



May 1, 2024 BOCC Regular Session

Wasco County

401 E Third Street

May 1, 2024 9:00 AM - 12:00 PM PDT

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AGENDA: REGULAR SESSION

WEDNESDAY, MAY 1, 2024

WASCO COUNTY BOARD OF COMMISSIONERS, 401 E THIRD ST. THE DALLES or VIRTUALLY @

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

While these virtual options are provided, we cannot guarantee connection or quality of the call.

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

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

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

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

9:00 a.m.	CALL TO ORDER/PLEDGE OF ALLEGIANCE Items without a designated appointment may be rearranged to make the best use of time. Other matters may be discussed as deemed appropriate by the Board. Corrections or Additions to the Agenda Discussion Items: Fair Construction Contract; Search & Rescue Equipment Proposal; Recreational Immunity (Routine Items or Items of general Commission discussion/action, not otherwise listed on the Agenda) Consent Agenda: 4.17.2024 Regular Session Minutes; Hood River Road Order (Items of a routine nature: minutes, documents, items previously discussed.) Public Comment at the discretion of the Chair (3 minute limit unless extended by Chair)
Times are Approximate	
9:30 a.m.	Recess to Library Service District
9:45 a.m.	Outdoor Mass Gathering Hearing – Daniel Dougherty
10:30 a.m.	Natural Hazard Mitigation Plan Grant Amendment – Daniel Dougherty
10:40 a.m.	Budget Adjustment – Mike Middleton
10:50 a.m.	Columbia River Gorge Commission Updates – Elaine Albrich
	COMMISSION CALL
	NEW/OLD BUSINESS
	ADJOURN

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



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION

MAY 1, 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 (Virtual)
Phil Brady, County Commissioner
STAFF: Kathy Clark, Executive Assistant
Kelly Walker, Executive Assistant
Tyler Stone, Administrative Officer

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

Changes to the agenda: The Columbia River Gorge Commission Updates was removed from the agenda.

Discussion Item – Fair Construction Contract

Administrative Services Director Ali Postlewait reviewed the memo in the Board Packet. Ms. Postlewait recommended and asked for approval of Premier Foam Spray and the authorization of Mr. Stone to sign the contract pending legal review before finalization.

Vice-Chair Hege asked what the budget for the project is and if the funding will cover costs.

Ms. Postlewait replied that the costs will be around \$180,000 for the HVAC and spray foam projects. Wasco County facilities will do the HVAC project and contract out for the spray foam project. It's within budget and covered by the grant.

Chair Kramer commented that he thinks it will be a great addition for the fair and emergency services use and thanked the staff for all the work that has gone into this.

{{Vice-Chair Hege moved to approve the personal services agreements with Premiere Spray Foam for insulation in Wasco County Fairgrounds Buildings.

I further move to authorize the Administrative Officer to sign said agreements pending legal review. Commissioner Brady seconded the motion which passed unanimously.}}

Discussion Item – Search and Rescue Equipment Proposal
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Detective Jonah Moore reviewed the memo included in the Board Packet. Detective Moore stated that he has been in law enforcement for 15 years and is the coordinator for the Wasco County Sheriff's Office's Volunteer Search and Rescue Program, he is requesting funding for a vehicle using Title 3 funds. He said he spoke with Finance Director Middleton, who informed him that \$60,000 has been allocated for this year's budget. He explained that they are looking to purchase a side by side Utility Task Vehicle (UTV), specifically a 2024 Polaris Xpedition 1000 North Star. He requested authorization for this purchase to be reimbursed with Title 3 funds, not to exceed \$60,000. He added that some items may be purchased in addition to outfit the side by side, such as a Medic Skid and Decals. He added that they obtained three quotes and he recommends Fun Country.

Commissioner Brady asked if this vehicle has the ability to cross streams. Detective Moore replied that the vehicle will eventually be equipped so that it can cross streams.

Commissioner Brady asked what the distance mileage range is. Detective Moore answered that the distance range is measured in hours and he's done 12 hour deployments with these where they were running for 12 hours constantly and they had plenty of time left to make the round trip with some reserves.

Commissioner Brady asked if the vehicle has the capacity to tow. Detective Moore replied that it has the capacity to tow; it can pull trailers.

Commissioner Brady said this vehicle will be a big advantage to our program. He asked how many volunteers are usually involved on a mission and in the whole program. Detective Moore replied that the number of volunteers depends on the type of the mission; the range has been about 2-15 volunteers. He added that on a multiple-day mission they would rotate between 28-30 volunteers.

Commissioner Brady asked if driving this vehicle would require a certification. Detective Moore replied that it does not require any special certification to operate.

Vice-Chair Hege asked if the bed insert would be outfitted to carry a medic and patient on a gurney. Detective Moore replied that it would not be included in this one, but in the future would be added. He explained that the current vehicle's backseat folds down so you can lay a 6-foot person on there and close the hatch for a climate controlled space.

Vice-Chair Hege commented that all counties with national forests areas get Title I, II, and III funds. He explained that when the funds come in, the county can choose what to do with them. Title III funds, specifically, can be set aside for Search and Rescue. A portion of Title 3 funds go to Search and Rescue, and the remainder of the funds will go to roads and schools. He added that this will be a great addition to our program; it's important to have the proper equipment for effective and efficient Search and Rescue Services. He added that they appreciate the volunteers and staff.

*****The Board was in consensus to approve the purchase of a side by side Utility Task Vehicle (UTV) specifically a 2024 Polaris Xpedition 1000 North Star .*****

Discussion Item – Recreational Immunity

County Counsel Kristen Campbell discussed a fairly simple resolution that would allow Wasco County to opt in to recreational immunity for easements and unimproved rights-of-way. She further explained that this is automatic for larger cities; these resolutions make it possible for smaller cities and counties to opt in.

Commissioner Brady stated that the county is not just trying to protect against liability, but they want to keep it open so the areas are not closed to the public. He asked why a small community would not opt in to this. Ms. Campbell replied that she didn't know why they wouldn't; according to her survey from the state, most have opted or are opting in.

Commissioner Brady asked if this is the status quo that has been reclarified by the state legislature. Ms. Campbell said yes; there has been some recent activity.

Vice-Chair Hege asked if the Resolution covers everything and if there is anything that it does not cover. Ms. Campbell replied that there is automatic immunity applicable to parks (for example). Landowners have automatic immunity. She explains that this is tailored to easements and rights-of-way that are not included in automatic immunity.

Commissioner Brady asked if Parks and Recreation and the City do not need to

opt in because this is specifically for easements and rights-of-way that aren't included the automatic immunity. Ms. Campbell replied yes, that is correct. Chair Kramer pointed out that this covers access to places like the park, coast, etc.

{{Vice-Chair Hege moved to approve Resolution 24-004 adopting the immunity from liability for use of trails or structures in public easements or unimproved rights-of-way provided in ORS 105.668, as amended by Senate Bill 1576. Commissioner Brady seconded the motion which passed unanimously.}}

Consent Agenda – 4.17.2024 Regular Session Minutes/Road Order
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The Board elected to remove the Hood River Road Order from the Consent Agenda for discussion.

Vice-Chair Hege said he wants to thank Ms. Clark for putting together the road order; she did a great job. He asked if the statement regarding prohibition to motor vehicles does not apply to emergency and law enforcement vehicles and also applies to utilities. Ms. Clark stated she would defer to County Counsel on that question. Ms. Campbell replied that this can be approved with the additional language.

Public Works Director Arthur Smith stated that this was per that statute. The language is silent on closure to motor propelled vehicles. Landowners have a right to use motor propelled vehicles to access their land. It doesn't explicitly state that in the order regarding whether they can access utilities. He asked if this could be added, as well. Ms. Campbell replied that this could be clarified.

Vice-Chair Hege said that he wants to make sure we don't exclude any needed access.

Mr. Smith said he is having discussions about appropriate access for pedestrians and bikes and working with the petitioners on something that works for all parties

Dustin Posner, a petitioner, commented that he would like to have added to the order that contractors also have access.

Chair Kramer asked if the ORS would cover the agents of the owners.

Ms. Campbell said she would check on that and make sure that it's really clear.

Mr. Posner said that he appreciates all the work the county is doing on this and that he is happy with the outcome.

{{Vice-Chair Hege moved to approve the Consent Agenda with the changes discussed to the Hood River Road Order. Chair Kramer seconded the motion which passed unanimously.}}

Agenda Item – Recess to Library Service District

Chair Kramer recessed at 9:30 a.m. to open a Wasco County Library Service District Meeting.

Chair Kramer closed the meeting at 10:27 a.m.

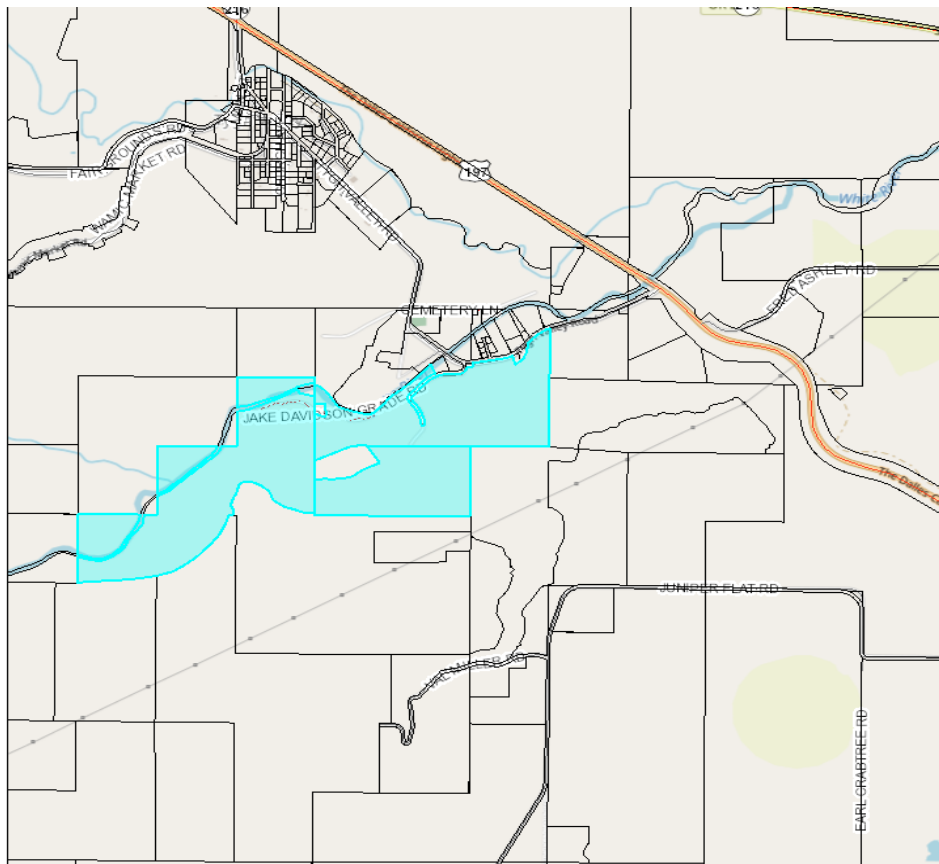
Agenda Item – Outdoor Mass Gathering Hearing

At 10:27 a.m. Chair Kramer opened the Outdoor Mass Gathering Hearing for 921-24-000001-PLNG.

Senior Planner Daniel Dougherty stated that this is the second Outdoor Mass Gathering processed under Wasco County's 2022 Outdoor Mass Gathering (OMG) Ordinance. Mr. Dougherty said this application was processed and reviewed not as a land use decision, but instead utilizing applicable standards from Ordinance 22-003. He explained that the applicants Precipitation Northwest are requesting an Outdoor Mass Gathering permit for a music and art festival entitled "SOAK 2024" which will take place on May 23-27, 2024 at White River Canyon, Justesen Ranch, Tygh Valley. The event is slowly growing in size, but still under the Land Use Review OMG number. He said the maximum attendance is 2,300 including staff & volunteers.

Mr. Dougherty said that it's the same location as prior years, tax lots 800, 100, and 2200 in the Tygh Valley Residential Zone & Exclusive Farm Use Agriculture Zones and added that the three subject properties are owned by the Jonnie and Fred Justesen.

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4/7/2023, 12:34:26 PM

Legend

- Subject Taxlot
- Taxlots

1:36,112

0 0.2 0.4 0.8 mi
0 0.35 0.7 1.4 km

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Mr. Dougherty stated that the site plan has not changed. Access is provided by Tygh Valley and Jake Davidson Grade Roads. Most of the proposed event will occur near Jake Davidson Grade Road, and will primarily occur on a portion of the larger property (Tax Lot 2200). Parking and overflow camping sites are located on tax lot 800. Additional maps include: Evacuation & Emergency Services Map (Page 97 in the Packet, and Traffic Control Plan (Page 98 in the Packet). These maps have not been altered from the 2023 plan.

WC-OMG ORDINANCE # 22-003

Standards Addressed

Section 1.00 - Definitions
Section 1.10 - Permit required
Section 1.20 - Permit fees
Section 1.30 - Scope of Review
Section 1.40 - Public hearing and notice
Section 1.50 - General approval criteria
Section 1.60 - Insurance
Section 1.70 - Sanitary facilities
Section 1.80 - Refuse storage and disposal
Section 1.90 - Food Service Facilities
Section 2.00 - Security Personnel
Section 2.10 - Fire Protection Standards
Section 2.20 - Medical Service
Section 2.30 - Traffic, roads and parking
Section 2.40 - Permit Posting and Inspection
Section 2.50 - Organizer responsible for compliance and preserving order
Section 2.60 - Enforcement
Section 2.70 - Restricted Hours of Operation and Noise

Pioneering pathways to prosperity.

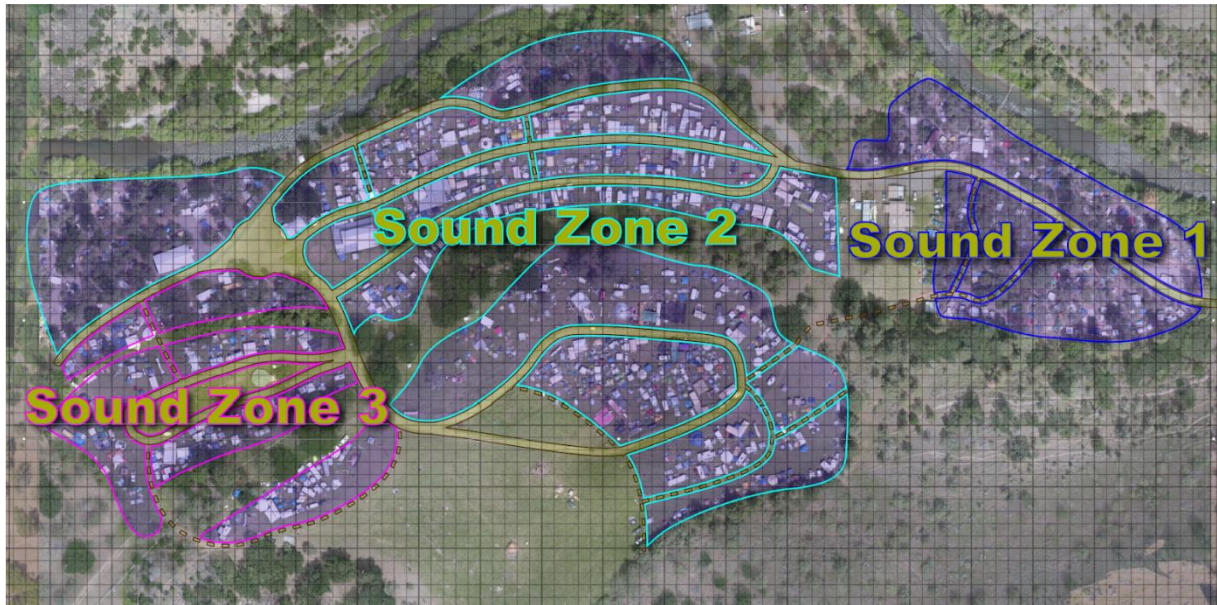
These are the Ordinance Criteria the plan must meet on its face or meet through conditions of approval. The applicable criteria address requisite state laws pertaining to health, safety, and welfare.

Mr. Dougherty said that on January 3, 2024, the SOAK 2024 application was submitted. On January 11, 2023, the Application was provided to:

- Wasco County Sheriff Lane Magill
- Tygh Valley Rural Fire Protection District Fire Chief Paul LaPlante
- Wasco County Public Works Director Arthur Smith
- North Central Public Health District Environmental Health Specialist Paula Grendel

Mr. Dougherty stated that on April 18, 2024, Notice of Public Hearing was mailed to surrounding land owners and to other applicable agencies who may have interest in the request. It was also published in the newspaper on April 17, 2024.

Mr. Dougherty stated that he has three concerns. He explained that the first concern deals with Sound Amplification and written consent. The Wasco County OMG Ordinance Section 2.70 requires written consent from property owners and residents within 1,000 feet of amplified sound if the amplified sound is used outside of the hours of 11pm and 9:00am.



Mr. Dougherty stated that as provided, SOAK will use amplified sound outside of the 11pm and 9am requirement; therefore, the application requires a variance from this Commission. Regarding this same issue, in 2023 SOAK provided this sound zone map upon the Sheriff's request. Further, SOAK has provided a copy of this map, an explanation of the event's sound zones, and consent forms to five impacted adjacent property owners/residents. (p.142-159 in the Packet). SOAK received one signed consent form. In 2023, SOAK was granted a variance by this Board pertaining to Section 2.70 – Restricted Hours of Operation and Noise. Additionally, the Wasco County Planning Department has received no indication from adjacent owners/residents that noise levels for the yearly SOAK event are, or have been an issue.

Mr. Dougherty stated that the second concern deals with General Fire Safety concerns provided by the Tygh Valley Fire Chief Paul LaPlante. The Wasco County OMG Ordinance Section 2.10 – Fire Protection Standards provides that “No permit shall be granted under this chapter unless the organizer has a fire protection plan approved by the fire protection district for the type, size, number, and location of fire protection devices and equipment available...”

Mr. Dougherty pointed out that Chief LaPlante's letter is found at page 84 of the packet. It provides several concerns pertaining fire safety including, but not limited to:

- Structures are growing in size (25' High in 2023, proposed 30' High in 2024)
- Structure placement (Fire could burn into Juniper Flats District)
- Embers destroying tents in prior years
- Issues with SOAK's fire hazard mitigation scope & coordination

Mr. Dougherty said that the applicant provided an email response yesterday, April 30, 2024, that included the following updates:

- SOAK held an annual safety-focused training weekend at County Fairgrounds
- Reviewed SOAK's new Fire Safety policies with Chief LaPlante
 - Significantly reducing the burnable-structure height and footprint
 - Banning the use of materials most likely to cause excessive sparks or embers
 - Added several mandatory reviews as part of the design and build process
- Hired Federal Virtual Incident Procurement certified fire-fighting crew (West Coast Wildlands Strike Teams)
 - Two of their fire apparatus to manage burns
- Approximately double the water reserves available
- Improved hose capacity

Mr. Dougherty stated that the third concern deals with a lack of public health review for OMGs in Wasco County. Applicable OMG Ordinance Sections include:

Section 1.70 - Sanitary facilities

Section 1.80 - Refuse storage and disposal

Section 1.90 - Food Service Facilities

Mr. Dougherty stated that on January 11, 2024: Notice was provided to North Central Public Health District (NCPHD). On January 22, 2024 the Planning Department was sent an email from NCPHD that there is a temporary pause in non-essential work. NCPHD will not review Outdoor Mass Gatherings in Wasco or Sherman Counties (located on Page 88 BOCC Packet). On February 14, 2024 NCPHD provided notice of the change of workflow for Outdoor Mass Gatherings.

The new process is:

- Send OMG Applications to Local Public Health Officer Dr. Christopher Van Tilburg
- After receiving the application, the local health officer will acknowledge receipt
- They may review the application and provide comments.
- Local health officer does not have the authority to approve any aspect of the OMG (on Page 89 BOCC Packet)

Mr. Dougherty stated that on March 12, 2024, the Planning Department received an email from the Local Health Officer that they received the OMG Application. On April 25, 2024, the Local Health Officer provided a letter with feedback, but did not provide a review. The letter stated:

- They did not see any major concerns with regard to public health
- Did not review the application for compliance with rules

- Recommended confirmation that White Bird Rock Medicine has an Oregon-licensed physician medical director
- Noted that food services & temporary recreational pools or spas must be licensed (Page 72 BOCC Packet)

Mr. Dougherty discussed the Wasco County Planning Director General Observations:

- There is a water concern that was addressed in 2023 when the order required an emergency water delivery plan to be approved by NCPHD.
- There is a food concern, as the plan fails to address how SOAK certifies that food is within fly-tight containers.
- There is a solid waste concern, as the plan requests a waiver from rules for transport and disposal of solid waste, as they have no control over individual actors.

Mr. Dougherty explained that considering SOAK has been approved in prior years and the overall plan has not greatly changed, it is inferred that the solid waste concern has been previously waived. He added that the Wasco County Planning Department has never had an indication that solid waste removal is a major concern or issue for the Tygh Valley Community.

Mr Dougherty pointed out that Ordinance 22-003 Section 1.50 provides the Commission with broad authority to approve, approve with conditions, or deny Outdoor Mass Gathering requests.

Mr. Dougherty said he'll take questions and provide an opportunity for additional feedback from the Wasco County Planning Director, police, fire, road and technical experts, specifically Sheriff Lane Magill pertaining to the sound amplification concern and Paula Grendell pertaining to the water acquisition concern.

Commissioner Brady said that he is pleased about the consultations that have taken place regarding fire-safety. In regard to the change in workflow at NCPHD related to loss of staff, I am satisfied with the state of the matter.

Vice-Chair Hege asked for more information regarding the notice that was sent to property owners and the one who responded. Mr. Dougherty replied that the requirement is for consent with regards to sound and obtaining that consent is difficult. The applicant sent notices to adjacent property owners but only received one signed consent form; last year was the same. Mr. Dougherty reported that the Planning Department has never received any feedback concerning noise. Last year the Sheriff said that this met his requirements.

Vice-Chair Hege said regarding the burning of the art structure, there was a general agreement in the past that if conditions were not conducive, the burn would not happen.

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Commissioner Brady said he thought that the application indicates that the fire department would be consulted. Mr. Dougherty replied that yes, it's in there and will be up to the fire authority.

The SOAK Representative stated that it's part of their process to have a roll call for what problems may be encountered, such as personal safety, equipment, and having personnel in place. She said the last check before production is with the fire chief. She added that they wait until he is comfortable and makes the call as to whether the burn can take place. She stated that last year the wind had not died down fully and they started about 15 minutes before they should have which resulted in embers in the tent area. They have more than doubled the effort to contain embers and have a fire vehicle on the camping side and professionals on the BLM side. She added that they have an ER physician on staff to oversee medical care.

Chair Kramer asked for public testimony or comments.

Kristin Stankiewicz stated that regarding the emergency water shortage, they had Bishops bring in 4 water haulers for the requisite amount of water. She said that at the gate they check for a whole list of things and that they will add the fly-tight containers to that list. She said she will make that information available to participants. She added that they've never had a problem with flies, but it's a good practice. She reported that the leave-no-trace staff monitors garbage and recycling and they will be asked to keep an eye out for flies, as well.

Ms. Stankiewicz stated that the county has given them a waiver for dumpsters for the last few years and their participants have been great about packing out their own garbage.

Steve Ronfeld, a local resident, stated that Oregon State Forestry has had a burn ban that goes into effect on May 15th and wanted more clarification on that as he hadn't heard about how that would impact this event.

Chair Kramer said he thought that was because this is on private property and the county has not initiated the burn ban; this is not on state ground.

Mr. Ronfeld stated that after May 15th, he cannot legally burn on his property.

Mr. Dougherty replied that he had not heard of this burn ban and will look into this and try to get an answer for Mr. Ronfeld.

Public testimony was closed at 10:54 a.m.

Chair Kramer opened deliberations at 10:54 a.m.

Commissioner Brady speaking to Mr. Ronfeld's concern stated that he would assume that the Fire Chief would be aware of the state restrictions on burning.

Vice-Chair Hege stated that the program has operated for a number of years and SOAK Staff is diligent, well-organized, and well-planned. He said he has not heard of any public complaints. It is great for the landowners and local economy. He said he did get a notice from the state for larger burning for fire fuels, but has not seen a general fire ban. He added that the Board of County Commissioners usually initiates the burn ban after the state.

Ms. Clark explained that the Board of Commissioners sets the Burn Ban for the County at the recommendation of the fire district and Oregon Department of Forestry.

Vice-Chair Hege stated that he appreciates the work that has been put into this.

Mr. Dougherty stated that the Planning Department sent out public notice on April 18, 2024 to neighbors and the standard agency list and have not received any notice of a burn ban.

Chair Kramer added that The Dalles unit of the Oregon Department of Forestry was notified.

{{{Commissioner Brady moved to approve Order 24-016 approving an Outdoor Mass Gathering for SOAK 2024, an arts festival and camping event, May 23-27, 2024 File 921-24-000001, and accept the findings and conditions contained in the Summary and Staff Report. Vice Chair Hege seconded the motion which passed unanimously.}}}

Chair Kramer closed the Outdoor Mass Gathering Hearing at 11:00 a.m.

Agenda Item – Natural Hazard Mitigation Plan Grant Amendment

Senior Planner Daniel Dougherty reviewed the memo in the Board Packet regarding the Natural Hazard Mitigation Plan Grant Amendment. Mr. Dougherty reported that they picked up Dufur, Maupin, and Mosier which incurred additional staff time. He said they have requested an amendment from OEM and FEMA which accounts for additional staff time. He requested approval of the amendment.

Commissioner Brady commented that this is very important work.

{{{Vice-Chair Hege moved to approve the Amendment #1 to the Grant Agreement dated January 23, 2023 between the Oregon Department of Emergency Management and Wasco County for the Natural Hazard Mitigation Plan Update. Commissioner Brady seconded the motion which passed unanimously.}}}

Agenda Item – Budget Adjustment

Finance Director Mike Middleton reviewed the Budget Change Memo in the Board Packet. He reported that they are nearing the end of the fiscal year and are making two adjustments on the budget. He explained that Public Works budget is running high due to the high cost of petroleum products and additional staff. He said that they have had additional revenues and they are not using contingency funds. He stated that they will have more than enough funds. The Fair budget is running high with the stadium seating which will be another \$12,000 by the time they get materials. They've had additional revenue in sponsorship and a better beginning fund balance. He said they are above what was budgeted, but they will not be dipping into contingency funds. He said that they made changes to the structure of staffing and have tightened that down. He added that this change will keep them from exceeding the budget before year end.

Commissioner Brady said that is reassuring to have Mr. Middleton keeping an eye on this and being proactive and coming to us before the fact instead of after. He said he is happy he's been able to assure the constituents that we've been making improvements to the Fair.

Vice-Chair Hege asked what STP stands for. Mr. Middleton replied that it is state funding and added that the Legislature has increased funding which has helped offset the costs. Vice-Chair Hege asked if those funds are here and Mr. Middleton replied yes. Vice-Chair Hege confirmed that the funds are not for next year and asked if they will get more funding for next year. Mr. Middleton replied that is correct, and yes, they will get more funding next year and they have budgeted for that.

{{Vice-Chair Hege moved to approve Resolution 24-005 increasing expenditures and revenue appropriations within a fund. Commissioner Brady seconded the motion which passed unanimously.}}

Commission Call

Commissioner Brady reported that he attended Senator Merkley's Town Hall and thanked him for the funds for the Chenoweth Housing Project.

Vice-Chair Hege commented that the library is doing great and he is incredibly impressed with the traffic, etc. The library and city are doing a great job.

Vice-Chair Hege commented that things went well in our new board meeting

venue. He added that this new board meeting room is great and thanked the staff for pulling this off.

Vice-Chair Hege reported that at the last QLife Meeting, Roger Kline was there and he was helpful. He commented that he's looking forward to even more activity and participation from Mr. Kline.

Chair Kramer reported that he is working on the Resolution Center. He stated that he has an upcoming meeting with the Director of Emergency Services Erin McMahon regarding using the fairgrounds for emergency use and to get funding to bolster infrastructure. He stated that Union County is the only county that does not have a septic system or sewer at their fairgrounds. He stated that the state has agreed to meet with them to continue their conversation.

Public Works Director Arthur Smith stated that he received an application from the Oregon Rally Group asking for permission to host their road rally east of Dufur. He reported that the community and landowners are receptive. He said that barring something unusual, he intends to issue that permit for their event on May 19, 2024.

Chair Kramer asked if all landowners were notified and if the response was 100% in support. Mr. Smith replied yes; that they all support it. He commented that the Oregon Rally Group has done everything they said they would in the past and that it's a benefit to local businesses; the same roads will be used as in the past.

Chair Kramer adjourned the meeting at 11:15 a.m.

Summary of Actions

MOTIONS

- **To approve the personal services agreements with Premiere Spray Foam for insulation in Wasco County Fairgrounds Buildings. To further move to authorize the Administrative Officer to sign said agreements pending legal review**
- **To approve Resolution 24-004 adopting the immunity from liability for use of trails or structures in public easements or unimproved rights-of-way provided in ORS 105.668, as amended by Senate Bill 1576**
- **To approve the Consent Agenda: 4.17.2024 Regular Session Minutes with the changes to the Hood River Road Order.**
- **To approve Order 24-016 approving an Outdoor Mass Gathering for SOAK 2024, an arts festival and camping event, May 23-27, 2024 File**

921-24-000001

- **To approve the Amendment #1 to the Grant Agreement dated January 23, 2023 between the Oregon Department of Emergency Management and Wasco County for the Natural Hazard Mitigation Plan Update**
- **To approve Resolution 24-005 increasing expenditures and revenue appropriations within a fund**

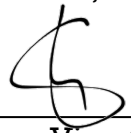
CONSENSUS

- **To approve the purchase of a side by side Utility Task Vehicle (UTV) specifically a 2024 Polaris Xpedition 1000 North Star**

Wasco County
Board of Commissioners



Steven D. Kramer, Commission Chair



Scott C. Hege, Vice-Chair



Philip L. Brady, County Commissioner

SUBJECT: Insulation (Fairgrounds)



MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: ROBERT HUGHES

DATE: Apr 20, 2024

BACKGROUND INFORMATION:

The 2023/24 Wasco County Capital Improvement Fund Budget includes an allocation for having the Commercial Building and Arts Building Insulated. This was part of the Clean Air Grant. My recommendation is that we go with Premier Spray Foam. They were the lowest bid with the highest amount of R value for the spray foam. R 21 in the ceiling and R14 in the walls with a firecoding. Bid for the Big Commercial building was \$59280 and the Art's building was \$22455. I called Alpha 9 two times with no response. Alternative Construction Concepts \$79875 for the Commercial building and \$44361 for the Arts building . Crestline had multiple Bids all were higher and less R-Value. Oregon Spray Foam declined out of the area. , Called Glory Mountain of Hood River left two messages with no response.

**PREMIER SPRAY
FOAM CO**

P.O. Box 42035
Eugene, OR 97404
+1 5415156868
mary@premiersprayfoa
mco.com
www.premiersprayfoam
co.com



Estimate

ADDRESS

Robert Hughes
Tygh Valley, OR

ESTIMATE # 2930

DATE 03/13/2024

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
		50'X100'X18' 2.12 PITCH METAL BUILDING ROOF DECK (BASED ON 5074 SQ/FT)			
	Spray Foam	Spray a nominal of 3" of closed-cell foam on roof deck (R-21)	1	22,000.00	22,000.00
	Thermal Barrier	Apply 15 min thermal barrier over foam \$10,150	1	10,150.00	10,150.00
		EXTERIOR WALLS (BASED ON 5228 SQ/FT)			
	Spray Foam	Spray a nominal of 2" of closed-cell foam on exterior walls (R-14)	1	15,000.00	15,000.00
	Thermal Barrier	Apply 15 min thermal barrier over foam.	1	10,460.00	10,460.00
		SLIDING DOOR (2) @ 12'X16'			
	Spray Foam	Spray a nominal of 1" of closed-cell foam over ext doors (R-7)	1	550.00	550.00
	Thermal Barrier	Apply 15 min thermal barrier over foam	1	770.00	770.00
	Surcharge	Fuel surcharge	1	350.00	350.00
		50% down payment is required. Balance due			

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
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upon completion of work

SUBTOTAL	59,280.00
TAX	0.00
TOTAL	\$59,280.00

Accepted By

Accepted Date

**PREMIER SPRAY
FOAM CO**
P.O. Box 42035
Eugene, OR 97404
+1 5415156868
mary@premiersprayfoa
mco.com
www.premiersprayfoam
co.com



Estimate

ADDRESS

Robert Hughes
Tygh Valley, OR

ESTIMATE # 2953

DATE 04/12/2024

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
		60' 32X 10X2.12 PITCH METAL BUILDING ROOF DECK (BASED ON 1950 SQ/FT)			
	Spray Foam	Spray a nominal of 3" of closed-cell foam on roof deck (R-21)	1	8,485.00	8,485.00
	Thermal Barrier	Apply 15 min thermal barrier over foam	1	3,890.00	3,890.00
		E' TERIOR \$ ALLS (BASED ON 1986 SQ/FT)			
	Spray Foam	Spray a nominal of 2" of closed-cell foam on exterior walls (R-14)	1	5,760.00	5,760.00
	Thermal Barrier	Apply 15 min thermal barrier over foam	1	3,970.00	3,970.00
	Surcharge	Fuel surcharge (will be waived if do at the same time as the other building) 50W down payment is required. Balance due upon completion of work	1	350.00	350.00
SUBTOTAL					22,455.00
TA'					0.00

TOTAL

q22,455.00

Accepted By

Accepted Date



MOTION

SUBJECT: Spray Foam Contracts Motion

I move to approve personal services agreements with Premiere Spray Foam for insulation in Wasco County Fairgrounds Buildings. I further move to authorize the Administrative Officer to sign said agreements pending legal review.



SHERIFF'S OFFICE

511 Washington St., Ste.102 • The Dalles, OR 97058
p: [541] 506-2580 • f: [541] 506-2581 • www.co.wasco.or.us

Pioneering pathways to prosperity.

Commissioners,

As a Coordinator for the Wasco County Sheriff's Office Volunteer Search and Rescue program, I would like to request funding for a vehicle using Title 3 funds. I spoke with Finance Director Middleton and he informed me there has been \$60,000.00 allocated for this year's budget.

Wasco County Search and Rescue is looking to purchase a side by side UTV (Utility Task Vehicle). Specifically, we would like to purchase a 2024 Polaris Xpedition 1000 North Star.

Wasco County Search and Rescue historically has never had an enclosed off road capable vehicle that could carry SAR Members, Medics and Patients. In my past experiences working with SAR in other agencies, we utilized the side by side platform with great success. This is a highly capable vehicle that is a game changer in the world of Search and Rescue. The side by side comes ready to tackle rugged off-road terrain and in the winter is easily converted into a tracked vehicle capable of navigating deep snow. The specified side by side would be capable of carrying six individuals in the heated cab. The bed would be outfitted with an insert meant to carry a medic and a patient on a gurney.

Currently we utilized two four wheelers that are highly capable but expose operators and passengers to the elements. The four wheelers also limit the number of SAR members able to deploy as well as the number of patients they are able to carry. Moving forward, the four wheelers will continue to be utilized along with the side by side to deploy a Search and Rescue team. This will allow Search and Rescue members to increase efficiency, safety and capabilities.

We intend to utilize an existing Search and Rescue trailer that will require upfitting to carry the side by side.

I am respectfully requesting the Commissioners authorize this purchase that will be reimbursed with Title 3 funds, not to exceed \$60,000.00. Some items may be purchased in addition to outfit the Side by Side:

- Medic Skid
- Decals



SHERIFF'S OFFICE

511 Washington St., Ste.102 • The Dalles, OR 97058
p: [541] 506-2580 • f: [541] 506-2581 • www.co.wasco.or.us

Pioneering pathways to prosperity.

- Accessories
- Upfitting existing trailer

Attached are photographs of a similar side by side we intend to purchase.

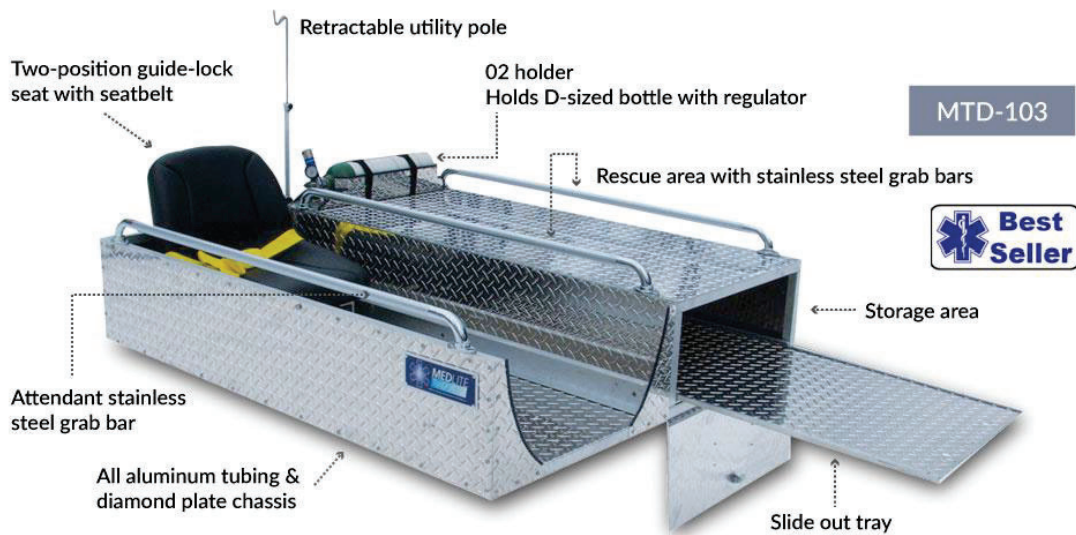


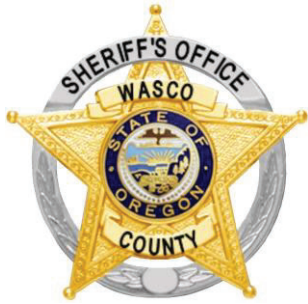


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Pioneering pathways to prosperity.





SHERIFF'S OFFICE

511 Washington St., Ste.102 • The Dalles, OR 97058
p: [541] 506-2580 • f: [541] 506-2581 • www.co.wasco.or.us

Pioneering pathways to prosperity.

Respectfully,

Detective Jonah Moore
Wasco County Sheriff's Office
jonahm@co.wasco.or.us
541-506-2580



Midstate Power Sports

3399 S Hwy 97
Redmond, OR 97756
541-526-5931

Bill of Sale

Sales Person: Eric Platt

Deal # 0382

Date: 04/19/2024

Buyer: Wasco County Sheriff's Office SAR
The Dalles, OR (Wasco) 97058 -
jonahm@co.wasco.or.us
(M) 541-460-2961

Stock#	Unit	VIN	Mi/Hrs	Price
POL11195 4	New 2024 Polaris Polaris XPEDITION ADV 5 Northstar (Matte Orange Rust)	3NSGZW997RM111954	0	\$44,599.00

Total Unit(s) Price: \$44,599.00

Requested Parts & Accessories:

Part #	Part Description	Qty	Total Sale Amount
2884491	K-ACCY,MIRROR SIDE	1.000	\$205.00
2889387	K-ACCY,HOOD RACK,BULL BMPR	1.000	\$410.00
2883126	K-LIGHT,POD,FLOOD	1.000	\$325.00
2889643	K-ROOF FRNT LGT MNT	1.000	\$45.00
2889237	K-ACCY,PLATFORM,RHINO,CREW	1.000	\$535.00
2889452	K-RACK,ROOF,BACKBONE,MP	1.000	\$515.00
2890014	K-MNT,CMPLST,5-LUG	1.000	\$1,100.00
2890016	K-TRACKS,CMPLST,UTV,18/18,5-LG	1.000	\$5,950.00
2889567	K-LIGHTBAR,RIGID,50 ,ROOF	1.000	\$1,850.00
2889591	50" CURVED LIGHT BAR HARNESS	1.000	\$125.00
2889820	K-ACCY,MNT-FRT BMP-LIGHTS	1.000	\$25.00
2889885	K-ACCY,HARN,LIGHT,BMPR,FRNT	1.000	\$145.00
2884783	K-ACCY,SCENE,LGT	1.000	\$565.00
MISC	INSTALLATION OF ACCESSORIES	17.000	\$1,700.00
			\$13,495.00

Incentives:

Description	Total Amount
GOVERNMENT REBATE	\$1,750.00
	\$1,750.00

Invoice Summary

Total Unit(s) Price:	\$44,599.00
Total Freight:	\$0.00
Total Set-Up:	\$0.00
Total Other:	\$0.00
Total F&I:	\$0.00
Total Parts:	\$13,495.00
Total Service:	\$0.00
Sales Tax:	\$321.18
Doc Fees:	\$0.00
Other Fees:	\$0.00
Total Sale Price:	\$58,415.18
Trade-In Allowance:	\$0.00
Trade-In Payoff:	\$0.00
Trade-In Value:	\$0.00
Cash Back:	(\$1,750.00)
Payments:	\$0.00
Balance Due:	\$56,665.18

FUN COUNTRY, INC.
1318 W 2nd STREET
THE DALLES OR 97058
541-298-1161

SHERIFF(SAR ACCT) WASCO CO.

511 WASHINGTON SUITE 102

THE DALLES, OR 97058

H 541-506-2580 W

C

Buyer's Order

Date

Deal No.

Salesperson ALEC ERLAND

Lienholder NA

Email

I hereby agree to purchase the following unit(s) from you under the terms and conditions specified. Delivery is to be made as soon as possible. It is agreed, however, that neither you nor the manufacturer will be liable for failure to make delivery.

Unit Information

New/U	Year	Make	Model	Serial No.	Stock No.	Price (Incl factory options)
New	2024	POLARIS	XPEDITION ADV 5 1000	3NSGZW991RM116194	116194	\$44,999.00

Options:

Dealer Unit Price	\$44,999.00
Factory Options	\$0.00
Added Accessories	\$13,974.80
Freight	\$0.00
Dealer Prep	\$0.00

ACCESSORY PACKAGE

\$13,974.80 D

Cash Price	\$58,973.80
Trade Allowance	\$0.00
Taxable Amount	\$58,973.80
Trade Payoff	\$0.00
Net Trade	\$0.00
Net Sale (Cash Price - Net Trade)	\$58,973.80
Sales Tax	\$0.00

Notes:

Title/License/Registration Fees	\$0.00
Document or Administration Fees	\$0.00
Total Other Charges	\$0.00
Sub Total (Net Sale + Other Charges)	\$58,973.80
Cash Down Payment	\$0.00

Trade Information

Amount to Pay/Finance	\$58,973.80
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NOTICE TO BUYER: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled in copy of this agreement. (3) If you default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement.

TRADE-IN NOTICE: Customer represents that all trade in units described above are free of all liens and encumbrances except as noted.

*With Approved Credit. Interest rates and monthly payment are approximate and may vary from those determined by the lender.

Customer Signature _____ Dealer Signature _____

Thank You for Your Business!

FUN COUNTRY, INC.

1318 W 2nd STREET
THE DALLES, OR 97058
541-298-1161 541-298-1580

Part Quote

Sold To: Counter Sale

Date: 04/18/2024 4:54 PM

Sold	S/O	Lay	P/U	Part Number	Sup	Description	Ext Price	Bin	Ava
0	1	0	0	2884491	PO	K-ACCY,MIRROR SIDE	\$199.99		0
0	1	0	0	2889387	PO	K-ACCY,HOOD RACK,BULL BMPR	\$399.99		0
0	1	0	0	2883126	PO	K-LIGHT,POD,FLOOD	\$229.99		0
0	1	0	0	2889643	PO	K-ROOF FRNT LGT MNT	\$39.99		0
0	1	0	0	2889237	PO	K-ACCY,PLATFORM,RHINO,CREW	\$519.99		0
0	1	0	0	2889452	PO	K-RACK,ROOF,BACKBONE,MP	\$499.99		0
0	1	0	0	2890014	PO	K-MNT,CMPLST,5-LUG	\$999.99		0
0	1	0	0	2890016	PO	K-TRACKS,CMPLST,UTV,18/18,5-LG	\$5,829.99		0
0	1	0	0	2889567	PO	K-LIGHTBAR,RIGID,50 ,ROOF	\$1,799.99		0
0	1	0	0	2889591	PO	50" CURVED LIGHT BAR HARNESS	\$119.99		0
1	0	0	0	2889820	PO	K-ACCY,MNT-FRT BMP-LIGHTS	\$19.99		1
1	0	0	0	2889885	PO	K-ACCY,HARN,LIGHT,BMPR,FRNT	\$139.99		1
0	1	0	0	2884783	PO	K-ACCY,SCENE,LGT	\$549.99		0
21	0	0	0	MISC0		INSTALL LABOR	\$2,625.00		

Subtotal \$13,974.87

Sales Tax \$0.00

Quote Total \$13,974.87



Pro Caliber Motorsports | 10703 NE Fourth Plain Rd. | Vancouver, WA 98682
 ☎: 360-892-3030 | 📠: 360-254-4550

Estimate

Due: \$15,525.39

Doc Number: Estimate
 Service Writer: Mitchell Anderson
 Date Printed: 02/29/2024
 Date Promised: 02/28/2024
 Date In: 02/28/2024

Jonah Moore
511 Washington St Ste 102
The Dalles, 97058

Customer Information

Home Phone: 5414602961
 Email: jonahm@co.wasco.or.us

Unit 2024 POLARIS G24GZW99AN XPEDITION ADV
 5 1000 NSTR Storm Blue Northstar

Color:

Keyboard:

VIN/Serial No:3NSGZW996RM110827

Plate:

Odom/Hrs In:0

Out:0

ACC INSTALL

Description:ACC INSTALL

Parts

Part #	Qty	Description	Price	Discount	Total
2889478	1.00	K-MOLLE PANEL,REAR	\$249.99	(\$25.00)	\$224.99
2889237	1.00	K-ACCY,PLATFORM,RHINO,CREW	\$519.99	(\$52.00)	\$467.99
2889452	1.00	K-RACK,ROOF,BACKBONE,MP	\$499.99	(\$50.00)	\$449.99
2884491	1.00	K-ACCY,MIRROR SIDE	\$199.99	(\$20.00)	\$179.99
2884503	1.00	K-ACCY,HOOD RACK,HD BMPR	\$399.99	(\$40.00)	\$359.99
2884714	1.00	K-GUARD,A-ARM,FR	\$249.99	(\$25.00)	\$224.99
2890542	1.00	K-SHACKLE,12MM,PR,BK/RD	\$39.99	(\$4.00)	\$35.99
2891009-458	1.00	FRONT,HD,BMPR,BLK	\$729.99	(\$73.00)	\$656.99
2884715	1.00	K-GUARD,A-ARM,RR	\$299.99	(\$30.00)	\$269.99
2884498-458	1.00	K-BPR,RR,BASIC,BLK	\$279.99	(\$28.00)	\$251.99
2890638	1.00	K-ACCY,FENDER,FLARE	\$449.99	(\$45.00)	\$404.99
2884497-458	1.00	K-ACCY,ROCK SLDR,TUBE,MP,BLK	\$549.99	(\$55.00)	\$494.99
2889561	1.00	K-WIRELESS REMOTE,WINCH,RZE	\$139.99	(\$14.00)	\$125.99
2883126	1.00	K-LIGHT,POD,FLOOD	\$229.99	(\$23.00)	\$206.99
2889731	1.00	K-ACCY,LIGHT MNT,RIGID,DRIVING	\$499.99	(\$50.00)	\$449.99
2884783	1.00	K-ACCY,SCENE,LGT	\$549.99	(\$55.00)	\$494.99
2889820	1.00	K-ACCY,MNT-FRT BMP-LIGHTS	\$19.99	(\$2.00)	\$17.99
2885169	1.00	K-ACCY,LIGHT,DOME,MP	\$129.99	(\$13.00)	\$116.99
2890014	1.00	K-MNT,CMLST,5-LUG	\$999.99	(\$100.00)	\$899.99
2890016	1.00	K-TRACKS,CMLST,UTV,18/18,5-LG	\$5,829.99	(\$583.00)	\$5,246.99
2889885	1.00	K-ACCY,HARN,LIGHT,BMPR,FRNT	\$139.99	(\$14.00)	\$125.99

Parts Subtotal \$11,708.79

Labor

Description	Technician	Hours	Total
LABOR		17	\$2,550.00

Labor Subtotal \$2,550.00

Job Subtotal \$14,258.79

Approve: ☐ Decline: ☐

All Jobs Subtotal: \$14,258.79
Shop Supplies: \$24.00

Tax:	\$1,242.60
Total:	\$15,525.39
Less Deposits:	\$0.00
Total Due:	\$15,525.39

WE CANNOT PROCEED WITH REPAIRS WITHOUT A SIGNATURE.

Take off parts or accessories will be disposed of 30 days after repair order completion date. There will be a \$25 per day storage fee charged to any vehicle left 7 days after completion. INITIAL _____

I hereby authorize (a) the above repair work to be performed along with the necessary materials (b) an additional charge of 10% for unspecified miscellaneous shop materials on the repairs, including parts and labor. Such additional charge shall be made at the sole discretion of Pro Caliber, depending in the type of repair to be performed but in no event shall exceed twenty five dollars (\$25.00). I agree that Pro Caliber and its employees are not responsible for loss or damage to vehicle or articles left in vehicle in case of theft, fire, or any other causes beyond our control including winterization, antifreeze, or any delays caused by unavailability of parts or delays in parts shipment by the supplier, factory, or transporter. I hereby grant you and/or your employee's permission to operate the vehicle herein described on streets, highways, waterways, or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above ATV, UTV, Motorcycle, Watercraft or other specified vehicle to secure the amount of repairs there to. In the event it is necessary to place any portion of the above repair order for collection with Pro Caliber's attorneys or agent, I agree to pay all costs of collection including reasonable attorney fees should this become delinquent. Repair work done on this repair order will be based upon a flat rate manual computation.

Signature: _____



Pro Caliber Motorsports
10703 NE Fourth Plain Road
Vancouver WA 98662
360-892-3030

Moore, Jonah

Buyer's Order

02/28/2024

Order No.

Salesman Chris Sommer

511 Washington St Ste 102
The Dalles 97058
5414602961

Unit Information

New/U	Year	Make	Model	Serial No.	Stock No.
New	2024	POLARIS	G24GZW99AN	3NSGZW996RM110827	PS24038

Options:

Customer Price	\$46,000.00
Manufacturer Rebate	\$0.00
Dealer Added Options (D)	\$0.00
Customer Added Options	\$0.00
Dealer Prep / Freight	\$0.00
Unit Subtotal	\$46,000.00
Vehicle Service Contract	\$0.00
Accessories	\$15,526.00
GAP Insurance	\$0.00
Prepaid Maintenance	\$0.00
Oregon Trip Permit	\$0.00
Theft Protection	\$0.00
Tire and Wheel	\$0.00
Appearance Protection	\$0.00
Title/License/Registration Fees	\$101.00
Document Fee	\$200.00
Sales Tax	\$172.50
Cash Price	\$61,999.50
Trade Allowance	\$0.00
Payoff	\$0.00
Net Trade	\$0.00
Net Sale (Cash Price - Net Trade)	\$61,999.50

Notes:

Sub Total (Net Sale + Other Charges)	\$61,999.50
Cash Down Payment	\$0.00
Total Down Payments	\$0.00
Amount to Pay/Finance	\$61,999.50
Monthly Payment of	\$61,999.49
For	1 Months at
0.00%	Interest Rate O.A.C.

Trade Information

I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND ACCURATE. I AUTHORIZE AN INVESTIGATION OF CREDIT AND EMPLOYMENT HISTORY AND THE RELEASE OF THIS INFORMATION. ALL ELEMENTS OF THIS PROPOSED TRANSACTION ARE NEGOTIABLE, INCLUDING PRICE, TRADE ALLOWANCE, AND \$150 DOCUMENTARY SERVICE FEE. I REQUEST THAT THIS OFFER BE SUBMITTED TO THE DEALER FOR ACCEPTANCE. NOTHING CONTAINED HEREIN IS BINDING ON EITHER PARTY; ANY AGREEMENT IS SUBJECT TO EXECUTION OF CONTRACT DOCUMENTS. ALL CREDIT IS SUBJECT TO CREDIT APPROVAL. I AUTHORIZE YOU TO CHECK MY/OUR CREDIT AND EMPLOYMENT HISTORY AND TO ANSWER ANY QUESTIONS ABOUT CREDIT EXPERIENCE WITH ME/US.

20 Buyer Signature _____ Dealer Signature _____

Thank You for Your Business!



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF ADOPTING THE IMMUNITY FROM LIABILITY FOR USE OF TRAILS OR STRUCTURES IN PUBLIC EASEMENTS OR UNIMPROVED RIGHTS OF WAY PROVIDED IN ORS 105.668, AS AMENDED BY SENATE BILL 1576

RESOLUTION #24-004

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

WHEREAS, the Wasco County Board of Commissioners finds that the Oregon Legislature enacted Senate Bill (SB) 1576 in its 2024 Regular Session; and

WHEREAS, as amended by SB 1576, ORS 105.668(2) provides cities with a population of 500,000 or more with immunity from liability for injury or property damage arising from use of trail or structures in public easement or unimproved right of way; and

WHEREAS, as amended by SB 1576, ORS 105.668(3) authorizes cities and counties with populations of less than 500,000 to opt in to the immunities provided in ORS 105.668(2) by adoption of an ordinance and resolution; and

WHEREAS, Wasco County desires to opt in to the immunities provided by ORS 105.668 to further advance the public interest by protecting and supporting efforts and activities of the County.

NOW, THEREFORE, BE IT RESOLVED by the Wasco County Board of Commissioners as follows:

SECTION 1 **Immunity.** Pursuant to ORS 105.668(3)(a) and (b), on behalf of the County and its elected officials, officers, employees and agents, Wasco County hereby opts in to the immunity from liability for injury or property damage arising from the use of trails or structures in public easements and/or unimproved rights of way as provided by ORS 105.668.

SECTION 2 **Extended Immunity.** Pursuant to ORS 105.668(3)(c) and (d), Wasco County further opts to extend the immunity adopted in Section 1 of this Resolution to:

- a. The owner(s) of land abutting public easements and unimproved right of ways located within the County; and

- b. Any nonprofit corporation and its volunteers for the construction and maintenance of trails or structures in a public easement or unimproved right of way located within the County.

SECTION 3 **Effective Date.** This resolution shall take effect immediately upon its adoption.

ADOPTED by the Wasco County Board of Commissioners on this 1st day of May, 2024.

APPROVED AS TO FORM:

Kristen Campbell, County Counsel

WASCO COUNTY BOARD OF COMMISSIONERS:

Steven D. Kramer, Commission Chair

Scott C. Hege, County Commissioner

Philip D. Kramer, County Commissioner



MOTION

SUBJECT: Recreational Immunity Resolution

I move to approve Resolution 24-004 adopting the immunity from liability for use of trails or structures in public easements or unimproved rights-of-way provided in ORS 105.668, as amended by Senate Bill 1576.



WASCO COUNTY BOARD OF COMMISSIONERS
REGULAR SESSION
APRIL 17, 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
Kelly Walker, Executive Assistant
Tyler Stone, Administrative Officer

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

Discussion Item – Summit Ridge Letter

Planning Director Kelly Howsley-Glover reviewed the memo included in the Board Packet. She explained that the Summit Wind Ridge Project has closed and will resubmit an application as Summit Wind Alternative Energy Facility. The Planning Department reached out to all relevant departments for input and is recommending one change to accommodate sensitive ecosystems.

Commissioner Brady said that there was good attendance at the pre-application meeting that he attended. He explained this is going through the Energy Facility Site Evaluation Council (EFSEC) and we will work with them through our Planning Department. He asked what areas this would impinge on. Ms. Howsley-Glover replied that we have an overlay zone which includes John Day, the Deschutes River, and other natural sites; this is at one of the natural sites. There is a list maintained by the state. This was designated in the 70s or early 80s.

Commissioner Brady asked how big of a load would this be for the planning staff. Ms. Howsley-Glover responded that in the past, it has usually been the Director or Senior Planner working on this; it should not impact our current projects.

Commissioner Brady pointed out that Ann Beier who is on the EFSEC Board encouraged people to take advantage of Sherman and Gilliam counties' experience with renewable energy projects.

*****The Board was in consensus to send the proposed letter to the Oregon Department of Energy regarding the Summit Ridge Renewable Energy Facility.*****

Discussion Item – CAMI Grant

Ms. Clark went over the CAMI Grant and explained this is a regular item.

{{{Commissioner Brady moved to approve Intergovernmental Grant Agreement CAMI-MDT-2023-Wasco County-DAVAP-00033. Vice-Chair Hege seconded the motion which passed unanimously.}}}

Discussion Item – BOPTA Report

Chief Deputy Clerk Chrissy Zaugg reviewed the report included in the Board Packet regarding the Board of Property Tax Appeals (BoPTA). She added that the tax statements start in November and conclude in April.

Vice-Chair Hege said our staff did an amazing job and over the years he's watched it improve. He said the Board is very responsible, adding that out thousands of accounts, only 5 were appealed. He said our staff does a great job!

Commissioner Brady asked how the stipulation process works. Ms. Zaugg replied that citizens are encouraged to work with the Assessor's office; if they come to an agreement, it is stipulated and the appeal is withdrawn.

Discussion Item – Appointments

FAIR BOARD

Chair Kramer reported that at their April 3, 2024 meeting, the Fair Board reviewed applications for 3 vacant positions on the Fair Board and are recommending Vicki Ashley, Hailee Meredith, and Teddy Franke for appointment. Chair Kramer pointed out that Teddy Franke is a farrier, Vicki Ashley has served in the past, and Hailee Meredith is a Veterinarian. Commissioner Brady added that he's impressed with their years of service.

{{{Vice-Chair Hege moved to approve order 24-011, 24-012, and 24-013 appointing Vicki Ashley, Hailee Meredith, and Teddy Franke to the Wasco County Fair Board. Commissioner Brady seconded the motion which passed unanimously.}}}

QLIFE

Ms. Clark explained that Roger Kline's appointment fills a vacancy on the QLife

Board. Mr. Stone added that Mr. Kline will be a good addition to the QLife Board. Vice-Chair Hege said he is very happy to have him back. He pointed out that Mr. Kline served only a brief period of time and that it will be very helpful to have that collaboration again.

Commissioner Brady asked who he is replacing and Vice-Chair Hege answered that Dale Leper from the hospital is retiring. Vice-Chair Hege asked about the status of appointments and how they work. Mr. Stone answered that the county has two appointments, the city has two appointments and there's one at large.

{{Vice-Chair Hege moved to approve order 24-011, 24-012, and 24-013 appointing Vicki Ashley, Hailee Meredith, and Teddy Franke to the Wasco County Fair Board. Commissioner Brady seconded the motion which passed unanimously.}}

Discussion List – Finance Report

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

Vice-Chair Hege asked if we've made any payments to Hood River County for Building Codes. Mr. Stone answered that he thought they just started billing us last month. Mr. Middleton explained the Local Government Investment Pool (LGIP) was returning 0.5% and is now over 5% which accounts for the additional funds. He explained that the Fair Board needs a budget change, as they have upcoming expenses such as capital expenses and advertising for the upcoming fair. He said that this should be a straight forward budget change that will come the board for an upcoming meeting.

Commissioner Brady asked what the Special Economic Fund is. Mr. Middleton answered it is for appropriate economic development projects. Mr. Stone pointed out that we pay MCEDD out of that fund. Mr. Middleton added that we helped the Columbia Gorge Community College with a project out of that fund.

Commissioner Brady asked if the large increase in Building Codes will stay in the Building Codes Fund. Mr. Middleton explained that they are dedicated funds; if not spent, they stay in place. He further explained there are two funds: one electrical and one general. He said it is not always linear; big projects come in and increase the fund balance. He added that our partnership with Hood River County will not use up the funds; it actually saves us money as we are sharing the costs of a building official.

Commissioner Brady asked if any of these funds reflect the economic climate

locally. Mr. Middleton replied some more directly than others, such as the rate at which property taxes come in, interest rates, and how much we have in those investments. He added that we are spending throughout the county for projects we can support.

Discussion List – New Meeting Venue

Chair Kramer explained that starting with the May 1, 2024 session, the Wasco County Board of Commissioners will be meeting in a large meeting room located on the 1st floor of the recently purchased 3rd Street office building located at 401 E. 3rd Street. The entrance to the new meeting room is located on Federal Street just past the Davidson Insurance office entrance. Commissioner Brady expressed appreciation to staff for all the work that has gone into this.

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

Agenda Item – Community Wildfire Protection Plan Updates

Long-range/Special Project Planner Alice Cannon reviewed the presentation included in the Board Packet. Ms. Cannon came the board about 18 months ago with updates. She said that the Wasco County Forest Collaborative met and determined that it would be helpful to update our projects list to qualify for available funding. Staff recommends that the Board approve the amended plan. Chair Kramer said this is great for our community relationships. Vice-Chair Hege said this is an amazing piece of work; citizens should be reading this. Ms. Cannon said that we've identified projects we will pursue as a group – short, medium, and long-term.

Ms. Howsley-Glover said we submitted a sizeable grant to the U.S. Forest Service to fund a Wildfire Coordinator position modeled after Deschutes County. She said this will be education and mitigation work. She said we focus on preparedness and mitigation and participate in wildfire education month. She added if we do not get the grant this year, we will keep trying.

Vice-Chair Hege asked if we have heard back on that grant. Ms. Howsley-Glover said that they hoped to hear back in March, but have been told it will likely be May or June. Vice-Chair Hege said it's interesting to look at the landscape and wildfire hazards, etc. on the maps. He pointed out that it's important for citizens to understand their wildfire risk. He asked about how this gets to parcel level and if any of the data is available on a GIS map. Ms. Howsley-Glover replied that the maps in the plan are not at the parcel level; that happens in the state wildfire

risk map.

Vice-Chair Hege pointed out that the maps are not that different from the state maps and added that it's really important for citizens to understand the risks. He said that on page 15 of the report the Wasco County structured density patterns map tells us so much about our county; there is a lot of vacant area. He asked if the maps are available online or just in the plan. Ms. Cannon replied that we have a copy online and we can make individual copies of maps available upon request. Ms. Howsley-Glover pointed out that these maps are informative, not regulatory; adding that our GIS map contains almost entirely regulatory information. Ms. Cannon said that one of the significant changes in the plan is the United States Forest Service (USFS) funding that allows for more mitigation. She stated that on page 210 of the packet there is a map that identifies the new areas. She said the Forest Service is moving forward with projects that will thin fire fuels on public property to protect private property.

Vice-Chair Hege said to follow the links in the plan to get more information. Chair Kramer said he's been working with Daniel Dougherty on the Wildfire Hazard Map Rulemaking Committee. You can find more information on the Oregon Department of Forestry website.

Commissioner Brady commended County Clerk Lisa Gambee for the meeting she convened last night in Wamic letting people know how they can use this information. Ms. Gambee said that insurance will not cover the Wamic area for wildfire risk or the rates will be prohibitively high. Ms. Gambee said the Department of Business Services came out and did a great job of explaining that the insurance companies use maps based on their industry claims data. She said they gave suggestions on what you can do to mitigate risk and added there is an Oregon FAIR Plan, which is available as a policy of last resort, that we might be able to access. She pointed out there is an event being planned by Wamic Fire Chief Larry McGill in conjunction with the Forest Collaborative on May 11, 2024, from 2:00 to 5:00 p.m. at the grange in Wamic. Ms. Gambee explained that at the event citizens will be educated on what to do to help prevent the spread of wildfire; they will also talk about how to become a firewise community, which can help with insurance. She pointed out this is a complex issue; you can go to the Department of Business Services website or contact her for more information.

Ms. Howsley-Glover added that the plan is available on the Planning Department's web page. Ms. Gambee said it would be great to work with Wasco County Public Information Officer Stephanie Krell to get the word out on the Plan. Commissioner Brady pointed out Antelope is also pursuing measures to become a firewise community.

{{{Vice-Chair Hege moved to approve Resolution 24-003 adopting amendments to the Wasco County Community Wildfire Protection Plan. Commissioner Brady seconded the motion which passed unanimously.}}}

Agenda Item – WCLEA Agreement

Sheriff Lane Magill explained that they participated in negotiations for this agreement which increases wages and benefits. He pointed out that the Wasco County Law Enforcement Association has ratified the agreement and the Sheriff Office budget is well-positioned to make these offers. He said that this was the shortest process he's ever participated in. Deputy Trenton Mason, who participated in negotiations on behalf of WCLEA, added that this is a decent contract completed in a short period of time.

{{{Vice-Chair Hege moved to the Collective Bargaining Agreement between Wasco County, Oregon and the Wasco County Law Enforcement Association effective through June 30, 2027. Commissioner Brady seconded the motion which passed unanimously.}}}

Agenda Item – Dufur Ambulance Waiver

Emergency Manager and Ambulance Service Area Coordinator Sheridan McClellan introduced Dufur EMS Chief Sarah Smith. Ms. Smith explained that she is requesting a renewal of last year's waiver. She explained that this allows them to run the ambulance with someone at a higher level of response with only a driver rather than someone higher than an EMT. Vice-Chair Hege asked if the board will see this request annually. He also inquired if it worked well in the past. Ms. Smith replied that the term of the waiver is one year and must be renewed annually. She stated that it worked very well and, in many cases, kept them from having to get an outside agency to respond. Commissioner Brady asked if they are finding success in keeping volunteers and getting new ones. EMS Chief answered they are; they have added two new volunteers and are sending another for training.

*****The Board was in consensus to provide a letter of support for Dufur Ambulance's reduced staffing waiver request.*****

Agenda Item – Emergency Services/Sheriff's Office Grants

Emergency Manager Sheridan McClellan reviewed the memos included in the Board Packet regarding grant applications he is hoping to submit. Mr. McClellan explained that the vehicles are old and that they'd like to get a hybrid to save on fuel. He added that this will be for wildfire response, etc.,

Commissioner Brady asked if Mr. McClellan had found a hybrid with the capacity needed for wildfire response. Mr. McClellan replied that Ford and Toyota make them; there are some all gas vehicles with fair miles per gallon.

Mr. McClellan explained that he would like to apply for the larger version of the shelter containers to move to the fairgrounds, as it would provide 350 people with supplies. He said the state can also stage supplies at the fairgrounds.

Deputy Mason said that the Sheriff's Office would like to acquire 20 new automated external defibrillators (AEDs). He added that rural ambulances are volunteer and the patrol officers can start the resuscitation process sooner. Vice-Chair Hege asked if we have had the equipment previously. Deputy Mason responded affirmatively saying that the equipment wears out and needs to be replaced. He added that he is a certified trainer. Vice-Chair Hege asked if other counties have this equipment. Deputy Mason replied yes. Commissioner Brady commented that it would be a disaster to get to the destination and have the equipment fail.

*****The Board was in consensus for the Emergency Manager to proceed with the Resilience grant applications as proposed.*****

Chair Kramer recessed the meeting at 10:15 a.m.

The session resumed at 10:20 a.m.

Agenda Item – Agricultural Labor Housing

Columbia Gorge Fruit Growers Association Board Chair Lesley Tamura reviewed the presentation included in the Board Packet. Ms. Tamura reported that costs for labor have made it difficult for us to continue. She said growers are cost takers rather than cost makers and cannot hold fruit to wait for a better price. She said they pay ahead to grow the fruit and only a fraction of the cost of the fruit at the store comes to the grower. Vice-Chair Hege asked if pears have a longer shelf life. Ms. Tamura explained that it takes 30 to 60 days of storage to ripen pears; then they need to get to the stores between March and June. Vice-Chair Hege asked about what happens to the majority of the price. Ms. Tamura replied that the growers are the last to be paid adding; the stores are first to get paid, then the packing house, and lastly the grower. Ms. Tamura went on to say that the orchardists do not have much ability to automate; they need people to harvest. She said growers provide seasonal or year-round housing for their workers. She reported that cherry growers provide housing for 3 months out of the year, but pear growers provide both seasonal and year-round housing. She added that the housing is a benefit to both the employers and employees; the

employers have a reliable work force and workers get free reliable housing which often includes their spouse and children. She adds that the family members may also work in other businesses.

Ms. Tamura reported that rulemaking changes began in 2018; the Fruit Growers association has been participating in the ongoing conversations. She said they have hosted housing tours to highlight the safety of the housing and illustrate why some of the rules are not feasible.

Ms. Tamura said growers agree they need to provide safe and healthy housing that includes things like smoke and carbon monoxide detectors, air conditioning, etc.; however, many of the rule changes go beyond safety and involve adding comfort and convenience features. She said the largest impediments are cost and lack of space. Growers agree with stricter safety standards in housing and will support enforcement of safety rules and regulations, as they want safe housing for their work force. Ms. Tamura pointed out that those who are not following the current rules will not follow the new rules either; many of these rules will only harm the housing providers who are already following existing rules.

Ms. Tamura explained that the new rules are asking for increased square footage, an increase in the number of toilets and showers, and separate laundry facilities for work and personal clothes, etc. She said that if these new rules are passed and enforced, growers will no longer be able to provide housing. If labor housing is no longer provided, the workers will still come to work but will have to live in their cars, tents, or have many family members residing in one motel room. Ms. Tamura stated that the rule changes should consider all parties involved and not put farmers out of business and people out of work.

Ms. Tamura asked the BOCC for a letter providing public support and comments on this issue.

Commissioner Brady said he grew up working in the orchards, so he recognizes the challenges of growers. He said he participated in the orchard tour and the facilities here reminded him of his college dorm. He pointed out that air conditioning is a safety issue, as there is a correlation between anger and heat, heat and the ability to sleep, etc. He said he understands the science behind it and supports enforcement of the regulations we already have before more regulations are added.

Vice-Chair Hege said that the growers make a persuasive argument. He stated that he was not aware that our two counties have two-thirds of the labor housing.

Ms. Tamura replied that the statistics represent the registered housing; there's also unregistered housing and that's where the problem is. Vice-Chair Hege said that it's hard to understand why OSHA is not willing to move on this, as the result of many of the new rules will not be helpful. He added that this has been going on for years.

Ms. Tamura said that in 2008, they had a 10-year timeline for compliance with new rules. . She pointed out that there is a push to move to community-based housing, but that does not meet the all the needs. There is not enough housing in general, plus there's a need for seasonal housing. She said communities don't want to have empty housing for 9 months out of the year.

Vice-Chair Hege said he would like to help in any way that he can. He asked if it was possible for the BOCC to write a joint letter with the other counties. Ms. Tamura replied that Hood River County is generally supportive, but a lot of people in Hood River County push back on commercial growing. Vice-Chair Hege said this is an important industry and he wants to support this. He added that he thinks that the growers want to provide good housing and if the new rules and regulations are pushed through, it would be a losing scenario.

Chair Kramer asked if we can share this information around the state. Ms. Tamura replied that it is already public information. Chair Kramer stated that he thinks the Association of Oregon Counties (AOC) could take this up and raise the level of awareness. He said we will try to rally support for this.

Dave Meyer, a small grower in The Dalles, urged action. He said if the rules OSHA is pushing are passed, the housing capacity on his farm will drop by 75%. He said he would be done.

Chair Kramer asked if this is about agency rule-making or legislative action. Ms. Tamura replied that this is agency rule-making. Vice-Chair Hege asked Mr. Meyer if what he meant when he said he would be done was referring to housing. Mr. Meyer replied that he meant he would have to close his farm. He added that he could try to do it illegally, but they need the workers they house. Mr. Meyer said they house at about a 75% efficiency rate and even a 50% drop would be disastrous for business. Vice-Chair Hege asked what would happen if they no longer provided housing. Mr. Meyers replied that they would still get some workers, but not enough to harvest. Ms. Tamura added that providing housing ensures they have a workforce. Vice-Chair Hege commented that if they have good housing, they get better workers. Ms. Tamura replied yes, it is a symbiotic relationship; the growers can count on workers and the workers can count on housing.

Vice-Chair Hege asked what they wanted the BOCC to do today. Ms. Tamura replied that the Board can write the letter now or wait for the public comment period. Chair Kramer said that he is going to reach out to Regional Solutions and ask for an audience with the Governor. Commissioner Brady he'll attend the April 24, 2024 meeting. Chair Kramer said we need a letter, as we are 98% agriculture in this county and need to support this.

Bill Anderson, a grower in The Dalles, said that some people don't have the ability to expand housing facilities on their own land without losing growing space. Commissioner Brady pointed out that if we lose the ability for small farmers to have housing, then the farming industry here would become corporate.

Ken Polehn, a grower in The Dalles, said that the majority of his farm is in the scenic area which means there is a slim chance for him to be able to expand his housing which would pretty much put us out of business. He pointed out that they are a small corporate farm and can take care of the air conditioning and other safety issues to be safety compliant. He added that he appreciates the Board's support. Vice-Chair Hege asked that they keep the Board informed so they can provide support.

Agenda Item – Tax & Assessment

CAFFA GRANT

Wasco County Assessor and Tax Collector Jill Amery reviewed the County Assessment Function Funding Assistance (CAFFA) Grant application included in the Board Packet. Ms. Amery said that this application shows what it takes to operate the program; there hasn't been much change over the last few years. She said that they shifted their business personal property to the appraisal program to get it cleaned up and caught up; it will go back to an administrative program. She explained that this is reflected in one of the FTE changes. She said that this grant was intended to cover about 30% of the work, but now only covers about 10%. Ms. Amery added that Wasco County is fortunate to have the support needed to maintain our program; there are counties that are not in that secure position. Mr. Stone said he would be participating in the discussions to bring funding levels back up.

Commissioner Brady said he noticed that Ms. Amery was listed on the duties table as 0.22 FTE and asked if this was accurate. Ms. Amery answered that it reflects only a portion of her time for a particular task; they have a spreadsheet that they maintain to track time for all duties associated with this program.

Mr. Stone pointed out that this is the second or third attempt for a legislative fix. Ms. Amery explained that the Assessor's Association has hired a lobbyist.

{{Vice-Chair Hege moved to approve the Form 8 Resolution required for submission of the 2024-2025 CAFFA Grant Application. Commissioner Brady seconded the motion which passed unanimously.}}

WHOLLY UNCOLLECTIBLE TAXES

Ms. Amery reviewed the memo included in the Board Packet. She explained that last year they started working on collecting for manufactured homes. She said manufactured homes have a unique process; the County takes possession of them or sells. She said they began working on this last year and are caught up on most of them and placed some on payment plans. She added that they've attempted to collect on one remaining account that is left over from last year. She explained that these manufactured homes are not habitable and we cannot sell them. For account 71815, the owner had passed away and it was being used for storage. The appraiser came to the site and it doesn't appear moveable. She said we need to get this off the books. She explained that the other account (71986), is a double-wide to which the owner gave us access. It was never put together or lived in, had been exposed to weather and became uninhabitable. She added that there's no value for this manufactured home.

{{Vice-Chair Hege moved to approve Order 23-078 canceling certain uncollectible personal property taxes. Chair Kramer seconded the motion which passed unanimously.}}

Agenda Item – Earth 280 Enterprise Zone Application

City of The Dalles Economic Development Officer Dan Spatz reviewed the material included in the Board Packet. He said Earth280 has purchased property for carbon sequestration facility. He explained that it is a \$20 million investment; the company had already broken ground without abatement which disqualified them from applying. He added that they want to add a 5,000 ton capacity facility. Compared to natural-based sequestration used by agriculture, the mechanical process used by Earth280 provides an accurate measurement of the CO2 sequestered. He further explained that mechanical has a more measured approach, as they draw it out through filtration, measure, liquefy, store, and transport it to injection wells in the Midwest where it stays liquid in the oil well. He said that this company wants to inject it under the salt flows adding that this is a long-term goal; they want four modules. He said Earth280 want to save money with the start-up costs and with transportation to the

Midwest. They also want to increase to a million ton capacity, and have requested approximately 250 acres of additional property; the Port does not have that acreage. He pointed out that the Oregon State Treasury is interested in the project and would like this to become a test center. He added that the company is making no long term commitments; the Enterprise Zone staff would like to give them a vote of confidence. He said Earth280 qualifies for a three year abatement and have a stake in our region in this technology.

Ms. Amery said that it is not our job to pick winners or losers adding that the company has requested a five-year abatement. Mr. Spatz added that Enterprise Zone staff presented to the Port last week and will also bring this to the City Council. Chair Kramer asked what the Port's reluctance is. Mr. Spatz replied that the Port wants more information; some are concerned about the additional land. Ms. Amery added that this is Earth280's first experience as an applicant.

Commissioner Brady said he attended the Port meeting where land use was a concern. He stated that carbon as a project is intangible. Commissioner Brady noted that we just heard that the rural fire insurance rates are pricing folks out of their home. He said carbon in the environment creates a future cost; what we see now is the result of what happened 20-30 years ago. He stated that a ton of carbon increases temperatures, which increases costs, but we tend to discount future cost. He said we can address that with carbon credits or a carbon tax. Businesses that go into this are in it for the long haul and face many challenges. He pointed out that this is not a huge ask and would be a great place to lead the way to clean air.

Vice-Chair Hege said they are applying for an EZ and will get the 3 year abatement. He pointed out that the question is do we allow the five-year abatement. Ms. Amery explained that in year 4 they pay 50% taxes and in year 5 they pay 75% taxes. Vice-Chair Hege said he thinks this is challenging and exciting, but the challenge for the Port is limited available land. He pointed out that they have to consider best use for their inventory of land. He said that he supports the request. He about the circumstance of not being able to apply once the project has begun. Ms. Amery replied that statute does not allow for EZ awards once dirt has been moved. Mr. Spatz added that this application is for a next phase of their overall process.

Mr. Stone asked if they do dry up and leave a vacant building, can we condition the agreement to require that they remove it. Ms. Amery replied that we've talked about it for longer term projects. She stated that we might ask for an escrow account but we have never done that on a 3-5 year project. Vice-Chair Hege said that if something bad happens, the value stays there; they still have

to pay taxes unless they file bankruptcy. Ms. Amery said that the technology will continue to have value as it needs to be near a data center; if they fail, another more stable owner could come in. Vice-Chair Hege asked how many acres it is now. Mr. Spatz replied that it's at 2.7 acres, but they want more.

*****The Board was in consensus to grant a 5-year Enterprise Zone Tax Abatement to Earth 280.*****

Agenda Item – Information Systems

SECURITY RISK ASSESSMENT

Mr. Burke reviewed the memo included in the Board Packet. Mr. Burke said they began the risk assessment process in 2021 with a full assessment which came back with findings that they've been working through. He explained that they want to ensure they've closed those gaps and look for any other gaps that may exist. Mr. Burke said he recommends a collaborative purchase agreement between the County and Mid-Columbia Center for Living; assessments will be independent from each other to secure the information of each agency. Vice-Chair Hege pointed out that we just added Columbia Gorge Community College (CGCC) and asked if there's a need for them to have this risk assessment as well. Mr. Burke said they've developed the model at CGCC for independent operation. He explained that that CGCC has already had an assessment which resulted in a road map they will work through for any findings. He said that they will include CGCC at the next assessment.

{{{Commissioner Brady moved to approve the 3-year renewal of Wasco County's Google Workspace contract. Vice-Chair Hege seconded the motion which passed unanimously.}}}

GOOGLE WORKSPACE RENEWAL

Information Services Director Andrew Burke reviewed the memo included in the Board Packet. Mr. Burke explained that this is a continuation of what we've already been using adding that prices have gone up appropriately. He said they are looking at adding 10 licenses for Gemini (AI). Commissioner Brady asked who will use Gemini. Mr. Burke replied that the IT Department will use five licenses; other departments that are interested in testing it will use another five. Vice-Chair Hege asked what the cost is per person per year. Mr. Burke replied that it's \$200 per person per year.

{{{Vice-Chair Hege moved to approve the Statement of Service agreement between Wasco County and Critical Insight to conduct a Security Risk

Assessment for Information Services. Commissioner Brady seconded the motion which passed unanimously.}}

Commission Call

Chair Kramer reported that he is working with the Sheriff's Office, Mr. Stone, and Mid-Columbia Center for Living Executive Director Al Barton on the Columbia Gorge Resolution Center. He added that he's continuing his work at the Association of Oregon Counties. He pointed out that rule-making for the Wildfire Hazard Map wraps up tomorrow, and the strategic planning for MCEDD is starting.

Vice-Chair Hege reported he attended the Urban Renewal Budget meeting and they approved the budget. Urban Renewal bought and sold the blue building. He said there was a 1st street project to put an underpass under the railroad to get to the park that Urban Renewal supported with \$300,000, but they have now pulled the project. The project has escalated in cost for infrastructure. He said he isn't clear what Urban Renewal will do with this yet, but the money has been set aside.

Vice-Chair Hege added that there is a NORCOR budget committee meeting tomorrow where they will review the revised budget.

Commissioner Brady reported that he attended the health fair meeting for housing directors and emergency shelters. He said he was there on the behalf of Mid-Columbia Community Action Council. He said that our community has done very well due to the courage of our local leaders.

Commissioner Brady added that he attended a Library District Board meeting. He reported that the District will bring their IGA to the next meeting. He said they have negotiated as far as they can but are still not satisfied and will provide comment.

Commissioner Brady reported that Shaniko had a leak in a valve under a paved road which has been addressed. He attended a Board of Health meeting and has been pushing them forward to get a work session set with the Board of County Commissioners before the end of the calendar year.

Chair Kramer read a thank you note from the Babe Ruth League expressing their gratitude for the work the County has done to get the ball fields back in shape.

Chair Kramer recessed the meeting at 11:45 a.m.

The Regular Session resumed at 2:00 p.m.

Agenda Item – Public Works

H STREET ROAD VACATION

Public Works Director Arthur Smith reviewed the report included in the Board Packet. Mr. Smith reviewed report of the 925 feet of H-Street between Cherry Heights and the Kingsley area. He reported that Fruitland Park was created in 1910 and only exists on paper. He said that since the dedication of that H Street, a house was built right over the center of the right-of-way. He explained that the petitioners own all of that property, have clear access, and have petitioned to vacate that portion of the right-of-way. He added that the County has no plan to develop that right-of-way and it doesn't provide utility or public lands access, so there's no impact to the county. He added that we don't need a public hearing and recommended granting the vacation of the right-of-way. Commissioner Brady added that he'd been up there several times and it is pretty isolated.

{{{Commissioner Brady moved to approve Order 24-009 vacating a portion of H Street within Fruitland Park Addition, The Dalles, Oregon, Section 5, Township 1 North, Range 13 East, Willamette Meridian. Vice-Chair Hege seconded the motion which passed unanimously.}}}

HOOD RIVER ROAD VACATION WORK SESSION

Mr. Smith reviewed the materials included in the Board Packet reporting that he submitted his report per statute and we are now at a decision point. He explained that if the petition is not withdrawn, we will go through the petition process. He said it seems unlikely that the vacation would be granted after seeing Hood River County's comments. He said he thought we might be able to find another path since the result of a hearing is inevitable.

Chair Kramer asked if Mr. Smith has had conversations with our petitioners. Dustin Posner, who lives on Hood River Road in Mosier, said he's one of the 4 signing petitioners. He said that at the first meeting we wanted to hear from Hood River County and that process has concluded. He added that we were looking for direction on what to do. He said he really didn't know who put the gates in and how that worked. He explained that he thought it was not a good solution with the bicycle hazard and lack of fire access. He said now that he knows the petition will be denied, he is looking for direction on whether we can keep motorized vehicles out. He said he doesn't know who owns the third gate

and asked if it's Hood River County or Wasco County. He also asked if we should keep the locked gates and fences or do we make a modification. He added that he doesn't think that anyone is interested in having the gates completely locked. He pointed out that cattle roam up from the Hood River side and could get through without a gate.

Drew Devereaux from Hood River said that he has been exploring lands and has met other folks who hike, ride bicycles, and walk dogs. He said when first exploring, he saw the "no trespassing" sign, but knew it was a public road. He added that the gate is 6 feet tall and there is barbed-wire, which keeps people from going through it. He said he would like for non-motorized vehicles to be allowed through an unlocked gate. He also asked for the "no trespassing" signs to be removed since it is a public road. He added that the road offers another high quality outdoor experience.

Commissioner Brady asked if Mr. Smith if he would provide some options and thoughts. Mr. Smith replied that in 1993 or 1994, they had issues at this location with vandalism and trash dumping. He said at the time, there was no formal agreement, but a gentlemen's agreement which allowed for the gates. He added that he thinks the existing track is adequate for bicycles and foot traffic.

County Surveyor Bradley Cross said that he believes the postings were made by SDS Lumber. He said we could post it to be off-limits to motorized vehicles and work with Hood River County to allow for the gates to be opened and closed adding that the barbed wire fence would have to be removed. Mr. Posner said that there are rock piles that hold that particular gate. Mr. Devereaux added that across from the Hood River county line, there is a ranch that is open for hiking and biking. He explained that their gate system is a one-way gate that cows cannot get out from, adding that it is wide enough for a bicycle to get through, but not a motorcycle.

Commissioner Brady said that from a County perspective, he sees the need to maintain a County right-of-way for emergency access. Chair Kramer said that we're talking about 1000 feet on the Wasco County side. He said he doesn't want to see motorized vehicles there, but electric bikes are motorized and should be included under that definition. He added that he doesn't see why we can't come up with some kind of gate solution that allows for emergency vehicles. He pointed out that Hood River has a lot more length and they want it open, but did not offer any solution for this. He said he does not want to lock people out of public lands. We should be able to come up with a compromise, adding that our partners will need to do their part.

Mr. Smith said he can work with his Hood River counterpart. He pointed out that the statute allows for the solution being proposed; we will just have to work out a gate system to allow for emergency vehicles. He said he thinks that will be a good system. He said that he would ask that we have a resolution to codify the decision. Mr. Posner agreed that he'd like that order or resolution to document the decision and then signage can go up. He added that the county line gate will take more work. He said that he thinks we can figure out a small gate next to the existing gate for the bicycles and foot traffic so that someone in the middle of the night does not get a vehicle through.

Commissioner Brady said he'd like it to be closed to motorized traffic and have the gate be substantial to indicate intention. He sympathizes with the trespassing issue; it happens throughout the county. He added, in terms of safety, if the trespassers are getting hurt during recreational activities, it is their own responsibility.

Vice-Chair Hege said he does not support vacating the right-of-way and agrees with Hood River County's reasoning. Hood River County suggested that both counties' staff could be directed to determine how to address the issue; that is a good direction that allows for flexibility. He added that the "no trespassing" sign is not appropriate for a public road.

Mr. Posner said that up until this issue was raised, we did not know the problems adding that the signs were there when we purchased the land and we thought that the issues had been resolved. Commissioner Brady thanked the petitioners for coming forward to resolve this. Chair Kramer asked how many access points there are. Mr. Devereaux replied that there are two access points, and there are more casual access points. Chair Kramer said that we will have Mr. Smith and Mr. Cross work with Hood River County for a solution. Mr. Smith that there is an ORS that will support the solutions that they've come up with.

Vice-Chair Hege asked Ms. Clark to draft a resolution letter based on the Hood River letter. Mr. Smith said he can post a sign that says "closed to motorized vehicles". Mr. Posner pointed out that this is a two-step process in which the first step is signage and the longer term second step is resolving how the gates are configured and modified. Vice-Chair Hege said we are asking for an order to direct staff; it will be Mr. Smith who will move this forward.

Mr. Smith said that if they approve the order/resolution on May 1st, he can get the signs coming within a week. He added that the gate would not be padlocked, chained, or closed. He explained that he would create a better gate next to it. He said he'll work with Hood River County for their gate on Elder

Road adding that the gate can remain, but it cannot be locked. Mr. Posner added that they all have a key. Chair Kramer said to Mr. Smith to work with Hood River County to sort it out. He added that he wants our side to be done correctly allowing emergency vehicles to be able to get through. Mr. Posner pointed out that he hopes Mr. Cross can determine a change for the county line gate. It would be great to have it located to where the county line actually exists.

Agenda Item – Executive Session

At 2:45 p.m. Chair Kramer recessed the Regular Session to open an Executive Session Pursuant to ORS 192.660(2)(h) Conferring with Legal Counsel. He instructed members of the media to not record any portion of the Executive Session or to report on items discussed in Executive Session other than to state the general topic as previously announced.

The Regular Session resumed at 3:40 p.m.

Chair Kramer adjourned the meeting at 3:41 p.m.

Summary of Actions

MOTIONS

- **To approve Intergovernmental Grant Agreement CAMI-MDT-2023-Wasco County DAVAP-00033.**
- **To approve the Form 8 Resolution required for submission of the 2023-2024 CAFFA Grant Application.**
- **To approve Orders 24-011, 24-011, and 24-012 appointing Vicki Ashley, Hailee Meredith, and Teddy Franke to the Wasco County Fair Board.**
- **To approve Order 24-010 appointing Roger Kline to the Quality Life Intergovernmental Agency Board of Directors.**
- **To approve Resolution 24-003 adopting amendments to the Wasco County Community Wildfire Protection Plan.**
- **To approve the Consent Agenda: 4.3.2024 Regular Session Minutes.**
- **To approve the Collective Bargaining Agreement between Wasco County, Oregon and the Wasco County Law Enforcement Association effective through June 30, 2027.**
- **To approve the 3-year renewal of Wasco County's Google Workspace contract.**
- **To approve the Statement of Service agreement between Wasco County and Critical Insight to conduct a Security Risk Assessment for Information Services.**

- **To approve Order 24-009 vacating a portion of H Street within Fruitland Park Addition, The Dalles, Oregon, Section 5, Township 1 North, Range 13 East, Willamette Meridian.**

CONSENSUS

- **To send the proposed letter to the Oregon Department of Energy regarding the Summit Ridge Renewable Energy Facility.**
- **For the Emergency Manager to move forward with the Resilience Hubs and to provide a letter of support for Dufur Ambulance's reduced staffing waiver request d Networks Grant application.**
- **For the Emergency Manager to proceed with the Resilience grant applications as proposed.**
- **To grant a 5-year Enterprise Zone Tax Abatement to Earth 280.**

Wasco County
Board of Commissioners

Steven D. Kramer, Commission 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 RESTRICTING ACCESS TO 1,000 FOOT SECTION OF HOOD RIVER ROAD

ORDER #24-015

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: On ____, 2024 certain Petitioners requested vacation of a portion of Hood River Road described as follows:

An approximately 1,000 foot section of Hood River Road, between the Hood River and Wasco County boundary line, and existing "east gate," lying just westerly of the driveway entrance to Tax Lot 600, Section 10, Township 2 North, Range 11 East, Willamette Meridian; Wasco County, Oregon (the "Road");
and

IT FURTHER APPEARING THE BOARD: That Residents of the below-described portion of Hood River Road , face challenges in managing access to their adjacent properties and the dumping of trash on their property as well as the public access road due to unauthorized motorized vehicles encroaching on their property through the public access road; and

IT FURTHER APPEARING TO THE BOARD: That it has been determined that the vacation of this road is not in the public interest based on the following need to:

- Maintain the connectivity of the public road system and direct links to accessibility, mobility, and modality.
- Maintain accessible routes for EMS.
- Maintain access for future private or public timber sales from private and public lands.
- Maintain access and potential future development of public roads and lands.
- Maintain and developing public trail systems and recreational opportunities.
- Comply with the US Department of Justice, Civil Rights Division (ADA), prohibiting discrimination against people with disabilities in everyday activities guaranteeing the same opportunities for participation.

IT FURTHER APPEARING TO THE BOARD: That ORS 810.030(1) allows the imposition of restrictions on highway use to protect any highway or section of highway from being unduly damaged or to protect the interest and safety of the general public; and

IT FURTHER APPEARING TO THE BOARD: That ORS 810.030(2) outlines restrictions that may be imposed to include the prohibition of the operation of any or all vehicles or any class or kind of vehicle; and

IT FURTHER APPEARING TO THE BOARD: That ORS 810.030(3) states that any restrictions or limitations imposed must be done by a proper order; and

IT FURTHER APPEARING TO THE BOARD: That ORS 164.245(3) stated that nothing in the statute prevents emergency or law enforcement vehicles from entering upon land closed to motor-propelled vehicles; and

IT FURTHER APPEARING TO THE BOARD: That ORS 164.270 Outlines the specific required when closing premises to motor-propelled vehicles.

NOW, THEREFORE, IT IS HEREBY ORDERED: That the Wasco County Public Works Director in collaboration with the Wasco County Surveyor and the Hood River Public Works Director determine the most effective approach to maintaining the integrity of the road and surrounding properties while balancing the public interest is to close the 1000' portion of the Road to motor vehicles by way of the installation of a gate and signage and to preserve the public's non-motor vehicle recreational and emergency services access to and across the Road. The prohibition of motor vehicles does not apply to emergency and law enforcement vehicles.

This Order shall be effective after the road has been posted at each end of the affected section.

DATED this 1st day of May, 2024.

APPROVED AS TO FORM

Wasco County Board of Commissioners

Kristen Campbell, County Counsel

Steven D. Kramer, Chair

Scott C. Hege, Vice-Chair

Philip L. Brady, County Commissioner

WASCO COUNTY LIBRARY SERVICE DISTRICT

AGENDA

WEDNESDAY, May 1, 2024

LOCATION: This meeting will be held in Room 302 of the Wasco County Courthouse, 511 Washington Street, The Dalles, OR and will also be available for virtual attendance. You can join the meeting at <https://wascocounty-org.zoom.us/j/3957734524> or call in to [1-253-215-8782](tel:1-253-215-8782) Meeting ID: 3957734524#

NOTE: This Agenda is subject to last minute changes. **Meetings are ADA accessible.** For special accommodations please contact the Commission Office in advance, (541) 506-2520. TDD 1-800-735-2900. Wasco County does not discriminate against individuals with disabilities.

9:30 a.m.

CALL TO ORDER

9:30 a.m. Library Services IGA

12.6.2023 Minutes Approval

NEW / OLD BUSINESS

ADJOURN

FOURTH INTERGOVERNMENTAL AGREEMENT FOR LIBRARY SERVICES

This FOURTH INTERGOVERNMENTAL AGREEMENT FOR LIBRARY SERVICES (**Agreement**) is entered by the City of The Dalles, an Oregon municipal corporation (**City**), and Wasco County Library Service District, a library services district duly formed and organized under the provisions of ORS Chapters 198 and 451 (**District**), for the City's provision of library services to the District.

WHEREAS, ORS 190.010 provides units of local government may enter written agreements with any other unit of local government for the performance of any or all functions and activities a party to the agreement has authority to perform;

WHEREAS, on July 1, 2007, the Parties entered that certain *Intergovernmental Agreement between the Wasco County Library and the City of The Dalles for Library Services*;

WHEREAS, on July 1, 2008, the Parties entered that certain *Second Intergovernmental Agreement between Wasco County Library and City of The Dalles for Library Services*;

WHEREAS, on July 1, 2010, the Parties entered that certain *Third Intergovernmental Agreement between Wasco County Library and City of The Dalles for Library Services*; and

WHEREAS, the Parties' course of performance since July 1, 2007, informed them of best practices convenient to the furtherance of City's provision of library services to the District and intend this Agreement to establish the continuing terms and conditions of such library services.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Parties agree:

A. CITY RESPONSIBILITIES.

1. General. The City generally agrees to make library facilities and services available to the public and work in coordination with other branches of the District, all as provided in this Agreement.
2. The Dalles Library. The Parties' primary library facility is currently located at 722 Court Street in The Dalles, Oregon (**The Dalles Library**), and the Parties agree they may change its location by mutual written agreement.
3. Capital Improvements and Maintenance.

(a) Capital Improvements.

- (1) **Defined**. The Parties agree *capital improvements* are durable upgrades, adaptations, or enhancements of The Dalles Library that create a new asset and/or have a lifespan that is 15 years or longer, increasing its value and often including structural changes and major replacements; the Parties further agree examples of *capital improvements* include additions (e.g., constructing new deck or wing), whole-room renovations, major installations (e.g., installing central air

conditioning or new plumbing system), and replacing 30% or more of a building component (e.g., roof, windows, floors, electrical system, HVAC).

- (2) **Responsibility.** The City agrees to procure or perform The Dalles Library's capital improvements; provided, however, the City agrees to be responsible for only 50% of The Dalles Library's capital improvement costs, which it will pay from City funds appropriated through the City's annual budget process. The Parties agree to develop and maintain a 5-10 year *Capital Improvement Plan (CIP)* within six (6) months from this Agreement's effective date and informing them of the necessary resources each Party must budget to meet the CIP's expectations.

(b) Maintenance.

- (1) **Defined.** The Parties agree *maintenance* is generally an annual expense, that does not create a new asset and is incurred to keep The Dalles Library habitable and in proper working condition; the Parties further agree examples of *maintenance* include routine costs associated with painting, repairing existing HVAC units or toilets, maintaining parking lots, sidewalks, and landscaping and outdoor structural items, replacing shingles on a roof, floor covering installations, broken pipes, or broken or worn-out parts, and the costs associated with the inspection of such expenses.

- (2) **Responsibility.** The City agrees to procure or perform the Dalles Library's maintenance by utilizing the District's annually budgeted financial resources marked for disbursement to the City for the express and limited purpose of this Agreement's performance (**Awarded Funds**).

4. Personnel.

- (a) County Librarian. The City agrees to employ the County Librarian, a person agreed upon between the City and the District and responsible for the administration of the Wasco County Library system and designated as the District's Budget Officer. Since the County Librarian is a City employee, the City reserves the unilateral right to terminate their at-will employment like all other City employees. The City will conduct an annual performance evaluation of the County Librarian and shall solicit input from the Library Board.

- (b) Support Personnel. With respect to The Dalles Library, the City agrees to employ others as it deems necessary, including support staff to provide general patron services, maintenance services, library collection services, information services, and youth and adult services expressly as City employees. Since support staff are City employees, the City reserves the unilateral right to terminate their at-will employment like all other City employees.

- (c) Workers' Compensation. The City agrees to provide all required workers' compensation coverages for all City employees and volunteers contemplated by this Agreement.

5. Indirect Administrative and Overhead Costs. Since The Dalles Library is a City facility and its personnel are City employees, as part of the City budget process the City agrees

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Wasco County Library Service District – City of The Dalles

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to provide District a copy of the City's General Fund Transfers report detailing the City's methodology for calculating its costs for indirect administrative services and The Dalles Library operational overhead, including its costs for Finance Department staff time, Legal Department staff time, and all other administrative or personnel costs. This methodology is based on the total administrative costs of City departments that provide services to the Library broken out by use. Calculations take into account usages such as invoices, number of employees, agenda items, hours for legal services, facility services, or IT time. For each fiscal year during this Agreement's term, the City (through its City Manager and Finance Director) agrees to meet and provide the District Board with a yearly forecast and breakdown of its costs annually by April 1st to discuss that methodology as applied to the given fiscal year. The Parties agree the City's expenses for its indirect administrative and overhead costs contemplated by this Agreement are true and actual costs to the City and do not reflect a profit. The Parties agree the City reserves the discretion to reduce the amount it transfers to the District's pecuniary benefit.

6. Use of Awarded Funds. The City agrees to use Awarded Funds exclusively for its provision of library services to the District, including the costs detailed in Section B(1)(a) and the costs for maintenance, personnel, and indirect administration and overhead described by Sections A(3)(b) – A(5) of this Agreement.
7. Hours of Operation. The City agrees to maintain reasonable hours of operation for the public's use of The Dalles Library based on the City's operational needs. The Parties agree the District's Library Board may recommend changes to the hours of operation to the City, which the City agrees to reasonably consider.
8. Annual Reporting. The City agrees to provide the District an annual audit report and (upon District's written request) make and deliver a presentation at a Wasco County Board of County Commissioners regular meeting on its activities under this Agreement for the year at the time the audit report is presented to the District's governing body.
9. Public Contracting. The City agrees to comply with all applicable Oregon Public Contracting Code requirements and it's Local Contract Review Board Rules for all procurements or contracting relating to this Agreement's performance.
10. Insurance and Indemnity.
 - (a) Required Policies. The City agrees to carry and maintain in effect throughout this Agreement's term statutory **Workers' Compensation** coverage, **Comprehensive General Liability** insurance in the amount of \$1,000,000 (*per occurrence*) and \$2,000,000 (*in aggregate*), and **Commercial Automobile Liability** insurance (including coverage for all owned, hired, and non-owned vehicles) with a *combined single limit per occurrence* of \$1,000,000.
 - (b) Certificates. The City agrees to provide the District with certificates of insurance naming the *Wasco County Library Service District* as an additional insured prior to its performance of this Agreement and to further provide the District thirty (30) days' notice before cancelling or reducing any insurance policy contemplated by this Agreement.

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Wasco County Library Service District – City of The Dalles

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- (c) Indemnity. In accordance with the Oregon Tort Claims Act and the Oregon Constitution, the City agrees to indemnify, defend, and hold harmless the District (including its officers, agents, and employees) against all liability, loss, and costs arising from actions, suits, claims, or demands for the City's acts or omissions in its performance of this Agreement.

B. DISTRICT RESPONSIBILITIES.

1. Authorize Funds. For each year of this Agreement's term, the District agrees to authorize funding in accordance with its adopted budget and Oregon Local Budget Law to provide library services in Wasco County. The District further agrees to allocate, at least, a portion of those authorized funds as Awarded Funds sufficient to cover both:
 - (a) 50% of The Dalles Library's capital improvement costs scheduled for that fiscal year (pursuant to the CIP); and
 - (b) The City's indirect administrative and overhead costs for that fiscal year.
2. Indemnity. In accordance with the Oregon Tort Claims Act and the Oregon Constitution, the District agrees to indemnify, defend, and hold harmless the City (including its officers, agents, and employees) against all liability, loss, and costs arising from actions, suits, claims, or demands for the District's acts or omissions in its performance of this Agreement.

C. FINANCIAL OBLIGATIONS AND BUDGETARY CONSIDERATIONS.

1. Fees. The Parties agree all library fees, fines, or interest collected by the City are solely for the District's benefit and the City agrees to utilize them only for The Dalles Library operation. The City agrees to report all such amounts in its annual audit and report.
2. Annual Operating and CIP Budget. The Parties agree the County Librarian will draft the annual operating and CIP budget of The Dalles Library for review by the City and District. The City agrees to consider for approval the proposed annual operating and CIP budget for The Dalles Library (including the County Librarian's compensation) through the City's annual budget process for each year of this Agreement's term.
3. Unappropriated Ending Fund Balance. The Parties agree The Dalles Library will follow best practices budgetary and financial rules of the City, including but not limited to maintaining an unappropriated ending fund balance equal to four months' net operating expenses.
4. Revenue Discrepancies. The City agrees to carry-over any non-budgeted surplus revenue (resulting from The Dalles Library operating costs being less than projected) to be used for The Dalles Library services and operations under this agreement. The District agrees any revenue shortage resulting from its lack of tax collection provides the City with a discretionary, partial, and proportional excuse for the City's non-performance of this Agreement.
5. Assets. The Parties agree any City-owned assets currently in The Dalles Library are the City's property for those assets' remaining life. The Parties further agree, as the City

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Wasco County Library Service District – City of The Dalles

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expends Awarded Funds to replace those assets or purchases new materials (including circulation materials), those items are considered City property for use at The Dalles Library. The Parties agree the District has sole oversight over assets procured by the District.

6. Fund Availability. The Parties agree the District is expected to receive sufficient funds to cover its annual costs under this Agreement from each year's tax receipts. The Parties further agree the District's ability to make payments to the City under this Agreement are contingent on the District's actual tax receipts, budgetary limitations, and other expenditure authority sufficient to allow the District (in the exercise of its reasonable administrative discretion) to actually make those payments. If the District determines there are insufficient funds available to make payments under this Agreement, the Parties agree either Party may terminate this Agreement by providing thirty (30) days' notice of termination to the non-terminating Party; provided, however, the District agrees any shortage in its payments to the City under this Agreement provides the City with a discretionary, partial, and proportional excuse for the City's non-performance of this Agreement.
7. Audit. The Parties agree the District may review and audit the City's financial records relating to this Agreement and the City agrees to reasonably make such records available for the District's inspection.

D. GENERAL PROVISIONS.

1. Term. The Parties agree this Agreement shall be for an initial five (5) year (the "Initial Term") commencing on [DATE], 2024 and shall automatically extend for up to five (5) additional years upon a continuation of all the same provisions hereof, unless either party gives written notice of intention to terminate this Agreement at least one-hundred and eighty days (180) before the expiration of the Initial Term.
2. Termination. The Parties agree either Party may terminate this Agreement at any time by providing written notice of intent to terminate by January 1 of any given fiscal year during this Agreement's term, in which case the Parties agree this Agreement terminates at the end of that fiscal year. The Parties further agree this Agreement may be terminated at any time by mutual written agreement.
3. General Role of the Parties. The Parties agree the District is primarily a funding mechanism of Wasco County established to support and operate library services within county limits and relies on the City and other entities to provide those services to the public.
4. No Employer-Employee Relationship. The Parties expressly agree they do not intend this Agreement or the course of its performance to implicate an employer-employee relationship between them. The City expressly warrants its exclusive agency free from the District's direction and control over the means and day-to-day manner of performing its obligations under this Agreement. To the maximum extent allowed by law, the Parties agree the City is an independent contractor as defined by ORS 670.600(2) and as interpreted by regulations promulgated by the Oregon Bureau of Labor and Industries.

5. Nondiscrimination. The Parties agree neither Party will discriminate on the basis of race, color, religion, sex, national origin, age, marital status, sexual orientation, disability, or veteran's status in any activity or operation carried out in the performance of this Agreement.
6. Delegation and Assignment. The Parties agree neither Party will delegate, assign, or otherwise transfer any of their interests in this Agreement without the other Party's prior written consent, which consent will not be unreasonably withheld. The Parties agree all provisions of this Agreement are binding upon and inure to the benefit of the Parties and their respective and permitted successors and assigns, if any.
7. Third-Party Beneficiaries. The Parties agree they are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or will be construed to give or provide any benefit or right, whether directly or otherwise, to any third-party.
8. Representations and Warranties. The Parties each represent and warrant they each have the power and authority necessary to enter and perform this Agreement and this Agreement (when duly executed) is a valid and binding obligation of each Party.
9. Dispute Resolution. The Parties agree any claim, action, suit, or proceeding (**Claim**) between them and arising from or relating to this Agreement will be submitted to binding arbitration and not to litigation. The Parties further agree the arbitrator's decision will be final and binding and a judgement may be entered thereon. The Party submitting any Claim to arbitration agrees to notify the other Party and the Parties agree to select an arbitrator within thirty (30) days of such notice.
10. Severability. If any provision of this Agreement is declared unenforceable or in conflict with any law, the Parties agree the validity of the remaining provisions will not be impacted and their rights will be construed and enforced as if this Agreement did not contain that particular invalid provision.
11. Waiver. The Parties agree any Party's failure to enforce any provision of this Agreement does not constitute that Party's waiver of that or any other provision.
12. Integration and Amendment. The Parties agree this Agreement represents their full and final agreement and supersedes all prior or contemporaneous negotiations and arrangements regarding this matter between them, including the provisions of the July 1, 2010, *Third Intergovernmental Agreement between Wasco County Library and City of The Dalles for Library Services*. The Parties Agree this Agreement may be amended by mutual written agreement at any time.
13. 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

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Wasco County Library Service District – City of The Dalles
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The Dalles, OR 97058

To the District:

Chair
Wasco County Board of County Commissioners
511 Washington Street, Suite 302
The Dalles, OR 97058

IN WITNESS WHEREOF, the Parties duly execute this **FOURTH INTERGOVERNMENTAL AGREEMENT FOR LIBRARY SERVICES** this 1st day of May, 2024.

CITY OF THE DALLES,
An Oregon municipal corporation

BOARD OF COUNTY COMMISSIONERS
Governing Body of the Wasco County Library Service District

Matthew B. Klebes, City Manager

Steve Kramer, Chair

Scott Hege, Vice-Chair

Phil Brady, County Commissioner

Date

Date

ATTEST:

ATTEST:

Amie Ell, City Clerk

Kathy Clark, Executive Assistant

Approved as to form:

Approved as to form:

Jonathan Kara, City Attorney

Kristen Campbell, County Counsel

We, The Wasco County Library Board, have negotiated the IGA with the city of The Dalles for the running of The Wasco County Library. We do not feel that the Agreement is perfect as it is, but we have negotiated it as much as we are able. We would ask that the Commissioners carefully review it and have the county lawyer carefully review it as well. Below are some of the points we would like County Commissioners to specifically take note of in the newest version of the Wasco County Library IGA. These are things that have changed from the previous version and/or things that we are still concerned about.

Thank you for your attention to this matter. -The Wasco County Library Board

A.3.a.1 Capital improvements . . . this is a new definition for capital improvements versus regular maintenance and it really limits the items that will be considered capital improvements (and therefore, the projects for which the City will need to cover some of the costs)

A.3.a.2 Addresses the agreement that the library fund will cover 50% of the costs of capital improvements and the City of the Dalles will cover the other 50%. It also sets out a plan for a capital improvement plan and a fund to save for future improvements.

A.3.b.1 New definition for what constitutes maintenance (much broader than previous)

A.3.b.1 All maintenance expenses for the building will be coming from Library District Awarded Funds and not from the City of The Dalles directly.

A.4.a City has agreed to work together with the library board when hiring a County librarian/budget officer

A.5 City has included many of the things that they use to determine the administrative fee, but have not included the actual formula, or a specific list of all items to be included. We are concerned that this gives them too much leeway to change their administrative fee formula whenever they choose to in the future. (for example, this year they have added city council costs to our administrative fee even though we have not been charged for this percentage in previous years, also this year they have included the total operating budget as part of their calculations and it has not been included in previous years).

A.7 We feel that determining library hours should be more of a collaborative process, but the city is only willing to “reasonably consider” suggestions from the county.

B We had asked that the responsibilities of the library board be included in the District responsibilities sections (especially as they specifically pertain to this agreement), however, that was not included. If you reference the previous IGA the board’s responsibilities were clearly noted.



MOTION

SUBJECT: Library District/City of The Dalles IGA

I move to approve the 4th Intergovernmental Agreement for Library Services between the City of The Dalles and the Wasco County Library Service District.



WASCO COUNTY LIBRARY SERVICE DISTRICT MEETING

December 6, 2023

PRESENT: Steven D. Kramer, Commission Chair (virtual)
Scott C. Hege, Vice-Chair
Philip L. Brady, County Commissioner

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

At 9:30 a.m. Chair Kramer opened the meeting.

Fiscal Year 2022 Audit

Wasco County Finance Director Mike Middleton reviewed the audit report included in the Board Packet. He explained that short staffing has caused the 2022 Audit to be significantly delayed. He stated that it is a clean audit with an unmodified opinion and no reservations. He noted that there are some new Government Accounting Standards that will be applied to next year's audit.

Vice-Chair Hege commented that they had a net increase in their ending fund balance which is a good thing.

Budget Appointments

Ms. Clark explained that Budget Committee Appointments are made annually; all three of the current Committee members have agreed to serve for another term.

{{{Commissioner Brady moved to approve Orders 23-063, 23-064, and 23-065 reappointing Pat Davis, Ken Polehn and DeOra Patton to the Wasco County Library Service District Budget Committee. He further moved to approve Order 23-066 reappointing Jeff Wavrunek as Budget Officer for the Wasco County Library Service District. Vice-Chair Hege seconded the motion which passed unanimously.}}}}

Minutes

{{{Vice-Chair Hege moved to approve the August 2, 2023 Minutes. Commissioner Brady seconded the motion which passed unanimously.}}}}

District Executive Director Jeff Wavrunek highlighted some of the programs being held at The Dalles Library including the Community Read, Day of the Dead event, and a kayak event. He noted that circulation and door count is up. They have new shelving and will be placing an outside book drop in the lower parking lot. He added that the Library Board is renegotiating an IGA with City of The Dalles.

Vice-Chair Hege reported that he had recently been in the children's wing with his

grandchildren; he described it as wonderful. He commented on the maker's space, noting that they do not currently have staff to assist patrons. Mr. Wavrunek said they have not had staffing for that but are working to post some public hours this spring. He stated that for now they have workshops and events in the Makers' Space; recently they had a laser cutting Christmas ornament event.

Vice-Chair Hege asked how the Teen Reading Room is going. Mr. Wavrunek explained that they had a great teen leader who has moved. Relative to what she was doing, it is not as robust. COVID also put a dent in things as momentum was lost. They are working to build the program back up; the current teen librarian has an art program and some writing programs she will be working on.

Vice-Chair Hege asked about the short story print-out where people can submit their own short stories. Mr. Wavrunek said it started out strong and they are starting to get more submissions. He said the machine is well-used; people like to get the stories.

Vice-Chair Hege commented that The Dalles Library is a happy place to be.

Chair Kramer adjourned the meeting at 9:49 a.m.

WASCO COUNTY BOARD
OF COMMISSIONERS
*Governing Body of the Wasco County
Library Service District*

Steven D. Kramer, Commission Chair

Scott C. Hege, Vice-Chair

Philip L. Brady, County Commissioner



MOTION

SUBJECT: Library District Meeting Minutes

I move to approve the December 6, 2023 Library Service District Minutes.



MEMORANDUM

SUBJECT: North Central Public Health District Outdoor Mass Gathering (OMG) Review

TO: WASCO COUNTY BOARD OF COMMISSIONERS, TYLER STONE

FROM: KELLY HOWSLEY-GLOVER, PLANNING DIRECTOR

DATE: 4/23/24

The Planning Department received the SOAK application on January 3rd, 2024. Staff reviewed the application for completeness. Pursuant to statute and the Wasco County Outdoor Mass Gathering Ordinance and consistent with our past practice, Senior Planner Daniel Dougherty sent out a notice, the application, and the partner checklist to local public safety officials on January 11, 2024. The checklist was constructed, with the input of our partners, to help facilitate a thorough yet efficient review of the application against relevant criteria.

On February 14, 2024, I received a letter from the North Central Public Health (NCPHD) Director Shellie Campbell stating that moving forward NCPHD would acknowledge receipt of the application but did not feel they were required to review and/or provide comment. This was followed by a conversation on February 29th to discuss this departure from past practice and controlling law/regulations. We reached an impasse at that conversation when considering statutory obligations, and agreed to send the matter to our respective attorneys. On March 12, Mr. Dougherty received an email from Public Health Official Dr. Van Tilburg stating he had received the application. Throughout the month of March, Wasco County and NCPHD council discussed possible solutions. During this time, I issued several reminders of the timeline constraints.

I was asked to have another meeting with Director Campbell on April 18th. Director Campbell reasserted her position that NCPHD did not believe it was necessary for NCPHD to review the application. However, I was given to understand that NCPHD would review the current application and that we would allot additional time to discuss the matter of OMG review going forward. I reminded Director Campbell that we would need materials for the Board of County Commissioner OMG hearing packet by Tuesday April 23rd. Per Director Campbell's request, I also sent an email following our conversation with the statutory and administrative rule nexus to our Outdoor Mass Gathering Ordinance, extending an offer to revisit changes that would be helpful following the May hearing. See attached.

I had another conversation with local Public Health Officer, Dr. Van Tilburg, on April 22nd. He reiterated the concern that the review was "clerical" and that they considered it fulfilling their duty to acknowledge receipt of the application. He expressed willingness to review any specific questions the County had. I reiterated that the checklist application was a way to more effectively facilitate review of the application against relevant statutory criteria, and should in no way be construed to be a clerical exercise. Furthermore, I explained that ORS 433.755 (1) directs the County to request and receive from all public safety officers, departments, and agencies cooperation and assistance as needed, and that the application checklist was the format we were requesting response in. I was told NCPHD would have another

conversation and try to arrive at a solution for this year's SOAK OMG, to be followed by future conversations about their role with respect to OMGs.

ORS 433.750 (1) requires the County to issue a permit if the organizer can demonstrate compliance with or the ability to comply with the health and safety rules governing outdoor mass gatherings. Although I have no special expertise or training in public health relevant to the application, I have reviewed the application and find on balance the organizer has attempted to address and comply with the regulations. There are three exceptions where it would have been helpful to have public health input. These are as follows:

1. Last year NCPHD Environmental Services staff recommended to the Board the organizers contract Bishop Sanitation to haul in drinking water as necessary. The organizers require individual participants to bring in their own water, which they believe satisfies the intent and spirit of the rule.
2. SOAK does not provide containers for refuse and solid waste, but instead requires participants to collect their own refuse in fly-tight containers consistent with their "Leave No Trace" mission. They also state they have volunteers do ground checks for solid waste. They did not explain how they are certifying each participant has a fly-tight container, so it is difficult to determine if they meet the intent and spirit of the rule.
3. They are asking for a waiver, considering number 2, from rules for transport and disposal of solid waste, as they have no control over individual actors.

Daniel again reached out to Paula, with Environmental Health Services, on April 23, 2024 via email to receive any input the Health District has on these specific issues. I want to be clear on record that the Planning Department has no expertise on public health and my review and assessment is only meant to illustrate that the applicant did appear, in most cases, to intend to comply with the regulations. Staff would like to note that the drinking water plans are the same as last year's event. We resolved NCPHD concerns through a condition to require an additional drinking water supply contract, which we recommend for this year's event as condition F. Similarly, SOAK has maintained the "Leave No Trace" policy annually since at least 2017, with no known complaints about solid waste or flies.

I shared with NCPHD that I would be drafting this memo and giving comments to the record at the May 1st Board of County Commissioner meeting explaining why NCPHD has elected not to provide comments or any review notes with respect to the SOAK application and relevant state requirements. I received an additional letter dated April 25, 2024 from Dr. Van Tilburg stating that he did not review the application for compliance with local, state, or other rules but did not see any "major concerns with regard to public health." Dr. Van Tilburg added the recommendation the County confirm White Bird Rock Medicine has a current Oregon license as a physician medical director. The issues we had flagged above for NCPHD have not been addressed in this recent or any past correspondence.

I will continue my conversation with NCPHD to work towards a solution because I feel that the public health lens is of crucial importance to the safe administration of OMG's on behalf of our citizens. I have contacted the Oregon Health Authority for their interpretation on which OMG criteria are relevant for the local public health official's review with the intent that should inform future conversations with the Health District.



Kelly Howsley - Glover <kellyg@co.wasco.or.us>

Rules Governing Outdoor Mass Gatherings

2 messages

Kelly Howsley - Glover <kellyg@co.wasco.or.us>
To: Shellie Campbell <shelliec@ncphd.org>

Thu, Apr 18, 2024 at 2:45 PM

Thank you for the conversation today.

As I promised on our call today, I am sharing with you the relevant rules and statutes related to Outdoor Mass Gatherings that have informed our Outdoor Mass Gathering Ordinance and Application.

1. [OAR 333-39](#), which is part of the public health division of the Administrative rules, outlines the criteria and considerations pertaining to water supply, drainage, sewerage facilities, refuse storage and disposal, food and sanitary food service, and emergency medical facilities. As NCPHD Environmental Health Services website indicates, your role in the county includes review of and licensing for: restaurant and mobile food trucks, food booths for events, septic systems, drinking water, and solid waste. These directly correlate to OAR 333-039-0015 to 0035 and why the local public health official or designee is assigned review of these criteria.
2. In addition, NCPHD serves as the primary public official for medical and health issues, which is why OAR 333-039-0040 is also part of the NCPHD OMG review.
3. OAR 333-039-0005 specifies the role of other reviewing public officials and agencies, along with the county governing body, is to determine compliance with the rules.
4. ORS 433.750 (2) requires the County to send notice to the local health officer.
5. ORS 433.750 (3) allows for public officers to submit comments no later than the hearing date.
6. ORS 433.755 (1) states that the County may request and shall receive from all public officers cooperation and assistance as it may deem necessary.


I heard today that you have some concerns about the way the language is drafted in the checklist, and I am happy to sit down and discuss a revision to make your role clearer in the future. If you would also like to highlight or identify criteria that you do not feel are relevant to the public health role, we are happy to consider that following the hearing on the current application. As I shared today, time is of the essence with the current application.

The State and Wasco County recognize that the public health lens is a crucial component in the administration of OMG's and we look forward to continued collaboration on behalf of our citizens.

My thanks,

Kelly

--



Kelly Howsley - Glover, PhD | Planning Director
PLANNING DEPARTMENT

kellyg@co.wasco.or.us | www.co.wasco.or.us
541-506-2560 | Fax 541-506-2561
2705 East Second St | The Dalles, OR 97058

Learn about the **Wasco County LUDO Update** by visiting the [project website](#)

**Need information? Help with a tool? Schedule an in person or video call appointment?
Please call 541-506-2560 or write us at wcplanning@co.wasco.or.us**

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.

**massgath07 (1).pdf**
60K

Kelly Howsley - Glover <kellyg@co.wasco.or.us>
To: Kristen Campbell <kcampbell@campbellphillipslaw.com>

[Quoted text hidden]

**massgath07 (1).pdf**
60K

Thu, Apr 18, 2024 at 2:46 PM

DEPARTMENT OF HUMAN SERVICES, PUBLIC HEALTH DIVISION
DIVISION 39
REGULATIONS GOVERNING HEALTH AND SAFETY AT
OUTDOOR MASS GATHERINGS

333-039-0005 Purpose

These rules govern health and safety at outdoor mass gatherings pursuant to Chapter 597 Oregon Law 1971 (Enrolled SB 611). Organizers of such gatherings must apply for a permit to the county governing body of the county in which an outdoor mass gathering is to take place. Applications for permits must be accompanied by sufficiently detailed plans, specifications, and reports from which it can be determined by the county governing body and other reviewing public officials and agencies that there is or will be compliance with these rules.

333-039-0010 Definitions

As used in these rules unless the context requires otherwise:

- (1) "Division" means Health Division of the Department of Human Services.
- (2) "Outdoor Mass Gathering" means an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three month period and which is held primarily in open spaces and not in any permanent structure.
- (3) "Organizer" includes any person who holds, stages, or sponsors an outdoor mass gathering and the owner, lessee, or possessor of the real property upon which the outdoor mass gathering is to take place.
- (4) "Oregon Physician" means a person licensed by the Oregon State Board of Medical Examiners or any other physician authorized to practice medicine and surgery in any part of Oregon.
- (5) "Nurse" means a licensed professional nurse.
- (6) "Ambulance" means any privately or publicly owned motor vehicle, aircraft or marine craft that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury, or disability and which is equipped, staffed and licensed in accordance with OAR 333-028-0000 to 333-028-0065.
- (7) "Temporary Structure" includes tents, trailers, chemical toilet facilities and other structures customarily erected or sited for temporary use.

333-039-0015 Water Supply

(1) Required Amounts:

- (a) A minimum of 12 gallons per person per day shall be available for the anticipated assembly;
- (b) Storage facilities equal to one day's total water usage shall be provided, unless a greater or lesser amount, with a minimum of 5 gallons per person per day, is determined by the Department as sufficient or necessary, based on the availability and quantity of the reserve water supply and the required water demands for toilets, food vendors, camping areas and other facilities.
- (c) A Department approved well or water system may be used as a source of water, or in addition to Department approved outside sources, to meet all requirements.
- (d) An amount of water equal to one day's total usage shall be kept in reserve at all times.

(2) Bacteriological and Chemical Requirements:

- (a) All water provided shall give a negative result for the presence of coliform bacteria when subjected to standard laboratory test procedures for detecting the presence of coliform bacteria and shall be from sources and in containers approved by the Division;
- (b) Water provided shall not contain the following substances in excess of amounts listed. The organizer shall provide a laboratory analysis report as evidence of this: Substance Concentration in mg/l:
 - (A) Arsenic -- 0.1;
 - (B) Cadmium -- 1.0;
 - (C) Chloride -- 250;
 - (D) Copper -- 1.0;
 - (E) Cyanide -- 0.01;
 - (F) Fluoride -- 1.7;
 - (G) Iron -- 0.3;
 - (H) Lead -- 0.05;
 - (I) Selenium -- 0.01;
 - (J) Nitrate (NO₃) -- 45.0;
 - (K) Total Dissolved Solids -- 500.0;
 - (L) Zinc -- 5.0.

(3) Construction, Maintenance, and Design:

- (a) All parts of the water supply system shall be constructed of non-toxic materials;
- (b) All water distribution lines and fittings shall be constructed of galvanized wrought iron, galvanized steel, copper, or NSF approved plastic pipe. All plastic pipe and fittings must bear the NSF seal;
- (c) Pressure tanks and storage tanks shall be constructed of non-toxic materials. Tanks which have previously been used to contain toxic substances shall not be used;
- (d) Prior to placing the water supply system into use, all portions of the system including storage tanks and distribution system shall be disinfected by adding a chlorine solution of not less than 50 mg/l and retaining the mixture within all portions of the system for at least 24 hours. Following disinfection, the system is to be thoroughly flushed of the chlorine solution;
- (e) Hydrants equipped with self-closing faucets shall be provided at a ratio of not less than one for every 250 persons or fraction thereof anticipated;
- (f) Each faucet shall be mounted on a minimum 36 inch riser. The riser is to be securely fastened to a supporting structure equal in strength to a four inch by four inch timber which is securely anchored in the ground;
- (g) Each faucet and riser shall be accompanied by a seepage pit located directly beneath the faucet which shall have a minimum inside diameter of 12 inches and a minimum depth of three feet and shall be backfilled with clean coarse rock;
- (h) All water distribution lines shall be installed at a minimum depth of 12 inches in the soil and shall be covered;
- (i) If camping and activity areas are separately designated, 60 percent of the total required faucets shall be located within the area designated for camping, and 40 percent of the total required faucets shall be located in the area designated for activities;
- (j) A minimum of one faucet shall be located not more than 25 lineal feet from each food service facility and a minimum of one faucet shall be located not more than 25 lineal feet from any emergency medical facility;
- (k) Garden hoses, flexible lines, pipes, or similar devices shall not be connected to any faucet or any other portion of the water supply system for personal convenience or any other reason;
- (l) A minimum pressure of 20 pounds per square inch shall be maintained at all times and at all points within the water distribution system.

333-039-0020 Drainage

(1) The site selected for the outdoor mass gathering shall have good natural drainage. Areas which are swampy, or areas known to be susceptible to flash flooding are not acceptable.

(2) Roads at the outdoor mass gathering site shall be provided with culverts, tiles, and ditching wherever needed to protect such roads from erosion due to precipitation.

333-039-0025 Sewerage Facilities

(1) Non-Water Carried Sewage Facilities:

(a) The construction and maintenance of earth pit privies shall comply with the following requirements:

(A) They shall be located at least 50 feet from a well, spring, or other source of domestic water supply, and at least 50 feet from any stream, river or lake, and at least ten feet from any property line;

(B) The pit shall have a minimum capacity of 50 cubic feet, and shall be at least five feet deep and shall be lined with lumber, concrete, steel, or other equivalently substantial material to prevent caving. The pit shall be covered by a building of substantial construction located on either a concrete or wood sill to make it as fly-tight and rodent-proof as possible from the outside. The floor and riser shall be built water impervious and fly-tight of wood, concrete, ceramic, stainless steel, or other equivalently substantial material;

(C) The seat opening shall be equipped with a self-closing lid hinged and so constructed that when closed it will exclude flies from the pit. Vents connected to the pit shall be covered with 16 mesh copper, aluminum, or plastic wire screen and shall have a total effective cross section of at least 50 square inches. The building shall be equipped with a tight fitting, self-closing door and shall be weather-proof;

(D) The contents of the pit shall not be permitted to overflow onto the surface of the ground or be exposed to flies or rodents;

(E) A minimum of one-half pound of chlorinated lime shall be deposited in each pit once every 24 hours;

(F) At the conclusion of the outdoor mass gathering, the contents of the pit shall be covered by backfilling with at least a two foot depth of earth.

(b) In areas where high water tables are encountered, concrete vault privies, pail privies, chemical toilets or incinerator toilets shall be used in place of earth pit privies for disposal of human excreta. All vaults and receptacles of such privies

shall be water-tight and constructed of reinforced concrete, plastic, fiberglass or metal:

(A) The contents of vault privies, pail privies, and chemical toilets shall be removed by a registered sewage cesspool operator in accordance with state and local laws, ordinances, and regulations;

(B) Chemical toilets shall be serviced daily with respect to sanitation, removal of contents, and recharging of chemical solution;

(C) All earth pit privies, privies with water-tight receptacles, chemical toilets, and incinerator toilets shall be maintained in a sanitary condition at all times.

(2) Water Carried Sewage Disposal Facilities: If water carried subsurface sewage disposal facilities are provided, they shall be governed by OAR 333-041-0001 through 333-041-0040, and by this reference are incorporated herein and made a part hereof.

(3) Number and Location of Toilets and Privies:

(a) Seven privies or toilets or any combination thereof shall be provided for each 800 persons or fraction thereof anticipated;

(b) If camping and planned activity areas are separately designated, sixty percent of the total required toilets or privies shall be located within the designated camping area and forty percent of the total required toilets or privies shall be located in the designated planned activity area. If areas are not designated, location and spacing of toilets and privies shall be in accordance with anticipated crowd clustering or grouping, or spaced uniformly throughout the entire mass gathering site;

(c) All chemical toilets, if provided, shall be located so as to be easily and readily serviced by servicing vehicles.

(4) Liquid Wastes not Containing Human Excreta:

(a) Facilities shall be provided for the disposal of all liquid wastes not containing human excreta such as, but not limited to, kitchen or cooking waste water, grease, dishwater, wash water, and bath water. These facilities shall be specifically identified by means of a sign which states "**Waste Water Disposal**";

(b) Such facilities shall consist of a seepage pit having a minimum depth of three feet and a lateral area of not less than 32 square feet. The pit shall be backfilled with clean, coarse rock and be protected by a one-fourth inch screen which is removable and will effectively trap food particles and prevent other wastes from entering the backfilled rock;

(c) All food particles and other waste material shall be removed from the facilities at least once every 24 hours or at more frequent intervals if necessary to prevent fly and insect attraction;

- (d) Such facilities shall be located or spaced so as to uniformly serve the participants of the outdoor mass gathering;
- (e) One facility shall be provided for each 3,000 persons or fraction thereof anticipated;
- (f) At least one facility shall be located not more than 50 lineal feet from each food service facility.

333-039-0030 Refuse Storage and Disposal

- (1) All refuse and solid waste shall be stored in fly-tight containers constructed of impervious material.
- (2) Containers for refuse and solid waste storage shall be provided at a minimum ratio of one 30 gallon container for each 16 persons or fraction thereof anticipated or one cubic yard of container capacity for each 125 persons or fraction thereof anticipated.
- (3) All refuse and solid waste shall be removed from storage containers at least once every 24 hours and transported and disposed of in a manner which is authorized and complies with state and local laws, ordinances and regulations.

333-039-0035 Food and Sanitary Food Service

- (1) Food service facilities, if supplied, shall be located in clean surroundings and shall be maintained in a clean and sanitary condition.
- (2) Food service facilities, if supplied, shall be so constructed and arranged that food, drink, utensils, and equipment will not be exposed to rodents, insects, dust, dirt, or other contamination. If flies are present, screening shall be required.
- (3) The water supply for food service facilities shall be adequate in amount to serve the requirements of the facility and shall be safe for human consumption. Storage tanks or containers, when used, shall be of smooth, easily cleanable material, and shall be cleaned and sanitized each time they are refilled. Water shall not be dipped from a receptacle for drinking or culinary purposes.
- (4) Toilet or privy facilities which comply with these rules shall be available within the immediate area for use by the food service facility personnel.
- (5) Hand washing facilities shall be made available for the food service facility personnel. In lieu of a handwashing sink, there shall be provided a pan with soap and water for washing of hands, and a pan of water containing a bactericidal solution of 50 mg/l of available chlorine or its equivalent for rinsing of hands. Sanitary paper towels shall be provided. The use of a common-type towel is prohibited. Utensil washing vats shall not be used for handwashing.

(6)(a) All multi-use utensils and all display cases or windows, counters, shelves, tables, refrigeration equipment, sinks, and other equipment used in connection with the operation of a food service facility shall be constructed as to be easily cleaned and shall be kept in good repair;

(b) Utensils containing or plated with cadmium or lead shall not be used, provided, however, that solder containing lead may be used for jointing;

(c) Food containers with seams which are not sealed flush with the surface shall not be re-used. Single service containers and utensils shall not be re-used.

(7)(a) Single service paper plates, cups, and plastic or wood knives, forks, and spoons are recommended but not required. If multiple use dishes, utensils, or equipment are used, they must be subjected to one of the following methods of bactericidal treatment after cleaning and washing:

(A) Immersion for at least two minutes in clean, hot water at a temperature of at least 170° Fahrenheit. If hot water is used, a dependable thermometer shall be available at all times and shall be used. The pouring of scalding water over washed utensils is not acceptable as a satisfactory bactericidal treatment;

(B) Immersion for at least two minutes in a lukewarm chlorine bath. This bath shall be made up at a strength of at least 100 mg/l of available chlorine. The bath shall not be used after its strength has been reduced to 50 mg/l;

(C) Immersion for at least two minutes in an approved quaternary ammonium bath containing at least 25 mg/l as determined by a suitable field test.

(b) In machine dishwashing, the hot water rinse shall be at least 170° Fahrenheit and shall be for a minimum of ten seconds;

(c) In hand dishwashing, a three compartment sink shall be required. The first compartment shall be used for washing with a soap or detergent solution. The second compartment shall be used for clear water rinse, and the third compartment shall be used for the bactericidal solution and sanitizing bath.

(8) If ice cream or frozen desserts are dipped and served at the food service facility, all scoops and dippers shall be kept in running water dipper wells.

(9)(a) All refuse and solid waste shall be stored or collected in tightly covered, water impervious containers until removed from the food service facility. Such containers when emptied shall be washed to prevent them from attracting flies and rodents;

(b) All dishwater and liquid wastes not containing human excreta shall be disposed of in accordance with OAR 333-039-0025(4)(a) to (f) of these rules.

(10)(a) All readily perishable food shall be kept at or below 45° Fahrenheit except when being prepared or actually served. Readily perishable foods shall be stored in shallow containers under refrigeration until cooled below 45° Fahrenheit. When such foods have been cooled below 45° Fahrenheit, they may be stored in deep containers. Food shall not be served which has been stored, handled, or otherwise cared for in a manner not in compliance with these rules;

(b) A dependable indicating thermometer shall be provided in each refrigerator;

(c) All ice shall be stored and handled in such a way as to prevent contamination. Ice scoops or tongs shall be used to place ice in glasses or cups. Ice shall be obtained only at sources which are licensed under ORS Chapter 624 or 627.

(11) All food products, raw, cooked, canned, or otherwise, shall be wholesome and free of spoilage during storage, preparation, and serving. All milk and milk products shall come from a source which is licensed and approved by the Oregon State Department of Agriculture. Home canned or home processed foods shall not be stored, prepared, or served by the food service facility.

(12) Pre-cooked foods or meats must be kept at or below 45° Fahrenheit at all times and subjected to continuously applied heat which will sustain the internal temperature of the food item to not less than 140° until such time as it is served.

(13) Bottled soda or fruit drinks may be cooled in tanks with water and ice provided the tanks contain not less than 50 mg/1 available chlorine. The tops of the containers shall not be submerged. Milk and milk products shall be kept at or below 45° Fahrenheit in dry refrigeration.

(14) Canned soda or fruit drinks may be cooled in tanks of ice and water provided that the water contains not less than 50 mg/1 available chlorine.

(15) All persons within the food service facility shall wear clean outer garments and shall keep their hands clean at all times while engaged in preparing or serving food and drink, or washing and storing utensils and equipment.

(16) All persons while within a food service facility shall refrain from any personal action or conduct which would directly or indirectly harm the quality or wholesomeness of the food.

(17) No live animals or fowl shall be permitted within the confines of any food service facility.

333-039-0040 Emergency Medical Facilities

(1) There shall be present at the outdoor mass gathering site for emergency medical services, physicians and nurses in the following ratios:

(a) Daylight Hours -- At least one Oregon physician plus sufficient other physicians (licensed to practice medicine and surgery in any of the 50 states of the

United States) to provide a ratio of one for each 10,000 persons attending or fraction thereof and one nurse for each 7,500 persons attending or fraction thereof;

(b) Nighttime Hours - (1 a.m. to 7 a.m.) -- At least one Oregon physician plus sufficient other physicians (licensed to practice medicine and surgery in any of the 50 states of the United States) to provide a ratio of one for each 20,000 persons attending or fraction thereof and one nurse for each 15,000 persons attending or fraction thereof.

(2) Facilities shall be provided in which physicians can provide patient care and treatment. The facility shall be enclosed, protected from the elements, and shall have chairs, examining tables with stirrups, and locked cabinets for equipment and medicine. All necessary medicine and instruments for conducting minor surgery and examinations shall be available.

(3) Lighting within the emergency medical facilities shall be provided and shall be not less than 200 foot candles in areas where treatment and minor surgery are conducted.

(4) Attending physicians shall keep accurate records of patients and treatment, and shall notify the local health officer of all cases involving a communicable disease.

(5) Temporary holding facilities shall be provided for the sick and injured while awaiting transport to a hospital. The facility shall be enclosed, protected from the elements, and shall be furnished with one cot or bed for each 1,000 persons anticipated or fraction thereof.

(6) Communication, either telephone or radio-telephone, shall be provided to summon aid or notify the nearest hospital, law enforcement, or fire protection agency, as required.

(7) Ambulances shall be provided at the outdoor mass gathering for emergency evacuation of sick and injured persons at a ratio of one ambulance for each 10,000 persons anticipated or fraction thereof.

333-039-0045 Fire Protection

(1) Each camping space shall be a minimum of 1,000 square feet or large enough to accommodate a parked camping vehicle, tent vehicle or tent, as the case may be, and to maintain at least 15 feet separation from any other camping vehicle, tent vehicle or tent, building, structure, or property line.

(2) The organizer shall secure a written statement from the local fire protection agency having jurisdiction that fire protection complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.

333-039-0050 Security Personnel

- (1) The organizer shall maintain an accurate count of persons attending the outdoor mass gathering and shall provide adequate security arrangements to limit further admissions to the outdoor mass gathering when the anticipated number of persons have been admitted.
- (2) The organizer shall secure a written statement from the chief law enforcement officer of the county in which the outdoor mass gathering is to take place that arrangements for security and the orderly flow of traffic to and from the outdoor mass gathering complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering.

333-039-0055 Traffic

- (1) The organizer shall provide easily accessible roads of all-weather construction at the outdoor mass gathering site.
- (2) All roads shall be graded so as to be self-draining and shall be maintained in such condition that emergency and other required vehicles can move upon them unencumbered and can carry out their functions at all times.
- (3) An ungraveled dirt road shall not be considered as being an all-weather road.
- (4) No road or portion of any road constructed shall exceed a maximum grade of 12 percent.
- (5) The organizer shall acquire approval from the local agency having jurisdiction for fire safety that the minimum width of all roads complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and locations of the outdoor mass gathering.
- (6) The organizer shall provide and designate a suitable area at the outdoor mass gathering for parking of motor vehicles:
 - (a) The total area provided for motor vehicle parking shall be based on the following ratio: 300 square feet for every four persons anticipated;
 - (b) Each motor vehicle parking space shall have a minimum width of ten feet and a minimum length of twenty feet and shall be clearly marked with lime;
 - (c) The motor vehicle parking spaces shall be arranged to eliminate blockage of parked vehicles and allow vehicles free access to exits at all times.



To: Kelly Howsley - Glover, PhD, Planning Director
Wasco County, Planning Department

From: Christopher Van Tilburg MD, Health Officer
North Central Public Health District

Date: 4/25/2024

Re: Precipitation Northwest application (SOAK)

Thank you for your important work on outdoor mass gathering permits. I read the application from Precipitation Northwest for an event May 25-29, 2024.

I did not see any major concerns with regard to public health. I did not review the application for compliance with local, state and federal laws and rules. I recommend you confirm that White Bird Rock Medicine has an Oregon-licensed physician medical director. I did not see that in its letter that accompanies the application nor its website.

Please note, food services need to be licensed separately; it appears per section 1.90 of the application there are food vendors and a plan already to license them. Any temporary recreational pools or spas will also need to be licensed separately through NCPHD's Environmental Health Office.

Christopher Van Tilburg MD

Health Officer

North Central Public Health District



WASCO COUNTY BOARD OF COUNTY COMMISSIONS AGENDA PACKET

FOR

Hearing Date: May 1, 2024
Hearing Time: 9:30 am
Hearing Location: Columbia Conference Room
401 E Third Street
The Dalles, OR 97058
Electronically via Zoom
Meeting ID: 3957734524#

**HEARING DETAILS: File #921-24-000001-PLNG – Precipitation Northwest – SOAK
Outdoor Mass Gathering**



PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
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MEMORANDUM TABLE OF CONTENTS

Date: April 25, 2023
To: Wasco County Board of County Commissioners
From: Wasco County Planning Office
Subject: Submittal for Hearing dated May 1, 2024
Re: Request for Precipitation Northwest – SOAK Outdoor Mass Gathering

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SUMMARY OF INFORMATION

Prepared for Wasco County Board of Commissioners Hearing

HEARING DATE: May 1, 2024

FILE #: 921-24-000001-PLNG

PUBLISH DATE: April 24, 2024

REQUEST: Outdoor Mass Gathering (OMG) permit for a music and art festival entitled "SOAK 2024," (also known as "Burning Man Portland") May 23-27, 2024. Estimated attendance is 2,300 including staff and volunteers.

RECOMMENDATION: Approval, with conditions

APPLICANT/OWNER INFORMATION:

Applicant: Precipitation Northwest, ATTN: Ryan Krellwitz, 866 N. Columbia Blvd. B 106, Portland, OR 97217

Owner: Fred Justesen and Jonnie Justesen, Justesen Ranch Recreation, 59720 Twin Lakes Road, Grass Valley, OR 97029.

PROPERTY INFORMATION:

Located in the White River Canyon, along Jake Davidson Grade Road, immediately south of Tygh Valley, Oregon. More specifically described as:

<u>Existing Tax Lots</u>	<u>Acct#</u>	<u>Acres</u>
4S 13E 10 800	10464	126.06
4S 13E 15 100	10445	67.29
4S 13E 0 2200	12314	163.62

Zone: Exclusive Farm Use (A-1) Zone, and the Tygh Valley Residential (TV-R) Zone

ATTACHMENTS:

Prepared by Daniel Dougherty, Senior Planner

- A. Recommended Conditions
- B. Commission Options
- C. Maps (vicinity map and site plan)
- D. Application Plan and Technical Expert Comments
- E. Wasco County Outdoor Mass Gathering Ordinance

SUMMARY OF INFORMATION

In Accordance with the Wasco County Outdoor Mass Gathering Ordinance (see Ordinance #22-003 in **Attachment E**), Wasco County Planning Department staff have followed the procedural requirements outlined within Section 1.40:

Section 1.40- Public hearing and notice

- A. The board shall conduct a public hearing on a complete application.*
- B. The director shall send notice of the public hearing to the following officers at least ten calendar days prior to the hearing: county sheriff, county health officer, and the chief of the fire district in which the outdoor mass gathering is proposed. The notice shall contain the time and place of the public hearing and a general explanation of the application to be considered.*
- C. The director shall also publish notice, at least ten calendar days before the hearing, of the time and place of the public hearing on the permit application including a general explanation of the application to be considered. The notice shall be published in a newspaper of general circulation in the county or, if there is none, posted in at least three public places in the county.*
- D. The organizer may not submit new evidence at the public hearing except in rebuttal to new material submitted or introduced before or at the hearing, in response to questions by board members, or response to additional conditions proposed by public officials or the board.*

On January 3, 2024, the Wasco County Planning Department received an Outdoor Mass Gathering event application. The application addressed applicable criteria within Wasco County's Outdoor Mass Gathering Ordinance, and applicable Oregon State law.

On January 11, 2024, staff provided the application and event plan to the following organizations/technical experts for review:

- Wasco County Sheriff Lane Magill
- Tygh Valley Rural Fire Protection District Fire Chief Paul LaPlante
- Juniper Flats Rural Fire Protection District Fire Chief Eugene Walters
- Wasco County Public Works Director Arthur Smith
- North Central Public Health District Environmental Health Specialist Paula Grendel
- Maupin Ambulance

Staff received comments, concerns, and recommendations of approval with conditions from the following organizations/technical experts:

- Wasco County Sheriff Lane Magill
- Tygh Valley Rural Fire Protection District Fire Chief Paul LaPlante
- Wasco County Public Works Director Arthur Smith
- North Central Public Health District Environmental Health Specialist Paula Grendel
- North Central Public Health District Public Health Director Shellie Campbell
- North Central Public Health District Health Officer Doctor Christopher Van Tilburg
- Wasco County Planning Department Planning Director Kelly Howsley - Glover, PhD

Notice of a public hearing was provided on Thursday, April 18, 2024, to all neighboring property owners within 750 feet of the subject parcels where event is planned, and to the county sheriff, county health

SUMMARY OF INFORMATION

officer, county public works department, and the chief of the applicable fire district. Additionally, public notification of this hearing was published in the Columbia Gorge News on April 17, 2024.

The application materials, email communication, standards addressed, and comments received by technical experts are included in **Attachment D**.

Additional comments and concerns involving sound amplification, fire related issues, and capacity to review issues were provided by Wasco County Sheriff Lane Magill, Tygh Valley Rural Fire Protection District Fire Chief Paul LaPlante, and North Central Public Health District Environmental Health Specialist Paula Grendel.

Sound Related Comments:

In a January 16, 2024 email, Wasco County Sheriff Lane Magill provided comments regarding the proposed event plan and its conformance with Wasco County's OMG Ordinance Section 2.70:

Section 2.70 - Restricted Hours of Operation and Noise

- A. *When sound amplification is used, no outdoor mass gathering shall be conducted within 1,000 feet of any neighboring residence between the hours of 11:00 pm and 9:00am unless written consent from neighboring property owners and residents indicates a variance to hours would be acceptable. (emphasis added)*
- B. *The use of amplification shall be regulated so that it will not interfere with the normal use of any school, church, residence, or other permanent place of human habitation unless prior written consent is obtained from all affected persons. A sound level in excess of 70 decibels prior to 10:00 pm and in excess of 50 decibels after 10:00 pm shall constitute interference.*

Sheriff Magill, Planning Department staff, and applicant commentary/concerns are provided on the following page:



SHERIFF'S OFFICE

511 Washington St., Ste.102 • The Dalles, OR 97058
p: [541] 506-2580 • f: [541] 506-2581 • www.co.wasco.or.us

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To: Precipitation Northwest
866 N. Columbia Blvd, Suite B-106
Portland Oregon, 97217

January 16th 2024

Re: SOAK 2024 Application

To whom it may concern:

The Wasco County Sheriff's Office has reviewed the 2024 SOAK application for the dates of May 23rd-27th 2024, to be held at the Justesen Ranch in Tygh Valley Oregon.

Upon review we find it has met the Outdoor Mass Gathering Security requirements for the Wasco County Sheriff's Office.

As it relates to the noise/sound requirements, SOAK will be required to receive approval per the permit requirements, and if accomplished, the sheriff's office approves of this permit.

Sincerely
Wasco County Sheriff Lane Magill

For Sheriff's Office Review:

Are the security arrangements adequate for the size and type of event? ☒ Yes ☐ No

Comments: _____

Is sound amplification proposed for the event? ☒ Yes ☐ No

Comments: _____

Is sound amplification proposed within 1,000 feet of neighboring residences within 11:00pm-9:00am?

☒ Yes ☐ No

If yes: Has the applicant provided written consent from neighboring property owners and residents indicating a variance to hours would be acceptable? ☐ Yes ☒ No

Comments: There are no letters included in the application. (This may still be in process at the time of this writing)

Are the roads sufficient to provide orderly evacuation and emergency vehicle access and egress? ☒ Yes ☐ No

Comments: _____

Are the roads maintained in such a condition they are accessible to emergency vehicles? ☒ Yes ☐ No

Comments: This will need to be verified by the Wasco County Road Dept.

Is the emergency response plan adequate and meet all requirements? ☒ Yes ☐ No

Comments: _____

Does the plan include one Oregon physician per each 10,000 persons and one nurse for each 7,500 persons during the daylight hours and one Oregon physician per 20,000 persons and one nurse per 15,000 persons for hours between 1 am and 7 am? ☒ Yes ☐ No

Comments: _____

Are the physicians trained in emergency medicine/have emergency medicine experience and are certified in advance cardiac life support? ☒ Yes ☐ No

Comments: _____

Does the plan provide for medical facilities that are: enclosed and protected from the elements; have chairs, examining tables with stirrups, and locked cabinets for equipment and medicine; all necessary medicine and instruments for

conducting minor surgery and examinations; equipped to handle medical emergencies; lighting not less than 200' candles? ☒ Yes ☐ No

Comments: _____

Does the plan provide for a holding facility for sick and injured while awaiting transport to a hospital that is enclosed, protected from the elements, and includes one cot or bed per 1,000 persons? ☒ Yes ☐ No

Comments: _____

Does the plan provide telephone or radiotelephone to summon aid or notify first responders/hospital? ☒ Yes ☐ No

Comments: _____

Are ambulance provided at the ratio of one ambulance per 10,000 persons? ☒ Yes ☐ No

Comments: _____

Does the Sheriff's Office recommend approval: ☒ Yes ☐ No

Comments: _____

L Majill

1/16/2024

Reviewed by (Name and Title)

Date

SUMMARY OF INFORMATION

Fire Related Comments

In a March 28, 2024 email, Tygh Valley Rural Fire Protection District Fire Chief Paul LaPlante provided general concerns related to fire safety, which are provided on the following page:



Daniel Dougherty <daniel@co.wasco.or.us>

SOAK's fire safety.

5 messages

Tygh Valley RFPD <tvrfpd@gmail.com>

Thu, Mar 28, 2024 at 12:43 AM

To: Daniel Dougherty <daniel@co.wasco.or.us>

Cc: Dan Van Lehman <Elgon7@comcast.net>

Good morning, Danial Dougherty

As chief of Tygh Valley Rural Fire Protection District, I have concerns about the fire events at the SOAK's event. The first year I went to one the structures were around 14 feet tall and closer together but last year they were well over 25 feet tall. With size we have more embers blowing around such as two years ago when one tent got damaged and last year one tent got destroyed.

This year I have talked with their fire coordinator and he is telling me if the fire goes over the fence into the trees, it is our departments problem and they are only responsible for the green grass and the aerias around that. I have tried to make suggestions to the fire coordinator but he seems to know more than myself and other fire fighters equaling around 60 years of experience.

For such events we need wording in the contract that will express the safety of fire when it comes to sizes and placement. Last year the second structure they burned was about 40 yards from the fence and its an up hill battle if it was to catch fire and would probably burn into the next district over which is Juniper Flats District.

This year I'm told the structures will be around 30 feet and the fire coordinator ideas are concerning on what he is asking for and trying to control all aspects without regard to what is in best interest of the community of Tygh Valley.

--

Paul LaPlante
Fire Chief
Tygh Valley Rural Fire Protection District
541-993-4266
P.O. Box 213
Tygh Valley, Or 97063

For Fire District:

Is the site located within a fire protection district? ☒ Yes ☐ No

Comments: _____

If no:

Who will respond in the case of an emergency? (This entity should review the plan) _____
Tygh Valley Rural Fire Protection District

Has the applicant provided a fire protection plan? ☒ Yes ☐ No

Comments: The plan was verbal but would like it in writing.

Has the applicant had a consultation with the fire protection district? ☒ Yes ☐ No

Comments: C

If camping is provided, are all spaces a minimum of 1000 sq ft or larger with a maintained 15' of separation from other camping spaces? ☒ Yes ☐ No

Comments: _____

Does the applicant plan to allow campfires or any other type of fire associated with the event? ☐ Yes ☒ No

Comments: _____

If yes, are mitigation measures addressed in their Fire Protection Plan? ☐ Yes ☐ No

Comments: _____

Is there a minimum separation of 15' between camping vehicles and tent vehicles? ☒ Yes ☐ No

Comments: _____

Does the plan include one Oregon physician per each 10,000 persons and one nurse for each 7,500 persons during the daylight hours and one Oregon physician per 20,000 persons and one nurse per 15,000 persons for hours between 1 am and 7 am? ☐ Yes ☐ No

Comments: This question is beyond the fire department scope of knowledge

Are the physicians trained in emergency medicine/have emergency medicine experience and are certified in advance cardiac life support? ☐ Yes ☐ No

Comments: This question is beyond the fire department scope of knowledge

Does the plan provide for medical facilities that are: enclosed and protected from the elements; have chairs, examining tables with stirrups, and locked cabinets for equipment and medicine; all necessary medicine and instruments for conducting minor surgery and examinations; equipped to handle medical emergencies; lighting not less than 200' candles? ☒ Yes ☐ No

Comments: They hire medical staff for onsite use.

Does the plan provide for a holding facility for sick and injured while awaiting transport to a hospital that is enclosed, protected from the elements, and includes one cot or bed per 1,000 persons? ☒ Yes ☐ No

Comments:

Does the plan provide telephone or radiotelephone to summon aid or notify first responders/hospital? ☒ Yes ☐ No

Comments:


Are ambulance provided at the ratio of one ambulance per 10,000 persons? ☒ Yes ☐ No

Comments: Southern Wasco County Ambulance

Does the Fire District recommend approval: ☒ Yes ☐ No

Comments:

Comments:

 Fire Chief 03/13/2024
Reviewed by (Name and Title) Date

SUMMARY OF INFORMATION

Public Health Review Capacity Related Comments

On January 22, 2024, North Central Public Health District Environmental Health Specialist Paula Grendel provided comments concerning the North Central Public Health District's decision to temporarily pause non-essential tasks such as reviewing Outdoor Mass Gatherings.

On February 14, 2024, North Central Public Health District Public Health Director Shellie Campbell provided a letter providing updated Outdoor Mass Gathering workflow policy.

On March 12, 2024, staff received an email from North Central Public Health District Doctor Christopher Van Tilburg confirming receipt of the Outdoor Mass Gathering application.

No further comments have been provided related to review of this Outdoor Mass Gathering.

Copies of both emails are provided on the following pages:



Daniel Dougherty <daniel@co.wasco.or.us>

SOAK OMG Application [File No. 921-24-000001-PLNG]

Paula Grendel <paulag@ncphd.org>

Mon, Jan 22, 2024 at 2:26 PM

To: Daniel Dougherty <daniel@co.wasco.or.us>

Cc: Shellie Campbell <shelliec@ncphd.org>

Hi Daniel,

I appreciate you reaching out to notify us of the submittal of SOAK's Mass Gathering permit. I wanted to inform you that our Environmental Health program is currently undergoing a transition with our staff, which unfortunately impacts our capacity to effectively handle our workload. As a result, we have had to make the difficult decision to temporarily pause non-essential tasks and focus on our required work. This measure is necessary to ensure the continuity of essential State program services that we facilitate in Wasco and Sherman County.

One of the areas affected by this temporary pause is the review of mass gathering applications. We understand the importance of this task and its significance in serving our community. Therefore, we encourage you to seek assistance from other registered environmental health specialists who are familiar with the OAR and available to provide consultation and review in this area.

One local resource that I am aware that you may want to consider consulting with is:

Ian Stromquist, REHS

PO Box 812, Hood River, OR, 97031

ianstromquist@gmail.com

541-806-2064

You can also visit the public EHS register for a list of current professionals: <https://elite.hlo.state.or.us/OHLOPublicR/LPRBrowser.aspx>.

I have also reached out to the State to inquire about additional resources. I will share that information with you as soon as I hear back from them.

We sincerely apologize for any inconvenience this may cause and assure you that we are actively working to address our situation. We remain committed to providing environmental public health services and look forward to resuming our efforts in this area.

Regards,

Paula

[Quoted text hidden]



February 14, 2024

To Kelly Howsley – Glover, Planning Director
Wasco County, Planning Department

From: Shellie Campbell, Public Health Director
North Central Public Health District

Re: Notice for Outdoor Mass Gathering Application

Thank you for your important work on mass gathering permits. I wanted to notify you of a change in workflow for receiving notifications of Mass Gathering applications, at NCPHD. The change in workflow is to align with our essential and statutory duties and ensure consistency with ORS 433.750.

1. The Planning Department sends notice of the Outdoor Mass Gathering application to the local health officer, Dr. Christopher Van Tilburg at Christopher.vantilburg@ncphd.org.
2. After receiving the application, NCPHD's local health officer will acknowledge receipt. They may review the application and provide comments before returning it to the Planning Department. It is important to note that the local health officer does not have the authority to approve any aspect of the application.

Please note, that if there will be food service or recreational pools or spas will be at the event, each vendor who provides these services must submit a separate application and obtain a license from the NCPHD Environmental Health Office.

Please reach out with any questions.

Sincerely,

Shellie Campbell
Public Health Director
North Central Public Health District



Daniel Dougherty <daniel@co.wasco.or.us>

SOAK OMG Application [File No. 921-24-000001-PLNG]

Christopher Van Tilburg <christopherv@ncphd.org>

Tue, Mar 12, 2024 at 2:47 PM

To: Daniel Dougherty <daniel@co.wasco.or.us>

Hi Mr. Dougherty,
Just wanted to confirm I've received this. Thanks.
Christopher Van Tilburg MD
Health Officer
North Central Public Health District
[Quoted text hidden]

ATTACHMENT A – RECCOMENDED CONDITIONS

Standard recommended conditions of approval are outlined, which help ensure the proposed event is in conformance with the Wasco County Outdoor Mass Gathering Ordinance (see Ordinance #22-003 in **Attachment E**), and applicable Oregon state law.

Based on the Wasco County Outdoor Mass Gathering Ordinance, applicable Oregon state law, and technical expert review and commentary, staff recommends the following **conditions of approval**:

- A. Applicant and property owners shall comply with the Wasco County Outdoor Mass Gathering Ordinance (see Ordinance #22-003 in Attachment E), and applicable Oregon state law.
- B. **Attendance:** Maximum attendees for SOAK 2024 shall be 2,300, including staff and volunteers necessary to operate the event safely and effectively.
- C. **Insurance:** Applicant shall submit proof of a Commercial General Liability Insurance policy of not less than \$1,000,000 specific to SOAK 2024, naming Wasco County, its officers, agents, volunteers, and employees as an additional insured for the duration of the event and event clean up.
- D. **Water Supply:** Applicant shall comply with Section 1.70 of the Wasco County Outdoor Mass Gathering Ordinance (ORDINANCE # 22-003), and OAR 333-039-0015, requiring that 12 gallons of water are available per person, per day of the event and 5 gallons of water are stored per person, per day of the event. Any testing and hauling of drinking water shall be consistent with the 2008 Drinking Water Hauling Guidelines and is coordinated with the North Central Public Health District. To meet this requirement, the applicant has proposed meeting part of the 5 gallon/person/day requirement by requiring that event participants bring their own water (at least 2 gallons/person/day), supplying 15 20-gallon hand washing stations (to be serviced daily), and storing 200,000+ gallons approximately 1-mile away which will be provided by Tygh Valley Water through contract.
- E. **Water Quality:** All transport of water shall follow the standards contained within the *2008 Drinking Water Hauling Guidelines*. Documentation shall be provided by the applicant to demonstrate compliance with these guidelines, including the forms supplied by the State/North Central Public Health District to track chlorine levels of potable water when delivered. The chlorine that is being used to increase the chlorine levels needs to be an NSF certified product. There should a copy of that document available when the inspection takes place.
- F. **Emergency Water Acquisition and Delivery Plan:** Prior to the event, the application shall develop and submit to the North Central Public Health District a plan for the acquisition and delivery of water equal to one day's total usage for the attendees in the case of an emergency event.
- G. **Gray Water:** No gray water is anticipated by the applicant. In coordination with the North Central Public Health District, the applicant shall develop a plan for unanticipated gray water storage needs.
- H. **Refuse Storage and Disposal:** The applicant anticipates minimal refuse storage and disposal needs. Given that the event spans a holiday weekend, the applicant shall provide a plan for unanticipated refuse storage and disposal that is consistent with Section 1.80 - Refuse storage and disposal of the Wasco County Outdoor Mass Gathering Ordinance (ORDINANCE # 22-003), and OAR 333.039.0030.
- I. **Food and Sanitary Food Service:** No food vendors are proposed. If that changes, all food vendors shall comply with the applicable food and sanitary food service requirements listed in Section 1.90 - Food Service Facilities of the Wasco County Outdoor Mass Gathering Ordinance (ORDINANCE # 22-003), and

ATTACHMENT A – RECCOMENDED CONDITIONS

OAR 333-039-0035, and shall make themselves available for inspection during the event. Furthermore, only vendors with valid licenses, as provided by the Oregon Health Authority, shall be contracted to prepare and provide food for the event.

- J. **Emergency Medical Facilities:** The applicant shall implement proposed emergency medical services outlined in the 2022 Letter of Intent from Adventure Medics. The applicant shall comply with any additional emergency medical services required or recommended by the local fire and emergency service providers having jurisdiction, as well as with North Central Public Health District requirements.
- K. **Fire Protection:** The applicant shall secure written statements from the local fire protection agency having jurisdiction that fire protection and fire safety access complies with state and local laws, ordinances and regulations, and is satisfactory with respect to anticipated crowds and location.
- L. **Security Personnel:**
 - 1. At least one Department of Public Safety Standards and Training (DPSST) certified supervisor must be on shift at all times.
 - 2. Within event staff, a single point of contact must be clearly identified for security and law enforcement. Contact information for this individual shall be provided to the Wasco County Sheriff Department prior to the event.
 - 3. Applicant shall coordinate radio frequencies to be used during the event with the Wasco County Sheriff Department to prevent disruption of local emergency service provider communications.
- M. **Traffic:**
 - 1. The Traffic Control Plan shall be implemented as submitted. If changes are proposed, they must be coordinated and approved by the Wasco County Public Works Department prior to the event.
 - 2. Each vehicle parking space shall have a minimum width of 10 feet and a minimum length of 20 feet, and parking shall be clearly marked. Parking shall be arranged to provide clear access to exits at all times.

ATTACHMENT B – COMMISSION OPTIONS

Under ORS 433.750, the Board of County Commissioners is the only body authorized to issue an outdoor mass gathering permit in Wasco County. The Wasco County Outdoor Mass Gathering ordinance provides approval criteria in Section 1.50:

Section 1.50 - General approval criteria

- A. An outdoor mass gathering permit shall be approved upon demonstration by the organizer of compliance with or the ability to comply with the provisions of this chapter, as well as all health and safety rules governing outdoor mass gatherings adopted by the Oregon Department of Human Services. However, the board, in its sole discretion, may deny an application or impose additional conditions to an application based on a prior history of noncompliance by an applicant with any of the terms of a previous outdoor mass gathering or extended outdoor mass gathering permit issued either pursuant to county ordinance or under state law.*
- B. The board may consider and require an applicant to comply with any conditions submitted by public officials including, but not limited to, the county sheriff, the county health officer and the chief of the fire district in which the gathering is to be held.*

Attachment D provides important background information concerning the proposed event and commentary from technical experts. After reviewing the plan, technical expert commentary, and applicable regulations, staff has identified the following four options for consideration by the Board of County Commissioners.

Board of County Commissioner Options:

- 1. Approve** the application for an Outdoor Mass Gathering, and accept the proposed conditions.
- 2. Approve** the application for an Outdoor Mass Gathering with amended findings and conditions.
- 3. Deny** the application with amended findings that the request does not comply with the applicable health and safety regulations contained in the Wasco County Outdoor Mass Gathering Ordinance, ORS 433.735 to 433.770 and/or OAR 333 Division 39.
- 4.** If additional information is needed, keep the evidence record open, and continue the hearing to a date and time certain to allow the submittal of additional information.
- 5.** Close the evidence record, and continue the hearing to a date and time certain to allow the submittal of additional information.

ATTACHMENT C – MAPS

Applicant: Precipitation Northwest (SOAK LLC)

Owners: Jonnie L. Justesen, et. al.

See Maps below.

Location Map

Site Map

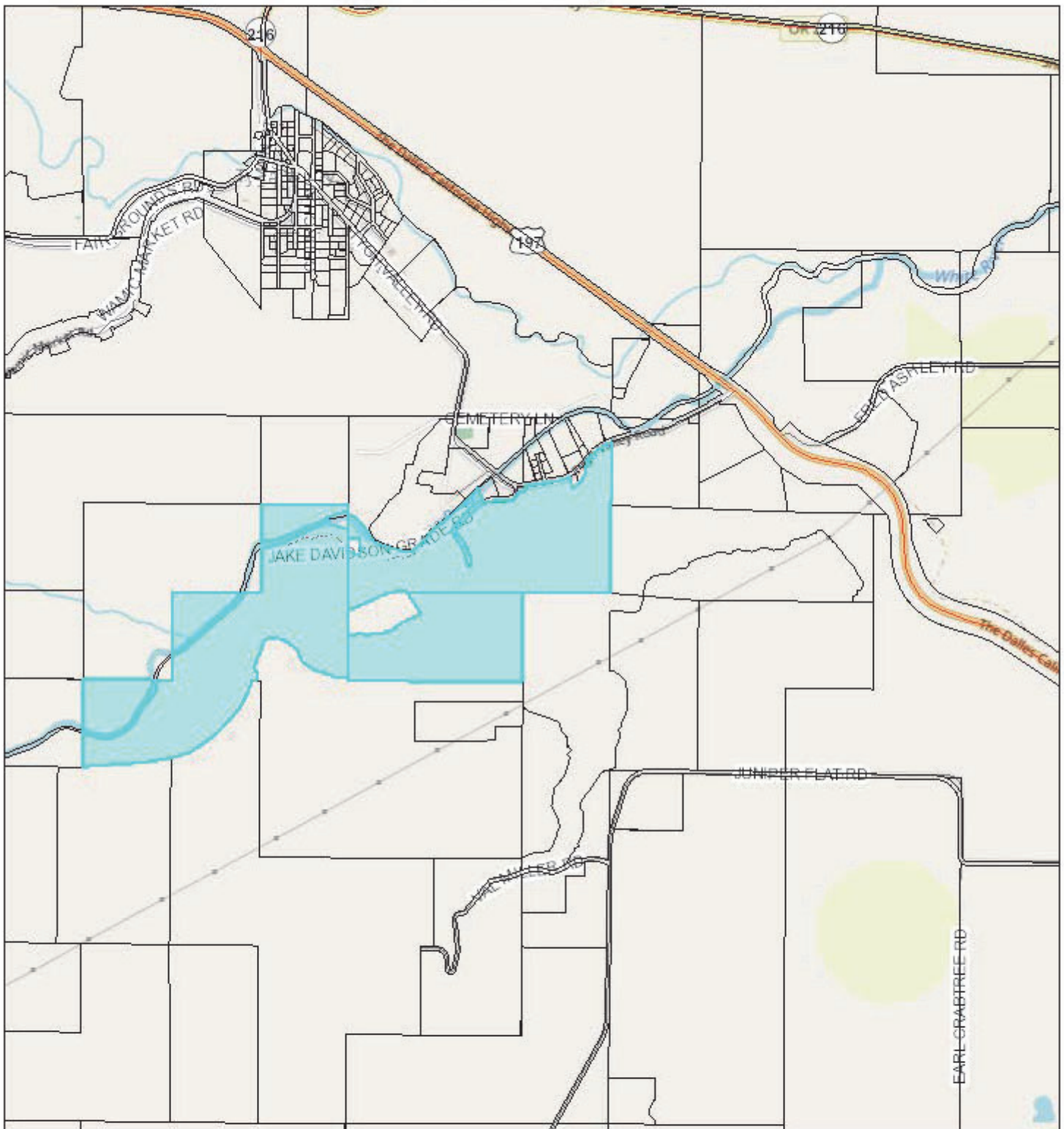
Evacuation Map

Traffic Control Plan Map

Land Ownership & 1,000 foot Sound Amplification Map

Sound Zone Map

Location Map



4/7/2023, 12:34:26 PM

1:36,112

Legend

- Subject Taxlot
- Taxlots

0 0.2 0.4 0.8 mi
0 0.35 0.7 1.4 km

© OpenStreetMap (and) contributors, CC-BY-SA, Wasco County GIS, DOGAMI, State of Oregon, Wasco County GIS, Lane County, Assessor, Wasco County GE Wasco County Planning

This product is for informational purposes and has not been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Exhibit E: SOAK 2023 Site Plan

ATTACHMENT C: MAPS



Exhibit F: SOAK 2023 Evacuation Map

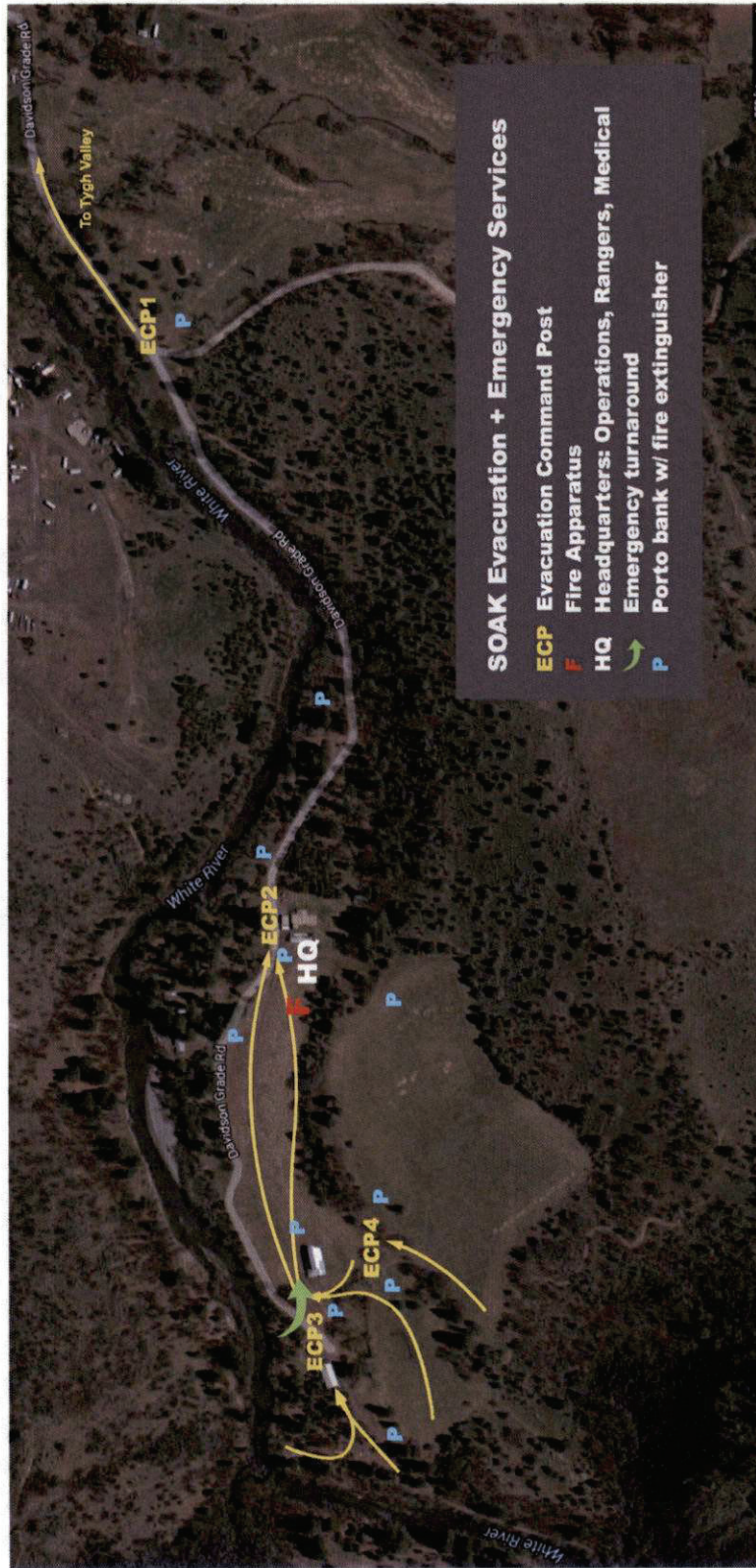
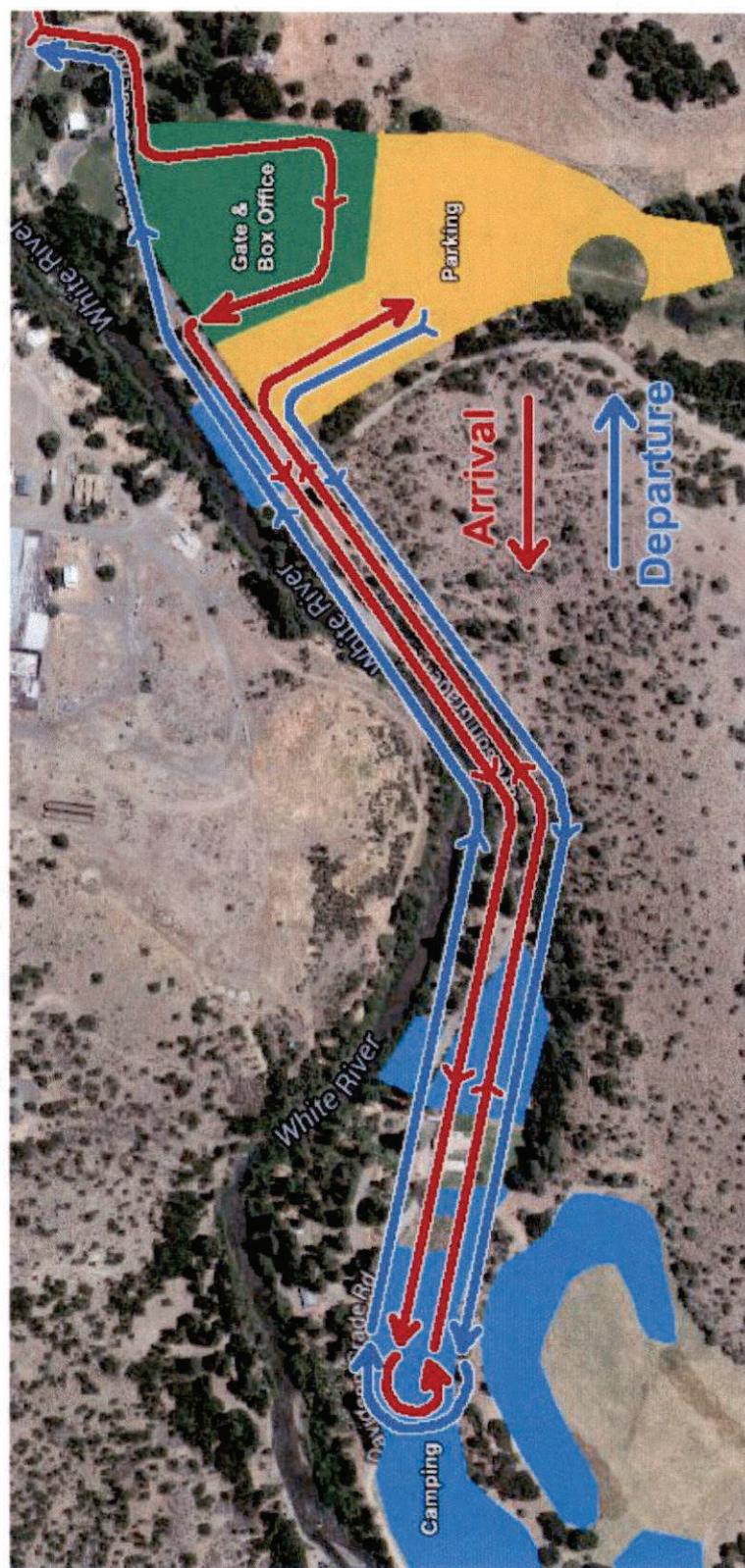


Exhibit G: SOAK 2023 Traffic Control Plan



Ecclesia of Sinai at Duffur
79709 Dufer Valley Rd
Dufur, OR 97021

United States of America
3050 NE 3rd ST
Prineville, OR 97754

United States of America
3050 NE 3rd ST
Prineville, OR 97754

Ward Colleen R
PO Box 96
Dufur OR 97021

Davis William P &
Geraldine
PO Box 1670
Clackamas OR 97015h

Tygh Valley 50 LLC
3914 SW Marins Ln
Portland, OR 97239

1000' from Post
Apocalypse

1000' from Ger toasted

1000' from between CSB
+ Cats in Space!

Wagner Mark B

10151 SW Lancaster Rd
Portland OR 97219





PLANNING DEPARTMENT

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

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OUTDOOR MASS GATHERING PERMIT

FILE NUMBER: _____
 FEE: _____

OUTDOOR MASS GATHERING (ORDINANCE # 22-003)

Section 1.30 - Scope of Review

The organizer shall file an application with the department not later than one hundred forty days (140-DAYS) in advance of the anticipated event date. Applications received later than one hundred forty days prior to the anticipated event date shall not be processed.

Date Received:	Planner Initials:	Date Complete:	Planner Initials:
APPLICANT INFORMATION		OWNER INFORMATION	
Name: Preipitation Northwest		Name: Fred Justesen	
Address: 866 NE Columbia Ave, Suite B-106		Address: 59720 Twin Lakes Road	
City/State/Zip: Portland, OR 97211		City/State/Zip: Grass Valley, OR 97029	
(503) 451-0897 (Ryan Krellwitz)		(541) 980-2311	
Phone: rye@soakpdx.com; board@precipitationnw.org		Phone: whrcabin@gmail.com	
Email: _____		Email: _____	

PROPERTY INFORMATION

Township/Range/Section/Tax Lot(s)	Acct #	Acres	Zoning
4S13E10 800	10464	119.08	TV-R
4S13E15 100	10445	67.60	A-1(160)
4S13E0 2200	12314	165.36	A-1(160)

Property address (or location): 89720 Davidson Grade Road, Tygh Valley, OR 97063

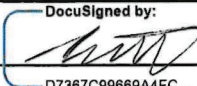
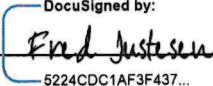
Zoning Designation: A-1(160) and TV-R Environmental Protection District: Zones 7 and 12

Are there wetlands/waterways on your property? ☐ NO ☒ YES (description) White River

Name of road providing access: Davidson Grade Road

Current use of property: Agricultural, residential Use of surrounding properties: Agricultural, some residential

Do you own neighboring property? ☐ NO ☒ YES (description) Fred and Johnnie Justesen own several adjacent lots

SIGNATURES	
Applicant(s): 	Date: 1/2/2024
Property Owner(s): 	Date: 1/2/2024

*Signatures are only valid for one year from the date of signature. Signing indicates that the property owner(s) is/are aware that an application is being made on the subject property and also authorizes Planning Department staff reasonable access to the site in order to evaluate the application.

DETAILED SPECIFIC WRITTEN REQUEST

Please see attached narrative describing the event plan in detail.

(Attach additional pages if necessary)

DETAILED STRUCTURAL INFORMATION**EXISTING Development**

If existing structures will be used during the event, please describe the structure and what it will be used for:

No structures will be used during the event.

How many people (including staff, vendors, etc.) are proposed for the event: _____ up to 2,300

What are the proposed dates of the event: _____ May 23, 2024 - May 27, 2024

What are the proposed hours of the event: _____ The event will begin and end at noon on the above days.

Description of planned activities: _____ Art, music, interactive activities

Name and contact information for designated contact person who shall be easily identified and remain at the outdoor mass gathering site at all times during the event:

Name	Title
Ryan Krellwitz	SOAK Producer

Phone	Email	Other
(503) 451-0897	rye@soakpdx.com	producers@soakpdx.com

- Applicant must attach a detailed site map showing: type, number, and location of all toilets, washing facilities, water supply and distribution system, food preparation sites, emergency medical facilities, roads, solid waste collection locations, camping sites, emergency vehicle access, evacuation routes.
- Applicant must attach a detailed Traffic Control Plan.
- Documentation of the ability to provide a commercial liability insurance policy
- Please review the criteria below and ensure you provide this information on the detailed site map, narrative, or with other documentation

For Health Department Review:

Will the event have a minimum of twelve gallons of water per person per day? ☐ Yes ☐ No

Comments: _____

What is the source of the drinking water: _____

Is it approved by the State Department of Human Services for drinking water: ☐ Yes ☐ No

Comments: _____

Has the organizer provided results of water source testing to confirm conformance with OAR 33-061 and 333-039-015?

☐ Yes ☐ No

Are all parts of the water supply system constructed of non-toxic materials/in conformance with materials approved for use in public water systems in OAR 333-061 and the State of Oregon Unified Building Code? ☐ Yes ☐ No

Comments: _____

Are all water distribution lines and fittings constructed of galvanized wrought iron, galvanized steel, copper, or NSF approved plastic pipe (with NSF seal)? ☐ Yes ☐ No

Comments: _____

Are all pressure tanks and storage tanks including water tanker trucks constructed of non-toxic materials?

☐ Yes ☐ No

Comments: _____

Does the water distribution system meet the minimum pressure of twenty pounds per square inch? ☐ Yes ☐ No

Comments: _____

Are all the water distribution lines installed at a minimum depth of twelve inches in soil and covered? ☐ Yes ☐ No

Comments: _____

Are the water supply locations well drained? ☐ Yes ☐ No

Comments: _____

Are hydrants equipped with self-closing faucets at a ratio of not less than one for every two hundred and fifty persons or fraction thereof anticipated? ☐ Yes ☐ No

Comments: _____

Are all faucets mounted on a minimum 36" riser that is fastened to a supporting structure equal in strength to a 4" x 4" timber securely anchored to the ground? ☐ Yes ☐ No

Comments: _____

Are all faucets accompanied by a seepage pit located directly beneath the faucet with a minimum inside diameter of 12" and minimum depth of 3' and backfilled with clean coarse rock? ☐ Yes ☐ No

Comments: _____

If camping and activity areas are separately designated:

Are 60% of the total required faucets located within the area designated for camping, and 40% of the total required faucets located in the area designated for activities? ☐ Yes ☐ No

Comments: _____

Do the food service facility and emergency medical facility both have a minimum of one faucet not more than 25 lineal feet from those facilities? ☐ Yes ☐ No

Comments: _____

Have, or will, all water supply system parts, including storage tanks and distribution system, been disinfected by adding chlorine solution of not less than 50 mg/l with proscribed standards? ☐ Yes ☐ No

Comments: _____

Are there a minimum of 7 toilets per each 800 people and spaced according to proscribed standards? ☐ Yes ☐ No

Comments: _____

If camping and activity areas are separately designated:

Are 60% of the total required toilets located within the area designated for camping, and 40% of the total required toilets located in the area designated for activities? ☐ Yes ☐ No

Comments: _____

Has the applicant filed a contractual agreement with a company licensed by DEQ in Oregon for chemical toilets and provided the sanitary maintenance schedule for toilets? ☐ Yes ☐ No

Comments: _____

Has the applicant designated a wastewater disposal facility to provide for the disposal of all liquid wastes not containing human excreta at the rate of one for each 3000 persons? ☐ Yes ☐ No

Comments: _____

Do the wastewater disposal facility portable holding tanks meet requirements of OAR 340-071-0340 (5) and are owned/serviced by a sewage disposal company licensed in Oregon? ☐ Yes ☐ No

Comments: _____

Are there handwashing stations located at all food service and restroom sites? ☐ Yes ☐ No

Comments: _____

Are the handwashing stations equipped with at least five gallons of warm water, soap, and sanitary towels?

☐ Yes ☐ No

Comments: _____

Are the handwashing stations equipped with wastewater disposal containers at least 10% larger than water supply?

☐ Yes ☐ No

Comments: _____

Are containers for refuse and solid waste storage fly-tight and at a minimum ratio of one 30 gallon container for each 16 persons or one cubic yard of container for each 125 persons? ☐ Yes ☐ No

Comments: _____

Is there a plan to remove refuse and solid waste at least once every 24 hours and transported/disposed in manner consistent with state and local laws? ☐ Yes ☐ No

Comments: _____

Do all food vendors have a temporary restaurant license that has been approved by NCPHD? ☐ Yes ☐ No

Comments: _____

Does the plan include one Oregon physician per each 10,000 persons and one nurse for each 7,500 persons during the daylight hours and one Oregon physician per 20,000 persons and one nurse per 15,000 persons for hours between 1 am and 7 am? ☐ Yes ☐ No

Comments: _____

Are the physicians trained in emergency medicine/have emergency medicine experience and are certified in advance cardiac life support? ☐ Yes ☐ No

Comments: _____

Does the plan provide for medical facilities that are: enclosed and protected from the elements; have chairs, examining tables with stirrups, and locked cabinets for equipment and medicine; all necessary medicine and instruments for conducting minor surgery and examinations; equipped to handle medical emergencies; lighting not less than 200' candles? ☐ Yes ☐ No

Comments: _____

Does the plan provide for a holding facility for sick and injured while awaiting transport to a hospital that is enclosed, protected from the elements, and includes one cot or bed per 1,000 persons? ☐ Yes ☐ No

Comments: _____

Does the plan provide telephone or radiotelephone to summon aid or notify first responders/hospital? ☐ Yes ☐ No

Comments: _____

Are ambulance provided at the ratio of one ambulance per 10,000 persons? ☐ Yes ☐ No

Comments: _____

Does the proposal meet all other Health Department standards/requirements for Outdoor Mass Gatherings?

☐ Yes ☐ No

Comments: _____

Other comments: _____

Does the Health Department recommend approval: ☐ Yes ☐ No

Comments: _____

Reviewed by (Name and Title)

Date

For Sheriff's Office Review:

Are the security arrangements adequate for the size and type of event? ☐ Yes ☐ No

Comments: _____

Is sound amplification proposed for the event? ☐ Yes ☐ No

Comments: _____

Is sound amplification proposed within 1,000 feet of neighboring residences within 11:00pm-9:00am?

☐ Yes ☐ No

If yes: Has the applicant provided written consent from neighboring property owners and residents indicating a variance to hours would be acceptable? ☐ Yes ☐ No

Comments: _____

Are the roads sufficient to provide orderly evacuation and emergency vehicle access and egress? ☐ Yes ☐ No

Comments: _____

Are the roads maintained in such a condition they are accessible to emergency vehicles? ☐ Yes ☐ No

Comments: _____

Is the emergency response plan adequate and meet all requirements? ☐ Yes ☐ No

Comments: _____

Does the plan include one Oregon physician per each 10,000 persons and one nurse for each 7,500 persons during the daylight hours and one Oregon physician per 20,000 persons and one nurse per 15,000 persons for hours between 1 am and 7 am? ☐ Yes ☐ No

Comments: _____

Are the physicians trained in emergency medicine/have emergency medicine experience and are certified in advance cardiac life support? ☐ Yes ☐ No

Comments: _____

Does the plan provide for medical facilities that are: enclosed and protected from the elements; have chairs, examining tables with stirrups, and locked cabinets for equipment and medicine; all necessary medicine and instruments for

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conducting minor surgery and examinations; equipped to handle medical emergencies; lighting not less than 200' candles? ☐ Yes ☐ No

Comments: _____

Does the plan provide for a holding facility for sick and injured while awaiting transport to a hospital that is enclosed, protected from the elements, and includes one cot or bed per 1,000 persons? ☐ Yes ☐ No

Comments: _____

Does the plan provide telephone or radiotelephone to summon aid or notify first responders/hospital? ☐ Yes ☐ No

Comments: _____

Are ambulance provided at the ratio of one ambulance per 10,000 persons? ☐ Yes ☐ No

Comments: _____

Does the Sheriff's Office recommend approval: ☐ Yes ☐ No

Comments: _____

Reviewed by (Name and Title)

Date

For Public Works Review:

Are all roads clearly indicated on the site map? ☐ Yes ☐ No

Comments: _____

Has the organizer provided all-weather constructed, easily accessible roads to and around the outdoor mass gathering site? This includes sufficient road access to all areas for orderly evacuation and emergency vehicle access and egress, including a minimum of two access routes; roads maintained in such a condition that all vehicles, including emergency vehicles, can move on them unencumbered and carry out their functions at all times; no portion of the roads exceed a maximum grade of 12%; and all roads are constructed at a minimum width of 16'?

☐ Yes ☐ No

Comments: _____

Has the applicant provided a designated, suitable area for parking that meets requirements, including 300 sq ft for every four hundred persons anticipated, a minimum space for each vehicle of 10' wide by 20' length and clearly marked with lime, and arranged to eliminate blockage of parked vehicles and allow vehicles to access or exit the site at all times?

☐ Yes ☐ No

Comments: _____

Does the Public Works Department recommend approval: ☐ Yes ☐ No

Comments: _____

Comments: _____

Reviewed by (Name and Title)

Date

For Fire District:

Is the site located within a fire protection district? ☐ Yes ☐ No

Comments: _____

If no:

Who will respond in the case of an emergency? (This entity should review the plan) _____

Has the applicant provided a fire protection plan? ☐ Yes ☐ No

Comments: _____

Has the applicant had a consultation with the fire protection district? ☐ Yes ☐ No

Comments: _____

If camping is provided, are all spaces a minimum of 1000 sq ft or larger with a maintained 15' of separation from other camping spaces? ☐ Yes ☐ No

Comments: _____

Does the applicant plan to allow campfires or any other type of fire associated with the event? ☐ Yes ☐ No

Comments: _____

If yes, are mitigation measures addressed in their Fire Protection Plan? ☐ Yes ☐ No

Comments: _____

Is there a minimum separation of 15' between camping vehicles and tent vehicles? ☐ Yes ☐ No

Comments: _____

Does the plan include one Oregon physician per each 10,000 persons and one nurse for each 7,500 persons during the daylight hours and one Oregon physician per 20,000 persons and one nurse per 15,000 persons for hours between 1 am and 7 am? ☐ Yes ☐ No

Comments: _____

Are the physicians trained in emergency medicine/have emergency medicine experience and are certified in advance cardiac life support? ☐ Yes ☐ No

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Comments: _____

Does the plan provide for medical facilities that are: enclosed and protected from the elements; have chairs, examining tables with stirrups, and locked cabinets for equipment and medicine; all necessary medicine and instruments for conducting minor surgery and examinations; equipped to handle medical emergencies; lighting not less than 200' candles? ☐ Yes ☐ No

Comments: _____

Does the plan provide for a holding facility for sick and injured while awaiting transport to a hospital that is enclosed, protected from the elements, and includes one cot or bed per 1,000 persons? ☐ Yes ☐ No

Comments: _____

Does the plan provide telephone or radiotelephone to summon aid or notify first responders/hospital? ☐ Yes ☐ No

Comments: _____

Are ambulance provided at the ratio of one ambulance per 10,000 persons? ☐ Yes ☐ No

Comments: _____

Does the Fire District recommend approval: ☐ Yes ☐ No

Comments: _____

Comments: _____

Reviewed by (Name and Title)

Date

Any permit issued is conditional upon the following:

1. It meets all required standards and any other local, state, or federal laws.
2. The issued permit is kept by the organizer and a copy is posted in a conspicuous place upon the premises of the site.
3. Law enforcement, public health, fire control, planning, and any and all other appropriate public officers or officials shall be allowed to come upon the premises for the purposes of inspection and enforcement.
4. If deficiency or noncompliance is not cured or cannot be cured, the Sheriff may order the crowd to disperse and leave the outdoor mass gathering site.
5. If the event or organizers are found to be in violation of any provisions of the Outdoor Mass Gathering ordinance, the permit may be revoked.

SOAK*2024 Outdoor Mass Gathering Permit Narrative

Proposal: Applicant seeks approval for an Outdoor Mass Gathering for the dates May 23th – May 27th, 2024.

Site Location: Justesen Ranch, 89720 Davidson Grade Rd., Tygh Valley, OR 97063

Subject Parcels: 4S13E10 800 (approx. 119.08 acres)
4S13E15 100 (approx. 67.60 acres)
4S13E0 2200 (approx. 165.36 acres)

Application Type: Outdoor Mass Gathering, per Wasco County Outdoor Mass Gathering Ordinance (the “WCOMGO”)

Land Use Designation: Exclusive Farm Use; Residential

Zoning: A-1(160); TV-R

Property Owner: Fred and Jonnie Justesen
59720 Twin Lakes Road
Grass Valley, OR 97029

Applicant: Precipitation Northwest
866 N Columbia Blvd B-106
Portland, OR 97217
board@precipitationnw.org

Designated Contact: Ryan Krellwitz
(503) 451-0897
rye@soakpdx.com

Exhibits:

- Exhibit A: Bishop Services Letter of Intent
- Exhibit B: Ice Services Letter of Intent
- Exhibit C: White Bird Rock Medical Letter of Intent
- Exhibit D: Vanguard Security Letter of Intent
- Exhibit E: Site Plan
- Exhibit F: Evacuation Map
- Exhibit G: Traffic Control Plan
- Exhibit H: Sound Zone Map

Introduction:

Applicant seeks approval for an Outdoor Mass Gathering permit at the Justesen Ranch for its annual arts and music gathering, SOAK. SOAK has been successfully held at the Justesen Ranch for the last seven years. SOAK is a regional Burning Man event, sanctioned by the Burning Man Project. As such, SOAK follows the [10 principles of Burning Man](#). Participants organize in theme camps to bring art, music, and interactive events and activities to share with other participants. Each theme camp has a different and unique offering to share.

SOAK also holds two ceremonial burns, one on Saturday night and one on Sunday night, both of which are held in a fully irrigated field, the largest on the Justesen Ranch. All burns are done in close cooperation with Tygh Valley Fire, in accordance with a pre-approved fire protection plan. Pursuant to the fire protection plan, Tygh Valley Fire is in attendance at all ceremonial burns and gives the final go-ahead before SOAK staff lights the ceremonial fires. SOAK also provides a volunteer fire safety team that has been trained to use all onsite fire safety equipment. The fire safety team is present for and oversees all scheduled ceremonial burns, and is on 24/7 standby for incidents. The fire safety team works closely with Tygh Valley Fire to ensure fire safety throughout the event and during the ceremonial burns.

For SOAK*2024, applicant is requesting a maximum total attendance of 2,300 people, which includes staff, vendors, and other personnel. The total attendance at last year's SOAK was 2,000, so this year's population request is for an additional 300 people. The Justesen Ranch is capable of safely hosting at least 300 additional people onsite, which will be demonstrated in our fire protection plan.

Set-up for the event will begin on Monday May 20, 2024 and final clean-up will be complete by Tuesday May 28, 2024. The event will begin general entry for all participants at in the afternoon of Thursday, May 23, 2024 and all participants are expected to be off the event property by the afternoon of Monday, May 27, 2024.

Relevant Rules Cited:

Wasco County Outdoor Mass Gathering Ordinance

All Sections

Oregon Administrative Rules:

OAR 333-039-0015
OAR 333-039-0020
OAR 333-039-0025
OAR 333-039-0030
OAR 333-039-0040
OAR 333-039-0045
OAR 333-039-0050

Discussion of Relevant Code:

The following discussion addresses the applicable review criteria for an outdoor mass gathering and demonstrates that SOAK will satisfy all WCOMGO review criteria and Oregon Department of Human Services regulations governing outdoor mass gatherings (OAR 333-039-0005 – 0055).

Section 1.10 - Permit required

1. No organizer shall hold, conduct, advertise or otherwise promote an outdoor mass gathering or allow an outdoor mass gathering to be held in Wasco County unless a permit to hold such outdoor mass gathering has been issued as provided in this ordinance.

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2. No permit shall be issued unless the event organizer and landowner of the property that is the site of the outdoor mass gathering submits documentation demonstrating that the outdoor mass gathering will comply with all requirements of this chapter along with a signed outdoor mass gathering permit application. Each outdoor mass gathering shall require a separate permit.
3. A permit issued under this section shall not authorize the organizer to construct any permanent physical alterations to or on the real property where the outdoor mass gathering will be held.
4. This chapter shall not apply to any regularly organized and supervised school district activity or program that takes place on school property, nor to any activities of a municipal corporation or government agency.
5. Application packets for outdoor mass gatherings shall be initially submitted to the Wasco County Planning Department.

Response: Applicant submits all required documentation to demonstrate compliance with the Wasco County Outdoor Mass Gathering Ordinance (WCOMGO). No permanent physical alterations will be made to the real property where the outdoor mass gathering will be held.

Section 1.20 - Permit fees

1. Permit fee. The permit fee shall be in the amount set annually by order of the board and limited to an amount calculated to reimburse the county for its reasonable, actual, and necessary costs in receiving, processing, and reviewing applications for permits to conduct an outdoor mass gathering.
2. The permit fee shall be paid by the organizer upon filing the application with the department. The fee is non-refundable.

Response: The required permit fee will be paid to the county for processing of the application.

Section 1.30 - Scope of Review

- A. Application. The organizer shall file an application with the department not later than one hundred forty days in advance of the anticipated event date. Applications received later than one hundred forty days prior to the anticipated event date shall not be processed. The application shall be signed by the organizer and owner or possessor of the property where the outdoor mass gathering will be held and shall include at least the following information:

Response: This application is being submitted on or before January 4, 2024, which is 140 days in advance of the event date.

1. The name and address of the organizer.
2. Legal description of the location of the outdoor mass gathering.
3. The date or dates of the outdoor mass gathering.
4. Estimated total attendance, including staff, vendors, and other personnel.
5. A description of planned activities.

Response: The information requested in items 1-3 is provided on page one of this narrative. The information requested in items 4-5 is provided on page two of this narrative.

6. A detailed map showing the type, number and location of all toilets, washing facilities, water supply and distribution system, food preparation sites, emergency medical facilities, roads and solid waste collection locations.

Response: Detailed maps are attached as Exhibits E, F, and G of this narrative.

7. The name and contact information for a designated contact person(s) who shall be

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easily identified and who shall remain at the outdoor mass gathering site at all times during the event.

Response: Ryan Krellwitz is a producer for this event, and he will be the designated contact person available at all times during the event. His contact information is listed on page one of this narrative and on the Wasco County Outdoor Mass Gathering application form.

8. A detailed Traffic Control Plan (TCP) to be approved by Public Works and the Wasco County Sheriff's Office. If the event is located adjacent or close to an Oregon State Highway, the TCP must also be approved by ODOT.

Response: A detailed traffic control plan is attached as Exhibit G of this narrative.

9. A written statement from the fire protection agency having jurisdiction that fire protection complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering. No permit shall be granted under this chapter unless the organizer has shown that the appropriate fire protection district officer has approved the type, size, number and location of fire protection devices and equipment available at, in or near any location, including outdoor sites, buildings, tents, stadium or enclosure, wherein or whereupon more than ten persons may be expected to congregate at any time during the course of an outdoor mass gathering for which a permit is required under this chapter. If the site for which the permit is applied for is located outside a fire prevention district, the organizer shall provide written approval from the office of the State Fire Marshal.

Response: SOAK event producers work closely with Tygh Valley Fire Department to create a fire protection plan. A written statement from Tygh Valley Fire will be provided to the county prior to the event. This can be made a condition of approval. In addition, part of the fire protection plan for this event requires that Tygh Valley Fire give the final go-ahead before lighting any ceremonial fires.

10. A written statement from the County Sheriff's Office that arrangements for security and the orderly traffic flow to and from the outdoor mass gathering complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and the location of the outdoor mass gathering.

Response: Applicant has provided information sufficient for the County Sheriff's Office to evaluate our event to ensure it complies with state and local laws. Please see Exhibit D and page 13 of this narrative for details on our security. Please Exhibit F and pages 15 and 16 of this narrative for an evacuation plan.

11. Documentation of the ability to provide a commercial liability insurance policy in an amount determined by the county that is commensurate with the risk, but not exceeding one million dollars.

Response: Applicant will obtain a commercial general liability insurance policy that will cover all event activities, including the volunteers and participants. Applicant will ensure that the policy limits will be at least \$1,000,000 per occurrence. Last year, applicant's CGL policy had limits of \$2,000,000 per occurrence, \$4,000,000 in the aggregate. Applicant will ensure that Wasco County, its commissioners, employees and agents are listed as an additional insureds.

12. Documentation that the water supply for the event will comply with the water supply and distribution system requirements of this chapter.

Response: Please see pages 8, 9, and 10 of this narrative.

13. Documentation that the site of the event will comply with the drainage requirements of this chapter.

Response: Please see page 10 of this narrative.

14. Documentation that sewerage facilities will comply with the sewerage requirements of this chapter.

Response: Please see page 11, 12, and 13 of this narrative.

15. Documentation that refuse storage and disposal will comply with the refuse storage and disposal requirements of this chapter.

Response: Please see pages 13 and 14 of this narrative.

16. Documentation that camping spaces and camping space locations will comply with the fire protection requirements of this chapter.

Response: Please see page 15, 16, and 17 of this narrative.

17. A medical services plan demonstrating compliance with this chapter.

Response: Please see pages 17 and 18 of this narrative and Exhibit C.

18. A traffic plan demonstrating that roads and parking areas will comply with the road, parking and traffic requirements of this chapter.

Response: Please see pages 19 and 20 of this narrative and Exhibits F and G.

19. Documentation that emergency vehicles will have easy access and egress to all areas of the event site.

Response: Please see pages 19 and 20 of this narrative and Exhibits F and G.

20. Such other, additional information as the director may require to ensure compliance with the provisions of this chapter. If such additional information is not supplied within two weeks of the director's request, the application shall be deemed incomplete.

Response: Applicant acknowledges and understands these requirements.

21. The appropriate permit fee, as set pursuant to the county fee schedule, shall accompany the application.

Response: The appropriate permit fee will be paid to the county to process this application.

22. The department shall have 30 days to determine whether an application is complete. If the application is not complete, the applicant shall be provided a description of the missing information and an opportunity to supply the missing information. The department shall not process an incomplete application. The applicant shall submit the missing information no later than one hundred and twenty days prior to the date the event is proposed to be held. For

purposes of this section, an application is complete if the standard has been addressed, regardless of whether the department believes that the information demonstrates compliance. A determination that an application is complete, in no way demonstrates compliance.

Response: Applicant acknowledges and understands these requirements.

Section 1.50 - General approval criteria

- A. An outdoor mass gathering permit shall be approved upon demonstration by the organizer of compliance with or the ability to comply with the provisions of this chapter, as well as all health and safety rules governing outdoor mass gatherings adopted by the Oregon Department of Human Services. However, the board, in its sole discretion, may deny an application or impose additional conditions to an application based on a prior history of noncompliance by an applicant with any of the terms of a previous outdoor mass gathering or extended outdoor mass gathering permit issued either pursuant to county ordinance or under state law.

Response: Applicant has demonstrated that SOAK will satisfy all applicable county review criteria and Oregon Department of Human Services regulations governing outdoor mass gatherings. Applicant is not aware of any noncompliance with previous outdoor mass gathering permits but will, nevertheless, comply with any additional permit conditions reasonably imposed by the county.

- B. The board may consider and require an applicant to comply with any conditions submitted by public officials including, but not limited to, the county sheriff, the county health officer and the chief of the fire district in which the gathering is to be held.

Response: Applicant will comply with any additional permit conditions reasonably imposed by the county, whether requested by the Wasco County Board of Commissioners or any other county official.

Section 1.60 - Insurance

1. If the board determines that the outdoor mass gathering creates a potential for injury to persons or property, the board shall require the organizer to obtain a commercial general liability insurance policy in an amount commensurate with the risk, but not exceeding one million dollars. The insurance shall cover all the organizer's activities, including all volunteers and participants. The policy must also name Wasco County, its commissioners, employees and agents as additional insureds.

Response: Applicant will procure a commercial general liability insurance policy that will cover all event activities, including the volunteers and participants. Applicant will ensure that the policy limits will be at least \$1,000,000 per occurrence. Last year, applicant's CGL policy had limits of \$2,000,000 per occurrence, \$4,000,000 in the aggregate. Applicant will ensure that Wasco County, its commissioners, employees and agents are listed as an additional insureds.

2. The policy shall not terminate or be cancelled prior to completion of the event without the organizer's insurance provider first giving thirty days written notice of intention to terminate or to cancel to the department. Termination of insurance shall immediately and automatically revoke the permit.

Response: Applicant acknowledges and understands these requirements.

3. Proof of insurance must be submitted to the department not later than thirty days prior to the event. No permit shall be effective or valid until the insurance is approved by the department. All documents are subject to the approval of the department.

Response: Applicant will ensure that proof of insurance is submitted to the department no later than thirty days prior to the event. This can be made a condition of approval.

Section 1.70 - Sanitary facilities

The board shall review all health and sanitation and related plans and facilities to ensure that minimum standards have been or will be met by the organizer, upon recommendation of the department, and in accordance with the procedures outlined in this chapter.

Approval shall be based upon, but not limited to, the following minimum requirements:

A. Water Supply (see also OAR 333-039-0015)

1. Required Amounts:

- a. A minimum of twelve gallons per person per day shall be available for the anticipated assembly;

Response: The requested 2024 maximum capacity is 2,300 people in total, over the course of the event. Thus, SOAK must have 36,000 gallons of water per day or 138,000 gallons available to participants for the duration of the event. For last year's SOAK event, the North Central Public Health District (NCPHD) staff permitted SOAK to meet this standard by contracting with a water-hauling company that was able to provide the required amount of water if needed. This year, SOAK has contracted with the same company, Bishop Sanitation, who has committed to providing 172,000 gallons of water if needed. **See Exhibit A, Bishop Sanitation Letter of Intent.**

In addition (and most importantly), SOAK *requires* that each participant bring enough water for the duration of the event (*i.e.*, a minimum of 2 gallons per person per day or more, based on individual need and preference) so that each participant is self-sufficient in their water needs. Being self-sufficient is a requirement of the principle of Radical Self-reliance, as stated in the Burning Man 10 Principles: (<http://burningman.org/culture/philosophical-center/10-principles/>)

Staff and participants used 0 gallons of the contracted water supply in 2015, 2016, 2017, 2018, 2019, 2022, and 2023 (No event in 2020 & 2021).

- b. Notwithstanding subsection (a) of this section, facilities containing an amount of water equal to one day's total water usage shall be provided at the event site, unless a greater or lesser amount is determined by the State Department of Human Services as sufficient or necessary, based on the availability and quantity of the water supply and the required water demands for toilets, food vendors, camping areas and other facilities;

Response: SOAK participants are required to be self-sufficient in their water needs throughout the event. In the event excess water is required, the county has previously found that the plan for delivered water, as described in the above response (which also addresses section OAR 330-339-0015(1)(a)), could satisfy this rule. Because all participants come to the event fully self-sufficient with water, the hauled water would be required only in the event of an unprecedented and unforeseen emergency. Bishop Sanitation has indicated in its Letter of Intent that it is capable of providing the required amount of water, including under emergency circumstances, if it is required.

- c. An additional amount of water equal to one day's total usage shall be available in reserve at all times at a location approved by the department.

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Response: The county has previously found that OAR 330-339-0015(1)(b) and (d) (which correspond to WCOMGO 1.70(A)(1)(b) and (c)) work together to ensure that adequate water is available for the festival. The county has previously found that the phrase “in reserve at all times” means “readily available for use” but does not require that the water be stored onsite. For the SOAK event last year, the NCPHD found that water available via water delivery satisfied this criteria. SOAK has contracted with Bishop Sanitation who is able to provide the required amount of water needed.

2. Bacteriological and Chemical Requirements:

- a. Drinking water shall be supplied from a source approved by the State Department of Human Services;
- b. The water source shall be tested by the organizer and shall conform to the standards for transient non-community public water systems of OAR 333-061 and OAR 333-039-015. The organizer shall provide the results of that testing and other requested documentation with its application to the department for evaluation prior to approval of the water source;
- c. All parts of the water supply system shall be constructed of non-toxic materials. Water system piping and fixtures shall be made of materials approved for use in public water systems and conform to the standards for transient non-community public water systems in OAR Chapter 333 Division 61 and meet the requirements of the State of Oregon Unified Building Code;
- d. All water distribution lines and fittings shall be constructed of galvanized wrought iron, galvanized steel, copper, or NSF approved plastic pipe. All plastic pipe and fittings must bear the NSF seal;
- e. Pressure tanks and storage tanks including water tanker trucks shall be constructed of non-toxic materials. Tanks which have previously been used to contain toxic substances shall not be used;
- f. Garden hoses, flexible lines, pipes, or similar devices shall not be connected to any portion of the water supply system for personal convenience or any other reason;
- g. A minimum pressure of twenty pounds per square inch shall be maintained at all times and at all points within the water distribution system;
- h. All water distribution lines shall be installed at a minimum depth of twelve inches in the soil and shall be covered;
- i. Water supply locations shall be well drained;
- j. Hydrants equipped with self-closing faucets shall be provided at a ratio of not less than one for every two hundred and fifty persons or fraction thereof anticipated;
- k. Each faucet shall be mounted on a minimum thirty-six-inch riser. The riser is to be securely fastened to a supporting structure equal in strength to a four-inch by four-inch timber which is securely anchored in the ground;
- l. Each faucet and riser shall be accompanied by a seepage pit located directly beneath the faucet which shall have a minimum inside diameter of twelve inches and a minimum depth of three feet and shall be backfilled with clean coarse rock;
- m. If camping and activity areas are separately designated, sixty percent of the total required faucets shall be located within the area designated for camping, and forty percent of the total required faucets shall be located in the area designated for activities;
- n. A minimum of one faucet shall be located not more than twenty-five lineal feet from each food service facility and a minimum of one faucet shall be located not more than twenty-five lineal feet from any emergency medical facility;
- o. Prior to placing the water supply system into use, all portions of the system including storage tanks and distribution system shall be disinfected by adding a chlorine solution of not less than fifty mg/l and retaining the mixture within all portions of the system for at least twenty-four hours. Following disinfection, the system is to be thoroughly flushed of the chlorine solution. Water tanker trucks must be disinfected using these same standards.

Response: Any water delivered to SOAK will be provided by Bishop Sanitation. In the event that SOAK requires delivered water (which is highly unlikely based on participants' high adherence to the Radical Self-reliance principle), SOAK will confirm with Bishops Sanitation that all Drinking Water Hauling Guidelines designated by Oregon Health Services are being followed. We will request confirmation that the water meets water quality guidelines and will maintain any water testing records in our files.

The review criteria in subsections c-o (related to the water supply distribution system) are not relevant to this application, as SOAK does not utilize a water distribution system. Thus, the county may find that this rule does not apply.

Drainage (OAR 333-039-0020)

- 1) The site selected for the outdoor mass gathering shall have good natural drainage. Areas which are swampy, or areas known to be susceptible to flash flooding are not acceptable.
- (2) Roads at the outdoor mass gathering site shall be provided with culverts, tiles, and ditching wherever needed to protect such roads from erosion due to precipitation.

Response: The WCOMGO does not have review criteria specific to Drainage (despite the reference in Section 1.30(13)), so Applicant has addressed the requirements of OAR 333-039-0020 below. Justesen Ranch has previously been inspected by North Central Public Health District (NCPHD) and deemed to have proper and adequate natural drainage. Inspections have also found that Justesen Ranch has proper and adequate erosion control on site, including but not limited to protection from automotive and pedestrian traffic. Furthermore, Justesen Ranch has implemented and continues to implement best practices from its Agricultural and Recreation Management Plan.

SOAK has been held in conditions of torrential downpour, which have lasted for days (hence the name "SOAK"), and drainage of the property has been more than adequate. No drainage or erosion problems have occurred.

In addition, participants are prohibited from dumping materials including gray water, waste, or human waste onto the property surface or into the White River. If participants are found violating this rule, they will be ejected from the event. Participants must remove all waste, including gray water, when they exit the event. SOAK is a Leave No Trace event, as described in the Burning Man 10 Principles: http://www.burningman.com/whatisburningman/about_burningman/principles.html

B. Sanitary Waste Facilities (see also OAR 333-039-0025)

1. Number and Location of Toilets

- a. Seven toilets shall be provided for each eight hundred persons or fraction thereof anticipated;
- b. If camping and planned activity areas are separately designated, sixty percent of the total required toilets shall be located within the designated camping area and forty percent of the total required toilets shall be located in the designated planned activity area;
- c. If camping areas are not designated, location and spacing of toilets shall be in accordance with anticipated crowd clustering or grouping, or spaced uniformly throughout the entire outdoor mass gathering site.

Response: SOAK contracts with Bishop Sanitation for onsite sanitary facilities (i.e, portable toilets and handwashing stations). For a 2,300 person event, 21 portable toilets must be provided to comply with these review criteria. Bishop's Sanitation has been working with us on this event for many years and has provided

outstanding service for our portable toilet needs. They have indicated that they will provide at least 61 toilets, including ADA compliant toilets with hand sanitizer in each unit. The toilets will be set up in banks and will include at least 20 portable hand-washing stations, evenly spread between the banks. An appropriate amount of toilets will be ADA-compliant, including one toilet stationed next to the medical tent. Each portable toilet and handwashing station will be pumped at least once per day. **See Exhibit A for the Bishop Sanitation Letter of Intent.**

SOAK does not separately designate camping areas and planned activity areas; toilet placement will be in accordance with anticipated crowd concentration in each area of the site, as shown in Exhibit E.

2. Chemical Toilets

- a. A contractual agreement, with a company licensed by the State Department of Environmental Quality, shall be filed with the department no later than fifteen days before the outdoor mass gathering. The application shall describe what provisions the organizer has taken for providing chemical toilets and the sanitary maintenance of these toilets, on a continual basis;
- b. Chemical toilets shall be serviced at least daily with respect to sanitation, removal of contents, and recharging of chemical solution;
- c. All chemical toilets, if provided, shall be located so as to be easily and readily serviced by servicing vehicles;
- d. Chemical toilets tanks must be owned and serviced by a sewage disposal service licensed in Oregon and must be labeled with the service company name and current address and telephone number;
- e. The contents of chemical toilets shall be removed by a DEQ licensed sewage pumper in accordance with state and local laws, ordinances, and regulations.

Response: SOAK contracts with Bishop Sanitation for onsite sanitary facilities (*i.e.*, portable toilets and handwashing stations). Bishop's services the portable toilets and handwashing stations at least once per day. The layout of the SOAK event ensures that the toilets can be easily serviced throughout the event. Applicant will ensure that the contract with Bishops is provided to the county at least 15 days prior to the event.

3. Water Carried Sewage Disposal Facilities. If water carried subsurface sewage disposal facilities are provided, they shall be governed by and meet the requirements of OAR Chapter 340 Divisions 71 and 73.

Response: This review criterion is not applicable to this application, as no water carried sewage disposal facilities will be utilized at SOAK.

4. Liquid Wastes Not Containing Human Excreta

- a. Facilities shall be provided for the disposal of all liquid wastes not containing human excreta such as, but not limited to, kitchen or cooking wastewater, grease dishwater, wash water, and bath water;
- b. These facilities shall be specifically identified by means of a sign which states "Wastewater Disposal";
- c. Portable holding tanks used to collect liquid wastes not containing human excreta must meet the requirements of OAR 340-071-0340 (5) including holding tank covers;
- d. Portable holding tanks must be owned and serviced by a sewage disposal service licensed in Oregon and must be labeled with the service company name and current address and telephone number;
- e. Such facilities shall be located or spaced so as to uniformly serve the participants of the outdoor mass gathering;
- f. One facility shall be provided for each three thousand persons or fraction thereof anticipated;

- g. At least one facility shall be located not more than fifty lineal feet from each food service facility;
- h. All food particles and other waste material shall be disposed of in approved portable holding tanks and removed from the facilities at least once every twenty-four hours or at more frequent intervals if necessary to prevent insect attraction.

Response: SOAK contracts with Bishop Sanitation to provide at least (4) 300 hundred gallon grey water tanks for the event. If the tanks require pumping, Bishops Sanitary Service pumps them as needed, up to twice daily. **See Exhibit A for the Bishop Sanitation Letter of Intent.**

Food and liquor vendors are not allowed at the event, and SOAK does not provide shower facilities. Participants must remove all waste, including gray water, when they exit the event. SOAK is a Leave No Trace event, as described in the Burning Man 10 Principles: http://www.burningman.com/whatisburningman/about_burningman/principles.html SOAK has had 100% compliance with our leave no trace principles, including in regards to grey water disposal.

5. Hand Washing Facilities

- a. In the absence of running water and plumbed hand washing facilities, gravity fed or commercial portable hand washing facilities shall be conveniently located and provided in adequate numbers.
- b. All food service sites and portable restroom sites shall be equipped with conveniently located hand-washing stations.
- c. Gravity fed or commercial portable hand washing stations shall be equipped with at least five gallons of warm water, soap and sanitary towels;
- d. Wastewater from hand washing shall be collected in a wastewater container at least ten percent larger than the hand wash water supply;
- e. Wastewater from hand washing shall be disposed of at approved wastewater disposal sites.

Response: SOAK contracts with Bishop Sanitation for onsite sanitary facilities (*i.e.*, portable toilets and handwashing stations). Bishop's services the portable toilets and handwashing stations at least once per day. At least 20 hand washing stations will be provided, spread out amongst each bank of toilets, including one at the medical tent.

Section 1.80 - Refuse Storage & Disposal (see also OAR 333-039-0030)

- 1. All refuse and solid waste shall be stored in fly-tight containers constructed of impervious material;
- 2. Containers for refuse and solid waste storage shall be provided at a minimum ratio of one thirty gallon container for each sixteen persons or fraction thereof anticipated or one cubic yard of container capacity for each one hundred twenty-five persons or fraction thereof anticipated;
- 3. All refuse and solid waste shall be removed from storage containers at least once every twenty-four hours and transported and disposed of in a manner, which is authorized and complies with state and local laws, ordinances and regulations.

Response: In its 16-year history SOAK has never offered public refuse collection services. Although we operated with a 30-yard dumpster in 2015 and a 10-yard dumpster in 2016 and 2017, neither dumpster was publicly offered and neither was used. In 2018, we were granted permission to operate without a dumpster. SOAK is a Leave No Trace event, as described in the Burning Man 10 Principles, and each participant is responsible for packing out what they pack in: http://www.burningman.com/whatisburningman/about_burningman/principles.html

Event staff performs a sweep of the property before the event, bagging and removing existing debris in order to fulfill its role as stewards of the Justesen property. We will be repeating our pre-event site sweep for the 2024 event.

All participants are required to collect all of their own refuse in fly-tight containers made of impervious material. They are also required to perform a detailed search of their camp and surrounding areas for debris, referred to as “Matter Out of Place” (MOOP). Education about these participant responsibilities is performed before the event via the SOAK Survival Guide, SOAK website and SOAK Facebook event page, and during the event via face-to-face discussion with event staff and volunteers. Because the principle of Leave No Trace is highly valued, event attendees not only look after their own camps, but typically don’t hesitate to educate other attendees as needed.

After the event is over, our all-volunteer Leave No Trace team of approximately 40 volunteers performs a line sweep of every accessible area of the event space. The team collects debris left behind by participants (which is generally insignificant). Although no significant refuse has historically been left, the plan, should any MOOP be collected by the LNT team, is to bag, sort, and either dispose of or recycle it in Portland, OR.

In the words of the landowners in 2015 and again in 2017, SOAK ‘left the property cleaner than [we] found it’.

The dumpster contracted for SOAK *2015 did not require servicing and was entirely empty at pickup. The dumpster borrowed from Fred Justesen for SOAK*2016 and SOAK*2017 was not used by staff or participants.

Given the nature of the SOAK festival, its ongoing efforts to inform and educate participants, and demonstration of its adherence to Burning Man’s Leave No Trace principle, we ask that the county find that requirement (1) is satisfied, and that requirements (2) and (3) be waived for SOAK*2024.

Section 1.90 – Food & Sanitary Food Service (OAR 333-039-0035)

- A. Food service facilities shall comply with the State Health regulations that pertain to the operation of temporary restaurants
1. Each food vendor shall apply for a temporary restaurant license at least ten days prior to the outdoor mass gathering event;
 2. The names of food vendors, their mailing addresses and telephone numbers shall be submitted fifteen days prior to the outdoor mass gathering event;
 3. Temporary restaurant applications shall be approved by the North Central Public Health District.

Response: Precipitation Northwest will resell packaged ice for food and medical safety purposes at this event. Vending of any other type is prohibited. Ice will be pre-packaged and delivered to the site and stored in a refrigerated trailer provided by Gem Ice of The Dalles, OR. **See Exhibit B, Arctic Glacier Letter of Intent.**

Section 2.00 - Security Personnel (see also OAR 333-039-0050)

The organizer shall maintain an accurate count of persons attending the outdoor mass gathering and shall provide adequate security arrangements, to be determined by the Wasco County Sheriff's Office, to limit further admissions to the outdoor mass gathering when the anticipated number of persons authorized by the permit have been admitted.

Response: SOAK maintains a staff of internally trained peer-security resources, all of whom are equipped with radios to call for assistance if needed. Peer-security staff work in greater numbers during peak event hours, but have a minimum number on shift at all times:

- Peer (Internal) Event Security, "Rangers": *(8-18 on shift at all times)*. Specialized internal agency trained in conflict resolution, event resource education, law enforcement interactions, and chemically or mentally altered crisis care.
- Peer (Internal) Event Security, "Gate & Parking": *(4-16 on shift at a time)*. Specialized internal agency trained in event admission security, ID checks and wristband application, vehicle inspections (for contraband) and trespassing escalation (to event management, Department of Public Safety Standards & Training (DPSST) Certified Security, and Law Enforcement when needed).
- Peer (Internal) Event Security, "Medical": *(2-4 on shift at a time)*. Volunteer medical staff who patrol the event site to assist contract Medical Services, trained in conflict resolution, and experienced in dealing with people in crisis.
- Peer (Internal) Event Security, "Event Management": *(3-4 on shift at all times)*. Event management staff all have prior experience working with Rangers and/or Gate groups.
- Unarmed DPSST Security Staff *(6 on shift at all times)*. This includes 1 DPSST Security Supervisor who is the primary contact for local law enforcement.

TOTAL CURRENT INTERNAL SECURITY RATIO: between 1:48 and 1:117 at all times

SOAK will have at least one (1) DPSST Certified Security Supervisor on shift at all times, as a point of contact for Law Enforcement, who can be reached 24 hours per day during the entire event. In the event that a Law Enforcement response is needed, SOAK event management and the DPSST Security Supervisor will meet law enforcement at the central Medical / Operations HQ.

SOAK 2024 is utilizing the same security plan that was approved in 2021. **See Exhibit D: Vanguard Security Letter of Intent**

Section 2.10 - Fire Protection Standards (see also OAR 333-039-0045)

- A. No permit shall be granted under this chapter unless the organizer has a fire protection plan approved by the fire protection district for the type, size, number, and location of fire protection devices and equipment available at, in or near any location, including outdoor site, building, tent, stadium, or enclosure, wherein or whereupon more than 10 persons may be expected to congregate at any time during the course of an outdoor mass gathering.
- B. If the site for which the permit is applied for is located outside a fire protection district, the organizer must show approval from the office of the State Fire Marshal, Oregon Department of Forestry, or other fire protection district that would respond in the event of an emergency.

Response: The Justesen Ranch is within the jurisdiction of the Tygh Valley Fire Department (north end) and Juniper Flats Fire Department (south end). SOAK works closely with Tygh Valley Fire to ensure fire safety throughout the event and during the ceremonial burns. Tygh Valley Fire is historically always in attendance at all ceremonial burns and gives the final go-ahead before SOAK staff lights the ceremonial

fires. SOAK will work with these districts to determine safe roadway access and fire prevention plans, including during scheduled ceremonial burns.

A written statement from Tygh Valley Fire will be provided prior to the event. In addition, SOAK is updating the fire safety equipment that will be on-site during the event to allow us to be more flexible and respond more effectively to incidents should they occur. We'll provide more info once that is finalized. The equipment used will be as good or better than the last six years of the event. SOAK takes fire safety seriously, and will work with the Tygh Valley Fire chief to ensure that the ceremonial burns are safe for both the event and the surrounding community.

SOAK provides a Fire Safety Team that has been trained to use onsite equipment. The Fire Safety Team is present for and oversees all scheduled burns, and is on 24/7 standby for incidents.

The Justesen Ranch offers three fully irrigated fields. The largest of these fields is where SOAK stages its ceremonial burns. The field is located just south of Davidson Grade Road and is accessible by vehicle, including Emergency and Fire Equipment. This field offers the furthest travel distance from any dry crop fields, and is the area with the fewest number of trees on the property. SOAK utilizes the same burn scars year after year to minimize impact to the Justesen Ranch.

In 2018, SOAK increased its fire perimeter personnel and water trailer towing capacity. This capacity will be matched or increased in 2024.

- C. Each camping space shall be a minimum of one thousand square feet or larger, if necessary, to accommodate a parked camping vehicle, tent vehicle or tent, as the case may be, and to maintain at least fifteen feet separation from any other camping vehicle, tent vehicle or tent, building, structure, or property line.
- D. If a camping space has more than one camping unit on the camping space, the proposed layout must be approved in advance by the department.
- E. Camping vehicles and tent vehicles shall maintain a separation of fifteen feet between units.

Response: The event will not exceed the requested capacity of 2,300 participants and will allocate camping space to registered campers. Camp space is allocated depending on the number of planned participants and layout design of their camps. Given that many SOAK attendees camp in small groups with shared infrastructure, SOAK demonstrates compliance with these review criteria using the 1,000 square feet per camping space requirement:

Total Space Calculations:

Total area suitable for camping = 49.79 acres (2,168,900 ft²)

Maximum attendance = 2300

Minimum space per person = 943ft²

SOAK disallows “car camping”, which is defined as sleeping in a vehicle not designed for camping. Passenger vehicles not explicitly approved for festival access will be parked in a separate parking area, adjacent to the festival Gate.

Section 2.20 - Medical Service (see also OAR 333-039-0040)

- A. There shall be present at the outdoor mass gathering site for emergency medical services, physicians and nurses in the following ratios:

1. Daylight Hours: At least one Oregon physician plus sufficient other physicians (licensed to practice medicine and surgery in any of the fifty states of the United States) to provide a ratio of one for each ten thousand persons attending or fraction thereof and one nurse for each seven thousand five hundred persons attending or fraction thereof;
 2. Nighttime Hours - (one a.m. to seven a.m.): At least one Oregon physician plus sufficient other physicians (licensed to practice medicine and surgery in any of the fifty states of the United States) to provide a ratio of one for each twenty thousand persons attending or fraction thereof and one nurse for each fifteen thousand persons attending or fraction thereof.
- B. All physicians on-site shall be trained in emergency medicine or have emergency medicine experience and be certified in advanced cardiac life support.
- C. Facilities shall be provided in which physicians can provide patient care and treatment:
1. The facility shall be enclosed, protected from the elements, and shall have chairs, examining tables with stirrups, and locked cabinets for equipment and medicine;
 2. All necessary medicine and instruments for conducting minor surgery and examinations shall be available;
 3. The facilities shall be equipped to handle medical emergencies including but not limited to treating individuals with chest pain, respiratory difficulty, trauma or cardiac arrest and specifically equipped to handle advanced cardiac life support;
 4. Lighting within the emergency medical facilities shall be provided and shall be not less than two hundred- foot candles in areas where treatment and minor surgery are conducted.
- D. Attending physicians shall keep accurate records of patients and treatment, and shall notify the local health officer of all cases involving a communicable disease.
- E. Temporary holding facilities shall be provided for the sick and injured while awaiting transport to a hospital. The facility shall be enclosed, protected from the elements, and shall be furnished with one cot or bed for each one thousand persons anticipated or fraction thereof.
- F. Communication, via either telephone or radiotelephone, shall be provided to summon aid or notify the nearest hospital, law enforcement, ambulance provider or fire protection agency, as required.
- G. An approved emergency response plan is required that contains phone numbers, directions to location, etc. This plan that must be approved by the county during the application process.
- H. Ambulances shall be provided at the outdoor mass gathering for emergency evacuation of sick and injured persons at a ratio of one ambulance for each ten thousand persons anticipated or fraction thereof. The ambulance shall be staffed at the paramedic level and be licensed or approved to provide emergency ambulance service.

Response: SOAK has contracted with White Bird Rock Medical for medical/crisis coverage during the event. These services will be available via a centrally located and clearly marked medical tent provisioned and staffed by White Bird Rock Medical. White Bird Rock Medical staff will be on duty at all times during the event, augmented by volunteer medical staff whose primary purpose is to roam the event site to provide proactive response to real or impending medical issues. SOAK's contract with White Bird Rock Medical will satisfy all of the requirements set forth in WCOMOGO Section 2.2 and OAR 330-039-0040(1)-(5). See Exhibit C, White Bird Rock Medical Letter of Intent, which provides additional detail.

Subsection (F) Communication, either telephone or radio-telephone, shall be provided to summon aid or notify the nearest hospital, law enforcement, or fire protection agency, as required.

SOAK utilizes UHF radios for onsite communications, and has telephone access, VOIP access, and access to Oregon Amateur Radio Output (Ham Radio).

Subsection (H) Ambulances shall be provided at the outdoor mass gathering for emergency evacuation of sick and injured persons at a ratio of one ambulance for each 10,000 persons anticipated or fraction thereof.

White Bird Rock Medical and SOAK will coordinate with Life Flight Network to provide air ambulance services. We will be using the same Landing Zone (LZ) as last year, located at the Tygh Valley Community Center at 57594 Tygh Valley Rd, 97063. The coordinates will be provided to Life Flight in advance of the event.

Basic life support transport services will be provided by local ambulance service providers. Local 911 emergency responders involved in this plan include but are not limited to:

- South Wasco County Ambulance
- Tygh Valley Fire
- Wamic Fire
- Maupin Ambulance
- Dufur Ambulance
- Dufur Fire

Section 2.30 – Traffic, roads, and parking (see also OAR 333-039-0055)

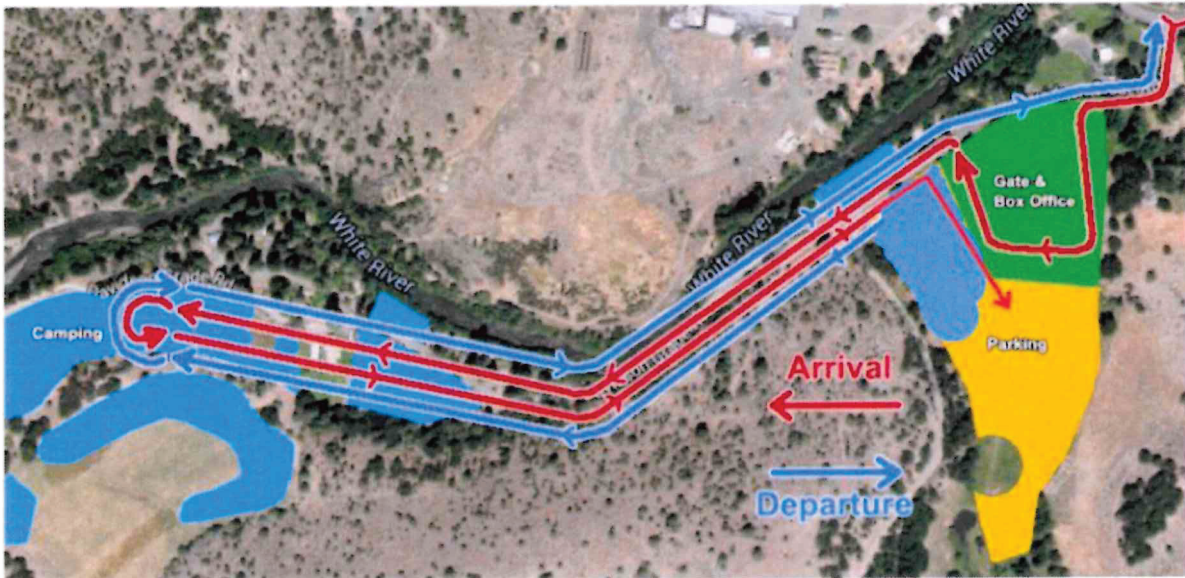
- A. The organizer shall provide easily accessible roads of all-weather construction at the outdoor mass gathering site.
1. All areas of the site shall have road access sufficient to provide orderly evacuation and emergency vehicle access and egress, including a minimum of two access routes;
 2. All roads shall be maintained in such condition that emergency and other required vehicles can move upon them unencumbered and can carry out their functions at all times;
 3. No road or portion of any road constructed shall exceed a maximum grade of twelve percent;
 4. All roads shall be constructed to a minimum width of sixteen feet.
- B. All roads shall be clearly located on the site map.
- C. Roads may be inspected by the department in advance of the event to determine compliance with the requirements of this chapter.

Response: SOAK will use the same system as in 2015, 2016, 2017, 2018, 2019, 2022, and 2023. There have been no changes to the existing roadways that would prevent SOAK from demonstrating compliance. The plan is as follows:

1. We will encourage traffic to use OR-197 and turn at the southern intersection with Tygh Valley Road to discourage traffic through town and school zones.
2. MUTCD-approved signs placed at the south and north intersections of Tygh Valley Road and OR 197; signs will not impair the vision of drivers on the road.
3. Once on Tygh Valley Road, vehicles turn onto Davidson Grade Road and directed into the staging area on the event site property.
4. The event entrance will be clearly designated and well-lit at night, and will include multiple vehicle staging lanes to ensure no traffic backs up onto Davidson Grade Road or Tygh Valley Road.
5. No signs will be placed on county roads, as detailed instructions to the Justesen Ranch is provided to all participants. SOAK has never received complaints from participants or the local community about lack of signs on these roads.

In compliance with Sections (1), (2), (3), (4), and (5), SOAK has prepared a Traffic Control Plan demonstrating vehicle ingress and egress before, during and after the event. All roads have been previously graded by the municipality of Tygh Valley, OR and Wasco County, OR:

- US-197, a State of Oregon-maintained highway
- Tygh Valley Road, a Wasco County-maintained roadway
- Davidson Grade Road, a Tygh Valley, OR, maintained roadway for .24 miles, after which is becomes a private road maintained by deed holder & property owner Fred Justesen



- D. The organizer shall provide and designate a suitable area at the outdoor mass gathering for parking of motor vehicles. The total area provided for motor vehicle parking shall be based on the following ratio: three hundred square feet for every four persons anticipated;
1. Each motor vehicle parking space shall have a minimum width of ten feet and a minimum length of twenty feet and shall be clearly marked with lime;
 2. The motor vehicle parking spaces shall be arranged to eliminate blockage of parked vehicles and allow all vehicles to access or exit the event site at all times.

SOAK is required to provide a total of 172,000 square feet for parking to accommodate a maximum capacity of 2300 people (or approx. 4 acres). The parking area is more than adequate to meet that requirement. Based on historical parking data at this event site, we expect no more than 950 vehicles on site at peak hours. In addition this year we will be adding a parking permit to ticket sales.

Section 2.70 – Restricted Hours of Operation and Noise

- A. When sound amplification is used, no outdoor mass gathering shall be conducted within 1,000 feet of any neighboring residence between the hours of 11:00 pm and 9:00 am unless written consent from neighboring property owners and residents indicates a variance to hours would be acceptable.
- B. The use of amplification shall be regulated so that it will not interfere with the normal use of any school, church, residence, or other permanent place of human habitation unless prior written consent is obtained from all affected persons. A sound level in excess of 70 decibels prior to 10:00 pm and in excess of 50 decibels after 10:00 pm shall constitute interference.

Response: Applicant understands these requirements. Applicant has historically followed the requirements in Section 2.70.B and will do so again for SOAK*2024. The requirements in Section 2.70A were new last year, and applicant successfully sent out and received consent forms from all neighboring residential properties within 1,000 feet of any sources of amplified sound that will be used past 11pm. Below is the sound policy for SOAK, which will be followed for SOAK*2024. Sound may be amplified between the hours of 11:00 pm and 6:00 am, but it will not be heard past the boundaries of the event or at any residence within 1,000 feet of the event property. Last year, the county provided us with a list of residential properties within 1,000 feet of any sources of amplified sound. We will obtain the same type of list this year and make sure to notify the required neighboring residences. **Please see Exhibit H for the SOAK Sound Maps.**

This policy applies to every individual, group, instrument and device producing sound before and during the event:

1. Event-wide “Quiet Hours” are 6 am-10 am every day. During this time, all sound is to be kept at a conversational level.
2. SOAK has 3 sound zones:
 1. Zone 1: No sound above a conversational level allowed from midnight-10 am
 2. Zone 2: No sound above a conversational level allowed from 3 am-10 am
 3. Zone 3: Sub-bass must be turned off or significantly reduced at 3 am, no sound above a conversational level allowed from 6 am-10 am
 4. All camps in all zones must respect Quiet Hours.
3. Everyone creating sound within a theme camp or from mobile vehicles is aware of this policy and agrees to abide by it.
4. Everyone (theme camps and individuals) with amplified sound systems must bring a functional sound meter.
5. Sound systems of 300 watts or more must be pre-registered with SOAK. A representative for the sound system must attend orientation (or speak to an event Producer directly) to ensure all policies are understood and agreed upon.
6. All speakers must be pointed *inward* toward the interior of a theme camp or dance area rather than outward toward the event.
7. As a general guideline, sound should never exceed 85 decibels when measured at 50 feet from the source.
8. Be a good neighbor by reflecting the size of the audience and time of day. For example, if the dance floor is nearly empty at 5 am, bring your levels down.
9. SOAK Rangers or SOAK Operations may ask a theme camp to adjust or turn down sound during ceremonial burns in order to honor the sound plans of the ceremony designers.
10. SOAK Rangers or SOAK Operations may ask a theme camp to adjust or turn down sound at any time if there are multiple complaints.
11. At midnight each evening, SOAK Operations will do a sound check at Gate. If sound can be clearly heard at Gate, the creator of the sound will be instructed to lower the volume. Failure to respond appropriately to complaints raised by SOAK officials may result in the loss of amplified sound privileges or ejection from the event.

CONCLUSION:

Applicant has demonstrated compliance with all applicable review criteria and requests that the county grant its application for an outdoor mass gathering.

Exhibit A: Bishop Services Letter of Intent



Exhibit B: Arctic Glacier Letter of Intent



Arctic Glacier in The Dalles intends on providing you with our premium ice for your upcoming SOAK 2024 event. We thank you for reaching out to us for your event needs, and on behalf of Arctic Glacier, we look forward to doing business with you. Have a wonderful day!

Thanks again!

Casey Hatfield

Exhibit C: White Bird Rock Medical Letter of Intent



White Bird Rock Medicine
1390 Oak Street #3 Eugene, Oregon 97401

541-912-6842

To Ryan Krellwitz, SOAK Productions

January 2, 2024

White Bird Rock Medicine will provide medical/crisis response for the SOAK Festival 2024 taking place the weekend of May 22-27, 2024, held in Wasco County, Tygh Valley, Oregon, at 89720 Jake Davidson Rd. Service will begin at 2pm Wednesday, May 22nd and end at 3pm Monday, May 27th.

Rock Medicine will provide Medical, Mental Health, Substance Use and First Aid care in all situations short of those requiring physician, ambulance, or hospital response. These services will be available through an on-site medical booth and holding area, and through radio dispatch with roving teams responding throughout the property.

A staff of up to 20 workers will be utilized each day, with staffing ratcheted up and down depending upon the event activity. This staff will include medical personnel such as Nurses, EMT's and Paramedics operating under Physician's Standing Orders, as well as Mental Health Professionals and Crisis Workers. White Bird will supply the requisite medical equipment, medical supplies, and medications.

Through Rock Medicine the on-site facilities shall be equipped to handle the range from minor care to medical emergencies including, but not limited to treating individuals with trauma or cardiac arrest and specifically equipped to provide Advanced Life Support standard of care while awaiting transport to a more appropriate setting.

SOAK Productions, as the event promoter, will provide a structure for the medical booth 20x20, with water and electricity sufficient for provision of the contracted services supplied to the site of service delivery, as well as a facility for greywater disposal. The promoter will also provide a dedicated handicap-accessible porta-potty with locking hasp, ice as needed, 3 event radios, 3 All-Access passes, and a crossover utility vehicle (if necessary for timely medical response). The promoter will provide camping in as close proximity as is reasonable to the medical booth, and a stipend of \$950 for meals for White Bird volunteers during their event. The promoter will supply up to 20 worker passes, 3 guest passes for spouses or children that, of necessity, must attend to allow for certain staff to participate; and parking spaces for all crew and for the Box Truck

used to transport our gear. A Medical Transport vehicle (a pickup truck) will be parked adjacent to our booth and be allowed to travel throughout the venue to respond to service incidents as needed.

White Bird will coordinate its work with security and event staff and arrange and facilitate appropriate transfer of patients to ambulance or other emergency services as necessary. The promoter will assure that local EMS transport is available by prior arrangement with local services and that the ability to contact and request emergency transport is assured. Rock Medicine Coordinators will be happy to meet or correspond with local officials if necessary to facilitate a thoughtful emergency response plan or to assure compliance with local regulation or statute.

White Bird staff is available for further planning or coordination efforts. We will also arrange for event insurance coverage, with your event named as additionally insured.

The fee for the White Bird services described above is \$6300. A 50% advance in the form of a check made out to White Bird Clinic is due by May 1, 2023, with the remaining balance due by May 29, 2023, when we vacate the venue. This is a Letter of Intent to Engage Services, not a contract.

A contract will be drafted and follow shortly.

Regards,

Kate Gillespie, LCSW & Wren Arrington MSW for WBRM

Exhibit D: Vanguard Security Letter of Intent



Letter of intent

12/28/2023

Re: SOAK 2024

We are providing security for the upcoming event SOAK, at the Justesen Ranch, 89720 Davidson Grade Rd, Tygh Valley, Oregon. Wednesday, May 2nd, through Monday, May 27th 2024. Security coverage on the event perimeter, gate, and patrols throughout.

My team and I have extensive experience in event and festival security. We thoroughly understand the unique challenges and concerns at all types of events and have been guarding this event at this same location for several years now and understand all dynamics specific to it.

This event's attendees are uniquely courteous and conscious to not negatively affect the event site or surrounding area and population. In the past, many curious neighbors have come to visit this event as guests. I am very confident that, as it always has, this event will go smoothly.

Looking forward to SOAK 2024

Erik Hartmann

OREGON DPSST PSID#055208
DPSST Executive Manager
DPSST Armed & Unarmed Security
DPSST Security Instructor
NRA Firearms Instructor
ACADEMY Defensive Tactics Instructor
ASP Tactical Weapons Instructor
AXON Taser Instructor

Phone: (503) 272-1224

Email: erik@vg1.us

VANGUARD SECURITY & DISTRICT SECURITY, HEALTH & SAFETY are divisions of AGIS
2000 NE 42nd Ave, #181, Portland, Oregon 97213 Phone: 503-272-1224 www.vg1.us

SOAK*2024 | www.soakpdx.com | producers@soakpdx.com; board@precipitationnw.org

Exhibit E: SOAK*2024 Site Plan

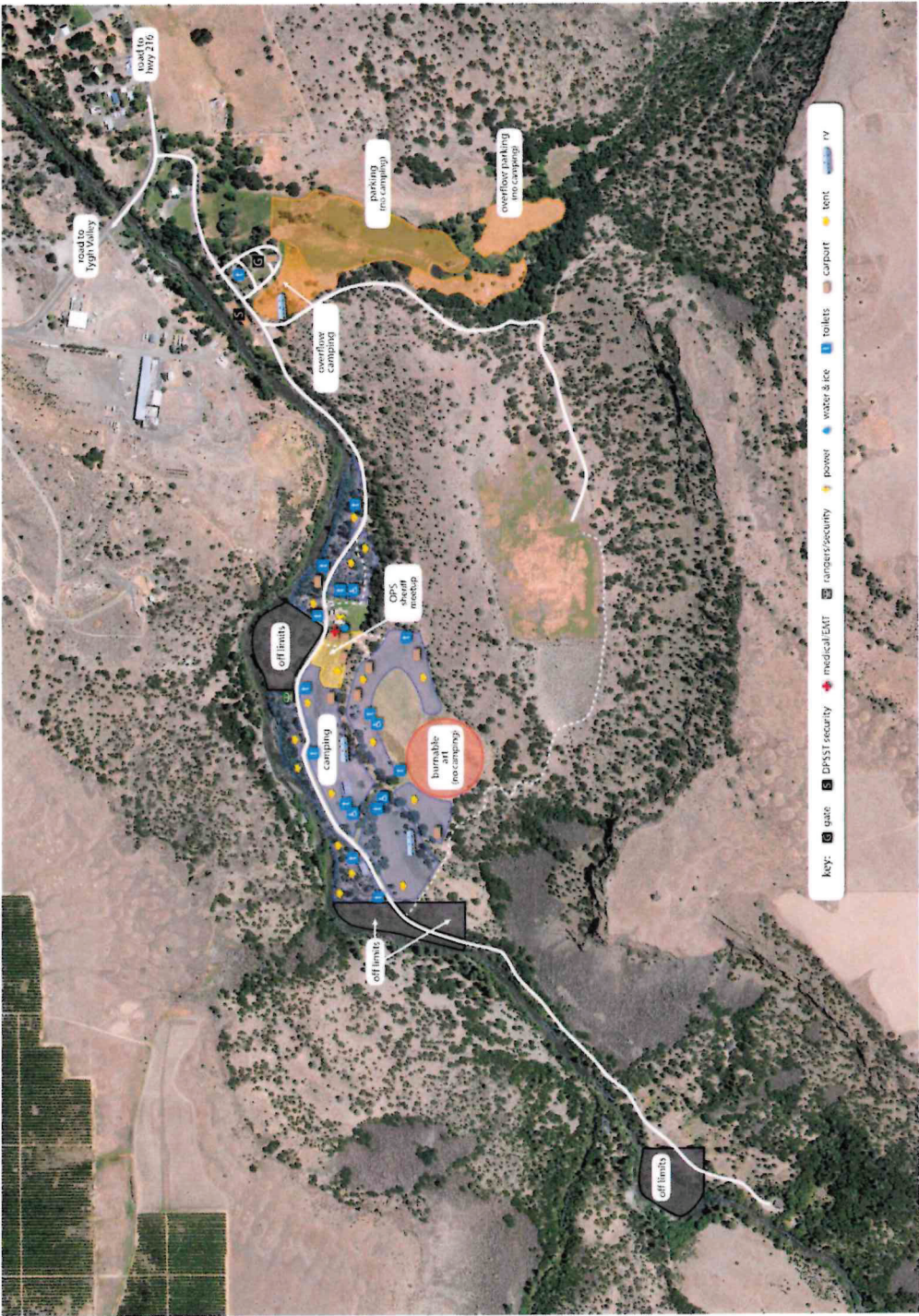


Exhibit F: SOAK*2024 Evacuation Map

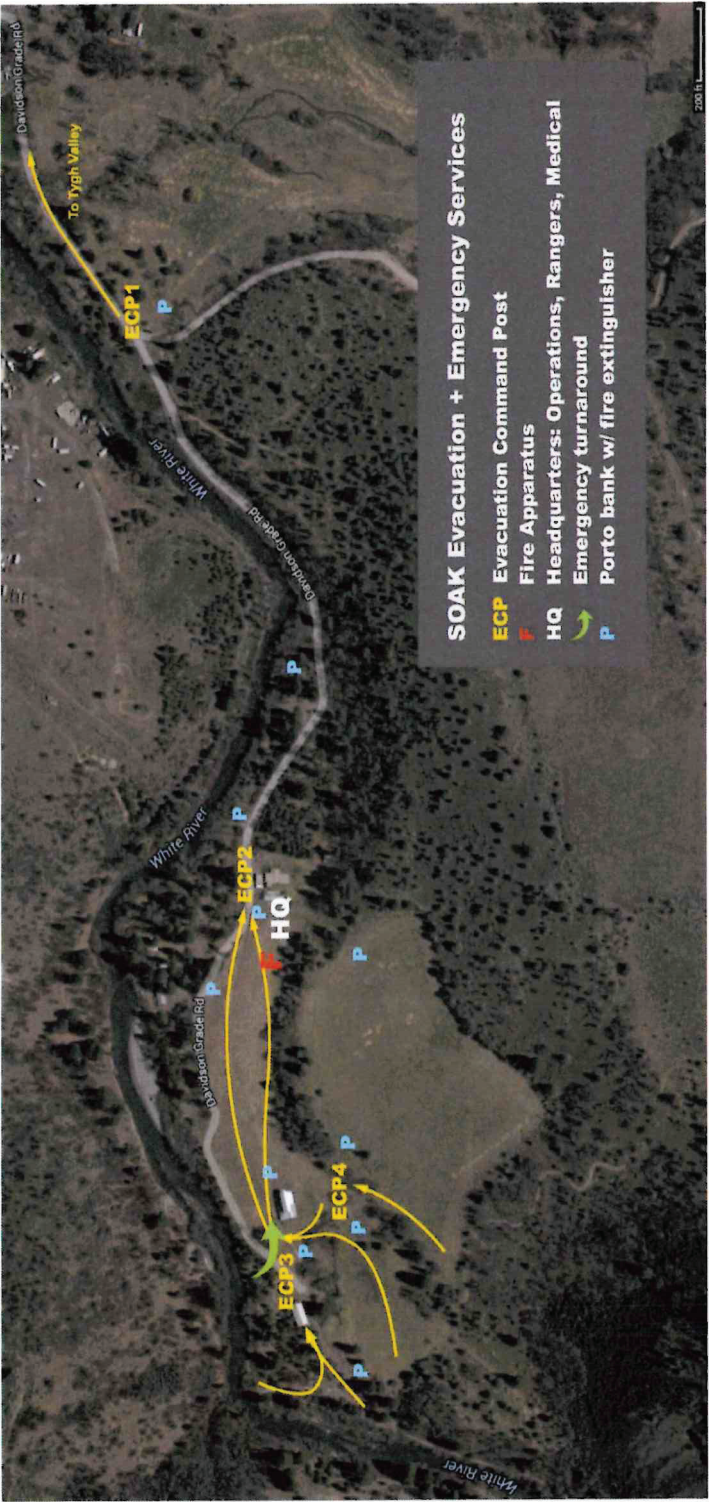


Exhibit G: SOAK*2024 Traffic Control Plan

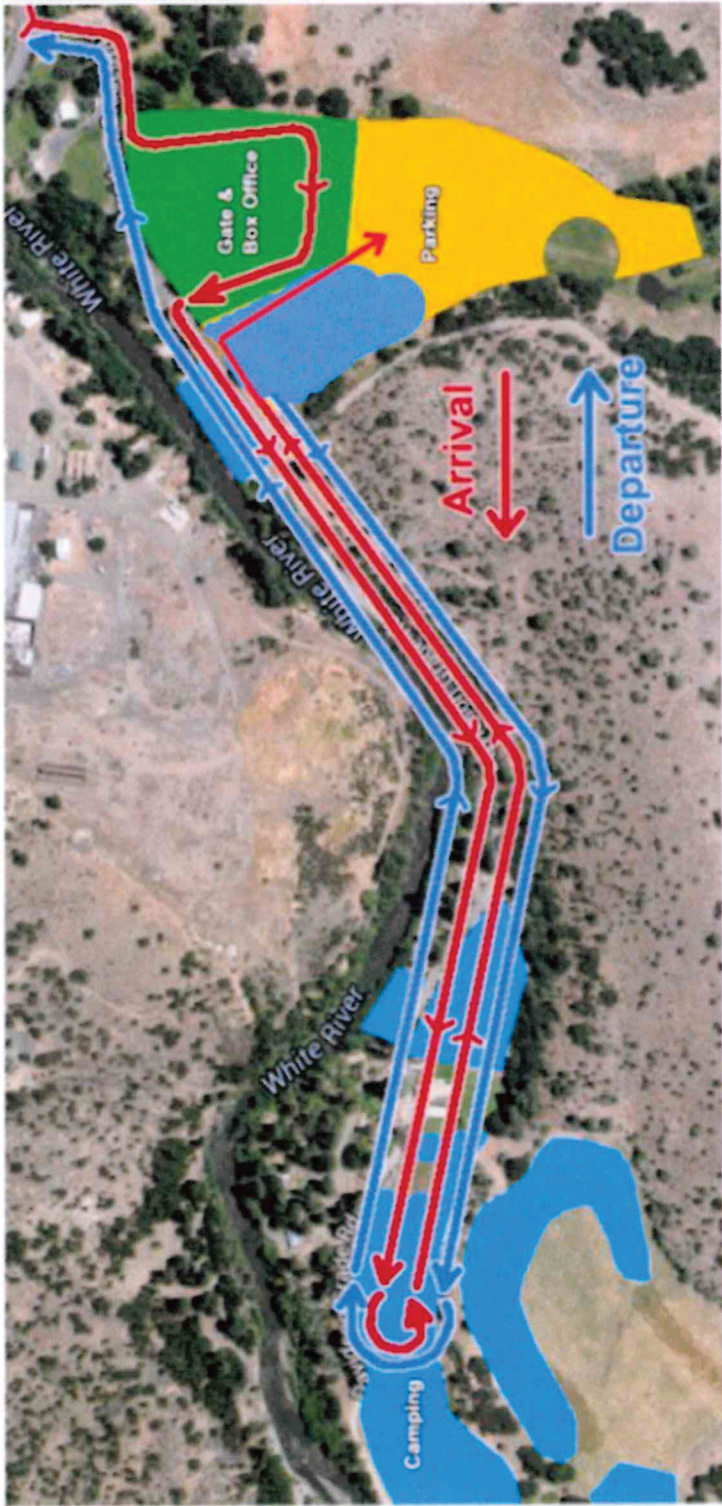
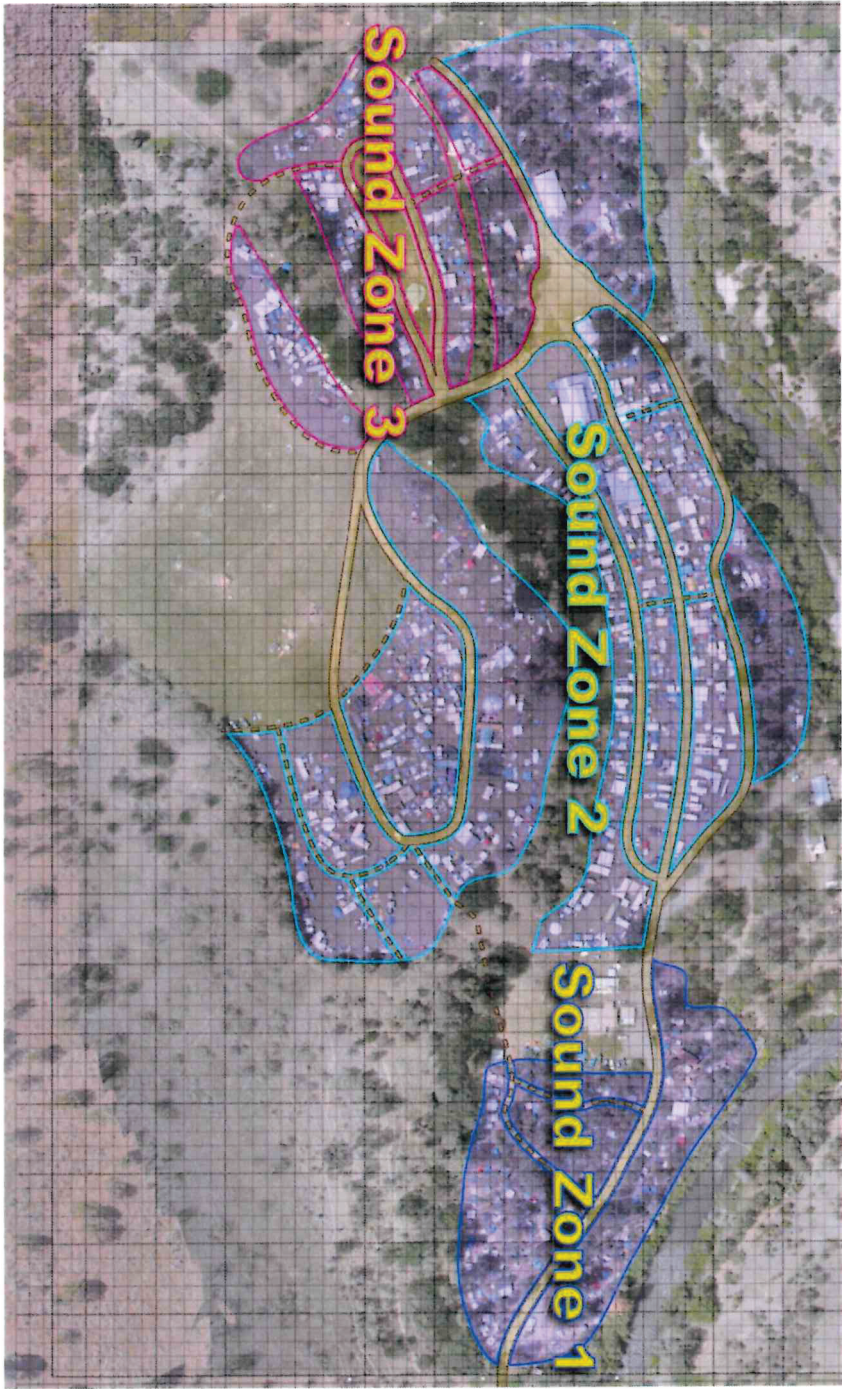


Exhibit H: SOAK*2024 Sound Maps





Transaction Receipt
Record ID: 921-24-000001-PLNG
IVR Number: 921019063995

Office: Not Applicable
2705 East 2nd Street
The Dalles, OR 97058
541-506-2560
Fax: 541-506-2651
wcplanning@co.wasco.or.us

Receipt Number: 72029

Receipt Date: 1/3/24

www.co.wasco.or.us/departments/planning/index.php

Worksite address: 82500 JAKE DAVIDSON GRADE RD, MAUPIN, OREGON 97037

Parcel: 4S 13E 0 2200

Fees Paid					
Transaction date	Units	Description	Account code	Fee amount	Paid amount
1/3/24	1.00 Ea	Misc - Outdoor mass gathering, < 3000 people	1010.21.5124.10.411.411 175.	\$3,147.38	\$3,147.38
Payment Method:	Credit card	Payer: Suzanne R Mehta		Payment Amount:	\$3,147.38
	authorization: 185765				
Cashier: Daniel Dougherty			Receipt Total:		\$3,147.38



866 NE Columbia Blvd.
Suite B106
Portland, OR 97217

WRITTEN CONSENT FOR AMPLIFIED MUSIC
WASCO COUNTY OUTDOOR MASS GATHERING ORDINANCE SECTION 2.70

1. *Dean Mann* hereby give written consent for the sound amplification
plan proposed for SOAK*2024.

Dean R Mann

Name:

Address: 82771 Davidson Grade Rd
Tygh Valley, OR 97063

9589 0710 5270 1890 8695 14

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

Dufur, OR 97021

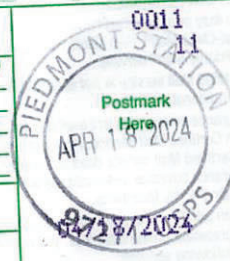
Certified Mail Fee \$4.40
\$3.65
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$8.73

Sent To Ecclesia of Small
Street and Apt. No., or PO Box No. 19709 Dufur Valley Rd.
City, State, ZIP+4® Dufur, OR 97021

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



9589 0710 5270 1890 8733 68

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

Certified Mail Fee \$4.40
\$3.65
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$8.73

Sent To United States of America
Street and Apt. No., or PO Box No. 3050 NE 3rd St.
City, State, ZIP+4® Primmie, NE 67754

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



9589 0710 5270 0965 5052 03

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

Certified Mail Fee \$4.40
\$3.65
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$8.73

Sent To William P. & Geraldine Davis
Street and Apt. No., or PO Box No. P.O. Box 1470
City, State, ZIP+4® Blackamas, OR 97615

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



9589 0710 5270 1890 8695 21

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

Portland, OR 97219

Certified Mail Fee \$4.40
\$3.65
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$8.73

Sent To Mark B. Wagner
Street and Apt. No., or PO Box No. 10151 SW Lancaster Road
City, State, ZIP+4® Portland, OR 97219

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



9589 0710 5270 1890 8695 38

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

Portland, OR 97239

Certified Mail Fee \$4.40
\$3.65
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.68

Total Postage and Fees \$8.73

Sent To Tugh Valley 50, LLC
Street and Apt. No., or PO Box No. 3914 SW Marms Ln
City, State, ZIP+4® Portland OR 97239

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions





866 NE Columbia Blvd.
Suite B106
Portland, OR 97217

Self-addressed, stamped envelope



866 NE Columbia Blvd.
Suite B106
Portland, OR 97217

April 15, 2024

United States of America
3050 NE 3rd St.
Prineville, OR 97754

RE: Notice of Amplified Sound per Wasco County Outdoor Mass Gathering Ordinance
Section 2.70.A

Dear Property Owner:

The Wasco County Outdoor Mass Gathering Ordinance requires that an applicant for an Outdoor Mass Gathering approval obtain consent for the use of certain amplified sound. Our organization has applied for an Outdoor Mass Gathering permit for our annual gathering, SOAK*2024. Because your property is within 1,000 feet of the sound amplification equipment at our event, the county has requested that we notify you of the event and request your written consent regarding the amplified sound.

Our general plan with regards to amplified music is as follows:

Address: Justesen Ranch, 89720 Davidson Grade Rd., Tygh Valley, OR 97063
Date: May 23rd – May 27th, 2024
Time: Amplified music will play within 1,000 feet of your property from approximately 5pm on May 23rd to 6am on May 27th.

Our sound policy is as follows (please refer to the enclosed map for locations of the sound zones):

Sound Zone 1: This zone, the quietest zone, is closest to the town of Tygh Valley and nearby residences. Quiet hours in this zone begin at midnight. No sound above a conversational level is allowed from midnight – 10am.

Sound Zone 2: This zone is further away from the town of Tygh Valley and nearby residences, so organizers have placed camps with amplified sound in this area. Quiet hours begin at 3am. No sound above a conversational level is allowed from 3 am – 10 am.



866 NE Columbia Blvd.
Suite B106
Portland, OR 97217

Sound Zone 3: This zone is the furthest away from the town and residences, so the loudest amplified sound will be placed in this zone. In this zone, Sub-bass must be turned off or significantly reduced at 3 am. Quiet hours begin at 6am. No sound above a conversational level is allowed from 6 am – 10 am.

In addition to quiet hours, our volunteers have worked very thoughtfully to place the sound amplification equipment in a way that will have the least impact (*e.g.* with speakers turned inward towards the camp and not outward towards the event). We are required to keep the sound levels heard at neighboring residences at less than 70 decibels prior to 10:00pm and less than 50 decibels after 10:00pm, and our policy is aimed at meeting this requirement.

The above sound plan and policy is identical to previous years. We sincerely hope this policy has been satisfactory to you for the last 6 years of our event.

If you agree to the above plan, please sign the enclosed form and send it back to us in the self-addressed, stamped envelope included with this letter.

If you would like to discuss any issues or concerns, or if you need more information prior to sending written consent, please feel free to reach out to either of the following people:

Ryan Krellwitz, Producer for SOAK*2023:

503-451-0897

Sincerely,

Precipitation Northwest

/s/ Kristin Stankiewicz, Co-President Emeritus

Enclosed:

Consent form
Self-addressed, stamped envelope



866 NE Columbia Blvd.
Suite B106
Portland, OR 97217

April 15, 2024

William P. and Geraldine Davis
P.O. Box 1670
Clackamas, OR 97015

RE: Notice of Amplified Sound per Wasco County Outdoor Mass Gathering Ordinance
Section 2.70.A

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866 NE Columbia Blvd.
Suite B106
Portland, OR 97217

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503-451-0897

Sincerely,

Precipitation Northwest

/s/ Kristin Stankiewicz, Co-President Emeritus

Enclosed:

Consent form

Self-addressed, stamped envelope



866 NE Columbia Blvd.
Suite B106
Portland, OR 97217

April 15, 2024

Ecclesia of Sinai
79709 Dufer Valley Rd.
Dufur, OR 97021

RE: Notice of Amplified Sound per Wasco County Outdoor Mass Gathering Ordinance
Section 2.70.A

Dear Property Owner:

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Suite B106
Portland, OR 97217

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Ryan Krellwitz, Producer for SOAK*2023:

503-451-0897

Sincerely,

Precipitation Northwest

/s/ Kristin Stankiewicz, Co-President Emeritus

Enclosed:

Consent form
Self-addressed, stamped envelope



866 NE Columbia Blvd.
Suite B106
Portland, OR 97217

April 15, 2024

Mark B. Wagner
10151 SW Lancaster Road
Portland, OR 97219

RE: Notice of Amplified Sound per Wasco County Outdoor Mass Gathering Ordinance
Section 2.70.A

Dear Property Owner:

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866 NE Columbia Blvd.
Suite B106
Portland, OR 97217

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Ryan Krellwitz, Producer for SOAK*2023:

503-451-0897

Sincerely,

Precipitation Northwest

/s/ Kristin Stankiewicz, Co-President Emeritus

Enclosed:

Consent form
Self-addressed, stamped envelope
Sound Map



866 NE Columbia Blvd.
Suite B106
Portland, OR 97217

April 15, 2024

Tygh Valley 50, LLC
3914 SW Marins Ln
Portland, OR 97239

RE: Notice of Amplified Sound per Wasco County Outdoor Mass Gathering Ordinance
Section 2.70.A

Dear Property Owner:

The Wasco County Outdoor Mass Gathering Ordinance requires that an applicant for an Outdoor Mass Gathering approval obtain consent for the use of certain amplified sound. Our organization has applied for an Outdoor Mass Gathering permit for our annual gathering, SOAK*2024. Because your property is within 1,000 feet of the sound amplification equipment at our event, the county has requested that we notify you of the event and request your written consent regarding the amplified sound.

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Suite B106
Portland, OR 97217

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If you agree to the above plan, please sign the enclosed form and send it back to us in the self-addressed, stamped envelope included with this letter.

If you would like to discuss any issues or concerns, or if you need more information prior to sending written consent, please feel free to reach out to either of the following people:

Ryan Krellwitz, Producer for SOAK*2023:

503-451-0897

Sincerely,

Precipitation Northwest

/s/ Kristin Stankiewicz, Co-President Emeritus

Enclosed:

Consent form
Self-addressed, stamped envelope



866 NE Columbia Blvd.
Suite B106
Portland, OR 97217

April 3, 2024

Dan Marcum
P.O. Box 96
Dufur, OR 97021

RE: Notice of Amplified Sound per Wasco County Outdoor Mass Gathering Ordinance
Section 2.70.A

Dear Mr. Marcum:

The Wasco County Outdoor Mass Gathering Ordinance requires that an applicant for an Outdoor Mass Gathering approval obtain consent for the use of certain amplified sound. Our organization has applied for an Outdoor Mass Gathering permit for our annual gathering, SOAK*2024. This event has been held at the Justesen Ranch since 2016, so you are likely quite familiar with the event. Because your property is within 1,000 feet of the sound amplification equipment at our event, the county is requiring us to obtain your written consent regarding the amplified sound.

Our general plan with regards to amplified music is as follows:

Address: Justesen Ranch, 89720 Davidson Grade Rd., Tygh Valley, OR 97063
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866 NE Columbia Blvd.
Suite B106
Portland, OR 97217

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The above sound plan and policy is identical to previous years. We sincerely hope this policy has been satisfactory to you for the last 7 years of our event.

If you agree to the above plan, please sign the enclosed form and send it back to us in the self-addressed, stamped envelope included with this letter.

If you would like to discuss any issues or concerns, or if you need more information prior to sending written consent, please feel free to reach out to either of the following people:

Ryan Krellwitz, Producer for SOAK*2024:

503-451-0897

Sincerely,

Precipitation Northwest

/s/

Enclosed:

Consent form



866 NE Columbia Blvd.
Suite B106
Portland, OR 97217

Self-addressed, stamped envelope





866 NE Columbia Blvd.
Suite B106
Portland, OR 97217

WRITTEN CONSENT FOR AMPLIFIED MUSIC
WASCO COUNTY OUTDOOR MASS GATHERING ORDINANCE SECTION 2.70

I, _____, hereby give written consent for the sound amplification
plan proposed for SOAK*2024.

Name:

Address:

For Sheriff's Office Review:

Are the security arrangements adequate for the size and type of event? ☐ Yes ☐ No

Comments: _____

Is sound amplification proposed for the event? ☐ Yes ☐ No

Comments: _____

Is sound amplification proposed within 1,000 feet of neighboring residences within 11:00pm-9:00am?

☐ Yes ☐ No

If yes: Has the applicant provided written consent from neighboring property owners and residents indicating a variance to hours would be acceptable? ☐ Yes ☐ No

Comments: There are no letters included in the application. (This may still be in process at the time of this writing)

Are the roads sufficient to provide orderly evacuation and emergency vehicle access and egress? ☐ Yes ☐ No

Comments: _____

Are the roads maintained in such a condition they are accessible to emergency vehicles? ☐ Yes ☐ No

Comments: This will need to be verified by the Wasco County Road Dept.

Is the emergency response plan adequate and meet all requirements? ☐ Yes ☐ No

Comments: _____

Does the plan include one Oregon physician per each 10,000 persons and one nurse for each 7,500 persons during the daylight hours and one Oregon physician per 20,000 persons and one nurse per 15,000 persons for hours between 1 am and 7 am? ☐ Yes ☐ No

Comments: _____

Are the physicians trained in emergency medicine/have emergency medicine experience and are certified in advance cardiac life support? ☐ Yes ☐ No

Comments: _____

Does the plan provide for medical facilities that are: enclosed and protected from the elements; have chairs, examining tables with stirrups, and locked cabinets for equipment and medicine; all necessary medicine and instruments for

conducting minor surgery and examinations; equipped to handle medical emergencies; lighting not less than 200' candles? Yes No

Comments: _____

Does the plan provide for a holding facility for sick and injured while awaiting transport to a hospital that is enclosed, protected from the elements, and includes one cot or bed per 1,000 persons? ☐ Yes ☐ No

Comments: _____

Does the plan provide telephone or radiotelephone to summon aid or notify first responders/hospital? ☐ Yes ☐ No

Comments: _____

Are ambulance provided at the ratio of one ambulance per 10,000 persons? ☐ Yes ☐ No

Comments: _____

Does the Sheriff's Office recommend approval: ☐ Yes ☐ No

Comments: _____

L Majill

1/16/2024

Reviewed by (Name and Title)

Date

Any permit issued is conditional upon the following:

1. It meets all required standards and any other local, state, or federal laws.
2. The issued permit is kept by the organizer and a copy is posted in a conspicuous place upon the premises of the site.
3. Law enforcement, public health, fire control, planning, and any and all other appropriate public officers or officials shall be allowed to come upon the premises for the purposes of inspection and enforcement.
4. If deficiency or noncompliance is not cured or cannot be cured, the Sheriff may order the crowd to disperse and leave the outdoor mass gathering site.
5. If the event or organizers are found to be in violation of any provisions of the Outdoor Mass Gathering ordinance, the permit may be revoked.



SHERIFF'S OFFICE

511 Washington St., Ste.102 • The Dalles, OR 97058
p: [541] 506-2580 • f: [541] 506-2581 • www.co.wasco.or.us

Pioneering pathways to prosperity.

To: Precipitation Northwest
866 N. Columbia Blvd, Suite B-106
Portland Oregon, 97217

January 16th 2024

Re: SOAK 2024 Application

To whom it may concern:

The Wasco County Sheriff's Office has reviewed the 2024 SOAK application for the dates of May 23rd-27th 2024, to be held at the Justesen Ranch in Tygh Valley Oregon.

Upon review we find it has met the Outdoor Mass Gathering Security requirements for the Wasco County Sheriff's Office.

As it relates to the noise/sound requirements, SOAK will be required to receive approval per the permit requirements, and if accomplished, the sheriff's office approves of this permit.

Sincerely
Wasco County Sheriff Lane Magill



Daniel Dougherty <daniel@co.wasco.or.us>

SOAK's fire safety.

5 messages

Tygh Valley RFPD <tvrfpd@gmail.com>

Thu, Mar 28, 2024 at 12:43 AM

To: Daniel Dougherty <daniel@co.wasco.or.us>

Cc: Dan Van Lehman <Elgon7@comcast.net>

Good morning, Danial Dougherty

As chief of Tygh Valley Rural Fire Protection District, I have concerns about the fire events at the SOAK's event. The first year I went to one the structures were around 14 feet tall and closer together but last year they were well over 25 feet tall. With size we have more embers blowing around such as two years ago when one tent got damaged and last year one tent got destroyed.

This year I have talked with their fire coordinator and he is telling me if the fire goes over the fence into the trees, it is our departments problem and they are only responsible for the green grass and the aerias around that. I have tried to make suggestions to the fire coordinator but he seems to know more than myself and other fire fighters equaling around 60 years of experience.

For such events we need wording in the contract that will express the safety of fire when it comes to sizes and placement. Last year the second structure they burned was about 40 yards from the fence and its an up hill battle if it was to catch fire and would probably burn into the next district over which is Juniper Flats District.

This year I'm told the structures will be around 30 feet and the fire coordinator ideas are concerning on what he is asking for and trying to control all aspects without regard to what is in best interest of the community of Tygh Valley.

--

Paul LaPlante
Fire Chief
Tygh Valley Rural Fire Protection District
541-993-4266
P.O. Box 213
Tygh Valley, Or 97063



Daniel Dougherty <danield@co.wasco.or.us>
To: Tygh Valley RFPD <tvrfpd@gmail.com>

Thu, Mar 28, 2024 at 7:04 AM

Good morning Chief LaPlante,

Thanks for your comments. I'll add them to the record and send them to the applicant. I'll let you know when I've secured a public hearing date. I've also submitted the application to Juniper Flats RFPD and Maupin Ambulance for their reference.

Let me know if you need anything else.

Respectfully,

Daniel
[Quoted text hidden]

Daniel Dougherty | Senior Planner
PLANNING DEPARTMENT

danield@co.wasco.or.us | <http://www.co.wasco.or.usdepartments/planning/index.php>

541-506-2560 | Fax 541-506-2561
2705 E Second Street | The Dalles, OR 97058



Office Notice about COVID-19

Welcome back! We have resumed in-person customer service. Office hours are Tuesday and Thursday, 10am to 4pm with a lunchtime closure. Appointments can be accommodated on Fridays.

Email is still the best way to reach me!

*This correspondence does not constitute a Land Use Decision per ORS 197.015.
It is informational only and a matter of public record.*

[Quoted text hidden]

Kristin

[Quoted text hidden]

166

4/24/24, 10:58 AM

Wasco County Mail - SOAK's fire safety.

[Quoted text hidden]

For Fire District:

Is the site located within a fire protection district? ☒ Yes ☐ No

Comments: _____

If no:

Who will respond in the case of an emergency? (This entity should review the plan) _____
Tygh Valley Rural Fire Protection District

Has the applicant provided a fire protection plan? ☒ Yes ☐ No

Comments: The plan was verbal but would like it in writing.

Has the applicant had a consultation with the fire protection district? ☒ Yes ☐ No

Comments: C

If camping is provided, are all spaces a minimum of 1000 sq ft or larger with a maintained 15' of separation from other camping spaces? ☒ Yes ☐ No

Comments: _____

Does the applicant plan to allow campfires or any other type of fire associated with the event? ☐ Yes ☒ No

Comments: _____

If yes, are mitigation measures addressed in their Fire Protection Plan? ☐ Yes ☐ No

Comments: _____

Is there a minimum separation of 15' between camping vehicles and tent vehicles? ☒ Yes ☐ No

Comments: _____

Does the plan include one Oregon physician per each 10,000 persons and one nurse for each 7,500 persons during the daylight hours and one Oregon physician per 20,000 persons and one nurse per 15,000 persons for hours between 1 am and 7 am? ☐ Yes ☐ No

Comments: This question is beyond the fire department scope of knowledge

Are the physicians trained in emergency medicine/have emergency medicine experience and are certified in advance cardiac life support? ☐ Yes ☐ No

Comments: This question is beyond the fire department scope of knowledge

Does the plan provide for medical facilities that are: enclosed and protected from the elements; have chairs, examining tables with stirrups, and locked cabinets for equipment and medicine; all necessary medicine and instruments for conducting minor surgery and examinations; equipped to handle medical emergencies; lighting not less than 200' candles? ☒ Yes ☐ No

Comments: They hire medical staff for onsite use.

Does the plan provide for a holding facility for sick and injured while awaiting transport to a hospital that is enclosed, protected from the elements, and includes one cot or bed per 1,000 persons? ☒ Yes ☐ No

Comments:

Does the plan provide telephone or radiotelephone to summon aid or notify first responders/hospital? ☒ Yes ☐ No

Comments:


Are ambulance provided at the ratio of one ambulance per 10,000 persons? ☒ Yes ☐ No

Comments: Southern Wasco County Ambulance

Does the Fire District recommend approval: ☒ Yes ☐ No

Comments:

Comments:

 Fire Chief 03/13/2024

Reviewed by (Name and Title) Date

Any permit issued is conditional upon the following:

1. It meets all required standards and any other local, state, or federal laws.
2. The issued permit is kept by the organizer and a copy is posted in a conspicuous place upon the premises of the site.
3. Law enforcement, public health, fire control, planning, and any and all other appropriate public officers or officials shall be allowed to come upon the premises for the purposes of inspection and enforcement.
4. If deficiency or noncompliance is not cured or cannot be cured, the Sheriff may order the crowd to disperse and leave the outdoor mass gathering site.
5. If the event or organizers are found to be in violation of any provisions of the Outdoor Mass Gathering ordinance, the permit may be revoked.

For Public Works Review:

Are all roads clearly indicated on the site map? ☒ Yes ☐ No

Comments: _____

Has the organizer provided all-weather constructed, easily accessible roads to and around the outdoor mass gathering site? This includes sufficient road access to all areas for orderly evacuation and emergency vehicle access and egress, including a minimum of two access routes; roads maintained in such a condition that all vehicles, including emergency vehicles, can move on them unencumbered and carry out their functions at all times; no portion of the roads exceed a maximum grade of 12%; and all roads are constructed at a minimum width of 16'?

☒ Yes ☐ No

Comments: _____

Has the applicant provided a designated, suitable area for parking that meets requirements, including 300 sq ft for every four persons of parking, a minimum space for each vehicle of 10' wide by 20' length and clearly marked with lime, and arranged to eliminate blockage of parked vehicles and allow vehicles to access or exit the site at all times?

☒ Yes ☐ No

Comments: _____

Does the Public Works Department recommend approval: ☒ Yes ☐ No

Comments: The organizer met all road and parking requirements last year, and the 2024 event will utilize the same site, with the same roads and parking areas. I have no issues.

Comments: _____

Arthur Smith, Public Works Director	1/19/2024
Reviewed by (Name and Title)	Date



Daniel Dougherty <daniel@co.wasco.or.us>

SOAK OMG Application [File No. 921-24-000001-PLNG]

Paula Grendel <paulag@ncphd.org>

Mon, Jan 22, 2024 at 2:26 PM

To: Daniel Dougherty <daniel@co.wasco.or.us>

Cc: Shellie Campbell <shelliec@ncphd.org>

Hi Daniel,

I appreciate you reaching out to notify us of the submittal of SOAK's Mass Gathering permit. I wanted to inform you that our Environmental Health program is currently undergoing a transition with our staff, which unfortunately impacts our capacity to effectively handle our workload. As a result, we have had to make the difficult decision to temporarily pause non-essential tasks and focus on our required work. This measure is necessary to ensure the continuity of essential State program services that we facilitate in Wasco and Sherman County.

One of the areas affected by this temporary pause is the review of mass gathering applications. We understand the importance of this task and its significance in serving our community. Therefore, we encourage you to seek assistance from other registered environmental health specialists who are familiar with the OAR and available to provide consultation and review in this area.

One local resource that I am aware that you may want to consider consulting with is:

Ian Stromquist, REHS

PO Box 812, Hood River, OR, 97031

ianstromquist@gmail.com

541-806-2064

You can also visit the public EHS register for a list of current professionals: <https://elite.hlo.state.or.us/OHLOPublicR/LPRBrowser.aspx>.

I have also reached out to the State to inquire about additional resources. I will share that information with you as soon as I hear back from them.

We sincerely apologize for any inconvenience this may cause and assure you that we are actively working to address our situation. We remain committed to providing environmental public health services and look forward to resuming our efforts in this area.

Regards,

Paula

[Quoted text hidden]



February 14, 2024

To Kelly Howsley – Glover, Planning Director
Wasco County, Planning Department

From: Shellie Campbell, Public Health Director
North Central Public Health District

Re: Notice for Outdoor Mass Gathering Application

Thank you for your important work on mass gathering permits. I wanted to notify you of a change in workflow for receiving notifications of Mass Gathering applications, at NCPHD. The change in workflow is to align with our essential and statutory duties and ensure consistency with ORS 433.750.

1. The Planning Department sends notice of the Outdoor Mass Gathering application to the local health officer, Dr. Christopher Van Tilburg at Christopher.vantilburg@ncphd.org.
2. After receiving the application, NCPHD's local health officer will acknowledge receipt. They may review the application and provide comments before returning it to the Planning Department. It is important to note that the local health officer does not have the authority to approve any aspect of the application.

Please note, that if there will be food service or recreational pools or spas will be at the event, each vendor who provides these services must submit a separate application and obtain a license from the NCPHD Environmental Health Office.

Please reach out with any questions.

Sincerely,

Shellie Campbell
Public Health Director
North Central Public Health District



Daniel Dougherty <daniel@co.wasco.or.us>

SOAK OMG Application [File No. 921-24-000001-PLNG]

Christopher Van Tilburg <christopherv@ncphd.org>

Tue, Mar 12, 2024 at 2:47 PM

To: Daniel Dougherty <daniel@co.wasco.or.us>

Hi Mr. Dougherty,
Just wanted to confirm I've received this. Thanks.
Christopher Van Tilburg MD
Health Officer
North Central Public Health District
[Quoted text hidden]



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF ADOPTING AN OUTDOOR MASS GATHERING ORDINANCE

ORDINANCE # 22-003

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 WHEREAS, the Wasco County Planning Department has facilitated the application and review process for outdoor mass gatherings based on state law criteria and language in the Land Use and Development Ordinance;

WHEREAS, outdoor mass gatherings are not a land use review, and therefore should not be included in the Land Use and Development Ordinance;

WHEREAS, the proposed outdoor mass ordinance includes state law requirements and best practices from reviewing agencies;

WHEREAS, that on September 7, 2022 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 amendments; and

WHEREAS, that on September 21, 2022 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 recommendations by the Wasco County Planning Commission, staff's presentation, and received testimony from the public. The Board of County Commissioners, by a vote of 2 to 0, approved the amendments and conducted the second reading; and

NOW, THEREFORE, IT IS HEREBY ORDERED: That this ordinance shall take effect on December 10, 2022.

DATED this 21st day of September 2022.

APPROVED AS TO FORM:


 Kristen Campbell, County Counsel

WASCO COUNTY BOARD OF COMMISSIONERS:


 Kathleen B. Schwartz, Commission Chair

ATTEST:


 Kathy Clark, Executive Assistant


 Steven D. Kramer, Vice-Chair


 Scott C. Hege, County Commissioner



Wasco County Outdoor Mass Gathering Ordinance

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Section 1.00 - Definitions

"Ambulance" means any privately or publicly owned motor vehicle, aircraft or marine craft that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury, or disability and which is equipped, staffed and licensed in accordance with OAR 333-250-0000 to 333-250-0100 and OAR 333-255-0000 to 333-255- 0093.

"Board" means the Wasco County Board of Commissioners.

"Fire Protection Plan" includes information about specific type(s) of burning that will occur; onsite water source of up to 8,000 gallons; evacuation routes; designated emergency gathering site; training protocols for staff and volunteers; consultation with the Rural Fire Protection District; clear signage for fire lanes, onsite water source, and electrical service shut off locations; and designated smoking areas.

"Organizer" includes any person who holds, stages, or sponsors an outdoor mass gathering and the owner, lessee, or possessor of the real property upon which the outdoor mass gathering is to take place, jointly and severally.

"Oregon physician" means a person licensed by the Oregon State Board of Medical Examiners or any other physician authorized to practice emergency medicine and surgery in Oregon.

"Outdoor mass gathering" means an actual or reasonably anticipated assembly of more than five hundred persons which continues or can reasonably be expected to continue for more than twenty-four consecutive hours but less than one hundred and twenty hours within any three month period and which is held primarily in open spaces, including parks, and not in any permanent structure. Outdoor mass gatherings of more than three thousand persons are also subject to a land use permit review.

"Park" means any area designated by the person establishing, operating, managing, or maintaining the same for picnicking, overnight camping or use of recreational vehicles by the general public or any segment of the public. It includes, but is not limited to, areas open to use free of charge or through payment of a tax or fee by virtue of rental, lease, license, membership, association or common ownership and further includes, but is not limited to, those areas divided into two or more lots, parcels, units or other interests for purposes of such use.

"Permanent structure" includes a stadium, an arena, an auditorium, a coliseum, a fairground, or other similar established places for assemblies.

"Roads" includes all onsite lanes designated and intended for the movement of vehicles.

"Temporary structure" includes tents, trailers, chemical toilet facilities, stages and other structures customarily erected or sited for temporary use.

Section 1.10 - Permit required

- A. No organizer shall hold, conduct, advertise or otherwise promote an outdoor mass gathering or allow an outdoor mass gathering to be held in Wasco County unless a permit to hold such outdoor mass gathering has been issued as provided in this ordinance.
- B. No permit shall be issued unless the event organizer and landowner of the property that is the site of the outdoor mass gathering submits documentation demonstrating that the outdoor mass gathering will comply with all requirements of this chapter along with a signed outdoor mass gathering permit application. Each outdoor mass gathering shall require a separate permit.
- C. A permit issued under this section shall not authorize the organizer to construct any permanent physical alterations to or on the real property where the outdoor mass gathering will be held.
- D. This chapter shall not apply to any regularly organized and supervised school district activity or program that takes place on school property, nor to any activities of a municipal corporation or government agency.
- E. Application packets for outdoor mass gatherings shall be initially submitted to the Wasco County Planning Department.

Section 1.20 - Permit fees

- A. Permit fee. The permit fee shall be in the amount set annually by order of the board and limited to an amount calculated to reimburse the county for its reasonable, actual, and necessary costs in receiving, processing, and reviewing applications for permits to conduct an outdoor mass gathering.
- B. The permit fee shall be paid by the organizer upon filing the application with the department. The fee is non-refundable.

Section 1.30 - Scope of Review

- A. Application. The organizer shall file an application with the department not later than one hundred forty days in advance of the anticipated event date. Applications received later than one hundred forty days prior to the anticipated event date shall not be processed. The application shall be signed by the organizer and owner or possessor of the property where the outdoor mass gathering will be held and shall include at least the following information:
 - 1. Name and address of the organizer.
 - 2. Legal description of the location of the outdoor mass gathering.
 - 3. The date or dates of the outdoor mass gathering.

4. Estimated total attendance, including staff, vendors, and other personnel.
5. A description of planned activities.
6. A detailed map showing the type, number and location of all toilets, washing facilities, water supply and distribution system, food preparation sites, emergency medical facilities, roads and solid waste collection locations.
7. The name and contact information for a designated contact person(s) who shall be easily identified and who shall remain at the outdoor mass gathering site at all times during the event.
8. A detailed Traffic Control Plan (TCP) to be approved by Public Works and the Wasco County Sheriff's Office. If the event is located adjacent or close to an Oregon State Highway, the TCP must also be approved by ODOT.
9. A written statement from the fire protection agency having jurisdiction that fire protection complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and location of the outdoor mass gathering. No permit shall be granted under this chapter unless the organizer has shown that the appropriate fire protection district officer has approved the type, size, number and location of fire protection devices and equipment available at, in or near any location, including outdoor sites, buildings, tents, stadium or enclosure, wherein or whereupon more than ten persons may be expected to congregate at any time during the course of an outdoor mass gathering for which a permit is required under this chapter. If the site for which the permit is applied for is located outside a fire prevention district, the organizer shall provide written approval from the office of the State Fire Marshal.
10. A written statement from the County Sheriff's Office that arrangements for security and the orderly traffic flow to and from the outdoor mass gathering complies with state and local laws, ordinances, and regulations, and is satisfactory with respect to anticipated crowds and the location of the outdoor mass gathering
11. Documentation of the ability to provide a commercial liability insurance policy in an amount determined by the county that is commensurate with the risk, but not exceeding one million dollars.
12. Documentation that the water supply for the event will comply with the water supply and distribution system requirements of this chapter.
13. Documentation that the site of the event will comply with the drainage requirements of this chapter.
14. Documentation that sewerage facilities will comply with the sewerage requirements of this chapter.
15. Documentation that refuse storage and disposal will comply with the refuse storage and disposal requirements of this chapter.
16. Documentation that camping spaces and camping space locations will comply with the fire protection requirements of this chapter.
17. A medical services plan demonstrating compliance with this chapter.
18. A traffic plan demonstrating that roads and parking areas will comply with the road,

- parking and traffic requirements of this chapter.
19. Documentation that emergency vehicles will have easy access and egress to all areas of the event site.
 20. Such other, additional information as the director may require to ensure compliance with the provisions of this chapter. If such additional information is not supplied within two weeks of the director's request, the application shall be deemed incomplete.
 21. The appropriate permit fee, as set pursuant to the county fee schedule, shall accompany the application.
 22. The department shall have 30 days to determine whether an application is complete. If the application is not complete, the applicant shall be provided a description of the missing information and an opportunity to supply the missing information. The department shall not process an incomplete application. The applicant shall submit the missing information no later than one hundred and twenty days prior to the date the event is proposed to be held. For purposes of this section, an application is complete if the standard has been addressed, regardless of whether the department believes that the information demonstrates compliance. A determination that an application is complete, in no way demonstrates compliance.

Section 1.40- Public hearing and notice

- A. The board shall conduct a public hearing on a complete application.
- B. The director shall send notice of the public hearing to the following officers at least ten calendar days prior to the hearing: county sheriff, county health officer, and the chief of the fire district in which the outdoor mass gathering is proposed. The notice shall contain the time and place of the public hearing and a general explanation of the application to be considered.
- C. The director shall also publish notice, at least ten calendar days before the hearing, of the time and place of the public hearing on the permit application including a general explanation of the application to be considered. The notice shall be published in a newspaper of general circulation in the county or, if there is none, posted in at least three public places in the county.
- D. The organizer may not submit new evidence at the public hearing except in rebuttal to new material submitted or introduced before or at the hearing, in response to questions by board members, or response to additional conditions proposed by public officials or the board.

Section 1.50 - General approval criteria

- A. An outdoor mass gathering permit shall be approved upon demonstration by the organizer of compliance with or the ability to comply with the provisions of this chapter, as well as all health and safety rules governing outdoor mass gatherings adopted by the Oregon Department of

Human Services. However, the board, in its sole discretion, may deny an application or impose additional conditions to an application based on a prior history of noncompliance by an applicant with any of the terms of a previous outdoor mass gathering or extended outdoor mass gathering permit issued either pursuant to county ordinance or under state law.

- B. The board may consider and require an applicant to comply with any conditions submitted by public officials including, but not limited to, the county sheriff, the county health officer and the chief of the fire district in which the gathering is to be held.

Section 1.60 - Insurance

- A. If the board determines that the outdoor mass gathering creates a potential for injury to persons or property, the board shall require the organizer to obtain a commercial general liability insurance policy in an amount commensurate with the risk, but not exceeding one million dollars. The insurance shall cover all the organizer's activities, including all volunteers and participants. The policy must also name Wasco County, its commissioners, employees and agents as additional insureds.
- B. The policy shall not terminate or be cancelled prior to completion of the event without the organizer's insurance provider first giving thirty days written notice of intention to terminate or to cancel to the department. Termination of insurance shall immediately and automatically revoke the permit.
- C. Proof of insurance must be submitted to the department not later than thirty days prior to the event. No permit shall be effective or valid until the insurance is approved by the department. All documents are subject to the approval of the department.

Section 1.70 - Sanitary facilities

The board shall review all health and sanitation and related plans and facilities to ensure that minimum standards have been or will be met by the organizer, upon recommendation of the department, and in accordance with the procedures outlined in this chapter.

Approval shall be based upon, but not limited to, the following minimum requirements:

A. Water Supply

1. Required Amounts:

- a. A minimum of twelve gallons per person per day shall be available for the anticipated assembly;

b. Notwithstanding subsection (a) of this section, facilities containing an amount of water equal to one day's total water usage shall be provided at the event site, unless a greater or lesser amount is determined by the State Department of Human Services as sufficient or necessary, based on the availability and quantity of the water supply and the required water demands for toilets, food vendors, camping areas and other facilities;

c. An additional amount of water equal to one day's total usage shall be available in reserve at all times at a location approved by the department.

2. Bacteriological and Chemical Requirements:

a. Drinking water shall be supplied from a source approved by the State Department of Human Services;

b. The water source shall be tested by the organizer and shall conform to the standards for transient non-community public water systems of OAR 333-061 and OAR 333-039-015. The organizer shall provide the results of that testing and other requested documentation with its application to the department for evaluation prior to approval of the water source;

c. All parts of the water supply system shall be constructed of non-toxic materials. Water system piping and fixtures shall be made of materials approved for use in public water systems and conform to the standards for transient non-community public water systems in OAR Chapter 333 Division 61 and meet the requirements of the State of Oregon Unified Building Code;

d. All water distribution lines and fittings shall be constructed of galvanized wrought iron, galvanized steel, copper, or NSF approved plastic pipe. All plastic pipe and fittings must bear the NSF seal;

e. Pressure tanks and storage tanks including water tanker trucks shall be constructed of non-toxic materials. Tanks which have previously been used to contain toxic substances shall not be used;

f. Garden hoses, flexible lines, pipes, or similar devices shall not be connected to any portion of the water supply system for personal convenience or any other reason;

g. A minimum pressure of twenty pounds per square inch shall be maintained at all times and at all points within the water distribution system;

h. All water distribution lines shall be installed at a minimum depth of twelve inches in the soil and shall be covered;

i. Water supply locations shall be well drained;

j. Hydrants equipped with self-closing faucets shall be provided at a ratio of not less than one for every two hundred and fifty persons or fraction thereof anticipated;

k. Each faucet shall be mounted on a minimum thirty-six-inch riser. The riser is to be securely fastened to a supporting structure equal in strength to a four-inch by four-inch timber which is securely anchored in the ground;

- l. Each faucet and riser shall be accompanied by a seepage pit located directly beneath the faucet which shall have a minimum inside diameter of twelve inches and a minimum depth of three feet and shall be backfilled with clean coarse rock;
- m. If camping and activity areas are separately designated, sixty percent of the total required faucets shall be located within the area designated for camping, and forty percent of the total required faucets shall be located in the area designated for activities;
- n. A minimum of one faucet shall be located not more than twenty-five lineal feet from each food service facility and a minimum of one faucet shall be located not more than twenty-five lineal feet from any emergency medical facility;
- o. Prior to placing the water supply system into use, all portions of the system including storage tanks and distribution system shall be disinfected by adding a chlorine solution of not less than fifty mg/l and retaining the mixture within all portions of the system for at least twenty-four hours. Following disinfection, the system is to be thoroughly flushed of the chlorine solution. Water tanker trucks must be disinfected using these same standards.

B. Sanitary Waste Facilities

1. Number and Location of Toilets;

- a. Seven toilets shall be provided for each eight hundred persons or fraction thereof anticipated;
- b. If camping and planned activity areas are separately designated, sixty percent of the total required toilets shall be located within the designated camping area and forty percent of the total required toilets shall be located in the designated planned activity area;
- c. If camping areas are not designated, location and spacing of toilets shall be in accordance with anticipated crowd clustering or grouping, or spaced uniformly throughout the entire outdoor mass gathering site.

2. Chemical Toilets

- a. A contractual agreement, with a company licensed by the State Department of Environmental Quality, shall be filed with the department no later than fifteen days before the outdoor mass gathering. The application shall describe what provisions the organizer has taken for providing chemical toilets and the sanitary maintenance of these toilets, on a continual basis;
- b. Chemical toilets shall be serviced at least daily with respect to sanitation, removal of contents, and recharging of chemical solution;
- c. All chemical toilets, if provided, shall be located so as to be easily and readily serviced by servicing vehicles;
- d. Chemical toilets tanks must be owned and serviced by a sewage disposal service licensed in Oregon and must be labeled with the service company name and current address and telephone number;

- e. The contents of chemical toilets shall be removed by a DEQ licensed sewage pumper in accordance with state and local laws, ordinances, and regulations.
- 3. Water Carried Sewage Disposal Facilities. If water carried subsurface sewage disposal facilities are provided, they shall be governed by and meet the requirements of OAR Chapter 340 Divisions 71 and 73.
- 4. Liquid Wastes Not Containing Human Excreta
 - a. Facilities shall be provided for the disposal of all liquid wastes not containing human excreta such as, but not limited to, kitchen or cooking wastewater, grease dishwater, wash water, and bath water;
 - b. These facilities shall be specifically identified by means of a sign which states "Wastewater Disposal";
 - c. Portable holding tanks used to collect liquid wastes not containing human excreta must meet the requirements of OAR 340-071-0340 (5) including holding tank covers;
 - d. Portable holding tanks must be owned and serviced by a sewage disposal service licensed in Oregon and must be labeled with the service company name and current address and telephone number;
 - e. Such facilities shall be located or spaced so as to uniformly serve the participants of the outdoor mass gathering;
 - f. One facility shall be provided for each three thousand persons or fraction thereof anticipated;
 - g. At least one facility shall be located not more than fifty lineal feet from each food service facility;
 - h. All food particles and other waste material shall be disposed of in approved portable holding tanks and removed from the facilities at least once every twentyfour hours or at more frequent intervals if necessary to prevent insect attraction
- 5. Hand Washing Facilities
 - a. In the absence of running water and plumbed hand washing facilities, gravity fed or commercial portable hand washing facilities shall be conveniently located and provided in adequate numbers.
 - b. All food service sites and portable restroom sites shall be equipped with conveniently located hand-washing stations.
 - c. Gravity fed or commercial portable hand washing stations shall be equipped with at least five gallons of warm water, soap and sanitary towels;
 - d. Wastewater from hand washing shall be collected in a wastewater container at least ten percent larger than the hand wash water supply;
 - e. Wastewater from hand washing shall be disposed of at approved wastewater disposal sites.

Section 1.80 - Refuse storage and disposal

1. All refuse and solid waste shall be stored in fly-tight containers constructed of impervious material;
2. Containers for refuse and solid waste storage shall be provided at a minimum ratio of one thirty gallon container for each sixteen persons or fraction thereof anticipated or one cubic yard of container capacity for each one hundred twenty-five persons or fraction thereof anticipated;
3. All refuse and solid waste shall be removed from storage containers at least once every twenty-four hours and transported and disposed of in a manner, which is authorized and complies with state and local laws, ordinances and regulations.

Section 1.90- Food Service Facilities

A. Food service facilities shall comply with the State Health regulations that pertain to the operation of temporary restaurants

1. Each food vendor shall apply for a temporary restaurant license at least ten days prior to the outdoor mass gathering event;
2. The names of food vendors, their mailing addresses and telephone numbers shall be submitted fifteen days prior to the outdoor mass gathering event;
3. Temporary restaurant applications shall be approved by the North Central Public Health District.

Section 2.00 - Security Personnel

The organizer shall maintain an accurate count of persons attending the outdoor mass gathering and shall provide adequate security arrangements, to be determined by the Wasco County Sheriff's Office, to limit further admissions to the outdoor mass gathering when the anticipated number of persons authorized by the permit have been admitted.

Section 2.10 - Fire Protection Standards

A. No permit shall be granted under this chapter unless the organizer has a fire protection plan approved by the fire protection district for the type, size, number, and location of fire protection devices and equipment available at, in or near any location, including outdoor site, building, tent, stadium, or enclosure, wherein or whereupon more than 10 persons may be expected to congregate at any time during the course of an outdoor mass gathering.

- B. If the site for which the permit is applied for is located outside a fire protection district, the organizer must show approval from the office of the State Fire Marshal, Oregon Department of Forestry, or other fire protection district that would respond in the event of an emergency.
- C. Each camping space shall be a minimum of one thousand square feet or larger, if necessary, to accommodate a parked camping vehicle, tent vehicle or tent, as the case may be, and to maintain at least fifteen feet separation from any other camping vehicle, tent vehicle or tent, building, structure, or property line.
- D. If a camping space has more than one camping unit on the camping space, the proposed layout must be approved in advance by the department.
- E. Camping vehicles and tent vehicles shall maintain a separation of fifteen feet between units.

Section 2.20 - Medical Service

- A. There shall be present at the outdoor mass gathering site for emergency medical services, physicians and nurses in the following ratios:
 - 1. Daylight Hours: At least one Oregon physician plus sufficient other physicians (licensed to practice medicine and surgery in any of the fifty states of the United States) to provide a ratio of one for each ten thousand persons attending or fraction thereof and one nurse for each seven thousand five hundred persons attending or fraction thereof;
 - 2. Nighttime Hours - (one a.m. to seven a.m.): At least one Oregon physician plus sufficient other physicians (licensed to practice medicine and surgery in any of the fifty states of the United States) to provide a ratio of one for each twenty thousand persons attending or fraction thereof and one nurse for each fifteen thousand persons attending or fraction thereof.
- B. All physicians on-site shall be trained in emergency medicine or have emergency medicine experience and be certified in advanced cardiac life support.
- C. Facilities shall be provided in which physicians can provide patient care and treatment:
 - 1. The facility shall be enclosed, protected from the elements, and shall have chairs, examining tables with stirrups, and locked cabinets for equipment and medicine;
 - 2. All necessary medicine and instruments for conducting minor surgery and examinations shall be available;
 - 3. The facilities shall be equipped to handle medical emergencies including but not limited to treating individuals with chest pain, respiratory difficulty, trauma or cardiac arrest and specifically equipped to handle advanced cardiac life support;
 - 4. Lighting within the emergency medical facilities shall be provided and shall be not less than two hundred- foot candles in areas where treatment and minor surgery are conducted.

- D. Attending physicians shall keep accurate records of patients and treatment, and shall notify the local health officer of all cases involving a communicable disease.
- E. Temporary holding facilities shall be provided for the sick and injured while awaiting transport to a hospital. The facility shall be enclosed, protected from the elements, and shall be furnished with one cot or bed for each one thousand persons anticipated or fraction thereof.
- F. Communication, via either telephone or radiotelephone, shall be provided to summon aid or notify the nearest hospital, law enforcement, ambulance provider or fire protection agency, as required.
- G. An approved emergency response plan is required that contains phone numbers, directions to location, etc. This plan that must be approved by the county during the application process.
- H. Ambulances shall be provided at the outdoor mass gathering for emergency evacuation of sick and injured persons at a ratio of one ambulance for each ten thousand persons anticipated or fraction thereof. The ambulance shall be staffed at the paramedic level and be licensed or approved to provide emergency ambulance service.

Section 2.30 - Traffic, roads and parking

- A. The organizer shall provide easily accessible roads of all-weather construction at the outdoor mass gathering site.
 - 1. All areas of the site shall have road access sufficient to provide orderly evacuation and emergency vehicle access and egress, including a minimum of two access routes;
 - 2. All roads shall be maintained in such condition that emergency and other required vehicles can move upon them unencumbered and can carry out their functions at all times;
 - 3. No road or portion of any road constructed shall exceed a maximum grade of twelve percent;
 - 4. All roads shall be constructed to a minimum width of sixteen feet.
- B. All roads shall be clearly located on the site map.
- C. Roads may be inspected by the department in advance of the event to determine compliance with the requirements of this chapter.
- D. The organizer shall provide and designate a suitable area at the outdoor mass gathering for parking of motor vehicles. The total area provided for motor vehicle parking shall be based on the following ratio: three hundred square feet for every four persons anticipated;
 - 1. Each motor vehicle parking space shall have a minimum width of ten feet and a minimum length of twenty feet and shall be clearly marked with lime;
 - 2. The motor vehicle parking spaces shall be arranged to eliminate blockage of parked vehicles and allow all vehicles to access or exit the event site at all times.

Section 2.40 - Permit Posting and Inspection

- A. Any permit issued pursuant to this ordinance shall be kept by the organizer and a copy shall be posted in a conspicuous place upon the premises of the outdoor mass gathering site.
- B. No application shall be approved under this chapter unless the organizer and property owner shall, in writing upon application for such permit, consent to allow law enforcement, public health, fire control, and other appropriate public officers or officials to come upon the premises, for which the permit application has been applied for or approved, for the purpose of inspection and enforcement of the terms and conditions of the permit, this chapter, and any other applicable laws, regulations or ordinances. The inspectors may return as often as needed until the deficiencies or noncompliance is cured. The consent shall include the authority for the sheriff to trespass any and all individuals for a deficiency or noncompliance.
- C. If the deficiency or noncompliance is not cured or cannot be cured, the director shall notify the county sheriff who, after determining that there is an immediate threat to public health or safety, may order the crowd to disperse and leave the outdoor mass gathering site.

Section 2.50 - Organizer responsible for compliance and preserving order

- A. The organizer and property owner of the outdoor mass gathering site shall be jointly and severally responsible for ensuring that the event is operated in compliance with the terms and conditions of the outdoor mass gathering permit, the provisions of this chapter and all local and state laws applicable thereto.
- B. If any outdoor mass gathering in the county is not being operated in accordance with the rules and regulations prescribed in this chapter or as set forth in state and local laws, the permit shall be subject to revocation and the organizer, landowner or other individuals responsible shall be in violation of this chapter and subject to such punishment or penalties as the law and this chapter provide.

Section 2.60 – Enforcement

- A. The organizer shall keep a count of persons and vehicles entering and leaving the outdoor mass gathering. If at any time during an outdoor mass gathering held under a valid permit, the number of persons or vehicles attending the outdoor mass gathering exceeds the number of persons or vehicles estimated in the permit application, the sheriff, or any of his deputies, may require the organizer to limit further admissions until a sufficient number of individuals or vehicles have left the site to bring the actual attendance down to the number estimated by the organizer.
- B. In addition to and not in lieu of the maintenance of other actions to enforce the provisions of this chapter, including state law provisions of ORS Chapter 433, the county through its county counsel may maintain an action in any court of general jurisdiction to prevent, restrain or enjoin any violation of

Section 8.52.020.A. or ORS 433.745. Cases filed under this section or ORS 433.770 shall be given preference on the docket over all other civil cases except those given equal preference by statute.

C. For any outdoor mass gathering held under a valid permit, the county sheriff shall have the authority to order the crowd to disperse and leave the outdoor mass gathering site if the organizer cannot maintain order and compliance with all applicable State or local laws or refuses or is unable for any reason to adhere to the terms and conditions of their permit and the sheriff has determined that there is an immediate threat to public health or safety.

D. If any organizer violates any provisions of this chapter or any permit issued hereunder, the board or its designee may immediately revoke any permit for an outdoor mass gathering and may seek any legal remedy available. The board hereby designates the county administrator or his designee to exercise the board's authority under this section.

E. Violation of any provisions may be subject to fines or other penalties as described by ORS 433.990.

Section 2.70 – Restricted Hours of Operation and Noise

A. When sound amplification is used, no outdoor mass gathering shall be conducted within 1,000 feet of any neighboring residence between the hours of 11:00 pm and 9:00 am unless written consent from neighboring property owners and residents indicates a variance to hours would be acceptable.

B. The use of amplification shall be regulated so that it will not interfere with the normal use of any school, church, residence, or other permanent place of human habitation unless prior written consent is obtained from all affected persons. A sound level in excess of 70 decibels prior to 10:00 pm and in excess of 50 decibels after 10:00 pm shall constitute interference.



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE WASCO COUNTY BOARD OF COMMISSIONERS APPROVING AN OUTDOOR MASS GATHERING FOR SOAK 2024, AN ARTS FESTIVAL AND CAMPING EVENT, MAY 23-27, 2024 FILE 921-24-000001-PLNG

ORDER 24-016

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

IT APPEARING TO THE BOARD: That on May 1, 2024, a complete application was received from SOAK, LLC for an outdoor mass gathering as defined by the Wasco County Outdoor Mass Gathering Ordinance (ORDINANCE # 22-003) and ORS 433.735. The subject property is located at 89720 Davidson Grade Road, Tygh Valley, OR, 97063; further described as: 4S 13E 10 800, Acct# 10464; 4S 13E 15 100, and Acct# 10445; and 4S 13E 0 2200, Acct# 12314. The dates of the proposed outdoor mass gathering, an arts festival and camping event, are May 23-27, 2024, with attendees up to 2,300 including staff and volunteers; and

IT FURTHER APPEARING TO THE BOARD: That notice of the complete application was sent to the Wasco County Sheriff, North Central Public Health District, Wasco County Public Works, the Tygh Valley Fire Department, the Juniper Flats Fire Department, Oregon State Fire Marshall, Oregon Department of Forestry and the Bureau of Land Management. Each agency receiving notice of the application was invited to submit written comments on the application; and

IT FURTHER APPEARING TO THE BOARD: That at 9:00 a.m. on Wednesday, May 1, 2024, the Wasco County Board of Commissioners met to conduct a public hearing on the compliance of the outdoor mass gathering application with the applicable statute and administrative rules. Notice of the hearing was published in The Columbia Gorge News, and was mailed to partner agencies and mailed to owners of property within 750 feet of the subject parcel. The public hearing was opened, the staff presented the proposed outdoor mass gathering plan summary, and testimony was received.

IT FURTHER APPEARING TO THE BOARD: That having considered the matter, and based upon evidence and testimony presented at the hearing, voted ___ to ___ to approve/disapprove the application for the outdoor mass gathering.

FINDINGS OF FACT

1. Upon examination of the permit application and information in the record, The Board finds the outdoor mass gathering creates a potential for injury to persons or property, and therefore requires an insurance policy of not less than \$1,000,000 described below in Condition C.
2. In making its decision, The Board recognizes the procedural and legal requirements of Oregon Revised Statute 433.735–433.770, Oregon Administrative Rule 333 Division 39, and the Wasco County Outdoor Mass Gathering Ordinance (ORDINANCE # 22-003), and weighed fully Applicant’s demonstrated compliance, or ability to comply, with the health and safety rules governing outdoor mass gatherings.
3. Any decision of a county governing body on an application for a permit to hold an outdoor mass gathering may be appealed to a circuit court for the county as provided in ORS 34.020 to 34.100.
4. The Board adopts findings and conditions contained in the Summary of Information and Staff Report published on May 1, 2024.

CONDITIONS

- A. Applicant and property owners shall comply with the application as reviewed and approved by the staff report, which is available at the Wasco County Planning Department. This report details the restrictions on aspects of the proposed event including but not limited to location, dimensions and use. This decision does not constitute tacit approval for any other development or use.
- B. **Attendance:** Maximum attendees for SOAK 2024 shall be 2,300, including staff and volunteers necessary to operate the event safely and effectively.
- C. **Insurance:** Applicant shall submit proof of a Commercial General Liability Insurance policy of not less than \$1,000,000 specific to SOAK 2024, naming Wasco County, its officers, agents, volunteers, and employees as an additional insured for the duration of the event and event clean up.
- D. **Water Supply:** Applicant shall comply with Section 1.70 - Sanitary facilities of the Wasco County Outdoor Mass Gathering Ordinance (ORDINANCE # 22-003), and OAR 333-039-0015, requiring that 12 gallons of water are available per person, per day of the event and 5 gallons of water are stored per person, per day of the event. Any testing and hauling of drinking water shall be consistent with the 2008 Drinking Water Hauling Guidelines. To meet this requirement, the applicant has proposed meeting part of the 5 gallon/person/day requirement by requiring that event participants bring their own water (at least 2 gallons/person/day), supplying 15 20-gallon hand washing stations (to be serviced daily), and storing 200,000+ gallons approximately 1-mile away which will be provided by Tygh Valley Water through contract.
- E. **Water Quality:** All transport of water shall follow the standards contained within the 2008 Drinking Water Hauling Guidelines. Documentation shall be provided by the applicant to demonstrate compliance with

these guidelines, including the forms supplied by the State/North Central Public Health District to track chlorine levels of potable water when delivered. The chlorine that is being used to increase the chlorine levels needs to be an NSF certified product. There should a copy of that document available when the inspection takes place.

- F. **Emergency Water Acquisition and Delivery Plan:** Prior to the event, the application shall develop a plan for the acquisition and delivery of water equal to one day's total usage for the attendees in the case of an emergency event.
- G. **Gray Water:** No gray water is anticipated by the applicant. The applicant shall develop a plan for unanticipated gray water storage needs.
- H. **Refuse Storage and Disposal:** The applicant anticipates minimal refuse storage and disposal needs. Given that the event spans a holiday weekend, the applicant shall provide a plan for unanticipated refuse storage and disposal that is consistent with Section 1.80 - Refuse storage and disposal of the Wasco County Outdoor Mass Gathering Ordinance (ORDINANCE # 22-003), and OAR 333.039.0030.
- I. **Food and Sanitary Food Service:** No food vendors are proposed. If that changes, all food vendors shall comply with the applicable food and sanitary food service requirements listed in Section 1.90 - Food Service Facilities of the Wasco County Outdoor Mass Gathering Ordinance (ORDINANCE # 22-003), and OAR 333-039-0035, and shall make themselves available for inspection during the event. Furthermore, only vendors with valid licenses, as provided by the Oregon Health Authority, shall be contracted to prepare and provide food for the event.
- J. **Emergency Medical Facilities:** The applicant shall implement proposed emergency medical services outlined in the 2022 Letter of Intent from Adventure Medics. The applicant shall comply with any additional emergency medical services required or recommended by the local fire and emergency service providers having jurisdiction.
- K. **Fire Protection:** The applicant shall secure written statements from the local fire protection agency having jurisdiction that fire protection and fire safety access complies with state and local laws, ordinances and regulations and is satisfactory with respect to anticipated crowds and location.
- L. **Security Personnel:** At least one Department of Public Safety Standards and Training (DPSST) certified supervisor must be on shift at all times.
- M. **Security and Personnel:**
 - 1. At least one Department of Public Safety Standards and Training (DPSST) certified supervisor must be on shift at all times.
 - 2. Within event staff, a single point of contact must be clearly identified for security and law enforcement. Contact information for this individual shall be provided to the Wasco County Sheriff Department prior to the event.

3. Applicant shall coordinate radio frequencies to be used during the event with the Wasco County Sheriff Department to prevent disruption of local emergency service provider communications.

N. Traffic:

1. Traffic Control Plan shall be implemented as submitted. If changes are proposed, they must be coordinated and approved by the Wasco County Public Works Department prior to the event.
2. Each vehicle parking space shall have a minimum width of 10 feet and a minimum length of 20 feet, and parking shall be clearly marked. Parking shall be arranged to provide clear access to exist at all times.

CONCLUSIONS OF LAW

This request is for an outdoor mass gathering entitled SOAK 2024, an arts festival and camping event, May 23-27, 2024.

With findings of fact in the Summary of Information and Staff Report published on May 1, 2024 the Board's decision is consistent with Oregon Revised Statute 433.735 – 433.770, Oregon Administrative Rule 333 Division 39, and the Wasco County Land Use and Development Ordinance.

NOW, THEREFORE, IT IS HEREBY ORDERED: That the Wasco County Board of Commissioners approves/disapproves the request for an outdoor mass gathering, subject to the conditions listed herein.

DATED this 1st Day of May, 2024.

ATTEST:

Kathy Clark, Executive Assistant

WASCO COUNTY BOARD OF COMMISSIONERS:

Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:

Scott C. Hege, Vice-Chair

Kristen Campbell, County Counsel

Phil Brady, County Commissioner



MOTION

SUBJECT: SOAK Hearing Motion

I move to approve Order 24-016 approving an Outdoor Mass Gathering for SOAK 2024, an arts festival and camping event, May 23-27, 2024 File 921-24-000001.



MEMORANDUM

SUBJECT: GRANT AWARD AMENDMENT: 2024 NATURAL HAZARD MITIGATION PLAN UPDATE

TO: WASCO COUNTY BOARD OF COMMISSIONERS, TYLER STONE

FROM: DANIEL DOUGHERTY, SENIOR PLANNER

DATE: 4/25/2024

The Federal Emergency Management Agency (FEMA) Region 10 has approved a request for a project budget increase for the Wasco County Hazard Mitigation Plan (NHMP) Update [Grant # HMGP-PF-FM-5394-12-P-OR] due to the addition of the City of Mosier. The City of Maupin and the City of Dufur have also been included in Wasco County's 2024 NHMP update. The FEMA Amendment Approval letter is attached to this memorandum for your reference.

The amendment updates staff rates, includes additional funds for increased staff time, and revises costs for public event and meeting room rentals.

Staff requests that the Wasco County Board of Commissioners approve the submitted grant amendment agreement.

Digitally signed by Daniel Dougherty
DN: cn=Daniel Dougherty, o=Planning Department,
ou=Wasco County, email=daniel@co.wasco.or.us,
c=US

Daniel Dougherty, Senior Planner
Wasco County Planning



FEMA

April 8, 2024

Erin McMahon, Acting Director
Oregon Department of Emergency Management
P.O. Box 14370
Salem, Oregon 97309-5062

Subject: Hazard Mitigation Grant Program (HMGP)
FM-5394-OR
Amendment Approval: Budget Increase
5394-12 – Wasco County
Wasco County Multi-Jurisdictional Hazard Mitigation Plan Update

Dear Director McMahon,

This letter serves as notification that Federal Emergency Management Agency (FEMA) Region 10 has approved your March 20, 2024 request for a project budget increase due to the addition of the City of Mosier to the Wasco County Hazard Mitigation Plan Update. Additional federal funds will be released to the State in the amount of \$14,173.51. The State of Oregon will provide the non-federal match requirement of \$4,632.34 through local funding.

Summary of Funding	Federal	Non-Federal	Total	Management Costs
Original	\$23,139.75	\$7,713.25	\$30,853.00	\$1,200.00
Amendment	\$13,897.01	\$4,632.34	\$18,529.35	\$276.50
Total	\$37,036.76	\$12,345.59	\$49,382.35	\$1,476.50

All previous requirements and conditions addressed in the original award letter are still in effect. For further assistance, please contact the Region 10 Hazard Mitigation Assistance Branch at fema-r10-mit-hmgrp@fema.dhs.gov.

Sincerely,

**DEBERA L
MEADOR**

Debera Meador, Section Chief
Mitigation Division

Digitally signed by
DEBERA L MEADOR
Date: 2024.04.08 11:32:10
-07'00'

cc: Anna Feigum, Oregon State Deputy Hazard Mitigation Officer;
Stephen Richardson, Mitigation Section Manager

JH:bw

AGREEMENT AMENDMENT #1

This is Amendment #1 (the “Amendment”) to the Grant Agreement dated January 23, 2023, (the “Agreement”) between the State of Oregon, acting by and through the Oregon Department of Emergency Management (“OEM”), and Wasco County (“Subrecipient”), both individually without distinction as a “Party” and collectively as the “Parties.”

The Parties hereby amend the Agreement to reflect an approved budget amendment:

Section 3 of the Agreement captioned “Project Cost, Grant Funds” is amended as follows (new language indicated by **bold underline** and deleted language is *[italicized and bracketed]*):

3. Project Cost, Grant Funds. The total estimated cost of the Project for the purpose of this Agreement is **\$49,382.35** *[\$30,853.00]*. In accordance with the terms and conditions of this Agreement, OEM shall provide Subrecipient (i) an amount not to exceed 75 percent of the Project Costs or **\$37,036.76** *[\$23,139.75]*, whichever is less, (the “Federal Share”) in grant funds for eligible costs described in Section 6 hereof and (ii) Subrecipient management costs in the amount of **\$1,476.50** *[\$1,200.00]* (the “Management Costs Reimbursement” and, together with the Federal Share, the “Grant Funds”). Grant Funds for this Program are provided by the Federal Emergency Management Agency (FEMA) and are administered by OEM. Subrecipient will commit a percentage of the Project Costs to the project, known as the non-Federal match. The non-Federal match can be cash, in-kind, or a combination of both. For this Agreement, the non-Federal match shall be 25 percent of the Project Costs, up to **\$12,345.59** *[\$7,713.25]*, which shall be contributed by Subrecipient. Subrecipient shall apply any savings, rebates and reductions in cost to reduce the overall cost of the Project. Subrecipient is responsible for any costs in excess of the total Project Cost.

The attached “Exhibit A: Attached Budget and Project Description” replaces the current “Exhibit A: Attached Budget and Project Description” in its entirety.

The attached “Exhibit D: Information required by 2 CFR 200.332(a)(1)” replaces the current “Exhibit D: Information required by 2 CFR 200.332(a)(1)” in its entirety.

This Amendment may be executed by the Parties in counterparts.

Except as expressly amended above, all terms and conditions of the original Agreement are still in full force and effect. Subrecipient certifies that the representations, warranties, and certifications contained in the original Agreement are true and correct as of the date of its signature below and with the same effect as though made at the time of this Amendment. This Amendment is effective on the date it is fully executed and approved as required by applicable law.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the dates set forth below.

Wasco County

STATE OF OREGON acting by and through its
Oregon Department of Emergency Management

By: _____
(signature of Printed Name below)

Steven D. Kramer
Printed Name

Board Chair
Title

May 1, 2024
Date

By: _____
(signature of Printed Name below)

Printed Name

Title

Date

APPROVED AS TO FORM:

Kristen Campbell, County Counsel

Exhibit A

Assistance Listings Number (CFDA): 97.039 Hazard Mitigation Grant Program

Information required by 2 CFR 200.332(a)(1)

1. Federal Award Identification: HMGP-PF-FM-5394-12-P-OR

(i) Subrecipient name (which must match registered name in UEI): Wasco County

(ii) Subrecipient's UEI number: EMKLL2MZ2NH9

(iii) Federal Award Identification Number (FAIN): HMGP-PF-FM-5394-12-P-OR

(iv) Federal Award Date: November 8, 2022

(v) Subaward Period of Performance: June 29, 2025

(vi) Subaward budget period start and end dates: June 30, 2021 – June 29, 2025

(vii) Total Amount of Federal Funds Obligated by this Agreement: \$37,036.76

(viii) Total Amount of Federal Funds Obligated to the Subrecipient by the pass-through entity including this agreement: \$311,244.07

(ix) Total Amount of Federal Award Committed to the subrecipient by the pass-through entity:
\$37,036.76

(x) Federal award project description: Wasco County Multi-Jurisdictional Natural Hazard Mitigation Plan

(xi) (a) Name of Federal awarding agency: U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA)

(b) Name of Pass-through entity: Oregon Department of Emergency Management

(c) Contact information for awarding official of the pass-through entity:
Andrew Phelps, Director, P.O. Box 14370, Salem, OR 97309-5062

(xii) Assistance listings number, title and amount: 97.039 Hazard Mitigation Assistance Grant (HMGP)
Total Project Amount: \$49,382.35

(xiii) Is Award R&D? No

(xiv) (a) Indirect cost rate for the Federal award: 13.2%

(b) Is the de minimus rate being used per §200.414? No



MOTION

SUBJECT: NHMP Amendment Motion

I move to approve the Amendment #1 to the Grant Agreement dated January 23, 2023 between the Oregon Department of Emergency Management and Wasco County for the Natural Hazard Mitigation Plan Update.



4/23/2024

To: Board of County Commissioners
Wasco County Fair Board
Public Works Director

From: Mike Middleton – Finance Director

Re: Budget Change

In reviewing budget progress for the current fiscal year, a couple changes need to be executed. The necessary adjustments are in the Public Works and Fair funds.

The Public Works Fund operating costs are executing at 96.6% with 2½ months remaining. The breakdown is Personnel is executing at 84.6% while Materials & Services are executing at 110.3%. Fortunately, the STP allocation from the state has come in at \$390,000. According to Oregon Local Budget Law, this is new revenue and can be included in the budget to offset and increase in the requirements (expense) budget. This allows a budget change for new revenue of \$390,000 offsetting personnel expense of \$155,000 and Materials & Services of \$235,000.

The Fair Fund operating costs are executing at 88.8% - which would be higher if not for the low level of execution on Capital Outlay which is executing at 33.1%. Personnel is executing at 169.8% having already used \$17,170 more than budgeted. This is due to staff changes and adding the Fair Manager. Materials & Services is executing at 94.4%. Combining this, the fund has \$37,281 in available appropriation to cover until the end of the fiscal year. Personnel will take at least \$20,000. Materials & Services will take an additional \$15,000. While the Capital currently is under budget and providing \$40,800 in appropriation authority, there will be additional capital costs as the new seating is installed so utilizing this to meet the appropriation limit is not a good idea. Ignoring the Capital then, the fund is already overspent by \$3,519. This means the fund needs an additional \$38,519 (20,000+15,000+3,519) to remain under the legal level of control. To meet this, the Beginning Fund Balance came in at \$27,000 more than budgeted while Donation & Contributions (all combined) came in at \$19,500 more than the budget. Utilizing these two resources, the resource budget can be increased \$46,500 while increasing Personnel \$20,000 and Materials & Services \$26,500. This will provide appropriation room to ensure the Oregon Local Budget Law is not violated.

The proposed budget change resolution is attached. The proposed change is summarized below:

Fund/Department	Amount	Increase/Decrease
Public Works Fund/Revenue	\$390,000	Increase
Public Works Fund/Personnel	\$155,000	Increase
Public Works Fund/Materials & Services	\$235,000	Increase
Fair Fund/Revenue	\$46,500	Increase
Fair Fund/Personnel	\$20,000	Increase
Fair Fund/Materials & Services	\$26,500	Increase

Recommend Motion:

I move to approve resolution #24-xxx to increase Public Works Fund revenue \$390,000 and increase expense \$390,000 as well as increase Fair Fund revenues \$46,500 and increase expense \$46,500.



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF INCREASING EXPENDITURES AND REVENUE APPROPRIATIONS WITHIN A FUND

RESOLUTION #24-005

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 expenditures in the Public Works and Fair Funds will exceed the adopted budget before the fiscal year end; and

IT FURTHER APPEARING TO THE BOARD: That the increased expenditures are due to exceeding the planned public works and fair event costs in the adopted budget; and

IT FURTHER APPEARING TO THE BOARD: That the Public Works & Fair Funds had significant additional revenues above budgeted expectations to cover the appropriations shortfall; and

IT FURTHER APPEARING TO THE BOARD: That the Public Works Fund will need \$390,000 increase to the appropriation and Fair Fund will need \$46,500 increase to the appropriations to not exceed the budget.

NOW, THEREFORE, IT IS HEREBY RESOLVED: That \$390,000 in Public Works Fund revenue appropriation be increased and offset by increased expenditure (personnel, materials and service – public works) budget and \$46,500 in Fair Fund revenue appropriation be increased and be utilized to match an increase expense (personnel, materials and services – fair) in the budget.:

Fund	Classification	Increase/Decrease	
2020	Public Works Revenue	\$390,000	Increase
2020	Public Works Expense	\$390,000	Increase
2030	Fair Fund Revenue	\$46,500	Increase
2030	Fair Fund Expense	\$46,500	Increase

DATED this 1st day of May, 2024.

APPROVED AS TO FORM:

Wasco County Board of Commissioners

Kristen Campbell , County Counsel

Steven D. Kramer, Commission Chair

Scott C. Hege, Vice Chair

Phil Brady, County Commissioner



MOTION

SUBJECT: Budget Adjustment Motion

I move to approve Resolution 24-005 increasing expenditures and revenue appropriations within a fund.