 1984 effective date) Wasco County Comprehensive Plan, according to ORS 197:015 23 Aug 1983 under Introduction p 3 of 4 the definition of Comprehensive Plan was given. It contains a tangled group of words and phrases I could not understand. Simplified in my own words, it appears to be a broad all inclusive plan in terms of geographical areas, functional and natural activities and systems occurring in Wasco County. ( the meaning of some of those words is unclear, however, I certainly understand all inclusive). The Comprehensive Plan has become extremely large over time as it does with each new update, revision or ordinance. It all goes in the bag of the Comp Plan. So anything you vote to pass is added to layers and layers of all things contained in the plan and people are held to everything it includes. .The document even has its own definition for land. "Land includes water, both surface and subsurface and includes the air." A dictionary definition states land is the part of earth's surface that is NOT covered by water as opposed to the sea or the air. Definition for air: the invisible gaseous substance surrounding the earth, a mixture mainly of oxygen and nitrogen. I wonder if the Commissioners for transparency's sake would ask the question of planning, why they changed the definition and what purpose does the definition serve when creating ordinances, revisions and updates? Throughout this entire process I heard Dr.Howsley Glover continually state, land use planning is so complex. Perhaps if we spoke the same language, used terms and phrases people could understand, then transparency could be a part



of the process.

Comprehensive planning process p3 of 4 "Citizens Advisory Groups, the Planning Commission and variety of government agencies are involved throughout the process. The Comprehensive Plan is NOT a static document, but can be revised and updated as needed". ODFW was identified by planners as the "experts" in this process. They as well as other agencies and groups with their vast inventories mentioned throughout the Comp Plan will become "the stakeholders". It doesn't matter who holds deed to the land or pays the taxes. ODFW, Oregon State Forestry, United States Forest Service, Bureau of Land Management as well as conservation groups such as Nature Conservancy (J Natural Areas p 2-57), (potential environmental groups like 1,000 Friends, Oregon Wild, BARK and others).will have a say if you Commissioners give them the right on private property.

As ODFW erases voluntary boundaries on private property, by which Plannings own admission can be revised and updated as needed, they force landowners to comply with mandatory regulations. This is an outright takings. For the fact ODFW brought inadequate maps withholding property identifiers to all the public meetings explaining their removal of voluntary boundaries and their need to create an overlay on private property for the protection of sensitive bird nesting sites, further supports the thought, they will stop at nothing to create a perpetual need to place overlays for anything they identify as needing protection or expanded habitat. You may have noticed specific birds, such as eagles, owls, and herons have been struck from the ordinance, but the teeth of the law remains. The Protection of Sensitive Bird Nesting Sites. It certainly doesn't take a rocket scientist to see where this is all going based on the pages and pages of all the inventories identified throughout Wasco County!!!! Adding insult to injury, when ODFW explained they didn't want the landowner walking around their property during nesting times, (Feb- June), because they didn't want the sites disturbed and that we could only view the "confidential" maps of our property by coming to the office, let me make it clear, the families who've been in the area 100 plus years live in harmony with the wildlife. A drive by our place will show no dead deer, elk, or turkey lying about our fields. Quite the contrary, we feed them 12 months out of the year with no charge to the public.

Following this email, I will send some exhibits for the record that will further explain why it is important to not allow any government agency or conservation group AT ANYTIME to place any overlays or regulations upon our private property or our uses. We have entrusted to you the task of protecting and preserving our rights.

Thank you,

Kathleen Cantrell

81692 Dufur Vly. Rd.

Dufur, Oregon 97021

From: **Donny Pickard** <[email.donnyp@gmail.com](mailto:email.donnyp@gmail.com)>

Date: Tue, Oct 20, 2020 at 12:24 PM



Subject: Wasco County land use

To: <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>, <[ScottH@co.wasco.or.us](mailto:ScottH@co.wasco.or.us)>, <[kathys@co.wasco.or.us](mailto:kathys@co.wasco.or.us)>

Dear Commissioner,

Please take into account my position on proposed Ordinances #20-001 & #20-004. The proposals as stated impose upon the rights of tax payers and land owners of Wasco County to an unacceptable degree. I ask that you act according to the wishes of the majority of your constituents without denying the rights of the individual. If the ordinances in question can't accomplish that, then it needs to be voted down and restructured. Thanks you for taking the time to read my email.

Whereas:

- You have placed us on (postcard) notice that the "adoption of [Ordinances #20-001 and #20-004] may affect the permissible uses . . . and may change the value of [our] property (referring to private land)." . . .
- Even your highly-trained planners apparently don't have a clear understanding of how much the landowner stands to lose if Ordinance #20-001 or #20-004 is passed. . . .
- Part of your update proposal includes changing arbitrary planning maps, that designate wildlife habitat, to match those of the ODFW, which would increase management costs and severely reduce the potential value of any private land so designated . . .
- The county planners tell us you must pass these ordinances, by state law, but they have refused to show us the specific law that requires you to create an ordinance which is only a governor-appointed committee's stated "goal" . .
- Although your planners place great weight on the input of "stakeholders" in their process of creating volumes of proposed restrictions on landowners rights and property, the only stakeholders whose pocketbook is affected negatively by land use decision is the private land owner . . .
- We are adamantly opposed to county government attempting to manage our private land through regulations, just as is not proper or moral for us to attempt to manipulate our neighbors' land values or rights thereto . . .
- Land use planning schemes and maps designed to control some county landowners, but exclude others, serve to pick winners and losers among the property taxpayers. Laws of this nature are not just and tend to produce corrupt county officials.
- As landowners, we are fully committed to all responsibilities, including the responsibility to preserve and protect our valuable private land investment, and zealously maintain the authority to do so. No government agency, including Wasco County,:

1. who purports to usurp our authority,

2. who attempts to manage our private land for the benefit of others at an expense to us,
3. who will take no responsibility for our tax obligation to Wasco County,
4. who oppresses us through the hardship of limitations of use and vast regulations, or
5. who offers no just compensation for the value of which the county has deprived us

operates in a reasonable or righteous manner. It is no new concept that responsibility and authority must go hand in hand. Separate the two, and the party who usurps the authority has essentially stolen from the party who is obligated by responsibility, but is deprived of rightful authority . . .

Along with authority and responsibility, good government must be fully accountable to and transparent with it's constituents. Otherwise it is corrupt government. Silence, when the truth would better serve, is fraud. In spite of our requests, Wasco County has failed to reveal its true motive for adopting such sweeping controls on private landowners as Ordinances #20-001 and #20-004. We will continue to investigate . . .

Therefore, we, as private land owners and property taxpayers in Wasco County, having been left no alternative other than to conclude the Wasco County government proposes to overpower our authority on our private land, while simultaneously dodging all responsibility thereto, accountability therefore, and transparency as to motive, which would be tantamount to both fraud, corruption, and theft of our private land.

We hereby demand that you do not vote, ever, in any manner, shape or form in favor of any issue, that could devalue or reduce our rights to our private land. Furthermore we demand that you vote against Ordinances #20-001 and #20-004.

Donald Pickard  
[email.donnyp@gmail.com](mailto:email.donnyp@gmail.com)  
The Dalles, OR  
2020-10-20

From: **Nicole Chaisson** <[nchaisson@gmail.com](mailto:nchaisson@gmail.com)>  
Date: Tue, Oct 20, 2020 at 6:49 AM  
Subject: Wasco 2040 Survey for Public Comment  
To: [Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us) <[Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us)>, [scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us) <[scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)>, [stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us) <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>

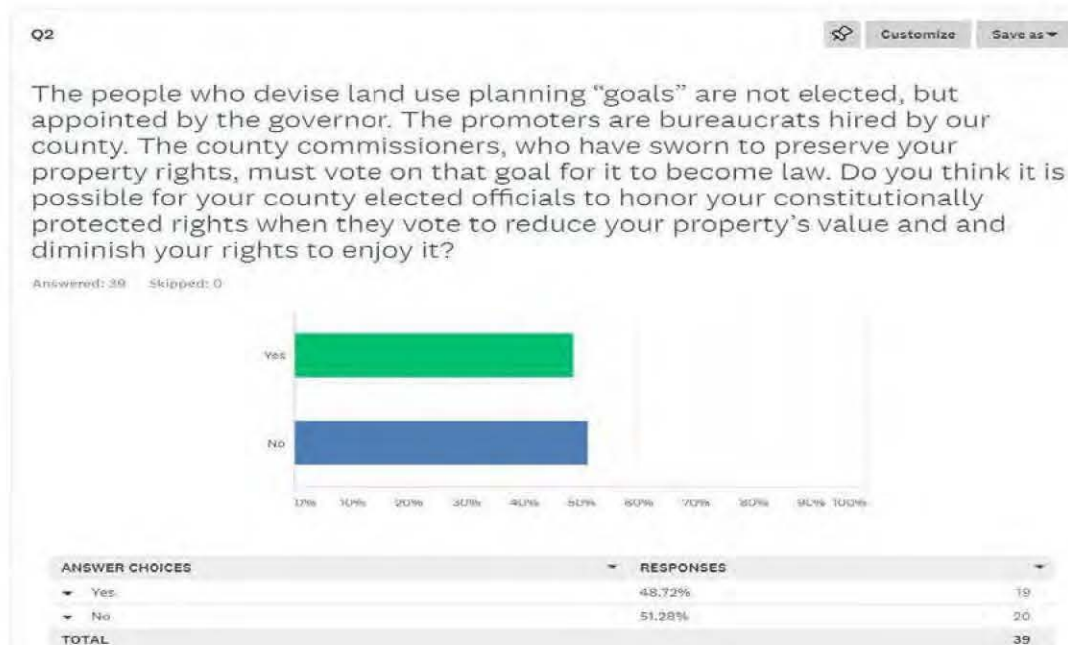
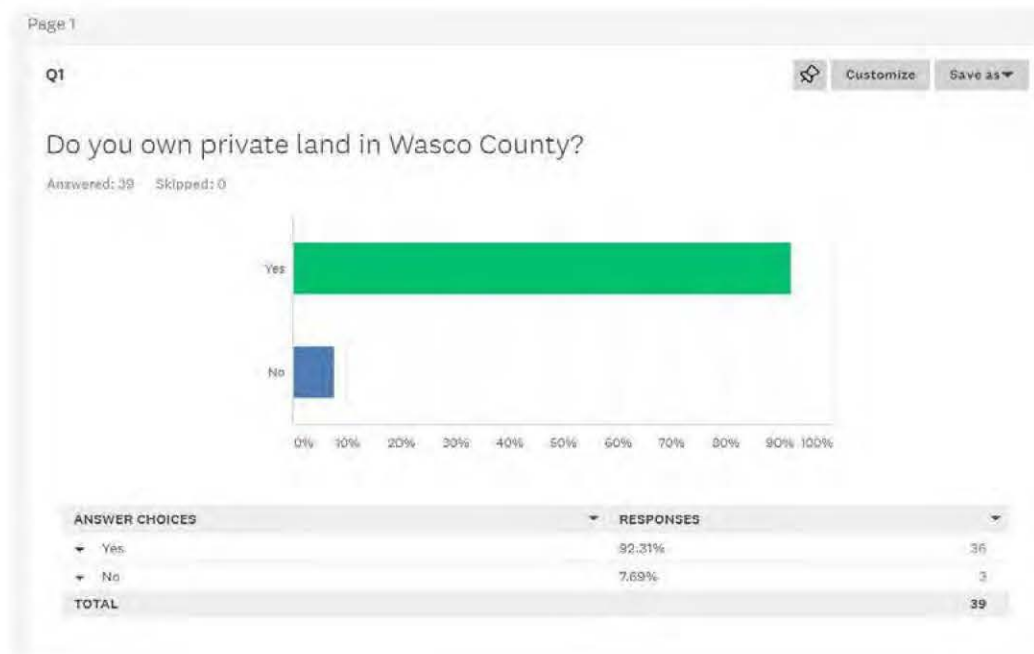
Hello,

I would like to add this to the Public Comment on Wasco 2040. This is a survey of Wasco County Property Owners and/or Wasco County Citizens.

Nicole Chaisson

(209) 304-8391

Sent from [Mail](#) for Windows 10



Q3

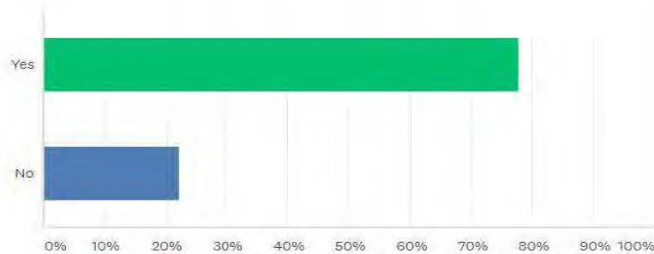


Customize

Save as ▾

When attending a public planning meeting, do you believe the agenda is set and decisions have already been made?

Answered: 36 Skipped: 3



ANSWER CHOICES	RESPONSES	
▼ Yes	77.78%	28
▼ No	22.22%	8
<b>TOTAL</b>		<b>36</b>

Q4

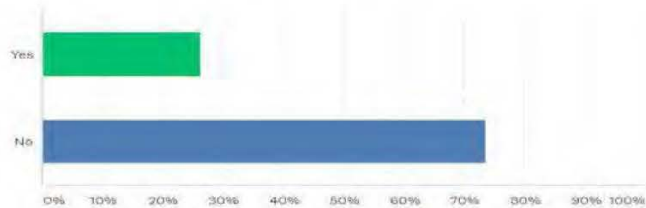


Customize

Save as ▾

Various governmental departments, including ODFW (Oregon Department of Fish and Wildlife), ODF (Oregon Department of Forestry) , and BLM (Bureau of Land Managment) have overwhelmingly proven they are committed to promote and protect the “public’s interest” in your private property. Do you think the county commissioners will be protecting property taxpayers’ rights and values if they adopt an ordinance to restrict your use of your private land for the benefit of the state’s deer, elk, and birds?

Answered: 38 Skipped: 1



ANSWER CHOICES	RESPONSES	
▼ Yes	26.32%	10
▼ No	73.68%	28
<b>TOTAL</b>		<b>38</b>

Q5

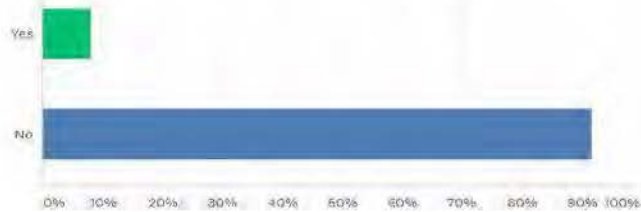


Customize

Save as ▼

Should private land owners continually be subjected to tighter land use regulations with each new state review or county update as the years go by?

Answered: 37 Skipped: 2



ANSWER CHOICES

RESPONSES

Yes

8.11%

3

No

91.89%

34

TOTAL

37

Q6

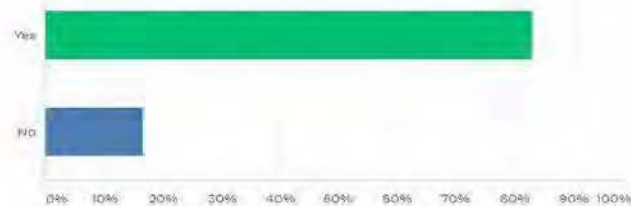


Customize

Save as ▼

As laws that create new or more limitations and requirements on your private land are continually updated and revised, do you ever feel helpless and excluded?

Answered: 36 Skipped: 2



ANSWER CHOICES

RESPONSES

Yes

83.33%

30

No

16.67%

6

TOTAL

36

Q7

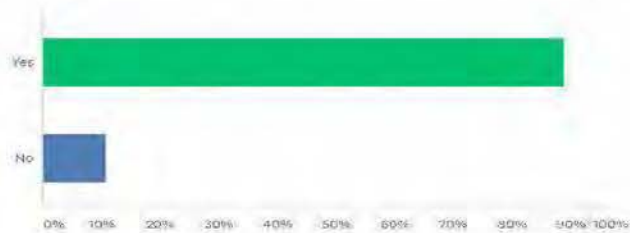


Customize

Save as ▾

Are you alarmed when you receive a notice that states..." the County has determined that adoption of this ordinance may affect the permissible uses of your property... and may change the value of your property." ?

Answered: 37 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	89.19%	33
No	10.81%	4
<b>TOTAL</b>		<b>37</b>

Q8

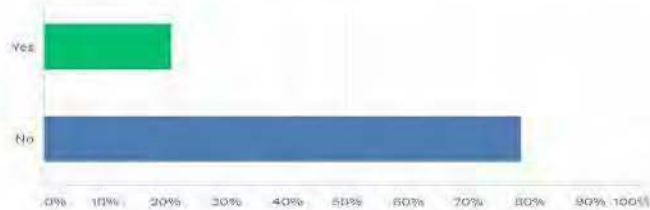


Customize

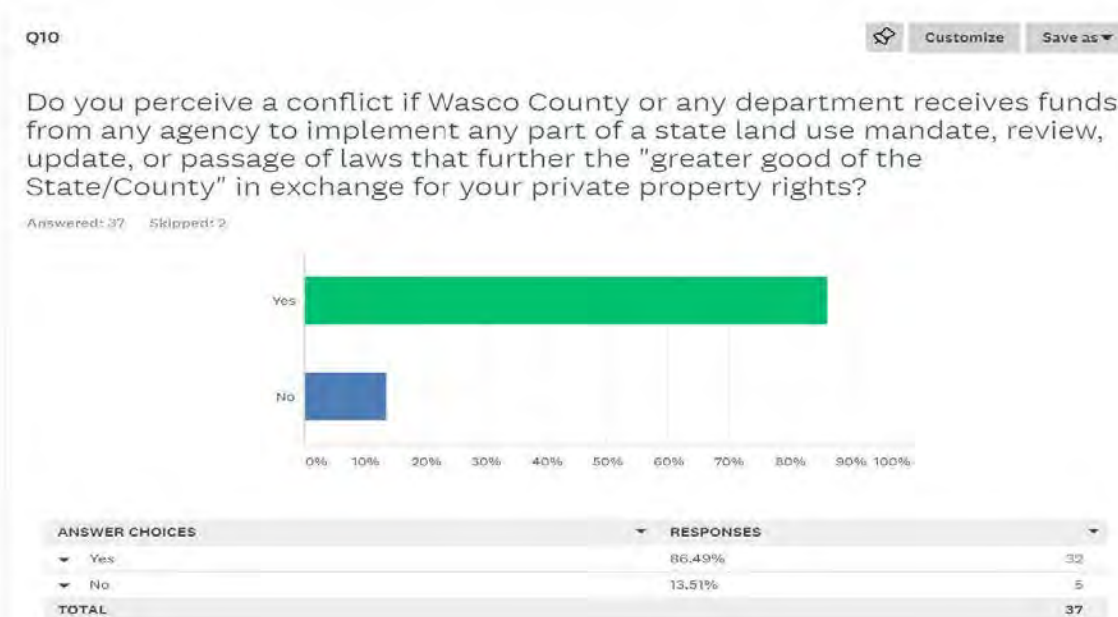
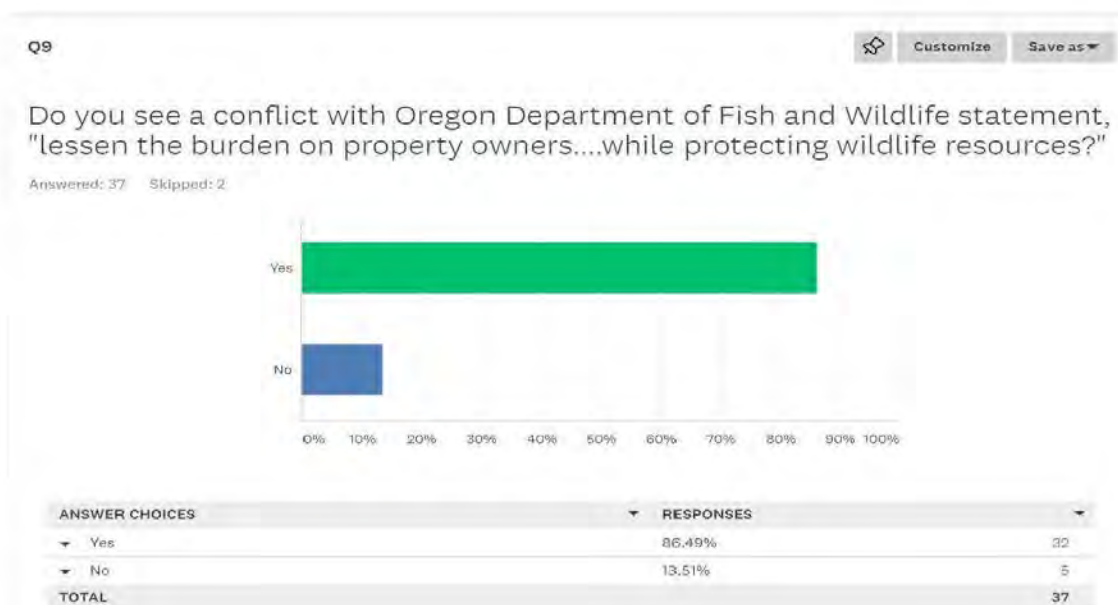
Save as ▾

Is it considered transparency when the planning department proudly presents one map at a public hearing, but tells you, the landowner, it is actually some other map "back at the office" which will determine the county's land use decisions for your property?

Answered: 38 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	21.05%	8
No	78.95%	30
<b>TOTAL</b>		<b>38</b>



From: <[4manran@rconnects.com](mailto:4manran@rconnects.com)>

Date: Mon, Oct 19, 2020 at 8:34 AM

Subject: Comments concerning Wasco Co. Ordinance #20-001 and #20-004

To: <[wcplanning@co.wasco.or.us](mailto:wcplanning@co.wasco.or.us)>

Cc: <[scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)>, <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>, <[kathys@co.wasco.or.us](mailto:kathys@co.wasco.or.us)>



October 18, 2020

Wasco County Planning Department [wcplanning@co.wasco.or.us](mailto:wcplanning@co.wasco.or.us)  
Scott Hege, Commissioner [scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)  
Steve Kramer, Commissioner [stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)  
Kathy Schwartz, Commissioner [kathys@co.wasco.or.us](mailto:kathys@co.wasco.or.us)

Re: Ordinance # 20-001  
# 20-004

We listened with interest to the County Court meeting held October 7, 2020 to educate ourselves to the effect these two ordinances would have on our ranching operation in south Wasco County. The ordinances are voluminous, and it is difficult to understand completely the effects they could have on our private property rights. Our worst fear concerns what may be veiled within the 666 pages that you, or we, do not fully understand the imminent consequences which may result.

Both ordinances appear to have been drafted in response to updating Wasco County to comply with Statewide Planning Goal 5 – protecting natural resources and conserving scenic and historic areas and open spaces. While the Planning Department is suggesting that you ‘must’ pass these ordinances per State Law, we disagree. Because Wasco County is a Home Rule County, the Oregon constitution grants Wasco County the authority to pass laws to govern ourselves as we see fit. As commissioners, you have taken an oath to protect the rights of all Wasco County citizens.

In our opinion this protection includes enforcing ORS 30.933 which provides that “farming and forest practices are critical to the economic welfare of this state and in the interest of the continued welfare of the state, farming and forest practices must be protected from legal actions that may be intended to limit, or have the effect of limiting, farming and forest practices.” Certain private rights of action and the authority of local governments and special districts to declare farming and forest practices to be nuisances or trespass must be limited because such claims for relief and local government ordinances are inconsistent with land use policies set forth in ORS 215.243 (Agricultural land use policy) and have adverse effects on the continuation of farming and forest practices and the full use of the resource base of this state. Ordinance #20-001 and #20-004 do not fit Wasco County because they reduce our ability to manage our private land, limit our use of private property and commandeer our authority to make decisions concerning our livelihood. Our property taxes support County operations and our economic success supports the State of Oregon income tax system.

With private property representing 56% of the Wasco County land area and with our own property representing approximately 1.5% of that area, we feel that you have an obligation to consider our concerns even though we are a very small percentage of your electorate. It is not our intention to be perceived as arrogant, rude or sanctimonious, but our history in south Wasco County begins 139 years ago in 1882 with multiple branches of our family tree taking root in Wasco County, our grandchildren are 6<sup>th</sup>, 5<sup>th</sup>,



or 4<sup>th</sup> generation residents of Wasco County. The average citizen of Wasco County does not have a realistic understanding of the challenges, costs, obstacles, regulations and forces of nature that family farmers and ranchers deal with daily. Ordinance #20-001 and 20-004 add to this cumbersome burden. With agriculture being one of the most significant components of the economy of Wasco County, these ordinances are yet another assault on the financial integrity, solvency and freedoms of our farm and ranch families. They add layers of bureaucracy to our operations and as well increase stress to those of us who practice positive land stewardship and work to conserve open space and wildlife habitat.

We urge you to table any action on these ordinances until such time meetings can be held in person so that you can see and feel the resistance to the planning department's recommendations. There is no urgency to act on these ordinances in 2020.

Sincerely,

*Lowell and Mary A. Forman*  
INDIAN CREEK HOLDINGS, LLC  
P.O. Box 219  
Antelope, OR 97001  
541-489-3235  
[4manran@rconnects.com](mailto:4manran@rconnects.com)

From: **Britt Storkson** <[pumpsys@charter.net](mailto:pumpsys@charter.net)>  
Date: Thu, Oct 8, 2020 at 12:28 PM  
Subject: Serving the citizens  
To: <[Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us)>

Hello Kathy,

Regarding Ordinances 20-004 and 20-001 and anything else that would negatively impact any law-abiding citizen of Wasco County: A vote for measures like this will make it obvious that while you are serving somebody you are not serving the average citizens of Wasco County as our representative.

If you vote for 20-004 and 20-001 please tell me what's wrong with also voting to indemnify the citizens should they suffer negative impacts resulting from the implementation of these ordinances? If your employer asked you to do something that would expose you to legal liability wouldn't you also demand to be indemnified via an insurance policy or some other protections?

Thank you for your consideration and I will look forward to your reply.

Britt Storkson

5475 Hawley Road,  
The Dalles, OR 97058  
Phone: 541-296-3792

From: Lanny Metteer <lrn416@hotmail.com>  
Date: Wed, Sep 16, 2020 at 5:00 PM  
Subject: Testimony: Open Letter #3 to Wasco County Commissioners Re: Ordinances # 20-001 and #20-004  
To: stevek@co.wasco.or.us <stevek@co.wasco.or.us>, Kathys@co.wasco.or.us <Kathys@co.wasco.or.us>, scotth@co.wasco.or.us <scotth@co.wasco.or.us>

Re: Open Letter #3 -- Birds, Fish, Wildlife and More. How Much Abuse Are Property Owners Supposed To Take?  
Where We've *Been*. Where We *Are*. Where We're *Headed*.

*Reject Ordinances # 20-001 and # 20-004*

Dear Commissioners Steve Kramer, Scott Hege, Kathy Schwartz:

Steve, you did say you will consider nothing but the *facts* when you vote on the above ordinances. Good. Remember testimony #2 that I submitted on September 3? We had established the following facts:

Conclusion of Fact: The federal and state governments (ODFW) *conspire* to protect non-native wolves in Oregon.

Conclusion of Facts: Coyotes are an annoyance and only occasionally a menace for the landowner who attempts to survive by ranching. Cougars, also native, present a much more serious problem, and the wolf, which absolutely does not belong in Oregon, is no better than an exogenous, invasive weed (such as Yellow Starthistle) in the plant world. Both, federal and state governments harbor the wolves as a she bear protects her cubs.

Again, I certainly hope you, Scott, and Kathy are of the same mind, and you do not *ignore* these facts. Any other criteria for your choices would, of course, render you "ignorant" of the *facts*. And no one wants to be ignorant--especially a county commissioner in the eyes of the property taxpayers--*the folks who feed you*. Quite frankly ignorant people make incompetent statesmen and are not qualified to represent me.

More Facts

Fact: There were almost no mule deer in the desert area of southern Wasco County in the late '40's. There were no elk, no antelope, no wild turkeys, and very few, if any, game birds at that time. (My grandfather and my father, an avid hunter, told me this many times.)

Fact: Deer populations increased rapidly in the Antelope area in the '50's and '60's. They fed and defecated primarily on private land--the cultivated fields farmers depend on for a living. The deer became unwelcome destructive invaders. Fair-weather friends and trespassers who increasingly plagued landowners to hunt those deer became an even greater nuisance. State policemen who showed up to enforce hunting laws and protect the deer--solely so the state could profit at landowners' expense-- were the most despicable of all. But there was one ODFW guy who was even lower than the OSP "eager beavers":

Once, in the '80's, on the opening morning of deer season, I caught a local ODFW employee who had broken through our locked gate. He had entered one half mile into our private land, camped the night, and hazed all game out of our alfalfa fields before the hunters could get to them at first light. This guy is a real snake. (I know these facts. I was there.)

Fact: The first modern antelope appeared in central Oregon, as near as I can remember, in the 1970's, not that they couldn't have existed previously. When we asked our grandparents--who had long before asked their grandparents--how the town of Antelope received its name, there was no recollection of local antelope formerly existing here as far back as the 1890's. Certainly no one alive today would have spotted an antelope in this area before the '70's. (This is the best evidence I know of.)

Fact: Twice, over the past 35 years, hundreds of antelope moved onto and destroyed our new grass seedlings by pawing at them all winter, until nothing survived; total crop losses. (We paid dearly.)

Fact: The first elk I spotted in the Antelope area was in the late '80's. There were substantively none before 1975. Now we often deal with herds of over 100 at a time. They compete heavily with the cow herds for feed. With more elk, we are forced to run considerably less cows. (My observation.)

Fact: The first wild turkey I saw in the Antelope area was well into the 21st century. Turkeys, like chickens, leave nasty messes in yards and scratch up gardens on private land. (My observation.)

Fact: ODFW *cultivates* not only *game*, but also *hunters*. They seem to love the business of promoting marketing schemes which lead to even more hunters and frustrations for the private landowners. On the 2019-2021 ODFW Budget Briefing Paper 27, we see:

*Angler and Hunter Recruitment, Retention, and Reactivation.* . . The department is pursuing a number of strategies to recruit and retain participants and reactivate lapsed hunters and anglers. The Trout 365 campaign, the Mentored Youth Hunter Program, online Hunting Access Map, additional Hunter Education classes, Easy Angling Guide and numerous "where to" and "how to" guides and videos are intended to help increase participation. New initiatives include improving the ability to reach customers via email and social media, revising the department website to be user-friendly and accessible, expanding the offering of hands-on workshops, and reducing barriers to participation. One recent effort significantly simplified fishing regulations by eliminating or consolidating hundreds of special regulations, standardizing limits, length and gear regulations, and using "plain language" for definitions and descriptions. In addition, a new publisher reformatted the regulations to make them easier to read and developed an online version . .

Fact: We are plagued with wild animals throughout the Antelope area which have magically (or maybe not so magically) appeared over the past 70 years--the same period that irrigation and improved crops cultivated by private landowners have enhanced available feed supplies. I do not believe this is an accident. I believe ODFW has intentionally transported and established all of the above species into our central Oregon high desert habitat.



Conclusion of Fact: Over the past 75 years predators, wildlife, non-native birds, and camp followers (hunters, interlopers, OSP, ODFW) have multiplied prolifically and now swarm in droves, to the dismay of landowners across Wasco County. Net result: the State of Oregon profits at the private landowner's expense. This was *not* by *accident*.

2019-2021 ODFW Budget Briefing Paper 4 Agency Mission and Strategic Planning During the 2015-17 biennium, ODFW began a strategic planning initiative to focus its efforts during the following six-year period. Work has continued in the 2017-19 biennium to further refine and expand this effort. Vision ODFW is the recognized steward of Oregon's fish & wildlife resources with diversified funding that supports our mission.

... [ODFW] is ... taking steps to improve hunting and fishing in Oregon. One example is the Mule Deer Initiative, started in 2010. This is a collaborative effort between ODFW, state and federal agencies, private and public landowners and volunteers to improve mule deer habitat and hunting opportunities. The department's \$2.7-million investment in this effort has leveraged more than \$18-million on habitat improvement projects on nearly 270,000 acres of public and private land in central and eastern Oregon ...

Conclusion of Facts: The feds:

- have imported growing populations of dangerous foreign wolves, now invading Oregon;

- now zealously protect these destructive carnivores which terrorize people and animals throughout the West;
- strictly threaten anyone who attempts to control wolves with fines and/or prison;
- cause pompous, villainous ODFW employees and other minions, across Oregon to kindle the fear of God among ranchers and other landowners to discourage our grave need to again exterminate all wolves in our human struggle for survival;
- subsidize ODFW, to the tune of \$142,766,627 (38% of ODFW's budget for 2015-2017 which totals \$374.8 million).



Conclusion of Fact: ODFW works against private landowners in every way imaginable. Because of the wild animals and fish they purport to foster, protect, and promote, ODFW now:

- *terrorizes us with dangerous predators;*
- *overloads our private land with destructive wildlife;*
- *entices waves of unwelcome hunters to descend upon our private land;*
- *has turned our private land into destination resorts for gun totin' trespassers;*
- *robs us of our money and/or our freedom if we eat the wildlife before the wildlife eats our crops;*
- *refuses to pay us fair value for the wild animals we feed and by which they profit;*
- *sends out armed, wild animal lovin' bullies to intimidate us and stomp on the landowner's God given rights--state policemen--who passionately and fanatically protect the*

same invasive wild animals that destroy  
the livelihoods of landowners.

Fact: Over the years, ODFW has drafted multiple maps, *which private landowners do not recognize*, by which the State of Oregon apparently aspires to “manage” wild animals, birds, and fish on the private lands of Wasco County.

Fact: Wasco County officials deem it necessary “according to state law” to enact an “update” based on a “periodic review” of county zoning and planning rules for private--*not public*--land.

Fact: Dr. Kelly Howsley Glover and Wasco County Citizens Advisory Group have recommended to Wasco County Commissioners that Wasco County *enact* Ordinances # 20-001 and # 20-004. This will lead to hundreds of pages of complex laws, rules and mobs of bureaucrats to further erode away at our private land rights and the values of our private properties.

Fact: Dr. Kelly Howsley Glover and Wasco County Citizens Advisory Group have recommended to Wasco County Commissioners that Wasco County *enact* Ordinances # 20-001 and # 20-004. This *will cause* various wildlife management *maps which private landowners do not recognize* (because they were drafted by Oregon Department of Fish and Wildlife) to become county law.

Fact: Dr. Kelly Howsley Glover and Wasco County Citizens Advisory Group have recommended to Wasco County Commissioners that Wasco County *enact* Ordinances # 20-001 and # 20-004. The enactment of these ordinances will place cumbersome controls on landowners which will increase cost, reduce value and usurp rights of private landowners. Adding insult to injury, the enactment of *these ordinances will allow ODFW bureaucrats to control any contemplated development of private property*.

*Fact: Dr. Kelly Howsley Glover's Citizens Advisory Group hearing of August 4 concluded with a party atmosphere* of excitement and celebration from the planning department. They *gloated over the purported success of their “work”* (to create wildlife maps and laws designed to control the private landowners of Wasco County). They even suggested plans to promote the “well-crafted” (in her not-so-humble opinion) Wasco County comprehensive planning “update” as a “baseline” by which other counties across the state can shackle their private landowners.

Fact: We're chasing a moving target. This crazy process is dynamic. The planning department continues to indefatigably change and update their comprehensive plan faster than we can keep up with or understand it. I think they're trying to keep us, the landowners, confused. I understand you commissioners will be accepting testimony (mixed up with who knows how many more changes?) right up through October 21 when you finally vote on Ordinances # 20-001 and # 20-004. *Good luck understanding it all*. I have heard there is now some 380 pages, and counting, of proposed law for you to vote on. And *it's not straightforward*. *It's not an easy read*.

Fact: If I read Dr. Kelly Howsley Glover correctly, the planning department can hardly wait to get this update passed so they can make their next move to control private landowners via Oregon's endangered species list. Is that next?

"Only Americans can hurt America."

DWIGHT D. EISENHOWER



Only Americans can hurt America.

That is, *American Communists in American clothing will destroy America!*

Surely any intent you have to vote for these two ordinances ( which reek of Wasco County 2040, 2030?, and even--who knows?-- Agenda 21) is not to further advance a communist scheme to drive private landowners off the land, is it? If you plan on voting in favor of ordinances # 20-001 and # 20-004, has Dr. Kelly Howsley Glover mesmerized you into thinking you have no legal choice other than to turn a bunch of maps into law? Do you actually believe that?

I think a little too much schooling and not enough real, productive work has distorted the poor woman's concept of reason and reality. If, today, she were *given* a productive, family-sustainable cattle ranch, in southern Wasco County, along with \$100,000 operating cash, all *free and clear*, and was challenged to manage it according to her idea of a husband-like, "*sustainable*" (an Agenda 21 buzzword) operation, she would be pathetically clueless. I submit the entire business would be insolvent and run down, right into the ground, in less than three years.

We all know any viable business should buy itself within a given period of time. The doctor would, first, *fail* to yield a reasonable return on the value of the ranch investment. Why? Because it's not possible. That's why we need the county and all bureaucrats to stay off our backs--so it *can* be possible. Private landowners must have the liberty to create alternative, life sustaining enterprises in order to survive. Besides, that's our right, as long as we don't hurt our neighbors.

She would *fail* to turn a profit, even from one year of operations. She has no clue as how to make a living in our industry. And, believe me, it's not easy--especially when government fetters the rancher with overreaching frivolous laws like the proposals she's pushing at us at the moment--proposals that become laws so government can stomp on private land rights.

She'd borrow money. She'd buy new equipment. She'd have no idea how to produce without depleting otherwise "*sustainable*" (an Agenda 21 term) resources. She'd be outmaneuvered by the market. She'd cave to adverse weather. She'd hire spendy, clueless and careless help. Well and pump problems--no city water supply. Fires--we fight our own. Snow--we dig our way out. Calving trouble--we're the midwife--or the exterminator, whichever is most economical.

With all her resources exhausted, she'd soon default on her property taxes. Ironically, now she's a private land owner. She's now obligated to pay up. It's now her job to fund the same government that ties her hands and causes her collapse--the one she had so enjoyed in those former days when she used to beat private landowners over the head with maze after maze of purported planning laws. Those taxes will now have become the final nail in the coffin that would now serve to bury the poor doctor.

She'd be pathetically broke and disillusioned inside of 3 years. Sadly, little value would remain of her once prosperous, run-down ranch. Why? It's all thanks to *layer upon layer of government* limitations and regulations, maps and overlays which prevent the "*American Dream*" (opposite of an Agenda 21 term) from taking root. All those layers of top heavy government would have given her *no* opportunity to pursue alternative development and income opportunities that could possibly have saved the ranch!

I believe Dr. Kelly Howsley Glover is very confused, herself, as she navigates through the crazy spider web of propaganda she has invented to maneuver you down that primrose path. She invents problems for the county to solve. She promotes a solution. She deliberately feigns support for that solution by including, if not soliciting, input from biased interests other than potentially affected private landowners of Wasco County. She calls them “*stakeholders*”--an Agenda 21 buzzword. She justifies a mythical “general agreement” with her proposed fictitious solution by introducing the magic word “*consensus*”--another Agenda 21 buzzword. She draws her “*consensus*” from liberal “*stakeholders*” who promote Al Gore/Andy Kerr/spotted owl/spotted frog/progressive/collectivist/ socialist/communist agendas-- discouraging agendas that are breaking the backs of private landowners of Oregon and America, alike. She constantly monitors pushback from landowners, and postpones hot agendas in the name of “mitigation” (*not another one!*). She gets tangled in her own web, and she’s attempting to entangle you, also. We elected you because we hope you are wise enough to rise above these agendas. If so, by all means reject Ordinances # 20-001 and # 20-004.

Why do I believe *Dr. Kelly Howsley Glover is actively promoting a New World Order Communist Scheme*? Pay attention! She talks over our heads, calls it “transparency” and “perfectly clear” as she clouds the issues with new world order buzzwords--by the dozens, and promotes liberal state agendas handed down by a governor-appointed committee composed of land-use planners and compromised, communistic ex-county commissioners. It is because she attempts to pull the wool over the eyes of the people (and you) by referring to these state “goals” as wording you are mandated to turn into law. It’s all fraud, deception, smoke, mirrors, and the Gypsy shell game at its best. (If it walks like a duck, talks like a duck . . . lays eggs like a duck . . . It most likely is a duck--yes, it’s a duck.)

I’m sorry. You don’t represent those green new deal liberal whackos. Or, at least you’re not supposed to. It’s time you stopped listening to Dr. Kelly Howsley Glover.

Her agenda reeks of plank 1 of the Communist Manifesto:

“Abolition of all property in land and application of all rents of land to public purpose.”

Conclusion of Fact: Due to the history of their actions, ODFW is *not* our friend. Their presence *always spells problems for us on our private property*. They have attempted to *manipulate and manage us because of wild animals, birds and fish, on our private properties for three quarters of a century!* ODFW is *never* welcome, in any manner, on our private property and ODFW is *not* welcome to take part in the management thereof.

*ODFW is funded far beyond the private landowner’s ability to resist. They have invaded us without setting foot on private land. By all outward signs of their activities, I believe they have set out to abolish private rural land. Karl Marx would be very proud of ODFW. (If it walks like a duck, and squawks like a duck, it’s just gotta’ be a duck!--another kind of duck but--they are birds of a feather.*

*Do not attempt to walk on the unalienable rights of the taxpayers who support you. Do not adopt ODFW’s maps as law (no problem if you decide to apply them to public lands--but do not apply those maps to private land!). Do not sign any document that will have the effect of devaluing private property. Do not sign the planning commission’s proffered version of Ordinances # 20-001 and # 20-004. Do not pass those “maps.”*



I certainly hope you think carefully about all of the above facts. Any fact you can not and do not refute, on or before the first day of October, stands as conclusive. Any commissioner who *ignores* these irrefutable facts by voting for ordinances # 20-001 and # 20-004 to become law will have overwhelmingly proved his ignorance. I certainly hope you answer all of the above questions, as well as all of the questions that you were presented in my September 3, Testimony # 2, *in writing*. You *do* purport to make yourselves “chrystal clear” in communicating with us, *don’t you?* Isn’t it all about, to borrow an overused Agenda 21 term of art from Dr. Kelly Howsley Glover, “transparency?”

Besides, it is well-established law that *silence*, when there is a fiduciary duty to respond honestly, is *fraud!*

Bottom line: do not sign Ordinances # 20-001 and # 20-004 into law, ever!

You have voluntarily sought election to a public trust.

That makes you “public property.”

If you choose to lay down rules, ordinances and laws to control publicly-owned land, go for it. But *keep out of our private business*--the business of managing our private land!

*Communism*--that’s *exactly what our children will face* if you cow to Dr. Kelly Howsely Glover and allow her to tromp roughshod over the property taxpayers’ private rights.

You know your job. Do it right!

Most sincerely,

Lanny Metteer

PS. Anyone who reads this testimony is more than welcome to use it in any manner he deems necessary and proper as long as he does not misconstrue the intent. Every word is there for a reason. Don’t twist them around!

From: **Elizabeth Turner** <[marklizturner3@gmail.com](mailto:marklizturner3@gmail.com)>

Date: Tue, Sep 15, 2020 at 4:23 PM

Subject: Planning hearing. I pre registered. They wouldnt let me comment. What I heard was lies.

To: Kathy Schwartz <[kathys@co.wasco.or.us](mailto:kathys@co.wasco.or.us)>, Steve Kramer <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>, Scott Hege <[scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)>

Gonna get sued. You deserve it.

And Mr. Davis once again votef in his own property.

Congratulations graft greed and outright corruption. Probably cost you at least 100 grand to defend.

Guess we have commission meeting. Dont even think about zoom. Big courtroom full participation.

I cant believe the ignorance I heard on this call.

Terrible!!!!

From: Brian Miller <[b.miller79@icloud.com](mailto:b.miller79@icloud.com)>

Date: Sat, Sep 12, 2020, 7:04 PM

Subject: Re: County Commissioners' Duty to Indemnify Private Landowners

Cc [stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us) <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>, [Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us) <[Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us)>  
, [scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us) <[scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)>

Well said Lanny. The fact that these people view this as a Democracy is ridiculous. The private landowners have their rights as they own the land outright. Nobody should be able to bully these landowners around. If they think they need or deserve their land then they need to offer a premium for it. Why do people think they deserve things they didn't earn these days? It blows my mind I watch it everyday in the news. What does the word "Private" stand for ?? It means the following...

Private Property: property owned by private parties - essentially anyone or anything other than the government. Private property may consist of real estate, buildings, objects, intellectual property (for example, copyrights or patents ).

The government has ZERO right to act like this land is theirs. If they think they want it then they need to offer a PREMIUM dollar for it. If not then they need to figure out where to expand what they want on their own government land. Also even if they offer a PREMIUM for the private land it doesn't mean the landowners have to agree upon it. #freedom

Respectfully,

Brian Miller

On Sep 12, 2020, at 3:39 PM, Lanny Metteer <[lrm416@hotmail.com](mailto:lrm416@hotmail.com)> wrote:

Hello Britt,

Nicole forwarded me your e-mail and letter to the editor.

Thank you for your understanding and comment on the ramifications of the planning department's ongoing ambitious effort to take over the management of all private land in Wasco County.

The county planning process, with no changes or "*updates*," as they call them, is already a gross imposition and very much a violation of the rights of private land owners. We know the actions of the county commissioners, if they pass ordinances # 20-001 and/or # 20-004, will cause further hardship on the property taxpayers who fund the county--the very people whose rights and property values the county officials are supposed to be *protecting*.

If these officials actually think they are more qualified than us, and they belligerently make the move to manage our private land over our objections, I must agree with you. It's about time they put their money where their mouths are. We need to insist:

1. the county either:
  - a. rent from us (at our price) the right to restrict or require us to manage our property their way,
  - b. buy the property from us on the open market (and not some good ole' boy bought off judge's idea of "just compensation")--that is if, and only if, we are willing to sell, or
  - c. enter into some other "arm's length" contract to which both parties agree-- (*indemnifying* us against any arm twisting bullying government tactics such as threat, coercion, or distress that might be discovered at any time in the future), and
2. they *indemnify* us, on behalf of Wasco County, *forever*, for any hardships they cause us, our heirs and/or assignees as a result of the county's actions, and
3. each commissioner who signs either ordinance 20-001 or 20-002 *indemnify* us, personally, *forever*, for any hardships ever discovered he or she might cause us, our heirs and/or assignees as a result of their actions.

Furthermore, it would be only appropriate for each county commissioner who votes for one of these ordinances to put up *all* his or her private land, and/ or all other assets they possess, as collateral to seal the sincerity of their resolve--collateral which could only be released by the signature of every private landowner in the county, should the offending commissioner wish to clear his title.

Although our system of government, as laid out by our founding fathers, is a republic (where government officials have the duty to protect all individual's rights at all times regardless of the vote of the majority), it seems the officials insist on treating it as a democracy, where the majority can vote the rights away from the minority. If we are to treat it as a democracy, we clearly need to wrestle the vote on property rights issues away from the county commissioners--who have *never* walked in the shoes of many affected landowners--and *place the vote only in the hands of the private property owners, affected by the decision.*

Hoping you and yours are safe and can breathe these terribly smoky days,

Most sincerely,

Lanny Metteer  
541-460-3478

From: Nicole Chaisson  
Sent: Friday, September 11, 2020 10:02 AM  
To: Lanny Metteer

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

From: Britt Storkson <[pumpsys@charter.net](mailto:pumpsys@charter.net)>  
Date: Fri, Sep 11, 2020, 6:41 AM  
Subject: RE: Background  
To: Nicole Chaisson <[propertyrightsoregon@gmail.com](mailto:propertyrightsoregon@gmail.com)>

Hello Nicole,

Just a note to say that I have written and submitted a statement to the Wasco County Commissioners regarding this issue (see below). Also I've submitted it to The Dalles Chronicle as a letter to the editor for publication but since the TD Chronicle has a history of not printing anything they think is anti-government I'm not sure it will make it to print.

I've asked that the county indemnify the residents should their actions cause hardships to the citizens. If they refuse to do that we will know they have no interest in serving and protecting the citizens of Wasco County.

I'll try to join via livestream but some time ago I decided never to be a part of social media. I briefly joined facebook at the suggestion of my cousin's daughters in order to keep track of the figure-skating activities but ended up getting huge amounts of junk e-mails and facebook made it very hard to leave. I get more than enough junk e-mails without adding that to the mix.

Thanks for all you have done.

Britt Storkson

My statement:

To the Wasco County Commission:

The Wasco County Commissioners, in a mailer sent to all Wasco County residents titled: Important notice that may affect your property which stated, in part, that "Wasco County has determined that the adoption of this ordinance may affect the permissible uses of our property and other properties in Wasco County and may change the value of your property".

Knowing that almost everything government at all levels does nowadays has the net effect of punishing the working class citizens while profiting the ruling class I would ask the County Commission, if they vote to approve these changes, they also vote to indemnify the citizens negatively impacted by these changes.

The definition of the word indemnify is: To guarantee against any loss which another might suffer. Example: two parties settle a dispute over a contract, and one [Wasco County, in this case] of them may agree to pay any claims which may arise from the contract, holding the other harmless [The citizen(s)].

This should include monetary reparations and legal fees if necessary to the citizen(s) that suffer losses resulting from the implantation of these rules and regulations.

Britt Storkson  
5475 Hawley Road,  
The Dalles, OR 97058  
Phone: 541-296-3792

From: **Elizabeth Turner** <[marklizturner3@gmail.com](mailto:marklizturner3@gmail.com)>  
Date: Wed, Sep 2, 2020 at 1:17 PM  
Subject: Fwd: Planning hearing  
To: Steve Kramer <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>, Kathy Schwartz <[kathys@co.wasco.or.us](mailto:kathys@co.wasco.or.us)>,  
<[scoth@co.wasco.or.us](mailto:scoth@co.wasco.or.us)>

Forwarding my email to planning. I hope each of you is acquainted with the history of Wasco county loosing land use appeals in court.

Both these items are not right for our county. Both should be rejected.

A new, old approach is needed. Citizen groups that develop what will work. Its archaic to not have them. No business today doesn't have focus groups.

If you reinstall focus groups we could move forward to better equip our county for growth that will work.

Right now its still the good ole boys club. Lets just reward one person with a bad plan cause he greased the wheels. Mike Davis is not the Earl of Tygh Valley. The residents resent his constant maneuvering to make money off everyone else.

Thank you

From: Nicole Chaisson [mailto:[propertyrightsoregon@gmail.com](mailto:propertyrightsoregon@gmail.com)]  
Sent: Wednesday, August 12, 2020 6:00 PM  
To: [pumpsys@charter.net](mailto:pumpsys@charter.net)  
Subject: Background

Hello Britt

We are a group of rural landowners in Wasco County that attended the County Planning Commission's roadshow for Wasco 2040. We saw red flags and have tried to engage the county and planning commission in conversation and with questions. In spite of the fact they claim to be transparent when faced with questions they deferred to the county lawyer who blew us off. I have pasted below some reasons why we are not happy with the proposed land use laws.

Here is from our website

Apparently the county commissioners will *not* acknowledge form letters. Therefore we will need to make up our own testimonies, in our own words, or sign a statement as a group in solidarity. At the end of this article is our proposed group statement. Otherwise you may use any part or all of our statement

to formulate your testimony. Please contact us if you would like more proof of the content of any statement we have offered.

Wasco 2040 is a very complicated and ambitious set of goals that the planning commission has called an "update" and have submitted it to the county commissioners to be accepted as a county ordinance. It would take:

- many hours of reading the county's website at <http://www.wasco2040.com/>
- a trip to the planning office to study the county's "confidential" maps,
- the purchase of multiple maps, plans and paperwork,

before one can begin to see the ramifications of their proposed decisions on even one citizen, let alone our whole county. All this complexity is apparently designed to oppress the private land owner.

We are receiving notices from the county that warn us the "adoption of [Ordinances #20-001 and #20-004] may affect the permissible uses . . . and may change the value of your property (referring to private land)."

Remember the old adage, "If *'anything you say can and will be used against you,'* you've just been set up for a hard fall!" Likewise, *if it may, it will.* By this notice we can be certain a decision to pass Ordinances #20-001 and #20-004 will cost almost every private landowner one way or the other. Interestingly, on the county's own website, [www.wasco2040.com](http://www.wasco2040.com), this is what the planners said:

"Updates may carry with them impacts to uses or values of property.

Planning staff cannot predict impacts to uses or values. Many revised or new implementation strategies will be part of the Land Use and Development Ordinance updates scheduled to begin in 2021.. Inclusion into one of the revised overlay zone map may mean increased fees, increased time for new development application permitting, or that certain activities or locations for new development must be moved or mitigated to reduce conflict."

So, if even the professional planners can't predict what we stand to lose, when they implement the "updates," why would we want anyone to jeopardize our private land investments in any manner?

*Mitigate* means "to make less severe" or "soften." By this, we can see the planners apparently intend to deceive us into accepting their update to further intrude into and control our private properties, gently-- but firmly.

This all has to do with a scheme of the planners to control us by merely changing their maps which designate wildlife habitat to match those of the ODFW. Adoption of this, alone, empowers the fish and game people to gang up on us along with the county and beat private landowners over the head with the wildlife if we ever try to change any use of our private lands. Destination resorts, subdivisions and numerous other opportunities and uses should have as a right would become severely restricted and very expensive for the private landowner to implement.

The county's website also says:

"Many of the proposed updates are *required* by state law (OAR 660-023) or have been identified by stakeholders or the community to be important for long range planning."

This also must mean some of the proposed updates are *not required* by state law. And just because the county might update, is it necessarily state law that our county officials must turn *recommendations* (goals) of a governor-appointed committee into county law? Doesn't it seem like the proposal would *either be passed by the legislature*, and thus become state law, *or* if the commissioners are mandated to update, so be it, but *there is no obligation for the county to pilfer rights and value away from the landowner?*

The planners want us to think it's their job to preserve and protect our private lands *for the public* ("stakeholders") *from us, the private landowners* (who they have chosen to regulate heavily), because they believe government is a better steward of our investments that we are. Do you agree? As private landowners (as property taxpayers), don't we want to maintain the right to be free on our own properties? Do we want government or our neighbors to limit and manage our private land? Do we like paying the county to review our request for permission to manage our private affairs (in terms of variances, conditional uses, subdivision, innovative enterprises, etc.)?

Probably the most disturbing (and telling) takeaway that came out of the series of four "road show" meetings called by the county planners was a quick parenthetical comment by the presenter, herself, a trained city planner with a PHD degree. She told us this "update" applies to private land, which is only (60% of the county). *Only private land, not public lands* (the other 40%) *will be affected by the county's proposed oppressive controls!*

Did you know all this control was virtually unheard of in rural Oregon up until 1973? The planners' decisions will have the effect of costing us more to make changes on our private property than ever before. New, more restrictive, zoning regulations limit our options as to how we can gain by owning and selling our private lands.

In the day of Covid-19, 2020 why is there a rush to push this update through when most of the people impacted have spotty rural internet access that does not support Zoom meetings or for the fact people are not familiar with the technology. We ask that the commissioners hold off on the hearing/public meeting until we can meet in the courthouse. The county commissioners must realize that Wasco County Planning is only required to make a review of land use and their recommendations to update are just that, recommendations.

In the past, county officials have convinced us to study their plans goal by goal, sentence by sentence, and comment on the details. We have done just that over the past 47 years that rural land use planning and zoning has been in place in Oregon. By getting caught up on the finer points of these proposals, we have ended up *missing the forest for all the trees!*

The planners and their hand picked advisory group had a final meeting to summarize their proposal, to date, in preparation for the vote of the county commissioners.

We attended by virtual media. What did we learn? We learned the planners:

1. are continuously revising their dynamic proposal, right up to the county commissioner hearing on September 1, 2020.
2. plan to control us rural landowners with an iron hand, leaning on our history of :
  - *wildfires* and;
  - minimal desert *water* supplyand using these as their "necessity" for doing so.
3. plan another project next year to build upon this year's "success" by applying the state's "endangered species" list which will further limit us and devalue our properties (spotted owl of the desert?)
4. are very confident (almost giddy) over their proposals to the county commissioners *trusting all will be accepted and passed, as presented.*
5. are so proud of their work, they plan to take their newly found expertise to other counties far and wide because they have so much (oppression) to offer the world.
6. haughtily mentioned throwing a party to celebrate their "success," even before the ongoing update proposal is completed!

*This begs the real question: Are the county commissioners equally anxious as the planners to pass this very complex "update" at face value? Are they motivated to dominate us more and more, little by little, until we have nothing left but the obligation to pay property taxes? Are the county commissioners and the planners strategizing in order to receive an incentive of some sort from the state at the landowner's expense? If so, it must be a big carrot, if our commissioners would sell out the very people who pay the property taxes that pay their lucrative salaries and elect them to protect our property interests. Or do the officials face some kind of fine or sanction if they fail to fulfill the state's governor-appointed pressure to fulfill those "goals?" Or both?*

Therefore it seems it is time we back off and take a fresh look at where we are, from where we've come, and where we're headed. . . . (If we always do what we always did, we'll always get what we always got.)

Do we not want our private land to *increase*, rather than *decrease* in value as the years roll by?

This whole process has become so fine-tuned and orchestrated by the state and our county, that the planning commission has even posted demands for you to follow when you testify.

Nicole Chaisson

Lanny Metteer

Kathy Cantrell

Bob Maness

Jeanne E. Capps

From: Lanny Metteer <lrn416@hotmail.com>

Date: Thu, Sep 3, 2020 at 12:30 PM

Subject: Testimony: Open Letter #2 to Wasco County Commissioners Re: Ordinances #20-001 and #20-004



To: stevek@co.wasco.or.us <stevek@co.wasco.or.us>, Kathys@co.wasco.or.us <Kathys@co.wasco.or.us>, scotth@co.wasco.or.us <scotth@co.wasco.or.us>

Re: Open Letter # 2 -- ODFW: An Invasive Species; Your Job: Protect Us, Don't Feed Us to ODFW  
*Reject Ordinances # 20-001 and # 20-004*

Dear Commissioners Steve Kramer, Scott Hege, Kathy Schwartz:

Steve, you did say you want *facts* when you vote on the above ordinances. Good.

I certainly hope you, Scott, and Kathy are of the same mind, and you do not *ignore* the *facts*. Any other criteria for your choices would, of course, render you "ignorant" of the *facts*. And no one wants to be ignorant--especially a county commissioner in the eyes of the property taxpayers--the folks who pay your salary. Quite frankly ignorant people make incompetent statesmen and are not qualified to represent me. To avoid ignorance on your part, *please read the following facts, carefully:*

Fact: Some of the very first legislation in Oregon, long before statehood (1859), was over the question of how to eliminate native wolves. It took place in the Willamette Valley south of Portland at Champoeg.

"Wolves were once so plentiful in the abundant forests that the earliest settlers gathered from far and wide to discuss how to kill them. Those "wolf meetings" in the 1840s, spawned by a common interest, eventually led to the formation of the Oregon territory, the precursor for statehood in 1859.

"The state later took over the bounty and offered \$20 per wolf in 1913 — the equivalent of nearly \$500 today. The last bounty payment was recorded in 1947, and the wolf vanished from Oregon for decades."

from Seattle Times, by Gillian Flaccus (Associated Press)

<https://www.seattletimes.com/nation-world/wolves-continue-comeback-in-oregon-after-eradication/>  
<https://phys.org/news/2017-11-wolves-oregon-conflict-opportunity.html>

Finally, after over 100 years, landowners, no longer threatened by this vicious predator, could hopefully relax and focus on improving their crops and livestock-- and thus their lifestyle. The struggle for survival was over--or so they thought--until a half century later . . .

Fact: The federal government has deliberately *imported* wolves, now a species much more aggressive and ruthless than those originally in Oregon, to ravage Idaho and spread far and wide for this past quarter century.

"In the mid-1990s, wolves were reintroduced to central Idaho, and in 1999, a lone wolf wandered into northeastern Oregon. It was trapped and returned to Idaho.

". . . the first definitive proof wolves had returned to the state came in 2007, when a wolf was found shot to death. The following year [2008], a wolf . . . gave birth to the **first litter of pups born in Oregon in decades.**

“Last year (2017), state biologists counted 112 wolves in the northeastern and southwestern corners of the state - and they believe that is an undercount.” (*Ibid*)

Facts: The feds:

- now jealously protect these destructive carnivores which terrorize people and animals throughout the West;
- strictly threaten anyone who attempts to control them with fines and/or prison;
- send pompous, villainous ODFW employees and other minions, across Oregon to kindle the fear of God among ranchers and other landowners who gravely need to again exterminate all wolves in their human struggle for survival;
- subsidize ODFW, to the tune of \$142,766,627 (38% of ODFW's budget for 2015-2017 which totals \$374.8 million).

Fact: The people who are forced to live with these ruthless imported wolves have seriously voiced their frustration and disapproval, which typically falls on deaf ears.

“Wolf conflicts with ranchers have risen and, for the first time, an elk hunter, this month, reported killing a wolf in self-defense.” (*Ibid*)

Fact: Though rare, once in awhile, we actually find a public servant who holds the rights and livelihoods of the people above his ego and above the evil forces that entice him toward corruption. This prosecutor must have actually read the constitutions of both Oregon and the USA:

“... the[above elk hunter] case has become a flashpoint in the fight over wolves. A local prosecutor declined to press charges, prompting 18 conservation groups to petition Gov. Kate Brown to intervene without success.” (*Ibid*)

Conclusion of Fact: The federal and state governments (ODFW) *conspire* to protect non-native wolves in Oregon.

Fact: Like wolves, cougars are dangerous and incompatible with ranchers and human safety. Cougars have repeatedly attacked and killed people in the west coast states over the past ten years.

“As both the cougar and human populations have grown, so have the number of conflicts and damage complaints.” (*ODFW website*)

Fact: Our state protects cougars and deliberately profits from cougar sport hunting. Maybe they are native to Oregon.

“Cougars . . . After being nearly eliminated by the mid-1960s, today they have a healthy population. The current cougar population in Oregon is estimated to be more than 6,400 as of April 2017.” (*Ibid*)

“In 1967 the cougar was reclassified from a predator to a game animal, which gave the Oregon Department of Fish and Wildlife (ODFW) management control over the population. Under ODFW's management, cougar hunting continued, aside from the years of 1968 and 1969, but was controlled through the issuing of hunting tags and demarcated hunting areas. From 1971-1994, as cougar

populations increased so did the allotted hunting areas and number of hunting tags, as well as the popularity of cougar sport hunting.” (*Ibid*)

Fact: The federal government kills coyotes. They are native to Oregon.

Conclusion of Facts: Coyotes are an annoyance and only occasionally a problem for the landowner who attempts to survive by ranching. Cougars, also native, present a much more serious problem, and the wolf, which absolutely does not belong in Oregon, is no better than an exogenous, invasive weed (such as Russian Knapweed) in the plant world. Both, federal and state governments protect the wolves as a mother bear protects her cubs.

State and federal policy serves only to destroy affected private landowners. At the moment BLM riots are causing Portland citizens and businessmen devastating losses as they ravish vulnerable, unprotected property in the city. Which is worse? Are they not opposite sides of the same coin? Or are they both on the same side of that coin? (It seems to me the businessmen on the ranches and the businessmen in downtown Portland are apt to sink in the same boat!) In this sense, how can government be any better than the BLM movement?

Any guess as to why ODFW pushes that federal agenda to protect the wolves and the cougars, in spite of landowners protests? Could it be because of the money? Do you think that federal subsidy of well over one third of a billion dollars could be incentive enough to coerce spineless ODFW bullies to force destructive predators upon private landowners in a roughshod manner?

May I guess why your planners are so anxious for you to adopt the ODFW overlay map?

Is it because of money they are paid to produce the maps?

Is it because of state incentive payments?

If you're feeling pressure to sell Wasco County landowners out by adopting ODFW's frivolous, arbitrary maps and calling them county law, why?

Why would you ever double cross the constituents who voted for you?

Why would you forsake the people who pay big county taxes that support you?

Why would you attempt to sell out the private property rights of the very people for whom you are supposed to be working and protecting?

Why would you deliberately cause Wasco County landowners grief and frustration by entangling them in even more laws, maps and rules than the costly confusion we face in the planning office today?

Why would you want to “bite the hand that feeds you” by creating laws that cost the landowners increasing amounts of money, even to the point of a forced sale or a drastically reduced value for the opportunity to enjoy that which is often their greatest and most joyful lifetime--even multigenerational--investment ever: their private land?

Why would you arrange for ODFW to “own” the rural people because of wild animals, birds and fish that plague our properties and devastate our crops?

What would motivate you to conspire with ODFW? Why would you invite ODFW decisions to your overreaching planning table so they can make decisions over *our* futures? ODFW has proved over and over that their mission is to beat us over the head on our private lands with predators we do not want; predators that cost us big, and gain us nothing. (If it walks like a duck and quacks like a duck, it’s just gotta’ be a duck!)

Moreover just *what motivates you, the planners, or anyone else who has no vested interest in our private lands to swipe away at our rights and manipulate our values?* Is it because:

(Served both as US Supreme Court chief justice as well as President of the United States)  
*Good for thee and not for me.*

Fact: It is my understanding that just Tuesday, September 1, at your evidentiary hearing, Dr. Kelly Howsley Glover noted that grant money had been approved for the purpose of creating *more maps: more rules of conduct for other people!*

Just how many maps do they think you need? Do they propose for you to make each map become law?

Fact: This statement recently showed up on the facebook page: “Property Rights Oregon Wasco County”:

“I was told . . . second hand, that the county commissioners will be voting yes on the ordinance and its basically a done deal. I would hope that they will consider the -local- people who are speaking out against this.”

Is this true? Now I guess you know why I am compelled to submit this testimony to you!

Fact: Your current county budget contains a page that says:

“WELCOME TO 100% LOVE (LIVING OUR VALUES EVERYDAY) Welcome to Wasco County and to our culture. We recognize that each person on the county team has unique skills to contribute to the success of our efforts. We are part of a team that is creating excitement for building a culture where employees, vendors and constituents become partners in building a prosperous Wasco County by living our values everyday (LOVE). VISION Pioneering Pathways to Prosperity MISSION Partner with our citizens to proactively meet their needs and create opportunities CORE VALUES • Embody the 100% Love culture • Relationships are primary • Do the right thing, even when no one is watching WHAT’S THE STORY BEHIND 100% LOVE? Following a particularly negative interaction with another entity on a project, the County Clerk and the County Administrator were reviewing the meeting and how difficult it had been. For the Clerk, new to the public sector, it was the first project where it became apparent that some citizens don’t like county government, no matter how hard we try to help. The Administrator jokingly said, “Welcome to county government. 50% of the people love you, and 50% of the people love to hate you.” To which the Clerk replied “Yes, but that’s still 100% LOVE!” That tongue-in-cheek remark,

upon further reflection, began to emerge as a concept with much deeper meaning; a way of thinking about all aspects of what we do. We looked for examples of 100% LOVE on which we could build and grow the culture which now permeates our organization and is reflected in our actions, our approach to doing business and our overall being . . . it is the guiding principle for everything at Wasco County. As individuals **we provide the extra effort to make sure those who we are dealing with walk away from the interaction feeling good about the service they have received**; we recognize the efforts of others and share examples of 100% LOVE—we tell the story! As a team **we make sure our teammates are successful**; we pitch in to help; **we hire for culture and welcome new employees to that culture**. We identify, share and celebrate examples of 100% LOVE—we tell the story! As an organization, we ensure that our system and processes support the culture; we work to cross-train, we support organizational initiatives; we celebrate our successes and unflinchingly examine our failures; we seek out partnerships in the community and promote the County whenever possible.”

And here, for the past 70 years, I was thinking love meant:

“You shall love the Lord your God with all your heart and with all your soul and with all your mind. This is the great and first commandment. And a second is like it: You shall love your neighbor as yourself. On these two commandments depend all the Law . . . ”

Believe it or not, though it’s difficult, as a human, I strive, daily, to live by that maxim. Do you? But I must admit, you’re making it a little difficult for me now days.

*Is government now a culture of love?*

In light of what it appears your team of love is fixin’ to do to us, I thought:

--and it’s a little difficult to show much love for the arsonist, when he’s fixin’ to burn you out, is it not?

Your budget page says you, “pitch in to help” to “make sure [your] teammates are successful.” What about the landowners? What plans do you have for the people who pay the taxes that finance your liberal salaries and extravagant retirement accounts to be successful? I certainly hope you county commissioners have *not* been showing your “love” by pitching in to promote Dr. Kelly Howsley Glover’s success as she devises this planning entanglement which enable you to betray your constituents and shatter our lives.

As I told my 12-year-old daughter when she once rebelled: *It’s your job to behave. It’s my job to see to it that you do so!* Out of pure love, I was obligated to cross her.

As I would tell you if you were my three little kids, “you will get plenty of love from me if you just do the right thing!” Services we rarely need. Survival we do! If we are to survive, we imminently need you to keep yourselves, your maps, your laws, your conspiracies, and your lackeys out of our lives. *We expect you to spend our money wisely and frugally. We don’t want you squandering the taxes we pay on stupidly ambitious bureaucrats: educated fools who have never walked in our shoes and who show nothing but disdain for our rural lifestyle--our culture--of dreams, hopes, promises, sweet successes, frustrating failures, and “get up and try again,” --“tie a knot in the end of the rope and hang on tight”--grit.*

You county commissioners, by now, probably think I've abandoned my 70-year philosophy and irretrievably joined the camp that "*loves to hate you*," but *I have not*. Sorry, *I must do* my job, and my *very best job, indeed*. My job is to *not* lay down and roll over like a *sheep*. My duty is to constantly pay attention, like an *eagle*, not because that's what I want, but because I must. If you county commissioners contemplate usurping our rights and stealing our values, It is my duty to be ever watchful--it's called vigilance--and, at times uncomfortably assertive. It's called "tough love."

(Yes, the government protects *eagles*, too. That's another predator we do not need. I suppose your doctor in the planning department is already crafting her next move to drive us off our private land over some crazy bird; leading to more time, energy and money wasted on the part of private landowners who are forced to build up more pushback in 2021! And again in 2022! Leading to what, Agenda 2030? Wasco County 2040? Agenda 21?--all over our rights to our private property. But isn't Agenda 21 outright communism?)

Fact: Just what is communism? Let's put it to the test? Let's hear what

the father of communism tells us communism is:

No wonder you warm and fuzzies are so sensitive over who loves and who "loves to hate you?" Is it because you have obviously become very uncomfortable, and rightly so, when the private landowners clearly see that you have embraced communism and intend to tie them in knots, steal their very substance, enslave them and reduce them to mere serfs on their own properties because you have climbed in bed with ODFW at the advice of Dr. Kelly Glover? You must know her whole plan feels uncomfortably communistic to us! (If it walks like a duck and quacks like a duck, it's just gotta' be a duck!)

Believe me, I want desperately to love and respect each one of you, but you must admit, you *have* been making it a little hard to do so, these days, haven't you?

Back to the sheep and wolves,

Remember Edward R. Murrow from the good old days, the happy days when:

- the news was not "fake news?"
- we'd never heard of a "shadow government" or the "deep state"
- Senate Bill 100 didn't exist; therefore no planning department; thus lower taxes and peace of mind
- we truly hated the scourge of communism
- government diligently fought communism, rather than promote it
- rural Oregon had no land use planning laws
- we had no wolves in Oregon
- "under God" was still in our flag salute
- public servants existed who were actually statesmen
- the days of pencils, paper, slipsticks and typewriters
- government was only a tiny fraction of what it is today--and it worked just fine--though cumbersome

If I was *not* forced to fight off wolves from all directions, *two legged and four*, you would probably find me a little more agreeable these days! Sheep don't fight wolves. Unfortunately people must.

You're not planning to vote for ordinances # 20-001 and # 20-004 for the reason that someone, somewhere, is bribing you or offering you or Wasco County kickbacks for your vote are you? If business interests are tempting you, and you acquiesce, that's fascism. If you contemplate conspiring with other governmental jurisdictions for personal gain or to subversively enrich the county in any way, in return for selling out the private landowners, that's no less than racketeering. Fascism is tantamount to communism and cronyism. Racketeering is a federal offense and carries stiff fines and prison sentences.

I certainly hope you think carefully about all of the above facts. Any fact you can not and do not refute, on or before the next planning commission evidentiary hearing of September 15, stands as conclusive. Any commissioner who *ignores* these irrefutable facts by voting for ordinance # 20-001 and 20-004 to become law will have overwhelmingly proved his ignorance. I certainly hope you answer all of the above questions. You *do* purport to make yourselves "perfectly clear" in communicating with us, *don't you?* Isn't it all about, to borrow an overused term of art from Dr. Kelly Howsley Glover, "transparency?" Besides, it is well-established law that silence, when there is a fiduciary duty to respond honestly, is fraud.

Bottom line: do not sign ordinances # 20-001 and # 20-004 into law, ever!

You have voluntarily sought election to a public trust.

You know your job. Do it right!

Most sincerely,

Lanny Metteer

PS. Anyone who reads this testimony is more than welcome to use it in any manner he deems necessary and proper as long as he does not misconstrue the intent. Every word is there for a reason. Don't twist them around!

From: Lanny Metteer <[lrn416@hotmail.com](mailto:lrn416@hotmail.com)>

Date: Thu, Aug 27, 2020 at 11:49 AM

Subject: Testimony: Open Letter #1 to Wasco County Commissioners Re: Ordinances #20-001 and #20-004

To: [stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us) <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>, [scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us) <[scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)>, [Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us) <[Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us)>

Re: Undated Notices:

Postcard Notice Received in February, 2020 and

Trifold Notice Received late August 2020

ORS 215.503

Dear Commissioners Steve Kramer, Scott Hege, Kathy Schwartz:

According to your bi-fold notice, ORS 215.503 is *the* reason you have warned us that your proposed ordinances “may affect the permissible uses” and “may change the value of [our] propert[ies].” Multiple notice requirements are listed in ORS 215.503. *In the interest of transparency, could you kindly respond with a list of “only” the enumerated paragraphs that apply in this instant matter*, in order that we may have a better understanding as to how this law affects us. (More on ORS 215.503 at a later date.)

By adopting either or both of the above ordinances, if you propose to restrict the uses of Wasco County private property, *don’t*. Restricting heretofore normal property uses is tantamount to depriving folks of their *rights*. You’ve read the Declaration of Independence. You’ve been elected by the people. You’ve voluntarily taken the oath of office to protect our rights. You know our rights are “unalienable” --that is-- *God-given*. Our rights are sacred as long as we do not injure or damage others by exercising them. You have *no business* depriving American citizens of our unalienable rights.

And make certain you *don’t* vote for anything that even *could*, let alone *might* or *will* cost Wasco County landowners more to function in the normally accepted historical manner, within the custom and culture for any given community. (Exception: when the majority of landowners, and *only* the landowners, clearly *vote* to adopt the proposed change.) Absolutely no one other than the landowner has any business weighing in on legislation that could strip away his unalienable rights.

If you see a public need to manage another’s private property you might try making the landowner a fair monetary offer to either purchase, trade, or rent certain rights (such as development rights) for a period of time (either definite or indefinite). You might just find out property owners are very reasonable if you start treating them with respect, rather than as if they’re a bunch of suckers who owe society their entire fortunes.

Besides, it’s the private landowners who pay property taxes. It’s the private landowners who pay your salaries. It’s the private landowners that vote for you. It’s the private landowners for whom you’re supposed to be working.

Your job is to *protect* the landowners; not to *steal* from them.

Respectfully,

Lanny Metteer

From: **Elizabeth Turner** <[marklizturner3@gmail.com](mailto:marklizturner3@gmail.com)>

Date: Sun, Aug 23, 2020 at 11:46 PM

Subject: Upcomming land use hearing

To: Kathy Schwartz <[kathys@co.wasco.or.us](mailto:kathys@co.wasco.or.us)>, Scott Hege <[scoth@co.wasco.or.us](mailto:scoth@co.wasco.or.us)>, Steve Kramer <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>



This meeting needs to be done in person. Video is totally ineffective at really hearing people. Corruption in this process is a problem. Its really easy to say no to a screen. I dont see nay reason tbe big courthouse wont work. Plenty of distance space for covid rules.

Ive asked and recieved no resonse. Im asking again. Mike Davis did not declare a conflict of interest and he voted his own land in. What are you going to do? There are attorneys hired to fight this these plans. That is one big glaring violation..there were other witnesses.

Im asking what questions you have regarding a response from agriculture?

You dont allow the trained ag people to help which also speaks of hidden agendas and money to grease the wheels. Please resond with your

questions so I can talk to farm people.

Last I would just say that the people who live and work out here know how phony covid is. We are done being ruled by corrupt officials. Done with urban people who have no understanding of managing resources telling us what to do. We had a group who made sure we were represented. You dishonor us by ignoring us. I suggest you give land owners unlimited time to speak.

Thank you

Liz Turner

From: Elizabeth Turner <[marklizturner3@gmail.com](mailto:marklizturner3@gmail.com)>

Date: Wed, Jun 26, 2019 at 3:39 PM

Subject: Land use

To: <[kathys@co.wasco.or.us](mailto:kathys@co.wasco.or.us)>

I read the 2040 plan for Agricultural zone. I called back to planning to ask more questions. I couldnt tell from what I read what they were proposing. Only what has been done. It did not list the go below zone in lower 15 mile as a zone. And it talks about a 80 acre zone for non range we dont have. Confusing. I would say that the goal of our county has been focused on getting what we need, not what the state says. Its possible to do that. Not every change in Salem has to be adopted. You can find flexibility. One such thing I want to see eliminated is that they came and told farmers who also had heavy excavaction equipment it couldnt be in the farm zone. That rule needs removed as soon as possible. It moved fire equipment we need out of the areas. We really need that equipment interspersed out here. Its the difference of loosing buildings or not. I havent gotten the rule number yet. I will get back to you on ag zoning and we are coming to the hearing next week to listen.

Thank you

Liz Turner

Bummer about rain on cherries



**PLANNING DEPARTMENT**

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

*Pioneering pathways to prosperity.*

---

**FILE #:** 921-19-000126

---

**REQUEST:** Legislative Request to Amend the Comprehensive Plan, Chapter 4 & 8  
**DECISION:**

---

**Attachments:**

- A. Overview of Chapter 4 & 8 Revisions
- B. Final Draft of Proposed Chapter 4 of Wasco County 2040 (Comprehensive Plan)
- C. Final Draft of Proposed Chapter 8 of Wasco County 2040 (Comprehensive Plan)
- D. Notice

**File Number:** 921-19-000126

**Request:** Amend the Wasco County Comprehensive Plan  
1. Change the format to align with Statewide Land Use Planning Goals  
2. Develop Goal 4 & 8 into Wasco County 2040 format (Chapter 4 & 8), make any general amendments reflecting current planning practice.

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

**Prepared for:** Wasco County Planning Commission

**Applicant:** Wasco County Planning Department

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

**Planning Commission Hearing Date:** September 1<sup>st</sup> and 15<sup>th</sup>

**Board of County Commissioner Hearing Dates:** October 7<sup>th</sup> and 21<sup>st</sup>, 2020 and November 4, 2020

**Procedure Type:** Legislative

**Attachments:** Attachment A: Wasco County Comprehensive Plan Chapter 4 and 8 Overview  
Attachment B: Draft of Proposed Chapter 4 of Wasco County 2040 (Comprehensive Plan)  
Attachment C: Draft of Proposed Chapter 4 of Wasco County 2040 (Comprehensive Plan)

## **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 660-018: Post Acknowledgment Amendments

## **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 3, 2020:

Public notice for a Citizen Advisory Group meeting was published in *The Dalles Chronicle* on February 12, 2020, more than 15 days prior to the Citizen Advisory March 3<sup>rd</sup> work session.

#### Citizen Advisory Group Work Session August 4, 2020:

Public notice for a Citizen Advisory Group meeting was published in *The Dalles Chronicle* on July 15, 2020, more than 15 days prior to the Citizen Advisory August 4, 2020 work session.

#### Planning Commission Hearing September 1, 2020:

Public notice for a Planning Commission hearing was published in *The Dalles Chronicle* on August 12, 2020 more than 15 days prior to the September 1st hearing.

#### Planning Commission Hearing September 15, 2020:

Public notice for a Planning Commission hearing was published in *The Dalles Chronicle* on August 26, 2020 more than 20 days prior to the September 15th hearing.

#### Board of County Commission Hearing October 7<sup>th</sup>, 2020:

Public notice for the Board of County Commission hearing was published in *The Dalles Chronicle* on September 16, 2020 more than 20 days prior to the October 7<sup>th</sup> hearing.

#### Board of County Commission Hearing November 4<sup>th</sup>, 2020:

Public notice for the Board of County Commission hearing was published in *The Dalles Chronicle* on October 21<sup>st</sup>, 14 days prior to the November 4<sup>th</sup> hearing.

**B. Postcard Notice**

On February 1, 2020, a postcard notice was sent to all residents in unincorporated Wasco County, outside the National Scenic Area, in accordance with ORS 215.503. The language included that required by ORS 215.503, as well as roadshow event dates and time, the address for the project website and contact information.

Because the proposed hearing in April was cancelled as a result of COVID-19 restrictions, Wasco County sent a new mailed notice to all residents in unincorporated Wasco County, outside the National Scenic Area, in accordance with ORS 215.503 on August 10<sup>th</sup>, 2020. The notice is attached to the packet as Attachment D.

**C. Information Available on Website**

The information regarding the proposed amendments was placed on the Wasco County Planning Department Website<sup>1</sup> starting in December 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
- 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 48 subscribers that receive notification of new content, and is also promoted on the Planning Department's social media channels which have 325 followers.

**D. 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 19, 2020. The notification included links to the staff report, proposed amendments, and the opportunity to comment.

Due to the revised timeline, another email notification was sent to partners on August 17, 2020.

**E. 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

---

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

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

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

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 184 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 26, 2020. The notification included links to the proposed amendments, and information on how to provide comment. Due to the revised timeline, another email notification was sent to the list on August 25, 2020

#### **F. Notice of Recommendation**

Consistent with the Wasco County Land Use and Development Ordinance (LUDO) Section 9.070 and 9.080, a Notice of Planning Commission Recommendation was emailed to all hearing participants on September 16, 2020, a day after the hearing and 21 days before the Board of County Commissioner Hearing. Those who testified in writing or verbally during the September 1<sup>st</sup> or 15<sup>th</sup> hearings were also mailed a copy of the Notice via mail.

The notice was also posted to the project website on September 16<sup>th</sup> and an email was sent to the notification list, also on September 16<sup>th</sup>, with the Planning Commission recommendation.

#### **G. 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.

It's important to note that revisions to Goals 4 & 8, as well as the destination resort eligibility map, were featured during a series of roadshow events in February 2020 where citizens were engaged to give input on the analysis and proposed map.

### **IV. FINDINGS**

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

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

##### ***a. Section B – Form of Comprehensive 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 4 and 8 (Chapter 4 and 8) of the Comprehensive Plan. These updates are not part of the Periodic Review work plan but are proposed to be consistent with updates made during Periodic Review. 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. There are also revisions to policies and implementation measures based on external plans, and public input.

**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:**

Proposed updates to Goal 4 (Forest Lands) reflect updates made in the Natural Hazards Mitigation Plan and recommendations made by the Community Planning Assistance for Wildfires. These changes have been incorporated into Goal 7 (Natural Hazards) and are proposed to be added to policies in Goal 4 to add continuity and consistency. Goal 7 revisions were requested/required by the Department of Land Conservation and Development when approving the Periodic Review work plan to ensure compliance with the statewide land use goal. Inclusion in Goal 4 will further ensure compliance with Goal 7.

The focus of updates is to clarify existing language, update references, and provide reference to the Oregon Department of Forestry rules and policies for Natural Hazard mitigation. Wasco County recently inventoried fire risk through the Community Planning Assistance for Wildfire. Wildfire is mitigated through strategies identified in the Community Wildfire Protection Plan (CWPP) which is implemented through the Land Use and Development Ordinance. More generally, Wasco County Natural Hazards have been inventoried and an action plan developed by the Natural Hazards Mitigation Plan (NHMP) Steering Committee. The first NHMP, adopted in 2012, was updated in 2019.

To be consistent with these plans and Goal 7, Wasco County is proposing to amend its policies and implementation measures to be consistent with inventories, action plans, and current practice. These amendments do not reflect a mistake in the original Comprehensive Plan. Instead, they are the result of continued work and new, available data on natural hazards. Many of these plans did not exist or were not required when the original Comprehensive Plan was adopted in 1983.

The strategies are, by in large, intended to mitigate impact from natural hazards on the built environment and promote safety and health for Wasco County residents. The proposed amendments are based on the special studies, data, and other information available from partners and the plan teams and consistent with widespread public input over concern for wildfire risk. Based on requirements of state law, public expressed need for health/safety, and a change in conditions with forest practices, the changes have been deemed justified.

The Chapter is also revised significantly in format, and includes additions like references, findings, and an overview to provide context for the Goal and its impact on Wasco County.

By providing a clear connection between plans and the Comprehensive Plan, the intent is to provide a clear, efficient means for the public and staff to understand the policies and implementation measures related to wildfire in the forest lands.

Updates to Goal 8 consist, by in large, of updates to policies and implementation measures meant to reflect concerns expressed by property owners throughout the Wasco County 2040 process. This includes removal of outdated/unnecessary policy or implementation strategies, the addition of



references or notations for current practice, and new policies to reflect community concerns of conflict on transportation network, maintenance issues for open space, and improved coordination with agencies and partners. This reflects a broader goal to revise policies to be consistent with Goal 8.

These changes are not as a result of a mistake in the original Comprehensive Plan, but reflect revisions to state law, local conditions, and factors which impact public safety. Revisions are based in the significant amount of public input gathered during Wasco County 2040.

In addition to changes to policy, staff is recommending the adoption of a destination resort eligibility map. The map was developed to be consistent with rule in OAR 660-015-0000(8). Policies in support of OAR 660-015-0000(8) and the destination resort are also proposed. Public input about destination resorts was factored in to recommendations about policies and the eligibility criteria.

***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.

***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. In addition to the scope of Periodic Review, the directive was to also update additional Chapters/Goals in tandem with work tasks.

These additional updates do not involve modifications or amendments 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 Post Acknowledgment Plan Amendment.

A quorum for this hearing was present to deliberate. By a vote of 6 to 1 the Planning Commission voted to recommend approval of the amendments to Chapters 4 and 8 to the Board of County Commissioners. The first hearing by the Board of County Commissioners will be held on October 7<sup>th</sup>, 2020, 22 days following the Planning Commission Hearing.

***Oregon Administrative Rule (OAR) 660-018: Post Acknowledgment Amendments***

***OAR 660-018-0020 Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation***

***1). Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section 2). Of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.***

***2). The submittal must include applicable forms provided by the department, be in a format acceptable to the department, and include all the following materials:***

***a). The text of the proposed change to the comprehensive plan or land use regulation implementing the plan, as provided in section 3) of this rule;***

***b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the relevant portion of the map that is created or altered;***

***(c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director and members of the public of the effect of the proposed change;***

***(d) The date set for the first evidentiary hearing;***

***(e) The notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable; and***

***(f) Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.***

***(3) The proposed text submitted to comply with subsection (2)(a) of this rule must include all of the proposed wording to be added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal or its purpose, by itself, is not sufficient. For map changes, the material submitted to comply with Subsection (2)(b) must include a graphic depiction of the change; a legal description, tax account number, address or similar general description, by itself, is not sufficient. If a goal exception is proposed, the submittal must include the proposed wording of the exception.***

**FINDING:** A notice was sent to DLCD on February 26, 2020, consistent with requirements, to inform them of the proposed April 2, 2020 hearing and subsequent hearings to adopt amendments to Goal 4 and 8 via PAPAOnline as requested. Due to COVID-19, staff wrote DLCD in March requesting an extension. An extension was approved. A new notice was sent to DLCD on July 27, 2020, consistent with requirements, to inform them of the proposed September 1, 2020 hearing and subsequent hearings to adopt amendments to Goal 4 and 8 using PAPAOnline. Staff used FORM 1, as required, and submitted a copy of the notice, staff report and the map under consideration for destination resorts. A list of persons who participate orally or in writing in the local proceedings will be submitted with materials to DLCD.

***OAR 660-018-0040 Submittal of Adopted Change***

***(1) When a local government adopts a proposed change to an acknowledged comprehensive plan or a land use regulation it shall submit the decision to the department, with the appropriate notice forms provided by the department, within 20 days.***

***(2) For purposes of the 20-day requirement under section (1) of this rule, the proposed change is considered submitted to the department:***

***(a) On the day the applicable notice forms and other required documents are received by the department in its Salem office, if hand-delivered or submitted by electronic mail or similar electronic method, or***

***(b) On the date of mailing if the local government mails the forms and documents.***

***(3) The submission to the department must in a format acceptable to the department and include all of the following materials:***

***(a) A copy of final decision;***

***(b) The findings and the text of the change to the comprehensive plan or land use regulation;***

***(c) If a comprehensive plan map or zoning map is created or altered by the proposed change:***

***(A) A map showing the area changed and applicable designations; and***

***(B) Electronic files containing geospatial data showing the area changed, as specified in section (5) of this rule, if applicable.***

***(d) A brief narrative summary of the decision, including a summary of substantive differences from the proposed change submitted under OAR 660-018-0020 and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the actual change; and***

***(e) A statement by the individual transmitting the decision identifying the date of the decision and the date the submission was mailed to the department.***

***(4) Where amendments or new land use regulations, including supplementary materials, exceed 100 pages, a summary of the amendment briefly describing its purpose and requirements shall be included with the submittal to the director.***

**FINDING:** The local record for updates to Goal 4 and 8 will be submitted electronically (via PAPAOnline) within 20 days of the last evidentiary meeting (October 21st). The submittal will include correct forms, copy of the final decision, findings and text of the change, comprehensive plan map, electronic geospatial data files, a narrative summary of the decision, a statement by the individual transmitting the decision identifying the date of the decision and the date the submission was mailed to the department.

## **Attachment A**

### **Chapter 4 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 4- Goal 4 Forest Lands**

This new chapter maps to Goal 4 and includes an overview of Wasco County's Goal 4 resources, a brief overview of the goal's purpose in Wasco County, an excerpt of Oregon's Statewide Land Use Planning Goal 4, policies, implementation strategies for each policy, and a new findings and references section.

1. **Overview:** The overview briefly discusses Goal 4 as applied in Wasco County.
2. **Historical Perspective:** Provides a brief summary of the history of forest zones in Wasco County.
3. **Excerpt of Statewide Planning Goal:** Excerpt from the Oregon Administrative Rules on Goal 4 that outlines for staff and public the purpose of Goal 4.
4. **Wasco County's Goal:** This maps directly to the State's Goal 4, and has not been modified from existing broad goal.
5. **Photo:** A staff photo showing forested lands in Wasco County.
6. **Cross Reference:** A list of other goals that relate to Goal 4 was included for easy reference.
7. **Policies:** The existing plan has five policies. The recommendation is to keep existing policies with some modification to policies and implementation measures.
  - a. Policy 1: Existing policy is "Land use regulation and tax incentives should be designed to safeguard forest management operations on both private and public lands."
    - (1) Implementation strategy "a" is "Encourage resource management on those lands which meet the stocking and survival requirements of the Forest Practices Rules for Eastern Oregon." The recommendation is to replace this statement with "Maintain forest stocking requirements, in accordance with the Oregon Forest Practices Act, with the approval of a dwelling in the forest lands."
    - (2) Implementation strategy "b" is proposed to be revised to read "Only allow residential development as conditional uses in the F-2 Forest zone."

- (3) Implementation measure “c” is proposed to be revised to: “Prohibit residential development in the F-1 Forest zone.”
  - (4) Implementation strategy “d” is revised to add the Oregon Revised Statute reference of forest land minimum parcel size.
  - (5) No changes are proposed for implementation measure “e”
  - (6) Staff is recommending the addition of the following implementation measure: “Properties that meet state and local forest tax deferral eligibility requirements should be encouraged to enroll in the program.”
  - (7) Staff is recommending the addition of implementation measure “g” to reflect Goal 7 policies: “Maintain site requirements for compatibility of new dwellings and accessory buildings and structures to minimize wildfire risk, conserve forest values, and reduce non-resource impacts to resource uses. Site requirements include setbacks, clustering of development, proximity to public roads, development on least productive portions of land, authorization for domestic water supply, and required road maintenance.”
- b. No changes are proposed to Policy 2, which expands on the habitat and resource values for F-1 zoned properties.
- (1). Implementation strategy “a” is proposed to be removed, as it references documents no longer utilized by partners for Watershed Management. Updated references are included in the findings and references section of this Chapter.
  - (2). Implementation measure “b” has been modified to clearly identify what types of residential development can be permitted in F-1: “Residential development, excepting Temporary Medical Hardship dwellings, is prohibited in the F-1 zone to protect resources, including surface water sources, from conflicts that are unable to be mitigated.”
  - (3). Staff is proposing the addition of implementation strategy “c”: “Other urban uses and activities, like commercial not in conjunction with forestry, will be prohibited to protect resources.”
- c. Policy 3 addresses wildfire risk reduction, and is not proposed to be removed.
- (1). The following is proposed to be added to implementation measure “a”: “Physical development that do not implement the Fire Safety Standards in a timely manner shall be considered a code compliance violation.”
  - (2). No change is proposed for implementation strategy “b”.



- (3). Implementation measure “c” is proposed to be revised to remove the first line “Coordination with the appropriate fire protection agency shall occur prior to issuance of any zoning approval for any dwelling, temporary or permanent, in the F-2 Forest zone.” This sentence is redundant with what follows.
- (4). No change is proposed for implementation strategy “d”.
- d. Policy 4 addresses coordination with ODF and ODFW and is proposed to remain the same.
  - (1) Implementation strategy “b” is new and proposed to read: “New forestry operations or practices require notice to the Oregon Department of Forestry by the landowner and/or operator.”
- e. Policy 5: addresses dwellings in the Transition Lands Study Area (TLSA). No changes are recommended.
  - (1) For implementation measure “a” the word “adopt” is proposed to be replaced with “maintain” to signify the current status of the TLSA document.
  - (2) Implementation Strategy “b” the word “implement” is proposed to be replace by “maintain” to reflect current status.
  - (3) No changes are proposed for measure “c.”
- 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.

## Chapter 8 Proposed Amendments

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

### State of the Comprehensive Plan:

- E. **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.
  - F. **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.
  - G. **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.
  - H. **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.
- 3. **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.
  - 4. **Format of Goal Chapters:** Each Goal related chapter will be formatted according to the following conventions:

- g. Overview: A sentence to a paragraph on the outlining the purpose behind the Goal and Wasco County policies.
- h. Statement of Wasco County Goal and reference to Statewide Planning Goal
- i. Any cross-references to other Goals
- j. Policy Statements
- k. Implementation Statements for each policy
- l. Findings and reference section detailing any relevant findings and references.

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

### **B. Chapter 8- Goal 8 Recreation**

This new chapter maps to Goal 8 and includes an overview of Wasco County's Goal 4 resources, a brief overview of the goal's purpose in Wasco County, an excerpt of Oregon's Statewide Land Use Planning Goal 8, policies, implementation strategies for each policy, and a new findings and references section.

- 9. **Overview:** The overview briefly discusses Goal 8 as applied in Wasco County.
- 10. **Key Community Planning Issues:** This section summarizes the community identified issues with recreation during the Wasco County 2040 process.
- 11. **Excerpt of Statewide Planning Goal:** Excerpt from the Oregon Administrative Rules on Goal 8 that outlines for staff and public the purpose of Goal 8.
- 12. **Wasco County's Goal:** This maps directly to the State's Goal 8, and has not been modified from existing broad goal.
- 13. **Photos:** Staff photos showcasing different recreation in Wasco County have been inserted.
- 14. **Cross Reference:** A list of other goals that relate to Goal 4 was included for easy reference.
- 15. **Policies:** The existing plan has three policies. The recommendation is to keep existing policies with some modification to policies and implementation measures and add two additional policies and implementation.
  - a. Policy 1: Existing policy is "Manage the Deschutes and John Day Scenic Waterways to minimize recreational over-use, accumulation of solid waste and conflicts with agricultural use, while maximizing their scenic and recreational values."
    - (1) Implementation strategies "a" - is proposed to be modified from "Encourage governmental agencies to restrict open camp fires on the Deschutes and John Day Rivers" which has been done to "Encourage the development of a cooperative management plan between private landowners and government agencies for new development."

- (2) Implementation measure “b” is proposed to be removed and pertains to recreational subdivisions along the rivers, which is prohibited by law.
  - (3) Implementation strategy “c” relates to recreational power boats on the Scenic Waterways and is proposed to be removed.
  - (4) New implementation measure “b” is proposed to be consistent with law: “Consistent with the Scenic Waterways Act, Oregon Parks and Recreation Department (OPRD) must be notified of certain changes that landowners may want to make to their property, and those changes may be subject to review. The landowner is obligated to make this notification on OPRD forms and submit directly to OPRD.”
  - (5) A new implementation measure “c” is proposed: “All land use actions related to the Deschutes and John Day Scenic Waterways should be consistent with Goal 5, Policy 5.5.1 and related implementation measures.”
- b. Policy 2 is a relates to recreational sites and open spaces and is proposed to remain the same.
- (1). Implementation strategy “a”-“b” are proposed to remain the same.
  - (2). Implementation measure “c” is to be modified with the addition of “Ensure ongoing maintenance of open space and road systems through deed restrictions and HOA requirements” to be consistent with Goals 5 and 14.
  - (3). Implementation measure “d” is new and reads: “Recreational development shall take into account access, topographic and physical features, water areas, wooded areas, and other critical features.”
  - (4). New implementation measure “e” is proposed as “Consistent with Goal 8, preference shall be given to non-motorized types of activities over motorized activities when developing recreation plans.”
- c. Policy 3: Is proposed to be revised from “Discourage illegal recreational access through private agricultural lands” to a more broad: “Wasco County shall respect private property rights and landowner concerns, maintain a good neighbor philosophy, and develop partnership[s] and creative solutions that meet mutual objectives when acquiring developing and managing parks and natural areas.”
- (1). An addition to implementation measure “a” is: “Discourage illegal recreational access through private agricultural lands.”
  - (2). No other revisions are proposed for measures “b” and “c”.

- d. Policy 4 is an additional policy to directly address requirements of Goal 8: “Wasco County shall actively coordinate with federal, state, regional and local partners to meet recreational needs, provide outreach, and assist with updates.”
  - (1) Implementation strategy “a” is proposed as “Partners will be notified about potential development or activity that may have an impact on infrastructure, emergency services, or natural resources.”
  - (2) Implementation strategy “b” details Goal 8 requirements related to data: “As required by OAR 660-015-0000(8), the Statewide Comprehensive Outdoor Recreation Plan (SCORP) should be used as a guide when planning, acquiring, and developing recreation resources, areas, and facilities. Wasco County shall actively participate in SCORP updates.”
  - (3) Implementation measure “c” is recommended to be “Recreational trails designated as an Oregon Recreation Trail shall follow rules set forth by OAR 660-023-0150.”
  - (4) Implementation strategy “d” is proposed as “Wasco County Planning shall coordinate with the Wasco County Public Works Department on even permits on the roadway to help raise awareness about special events and mitigate adverse impacts to existing uses.” This was a frequent public request during the Wasco County 2040 process.
  - (5) The final new implementation measure for this policy, “e” is “Wasco County Planning shall coordinate with other groups, like Travel Oregon, to raise awareness about potential recreational conflicts with existing land uses.” This was also a frequent comment received from the public throughout the Wasco County 2040, and by in large relates to conflicts between commercial agriculture and recreational biking.
- e. Policy 5: In conjunction with the proposed destination resort eligibility map, staff is proposing the following policy: “Wasco County has adopted a destination resort eligibility map to demonstrate those portions of the county that qualify for a Destination Resort.” The subsequent implementation measures support this and make clear state law requirements.
  - (1) Implementation measure “a” is proposed: “Destination resort tourist development shall be allowed at designated areas as indicated by the eligibility map.”
  - (2) Implementation strategy “b” is suggested to read: “The destination resort provisions shall be consistent with the requirements of ORS 197.435 to 197.467 and Statewide Planning Goal 8. The provisions shall also provide a clear mechanism to allow for the siting of a destination resort within Wasco County, consistent with the County’s acknowledged Comprehensive Plan and implementing ordinances, Statewide Planning Goals, and Oregon Administrative Rules.”

- f. Policy 6: Much of the guidance from the public during Wasco County 2040 emphasized using best available data, improving coordination, and actively conducting outreach on relevant topics. The proposed sixth policy reflects these values: “Recreation planning should be based on data and input from stakeholders, SCORP and residents.”
  - (1) Implementation measure “a” is proposed: “The current Wasco County Parks Inventory shows existing recreational opportunities in Wasco County.”
  - (2) Implementation measure “b” is recommended as: “Wasco County should develop long range recreation plans or work with County Parks and Recreation Departments to identify recreation needs and opportunities.”
- 16. **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.
- 17. **Appendix:** The appendix for Goal 8 includes a parks inventory. The destination resort eligibility map is adopted by reference.

**Goal 4**

# **Forest Lands**

---

# Goal 4

## Forest Lands

### Overview

The western boundary of Wasco County is, by in large, forested lands. Roughly 40% is publicly owned by federal, state, and local entities and 40% is held in tribal trust, with the rest privately owned.

In addition to its value for commercial timber, the lands have unique recreational, habitat, and watershed values. Forest lands in Wasco County consist of three general types: grass-shrub, principle forest, and upper-slope forest zones. The grass-shrub is used primarily for grazing and is privately owned. Lower elevation principle forest zones are also commonly used for range land but also have Ponderosa Pine which is valued for timber production. Upper-slope forest zone has true fir, mountain hemlock, lodge pole pine and western larch.

Wasco County protects forest lands for its forestry, recreation, watershed and habitat.

### Historical Perspective

Lands were determined to be suitable for forest uses based on forest site class. The site class inventory was an estimate of the productive potential of forest land for wood growth. The site class can be translated to cubic feet/acre/year. Generally, forest site classes less than VII are considered to be of commercial quality.

Public timber harvest peaked in the early 1980s, while private industry had peak harvest between 1985 and 1991. Following statewide restrictions on forestry as a result of species protections, Wasco County lost several wood processing facilities and commercial timber harvest companies.

In addition to value for commercial forest production, many of the forest lands in Wasco County are in critical habitat, watershed, or in topographically constrained sites. This includes forested lands that have Oregon White Oak.

Early zoning in Wasco County included a 40 acre minimum parcel forest zone in addition to the 80 acres.



## **Statewide Planning Goal 4**

**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.**

Excerpt from  
OAR 660-015-0000(4)

## **Cross-Reference**

Additional policies related  
to this goal:

## **Wasco County Goal 4**

### **Forest Lands**

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.



*Staff photo (2018) of F-2 property with Mt. Hood view.*

# Policies

**4.1.1** Land use regulation<sup>i</sup> and tax incentives should be designed to safeguard forest management operations on both private and public lands.

**Implementation for Policy 4.1.1:**

- a. Only allow residential development as conditional uses in the F-2 Forest zone.
- b. Prohibit residential development in the F-1 Forest zone<sup>ii</sup>.
- c. The minimum lot size of lands designated on the Comprehensive Plan map as “Forest” shall be eighty (80) acres (ORS 215.780)<sup>iii</sup>.
- d. Approval of a conditional use permit for a dwelling not in conjunction with a forest use shall be preceded by the parcels disqualification from receiving a farm or forest tax deferral.
- e. Maintain site requirements for compatibility of new dwellings and accessory buildings and structures to minimize wildfire risk, conserve forest values, and reduce non-resource impacts to resource uses. Site requirements include setbacks, clustering of development, proximity to public roads, development on least productive portions of land, authorization for domestic water supply, and required road maintenance.
- f. Maintain forest stocking requirements, in conjunction with the Oregon Forest Practices Act, with the approval of a dwelling in forest lands.

**4.1.2** Lands within the F-1 Forest designation shall be managed for maintenance of water quality and quantity, in addition to timber protection, fish and wildlife, soil conservation and air quality.

**Implementation for Policy 4.1.2:**

- a. Residential development, excepting Temporary Medical Hardship dwellings, is prohibited in the F-1 zone to protect resources, including surface water sources, from conflicts that are unable to be mitigated.
- b. Other urban uses and activities, like commercial not in conjunction with forestry, will be prohibited to protect resources.

**4.1.3** All physical development should be located such that it minimizes the risk of wildfire and allows for assistance in the control of wildfire<sup>iv</sup>.

**Implementation for Policy 4.1.3:**

- a. All physical developments shall implement the applicable Fire Safety Standards of the zone in a timely manner. Physical developments that do not implement the Fire Safety Standards in a timely manner shall be considered a code compliance violation.
- b. A functioning on-site water supply shall be implemented prior to issuance of any zoning approval/building permit within the F-1 and F-2 Forest zones. The aforementioned water supply shall be connected to all applicable Fire Safety Standards of the zone.
- c. In the “F-1” & “F-2” Forest Zones, coordination with the local fire protection agency shall occur prior to any land use application. Where development does not fall within a structural fire protection district, coordination with the applicable wildland interface agencies shall occur. Close consideration of the Wildland Urban Interface (WUI) setting, Wildfire Hazard designation, and Mitigation Difficulty for that area shall occur with agency coordination<sup>v</sup>.
- d. Requests for dwellings not in conjunction with forest use, on property which is located outside of a rural fire protection district, shall not be accepted by the Approving Authority unless a contract for services has been reached with a rural fire protection district.

**4.1.4** Coordination with the Oregon Department of Forestry and Oregon Department of Fish and Wildlife should occur whenever possible during the land use review process.

**Implementation for Policy 4.1.4:**

- a. Notice of all action on all conditional use permits shall be forwarded to these departments for their comments and analysis. Lack of concurrence from either department shall be considered by the Approving Authority in the decision making process.
- b. New forestry operations or practices require notice to the Oregon Department of Forestry by the landowner and/or operator.

**4.1.5** Dwellings should be permitted on lands owned prior to extensive implementation of Goal 4 protection (Jan. 1985) where consistent with the Transition Lands Study Area study dated September 17<sup>th</sup>, 1997.

**Implementation for Policy 4.1.5:**

- a. Maintain the TLSA document (September 17, 1997), and comprehensive plan map by reference, as background information for planning purposes within TLSA.

- b. Maintain the “lot of record” provision in the TLSA, for parcels within a fire protection district (OAR 660-006-0027 adopted June 1, 1998).
- c. Do not implement the OAR provision for the “template test” in the TLSA based on the available area wide information regarding overall land use patterns, land values, and lack of infrastructure in the forest zone, based on the TLSA study dated September 17, 1997.

---

<sup>i</sup> Forest lands, according to OAR 660-015-0000(4) include “lands which are suitable for commercial forest uses...and other forested lands that maintain soil, air, water and fish and wildlife resources.” This means that not all zoned forest lands will necessarily be productive but may have other values that merit their zoning and protection. This is an important consideration for Exceptions to Goal 4.

<sup>ii</sup> Several large properties within the F-1 Zone are owned and managed by The City of The Dalles or The City of Dufur for source water protection purposes. The F-1 chapter of the LUDO identifies that residential development is prohibited in the zone due to the conflicts with safe and efficient watershed management.

<sup>iii</sup> Oregon Revised Statutes 215.780 require the minimum parcel size for all designated forestland to be at least 80 acres.

<sup>iv</sup> The Community Wildfire Protection Plan outlines many of the mitigation steps applied through regulation to reduce fire risk.

<sup>v</sup> The Community Planning Assistance for Wildfire (CPAW) Final Recommendations for Wasco County, OR (2018) includes a discussion of the WUI, Wildfire Hazard designation and Mitigation Difficulty.

# References

Oregon Department of Forestry Forest Practice Administrative Rules and Forest Practices Act. (2018).

<https://www.oregon.gov/ODF/Documents/WorkingForests/FPARuleBook2018Final.pdf>

Oregon. Department of Land Conservation and Development. *Goal 4: Forest Lands*. Oregon's Statewide Planning Goals and Guidelines.

Oregon Forest Resources Institute. (2018). Oregon Forest Protection Laws: An Illustrated Manual. [https://oregonforests.org/sites/default/files/2018-02/OFRI\\_IllusManual\\_full.pdf](https://oregonforests.org/sites/default/files/2018-02/OFRI_IllusManual_full.pdf)

Wasco County. (2005). Community Wildfire Protection Plan.

**Goal 8**

# **Recreational Needs**

---

## Goal 8

# Recreational Needs

### Overview

Statewide planning directs the County to inventory recreation needs and opportunities and to develop long range plans for meeting the recreational needs of its citizens in coordination with private interests and public agencies.

Wasco County has two Parks and Recreation Districts: North Wasco Parks and Recreation and South Wasco Parks and Recreation. These organizations have surveyed their respective communities to identify key recreation challenges and opportunities and to develop strategic investments.

Overall, recreation is an important quality of life issue for Wasco County residents and recreational tourism is an important part of the Wasco County economy. Residents and visitors are drawn to the extensive public lands, scenic waterways and viewpoints, and wide variety of recreational activities and settings. Recreation opportunities include fishing, boating, biking, hiking, camping, and a combination of these activities.

### Key Community Planning Issues

- Recreational bicycle use on County Roads

During the Wasco County 2040 visioning phase, many residents and farmers expressed significant concern over sharing the road during harvest with bicyclists or bicycle events. The concern is related to conflicts or safety hazards that arise when heavy equipment is on the roadways.

- Balancing recreational uses with natural resource protection
- Coordination with key partners
- Reducing liability from unmaintained designated open space
- Considering impacts to emergency services by increasing activity or development

## Statewide Planning Goal 8

**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.**

The requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements.

Excerpt from  
OAR 660-015-0000(8)

## Cross-Reference

Additional policies related to this goal:

## Wasco County Goal 4

### Recreational Needs

To satisfy the recreational needs of the citizens of Wasco County and visitors.



*From top left: Rafters on the Deschutes River (2017), bicycle overlooking the Columbia (2018), and a swimming pool at The Washington Family Ranch (2005)*



# Policies

**8.1.1** Manage the Deschutes and John Day Scenic Waterways to minimize recreational over-use, accumulation of solid waste and conflicts with agricultural use, while maximizing their scenic and recreational values.

**Implementation for Policy 8.1.1:**

- a. Encourage the development of a cooperative management plan between private landowners and government agencies.
- b. Consistent with the Scenic Waterways Act, Oregon Park and Recreation Department (OPRD) must be notified of certain changes that landowners may want to make their property, and those changes may be subject to review. The landowner is obligated to make this notification on OPRD forms and submit directly to OPRD.
- c. All land use actions related to the Deschutes and John Day Scenic Waterways should be consistent with Goal 5, Policy 5.5.1 and related implementation measures.

**8.1.2** Develop and maintain a variety of recreational sites and open spaces adjacent to population concentrations to adequately meet the County's recreational needs<sup>i</sup>.

**Implementation for Policy 8.1.2:**

- a. The County may establish public park lands adjacent to future multiple-purpose reservoirs. This may include the dedication of park land to the County from a federal agency or private land developer at future reservoir sites.
- b. Encourage a system of safe and convenient trails for non-motorized recreation and transportation. Adequate right-of-way should be acquired on public roads to provide bicycle, pedestrian and equestrian paths where feasible.
- c. Large planned development shall include the reservation of a suitable area of park land or open space. Ensure ongoing maintenance of open space and road systems through deed restrictions and HOA requirements.
- d. Recreational site development shall take into account access, topographic and physical features, water areas, wooded areas, and other critical features.
- e. Consistent with Goal 8, preference shall be given to non-motorized types of activities over motorized activities when developing recreation plans.

**8.1.3** Wasco County shall respect private property rights and landowner concerns, maintain a good-neighbor philosophy, and develop partnerships and creative solutions that meet mutual objectives when acquiring developing and managing parks and natural areas.

**Implementation for Policy 8.1.3:**

- a. Encourage governmental agencies to develop a public information program concerning recreational access through private lands. Discourage illegal recreational access through private agricultural lands.
- b. Condemnation of private land for recreational use will be strongly opposed.
- c. Easements for recreational use at well-established access points should be acquired. Possible funding sources such as the National Park Service and Oregon State Parks should be investigated.

**8.1.4** Wasco County shall actively coordinate with federal, state, regional and local partners to meet recreational needs, provide outreach, and assist with updates.

**Implementation for Policy 8.1.4:**

- a. Partners will be notified about potential development or activity that may have an impact on infrastructure, emergency services, or natural resources.
- b. As required by OAR 660-015-0000(8), the Statewide Comprehensive Outdoor Recreation Plan (SCORP) should be used as a guide when planning, acquiring, and developing recreation resources, areas, and facilities. Wasco County shall actively participate in SCORP updates<sup>ii</sup>.
- c. Recreation trails designated as an Oregon Recreation Trail shall follow rules set forth by OAR 660-023-0150<sup>iii</sup>.
- d. Wasco County Planning shall coordinate with the Wasco County Public Works Department on event permits on the roadway to help raise awareness about special events and mitigate adverse impacts to existing uses<sup>iv</sup>.
- e. Wasco County Planning will coordinate with other groups, like Travel Oregon, to raise awareness about potential recreation conflicts with existing land uses.

**8.1.5** Wasco County has adopted a destination resort eligibility map to demonstrate those portions of the county that qualify for a Destination Resort.

**Implementation for Policy 8.1.5:**

- a. Destination resort tourist development shall be allowed at designated areas as indicated by the eligibility map.
- b. The destination resort provisions shall be consistent with the requirements of ORS 197.435 to 197.467 and Statewide Planning Goal 8. The provisions shall also provide a clear mechanism to allow for the siting of a destination resort within Wasco County, consistent with the County's acknowledged Comprehensive Plan and implementing ordinances, Statewide Planning Goals, and Oregon Administrative rules.

**8.1.6** Recreation planning should be based on data and input from stakeholders, SCORP, and residents.

**Implementation for Policy 8.1.6:**

- a. The current Wasco County Parks Inventory shows existing recreational opportunities in Wasco County.
- b. Wasco County should develop long range recreation plans or work with County Park and Recreation Departments to identify recreation needs and opportunities<sup>v</sup>.

---

<sup>i</sup> During the Wasco County 2040 visioning, residents were asked to identify critical issues and challenges in Wasco County related to land use. The results relevant to recreation are outlined in the Key Community Planning Issues section.

<sup>ii</sup> The 2019-2023 Oregon SCORP focuses on five demographic and social shifts facing outdoor recreation providers in the next several years including; an aging population, increasingly diverse population, low youth engagement, underserved low income population, and the focus on health benefits of physical activity. These shifts resulted in strategic actions developed to address needs. The actions include recommendations for both recreation and municipal providers.

<sup>iii</sup> This is written to be consistent with similar implementation measures in Goal 5 and Goal 14.

<sup>iv</sup> This was identified by the public, during visioning work, as a top priority due to conflicts between commercial agricultural and recreation.

<sup>v</sup> Recreation providers in Wasco County for the 2019-2023 SCORP identified the greatest local need for more visitor facilities, including tent sites and cabins/yurts, urban bike paths and connecting trails into a larger trail system. There was also a need identified for public access to waterways.

# References

Bureau of Land Management (1993). Lower Deschutes River Management Plan Record of Decision.

Department of Land Conservation and Development (2015). Guide to Trails in EFU and Forest Zones.

Oregon's Kitchen Table (2015). South Wasco County Parks and Recreation District Survey.

Oregon Department of Land Conservation and Development. Goal 8: Recreational Needs.

Oregon's Statewide Planning Goals and Guidelines.

Oregon State Parks. (2016). [Oregon Statewide Recreation Trails Plan](#).

Oregon State Parks. (2019). [2019-2023 Oregon Statewide Comprehensive Outdoor Recreation Plan](#).

Oregon State Parks (2013). Statewide Comprehensive Outdoor Recreation Plan 2013-2017.








































































Oregon State Parks (2019). 2017 Oregon Resident Outdoor Recreation Survey.










































































Oregon State Parks (2013). A Guide to Community Park and Recreation Planning for Oregon Communities.






Travel Oregon (2016). Travel Oregon Stakeholder Engagement Survey Results and Oregon Tourism Town Hall Findings.







## Appendix 18-A







### Wasco County Parks Inventory

Park	Ownership	Water	Toilets	Picnic Sites	Tent Sites	RV Hookup Sites	Total Camp Sites	Other facilities \ Activities
Memaloose State Park	State	X	X	X	65	40	105	  
Mayer State Park	State	X	X	X				     
Koberg Beach St Wayside	State	X	X	X				  
Seufert Park	Army Corp of Engineers			X				
Celilo Park	Army Corp of Engineers	X	X	X	Yes			  
Deschutes River State Rec. Area	State		X	X				 
Underhill Site	Private	X	X					
Camp Baldwin	Private	X	X					Boy Scout Camp
Pine Hollow	Private	X	X	X	23	66	89	     
Wasco Co. Fairgrounds/ Hunt Park	County	X	X	X	Yes	120	120+	
White River Falls	State	X	X	X				  
White River Game Management Area	State							
Barlow Creek	USFS		X	X	3		3	 
Clear Creek	USFS		X	X	7		7	  
Clear Lake	USFS	X	X	X	32		32	
Forest Creek	USFS		X	X	8		8	  
Grindstone	USFS		X	X	3		3	
Keeps Mill	USFS		X	X	5		5	 
Little Badger	USFS			X	3		3	   
Post Camp								 
Rock Creek Reservoir	USFS	X	X	X	33		33	     
Frog Lake	USFS	X	X	X	33		33	   
Cow Canyon Rest Area	State	X	X	X				
Nena (Deschutes River)	BLM		X	X				
Devil's Canyon (Deschutes River)	BLM		X	X	4		4	  
Long Bend (Deschutes River)	BLM		X	X	X		1	   
Harpham Flat (Deschutes River)	BLM		X	X	13		13	   
Wapinitia (Deschutes River)	BLM		X	X	6		6	   

Maupin City Park (Deschutes River)	City of Maupin	X	X	X	22	25	47	   
Oasis (Deschutes River)	BLM		X	X	12		12	  
Grey Eagle (Deschutes River)	BLM		X	X				 
Blue Hole (Deschutes River)	BLM		X	X	1		1	  
Lower Blue Hole (Deschutes River)	BLM			X				 
Oak Springs (Deschutes River)	BLM		X	X	7		7	  
Surf City (Deschutes River)	BLM			X				 
White River (Deschutes River)	BLM		X	X	5		5	  
Sandy Beach (Deschutes River)	BLM		X	X				   
Buckhollow (Deschutes River)	BLM		X	X				   
Pine Tree (Deschutes River)	BLM			X				   
Twin Springs (Deschutes River)	BLM		X	X	7		7	 
Oakbrook (Deschutes River)	BLM		X	X				 
Jones Canyon (Deschutes River)	BLM		X	X	10		10	 
Beavertail (Deschutes River)	BLM	X	X	X	17		17	   
Rattlesnake Canyon (Deschutes River)	BLM		X	X	9		9	 
Macks Canyon (Deschutes River)	BLM	X	X	X	20		20	   
Deschutes River Sites								Additional sites via boat only
Pebble Ford	USFS		X	X	3	3	6	 
Eightmile Crossing	USFS		X	X	21		21	 
Lower Eight mile Crossing	USFS		X	X	3		3	 
Knebel Springs	USFS		X	X	8		8	     
Fifteenmile Campground	USFS		X	X	3		3	
Zig Zag Trail	USFS							 
Bonney Crossing	USFS		X	X	8		8	  
Spring Drive RV Campground	USFS	X	X	X		6	6	
McCubbins Gulch	USFS		X	X	15		15	  
Bear Springs Group Camground	USFS	X	X		4		4	
Dufur RV Park	Private	X	X			26	26	

 Amphitheater
  Playground
  Scenic viewpoint
  Beach access
  Boat launch

 Birding/Wildlife viewing
  Fishing
  Hiking
  Swimming
  Wind surfing
  Horseback riding (rental, guided tour)

 Waterskiing
  River rafting
  Bicycle trail
  Crosscountry ski trail
  Snow-shoeing
  All-terrain trail

## Attachment D—Public Comments

## 921-19-000126 Attachment D

<b>Steve M. Carlson</b>	<p><b>[Wasco County 2040] Submit a Comment</b></p> <p>What does it mean for existing homes? What does this mean for Sportsman's park. That's the problem! Only the people who write this stuff know what it means.</p> <hr/> <p><b>Would you like to be added to our notification list for news and events?</b>      Yes</p>	<p>17 Jul 2020 at 4:39 am</p>
-----------------------------	--	-----------------------------------

<b>Steve M. Carlson</b>	<p><b>[Wasco County 2040] Submit a Comment</b></p> <p>Again! It is against ADA to restrict side-by-sides in the forest, but I learned the hard way, the forest service doesn't care as they don't have to follow ADA. Well, that's nonsense. "Ethics is not what you can do, but what you should do!" On another note, if they can have campfires in the forest service campground, those in Sportsman's park should be able to also. We have a lot more invested than anyone in the campground and monitor our neighbor. All you have is a camp host that's in the first set of sites and probably not even from the area.</p> <hr/> <p><b>Would you like to be added to our notification list for news and events?</b>      Yes</p>	<p>26 Jun 2020 at 6:39</p>
-----------------------------	---	--------------------------------

<b>Anne Radford</b>	<p><b>[Wasco County 2040] Submit a Comment</b></p> <p>Hello. With property in orchards and close or next to the urban growth boundary in one place, we have watched closely the developments from the</p>	<p>30 May 2020 at 2:32 pm</p>
-------------------------	---	-----------------------------------

county planning department. Yes we know more land is needed for housing. And we know that at both ends, west and east of The Dalles, the land is not suitable or legal to tear up for housing. The state or perhaps the Gorge Commission as well has or had boundaries in place that no orchard or farming land was to be cut up for houses. I am wondering about the cutting up of the Geiger Orchards (7.3 or so acres to put up to 83 houses on in a very dense area). What a dreadful mess it would be, all those people crammed into a small area, very dense in population. The transportation for those who might live there and might have jobs to get too by 8 a.m. would be a mess. Crowded people together is never a good thing. I do not have any answers as to where new housing should go. The new project up by Sorosis Park is a dreadful cheap looking cut up mess where it could have had good size lots with houses. Unfortunately Dallesport is in another state as there should be plenty of housing sites there.

---

**Would you like to be added to our notification list for news and events?** Yes

**BETTY ODOM [Wasco County 2040] Submit a Comment**

9 Apr 2020 at

5:18 pm

I realize that comments were due previously but this thought just came to me this morning. We had a destination resort adjoining us on the reservation. It had wonderful facilities. A natural heated pool, with a small restaurant, fast foods, and tepee accommodations. On the opposite of the Warm Springs river was a golf course, hotel, restaurant, casino, horseback riding, hiking trails, wildlife viewing. It is not closer to entertainment in the Redmond -Bend area than we are. Also water sports were available on the Deschutes and the reservoirs near Madras. They have closed because of lack of business.

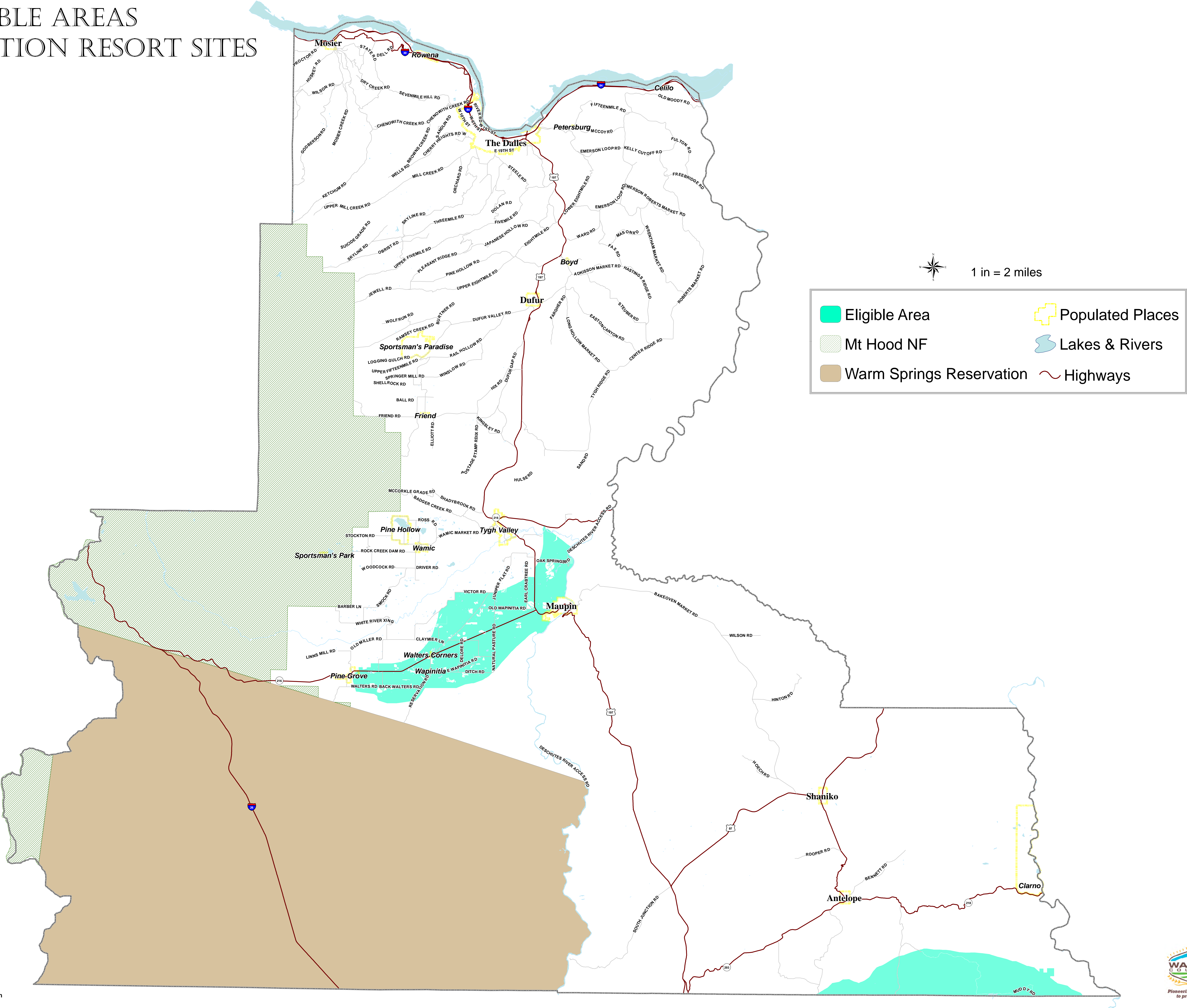
---

**Would you like to be added to our notification list for news** Yes



**and events?**

# ELIGIBLE AREAS FOR DESTINATION RESORT SITES



**Disclaimer**  
This product is for informational purposes only. Users of this information should review or consult primary data and information sources to ascertain the usability of the information.



**WASCO COUNTY PLANNING COMMISSION HEARING**

**September 1, 2020**

**3:00 p.m.**

**Presented via Zoom:**

<https://wascocounty->

[org.zoom.us/j/82619252715?tk=fyC0rSRqitJBZqvQn7ezooHxUx3YUjI9AwE\\_zc3YW0.DQIAAAATPH2\\_6xZYdEo1UXIzMVFiT2N1ZE9IRVv0Zm53AAAAAAAAAAAAAAAAAAAAAAAAAAAA](https://wascocounty-)

**by phone: 1 (253) 215 8782**

**Meeting ID: 826 1925 2715**

The official record for this Hearing is the audio recording that can be found [here](#).

**CALL TO ORDER**

**ROLL CALL:**

Members Present: Chair Chris Schanno; Vice Chair Lynne MacIntyre; Mike Davis; Vicki Ashley; Russell Hargrave; Kate Willis; Alternate LeRoy Booth; Alternate Marcus Swift (arrived after roll call)

Absent Members: Brad DeHart

Staff Present: Planning Director Angie Brewer, Long Range Planner Kelly Howsley-Glover and Planning Coordinator Jensi Smith

Meeting began at 3:01 pm.

**0:59 - Chair Schanno** asked **Director Brewer** for roll call.

**2:45 – Chair Schanno** reviewed hearing protocol.

**PUBLIC COMMENT ON NON-AGENDA ITEMS:**

**3:36 - Chair Schanno** asked for comments on non-agenda items.

**3:55 - Joseph M. Pearson, Florence OR. Mr. Pearson** stated he owns lands in Wasco County..

**5:00 - Long Range Planner (LRP) Howsley-Glover** replied to **Mr. Pearson's** comment.

**5:47 - John Pearson, Mosier.**

**9:13 - Director Brewer** responded to both **Mr. Pearson's** comments. She clarified criteria for public comment on the record.

**PLANNING COMMISSION HEARING:**

**11:00** - Chair Schanno opened the hearing at 3:12 p.m.

Chair Schanno opened the hearing in the following manner:

The public hearing is now open for the purpose of the Planning Commission's consideration of land use application file **921-18-000221, Periodic Review Work Task 18, 921-19-000126, a Post Acknowledgment Plan Amendment to revise Goals 4 & 8, and 921-20-000072, a Post Acknowledgment Plan Amendment to revise the Plan Revisions Process and Goal Exception Chapters and adopt a new Introduction to Wasco County 2040, the Wasco County Comprehensive Plan.**

Because of the impacts to many residents as the result of the recent Mosier Creek Fire, staff has requested we continue the hearing until September 15th for deliberation.

**11:51** - Chair Schanno requested a motion to continue the hearing on Tuesday, September 15, 2020 for Planning Commission deliberation and recommendation to the Board of County Commissioners.

**12:05** - Commissioner Hargrave motioned to continue the deliberation until the subsequent hearing on September 15<sup>th</sup>. Commissioner Davis seconded.

**12:35** - Chair Schanno called for discussion. There were no comments.

Discussion on members in attendance and the need to have alternates to vote.

**13:45** - Chair Schanno noted that Commissioner Swift had joined the meeting. He recognized Alternate Booth is as a voting member.

**14:10** - Chair Schanno called for the vote.

**The motion was approved 7 to 0; (1 Absent – Commissioner DeHart;)**

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Schanno – yes

Vice Chair MacIntyre- yes

Commissioner Hargrave – yes

Commissioner DeHart – absent

Commissioner Ashley – yes

Commissioner Davis – yes

Commissioner Willis - yes

Alternate Booth – yes

Alternate Swift – NA

**14:30** - Tonight will be reserved for a brief staff presentation followed by public comment. Planning Commission deliberation and recommendations will be made on Tuesday, September 15th from 3pm-5pm. A registration link for that hearing is available on the project website (wasco2040.com).

**14:50** - Chair Schanno shared the procedure he would like to follow:



**15:10** - The Rules of Evidence

**15:51** - Disclosure of Interest of Ex Parte Contact

---

**17:10** – Chair Schanno called for the staff presentation.

**17:17** - LRP Howsley-Glover presented on Ordinance 20-004 (Attachment A)

**26:30** - LRP Howsley-Glover presented on Ordinance 20-001 (Attachment B)

**56:09** - Chair Schanno called for public comment. He asked LRP Howsley-Glover to call in order the names of those who have registered to speak.

Public Comment:

**57:00** - Katherine Filbin

**58:06** - Dezi Remington, Petersburg.

**58:35** - Kyle Popma - No response when name was called.

**59:03** - Mary Bushman, 2280 Dundas Way, Mosier.

**1:07:43** - Christa Louise - No response when name was called.

**1:08:00** - John Sleavin, 1932 Further Valley Road, off Osburn Cutoff.

**1:11:07** - Shelly Filgo – No response when name was called.

**1:12:03** - Sheila Dooley, 3300 Vensel Road, Mosier

**1:16:01** - Josh Ellyson

**1:16:48** - John Pearson – No response when name was called.

**1:17:32** - Kim Meade, Victor Road, Juniper Flat.

**1:18:04** - LRP Howsley-Glover called the names of those on the list that had not spoken previously.

**1:18:43** – LRP Howsley-Glover offered an opportunity for those who were not registered but would like to give comment:

**1:19:47** - Joseph Pearson.

**1:20:34** - John Pearson, 1000 Wilson Rd, Mosier.

**1:23:15** - Director Brewer replied to Mr. John Pearson's question and comments.

---

**1:24:37** - Vicki Ashley, Bakeoven – (Beginning audio inaudible).

**1:25:48** - LRP Howsley-Glover called for any others to speak.

**1:26:40** - Kathy Cantrell, 81692 Dufur Valley Rd. (Beginning Audio inaudible)

**1:47:42** - LRP Howsley-Glover responded to Ms. Cantrell's request.

**1:31:04** – Amanda Meeker.

**1:13:14** - LRP Howsley-Glover responded to Ms. Meekers's request.

**1:31:38** - Jayme Hunt, 6670 Boyd Loop Rd.

**1:32:17** - LRP Howsley-Glover responded to Ms. Hunt's comment.

**1:33:34** - LRP Howsley-Glover asked for any other comment. There were none.

**1:33:58** - LRP Howsley-Glover noted outline of future Planning Commission and Board of County Commissioner meetings and ways to submit public comment. She thanked everyone for their participation.

**1:35:50** - LRP Howsley-Glover called again for comments.

Director Brewer noted Commissioner Willis had her hand raised. Commissioner Willis's audio was inaudible. Commissioner Willis called in to state that it was unintentional and please disregard.

**1:37:08** – Director Brewer statement on presentation. She also thanked everyone for their participation.

**1:38:16** - Chair Schanno thanked LRP Howsley-Glover. He stated the Hearing will be continued until September 15 and the record will remain open. There will be a chance to comment until that time, via mail or email. There will also be an opportunity to submit comment at the September 15<sup>th</sup> Hearing.

#### **APPROVAL OF PAST MINUTES:**

**1:38:50** - Chair Schanno called for comments on the Minutes from May 5, 2020.

Commissioner MacIntyre made a motion to approve the Minutes of May 5, 2020. Commissioner Willis seconded.

**1:39:18** – Chair Schanno asked for discussion. There were no comments.

**1:39:26** - Chair Schanno called for the vote.

**The motion was approved 7 to 0; (1 Absent – Commissioner DeHart;)**

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Schanno – yes  
Vice Chair MacIntyre – yes  
Commissioner Hargrave – yes  
Commissioner DeHart – absent  
Commissioner Ashley –yes  
Commissioner Davis – yes  
Commissioner Willis – yes  
Alternate Booth – yes  
Alternate Swift – not voting.

**1:39:46 - Director Brewer's** Report.

**1:44:27 - Chair Schanno** called for a motion to adjourn.

**1:44:32 - Commissioner Booth** motioned to adjourn. **Commissioner Macintyre** seconded. All in favor.  
Hearing was adjourned at 4:47 pm.

---

Chris Schanno, Chair  
Wasco County Planning Commission

---

Angie Brewer, Director  
Wasco County Planning & Development

“Planning Department”



# Wasco County 2040 Updates



# Overview

- **Revisions Process Chapter**
- **Goal Exceptions Chapter**
- **Introduction**

# Chapter 15: Plan Revisions Process

- Previously Chapter 11
- New format
- Move definitions to sidebar
- Renumber criteria
- Add a finding

# Chapter 15 Purpose

- Criteria for updates (what we use in staff reports)

# Chapter 16: Goal Exceptions

- What is a Goal Exception/Committed Lands?
  - Land designated for non-resource use (not farm or forest)
  - Committed lands meet criteria for being committed to non-resource/exempting them from Goals 3 or 4

# Chapter 16: Goal Exceptions

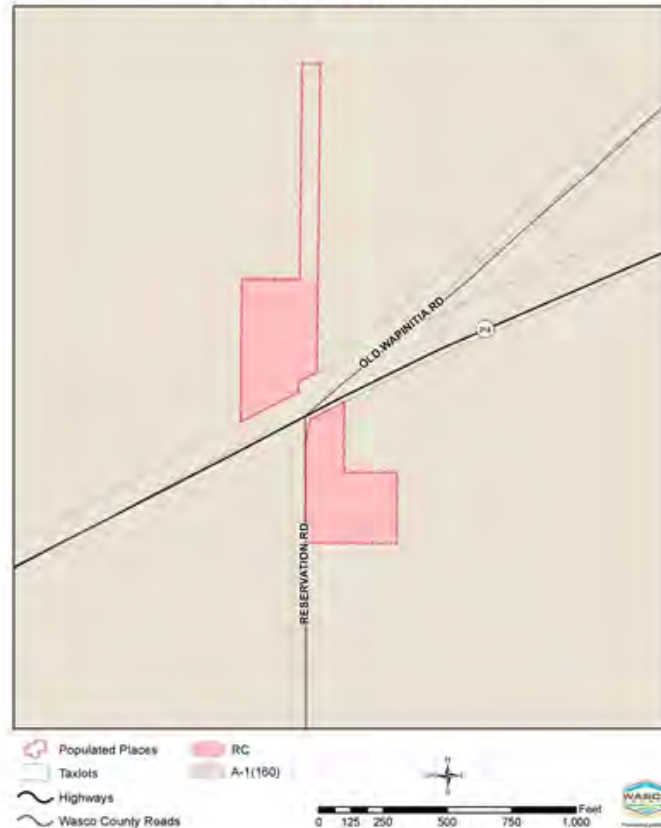
- Previously Chapter 13
- New format
- Distinguish NSA lands
- Revise format based on statutory requirements/DLCD consultation

# Chapter 16 Purpose

- As committed lands inventory required by OAR 660-004
- Research for development applications

## ATTACHMENT A

### WALTER'S CORNER



Updated map and taxlot(s)

**Walter's Corner**  
**5S 12E 13, 14, 23, 24**

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: Various (RC and A-1(160))

Current Zoning: Various (RC and A-1(160))

Date Approved: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Walter's Corner is a small pocket of commercially zoned property on OR-216 that has traditionally housed a gas station and convenience store. Surrounding property is Exclusive Farm Use.

Date/method of approval

Brief description/reason for exception

Past and current zoning

# Introduction Chapter

- New Chapter
- Includes:
  - Overview
  - History of Planning in Wasco County
  - Wasco County Zoning History
  - Legal Framework
  - Statewide Planning Goals
  - Components of the Comprehensive Plan
  - Plan Development Process
  - Using the Plan
  - Future Updates, Revising the Map and Inventories
  - Purpose Definitions of Map Classifications on the Comprehensive Plan Map
  - Definitions on Existing Land Use Maps
  - Adopted by Reference
  - Values and Vision
  - Definitions



“Planning Department”



# Wasco County 2040 Updates

# Overview

- **Work Task 18 (Sensitive Wildlife/Goal 5)**
- **Goals 4 (Forest Lands) & 8 (Recreation)**

# Work Task 18: Goal 5

- Update EPD 8 (Sensitive Wildlife Habitat)
- Update EPD 12 (Sensitive Birds)
- Update Policies/Implementation
- Update Ordinance language for EPD 8

# Why Make These Updates

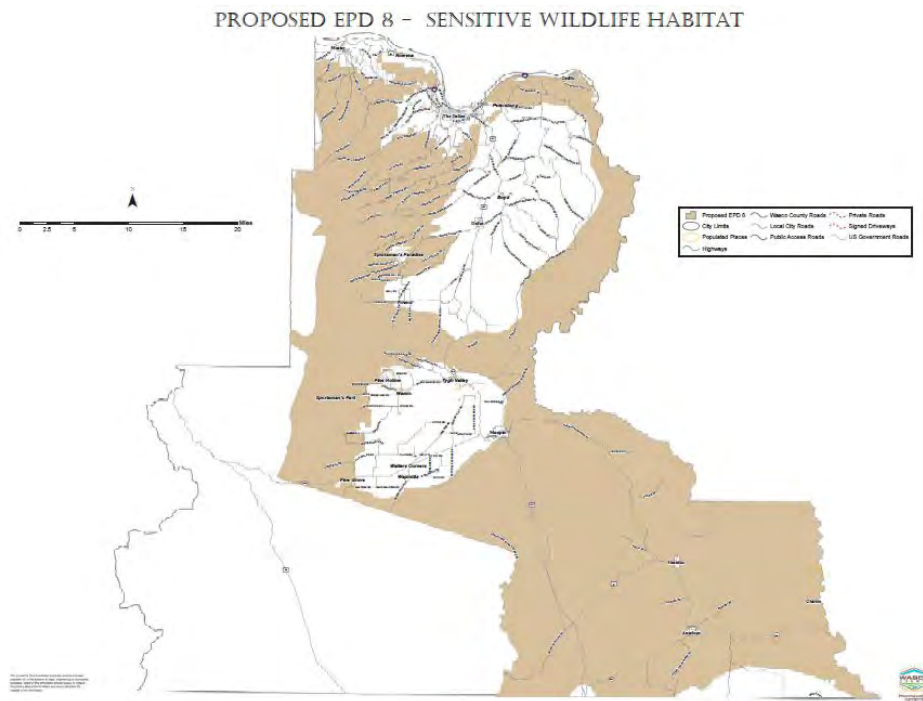
- Periodic Review Requirement
- Make maps consistent with ODFW's, which are already used for CUPs
- Streamline existing permitting process

# Why Update Now?

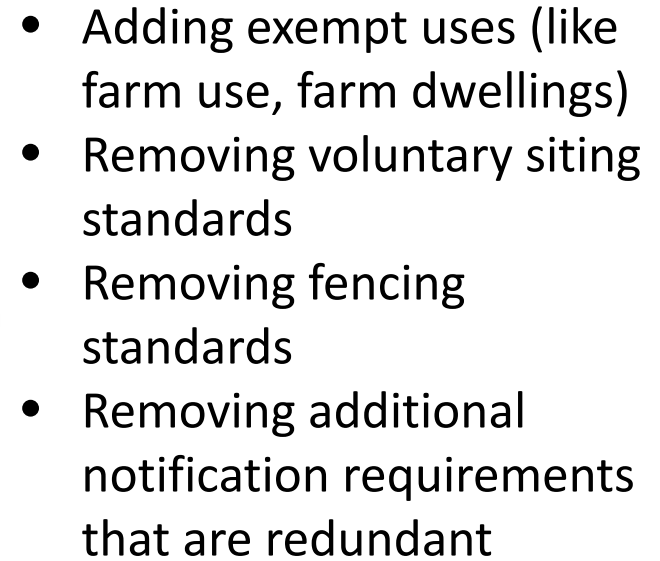
- OAR 660-023-0250 requires at Periodic Review to amend Comp Plan if new information about inventories is provided during work plan development
- Required by OAR 660-023-0110 (2) to obtain current habitat inventory from ODFW and others
- Rule OAR 660-023-0110 (4)(a-e) required we rely on this info

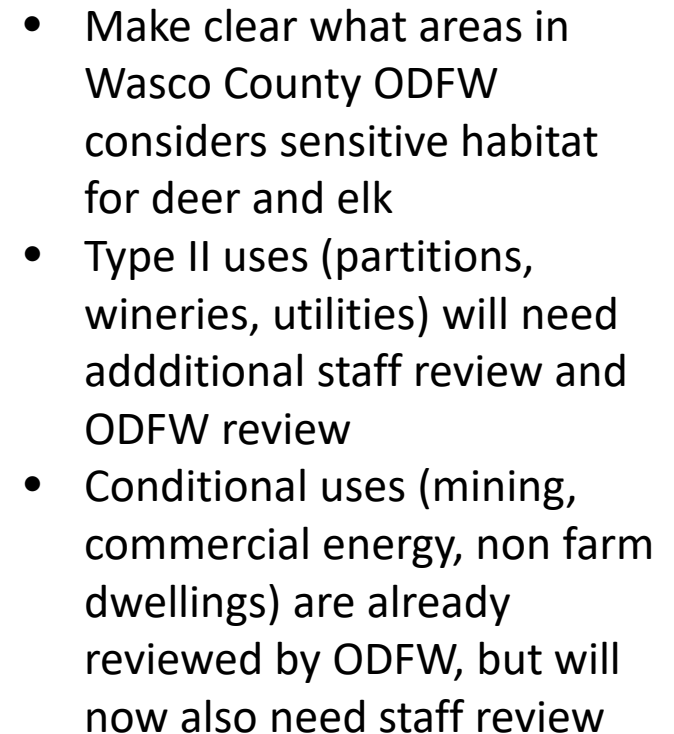
# EPD 8 Map

- Map modified to match ODFW Compass Map











# What Happens During Review?

- ODFW might recommend development modifications like moving site
- ODFW might recommend mitigation measures
- Staff is required to make findings in the staff report about ODFW recommendations and how those mitigate impact to wildlife

# EPD 12

- Update map with new nesting sites, removed old/nonviable sites (from 2005)
- Map is confidential
- Notified individual property owners impacted
- This EPD already exempts farm/forest practices and uses

# Ordinance Language for EPD 8

## **Section 3.924 – Exempt Uses**

All uses permitted without review in the underlying zone are exempt from provisions and siting standards in this Section.

All uses in A-1 (160) that are permitted subject to Type I Review are exempt from provisions and siting standards in this Section.

Farm dwellings, accessory farm dwellings, and relative farm dwellings in A-1 (160) are exempt from provisions and siting standards in this Section but still require notice to ODFW consistent with subject to standards review.

# Ordinance Language for EPD 8

- Remove “Permitted Uses” and “Conditional Uses” for clarity.
- Remove fencing standards
- Remove “Other Provisions”
- Modify Siting standards for clarity:

## **Section 3.925 - Siting Standards**

Within EPD-8, subject to standards uses permitted in the underlying zone are subject to notice to and comment from the Oregon Department of Fish and Wildlife.

Within EPD-8, conditional uses permitted in the underlying zone are subject to notice and comment from the Oregon Department of Fish and Wildlife. This includes conditional use requirements per Section 5.020 F.

Within EPD-8, the following siting standards shall be applied as a condition of approval for all new dwellings in all zones not exempt under Section 3.924

## Goal 4 (Forest Lands)

- Focused on updating language to be consistent with current practice
- Made wildfire recommendations consistent with CPAW and CWPP

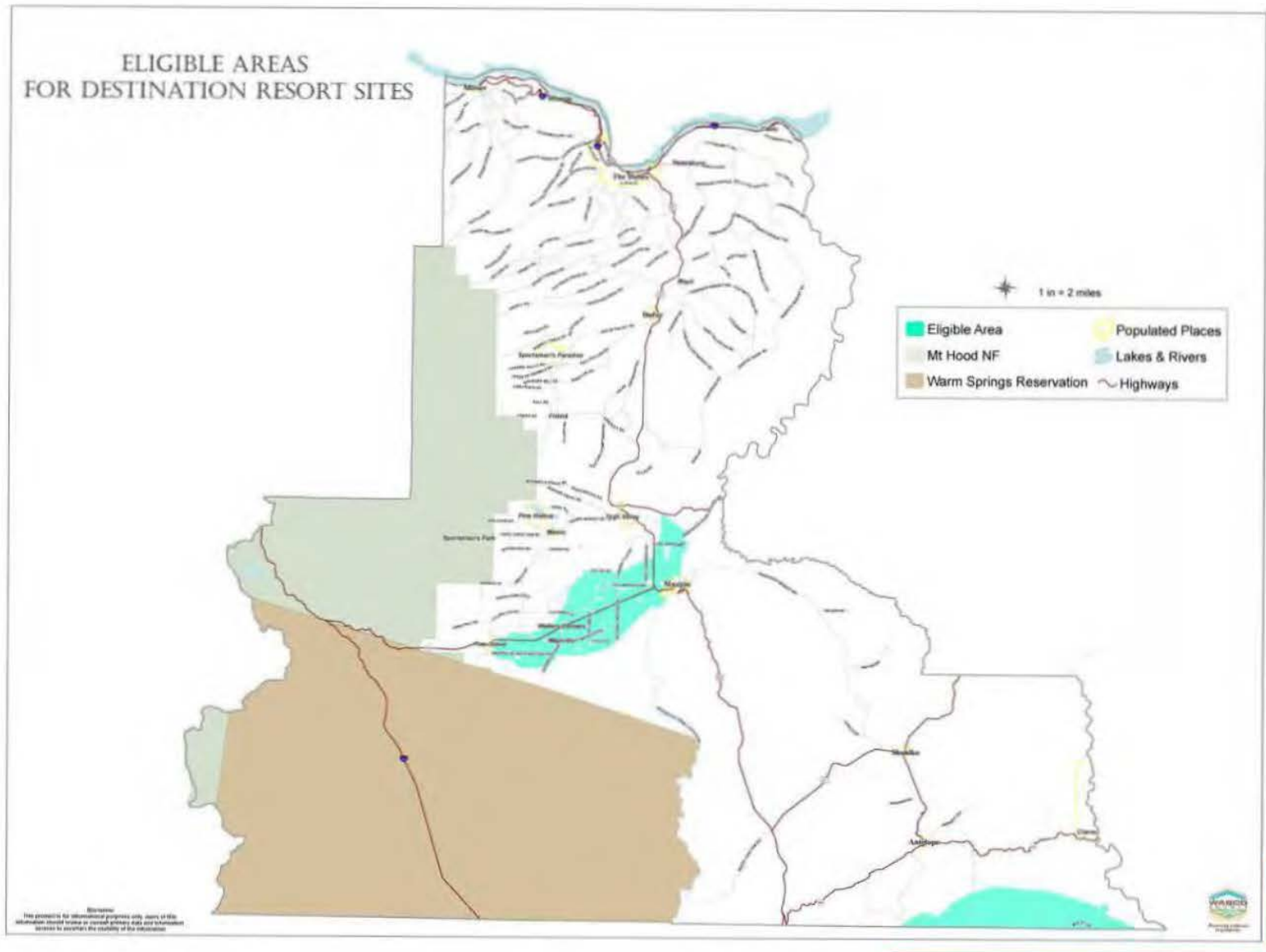
## Goal 4 (Forest Lands)

- Flag: Policy 5 was a scrivener error/repeated from Policy 4. Existing policy 5 is: *Dwellings should be permitted on lands owned prior to extensive implementation of Goal 4 protection (Jan. 1985) where consistent with the Transition Lands Study Area study dated September 17, 1997.*

## Goal 8 (Recreation)

- Identify community planning issues
- Make outreach, notifications, and coordination transparent
- Adopt destination resort eligibility map

## ATTACHMENT B





# Why Adopt a Destination Resort Eligibility Map?

- A new opportunity for economic development for eligible property owners
- Reduce staff time spent answer eligibility queries

# Destination Resort Eligibility Map

What it Does	What it DOES NOT DO:
Shows where, given state law perimeters, destination resorts could be permitted in Wasco County	Permit a destination resort
For eligible properties, allow for potential for a new use (destination resort)	Waive any permitting process or requirements for a destination resort
	Eliminate opportunities for modification to the map

# Destination Resort Eligibility Map

- Eligibility map does NOT equal a permit
- If a property owner wants to develop a destination resort they will need to apply for a permit
- At the time of permit, partners will be invited to comment on things like fire, water, roads, etc

# Destination Resort Next Steps

- Adopt EPD 15 standards/criteria/regulations, consistent with state law during our 2021-2022 LUDO Update
- Public will be invited to evaluate state criteria and make comment about possible additional standards/regulations

# Additional Goal 5 Updates

- Switched from Historical Landmarks Commission to Planner Director for review
- Modified aggregate/mining language to clarify based on OARs

# Other Edits

- Slightly modified format to make findings endnotes
- Removed two column format throughout policy section



**WASCO COUNTY PLANNING COMMISSION HEARING**

**September 15, 2020**

**3:00 p.m.**

**Presented via Zoom:**

**<https://wascocounty-org.zoom.us/j/88581010184?tk=DsEAE0tXAU5slCgrSMzeBVZExosYDT1uDI7fW1mhmo8.DQIAA-AAUn9bzCBZNY0RUZ2phdFFOdTJ0ZnlvZkpjSXd3AAAAAAAAAAAAAAAAAAAAAAAAAAAAAA>**

**by phone: 1 (253) 215 8782**

**Meeting ID: 885 8101 0184**

**CALL TO ORDER**

**ROLL CALL:**

**Members Present:** Chair Chris Schanno; Vice Chair Lynne MacIntyre; Mike Davis; Vicki Ashley; Russell Hargrave; Kate Willis; Alternate LeRoy Booth; Alternate Marcus Swift

**Absent Members:** Brad DeHart

**Staff Present:** Planning Director Angie Brewer and Long Range Planner Kelly Howsley-Glover

**Oregon Department of Fish and Wildlife (ODFW) Staff Present:** Jeremy Thompson and Joy Vaughn

**Chair Schanno** recognized **Alternate Booth** as a voting member for today's session.

**3:11 Chair Schanno** announcement on meeting protocol.

**PUBLIC COMMENT ON NON-AGENDA ITEMS:**

**4:06 Chair Schanno** asked for comments on non-agenda items. There were none.

**PLANNING COMMISSION HEARING:**

**4:44 Chair Schanno** opened the hearing at 3:12 p.m.

**Chair Schanno** opened the hearing in the following manner: These hearings are a continuance from September 1, 2020. Based on public request, we have separated the two Ordinances into two separate hearings for clarity. The public hearing is now open for the purpose of the Planning Commission's consideration of land use application file **921-18-000221, Periodic Review Work Task 18, 921-19-000126, a Post Acknowledgment Plan Amendment to revise Goals 4 & 8.**

**5:24 Chair Schanno** stated the procedure he would like to follow:

- Planning Department Staff will present their report.
- Provide an opportunity for the public to testify
- The hearing is scheduled for 2 hours. We will try to conclude the hearing by 5:00pm. Testimony will be limited to 3 minutes. Staff will time each comment period and mute when the 3 minutes have expired.

**5:54** The Rules of Evidence

**6:57** Disclosure of Interest of Ex Parte Contact

**7:20 Commissioner Ashley** stated that several residents of Juniper Flat contacted her.

**7:44 Chair Schanno** asked for guidance from **Director Brewer**.

**7:45 Director Brewer** asked **Commissioner Ashley** if she felt she could be impartial.

**7:53 Commissioner Ashley** stated that she could.

**8:33 Chair Schanno** asked for any audience challenges to authority/hearing.

**8:58 Chair Schanno** called for the staff presentation.

**9:06 LRP Howsley-Glover** presented on Ordinance 20-001 (Attachment A)

**36:30 Chair Schanno** asks if any members of the Commission have questions for **LRP**.

**36:35 Commissioner Booth** asks **LRP** about safe harbor, related to Goal 5.

**36:47 LRP Howsley-Glover** explains safe harbor and the resource protection methods.

**38:38 Commissioner Booth** asks **LRP** for confirmation that the safe harbor method was used.

**38:41 LRP Howsley-Glover** confirms the safe harbor method was used.

**38:45 Commissioner Booth** asks if we know how ODFW determines sensitive wildlife habitat and how frequently that information is updated.

**39:00 LRP Howsley-Glover** acknowledges ODFW representatives and invites them to respond directly.

**39:13 ODFW Thompson** explains data sources and the timelines for updates.

**40:06 Commissioner Booth** asks for confirmation of timelines.

**40:12 ODFW Thompson** clarifies the timelines.

**40:50 Commissioner Ashley** states she has a question.



**40:53 Chair Schanno** recognizes **Commissioner Ashley**.

**40:55 Commissioner Ashley** asks **ODFW** a question about Columbia District being omitted and asks **LRP** about the destination resort eligibility map and impacts to White River Wildlife area.

**41:32 ODFW Thompson** answers the Columbia District question.

**42:08 LRP Howsley-Glover** speaks to setbacks related to proposed EPD-15.

**43:14 Chair Schanno** asks for additional questions. Hearing none, he calls for public comment.

Public Comment:

**43:40 LRP Howsley-Glover** announces the first three names signed up to testify.

**44:22 Nicole Chaisson** – No response when called.

**44:42 Brit Storkson**- No response when called.

**45:01 Kristin Currin** – stated she had no comments at this time.

**45:23 Tom Peters** – stated he had no comments at this time.

**45:32 Elizabeth Turner** –No response when called.

**45:57 John Pearson** – Made statements regarding concerns about notifications and property rights.

**47:07 Sheila Dooley** – Made comments related to wildfire and support for amendments to Goal 4.

**48:58 Jill Barker** – Made statements in support of amendments to Goal 4 and against expansion of residential uses in forest lands. Asked a question related to rural fire district contracts.

**51:18 LRP Howsley-Glover** answered question.

**52:21 Director Brewer** encourage **Ms. Barker** to contact staff outside of the hearing.

**52:49 Shilah Olson** – Representing SWCD, stated support for agricultural exemptions and wish to continue offering exemptions for voluntary natural resource conservation and enhancement.

**54: 47 John Gill** – Expressed concerns about EPD-8 asked a question about language.

**55:34 LRP Howsley-Glover** asks for clarity of question and then explains current EPD-8 language.

**56:07 John Gill** asks about variances to the 300 ft. siting rule.

**56:10 LRP Howsley-Glover** confirms there is a variance option when working with ODFW over 300 ft. siting rule.

**56:16 John Gill** makes a statement about elk populations and hunting tags.

**57:18 LRP Howsley-Glover** calls again for those who signed up to testify but did not respond.

**57:21 Chair Schanno** requests that all public comments are limited to matters related to the criteria and not use the time for questioning staff.

**57:48 LRP Howsley-Glover** resumes calls for those who signed up to testify but did not respond.

**58:03 Kristin Currin-** No comment at this time.

**58:14 LRP Howsley-Glover** continues to call for those who signed up to testify but did not respond and then invites callers on the phone to unmute themselves to testify.

**58:40 Lanny Metteer** – Requests staff prepare a two page synopsis for proposed revisions.

**1:00:58 Kathleen Cantrell** – Asked a question.

**1:01:23 LRP Howsley-Glover** states that Chair has directed staff not to answer any more questions.

**1:01:29 Kathleen Cantrell-** States that she is frustrated by the public comment allowances.

**1:02:15 LRP Howsley-Glover** calls for any additional comment. Hearing none asks Chair to give one last call for public comment.

**1:02:52 Chair Schanno** gives one last call for public comment.

**1:03:18 Chair Schanno** asks if Commission members have any questions for commenters.

**1:03:49 Chair Schanno** closes the public hearing and opens for Commissioner deliberation.

**1:04:31 Chair Schanno** asks for any motions.

**1:04:36 Commissioner McIntyre** makes a motion to recommend approval by the Board of County Commissioners.

**1:05:04 Commissioner Ashley** asks for discussion

**1:05:11 Commissioner McIntyre** calls point of order, needing second before discussion.

**1:05:22 Commissioner Booth** states he has a question.

**1:05:28 Chair Schanno** asks for a second first.

**1:05:32 Commissioner Davis** calls point of order, states he will second **Commissioner McIntyre's** motion.

**1:05:43 Chair Schanno** asks **Commissioner McIntyre** to restate the motion.

**1:05:53 Commissioner McIntyre** restates the motion.

**1:06:02 Commissioner Davis** seconds the motion.

**1:06:07 Chair Schanno** opens up for discussion, recognizes **Commissioner Ashley**.

**1:06:21 Commissioner Ashley** requests that the Planning Commission not adopt proposed EPD-15, the Destination Resort Eligibility Map based on public feedback she heard directly.

**1:06:50 Chair Schanno** recognizes **Commissioner Booth**.

**1:06:54 Commissioner Booth** wanted clarification on which Ordinance the motion referenced.

**1:07:06 Commissioner McIntyre** clarifies.

**1:07:10 Commissioner Booth** asks for further clarification.

**1:07:14 Commissioner Hargrave** further clarifies.

**1:07:33 Commissioner Booth** restates his question.

**1:07:48 Director Brewer** clarifies this hearing relates to Ordinance 20-001.

**1:08:01 Chair Schanno** asks **LRP Howsley-Glover** for clarification about **Commissioner Ashley's** request.

**1:08:38 LRP Howsley-Glover** clarifies **Commissioner Ashley's** request.

**1:08:56 Chair Schanno** asks for clarifications about proposed EPD-15 from staff.

**1:09:35 LRP Howsley-Glover** confirms that it is a tool to illustrate eligibility.

**1:09:55 Commissioner Booth** asks for confirmation that one of the criteria for eligibility is absence of high value farm land.

**1:10:09 LRP Howsley-Glover** confirms and explains the eligibility criteria in brief.

**1:10:57 Commissioner Ashley** disagrees that they are not high value.

**1:11:01 LRP Howsley-Glover** clarifies that the eligible properties are not considered high value farmland based on statewide definitions of high value farmland.

**1:11:08 Director Brewer** reminds Commissioners they have the ability to modify the map, and did so previously based on agricultural, water, and fire concerns of community members and reiterates the purpose of the map.

**1:12:19 Commissioner Ashley** asks to make a further statement.

**1:12:27 Chair Schanno** recognizes **Commissioner Ashley**.

**1:12:29 Commissioner Ashley** states that production rather than soil types should be considered.

**1:12:48 Chair Schanno** asks staff for clarification on who determines high value farmland.

**1:12:57 LRP Howsley-Glover** confirms high value farmland is determined by state law.

**1:13:00 Commissioner Davis** states that EPD-8 limits the destination resorts, and states the map showcases eligibility not approval. **Commissioner Davis** recommends approval of the eligibility map as presented.

**1:14:38 Chair Schanno** asks for any additional discussion of the motion.

**1:14:44 Commissioner Booth** asks if it will be modified to reflect reference to Ordinance 20-001.

**1:14:55 Chair Schanno** confirms that can be done and calls for a vote.

**1:15:43 Commissioner Ashley** asks for clarification on which they are voting on.

**1:15:47 Chair Schanno** clarifies what the vote is for.

**1:15:58 LRP Howsley-Glover** further clarifies the specific elements of Ordinance 20-001.

**1:16:16 Director Brewer** asks if the Chair would like her to call for a vote.

**1:16:20 Chair Schanno** indicates he is ready for the vote.

**1:16:29 Director Brewer** calls roll for a vote.

**The motion was approved 6 to 1; (1 Absent – Commissioner DeHart)**

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Schanno – Yes

Vice Chair McIntyre-Yes

Commissioner Ashley – No

Commissioner DeHart – absent

Commissioner Hargrave – Yes

Commissioner Davis – Yes

Commissioner Willis - Yes

Commissioner Booth –Yes

Alternate Swift - NA

**1:17:21 Chair Schanno** reads the BOCC hearing dates, closes the hearing and calls for an eight minute recess.

**1:28:40 Chair Schanno** opened the second hearing in the following manner: These hearings are a continuance from September 1, 2020. Based on public request, we have separated the two Ordinances into two separate hearings for clarity. The public hearing is now open for the purpose of the Planning Commission's consideration of land use application file **921-20-000072, a Post Acknowledgment Plan Amendment to revise the Plan Revisions Process and Goal Exception Chapters and adopt a new Introduction to Wasco County 2040, the Wasco County Comprehensive Plan.**

**1:29:10 Chair Schanno** states the procedure of the hearing.

**1:29:37** The Rules of Evidence.

**1:30:28** Disclosure of Interest of Ex Parte Contact.

**1:30:57 Chair Schanno** asked for any audience challenges to authority/hearing.

**1:31:32 Chair Schanno** called for the staff presentation.

**1:31:38 LRP Howsley-Glover** gives presentation (see Attachment B)

**1:41:48 Chair Schanno** calls for questions of the staff. Hearing none, asks for **LRP** to call for testimony.

**1:42:12 LRP Howsley-Glover** states only one person has signed up to testify.

**1:42:28 Tom Peters** – States he has no specific comment, only that it is a large packet that is hard to follow.

**1:42:56 Chair Schanno** asks **LRP** if anyone else has signed in to testify

**1:43:00 LRP Howsley-Glover** states there were no additional registered commenters, invites additional comments from public. There were no additional commenters.

**1:43:46 Chair Schanno** closes the hearing and invites deliberation.

**1:44:31 Commissioner Booth** makes a motion to adopt the amendments.

**1:44:40 Both Commissioner Ashley and Commissioner Davis** moved to second.

**1:44:45 Chair Schanno** restates the motion and **Commissioner Ashley's** second. Opens for discussion. Hearing none, asks for **Director Brewer** to call roll for a vote.

**1:45:25 Director Brewer** calls roll for a vote.

**The motion was approved 7 to 0; (1 Absent – Commissioner DeHart)**

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Schanno – Yes

Commissioner McIntyre-Yes

Commissioner Ashley – Yes

Commissioner Hargrave – Yes

Commissioner DeHart – Absent

Commissioner Davis – Yes

Commissioner Willis - Yes

Commissioner Booth –Yes

Alternate Swift - NA

**1:46:47 Chair Schanno** recommends approval of amendments to the Board of County Commissioners and closes the hearing.

**APPROVAL OF PAST MINUTES:**

**1:47:24 Chair Schanno** invites discussion for approval of minutes from September 1, 2020.

**1:47:35 Commissioner Ashley** moves to approve the minutes.

**1:47:40 Commissioner Davis** seconds the motion.

**1:47:45 Chair Schanno** calls for a vote by “Ayes”. The motion passes unanimously. **Chair Schanno** asks for the Director’s Report.

**1:48:39 Director Brewer** states she does not have a Director’s Report, but expresses her thanks for the Commission’s dedication to updating the Comprehensive Plan over the last several years.

**1:51:59 Chair Schanno** asks for a motion to adjourn.

**1:52:04 Commissioner McIntyre** moves to close and **Commissioner Ashley** seconds.

**1:52:12 Chair Schanno** calls for a vote. It is unanimous. The meeting is adjourned.

---

Chris Schanno, Chair  
Wasco County Planning Commission

---

Angie Brewer, Director  
Wasco County Planning & Development

“Planning Department”



# Wasco County 2040 Updates

# Overview

**Ordinance 20-001 is to update the Comprehensive Plan with the following Chapters:**

- **Goal 5 (Natural Resources, Scenic, and Historic Areas and Open Spaces)**
- **Goal 4 (Forest Lands)**
- **Goal 8 (Recreation)**

**Revisions to the following maps:**

**Environmental Protection District (EPD) 8**

**EPD 12**

**And the addition of a new map**

**Destination Resort Eligibility (EPD 15)**



# Work Task 18: Goal 5

- Update EPD 8 (Sensitive Wildlife Habitat)
- Update EPD 12 (Sensitive Birds)
- Update Policies/Implementation
- Update Ordinance language for EPD 8

# Why Make These Updates

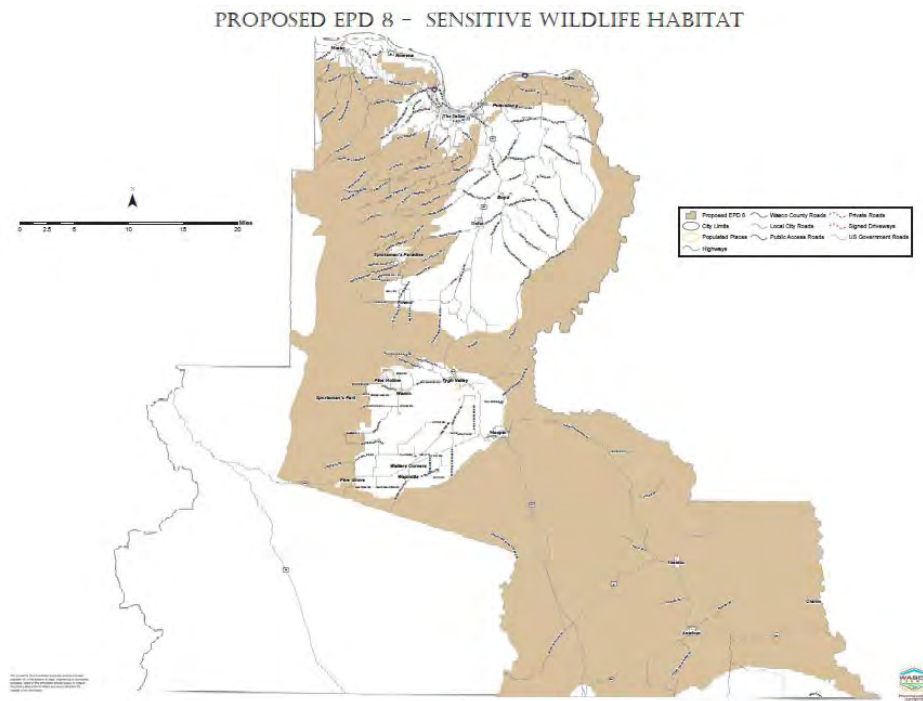
- Periodic Review Requirement
- Make maps consistent with ODFW's, which are already used for CUPs
- Streamline existing permitting process

# Why Update Now?

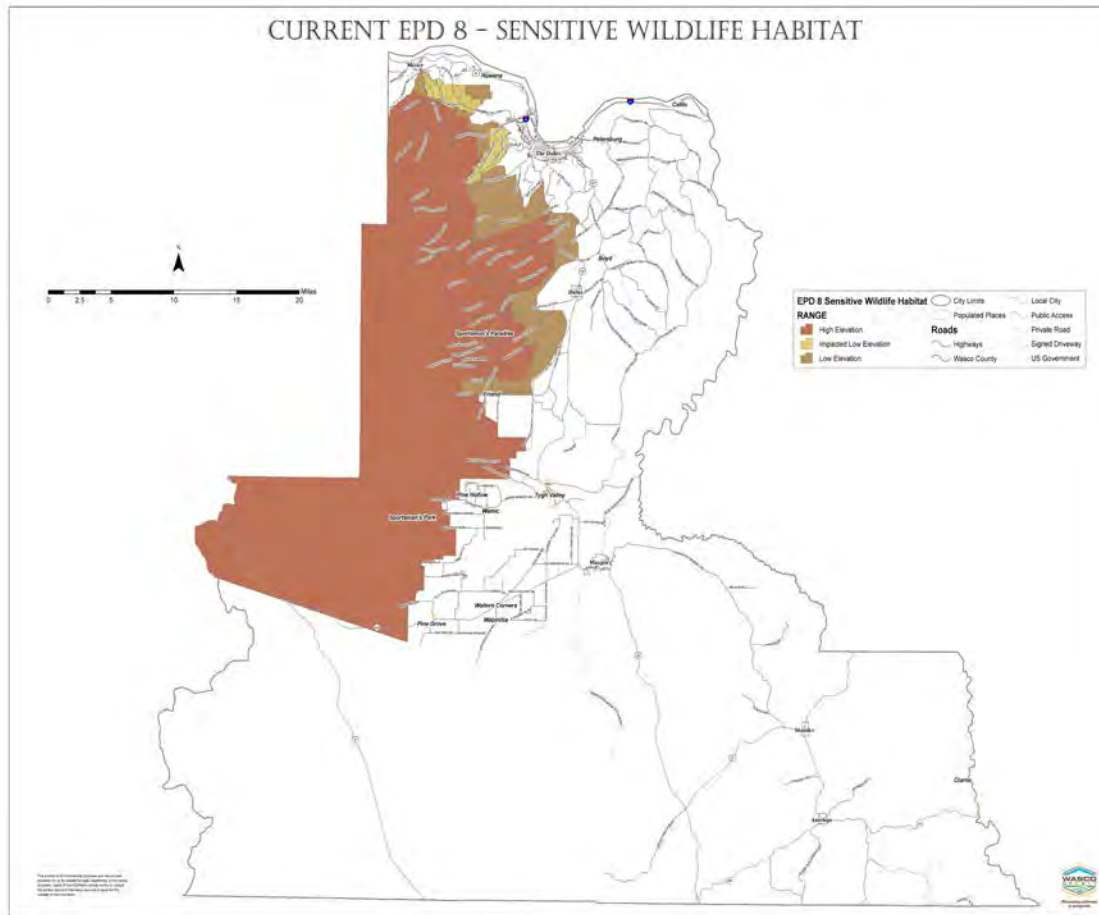
- OAR 660-023-0250 requires at Periodic Review to amend Comp Plan if new information about inventories is provided during work plan development
- Required by OAR 660-023-0110 (2) to obtain current habitat inventory from ODFW and others
- Rule OAR 660-023-0110 (4)(a-e) required we rely on this info

# EPD 8 Map

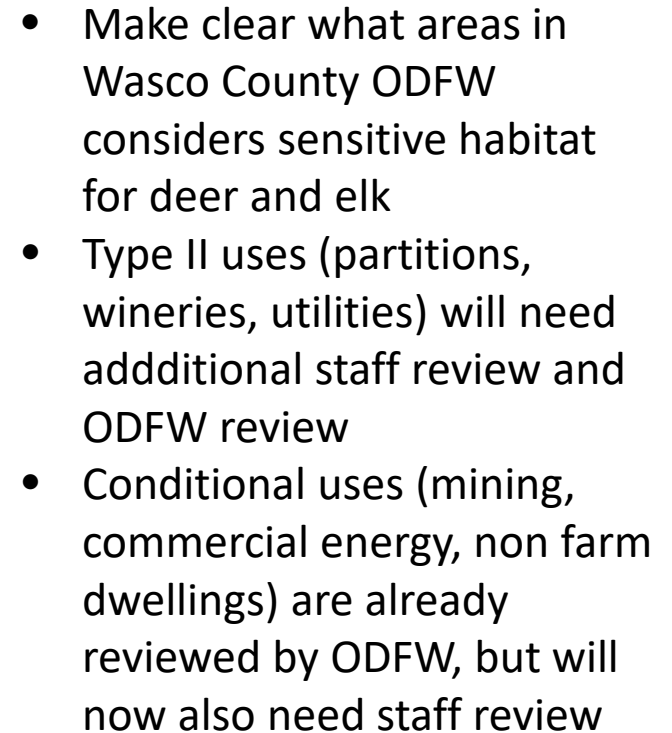
- Map modified to match ODFW Compass Map



# Net Result for Existing EPD-8 Areas



- Adding exempt uses (like farm use, farm dwellings)
- Removing voluntary siting standards
- Removing fencing standards
- Removing additional notification requirements that are redundant



# What Happens During Review?

- ODFW might recommend development modifications like moving site
- ODFW might recommend mitigation measures
- Staff is required to make findings in the staff report about ODFW recommendations and how those mitigate impact to wildlife



# EPD 12

- Update map with new nesting sites, removed old/nonviable sites (from 2005)
- Map is confidential
- Notified individual property owners impacted
- This EPD already exempts farm/forest practices and uses



# Ordinance Language for EPD 8

## **Section 3.924 – Exempt Uses**

All uses permitted without review in the underlying zone are exempt from provisions and siting standards in this Section.

All uses in A-1 (160) that are permitted subject to Type I Review are exempt from provisions and siting standards in this Section.

Farm dwellings, accessory farm dwellings, and relative farm dwellings in A-1 (160) are exempt from provisions and siting standards in this Section but still require notice to ODFW consistent with subject to standards review.

# Ordinance Language for EPD 8

- Remove “Permitted Uses” and “Conditional Uses” for clarity.
- Remove fencing standards
- Remove “Other Provisions”
- Modify Siting standards for clarity:

## **Section 3.925 - Siting Standards**

Within EPD-8, subject to standards uses permitted in the underlying zone are subject to notice to and comment from the Oregon Department of Fish and Wildlife.

Within EPD-8, conditional uses permitted in the underlying zone are subject to notice and comment from the Oregon Department of Fish and Wildlife. This includes conditional use requirements per Section 5.020 F.

Within EPD-8, the following siting standards shall be applied as a condition of approval for all new dwellings in all zones not exempt under Section 3.924

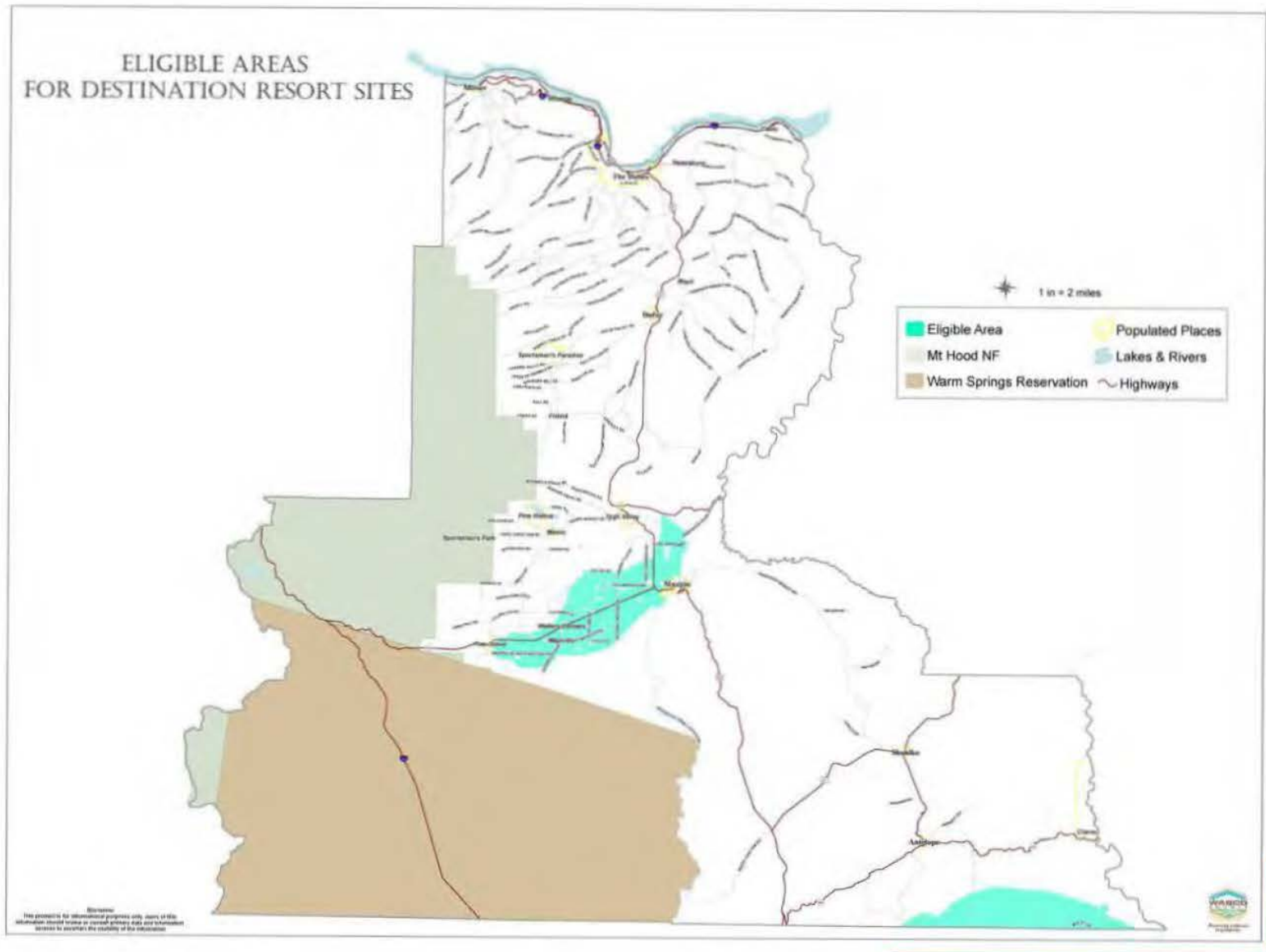
## Goal 4 (Forest Lands)

- Focused on updating language to be consistent with current practice
- Made wildfire recommendations consistent with CPAW and CWPP

## Goal 8 (Recreation)

- Identify community planning issues
- Make outreach, notifications, and coordination transparent
- Adopt destination resort eligibility map

# ATTACHMENT A



# Why Adopt a Destination Resort Eligibility Map?

- A new opportunity for economic development for eligible property owners
- Reduce staff time spent answer eligibility queries

# Destination Resort Eligibility Map

What it Does	What it DOES NOT DO:
Shows where, given state law perimeters, destination resorts could be permitted in Wasco County	Permit a destination resort
For eligible properties, allow for potential for a new use (destination resort)	Waive any permitting process or requirements for a destination resort
	Eliminate opportunities for modification to the map

# Destination Resort Eligibility Map

- Eligibility map does NOT equal a permit
- If a property owner wants to develop a destination resort they will need to apply for a permit
- At the time of permit, partners will be invited to comment on things like fire, water, roads, etc



# Destination Resort Next Steps

- Adopt EPD 15 standards/criteria/regulations, consistent with state law during our 2021-2022 LUDO Update
- Public will be invited to evaluate state criteria and make comment about possible additional standards/regulations

# Additional Goal 5 Updates

- Switched from Historical Landmarks Commission to Planner Director for review
- Modified aggregate/mining language to clarify based on OARs

# Other Edits

- Slightly modified format to make findings endnotes
- Removed two column format throughout policy section

“Planning Department”



# Wasco County 2040 Updates

# Overview

**Ordinance 20-004 is to update the Comprehensive Plan with the following Chapters:**

- **Revisions Process**
- **Goal Exceptions**
- **Introduction**

# Chapter 15: Plan Revisions Process

- Previously Chapter 11
- New format
- Move definitions to sidebar
- Renumber criteria
- Add a finding

# Chapter 15 Purpose

- Criteria for updates (what we use in staff reports)

# Chapter 16: Goal Exceptions

- What is a Goal Exception/Committed Lands?
  - Land designated for non-resource use (not farm or forest)
  - Committed lands meet criteria for being committed to non-resource/exempting them from Goals 3 or 4



# Chapter 16: Goal Exceptions

- Previously Chapter 13
- New format
- Distinguish NSA lands
- Revise format based on statutory requirements/DLCD consultation

# Chapter 16 Purpose

- As committed lands inventory required by OAR 660-004
- Research for development applications

ATTACHMENT B  
WALTER'S CORNER



Map with consistent colors, updated parcels

Updated map and taxlot(s)

Walter's Corner  
SS 12E 13, 14, 23, 24

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: Various (RC and A-1(160))

Current Zoning: Various (RC and A-1(160))

Date Approved: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Walter's Corner is a small pocket of commercially zoned property on OR-216 that has traditionally housed a gas station and convenience store. Surrounding property is Exclusive Farm Use.

Past and current zoning

Date/method of approval

Brief description/reason for exception

# Introduction Chapter

- New Chapter
- Includes:
  - Overview
  - History of Planning in Wasco County
  - Wasco County Zoning History
  - Legal Framework
  - Statewide Planning Goals
  - Components of the Comprehensive Plan
  - Plan Development Process
  - Using the Plan
  - Future Updates, Revising the Map and Inventories
  - Purpose Definitions of Map Classifications on the Comprehensive Plan Map
  - Definitions on Existing Land Use Maps
  - Adopted by Reference
  - Values and Vision
  - Definitions



**WASCO COUNTY PLANNING COMMISSION NOTICE OF RECOMMENDATION  
TO THE BOARD OF COUNTY COMMISSIONERS**

**FILE NUMBERS: 921-18-000221, 921-19-000126, 921-20-000072**

---

**HEARING DATE: SEPTEMBER 15, 2020**

---

**DECISION DATE: SEPTEMBER 15, 2020**

---

**YOU ARE RECEIVING THIS NOTICE BECAUSE YOU RECENTLY PARTICIPATED IN THE PLANNING COMMISSION HEARING. THIS NOTICE WAS EMAILED OR MAILED TO ADDRESS PROVIDED TO STAFF DURING THE PROCEEDINGS, ON SEPTEMBER 16, 2020, 21 DAYS BEFORE THE BOARD OF COUNTY COMMISSIONER HEARING IS SCHEDULED TO OCCUR.**

**DESCRIPTION OF AMENDMENTS:** As part of Periodic Review for the Comprehensive Plan Update, Wasco County Planning Staff proposed amendments to Wasco County 2040 Chapters 5 and Comprehensive Plan Zoning Maps for EPD-8 and EPD-12. These were related to Periodic Review Work Task 18.

The proposed revisions were to adopt updates to EPD 8 and EPD 12 maps with current data from ODFW to be in compliance with Goal 5, as required by law. Revisions were also made to the Chapter 5 (Goal 5) text, including corrections to language and/references, the addition of ESEE Analysis to the Appendix, and revisions to implementation strategies related to Mineral and Aggregate Resources, Sensitive Wildlife, and Historic Resources.

To complete a Comprehensive Update of Wasco County 2040, staff also submitted Post Acknowledgment Plan Amendments related to File numbers 921-19-000126 (Revisions to Goal 4 and 8) and 921-20-000072 (Revisions to Goal Exception and Plan Revisions process, and the creation of an Introduction Chapter).

Updates to Chapters 4 (Goal 4) and 8 (Goal 8) are related to policy and implementation strategies resulting from public outreach on forest lands and recreation. This included updates to language about fire mitigation strategies in Goal 4 and the introduction of a destination resort eligibility map and corresponding policy for Goal 8.

The Plan Revision Process (Chapter 15) has been modified to the new Comprehensive Plan format. The Goal Exception (Chapter 16) has been significantly updated to comply with state law requirements for the inventory of goal exceptions. The introduction chapter is a new addition which includes historical, process, map, and guiding instructions on how to use Wasco County 2040.

**DECISION:** On September 15, 2020 The Wasco County Planning Commission voted 6 to 1 to recommend approval Ordinance 20-001, proposed changes to the Wasco County Comprehensive Plan (Wasco County 2040), to the Wasco County Board of Commissioners. The changes proposed are to adopt revisions to Goal 4, 5, and 8, including map revisions to EPD-8 and EPD-12, with the addition of a new destination resort eligibility map (EPD-15).

The Planning Commission also voted 7 to 0 to recommend approval of Ordinance 20-004, proposed changes to the Wasco County Comprehensive Plan, to the Wasco County Board of Commissioners. These changes include a new Introduction chapter, and revisions to the Plan Revisions Process and Goal Exceptions chapter.

Final adoption of the amendments is pending Board of County Commissioner approval. The matter is tentatively scheduled to be heard by the Board on October 7th and October 21<sup>st</sup>, 2020.

**AFFECTED PROPERTIES:** The amendments apply to lands in unincorporated areas of Wasco County (outside of Urban Growth Areas), excluding Tribal lands and lands located within the Columbia River Gorge National Scenic Area.

**FINDINGS OF FACT:** Proper notice was given and the hearing was held in accordance with procedural rules for legislative hearings and in conformity with said requirements as set forth in the Wasco County LUDO and Comprehensive Plan, and consistent with State law.

**AVAILABLE INFORMATION:** Documentation, evidence, findings and other information relied upon by Wasco County in this matter is available online:

[https://www.co.wasco.or.us/departments/planning/agendas\\_and\\_minutes.php](https://www.co.wasco.or.us/departments/planning/agendas_and_minutes.php)

**APPEAL PROCESS:** Appeals of a legislative amendment to the Land Use Board of Appeals are governed by ORS 197.620.



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 7, 2020

This meeting was held on Zoom

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

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

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

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

Chair Hege opened the session at 9:00 a.m. Ms. Clark asked Emergency Manager Sheridan McClellan to the Discussion List to present some wildfire relief funding updates.

<b>Discussion List – Wildfire Recovery Funding Updates</b>
--

Mr. McClellan shared and reviewed several documents (attached) with the Board. He explained that some of the funding is not available for the Mosier Creek Fire due to the timing of the fire; however, funding for hazard mitigation can be applied to the Mosier Creek Fire. Other funds deal with conservation and forest restoration. The Department of Agriculture has funding to assist landowners in restoring farmlands and trees. Each funding opportunity has a deadline – most anywhere from October 30<sup>th</sup> to December 30<sup>th</sup>; the hazard mitigation funds have a longer time frame.

Commissioner Kramer asked if there is a final report on the White River Fire. Mr. McClellan replied that he does not expect the same kind of report as we have for the Mosier Creek Fire as no structures were lost in the White River Fire.

Vice-Chair Schwartz said she would be interested in learning more about the mitigation piece as it might apply to our vulnerable population. She asked for Sheridan to follow up with her later. Mr. McClellan said that he would add Senior Planner Will Smith to that conversation as he does a lot of the management of that process.

At 10:05 a.m. Chair Hege opened the hearing for 921-18-000221 and 921-19-000126, a review of a recommendation made by the Wasco County Planning Commission for:

A legislative hearing to consider approving amendments to the Wasco County Comprehensive Plan, Comprehensive Plan Zoning Map and Land Use and Development Ordinance primarily relating to policies and implementation strategies for Natural Resources, Scenic and Historic Areas and Open Spaces, Forest Lands and Recreation. Amendments also include the adoption of a new format for the plan. These amendments relate to work tasks 18 of Wasco County's Periodic Review to update the Comprehensive Plan and the Post Acknowledgment Plan Amendment to update Goals 4 and 8 of the Comprehensive Plan.

The proposed amendments will have a widespread affect, on many properties and zones, and is therefore a legislative amendment.

As a reminder, the process for this amendment has been consistent with the **notice procedures** required by Chapter 2 of the LUDO, this hearing was advertised for today, October 7, 2020, 10:00 a.m. via electronic video conferencing, as permitted by Oregon Revised Statutes 192.640 and 192.670. Notice was provided in the newspaper and on the County's website.

This hearing is the first of two Board of County Commissioners hearings scheduled for this text amendment. The second hearing will be on October 21, 2020 at 10:00 AM.

The criteria for approval of this request include:

- Wasco County Comprehensive Plan Chapter 11 and Oregon Administrative Rules 660-025
- The hearings process, notice and appeal period are governed by ORS 197.612 and by ORS 197.763 and qualify as a land use decision under ORS 197.015(11).
- The proposed amendments must comply with the Wasco County Comprehensive Plan.

Chair Hege explained that the procedure for this hearing is as follows:

- (a) The Planning Department will provide a brief overview of their



September 15, 2020 presentation of the amendments recommended by the Planning Commission.

- (b) The Board of Commissioners will ask questions of staff.
- (c) Members of the public are asked to testify.
- (d) The Board of Commissioners will deliberate and will provide direction to staff for any additional information or amendments they would like to see for the next hearing.

Chair Hege asked the following questions:

1. *Does any Commission member wish to disqualify themselves for any personal or financial interest in this matter?* There were none
2. *Does any member of the audience wish to challenge the right of any Commission member to hear this matter?* There were none.
3. *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 Kramer stated that he has received a number of emails from citizens regarding the proposed ordinance; those are included in the packet. He further stated that he feels able to remain neutral in this matter.

Chair Hege said that this has been an ongoing process with this particular section of the plan taking approximately 3 years to update. He went on to say that the update process has included a number of public meetings that all of the Commissioners have attended with many citizens talking to Board members regarding this topic. Many citizens have sent emails. He said that from his standpoint he feels fully qualified to remain neutral on this matter. Vice-Chair Schwartz also stated her confidence in her ability to remain neutral. She added that although most of the emails she has received are included in the Board Packet, she has forwarded a few additional messages to the Planning Department for inclusion in the record. She said that those emails will not jeopardize her ability to remain neutral.

Chair Hege asked Long-Range Planner Dr. Kelly Howsley-Glover to commence the staff presentation.

Dr. Kelly Howsley-Glover reviewed the following slides. She stated she is happy to answer any questions the Commission may have

Dr. Howsley-Glover explained the items that have been updated in the Ordinance saying that this is for Work Task 18, the final task to the updates of the Wasco County Comprehensive Plan 2040. In addition, they are proposing changes to Chapters 4 and 8 – Forest Lands and Recreation, respectively. This carries with it modifications and revisions to 2 sensitive wildlife maps which are in the Comprehensive Plan. These are maps for the Environmental Protection Districts (EPD) 8 and 12 which are winter habitats for deer and elk and sensitive birds, respectively. They are also proposing a new EPD – EPD 15 for Destination Resort Eligibility – which is related to Goal 8 for recreation.

## Overview

**Ordinance 20-001 is to update the Comprehensive Plan with the following Chapters:**

- **Goal 5 (Natural Resources, Scenic, and Historic Areas and Open Spaces)**
- **Goal 4 (Forest Lands)**
- **Goal 8 (Recreation)**

**Revisions to the following maps:**

**Environmental Protection District (EPD) 8**  
**EPD 12**

**And the addition of a new map**

**Destination Resort Eligibility (EPD 15)**

Work Task 18 is the final review work task. When we go through this process, in addition to getting public input to design the scope and work plan, we also have to solicit feedback from our partner agencies and organizations. At that time, Oregon Department of Fish and Wildlife (ODFW) notified the County that our sensitive wildlife maps were no longer consistent with the maps that ODFW advises the public on. Due to triggers in Goal 5 state rules, we are required to update those maps. Specifically EPD 8 which is Sensitive Wildlife Habitat Winter Range and EPD 12

which is Sensitive Birds. In conjunction with that, Planning is also proposing some update to policies and implementation strategies to insure consistency in implementation as required by state law and to eliminate any potential conflict between the new maps and existing regulations, particularly based on the analysis that they had to conduct to protect the resources as far as sensitive wildlife. She said that they are also proposing in conjunction with this, modification to language in the Land Use and Development Ordinance for EPD 8.

## Work Task 18: Goal 5

- Update EPD 8 (Sensitive Wildlife Habitat)
- Update EPD 12 (Sensitive Birds)
- Update Policies/Implementation
- Update Ordinance language for EPD 8



Dr. Howsley-Glover went on to say that these updates are a periodic review requirement that we contact partner agencies and that if they notify us that changes are needed, we are required by law, particularly with Goal 5 issues, to make those updates at the time of Periodic Review. ODFW advised that they updated their maps in 2012 and are using them to advise on development particularly on conditional use permits all over Wasco County. That has resulted in some confusion among applicants when they notice the discrepancy between maps. Aside from the update being a State requirement, we want to make sure that applicants are well aware of the sensitive wildlife in the areas that ODFW has identified. The Planning Department believes this will make a significant improvement in streamlining the

permitting process and remove any late-stage surprises for applicants.

## Why Make These Updates

- Periodic Review Requirement
- Make maps consistent with ODFW's, which are already used for CUPs
- Streamline existing permitting process



Dr. Howsley-Glover explained that Goal 5 rules are laid out in Oregon Administrative Rules (OAR 660, Division 23). These are specific steps we have to take in terms of conversations with ODFW, how we define impact areas and the analysis that we have to conduct in order to design a program to protect the resource, in this case sensitive wildlife – deer, elk and birds. This includes getting input from subject matter experts in biology to tell us where the species live and the best way to mitigate and then we can negotiate, based on the analysis, what the potential consequences of protections are and mitigate adverse impacts.

## Why Update Now?

- OAR 660-023-0250 requires at Periodic Review to amend Comp Plan if new information about inventories is provided during work plan development
- Required by OAR 660-023-0110 (2) to obtain current habitat inventory from ODFW and others
- Rule OAR 660-023-0110 (4)(a-e) required we rely on this info



Dr. Howsley-Glover continued by saying that ODFW modified their maps in 2012 using a compass tool. It is available online. That update brought in a significant portion of Exclusive Farm Use (EFU) lands that previously were identified but not mapped because ODFW believed at the time that the 160 acre minimum requirement protected the resources. She said that she thinks some of the changes are the result of significant changes that have happened in our farm lands in the state. They wanted to make sure that the habitat that they are charged with protecting is transparent to the public. You will see that the map as we are proposing to change it, compared with the compass map on the following slide.

## EPD 8 Map

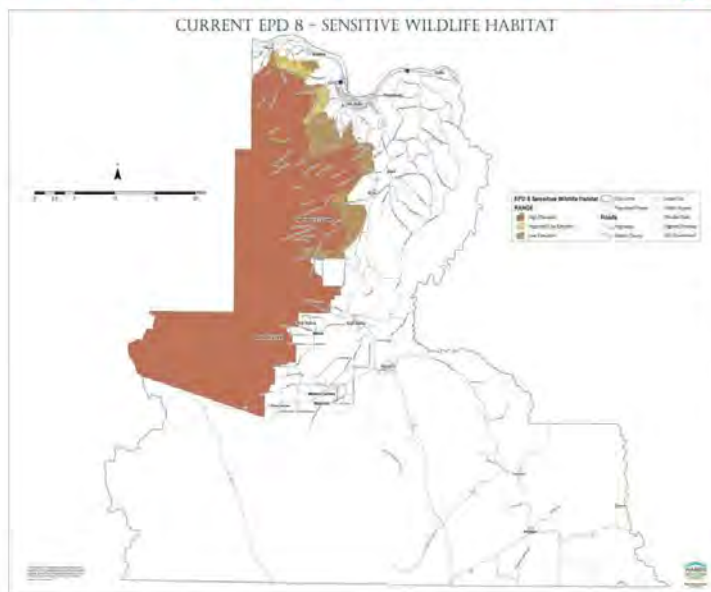
- Map modified to match ODFW Compass Map



Dr. Howsley-Glover stated that they wanted to summarize for the public what the net result would be for existing EPD-8 areas. That is obviously the biggest concern for residents and property owners. We do have a portion of Wasco County already in EPD-8 (deer and elk winter range). The net results for people in that area either will be status quo – not much change – or that, particularly if they are in the Exclusive Farm Use Zone, they will actually see some benefits to these proposed revisions. Specifically, with the addition of some exempt uses, particularly with farm

uses and farm dwellings. We've also, in doing the analysis and having conversations with ODFW, identified several voluntary standards, including fencing standards, that the public told us were particularly frustrating; so, we have proposed to remove those. There were also some additional notification requirements that we found redundant with work that we do, that we are proposing to remove from this chapter. We hope that the result is less restriction; in this case, restriction that still protect the resource, but removing any of that redundancy makes this process confusing for residents.

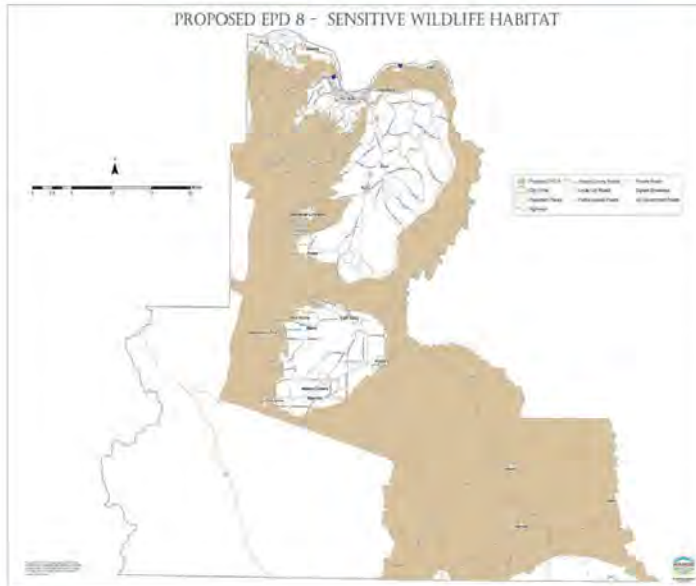
## Net Result for Existing EPD-8 Areas



- Adding exempt uses (like farm use, farm dwellings)
- Removing voluntary siting standards
- Removing fencing standards
- Removing additional notification requirements that are redundant

Dr. Howsley-Glover continued by saying that for the areas that are being proposed to being added in, the first result of this is obviously to make clear to Wasco County residents where ODFW considers sensitive habitat to exist. The biggest change will be for Type II uses (partitions, wineries and utilities) where there will be additional staff review required. Sometimes it will require additional time for development applications as well as some additional costs. She said that she wants to make clear that Conditional Use Permits already have to meet some standards related to wildlife regardless of whether or not they are in this EPD; so, again, the only change there will be this additional staff review.

## Net Result for New EPD-8 Areas



- Make clear what areas in Wasco County ODFW considers sensitive habitat for deer and elk
- Type II uses (partitions, wineries, utilities) will need additional staff review and ODFW review
- Conditional uses (mining, commercial energy, non farm dwellings) are already reviewed by ODFW, but will now also need staff review

Dr. Howsley-Glover explained that for folks who have not gone through the review process, it may be very abstract. Generally, we rely on ODFW to consult with the property owner of the specific development. They do it on a case by case basis, site by site basis because, as we all know, Wasco County is very diverse; so they really need to look at the site and the proposed development to determine potential impacts. This isn't a prohibition on any uses or activities. What the end result would be is they might recommend some mitigation measures. We commonly see that and it is written into the Land Use and Development Ordinance to have a 300 foot requirement for a house to be located next to a roadway or access point. It may look something like that – where they request that the development actually occur at a specific site or maybe some modifications are made to the proposed development to make sure that access to habitat and migration paths for wildlife. The reason we have that additional staff time and the additional criteria is that staff needs to make findings in staff reports to demonstrate ODFW's recommendations and how the proposal will meet those mitigation measures.



## What Happens During Review?

- ODFW might recommend development modifications like moving site
- ODFW might recommend mitigation measures
- Staff is required to make findings in the staff report about ODFW recommendations and how those mitigate impact to wildlife



Dr. Howsley-Glover stated that EPD 12, unfortunately, the information regarding the nesting sites is confidential so she is not able to share the map. All affected property owners were notified directly if they were either coming into or going out of the revised map so they could be aware of their particular issues. Basically, as a result of a lot of commercial energy facilities in Wasco County, there were a significant number of studies done to identify new nesting sites in Wasco County. The net result is this proposed revision. She said that she wants to make it clear that EPD 12 already exempts farm and forest practices and uses, so it is really targeting those kinds of unusual uses that occur in our resource zones, like commercial/industrial activities and those kinds of uses.

## EPD 12

- Update map with new nesting sites, removed old/nonviable sites (from 2005)
- Map is confidential
- Notified individual property owners impacted
- This EPD already exempts farm/forest practices and uses



## Ordinance Language for EPD 8

### Section 3.924 – Exempt Uses

All uses permitted without review in the underlying zone are exempt from provisions and siting standards in this Section.

All uses in A-1 (160) that are permitted subject to Type I Review are exempt from provisions and siting standards in this Section.

Farm dwellings, accessory farm dwellings, and relative farm dwellings in A-1 (160) are exempt from provisions and siting standards in this Section but still require notice to ODFW consistent with subject to standards review.



Dr. Howsley-Glover said that the next proposed update in this packet is for Goal 4. This wasn't a part of the work plan, but they wanted to make sure that all of our chapters are updated to current conditions. She said they really felt that, based on a lot of public input and work that Senior Planner Will Smith has done on making sure that the wildfire recommendations are enforced, that these plans are also up to date. So you will see some modifications proposed related to wildfire. In particular, we want to make sure we referenced all those efforts that Senior Planner Smith has done with the Community Planning Assistance for Wildfire and the current work that is underway for the Community Wildfire Protection Plan.

## Goal 4 (Forest Lands)

- Focused on updating language to be consistent with current practice
- Made wildfire recommendations consistent with CPAW and CWPP



Dr. Howsley-Glover said that regarding Recreation, Chapter 8/Goal 8, they received a lot of feedback mostly related to transportation over the last several years. She said they have identified those as community planning issues, things that they would want planners and the community to keep top of mind in the future. Via the same public input, they have identified specific strategies and implementation methods to alleviate some of the identified conflict between visitors to Wasco County and, in particular, commercial agriculture. She said that they also heard, during the visioning phase and throughout the initial stages of Wasco County 2040, an expressed interest, predominantly among the population in south Wasco County, for more economic development opportunities in farmlands. She said they really tried to throw everything and the kitchen sink in.

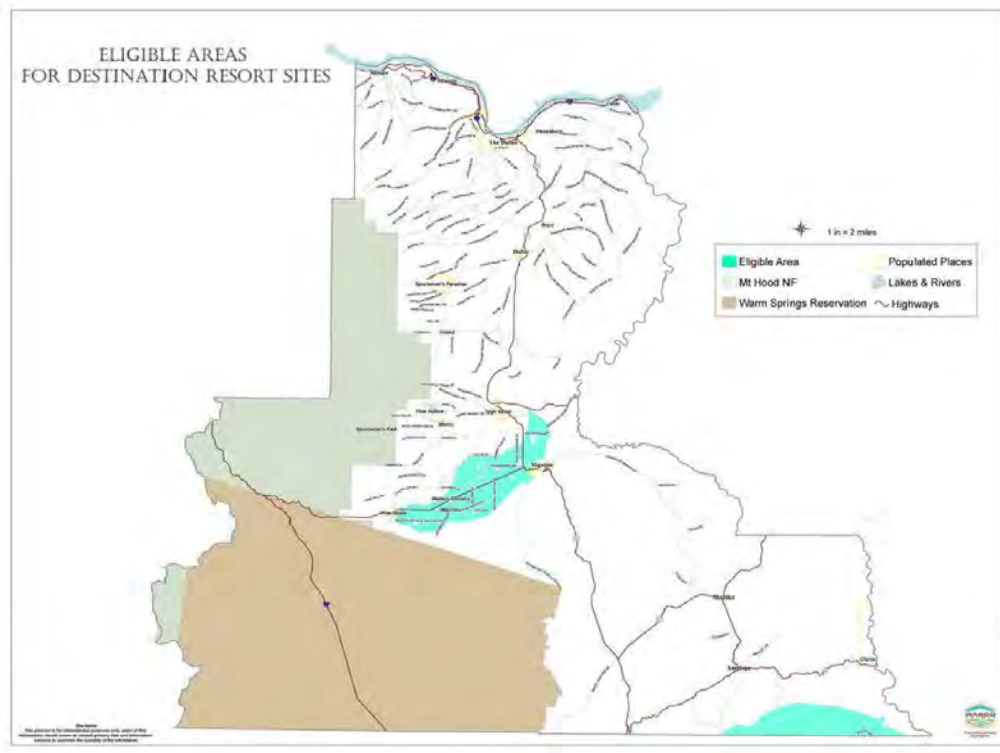
## Goal 8 (Recreation)

- Identify community planning issues
- Make outreach, notifications, and coordination transparent
- Adopt destination resort eligibility map



One of the provisions in State law permits for destination resorts. The first step of that, to even consider it, is to adopt what is called a destination resort eligibility map. There are some really strict rules and regulations that we have to follow in identifying those places – it is not arbitrary; it is very prescribed. The sum total of that is that we actually identified 4 places. The public got back to us early in March with a request that we remove 2 locations – 1 up in the Petersburg area and 1 along Tygh Ridge. The Planning Commission did remove those. That leaves 2 areas – 1 along Juniper Flats/Walters Corner/Pine Grove and the other down in Washington

Family Ranch.



She said that she wants to stress that this map is an eligibility map; it is not a tacit approval. Developers would still have to go through the application process and because right now we only have criteria that is in State Law, it is Wasco County's Planning Department intent that with the Land Use and Development Ordinance updates that kick off next year, to spend a considerable amount of time with the public crafting criteria, particularly to address community around fire and water.

Another addition benefit of the map to offer economic development opportunities for landowners is that current planning staff does spend a considerable amount of time fielding questions from both residents and outsiders who are interested in developing a destination resort. By having an eligibility map, we are able to very clearly answer where that use could occur in Wasco County and not have to reinvent the wheel every time which really impacts their ability to turn out permits.



## Why Adopt a Destination Resort Eligibility Map?

- A new opportunity for economic development for eligible property owners
- Reduce staff time spent answer eligibility queries



Dr. Howsley-Glover explained that what the eligibility map really does is that it does not permit a resort, but shows where, given state law parameters, destination resorts *could* be permitted in Wasco County. It does allow for a potential new use for those properties identified as eligible but it does not waive any permitting process or requirements for a destination resort. We would still have opportunities in the future with more information or change in circumstance to modify the map. There are time caps on how often we can modify something; it is not something we can do on a frequent basis, but there is the opportunity to change if needed.

## Destination Resort Eligibility Map

What it Does	What it DOES NOT DO:
Shows where, given state law perimeters, destination resorts could be permitted in Wasco County	Permit a destination resort
For eligible properties, allow for potential for a new use (destination resort)	Waive any permitting process or requirements for a destination resort
	Eliminate opportunities for modification to the map

## Destination Resort Eligibility Map

- Eligibility map does NOT equal a permit
- If a property owner wants to develop a destination resort they will need to apply for a permit
- At the time of permit, partners will be invited to comment on things like fire, water, roads, etc

Dr. Howsley-Glover continued by saying that the next steps for destination resorts would be to adopt criteria during the Land Use and Development Ordinance update which will be a robust public process. There will be lots of time for the public to be involved in the criteria.

## Destination Resort Next Steps

- Adopt EPD 15 standards/criteria/regulations, consistent with state law during our 2021-2022 LUDO Update
- Public will be invited to evaluate state criteria and make comment about possible additional standards/regulations

Dr. Howsley-Glover said that there are some additional updates to Goal 5 that she wants to make sure the Commission is aware of. After extensive conversations and input from the public, we have removed the requirement for our Historical Landmarks Commission and moved those responsibilities to the Planning Director for review. That is to, again, streamline the process. Usually these things come up for additions or modifications to historical structures or development occurring

around archeological sites. Having to convene another organization that does not meet frequently, as we see these types of requests only once every decade; being able to have the Planning Director do it should streamline that process for members of the public.

She said that they also got some feedback that some of the aggregate/mining language was confusing. We have modified that for clarity.

## Additional Goal 5 Updates

- Switched from Historical Landmarks Commission to Planner Director for review
- Modified aggregate/mining language to clarify based on OARs

Dr. Howsley-Glover said that since a lot of people are familiar with the format for Wasco 2040, she wants to point out that they have slightly modified the format to make findings endnotes to make them more directly tied to what they are referencing for clarity. They also removed the two-column format throughout the policy section for readability.

## Other Edits

- Slightly modified format to make findings endnotes
- Removed two column format throughout policy section

Dr. Howsley-Glover concluded her presentation and said she is happy to answer any questions that the Commission may have.

Commissioner Kramer stated that he has no questions of staff at this time; he said that he would like to hear from our constituents. Chair Hege said that he also wants to hear from constituents but has some questions of his own as well. He noted that Jeremy Thompson with the Oregon Department of Fish and Wildlife is here. He asked Mr. Thompson to give a brief overview of ODFW's role in particular regarding the changes; what potentially might change from where we are at today to where we might be at going forward.

Mr. Thompson said that looking at the process, the map that was shared with the County is a map that was developed by the ODFW in conjunction with the guidelines laid out by the Western Association of Fish and Wildlife (WAFW). This is our internal wildlife winter range map. It is what ODFW has used for large scale developments within the county already. It has been used for projects such as Summit Ridge Wind, Bake Oven Wind, Brush Canyon – a lot of the wind facilities; this is the map that is referenced. In working with County development staff, we brought the map forward in order to reduce a lot of confusion we have had with some of the energy developers in the county. The intent of updating the map is solely to provide that clarity for those developers. Because of that, in developing the LUDO language, we've attempted to exempt anything we can think of that is associated with farm use; essentially, not putting any additional burden on that farm use. But just providing that clarity up front for energy developers when they come in looking for an energy project within the county, they recognize that ODFW will provide comment – looking for planning on their part due to winter range, which is a fairly common occurrence for these wind developers. They are used to this; it is something we have worked on. He said he thinks he has had 12 energy projects within his District; most of them are associated at least in part with winter range. It is not outside the norm for them. In total, when you look at the entire winter range package, he said he feels that have reduced some of the burden that will be put on the general populous throughout the county. There have been voluntary standards in the past, where many landowners, especially in the northern part of the county, County Planning would ask them to meet with ODFW. ODFW would give them a list of things they would like for the owner to do, but it wasn't regulation. That has all come off – those voluntary standards have been dropped. Historically, there was a fencing standard in the county associated with winter range. He said he also recommended that be removed because it is counter-intuitive to some of the fencing that even ODFW supplies at times. When you look at the orcharding



community, ODFW supplies 8 foot high fence that was completely out of spec for what the county winter range standards was. In total, he said he thinks the recommendations is a net decrease in actual regulations. This is just on the winter range side for the map, recognizing that the map is a knee jerk – a large increase in the area recognized as winter range. But the goal in working with County Planning staff was to not put any burden of regulation associated with that outside of potential energy development.

Chair Hege thanked Mr. Thompson for his insights. He said that there are a couple of things he wants to make sure to get on the table. Based on what Mr. Thompson just said about the voluntary siting standards going away and the other thing that is interesting and maybe Dr. Howsley-Glover can comment about the exempted uses because he thinks that is where it seems fairly important that the farm uses are exempt.

Dr. Howsley-Glover said when we make Goal 5 revisions to our inventory, which is essentially what this map change is; we have to go through what is called an economic/social/environmental and energy analysis. That is where we identify potential conflicts between proposed and allowed uses and the resource. We also identify consequences based on the economic/social, environmental and energy components. In doing that analysis, we are also tasked with getting public input which we did during the road shows as well as online for the public's insight on their landscape and properties. We wanted to know what they saw as the potential consequences of restrictions would be; what they thought the conflicts were. We were able to use that in addition to feedback we got back from ODFW as well as the research into peer reviewed literature on wildlife mitigation strategies to really identify that for agricultural uses. Because the size and types of operations in agriculture in our county don't typically have a direct impact on wildlife habitat, we were able to exempt those uses and create a whole category of exemptions where we didn't have those before. That happened through conducting the analysis process.

Chair Hege said that throughout the marked up version of the document, there are a lot of sections that are completely in red which indicates to him that it is a new section. Then those sections are completely struck out as if they were added and then completely removed. He asked if he is reading that correctly.

Dr. Howsley-Glover asked what section he is referencing specifically. Chair Hege replied that it is page 84 of the packet or BOC 1-49 of the planning document. Dr.

Howsley-Glover said that the section he is referencing that was struck out was the finding section, so it was removed from that format and placed it into the end notes format. So that material did not get completely removed, it just got changed in how it was formatted.

Chair Hege asked if that was new information that was developed as part of this process. Dr. Howsley-Glover replied affirmatively.

Chair Hege said he has a lot of other questions but will just ask one regarding the destination resort element. He asked how we identify the locations that those developments would be permitted. Also, is it possible to change or remove those?

Dr. Howsley-Glover said to answer the second questions first, yes – it is possible to remove them. You would not be able to propose other areas in the county. They are highly prescriptive where those can be located. They can't be located in sensitive wildlife areas which removes a big portion of the county. There are soil considerations that are made which, again, anybody who is well-versed in the soils in Wasco County knows it is patchy. So, we have these sections that are rated class 6 or class 7 along with 4s and 5s. That really significantly narrowed the window of where we would be able to permit these. There should be more succinct details in the staff report. She said that she can certainly pull that up and cite it chapter and verse if requested.

Chair Hege replied that it would be necessary and he appreciates the explanation. He observed that there were a lot of written comments that were concerned about the areas that were left based on water and fire. He said he just wants to make sure that it is something that could eventually be modified or removed if we so choose to do that. He said that he thinks the idea behind the destination resort is obviously to give opportunity for economic development and job creation. At the same time, if folks don't want it, then it is certainly not something we are necessarily pushing. At the same time, we are charged with trying to help the county have economic opportunities. He said he is sure we will talk more about that.

Chair Hege stated that he has more questions but is going to stop for now to let the other commissioners ask questions and allow time for public testimony. Neither Vice-Chair Schwartz nor Commissioner Kramer had any questions at this time. Chair Hege opened the floor to public comment. He explained that those providing public comment must provide their name and address for the record.

Don Gomes at Eagle Valley Ranch in Antelope, PO Box 70, said he just wanted to say a few things. One thing is the wind and solar is causing a lot of damage to the animals. The thing to start with is it's unconstitutional and I know you guys know that because this is on private land not on public land. The ranchers already take better care of the species and the land than anybody else will. The more pressure that you put on the ranchers and every little thing they try to do, you will put them out of business and eventually you will have houses and you will like that a lot less. That is all I have to say.

Chair Hege thanked Mr. Gomes for taking the time to testify – we appreciate your comments.

Bob Mannus, 57014 Campbell Road in Wamic, said that the word oath in the phrase due solemnly swear referred to a solemn vow. So help me God is a phrase often used to give as an oath. The essence of the phrase is to emphasize that one means what one is saying or said. It, therefore, implies greater care than usual in the act of performing one's duty. The use of the phrase implies a greater degree of seriousness and obligation. It is perhaps the most important principal of leadership and dependent on integrity and demands truthfulness and honesty. Reputation is the way you are viewed by people and by your community and the way people think of you. What will history say about your integrity and your reputation? Your character and your reputation is much easier kept than recovered. So let me read to you your oath of office: I, [Your Name], do solemnly swear to support and defend the Constitution of the United States of America and the Constitution of the State of Oregon and the laws thereof. That I will faithfully and honorably discharge the duties of Wasco County Commissioner to the best of my ability so help me God. And then you signed it. Live up to your oath of office, support and defend the Constitution of the United States of America and protect private property rights and leave a legacy your family can be proud of. Thank you.

Chair Hege thanked Mr. Mannus for taking the time to be here.

Liz Turner, 7000 8-Mile Road, The Dalles, said that the prior to the final hearing and vote, she would ask that Wasco County Planning Department and the Board of Commissioners get ahold of Wasco County Soil Book. It is extensive in its definition of soils and what those soils are capable of for a number of reasons. She said that she could not begin to tell them as it is too much information. She said that she believes that for our ordinance and for destination resorts and all of these issues it is really vital to understand that book. It teaches us about what is possible on soils in

Wasco County, because we don't want to pave over with anything, soils that are capable of producing viable crops. That could be a lot of different kinds of crops from trees to fruit to small grains hay and so on. Wasco County as an abundance of soils that are not productive that we can plant houses on. She thinks that that document would give a lot of information that might make it easier to make decisions. She said that she wants to start by commenting a little bit about the fire ordinance; She said she spent a long time reading it and asked a couple of questions of Commissioner Kramer about it. She said she believes it is way too long and whenever you have documents that are pages and pages long with a lot of repetition, it becomes almost impossible for the public to decipher all that. She said she would ask that it be cut down in size by half – just get the main items in the report. If you want to have supporting documents for staff or something, but the rules and the main objectives need to be much more defined and much shorter so that people understand them. She said that her concern about fire is always that we maintain local control and that our Sheriff who works with the volunteer fire departments has full authority all the time to do what he knows needs done working with those volunteer people. She said that she understands that we have a person at the Planning office now with a lot of fire information and knowledge and she thinks that is really great – he can interface with people, but when you have a fire it isn't the time to discuss what we are going to do for an hour. She said that is what she has seen cause most of the fires that get away is that we have so many rules in the forest zone and certain things that they cannot respond. They will come and they will stand there and they can't even turn on their water because nobody has told them they can turn on the water. She said that she has seen incident after incident where too many rules has caused fires to enlarge because nobody knew what to do or they were too afraid to do it for fear of breaking some rule. She said that is her major concern about fires is that we keep it simple and if we want to do training using expertise off-season, that's great. But, when a fire happens, the people who know what to do should not be hindered from making those steps and they should not be afraid that some rule might get them in trouble later She said that the fish and wildlife ordinance – Jeremy's on here and maybe could speak about a couple of things she is going to say. She said that basically, her understanding of what's happened in the big game management area is that animals have moved out of the zone closer to the forest which is now a band of CRP that has been let go for a long, long time. It's dead and animals go where food is viable that they can live on. They need a certain protein level just like any other animal that's domestic. Should we ever renovate these CRP acres that are in a band from north to south right next to the forest zones, those animals would probably all move back over there because there is a lot more shelter, a lot more privacy, and a lot more water. They moved out

of those areas because the food source was no longer adequate. She said she was on a committee that Mr. Thompson had at one point, looking to use the federal management center in southern Oregon that could have come up and done some studies – like if we renovated CRP so it would come up green every year; would they add practices in the NRCS, information and so on to allow that in order to facilitate wildlife. That process was not completed and we didn't get the study done by the people who could have advocated for it to see those changes. She said she is still an advocate of seeing that because the truth is that those animals would love to be back up there if was a viable food source. She said that is one of the issues she considers to be the biggest in why they are saying those animals are now in other areas and that could be changed.

Chair Hege asked that she wrapped up or he can come back to her. He wants to make sure others have time.

Ms. Turner said that she does not have too much more. She said that they need to study the soil books about the destination resorts. The fish and wildlife overlay does have a very large effect on that. I think we have to say no to destination resorts because we don't have infrastructure to support them in any area such as roads or medical. The fish and wildlife overlay and destination resorts are intertwined because of how they impact each other. You will have to consider that in how you vote. She said that the other thing she wants to say that will really help those of us in the ag zone and anyone that is very knowledgeable is that the maps from Planning need to have townships, range and section on them. She said she could have told them a lot more specifically why she didn't think a certain area was viable for destination resort if she actually could look it up in soils book to tell them about those soils. Because there is not township, range and section, it is impossible to do that. Those should be included for the maps because you can't enlarge them enough in the system we are using in COVID-19 to even see the roads or read the road names. That makes it supremely difficult to really comment specifically about them. She said that she has more but can save that for the next hearing. She said she is not in favor of either the destination resort or the fish and wildlife one. She said she thinks that someday we will have some destination resorts but she does not know if they will be in those areas. She said she thinks they will end up being where we get more services and when we will be able to expand some of our smaller towns and have more services there and then at some point we will find their areas appropriate for them. She said she understands that the one in way south county is already doing some things and she can't comment on that; she hasn't been there and can't look it up on the map because she can't identify exactly where it is and so

she can't really speak specifically about it. She said she thinks that in general we don't put things where we don't have resources. We designed the ag ordinance specifically so that we could not plant houses where we couldn't support them with services from the road department or the school bus. She said that she thinks that is still really vital in our county that we do not do that. She said she hopes the fire ordinance will stay even if it is a specific fire ordinance because people need to be able to come into Planning and say this is the property and tell me all the things that I must do about anything and so she thinks fire needs to stay in the ag ordinance as well as anywhere else so people have a one-time thing to come in and say everything you need to know is here so they aren't looking at 10 different things to understand what they could or couldn't do.

Chair Hege thanked Ms. Turner for taking the time to be here. He reminded the audience to remain muted if not speaking and that they can use the chat box for questions or comments.

Sheila Dooley, 3200 Vinsel Road, Mosier, said that she wants to voice her support for the adoption of the Comprehensive Plan amendments as recommended by the Planning Commission. As you know, these amendments represent many years of work – an unbelievable amount of work – on the part of the Planning staff and Planning Commission. The Comprehensive Plan also reflects the input of citizens at workshops held throughout the county and testimony received at Planning Commission meetings. She said she especially appreciates the addition of wildfire mitigation recommendations to Goal 4 forest lands. These also reflect updates made in Goal 7 Natural Hazards. Wild fire has been on everyone's minds this summer as the frequency and severity of fires are increasing. We are lucky the Mosier Creek fire happened when it did and there was availability of many other fire fighters to help out. If it had happened later it probably would have been much worse; who knows how far it would have reached. She thanked the Board for this opportunity to comment.

Chair Hege thanked Ms. Dooley saying that he knows where she lives and how challenging that fire must have been for her.

Kathleen Cantrell, 81692 Dufur Valley Road, Dufur, said that she thinks the Commissioners have a tremendous load to carry during this update and review process. For reference or credibility, she said she wants to state that she is a relative newcomer to the process. She said she joined in around the first of the year in 2020 and has followed the process through several of the hearings. She said she

wants them to know that she has worked on her testimony for many hours and has reworked it and condensed it, timed herself multiple time and realized that she was not going to be within the 3-minute time allotment, exceeding it by a minute and forty seconds. She said she did not want the Board to cut her off.

Chair Hege stated that he would not cut her off.

Ms. Cantrell said that she condensed her testimony. She said that she does have testimony with supporting facts that is a little lengthier with photo exhibits and some other facts that she wants to make sure that the County Commissioners are aware of. She said she will be sending that to their addresses at the County Courthouse and would ask that it be included in the record for this hearing.

Ms. Cantrell went on to say where else but the government can the employee tell their employer "We think you people are incompetent and destructive. We don't want you walking around your property disturbing sensitive bird nesting sites. So if you want to review the true 'confidential' maps, that were used to create this overlay on your property you need to come into the office." Transparency is a buzz word used but seems to only apply to the benefit of the stakeholders whoever they may be. Tucked inside these 565 pages of land use updates are nuances that stand to further erode our local authority. The decision-making process that you, the people we elect to help us make our decisions will be further eroded. To understand the language and amendments of these updates, one must be steeped in land use planning, be a land use lawyer or a genius and I am none of those. Why has planning become so complex and so confusing? Has it become a tool to confuse landowners while continuing to erode property rights? She said she would much rather stand before you and testify in-person. I would hope that in some point in time, the elected officials would look at those public comment laws for public meetings and really delve into the intent of those. If you need to go to our state legislature, I really encourage that you would do that because she really thinks that matters that are this important – pertaining to our land use and personal property rights – were not intended to be covered in electronic meetings. Many people do not have access. She said she is terrible at technology so she can be used for an example. There is a question to be answered. As you know there have been rumors flying around. She has a question that begs to be answered: If you conduct the people's business as though their input really mattered, yet you come with a pre-determined decision and prepared to bow down to the dictates of the State, what purpose do you truly serve other than to create a façade and continue to lead as though we are a free people? Thank you very much.

Chair Hege thanked Ms. Cantrell.

Nicole Chaisson, 7250 Mill Creek Road, The Dalles, said she owns a hay farm on Mill Creek Road. In all transparency, she is already impacted by the current sensitive animal overlay. She said that she knew this going in when she was buying her property. She said she is speaking on behalf of all of her neighbors that are going to be affected by this. She said that she is asking that they vote "no" on this Ordinance 20-004 and 20-001. She said that when she says "no," she means don't add any new amendments. We have already satisfied the law which states that we do have to do a review but that does not mean we need to make any changes. Going back to Zoom, with it not working at her house, it has been a big problem joining the last 4 meetings. She thinks that if they are making decisions on citizens' property rights, they should be able to meet as a community. We can meet socially distancing at the Civic Center or the courthouse. This has been an unprecedented pandemic and she feels that these decisions should be shelved until we can meet in person. She said she will be sending in her testimony – this has been an abridged version. She said that her husband would be here but is fixing a broken irrigation pipe but will probably be on the next meeting. She said that driving down Mill Creek today, she reflected on how much the sensitive overlay is going to affect her neighbors. The Planning Department and ODFW are asking that maps be extended from Reservoir Road to Orchard Road. If any of you know Mill Creek, and she knows Kathy Schwartz knows Mill Creek. Orchard Road is 1 mile from The Dalles city limits. These property owners are not going to face going to the Planning Department to discuss putting up a fence around their garden. A lot of them are not in farm use; on my road there are many houses not in farm use. She said that she even had a neighbor that bought an old stone house and they were denied putting up a fence at their house because they were not considered farm use. The County Commissioners take an oath to listen to the people. In your own words, Chair Hege, you will be acting on behalf of Wasco County. We ask you to listen to us, not the lobbyist and the super PACs in Salem. We elect you to make decisions in our best interest not the interests of environmental groups in our state. If you vote "yes" on this, landowners will remember when we drop our ballots in the ballot box. She said that she would also like to note that when this passes, and as the postcard says "may affect the value of our land," then this may open up a door where we, the people, may sue the County for the value loss of our property. In Lane County, a good example of how this is going to affect Wasco County as well, there is a case of an elderly couple that lost their house to the Holiday Fire. Talking about fires all over the place and what's going on, this could easily happen in Wasco County. They are now faced with not being able to rebuild due to a flood map overlay. Is



that the future for our county? Maybe your decision now seem right but then down in the future, when our houses burn down are we not going to be able to rebuild due to these sensitive overlay maps? She said she will be sending also to public record results of a survey that was sent out to all the landowners in Wasco County. She wants to put that out there now. It is probably something a little bit different doing a survey but nowadays with technology and computers and stuff, we are able to track who answered the survey and know that they are Wasco County landowners by IP address, name and so you will be receiving that as well. She says that she hopes the Board will make a good decision and will think about our best interest and you will also think about the interest for the property for our future generations. Thank you so much.

Linda Passhon (sp), said that due to all the fires and smoke, she has pretty much lost her voice and so will have Sherlene Bowen read her testimony. Sherlene Bowen stated that she is at 3200 W. 10<sup>th</sup> Street, The Dalles, and is reading on behalf of Linda Passhon, 4300 Brown's Creek Road, The Dalles. I will be sending my testimony to you Commissioners at your mailing address at the Wasco County Courthouse, I am requesting this testimony be made a part of the record for the hearing of Wasco County 20-40 and the 2 ordinances, Ordinance #20-001 and Ordinance #20-004. We are much opposed to the Wasco County 2040 update and the 20-001 and 20-004 Ordinances. As was stated in the Wasco County Planning Department notices, adoption of this ordinance may affect the permissible uses of your property and may change the value of your property. It is also troubling to think that by adopting these updates, the Wasco County planners will decide whether or not notice is redundant and whether or not it will be sent out. According to the public notice laws, there is no mention of authority given to any planner to decide when to notify or not. It is the law to notify. Of course, if you pass this update, you will only be giving more authority to a body that has no right to use their sole discretion in the decision-making process, thereby leaving you, our elected officials out of the equation. This is a perfect example of unelected departments taking away from the people and the County Commissioners authority. If it has ever crossed your mind why you may feel your hands are tied or that you have no other option but to pass today's proposed updates and feel that you are bound to a law that you must pass, Please look no further than the above mentioned example. The update is filled with similar usurpation of authority that, unless you pour over the 565 page document for hours and did not rely on Planning to explain the small details to you, you would clearly understand how our in our county public notices were published in a timely manner. Many people in my age bracket are not technically savvy or equipped to attend these important hearings via Zoom. It is not only a privilege but

a right, for us to assume that by way of your oath you will protect and see to it that we meet with you in person when an issue of such importance that may affect the uses and value of our properties. If the law says one thing, perhaps you would communicate with our state elected officials on our behalf to get clarification of the intent and encourage common logic to be applied to the law pertaining to conducting public meetings electronically. I am a lifelong resident of Wasco County. My husband and I have owned property for almost 50 years – 47, to be exact. We've held long-term jobs, served in various volunteer capacities, contributed in many ways to our community and county, including the payment of taxes. We have given the youth the experience of horseback riding, packing and camping the back roads and hills of Wasco County. They have learned respect and care for their horse while on the trail and formed bonds of camaraderie with horse and youth, all while enjoying the outdoors. Some years back, ODFW closed the area we road on near Ketchum Road. It was for the protection of the elk calving season. Before we knew it, a law was passed to permanently close and lock these roads with a metal gate. The places we used to ride are no longer accessible to the kids or anyone, even though on public land. Those old logging roads provide valuable fire breaks. Now they are deteriorating with overgrowth and it seems only a matter of time before Mother Nature sets about her business of cleaning the land according to her ways. Any time you are presented an opportunity to take away rights, uses or value of private property, please remember it is not your duty to do so. You each have been placed in a position to protect your constituents' rights not take them away by allowing any government agency the chance to put their ever-changing overlays on the farmers, ranchers and rural landowners in Wasco County. Please do more action than by acknowledgement to the State. Wasco County has fulfilled its requirement to review the present plan. Thank you for your time.

Chair Hege thanked her for her comments and said he has a question for staff. We are after 11 o'clock; he is not sure how many more people will want to testify but we are obviously going to be running behind because this is just the first of 2 ordinances. He asked if we want to continue this hearing to a later date or do we want to just charge through this.

Dr. Howsley-Glover responded that it really is up to the Commission. The only timeline she is operating under to wrap up the periodic review is the end of November. That means she will need time to turn around meeting minutes from any additional hearings. Typically, in her experience, doing that, given all the things that Kathy Clark has a full plate with, she will need at least several weeks to get meeting minutes in order to make that part of the record that's due to the

Department of Land Conservation and Development. To be clear, to pass any legislative ordinance, we need to have the 1<sup>st</sup> hearing where you decide whether or not to approve and recommend adoption and then you have a second reading which takes place at a date and time certain following So, it can' happen simultaneously in the same meeting. So, if the Board were to continue, and I believe that you have indicated that you are leaving the record open, you are talking about 3 additional hearings for a total of 4 hearings.

Mr. Stone said that if the Chair would like, he can start working on moving the other agenda items to either another date or a later time this afternoon while the Board continues the hearing.

Chair Hege agreed to Mr. Stone's proposal. Mr. Stone said that he sees Paul Cirner on the call which is our 1:50 a.m. appointment and also MCEDD and CGCC. So, for those of you that are on the call and have agenda items, please call or email to work out an alternative time.

Chair Hege asked that they standby as if no one else wants to testify, we may be able to move on now.

County Clerk Lisa Gambée said that her agenda item is time-sensitive and must be heard today.

Ms. Clark said that if the Board is willing to postpone the afternoon work session to another day, we can move other agenda items to the afternoon and let this take as much time as it needs. Commissioner Kramer said he thinks that is a great idea.

Chair Hege said we will continue with the testimony and wait for Mr. Stone to report progress is rescheduling agenda items.

Will Van Vactor, 960 SW Disc Drive, Suite 101 Bend, said that he is speaking on behalf of his family this morning. He said that his question is limited to procedure. He said he just wants to make sure that the record is going to remain open through the next hearing. He said his is a little behind the gun in terms of getting up to speed on this and prefers to reserve his comments until the next hearing if that's possible.

Chair Hege said he believes that is the case and asked Dr. Howsley-Glover to confirm. Dr. Howsley-Glover replied that typically at a first hearing the Board would

make a call and at the second hearing you would typically read. Generally the record wouldn't be kept open between now and the second hearing. If you would like to keep the record open and have a second hearing, we would need to add a third hearing. That is up to the Commission.

Chair Hege said he does not have a problem keeping the record open and asked for the other Commissioners' thoughts. Commissioner Kramer said he agrees with that. He said he wants to make sure the Board hears from everyone and give them all ample time. He said he realizes that we have been in the process for some time, but for those who have been challenged by technical difficulties and whatever else they may have been held by, this still gives them an opportunity. He said he believes we can work with our partners in Salem to get extensions for this. He said he wants to make sure that everybody is heard.

Dr. Howsley-Glover said that she just wants to be clear that we are on our last extension. We did receive an extension in March given COVID and we've pushed it to the very last. We need to be completed with periodic review in 2020. Unfortunately, she does not think the State would be amenable to an additional extension. Commissioner Kramer said we can ask – they can say no.

Vice-Chair Schwartz said that if it is going to require additional meetings, she is totally okay with that.

Chair Hege said that he thinks the answer is that we are going to leave the record open at least until the next meeting.

Lanny Mateer, Eagle Valley Ranch, Antelope, said that he thinks it is a good idea coming up with maybe having some more meetings. If it is the last extension, cancel it and start again because there's an awful lot of people that don't know what's going on. The more people he talks to, the more he finds out that they're not even of what's going on. He said he knows they've received the notices, he knows they've received the idea that they could lose value and lose rights on their property but they kind of just keep going on and they think it's never going to happen. He stated that it is happening. He said he didn't realize how much it was happening. He said he has to thank them for the 565 pages in the agenda because it has really opened his eyes. He said that the only thing of it is, is that it is a little frustrating because he can't reprint it and mark it up a little it; it's on a PDF file and he doesn't know how to do all that. He said that if he comes down to The Dalles, it would cost him \$141.25 to get a copy of it. He said that in that file he learned of many regulations that have

gone on for the past 47 years. He said that he finds out that we're already pretty badly tied up. It looks like that even if we have mineral rights, it's going to be illegal if we mine unless we maybe go down there and get somebody else to tell us whether we can or not. It might be a ministerial decision. He said he didn't know what ministerial decision was and then he found out that ministerial has to do with the administrator decides. He said he guesses that's kind of like minister and that's getting kind of close to God. He said he supposes that's God's decision now. He went on to say that the 300 foot road access where you have to be within 300 feet of the road to build, that's kind of an imposition for somebody that owns private property and might want to build someplace else. He said it seems to him like not only is it an imposition, it's really messing with our property rights and our values because at some point somebody's not going to be able to build, therefore the value of their property goes down. Therefore, if they're in a position where they can't do anything else in the way of making a living because agriculture has completely gone to pieces for them, which there's been a tendency that way for many, many years – 100 years or more, we're going to be in a position where we can't do anything with our private property. Finally, we'll have to sell out cheap and when we sell out cheap there's going to be somebody right there that has the power to change the laws, change the planning rules and do whatever they want to. They are called developers. By the way, he said, if there is anybody, any of the County Commissioners that are developers, or have a partnership in a development firm, or have anything to do with developing anything or plan on it, it seems to me that it would be appropriate for you to recuse yourself from this situation because you're dealing with people who are about to lose value in their property and it would be an opportunity for opportunists such as developers to take us over. As far as the destination resorts are concerned, he said we already have destination resorts. They are getting more so all the time. We can thank the Fish and Wildlife Department for that. They've planted animals into the county, they've allowed animals in the county – animals that none of us in these rural areas need and in many cases don't want. We'd be penalized if we take them for our own use, but meanwhile we have lots of fair weather friends and lots of trespassers and lots of State Policemen out there hassling us that wouldn't be if we didn't have those animals. Now you are talking about bringing some wildlife department to the Planning Commission, basically, so they can have the last say and decide what we do with our properties if we happen to end up in this big game winter range sensitive habitat situation. That includes the sensitive bird areas. All these different maps that the Board is considering adopting would just tie us up – Fish and Wildlife Department would tell us that even if we do have an opportunity to build according to your rules, they would tell us where we can and where we can't build and

probably stop it all together, probably in the long run – chances are. The planners have been using this term mitigation quite a little bit. Mitigation – that just means soften the blow in the meantime, then eventually they will come down on us harder and they'll draw harder lines. Besides that, if you adopt a map, a map's a picture. Originally when they used to adopt maps for legal purposes, and our state constitution is an excellent example, they described the meets and bounds and the limitations of where that map was going to be in words. It works the same way when you buy property. You buy it based on a legal description, not on a picture of a map. If you adopt a map and don't have the legal description with it, there's all kinds of things that can happen in the future where the lines on those maps can be drawn and nobody will even know it until it's too late. It would be kind of like the last 47 years when things like the taking away our mineral rights away from us. But as far as the destination resorts are concerned, if somebody else can have a destination resort in this county, he wants one. He said he might need one. It might come to the point where we have to have one if we are going to survive. He said he really doesn't want a destination resort in our area; don't really want his neighbors to have them. But, they have the right to have them. And we don't actually have the right to be telling our neighbors what they can and can't do with their private property as long as it doesn't injure or damage us. If we try to do that and use government to control our neighbors, it'll come back and bite our children hard. The time will come that this won't look like a country that was founded by free people for free people. It will look like a country that's run by a dictator – a minister, if you will. Of course, the minister in this case would be the administrator of the Planning Department or the Fish and Wildlife Department. He said one other issue he would like to bring up – there's a lot of them; this will all come out in written testimony – Dr. Kelly Howsley-Glover was talking about a site by site basis when it comes to the bird maps. And that we are going to be to be able to see the maps, see what's on our property but we can't have a copy of the map and it only pertains specifically to our property. Well, there's a lot of these rules and regulations and laws that only pertain to specific property even though we're all within the same class, we're all neighbors, we're all peers – one person becomes the winner and another becomes the loser based on decisions with rules and regulations. The more rules and regulations you have, the more so that is. Anytime you have spatial situations like that and you make decisions over winners and losers, what you're doing is creating spatial laws. Spatial laws are not only illegal but they're also unconstitutional. It's in the Oregon Constitution. Be careful because he doesn't want to sue the County – he is suing his own money if he sues the county. He said he finances the County; we pay you people to look after our private property, we pay you people to look after this county right and to operate in a frugal manner. We

don't pay you to spread your wings and try to take in the whole country and manage everybody. Besides that, the people you have down there managing us or who think they're going to manage us – Fish and Wildlife Department, the Planning Department – those people haven't lived in our shoes. He said he bets there's not one of them that's as old as he is and probably 75% of the people who run these ranches in these counties. Not only have they not had the experience, they probably have never been on a ranch, a lot of them. If they have, they have no idea of what we have to go through, what our life's like and the trials and tribulations not only that we've gone through but our fore bearers have gone through so we can have these properties. He said, in short, he wants the Board to look after us, to look after the taxpayers and vote no on both issues – 20-001 and 20-004. Thank you.

Chair Hege thanked Mr. Mateer for taking the time to be here today.

William Covington, 1005 SE 201<sup>st</sup> Court, Camas, Washington, said he is a landowner in Wasco County and has just recently become aware of all of these changes. He said he has tried to find out how they would affect his particular property. However, trying to read through the 385 pages to find out something has just not worked out very well. He asked if there is something that the Commission will publish or put on their site that says if you live here or are within this property tax code number, this is how you will be affected by this overlay and these other changes. He said he is not in favor of the changes in any way, shape or form. He said he also agrees with one of the ladies that testified that said we should not be doing this at this present time. This needs to be a public hearing where you can see and talk to the people that are the landowners that have a problem with this without trying to do it on a Zoom or a phone call. He said that is it for him – thank you.

Chair Hege thanked Mr. Covington for taking some time to talk to us. He said he totally agrees that there is a lot of material and it is difficult to take in – that is why we are trying to spend as much time as possible. He said that one thing he might consider is that he can call our staff – you can tell them where your specific property is and they will do all they can to help you understand potentially what impacts there might be and everything else. You might think about that.

Chair Hege asked if anyone else wished to testify. There were none. Chair Hege closed the floor for testimony. He asked about keeping the record open and what that means. He said he also has some questions that came up as a result of testimony.

Planning Director Angie Brewer said that we can keep the record open and the Board can choose to allow for an additional chunk of time to receive that comment. That will result in us needing to schedule an additional hearing. Typically the second hearing is just limited to reading the previously deliberated and agreed upon ordinance for the record – reading it into effect, essentially. The Board can do that; our timelines are constrained so it would need to be in the relatively near future and we would need to be able to turn around minutes and prepare the packet for the State in a rather expedited way. Just be cognizant of the workload implications for Dr. Howsley-Glover and potentially Ms. Clark. She said as long as the Board has the time, they can ask more questions – depending on the question, staff may need time to answer.

Mr. Stone said that he has basically moved everybody back starting at 1 p.m. and then going from there to start the executive session at 2 or 2:10 p.m. The only conflict that he really has is the MCEDD appointments and quarterly report. Chair Hege said he thinks we will have some time here and will be done with this discussion fairly shortly and will be able to deal with other business.

Chair Hege said the one thing he heard was related to sensitive habitat changes, specifically in the Mill Creek area. He said he is not sure what that is – he thinks Ms. Chaisson mentioned that. He said he knows we talked about new maps, but it sounded like a line was being moved in the Mill Creek area. He asked if someone could talk about what that was and help him understand what that is.

Mr. Thompson said he would try to answer that – it is hard with the way the maps are to remember exactly where that line is in relation to specific properties. He said that what he heard in that testimony was concerns about fence. He said that is one of the regulations they have removed is the fencing regulation. So, there is no longer any fencing criteria involved within the winter range ordinance rules. What it would mean is if additional properties in the area are added outside the ag 160 zone, then it becomes the development standards that are in place for winter range which is trying to cluster development to maximize open space in lot sizes less than that 160. So, if there's additional areas in Mill Creek, what you would see is we would try to focus new housing developments in areas that are already disturbed. It gets complicated in areas like Mill Creek because you have irrigated agriculture and those rules supersede all of the Goal 5 rules. So, it comes into kind of the piecemeal of where can a house go on a lot and that's where currently ODFW meets on site with the landowner and comes up with where they want to build a house and how to best do that to maximize residual habitat potential on that property. We work with



those landowners to try to help them develop their siting plan. Hopefully, bringing that within 300 feet of a disturbance band. Again, trying to focus new disturbance where there is already disturbance to not displace those wildlife out into other areas. That really gets site-specific when we get into those.

Chair Hege said there was a comment in the chat about the fence. He asked staff to take a look at that and respond.

Mr. Thompson said he would have to go back and look but really thinks the fencing standard was removed across the board. Dr. Howsley-Glover agreed saying that they removed the voluntary fencing standards completely.

Chair Hege asked about the meets and bounds issue. He said that he has seen that in the Gorge Commission where they used a felt marker to draw the lines. He asked if with these maps someone can distinctly and clearly determine where a line falls.

Mr. Thompson said that it is a digitally available map. He said that he knows not everybody has the technology to get to that, but through their Compass tool which is an online mapping service – if people do have the internet they can go in and look at the map exactly. He said that he believes it is also available on the county's planning website once it's developed. He said that if somebody doesn't have that ability, he can easily print a map to whatever scale so people can see it. It is a digital line. Some of the older maps, when we started updating we realized that some of the original maps were done in crayon – the mapping technology is much different now. He said he thinks we can provide a better product for people so they can see that.

Dr. Howsley-Glover added that the data to create the maps was provided by ODFW to Geographic Information Systems staff at Wasco County. It is a digitized file where we can get very specific – down to meets and bounds, down to GPS coordinates – there is no ambiguity in the lines.

Chair Hege observed that there had been several comments about the volume of material. He said that he has incredible empathy for everyone – how are citizens supposed to be able to take in the voluminous amount of material, process it and deal with it? He wants people to know that he hears the complaint and we are all on the same page. It is not very easy to put these regulations into a two page document; however, it seems as though he read somewhere that we do have a much simpler, shorter document that covers it in much less detail. He asked if staff could

talk about what people might access.

Dr. Howsley-Glover responded that one of the reasons for a separate Wasco 2040 project website (wasco2040.com) was to be sure to disseminate information in readable, accessible snippets. They have also leveraged that tool to be able to provide surveys, polls and offer additional opportunities for public comment. There is an epic queue on that site that speaks specifically to these updates; it has links for more information for people who want to do a deeper dive. She said that we also had two public hearings as part of the Planning Commission. At the first public hearing, community members requested that Planning staff produce a summary in addition to the epic queues available on wasco2040.com. She and Ms. Brewer worked to really condense that almost 600 pages into 2 pages with the caveat that a lot of the detailed information, they are required to send to the State. She said they did not want to over-simplify that in a way that obfuscates the realities. What they did try to do was remove all the jargon to make it clear and plain-spoken. That is available for download on wasco2040.com. They did send it via email to participants of the Planning Commission hearings and those folks who were registered as part of their notification list. If people want to contact the Planning Department, she would be happy to send them an email with that information.

Chair Hege suggested that we make a certified effort, even on the County website – maybe the main webpage, to push that out there in some way to make it as easy and available as possible. Dr. Howsley-Glover said she would be happy to work with Ms. Gambee to develop something for the home page of the website.

Chair Hege said there was a comment about the fire rules and regulations being many, many, many pages and how can we reduce that to half that size. Obviously, when we are looking at all this, we are trying to do the best job we can. Is there any opportunity to reduce some of this? He said he has to agree that when you just get buried in paper, it is very difficult to try to find your way out of it. He said he remembers that even the survey we had for the fire ordinance, even though it was good, it was 20-30 pages long and can be a little over-whelming. He asked for thoughts on that.

Dr. Howsley-Glover replied that she is not sure specifically what was being referenced with that comment about fire material. He asked if she heard the comments. She replied that she did.

Ms. Brewer said that she wants to make sure that everyone is aware that they work

with our local fire chiefs and our emergency service providers on developing those regulations. We will have an opportunity to update them through the Community Wildfire Prevention Planning process on the horizon. But, the reason for the length is because, in part, because we have empowered our local first responders and the emergency services staff to participate and tell us what they need and what the residents can do to help decrease their risk of a disaster on their private property.

Chair Hege said he doesn't want to stop the other Commissioners from saying anything, but has a couple more things. He said one comment that he saw talks about accessory structures – this is more a LUDO question – but he just wants to make sure. He said he believes, many people believe, we have a problem with our current LUDO related to accessory structures on our rural residential land. He said he wants to make sure that whatever we are doing in the Comprehensive Plan is going to allow an opportunity for us to, hopefully, make some changes to that so that we don't have people building 7 accessory structures because our rules don't allow them to build something a size that works for them.

Dr. Howsley-Glover replied that it is in the scope for the LUDO update – accessory structures – analyzing and evaluating that in a public process is on the Land Use and Development Ordinance update; specifically scoped for 2022.

Chair Hege said he has a specific question on page BOC-1-134 which is page 169 of the packet. He said his question is pretty simple – he said he believes this is the case; is this new material or is this the current plan that is not marked up or is this just comments about it? It relates to core habitat area.

Dr. Howsley-Glover stated that she believes what he is referencing is the EP analysis for western pond turtles. This analysis was conducted by staff in 2005; so, it is old material that was not included in the Comprehensive Plan even though we are required to by State law. So what we have essentially done is added it in. So, it is not new material, it was adopted through the legislative process in 2005 – it just was not included in the Comprehensive Plan. So, we are just sticking it in with the additional analysis in the appendix for Goal 5.

Chair Hege asked if those rules and regulations are already being applied today. Dr. Howsley-Glover replied affirmatively.

Chair Hege said he has a quick question on the White River related to the Wild and Scenic. One of the questions is, it mentions in here at the beginning of Appendix 5,

page BOC 1-136 or page 171 of the packet – his question is the White River was designated as a federal Wild and Scenic River on October 28, 1988 – is that parts of the river or the entire river. Dr. Howsley-Glover replied that it is the entire river. She said, just to be clear, the Wild and Scenic issue, we already went through the process to adopt this EC analysis this last year. So, this is not new material; this is pre-existing. The federal process is different than the Oregon Scenic Waterways program in that they designate or identify certain stretches of the federal rivers under different categories - some are scenic, some are recreation. What that designation means is they are basically identifying existing status quo of uses and activities that occur on the length of the river. It doesn't have any relationship to the way we are required to manage it according to Goal 5. There seems to be and has been confusion in the past with this portion of the river is supposed to be recreational, why are you regulating in this way? That is why we went through the process last year of adopting this EC analysis – it was to make it very clear to the public what Goal 5 requires us to do in terms of protection of those resources.

Ms. Turner said that she wrote that comment. She said that she did talk to Greg Walden's office extensively. This has been a few years ago when Senator Ferioli was in office and he helped her with this. Originally the section from above the town or Tygh Valley to the old dam [portion of testimony missing due to technical issues] made that change which was not legal. She said she verified that through Senator Ferioli's office, with Greg Walden's office. She said she believes, according to him, that if we contact them and ask for a review of that specific decision to add that section, it can be removed.

Chair Hege asked if Ms. Turner can send him something on that via email. Ms. Turner said that she can.

Chair Hege said he has another question and apologizes now that she says this is old hat. He said he has a question on BOC-1-149. This is a table that relates to industrial uses in this zone around Tygh Valley related to the White River. There is a section in there under water bottling, well many of these uses and identifies whether it's a subject to review for conditional use or not permitted. He said his question is under water bottling, under the TV-M2 zone, it says not permitted; his question is why? That's a fairly straight-forward industrial activity – why would that not be permitted in an M2 zone?

Dr. Howsley-Glover replied that she thinks historically – she said it is sort of a long and winding answer. Water bottling facilities were added to EFU (Exclusive Farm

Use) Zones in the State of Oregon – she can't remember what year, but she thinks it was at least a decade after we adopted the Tygh Valley zones. So, we did use some of our rural/industrial uses and activities to inform uses permitted in Tygh Valley like the rural service area zones; but water bottling, apparently, during the creation of Tygh Valley industrial was just not something was on their radar at the Planning Department. Apparently, it was not on the radar of anybody until more recently when it was adopted for permitted use in the EFU. She said the simple answer is that it just wasn't thought of at the time they actually drafted the provisions for that chapter within the LUDO. She said she has not done extensive research on that but would be happy to do more research on that. She said she was not prepared to speak to the issue today.

Chair Hege said on page 1-154 some if it is not clear to him. He said he knows this is obviously part of the record, but is this some of the decisions we are making or is this just stuff that you are showing us as kind of reference material. The second paragraph on page 1-154 is says, staff is recommending all permitted industrial uses be allowed as conditional uses. Is that something that . . . is this an old document where that decision was made before or is this something we are talking about now?

Dr. Howsley-Glover responded that it was a decision that was made last year. It was to address a policy interpretation that was made about our Land Use and Development Ordinance specific to EPD 7 which is our natural sites and wild and scenic and Oregon scenic waterways where the interpretation has led to the implementation that any conditional use permits in an underlying zone would thereby be prohibited by that overlay zone. So, what staff recommended last year, which was adopted and approved by DLCD, was the recommendation that we just treat everything like a conditional use permit in this zone and that we don't start off with a prohibition.

An unidentified citizen asked that if this was done last year and laws have been changed, why did that not make it to the County Commissioner? Chair Hege said that answer to that is that it probably did and he didn't realize it. Dr. Howsley-Glover confirmed, saying that this was presented to the Board of County Commissioners and they did approve it last year. It went through the normal notification process and the normal legislative hearing process. She said they actually highlighted this change in particular in the massive mailer they did to the members of public in March. She said she actually the more recent one they did in August. There were two notifications for this year's update – one in February/March

and one in August given our new update schedule; this was actually one of the things that they highlighted.

Chair Hege said they obviously have had a lot of comments on this kind of stuff but there was a comment, actually it was from Nicole: "I would be at the meetings but I am really worried about that you will restrict my F1 and F2 land use even further. Also, there is a chance our taxes will rise and other agencies will be allowed to have access to my property." He asked how we respond to that; his sense is that we are not providing additional restrictions – are we?

Dr. Howsley-Glover stated that if you are already in the EPD 8, arguably it actually lessens restrictions, unless you are in the F1 and F2 where really the status is pretty much the same with the exception of the removal of those voluntary standards. She said, as you heard Jeremy Thompson say, this should, theoretically, be less back and forth between ODFW and staff on permits. We are not proposing changes to the underlying zone; we are not proposing prohibitions on any uses or activities. Again, the goal is, when development is proposed, to offer mitigation strategies to insure that development can occur in a way that protects the resources.

Chair Hege said he would cease his questioning and asked if the other Commissioners had any questions before we conclude.

Vice-Chair Schwartz said she has a question or clarification. Ms. Chaisson did reference that Vice-Chair Schwartz lives on Mill Creek and it is probably affected by the mapping. She said she wants to clarify her understanding. She said that if she were to want to do some development today, prior to if this new plan passes, when I go to Planning there is going to be one map that we'll be looking at but eventually it will go to ODFW for review and they will use a different map. But what we are really doing is just aligning the maps. So there really isn't a change there, correct? It will go to ODFW now to look at where I live and what I want to do and to offer what we call mitigation strategies and that's not really a change, correct?

Dr. Howsley-Glover said if you were not currently in EPD 8 but are being proposed to be added in and you are proposing a conditional use permit – basically if you are proposing a conditional use permit anywhere in Wasco County, regardless of this overlay zone, there is a trigger and that conditional use permit language where we are asked to request review by ODFW. We have to be able to demonstrate by facts and evidence, including consultation with ODFW staff that the development proposed will have adverse impacts on sensitive wildlife. Sensitive wildlife is

defined by rules that pertain to ODFW; they have identified that as deer and elk and obviously the bird species. If you aren't in EPD 8 but are being proposed to be added, the biggest change you are going to see is with the Type 1 uses and subject to standards uses. For Type 1 uses, they are proposing exemptions for in A1-160 which is our agricultural zone. But if you are in F2, and you haven't been in this EPD but are moving into this EPD, you would see an additional staff criteria and a consultation with ODFW, same for Type 2. So, it really depends on a lot of factors including your underlying zoning; but, essentially the most important thing is that it is not a prohibition on any activities. Really, it's just the necessity to have a consultation with ODFW and then possible mitigation measures. Mr. Thompson spoke about the most common one that ODFW uses which is that 300 feet requirement of siting a dwelling within the roadway or access way.

Vice-Chair Schwartz thanked her, saying that she does realize that it is a very difficult question to answer when you don't have a specific request that you are looking for. She said she appreciates the explanation.

An unidentified citizen said that when they had the public meetings and ODFW explained they took away a voluntary boundary – basically, they erased a voluntary boundary, took it away – and made it mandatory to be included in an overlay zone so that their map would mesh with the County Planning map. In reality, isn't it an expansion? Because something that is mandatory where prior to that it was not, says in her mind that it is an expansion of boundary – an erasing and an expansion.

Dr. Howsley-Glover said she is not clear on the question, Chair Hege said that basically before there was this voluntary program that we talked about and that is proposed to be removed. What is replacing that is the map – this new map, which is expanded. The question was, isn't that expansion? He asked Mr. Thompson, what people should expect.

Mr. Thompson replied that the area of voluntary standards – a lot of that area came off the map that was in transitional lands to the north of the county. So a lot of that area, because of the confusion with voluntary standards, it was completely removed. So, we didn't make mandatory regulations in a lot of that, we just removed those regulations and that area from consideration.

Chair Hege asked if the area that was removed has this new map overlaying it.

Mr. Thompson replied that that is not the case. When we get into that refined

mapping, he asked Dr. Howsley-Glover if he is correct that all of the area of voluntary standards was removed. Dr. Howsley-Glover replied that that was her understanding – yes.

The citizen said that she does have some input on that because based on the maps that they had at the public meetings, you showed us where a voluntary boundary was. You removed that voluntary boundary and expanded out to the boundary line that the County Planning Department had already encompassed on their maps. What used to be voluntary, no longer is voluntary because it lies inside a larger area map that is regulated by mandatory standards.

Ms. Turner said that the original map of Fish and Wildlife's area that was the big game management area that's part of our original goals that was reviewed in the 1990s, and it is in the information – she said she saw it last night on your information. It only comes so far east from the forest zone. That was the adopted map from the past; this one goes way farther. Mr. Thompson and his organization may have been using that in how they talked to landowners, I understand that's true. But, we did not adopt that map. We are being asked to now. My answer is "absolutely not."

Mr. Thompson said that when you look at the original map, that expansion to the east – the majority of that land was in Ag-160. So, looking back through the history of that original map adoption - obviously, most of us involved in the process weren't in that process at the time – ODFW requested that winter range go out into Ag-160, except for the fact that the underlying zone of AG-160 provided all the protections necessary. So at the adoption of the original map, there was no need to look at protections because the ag land inherently protects wildlife. Our agricultural practices provide everything that wildlife needs in the winter. Really, the only reason to discuss that expansion is because of these changes of use and the conflict it has created for developers, mostly in the green energy field that we see today. The intent is to maintain the same protections that we've had and just clarify that language. Again, the area of voluntary standards, going back to that question, the majority of that that he has worked with and seen, is all within that Mosier area. Most of that, because it was in the traditional lands study area, we removed that from winter range because it is developed to the point that it inherently doesn't provide those protections now.

The unidentified citizen said that the question is a matter of principal. A voluntary boundary was removed, the map was expanded to meet up with what the Planning Department has. In reality, what used to be a situation where a landowner could



come and say “no, I am not going to do that,” or “yes, I am going to do that,” – that was a choice. Now that it falls under a mandatory regulated map, that opportunity for the landowner has been removed.

Mr. Thompson said, again, he believes – he does not have the maps up as we go through this meeting – the intent was is that area of voluntary standard was completely removed from the map. So we did not expand out mandatory regulations in the former voluntary, we actually removed that area completely from the map. Most of that area is between the 7 Mile hill and Mosier area. The intent as we developed those maps and went through the refinement process, to completely remove that from any voluntary regulation so that, theoretically, if you were in the area of voluntary standards currently, it would go into an area of no winter range standards with the new map if it’s adopted.

Chair Hege asked if Commissioner Kramer has any questions.

Commissioner Kramer said he wants clarifications so that we are all on the same page. He said his understanding is that the map we are looking at in this packet that is expanded to the east – that map, and Mr. Thompson can correct him; he understands that that map has been in place since 2012. This map that we are looking at in our packet today is what the Planning Commission is sending to the Commission to adopt so that Wasco County will be currently using the same map that ODFW is using and has been using since 2012. He asked Mr. Thompson to correct him if he is wrong or elaborate on that. He said he thinks that might be where we are getting confused on what’s happening here.

Mr. Thompson said hat is the goal – to update the map so they are the same. You are correct. What ODFW has proposed to County Planning is to utilize essentially the same map as ODFW has. The ODFW map did cover a little bit of the traditional land study area – the area that they have removed from voluntary standards – but outside of that the two would be 100% in sync. He said, again, they tried to develop with the County Land Use Ordinance that all they are concerned with is the land conversion that they are currently commenting to – large scale conversion, removing it essentially form ag practice. He said that is what they are trying to clarify so that when a proposal comes forward, for a large solar development, large wind development or whatever the next conversion is down the road, they have the opportunity to work with those developers for mitigation factors. He said as the commission has seen with the current proposals for wind and solar in the county, there was no “no,” given; there was no stoppage of those projects, they just worked

with the developers on those to offset those habitat impacts and other areas to meet the State's rule by our habitat mitigation policy.

Commissioner Kramer said with that answer, for his clarity – he said he is going to use Mr. Mateer as an example. Unless Mr. Mateer wants to put in solar, this is not going to affect Mr. Mateer at all with his property rights. He said that is the way he sees it.

Dr. Howsley-Glover said, just to clarify, if anybody who is being added into this EPD 8 were to propose development, in, let's say A1-160 because that's really the bulk of what's being proposed to be added; if they were proposing anything above a Type 1 use, a subject to standards use, which would be things like utility facilities, wineries, or they are proposing some kind of division of their properties – so a partition – the Planning Department would be required to consult with ODFW and also have additional staff review which has additional costs to the application. For conditional use permits, anywhere in the county, regardless of their zoning requirements of whether or not they are in EPD 8, there already is a trigger in the conditional use permit language that they need to consult for any conditional use permit with ODFW to ensure there are no adverse impacts to sensitive wildlife, She said in that case, it's the status quo – there is no change. The most significant change for A1-160 land is are those "subject to standard uses." The things that ODFW is most concerned about like land divisions, where you're taking large ranchers or farming properties and significantly cutting them down in size which cannot unsurprisingly change migration patterns or habitats. Also, big commercial uses like wineries – we know the kind of activities that happen in conjunction with wineries including agri-tourism aspects, can increase activity on the landscape which may then have an impact on wildlife. There are a couple of scenarios that are being proposed where anybody proposing development may have some additional criteria, but, generally as Mr. Thompson has been careful to stress and she thinks the Planning Department has been careful to stress, we have really worked with the public and ODFW to ensure that we are able to exempt agricultural uses. That includes farm use, that includes agricultural structures and that includes farm dwellings.

Commissioner Kramer thanked her for the explanation.

Ms. Brewer added that in their experience in the Planning Commission hearings and some of the Road Show work sessions, they found that those who feel like these changes are impacting them negatively, are not necessarily very familiar with how

the current rules impact their ability to develop their land. She said she would encourage anyone with concerns about the proposed revisions impacting them negatively to reach out to the Planning Department to confirm if that's that case because they have really been diligent in trying to increase transparency by using one map, to increase efficiency in permitting and to streamline by reducing any unnecessary regulatory barriers or hurdles for landowners in all zones and in all areas of this map. She said they have worked very carefully with Fish and Wildlife and have been very strategic in doing this work so that we are aligning our maps to point to best available data as the State laws require them to; but also, reducing barriers for our farmers and forest residents wherever possible. If you feel like you are being impacted negatively and if Commissioners get questions from residents who feel like they are being impacted negatively, she would encourage them to reach out to the Planning Department so we can confirm for them what rules apply to them today and how that will be improved or changed by the revisions being proposed.

Ms. Cantrell said that pertaining to the voluntary boundary relating to the mandatory new line, have the Commissioners received in their packets the two maps – the one that the County planners had prior to having the Fish and Game remove their voluntary boundary? Have you had a chance to compare those two maps? She said her understanding was that Planning sought to have both agencies come together and she understands that, but it is still not clear to her.

Chair Hege said that we understand her concern and he will direct our staff right now to look into that and come back to us to confirm to make sure that the voluntary area is outside – basically to confirm what Mr. Thompson said.

Mr. Mateer said in answer to Commissioner Kramer, he said anything you add in terms of control over our private property is affecting our property rights. That map would add to the controls. The Fish and Wildlife Department are going to be in here tighter, controlling us more. They are going to have a say at the table if we ever try to do anything and we don't want them in here. They're already a problem. They've got all that fence up there on their own property; they don't even maintain it – they let the animals run roughshod all over everybody else's place. They keep adding wild animals to our communities. It's already complicated enough. We don't want anything to do with the Fish and Wildlife Department. We don't want the map overlay on our property – that will affect us.

Chair Hege said he wants to clarify that we've basically taken the testimony we've

had; can we keep the written record open until our next hearing? We did talk Will Van Vactor and there are some other people who have some things they want to send in writing. Can we keep the written record open until the next meeting? We're not going to have any more public testimony on these things. Is that a possibility?

Dr. Howsley-Glover replied affirmatively, adding that it will still necessitate a second reading so we will still have to have a third hearing. Chair Hege commented that that is just one more meeting. Dr. Howsley-Glover said it would be the Board of Commissioners meeting on the 21<sup>st</sup> and then the next meeting which is scheduled for November 4<sup>th</sup>. Chair Hege asked if that is just that we are moving this out one meeting from where it was. Dr. Howsley-Glover concurred – two more meetings, but just one new one.

Chair Hege said he is fine with that and asked if the other Commissioners are fine with it as well. Commissioner Kramer said that he is. Vice-Chair Schwartz said that she would be if she understood. Chair Hege said that basically what we are doing is instead of tying a bow on this today, we still have to have another hearing to pass these because we are not going to make a decision today. If we keep the record open, it would be open, we would have another hearing at our next meeting. Potentially some more input would come in. He said he is suggesting that we don't have any more live testimony, but just allow the written record to be open. We will have another meeting quickly and then we would have a meeting after that which would be in November, basically to make the decision. He asked if he described that correctly. Dr. Howsley-Glover indicated that he did.

Vice-Chair Schwartz said not an additional meeting. Chair Hege confirmed saying that this topic would move to the next meeting and also the following meeting. He said that if we do it how we were planning, the Board would make a decision at the next meeting. In this case we will do it at not the next meeting but the one after that.

Vice-Chair Schwartz said that in the meantime we will allow more written testimony until our next meeting. Chair Hege confirmed.

Dr. Howsley-Glover said that the Board should be sure to direct people to send their testimony to the actual Planning Department. That would really reduce the administrative coordination issues that we've had and why we had to separate testimony and site it as ex parte. The way this process works is the Planning Department actually is the owner of the record. They have to actually be in receipt of any testimony that will then be presented to the Board.

Chair Hege said that what Dr. Howsley-Glover is saying is don't just send the Commissioners your testimony, send it to our Planning Department. You can also copy the Commissioners in on it – we can get it at the same time; but, make sure you also include the Planning Department at the same time so that it's one in the same.

Chair Hege said he is going to close the hearing; we are going to allow the written testimony which goes to the Planning Department until our next meeting which is on October 21<sup>st</sup>. Then we will open it up and have a dialogue about that. We are not going to allow any more live testimony. He asked if that is correct. Dr. Howsley Glover indicated that he is correct.

He said with that, we need to deal with the title of the Ordinance. The Ordinance can be read in full if one of the Commissioners want to or we can read it by title only. Dr. Howsley-Glover said that they do not need to read it now. Since they are keeping the record open they can read it at their next hearing. Chair Hege said that they will read the title next time. He said that the next meeting for this ordinance is on October 21<sup>st</sup>. Dr. Howsley-Glover indicated confirmation.

Commissioner Kramer said that he believes all we are doing today is recessing this hearing to a further date. Ms. Brewer indicated confirmation. Chair Hege said but we are not going to have public testimony other than in writing until that time. Commissioner Kramer agreed. Chair Hege reminded people to send their comments to the Planning Department – they can copy the Board , too.

Chair Hege recessed the hearing for Ordinance 20-001. He said we are going to move on to our next ordinance. Ms. Clark requested a 2 minute break.

Chair Hege recessed the meeting at 12:20 p.m.

The session reconvened at 12:22 p.m.

At 12:22 p.m., Chair Hege opened the October 7, 2020 public hearing for 921-20-000072, a review of a recommendation made by the Wasco County Planning Commission for: A legislative hearing to consider approving amendments to the Wasco County Comprehensive Plan, primarily relating to process and criteria including the Introduction, Plan Revisions Process and Goal Exception chapters. Amendments also include the adoption of a new format for the plan. These amendments relate to the Post Acknowledgment Plan Amendment to update

remaining chapters from the Comprehensive Plan.

The proposed amendments will have a widespread affect, on many properties and zones, and is therefore a legislative amendment.

As a reminder, the process for this amendment has been consistent with the **notice procedures** required by Chapter 2 of the LUDO, this hearing was advertised for today, October 7, 2020, 10:00 a.m. via electronic video conferencing, as permitted by Oregon Revised Statutes 192.640 and 192.670. Notice was provided in the newspaper and on the County's website.

This hearing is the first of two Board of County Commission hearings scheduled for this text amendment. The second hearing will be on October 21, 2020 at 10:00 AM. He said we will probably update that but will talk about it later.

The criteria for approval of this request include:

Wasco County Comprehensive Plan Chapter 11 and Oregon Administrative Rules 660-025

The hearings process, notice and appeal period are governed by ORS 197.612 and by ORS 197.763 and qualify as a land use decision under ORS 197.015(11).

The proposed amendments must comply with the Wasco County Comprehensive Plan.

The procedure I would like to follow is:

- (a) The Planning Department will provide a brief overview of their September 15, 2020 presentation of the amendments recommended by the Planning Commission.
- (b) The Board of Commissioners will ask questions of staff.
- (c) Members of the public are asked to testify.
- (d) The Board of Commissioners will deliberate and will provide direction to staff for any additional information or amendments they would like to see for the next hearing.

He asked the following questions:

Does any Commission member wish to disqualify themselves for any personal or financial interest in this matter? There were none. Chair Hege said that the same ex parte contacts as applied in the previous hearing apply here – Commissioners have received emails and attended meetings.

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.

Chair Hege asked staff to proceed with their presentation.

Dr. Howsley-Glover reviewed the materials on the following slides.

Dr. Howsley-Glover said they saved the quick on for last so she will be able to buzz through this very quickly. This ordinance pertains to our last updates that we need to make to have a full and complete Comprehensive Plan – Wasco County 2040. These are process driven chapters or procedures that are mostly good reference for staff but also useful to members of the public in really figuring out how to navigate the Comprehensive Plan. That includes the criteria we use to make any revisions to the Comprehensive Plan so that will be the criteria you see in any of our staff reports over the last several years for Wasco County 2040. Goal Exceptions are exceptions that are basically rezones that we made for lands that were formerly resource zones and have been made non-resource. She said we had a very short introduction chapter in the 1983 Comprehensive Plan; they have expanded that substantially to include a variety of information they think is helpful.

## Overview

### **Ordinance 20-004 is to update the Comprehensive Plan with the following Chapters:**

- **Revisions Process**
- **Goal Exceptions**
- **Introduction**

Dr. Howsley-Glover said that in Chapter 15 they haven't done anything substantive in terms of revising the criteria that's relevant for Plan amendments. They have shifted it over from Chapter 11 to Chapter 15, put it in the new format, moved definitions to an order that does not confuse them with criteria – to the sidebar , they have renumbered the criteria as a result and they have added one finding.

## Chapter 15: Plan Revisions Process

- Previously Chapter 11
- New format
- Move definitions to sidebar
- Renumber criteria
- Add a finding

Dr. Howsley-Glover stated that the purpose this chapter serves is really to guide staff when they are making Comprehensive Plan amendments to make sure they are meeting criteria that they determined is important for amendments and a lot of it is lock step with what it says in State law.

## Chapter 15 Purpose

- Criteria for updates (what we use in staff reports)

Dr. Howsley-Glover said that for Goal Exceptions she want to just really briefly bring everybody up to speed. She says she knows that its' a jargon term; committed lands is also a jargon term. Basically, the Oregon Statewide Land Use Planning system – the foundation of it is 19 land use planning goals; 14 of them are applicable in Wasco County. Any time you are removing a property from a resource zone, in Wasco County that is a forest zone or an agriculture zone, you would need to take



exceptions to goals related to those resources - Goal 3 for agricultural lands; Goal 4 for forest lands. Sometimes there are also some other exceptions for things in rural service areas. But, when we adopted the 1983 Comprehensive Plan, staff went through a pretty developed procedure to identify lands that were determined, deemed committed which means they were already being used for more urban purposes, things like residential, industrial, commercial and weren't really appropriate to be zoned for farm or forest use. There was a process by which they went through that and that was memorialized in the Goal Exception Chapter in the previous Comprehensive Plan. It was previously in Chapter 13; they have moved it to Chapter 16. They adopted the new format. Not surprisingly, in 1983 the National Scenic Area was not in existence so these things were all meshed together. They have taken great pains to extract those so it is very clear to everybody which are national scenic area lands and which are not. She said she wants to clarify that they did some extensive auditing of that information and had consultations with the Department of Land Conservation and Development staff on whether we needed to preserve those exceptions in the Scenic Area because the Comprehensive Plan isn't the Comprehensive Plan for the Scenic Area; the Management Plan is. They felt it was important to preserve that because if something were ever to happen to the National Scenic Area we could ensure protection of those committed exceptions. That is why they left that in this chapter, whereas we have removed everything else pertaining to the Scenic Area. They also did some consultations with State staff to make sure they were meeting the statutory requirements for identifying and really inventorying these exceptions lands in a way that preserves and protects them.

## Chapter 16: Goal Exceptions

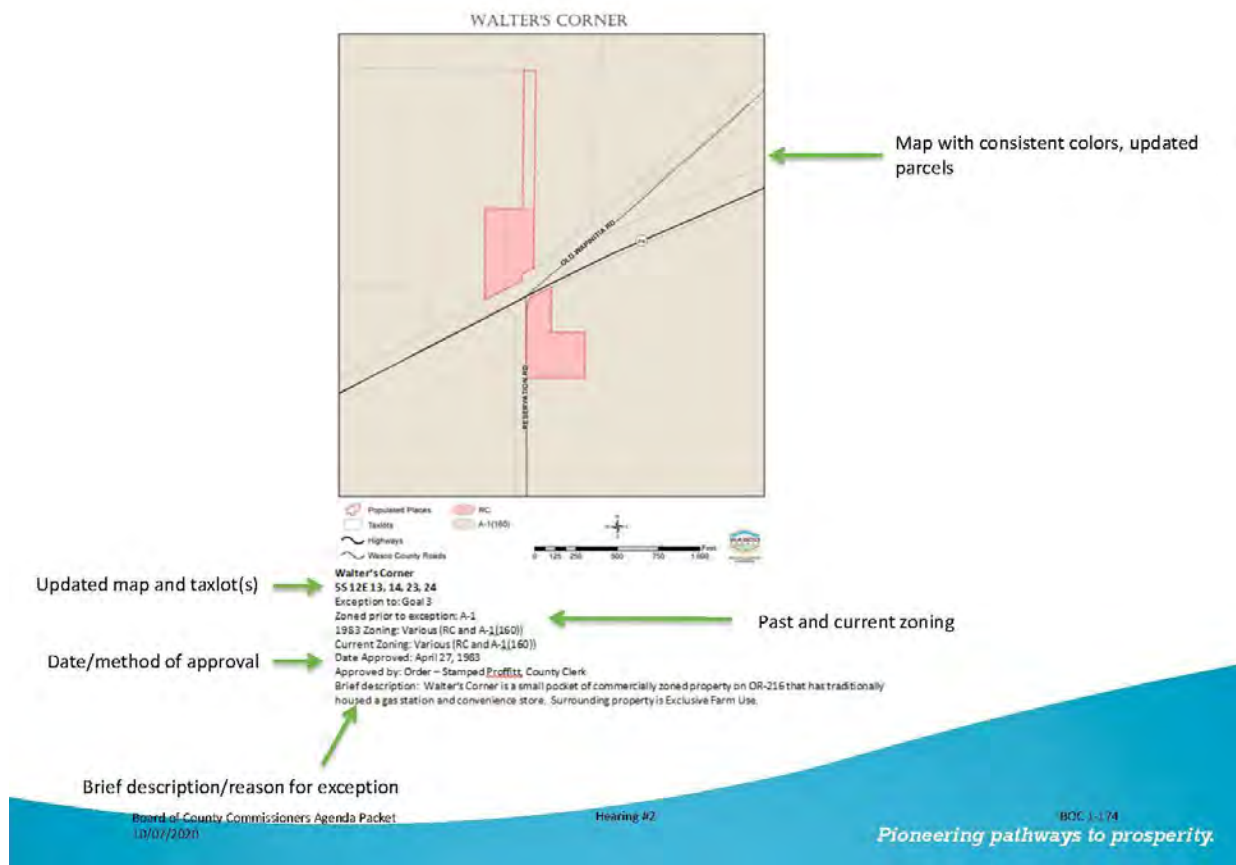
- What is a Goal Exception/Committed Lands?
  - Land designated for non-resource use (not farm or forest)
  - Committed lands meet criteria for being committed to non-resource/exempting them from Goals 3 or 4

Dr. Howsley-Glover stated that this inventory is actually required to live in Comprehensive Plan by OAR 660-004. The main use of this is really for research for development applications or to help give guidance on potential future rezones. It's really more of an inventory on what we have done in the past rather than guidance for the future.

## Chapter 16: Goal Exceptions

- Previously Chapter 13
- New format
- Distinguish NSA lands
- Revise format based on statutory requirements/DLCD consultation

Dr. Howsley-Glover said the maps were produced over various decades so they were inconsistent. They worked with the Geographic Information Systems staff, who really deserves a lot of credit for all their work on Wasco County 2040, to streamline these maps to look consistent and uniform. They also had to update parcel information because, as you can imagine, parcels have changed substantially since the 80s. We also went through a map and tax lot changes during one of the decades so they updated that information so this would be easy for staff and residents to locate in the future. They included previous zones and 1983 zones and permit zoning and the date and method of approval and a brief description of basically explaining why this was excepted land.



Dr. Howsley-Glover said, finally, the introduction chapter, as she mentioned, they expanded it. It was a very tiny section in the 1983 Comprehensive Plan. One of their main goals in this process and really, what they promised the State we wanted to do was develop a good model to make Comprehensive Plans usable documents. So, they really packed a lot of that information into the introduction chapter. First and foremost, they wanted to make sure the history of Wasco County Planning and zoning was very clear, upfront and in an accessible format. In the past it has been spread out all throughout archival documents and books and things – very hard for even staff to find. We wanted to make sure it was very clearly represented in the Comprehensive Plan. They also included legal framework that really sets up what a Comprehensive Plan is and should be; statewide planning goals that make up the foundation of this plan. They have included the components of the Comprehensive Plan; how to use it so it's kind of a how-to guide on what you are looking at when you open up this document. Our Comprehensive Plan map and our Comprehensive Plan zoning map all live within the Geographic Information System, but they wanted to make sure that those were adopted by reference very clearly. They have included a table that also shows when those maps have been modified so it's very

clear to the public when things have changed because we do, from time to time, get those questions. Every land use planning document typically has definitions section and that's no exception in the Comprehensive Plan; we have that. In addition, because Wasco County when we were going through essentially a visioning phase also went through strategic planning and a rebranding, they wanted to include that values and vision piece that is so important to us as an organization and really helped to model and mold this process. That is essentially what makes this up. These are process documents that are really meant to guide staff for procedures and process or serve to memorialize things that have happened in the past like rezones and also make it a user-friendly document. She said she is happy to answer any questions the Commissioners have.

## Introduction Chapter

- New Chapter
- Includes:
  - Overview
  - History of Planning in Wasco County
  - Wasco County Zoning History
  - Legal Framework
  - Statewide Planning Goals
  - Components of the Comprehensive Plan
  - Plan Development Process
  - Using the Plan
  - Future Updates, Revising the Map and Inventories
  - Purpose Definitions of Map Classifications on the Comprehensive Plan Map
  - Definitions on Existing Land Use Maps
  - Adopted by Reference
  - Values and Vision
  - Definitions

Commissioner Kramer stated he did not have any questions at this time. Chair Hege said he has no questions. Vice-Chair Schwartz indicated that she did not have any questions. Chair Hege opened the floor to public testimony asking speakers to state their name and address for the record.

Kathleen Cantrell of Dufur said that she guesses that in order to be part of the record for this hearing, we do need to make a statement. She said that in light of protecting the rights of private property, if the Commissioners choose not to do that, but would like to continue to work with the state and let the state continue to dictate certain laws or rules they create without the Commissioners taking into consideration the oaths of offices that they have taken, that would be an issue. She said that she will address that in her packet that she is sending as testimony pertaining to the hearings – plural – today. Thank you very much.

Chair Hege thanked Ms. Cantrell for her testimony.

Liz Turner said she thinks she will send in more written testimony now that we can. There was actually, she can't tell if it actually was true, but we were told that – there was information going around that we could not send in written testimony, that the only testimony that would be accepted would be during the hearing which is one of the reasons she wrote the Goal 1 complaint. If we can make further written testimony, that's really, really helpful. She said she really appreciates that. She said she would just say overall about all of these current changes that we're looking at that to her overreach is when any agency of the State comes and starts talking to us about what we can and can't do on our private property for any reason, no matter which one it is, without jurisdiction that's been given by us through Planning or any other organization that would have overriding local ordinances about that we already knew about. But whenever anyone comes from an organization of the State and begins to tell us what we can do, that's overreach because what we're really seeing today is that now we're going to add official authority to what has been overreach by organizations that we didn't have any control over. We don't get to decide who they are; we didn't invite them. She said that to her, that's the issue is we have organizations coming out and saying "well, we've already been there so you ought to just authorize this now." She said, no - we never asked them to do that. The wildlife are not going to be affected probably much at all by whether or not anything is done in an overlay. They are affected by their food sources and by how much they are harassed by certain things, mostly predators and so they move to where the food source is; they move to where there's shelter. The people out [transmission garbled] the ability we have the better job we can do manage our land in a way that is both healthy [transmission garbled]. She just wants to say she is absolutely against this idea of overreach and then we're going to legalize it. She thanked the Board for the comment time.

Chair Hege thanked Ms. Turner and asked for any other comments related to this

proposed ordinance. There were none Chair Hege closed public testimony.

Chair Hege asked if we should just do the same thing with this ordinance that we are doing with the other ordinance in terms of keeping the record open until the next meeting. Dr. Howsley-Glover replied that she would leave that up to the discretion of the Board. She said she would advise, though, that we have not received any public testimony except for the two folks that just spoke on this issue. This issue has been, for all intents and purposes, non-controversial. It was passed 7-0 at the Planning Commission.

Chair Hege said it seems like it makes sense to just have it consistent and have these two ordinances roll forward the same.

Commissioner Kramer stated that the Planning Commission sent this to us 7-0 and this is basically just cleaning things up for us and he sees no controversy in this one, where in the other one he did see some controversy that we needed to adjust for or at least listen to. He said he is fine with moving forward with this one today.

Chair Hege said we could do that but he was just thinking that just to keep them in line and make it easy to do them all at the same time. But, if the Commissioners want to do this we could go ahead and read the title into the record and potentially approve it next meeting.

Vice-Chair Schwartz said she would just ask what the preference of staff is. Dr. Howsley-Glover said she doesn't really have a preference. This issue was a post-acknowledgement Plan amendment. So, we do not have the same periodic review timelines that are tied to Work Task 18. So, if the Commission feels like they still want to give an opportunity for the public to read and digest and comment, she is happy with that. But, again, it's not been a controversial topic. Ms. Brewer agreed. Vice-Chair Schwartz said she could go either way. Chair Hege said he would like to just keep this in line with the other one. Commissioner Kramer said that is fine, he was just trying to streamline for our staff.

Chair Hege said that with that we are going to conclude this hearing. If there is written testimony we will receive that until October 21<sup>st</sup>. He directs submitters to send their comments to the Planning Department; if you want to copy the Board in, that is fine. We will not be reading the title of the ordinance today and will be continuing this later. Commissioner Kramer, Ms. Brewer and Dr. Howsley-Glover indicated agreement.

The hearing was closed at 12:42 p.m.

**Agenda Item – EDC Appointments and Quarterly Report**

Mid-Columbia Economic Development District Senior Projects Manager Carrie Pipinich reviewed the memo included in the Board Packet regarding appointments to be made to the Wasco County Economic Development Commission.

**{{{Commissioner Kramer moved to approve Orders 20-044 and 20-045 appointing Alice Cannon and Tonya Brumley to the Wasco County Economic Development Commission. Vice-Chair Schwartz seconded that motion which passed unanimously.}}}**

Ms. Pipinich reviewed the report included in the Board Packet. Chair Hege asked how many business have been helped by the relief programs. Ms. Pipinich replied that 48 were helped in the first round and another 11 in the round that was matched. The PUD program helped 50. They are reaching out to those already funded for additional funding that has become available to them. She said she wants to thank Tatiana Eckert and Jacque Schei for all the work they have done on the outreach and processing.

Ms. Pipinich said she had a good conversation with Shaniko last week about their water system needs. She thinks they have been inspired by the success they have seen in Antelope.

Ms. Pipinich invited all to the November 6<sup>th</sup> virtual symposium. She asked the Board to share the invitation broadly so people can attend.

The Board thanked Ms. Pipinich for her work.

**Agenda Item – CARES Act Subgrants**

Administrative Services Director Matthew Klebes reviewed the report included in the Board Packet. He noted that they modeled the agreements after ones they got from the City of McMinnville. The funds must be used by the end of the year.

Vice-Chair Schwartz reported that the NORCOR Board has discussed this and all members are in favor of moving forward.

**{{{Vice-Chair Schwartz moved to approve the CARES Act Sub-grant Agreements between Wasco County and Northern Oregon Regional**





WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2020

This meeting was held on Zoom

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

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

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

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

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

**Public Comment**

Marolyn Wilks commented on the wonderful job she thought the County did during the extended fire/smoke/hazardous air quality event in late summer this year. She stated that she and her husband, Bruce Lumper, received notifications through the County system and were able to get the N95 masks distributed to the public. She said they were so proud of our County and shared those sentiments with friends outside of Wasco County.

**Discussion List – BRIC Grant**

Administrative Services Director Matthew Klebes reported that there was an opportunity to submit a pre-application letter for funding through the BRIC (Building Resilient Infrastructure and Communities) program. While the County has to be the applicant, he submitted the pre-application letter in conjunction with QLife and MCEDD. We have received approval to apply for the grant; the application is due the day after Thanksgiving. He said that he wanted to be sure the Board is aware of the application and give them the opportunity to comment. While the County will be the applicant, QLife will manage the grant. He added that they also helped Mosier submit a pre-application letter for a backup generator for their water system; they were not successful.

Vice-Chair Schwartz asked if he knows why Mosier was rejected. Mr. Klebes said that he does not have the details but will look into it.



**the motion which passed unanimously.}}}**

**Consent Agenda – 10.7.2020 Regular Session Minutes**

**{{{Commissioner Kramer moved to approve the consent agenda. Vice-Chair Schwartz seconded the motion which passed unanimously.}}}**

**Agenda Item – Planning Ordinance Hearings – 20-001 & 20-004**

ORDINANCE 20-001

Chair Hege said that this is a continuation of the hearing from October 7<sup>th</sup>; we wanted to keep the written record open as people indicated they still had more to say. We are not taking any more verbal testimony this week. He said there was not much of an opportunity for the Board to discuss or deliberate on the Ordinance at the last session. We will have time for that at this session. He said we appreciate that there were a number of comments that came in.

Chair Hege said this is a long, long process. We started the work on the Comprehensive Plan over three years ago; the work on this last section has taken over a year.

Chair Hege opened the hearing at 10:02 a.m.

We will now commence the public hearing continued from October 7, 2020 for 921-18-000221 and 921-19-000126, a review of a recommendation made by the Wasco County Planning Commission for: A legislative hearing to consider approving amendments to the Wasco County Comprehensive Plan, Comprehensive Plan Zoning Map and Land Use and Development Ordinance primarily relating to policies and implementation strategies for Natural Resources, Scenic and Historic Areas and Open Spaces, Forest Lands and Recreation. Amendments also include the adoption of a new format for the plan. These amendments relate to work tasks 18 of Wasco County's Periodic Review to update the Comprehensive Plan and the Post Acknowledgment Plan Amendment to update Goals 4 and 8 of the Comprehensive Plan.

The proposed amendments will have a widespread affect, on many properties and zones, and is therefore a legislative amendment.

As a reminder, the process for this amendment has been consistent with the **notice procedures** required by Chapter 2 of the LUDO, this hearing was advertised for,

October 7, 2020, 10:00 a.m. via electronic video conferencing, and was continued until today, October 21, 2020, as permitted by Oregon Revised Statutes 192.640 and 192.670. Notice was provided in the newspaper and on the County's website.

This is a continuation of the first of two Board of County Commissioners hearings scheduled for this text amendment. The second hearing will be on November 4, 2020 at 10:00 AM.

**The criteria for approval of this request include:**

Wasco County Comprehensive Plan Chapter 11 and Oregon Administrative Rules 660-025

The hearings process, notice and appeal period are governed by ORS 197.612 and by ORS 197.763 and qualify as a land use decision under ORS 197.015(11).

The proposed amendments must comply with the Wasco County Comprehensive Plan.

**The procedure I would like to follow is:**

The Planning Department will provide a brief overview of their October 7, 2020 presentation of the amendments recommended by the Planning Commission.

The Board of Commissioners will ask questions of staff.

The Board of Commissioners will deliberate and will provide direction to staff for any additional information or amendments they would like to see for the next hearing.

Chair Hege asked the following questions:

*Does any Commission member wish to disqualify themselves for any personal or financial interest in this matter?* There were none. Chair Hege noted that the Board has received some communications from the public and have forwarded those to Planning staff for inclusion in the record.

*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.

Chair Hege asked staff to proceed with their presentation.

Dr. Howsley-Glover said that she wanted to take the opportunity, in the interest of time, to do something a little bit different here today. Specifically, because the most contentious issue being considered is Work Task 18, she wanted to focus the presentation on that. She said that she has given the same presentation consistently since March and decided to change it to answer some questions that have been raised in testimony. She said she also wants to explain more thoroughly why this work task is required.

Dr. Howsley-Glover said that essentially, with the Comprehensive Plan update, there were two types of updates: those that were community driven through feedback they received at roadshows and other types of outreach and input and those that were required by state law. Typically, the state-required updates were flagged to staff when they were creating their work plan in 2017. In addition to going out to the public, they were required to send notices out to state agencies and federal partners to let them know that we were undertaking this process and for them to give us a heads-up about any kind of feedback. A lot of that work was in the Goal 5 Chapter, so we did a lot of that work last year. This is, obviously, a continuation of that work.

## Overview of Ordinance 20-001

### **Updates Comprehensive Plan chapters:**

- Goal 5 (Natural Resources, Scenic, and Historic Areas and Open Spaces)
- Goal 4 (Forest Lands)
- Goal 8 (Recreation)

### **Makes revisions to the following maps:**

- Sensitive Wildlife Habitat (EPD 8)
- Sensitive Birds (EPD 12)

### **Adds a new map:**

- Destination Resort Eligibility (EPD 15)

In 2017, ODF&W notified us that our sensitive wildlife maps were now out of date and needed to be updated to be consistent. While Ordinance 20-001 includes Goal 5 issues – sensitive wildlife issues – we also included Goals 4 and 8 which are forest lands and recreation. She said she wants to focus her time today on Work Task 18 which is EPD 8 (Sensitive Wildlife Habitat), EPD 12 (Sensitive Birds), the policies and implementation and the LUDO language because that is a little bit unique in this work task

## Work Task 18: Goal 5

Update EPD 8 (Sensitive Wildlife Habitat)

Update EPD 12 (Sensitive Birds)

Update Policies/Implementation

Update LUDO 3.920 language for EPD 8

*Pioneering pathways to prosperity.*

Dr. Howsley-Glover said that, as she mentioned, in 2017 they were notified of these maps that needed to be updated. It did make it into the official work plan with the Department of Land Conservation and Development and has been publicly available since 2018 on our project website. It is also been published to share with community members. She said she also wants to cover the vast array of outreach that we have done. To be clear, why this is important is this work task actually only requires one mailed notice and three newspaper notices. She said she wants to demonstrate that they have really tried to go above and beyond to solicit public input and make citizens aware of these changes. They leveraged every free or low-cost resource they could find – social media, flyers and a project website. She said

they have a great relationship with members of the local media so she tries to go on radio shows regularly to give updates. For this particular work task, they did send a notice in February to everyone in the County – it was a post card notice. In addition, they sent a separate notice for anyone coming into or going out of EPD 12 – that was a separate, longer notice specifically targeted to those residents.

When it became clear in March that COVID was going to impact their ability to have in-person public meetings, they solicited an extension from the Department of Land Conservation and Development for the maximum amount of time they would allow within the periodic review schedule – that was November 30<sup>th</sup>. They followed up with DLCD to make sure that, because we were moving our first evidentiary hearing, that we had to re-notice it. They did confirm that, so staff sent again another notice county wide in August of 2020 to let folks know of these proposed changes. They also had some assistance in translating that notice into Spanish to make sure they were really reaching all populations in Wasco County.

In addition, they have had newspaper notices. In addition to the Board of County Commissioners hearings, they noticed every Citizens Advisory meeting. Those are typically work sessions where there is a lot of opportunity for public participation and comment. They also have tried to generate folks getting involved through the email/newsletter notification system. They have approximately 150 folks who regularly get newsletter notices from the Planning Department. In this case, they sent four about this work task specifically to keep folks informed about their movement forward.

## Work Task 18: Public Outreach/Notices

- Has been part of our publicly available work plan since February 2018
- Used newspaper, media, website, social media, flyers
  - [www.wasco2040.com](http://www.wasco2040.com)
  - Facebook, Twitter, Instagram
  - Postcards and fliers
- County-wide mailers (mailed directly to all county landowners)
  - February 2020 Countywide mailer, with a separate mailer for EPD 12.
  - August 2020 Countywide Mailer
- Newspaper Notices for Community Advisory Group and Planning Commission meetings
  - February 12 for March 3 Community Advisory Group Meeting
  - July 15, 2020 for August 4, 2020 Citizen Advisory Group meeting
  - August 12, 2020 for September 1, 2020 Planning Commission hearing
  - August 26, 2020 for September 15, 2020 Planning Commission hearing
  - September 16, 2020 for October 7, 2020 BOCC hearing
- Newsletter Notices – sent by email to those who signed up to receive notifications
  - March 26, 2020
  - July 28, 2020
  - August 25, 2020
  - September 2, 2020

Dr. Howsley-Glover said that, for this work task in particular, by November 4<sup>th</sup>, they will have conducted 12 public meetings – they are only required to have 3 . . . 1 Planning Commission Hearing and 2 Board of County Commissioner Meetings. Again, they really wanted to have all that public input so they invested a lot of time and resources into having lots of public meetings. They had an initial open house in September of last year to talk to folks about all the Goal 5 issues. They went out on the road in February of this year to talk to folks about these changes and also to get their input on the ECEE analysis which impacts the ordinance language. She reported that they had a really great turn-out with over 200 people from all over the county attending, participating and providing feedback. That is part of the Outreach Report included in the Board Packet. You will be able to see how folks commented and how that informed the ECEE analysis. She said they also had an online survey and other types of opportunities for those folks who could not participate in the road show meetings.

Dr. Howsley-Glover went on to say that they had a Citizens Advisory Group meeting on March 3<sup>rd</sup>. The intention was to go forward with a Planning Commission Hearing in April; but when it became evident that the COVID situation was going to put limitations on public meeting sizes, they asked for the extension and hit pause on this until August 4<sup>th</sup>. She said there has been some confusion about all the work they have talked about doing between March and August. And what they were really working on. She explained that what she was really referencing was, for the most part, the work related to Ordinance 20-004 which is the introduction, plan revision and goal exceptions chapter. So, that was really the bulk of what she was working on during that time and that is why we have those two things combined.

Dr. Howsley-Glover stated that they held another Citizens Advisory Group work session on August 4<sup>th</sup>. In September it became apparent that we had a number of residents that had been evacuated or impacted by wildfire. As a result, staff requested the Planning Commission issue a continuance of their hearing so we had two Planning Commission Hearings in September to insure public participation. That leads us up to today. She said the other point she wants to make is that she recognizes that Zoom meetings/video conferencing are not ideal for staff and are not ideal for members of the public. She said that staff understands that there is frustration involved in that. However, one of the things she wants to point out is that since they have gone the video-conferencing route, they have seen their numbers, in most instances, double, triple or quadruple from what they were at in-person meetings. In some respects, moving forward, staff thinks that a hybrid approach will be really beneficial because it give folks the opportunity to call in when otherwise



their work or home life schedules wouldn't really allow them to drive into The Dalles where most of the Planning Commission meetings are held.

## Work Task 18: 12 Public Meetings

- **Open House** on September 19, 2019 to talk about Goal 5 generally
- **Roadshow work session events** to discuss ESEE analysis and proposed map updates in February 2020
  - The Dalles, 52 attendees
  - Dufur, 72 attendees
  - Wamic, 63 attendees
  - Mosier, 50 attendees
  - Also hosted online survey/data for remote participation
- March 3 Citizen Advisory Group **work session** (4 attendees)
- August 4 Citizen Advisory Group **work session** (12 attendees, 18 streamed online)
- September 1<sup>st</sup> Planning Commission **Hearing** (33 attendees, 55 streamed online)
- September 15<sup>th</sup> Planning Commission **Hearing** (17 attendees, 36 streamed online)
- October 7<sup>th</sup> BOCC **Hearing**

*Pioneering pathways to prosperity.*

Dr. Howsley-Glover said she has tried to make clear why they are doing the updates. She stated that she is going to walk through the specific state requirements for periodic review. She explained that this isn't something that planners chose to do because they want to have a big impact on residents. It is, first and foremost, a requirement of periodic review that we listen to our agency partners when they flag things that are out of date. She said staff also really thinks that it is in Wasco County's best interest to use the best available data to really reduce the situations that ODF&W and staff has experienced with confusion between Wasco County's map and ODF&W's map. She said that she thinks something that keeps getting lost in the noise is the fact that ODF&W's maps are already actively being administered. They are being used to advise any kind of conditional use permits in Wasco County and have been since 2012. The fact that our maps are not consistent does create a lot of confusion for potential development applications. What they have tried to do in this process because it is a requirement, is really leverage the opportunity to streamline the permitting process by removing all the voluntary standards that

ODF&W and our public have said are not effective – things like the fencing standard - and take out some of the language in the Land Use and Development Ordinance that is confusing and frustrating and really take it down to the bare bones or what is required by law and what serves best interests while still building up exemptions for things like agricultural uses and allowing for variances, particularly for the dwelling 300 foot standard.

## Why Make These Updates?

- Periodic Review requirement
- Ensure maps are consistent with existing ODFW map already used for Conditional Use Permits
- Streamline & simplify existing permitting process

Dr. Howsley-Glover explained that there are a couple of triggers in Oregon Revised Statutes, Oregon State Law, that require us to make these updates. Most of those rules live in ORS 197. 197.175 and require our Comprehensive Plan be consistent with statewide planning goals. Work Task 18 falls under Goal 5. ORS 197.250 specifically requires that in our plans we adopt things that are consistent with statewide land use planning goals. The statewide land use planning goals are really outlined in the Oregon Administrative Rules. There has been some discussion about whether or not Oregon Administrative Rules are actually state law. For all intents and purposes, the courts consider them state law. When we are really looking into Goal 5, that is where the rubber hits the road. She said she also thinks ORS 197.319-197.335 outlines the power and authority of the Land Conservation and Development Commission's ability to issue enforcement actions on Wasco County for not having a Comprehensive Plan that is not consistent with state law requirements.



## Why is this required?



Dr. Howsley-Glover continued by saying that there are carrots and there are sticks; this boils down to a stick issue. Specifically with Goal 5, as outlined in Oregon Administrative Rule 660 Division 23, there are some requirements for the way we treat resources and inventory them. What it says is when we go through Periodic Review, which is the process we offered to undertake to update our Comprehensive Plan, we have to listen to our partners, like Oregon Department of Fish and Wildlife, about our resource inventories. Planners are not the subject experts when it comes to wildlife; we really rely on those partners who study this for a living and have specific federal and state rules they have to follow. We rely on their best available data. There are some specific triggers on Oregon Administrative Rules that require us to ask somebody like ODF&W – “Hey, do you have habitat inventory?” That is depicted in the form of a map. Not all of our inventories are depicted or illustrated by a map; some are actual lists. In other cases we have both, like the agricultural inventory – we have a whole list in the index as well as a graphic map available for view. Again, these are really specific regulations that Oregon Administrative Rules give us in Chapter 23 that we have to do this and prescribing the process we have to follow – prescribing that we have to go through the ECEE analysis to identify impacts and consequences; developing our strategies from there and then putting that into rulemaking.



Dr. Howsley-Glover said that she thinks it is important to pause and acknowledge that there have been some jurisdictions that have tried to not comply with Goal 5. Recently, Washington County had an enforcement order from LCDC for noncompliance with Goal 5. It was initiated by a private citizen who had a problem with some aspect of the Comprehensive Plan. In any case, these enforcement actions typically can be – “Hey, you need to do this;” “Hey you need to do this and we are going to stop your ability to issue permits or basically do any work until you do this;” or “We are going to authorize the Department of Land Use and Conservation to do this for you.” We don’t have a lot of wiggle room. The wiggle room is within the ECEE analysis and public input. We also have a lot of recent case law, some with counties and some with cities, where when the jurisdiction has not been in compliance with Goal 5, LUBA will send it back. We are talking about spinning in a washing machine of litigation. That is really something that, by complying with state law, we are trying to avoid. We don’t want to abuse taxpayer resources by going through unnecessary litigation.

---

Enforcement Order of Washington County pursuant to ORS  
197.324 for non-compliance with Goal 5 (2020, LCDC)

---

Nicitia v. City of Oregon City (2018, LUBA)

---

King v. Clackamas County (2015, LUBA)

---

Lofgren v. Jackson County (2007, LUBA)

---

Dr. Howsley-Glover said she wants to talk a bit about some of the questions that have come up over the course of the hearing. She said that something she has heard a lot is, :”Why is there so much reading material? It’s 500/600 pages and is just too much.” She stated that they actually have a lot of requirements about the way in which they do planning work; it is in state law that is sort of dictated to us what we need to put in the record. She said it is impossible for them to submit a 2-pager. We have to submit the adopting ordinances, which is also required that we put in those notices. We have to include studies, inventories, supporting evidence for any changes because all of our findings and conclusions that support amendments have to be backed by facts and evidence. We have to have the staff reports that talk about the findings and conclusions. We have to have the hearing minutes which is

why the packet from the 7<sup>th</sup> to now has jumped up because we had to include those extensive minutes that Kathy Clark produced in this packet because in a lot of cases that is testimony so we want to make sure that we are preserving that verbal testimony on the record through the minutes. Obviously, we have gotten a lot of public interest in this so we have a lot of testimony that makes it into the record. We have the actual proposed changes. For the sake of clarity and for people to really understand what we are updating, we've included in this packet a redlined, strikes and underlined, version and a clean version. They can look and see what is actually being changed and look at the clean version to see what it will look like if adopted.

## What we heard October 7, 2020



### Why so much reading material?



#### We are required by DLCD to submit:

- Adopted Ordinances (20-001)
- Studies, inventories, and other supporting evidence
- Staff reports with findings and conclusions on criteria
- Hearing minutes
- Written testimony/evidence
- Actual proposed changes in plans (for clarity we included strikes and underline and clean versions)

Dr. Howsley-Glover said she has already addressed the 'Why can't we meet in-person?' question a little bit. She wants to add that there are some provisions in state law that allows us to conduct public meetings by phone and electronic communications. Staff really did try to put this off as long as possible through the extension to try to get us back in a room together. Unfortunately, the way things have gone with the State of Oregon requirements and Wasco County's policies with COVID, it has just not been a possibility. She said they hope they will soon be able to meet again in a room but right now, because of the impact on people, to really be equitable to everybody, electronic communications have really been the best strategy for us. Staff really thinks that the numbers demonstrate that folks are finding us more accessible than when meeting in public.



### Why can't you meet in person?



State of Oregon limits the size of public meetings. Due to the popularity of this topic, and procedural requirements, it was determined it needed to be held remotely. This is also consistent with Wasco County's general policy to reduce the spread of COVID-19.

ORS 192.640 and 192.670 allow for public bodies to hold meetings via means of phone and/ electronic communication. We are using the Zoom video conferencing software that allows for both video and phone participation, as well as streaming during and after the meeting.

As our public meeting slide demonstrates, we have seen a dramatic increase in participation by using the Zoom platform.

Dr. Howsley-Glover said she has already walked through why it is mandatory. The slide below outlines those reasons. We have to follow the statewide land use and planning goals. During periodic review, we have to listen to our partners; in this case that is ODF&W.



### Why is this mandatory?



**ORS 197.250** specifically requires local government to comply and adopt rules consistent with the Statewide Land Use Planning Goals which are outlined in OAR 660.

**OAR 660-023-0250** requires at Periodic Review to amend Comp Plan if new information about inventories is provided during work plan development.

Required by **OAR 660-023-0110 (2)** to obtain current habitat inventory from ODFW and others.

Rule **OAR 660-023-0110 (4)(a-e)** requires that we rely on this information.



Dr. Howsley-Glover said that something she has heard from some testimony is, "Hey, you're a home rule county – can't you just say no, we don't want to do this?" There are actually only 9 home rule counties in Oregon. Wasco County is not one of them. There is this ability, granted by the legislature in 1973, for jurisdictions to adopt local legislation on matters that only concern us as a county. This doesn't cover it. In reviewing the case law, even if we were a home rule county, that is not a get out of jail free card as far as following state law. Courts, typically, have determined that state law will prevail over a conflicting local ordinance. Again, we are not a home rule county, but even if we were we would likely still have to follow state law and in fact, we see that with all of our counterparts who are one of the 9 counties who are home-ruled. They are still following Oregon state law in terms of land use planning.



**Staff said they want to be the baseline for the state. What does that mean?**



Staff is referencing the **process** to update the Comprehensive Plan, including robust citizen involvement (Goal 1) above and beyond what is required. Most jurisdictions don't create websites, use social media, use infographics, use polls, surveys, and roadshow work sessions when updating plans.

Staff is also referring to the overall effort to update our almost 40 year plan, because most Counties have similarly aged documents.

Dr. Howsley-Glover said that she has made some remarks in past presentations about how we really argued to LCDC when we wanted to do this comprehensive update, that we were trying to muddle through this process to give other jurisdictions, that are much less resourced than we are, some good guiding principles for how to do a good job. She said she thinks people have interpreted that to mean that she is talking specifically about Work Task 18 or that she is talking about any of the other work tasks. Really, planners are pretty process-focused; that is really what they get excited about. When she is talking about wanting to be a baseline for the state or wanting to share our example or share resources, really what she is talking about is the process. Staff is really proud of the robust citizen involvement that they have done. We have really gone above and beyond what is required and really tried to get as much participation from all corners of the county

as possible and tried to bridge all kinds of gaps to try to get that involvement from people. That is what we want to share with our counterparts in other counties. We want them to use some of the tools and the lessons we've learned to update their own plans. Just like our plan is almost 40 years old, most other counties are in that same boat. The state hasn't given a lot of resources to counties to update these things. The focus has typically been on urban jurisdictions. We wanted to shine a light that as the keepers of a huge amount of land mass in the State of Oregon, resources should be dedicated to this work. We should be making sure that these plans are a reflection of our values today moving forward rather than 40 years ago because, quite frankly, things have changed in Oregon. Again, when we say we want to be the baseline or that we are celebrating, we are celebrating the process; we are celebrating the achievements in terms of citizen involvement. It is not related to any public work tasks. She said she wants to be clear that there were two tracks of updates that they did in this process; one was things that we were required by law to do and one was things that the community told us to do. We did not want Wasco County's vision for what to do in the county; this is really the community's vision. Staff takes that role and that responsibility very, very seriously.



**Staff said they want to be the baseline for the state. What does that mean?**



Staff is referencing the **process** to update the Comprehensive Plan, including robust citizen involvement (Goal 1) above and beyond what is required. Most jurisdictions don't create websites, use social media, use infographics, use polls, surveys, and roadshow work sessions when updating plans.

Staff is also referring to the overall effort to update our almost 40 year plan, because most Counties have similarly aged documents.

Dr. Howsley-Glover said that in her previous presentation she talked about the LUDO chapter related to EPD 8 and that they were removing some of the redundant notifications. People became concerned that she was talking about public notifications. She said that she wants to be very clear that the notifications that are proposed to be removed from that chapter are not public notices. They are notices between Planning Department staff and the Department of State Lands and ODF&W about wetlands. There is no correlation between wetlands and this EPD. The

wetlands stuff lives specifically in zone chapters; so when she says it is redundant, it really is redundant and in some cases just confusing to planners. When staff is looking for whom to notice about wetlands, they are not looking here. It doesn't make sense to have it live here; that is why we are taking it out. The other notice they are proposing to remove and calling redundant is notices to ODF&W about areas of voluntary siting standards. One of the ways they have streamlined with the map and the ordinance language is to remove the voluntary siting areas. Those are not necessary if we are taking out the voluntary piece.



**Why is staff allowed to decided what notices are redundant or won't this impact public notice?**



The notices proposed to be removed are **not public notices**. They are:

- 1) Notices from Planning staff to Department of State Lands and ODFW about wetlands. These notices are already required within the wetland provisions in each zone and are redundant.
- 2) Notice to ODFW about Area of Voluntary Siting Standards which is proposed to be removed.

Dr. Howsley-Glover said there was some feedback on making the two-page overview more accessible. Staff almost immediately put that up on the Wasco County homepage on the scrolling header. Hopefully, everybody got a chance to read that. It has been on the project website since the September hearings. For anybody on those notifications and email lists, it was sent to them and they promoted it through social media. She said she would encourage any citizen listening today to really look for that email notification list and get involved in it. It is a really great way to stay engaged.



**Can you make the two page overview more accessible?**



Following the October 7 hearing it was immediately added to the rotating header on the Wasco County home page.

It has been on the on the project website since the Planning Commission's September hearing, was emailed to individuals on the notification list, and has been promoted through social media.

Dr. Howsley-Glover said that they heard a little about folks feeling that the project had a pre-determined outcome. She said that she assumes they are talking about the ODF&W maps. She said she wants to bring some clarity to this. The specific map revisions – making our Wasco County EPD 8 and EPD 12 maps look like ODF&W's maps – yes, that is predetermined, because we are not the authors of the inventory. We do not create the data; we are not the experts on where deer and elk and birds live in the county - ODF&W is. That is why we rely on them to generate those maps. The adoption of those maps is required by state law. So, in that sense, the direction has always been to follow state law, it is predetermined. We are going to follow state law and adopt these maps that are already recognized and utilized by ODF&W. What wasn't predetermined were those regulations. When we talk about the exemptions or the voluntary standards, such as the fencing standards that we are proposing to remove – those are the pieces that we focused our road show meetings on and a lot of our public outreach on, because that is where we had the ability and flexibility to make some changes. Staff feels like the results of that are really positive for the vast majority of Wasco County residents because we've created where there were none previously, exemptions for agricultural uses, including agricultural dwellings. We have removed all the unnecessary voluntary standards that ODF&W and the public found frustrating and unhelpful. We have also removed some of the redundant and confusing language to really streamline it and make it very clear and to make sure we are giving the greatest amount of allowances while really meeting the goals of the resource.



**It feels like this project had a predetermined outcome.**



Revisions to the map are based on ODFW maps revised in 2012 and currently used in their review of Conditional Use Permit applications. Adoption is required by state law.

Proposed revisions to simplify the regulations are new. Planning staff included the public in the ESEE analysis to learn what kinds of development were felt to be in conflict. The result of that public conversation and ODFW coordination allowed for exemptions and criteria. This occurred at the road-show events, attended by more than 230 residents, and with written or website participation.



Dr. Howsley-Glover said that one of the questions that came up during the October 7<sup>th</sup> verbal testimony was “Are the formerly voluntary areas becoming mandatory?” She says she apologizes that she did not have an answer ready to go. She said she did scrutinize the maps in more detail. She stated that there are areas that were formerly identified as low elevations which was considered by staff an area of voluntary compliance that are being moved into the general overview. We are doing away with all these distinctions and having just one general map. There is a portion of them that are coming out of the EPD completely and a portion that will remain and, in that respect, become mandatory. She said it is important to know that regardless of whether folks were voluntary or non-voluntary, they still had to go through a review; they still had to pay the fees. The only thing that was really voluntary in that case was the dwelling standards. That is for new dwellings; it is not for existing dwellings. She said another thing she thinks is getting lost in translation is that, with the 300 feet from the road or right of way access point, there are variance options. ODF&W meets with the developer, applicant, homeowner, property owner on a case by case basis to look at the property. ODF&W uses their available data and expertise to really determine whether or not that clustering makes sense for that property. The property owner has the opportunity at that point in time to really work with ODF&W staff to look at some alternatives. It is not a set-in-stone standard; there are variance opportunities. She said she wants to stress that one of the new additions to this language is that exemption for agricultural uses, including agricultural dwellings. Farm dwellings in A1-160 would not be subject to that 300 foot standard.



**Are the formerly Voluntary Areas becoming mandatory?**



The proposed map will result in the conversion of some areas of Low Elevation and Voluntary Areas. Other areas will be removed completely. Its important to understand that the Voluntary Areas still required review by staff and ODFW (cost and time), but the new dwelling standards were voluntary. That will now be mandatory, but with the option for a variance on a case by case basis, and an exemption for A-1 (160) farm dwellings.

Dr. Howsley-Glover said that one of the things that was asked is can we ask for an extension. She said they already asked for the maximum extension we could under periodic review. Periodic review has a really specific drop-dead date for us. It is what we agreed to when we asked to undergo periodic review. In order to prove that we need an extension we have to be able to prove the cause. It is staff's viewpoint that, considering the mandatory nature of adopting these maps, the previous extension, the extensive hearing schedule and then the fact that we haven't had a lot of evidence showing any errors in the analysis or mapping to present that there are contradictory findings that would mean we have to do a lot more research or analysis, an extension would not likely be granted by the Department of Land Conservation and Development.



### Can you ask for an extension?



We already have. Periodic Review requires completion within 3 years (ORS 197.633). Work Task 18 was originally due to DLCD by June 30. As a result of COVID-19, and hoping for in person hearings, staff requested the maximum possible extension until November 30<sup>th</sup>.

To obtain an extension, rule (ORS 197.636) requires we demonstrate “good cause”. Considering the mandatory nature of this update, the previous extension, the extensive hearing schedule, and insufficient evidence contradicting findings, its unlikely a second extension would be granted.

Dr. Howsley-Glover said that the bottom line is that these amendments were made with community input; that is what made up the ECEE analysis which was supplemented by peer review; research on wildlife patterns and habitat considerations. She said they took the input they got from the public very seriously. That is why staff really worked with ODF&W to find an exemption for agricultural uses. The maps are required by state law. In most cases they are already being used in Wasco County, it's just not clear to folks – an extension is not going to change the outcome of that. One way or another – either we do it ourselves or we get an enforcement order put upon us by LCDC – it is going to happen. She said that she understands that it feels very frustrating to some of our residents. She says that she hears them and appreciates it but we would not be doing our jobs as a planning

department for the taxpaying citizens of Wasco County if we didn't clearly lay out the risks of litigation and enforcement actions if we don't adopt these revisions.

## Bottom Line

- **Amendments were made with community input, including on the ESEE Analysis;**
- **Proposed revisions to maps are required by state law, an extension will not change the outcome; and**
- **Not adopting mandatory updates exposes the county to risk of litigation or enforcement action by the State of Oregon**

Dr. Howsley-Glover concluded her presentation and offered to answer any questions the Board may have.

Chair Hege thanked Dr. Howsley-Glover saying that it was an outstanding presentation. He said she answered a lot of questions that came up recently for all of us. He asked if the Commissioners had any questions.

Commissioner Kramer said that he did not have any questions. He said he wanted to comment that the presentation was excellent and it hopefully, gave that little bit of transparency piece that we have been accused of not providing. It is all there; our staff has done a great job. As was pointed out by one of our citizens, we took an oath of office and within that oath we are to respect the laws thereof. He said that with in mind, our staff has done an outstanding job on this and it is time that we move forward

Vice-Chair Schwartz said that she totally concurs with Commissioner Kramer and thanked him for his comments. She said that having read the documents – lots of pages – not just once, but twice, having had multiple conversations with planning staff, having read all of the testimony, she really doesn't have but one question. She said she recalls two weeks ago citizens expressed concerns about restrictions on

uses of their lands. They were encouraged to reach out to the Planning Department specifically about their particular land issues. She asked if anyone has reached out.

Dr. Howsley-Glover said that she had a really nice, long conversation with one citizen who was not at the October 7<sup>th</sup> hearing. She said that was the only person that wanted to meet with her and have a discussion.

Vice-Chair Schwartz said that she does not have any more questions but wants to thank staff for the excellent report.

Chair Hege said that he has a number of things he wants to say and has some questions. He said this has honestly been a great process. He said that he thinks it is one of those processes that we have been working on for over 3 years and this particular section over a year. It has been great but it's been frustrating at the end, based on a lot of the comments we have been receiving. He said that he has two overall frustrations that play into this that he thinks has caused some of these issues.

Chair Hege said that the first is the State mandated language – because we heard a lot of comments on this. He said that he wants to read the language that was in our notification for this last section. He said that he thinks a lot of people read the first part of it but did not read the whole thing, which he thinks is important. The language in the notification that everybody in Wasco County inside the jurisdictions got – he asked who got the notification. Dr. Howsley-Glover replied that the notification was sent to everybody in unincorporated Wasco County outside of the National Scenic Area. Chair Hege said there are a lot of words on the page but this is what it says:

*Wasco County has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in Wasco County and may change the value of your property. ORS 215.503 requires notice which contains the above language. Wasco County is notifying thousands of property owners of these proposed changes, and Wasco County has no way to know whether, how or when these updates might affect the value of your property. Your receipt of this notice does not necessarily mean that any of the proposed updates will limit the use of your property or change the value of your property.*

Chair Hege said he read that because, if you read the whole thing, it is very clear. He said he thinks the thing that frustrates him is that the State mandates that we tell you that this may affect your use and may affect your value - which is true. He said

that he thinks the reason that is in State law is because that wasn't happening and people were becoming very frustrated and went to the legislature and said "This is happening and we didn't know about it." He said now he thinks we have some kind of inflammatory language that kind of fans flames and gets people all riled up. Most of or many of the people he got comments from said "you **are** going to impact the use of my property" and "you **are** going to reduce its value." That is not true. One – we didn't say that, we made it very clear we don't know and two, he thinks very strongly that a lot of what we are talking about is certainly not going to change the use and in all likelihood is not going to change the value of properties. He said that is something that has frustrated him but we have to do it; we are mandated by the State to do it. He said he does not think it is the best way but in some ways it is a good thing. It is good to have the discussion,

Chair Hege said the other thing that he finds frustrating, and many of our citizens did as well, is the amount of material to sort through. He said that Dr. Howsley-Glover addressed this very well. He said it is just stunning for the normal person in our county to be able to deal with the volume of material and try to understand it, understand how it might or might not affect them. He said he understands the concern and has a great deal of empathy for people that are really concerned about this because they don't understand it. He said he would tell you, based on all of the work he has done over the last three years, that he really doesn't think this is going to make substantial changes to any property owner in the county. He said that he does not think their values are going to change substantially, if at all. He said that for those who are really, really up in arms about this, he thinks they are blowing it way out of proportion. When we talk about land use planning, the U.S. is a free country – we talk about that a lot. But, it's not an anarchy. We have laws and rules that we have to follow. If you think about land use planning it's always interesting because it's always like, "I should be able to do anything with my property." That is kind of our first response. But what if your neighbor started doing something that really irritates you; what if they have a business that runs 24 hours; what if they start mining? There's all these things that other people do. All of this land use planning is to try to create some sort of a peace among property owners so that people understand what you can and can't do; why you can and can't do it. But it is not an anarchy; we have governments and we have rules all over. People have to understand that land use planning is a rule. He said there was a comment that was made and he wants to read it because he thinks it makes a lot of sense and he totally agrees with it: He said this is just a snippet out of many comments:

*In our opinion, this protection includes enforcing ORS 30.933 which provides that*

*"Farming and forest practices are critical to the economic welfare of the State. And in the interest of continued welfare of the State, farming and forest practices must be protected from legal actions that may be intended to limit or have the effect of limiting farming and forest practices."*

Chair Hege said that is a law in the State of Oregon. He said that he agrees with that law. He said that frankly, what he thinks we are doing here is really helping to do that. Land use laws actually protect farm and forest practices more than many things. If we didn't have these laws and there was anarchy, you cannot imagine what would happen. He just wants people to understand that – it's important.

Chair Hege observed that the plan is almost 40 years old – that's a very old plan, but very little is changing. The sky is not falling; democracy is not over; the County is not taking over your land and driving your costs up. That's not what this plan's about and frankly, that is not what this plan will do. He said a lot of people have made some very strong statements to that effect and frankly, it's just not true. He said that he thinks what they will find is that what they are suggesting is not even remotely close to reality.

Chair Hege said that another thing that has been very disappointing is a lot of the comments that folks have made. He said that while we appreciate the comments, there have been a number of comments that breach the personal boundaries, particularly towards our staff. He said he can tell you that our staff are incredible professionals. We are so proud of the staff we have and they are doing their job. This is the job that they were hired to do and that they are directed to do. They are directed to do it by the Commission and they are directed to do it by the Planning Commission. They have done an excellent job and he appreciates the work they do. It's honestly frustrating when people take their frustration out on our staff. We are elected officials – we are the people that you need to take your frustrations out on. We get the big bucks to take the heat. Our staff has done a great job and we sincerely appreciate it. They are doing their jobs; so, please do not disparage our staff at all. This is tough work and they have done a great job.

Chair Hege said that the Planning Commission is you. This is citizens in our county. They are the ones that have done really the yeoman's work in terms of reviewing and approving this work. There were some comments, as well, about the Planning Commission somehow being beholding to the Planning Department in the context of they take an oath of office. He said he wants to read that oath of office because they are not beholding to the Planning office at all. If you have ever been to a

Planning Commission meeting you would clearly see that's not the case. There's lots of push back and comment. This is what the oath of office our Planning Commissioners take says:

*I do solemnly swear or affirm that I will support the constitution and the laws of the United States and the State of Oregon. And I will diligently apply the ordinances of Wasco County and that I will faithfully discharge the duties of the Wasco County Planning Commissioner to which office I have been appointed.*

Chair Hege went on to say that they are beholden to the U.S. Constitution and the laws and the laws of the State of Oregon. They are not beholden to our staff. They are there to do good work. They are there to represent all of the people that have been making comments. They are you; this is a citizen board. It is not even government bureaucrats like myself – even though I hate to call myself that.

Chair Hege asked, rhetorically, where are we headed? He said he thinks this is important because we have a packet of over 800 pages before us which is overwhelming. When we talk about a long document – Dr. Howsley-Glover mentioned that the minutes for the last meeting are in the new packet for the Planning Department. Not only are the minutes in their packet but they are in our packet. That's 75 pages for each one; that's 150 additional pages. They are the same pages. He said that even in the Planning packet there are also other things that are duplicated in there as well. But, where we are headed is we are going to have a document and the document is the Comprehensive Plan and it's essentially a book. It will be way easier to read. One thing he said he would maybe ask the staff to consider and maybe bring forward at our next meeting in November is to tell us how many pages that document is going to be. He said that he does not believe that document, the Comprehensive Plan itself, is going to be 800 pages long. He said he thinks it will be significantly less than that. He thinks that the document that the Commission is going to be asked to approve, even though there are a lot of documents that help us approve that, is a document – it is not all these 800 pages. He said he thinks the goal of this is to have it be much more usable by you, our citizens. That is the full intention of doing that as well as getting it up to date.

Chair Hege said he looks forward to it and thinks that when it's in its final form, people will view it and it will serve us well for a long time – maybe not 40 years, but a long time.

Chair Hege said that with that, he does have a couple of questions that he wanted to

put out there based on some of the comments he has been hearing. He said before he goes there, the other thing is that this is step one of our land use planning. The next step is the Land Use Development Ordinance – the LUDO. The LUDO is going to be a challenge as well. That is where we come down to the minute laws of: can you build a house of this size; what is an accessory dwelling. There are a lot of things in that. This is kind of an umbrella giving us guidance for the Land Use Development Ordinance. We have to be able to get through that; there is a lot of work to do. This is step one.

Chair Hege asked if this is proposed to be more restrictive than the State of Oregon – the requirements that the State has. If so, why?

Dr. Howsley-Glover asked if he was specifically asking about Work Task 18. Chair Hege said yes and maybe just generally the Comprehensive Plan – what we have approved and what we have moving forward. We have heard in the past that some of our LUDO is more restrictive than the State requires. He said that if he understands it correctly, we can be more restrictive but not less restrictive. He said they get a lot of questions saying that if we are more restrictive than the State, why? He said, in the context of the Comprehensive Plan, is there anything in it that is more restrictive than the State is requiring.

Dr. Howsley-Glover replied that the only thing she can think of, off of the top of her head, that we do that is more restrictive is some of our fire safety standards. Senior Planner Will Smith is going through that process to update the Community Wildfire Protection Plan which will then feed into regulations that are in the Land Use and Development Ordinance. By in large, what we heard from the community was they didn't want a lot of extra regulations. Really what they want is more outreach tools, more informational tools. So, that is most of what you are seeing in terms of edits in the Comprehensive Plan. She said in some cases, they have gotten direction to eliminate some of those additional restrictions in the Land Use Development Ordinance – particularly some of the housing work that we are looking forward to doing in 2022. She said one of the things they talked to people about was eliminating the prohibitions on single wide mobile homes. The public did want some side guards on that in terms of design standards; they are really looking forward to increasing more housing flexibility. She said probably, unless we were required by law to do it, anything that we have done based on community input for the most part is really informational.

Planning Director Angie Brewer said nothing that we have touched in the last



couple of years. Some of our existing regulations are unique to Wasco County but nothing related to the Comprehensive Plan update that we are doing right now or any ordinance changes that we are aware are going to be required or prioritized in the next phase that will be more restrictive than State law. We are mostly trying to align our consistency and accuracy and expand some of our options that are currently limited but otherwise allowed by State law.

Chair Hege said that one thing that has been commented on is, talking about transparency that people find frustrating, the maps and the maps related to bird nesting habitat. He asked if they can explain why those maps are “secret?” They are not really secret but they are protected.

Dr. Howsley-Glover said she thinks “protected” is a better way to think about it. She said it is a requirement from ODF&W; it is nothing that we arbitrarily decided to do. The reason they keep them confidential until the time of development is that they are nesting sites, they are habitat sites. When that information has been publicly available, unfortunately, citizens – not necessarily in Wasco County, maybe it’s elsewhere in the state or nationally – citizens have taken it upon themselves to damage the habitat, to damage the nesting sites. That creates a lot of problems in terms of the state and federal standards for the protection of species. It is not uncommon for our residents – the Scenic Area residents deal with this with a number of resources such as cultural artifacts and plant species – to keep some of our resources confidential. She said she can appreciate how frustrating that is from a public perspective but it is designed to protect birds.

Chair Hege said he thinks it comes off as not transparent but in fact the property owners themselves actually have full access to all that information and inventory. Dr. Howsley-Glover confirmed saying they would have to consult with Planning Staff, but yes.

Chair Hege said that he thinks in many cases that inventory exists because that landowner oftentimes was partnering perhaps with an energy company that did the studies and that is why those inventories exist. Dr. Howsley-Glover said that is absolutely correct.

Chair Hege said it is not something where someone secretly went on to their property and is looking around for bird habitat. It is their own selves working with their partners, usually energy companies that have to do these studies for EFSEC. It is important for people to know that.

Dr. Howsley-Glover said that she thinks it is also important to reiterate that recognizing that we couldn't show the maps to everybody in Wasco County, that is why they sent a targeted notice to anybody impacted, either coming out of or going into that EPD, to let them know if they were coming in or going out so they had the ability to follow-up with staff and staff could give them site specific, property specific feedback about that EPD.

Chair Hege said let's talk a bit about destination resort mapping. He said we had some comments about the maps and how the maps are not specific. He said he believes all of the maps we are talking about are basically GIS, specific maps. People would be able to find exactly where that line is and whether their property is in or out. Dr. Howsley-Glover said that as a policy, our GIS Department does not publish maps that are not adopted. If you are talking about would the public, right now, be able to go on the web app and look up destination resorts - no they would not. They would have to contact staff and we would definitely go over that with them because we do have a back end. We don't make them publicly available until they are adopted. We did hear the feedback and did revise the static map so it did show township and range and published it at a scale that is zoomable and gave some directions on how to do that on the project website. They then sent out that notification. Hopefully the folks that were concerned about that map in particular were able to engage with the new map.

Chair Hege said to continue on the destination resort issue, the whole idea behind the destination resort is an opportunity. We obviously heard that through the meetings that people wanted opportunities to do things – maybe farming wasn't going well and they wanted other opportunities. That is what is behind all this; it certainly is not an intention from our staff or the Commission or anyone to force this on somebody and say "Thou shalt have a destination resort." It is an economic opportunity and jobs and everything else. But, if people don't want it – there are a couple of other areas that are mapped in the northern part of the county and we got a lot of comments saying that the people don't want that in those areas and those were removed. He said that he thinks this one that actually remains in the central part of the county around the Maupin/Tygh Valley area; that could also be removed. He said he has not heard anybody speak positively about it. Maybe we want to wait until our final meeting on that, but at this point, his sense is that maybe we should remove that one as well and have one identified destination resort area which is the one in the far southeast corner of the county which is where Washington Family Ranch is. He said these areas didn't just magically appear; he asked how did they end up where they are.

Dr. Howsley-Glover said that state law, in Goal 8, does really set specific parameters for what qualifies as a destination resort. Staff asked GIS to do analysis based on those criteria – soil based, topography based, etc. EPD 8 has an impact on that. That produces this eligibility map. She reported that they did have significant testimony at the Citizen Advisory Group level about the areas in Petersburg and along Tygh Ridge. As a result, the Citizen Advisory Group opted to remove those from the map. The whole eligibility map is optional. Staff was really looking for economic development opportunities and trying to throw in everything that was possible because that is the feedback we heard really clearly in 2017 and throughout this process. It is all optional, so if the Board feels very strongly that they would like to remove one or all of those locations, that is totally allowable and Planning Department would support that.

Chair Hege said he thinks it is important for people to understand, as you did a good job of explaining, this overlay zone doesn't allow a destination resort – it allows an opportunity for someone to perhaps look at it. If someone was interested they would have to have the property or an agreement to use the property and they would have to meet a litany of development standards which include all of the things people are concerned about – is it going to have an impact on water; how are they going to deal with fire, etc. He said he thinks the important thing is that it is not going to change anything at all unless somebody came in and said they wanted to do a destination resort and were able to get the property, go through all the rules and convince all the people. It is an opportunity and he said that part of him hesitates to toss that away because he thinks it is an opportunity. At the same time, if people don't want it and are concerned about it . . . He said he thinks Washington Family Ranch hasn't commented on it and it is kind of what they are doing anyway. He said maybe it makes sense. He said that the other Commissioners should think about it as well and the citizens who are interested in it – the Board needs to hear from them. He said we have not heard from people who want it; only those who don't want it.

Chair Hege said the last question he has is about a comment that was made about the definition of "land." They asked why the definition of "land" is different than what we would find in Webster's Dictionary. Specifically, they talked about air as being defined in our Comprehensive Plan as "land." He said he has had a brief discussion about that with Ms. Brewer. He asked that they talk a little bit about the relationship of air to the land. He said he doesn't think we are defining land as air.

Dr. Howsley-Glover said we are not defining land as air. She said that Goal 6 is air,

land and water quality. Land use planning has a cross-over; it has a lot of criteria, particularly with conditional use permits. Planners have to scrutinize adverse impacts to the air, land and water. It is one of those features of the landscape, the world that we live in, the county, that our staff has to do analysis on. It is not that we are making an interpretation that air is land. She said that she wants to be clear that air does have an impact. It is one of the reasons we are pursuing the grant because the military has air space – you would see that more in urban jurisdictions where you would have to worry about air space in terms of really tall high rises. Air sometimes has a land use development component to it. It is not typical in rural landscapes but it is a consideration for land use planning.

Chair Hege said the air space issue makes it make a lot more sense even though it is not necessarily the context we are talking about here. Air quality certainly plays into land use and the effect of development on air quality.

Chair Hege said that those are all his comments and questions. He asked if the other Commissioners have any follow-up.

Vice-Chair Schwartz said some of her thoughts regarding some of the statements are that we should not necessarily underestimate the ability of our citizens to read and comprehend the documents that we have. They also have the ability, when they don't understand, to ask our Planning staff excellent questions. She said that she recognizes that it is her job as a government bureaucrat to do this work but she also thinks it is her job as a citizen. She said that she lives in an unincorporated area. She said it is her job to read the letters that are sent to her, do the work, ask the questions, read and digest the material to the best of her ability and, when she does not understand, to reach out to our amazingly accessible Planning staff to ask those questions about those things she doesn't understand whether of a general nature or things specific to her property. She said that she is certainly not a land use expert. These things affect her where she lives. She thinks that our citizens can certainly read and digest and ask the questions that need to be asked.

Vice-Chair Schwartz commented that something that came up around maps and being able to use the tools – it is difficult. She said she really hates some aspects of technology and that is one of them – trying to figure out these maps. But, she does realize that our Planning staff, if we call them, will bring up the map for you and show it to you specific to your question.

Vice-Chair Schwartz said that regarding the destination resorts, she would

comment that there were actually some positive comments in the packet. Perhaps not in the last two weeks of testimony but if you look back there were some positive comments around the economic development that destination resorts could bring to Wasco County. There is also this issue of if we don't do this. There is some clarity needed around if somebody wanted to put in a destination resort – if we don't have some sort of high-level area where it is possible, it just puts us back into confusion and she would ask that staff elaborate a little more. If we don't do this and somebody right now or in the past has requested it – what is the process? She said she understands it is difficult.

Chair Hege said that we have lost Commissioner Kramer and he wants to take a brief recess to work on getting him back before she answers. Ms. Clark said that Commissioner Kramer is at his office and our IS department is trying to get him back online.

Chair Hege called a recess at 11:13 a.m.

The session reconvened at 11:23 a.m.

Commissioner Kramer rejoined the session by phone. He said that the last he heard was Chair Hege's comment regarding the possibility of removing the destination resort areas. Chair Hege and Vice-Chair Schwartz reviewed the comments that he missed.

Vice-Chair Schwartz went on to say that we did receive some generalized comments over the last two weeks that were in support of the work plan being proposed. She repeated her request for elaboration around what the process would be if someone wants a destination resort without the benefit of the eligibility map.

Dr. Howsley-Glover replied that that the first step is to have the eligibility map which is why we think it is useful because it enables planners to advise where in the county these could occur. Without having an official map, they have to do a lot of research and a lot of back and forth to scrutinize what the law says, where we can permit them and then try to ascertain based on the person inquiring on whether or not that property would be eligible. It would create a lot of extra staff work that we were hoping to minimize by having this official map. Right now we have this map with two places around Juniper Flats/Pine Grove area and Washington Family Ranch. Let's say we decide to not adopt the map and somebody who lives near Walters Corner were to want to pursue it – we might say we did some analysis and

you might be good to go; let's go ahead and adopt the map. The next step from the eligibility map is to establish the criteria. The criteria live in the Land Use and Development Ordinance that enables planners to issue permits. She said Chair Hege talked about the fire and water standards –the considerations that would be part of a land development application. Planning staff has two concerns about putting it off. One is if we wait for a developer who is interested in pursuing it, we would be adopting criteria on the fly and usually developers are kind of in a hurry. We wouldn't have the opportunity to have a really broad conversation about, above and beyond what is required by state law – what other kind of criteria are the residents of Wasco County wanting to see go into those development applications. Fire and water are two of the biggest things we have heard throughout this process that people are worried about. We really want to make sure that we are addressing that in a way that is equitable, sustainable and taking those things into consideration. If we wait for a development application to start that process it becomes problematic. Second, we already have committed to doing a major overhaul of our Land Use and Development Ordinance upon the completion of our Comprehensive Plan update. We already have the wheels in motion to do that work over the next two years. We have a place holder in our scope to tackle this criteria. A lot of that criteria is in state law, but we want to open it up to the public to ask if they want to be more restrictive, do they want to add additional fire and/or water considerations. We would get to do that without the time sensitivities of a specific development application; without the perception of bias because we won't have a development application in front of us and won't be trying to shoehorn anything through the regulations. It would be a neutral process. Nothing would be on the table – it would literally be just asking the public to have a conversation about if something could happen in the future, what is important to us; what are we worried about. It gives us that neutrality and it gives us the ability to leverage a process that is already underway and all the things that go along with that. Notifications are a cost to the County. Anytime we modify these maps we have to send these scary notices that say what Chair Hege read off to us. It is a cost savings, it preserves neutrality and it leverages a process that is already underway. She said she does think that if the recommendation is to just keep Washington Family Ranch in there, it still gives us the opportunity to talk about that criteria whether or not we keep the Juniper Flat area or just stay around the Washington Family Ranch.

Commissioner Kramer said that all of his questions have been answered and he appreciates Chair Hege's comments.

He said we need to have our first reading and asked if any Commissioner would

like the Ordinance to be read in full. No one requested a full reading. Commissioner Kramer questioned that the title does not include EPD 15. Dr. Howsley-Glover explained that it is included within the body of the Ordinance and is covered under Chapter 8 Goal 8 in terms of the title and is mentioned in the actual ordinance..

Commissioner Kramer read into the record the title of the ordinance being proposed: ORDINANCE 20-001 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 4, 5, AND 8 IN CHAPTERS 4, 5, AND 8 OF WASCO COUNTY 2040, THE COMPREHENSIVE PLAN (FILE NUMBERS 921-18-000221, 921-19-000126) AND REVISIONS TO THE COMPREHENSIVE PLAN ZONING MAP EPD-8 AND EPD-12 ORDINANCE # 20-001

Chair Hege said the Board will be coming back in November to take a vote on this ordinance.

Chair Hege closed the public hearing at 11:28 a.m.

ORDINANCE 20-004

Chair Hege read the following into the record:

We will now commence the public hearing continued from October 7, 2020, for 921-20-000072, a review of a recommendation made by the Wasco County Planning Commission for:

A legislative hearing to consider approving amendments to the Wasco County Comprehensive Plan, primarily relating to process and criteria including the Introduction, Plan Revisions Process and Goal Exception chapters. Amendments also include the adoption of a new format for the plan. These amendments relate to the Post Acknowledgment Plan Amendment to update remaining chapters from the Comprehensive Plan.

The proposed amendments will have a widespread affect, on many properties and zones, and is therefore a legislative amendment.

As a reminder, the process for this amendment has been consistent with the **notice**



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE WASCO COUNTY PLANNING COMMISSION'S REQUEST TO APPROVE PROPOSED PERIODIC REVIEW LEGISLATIVE AMENDMENTS TO UPDATE THE COMPREHENSIVE PLAN RELATED TO LAND USE PLANNING GOALS 4, 5, AND 8 IN CHAPTERS 4, 5, AND 8 OF WASCO COUNTY 2040, THE COMPREHENSIVE PLAN (FILE NUMBERS 921-18-000221, 921-19-000126) AND REVISIONS TO THE COMPREHENSIVE PLAN ZONING MAP EPD-8 AND EPD-12

**ORDINANCE # 20-001**

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

WHEREAS, the 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 eighteenth task on the work plan was to make amendments to Goal 5 to make the language consistent with current Wasco County Planning Department practice, update language to be consistent with state law, and reformat the language in to the new Wasco County 2040 (Comprehensive Plan) format; and

WHEREAS, the eighteenth task on the work plan was to make amendments to the Comprehensive Plan Zoning Map Environmental Protection Districts 8 (Sensitive Wildlife) and 12 (Sensitive Birds) with information provided by the Oregon Department of Fish and Wildlife as required by Oregon Administrative Rules 660-023; and

WHEREAS, to support modifications to sensitive wildlife protections amendments were made to the Wasco County Land Use and Development Ordinance Chapter 3.920 ; and

WHEREAS, the Wasco County Planning Commission reviewed proposed revisions to Goal 4 (Forest Lands);

WHEREAS, revisions to Goal 4 were to make the language consistent with current Wasco County Planning Department practice, update language to be consistent with recent plans related to wildfire, and reformat material in to the new Wasco County 2040 (Comprehensive Plan) format; and

WHEREAS, the Wasco County Planning Commission reviewed proposed revisions to Goal 8 (Recreation);



WHEREAS, revisions to Goal 8 were to make the language consistent with current Wasco County Planning Department practice and the policy work completed with other Goals 2 and 14, reformat material in the new Wasco County 2040 (Comprehensive Plan) format, and to be consistent with policy and implementation strategies recommended by the public during the Wasco County 2040 process;

WHEREAS, revisions to Goal 8 included the development of a Destination Resort Eligibility map that will become Environmental Protection District 15 based on the criteria in state law and modifications recommended by the public;

WHEREAS, each Periodic Review task and Post Acknowledgement Plan Amendment 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 23 July 2020; and

WHEREAS, all property owners were sent notice of proposed Periodic Review update to the Comprehensive Plan in March 2017, February 2020 and August 2020; and

WHEREAS, that on 1 September 2020, at the hour of 3:00 PM via electronic methods duly posted 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 18 and additional post acknowledgment plan amendments for Goals 4 and 8. The Planning Commission continued the hearing until 15 September 15<sup>th</sup>. On 15 September 2020, at the hour of 3:00 PM via electronic methods duly posted Wasco County Planning Commission held the continuance of the first evidentiary hearing to review recommendations by staff and the advisory group, background information, and receive public testimony on work tasks 18 and additional post acknowledgment plan amendments for Goals 4 and 8. The Planning Commission then closed the public hearing and with a vote of 6 to 1 recommended approval to the Wasco County Board of Commissioners; and

WHEREAS, that on 7 October 2020 at the hour of 10:00 AM the Wasco County Board of Commissioners met via electronic means as recommended by the Governor 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 21 October 2020 at the hour of 10:00 AM the Wasco County Board of Commissioners met via electronic means 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, Wasco County 2040, in conjunction with

Periodic Review work plan task 18, additional amendments to Goals 4 and 8, and amendments to the Comprehensive Plan Zoning Map are 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;

WHEREAS, Pursuant to Oregon Administrative Rules 660-018-0040, submission of adopted change is required to DLCD for acknowledgment as part of amended the Comprehensive Plan, and once updates are acknowledged they will be effective.

DATED this 21st day of October 2020.

**APPROVED AS TO FORM:**

\_\_\_\_\_  
\_\_\_\_\_, County Counsel

**WASCO COUNTY BOARD OF COMMISSIONERS:**

\_\_\_\_\_  
Scott Hege, Commission Chair

**ATTEST:**

\_\_\_\_\_  
Steve D. Kramer, County Commissioner

\_\_\_\_\_  
Kathy Clark, Executive Assistant

\_\_\_\_\_  
Kathy Schwartz, County Commissioner



## MOTION

**SUBJECT: Ordinance 20-001**

---

**Comprehensive Plan Ordinance 20-001:** I move to approve Ordinance 20-001 Ordinance 20-001 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 4, 5, and 8 in Chapters 4, 5, and 8 of Wasco County 2040, The Comprehensive Plan (File Numbers 921-18-000221, 921-19-000126) and revisions to The Comprehensive Plan Zoning Map Epd-8 And Epd-12



## PLANNING HEARINGS

ORDINANCE 20-004

---

[STAFF REPORT #921-20-000072](#)

---

[INTRODUCTION CHAPTER – FINAL DRAFT](#)

---

[CHAPTER 15 – REVISIONS CHAPTER](#)

---

[CHAPTER 16 – EXCEPTIONS CHAPTER](#)

---

[PUBLIC COMMENTS](#)

---

[EX PARTE CONTACT](#)

---

[PLANNING COMMISSION HEARING MINUTES FOR 9.1.2020 – APPROVED](#)

---

[PLANNING COMMISSION HEARING MINUTES FOR 9.15.2020 – DRAFT](#)

---

[PLANNING COMMISSION NOTICE OF RECOMMENDATION TO BOC](#)

---

[BOC MINUTES FOR 10.7.2020 – APPROVED](#)

---

[BOC MINUTES FOR 10.21.2020 – DRAFT](#)

---

[ORDINANCE 20-004](#)

---

[MOTION LANGUAGE](#)

---



PLANNING DEPARTMENT

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

*Pioneering pathways to prosperity.*

# **WASCO COUNTY** **BOARD OF COUNTY** **COMMISSIONERS** **AGENDA PACKET**

**FOR**

Hearing Date: November 4, 2020  
Hearing Time: 10:00 am  
Hearing Location: Electronically via Zoom

**BOARD OF COUNTY COMMISSIONERS HEARING #2: *Ordinance 20-004 Post Acknowledgment Plan Amendments 921-20-000072 (1) Staff will be presenting proposed revisions to the Comprehensive Plan including the addition of an Introduction Chapter and revisions to the Plan Revisions Process and Goal Exception chapters. Review Authority: Chapter 2 and 9 of the Wasco County Land Use and Development Ordinance and Chapter 11 of the Wasco County Comprehensive Plan. Review Criteria: Chapter 11 of the Comprehensive Plan and Oregon Administrative Rules 660-025. This will be the second reading of Ordinance 20-004.***



**PLANNING DEPARTMENT**

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

*Pioneering pathways to prosperity.*

MEMORANDUM TABLE OF CONTENTS

Date: October 28, 2020  
To: Wasco County Board of County Commissioners  
From: Wasco County Planning Office  
Subject: Submittal for hearing dated November 4, 2020  
Re: **Wasco County 2040 Hearing #2**

<u>Item</u>	<u>Page</u>
Staff Report - #921-20-000072	BOC 1 – 1
Introduction Chapter – Final Draft	BOC 1 – 14
Chapter 15 – Revisions Chapter	BOC 1 – 49
Chapter 16 – Exceptions Chapter	BOC 1 – 56
Public Comments	BOC 1 -- 84
Ex Parte Contact	BOC 1 -- 86
Planning Commission Hearing Minutes for 09/01/20 (Approved)	BOC 1 – 120
Planning Commission Hearing Minutes for 09/15/20 (draft)	BOC 1 – 156
Planning Commission Notice of Recommendation to Board of County Commissioners	BOC 1 – 194
Board of County Commission Minutes for 10/7/20 (draft)	BOC 1 – 196
Board of County Commission Minutes for 10/21/20 (draft)	BOC 1 – 207
Ordinance 20-004	BOC 1 –213



**PLANNING DEPARTMENT**

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

*Pioneering pathways to prosperity.*

---

**FILE #:** 921-20-000072

---

**REQUEST:** Legislative Request to Amend the Comprehensive Plan, Introduction, Revisions  
and Exceptions Chapters

**DECISION:**

---

**Attachments:**

- A. Overview of Chapters 15 & 16
- B. Final Draft of Proposed Introduction Chapter
- C. Final Draft of Proposed Chapter 15 of Wasco County 2040 (Comprehensive Plan)
- D. Final Draft of Proposed Chapter 16 of Wasco County 2040 (Comprehensive Plan)
- E. Public Comments
- F. Ex Parte Comments

**File Number:** 921-20-000072

**Request:** Amend the Wasco County Comprehensive Plan  
1. Change the format to align with Statewide Land Use Planning Goals  
2. Develop Introduction, Revisions Process and Goal Exceptions into Wasco County 2040 format, make any general amendments reflecting current planning practice.

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

**Prepared for:** Wasco County Planning Commission

**Applicant:** Wasco County Planning Department

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

**Planning Commission Hearing Date:** September 1<sup>st</sup> and 15<sup>th</sup>, 2020

**Board of County Commissioner Hearing Dates:** October 7<sup>th</sup> and 21<sup>st</sup>, 2020 and November 4, 2020

**Procedure Type:** Legislative

**Attachments:** Attachment A: Wasco County Comprehensive Plan Introduction Chapter, Chapter 15 and 16 Overview  
Attachment B: Draft of Proposed Introduction Chapter of Wasco County 2040 (Comprehensive Plan)  
Attachment C: Draft of Proposed Chapter 15 of Wasco County 2040 (Comprehensive Plan)  
Attachment D: Draft of Proposed Chapter 16 of Wasco County 2040 (Comprehensive Plan)



## **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 660-018: Post Acknowledgment Amendments
- C. Oregon Administrative Rules 660-004: Interpretation of Goal 2 Exception Process

## **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 August 4, 2020:

Public notice for a Citizen Advisory Group meeting was published in *The Dalles Chronicle* on July 15, 2020, more than 15 days prior to the Citizen Advisory August 4<sup>th</sup> work session.

#### Planning Commission Hearing September 1, 2020:

Public notice for a Planning Commission hearing was published in *The Dalles Chronicle* on August 12, 2020, more than 15 days prior to the September 1st hearing.

#### Planning Commission Hearing September 15, 2020:

Public notice for a Planning Commission hearing was published in *The Dalles Chronicle* on August 26th, 2020, more than 20 days prior to the September 15<sup>th</sup> hearing.

#### Board of County Commission Hearing October 7<sup>th</sup>, 2020:

Public notice for the Board of County Commission hearing was published in *The Dalles Chronicle* on September 16, 2020 more than 20 days prior to the October 7<sup>th</sup> hearing.

#### Board of County Commission Hearing November 4<sup>th</sup>, 2020:

Public notice for the Board of County Commission hearing was published in *The Dalles Chronicle* on October 21<sup>st</sup>, 14 days prior to the November 4<sup>th</sup> hearing.

### **B. Postcard Notice**

On August 10th, a notice was sent to all residents in unincorporated Wasco County, outside the National Scenic Area, in accordance with ORS 215.503. The language included that required by ORS 215.503, hearing time, the address for the project website and contact information.

**C. Information Available on Website**

The information regarding the proposed amendments was placed on the Wasco County Planning Department Website<sup>1</sup> starting in January 2020. 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
- 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 48 subscribers that receive notification of new content, and is also promoted on the Planning Department's social media channels which have over 385 followers.

**D. 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 August 18, 2020. The notification included links to the staff report, proposed amendments, and the opportunity to comment.

**E. 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 184 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 August 25, 2020. The notification included links to the proposed amendments, and information on how to provide comment. An email notification about the continuance was sent to this list on October 8, 2020.

**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

---

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

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

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

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**  
***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 the Introduction, Revisions Process (Chapter 15) and Goal Exception Chapter (Chapter 16) of the Comprehensive Plan. These updates are not part of the Periodic Review work plan but are proposed to be consistent with updates made during Periodic Review. Amendments include reformatting and edits to existing policy and implementation, as well as the addition of some new content including historical zoning, how to use the plan, references, a definitions section, and new illustrative maps.

- 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. The proposed revisions are consistent with the overall goal to make the Comprehensive Plan an easy to read document with updated information and analysis. The proposed Chapters are supporting pieces of the overall Comprehensive Plan that facilitate revisions, staff analysis of development applications, and general usability of the long range plan.

**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:** By in large, the proposed revisions are intended to facilitate ease of use with the new Comprehensive Plan and will not impact the implementing Ordinance, Wasco County compliance with Statewide Goals, health and safety, inventories, or the overall land use planning program. Instead, the amendments clarify Wasco County’s historical zoning and land use program, how to read and use the Comprehensive Plan, definitions, the Wasco County 2040 process, and to clarify past committed land goal exceptions.

The proposed changes support Wasco County’s Goal 1 and 2 in increasing transparency, usability, clarity and information to assist citizen involvement and equitable land use planning. They do not represent a mistake in the existing Comprehensive Plan but instead are in response to overall changes as a part of Periodic Review. Proposed revisions, however, are not directly related to Statewide Goals or the implementing Ordinances for Statewide Goals, and therefore are not detrimental to the spirit and intent of Statewide Goals.

Any modifications are not relevant to public health and safety or existing inventories. Revisions are based on public need, established with revisions to Goal 1 and 2, to “present information used to reach

decisions in a simple and straightforward manner to help citizens comprehend the issues” (1.1.1 (d)) and for “the most factual and current data available” (2.1.2 (b)).

The Revisions Process Chapter has been revised in keeping with the new format. No substantive changes to the revisions process for Comprehensive Plan Amendments are proposed.

Staff finds the proposed revisions are necessary to support compliance with Statewide Goals and increase citizen involvement and equitable land use planning.

***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. This criterion is not applicable.

***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. In addition to the scope of Periodic Review, the directive was to also update additional Chapters/Goals in tandem with work tasks.

These additional updates do not involve modifications or amendments 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 Post Acknowledgment Plan Amendment.

A quorum for this hearing was present to deliberate. By a vote of 7 to 0 the Planning Commission voted to recommend approval of the amendments to the Board of County Commissioners. The first hearing by the Board of County Commissioners will be held on October 7, 2020, 22 following the Planning

Commission hearing, and 21 days following the emailing and mailing of the recommendation to the parties.

***Oregon Administrative Rule (OAR) 660-018: Post Acknowledgment Amendments***

***OAR 660-018-0020 Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation***

***1). Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section 2). Of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.***

***2). The submittal must include applicable forms provided by the department, be in a format acceptable to the department, and include all the following materials:***

***a). The text of the proposed change to the comprehensive plan or land use regulation implementing the plan, as provided in section 3) of this rule;***

***b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the relevant portion of the map that is created or altered;***

***(c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director and members of the public of the effect of the proposed change;***

***(d) The date set for the first evidentiary hearing;***

***(e) The notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable; and***

***(f) Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.***

***(3) The proposed text submitted to comply with subsection (2)(a) of this rule must include all of the proposed wording to be added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal or its purpose, by itself, is not sufficient. For map changes, the material submitted to comply with Subsection (2)(b) must include a graphic depiction of the change; a legal description, tax account number, address or similar general description, by itself, is not sufficient. If a goal exception is proposed, the submittal must include the proposed wording of the exception.***

**FINDING:** A notice was sent to DLCD on July 27, 2020, consistent with requirements, to inform them of the proposed September 1, 2020 hearing and subsequent hearings to adopt amendments to the Introductions Chapter, Chapter 15, and 16 via PAPAOnline as requested. Staff used FORM 1, as

required, and submitted a copy of the notice, the staff report , and other relevant materials. A list of persons who participate orally or in writing in the local proceedings will be submitted with materials to DLCD.

***OAR 660-018-0040 Submittal of Adopted Change***

***(1) When a local government adopts a proposed change to an acknowledged comprehensive plan or a land use regulation it shall submit the decision to the department, with the appropriate notice forms provided by the department, within 20 days.***

***(2) For purposes of the 20-day requirement under section (1) of this rule, the proposed change is considered submitted to the department:***

***(a) On the day the applicable notice forms and other required documents are received by the department in its Salem office, if hand-delivered or submitted by electronic mail or similar electronic method, or***

***(b) On the date of mailing if the local government mails the forms and documents.***

***(3) The submission to the department must in a format acceptable to the department and include all of the following materials:***

***(a) A copy of final decision;***

***(b) The findings and the text of the change to the comprehensive plan or land use regulation;***

***(c) If a comprehensive plan map or zoning map is created or altered by the proposed change:***

***(A) A map showing the area changed and applicable designations; and***

***(B) Electronic files containing geospatial data showing the area changed, as specified in section (5) of this rule, if applicable.***

***(d) A brief narrative summary of the decision, including a summary of substantive differences from the proposed change submitted under OAR 660-018-0020 and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the actual change; and***

***(e) A statement by the individual transmitting the decision identifying the date of the decision and the date the submission was mailed to the department.***

***(4) Where amendments or new land use regulations, including supplementary materials, exceed 100 pages, a summary of the amendment briefly describing its purpose and requirements shall be included with the submittal to the director.***



**FINDING:** The local record for updates related to 921-20-000072 will be submitted electronically (via PAPAOnline) within 20 days of the last evidentiary meeting (October 21st). The submittal will include correct forms, copy of the final decision, findings and text of the change, comprehensive plan map, electronic geospatial data files, a narrative summary of the decision, a statement by the individual transmitting the decision identifying the date of the decision and the date the submission was mailed to the department.

***Interpretation of Goal 2 Exception Process OAR 660-004-0000 Purpose***

***(2) An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions. The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met. The conclusion shall be based on findings of fact supported by substantial evidence in the record of the local proceeding and by a statement of reasons that explains why the proposed use not allowed by the applicable goal, or a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use, should be provided for. The exceptions process is not to be used to indicate that a jurisdiction disagrees with a goal.***

**FINDING:** All committed lands outlined in Chapter 16 were approved prior to Periodic Review.

Staff found the format in which committed lands were presented in the previous Comprehensive Plan version to be inconsistent with the requirements of OAR 660-004-0000; in the case of exceptions granted during the original 1983 Comprehensive Plan adoption, the documentation present in the Comprehensive Plan was outdated as far as map and tax lot and did not have adopting Ordinance numbers where the record of proceedings, and therefore substantial evidence and findings of fact, could be easily obtained.

Staff conducted extensive research to develop a consistent template for presenting committed lands including current and past zoning, date approved, the mechanism by which the rezone was approved, a brief description of the rezoned area, and an accompanying map. Because a portion of committed lands and subdivisions acknowledged in 1983 were later designated National Scenic Area lands and rezoned in keeping with Columbia River Gorge National Scenic Area Management Plan zoning designations, staff also clearly delineated lands currently in Wasco County and in the National Scenic Area.

Committed subdivisions were included in a justification for exception table, similar to what was developed for the 1983 Comprehensive Plan, with some additional information to help aid in contemporary or future research and analysis.

Revisions to the format and information provided are intended to be consistent with OAR 660-004-0000 (2).

## **Attachment A**

### **Chapter 15 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.

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

##### **A. Chapter 15- Plan Revisions Process**

This chapter replaces the existing Chapter 11. The content is the same but has been rearranged to fit with conventions of the new format and for readability.

- 1. **Overview:** The overview briefly discusses the purpose of the Chapter.

2. **Plan Revisions Procedure/Criteria:** This section contains the procedures and criteria for updating the Comprehensive Plan. The content is the same, it has been updated to a new outline system consistent with other Chapters in Wasco County 2040.
3. **Findings:** Consistent with the Wasco County 2040, findings have been added as endnotes. The specific finding including references the nexus of the rule to state law.

## **Chapter 16 Proposed Amendments**

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

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

#### **A. Chapter 16- Goal Exceptions**

This new chapter is a revision of previous Chapter 13, entitled “Exceptions to Goal 3.” The new chapter now covers all Goal Exceptions, including exceptions to Goal 4.

1. **Overview:** The overview explains what Goal Exceptions and Committed Lands are and the process by which they were identified and approved.
2. **Committed Land and the National Scenic Area:** This section summarizes the community updates as a result of the adoption of the National Scenic Area Act.
3. **Criteria:** This provides the criteria for approving goal exceptions.
4. **Committed Lands:** This gives an overview of the exceptions in the inventory.
5. **Findings:** Findings, presented as endnotes, offer additional details or facts about the text.
6. **References:** 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.
7. **Appendix:** This appendix serves as the inventory for approved committed lands/goal exceptions in Wasco County. To preserve their pre-existing exceptions, lands that have been subsequently rezoned under the National Scenic Area Act Management Plan, are also listed. The appendix shows committed lands in a table and for non-subdivision lands, gives additional relevant details including the date of the exception and a brief description of the area.

# Wasco County 2040 Comprehensive Plan



Adopted by  
**Ordinance**

**Nos:**

**18-002, 18-003, 18-004, 19-001, 19-004, 19-007, 20-001, 20-004**

Additional copies available from:

**Wasco County Planning Department**

2705 E 2<sup>nd</sup> St The Dalles, OR 97058

Also available on our website: [www.co.wasco.or.us](http://www.co.wasco.or.us)

*This page intentionally blank.*

# Credits

**The contribution of the following individuals as Planning Commissioners and members of the Citizen Advisory Committee was critical to the Comprehensive Plan review and revision process.**

Vicki Ashley - 2017, 2018, 2019, 2020  
Russell Hargrave - 2017, 2018, 2019, 2020  
Bradley DeHart - 2017, 2018, 2019, 2020  
Lynne MacIntyre - 2017, 2018, 2019, 2020  
Andrew Myers - 2017  
Mike Davis - 2017, 2018, 2019, 2020  
Jeff Handley – 2017, 2018  
Chris Schanno - 2018, 2019, 2020  
Kate Willis - 2018, 2019, 2020  
LeRoy Booth - 2018, 2019, 2020  
Marcus Swift – 2019, 2020

# Table of Contents

---

*This page intentionally blank.*



## Introduction

Introduction .....	I-8
History of Planning in Wasco County.....	I-10
Wasco County Zoning History.....	I-11
Legal Framework.....	I-14
Statewide Planning Goals.....	I-15
Components of the Comprehensive Plan.....	I-16
Plan Development Process.....	I-18
Using the Plan.....	I-21
Future Updates, Revising the Map and Inventories.....	I-23
Values and Vision.....	I-27
Definitions.....	I-28

## Plan Elements

### Goal 1 - Citizen Involvement

Overview.....	1-1
Goal.....	1-2
Policies.....	1-3
References.....	1-5
Appendix.....	1-6

### Goal 2 – Land Use Planning

Overview .....	2-1
Goal.....	2-2
Policies .....	2-3
References .....	2-6

### Goal 3 – Agricultural Lands

Overview.....	3-1
Goal.....	3-3
Policies.....	3-4
References.....	3-8
Appendix.....	3-9

### Goal 4 – Forest Lands

Overview .....	4- 1
Goal.....	4- 2
Policies .....	4- 3
Findings and References .....	4- 4

### Goal 5 – Natural Resources, Scenic & Historic Areas, Open Spaces

Overview .....	5- 1
Goals .....	5- 2
Policies .....	
Natural Areas .....	5- 4
Rivers & Waterways.....	5- 5
Scenic Areas & Views.....	5- 5
Open Space .....	5- 6
Historic Resources .....	5- 7
Riparian Resources & Fish Habitat .....	5- 8
Wetlands .....	5- 9
Groundwater Resources.....	5-10
Wildlife Habitat .....	5-11
Mineral & Aggregate Resources .....	5-12
References .....	5-14
Appendices .....	5-15

### Goal 6 - Air, Water and Land Resource Quality

Overview .....	6- 1
Goals .....	6- 2
Policies .....	6- 3
References .....	6- 6

### Goal 7 – Natural Hazards

Overview.....	7- 1
---------------	------

Goals .....	7- 2
Policies.....	7-3
References .....	7- 7
<b>Goal 8 – Recreational Needs</b>	
Overview.....	8- 1
Goals .....	8- 2
General Policies .....	8-3
References .....	8-7
Appendix.....	8-9
<b>Goal 9 – Economic Development</b>	
Overview.....	9- 1
Goal.....	9- 2
Policies .....	9- 3
References .....	9- 7
<b>Goal 10 – Housing</b>	
Overview.....	10- 1
Goal.....	10- 2
Policies .....	10- 3
References .....	10- 6
Appendix.....	10-7
<b>Goal 11 – Public Facilities</b>	
Overview.....	11- 1
Goal.....	11- 2
Policies .....	11- 3
References .....	11- 7
Appendix.....	11-8
<b>Goal 12 –Transportation</b>	
Overview.....	12- 1
Goal.....	12- 2
Policies .....	12- 3
References .....	12- 6
<b>Goal 13 – Energy Conservation</b>	
Overview.....	13- 1
Goal.....	13- 2
Policies .....	13- 3
References .....	13- 4
<b>Goal 14 – Urbanization</b>	
Overview.....	14- 1
Goal.....	14- 2
Policies .....	14- 3
References .....	14- 6
Appendix.....	14-7
<b>Plan Revisions Process</b>	
Overview.....	15- 1
Plan Revision.....	15-2
Transportation Planning Rule Compliance.....	15-2
<b>Goal Exceptions</b>	
Overview.....	16- 1
Criteria .....	16-2
Committed Lands.....	16-2
References.....	16-3
Appendices.....	16-4

# Introduction

---

# Introduction

---

Wasco County 2040 is the official policy guide for decisions about growth, development, services, and resource management in Wasco County – outside of incorporated cities – in conjunction with the Oregon state land use planning program. The policies of the Comprehensive Plan serve as the basis for developing the implementing regulations of the Wasco County Land Use and Development Ordinance. The policies of the Comprehensive Plan are not in themselves implementing regulations and are not applied to individual applications except as provided by the Land Use and Development Ordinance.

The Comprehensive Plan is based on the physical, economic and social characteristics of the county; the desires and needs of county citizens, state laws, and programs and policies of other local, state, and federal governmental agencies. Overall, Wasco County 2040 is intended to provide a framework for consistent and coordinated public and private land use decisions.

This introduction chapter covers the history of planning in Wasco County, the Statewide Land Use Planning Goals that apply to Wasco County, the legal framework for Comprehensive Plans, components of the plan, an overview of the process to develop and adopt Wasco County 2040, how to use the plan, future updates and map revisions, the values and vision of Wasco County and definitions.

## History of Planning in Wasco County

Wasco County was organized by the territorial legislature in 1850 and began as 250,000 square miles – the largest county ever established in the United States. It included all the land between the Cascade and Rocky Mountains, south of the Columbia River and north of the California and Nevada borders. Wasco County was reduced in 1859 to the land in Oregon east of the Cascades. It was eventually broken in to the eighteen Oregon counties which exist today.

The first subdivision ordinance and Planning Commission in Wasco County was adopted in 1953. This ordinance had property development standards and road/driveway standards as part of its scope. In 1956, a Zoning Ordinance was adopted with a broader scope that included the regulation of uses in conjunction with a zoning map.

By the late 1960s, Wasco County had formed area advisory committees to oversee planning work. A formal citizen involvement program was adopted by the County Court in 1973. At this time, planning was broken up into sixteen planning units with seven advisory groups. This preceded the Statewide Planning Goals being adopted in 1974 by the Land Conservation and Development Commission (LCDC) which was formed in 1973.

The Oregon Supreme Court, in 1975, determined that local comprehensive plans are the controlling land use documents which all other zoning and land use regulations must be consistent. This set the requirement for Comprehensive Plans from jurisdictions.

In 1977, changes to staff prompted the consolidation into five units with new advisory committees. The units represented different geographic areas of Wasco County. Plans for these units were adopted by the County Court in 1980 and sent to LCDC to be acknowledged as Comprehensive Plans.

At that time, LCDC recommended all plans be combined into one Wasco County Plan. The plans were then consolidated into the Wasco County Comprehensive Plan, which was subsequently adopted in 1983.

Amendments to the rules impacting farm and forest lands (Goals 3 & 4) in the 1990s saw revisions being made to the Wasco County Comprehensive Plan. There were also additional changes, for things like Goal 5 required updates, but the plan was never completely overhauled. This resulted in public, leadership, and county staff interest in revising the Comprehensive Plan. Specifically, there was concern that the nexus between the Comprehensive Plan and the Land Use and Development Ordinance was no longer clear. Regulations in the LUDO were perceived as being an obstacle to growth and development and no longer consistent with the Statewide Land Use Planning Goals. There was broad support to undertake a large scale overhaul of the Comprehensive Plan to ensure it is consistent with the goals of Wasco County and the State for the next twenty years.

In 2017, after several years of planning, Wasco County Planning Staff, with the support of the Planning Commission and Board of County Commissioners, formally requested permission from LCDC to pursue Voluntary Periodic Review to update the Comprehensive Plan. The request was approved contingent on a plan evaluation and proposed work plan.

The Citizen Advisory Group and Planning staff embarked on a series of visioning work sessions throughout the County to get feedback on the Comprehensive Plan update and identify the critical issues for residents and property owners. Over 1,200 people participated in that process, attending meetings or giving feedback through various channels. Staff and the Citizen Advisory Group utilized the information collected to develop a work plan, in conjunction with the statutory requirements for

Periodic Review.

Wasco County 2040's work plan was officially approved by the Department of Land Conservation and Development in February of 2018. Following approval, the Wasco County Planning Department and CAG first worked to address Goals 1 and 2 to set a precedent for the process moving forward and to expand on the feedback received from the public and stakeholders during the visioning phase.

Every year, staff and CAG members held a series of "roadshow" community events to solicit comments and feedback or generate ideas about proposed work task revisions on the work plan. Following each roadshow series, a CAG work session would follow. Once amendments for the respective Chapters had been developed, staff would then present it to the Planning Commission, followed by two Board of County Commissioner hearings.

Community engagement was achieved through a variety of outreach and gathering methods including traditional media (radio and newspaper), social media, and a robust project website that included posts about relevant topics or issues, hosted polls and surveys, advertised events, and had a way for community members to submit feedback directly. Staff also made themselves available for community presentations, and citizen initiated meetings. In addition to increased turnout at the public meetings as momentum and awareness built, these methods were instrumental in helping staff and the CAG surpass participation goals.

## Wasco County Zoning History

A foundational aspect of the land use planning program in Wasco County is zoning. Zoning implements the comprehensive plan by guiding development patterns and land use activities, mitigating land use conflict, and protecting significant resources.

Updates to the County's zoning have been made over the last several decades and have impacted land uses and activities. In preparing for Wasco County 2040, staff sought to understand past updates and their impacts; significant amount of research was done. Where particularly of interest to the public, history has been included in chapter sidebars, as well as shared with the public through the project website and handouts made available during the creation of this document.

The following is a brief history of Wasco County zoning. Because this information had to be recreated from several historic databases and archives, it is possible that summary is incomplete.

### 1950s

August 11, 1953 the first zoning maps around "The Dalles Region" were adopted.

The stated purpose was *"to regulate and restrict the location and use of buildings, structures and land for residence, trade, industry and other purposes...to promote the public health and general welfare; to secure safety from fire, panic or disaster; to lessen congestion on the streets and highways; to prevent overcrowding of land; to prevent excessive population density; to facilitate adequate provisions" for public facilities and services, "to conserve natural resources;...protect and improve property values; to encourage the most appropriate use of land."* These primarily consisted of agricultural zones for a portion of the County surrounding the City of The Dalles.

### 1970s

February 3, 1970 the first Countywide zoning maps were adopted, adding zoning for residential, commercial and industrial uses. In addition to agricultural, residential, commercial and industrial zones,

the new ordinance saw the creation of the F-1 and F-2 zones for forest uses. The agricultural recreational zone also was part of the new 1970 zoning.

August 23, 1974 Environmental Protection Districts are added to the zoning map and ordinance, including hazard mitigation zones like flood and geological, as well as resource protection zones like wildlife, historic and open space. These zones were designed to “combine with present zoning requirements” to add additional considerations or restrictions on uses and activities.

October 3, 1974 the first Urban Growth Boundary around The Dalles was adopted.

November 22, 1978 a Joint Management Agreement (JMA) established between Wasco County and the City of Mosier.

December 28, 1978 JMA established between Wasco County and the City of Maupin

September 27, 1979 JMA established between Wasco County and City of Dufur.

### **1980s**

The 1980s were a transformational decade for the Wasco County Planning Department. In addition to the incorporation and ongoing legal battle over Rajneeshpuram, and subsequent fire bombing of the Department offices, Wasco County adopted its first Comprehensive Plan, began to work through the National Scenic Area Act and its implication for County lands, and solidified Joint Management Agreements with remaining urban areas.

December 2, 1981 JMA established between Wasco County and the City of Antelope

March 12, 1980 new Countywide Maps were adopted (many of the zones are similar or the same as the 1970s map).

April 27, 1983 new Urban Growth Boundary (UGB) maps for The Dalles were adopted.

April 27, 1983 JMA established between Wasco County and the City of The Dalles.

August 25, 1983 After LCDC required revisions, including the merging of Area Comprehensive Plans, the Wasco County Comprehensive Plan was acknowledged by LCDC.

April 4, 1984 During the Comprehensive Plan committed lands exception process, two areas were separated from the Comprehensive Plan approval for further work. These included “Rancho Rajneesh” work and the committed lands rezoning of portions of the Seven Mile Hill area from resource to FF-10.

May 14, 1986 Rowena Rural Service Center zoning adopted.

November 17, 1986 Columbia River Gorge National Scenic Area Act signed by President Ronald Reagan, creating the Columbia River Gorge National Scenic Area (NSA) spanning portions of six counties in two states, including the northernmost portion of Wasco County. Wasco County contains two designated Urban Areas, exempt from NSA regulations: The Dalles and Mosier.

June 30, 1987 the Final Interim Guidelines are established by the Columbia River Gorge Commission and USDA Forest Service National Scenic Area Office. They are implemented directly by the Gorge Commission and the Forest Service while the County continued to implement county zoning.

## **1990s**

1991 Management Plan for the Columbia River Gorge National Scenic Area established by the Columbia River Gorge Commission and USDA Forest Service National Scenic Area Office, replacing the Final Interim Guidelines. Until the County's local ordinance was adopted in 1994, the Columbia River Gorge Commission implemented NSA regulations in Wasco County while the County continued to implement county zoning.

May 4, 1994 Wasco County National Scenic Area Land Use and Development Ordinance (NSA LUDO) adopted with new Zoning for NSA lands in Wasco County. Wasco County, after adoption, began administering the federal program in Wasco County.

December 16, 1997 "A-1" (Agriculture) zone adopted a 160 acre minimum per the recommendation of the Agriculture Resource Group. wildlife. The following EPDs were

September 18, 1997 adoption of AR (Agriculture-Recreation) zone for Big Muddy Overlay Zone. The former site of Rajneespuram, Washington Family Ranch would donate the large ranch to Young Life to establish a youth camp.

Changes to state law necessitated extensive work by a special advisory group, the Agricultural Resource Group. Due to minimum parcel size changes and other amendments to agricultural lands, Wasco County modified its agricultural zone to be 160 acre minimum.

March 18, 1998 Wasco County pursued a "Go Below" for orchard lands south of The Dalles to establish 40 acre minimum parcel sizes in keeping with traditional land use patterns.

March 18, 1998 Wasco County adopted the Transitional Lands Study Area. The TLSA project was initiated in 1993 in response to public, staff and leadership concern about development in northern Wasco County, specifically in the Seven Mile Hill Area. Concerns about groundwater availability, fire hazard, and wild life conflict resulted in two phases of work. The final product was to select, from alternatives, a recommendation to rezone portions for limited residential development while preserving other lands for resource uses.

## **2000s**

November 16, 2000 Tygh Valley Rural Community zones adopted.

February 1, 2000 Wamic Rural Community zones adopted.

January 5, 2005 More Environmental Protection Zones added. Wasco County completed a limited Periodic Review to address several Goal 5 issues including sensitive wildlife. The following EPDs were added at this time: 6 (Reservoir Overlay Zone), 12 (Sensitive Birds) and 13 (Western Pond Turtles).

July 1, 2009 Exclusive Farm Use Zone Revisions. Wasco County and the Agricultural Resource Group completed their task to revise the A-1 Zones to be consistent with state law.

## **2010s**

September 29, 2016 Wasco County requests to enter Voluntary Periodic Review from the Land Conservation and Development Commission (LCDC).

February 20, 2018 DLCD approved Wasco County for Periodic Review. The work plan included revisions to the Sensitive Wildlife Environmental Protection Districts.



## Legal Framework

Senate Bill 100 (ORS 197), which was adopted in 1973 and later amended in 2003, substantially altered the legal framework for planning in Oregon. This state law requires that cities and counties adopt comprehensive plans and zoning ordinances that meet statewide goals and guidelines. ORS 197 is implemented through the Land Conservation and Development Commission (LCDC).

Specifically, ORS 197.175 requires that: “...each city and county in this state shall:

- (a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission;
- (b) Enact land use regulations to implement their comprehensive plans;
- (c) If its comprehensive plan and land use regulations have not been acknowledged by the commission, make land use decisions and limited land use decisions in compliance with the goals;
- (d) If its comprehensive plan and land use regulations have been acknowledged by the commission, make land use decisions and limited land use decisions in compliance with the acknowledged plan and land use regulations; and
- (e) Make land use decisions and limited land use decisions subject to an unacknowledged amendment to a comprehensive plan or land use regulation in compliance with those land use goals applicable to the amendment.”

State law also requires, under ORS 195.025, that “...each county, through its governing body, shall be responsible for coordinating all planning activities affecting land uses within the county, including planning activities of the county, cities, special districts and state agencies, to assure an integrated comprehensive plan for the entire area of the county”. ORS 215.050 addresses County government directly, requiring a County to adopt and revise both comprehensive plans and zoning ordinances. Zoning ordinances are identified as the implementing document for the Comprehensive Plan.

These rules are supported by ORS 197.250 which requires Comprehensive Plans be in compliance with the Statewide Land Use Planning Goals. ORS 197.320 gives the Land Conservation and Development Commission authority to take action against Wasco County for non-compliance.

Rules guiding Periodic Review and several of the Statewide Land Use Planning Goals are located in the Oregon Administrative Rules (OAR), Chapter 660. The Division for Periodic Review is 25. This division outlines the Periodic Review process including Voluntary Periodic Review (660-025-0035) and gives LCDC the exclusive jurisdiction to review completed periodic review work tasks for compliance with statewide planning goals all applicable statutes and administrative rules.

The Oregon Revised Statutes (ORS) 197.628-650 also cover rules related to Periodic Review. ORS 197.628 defines periodic review as the process by which the State of Oregon can ensure Comprehensive Plans are up to date related to Statewide Land Use Planning Goals and any changes to local conditions.

Additional relevant OARs for this process include Division 6 (Goal 4 Forest Lands), Division 8 (Interpretation of Goal 10 Housing), Division 9 (Economic Development), Division 11 (Public Facilities Planning), Division 12 (Transportation Planning), Division 15, (Statewide Planning Goals and Guidelines), Division 22 (Unincorporated Communities), Division 23 (Procedures and Requirements for Complying with Goal 5), and Division 33 (Agricultural Land). Many of these divisions outline elements of the Statewide Land Use Planning Goals and the requirements for inventory, analysis, and rule.

The next section outlines the Statewide Land Use Planning Goals and their main policy objectives.

## Statewide Planning Goals

The Land Conservation and Development Commission (LCDC) adopted the Statewide Planning Goals to provide a legal framework for local land use planning.

**Goal 1 Citizen Involvement:** To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

**Goal 2 Land Use Planning:** To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

**Goal 3 Agricultural Lands:** To preserve and maintain agricultural lands.

**Goal 4 Forest Lands:** 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.

**Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces:** To protect natural resources and conserve scenic and historic areas and open spaces.

**Goal 6 Air, Water and Land Resources Quality:** To maintain and improve the quality of the air, water and land resources of the state.

**Goal 7 Areas Subject to Natural Hazards:** To protect people and property from natural hazards.

**Goal 8 Recreational Needs:** 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.

**Goal 9 Economic Development:** To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

**Goal 10 Housing:** To provide for the housing needs of citizens of the state.

**Goal 11 Public Facilities and Services:** 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.

**Goal 12 Transportation:** To provide and encourage a safe, convenient and economic transportation system.

**Goal 13 Energy Conservation:** To conserve energy.

**Goal 14 Urbanization:** To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

**Note:** Statewide Planning Goals 15-19 pertain only to Willamette valley and coastal areas.

# **Components of the Comprehensive Plan**

## **Oregon's Statewide Planning Goals**

The Oregon Statewide Land Use Planning Goals were adopted in 1973 and are the foundation for the statewide planning program. Oregon's statewide goals are achieved through local comprehensive planning.

State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect. Local comprehensive plans must be consistent with the statewide planning goals and are reviewed by Oregon's Land Conservation and Development Commission (LCDC) to assure consistency. When LCDC officially approves a local government's plan, the plan is said to be "acknowledged".

## **Wasco County's Goals**

Fourteen of Oregon's 19 Statewide Planning Goals relate to Wasco County. The remaining five goals are specific to communities on the coast or in the Willamette Valley. Wasco County 2040 is formatted to very clearly see the connections between Wasco County goals and the Statewide Planning Goals. Chapters 1 through 14 are directly mapped to the land use planning goals. For example, Chapter 1 covers Goal 1, Chapter 2 covers Goal 2, etc.

## **Overview**

Each chapter begins with a brief summary of intent and purpose. Many of the chapters also include a side bar with additional information of interest, such as historical facts or current data that are critical to contextualizing the content of the chapter.

## **Statewide Planning Goal Excerpt**

Chapters 1 through 14 include an excerpt of the relevant Statewide Land Use Planning Goal to provide context.

## **Policies**

The policies of the County's Comprehensive Plan provide a framework of principles and guidelines for consistent decision making intended to lead the County in a strategic direction toward accomplishing its stated goals. Many of the new policies were developed in direct response to citizen input and address some of the challenges and opportunities facing Wasco County over the next 20 years.

The policies of the Comprehensive Plan are adopted by ordinance and have the force of law.

## **Implementation Measures**

Putting policies into action requires agreed upon implementation measures. These strategies follow each policy statement. This format is similar to the 1983 Comprehensive Plan, and intends to provide clear direction to staff and the public on how each goal and policy will be achieved.

Many of these implementation measures will have a direct impact on the Land Use and Development Ordinance. This may include the revision, addition, or removal of rules and regulations. Like the policies, implementation measures were developed with extensive public and stakeholder feedback and research into state law requirements.

There are some instances where implementation measures are advisory, for example, the directive to increase outreach and information on certain land use planning topics. Similarly, there are implementation measures that provide procedural information to the Wasco County Planning Department.

Implementation is included in all OAR 660-015-0000 Goal guidelines and includes references to relevant ORS. Where relevant, staff has included these links or references to ensure continuity and consistency with local, state, and federal law.

## **Findings & References**

As the goals and policies of the Comprehensive Plan were developed, a great deal of research took place that establishes the basis for the Plan. Official reports were reviewed, agencies and organizations were consulted, and an extensive public outreach and involvement campaign was launched. Where relevant, these facts and streams of input are referenced, in end note format, at the end of the policy section of the chapter. These serve as findings in support of policy and implementation measures.

Any references used in the development of the policy or implementation measure are captured at the end of each Chapter in a references section. The references are cited in APA format, standard for the Department at the time of publication.

## **Appendices**

Each Chapter that requires inventories or additional information, including reference documents, has an appendix or series of appendices. To ensure clarity and usability of the document, these appendices are included directly following the corresponding chapter.

## **Maps**

The Comprehensive Plan and Zoning Map illustrates the designations for lands including zoning, environmental protection districts, and boundaries. The map is adopted by reference.

The Wasco County GIS Department manages the databases for the Comprehensive Plan and Zoning Map. These databases contain a variety of layers including zoning designations and data provided by State and Federal agencies for environmental protection district overlay purposes.

Many of the Environmental Protection Districts (EPD) correspond to Goal 5 inventories that are included in Chapter 5 appendices. These include both point and area locations depending on the type of protected resource. These inventories are required by OAR 660-023. Modifications to these inventories and corresponding maps require legislative action including a Comprehensive Plan Amendment.

Similarly, any modifications to zoning, including individual or multiple property rezones require a Comprehensive Plan and Zoning Map amendment.

Two Goal 5 Environmental Protection District maps, EPD 12 (Sensitive Birds) and EPD 13 (Western Pond Turtles) are confidential and cannot be shared with the public. Property owners may be able to view the mapped resource for EPD 12 or EPD 13 on their property in the Wasco County Planning Department office at the time of development application.

## Plan Development Process

The adoption of this County Comprehensive Plan is the culmination of an intensive public process that occurred over a period of more than four years.



The intent was to thoroughly consider issues, opportunities and community values of Wasco County residents and business and develop a long range plan that could best address Statewide Planning Goals for Wasco County.

### Public Kickoff Meeting

A public meeting was held to launch the Plan update process on April 11, 2017. This meeting of the Wasco County Planning Commission and Planning Staff was to introduce Comprehensive Plan concepts to the public and solicit feedback to ascertain whether the public felt a major Comprehensive Plan revision was necessary, as required by OAR 660-025-0070.

### Request to LCDC for Periodic Review

Following the visioning phase, and determining that the Comprehensive Plan was in need of update, staff was required to present their request for voluntary periodic review to the Land Conservation and Development Commission.

The request was approved. The work plan was subsequently developed by Wasco County, with input from agency partners and the Periodic Review Assistance Team, and approved by DLCD.

### Citizen Advisory Group (CAG)

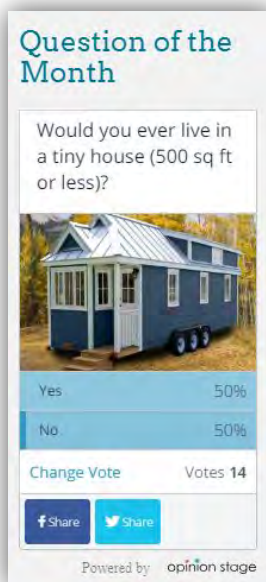
The Citizen Advisory Group was made of the seven Planning Commission volunteers plus the two Planning Commission alternates. As a nine member body, they serve in an advisory capacity to Planning Staff. With their own Charter and rules of engagement, the CAG did much of their work in work sessions scheduled one month before legislative/evidentiary hearings to provide additional opportunities for public involvement.

## Roadshow Event Series

Between May and September, Wasco County Planning Staff and members of the CAG travelled around the County to seven different locations to continue getting feedback about general land use challenges and opportunities facing Wasco County over the next twenty years. This information was used, in conjunction with stakeholder feedback, to develop the Periodic Review work plan.



The roadshow event series continued annually, during different months and locations between 2018-2020, to continue engaging the citizens of Wasco County in discussions about the work tasks. Strategically, these meetings were held during the week to maximize attendance. In total, there were over 575 attendees at all the roadshow events of the course of four years. The format of the roadshow events series meetings varied depending on the topics.



## Other Outreach and Engagement Methods

To reach the broadest amount of people and encourage wide levels of participation, the Wasco County Planning Department invested significant time and resources in developing a variety of outreach and engagement methods. This included a dedicated project website, surveys, polls, social media posts, and engaging press. With the combination of methods and public meetings, there were over 5,400 public interactions over the four years.

The public was encouraged to frequently engage with staff using online comment submissions, sending letters, sending emails or attending meetings. Staff also made themselves available for ad hoc meetings or to present to interested groups. Many of the meetings were advertised broadly using print media, radio, social media, posters, and through postcards or mailers.

In addition, a yearly Measure 56 (ORS 215.503) was sent to all property owners within Wasco County outside incorporated areas.

Following every major annual cycle of outreach, an outreach report was produced to share results with the public<sup>1</sup>

## Key Stakeholders

Early on in the process, a list was compiled of key agency and organizational partners or individuals that work frequently with the Wasco County Planning Department and have input or are impacted by land use planning.

In 2017, the key stakeholders were approached with the opportunity to provide feedback in one of two ways: informational interviews or a stakeholder questionnaire. The focus of questions was to identify any particular challenges or opportunities for the land use planning program that could be addressed during Periodic Review.

## Research and Information Gathering

A significant amount of research and analysis went in to all phases of the Comprehensive Plan. This included reading peer-reviewed articles, government reports, plans, best practices, and demographic data. Staff developed many data points into infographics or blog posts early on to educate the public about the current state of many Statewide Planning Goals in Wasco County, including agriculture, forestry, recreation, tourism, and population.

---

<sup>1</sup> These are entitled: Wasco County 2040 Visioning Report (2017), Wasco County 2040 2018 Outreach Report, Wasco County 2040 2019 Outreach Report, and Wasco County 2040 2020 Outreach Report.

Staff also utilized information tracked from current planning inquiries to develop popular inquiry topics or development projects to identify relevant areas for inquiry. Where relevant, the research has been cited in reference sections, finding endnotes, or included in the appendices.

### **Public Hearings and Adoption of the Plan**

Periodic review is adopted on a rolling basis, with each work task submitted as a separate plan amendment to the Department of Land Conservation and Development. The first work tasks were adopted in 2018, with a series of work tasks adopted every year through 2020.

Depending on the scale of the work tasks, most were accompanied by the road show series, a CAG work session, Planning Commission hearing and two Board of County Commission hearings. Adoption of the complete document, after final revisions and adjustments, happened in the end of 2020.



## Using the Plan

Comprehensive Plans are the long-range land use planning document for a jurisdiction that sets policy and implementation measures to achieve community goals. As required by state law, Wasco County 2040 has been formatted and developed to make clear the policies and implementation strategies to address the relevant 14 Statewide Land Use Planning Goals.

State law (OAR 660-015-0000(2)) requires that all Comprehensive Plans have the following:

1. An inventory of existing conditions
2. General goals and objectives
3. Policies
4. Implementing ordinances and regulations

It is a document that serves multiple purposes:

1. As a basis for the development of public programs and regulations, e.g., policies on infrastructure; zoning regulations; land division regulations; etc.
2. To guide decisions on development as reviewed through implementing regulations, such as the Land Use and Development Ordinance.
3. As a basis for the measurement and evaluation of changes in the physical, social or economic makeup of the county.
4. To promote intergovernmental coordination.
5. To strengthen communications with the public.
6. As a basis for private decision-making regarding the nature and timing of land development and conservation activities.

Wasco County 2040 can be used in the following ways:

### **To ensure land use decisions are consistent with community vision and values.**

Many land use reviews will require findings that demonstrate a proposed development or land division is consistent with the Comprehensive Plan. This requires an analysis that shows the Land Use and Development Ordinance rules and regulations have a clear nexus to the goals, policies, and implementation measures within the Comprehensive Plan.

The findings must demonstrate a proposed development is consistent with these elements, which represent the community vision and values for Wasco County.

### **To ensure land use decisions are consistent with state law**

The Comprehensive Plan is intended to clearly show how Wasco County intends to achieve the Statewide Planning Goals and Guidelines. It also provides the framework for Goal work that takes place outside a development review, like with a zone change or modification to an inventory.

### **As the source for research, analysis and inventory for land use planning and resources in Wasco County**

Wasco County 2040 consists of factually based inventories, policies, and data about Wasco County and land use and can be used as a resource during analysis, research, or evaluation. The Comprehensive Plan serves as the main foundation for resource protection, so that any changes to inventoried resources must result in an amendment to the Comprehensive Plan and potentially, the Comprehensive Plan and Zoning Map. In addition to inventories, the Comprehensive Plan also serves as the repository for information like exception lands, revisions process, and the past, current, and projected status of different elements like demographics in Wasco County.

### **As a guide for rulemaking**

The main vehicle for land use regulation in Wasco County, outside of the National Scenic Area, is the Wasco County Land Use and Development Ordinance (LUDO). State law requires the development code be



consistent with the Comprehensive Plan which, in turn, must be consistent with state law.

When new regulations are proposed for the LUDO, staff should use the Comprehensive Plan as a primary guide to inform rules. This will ensure new regulations are consistent both with state law and the community vision and values for Wasco County.

**How to Use:**

### Policies

**1.1.1** Encourage involvement of citizens and property owners in the land use planning process.

**Implementation for Policy 1.1.1:**

- a. Direct notification of land use planning processes shall be provided to property owners, neighborhood groups, community organizations, and interest groups consistent with ORS 197.763, 215.060, 215.223, and 215.503. Furthermore, it is desirable to provide direct notification beyond these minimum standards when it would create greater citizen involvement. Wasco County will strive to do this whenever possible<sup>iii</sup>.
- b. Provide for continuity of citizen participation in all phases of the planning process<sup>iii</sup>.
- c. Foster citizen involvement using a range of available media including mailings, emails, the website and social media, meetings, newspapers and radio.
- d. Present information used to reach decisions in a simple and straightforward manner to help citizens comprehend the issues. When relevant, use the best available data to support information.

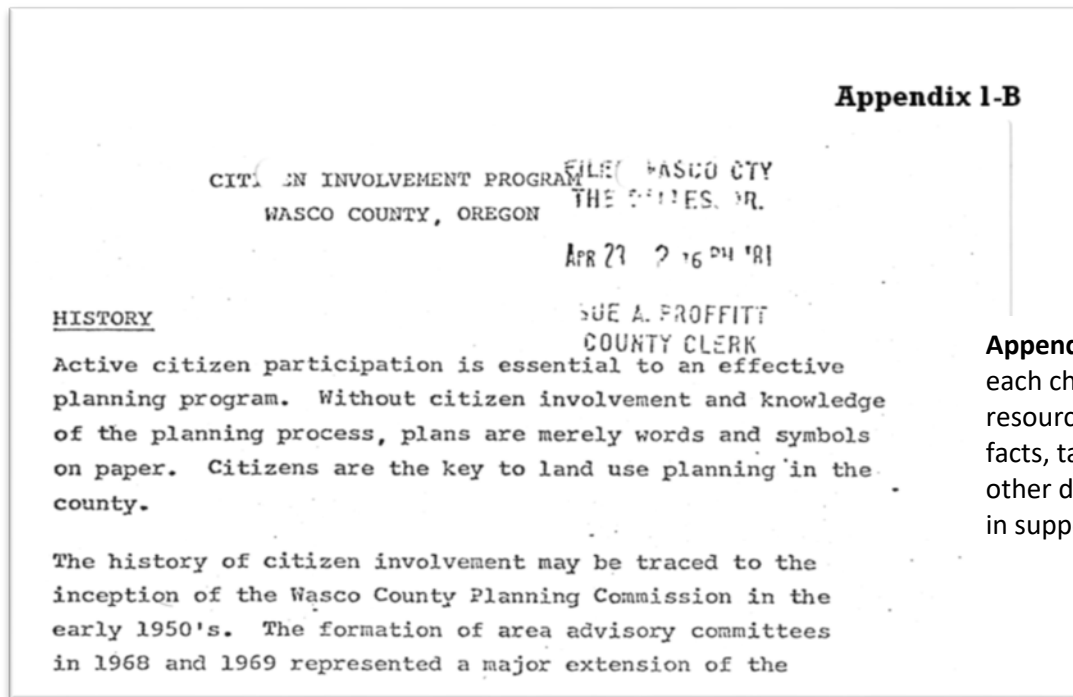
**Policy statement:** A policy is a clear statement guiding a specific course of action or actions to achieve a desired goal. Policies are regulatory.

**Implementation measures:** Strategy statements guiding a specific course of actions to achieve the policy. These are regulatory and may be codified in the Land Use and Development Ordinance or as part of a Department policy or procedure.

<sup>i</sup> Wasco County promotes public participation in land use actions through direct notification, newspaper notices, and promotion of material on our website, in the office, and during our interactions with the public by phone, email or at the counter.

<sup>ii</sup> Wasco County engages key stakeholders through direct notification to impacted agencies and organizations for land use actions and plan development or amendment.

**Findings:** Findings are clarifying statements or references based on facts that support conclusions. In Wasco County 2040, findings are formatted as endnotes to make clear which policies or implementation measures they are supporting.



**Appendix:** The appendix of each chapter includes vital resources like supporting facts, tables, inventories and other data that can be used in support of the Goals.

The most critical components of Wasco County 2040 for use in staff reports, plans, or research are the policies, implementation measures, findings and appendices. These four elements represent the foundation of the Wasco County Planning program.

As outlined above, they can be used for a variety of tasks or purposes. The policies and implementation measures have been numbered so that they can be cited in staff reports, plans or other documents.

To demonstrate a finding and conclusion are consistent with the Comprehensive Plan, as required by conditional use criteria in the Wasco County Land Use and Development Ordinance (LUDO), specific policies and implementation measures or findings of fact in the endnotes or appendices can be cited.

Similarly, the policies, implementation measures, findings and appendices can also be used to guide future rulemaking. When redrafting plans, including the LUDO, staff will want to ensure consistency and can demonstrate this by citing facts evidenced in Wasco County 2040.

## Future Updates, Revising the Map and Inventories

It is the intent of the Wasco County Planning Department that Wasco County 2040 is updated in 20 years, or before 2040. However, there are instances when components of the plan may need to be updated sooner. This includes revising the databases, inventories, and re-evaluating the policies and implementation strategies.

State law changes could trigger the need for update, as well as significant economic, demographic, housing or agricultural practice changes. There may also be minor or major changes to several of the inventories, including Goal 5 resources.

The procedures for revisions to the Comprehensive Plan, including small amendments, are in Chapter 15. Many of the policies and implementation measures also include triggers or tasks for the next update. These should be maintained by the Wasco County Planning Department as a list of long range planning tasks.

Revisions to the inventories or the Zoning Map will require detailed analysis and a robust public processes. It's important to note that no changes can be made to the Comprehensive Plan and Zoning Map or inventories without a Comprehensive Plan Amendment.

## Purpose Definitions of Map Classifications on the Comprehensive Plan Map

**Forest** – (Purpose): To provide for all commercial and multiple use forest activities compatible with sustained forest yield.

**Municipal Watershed** – (Purpose): To protect the domestic water supplies of The Dalles and Dufur.

**Exclusive Farm Use (Orchard, Wheat, and Range, General Agriculture)** – (Purpose): To sustain orchard lands as a viable portion of the local economy. To maintain wheat and other small grain farms as an element of the local economy. To preserve existing general agricultural uses, such as irrigated farm land and Christmas tree farming, as well as soils classes I-VI for present and future agricultural uses.

**Forest-Farm** – (Purpose): To provide for the continuation of forest and farm uses on soils which are predominantly class 7 and forest site classes 6 and 7; to preserve open space for forest uses (other than strictly commercial timber production) and for scenic value.

**Rural Residential** – (Purpose): To provide for residential, commercial, agricultural and other uses of a rural type and level which will not conflict with commercial agricultural operations on resource lands.

**Industrial** – (Purpose): To provide for industrial uses outside Rural Service Centers which will not conflict with resource activities on resource lands and an exception to the Statewide Land Use Planning Goals is taken.

**Commercial** – (Purpose): To provide for commercial uses outside Rural Service Centers which will not conflict with resource activities on resource lands and an exception to the Statewide Land Use Planning Goals is taken.

**Rural Service Centers** – (Purpose): To allow controlled development and growth to continue in existing rural unincorporated communities.

**Future Growth Area** – (Purpose): To recognize areas designated by the City of The Dalles Comprehensive Plan as future urbanizable lands and an exception to the Statewide Land Use Planning Goals is taken.

**Urban Growth Areas** – (Purpose): To identify those lands within established Urban Growth Boundaries which will provide for high density urban development and provision of urban services.

**Reservation Lands** – (Purpose): To identify those lands within the Confederated Tribes of Warm Springs Indian Reservation of Oregon. This area includes all land within the McQuinn Line.

## Definitions on Existing Land Use Map(s)

These definitions are for the Comprehensive Plan Map rather than the Zoning Map and focus on the predominant land use on the property. Land use maps may be used for analysis or research purposes, but not to guide decisions about development. The Comprehensive Plan Map was adopted in 1983 to provide a strategic vision for future growth and based, by in large, on existing land use patterns.

The Comprehensive Zoning Map is used for development permitting and relates to Land Use and Development Ordinance. It is adopted by reference and available online using our GIS Web Map.

**Urban Growth Boundary Areas (UGBA):** Includes those lands within the adopted Urban Growth Boundaries of the cities of Antelope, Dufur, The Dalles, Maupin, and Mosier. Shaniko's City Limits match their Urban Growth Boundary, so there are no UGBAs.

**Residential:** Includes all residential uses, including multiple family dwellings and recreational subdivisions.

**Commercial:** Includes all commercial uses, whether retail, wholesale, service oriented or professional.

**Industrial:** This classification includes both light and heavy industrial uses.

**Public:** Includes all public and quasi-public uses, such as schools, fire and police stations, churches, parks, fairgrounds, and other recreation sites.

**Agriculture:** Includes all lands used for agricultural purposes: orchard lands, wheat and other dry land farming lands, open range and grazing land (other than commercial forest) and all other agricultural lands, such as those cultivated and used for irrigated farm-lands, Christmas tree growing or other minor farm uses.

**Forestry:** This designation includes all commercial forest land, both publicly and privately owned. Productivity is greater than 20 cubic feet per acre per year.

**Indian Reservation:** Includes all lands within the boundaries of the Confederated Tribes of Warm Springs Indian Reservation of Oregon.

## Adopted by Reference

### Plans

The City of Antelope Comprehensive Plan  
The City of Antelope Land Use and Development Ordinance  
The City of The Dalles Comprehensive Plan  
The City of The Dalles Land Use and Development Ordinance  
The Dalles Transportation Systems Plan  
The City of Dufur Comprehensive Plan  
The City of Dufur Land Use and Development Ordinance  
The City of Maupin Comprehensive Plan  
The City of Maupin Land Use and Development Ordinance  
The City of Mosier Comprehensive Plan  
Wasco County Transportation Systems Plan  
The Wasco County Natural Hazards Mitigation Plan  
The Wasco County Community Wildfire Protection Plan  
North Wasco Parks and Recreation Master Plan

### Maps

Prior to 1998, maps were printed and stored at the Planning Department. In the mid to late 1990s, Wasco County went through the extensive process to digitize all maps. The digital layers make up the suite of Comprehensive Plan Maps and Zoning Map. Modifications to these maps, once adopted by the Board of County Commissioners into the Comprehensive Plan, are made by the Wasco County GIS staff. The table below provides an overview that includes the layer name, function, dates of adoption and revisions, the source and whether or not the map is publicly available. A few maps are required to be confidential for resource protection. A few other maps have limits to what information is available online via the public webmap for resource protection.

Several Environmental Protection Districts existed prior to the adoption of the 1983 Comprehensive Plans, as early as 1974, but were significantly different at that time. 1983 is the date when Wasco County adopted official inventories for many of the Goal 5 resources in correspondence with EPD maps. We have used the 1983 date below for several of those EPDs that pre-existed adoption of the Comprehensive Plan including EPD-1, EPD-2, and EPD-3. EPD-4 and EPD-8 also existed, coupled with other resources, as division 4 (EPD-4). Revisions were made to these, as well as the addition of several other EPDs, in 1985 with amendments to the Land Use and Development Ordinance.

This list constitutes the official Comprehensive Plan and Zoning Maps and are hereby adopted by reference.

Layer Name	Layer Function	Date Adopted	Date Digitized	Revisions	Source	Publicly Available
Zoning*	Displays all zoning designations in Wasco County	See Zoning History	1997	See Zoning History	Wasco County	Yes
EPD 1	FEMA FIRM Overlay	1985	1996		FEMA	Yes
EPD 2	Geological Hazards Overlay	1983	1996	2003, 2012	DOGAMI	Yes
EPD 3	Airport Impact Overlay	No Map Has Been Adopted/No Public Airports				No
EPD 4	Historical, Cultural and Archaeological Inventory Overlay	1985	1998	2019	Wasco County	Limited
EPD 5	Mineral and Aggregate Overlay	1985	1997	2019	Wasco County	Limited
EPD 6	Reservoir Overlay Zone	2004	2004	2005	Wasco County	Yes
EPD 7	Natural Areas Overlay, including Wild & Scenic Rivers and Oregon Scenic Waterways	1985	2004		Oregon Heritage, NWSRS, DSL	Yes
EPD 8	Sensitive Wildlife Habitat Overlay	1985	1997	2020	ODFW	Yes
EPD 9	Big Muddy Limited Use Overlay	1997	1997		Wasco County	Yes
EPD 10	Badger Creek Limited Use Overlay	1999	1999		Wasco County	Yes
EPD 11	Pine Hollow Airport Overlay	2003	2003		Wasco County	Yes
EPD 12	Sensitive Bird Overlay	2004	2004	2005, 2020	ODFW	No
EPD 13	Pond Turtle Sensitive Area Overlay	2004	2004	2005	ODFW, USFS, Wasco County	No
EPD 14	Camp Morrow Limited Use Overlay	2006	2006		Wasco County	Yes
EPD 15	Destination Resort Map	2020	2020		Wasco County	Yes
State Wetland Inventory**	Shows riparian area and wetlands for Wasco County	2019	2019		State Department of Lands	Yes
Comprehensive Plan Map	Shows land use designations	1983	2009	2020	Wasco County	Yes

\*Wasco County has had zoning maps in place since the 1950s. The modern map now used is a digital iteration of the Comprehensive Plan Zoning Map adopted in 1983. For more information about maps prior to 1983, please see Zoning History. Paper copies are archived at the Wasco County Planning Department.

\*\*Wasco County previously used the National Wetland Inventory.

# Values and Vision

---

## Background

During the initial stages of developing a work plan for the Comprehensive Plan update, Wasco County was also engaged in a visioning, values, and mission project. This included a strategic vision, rebranding, and development of a County culture guide.

In 2017, staff engaged the community in developing a land use and planning vision and has mapped the feedback from the community to the Statewide Land Use Planning Goals. Results are shared on the next page.

These vision concepts served as the foundation for developing the Voluntary Periodic Review work plan and work tasks. Many also served as guiding principles for the research, analysis, and questions asked of the public. In some cases, these vision statements are also reflected in policies or implementation strategies.

The most frequently heard message from most of the public was the desire for data driven decision making, transparency, improved coordination, and increased education and outreach on relevant topics. Generally, there was a desire for flexibility in rules that reflect the diversity of landscapes and people within Wasco County.



### **Wasco County's Vision:**

Pioneering Pathways to Prosperity

### **Wasco County's Mission:**

Partner with our citizens to proactively meet their needs and create opportunities.

### **Wasco County's Culture:**

100% Love (Living Our Values Everyday)

### **Wasco County's Core Values:**

- Embody the 100% love culture
- Relationships are primary
- Do the right thing, even when no one is watching



These statements are from public and key stakeholder outreach during the visioning phase of Wasco County 2040 and provided a foundation to the work plan for Periodic Review. Feedback was obtained through exercises and discussion at public meetings, comments submitted online and via mail, interviews, and questionnaires.

**Goal 1: Citizen Involvement**

- Continued transparency and communication on land use cases, actions, and plan updates

**Goal 2: Land Use Planning**

- Updated and current plans are critical
- Less restrictions (some of this is related to the National Scenic Area, which is out of scope)
- Keep current restrictions to maintain current land use.
- More restrictions to limit development.

**Goal 3: Agricultural Lands**

- More flexibility of regulations/rules for diverse agricultural lands across Wasco County
- Focus on “common sense” and knowledge based approaches to development, including the availability of water, the size of land required related to type of crop or livestock, and development standards that “make sense” and retain rural character (setbacks, home sizes, alternative housing)
- Encourage or allow for agri-tourism in areas that are appropriate. Discourage from areas where there is high level of commercial agricultural traffic or would create potentially dangerous transportation conflicts.
- Valued added agriculture
- More restrictions on Outdoor Mass Gatherings

**Goal 4: Forest Lands**

- Encourage active forest management
- Encourage forestry operations
- More restrictions on Outdoor Mass Gatherings

**Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources**

- Encourage oak habitat conservation
- Preserve natural resources

**Goal 6: Air, Water and Land Resources Quality**

- Active water resource management
- Reduce impact to water rights by discouraging certain high water demand types of development
- Allow new uses, like residential, only in areas that have available water

**Goal 7: Areas Subject to Natural Disasters and Hazards**

- Make sure all references are up to date.

**Goal 8: Recreation**

- Opportunities for private and public recreation should be supported by land use planning.

**Goal 9: Economic Development**

- More jobs, better paying jobs, a diversity of jobs.
- Land use planning can support job creation through flexibility/innovation.
- Encourage technology networks (broadband, etc.)
- Support home occupations and make rules easier and more transparent.



**Goal 10: Housing**

- Explore potential for transfer of development rights (TDRs) between farm lands and areas that are residential (including potential areas that were historically platted like Boyd)
- Keep rural character and density of housing
- Explore potential for alternative housing types

**Goal 11: Public Facilities and Services**

- Explore potential for new South County school outside of Maupin UGB.
- Better access to medical facilities
- Encourage and support continued development of broadband/high speed internet. This is particularly critical for South County.

**Goal 12: Transportation**

- Better signage or facilities for shared roadways.
- More support for roads, including maintenance. Don't increase capacity without means to support maintenance (tourism and recreation, commercial agriculture)
- More notice for events happening on public right of ways.

**Goal 13: Energy**

- Incentives for residential/noncommercial alternative energy.
- Update LUDO for commercial solar to make rules more transparent.

**Goal 14: Urbanization**

- Updated Joint Management Agreements with Wasco County and the Cities to ensure full development potential, including in the UGAs.

Some of these statements were contradictory, providing opportunities to have broader discussions about how to achieve varied goals. In combination with priorities identified by stakeholders, these vision statements were used to craft the work plan for Wasco County 2040 and served as guiding principles for developing policy and implementation strategies.

## Definitions

**Accessory dwelling unit (ADU):** a dwelling secondary and subordinate to the primary dwelling on a property.

**Agricultural Land (Per OAR 660-033-030(1)(a):** Lands classified by the US Natural Resource Conservation Service (US NRCS) as predominantly Class I-IV in Eastern Oregon; land in other soil classes that is suitable for farm use as defined in ORS 215.203 taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands; and land in capability classes other than I - VI that is adjacent to or intermingled with lands in capability classes I - VI within a farm unit shall be inventoried as agricultural lands even though this land may not be cropped or grazed. Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.

**Agri-tourism:** The general definition is an activity that generates supplemental income for working farms and ranches by connecting their resources and products with visitors. For the purposes of land use in Oregon, agri-tourism refers to activities and uses that are related to and supportive of agriculture. This is described by ORS 215.283 (4) and permitted according to OAR 660-033.

**Best management practices (BMP):** a preferred set of methods or practices for accomplishing a given task, which, when followed, will accomplish the task with a desired outcome. Wasco County Soil and Water Conservation District has a specific set of BMPs for conservation plans for agricultural properties.

**Biodiversity/biological diversity:** the variety of living organisms within and between species, communities and ecosystems in a given area.

**Citizen Advisory Group (CAG):** a nine member volunteer body representing citizens from designated areas throughout the county that are outside of incorporated city boundaries, the main task of the CAG is to engage with members of the public to help inform policy and implementation. In Wasco County, Planning Commissioners have served as CAG members for over 20 years.

**Citizen Involvement Program:** A requirement of Statewide Planning Goal 1 (OAR 660-015-0000(1)), the citizen involvement program must clearly define the procedures by which the general public will be involved in the on-going land use planning process. Goal 1 lays out further requirements and criteria. Wasco County's CIP is included in the Chapter 1 Appendix.

**Commercial :** The use of land or structures for a business activity engaged primarily in the sale of goods or services.

**Commercial in conjunction with farm use:** OAR 660-033-0120 and ORS 215.283 identify that commercial uses in conjunction with farm use can be permitted in Exclusive Farm Use zones.

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

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

**Conditional use/conditional use permit (CUP):** The process by which the County may approve a proposed use for a particular property if the use meets criteria concerning compatibility with neighboring properties and with the purpose of the zone.

**Conservation:** Limiting or minimizing the use or depletion of natural resources, including such things as land, energy, water, wildlife habitat.

**Defensible space:** As used in Wasco County 2040 and the Wasco County Land Use and Development Ordinance (LUDO), defensible space refers to an area around a building in which vegetation, debris, and other types of combustible fuels have been treated, cleared, or reduced to slow the spread of fire to and from the building. This definition comes from FEMA.

**Density bonus:** An incentive used to encourage certain types of development goals, it typically provides an increase in allowed dwelling units per property, floor area ratio (FAR) or height in exchange for meeting certain public policy goals like affordable housing or sustainable development.

**Ecosystem:** The physical and biological components and processes occurring in a given area, which interact to create dynamic equilibrium.

**Environmental Protection District (EPD):** In Wasco County, an environmental protection district is an overlay zone establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. In Wasco County, EPDs serve to protect Goal 5 resources, mitigate risks from natural hazards, and set additional rules and criteria for several exception areas.

**ESEE Analysis:** ESEE Analysis are a required part of the process of planning for natural resources under Statewide Planning Goal 5, in which the County analyzes the Environmental, Social, Economic and Energy (ESEE) consequences of prohibiting, limiting, or allowing uses that would conflict with protection of a specified Goal 5 resource – for certain resource categories, the local government has the option of forgoing the ESEE analysis and adopting generalized provisions developed by the state.

**Exception:** see goal exception

**Exclusive Farm Use (EFU):** The general zoning category for agricultural lands as identified by OAR 660-033.

**Federal Emergency Management Agency (FEMA):** The agency that produced the floodplain maps and promulgated the floodplain regulations which Wasco County has incorporated into the Land Use and Development Ordinance.

**Finding:** A fact, determination or reason, based on existing information, which, by itself or in conjunction with other findings, leads to a particular conclusion or course of action.

**Fire Safety Standards:** A set of standards for new developments in Wasco County to reduce fire risk and mitigate fire damage. The fire safety standards are detailed in Chapter 10 of the Wasco County LUDO and discussed in the Community Wildfire Protection Plan (CWPP).

**Goal:** A desired condition or circumstance toward which the planning effort is directed; a “destination” that is by nature generalized; used to give policy direction and indicate intention.

**Goal Exception:** A land use process through which a local jurisdiction justifies, based on factual evidence, that a policy embodied in a particular statewide planning goal should not apply to a particular property or set of properties. A common example is demonstrating that land developed in small-lot residential outside urban growth boundaries (UGBs) should not be subject to Goals 3 and 4, which generally require land outside UGBs to be zoned for farm or forest use.

**Groundwater:** Water that sinks into the soil and either moves toward a surfacing location (e.g., a spring or a stream), or is stored in slowly flowing and slowly renewed underground reservoirs called aquifers.

**Habitat:** A place that provides seasonal or year-round food, water, shelter, and necessities for an organism, community, or population of plants and animals.

**Historic Resources:** Include, but are not limited to, districts, corridors, ensembles, buildings, portions of buildings, sites, landscape features, cemeteries, bridges, signs, plaques, archaeological sites or artifacts, or other objects of historical and/or architectural significance, locally, regionally, or nationally.

**Historic Significance:** Include, but are not limited to, districts, corridors, ensembles, buildings, portions of buildings, sites, landscape features, cemeteries, bridges, signs, plaques, archaeological sites or artifacts, or other objects of historical and/or architectural significance, locally, regionally, or nationally.

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

**Industrial:** The use of land or structures to treat, process, manufacture, or store materials or products.

**Mitigation:** Reducing the impact of an event or activity, or reducing the potential of an event occurring for example: planting a hedge could mitigate the visual impact of an industrial use, installing an engineered retaining wall when excavating on a steep slope could mitigate the risk of landslide.

**Mobile Home:**

a. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.

b. A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

c. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

**Natural Areas:** Land areas reserved from development or modification for the protection of animal species and other natural areas as identified in the Wasco County Comprehensive Plan.

**Natural Hazard:** Natural events or processes that can harm people, property and/or environmental quality. Both the risk of natural hazards occurring and the potential for an occurrence to cause harm are affected by human land use activities.

**Non-farm uses:** ORS 215.283 identifies non-farm uses that may be permitted in EFU zones, including non-farm dwellings and divisions. These are uses or activities that are not related to agriculture.

**Nonpoint source pollutant:** Any source of pollution that does not result from a discharge at a specific, single location or point source (such as a pipe) but generally is distributed by runoff, precipitation, groundwater flow, or atmospheric deposition.

**Open Space:** Consists of lands used for agricultural or forest uses, and any land area that, if preserved and continued in its present use, would achieve the following:

- a. conserve and enhance natural or scenic resources,
- b. protect air or streams or water supply,
- c. promote conservation of soils, wetlands, or other natural functions,

- d. enhance the value to the public of parks, forests, wildlife preserves, natural areas or sanctuaries or other open space,
- e. conserve landscaped areas such as public or private golf courses that reduce air pollution and enhance the value of abutting or neighboring property, or
- f. promote orderly urban development

**OAR:** Oregon Administrative Rules.

**ORS:** Oregon Revised Statutes.

**Periodic Review:** A cooperative Comprehensive Plan update process with a prescribed process and three year time frame. Periodic review is governed by the rules in OAR 660-025.

**Policy:** A course of action or statement of priority selected from among alternatives, and in light of given conditions and findings, to guide and influence present and future decisions.

**Pollution:** The addition to water, air, or soil of matter or energy that has a negative or injurious impact to human, plant, or animal life.

**Post-Acknowledgement Plan Amendment (PAPA):** An amendment to the Comprehensive Plan adopted subsequent to LCDC's acknowledgment of the County's Comprehensive Plan.

**Primary Structure:** A structure containing or relating to the primary use of a property; for example, in a residential zone, a dwelling would be a primary structure; in an industrial zone, a warehouse or factory would be a primary structure – distinguished from “accessory structure”.

**Restoration:** The process of accurately recovering the form and details of a property and its setting as they appeared at a particular historic period by means of the removal of later works or the replacement of missing earlier work.

**Riparian area:** The zone of interaction between a waterbody and the adjacent land in which processes on land affect the waterbody and vice-versa examples of these interactions include but are not limited to: erosion of land causing sedimentation in the waterbody; the moderating effect of the waterbody on adjacent soil and air temperature; vegetation on the land shading the waterbody and thereby maintaining cooler water temperatures; water and land combining to form highly valuable habitat for numerous wildlife species.

**Rural Fire Protection District (RFPD):** ORS 478 defines the components of an RFPD, which is an unincorporated community fire district organized for the purposes of fighting wildland or structural fire. Many RFPDs in Wasco County are volunteer staffed.

**Rural Service Center (or Area):** An unincorporated community consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some permanent residential dwellings (OAR 660-022-0010 (8)). In Wasco County, these were identified by the committed lands exception process with the original 1983 Comprehensive Plan adoption.

**Safe Harbor:** An optional course of action for satisfying Goal 5 process requirements to identify and protect Goal 5 resources, usually involving a more simplified process such as applying standard setback requirements or determining significance based on existing listings, mapping, or other documentation of significance.

**Setback:** A prescribed distance from a property line, structure, or resource that a structure must meet. Setbacks are utilized for reasons of public safety, privacy, environmental protection, and to mitigate conflicting uses.

**Short Term Rentals (STR):** Short term rentals are commercial in nature and are typically defined as housing units that are rented or leased for less than 30 days. STRs are typically advertised through private, web based businesses including

but not limited to Airbnb, VRBO, HomeToGo, LUXbnb, CouchSurfing, HomeAway, and VaCasa.

**Statewide Planning Goals:** Goals that express the state's policies on land use and related topics, such as natural resources – local comprehensive plans must be consistent with the statewide planning goals.

**Transfer Development Rights (TDR):** general concept that can be implemented in a variety of ways, all of which result in relocating development rights away from one area and increasing the development rights (i.e., density) in another area often used to reduce development pressure on sensitive sites and correspondingly increase development opportunities on well-suited sites, thereby protecting sensitive sites while keeping the overall density unchanged

**Urban Growth Boundary:** For each incorporated city, a boundary established to define the land area needed to accommodate 20 years of growth of the city the location of the UGB is agreed to by the affected city and county; only lands within the UGB are potentially eligible for annexation to the city.

**Urban Growth Boundary Areas:** Includes those lands within the adopted Urban Growth Boundaries of the cities of Antelope, Dufur, The Dalles, Maupin, and Mosier.

**Value Added Agriculture:** Mid-Columbia Economic Development District (MCEDD) defines value added agriculture as manufacturing, like food processing or fermentation sciences, that enhances the value of an agricultural product through industrial production. This conforms with the USDA definition.

**Water Rights:** A right to use the publicly owned waters of the State of Oregon, granted by the Oregon Water Resources Department: all water, whether surface water or groundwater, is publicly owned; to use water, the user must apply for a water right, obtain a permit to use the water, begin use of the water, and then have a water rights examiner report on how and where the water is being used; if the water has been used according to the provisions of the permit, a water right certificate is issued based upon the report findings – certain uses are exempt from needing a water right, such as domestic wells not exceeding a certain usage.

**Waiver of Remonstrance:** Also called a non-remonstrance agreement, it is a written agreement between a property owner and the County to waive the right of an owner to file a remonstrance in the case of local infrastructure improvements.

**Wetland:** Land areas where excess water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semi aquatic plant life. In marine and estuarine areas, wetlands are bounded at the lower extreme by extreme low water; in freshwater areas, by a depth of six feet. The areas below wetlands are submerged lands.

**Zone:** A governmental designation applied to land, defining the uses that are allowed and not allowed, and typically containing standards for the uses and subdivision of the land.

# **Chapter 15**

## **Plan Revisions Process**

---

DRAFT



# Plan Revisions

## Overview

Wasco County 2040 is the primary document which guides land use in unincorporated Wasco County. The plan is intended to reflect the community’s vision for land use planning and to be responsive to the needs and desires of citizens.

This chapter outlines amendments to the Comprehensive Plan and the process for different amendments.

## 15.0 Definitions

### A. 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.

### B. 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 properties.

Each plan change or revision will first be heard by the Planning Commission on a first-come, first serve basis. Such a hearing shall be conducted in accordance with the Land Use and Development Ordinance and Wasco County Planning Commission rules.

### C. Urban Growth Area Management

In the event that any city within Wasco County adopts an urban growth boundary which includes lands beyond their corporate limits, the city and the county shall agree upon a program for the joint management of such lands. The management program shall include provision for the interim management of these lands as well as a coordinated system for open communication between the two bodies. The agreement shall also include a joint system outlining procedures for plan amendments or changes to the Urban Growth Boundary.

### D. Urban Growth Boundary Revisions

Individuals, agencies, or local governments requesting proposed revisions within or to an urban growth boundary outside a city limit shall apply to the Wasco County Planning Office. The Wasco county Planning Office will then submit a copy of this to the impacted city.

DRAFT

# Plan Revisions

**15.1.1** A Comprehensive Plan Amendment may take the following forms:

- a. Amendment of one or more policies of the plan (Legislative)
- b. Amendment to the text, inventories, maps or figures of the plan (Legislative or Quasi-Judicial)
- c. Amendment of a portion of the Comprehensive Plan Land Use Designation map (Legislative or Quasi-Judicial)
- d. Amendment to the urban growth boundary (Legislative or Quasi-Judicial)
- e. A combination plan change/zone amendment (Legislative or Quasi-Judicial)

**15.1.2** Comprehensive Plan revisions may be initiated by:

- a. Wasco County Governing Body (Legislative)
- b. Planning Commission by majority vote confirmed by the Wasco County Governing Body (Legislative)
- c. Property owner or authorized representative (Quasi-Judicial)

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

- a. Compliance with the statewide land use goals in Chapters 1-14 or further amended by the Land Conservation and Development Commission, where applicable, as required by ORS 197.250.
- b. Substantial proof that such change shall not be detrimental to the spirit and intent of such goals.
- c. A mistake in the original Comprehensive Plan or change in the character of the neighborhood can be demonstrated.
- d. Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions.
- e. Proof of change in the inventories originally developed.
- f. 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.
- g. Revisions must be consistent with rule in ORS 197.175, 197.610-651, 215.050, and 215.431 when applicable.

**15.1.4** Transportation Planning Rule Compliance<sup>i</sup>

- a. Review of Application 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:
  - 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). Worse the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- b. Amendments That Affect Transportation Facilities – Amendments to the land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:
  - 1) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
  - 2) Amending the TSP or comprehensive plan to provide transportation facilities, improvement or services adequate to support the proposed land uses consistent with the requirements of Section – 0060 of the TPR.
  - 3) Altering land use designations, densities, or design requirements to reduce demand for vehicle travel or meet travel needs through other modes of transportation.
  - 4) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- c. Traffic Impact Analysis – A Traffic Impact Analysis shall be submitted with a plan amendment application pursuant to Section 4.140 Traffic Impact Analysis (TIA) of the Land Use and Development Ordinance.

#### **15.1.5 Procedure for the Amendment Process**

- a. A petition must be filed with the Planning Offices on forms prescribed by the Planning Director.
- b. 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.
- c. 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 the newspaper of record 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.

**15.1.6 Appeals.** The decision of the County Governing Body will be final unless appealed to a higher court.

**15.1.7 Review.** In any event, the Comprehensive Plan and implementing Ordinances shall be reviewed as often as necessary if the Planning Commission and County Governing Body finds that there are compelling reasons to justify such change, i.e., criteria listed in Section 15.1.3. A public statement will be issued by the Planning Commission and/or County Governing Body on whether any revision is needed.

---

<sup>i</sup> These rules and criteria come directly from OAR 660-012. For more information and definitions see the rule.

# **Chapter 16**

# **Goal Exceptions**

---







# Chapter 16

## Goal Exceptions and Committed Lands

---

### Overview

In applying the statewide land use planning goals, the need for preserving agricultural, forest and other resource lands and the need for providing housing and rural development must be addressed and balanced.

To accomplish this balance, rezones of resource lands are required by state law to go through an exception process, and meet certain criteria, to statewide land use planning goals. This process and the criteria are explained in OAR 660-015-0000(2).

A committed lands process was devised by the Land Conservation and Development Commission to exclude properties with existing development from resource protection.

Wasco County identified committed land through a two-step process in 1982. First, a review of existing settlement patterns, parcelization and the amount of physical development was conducted. This was primarily done through a window survey<sup>i</sup>. The second step took those potential properties identified and created an inventory including legal description, ownership, tax assessment, parcel size and the level of improvement<sup>ii</sup>.

Since 1983, a few additional goal exceptions have been approved and rezoned lands from resource uses to non-resource uses. There have also been some changes to the map and tax lot and other information which necessitated an update to the committed lands inventory.

This chapter summarizes the process and, included in the appendix, gives an overview exception and rural service areas.

### Committed Lands and the National Scenic Area

A portion of lands identified in previous editions of the Wasco County Comprehensive Plans as committed exceptions were later identified as National Scenic Area lands and rezoned.

Additionally, some of the map and tax lots were updated which makes the old charts difficult to read.

As a result, significant efforts were made to research and update the historic committed lands in the Appendix, with the exception of National Scenic Area lands. This research will be done at a later date and compiled into a Wasco County National Scenic Area Committed Lands reference guide.

The new reference will show the zones of committed lands and subdivisions before and after the National Scenic Area rules went into effect and can be used as a resource in the future.

## Criteria

**16.1.1** If the exception<sup>iii</sup> to the goal is adopted, then the compelling reasons and facts for that conclusion shall be completely set forth in the plan and shall include:

- a. Why these other uses should be provided for;
- b. What alternative locations within the area could be used for the proposed uses;
- c. What are the long term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use;
- d. A finding that the proposed uses will be compatible with other adjacent uses.

## Committed Lands

**16.2.1** To identify committed lands, or those lands committed to non-resource uses, Wasco County used a two-step process. The first step was to review an area's existing settlement pattern, the existing parcelization, and the amount of actual physical, development.

The second step involved a detailed inventory of those areas previously identified for non-resource uses.

All of Wasco County exceptions have been based on commitment. The compelling reasons and facts are presented throughout the Appendix.

---

<sup>i</sup> A window survey was conducted to inventory the location of existing physical development, to identify and significant factors which make this area unsuitable for resource purposes, and to determine the appropriate land use classification for a particular area. A breakdown of Soil Conservation Service agricultural capability class and forest site class was also inventoried to determine which areas are more suitable for farm and forest resource protection.

<sup>ii</sup> For each specific area, the legal description, ownership, tax assessment, size of parcel and level of improvement were inventoried. The level of improvements was based on the January 1982 Assessment Roll for Wasco County. Any parcel receiving a "true cash value" over five thousand dollars, or containing a mobile home or homestead was considered developed.

<sup>iii</sup> The exceptions process is utilized to evaluate whether certain lands should be designated for future rural development or maintained as resource lands. As defined, this process requires that any lands designated for rural development be justified based on 1) need; 2) a consideration of other alternatives which would or would not require an exception; 3) a consideration of long-term consequences of designating an area for rural development; and 4) the compatibility of the anticipated development with adjacent uses.

## References

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

Wasco County Planning Department (1983). *Wasco County Comprehensive Plan*.

Wasco County Planning Department (1983). *Committed Lands Study*.

Wasco County Planning Department (1997). *Wasco County Transition Lands Study Area (TLSA)*.

Wasco County Planning Department (2006). *Wasco County Comprehensive Plan*.

Wasco County Planning Department (2009). *Buildable Lands Study*.

## Appendix 16-A

Most of the exception and committed lands properties were identified during the original Comprehensive Plan through a two-step process including a window survey and analysis of assessment records. Table 16-1 lists committed exceptions outside of the National Scenic Area, and 16-2 lists those inside the National Scenic Area. Table 16-3 demonstrates the justification for committed subdivisions prepared for the 1983 Comprehensive Plan. According to the 1983 Plan, committed lands were identified based on size, tax assessment, location to other parcels, level and amount of public facilities and services, character of the community and development trends. For subdivisions, this included the total number of lots, average size of lots, and the percentage of lots already with development on them.

For lands identified as committed during the 1983 Comprehensive Plan but later rezoned as a result of the National Scenic Area Act and land use designations, see Table 16-2.

**Committed Exceptions (Table 16-1) for lands outside the National Scenic Area**

	Location	Legal Description	Acres	Avg. Parcel Size (ac.)	Historic Zoning	Current Zoning (2020)
Rural Service Centers						
	Pine Grove	5S 11E & 12 E	380.61	5.77	Various	Various
	Pine Hollow	4S 12E 3 & 4	834	1.78	AR	AR
	Tygh Valley	4S 13E	756	4.25	Various	Various
	Wamic	4S 12E 11 14	223.43	2.7	Various	Various
	Walters Corners	5S 12E 13, 14, 23, 24	7.18	1.5	RC and A-1	RC and A-1
Committed Subdivisions						
	Brown's Ranch Estates	2N 13E 31C	116.2	6.12	RR-5	RR-5
	Dundas Tracts	2N 12E 16B	160	10	RR-5	RR-5
	Flyby Night Subdivision	2N 12E 15	190.75	7.63	RR-5	RR-5
	Mill Creek Wayside Garden	1N 12E 22CC	9.78	1.33	RMH-2	RR-2
	Mountain View Homes	1S 13E 34	7.28	.56	R-2	RR-2
	Mill Creek Reservoir Addition	1N 12E 22CC	9	.50	RMH-2	RR-2
	Shady Brook Estates	3S 13E 31	86.64	14.44	FF-10	FF-10
	North Sportsmans Paradise	2S 12E 2, 10, 11, 15, 14B	994.74	10.40	FF-10	FF-10
	South Sportsmans Paradise	2S 12E 14B	219.18	8.43	FF-10	FF-10
	Sportsman Park	4S 11E 14	13.20	1.18	AR	AR
	Sportsmans Park 2	4S 11E 14	16.80	1.34	AR	AR
	Sportsmans Park 3	4S 11E 14	28.40	.25	AR	AR
	Sportsmans Park 4	4S 11E 14	15.20	.27	AR	AR
	Valley View Acres	1N 13E 12	32.98	1.94	RR-5	RR-5
	Wahtonka Tracts Subdivision	1N 12E 1	100.60	5.03	RR-5	RR-5
	Wayside Second Addition	1N 12E 22	2.00	.50	RMH-2	RR-5
	Mt. Hood Subdivision (Richman)	1N 13E 1, 12	171.46	NA	RR	RR-5
Other Committed Lands						
	Mid-Columbia Grain Growers Re-zone	7S 17E TX 2400	.29	NA	M-1	RI
	Camp Morrow Re-zone	4S 12E 4	37.76	NA	A-1 & AR*	A-1 & AR
	Sacamano Re-zone	2N 12E 17 & 20	56.85	11	FF-10	FF-10
	Badger Creek	4S 13E 6	235	33	A-1(160)	FF-10 + EPD 10
	Big Muddy/Washington Family Ranch	8S 18E 28, 29, 31, 32 and 8S 19E	1267	NA	A-1(160)	AR & EPD 9
*EPD 14 Camp Morrow Limited Use Overlay Zone was part of exception						

## Appendix 16-B

### Committed Exceptions (Table 16-1) for lands inside the National Scenic Area

	Location	Legal Description	Acres	Avg. Parcel Size (ac.)	Historic Zoning	Current Zoning (2020)
Rural Service Centers						
	Rowena	2N 12E	551*	1.61	Various	Various
Committed Subdivisions						
	Cameron Tracts	2N 12E 9	280.9	8.51	RR-5	R-10 (GMA)
	Rowena Dell P.U.D.	2N 12E 3	64.09	2.21	RMH-2	RES (SMA)
	Tooley Terraces	2N 13E 17AB	20.81	1.52	R-1	R-2 (GMA)
	Dry Hollow Area	1N 13E 10	14.3	.83	R-2	R-1 (GMA)
	Cherry Park Area	1N 13E 1DC	18.25	1.83	RR	R-5 (GMA)
	Fifteen Mile Creek Area	2N 14E 31	14.8	2.46	RR	R-5 (GMA) & A 40 (GMA)
	Williams First Addition	1N 13E 8	17.60	1.10	R-1	R-5 (GMA)
Other Committed Lands						
	Rowena Dell Area	2N 12E 3, 4, 8, 9, 10 & 16				Various
	Brown's Re-zone	1N 13E 5B 600	1.15		R-4	A-1 (40) (GMA)
	Areas Adjacent to The Dalles**	2N 13E 19, 26, 31 & 32	2,170.48	4.00	RR-5	Various
	The Dalles Country Club Area	2N 13E 17, 20	21.28	3.55	C-1	R-5 (GMA)
	The Dalles Concrete	2N 13E 17	29.79	9.93	M-2/M-1	A-1 (160) (GMA)
	Bert Hodges' Property	2N 13E 29	57.17	NA	C-1/R-1	A-1 (160) (GMA)
	Bryant Property	2N 13E 20, 20	18.55	NA	M-2	A-1 (160) (GMA)
*This total includes land in highway and railroad rights of way.						
**This includes Chenowith, Murray's Addition. Foley Lakes, and some SMA lands between Chenowith Creek and Cherry Heights.						

## Appendix 16-C

**Justification for Committed Subdivisions (Table 16-3)**

Subdivision	Legal Description	Acres	# of Lots	Avg. Lot Size	% of Lot Committed	Zoning	Date Approved
Brown's Ranch Estates	2N 13E 31	116.2	19	6.12	11	RR-5	04/08/1981
Cameron Tracts	2N 12E 9	280.9	33	8.51	24	RR-5	11/02/1907
Dundas Tracts	2N 12E 16	160	16	10.00	45	RR-5	03/04/1908
Flyby Night Subdivision	2N 12E 15	190.75	25	7.63	44	RR-5	11/22/1979
Mill Creek Wayside Garden	1N 12E 22	9.78	8	1.33	75	RMH-2	08/31/1965
Mountain View Homes	1S 13E 34	7.28	13	0.56	26	R-2	12/27/1966
Reservoir Addition	1N 12E 22	9	18	0.50	65	RMH-2	08/03/1955
Rowena Dell	2N 12E 3	64.09	29	2.21	25	RR-5	10/28/1975
Shady Brook Estates	3S 13E 31	86.64	6	14.44	68	FF-10	07/23/1980
Sportsmans Paradise N.	2S 12E	994.74	118	N/A	21	FF-10	03/21/1972
Sportsmans Paradise S.	2S 12E 14	219.18	26	8.43	19	FF-10	02/25/1970
Sportsmans Park	4S 11E 14	13.20	33	N/A	71	AR	05/20/1970
Sportmans Park 2	4S 11E 14	16.80	42	N/A	71	AR	07/31/1970
Sportsmans Park 3	4S 11E 14	28.40	71	N/A	44	AR	05/30/1973
Sportsmans Park 4	4S 11E 14	15.20	38	N/A	39	AR	05/30/1973
Terrace Trailer Homes	2N 13E 17	8.5	25	0.34	63	RMH-2	08/13/1964
Terrace Trailer Homes 2	2N 13E 17	10.92	6	1.82	67	RMH-2	11/15/1965
Terrace Trailer Homes 3	2N 13E 17	1.56	6	0.26	83	RMH-2	08/16/1967
Tooley Terraces	2N 13E 17	10.24	16	0.64	40	R-1	06/03/1954
Valley View Acres	1N 13E 12	32.98	17	1.94	35	RR-5	05/05/1965
Wahtonka Tracts Subdiv.	1N 12E 1	100.60	20	5.03	65	RR-5	10/23/1969
Wayside Second Addition	1N 12E 22	2.00	4	0.50	75	RMH-2	08/31/1965
Williams First Addition	1N 13E 8	17.6	16	1.10	83	R-1	1/23/1953
Mt. View Acres (Richman)	1N 12E 12	32.79	3	12		RR	11/10/1975

These subdivisions were approved prior to 1983, and designated as committed with the 1983 Comprehensive Plan by Order dated April 27, 1983.

## **Appendix 16-D**

This section provides the details for each of the non-subdivision exceptions, including the Order or Ordinance by which the exception was approved. In most cases, this occurred before the County numbered Ordinances, so we have provided a name (e.g. Profitt or Maxwell) or other information on the stamp to identify it. The original ordinance contains the findings of fact that demonstrate the standards for an exception have been met as well as the substantial evidence necessary to demonstrate that the standard has been met. The brief description includes statements of reasons for the exception as well as additional relevant information.

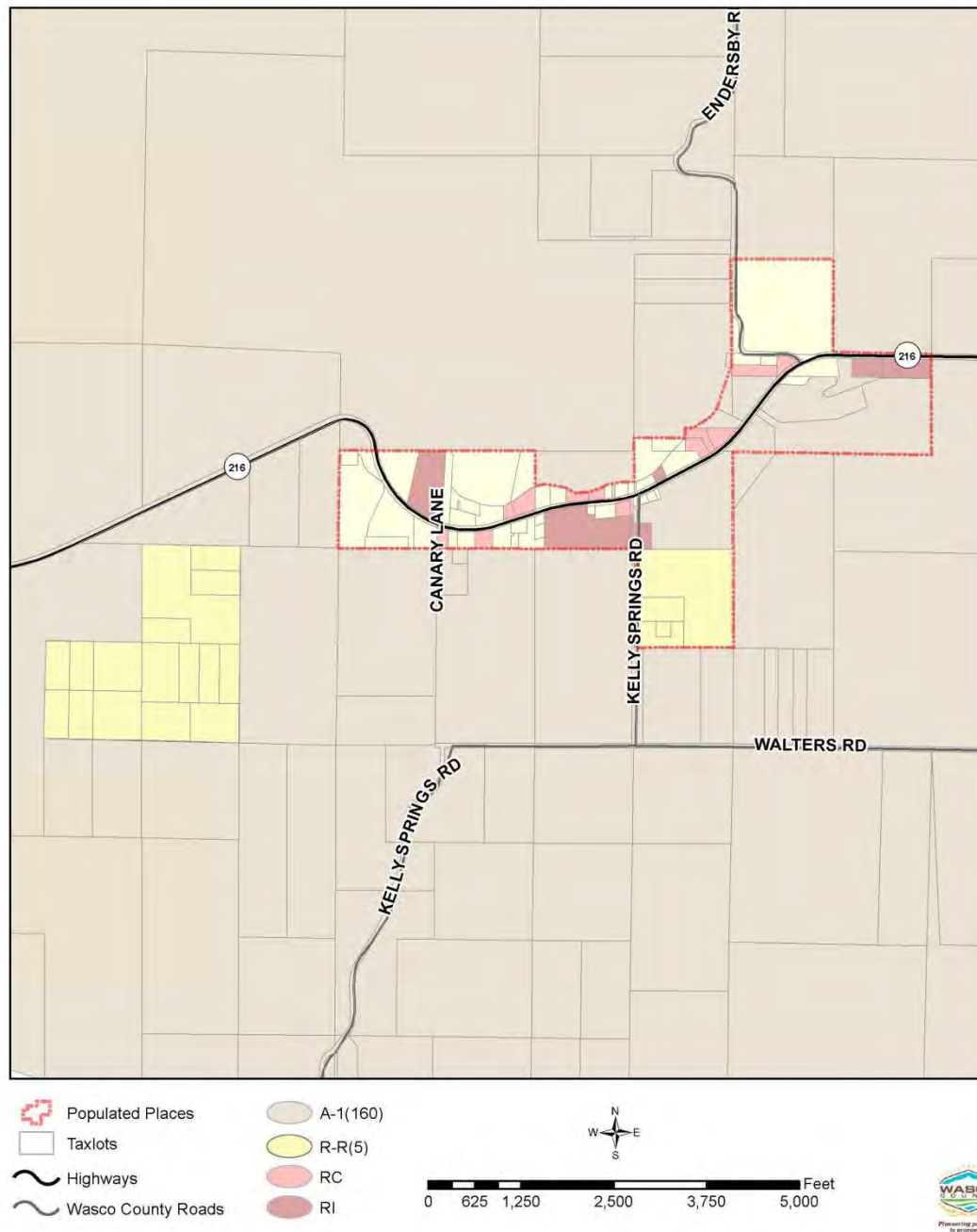
The 1983 Committed Lands Study has some additional information about those committed lands identified during the Comprehensive Plan project.

### **Rural Service Centers and Recreational Communities**

Wasco County currently has four rural service areas and one recreational community: Tygh Valley, Pine Grove, Wamic, Walter's Corner and Pine Hollow, respectively. Rowena was designated a rural service center during the 1983 Comprehensive Plan adoption, but has since become part of the National Scenic Area.

Descriptions and maps are included below. More extensive historic information is available at the Planning Department and in the Committed Lands study (1983).

## PINE GROVE



### Pine Grove

#### 5S 11E & 12 E

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: Various

Current Zoning: Various (RR-2, RR-5, RC, RI, A-1 (160))

Date Approved: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Served by a community water system, this roughly 250 acre community has traditionally had approximately 40 residents and has remained stable since the 1980s. Pine Grove consists of industrial, commercial, residential and exclusive farm uses. It was identified in 1983, with the Comprehensive Plan, as a rural service center. Pine Grove was originally rezoned in 1970 by Ordinance (no ordinance number on record). Additional RR added in 1984 based on developments and public demand.



# PINE HOLLOW



## Pine Hollow

### 4S 12E 3 & 4

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: AR

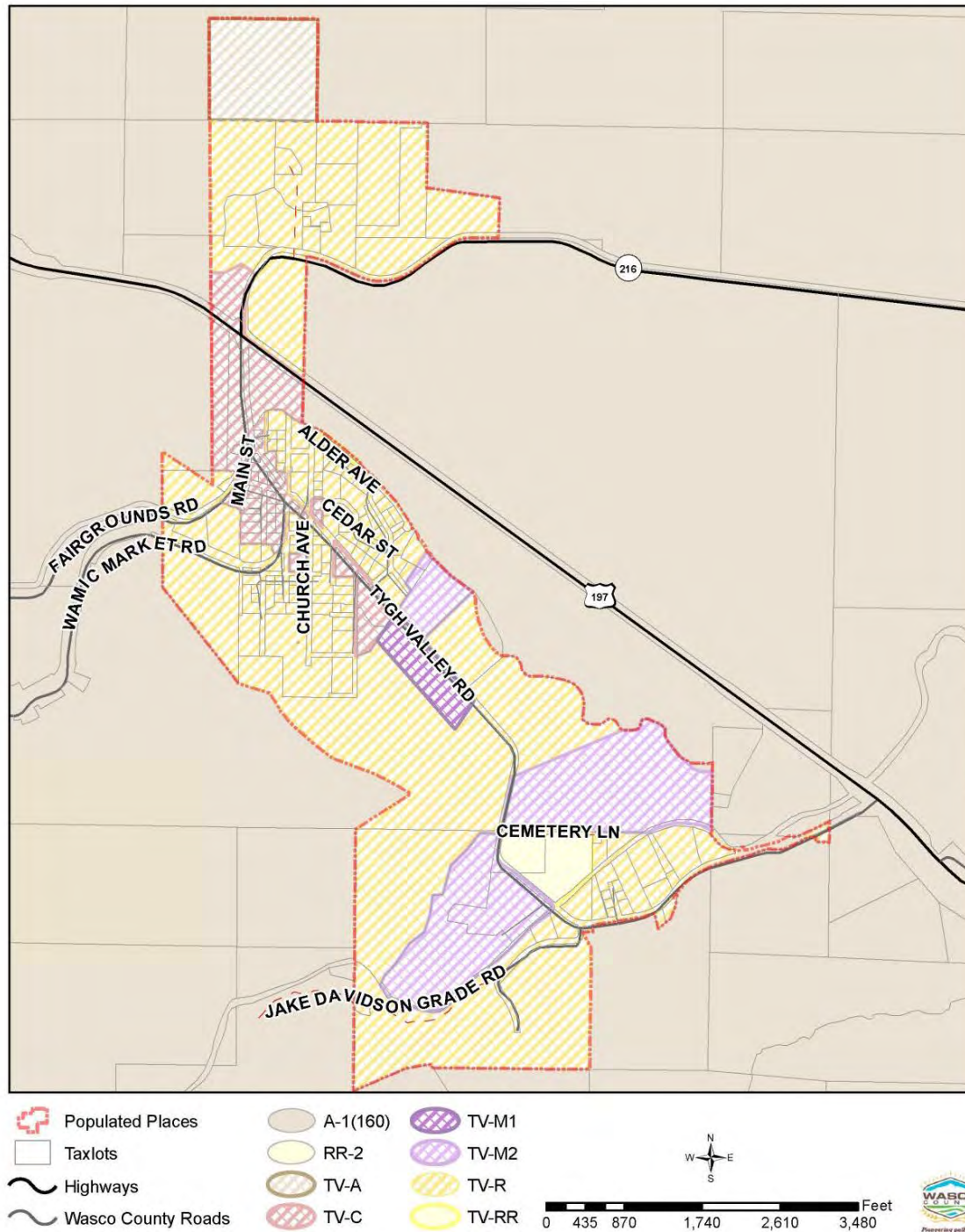
Current Zoning: AR

Date Approved: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Surrounding a reservoir, Pine Hollow is one of the largest unincorporated communities in Wasco County. Designated a recreational area with the 1983 Comprehensive Plan, it typically increases in population size during summer months. Estimates are well over 400 people in the summer months. Five community wells serve approximately 300 users. Residences are served by individual septic tanks. Pine Hollow also has a restaurant, RV park, and a small airstrip.

# TYGH VALLEY



## Tygh Valley

### 4S 13E

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: Various

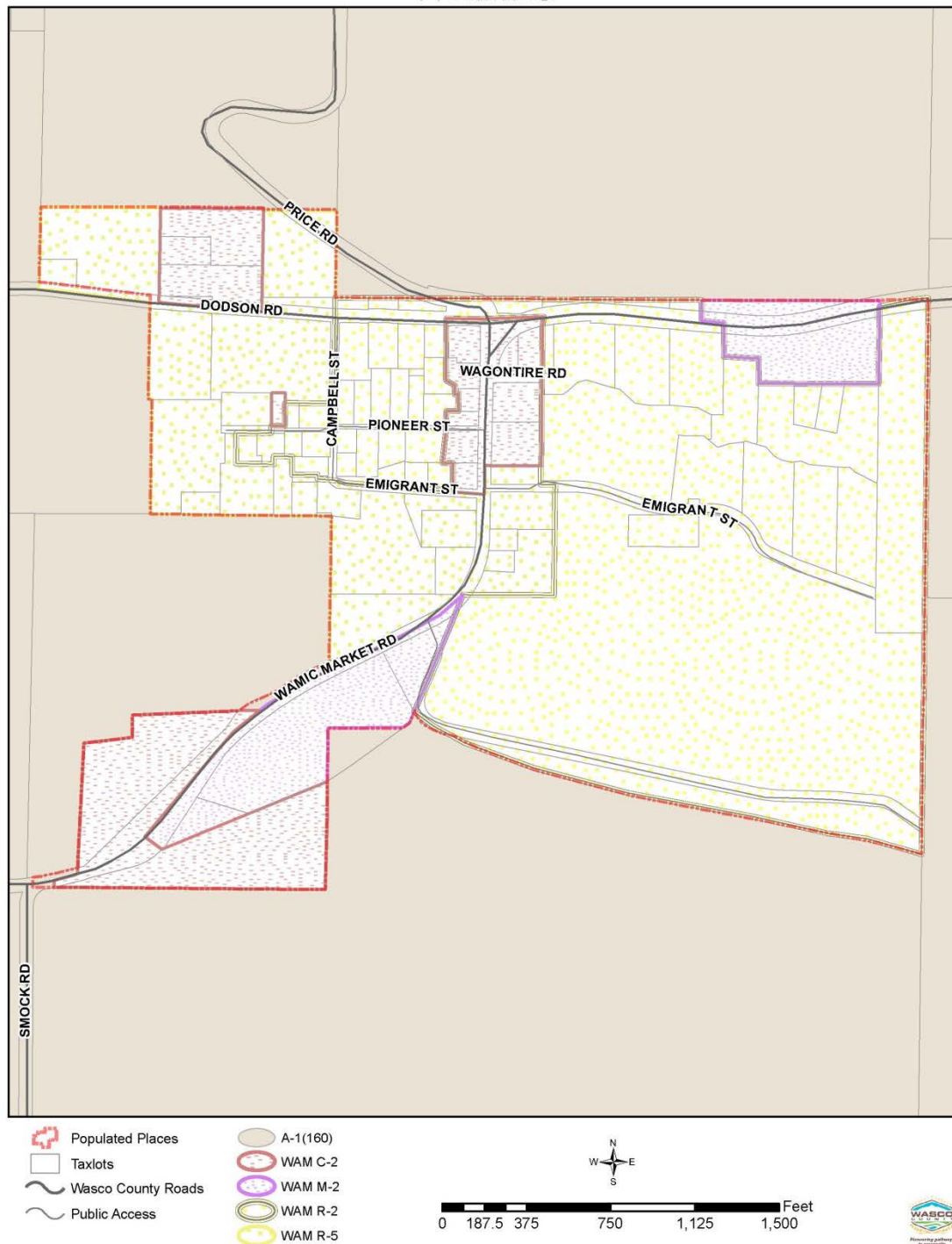
Current Zoning: Various (TV-AG, TV-R, TV-C, TV-M1, TV-M2, TV-RR)

Date Approved: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Historically centered around a lumber mill, Tygh Valley has approximately 175 residents and has a mixture of businesses. A community water system is located west of OR-197. Residences are served by individual septic tanks. Tygh Valley was designated a rural service center with the 1983 Comprehensive Plan.

# WAMIC



## Wamic

### 4S 12E 11 & 14

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: Various

Current Zoning: Various (WAM-R2, WAM-R5, WAM-C2, WAM-M2)

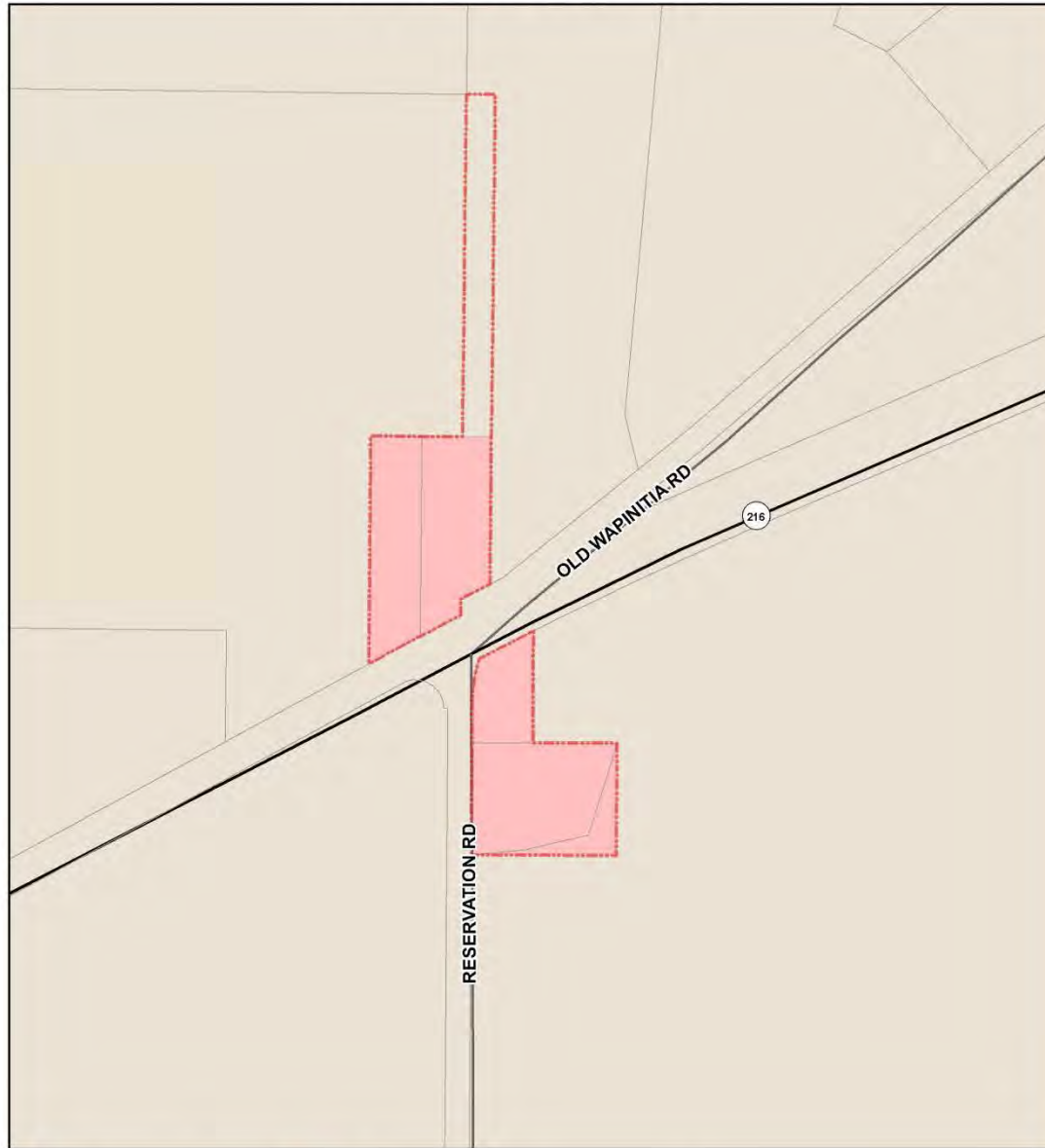
Date Approved: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Wamic has maintained a relatively stable population of approximately 150 residents. It has a community water system and a hybrid sanitary waste system. It was designated a rural service center in the 1983 Comprehensive Plan.



## WALTER'S CORNER



Populated Places

Taxlots

Highways

Wasco County Roads

RC

A-1(160)



0 125 250 500 750 1,000 Feet



### Walter's Corner

**5S 12E 13, 14, 23, 24**

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: Various (RC and A-1(160))

Current Zoning: Various (RC and A-1(160))

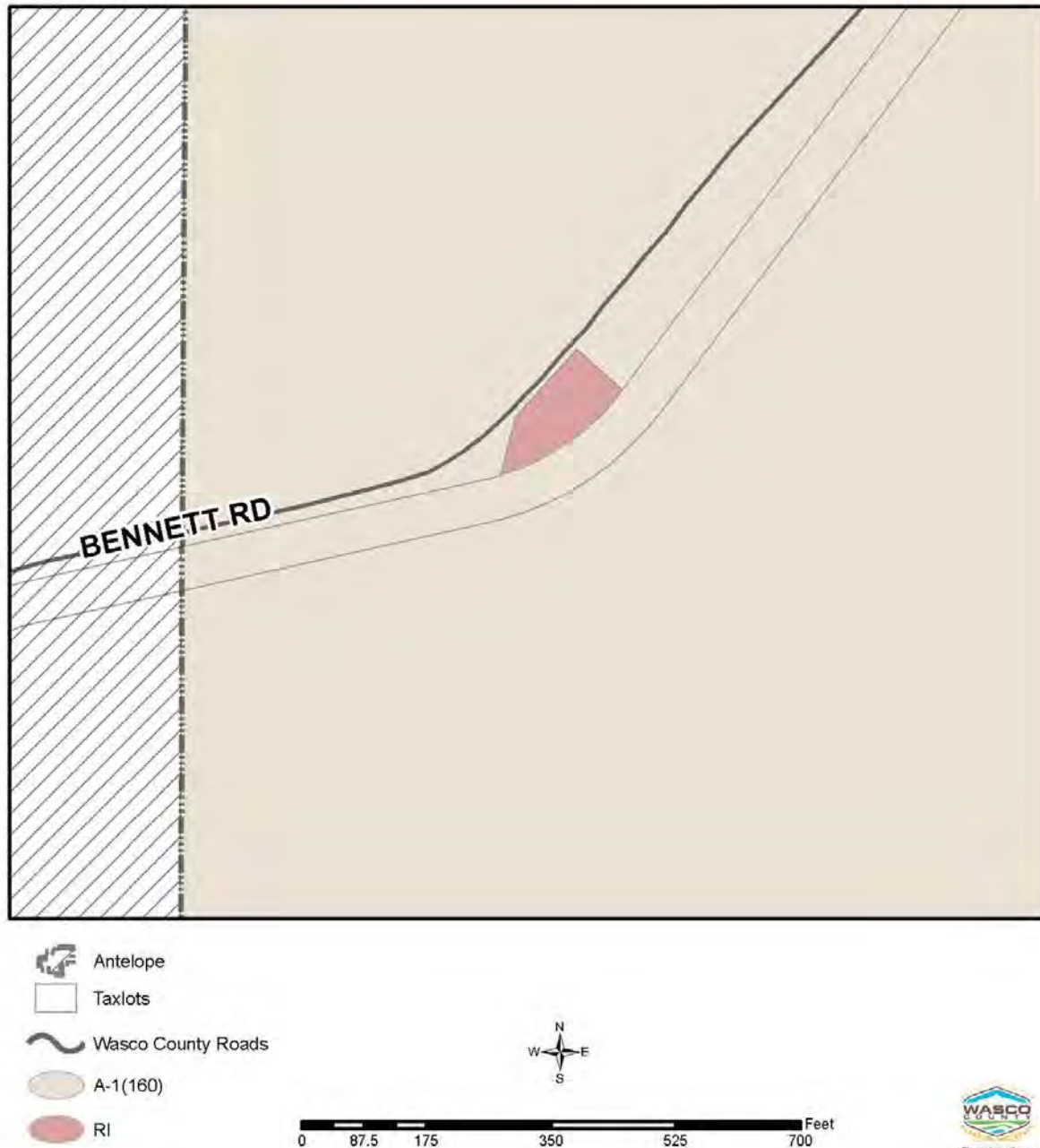
Date Approved: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Walter's Corner is a small pocket of commercially zoned property on OR-216 that has traditionally housed a gas station and convenience store. Surrounding property is Exclusive Farm Use.

## Other Committed and Exception Lands

### MID COLUMBIA GRAIN GROWERS REZONE



#### Mid-Columbia Grain Grower Re-zone:

**7S 17E 2400 #11702**

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: M-1 (Light Industrial)

Current Zoning: RI

Date Approved: July 7, 1976

Approved by: Order - Maxwell Zone Change

Brief description: The site has a long standing lease by the Mid-Columbia Grain Growers for storage and sales of agricultural products. It was identified in 1976 as a pre-existing use that was granted a zone change. Referred to as "Antelope Industrial" in the 2009 Buildable Lands Study.

## CAMP MORROW EXCEPTION AREA



### Camp Morrow (Badger Creek Ranch) Re-zone:

**4S 12E 4 600 #10884**

Exception to: Goal 3

Zoned prior to exception: A-1

Current Zoning: A-1 (160) & EPD-10

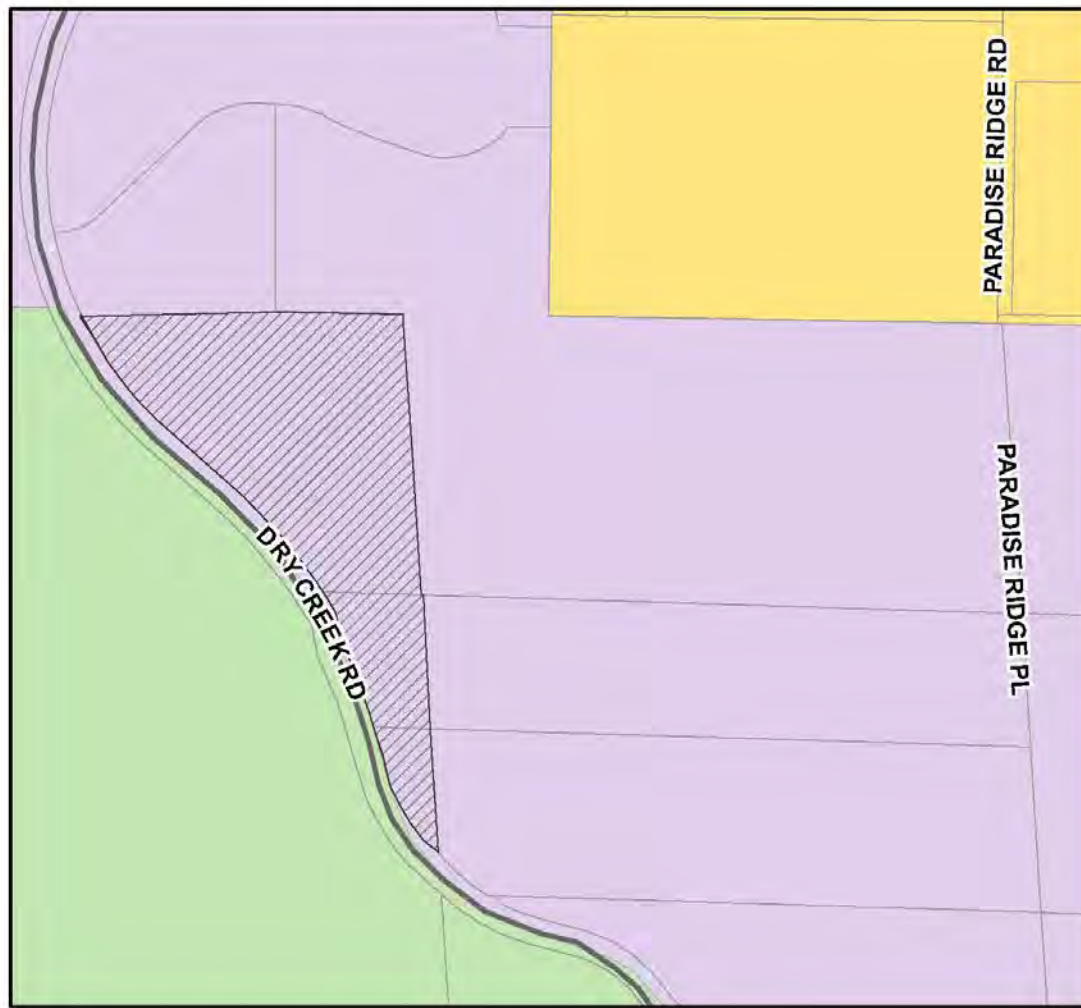
Date Approved: November 14, 2006

Approved by: Ordinance No. 99-112

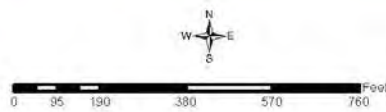
Planning Case #: CP-06-101/EXC-06-101/ZNC-06-101

Brief description: The Camp Morrow/Badger Creek Ranch Exception is reasons exception for 37.76 acres known as the Badger Creek Ranch portion of Camp Morrow. This includes an established youth and family camp in Pine Hollow. The exception was granted with a Limited Use Overlay zone (EPD-10) to permit the camp activities and development.

## EXCEPTION & REZONE AREA



- Exception & Rezone From F-2 (80) to F-F(10)
- F-2(80)
- F-F(10)
- R-R(10)
- Taxlots
- Wasco County Roads
- Public Access Roads



### Sacamano Re-zone

OWNER	Tax Lot	Total Size	F-2 Rezone Area	Contiguous Land
<b>Sacamano</b>	2N12E17: 2700 & 1N12E20: 5000	16.16 acres 19.31 acres	Approx 6.8 acres (por. of TL 2700)	35.47 Acres
<b>Campbell</b>	2N12E20: 4700	10 acres	Approx 0.78 acres (por. of TL 4700)	10 Acres
<b>Cherniak/ Conklin</b>	2N12E20: 4600 & 2N 12E20: 4500	0.34 acres 11.04 acres	0.34 acres (all of TL 4600)	11.38 Acres

Exception to: Goal 4

Zoned prior to exception: F-2

Current Zoning: FF-10

Date Approved: February 22, 2008

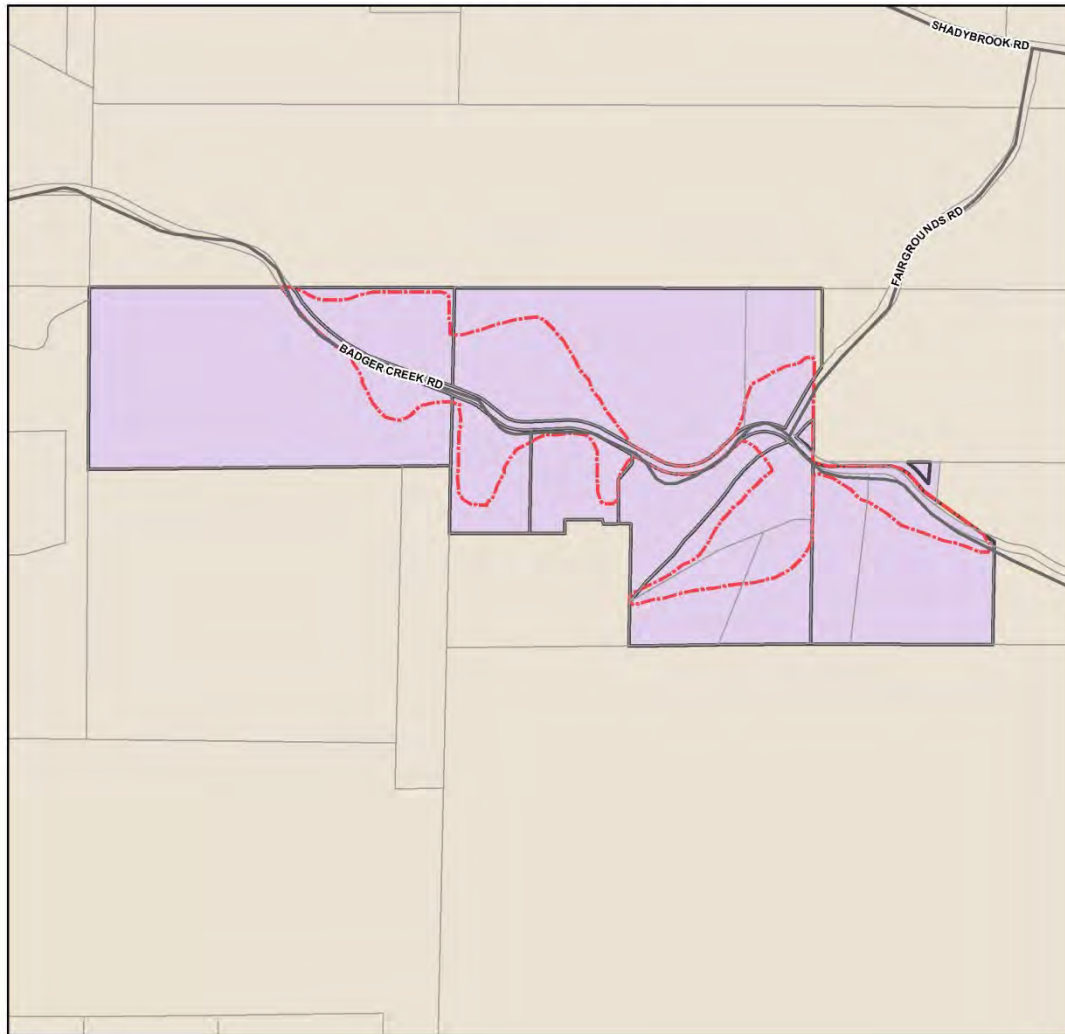
Approved by: Order (No number)

Planning Case #: CPA-07-102/ZNC-07-101/EXC-07-101

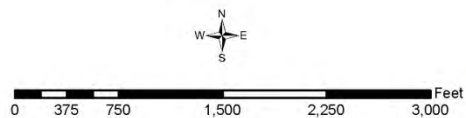
Brief description: The Sacamano Exception is a committed land exception to 6.8 acres. The area was found to be committed to non-resource use due to the isolation of the area from roads, lack of trees or suitability of soils for growing trees, small size of the exception, and it being already in residential use.



## BADGER CREEK



- Wasco County Roads
- Public Access Roads
- Taxlots
- EPD 10 Badger Creek Properties
- EPD 10 Badger Creek Development Area
- A-1(160)
- F-F(10)



### Badger Creek

**4S 13E 6 #100, 101, 102, 103, 300, 500, 700, 701, 702 and 4S 13E 5 #500, 501**

Exception to: Goal 3

Zoned prior to exception: A-1

Current Zoning: FF-10 with EPD-10 Limited Use Overlay

Date Approved: March 17, 1999

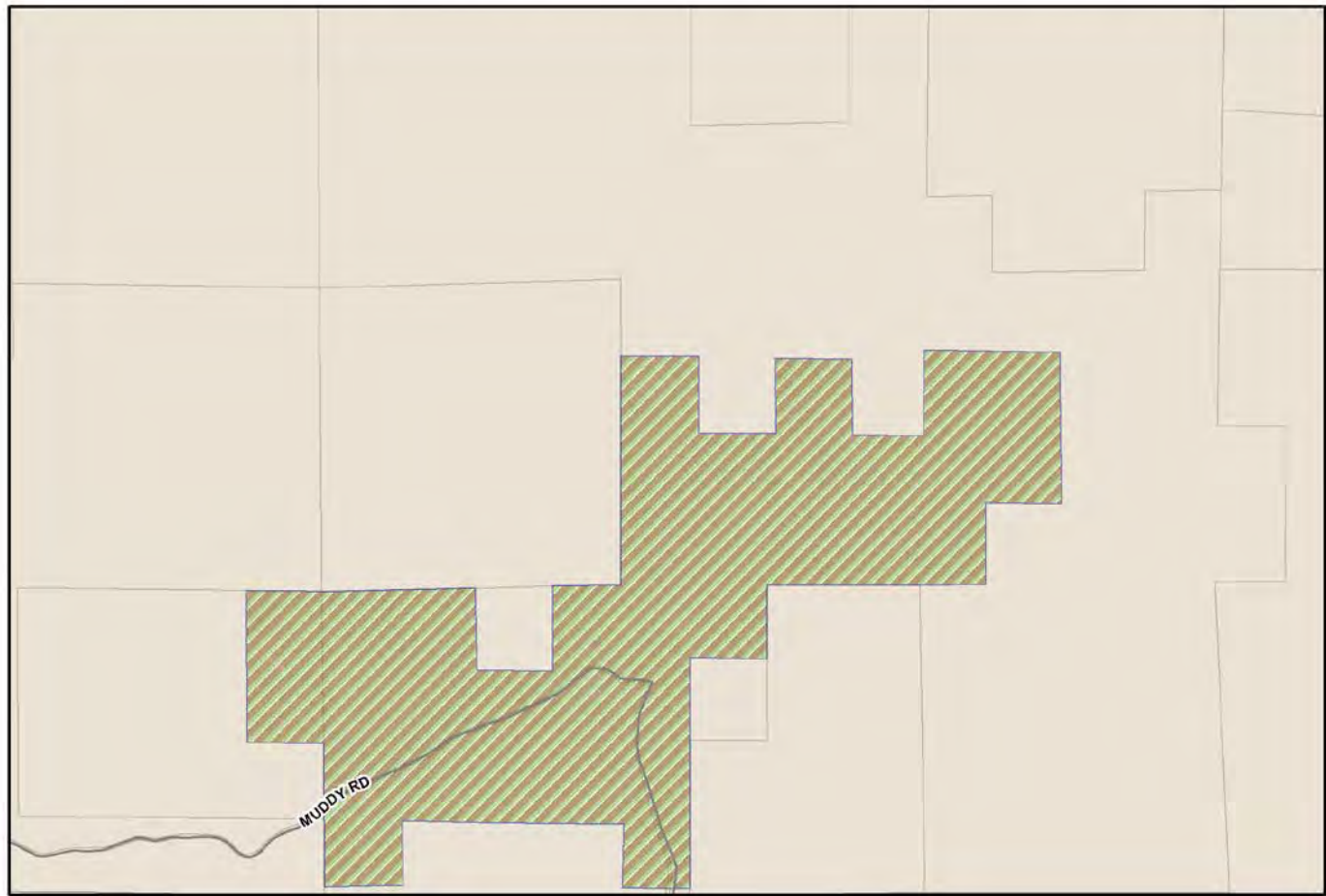
Approved by: Order 99-101

Associated Files: CPA-98-102 and ZNC-98-102

Brief description: Located 1.4 miles West of Tygh Valley and near the Wasco County Fairgrounds, this goal exception was awarded under the irrevocably committed exception due to the existing residential development and in conjunction with EPD-10, a Limited Use Overlay Zone, which has some unique criteria and regulations for these properties restricting future development or redevelopment.



## BIG MUDDY/ WASHINGTON FAMILY RANCH



-  Taxlots
-  Public Access Roads
-  EPD 9 Big Muddy Limited Use Overlay/ A-R County Zoning
-  A-1(160)



### Big Muddy/Washington Family Ranch

**8S 18E 28, 29, 31, 32 and 8S 19E**

Exceptions to: Goal 3, 11, and 14

Zoned prior to exception: A-1

Current Zoning: AR with EPD-9 Limited Use Overlay

Date Approved: September 18, 1997

Approved by: Ordinance 97-001

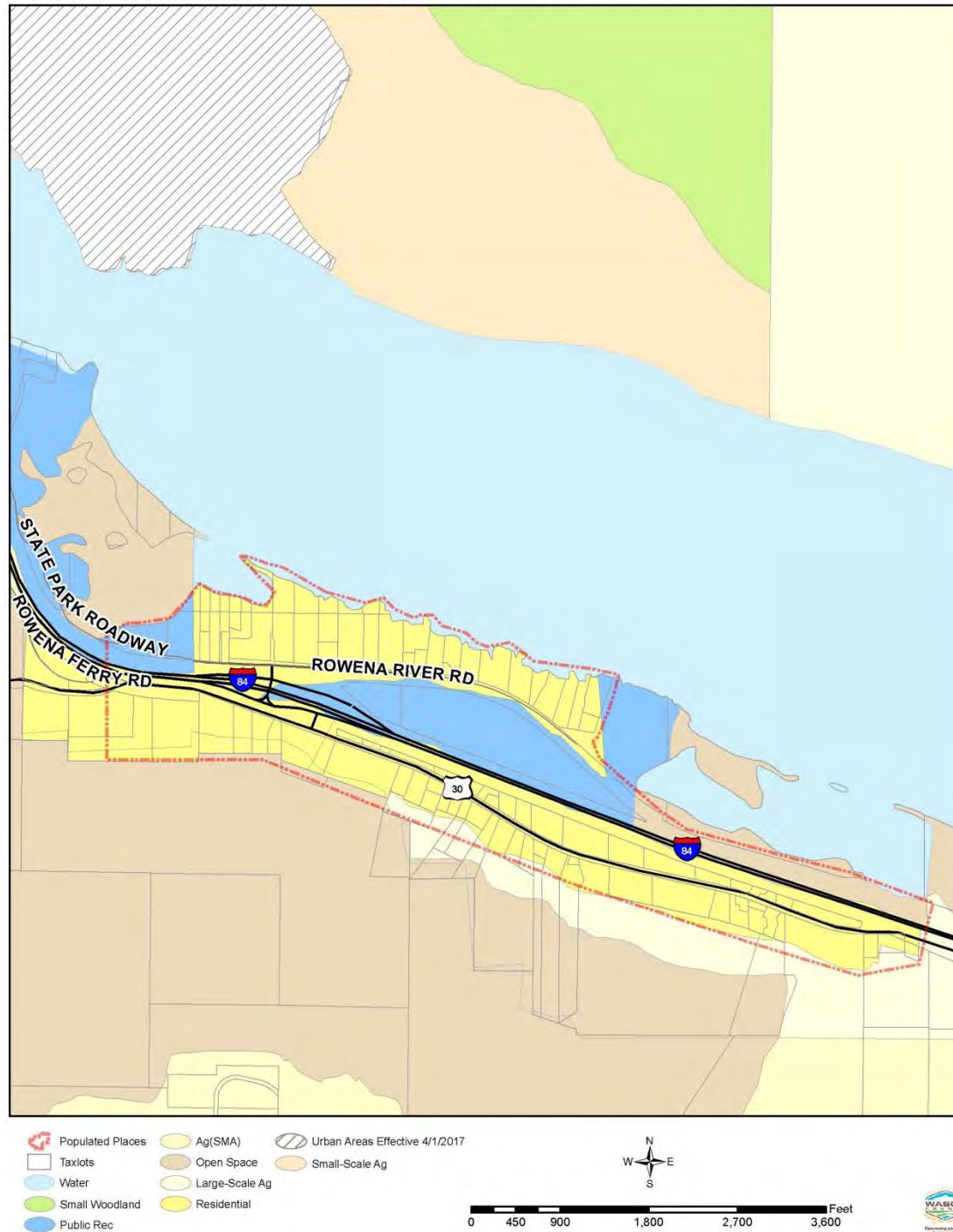
Associated Files: CPA-97-101

Brief description: Young Life applied for a reasons exception to Goals 3, 11, 14 to change the existing zone of Big Muddy/Washington Family Ranch from A-1 to AR and requested the placement of EPD-9, a Limited Use Overlay Zone to limit the uses to those allowed by the exception. The focus was on establishing a youth and family camp on the ranch previously developed and known as Rancho Rajneesh.

# National Scenic Area

## Rural Service Centers

### ROWENA



#### Rowena

#### 2N 12E

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: Various

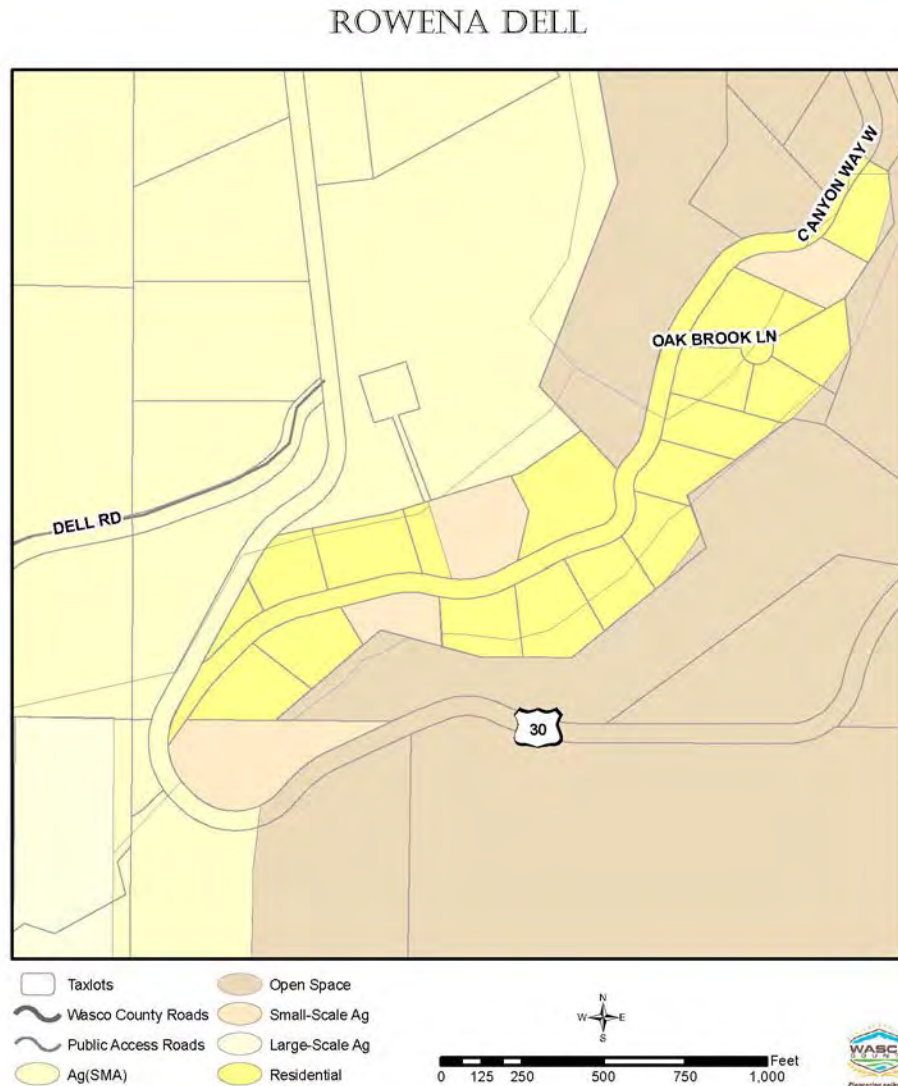
Current Zoning: Various (GMA & SMA)

Date Approved 1983 Zoning: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Historically Rowena has been a residential area. There have been no commercial, industrial, or public uses. Some of the lands are public or have been designated open space.

## Other Committed Lands



### Rowena Dell Area

**2N 12E 3, 4, 8, 9, 10 & 16**

Exception to: Goal 3

Zoned prior to exception: Various

1983 Zoning: RR

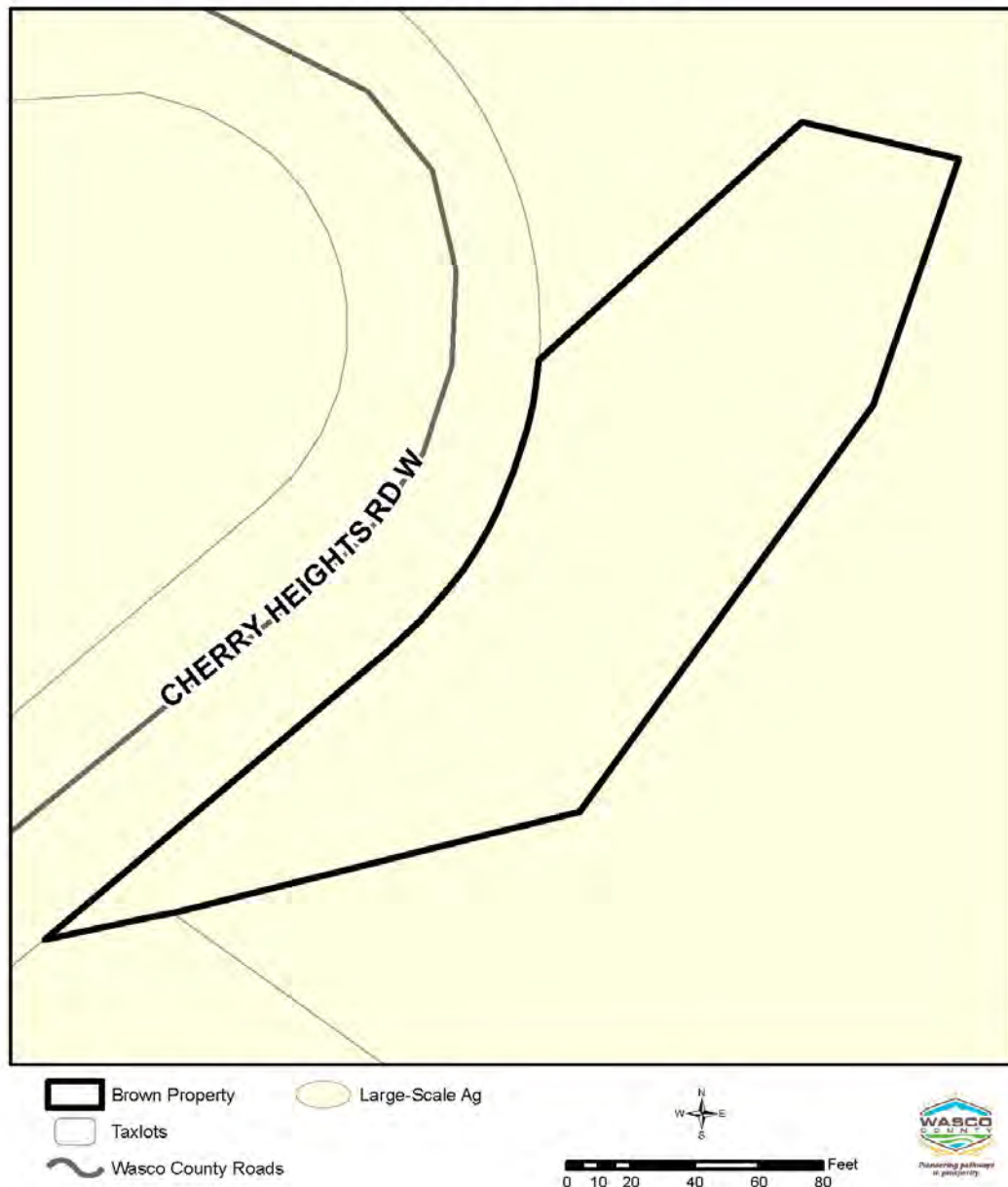
Current Zoning: Various (GMA & SMA)

Date Approved 1983 Zoning: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: The Rowena Dell Area is located between The Dalles and Mosier in the Seven Mile Hill Area. The area includes 1,258 acres with 140 parcels (in 1983). These were, at the time of exception, primarily smaller parcels with existing residential development.

## BROWN PROPERTY



### Brown's Rezone

**1N 13E 5B 600**

Exception to: Goal 3

Zoned prior to exception: AR-4

1983 Zoning: R-4

Current Zoning: A-1 (40) (GMA)

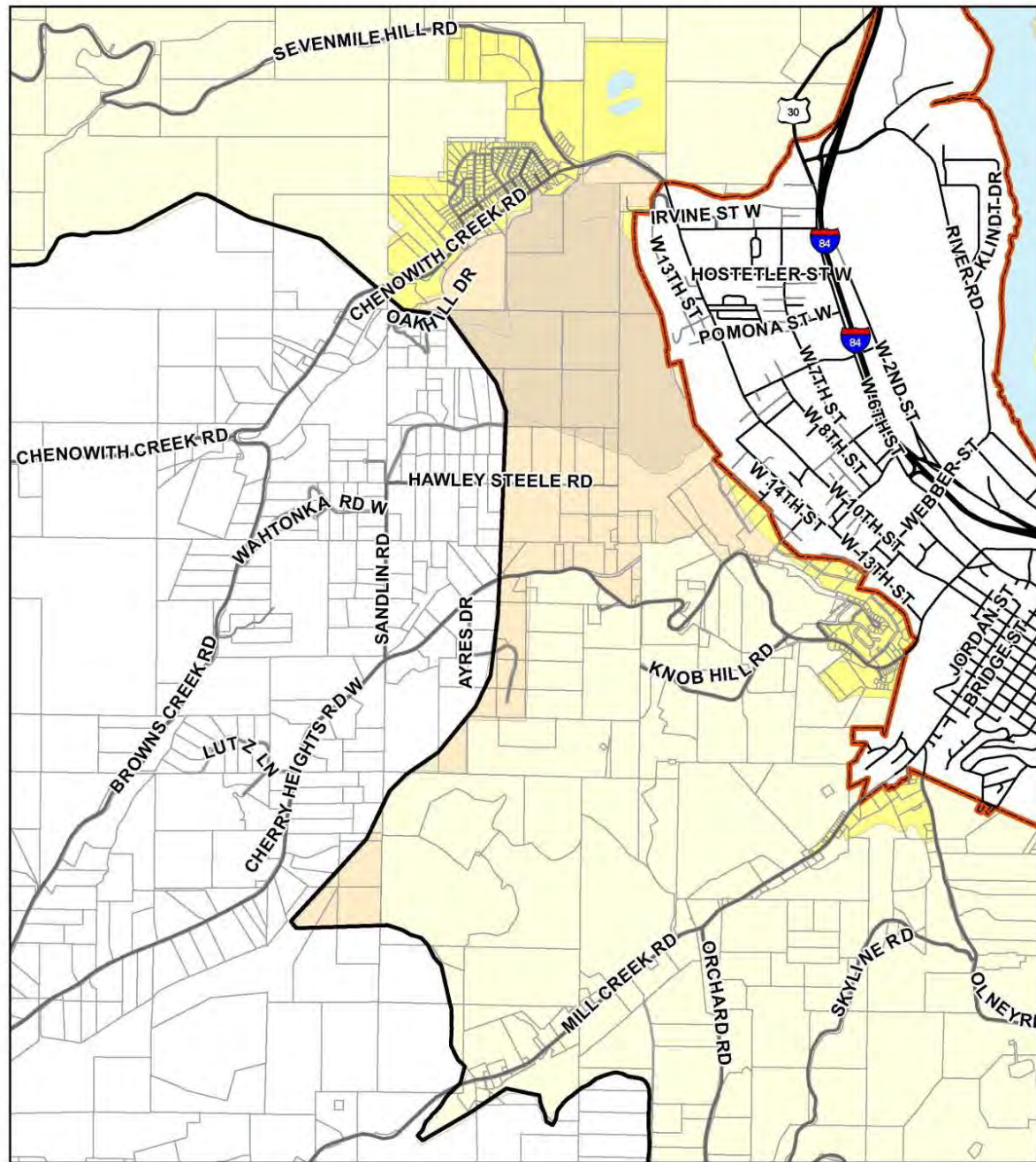
Date Approved 1983 Zoning: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Several multi-family structures have been on the 1.15 acre lot since 1964. The lot was rezoned prior to their construction, and no conflicts were identified at the time of the 1983 exception.



# CHENOWITH EXCEPTION AREA



## Areas Adjacent to The Dalles

**2N 13E 19, 26, 31 & 32**

Exception to: Goal 3

Zoned prior to exception: Various

1983 Zoning: Various (Predominantly Residential)

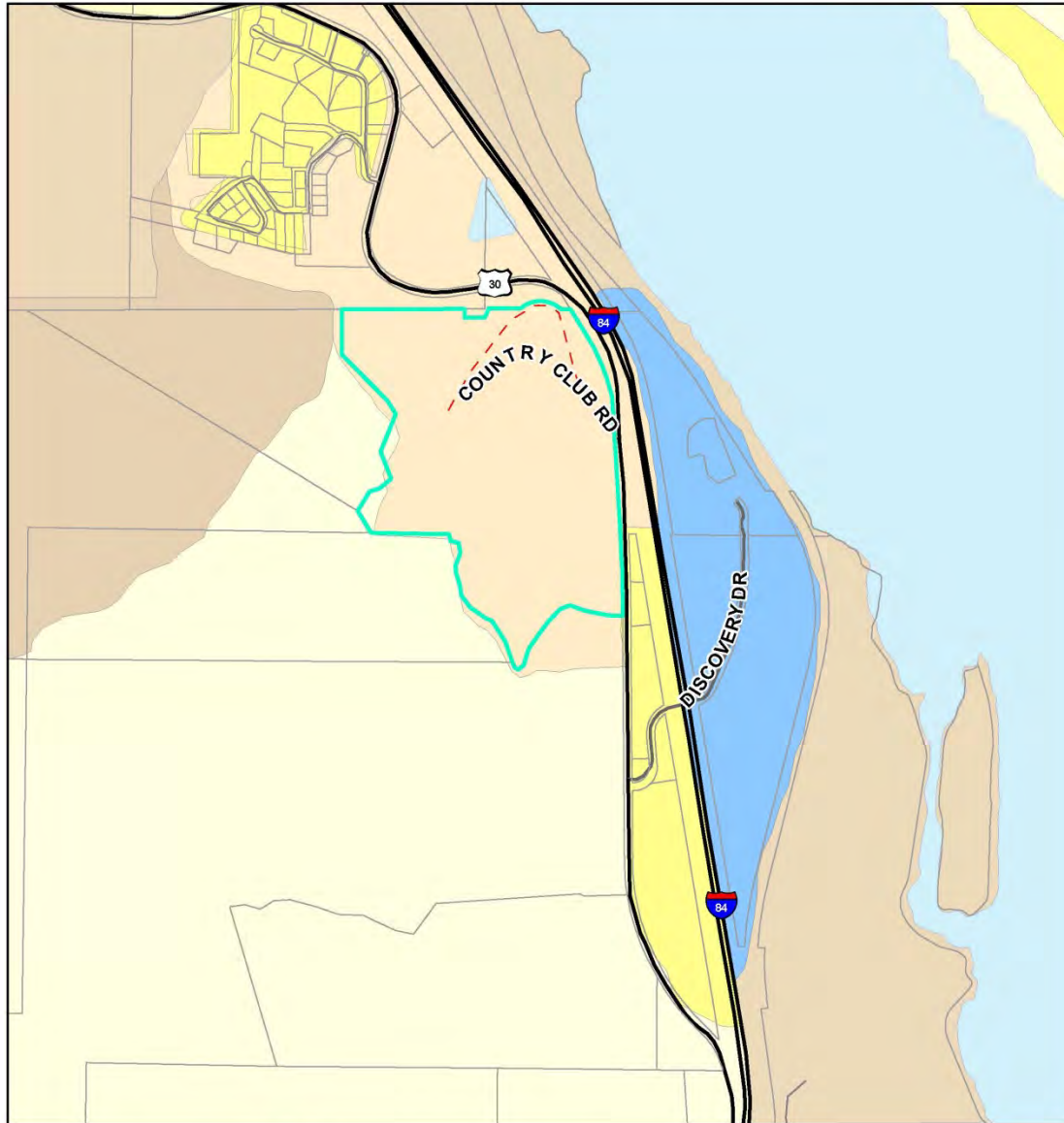
Current Zoning: Various (Predominantly GMA Residential)

Date Approved 83 Zoning: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: The over 2,000 acres under this exception area includes established residential communities like Foley Lakes, Murray's Addition and Chenowith.

# THE DALLES COUNTRY CLUB AREA



- |                     |                         |            |
|---------------------|-------------------------|------------|
| Taxlots             | The Dalles Country Club | Water      |
| Highways            | Ag Special              | Ag(SMA)    |
| Wasco County Roads  | Public Rec              | Open Space |
| Local City Roads    | Small-Scale Ag          |            |
| Public Access Roads | Large-Scale Ag          |            |
| Private Roads       | Residential             |            |

0 340 680 1,360 2,040 2,720 Feet



## The Dalles Country Club Area

**2N 13E 17 & 20**

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: C-1

Current Zoning: R-5 (GMA)

Date Approved 1983 Zoning: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Total acreage of 21.28, the six parcels consisted of a mobile home and recreational vehicle park.

## THE DALLES CONCRETE PROPERTY



### The Dalles Concrete

#### 2N 13E 17

Exception to: Goal 3

Zoned prior to exception: M-2

1983 Zoning: M-2

Current Zoning: A-1 (160) (GMA)

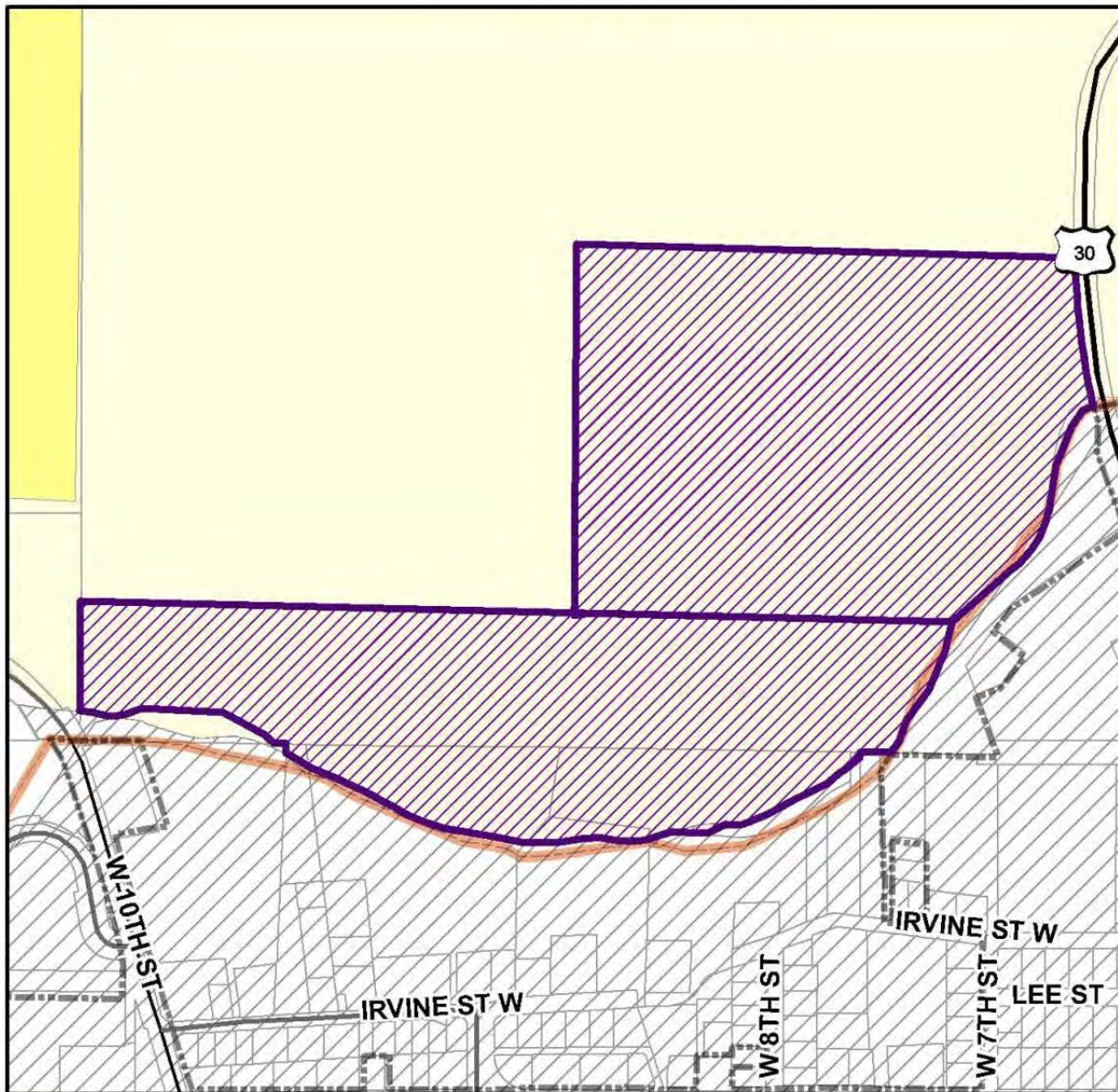
Date Approved 1983 Zoning: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

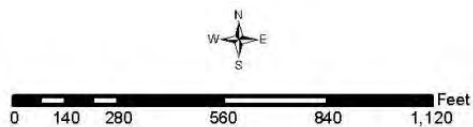
Brief description: These three parcels consisted of a cement batching plant, dwelling, and pond. The exception established the land was committed to non-resource use.



# HODGES PROPERTY



- Burt Hodges Property
- The Dalles City Limits
- The Dalles UGB
- Highways
- Wasco County Roads
- Local City Roads
- Taxlots
- Urban Areas Effective 4/1/2017
- Large-Scale Ag
- Residential



## Bert Hodges' Property

2N 13E 29

Exception to: Goal 3

Zoned prior to exception: Commercial

1983 Zoning: C-1

Current Zoning: A-1 (160) (GMA)

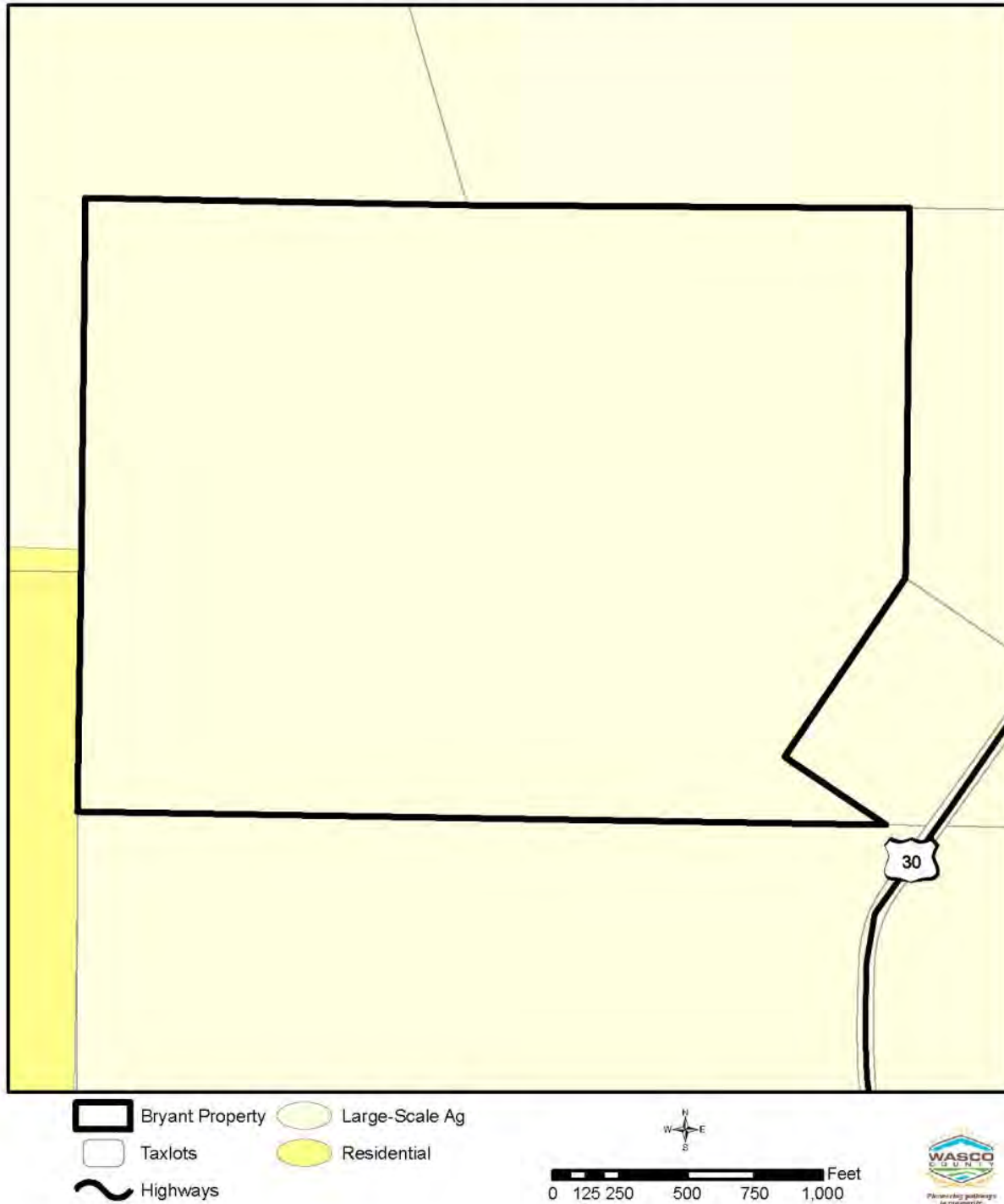
Date Approved 1983 Zoning: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Platted for a mobile home park, the properties have relatively poor agricultural soils and were found in 1983 to be committed to non-resource use.



## BRYANT PROPERTY



### Bryant Property

**2N 13E 20**

Exception to: Goal 3

Zoned prior to exception: M-2

1983 Zoning: M-2 (Heavy Industrial)

Current Zoning: A-1 (160) (GMA)

Date Approved 1983 Zoning: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: The site contains a quarry operation established in the early 1900s.

Attachment E- Public Comments

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

From: **Phil Swaim** [REDACTED]  
Date: Thu, Oct 15, 2020 at 10:18 AM  
Subject: Written testimony on Wasco County 2040 for BOCC  
To: Wasco County Planning <[wcplanning@co.wasco.or.us](mailto:wcplanning@co.wasco.or.us)>

Attached are my written comments regarding Wasco County 2040 for the October 21st BOCC meeting.

Thanks,

Phil Swaim

October 15, 2020

Dear Wasco County Commissioners,

I'm writing in support of the adoption of the Wasco County Comprehensive plan updates as recommended by the Planning Commission. A group of citizens has come forward at the last minute to complain about the process. Nothing of substantive value has been put forth and their input is only serving as a distraction.

They appear to be putting up roadblocks at the very end as they are opposed to any land use planning. To allow them to do this is not fair to the Planning staff, Planning Commission, and the numerous citizens who showed up and participated throughout the years.

The majority of the goal updates have been approved by the BOCC. There is already a comprehensive plan in place and the Wasco County 2040 process presents needed revisions. These revisions are being done to meet periodic review requirements, align maps with ODFW's which are already being used for conditional use permits, and simplify the existing permitting process.

Thank you for this opportunity to comment.

Sincerely,

Phil Swaim

3300 Vensel Rd.  
Mosier, Oregon 97040  
[pswaim3300@yahoo.com](mailto:pswaim3300@yahoo.com)



Attachment F- Ex Parte Contact to the Board of County Commissioners

From: **Donny Pickard** <[email.donnyp@gmail.com](mailto:email.donnyp@gmail.com)>

Date: Tue, Oct 20, 2020 at 12:24 PM

Subject: Wasco County land use

To: <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>, <[ScottH@co.wasco.or.us](mailto:ScottH@co.wasco.or.us)>, <[kathys@co.wasco.or.us](mailto:kathys@co.wasco.or.us)>

Dear Commissioner,

Please take into account my position on proposed Ordinances #20-001 & #20-004. The proposals as stated impose upon the rights of tax payers and land owners of Wasco County to an unacceptable degree. I ask that you act according to the wishes of the majority of your constituents without denying the rights of the individual. If the ordinances in question can't accomplish that, then it needs to be voted down and restructured. Thanks you for taking the time to read my email.

Whereas:

- You have placed us on (postcard) notice that the "adoption of [Ordinances #20-001 and #20-004] may affect the permissible uses . . . and may change the value of [our] property (referring to private land)." . . .
- Even your highly-trained planners apparently don't have a clear understanding of how much the landowner stands to lose if Ordinance #20-001 or #20-004 is passed. . . .
- Part of your update proposal includes changing arbitrary planning maps, that designate wildlife habitat, to match those of the ODFW, which would increase management costs and severely reduce the potential value of any private land so designated . . .
- The county planners tell us you must pass these ordinances, by state law, but they have refused to show us the specific law that requires you to create an ordinance which is only a governor-appointed committee's stated "goal" . .
- Although your planners place great weight on the input of "stakeholders" in their process of creating volumes of proposed restrictions on landowners rights and property, the only stakeholders whose pocketbook is affected negatively by land use decision is the private land owner . . .
- We are adamantly opposed to county government attempting to manage our private land through regulations, just as is not proper or moral for us to attempt to manipulate our neighbors' land values or rights thereto . . .
- Land use planning schemes and maps designed to control some county landowners, but exclude others, serve to pick winners and losers among the property taxpayers. Laws of this nature are not just and tend to produce corrupt county officials.

· As landowners, we are fully committed to all responsibilities, including the responsibility to preserve and protect our valuable private land investment, and zealously maintain the authority to do so. No government agency, including Wasco County,:

1. who purports to usurp our authority,
2. who attempts to manage our private land for the benefit of others at an expense to us,
3. who will take no responsibility for our tax obligation to Wasco County,
4. who oppresses us through the hardship of limitations of use and vast regulations, or
5. who offers no just compensation for the value of which the county has deprived us

operates in a reasonable or righteous manner. It is no new concept that responsibility and authority must go hand in hand. Separate the two, and the party who usurps the authority has essentially stolen from the party who is obligated by responsibility, but is deprived of rightful authority . . .

Along with authority and responsibility, good government must be fully accountable to and transparent with it's constituents. Otherwise it is corrupt government. Silence, when the truth would better serve, is fraud. In spite of our requests, Wasco County has failed to reveal its true motive for adopting such sweeping controls on private landowners as Ordinances #20-001 and #20-004. We will continue to investigate . . .

Therefore, we, as private land owners and property taxpayers in Wasco County, having been left no alternative other than to conclude the Wasco County government proposes to overpower our authority on our private land, while simultaneously dodging all responsibility thereto, accountability therefore, and transparency as to motive, which would be tantamount to both fraud, corruption, and theft of our private land.

We hereby demand that you do not vote, ever, in any manner, shape or form in favor of any issue, that could devalue or reduce our rights to our private land. Furthermore we demand that you vote against Ordinances #20-001 and #20-004.

Donald Pickard  
[email.donnyp@gmail.com](mailto:email.donnyp@gmail.com)  
The Dalles, OR  
2020-10-20

From: **Nicole Chaisson** <[nchaisson@gmail.com](mailto:nchaisson@gmail.com)>  
Date: Tue, Oct 20, 2020 at 6:49 AM  
Subject: Wasco 2040 Survey for Public Comment

To: [Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us) <[Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us)>, [scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us) <[scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)>, [stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us) <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>

Hello,

I would like to add this to the Public Comment on Wasco 2040. This is a survey of Wasco County Property Owners and/or Wasco County Citizens.

Nicole Chaisson

(209) 304-8391

Sent from [Mail](#) for Windows 10



Q2

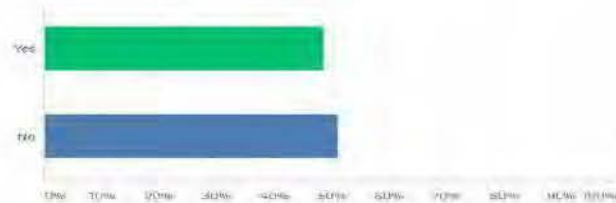


Customize

Save as ▼

The people who devise land use planning "goals" are not elected, but appointed by the governor. The promoters are bureaucrats hired by our county. The county commissioners, who have sworn to preserve your property rights, must vote on that goal for it to become law. Do you think it is possible for your county elected officials to honor your constitutionally protected rights when they vote to reduce your property's value and diminish your rights to enjoy it?

Answered: 39 Skipped: 0



## ANSWER CHOICES

▼ Yes

▼ No

**TOTAL**

## RESPONSES

48.72%

51.28%

19

20

39

Q3

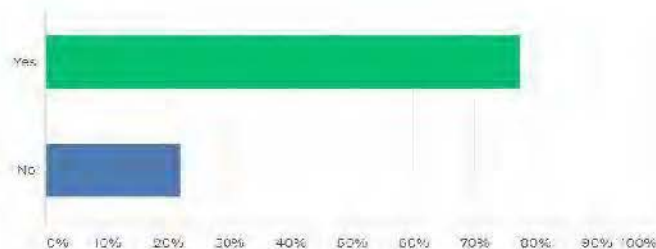


Customize

Save as ▼

When attending a public planning meeting, do you believe the agenda is set and decisions have already been made?

Answered: 36 Skipped: 0



## ANSWER CHOICES

▼ Yes

▼ No

**TOTAL**

## RESPONSES

77.78%

22.22%

28

8

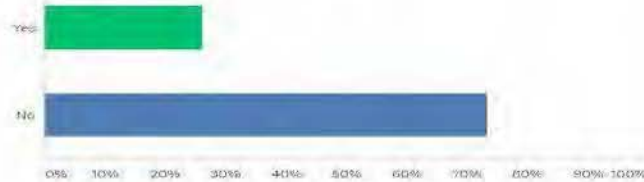
36

Q4

[Customize](#) [Save as](#)

Various governmental departments, including ODFW (Oregon Department of Fish and Wildlife), ODF (Oregon Department of Forestry) , and BLM (Bureau of Land Managment) have overwhelmingly proven they are committed to promote and protect the "public's interest" in your private property. Do you think the county commissioners will be protecting property taxpayers' rights and values if they adopt an ordinance to restrict your use of your private land for the benefit of the state's deer, elk, and birds?

Answered: 38 Skipped: 1



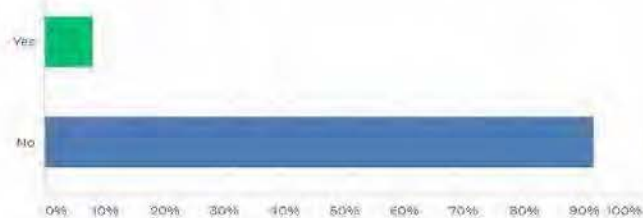
ANSWER CHOICES	RESPONSES	
Yes	26.32%	10
No	73.68%	28
<b>TOTAL</b>		<b>38</b>

Q5

[Customize](#) [Save as](#)

Should private land owners continually be subjected to tighter land use regulations with each new state review or county update as the years go by?

Answered: 37 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	8.11%	3
No	91.89%	34
<b>TOTAL</b>		<b>37</b>



Q6

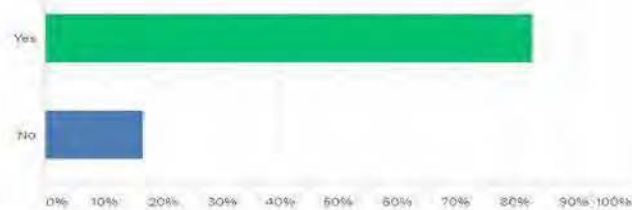


Customize

Save as ▼

As laws that create new or more limitations and requirements on your private land are continually updated and revised, do you ever feel helpless and excluded?

Answered: 36 Skipped: 5



ANSWER CHOICES

RESPONSES

Yes

83.33%

30

No

16.67%

5

TOTAL

36

Q7

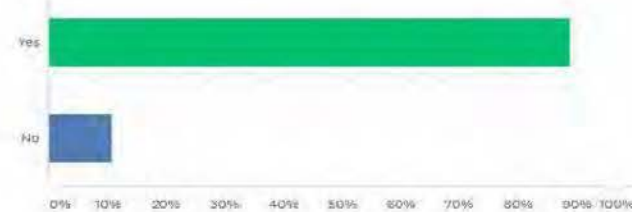


Customize

Save as ▼

Are you alarmed when you receive a notice that states..." the County has determined that adoption of this ordinance may affect the permissible uses of your property... and may change the value of your property." ?

Answered: 37 Skipped: 2



ANSWER CHOICES

RESPONSES

Yes

89.19%

33

No

10.81%

4

TOTAL

37

Q8

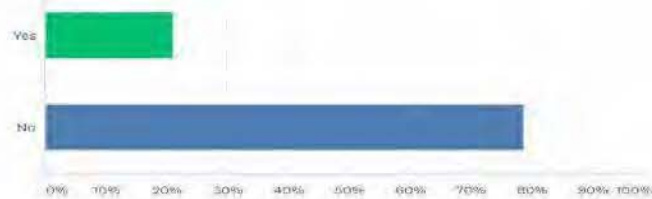


Customize

Save as

Is it considered transparency when the planning department proudly presents one map at a public hearing, but tells you, the landowner, it is actually some other map "back at the office" which will determine the county's land use decisions for your property?

Answered: 38 Skipped: 1



## ANSWER CHOICES

Yes

No

TOTAL

## RESPONSES

21.05%

78.95%

8

30

38

Q9

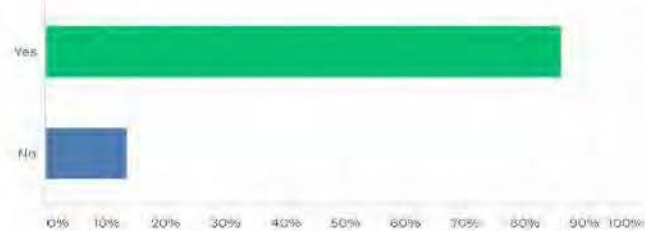


Customize

Save as

Do you see a conflict with Oregon Department of Fish and Wildlife statement, "lessen the burden on property owners....while protecting wildlife resources?"

Answered: 37 Skipped: 2



## ANSWER CHOICES

Yes

No

TOTAL

## RESPONSES

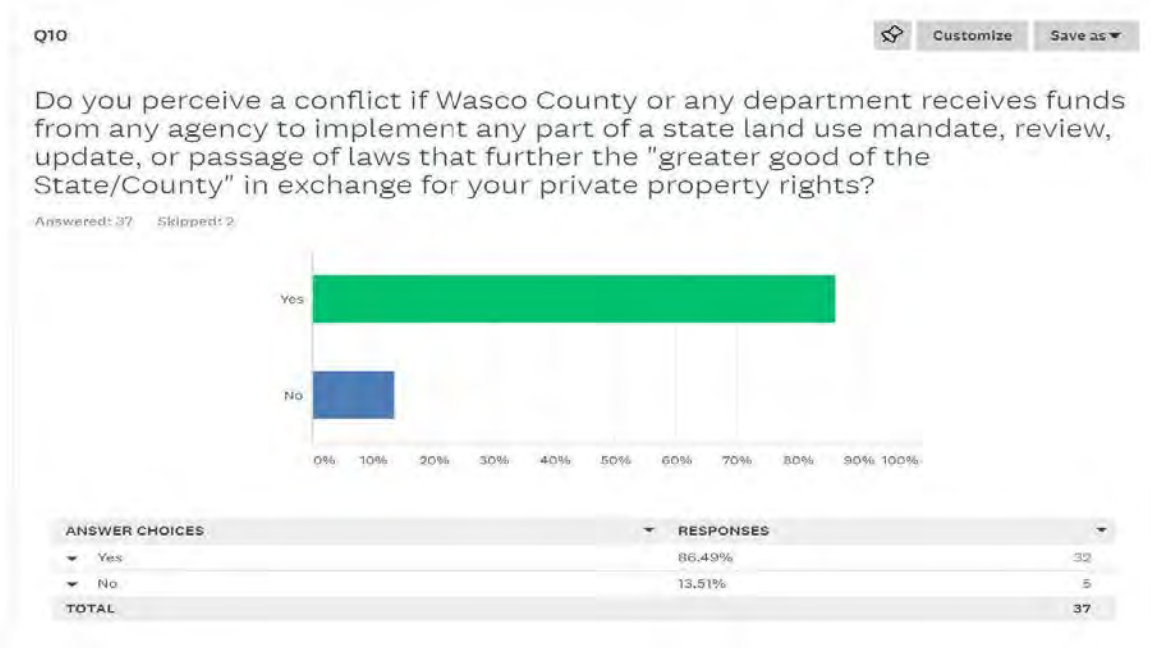
86.49%

13.51%

32

5

37



From: <[4manran@rconnects.com](mailto:4manran@rconnects.com)>  
Date: Mon, Oct 19, 2020 at 8:34 AM  
Subject: Comments concerning Wasco Co. Ordinance #20-001 and #20-004  
To: <[wcplanning@co.wasco.or.us](mailto:wcplanning@co.wasco.or.us)>  
Cc: <[scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)>, <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>, <[kathys@co.wasco.or.us](mailto:kathys@co.wasco.or.us)>

October 18, 2020

Wasco County Planning Department [wcplanning@co.wasco.or.us](mailto:wcplanning@co.wasco.or.us)  
Scott Hege, Commissioner [scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)  
Steve Kramer, Commissioner [stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)  
Kathy Schwartz, Commissioner [kathys@co.wasco.or.us](mailto:kathys@co.wasco.or.us)

Re: Ordinance # 20-001  
# 20-004

We listened with interest to the County Court meeting held October 7, 2020 to educate ourselves to the effect these two ordinances would have on our ranching operation in south Wasco County. The ordinances are voluminous, and it is difficult to understand completely the effects they could have on our private property rights. Our worst fear concerns what may be veiled within the 666 pages that you, or we, do not fully understand the imminent consequences which may result.

Both ordinances appear to have been drafted in response to updating Wasco County to comply with Statewide Planning Goal 5 – protecting natural resources and conserving scenic and historic areas and open spaces. While the Planning Department is

suggesting that you 'must' pass these ordinances per State Law, we disagree. Because Wasco County is a Home Rule County, the Oregon constitution grants Wasco County the authority to pass laws to govern ourselves as we see fit. As commissioners, you have taken an oath to protect the rights of all Wasco County citizens.

In our opinion this protection includes enforcing ORS 30.933 which provides that "farming and forest practices are critical to the economic welfare of this state and in the interest of the continued welfare of the state, farming and forest practices must be protected from legal actions that may be intended to limit, or have the effect of limiting, farming and forest practices." Certain private rights of action and the authority of local governments and special districts to declare farming and forest practices to be nuisances or trespass must be limited because such claims for relief and local government ordinances are inconsistent with land use policies set forth in ORS 215.243 (Agricultural land use policy) and have adverse effects on the continuation of farming and forest practices and the full use of the resource base of this state. Ordinance #20-001 and #20-004 do not fit Wasco County because they reduce our ability to manage our private land, limit our use of private property and commandeer our authority to make decisions concerning our livelihood. Our property taxes support County operations and our economic success supports the State of Oregon income tax system.

With private property representing 56% of the Wasco County land area and with our own property representing approximately 1.5% of that area, we feel that you have an obligation to consider our concerns even though we are a very small percentage of your electorate. It is not our intention to be perceived as arrogant, rude or sanctimonious, but our history in south Wasco County begins 139 years ago in 1882 with multiple branches of our family tree taking root in Wasco County, our grandchildren are 6<sup>th</sup>, 5<sup>th</sup>, or 4<sup>th</sup> generation residents of Wasco County. The average citizen of Wasco County does not have a realistic understanding of the challenges, costs, obstacles, regulations and forces of nature that family farmers and ranchers deal with daily. Ordinance #20-001 and 20-004 add to this cumbersome burden. With agriculture being one of the most significant components of the economy of Wasco County, these ordinances are yet another assault on the financial integrity, solvency and freedoms of our farm and ranch families. They add layers of bureaucracy to our operations and as well increase stress to those of us who practice positive land stewardship and work to conserve open space and wildlife habitat.

We urge you to table any action on these ordinances until such time meetings can be held in person so that you can see and feel the resistance to the planning department's recommendations. There is no urgency to act on these ordinances in 2020.

Sincerely,

*Lowell and Mary A. Forman*  
INDIAN CREEK HOLDINGS, LLC  
P.O. Box 219  
Antelope, OR 97001

541-489-3235  
[4manran@rconnects.com](mailto:4manran@rconnects.com)

From: **Britt Storkson** <[pumpsys@charter.net](mailto:pumpsys@charter.net)>  
Date: Thu, Oct 8, 2020 at 12:28 PM  
Subject: Serving the citizens  
To: <[Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us)>

Hello Kathy,

Regarding Ordinances 20-004 and 20-001 and anything else that would negatively impact any law-abiding citizen of Wasco County: A vote for measures like this will make it obvious that while you are serving somebody you are not serving the average citizens of Wasco County as our representative.

If you vote for 20-004 and 20-001 please tell me what's wrong with also voting to indemnify the citizens should they suffer negative impacts resulting from the implementation of these ordinances? If your employer asked you to do something that would expose you to legal liability wouldn't you also demand to be indemnified via an insurance policy or some other protections?

Thank you for your consideration and I will look forward to your reply.

Britt Storkson

5475 Hawley Road,

The Dalles, OR 97058

Phone: 541-296-3792

From: Lanny Metteer <[lrn416@hotmail.com](mailto:lrn416@hotmail.com)>  
Date: Wed, Sep 16, 2020 at 5:00 PM  
Subject: Testimony: Open Letter #3 to Wasco County Commissioners Re: Ordinances # 20-001 and #20-004  
To: [stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us) <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>, [Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us) <[Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us)>, [scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us) <[scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)>

Re: Open Letter #3 -- Birds, Fish, Wildlife and More. How Much Abuse Are Property Owners Supposed To Take?  
Where We've *Been*. Where We *Are*. Where We're *Headed*.

*Reject Ordinances # 20-001 and # 20-004*

Dear Commissioners Steve Kramer, Scott Hege, Kathy Schwartz:

Steve, you did say you will consider nothing but the *facts* when you vote on the above ordinances. Good. Remember testimony #2 that I submitted on September 3? We had established the following facts:

Conclusion of Fact: The federal and state governments (ODFW) *conspire* to protect non-native wolves in Oregon.

Conclusion of Facts: Coyotes are an annoyance and only occasionally a menace for the landowner who attempts to survive by ranching. Cougars, also native, present a much more serious problem, and the wolf, which absolutely does not belong in Oregon, is no better than an exogenous, invasive weed (such as Yellow Starthistle) in the plant world. Both, federal and state governments harbor the wolves as a she bear protects her cubs.

Again, I certainly hope you, Scott, and Kathy are of the same mind, and you do not *ignore* these facts. Any other criteria for your choices would, of course, render you “ignorant” of the *facts*. And no one wants to be ignorant--especially a county commissioner in the eyes of the property taxpayers--*the folks who feed you*. Quite frankly ignorant people make incompetent statesmen and are not qualified to represent me.

#### More Facts

Fact: There were almost no mule deer in the desert area of southern Wasco County in the late '40's. There were no elk, no antelope, no wild turkeys, and very few, if any, game birds at that time. (My grandfather and my father, an avid hunter, told me this many times.)

Fact: Deer populations increased rapidly in the Antelope area in the '50's and '60's. They fed and defecated primarily on private land--the cultivated fields farmers depend on for a living. The deer became unwelcome destructive invaders. Fair-weather friends and trespassers who increasingly plagued landowners to hunt those deer became an even greater nuisance. State policemen who showed up to enforce hunting laws and protect the deer--solely so the state could profit at landowners' expense-- were the most despicable of all. But there was one ODFW guy who was even lower than the OSP “eager beavers”:

Once, in the '80's, on the opening morning of deer season, I caught a local ODFW employee who had broken through our locked gate. He had entered one half mile into our private land, camped the night, and hazed all game out of our alfalfa fields before the hunters could get to them at first light. This guy is a real snake. (I know these facts. I was there.)

Fact: The first modern antelope appeared in central Oregon, as near as I can remember, in the 1970's, not that they couldn't have existed previously. When we asked our grandparents--who had long before asked their grandparents--how the town of Antelope received its name, there was no recollection of local antelope formerly existing here as far back as the 1890's. Certainly no one alive today would have spotted an antelope in this area before the '70's. (This is the best evidence I know of.)

Fact: Twice, over the past 35 years, hundreds of antelope moved onto and destroyed our new grass seedlings by pawing at them all winter, until nothing survived; total crop losses. (We paid dearly.)

Fact: The first elk I spotted in the Antelope area was in the late '80's. There were substantively none before 1975. Now we often deal with herds of over 100 at a time. They compete heavily with the cow herds for feed. With more elk, we are forced to run considerably less cows. (My observation.)

Fact: The first wild turkey I saw in the Antelope area was well into the 21st century. Turkeys, like chickens, leave nasty messes in yards and scratch up gardens on private land. (My observation.)

Fact: ODFW *cultivates* not only *game*, but also *hunters*. They seem to love the business of promoting marketing schemes which lead to even more hunters and frustrations for the private landowners. On the 2019-2021 ODFW Budget Briefing Paper 27, we see:

*Angler and Hunter Recruitment, Retention, and Reactivation.* . . The department is pursuing a number of strategies to recruit and retain participants and reactivate lapsed hunters and anglers. The Trout 365 campaign, the Mentored Youth Hunter Program, online Hunting Access Map, additional Hunter Education classes, Easy Angling Guide and numerous "where to" and "how to" guides and videos are intended to help increase participation. New initiatives include improving the ability to reach customers via email and social media, revising the department website to be user-friendly and accessible, expanding the offering of hands-on workshops, and reducing barriers to participation. One recent effort significantly simplified fishing regulations by eliminating or consolidating hundreds of special regulations, standardizing limits, length and gear regulations, and using "plain language" for definitions and descriptions. In addition, a new publisher reformatted the regulations to make them easier to read and developed an online version . .

Fact: We are plagued with wild animals throughout the Antelope area which have magically (or maybe not so magically) appeared over the past 70 years--the same period that irrigation and improved crops cultivated by private landowners have enhanced available feed supplies. I do not believe this is an accident. I believe ODFW has intentionally transported and established all of the above species into our central Oregon high desert habitat.



Conclusion of Fact: Over the past 75 years predators, wildlife, non-native birds, and camp followers (hunters, interlopers, OSP, ODFW) have multiplied prolifically and now swarm in droves, to the dismay of landowners across Wasco County. Net result: the State of Oregon profits at the private landowner's expense. This was *not* by *accident*.

2019-2021 ODFW Budget Briefing Paper 4 Agency Mission and Strategic Planning During the 2015-17 biennium, ODFW began a strategic planning initiative to focus its efforts during the following six-year period. Work has continued in the 2017-19 biennium to further refine and expand this effort. Vision ODFW is the recognized steward of Oregon's fish & wildlife resources with diversified funding that supports our mission.

... [ODFW] is ... taking steps to improve hunting and fishing in Oregon. One example is the Mule Deer Initiative, started in 2010. This is a collaborative effort between ODFW, state and federal agencies, private and public landowners and volunteers to improve mule deer habitat and hunting opportunities. The department's \$2.7-million investment in this effort has leveraged more than \$18-million on habitat improvement projects on nearly 270,000 acres of public and private land in central and eastern Oregon ...

Conclusion of Facts: The feds:

- have imported growing populations of dangerous foreign wolves, now invading Oregon;
- now zealously protect these destructive carnivores which terrorize people and animals throughout the West;
- strictly threaten anyone who attempts to control wolves with fines and/or prison;
- cause pompous, villainous ODFW employees and other minions, across Oregon to kindle the fear of God among ranchers and other landowners to discourage our grave need to again exterminate all wolves in our human struggle for survival;



- subsidize ODFW, to the tune of \$142,766,627 (38% of ODFW's budget for 2015-2017 which totals \$374.8 million).



Conclusion of Fact: ODFW works against private landowners in every way imaginable. Because of the wild animals and fish they purport to foster, protect, and promote, ODFW now:

- *terrorizes us with dangerous predators;*
- *overloads our private land with destructive wildlife;*
- *entices waves of unwelcome hunters to descend upon our private land;*
- *has turned our private land into destination resorts for gun totin' trespassers;*
- *robs us of our money and/or our freedom if we eat the wildlife before the wildlife eats our crops;*
- *refuses to pay us fair value for the wild animals we feed and by which they profit;*
- *sends out armed, wild animal lovin' bullies to intimidate us and stomp on the landowner's God given rights--state policemen--who passionately and fanatically protect the same invasive wild animals that destroy the livelihoods of landowners.*

Fact: Over the years, ODFW has drafted multiple maps, *which private landowners do not recognize*, by which the State of Oregon apparently aspires to "manage" wild animals, birds, and fish on the private lands of Wasco County.

Fact: Wasco County officials deem it necessary “according to state law” to enact an “update” based on a “periodic review” of county zoning and planning rules for private--*not public*--land.

Fact: Dr. Kelly Howsley Glover and Wasco County Citizens Advisory Group have recommended to Wasco County Commissioners that Wasco County *enact* Ordinances # 20-001 and # 20-004. This will lead to hundreds of pages of complex laws, rules and mobs of bureaucrats to further erode away at our private land rights and the values of our private properties.

Fact: Dr. Kelly Howsley Glover and Wasco County Citizens Advisory Group have recommended to Wasco County Commissioners that Wasco County *enact* Ordinances # 20-001 and # 20-004. *This will cause various wildlife management maps which private landowners do not recognize (because they were drafted by Oregon Department of Fish and Wildlife) to become county law.*

Fact: Dr. Kelly Howsley Glover and Wasco County Citizens Advisory Group have recommended to Wasco County Commissioners that Wasco County *enact* Ordinances # 20-001 and # 20-004. The enactment of these ordinances will place cumbersome controls on landowners which will increase cost, reduce value and usurp rights of private landowners. Adding insult to injury, the enactment of *these ordinances will allow ODFW bureaucrats to control any contemplated development of private property.*

*Fact: Dr. Kelly Howsley Glover's Citizens Advisory Group hearing of August 4 concluded with a party atmosphere of excitement and celebration from the planning department. They gloated over the purported success of their "work" (to create wildlife maps and laws designed to control the private landowners of Wasco County). They even suggested plans to promote the "well-crafted" (in her not-so-humble opinion) Wasco County comprehensive planning "update" as a "baseline" by which other counties across the state can shackle their private landowners.*

Fact: We're chasing a moving target. This crazy process is dynamic. The planning department continues to indefatigably change and update their comprehensive plan faster than we can keep up with or understand it. I think they're trying to keep us, the landowners, confused. I understand you commissioners will be accepting testimony (mixed up with who knows how many more changes?) right up through October 21 when you finally vote on Ordinances # 20-001 and # 20-004. *Good luck understanding it all.* I have heard there is now some 380 pages, and counting, of proposed law for you to vote on. *And it's not straightforward. It's not an easy read.*

Fact: If I read Dr. Kelly Howsley Glover correctly, the planning department can hardly wait to get this update passed so they can make their next move to control private landowners via Oregon's endangered species list. Is that next?

"Only Americans can hurt America."

DWIGHT D. EISENHOWER

Only Americans can hurt America.

That is, *American Communists in American clothing will destroy America!*

Surely any intent you have to vote for these two ordinances ( which reek of Wasco County 2040, 2030?, and even--who knows?-- Agenda 21) is not to further advance a communist scheme to drive private landowners off the land, is it? If you plan on voting in favor of ordinances # 20-001 and # 20-004, has Dr.

Kelly Howsley Glover mesmerized you into thinking you have no legal choice other than to turn a bunch of maps into law? Do you actually believe that?

I think a little too much schooling and not enough real, productive work has distorted the poor woman's concept of reason and reality. If, today, she were *given* a productive, family-sustainable cattle ranch, in southern Wasco County, along with \$100,000 operating cash, all *free and clear*, and was challenged to manage it according to her idea of a husband-like, "*sustainable*" (an Agenda 21 buzzword) operation, she would be pathetically clueless. I submit the entire business would be insolvent and run down, right into the ground, in less than three years.

We all know any viable business should buy itself within a given period of time. The doctor would, first, *fail* to yield a reasonable return on the value of the ranch investment. Why? Because it's not possible. That's why we need the county and all bureaucrats to stay off our backs--so it *can* be possible. Private landowners must have the liberty to create alternative, life sustaining enterprises in order to survive. Besides, that's our right, as long as we don't hurt our neighbors.

She would *fail* to turn a profit, even from one year of operations. She has no clue as how to make a living in our industry. And, believe me, it's not easy--especially when government fetters the rancher with overreaching frivolous laws like the proposals she's pushing at us at the moment--proposals that become laws so government can stomp on private land rights.

She'd borrow money. She'd buy new equipment. She'd have no idea how to produce without depleting otherwise "*sustainable*" (an Agenda 21 term) resources. She'd be outmaneuvered by the market. She'd cave to adverse weather. She'd hire spendy, clueless and careless help. Well and pump problems--no city water supply. Fires--we fight our own. Snow--we dig our way out. Calving trouble--we're the midwife--or the exterminator, whichever is most economical.

With all her resources exhausted, she'd soon default on her property taxes. Ironically, now she's a private land owner. She's now obligated to pay up. It's now her job to fund the same government that ties her hands and causes her collapse--the one she had so enjoyed in those former days when she used to beat private landowners over the head with maze after maze of purported planning laws. Those taxes will now have become the final nail in the coffin that would now serve to bury the poor doctor.

She'd be pathetically broke and disillusioned inside of 3 years. Sadly, little value would remain of her once prosperous, run-down ranch. Why? It's all thanks to *layer upon layer of government* limitations and regulations, maps and overlays which prevent the "*American Dream*" (opposite of an Agenda 21 term) from taking root. All those layers of top heavy government would have given her *no* opportunity to pursue alternative development and income opportunities that could possibly have saved the ranch!

I believe Dr. Kelly Howsley Glover is very confused, herself, as she navigates through the crazy spider web of propaganda she has invented to maneuver you down that primrose path. She invents problems for the county to solve. She promotes a solution. She deliberately feigns support for that solution by including, if not soliciting, input from biased interests other than potentially affected private landowners of Wasco County. She calls them "*stakeholders*"--an Agenda 21 buzzword. She justifies a mythical "general agreement" with her proposed fictitious solution by introducing the magic word "*consensus*"--another Agenda 21 buzzword. She draws her "*consensus*" from liberal "*stakeholders*" who promote Al Gore/Andy Kerr/spotted owl/spotted

frog/progressive/collectivist/ socialist/communist agendas-- discouraging agendas that are breaking the backs of private landowners of Oregon and America, alike. She constantly monitors pushback from landowners, and postpones hot agendas in the name of "mitigation" (*not another one!*). She gets tangled in her own web, and she's attempting to entangle you, also. We elected you because we hope you are wise enough to rise above these agendas. If so, by all means reject Ordinances # 20-001 and # 20-004.

Why do I believe *Dr. Kelly Howsley Glover is actively promoting a New World Order Communist Scheme*? Pay attention! She talks over our heads, calls it "transparency" and "perfectly clear" as she clouds the issues with new world order buzzwords--by the dozens, and promotes liberal state agendas handed down by a governor-appointed committee composed of land-use planners and compromised, communistic ex-county commissioners. It is because she attempts to pull the wool over the eyes of the people (and you) by referring to these state "goals" as wording you are mandated to turn into law. It's all fraud, deception, smoke, mirrors, and the Gypsy shell game at its best. (If it walks like a duck, talks like a duck . . . lays eggs like a duck . . . It most likely is a duck--yes, it's a duck.)

I'm sorry. You don't represent those green new deal liberal whackos. Or, at least you're not supposed to. It's time you stopped listening to Dr. Kelly Howsley Glover.

Her agenda reeks of plank 1 of the Communist Manifesto:

"Abolition of all property in land and application of all rents of land to public purpose."

Conclusion of Fact: Due to the history of their actions, ODFW is *not* our friend. Their presence *always spells problems for us on our private property*. They have attempted to *manipulate and manage us because of wild animals, birds and fish, on our private properties for three quarters of a century!* ODFW is *never* welcome, in any manner, on our private property and ODFW is *not* welcome to take part in the management thereof.

*ODFW is funded far beyond the private landowner's ability to resist. They have invaded us without setting foot on private land. By all outward signs of their activities, I believe they have set out to abolish private rural land. Karl Marx would be very proud of ODFW. (If it walks like a duck, and squawks like a duck, it's just gotta' be a duck!--another kind of duck but--they are birds of a feather.*

*Do not attempt to walk on the unalienable rights of the taxpayers who support you. Do not adopt ODFW's maps as law (no problem if you decide to apply them to public lands--but do not apply those maps to private land!). Do not sign any document that will have the effect of devaluing private property. Do not sign the planning commission's proffered version of Ordinances # 20-001 and # 20-004. Do not pass those "maps."*

I certainly hope you think carefully about all of the above facts. Any fact you can not and do not refute, on or before the first day of October, stands as conclusive. Any commissioner who *ignores* these irrefutable facts by voting for ordinances # 20-001 and # 20-004 to become law will have overwhelmingly proved his ignorance. I certainly hope you answer all of the above questions, as well as all of the questions that you were presented in my September 3, Testimony # 2, *in writing*. You *do* purport to make yourselves "chrystal clear" in communicating with us, *don't you?* Isn't it all about, to borrow an overused Agenda 21 term of art from Dr. Kelly Howsley Glover, "transparency?"

Besides, it is well-established law that *silence*, when there is a fiduciary duty to respond honestly, is *fraud*!

Bottom line: do not sign Ordinances # 20-001 and # 20-004 into law, ever!

You have voluntarily sought election to a public trust.

That makes you “public property.”

If you choose to lay down rules, ordinances and laws to control publicly-owned land, go for it. But *keep out of our private business*--the business of managing our private land!

*Communism*--that's *exactly what our children will face* if you bow to Dr. Kelly Howsely Glover and allow her to tromp roughshod over the property taxpayers' private rights.

You know your job. Do it right!

Most sincerely,

Lanny Metteer

PS. Anyone who reads this testimony is more than welcome to use it in any manner he deems necessary and proper as long as he does not misconstrue the intent. Every word is there for a reason. Don't twist them around!

From: **Elizabeth Turner** <[marklizturner3@gmail.com](mailto:marklizturner3@gmail.com)>

Date: Tue, Sep 15, 2020 at 4:23 PM

Subject: Planning hearing. I pre registered. They wouldn't let me comment. What I heard was lies.

To: Kathy Schwartz <[kathys@co.wasco.or.us](mailto:kathys@co.wasco.or.us)>, Steve Kramer <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>, Scott Hege <[scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)>

Gonna get sued. You deserve it.

And Mr. Davis once again voted in his own property.

Congratulations graft greed and outright corruption. Probably cost you at least 100 grand to defend.

Guess we have commission meeting. Don't even think about zoom. Big courtroom full participation.

I can't believe the ignorance I heard on this call.

Terrible!!!!

From: Brian Miller <b.miller79@icloud.com>

Date: Sat, Sep 12, 2020, 7:04 PM

Subject: Re: County Commissioners' Duty to Indemnify Private Landowners

Cc [stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us) <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>, [Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us) <[Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us)>, [scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us) <[scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)>

Well said Lanny. The fact that these people view this as a Democracy is ridiculous. The private landowners have their rights as they own the land outright. Nobody should be able to bully these landowners around. If they think they need or deserve their land then they need to offer a premium for it. Why do people think they deserve things they didn't earn these days? It blows my mind I watch it everyday in the news. What does the word "Private" stand for ?? It means the following...

Private Property: property owned by private parties - essentially anyone or anything other than the government. Private property may consist of real estate, buildings, objects, intellectual property (for example, copyrights or patents ).

The government has ZERO right to act like this land is theirs. If they think they want it then they need to offer a PREMIUM dollar for it. If not then they need to figure out where to expand what they want on their own government land. Also even if they offer a PREMIUM for the private land it doesn't mean the landowners have to agree upon it. #freedom

Respectfully,

Brian Miller

On Sep 12, 2020, at 3:39 PM, Lanny Metteer <[lrm416@hotmail.com](mailto:lrm416@hotmail.com)> wrote:

Hello Britt,

Nicole forwarded me your e-mail and letter to the editor.

Thank you for your understanding and comment on the ramifications of the planning department's ongoing ambitious effort to take over the management of all private land in Wasco County.

The county planning process, with no changes or "*updates*," as they call them, is already a gross imposition and very much a violation of the rights of private land owners. We know the actions of the county commissioners, if they pass ordinances # 20-001 and/or # 20-004, will cause further hardship on the property taxpayers who fund the county--the very people whose rights and property values the county officials are supposed to be *protecting*.

If these officials actually think they are more qualified than us, and they belligerently make the move to manage our private land over our objections, I must agree with you. It's about time they put their money where their mouths are. We need to insist:

1. the county either:

- a. rent from us (at our price) the right to restrict or require us to manage our property their way,
  - b. buy the property from us on the open market (and not some good ole' boy bought off judge's idea of "just compensation")--that is if, and only if, we are willing to sell, or
  - c. enter into some other "arm's length" contract to which both parties agree-- ( *indemnifying* us against any arm twisting bullying government tactics such as threat, coercion, or distress that might be discovered at any time in the future), and
2. they *indemnify* us, on behalf of Wasco County, *forever*, for any hardships they cause us, our heirs and/or assignees as a result of the county's actions, and
  3. each commissioner who signs either ordinance 20-001 or 20-002 *indemnify* us, personally, *forever*, for any hardships ever discovered he or she might cause us, our heirs and/or assignees as a result of their actions.

Furthermore, it would be only appropriate for each county commissioner who votes for one of these ordinances to put up *all* his or her private land, and/ or all other assets they possess, as collateral to seal the sincerity of their resolve--collateral which could only be released by the signature of every private landowner in the county, should the offending commissioner wish to clear his title.

Although our system of government, as laid out by our founding fathers, is a republic (where government officials have the duty to protect all individual's rights at all times regardless of the vote of the majority), it seems the officials insist on treating it as a democracy, where the majority can vote the rights away from the minority. If we are to treat it as a democracy, we clearly need to wrestle the vote on property rights issues away from the county commissioners--who have *never* walked in the shoes of many affected landowners--and *place the vote only in the hands of the private property owners, affected by the decision.*

Hoping you and yours are safe and can breathe these terribly smoky days,

Most sincerely,

Lanny Metteer  
541-460-3478

From: Nicole Chaisson  
Sent: Friday, September 11, 2020 10:02 AM  
To: Lanny Metteer

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

From: Britt Storkson <[pumpsys@charter.net](mailto:pumpsys@charter.net)>

Date: Fri, Sep 11, 2020, 6:41 AM  
Subject: RE: Background  
To: Nicole Chaisson <[propertyrightsoregon@gmail.com](mailto:propertyrightsoregon@gmail.com)>

Hello Nicole,

Just a note to say that I have written and submitted a statement to the Wasco County Commissioners regarding this issue (see below). Also I've submitted it to The Dalles Chronicle as a letter to the editor for publication but since the TD Chronicle has a history of not printing anything they think is anti-government I'm not sure it will make it to print.

I've asked that the county indemnify the residents should their actions cause hardships to the citizens. If they refuse to do that we will know they have no interest in serving and protecting the citizens of Wasco County.

I'll try to join via livestream but some time ago I decided never to be a part of social media. I briefly joined facebook at the suggestion of my cousin's daughters in order to keep track of the figure-skating activities but ended up getting huge amounts of junk e-mails and facebook made it very hard to leave. I get more than enough junk e-mails without adding that to the mix.

Thanks for all you have done.

Britt Storkson

My statement:

To the Wasco County Commission:

The Wasco County Commissioners, in a mailer sent to all Wasco County residents titled: Important notice that may affect your property which stated, in part, that "Wasco County has determined that the adoption of this ordinance may affect the permissible uses of our property and other properties in Wasco County and may change the value of your property".

Knowing that almost everything government at all levels does nowadays has the net effect of punishing the working class citizens while profiting the ruling class I would ask the County Commission, if they vote to approve these changes, they also vote to indemnify the citizens negatively impacted by these changes.

The definition of the word indemnify is: To guarantee against any loss which another might suffer. Example: two parties settle a dispute over a contract, and one [Wasco County, in this case] of them may agree to pay any claims which may arise from the contract, holding the other harmless [The citizen(s)].

This should include monetary reparations and legal fees if necessary to the citizen(s) that suffer losses resulting from the implantation of these rules and regulations.

Britt Storkson  
5475 Hawley Road,  
The Dalles, OR 97058  
Phone: 541-296-3792

From: **Elizabeth Turner** <[marklizturner3@gmail.com](mailto:marklizturner3@gmail.com)>

Date: Wed, Sep 2, 2020 at 1:17 PM



Subject: Fwd: Planning hearing

To: Steve Kramer <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>, Kathy Schwartz <[kathys@co.wasco.or.us](mailto:kathys@co.wasco.or.us)>, <[scoth@co.wasco.or.us](mailto:scoth@co.wasco.or.us)>

Forwarding my email to planning. I hope each of you is acquainted with the history of Wasco county loosing land use appeals in court.

Both these items are not right for our county. Both should be rejected.

A new, old approach is needed. Citizen groups that develop what will work. Its archaic to not have them. No business today doesn't have focus groups.

If you reinstall focus groups we could move forward to better equip our county for growth that will work.

Right now its still the good ole boys club. Lets just reward one person with a bad plan cause he greased the wheels. Mike Davis is not the Earl of Tygh Valley. The residents resent his constant maneuvering to make money off everyone else.

Thank you

From: Nicole Chaisson [mailto:[propertyrightsoregon@gmail.com](mailto:propertyrightsoregon@gmail.com)]

Sent: Wednesday, August 12, 2020 6:00 PM

To: [pumpsys@charter.net](mailto:pumpsys@charter.net)

Subject: Background

Hello Britt

We are a group of rural landowners in Wasco County that attended the County Planning Commission's roadshow for Wasco 2040. We saw red flags and have tried to engage the county and planning commission in conversation and with questions. In spite of the fact they claim to be transparent when faced with questions they deferred to the county lawyer who blew us off. I have pasted below some reasons why we are not happy with the proposed land use laws.

Here is from our website

Apparently the county commissioners will *not* acknowledge form letters. Therefore we will need to make up our own testimonies, in our own words, or sign a statement as a group in solidarity. At the end of this article is our proposed group statement. Otherwise you may use any part or all of our statement to formulate your testimony. Please contact us if you would like more proof of the content of any statement we have offered.

Wasco 2040 is a very complicated and ambitious set of goals that the planning commission has called an "update" and have submitted it to the county commissioners to be accepted as a county ordinance. It would take:

- many hours of reading the county's website at <http://www.wasco2040.com/>

- a trip to the planning office to study the county's "confidential" maps,
- the purchase of multiple maps, plans and paperwork,

before one can begin to see the ramifications of their proposed decisions on even one citizen, let alone our whole county. All this complexity is apparently designed to oppress the private land owner.

We are receiving notices from the county that warn us the "adoption of [Ordinances #20-001 and #20-004] may affect the permissible uses . . . and may change the value of your property (referring to private land)."

Remember the old adage, "If *'anything you say can and will be used against you,'* you've just been set up for a hard fall!" Likewise, *if it may, it will.* By this notice we can be certain a decision to pass Ordinances #20-001 and #20-004 will cost almost every private landowner one way or the other. Interestingly, on the county's own website, [www.wasco2040.com](http://www.wasco2040.com), this is what the planners said:

"Updates may carry with them impacts to uses or values of property.

Planning staff cannot predict impacts to uses or values. Many revised or new implementation strategies will be part of the Land Use and Development Ordinance updates scheduled to begin in 2021.. Inclusion into one of the revised overlay zone map may mean increased fees, increased time for new development application permitting, or that certain activities or locations for new development must be moved or mitigated to reduce conflict."

So, if even the professional planners can't predict what we stand to lose, when they implement the "updates," why would we want anyone to jeopardize our private land investments in any manner?

*Mitigate* means "to make less severe" or "soften." By this, we can see the planners apparently intend to deceive us into accepting their update to further intrude into and control our private properties, gently-- but firmly.

This all has to do with a scheme of the planners to control us by merely changing their maps which designate wildlife habitat to match those of the ODFW. Adoption of this, alone, empowers the fish and game people to gang up on us along with the county and beat private landowners over the head with the wildlife if we ever try to change any use of our private lands. Destination resorts, subdivisions and numerous other opportunities and uses should have as a right would become severely restricted and very expensive for the private landowner to implement.

The county's website also says:

"Many of the proposed updates are *required* by state law (OAR 660-023) or have been identified by stakeholders or the community to be important for long range planning."

This also must mean some of the proposed updates are *not required* by state law. And just because the county might update, is it necessarily state law that our county officials must turn *recommendations* (goals) of a governor-appointed committee into county law? Doesn't it seem like the proposal would *either be passed by the legislature*, and thus become state law, *or* if the commissioners are mandated to update, so be it, but *there is no obligation for the county to pilfer rights and value away from the landowner?*

The planners want us to think it's their job to preserve and protect our private lands *for the public* ("stakeholders") *from us, the private landowners* (who they have chosen to regulate heavily), because they believe government is a better steward of our investments than we are. Do you agree? As private landowners (as property taxpayers), don't we want to maintain the right to be free on our own properties? Do we want government or our neighbors to limit and manage our private land? Do we like paying the county to review our request for permission to manage our private affairs (in terms of variances, conditional uses, subdivision, innovative enterprises, etc.)?

Probably the most disturbing (and telling) takeaway that came out of the series of four "road show" meetings called by the county planners was a quick parenthetical comment by the presenter, herself, a trained city planner with a PHD degree. She told us this "update" applies to private land, which is only (60% of the county). *Only private land, not public lands* (the other 40%) *will be affected by the county's proposed oppressive controls!*

Did you know all this control was virtually unheard of in rural Oregon up until 1973? The planners' decisions will have the effect of costing us more to make changes on our private property than ever before. New, more restrictive, zoning regulations limit our options as to how we can gain by owning and selling our private lands.

In the day of Covid-19, 2020 why is there a rush to push this update through when most of the people impacted have spotty rural internet access that does not support Zoom meetings or for the fact people are not familiar with the technology. We ask that the commissioners hold off on the hearing/public meeting until we can meet in the courthouse. The county commissioners must realize that Wasco County Planning is only required to make a review of land use and their recommendations to update are just that, recommendations.

In the past, county officials have convinced us to study their plans goal by goal, sentence by sentence, and comment on the details. We have done just that over the past 47 years that rural land use planning and zoning has been in place in Oregon. By getting caught up on the finer points of these proposals, we have ended up *missing the forest for all the trees!*

The planners and their hand picked advisory group had a final meeting to summarize their proposal, to date, in preparation for the vote of the county commissioners.

We attended by virtual media. What did we learn? We learned the planners:

1. are continuously revising their dynamic proposal, right up to the county commissioner hearing on September 1, 2020.
2. plan to control us rural landowners with an iron hand, leaning on our history of :
  - *wildfires* and;
  - minimal desert *water* supplyand using these as their "necessity" for doing so.

3. plan another project next year to build upon this year's "success" by applying the state's "endangered species" list which will further limit us and devalue our properties (spotted owl of the desert?)

4. are very confident (almost giddy) over their proposals to the county commissioners *trusting all will be accepted and passed, as presented.*

5. are so proud of their work, they plan to take their newly found expertise to other counties far and wide because they have so much (oppression) to offer the world.

6. haughtily mentioned throwing a party to celebrate their "success," even before the ongoing update proposal is completed!

*This begs the real question: Are the county commissioners equally anxious as the planners to pass this very complex "update" at face value? Are they motivated to dominate us more and more, little by little, until we have nothing left but the obligation to pay property taxes? Are the county commissioners and the planners strategizing in order to receive an incentive of some sort from the state at the landowner's expense? If so, it must be a big carrot, if our commissioners would sell out the very people who pay the property taxes that pay their lucrative salaries and elect them to protect our property interests. Or do the officials face some kind of fine or sanction if they fail to fulfill the state's governor-appointed pressure to fulfill those "goals?" Or both?*

Therefore it seems it is time we back off and take a fresh look at where we are, from where we've come, and where we're headed. . . . (If we always do what we always did, we'll always get what we always got.)

Do we not want our private land to *increase*, rather than *decrease* in value as the years roll by?

This whole process has become so fine-tuned and orchestrated by the state and our county, that the planning commission has even posted demands for you to follow when you testify.

Nicole Chaisson

Lanny Metteer

Kathy Cantrell

Bob Maness

Jeanne E. Capps

From: Lanny Metteer <lrn416@hotmail.com>

Date: Thu, Sep 3, 2020 at 12:30 PM

Subject: Testimony: Open Letter #2 to Wasco County Commissioners Re: Ordinances #20-001 and #20-004

To: stevek@co.wasco.or.us <stevek@co.wasco.or.us>, Kathys@co.wasco.or.us <Kathys@co.wasco.or.us>, scotth@co.wasco.or.us <scotth@co.wasco.or.us>

Re: Open Letter # 2 -- ODFW: An Invasive Species; Your Job: Protect Us, Don't Feed Us to ODFW  
*Reject Ordinances # 20-001 and # 20-004*

Dear Commissioners Steve Kramer, Scott Hege, Kathy Schwartz:

Steve, you did say you want *facts* when you vote on the above ordinances. Good.

I certainly hope you, Scott, and Kathy are of the same mind, and you do not *ignore* the *facts*. Any other criteria for your choices would, of course, render you “ignorant” of the *facts*. And no one wants to be ignorant--especially a county commissioner in the eyes of the property taxpayers--the folks who pay your salary. Quite frankly ignorant people make incompetent statesmen and are not qualified to represent me. To avoid ignorance on your part, *please read the following facts, carefully*:

Fact: Some of the very first legislation in Oregon, long before statehood (1859), was over the question of how to eliminate native wolves. It took place in the Willamette Valley south of Portland at Champoeg.

“Wolves were once so plentiful in the abundant forests that the earliest settlers gathered from far and wide to discuss how to kill them. Those “wolf meetings” in the 1840s, spawned by a common interest, eventually led to the formation of the Oregon territory, the precursor for statehood in 1859.

“The state later took over the bounty and offered \$20 per wolf in 1913 — the equivalent of nearly \$500 today. The last bounty payment was recorded in 1947, and the wolf vanished from Oregon for decades.”

from Seattle Times, by Gillian Flaccus (Associated Press)

<https://www.seattletimes.com/nation-world/wolves-continue-comeback-in-oregon-after-eradication/>  
<https://phys.org/news/2017-11-wolves-oregon-conflict-opportunity.html>

Finally, after over 100 years, landowners, no longer threatened by this vicious predator, could hopefully relax and focus on improving their crops and livestock-- and thus their lifestyle. The struggle for survival was over--or so they thought--until a half century later . . .

Fact: The federal government has deliberately *imported* wolves, now a species much more aggressive and ruthless than those originally in Oregon, to ravage Idaho and spread far and wide for this past quarter century.

“In the mid-1990s, wolves were reintroduced to central Idaho, and in 1999, a lone wolf wandered into northeastern Oregon. It was trapped and returned to Idaho.

“. . . the first definitive proof wolves had returned to the state came in 2007, when a wolf was found shot to death. The following year [2008], a wolf . . . gave birth to the **first litter of pups born in Oregon in decades**.

“Last year (2017), state biologists counted 112 wolves in the northeastern and southwestern corners of the state - and they believe that is an undercount.” (*Ibid*)

Facts: The feds:

- now jealously protect these destructive carnivores which terrorize people and animals throughout the West;
- strictly threaten anyone who attempts to control them with fines and/or prison;

- send pompous, villainous ODFW employees and other minions, across Oregon to kindle the fear of God among ranchers and other landowners who gravely need to again exterminate all wolves in their human struggle for survival;
- subsidize ODFW, to the tune of \$142,766,627 (38% of ODFW's budget for 2015-2017 which totals \$374.8 million).

Fact: The people who are forced to live with these ruthless imported wolves have seriously voiced their frustration and disapproval, which typically falls on deaf ears.

"Wolf conflicts with ranchers have risen and, for the first time, an elk hunter, this month, reported killing a wolf in self-defense." (*Ibid*)

Fact: Though rare, once in awhile, we actually find a public servant who holds the rights and livelihoods of the people above his ego and above the evil forces that entice him toward corruption. This prosecutor must have actually read the constitutions of both Oregon and the USA:

". . . the[above elk hunter] case has become a flashpoint in the fight over wolves. A local prosecutor declined to press charges, prompting 18 conservation groups to petition Gov. Kate Brown to intervene without success." (*Ibid*)

Conclusion of Fact: The federal and state governments (ODFW) *conspire* to protect non-native wolves in Oregon.

Fact: Like wolves, cougars are dangerous and incompatible with ranchers and human safety. Cougars have repeatedly attacked and killed people in the west coast states over the past ten years.

"As both the cougar and human populations have grown, so have the number of conflicts and damage complaints." (*ODFW website*)

Fact: Our state protects cougars and deliberately profits from cougar sport hunting. Maybe they are native to Oregon.

"Cougars . . . After being nearly eliminated by the mid-1960s, today they have a healthy population. The current cougar population in Oregon is estimated to be more than 6,400 as of April 2017." (*Ibid*)

"In 1967 the cougar was reclassified from a predator to a game animal, which gave the Oregon Department of Fish and Wildlife (ODFW) management control over the population. Under ODFW's management, cougar hunting continued, aside from the years of 1968 and 1969, but was controlled through the issuing of hunting tags and demarcated hunting areas. From 1971-1994, as cougar populations increased so did the allotted hunting areas and number of hunting tags, as well as the popularity of cougar sport hunting." (*Ibid*)

Fact: The federal government kills coyotes. They are native to Oregon.

Conclusion of Facts: Coyotes are an annoyance and only occasionally a problem for the landowner who attempts to survive by ranching. Cougars, also native, present a much more serious problem, and the wolf, which absolutely does not belong in Oregon, is no better than an exogenous, invasive weed (such

as Russian Knapweed) in the plant world. Both, federal and state governments protect the wolves as a mother bear protects her cubs.

State and federal policy serves only to destroy affected private landowners. At the moment BLM riots are causing Portland citizens and businessmen devastating losses as they ravish vulnerable, unprotected property in the city. Which is worse? Are they not opposite sides of the same coin? Or are they both on the same side of that coin? (It seems to me the businessmen on the ranches and the businessmen in downtown Portland are apt to sink in the same boat!) In this sense, how can government be any better than the BLM movement?

Any guess as to why ODFW pushes that federal agenda to protect the wolves and the cougars, in spite of landowners protests? Could it be because of the money? Do you think that federal subsidy of well over one third of a billion dollars could be incentive enough to coerce spineless ODFW bullies to force destructive predators upon private landowners in a roughshod manner?

May I guess why your planners are so anxious for you to adopt the ODFW overlay map?

Is it because of money they are paid to produce the maps?

Is it because of state incentive payments?

If you're feeling pressure to sell Wasco County landowners out by adopting ODFW's frivolous, arbitrary maps and calling them county law, why?

Why would you ever double cross the constituents who voted for you?

Why would you forsake the people who pay big county taxes that support you?

Why would you attempt to sell out the private property rights of the very people for whom you are supposed to be working and protecting?

Why would you deliberately cause Wasco County landowners grief and frustration by entangling them in even more laws, maps and rules than the costly confusion we face in the planning office today?

Why would you want to "bite the hand that feeds you" by creating laws that cost the landowners increasing amounts of money, even to the point of a forced sale or a drastically reduced value for the opportunity to enjoy that which is often their greatest and most joyful lifetime--even multigenerational--investment ever: their private land?

Why would you arrange for ODFW to "own" the rural people because of wild animals, birds and fish that plague our properties and devastate our crops?

What would motivate you to conspire with ODFW? Why would you invite ODFW decisions to your overreaching planning table so they can make decisions over *our* futures? ODFW has proved over and over that their mission is to beat us over the head on our private lands with predators we do not want;

predators that cost us big, and gain us nothing. (If it walks like a duck and quacks like a duck, it's just gotta' be a duck!)

Moreover just *what motivates you, the planners, or anyone else who has no vested interest in our private lands to swipe away at our rights and manipulate our values?* Is it because:

(Served both as US Supreme Court chief justice as well as President of the United States)

*Good for thee and not for me.*

Fact: It is my understanding that just Tuesday, September 1, at your evidentiary hearing, Dr. Kelly Howsley Glover noted that grant money had been approved for the purpose of creating *more maps: more rules of conduct for other people!*

Just how many maps do they think you need? Do they propose for you to make each map become law?

Fact: This statement recently showed up on the facebook page: "Property Rights Oregon Wasco County":

"I was told . . . second hand, that the county commissioners will be voting yes on the ordinance and its basically a done deal. I would hope that they will consider the -local- people who are speaking out against this."

Is this true? Now I guess you know why I am compelled to submit this testimony to you!

Fact: Your current county budget contains a page that says:

"WELCOME TO 100% LOVE (LIVING OUR VALUES EVERYDAY) Welcome to Wasco County and to our culture. We recognize that each person on the county team has unique skills to contribute to the success of our efforts. We are part of a team that is creating excitement for building a culture where employees, vendors and constituents become partners in building a prosperous Wasco County by living our values everyday (LOVE). VISION Pioneering Pathways to Prosperity MISSION Partner with our citizens to proactively meet their needs and create opportunities CORE VALUES • Embody the 100% Love culture • Relationships are primary • Do the right thing, even when no one is watching WHAT'S THE STORY BEHIND 100% LOVE? Following a particularly negative interaction with another entity on a project, the County Clerk and the County Administrator were reviewing the meeting and how difficult it had been. For the Clerk, new to the public sector, it was the first project where it became apparent that some citizens don't like county government, no matter how hard we try to help. The Administrator jokingly said, "Welcome to county government. 50% of the people love you, and 50% of the people love to hate you." To which the Clerk replied "Yes, but that's still 100% LOVE!" That tongue-in-cheek remark, upon further reflection, began to emerge as a concept with much deeper meaning; a way of thinking about all aspects of what we do. We looked for examples of 100% LOVE on which we could build and grow the culture which now permeates our organization and is reflected in our actions, our approach to doing business and our overall being . . . it is the guiding principle for everything at Wasco County. As individuals we provide the extra effort to make sure those who we are dealing with walk away from the interaction feeling good about the service they have received; we recognize the efforts of others and



share examples of 100% LOVE—we tell the story! As a team we make sure our teammates are successful; we pitch in to help; we hire for culture and welcome new employees to that culture. We identify, share and celebrate examples of 100% LOVE—we tell the story! As an organization, we ensure that our system and processes support the culture; we work to cross-train, we support organizational initiatives; we celebrate our successes and unflinchingly examine our failures; we seek out partnerships in the community and promote the County whenever possible.”

And here, for the past 70 years, I was thinking love meant:

“You shall love the Lord your God with all your heart and with all your soul and with all your mind. This is the great and first commandment. And a second is like it: You shall love your neighbor as yourself. On these two commandments depend all the Law . . . “

Believe it or not, though it’s difficult, as a human, I strive, daily, to live by that maxim. Do you? But I must admit, you’re making it a little difficult for me now days.

*Is government now a culture of love?*

In light of what it appears your team of love is fixin’ to do to us, I thought:

--and it’s a little difficult to show much love for the arsonist, when he’s fixin’ to burn you out, is it not?

Your budget page says you, “pitch in to help” to “make sure [your] teammates are successful.” What about the landowners? What plans do you have for the people who pay the taxes that finance your liberal salaries and extravagant retirement accounts to be successful? I certainly hope you county commissioners have *not* been showing your “love” by pitching in to promote Dr. Kelly Howsley Glover’s success as she devises this planning entanglement which enable you to betray your constituents and shatter our lives.

As I told my 12-year-old daughter when she once rebelled: *It’s your job to behave. It’s my job to see to it that you do so!* Out of pure love, I was obligated to cross her.

As I would tell you if you were my three little kids, “you will get plenty of love from me if you just do the right thing!” Services we rarely need. Survival we do! If we are to survive, we imminently need you to keep yourselves, your maps, your laws, your conspiracies, and your lackeys out of our lives. We expect you to spend our money wisely and frugally. We don’t want you squandering the taxes we pay on stupidly ambitious bureaucrats: educated fools who have never walked in our shoes and who show nothing but disdain for our rural lifestyle--our culture--of dreams, hopes, promises, sweet successes, frustrating failures, and “get up and try again,” --“tie a knot in the end of the rope and hang on tight”--grit.

You county commissioners, by now, probably think I’ve abandoned my 70-year philosophy and irretrievably joined the camp that “loves to hate you,” but I have not. Sorry, I *must* do my job, and my *very best job, indeed*. My job is to *not* lay down and roll over like a *sheep*. My duty is to constantly pay attention, like an *eagle*, not because that’s what I want, but because I must. If you county commissioners contemplate usurping our rights and stealing our values, It is my duty to be ever watchful--it’s called vigilance--and, at times uncomfortably assertive. It’s called “tough love.”

(Yes, the government protects *eagles*, too. That's another predator we do not need. I suppose your doctor in the planning department is already crafting her next move to drive us off our private land over some crazy bird; leading to more time, energy and money wasted on the part of private landowners who are forced to build up more pushback in 2021! And again in 2022! Leading to what, Agenda 2030? Wasco County 2040? Agenda 21?--all over our rights to our private property. But isn't Agenda 21 outright communism?)

Fact: Just what is communism? Let's put it to the test? Let's hear what

the father of communism tells us communism is:

No wonder you warm and fuzzies are so sensitive over who loves and who "loves to hate you?" Is it because you have obviously become very uncomfortable, and rightly so, when the private landowners clearly see that you have embraced communism and intend to tie them in knots, steal their very substance, enslave them and reduce them to mere serfs on their own properties because you have climbed in bed with ODFW at the advice of Dr. Kelly Glover? You must know her whole plan feels uncomfortably communistic to us! (If it walks like a duck and quacks like a duck, it's just gotta' be a duck!)

Believe me, I want desperately to love and respect each one of you, but you must admit, you *have* been making it a little hard to do so, these days, haven't you?

Back to the sheep and wolves,

Remember Edward R. Murrow from the good old days, the happy days when:

- o the news was not "fake news?"
- o we'd never heard of a "shadow government" or the "deep state"
- o Senate Bill 100 didn't exist; therefore no planning department; thus lower taxes and peace of mind
- o we truly hated the scourge of communism
- o government diligently fought communism, rather than promote it
- o rural Oregon had no land use planning laws
- o we had no wolves in Oregon
- o "under God" was still in our flag salute
- o public servants existed who were actually statesmen
- o the days of pencils, paper, slipsticks and typewriters
- o government was only a tiny fraction of what it is today--and it worked just fine--though cumbersome

If I was *not* forced to fight off wolves from all directions, *two legged and four*, you would probably find me a little more agreeable these days! Sheep don't fight wolves. Unfortunately people must.

You're not planning to vote for ordinances # 20-001 and # 20-004 for the reason that someone, somewhere, is bribing you or offering you or Wasco County kickbacks for your vote are you? If business interests are tempting you, and you acquiesce, that's fascism. If you contemplate conspiring with other

governmental jurisdictions for personal gain or to subversively enrich the county in any way, in return for selling out the private landowners, that's no less than racketeering. Fascism is tantamount to communism and cronyism. Racketeering is a federal offense and carries stiff fines and prison sentences.

I certainly hope you think carefully about all of the above facts. Any fact you can not and do not refute, on or before the next planning commission evidentiary hearing of September 15, stands as conclusive. Any commissioner who *ignores* these irrefutable facts by voting for ordinance # 20-001 and 20-004 to become law will have overwhelmingly proved his ignorance. I certainly hope you answer all of the above questions. You *do* purport to make yourselves "perfectly clear" in communicating with us, *don't you?* Isn't it all about, to borrow an overused term of art from Dr. Kelly Howsley Glover, "transparency?" Besides, it is well-established law that silence, when there is a fiduciary duty to respond honestly, is fraud.

Bottom line: do not sign ordinances # 20-001 and # 20-004 into law, ever!

You have voluntarily sought election to a public trust.

You know your job. Do it right!

Most sincerely,

Lanny Metteer

PS. Anyone who reads this testimony is more than welcome to use it in any manner he deems necessary and proper as long as he does not misconstrue the intent. Every word is there for a reason. Don't twist them around!

From: Lanny Metteer <[lrn416@hotmail.com](mailto:lrn416@hotmail.com)>

Date: Thu, Aug 27, 2020 at 11:49 AM

Subject: Testimony: Open Letter #1 to Wasco County Commissioners Re: Ordinances #20-001 and #20-004

To: [stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us) <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>, [scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us) <[scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)>, [Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us) <[Kathys@co.wasco.or.us](mailto:Kathys@co.wasco.or.us)>

Re: Undated Notices:

Postcard Notice Received in February, 2020 and

Trifold Notice Received late August 2020

ORS 215.503

Dear Commissioners Steve Kramer, Scott Hege, Kathy Schwartz:

According to your bi-fold notice, ORS 215.503 is *the* reason you have warned us that your proposed ordinances "may affect the permissible uses" and "may change the value of [our] propert[ies]." Multiple notice requirements are listed in ORS 215.503. *In the interest of transparency, could you kindly respond*

with a list of “only” the enumerated paragraphs that apply in this instant matter, in order that we may have a better understanding as to how this law affects us. (More on ORS 215.503 at a later date.)

By adopting either or both of the above ordinances, if you propose to restrict the uses of Wasco County private property, *don't*. Restricting heretofore normal property uses is tantamount to depriving folks of their *rights*. You've read the Declaration of Independence. You've been elected by the people. You've voluntarily taken the oath of office to protect our rights. You know our rights are “unalienable”--that is--*God-given*. Our rights are sacred as long as we do not injure or damage others by exercising them. You have *no business* depriving American citizens of our unalienable rights.

And make certain you *don't* vote for anything that even *could*, let alone *might* or *will* cost Wasco County landowners more to function in the normally accepted historical manner, within the custom and culture for any given community. (Exception: when the majority of landowners, and *only* the landowners, clearly *vote* to adopt the proposed change.) Absolutely no one other than the landowner has any business weighing in on legislation that could strip away his unalienable rights.

If you see a public need to manage another's private property you might try making the landowner a fair monetary offer to either purchase, trade, or rent certain rights (such as development rights) for a period of time (either definite or indefinite). You might just find out property owners are very reasonable if you start treating them with respect, rather than as if they're a bunch of suckers who owe society their entire fortunes.

Besides, it's the private landowners who pay property taxes. It's the private landowners who pay your salaries. It's the private landowners that vote for you. It's the private landowners for whom you're supposed to be working.

Your job is to *protect* the landowners; not to *steal* from them.

Respectfully,

Lanny Metteer

From: **Elizabeth Turner** <[marklizturner3@gmail.com](mailto:marklizturner3@gmail.com)>

Date: Sun, Aug 23, 2020 at 11:46 PM

Subject: Upcomming land use hearing

To: Kathy Schwartz <[kathys@co.wasco.or.us](mailto:kathys@co.wasco.or.us)>, Scott Hege <[scotth@co.wasco.or.us](mailto:scotth@co.wasco.or.us)>, Steve Kramer <[stevek@co.wasco.or.us](mailto:stevek@co.wasco.or.us)>

This meeting needs to be done in person. Video is totally ineffective at really hearing people. Corruption in this process is a problem. Its really easy to say no to a screen. I dont see nay reason tbe big courthouse wont work. Plenty of distance space for covid rules.

Ive asked and recieved no resonse. Im asking again. Mike Davis did not declare a conflict of interest and he voted his own land in. What are you going to do? There are attorneys hired to fight this these plans. That is one big glaring violation..there were other witnesses.

Im asking what questions you have regarding a response from agriculture?

You dont allow the trained ag people to help which also speaks of hidden agendas and money to grease the wheels. Please resond with your

questions so I can talk to farm people.

Last I would just say that the people who live and work out here know how phony covid is. We are done being ruled by corrupt officials. Done with urban people who have no understanding of managing resources telling us what to do. We had a group who made sure we were represented. You dishonor us by ignoring us. I suggest you give land owners unlimited time to speak.

Thank you

Liz Turner

From: Elizabeth Turner <[marklizturner3@gmail.com](mailto:marklizturner3@gmail.com)>

Date: Wed, Jun 26, 2019 at 3:39 PM

Subject: Land use

To: <[kathys@co.wasco.or.us](mailto:kathys@co.wasco.or.us)>

I read the 2040 plan for Agricultural zone. I called back to planning to ask more questions. I couldnt tell from what I read what they were proposing. Only what has been done. It did not list the go below zone in lower 15 mile as a zone. And it talks about a 80 acre zone for non range we dont have. Confusing. I would say that the goal of our county has been focused on getting what we need, not what the state says. Its possible to do that. Not every change in Salem has to be adopted. You can find flexibility. One such thing I want to see eliminated is that they came and told farmers who also had heavy excavaction equipment it couldnt be in the farm zone. That rule needs removed as soon as possible. It moved fire equipment we need out of the areas. We really need that equipment interspersed out here. Its the difference of loosing buildings or not. I havent gotten the rule number yet. I will get back to you on ag zoning and we are coming to the hearing next week to listen.

Thank you

Liz Turner

Bummer about rain on cherries



## **WASCO COUNTY PLANNING COMMISSION HEARING**

**September 1, 2020**

**3:00 p.m.**

**Presented via Zoom:**

[https://wascocounty-org.zoom.us/j/82619252715?tk=fyC0rSRqitJBZqvQn7ezooHxUx3YUjI9AwE\\_zc3YW0.DQIAAAATPH2\\_6xZYdEo1UXIzMVFiT2N1ZE9IRVv0Zm53AAAAAAAAAAAAAAAAAAAAAAAAAAAA](https://wascocounty-org.zoom.us/j/82619252715?tk=fyC0rSRqitJBZqvQn7ezooHxUx3YUjI9AwE_zc3YW0.DQIAAAATPH2_6xZYdEo1UXIzMVFiT2N1ZE9IRVv0Zm53AAAAAAAAAAAAAAAAAAAAAAAAAAAA)

**by phone: 1 (253) 215 8782**

**Meeting ID: 826 1925 2715**

The official record for this Hearing is the audio recording that can be found [here](#).

### **CALL TO ORDER**

#### **ROLL CALL:**

Members Present: Chair Chris Schanno; Vice Chair Lynne MacIntyre; Mike Davis; Vicki Ashley; Russell Hargrave; Kate Willis; Alternate LeRoy Booth; Alternate Marcus Swift (arrived after roll call)

Absent Members: Brad DeHart

Staff Present: Planning Director Angie Brewer, Long Range Planner Kelly Howsley-Glover and Planning Coordinator Jensi Smith

Meeting began at 3:01 pm.

**0:59 - Chair Schanno** asked **Director Brewer** for roll call.

**2:45 – Chair Schanno** reviewed hearing protocol.

#### **PUBLIC COMMENT ON NON-AGENDA ITEMS:**

**3:36 - Chair Schanno** asked for comments on non-agenda items.

**3:55 - Joseph M. Pearson, Florence OR. Mr. Pearson** stated he owns lands in Wasco County..

**5:00 - Long Range Planner (LRP) Howsley-Glover** replied to **Mr. Pearson's** comment.

**5:47 - John Pearson, Mosier.**

**9:13 - Director Brewer** responded to both **Mr. Pearson's** comments. She clarified criteria for public comment on the record.

**PLANNING COMMISSION HEARING:**

**11:00** - Chair Schanno opened the hearing at 3:12 p.m.

Chair Schanno opened the hearing in the following manner:

The public hearing is now open for the purpose of the Planning Commission's consideration of land use application file **921-18-000221, Periodic Review Work Task 18, 921-19-000126, a Post Acknowledgment Plan Amendment to revise Goals 4 & 8, and 921-20-000072, a Post Acknowledgment Plan Amendment to revise the Plan Revisions Process and Goal Exception Chapters and adopt a new Introduction to Wasco County 2040, the Wasco County Comprehensive Plan.**

Because of the impacts to many residents as the result of the recent Mosier Creek Fire, staff has requested we continue the hearing until September 15th for deliberation.

**11:51** - Chair Schanno requested a motion to continue the hearing on Tuesday, September 15, 2020 for Planning Commission deliberation and recommendation to the Board of County Commissioners.

**12:05** - Commissioner Hargrave motioned to continue the deliberation until the subsequent hearing on September 15<sup>th</sup>. Commissioner Davis seconded.

**12:35** - Chair Schanno called for discussion. There were no comments.

Discussion on members in attendance and the need to have alternates to vote.

**13:45** - Chair Schanno noted that Commissioner Swift had joined the meeting. He recognized Alternate Booth is as a voting member.

**14:10** - Chair Schanno called for the vote.

**The motion was approved 7 to 0; (1 Absent – Commissioner DeHart;)**

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Schanno – yes

Vice Chair MacIntyre- yes

Commissioner Hargrave – yes

Commissioner DeHart – absent

Commissioner Ashley – yes

Commissioner Davis – yes

Commissioner Willis - yes

Alternate Booth – yes

Alternate Swift – NA

**14:30** - Tonight will be reserved for a brief staff presentation followed by public comment. Planning Commission deliberation and recommendations will be made on Tuesday, September 15th from 3pm-5pm. A registration link for that hearing is available on the project website (wasco2040.com).

**14:50** - Chair Schanno shared the procedure he would like to follow:

**15:10** - The Rules of Evidence

**15:51** - Disclosure of Interest of Ex Parte Contact

---

**17:10** – Chair Schanno called for the staff presentation.

**17:17** - LRP Howsley-Glover presented on Ordinance 20-004 (Attachment A)

**26:30** - LRP Howsley-Glover presented on Ordinance 20-001 (Attachment B)

**56:09** - Chair Schanno called for public comment. He asked LRP Howsley-Glover to call in order the names of those who have registered to speak.

Public Comment:

**57:00** - Katherine Filbin

**58:06** - Dezi Remington, Petersburg.

**58:35** - Kyle Popma - No response when name was called.

**59:03** - Mary Bushman, 2280 Dundas Way, Mosier.

**1:07:43** - Christa Louise - No response when name was called.

**1:08:00** - John Sleavin, 1932 Further Valley Road, off Osburn Cutoff.

**1:11:07** - Shelly Filgo – No response when name was called.

**1:12:03** - Sheila Dooley, 3300 Vensel Road, Mosier

**1:16:01** - Josh Ellyson

**1:16:48** - John Pearson – No response when name was called.

**1:17:32** - Kim Meade, Victor Road, Juniper Flat.

**1:18:04** - LRP Howsley-Glover called the names of those on the list that had not spoken previously.

**1:18:43** – LRP Howsley-Glover offered an opportunity for those who were not registered but would like to give comment:

**1:19:47** - Joseph Pearson.

**1:20:34** - John Pearson, 1000 Wilson Rd, Mosier.

**1:23:15** - Director Brewer replied to Mr. John Pearson's question and comments.

---



**1:24:37** - Vicki Ashley, Bakeoven – (Beginning audio inaudible).

**1:25:48** - LRP Howsley-Glover called for any others to speak.

**1:26:40** - Kathy Cantrell, 81692 Dufur Valley Rd. (Beginning Audio inaudible)

**1:47:42** - LRP Howsley-Glover responded to Ms. Cantrell's request.

**1:31:04** – Amanda Meeker.

**1:13:14** - LRP Howsley-Glover responded to Ms. Meekers's request.

**1:31:38** - Jayme Hunt, 6670 Boyd Loop Rd.

**1:32:17** - LRP Howsley-Glover responded to Ms. Hunt's comment.

**1:33:34** - LRP Howsley-Glover asked for any other comment. There were none.

**1:33:58** - LRP Howsley-Glover noted outline of future Planning Commission and Board of County Commissioner meetings and ways to submit public comment. She thanked everyone for their participation.

**1:35:50** - LRP Howsley-Glover called again for comments.

Director Brewer noted Commissioner Willis had her hand raised. Commissioner Willis's audio was inaudible. Commissioner Willis called in to state that it was unintentional and please disregard.

**1:37:08** – Director Brewer statement on presentation. She also thanked everyone for their participation.

**1:38:16** - Chair Schanno thanked LRP Howsley-Glover. He stated the Hearing will be continued until September 15 and the record will remain open. There will be a chance to comment until that time, via mail or email. There will also be an opportunity to submit comment at the September 15<sup>th</sup> Hearing.

#### **APPROVAL OF PAST MINUTES:**

**1:38:50** - Chair Schanno called for comments on the Minutes from May 5, 2020.

Commissioner MacIntyre made a motion to approve the Minutes of May 5, 2020. Commissioner Willis seconded.

**1:39:18** – Chair Schanno asked for discussion. There were no comments.

**1:39:26** - Chair Schanno called for the vote.

**The motion was approved 7 to 0; (1 Absent – Commissioner DeHart;)**

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Schanno – yes  
Vice Chair MacIntyre – yes  
Commissioner Hargrave – yes  
Commissioner DeHart – absent  
Commissioner Ashley –yes  
Commissioner Davis – yes  
Commissioner Willis – yes  
Alternate Booth – yes  
Alternate Swift – not voting.

**1:39:46 - Director Brewer's** Report.

**1:44:27 - Chair Schanno** called for a motion to adjourn.

**1:44:32 - Commissioner Booth** motioned to adjourn. **Commissioner Macintyre** seconded. All in favor.  
Hearing was adjourned at 4:47 pm.

---

Chris Schanno, Chair  
Wasco County Planning Commission

---

Angie Brewer, Director  
Wasco County Planning & Development

“Planning Department”



# Wasco County 2040 Updates

# Overview

- **Revisions Process Chapter**
- **Goal Exceptions Chapter**
- **Introduction**

# Chapter 15: Plan Revisions Process

- Previously Chapter 11
- New format
- Move definitions to sidebar
- Renumber criteria
- Add a finding

# Chapter 15 Purpose

- Criteria for updates (what we use in staff reports)

# Chapter 16: Goal Exceptions

- What is a Goal Exception/Committed Lands?
  - Land designated for non-resource use (not farm or forest)
  - Committed lands meet criteria for being committed to non-resource/exempting them from Goals 3 or 4

# Chapter 16: Goal Exceptions

- Previously Chapter 13
- New format
- Distinguish NSA lands
- Revise format based on statutory requirements/DLCD consultation

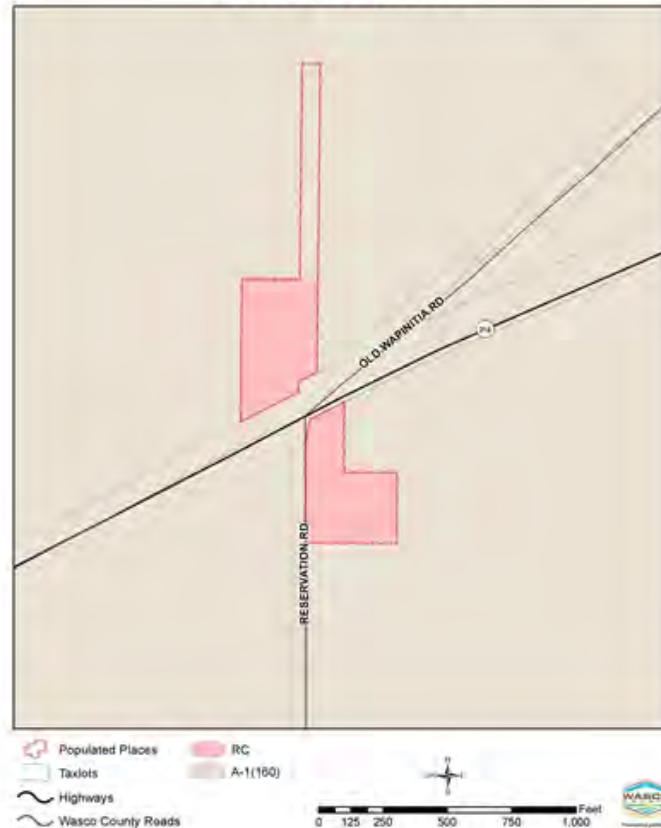


# Chapter 16 Purpose

- As committed lands inventory required by OAR 660-004
- Research for development applications

## ATTACHMENT A

### WALTER'S CORNER



Map with consistent colors, updated parcels

Updated map and taxlot(s)

**Walter's Corner**  
**5S 12E 13, 14, 23, 24**

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: Various (RC and A-1(160))

Current Zoning: Various (RC and A-1(160))

Date Approved: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Walter's Corner is a small pocket of commercially zoned property on OR-216 that has traditionally housed a gas station and convenience store. Surrounding property is Exclusive Farm Use.

Past and current zoning

Date/method of approval

Brief description/reason for exception

# Introduction Chapter

- New Chapter
- Includes:
  - Overview
  - History of Planning in Wasco County
  - Wasco County Zoning History
  - Legal Framework
  - Statewide Planning Goals
  - Components of the Comprehensive Plan
  - Plan Development Process
  - Using the Plan
  - Future Updates, Revising the Map and Inventories
  - Purpose Definitions of Map Classifications on the Comprehensive Plan Map
  - Definitions on Existing Land Use Maps
  - Adopted by Reference
  - Values and Vision
  - Definitions

“Planning Department”



# Wasco County 2040 Updates

# Overview

- **Work Task 18 (Sensitive Wildlife/Goal 5)**
- **Goals 4 (Forest Lands) & 8 (Recreation)**

# Work Task 18: Goal 5

- Update EPD 8 (Sensitive Wildlife Habitat)
- Update EPD 12 (Sensitive Birds)
- Update Policies/Implementation
- Update Ordinance language for EPD 8

# Why Make These Updates

- Periodic Review Requirement
- Make maps consistent with ODFW's, which are already used for CUPs
- Streamline existing permitting process

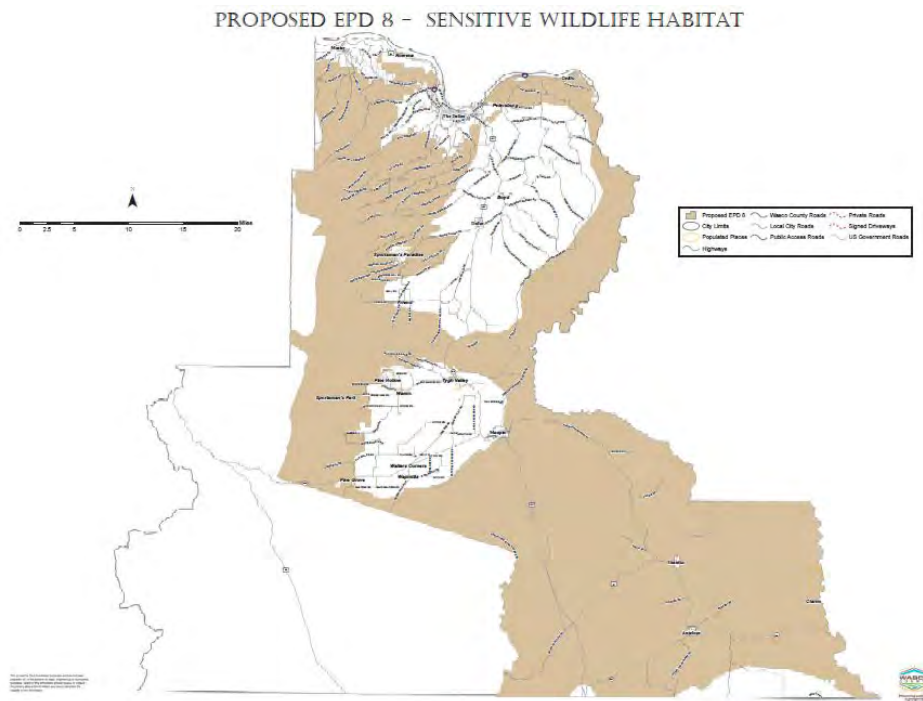
# Why Update Now?

- OAR 660-023-0250 requires at Periodic Review to amend Comp Plan if new information about inventories is provided during work plan development
- Required by OAR 660-023-0110 (2) to obtain current habitat inventory from ODFW and others
- Rule OAR 660-023-0110 (4)(a-e) required we rely on this info

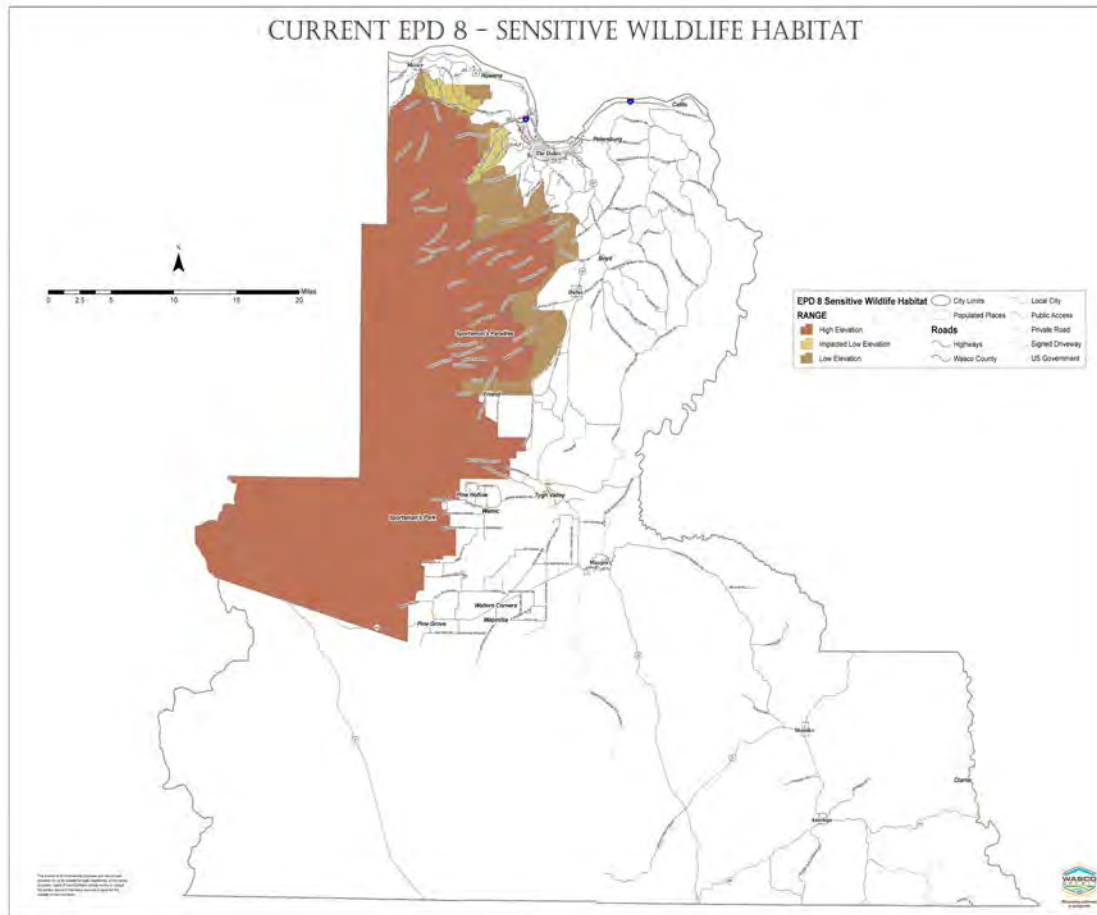


# EPD 8 Map

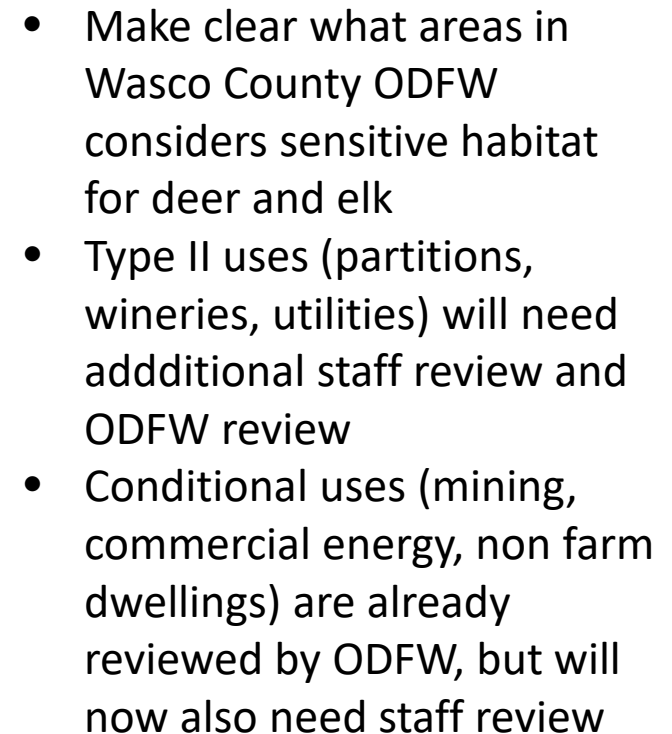
- Map modified to match ODFW Compass Map



# Net Result for Existing EPD-8 Areas



- Adding exempt uses (like farm use, farm dwellings)
- Removing voluntary siting standards
- Removing fencing standards
- Removing additional notification requirements that are redundant



# What Happens During Review?

- ODFW might recommend development modifications like moving site
- ODFW might recommend mitigation measures
- Staff is required to make findings in the staff report about ODFW recommendations and how those mitigate impact to wildlife

# EPD 12

- Update map with new nesting sites, removed old/nonviable sites (from 2005)
- Map is confidential
- Notified individual property owners impacted
- This EPD already exempts farm/forest practices and uses

# Ordinance Language for EPD 8

## **Section 3.924 – Exempt Uses**

All uses permitted without review in the underlying zone are exempt from provisions and siting standards in this Section.

All uses in A-1 (160) that are permitted subject to Type I Review are exempt from provisions and siting standards in this Section.

Farm dwellings, accessory farm dwellings, and relative farm dwellings in A-1 (160) are exempt from provisions and siting standards in this Section but still require notice to ODFW consistent with subject to standards review.

# Ordinance Language for EPD 8

- Remove “Permitted Uses” and “Conditional Uses” for clarity.
- Remove fencing standards
- Remove “Other Provisions”
- Modify Siting standards for clarity:

## **Section 3.925 - Siting Standards**

Within EPD-8, subject to standards uses permitted in the underlying zone are subject to notice to and comment from the Oregon Department of Fish and Wildlife.

Within EPD-8, conditional uses permitted in the underlying zone are subject to notice and comment from the Oregon Department of Fish and Wildlife. This includes conditional use requirements per Section 5.020 F.

Within EPD-8, the following siting standards shall be applied as a condition of approval for all new dwellings in all zones not exempt under Section 3.924



## Goal 4 (Forest Lands)

- Focused on updating language to be consistent with current practice
- Made wildfire recommendations consistent with CPAW and CWPP



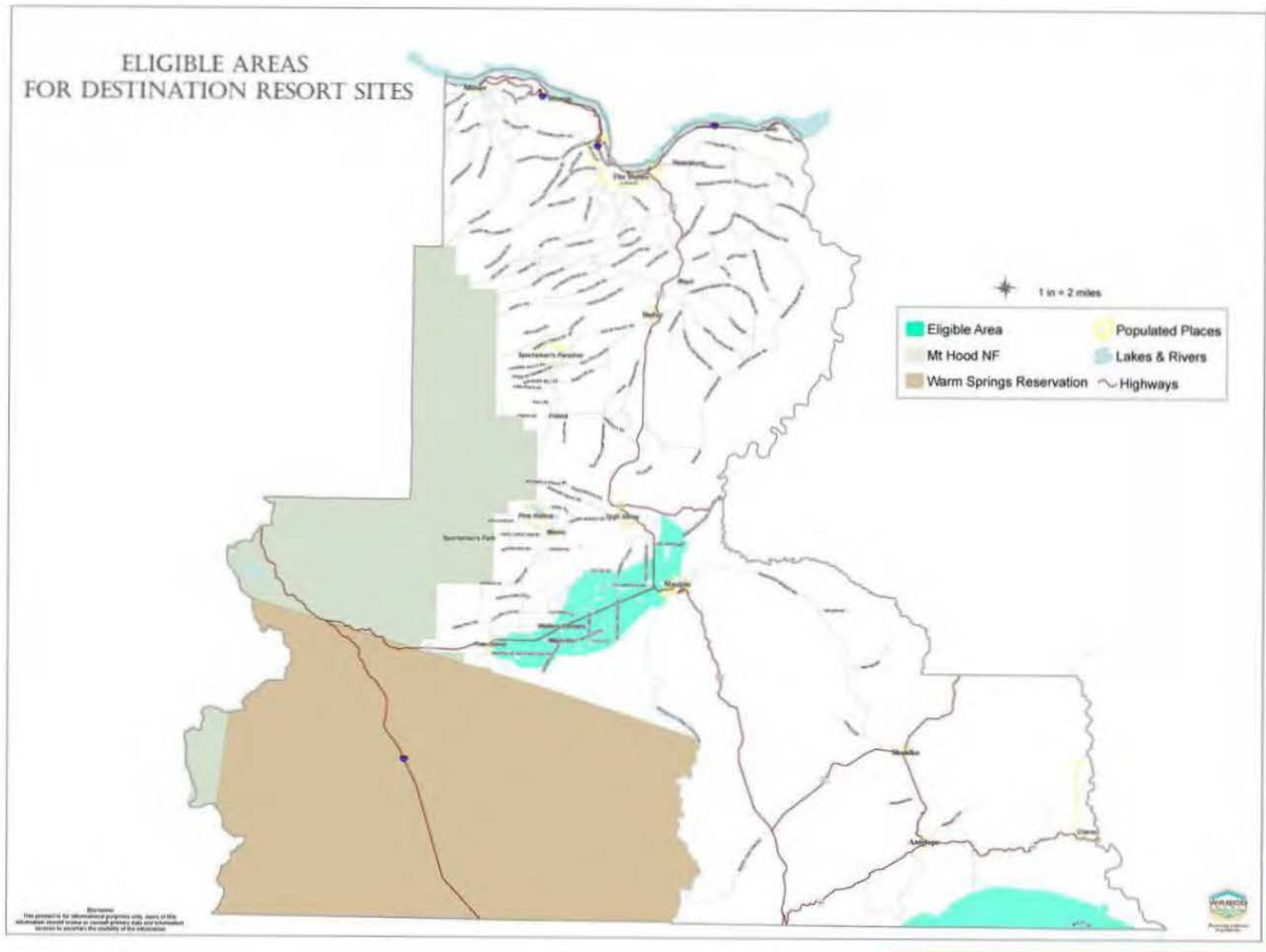
## Goal 4 (Forest Lands)

- Flag: Policy 5 was a scrivener error/repeated from Policy 4. Existing policy 5 is: *Dwellings should be permitted on lands owned prior to extensive implementation of Goal 4 protection (Jan. 1985) where consistent with the Transition Lands Study Area study dated September 17, 1997.*

## Goal 8 (Recreation)

- Identify community planning issues
- Make outreach, notifications, and coordination transparent
- Adopt destination resort eligibility map

## ATTACHMENT B



# Why Adopt a Destination Resort Eligibility Map?

- A new opportunity for economic development for eligible property owners
- Reduce staff time spent answer eligibility queries

# Destination Resort Eligibility Map

What it Does	What it DOES NOT DO:
Shows where, given state law perimeters, destination resorts could be permitted in Wasco County	Permit a destination resort
For eligible properties, allow for potential for a new use (destination resort)	Waive any permitting process or requirements for a destination resort
	Eliminate opportunities for modification to the map

# Destination Resort Eligibility Map

- Eligibility map does NOT equal a permit
- If a property owner wants to develop a destination resort they will need to apply for a permit
- At the time of permit, partners will be invited to comment on things like fire, water, roads, etc

# Destination Resort Next Steps

- Adopt EPD 15 standards/criteria/regulations, consistent with state law during our 2021-2022 LUDO Update
- Public will be invited to evaluate state criteria and make comment about possible additional standards/regulations

# Additional Goal 5 Updates

- Switched from Historical Landmarks Commission to Planner Director for review
- Modified aggregate/mining language to clarify based on OARs



# Other Edits

- Slightly modified format to make findings endnotes
- Removed two column format throughout policy section



**WASCO COUNTY PLANNING COMMISSION HEARING**

**September 15, 2020**

**3:00 p.m.**

**Presented via Zoom:**

**<https://wascocounty-org.zoom.us/j/88581010184?tk=DsEAE0tXAU5sICgrSMzeBVZExosYDT1uDI7fW1mhmo8.DQIAA>**  
**[AAUn9bzCBZNY0RUZ2phdFFOdTJ0ZnlvZkpjSXd3AAAAAAAAAAAAAAAAAAAAAAAAAAAA](#)**

**by phone: 1 (253) 215 8782**

**Meeting ID: 885 8101 0184**

**CALL TO ORDER**

**ROLL CALL:**

**Members Present:** Chair Chris Schanno; Vice Chair Lynne MacIntyre; Mike Davis; Vicki Ashley; Russell Hargrave; Kate Willis; Alternate LeRoy Booth; Alternate Marcus Swift

**Absent Members:** Brad DeHart

**Staff Present:** Planning Director Angie Brewer and Long Range Planner Kelly Howsley-Glover

**Oregon Department of Fish and Wildlife (ODFW) Staff Present:** Jeremy Thompson and Joy Vaughn

**Chair Schanno** recognized **Alternate Booth** as a voting member for today's session.

**3:11 Chair Schanno** announcement on meeting protocol.

**PUBLIC COMMENT ON NON-AGENDA ITEMS:**

**4:06 Chair Schanno** asked for comments on non-agenda items. There were none.

**PLANNING COMMISSION HEARING:**

**4:44 Chair Schanno** opened the hearing at 3:12 p.m.

**Chair Schanno** opened the hearing in the following manner: These hearings are a continuance from September 1, 2020. Based on public request, we have separated the two Ordinances into two separate hearings for clarity. The public hearing is now open for the purpose of the Planning Commission's consideration of land use application file **921-18-000221, Periodic Review Work Task 18, 921-19-000126, a Post Acknowledgment Plan Amendment to revise Goals 4 & 8.**

**5:24 Chair Schanno** stated the procedure he would like to follow:

- Planning Department Staff will present their report.
- Provide an opportunity for the public to testify
- The hearing is scheduled for 2 hours. We will try to conclude the hearing by 5:00pm. Testimony will be limited to 3 minutes. Staff will time each comment period and mute when the 3 minutes have expired.

**5:54** The Rules of Evidence

**6:57** Disclosure of Interest of Ex Parte Contact

**7:20 Commissioner Ashley** stated that several residents of Juniper Flat contacted her.

**7:44 Chair Schanno** asked for guidance from **Director Brewer**.

**7:45 Director Brewer** asked **Commissioner Ashley** if she felt she could be impartial.

**7:53 Commissioner Ashley** stated that she could.

**8:33 Chair Schanno** asked for any audience challenges to authority/hearing.

**8:58 Chair Schanno** called for the staff presentation.

**9:06 LRP Howsley-Glover** presented on Ordinance 20-001 (Attachment A)

**36:30 Chair Schanno** asks if any members of the Commission have questions for **LRP**.

**36:35 Commissioner Booth** asks **LRP** about safe harbor, related to Goal 5.

**36:47 LRP Howsley-Glover** explains safe harbor and the resource protection methods.

**38:38 Commissioner Booth** asks **LRP** for confirmation that the safe harbor method was used.

**38:41 LRP Howsley-Glover** confirms the safe harbor method was used.

**38:45 Commissioner Booth** asks if we know how ODFW determines sensitive wildlife habitat and how frequently that information is updated.

**39:00 LRP Howsley-Glover** acknowledges ODFW representatives and invites them to respond directly.

**39:13 ODFW Thompson** explains data sources and the timelines for updates.

**40:06 Commissioner Booth** asks for confirmation of timelines.

**40:12 ODFW Thompson** clarifies the timelines.

**40:50 Commissioner Ashley** states she has a question.

**40:53 Chair Schanno** recognizes **Commissioner Ashley**.

**40:55 Commissioner Ashley** asks **ODFW** a question about Columbia District being omitted and asks **LRP** about the destination resort eligibility map and impacts to White River Wildlife area.

**41:32 ODFW Thompson** answers the Columbia District question.

**42:08 LRP Howsley-Glover** speaks to setbacks related to proposed EPD-15.

**43:14 Chair Schanno** asks for additional questions. Hearing none, he calls for public comment.

Public Comment:

**43:40 LRP Howsley-Glover** announces the first three names signed up to testify.

**44:22 Nicole Chaisson** – No response when called.

**44:42 Brit Storkson**- No response when called.

**45:01 Kristin Currin** – stated she had no comments at this time.

**45:23 Tom Peters** – stated he had no comments at this time.

**45:32 Elizabeth Turner** –No response when called.

**45:57 John Pearson** – Made statements regarding concerns about notifications and property rights.

**47:07 Sheila Dooley** – Made comments related to wildfire and support for amendments to Goal 4.

**48:58 Jill Barker** – Made statements in support of amendments to Goal 4 and against expansion of residential uses in forest lands. Asked a question related to rural fire district contracts.

**51:18 LRP Howsley-Glover** answered question.

**52:21 Director Brewer** encourage **Ms. Barker** to contact staff outside of the hearing.

**52:49 Shilah Olson** – Representing SWCD, stated support for agricultural exemptions and wish to continue offering exemptions for voluntary natural resource conservation and enhancement.

**54: 47 John Gill** – Expressed concerns about EPD-8 asked a question about language.

**55:34 LRP Howsley-Glover** asks for clarity of question and then explains current EPD-8 language.

**56:07 John Gill** asks about variances to the 300 ft. siting rule.

**56:10 LRP Howsley-Glover** confirms there is a variance option when working with ODFW over 300 ft. siting rule.

**56:16 John Gill** makes a statement about elk populations and hunting tags.

**57:18 LRP Howsley-Glover** calls again for those who signed up to testify but did not respond.

**57:21 Chair Schanno** requests that all public comments are limited to matters related to the criteria and not use the time for questioning staff.

**57:48 LRP Howsley-Glover** resumes calls for those who signed up to testify but did not respond.

**58:03 Kristin Currin-** No comment at this time.

**58:14 LRP Howsley-Glover** continues to call for those who signed up to testify but did not respond and then invites callers on the phone to unmute themselves to testify.

**58:40 Lanny Metteer** – Requests staff prepare a two page synopsis for proposed revisions.

**1:00:58 Kathleen Cantrell** – Asked a question.

**1:01:23 LRP Howsley-Glover** states that Chair has directed staff not to answer any more questions.

**1:01:29 Kathleen Cantrell-** States that she is frustrated by the public comment allowances.

**1:02:15 LRP Howsley-Glover** calls for any additional comment. Hearing none asks Chair to give one last call for public comment.

**1:02:52 Chair Schanno** gives one last call for public comment.

**1:03:18 Chair Schanno** asks if Commission members have any questions for commenters.

**1:03:49 Chair Schanno** closes the public hearing and opens for Commissioner deliberation.

**1:04:31 Chair Schanno** asks for any motions.

**1:04:36 Commissioner McIntyre** makes a motion to recommend approval by the Board of County Commissioners.

**1:05:04 Commissioner Ashley** asks for discussion

**1:05:11 Commissioner McIntyre** calls point of order, needing second before discussion.

**1:05:22 Commissioner Booth** states he has a question.

**1:05:28 Chair Schanno** asks for a second first.

**1:05:32 Commissioner Davis** calls point of order, states he will second **Commissioner McIntyre's** motion.

**1:05:43 Chair Schanno** asks **Commissioner McIntyre** to restate the motion.

**1:05:53 Commissioner McIntyre** restates the motion.

**1:06:02 Commissioner Davis** seconds the motion.

**1:06:07 Chair Schanno** opens up for discussion, recognizes **Commissioner Ashley**.

**1:06:21 Commissioner Ashley** requests that the Planning Commission not adopt proposed EPD-15, the Destination Resort Eligibility Map based on public feedback she heard directly.

**1:06:50 Chair Schanno** recognizes **Commissioner Booth**.

**1:06:54 Commissioner Booth** wanted clarification on which Ordinance the motion referenced.

**1:07:06 Commissioner McIntyre** clarifies.

**1:07:10 Commissioner Booth** asks for further clarification.

**1:07:14 Commissioner Hargrave** further clarifies.

**1:07:33 Commissioner Booth** restates his question.

**1:07:48 Director Brewer** clarifies this hearing relates to Ordinance 20-001.

**1:08:01 Chair Schanno** asks **LRP Howsley-Glover** for clarification about **Commissioner Ashley's** request.

**1:08:38 LRP Howsley-Glover** clarifies **Commissioner Ashley's** request.

**1:08:56 Chair Schanno** asks for clarifications about proposed EPD-15 from staff.

**1:09:35 LRP Howsley-Glover** confirms that it is a tool to illustrate eligibility.

**1:09:55 Commissioner Booth** asks for confirmation that one of the criteria for eligibility is absence of high value farm land.

**1:10:09 LRP Howsley-Glover** confirms and explains the eligibility criteria in brief.

**1:10:57 Commissioner Ashley** disagrees that they are not high value.

**1:11:01 LRP Howsley-Glover** clarifies that the eligible properties are not considered high value farmland based on statewide definitions of high value farmland.

**1:11:08 Director Brewer** reminds Commissioners they have the ability to modify the map, and did so previously based on agricultural, water, and fire concerns of community members and reiterates the purpose of the map.

**1:12:19 Commissioner Ashley** asks to make a further statement.

**1:12:27 Chair Schanno** recognizes **Commissioner Ashley**.

**1:12:29 Commissioner Ashley** states that production rather than soil types should be considered.

**1:12:48 Chair Schanno** asks staff for clarification on who determines high value farmland.

**1:12:57 LRP Howsley-Glover** confirms high value farmland is determined by state law.

**1:13:00 Commissioner Davis** states that EPD-8 limits the destination resorts, and states the map showcases eligibility not approval. **Commissioner Davis** recommends approval of the eligibility map as presented.

**1:14:38 Chair Schanno** asks for any additional discussion of the motion.

**1:14:44 Commissioner Booth** asks if it will be modified to reflect reference to Ordinance 20-001.

**1:14:55 Chair Schanno** confirms that can be done and calls for a vote.

**1:15:43 Commissioner Ashley** asks for clarification on which they are voting on.

**1:15:47 Chair Schanno** clarifies what the vote is for.

**1:15:58 LRP Howsley-Glover** further clarifies the specific elements of Ordinance 20-001.

**1:16:16 Director Brewer** asks if the Chair would like her to call for a vote.

**1:16:20 Chair Schanno** indicates he is ready for the vote.

**1:16:29 Director Brewer** calls roll for a vote.

**The motion was approved 6 to 1; (1 Absent – Commissioner DeHart)**

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Schanno – Yes

Vice Chair McIntyre-Yes

Commissioner Ashley – No

Commissioner DeHart – absent

Commissioner Hargrave – Yes

Commissioner Davis – Yes

Commissioner Willis - Yes

Commissioner Booth –Yes

Alternate Swift - NA

**1:17:21 Chair Schanno** reads the BOCC hearing dates, closes the hearing and calls for an eight minute recess.

**1:28:40 Chair Schanno** opened the second hearing in the following manner: These hearings are a continuance from September 1, 2020. Based on public request, we have separated the two Ordinances into two separate hearings for clarity. The public hearing is now open for the purpose of the Planning Commission's consideration of land use application file **921-20-000072, a Post Acknowledgment Plan Amendment to revise the Plan Revisions Process and Goal Exception Chapters and adopt a new Introduction to Wasco County 2040, the Wasco County Comprehensive Plan.**

**1:29:10 Chair Schanno** states the procedure of the hearing.

**1:29:37** The Rules of Evidence.

**1:30:28** Disclosure of Interest of Ex Parte Contact.

**1:30:57 Chair Schanno** asked for any audience challenges to authority/hearing.

**1:31:32 Chair Schanno** called for the staff presentation.

**1:31:38 LRP Howsley-Glover** gives presentation (see Attachment B)

**1:41:48 Chair Schanno** calls for questions of the staff. Hearing none, asks for **LRP** to call for testimony.

**1:42:12 LRP Howsley-Glover** states only one person has signed up to testify.

**1:42:28 Tom Peters** – States he has no specific comment, only that it is a large packet that is hard to follow.

**1:42:56 Chair Schanno** asks **LRP** if anyone else has signed in to testify

**1:43:00 LRP Howsley-Glover** states there were no additional registered commenters, invites additional comments from public. There were no additional commenters.

**1:43:46 Chair Schanno** closes the hearing and invites deliberation.

**1:44:31 Commissioner Booth** makes a motion to adopt the amendments.

**1:44:40 Both Commissioner Ashley and Commissioner Davis** moved to second.

**1:44:45 Chair Schanno** restates the motion and **Commissioner Ashley's** second. Opens for discussion. Hearing none, asks for **Director Brewer** to call roll for a vote.

**1:45:25 Director Brewer** calls roll for a vote.



**The motion was approved 7 to 0; (1 Absent – Commissioner DeHart)**

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Schanno – Yes

Commissioner McIntyre-Yes

Commissioner Ashley – Yes

Commissioner Hargrave – Yes

Commissioner DeHart – Absent

Commissioner Davis – Yes

Commissioner Willis - Yes

Commissioner Booth –Yes

Alternate Swift - NA

**1:46:47 Chair Schanno** recommends approval of amendments to the Board of County Commissioners and closes the hearing.

**APPROVAL OF PAST MINUTES:**

**1:47:24 Chair Schanno** invites discussion for approval of minutes from September 1, 2020.

**1:47:35 Commissioner Ashley** moves to approve the minutes.

**1:47:40 Commissioner Davis** seconds the motion.

**1:47:45 Chair Schanno** calls for a vote by “Ayes”. The motion passes unanimously. **Chair Schanno** asks for the Director’s Report.

**1:48:39 Director Brewer** states she does not have a Director’s Report, but expresses her thanks for the Commission’s dedication to updating the Comprehensive Plan over the last several years.

**1:51:59 Chair Schanno** asks for a motion to adjourn.

**1:52:04 Commissioner McIntyre** moves to close and **Commissioner Ashley** seconds.

**1:52:12 Chair Schanno** calls for a vote. It is unanimous. The meeting is adjourned.

---

Chris Schanno, Chair  
Wasco County Planning Commission

---

Angie Brewer, Director  
Wasco County Planning & Development

“Planning Department”



# Wasco County 2040 Updates

# Overview

**Ordinance 20-001 is to update the Comprehensive Plan with the following Chapters:**

- **Goal 5 (Natural Resources, Scenic, and Historic Areas and Open Spaces)**
- **Goal 4 (Forest Lands)**
- **Goal 8 (Recreation)**

**Revisions to the following maps:**

**Environmental Protection District (EPD) 8**

**EPD 12**

**And the addition of a new map**

**Destination Resort Eligibility (EPD 15)**

# Work Task 18: Goal 5

- Update EPD 8 (Sensitive Wildlife Habitat)
- Update EPD 12 (Sensitive Birds)
- Update Policies/Implementation
- Update Ordinance language for EPD 8

# Why Make These Updates

- Periodic Review Requirement
- Make maps consistent with ODFW's, which are already used for CUPs
- Streamline existing permitting process

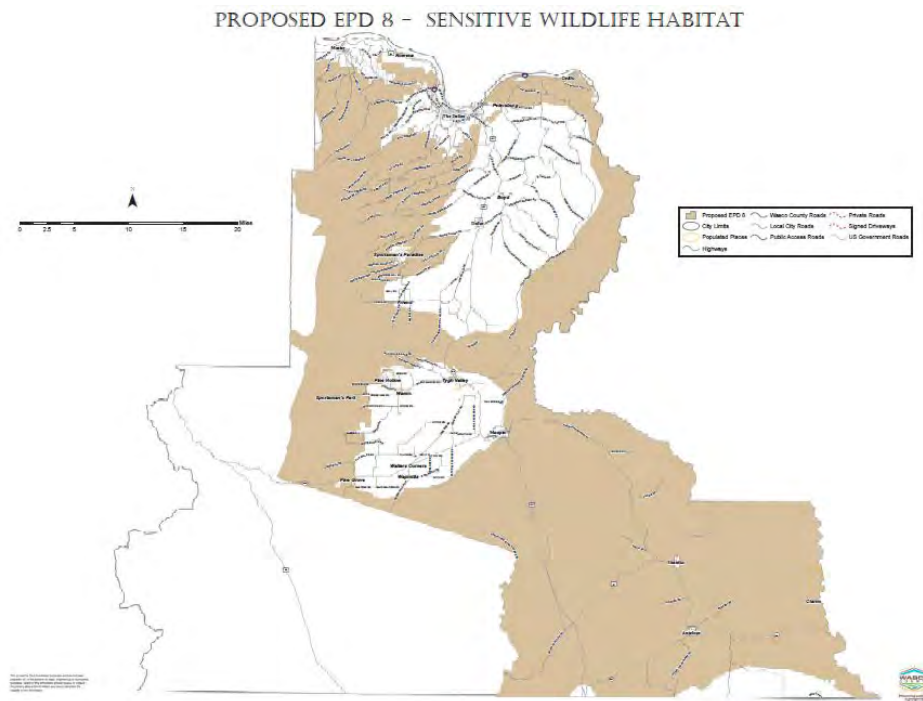
# Why Update Now?

- OAR 660-023-0250 requires at Periodic Review to amend Comp Plan if new information about inventories is provided during work plan development
- Required by OAR 660-023-0110 (2) to obtain current habitat inventory from ODFW and others
- Rule OAR 660-023-0110 (4)(a-e) required we rely on this info

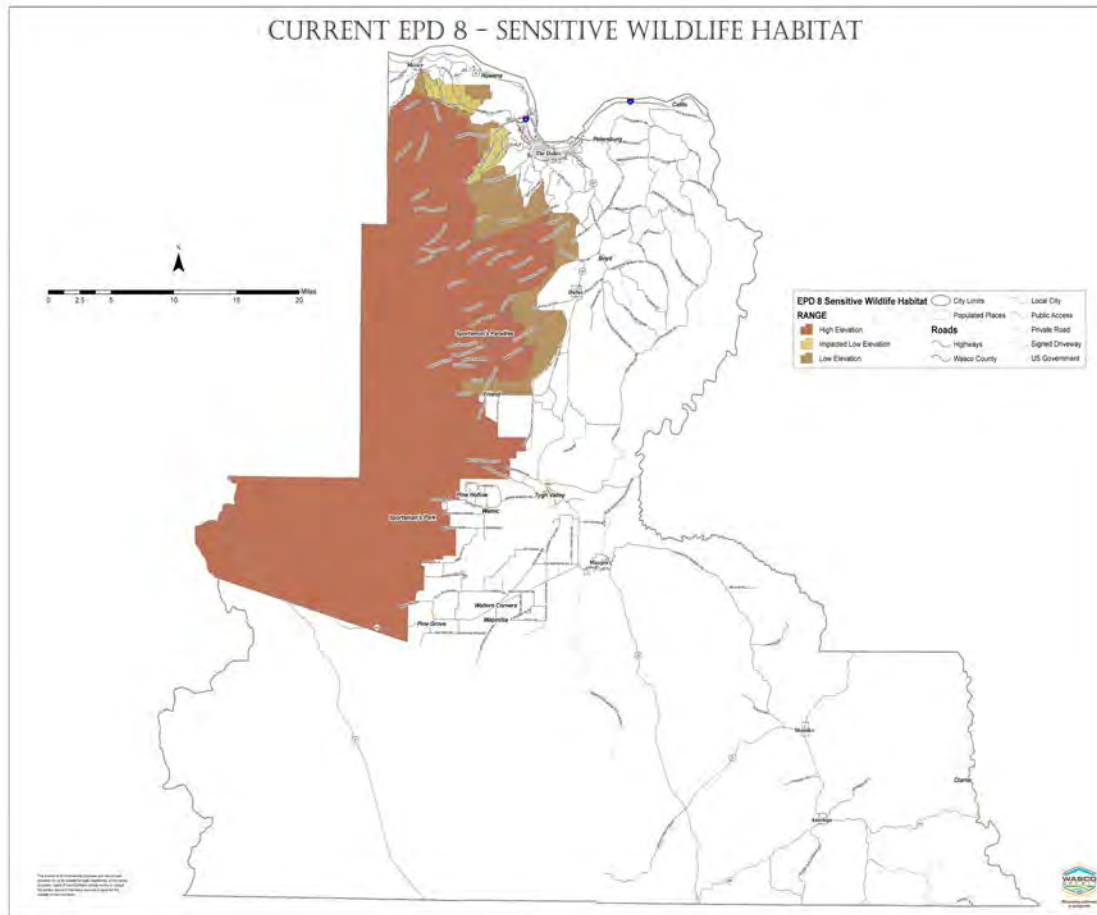


# EPD 8 Map

- Map modified to match ODFW Compass Map

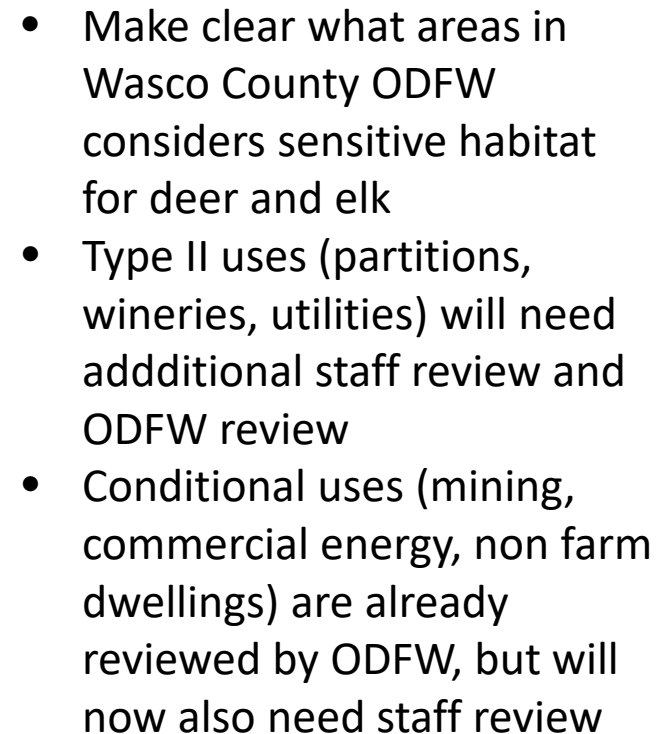


# Net Result for Existing EPD-8 Areas



- Adding exempt uses (like farm use, farm dwellings)
- Removing voluntary siting standards
- Removing fencing standards
- Removing additional notification requirements that are redundant





# What Happens During Review?

- ODFW might recommend development modifications like moving site
- ODFW might recommend mitigation measures
- Staff is required to make findings in the staff report about ODFW recommendations and how those mitigate impact to wildlife

# EPD 12

- Update map with new nesting sites, removed old/nonviable sites (from 2005)
- Map is confidential
- Notified individual property owners impacted
- This EPD already exempts farm/forest practices and uses

# Ordinance Language for EPD 8

## **Section 3.924 – Exempt Uses**

All uses permitted without review in the underlying zone are exempt from provisions and siting standards in this Section.

All uses in A-1 (160) that are permitted subject to Type I Review are exempt from provisions and siting standards in this Section.

Farm dwellings, accessory farm dwellings, and relative farm dwellings in A-1 (160) are exempt from provisions and siting standards in this Section but still require notice to ODFW consistent with subject to standards review.

# Ordinance Language for EPD 8

- Remove “Permitted Uses” and “Conditional Uses” for clarity.
- Remove fencing standards
- Remove “Other Provisions”
- Modify Siting standards for clarity:

## **Section 3.925 - Siting Standards**

Within EPD-8, subject to standards uses permitted in the underlying zone are subject to notice to and comment from the Oregon Department of Fish and Wildlife.

Within EPD-8, conditional uses permitted in the underlying zone are subject to notice and comment from the Oregon Department of Fish and Wildlife. This includes conditional use requirements per Section 5.020 F.

Within EPD-8, the following siting standards shall be applied as a condition of approval for all new dwellings in all zones not exempt under Section 3.924

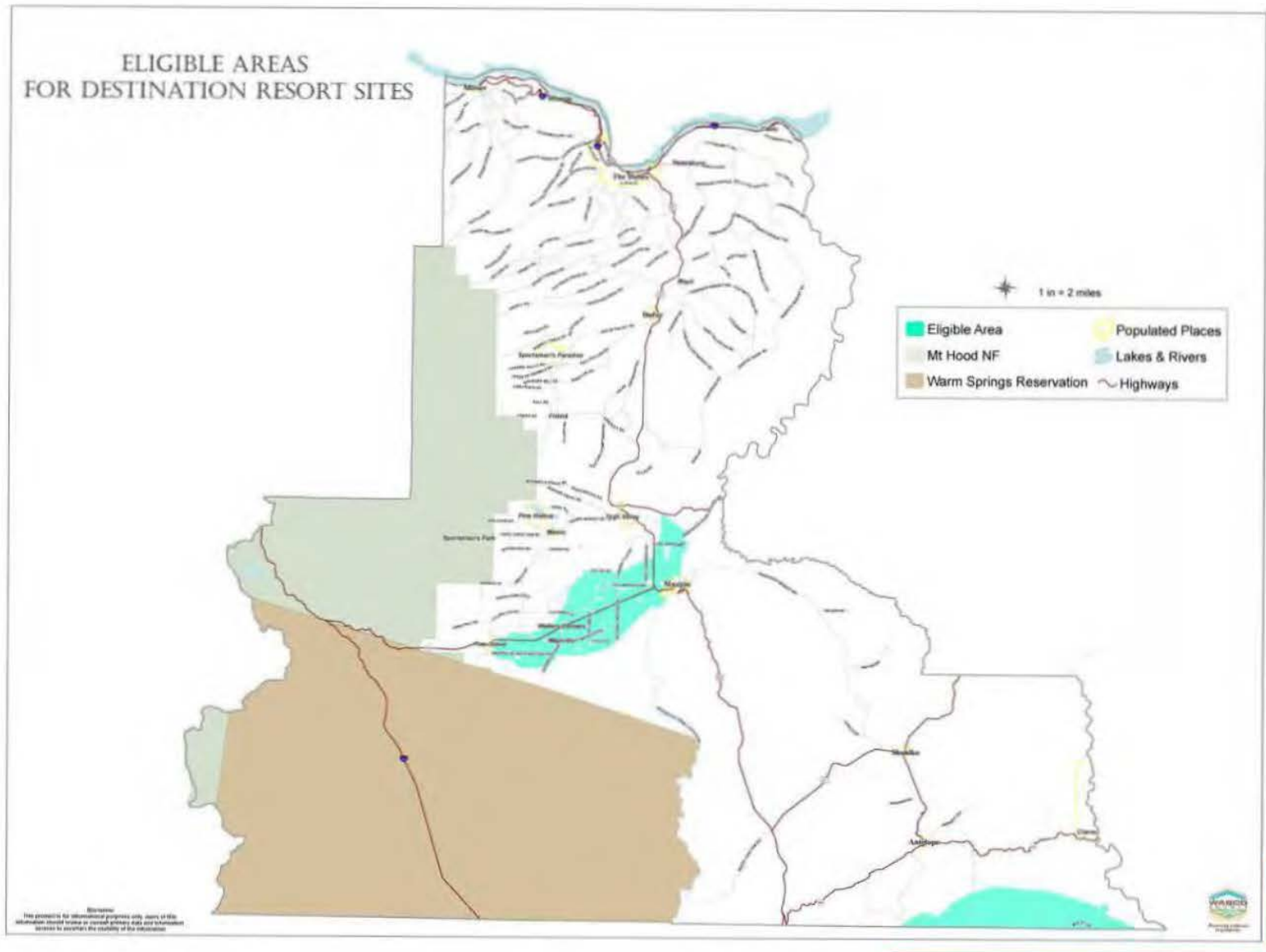
## Goal 4 (Forest Lands)

- Focused on updating language to be consistent with current practice
- Made wildfire recommendations consistent with CPAW and CWPP

## Goal 8 (Recreation)

- Identify community planning issues
- Make outreach, notifications, and coordination transparent
- Adopt destination resort eligibility map

# ATTACHMENT A





# Why Adopt a Destination Resort Eligibility Map?

- A new opportunity for economic development for eligible property owners
- Reduce staff time spent answer eligibility queries

# Destination Resort Eligibility Map

What it Does	What it DOES NOT DO:
Shows where, given state law perimeters, destination resorts could be permitted in Wasco County	Permit a destination resort
For eligible properties, allow for potential for a new use (destination resort)	Waive any permitting process or requirements for a destination resort
	Eliminate opportunities for modification to the map

# Destination Resort Eligibility Map

- Eligibility map does NOT equal a permit
- If a property owner wants to develop a destination resort they will need to apply for a permit
- At the time of permit, partners will be invited to comment on things like fire, water, roads, etc

# Destination Resort Next Steps

- Adopt EPD 15 standards/criteria/regulations, consistent with state law during our 2021-2022 LUDO Update
- Public will be invited to evaluate state criteria and make comment about possible additional standards/regulations

# Additional Goal 5 Updates

- Switched from Historical Landmarks Commission to Planner Director for review
- Modified aggregate/mining language to clarify based on OARs

# Other Edits

- Slightly modified format to make findings endnotes
- Removed two column format throughout policy section

“Planning Department”



# Wasco County 2040 Updates

# Overview

**Ordinance 20-004 is to update the Comprehensive Plan with the following Chapters:**

- **Revisions Process**
- **Goal Exceptions**
- **Introduction**



# Chapter 15: Plan Revisions Process

- Previously Chapter 11
- New format
- Move definitions to sidebar
- Renumber criteria
- Add a finding

# Chapter 15 Purpose

- Criteria for updates (what we use in staff reports)

# Chapter 16: Goal Exceptions

- What is a Goal Exception/Committed Lands?
  - Land designated for non-resource use (not farm or forest)
  - Committed lands meet criteria for being committed to non-resource/exempting them from Goals 3 or 4

# Chapter 16: Goal Exceptions

- Previously Chapter 13
- New format
- Distinguish NSA lands
- Revise format based on statutory requirements/DLCD consultation

# Chapter 16 Purpose

- As committed lands inventory required by OAR 660-004
- Research for development applications

ATTACHMENT B  
WALTER'S CORNER



Map with consistent colors, updated parcels

Updated map and taxlot(s)

Walter's Corner  
SS 12E 13, 14, 23, 24

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: Various (RC and A-1(160))

Current Zoning: Various (RC and A-1(160))

Date Approved: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Walter's Corner is a small pocket of commercially zoned property on OR-216 that has traditionally housed a gas station and convenience store. Surrounding property is Exclusive Farm Use.

Past and current zoning

Date/method of approval

Brief description/reason for exception

# Introduction Chapter

- New Chapter
- Includes:
  - Overview
  - History of Planning in Wasco County
  - Wasco County Zoning History
  - Legal Framework
  - Statewide Planning Goals
  - Components of the Comprehensive Plan
  - Plan Development Process
  - Using the Plan
  - Future Updates, Revising the Map and Inventories
  - Purpose Definitions of Map Classifications on the Comprehensive Plan Map
  - Definitions on Existing Land Use Maps
  - Adopted by Reference
  - Values and Vision
  - Definitions



**WASCO COUNTY PLANNING COMMISSION NOTICE OF RECOMMENDATION  
TO THE BOARD OF COUNTY COMMISSIONERS**

**FILE NUMBERS: 921-18-000221, 921-19-000126, 921-20-000072**

---

**HEARING DATE: SEPTEMBER 15, 2020**

---

**DECISION DATE: SEPTEMBER 15, 2020**

---

**YOU ARE RECEIVING THIS NOTICE BECAUSE YOU RECENTLY PARTICIPATED IN THE PLANNING COMMISSION HEARING. THIS NOTICE WAS EMAILED OR MAILED TO ADDRESS PROVIDED TO STAFF DURING THE PROCEEDINGS, ON SEPTEMBER 16, 2020, 21 DAYS BEFORE THE BOARD OF COUNTY COMMISSIONER HEARING IS SCHEDULED TO OCCUR.**

**DESCRIPTION OF AMENDMENTS:** As part of Periodic Review for the Comprehensive Plan Update, Wasco County Planning Staff proposed amendments to Wasco County 2040 Chapters 5 and Comprehensive Plan Zoning Maps for EPD-8 and EPD-12. These were related to Periodic Review Work Task 18.

The proposed revisions were to adopt updates to EPD 8 and EPD 12 maps with current data from ODFW to be in compliance with Goal 5, as required by law. Revisions were also made to the Chapter 5 (Goal 5) text, including corrections to language and/references, the addition of ESEE Analysis to the Appendix, and revisions to implementation strategies related to Mineral and Aggregate Resources, Sensitive Wildlife, and Historic Resources.

To complete a Comprehensive Update of Wasco County 2040, staff also submitted Post Acknowledgment Plan Amendments related to File numbers 921-19-000126 (Revisions to Goal 4 and 8) and 921-20-000072 (Revisions to Goal Exception and Plan Revisions process, and the creation of an Introduction Chapter).

Updates to Chapters 4 (Goal 4) and 8 (Goal 8) are related to policy and implementation strategies resulting from public outreach on forest lands and recreation. This included updates to language about fire mitigation strategies in Goal 4 and the introduction of a destination resort eligibility map and corresponding policy for Goal 8.

The Plan Revision Process (Chapter 15) has been modified to the new Comprehensive Plan format. The Goal Exception (Chapter 16) has been significantly updated to comply with state law requirements for the inventory of goal exceptions. The introduction chapter is a new addition which includes historical, process, map, and guiding instructions on how to use Wasco County 2040.

**DECISION:** On September 15, 2020 The Wasco County Planning Commission voted 6 to 1 to recommend approval Ordinance 20-001, proposed changes to the Wasco County Comprehensive Plan (Wasco County 2040), to the Wasco County Board of Commissioners. The changes proposed are to adopt revisions to Goal 4, 5, and 8, including map revisions to EPD-8 and EPD-12, with the addition of a new destination resort eligibility map (EPD-15).

The Planning Commission also voted 7 to 0 to recommend approval of Ordinance 20-004, proposed changes to the Wasco County Comprehensive Plan, to the Wasco County Board of Commissioners. These changes include a new Introduction chapter, and revisions to the Plan Revisions Process and Goal Exceptions chapter.



Final adoption of the amendments is pending Board of County Commissioner approval. The matter is tentatively scheduled to be heard by the Board on October 7th and October 21<sup>st</sup>, 2020.

**AFFECTED PROPERTIES:** The amendments apply to lands in unincorporated areas of Wasco County (outside of Urban Growth Areas), excluding Tribal lands and lands located within the Columbia River Gorge National Scenic Area.

**FINDINGS OF FACT:** Proper notice was given and the hearing was held in accordance with procedural rules for legislative hearings and in conformity with said requirements as set forth in the Wasco County LUDO and Comprehensive Plan, and consistent with State law.

**AVAILABLE INFORMATION:** Documentation, evidence, findings and other information relied upon by Wasco County in this matter is available online:

[https://www.co.wasco.or.us/departments/planning/agendas\\_and\\_minutes.php](https://www.co.wasco.or.us/departments/planning/agendas_and_minutes.php)

**APPEAL PROCESS:** Appeals of a legislative amendment to the Land Use Board of Appeals are governed by ORS 197.620.



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 7, 2020

This meeting was held on Zoom

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

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

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

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

Chair Hege opened the session at 9:00 a.m. Ms. Clark asked Emergency Manager Sheridan McClellan to the Discussion List to present some wildfire relief funding updates.

<b>Discussion List – Wildfire Recovery Funding Updates</b>
--

Mr. McClellan shared and reviewed several documents (attached) with the Board. He explained that some of the funding is not available for the Mosier Creek Fire due to the timing of the fire; however, funding for hazard mitigation can be applied to the Mosier Creek Fire. Other funds deal with conservation and forest restoration. The Department of Agriculture has funding to assist landowners in restoring farmlands and trees. Each funding opportunity has a deadline – most anywhere from October 30<sup>th</sup> to December 30<sup>th</sup>; the hazard mitigation funds have a longer time frame.

Commissioner Kramer asked if there is a final report on the White River Fire. Mr. McClellan replied that he does not expect the same kind of report as we have for the Mosier Creek Fire as no structures were lost in the White River Fire.

Vice-Chair Schwartz said she would be interested in learning more about the mitigation piece as it might apply to our vulnerable population. She asked for Sheridan to follow up with her later. Mr. McClellan said that he would add Senior Planner Will Smith to that conversation as he does a lot of the management of that process.

Commissioner Kramer agreed. Chair Hege reminded people to send their comments to the Planning Department – they can copy the Board , too.

Chair Hege recessed the hearing for Ordinance 20-001 to be continued on October 21, 2020 at 10 a.m. He said we are going to move on to our next ordinance.

Chair Hege recessed the meeting at 12:20 p.m.

The session reconvened at 12:22 p.m.

At 12:22 p.m., Chair Hege opened the October 7, 2020 public hearing for 921-20-000072, a review of a recommendation made by the Wasco County Planning Commission for: A legislative hearing to consider approving amendments to the Wasco County Comprehensive Plan, primarily relating to process and criteria including the Introduction, Plan Revisions Process and Goal Exception chapters. Amendments also include the adoption of a new format for the plan. These amendments relate to the Post Acknowledgment Plan Amendment to update remaining chapters from the Comprehensive Plan.

The proposed amendments will have a widespread affect, on many properties and zones, and is therefore a legislative amendment.

As a reminder, the process for this amendment has been consistent with the **notice procedures** required by Chapter 2 of the LUDO, this hearing was advertised for today, October 7, 2020, 10:00 a.m. via electronic video conferencing, as permitted by Oregon Revised Statutes 192.640 and 192.670. Notice was provided in the newspaper and on the County's website.

This hearing is the first of two Board of County Commission hearings scheduled for this text amendment. The second hearing will be on October 21, 2020 at 10:00 AM. He said we will probably update that but will talk about it later.

The criteria for approval of this request include:

Wasco County Comprehensive Plan Chapter 11 and Oregon Administrative Rules 660-025

The hearings process, notice and appeal period are governed by ORS 197.612 and by ORS 197.763 and qualify as a land use decision under ORS 197.015(11).

The proposed amendments must comply with the Wasco County Comprehensive Plan.

The procedure I would like to follow is:

- (a) The Planning Department will provide a brief overview of their September 15, 2020 presentation of the amendments recommended by the Planning Commission.
- (b) The Board of Commissioners will ask questions of staff.
- (c) Members of the public are asked to testify.
- (d) The Board of Commissioners will deliberate and will provide direction to staff for any additional information or amendments they would like to see for the next hearing.

He asked the following questions:

*Does any Commission member wish to disqualify themselves for any personal or financial interest in this matter?* There were none. Chair Hege said that the same ex parte contacts as applied in the previous hearing apply here – Commissioners have received emails and attended meetings.

*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.

Chair Hege asked staff to proceed with their presentation.

Dr. Howsley-Glover reviewed the materials on the following slides.

Dr. Howsley-Glover said they saved the quick one for last so she will be able to buzz through this very quickly. This ordinance pertains to our last updates that we need to make to have a full and complete Comprehensive Plan – Wasco County 2040. These are process driven chapters or procedures that are mostly good reference for staff but also useful to members of the public in really figuring out how to navigate the Comprehensive Plan. That includes the criteria we use to make any revisions to the Comprehensive Plan so that will be the criteria you see in any of our

staff reports over the last several years for Wasco County 2040. Goal Exceptions are exceptions that are basically rezones that we made for lands that were formerly resource zones and have been made non-resource. She said we had a very short introduction chapter in the 1983 Comprehensive Plan; they have expanded that substantially to include a variety of information they think is helpful.

## Overview

**Ordinance 20-004 is to update the Comprehensive Plan with the following Chapters:**

- **Revisions Process**
- **Goal Exceptions**
- **Introduction**

Dr. Howsley-Glover said that in Chapter 15 they haven't done anything substantive in terms of revising the criteria that's relevant for Plan amendments. They have shifted it over from Chapter 11 to Chapter 15, put it in the new format, moved definitions to an order that does not confuse them with criteria – to the sidebar , they have renumbered the criteria as a result and they have added one finding.

## Chapter 15: Plan Revisions Process

- Previously Chapter 11
- New format
- Move definitions to sidebar
- Renumber criteria
- Add a finding

Dr. Howsley-Glover stated that the purpose this chapter serves is really to guide staff when they are making Comprehensive Plan amendments to make sure they are

meeting criteria that they determined is important for amendments and a lot of it is lock step with what it says in State law.

## Chapter 15 Purpose

- Criteria for updates (what we use in staff reports)

Dr. Howsley-Glover said that for Goal Exceptions she wants to just really briefly bring everybody up to speed. She says she knows that its' a jargon term; committed lands is also a jargon term. Basically, the Oregon Statewide Land Use Planning system – the foundation of it is 19 land use planning goals; 14 of them are applicable in Wasco County. Any time you are removing a property from a resource zone, in Wasco County that is a forest zone or an agriculture zone, you would need to take exceptions to goals related to those resources - Goal 3 for agricultural lands; Goal 4 for forest lands. Sometimes there are also some other exceptions for things in rural service areas. But, when we adopted the 1983 Comprehensive Plan, staff went through a pretty developed procedure to identify lands that were determined, deemed committed which means they were already being used for more urban purposes, things like residential, industrial, commercial and weren't really appropriate to be zoned for farm or forest use. There was a process by which they went through that and that was memorialized in the Goal Exception Chapter in the previous Comprehensive Plan. It was previously in Chapter 13; they have moved it to Chapter 16. They adopted the new format. Not surprisingly, in 1983 the National Scenic Area was not in existence so these things were all meshed together. They have taken great pains to extract those so it is very clear to everybody which are national scenic area lands and which are not. She said she wants to clarify that they did some extensive auditing of that information and had consultations with the Department of Land Conservation and Development staff on whether we needed to preserve those exceptions in the Scenic Area because the Comprehensive Plan isn't the Comprehensive Plan for the Scenic Area; the Management Plan is. They felt it was important to preserve that because if something were ever to happen to the National Scenic Area we could ensure protection of those committed exceptions. That is why they left that in this chapter, whereas we have removed everything else pertaining to the Scenic Area. They also did some consultations with State staff to make sure they were meeting the statutory requirements for identifying and really

inventorying these exceptions lands in a way that preserves and protects them.

## Chapter 16: Goal Exceptions

- What is a Goal Exception/Committed Lands?
  - Land designated for non-resource use (not farm or forest)
  - Committed lands meet criteria for being committed to non-resource/exempting them from Goals 3 or 4

Dr. Howsley-Glover stated that this inventory is actually required to live in Comprehensive Plan by OAR 660-004. The main use of this is really for research for development applications or to help give guidance on potential future rezones. It's really more of an inventory on what we have done in the past rather than guidance for the future.

## Chapter 16: Goal Exceptions

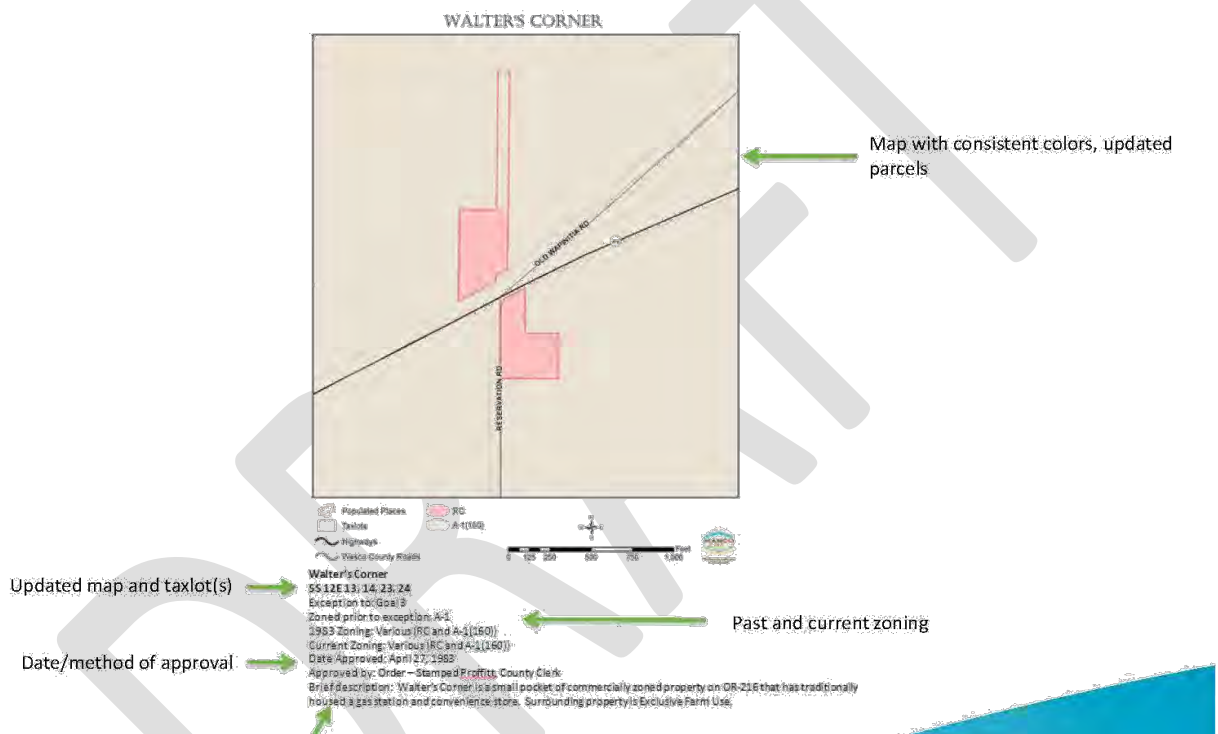
- Previously Chapter 13
- New format
- Distinguish NSA lands
- Revise format based on statutory requirements/DLCD consultation

Dr. Howsley-Glover said the maps were produced over various decades so they were inconsistent. They worked with the Geographic Information Systems staff, who



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 7, 2020  
PAGE 64

really deserves a lot of credit for all their work on Wasco County 2040, to streamline these maps to look consistent and uniform. They also had to update parcel information because, as you can imagine, parcels have changed substantially since the 80s. We also went through a map and tax lot changes during one of the decades so they updated that information so this would be easy for staff and residents to locate in the future. They included previous zones and 1983 zones and permit zoning and the date and method of approval and a brief description of basically explaining why this was excepted land.



Dr. Howsley-Glover said, finally, the introduction chapter, as she mentioned, they expanded it. It was a very tiny section in the 1983 Comprehensive Plan. One of their main goals in this process and really, what they promised the State we wanted to do was develop a good model to make Comprehensive Plans usable documents. So, they really packed a lot of that information into the introduction chapter. First and foremost, they wanted to make sure the history of Wasco County Planning and zoning was very clear, upfront and in an accessible format. In the past it has been spread out all throughout archival documents and books and things – very hard for even staff to find. We wanted to make sure it was very clearly represented in the Comprehensive Plan. They also included legal framework that really sets up what a Comprehensive Plan is and should be; statewide planning goals that make up the



foundation of this plan. They have included the components of the Comprehensive Plan; how to use it so it's kind of a how-to guide on what you are looking at when you open up this document. Our Comprehensive Plan map and our Comprehensive Plan zoning map all live within the Geographic Information System, but they wanted to make sure that those were adopted by reference very clearly. They have included a table that also shows when those maps have been modified so it's very clear to the public when things have changed because we do, from time to time, get those questions. Every land use planning document typically has a definitions section and that's no exception in the Comprehensive Plan; we have that. In addition, because Wasco County, when we were going through essentially a visioning phase, also went through strategic planning and a rebranding, they wanted to include that values and vision piece that is so important to us as an organization and really helped to model and mold this process. That is essentially what makes this up. These are process documents that are really meant to guide staff for procedures and process or serve to memorialize things that have happened in the past like rezones and also make it a user-friendly document. She said she is happy to answer any questions the Commissioners have.

## Introduction Chapter

- New Chapter
- Includes:
  - Overview
  - History of Planning in Wasco County
  - Wasco County Zoning History
  - Legal Framework
  - Statewide Planning Goals
  - Components of the Comprehensive Plan
  - Plan Development Process
  - Using the Plan
  - Future Updates, Revising the Map and Inventories
  - Purpose Definitions of Map Classifications on the Comprehensive Plan Map
  - Definitions on Existing Land Use Maps
  - Adopted by Reference
  - Values and Vision
  - Definitions

Commissioner Kramer stated he did not have any questions at this time. Chair Hege said he has no questions. Vice-Chair Schwartz indicated that she did not have any questions. Chair Hege opened the floor to public testimony asking speakers to state their name and address for the record.

Kathleen Cantrell of Dufur said that she guesses that in order to be part of the record for this hearing, we do need to make a statement. She said that in light of protecting the rights of private property, if the Commissioners choose not to do that, but would like to continue to work with the state and let the state continue to dictate certain laws or rules they create without the Commissioners taking into consideration the oaths of offices that they have taken, that would be an issue. She said that she will address that in her packet that she is sending as testimony pertaining to the hearings – plural – today. Thank you very much.

Chair Hege thanked Ms. Cantrell for her testimony.

Liz Turner said she thinks she will send in more written testimony now that we can. There was actually, she can't tell if it actually was true, but we were told that – there was information going around that we could not send in written testimony, that the only testimony that would be accepted would be during the hearing which is one of the reasons she wrote the Goal 1 complaint. If we can make further written testimony, that's really, really helpful. She said she really appreciates that. She said she would just say overall about all of these current changes that we're looking at that to her overreach is when any agency of the State comes and starts talking to us about what we can and can't do on our private property for any reason, no matter which one it is, without jurisdiction that's been given by us through Planning or any other organization that would have overriding local ordinances about that we already knew about. But whenever anyone comes from an organization of the State and begins to tell us what we can do, that's overreach because what we're really seeing today is that now we're going to add official authority to what has been overreach by organizations that we didn't have any control over. We don't get to decide who they are; we didn't invite them. She said that to her, that's the issue is we have organizations coming out and saying "well, we've already been there so you ought to just authorize this now." She said, no - we never asked them to do that. The wildlife are not going to be affected probably much at all by whether or not anything is done in an overlay. They are affected by their food sources and by how much they are harassed by certain things, mostly predators and so they move to where the food source is; they move to where there's shelter. The people out [transmission garbled] the ability we have the better job we can do manage our

land in a way that is both healthy [transmission garbled]. She just wants to say she is absolutely against this idea of overreach and then we're going to legalize it. She thanked the Board for the comment time.

Chair Hege thanked Ms. Turner and asked for any other comments related to this proposed ordinance. There were none. Chair Hege closed public testimony.

Chair Hege asked if we should just do the same thing with this ordinance that we are doing with the other ordinance in terms of keeping the record open until the next meeting. Dr. Howsley-Glover replied that she would leave that up to the discretion of the Board. She said she would advise, though, that we have not received any public testimony except for the two folks that just spoke on this issue. This issue has been, for all intents and purposes, non-controversial. It was passed 7-0 at the Planning Commission.

Chair Hege said it seems like it makes sense to just have it consistent and have these two ordinances roll forward the same.

Commissioner Kramer stated that the Planning Commission sent this to us 7-0 and this is basically just cleaning things up for us and he sees no controversy in this one, where in the other one he did see some controversy that we needed to adjust for or at least listen to. He said he is fine with moving forward with this one today.

Chair Hege said we could do that but he was just thinking that just to keep them in line and make it easy to do them all at the same time. But, if the Commissioners want to do this we could go ahead and read the title into the record and potentially approve it next meeting.

Vice-Chair Schwartz said she would just ask what the preference of staff is. Dr. Howsley-Glover said she doesn't really have a preference. This issue was a post-acknowledgement Plan amendment. So, we do not have the same periodic review timelines that are tied to Work Task 18. So, if the Commission feels like they still want to give and opportunity for the public to read and digest and comment, she is happy with that. But, again, it's not been a controversial topic. Ms. Brewer agreed. Vice-Chair Schwartz said she could go either way. Chair Hege said he would like to just keep this in line with the other one. Commissioner Kramer said that is fine, he was just trying to streamline for our staff.

Chair Hege said that with that we are going to conclude this hearing. If there is

written testimony we will receive that until October 21<sup>st</sup>. He directs submitters to send their comments to the Planning Department; if you want to copy the Board in, that is fine. We will not be reading the title of the ordinance today and will be continuing this later. Commissioner Kramer, Ms. Brewer and Dr. Howsley-Glover indicated agreement.

Chair Hege recessed the hearing at 12:42 p.m. to be continued October 21, 2020 at 10 a.m.

**Agenda Item – EDC Appointments and Quarterly Report**

Mid-Columbia Economic Development District Senior Projects Manager Carrie Pipinich reviewed the memo included in the Board Packet regarding appointments to be made to the Wasco County Economic Development Commission.

**{{{Commissioner Kramer moved to approve Orders 20-044 and 20-045 appointing Alice Cannon and Tonya Brumley to the Wasco County Economic Development Commission. Vice-Chair Schwartz seconded that motion which passed unanimously.}}}**

Ms. Pipinich reviewed the report included in the Board Packet. Chair Hege asked how many business have been helped by the relief programs. Ms. Pipinich replied that 48 were helped in the first round and another 11 in the round that was matched. The PUD program helped 50. They are reaching out to those already funded for additional funding that has become available to them. She said she wants to thank Tatiana Eckert and Jacque Schei for all the work they have done on the outreach and processing.

Ms. Pipinich said she had a good conversation with Shaniko last week about their water system needs. She thinks they have been inspired by the success they have seen in Antelope.

Ms. Pipinich invited all to the November 6<sup>th</sup> virtual symposium. She asked the Board to share the invitation broadly so people can attend.

The Board thanked Ms. Pipinich for her work.

**Agenda Item – CARES Act Subgrants**

Administrative Services Director Matthew Klebes reviewed the report included in the Board Packet. He noted that they modeled the agreements after ones they got



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 21, 2020

This meeting was held on Zoom

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

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

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

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

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

**Public Comment**

Marolyn Wilks commented on the wonderful job she thought the County did during the extended fire/smoke/hazardous air quality event in late summer this year. She stated that she and her husband, Bruce Lumper, received notifications through the County system and were able to get the N95 masks distributed to the public. She said they were so proud of our County and shared those sentiments with friends outside of Wasco County.

**Discussion List – BRIC Grant**

Administrative Services Director Matthew Klebes reported that there was an opportunity to submit a pre-application letter for funding through the BRIC (Building Resilient Infrastructure and Communities) program. While the County has to be the applicant, he submitted the pre-application letter in conjunction with QLife and MCEDD. We have received approval to apply for the grant; the application is due the day after Thanksgiving. He said that he wanted to be sure the Board is aware of the application and give them the opportunity to comment. While the County will be the applicant, QLife will manage the grant. He added that they also helped Mosier submit a pre-application letter for a backup generator for their water system; they were not successful.

Vice-Chair Schwartz asked if he knows why Mosier was rejected. Mr. Klebes said that he does not have the details but will look into it.

like the Ordinance to be read in full. No one requested a full reading. Commissioner Kramer questioned that the title does not include EPD 15. Dr. Howsley-Glover explained that it is included within the body of the Ordinance and is covered under Chapter 8 Goal 8 in terms of the title and is mentioned in the actual ordinance..

Commissioner Kramer read into the record the title of the ordinance being proposed: ORDINANCE 20-001 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 4, 5, AND 8 IN CHAPTERS 4, 5, AND 8 OF WASCO COUNTY 2040, THE COMPREHENSIVE PLAN (FILE NUMBERS 921-18-000221, 921-19-000126) AND REVISIONS TO THE COMPREHENSIVE PLAN ZONING MAP EPD-8 AND EPD-12 ORDINANCE # 20-001

Chair Hege said the Board will be coming back in November to take a vote on this ordinance.

Chair Hege closed the public hearing at 11:28 a.m.

ORDINANCE 20-004

Chair Hege read the following into the record:

We will now commence the public hearing continued from October 7, 2020, for 921-20-000072, a review of a recommendation made by the Wasco County Planning Commission for:

A legislative hearing to consider approving amendments to the Wasco County Comprehensive Plan, primarily relating to process and criteria including the Introduction, Plan Revisions Process and Goal Exception chapters. Amendments also include the adoption of a new format for the plan. These amendments relate to the Post Acknowledgment Plan Amendment to update remaining chapters from the Comprehensive Plan.

The proposed amendments will have a widespread affect, on many properties and zones, and is therefore a legislative amendment.

As a reminder, the process for this amendment has been consistent with the **notice**

**procedures** required by Chapter 2 of the LUDO, , this hearing was advertised for, October 7, 2020, 10:00 a.m. via electronic video conferencing, and was continued until today, October 21, 2020, as permitted by Oregon Revised Statutes 192.640 and 192.670. Notice was provided in the newspaper and on the County's website.

This is a continuation of the first of two Board of County Commissioners hearings scheduled for this text amendment. The second hearing will be on November 4, 2020 at 10:00 AM.

**The criteria for approval of this request include:** Wasco County Comprehensive Plan Chapter 11 and Oregon Administrative Rules 660-025.

The hearings process, notice and appeal period are governed by ORS 197.612 and by ORS 197.763 and qualify as a land use decision under ORS 197.015(11).

The proposed amendments must comply with the Wasco County Comprehensive Plan.

**The procedure I would like to follow is:**

The Planning Department will provide a brief overview of their October 7, 2020 presentation of the amendments recommended by the Planning Commission.

The Board of Commissioners will ask questions of staff.

The Board of Commissioners will deliberate and will provide direction to staff for any additional information or amendments they would like to see for the next hearing.

Chair Hege asked the following questions.

*Does any Commission member wish to disqualify themselves for any personal or financial interest in this matter?* There were none. Chair Hege stated that the Board has received some communication from the public and had provided those to the Planning staff for inclusion in the record.

*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.

Chair Hege asked Planning staff to provide an overview.

Dr. Howsley-Glover said, in the interest of time and to not burden the Board with repetitive presentations, she did not prepare a formal presentation. She said that she recognizes that in a lot of the testimony both ordinances have been lumped together as having an impact on property rights. She said she wants to stress that revisions related to Ordinance 20-004 are the introduction, plan revision process and goal exception. These are by-in-large informational chapters that have no direct rule-making or criteria implications. They are really meant to serve as a how-to for researchers, for folks wanting to understand our land use planning program and for planners. She said she does not think it is hyperbolic to say these have almost no impact on property values or uses in the future. The plan revision process chapters – they guide process. So, the revisions chapter is really what we use in staff reports for making amendments to the Comprehensive Plan. The goal exception chapter basically functions as an inventory of resource lands that have been converted to urban purposes – residential or commercial. We have to keep it as a state law requirement – we have to preserve it as an inventory. It is not changing anything to preserve that in the Comprehensive Plan. The introduction – the only exception would be that we have adopted maps by reference and we have been using the GIS system as our official map system since the late 90s but it hasn't always been clear; so, we wanted to make sure that it is really clear that the GIS system is our official Comprehensive Plan and Zoning Map. We went a step further to really identify when those maps have been digitized and updated. Other than that, we are talking about definitions; we are talking about history; we're talking about how to use the document. She said that she hopes that assuages any public concern about this having an impact on their property rights. She said she is happy to answer any questions from the Board.

Commissioner Kramer commented that this is not controversial and is just a clean-up. He thinks we need to move forward.

Chair Hege noted that it is interesting that on page 638 of the packet, it actually gives you a little bit of the vision of the document – it is a draft of the cover of the Comprehensive Plan and if you go forward you will see the table of contents and so on. He said that his hope is that by the next meeting we can see that whole document in a draft form. This gives you an indication of what it will look like as



opposed to the 800 pages we have today.

Chair Hege asked if any Commissioner if they wished to have the full ordinance read. There were none.

Vice-Chair Schwartz read the title of the ordinance into the record: ORDINANCE 20-001 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 4, 5, AND 8 IN CHAPTERS 4, 5, AND 8 OF WASCO COUNTY 2040, THE COMPREHENSIVE PLAN (FILE NUMBERS 921-18-000221, 921-19-000126) AND REVISIONS TO THE COMPREHENSIVE PLAN ZONING MAP EPD-8 AND EPD-12

Chair Hege said we would be back at the first meeting in November to consider these for their second reading and potential adoption. He closed the hearing at 11:34 a.m.

#### Commission Call

Ms. Clark asked that the Board provide direction on whether or not they want to reschedule the work session and if so when and where. She pointed out that with the weather growing colder, it is going to make it more difficult to have it outside. She suggested that the large courtroom is available November 12<sup>th</sup> and 13<sup>th</sup>. That room would accommodate social distancing. Commissioner Kramer said that he would be unavailable from the 4<sup>th</sup> through the 16<sup>th</sup> of November. The Board directed Ms. Clark to look for other dates for the work session.

Vice-Chair Schwartz said that she was unable to attend the District 3 meeting but did view the recording afterwards. She complimented Commissioner Kramer on his chairing of the meeting and said that it was a very informational meeting. She said she appreciates being able to participate afterwards when she is unable to attend. She said that is happening a lot in her life right now and it is great to be able to catch up.

Chair Hege announced that the burn ban has been lifted throughout the county. He said that we will have a resolution to lift it. Ms. Clark explained that when the Board passed the burn ban Order, it included language indicating that the County ban is lifted when the local fire authority lifts their ban. We do not do a follow-up resolution or order, we are just concurrent with what the local authorities do. Chair Hege added that if folks want to burn, they will need a permit from their local fire

district.

Vice-Chair Schwartz asked when it was lifted. Commissioner Kramer responded that it was lifted on October 17<sup>th</sup>.

Chair Hege thanked everyone for staying with this process. He thanked the Planning Department for all their hard work and said that they are appreciated – we are proud of them.

Chair Hege adjourned the meeting at 11:40 a.m.

#### Summary of Actions

#### MOTIONS

- **To approve Orders 20-047 through 20-051 appointing the District Attorney, Juvenile Services Director, Community Corrections Manager, County Sheriff and NCPHD Executive Director to the Local Public Safety Coordinating Council.**
- **To approve the Consent Agenda: 10.7.2020 Regular Session Minutes.**

#### CONSENSUS

- **To sign the authorization letter to submit an application for Community Economic Adjustment Assistance for Compatible Use Plans.**

Wasco County  
Board of Commissioners

---

Scott C. Hege, Commission Chair

---

Kathleen B. Schwartz, Vice-Chair

---

Steven D. Kramer, County Commissioner



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE WASCO COUNTY PLANNING COMMISSION'S REQUEST TO APPROVE PROPOSED PERIODIC REVIEW LEGISLATIVE AMENDMENTS TO UPDATE THE COMPREHENSIVE PLAN RELATED TO LAND USE PLANNING OF WASCO COUNTY 2040 WITH REVISIONS TO THE PLAN REVISIONS PROCESS CHAPTER, THE GOAL EXCEPTION CHAPTER AND THE ADDITION OF AN INTRODUCTION CHAPTER, THE COMPREHENSIVE PLAN (FILE NUMBERS 921-20-000072)

**ORDINANCE # 20-004**

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, there were additional Chapters not identified in the work plan that needed minor revisions;

WHEREAS, Wasco County Planning Department developed an Introduction Chapter to provide historical, process, procedure and other useful information for users of Wasco County 2040; and

WHEREAS, the Plan Revisions Process Chapter was modified and reformatted in to the new Wasco County 2040 (Comprehensive Plan) format; and

WHEREAS, the Chapter related to committed lands and goal exceptions amended to update information, reorganize material in a more accessible format and to be consistent with the overall Wasco County 2040 format, and that unintentional omissions from the previous Comprehensive Plan were included;

WHEREAS, each Post Acknowledgement Plan Amendment 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 23 July 2020; and

WHEREAS, all property owners were sent notice of proposed Periodic Review update to the Comprehensive Plan in March 2017, February 2020 and August 2020; and

WHEREAS, that on 1 September 2020, at the hour of 3:00 PM via electronic methods duly posted 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 post acknowledgment plan amendments for the Introduction, Plan Revisions Process (Chapter 15) and Goal Exception (Chapter 16) chapters of Wasco County 2040. The Planning Commission continued the hearing until 15 September 15<sup>th</sup>. On 15 September 2020, at the hour of 3:00 PM via electronic methods duly posted Wasco County Planning Commission held the continuance of the first evidentiary hearing to review recommendations by staff and the advisory group, background information, and receive public testimony on post acknowledgment plan amendments for the Introduction, Plan Revisions Process (Chapter 15) and Goal Exception (Chapter 16) chapters of Wasco County 2040. The Planning Commission then closed the public hearing and with a vote of 7 to 0 recommended approval to the Wasco County Board of Commissioners; and

WHEREAS, that on 7 October 2020 at the hour of 10:00 AM the Wasco County Board of Commissioners met via electronic means as recommended by the Governor 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 continued the hearing until 21 October 2020; and

WHEREAS, that on 7 October 2020 at the hour of 10:00 AM the Wasco County Board of Commissioners met via electronic means as recommended by the Governor to conclude 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 4 November 2020 at the hour of 10:00 AM the Wasco County Board of Commissioners met via electronic means 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, Wasco County 2040, including an Introduction Chapter, Plan Revisions Chapter and Goal Exception Chapter are hereby approved; and

WHEREAS, Pursuant to Oregon Administrative Rules 660-018-0040, submission of adopted change is required to DLCD for acknowledgment as part of amended the Comprehensive Plan, and once updates are acknowledged they will be effective.

DATED this 4th day of November 2020.

**APPROVED AS TO FORM:**

\_\_\_\_\_  
\_\_\_\_\_, County Counsel

**ATTEST:**

\_\_\_\_\_  
Kathy Clark, Executive Assistant

**WASCO COUNTY BOARD OF COMMISSIONERS:**

\_\_\_\_\_  
Scott Hege, Commission Chair

\_\_\_\_\_  
Steve D. Kramer, County Commissioner

\_\_\_\_\_  
Kathy Schwartz, County Commissioner



## MOTION

**SUBJECT:** Ordinance 20-004

---

**Comprehensive Plan Ordinance 20-004:** I move to approve Ordinance 20-004 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 of Wasco County 2040 with revisions to the Plan Revisions Process Chapter, The Goal Exception Chapter and the addition of an Introduction Chapter, The Comprehensive Plan (File Number 921-20-000072)



## AGENDA ITEM

### RATE INCREASE REQUESTS

---

[SWAC LETTER RE: WASCO COUNTY LANDFILL REQUEST](#)

---

[WASCO COUNTY LANDFILL REQUEST LETTER](#)

---

[LANDFILL RATES PROPOSAL FOR JANUARY 1, 2021](#)

---

[CPI TABLE](#)

---

[RESOLUTION 20-010 APPROVING 2021 LANDFILL RATES](#)

---

[SWAC LETTER RE WASTE CONNECTIONS REQUEST](#)

---

[WASTE CONNECTIONS REQUEST LETTER](#)

---

[WASTE CONNECTIONS RATES PROPOSAL FOR JANUARY 1, 2021](#)

---

[RESOLUTION 20-011 APPROVING 2021 WASTE CONNECTIONS RATES](#)

---

[MOTION LANGUAGE](#)

---



**Public Health**  
Prevent. Promote. Protect.

**NORTH CENTRAL PUBLIC HEALTH DISTRICT**

*"Caring For Our Communities"*

419 East Seventh Street, The Dalles, OR 97058

Phone: 541-506-2600 Fax: 541-506-2601

Website: [www.ncphd.org](http://www.ncphd.org)

10-15-2020

To: Wasco County Commissioners

From: Solid Waste Advisory Committee

About: Recommended to approve rate increase for Wasco County Landfill and Waste Connections.

---

Dear Commissioners,

The solid waste advisory committee was brought together on October 7, 2020 to review the annual rate increase for The Wasco County Landfills tipping fees in 2021. The information about the increase is attached to this letter. There were no concerns brought forth by the SWAC committee and thus we approve of the continuation of the current state of the license agreement. Please reach out to landfill site manager Nancy Mitchell for questions about details pertaining to this increase.

Regards,

Nicole Bailey REHS

Environmental Health Specialist Supervisor

North Central Public Health District



August 12, 2020

Nicole Bailey  
Environmental Health Specialist  
North Central Public Health District  
419 East Seventh Street, Room 100  
The Dalles, OR 97058

RE: Wasco County Landfill, 2020 Rate Change

Dear Nicole Bailey:

In accordance with the current license agreement between the Wasco County Landfill (WCL) and Wasco County, we plan to adjust our rates in 2021. A summary of the rate change is as follows:

The Consumer Price Index (CPI) for the Standard Metropolitan Statistical Area (West 1982-84=100) for 2019 is 2.53%. Eighty-five percent of the CPI is 2.15%. The new rates for the year 2021 will reflect a 1.45% increase.

The Wasco County license fee for 2020 was \$118,720.00 this will increase to \$120,441.00 in 2021.

The County's Host Fee will change from \$1.63 to \$1.65 per ton in 2021.

The HHW Fee will change from \$8.57 to \$8.69 per ton in 2021.

A proposed rate schedule for 2021 is attached for your reference.

Please feel free to contact me if you have any questions.

Sincerely,



Nancy Mitchell  
Wasco County Landfill  
Site Manager

**Wasco County Landfill**  
**New Rates effective January 1, 2021**

**Wasco County**

\$ 37.62 per ton + \$8.69 (HHW Fee) = \$ 46.31 per ton

**Hood River and Sherman County**

\$ 41.97 per ton + \$8.69 (HHW Fee) = \$ 50.66 per ton

**Out of County**

\$41.97 per ton

**ACM: In-County**

\$ 93.57 per ton

**ACM: Out of County**

\$ 95.38 per ton

**PCS: In-County**

\$ 34.65 per ton

**PCS: Out of County**

\$ 36.53 per ton

**Public minimum is \$40.00**

Wasco County  
Calculation Of Annual Disposal Rate Adjustment Per Contract  
Rates Effective: January 1, 2021

I. Contract CPI Calculation:

Consumer Price Index: Urban Wage Earners & Clerical Workers (CPI-U)  
Area: West Urban

CPI Calculation:

July 31, 2019	262.401
July 31, 2020	266.881
Difference	4.48

Percent Change	1.71%
----------------	-------

Per Contract @ 85%	1.45%
--------------------	-------

**U.S. BUREAU OF LABOR STATISTICS****Databases, Tables & Calculators by Subject**

Change Output Options:

From: 2010 To: 2020

☐ include graphs ☐ include annual averages[More Formatting Options](#) ➡

Data extracted on: August 12, 2020 (4:20:02 PM)

**CPI for Urban Wage Earners and Clerical Workers (CPI-W)**

Series Id: CWUR0400SA0, CWUS0400SA0

Not Seasonally Adjusted

Series Title: All items in West urban, urban wage earners and clerical workers, not seasonally adjusted

Area: West

Item: All items

Base Period: 1982-84=100

Download: [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2010	214.664	214.710	215.457	215.873	216.044	215.681	215.824	216.048	215.804	216.273	216.267	216.847	215.791	215.405	216.177
2011	217.995	219.368	221.830	223.268	223.944	223.237	222.815	223.204	224.237	224.268	223.785	222.968	222.577	221.607	223.546
2012	223.849	224.956	227.271	227.686	228.189	227.543	226.460	227.681	228.798	229.849	227.767	226.585	227.220	226.582	227.857
2013	227.197	229.319	230.226	230.056	230.555	230.723	230.882	231.084	231.553	231.244	230.390	230.356	230.299	229.679	230.918
2014	230.937	231.785	233.375	234.081	235.579	235.845	236.051	235.820	235.974	235.343	233.499	232.108	234.200	233.600	234.799
2015	230.843	232.364	234.802	235.222	237.509	237.441	238.151	237.791	236.999	236.728	236.003	235.728	235.798	234.697	236.900
2016	236.888	236.747	237.415	238.757	239.973	240.365	240.395	240.291	241.052	241.744	241.167	241.098	239.658	238.358	240.958
2017	242.384	243.810	244.489	245.454	246.096	246.155	246.373	246.978	248.379	248.883	248.863	249.055	246.410	244.731	248.089
2018	250.416	251.704	252.644	253.933	255.316	255.804	255.931	256.311	256.950	258.149	257.604	256.879	255.137	253.303	256.971
2019	257.040	257.519	258.617	261.149	262.608	262.418	262.401	262.416	263.328	265.185	264.619	263.892	261.766	259.892	263.640
2020	264.573	265.531	265.211	264.167	264.227	265.222	266.881							264.822	

U.S. BUREAU OF LABOR STATISTICS Postal Square Building 2 Massachusetts Avenue NE Washington, DC 20212-0001

Telephone: 1-202-691-5200, Federal Relay Service: 1-800-877-8339, [www.bls.gov](http://www.bls.gov) [Contact Us](#)



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF APPROVING RATE INCREASES FOR THE WASCO COUNTY LANDFILL

**RESOLUTION #20-010**

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

WHEREAS, in August, 2020, the Wasco County Landfill submitted a rate increase request in accordance with the current license agreement between Wasco County and the Wasco County Landfill; and

WHEREAS, in October, 2020, the Wasco County Solid Waste Committee reviewed the request and has recommended approval of the Wasco County Landfill's proposed rate increases as attached hereto and by this reference made part thereof; and

WHEREAS, on November 4, 2020, the Board voted to approve the requested rate increases.

NOW, THEREFORE, THE WASCO COUNTY BOARD OF COMMISSERS HEREBY RESOLVES to approve the Wasco County Landfill rate increases as outlined in the attached rate schedule, effective January 1, 2021.

DATED this 4<sup>TH</sup> day of November, 2020.

APPROVED AS TO FORM

Wasco County Board of Commissioners

\_\_\_\_\_  
Kristen Campbell, County Counsel

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

\_\_\_\_\_  
Kathleen B. Schwartz, Vice-Chair

\_\_\_\_\_  
Steven D. Kramer, County Commissioner



**Public Health**  
Prevent. Promote. Protect.

**NORTH CENTRAL PUBLIC HEALTH DISTRICT**

*"Caring For Our Communities"*

419 East Seventh Street, The Dalles, OR 97058

Phone: 541-506-2600 Fax: 541-506-2601

Website: [www.ncphd.org](http://www.ncphd.org)

10-15-2020

To: Wasco County Commissioners

From: Solid Waste Advisory Committee

About: Recommended to approve rate increase for Wasco County Landfill and Waste Connections.

---

Dear Commissioners,

The solid waste advisory committee was brought together on October 7, 2020 to review the annual rate increase for Waste Connections fees in 2021. The information about the increase is attached to this letter. There were no concerns brought forth by the SWAC committee and thus we approve of the continuation of the current state of the license agreement. Please reach out to district manager, Jim Winterbottom, for questions about details pertaining to this increase.

Regards,

Nicole Bailey REHS

Environmental Health Specialist Supervisor

North Central Public Health District



WASTE CONNECTIONS  
*Connect with the Future®*

Wasco County Board of Commissioners  
511 Washington Street  
Suite 302  
The Dalles OR 97058-2237

October 9, 2020

To: Wasco County Commissioners  
Re: Solid Waste proposed rates

Dear Commission Members,

The Dalles Disposal would like to respectfully request a rate adjustment averaging approximately 1.45% to help offset rising operational costs and disposal fees. We request this adjustment to be effective January 1, 2021. Some examples of these increases include but are not limited to, health care cost, fleet maintenance, fuel and containers.

We use The Consumer Price Index (CPI) for the Standard Metropolitan Statistical Area (West-C) to benchmark our changes in operational costs. The most recent July to July comparison increased 1.71% and we believe this is a good indicator of our overall experience. The Wasco County Landfill will be increasing both its gate rate and the pass-through Household Hazardous Waste tax by 1.45% effective January 1, 2021. We have incorporated these increases into the attached proposed rate schedule.

We would like to be scheduled on the Board of Commissioners agenda at your earliest convenience to discuss our proposal. We appreciate the continued opportunity to provide Wasco County with high quality solid waste services.

Sincerely,

Jim Winterbottom  
District Manager





**Waste Connections of Oregon, Inc.**  
**dba The Dalles Disposal**  
**Proposed Wasco County UGA Rates**  
**Effective January 1, 2021**

SERVICE	CURRENT RATE	LANDFILL INCREASE	1.46%	1.45%	TOTAL INCREASE	NEW RATE
			TOTAL LF INCREASE	BUSINESS INCREASE		
RESIDENTIAL						
CANS/ROLLCARTS						
Weekly						
- (1) 20 gal can	\$12.85	\$0.02	\$0.03	\$0.16	\$0.19	\$13.04
- (1) 32 gal can	\$19.54	\$0.04	\$0.05	\$0.24	\$0.29	\$19.83
- 90 gal rollcart	\$28.39	\$0.10	\$0.12	\$0.29	\$0.41	\$28.80
- 105 gal cart (Phase Out)	\$30.45	\$0.12	\$0.14	\$0.30	\$0.44	\$30.89
- each add'l can/cart added at p						
EOW						
- (1) 32 gal can	\$16.51	\$0.02	\$0.03	\$0.21	\$0.24	\$16.75
Call In						
- (1) 32 gal can	\$13.71	\$0.01	\$0.01	\$0.19	\$0.20	\$13.91
- 90 gal rollcart	\$19.75	\$0.03	\$0.04	\$0.25	\$0.29	\$20.04
YARD DEBRIS						
* 12 month min sign-up period						
* \$18 restart fee if service cancelli and restarted within year						
* 60 gal yard debris cart						
Weekly - 60 gal recycling	\$9.71	\$0.07	\$0.08	\$0.06	\$0.14	\$9.85
EOW - 60 gal recycling	\$6.62	\$0.04	\$0.05	\$0.05	\$0.10	\$6.72
Extra Yard Debris	\$7.38	\$0.02	\$0.02	\$0.09	\$0.11	\$7.49



**Waste Connections of Oregon, Inc.  
dba The Dalles Disposal  
Proposed Wasco County UGA Rates  
Effective January 1, 2021**

SERVICE	CURRENT RATE	LANDFILL INCREASE	1.46%	1.45%	TOTAL INCREASE	NEW RATE
			TOTAL LF INCREASE	BUSINESS INCREASE		
<b>SPECIAL CHARGES</b>						
* The following additional charges whose cans, rollcarts or containe to our employees due to the diffi their service containers.						
Additional Charge:						
- Sunken Can	\$26.06	\$0.00	\$0.00	\$0.38	\$0.38	\$26.44
- Excess distance	\$26.06	\$0.00	\$0.00	\$0.38	\$0.38	\$26.44
- Steps/stairs	\$26.06	\$0.00	\$0.00	\$0.38	\$0.38	\$26.44
- Through gate	\$26.06	\$0.00	\$0.00	\$0.38	\$0.38	\$26.44
-extra can/bag/box	\$7.30	\$0.00	\$0.01	\$0.10	\$0.11	\$7.41
- loose yardage per yd	\$30.86	\$0.08	\$0.09	\$0.35	\$0.44	\$31.30
(over-the-top extra around cont: or on the ground)						
- bulk items (*Bring to transfer						
- return trip can	\$7.28	\$0.00	\$0.01	\$0.10	\$0.11	\$7.39
- return trip rollcart	\$10.74	\$0.01	\$0.01	\$0.14	\$0.15	\$10.89
- rollcart redelivery	\$11.12	\$0.00	\$0.00	\$0.16	\$0.16	\$11.28
- Off day PU	\$7.95	\$0.00	\$0.00	\$0.12	\$0.12	\$8.07
- Delinquent fee	\$14.20	\$0.00	\$0.00	\$0.21	\$0.21	\$14.41
(Acct delinquent after <b>30</b> days						
- NSF/unhonored check fee	\$33.53	\$0.00	\$0.00	\$0.49	\$0.49	\$34.02
- New Acct set up fee	\$6.39	\$0.00	\$0.00	\$0.09	\$0.09	\$6.48
- Change in service	\$6.39	\$0.00	\$0.00	\$0.09	\$0.09	\$6.48
(name/address/service)						

**Waste Connections of Oregon, Inc.**  
**dba The Dalles Disposal**  
**Proposed Wasco County UGA Rates**  
**Effective January 1, 2021**

SERVICE	CURRENT RATE	LANDFILL INCREASE	1.46%	1.45%	TOTAL INCREASE	NEW RATE
			TOTAL LF INCREASE	BUSINESS INCREASE		
COMMERCIAL						
CANS/ROLLCARTS						
Weekly						
- (1) 32 gal can	\$23.61	\$0.04	\$0.05	\$0.30	\$0.35	\$23.96
- 90 gal rollcart	\$36.11	\$0.10	\$0.12	\$0.40	\$0.52	\$36.63
- each add'l can/cart added at p						
EOW						
- (1) 32 gal can	\$19.93	\$0.02	\$0.03	\$0.26	\$0.29	\$20.22
Call In						
- (1) 32 gal can	\$14.91	\$0.01	\$0.01	\$0.20	\$0.21	\$15.12
- 90 gal rollcart	\$21.53	\$0.03	\$0.04	\$0.28	\$0.32	\$21.85
SPECIAL CHARGES						
* The following additional charges whose cans, rollcarts or containe to our employees due to the diffi their service containers.						
Additional Charge:						
- Sunken Can	\$26.06	\$0.00	\$0.00	\$0.38	\$0.38	\$26.44
- Excess distance	\$26.06	\$0.00	\$0.00	\$0.38	\$0.38	\$26.44
- Steps/stairs	\$26.06	\$0.00	\$0.00	\$0.38	\$0.38	\$26.44
- Through gate	\$26.06	\$0.00	\$0.00	\$0.38	\$0.38	\$26.44
-extra can/bag/box	\$7.30	\$0.00	\$0.01	\$0.10	\$0.11	\$7.41
- loose yardage per yd	\$30.86	\$0.08	\$0.09	\$0.35	\$0.44	\$31.30
(*extra garbage ontop or aro which must be manually har						
- bulk items (*Bring to transfer						
- return trip can	\$7.28	\$0.00	\$0.01	\$0.10	\$0.11	\$7.39
- return trip rollcart	\$10.77	\$0.01	\$0.01	\$0.14	\$0.15	\$10.92
- rollcart redelivery	\$11.12	\$0.00	\$0.00	\$0.16	\$0.16	\$11.28
- Off day PU	\$7.95	\$0.00	\$0.00	\$0.12	\$0.12	\$8.07
- Delinquent fee	\$14.20	\$0.00	\$0.00	\$0.21	\$0.21	\$14.41
(Acct delinquent after 30 days						
- NSF/unhonored check fee	\$33.53	\$0.00	\$0.00	\$0.49	\$0.49	\$34.02
- New Acct set up fee	\$6.39	\$0.00	\$0.00	\$0.09	\$0.09	\$6.48
- Change in service	\$6.39	\$0.00	\$0.00	\$0.09	\$0.09	\$6.48
(name/address/service)						

**Waste Connections of Oregon, Inc.**  
**dba The Dalles Disposal**  
**Proposed Wasco County UGA Rates**  
**Effective January 1, 2021**

SERVICE	CURRENT RATE	LANDFILL INCREASE	1.46%	1.45%	TOTAL INCREASE	NEW RATE
			TOTAL LF INCREASE	BUSINESS INCREASE		
<b>CONTAINERS</b>						
1 1/2 Yd Containers						
- Call In	\$35.34	\$0.06	\$0.08	\$0.44	\$0.52	\$35.86
- EOW	\$49.50	\$0.14	\$0.17	\$0.55	\$0.72	\$50.22
- 1XPW	\$99.04	\$0.27	\$0.33	\$1.10	\$1.43	\$100.47
- Additional day rate = # days x 1 x wk rate						
2 Yd Containers						
- Call In	\$47.56	\$0.08	\$0.10	\$0.59	\$0.69	\$48.25
- EOW	\$66.16	\$0.18	\$0.22	\$0.74	\$0.96	\$67.12
- 1XPW	\$132.31	\$0.36	\$0.44	\$1.48	\$1.92	\$134.23
- Additional day rate = # days x 1 x wk rate						
3 Yd Containers						
- Call In	\$70.68	\$0.13	\$0.15	\$0.87	\$1.02	\$71.70
- EOW	\$99.03	\$0.27	\$0.33	\$1.10	\$1.43	\$100.46
- 1XPW	\$198.05	\$0.54	\$0.66	\$2.21	\$2.87	\$200.92
- Additional day rate = # days x 1 x wk rate						
<b>SPECIAL CHARGES</b>						
- Delivery	\$35.94	\$0.00	\$0.00	\$0.52	\$0.52	\$36.46
- Rent	\$35.06	\$0.00	\$0.00	\$0.51	\$0.51	\$35.57
- Rent-a-bin	\$78.90	\$0.00	\$0.00	\$1.15	\$1.15	\$80.05
- Loose yardage	\$30.86	\$0.08	\$0.09	\$0.35	\$0.44	\$31.30
Containers with difficult access (pe						
- Not on solid surface	\$26.06	\$0.00	\$0.00	\$0.38	\$0.38	\$26.44
- Stuck in the mud	\$26.06	\$0.00	\$0.00	\$0.38	\$0.38	\$26.44
- Lodged in loose gravel	\$26.06	\$0.00	\$0.00	\$0.38	\$0.38	\$26.44
- Overweight	\$26.06	\$0.00	\$0.00	\$0.38	\$0.38	\$26.44
- Excess distance	\$26.06	\$0.00	\$0.00	\$0.38	\$0.38	\$26.44
- Rolloff curb	\$26.06	\$0.00	\$0.00	\$0.38	\$0.38	\$26.44

**Waste Connections of Oregon, Inc.  
dba The Dalles Disposal  
Proposed Wasco County UGA Rates  
Effective January 1, 2021**

SERVICE	CURRENT RATE	LANDFILL INCREASE	1.46%	1.45%	TOTAL INCREASE	NEW RATE
			TOTAL LF INCREASE	BUSINESS INCREASE		
<b>COMPACTORS</b>						
* 50,000 max gross weight						
- Per compacted yard	\$34.46	\$0.21	\$0.26	\$0.24	\$0.50	\$34.96
- over 2 tons for 10 yds						
- over 4 tons for 20 yds						
- over 6 tons for 30 yds						
- over 50,000 GW x Fee (*Per each 2,000 lb excess)	\$389.23	\$0.00	\$0.00	\$5.65	\$5.65	\$394.88
- Extra miles over 15	\$3.25	\$0.00	\$0.00	\$0.05	\$0.05	\$3.30
<b>DROP BOXES</b>						
- 10 yd min fee empty	\$224.31	\$0.77	\$0.94	\$2.31	\$3.25	\$227.56
- 15 yd min fee empty	\$336.54	\$1.15	\$1.41	\$3.47	\$4.88	\$341.42
- 20 yd min fee empty	\$448.59	\$1.54	\$1.88	\$4.62	\$6.50	\$455.09
- 30 yd min fee empty	\$672.94	\$2.31	\$2.82	\$6.93	\$9.75	\$682.69
- 40 yd min fee empty	\$897.44	\$3.08	\$3.76	\$9.25	\$13.01	\$910.45
- Delivery	\$74.87	\$0.00	\$0.00	\$1.09	\$1.09	\$75.96
- Pickup	\$74.87	\$0.00	\$0.00	\$1.09	\$1.09	\$75.96
- Swap	\$74.87	\$0.00	\$0.00	\$1.09	\$1.09	\$75.96
- Ex miles over 15	\$3.25	\$0.00	\$0.00	\$0.05	\$0.05	\$3.30
- Demurrage per day after 5 days	\$15.95	\$0.00	\$0.00	\$0.23	\$0.23	\$16.18
- LS ydg	\$30.86	\$0.08	\$0.09	\$0.35	\$0.44	\$31.30



**Waste Connections of Oregon, Inc.**  
**dba The Dalles Disposal**  
**Proposed Wasco County Rural Rates**  
**Effective January 1, 2021**

SERVICE	CURRENT RATE	1.46%	1.45%	TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
RESIDENTIAL					
CANS/ROLLCARTS					
Weekly					
- (1) 20 gal can (NewRate)	\$12.85	\$0.03	\$0.16	\$0.19	\$13.04
- (1) 32 gal can	\$21.83	\$0.05	\$0.27	\$0.32	\$22.15
- 90 gal rollcart	\$33.31	\$0.12	\$0.36	\$0.48	\$33.79
- 105 gal cart (Phase Out)	\$35.33	\$0.14	\$0.37	\$0.51	\$35.84
- each add'l can/cart added at p					
EOW					
- (1) 32 gal can	\$17.21	\$0.03	\$0.22	\$0.25	\$17.46
- 90 gal rollcart	\$29.90	\$0.07	\$0.36	\$0.43	\$30.33
Call In					
- (1) 32 gal can	\$14.70	\$0.01	\$0.20	\$0.21	\$14.91
- 90 gal rollcart	\$19.82	\$0.04	\$0.25	\$0.29	\$20.11
SPECIAL CHARGES					
* The following additional charges whose cans, rollcarts or containe to our employees due to the diffi their service containers.					
Additional Charge:					
- Sunken Can	\$26.06	\$0.00	\$0.38	\$0.38	\$26.44
- Excess distance	\$26.06	\$0.00	\$0.38	\$0.38	\$26.44
- Steps/stairs	\$26.06	\$0.00	\$0.38	\$0.38	\$26.44
- Through gate	\$26.06	\$0.00	\$0.38	\$0.38	\$26.44
- extra can/bag/box	\$7.43	\$0.01	\$0.10	\$0.11	\$7.54
- loose yardage per yd	\$30.86	\$0.09	\$0.35	\$0.44	\$31.30
(over-the-top extra around cont: or on the ground)					
- bulk items (*Bring to transfer					
- return trip can	\$7.28	\$0.01	\$0.10	\$0.11	\$7.39
- return trip rollcart	\$10.74	\$0.01	\$0.14	\$0.15	\$10.89
- rollcart redelivery	\$11.12	\$0.00	\$0.16	\$0.16	\$11.28
- Off day PU	\$7.95	\$0.00	\$0.12	\$0.12	\$8.07
- Delinquent fee	\$14.20	\$0.00	\$0.21	\$0.21	\$14.41
(Acct delinquent after 30 days					
- NSF/unhonored check fee	\$33.53	\$0.00	\$0.49	\$0.49	\$34.02
- New Acct set up fee	\$7.30	\$0.00	\$0.11	\$0.11	\$7.41
- Change in service	\$7.30	\$0.00	\$0.11	\$0.11	\$7.41
(name/address/service)					

**Waste Connections of Oregon, Inc.**  
**dba The Dalles Disposal**  
**Proposed Wasco County Rural Rates**  
**Effective January 1, 2021**

SERVICE	CURRENT RATE	1.46%	1.45%	TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
COMMERCIAL					
CANS/ROLLCARTS					
Weekly					
- (1) 32 gal can	\$25.79	\$0.05	\$0.33	\$0.38	\$26.17
- 90 gal rollcart	\$38.38	\$0.12	\$0.43	\$0.55	\$38.93
- each add'l can/cart added at p					
EOW					
- (1) 32 gal can	\$20.69	\$0.03	\$0.27	\$0.30	\$20.99
- (1) 90 gal can	\$29.75	\$0.08	\$0.35	\$0.43	\$30.18
Call In					
- (1) 32 gal can	\$16.16	\$0.01	\$0.22	\$0.23	\$16.39
- 90 gal rollcart	\$21.81	\$0.04	\$0.28	\$0.32	\$22.13
SPECIAL CHARGES					
* The following additional charges whose cans, rollcarts or containe to our employees due to the diffi their service containers.					
Additional Charge:					
- Sunken Can	\$26.06	\$0.00	\$0.38	\$0.38	\$26.44
- Excess distance	\$26.06	\$0.00	\$0.38	\$0.38	\$26.44
- Steps/stairs	\$26.06	\$0.00	\$0.38	\$0.38	\$26.44
- Through gate	\$26.06	\$0.00	\$0.38	\$0.38	\$26.44
-extra can/bag/box	\$7.43	\$0.01	\$0.10	\$0.11	\$7.54
- loose yardage per yd	\$30.86	\$0.09	\$0.35	\$0.44	\$31.30
(*extra garbage ontop or aro which must be manually hai					
- bulk items (*Bring to transfer					
- return trip can	\$7.28	\$0.01	\$0.10	\$0.11	\$7.39
- return trip rollcart	\$10.77	\$0.01	\$0.14	\$0.15	\$10.92
- rollcart redelivery	\$11.12	\$0.00	\$0.16	\$0.16	\$11.28
- Off day PU	\$7.95	\$0.00	\$0.12	\$0.12	\$8.07
- Delinquent fee	\$14.20	\$0.00	\$0.21	\$0.21	\$14.41
(Acct delinquent after 30 days					
- NSF/unhonored check fee	\$33.53	\$0.00	\$0.49	\$0.49	\$34.02
- New Acct set up fee	\$7.30	\$0.00	\$0.11	\$0.11	\$7.41
- Change in service	\$7.30	\$0.00	\$0.11	\$0.11	\$7.41
(name/address/service)					
CONTAINERS					
1 1/2 Yd Containers					
- Call In	\$37.30	\$0.08	\$0.46	\$0.54	\$37.84

**Waste Connections of Oregon, Inc.**  
**dba The Dalles Disposal**  
**Proposed Wasco County Rural Rates**  
**Effective January 1, 2021**

SERVICE	CURRENT RATE	TOTAL LF INCREASE	1.46%	1.45%	TOTAL INCREASE	NEW RATE
			BUSINESS INCREASE			
- EOW	\$53.56	\$0.17	\$0.61		\$0.78	\$54.34
- 1XPW	\$107.24	\$0.33	\$1.22		\$1.55	\$108.79
- Additional day rate = # days x 1 x wk rate						
2 Yd Containers						
- Call In	\$49.13	\$0.10	\$0.61		\$0.71	\$49.84
- EOW	\$71.19	\$0.22	\$0.81		\$1.03	\$72.22
- 1XPW	\$142.21	\$0.44	\$1.62		\$2.06	\$144.27
- Additional day rate = # days x 1 x wk rate						
3 Yd Containers						
- Call In	\$70.68	\$0.15	\$0.87		\$1.02	\$71.70
- EOW	\$102.83	\$0.33	\$1.16		\$1.49	\$104.32
- 1XPW	\$214.47	\$0.66	\$2.45		\$3.11	\$217.58
- Additional day rate = # days x 1 x wk rate						
<b>SPECIAL CHARGES</b>						
- Delivery	\$35.57	\$0.00	\$0.52		\$0.52	\$36.09
- Rent	\$34.71	\$0.00	\$0.50		\$0.50	\$35.21
- Rent-a-bin	\$78.90	\$0.00	\$1.15		\$1.15	\$80.05
- Loose yardage	\$30.86	\$0.09	\$0.35		\$0.44	\$31.30
Containers with difficult access (pe						
- Not on solid surface	\$26.06	\$0.00	\$0.38		\$0.38	\$26.44
- Stuck in the mud	\$26.06	\$0.00	\$0.38		\$0.38	\$26.44
- Lodged in loose gravel	\$26.06	\$0.00	\$0.38		\$0.38	\$26.44
- Overweight	\$26.06	\$0.00	\$0.38		\$0.38	\$26.44
- Excess distance	\$26.06	\$0.00	\$0.38		\$0.38	\$26.44
- Rolloff curb	\$26.06	\$0.00	\$0.38		\$0.38	\$26.44
<b>COMPACTORS</b>						
* 50,000 max gross weight						
- Per compacted yard	\$34.22	\$0.26	\$0.24		\$0.50	\$34.72
- over 2 tons for 10 yds						
- over 4 tons for 20 yds						
- over 6 tons for 30 yds						
- over 50,000 GW x Fee (*Per each 2,000 lb excess)	\$339.88	\$0.00	\$4.93		\$4.93	\$344.81
- Extra miles over 15	\$3.36	\$0.00	\$0.05		\$0.05	\$3.41
<b>DROP BOXES</b>						

**Waste Connections of Oregon, Inc.  
dba The Dalles Disposal  
Proposed Wasco County Rural Rates  
Effective January 1, 2021**

		1.46%	1.45%		
SERVICE	CURRENT RATE	TOTAL LF INCREASE	BUSINESS INCREASE	TOTAL INCREASE	NEW RATE
- 10 yd min fee empty	\$243.73	\$0.94	\$2.59	\$3.53	\$247.26
- 15 yd min fee empty	\$365.64	\$1.41	\$3.89	\$5.30	\$370.94
- 20 yd min fee empty	\$487.49	\$1.88	\$5.19	\$7.07	\$494.56
- 30 yd min fee empty	\$731.18	\$2.82	\$7.78	\$10.60	\$741.78
- 40 yd min fee empty	\$974.93	\$3.76	\$10.37	\$14.13	\$989.06
- Delivery	\$82.00	\$0.00	\$1.19	\$1.19	\$83.19
- Pickup	\$82.00	\$0.00	\$1.19	\$1.19	\$83.19
- Swap	\$82.00	\$0.00	\$1.19	\$1.19	\$83.19
- Ex miles over 15	\$3.36	\$0.00	\$0.05	\$0.05	\$3.41
- Demurrage per day after 5 days	\$15.94	\$0.00	\$0.23	\$0.23	\$16.17
- LS ydg	\$30.85	\$0.09	\$0.35	\$0.44	\$31.29
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					



**Waste Connections of Oregon, Inc.**  
**dba The Dalles Disposal**  
**Proposed Wasco County South Rates**  
**Effective January 1, 2021**

SERVICE	CURRENT RATE	1.46%	1.45%	TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
RESIDENTIAL					
CANS/ROLLCARTS					
Weekly					
- (1) can	\$24.77	\$0.05	\$0.31	\$0.36	\$25.13
- (2) cans	\$38.20	\$0.09	\$0.45	\$0.54	\$38.74
- (3) cans	\$50.77	\$0.14	\$0.58	\$0.72	\$51.49
- each additional can	\$7.64	\$0.05	\$0.06	\$0.11	\$7.75
Semi-Monthly/Monthly					
- (1) can, once a month	\$10.26	\$0.01	\$0.14	\$0.15	\$10.41
- (1) can, twice a month	\$15.65	\$0.02	\$0.20	\$0.22	\$15.87
Call In					
- (1) can	\$10.70	\$0.01	\$0.15	\$0.16	\$10.86
COMMERCIAL					
CONTAINERS					
1 1/2 Yd Containers					
- Once a week	\$127.67	\$0.33	\$1.50	\$1.83	\$129.50
- Twice a week	\$229.26	\$0.66	\$2.61	\$3.28	\$232.54
- Once a month	\$64.04	\$0.08	\$0.85	\$0.92	\$64.96
- Twice a month	\$82.94	\$0.17	\$1.02	\$1.19	\$84.13
2 Yd Containers					
- Once a week	\$159.25	\$0.44	\$1.83	\$2.27	\$161.52
- Twice a week	\$283.66	\$0.89	\$3.17	\$4.06	\$287.72
- Once a month	\$73.18	\$0.10	\$0.95	\$1.05	\$74.23
- Twice a month	\$103.05	\$0.22	\$1.25	\$1.48	\$104.53
3 Yd Containers					
- Once a week	\$255.28	\$0.66	\$2.99	\$3.66	\$258.94
- Twice a week	\$458.41	\$1.33	\$5.23	\$6.55	\$464.96
- Once a month	\$127.95	\$0.15	\$1.69	\$1.84	\$129.79
- Twice a month	\$165.84	\$0.33	\$2.04	\$2.38	\$168.22
4 Yd Containers					
- Once a week	\$318.41	\$0.89	\$3.68	\$4.56	\$322.97
- Twice a week	\$634.58	\$1.77	\$7.31	\$9.08	\$643.66
- Once a month	\$146.44	\$0.20	\$1.90	\$2.10	\$148.54
- Twice a month	\$204.71	\$0.44	\$2.49	\$2.93	\$207.64
5 Yd Containers					
- Once a month	\$176.21	\$0.26	\$2.29	\$2.54	\$178.75

**Waste Connections of Oregon, Inc.**  
**dba The Dalles Disposal**  
**Proposed Wasco County South Rates**  
**Effective January 1, 2021**

SERVICE	CURRENT RATE	1.46%	1.45%	TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
SPECIAL CHARGES					
- Delivery	\$36.53	\$0.00	\$0.53	\$0.53	\$37.06
TEMPORARY CONTAINERS					
- 1.5 Yd Cleanup	\$38.20	\$0.08	\$0.47	\$0.55	\$38.75
- 2 Yd Cleanup	\$48.78	\$0.10	\$0.60	\$0.70	\$49.48
- 3 Yd Cleanup	\$76.33	\$0.15	\$0.94	\$1.10	\$77.43
- 4 Yd Cleanup	\$97.56	\$0.20	\$1.19	\$1.39	\$98.95
DROP BOXES					
- 10 yd min fee empty	\$272.56	\$0.94	\$2.95	\$3.89	\$276.45
- 20 yd min fee empty	\$372.40	\$1.88	\$3.37	\$5.25	\$377.65
- 30 yd min fee empty	\$472.24	\$2.82	\$3.81	\$6.63	\$478.87
- 40 yd min fee empty	\$572.09	\$3.76	\$4.25	\$8.01	\$580.10
- Delivery	\$59.32	\$0.00	\$0.86	\$0.86	\$60.18
- Pickup	\$59.32	\$0.00	\$0.86	\$0.86	\$60.18
- Demurrage per day after 5 days	\$20.70	\$0.00	\$0.30	\$0.30	\$21.00



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF APPROVING RATE INCREASES FOR WASTE CONNECTIONS

**RESOLUTION #20-011**

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, Waste Connections has submitted a rate increase request in accordance with the current license agreement between Wasco County and Waste Connections; and

WHEREAS, in October, 2020, the Wasco County Solid Waste Committee reviewed the request and has recommended approval of Waste Connections' proposed rate increases as attached hereto and by this reference made part thereof; and

WHEREAS, on November 4, 2020, the Board voted to approve the requested rate increases.

NOW, THEREFORE, THE WASCO COUNTY BOARD OF COMMISSERS HEREBY RESOLVES to approve the Waste Connections rate increases as outlined in the attached rate schedule, effective January 1, 2020.

DATED this 4<sup>TH</sup> day of November, 2020.

APPROVED AS TO FORM

Wasco County Board of Commissioners

\_\_\_\_\_  
Kristen Campbell, County Counsel

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

\_\_\_\_\_  
Kathleen B. Schwartz, Vice-Chair

\_\_\_\_\_  
Steven D. Kramer, County Commissioner



## MOTION

**SUBJECT:** Rate Increases

---

I move to approve Resolutions 20-010 and 20-011 in the matters of 2021 rate increases as proposed by the Wasco County Landfill and Waste Connections and approved by the Solid Waste Advisory Committee.



## AGENDA ITEM

### DISASTER ASSISTANCE

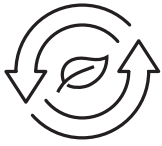
---

[EMERGENCY FOREST RESTORATION PROGRAM FACT SHEET](#)

---

[EMERGENCY CONSERVATION PROGRAM FACT SHEET](#)

---



# DISASTER ASSISTANCE

## Emergency Forest Restoration Program (EFRP)

### Overview

The Emergency Forest Restoration Program (EFRP), administered by the U.S. Department of Agriculture (USDA) Farm Service Agency (FSA), provides payments to eligible owners of nonindustrial private forest (NIPF) land in order to carry out emergency measures to restore land damaged by a natural disaster.

### How to Apply

EFRP enrollment is administered by FSA state and county committees and county offices. Producers should inquire with their local FSA county office regarding EFRP enrollment periods and eligibility.

### How it Works

FSA county committees determine land eligibility using on-site damage inspections that assess the type and extent of damage. To be eligible for EFRP, NIPF land must:

- Have existing tree cover (or had tree cover immediately before the natural disaster occurred and is suitable for growing trees); and
- Be owned by any nonindustrial private individual, group, association, corporation, or other private legal entity.

### Cost-Share Payments

Cost-share payments are:

- Up to 75 percent of the cost to implement approved restoration practices; and
- Limited to \$500,000 per person or legal entity per disaster.

### Eligible Forest Restoration Practices

To restore NIPF, EFRP participants may implement emergency forest restoration practices, such as:

- Debris removal, such as down or damaged trees, in order to establish a new stand or provide for natural regeneration;
- Site preparation, planting materials, and labor to replant forest stand;
- Restoration of forestland roads, fire lanes, fuel breaks, or erosion control structures;
- Fencing, tree shelters, and tree tubes to protect trees from wildlife damage; and
- Wildlife enhancement to provide



### For More Information

This fact sheet is for informational purposes only; other restrictions may apply. For more information about FSA disaster programs, visit <http://disaster.fsa.usda.gov> or contact your local FSA office. To find your local FSA office, visit <http://offices.usda.gov>.





## Farm Service Agency

# Emergency Conservation Program (ECP)

**FACT SHEET**  
December 2019

### Overview

The Emergency Conservation Program (ECP), administered by the U.S. Department of Agriculture (USDA) Farm Service Agency (FSA), provides emergency funding and technical assistance to farmers and ranchers to rehabilitate farmland and conservation structures damaged by natural disasters and implement emergency water conservation measures in periods of severe drought.

### Program Administration

ECP is administered by FSA state and county committees and county offices. Producers should contact their local FSA county office regarding ECP enrollment periods and eligibility.

### Land Eligibility

FSA county committees determine land eligibility based on on-site inspections of damaged land and the type and extent of damage. Eligible land includes land used for:

- Commercial farming, ranching and orchard operations;
- Growing nursery stock and Christmas tree plantations;
- Grazing for commercial livestock production; and
- Conservation structures such as, waterways, terraces, diversions and windbreaks.

Conservation problems existing before the applicable disaster event are ineligible for ECP assistance.

### Cost-Share Payments

Cost-share payments are:

- Up to 75 percent of the cost to implement approved restoration practices;

- Up to 90 percent of the cost to implement approved restoration practices for producers who certify as limited resource, socially-disadvantaged or beginning farmers/ranchers;
- Limited to \$500,000 per person or legal entity per disaster; and
- Available as an advance payment of up to 25 percent of expected cost-share, for only the replacement or restoration of fencing.

### Eligible Farmland Restoration Practices

To rehabilitate farmland, ECP participants may implement emergency conservation practices, such as:

- Removing debris from farmland (cleanup of wind- or water- deposited debris, such as woody material, sand, rock and trash on cropland or pastureland);
- Grading, shaping or leveling land (filling gullies, releveling irrigated farmland and incorporating sand and silt);





## Emergency Conservation Program - DECEMBER 2019

- Restoring fences (livestock cross fences, boundary fences, cattle gates, or wildlife exclusion fence on agricultural land);
- Restoring conservation structures (waterways, terraces, diversion ditches and permanently installed ditching system); and
- Providing emergency water during periods of severe drought (grazing and confined livestock and existing irrigation systems for orchards and vineyards).

### What to do if a Disaster Occurs

- Producer or USDA Documents
- damage with dated photographs,
- videos and third-party verification.
- Producer reports to a local Service Center as soon as possible to request assistance (immediate restoration applies only to emergency situations such as putting up fencing to confine livestock).
- The county FSA office will provide guidance on the approval process and next steps.

### For More Information

- This fact sheet is for informational purposes only; other eligibility requirements may apply. For more information on FSA programs, eligibility and related information, visit [fsa.usda.gov](https://fsa.usda.gov).
- To locate your local FSA office, visit [farmers.gov/service-locator](https://farmers.gov/service-locator).







## AGENDA ITEM

### Executive Session

---

[PURSUANT TO ORS 192.660\(2\)\(H\) CONFERRING WITH LEGAL COUNSEL](#)

---

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

---



United States  
Department of  
Agriculture

An aerial photograph of a farm at sunset. In the foreground, several large, cylindrical metal grain silos are visible. Behind them is a large red barn and other farm buildings. The background shows rolling green hills under a warm, orange-hued sky. The title text is overlaid on the center of the image within a white rectangular border.

# DISASTER ASSISTANCE PROGRAMS AT A GLANCE

FARM PRODUCTION AND CONSERVATION

FARM SERVICE AGENCY | NATURAL RESOURCES CONSERVATION SERVICE | RISK MANAGEMENT AGENCY

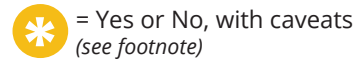




# DISASTER ASSISTANCE

## USDA Disaster Assistance Programs At a Glance

### Icon Key



Disaster Programs	Agency	Blizzard	Fire	Hurricane/ Typhoon	Excessive Moisture/ Flood	Excessive Winds/ Tornado	Drought	Hail	Volcanic Eruption/ Emissions	Freeze	Earth- quake
<b>Crop Insurance</b> – provides indemnity payments to growers who purchased crop insurance for production and quality losses related to drought and other weather hazards, including losses from an inability to plant caused by an insured cause of loss.	RMA	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Conservation Reserve Program (CRP) Haying and Grazing</b> – provides for emergency haying and grazing on certain CRP practices in a county designated as D2 or higher on the U.S. Drought Monitor, or in a county where there is at least a 40 percent loss in forage production.	FSA	★ <sup>1</sup>	★ <sup>1</sup>	★ <sup>1</sup>	★ <sup>1</sup>	★ <sup>1</sup>	✓	★ <sup>1</sup>	★ <sup>1</sup>	★ <sup>1</sup>	★ <sup>1</sup>
<b>Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program (ELAP)</b> – provides assistance to eligible owners of livestock, and producers of honeybees and farm-raised fish for losses due to disease (including cattle tick fever), adverse weather, or other conditions, such as blizzards and wildfires, not covered by LFP and LIP.	FSA	✓	★ <sup>2</sup>	✓	✓	✓	★ <sup>3</sup>	★ <sup>4</sup>	✓	✗	✓
<b>Emergency Conservation Program (ECP)</b> – provides funding and technical assistance for farmers and ranchers to restore farmland damaged by natural disasters and for emergency water conservation measures in severe droughts.	FSA	✓	✓	✓	✓	✓	✓	✗	✓	✗	✓
<b>Emergency Forest Restoration Program (EFRP)</b> – provides funding to restore privately owned forests damaged by natural disasters. Assistance helps landowners carry out emergency measures to restore forest health on land damaged by floods, hurricanes or other natural disasters.	FSA	✓	✓	✓	✓	✓	✓	✗	✓	✗	✓
<b>Farm Loans</b> – provides Emergency and Operating loans to help producers recover from production and physical losses due to natural disasters or livestock quarantine and can pay for farm operating and family living expenses.	FSA	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

<sup>1</sup> Yes, but only if determined eligible by FSA.

<sup>2</sup> Yes, except on federally managed land

<sup>3</sup> No, except for water transportation

<sup>4</sup> Yes, but only for grazing losses





















Disaster Programs	Agency	Blizzard	Fire	Hurricane/ Typhoon	Excessive Moisture/ Flood	Excessive Winds/ Tornado	Drought	Hail	Volcanic Eruption/ Emissions	Freeze	Earth- quake
<b>Environmental Quality Incentives Program (EQIP)</b> – provides agricultural producers with financial resources and one-on-one help to plan and implement improvements on the land including financial assistance to repair and prevent the excessive soil erosion caused or impacted by natural disasters. These practices include activities like stream bank restoration, grassed waterways and buffers. NRCS-funded conservation practices protect your land from erosion, support disaster recovery and repair and can help mitigate loss from future natural disasters.  Assistance may also be available for emergency animal mortality disposal from natural disasters and other causes.	NRCS	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Emergency Watershed Program (EWP-Recovery)</b> – offers vital recovery options for local communities to help people reduce hazards to life and property caused by flood-waters, droughts, wildfires, earthquakes, windstorms, and other natural disasters.  Project funds address erosion related watershed impairments by supporting activities such as removing debris from stream channels, road culverts, and bridges; reshaping and protecting eroded banks; correcting damaged drainage facilities; repairing levees and structures; and reseeding damaged areas.  EWP Floodplain Easements – provide an alternative to Recovery efforts described above. NRCS has the authority to purchase floodplain easements (FPE) as an alternative measure to traditional Recovery where sites meet EWP-FPE eligibility criteria and it is determined that acquiring an easement in lieu of Recovery is the more economical and prudent approach to reducing the threat to life or property.	NRCS		✓	✓	✓	✓	✓		✓	✓	✓
<b>Livestock Forage Disaster Program (LFP)</b> - provides compensation to eligible livestock producers who have suffered grazing losses due to drought or fire on land that is native or improved pastureland with permanent vegetative cover or that is planted specifically for grazing.	FSA	✗	✱ <sup>5</sup>	✗	✗	✗	✓	✗	✗	✗	✗
<b>Livestock Indemnity Program (LIP)</b> - provides benefits to livestock owners and some contract growers for livestock deaths in excess of normal mortality that are the direct result of an eligible adverse weather event. In addition, LIP covers attacks by animals reintroduced into the wild by the federal government or protected by federal law. Also, LIP provides assistance to livestock owners that must sell livestock at a reduced price because of an injury from an eligible loss condition.	FSA	✓	✓	✓	✓	✓	✱ <sup>6</sup>	✓	✓	✱ <sup>7</sup>	✓

<sup>5</sup> Yes, but only on federally managed lands impacted by the fire for which the producer is prohibited from grazing the normally permitted livestock by the federal agency

<sup>6</sup> No, except when associated with anthrax

<sup>7</sup> Yes, but only if deaths result from freeze incidental to a winter storm or extreme cold as determined by FSA.

# USDA Disaster Assistance Programs At a Glance





Disaster Programs	Agency	Blizzard	Fire	Hurricane/ Typhoon	Excessive Moisture/ Flood	Excessive Winds/ Tornado	Drought	Hail	Volcanic Eruption/ Emissions	Freeze	Earth- quake
<b>Noninsured Crop Disaster Assistance Program (NAP)</b> - provides financial assistance to producers of non-insurable crops to protect against natural disasters that result in lower yields or crop losses, or prevents crop planting.	FSA										
<b>Tree Assistance Program (TAP)</b> - provides financial cost-share assistance to qualifying orchardists and nursery tree growers to re-plant or, where applicable, rehabilitate eligible trees, bushes, and vines lost by natural disasters. A qualifying mortality loss in excess of 15 percent (in excess of normal mortality) must be sustained to trigger assistance.	FSA										

<sup>8</sup> Yes, only as a related condition to an eligible disaster

Other natural disasters that may apply to some of these programs (not all perils are eligible loss conditions for all programs) include:

- Explosion;
  - High water;
  - Landslide;
  - Mudslide;
  - Severe snowstorm;
  - Storm, including ice storms;
- Tidal wave;
  - Wind-driven water;
  - Insect infestation;
  - Plant disease;
  - Lightning; and
  - Other natural phenomena.

Some man-made conditions qualify for disaster assistance, as follows:

Disaster Programs	Agency	Pesticide Contamination	Nuclear Radiation/ Fallout	Toxic Substances Other Than Pesticides	Chemical Residue Other Than Pesticides
<b>Dairy Indemnity Payment Program (DIPP)</b> - provides compensation to dairy producers when a public regulatory agency directs them to remove their raw milk from the commercial market because it has been contaminated by pesticides, nuclear radiation or fallout, or toxic substances and chemical residues other than pesticides.	FSA				



## More Information

This fact sheet is for informational purposes only; other restrictions may apply.

For more information about USDA disaster programs, visit [farmers.gov/recover](https://farmers.gov/recover) or contact your local USDA Service Center.

To find your local USDA Service Center, visit [farmers.gov/service-locator](https://farmers.gov/service-locator).

To locate an approved insurance provider, visit the Agent Locator on [rma.usda.gov](https://rma.usda.gov).

## EMERGENCY CONSERVATION PROGRAM FOR 2020 WILDFIRES - OREGON

The Emergency Conservation Program (ECP), administered by the U.S. Department of Agriculture (USDA) Farm Service Agency (FSA), provides emergency funding and technical assistance to farmers and ranchers to rehabilitate farmland and conservation structures, such as fences damaged by natural disasters, including wildfire.

### Eligible Farmland Restoration Practices

To rehabilitate farmland, ECP participants may implement emergency conservation practices\*, such as:

- Removing debris from farmland (cleanup of wind or water deposited debris, such as woody material, sand, rock and trash on cropland or pastureland);
- Grading, shaping or leveling land (filling gullies, releveling irrigated farmland and incorporating sand and silt);
- Restoring fences (livestock cross fences, boundary fences, cattle gates, or wildlife exclusion fence on agricultural land);
- Restoring conservation structures (waterways, terraces, diversion ditches and permanently installed ditching system); and
- Providing emergency water during periods of severe drought (grazing and confined livestock and existing irrigation systems for orchards and vineyards).
- Land subject to frequent damage (3 or more times in last 10 years by same type of disaster) is not eligible for ECP assistance.
- Conservation problems existing before the applicable disaster event are ineligible for ECP assistance.

### How to Apply for ECP Assistance

1. Producer or USDA documents damage with dated photographs, videos and third-party verification.
2. Producer reports to their local USDA Service Center as soon as possible to request assistance (immediate restoration applies only to emergency situations such as putting up fencing to confine livestock).
3. The county FSA office will initiate the approval process guidance and next steps.

### Cost-Share Payments Are:

- Up to 75 percent of the cost to implement approved/eligible\* restoration practices; \*new or used materials, services, labor and equipment
- Up to 90 percent of the cost to implement approved restoration practices for producers who certify as limited resource, socially-disadvantaged or beginning farmers/ranchers;
- Limited to \$500,000 per person or legal entity per disaster; and
- Available as an advance payment of up to 25 percent of expected cost-share, for only the replacement or restoration of fencing.

### For More Information

For more information on FSA programs, eligibility and related information, visit [fsa.usda.gov](https://fsa.usda.gov). To locate your local FSA office, visit [farmers.gov/service-center-locator](https://farmers.gov/service-center-locator).





# EMERGENCY FOREST RESTORATION PROGRAM FOR 2020 WILDFIRES - OREGON

The Emergency Forest Restoration Program (EFRP), administered by the U.S. Department of Agriculture (USDA) Farm Service Agency (FSA), provides payments to eligible owners of nonindustrial private forest (NIPF) land in order to carry out emergency measures to restore land damaged by a natural disaster.

## Eligible Forest Restoration Practices

To restore NIPF, EFRP participants may implement emergency forest restoration practices, such as:

- Debris removal, such as down or damaged trees, in order to establish a new stand or provide for natural regeneration;
- Site preparation, planting materials, and labor to replant forest stand;
- Restoration of forestland roads, fire lanes, fuel breaks, or erosion control structures;
- Fencing, tree shelters, and tree tubes to protect trees from wildlife damage; and
- Wildlife enhancement to restore, connect and benefit habitat

## Land Requirements

NIPF land damaged by natural disaster must:

- Have existing tree cover (or had tree cover immediately before the disaster and is suitable for growing trees)
- Have damage to natural resources caused by a natural disaster that, if not treated, would impair or endanger the natural resources on the land and would materially affect future use of the land.
- Be physically located in a county in which EFRP has been implemented.

## How to Apply for EFRP Assistance

1. Producer or USDA documents damage with dated photographs, videos and/or third-party verification.
2. Producer reports loss/damage to their local USDA Service Center as soon as possible to request assistance.
3. The county FSA office will provide guidance on the approval process and next steps.

## Cost-Share Limitations

Cost-share payments are:

- Up to 75 percent of the cost to implement approved/eligible restoration practices;
- Limited to \$500,000 per person or legal entity per disaster

## For More Information

For more information on FSA programs, eligibility and related information, visit [fsa.usda.gov](https://fsa.usda.gov). To locate your local FSA office, visit [farmers.gov/service-center-locator](https://farmers.gov/service-center-locator).



# HAVE YOU LOST LIVESTOCK DUE TO WILDFIRES?

## Consider Applying for the Livestock Indemnity Program (LIP)

### Am I Eligible?

To be eligible for LIP you must have:

- Owned the livestock as of the day of the eligible loss condition;
- Had the production and market risks associated with the production of the livestock; and
- Had legal ownership of the eligible livestock for which benefits are being requested.

### Are My Livestock Eligible?

Eligible livestock must have:

- Been maintained or produced for commercial use, and
- Died no later than 30 calendar days after the ending date of the loss condition (deaths must exceed normal mortality).

Eligible livestock include:

- Adult/non-adult beef cattle, adult/non-adult beefalo/bison, adult/non-adult buffalo, adult/non-adult dairy cattle, elk, alpacas, caribou, deer, emus, equine, goats, llamas, poultry, reindeer, sheep, and swine.

### What Documentation Do I Need?

#### Acceptable Proof of Death:

- Participants must provide acceptable documentation of livestock deaths claimed on FSA form CCC-852. Documentation must be provided that proves the death of the livestock occurred as a direct result of the eligible loss condition. This documentation must provide sufficient data that identifies the quantity and the livestock kind/type and weight range. Documents that may be provided as acceptable evidence may include, but are not limited to, the following:
  - Rendering truck receipts or certificates
  - Veterinary records
  - Records assembled for tax purposes
  - Private insurance documents
  - Bank or other loan documents
  - Contemporaneous producer records existing at the time of event
  - Pictures with a date
  - Brand inspection records
  - Dairy herd improvement records
- If a participant is unable to provide acceptable records, from above, as proof of death, then the participant must use a third-party certification as proof of death. Participants and their third-party must complete FSA form CCC-854 for the third-party certification. *Note\* - the third party must be an independent source who is not affiliated with the farming operation, cannot be a hired hand or a family member.*

### Deadlines

- Notice of Loss filed within 30-days of when the loss was first apparent.
- Application for payment by March 1, 2021.





# HAVE YOU LOST LIVESTOCK DUE TO WILDFIRES?

## Consider Applying for the Livestock Indemnity Program (LIP)

### FSA Contacts in Affected Counties:

- Deschutes/Jefferson/Crook County: 541-923-4358 ext. 2
- Clackamas/Multnomah County: 503-655-3144 ext. 2
- Douglas/Jackson/Josephine County: 541-673-6071 ext. 2
- Klamath County: 541-883-6924 ext. 2
- Lake County: 541-947-2367 ext. 2
- Lane County: 541-465-6443 ext. 2
- Linn/Benton/Lincoln County: 541-967-5925 ext. 2
- Malheur County: 541-889-9689 ext. 2
- Marion/Polk County: 503-399-5741 ext. 2
- Wasco/Hood River County: 541-298-8559 ext. 2
- Washington/Clatsop/Columbia/Tillamook County: 503-648-3174 ext. 2
- Yamhill County: 503-472-1474 ext. 2

### Acceptable Beginning Inventory Records:

- Livestock owners must provide acceptable documentation of their livestock beginning inventory. Documents that may provide acceptable evidence of beginning inventory include, but are not limited to, the following:
  - Veterinary records
  - Canceled check documentation
  - Balance sheets
  - Inventory records used for tax purposes
  - Loan records
  - Bank statements
  - Farm Credit balance sheets
  - Property tax records
  - Brand inspection records
  - Sales and purchase receipts
  - Private insurance documents
  - Chattel inspections
  - Contemporaneous producer records existing at the time of event
  - Docking records
  - Shearing records
  - Ear tag records
  - Trucking and/or livestock hauling records

### Required Eligibility Documents (FSA forms):

- CCC-941, Adjusted Gross Income form
- AD-1026, Highly Erodible Land Conservation and Wetland Conservation Certification
- CCC-902, Farm Operating Plan

