



February 21, 2024 BOC Meeting

Wasco County

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

Feb 21, 2024 9:00 AM - 12:00 PM PST

Table of Contents

I. Agenda.....	3
2-21-2024 BOCC Agenda.pdf.....	3
II. Discussion List	
A. Youth Think/City of The Dalles Funding Agreement.....	4
Youth Think Memo.pdf.....	4
Funding AGR Wasco County - YouthThink - 23-24.pdf.....	5
Youth Think Funding Motion.docx.pdf.....	11
B. Appointments	
1. REDD Zone Manager.....	12
BOCC_021324_RREDZoneManager.pdf.....	12
2024 Manager Designation Notice.pdf.....	13
Resolution 24-001 Designating MCEDD Wasco County RRED Zone Manager.docx.pdf.....	14
RRED Zone Manager Motion.docx.pdf.....	15
2. White River Health District Board.....	16
Health District Memo.docx.pdf.....	16
Sheila Murphy Application for WRHD BOD Position For Packet.pdf.....	17
Order 24-003 Appointing Sheila Murphy to White River Health District Board.pdf.....	19
Health District Motion.docx.pdf.....	20
3. Discovery Center Board Appointment.....	21
Signed CGDCM letter to Wasco Co. Commission & Kathy Clark 12.6.2023 (1).pdf.....	21
Order 24-004 Appointing Philip Brady to Historical Museum Board.pdf.....	23
Historical Museum Appointment Motion.pdf.....	24
C. Finance Report.....	25

Wasco County Financial Report 2024-01 January.pdf.....	25
FY24 Wasco County - 2024-01 January.pdf.....	28
III. Consent Agenda.....	47
2-7-2024 Regular Session Minutes DRAFT.pdf.....	47
2-20-2024 Special-Executive Session Minutes DRAFT.pdf.....	64
IV. Code Compliance Ordinance Hearings	
A. Amended Code Compliance Ordinance.....	65
BOCC_Memo_ChangesToProposedOrdinance.pdf.....	65
CodeCompliance_Ordinance_FINALDRAFT(with markup - corrected).pdf.....	66
04 - CodeCompliance_Ordinance_Presentation.pdf.....	122
Ordinance 24-001 Code Compliance.pdf.....	132
Code Compliance Ordinance Motion.pdf.....	174
B. Penalty Ordinance.....	175
06 - CodeCompliance_PenaltyOrdinance_Presentation.pdf.....	175
Ordinance 24-002 (PenaltyOrd.).pdf.....	180
Penalty Ordinance Motion.pdf.....	185
V. Mid-Columbia Economic Development District	
A. Transportation Grant Application.....	186
Wasco MCEDD 5310 Application Memo.pdf.....	186
B. Oregon Investment Board Appointment Recommendation.....	187
Wasco Co OIB Appointment Memo Feb 2024_packet.pdf.....	187
VI. Humane Society Presentation	

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



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
FEBRUARY 21, 2024

This meeting was held in person and 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: Steve Kramer, Chair
Scott Hege, Vice-Chair
Phil Brady, County Commissioner
STAFF: Kathy Clark, Executive Assistant
Tyler Stone, Administrative Officer

Chair Kramer opened the session at 9:00 a.m. with the Pledge of Allegiance.

Discussion Item – Youth Think/City of The Dalles Funding Agreement

Prevention Coordinator Debby Jones reviewed the memo included in the Board Packet. She explained that while we have been receiving funding from the City in support of Youth Think programs operating in The Dalles, this is the first year the funding has been formalized through an agreement. We have already made a request for funding for the upcoming fiscal year.

{{{Vice-Chair Hege moved to approve the Intergovernmental Funding Agreement between the City of The Dalles and Wasco County in support of the Youth Think Program. Commissioner Brady seconded the motion which passed unanimously.}}}

Discussion Item – Appointments

REDD ZONE MANAGER

Mid-Columbia Economic Development District Deputy Director Carrie Pipinich reviewed the memo included in the Board Packet. She noted that RRED Zone agreements already in place are in need of some work to move them forward in the process. It is just one company with two projects.

{{{Commissioner Brady moved to approve Resolution 24-001 designating Mid-Columbia Economic Development District as Wasco County's Rural Renewable Energy Development Zone Manger. Vice-Chair Hege seconded the motion which passed unanimously.}}}

WHITE RIVER HEALTH DISTRICT BOARD OF DIRECTORS

White River Health District Board Chair Sue Knapp reviewed the letter of request included in the Board Packet.

Commissioner Brady stated that this is an excellent appointment. He asked if it is a requirement that Board members live within the Health District boundaries. Ms. Knapp responded affirmatively.

Vice-Chair Hege commented on the high quality of the applicant, congratulating the District on a successful recruitment.

{{{Vice-Chair Hege moved to approve Order 24-004 appointing Sheila Murphy to Position #2 on the White River Health District Board of Directors. Commissioner Brady seconded the motion which passed unanimously.}}}

DISCOVERY CENTER BOARD OF DIRECTORS

Commissioner Brady explained that, earlier this year, he had joined the board of the Discovery Center as a citizen. The Board determined that since historically, Wasco County has had a Commissioner serving as a Wasco County representative, the appointment would be better if made on Wasco County's recommendation as their representative. Commissioner Brady stated that he then resigned his appointment to the Discovery Center Board. The County has since received a request to have Commissioner Brady nominated by the County to serve as their representative.

Some discussion ensued regarding the name of the entity to which Commissioner Brady would be appointed. It was determined that the name should be "Columbia Gorge Discovery Center and Historical Museum."

{{{Vice-Chair Hege moved to approve Order 24-004 appointing Phil Brady to represent Wasco County on the Columbia Gorge Discovery Center and Historical Museum Board. Commissioner Brady seconded the motion which passed unanimously.}}}

Discussion Item – Finance Report

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

Commissioner Brady observed that at the last session the Board approved direction for Kramer Field expenditures related to maintenance equipment, materials, and staffing. He asked what impact that will have. Mr. Middleton replied that those expenditures will come out of the General Fund. We anticipated the costs and therefore they were built into the budget. In the new

budget, those costs will also be taken into account and we will build resources into the budget.

Consent Agenda – 2.7.2024 Minutes; 2.20.2024 Minutes

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

Vice-Chair Hege announced that at the last Urban Renewal Board meeting, a project was approved for the Blue Building. It has been sold to a private party with plans to develop it as a commercial building with 9 residential units. It is a \$4 million project with a start date about 6 months out.

Agenda Item – Mid-Columbia Economic Development District

TRANSPORTATION GRANT APPLICATION

Mid-Columbia Economic Development District Executive Director Jessica Metta reviewed the memo included in the Board Packet. She explained that MCEDD can apply directly; however, if the County applies, we get a more favorable match rate.

{{{Vice-Chair Hege moved to authorize MCEDD to develop the application for the 5310 grant on behalf of Wasco County in support of the Red and Blue Lines operating in The Dalles, Oregon. Commissioner Brady seconded the motion which passed unanimously.}}}

OREGON INVESTMENT BOARD RECOMMENDATION

Ms. Metta reviewed the memo included in the Board Packet. She stated that Jorge Barragan has been an excellent member of the Board; Mr. Cole, Wasco County's other representative, has moved away. She noted that the Governor's Office prioritizes diverse candidates.

Chair Kramer asked for MCEDD's recommendation. Ms. Metta noted that Ms. Meyers is Latino and there is currently only one woman on the Oregon Investment Board.

Commissioner Brady pointed out that Mr. Barragan is also Latino. He said he would appreciate the diversity of the business perspective and would recommend Ms. Fix for the position.

Vice-Chair Hege said he thinks either would do a fantastic job.

{{{Commissioner Brady moved to recommend Kristyn L. Fix to serve on the Oregon Investment Board. Vice-Chair Hege seconded the motion

which passed unanimously.}}}

Agenda Item – Code Compliance Ordinance Hearings

AMENDED CODE COMPLIANCE ORDINANCE HEARING

At 9:30 a.m., Chair Kramer opened a hearing for 921-23-000173, a review of a recommendation by the Wasco County Planning Department for a legislative hearing to consider approving revisions to the Wasco County Code Compliance and Nuisance Abatement Ordinance. He went on to explain the process and procedure for the hearing.

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

Code Compliance Officer Ted Palmer stated that the updates are to an existing ordinance that is 15 years old. He said that all previous Code Compliance Officers have worked on updates with a focus on enforcement. The goal is to make it clear and concise as well as improving enforcement procedures. Staff has updated the mark-up as requested by the Board.

Vice-Chair Hege said that the basic reason for this work is that we have had some challenging code compliance issues - most recently the disassembly of a manufactured home in Tygh Valley for which we have received a lot of complaints. Addressing that has taken an extended amount of time. These updates are to allow us to more efficiently and effectively deal with these issues. We are not proposing big changes; however, seeing things like unstacked firewood as a violation can be alarming. This program is complaint driven; staff is not out looking for violations. He asked how that is codified in the ordinance.

Planning Director Kelly Howsley-Glover replied that the complaint driven idea is a policy statement. A few years ago we eliminated the ability of anonymous complaints and developed policy to prioritize complaints with life/safety being the top priority. We have a couple of decades-old cases that took up a lot of time. We do not have any intention to change that policy. There is an exception to voluntary compliance - that is for conditional use permits. That exception is to eliminate impacts to adjacent uses such as farm use. The one we most commonly evaluate is medical hardship. We contact them to come to compliance. In addition, the National Scenic Area (NSA) Management Plan requires us to do a 5 year look back to make sure properties remain in line with what was permitted.

Vice-Chair Hege asked if the policy is in writing. Ms. Howsley-Glover replied that she believes it is in the original ordinance. Vice-Chair Hege pointed out that it is not in this ordinance. Ms. Howsley-Glover said they can provide examples of

cases we pursue. Vice-Chair Hege suggested that perhaps the public was not aware previously; now they read it and it seems overreaching.

Vice-Chair Hege pointed out that the Ordinance title is removing “nuisance abatement.” He asked why that language is being removed. Mr. Palmer answered that it is to shorten it a bit but mostly because abatement is the last resort after all other avenues have been exhausted. Abatement is not the primary goal.

Vice-Chair Hege said that the mark-up had a number of people who worked on it so it became confusing. He said that staff did a good job of making it less confusing, nevertheless it is still confusing. He said that he had to look at the current ordinance on the website to try to decipher the changes. He said it was the moving of language from one section to another that added to the confusion. From his perspective, not a lot is changing from what we already had.

Vice-Chair Hege said that one item in the authority section added the NSA plan; he asked why. Ms. Howsley-Glover responded that the Plan is the policy document that informs our NSA Land Use and Development Ordinance (NSA LUDO). We want the public to be aware that they are tied together by federal law. Vice-Chair Hege observed that in some places it is confusing when it is and is not enforced in just the NSA. Ms. Howsley-Glover stated that there are some areas where we may enforce fencing but not in most areas outside the NSA.

Vice-Chair Hege stated that there are a number of changes in the purpose statement, i.e. to promote public health, safety, convenience, etc. He asked what is meant by “convenience.” Mr. Palmer replied there was a crossover from the LUDO and he combined those. Vice-Chair Hege said it is not clear who the convenience is for. He said he understands the fire hazards but asked what natural disasters have to do with codes enforcement. Ms. Howsley-Glover answered that one of the statewide land use goals (#7) is natural hazards. We have to evaluate those impacts. One of the new areas is enumerating environmental hazards such as overgrowth due to an absentee landowner. We have people build too close to a riparian area which erodes the soil and can contribute to flooding. Vice-Chair Hege asked about the language “to encourage the most appropriate use of land,” saying that seems subjective. Ms. Howsley-Glover replied that it is determined by Statute and Oregon Administrative Rules. We can be more restrictive not less. It could also be federal legislation. She pointed out that it also goes through a process with citizens. We recently did that with the Comprehensive Plan; it is a consensus based process. Vice-Chair Hege asked if the language is intended to dictate use. Ms. Howsley-Glover responded that it is not.

Vice-Chair Hege noted that section 1.040 this was in the prior ordinance. It says that these things are suspended or repealed. He said that it seems they have already been repealed and it is not necessary to state that here. Ms. Howsley-Glover leaving that in was due to legal counsel advice.

Vice-Chair Hege said that the ordinance talks about scope: all unincorporated areas in the county; elsewhere it says all areas in Wasco County. He asked if that is around solid waste. Mr. Palmer said that he thinks that the language is also in the current ordinance and has been combined. Ms. Howsley-Glover said she would recommend looking at that for a future update. Chair Kramer added that the Solid Waste Ordinance is also being updated

Vice-Chair Hege said that Section 2.020 is around Solid Waste/Junk Nuisance. He asked if red means it is new language. Mr. Palmer said red means it was moved from somewhere else in the ordinance. A lot of that language has been moved from one section to another; subsections a. and b. were shortened to sum up the goal of that section.

Vice-Chair Hege said we might think about how this is done in the future for clarity. Storage and collection of non-trash items such as wood pallets, unstacked fire wood, usable vehicle parts, etc. under D within urban growth areas or non-resource use in LUDO or NSA LUDO has a ceiling of 5 or more tires. He said he understands the issues with tires, but 5 tires seems too little. Ms. Howsley-Glover explained that comes from DEQ state standard.

Vice-Chair Hege said Section 2.030 calls out any grading over that for necessary or normal maintenance. He asked what that means. Mr. Palmer said we are talking about developing beyond normal maintenance without permit. Vice-Chair Hege asked about the language around Surveying. Mr. Palmer stated that is for test pits, etc.

Commissioner Brady commented that looking at the big picture it is a social contract. Instead of fighting with our neighbor we defer to the Government to regulate that. On the other side, we do not want the government to have too much power over what we can do with our property. We have to find a way to balance that. He said he understands the right to farm legislation which prevents complaints about farming that was already in place.

Chair Kramer opened the floor to public comment.

Bill Mead of Maupin said he thinks Vice-Chair Hege addressed most of our questions. He said he would like for the Ordinance to be rewritten for the farming section. Some of it is too much for the farmer. There is farm equipment

that is only used occasionally; according to the Ordinance it has to be gotten rid of which is not fair. Rural residential and city is different than farming.

Vice-Chair Hege asked if there are issues outside of the farm equipment. Mr. Mead said he has a stack of pallets; some farmers have tires that they are using for erosion prevention. He said he understands DEQ's stance regarding a stockpile of tires as they do decompose. As for the equipment, he said, there is some old equipment such as a plow he has that he may not use for 7-8 years but will need it then. He said most farmers are environmentally sound or they would not be farming.

Bill Ketchum of The Dalles pointed out that while the advertisement for these updates met state statute, there are more ways to hit your target audience. We need better communication. The changes are impossible to track. We need to do better. The ordinance needs to include the fact that enforcement is complaint driven. "Subjective" and "objective" need to be defined. He urged the Board to not approve today. He provided a written statement (attached).

Chuck Ashley of The Dalles provided a written document of his comments (attached) which he reviewed.

Marybeth Richman read statement (attached).

John Creel of Tygh Valley referenced processes he followed in his career as a public servant, stated that there has not been enough education for the ordinance. In addition, the ordinance needs better engineering and the enforcement piece is unclear. He said he would step back and do some education and engineering and clarify the penalties; the community is not comfortable with this.

Chair Kramer asked if anyone had anything new to add.

Wayne Odem of Maupin said that his concern is that a lot of this needs to be rectified but some of this is only important to those making the rules. These farmers have to make decisions in a timely manner. There is no reason, for this to not be condensed. The program cannot operate under these rules.

Darlene France of Dufur said that the aerial observation should be looked into.

Josh Thompson commented that the environmental section has too much room for interpretation. The Ag section is basically is redundant to other laws in existence. The Discharge section needs more definition of sewage; it currently includes animal waste which farmers use for fertilizer. Discharge of prohibited substances including ground water it is a loose definition. It also includes air conditioning

water which will freeze if pumped outside.

Charlotte Sallee said this has to be addressed and deeply reviewed.

Lanny Matiere of Antelope thanked the Board for the opportunity for a hearing. He said there should be another so they can get the notice out to their neighbors and have a bigger space for the hearing. He commented that there are a lot of Land Use rules; some we have been noticed on and some not. Our tax money goes to create that information and it appears that you use it to chase other money from other government agencies that require you to pass these laws to control us. He said the Board is beating citizens over their heads with their own money. Instead of all this complication, he said the Board needs to be the hero and repeal something; get rid of the planners we do not need. One day we will not be able to have private property anymore. If we do not have control of our homes, we cannot control our communities and families. We have problems with the state - we have a governor that is woke. Mr. Matiere continued to make further political statements.

Marilyn Clifford noted that on page 56 it states that an error in name of the owner shall not void lien. She said that it is not the owners fault if County staff gets the name wrong.

Vice-Chair Hege asked if staff had any response. Ms. Howsley-Glover said that perhaps it would be helpful to be clear that our Code Compliance program has a direct relationship to Land Use Planning which contains those exemptions for farming. She said it is pretty easy for staff to identify those complaints and dismiss them easily. These violations do not happen on farm land; they happen in our densely populated rural residential areas such as Pine Hollow and Tygh Valley, etc. We have had farm complaints but they usually are dismissed. People moving in next to a farm have to sign a document acknowledging the farm rights and promising not to sue. We are seeing things done without permit. She said she appreciates the community testimony. One of the goals in this plan is to offer clarity and streamline enforcement. It has been tremendously frustrating to have decades-long cases. We want to be clear about the procedure. The ordinance has many steps we have to take before we can levy fines.

Vice-Chair Hege asked if the farm use provision could be made clear in the Ordinance. Ms. Howsley-Glover stated that it is in the connection to other documents. Every legislative session sees changes requiring us to update documents. We try to reference when we can so that there are no misalignments. We could produce material that would help citizens understand better. I would caution trying to bloat this document. Vice-Chair Hege said he thinks the farm provision is important to include.

WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
FEBRUARY 21, 2024
PAGE 9

Mr. Thompson said that if that provision was clarified, this room would not be full. It would be beneficial to add that language.

Jennifer Ashley of The Dalles said she understands the logic behind referencing. It could be added as a footnote at the end which could be easily changed.

Chair Kramer closed the hearing at 10:49 a.m.

DELIBERATION

Chair Kramer said that it is clear that we have some issues to address and will need another meeting.

Commissioner Brady thanked the public for their participation. We have had a lot of good feedback on things that can be improved. He asked how much time would be needed before bringing this back.

Vice-Chair Hege said he would look to Planning for the best path forward to gather input. Perhaps a meeting outside of the Board of Commissioners and then bring it back - that would be helpful. He said he would not be ready to make a decision today. He suggested that staff may need time to think about it. Ms. Howsley-Glover said that if we open the document, we would need to get Commission approval and budget approval to move forward to a county wide process. That is a years-long process. A mailing would be \$5,000. If that is the direction, we are happy to do that. The consequence of not passing it now is that it will continue to make it difficult for staff to address pressing cases. We can bring that project to the next meeting.

Commissioner Brady suggested that we take one more round on the present document without opening everything. If that is not satisfactory, we can broaden the scope.

Vice-Chair Hege said that maybe we do need to make further changes, but he thinks Commissioner Brady's suggestion makes sense. The reality is that there are a lot of things that are not changing; we just need to clarify. He asked if the Planning Commission could work on this. Ms. Howsley-Glover said they could. She asked what the Board is suggesting the scope to be. If we address all that we have heard today, we have to broaden the scope to county wide.

Vice-Chair Hege said he does not want to create a huge process. He said thinks that the changes are not that many and there needs to be education. Ms. Howsley-Glover asked if the Board is giving staff discretion to come up with a proposal. Vice-Chair Hege said he would support that. Ms. Howsley-Glover stated that it is their intent to make this more of an interactive process; they have

already cleaned up a lot of the procedural aspect. She added that they don't want another decade to pass before it is updated again. This should be a document that we will continue to update.

Vice-Chair Hege stated that it needs to be clear that this is this complaint driven and we are not out looking for unstacked wood. That is not clear in the ordinance.

Commissioner Brady asked if Planning could provide a clean copy to the Board in the interest of making it more readable and understandable. Ms. Howsley-Glover responded affirmatively. She said they did the mark up to keep the Board from having to compare and contrast. We tried to do the revision cover sheet as a tool to assist in reviewing the changes. She said perhaps an annotated version would be better; that could be accomplished in 6 months.

Deliberations concluded at 11:02 a.m.

*****The Board was in consensus to postpone the second reading of the Wasco County Code Compliance and Nuisance Abatement Ordinance and to reconvene on March 20th to hear an update from Planning staff regarding the scope of work.*****

CODE COMPLIANCE PENALTY ORDINANCE HEARING

At 11:06 a.m., Chair Kramer opened a hearing for 921-23-000174, a review of a recommendation by the Wasco County Planning Department for a legislative hearing to consider adopting the Wasco County Code Compliance Penalty Ordinance. He went on to explain the process and procedure for the hearing.

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

Chair Kramer noted that with the delay of the related Code Compliance and Nuisance Abatement Ordinance, it would not be useful to hold the second hearing for the Penalty Ordinance.

The Hearing was closed at 11:09 a.m.

DELIBERATIONS

*****The Board was in Consensus to reopen the hearing for the Code Compliance Penalty Ordinance at the March 20, 2024 Session of the Board.*****

Agenda Item – Humane Society Presentation

Sunny Simon, Board President of the Columbia Gorge Humane Society (CGHS), stated that they have a 6-member board with plans to add a 7th member. Current Board Members are Seth Bradley, Breanna Wimber, JR Frakes, Kelly Howsley-Glover and Bradley Cross. She reviewed their mission and values statements and said they plan to set themselves apart from the previous shelter. She outlined a number of aggressive fund-raising campaigns they have planned. She said they have a vet onboard to do spay and neuters one day each month. They are looking at grant funding and have started a website to make it easier to donate. She said they plan to nurture community relationships and support and hope to give 10-15 spay/neuter vouchers each month. They also want to hold vaccination clinics and issue dog licenses. She explained that having to pay for an office visit for those items is a barrier.

Ms. Wimber stated that in the past Home at Last did can and bottle collection which provided about 50% of their funding. There have been problems with the collection trailers deployed around the community. CGHS's plan is to sell logo space on the trailers and deploy them at events such as the Wasco County Fair. This is an ongoing effort and we will need to have community stakeholders to make it sustainable. Getting strays off the street is in everyone's best interest.

Ms. Simon noted that Home at Last can only make it to about March 10th.

Vice-Chair Hege asked what the County's role is in this.

Mr. Stone replied that he has been focused on transitioning the deed back to the County's ownership; we need to bring the assets back to the County. The deed had a reversionary clause and documents have been signed to get it back into County ownership. In addition, the County has purchased the equipment from Home at Last for use by the new entity. The City of The Dalles and Wasco County will have to participate in funding; the County will be for start-up costs and the City will be ongoing.

Vice-Chair Hege asked if we will have a lease agreement with CGHS. Mr. Stone said his intention is to have a lease agreement, management agreement, and operations agreement. Those are being worked on now.

Ms. Simon said that rebranding and establishing a 501(3)(c) is expensive. They are doing all they can to raise funds and access grant opportunities. CGHS will need to have at least \$50,000 for start-up costs.

Commissioner Brady asked if they are an independent organization. Ms. Simon

answered that they are. Commissioner Brady stated that the juvenile inmates at NORCOR used to help with the bottle and can project.

Mr. Stone said that time is of the essence as Home at Last will not be able to continue.

*****The Board was in consensus to provide \$50,000 to help cover start-up costs for the Columbia Gorge Humane Society.*****

Commission Call

Commissioner Brady said that Friends of the Gorge is working on a trail that goes from Mosier to The Dalles with shorter hiking loops at either end. He provided an informational document (attached) on the project. He noted that the County's recently purchased 159 acres can be a part of that.

Commissioner Brady announced that he would be traveling to Washington D.C. with the Community Outreach Team.

Chair Kramer said he is still waiting for legislative actions to settle in Salem. He continues to work on the Resolution Center and has requested a meeting with the Governor.

Chair Kramer adjourned the meeting at 11:30 a.m.

Summary of Actions

MOTIONS

- **To approve the Intergovernmental Funding Agreement between the City of The Dalles and Wasco County in support of the Youth Think Program.**
- **To approve Resolution 24-001 designating Mid-Columbia Economic Development District as Wasco County's Rural Renewable Energy Development Zone Manger.**
- **To approve Order 24-004 appointing Sheila Murphy to Position #2 on the White River Health District Board of Directors.**
- **To approve Order 24-004 appointing Phil Brady to represent Wasco County on the Columbia Gorge Discovery Center and Historical Museum Board.**
- **To approve the Consent Agenda: 2.7.2024 Regular Session Minutes; 2.20.2024 Special Session Minutes.**
- **To authorize MCEDD to develop the application for the 5310 grant on behalf of Wasco County in support of the Red and Blue Lines operating in The Dalles, Oregon.**
- **To recommend Kristyn L. Fix to serve on the Oregon Investment**

Board

CONSENSUS

- **To postpone the second reading of the Wasco County Code Compliance and Nuisance Abatement Ordinance and to reconvene on March 20th to hear an update from Planning staff regarding the scope of work.**
- **To reopen the hearing for the Code Compliance Penalty Ordinance at the March 20, 2024 Session of the Board**

Wasco County
Board of Commissioners



Steven D. Kramer, Commission Chair



Vice-Chair Hege C. Hege, Vice-Chair



Philip L. Brady, County Commissioner



MEMORANDUM

SUBJECT: Youth Think/City of The Dalles Funding Agreement

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DEBBY JONES

DATE: FEBRUARY 13, 2024

BACKGROUND INFORMATION:

The partnership between YouthThink and the City of The Dalles has been in existence since 2013. Funding has ranged from a minimum of \$5,000 to a maximum of \$25,000 depending upon the year.

In 2023-2024, YouthThink requested \$35,000. The City granted \$25,000 through their budget process. Funding from the city has always gone towards youth and family programs. The funding request has fit within the livability goals of the city of The Dalles. This particular funding period has been allocated to the following:

- \$3,500 Free Saturday Family Movie Program
- \$3,000 April 27 Day of the Child Community Celebration
- \$18,500 The Dalles Middle School "What's Strong With You" Program

INTERGOVERNMENTAL FUNDING AGREEMENT

This INTERGOVERNMENTAL FUNDING AGREEMENT (**Agreement**) is entered by the *City of The Dalles* (**City**), an Oregon municipal corporation, and *Wasco County* (**County**), an Oregon political subdivision, for the City's funding contribution to YouthThink, a program within Wasco County's Department of Youth Services.

WHEREAS, ORS 190.007 declares intergovernmental cooperation a matter of statewide concern in the interests of furthering economy and efficiency in local government;

WHEREAS, ORS 190.010 authorizes the Parties to enter this Agreement;

WHEREAS, County submitted a request to the City Council for funding consistent with its January 30, 2023, proposal (**Proposal**), attached to and made part of this Agreement as its **Exhibit A**; and

WHEREAS, the City Council, through its budget process, has appropriated sufficient monies (**Funds** or **Funding**) to award County in furtherance of its Proposal;

NOW, THEREFORE, in consideration of both the provisions set forth herein and other good and valuable consideration, the receipt and sufficiency of which is here acknowledged, the Parties agree:

1. **TERM AND TERMINATION.**

A. **Term.** The Parties agree this Agreement's term commences upon its mutual execution and expires June 30, 2024.

B. **Termination.**

(1) **Unilateral Termination.** The Parties agree either Party may terminate this Agreement upon 15 days' advance notice to the other.

(2) **City Termination.** The Parties agree the City may terminate this Agreement immediately upon County's use of Funds for purposes not expressly indicated in its Proposal and after the City dispatches a notice of termination to County. If the City terminates this Agreement pursuant to this **Section 1(B)(2)**, County agrees it may be required (at the City's sole discretion) to return all Funds within 30 days of the notice of termination's date, it may be barred from future Funding requests, or both.

2. **FUNDS GRANTED.** The City agrees to disburse an amount not to exceed **\$25,000.00** to County subject to this Agreement's qualifying terms and conditions. In all events, the Parties expressly agree the City's obligations under this Agreement are contingent on Funding availability through the City's budget process and subject to all applicable federal, Oregon, and local laws regarding the governance of such monies. Plainly, the Parties understand and agree the City's obligation to disburse Funds to County is limited to the degree the City actually appropriates such Funds for the given fiscal year.

3. **LIMITED USE.** County agrees the Funds are only eligible for use to cover its actual costs as described in its Proposal. County further agrees its use of any Funds for a purpose not described by this **Section 3** is a default of this Agreement subject to the City's termination pursuant to **Section 1(B)(2)**.
4. **REPORTING.** County agrees to submit all reporting on its use of the Funds upon request by the City Manager and (in all cases) a final report including a breakdown of how all Funds were actually spent before it may request any additional Funds from the City.
5. **DISBURSEMENT AND RECOVERY.**
 - A. **Disbursement.** The City agrees to disburse Funding to County within 14 days of this Agreement's mutual execution.
 - B. **Eligible Costs.** County agrees to use all Funds consistent with eligible costs described in **Section 3**. County further agrees any changes to the Proposal are ineligible for Funding use unless those changes are approved by the City.
 - C. **Recovery.** County agrees to repay the City all Funds disbursed if it has not cured any default of this Agreement after the City dispatches 21 days' notice of default.
6. **INSPECTION AND RECORDS.**
 - A. **Inspection.** County agrees the City may inspect the work contemplated by the Proposal or its proposed location (if applicable) at any time during its development, installation, or implementation if the City's inspection is during normal working hours and follows the City's reasonable notice.
 - B. **Records.**
 - (1) **Access.** County agrees the duly authorized representatives of the City may, with respect to those pertinent to this Agreement:
 - (a) access County's financial records and other books, documents, papers, plans, records of shipments, and payments and writings (whether in paper, electronic, or other form);
 - (b) perform examinations and audits; and
 - (c) make excerpts, transcripts, and copies.
 - (2) **Retention.** County agrees to retain and keep accessible all books, documents, papers, plans, records, and writings (with respect to those pertinent to this Agreement, the Funds, and its Proposal) for a minimum of 6 years (or such longer period required by applicable law) following the later of:



- (a) this Agreement's termination or expiration; or
- (b) the conclusion date of any audit, controversy, or litigation arising from this Agreement.
- (3) Release. County authorizes any incentivizing entity outside of the City to release all relevant information or records concerning the Funds or Proposal to the City, including (without limitation) information on the use of Funds for the Proposal, other incentives offered and received, and inspection results.

7. COVENANTS.

- A. Safeguarding. County agrees to vigilantly safeguard all disbursed Funds and maintain financial controls sufficient to protect them and ensure the Funds are used solely for the Proposal. The City reserves the express right to confirm County's compliance with this **Section 7(A)** at any time during this Agreement's term.
- B. No Future Requests until Completion. County agrees it is not eligible for any other Funding requests until it completes its use of the Funds for the Proposal pursuant to the terms of this Agreement.

8. DEFAULT.

- A. Acts. County agrees it will be in default of this Agreement upon the occurrence of any of the following events:
 - (1) County fails to perform, observe, or discharge any of its covenants, agreements, or obligations under this Agreement or applicable law;
 - (2) Any representation, warranty, or statement made by County in this Agreement, its Proposal, or in any documents or reports relied upon by the City to monitor implementation of the uses contemplated by the Proposal, the expenditure of the Funds, or County's performance is untrue in any material respect at the time it was made;
 - (3) The City Manager determines County violated or has likely violated provisions of The Dalles Municipal Code;
 - (4) County **(a)** applies for or consents to the appointment of, or taking of possession by, a receiver, custodian, trustee, or liquidator of itself or all or any substantial portion of its property, **(b)** admits in writing its inability, or is generally unable, to pay its debts as they become due, **(c)** makes a general assignment for the benefit of its creditors, **(d)** commences a voluntary case under the U.S. Bankruptcy Code (as now or hereafter in effect), **(e)** files a petition seeking to take advantage of any other law relating to bankruptcy, insolvency,



reorganization, winding-up, or composition or adjustment of debts, **(f)** fails to controvert in a timely and appropriate manner, or acquiesces in writing to, any petition filed against it in an involuntary case under the U.S. Bankruptcy Code (as now or hereafter in effect), or **(g)** takes any action for the purpose of effecting any of the foregoing listed in this **Section 8(A)(4)**; or

- (5) A proceeding or case is commenced, without County's application or consent, in any court of competent jurisdiction, seeking **(a)** County's liquidation, dissolution or winding-up, or the composition or readjustment of debts, **(b)** the appointment of a trustee, receiver, custodian, liquidator, or the like of County or of all or any substantial part of its assets, or **(c)** similar relief in respect to County under any law relating to bankruptcy, insolvency, reorganization, winding-up, or composition or adjustment of debts, and such proceeding or case continues undismissed, or an order, judgment, or decree approving or ordering any of the foregoing listed in this **Section 8(A)(5)** is entered and continues unstayed and in effect for a period of 60 consecutive days, or an order for relief against County is entered in an involuntary case under the U.S. Bankruptcy Code (as now or hereafter in effect).

- B. Remedies.** Upon the occurrence of County's default under **Sections 8(A)(2), (4), or (5)**, or if County's default under **Sections 8(A)(1) or (3)** is not cured within 21 calendar days of the City's written notice (or such longer periods the City may authorize in its sole discretion), the City may pursue any remedies available under this Agreement, at law, or in equity. Specifically, and without limitation, such remedies include termination of the City's obligation to disburse Funds, return of disbursed Funds, payment of interest earned on the Funds disbursed, and declaration of ineligibility for the receipt of future grants or awards from the City. If, as a result of County's default, the City demands return of the Funds or payment of interest earned on the Funding, County agrees to pay the amount upon the City's demand consistent with **Section 5(C)**.

9. GENERAL PROVISIONS.

- A. Indemnification.** In accordance with the Oregon Tort Claims Act and Oregon constitution, County agrees to indemnify, defend, and hold harmless the City (including its officers, employees, and agents) from all claims, suits, actions, losses, damages, liabilities, costs, and expenses (of any nature) resulting from, arising out of, or relating to County's (including its officers', employees', agents', and subcontractors') activities under this Agreement.
- B. Independent Contractor.** The Parties agree and acknowledge their relationship is that of independent contracting parties and County is not an officer, employee, or agent of the City (as those terms are used in ORS 30.625 or otherwise).
- C. Tax Currency.** County agrees (and by executing this Agreement, certifies under penalty of perjury) it is, to the best of its knowledge, not in violation of any tax laws described in ORS 305.380.



- D. Survival. The Parties agree the provisions of this Agreement that, by their sense and purpose, should survive its expiration or termination will so survive; without limitation, such surviving provisions expressly include **Sections 4, 6, and 9(A)**.
- E. Amendment. The Parties agree they may make modifications to this Agreement at any time but only upon their mutual written agreement.
- F. Governing Law and Venue. The Parties agree this Agreement shall be governed by and construed in accordance with the laws of the State of Oregon and the exclusive venue for all actions relating to this Agreement shall be in the Circuit Court of the State of Oregon for Wasco County.
- G. No Waiver. The Parties agree a Party's failure to insist upon strict adherence to a provision of this Agreement on any occasion shall not be considered a waiver of that Party's rights or deprive that Party of the right to thereafter insist upon strict adherence to that or any other provision of this Agreement.
- H. Assignment. The Parties agree County shall not assign or transfer any interest in this Agreement without the City's prior written consent and any such assignment or transfer (if approved) is subject to such conditions and provisions the City may deem necessary. County further agrees no City approval of any assignment or transfer shall be deemed to create any obligation of the City in addition to those set forth in this Agreement nor will the City's approval of any assignment or transfer relieve County of any of its duties or obligations under this Agreement. The Parties agree this Agreement binds and benefits the Parties and their respective and permitted successors, agents, and assigns.
- I. Integration. The Parties agree this Agreement represents their full and final understanding and supersedes all prior or contemporaneous negotiations and agreements between them.
- J. Severability. The Parties agree any provision of this Agreement deemed illegal or unenforceable is severed from this Agreement and the other provisions remain in full force and effect.
- K. Counterparts. The Parties agree this Agreement may be executed in one or more counterparts, each of which is an original, and all of which constitute only one agreement between the Parties.

Continues on next.



- L. Notices. The Parties agree all notices required or permitted to be given under this Agreement shall be deemed given and received two (2) days after deposit in the United States Mail, certified or registered form, postage prepaid, return receipt requested, and addressed:

To the City: City Manager
City of The Dalles
313 Court Street
The Dalles, OR 97058

To County: Administrative Officer
Wasco County
511 Washington Street, Suite 101
The Dalles, OR 97058

IN WITNESS WHEREOF, the Parties have duly executed this **INTERGOVERNMENTAL FUNDING AGREEMENT** this 21st day of February, 2024.

CITY OF THE DALLES

WASCO COUNTY

Matthew B. Klebes, City Manager

Steven D. Kramer, Board Chair

ATTEST:

Amie Ell, City Clerk

Approved as to form:

Approved as to form:

Jonathan M. Kara, City Attorney

Kristen A. Campbell, County Counsel





MOTION

SUBJECT: Funding Agreement

I move to approve the Intergovernmental Funding Agreement between the City of The Dalles and Wasco County in support of the Youth Think Program.

Memorandum

Date: February 13, 2024
To: Wasco County Board of County Commissioners
From: Carrie Pipinich, MCEDD and EDC Staff
Re: Rural Renewable Energy Development Zone Management

Wasco County sought designation of and was approved for a Rural Renewable Energy Development (RRED) Zone for all areas of the County in May of 2020. The RRED zone provides the same property tax abatements for renewable energy projects in the area as would the Enterprise Zone for eligible companies locating or growing. The program has a cap of \$250 million in initial market value for use per designation. All of this capacity has already been used up by the two existing approved abatements for solar projects in the Bakeoven area.

With the zone designation, Matthew Klebes was identified to serve as the Zone Manager in his capacity as the County's Administrative Service Director. With his departure from the County, this role has remained vacant. However, there is a need to appoint a new Zone Manager to support administering the program. MCEDD through its role as Economic Development Commission staff serves in this role for the regular Enterprise Zone program outside of the City of The Dalles.

The Zone Manager works closely with the County Assessors office to administer the program. Duties include:

- providing a point of contact for companies interested in utilizing the tax abatement for questions about the program
- processing and co-authorizing standard exemptions through the program with the County Assessor
- working with companies to support requesting extended abatements from the Board of County Commissioners (BOCC) following existing guidelines approved by the BOCC
- working with companies to gather annual reporting and addressing any other requirements associated with approved abatements

The County Commission will continue to provide authorization for extended abatements and approve guidelines for these abatements to ensure a standard process, consider any requirement waiver requests for projects, and would determine interest in any exploration of redesignation to provide additional abatement capacity moving forward.

Request: Appoint Mid-Columbia Economic Development District (MCEDD) in its capacity as staff for the Wasco County Economic Development Commission as Zone Manager for the Wasco County Rural Renewable Energy Zone.



ADMINISTRATIVE SERVICES

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

Pioneering pathways to prosperity.

Art Fish
Business Oregon
775 Summer Street NE, Suite 200
Salem, OR 97301-1280

Re: Wasco County Rural Renewable Energy Development Zone

February 21, 2024

Dear Art,

Wasco County was designated a Rural Renewable Energy Development Zone in May of 2020. As zone sponsor, it is our duty to designate a zone manager. In 2020, Matthew Klebes, Administrative Services Director, was appointed to fill this role. As Matthew has accepted a new position outside of Wasco County, we seek to designate a new zone manager.

The Board of County Commissioners approves designating Mid-Columbia Economic Development District (MCEDD) as the Zone Manager for the Wasco County Rural Renewable Energy Zone. MCEDD will internally delegate roles and responsibilities for staff serving the program.

Sincerely,
Wasco County Board of Commissioners

Steven D. Kramer Chair

Scott C. Hege, Vice-Chair

Philip L. Brady, County Commissioner



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF DESIGNATING MID-COLUMBIA ECONOMIC DEVELOPMENT DISTRICT WASCO COUNTY RURAL RENEWABLE ENERGY DEVELOPMENT ZONE MANAGER

RESOLUTION 24-001

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, in May of 2020, Wasco County was approved for a Rural Renewable Energy Development (RRED) Zone which provides the same property tax abatements for renewable energy projects in the area as would the Enterprise Zone for eligible companies; and

WHEREAS, the County's designated RRED Zone Manager is no longer employed by the County; and

WHEREAS, Mid-Columbia Economic Development District already serves in this role for the Enterprise Zone outside of the City of The Dalles and works closely with the County Assessor's Office to administer the Enterprise Zone Program.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION, designates MCEDD as Zone Manager for the Wasco County Rural Renewable Energy Zone.

BE IT FURTHER RESOLVED: That the Wasco County Board of Commissioners will retain any and all authority over the RRED Zone, including but not limited to, the granting of extended abatements and approval of guidelines for abatements to ensure a standard process, consideration of any waiver requests for projects and determination of interest in an exploration of resignation to provide additional abatement capacity.

APPROVED by the Board of County Commissioners this 21st day of February, 2024.

APPROVED AS TO FORM:

WASCO COUNTY BOARD OF COMMISSIONERS

Kristen Campbell, County Counsel

Steven D. Kramer, Board Chair

Scott C. Hege, Vice-Chair

Philip L. Brady, County Commissioner



MOTION

SUBJECT: RRED Zone Manager Designation

I move to approve Resolution 24-001 designating Mid-Columbia Economic Development District as Wasco County's Rural Renewable Energy Development Zone Manger.



MEMORANDUM

SUBJECT: Health District Appointment

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KATHY CLARK

DATE: FEBRUARY 13, 2024

BACKGROUND INFORMATION:

ORS 198.320

- (1) Except as otherwise provided by law, a vacancy in an elected office in the membership of the governing body of a district shall be filled by appointment by a majority of the remaining members of the governing body. If a majority of the membership of the governing body is vacant or if a majority cannot agree, the vacancies shall be filled promptly by the county court of the county in which the administrative office of the district is located.
- (2) This subsection applies to districts defined in [ORS 255.012 \("District" defined\)](#) which have a regular district election on a date specified in [ORS 255.335 \(Regular district election\)](#). The period of service of a person appointed under subsection (1) of this section shall expire June 30 next following the next regular district election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term for which the appointment was made. If the term for which the appointment was made expires June 30 after the election of the successor, the successor shall be elected to a full term. In either case the successor shall take office July 1 next following the election.

White River Health District dba Deschutes Rim Health Clinic, Maupin, OR

Application for Board of Directors Position

(POSITION # 2)

The White River Health District (dba Deschutes Rim Health Clinic) is served by a 5-member volunteer Board of Directors which acts to direct and guide Clinic operations. Board positions are generally filled through the electoral process. However, vacated positions need to be filled whenever a vacancy occurs. The applicant will be given the opportunity to apply to be elected to the same position during the electoral process (held every 2 yrs). Board members are elected for a 4-year term. Board members also serve on the Board of the Deschutes Rim Clinic Foundation.

Legal Name: Sheila Diane Murphy
Mailing Address: [REDACTED] Maupin, OR 97037
Home address: Same as above
Best phone contact number: [REDACTED]
Email: [REDACTED]

Why are you interested in serving as a Board Member for White River Health District?

I would like to use my past knowledge + experience to contribute to community service

Board members are expected to further the goals of the district & clinic, be responsible fiduciary agents for the district, maintain general oversight of all district/clinic operations, and be health care ambassadors in the community.

How would you be able to positively & constructively contribute to the District, Clinic and Foundation?

I have served my entire career in the healthcare field. I have managed medical clinics as well as my own private practice.

Have you worked or had experience with the health care field in any capacity? If so, please

describe: 6 years managing outpatient clinics for Medical University of South Carolina and The Hershey Medical Center. I have been a practicing Doctor of Chiropractic since 1987.

Describe your Education: BA - Art History, University of South Carolina, MA - Wholistic Education, Beacon College, Washington DC, DC - University of Western States, Portland, OR

Describe your General Experience and Background: Doctor of Chiropractic, Faculty member, Classical Chinese Medicine at National University of Natural Medicine, Portland, OR. Past experience managing medical clinics.

Do you have previous experience serving on a Board or Commission?

☐ Yes ☒ No

If yes, please explain:

If no, please explain any previous related experience serving in a leadership role:

Overseeing outpatient clinic staffs for medical facilities listed above.

Are you available to attend regular District Board meetings? (held on 4th Wednesday of month at 9AM yes)

Are you available to attend regular Deschutes Rim Foundation Board meetings? (3rd Tuesday of month, 9 AM yes)

Misc. Information that would be helpful in the review process:

Please provide at least 2 references: Michele
Dr Michele Gerbi, DC 503-704-1206,
drgerbi@gmail.com

Dr. Heidi Peterson

Attestation questions to be completed by the Board applicant:

- a) Have you **ever** had a medical or legal license, certification, registration, bonding or membership denied, limited, suspended, revoked, not renewed, or subjected to stipulated or probationary conditions, had a corrective action, been fined or any such action pending or under review? ☐ Yes ☒ No
- b) Have you **ever** been suspended, fined, disciplined, restricted or excluded for any reason by any medical organization or other official governing body, or is there any such action pending or under review? ☐ Yes ☒ No
- c) Have you **ever** been denied privileges, membership or participation by any medical or other official governing body, placed on probation, suspended, restricted, revoked, or is there any such action pending or under review? ☐ Yes ☒ No
- d) Have you **ever** been the subject of any reports to a state or federal licensing or disciplinary entity? ☐ Yes ☒ No
- e) Have you **ever** been charged with a criminal violation (felony or misdemeanor)? ☐ Yes ☒ No
- f) Do you **presently** use any illegal drugs? ☐ Yes ☒ No
- g) Do you now have, or have you had, any physical or mental health condition, or chemical dependency condition (alcohol or other substances) that affects or is reasonably likely to affect your current ability to participate in regular meetings or discussions, in person or on-line, with or without reasonable accommodation? ☐ Yes ☒ No
- h) Have you ever had any professional liability claims or lawsuits filed against you, even if they have been closed? ☐ Yes ☒ No

If so, please give details and dates for each claim or lawsuit (below or on a separate sheet of paper and attach to this application), even if they have been closed?

I certify the information provided in this entire application is complete, current, correct, and not misleading. I understand and acknowledge that any misstatements in, or omissions from this application will constitute cause for denial of my application or summary dismissal or termination of my participation on the White River Health Board of Directors. A photocopy of this application, including this attestation, the authorization and release and any or all attachments has the same force and effect as the original. I have reviewed this information and attest to its accuracy and completeness. Should any of this information change during my application or participation on the Board, I agree to update the information with District management.

Dr. Sheila Murphy, DC
Signature

2/5/2024
Date



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT OF SHEILA MURPHY TO THE WHITE RIVER HEALTH DISTRICT BOARD OF DIRECTORS

ORDER #24-003

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

IT APPEARING TO THE BOARD: That due to the resignation of Julie Whetzel, the White River Health District Board of Directors does not have the quorum necessary to appoint a member to fill out vacated positions; and

IT FURTHER APPEARING TO THE BOARD: That, pursuant to ORS 478.210 and ORS 198.320, the White River Health District has requested that the Wasco County Board of Commissioners appoint an individual to the White River Health District Board of Directors; and

IT FURTHER APPEARING TO THE BOARD: That Sheila Murphy is willing and is qualified to be appointed to the White River Health District Board of Directors to complete the term of Julie Whetzel whose term expires in June of 2025.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Sheila Murphy be and is hereby appointed to the Position #2 on the White River Health District Board of Directors for a term to expire on June 30, 2025.

DATED this 21st day of February, 2024.

APPROVED AS TO FORM:

Kristen Campbell, County Counsel

WASCO COUNTY BOARD OF COMMISSIONERS:

Steven D. Kramer, Commission Chair

Scott C. Hege, Vice-Chair

Philip L. Brady, County Commissioner



MOTION

SUBJECT: Health District Board Appointment

I move to approve Order 24-004 appointing Sheila Murphy to Position #2 on the White River Health District Board of Directors.



COLUMBIA GORGE
DISCOVERY CENTER & MUSEUM

to present... in the past

OFFICIAL INTERPRETIVE CENTER OF THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

5000 Discovery Drive, The Dalles, OR 97058 • phone 541-296-8600 • www.gorgediscovery.org

6 December 2023

Kathy Clark and Senior Leadership
Wasco County
511 Washington Street, Suite 101
The Dalles, OR 97058

To Whom It May Concern,

Warm greetings; the Columbia Gorge Discovery Center & Museum (CGDCM) Board and Senior Leadership welcome the opportunity to further collaborate and work with Wasco County in their activities that support economic development and encourage the enhancement of the tourism infrastructure in The Dalles and in the Columbia River Gorge.

To this end, the CGDCM Board kindly request to the Wasco County Commission to nominate Wasco County Commissioner Phil Brady, in order for him to accept the nomination.

We look forward to your response, and to working together in partnership. Signed by CGDCM Board members and Executive Director in attendance at the December 6, 2023 Board meeting.

With best wishes,


William G. Dick II
CGDCM Board Co-Chair



Dan Harkenrider
CGDCM Board Co-Chair


Carolyn Wood
CGDCM Board

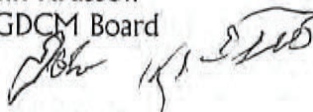

Jill Durow
CGDCM Board

Robert Bailey
CGDCM Board

Sam Woolsey
CGDCM Board


Art Carroll
CGDCM Board

John Krussow
CGDCM Board


Dan Ericksen
CGDCM Board

Randy Hilderbrand





COLUMBIA GORGE
DISCOVERY CENTER & MUSEUM

at present ... in the past

OFFICIAL INTERPRETIVE CENTER OF THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

5000 Discovery Drive, The Dalles, OR 97058 • phone 541-296-8600 • www.gorgediscovery.org

CGDCM Board

Sandi Olson
CGDCM Board

Stephanie Klindt
CGDCM Board

Chris Zukin
CGDCM Board

Jeanne Carver
CGDCM Board

David Hoopes
CGDCM Board

Marc Berry
CGDCM Board

Jennifer Hattenhauer
CGDCM Board

Genie Wood
CGDCM Board

Candy Armstrong
CGDCM Board

Rodger Nichols
CGDCM Board

Lucille Begay
CGDCM Board

Donna Mickley
CGDCM Board

Rosie Thomas Wiley
CGDCM Board

Bill Weiler
CGDCM Board

Laura Matzer
CGDCM Executive Director



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT OF PHILIP BRADY TO THE WASCO COUNTY HISTORICAL MUSEUM BOARD

ORDER #24-003

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

IT APPEARING TO THE BOARD: That the Columbia Gorge Discovery Center and Museum Board and Senior Leadership has requested that Commissioner Philip Brady serve as a County representative on their Board; and

IT FURTHER APPEARING TO THE BOARD: That Philip Brady is willing and is qualified to be appointed to the Historical Museum Board.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Philip Brady be and is hereby Historical Museum Board to serve at the pleasure of the Board of County Commissioners.

DATED this 21st day of February, 2024.

APPROVED AS TO FORM:

Kristen Campbell, County Counsel

WASCO COUNTY BOARD OF COMMISSIONERS:

Steven D. Kramer, Commission Chair

Scott C. Hege, Vice-Chair

Philip L. Brady, County Commissioner



MOTION

SUBJECT: Discovery Center Board Appointment

I move to approve Order 24-004 appointing Phil Brady to represent Wasco County on the Historical Museum Board.

Wasco County Financial Report

For the Fiscal period ending January 31st, 2024

Financial statements are presented for the 7th month of fiscal year 2024 (FY24). These are the unaudited statements and are intended for managerial use.

For guidance, the straight-line assumption for execution is 58.3%. Not all revenues and expenses are straight-line but it is a good starting point for analysis.

General Fund

Non-Departmental revenues for the fiscal year are at 126.3% of the budget expectation. The primary reason is the beginning fund balance is at 102.2%. Investment Earnings are doing well at 185.3% of the budgeted projections due to increasing interest rates.

Property taxes are \$12,610,355 or 97.2% execution. This is up from FY23 by \$819,395 or 6.9%. Based on prior years, another \$1M by the end of the fiscal year is typical.

Miscellaneous revenue is executing at 43.6%, under the budgetary expectation. This is where reimbursement comes in and the Administrative & IT revenues from other funds for the General Fund. This needs to be caught up with missed entries.

General Revenue Allocation show as a positive number which means it is treated as a decrease to revenue. This is part of the allocation of general revenues out to departments in the general fund. Allocations through January have been completed.

Transfers out have been recorded. Funds are only being transferred to the Capital Acquisition Fund for the planned purchase of the new County office building. Transfers in at this time consist of the share of the abatement funds for the County General Fund (\$275,000). The remaining transfer in budgeted is in case of reimbursement for Search & Rescue operations on Federal land. None is anticipated at this time.

Assessment & Taxation revenues are executing at 75.3% primarily due to the General Revenue Allocation. Licenses-Fees & Permits is executing at 92.6% and is 89.6% (\$10,414) greater than last FY.

Total expenses executed to 39.4% with Personnel executing to 66.5% so within the straight-line assumption when considered as a whole.

County Clerk revenues are executing at 76.3%. Charges for Services are up 19.6% over last FY.

Total expense execution is only 32.4% with Personnel executing to 62.5%.

Sheriff's Office revenues are executing at 78.0% primarily due to the General Revenue allocation. Charges for Services execution is 99.9%. The Miscellaneous Revenues are executing at 86.0%

Total expense execution is 32.3% with Personnel executing to 53.5%.

Administrative Services revenues are executing at 80.1%. The percentage of execution is due to the General Revenue Allocations at 78.6% which is the total allocation through December.

Total expense execution is only 32.3% with Personnel executing to 58.5%.

Administration revenues are executing at 85.9%.

Total expense execution is 65.9% with Personnel executing to 49.3%.

District Attorney revenues are executing at 67.1%.

Expenses executed at 56.1% overall with Personnel at 60.3%

Planning revenues are executing at 81.3%.

Expenses executed at 33.9% with Personnel executing at 61.7%

Public Works revenues are executing at 153.3%. This is due to Grant revenues being recorded here (\$52,186). Finance is review to ensure this is accurate – still under review.

Expenses executed at 22.6%. Personnel executed at 51.1%.

Prevention Division – Youth Services & Youth Think revenues are executing at 84.0%. The INTERGOV REV-SINGLE AUDIT executing at 93.7% really helps pull the execution rate up.

Expenses are executing at 26.6% with Personnel executing at 52.3%.

Building Codes Funds – General & Electrical

Department revenues executed at 167.2% (General) and 72.6% (Electrical). The License , Fees & Permits is at \$1,280,217 already on a budget of \$465,500 and last year was \$176,179 at this time. The permits for a major project have come through.

Personnel for the funds executed at 33.9% and 39.9% (General and Electrical). Materials & Services for General executed at 68.0%. Materials & Services for Electrical executed at 37.9%. No capital expenses occurred in either fund.

The YTD fund balance for General BC is \$5,525,497 which is an increase of \$2,193,786 in fund balance over last year. The YTD fund balance for Electrical BC is \$598,635 which is an increase over last year of \$6,532.

Public Works Fund & Public Works Reserve Fund

Departmental revenues for Public Works executed at 58.5%.

Expenditures for Public Works executed at 69.8%. This is due to the cycle of purchases for road supplies and chemicals and is expected as Materials & Services are executing at 77.09%. Personnel is executing at 63.6%.

The Public Works Reserve (Road fund) only has interest as revenue and no expenses to date. The interest is executing at 109.7% of budget or \$99,636.

911 & 911 Equipment Funds

Departmental Revenues for 911 have executed at 54.8%. The County is right on schedule with the funds transferred in as are partner organizations. The cell phone receipts arrive quarterly.

Expenditures executed at 55.6% with Personnel at 61.0% execution.

The Reserve fund is growing by interest and the monthly transfer in of \$5,000 from 911 to plan for future equipment needs. Interest is executing at 139.6%.

Community Corrections

Department revenues executed at 59.5% and expenses executed at 45.9%.

Fair & Park

Revenue for the Fair is executing at 91.6%. This is expected as the Fair happens early in the fiscal year..

Fair expense has executed at 74.7% with Personnel executing at 49.9%. With the change in staffing, a budget change may be needed. This is being watched by Finance.

The Park fund revenues executed at 7.7%. Expenditures executed at 6.5% overall, specifically due to the \$712,236 budgeted for the Capital grant project that has no spending yet.

Reserve & Capital Funds

The Capital Acquisition fund really only received income from investments and transfers in. \$2,900,197 of the budgeted amount has been transferred in – 58.3%. Total capital costs are \$4,063,687 – most of which is for the new office building purchased. With the total transfers in budgeted at \$4,971,766 this means the purchase will not have caused the fund balance to decline at year end.

The Facility Capital Reserve has minimal revenue (\$57,550) with other grant funds budgeted, but not received yet. Expenses are executing at 0.7% as the budget is \$6,832,152 but only \$50,845 has been spend to date..

The General Operating Reserve fund ran the ARPA funds through here. This is only executing at 24.3% at this point.

Appropriation vs Budget for all funds

The expense budget execution for all funds are within the legal level of control (Fund-Dept). While line items may be over or under, the execution does not exceed the legal level of control for any area of the organization in the FY24 fiscal year to date.

A review of the appropriations shows only four areas that have exceeded the budgeted straight-line assumption at the legal level of control. In the General Fund Transfers Out are at 59.1% which is manageable. Public Works is executing at 65.8% which is due to cyclic nature and the purchase of supplies. The Fair Fund had a budget change and is executing at 88.0%. Special Economic Development transfer out is executing at 100% which is planned.

Reconciliations for January are still in process but should be finished by the 2/21/2024 BOCC meeting. All reconciliations up through December have been completed and reviewed with no outstanding issues.

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

General Fund-All Dept

Fund	1010 - GENERAL FUND	Fund
Segment 3	All	SubDept
Segment 4	All	Not used

Column Labels		2024		2023					
						FY24- FY23		FY24 Budget - FY24 Budget	
Depts/Account Categories	Revised Budget	Actual	Revised Budget	Actual		Actual Variance	FY24-FY23 %	Actual	Execution
00 - NON-DEPARTMENTAL RESOURCES						-	0.0%	-	0.0%
Revenue	(10,641,563)	(13,443,865)	(11,128,865)	(11,929,009)		(1,514,856)	12.7%	2,802,302	126.3%
400 - BEGINNING FUND BALANCE	(16,295,758)	(16,659,378)	(14,522,943)	(14,876,744)		(1,782,634)	12.0%	363,620	102.2%
410 - PROPERTY TAXES	(12,975,069)	(12,610,355)	(11,401,691)	(11,790,960)		(819,395)	6.9%	(364,714)	97.2%
411 - LICENSES-FEES & PERMITS	(1,773,587)	(1,008,352)	(1,978,733)	(932,571)		(75,781)	8.1%	(765,235)	56.9%
412 - INTERGOV REV-NON-SINGLE AUDIT	(602,921)	(479,259)	(965,092)	(489,107)		9,848	-2.0%	(123,662)	79.5%
413 - INTERGOV REV-SINGLE AUDIT	(3,200)	-	(3,200)	-		-	0.0%	(3,200)	0.0%
416 - FINES & RESTITUTION	-	-	-	-		-	0.0%	-	0.0%
417 - INVESTMENT EARNINGS	(242,959)	(445,722)	(69,000)	(184,365)		(261,358)	141.8%	202,763	183.5%
418 - RENTS	(12,109)	(3,471)	(12,114)	(8,395)		4,924	-58.7%	(8,638)	28.7%
419 - CONTRIBUTIONS & DONATIONS	-	-	-	-		-	0.0%	-	0.0%
421 - MISCELLANEOUS	(277,670)	(121,125)	(277,599)	(156,255)		35,130	-22.5%	(156,545)	43.6%
480 - GENERAL REVENUE ALLOCATIONS	21,541,710	17,883,797	18,101,507	16,509,388		1,374,409	8.3%	3,657,913	83.0%
12 - ASSESSMENT & TAXATION						-	0.0%	-	0.0%
Revenue	(1,431,334)	(1,078,381)	(1,059,958)	(963,339)		(115,043)	11.9%	(352,953)	75.3%
411 - LICENSES-FEES & PERMITS	(23,800)	(22,030)	(27,900)	(11,616)		(10,414)	89.6%	(1,770)	92.6%
412 - INTERGOV REV-NON-SINGLE AUDIT	-	-	-	-		-	0.0%	-	0.0%
415 - INTERNAL SERVICES	(5,000)	(10,245)	(5,000)	(4,089)		(6,156)	150.5%	5,245	204.9%
420 - SALE OF FIXED ASSETS	-	-	-	(8,606)		8,606	-100.0%	-	0.0%
421 - MISCELLANEOUS	(1,610)	(98)	(1,650)	(147)		49	-33.4%	(1,513)	6.1%
480 - GENERAL REVENUE ALLOCATIONS	(1,400,924)	(1,046,009)	(1,025,408)	(938,881)		(107,128)	11.4%	(354,915)	74.7%
Expense	1,431,334	563,735	1,059,958	479,049		84,686	17.7%	867,599	39.4%
510 - PERSONNEL	761,325	506,594	781,738	433,191		73,403	16.9%	254,731	66.5%
520 - MATERIALS & SERVICES	670,009	57,141	278,220	45,858		11,283	24.6%	612,868	8.5%
530 - CAPITAL OUTLAY	-	-	-	-		-	0.0%	-	0.0%
15 - COUNTY CLERK						-	0.0%	-	0.0%
Revenue	(833,769)	(635,860)	(872,718)	(646,510)		10,650	-1.6%	(197,909)	76.3%
411 - LICENSES-FEES & PERMITS	(109,609)	(58,895)	(177,835)	(68,877)		9,982	-14.5%	(50,714)	53.7%
412 - INTERGOV REV-NON-SINGLE AUDIT	-	-	(82,000)	(63,118)		63,118	-100.0%	-	0.0%
413 - INTERGOV REV-SINGLE AUDIT	-	-	-	-		-	0.0%	-	0.0%
414 - CHARGES FOR SERVICE	(60,105)	(27,156)	(53,330)	(22,702)		(4,454)	19.6%	(32,949)	45.2%
421 - MISCELLANEOUS	-	(60)	-	-		(60)	0.0%	60	0.0%
480 - GENERAL REVENUE ALLOCATIONS	(664,055)	(549,749)	(559,553)	(491,813)		(57,935)	11.8%	(114,306)	82.8%

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

General Fund-All Dept

Column Labels		2023							
2024									
Depts/Account Categories	Revised Budget	Actual	Revised Budget	Actual	FY24- FY23 Actual Variance	FY24-FY23 %	FY24 Budget - Actual	FY24 Budget Execution	
Expense	833,769	269,906	872,718	245,889	24,017	9.8%	563,863	32.4%	
510 - PERSONNEL	373,112	233,033	321,345	182,479	50,554	27.7%	140,079	62.5%	
520 - MATERIALS & SERVICES	455,857	36,874	469,373	63,410	(26,536)	-41.8%	418,983	8.1%	
530 - CAPITAL OUTLAY	4,800	-	82,000	-	-	0.0%	4,800	0.0%	
16 - SHERIFF					-	0.0%	-	0.0%	
Revenue	(5,956,874)	(4,646,023)	(4,809,127)	(4,145,178)	(500,846)	12.1%	(1,310,851)	78.0%	
411 - LICENSES-FEES & PERMITS	(60,000)	(36,071)	(57,000)	(46,197)	10,125	-21.9%	(23,929)	60.1%	
412 - INTERGOV REV-NON-SINGLE AUDIT	(302,260)	(41,865)	(195,210)	(98,681)	56,816	-57.6%	(260,395)	13.9%	
413 - INTERGOV REV-SINGLE AUDIT	(70,388)	(32,214)	(61,750)	(31,829)	(385)	1.2%	(38,174)	45.8%	
414 - CHARGES FOR SERVICE	(15,500)	(15,492)	(14,500)	(18,091)	2,599	-14.4%	(8)	99.9%	
416 - FINES & RESTITUTION	(35,000)	(13,074)	(35,000)	(15,458)	2,383	-15.4%	(21,926)	37.4%	
419 - CONTRIBUTIONS & DONATIONS	(1,000)	(500)	-	(250)	(250)	100.0%	(500)	50.0%	
421 - MISCELLANEOUS	(4,500)	(3,871)	(4,500)	(3,650)	(221)	6.1%	(629)	86.0%	
422 - PASS THROUGH PAYMENTS	(4,000)	(1,500)	(3,000)	(2,530)	1,030	-40.7%	(2,500)	37.5%	
480 - GENERAL REVENUE ALLOCATIONS	(5,464,226)	(4,501,436)	(4,438,167)	(3,928,493)	(572,943)	14.6%	(962,790)	82.4%	
Expense	5,956,874	1,925,902	4,809,127	1,819,139	106,763	5.9%	4,030,972	32.3%	
510 - PERSONNEL	2,864,294	1,531,165	2,612,737	1,481,558	49,607	3.3%	1,333,129	53.5%	
520 - MATERIALS & SERVICES	679,001	320,389	649,330	269,594	50,795	18.8%	358,612	47.2%	
530 - CAPITAL OUTLAY	2,413,579	74,348	1,547,060	67,987	6,360	9.4%	2,339,231	3.1%	
17 - ADMINISTRATIVE SERVICES					-	0.0%	-	0.0%	
Revenue	(7,035,016)	(5,636,909)	(5,533,641)	(5,267,114)	(369,795)	7.0%	(1,398,107)	80.1%	
411 - LICENSES-FEES & PERMITS	(86,076)	(37,364)	(84,730)	(47,807)	10,443	-21.8%	(48,712)	43.4%	
412 - INTERGOV REV-NON-SINGLE AUDIT	-	-	-	-	-	0.0%	-	0.0%	
413 - INTERGOV REV-SINGLE AUDIT	-	-	-	-	-	0.0%	-	0.0%	
414 - CHARGES FOR SERVICE	(115,020)	(46,474)	(108,755)	(37,217)	(9,257)	24.9%	(68,546)	40.4%	
415 - INTERNAL SERVICES	-	-	-	-	-	0.0%	-	0.0%	
417 - INVESTMENT EARNINGS	-	-	-	-	-	0.0%	-	0.0%	
418 - RENTS	(210,636)	(171,635)	(225,660)	(153,757)	(17,878)	11.6%	(39,001)	81.5%	
419 - CONTRIBUTIONS & DONATIONS	-	-	-	-	-	0.0%	-	0.0%	
421 - MISCELLANEOUS	(4,650)	(180,401)	(4,650)	(85,201)	(95,201)	111.7%	175,751	3879.6%	
480 - GENERAL REVENUE ALLOCATIONS	(6,618,634)	(5,201,035)	(5,109,846)	(4,943,133)	(257,902)	5.2%	(1,417,599)	78.6%	
Expense	7,035,016	2,275,673	5,533,641	2,038,270	237,403	11.6%	4,759,343	32.3%	
510 - PERSONNEL	2,893,905	1,691,631	2,382,854	1,358,052	333,580	24.6%	1,202,274	58.5%	
520 - MATERIALS & SERVICES	1,865,716	582,024	1,626,392	680,219	(98,194)	-14.4%	1,283,692	31.2%	
530 - CAPITAL OUTLAY	2,275,395	2,017	1,524,395	-	2,017	0.0%	2,273,378	0.1%	
18 - ADMINISTRATION					-	0.0%	-	0.0%	
Revenue	(4,333,848)	(3,723,240)	(4,796,285)	(3,585,461)	(137,779)	3.8%	(610,608)	85.9%	

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

General Fund-All Dept

Column Labels 2024	2023							
	Revised Budget	Actual	Revised Budget	Actual	FY24- FY23 Actual Variance	FY24-FY23 %	FY24 Budget - Actual	FY24 Budget Execution
Depts/Account Categories								
411 - LICENSES-FEES & PERMITS	-	-			-	0.0%	-	0.0%
412 - INTERGOV REV-NON-SINGLE AUDIT	(749,218)	(577,934)	(690,059)	(316,755)	(261,180)	82.5%	(171,284)	77.1%
413 - INTERGOV REV-SINGLE AUDIT	(126,106)	-	(726,420)	(43,644)	43,644	-100.0%	(126,106)	0.0%
414 - CHARGES FOR SERVICE	-	-	-	-	-	0.0%	-	0.0%
419 - CONTRIBUTIONS & DONATIONS	-	-	-	(30,875)	30,875	-100.0%	-	0.0%
420 - SALE OF FIXED ASSETS	(4,000)	-	(4,000)	-	-	0.0%	(4,000)	0.0%
421 - MISCELLANEOUS	(31,000)	(614)	(31,000)	(960)	346	-36.0%	(30,386)	2.0%
480 - GENERAL REVENUE ALLOCATIONS	(3,423,524)	(3,144,691)	(3,344,806)	(3,193,227)	48,536	-1.5%	(278,833)	91.9%
Expense	4,333,848	2,854,190	4,796,285	2,764,718	89,472	3.2%	1,479,658	65.9%
510 - PERSONNEL	166,357	82,071	159,746	106,883	(24,813)	-23.2%	84,286	49.3%
520 - MATERIALS & SERVICES	4,022,491	2,772,119	4,491,539	2,656,241	115,878	4.4%	1,250,372	68.9%
530 - CAPITAL OUTLAY	145,000	-	145,000	1,593	(1,593)	-100.0%	145,000	0.0%
19 - DISTRICT ATTORNEY					-	0.0%	-	0.0%
Revenue	(1,130,081)	(757,736)	(1,279,521)	(869,806)	112,069	-12.9%	(372,345)	67.1%
412 - INTERGOV REV-NON-SINGLE AUDIT	(101,655)	(19,016)	(101,655)	(84,658)	65,642	-77.5%	(82,639)	18.7%
413 - INTERGOV REV-SINGLE AUDIT	(109,517)	(41,279)	(109,517)	(54,088)	12,808	-23.7%	(68,238)	37.7%
416 - FINES & RESTITUTION	-	-	-	-	-	0.0%	-	0.0%
419 - CONTRIBUTIONS & DONATIONS	-	(1,415)	-	-	(1,415)	0.0%	1,415	0.0%
421 - MISCELLANEOUS	(104,872)	(90,092)	(104,872)	(94,908)	4,816	-5.1%	(14,780)	85.9%
480 - GENERAL REVENUE ALLOCATIONS	(814,037)	(605,934)	(963,477)	(636,153)	30,219	-4.8%	(208,103)	74.4%
Expense	1,130,081	634,071	1,279,521	614,534	19,537	3.2%	496,010	56.1%
510 - PERSONNEL	991,180	597,267	938,227	527,518	69,749	13.2%	393,913	60.3%
520 - MATERIALS & SERVICES	136,059	36,804	338,452	87,015	(50,212)	-57.7%	99,255	27.0%
530 - CAPITAL OUTLAY	2,842	-	2,842	-	-	0.0%	2,842	0.0%
21 - PLANNING					-	0.0%	-	0.0%
Revenue	(1,592,490)	(1,295,164)	(1,305,532)	(1,138,944)	(156,220)	13.7%	(297,326)	81.3%
411 - LICENSES-FEES & PERMITS	(125,100)	(54,009)	(125,100)	(46,497)	(7,512)	16.2%	(71,091)	43.2%
412 - INTERGOV REV-NON-SINGLE AUDIT	(35,000)	(71,932)	(18,900)	(15,877)	(56,055)	353.0%	36,932	205.5%
413 - INTERGOV REV-SINGLE AUDIT	(50,000)	-	(50,000)	(50,000)	50,000	-100.0%	(50,000)	0.0%
414 - CHARGES FOR SERVICE	-	-	-	-	-	0.0%	-	0.0%
421 - MISCELLANEOUS	(100)	(50,000)	(100)	-	(50,000)	0.0%	49,900	50000.0%
480 - GENERAL REVENUE ALLOCATIONS	(1,382,290)	(1,119,222)	(1,111,432)	(1,026,569)	(92,653)	9.0%	(263,068)	81.0%
Expense	1,592,490	539,626	1,305,532	480,156	59,470	12.4%	1,052,864	33.9%
510 - PERSONNEL	843,132	520,417	806,104	447,245	73,173	16.4%	322,715	61.7%
520 - MATERIALS & SERVICES	749,358	19,209	499,428	32,911	(13,703)	-41.6%	730,149	2.6%
530 - CAPITAL OUTLAY	-	-	-	-	-	0.0%	-	0.0%
22 - PUBLIC WORKS					-	0.0%	-	0.0%

General Fund-All Dept

Column Labels		2023							
2024									
Depts/Account Categories	Revised Budget	Actual	Revised Budget	Actual	FY24- FY23 Actual Variance	FY24-FY23 %	FY24 Budget - Actual	FY24 Budget Execution	
Revenue	(153,178)	(279,989)	(149,323)	(228,938)	(51,051)	22.3%	126,811	182.8%	
411 - LICENSES-FEES & PERMITS	(15,000)	(9,620)	(15,000)	(16,360)	6,740	-41.2%	(5,380)	64.1%	
412 - INTERGOV REV-NON-SINGLE AUDIT	(1,000)	-	(1,000)	(50,700)	50,700	-100.0%	(1,000)	0.0%	
414 - CHARGES FOR SERVICE	(1,865)	-	(1,865)	-	-	0.0%	(1,865)	0.0%	
421 - MISCELLANEOUS	(100)	(52,186)	(100)	(55)	(52,131)	94784.0%	52,086	52186.2%	
480 - GENERAL REVENUE ALLOCATIONS	(135,213)	(218,183)	(131,358)	(161,823)	(56,359)	34.8%	82,970	161.4%	
Expense	153,178	34,647	149,323	36,806	(2,159)	-5.9%	118,531	22.6%	
510 - PERSONNEL	50,078	25,567	43,423	27,740	(2,173)	-7.8%	24,511	51.1%	
520 - MATERIALS & SERVICES	101,472	9,080	104,272	9,066	14	0.2%	92,392	8.9%	
530 - CAPITAL OUTLAY	1,628	-	1,628	-	-	0.0%	1,628	0.0%	
24 - PREVENTION DIVISION					-	0.0%	-	0.0%	
Revenue	(2,456,139)	(2,062,201)	(2,000,224)	(1,615,414)	(446,787)	27.7%	(393,938)	84.0%	
411 - LICENSES-FEES & PERMITS	-	-	(1,000)	-	-	0.0%	-	0.0%	
412 - INTERGOV REV-NON-SINGLE AUDIT	(263,157)	(122,025)	(223,714)	(35,376)	(86,649)	244.9%	(141,132)	46.4%	
413 - INTERGOV REV-SINGLE AUDIT	(330,500)	(309,632)	(330,500)	(312,516)	2,884	-0.9%	(20,868)	93.7%	
414 - CHARGES FOR SERVICE	(35,000)	-	(20,000)	-	-	0.0%	(35,000)	0.0%	
416 - FINES & RESTITUTION	-	(120)	-	(0)	(120)	52073.9%	120	0.0%	
419 - CONTRIBUTIONS & DONATIONS	(1,500)	(1,500)	-	(6,325)	4,825	-76.3%	-	100.0%	
421 - MISCELLANEOUS	(187,175)	(131,385)	(7,550)	(71,900)	(59,485)	82.7%	(55,790)	70.2%	
480 - GENERAL REVENUE ALLOCATIONS	(1,638,807)	(1,497,539)	(1,417,460)	(1,189,296)	(308,243)	25.9%	(141,268)	91.4%	
Expense	2,456,139	653,795	2,000,224	751,034	(97,239)	-12.9%	1,802,344	26.6%	
510 - PERSONNEL	956,718	499,909	854,425	550,670	(50,761)	-9.2%	456,809	52.3%	
520 - MATERIALS & SERVICES	1,499,421	153,886	1,145,799	200,364	(46,478)	-23.2%	1,345,535	10.3%	
530 - CAPITAL OUTLAY	-	-	-	-	-	0.0%	-	0.0%	
90 - TRANSFERS					-	0.0%	-	0.0%	
Revenue	(459,770)	-	(459,770)	(275,000)	275,000	-100.0%	(459,770)	0.0%	
450 - TRANSFERS IN	(459,770)	-	(459,770)	(275,000)	275,000	-100.0%	(459,770)	0.0%	
Expense	5,705,725	3,571,357	2,507,670	1,481,765	2,089,592	141.0%	2,134,368	62.6%	
550 - TRANSFERS OUT	5,705,725	3,571,357	2,507,670	1,481,765	2,089,592	141.0%	2,134,368	62.6%	
Grand Total	(5,395,608)	(20,236,465)	(9,080,965)	(19,953,351)	(283,114)	1.4%	14,840,857	375.1%	

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

Building Codes

Fund	1500 - BUILDING CODES GENERAL
Segment 3	All
Segment 4	All

Fund
SubDept
Not used

Column Labels		2023			FY24- FY23			
2024					FY24- FY23	FY24- FY23	FY24 Budget -	FY24
Depts/Account Categories	Revised Budget	Actual	Revised Budget	Actual	Actual Variance	%	Actual	Budget Execution
00 - NON-DEPARTMENTAL RESOURCES					-	0.0%	-	0.0%
Revenue	(3,201,806)	(4,768,248)	(3,341,050)	(3,462,327)	(1,305,921)	37.7%	1,566,442	148.9%
400 - BEGINNING FUND BALANCE	(3,140,929)	(4,653,009)	(3,324,428)	(3,420,981)	(1,232,027)	36.0%	1,512,080	148.1%
411 - LICENSES-FEES & PERMITS	-	-	-	-	-	0.0%	-	0.0%
417 - INVESTMENT EARNINGS	(60,877)	(115,240)	(16,622)	(41,346)	(73,894)	178.7%	54,363	189.3%
25 - BUILDING CODES					-	0.0%	-	0.0%
Revenue	(765,500)	(1,280,217)	(794,138)	(230,472)	(1,049,746)	455.5%	514,717	167.2%
411 - LICENSES-FEES & PERMITS	(465,500)	(1,206,762)	(494,138)	(179,179)	(1,027,584)	573.5%	741,262	259.2%
421 - MISCELLANEOUS	(300,000)	(73,455)	(300,000)	(51,293)	(22,162)	43.2%	(226,545)	24.5%
Expense	1,543,780	522,968	1,585,491	361,088	161,880	44.8%	1,020,812	33.9%
510 - PERSONNEL	455,172	190,565	500,320	254,559	(63,993)	-25.1%	264,607	41.9%
520 - MATERIALS & SERVICES	488,608	332,403	485,171	106,529	225,874	212.0%	156,205	68.0%
530 - CAPITAL OUTLAY	600,000	-	600,000	-	-	0.0%	600,000	0.0%
90 - TRANSFERS	-	-			-	0.0%	-	0.0%
Grand Total	(2,423,526)	(5,525,497)	(2,549,697)	(3,331,711)	(2,193,786)	65.8%	3,101,971	228.0%

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

Building Codes

Fund	1600 - BUILDING CODES - ELECTRICAL
Segment 3	All
Segment 4	All

Fund
SubDept
Not used

Column Labels		2023			FY24- FY23		FY24	
2024					Actual	FY24-FY23	FY24 Budget -	Budget
Depts/Account Categories	Revised Budget	Actual	Revised Budget	Actual	Variance	%	Actual	Execution
00 - NON-DEPARTMENTAL RESOURCES					-	0.0%	-	0.0%
Revenue	(571,881)	(621,439)	(676,806)	(675,575)	54,136	-8.0%	49,558	108.7%
400 - BEGINNING FUND BALANCE	(560,626)	(608,524)	(673,774)	(667,843)	59,318	-8.9%	47,898	108.5%
411 - LICENSES-FEES & PERMITS	-	-	-	-	-	0.0%	-	0.0%
417 - INVESTMENT EARNINGS	(11,255)	(12,915)	(3,032)	(7,733)	(5,182)	67.0%	1,660	114.7%
25 - BUILDING CODES					-	0.0%	-	0.0%
Revenue	(102,193)	(74,198)	(98,943)	(48,507)	(25,691)	53.0%	(27,995)	72.6%
411 - LICENSES-FEES & PERMITS	(101,817)	(72,398)	(98,567)	(48,357)	(24,041)	49.7%	(29,419)	71.1%
421 - MISCELLANEOUS	(376)	(1,800)	(376)	(150)	(1,650)	1100.0%	1,424	478.7%
Expense	245,159	97,002	239,923	131,979	(34,977)	-26.5%	148,157	39.6%
510 - PERSONNEL	201,360	80,388	197,286	113,111	(32,723)	-28.9%	120,972	39.9%
520 - MATERIALS & SERVICES	43,799	16,615	42,637	18,868	(2,254)	-11.9%	27,184	37.9%
90 - TRANSFERS	-	-			-	0.0%	-	0.0%
Grand Total	(428,915)	(598,635)	(535,826)	(592,103)	(6,532)	1.1%	169,720	139.6%

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

Public Works

Fund	2020 - PUBLIC WORKS FUND	Fund
Segment 3	All	SubDept
Segment 4	All	Not used

Column Labels		2023							
2024									
Depts/Account Categories		Revised Budget	Actual	Revised Budget	Actual	FY24- FY23 Actual Variance	FY24-FY23 %	FY24 Budget - FY24 Budget Actual	Execution
00 - NON-DEPARTMENTAL RESOURCES						-	0.0%	-	0.0%
Revenue		(3,378,219)	(3,270,598)	(3,254,712)	(3,245,736)	(24,862)	0.8%	(107,621)	96.8%
400 - BEGINNING FUND BALANCE		(3,319,615)	(3,218,893)	(3,211,532)	(3,210,383)	(8,510)	0.3%	(100,722)	97.0%
415 - INTERNAL SERVICES		(3,180)	-	(3,180)	(1,855)	1,855	-100.0%	(3,180)	0.0%
417 - INVESTMENT EARNINGS		(55,424)	(51,705)	(40,000)	(33,498)	(18,207)	54.4%	(3,719)	93.3%
22 - PUBLIC WORKS						-	0.0%	-	0.0%
Revenue		(4,059,927)	(2,375,818)	(4,113,680)	(1,866,180)	(509,638)	27.3%	(1,684,109)	58.5%
411 - LICENSES-FEES & PERMITS		(15,000)	(5,754)	(12,000)	(5,700)	(54)	0.9%	(9,246)	38.4%
412 - INTERGOV REV-NON-SINGLE AUDIT		(3,125,000)	(2,119,266)	(3,258,575)	(1,644,944)	(474,322)	28.8%	(1,005,734)	67.8%
413 - INTERGOV REV-SINGLE AUDIT		(571,427)	(343)	(513,605)	-	(343)	0.0%	(571,084)	0.1%
414 - CHARGES FOR SERVICE		(336,000)	(229,232)	(307,000)	(214,688)	(14,543)	6.8%	(106,768)	68.2%
420 - SALE OF FIXED ASSETS		(10,000)	-	(20,000)	(79)	79	-100.0%	(10,000)	0.0%
421 - MISCELLANEOUS		(2,500)	(45)	(2,500)	(769)	724	-94.1%	(2,455)	1.8%
530 - CAPITAL OUTLAY		-	(21,179)	-	-	(21,179)	0.0%	21,179	0.0%
Expense		4,217,558	2,945,752	4,153,582	2,734,997	210,755	7.7%	1,271,806	69.8%
510 - PERSONNEL		2,243,958	1,426,254	2,159,032	1,243,581	182,673	14.7%	817,704	63.6%
520 - MATERIALS & SERVICES		1,973,600	1,519,498	1,889,550	1,491,416	28,082	1.9%	454,102	77.0%
530 - CAPITAL OUTLAY		-	-	105,000	-	-	0.0%	-	0.0%
90 - TRANSFERS						-	0.0%	-	0.0%
Revenue		-	-	-	-	-	0.0%	-	0.0%
450 - TRANSFERS IN		-	-	-	-	-	0.0%	-	0.0%
Expense		-	-	-	-	-	0.0%	-	0.0%
550 - TRANSFERS OUT		-	-	-	-	-	0.0%	-	0.0%
Grand Total		(3,220,588)	(2,700,664)	(3,214,810)	(2,376,919)	(323,745)	13.6%	(519,924)	83.9%

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

Public Works Reserve

Fund	3210 - ROAD RESERVE FUND
Segment 3	All
Segment 4	All

Fund
SubDept
Not used

Column Labels		2024		2023					
Depts/Account Categories	Revised Budget	Actual	Revised Budget	Actual	FY24- FY23 Actual Variance	FY24-FY23 %	FY24 Budget - Actual	FY24 Budget - Execution	
00 - NON-DEPARTMENTAL RESOURCES					-	0.0%	-	0.0%	
Revenue	(4,645,332)	(4,686,618)	(3,707,355)	(4,523,069)	(163,548)	3.6%	41,286	100.9%	
400 - BEGINNING FUND BALANCE	(4,554,517)	(4,586,982)	(3,685,355)	(4,468,927)	(118,055)	2.6%	32,465	100.7%	
417 - INVESTMENT EARNINGS	(90,815)	(99,636)	(22,000)	(54,142)	(45,494)	84.0%	8,821	109.7%	
22 - PUBLIC WORKS					-	0.0%	-	0.0%	
Revenue	-	-	-	-	-	0.0%	-	0.0%	
412 - INTERGOV REV-NON-SINGLE AUDIT	-	-	-	-	-	0.0%	-	0.0%	
Expense	4,645,332	542,906	3,707,355	-	542,906	0.0%	4,102,426	11.7%	
510 - PERSONNEL	400,000	400,000	-	-	400,000	0.0%	-	100.0%	
520 - MATERIALS & SERVICES	2,077,072	142,906	1,539,095	-	142,906	0.0%	1,934,166	6.9%	
530 - CAPITAL OUTLAY	2,168,260	-	2,168,260	-	-	0.0%	2,168,260	0.0%	
90 - TRANSFERS					-	0.0%	-	0.0%	
Revenue	-	-	-	-	-	0.0%	-	0.0%	
450 - TRANSFERS IN	-	-	-	-	-	0.0%	-	0.0%	
Expense	-	-	-	-	-	0.0%	-	0.0%	
550 - TRANSFERS OUT	-	-	-	-	-	0.0%	-	0.0%	
Grand Total	-	(4,143,712)	-	(4,523,069)	379,357	-8.4%	4,143,712	0.0%	

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

911

Fund	2200 - 911 COMMUNICATIONS FUND	Fund
Segment 3	All	SubDept
Segment 4	All	Not used

Column Labels		2023							
2024									
Depts/Account Categories		Revised Budget	Actual	Revised Budget	Actual	FY24- FY23 Actual Variance	FY24-FY23 %	FY24 Budget - FY24 Budget Actual	Execution
00 - NON-DEPARTMENTAL RESOURCES						-	0.0%	-	0.0%
Revenue		(388,550)	(238,912)	(275,764)	(364,212)	125,299	-34.4%	(149,638)	61.5%
400 - BEGINNING FUND BALANCE		(384,750)	(238,596)	(274,264)	(360,935)	122,338	-33.9%	(146,154)	62.0%
417 - INVESTMENT EARNINGS		(3,800)	(316)	(1,500)	(3,277)	2,961	-90.4%	(3,484)	8.3%
16 - SHERIFF						-	0.0%	-	0.0%
Revenue		(1,016,993)	(557,121)	(1,039,399)	(392,372)	(164,749)	42.0%	(459,872)	54.8%
412 - INTERGOV REV-NON-SINGLE AUDIT		(645,900)	(341,769)	(668,938)	(177,162)	(164,607)	92.9%	(304,131)	52.9%
414 - CHARGES FOR SERVICE		(370,993)	(215,246)	(370,361)	(214,878)	(368)	0.2%	(155,747)	58.0%
421 - MISCELLANEOUS		(100)	(105)	(100)	(331)	226	-68.2%	5	105.4%
Expense		1,341,259	746,114	1,275,542	713,989	32,125	4.5%	595,145	55.6%
510 - PERSONNEL		1,063,757	649,171	1,015,087	598,904	50,268	8.4%	414,586	61.0%
520 - MATERIALS & SERVICES		277,502	96,943	260,455	115,085	(18,143)	-15.8%	180,559	34.9%
530 - CAPITAL OUTLAY		-	-	-	-	-	0.0%	-	0.0%
540 - DEBT SERVICE		-	-	-	-	-	0.0%	-	0.0%
90 - TRANSFERS						-	0.0%	-	0.0%
Revenue		(150,716)	(87,918)	(150,457)	(87,766)	(152)	0.2%	(62,798)	58.3%
450 - TRANSFERS IN		(150,716)	(87,918)	(150,457)	(87,766)	(152)	0.2%	(62,798)	58.3%
Expense		60,000	35,000	30,000	17,500	17,500	100.0%	25,000	58.3%
550 - TRANSFERS OUT		60,000	35,000	30,000	17,500	17,500	100.0%	25,000	58.3%
Grand Total		(155,000)	(102,837)	(160,078)	(112,861)	10,024	-8.9%	(52,163)	66.3%

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

911Equip

Fund	3240 - 911 EQUIPMENT RESERVE
Segment 3	All
Segment 4	All

Fund
SubDept
Not used

Column Labels		2023							
2024						FY24- FY23		FY24 Budget	FY24 Budget
Depts/Account Categories	Revised Budget	Actual	Revised Budget	Actual		Actual Variance	FY24-FY23 %	- Actual	Execution
00 - NON-DEPARTMENTAL RESOURCES						-	0.0%	-	0.0%
Revenue	(350,890)	(355,844)	(308,903)	(312,691)		(43,153)	13.8%	4,954	101.4%
400 - BEGINNING FUND BALANCE	(344,890)	(347,465)	(308,355)	(308,835)		(38,630)	12.5%	2,575	100.7%
417 - INVESTMENT EARNINGS	(6,000)	(8,378)	(548)	(3,856)		(4,523)	117.3%	2,378	139.6%
16 - SHERIFF						-	0.0%	-	0.0%
Revenue	-	-	-	-		-	0.0%	-	0.0%
413 - INTERGOV REV-SINGLE AUDIT	-	-	-	-		-	0.0%	-	0.0%
Expense	410,890	-	338,903	-		-	0.0%	410,890	0.0%
530 - CAPITAL OUTLAY	410,890	-	338,903	-		-	0.0%	410,890	0.0%
90 - TRANSFERS						-	0.0%	-	0.0%
Revenue	(60,000)	(35,000)	(30,000)	(17,500)		(17,500)	100.0%	(25,000)	58.3%
450 - TRANSFERS IN	(60,000)	(35,000)	(30,000)	(17,500)		(17,500)	100.0%	(25,000)	58.3%
Expense	-	-	-	-		-	0.0%	-	0.0%
550 - TRANSFERS OUT	-	-	-	-		-	0.0%	-	0.0%
Grand Total	-	(390,844)	-	(330,191)		(60,653)	18.4%	390,844	0.0%

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

Community Corrections

Fund	2270 - COMMUNITY CORRECTIONS FUND
Segment 3	All
Segment 4	All

Fund
SubDept
Not used

Column Labels		2024		2023					
Depts/Account Categories	Revised Budget	Actual	Revised Budget	Actual	FY24- FY23 Actual Variance	FY24-FY23 %	FY24 Budget - FY24 Budget Actual	Execution	
00 - NON-DEPARTMENTAL RESOURCES					-	0.0%	-	0.0%	
Revenue	(1,211,559)	(1,415,070)	(1,084,557)	(1,080,692)	(334,378)	30.9%	203,511	116.8%	
400 - BEGINNING FUND BALANCE	(1,181,654)	(1,388,509)	(1,074,557)	(1,062,080)	(326,429)	30.7%	206,855	117.5%	
417 - INVESTMENT EARNINGS	(29,905)	(26,560)	(10,000)	(18,611)	(7,949)	42.7%	(3,345)	88.8%	
16 - SHERIFF					-	0.0%	-	0.0%	
Revenue	(1,517,500)	(902,952)	(1,777,148)	(1,341,674)	438,721	-32.7%	(614,548)	59.5%	
411 - LICENSES-FEES & PERMITS	(22,000)	(28,487)	(32,000)	(20,457)	(8,030)	39.3%	6,487	129.5%	
412 - INTERGOV REV-NON-SINGLE AUDIT	(1,495,500)	(865,465)	(1,745,148)	(1,318,834)	453,369	-34.4%	(630,035)	57.9%	
421 - MISCELLANEOUS	-	(9,000)	-	(2,383)	(6,617)	277.7%	9,000	0.0%	
Expense	2,355,256	1,080,621	2,487,902	806,203	274,419	34.0%	1,274,635	45.9%	
510 - PERSONNEL	787,019	507,956	948,329	459,463	48,493	10.6%	279,063	64.5%	
520 - MATERIALS & SERVICES	1,101,029	572,666	989,573	346,740	225,926	65.2%	528,364	52.0%	
530 - CAPITAL OUTLAY	467,208	-	550,000	-	-	0.0%	467,208	0.0%	
90 - TRANSFERS	-	-	-	-	-	0.0%	-	0.0%	
Grand Total	(373,803)	(1,237,400)	(373,803)	(1,616,163)	378,762	-23.4%	863,597	331.0%	

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

Fair&Park

Fund	2030 - COUNTY FAIR FUND	Fund
Segment 3	All	SubDept
Segment 4	All	Not used

Column Labels		2024		2023					
						FY24- FY23		FY24 Budget FY24 Budget	
Depts/Account Categories	Revised Budget	Actual	Revised Budget	Actual	Actual	Variance	FY24-FY23 %	- Actual	Execution
00 - NON-DEPARTMENTAL RESOURCES						-	0.0%	-	0.0%
Revenue	(263,329)	(290,412)	(306,278)	(308,524)	18,112	-5.9%		27,083	110.3%
400 - BEGINNING FUND BALANCE	(257,073)	(284,645)	(304,716)	(304,716)	20,071	-6.6%		27,572	110.7%
417 - INVESTMENT EARNINGS	(6,256)	(5,767)	(1,562)	(3,808)	(1,960)	51.5%		(489)	92.2%
18 - ADMINISTRATION					-	0.0%		-	0.0%
Revenue	(214,252)	(196,224)	(180,228)	(226,707)	30,483	-13.4%		(18,028)	91.6%
411 - LICENSES-FEES & PERMITS	(108,085)	(102,839)	(109,861)	(106,005)	3,167	-3.0%		(5,246)	95.1%
412 - INTERGOV REV-NON-SINGLE AUDIT	(53,167)	(53,167)	(53,167)	(53,167)	-	0.0%		(0)	100.0%
414 - CHARGES FOR SERVICE	-	-	-	-	-	0.0%		-	0.0%
418 - RENTS	-	-	(7,200)	1,000	(1,000)	-100.0%		-	0.0%
419 - CONTRIBUTIONS & DONATIONS	(19,000)	(38,573)	(10,000)	(12,124)	(26,449)	218.2%		19,573	203.0%
421 - MISCELLANEOUS	(34,000)	(1,646)	-	(56,411)	54,765	-97.1%		(32,354)	4.8%
Expense	331,471	247,582	259,591	228,681	18,901	8.3%		83,889	74.7%
510 - PERSONNEL	24,610	12,284	33,391	16,696	(4,411)	-26.4%		12,326	49.9%
520 - MATERIALS & SERVICES	245,861	235,298	226,200	211,985	23,313	11.0%		10,563	95.7%
530 - CAPITAL OUTLAY	61,000	-	-	-	-	0.0%		61,000	0.0%
90 - TRANSFERS	12,000	(38,000)	22,000	(28,000)	(10,000)	35.7%		50,000	-316.7%
Grand Total	(134,110)	(277,054)	(204,915)	(334,550)	57,495	-17.2%		142,944	206.6%

as of: 2/13/2024

Fund	2230 - PARKS FUND
Segment 3	All
Segment 4	All

[illegible]

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

Reserve & Capital

Segment 3	All	Fund
Segment 4	All	SubDept
		Not used

Column Labels		2023						
2024								
Depts/Account Categories		Revised Budget	Actual	Revised Budget	Actual	FY24- FY23 Actual Variance	FY24- FY23 %	FY24 Budget - FY24 Budget Actual Execution
3220 - CAPITAL ACQUISITIONS FUND		-	(1,902,662)	-	(2,678,707)	776,045	-29.0%	1,902,662 0.0%
00 - NON-DEPARTMENTAL RESOURCES								
Revenue		(3,061,875)	(3,066,152)	(3,799,511)	(3,794,912)	728,759	-19.2%	4,277 100.1%
400 - BEGINNING FUND BALANCE		(3,009,491)	(3,031,782)	(3,780,211)	(3,763,187)	731,405	-19.4%	22,291 100.7%
417 - INVESTMENT EARNINGS		(52,384)	(34,371)	(19,300)	(31,725)	(2,646)	8.3%	(18,013) 65.6%
18 - ADMINISTRATION								
Revenue		-	-	-	-	-	0.0%	- 0.0%
412 - INTERGOV REV-NON-SINGLE AUDIT		-	-	-	-	-	0.0%	- 0.0%
418 - RENTS		-	-	-	-	-	0.0%	- 0.0%
Expense		8,033,641	4,063,687	4,549,511	1,553,705	2,509,983	161.5%	3,969,954 50.6%
520 - MATERIALS & SERVICES		-	-	-	-	-	0.0%	- 0.0%
530 - CAPITAL OUTLAY		8,033,641	4,063,687	4,549,511	1,553,705	2,509,983	161.5%	3,969,954 50.6%
90 - TRANSFERS								
Revenue		(4,971,766)	(2,900,197)	(750,000)	(437,500)	(2,462,697)	562.9%	(2,071,569) 58.3%
450 - TRANSFERS IN		(4,971,766)	(2,900,197)	(750,000)	(437,500)	(2,462,697)	562.9%	(2,071,569) 58.3%
3260 - CAPITAL IMPROVEMENT RESERVE		-	(5,892,110)	-	(5,112,039)	(780,071)	15.3%	5,892,110 0.0%
00 - NON-DEPARTMENTAL RESOURCES								
Revenue		(5,707,810)	(5,885,405)	(3,725,503)	(3,689,086)	(2,196,319)	59.5%	177,595 103.1%
400 - BEGINNING FUND BALANCE		(5,507,458)	(5,722,178)	(3,627,503)	(3,594,801)	(2,127,377)	59.2%	214,720 103.9%
417 - INVESTMENT EARNINGS		(200,352)	(163,227)	(98,000)	(94,285)	(68,942)	73.1%	(37,125) 81.5%
18 - ADMINISTRATION								
Revenue		(1,124,342)	(57,550)	-	(1,055,022)	997,472	-94.5%	(1,066,793) 5.1%
412 - INTERGOV REV-NON-SINGLE AUDIT		(1,124,342)	-	-	(1,000,000)	1,000,000	-100.0%	(1,124,342) 0.0%
421 - MISCELLANEOUS		-	-	-	-	-	0.0%	- 0.0%
490 - OTHER FINANCING		-	(57,550)	-	(55,022)	(2,528)	4.6%	57,550 0.0%
Expense		6,832,152	50,845	4,505,587	87,118	(36,273)	-41.6%	6,781,307 0.7%
530 - CAPITAL OUTLAY		6,832,152	50,845	4,505,587	87,118	(36,273)	-41.6%	6,781,307 0.7%
90 - TRANSFERS								
Revenue		-	-	(780,084)	(455,049)	455,049	-100.0%	- 0.0%
450 - TRANSFERS IN		-	-	(780,084)	(455,049)	455,049	-100.0%	- 0.0%
Expense		-	-	-	-	-	0.0%	- 0.0%

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

Reserve & Capital

Column Labels 2024	2023							
	FY24- FY23		FY24 Budget - FY24 Budget					
Depts/Account Categories	Revised Budget	Actual	Revised Budget	Actual	Actual Variance	FY24-FY23 %	Actual	Execution
550 - TRANSFERS OUT	-	-	-	-	-	0.0%	-	0.0%
99 - NON-DEPARTMENTAL EXPENDITURES					-	0.0%	-	0.0%
Expense	-	-	-	-	-	0.0%	-	0.0%
550 - TRANSFERS OUT	-	-	-	-	-	0.0%	-	0.0%
3270 - GENERAL OPERATING RESERVE	-	(7,335,977)	-	(8,340,018)	1,004,041	-12.0%	7,335,977	0.0%
00 - NON-DEPARTMENTAL RESOURCES					-	0.0%	-	0.0%
Revenue	(8,845,506)	(9,487,969)	(7,687,681)	(8,461,098)	(1,026,870)	12.1%	642,463	107.3%
400 - BEGINNING FUND BALANCE	(8,684,994)	(8,766,993)	(7,670,081)	(7,836,806)	(930,188)	11.9%	81,999	100.9%
413 - INTERGOV REV-SINGLE AUDIT	-	(527,743)	-	(527,743)	-	0.0%	527,743	0.0%
417 - INVESTMENT EARNINGS	(160,512)	(193,232)	(17,600)	(96,550)	(96,683)	100.1%	32,720	120.4%
421 - MISCELLANEOUS	-	-	-	-	-	0.0%	-	0.0%
18 - ADMINISTRATION					-	0.0%	-	0.0%
Expense	8,845,506	2,151,991	8,469,310	577,031	1,574,961	272.9%	6,693,515	24.3%
510 - PERSONNEL	1,600,000	1,600,000	-	-	1,600,000	0.0%	-	100.0%
520 - MATERIALS & SERVICES	7,245,506	551,991	8,469,310	577,031	(25,039)	-4.3%	6,693,515	7.6%
530 - CAPITAL OUTLAY	-	-	-	-	-	0.0%	-	0.0%
90 - TRANSFERS					-	0.0%	-	0.0%
Revenue	-	-	(781,629)	(455,950)	455,950	-100.0%	-	0.0%
450 - TRANSFERS IN	-	-	(781,629)	(455,950)	455,950	-100.0%	-	0.0%
Grand Total	-	(15,130,749)	-	(16,130,763)	1,000,014	-6.2%	15,130,749	0.0%

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

Appropriation General Fund

Fund	1010 - GENERAL FUND
Segment 3	All
Segment 4	All

Fund
SubDept
Not used

0

Column Labels		2023							
2024									
Depts/Account Categories	Revised Budget	Actual	Revised Budget	Actual	FY24- FY23 Actual Variance	FY24-FY23 %	FY24 Budget - Actual	FY24 Budget Execution	
12 - ASSESSMENT & TAXATION	1,431,334	563,735	1,059,958	479,049	84,686	17.7%	867,599	39.4%	
Expense	1,431,334	563,735	1,059,958	479,049	84,686	17.7%	867,599	39.4%	
15 - COUNTY CLERK	833,769	269,906	872,718	245,889	24,017	9.8%	563,863	32.4%	
Expense	833,769	269,906	872,718	245,889	24,017	9.8%	563,863	32.4%	
16 - SHERIFF	5,956,874	1,925,902	4,809,127	1,819,139	106,763	5.9%	4,030,972	32.3%	
Expense	5,956,874	1,925,902	4,809,127	1,819,139	106,763	5.9%	4,030,972	32.3%	
17 - ADMINISTRATIVE SERVICES	7,035,016	2,275,673	5,533,641	2,038,270	237,403	11.6%	4,759,343	32.3%	
Expense	7,035,016	2,275,673	5,533,641	2,038,270	237,403	11.6%	4,759,343	32.3%	
18 - ADMINISTRATION	4,333,848	2,854,190	4,796,285	2,764,718	89,472	3.2%	1,479,658	65.9%	
Expense	4,333,848	2,854,190	4,796,285	2,764,718	89,472	3.2%	1,479,658	65.9%	
19 - DISTRICT ATTORNEY	1,130,081	634,071	1,279,521	614,534	19,537	3.2%	496,010	56.1%	
Expense	1,130,081	634,071	1,279,521	614,534	19,537	3.2%	496,010	56.1%	
21 - PLANNING	1,592,490	539,626	1,305,532	480,156	59,470	12.4%	1,052,864	33.9%	
Expense	1,592,490	539,626	1,305,532	480,156	59,470	12.4%	1,052,864	33.9%	
22 - PUBLIC WORKS	153,178	34,647	149,323	36,806	(2,159)	-5.9%	118,531	22.6%	
Expense	153,178	34,647	149,323	36,806	(2,159)	-5.9%	118,531	22.6%	
24 - PREVENTION DIVISION	2,456,139	653,795	2,000,224	751,034	(97,239)	-12.9%	1,802,344	26.6%	
Expense	2,456,139	653,795	2,000,224	751,034	(97,239)	-12.9%	1,802,344	26.6%	
90 - TRANSFERS	5,705,725	3,571,357	2,507,670	1,481,765	2,089,592	141.0%	2,134,368	62.6%	
Expense	5,705,725	3,571,357	2,507,670	1,481,765	2,089,592	141.0%	2,134,368	62.6%	
91 - CONTINGENCY	534,041	-	2,596,992	-	-	0.0%	534,041	0.0%	
Expense	534,041	-	2,596,992	-	-	0.0%	534,041	0.0%	
93 - UNAPPROPRIATED	4,861,567	-	6,483,973	-	-	0.0%	4,861,567	0.0%	
Expense	4,861,567	-	6,483,973	-	-	0.0%	4,861,567	0.0%	
Grand Total	36,024,062	13,322,902	33,394,964	10,711,360	2,611,542	24.4%	22,701,160	37.0%	

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

Appropriation all other Funds

Segment 3	All	Fund
Segment 4	All	SubDept
		Not used

Column Labels								
2024		2023						
Depts/Account Categories	Revised Budget	Actual	Revised Budget	Actual	FY24- FY23		FY24 Budget -	FY24 Budget
					Actual Variance	FY24-FY23 %	Actual	Execution
Expense	56,551,932	14,386,205	45,811,210	9,592,162	4,794,043	50.0%	42,165,727	25.4%
1500 - BUILDING CODES GENERAL	3,967,306	522,968	4,135,188	361,088	161,880	44.8%	3,444,338	13.2%
25 - BUILDING CODES	1,543,780	522,968	1,585,491	361,088	161,880	44.8%	1,020,812	33.9%
90 - TRANSFERS	-	-			-	0.0%	-	0.0%
91 - CONTINGENCY	291,280	-	291,280	-	-	0.0%	291,280	0.0%
93 - UNAPPROPRIATED	2,132,246	-	2,258,417	-	-	0.0%	2,132,246	0.0%
1600 - BUILDING CODES - ELECTRICAL	674,074	97,002	775,749	131,979	(34,977)	-26.5%	577,072	14.4%
25 - BUILDING CODES	245,159	97,002	239,923	131,979	(34,977)	-26.5%	148,157	39.6%
90 - TRANSFERS	-	-			-	0.0%	-	0.0%
91 - CONTINGENCY	113,891	-	113,891	-	-	0.0%	113,891	0.0%
93 - UNAPPROPRIATED	315,024	-	421,935	-	-	0.0%	315,024	0.0%
2020 - PUBLIC WORKS FUND	7,438,146	2,945,752	7,368,392	2,734,997	210,755	7.7%	4,492,394	39.6%
22 - PUBLIC WORKS	4,217,558	2,945,752	4,153,582	2,734,997	210,755	7.7%	1,271,806	69.8%
90 - TRANSFERS	-	-	-	-	-	0.0%	-	0.0%
91 - CONTINGENCY	2,697,223	-	2,691,445	-	-	0.0%	2,697,223	0.0%
93 - UNAPPROPRIATED	523,365	-	523,365	-	-	0.0%	523,365	0.0%
2030 - COUNTY FAIR FUND	515,581	247,582	514,506	228,681	18,901	8.3%	267,999	48.0%
18 - ADMINISTRATION	331,471	247,582	259,591	228,681	18,901	8.3%	83,889	74.7%
90 - TRANSFERS	50,000	-	50,000	-	-	0.0%	50,000	0.0%
91 - CONTINGENCY	134,110	-	110,850	-	-	0.0%	134,110	0.0%
93 - UNAPPROPRIATED	-	-	94,065	-	-	0.0%	-	0.0%
2040 - COUNTY SCHOOL FUND	441,365	-	427,541	-	-	0.0%	441,365	0.0%
18 - ADMINISTRATION	441,365	-	427,541	-	-	0.0%	441,365	0.0%
2050 - LAND CORNER PRESERVATION FUND	176,970	10,759	192,452	14,648	(3,889)	-26.6%	166,211	6.1%
22 - PUBLIC WORKS	29,427	10,759	26,495	14,648	(3,889)	-26.6%	18,668	36.6%
90 - TRANSFERS	-	-			-	0.0%	-	0.0%
91 - CONTINGENCY	100,951	-	119,365	-	-	0.0%	100,951	0.0%
93 - UNAPPROPRIATED	46,592	-	46,592	-	-	0.0%	46,592	0.0%
99 - NON-DEPARTMENTAL EXPENDITURES	-	-	-	-	-	0.0%	-	0.0%
2060 - FOREST HEALTH PROGRAM FUND	566,788	-	501,726	-	-	0.0%	566,788	0.0%
18 - ADMINISTRATION	60,000	-	60,000	-	-	0.0%	60,000	0.0%

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

Appropriation all other Funds

Column Labels 2024	2023							
	FY24- FY23		FY24 Budget - FY24 Budget					
Depts/Account Categories	Revised Budget	Actual	Revised Budget	Actual	Actual Variance	FY24-FY23 %	Actual	Execution
90 - TRANSFERS	184,770	-	184,770	-	-	0.0%	184,770	0.0%
91 - CONTINGENCY	322,018	-	256,956	-	-	0.0%	322,018	0.0%
2070 - HOUSEHOLD HAZARDOUS WASTE FUND	398,783	-	390,872	-	-	0.0%	398,783	0.0%
91 - CONTINGENCY	316,016	-	205,738	-	-	0.0%	316,016	0.0%
93 - UNAPPROPRIATED	82,767	-	185,134	-	-	0.0%	82,767	0.0%
2080 - SPECIAL ECON DEV PAYMENTS FUND	7,314,397	1,743,488	4,028,386	2,258,133	(514,645)	-22.8%	5,570,909	23.8%
18 - ADMINISTRATION	7,034,397	1,738,488	3,748,386	1,978,133	(239,645)	-12.1%	5,295,909	24.7%
90 - TRANSFERS	280,000	5,000	280,000	280,000	(275,000)	-98.2%	275,000	1.8%
2090 - LAW LIBRARY FUND	195,475	17,557	155,401	5,133	12,423	242.0%	177,918	9.0%
19 - DISTRICT ATTORNEY	49,829	17,557	49,829	5,133	12,423	242.0%	32,272	35.2%
90 - TRANSFERS	-	-	-	-	-	0.0%	-	0.0%
91 - CONTINGENCY	145,646	-	105,572	-	-	0.0%	145,646	0.0%
93 - UNAPPROPRIATED	-	-	-	-	-	0.0%	-	0.0%
2100 - DISTRICT ATTORNEY	11,654	67	6,254	1,050	(983)	-93.6%	11,587	0.6%
19 - DISTRICT ATTORNEY	11,654	67	6,254	1,050	(983)	-93.6%	11,587	0.6%
90 - TRANSFERS	-	-	-	-	-	0.0%	-	0.0%
91 - CONTINGENCY	-	-	-	-	-	0.0%	-	0.0%
2110 - MUSEUM	393,012	64,336	313,385	39,232	25,104	64.0%	328,676	16.4%
18 - ADMINISTRATION	132,086	64,336	135,069	39,232	25,104	64.0%	67,750	48.7%
91 - CONTINGENCY	178,316	-	178,316	-	-	0.0%	178,316	0.0%
93 - UNAPPROPRIATED	82,610	-	-	-	-	0.0%	82,610	0.0%
2200 - 911 COMMUNICATIONS FUND	1,556,259	781,114	1,465,620	731,489	49,625	6.8%	775,145	50.2%
16 - SHERIFF	1,341,259	746,114	1,275,542	713,989	32,125	4.5%	595,145	55.6%
90 - TRANSFERS	60,000	35,000	30,000	17,500	17,500	100.0%	25,000	58.3%
91 - CONTINGENCY	155,000	-	160,078	-	-	0.0%	155,000	0.0%
2230 - PARKS FUND	948,985	55,403	717,369	58,595	(3,191)	-5.4%	893,582	5.8%
18 - ADMINISTRATION	847,637	55,403	554,381	58,595	(3,191)	-5.4%	792,234	6.5%
90 - TRANSFERS	-	-	-	-	-	0.0%	-	0.0%
91 - CONTINGENCY	83,198	-	90,091	-	-	0.0%	83,198	0.0%
93 - UNAPPROPRIATED	18,150	-	72,897	-	-	0.0%	18,150	0.0%
2270 - COMMUNITY CORRECTIONS FUND	2,729,059	1,080,621	2,861,705	806,203	274,419	34.0%	1,648,438	39.6%
16 - SHERIFF	2,355,256	1,080,621	2,487,902	806,203	274,419	34.0%	1,274,635	45.9%
90 - TRANSFERS	-	-	-	-	-	0.0%	-	0.0%
91 - CONTINGENCY	373,803	-	373,803	-	-	0.0%	373,803	0.0%
93 - UNAPPROPRIATED	-	-	-	-	-	0.0%	-	0.0%
2290 - COURT FACILITIES SECURITY FUND	369,845	-	296,021	1,497	(1,497)	-100.0%	369,845	0.0%

FY24 Wasco County - 2024-01 January

as of: 2/13/2024

Appropriation all other Funds

Column Labels 2024	2023							
	FY24- FY23		FY24 Budget - FY24 Budget					
Depts/Account Categories	Revised Budget	Actual	Revised Budget	Actual	Actual Variance	FY24-FY23 %	Actual	Execution
18 - ADMINISTRATION	51,000	-	51,000	1,497	(1,497)	-100.0%	51,000	0.0%
90 - TRANSFERS	-	-	-	-	-	0.0%	-	0.0%
91 - CONTINGENCY	318,845	-	245,021	-	-	0.0%	318,845	0.0%
2330 - KRAMER FIELD DEVELOP RESERVE	37,279	4,600	35,910	-	4,600	0.0%	32,679	12.3%
18 - ADMINISTRATION	37,279	4,600	35,910	-	4,600	0.0%	32,679	12.3%
2370 - CLERK RECORDS FUND	49,433	5,527	54,067	1,585	3,942	248.7%	43,906	11.2%
15 - COUNTY CLERK	16,000	5,527	19,000	1,585	3,942	248.7%	10,473	34.5%
91 - CONTINGENCY	33,433	-	35,067	-	-	0.0%	33,433	0.0%
3210 - ROAD RESERVE FUND	4,645,332	542,906	3,707,355	-	542,906	0.0%	4,102,426	11.7%
22 - PUBLIC WORKS	4,645,332	542,906	3,707,355	-	542,906	0.0%	4,102,426	11.7%
90 - TRANSFERS	-	-	-	-	-	0.0%	-	0.0%
3220 - CAPITAL ACQUISITIONS FUND	8,033,641	4,063,687	4,549,511	1,553,705	2,509,983	161.5%	3,969,954	50.6%
18 - ADMINISTRATION	8,033,641	4,063,687	4,549,511	1,553,705	2,509,983	161.5%	3,969,954	50.6%
3240 - 911 EQUIPMENT RESERVE	410,890	-	338,903	-	-	0.0%	410,890	0.0%
16 - SHERIFF	410,890	-	338,903	-	-	0.0%	410,890	0.0%
90 - TRANSFERS	-	-	-	-	-	0.0%	-	0.0%
91 - CONTINGENCY	-	-	-	-	-	0.0%	-	0.0%
3260 - CAPITAL IMPROVEMENT RESERVE	6,832,152	50,845	4,505,587	87,118	(36,273)	-41.6%	6,781,307	0.7%
18 - ADMINISTRATION	6,832,152	50,845	4,505,587	87,118	(36,273)	-41.6%	6,781,307	0.7%
90 - TRANSFERS	-	-	-	-	-	0.0%	-	0.0%
99 - NON-DEPARTMENTAL EXPENDITURES	-	-	-	-	-	0.0%	-	0.0%
3270 - GENERAL OPERATING RESERVE	8,845,506	2,151,991	8,469,310	577,031	1,574,961	272.9%	6,693,515	24.3%
18 - ADMINISTRATION	8,845,506	2,151,991	8,469,310	577,031	1,574,961	272.9%	6,693,515	24.3%
Grand Total	56,551,932	14,386,205	45,811,210	9,592,162	4,794,043	50.0%	42,165,727	25.4%



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
FEBRUARY 7, 2024

This meeting was held in person and 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: Steve Kramer, Chair
Scott Hege, Vice-Chair
Phil Brady, County Commissioner
STAFF: Kathy Clark, Executive Assistant
Tyler Stone, Administrative Officer

Chair Kramer opened the session at 9:00 a.m. with the Pledge of Allegiance.

Changed to the Agenda: Planning Hearing cancelled; Comment Letter for Senate Bill 1537

Discussion Item – Lane Council of Governments IGA Amendment

Planning Director Kelly Howsley-Glover explained that this is the IGA is for the Hearings Officer. We had a 1 year contract and are seeking to renew for 3 years. Although we have had limited experience, the Hearings Officer has been responsive, efficient, and effective.

Commissioner Brady asked if other counties are using this service. Ms. Howsley-Glover replied that they do so through individual contracts.

Vice-Chair Hege pointed out that the contract has a cap of \$50,000 per year. He asked how much we actually spend. Ms. Howsley-Glover stated that last year we spent under \$1,000.

{{{Commissioner Brady moved to approve Amendment 1 to the Lane Council of Governments IGA for Hearings Officer Services. Vice-Chair Hege seconded the motion which passed unanimously.}}}

Discussion Item – Waste Connections Agreements

Ms. Howsley-Glover reviewed the memo included in the Board Packet stating that renewal negotiations were amiable; these are really just updates. She said that the lease rates are not changing. The functions changed as to services. Vice-Chair Hege observed that we have our facility on their property. He asked what they do besides housing the facility. Chair Kramer responded that they are

an outstanding partner – we could not do this work without them. We do the events, but are currently working with Cleaner Earth to take over the rural events. It is possible that we would do that throughout the service area. Those conversations are ongoing at the Steering Committee. Waste Connections has staff trained to step in for events in case we do not have someone available.

Vice-Chair Hege asked if the events are still free to the public. Chair Kramer stated that they are.

{{{Commissioner Brady moved to approve the Amended and Restated Ground Sublease and Operations Agreements with Waste Connections. Vice-Chair Hege seconded the motion which passed unanimously.}}}

Discussion Item – Multidisciplinary Team IGA

Deputy District Attorney Danielle DeCant explained that she took on this cycle of the grant process which is related to the Child Abuse Multidisciplinary Intervention Fund. Our Multidisciplinary Team (MDT) is held at the Department of Human Services and is intended to make sure no children fall through the cracks. The second part of the program is the child advocacy center – SafeSpace. That is where forensic interviews by well-trained staff are held. The process also makes sure that questioning is done in such a way that it does not compromise the case. There is an additional stipend for the child abuse prosecutor.

Ms. DeCant stated that the grant was over budget due to an expansion of SafeSpace. They are adding staff and services as well as moving to a larger building. They requested a 25% increase in funding; we reviewed the budget to see what we can reasonably afford. Historically, the MDT agreement is for 2-years to match the grant cycle. This time will be for one year as they seek further funding.

Commissioner Brady said he understood that SafeSpace was raising funds for a new building. Ms. DeCant replied that they have purchased the building and plan to move in April. Interview equipment needs to be installed such as 1-way glass and recording equipment.

Vice-Chair Hege asked about the composition of the MDT and its mission. Ms. DeCant said that Child Protective Services oversees the team through DHS. Team members include a prosecutor, law enforcement, schools, public health and a SafeSpace doctor. They review cases and make recommendations for moving forward. This emerged from Carly's Law; a child died in a case overseen by a new CPS working without a lot of experience or oversight.

{{{Vice-Chair Hege moved to approve the Agreement between Wasco County's Child Abuse MultiDisciplinary Team and Safespace Children's

Advocacy Center of The Gorge for the provision of services. Commissioner Brady seconded the motion which passed unanimously.}}

Discussion Item – District Attorney Updates

Wasco County District Attorney Matthew Ellis explained that the City of The Dalles is terminating an IGA that was put into place under the previous District Attorney. The Municipal Court stopped hearing misdemeanors which then started coming to the DA's office. That increased the DA's case load significantly. He provided the Commissioners with a report detailing the increases (see attached). The report is the same that he presented to City Council. Cases have close to doubled over the last couple of years.

The City was contributing funds which allowed for the addition of a third Deputy District Attorney (DDA); a position which will now have to be cut. He said that we are losing a DDA this month and he is not comfortable filling that position without the additional funding. In the short term he can take on more cases and Gilliam County DA Davis has agreed to take more but that is not sustainable.

DA Ellis said that there are 3 solutions: 1) the City takes their misdemeanors back to Municipal Court; 2) they support the DA's office with funding to prosecute the misdemeanors; or 3) fewer misdemeanors will be prosecuted. He said that he looked at all similarly-sized Oregon municipalities (14,000-18,000 population) and all but one within those parameters prosecute misdemeanors through their Municipal Court.

Commissioner Brady said he attended the City Council meeting and said that our DA made a good presentation. He said several council members leaned heavily on the idea that the arrangement was intended to be temporary without any discussion as to why that would be the case. He noted that the City is entering into budget talks and we need to make the ask that they include this in their budget.

Vice-Chair Hege asked if there is any contemplation at the City for them to bring it back to Municipal Court. DA Ellis replied that if they did, it would reduce his office's case load by about 300. Right now they refer more than 60% of the DA Office's cases which is up from 40%. He said he has heard rumblings but he does not know if it is feasible. They may not be able to find and pay attorneys; it would be a big lift.

Vice-Chair Hege commented that if the City does not want to continue the IGA, taking the cases back to Municipal Court seems to be the most viable option.

Discussion Item – Building Codes Services Amendment

Mr. Stone explained that, historically, Hood River and Wasco County have had an MOU to support each other's Building Codes offices through staffing. In the past, Hood River paid Wasco County; now, Hood River is covering us and they would like to be able to bill the same way we were doing in the past. Their Building Official is our acting Building Official. They are doing a heavy lift for us. This updates the MOU so that they can be compensated for the work they are doing for us.

Commissioner Brady asked if payment is made when either is disproportionately working on behalf of the other. Mr. Stone said that can be the case. He said they track it all in the system to help make sure that the agreement is proportional.

Vice-Chair Hege observed that looking at the budget, this is probably a wash for operating costs. Mr. Stone concurred.

Chair Hege asked about the legal review. Ms. Clark explained that County Counsel has already reviewed the agreement but it could potentially come back from Hood River with changes at which time County Counsel would review it again.

{{Vice-Chair Hege moved to authorize the Administrative Officer to execute Amendment 1 to the Reciprocal and Building Department Services IGA pending finalization from Hood River County and legal review. Commissioner Brady seconded the motion which passed unanimously.}}

Agenda Item – Code Compliance Ordinance Hearings

AMENDED CODE COMPLIANCE ORDINANCE HEARING

At 9:32 a.m., Chair Kramer opened a hearing for 921-23-000173, a review of a recommendation by the Wasco County Planning Department for a legislative hearing to consider approving revisions to the Wasco County Code Compliance and Nuisance Abatement Ordinance. He went on to explain the process and procedure for the hearing.

Code Compliance Officer Ted Palmer reviewed the presentation and materials included in the Board Packet explaining that they had the assistance of legal counsel to identify issues. He stated that Chapter 4 is a newly created chapter containing many items that were previously included in Chapter 3. Chapter 4 clearly describes, in order, how the process works. Enforcement is an expensive process and used sparingly; however, it is important to consider impacted property owners.

Commissioner Brady asked why the conditional use definition on page 6 is being removed. Mr. Palmer explained that it is not being removed – just relocated. Ms.

Howsley-Glover stated that a conditional use is something that is not usual for a zone. For example, in the farm zones we would expect agricultural production and a farm dwelling. However, if the owner wanted to host agricultural tourism, that would be considered conditional and has additional criteria for approval. Staff would want to make sure that it is not having an impact on adjacent properties or the environment; therefore, conditions such as frequency and hours of operation might be applied.

Commissioner Brady asked if those decisions are made by Planning staff. Ms. Howsley-Glover replied that some are made by staff, some by the Planning Commission and some by the Hearings Officer. It only goes to the Board of Commissioners on appeal or other special circumstances.

Vice-Chair Hege asked about the mark-up process saying that it is difficult to know what is new, what is being removed, what is being relocated, etc. A discussion ensued; the group concluded that additional formatting work needs to be done in order to make the changes more clear.

Commissioner Brady asked how this set of ordinances interacts with City ordinances. Mr. Palmer replied that we do not cross over into the cities. We do have a joint management agreement with City of The Dalles for the area outside of the City Limits but within the urban growth boundary; that is for nuisance items only. Otherwise, our ordinances only apply in unincorporated areas of the county.

Chair Kramer opened the floor to public comment. Mary Beth Richman asked if this ordinance applies only to rural residential properties. Ms. Howsley-Glover replied that it applies to all unincorporated lands in the county.

Ms. Richman noted that this was proposed in 2018 and asked why it was not approved at that time. Ms. Howsley-Glover stated that this has been a staff priority since 2012.

Ms. Richman asked if the underlined portion of Chapter 1, 1.005 is new or from another place. Mr. Palmer explained that it is language that is in the current ordinance.

Ms. Richman said there was a recent situation where someone had someone living on their property illegally and wanted them removed. Ms. Howsley-Glover commented that if there are no trespassing signs, staff cannot go on the property. Staff works directly with the landowner and in 99% of the cases, they are happy to provide access. We have other tools to investigate such as the Assessor's footage and common aerial imagery which is a good first step.

Chair Kramer said that in the interest of time and such a full agenda, he would

like to suggest that Ms. Richman meet with staff to get answers to her remaining questions. Ms. Richman said that would be acceptable.

The Board provided direction to staff to clean up the markup process to make the changes evident.

Vice-Chair Hege read the title of the ordinance into the record: Ordinance 24-00 In the matter of the Wasco County Planning Department's request to adopt revisions to the Wasco County Code Compliance and Nuisance Abatement Ordinance, hereafter known as the Wasco County Code Compliance Ordinance.

Chair Kramer announced that the 2nd hearing for this Ordinance would take place at 9:30 a.m. on February 21, 2024.

The hearing was closed at 10:09 a.m.

CODE COMPLIANCE PENALTY ORDINANCE HEARING

At 10:09 a.m., Chair Kramer opened a hearing for 921-23-000174, a review of a recommendation by the Wasco County Planning Department for a legislative hearing to consider adopting the Wasco County Code Compliance Penalty Ordinance. He went on to explain the process and procedure for the hearing.

Code Compliance Officer Ted Palmer reviewed the presentation and materials included in the Board Packet saying that this is hybrid of Ordinances from other counties and merges administrative and statutory penalties. We currently have a 3-tier penalty schedule; the new ordinance has 4 tiers to allow for expansion.

Vice-Chair Hege noted that this is all new and needed to help with enforcement. Ms. Howsely-Glover said that there are components of this Ordinance that exist in the current Code Compliance Nuisance and Abatement Ordinance. Counsel suggested that we place the penalty items in a separate ordinance to simplify updates and clarify the process.

Vice-Chair Hege pointed out that Code Compliance in Wasco County is complaint driven. If a complaint comes in, we investigate. We have had cases of hoarding and this is an effort to address those situations. We are trying to find a better way to deal with these circumstances more efficiently, fairly and within a defined procedure.

Commissioner Brady said he appreciates the clarity of the document. He asked how the 3 priorities match with the 4 classifications. Mr. Palmer replied that is outlined in 1.1010; Class D is for future expansion.

Commissioner Brady asked if 1.1015 determination of fines happens early in the

process. Mr. Palmer responded that it would not be established until voluntary compliance has failed. For land use violations, the amount of the penalty will likely be the cost for a permit as incentive to comply. Ms. Howsley-Glover added that the penalties are not something we assess; the Hearings Officer actually delivers the amount. County staff makes recommendations for both the land use violations and nuisance abatement.

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

Vice-Chair Hege read the title of the ordinance into the record: Ordinance 24-002 In the matter of the adoption of the Wasco County Code Compliance Penalty Ordinance.

Chair Kramer announced that the 2nd hearing for this Ordinance would take place at 9:30 a.m. on February 21, 2024.

The Hearing was closed at 10:24 a.m..

Agenda Item – Planning Appeal/Comment Letter SB1537
--

Ms. Howsley-Glover reported that the applicant and appellant settled outside of Land Use proceedings. That means that the replat will move forward as approved. She said that she is not privy to the details of the settlement; some restrictive covenants are rumored. She said she will bring the topic of restrictive covenants back to the Board at a future date to explain the implications of those covenants.

Vice-Chair Hege observed that when someone comes to an agreement outside of our process, we have no control. Ms. Howsley-Glover concurred. She said that one of the reasons it is of concern is the impact on housing availability.

Vice-Chair Hege asked if private restrictions are more prevalent here than elsewhere. Ms. Howsley-Glover said she does not know about elsewhere, but it is significant here.

Vice-Chair Hege asked what those restrictions might be. Ms. Howsley-Glover replied that it could be restricting future development in perpetuity. She said she will bring more detail in the future.

Ms. Howsley-Glover stated that the Governor is pushing for a housing omnibus bill that previously failed - Senate Bill 1537. A hearing is scheduled for tomorrow morning at 8 a.m.; it is important for the Board to offer some testimony; Planning has some recommended revisions and some concerns.

Commissioner Brady asked about an addition to the urban growth boundary in conjunction with the Columbia River Gorge Commission. Ms. Howsley-Glover

stated that it would be complex. There are other jurisdictions that may be interested in taking advantage of this. One of our concerns is The Dalles. If there is over 20 acres not in use, you cannot expand. The school has 67 acres in reserve for future use which would prevent expansion. We are asking for an amendment to address that.

*****The Board was in consensus to sign a letter of comment regarding House Bill 1537.*****

Agenda Item – Lane County Assessments & Levies Report Solution

County Assessor/Tax Collector Jill Amery reviewed the memo included in the Board Packet. She explained that each required report can take days to produce. One report has over 5,000 lines of code; it is an arduous process. XTR has specialists and we will be sharing the cost for their services. This will allow us to produce reports with the push of a button and will leave less room for error. In some cases, we will be able to produce the report ourselves.

Commissioner Brady asked if this might come back to us at some point in the future. Ms. Amery said we are working on that, but are not there yet.

{{Vice-Chair Hege moved to approve the IGA between Wasco, Yamhill, and Lane Counties for the Summary of Assessment & Levies report solution. Commissioner Brady seconded the motion which passed unanimously.}}

Agenda Item – Radio Project

Chief Deputy Scott Williams reviewed the memo and materials included in the Board Packet. He said that the Sheriff's Office has been working on this for years but it has been cost prohibitive. The current VHF radio system creates safety issues due to communications loss in our 2,500 square mile county. Studies have been conducted to discover an affordable solution to the issue. ODOT has a reliable system; an agreement is being negotiated for us to use that system. We have tested it. It works well. It has a significant start-up cost but the annual ongoing cost is \$35,000.

Chief Deputy Williams stated that to build our own system would cost \$800,000 per tower for start-up costs and an annual maintenance cost of \$400,000. Ten years ago the system at our 911 center was upgraded to the same system used by ODOT. The Sheriff's Office has budgeted for this. They have looked for grants and found none but have reserved the funds to do this project. The current system will still be viable; we will keep that system and maintain it as a back-up. In addition, that system will help the Road Department and the south county volunteer agencies. The VHS equipment will be surplussed to them.

Commissioner Brady asked if our current system uses relay towers. Chief Deputy Williams responded affirmatively. He said that by maintaining those, we will have a backup system which we do not have now. ODOT will be giving us some repeaters. We are the first non-state agency to join ODOT. He said he recently spoke with the Clatsop County Sheriff who was shocked at the low cost; they have their own and pay \$33,000 per year per tower to maintain the system.

Commissioner Brady asked for further explanation of simulcast. Chief Deputy Williams said that it means we are not repeater dependent. Commissioner Brady asked if a channel can become overused. Chief Deputy Williams replied that we will have our own frequencies.

Vice-Chair Hege asked if we are removing VHF radios from our vehicles. Chief Deputy Williams stated that the new radios will have dual capabilities.

Vice-Chair Hege noted that years ago we rejected the ODOT system; he asked what has changed. Chief Deputy Williams said that he thinks it was just personal opinion; it took an outside company coming in to evaluate and point out that this is really the smartest option.

*****The Board was in consensus to move forward with the Sheriff's Office Radio ODOT Radio Project.*****

Agenda Item – Building Codes Updates

Deputy Building Official Kylee Ruby reviewed the materials included in the Board Packet. She provided more legible copies of the budget (attached).

Vice-Chair Hege asked how our permit numbers compare to Hood River County. Building Official Mark VanVoast replied that it does not compare due to one large company doing work in Wasco County. If you were to remove those permitting numbers, the statistics would be similar. The inspection numbers are also deceiving because on big commercial jobs you can conduct a number of inspections on a single visit.

Vice-Chair Hege noted that our personnel expenses will be down but we will be compensating Hood River for the staff they send. Ms. Ruby said that they have been looking at what is needed to fill our vacant positions. We have hired an entry level inspector who is getting good training from Hood River. We are also looking to add another support staff person which will free Ms. Ruby up to do inspections. She said that she is certified and could help fill in gaps.

Mr. VanVoast introduced Chad Lindley who he said had worked with them part-time for a few months and they have brought him on full-time; he has been a great addition to the team. They also have a seasonal inspector out of

Goldendale who has 35 years of experience. He works from May to October. It is a budget friendly arrangements as he does not get paid in the winter when there is less work.

Commissioner Brady asked if we get called in for solar projects. Ms. Ruby replied that we do the electrical inspections. They are wrapping up their current project and starting a larger project in Wasco County.

Vice-Chair Hege stated that he has had no complaints and is curious to know how we are doing on our turn-around time for inspections. Ms. Ruby responded that the only inspections she has delayed were due to the recent weather event. We can usually get an inspector out by the next day if not same day.

Vice-Chair Hege said he recently fielded a question regarding the turnaround time for a building permit on commercial structure. Ms. Ruby said it is usually 2-4 weeks. Mr. VanVoast said a lot of that depends on the quality of the application and the detail provided.

Vice-Chair Hege thanked Mr. VanVoast for the support provided by Hood River. Mr. VanVoast said they are excited; it is all still pretty new. He said they are doing trainings and working out the logistics of group trainings. They strive to continue to improve.

Agenda Item – ORMAP Agreement

Survey and Engineering Technician Ivan Donahue said this is the 12th grant for this long-term project; this grant will close out December 31, 2024. It will support the work for 882 tax lot conversions for the tax map. He reviewed the map included in the Board Packet along with two maps (attached) illustrating the improvement from the old maps to the new maps.

Vice-Chair Hege asked if all the field work is done. County Surveyor Bradley Cross responded affirmatively. He said the remapping process is slow in the cities. ORMAP is well-funded and will support us.

Chair Kramer asked about how much longer the process will take. Mr. Donahue said he predicts it will be another 6 years.

Commissioner Brady asked if there will be a time in the future that the GIS map will show the tax information. Ms. Amery said that has been a goal but right now the different systems do not talk to one another. Our Information Systems Department is looking at that.

Vice-Chair Hege asked where they will start working once The Dalles is completed. Mr. Cross said they are thinking about Tygh Valley due to the changes in the flood map. He added that this work is very important, inaccurate

maps can create a cascade of issues.

{{{Commissioner Brady moved to approve ORMAP IGA Contract #DOR-257-23. Vice-Chair Hege seconded the motion which passed unanimously.}}}

Agenda Item – EDC 2024 Project Priority List

Mid-Columbia Economic Development District Deputy Director of Economic Development Carrie Pipinich reviewed the memo included in the Board Packet. She explained that they met with communities throughout the county to reflect and respect their project needs. They utilized prioritization criteria to rank projects. These criteria included if the project provides critical infrastructure, readiness to proceed, and where the project is in the funding process. The list goes to the Economic Development Commission for review and the results of that are the list being presented to the Board today. The list contains the top-ten projects plus a high level list along with details.

Chair Kramer noted that Dufur School is at number 5 on the top ten list but the Maupin Deschutes Rim Health Clinic is not on the list. Ms. Pipinich said that they are on the outreach list but she does not think they responded. If they do not participate, we cannot add them to the list. Commissioner Brady said that he believes their biggest issue right now is staffing. They have had some help from the Columbia Gorge Health Council and are connecting with other organizations such as the South Wasco Alliance.

Mr. Stone said he would like to get the Resolution Center on the list. Commissioner Brady suggested that Pine Grove Water District could be moved; they have already secured funding through USDA and Business Oregon. Ms. Pipinich said that she thinks they are still looking for funding but the ranking will not have a huge impact; they can reference last year's list.

Vice-Chair Hege said he would be fine with that. He asked if we did not participate in the process for the Resolution Center. Mr. Stone said that when the process was ongoing, we believed we were fully funded. Then our community partner pulled out and we have had to start the funding process over again.

Chair Kramer noted that another reason to have it on the list is that it is a regional project that meets the Governor's top three priorities. He said he has sent a packet of information to State officials and this would help our efforts. Ms. Pipinich said she can work with Mr. Stone to get language to add the project to the list.

Mr. Stone asked if we need to take this back to the EDC. Ms. Pipinich replied that the list is the Board's prerogative.

Vice-Chair Hege suggested that we just switch out Pine Grove for the Resolution Center; we could put it at #1 but that seems a little heavy handed. After some discussion the Board determined that anywhere on the top ten list is sufficient.

*****The Board was in consensus to move the Crisis Resolution Center Project to position #4 on the top ten list of the EDC Top Priority Project List and place the Pine Grove Water Project on the High Level list.*****

Ms. Pipinich said she would update the EDC at their next meeting.

Vice-Chair Hege noted that House Bill 4042 has been submitted by Business Oregon to help fund development of industrial sites around the state; #7 on the

Discussion Item – Chinaman Hat Renaming Request

Discussion ensued regarding the names being proposed to the Board on Geographic Names to replace the name Chinaman's Hat, a 3,600 foot tall butte with a distinct conical shape, located in Wasco County. The names being proposed are China Hat and Bath Hat.

*****After brief discussion, the Board was in consensus to submit a letter in support of China Hat as the new name for the butte.*****

Discussion Item – Appointments

Ms. Clark reviewed the memo included in the Board Packet regarding the Public Transportation Advisory Committee appointment.

Ms. Clark explained that there is an opening on the Compensation Committee which is scheduled to meet on March 14, 2024. Statute requires a minimum of 3 members on the Committee; an appointment will need to be made in order to move forward with this year's meeting.

{{Vice-Chair Hege moved to approve Order 24-001 appointing Christopher Howell to the Public Transportation Advisory Committee and 24-002 appointing Mike Kilkenny to the Wasco County Compensation Committee. Commissioner Brady seconded the motion which passed unanimously.}}

Discussion Item – ARPA Closeout

Mr. Stone explained that the ARPA Funding has been closed out; however, one of the projects supported by that funding came in under budget leaving a surplus. He requested that \$75,000 of that funding be directed to the Mosier Hub Project with a couple of other projects on the horizon for the remainder of the funds.

*****The Board was in consensus to direct the Administrative Officer to use**

\$75,000 of surplus ARPA Funding to contribute to the Mosier Hub Project.***

Consent Agenda – 12.20.2023 Minutes; Fair Board Agreements; EMPG Agreement

Mr. Stone said that the Fair Board/Wasco County MOU outlines roles and responsibilities. While examples were given, it is not an all-inclusive list. It discusses 2 roles, Fair Ground Manager and Fair Board Manager. Those roles can be filled by 1 person or by 2; currently the roles are being filled by 1 person.

Vice-Chair Hege asked if anything is really changing in the 4H MOU. Mr. Stone said that similar to the other MOU, this is just to get on paper who does what.

Chair Kramer, President of the Fair Board, said that the Fair Board is currently reviewing their Strategic Plan to align with the MOUs, bylaws, and State statute.

Fair Board Member Ken Polehn said the Board put a lot of effort into the Strategic Plan a few years ago. The MOUs just codify what we have already been doing. He said the Fair Board appreciates the Commissioners' support.

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

At 12:09 p.m. Chair Kramer called for a recess

The Session resumed at 1:30 p.m.

Agenda Item – Kramer Field Discussion

Vice-Chair Hege said that he has talked with all the Park and Recreation District Board Members and staff. He attended the last Park and Recreation Board Meeting to talk about Kramer Field. They have determined that they do not have the budget or staff to participate in the maintenance of the facility. He said he has started meeting with the Little League and other Kramer Field users.

Vice-Chair Hege said that what is needed is an MOU for the field laying out responsibilities of the County and the users; we can use the Park and Recreation MOU as a starting point. There will also need to be field use agreements. He stated that Mr. Stone has a draft of the MOU so it should not take long to finalize that document; we could approve those at the next Board session. He added that the users have asked for some changes and he has added some things such as the puncture vines where we would work collaboratively.

Vice-Chair Hege went on to say that as far as the bigger capital items which are outside of the MOU and operations, we will not be able to get them done by April. However, we can start looking at them and prioritize that list. Parks and

Recreation may be willing to help. We want to make the fields usable and easier to maintain. Parks did say that they are willing to consider re-engaging next year and want to see a proposal in the next few months. He said he would like to continue to work on that as well as building the relationship.

Commissioner Brady asked what the role of Parks and Recreation would be for this season. Vice-Chair Hege said it would only be advisory.

Commissioner Brady asked if the vision is to take on some improvements right away such as the dugouts. Vice-Chair Hege replied that they will prioritize the list of items and start there.

Vice-Chair Hege said that Little League oversees one side of the facility; other groups go through them for scheduling. Wasco County provides irrigation and weekly mowing along with keeping the grounds fertilized and weed controlled. The Little League will report any vandalism. They also maintain Little League equipment and make no unauthorized alterations to the field. Replacing the dugouts will be on the list.

Little League President Katie Kelley announced that their season begins in March; opening day is in April

Commissioner Brady said that in the short-term we will want staff to work with the City for the Transient Room Tax (TRT). For the long term, he said that he is in strong opposition to anything that would cause the County to lose ownership of the property. He aside if the new arrangement will require us to increase our staff. Vice-Chair Hege replied that he has been talking with Mr. Stone; it is really his responsibility.

Chair Kramer thanked Vice-Chair Hege for his efforts and agreed with Commissioner Brady looking at the long-term. He pointed out that the County has a number of properties including the recently acquired 159 acres, the Fair Grounds, the annexes, 10th Street properties and a big building downtown. We will need a larger staff for all of that.

Commissioner Brady asked who the points of contact will be. Mr. Stone said that Ms. Kelley will be the user group's contact and ours will be Administrative Services Director Ali Postlewait and Facilities Manager Robert Hughes.

Commissioner Brady said we can authorize management to purchase equipment, staff facilities, and work with the City while the agreements are being finalized.

*****The Board was in consensus to direct staff to purchase equipment, staff facilities, work with the City, prepare the field and finalize relevant documents for Kramer Field.*****

Commission Call

Vice-Chair Hege reported that the legislative short session is underway as of Monday. He said he would like to put together a support letter for House Bill 4042.

Commissioner Brady said that the Executive Director of North Central Public Health will be retiring; they will begin the search for a new director. He said that the Cascade High Voltage Line is moving forward; its purpose is to move electricity for our renewable energy sites to the areas of need. He said that during the recent winter storm there was great collaboration between public and private entities to get people sheltered; our annex was featured on ABC news. He concluded by saying that he will be going to Washington D.C. with the Outreach Team.

Chair Kramer said he has been spending most of his time on the Fair, Health and Human Services, and recycling. Last Friday he met with the Governor regarding fairground funding and has been invited back for another meeting after the short session. The Oregon Fair would like to make some changes to statute. Public Safety continues to collaborate to work on Measure 110; the task force added co-chairs from Ways and Means. OHA appointed an interim director today; he met with her Monday evening and talked about the Columbia Gorge Crisis Resolution Center. Representative Helfrich has indicated that things do not look too bad for us. Recycling still has a lot of work to do. Two producer responsibility organizations were submitting plans; one has dropped out. The Committee is looking forward to seeing the remaining plan.

Agenda Item – Executive Session

At 1:59 p.m., Chair Kramer opened an Executive Session pursuant to ORS 192.660(2)(h) to confer with legal counsel and ORS 192.660(2)(e) Real Property Transactions. He explained the process for the Executive Session and instructed the media to not record or report anything discussed in Executive Session except the general topic as previously stated.

The Regular Session resumed at 4:25 p.m.

Chair Kramer adjourned the meeting at 4:25 p.m.

Summary of Actions

MOTIONS

- **To approve Amendment 1 to the Lane Council of Governments IGA for Hearings Officer Services.**

- **To approve the Amended and Restated Ground Sublease and Operations Agreements with Waste Connections.**
- **To approve the Agreement between Wasco County's Child Abuse MultiDisciplinary Team and Safespace Children's Advocacy Center of The Gorge for the provision of services.**
- **To authorize the Administrative Officer to execute Amendment 1 to the Reciprocal and Building Department Services IGA pending finalization from Hood River County and legal review.**
- **To approve Order 24-001 appointing Christopher Howell to the Public Transportation Advisory Committee and 24-002 appointing Mike Kilkenny to the Wasco County Compensation Committee.**
- **To approve the Consent Agenda: 12. 20.2023 Minutes; Fair Board Agreements; EMPG Agreement.**
- **To approve ORMAP IGA Contract #DOR-257-23.**

CONSENSUS

- **To sign a letter of comment regarding House Bill 1537.**
- **To move forward with the Sheriff's Office Radio ODOT Radio Project.**
- **To move the Crisis Resolution Center Project to position #4 on the top ten list of the EDC Top Priority Project List and place the Pine Grove Water Project on the High Level list.**
- **To submit a letter in support of China Hat as the new name for the butte.**
- **To direct the Administrative Officer to use \$75,000 of surplus ARPA Funding to contribute to the Mosier Hub Project.**
- **To direct staff to purchase equipment, staff facilities, work with the City, prepare the field and finalize relevant documents for Kramer Field.**

Wasco County
Board of Commissioners

Steven D. Kramer, Commission Chair

Scott C. Hege, Vice-Chair

Philip L. Brady, County Commissioner

DRAFT



WASCO COUNTY BOARD OF COMMISSIONERS
SPECIAL/EXECUTIVE SESSION

FEBRUARY 20, 2024

This meeting was held in person and 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: Steve Kramer, Chair
Scott Hege, Vice-Chair
Phil Brady, County Commissioner
STAFF: Kathy Clark, Executive Assistant
Tyler Stone, Administrative Officer

Chair Kramer opened the session at 11:00 a.m. with the Pledge of Allegiance.

Agenda Item – Executive Session

At 11:00 a.m. Chair Kramer opened an Executive Session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection. He directed the media not to record the executive session nor report on any of the deliberations during the executive session other than to state the general subject of the session as previously announced.

The Special Session resumed at 11:22 a.m.

{{Commissioner Brady moved to deny the Step 3 Grievance filed by Mr. Beitl. Vice-Chair Hege seconded the motion which passed unanimously.}}

Chair Kramer adjourned the meeting at 11:24 a.m.

Summary of Actions

MOTIONS

- **To deny the Step 3 Grievance filed by Mr. Beitl.**

Wasco County
Board of Commissioners

Steven D. Kramer, Commission Chair

Scott C. Hege, Vice-Chair

Philip L. Brady, County Commissioner



MEMORANDUM

SUBJECT: CHANGES TO PROPOSED ORDINANCE REVISIONS

TO: BOARD OF COUNTY COMMISSIONERS, TYLER STONE, KRISTEN CAMPBELL

FROM: TED PALMER

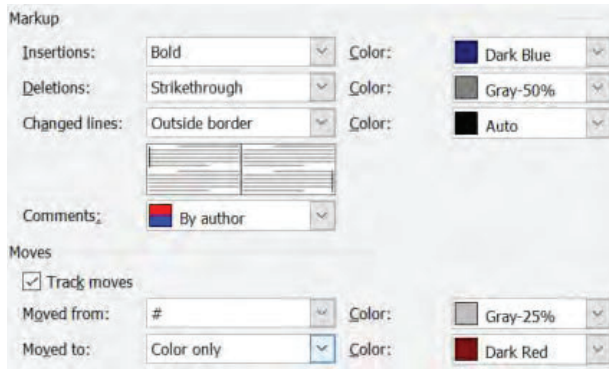
DATE: FEBRUARY 14, 2024

At the first of two legislative hearings for proposed updates to the Wasco County Code Compliance and Nuisance Abatement Ordinance, the Board of County Commissioners (BOCC) requested clarity of the markup that shows the text being move, removed, or added.

Staff has revised the drafts to more clearly show the proposed changes to the current Ordinance and provided a cover sheet that provides a reference for how revisions are marked up in the drafts. Further, staff has added a cover sheet with a brief overview of revisions per chapter and section.



Wasco County Code Compliance Ordinance Update Draft Cover Sheet



The drafts are created using track changes in Microsoft Word.

The key to the left is a reference for how revisions are marked up in the draft.

The blue underlined text shows new text.



Development Ordinance, the Wasco County Comprehensive Plan and the Columbia River Gorge National Scenic Area Management Plan.

Text with a line through it, in light grey, is proposed to be deleted.



Section 1.010 - Title
This Ordinance shall be known as the Wasco County Code Compliance ~~and Nuisance Abatement Ordinance.~~

Red text shows text moved from another location



The Board of Commissioners is hereby authorized to administer and enforce all of the provisions of this Ordinance. The Board of Commissioners may employ qualified officers, inspectors, assistants, and other employees as shall be necessary to carry out the provisions of this Ordinance. Such County staff persons shall have full power and authority to do any and all things necessary, incidental or proper in the enforcement of said ordinance, excluding the power to arrest. The authority of the designated Code Compliance Officer to enforce the provisions of this Ordinance is independent of, and in addition to, the authority of other County officials to enforce the provisions of any other County Code.

Code Compliance Revision Overview

- Section numbers modified throughout
- Chapter 3 split into two Chapters (3 & 4)
- Font/formatting changes throughout to make consistent with Land Use and Development Ordinance

Chapter 1

- (1.005) Added some additional references, and relocated language from previous Section 1.060.
- (1.020) Purpose expanded and some language modified per legal review recommendation.
- (1.040) Moved from Section 1.090
- (1.070) Combined Section 1.040 and 1.050
- (1.080) Removed per legal counsel as duplicative
- (1.090) Added language for clarity and moved (D) from Chapter 3.060
- (1.100) Moved to Chapter 2
- (1.100) Legal counsel recommended streamlined language
- (1.110) Definitions modified, moved, or added based on legal counsel and review of the Land Use and Development Ordinance

Chapter 2

- (2.005) New exemption connected to state law.
- (2.010) Replaces previous Section 2.050, per legal recommendations and survey of comparable Ordinances
- (2.020) Moved
- (2.030) Based on case volume, staff opted to enumerate environmental nuisances
- (2.040) Modified and moved from Section 2.080. Conditional use language added to be consistent with the Land Use and Development Ordinance
- (2.070) Redundant and unnecessary language removed

Chapter 3

- (3.010) Statutory references added. Some language moved from 3.030 and consolidated. Language added per legal counsel and best practices.
- (3.015) Originally Section 3.030. First section for right of entry streamlined. Second portion substantially reworked, using legal counsel and best practices, for more clear direction for staff and the public.
- (3.020) "Voluntary Compliance" was included as paragraphs in many of the Notice sections of current ordinance. To reduce duplicative language, this new section was created. Language was also added based best practices. Previous Authorization to Inspect consolidated with other sections.
- (3.025) New section to consolidate Hearings Officer authorities that are in the current ordinance.
- (3.030) Streamlined and moved to Section 3.015
- (3.030) Reworked from Section 3.080, using best practices and legal counsel.
- (3.040) Consolidated with other sections or removed on the advice of counsel.
- (3.050) Previous section removed or consolidated elsewhere. Language streamlined.
- (3.055) Consolidated with other sections and portions removed on the advice of counsel/best practices.
- (3.060) This section was added based on the provisions of Section 3.130 in the current ordinance. Section 3.130(A) Administrative Penalty Site Visit was removed. Notice of Failure to Comply/Administrative Civil Penalty was shortened to "Notice of Failure to Comply". Final (C) section added to make it clear the next step is for Hearings Officer review.
- (3.065) New section to consolidate Hearings Officer Order subsections spread throughout current ordinance.
- (3.070) Removed as it was duplicative. New section additions added on advice of legal counsel.
- (3.080) Changed from Section 3.070 in current ordinance. Substantive changes to include form and content of citation form.
- (3.085) New section for initiating enforcement pursuant to issuing a citation.
- (3.090) Old section removed and consolidated with other sections for clarity. New language was similar to previous Section 3.260, with some additions for legal input and best practices.
- (3.095 & 3.100) Added based on best practices and legal counsel.
- (3.105) Similar language to Section 3.140 in current ordinance, but the penalty amounts have been removed to the Penalty Ordinance. (C) was from previous Section 2.030.

Code Compliance Revision Overview

- (3.110) New section for additional penalties for continued non-compliance. This is based on Washington Co. Land Use code with modification to the penalty amounts.
- (3.120) Language reworked from previous Section 3.200 and 3.055
- (3.130) Language added for compliance with state law.
- (3.135) Previously in 3.230.
- (3.140) Language added based on best practices and legal counsel. Legal counsel advised removal of (B).
- (3.200) Removed and consolidated.

Chapter 4

- (4.005) Pulled from Chapter 3, term “violation” used throughout for consistency
- (4.010) Language added to clarify procedures, other language removed as no longer state requirement.
- (4.020) Most of the content is reworked from Chapter 3. Some language added per legal counsel. Other language removed per legal counsel.
- (4.030) Reworked from Section 3.170. Language added following Sheriff’s Office counsel.
- (4.040) Language added and removed to help for clarity, and per legal counsel advice on state law.
- (4.050) Reworked from Section 3.190. Language was added to clarify and comply with state law.

WASCO COUNTY CODE COMPLIANCE ~~AND NUISANCE ABATEMENT~~ ORDINANCE

ADOPTED

July 14, 2009

AMENDED

April 5, 2011

February 21, 2024

PREPARED BY THE

Wasco County Planning ~~& Development Office~~ Department
&
~~North Central Public Health Department~~

STAFF

~~Primary Author~~

~~Patricia Bozanich~~

~~Planning~~

~~Keith Cleveland~~ ~~Code Compliance Officer~~

~~Todd R. Cornett~~ ~~Director~~

~~Gary Nychyk~~ ~~Senior Planner~~

~~Brenda Jenkins~~ ~~Planning Coordinator~~

~~Dawn Baird~~ ~~Associate Planner~~

~~Jeanette Montour~~ ~~Associate Planner~~

~~Health~~

~~Teri Thalofer~~ ~~Director~~

~~Glen Pierce~~ ~~E. H. Supervisor~~

~~John Zalaznik~~ ~~Environmental Health~~

~~Kristy Beachamp~~ ~~E.P. Coordinator~~

Section 1.005 - Authority	1
Section 1.010 - Title	1
Section 1.020 - Purpose	2
Section 1.030 - Severability.....	2
Section 1.040 - Repeal	2
Section 1.050 - Effective Date.....	3
Section 1.060 - Saving Clause	3
Section 1.070 - Interpretation and Scope.....	3
Section 1.080 - Compliance Required.....	3
Section 1.090 - Failure to Comply	4
Section 1.100 - Ordinance Revision	4
Section 1.110 - Definitions.....	5

Section 1.005 - Authority

This Ordinance is enacted pursuant to the provisions of Oregon Revised Statutes Chapters [92](#), [153](#), [197](#), [203](#), [215](#), [433](#), [449](#), [459](#), [468](#), and Public Law [99-663](#). It also adopts by reference the National Scenic Area Land Use and Development Ordinance, Wasco County Land Use and Development Ordinance, [the Wasco County Comprehensive Plan and the Columbia River Gorge National Scenic Area Management Plan](#).

Some of the language in this ordinance duplicates that from the National Scenic Area Land Use and Development Ordinance and the Wasco County Land Use and Development Ordinance. In the event this duplicative language is altered the language in the amended Land Use and Development Ordinance shall apply until this Ordinance can be updated.

The Board of Commissioners is hereby authorized to administer and enforce all of the provisions of this Ordinance. The Board of Commissioners may employ qualified officers, inspectors, assistants, and other employees as shall be necessary to carry out the provisions of this Ordinance. Such County staff persons shall have full power and authority to do any and all things necessary, incidental or proper in the enforcement of said ordinance, excluding the power to arrest. The authority of the designated Code Compliance Officer to enforce the provisions of this Ordinance is independent of, and in addition to, the authority of other County officials to enforce the provisions of any other County Code.

Section 1.010 - Title

This Ordinance shall be known as the Wasco County Code Compliance ~~and Nuisance Abatement~~ Ordinance.

Section 1.020 - Purpose

~~To protect the health, safety, and general welfare of Wasco County citizens~~The purposes of this Ordinance are: To promote public health, safety, convenience, and general welfare; to promote safety from fire and natural disaster; to assist in rendering adequate police and fire protection; to conserve, stabilize, and protect property values; to encourage the most appropriate use of land; and to preserve and enhance community livability by:

- A. Establishing and enforcing minimum standards regulating development without land use review and approval, non-compliance with approval, continuation of use after expiration of approval, illegal uses, dwellings and structures, accumulation of junk, solid waste, tires, and inoperable or abandoned vehicles, or other nuisances on public and private property;
- B. Establishing an administrative framework for the enforcement and abatement of violation; and by
- C. Designating violations of the Wasco County Land Use and Development Ordinance (LUDO) and the National Scenic Area Land Use and Development Ordinance (NSA LUDO) as violations of this Ordinance that may require enforcement action and abatement;

All in accordance with the Comprehensive Plan for Wasco County and the Management Plan for the Columbia River Gorge National Scenic Area.

Section 1.030 - Severability

The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this Ordinance.

Section 1.040 - Repeal

The following ordinances, together with all amendments thereto are hereby ~~superseded or~~ repealed except as provided under Section 1.060 below:

- Wasco County Solid Waste and Disposal Ordinance, Chapter 102, Section 020, Abatement of Nuisances;
- Wasco County Land Use and Development Ordinance Chapter 15, Sections 010 through 190; and
- National Scenic Area Land Use and Development Ordinance Chapter 15, Sections 030 through 190.

Section 1.050 - Effective Date

This Ordinance shall become effective when filed with the Wasco County Clerk. Amendments hereto, unless otherwise specified, shall become effective when filed with the County Clerk.

<#>

Section 1.060 - Saving Clause

Notwithstanding the Repeal section above, ordinances repealed thereby shall remain in force for the purpose of authorizing the arrest, prosecution, conviction, and punishment of a person who violated those ordinances prior to the effective date of this ordinance.

Section 1.070 - Interpretation and Scope

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

Scope: The provisions of this Ordinance shall apply to all unincorporated property in Wasco County except as otherwise excluded. The Solid Waste provisions of this Ordinance (Solid Waste as defined in section 1.110 Definitions) shall apply to all property in Wasco County. The remedies provided for failure to comply with this Ordinance shall not be exclusive and shall be in addition to other remedies provided by law. The County expressly reserves the right to seek abatement in addition to and not in lieu of administrative enforcement under Chapter 3.

Section 1.080 - Compliance Required

- A. No structure or premises in Wasco County shall hereafter be used or occupied and no part or structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance. In addition, no person shall cause or permit such a condition to exist that constitutes a violation as defined by this Ordinance.
- B. The Director, the Director's designee or other Approving Authority shall not approve a development or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development proposal. (Moved from Chapter 3)

~~C. The remedies provided for failure to comply with any provision of this Ordinance shall not be exclusive and shall be in addition to other remedies provided by law. The County~~

~~expressly reserves the right to seek abatement, in addition to, and not in lieu of, administrative enforcement pursuant to Chapter 3.~~

Section 1.090 - Failure to Comply

- A. A person who fails to comply with any provision of this Ordinance shall be subject to administrative enforcement pursuant to Chapter 3.
- B. The imposition of a civil infraction fine, monetary penalty or administrative monetary penalty does not relieve a responsible person of the duty to abate the violation.
- C. Any failure of the County to enforce a provision of this Ordinance does not constitute permission, acquiescence or a right to continue a use or condition that constitutes a violation.
- D. Each day that a nuisance or violation continues to exist constitutes a separate violation and a separate penalty may be assessed for each day the violation continues. (Moved from Chapter 3)

~~Section 1.100 – Unenumerated Nuisances~~

~~The acts, conditions or objects specifically enumerated and defined in this Ordinance are declared public nuisances. In addition to the nuisances specifically enumerated in this Ordinance, every other thing, substance or act that is determined by the Code Compliance Officer or Board of County Commissioners to be injurious or detrimental to the public health, safety, or welfare of the County is declared a violation. # (Moved to Chapter 2)~~

Section 1.100 - Ordinance Revision

~~Ordinance revision will be in compliance with the following procedures. The District Attorney may at any time direct such changes regarding currently maintained copies of this Ordinance and amendments as the Legislative Council is authorized to perform regarding acts of the Legislature, pursuant to Oregon Revised Statute 173.160, provided that such editorial revisions be directed by written memorandum filed with the County Clerk and with the Code Compliance Department, but subject to disapproval by the Commission at next regular meeting thereafter. Ordinance revisions shall become effective, unless disapproved by the Commission, on the first regular meeting of the Commission after the directing memorandum is filed with the County Clerk. The Office of the Wasco County Counsel is authorized to prepare documents to reflect the changes adopted under this this Ordinance, including deleting and adding textual material and diagrams, renumbering pages or sections, and making any technical changes not affecting the substances of these amendments as necessary to conform to the Wasco County Code format.~~

Section 1.110 - Definitions

For the purpose of this Ordinance, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular; the word "Building" includes the word "Structure"; the word "Shall" is mandatory and not directory.

Abandoned Vehicle – A vehicle which satisfies one of the following criteria:

- a. The vehicle is not currently licensed and registered for operation;
- b. The vehicle is being used to store junk, solid waste, or waste as defined in this section; or
- c. The vehicle has parts which have been discarded, dismantled, or partially dismantled, or stripped, or the vehicle is in a rusted, damaged, wrecked or other condition which renders the vehicle inoperable.

Abatement of a Nuisance – The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.

Administrative Civil Penalty – May include a monetary penalty, restitution, administrative costs, costs for abatement and assessments, and an order of abatement.

Approved – Meets the standards set forth by applicable Wasco County codes, including any applicable regulations for electric, plumbing, building, or other sets of standards included by reference in this Ordinance.

Board of Commissioners – Wasco County Board of Commissioners

Compliance Officer – The Wasco County Planning Director, or their designee, or the Environmental Health Officer, or their designee, or any other person designated by the Board of Commissioners to enforce this Ordinance.

Compliance Notices and Compliance Orders – Documents that are sent to the owner of record or person in charge of property during and after the code compliance process. They include but are not limited to: Notice of Violation, Order to Correct, Notice of Failure to Comply, Violation Recorded on Deed, and all Hearings Officer Orders.

Conditions of Approval – Specific requirements that must be fulfilled by the property owner to insure the legality of a proposed development or action.

Conditional Use — ~~An activity which is basically similar to the uses permitted in a particular zone but which may not be entirely compatible with the permitted uses. A conditional use must be approved.~~

County — The County of Wasco, Oregon.

County Charges — Includes all billable hours, fees, services, materials, costs, or any expense incurred by the County due to a ~~nuisance~~ violation or abatement.

Development — Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, change in use of a building or structure, land division, establishment, or termination of right of access, storage on the land, tree cutting, drilling, and site alteration such as that due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking, excavation or clearing. Also includes storage of equipment or materials located within the area of special flood hazard.

Development does not include low impact practices using hand based tools to perform habitat restoration activities, which do not result in: the potential destabilization and/or erosion of the designated floodplain by removal of bank stabilizing root systems or other means; alteration of the topography of the designated ASFH; the accumulation of woody vegetative debris within the ASFH; a violation of any prior condition of approval associated with a review on the subject property; a violation of any Wasco County or other agency natural resource regulations; or the siting of any structure.

Disabled Vehicle — ~~Any vehicle which is inoperative, wrecked or dismantled, or partially dismantled.~~ Any vehicle which does not reasonably appear to be legally operated or capable of being self-propelled upon the public streets because of missing major components such as an engine, wheels, windshield, or other obvious damage or missing equipment.

Dwelling — Any structure, permanently affixed or temporarily sited or parked, containing dwelling units, including all dwelling classifications covered by the LUDO or NSA LUDO, that are occupied full time, periodically, or are unoccupied.

Dwelling Unit — One or more habitable rooms (attached or detached) that are occupied by, or designed or intended to be occupied by, one person or by a family or group of housemates living together as a single housekeeping unit that include facilities for sleeping, cooking, and sanitation.

Firewood – Wood that is used as fuel for heat.

Firewood, Useable – Wood that constitutes more wood than rot and is cut to lengths that will fit in an approved fireplace or wood stove.

GMA – General Management area of the Columbia River Gorge National Scenic Area.

Hearings Officer – Individual or group appointed by the Board of Commissioners to issue orders and hear appeals of enforcement actions initiated under this Ordinance.

Hearings Officer Order – A written decision which requires an owner or person in charge of property to meet the requirements of Compliance Notices or Compliance Orders and pay all penalties, abatement costs, fees, and County charges.

~~**Inspection Warrant** – An order from the Circuit Court authorizing a n inspection/investigation to be conducted at a designated property to determine if the property is in violation of this ordinance.~~

Junk – Includes, but is not limited to, all old motor vehicles, old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances or appliance parts, old iron or other metal, glass, paper, lumber, wood or other useless, unwanted, or discarded material. The fact that materials, which would otherwise come within the definition of Junk, may from time-to-time have value and thus could be utilized, shall not remove them from the definition. ~~For purposes of this subsection, t~~The term "old" shall include, but not be limited to, a description of items which are dilapidated, abandoned, inoperable, or otherwise in a state of disrepair.

LUDO – The Wasco County Land Use and Development Ordinance.

Maintained Compost Area – A small portion of a property set aside for the purpose of encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer for the soil on the property. A maintained compost area shows clear indicators that the yard debris placed there is being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition is not a maintained compost area.

May – Permits or allows an action.

Motor Vehicle – A vehicle that is self-propelled or designed for self-propulsion.

Non-Resource Zones – Zones whose primary designations include, but are not limited to, residential, commercial and industrial development. These designations include all residential, commercial, industrial zones as well as the Forest Farm, Agricultural Recreation, Rural Community, Public Recreation and Open Space designations.

Not Visually Evident (Special Management Area only) - A visual quality standard that provides for development or uses that are not visually noticeable to the casual visitor. Developments or uses shall only repeat form, line, color, and texture that are frequently found in the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be noticeable.

NSA LUDO – National Scenic Area Land Use and Development Ordinance for Wasco County.

Nuisance – Includes, but is not limited to, any annoying, unpleasant, or obnoxious condition or practice causing an unreasonable threat to the public health, safety, peace or welfare and defined as a nuisance in this ordinance.

~~**Nuisance Abatement Warrant** – An order from the Circuit Court authorizing the removal and abatement of any nuisance as authorized by this ordinance, including disposal of the nuisance items removed in an appropriate manner.~~

Nuisance #

O.R.S. – The Oregon Revised Statutes.

Order to Abate – A written notice sent to the owner of real property, and/or posted upon any property that has been declared a nuisance, that orders the owner to abate the nuisance within a specified time frame or experience abatement of the nuisance by Wasco County. Abatement by the County results in the assessment of costs to the owner of the property.

Order to Correct – A written notice sent to the owner of real property that ~~has been declared a nuisance that~~ orders the owner to correct the declared violation or experience administrative civil penalties and/or abatement of the nuisance by Wasco County.

Owner of Record – A person having any legal or equitable interest in property, including but not limited to, a purchaser, lienholder or holder of any security interest in such property whose interest is recorded in the public records provided for by Oregon statutes where the

owner's interest must be recorded to perfect a lien or security interest or provide constructive notice of the owner's interest.

Permit – Written authorization from a County agency which allows a property owner to develop or use their property in a specified manner.

Person in Charge of Property – An owner, agent, occupant, lessee, tenant, contract purchaser, or other responsible person having possession or control of a property or of a property which abuts a public way where a nuisance exists.

Property – Any real property and all improvements, buildings or structures on real property, from property line to property line.

Putrescible Material – Organic material that decomposes and gives rise to foul or offensive odors, or foul or offensive by-products.

Recreational Vehicle or Camping Vehicle – A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for residential purposes, and is identified as a recreational vehicle by the manufacturer. A recreational or camping vehicle shall be considered a dwelling unit if any of the following is true:

- a. It is connected to a sewer system (including septic tank) except for the purpose of emptying the holding tanks; after such time it must be disconnected;
- b. It is connected to water or electrical lines except for purposes of charging the batteries or filling water tanks; after such time it must be disconnected;
- c. It is occupied for more than 60 days, on the same property, in any consecutive 12 month period;
- d. It is parked on property that is without a legally placed dwelling for more than 30 days during any consecutive 6 month period.

~~NOTE: Allowances can be made for subsections a and b above if in the opinion of the Compliance Officer evidence suggests that the use of the RV is occasional and temporary for the purpose of accommodating visitors~~

Resource Zones – Zones primarily designated for farm or forest use. The zoning is designed to protect commercial farming and forestry operation from incompatible uses. In the event of a conflict between farming or forestry operations and other uses, this Ordinance will be interpreted in favor of the resource management practice.

Sale or Sell – Includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

Serving Notice – The mailing of a certified, return-receipt requested letter is considered a serving of notice under this Ordinance.

Sewage – means the water-carried human or animal wastes, including kitchen, bath and laundry from ~~from~~ residences, buildings, industrial establishments or other places, together with such ground water infiltration, and surface waters or industrial waste as may be present ~~as may be present~~. The admixture with sewage of wastes or industrial wastes shall also be considered “sewage” within the meaning defined in ORS 468.

Shall – Action is mandatory.

Should – Action is encouraged.

Solid Waste – Includes all putrescible and non-putrescible wastes, whether in solid or semi-solid form, including but not limited to: garbage, trash, rubbish, refuse, ashes, paper, cardboard; commercial and industrial wastes; demolition and construction wastes; manure, vegetable or animal solid or semi-solid wastes including yard debris, dead animals; medical and infectious waste as defined in ORS 459.386 and OAR 340- 93-030 (42) and (52); all wastes capable of being recycled that are commingled with other wastes; and, incidental Household Hazardous Waste or Small Quantity Generator Hazardous waste as defined under 40 CFR 261.5. The fact that materials, which would otherwise come within the definition of Solid Waste, may from time-to-time have value and thus could be utilized, shall not remove them from the definition. The term “Solid Waste” shall not include Hazardous Waste as defined in ORS 466.005 or any of the following:

- a. Materials used for fertilizer or for other productive purposes on land in the growing and harvesting of crops or the raising of fowl or animals;
- b. Septic tank and cesspool pumping or chemical toilet waste;
- c. Reusable beverage containers as defined in ORS 459A.725; and
- d. Source separated principal recyclable materials as defined in ORS Chapter 459 and

the Rules promulgated thereunder, which have been purchased or exchanged for fair market value.

Structure – Anything constructed, erected, or air-inflated, permanent or temporary, which requires location on the ground. Among other things, the term structure includes buildings, walls, fences, billboards, poster panels and parking lots. Retaining walls less than four (4) feet in height are not considered structures for the sake of general property line setbacks.

Summary Abatement – Abatement of a nuisance by the County, or by a contractor hired by the County, without obligation to give prior notice of the abatement action to the owner or occupant of the property.

Tire, Motor Vehicle – Any motor vehicle tire made wholly or in part of rubber or any other synthetic material, including tire bodies, carcasses, casings or part of tires in whatever form, originally designed for use by any vehicle propelled by a motor, including any vehicle pushed or pulled by a motorized vehicle.

Unregistered Vehicle – A vehicle without a license plate or with an expired license plate.

Use – The purpose for which land or a building is arranged, designed or intended, or for which either land or a building may be occupied or maintained.

Use, Conditional – The term applied to a use which may be permitted by the application for, the issuance of a Conditional Use Permit.

Illegal Use, Illegal – Uses of real property which are not in compliance with NSA LUDO or LUDO or The Wasco County Solid Waste Ordinance. These include, but are not limited to: illegal dwellings; illegal accessory structures; illegal businesses; illegal home occupations and illegal parking lots.

Use, Prohibited – A use not allowed in a zoning district.

Vehicle – Any device in, upon, or by which any person or property is or may be transported, or drawn upon a public highway. This includes vehicles that are propelled or powered by any means, but does not include a device propelled by human power. Recreational vehicles, camping vehicles, truck campers and motor homes are included in this definition.

Violation – Means failure to comply with (1) The Wasco County Code Compliance Ordinance, (2) The LUDO or NSA LUDO, (3) Conditions, requirements or other aspects of a land use permit, (4) Conditions, requirements or other aspects of a Hearings Officer Order, (5) Failure to comply with the terms of a voluntary compliance agreement.

Warrant, Abatement – An order from the Circuit Court authorizing the removal and abatement of any nuisance as authorized by this ordinance, including disposal of the nuisance items removed in an appropriate manner.

Warrant, Inspection – An order from the Circuit Court authorizing an inspection/investigation to be conducted at a designated property to determine if the property is in violation of this ordinance.

Zoning Approval – Includes discretionary or non-discretionary planning approval for any structure or use as required by the applicable land use and development ordinance.

DRAFT

CHAPTER 2 - NUISANCES AND LAND USE VIOLATIONS

Section 2.005 - Exemptions.....	1
Section 2.010 - Designation of Nuisances.....	1
Section 2.015 - Unenumerated Nuisances.....	2
Section 2.020 - Solid Waste and Junk Nuisance.....	2
Section 2.025 - Vehicular Nuisance.....	3
Section 2.030 - Environmental Violations.....	Error! Bookmark not defined.
Section 2.040 - Land Use and Zoning Violations.....	5
Section 2.050 - Illegal Uses.....	6
Section 2.070 - National Scenic Area (NSA) Violations.....	7

Section 2.005 - Exemptions

Unless specifically provided otherwise, violations as defined by this Ordinance do not include:

- A. Disposal sites operated in compliance with regulations promulgated by the Environmental Quality Commission, Department of Environmental Quality, or other ordinances or regulations of the County;
- B. Property located within the corporate limits of incorporated cities within Wasco County, unless intergovernmental agreements have transferred zoning implementation and/or code compliance authority to Wasco County;
- C. Property located within the urban growth boundary of a city within Wasco County if an intergovernmental agreement has transferred zoning implementation and/or code compliance authority to that city;
- D. Pursuant to the Wasco County Farming & Forest Practices Protection & Complaint Mediation Ordinance, a resource use complaint shall only be processed through Section 5 of that ordinance and not this ordinance;
- E. Maintained compost areas with size and content that is consistent with home use.

~~E.F.~~ Composting necessary for the operation of farms, customarily utilized in conjunction with farm use as defined under “accepted farm practice” in the LUDO.

Section 2.010 - Designation of Nuisances

- A. It shall be unlawful for any owner of record or person in charge of the property to maintain or allow to exist, the following things, practice, or conditions on the property, which are declared to be a nuisance and hereby designated as violations.

B. The declaration of the nuisances herein shall not be construed to limit the power of the Code Compliance Officer, or any employee authorized by the County to enforce this Ordinance, to investigate any other thing, practice, or condition appearing to be a nuisance or violation which is a danger to public health and safety and to declare the thing, practice or condition a nuisance when the facts appear that a thing, practice, or condition exists which is the cause of a threat to public health and safety. Such nuisance shall become subject to the provisions of this Chapter upon the said declaration of the Board of County Commissioners.

Section 2.015 - Unenumerated Nuisances

A. The acts, conditions or objects specifically enumerated and defined in this Ordinance are declared public nuisances, and may be abated by any of the procedures set forth in this ~~Chapter 4 of~~ Ordinance.

A-B. In addition to the nuisances specifically enumerated in this Ordinance, every other thing, substance or act that is determined by the ~~Compliance Officer or~~ Board of County Commissioners to be injurious or detrimental to the public health, safety, or welfare of the County is declared a nuisance and considered a violation of this Ordinance, and may be abated as provided by any of the procedures set forth in this Ordinance.

Section 2.020 - Solid Waste and Junk Nuisance

- A. Accumulation, collection, storage, or deposit of solid waste, waste, garbage, liquid waste, refuse, rubbish, sewage sludge, demolition materials or fill dirt, if any of the aforementioned materials are offensive or hazardous to public health and safety.
- B. Storage and collection of household garbage that is not stored in appropriate containers to prevent transmission of disease to man or animal, air or water pollution, nuisance fumes or odors and particulate matter, fire hazards, hazards to collection providers.
- C. Storage and collection of non-trash items, including but not limited to, accumulation of wood pallets, firewood that is not stacked and useable, vehicle parts, construction materials, appliances or appliance parts, indoor furniture, recycling materials, or other non-trash items not specifically enumerated in this section.
- D. Outdoor nuisance storage of tires on private or public property unless the tires are used for DEQ permitted agricultural or landscaping purposes:

1. Within urban growth areas or within areas zoned for non-resource use in the LUDO or NSA LUDO, storage of 5 or more tires is prohibited.
2. Within areas zoned for resource use in the LUDO or NSA LUDO, storage of 10 or more tires is prohibited.
3. Any storage of tires that constitutes a health hazard on any property under the jurisdiction of the North Central Public Health Department is prohibited.
4. Notwithstanding the above, the storage of tires on private property is permitted if the owner of record or person in charge of the property is conducting a legally operated business that normally deals in tires, or if the tires are completely enclosed within a building and do not constitute a fire hazard or health hazard.

Section 2.025 - Vehicular Nuisance

A. Abandoned Vehicles

1. No person shall park, store, leave, or permit the parking, storing, or leaving of an abandoned, unregistered, or inoperable vehicle upon public property, including a public right-of-way.
2. Removal of an abandoned vehicle from one tax lot to another tax lot, or removal of an abandoned vehicle from private property onto a public right-of-way, or removal of an abandoned vehicle from one location to another location on a public right-of-way, after the responsible party has received a Notice of Violation shall not prevent the County from proceeding with the process to have the vehicle towed from a tax lot or the public right-of-way ~~and impounded~~ under the provisions of Chapter 4.

B. Vehicle Storage

1. Storing or permitting to be stored abandoned, unregistered or disabled vehicles, or portions thereof, or any vehicle leaking automotive fluids onto the ground or into a waterway, on any private property is prohibited, unless the vehicle is completely enclosed within a building, is covered with a fitted car cover specifically designed to protect vehicles from the elements, or is stored on the premises of a business enterprise dealing in used vehicles that is being lawfully conducted within the County.
 - a. Within areas zoned for non-resource use in the LUDO or NSA LUDO, storage of two or more vehicles is prohibited.

- b. Within areas zoned for resource use in the LUDO or NSA LUDO, storage of three or more vehicles is prohibited.
 2. Farm-related equipment that is not required to be registered as a motor vehicle is excluded from this section if it meets the following criteria:
 - a. Equipment function is clearly related to farming/ranching practices and/or the equipment is historically related to agricultural operations, such as combines;
 - b. Equipment is not leaking automotive fluids onto the ground or into a waterway; and
 - c. Multiple pieces of equipment are stored together, not spread out across the property.
 - d. The owner of record or person in charge of the property must be able to demonstrate that non-registered farm equipment is either actively used as part of the agricultural operation or is of historical significance.
 3. Removal of an unregistered or inoperable vehicle from one tax lot to another tax lot, or removal of an unregistered or inoperable vehicle from private property onto public property or a public right-of-way, or removal of an unregistered or inoperable vehicle from one location to another location on public property or a public right-of-way, after the responsible party has received a Notice of Violation shall not prevent the County from proceeding with the process to have the vehicle towed ~~from a tax lot or the public right-of-way and impounded~~ under the provisions of Chapter 4.

C. Illegal Parking Lot

1. Storing or permitting to be stored in excess of 30 days within any consecutive 12 month period, more than three operational and registered vehicles, not registered to the property address, unless they are completely enclosed within a building or are stored on the premises of a business enterprise dealing in new or used vehicles or the storage of vehicles lawfully conducted within the County.

Section 2.030 - Environmental Violations

- A. Overgrown vegetation, or improperly maintained landscaping, including but not limited to trees, shrubs, weeds, grass and ground covers, that constitute a fire hazard and/or does not meet defensible space standards as defined in the LUDO or NSA LUDO.

B. Any grading over that necessary for normal surveying, or ongoing continued land and vegetation maintenance purposes.

1. Pursuant to the NSA LUDO, any excavating or filling of earth materials or any combination thereof, is prohibited without review within the boundaries of the Scenic Area.

C. Development near or alteration of watercourses without permit from Department of State Lands, Department of Land Conservation & Development or Army Corps of Engineers, including but not limited to, property located within sensitive overlay zones.

D. Discharge of untreated or partially treated sewage or septic tank effluent directly or indirectly onto the ground surface or into any public waters.

E. Discharge of prohibited substances to septic systems, including but not limited to, system cooling water, air conditioning water, water softener brine, groundwater, oil, hazardous materials, roof drainage, or other aqueous or non-aqueous substances detrimental to the system's performance or to groundwater.

F. Enforcement for violations of the above subsections is not exclusive to this Ordinance and assistance from partner agencies may be sought.

#

Section 2.040 - Land Use and Zoning Violations

No structure or premises in any unincorporated portion of Wasco County shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance. Violations include, but are not limited to the following:

A. Development without Land Use Review & Approval

~~Whether approvable or not, a~~Any development within Wasco County conducted without having obtained the permits and approvals required by the LUDO or NSA LUDO regardless of whether or not it could comply with all applicable land use regulations.

B. Non-Compliance with Approval

Development that does not comply with the specifications set out in the approval issued by the Wasco County Planning Department or built inconsistently with the application as

permitted in the Approval . Including, but not limited to: placing structures in different locations than approved; not meeting setback or buffer requirements; building structures taller or larger than approved; or increasing or altering the nature and intensity of the approved use.

C. Continuation of Use after Expiration of Approval

2.1. Failure to discontinue use granted via a Permit, Temporary Use or other, after the approval period has expired.

3.2. Failure to remove additional dwelling within sixty (60) days of the expiration of a Temporary Use Permit granted due to family hardship or until a primary dwelling is built.

D. Non-Compliance with Conditional Use Permit

Non-compliance with any condition placed on a conditional use permit shall be grounds for revocation of the permit. Revocation of a conditional use permit shall be considered a land use action and will follow procedures pursuant to LUDO Section 5.040.

D.E. Non-Conforming Uses

The following non-conforming uses shall be considered permitting violations:

2.1. Any change, alteration, restoration or replacement of structures, uses or area related to the pre-existing nonconforming structure, use or area that fails to conform to the applicable nonconforming use standards or those of the current zoning designation; and

4.2. Use or employment of a structure, use or area that is discontinued or abandoned according to the applicable nonconforming use standards.

E.F. Outdoor Lights

Outdoor lights shall be directed downward and sited, hooded, and shielded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, waterways, or key viewing areas (National Scenic Area). Shielding and hooding materials shall be composed of non-reflective, opaque materials.

Section 2.050 - Illegal Uses

No development may occur that conflicts with the requirements of the LUDO or NSA LUDO, or that require permits and approvals that were not obtained. These illegal uses include, but are not limited to:

A. Illegal Dwellings

1. Structures designed for, or used in the capacity of a dwelling which did not receive all of the applicable approvals (local, state, or federal) that were required at the time the structure was built or placed on the property.
2. Dwellings or parts thereof erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of the LUDO or NSA LUDO.

B. Illegal Structures

Structures or parts thereof erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of the LUDO or NSA LUDO.

C. Illegal Home Occupations

Any for-profit activity conducted, without Planning Department approvals, within a dwelling or other building, normally associated with uses permitted in the zone, contrary to the provisions of the LUDO or NSA LUDO.

D. Illegal Businesses

Any for-profit activity conducted, without Planning Department approvals, within a dwelling or other building, normally associated with uses permitted in the zone, contrary to the provisions of the LUDO or NSA LUDO.

E. Illegal Land Divisions/Property Line Adjustments

Partitions, Replats, Property Line Adjustments or other land divisions that do not comply with the LUDO or NSA LUDO requirements and/or ORS [92](#).

F. Other Uses

Any other use of land that occurs in Wasco County that the Code Compliance Officer or Board of Commissioners determine is in conflict with LUDO or NSA LUDO requirements.

Section 2.070 - National Scenic Area (NSA) Violations

~~To safeguard the special characteristics of the Columbia River Gorge, properties built within the National Scenic Area after November 17, 1986, are required to fulfill standards that do not apply to properties within the rest of Wasco County. These standards may include restrictions on property use and on the colors and materials that can be utilized in development or remodeling. Violation of these standards constitutes a violation of this Ordinance.~~

No structure or premises in the Columbia River Gorge National Scenic Area portion of Wasco County shall hereafter be used or occupied and no part or structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance. Violations include, but are not limited to the following:

~~B~~-A. Violation of Scenic Standards

Development that does not comply with the following scenic standards is a violation of this Ordinance:

1. The colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall apply to certain additions, which may match the color of existing buildings;
2. Structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys; and
3. Structures topographically visible from a key viewing area shall be sited, screened, and/or designed to achieve the applicable scenic standard (e.g., visually subordinate, not visually evident).

~~C~~-B. Violation of New Cultivation and Re-Cultivation Restrictions

1. GMA:
New cultivation is prohibited without review. Any operation that would cultivate land that has not been cultivated, has lain idle for more than five (5) years, or is cultivated beyond the depth of what has been previously cultivated shall be considered new cultivation. For this guideline, cultivation and vegetation removal may be allowed in conjunction with a home garden.
2. SMA:
Agricultural uses within fields or areas that have not been previously disturbed and regularly worked are prohibited without review.

~~D~~-C. Violation of Structure Restrictions

No structures larger than 60 square feet in area or 10 feet in height are permitted without review.

~~E~~-D. Violation of Fence Restrictions

1. Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses greater than 500 feet in length or 10 feet in height that are accessory to an existing dwelling are not permitted without review. Woven-wire fences must be brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.

In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.

2. Wire-strand fences greater than 48 inches in height that are outside deer and elk winter range as delineated in the Gorge Commission/USDA Forest Service natural resource inventories or determined by an appropriate federal or state agency are not permitted without review. Height is measured from the ground to the top wire. This category does not include fences associated with transportation facilities or utility facilities.

DRAFT

CHAPTER 3 - ADMINISTRATIVE ENFORCEMENT

**** DRAFT ONLY ****

Section 3.005 - Purpose	1
Section 3.010 - Enforcement Authority	2
Section 3.015 - Inspection Warrants	2
Section 3.020 - Voluntary Compliance.....	6
Section 3.025 - Authority of Hearings Officer.....	6
Section 3.030 - Initiating Enforcement Action.....	7
Section 3.040 - Notice of Violation	8
Section 3.050 - Order to Correct.....	10
Section 3.060 - Notice of Failure to Comply	12
Section 3.065 - Order of the Hearings Officer	14
Section 3.070 - Authority to Prosecute Enforcement Proceedings.....	14
Section 3.080 - Citation Procedure	14
Section 3.085 - Initiating an Enforcement Proceeding	16
Section 3.090 - Hearings	17
Section 3.095 - Legal	18
Section 3.100 - Civil Penalties	18
Section 3.105 - Monetary Penalties.....	19
Section 3.110 - Administrative Monetary Penalties for Continued Non-Compliance.....	20
Section 3.120 - Collection of Penalties	20
Section 3.130 - Right to Appeal	21
Section 3.135 - Appealing a Hearings Officer Decision.....	22
Section 3.140 - Recording a Violation	23

Section 3.005 - Purpose

The purpose of this Chapter is to provide administrative and civil enforcement procedures for the purpose of providing for the remediation of any failure to comply with this Ordinance. Wasco County's first preference is to encourage voluntary compliance.

It is further intended to establish a convenient and practicable process for the administrative hearing of any appeal arising out of any failure to comply with this Ordinance.

~~Section 3.010 – Establishment of Administrative Civil Enforcement Procedures~~

~~Pursuant to ORS 203, administrative civil enforcement procedures are hereby established for the purpose of providing for the remediation of any failure to comply with County Ordinances.~~

~~It is further intended that a civil administrative process be established in order to provide a convenient and practical forum for the administrative hearing of any appeal arising out of any failure to comply with this Ordinance, and for the hearing and determination of factual issues as may be relevant in connection with, but not limited to, nuisance abatement.~~

~~It is the County's policy to maximize code compliance and to increase the incentives for compliance by also creating a County administrative procedure for assessing and collecting civil penalties against County code violators. The County believes the assessment and collection of civil penalties through such an administrative procedure is the most effective way to obtain code compliance.~~

~~Abatement of a nuisance by the County will only be initiated if all other administrative remedies to correct violations have failed or if the nuisance constitutes a health or safety hazard.~~

Section 3.010 - Enforcement Authority

A. In addition to the authority and powers granted to the County by ORS Chapter 153, 203 and 215, and any other provisions of the Wasco County Code Compliance Ordinance, and upon authorization of the Planning Director or designee, or Board of County Commissioners or designee, the Code Compliance Officer, or any employee authorized by the County to enforce this Ordinance, shall have full authority to issue and prosecute any and all citations for violations of this Ordinance.

B. The Code Compliance Officer, or any employee authorized by the County to enforce this Ordinance, at all reasonable hours, is authorized to enter into any buildings and upon all property to ascertain whether any violation of this Ordinance are present.

~~A.C.~~ The Code Compliance Officer, or any employee authorized by the County to enforce this Ordinance, shall make reasonable efforts to notify the owner of record or person in charge of the property to obtain consent to enter. ~~Before entering posted property or property clearly not open to the public and where consent cannot be obtained, an~~ inspection warrant must be issued to enter the property.

~~B.—~~

~~C.D.~~ Nothing in this Ordinance shall be deemed to limit or otherwise modify any power or authority otherwise granted to the County by the Constitutions and laws of the State of Oregon and of the United States of America.

Section 3.015 - Inspection Warrants

In the case of entry into areas of property that are ~~plainly~~ enclosed to create privacy and to prevent access by unauthorized persons, where consent not granted, or reasonable efforts to contact the owner of record or person in charge of the property ~~have been unsuccessful~~, an inspection warrant may be sought.

Prior to seeking a warrant, the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance, shall consult with County Counsel and obtain approval and assistance in preparing the affidavit and warrant documents.

A. Warrant – Authorization

Judges authorized by law to issue inspection warrants upon application by a peace officer or any employee authorized by the County to enforce County ordinances, may issue a warrant.

B. Warrant – Probable Cause

1. An inspection warrant shall be issued only upon cause, supported by affidavit, which shall describe with particularity:
 - a. The position and authority of the person applying for the inspection warrant;
 - b. The statute, ordinance, or rule requiring or authorizing the inspection or investigation;
 - c. The place, building, or property to be inspected or investigated;
 - d. The purpose for which the inspection or investigation is to be made, including the basis upon which cause exists to inspect or investigate.
2. The affidavit shall contain either a statement that consent to enter the building or property was sought but consent was denied, the owner of record or person in charge of the property did not respond to the request for consent, or describe the reasonable efforts to contact the owner that were unsuccessful, or facts or circumstances reasonably showing that the purposes of the inspection or abatement might be frustrated if entry were sought without an administrative search warrant.
3. Cause shall be deemed to exist when there is probable cause to believe that a violation exists.
4. Before issuing an inspection warrant, the judge may examine under oath the person requesting the warrant or any other witness to be satisfied of the existence of the grounds to grant the inspection warrant.

C. Warrant – Contents

1. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the warrant are satisfied, the judge shall issue the warrant, describing with particularity the name or title of the person or persons authorized to execute the warrant, the buildings or property to be entered and purpose of the inspection or investigation.
2. The warrant shall contain a direction that it be executed when the owner of record or person in charge of the property is present on any day of the week between 8:00 a.m. and 6:00 p.m., unless the court finds that:
 - a. There is cause to conclude that an urgent risk to the health or safety of a person

- or of damage to property exists; or
- b. The owner of record or person in charge of the property is not reasonably able to be located or is avoiding the property.

D. Warrant – Execution

1. In executing a warrant, the person authorized to execute the warrant, before entry, shall make a reasonable effort under the circumstances to present the person's credentials, authority, and purpose to the owner of record or person in charge of the property designated in the warrant and provide the occupant or person in possession of the property with a copy of the warrant upon request.
2. A peace officer may be requested to assist in the execution of the administrative search warrant. Such peace officer may assist the person authorized to execute the warrant, including using any reasonable force necessary, to enter the property if the administrative warrant specifically allows the use of reasonable force to execute the warrant.
3. A warrant must be executed and returned to the court by whom it was issued within ten (10) days from its date. After the expiration of the time prescribed by this subsection, the inspection warrant is void unless executed.

Section 3.020 – Authorization to Inspect

~~The Compliance Officer is authorized to make inspections of property for the purposes of enforcing this Ordinance.~~

Section 3.030 – Right of Entry; Inspection Warrants

1. ~~Right of Entry: The Compliance Officer may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce this Ordinance, or whenever the Compliance Officer has reasonable cause to believe that there exists in any structure or upon any property any condition in violation of this Ordinance.~~

~~In the case of entry into areas of property that are plainly enclosed to create privacy and to prevent access by unauthorized persons, the following steps shall be taken:~~

1. ~~Occupied Property: If any structure on the property is occupied, the Compliance Officer shall first present proper credentials and request voluntary consent to enter and inspect. If voluntary consent is not given, the Compliance Officer may attempt to obtain entry by obtaining an inspection warrant;~~
1. ~~Unoccupied Property:~~
1. ~~If the property is unoccupied, the Compliance Officer shall contact the person in charge of the property and seek voluntary consent to enter and inspect. If voluntary consent is~~

~~not given, the Compliance Officer may attempt to obtain entry by obtaining an inspection warrant.~~

- ~~2. If structures on the property are unoccupied, the Compliance Officer shall first make a reasonable attempt to locate the person in charge of the property and request entry. If entry is refused, the Compliance Officer may attempt to obtain entry by obtaining an inspection warrant.~~

~~3. Grounds for Issuance of Inspection Warrants; Affidavit~~

- ~~1. Affidavit: An inspection warrant shall be issued only upon cause, supported by written affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the written affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.~~
- ~~1. Cause: Cause shall be deemed to exist if there is probable cause to believe that a condition of nonconformity with this Ordinance exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with this Ordinance.~~

~~2. Procedure for Issuance of Inspection Warrant~~

- ~~1. Examination: Before issuing an inspection warrant, the Circuit Court Judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.~~
- ~~1. Issuance: If the Judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the Judge shall issue the written warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the specific purpose of the inspection or investigation. The written warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the Judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.~~
- ~~2. Police Assistance: In issuing a written inspection warrant on unoccupied property, including abatement warrants pursuant to this Ordinance, the Judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and assist the Compliance Officer or representative of the County inspecting the property in any way necessary to complete the inspection.~~

~~3. Execution of Inspection Warrants~~

~~1. Occupied Property: Except as provided in Subsection 2. of this section, in executing a written inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to a person in charge of the property designated in the warrant and provide the occupant or person in possession of the property with a copy of the warrant upon request.~~

~~1. Unoccupied Property: Unoccupied Property: In executing a written inspection warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection 1 of this section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.~~

~~2. Return: A written inspection warrant must be executed within 10 days of its issue and returned to the Judge by whom it was issued within 10 days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.~~

Section 3.020 - Voluntary Compliance

A. The County may, at the discretion of the Code Compliance Officer, enter into a written or verbal voluntary compliance agreement with the owner of record or person in charge of the property before or after a Notice of Violation is issued. The agreement shall include the required corrective action and time limits for compliance, and shall be binding.

B. The fact that a person enters into a voluntary compliance agreement shall not be considered an admission of having committed the violation for any purpose.

C. The County may delay further processing of the violation during the time allowed in the voluntary compliance agreement for completion of the required corrective action.

D. Failure to comply with any term of the voluntary compliance agreement constitutes a separate violation. The County may consolidate the hearing on the failure to comply with the voluntary compliance agreement with the original violation(s). The County shall provide notice of a hearing on a violation of the voluntary compliance agreement in substantially the same manner as a Notice of Violation as provided under Section 3.040 of this chapter and include a copy of the original Notice of Violation.

Section 3.025 - Authority of Hearings Officer

A. The Board of County Commissioners may designate one or more Hearings Officer(s) responsible for adjudicating and administering the provisions of this Chapter.

B. In addition to imposition of civil and administrative monetary penalties as set forth

herein, the Hearings Officer may order conditions, restrictions, or other remedies reasonably calculated to address the violation including, but not limited to:

1. Suspension of any county permit, license or other county authorization otherwise required to engage in conduct directly related to the violation for a period of time specified by the Hearings Officer;
2. Physical alterations to property and changes in operations;
3. Requiring that the violation be abated, corrected, removed, or otherwise brought into compliance within such time and manner as directed by the Hearings Officer; and
4. Requiring that the person submit credible evidence to the County demonstrating compliance within a reasonable time as determined by the Hearings Officer.

C. The Hearings Officer may condition suspension of the penalty on the person agreeing to take reasonable steps to address the violation as required by the Hearings Officer.

D. The Hearings Officer has any and all authority as is necessary to implement the obligations of this Chapter and to otherwise achieve compliance.

Section 3.030 - Initiating Enforcement Action

A. When the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance has probable cause to believe or has determined whether there is sufficient evidence demonstrating a violation occurred, where voluntary compliance cannot be reached or attempts to secure voluntary compliance have failed, enforcement may be initiated as set forth in this Ordinance.

B. Enforcement action will be initiated pursuant to the policy established by the Board in consideration of staff resources and priorities.

C. If the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance determine that there is insufficient evidence to support any complaint or allegation of violation, the County may choose not to initiate enforcement action or take any further action on the allegation.

Section 3.040 – Interference with Repair, Demolition, or Abatement Prohibited

~~It is unlawful for any person to obstruct, impede, or interfere with any person lawfully engaged in:~~

~~A. The work of repairing, vacating, warehousing, or demolishing any structure pursuant to the provisions of this Ordinance;~~

~~B. The abatement of a nuisance pursuant to the provisions of this Ordinance; or~~

~~C. The performance of any necessary act preliminary to or incidental to such work as authorized by this Ordinance or directed pursuant to it.~~

Section 3.040 - Notice of Violation

~~A. Initial Response: All conditions defined in Chapter 2 of this Ordinance shall constitute a nuisance. Any person whose duty it is to correct such nuisances and who fails to do so shall be subject to the penalties provided for by this Ordinance.~~

~~When the Compliance Officer is made aware of a potential violation, the property is researched to determine ownership, zoning, prior contacts with Planning or Health Departments and related information. The Compliance Officer visits the property where possible to determine if a violation exists. If a violation is determined, it is documented with photos where possible and a 15 day Notice of Violation is sent via First Class Mail and certified mail, return receipt requested to the owner of record or person in charge of the property or served by personal service. Notice to the owner of record or person in charge of the property may also be accomplished by posting notice on the property or personal property.~~

~~In cases where the County Health Officer, County Environmental Health Specialist, County Planning Department Director, County Sheriff or Fire Chief, determines that it is necessary to take immediate action in order to protect the public health, safety or welfare, summary abatement of such nuisances pursuant to Section 3.110 is authorized.~~

A Notice of Violation may be issued by the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance if the owner of record or the person in charge of the property has failed to enter into an abatement agreement or failed to voluntarily abate the violation.

A. The Notice of Violation shall include:

1. The street address or a description sufficient for identification of the property on which the violation exists;
2. A statement that one or more violations of this Ordinance exist at the property with a general description of the violation(s) and the section(s) violated;
3. A request that the person in charge of the property contact the Code Compliance Officer to resolve the violation(s);
4. Specification of a 15 day response period during which the property may be brought into compliance with this Ordinance;
5. A statement that the owner of record or person in charge of the property may extend the deadline for compliance by entering into verbal or written abatement

agreement with the Code Compliance Officer that establishes an approved process and timetable to abate the violation;

6. An outline of the compliance process including but not limited to penalties, charges, liens, abatement and recorded notice of violation in the deed records of the property if voluntary compliance is not achieved; and
7. Disclose the right of the owner of record or person in charge of the property to appeal the findings of the Notice of Violation and a description of the time limits for requesting an appeal, as described in Section 3.130 Right to Appeal.

~~3. Voluntary Compliance: If the owner of record or person in charge of the property responds to the Notice of Violation the timelines can be suspended to allow for compliance. If compliance cannot be achieved immediately a verbal or written abatement plan with a timeline shall be agreed upon by both the owner of record or person in charge of the property and the Compliance Officer. It shall be the discretion of the Compliance Officer whether a verbal or written abatement plan shall be required. If within this timeframe the violation has been abated a compliance letter will be sent and the file will be closed.~~

~~4. Failure to Comply: If following a site visit either after the end of the 15 days identified in the Notice of Violation if the owner of record or person in charge of the property does not contact the Compliance Officer or after the timeline in the abatement agreement, the violation has not been satisfactorily abated, an Order to Correct (Step 2) will be sent to the owner of record or person in charge of the property. However, the Compliance Officer does have the discretion to allow for additional time if they feel the owner of record or person in charge of the property will abate the violation.~~

~~5. Expanded Enforcement Options for Illegal Dwellings and Structures: Illegal dwellings and structures present special problems for enforcement; because removal of the dwelling or structure may often be the only way to correct the violation. In addition, purchasers of a property containing an illegal dwelling or structure may be initially unaware of an illegal dwelling or structure violation.~~

~~As a result, the Compliance Officer is authorized to use the following methods to deal with illegal dwellings and structures:~~

~~6. When entering into a written abatement agreement with the owner of record or person in charge of the property, the Compliance Officer will work with the Planning Department to determine a reasonable timeframe and method for legalizing the dwelling or structure where possible.~~

~~7. If following the expiration of verbal or written abatement agreement, any illegal dwelling or structure described in the notice of violation has not been removed, made legal, or cause shown, as specified in this Ordinance, why such nuisance should not be removed, or where the terms of a written abatement agreement have been violated, the Compliance Officer, in consultation with the Planning Department Director, may carry out one or more of the following actions:~~

~~8. Record a Notice of Violation with the deed of trust pursuant to Section 3.250.~~

~~9. Assess Administrative Penalties as described in Section 3.130.~~

- ~~10. Assess double Administrative Penalties if, after receiving an Order to Correct (Step 2), the owner of record or person in charge of the property continues to build an illegal structure or dwelling or adds additional illegal structures or dwellings to the property.~~
- ~~11.1. Order the demolition and removal of the illegal structures or dwellings using the process defined in Section 3.160, Order to Abate Nuisances.~~

Section 3.050 – Enforcing Compliance

~~To enforce any of the requirements of this Ordinance, the Compliance Officer may gain compliance by:~~

- ~~12. Instituting any enforcement action as set out in this Ordinance~~
- ~~13. Causing appropriate action to be instituted in a court of competent jurisdiction; or~~
- ~~14. Taking other action as the Compliance Officer in the exercise of the Compliance Officer’s discretion deems appropriate.~~

Section 3.055 – Enforcement of Hearings Officer Order

~~Penalties, fees and County charges are payable on the effective date of the order and are a debt owed to the County, under ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If penalties, fees, and County charges are not paid within 60 days after payment is ordered, the County may file and record the order in the County Clerk Lien Record. The cost of filing and releasing the lien shall be added to the amount of the lien and the responsibility of the owner of record or person in charge of the property.~~

~~The County may institute appropriate suit or legal action, in law or equity, in any court of competent jurisdiction to enforce the provisions of any order of the Hearings Officer, including, an action to obtain judgment for any civil penalties, fees, or County charges imposed by such order.~~

~~The Compliance Officer shall notify the owner of record or person in charge of the property that the penalty and associated County charges have been assessed against the real property upon which the failure to comply occurred, and has been entered in the County Clerk's Lien Record. The lien may be enforced in the same manner as a judgment, or as a lien for street improvements, and shall bear interest at the rate prescribed in ORS 82.010.~~

Section 3.050 - Order to Correct

- ~~A. Order to Correct Site Visit: If following the site visit described in Section 3.100(D), the owner of record or the person in charge of the property has failed to voluntarily abate the violation, an Order to Correct shall be sent via First Class Mail and certified mail, return receipt requested to the owner of record or person in charge of the property or served by personal service. Notice to the owner of record or person in charge of the property may also be accomplished by posting notice on the property or personal~~

~~property.~~

If following the Notice of Violation the owner of record or the person in charge of the property has failed to enter into an abatement agreement or failed to voluntarily abate the violation, an Order to Correct may be issued by the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance.

A. The Order to Correct shall include:

1. The street address or a description sufficient for identification of the property on which the violation exists;
2. A statement that one or more violations of this Ordinance exist at the property with a general description of the violation(s) and the section(s) violated;
3. ~~A request~~ An order that the owner of record or person in charge of the property ~~contact correct the~~ the Code Compliance Officer to resolve the violation(s) within 15 days from the date of the order;
- ~~4. Specification of a 15 day response period during which the property may be brought into compliance with this Ordinance;~~
- ~~5.4.~~ 5.4. A statement that the owner of record or person in charge of the property may extend the deadline for compliance by entering into verbal or written abatement agreement with the Code Compliance Officer that establishes an approved process and timetable to abate the violation;
- ~~6.5.~~ 6.5. An outline of the compliance process including but not limited to penalties, charges, liens, abatement and recorded notice of violation in the deed records of the property if voluntary compliance is not achieved; and
- ~~7.6.~~ 7.6. Disclose the right of the owner of record or person in charge of the property to appeal the findings of the Order to Correct and a description of the time limits for requesting an appeal, as described in Section 3.130 Right to Appeal.
- ~~8. Voluntary Compliance: If the owner of record or person in charge of the property responds to the Order to Correct, the timelines can be suspended to allow for compliance. If compliance cannot be achieved immediately a written abatement plan with a timeline shall be agreed upon by both the~~ Disclose the right to appeal the findings of the Notice of Summary Abatement, and a description of the time limits for requesting an appeal, as described in Section 3.210, Right to Appeal, to the owner of record or person in charge of the property and the Compliance Officer. If within this timeframe the violation has been abated a compliance letter will be sent and the file will be closed.
- ~~9. Failure to Comply: If either following a site visit after the end of the 15 days identified in the Order to Correct, the owner of record or person in charge of the property does not contact the Compliance Officer, or after the timeline in the written abatement agreement, the violation has not been satisfactorily abated, a Notice of Failure to Comply/Administrative Civil Penalty (Step 3) will be sent to the~~

~~owner of record or person in charge of the property. However, the Compliance Officer does have the discretion to allow for additional time if they feel the owner of record or person in charge of the property will abate the violation.~~

Section 3.060 – Separate Violations

~~Each day's violation of a provision of this Ordinance shall constitute a separate offense.~~

Section 3.060 - Notice of Failure to Comply

~~A. Administrative Penalty Site Visit: If following the site visit described in Section 3.120(D), the owner of record or the person in charge of the property has failed to voluntarily abate the violation, a Notice of Failure to Comply/Administrative Civil Penalty shall be sent via First Class Mail and certified mail, return receipt requested to the owner of record or person in charge of the property or served by personal service. Notice to the owner of record or person in charge of the property shall also be accomplished by posting the Notice of Failure to Comply/Administrative Civil Penalty on the property or personal property.~~

f following the Order to Correct the owner of record or the person in charge of the property has failed to enter into an abatement agreement or failed to voluntarily abate the violation, a Notice of Failure to Comply may be issued by the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance.

A. The Notice of Failure to Comply shall include:

1. The street address or a description sufficient for identification of the property on which the violation exists;
2. A statement that one or more violations of this Ordinance exist at the property with a general description of the violation(s) and the section(s) violated;
3. A request that the person in charge of the property contact the Code Compliance Officer to resolve the violation(s);
4. Specification of a 15 day response period during which the property may be brought into compliance with this Ordinance;
5. A statement that the owner of record or person in charge of the property may extend the deadline for compliance by entering into verbal or written abatement agreement with the Code Compliance Officer that establishes an approved process and timetable to abate the violation;
6. An outline of the compliance process including but not limited to penalties, charges, liens, abatement and recorded notice of violation in the deed records of the property if voluntary compliance is not achieved;
7. A statement of the amount of the penalties and County charges imposed;
8. A statement that abatement is required and that failure to abate the act or

condition may result in continued County charges and penalties accruing on a daily bases at the stated amount until proof of completions of abatement is received;

~~6.9.~~ A statement that the unless the violation(s) are remedied, the County may abate the violation(s) and the cost of abatement, penalties, fees, and other County charges, shall be charged to the owner of record or person in charge of the property; and

~~7.10.~~ Disclose the right of the owner of record or person in charge of the property to appeal the findings of the Notice of Failure to Comply and a description of the time limits for requesting an appeal, as described in Section 3.130 Right to Appeal.

B. Notwithstanding the Notice of Violation or Order to Correct, the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance, may issue a Notice of Failure to Comply without having issued a Notice of Violation or Order to Correct or making attempts to secure voluntary compliance, or to comply with any of the response time periods contained herein, where the Officer determines that the failure to comply reasonable appears to:

1. Pose an immediate threat to public health, safety or welfare; or
2. Be immediately remediable by a person in charge of the property; or
3. Be the same act or condition that served as the basis for a previous notice or order to comply; or
4. Be done deliberately by a responsible person who had knowledge that the actions would constitute a failure to comply with County code.

~~C. Voluntary Compliance: If the owner of record or person in charge of the property responds to the Notice of Failure to Comply/Administrative Penalties and achieves voluntary compliance within 15 days of the notice, a compliance letter will be sent and the file will be closed.~~

~~D. Failure to Comply: If the owner of record or person in charge of the property does not contact the Compliance Officer, or if following an additional site visit no sooner than 15 days after the Notice of Failure to the Comply/Administrative Civil Penalty the violation has not been not satisfactorily abated, administrative civil penalties may be assessed and abatement may occur subject to Sections 3.140 through Section 3.190 and Subsection I below.~~

C. If the owner of record or person in charge of the property does not file a written appeal within 15 days of the date when the Notice of Failure to Comply is served or mailed, the Code Compliance Officer shall forward the Notice of Failure to Comply along with a statement of the proposed penalties plus fees and County charges to the Hearings Officer for review and issuance of a written order.

Section 3.065 - Order of the Hearings Officer

- A. All orders of the hearings officer shall be in writing and contain findings of fact and conclusions of law addressing the allegations contained in the Notice of Failure to Comply. Orders may also include findings of fact supporting the penalties, restrictions, conditions or other remedies as required by the Hearings Officer. The order shall become final and effective on the date of the decision or such other time as determined by the Hearings Officer.
- B. A copy of the Hearings Officer Order shall be sent to the owner of record or person in charge of the property by Certified Mail.

Section 3.070 – Citation Procedure

~~In addition to the abatement procedures set forth in this Ordinance, the County staff person enforcing said ordinance section may issue a citation for a nuisance violation, which will result in the filing of a complaint in the Circuit Court.~~

Section 3.070 - Authority to Prosecute Enforcement Proceedings

- A. The following persons may initiate and prosecute County enforcement proceedings provided they have reasonable grounds to believe that a County violations has been committed:
 - 1. A duly authorized County enforcement officer;
 - 2. A peace officer;
 - 3. County Counsel;~~or~~
 - ~~4. The District Attorney~~
- B. Decisions made by persons authorized under this section, to prosecute or not prosecute an alleged zoning violation, shall not constitute a land use decision.
- C. Prosecution of all ~~citations~~ violations shall be at the discretion of the County Counsel (or District Attorney.)

Section 3. 080 - Citation Procedure

The Code Compliance Officer or any employee authorized by the County to enforce this Ordinance, may issue a citation for a violation, which will result in the filing of a citation before the Circuit Court.

- A. County Counsel shall approve the form of County citations, which may include information in addition to that required by this section.
- B. Citations issued under this chapter shall constitute:

1. Notice of an enforcement action against the Defendant;
2. A complaint sufficient to initiate administrative or judicial proceedings; and
3. A summons to appear.

C. Citations shall contain the following information:

1. The name of the Defendant;
2. The County code section or County ordinance allegedly violated:
 - a. Where a County provision incorporates Oregon law, the notice shall also cite the applicable provisions of the state statute or rule.
 - b. Where a County provision incorporates separate regulations such as uniform code, the notice shall also cite the applicable regulation.
3. A clear and concise description of the alleged violation;
4. The date(s) on which the violation is believed to have occurred;
5. The location of the alleged violation;
6. The class of the violation under this chapter;
7. The proposed penalty for each alleged violation as established under this chapter;
8. A summons to Appear, which shall include clear and concise statements advising the Defendant of the following:
 - a. The right to a hearing;
 - b. The type of hearing provided to the Defendant, specifying either:
 - i. A Judicial proceeding, before a court of law; or
 - ii. An administrative proceeding, before an administrative Hearings Officer;
 - c. The date and time of the hearing;
 - d. Notice that the Defendant is required to either:
 - i. Appear in person to answer the allegations; or
 - ii. Pay the proposed civil or monetary penalty no less than 24 hours prior to the date and time of the scheduled hearing;
 - e. The location of the hearing, as well as the physical address and mailing address to which the Defendant may provide payment of the proposed fine no less than 24 hours prior to the date and time of the hearing.
 - f. Notice to the Defendant that failure to either (1) appear in person the established day and time; or (2) pay the proposed civil or monetary penalty no less than 24 hours prior to the established day, may result in the following:
 - i. The full amount of the proposed civil or monetary penalty being assessed;
 - ii. An order requiring the Defendant to correct any continuing violations;
 - iii. An additional violation being brought against the Defendant for Failing to

Appear on a County violation.

9. The date the citation was issued; and

10. The name, title, and signature of the person issuing the citation.

D. Corrections:

1. Any errors or omissions in the citation may be corrected at any time with the permission of the court or administrative hearing officer. Such permission shall not be withheld unless the correction would unduly prejudice the Defendant.

2. Any claim that an error or omission in the notice constitutes a defense to the violation must be asserted prior to the conclusion of the Defendant's first appearance. Failure to assert a defense under this section shall constitute a waiver and shall bar all further such claims.

3. A citation may be set aside only if the Defendant is prejudiced by the error or omission.

4. If a citation is dismissed or set aside due to an error or omission, the County may re-institute civil or monetary penalty proceedings based upon the same conduct, condition, or circumstance alleged in the prior citation.

~~B. Where the form and content of citation is regulated by State law, proper use of the appropriate state-mandated form shall be deemed to satisfy all provisions of this section.~~

Section 3.085 - Initiating an Enforcement Proceeding

Enforcement proceedings shall be initiated by:

A. Service of a citation on the Defendant; and

B. Filing a copy of the citation with either:

1. The Hearings Officer, to initiate an administrative enforcement proceeding; or

~~1-2.~~ The court, to initiate a judicial enforcement proceeding.

Section 3.090 – Compliance Notices and Compliance Orders:

~~The following shall be applicable to all notices described in this Chapter.~~

~~A. Effective Date of Compliance Notices and Compliance Orders:~~

~~All Compliance Notices or Compliance Orders served pursuant to this section shall be considered served as of the date and time of mailing or the date of posting the property, if the property is posted, whichever is later.~~

~~B. Owner of Record Information: An error in the name of the owner or address listed in the County assessment and taxation records for the property shall not render the~~

Compliance Notice or Compliance Order void, but in such case the posted Compliance Notice or Compliance Order, if it was posted on the property, shall be deemed sufficient.

~~C. Days: Any days referenced shall be calendar days. In the event the final day falls on a holiday, weekend or other day the applicable County Office is closed, the final day shall be on the next business day following the holiday, weekend or other day the applicable County Office is closed.~~

Affidavit: Upon completion of each mailing and/or posting, the Compliance Officer will create an affidavit of Compliance Notice or Compliance Order.

Section 3.090 - Hearings

A. Pre-Hearing Discovery - Upon motion demonstrating that the information is relevant and necessary, the Hearings Officer may issue a pre-hearing order authorizing discovery of documents.

~~and things or ordering the deposition of witness(es).~~

1. The party requesting discovery shall pay the reasonable costs associated with the responding party including copying for production of documents.

2. If a party fails to comply with a pre-hearing discovery order, the Hearings Officer may issue a subpoena compelling a party to produce the documents or things or to appear as a witness. Any person other than the County or parties will be paid fees and mileage reimbursement consistent with a civil action.

3. If a person or party fails to comply with a pre-hearing discovery order, ~~a party may file an action in circuit court for civil contempt.~~ the Hearing Officer may make a finding of fact adverse to the party in relation to the documents requested.

B. The Hearings Officer shall conduct a hearing on each violation, unless the case is dismissed, as follows:

1. All testimony shall be under oath;

2. A digital audio and/or video recording of the proceedings shall be maintained;

3. County counsel, peace officer or other authorized employee prosecuting the violation shall proceed first and has the burden of proof and must prove the alleged offense by a preponderance of the evidence;

4. Other persons may testify at the discretion of the Hearings Officer;

5. Rebuttal is permitted as determined by the Hearings Officer;

6. The Hearings Officer shall determine whether the preponderance of the evidence demonstrates the violation occurred;
7. The Hearings Officer may discount or exclude any evidence that the Hearings Officer deems to be irrelevant, immaterial, cumulative, or not reasonably credible;
8. Circumstantial evidence is admissible; and
9. The Oregon Evidence Code does not apply however the following rules apply:
 - a. Evidence must be relevant to the alleged violation.
 - b. All witness testimony shall be under oath and participants can propose to the Hearings Officer questions to be answered by other parties. Affidavits and declarations may be admissible subject to the Hearings Officer's discretion.
- C. If a violator fails to appear, the County shall present a prima facie case demonstrating that the violation occurred.
- D. If a violation is not remedied within the time ordered by the Hearings Officer, the County may request a compliance hearing to determine if the person is failing to comply with an order and decision of the Hearings Officer. Notice and conduct of a compliance hearing shall be substantially in the same manner as the original violation.

Section 3.095 - Legal

- A. A defendant may be represented by legal counsel, but counsel shall not be provided at public expense. A defendant must notify the County within ten (10) days of the hearing if they are represented by an attorney. Failure to do so may result in a continuance of the hearing.
- B. County Counsel, a peace officer or an authorized employee may appear before the Hearings Officer and prosecute on behalf of the County.

Section 3.100 - Civil Penalties

- A. Civil penalties include, but are not limited to:
 1. Monetary penalties according to the schedule of fines on violations;
 2. Restitution for harm caused to victim;
 3. Physical alterations to property;
 4. Revocation or suspension of licenses or certificates or other County authorization directly related to the violation;

5. Requiring that the condition or conduct that is the subject of the violation be abated, corrected, removed, or otherwise brought into compliance.

B. Violations will be classified according to the table “Schedule of Fines on Violations”, adopted by resolution and order. If a violation is unclassified, it will be a Class C Violation.

C. The amount the Code Compliance Officer must enter on the citation shall be the “presumptive fine”.

D. The Judge or Hearings Officer may impose, upon conviction, a fine between the minimum and maximum amount.

~~A-E.~~ It is a Class A Violation to not fully comply with an order of a Hearings Officer.

F. In all cases, a civil penalty is in addition to any other legal remedy available to enforce violations of this Ordinance.

G. Unless otherwise ordered, civil penalties must be paid or complied with within fifteen (15) days of the final order. Such period may be extended upon order by the Hearings Officer.

Section 3.105 - Monetary Penalties

A. The Board of Commissioners shall establish the priority class for each violation and the penalty range associated with each priority class shall be adopted by resolution and order.

B. Each day a violation continues may be treated as a separate violation.

~~C. The Code Compliance Officer, Board of County Commissioner, judge, or hearings officer may consider the following factors in deciding the priority and amount of the violation:~~

~~1. The nature and severity of any violation as well as whether it is repeated or continuous;~~

~~2. The number of violations;~~

~~3. Whether the violation was due to unavoidable accident or other conditions or circumstances beyond the violator’s reasonable control, or negligence or was an intentional act of the violator;~~

~~4. The opportunity and degree of difficulty to correct the violation;~~

~~5. The history of the violator in taking all feasible steps or procedures necessary or appropriate to correct the violation;~~

~~6. The economic or financial benefit accrued or likely to accrue to the violator as a~~

- result of the violation;
- ~~7. The violator's cooperativeness and efforts to correct the violation for which the penalty is to be assessed;~~
- ~~8. The cost to the County of investigation and correction or attempted correction of the violation; and~~
- ~~9. Any other factor(s) deemed relevant by the Code Compliance Officer or Hearings Officer.~~

~~D.C.~~ The imposition of monetary penalty does not relieve a responsible owner of record or person in charge of the property of the duty to abate a ~~nuisance~~violation.

D. The Code Compliance Officer or any employee authorized by the County to enforce this Ordinance may determine a penalty amount less than the minimum if it is determined there is a case involving economic or financial hardship.

Section 3.110 - Administrative Monetary Penalties for Continued Non-Compliance

Administrative monetary penalties may be imposed when the ~~Code Compliance Officer or Hearings Officer~~ believes that a violation may continue based on a repeat violation, failure to comply with a notice or order, or such evidence that reasonably demonstrates a concern that the violation will continue.

- A. The administrative monetary penalty shall be 25% of the initial fine established and issued by the Code Compliance Officer, repeated per month for six (6) months and double that amount per month thereafter up to one (1) year, for a time period not to exceed five (5) years.
- B. The administrative monetary penalty will be imposed on a monthly basis without a hearing unless the violator demonstrates compliance as determined by the County consistent with the notice or order of the Code Compliance Officer or Hearings Officer.
- C. The County will provide a notice of the Administrative Monetary Penalty stating the amount, the method of acceptable payment, reference to the decision of the Code Compliance Officer or Hearings Officer, and the right to an appeal.
- D. An appeal of the administrative monetary penalty may be filed with the County within fifteen (15) days from the date of the notice of an administrative monetary penalty.

Section 3.120 - Collection of Penalties

- A. Any civil penalty, monetary penalty, or administrative monetary penalty imposed by the ~~Code Compliance Officer~~ Hearings Officer or Judge, fees and other County charges

collected under this Ordinance shall be deposited in the Wasco County General Fund.

~~B. Any civil penalty, monetary penalty, or administrative monetary penalty imposed by the Code Compliance Officer or hearings officer, and not paid on the date specified, shall be turned over to the Wasco County Finance Department or assigned to a private collections company for collection.~~

~~C.~~ B. Penalties, fees and County charges are payable on the effective date of the order and are a debt owed to the County, under ORS [30.460](#), and may be collected in the same manner as any other debt allowed by law. If penalties, fees, and County charges are not paid within 60 days after the payment is ordered, the County may file and record the order in the County Clerk Lien Record. The cost of filing and releasing the lien shall be added to the amount of the lien and the responsibility of the owner of record or person in charge of the property.

~~D.~~ C. The County may institute appropriate suit or legal action, in law or equity, in any court of competent jurisdiction to enforce the provisions of any order of the Hearings Officer, including, an action to obtain judgement for any civil penalties, fees, or County charges imposed by such order.

~~E.~~ D. The Code Compliance Officer shall notify the owner of record or person in charge of the property that the penalty and associated County charges have been assessed against the real property upon which the failure to comply occurred, and has been entered in the County Clerk's Lien Record. The lien may be enforced in the same manner as a judgement, or as a lien for street improvements, and shall bear interest at the rate prescribed in ORS 82.010.

Section 3.130 - Right to Appeal

A. ~~Whenever an~~ When the owner of record or person in charge of the property has been given any Compliance Notice or Compliance Order pursuant to this Ordinance and ~~the owner of record or person in charge of the property believes~~ it is believed the findings, penalties, fees, County charges, or other information ~~in the Compliance Notice or Compliance Order were~~ are in error, the owner of record or person in charge of the property may ~~appeal. Submit in writing an appeal within 15 days of the date of the Compliance Notice or Compliance Order. The appeal shall include:~~

1. The name and address of the person(s) submitting the appeal;
2. The street address or a description sufficient for identification of the property upon which the alleged violation has occurred or is occurring.
3. A detailed description of the alleged violation and a reference to the specific laws, County code(s), or conditions that has allegedly been misinterpreted or applied.

~~1. Additional burden of proof as to why the decision is incorrect, demonstrating why the decision should be reversed or modified.~~

~~If an appeal hearing is sought, the owner of record or person in charge of the property shall submit a written request to the Compliance Officer within 15 days of the date of the Compliance Notice or Compliance Order.~~

~~B. Unless the citation is to circuit court, the~~ Appeals will be heard by a Hearings Officer and the person requesting an appeal shall be given the opportunity to present evidence to the Hearings Officer.

~~B. Upon receiving an appeal, the County shall schedule a hearing with a Hearings Officer within thirty (30) days. Notification of the hearing shall be made to both the person(s) appealing the decision and person(s) or property owner directly impacted by the decision no less than twenty (20) days prior to the hearing by Certified Mail.~~

~~C.~~

~~D. All appeals shall be accompanied by an appeal fee, adopted by the Board of County Commissioners. The appeal shall not be heard unless fees are paid prior to the end of the 15 days indicated in the Compliance Notice or Compliance Order.~~

~~E. The filing of an appeal shall cause the accrual of administrative monetary penalties to cease the date the appeal is filed with the Code Compliance Officer or Hearings Officer until 7 days after the date of the written appeal hearing decision.~~

~~F. The appeal hearing shall follow procedure pursuant to Section 3.090.~~

~~1. Following the appeal hearing, the Hearings Officer shall issue a written determination.~~

~~a. If the appellant is unsatisfied with the appeal hearing and/or written determination of the Hearings Officer, additional appeal may be sought pursuant to Section 3.135, within 15 days of the issuance of the written determination.~~

~~b.~~

~~c.~~

~~d.~~

~~e.~~

~~f.a.~~

Section 3.135 - Appealing a Hearings Officer Decision

~~A. If a party wishes to appeal the decision of a Hearings Officer, the party must file with the Hearings Officer, a notice of intent to appeal and mail a copy of the notice of intent to~~

~~appeal to the Hearings Officer and the Code Compliance Officer within ten (10) days of the date of the Hearings Officer's decision. Failure to give this notice will result in the waiver of their right to appeal.~~

A. Appeals shall be made by way of Writ of Review pursuant to ORS 34.

Section 3.140 - Recording a Violation

- A. ~~Pursuant to~~Notwithstanding Section 3.120 of this Ordinance, the Code Compliance Officer may record with the County Clerk information regarding County code violations and the potential or actual liens to be placed on the record of the property deed as a result of these violations. The document will notify a prospective buyer that the property is ~~tainted in violation~~ and cannot legally be developed.
1. The Code Compliance Officer shall send ~~a Notice of Recorded~~notice of intent to record a Notice of Violation~~Violation~~ to the owner of record or person in charge of the property, and the notice shall include:
- The street address or a description sufficient for identification of the property on which the violation exists;
 - A statement that one or more violations of this Ordinance exist at the property with a general description of the violation(s) and the section(s) violated, and the intent to record a Notice of Violation with the deed;
 - A request that the owner of record or person in charge of the property contact the Code Compliance Officer to resolve the violation(s);
 - Specification of a 15 day response time during which the property may be brought into compliance with this Ordinance before a Notice of ~~Recorded~~ Violation is attached to the property deed record;
 - Disclose the right to appeal the findings of the ~~Notice of Recorded~~Violation~~notice~~ and a description of the time limits for requesting an appeal, as described in Section 3.130 Right to Appeal, to the owner of record or person in charge of the property.
- B. If the owner of record or person in charge of the property does not file a written appeal within 15 days of the date when the notice of intent to record a Notice of Violation is served or mailed, the Code Compliance Officer shall forward the notice along with the Notice of Violation to be recorded to the Hearings Officer for review and issuance of a written order.
- C. The Code Compliance Officer shall notify the owner of record or person in charge of the property that the Notice of Violation has been recorded with the deed of the real property upon which the failure to comply occurred with the County Clerk's office, and include a copy of the recorded Notice of Violation.

~~B. If an administrative monetary penalty, monetary penalty, or civil penalty is not paid within sixty (60) days of the date ordered by the Hearings Officer or as provided in the Notice of Administrative Monetary Penalty, the County may file and record the order for payment in the County Clerk lien record as authorized by ORS 30.460. No order for payment will be filed in the County Clerk lien record until sixty (60) days have elapsed from the date of payment ordered by the Hearings Officer.~~

~~C.D.~~ At such time as the violation is abated by the owner of record or person in charge of the property, a Notice of Compliance shall be mailed First Class. The owner may record this document on the property deed with the County Clerk to cover the Notice of Recorded Violation at the owner's expense.

~~**Section 3.200 – Distribution of Administrative Penalties (Step 4)**~~

~~All Administrative Civil Penalties, payments for abatement costs, fees, and other County charges collected under this Ordinance shall be deposited in the Wasco County General Fund.~~

CHAPTER 4 - ABATEMENT

**** DRAFT ONLY ****

Section 4.005 - Abatement	1
Section 4.010 - Summary Abatement	1
Section 4.020 - Abatement Warrants	2
Section 4.030 - Vehicle Abatement	4
Section 4.040 - Order to Abate	5
Section 4.050 - Abatement Costs, Notice, and Collection	6

Section 4.005 - Abatement

- A. The owner of record and all persons in charge of the property shall be jointly and severally liable for abating a violation.
- B. Abatement of a violation by the County will only be initiated if all other remedies to correct the violation have failed.
- C. Abatement of a violation as a last resort: Except in the case of summary abatement pursuant to Section 4.010, abatement of a nuisance-violation by the County shall only proceed if the owner of record or person in charge of the property has not satisfactorily abated the violation within 15 days of the Notice of Failure to Comply and/or issuance of monetary penalties.

Section 4.010 - Summary Abatement

- ~~A. When summary abatement is authorized by this Ordinance, t~~The decision regarding whether or not to use summary abatement shall be at the ~~County Official's~~ discretion of the Board of County Commissioners. -
- ~~B. In the case of summary abatement, notice to the owner of record or person in charge of the property prior to abatement is not required. However, an abatement warrant shall be sought to pursuant to Section 4.020.~~
- ~~A.C. However, f~~Following summary abatement, the Code Compliance Officer shall issue to the owner of record or person in charge of the property -the Notice of Summary Abatement for the abatement a notice-describing the action taken to abate the nuisance-violation. In addition, a Notice of Summary Abatement shall be mailed to the owner of record or person in charge of the property. ~~Notice to the owner of record or person in charge of the property may also be accomplished by posting notice on the property.~~

1. The Notice of Summary Abatement shall include:

- a. The date the ~~nuisance~~violation was abated;
- b. The street address or a description sufficient for identification of the property on which the violation exists;
- c. A statement of the violations of this Ordinance that existed at the property and were summarily abated;
- d. Disclosure that penalties, charges and liens will result from the summary abatement subject to Section 4.050; and
- e. Disclose the right to appeal the findings of the Notice of Summary Abatement, and a description of the time limits for requesting an appeal, as described in Section 3.130 Right to Appeal, to the owner of record or person in charge of the property.

Section 4.020 - Abatement Warrants

In the case of entry into areas of property that are plainly enclosed to create privacy and to prevent access by unauthorized persons, where consent is not granted with reasonable efforts to contact the owner of record or person in charge of the property, an abatement warrant may be sought.

Prior to seeking a warrant, the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance, shall consult with county counsel and obtain approval and assistance in preparing the affidavit and warrant documents.

A. Warrant – Authorization

Judges authorized by law to issue abatement warrants upon application by a peace officer or any employee authorized by the County to enforce County ordinances, may issue a warrant.

B. Warrant – Probable Cause

1. An abatement warrant shall be issued only upon cause, supported by affidavit, which shall describe with particularity:
 - a. The position and authority of the person applying for the abatement warrant;
 - b. The statute, ordinance, or rule requiring or authorizing the abatement;

- c. The place, building, or property to be abated;
 - d. The purpose for which the abatement is to be made, including the basis upon which cause exists to abate.
2. The affidavit shall contain either a statement that consent to enter the building or property was sought but consent was denied, the owner of record or person in charge of the property did not respond to the request for consent, or describe the reasonable efforts to contact the owner that were unsuccessful.
 3. Cause shall be deemed to exist when there is probable cause to believe that a violation exists.
 4. Before issuing an abatement warrant, the judge may examine under oath the person requesting the warrant or any other witness to be satisfied of the existence of the grounds to grant the inspection warrant.

C. Warrant – Contents

1. If the judge is satisfied that cause for the abatement exists and that the other requirements for granting the warrant are satisfied, the judge shall issue the warrant, describing with particularity the name or title of the person or persons authorized to execute the warrant, the buildings or property to be entered, ~~and the~~ purpose of the abatement and a statement of the general types and estimates of the quantity of the items to be removed and the conditions to be abated.-
2. The warrant shall contain a direction that it be executed when the owner of record or person in charge of the property is present on any day of the week between 8:00 a.m. and 6:00 p.m., unless the court finds that:
 - a. There is cause to conclude that an urgent risk to the health or safety of a person or of damage to property exists; or
 - b. The owner of record or person in charge of the property is not reasonably able to be located or is avoiding the property.

D. Warrant – Execution

1. In executing a warrant, the person authorized to execute the warrant, before entry, shall make a reasonable effort under the circumstances to present the person's credentials, authority, and purpose to the owner of record or person in charge of the

property designated in the warrant and provide the occupant or person in possession of the property with a copy of the warrant upon request.

2. A warrant must be executed and returned to the court by whom it was issued within ten (10) days from its date. After the expiration of the time prescribed by this subsection, the abatement warrant is void unless executed.

~~a. Writ of Assistance and Writ of Execution~~

~~b. —~~

- ~~1. Mention here the option for writ of assistance and writ of execution with the Sheriff's Office.~~

Section 4.030 - Vehicle Abatement

In the event the person responsible does not voluntarily comply by removing an abandoned or stored vehicle from private or public property or the public right-of-way within the specified time period of a Compliance Notice or Order, the Code Compliance Officer shall institute abatement proceedings to have the vehicle towed.

- A. Public property or public right of way: A law enforcement agency, authorized under County ordinance and the provisions of ORS 819, will be notified of the location of the vehicle. The Code Compliance Officer will provide the compliance case number and any information regarding the vehicle and compliance case deemed necessary.
- B. Private property: The Code Compliance Officer shall proceed with obtaining abatement warrants pursuant to Section 4.020. The licensed towing agent will be contacted and provided with vehicle location.
- C. A notice will be mailed to the registered owner of the vehicle and to any lessors or security interest holders as shown in the state Department of Motor Vehicle records, and to the person responsible for the violation, that the vehicle is scheduled to be towed. The notice shall include:
 - 1. The location where the vehicle will be stored;
 - 2. That the vehicle and its contents are subject to a lien for payment of storage and towing charges and an administrative fee of \$100, and that the vehicle and its contents will be sold if those charges and administrative fees are not paid;
 - 3. That it is the vehicle owner's responsibility to provide any information and payment needed for release of the vehicle and its contents to the towing agent;
 - 4. Disclose the owner's right to request an appeal hearing to contest the validity of the

towing or the liability for towing charges and administrative fee. A request for hearing must be in writing and be submitted not more than five (5) working days after receipt of this notice.

Section 4.040 - Order to Abate

Notwithstanding any Compliance Notice or Order issued by the Code Compliance Officer, ~~or~~ Hearings Officer or Judge, an Order to Abate may be issued in addition to the imposition of penalties for failure to comply.

A. The Order to Abate shall include:

1. The street address or a description sufficient for identification of the property on which the violation exists;
2. A statement that one or more violations of this Ordinance exist at the property with a general description of the violation(s) and the section(s) violated;
3. An order~~A request~~ that the person in charge of the property abate the violation(s) within 15 days from the date of the order;
4. ~~Specification of a 15 day response period during which the property may be brought into compliance with this Ordinance~~A statement that unless the violation(s) are remedied, the County may abate the violation(s) and the cost of abatement, penalties, fees, and other County charges, shall be charged to the owner of record or person in charge of the property;
5. ~~A statement that the owner of record or person in charge of the property may extend the deadline for compliance by entering into verbal or written abatement agreement with the Code Compliance Officer that establishes an approved process and timetable to abate the violation;~~
6. 5. An outline of the compliance process including but not limited to penalties, charges, liens, abatement and recorded notice of violation in the deed records of the property if voluntary compliance is not achieved; and
6. Disclose the right of the owner of record or person in charge of the property to appeal the findings of the Order to Abate and a description of the time limits for requesting an appeal, as described in Section 3.130 - Right to Appeal.

- B. If the owner of record or person in charge of the property fail to abate the violation within the 15 day response period of the Order to Abate, the County may cause the violation to be abated.

C. If no request for appeal is filed, the Code Compliance Officer shall forward the Order to Abate along with a statement of the estimated abatement cost plus any penalties, fees, and County charges to the Hearings Officer for review and issuance of a written order.

~~B.—~~

Section 4.050 - Abatement Costs, Notice, and Collection

~~A. If more than one (1) person is responsible for the creation or continuation of a nuisance, they~~The owner of record and all persons in charge of the property shall be jointly and severally liable for all costs associated with the abating abatement of the a nuisance or violation, including but not limited to, administrative costs, warrant costs, and attorney fees.~~or for all costs incurred by the County in abating the nuisance.~~

~~B.—~~

~~C.A.~~

B. An accurate record of the abatement costs shall be kept and shall include a surcharge of 25% of the cost of the abatement for administrative overhead.

~~D.C.~~ After the violations have been determined by the County to be corrected, the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance shall issue a Notice of Abatement Costs shall be issued by the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance, to the owner of record or person in charge of the property. The Notice of Abatement Costs shall contain:

1. The street address or a description sufficient for identification of the property on which the nuisance exists;
2. A statement that one or more violations of this Ordinance existed at the property with a general description of the violation(s) and the section(s) violated;
3. The date the violation was abated and actions taken to abate the violation;
4. The total cost, including the administrative overhead, of the abatement;
5. A statement that the cost as indicated will become a lien against the property unless paid within 60 days;
6. Disclose the right to appeal the amount of the abatement costs and a description of the time limits for requesting an appeal, as described in Section 3.130 - Right to

Appeal, to the owner of record or person in charge of the property.

D. The Planning Director or designee shall have the final authority to decide what form of remedy the County will pursue for collecting abatement costs.

E. The abatement costs shall be entered in the docket of County liens with the County Clerk, and shall constitute a lien upon the property that was in violation of the County code. In addition, the Notice of Abatement Costs shall constitute a personal obligation of the owner of record or person in charge of the property. The County may seek a money judgment against the owner of record and/or person in charge of the property through the Circuit Court or Hearings Officer, or may pursue fines through the Hearing's Officer.

1. The lien may be enforced in the same manner as liens for assessments for local improvement districts. Failure to pay may result in foreclosure in any manner provided by law.

2. An error in the name of the owner shall not void the lien, nor shall a failure to receive the notice render the lien void, but it shall remain a valid lien against the property.



Code Compliance



Wasco County Code Compliance and Nuisance Abatement Ordinance

Proposed Ordinance Updates

WC

Why?

- **2009:** Wasco County Code Compliance and Nuisance Abatement Ordinance originally adopted
- **2011:** Amendment updating some definitions and duplicative language
- **Currently:** The program operates under the same ordinance as originally adopted/amended for approximately 12 years.

Current Challenges

- Current ordinance does not have a clear set of step by step procedures
- Changes to administrative enforcement process
 - Using a Hearings Officer vs. BOCC
- Changes to program prioritization schedule
- No uniform citation form or procedures for Circuit Court

Chapter 1 - Introductory Provisions

- Re-numbering of chapter
- New and updated definitions
- Updates concurrent with State definitions for:
 - Sewage, Solid Waste

Chapter 2 - Land Use and Nuisance Codes

- Re-numbering of chapter
- New section for Environmental Violations
 - Identified issues in need of enumeration
 - Overgrown vegetation (fire hazard)
 - Grading

Chapter 3 - Administrative Enforcement

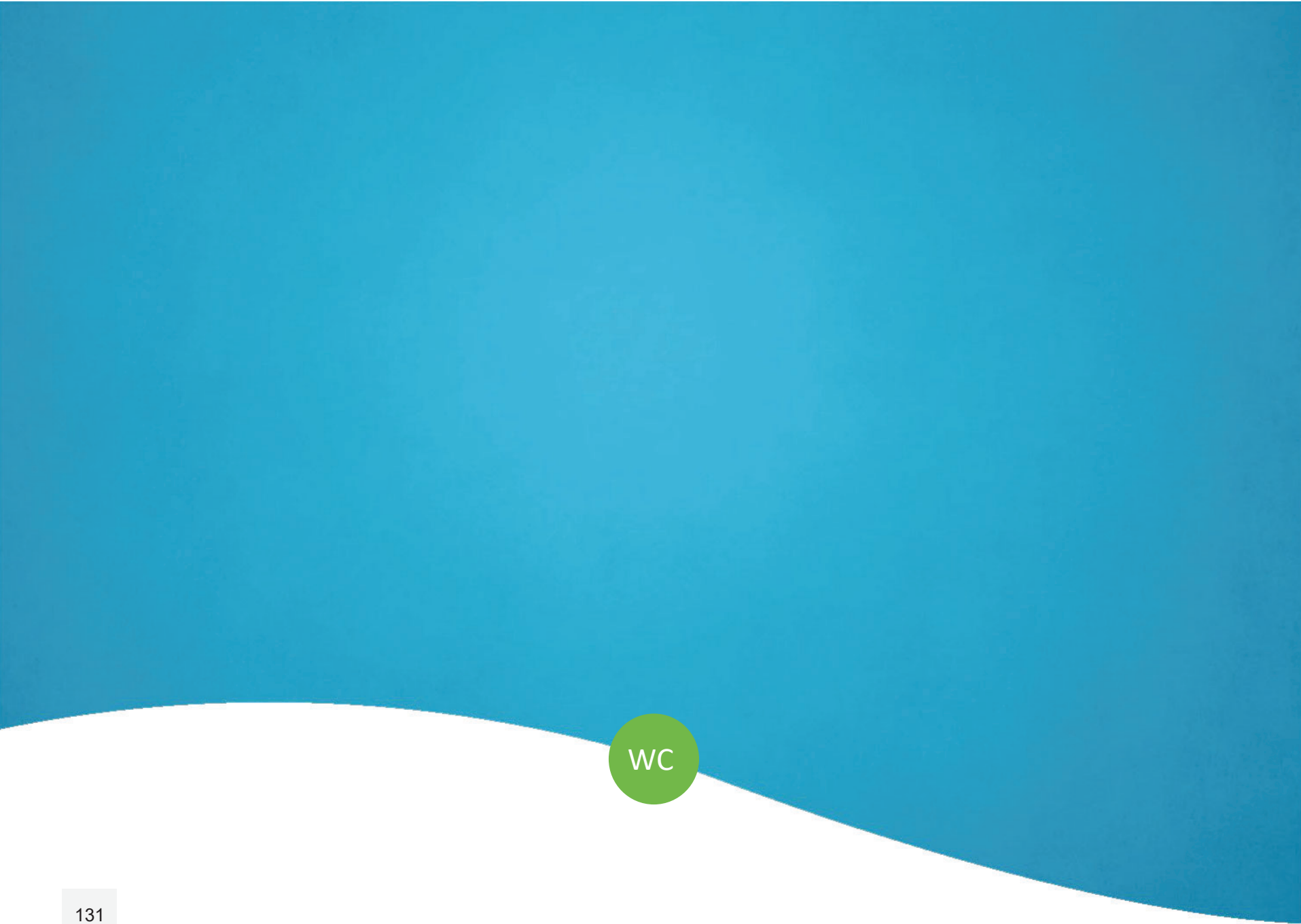
- Re-structure and re-numbering chapter
 - Follows steps of case
 - Easier to read
- Form and content for citation form
 - Procedure for moving a case into Circuit Court
- Changes to administrative enforcement process:
 - Hearings Officer vs. BOCC
 - Updates to appeals section
 - New section for appealing Hearings Officer Order

Chapter 3 - Administrative Enforcement

- Moved penalty amounts to Penalty Ordinance
 - Clear and concise penalty amounts
 - Add range (min and max)
 - Schedule of fines necessary for Citations in Circuit Court
- Changes to Penalties for Continued Non-Compliance

Chapter 4 - Abatement

- Moved Abatement procedures to new Chapter
 - Give clear instructions for proceeding to and enforcing abatement
- Clear steps for abatement procedures and abatement warrants



WC



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE WASCO COUNTY PLANNING DEPARTMENT'S REQUEST TO ADOPT REVISIONS TO THE WASCO COUNTY CODE COMPLIANCE AND NUISANCE ABATEMENT ORDINANCE, HEREAFTER KNOWN AS THE WASCO COUNTY CODE COMPLIANCE ORDINANCE

ORDINANCE # 24-001

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 Department has requested adoption of revisions to the unified nuisance and abatement ordinance; and

WHEREAS, the revisions include revised abatement procedures, new definitions, and improved format.

WHEREAS, that on February 7, 2024 at the hour of 9:30 AM the Wasco County Board of Commissioners met to conduct the first of two legally notified public hearings on the above matter. The Board of County Commissioners reviewed recommendations by staff and received testimony from the public. The Board of County Commissioners tentatively approved the revisions; and

WHEREAS, that on February 21, 2024 at the hour of 9:30 AM the Wasco County Board of Commissioners met to conduct the second of two legally notified public hearings on the above matter. The Board of County Commissioners reviewed staff's presentation, and received testimony from the public. The Board of County Commissioners, by a vote of ___ to ___, approved/denied the revisions and conducted the second reading; and

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

1. That the request by the Wasco County Planning Department for revisions to the Wasco County Code Compliance and Nuisance Abatement Ordinance, hereafter known as the Wasco County Code Compliance Ordinance are hereby approved; and

2. Pursuant to Oregon Revised Statute 203.045, this ordinance shall take effect on the 90th day after the date of its adoption.

DATED this 21st day of February 2024.

APPROVED AS TO FORM:

Kristen Campbell, County Counsel

ATTEST

Kathy Clark, Executive Assistant

WASCO COUNTY BOARD OF COMMISSIONERS

Steven D. Kramer, Board Chair

Scott C. Hege, Vice-Chair

Philip L. Brady, County Commissioner

WASCO COUNTY CODE COMPLIANCE ORDINANCE

ADOPTED

July 14, 2009

AMENDED

April 5, 2011

February 21, 2024

PREPARED BY THE

Wasco County Planning Department

CHAPTER 1 - INTRODUCTORY PROVISIONS

Section 1.005 - Authority	1
Section 1.010 - Title	1
Section 1.020 - Purpose	2
Section 1.030 - Severability.....	2
Section 1.040 - Repeal	2
Section 1.050 - Effective Date.....	2
Section 1.060 - Saving Clause	3
Section 1.070 - Interpretation and Scope.....	3
Section 1.080 - Compliance Required.....	3
Section 1.090 - Failure to Comply.....	3
Section 1.100 - Ordinance Revision	4
Section 1.110 - Definitions.....	4

Section 1.005 - Authority

This Ordinance is enacted pursuant to the provisions of Oregon Revised Statutes Chapters [92](#), [153](#), [197](#), [203](#), [215](#), [433](#), [449](#), [459](#), [468](#), and Public Law [99-663](#). It also adopts by reference the National Scenic Area Land Use and Development Ordinance, Wasco County Land Use and Development Ordinance, the Wasco County Comprehensive Plan and the Columbia River Gorge National Scenic Area Management Plan.

Some of the language in this ordinance duplicates that from the National Scenic Area Land Use and Development Ordinance and the Wasco County Land Use and Development Ordinance. In the event this duplicative language is altered the language in the amended Land Use and Development Ordinance shall apply until this Ordinance can be updated.

The Board of Commissioners is hereby authorized to administer and enforce all of the provisions of this Ordinance. The Board of Commissioners may employ qualified officers, inspectors, assistants, and other employees as shall be necessary to carry out the provisions of this Ordinance. Such County staff persons shall have full power and authority to do any and all things necessary, incidental or proper in the enforcement of said ordinance, excluding the power to arrest. The authority of the designated Code Compliance Officer to enforce the provisions of this Ordinance is independent of, and in addition to, the authority of other County officials to enforce the provisions of any other County Code.

Section 1.010 - Title

This Ordinance shall be known as the Wasco County Code Compliance Ordinance.

Section 1.020 - Purpose

The purposes of this Ordinance are: To promote public health, safety, convenience, and general welfare; to promote safety from fire and natural disaster; to assist in rendering adequate police and fire protection; to conserve, stabilize, and protect property values; to encourage the most appropriate use of land; and to preserve and enhance community livability by:

- A. Establishing and enforcing minimum standards regulating development without land use review and approval, non-compliance with approval, continuation of use after expiration of approval, illegal uses, dwellings and structures, accumulation of junk, solid waste, tires, and inoperable or abandoned vehicles, or other nuisances on public and private property;
- B. Establishing an administrative framework for the enforcement and abatement of violation; and by
- C. Designating violations of the Wasco County Land Use and Development Ordinance (LUDO) and the National Scenic Area Land Use and Development Ordinance (NSA LUDO) as violations of this Ordinance that may require enforcement action and abatement;

All in accordance with the Comprehensive Plan for Wasco County and the Management Plan for the Columbia River Gorge National Scenic Area.

Section 1.030 - Severability

The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this Ordinance.

Section 1.040 - Repeal

The following ordinances, together with all amendments thereto are hereby repealed except as provided under Section 1.060 below:

- Wasco County Solid Waste and Disposal Ordinance, Chapter 102, Section 020, Abatement of Nuisances;
- Wasco County Land Use and Development Ordinance Chapter 15, Sections 010 through 190; and
- National Scenic Area Land Use and Development Ordinance Chapter 15, Sections 030 through 190.

Section 1.050 - Effective Date

This Ordinance shall become effective when filed with the Wasco County Clerk. Amendments hereto, unless otherwise specified, shall become effective when filed with the County Clerk.

Section 1.060 - Saving Clause

Notwithstanding the Repeal section above, ordinances repealed thereby shall remain in force for the purpose of authorizing the arrest, prosecution, conviction, and punishment of a person who violated those ordinances prior to the effective date of this ordinance.

Section 1.070 - Interpretation and Scope

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

Scope: The provisions of this Ordinance shall apply to all unincorporated property in Wasco County except as otherwise excluded. The Solid Waste provisions of this Ordinance (Solid Waste as defined in section 1.110 Definitions) shall apply to all property in Wasco County. The remedies provided for failure to comply with this Ordinance shall not be exclusive and shall be in addition to other remedies provided by law. The County expressly reserves the right to seek abatement in addition to and not in lieu of administrative enforcement under Chapter 3.

Section 1.080 - Compliance Required

- A. No structure or premises in Wasco County shall hereafter be used or occupied and no part or structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance. In addition, no person shall cause or permit such a condition to exist that constitutes a violation as defined by this Ordinance.
- B. The Director, the Director's designee or other Approving Authority shall not approve a development or use of land that has been previously divided or otherwise developed in violation of this Ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development proposal. (Moved from Chapter 3)

Section 1.090 - Failure to Comply

- A. A person who fails to comply with any provision of this Ordinance shall be subject to administrative enforcement pursuant to Chapter 3.
- B. The imposition of a civil infraction fine, monetary penalty or administrative monetary penalty does not relieve a responsible person of the duty to abate the violation.
- C. Any failure of the County to enforce a provision of this Ordinance does not constitute

permission, acquiescence or a right to continue a use or condition that constitutes a violation.

- D. Each day that a nuisance or violation continues to exist constitutes a separate violation and a separate penalty may be assessed for each day the violation continues. (Moved from Chapter 3)

Section 1.100 - Ordinance Revision

The Office of the Wasco County Counsel is authorized to prepare documents to reflect the changes adopted under this Ordinance, including deleting and adding textual material and diagrams, renumbering pages or sections, and making any technical changes not affecting the substances of these amendments as necessary to conform to the Wasco County Code format.

Section 1.110 - Definitions

For the purpose of this Ordinance, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular; the word "Building" includes the word "Structure"; the word "Shall" is mandatory and not directory.

Abandoned Vehicle – A vehicle which satisfies one of the following criteria:

- a. The vehicle is not currently licensed and registered for operation;
- b. The vehicle is being used to store junk, solid waste, or waste as defined in this section;
or
- c. The vehicle has parts which have been discarded, dismantled, or partially dismantled, or stripped, or the vehicle is in a rusted, damaged, wrecked or other condition which renders the vehicle inoperable.

Abatement of a Nuisance – The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.

Administrative Civil Penalty – May include a monetary penalty, restitution, administrative costs, costs for abatement and assessments, and an order of abatement.

Approved – Meets the standards set forth by applicable Wasco County codes, including any applicable regulations for electric, plumbing, building, or other sets of standards included by reference in this Ordinance.

Board of Commissioners – Wasco County Board of Commissioners

Compliance Officer – The Wasco County Planning Director, or their designee, or the Environmental Health Officer, or their designee, or any other person designated by the Board of Commissioners to enforce this Ordinance.

Compliance Notices and Compliance Orders – Documents that are sent to the owner of record or person in charge of property during and after the code compliance process. They include but are not limited to: Notice of Violation, Order to Correct, Notice of Failure to Comply, Violation Recorded on Deed, and all Hearings Officer Orders.

Conditions of Approval – Specific requirements that must be fulfilled by the property owner to insure the legality of a proposed development or action.

County – The County of Wasco, Oregon.

County Charges – Includes all billable hours, fees, services, materials, costs, or any expense incurred by the County due to a violation or abatement.

Development – Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, change in use of a building or structure, land division, establishment, or termination of right of access, storage on the land, tree cutting, drilling, and site alteration such as that due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking, excavation or clearing. Also includes storage of equipment or materials located within the area of special flood hazard.

Development does not include low impact practices using hand based tools to perform habitat restoration activities, which do not result in: the potential destabilization and/or erosion of the designated floodplain by removal of bank stabilizing root systems or other means; alteration of the topography of the designated ASFH; the accumulation of woody vegetative debris within the ASFH; a violation of any prior condition of approval associated with a review on the subject property; a violation of any Wasco County or other agency natural resource regulations; or the siting of any structure.

Disabled Vehicle – Any vehicle which does not reasonably appear to be legally operated or capable of being self-propelled upon the public streets because of missing major components such as an engine, wheels, windshield, or other obvious damage or missing equipment.

Dwelling – Any structure, permanently affixed or temporarily sited or parked, containing dwelling units, including all dwelling classifications covered by the LUDO or NSA LUDO, that are occupied full time, periodically, or are unoccupied.

Dwelling Unit – One or more habitable rooms (attached or detached) that are occupied by, or designed or intended to be occupied by, one person or by a family or group of housemates living together as a single housekeeping unit that include facilities for sleeping, cooking, and sanitation.

Firewood – Wood that is used as fuel for heat.

Firewood, Useable – Wood that constitutes more wood than rot and is cut to lengths that will fit in an approved fireplace or wood stove.

GMA – General Management area of the Columbia River Gorge National Scenic Area.

Hearings Officer – Individual or group appointed by the Board of Commissioners to issue orders and hear appeals of enforcement actions initiated under this Ordinance.

Hearings Officer Order – A written decision which requires an owner or person in charge of property to meet the requirements of Compliance Notices or Compliance Orders and pay all penalties, abatement costs, fees, and County charges.

Junk – Includes, but is not limited to, all old motor vehicles, old motor vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances or appliance parts, old iron or other metal, glass, paper, lumber, wood or other useless, unwanted, or discarded material. The fact that materials, which would otherwise come within the definition of Junk, may from time-to-time have value and thus could be utilized, shall not remove them from the definition. The term "old" shall include, but not be limited to, a description of items which are dilapidated, abandoned, inoperable, or otherwise in a state of disrepair.

LUDO – The Wasco County Land Use and Development Ordinance.

Maintained Compost Area – A small portion of a property set aside for the purpose of encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer for the soil on the property. A maintained compost area shows clear indicators that the yard debris placed there is being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed

primarily as a means to store it or dump it without reasonable expectation of rapid decomposition is not a maintained compost area.

May – Permits or allows an action.

Motor Vehicle – A vehicle that is self-propelled or designed for self-propulsion.

Non-Resource Zones – Zones whose primary designations include, but are not limited to, residential, commercial and industrial development. These designations include all residential, commercial, industrial zones as well as the Forest Farm, Agricultural Recreation, Rural Community, Public Recreation and Open Space designations.

Not Visually Evident (Special Management Area only) - A visual quality standard that provides for development or uses that are not visually noticeable to the casual visitor. Developments or uses shall only repeat form, line, color, and texture that are frequently found in the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be noticeable.

NSA LUDO – National Scenic Area Land Use and Development Ordinance for Wasco County.

Nuisance – Includes, but is not limited to, any annoying, unpleasant, or obnoxious condition or practice causing an unreasonable threat to the public health, safety, peace or welfare and defined as a nuisance in this ordinance.

O.R.S. – The Oregon Revised Statutes.

Order to Abate – A written notice sent to the owner of real property, and/or posted upon any property that has been declared a nuisance, that orders the owner to abate the nuisance within a specified time frame or experience abatement of the nuisance by Wasco County. Abatement by the County results in the assessment of costs to the owner of the property.

Order to Correct – A written notice sent to the owner of real property that orders the owner to correct the declared violation or experience administrative civil penalties and/or abatement of the nuisance by Wasco County.

Owner of Record – A person having any legal or equitable interest in property, including but not limited to, a purchaser, lienholder or holder of any security interest in such property whose interest is recorded in the public records provided for by Oregon statutes where the owner's interest must be recorded to perfect a lien or security interest or provide constructive notice of the owner's interest.

Permit – Written authorization from a County agency which allows a property owner to develop or use their property in a specified manner.

Person in Charge of Property – An owner, agent, occupant, lessee, tenant, contract purchaser, or other responsible person having possession or control of a property or of a property which abuts a public way where a nuisance exists.

Property – Any real property and all improvements, buildings or structures on real property, from property line to property line.

Putrescible Material – Organic material that decomposes and gives rise to foul or offensive odors, or foul or offensive by-products.

Recreational Vehicle or Camping Vehicle – A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for residential purposes, and is identified as a recreational vehicle by the manufacturer. A recreational or camping vehicle shall be considered a dwelling unit if any of the following is true:

- a. It is connected to a sewer system (including septic tank) except for the purpose of emptying the holding tanks; after such time it must be disconnected;
- b. It is connected to water or electrical lines except for purposes of charging the batteries or filling water tanks; after such time it must be disconnected;
- c. It is occupied for more than 60 days, on the same property, in any consecutive 12 month period;
- d. It is parked on property that is without a legally placed dwelling for more than 30 days during any consecutive 6 month period.

Resource Zones – Zones primarily designated for farm or forest use. The zoning is designed to protect commercial farming and forestry operation from incompatible uses. In the event of a conflict between farming or forestry operations and other uses, this Ordinance will be interpreted in favor of the resource management practice.

Sale or Sell – Includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

Serving Notice – The mailing of a certified, return-receipt requested letter is considered a serving of notice under this Ordinance.

Sewage – means the water-carried human or animal wastes, including kitchen, bath and laundry from residences, buildings, industrial establishments or other places, together with such ground water infiltration, surface waters or industrial waste as may be present. The admixture with sewage of wastes or industrial wastes shall also be considered “sewage” within the meaning defined in ORS 468.

Shall – Action is mandatory.

Should – Action is encouraged.

Solid Waste – Includes all putrescible and non-putrescible wastes, whether in solid or semi-solid form, including but not limited to: garbage, trash, rubbish, refuse, ashes, paper, cardboard; commercial and industrial wastes; demolition and construction wastes; manure, vegetable or animal solid or semi-solid wastes including yard debris, dead animals; medical and infectious waste as defined in ORS 459.386 and OAR 340- 93-030 (42) and (52); all wastes capable of being recycled that are commingled with other wastes; and, incidental Household Hazardous Waste or Small Quantity Generator Hazardous waste as defined under 40 CFR 261.5. The fact that materials, which would otherwise come within the definition of Solid Waste, may from time-to-time have value and thus could be utilized, shall not remove them from the definition. The term “Solid Waste” shall not include Hazardous Waste as defined in ORS 466.005 or any of the following:

- a. Materials used for fertilizer or for other productive purposes on land in the growing and harvesting of crops or the raising of fowl or animals;
- b. Septic tank and cesspool pumping or chemical toilet waste;
- c. Reusable beverage containers as defined in ORS 459A.725; and
- d. Source separated principal recyclable materials as defined in ORS Chapter 459 and the Rules promulgated thereunder, which have been purchased or exchanged for fair market value.

Structure – Anything constructed, erected, or air-inflated, permanent or temporary, which requires location on the ground. Among other things, the term structure includes buildings, walls, fences, billboards, poster panels and parking lots. Retaining walls less than four (4) feet in height are not considered structures for the sake of general property line setbacks.

Summary Abatement – Abatement of a nuisance by the County, or by a contractor hired by the County, without obligation to give prior notice of the abatement action to the owner or occupant of the property.

Tire, Motor Vehicle – Any motor vehicle tire made wholly or in part of rubber or any other synthetic material, including tire bodies, carcasses, casings or part of tires in whatever form, originally designed for use by any vehicle propelled by a motor, including any vehicle pushed or pulled by a motorized vehicle.

Unregistered Vehicle – A vehicle without a license plate or with an expired license plate.

Use – The purpose for which land or a building is arranged, designed or intended, or for which either land or a building may be occupied or maintained.

Use, Conditional – The term applied to a use which may be permitted by the application for, the issuance of a Conditional Use Permit.

Use, Illegal – Uses of real property which are not in compliance with NSA LUDO or LUDO or The Wasco County Solid Waste Ordinance. These include, but are not limited to: illegal dwellings; illegal accessory structures; illegal businesses; illegal home occupations and illegal parking lots.

Use, Prohibited – A use not allowed in a zoning district.

Vehicle – Any device in, upon, or by which any person or property is or may be transported, or drawn upon a public highway. This includes vehicles that are propelled or powered by any means, but does not include a device propelled by human power. Recreational vehicles, camping vehicles, truck campers and motor homes are included in this definition.

Violation – Means failure to comply with (1) The Wasco County Code Compliance Ordinance, (2) The LUDO or NSA LUDO, (3) Conditions, requirements or other aspects of a land use permit, (4) Conditions, requirements or other aspects of a Hearings Officer Order, (5) Failure to comply with the terms of a voluntary compliance agreement.

Warrant, Abatement – An order from the Circuit Court authorizing the removal and abatement of any nuisance as authorized by this ordinance, including disposal of the nuisance items removed in an appropriate manner.

Warrant, Inspection – An order from the Circuit Court authorizing an inspection/investigation to be conducted at a designated property to determine if the property is in violation of this ordinance.

Zoning Approval – Includes discretionary or non-discretionary planning approval for any structure or use as required by the applicable land use and development ordinance.

CHAPTER 2 - NUISANCES AND LAND USE VIOLATIONS

Section 2.005 - Exemptions	1
Section 2.010 - Designation of Nuisances.....	1
Section 2.015 - Unenumerated Nuisances	2
Section 2.020 - Solid Waste and Junk Nuisance	2
Section 2.025 - Vehicular Nuisance	3
Section 2.030 - Environmental Violations.....	4
Section 2.040 - Land Use and Zoning Violations.....	5
Section 2.050 - Illegal Uses	6
Section 2.070 - National Scenic Area (NSA) Violations	7

Section 2.005 - Exemptions

Unless specifically provided otherwise, violations as defined by this Ordinance do not include:

- A. Disposal sites operated in compliance with regulations promulgated by the Environmental Quality Commission, Department of Environmental Quality, or other ordinances or regulations of the County;
- B. Property located within the corporate limits of incorporated cities within Wasco County, unless intergovernmental agreements have transferred zoning implementation and/or code compliance authority to Wasco County;
- C. Property located within the urban growth boundary of a city within Wasco County if an intergovernmental agreement has transferred zoning implementation and/or code compliance authority to that city;
- D. Pursuant to the Wasco County Farming & Forest Practices Protection & Complaint Mediation Ordinance, a resource use complaint shall only be processed through Section 5 of that ordinance and not this ordinance;
- E. Maintained compost areas with size and content that is consistent with home use.
- F. Composting necessary for the operation of farms, customarily utilized in conjunction with farm use as defined under “accepted farm practice” in the LUDO.

Section 2.010 - Designation of Nuisances

- A. It shall be unlawful for any owner of record or person in charge of the property to maintain or allow to exist, the following things, practice, or conditions on the property, which are declared to be a nuisance and hereby designated as violations.

1

- B. The declaration of the nuisances herein shall not be construed to limit the power of the Code Compliance Officer, or any employee authorized by the County to enforce this Ordinance, to investigate any other thing, practice, or condition appearing to be a nuisance or violation which is a danger to public health and safety and to declare the thing, practice or condition a nuisance when the facts appear that a thing, practice, or condition exists which is the cause of a threat to public health and safety. Such nuisance shall become subject to the provisions of this Chapter upon the said declaration of the Board of County Commissioners.

Section 2.015 - Unenumerated Nuisances

- A. The acts, conditions or objects specifically enumerated and defined in this Ordinance are declared public nuisances, and may be abated by any of the procedures set forth in this Ordinance.
- B. In addition to the nuisances specifically enumerated in this Ordinance, every other thing, substance or act that is determined by the Board of County Commissioners to be injurious or detrimental to the public health, safety, or welfare of the County is declared a nuisance and considered a violation of this Ordinance, and may be abated as provided by any of the procedures set forth in this Ordinance.

Section 2.020 - Solid Waste and Junk Nuisance

- A. Accumulation, collection, storage, or deposit of solid waste, waste, garbage, liquid waste, refuse, rubbish, sewage sludge, demolition materials or fill dirt, if any of the aforementioned materials are offensive or hazardous to public health and safety.
- B. Storage and collection of household garbage that is not stored in appropriate containers to prevent transmission of disease to man or animal, air or water pollution, nuisance fumes or odors and particulate matter, fire hazards, hazards to collection providers.
- C. Storage and collection of non-trash items, including but not limited to, accumulation of wood pallets, firewood that is not stacked and useable, vehicle parts, construction materials, appliances or appliance parts, indoor furniture, recycling materials, or other non-trash items not specifically enumerated in this section.
- D. Outdoor nuisance storage of tires on private or public property unless the tires are used for DEQ permitted agricultural or landscaping purposes:

1. Within urban growth areas or within areas zoned for non-resource use in the LUDO or NSA LUDO, storage of 5 or more tires is prohibited.
2. Within areas zoned for resource use in the LUDO or NSA LUDO, storage of 10 or more tires is prohibited.
3. Any storage of tires that constitutes a health hazard on any property under the jurisdiction of the North Central Public Health Department is prohibited.
4. Notwithstanding the above, the storage of tires on private property is permitted if the owner of record or person in charge of the property is conducting a legally operated business that normally deals in tires, or if the tires are completely enclosed within a building and do not constitute a fire hazard or health hazard.

Section 2.025 - Vehicular Nuisance

A. Abandoned Vehicles

1. No person shall park, store, leave, or permit the parking, storing, or leaving of an abandoned, unregistered, or inoperable vehicle upon public property, including a public right-of-way.
2. Removal of an abandoned vehicle from one tax lot to another tax lot, or removal of an abandoned vehicle from private property onto a public right-of-way, or removal of an abandoned vehicle from one location to another location on a public right-of-way, after the responsible party has received a Notice of Violation shall not prevent the County from proceeding with the process to have the vehicle towed from a tax lot or the public right-of-way under the provisions of Chapter 4.

B. Vehicle Storage

1. Storing or permitting to be stored abandoned, unregistered or disabled vehicles, or portions thereof, or any vehicle leaking automotive fluids onto the ground or into a waterway, on any private property is prohibited, unless the vehicle is completely enclosed within a building, is covered with a fitted car cover specifically designed to protect vehicles from the elements, or is stored on the premises of a business enterprise dealing in used vehicles that is being lawfully conducted within the County.
 - a. Within areas zoned for non-resource use in the LUDO or NSA LUDO, storage of two or more vehicles is prohibited.

- b. Within areas zoned for resource use in the LUDO or NSA LUDO, storage of three or more vehicles is prohibited.
- 2. Farm-related equipment that is not required to be registered as a motor vehicle is excluded from this section if it meets the following criteria:
 - a. Equipment function is clearly related to farming/ranching practices and/or the equipment is historically related to agricultural operations, such as combines;
 - b. Equipment is not leaking automotive fluids onto the ground or into a waterway; and
 - c. Multiple pieces of equipment are stored together, not spread out across the property.
 - d. The owner of record or person in charge of the property must be able to demonstrate that non-registered farm equipment is either actively used as part of the agricultural operation or is of historical significance.
- 3. Removal of an unregistered or inoperable vehicle from one tax lot to another tax lot, or removal of an unregistered or inoperable vehicle from private property onto public property or a public right-of-way, or removal of an unregistered or inoperable vehicle from one location to another location on public property or a public right-of-way, after the responsible party has received a Notice of Violation shall not prevent the County from proceeding with the process to have the vehicle towed under the provisions of Chapter 4.

C. Illegal Parking Lot

- 1. Storing or permitting to be stored in excess of 30 days within any consecutive 12 month period, more than three operational and registered vehicles, not registered to the property address, unless they are completely enclosed within a building or are stored on the premises of a business enterprise dealing in new or used vehicles or the storage of vehicles lawfully conducted within the County.

Section 2.030 - Environmental Violations

- A. Overgrown vegetation, or improperly maintained landscaping, including but not limited to trees, shrubs, weeds, grass and ground covers, that constitute a fire hazard and/or does not meet defensible space standards as defined in the LUDO or NSA LUDO.

- B. Any grading over that necessary for normal surveying, or ongoing continued land and vegetation maintenance purposes.
 - 1. Pursuant to the NSA LUDO, any excavating or filling of earth materials or any combination thereof, is prohibited without review within the boundaries of the Scenic Area.
- C. Development near or alteration of watercourses without permit from Department of State Lands, Department of Land Conservation & Development or Army Corps of Engineers, including but not limited to, property located within sensitive overlay zones.
- D. Discharge of untreated or partially treated sewage or septic tank effluent directly or indirectly onto the ground surface or into any public waters.
- E. Discharge of prohibited substances to septic systems, including but not limited to, system cooling water, air conditioning water, water softener brine, groundwater, oil, hazardous materials, roof drainage, or other aqueous or non-aqueous substances detrimental to the system's performance or to groundwater.
- F. Enforcement for violations of the above subsections is not exclusive to this Ordinance and assistance from partner agencies may be sought.

Section 2.040 - Land Use and Zoning Violations

No structure or premises in any unincorporated portion of Wasco County shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance. Violations include, but are not limited to the following:

- A. Development without Land Use Review & Approval
Any development within Wasco County conducted without having obtained the permits and approvals required by the LUDO or NSA LUDO regardless of whether or not it could comply with all applicable land use regulations.
- B. Non-Compliance with Approval
Development that does not comply with the specifications set out in the approval issued by the Wasco County Planning Department or built inconsistently with the application as permitted in the Approval. Including, but not limited to: placing structures in different locations than approved; not meeting setback or buffer requirements; building structures taller or larger than approved; or increasing or altering the nature and intensity of the approved use.

C. Continuation of Use after Expiration of Approval

1. Failure to discontinue use granted via a Permit, Temporary Use or other, after the approval period has expired.
2. Failure to remove additional dwelling within sixty (60) days of the expiration of a Temporary Use Permit granted due to family hardship or until a primary dwelling is built.

D. Non-Compliance with Conditional Use Permit

Non-compliance with any condition placed on a conditional use permit shall be grounds for revocation of the permit. Revocation of a conditional use permit shall be considered a land use action and will follow procedures pursuant to LUDO Section 5.040.

E. Non-Conforming Uses

The following non-conforming uses shall be considered permitting violations:

1. Any change, alteration, restoration or replacement of structures, uses or area related to the pre-existing nonconforming structure, use or area that fails to conform to the applicable nonconforming use standards or those of the current zoning designation; and
2. Use or employment of a structure, use or area that is discontinued or abandoned according to the applicable nonconforming use standards.

F. Outdoor Lights

Outdoor lights shall be directed downward and sited, hooded, and shielded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, waterways, or key viewing areas (National Scenic Area). Shielding and hooding materials shall be composed of non-reflective, opaque materials.

Section 2.050 - Illegal Uses

No development may occur that conflicts with the requirements of the LUDO or NSA LUDO, or that require permits and approvals that were not obtained. These illegal uses include, but are not limited to:

A. Illegal Dwellings

1. Structures designed for, or used in the capacity of a dwelling which did not receive all of the applicable approvals (local, state, or federal) that were required at the time the structure was built or placed on the property.

2. Dwellings or parts thereof erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of the LUDO or NSA LUDO.

B. Illegal Structures

Structures or parts thereof erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of the LUDO or NSA LUDO.

C. Illegal Home Occupations

Any for-profit activity conducted, without Planning Department approvals, within a dwelling or other building, normally associated with uses permitted in the zone, contrary to the provisions of the LUDO or NSA LUDO.

D. Illegal Businesses

Any for-profit activity conducted, without Planning Department approvals, within a dwelling or other building, normally associated with uses permitted in the zone, contrary to the provisions of the LUDO or NSA LUDO.

E. Illegal Land Divisions/Property Line Adjustments

Partitions, Replats, Property Line Adjustments or other land divisions that do not comply with the LUDO or NSA LUDO requirements and/or ORS [92](#).

F. Other Uses

Any other use of land that occurs in Wasco County that the Code Compliance Officer or Board of Commissioners determine is in conflict with LUDO or NSA LUDO requirements.

Section 2.070 - National Scenic Area (NSA) Violations

No structure or premises in the Columbia River Gorge National Scenic Area portion of Wasco County shall hereafter be used or occupied and no part or structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance. Violations include, but are not limited to the following:

A. Violation of Scenic Standards

Development that does not comply with the following scenic standards is a violation of this Ordinance:

1. The colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall apply to certain additions, which may match the color of existing buildings;

2. Structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys; and
3. Structures topographically visible from a key viewing area shall be sited, screened, and/or designed to achieve the applicable scenic standard (e.g., visually subordinate, not visually evident).

B. Violation of New Cultivation and Re-Cultivation Restrictions

1. GMA:
New cultivation is prohibited without review. Any operation that would cultivate land that has not been cultivated, has lain idle for more than five (5) years, or is cultivated beyond the depth of what has been previously cultivated shall be considered new cultivation. For this guideline, cultivation and vegetation removal may be allowed in conjunction with a home garden.
2. SMA:
Agricultural uses within fields or areas that have not been previously disturbed and regularly worked are prohibited without review.

C. Violation of Structure Restrictions

No structures larger than 60 square feet in area or 10 feet in height are permitted without review.

D. Violation of Fence Restrictions

1. Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses greater than 500 feet in length or 10 feet in height that are accessory to an existing dwelling are not permitted without review. Woven-wire fences must be brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.

In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.

2. Wire-strand fences greater than 48 inches in height that are outside deer and elk winter range as delineated in the Gorge Commission/USDA Forest Service natural resource inventories or determined by an appropriate federal or state agency are not permitted without review. Height is measured from the ground to the top wire. This category does not include fences associated with transportation facilities or utility facilities.

CHAPTER 3 - ADMINISTRATIVE ENFORCEMENT

Section 3.005 - Purpose	1
Section 3.010 - Enforcement Authority	1
Section 3.015 - Inspection Warrants	2
Section 3.020 - Voluntary Compliance.....	4
Section 3.025 - Authority of Hearings Officer.....	4
Section 3.030 - Initiating Enforcement Action.....	5
Section 3.040 - Notice of Violation	5
Section 3.050 - Order to Correct.....	6
Section 3.060 - Notice of Failure to Comply	6
Section 3.065 - Order of the Hearings Officer	8
Section 3.070 - Authority to Prosecute Enforcement Proceedings.....	8
Section 3.080 - Citation Procedure	8
Section 3.085 - Initiating an Enforcement Proceeding	10
Section 3.090 - Hearings	10
Section 3.095 - Legal	12
Section 3.100 - Civil Penalties	12
Section 3.105 - Monetary Penalties.....	12
Section 3.110 - Administrative Monetary Penalties for Continued Non-Compliance.....	13
Section 3.120 - Collection of Penalties	13
Section 3.130 - Right to Appeal	14
Section 3.135 - Appealing a Hearings Officer Decision.....	15
Section 3.140 - Recording a Violation	15

Section 3.005 - Purpose

The purpose of this Chapter is to provide administrative and civil enforcement procedures for the purpose of providing for the remediation of any failure to comply with this Ordinance. Wasco County's first preference is to encourage voluntary compliance.

It is further intended to establish a convenient and practicable process for the administrative hearing of any appeal arising out of any failure to comply with this Ordinance.

Section 3.010 - Enforcement Authority

- A. In addition to the authority and powers granted to the County by ORS Chapter 153, 203 and 215, and any other provisions of the Wasco County Code Compliance Ordinance, and upon authorization of the Planning Director or designee, or Board of County Commissioners or designee, the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance, shall have full authority to issue and prosecute any and all citations for violations of this Ordinance.
- B. The Code Compliance Officer, or any employee authorized by the County to enforce this Ordinance, at all reasonable hours, is authorized to enter into any buildings and upon all

property to ascertain whether any violation of this Ordinance are present.

- C. The Code Compliance Officer, or any employee authorized by the County to enforce this Ordinance, shall make reasonable efforts to notify the owner of record or person in charge of the property to obtain consent to enter. Before entering posted property or property clearly not open to the public and where consent cannot be obtained, an inspection warrant must be issued to enter the property.
- D. Nothing in this Ordinance shall be deemed to limit or otherwise modify any power or authority otherwise granted to the County by the Constitutions and laws of the State of Oregon and of the United States of America.

Section 3.015 - Inspection Warrants

In the case of entry into areas of property that are enclosed to create privacy and to prevent access by unauthorized persons, where consent not granted, or reasonable efforts to contact the owner of record or person in charge of the property have been unsuccessful, an inspection warrant may be sought.

Prior to seeking a warrant, the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance, shall consult with County Counsel and obtain approval and assistance in preparing the affidavit and warrant documents.

A. Warrant – Authorization

Judges authorized by law to issue inspection warrants upon application by a peace officer or any employee authorized by the County to enforce County ordinances, may issue a warrant.

B. Warrant – Probable Cause

1. An inspection warrant shall be issued only upon cause, supported by affidavit, which shall describe with particularity:
 - a. The position and authority of the person applying for the inspection warrant;
 - b. The statute, ordinance, or rule requiring or authorizing the inspection or investigation;
 - c. The place, building, or property to be inspected or investigated;
 - d. The purpose for which the inspection or investigation is to be made, including the basis upon which cause exists to inspect or investigate.
2. The affidavit shall contain either a statement that consent to enter the building or property was sought but consent was denied, the owner of record or person in charge of the property did not respond to the request for consent, or describe the reasonable efforts to contact the owner that were unsuccessful, or facts or

circumstances reasonably showing that the purposes of the inspection or abatement might be frustrated if entry were sought without an administrative search warrant

3. Cause shall be deemed to exist when there is probable cause to believe that a violation exists.
4. Before issuing an inspection warrant, the judge may examine under oath the person requesting the warrant or any other witness to be satisfied of the existence of the grounds to grant the inspection warrant.

C. Warrant – Contents

1. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the warrant are satisfied, the judge shall issue the warrant, describing with particularity the name or title of the person or persons authorized to execute the warrant, the buildings or property to be entered and purpose of the inspection or investigation.
2. The warrant shall contain a direction that it be executed when the owner of record or person in charge of the property is present on any day of the week between 8:00 a.m. and 6:00 p.m., unless the court finds that:
 - a. There is cause to conclude that an urgent risk to the health or safety of a person or of damage to property exists; or
 - b. The owner of record or person in charge of the property is not reasonably able to be located or is avoiding the property.

D. Warrant – Execution

1. In executing a warrant, the person authorized to execute the warrant, before entry, shall make a reasonable effort under the circumstances to present the person's credentials, authority, and purpose to the owner of record or person in charge of the property designated in the warrant and provide the occupant or person in possession of the property with a copy of the warrant upon request.
2. A peace officer may be requested to assist in the execution of the administrative search warrant. Such peace officer may assist the person authorized to execute the warrant, including using any reasonable force necessary, to enter the property if the administrative warrant specifically allows the use of reasonable force to execute the warrant.
3. A warrant must be executed and returned to the court by whom it was issued within ten (10) days from its date. After the expiration of the time prescribed by this subsection, the inspection warrant is void unless executed.

Section 3.020 - Voluntary Compliance

- A. The County may, at the discretion of the Code Compliance Officer, enter into a written or verbal voluntary compliance agreement with the owner of record or person in charge of the property before or after a Notice of Violation is issued. The agreement shall include the required corrective action and time limits for compliance, and shall be binding.
- B. The fact that a person enters into a voluntary compliance agreement shall not be considered an admission of having committed the violation for any purpose.
- C. The County may delay further processing of the violation during the time allowed in the voluntary compliance agreement for completion of the required corrective action.
- D. Failure to comply with any term of the voluntary compliance agreement constitutes a separate violation. The County may consolidate the hearing on the failure to comply with the voluntary compliance agreement with the original violation(s). The County shall provide notice of a hearing on a violation of the voluntary compliance agreement in substantially the same manner as a Notice of Violation as provided under Section 3.040 of this chapter and include a copy of the original Notice of Violation.

Section 3.025 - Authority of Hearings Officer

- A. The Board of County Commissioners may designate one or more Hearings Officer(s) responsible for adjudicating and administering the provisions of this Chapter.
- B. In addition to imposition of civil and administrative monetary penalties as set forth herein, the Hearings Officer may order conditions, restrictions, or other remedies reasonably calculated to address the violation including, but not limited to:
 - 1. Suspension of any county permit, license or other county authorization otherwise required to engage in conduct directly related to the violation for a period of time specified by the Hearings Officer;
 - 2. Physical alterations to property and changes in operations;
 - 3. Requiring that the violation be abated, corrected, removed, or otherwise brought into compliance within such time and manner as directed by the Hearings Officer; and
 - 4. Requiring that the person submit credible evidence to the County demonstrating compliance within a reasonable time as determined by the Hearings Officer.
- C. The Hearings Officer may condition suspension of the penalty on the person agreeing to take reasonable steps to address the violation as required by the Hearings Officer.
- D. The Hearings Officer has any and all authority as is necessary to implement the

obligations of this Chapter and to otherwise achieve compliance.

Section 3.030 - Initiating Enforcement Action

- A. When the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance has probable cause to believe or has determined whether there is sufficient evidence demonstrating a violation occurred, where voluntary compliance cannot be reached or attempts to secure voluntary compliance have failed, enforcement may be initiated as set forth in this Ordinance.
- B. Enforcement action will be initiated pursuant to the policy established by the Board in consideration of staff resources and priorities.
- C. If the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance determine that there is insufficient evidence to support any complaint or allegation of violation, the County may choose not to initiate enforcement action or take any further action on the allegation.

Section 3.040 - Notice of Violation

A Notice of Violation may be issued by the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance if the owner of record or the person in charge of the property has failed to enter into an abatement agreement or failed to voluntarily abate the violation.

- A. The Notice of Violation shall include:
 - 1. The street address or a description sufficient for identification of the property on which the violation exists;
 - 2. A statement that one or more violations of this Ordinance exist at the property with a general description of the violation(s) and the section(s) violated;
 - 3. A request that the person in charge of the property contact the Code Compliance Officer to resolve the violation(s);
 - 4. Specification of a 15 day response period during which the property may be brought into compliance with this Ordinance;
 - 5. A statement that the owner of record or person in charge of the property may extend the deadline for compliance by entering into verbal or written abatement agreement with the Code Compliance Officer that establishes an approved process and timetable to abate the violation;
 - 6. An outline of the compliance process including but not limited to penalties, charges, liens, abatement and recorded notice of violation in the deed records of the property if voluntary compliance is not achieved; and
 - 7. Disclose the right of the owner of record or person in charge of the property to

appeal the findings of the Notice of Violation and a description of the time limits for requesting an appeal, as described in Section 3.130 Right to Appeal.

Section 3.050 - Order to Correct

If following the Notice of Violation the owner of record or the person in charge of the property has failed to enter into an abatement agreement or failed to voluntarily abate the violation, an Order to Correct may be issued by the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance.

A. The Order to Correct shall include:

1. The street address or a description sufficient for identification of the property on which the violation exists;
2. A statement that one or more violations of this Ordinance exist at the property with a general description of the violation(s) and the section(s) violated;
3. An order that the owner of record or person in charge of the property correct the violation(s) within 15 days from the date of the order;
4. A statement that the owner of record or person in charge of the property may extend the deadline for compliance by entering into verbal or written abatement agreement with the Code Compliance Officer that establishes an approved process and timetable to abate the violation;
5. An outline of the compliance process including but not limited to penalties, charges, liens, abatement and recorded notice of violation in the deed records of the property if voluntary compliance is not achieved; and
6. Disclose the right of the owner of record or person in charge of the property to appeal the findings of the Order to Correct and a description of the time limits for requesting an appeal, as described in Section 3.130 Right to Appeal.

Section 3.060 - Notice of Failure to Comply

If following the Order to Correct the owner of record or the person in charge of the property has failed to enter into an abatement agreement or failed to voluntarily abate the violation, a Notice of Failure to Comply may be issued by the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance.

A. The Notice of Failure to Comply shall include:

1. The street address or a description sufficient for identification of the property on which the violation exists;
2. A statement that one or more violations of this Ordinance exist at the property with a general description of the violation(s) and the section(s) violated;
3. A request that the person in charge of the property contact the Code Compliance

- Officer to resolve the violation(s);
4. Specification of a 15 day response period during which the property may be brought into compliance with this Ordinance;
 5. A statement that the owner of record or person in charge of the property may extend the deadline for compliance by entering into verbal or written abatement agreement with the Code Compliance Officer that establishes an approved process and timetable to abate the violation;
 6. An outline of the compliance process including but not limited to penalties, charges, liens, abatement and recorded notice of violation in the deed records of the property if voluntary compliance is not achieved;
 7. A statement of the amount of the penalties and County charges imposed;
 8. A statement that abatement is required and that failure to abate the act or condition may result in continued County charges and penalties accruing on a daily bases at the stated amount until proof of completions of abatement is received;
 9. A statement that the unless the violation(s) are remedied, the County may abate the violation(s) and the cost of abatement, penalties, fees, and other County charges, shall be charged to the owner of record or person in charge of the property; and
 10. Disclose the right of the owner of record or person in charge of the property to appeal the findings of the Notice of Failure to Comply and a description of the time limits for requesting an appeal, as described in Section 3.130 Right to Appeal.
- B. Notwithstanding the Notice of Violation or Order to Correct, the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance, may issue a Notice of Failure to Comply without having issued a Notice of Violation or Order to Correct or making attempts to secure voluntary compliance, or to comply with any of the response time periods contained herein, where the Officer determines that the failure to comply reasonable appears to:
1. Pose an immediate threat to public health, safety or welfare; or
 2. Be immediately remediable by a person in charge of the property; or
 3. Be the same act or condition that served as the basis for a previous notice or order to comply; or
 4. Be done deliberately by a responsible person who had knowledge that the actions would constitute a failure to comply with County code.
- C. If the owner of record or person in charge of the property does not file a written appeal within 15 days of the date when the Notice of Failure to Comply is served or mailed, the Code Compliance Officer shall forward the Notice of Failure to Comply along with a statement of the proposed penalties plus fees and County charges to the Hearings Officer for review and issuance of a written order.

Section 3.065 - Order of the Hearings Officer

- A. All orders of the hearings officer shall be in writing and contain findings of fact and conclusions of law addressing the allegations contained in the Notice of Failure to Comply. Orders may also include findings of fact supporting the penalties, restrictions, conditions or other remedies as required by the Hearings Officer. The order shall become final and effective on the date of the decision or such other time as determined by the Hearings Officer.
- B. A copy of the Hearings Officer Order shall be sent to the owner of record or person in charge of the property by Certified Mail.

Section 3.070 - Authority to Prosecute Enforcement Proceedings

- A. The following persons may initiate and prosecute County enforcement proceedings provided they have reasonable grounds to believe that a County violation has been committed:
 - 1. A duly authorized County enforcement officer;
 - 2. A peace officer;
 - 3. County Counsel
- B. Decisions made by persons authorized under this section, to prosecute or not prosecute an alleged zoning violation, shall not constitute a land use decision.
- C. Prosecution of all violations shall be at the discretion of the County Counsel (or District Attorney.)

Section 3.080 - Citation Procedure

The Code Compliance Officer or any employee authorized by the County to enforce this Ordinance, may issue a citation for a violation, which will result in the filing of a citation before the Circuit Court.

- A. County Counsel shall approve the form of County citations, which may include information in addition to that required by this section.
- B. Citations issued under this chapter shall constitute:
 - 1. Notice of an enforcement action against the Defendant;
 - 2. A complaint sufficient to initiate administrative or judicial proceedings; and
 - 3. A summons to appear.
- C. Citations shall contain the following information:

1. The name of the Defendant;
2. The County code section or County ordinance allegedly violated:
 - a. Where a County provision incorporates Oregon law, the notice shall also cite the applicable provisions of the state statute or rule.
 - b. Where a County provision incorporates separate regulations such as uniform code, the notice shall also cite the applicable regulation.
3. A clear and concise description of the alleged violation;
4. The date(s) on which the violation is believed to have occurred;
5. The location of the alleged violation;
6. The class of the violation under this chapter;
7. The proposed penalty for each alleged violation as established under this chapter;
8. A summons to Appear, which shall include clear and concise statements advising the Defendant of the following:
 - a. The right to a hearing;
 - b. The type of hearing provided to the Defendant, specifying either:
 - i. A Judicial proceeding, before a court of law; or
 - ii. An administrative proceeding, before an administrative Hearings Officer;
 - c. The date and time of the hearing;
 - d. Notice that the Defendant is required to either:
 - i. Appear in person to answer the allegations; or
 - ii. Pay the proposed civil or monetary penalty no less than 24 hours prior to the date and time of the scheduled hearing;
 - e. The location of the hearing, as well as the physical address and mailing address to which the Defendant may provide payment of the proposed fine no less than 24 hours prior to the date and time of the hearing.
 - f. Notice to the Defendant that failure to either (1) appear in person the established day and time; or (2) pay the proposed civil or monetary penalty no less than 24 hours prior to the established day, may result in the following:
 - i. The full amount of the proposed civil or monetary penalty being assessed;
 - ii. An order requiring the Defendant to correct any continuing violations;
 - iii. An additional violation being brought against the Defendant for Failing to Appear on a County violation.
9. The date the citation was issued; and
10. The name, title, and signature of the person issuing the citation.

D. Corrections:

1. Any errors or omissions in the citation may be corrected at any time with the permission of the court or administrative hearing officer. Such permission shall not be withheld unless the correction would unduly prejudice the Defendant.
2. Any claim that an error or omission in the notice constitutes a defense to the violation must be asserted prior to the conclusion of the Defendant's first appearance. Failure to assert a defense under this section shall constitute a waiver and shall bar all further such claims.
3. A citation may be set aside only if the Defendant is prejudiced by the error or omission.
4. If a citation is dismissed or set aside due to an error or omission, the County may re-institute civil or monetary penalty proceedings based upon the same conduct, condition, or circumstance alleged in the prior citation.

Where the form and content of citation is regulated by State law, proper use of the appropriate state-mandated form shall be deemed to satisfy all provisions of this section.

Section 3.085 - Initiating an Enforcement Proceeding

Enforcement proceedings shall be initiated by:

- A. Service of a citation on the Defendant; and
- B. Filing a copy of the citation with either:
 1. The Hearings Officer, to initiate an administrative enforcement proceeding; or
 2. The court, to initiate a judicial enforcement proceeding.

Section 3.090 - Hearings

- A. Pre-Hearing Discovery - Upon motion demonstrating that the information is relevant and necessary, the Hearings Officer may issue a pre-hearing order authorizing discovery of documents.
 1. The party requesting discovery shall pay the reasonable costs associated with the responding party including copying for production of documents.
 2. If a party fails to comply with a pre-hearing discovery order, the Hearings Officer may issue a subpoena compelling a party to produce the documents or things or to appear as a witness. Any person other than the County or parties will be paid fees and mileage reimbursement consistent with a civil action.
 3. If a person or party fails to comply with a pre-hearing discovery order, the Hearing

Officer may make a finding of fact adverse to the party in relation to the documents requested.

- B. The Hearings Officer shall conduct a hearing on each violation, unless the case is dismissed, as follows:
1. All testimony shall be under oath;
 2. A digital audio and/or video recording of the proceedings shall be maintained;
 3. County counsel, peace officer or other authorized employee prosecuting the violation shall proceed first and has the burden of proof and must prove the alleged offense by a preponderance of the evidence;
 4. Other persons may testify at the discretion of the Hearings Officer;
 5. Rebuttal is permitted as determined by the Hearings Officer;
 6. The Hearings Officer shall determine whether the preponderance of the evidence demonstrates the violation occurred;
 7. The Hearings Officer may discount or exclude any evidence that the Hearings Officer deems to be irrelevant, immaterial, cumulative, or not reasonably credible;
 8. Circumstantial evidence is admissible; and
 9. The Oregon Evidence Code does not apply however the following rules apply:
 - a. Evidence must be relevant to the alleged violation.
 - b. All witness testimony shall be under oath and participants can propose to the Hearings Officer questions to be answered by other parties. Affidavits and declarations may be admissible subject to the Hearings Officer's discretion.
- C. If a violator fails to appear, the County shall present a prima facie case demonstrating that the violation occurred.
- D. If a violation is not remedied within the time ordered by the Hearings Officer, the County may request a compliance hearing to determine if the person is failing to comply with an order and decision of the Hearings Officer. Notice and conduct of a compliance hearing shall be substantially in the same manner as the original violation.

Section 3.095 - Legal

- A. A defendant may be represented by legal counsel, but counsel shall not be provided at public expense. A defendant must notify the County within ten (10) days of the hearing if they are represented by an attorney. Failure to do so may result in a continuance of the hearing.
- B. County Counsel, a peace officer or an authorized employee may appear before the Hearings Officer and prosecute on behalf of the County.

Section 3.100 - Civil Penalties

- A. Civil penalties include, but are not limited to:
 - 1. Monetary penalties according to the schedule of fines on violations;
 - 2. Restitution for harm caused to victim;
 - 3. Physical alterations to property;
 - 4. Revocation or suspension of licenses or certificates or other County authorization directly related to the violation;
 - 5. Requiring that the condition or conduct that is the subject of the violation be abated, corrected, removed, or otherwise brought into compliance.
- B. Violations will be classified according to the table “Schedule of Fines on Violations”, adopted by resolution and order. If a violation is unclassified, it will be a Class C Violation.
- C. The amount the Code Compliance Officer must enter on the citation shall be the “presumptive fine”.
- D. The Judge or Hearings Officer may impose, upon conviction, a fine between the minimum and maximum amount.
- E. It is a Class A Violation to not fully comply with an order of a Hearings Officer.
- F. In all cases, a civil penalty is in addition to any other legal remedy available to enforce violations of this Ordinance.
- G. Unless otherwise ordered, civil penalties must be paid or complied with within fifteen (15) days of the final order. Such period may be extended upon order by the Hearings Officer.

Section 3.105 - Monetary Penalties

- A. The Board of Commissioners shall establish the priority class for each violation and the

penalty range associated with each priority class shall be adopted by resolution and order.

- B. Each day a violation continues may be treated as a separate violation.
- C. The imposition of monetary penalty does not relieve a responsible owner of record or person in charge of the property of the duty to abate a violation.
- D. The Code Compliance Officer or any employee authorized by the County to enforce this Ordinance may determine a penalty amount less than the minimum if it is determined there is a case involving economic or financial hardship.

Section 3.110 - Administrative Monetary Penalties for Continued Non-Compliance

Administrative monetary penalties may be imposed when the Hearings Officer believes that a violation may continue based on a repeat violation, failure to comply with a notice or order, or such evidence that reasonably demonstrates a concern that the violation will continue.

- A. The administrative monetary penalty shall be 25% of the initial fine established and issued by the Code Compliance Officer, repeated per month for six (6) months and double that amount per month thereafter up to one (1) year, for a time period not to exceed five (5) years.
- B. The administrative monetary penalty will be imposed on a monthly basis without a hearing unless the violator demonstrates compliance as determined by the County consistent with the notice or order of the Code Compliance Officer or Hearings Officer.
- C. The County will provide a notice of the Administrative Monetary Penalty stating the amount, the method of acceptable payment, reference to the decision of the Code Compliance Officer or Hearings Officer, and the right to an appeal.
- D. An appeal of the administrative monetary penalty may be filed with the County within fifteen (15) days from the date of the notice of an administrative monetary penalty.

Section 3.120 - Collection of Penalties

- A. Any civil penalty, monetary penalty, or administrative monetary penalty imposed by the Hearings Officer or Judge, fees and other County charges collected under this Ordinance shall be deposited in the Wasco County General Fund.
- B. Penalties, fees and County charges are payable on the effective date of the order and are a debt owed to the County, under ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If penalties, fees, and County charges are not paid within 60 days after the payment is ordered, the County may file and record the order in the County Clerk Lien Record. The cost of filing and releasing the lien shall be added to the amount of the lien and the responsibility of the owner of record or person

in charge of the property.

- C. The County may institute appropriate suit or legal action, in law or equity, in any court of competent jurisdiction to enforce the provisions of any order of the Hearings Officer, including, an action to obtain judgement for any civil penalties, fees, or County charges imposed by such order.
- D. The Code Compliance Officer shall notify the owner of record or person in charge of the property that the penalty and associated County charges have been assessed against the real property upon which the failure to comply occurred, and has been entered in the County Clerk's Lien Record. The lien may be enforced in the same manner as a judgement, or as a lien for street improvements, and shall bear interest at the rate prescribed in ORS 82.010.

Section 3.130 - Right to Appeal

- A. When the owner of record or person in charge of the property has been given any Compliance Notice or Compliance Order pursuant to this Ordinance and it is believed the findings, penalties, fees, County charges, or other information are in error, the owner of record or person in charge of the property may Submit in writing an appeal within 15 days of the date of the Compliance Notice or Compliance Order. The appeal shall include:

- 1. The name and address of the person(s) submitting the appeal;
- 2. The street address or a description sufficient for identification of the property upon which the alleged violation has occurred or is occurring.
- 3. A detailed description of the alleged violation and a reference to the specific laws, County code(s), or conditions that has allegedly been misinterpreted or applied.

Additional burden of proof as to why the decision is incorrect, demonstrating why the decision should be reversed or modified.

- B. Unless the citation is to circuit court, the Appeals will be heard by a Hearings Officer and the person requesting an appeal shall be given the opportunity to present evidence to the Hearings Officer.
- C. Upon receiving an appeal, the County shall schedule a hearing with a Hearings Officer within thirty (30) days. Notification of the hearing shall be made to both the person(s) appealing the decision and person(s) or property owner directly impacted by the decision no less than twenty (20) days prior to the hearing by Certified Mail.
- D. All appeals shall be accompanied by an appeal fee, adopted by the Board of County Commissioners. The appeal shall not be heard unless fees are paid prior to the end of the 15 days indicated in the Compliance Notice or Compliance Order.

- E. The filing of an appeal shall cause the accrual of administrative monetary penalties to cease the date the appeal is filed with the Code Compliance Officer or Hearings Officer until 7 days after the date of the written appeal hearing decision.
- F. The appeal hearing shall follow procedure pursuant to Section 3.090.
 - 1. Following the appeal hearing, the Hearings Officer shall issue a written determination.

If the appellant is unsatisfied with the appeal hearing and/or written determination of the Hearings Officer, additional appeal may be sought pursuant to Section 3.135, within 15 days of the issuance of the written determination.

Section 3.135 - Appealing a Hearings Officer Decision

- A. Appeals shall be made by way of Writ of Review pursuant to ORS 34.

Section 3.140 - Recording a Violation

- A. Notwithstanding Section 3.120 of this Ordinance, the Code Compliance Officer may record with the County Clerk information regarding County code violations and the potential or actual liens to be placed on the record of the property deed as a result of these violations. The document will notify a prospective buyer that the property is in violation and cannot legally be developed.
 - 1. The Code Compliance Officer shall send notice of intent to record a Notice of Violation to the owner of record or person in charge of the property, and the notice shall include:
 - a. The street address or a description sufficient for identification of the property on which the violation exists;
 - b. A statement that one or more violations of this Ordinance exist at the property with a general description of the violation(s) and the section(s) violated, and the intent to record a Notice of Violation with the deed;
 - c. A request that the owner of record or person in charge of the property contact the Code Compliance Officer to resolve the violation(s);
 - d. Specification of a 15 day response time during which the property may be brought into compliance with this Ordinance before a Notice of Violation is attached to the property deed record;
 - e. Disclose the right to appeal the findings of the notice and a description of the time limits for requesting an appeal, as described in Section 3.130 Right to Appeal, to the owner of record or person in charge of the property.

- B. If the owner of record or person in charge of the property does not file a written appeal within 15 days of the date when the notice of intent to record a Notice of Violation is served or mailed, the Code Compliance Officer shall forward the notice along with the Notice of Violation to be recorded to the Hearings Officer for review and issuance of a written order.
- C. The Code Compliance Officer shall notify the owner of record or person in charge of the property that the Notice of Violation has been recorded with the deed of the real property upon which the failure to comply occurred with the County Clerk's office, and include a copy of the recorded Notice of Violation.
- D. At such time as the violation is abated by the owner of record or person in charge of the property, a Notice of Compliance shall be mailed First Class. The owner may record this document on the property deed with the County Clerk to cover the Notice of Recorded Violation at the owner's expense.

CHAPTER 4 - ABATEMENT

Section 4.005 - Abatement	1
Section 4.010 - Summary Abatement	1
Section 4.020 - Abatement Warrants	2
Section 4.030 - Vehicle Abatement	3
Section 4.040 - Order to Abate	4
Section 4.050 - Abatement Costs, Notice, and Collection	5

Section 4.005 - Abatement

- A. The owner of record and all persons in charge of the property shall be jointly and severally liable for abating a violation.
- B. Abatement of a violation by the County will only be initiated if all other remedies to correct the violation have failed.
- C. Abatement of a violation as a last resort: Except in the case of summary abatement pursuant to Section 4.010, abatement of a violation by the County shall only proceed if the owner of record or person in charge of the property has not satisfactorily abated the violation within 15 days of the Notice of Failure to Comply and/or issuance of monetary penalties.

Section 4.010 - Summary Abatement

- A. The decision regarding whether or not to use summary abatement shall be at the discretion of the Board of County Commissioners.
- B. In the case of summary abatement, notice to the owner of record or person in charge of the property prior to abatement is not required. However, an abatement warrant shall be sought to pursuant to Section 4.020.
- C. Following summary abatement, the Code Compliance Officer shall issue to the owner of record or person in charge of the property the Notice of Summary Abatement describing the action taken to abate the violation. In addition, a Notice of Summary Abatement shall be mailed to the owner of record or person in charge of the property.
 1. The Notice of Summary Abatement shall include:
 - a. The date the violation was abated;
 - b. The street address or a description sufficient for identification of the property on which the violation exists;

- c. A statement of the violations of this Ordinance that existed at the property and were summarily abated;
- d. Disclosure that penalties, charges and liens will result from the summary abatement subject to Section 4.050; and
- e. Disclose the right to appeal the findings of the Notice of Summary Abatement, and a description of the time limits for requesting an appeal, as described in Section 3.130 Right to Appeal, to the owner of record or person in charge of the property.

Section 4.020 - Abatement Warrants

In the case of entry into areas of property that are plainly enclosed to create privacy and to prevent access by unauthorized persons, where consent is not granted with reasonable efforts to contact the owner of record or person in charge of the property, an abatement warrant may be sought.

Prior to seeking a warrant, the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance, shall consult with county counsel and obtain approval and assistance in preparing the affidavit and warrant documents.

A. Warrant – Authorization

Judges authorized by law to issue abatement warrants upon application by a peace officer or any employee authorized by the County to enforce County ordinances, may issue a warrant.

B. Warrant – Probable Cause

1. An abatement warrant shall be issued only upon cause, supported by affidavit, which shall describe with particularity:
 - a. The position and authority of the person applying for the abatement warrant;
 - b. The statute, ordinance, or rule requiring or authorizing the abatement;
 - c. The place, building, or property to be abated;
 - d. The purpose for which the abatement is to be made, including the basis upon which cause exists to abate.
2. The affidavit shall contain either a statement that consent to enter the building or property was sought but consent was denied, the owner of record or person in charge of the property did not respond to the request for consent, or describe the reasonable efforts to contact the owner that were unsuccessful.

3. Cause shall be deemed to exist when there is probable cause to believe that a violation exists.
4. Before issuing an abatement warrant, the judge may examine under oath the person requesting the warrant or any other witness to be satisfied of the existence of the grounds to grant the inspection warrant.

C. Warrant – Contents

1. If the judge is satisfied that cause for the abatement exists and that the other requirements for granting the warrant are satisfied, the judge shall issue the warrant, describing with particularity the name or title of the person or persons authorized to execute the warrant, the buildings or property to be entered, the purpose of the abatement and a statement of the general types and estimates of the quantity of the items to be removed and the conditions to be abated.
2. The warrant shall contain a direction that it be executed when the owner of record or person in charge of the property is present on any day of the week between 8:00 a.m. and 6:00 p.m., unless the court finds that:
 - a. There is cause to conclude that an urgent risk to the health or safety of a person or of damage to property exists; or
 - b. The owner of record or person in charge of the property is not reasonably able to be located or is avoiding the property.

D. Warrant – Execution

1. In executing a warrant, the person authorized to execute the warrant, before entry, shall make a reasonable effort under the circumstances to present the person's credentials, authority, and purpose to the owner of record or person in charge of the property designated in the warrant and provide the occupant or person in possession of the property with a copy of the warrant upon request.
2. A warrant must be executed and returned to the court by whom it was issued within ten (10) days from its date. After the expiration of the time prescribed by this subsection, the abatement warrant is void unless executed.

Section 4.030 - Vehicle Abatement

In the event the person responsible does not voluntarily comply by removing an abandoned or stored vehicle from private or public property or the public right-of-way within the specified time period of a Compliance Notice or Order, the Code Compliance Officer shall institute abatement proceedings to have the vehicle towed.

- A. Public property or public right of way: A law enforcement agency, authorized under County ordinance and the provisions of ORS 819, will be notified of the location of the vehicle. The Code Compliance Officer will provide the compliance case number and any information regarding the vehicle and compliance case deemed necessary.
- B. Private property: The Code Compliance Officer shall proceed with obtaining abatement warrants pursuant to Section 4.020. The licensed towing agent will be contacted and provided with vehicle location.
- C. A notice will be mailed to the registered owner of the vehicle and to any lessors or security interest holders as shown in the state Department of Motor Vehicle records, and to the person responsible for the violation, that the vehicle is scheduled to be towed. The notice shall include:
 - 1. The location where the vehicle will be stored;
 - 2. That the vehicle and its contents are subject to a lien for payment of storage and towing charges and an administrative fee of \$100, and that the vehicle and its contents will be sold if those charges and administrative fees are not paid;
 - 3. That it is the vehicle owner's responsibility to provide any information and payment needed for release of the vehicle and its contents to the towing agent;
 - 4. Disclose the owner's right to request an appeal hearing to contest the validity of the towing or the liability for towing charges and administrative fee. A request for hearing must be in writing and be submitted not more than five (5) working days after receipt of this notice.

Section 4.040 - Order to Abate

Notwithstanding any Compliance Notice or Order issued by the Code Compliance Officer, Hearings Officer or Judge, an Order to Abate may be issued in addition to the imposition of penalties for failure to comply.

- A. The Order to Abate shall include:
 - 1. The street address or a description sufficient for identification of the property on which the violation exists;
 - 2. A statement that one or more violations of this Ordinance exist at the property with a general description of the violation(s) and the section(s) violated;
 - 3. An order that the person in charge of the property abate the violation(s) within 15

days from the date of the order;

4. A statement that unless the violation(s) are remedied, the County may abate the violation(s) and the cost of abatement, penalties, fees, and other County charges, shall be charged to the owner of record or person in charge of the property;
 5. An outline of the compliance process including but not limited to penalties, charges, liens, abatement and recorded notice of violation in the deed records of the property if voluntary compliance is not achieved; and
 6. Disclose the right of the owner of record or person in charge of the property to appeal the findings of the Order to Abate and a description of the time limits for requesting an appeal, as described in Section 3.130 - Right to Appeal.
- B. If the owner of record or person in charge of the property fail to abate the violation within the 15 day response period of the Order to Abate, the County may cause the violation to be abated.
- C. If no request for appeal is filed, the Code Compliance Officer shall forward the Order to Abate along with a statement of the estimated abatement cost plus any penalties, fees, and County charges to the Hearings Officer for review and issuance of a written order.

Section 4.050 - Abatement Costs, Notice, and Collection

- A. The owner of record and all persons in charge of the property shall be jointly and severally liable for all costs associated with the abatement of a nuisance or violation, including but not limited to, administrative costs, warrant costs, and attorney fees.
- B. An accurate record of the abatement costs shall be kept and shall include a surcharge of 25% of the cost of the abatement for administrative overhead.
- C. After the violations have been determined by the County to be corrected, the Code Compliance Officer or any employee authorized by the County to enforce this Ordinance shall issue a Notice of Abatement Costs to the owner of record or person in charge of the property. The Notice of Abatement Costs shall contain:
1. The street address or a description sufficient for identification of the property on which the nuisance exists;
 2. A statement that one or more violations of this Ordinance existed at the property with a general description of the violation(s) and the section(s) violated;
 3. The date the violation was abated and actions taken to abate the violation;
 4. The total cost, including the administrative overhead, of the abatement;
 5. A statement that the cost as indicated will become a lien against the property unless

paid within 60 days;

6. Disclose the right to appeal the amount of the abatement costs and a description of the time limits for requesting an appeal, as described in Section 3.130 - Right to Appeal, to the owner of record or person in charge of the property.
- D. The Planning Director or designee shall have the final authority to decide what form of remedy the County will pursue for collecting abatement costs.
- E. The abatement costs shall be entered in the docket of County liens with the County Clerk, and shall constitute a lien upon the property that was in violation of the County code. In addition, the Notice of Abatement Costs shall constitute a personal obligation of the owner of record or person in charge of the property. The County may seek a money judgment against the owner of record and/or person in charge of the property through the Circuit Court or may pursue fines through the Hearing's Officer.
1. The lien may be enforced in the same manner as liens for assessments for local improvement districts. Failure to pay may result in foreclosure in any manner provided by law.
 2. An error in the name of the owner shall not void the lien, nor shall a failure to receive the notice render the lien void, but it shall remain a valid lien against the property.



MOTION

SUBJECT: Code Compliance Ordinance

I move to approve Ordinance 24-001 In the matter of the Wasco County Planning Department's Request to Adopt the Wasco County Code Compliance and Nuisance Abatement Ordinance, hereafter known as the Wasco County Code Compliance Ordinance.



Code Compliance



Wasco County Code Compliance Penalty Ordinance

Proposed Penalty Ordinance

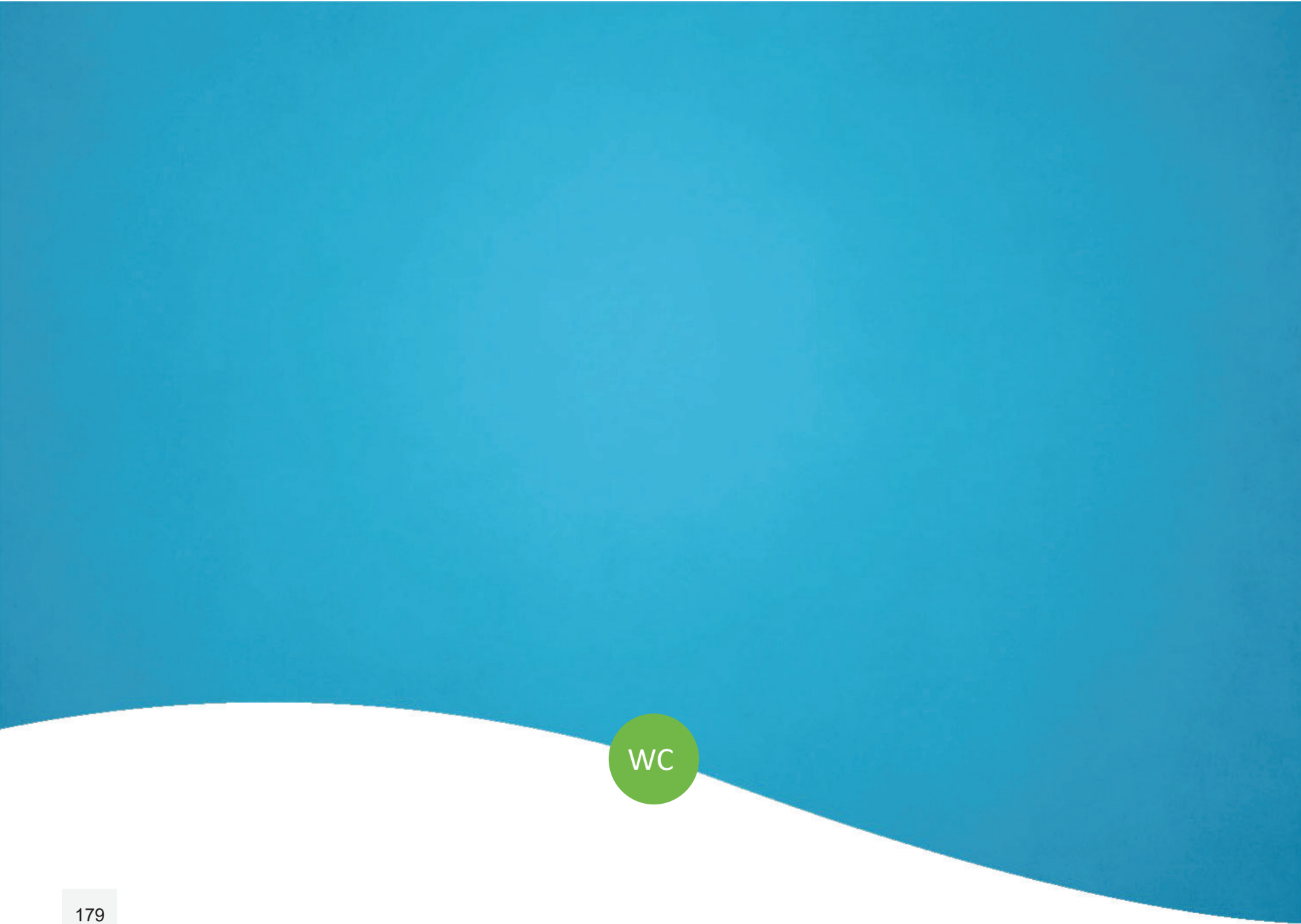
WC

Penalty Ordinance

- Recommended through legal to separate penalties
 - More flexibility to change amounts
- Classifications of violations
- Schedule of Fines on Violations
 - Creates a range for penalty amounts
 - Amounts are basically the same as the current ordinance
 - Adopting from ORS 153

Penalty Ordinance

- Merging of administrative and statutory penalties
 - Needed for Circuit Court proceedings in nuisance cases
- Codify current prioritization schedule





IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE ADOPTION OF THE WASCO COUNTY CODE COMPLIANCE PENALTY ORDINANCE

ORDINANCE # 24-002

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 Department has requested adoption of a new Code Compliance Penalty Ordinance;

WHEREAS, the proposed penalty ordinance includes listing fines for violations and prioritization schedule; and

WHEREAS, that on February 7, 2024 at the hour of 9:30 AM the Wasco County Board of Commissioners met to conduct the first of two legally notified public hearings on the above matter. The Board of County Commissioners reviewed recommendations by staff and received testimony from the public. The Board of County Commissioners tentatively approved the adoption; and

WHEREAS, that on February 21, 2024 at the hour of 9:30 AM the Wasco County Board of Commissioners met to conduct the second of two legally notified public hearings on the above matter. The Board of County Commissioners reviewed staff's presentation, and received testimony from the public. The Board of County Commissioners, by a vote of _ to _, approved/denied the adoption and conducted the second reading; and

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

1. That the request by the Wasco County Planning Department for adoption of the Wasco County Code Compliance Penalty Ordinance is hereby approved; and

2. Pursuant to Oregon Revised Statute 203.045, this ordinance shall take effect on the 90th day after the date of its adoption.

DATED this 21st day of February 2024.

APPROVED AS TO FORM:

WASCO COUNTY BOARD OF COMMISSIONERS

Kristen Campbell, County Counsel

Steven D. Kramer, Board Chair

ATTEST:

Scott C. Hege, Vice-Chair

Kathy Clark, Executive Assistant

Philip L. Brady, County Commissioner

Chapter 1 – Code Compliance Penalty Ordinance

Section 1.005 – Purpose

The purposes of this Ordinance are to establish administrative framework for classification of violations and determination of the amount of monetary penalties associated with violations of the Wasco County Code Compliance Ordinance, the Wasco County Land Use and Development Ordinance and the National Scenic Area Land Use and Development Ordinance.

Section 1.010 – Violation Classification

- A. Priority 1 violations are designated as Class A Violations.
- B. Priority 2 violations are designated as Class B Violations.
- C. Priority 3 violations are designated as Class C Violations.

Section 1.015 – Determination of Amount of Fine

The Code Compliance Officer shall determine the amount of the fine to be assessed in accordance to the table “Schedule of Fines on Violations”:

Schedule of Fines on Violations	Presumptive Fine	Minimum Fine	Maximum Fine (Individuals)	Maximum Fine (Corporations)
Class A	\$440	\$225	\$2,000	\$4,000
Class B	\$265	\$135	\$1,000	\$2,000
Class C	\$165	\$85	\$500	\$1,000
Class D	\$115	\$65	\$250	\$500

- A. No monetary penalty imposed under this Ordinance shall exceed the maximum fine per violation, per day.
- B. Except for illegal structures and illegal dwellings, the maximum accrued penalty plus all County charges shall not exceed \$10,000.
 - 1. Penalty for illegal structures and illegal dwellings ceases to accrue when it reaches the assessed value of the dwelling or structure or \$20,000, whichever is higher. If the assessed value is not available then the fine amount may be set to cease at \$20,000.

- C. For violations that are the second similar violation within 2 years from the date the first similar violation was resolved, the calculated penalty will be double.
- D. The Code Compliance Officer, Board of County Commissioners, Judge, or Hearings Officer may consider the following factors in deciding the priority and amount of the violation:
 - 1. The nature and severity of any violation as well as whether it is repeated or continuous;
 - 2. The number of violations;
 - 3. Whether the violation was due to unavoidable accident or other conditions or circumstances beyond the violators' reasonable control, or negligence or was an intentional act of the violator;
 - 4. The opportunity and degree of difficulty to correct the violation;
 - 5. The history of the violator in taking all feasible steps or procedures necessary or appropriate to correct the violation;
 - 6. The economic or financial benefit accrued or likely to accrue to the violator as a result of the violation;
 - 7. The violator's cooperativeness and efforts to correct the violation for which the penalty is to be assessed;
 - 8. The cost to the County of investigation and correction or attempted correction of the violation; and
 - 9. Any other factor(s) deemed relevant by the Code Compliance Officer or Hearings Officer.

Section 1.020 - Aggravating Circumstances

- A. Priority 2 and Priority 3 violations may have aggravating circumstances requiring they be elevated to a higher priority. The County may choose a different priority level for violations if one or more of the following circumstances are present:

1. The violation is severe and/or poses an immediate threat to public health, safety or welfare;
2. The violation is significant in terms of physical size or extent of the violation;
3. The violation has existed uncorrected for a significant length of time;
4. Actions leading to the violation(s) were intentional; and/or
5. There is little likelihood of obtaining voluntary compliance.

Section 1.030 – Definitions

For the purpose of this Ordinance, certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural, and words in the plural include the singular; the word "Building" includes the word "Structure"; the word "Shall" is mandatory and not directory.

Violation – Means failure to comply with (1) The Wasco County Code Compliance Ordinance, (2) The LUDO or NSA LUDO, (3) Conditions, requirements or other aspects of a land use permit, (4) Conditions, requirements or other aspects of a Hearings Officer Order, (5) Failure to comply with the terms of a voluntary compliance agreement.

Priority 1 Violation – Violations that involve land use activities that impact environmental and natural resources, may cause irreparable harm, pose significant health and safety issues or involve structures or buildings placed or under construction contrary to the provisions of the WCCCO, LUDO or NSA LUDO, including but not limited to:

- a. Floodplain, drainage, wetland, riparian area disturbances, including but not limited to grading and construction of roadway crossings;
- b. Dwellings or other structures without a permit;
- c. Violations of conditions of approval for development permits; and
- d. Overgrown vegetation or violations of Fire Safety standards/defensible space.

Priority 2 Violation – Violations that involve land use or nuisance activities that disturb the livability of the community, pose a lower health and safety risk, or involve development that does not meet standards, included but not limited to:

- a. Grading/excavating without permits;

- b. Commercial, industrial, or recreational activities without permits, including but not limited to home occupations and agricultural buildings converted to non-agricultural uses; and
- c. Outdoor parking or storage of five or more operable vehicles.

Priority 3 Violation – Violations that involve nuisance activities that pose potential health and safety issues or may have visual impacts, including but not limited to:

- a. Junk accumulation;
- b. Trash accumulation;
- c. Nuisance vehicle storage;
- d. Abandoned vehicles on public property or public right of way; and
- e. Unenumerated nuisances.



MOTION

SUBJECT: Penalty Ordinance

I move to approve Ordinance 24-002 In the matter of the adoption of the Wasco County Code Compliance Penalty Ordinance.

To: Wasco County Board of County Commissioners
From: Jessica Metta, MCEDD Executive Director
Date: February 6, 2024
Re: 5310 Grant Application Request

Background

In Winter 2022, MCEDD worked with Wasco County to submit a competitive grant application through the Oregon Department of Transportation for the Federal Transit Administration 5310 Discretionary Grant Program. The grant provided funding to purchase accessible public transportation services for seniors, individuals with disabilities, and the general public in Wasco County, Oregon, including the City of The Dalles. The grant funded an expansion and upgrade of the Blue and Red deviated fixed routes in The Dalles. The services funded are consistent with the adopted Wasco County Coordinated Public Transit Human Services Transportation Plan and reflect the recommendations in the 2022 Wasco County Development Plan.

While MCEDD is eligible to apply for this grant as “Operations,” the grant match rate is much higher (match of 50%) than if Wasco County was the applicant for the services to be provided as “Purchased Services” (match of 20%). If awarded, MCEDD and Wasco County would enact an Intergovernmental Agreement so that funds can be administered through the County.

Request

MCEDD requests that Wasco County apply again for a 5310 grant to fund operations of the Red and Blue routes in The Dalles. MCEDD would develop the application on Wasco County’s behalf. The match would come from Wasco County’s Statewide Transportation Improvement Fund plan and is already included in that plan.

To: Wasco County Board of County Commissioners
From: Jessica Metta, MCEDD Executive Director
Date: February 6, 2024
Re: Oregon Investment Board Open Position Recommendation

Background

The Columbia River Gorge National Scenic Area Oregon Investment Board (OIB) provides economic development loans and grants to projects benefiting Multnomah, Hood River, and Wasco Counties, the Oregon counties lying in the Columbia River Gorge National Scenic Area. The fund is managed by MCEDD with oversight from the OIB Board of Directors.

The Board is comprised of two representatives from each of the three counties and one at-large position. Positions are appointed by the Oregon Governor with receipt of recommendations from the counties for their specific positions.

One of the Wasco County positions on the OIB was recently left vacant when the Board member moved out of the County. (The other position is held by Jorge Barragan.) MCEDD's desired qualifications are a background in business management, finance or economic and community development; residency in Wasco County; and an interest in the future of economic development for the region. The Governor's office prioritizes the appointment of diverse candidates. We received applications from Kristyn Fix and Carmen Myers. The application materials are enclosed.

Request

Recommend one candidate to the Governor for appointment to the open Wasco County position on the Oregon Investment Board.

Kristyn L. Fix

| The Dalles, OR 97058 | [linkedin.com/in/fix-kristyn/](https://www.linkedin.com/in/fix-kristyn/)

Professional Experience

BUSINESS SERVICES PROGRAM MANAGER | EAST CASCADES WORKS | BEND, OR

May 2023 – PRESENT

- **Workforce Development & Business Strategy:** Work collaboratively to develop strategies for business, jobseeker, and emergent workforce-related services by coordinating diverse programs and projects. Identify risks and opportunities across multiple workforce programs to make strategic and outcome-based investments. Consult and collaborate with internal departments and local training vendors to coordinate training activities that include On-The-Job Training, Incumbent Worker Training, and Customized Training, to meet the needs of area businesses. Support economic development efforts to retain existing business, expand and attract new businesses in the region.
- **Regional Economic Equity & Community Collaboration:** Meet, coordinate, and collaborate with area businesses, chambers of commerce, human resource associations, industry associations and economic development organizations on an ongoing basis to determine specific workforce needs. Implement evidence-based workforce diversity, equity, and inclusion strategies in targeted sectors to promote a diverse workforce pipeline that will stimulate economic growth and influence an inclusive environment.
- **Grant Program Coordination:** Prepare board level and grant reports for submission to the EC Works' Directors and coordinate with leadership team to implement action and provide technical assistance for projects and programs. Assist in developing budgets and scopes of work for grant applications and contracts, along with developing program standards and protocols that ensure continuous improvement and quality workforce services.
- **Industry Sector Partnership Facilitation:** Convene and facilitate meetings with various key stakeholders and coordinate business service activities in targeted sectors of healthcare, manufacturing, construction, and technology. Oversee sector partnerships, WorkSource Business Services, throughout the entire East Cascades region. Partner with WorkSource, Youth Compass, public education (k-20) and registered and pre-apprentice partners to link and leverage workforce, economic development, and other needed services to solve and meet business needs.

INDUSTRY PROJECT MANAGER | MID-COLUMBIA ECONOMIC DEVELOPMENT DISTRICT | THE DALLES, OR

JULY 2022 – MAY 2023

- **Rural Economic Development & Strategy:** Worked with multiple community business owners and future entrepreneurs to identify the economic ecosystem of a five-state region and to determine resiliency. Completed SWOT analyses on key building blocks to develop a community-wide conversation around entrepreneurial future. Communicated with key stakeholders, service providers, and community partners to align a shared vision and strategy for implementation and assisted in developing measurable goals for success.
- **Grant Writing & Resource Connection:** Collaborated with stakeholders to determine community-based projects appropriate for grant or forgivable loan programs. Wrote grant applications, assisted in grant review process, created requests for proposals for contractual work, grant reporting and administration, and project asset communication. Monitored, supported, and evaluated interagency contracts and contractors, and workflow task management.
- **Trade Association Director:** Responsible for oversight of non-profit trade organization, Gorge Technology Alliance. Completed annual budget and work plan, report to Board of Directors and conduct quarterly meetings, directed sponsorship and membership drive including development of new procedures and appreciation efforts. Hosted

several monthly, bi-monthly, quarterly, and annual events both virtually and in-person, ranging from 10 to 150 attendees. Responsible for print and digital marketing and communication management.

GENERAL MANAGER | WORKING HANDS FERMENTATION | HOOD RIVER, OR

AUGUST 2018 TO JULY 2022

OWNER/INVESTOR – JANUARY 2020 TO PRESENT

- **Team Management & Training:** Successfully recruited and managed a growing and diverse team of staff while providing training, ongoing education, and community participation opportunities in the craft beverage industry.
- **Company Brand & Story and Digital Marketing:** Worked individually and collaboratively with local stakeholders to create brand identity and develop and maintain a consistent marketing presence in traditional and social media. Maintained multi-platform social media calendar and communications schedule including marketing automation platforms. Received grant funding from designated marketing organizations to support regional music program that supported tourism to the area.
- **Accounting & Budget:** Created a tracking system and sustainable accounts payable/receivable program while working with ownership team to find additional avenues for profitability, including packaging diversification, increased geographic reach, and the development of an additional fermentation brand with brick & mortar buildout.
- **Employee Experience:** Responsible for job postings, hiring and onboarding, regular employee reviews, corrective actions, maintaining open and inviting communication strategies, and emphasizing an equitable, inclusive work environment. Created the Employee Enrichment Incentive program offering financial incentive to engage in self-care and healthcare activities outside of the workplace.
- **Sourcing & Operations Management:** Built materials and ingredients sourcing strategy to include competitive rates and, when possible, locally/regionally sourced goods. Implemented ERP, point of sale, financial, and bookkeeping workplan to streamline operations and better track growth. Secure & maintain annual licenses and permits.
- **Event Planning & Management:** Worked individually and closely with taproom manager to grow weekly, monthly, and annual events to ensure taproom sustainability while creating a location with a strong community emphasis. Identified and communicated with small group of local non-profit organizations with similar values and mission by supporting projects and hosting events.

EVENTS PROJECT MANAGER | COLUMBIA CENTER FOR THE ARTS | HOOD RIVER, OR

MAY 2015 – MAY 2018

- **Event Planning & Coordination:** Successfully worked to move regional arts center from a homogenous event and art docket to a regionally diverse and nationally recognized offering of events, fundraising efforts, interactive art projects, and engaging programs accessible to entire community.
- **Social Media and Digital Communication & Marketing:** Created apt mission and vision statements from which we derived our programming and funding agenda for the center, while collaborating with marketing professionals within a small budget. Implemented and trained team on media platforms, such as Facebook, Instagram, Twitter, YouTube, Wix, Hootsuite, Wordpress, MailChimp, Link.tree, and more. Assisted in creation of multimedia artistic experience through an equity and inclusion lens that spanned several years and reached underserved populations in the region.
- **Budgeting & Grant Writing:** Collaborated closely with Executive Director to seek out grant and other funding sources to support diverse programming at the center. Assisted ED in obtaining talent and system tracking for grant purposes. Worked as a dedicated team to bring the center budget from a large deficit to \$180,000 surplus operating funds within a short timeframe. Developed education and events budget, in addition to managing restricted funds. Established proficiency in Microsoft Office and Adobe Acrobat.

- **Education & Accessibility:** Developed curriculum, sourced teaching artists, managed contracts, and participated in creative collaboration for accessible art programs ranging from youth summer art camps to offsite senior art enrichment opportunities. Identified local and regional stakeholders to invest in scholarship opportunities along with community partners to host public art installations, mural projects, artist reception, and educational events.
- **Public & Community Relations:** Hosted numerous focus groups to identify any limitations in community access to the center and its programming. Planned, hosted, and managed several auctions, fundraisers, artist talk, awareness, community social issue, and complimentary events to welcome diverse individuals into the art center. Functioned as the face and brand ambassador of the center.
- **Scouting Talent:** Vetted all potential performers and artists for rich theatre program, including oversight of contracts, negotiations of performance fees, assuring minimum ticket sales, marketing events on myriad avenues, and analyzing feedback of certain programs for granting purposes. Created poTENTIAL program that highlighted artists in ten different creative fields with interactive opportunities.
- **Volunteer Management:** Recruited, trained, managed, and supported a volunteer crew of over 50 individuals to participate in all aspects of the center, including youth arts education, stage crew & technical assistants, front of house event roles, brand ambassadors, and more.

Community & Leadership Experience

- **Board Member**, Cascades East Area Health Education Center since 2023; Advisory Committee Member, Columbia Gorge Community College and Central Oregon Community College Advanced Manufacturing Advisory Committees, 2023; Heart of Oregon Corps Advisory Committee since 2023 **Career Connect Southwest**, Governance Board Member, 2023; **Northwest Cider Association**, Board Member & Executive Committee Member 2020-23; **Pomme Boots & Pink Boots**, Regional Ambassador, 2019-23; **Gorge Cider Society**, Marketing and Media Coordinator, 2019; **Elks National Foundation**, Grant Coordinator and Community Investment Program Coordinator since 2013; **HR Elks Veterans Committee**, Co-Chair, 2017-22; **HR Elks Officer**, 2012-15; **THRIVE Land Use Organization**, Administrative Assistant 2012-2015; **Safe Space**, Fundraising Event Planner 2016-18; **Hope on the Slopes**, Board Co-Chair & Fundraising Coordinator 2012-13; **Kiteboarding 4 Cancer**, Silent Auction Coordinator 2011-13

Education

MASTER OF ARTS, MENTAL HEALTH COUNSELING | ANTIOCH UNIVERSITY SEATTLE

- Major: Mental Health Counseling, with academic honors
- Emphasis on Grief Counseling, Cognitive Behavioral Therapy, & Sociology

BACHELOR OF SCIENCE, PSYCHOLOGY | UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN

- Major: Psychology; Minor: Sociology

Question	Answers
Appointment type.	New Appointment
If known, what is the position you are applying for? (i.e., Registered Nurse, Position 4, Local Government Representative, etc.)	Oregon Investment Board – Wasco County Representative
Please provide a short personal biography. (limit 250 characters)	I am passionate about and have extensive professional experience in connecting people and businesses to resources, opportunities, and each other. I am skilled in gathering information and assessing needs in order to collaboratively and inclusively find strengths-based solutions. I have experience in government, private, and non-profit sectors in correctional, social services, hospitality, economic development, and cultural industries and organizations, in addition to being a small business owner. My personal and professional careers have been based in metropolitan and rural/frontier areas of the Pacific Northwest.
Why are you interested in serving on this board/commission? (limit 500 characters)	Having worked in both economic development and workforce development organizations that serve rural and frontier Oregon communities, I'm interested and invested in the growth, opportunity, and innovation of business and workforce. As an owner of a small business that has been considered for OIB funding by history, I know the value of what this investment can mean for a group of entrepreneurs and this is why I'd love to contribute.
If you are selected to serve on this board/commission, what opportunities do you see for this board/commission to address diversity, equity and inclusion? (limit 500 characters)	As a co-owner of a women, BIPOC, Veteran, LGBTQ+ owned business in a rural area has afforded me an opportunity to experience firsthand the barriers and challenges of growing, innovating, and accessing funding sources. If selected to serve, I see opportunities to engage marginalized entrepreneurs through inclusive and non-traditional methods such as utilizing familiar community relationships, meeting people where they are, creating shared language, and engaging other organizations in the efforts.
What does diversity, equity and inclusion mean to you? (limit 500 characters)	Diversity, equity, inclusion, and accessibility create pathways to innovation and provide opportunities for growth. Diversity does not include an erasure of history, but acknowledgement of past wrongs and a commitment to working forward through unity, humility, and bravery. Committing to inclusion is inviting and including individuals with diverse cultural and historical backgrounds to every conversation and movement.

To better assist us in meeting our affirmative action objectives, we would appreciate information about your personal background. This information is optional and is used for data collection only. Under state and federal law, this information may not be used to discriminate against you. Thank you for your participation. To confirm your acknowledgement respond below.	Yes
Which gender identity do you most identify with?	Female
Do you identify as a member of the LGBTQ+ community?	Yes
What is your Race/Ethnicity?	White
In what year were you born?	1981 - 1996
Are you a U.S. Veteran and/or do you currently serve in the U.S. Military?	No
Are you a part of the disability community?	No
Do you belong to another protected class not listed here?	
Please attach a copy of your resume. (must be in PDF format)	Kristyn+Fix+Resume+-+Workforce+Investment+-+091823.docx Kristyn+Fix+Resume+-+Workforce+Investment+-+091823.docx 2024-01-25T11:54:15

Carmen Myers
Email: [REDACTED]
Cell: [REDACTED]

For consideration of Columbia River Gorge/Oregon Investment Board. With a genuine passion for assisting and building lasting relationships with clients, paired with my desire to exude excellence in my career growth, I would naturally thrive as a knowledgeable and trusted advisor.

Experience

Branch Manager, Umpqua Bank (formerly Columbia Bank) Sept 2019-present

- Understand all core products to make recommendations to customers.
- Ensure satisfactory audits and operational soundness.
- Possess intermediate-level business development/outbound calling.
- Provide exceptional customer service.
- Manage the branch facility and assets.
- Demonstrate proficiency in consumer lending.
- Build knowledge in business lending.
- Ensure good internal business relationships.
- Maintain the Bank's culture and core values.
- Execute and communicate direction and vision of the branch, region, and Bank to the branch team.
- Demonstrate community involvement by being a visible and active referral source.
- Manage one's own portfolio.
- Build skills in analyzing financial statements and tax returns.
- Other responsibilities and projects as assigned.

Assistant Branch Manager, *Columbia State Bank* November 2018- Sept 2019

- Actively pursue new client relationships with client-focused service
- Back up and collaborate with Branch Manager to identify business development opportunities.
- Clear and precise understanding of bank policies and products and services offered.
- Complete monthly, quarterly, and semi-annual branch certifications
- Daily operations, including but not limited to open and close branch, process overdrafts, approve wires, balance branch cash, branch reconciliations.
- Excellent relationship with Columbia Bank partners
- Interview and hire branch employees.
- Maintain independent client relationships and cultivate referrals.
- Participate in community-centered events and activities.
- Positively contribute to branch morale and employee management, offering coaching as appropriate, while ensuring Client Service Specialist are trained and capable of explaining all products and services.
- Oversee 5 direct reports, with ability to back up New Accounts and Client Service Specialist line.
- Review and create strategies to successfully accomplish branch goals as well as independent goals set for Assistant Branch Manager

Branch Supervisor, *Columbia State Bank* November 2014- November 2018

- Actively coach and mentor team
- Balance branch cash and maintain branch cash limits.

- Overdraft monitoring, wire transfers & collections, stop payments and monitoring branch controls, back up certifications and reconciliations.
- Processed and observed technical tasks (opening/closing branch)
- Reviews sales and service goals
- Routinely and consistently provide guidance & training to branch team.
- Train & work with Client Service Specialists, ensure they are adhering to bank policies and offering relevant products to clients.
- Work behind Teller Row daily and occasionally backs up New Accounts
- Work closely with Assistant Branch Manager to maintain branch day-to-day operations.

Client Service Specialist II, *Columbia State Bank*

May 2010 to 2014

- Performs cash handling functions (deposits, withdrawals, cash advances, payments, transfers, check cashing, etc.).
- Balancing cash drawer and Client Service Specialist transactions.
- Learning basic knowledge of new and existing products and services.
- Discuss and access customer's financial needs to identify and offer appropriate products and services.
- Secure against loss by ensuring safekeeping of money in cash drawer and prompt accounting or transfer of funds.
- Identify fraudulent activity.
- Read, understand and follow all relevant SOP's.
- Perform and support daily tasks that maintain the integrity of the branch (balance ATM, process night drop, balance negotiable instruments, process returned mail, balance credit card machine, monitor lobby rate sheets and brochures).
- Supports referral goals for branch by focusing and identifying and referring basic bank products to the appropriate business partner.
- Provides an extraordinary customer experience.
- Other tasks as assigned.

Bankcard Generalist IV, *Columbia River Bank*

September 2005 to January 2010

- Assist branches with debit/credit/merchant services product questions.
- Daily account balancing of dispute settlement account and ATM settlement accounts
- Daily input/processing new account applications (check for branch accuracy on forms)
- Help prepare and assist with organization of department promotions and special projects.
- Maintain and create all fraud monitoring rules with Risk Manager at Fiserv EFT, minimize loss exposure to the bank.
- Maintain customer/employee confidentiality.
- Monitor fraud reports for suspicious debit card activity and contact customers to verify legitimacy, analyze, research and resolve EFT and Check Card dispute and chargeback items within required timeframes ensuring compliance with REG E and Visa operating regulations.
- Prepare monthly certification of department accounts/GL for auditing.
- Prepare monthly offsite ATM profit reports for Bankcard Manager
- Provide management with month end reports on Check Card products.
- Supervise both debit card and fraud areas of the department, take customer calls regarding debit card/credit card problems.

Reason for leaving: In January of 2010, the FDIC closed down Columbia Riverbank and sold it to Columbia State Bank. My job was relocated to Tacoma, WA and I was unable to relocate at the time.

Achievements

- Ambassador for Columbia Bank with The Dalles Chamber of Commerce since 2019
- Assisted clients in Rounds 1 and 2 of PPP Loan Applications
- Board Member of Columbia Cares
- Consistent leadership in referral points:
 - 100 points in 2020
 - 76 in 2019
 - 81 in 2018
- Partnered with The Dalles Chamber of Commerce and Worldpay Merchant Card Services to create 'Explore the Dalles Gift Cards', reaching 25 local businesses in 2020.
- Event partner for many local events in The Dalles such as annual Festival of Trees, Starlight Parade, and Cherry Festival
- Business of the Year 2021 The Dalles Chamber of Commerce
- Bronze Star Emerging Leader- 2019
- Do Right "Committed with Heart" Do Right Award - 2019
- Race for the Roses - 2019
- Difference Maker - 2019, 2020, 2021

Attributes

- Adaptable
- Attentive to Detail
- Diligent
- Independent Worker
- Leadership
- Meticulously Organized
- Positive Thinker
- Prioritize Deadlines
- Punctual
- Relationship Building
- Self-Motivated
- Trustworthy

Skills

- 10 key and keyboard by touch
- Branch Management
- CITRIX Programs
- Customer Service
- Excellent Verbal and Written Communication
- Medallion Stamp Officer
- Microsoft Office Suite
- NMLS #1806260
- Notary
- Quickbooks

Education

Columbia Gorge Community College - The Dalles, OR
2003 to 2004 Business Administration

University of Oregon - Eugene, OR
2002 to 2003 Business Administration

The Dalles High School - The Dalles, OR
1998 to 2002 General Studies

References

Kayla Magill

[REDACTED]

Damon Hulit

[REDACTED]

Lisa Farquharson

[REDACTED]

Question	Answers
Appointment type.	New Appointment
If known, what is the position you are applying for? (i.e., Registered Nurse, Position 4, Local Government Representative, etc.)	Columbia River Gorge/Oregon Investment Board Board Member
Please provide a short personal biography. (limit 250 characters)	I was born and raised here in The Dalles and work in the downtown area. I enjoy spending time with my family and our two dogs.
Why are you interested in serving on this board/commission? (limit 500 characters)	Serving on this board is a great opportunity to be able to enhance the area that I call home through economic development.
If you are selected to serve on this board/commission, what opportunities do you see for this board/commission to address diversity, equity and inclusion? (limit 500 characters)	I see the opportunity to expand on what DEI has come to represent due to societal expectations, and instead focus on diversity of experience and knowledge.
What does diversity, equity and inclusion mean to you? (limit 500 characters)	Opening doors and creating opportunities for those who have taken the individual initiative to better themselves and are qualified to take on what is presented to them.
To better assist us in meeting our affirmative action objectives, we would appreciate information about your personal background. This information is optional and is used for data collection only. Under state and federal law, this information may not be used to discriminate against you. Thank you for your participation. To confirm your acknowledgement respond below.	No
Which gender identity do you most identify with?	Female

Do you identify as a member of the LGBTQ+ community?	No
What is your Race/Ethnicity?	Hispanic or Latino, White
In what year were you born?	1981 - 1996
Are you a U.S. Veteran and/or do you currently serve in the U.S. Military?	No
Are you a part of the disability community?	No
Do you belong to another protected class not listed here?	
Please attach a copy of your resume. (must be in PDF format)	Carmen+Myers.docx
	Carmen+Myers.docx
	2024-02-06T10:49:16

Wasco County Board of Commissioners Appearance Record

[illegible]

DATE: February 21, 2024 - Code Compliance Ordinance Public Hearing

February 21, 2024

Wasco County Board of Commissioners,

In general, I believe the nuisance codes – proposed to be renamed the Code Compliance Ordinance - are an over reach. The language in the code (and especially in the new draft) is extremely limiting of your constituents' rights to free and peaceful occupation their properties.

Section 1 of the revised code in part states the purpose of the ordinance is to encourage the "most appropriate use of the property" but does not define what is or who determines the "most appropriate use" of the property. The County already has numerous zoning and overlay zone restrictions that define how the land is permitted to be used, but that clause, when interpreted literally, gives the County authority to decide any use may not meet their interpretation of the "most appropriate use" and may be declared a violation.

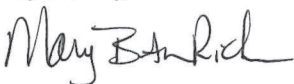
In regards to the markup of the draft ordinance changes, deletions and additions have not been properly marked. One case in point, Section 2.060, sub-section C, item 4 of Chapter Two of the existing code has a point of clarification regarding construction materials which has been removed and not identified as such in the draft ordinance where "construction materials" are now itemized as solid waste and junk nuisance in Section 2.020, sub-section C.

In a recent meeting with the compliance officer and planning director, attended by myself and two other residents, we were given many assurances that compliance & nuisance investigations are strictly complaint driven, but I find no language in the draft ordinance stating that. If that is in fact the policy, it is a critical point that should be included before the ordinance is adopted.

I understand the need to correct the situations of excessive garbage and potential health hazards, however, the language of the revised code has an extensive list of items and actions labeled as violations, with no protection for the property owner against literal interpretation of the code. When taken literally, the draft code states that having wood pallets on your property is a violation; having a stack of logs that could be cut up for firewood is a violation; having fill dirt that could be used to level a yard or garden is a violation; having any material on your property that could be labeled "construction material" is a violation; keeping retired farm equipment is a violation; improperly maintained landscaping (no accompanying definition provide) is a violation; any property that does not maintain the defensible fire space is in violation.

These things I have mentioned are a summary of my concerns, but certainly not all of my concerns about the draft ordinance, so I am requesting that the board delay voting on this draft to allow time for additional review and more public input. Thank you for your attention.

Respectfully,

A handwritten signature in black ink, appearing to read "Mary Beth Richman". The signature is fluid and cursive, with the first name "Mary" and last name "Richman" clearly distinguishable.

Mary Beth Richman

21 February 2024

Wasco County Commissioners,

The following is a list of concerns that need to be addressed before the proposed ordinance changes to the Wasco County Code Compliance and Nuisance Abatement Ordinance is adopted. This list was generated by three community members after the first of two scheduled hearings related to this ordinance.

The content in this letter is the result of the review of the original document (2011) & the most recent document. In addition to an in-person meeting with Ted Palmer, Kelly Glover, Chuck Ashley, Mary Beth Richman and myself to review the most recent updated document produced by Ted Palmer and the existing Code Compliance Ordinance. The in-person meeting took place on 15 February 2024 at 10:00 AM at the county conference room. The following is a list of topics/issues that were discussed and are presented here in no order of importance:

1. Ordinance Hearing Notice. On the Code Compliance Ordinance update page, the date of the hearings is only listed. The time and place of the hearings are not listed and says to reach out to Mr. Palmer for more information. If you really intended to reach a targeted audience, why make them reach out further? The information should be listed clearly on the website. It was stated in the meeting that the full public notice of the hearing was provided in the newspaper, but how many residents of Wasco County still get the paper? In a time when the web is accessed by the targeted population, all the information should have been provided on the main page. The county needs to show transparency to gain the trust of the community. This would most likely produce more feedback from residents of Wasco County, which is what the hearings are intended to do.
2. We do not see that a good faith effort was made towards getting the meeting out to the public. The appearance is that the county is wanting to push this through without much public input. I have called and conversed with people about the changes in the ordinances and they have not seen any notices; thus, were unaware of the changes that are about to take place. How does the board as a whole plan to address this concern/question?
3. During the first hearing, questions were asked about what the markups meant, and the document was hard to follow as presented. A cover sheet was produced by Mr. Palmer and shared with the group as well as placed on the website. This cover sheet lists blue underline, light grey strike through and red text. However, in the body of the document, there is red strike through, purple strike through, purple underline, red underline, and blue strike through. When time is of the essence and transparency is of the upmost importance, a well-formatted document that is easy to follow should be presented. This was discussed at the meeting, and we have a basic understanding of where sections/wording came from, it

takes an in-depth review comparing the old document with the proposed document. We trust that you, the commissioners, will take the time to review both the old document and the proposed document to fully understand what is being introduced.

4. We are not satisfied with their insistence that this ordinance only applies when they receive a complaint. If you take the verbiage literally, this ordinance gives the county an abundant amount of power over our use of our properties. Once passed, landowners lose power, and the county gains all power. The topic of how violations of these ordinances will be brought to the attention of the county was discussed. It was stated that it is a complaint driven from residents/landowners of the county. Nowhere in the proposed document is this stated, nor does it not state that the county can not bring violations against residents/landowners of the county. When taken on the verbiage in the ordinance, there is no language that prohibits the county from imposing/enforcing violations against a property owner without first receiving a complaint from a county resident. There must be clarity on this.
5. Understanding that county commissioners and planning board commissioners represent us, the people of Wasco County, there needs to be a regional oversight committee to oversee this department. This will help with the transparency of the county, especially with the issues in item 4 above.
6. In Section 1.020 – Purposed, it states the following: “...to encourage the most appropriate use of the land;”. What is the definition of “the most appropriate use of the land”? If this is definable, who has the authority to define it? It will be very difficult to enforce subjective definitions. This must be a discussion point at the next hearing.

It is our hope that the board of commissioners do not approve this document as is. We feel that public input is needed. There needs to be a more transparent process to reach the targeted group(s) in the pursuit of passing this ordinance and all ordinances in the future.

Respectively submitted,

A handwritten signature in blue ink that reads "Bill Ketchum". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Bill Ketchum

President - Ketchum Ranch, Inc.

Wasco County Code Compliance Ordinance

Section 1.090 Failure to Comply

D. Can you clarify this?

Section 1.110 Definitions

Disabled Vehicle- I understand the reason behind this, but farmers keep trucks for spare parts, need to work on the content of the wording to work for both sides.

Firewood, Useable

Definition states you must have wood cut to lengths and have an approved wood stove?

Section 2.020

A. Fill dirt needs to be addressed, I understand if it's hazardous, but the wording sounds like you can't store any fill dirt.

C. Need to define accumulation of wood pallets, firewood, vehicle parts, construction materials.

D. Tires storage (Where do these rules come from, and they should be listed?)

1. 5 or more tires?

2. 10 or more tires?

Section 2.030 Environmental Violations

A. Defensible space standards? Is this the state Fire Marshall Code or from LUDO and I feel the standards need to be listed.

3.010 Enforcement Authority

B. States that a Compliance Officer can enter any building or property.

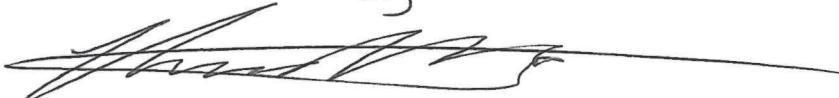
C. States that you shall make reasonable efforts to notify to obtain consent to enter. Then an officer can get an inspection warrant. (So, which one are you going to follow?)

Section 3.060

C. 15 days to appeal when served or mailed? Is this 15 days from when the officer mails it or when landowner receives it? I feel it should be a certified letter to be signed for and the 15 days should start then.

I know that some of these ordinances have been on the books for a while, some are being moved from other chapters and some are being removed. I would like to see the Commissioners have a few more public hearings or town hall meetings to explain the compliance ordinance issues.

Chuck Ashley





Kathy Clark <kathyc@co.wasco.or.us>

Fwd: Nuisance Ordinance

Ted Palmer <tedp@co.wasco.or.us>
To: Kathy Clark <kathyc@co.wasco.or.us>

Tue, Feb 20, 2024 at 11:42 AM

Good morning Kathy,

Please see this email chain that I am forwarding at the request of Ms. Mead.
Let me know if you have any questions.

Thank you,



Ted Palmer | Code Compliance Officer
PLANNING DEPARTMENT

tedp@co.wasco.or.us | www.co.wasco.or.us
541-506-2564 | Fax 541-506-2561
2705 East Second St | The Dalles, OR 97058

Learn more about the Wasco County Code Compliance program by clicking [here!](#)

Please note: Content of emails is informational and does not constitute a land use decision. Please be aware all emails are subject to public records laws and may be made public.

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

From: **Ted Palmer** <tedp@co.wasco.or.us>
Date: Tue, Feb 20, 2024 at 11:16 AM
Subject: Re: Nuisance Ordinance
To: Kim Mead <kimmead10@yahoo.com>

I'm sorry to hear that. I hope you feel better soon.

I will forward your email to the Board.

Sincerely,



Ted Palmer | Code Compliance Officer
PLANNING DEPARTMENT

tedp@co.wasco.or.us | www.co.wasco.or.us
541-506-2564 | Fax 541-506-2561
2705 East Second St | The Dalles, OR 97058

Learn more about the Wasco County Code Compliance program by clicking [here!](#)

Please note: Content of emails is informational and does not constitute a land use decision. Please be aware all emails are subject to public records laws and may be made public.

On Tue, Feb 20, 2024 at 11:13 AM Kim Mead <kimmead10@yahoo.com> wrote:
I am home really sick with a sore throat that hurts to talk. Please forward our concerns

Sent from Yahoo Mail for iPhone

On Tuesday, February 20, 2024, 10:24 AM, Ted Palmer <tedp@co.wasco.or.us> wrote:

Good morning Kim,

Thank you for your email. I appreciate hearing from you about the proposed ordinance updates. I have been getting a lot of great feedback from residents of the County.

I want to say that a lot of the language is in the current Code Compliance and Nuisance Abatement Ordinance that was originally adopted in 2009. The majority of the proposed updates are to the enforcement chapter, where we received legal consultation. A lot of the concerns that people have brought to me are with the Nuisance and Land Use Violations contained in Chapter 2. Outside of adding a new section for certain environmental violations, no substantive changes have been made to the codes contained in Chapter 2.

I would love to have a more in-depth conversation with you. Do you have availability for a phone call today?

Also, would you like me to forward your email to the Board of Commissioners to add to the record for tomorrow's hearing? At this time, decisions are at the discretion of the Board regarding any changes or continuance of the hearing.

Respectfully,



Ted Palmer | Code Compliance Officer
PLANNING DEPARTMENT

tedp@co.wasco.or.us | www.co.wasco.or.us

541-506-2564 | Fax 541-506-2561

2705 East Second St | The Dalles, OR 97058

Learn more about the Wasco County Code Compliance program by clicking [here!](#)

Please note: Content of emails is informational and does not constitute a land use decision. Please be aware all emails are subject to public records laws and may be made public.

On Sat, Feb 17, 2024 at 1:57 PM Kim Mead <kimmlead10@yahoo.com> wrote:

Please allow me to introduce myself. My name is Kim Mead and I am a 7th generation member of Juniper Flat, west of Maupin. The new nuisance ordinances being proposed are absolutely ridiculous. Have the people bringing these suggestions forward ever even lived on a farm? Of course we have parts equipment sitting around. Of course we have pallets to set things on as needed. Of course we get dirt from knolls when erosion has taken place. Of course we have tires sitting around to be used as needed.

I've heard that nothing will be enforced unless there is a complaint against you. That is one of the most ridiculous things I have ever heard of. Why would you create a rule if you are not going to enforce it.

Why the big hurry? Why not more public meetings throughout the county? Where was this advertised? Please don't tell me the newspaper? N O ONE reads the paper anymore. You want input? Go to social media.

Farmers and ranchers are probably the best environmentalists in the state. They have to be if they hope to be surviving off the land they own and pay taxes on. They

also have common sense which is questionable regarding Oregon politicians.

A meeting to voice my concerns in the middle of the morning of a weekday is not considerate of your constituents. I request that these decisions be put on hold until there is more chance for input and education.

Respectfully,
Kim Mead



**OREGON
DEPARTMENT OF
AGRICULTURE**

Natural Resource Programs
Technical assistance: Jim Johnson
635 Capitol St, NE, Salem, OR 97301-2532
503.986.4706 | Oregon.gov/ODA

Oregon's Right-to-Farm Law

Legislation adopted in 1993 and updated in 1995 and 2001, declares farm and forest practices as critical to the welfare of the Oregon economy, and establishes a right-to-farm law. This law protects growers from court decisions based on customary noises, smells, dust or other nuisances or trespasses. It also limits local governments, and special districts from administratively declaring certain farm and forest products to be nuisances or trespasses (ORS 30.930).

PROTECTED LAND

No farming or forestry practiced on a farm located on lands zoned for farm or forest use shall give rise to any private right of action, suit, or claim for relief based upon nuisance or trespass. "Farm" is defined to include any facility, including the land, buildings, watercourses and appurtenances thereto, used in the commercial production of crops, nursery stock, livestock, poultry, livestock products, poultry products, vermiculture products or the propagation and raising of nursery stock.

Pre-existing nonconforming (farm or forest) uses are also afforded this protection provided that the farming or forest use existed before the conflicting non-farm or non-forest use of the real property that gave rise to the claim, and provided that the pre-existing nonconforming farming or forest practice has not significantly increased in size or intensity from November 4, 1993.

Right-to-farm protection is not afforded if claims are based on an action of a producer that results in any of the following:

- Damage to commercial agricultural products of another grower or neighboring property
- Death or serious injury

PROTECTED PRACTICES

Protected practices include farming and/or forest practices that are characterized by all of the following:

- Are or may be used on a farm or forestland of similar nature
- Are generally accepted, reasonable, and prudent methods for the operation to obtain profit in money (commercial)
- Comply with applicable law
- Are performed in a reasonable manner

The lawful and proper use of pesticides is considered a protected farming or forest practice.

The law also provides protection for the movement of farm vehicles and livestock on public roads.

Local government and special district ordinances and regulations now in effect or subsequently adopted which are contrary to this law are invalid. In any legal action alleging nuisance or trespass arising from a practice alleged by either side as a farm or forest practice, the prevailing party is awarded attorney fees and costs at the trial and on appeal.

It is important to note that under current law, nuisance and trespass cases taken against farming practices are adjudicated by local Oregon Circuit Courts.

Complainants may want to consider contacting the USDA Oregon Certified Agricultural Mediation Program (OCAMP), which is the official United States Department of Agriculture certified agricultural mediation program for Oregon. OCAMP's services are free to the agricultural community on many issues. Call: 1-888-628-4101, or email: office@6rivers.org



Conflict Prevention and Resolution Strategies

Even though Right-to-Farm offers certain protections, it is in farmers' and ranchers' best interests to prevent and resolve conflicts where possible and maintain good relationships with neighbors. It is also important that you farm in a way that is respectful of your neighbors, both farmers and non-farmers. This includes keeping **open lines of communication** with your neighbors and farming in a way that reflects positively on the local agriculture community as a whole.

- **Communicate early and often.**

Get to know your neighbors. Talk with them about what you do, what you grow, what happens on your operation, and when. Most will be interested. Friendships, if they can be developed, lead to easier conversations when concerns are expressed about nuisances.

- **Don't assume.**

Just because someone is living in the country doesn't mean they understand agricultural practices and the customary noises and odors that go with farming. This is especially true if you change a crop, plant something they are unaccustomed to, or bring in animals that weren't there before.

- **Educate.**

Invite neighbors over to pick fruits and vegetables, glean fields, or watch production activities while they happen (with appropriate safety precautions). Most school-age children have science projects, consider asking if there is something you can assist with. Have an open house for customers and neighbors featuring educational and information exhibits, demonstrations, and hands-on activities.

- **Build your "goodwill" bank account.**

Build a bank account of goodwill within the community where you live and work. When things happen that reduce that bank account, you will be glad you have it. It can affect the ability of future generations to be able to farm. Create goodwill by donating produce to food banks or food pantries, or nursery stock to charitable causes. When operating wide equipment or machinery on public roads, pull off at safe places to let traffic pass and

when possible, move equipment when there is less traffic. Consider adopting larger buffer distances or do activities that are particularly disruptive when neighbors will not be present (e.g. during the work day for residential areas or on the weekend near a school).

- **Explain your dilemma.**

Share, in as much detail as possible, the challenges you face (e.g. bird depredation, mold or pest problem, etc.) and why you need to respond. Most people will be understanding.

- **Explain the time period.**

Often the activities that sometimes "offend" are short-lived. Noise cannons or wind fans in orchards, harvesting at night, or spraying, may only take a day or two or a couple weeks at most. If your neighbors know the end date, most people are more accepting or tolerant of the situation.

- **Share the options.**

Talk about the various options that might provide a solution to the challenges you face, and the costs associated with each. Invite the other party to share in the cost of resolving the situation.

- **Define "generally accepted, reasonable and prudent"**

Explain how what you are doing is based on best management practices, university extension or other research, and is used on other farms to address this issue.

- **Remember "Right-to-Farm" also applies to your farm neighbors**

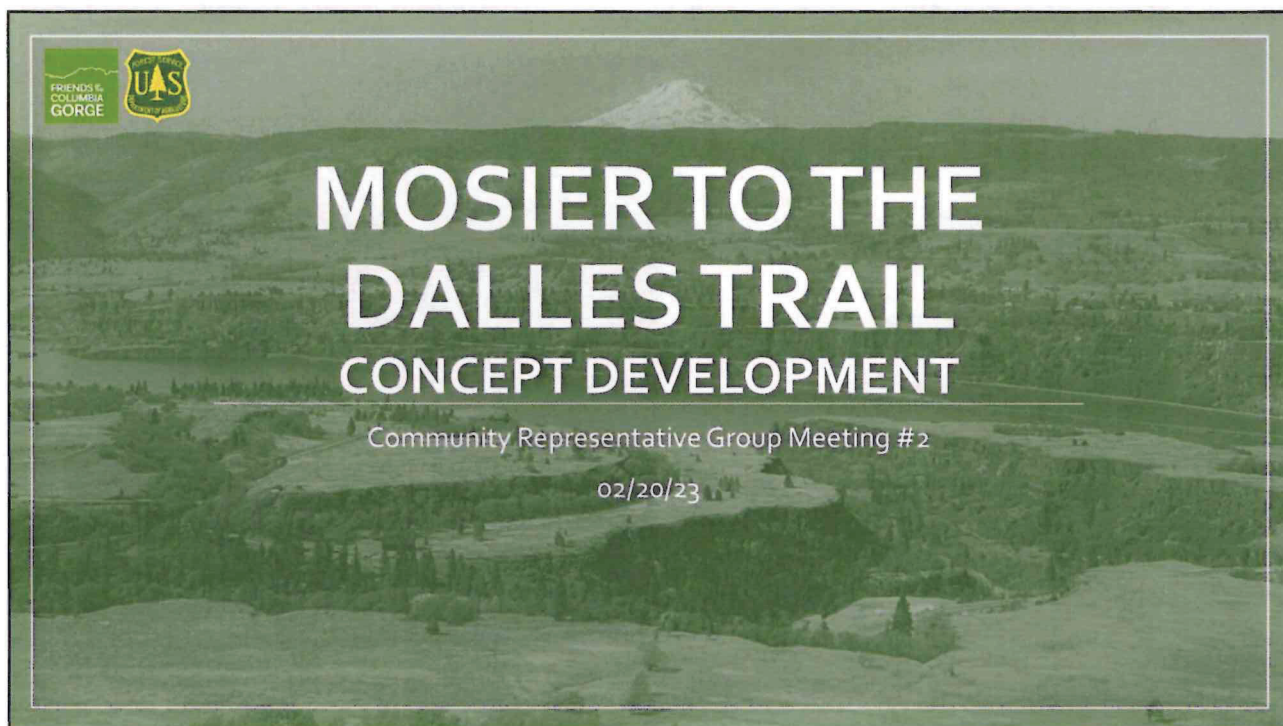
The right-to-farm law does not give you the ability to have a negative impact on your neighbor's operation. In fact, there's a carve-out from right-to-farm protection if you cause damage to commercial agricultural products.



**OREGON
DEPARTMENT OF
AGRICULTURE**

Natural Resource Programs
635 Capitol St, NE
Salem, OR 97301-2532
503.986.4706 | [Oregon.gov/ODA](https://oregon.gov/ODA)

04/2021



1

Meeting Guidelines

- For those online - let us know when you'd like to speak by raising your hand or speaking up
- If we don't get to your comment/question, email Parametrix after the meeting: **emannisto@parametrix.com**
- Please promote respectful dialogue and comments

MOSIER TO THE DALLE TRAIL
COMMUNITY REPRESENTATIVE GROUP

2

Agenda

- Welcome and introductions
- Outreach update
- Evaluation process
- Existing conditions
- Trail users and concepts discussion/activity
- Next steps



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

3

Introductions

- Name
- Affiliation



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

4


PROJECT REVIEW

Roles and Responsibilities (Review)

Friends of the Columbia Gorge has hired a team of consultants to initiate outreach and engagement for this trail concept, however FOCG will not direct the outcome. **The views of all community representative group members will be equally considered.**

COMMUNITY REPRESENTATIVE GROUP ROLE:

- Provide **advice and feedback** to Friends of the Columbia Gorge and the USFS throughout the project
- Help disseminate information about the project to the community; spread the word about outreach events
- Participate in all 6 meetings

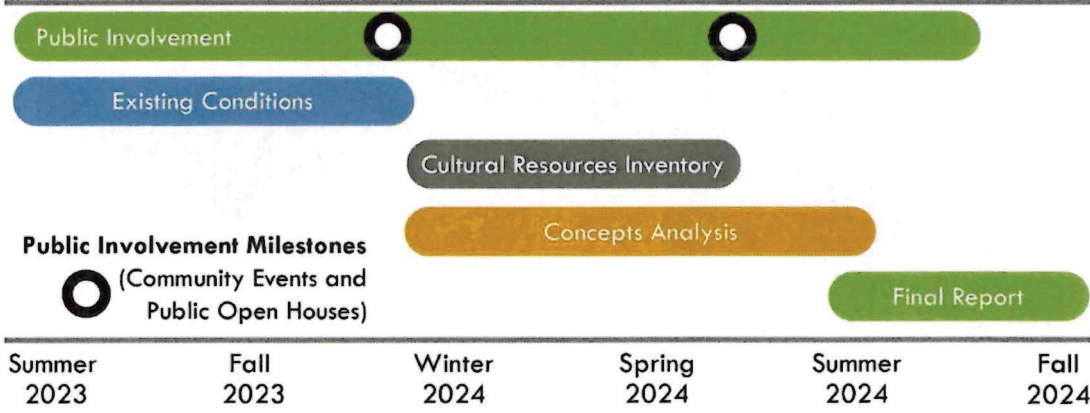


MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

5


PROJECT REVIEW

Schedule (Review)



Public Involvement Milestones
(Community Events and Public Open Houses)

Summer 2023	Fall 2023	Winter 2024	Spring 2024	Summer 2024	Fall 2024
Public Involvement		Public Involvement			
Existing Conditions		Existing Conditions			
		Cultural Resources Inventory		Cultural Resources Inventory	
		Concepts Analysis		Concepts Analysis	
				Final Report	



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

6

PROJECT REVIEW

Project Purpose

This conceptual design process will identify a preferred trail corridor between Mosier and The Dalles that best aligns with local and regional values. The trail would:

- Connect communities with recreation
- Promote alternative transportation options
- Create contiguous parcels of protected lands that benefit wildlife



Who is leading this project?

Friends of the Columbia Gorge (FOCG), United State Forest Service (USFS), and Consultant Team

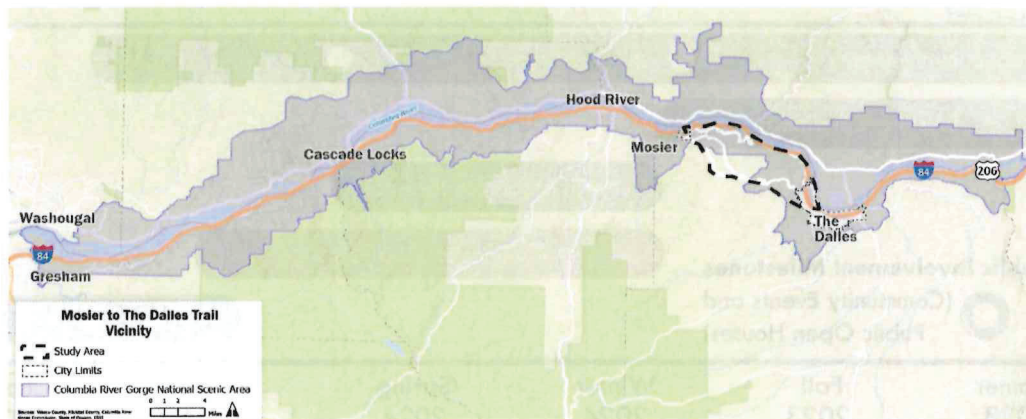


MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

7

EXISTING CONDITIONS

Study Area - Vicinity



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

8

PROJECT REVIEW

Study Context

This process will:

- Inform and solicit feedback from community members and interested parties
- Seek to identify trail corridor and concepts, including trailheads and access
- Set the stage for further design work, partnership, environmental review, and trail development

This process will not:

- Include federal environmental clearance work
- Include construction of a trail. This is the *first step* towards developing a trail
- Be the final say on allowable trail uses/user groups in the study area – some uses may need separate processes to move forward



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

9

OUTREACH UPDATE

10

OUTREACH UPDATE

Online Open House #1

- Link to the open house available at main project website:
– mosiertothedallestrail.org
- 132 responses to-date
- 24% of respondents live in Multnomah County, 21% live in Mosier, 14% live in The Dalles, 12% live in Hood River. Remaining responses are from Skamania, Klickitat, Clark Counties, Chenoweth, Other.
- 39% of respondents live in the area, 89% recreate in the area, 25% work in the area



MOSIER TO THE DALLESTRAIL
COMMUNITY REPRESENTATIVE GROUP

11

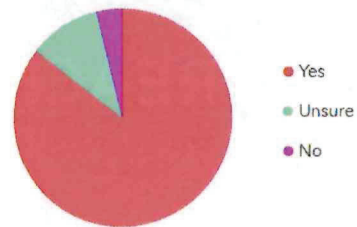
OUTREACH UPDATE

Online Open House #1

How would you ideally use this trail?



Are the draft goals on the right track?



MOSIER TO THE DALLESTRAIL
COMMUNITY REPRESENTATIVE GROUP

12

OUTREACH UPDATE

Online Open House #1

Open-ended responses included the following themes (among others):

- Importance of wildlife and native plant preservation, consider providing information about the natural resources along the trail
- Trails can boost the local economy, but negative effects must also be considered
- Important to include diverse voices and users when developing the trail (seniors, youth, immigrant community, people with disabilities, etc.)
- Consider camping/lodging options
- Consider management, funding, necessary trail infrastructure and amenities
- Support for a mixed-use trail for different user types
- Need for multiple access points along the trail



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

13

OUTREACH UPDATE

Focus Group #1

- In-person Latino focus group with 4 attendees met earlier in February to discuss what members of the community would like to see from a potential trail between Mosier and The Dalles.
- Meeting was conducted in Spanish with meeting materials and presentations in Spanish.



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

14

OUTREACH UPDATE

Focus Group #1

Suggestions to make the trail accessible, safe, and inviting for all users:

- Ensure the trailhead is accessible so that visually impaired people, seniors, and children can easily use it.
- Whenever possible, add a guide rope along the trail to help visually impaired individuals navigate the trail with ease.
- Make sure that the trail surface is compacted and wide enough to accommodate wheelchair and stroller access, making it convenient for seniors and children to use.
- Provide signage in both Spanish and English to serve the bilingual community in the area.
- Add rest pull-offs with seating arranged in a circle to provide a comfortable resting spot for groups.



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

15

OUTREACH UPDATE

Focus Group #1

Important amenities at the trailhead and along the trail to make it feel welcoming to use:

- Parking
- Shelter
- Seating, such as benches and large rocks
- Restrooms
- Trash cans along the trail route
- Doggie bags
- Parking should be free for all, to ensure that everyone has equal access to the trail.



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

16

OUTREACH UPDATE

Focus Group #1

Other topics:

- Coordinate with the farm worker community to get them involved and connected with the trail.
- Cultural ways to build confidence within the community who have not historically been welcome to access nature.
- Educational opportunities to connect with local youth programs and funding.
- When the trail opens, use the opportunity to promote it to communities through flyers and in-person events that are happening in the community.
- Importance of wayfinding and signage: crucial when it comes to connecting with community members and learning about the trails.
- Safety on the trail, trail maintenance, separate paths for cyclists.



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

17

EVALUATION PROCESS

18

EVALUATION PROCESS

Background: NSA Policy/Regulations

- The National Scenic Area (NSA) Management Plan provides policy guidance on the types and intensity of uses within the study area.
- On private lands local land use code and zoning implement NSA Management Plan.
- **NSA and land use regulations will govern what is possible in terms of recreational development within the study area**
- These regulations and policies are complex and nuanced in their application - there are multiple land use designations and rules.



MOSIER TO THE DALLESTRAIL
COMMUNITY REPRESENTATIVE GROUP

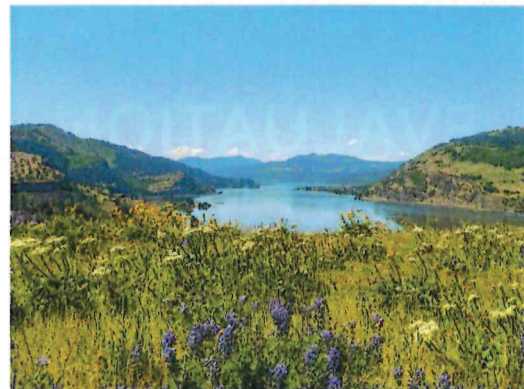
19

EVALUATION PROCESS

NSA Policy/Regulations

The National Scenic Area is divided into **three broad categories of land areas** with different requirements for land use regulations. These determine the **type of development** that can be built and the **rules** that apply.

- Special Management Areas
- General Management Area
- Urban Areas

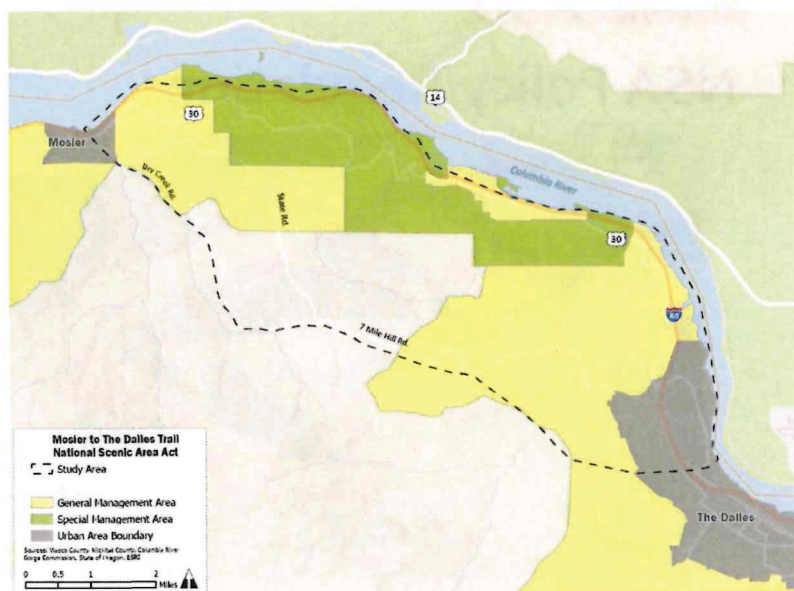


MOSIER TO THE DALLESTRAIL
COMMUNITY REPRESENTATIVE GROUP

20

EVALUATION PROCESS

NSA Land Areas



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

21

EVALUATION PROCESS

NSA Policy/Regulations

Recreational Intensity Classifications (RICs) guide recreational uses. The RICs *limit the recreation facilities that can be developed for public use* and what is allowed in an area. RICs range from 1 - 4. Example:

- **RIC 1:** Very low intensity, lightest touch to protect specific resources. Allows building trails, viewpoints, simple signage, and parking lots <10 spaces.
- **RIC 4:** Established recreation sites in areas where recreation use is significant. Can build parking lots up to 250 spaces. Transit facilities are required for RIC 3 & 4 Sites (encouraged at RIC 1 & 2).

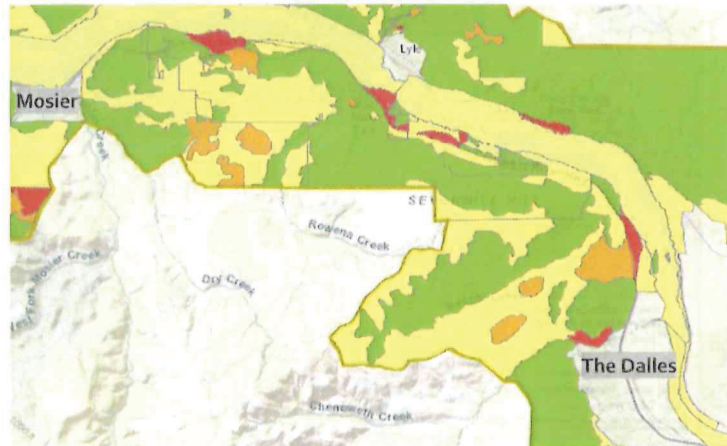


MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

22

EVALUATION PROCESS

NSA Policy/Regulations



Recreational Intensity Classifications (RICs)

- 1: Very Low
- 2: Low
- 3: Moderate
- 4: High



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

23

EVALUATION PROCESS

NSA Policy/Regulations

- All four RIC designations are present in the study area, with RIC 1 and 2 being the most common designation.
- RIC 4 designations are generally concentrated near I-84.
- Because much of our study area is RIC 1 and 2, allowable uses may be limited



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

24

EVALUATION PROCESS

Local Land Use

- The CRGNSA Management Plan land use designations are incorporated into Wasco County zoning designations, and in turn, the local land use regulations.
- According to Wasco County code, in general, a trail and trailhead facilities are allowed uses within the zones in the study area, but are conditional uses (i.e., not permitted outright) and subject to additional review prior to approval.

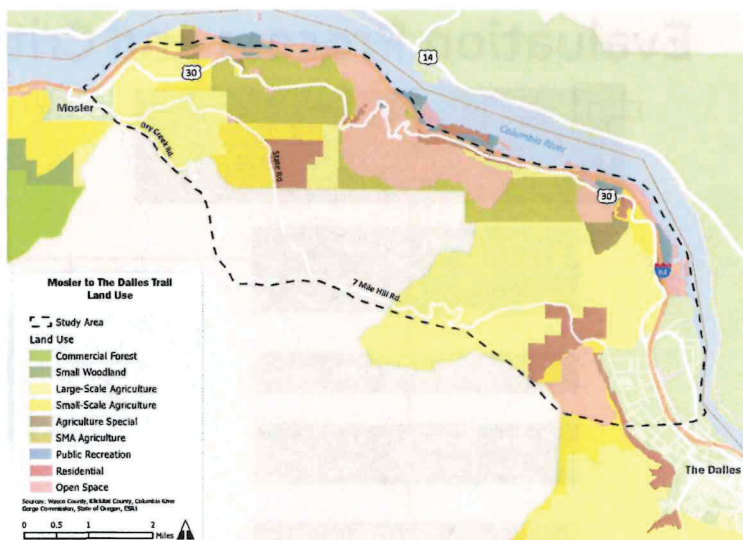


MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

25

EVALUATION PROCESS

Land Use Designations



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

26

EVALUATION PROCESS

Evaluation Process and Criteria

- We're starting with gaining a better understanding of needs and interests of different groups
- Will develop initial concepts that will be part of a two-step evaluation
 - "concepts" = broad term encompassing possible trail alignments, trail types/cross-section, trailheads and trail access points, and other features
- Considering opportunities, constraints, and project goals, we know there are diverse interests from user groups. **We will not be able to address every need as part of this project.**

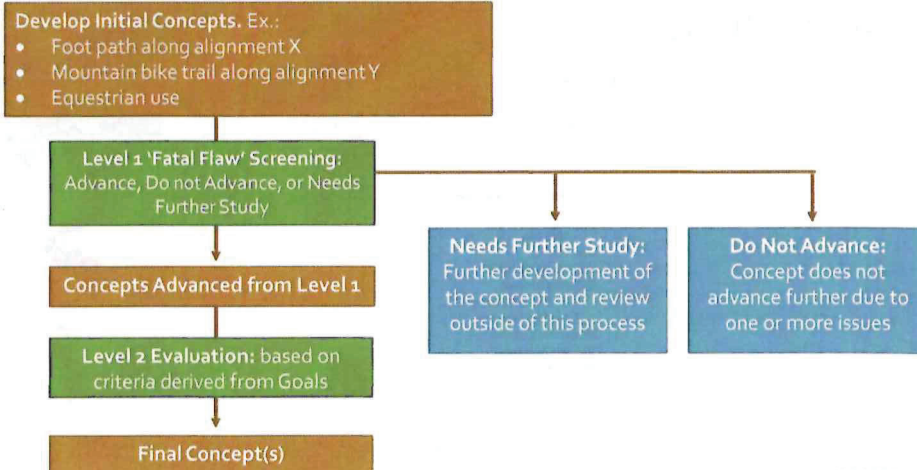


MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

27

EVALUATION PROCESS

Evaluation Process and Criteria



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

28

EVALUATION PROCESS

Evaluation Process and Criteria

Level 1 Screening: The screening criteria will be evaluated qualitatively: *(yes/no/needs further review)*

- Is the concept/use clearly consistent with agency policy and land use regulations, including the Forest Plan, the National Scenic Area Management Plan, Recreational Intensity Classification (RIC) designations, and local code?
- Is the concept/use able to avoid sensitive environmental areas found in the study area? And, if there are likely or possible impacts: are potential environmental impacts avoidable or mitigatable?
- Is the concept/use compatible with existing uses and other potential uses?



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

29

EVALUATION PROCESS

Evaluation Process and Criteria

Level 1 Screening: Sensitive environmental and cultural features and we'll be considering:

- Topography/soil conditions
- Wildlife
- Cultural resources
- Waterways
- Wetlands
- Sensitive plants
- Visuals



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

30

EVALUATION PROCESS

Evaluation Process and Criteria

Level 1 Screening – Next steps after today's meeting:

1. Project team will develop concepts/ideas for a trail and related improvements
2. The consultant team will develop an initial evaluation in consultation with the USFS
3. Project team will bring concepts/ideas back to the CRG for feedback and discussion at CRG #3.

Our intent is to arrive at a shared understanding of the users and concepts we'll be considering further by the next CRG meeting, and what ideas/concepts would need to be considered separately outside of this process.



MOSIER TO THE DALLESTRAIL
COMMUNITY REPRESENTATIVE GROUP

31

EVALUATION PROCESS

Evaluation Process and Criteria

Level 2 Evaluation:

GOAL	EVALUATION CRITERIA
Goal 1: A Strong Local Economy	<ul style="list-style-type: none"> • Concept increases access to community destinations, including jobs, residential areas, services, and amenities. • Concept is supported by community representatives and the public at large, as determined through outreach findings.
Goal 2: Sustainability and Stewardship	<ul style="list-style-type: none"> • Concept avoids impacts to resources, including cultural, archaeological, wildlife, transportation, and natural features.
Goal 3: A Balanced Approach	<ul style="list-style-type: none"> • Concept provides an opportunity that serves a broad recreational market. • Impacts to adjacent landowners/neighbors are minimal or can be clearly mitigated.
Goal 4: Achievable	<ul style="list-style-type: none"> • Concept is cost-effective. • Concept is responsive to topography, soil conditions, and other constructability/maintenance considerations.
Goal 5: Connectivity and Recreation	<ul style="list-style-type: none"> • Concept meets recreational needs and provides opportunities for capitalizing on Gorge assets including viewpoints, scenic destinations, and opportunities for education and interpretation.



MOSIER TO THE DALLESTRAIL
COMMUNITY REPRESENTATIVE GROUP

32



33

EXISTING CONDITIONS

Existing Plans and Projects

PLAN	DESCRIPTION
Gorge Towns to Trails initiative	Initiative to create a world-class 200-mile trekking network through the Columbia River Gorge.
Columbia River Gorge National Scenic Area Act	NSA Act purpose is to protect and enhance the scenic, cultural, recreational, and natural resources of the Gorge.
Columbia River Gorge National Scenic Area Management Plan	NSA Management Plan ensures that land in the NSA is used consistently with the standards of the NSA Act.
Mt. Ulka and Mosier Plateau Environmental Surveys	Threatened, endangered, sensitive, watch, and endemic plant species surveys, wildlife habitat and peregrine falcon surveys, geotechnical surveys.
Oregon Outdoor Recreation Initiative: Phase One Summary Report	Identifies and supports the development and maintenance of signature trail systems that have the potential to be world-class (such as the Gorge Towns to Trails).

MOSIER TO THE DALLE TRAIL
COMMUNITY REPRESENTATIVE GROUP

34

EXISTING CONDITIONS

Recreational Resources

Approved Trails

- Mosier Plateau Trail
- Tom McCall Preserve
- Rowena Crest
- Riverfront Trail

Existing Trailheads and Parking Areas:

- Mosier Totem Pole Plaza
- Senator Mark O. Hatfield East Trailhead parking area
- Rock Creek parking area
- Two small parking areas across the highway from Idaho Street and Main Street
- Columbia Gorge Discovery Center
- Rowena Crest Parking Area

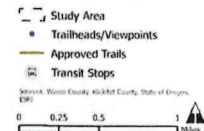


MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

35

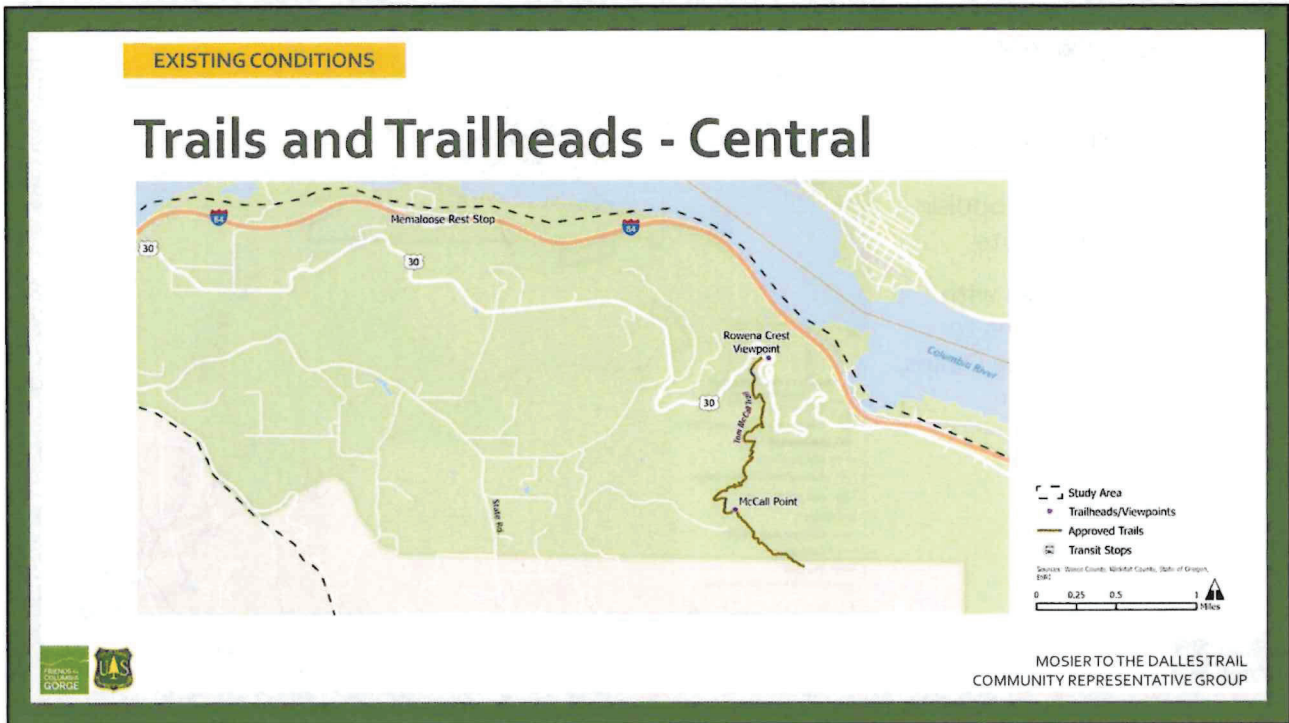
EXISTING CONDITIONS

Trails and Trailheads - West

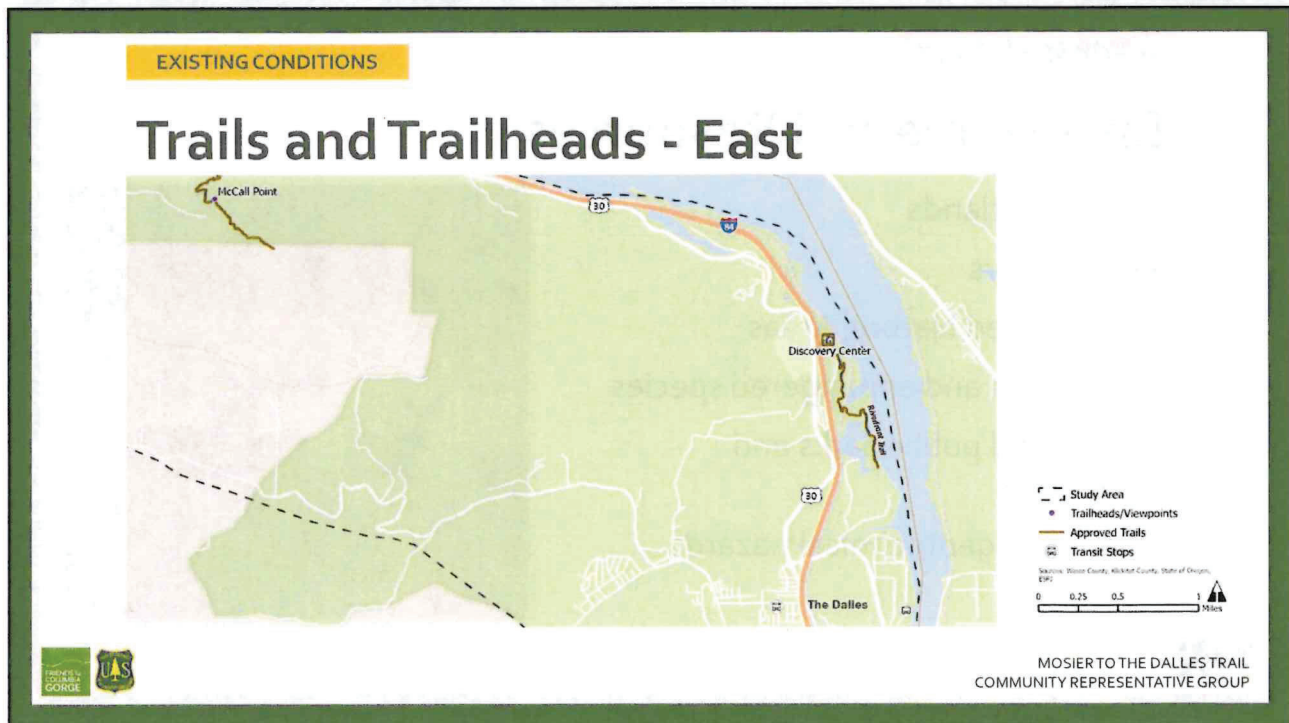


MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

36



37

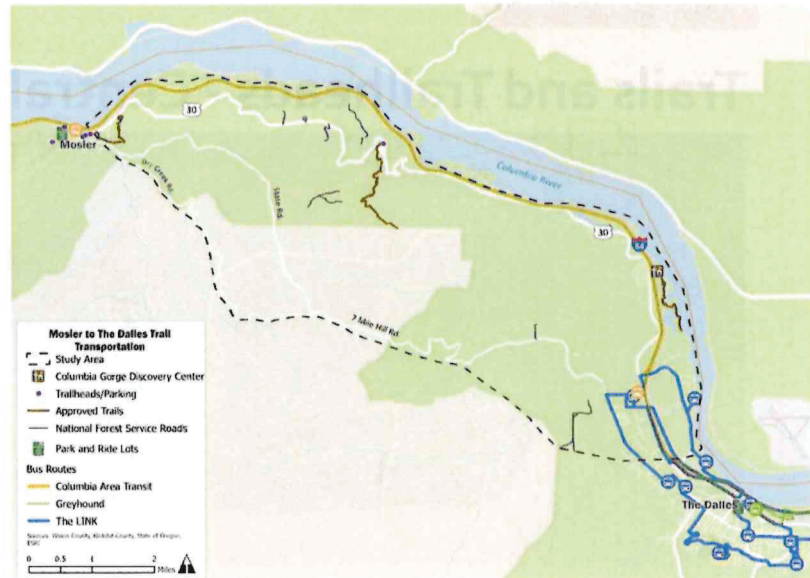


38

EXISTING CONDITIONS

Transportation

- U.S. 30 – popular cycling route
- Bus routes with connections to Mosier, The Dalles, Hood River



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

39

EXISTING CONDITIONS

Environmental Resources

- Small wetlands
- Waterways
- Designated Natural Areas
- Protected and endangered species
- Protected public parks and preserves
- Geologic/geotechnical hazards



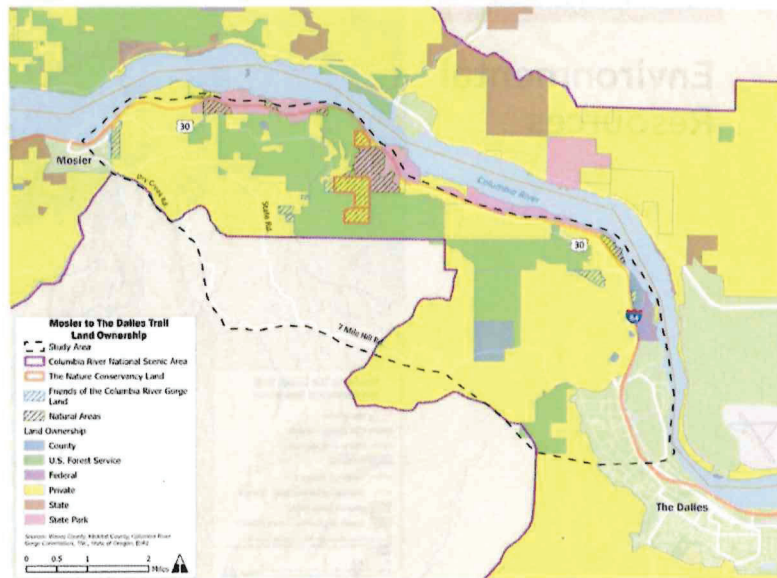
MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

40

EXISTING CONDITIONS

Property Ownership

- National Forest System Lands
- Wasco County
- Oregon Parks and Recreation
- FOCG
- The Nature Conservancy
- Private Property

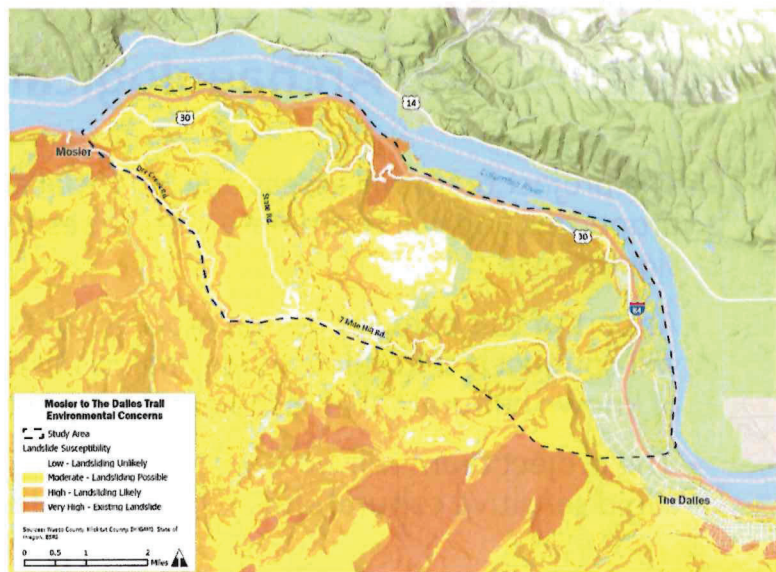


MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

43

EXISTING CONDITIONS

Topography/ Landslide Risk





MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP

44

EXISTING CONDITIONS

Opportunities and Constraints

- **Environmental** - protect wildlife and natural features, avoid negative impacts and overuse
- **Cultural sites** - avoid impacts to cultural and archaeological resources
- **Property ownership** - awareness of private property boundaries, strive to align trail on public property as much as possible
- **Topography** - steep topography could require trail grading that may make construction more costly. Landslide hazards within the study area pose potential safety and construction concerns.
- **Land Use Regulations** – location within National Scenic Area may limit types of use.
- **Trail Access** – need to consider parking, trailheads, access points, safety, and traffic implications.
- **Recreational Access** - strong desire for trails in the study area. A new trail would provide enhanced recreation opportunities for equity populations within the study area.



MOSIER TO THE DALLAS TRAIL
COMMUNITY REPRESENTATIVE GROUP

TRAIL USERS AND CONCEPTS DISCUSSION





Discussion

USER GROUPS

What are the needs and interests of various user groups in this area?

Activity



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP



Trail Type and Users

USER GROUPS

- Many potential user groups
- The natural/cultural setting, sensitive environmental features, topography, and NSA regulations will strongly influence trail development
- A paved off-road path (e.g., like the Twin Tunnels trail) is likely not possible
- The type of use will require careful consideration given regulatory and resource constraints



MOSIER TO THE DALLES TRAIL
COMMUNITY REPRESENTATIVE GROUP



MOSIER TO THE DALLESTRAIL
COMMUNITY REPRESENTATIVE GROUP



Activity

USER GROUPS

- Form small groups
- Goal - Brainstorm routes and connections through the study area.
- Write on map, add stickers, and use sticky notes to add comments.
- Identify where and how different uses would be desired (bike, horse, walk, assisted mobility devices).
- Identify places of interests, important connections, areas to avoid.



NEXT STEPS

NEXT STEPS

NEXT STEPS

- Please help spread the word about Open House #1!
- Community Representative Group Feedback
 - Send to Parametrix: emannisto@parametrix.com
- Concept Development: prior to next meeting, will send concepts out for review
- Online Open House #2
- Focus Groups
- Next meeting: April or May
 - Discussion of Concepts



MOSIER TO THE DALLESTRAIL
COMMUNITY REPRESENTATIVE GROUP

51

THANK YOU!

52