



## 7.3.2024 BOCC Regular Session

Wasco County

2024-07-03 09:00 - 12:00 PDT

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AGENDA: REGULAR SESSION

WEDNESDAY, JULY 3, 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 and interpreter, please contact the Commission Office at least 7 days in advance.

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

9:00 a.m.	<b>CALL TO ORDER/PLEDGE OF ALLEGIANCE</b> Items without a designated appointment may be rearranged to make the best use of time. Other matters may be discussed as deemed appropriate by the Board. <b>Corrections or Additions to the Agenda</b> <b>Discussion Items:</b> Milligan Consulting Contract; Clean Earth Pricing Agreement; Newspaper Designation for Foreclosures; NCPHD BOH Appointment; (Routine Items or Items of general Commission discussion/action, not otherwise listed on the Agenda) <b>Consent Agenda:</b> 6.5.2024 Regular Session Minutes; 6.11.2024 Special Session Minutes; 6.5.2024 City/County Joint Work Session Minutes (Items of a routine nature: minutes, documents, items previously discussed.) <b>Public Comment at the discretion of the Chair (3 minute limit unless extended by Chair)</b>
9:30 a.m.	Planning Hearings Comprehensive Plan Zoning Map Amendment Hearing – Kelly Howsley-Glover National Scenic Area LUDO – Alice Cannon
10:05 a.m.	Election Results – Chrissy Zaugg
10:20 a.m.	ORPD Grant Agreement – Ali Postlewait
10:30 a.m.	ORMAP IGA – Ivan Donahue
10:45 a.m.	Youth Think Updates – Debby Jones
11:15 a.m.	Insurance Report – Breanna Wimber and Tom BeLusko
	Commission Call
	NEW/OLD BUSINESS
	ADJOURN



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
JULY 3, 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: Kelly Walker, Executive Assistant  
Ali Postlewait, Administrative Services Director

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

**Discussion Item – Milligan LLC Consulting Contract**

Youth Services Director Molly Rogers reviewed the memo included in the Board Packet. She pointed out that Jeff Milligan has worked for the Central and Eastern Oregon Juvenile Justice Consortium (CEOJJC) for about 30 years. Recently the County elected to use diversion dollars locally rather than through CEOJJC. In addition, there are plans to create an Assessment Center for youth who are not involved in child welfare or the juvenile justice system for youth who have risk factors that don't rise to the level of full involvement. For the last 9 months, Mr. Milligan has worked with these youth through CEOJJC but has retired, which gave us the opportunity to contract with him. The hope is that this project will be replicated in other Counties; it will start in Wasco County. An application has been submitted for a federal SAMHSA grant. Mr. Milligan will be assisting with the Youth Development Council Grant and Medicaid reimbursements to help offset the costs. The contract is for Mr. Milligan's assistance with the planning and development of the Assessment Center.

**{{{Commissioner Brady moved to approve the Contract for Consulting Services between Wasco County and Milligan Consulting LLC. Vice-Chair Hege seconded the motion which passed unanimously.}}}**

**Discussion Item – Clean Earth Pricing Rate Increase Agreement**

Community Development Director Kelly Howsley-Glover reviewed the Memo included in the Board Packet, pointing that there hasn't been a rate increase since 2019 and the industry trends for rapidly increasing rates. Chair Kramer said that he and the Director went through this agreement thoroughly, including meeting with a



representative from DEQ to come up with better solutions; unfortunately, no other solutions are available at this time. He said these rates are comparable to others in the industry, so we are staying with this company for this fiscal year. He said that for the next fiscal year they will go into contract negotiations and see if they what they can do to bring costs down.

Vice-Chair Hege asked if they would have enough funds to cover the events that we've done in the past. Ms. Howsley-Glover replied that Finance Director Mike Middleton participated in these discussions and we have decided to put some things on hold and reallocate some funding. She explained that the near-term outlook is that they will be able to sustain the program at the current rates for a number of events for the next 3-5 years. She pointed out that it's important these services are utilized by the community to make it cost effective; events not being used would have to be cut.

Vice-Chair Hege asked if we use all the services on the list or if the list was just an exhaustive list of all possible services most of which we don't use. Ms. Howsley-Glover replied that we don't use all the services, but only a couple handfuls. They rely on a professional vendor like Clean Earth with qualified chemists. Generally things like lightbulbs, paint, batteries, and household chemicals are seen at the events.

Commissioner Brady asked if the medical clinics are using this service, as well, as there are medical items on this list. Ms. Howsley-Glover said she believes that statutorily medical facilities are required to use a separate service

Chair Kramer said they are working on legislation regarding extended producer responsibility which will cut about \$12,000 in costs. He explained that all the things folks buy at the dollar store for their kids' birthdays, for example, have lithium batteries in them; when they're disposed of, they go to the landfill and create over 5,000 fires per year. He stressed the need for caution in battery disposal.

**{{Vice-Chair Hege moved to approve the Agreement for a pricing rate increase between Clean Earth Environmental Solutions, Inc. and Tri-County Household Hazardous Waste & Recycling Program. Commissioner Brady seconded the motion which passed unanimously.}}**

Discussion Item – Newspaper Designation for Foreclosures
--

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

Vice-Chair Hege commented that we have one printed newspaper and wondered what they would do if there were no more printed newspapers and if we would have to go to Portland to get these notices printed. He said he asked some media sources

out there if they knew if their news source would be able to publish this; they didn't know and are looking into it. He said it would be good to know what media sources we could use if there were no more printed newspapers.

He also pointed out that it's important that people see the publications and that the information is distributed widely; some folks say that they didn't see the published notices. He said that they do the best they can to get the information out there.

Chair Kramer added that the ORS are 50-100 years old and need modification.

**{{Vice-Chair Hege moved to approve Order 24-032 designating a newspaper for the publication of the annual tax foreclosure list. Commissioner Brady seconded the motion which passed unanimously.}}**

Discussion Item – NCPHD Board of Health Appointment
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Ms. Walker read the memo included in the Board Packet.

Commissioner Brady said that he recruited Ms. Starr and he's pleased that she's already taken an active interest in attending the Board of Health meetings. He pointed out that she is a South County resident so she'll bring a South County perspective to the Health District.

Vice-Chair Hege asked who this would be replacing. Commissioner Brady replied that she would replace Julie Whetzel.

**{{Commissioner Brady moved to approve Order 24-033 appointing Judy Starr to the North Central Public Health District Board of Health. Vice-Chair Hege seconded the motion which passed unanimously.}}**

#### DISCUSSION

Vice-Chair Hege pointed out that the Board of Health wouldn't approve the appointee; it's the Wasco County Commission who finds and appoints the people to the Board of Health whether or not they approve.

Executive Assistant Kathy Clark replied that traditionally the board for which the nominee will be appointed is asked for input before the applicant is appointed. She explained that the BOH clearly understands that the BOC has the authority to appoint the nominee; they are only sharing their support for this nomination.

Commissioner Brady said the language in the memo doesn't reflect what actually happened; he was asked by Public Health Director Shellie Campbell to find and appoint someone. Once he found a good candidate, he brought her to the BOH Meeting and they supported the nomination; then it was brought before the BOC for appointment.

Vice-Chair Hege said he thought Ms. Starr would be a wonderful candidate and supports this appointment.

Commissioner Brady added that NCPHD is still seeking a new director to replace Ms. Campbell; finding someone to replace her has been difficult.

**Consent Agenda – 6.5.2024 Regular Session Minutes, 6.11.2024 Special Session Minutes & 6.5.2024 City/County Joint Work Session Minutes**

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

**Commission Call**

Vice-Chair Hege said he went on a tour of the Wasco County Landfill which was valuable and educational; the staff responded to questions well. He said was impressed with the Landfill and the staff and their passion for operating it. He pointed out that the Landfill is going through the DEQ Permit Renewal process; Wasco County is not a part of that renewal process. He said that the Landfill is aware of the comments that people in the area have made and are making a strong effort to address the complaints and concerns. He said he was impressed with the Landfill's operations and how tidy it was for a landfill.

Vice-Chair Hege said he asked the staff about the life of the Landfill. He said they have other areas they can expand into that aren't a part of that 30 year forecast. He pointed out that their technology is evolving which will allow an increase in their capacity. He added that the life expectancy would be beyond 30 years; he doesn't think that in 30 years it would be gone and that there wouldn't be any more Landfill.

Commissioner Brady also went on a tour at the Landfill and was pleased with their proactivity. He explained that one of the complaints was the dirt on Highway 197; the Landfill is now planning to build a tire-cleaning station to resolve this issue.

Chair Kramer also went on tour with the Landfill. He encouraged the public to visit the Landfill if they had questions or want to see how it works; they want to be good partners and will give individual tours and make time to answer questions. He said that the Landfill is also proactively working with the truck companies to help resolve the traffic issue.

Chair Kramer opened the Planning Hearings at 9:31 a.m.

**Agenda Item –Comprehensive Plan Zoning Map Amendment Hearing**

Chair Kramer stated that we will now commence the July 3, 2024 public hearing for

**921-24-000049**, a review of a recommendation made by the Wasco County Planning Commission for:

A legislative hearing to consider approving amendments to the Wasco County Comprehensive Plan Zoning Map, based on mandatory amendments to the Columbia River Gorge National Scenic Area Land Use Designation Map.

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

As a reminder, the process for this amendment has been consistent with the **notice procedures** required by Chapter 2 of the LUDO, this hearing was advertised for today, July 3, 2024, 9:30 a.m. via electronic video conferencing, as permitted by Oregon Revised Statutes 192.640 and 192.670. Notice was provided in the newspaper and on the County's website.

This hearing is the first of two Board of County Commission hearings scheduled for this text amendment. The second hearing will be on July 17, 2024 at 9:30 AM.

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

Wasco County Comprehensive Plan Chapter 15

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

- (a) The Planning Department will provide a brief overview of their May 14, 2024 presentation of the amendments recommended by the Planning Commission.
- (b) The Board of Commissioners will ask questions of staff.
- (c) Members of the public are asked to testify.
- (d) The Board of Commissioners will deliberate and will provide direction to staff for any additional information or amendments they would like to see for the next hearing.

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

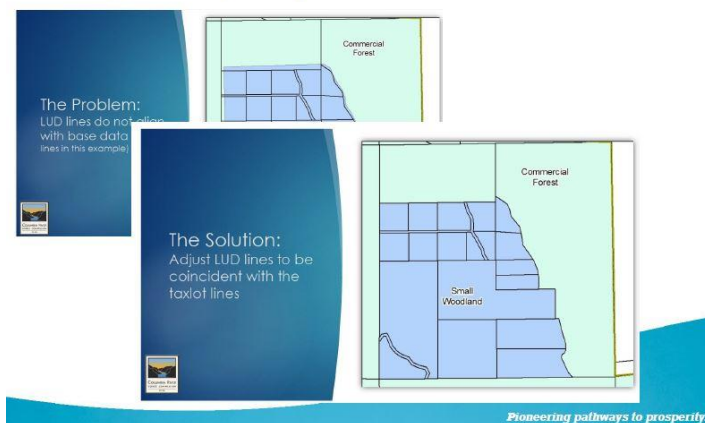
Chair Kramer asked Planning staff to provide an overview.

Ms. Howsley-Glover reviewed the Power Point Presentation in the Board Packet. The Columbia River Gorge National Scenic Area Commission entered an update to the Management Plan for the National Scenic Area (NSA) which was called Gorge 2020; they worked with GIS staff to do clarifications of the Land Use Designation (LUD), which is what they call zoning maps. She explained that they identified snapping errors, which is where the lines of properties didn't quite match up to zoning creating double or triple split-zones in some instances; the irregular silvers could then be cleaned up and removed.

Ms. Howsley-Glover said the Gorge Commission staff put in some amendments to the deer and elk winter range using old data. This has been flagged; Wasco County Planning and the Gorge Commission have been in talks since then. She explained that the Deer and Elk corrections have to be approved by the Secretary of Agriculture before we can adopt them, so she's separating out those updates to move forward with the clarifications at this time, as the clarifications will benefit the population.

- "Snapping" zoning to property lines, to remove many irregular slivers

This slide demonstrates the problem of snapping and how it's being corrected.



## Impact

- Should reduce development constraints
- Impacts roughly 150 properties
- Mandatory Update
- Notices were sent in March to impacted property owners
- Will be incorporated into the Wasco County Comprehensive Zoning Map

## Deer and Elk

- Staff identified a conflict between the proposed LUD revision and our new Deer and Elk Habitat (OZ 8)
- Worked with CRGC staff to revise
- Will wait for Secretary of Agriculture concurrence

Chair Kramer asked if there is any information not provided by staff that would assist the Board in reaching a decision and if there are any amendments not included that the Board would like to see. There was no reply.

Chair Kramer invited the public to testify.

Commissioner Brady asked if the slides regarding snapping errors are on the LUD and not the tax lots. Ms. Howsley-Glover replied affirmatively.

Commissioner Brady asked what happens when a tax lot contains 2 designations and if this happens a lot. Ms. Howsley-Glover replied that it isn't uncommon to have split-zone parcels in the scenic area.

Commissioner Brady asked if there were any requests or questions from the property owners regarding the notices that were sent out. Ms. Howsley-Glover replied that they have received some requests which resulted in a couple of people attending hearings at the Gorge Commission because of the staff's work in educating the people who responded.

Commissioner Brady asked about how big the irregular slivers are. Ms. Howsley-Glover replied that they vary and doesn't know for sure, but guesses they could be around 10-15 feet.

Vice-Chair Hege encouraged people to take a look at this material, even though the amount of material can seem overwhelming. He encouraged people to call or come into the Planning Department if anyone has any questions about this update or how this impacts them.

Vice-Chair Hege read the title of the Ordinance into the record: Ordinance 24-002 in the matter of the Wasco County Planning Commission's request to approve proposed legislative amendments to update the Wasco County Comprehensive Plan Zoning Map.

Chair Kramer concluded the hearing at 9:45 a.m.

<b>Agenda Item – National Scenic Area Land Use and Development Ordinance Update Hearing</b>
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Chair Kramer opened the hearing at 9:45 a.m.

Chair Kramer commenced the July 3, 2024 public hearing for 921-24-000026, a review of a recommendation made by the Wasco County Planning Commission for:  
A legislative hearing to consider approving amendments to the Wasco County National Scenic Area Land Use and Development Ordinance based on mandatory amendments required by the Columbia River Gorge Commission's National Scenic Area Management Plan and the Federal Emergency Management Agency's floodplain management rules.

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

As a reminder, the process for this amendment has been consistent with the **notice procedures** required by Chapter 2 of the LUDO, this hearing was advertised for today, July 3, 2024, 9:30 a.m. via electronic video conferencing, as permitted by Oregon Revised Statutes 192.640 and 192.670. Notice was provided in the newspaper and on the County's website.

This hearing is the first of two Board of County Commission hearings scheduled for

this text amendment. The second hearing will be on July 17, 2024 at 9:30 AM.

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

*National Scenic Area Land Use and Development Ordinance Sections:*

- Section 2.100(C); Section 9.010; Section 9.040; Section 9.070; Section 9.080; Section 9.090

*Oregon Revised Statutes:*

- ORS 197.610, ORS 197.612, ORS 197.615, ORS 197.763, and ORS 197.015(11)

*National Scenic Area Act and National Scenic Management Plan Section:*

- Part IV, Chapter 1, Section 6

*State of Oregon Flood Hazard Management Ordinance*

- (e) The Planning Department will provide a brief overview of their May 14, 2021 presentation of the amendments recommended by the Planning Commission.
- (f) The Board of Commissioners will ask questions of staff.
- (g) Members of the public are asked to testify.
- (h) The Board of Commissioners will deliberate and will provide direction to staff for any additional information or amendments they would like to see for the next hearing.

He asked if any Commission member wished to disqualify themselves for any personal or financial interest in this matter. There were none.

Chair Kramer asked Planning staff to provide an overview.

Long Range/Special Projects Planner Alice Cannon reviewed the Power Point Presentation included in the Board Packet. She gave some background explaining that in Wasco County, they have 2 Land Use Ordinances and 2 Comprehensive Plans because they are part of the National Scenic Area (NSA); this means they have to comply with federal laws, as well, as state and county laws. The NSA Comprehensive Plan is called the NSA Management Plan.

Ms. Cannon pointed out that this is not a major update, but is a smaller update that identifies and deals with several “housekeeping” issues. She highlighted the updates:

## Highlights

### 1. Added, corrected and/or deleted:

- Missing Ordinance adoption dates for record-keeping;
- Cross references/citations directing readers to another part of the NSA LUDO;
- Replaced defined terms with an acronym;
- Gender neutral language; and
- References to clarify process requirements

## Highlights

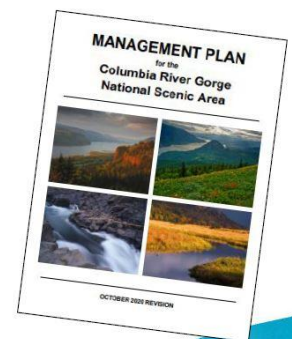
### 2. New language added to recognize the County's Hearings Officer as an authorized review authority for quasi-judicial land use decisions.

Ms. Cannon explained that this helps keep the Planning Commission focused on the big picture things including policies and puts the authority for land use decisions with a trained professional. This does not change the ability of any of those decisions to be appealed to the Board if the applicants so choose.

Ms. Cannon pointed out that the edits so far are not substantive. She will bring up some substantive changes later in the presentation.

## Highlights

### 3. Added and deleted language for consistency with the Columbia River Gorge Commission's Management Plan.



## Highlights

### 4. Added, deleted, and reorganized language to be consistent with the updated Federal Emergency Management Administration (FEMA) flood requirements and the *State Model Flood Hazard Ordinance*.

itself in compliance with those updated rules.

Ms. Cannon said that FEMA requires that all local governments have consistent flood development standards and will occasionally update their rules. The County is bringing



Ms. Cannon pointed out one of the highlights that is a benefit to property owners is explained with the next slide:

### Highlights

**6. New Regulations for “floodways”**

- Current regulations do not include specific standards for floodways
- Floodways are the areas within the stream channel, below the elevation of the 100 year floodplain. They are extremely hazardous areas due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential.

**7. Offer an “Expedited Review process” for floodplain development proposals that qualify.**

### Highlights

**5. New floodplain requirements for accessory or appurtenant structures.**

- Current floodplain hazard regulations do not recognize accessory buildings as different than habitable buildings.
- New language gives property owners relief from more limiting elevation and flood-proofing requirements for habitable residential and commercial buildings.



Ms. Cannon added that floodways will be on the maps that are adopted in the fall.

### Highlights

**8 9. Remove “Agricultural Labor Housing” as a use permitted conditionally in the Public Recreation (PR) Zone.**

- This code adjustment will bring the PR zone into compliance with the NSA Management Plan. Agricultural Labor Housing continues to be a use permitted conditionally in the A-1, A-2, F-1, and F-3 zones.

Ms. Cannon explained that there are less than a dozen properties within the PR Zone in the NSA and those are mostly owned by state and federal government entities and the railroad so this will have no substantive impact.

### May 14, 2024 Hearing: Feedback from Planning Commission:

Planning Commission unanimously recommended approval of the proposed NSA LUDO amendments and added language to fix a typo they identified in Section 21.310. Staff has adjusted the language in the current, proposed draft.

No public comments were received, only a clarifying question about the Planning Commission presentation.

### Since the May 14, 2024 hearing: Staff received comments from Oregon DLCD:

Comments contained deletions and additions to the proposed **draft floodplain hazard regulations**:

- Deleted terms and definitions no longer used;
- Added missing language and phrasing from the State Model Floodplain Code;
- Staff believes additions and deletions do not substantively change the draft reviewed by the Planning Commission on May 14.

Ms. Cannon stated that the Planning Commission recommends approval; next steps will be a hearing before the Columbia River Gorge Commission on September 10, 2024.

Chair Kramer asked if there is any information not provided by staff that would assist

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the Board in reaching a decision and if there are any amendments not included that the Board would like to see. There was no reply.

Vice Chair Hege asked to confirm if this governs NSA for all of Wasco County. Ms. Cannon replied affirmatively.

Vice-Chair Hege asked if the businesses of vineyards and wineries are also contained in the NSA LUDO and if there were any recent changes. Ms. Cannon replied that they are contained in the NSA LUDO. Ms. Howsley-Glover said that cideries were added.

Vice-Chair Hege asked if the Ordinance allows any food-related business to happen in the NSA such as commercial kitchens. Ms. Cannon replied that there are some standards relating to commercial activities that are permitted with some limitations associated with vineyards, wineries, and cideries.

Vice-Chair Hege asked why the Visual Quality Objective (VQO) definition was struck out. Ms. Cannon replied that definition is no longer in use in the NSA and is no longer needed.

Vice-Chair Hege asked what “applying new less stringent regulations to development approved under prior NSA regulations” under Section 2.030 means. Ms. Howsley-Glover replied that the National Scenic Act adopted by Congress carried with it some regulations for interim guidelines while the Management Plan was being developed. She explained there was a lot of litigation around the time of transition from interim guidelines to current guidelines and she believes those issues have been settled.

Vice-Chair Hege asked about “All mobile homes located on any lot or parcel in Wasco County....” under Section 4.100 Exterior finishing of mobile homes and if this would only be those located in the NSA in Wasco County. Ms. Howsley-Glover replied that they have a corollary in the Wasco County LUDO for exterior finishing of mobile homes.

Chair Kramer asked about Chapter 2 Section 2.300 D which has to do with the Planning Commission rules; it states that our “District Attorney or their Deputy shall act as legal advisor”. He said also at the end of the sentence “the County governing body may authorize the Commission to retain other counsel” , which he wanted to confirm that the County does retain outside counsel and they no longer use the District Attorney’s office for any counsel. Ms. Howsley-Glover replied affirmatively.

Vice-Chair Hege read the title of the Ordinance into the record: Ordinance 24-001 in the matter of the Wasco County Planning Commission’s request to approve proposed legislative amendments to update the Wasco County National Scenic Area

Land Use and Development Ordinance:

Chair Kramer invited the public to testify.

Chair Kramer closed the hearing at 10:15 a.m.

#### Agenda Item – Election Results

Chief Deputy Clerk Chrissy Zaugg reviewed the memo in the Board Packet.

Commissioner Brady asked if the counting went smoothly. Ms. Zaugg replied affirmatively. Commissioner Brady asked what the percentage of registered voters who voted was. Ms. Zaugg replied that the percentage was 37.46%.

Vice-Chair Hege asked if there was a recount. Ms. Zaugg replied that a recount was filed yesterday for the District Attorney's race and will take place in the Courthouse later this month.

Vice-Chair Hege asked what the recount process is. Ms. Zaugg replied that they will bring in their counting boards that will go box by box and separate out all the ballots for each candidate; including the write-ins, under votes, over votes. They will then count those and compare them to the original results.

Vice-Chair Hege asked when the last time we had a recount was. Ms. Zaugg replied there was a statewide recount in 2014 for the GMO bill. Vice-Chair Hege asked if the candidate who requests the recount pays for the costs of the recount. Ms. Zaugg replied affirmatively, unless the result changes; in which case they would then be reimbursed.

Commissioner Brady asked if the teams will duplicate the county. Ms. Zaugg replied affirmatively; that one set will count them and then another set will count the same thing. She said three teams won't count one box, but at least two teams will count each box.

#### Agenda Item – ORPD Hunt Park Grant Agreement

Administrative Services Director Ali Postlewait reviewed the memo in the Board Packet.

**{{Vice-Chair Hege moved to approve the OPRD County Opportunity Grant Program Agreement for Hunt Park between Wasco County and Oregon Parks & Recreation District. Commissioner Brady seconded the motion which passed unanimously.}}**

**Agenda Item – ORMAP IGA**

Survey & Engineering Technician Ivan Donahue reviewed the memo in the Board Packet explaining that the updates will start showing up in the online system. He the county will be fully re-mapped in 6-7 years; property lines will be within one foot of their actual location shown on the GIS maps.

Surveyor Brad Cross said they are switching their emphasis to Tygh Valley because the lines are about a 100 feet out; new FEMA maps are coming online next year so it will be important to get these corrected. He added that they are focusing on areas where the current mapping is particularly bad.

Vice-Chair Hege asked about the cost per tax lot and if it's the same across the board or if it's higher in these areas. Mr. Donahue said that costs are about the same for all tax lots.

Vice-Chair Hege asked Mr. Donahue how the remapping and training was coming and if it was challenging. Mr. Donahue said it was challenging work, but he met recently with Polk County and they saw the work that he did and said it was well-done. Mr. Cross said Mr. Donahue has been doing a great job moving through all the training.

Vice-Chair Hege commented that he would like to see a presentation after all the work has been done to see all the changes.

Commissioner Brady asked if there would be a conflict with our maps and the FEMA Maps coming out later this year given that their maps will be adjusted according to control points; he asked which of the two maps would be more authoritative. Mr. Cross said there shouldn't be any conflicts; they're using the same imagery. He said he can't see their being a debate about which maps would be more authoritative. Commissioner Brady asked about adjusting the property lines and if the new maps show someone now being in or out of the floodplain. Mr. Cross replied that no properties are being moved. He added that nothing is being changed; they're just aligning it with the aerial imagery into the correct position.

Commissioner Brady commented that the authority is with the control points on the ground. Mr. Cross confirmed that it the case.

**{{{Commissioner Brady moved to approve Department of Revenue ORMAP Intergovernmental Agreement #DOR-062-24. Vice-Chair Hege seconded the motion which passed unanimously.}}}**

**Agenda Item – Youth Think Updates**

Prevention Specialist Debby Jones reviewed the materials included in the Board Packet. Ms. Jones stated that when they did the 2 different youth assessments using an outside professional consultant they did a lot of listening sessions with the middle and high school youth as well as youth that are connected LGBTQ population. She reviewed the key themes in the Wasco County Youth Needs Assessment entitled "What's Strong with You". Ms. Jones explained that the smaller youth assessment was with youth who experienced substance use and addiction. The goal is to mitigate some unintended negative consequence for young people. Ms. Jones pointed out that Wasco County is getting a lot of positive attention because of how they are taking into account the beginning stages of these factors and not just the end.

Ms. Jones discussed the opioid settlement funds for Wasco County She said she'd give an update in August regarding how far they are in this process of requesting funding.

Ms. Jones stated that overall Oregon is a state that is seen to have good saturation with Narcan; community partners are looking at adding some vending machines. She pointed out that they can now use GPS equipment to determine the locations where more overdoses are occurring; looking at that data might be good in determining places to set up those vending machines. Ms. Jones explained that they are working closely with The Gorge Recovery Center on how to support harm reduction. She added that Youth Think's main mission is to identify the risk factors within Wasco County and how to mitigate them with protective factors.

Vice-Chair Hege thanked Ms. Jones for putting her passion into action for our youth. He asked for Ms. Jones' input on taking action to remove smart phones from educational environments like some other large areas are currently doing. Ms. Jones replied that she's a part of the National Screen Time Network; there are some great things happening in this area. We are just starting to get the data about how this affects youth. This is a huge issue; Youth Think would like to take an active role in helping Youth in this area.

Commissioner Brady asked about the finding issued by the Supreme Court on the Stacker family and if that will affect our settlement funds. Ms. Jones replied that there are 2 decisions that the State has not received any information on. Wasco County Commissioners were one of the first in Oregon to say that they are ready to accept the funds; if those funds come through, she will ask Lisa Shields about the latest on those Supreme Court decisions. Commissioner Brady thanked Ms. Jones for her presentation and the work she is doing.

Ms. Jones said she had a request to meet with 2 Representatives from the National Organization Partnership to End Addiction; they had remembered her from a

meeting she attended, and because of that thought of Wasco County for a potential project they'd like to do. The work of folks in Wasco County is getting noticed.

Chair Kramer thanked Ms. Jones for her advocacy. He said that she, Molly, and he need to strategize for the next 6 months as AOC takes on Wasco County's priorities. Youth, adult, and seniors are key priorities going into the legislative sessions. Because New York and Los Angeles are going to ban cell phones in educational environments; the Surgeon General is coming out with information about detrimental effects as well. He emphasized that his needs prioritization and that we need to figure out how Wasco County can be a leader at the State level. Ms. Jones said she is prepared to do that with the most updated data. She said she also wants to look at banning flavored vape pens. Chair Kramer said he would like to strategize further about how he can be of service so we can do better for Wasco County youth.

#### Agenda Item – Insurance Report

The Partners Group LLC Insurance Agents Breanna Wimber and Tom BeLusko reviewed the material in the Board Packet.

Ms. Wimber said CIS premiums are a little higher than last year, because property was added. Wasco County has continued to participate in the Retro-deductible Plan which has netted \$170,000 savings over the last 10 years.

Ms. Wimber said they moved the Workers Compensation insurance limit from a \$500,000 limit up to a \$3,000,000 limit. She explained that it was a small premium-bearing change with a big impact on the amount of coverage.

The Mod factor not only determines the premium and informs them that employees are getting home safe and things are trending downward. She said in 2021 Wasco County was at 1.31 which meant they were getting a surcharge; the next year it went down to 1.24. She said in 2023 it was .98 which netted a discount; this year it dropped to .88 so there is a discount this year.

Each year, SAIF may or may not award us a dividend; depending on the last 3 years of business.

Commissioner Brady asked where the funds go if we are awarded a dividend. Ms. Wiimber replied she didn't know the County's internal process.

Vice-Chair Hege asked what the Retro-Deductible program is and how it works. Mr. BeLusko explained that there is a look back at the County's risk level and they are credited for minimal risk; over the last 10 years this has resulted in a savings of about \$170,000.

Human Resources Director Fiona Ferguson explained that there's a medical only plan we participate in where after the case is closed we have the option quarterly to pay those claims off. It lowers our rate and the dividend money counterbalances some of that the cost.

Commissioner Brady asked for a description of the mod factor. Ms. Wimber replied that SAIF Workers Compensation assesses a mod each year to Workers Compensation policy renewals. The numbers reflect a calculation of past experience. Mr. BeLusko added that as claims frequency and severity go higher, the mod factor rises; any figure below 1.0 would reflect a credit due; any figure higher would show a surcharge.

Tom BeLusko explained that the Partner's Group represents Wasco County, but CIS works; it is a huge advantage to get insurance through a public entity pool.

Ms. Wimber said she works closely with Wasco County's Information Services Director to obtain a multitude of renewal quotes. Wasco County continues to strengthen its cyber resiliency and has been doing a great job. This year the premium went from up to \$33,481 from last year's premium of \$33,000.

#### Commission Call Continued

Commissioner Brady shared that the Mid-Columbia Community Action Council (MCCAC) partner agencies are currently moving into the Gloria Center. He reported that a couple of people have shared that they appreciate that there's a County fireworks ban. He also reported that he will be following in Chair Kramer's footsteps in a co-chair position for the AOC Health and Human Services Committee.

Commissioner Brady said they all met with folks from Columbia Land Trust; he said he was pleased to see that they're very strategic in the ways they are working with the lands they are conserving.

Vice-Chair Hege reported that he had a conversation with the Director of the Gorge Commission yesterday; he said the County and the Gorge Commission have been attempting to work out their differences. He said the Gorge Commission had submitted a Legislative Concept to the Governor's office for the next session, but that was pulled. Wasco County is very appreciative of this. The Gorge Commission is willing to work with Wasco County as partners on this in the future.

Vice-Chair Hege and Commissioner Brady stated they will be attending the National Association of Counties Conference next week.

Chair Kramer said the County Fair is moving forward. They're still looking for volunteers. Health and Human Services at AOC are priorities this year, which

includes working with the youth and seniors.  
Chair Kramer adjourned the meeting at 11:48 a.m.

### Summary of Actions

- **To approve the Contract for Consulting Services between Wasco County and Milligan Consulting LLC.**
- **To approve the Agreement for a pricing rate increase between Clean Earth Environmental Solutions, Inc. and Tri-County Hazardous Waste Management.**
- **To approve Order 24-032 designating a newspaper for the publication of the annual tax foreclosure list.**
- **To approve Order 24-033 appointing Judy Starr to the North Central Public Health District Board of Health.**
- **To approve the Consent Agenda: 6.5.2024 Regular Session Minutes, 6.11.2024 Special Session Minutes, 6.5.2024 City/County Joint Work Session Minutes**
- **To approve the OPRD County Opportunity Grant Program Agreement for Hunt Park between Wasco County and Oregon Parks & Recreation District.**
- **To approve Department of Revenue ORMAP Intergovernmental Agreement #DOR-062-24.**

Wasco County  
Board of Commissioners

  
Steven D. Kramer, Commission Chair

  
Scott C. Hege, Vice-Chair

  
Philip L. Brady, County Commissioner





## MEMORANDUM

**SUBJECT** Milligan Consulting Contract for Services

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**TO:** BOARD OF COUNTY COMMISSIONERS

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**FROM:** MOLLY ROGERS

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**DATE:** 06.24.2024

### **BACKGROUND INFORMATION:**

THE CONTRACT BETWEEN WASCO COUNTY AND MILLIGAN CONSULTING LLC IS FOR THE CONSULTING FIRM THAT HAS BEEN WORKING WITH US ON THE ASSESSMENT CENTER PROJECT FOR THE PAST SIX MONTHS. THE FIRM HAS BEEN PAID THROUGH THE CENTRAL AND EASTERN OREGON JUVENILE JUSTICE CONSORTIUM (CEOJJC).

SINCE THIS IS A WASCO COUNTY-SPECIFIC PROJECT, THE CONSULTANT WILL BE TRANSFERRED TO WASCO COUNTY PAYROLL AT THE END OF THE CURRENT FISCAL YEAR.

**SUBSTANCE ABUSE TREATMENT  
CONSULTING SERVICES CONTRACT**

This Contract is by and between Wasco County (“**COUNTY**”) and Milligan Consulting LLC, (“**CONSULTANT**”), for the development for a Youth Assessment Center programming for the Department of Youth Services COUNTY in furtherance of its goal to provide evidence based and best practices for services to youth within Wasco County.

**A. RECITALS**

COUNTY has the need for the services of a person or entity with particular training ability, knowledge and experience as possessed by CONSULTANT. COUNTY has determined that CONSULTANT is qualified and capable of performing the professional services as COUNTY requires, under the terms and conditions set forth.

**B. CONTRACT EXHIBITS**

The following exhibits are hereby incorporated by reference into this Contract:

Exhibit A      Scope of Work

**C. AGREEMENT**

**1. Term**

The term of this Contract shall be from its execution to project completion by no later than June 30<sup>th</sup>, 2024, through December 31, 2024. Additional periods of time upon mutual agreement of both parties.

**2. Scope of Work**

CONSULTANT shall provide all services and deliver all materials as specified in the attached Exhibit A. All services and materials shall be provided by CONSULTANT in accordance with the Exhibit in a competent and professional manner.

**3. Compensation**

3.1 Payment. CONSULTANT shall complete the Scope of Work as defined above at a rate \$60 per hour of not to exceed \$4000.00 per month and Payments shall not exceed \$24,000.

3.2 Payments. COUNTY will review CONSULTANT’s invoice and within ten (10) days of receipt notify CONSULTANT in writing if there is a disagreement or dispute with the invoice. If there are no such disputes with the invoice, COUNTY shall pay the invoice amount in full within thirty (30) days of invoice date.

#### **4. Consultant Is an Independent Contractor**

CONSULTANT shall be an independent contractor for all purposes and shall be entitled to no compensation other than the compensation provided for under this Contract. While COUNTY reserves the right to set the schedule and evaluate the quality of CONSULTANT's completed work, COUNTY cannot and will not control the means and manner of CONSULTANT's performance. CONSULTANT is responsible for determining the appropriate means and manner of performing work. CONSULTANT is responsible for all federal and state taxes applicable to compensation and payment paid to CONSULTANT under the Contract and will not have any amounts withheld by COUNTY to cover CONSULTANT's tax obligations. CONSULTANT is not eligible for any COUNTY fringe benefit plans.

#### **5. Notices**

All notices provided for hereunder shall be in writing and shall be deemed to be duly served on the date of delivery if delivered in person, when receipt of transmission is generated by the transmitting facsimile machine if delivered by facsimile transmission, on the day after deposit if delivered by overnight courier, or three days after deposit if delivered by placing in the U.S. mail, first-class, postage prepaid. Any notice delivered by facsimile transmission shall be followed by a hard copy. All notices shall be addressed as follows:

COUNTY: Molly Rogers, Director  
Wasco County Youth Services  
202 East Fifth Street  
The Dalles, OR 97058

Tyler Stone, Administrative Officer  
Wasco County  
511 Washington Street, Suite 101  
The Dalles, OR 97058

CONSULTANT: Jeff Milligan, Milligan Consulting, LLC  
2994 Chief Quinaby Ln NE  
Salem, OR 97303

#### **6. Indemnification**

To the extent permitted by applicable law, CONSULTANT shall defend, save, and hold COUNTY harmless and its officers, agents, and employees from and against any and all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of, or relating to the operations of the CONSULTANT, including but not limited to the activities of CONSULTANT or its officers, employees, agents or subcontractors under this Agreement. CONSULTANT shall

not be deemed an agent of COUNTY under the Oregon Tort Claims Act.

## **7. Insurance Requirements**

- 7.1 During the term of this Contract, CONSULTANT shall maintain, at its own expense, Professional Liability Insurance covering any damage caused by error, omission or negligent act related to the CONTRACTOR'S services, with limits not less than \$2,000,000.00.
- 7.2 Insurance coverage shall be maintained for a period of 2 years after completion of this Contract. It shall also include a 2 year "tail" policy for any "claims made" policies made part of this Contract.
- 7.3 Policies shall provide that COUNTY, its directors, officers, representatives, employees, and agents will be included as an additional insured with respect to the coverages required in Section 8.1 and a waiver of subrogation against them shall be obtained for all coverages.
- 7.4 All coverages under Section 7.1 shall be primary over any insurance COUNTY may carry on its own.
- 7.5 CONSULTANT shall be solely responsible for any loss, damage or destruction to its own property and materials used in conjunction with the work or services under this Contract.
- 7.6 CONSULTANT shall furnish COUNTY with certificates of insurance evidencing all required coverages prior to commencing any work or services under this Contract. If requested by COUNTY, CONSULTANT shall furnish COUNTY with executed copies of such policies of insurance. CONSULTANT shall furnish COUNTY with at least 30-days' written notice of cancellation of, or any modification to, the required insurance coverages. Failure to maintain any required insurance coverages in the minimum required amounts shall constitute a material breach of this Contract and shall be grounds for immediate termination of this Contract.

## **8. Workers' Compensation**

- 8.1 CONSULTANT, its subcontractors, if any, and all employers working under this Contract are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all subject workers.
- 8.2 CONSULTANT warrants that all persons engaged in Contract work and subject to the Oregon Workers' Compensation Law are covered by a workers' compensation plan or insurance policy that fully complies with Oregon law. CONSULTANT shall indemnify COUNTY for any liability incurred by COUNTY as a result of

CONSULTANT's breach of the warranty under this paragraph.

**9. Assignment**

CONSULTANT may not assign any of its responsibilities under this Contract without COUNTY's prior written consent, which consent may be withheld in COUNTY's sole discretion. CONSULTANT may not subcontract for performance of any of its responsibilities under this Contract without COUNTY's prior written consent, which consent shall not be unreasonably withheld.

**10. Labor and Material**

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

**11. Ownership of Work and Documents**

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

**12. Termination for Convenience**

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

**13. Termination for Cause**

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

- 13.1 If COUNTY funding is not obtained and continued at levels sufficient to allow for purchases of the indicated quantity of services. The Contract may be modified to accommodate a reduction in funds.
- 13.2 If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Contract or are no longer eligible for the funding proposed for payments authorized by this Contract.
- 13.3 If any license or certificate required by law or regulation to be held by CONSULTANT to provide the services required by this Contract is for any reason denied, revoked, or not renewed.

#### **14. Termination for Default**

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

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

#### **15. Remedies**

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

- 15.1 If terminated under paragraph 14 by COUNTY due to a breach by CONSULTANT, COUNTY may complete the work either itself, by agreement with another contractor, or by a combination thereof.
- 15.2 In addition to the above remedies for a breach by CONSULTANT, COUNTY also shall be entitled to any other equitable and legal remedies that are available.
- 15.3 If COUNTY breaches this Contract, CONSULTANT's remedy shall be limited to termination of the Contract and receipt of Contract payments to which CONSULTANT is entitled.
- 15.4 COUNTY shall not be liable for any indirect, incidental, consequential, or special damages under the Contract or any damages arising solely from terminating the

Contract in accordance with its terms.

- 15.5 Upon receiving a notice of termination, and except as otherwise directed in writing by COUNTY, CONSULTANT shall immediately cease all activities related to the services and work under this Contract. As directed by COUNTY, CONSULTANT shall, upon termination, deliver to COUNTY all then existing work product that, if the Contract had been completed, would be required to be delivered to COUNTY.

**16. Nondiscrimination**

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

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

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

**18. Compliance with Laws and Regulations**

CONSULTANT shall comply with all state and local laws, regulations, executive orders and ordinances applicable to this Contract or to the delivery of services hereunder. Without limiting the generality of the foregoing, CONSULTANT expressly agrees to comply with the following laws, regulations and executive orders to the extent they are applicable to this Contract: a) All applicable requirements of state civil rights and rehabilitation statutes, rules, and regulations; b) All state laws governing operation of Addictions and Community Mental Health Programs; c) All state laws requiring reporting of Client abuse; d) ORS 659A.400 to 659A.409, ORS 659A.145, and all regulations and administrative rules established pursuant to those laws. These laws, regulations and executive orders are incorporated by reference herein to the extent that they are applicable to this Contract and required by law to be so incorporated.

**19. Experience, Capabilities and Resources**

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

**20. Documents**

All work in its original form, including, but not limited to, documents, notes, papers, computer programs, diaries, recordings and reports performed or produced by CONSULTANT under this contract shall be the exclusive property of the COUNTY and shall be delivered to COUNTY prior to final payment.

**21. Access to Records**

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

**22. Representations and Warranties**

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

**23. Attorney Fees**

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

**24. Limitation of Liabilities**

COUNTY shall not be liable for (i) any indirect, incidental, consequential, or special damages under the Contract or (ii) any damages of any sort arising solely from the termination of this Contract in accordance with its terms.

**25. Confidentiality**

CONSULTANT shall maintain the confidentiality of any of COUNTY's information that



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

CONSULTANT shall ensure that patient's privacy is protected and that confidential records are secure from unauthorized disclosure consistent with the HIPPA confidentiality requirements of 45 CFR parts 160 and 164, and consistent with other state or federal regulations governing privacy and confidentiality.

**26. Force Majeure**

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

**27. Waivers**

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

**28. Severability**

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

**29. Headings**

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

**30. Integration**

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

**31. Amendments**

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

**32. Authority**

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

WASCO COUNTY, OREGON

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

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

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

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

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

\_\_\_\_\_  
Philip L. Brady, County Commissioner

CONTRACTOR

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

By: \_\_\_\_\_

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

Address: \_\_\_\_\_

Tax Id. No. \_\_\_\_\_

APPROVED AS TO FORM

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

\_\_\_\_\_  
KRISTEN A. CAMPBELL  
Wasco County Counsel

## **Exhibit A**

### **Scope of Work**

1. Contractor will assist Wasco County Department of Youth Services in the design and project implementation of the Wasco County Multi-Agency Resource Center (MARC) through direct liaison with Oregon Department of Human Services (ODHS), Oregon Health Authority (OHA), Oregon Department of Education (ODE) and Oregon Youth Authority (OYA).
2. Coordinate and collaborate with funding partners to write grants and develop a funding model with ODHS using federal draw down funds.
3. Provide facilitation and project notes during community based meetings for the MARC. Document the framework to be used as a statewide model for replication throughout Oregon.
4. Participate in data collection and research opportunities with ODHS and OYA.



## MOTION

**SUBJECT:** Milligan Consulting, LLC Contract

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I move to approve the Contract for Consulting Services between Wasco County and Milligan Consulting LLC.



**Memorandum**

**SUBJECT: HHWR Clean Earth Pricing Update**

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**TO: BOARD OF COUNTY COMMISSIONERS**

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**FROM: KELLY HOWSLEY GLOVER, PLANNING DIRECTOR**

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**DATE: 6/14/2024**

The Tri-County Hazardous Waste and Recycling Steering Committee has recommended the Board sign the Clean Earth addendum pricing rate increase effective immediately. Clean Earth services the Tri-County region by handling, transport, and proper disposal of hazardous waste collected at our over 18 annual collection events.

## QUOTE - ADDENDUM

June 7, 2024

Dr. Howsley-Glover  
Tri-County Hazardous Waste Management Program  
2705 E. Second Street  
The Dalles, OR 97058

Thank you for allowing Clean Earth Environmental Solutions, Inc. by and through any of its subsidiaries or affiliates ("Clean Earth") to service your waste management needs. This addendum is to add additional services or pricing to your existing agreement with Clean Earth either at your request, or due to items or services performed that are not in your existing pricing schedule with us. Please see the below pricing schedule that will be added to your existing agreement as referenced below.

Pricing below reflects the addition or changes for specific material to be added to the Master Services Agreement (MSA).

### Pricing Details:

Disposal Charges:				
Process Code	Description	UOM	Current Price	New 2024 Price
INC19	VAPE PENS / E CIGARETTES WITH	MN05	\$ 497.50	\$ 525.00
INC19	VAPE PENS / E CIGARETTES WITH	MN15	\$ 575.00	\$ 595.00
INC19	VAPE PENS / E CIGARETTES WITH	MN30	\$ 733.45	\$ 750.00
INC19	VAPE PENS / E CIGARETTES WITH	MN55	\$ 967.65	\$ 995.00
INC19	VAPE PENS / E CIGARETTES WITH	P	\$ 3.87	\$ 4.15
3PTRCOSTPL	Third Party Transportation, Cost Plus	S	\$ 1.15	\$ 1.15
ADMCAN	Cancellation Fee	E	\$ -	\$ -
ADMMAN	Manifest Discrepancy/Paperwork Error	E	\$ 75.00	\$ 80.00
ADMMILE	Equipment Van Mileage	Z	\$ 1.24	\$ 1.35
ADMOVPK	Overpack Handling Fee	E	\$ 50.00	\$ 52.00
ADMPRORU	24 hour rush profile fee	E	\$ 150.00	\$ 155.00
ADMREJECT	Rejection Fee	E	\$ 75.00	\$ 80.00
ADMREPK	Repacking/Overpacking fee	E	\$ 150.00	\$ 155.00
ADMSTOR	Discrepant - Storage Fee	D	\$ 25.00	\$ 30.00

ADMTD	Disposal event trash	R	\$ 120.00	\$ 135.00
AF01	Alternate fuel, <1" Sludge, (<3% halogens), BTU > 5000	DM15	\$ 54.10	\$ 75.00
AF01	Alternate fuel, <1" Sludge, (<3% halogens), BTU > 5000	DM20	\$ 54.10	\$ 75.00
AF01	Alternate fuel, <1" Sludge, (<3% halogens), BTU > 5000	DM30	\$ 70.33	\$ 105.00
AF01	Alternate fuel, no sludge (<3%)	DM55	\$ 70.33	\$ 155.00
AF01	Alternate fuel, <1" Sludge, (<3% halogens), BTU > 5000	DM85	\$ 105.00	\$ 195.00
AF01	Alternate fuel, <1" Sludge, (<3% halogens), BTU > 5000	T275	\$ 351.65	\$ 560.00
AF02	Alternate fuels, <25% sludge	DM55	\$ 70.33	\$ 180.00
AF03	Alternate fuel, 25-50% sludge, (<3% halogens), BTU > 8000	DM55	\$ 81.15	\$ 215.00
AF04	Alternate fuel, >50% sludge, (<3% halogens), BTU >10,000	DM55	\$ 81.15	\$ 265.00
AF04	Alternate fuel, >50% sludge, (<3% halogens), BTU >10,000	T275	\$ 405.75	\$ 1,275.00
AF05	Fuel, non regulated	DM05	\$ 40.00	\$ 50.00
AF05	Fuel, non regulated	DM15	\$ 40.00	\$ 75.00
AF05	Fuel, non regulated	DM30	\$ 52.75	\$ 115.00
AF05	Alternate fuel, <3" sludge, <3% halogens, non-regulated, BTU > 5000	DM55	\$ 70.33	\$ 155.00
AF05	Fuel, non regulated	DM85	\$ 70.33	\$ 195.00
AF05	Fuel, non regulated	T275	\$ 351.65	\$ 560.00
AF05	Fuel, non regulated	T330	\$ 421.98	\$ 675.00
AF06	Loosepack paints and fuels	BX	\$ 292.14	\$ 425.00
AF06	Loosepack paints and fuels	DM55	\$ 88.72	\$ 160.00
AF06	LOOSEPACK PAINT, FUEL, PROCESSABLE, FOR THERMAL TREATMENT	DM85	\$ 133.08	\$ 225.00
INC01	Aerosols/paint, flammable or non-flammable	DM55	\$ 156.89	\$ 350.00
INC02	Aerosols, pesticide, adhesive, corrosive	BX	\$ 541.00	\$ 985.00
INC02	Aerosols - pesticide, corrosive, adhesive	DM05	\$ 54.10	\$ 145.00
INC02	Aerosols - pesticide, corrosive, adhesive	DM10	\$ 86.29	\$ 175.00
INC02	Aerosols, pesticide, adhesive, corrosive	DM15	\$ 86.29	\$ 215.00
INC02	Aerosols - pesticide, corrosive, adhesive	DM20	\$ 86.28	\$ 215.00
INC02	Aerosols, pesticide, adhesive, corrosive	DM30	\$ 86.29	\$ 280.00
INC02	Aerosols - pesticide, corrosive,	DM55	\$ 156.89	\$ 315.00

	adhesive			
INC03-1M	Category 1 cylinders, medium (12" Diameter x 36" Length), for recycle or disposa	E	\$ 168.00	\$ 175.00
INC03-2M	Category 2 cylinders, medium (12" Diameter x 36" Length), for recycle or disposa	E	\$ 1,015.78	\$ 1,250.00
INC03-4L	Category 4 cylinders, large (16" Diameter x 56" Length), for recycle or disposa	E	\$ 412.00	\$ 445.00
INC08	Liquids -pesticide solutions	BX	\$ 1,140.00	\$ 1,250.00
INC08	Liquids - pesticide solutions	DM05	\$ 54.10	\$ 125.00
INC08	Liquids -pesticide solutions	DM30	\$ 178.53	\$ 325.00
INC08	Liquids -pesticide solutions	DM55	\$ 285.00	\$ 425.00
INC08	Liquids - pesticide solutions	T275	\$ 1,425.00	\$ 1,550.00
INC09	Liquids- waters (Lean), < 5% chlorinated solvents , <2500 btu	DM05	\$ 166.00	\$ 175.00
INC09	Liquids- waters (Lean), < 5% chlorinated solvents , <2500 btu	DM15	\$ 248.00	\$ 255.00
INC09	Liquids- waters (Lean), < 5% chlorinated solvents , <2500 btu	DM30	\$ 384.00	\$ 395.00
INC09	Liquids- waters (Lean), < 5% chlorinated solvents , <2500 btu	DM55	\$ 491.00	\$ 515.00
INC11	Oxidizers, solids/liquids, for incineration,	DM05	\$ 538.00	\$ 575.00
INC11	Oxidizers, solids/liquids, for incineration,	DM15	\$ 1,048.00	\$ 1,075.00
INC11	Oxidizers, solids/liquids, for incineration,	DM30	\$ 1,299.00	\$ 1,350.00
INC11	Oxidizers, solids/liquids, for incineration,	DM55	\$ 1,709.00	\$ 1,795.00
INC13	Sludge, soil, debris, rags, pads, consumer commodities (>250 pounds)	DM10	\$ 108.20	\$ 115.00
INC13	Sludge, soil, debris, rags, pads, consumer commodities (>250 pounds)	DM30	\$ 89.27	\$ 225.00
INC13	Sludges, debris, rags and pads	DM55	\$ 161.00	\$ 275.00
INC14	Incineration labpack	DM05	\$ 54.10	\$ 125.00
INC14	Labpack, Non-Reactive, for Incineration	DM10	\$ 108.20	\$ 165.00
INC14	Labpack, Non-Reactive, for Incineration	DM20	\$ 172.58	\$ 175.00
INC14-A	Lab Pack, Incineration, Organic Acids	DM15	\$ 108.20	\$ 175.00
INC14-A	Lab Pack, Incineration, Organic Acids	DM55	\$ 162.30	\$ 225.00
INC14-B	Lab Pack, Incineration, Organic	DF55	\$ 162.30	\$ 225.00



	Bases			
INC14-B	Lab Pack, Incineration, Organic Bases	DM05	\$ 56.81	\$ 125.00
INC14-B	Lab Pack, Incineration, Organic Bases	DM15	\$ 81.15	\$ 175.00
INC14-B	Lab Pack, Incineration, Organic Bases	DM30	\$ 121.73	\$ 205.00
INC14-E	Lab Pack, Incineration, Oxidizers	BX	\$ 714.12	CBC
INC14-E	Lab Pack, Incineration, Oxidizers	DF55	\$ 178.53	\$ 650.00
INC14-E	Lab Pack, Incineration, Oxidizers	DM05	\$ 62.49	\$ 225.00
INC14-E	Lab Pack, Incineration, Oxidizers	DM15	\$ 89.27	\$ 450.00
INC14-E	Lab Pack, Incineration, Oxidizers	DM30	\$ 133.90	\$ 595.00
INC14-E	Lab Pack, Incineration, Oxidizers	DM55	\$ 178.53	\$ 650.00
INC14-F	Lab Pack, Incineration, Pesticides	BX	\$ 557.24	\$ 995.00
INC14-F	Lab Pack, Incineration, Pesticides	DM05	\$ 54.10	\$ 125.00
INC14-F	Lab Pack, Incineration, Pesticides	DM15	\$ 108.20	\$ 175.00
INC14-F	Lab Pack, Incineration, Pesticides	DM30	\$ 133.90	\$ 250.00
INC14-F	Lab Pack, Incineration, Pesticides	DM55	\$ 178.53	\$ 320.00
INC15	Labpack, reactive incineration	DM01	\$ 54.10	\$ 195.00
INC15	Labpack, reactive incineration	DM05	\$ 54.10	\$ 195.00
INC15	Labpack, Reactive (D003), PIH Chemicals, P listed Chemicals	DM20	\$ 208.29	\$ 795.00
INC15	Labpack, Reactive (D003), PIH Chemicals, P listed Chemicals	DM55	\$ 178.53	\$ 1,325.00
INC15-D1	Lab Pack, Incineration, Flammable Solids (DOT 4.1)	DM05	\$ 54.10	\$ 195.00
INC15-D1	Lab Pack, Incineration, Flammable Solids (DOT 4.1)	DM55	\$ 178.53	\$ 1,325.00
INC15-D2	Lab Pack, Incineration, Spontaneously Combustible (DOT 4.2)	DM05	\$ 54.10	\$ 195.00
INC15-D2	Lab Pack, Incineration, Spontaneously Combustible (DOT 4.2)	DM15	\$ 208.29	\$ 445.00
INC15-D2	Lab Pack, Incineration, Spontaneously Combustible	MN05	\$ 54.10	\$ 195.00
INC15-E1	Lab Pack, Incineration,	DM05	\$ 54.10	\$ 195.00

	Perchloric Acid, Hydrogen Peroxide			
INC15-E2	Lab Pack, Incineration, Reactive, Organic Peroxides (DOT 5.2)	DM05	\$ 54.10	\$ 195.00
INC15-W	Lab Pack, Incineration, Water Reactives (DOT 4.3)	MN05	\$ 54.10	\$ 195.00
INC15-W	Lab Pack, Incineration, Water Reactives (DOT 4.3)	P	\$ 3.50	\$ 7.25
INC20	Acidic corrosive liquids, for neutralization & incineration or direct incinerati	DM55	\$ 162.30	\$ 525.00
INC21	Alkaline corrosive liquids, for neutralization & incineration or direct incinera	DM05	\$ 175.70	\$ 180.00
INC21	Alkaline corrosive liquids, for neutralization & incineration or direct incinera	DM15	\$ 251.00	\$ 275.00
INC21	Alkaline corrosive liquids, for neutralization & incineration or direct incinera	DM30	\$ 376.50	\$ 395.00
INC21	Alkaline corrosive liquids, for neutralization & incineration or direct incinera	DM55	\$ 502.00	\$ 525.00
INC25	Pesticide Solids/Debris for incineration	BX	\$ 557.23	\$ 825.00
INC25	Pesticide Solids/Debris for incineration	DM55	\$ 178.53	\$ 375.00
INC31-3	RCRA/Non RCRA Healthcare Debris for RCRA Incineration (No Sharps, No P-List)	DM05	\$ 100.00	\$ 175.00
LBDIEMST	Per-diem, (Charge per day per person), PSC	D	\$ 83.31	\$ 240.00
LBENVSPST	Environmental Specialist straight time	H	\$ 47.61	\$ 84.00
LBENVST	Environmental Specialist, Straight Time, hourly rate	H	\$ 47.61	\$ 84.00
LBENVST	Environmental Technician, Straight Time, hourly rate	H	\$ 37.87	\$ 54.00
LBSPECST	Lead Specialist, Straight Time, hourly rate	H	\$ 53.02	\$ 89.00
LBSUPVST	Supervisor, Straight Time	H	\$ 53.02	\$ 89.00
LBTRAVST	Travel Time, Straight Time, hourly rate	H	\$ 35.71	\$ 57.00
LF01	Landfill ready, non-regulated	DM05	\$ 54.10	\$ 65.00
LF01	Landfill ready, non-regulated	DM30	\$ 113.61	\$ 120.00
LF01	Landfill ready, non-regulated	DM55	\$ 113.61	\$ 125.00
LF04	Crushed empty drums, no rinse required	E	\$ 40.00	\$ 45.00

LF08	Landfill wet, solids with free liquids, 90% max liquids, solidify, California st	DM05	\$ 109.90	\$ 125.00
LF08	Landfill wet, solids with free liquids, 90% max liquids, solidify, California st	DM15	\$ 157.00	\$ 165.00
LF08	Landfill wet, solids with free liquids, 90% max liquids, solidify, California st	DM30	\$ 235.50	\$ 250.00
LF08	Landfill wet, solids with free liquids, 90% max liquids, solidify, California st	DM55	\$ 314.00	\$ 335.00
LF11	Asbestos, double bagged and wetted, for landfill, regulated	DM05	\$ 54.10	\$ 95.00
LF11	Asbestos, double bagged and wetted, for landfill, regulated	DM20	\$ 113.61	\$ 145.00
LF11	Asbestos, double bagged and wetted, for landfill, regulated	DM30	\$ 113.61	\$ 145.00
LF11	Asbestos, double bagged and wetted, for landfill, regulated	DM55	\$ 208.28	\$ 225.00
LF13-L	cylinders, inert asses, medium (12 in diameter x 36 in length) for discharge, ca	E	\$ 53.52	\$ 75.00
LF13-LE	Cylinders, inert Gasses, lecture bottles (3in diameter x 12 inch leng) for disch	E	\$ 55.07	\$ 75.00
LF13-M	Clyinders, inert gasses, large(16 in diameter x 56 in length) for discharge, car	E	\$ 61.78	\$ 75.00
LF13-S	cylinders, inert gasses, small (4 in diamerter x 24 in lenght) for discharge	E	\$ 68.35	\$ 75.00
PCB01	PCB ballast or capacitors for Incineration	DM05	\$ 53.02	\$ 125.00
PCB01	PCB ballast or capacitors for Incineration	DM55	\$ 151.48	\$ 325.00
PCB02	PCB debris	DM55	\$ -	\$ 375.00
PCB03	PCB transformer oil	DM55	\$ 394.93	\$ 450.00
PCB07	Transformer drain and flush	DM55	\$ 394.93	\$ 450.00
PCB09	PCB debris/ballast <9lbs (landfill)	DM05	\$ 54.10	\$ 125.00
PCB09	PCB ballast or capacitors < 9lbs, non-leaking, TSCA exempt, for TSCA Landfill	DM10	\$ 54.10	\$ 125.00
PCB09	PCB ballast or capacitors < 9lbs, non-leaking, TSCA exempt, for TSCA Landfill	DM15	\$ 83.31	\$ 175.00
PCB09	PCB ballast or capacitors for	DM20	\$ 83.31	\$ 175.00

	TSCA Landfill			
PCB09	PCB ballast or capacitors for TSCA Landfill	DM30	\$ 151.48	\$ 245.00
PCB09	PCB ballast or capacitors < 9lbs, non-leaking, TSCA exempt, for TSCA Landfill	DM55	\$ 151.48	\$ 245.00
REC04	Mercury compounds, Inorganic salts only	DM05	\$ 54.10	\$ 250.00
REC05	Lead acid batteries	MN05	\$ 54.10	\$ 65.00
REC05	Lead acid batteries	P	\$ 0.35	\$ 0.38
REC06	Mercury bulbs, (fluorescent light tubes, whole), for reclamation	E	\$ 54.10	\$ 57.00
REC06	Mercury bulbs, (fluorescent light tubes, whole), for reclamation	F	\$ 0.25	\$ 0.26
REC06	Mercury bulbs, (fluorescent light tubes, whole), for reclamation	MN55	\$ 25.00	\$ 35.00
REC06	Mercury bulbs, (fluorescent light tubes, whole), for reclamation	MNBX	\$ 25.00	\$ 35.00
REC06	Light Bulbs/Tubes for recycle	P	\$ 1.00	\$ 1.28
REC06-3	Mercury bulbs, Compact Fluorescent Lamps (CFL)	DM10	\$ 54.10	\$ 57.00
REC06-3	Mercury bulbs, Compact Fluorescent Lamps (CFL)	E	\$ 1.00	\$ 1.28
REC08	Antifreeze (ethylene glycol)	DM30	\$ 62.44	\$ 95.00
REC08	Antifreeze (ethylene glycol)	DM55	\$ 83.25	\$ 115.00
REC08	Antifreeze (ethylene glycol)	DM85	\$ 124.88	\$ 150.00
REC09	Lithium batteries, Non-regulated, Universal Waste	DM01	\$ 54.10	\$ 265.00
REC09	Lithium - recycle	MN05	\$ 54.10	\$ 265.00
REC09	Lithium - recycle	P	\$ 2.71	\$ 2.75
REC11	Nicad batteries, Non-regulated, Universal Waste	DM01	\$ 54.10	\$ 85.00
REC11	Nicad Batteries for Recycle	MN05	\$ 54.10	\$ 85.00
REC11	Nicad batteries, Non-regulated, Universal Waste	MN15	\$ 112.50	\$ 120.00
REC11	Nicad Batteries for Recycle	P	\$ 0.81	\$ 0.88
REC14	Mercury contained in manufactured articles, or dirt	DM05	\$ 54.10	\$ 495.00
REC14	Mercury contained in manufactured articles, or dirt	MNBX	\$ 54.10	NA
REC14	Mercury contained in manufactured articles, or dirt	P	\$ 8.66	\$ 8.95
REC14-L	Lab Pack, Retort, Metallic Mercury, Debris, Equipment	DM01	\$ 54.10	\$ 65.00

REC24	Zinc alkaline batteries, for recycle	MN05	\$ 54.10	\$ 65.00
REC24	Zinc alkaline batteries, for recycle	MN15	\$ 108.20	\$ 125.00
REC24	Zinc alkaline batteries, for recycle	MN30	\$ 168.75	\$ 180.00
REC24	Zinc alkaline batteries, for recycle	MN55	\$ 225.00	\$ 250.00
REC24	Zinc alkaline batteries, for recycle	P	\$ 0.65	\$ 0.70
REC38	Freon refrigerant	DM05	\$ 54.10	\$ 75.00
REC38	Freon refrigerant	DM55	\$ 124.43	\$ 175.00
REC38	Freon refrigerant	E	\$ 60.00	\$ 75.00
REC42	Mercury vapor/sodium bulbs or lamps, (Fluorescent, HIP LPS, HPS, HID)	P	\$ 2.00	\$ 2.25
REC50	CRT (cathode ray tube) recycling; must be intact; may include television monitor	MN05	\$ 25.00	\$ 65.00
REC50	CRT (cathode ray tube) recycling; must be intact; may include television monitor	MN15	\$ 25.00	\$ 65.00
REC50	CRT (cathode ray tube) recycling; must be intact; may include television monitor	MN30	\$ 25.00	\$ 65.00
REC50	CRT (cathode ray tube) recycling; must be intact; may include television monitor	MN55	\$ 25.00	\$ 65.00
REC50	CRT (cathode ray tube) recycling; must be intact; may include television monitor	P	\$ 0.99	\$ 1.22
REC55	General E-Waste recycling; may include consumer electronics, peripherals, phones	MN05	\$ 25.00	\$ 65.00
REC55	General E-Waste recycling; may include consumer electronics, peripherals, phones	MN15	\$ 25.00	\$ 65.00
REC55	General E-Waste recycling; may include consumer electronics, peripherals, phones	MN30	\$ 25.00	\$ 65.00
REC55	General E-Waste recycling; may include consumer electronics, peripherals, phones	MN55	\$ 25.00	\$ 65.00
REC55	General E-Waste recycling; may include consumer electronics, peripherals, phones	P	\$ 1.17	\$ 1.22
REC60	Fire extinguishers for recycle	DM05	\$ 87.50	\$ 165.00
REC60	Fire extinguishers for recycle	DM15	\$ 125.00	\$ 275.00

REC60	Fire extinguishers for recycle	DM55	\$ 250.00	\$ 575.00
REC60	Fire extinguishers for recycle ( Medium)	E	\$ 29.20	\$ 40.00
REC61	Cylinders, flammable, propane-20 pound, gas grill type, for recycle	BX	\$ 497.72	\$ 1,450.00
REC61	Cylinders, flammable, propane-20 pound, gas grill type, for recycle	DM05	\$ 43.55	\$ 165.00
REC61	Cylinders, flammable, propane-20 pound, gas grill type, for recycle	DM30	\$ 93.32	\$ 625.00
REC61	Propane Cylinders, for recycle	DM55	\$ 124.43	\$ 625.00
REC61	Cylinders, flammable, propane-20 pound, gas grill type, for recycle	E	\$ 20.00	\$ 27.00
REC61	Propane Cylinders, for recycle	MN05	\$ 54.10	\$ 165.00
REC61-1	Cylinders, flammable, propane-small, camp type, for recycle	DM05	\$ 54.10	\$ 165.00
REC61-1	Cylinders, flammable, propane-small, camp type, for recycle	DM30	\$ 93.32	\$ 625.00
REC61-1	Cylinders, flammable, propane-small, camp type, for recycle	DM55	\$ 124.43	\$ 625.00
SPALLET	Pallet	E	\$ 18.00	\$ 19.00
SPBXCIB	Box, Cubic Yard Box	E	\$ 41.12	\$ 80.00
SPBXGALX	Box, New Galaxy waste boxes	E	\$ 53.50	\$ 80.00
SPDF05NO	Drum, Fiber, 5 gallon, New, Open Top	E	\$ 15.12	\$ 17.00
SPDM10NO	Drum, Metal, 10 gallon, New, Open Top	E	\$ 25.58	\$ 48.00
SPDM20NO	Drum, Metal, 20 gallon, New, Open Top	E	\$ 37.87	\$ 48.00
SPDM55UO	Drum, Metal, 55 gallon, Recon, Open Top	E	\$ 30.24	\$ 48.00
SPDM85UO	Drum, Metal, 85 gallon overpack, Recon, Open Top	E	\$ 122.13	\$ 225.00
SPDP15UO	Drum, Poly, 15 gallon, Recon, Open Top	E	\$ 18.13	\$ 32.00
SPDP20UO	Drum, Poly, 20 gallon, Recon, Open Top	E	\$ 19.35	\$ 45.00
SPDP30UO	Drum, Poly, 30 gallon, Recon, Open Top	E	\$ 23.85	\$ 45.00
SPDP55UC	Drum, Poly, 55 gallon, Recon, Closed Top	E	\$ 30.24	\$ 48.00
SPMATSUP	Materials and Supplies	R	\$ 150.00	\$ 175.00
SPTAPECL	Tape, Clear Duct	E	\$ 27.82	\$ 29.00
SPTOT275	Tote, 275, Plastic	E	\$ 129.00	\$ 275.00
STAB01	Non regulated sludges with free	DM30	\$ 85.21	\$ 105.00

	liquids , bulkable , for solidification to subti			
STAB01	Non regulated sludges with free liquids , bulkable , for solidification to subti	DM55	\$ 113.61	\$ 125.00
STAB01	Non regulated sludges with free liquids , bulkable , for solidification to subti	T275	\$ 568.05	\$ 595.00
STAB02	Solids or sludges (neutral pH) with RCRA metals, for stabilization to subtitle	BX	\$ 1,284.00	\$ 1,350.00
STAB02	Solids or sludges (neutral pH) with RCRA metals, for stabilization to subtitle	DM15	\$ 89.27	\$ 95.00
STAB02	Solids or sludges (neutral pH) with RCRA metals, for stabilization to subtitle	DM30	\$ 162.30	\$ 175.00
STAB02	Solids or sludges (neutral pH) with RCRA metals, for stabilization to subtitle	DM55	\$ 321.00	\$ 345.00
STAB02-1	Solids or sludges (Acidic-D002) with RCRA metals, for stabilization to subtitle	DM05	\$ 122.50	\$ 150.00
STAB02-1	Solids or sludges (Acidic-D002) with RCRA metals, for stabilization to subtitle	DM15	\$ 175.01	\$ 190.00
STAB02-1	Solids or sludges (Acidic-D002) with RCRA metals, for stabilization to subtitle	DM30	\$ 262.51	\$ 275.00
STAB02-1	Solids or sludges (Acidic-D002) with RCRA metals, for stabilization to subtitle	DM55	\$ 350.01	\$ 375.00
STAB02-2	Solids or sludges (Alkaline-D002) with RCRA metals, for stabilization to subtitl	DM05	\$ 122.50	\$ 150.00
STAB02-2	Solids or sludges (Alkaline-D002) with RCRA metals, for stabilization to subtitl	DM15	\$ 175.01	\$ 190.00
STAB02-2	Solids or sludges (Alkaline-D002) with RCRA metals, for stabilization to subtitl	DM30	\$ 262.51	\$ 275.00
STAB02-2	Solids or sludges (Alkaline-D002) with RCRA metals, for stabilization to subtitl	DM55	\$ 350.01	\$ 375.00
STAB06-6	Treatable oxidizer, Labpack	DM05	\$ 54.10	\$ 245.00
STAB06-6	Treatable oxidizer, Labpack	DM15	\$ 98.19	\$ 485.00
STAB06-6	Treatable oxidizer, Labpack	DM20	\$ 98.19	\$ 650.00
STAB06-6	Treatable oxidizer, Labpack	DM55	\$ 178.53	\$ 725.00



TRADMDEM	Demurrage, one hour free	H	\$ 95.00	\$ 135.00
TRADMSTR	Transportation, Storage	E	\$ 175.00	\$ 190.00
WAT01-1	BULK ACID BULK (NON HNO3, HF, H2CRO4)	DM15	\$ 129.00	\$ 145.00
WAT01-1	Acid waste water (non chromic, D002-D011), Caustic Load < 10%, for treatment	DM55	\$ 275.00	\$ 295.00
WAT02-1	Alkaline waste water (non chromic, D002-D011), Acid load <10%, for treatment	DM30	\$ 162.30	\$ 190.00
WAT02-2	Alkaline waste water, Caustic concentration 25-50%	DM05	\$ 70.70	\$ 95.00
WAT02-2	Alkaline waste water, Caustic concentration 25-50%	DM15	\$ 101.00	\$ 145.00
WAT02-2	Alkaline waste water, Caustic concentration 25-50%	DM30	\$ 151.50	\$ 190.00
WAT02-2	Alkaline waste water, Caustic concentration 25-50%	DM55	\$ 202.00	\$ 245.00
WAT05	Water, <10% floc, non regulated, for treat & discharge	DM55	\$ 75.74	\$ 95.00
WAT16	Labpack corrosive, water treatment	DM05	\$ 54.10	\$ 85.00
WAT16	Labpack, corrosive (Acidic & Alkaline)	DM10	\$ 89.27	\$ 135.00
WAT16	Labpack, corrosive (Acidic & Alkaline)	DM15	\$ 89.27	\$ 135.00
WAT16	Labpack corrosive, water treatment	DM20	\$ 89.27	\$ 200.00
WAT16	Labpack, corrosive (Acidic & Alkaline)	DM30	\$ 121.72	\$ 225.00
WAT16	Labpack corrosive, water treatment	DM55	\$ 162.30	\$ 265.00
WAT16-A	Lab Pack, Treatment, Inorganic Acids	DF55	\$ 162.30	\$ 265.00
WAT16-A	Lab Pack, Treatment, Inorganic Acids	DM05	\$ 54.10	\$ 85.00
WAT16-A	Lab Pack, Treatment, Inorganic Acids	DM15	\$ 89.27	\$ 135.00
WAT16-A	Lab Pack, Treatment, Inorganic Acids	DM20	\$ 89.27	\$ 200.00
WAT16-A	Lab Pack, Treatment, Inorganic Acids	DM30	\$ 89.27	\$ 225.00
WAT16-B	Lab Pack, Treatment, Inorganic Bases	DF55	\$ 162.30	\$ 265.00
WAT16-B	Lab Pack, Treatment, Inorganic Bases	DM05	\$ 54.10	\$ 85.00
WAT16-B	Lab Pack, Treatment, Inorganic Bases	DM20	\$ 89.27	\$ 200.00



## Assumptions and Conditions:

1. Unless otherwise stated in the Agreement, all invoices are subject to applicable Federal, State, and local taxes & fees as well as an Energy & Insurance recovery charge tied to the National monthly average price for diesel fuel as published by the Department of Energy  
<https://www.cleanearthinc.com/energy-and-insurance-fees/>.
2. For a complete list of process code specifications, visit:  
<https://www.cleanearthinc.com/sites/default/files/Process-Specifications.pdf>
3. This proposal must be signed within 30 days of receipt; otherwise a new quote will be reissued.

The terms and conditions from the Master Services Agreement ("Agreement") with an effective date of 1/6/2006 between Stericycle Environmental Solutions, Inc, (now known as Clean Earth Environmental Solutions, Inc.), and Tri-County Hazardous Waste Management Program apply to this quote addendum.

Between: Clean Earth Environmental Solutions, Inc. And: Tri-County Hazardous Waste Management Program

Signature:

Signature:

Name:

Name:

Title:

Title:

Date:

Date:



## MOTION

**SUBJECT: Tri-County Hazardous Waste & Clean Earth Pricing Rate Increase Agreement**

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I move to approve the Agreement for a pricing rate increase between Clean Earth Environmental Solutions, Inc. and Tri-County Hazardous Waste Management.



## MEMORANDUM

**SUBJECT: Newspaper Designation for Foreclosure Notices**

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TO: BOARD OF COUNTY COMMISSIONERS

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FROM: KELLY WALKER

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DATE: 06.21.2024

### BACKGROUND INFORMATION:

ORS 312.190 requires that foreclosure notices be published in a “duly designated newspaper of general circulation.” This is an annual order for that purpose.

**312.190 General notice of expiration of redemption period.** Subject to an exemption from disclosure that applies under ORS 192.501:

(1) Not more than 30 days nor less than 10 days prior to the expiration of the period of redemption of any real property ordered sold to the county under a judgment under ORS 312.100, the tax collector shall publish a general notice relative to the expiration of the period of redemption.

(2) The notice shall contain the date of the judgment, the date of expiration of the period of redemption, and warning to the effect that all the properties ordered sold under the judgment, unless sooner redeemed, will be deeded to the county immediately on expiration of the period of redemption and that every right or interest of any person in the properties will be forfeited forever to the county.

(3) The notice shall be published in two weekly issues of a duly designated newspaper of general circulation in the county within the period of 20 days as specified in this section. Proof of publication shall be attached to and made a part of the deed issued to the county. The published notice may be a general notice and it shall not be necessary to include therein descriptions of the several properties or the names of the respective owners. [Amended by 1975 c.780 §13; 1987 c.311 §8; 2003 c.576 §425; 2007 c.687 §6]



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE DESIGNATION OF A NEWSPAPER FOR THE PUBLICATION OF THE ANNUAL TAX FORECLOSURE LIST

**ORDER #24-032**

NOW ON THIS DAY, there comes on for consideration by the above entitled Board of Commissioners, duly convened for the transaction of County business, the matter of the designation of a newspaper for the publication of the 2024 Foreclosure List, prepared by the County Tax Collector, as notice of the institution of proceedings by Wasco County for the foreclosure of liens of delinquent taxes against the several properties therein described; and

IT APPEARING TO THE BOARD: That the Columbia Gorge News, published in Hood River, Oregon, is a newspaper of general circulation in Wasco County, and in all respects is qualified to publish said Foreclosure List, and that said newspaper will publish said list at the legal rate as provided by law.

THEREFORE, IT IS HEREBY ORDERED: That the Columbia Gorge News be, and the same hereby is designated as the newspaper in which said Foreclosure List shall be published; and

IT IS HEREBY FURTHER ORDERED: That all further notices required by law in said foreclosure suit shall be published in said newspaper.

DATED this 3<sup>rd</sup> day of July, 2024.

**APPROVED AS TO FORM:**

**WASCO COUNTY BOARD OF COMMISSIONERS:**

\_\_\_\_\_  
Kristen Campbell, County Counsel

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

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

\_\_\_\_\_  
Philip L. Brady, County Commissioner



## **MOTION**

**SUBJECT: Newspaper Designation**

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I move to approve Order 24-032 designating a newspaper for the publication of the annual foreclosure list.



## MEMORANDUM

**SUBJECT:** Appointment of Judy Starr to NCPHD BOH

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**TO:** BOARD OF COUNTY COMMISSIONERS

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**FROM:** KELLY WALKER

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**DATE:** 6.21.2024

### **BACKGROUND INFORMATION:**

The North Central Public Health District Board of Health (NCPHD BOH) approved the nomination of Judy Starr to service on the NCPHD BOH at the June 11, 2024 Board of Health meeting and requests the BOCC approval.



## INFORMATION AND QUALIFICATION FORM

### Wasco County Board of Health

VOLUNTEER POSITIONS  
WASCO COUNTY, OREGON

#### BACKGROUND

The District Board of Health is the policy making body of the District in implementing the duties of local departments of health under ORS 431.416, The District Board of Health adopts rules necessary to carry out its policies. A District Board may, with the permission of the counties involved, adopt schedules of fees for public health services reasonably calculated not to exceed the cost of the service performed.

#### APPLICATION

Please provide personal qualifications for this specific volunteer position.  
Supplementary information may be attached. Please, do not provide confidential information.

Name: Judy Starr

Address: [REDACTED] Tygh Valley, OR

Phone (home) [REDACTED] Phone (work) [REDACTED]

E-mail address: [REDACTED]

Signature: *Judy Starr*

Date: May 25, 2024 Number of years as a Wasco County resident: 2 1/2 years

Your objectives/goals? Desired contributions and accomplishments?

NCPHD is currently entering a time of transition and transformational growth. I believe my 30 years of professional experience will help guide, support and strengthen the growth. Personally, I'd enjoy working with the team to help create long-term sustainability.

Education (school, college, training, apprenticeships, degrees, etc.)

Marylhurst University Date(s): [REDACTED]

PSU - major gift and grant writing courses Date(s): [REDACTED]

Various Fundraising and Planned Giving Conferences Date(s): [REDACTED]

Internship at Portland Rescue Mission Date(s): [REDACTED]

Experience (work, volunteering, leadership roles, achievements etc.)

The Historic Trust - Development Director Date(s): 2019 - 2021

VP Development Clark College Foundation Date(s): 2013 - 2017

Leadership Bend Graduate Date(s): 2018

Board member Willamette Valley Dev. Officers Date(s): 2015

General Comments/Additional Relevant Information

I have more than 30 years of non-profit professional experience and have raised millions of dollars for various organizations I've had the privilege of representing I am currently retired and a member of the Wamic Grange, Wamic Historic Society Barlow Road Rendezvous Day event committee and secretary at my church.

Send completed form to:

Wasco County  
511 Washington Street, Suite 101  
The Dalles OR 97058  
(541) 506-2520  
(541) 506-2551 (fax)





IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE APPOINTMENT OF JUDY STARR TO THE NORTH CENTRAL PUBLIC HEALTH DISTRICT  
BOARD OF HEALTH

**ORDER #24-033**

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 a vacancy exists on the Board of Health; and

IT FURTHER APPEARING TO THE BOARD: That Judy Starr is willing and is qualified to be appointed to the North Central Public Health District Board of Health to represent the Wasco County on said Board.

NOW, THEREFORE, IT IS HEREBY ORDERED: That Judy Starr be and is hereby appointed to the North Central Public Health District Board of Health for a term to expire June 30, 2027.

DATED this 3<sup>rd</sup> day July, 2024.

**APPROVED AS TO FORM:**

**WASCO COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Kristen Campbell, County Counsel

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

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

\_\_\_\_\_  
Philip L. Brady, County Commissioner



## MOTION

**SUBJECT: NCPHD Appointment**

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I move to approve Order 24-033 appointing Judy Starr to the North Central Public Health District Board of Health.



WASCO COUNTY BOARD OF COMMISSIONERS  
REGULAR SESSION  
JUNE 5, 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: 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 – Radio Consortium Agreement**

Chief Deputy Scott Williams reviewed the Memo to the Board of Commissioners in the Board Packet. He pointed out that each agency will pay \$500 annually into the consortium for repair and maintenance of the radio system which is in good repair. All the volunteer groups have already signed this agreement and are requesting the Board's approval for the Board Chair's signature

Vice-Chair Hege asked what the average estimated cost of maintaining the radio system is and how it relates to what each agency is putting into the consortium annually. Mr. Williams replied that when they had an agreement with Day Wireless Company in the past the amount was \$7,000 per year to maintain all of the repeater sites. He said he reached out and found the cost too high with this company. He pointed out that the equipment is in good shape, and added that it's more inexpensive to do a \$2,000 one-day maintenance check. He added that the Sheriff's Office has spare repeaters that they are putting into this. He said he believes the maintenance will be one-visit per year at about \$1500 to \$2000; they have funding for any unforeseen needed wires, antenna, etc.

Commissioner Brady asked if maintenance is done around the systems to keep the ground clear of fire hazards. Mr. Williams replied that they don't really; however, they lease the property on Signal Hill which is partially their back-up system. He said fire sweeps aren't needed as cows are on site and keep it clean and free of debris; also the Forest Service maintains fire breaks around those.

**{{Vice-Chair Hege moved to approve the Agreement for Maintenance and**

**Repair of Radio Communications Systems Equipment through the Fire South Radio Consortium. Commissioner Brady seconded the motion which passed unanimously.}}**

**Discussion Item – Patrol Funding Modification**

Chief Deputy Scott Williams reviewed the Patrol Funding Amendment Memo included in the Board Packet. Chief Deputy Williams stated that their normal contract is around \$18,200 for extra patrols in the forest service area to augment the Forest Service Law Enforcement. He explained that the Forest Service has offered an additional \$75,000 in funding. This is a one-time payment in addition to the approximately \$18,000 they were already awarded and can be used to cover 2 to 3 years. They may be able to employ a full time deputy on the force with this money for a couple of years. This employee could also augment the Oregon Parks and Recreation District (OPRD) contract, so when the funding runs out, they would be employed with OPRD funds to patrol those sites. The deputy would be used for a little of both, which is great as they wouldn't need to take any patrol officers off the roads.

Commissioner Brady asked about Section L on the contract which goes into extraordinary situations where the Forest Service might request special enforcement activities and how that relates. Chief Deputy Williams replied that it would relate to fires and major events such as the White River fire where the Sheriff's Office assisted with roadblocks, etc. He added that ultimately they couldn't bill the Forest Service extra for that (though they had Title 3 funds which reimbursed them for the time they spent there). The Forest Service had extra money so reached out as an expression of appreciation for their service in the White River fire.

Vice-Chair Hege asked if they anticipate getting any more funds like this or if it's a one and done type of thing. Chief Deputy Williams replied that it's a one and done thing and was all related to the White River fire.

**{{{Commissioner Brady moved to approve the Modification of Cooperative Law Enforcement Agreement 23-LE-11060600-003 between Wasco County and Mt Hood National Forest and Columbia River Gorge National Scenic Area for the purpose increasing funding. Vice-Chair Hege seconded the motion which passed unanimously.}}}**

**Discussion Item – Signing Authorization**

Ms. Walker reviewed the memo included in the Board Packet regarding authorizing the Board of Commissioners Board Chair to sign Modification of Grants or Agreements where the only modification is a change in the funding

amount.

Vice-Chair Hege asked that when something comes up that it be reported to the board at the next Board of Commissioners Meeting detailing what was changed and signed.

Commissioner Brady commented that he agreed that it's good idea to be able to work expeditiously.

**{{Vice-Chair Hege moved to approve Resolution 24-007 authorizing the Board of County Commissioners Board Chair to sign Modifications of Grants or Agreements where the only modification to the agreement is a change in funding amount. Commissioner Brady seconded the motion which passed unanimously.}}**

Discussion Item – GIS IGA Renewals
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GIS Coordinator Tycho Granville reviewed the memo in the Board Packet.

Commissioner Brady asked whether maintenance updates are sent out periodically or if it takes additional ground proofing. Mr. Granville replied that we send the entities data and do projects for them.

Commissioner Brady wondered if there is a sense that people are using our system, taking the data, and putting out that data. Mr. Granville replied people have taken the mapping lines from our portal to say this is exactly where the line is on the ground. They would need to hire a surveyor to put those lines on their maps.

Commissioner Brady asked if the GIS system is generally more accurate than other map systems available to the public. Mr. Granville replied that for our area that is probably the case and added that other map systems tend to grab data from us for their maps. He also said if he was in a rural area in the county, he'd probably use our map rather than Google Maps.

Vice-Chair Hege commented that the difference between maps that we have in the GIS and other maps like Apple Maps and Google is that we have latitude lines and when surveyors are re-mapping and come to the County, they're trying to get those lines to be even more accurate. He said to summarize what Mr. Granville was saying is that even when that is done and with all the data they have, it can't be used for engineering.

Vice-Chair Hege asked how this has been going and if Mr. Granville would tell us a little bit about how this works. He added that he'd like to know how much

work we do for this system and the other entities or if they have their own GIS system. He asked if they access our data and they have their own GIS staff that do the work or does our staff do any work for these other entities.

Mr. Granville replied that we do both projects for these other entities. We also maintain web apps to which they have access. We provide tech support to the City of The Dalles because they have several people who use GIS; we provide raw data to them. We also do projects for Mid-Columbia Fire & Rescue (MCF&R), which is mostly just a couple of apps that they have on their website and they'll ask some questions or for some technical support around the apps. We send data to North Wasco Public Utility District (NWPUD); they are mostly self-sufficient. We do all the GIS for Sherman County, send them data, answer questions, and maintain their surveyor's website. For the most part, questions can be answered by referring our partners to the web which saves some time.

Vice-Chair Hege asked if the money we receive from the contracts covers the GIS expenses. Mr. Granville answered that we don't receive much from the contracts; only roughly \$25,000 year for all of them. Vice-Chair Hege commented that the County has a need for the GIS, and the contracts just supplements the funding for that. Mr. Granville agreed.

Vice-Chair Hege asked if there are any other local entities that have considered getting onto our GIS system. Mr. Granville replied that there are no other entities in the area, but there has been talk in the past about Tillamook County being added. He added if the County was to take on another entity, it would be a question of what would be the buy-in cost, as our partners have put in a lot of funds since the year 2000.

Vice-Chair Hege asked how it's going in terms of public access and how much this is being used. Mr. Granville replied that he gets about 1000 hits per month on the main web app and added he doesn't have numbers on the apps maintained for the City of The Dalles. He pointed out that the web app hits go up during fire season and storms, but for the most part the use is steady at about 1000 hits per month.

**{{Vice-Chair Hege moved to approve Intergovernmental Agreements between Wasco County and Mid-Columbia Fire and Rescue, City of The Dalles, North Wasco Public Utility District, and Sherman County for the provision of GIS services. Commissioner Brady seconded the motion which passed unanimously.}}**

Discussion Item – Burn Ban
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Ms. Walker read the memo in the Board Packet.

Chair Kramer commented that he's already been notified on the Watch Duty app of two fires, so he thinks this is appropriate timing.

Commissioner Brady commented that while looking at the map of Seasonal Temperature Outlook, it shows our region as having higher temperatures than usual which gives us all the more reason to institute a burn ban.

**{{Vice-Chair Hege moved to approve Order 24-031 declaring a ban on residential burning in Wasco County effective at 12:01 a.m. on June 10, 2024. Commissioner Brady seconded the motion which passed unanimously.}}**

#### Discussion Item – Fireworks Ban

Chair Kramer stated that he brought this to the agenda to have a discussion regarding a fireworks ban. He added that he has the same thoughts and concerns as for the burn ban discussion. He added that our partner, the City of The Dalles has a fireworks ban which is proposed for adoption at the regular City Council meeting on June 10, 2024.

Commissioner Brady inquired about the consecutive number of years a fireworks ban has been in effect. Chair Kramer replied that he thought it was around 2 years. Vice-Chair Hege thought it might have been 3 years.

Commissioner Brady pointed out this would be a ban on the use of fireworks, but not on the sale of fireworks. He asked if the County has authority to ban the sale of fireworks. County Counsel Kristen Campbell replied that she would have to look into that to be able to answer in terms of sales in the unincorporated areas of Wasco County. Commissioner Brady stated that he is satisfied with just the use ban.

Vice-Chair Hege asked Chief Deputy Williams how he anticipates enforcing this fireworks ban. Mr. Williams replied that it's very difficult to enforce considering the area that has to be covered. He explained that when they receive a call, most of the time, folks using fireworks have left by the time law enforcement gets to the site. The ban gives Deputies enforcement authority for the most excessively egregious offenders or for those who actually start a fire; 100 percent enforcement of the ban wouldn't be possible.

Vice-Chair Hege commented that this ban does not prohibit firework shows that are permitted by the state Fire Marshall. The County has approved firework permits for Washington Family Ranch. Chair Kramer pointed out that Washington Ranch is self-regulated; they understand that if it's too dry or windy, they would not do the show.

**{{{Commissioner Brady moved to approve Resolution 24-012 declaring a local state of emergency in Wasco County as a result of adverse climate conditions and declaring a ban on the use of fireworks. Vice-Chair Hege seconded the motion which passed unanimously.}}}**

**Public Comment – Proposed Solid Waste Permit Extension for Wasco County Landfill**

Wasco County Resident, Gary Wade reviewed the memo attached to the Board Packet. See Memo below:

Waste Connections is requesting a 10-year permit extension for the Wasco County Landfill. Oregon Department of Environmental Quality (DEQ) sent a Public Notice and supporting documents for comment on this renewal only to adjacent landowners. This is an important decision for Wasco County and its residents and there needs to be public discussion before this approval is granted.

The Review Report section states that the landfill serves Wasco, Hood River, Skamania, and Klickitat counties, and other areas of the Pacific Northwest. DEQ provided a figure in the document (figure 4) that shows the amount of waste received in the landfill has increased between two and three-fold compared to the years 2004 through 2009, so that the amount is now around 1.1 million tons. Later it states that the landfill's expected life is 30 more years, but there is no supporting documentation from Waste Connections to support that claim at present levels of dumping. Todd Hess (DEQ) said that they have no control over the amount of waste entering the landfill, only what goes into it. Therefore, we assume Wasco County must have the authority to control the amount of waste. Our local landfill has been turned into a regional landfill for the profit of Waste Connections and Wasco County General Fund. Once filled, garbage rates will rise as Wasco County garbage will have to truck further to some other landfill. We doubt that other residents of Wasco County are even aware that waste from all over the Pacific Northwest is being dumped here; we weren't. We believe that it is critical for Wasco County to widely advertise this permit renewal and ask for comments from all the residents.

Anyone that lives within a mile or two of the landfill has noticed the horrible smells over the last few years. DEQ states that there are only minor odor problems, and that these odors could be from other sources like agricultural operations, Dirt Hugger (in Dallesport), and AmeriTies treatment plant. The odors are only noticeable when the wind is blowing from the landfill, and it smells like sewage. If DEQ thinks there are minor odor problems now, then we will live with these odors for the next thirty years or more.



The landfill attracts numerous birds. As cherry farming neighbors of the landfill we have had significant problems with ravens that are attracted to the landfill entering our orchards and causing damage to the fruit and trees and posing a clear health risk from their excrement on the fruit. We have had multiple meetings with the County Commissioners, Waste Connections staff, Oregon Governors staff, and DEQ staff over this issue. Two years ago, Waste Connections agreed to control the birds. That year the number of ravens declined; however, since then raven populations have increased again. These ravens don't just pose a health risk in our adjacent orchards but they move about impacting orcharding businesses all over the area.

At the end of July, 2017 the landfill had a significant fire. Here is a letter to the editor that Gary Wade wrote concerning that fire:

*"Late on a Friday night, a landfill fire started in the garbage at Wasco County Landfill near The Dalles. Saturday morning, we awoke to the horrible smell of toxic burning garbage, even though we live over a mile away from the landfill. Smoke covered most of the downtown area too. According to the magazine Waste Management World, 'landfill fires emit a toxic cocktail of 'Most Wanted' fugitive gases, including formaldehyde, hydrogen cyanide, hydrogen sulfide, nitrogen oxides and many others.'"*

*We could find nothing on the Internet, the fire department's website, or Waste Connection's Wasco County Landfill website regarding the fire or any precautions the community should take to avoid breathing this toxic smoke. We own the orchard adjacent to the landfill and we know of people living very close by; no one was notified.*

*Waste Connections, the operators of the landfill, is required by its Department of Environmental Quality permit to "immediately and thoroughly extinguish fires, and "the permittee must provide water in sufficient quantities for fire protection" (sections 9.23 and 9.24). The fire chief and a Waste Connections employee came to us looking for a continuous supply of water from our nearby irrigation source to fight the fire, since "their supply was limited." At their expense, Waste Connections used water and foam from airplanes to douse the fire, but not for over 12 hours after the fire was discovered. And, they called off the airplanes before the fire was extinguished. I guess the billions in revenue they generate isn't enough to live up to their responsibilities. We were again engulfed in toxic smoke Sunday morning. There are over 8300 landfill fires a year in the U.S. The fire was an accident, but not something unexpected. The preparedness and response by Waste Connections was inept at best, and unless corrected threatens the health of our community."*

There is nothing in the Complaints Section of Public Notice that refers to that fire. Todd Hess (DEQ) stated that he was unaware of this fire since complaints from this fire were not entered into the database. He says that has been corrected. There is nothing in the Public Notice that states that Waste Connections has made changes to increase fire protection.

We believe that the residents of Wasco County should be better informed of the issues surrounding the extension of this landfill permit, and that Wasco County, Waste Connections and DEQ have the responsibility to inform them, ask for public comment, and make appropriate changes where needed. Gary Wade, Marlis Rufener, and Devon Wade, Wade & Rufener Orchards Company (End of Memo).

Vice-Chair Hege asked Mr. Wade if he would provide the Notification of Renewal to the County Commissioners so they can take a look at it, as they haven't seen this yet. Mr. Wade said that a good copy would be available at the DEQ.

Chief Deputy Williams commented that he appreciates Mr. Wade's comments and that he has something to add. He explained that the trucks run citizens off the road there and they need to be held accountable for this. The road is a public road and there is garbage all over it most of the time; it doesn't get cleaned up very often. He pointed out that farmers and other citizens call and complain to him routinely as he lives out there. He added that citizens are tired of the Landfill's disrespect. He would appreciate a broader community comment, as well.

Vice-Chair Hege pointed out that this is a Department of Environmental Quality (DEQ) process and comments should go to DEQ; not that the County couldn't help get the comments to DEQ. Mr. Wade pointed out that the DEQ does not limit the amount of garbage so that's why he's bringing this to the County.

Commissioner Brady commented that he has also heard complaints about the traffic issue at the junction of Five-Mile Road and Hwy 197.

Steve Ronfeld, a Wasco County resident, who lives on Eight-Mile road commented on a traffic issue that he said is very dangerous and he's concerned someone will die if this situation isn't resolved. He explained that he was following a school bus and the bus went to turn on Five-Mile Road, but couldn't turn because a garbage truck was there; the bus had to stop on the highway. He said that if four or five cars are stopped and a semi going 60 miles an hour around that corner, an accident would occur and it would involve a school bus with children in it. If there's any chance the County could help with this problem, it would potentially save lives.

Chair Kramer said he has an update regarding the Five-Mile Road traffic situation mentioned above. He explained that he is working on this and has a meeting potentially with Representative Smith next week. The 2025-2027 Transportation package could possibly have some funding available. He explained he's had conversations with our ODOT partners, and has reached out to Congressman Bentz for some help on that, as well. He said he would like to provide a safety corridor through there as they work on the potential redesign of the intersection, which would take years. He further explained that from information he's received

from the Association of Oregon Counties (AOC), it is possible to enact a safety corridor to slow the speed limit down through a specific area. He added that the Dufur School District is also a part of these conversations.

Vice-Chair Hege commented that it would help to have a North-bound turn lane at that intersection, as well.

#### **Agenda Item – Recess to District Meetings**

Chair Kramer recessed at 9:38 a.m. to open meetings for the Wasco County Library Service District and Wasco County 4H & Extension Service District.

Chair Kramer reconvened the meeting at 9:50 a.m.

#### **Agenda Item – Finance Report**

Mr. Middleton reviewed the Wasco County Financial Report included in the Board Packet.

Commissioner Brady asked for more clarity on the percent executions. Mr. Middleton replied that as of the end of April everything was straight-lined at 83.7% for when we project from 10 months to 12 months of the year. He explained that they are slightly ahead of that in terms of what was actually spent.

Vice-Chair Hege commented that the medical for NORCOR is rather high and it depends on incarceration. He asked if the number that's in the Finance Report is an average that we typically see or if, in this case, we had an expensive medical situation. Mr. Middleton replied that typically \$25,000 is budgeted and never exceeded; this year was an exception.

Vice-Chair Hege asked Mr. Middleton about the General Fund section regarding transfers, "Funds are only being transferred to the Capital Acquisition Fund for the planned purchase of the new County office building. Transfers in at this time consist of the share of the abatement funds for the County General Fund (\$275,000)." Mr. Middleton explained that the County has the first and second abatements. The first Enterprise Zone abatement is complete and is now on the tax roll which gave a bump to all the agencies involved. He went on to say that the County's share on the second abatement is \$280,000; \$275,000 of that was transferred into General Fund to strengthen planning and services. The County kept other abatements in the economic development fund to address larger projects. He explained that the other \$5,000 of the \$280,000 will be transferred to the Museum fund as they work to bounce back from COVID setbacks.

Chair Kramer expressed appreciation to Mr. Middleton and his team.

Chair Kramer recessed from Regular Session and opened the County Budget Hearing at 10:02 a.m.

**Agenda Item – County Budget Hearing**

Finance Director Mike Middleton reviewed the memo regarding the Recommended Change for Adopted FY25 Budget in the Board Packet.

Mr. Middleton explained that they put in two new fund categories to keep the funds for the Radio Consortium and The Resolution Center segregated for easy tracking.

Vice-Chair Hege asked about County School Fund line item. Mr. Middleton explained that it is a portion of Title III funds, Ad Valorem taxes from the railroad cars, and the Electric Cooperative taxes. The funds are usually distributed after the Title III funds have arrived with the interest that the funds have accrued. The funds are distributed to the school districts in Wasco County based on a percentage of enrollments provided by the Education Service District. The County usually distributes the funds within the last two months of the fiscal year; \$280,000 has gone out to the school districts for this year.

Vice-Chair Hege asked if the common school fund that the school district receives is treated as tax dollars or fee dollars by the state. Mr. Middleton replied that he believes the funds are treated as new dollars and not tax dollars, and do not decrease what the school districts receive from the state.

Vice-Chair Hege asked what the grand total of the County's budget was roughly for the last fiscal year. Mr. Middleton replied that the General Budget for last year was \$36,000,000 and all the other funds combined was about \$56,500,000; all together it was just short of 93,000,000. Vice-Chair Hege pointed out that there's a stunning increase this year mainly because of the number they added for the possibility of the Resolution Center.

**{{{Commissioner Brady moved to approve Resolution 24-009 Adopting the Fiscal Year 2024-2025 Budget, Tax Levy, and Appropriations for Wasco County. Vice-Chair Hege seconded the motion which passed unanimously.}}}**

Chair Kramer closed the hearing and reconvened the Regular Session at 10:12 a.m.

Chair Kramer recessed the meeting for a break at 10:12 a.m.

Chair Kramer reconvened the Regular Session at 10:15 a.m.

**Agenda Item – Community Corrections Funding Amendment**

Community Corrections Manager Fritz Bachman reviewed the memo in the Board Packet. He said the state has recognized that the Community Corrections

funding formula does not cover all the services and programs that they are doing or would like to do and sustain. He explained that the funding is an old model based on the number of people under supervision and their risk level, rather than needs-based. Community Corrections continues to do more in the world of treatment, housing, peer mentors, and wrap around services. He explained that instead of fixing the funding formula, occasionally the funding will come through the Community Corrections lobbyists and leadership will speak to the fact that the funding formula isn't enough. Occasionally, the legislature will also allocate a kicker.

Vice-Chair Hege asked what FOPPO stands for and Mr. Bachman replied that it stands for Federation of Parole and Probation Officers.

Vice-Chair Hege asked what the allocation in funding of the \$16 million is based on. Mr. Bachman replied that is based on all the people on supervision in Oregon. He further explained that the total of the supervised population is proportioned out by the number of people that the county supervises. Historically Wasco County approximately 1%. Currently, Wasco is supervising about 200 people.

Vice-Chair Hege commented that it seems like the system is set to punish Counties for doing a good job; if you don't have as many people under supervision due to effective programs, then you don't get the funds to continue that work. Mr. Bachman replied that this is a common theme. In years past, we didn't have housing or many treatment options, relying heavily on jail. Over the years, programs have been added and caseloads have steadily dropped from a peak of about 360 people on supervision down to around 200.

Mr. Bachman went on to say that the number of people on supervision may rise due to Ballot Measure 110 changes, which is funded. He explained that he supports this because it would be a mechanism for people in need of help who can't voluntarily reach out; the supervision would provide them help and support with consequences and focus on their treatment, needs, and housing.

Mr. Bachman explained is other funding to support this work; however, the additional funding is not guaranteed making it difficult to plan beyond a biennium. It would be good to have our basic funding model reflect the programs and services most counties have implemented. These strategies our lobbyists are working on. He said he believes the legislature recognizes this and Governor Kotek has been supportive.

**{{Vice-Chair Hege moved to approve Amendment 1 to IGA 6552 between the State of Oregon and Wasco County to increase funding for Community**

**Corrections. Commissioner Brady seconded the motion which passed unanimously.}}**

**Agenda Item – 159 Property Application**

Planning Director Kelly Howsley-Glover reviewed the memo in the Board Packet. Ms. Howsley-Glover added that she will be sharing the feedback they receive from partner agencies and listed parties with Administrative Services; they will be strategizing a path forward. She said she anticipates that the Administrative Dept. will update the application with any citizen or partner concerns. The Planning Application is on the Planning website under “active applications” for those who are interested in viewing it. If anyone has any questions, please email or call Kelly Howsley-Glover- [kellyg@co.wasco.or.us](mailto:kellyg@co.wasco.or.us) or at 541-506-2560.

**Agenda Item – Fee Waiver for Planning Application**

Ms. Howsley-Glover reviewed the Citizen Fee Waiver Request Memo in the Board Packet. Ms. Howsley-Glover stated that she shared her remarks and the memo with Mr. Wilde ahead of the packet being released, so he had time to submit any additional information or comments.

Commissioner Brady asked if a merit request has happened often and Ms. Howsley-Glover replied no, it hasn't.

Vice-Chair Hege asked about the statement Mr. Wilde made suggesting that the existing house was illegally approved by the County. Ms. Howsley-Glover replied that Planning did some research on this, evaluating all permits they have on file. She stated that it was clear that the property owner's intent was to place the house where it was placed. She explained that the former owner was a former Planning Commissioner so they were very aware of the regulations at the time. She said her assumption of what might have been going on 40 years ago is that they may have treated all 4 parcels in contiguous ownership like a tract, which wasn't unusual at the time particularly in a forested area. She stated that she did not see any evidence on the record that it was illegally permitted.

Vice-Chair Hege asked if it would be permitted today; if we'd have to have it on a parcel. Ms. Howsley-Glover replied that due to current property development standards, it is unlikely Planning would approve that application today.

Vice-Chair Hege commented that we're not trying to enforce or change anything with the Wilde's property; it can stay there. He explained that they're trying to create additional lots that could potentially create more housing, which they are suggesting would help with the housing crisis; but this is

something that is being initiated and pursued by Mr. Wilde and not Wasco County. He asked if it's correct that there's no issue for them to stay where they are. Ms. Howsley-Glover replied that is correct. She explained that when this property came on the market last year, they had a lot of inquiries and staff was diligent in explaining the process and needs in going through the replat process to split apart those properties. She said that she's not sure if Mr. Wilde contacted staff ahead of purchase, but folks who did call were clearly advised on this process.

Vice-Chair Hege commented that Mr. Wilde is looking to try to break the property up so they have additional lots to sell, which is a good thing for them; and if they want to move forward, there are costs associated with that. They don't have to do anything and no costs are associated with that. He said he doesn't see any basis here for a waiver and agrees with the recommendation of our Planning Director.

Commissioner Brady commented that he also agrees with our Planning Director. We have a policy of genuine hardship and this request doesn't fit in with that policy.

**{{Vice-Chair Hege moved to deny Mr. Wilde's request to waive Planning Fees related to the reconfiguration of tax lots. Commissioner Brady seconded the motion which passed unanimously.}}**

<b>Agenda Item – Transportation &amp; Growth Management Resolution</b>
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Long Range/Special Projects Planner Alice Cannon reviewed the memo in the Board Packet regarding applying for a grant to update the Transportation System Plan (TSP). Ms. Cannon said that after doing the research, ODOT's Region 4, of which Wasco County is a part, has the oldest TSP, so it needs an update.

Commissioner Brady asked what the likely outcome would be and what a TSP involves. Ms. Cannon replied that a TSP is a blueprint for the future outlining policy and investment priorities. She explained that when they update the TSP, they will update projects and funding streams. She further explained that they will also identify when and how they will be able to fund those investment priorities. We can only apply for grants that appear on our TSP list; an outdated TSP will disqualify us for certain grants.

**{{Vice-Chair Hege moved to approve Resolution 24-006 authorizing an application for an Oregon Transportation and Growth Management Grant to update the County's Transportation System Plan. Commissioner Brady seconded the motion which passed unanimously.}}**



### Agenda Item – Wildfire Smoke and Air Quality

Associate Professor of Practice Lauren Kraemer reviewed the Power Point Presentation in the Board Packet. (An updated version of the presentation is attached.)

Ms. Kraemer explained that she was on a couple of phone calls in which they discussed how to protect migrant and seasonal farmworker health as they were in the middle of pear harvest and the fall Chinook Salmon runs where tribal fishers were outside when the air quality was in the 500-800 range on the Air Quality Index (AQI). She added that we don't have a full understanding of what those numbers mean for health, as those numbers haven't been seen before.

Vice-Chair Hege asked what the 500-800 range represents and if it's the highest ever recorded. Ms. Kraemer replied that it is one of the highest they've seen.

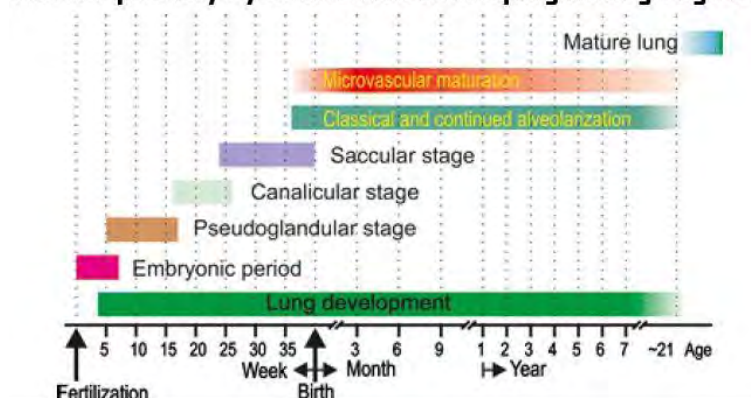
Ms. Kraemer stated that what they are most concerned about during smoke events are the very tiny particles that can go deep into the lungs and can bond to other chemicals; for example, when we burn orchard wood, any of the legacy chemicals that were sprayed on those products can also bond to those particulate matter, can enter our lungs, and can cross into the bloodstream. She added that there can also be impacts to the DNA and organs with chronic and long term exposure like they're starting to see

About 60 to 70 percent of our population have a condition or situation that makes them more sensitive or vulnerable to smoke.

#### Smoke Sensitive and Vulnerable Populations in Hood River & Wasco Counties

- People with pre-existing conditions or medically vulnerable (heart and respiratory disease, allergies, asthma) (N=8,000)
- Older adults (65+) (N=9,665)
- Infants and children under 15 (N=11,322)
- Pregnant people & unborn babies (N=500)
- Low-income (11-16%) and unhoused people (N=269)
- Outdoor workers, especially migrant and seasonal farm workers (N=4,000-15,000)

#### The Respiratory System is still developing through age 21.





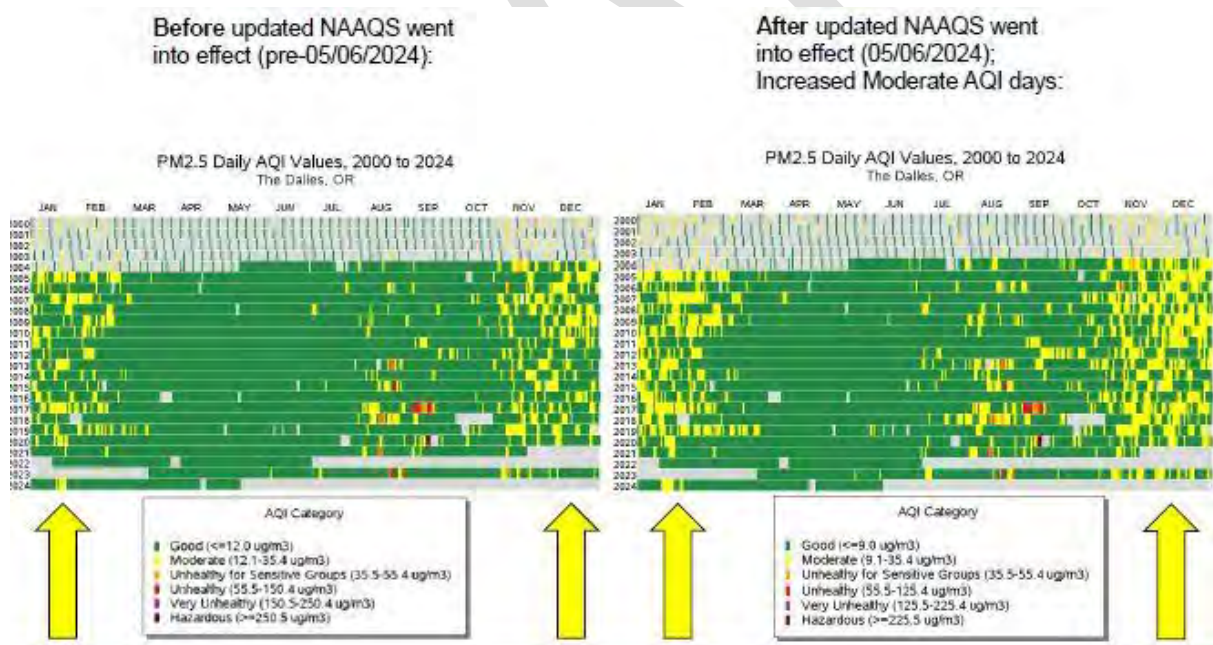
National Ambient Air Quality Standards (NAAQS) were officially updated May 6<sup>th</sup>, 2024, in recognition of our growing understanding about the harms of poor air quality, especially at the moderate level.

Ms. Kraemer summarized that the respiratory system is still under development until age 21 which is why the age of children is increased to 21; this is why young children can be more impacted by smoke. She added that his slide represents some of the latest data on lung development.

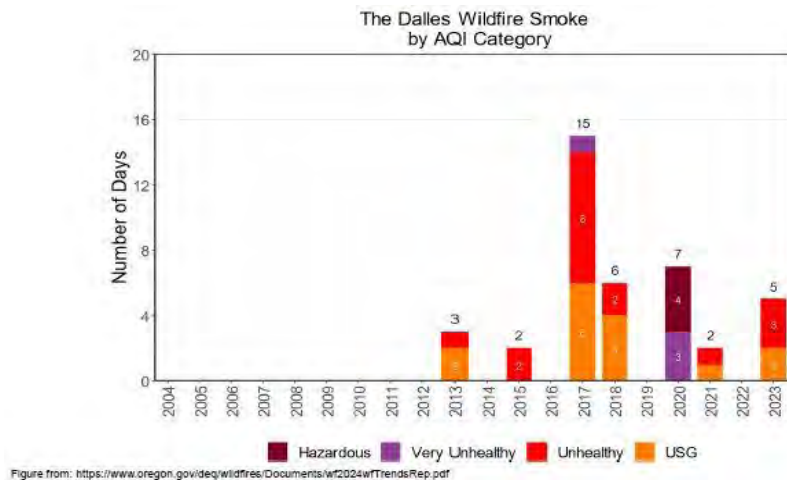
Ms. Kraemer explained that some changes were made from the good to moderate categories. The Moderate category used to go from 12.1 micrograms of particulate matter per cubic

meters and that was dropped down to 9.1, and this is because understanding of the harms of poor air quality are growing, especially at that moderate level. That low level of smoke that is chronically in the atmosphere is quite damaging to everyone, but especially to young children.

The break points have also been changed for Unhealthy, Very Unhealthy, and Hazardous recognizing that more needs to be done to protect health.



Ms. Kraemer explained that with the updated Moderate category changing to a 9.1 cutoff, this slide is a tile plot of all the good, moderate, unhealthy, etc., air quality days. She said the left side shows the days before the updated standards went into effect.



This slide shows another way of presenting the numbers. Ms. Kraemer pointed out that the really big spike is the year of the Eagle Creek fire and 2020 was the Labor Day fires. She pointed out that with hotter drier and longer summers, we will see more health hazard days.

Ms. Kraemer explained that monitoring efforts that have improved their ability to gather solid data; they've installed more than 50 new air quality monitors in the Columbia Gorge. She explained that the monitors are hosted on the purple air website as well as on Environmental Protection Agency's (EPA) website at <https://fire.airnow.gov/>.

Grace Wesson from AmeriCorps said that they've recently received some funding from OSU Aspire Children's Environmental Health Center to install more indoor and outdoor monitors especially throughout the K-12 schools in Hood River and Wasco Counties. On the monitoring websites mentioned and [smokereadygorge.org](http://smokereadygorge.org), a map of these monitors is available.

Ms. Wesson explained that each school receives an indoor and outdoor purple air monitor and added that the data for those monitors is automatically synced to those data websites. The schools also get a table top air monitors for monitoring between rooms and across buildings.

Commissioner Brady asked about whether they are considering adding them in senior care places. Ms. Wesson replied that they are working toward that with outreach to our older adult population.

Ms. Kraemer explained that they have a Community Response Plan.

She said they held a tabletop drill with 40 community partners last April. One of the key findings is that people are very concerned about the impact of wildfire smoke on their health. The data is included in the Power Point Presentation in the Board Packet. This data is informing future programming and communication strategies. They are working on providing better notification and are working with public information officers and public health emergency management to provide more notification and information during wildfire season and helping people understand what to do when there is a smoke event.

### **Community Engagement for Developing the Community Response Plan for Smoke**

- Gorge-wide survey: **761** responses
- **5** focus groups: parents of young children (2, N=7), elders (2, N=26), Spanish speakers (1, N=8)
- Community listening session with **30+** folks
- Dozens of meetings with community partners and stakeholder groups
- Youth outreach and health communication media design with **175** 7<sup>th</sup> graders at HRMS
- Tabletop drill with **40** community partners

Ms. Kraemer pointed out that one of the ideas that came out of the Tabletop Disaster Drill held in April 2023 was the idea of a regional smoke website; SmokeReadyGorge.org was launched in November, providing a regional one-stop-shop for all smoke information. She said that they will also communicate during Smoke Ready week, June 10-14<sup>th</sup>.

Ms. Kraemer highlighted that on April 11<sup>th</sup>, the EPA removed the Title 5 permitting requirements for air curtain incinerators, which create a lot less smoke and particulate matter than the big burn piles. People who own and operate air curtain incinerators can now do so without the very expensive permitting process.

Commissioner Brady asked if the AQI is a composite score. Ms. Kraemer said she believes so, but is not 100% sure.

Commissioner Brady asked what Ms. Kraemer's thoughts were on prescribed burns that the Forest Service practices. She replied that she's not a Forester, but she thinks from her trainings, research, communication, and meetings that she's had with those partners that they are a necessary tool to try to manage forests in a healthy way so we have fewer catastrophic fires. She found on the surveys that the general public wants to be informed when those are happening. The Smoke Ready Gorge website will have a link to the Forest Service website where they can sign up for prescribed burn notifications for the Mt. Hood area.

Commissioner Brady asked if studies show that the short-term exposure to high levels of smoke is worse than long-term exposure to low and moderate levels. Ms. Kraemer replied that they're able to look at communities that have had long-

standing air pollution from other sources like diesel particulate and developing countries with a high level of air pollution, but they don't have long-term trend data yet for wildfire smoke, as this hasn't been going on for much longer than about 10 years. She pointed out that they do know that when they follow smoke-impacted communities, the communities show poor lung function for the year following that event. Both the high-level acute exposure and the long-term chronic exposure can be really damaging. She said that a researcher out of Canada did a presentation showing that there are connections to the development of dementia and cognitive decline and delay. She added that the researcher even recommended that standardized testing of children in school be delayed following a smoke event, as that has such an impact on cognition, attention, and behavior.

Commissioner Brady pointed out that some of the research being done on other types of exposure are the diesel engines on trains and we live in a corridor with up to 60 trains a day going through the Columbia Gorge area. Ms. Kraemer explained that on the Power Point slides showing the tiles where there is a lot of yellow happening in the fall and winter illustrates the direct relationship to our inversions when we get low cloud level that traps smoke from woodstove use, burn piles, trains, and other traffic.

Vice-Chair Hege asked what longitudinal studies are. Ms. Kraemer replied that longitudinal studies health impacts in a population over time.

Vice-Chair Hege asked what would be a couple of the most effective ways to protect oneself when there's a smoke event and if these are related to supplies, are these supplies stockpiled so they are widely available. Ms. Kraemer replied that for individuals that have to be outdoors, N95 respirator masks are recommended, as they prevent the inhalation of those tiny particulates if the masks are fit-tested and worn tightly. She explained that the other thing to do is purifying or cleaning indoor air that are in our homes and buildings; that can be done by using air purifiers. The filters in air conditioners can be upgraded to Merv 13 or higher, which means that the mesh is fine enough that it will pull that particulate matter out of the air. The challenges for the more vulnerable population is poor housing with potentially leaky doors or windows; they don't have the ability to clean the air in their homes due to cost or access to materials so the outdoor and indoor air quality will be similar.

Ms. Kraemer pointed out that using a box fan in her office during a smoke event brought the indoor AQI down 100 points in about an hour, so they work remarkably well at cleaning the air. These supplies do go out of stock quickly during smoke events, so that's why they do the Smoke Ready Week in June so

the information about supplies goes out to people hopefully before there is a smoke event. Most of the worst smoke events tend to happen around Labor Day.

Commissioner Brady said they used the box air purifiers in classrooms around the time of COVID 19 and wondered if they also reduce the spread of that virus. Ms. Kraemer replied that they reduce the spread of all kinds of viruses and bacteria. She said she recommends the box air purifiers be run all the time, as they do such a good job of cleaning the air and added that the filters should be checked regularly.

#### Agenda Item – Resolution Center Presentation

Mr. Stone introduced the Resolution Center Proposal Presentation saying that the community has been working on the Resolution Center for some time and they've been seeking funding for this project. They've been successful and received \$4.5 million about a year ago, and legislatively they just received another \$8 million. He explained that the total cost will probably be over \$50 million to fund all of these facilities. They've stepped back and phased this project so they can work on obtaining funding from the different funding pools out there for these types of services. He said that funding the construction will likely be easier than funding the operations.

Mr. Stone stated that he wants to look at how we do this to be sustainable and benefit the community.

Mid-Columbia Center for Living (MCCFL) Finance Director Mark Stewart and reviewed the Power Point Presentation in the Board Packet and added that the proposal in the presentation excludes the Psychosocial Rehab Center, which may be done at a later time.

Commissioner Brady asked if the Resolution Center will leasing the land. Mr. Stewart replied that is the intent. Mr. Stone added there will be a typical land lease as the County does not intend to sell that property; they will keep the property long-term.

Mr. Stewart explained that on Phase I, they would focus on the Crisis Center and the Substance Use Disorder facility; Phase 2 would focus on the Cottage, and the Community Support Services.

Mr. Stewart said they recently received some funding allocated from the state that will help fund these services sustainably. Mr. Stewart pointed out that M&S in the slide above is Materials and Services; the land lease value is in the Admin bucket.

Commissioner Brady asked where the major buckets are for the revenue

income. Mr. Stewart replied that the major buckets are the State Allocation funding and Pacific Source Capitation along for fee for service revenue.

Mr. Stone said that the reason that Phase 3 is at Phase 3 is the estimated net margin operates at a loss, so we're pushing that down the road anticipating that there will be significant conversation for 2025 Session that will address these types of treatment. He said that there's a state-wide need for nearly 3000 beds, so hopefully the legislature will make it possible to correct that so there won't be any operating loss. Mr. Stewart said that Phase 3 Proforma estimates can be changed at that time.

Chair Kramer asked if in the Proforma, they considered the savings of not taking folks to NORCOR and similar functions. Mr. Stewart replied that it had not been examined with these numbers. Mr. Stone said that the funding mechanism of NORCOR will take that into account.

Commissioner Brady asked how the people served by the Resolution Center would compare to the people who are served by the Oregon State Hospital (OSH) and upon completion of treatment and release, where would they go. Mr. Stone answered probably people being released from OSH and returning to this community; the Resolution Center would be that step-down level of care. People would get stabilized and receive treatment at OSH or a higher level of care and then return to this community. The challenge is that we don't have a place for them to go, so they continue to cycle through the system. The Resolution Center allows for a landing spot where and they receive step down services, including housing.

Commissioner Brady said that this will also help for hospital emergency services where people don't have anywhere to go so are staying at the hospital for extended times; sometimes over 100 days.

Mr. Stone said if you combine funding for all three phases, there is still a 10% return, but they want to see each of the Phases profitable.

Vice-Chair Hege asked what it means when he says "Level 3". Mr. Stewart answered that it's based on the severity of needs and other variables of the client which he is not familiar with; Executive Director Al Barton would be the expert in this matter. He added that this would be the per diem reimbursement rate that the facility would receive per day for clients at a level 3. Commissioner Brady explained that at a hospital, the nurses identify what level of care a person has needed during the day; the more services they've needed, the higher level of care is reflected through the numbers; that gets turned into a reimbursement rate.



Commissioner Brady asked if urban rates are higher or lower than in rural areas. Mr. Stewart replied that he thinks urban rates are generally a little higher. He added that he'd have go on a website to validate that, but it's been his experience that urban rates are a little higher.

Commissioner Brady asked if the Resolution Center is in an appropriately zoned area for this. Vice-Chair Hege said that it will qualify under City zoning.

Chair Kramer said this is a major focus for us; we're still waiting to hear from OHA about our ranking on the new draft list for funding.

Commissioner Brady asked if staffing will be a challenge. Chair Kramer replied that it will be a challenge, but as we move forward with the work force dilemma, more money is being offered through colleges for reduced tuition, so by the time these facilities are potentially in operation, we could have a trained workforce.

Chair Kramer said that if anyone has any questions regarding the Resolution Center, please contact Mr. Barton or Mr. Stone.

**Consent Agenda – Reappointments/MCEDD IGA/5.15.2024 Regular  
Session Minutes**

**{{Commissioner Brady moved to approve the Consent Agenda. Vice-Chair Hege seconded the motion.**

Discussion: Vice-Chair Hege had some questions about formatting and language of the minutes going forward. No changes were made to the minutes.

**The motion passed unanimously.}}**

**Agenda Item – Executive Session**

At 11:55 a.m. Chair Kramer recessed the Regular Session to open an Executive Session Pursuant to ORS 192.660 (2)(h) Conferring with Legal Counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. He cautioned the media not to record or report on discussions in Executive Session, except to report the subject as announced.

The Regular Session resumed at 12:38 p.m.

**Commission Call**

Chair Kramer asked to fund a project at the Fairgrounds, as there are safety issues and disrepair. We've received an approximate \$125,000 bid to do Phase I of 3 Phases to bring the arena up to safety standards. Chair Kramer asked that about \$600,000 of the Special Economic fund be used to complete these two

projects to make the Fairgrounds safe and to bring its infrastructure up so they can not only use it for the Fairgrounds and activities, but also to be used for emergency incidents throughout the year. He stated that the Budget Committee was in consensus to move this forward.

Vice-Chair Hege said he didn't completely understand the scope of the work. He said that there is already money going into some of the projects and asked about the Crestline funds.

Chair Kramer replied that that the Crestline project for infrastructure is short. Vice-Chair Hege said what he understands is that they're trying to do the most important things; the things not being done had lower priorities based on discussions he was involved in.

Chair Kramer replied that those are all based on grant funds, so what he'd like to do is utilize some of our economic development funds to boost and support those grant monies to show our partners at the State that the County is not just there with its hands out for their dollars, but that the County is also contributing to further its own development.

Mr. Stone said that Chair Kramer's ask is that he'd like to fund the whole project.

Vice-Chair Hege said he's not ready to make a decision right now. Some of those facilities are only used once a year, and while it would be nice to have everything upgraded, he isn't sure what the needs are versus the wants. Chair Kramer replied that it's all part of the safety issues in the arena. Vice-Chair Hege asked if the material he sent today was Phase 1 of 3. Chair Kramer replied that Phase 1 is repairing the safety issues out there; the stuff is held together with bailing twine, which is a liability for the County. This has been neglected for a long time. He added that with the increase of safety and new fencing and new arena pieces, we could hold more events. He said people aren't using it because of the shape that it's currently in.

Vice-Chair Hege said he's willing to consider it, but \$600,000 is a lot of money to commit and he needs to better understand the scope and why we would be compelled to do that.

Vice-Chair Hege asked if the idea is complete those before the fair. Chair Kramer replied affirmatively. Mr. Stone clarified that it's the \$125,000 arena improvements.

Vice-Chair Hege suggested a special meeting as the next meeting isn't until July. Chair Kramer said he will call a special meeting to talk about this.



Chair Kramer said this is an investment in our community and it's been neglected for years. He said we need to do this in order for us to be ready for economic growth for our region and for our emergency preparedness. Vice-Chair Hege said the emergency preparedness is easier for him to understand than some of the other factors regarding the fairgrounds.

Legal Counsel Kristen Campbell said she is correcting the record to add a section to the Executive Session provision which is ORS 192.660 (2)(f).

Chair Kramer asked if it's sections (f) and (h). Ms. Campbell replied affirmatively.

### Summary of Actions

#### **MOTIONS**

- **To approve the Modification of Cooperative Law Enforcement Agreement 23-LE-11060600-003 between Wasco County and Mt. Hood National Forest and Columbia River Gorge National Scenic Area for the purpose of increasing funding.**
- **To approve Resolution 24-007 authorizing the Board of County Commissioners Board Chair to sign Modifications of Grants or Agreements where the only modification to the agreement is a change in funding amount.**
- **To approve the Agreement for Maintenance and Repair of Radio Communications Systems Equipment through the Fire South Radio Consortium.**
- **To approve Intergovernmental Agreements between Wasco County and Mid-Columbia Fire and Rescue, City of The Dalles, North Wasco Public Utility District; and Sherman County for the provision of GIS services.**
- **To approve Order 24-031 declaring a ban on residential burning in Wasco County effective at 12:01 a.m. on June 10, 2024.**
- **To approve Resolution 24-012 declaring a local state of emergency in Wasco County as a result of adverse climate conditions and declaring a ban on the use of fireworks.**
- **To approve the Consent Agenda: Reappointments, MCEDD IGA, 5.15.2024 Regular Session Minutes**
- **To approve Resolution 24-011 adopting the Fiscal Year 2024/2025 Budget, Tax Levy and Appropriations for the Wasco County Library Service District.**
- **To approve the 5.15.2024 Library Service District Minutes.**
- **To approve Resolution 24-010 adopting the Fiscal Year 2024/2025**

**Budget, Tax Levy and Appropriations for the Wasco 4H & Extension Service District.**

- **To approve the 5.15.2024 4-H & Extension District Minutes.**
- **To approve Resolution 24-009 Adopting the Fiscal Year 2024/2025 Budget, Tax Levy, and Appropriations for Wasco County.**
- **To approve Amendment 1 to IGA 6552 between the State of Oregon and Wasco County to increase funding for Community Corrections.**
- **To deny Mr. Wilde's request to waive Planning Fees related to the reconfiguration of tax lots.**
- **To approve Resolution 24-006 authorizing an application for an Oregon Transportation and Growth Management Grant to update the County's Transportation System Plan.**

Wasco County  
Board of Commissioners

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Steven D. Kramer, Commission Chair

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Scott C. Hege, Vice-Chair

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Philip L. Brady, County Commissioner



## WASCO COUNTY BOARD OF COMMISSIONERS

### SPECIAL SESSION

JUNE 11, 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: Kelly Walker, Executive Assistant  
Tyler Stone, Administrative Officer

Chair Kramer opened the session at 10:45 a.m.

#### Agenda Item - Fairgrounds Rodeo Arena Renovation and Infrastructure Funding Request

Chair Kramer said he'd like to discuss the Fairgrounds Rodeo Arena Renovation and Infrastructure Funding Request for a project in which they've been awarded Legislature and grant funds. The arena has some safety issues; the Fair Board has received a bid for \$125,307.89 to replace the unsafe fencing, gates, stripping chute, and the roping area. In addition they're short \$400,000 for the long-term infrastructure project currently in progress. He said he would like to arrive at a solution to get bring the facility up to good standards again.

Administrative Services Director Ali Postlewait said she's here to answer any questions anyone might have regarding this funding request. She stated that they had received some funding prior to her employment, possibly around 2019. They worked closely with the construction company, Crestline since 2022 with their original bid and design. They've been in further conversation with a new engineer as well as the Department of Environmental Quality (DEQ) to get the infrastructure project moving forward.

Ms. Postlewait explained that the original pricing sheet was \$2.1 million; the new pricing sheet has a reduction in scope at \$1.4 million with optional items bringing it \$1.8 million; the septic system work is not included on the new pricing sheet. The septic system work would bring the price back up to the original \$2.1 million which is what is being asked for. She added that this was the original design and contract ask.

Mr. Stone said we've been successful in bringing 3 different funding streams

together from the Legislature, State Parks and some lottery funds, as well, at about \$1.6 million out of the \$1.885 million needed. He added that the original contract was north of \$2 million, but they've been value engineering that down, as they were not successful in getting a 4<sup>th</sup> grant that they had applied for. He said that this request gets the majority of the project completed and moves us forward. He said that there are matching grant requirements on the Oregon State Parks money of about \$83,000.

Mr. Stone explained that we have a current contract price of about \$1.4 million for work that will be completed and some optional items that would bring the full contract price up to \$1.885 million. He explained that he believes Chair Kramer is asking for the funds to make up the difference between the current contract price and the 1.885 million.

Commissioner Brady asked for clarification about the item on the pricing sheet "nitrate improvement budget" under septic. Ms. Postlewait replied that as part of the septic permitting requirements; this is for the WCP permit to have restrooms out there. The nitrates have continued to test high; Department of Environmental Quality (DEQ) has allowed them to continue to be permitted with the understanding that this project was in the works.

Vice-Chair Hege asked about the \$97,000 for the nitrate testing just discussed and if that was in the septic field expansions. Ms. Postlewait replied that it was separate. She explained that the outhouse system that gets tested is part of the pumping system that's out there; it would enhance the pumping system. Mr. Stone added this part of the project would not have been part of the original scope, but if this didn't get complete, it wouldn't be approved. He explained that it utilizes the existing septic tanks and his understanding is they put an aeration system inside to keep the material in there moving and oxygenated which addresses the nitrate issue that they have to test for. Vice-Chair Hege asked if this is included in the \$1.4 million. Chair Kramer replied affirmatively. Vice-Chair Hege asked for confirmation that this is in the \$1.4 million identified as the value engineered project costs. Ms. Postlewait replied that it is.

Vice-Chair Hege asked if he took the \$1.41 million and subtracted it from the \$1.8 million, it's around \$285,000. Ms. Postlewait concurred. Vice-Chair Hege asked how that relates to the \$400,000 and then how much funding we currently have for this project. Ms. Postlewait replied that we currently have \$1.6 million. Vice-Chair Hege said then we'd subtract the money we have from the 1.885 million and the deficit is around \$285,000, correct? Ms. Postlewait answered that it's the deficit for the optional items, but if they want to take into consideration the total project cost of \$2.1 million, the difference is \$469,212 and would include the septic expansion. She clarified that the difference is \$469,212 and that they're only asking for

\$400,000 with the understanding that they can potentially get the additional grant funding for the \$69,000. Vice-Chair Hege asked for confirmation that the grant money is already in the figures and is not part of the request. Ms. Postlewait replied that it's not part of the request.

Ms. Postlewait pointed out that several safety issues have come up several times not only for the public, but also for the animals that utilize the arena. The Fair Board solicited 4 bids for those enhancements and only 1 bid was returned; that bid came out at \$125,307.89 She reported that there was a rodeo incident this weekend on the news here in the State of Oregon.

Chair Kramer said a large group of volunteers have stepped up to help them with the safety issues to reduce the cost, which is greatly appreciated. He said they purchased a new set of bleachers and the concrete pads have been poured for those. He added that their plan is to purchase another set of bleachers and more concrete was poured for that set; this was all done within Americans with Disabilities Act (ADA) compliance. He said they're moving forward the best they can with the amount of funds they have available at this time to provide some amenities for our community. He pointed out that this the County's facility and the County needs to take care of it.

Chair Kramer said there's a couple of Commissioners that want to help him rewrite the ORS 565 Ordinance, as it's outdated and keeps Counties out of it; counties should be involved in County property.

Chair Kramer said that there's a great opportunity here to get things fixed; they're just short a little funds to complete it. He said there are 3 Phases that the Fair Board has been asked to consider and this is Phase I. He explained that back in 2008, the Oregon Fairs Association (OFA) and All County Fairs reduced the County's percentage they received from the Lottery. The 1% that fairs originally received has not been reinstated. He explained that he is working with Association of Oregon Counties (AOC) and OFA to get that 1% of the Lottery funds reinstated which would more than double what we have at this point. He added that the funding request would be a good "shot in the arm" if the Board chooses to make the upgrades that they're working so hard to achieve this year.

Ms. Postlewait pointed out that the Fairgrounds is also the designated emergency evacuation site for South County. She added that we have neighbors that bring their animals to the Fairgrounds, so it has been utilized more than just the 4 or 5 days of the County Fair. Chair Kramer added that the entire month of June is booked with activities. He added that as the Fair Board continues to work on policies, they expect to see more people renting and using the Fairgrounds.

Commissioner Brady said that recently Tonya Bromley gave them a tour of the

Fairgrounds highlighting the arena; it was pointed out how important it is to have continuous railing around the arena with large animals and riders using it. He asked to know more about the Oil Field Drill Stem on the design specification; asked if this is a drill from an oil field being repurposed as a rodeo fence. Chair Kramer confirmed.

Commissioner Brady pointed out that the County is really making a deep commitment to our County, both in the North and South ends; the North end by taking responsibility for Kramer Field and the South end by taking responsibility for improving Hunt Park and the Fairgrounds so it can be a great place for the community to gather, work, and celebrate.

Vice-Chair Hege said he'd like to break this down into 2 elements. He said he'd like to consider the safety elements including the fencing separately from the other request; and added that they can discuss the other, as well.

Ken Polehn, Wasco County Fair Board Vice-President, pointed out that the last time the arena was upgraded and made safe was around 1976, so the equipment is pretty old and beat up; he'd really like to see it safe for the community to use.

**{{Vice-Chair Hege moved to approve funding up to \$125,500 for the proposed replacement of the arena fencing and other accoutrements in this proposal. Commissioner Brady seconded the motion which passed unanimously.}}**

DISCUSSION:

Vice-Chair Hege said it's clear there are safety issues that need to be addressed and knowing that it has been a long time since these things were addressed, it makes sense for us to step up and take care of this. His first concern is that they have only one bid; the easiest way to do a comparison is to analyze multiple bids. He said he knows they've tried to get more bids, but he would like to see more bids, as there are a host of things that challenge him. He said he doesn't know who the bid is from; it doesn't list their name or license information. Also, unit pricing on this bid can't be analyzed because everything is listed in a lump sum. He said for example, the labor estimate is a lump sum of \$44,625; he has no way of analyzing that to know what it means. He said his point is that it's important to be able to analyze the bid for due diligence. He said he would ask if they have a license to perform the work in the State of Oregon. Mr. Stone responded clarifying that a volunteer committee went out and did all this work; a number of other steps have to happen in their contracting work before they get to that point, but that they will go through all those steps with the estimates if this motion is approved.

Vice-Chair Hege said he thinks the Fair Board's procurement process and rules are the same as the County's; the bids from the volunteers should be done in the

same way he'd expect to see from the County, as this is public money. Mr. Stone agreed.

Chair Kramer said that this bid was done by Jon Swaggart from S.E.B. Contracting, LLC; the original bid was \$154,184.18, but they've been working with him to bring that estimate down. He believes S.E.B. is licensed outside of the State of Oregon, but is working on his CCB license for Oregon and should have it by the time work begins. He said he appreciates Vice-Chair Hege's thoroughness and over the years it has taught him a lot.

Chair Kramer opened up discussion on the Infrastructure project.

Vice-Chair Hege said he's been aware of and around this project for a long time and in some meetings with Crestline. He said according to what he's hearing from staff, we have \$1.61 million in grant funds and additional funds that we're providing in match; the current price that the team has negotiated is the value engineering project costs is \$1.41 million. Right now, Crestline is ready to go and we have the funding; we have another \$200,000 in funding on top of that. He said that he understands that we are investing a significant amount of money into the fair, that the staff has worked really hard to identify what the most important things are, and at the same time they've had to value engineer to whittle it down which cuts some things from the projects. He said he's having trouble with putting in \$400,000 into this project above and beyond the remaining \$200,000. He said he thinks since the County has the money, they should use those funds to do some of the optional items on the list, which are the East Road and Parking Lights, the Arena Lights, Grade to New Camp Layout, and Conduit Not Supplied by Co-op. He said he didn't quite understand the last one. Mr. Stone replied that Wasco County Electric Cooperative didn't know if they could get the conduit, so this was another option. Vice-Chair Hege asked if they could get the conduit, would they provide it at no cost. Mr. Stone replied no, they would still charge, so we'd pay for it one way or the other.

Vice-Chair Hege asked for more clarification on the conduit. Mr. Stone replied that this is conduit used for the distribution system in the grounds. Vice-Chair Hege asked what the conduit would be for. Mr. Stone said it would be the conduit that the Co-op would be laying for the Fairgrounds. Vice-Chair Hege expressed confusion over whether the conduit is an optional item.

Mr. Stone said there's a description of the conduit on page 3 of the contract. He reads from the contract, "With limited communication from Wasco County Electric Cooperative prior to submission, it was unclear whether they would have the materials needed to place open ditches as their work progresses. This would be to supply only enough of the conduit needed to support the Co-op with final plan

needs.” Vice-Chair Hege asked if this is based on future needs. Mr. Stone replied that if we’re looking at the RV Park, we’re doing two additional spots, but the master plan calls for an additional 50 spots, they’re going to have that entire piece open and if we don’t have the conduit available...” Vice-Chair Hege said this is for future stuff that’s not being used for today.

Vice-Chair Hege is looking to staff to say which of the optional items has the most value. He said for example, his understanding is that we don’t have the land procured for the septic system drain field expansion. Mr. Stone explained that they are still in negotiations for property; however the septic system isn’t in the funding being requested; it was part of the original \$2.1 million.

Vice-Chair Hege said that the difference between the \$1.8 million and \$1.61 million is around \$285,000, which would fund the options, which is why he doesn’t support authorizing the full \$400,000. Vice-Chair Hege New Camp Layout will create about 25 additional spots and could potentially bring in \$25,000 per year. There’s some justification to invest more money into that, as we’d get that money back. Mr. Stone replied that the Camp Layout does add revenue, but he can’t see digging up the entire campground and putting water in and not at the same time putting in the conduit while the ditch is open; it would cost five times as much to dig it up again. Vice-Chair Hege agreed. Mr. Stone said he the Camp Layout and Conduit are the top two priorities. The east road and parking lot lights are a safety issue as it gets really dark on that side of the Fairgrounds. He added that the Arena lights work now, but some point it would be nice to replace those with energy efficient lighting as they take a lot of power.

Chair Kramer commented that he’d like to see that it’s all done, as everything is there, they wouldn’t have to mobilize again, and pricing is not going down. He said that he gets where Vice-Chair Hege is coming from, but he is confident that we can negotiate the land for the septic system.

Jim Forsman, a Wasco County resident, asked how much the land would be for the septic system and how far into the future do they suppose that would be. He also asked what the harm would be to wait until the land is acquired to fund that septic system; what is the difference of waiting vs. doing it now? Mr. Stone replied that we are not currently considering the septic system under the current price, so it’s not in the numbers being discussed. Chair Kramer said that he was just making a comment and they’re in negotiations regarding the land, so there’s no information that can be given out at this time.

Vice-Chair Hege suggested funding the optional items minus the arena lights to include the east road and parking lights for safety elements. He said he would include the Grade and New Camp Layout providing it would qualify for the



program, so they don't end up doing only some of the work. Mr. Stone said he needs to have that conversation because the layout puts in the pipe and the sites, but it probably does not include the RV stand with the plug in; those would probably not be in this number and he'll confirm that. Vice-Chair Hege said his motion will be based on the New Camp Layout qualifying and providing revenue. He said this would also include the conduit which makes sense as they'll have the ground open.

Vice-Chair Hege said it would be \$1.8 million of which we already have \$1.6 million in grants; less the arena lights which are estimated to be \$182,000. He said so it would be \$182,000 less than 1.8.

Mr. Stone replied that the figure is \$292,695. Ms. Postlewait said that the optional items total \$474,695 minus \$182,000 total \$292,695. Vice-Chair Hege said it's the difference between the \$1.8 million and the amount we already have which is \$1.6 million and then minus the \$182,000.

Vice-Chair Hege asked if they've already approved the contract and if they hadn't had this discussion, what was already approved. Mr. Stone replied that they were already approved to move forward with the \$1.41 million. Mr. Stone said that Chair Kramer was asking for the full \$474,695 and we're reducing that by \$182,000. Vice-Chair Hege said that Chair Kramer was originally asking for the amount up to the 2.1 million for the septic system expansion. He said that when he does the math, that bottom line price is \$1.7 million including the 3 options discussed, and not including the arena lights. He said the County already has 1.6 in grants so the amount the County would fund would be the difference between those two figures.

**{{Vice-Chair Hege moved to approve the additional funding to the Infrastructure Project up to \$1,703,217.80. This would include all of the optional items down to the \$1.885 million, and not including the arena lights which are priced at \$182,000. Commissioner Brady seconded the motion. Vice-Chair Hege voted aye. Commissioner Brady voted aye. Chair Kramer voted nay.}}**

Chair Kramer commented that he voted no, as he wants to see the full amount funded.

Chair Kramer thanked the Commissioners and staff for the good discussion and support of the Wasco County facilities and commented that the Fair Board, the arena folks, the contestants, and fans will be happy with the upgrades for our arena. He said he's looking forward to having an upgraded park for more resources.

**Agenda Item – Highway 197 and 5-Mile/Steele Road**

Vice-Chair Hege if Chair Kramer had any updates regarding the DEQ Landfill, as the comments are due soon. Chair Kramer said we have time for comments, but the Landfill Permit has nothing to do with the intersection work.

Commissioner Brady asked about the time frame on our contract with Waste Connections. Chair Kramer said usually the County does a 10 year franchise agreement. Mr. Stone replied that there are a couple of opportunities here; one is to highlight the speed issues. He also said that the County could ask them to do some speed monitoring and speed control through the Franchise Agreement, as there are some significant concerns around speed.

Chair Kramer said that there are two issues which are Highway 197 and 5-Mile/Steele Road. He said there is State and County jurisdiction. He said he spoke with Dan Shanahan from Oregon Department of Transportation, who will look into the possibility of a safety corridor and/or reduced speeds on Highway 197 as they look into expansion or correction of that intersection. He's also meeting with Representative Smith on June 26<sup>th</sup> to talk about the intersection.

Public Works Director Arthur Smith said he received the invitation from Superintendent Jack Henderson. He said he will be at that meeting to support this in any way necessary. If we're looking at speed reduction on the county roads, he'll need to know in order to take forward any application to conduct a speed study.

Commissioner Brady said he's concerned about the 30-year lifetime estimate on the Landfill. He said he's thinking about the future of the community; if we're filling up the landfill too quickly, it will be very costly and we're discounting future costs to gain present benefits.

Vice-Chair Hege said they've had discussions in the past and it's interesting how they calculate these numbers to figure the life-estimate of the landfill. He said he seems to remember that 30 years is a number they use, but fully expect it to be longer. It would be good for them to come and talk to us again about how they come up with these calculations. Chair Kramer said he'd get a meeting with Nancy and Brian and report back.

Chair Kramer adjourned the meeting at 11:53 a.m.

**Summary of Actions**

**MOTIONS**

- **To approve funding up to \$125,500 for the proposed replacement of the arena fencing and other accoutrements in this proposal**

- **To approve the additional funding to the Infrastructure Project up to 1.70321780. This would include all of the optional items down to the \$1.885 million, and not including the arena lights which are priced at \$182,000.**

Wasco County  
Board of Commissioners

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Steven D. Kramer, Commission Chair

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Scott C. Hege, Vice-Chair

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Philip L. Brady, County Commissioner

MINUTES  
CITY COUNCIL & WASCO COUNTY BOARD OF COMMISSIONERS  
JOINT WORK SESSION

WASCO COUNTY BUILDING, 401 EAST 3<sup>RD</sup> STREET

JUNE 5, 2024  
1:30 p.m.  
VIA ZOOM/ IN PERSON

**PRESIDING:** Chair Steve Kramer

**COUNTY COMMISSIONERS:** Scott Hege, Steve Kramer, Phil Brady

**CITY COUNCIL:** Darcy Long, Tim McGlothlin, Rod Runyon, Scott Randall, Dan Richardson, Mayor Richard Mays

**STAFF PRESENT:** County Administrative Officer Tyler Stone, County Assessor Jill Amery, City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Amie Ell, Public Works Director Dave Anderson, Police Chief Tom Worthy, Finance Director Angie Wilson, Community Development Director Joshua Chandler, Economic Development Officer Dan Spatz

**CALL TO ORDER**

The meeting was called to order by Chair Kramer at 1:30 p.m.

**DISCUSSION ITEMS**

**Strategic Investment Program (SIP) Funds Policy Discussion**

Commissioner Kramer said the joint work session was for City Council and County Commissioners only. They would not be taking public comment during the meeting, but would accept questions or comments via email or in writing. A later meeting would have a portion open to public comment on the topic. The objective of the meeting was to allow for discussion for the potential use of SIP (Strategic Investment Program) funds. The focus would be on City and County policy level guidance not on the specific projects or initiatives.

City Manager Matthew Klebes presented the staff report provided in the agenda packet.

Commissioner Kramer opened the discussion for councilor and commissioner comments or

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questions.

Mayor Mays noted the meeting was the first of multiple on the topic. Public input was encouraged. He cautioned the joint committee to remember the amount of the revenue coming in was yet unknown.

Wasco County Assessor Jill Amery confirmed the amount was yet unknown.

Councilor Runyon said there would be other entities from the other taxing districts also impacted and would like to hear from them at a future meeting to learn what they would like to see happen.

Commissioner Hege asked if the two separate centers were located on the same tax lot.

Amery confirmed it did not matter they were on the same tax lot; the data centers would still be tracked separately per the County's request. In the past, the first two agreements had been co-mingled. A lot of work had been done with Google to separate before the first one came off the tax roll. The newer datacenters had to be separate; valuation, calculations and revenue streams required they be tracked separately. The State and the County Assessor's office were responsible for tracking.

Commissioner Hege asked if it was likely the community service fees would be at or near the \$2.5 million cap.

Amery stated models had been created for several different scenarios. In the scenarios both occurred. It varied dependent on estimated valuations and depreciation.

Commissioner Hege asked if a model with a valuation of \$600 million would reach the cap of \$2.5.

Amery said it did not reach the cap often at that valuation in the models. The hypothetical estimate in the models reached the cap about 1/3 of the time.

Commissioner Hege asked what the difference was between the split tax code areas for each of the datacenters.

Amery said the second building had not yet been placed and she had not yet seen plans to be able to make that determination.

Commissioner Hege asked for future meetings be a time in the evening when it would be easier for the public to attend.

Mayor Mays asked for an update from staff on the status of the two data centers.

Community Development Direct Joshua Chandler said the first data center was under construction the second had an approved permit to be issued after the SDC payment was made. Mayor Mays noted the first negotiations with Google had started in 2005 and that one was currently generating around \$5 million a year in taxes to the community. The taxing bodies not only benefited from that tax, but also a percentage of the community service fees and the portion of taxes that would be paid in the future on the newest agreements.

City Manager Matthew Klebes noted a distinction between a tax dollar and a fee dollar for understanding what would be going to the school district. Because of state-wide school funding formulas, increases in tax money did not necessarily all stay with in local school district. However, community service fees collected would all stay local.

Commissioner Hege asked how confident they were that the taxable portion would be in the \$50 million or \$100 million range based on the valuation.

Klebes said a valuation of \$600 million was what had been used in prior scenarios. He noted there were three existing categories.

Wasco County Assessor Jill Amery said that was the best estimate and the valuation Google was using in a couple of recent articles.

Commissioner Hege said there had been a lot of inflation recently, but their number had not changed.

Councilor Richardson asked for a description of the timeline for Business Oregon to make the determination of the first data center's valuation.

Amery said it would be dependent on when the project was complete and when they received a certificate of occupancy. Once that occurs it was shown in past examples centers were not always totally built out with their equipment at that point. The County would be learning and working through the valuation process with Google, Business Oregon and the State.

Councilor Richardson asked if the community service fee cap of \$2.5 million was per data center.

Amery confirmed it was.

Councilor Richardson said the term "greater good" being used in discussion should be defined

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with guardrails and scenario examples. He said it would be useful to have numbers and scenarios for the endowment fund concept in addition to revenue bond options, samples, and scenarios. He said for example, the City had had discussions that included ideas for uses for the funding being used for infrastructure. He asked if the County had had any similar discussions.

Tyler Stone Wasco County Administrative Officer said they had been waiting for a conversation with the City before making any decisions. He said it was one thing to create a list of things the money could be spent on and it was another thing to choose to create an endowment for the community. The outcomes of the joint work session discussion would be the driving factor to start making decisions. He felt if an endowment was created, they would have to be all in on it. It had the possibility to give back \$1 million a year for the community forever. He wanted a higher level of consensus as to what should be done as a community. He said he was not ready to throw out a capital improvement plan. Even though there were capital needs, the conversation was at a higher level for the community than what those needs were.

Mayor Mays said the City was in a similar position with capital needs. He encouraged all of the taxing bodies, because of uncertainties that lie ahead, to look at putting any additional revenues into capital needs as opposed to putting it into operational expenses.

Stone said the first enterprise zone had come off the abatement and those were beings seen in general funds currently. After the next one came off abatement, there would be another bump. Then at the end of 15 years there would be another when the first of these two newest datacenters came off abatement. He noted this did not take into consideration other revenue sources coming out of the Google projects for example SDCs and franchise fees. He said when he looked at all of the points along the 15-year abatement timeline, he felt there was space to look at something like an endowment because there would be other money coming in to do projects as well. He said to consider weighing the opportunity costs for now versus in the future. For example, looking at using the funds to reduce tax rates which might reduce the tax by about \$100 per year for the average tax payer versus creating an endowment that would generate \$1 million a year forever for the community.

Commissioner Hege stated the two newest projects coming online would potentially be more significant bumps than the first two.

Amery said the tax revenue being seen now was from the first agreement that had expired, in 1 to 2 years the next would become taxable, then the next in 8 years and the final in 10 years.

County Commissioner Phil Brady said establishing an endowment would give a sense of stability that could keep tax rates stable as it would be protection when something unexpected came up. He said setting aside a common pool of money would allow for collaboration for the City and

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County to work on projects together.

Councilor Randall said there were many in the community that would like to see immediate benefits from the revenues but there a great case for the long-term financial stability of an endowment had been made.

Councilor McGlothlin said it was a great responsibility to take the investments and spend wisely. He said the endowment philosophy seemed reasonable. The reduction of tax to citizens should also be included in discussions as the savings of even \$100 mattered greatly to some tax payers. He said rational saving of funds should be done for future emergencies.

Amery said calculations had been done looking at how paying off of current bonds would impact tax payers. They did this by calculating the savings if all current levies were removed. This included levies for Mid-Columbia Fire and Rescue, Columbia Gorge Community College and North Wasco County Parks and Recreation Department. That savings was \$10.86 per month for the average tax payer.

Councilor McGlothlin said the tax payer should still be included in the discussion and he would continue to bring it up in discussions.

Commissioner Hege said he would be interested in looking at ideas for taking a portion of the money to reduce tax rates.

Amery said the rate that had been used in the levy payoff calculations was \$0.60.

Councilor McGlothlin said there might be additional benefits to removing bonds from some of the entities. For example, when the County had taken over the bond payment for the Discovery Center, it had resulted in improvements at the Discovery Center.

Councilor Long said she liked the idea of the endowment. There were things that should be considered as needs versus wants. She said a new high school would create an additional tax burden if they did not use some of the funds. One of her concerns about the endowment was how the needs within the City versus outside it would be fairly balanced. Another concern was due to inflation projects were dramatically increasing in expense. The value of the current dollar and opportunity costs needed to be considered.

Stone said calculations had been done to determine tax payer savings if some of the money were to be used in placed of a school bond. He said for every \$10 million invested it would save tax payers about \$4.00.



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Councilor Long said as a financial advisor she understood money was emotional for people and they would make decisions based on that. They would not vote to increase their taxes for a new school knowing there was a pot of money available that could be used.

Commissioner Brady said his thought was to have a regional approach to assess what would benefit livability and economic vitality within the City. He requested additions and changes to the presented example of policy guidance given in the staff report. He wanted “schools” changed to “education” as that would include other things such as childcare and he also wanted “health facilities” added in the open space next to housing. In addition, he wanted a consideration to not limit to the noted “last dollar, not first dollar” in the staff report. He said the opposite side of that was to be able to use it as first dollar or seed money that was often difficult for entities to obtain and could be multiplied with other grants.

Councilor Runyon said a portion may go into an endowment, but asked for the consideration of two separate endowments, one within the County and one within the City, as well as a review of the pros and cons. He said Sherman County had a used SIP funds for individual communities. Each community thinks for themselves had specific needs.

Stone said the way it was being looked involved a process to create a list similar MCEDD’s economic development list to be used in determining and vetting projects needed within communities. A City and County committee, under a binding agreement, would review, discuss, and come to a consensus on which projects would be funded. This opened it up for small entities to come to the table to utilize the endowment for projects.

Commissioner Brady said there were things in the county such as solar installations planned for the future and what was being created now could become a model for those projects. He said there were parts of the county that were not considered entities. The main point was a common fund for the City and County to collaboratively work together.

Mayor Mays said he had looked closely as the idea of lowering taxes since he had become mayor. He noted there were 11 different taxing bodies and the decision to raise or lower depends on them all. The City and the County combined make up about 49% of the tax rate, the other 59% was from the remaining bodies.

Councilor Richardson argued against looking at things that would further increase revenue as was mentioned in the staff report. He said things such as a new school that would keep taxes from raising should be considered.

Commissioner Kramer said he was in favor of the endowment concept. He encouraged the district’s citizens to send emails and written comment on the topic.

Mayor Mays said he was intrigued with the idea of an endowment if it would generate enough funds as well as the idea of a revenue bond. He asked if it was too early to determine if a revenue bond could be sold with the uncertainty of the revenue stream.

Stone said a revenue bond would have to be looked into further by staff.

Klebes asked if there were any other criteria or concepts that should be looked into, removed, or if there was anything missing that they would like staff to work on to prepare for the next work session.

Commissioner Brady said he objected to “last dollar, first dollar” and wanted seed money included.

Commissioner Hege asked staff if it was clear what they were asking them to bring forward to the next meeting.

Stone said the next work session would include a section for public comments, a discussion of the community input received, as well as additional requested information about the endowment concept.

Klebes confirmed more detail would be prepared for the items the group had expressed interest in as well as a snapshot of the ideas that would be heard from the community and other taxing districts.

Councilor Long said she would like to see the public comment sent in ahead of time. She said some people might give specific project ideas but they could be extrapolated to fit into a bigger picture.

Commissioner Kramer confirmed all public comment would be accepted.

A discussion of how to best collect public comments lead to a decision to have staff create a survey eliciting input on how the public believed funds should be spent. The survey was to be compiled and shared with the Council and Commission before the next joint work session.

The next joint work session was scheduled for Tuesday, July 23, 2024 at 5:30 pm to be held in the Wasco County Building at 401 E 3<sup>rd</sup> Street.

## **ADJOURNMENT**

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Being no further business, the meeting adjourned at 2:54 pm


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Submitted by/ Amie Ell, City Clerk

SIGNED: \_\_\_\_\_  
Richard A. Mays, Mayor

ATTEST: \_\_\_\_\_  
Amie Ell, City Clerk

DRAFT



“Planning  
Department”



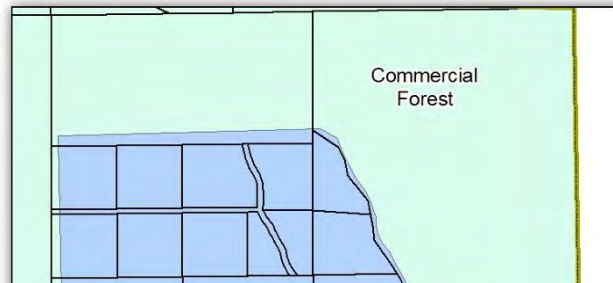

# National Scenic Area Land Use Designation Map Update

# Background

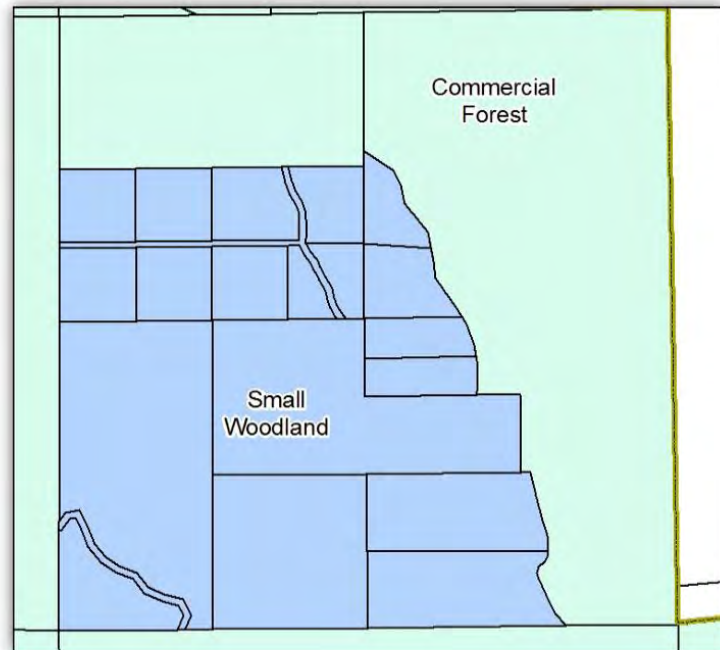

- **Gorge 2020:** “Clarifications” part of Columbia River Gorge Commission’s Management Plan Update
- **2022:** Transmitted to Wasco County

- “Snapping” zoning to property lines, to remove many irregular slivers

The Problem:  
LUD lines do not align  
with base data  
lines in this example)



The Solution:  
Adjust LUD lines to be  
coincident with the  
taxlot lines



# Impact

- Should reduce development constraints
- Impacts roughly 150 properties
- Mandatory Update
- Notices were sent in March to impacted property owners
- Will be incorporated into the Wasco County Comprehensive Zoning Map



# Deer and Elk

- Staff identified a conflict between the proposed LUD revision and our new Deer and Elk Habitat (OZ 8)
- Worked with CRGC staff to revise
- Will wait for Secretary of Agriculture concurrence





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

**FOR**

**Hearing Date:** July 3, 2024

**Hearing Time:** 9:30 am

**Hearing Location:** **Wasco County Board of County Commissioners  
Chambers**  
401 E. 3<sup>rd</sup> Street  
The Dalles, OR 97058  
Electronically via Zoom  
**Meeting ID: 395 773 4524#**

**HEARING #1 DETAILS: Legislative request to adopt amendments to  
the National Scenic Area Designation Map**





**PLANNING DEPARTMENT**

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

*Pioneering pathways to prosperity.*

MEMORANDUM TABLE OF CONTENTS

**Date:** June 25, 2024  
**To:** Wasco County Board of County Commissioners  
**From:** Wasco County Planning Office  
**Subject:** Submittal for Hearing dated July 3, 2024  
**Re:** Review of #921-24-000049-PLNG – Update of NSA LUD Maps

HEARING #1 DETAILS

Page

921-24-000049-PLNG:

Staff Report – Comprehensive Plan Zoning Map Amendment Request

BOCC 1-1 Pg. 1

Attachment A – Project Postcard Notification – NSA LUD Maps

BOCC 1-1 Pg. 12





**PLANNING DEPARTMENT**

2705 East Second Street • The Dalles, OR 97058  
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**FILE #:** 921-24-000049

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**REQUEST:** Legislative Request to Amend the Comprehensive Plan Zoning Map

**DECISION:**

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**Attachments:**

**A.** MEASURE 56 NOTICE

**B.** COMMENTS

**File Number:** 921-24-000049

**Request:** Amend the Wasco County National Scenic Area Land Use Designation Map/Comprehensive Plan Zoning Map  
1. Mandatory updates based on Gorge 2020 updates to the National Scenic Area Management Plan

**Prepared by:** Kelly Howsley Glover, Planning Director

**Prepared for:** Wasco County Board of County Commissioners

**Applicant:** Wasco County Planning Department

**Staff Recommendation:** Recommend the Wasco County Planning Commission recommend adoption of the proposed amendments of the Wasco County National Scenic Area Land Use Designation Map/Comprehensive Plan Zoning Map to the Wasco County Board of Commissioners

**Planning Commission Hearing Date:** May 14, 2024

**Board of County Commissioner Hearing Dates:** **July 3, July 17**

**Procedure Type:** Legislative

**Attachments:** Attachment A: Measure 56 Notice  
Attachment B: Comments

## 1. APPLICABLE CRITERIA LIST

### Wasco County NSA LUDO

- A. Section 2.100 (C) – Notice Requirements (Type IV – Legislative Hearing Notice)
- B. Section 9.010 – Gorge Commission
- C. Section 9.040 – Transportation Planning Rule Compliance
- D. Section 9.070 - Recommendation on Zone Change or Amendment to the LUDO
- E. Section 9.080 - Notice of Planning Commission Recommendation
- F. Section 9.090 - Action by County Governing Body
- G. [ORS 197.610](#) - Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development
- H. [ORS 197.612](#) - Comprehensive plan or land use regulation changes to conform plan or regulations to new requirement in statute, goal or rule
- I. [ORS 197.615](#) - Submission of adopted comprehensive plan or land use regulation changes to Department of Land Conservation and Development
- J. NSA Management Plan Part IV, Chapter 1, Section 6 – County Ordinances

## 2. SUBMITTED COMMENTS

None to date.

## 3. PUBLIC INVOLVEMENT

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

### A. Newspaper Notifications

#### Planning Commission Hearing May 14, 2024:

Public notice for a Planning Commission hearing was published in *The Dalles Chronicle* on April 24, 2024 20 days prior to the May 14th hearing.

### B. Mailed Notice

On April 3, 2024, a mailed notice was sent to all impacted residents in the Wasco County National Scenic Area, in accordance with ORS 215.503. The language included that required by ORS 215.503, as well as highlighting critical updates that could impact the value or use of property.

The notice is attached to the packet as Attachment A.

**C. Information Available on Website**

The information regarding the proposed amendments was placed on the Wasco County Planning Department Website<sup>1</sup> starting in March 2024. If updates are made following each hearing, the webpage will be updated to reflect such changes. At the time of publication of this document, the following information was made available to the public:

- A listing of hearing dates, times and locations
- Drafts of the proposed amendments
- A way to submit comments and concerns

**D. Notification to Partners**

As these changes were made by the Columbia River Gorge Commission in 2020, no notice to partners were sent at this time.

**E. Virtual Open House**

Planning staff hosted a virtual open house for the project on April 17, 2024. Staff recorded the event live for the Wasco Planners Facebook page. Staff later uploaded the video recording onto the “Wasco County Planning” YouTube channel. The video is still available for viewing. The Columbia River Gorge Commission also hosted open houses, which the Director attended, on April 25<sup>th</sup> and May 7<sup>th</sup>, to discuss LUD Map changes, included proposed revisions to the agricultural labelling which will be heard at a later date.

**4. FINDINGS**

**A. LUDO Section 2.100 – Notice Requirements**

**C. Legislative Hearing Notice**

1. *Planning Commission Notice Requirements – Notice shall be sent at least fifteen (15) days prior to the date of a legislative hearing.*

- a. *Recipients to be determined by Wasco County Governing Body in addition to the following agencies:*

*(1) The USDA Forest Service, the Columbia River Gorge Commission, the State of Oregon, and the four Indian tribal governments*

*(2) All applicable local, state, and federal natural resource agencies*

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



- (3) State Historic Preservation Office*
  - (4) Historic Columbia River Highway Advisory Committee*
  - (5) Any individuals or groups having a subscription to receive notice of all planning actions taken by the Wasco County Planning and Development Office.*
  - (6) Owners of a public use airport of any land use action within 5,000 feet of the side or end of a "visual airport" runway, or within 10,000 feet of an "instrument airport" runway, unless the action involves structures less than thirty-five (35) feet tall outside the runway approach surface.*
- b. Notice shall be published in accordance with (B)(1)(a) above.*
- 2. County Governing Body Notice Requirements – Notice shall be sent at least ten (10) days prior to the date of a legislative hearing.**
- a. In addition to agencies listed in (C)(1)(a) above, excluding recipients determined by Wasco County, recipients shall include parties of record who:*
- (1) have submitted written testimony,*
  - (2) provided testimony at the Planning Commission,*
  - (3) or those who have requested in writing to receive notice*
- b. Notice shall be published in accordance with (B)(1)(a) and (b) above.*

**FINDING:** Staff received no comments at the time of preparation of this report.

The proposal does not include a new transportation facility or improvement. Staff finds this criterion has been met.

#### **SECTION 9.010 Gorge Commission**

***All zone changes shall first require an amendment to the Management Plan by the Gorge Commission. Upon receipt of an application for a zone change, the Gorge Commission shall schedule a hearing on the matter and take such action as may appear appropriate to that body. Amendments to the Management Plan shall be conducted by the Gorge Commission as specified in Section 9.100, Amendment of the Management Plan.***

***Upon final approval of the zone change by the Gorge Commission and concurrence by the Secretary of Agriculture, the zone change shall be reviewed by the County pursuant to those procedures set out in Sections 9.020, 9.030, 9.040, 9.060, 9.070 and 9.080.***

**FINDING:** All the proposed revisions were part of the Gorge 2020 Management Plan Update, and are required to be incorporated into the Wasco County National Scenic Area Land Use Designation Map/Comprehensive Plan Zoning Map.

**SECTION 9.040 Transportation Planning Rule Compliance**

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

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

**FINDING:** The proposed amendments do not include a change to the functional classification of an existing or planned transportation facility, changes to standards implementing a functional classification system, allow for land uses or developments that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility, reduce the performance of an existing or planned transportation facility below minimum acceptable performance standards in the TSP, or worsen the performance of an existing or planned transportation facility.

Staff finds these criteria are not applicable.

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

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

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

**FINDING:** This staff report includes a summary of the Planning Commissioner's recommendations and includes findings that support their recommendation.

#### **SECTION 9.080 Notice of Planning Commission Recommendation**

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

**FINDING:** The Planning Commission voted unanimously to recommend approval by the Board of County Commissioners of the proposed revisions. On May 16th, the Planning Director issued a brief statement of facts and reasons for the recommendation, as well as a summary of the recommendation and procedure and emailed or mailed it to participants.

#### **SECTION 9.090 Action by County Governing Body**

***Upon receipt of the Commission report, the County Governing Body shall take such action as may appear appropriate to that body, or as it feels the public interest requires, provided that in no event shall the County Court act until at least twenty (20) days after the Notice of Planning Commission Recommendation has been mailed.***

**FINDING:** The Board of County Commissioners is scheduled to hear the proposed Land Use and Development Ordinance amendments on July 3, 2024, 50 days after the Planning Commission hearing. The Notice of Planning Commission Recommendation is mailed on Thursday, two days after the hearing. Staff finds this criterion will be met.

**B. [ORS 197.610](#) - *Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development***

***Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.***

***(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.***

***(3) Submission of the proposed change must include all of the following materials:***

***(a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;***

***(b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;***

***(c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;***

***(d) The date set for the first evidentiary hearing;***

***(e) The form of notice or a draft of the notice to be provided under ORS 197.763 (Conduct of local quasi-judicial land use hearings), if applicable; and***

***(f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.***

***(4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:***

***(a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and***

***(b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.***

***(5) When a local government determines that the land use statutes, statewide land use planning goals and administrative rules of the commission that implement either the statutes or the goals do not apply to a proposed change to the acknowledged comprehensive plan and the land use regulations, submission of the proposed change under this section is not required.***

***(6) If, after submitting the materials described in subsection (3) of this section, the proposed change is altered to such an extent that the materials submitted no longer reasonably describe the proposed change, the local government must notify the Department of Land Conservation and Development of the alterations to the proposed change and provide a summary of the alterations along with any alterations to the proposed text or map to the director at least 10 days before the final evidentiary hearing on the proposal. The director shall cause notice of the alterations to be given in the manner described in subsection (4) of this section. Circumstances requiring resubmission of a proposed change may include, but are not limited to, a change in the principal uses***

***allowed under the proposed change or a significant change in the location at which the principal uses would be allowed, limited or prohibited.***

**FINDING:** ORS 196.107 states that, when related to National Scenic Area matters, Wasco County is exempt from the PAPA process.

Notice was provided to all property owners within the Wasco County National Scenic Area via mail, commensurate with ORS 215.503.

Because the changes are all required by the Columbia River Gorge Commission as a result of their Gorge 2020 updates to the National Scenic Area Management Plan, staff will not modify the proposed changes that would necessitate additional notification to DLCD.

Staff finds all criteria have been met.

C. **ORS 197.612** - ***Comprehensive plan or land use regulation changes to conform plan or regulations to new requirement in statute, goal or rule***

***Notwithstanding contrary provisions of state and local law, a local government that proposes a change to an acknowledged comprehensive plan or a land use regulation solely for the purpose of conforming the plan and regulations to new requirements in a land use statute, statewide land use planning goal or rule of the Land Conservation and Development Commission implementing the statutes or goals may take action to change the comprehensive plan or the land use regulation without holding a public hearing if:***

***(a) The local government gives notice to the Department of Land Conservation and Development of the proposed change in the manner provided by ORS 197.610 (Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development) and 197.615 (Submission of adopted comprehensive plan or land use regulation changes to Department of Land Conservation and Development); and***

***(b) The department confirms in writing that the only effect of the proposed change is to conform the comprehensive plan or the land use regulations to the new requirements.***

***(2) Notwithstanding the requirement under ORS 197.830 (Review procedures) (2) that a person must have appeared before the local government orally or in writing, a person that has not appeared may petition for review of the decision under subsection (1) of this section solely to determine whether the only effect of the local decision is to conform the comprehensive plan or the land use regulation to the new requirements. [2011 c.280 §6]***

**FINDING:** Staff confirmed, via email on June 22, 2021, with DLCD Community Services Division Manager Gordon Howard that, although the proposed amendments are required by the National Scenic Act and the Columbia River Gorge Commission, that “ORS 215.503 doesn’t include an exemption for implementation measures required by a federal entity” and necessitated a notice. This triggered the requirement to hold a public hearing for the adoption of these mandatory changes, despite the only

effect of proposed changes being to conform the land use designations with the map adopted by Columbia River Gorge Commission in 2020.

Staff finds the criteria are not applicable.

**D. [ORS 197.615](#) - *Submission of adopted comprehensive plan or land use regulation changes to Department of Land Conservation and Development***

***When a local government adopts a proposed change to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the decision to the Director of the Department of Land Conservation and Development within 20 days after making the decision.***

***(2) The submission must contain the following materials:***

***(a) A copy of the signed decision, the findings and the text of the change to the comprehensive plan or land use regulation;***

***(b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;***

***(c) A brief narrative summary of the decision, including a summary of substantive differences from the proposed change submitted under ORS 197.610 (Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development) and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the actual change; and***

***(d) A statement by the individual transmitting the submission, identifying the date of the decision and the date of the submission.***

***(3) The director shall cause notice of the decision and an explanation of the requirements for appealing the land use decision under ORS 197.830 (Review procedures) to 197.845 (Stay of decision being reviewed) to be provided to:***

***(a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and***

***(b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.***

***(4) On the same day the local government submits the decision to the director, the local government shall mail, or otherwise deliver, notice to persons that:***

*(a) Participated in the local government proceedings that led to the decision to adopt the change to the acknowledged comprehensive plan or the land use regulation; and*

*(b) Requested in writing that the local government give notice of the change to the acknowledged comprehensive plan or the land use regulation.*

*(5) The notice required by subsection (4) of this section must state how and where the materials described in subsection (2) of this section may be obtained and must:*

*(a) Include a statement by the individual delivering the notice that identifies the date on which the notice was delivered and the individual delivering the notice;*

*(b) List the locations and times at which the public may review the decision and findings; and*

*(c) Explain the requirements for appealing the land use decision under ORS 197.830 (Review procedures) to 197.845 (Stay of decision being reviewed). [1981 c.748 §5; 1983 c.827 §9; 1999 c.255 §1; 2011 c.280 §2]*

**FINDING:** This finding is pending completion of the legislative process.

**NSA Management Plan Part IV, Chapter 1, Section 6 – County Ordinances**  
**COUNTY ORDINANCES**  
**Policies**

**1. Counties may adopt ordinances with provisions that vary from the policies and guidelines in the Management Plan as long as the ordinances provide greater protection for the scenic, cultural, natural, and recreation resources of the Scenic Area. Notwithstanding the designation policies in Part II of the Management Plan, the Gorge Commission shall, upon request from a local government, apply a more restrictive designation.**

**2. A county and a city may enter into an agreement to allow the other to implement a land use ordinance that applies to the city and that has been approved or adopted by the Gorge Commission under Section 8 of the Scenic Area Act.**

**3. Counties may grant variances to provisions in their land use ordinances that are not required by a policy or guideline in the Management Plan.**

**FINDING:** All proposed revisions are mandatory and taken from Gorge 2020, the National Scenic Area Management Plan update. All proposed changes are mandatory revisions and do not include any variances. The map is available on the Columbia River Gorge Commission's website: <https://www.gorgecommission.org/images/uploads/gis/LUD.pdf>

Staff finds the policies have been satisfied or are not applicable.





**This is to notify you that the Columbia River Gorge Commission has proposed a land use designation map revision that may affect the permissible uses of your property and other properties.**

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On April 9, 2024, the Columbia River Gorge Commission will hold a public hearing to adopt revisions to the Columbia River Gorge National Scenic Area Land Use Designation maps. The meeting will be held in person at The Dalles Readiness Center and online. For updated agenda and information on how to attend: <https://www.gorgecommission.org/about-crgc/commission-meetings>

Wasco County has determined that adoption of these maps may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property. Map revisions are available for inspection at the Wasco County Planning Department at 2705 E 2nd Street. You can also email staff at [wcplanning@co.wasco.or.us](mailto:wcplanning@co.wasco.or.us) or call 541-506-2560 with the address or Wasco County account number for your property for information on proposed changes to your property.

**For more information on the map revisions please visit:**

[https://www.co.wasco.or.us/departments/planning/long\\_range/nsa\\_lud\\_revisions.php](https://www.co.wasco.or.us/departments/planning/long_range/nsa_lud_revisions.php)

While on the website, you can also learn about some minor updates we are proposing for the National Scenic Area Land Use and Development Ordinance. Ordinance updates include:

- Use of a Hearings Officer for development permit reviews and appeals.
- Reference corrections
- Removal of non-compliant agricultural labor housing for the Public Recreation zone
- Updates to floodplain overlay

sistent with federal

requirements  
Board of County Commissioners Agenda Packet

July 3, 2024

Planning Department  
2705 E 2nd St  
The Dalles, OR 97058





IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE WASCO COUNTY PLANNING COMMISSION'S REQUEST TO APPROVE PROPOSED  
LEGISLATIVE AMENDMENTS TO UPDATE THE WASCO COUNTY COMPREHENSIVE PLAN ZONING MAP

**ORDINANCE # 24-002**

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

WHEREAS, the Columbia River Gorge Commission adopted amendments to the National Scenic Area Land Use Designation Maps as part of the Gorge 2020 Columbia River Gorge National Scenic Area Management Plan Update; and

WHEREAS, revised Columbia River Gorge Commission National Scenic Area Land Use Designation Maps were transmitted to the Wasco County Planning Department in 2022; and

WHEREAS, the revisions included many changes that impact the Wasco County Comprehensive Plan Zoning Map; and

WHEREAS, all property owners impacted by the proposed map amendments were sent notice of proposed revisions in April 2024 and consistent with ORS 215.503; and

WHEREAS, that on May 14, 2024, at the hour of 3:00 PM via in person and electronic methods duly posted Wasco County Planning Commission held the first legally notified public hearing to review recommendations by staff background information, and receive public testimony on the revisions and with unanimous vote recommended approval to the Wasco County Board of Commissioners; and

WHEREAS, that on July 3, 2024 at the hour of 9:30 AM the Wasco County Board of Commissioners met to conduct the first of two legally notified public hearings on the above matter. The Board of County Commissioners reviewed recommendations by the Wasco County Planning Commission, staff's presentation, and received testimony from the public. The Board of County Commissioners tentatively approved the amendments; and

WHEREAS, that on July 17, 2024 at the hour of 9:30 AM the Wasco County Board of Commissioners met to conduct the second of two legally notified public hearings on the above matter. The Board of County Commissioners reviewed recommendations by the Wasco County Planning Commission, staff's presentation, and received testimony from the public. The Board of County Commissioners, by a vote of \_\_ to \_\_, approved the amendments and conducted the second reading, recommending submittal to DLCD; and

NOW, THEREFORE, IT IS HEREBY ORDERED: That the request by the Wasco County Planning Department for a legislative amendment to the Wasco County Comprehensive Plan Zoning Map are hereby approved;

DATED this 17th day of July November 2024.

**APPROVED AS TO FORM:**

\_\_\_\_\_  
\_\_\_\_\_, County Counsel

**ATTEST:**

\_\_\_\_\_  
Kelly Walker, Executive Assistant

**WASCO COUNTY BOARD OF COMMISSIONERS:**

\_\_\_\_\_  
Steve Kramer, Commission Chair

\_\_\_\_\_  
Scott Hege, County Commissioner

\_\_\_\_\_  
Phil Brady, County Commissioner



Planning Department



# National Scenic Area (NSA) Land Use and Development Ordinance (LUDO) **2024 Update**

July 3, 2024

# Overview

- NSA LUDO last amended in 2021
- 2021 amendment was a major update to comply with Columbia River Gorge Commission requirements
- Staff has identified several “housekeeping” issues requiring the current update

# Highlights

## 1. Added, corrected and/or deleted:

- Missing Ordinance adoption dates for record-keeping;
- Cross references/citations directing readers to another part of the NSA LUDO;
- Replaced defined terms with an acronym;
- Gender neutral language; and
- References to clarify process requirements

# Highlights

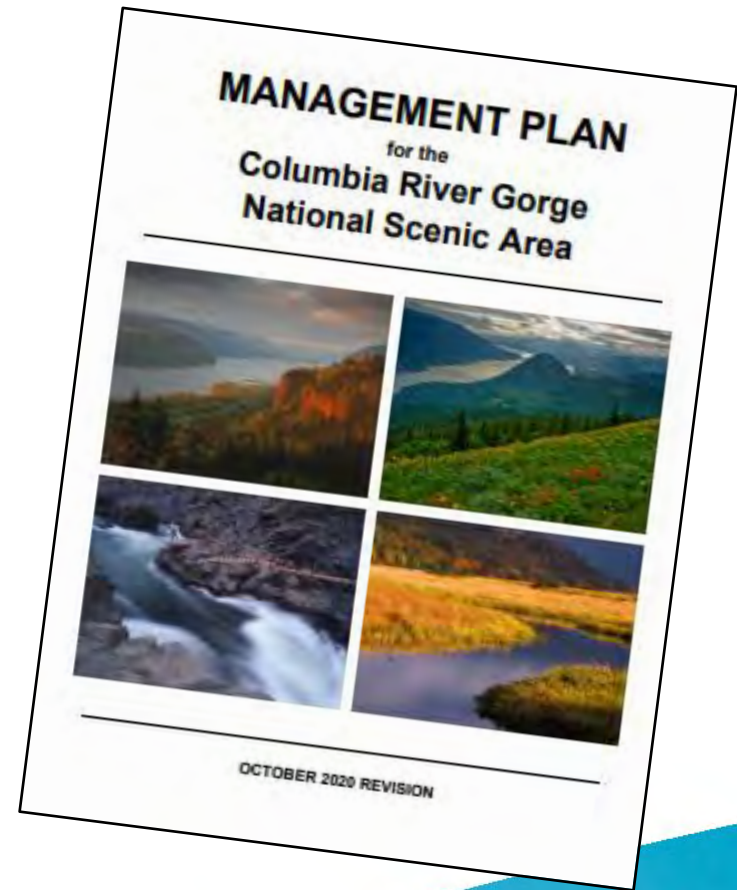
2. New language added to recognize the County's Hearings Officer as an authorized review authority for quasi-judicial land use decisions.





# Highlights

3. Added and deleted language for consistency with the Columbia River Gorge Commission's Management Plan.



# Highlights

4. Added, deleted, and reorganized language to be consistent with the updated Federal Emergency Management Administration (FEMA) flood requirements and the *State Model Flood Hazard Ordinance*.



**OREGON**  
Department of  
Land Conservation  
& Development



**FEMA**

# Highlights

## 5. New floodplain requirements for accessory or appurtenant structures.

- Current floodplain hazard regulations do not recognize accessory buildings as different than habitable buildings.
- New language gives property owners relief from more limiting elevation and flood-proofing requirements for habitable residential and commercial buildings.



# Highlights

## 6. New Regulations for “floodways”

- Current regulations do not include specific standards for floodways
- Floodways are the areas within the stream channel, below the elevation of the 100 year floodplain. They are extremely hazardous areas due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential.

## 7. Offer an “Expedited Review process” for floodplain development proposals that qualify.

# Highlights

- 8. Change the review authority for final subdivision plats from Planning Commission to Board of County Commissioners (BOCC)**
  - Proposed language is consistent with current practice.
  - Process is more efficient for customers because the BOCC is already required to sign final subdivision plats. Review of Preliminary subdivision plats will continue to need a public hearing and approval by the Planning Commission.

# Highlights

## 9. Remove “Agricultural Labor Housing” as a use permitted conditionally in the Public Recreation (PR) Zone.

- This code adjustment will bring the PR zone into compliance with the NSA Management Plan. Agricultural Labor Housing continues to be a use permitted conditionally in the A-1, A-2, F-1, and F-3 zones.

# Information, Outreach, and Hearing

- March:** Project information posted on Planning Dept. website
- April 3-5:** Public notice postcards arrived in mailboxes
- April 17:** Virtual Open House
- May 14:** Planning Commission hearing

# May 14, 2024 Hearing: Feedback from Planning Commission:

Planning Commission unanimously recommended approval of the proposed NSA LUDO amendments and added language to fix a typo they identified in Section 21.310. Staff has adjusted the language in the current, proposed draft.

No public comments were received, only a clarifying question about the Planning Commission presentation.



## Since the May 14, 2024 hearing: Staff received comments from Oregon DLCD:

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Comments contained deletions and additions to the proposed **draft floodplain hazard regulations**:

- Deleted terms and definitions no longer used;
- Added missing language and phrasing from the State Model Floodplain Code;
- Staff believes additions and deletions do not substantively change the draft reviewed by the Planning Commission on May 14.

# Recommendation

Planning Commission recommends the Board approve legislative amendments to the NSA LUDO File #921-24-000026.

## Next Step

Columbia River Gorge Commission will consider the NSA LUDO amendments in a hearing on **September 10, 2024**.



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

**FOR**

**Hearing Date:** July 3, 2024

**Hearing Time:** 9:30 am

**Hearing Location:** **Wasco County Board of County Commissioners  
Chambers**  
401 E. 3<sup>rd</sup> Street  
The Dalles, OR 97058  
Electronically via Zoom  
**Meeting ID: 395 773 4524#**

**HEARING #2 DETAILS: Legislative request to adopt amendments to the  
National Scenic Area Land Use and Development Ordinance**





MEMORANDUM TABLE OF CONTENTS

**Date:** June 25, 2024  
**To:** Wasco County Board of County Commissioners  
**From:** Wasco County Planning Office  
**Subject:** Submittal for Hearing dated July 3, 2024  
**Re:** Review of #921-24-000026-PLNG – Update of NSA LUDO

HEARING #2 DETAILS

921-24-000026-PLNG:

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**PLANNING DEPARTMENT**

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**FILE #:** 921-24-000026

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**REQUEST:** Legislative Request to Amend the National Scenic Area Land Use and Development Ordinance

**DECISION:**

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**Attachments:**

- A. PUBLIC REVIEW SUMMARY
- B. COVER SHEET AND PROPOSED NSA LUDO DRAFT
- C. PUBLIC NOTICE POSTCARD
- D. AGENCY COMMENTS

**File Number:** 921-24-000026

**Request:** Amend the Wasco County National Scenic Area Land Use and Development Ordinance (NSA LUDO)  
Staff is proposing amendments needed to respond to several housekeeping issues to keep the document consistent with requirements from the National Scenic Area Management Plan and the Federal Emergency Management Administration floodplain hazard rules.

**Prepared by:** Alice Cannon, Long Range Planner

**Prepared for:** Board of County Commissioners  
**Applicant:** Wasco County Planning Department

**Staff Recommendation:** Recommend adoption of the proposed NSA LUDO amendments and recommend final approval by the Columbia River Gorge Commission

**Planning Commission Hearing Date:** May 14, 2024

**Board of County Commissioner Hearing Dates:** July 3 and July 17, 2024

**Procedure Type:** Legislative

**Attachments:** Attachment A: Public Review Summary  
Attachment B: Cover Sheet and full NSA LUDO Draft  
Attachment C: Public Notice Postcard  
Attachment D: Agency Comments



## APPLICABLE CRITERIA LIST

### Wasco County NSA LUDO

- A. Section 2.100 (C) – Notice Requirements (Type IV – Legislative Hearing Notice)
- B. Section 9.010 – Gorge Commission
- C. Section 9.040 – Transportation Planning Rule Compliance
- D. Section 9.070 - Recommendation on Zone Change or Amendment to the LUDO
- E. Section 9.080 - Notice of Planning Commission Recommendation
- F. Section 9.090 - Action by County Governing Body
- G. [ORS 197.610](#) - Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development
- H. [ORS 197.612](#) - Comprehensive plan or land use regulation changes to conform plan or regulations to new requirement in statute, goal or rule
- I. [ORS 197.615](#) - Submission of adopted comprehensive plan or land use regulation changes to Department of Land Conservation and Development
- J. NSA Management Plan Part IV, Chapter 1, Section 6 – County Ordinances

## 2. SUBMITTED COMMENTS

Staff has received no written comments from the general public, as of the publication of this report.

## 3. PUBLIC INVOLVEMENT

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

### A. Newspaper Notifications

#### Planning Commission Hearing May 14, 2024:

The Columbia Gorge News published a public notice for the Planning Commission hearing on April 24, 2024, 20 days prior to the May 14 hearing.

#### Board of County Commissioners Hearing July 3, 2024:

The Columbia Gorge News published a public notice for the Board of County Commissioners hearing on June 26, 2024, seven days prior to the July 3 hearing.

## **B. Mailed Notice**

Staff found that of the proposed amendments did not constituted a “rezoning” of property and therefore concluded that a notice defined in ORS 215.503 was not required.

However, staff voluntarily included project information on a required postcard notice for the NSA Land Use Designation maps. That postcard arrived in mailboxes on April 3, 2024; informing residents about how to access more information at the County Planning Department’s web page and offer comment. The postcard is included in the packet as Attachment C – Public Notice Postcard.

## **C. Information Available on Website**

Staff posted information about the proposed amendments on the Wasco County Planning Department website<sup>1</sup> starting in March 2024. The following information was posted and available to the public:

- A draft of the proposed amendments;
- A way to submit questions, comments, and concerns;
- An invitation and link to register for the virtual Project Open House on April 17;
- A listing of hearing dates, times and locations; and
- A link to the Planning Commission staff report

## **D. Virtual Open House**

Planning staff hosted a virtual open house for the project on April 17, 2024. Staff recorded the event live for the Wasco Planners Facebook page. Staff later uploaded the video recording onto the “Wasco County Planning” YouTube channel. The video is still available for viewing. A link to the video is [here](#).

## **E. Notification to Partners**

Staff sent an email notification of proposed amendments to identified partners and interested parties on April 19, 2024. The notification included links to the proposed amendments and the opportunity to comment.

# **4. FINDINGS**

## **E. LUDO Section 2.100 – Notice Requirements**

### **C. Legislative Hearing Notice**

- 1. Planning Commission Notice Requirements – Notice shall be sent to at least fifteen (15) days prior to the date of a legislative hearing.**

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

**a. Recipients to be determined by Wasco County Governing Body in addition to the following agencies:**

- (1) The USDA Forest Service, the Columbia River Gorge Commission, the State of Oregon, and the four Indian tribal governments*
- (2) All applicable local, state, and federal natural resource agencies*
- (3) State Historic Preservation Office*
- (4) Historic Columbia River Highway Advisory Committee*
- (5) Any individuals or groups having a subscription to receive notice of all planning actions taken by the Wasco County Planning and Development Office.*
- (6) Owners of a public use airport of any land use action within 5,000 feet of the side or end of a "visual airport" runway, or within 10,000 feet of an "instrument airport" runway, unless the action involves structures less than thirty-five (35) feet tall outside the runway approach surface.*

**b. Notice shall be published in accordance with (B)(1)(a) above.**

**2. County Governing Body Notice Requirements – Notice shall be sent at least ten (10) days prior to the date of a legislative hearing.**

**a. In addition to agencies listed in (C)(1)(a) above, excluding recipients determined by Wasco County, recipients shall include parties of record who:**

- (1) have submitted written testimony,*
- (2) provided testimony at the Planning Commission,*
- (3) or those who have requested in writing to receive notice*

**b. Notice shall be published in accordance with (B)(1)(a) and (b) above.**

**FINDING:** The proposal does not include a land use action within proximity of an airport runway. Staff finds this criterion is met.

The Planning Department sent notice to public agencies, local jurisdictions, and those who have requested notice on April 19, 2024. Rachel Six, a Natural Hazards Planner from Oregon Department of Land Conservation and Development sent comments to the Planning Department on June 6, 2024. The comments arrived after the May 14, 2024 Planning Commission hearing, though staff had time to incorporate the edits into the draft for Board of County Commissioners consideration. The comments include the recommended deletion of

outdated language and addition of mandatory language from the State Model Floodplain Hazard Ordinance that staff believes does not substantively change the draft reviewed by the Planning Commission in May. The added language appears as a different color in Attachment B – Cover Sheet and full NSA LUDO Draft, for the Board’s reference. The cover sheet guides readers how to identify the new text. These DLCD comments are included as Attachment C – Agency Comments.

**SECTION 9.010 Gorge Commission**

***All zone changes shall first require an amendment to the Management Plan by the Gorge Commission. Upon receipt of an application for a zone change, the Gorge Commission shall schedule a hearing on the matter and take such action as may appear appropriate to that body. Amendments to the Management Plan shall be conducted by the Gorge Commission as specified in Section 9.100 “Amendment of the Management Plan.”***

***Upon final approval of the zone change by the Gorge Commission and concurrence by the Secretary of Agriculture, the zone change shall be reviewed by the County pursuant to those procedures set out in Sections 9.020, 9.030, 9.040, 9.060, 9.070 and 9.080.***

**FINDING:** The request includes no zone changes. All the proposed revisions are consistent with the Gorge 2020 Management Plan.

**SECTION 9.040 Transportation Planning Rule Compliance**

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

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

**FINDING:** The proposed amendments do not include a change to the functional classification of an existing or planned transportation facility, nor to changes to standards implementing a functional classification system. The proposal also does not allow for land uses or developments that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility. The amendments do not reduce the performance of an existing or planned transportation facility below minimum acceptable performance standards in the TSP, or worsen the performance of an existing or planned transportation facility. Staff finds these criteria are not applicable.

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

***After the hearing, the Approving Authority shall recommend that the proposed zone change or amendment to the Zoning Ordinance be granted or denied. The Planning Director or his/her assistants shall reduce to writing the Planning Commission's recommendations together with a brief statement of the facts and reasons upon which such recommendation is based.***

**SECTION 9.080 Notice of Planning Commission Recommendation**

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

**FINDING:** The Planning Commission voted unanimously to recommend approval of the proposed amendments to the Board of County Commissioners. On May 23, 2024, the Planning Director issued a brief statement of facts and reasons for the recommendation, as well as a summary of the recommendation and procedure and emailed or mailed it to one individual who participated in the May 14, 2024 hearing.

**SECTION 9.090 Action by County Governing Body**

***Upon receipt of the Commission report, the County Governing Body shall take such action as may appear appropriate to that body, or as it feels the public interest requires, provided that in no event shall the County Board of Commissioners act until at least twenty (20) days after the Notice of Planning Commission Recommendation has been mailed.***

**FINDING:** The Board of County Commissioners is scheduled to hear the proposed Land Use and Development Ordinance amendments on July 3, 2024, 50 days after the Planning Commission hearing. Planning staff mailed the Notice of Planning Commission Recommendation on May 23, 2024, 40 days after the mailing. This criterion is met.

**F. [ORS 197.610](#) - Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development**

- (1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases, the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.***
- (2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.***
- (3) Submission of the proposed change must include all of the following materials:***
  - (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;***
  - (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;***
  - (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;***
  - (d) The date set for the first evidentiary hearing;***
  - (e) The form of notice or a draft of the notice to be provided under ORS 197.763 (Conduct of local quasi-judicial land use hearings), if applicable; and***
  - (f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.***
- (4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:***
  - (a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and***
  - (b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.***

***(5) When a local government determines that the land use statutes, statewide land use planning goals and administrative rules of the commission that implement either the statutes or the goals do not apply to a proposed change to the acknowledged comprehensive plan and the land use regulations, submission of the proposed change under this section is not required.***

***(6) If, after submitting the materials described in subsection (3) of this section, the proposed change is altered to such an extent that the materials submitted no longer reasonably describe the proposed change, the local government must notify the Department of Land Conservation and Development of the alterations to the proposed change and provide a summary of the alterations along with any alterations to the proposed text or map to the director at least 10 days before the final evidentiary hearing on the proposal. The director shall cause notice of the alterations to be given in the manner described in subsection (4) of this section. Circumstances requiring resubmission of a proposed change may include, but are not limited to, a change in the principal uses allowed under the proposed change or a significant change in the location at which the principal uses would be allowed, limited or prohibited.***

**FINDING:** Oregon Revised Statutes 196.107 exempts Wasco County from the requirement to give notice and early review to the Department of Land Conservation and Development (DLCD) for all amendments to regulations within the National Scenic Area. In the spirit of agency coordination, staff voluntarily submitted notice to the Department of Land and Development (DLCD) via the Department's online portal called PAPA Online on April 9, 2024, 35 days before the first evidentiary Planning Commission hearing scheduled for May 14, 2024. Staff submitted the notice with the following materials: text of the proposed changes in the National Scenic Area Land Use and Development Ordinance, a brief narrative of the proposed changes, and the date set for the first evidentiary hearing. As a courtesy, staff voluntarily provided a summary of alterations to the proposed text amendments since the original text was posted on the PAPA online system on April 9, 2024. Staff uploaded this updated information on June 21, 2024, 11 days before the July 3 hearing.

Since the proposed amendments do not constitute a "rezoning" of property, the notice highlighted in ORS 215.503 is not required and therefore staff did not provide this notice to DLCD.

Staff sent an email notification on April 19, 2024 to all partners and other stakeholders from the "interested parties" mailing list, as well as posted on the Wasco County website.

Staff finds all criteria are met.

**G. [ORS 197.612](#) - Comprehensive plan or land use regulation changes to conform plan or regulations to new requirement in statute, goal or rule**

***(1) Notwithstanding contrary provisions of state and local law, a local government that proposes a change to an acknowledged comprehensive plan or a land use regulation solely for the purpose of conforming the plan and regulations to new requirements in***

*a land use statute, statewide land use planning goal or rule of the Land Conservation and Development Commission implementing the statutes or goals may take action to change the comprehensive plan or the land use regulation without holding a public hearing if:*

- (a) The local government gives notice to the Department of Land Conservation and Development of the proposed change in the manner provided by ORS 197.610 (Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development) and 197.615 (Submission of adopted comprehensive plan or land use regulation changes to Department of Land Conservation and Development); and*
  - (b) The department confirms in writing that the only effect of the proposed change is to conform the comprehensive plan or the land use regulations to the new requirements.*
- (2) Notwithstanding the requirement under ORS 197.830 (Review procedures) (2) that a person must have appeared before the local government orally or in writing, a person that has not appeared may petition for review of the decision under subsection (1) of this section solely to determine whether the only effect of the local decision is to conform the comprehensive plan or the land use regulation to the new requirements. [2011 c.280 §6]*

**FINDING:** Most of the proposed amendments are required by Federal agencies such as the Columbia River Gorge Commission and the Federal Emergency Management Administration, and not in response to State laws. Staff finds that these criteria do not apply. Staff is proceeding with public hearings on the proposed amendments before the Planning Commission, Board of County Commissioners, and the Columbia River Gorge Commission.

**H. [ORS 197.615](#) - Submission of adopted comprehensive plan or land use regulation changes to Department of Land Conservation and Development**

- (1) When a local government adopts a proposed change to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the decision to the Director of the Department of Land Conservation and Development within 20 days after making the decision.*
- (2) The submission must contain the following materials:*
  - (a) A copy of the signed decision, the findings and the text of the change to the comprehensive plan or land use regulation;*
  - (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;*
  - (c) A brief narrative summary of the decision, including a summary of substantive differences from the proposed change submitted under ORS 197.610 (Submission*



*of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development) and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the actual change; and*

*(d) A statement by the individual transmitting the submission, identifying the date of the decision and the date of the submission.*

*(3) The director shall cause notice of the decision and an explanation of the requirements for appealing the land use decision under ORS 197.830 (Review procedures) to 197.845 (Stay of decision being reviewed) to be provided to:*

*(a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and*

*(b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.*

*(4) On the same day the local government submits the decision to the director, the local government shall mail, or otherwise deliver, notice to persons that:*

*(a) Participated in the local government proceedings that led to the decision to adopt the change to the acknowledged comprehensive plan or the land use regulation; and*

*(b) Requested in writing that the local government give notice of the change to the acknowledged comprehensive plan or the land use regulation.*

*(5) The notice required by subsection (4) of this section must state how and where the materials described in subsection (2) of this section may be obtained and must:*

*(a) Include a statement by the individual delivering the notice that identifies the date on which the notice was delivered and the individual delivering the notice;*

*(b) List the locations and times at which the public may review the decision and findings; and*

*(c) Explain the requirements for appealing the land use decision under ORS 197.830 (Review procedures) to 197.845 (Stay of decision being reviewed). [1981 c.748 §5; 1983 c.827 §9; 1999 c.255 §1; 2011 c.280 §2]*

**FINDING:** This finding is pending completion of the legislative process.

**NSA Management Plan Part IV, Chapter 1, Section 6 – County Ordinances**  
**COUNTY ORDINANCES**  
**Policies**

- 1. Counties may adopt ordinances with provisions that vary from the policies and guidelines in the Management Plan as long as the ordinances provide greater protection for the scenic, cultural, natural, and recreation resources of the Scenic Area. Notwithstanding the designation policies in Part II of the Management Plan, the Gorge Commission shall, upon request from a local government, apply a more restrictive designation.**
- 2. A county and a city may enter into an agreement to allow the other to implement a land use ordinance that applies to the city and that has been approved or adopted by the Gorge Commission under Section 8 of the Scenic Area Act.**
- 3. Counties may grant variances to provisions in their land use ordinances that are not required by a policy or guideline in the Management Plan.**

**FINDING:** Most proposed amendments are in response to mandatory requirements of the National Scenic Area Management Plan and Federal Emergency Management Administration/State of Oregon Model Flood Hazard Management Ordinance. For those amendments needed for consistency with the NSA Management Plan, most were necessary because the County inadvertently missed the adjustments in the major update to the NSA LUDO in 2021. The County is obligated to amend its NSA LUDO to comply with these requirements. Staff proposed all other amendments to fix typos, improve the development review process or improve readability for customers. Staff finds the policies have been satisfied or are not applicable.

# ATTACHMENT A



## **Amendments to the National Scenic Area Land Use and Development Ordinance (NSA LUDO) NSA LUDO Update 2024 Public Review Summary**

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Wasco County Planning Department is proposing several amendments to the NSA LUDO in response to several "housekeeping" issues. Some of the adjustments fix typos, while others are needed to bring the document into compliance with requirements with the Columbia River Gorge Commission's Master Plan and the Federal Emergency Management Administration/State of Oregon floodplain rules.

### **A. Added missing adoption dates:**

<sup>1</sup>Page following NSA LUDO Cover Sheet

<sup>2</sup>Page 1-11, Section 1.050

### **B. Added "or other authorized review authority" to recognize the County's Hearings Officer as an authorized review authority:**

<sup>5</sup>Page 1-44, Section 1.200

<sup>6</sup>Page 1-45, Section 1.200

<sup>8</sup>Page 2-2, Section 2.050(B)

<sup>9</sup>Page 2-3, Section 2.050(C)(1)

<sup>11</sup>Page 2-8, Section 2.100(C)(1)

<sup>12</sup>Page 2-9, Section 2.100(C)(2)(a)(2)

<sup>13</sup>Page 2-10, Section 2.110(B)

<sup>14</sup>Page 2-12, Section 2.130(D)(5)(b)

<sup>15</sup>Page 2-13, Section 2.150(A)

<sup>16</sup>Page 2-14, Section 2.150(F)

<sup>17</sup>Page 2-14, Section 2.160 and 2.160(A)

<sup>18</sup>Page 2-15, Section 2.170(A) and 2.170(C)

<sup>19</sup>Page 2-16, Section 2.170(E)

<sup>20</sup>Page 2-18, Section 2.180(B)(9)(a)

<sup>21</sup>Page 2-19, Section 2.190(D)

<sup>38</sup>Page 3-87, Section 3.230

<sup>75</sup>Page 3-119, Section 3.244.B

<sup>82</sup>Page 5-3, Section 5.040 and Section 5.040(B)

<sup>83</sup>Page 6-1, Section 6.020(A)(2)

<sup>85</sup>Page 14-57, Section 14.600(A)(4)(a)

<sup>86</sup>Page 14-65, Section 14.600(B)(4)(b)

<sup>87</sup>Page 21-16, Section 21.300

<sup>89</sup>Page 21-29, Section 21.310(H)(1)

<sup>91</sup>Page 21-29, Section 21.310(I)(1)(a)

<sup>92</sup>Page 21-29, Section 21.400

### **C. Added and deleted language to be consistent with the Columbia River Gorge Commission's NSA Management Plan:**

<sup>7</sup>Page 1-53, Section 1.200

<sup>22</sup>Page 3-7, Section 3.110(A)(1)

<sup>25</sup>Page 3-36, Section 3.130(E)(11)

<sup>30</sup>Page 3-53, Section 3.150(E)(1)

<sup>35</sup>Page 3-66 and Page 3-67, Section 3.170(E)(5)

<sup>93</sup>Page 1-20, Section 1.200

<sup>94</sup>Page 1-29, Section 1.200

<sup>95</sup>Page 1-32, Section 1.200

<sup>96</sup>Page 1-48, Section 1.200

<sup>97</sup>Page 1-51, Section 1.200

<sup>98</sup>Page 1-53, Section 1.200

<sup>99</sup>Page 3-10, Section 3.110(B)(1)(e)

<sup>100</sup>Page 3-11, Sections 3.110(B)(2)(a) and 3.110(4)(a)

<sup>101</sup>Page 3-12, Section 3.110(C)(1)

<sup>102</sup>Page 3-19, Section 3.120(D)(17)

<sup>103</sup>Page 3-21, Section 3.120(E)(9)

**NSA LUDO Amendments  
Public Review Summary:**

<sup>104</sup>Page 3-46, Section 3.140(G)(2)(d)

<sup>105</sup>Page 3-76, Section 3.180(D)(2)

<sup>106</sup>Page 14-19, Section 14.400(A)(2)(c)

**D. Added or corrected a cross reference/citation to another part of the NSA LUDO:**

<sup>3</sup>Page 1-30 and 1-33, Section 1.200

<sup>4</sup>Page 1-33, Section 1.200

<sup>23</sup>Page 3-22, Section 3.120(F)(2)

<sup>24</sup>Page 3-22 and Page 3-23, Section 3.120(G)(1)

<sup>26</sup>Page 3-38, Section 3.130(F)(2)

<sup>27</sup>Page 3-38, Section 3.130(G)(1)

<sup>29</sup>Page 3-45, Section 3.140(G)(1)

<sup>31</sup>Page 3-54, Section 3.150(F)(1)

<sup>32</sup>Page 3-54, Section 3.150(G)(1)

<sup>33</sup>Page 3-62, Section 3.160(F)(1)

<sup>34</sup>Page 3-62, Section 3.160(G)(1)(a)

<sup>36</sup>Page 3-70, Section 3.170(H)(1)(a)

<sup>37</sup>Page 3-78, Section 3.180(F)(1)

<sup>74</sup>Page 3-119, Section 3.244.B

<sup>78</sup>Page 3-121, Section 3.245

<sup>84</sup>Page 13-2, Section 13.060(A)(3)(b)

**E. Replaced defined terms with an acronym**

<sup>42</sup>Page 3-93, Section 3.240.B

<sup>44</sup>Page 3-93, Section 3.240.C

**F. Added language to be consistent with State Law**

<sup>10</sup>Page 2-8, 2.100(B)(1)(c)

**G. Added, deleted and reorganized language to be consistent with the State Model Flood Hazard Ordinance**

<sup>39</sup>Page 3-92, Section 3.240.A.1

<sup>40</sup>Page 3-92, Section 3.240.A.3.i

<sup>41</sup>Page 3-93, Section 3.240.B

<sup>43</sup>Page 3-93, Section 3.240.B

<sup>45</sup>Page 3-94, Section 3.240.E and F

<sup>46</sup>Page 3-95, Section 3.241

<sup>47</sup>Page 3-95, 3-96, 3-98, 3-99, and 3-100, Section 3.241

<sup>48</sup>Page 3-95, 3-96, 3-97, 3-98, 3-99, 3-100, and 3-101 Section 3.241

<sup>49</sup>Page 3-101, Section 3.242

<sup>50</sup>Page 3-101, Section 3.242.A

<sup>51</sup>Page 3-101 and 102, Section 3.242.B.1.c-h

<sup>52</sup>Page 3-102, Section 3.241.B.1.h

<sup>53</sup>Page 3-102, Section 3.242.B.2

<sup>54</sup>Page 3-102 and 3-103, Section 3.242.B.2

<sup>55</sup>Page 3-103, Section 3.241.B.2

<sup>56</sup>Page 3-103, Section 3.242.B.3

<sup>57</sup>Page 3-103, Section 3.242.B.3.a

<sup>58</sup>Page 3-103, Section 3.242.B.3.b

<sup>59</sup>Page 3-103 and 3-104, Section 3.242.B.3.b

<sup>60</sup>Page 3-104, Section 3.241.B.3.b

<sup>61</sup>Page 3-104, Section 3.242.B.3.b and c

<sup>62</sup>Page 3-105, Section 3.242.B.4

<sup>63</sup>Page 3-105, Section 3.242.B.4

<sup>64</sup>Page 3-106, Section 3.243.A

<sup>65</sup>Page 3-106 and 3-107, Section 3.243.B

<sup>67</sup>Page 3-108, 3-109, 3-110, and 3-111, Section 3.243.D

<sup>68</sup>Page 3-111 and 3-112, Section 3.243.E

<sup>69</sup>Page 3-112, 3-113, 3-114, and 3-115, Section 3.243.F.1-5

<sup>70</sup>Page 3-115 and 3-116, Section 3.243.F.6

<sup>71</sup>Page 3-116, Section 3.243.G

<sup>72</sup>Page 3-116, 3-117, and 3-118, Section 3.243.H

<sup>73</sup>Page 3-119, Section 3.244.A

<sup>76</sup>Page 3-119 and 3-120, Section 3.244.C and D

<sup>77</sup>Page 3-120 and 3-121, Section 3.244.D

<sup>79</sup>Page 3-122, Section 3.246.A - C

**NSA LUDO Amendments**  
**Public Review Summary:**

**H. Added or deleted references to clarify process requirements:**

<sup>66</sup>Page 3-107 and 3-108, Section 3.242.C:

<sup>80</sup>Page 3-122 and 3-123, Section 3.246.C

<sup>88</sup>Page 21-20, Section 21.310:

**I. Deleted language that is informational only and not regulatory:**

<sup>81</sup>Page 3-123 and 3-124, Section 3.246.C

**J. Added gender-neutral language:**

<sup>90</sup>Page 21-29: Section 21.310(l)(1)(a)

## Attachment B



# NSA LUDO Update 2024



## Wasco County Planning Land Use and Development Ordinance Update Draft Cover Sheet

Markup

Insertions:	Bold	Color:	Dark Blue
Deletions:	Strikethrough	Color:	Gray-50%
Changed lines:	Outside border	Color:	Auto

Comments:

	By author
--	-----------

Moves

<input checked="" type="checkbox"/> Track moves	
Moved from:	#
Moved to:	Color only

The drafts are created using track changes in Microsoft Word.

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

The bold, blue text shows new text.  
Text with a line through it, in light grey, is proposed to be deleted.

rules adopted under ORS 468B.095, and must be reviewed subject to Section 2.210.6 below— OAR 660-033-130(11), ORS 215.246, ORS 215.247, ORS 215.249, and ORS 215.251.

### COMMERCIAL USES RELATED TO FARM USE

Text underlined by a wavy line is optional.

B. A winery subject to 2.210.6 below: ORS 215.452, ORS 215.453, ORS 215.454, ORS 215.455 and ORS 215.237.

C. A cider business subject to ORS 215.451.

D. A facility for the processing of farm crops or the production of biofuel as defined in ORS 215.343 subject to the following: farm products as described in ORS 215.255.

The # shows where text has been moved from and the red text shows the new proposed location for that moved text

K. A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as an historic property and is listed on the National Register of Historic Places. The application shall include a Farm Management Plan documenting how the replacement dwelling will be used in conjunction with a farm use.

Text with double underline is recommended by the Oregon Department of Land Conservation in comments transmitted to staff since the Planning Commission hearing.

**Base Flood Elevation (BFE)** – The computed elevation to which floodwater is anticipated to rise during the Base Flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.  
The BFE is the regulatory requirement for the elevation or flood proofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium.<sup>47</sup>

**NATIONAL SCENIC AREA**

**LAND USE AND DEVELOPMENT**

**ORDINANCE**

**(NSA-LUDO)**

**for**

**Wasco County**

**Oregon**



## **NATIONAL SCENIC AREA LAND USE AND DEVELOPMENT ORDINANCE**

### **ADOPTED**

May 4, 1994

### **AMENDED**

June 8, 2005

July 5, 2006

February 27, 2007

January 6, 2010

September 27, 2017

April 18, 2018

November 3, 2021<sup>1</sup>

### **EFFECTIVE**

July 1994

GMA - 3 October 2005 SMA - 10 January 2006

9 December 2006

25 July 2007

18 May 2010

19 August 2010

GMA – 12 June 2018 SMA - 5 September 2018

June 13, 2022

**Prepared by the**

**WASCO COUNTY PLANNING DEPARTMENT**



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## **CHAPTER 1 INTRODUCTORY PROVISIONS**

### **SECTION 1.010 Authority**

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

### **SECTION 1.020 Title**

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

### **SECTION 1.030 Purpose**

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

### **SECTION 1.040 Severability**

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

### **SECTION 1.050 Repeal**

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

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

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

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

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

**"Wasco County National Scenic Area Land Use and Development Ordinance", adopted June 8, 2005**

**"Wasco County National Scenic Area Land Use and Development Ordinance", adopted July 5, 2006**

**"Wasco County National Scenic Area Land Use and Development Ordinance", adopted February 27, 2020**

**"Wasco County National Scenic Area Land Use and Development Ordinance", adopted January 6, 2010**

**"Wasco County National Scenic Area Land Use and Development Ordinance", adopted April 18, 2018**

**"Wasco County National Scenic Area Land Use and Development Ordinance", adopted November 3, 2021.<sup>2</sup>**



### **SECTION 1.060 Effective Date**

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

### **SECTION 1.070 Interpretation and Scope**

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

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

### **SECTION 1.080 Compliance Required**

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

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

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

#### **SECTION 1.090 Special Rule (SMA Only)**

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

#### **SECTION 1.100 Editorial Revision**

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

## SECTION 1.200 Definitions

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

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

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

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

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

**Accessible** – In compliance with the Federal accessibility guidelines and standards. Accessible sites and facilities do not contain barriers limiting their use by people with disabilities.

**Accessory renewable energy system** - A system accessory to a primary structure or allowed use on the parcel that converts energy into a usable form such as electricity or heat and conveys that energy to the allowed structure or use. An Accessory Renewable Energy System is a solar thermal, photovoltaic, or wind turbine structure, or group of structures designed to offset all or part of the annual energy requirements of the primary use on the subject parcel.

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

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

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

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

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

- (1) The context of a proposed action;

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

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

**Agricultural building:** A building located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising or storage of crops and livestock. These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses and processing facilities.

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

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

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

**Agricultural structure** - A structure (not including buildings) located on a farm or ranch and used in the operation of the farm or ranch. These include, but are not limited to: wind machines (orchards), storage bins, fences, trellises, and irrigation systems.

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

- a. The operation or use of farmland subject to any agriculture-related government program;

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

Agricultural use does not include livestock feedlots.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Archaeological resources** - See cultural resource.

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

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

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

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

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

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

**Background** - One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Background is represented in the space from four miles to the horizon.

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

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

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

**Best Management Practices (BMPs)** - Conservation techniques and management measures that:

- a. control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; and
- b. minimize adverse effects to groundwater and surface-water flow and circulation patterns; and

- c. maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Camping or recreational vehicle** - A vacation trailer, camper, self-propelled vehicle, or structure equipped with wheels for highway use that is intended for recreational purposes, but not for residential purposes, and

is equipped with plumbing, sink, or toilet. A camping or recreational vehicle shall be considered a dwelling unit if it is (1) connected to a sewer system (including septic tank), water, and electrical lines, or (2) occupied on the same parcel for more than 60 days in any consecutive 12-month period.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

**Columbia River Gorge Commission** - The Columbia River Gorge Commission as established by the states of Oregon and Washington through an interstate compact, the Columbia River Gorge Compact.<sup>93</sup>

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

**Columbia River treaty tribes** – See definition for Indian tribes.

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

**Commercial event** - An organized gathering at an allowed commercial development. Such events include weddings, receptions, indoor concerts, and farm dinners, and are incidental and subordinate to the primary use on a parcel.

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

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

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

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

**Communication Facility** - A facility constructed for the purpose of transmitting telegraph, telephone,

microwave, television, radio, and other similar signals.

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

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

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

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

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

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

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

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

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

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

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

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

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

**County** - The County of Wasco, Oregon.

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

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

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

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

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

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

**Created Opening** - A created forest opening with less than 40 percent average canopy closure of overstory trees and less than 60 percent average canopy closure of understory trees averaging less than 5 inches diameter at breast height for coniferous forests and less than 25 percent total canopy cover for oak woodlands. This definition does not include agricultural fields.

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

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

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

**Cultural Resource** - The objects, features, sites and places that have meaning and significance for specific human groups and cultures. Cultural resources support the cohesive bonds of the communities that recognize and comprehend their significance. Cultural resources can be divided into four types: Archaeological Resources, Historic Buildings, Traditional Cultural Properties and Traditional Use Areas.

--**Archaeological resources.** The artifacts and features left in the landscape of early American Indian activities and the historic activities of early settlers. Artifacts are human-manufactured items and the

waste material from manufacture. Features are the human alterations in the landscape. Artifacts include arrowheads and the stone waste flakes from making them and historic cans, bottles, ceramics and wooden and metal objects left in dumps or scattered in the landscape. Features include human-made pits in talus slopes, stacked rocks, rock walls, blazed and scarred trees, ditches, railroad grades, wagon roads, cabin foundations and other human modifications of the natural landscape.

--**Historic buildings and structures.** Standing structures and their associated features. Often, they are still in use but can be abandoned and deteriorating. They are distinct from historic archaeological resources by being above ground and not collapsed to the level of the surrounding landscape.

--**Traditional cultural properties.** Monumental sites, sacred places, legendary areas, mythical locations, traditional gathering areas, and landscapes and landscape features that are identified by the specific communities that hold meaning for them. They maintain and perpetuate values and practices of the group that attach significance to them. They provide spiritual cohesion to the community.

--**Traditional Use Areas.** Procurement and processing sites in the landscape for every kind of resource a society needs to perpetuate its specific culture. They are the sources for food, medicine, fibers and tools that provide subsistence for a specific group's culture.

Culturally significant foods - Natural resources used by Native Americans for subsistence, medicine and ceremony, including: water, fish, big game, roots, and berries.

**Culturally significant plants and wildlife** - Native plant and animal species essential to the culture of a Native American group.

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

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

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

**Dam** - Any man-made structure that impounds water.

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

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

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

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

and lot area, width or layout.

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

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

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

**Development** - Any land division or new construction or modification of buildings, structures and roads, and any earth-moving activity, including, but not limited to, mining, dredging, filling, grading, paving and excavation.

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

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

**Distance zone** - Distance zones (see Background, Middleground, and Foreground) are used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Generally, the closer a development is to the area it is being viewed from, the more attention will need to be given to site placement, design features, and mitigations to ensure the development blends with the landscape

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

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

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

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

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

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

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

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

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

**Dwelling Unit** - A single self-contained unit with basic facility needs for day-to-day living. Facility needs include, but are not limited to, a food preparation area or kitchen, bedrooms, and a full bathroom.

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

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

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

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

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

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

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

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

**Enhancement (natural and scenic resources)** - A human activity that increases or makes greater the value, desirability or attractiveness of one or more functions of an existing sensitive area. For riparian areas, such as wetlands, streams, and lakes, enhancement is generally limited to the area that is degraded. Enhancing a sensitive natural resource area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.

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

**Equitable recreation** - Development and services that are equally accessible and available to all people

regardless of income level, ethnicity, gender, ability, or age.

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

**Existing Use or Structure** - Any use or structure that was legally established and that has continued to operate lawfully and has not been discontinued. "Legally established" means:

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

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

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

**Family** -

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

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

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

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

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

**Feedlot** - See Livestock Feedlot.

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

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

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

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

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

**Floor Area** - The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of the walls separating two buildings. The floor area measurement is exclusive of unfinished attics and basements, attached garages & carports, and covered or uncovered porches, decks, and breezeways



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

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

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

**Foreground )** - One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Foreground is represented in the space from zero (the viewer) up to one half mile.

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

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

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

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

**Forest Service** - The United States Department of Agriculture Forest Service – National Scenic Area Office.

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

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

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

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

**Fruit and produce stand** - A venue on a farm or ranch selling produce and agricultural products primarily grown on the subject farm or ranch. Associated incidental agricultural products from the local region and associated incidental marketing materials shall not make up more than 25% of the sales at the stand. Incidental products may include processed foods like jams and jellies. Foods prepared for consumption on the premises are not permitted. Fruit and produce stands are not a commercial use.

**Fully Screened** - A description used when determining compliance with the scenic standards (visually subordinate and not visually evident), where a structure, development or use is not visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). See Scenic Resources Implementation Handbook for more information regarding screening for development in the National Scenic Area.

**Future Street** - A proposed right-of-way as may be designated by the Planning Commission, or such other agency or authority as provided for herein, which street is necessary for the future subdivision of property, shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.

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

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

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

**Gorge Commission** - The Columbia River Gorge Commission as established by [the states of Oregon and Washington through an interstate compact, the Columbia River Gorge Compact](#). [Public Law 99-663](#), the Columbia River Gorge National Scenic Area Act.<sup>94</sup>

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

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

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

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

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

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

household commonly exceeds five.

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

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

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

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

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

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

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

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

**Herbs** – Non-woody (herbaceous) plants, including grasses and grass like plants, forbs, fern allies, and non-woody vines. (Note: Seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

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

**Historic Buildings and Structures** - [See Cultural Resource](#)<sup>3</sup>

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

**Holdings** - All contiguous lands in a single ownership.

**Home Occupation** - A small-scale commercial use conducted in a legal single-family dwelling or accessory structure, employing the residents of the dwelling and up to three outside employees. Periodic use of home offices, studios, and other work areas used only by the residents of the dwelling are not a home occupation.

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

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

The boarding of horses does not include the following:

- a. The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock;
- b. The boarding of horses for friends or guests where no charge is made; and
- c. Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

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

**Hospital, General** - An institution providing health services, primarily for in-patients, and medical, psychiatric or surgical diagnosis and care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient facilities, central service facilities, retail facilities, for the needs of patients, staff and doctors' offices, and residential facilities for staff and patients.

**Hospital, Mental** - A hospital used exclusively for the treatment of persons suffering from nervous or mental disorders.

**Hotel** - A building or portion thereof of more than five (5) sleeping rooms designed or used for occupancy of individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

**Hydric Soil** - A soil that is saturated, flooded, or ponded long enough during the growing season to development anaerobic conditions in the upper part.

**Immediate Family Member** - Family member of the first degree of kinship or equivalent thereof.

**Immediate Foreground for scenic corridors** – A subset of one of the three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Immediate foreground is represented in the space from zero (the viewer) up to one-quarter mile. For scenic travel corridors in the GMA, immediate foreground also includes lands within one-quarter mile of the edge of pavement. In the SMAs, immediate foreground includes the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs (such as Crown Point or Multnomah Falls).

**In-lieu or treaty fishing access Sites** - Sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 79-14 and Public Law 100-581, Section 401. Additional in-lieu or treaty fishing access sites will be provided for.

Yakama

**Indian Tribes** - The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon,<sup>95</sup> and the Confederated Tribes of the Umatilla Indian Reservation.

**Industrial Uses** - Any use of land or water primarily involved in:

- a. Assembly or manufacture of goods or products;
- b. Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;
- c. Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products or recyclable materials for purposes other than retail sale and service; or
- d. Production of electric power for commercial purposes.

New industrial uses shall not be allowed in the National Scenic Area outside Urban Areas.

**Interpretive Displays** - Signs and structures which provide for the convenience, education, and enjoyment of visitors, helping them to understand and appreciate natural and cultural resources and their relationship to them.

**Junk Yard** - Any property where persons are engaged in breaking up, dismantling, sorting, distributing, buying or selling of any scrap, waste materials or junk.

**Key Components** - The attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites, and foraging habitat.

**Key Viewing Area (KVA)** - Those portions of identified important public roads, parks or other vantage points within the National Scenic Area from which the public views National Scenic Area landscapes. Such portions include gathering points, rest areas, roads and trails that provide primary access to the area, parking lots, and associated recreation areas. Identified areas include:

- Historic Columbia River Highway (including the Historic Columbia River Highway State Trail)
- Crown Point
- Highway I-84, including rest stops
- Multnomah Falls
- Washington State Route 14
- Beacon Rock
- Panorama Point Park
- Cape Horn
- Dog Mountain Trail
- Cook-Underwood Road
- Rowena Plateau and Nature Conservancy Viewpoint
- Portland Women's Forum State Park
- Bridal Veil State Park

- Larch Mountain (including Sherrard Point)
- Rooster Rock State Park
- Bonneville Dam Visitor Centers
- Columbia River
- Washington State Route 141
- Washington State Route 142
- Oregon Highway 35
- Sandy River
- Pacific Crest Trail

**For project located in the SMAs only:**

- Old Highway 8 (previously known as Old Washington State Route 14 and County Road 1230)
- Wyeth Bench Road (also known as Wyeth Road)
- Larch Mountain Road

**Kitchen** - A place where food is cooked or prepared as well as the place where the facilities and equipment used to cook, prepare and store food are located.

**Land Division** - The division or re-division of contiguous land(s) into tracts, parcels, sites or divisions, regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to short subdivisions, partitions and subdivisions. Land division does not include the creation of cemetery plots while used for that purpose.

**Landscaping** - Improving the aesthetics of a piece of land by the grading, clearing and use of natural or artificial material. Landscaping may be subject to [Chapter 14](#).

**Landscape Setting** - The combination of land use, and cultural features, landform pattern and features, vegetation and waterform that distinguish an area in appearance and character from other portions of the National Scenic Area – [See Section 14.400 Landscape Settings \(GMA & SMA\)](#).<sup>3</sup>

**Legal Parcel** – [See Parcel \(Legal\)](#)<sup>4</sup>

**Livestock Feedlot** - Stockyards and commercial livestock finishing yards for cattle, sheep, swine and fur bearers. Feedlots do not include winter pasture or winter hay-feeding grounds.

**Loading Space** - An off-street space or berth on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise or material, and which space or berth abuts upon a street, alley or other appropriate means of ingress and egress.

**Local Access Road** – Public road over which the public has a right of use that is a matter of public record and was legally created at the time of dedication, but has not been accepted for maintenance by the county, state or the US highway systems. Local access roads are privately maintained.

**Local Road or Street** - A road or street primarily used to provide direct access to adjacent land uses; characterized by short roadway distances, slow speeds, and low volumes; offers a high level of accessibility; serves passenger cars, pedestrians, and bicycles, but not through trucks. Local roads may be paved or unpaved. The typical average daily traffic is less than 250.

**Lot** - A unit of land that is created by a subdivision of land.

**Lot Area** - The total horizontal area within the lot lines of a lot.

**Lot, Corner** - A lot fronting on two (2) or more streets at their junction, said streets forming with each other an angle of forty-five (45) degrees up to and including one hundred thirty-five (135) degrees.

**Lot Depth** - The perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite lot line.

**Lot, Interior** - A lot other than a corner lot.

**Lot Lines** - The lines bounding a lot as defined herein.

**Lot Line Adjustment** - Relocation of one or more common boundary lines between two contiguous parcels that does not create additional parcels. See Property Line Adjustment and Replat.

**Lot Line (Front)** - In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest frontage of the lot from the street.

**Lot Line (Rear)** - The line dividing one lot from another and on the opposite side of the lot from the front lot line, and in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

**Lot Line (Side)** - In the case of an interior lot, a line separating one lot from the abutting lot or lots fronting on the same street, and in the case of a corner lot, a line separating one lot from the abutting lot or lots fronting on the same street.

**Lot (Through)** - An interior lot having frontage on two (2) streets.

**Lot Width** - The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**Maintenance** - Ordinary upkeep or preservation of a serviceable structure affected by wear or natural elements. Maintenance does not change the original size, scope, configuration or design of a structure.

Maintenance includes, but is not limited to, painting and refinishing, regrouting masonry, patching roofs, grading gravel roads and road shoulders, cleaning and armoring ditches and culverts, filling potholes, controlling vegetation within rights-of-way, removing trees and other roadside hazards within rights-of-way, and testing and treating utility poles.

**Managerial Setting** – The on-site controls (signs, regulations, or other regimentation) and types of facilities recreationists could expect when visiting recreation sites.

**Management Plan** - The Management Plan for the Columbia River Gorge National Scenic Area.

**Manufacture** - The processing or converting of raw, unfinished, or finished materials or products or any combination thereof into an article or substance of different character, or for use for a different character or purpose.

**Map** - A final diagram, drawing or other writing concerning a land division.

**Medical Hardship** – Means a temporary circumstance caused by serious illness or infirmity, not to exceed two years in duration, and authorized by a licensed medical practitioner (Medical Doctor, Physician’s Assistant or Nurse Practitioner).

**Metes and Bounds** - The method used to describe a tract or tracts of land for the purposes of ownership or for building development, as contrasted with the description of a part of a properly approved and recorded subdivision plat by the lot number and block designation.

**Middleground** – One of three main visibility distance zones used to determine relative sensitivity of a development, structure, or use based on its distance from the viewer. Middleground is represented in the space between the foreground and the background. The area located from one-half mile up to four miles from the viewer.

**Mitigation** - The use of any or all of the following actions, in the following order of priority:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; or
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- e. Offsetting impacts by creating or enhancing affected resources.
- f. Monitoring the result of mitigation actions and taking appropriate corrective actions.

**Mobile Home** -

- a. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- b. A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- c. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.



**Mobile Home Community** - A mobile home development and related utilities and facilities, including the mobile homes and all of the people living within the development.

**Mobile Home Lot** - A parcel of land for the placement of a mobile home and the exclusive use of its occupants.

**Mobile Home Park** - Any place where four (4) or more mobile homes are located within five hundred (500) feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

**Mobile Home Space** - A plot or parcel of land within the mobile home park, designed to accommodate one (1) mobile home.

**Mobile Home Stand** - That part of a mobile home space which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

**Modular Unit** - A fabricated, transportable building unit, other than a mobile home, designed to be incorporated at a building site into a structure to be used for residential and/or commercial, industrial, or agricultural purposes, with all of the following characteristics:

- a. Having an electrical meter base permanently attached to the structure.
- b. Designed and built to the specification of the State or County Building Code for conventional structures in effect at the time of its construction.
- c. Having a permanent foundation.

**Mosaic (SMA)** - The dispersal of overstory and understory leave trees in irregularly spaced clumps of varying sizes throughout an irregularly shaped created forest opening.

**Motor Home** - A self-propelled recreation vehicle that is not used as a permanent residence.

**Multi-family Dwelling** - A dwelling constructed or modified into two or more dwelling units.

**National Scenic Area – The Columbia River Gorge National Scenic Area.**

**Native Species** - Species that naturally inhabit an area.

**Natural Areas** - Areas sited in the Columbia River Gorge National Scenic Area [Management Plan](#) (Table 10, page I-138 through I-139) as having Representative Plant Communities or as being Botanically Significant.

**Natural Grade** - The undisturbed elevation of the ground level of a property before any excavation or construction operations.

**Natural Resource-Based Recreation (SMA)** - Recreation activities, uses or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the National Scenic Area. Campgrounds, trails, boating

and windsurfing facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and similar outdoor recreation facilities are considered resource-based; whereas golf courses, tennis courts, and rental cabins are not.

**Natural Resources (GMA & SMA)** - Wetlands, streams, ponds and lakes, riparian areas, wildlife and wildlife habitat, rare plants, and natural areas.

**Natural Resource Specialist** - A person with professional qualifications including an academic degree or sufficient professional experience in the subject matter the specialist is being asked to analyze or evaluate.

**Negotiate** - Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to, advertising, solicitation, and promotion of such sale of land.

**Net Metering** - A simplified method of metering the energy consumed and produced at a private property that has its own renewable energy generator, such as a wind turbine. Under net metering, excess electricity produced by the wind turbine will spin the existing electricity meter backwards, effectively banking the electricity until it is needed by the customer.

**Nonconforming lot or parcel** - A lot or parcel lawfully created which does not conform to the current requirements of the zone in which it is located.

**Nonconforming Structure or Use** - A lawful existing structure or use at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

**Non-profit Organizations** - An organization whose non-profit status has been approved by the U.S. Internal Revenue Service.

**Not visually evident (SMA)** – One of the two scenic standards applicable within the National Scenic Area. A description of the relative visibility of a development, structure or use that provides for the developments, structures or uses that are not visually noticeable to the casual visitor and the defining landscape setting characteristics appear intact. Deviations may be present but must repeat form, line, color, and texture and pattern common to the natural landscape setting so completely and at such scale, proportion to intensity, direction, pattern, etc., that it not be noticeable.

**Nursing Home** - Any home or institution maintained or operating for the nursing and care of four (4) or more ill or infirm adults, not requiring hospital care or hospital facilities.

**Official Map** - Specifically describes the location of streets, highways, public parks, drainage systems and other public installations, both existing and planned, in the community. Once land has been placed on the official map, the Ordinance so providing restricts any further construction with the planned rights-of-way. The Official Map helps to implement the comprehensive plan.

**Old Growth (SMA)** - A forest stand usually at least 180-220 years old with moderate to high canopy closure; a multi-layered, multi-species canopy dominated by large overstory trees; high incidence of large trees, some with broken tops and other indications of old and decaying wood (decadence); numerous large snags, and heavy accumulations of wood, including large logs on the ground.

**Operational (SMA)** - For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

**Ordinary High Water Mark** - The mark on all streams, ponds, and lakes that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.

**ORS.** - The Oregon Revised Statutes.

**Other related major structure (SMA)** - A structure related to a dwelling on a parcel in the SMA that is less than 40 acres in size, which is not incidental and subordinate to the main use of the property. A building or structure that satisfies the definition of "accessory building" is not an "other related major structure" or a "major development action."

**Overnight accommodations (GMA)** – The rental of one of more rooms located in legal single-family dwelling on a daily or weekly basis. Overnight accommodations are clearly incidental to the use of a structure as a single-family dwelling and are owner-operated.

**Overstory (SMA)** - For forest practices, the tall or mature trees that rise above the shorter or immature understory trees.

**Owner** - The individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**Parcel (Legal)/Lot of Record** - A unit of land created as follows:

- a. A lot in an existing, duly recorded subdivision; or
- b. A parcel in an existing, duly recorded partition (including major or minor land partitions); or
- c. By deed or land sales contract prior to 4 September 1974. A unit of land shall not be considered a separate parcel (legal)/lot of record simply because the subject tract of land:
  - a. Is a unit of land created solely to establish a separate tax account;
  - b. Lies in different counties;
  - c. Lies in different sections or government lots;
  - d. Lies in different land use or zoning designations; or
  - e. Is dissected by a public or private road.

Consolidation: See [Section 13.200](#) for "Consolidation of Undeveloped Subdivisions."

**Parking Lot, Private** - Open off-street area used for temporary parking of more than three (3) automobiles, and available with or without charge, and with the permission of owner only.

**Parking Lot, Public** - Open off-street area used for temporary parking of more than three (3) automobiles, and available for public use with or without charge.

**Parking Space** - A minimum gross area available for the parking of a standard American automobile.

**Parkway** - A park-like major thoroughfare with broad rights-of-way and wide median areas, designed and landscaped to furnish a safe and pleasing drive between parks, scenic areas and principal objectives.

**Partition** - Either an act of partitioning land or an area or tract of land partitioned as defined in this section.

**Partition Land** - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where any additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning ordinance. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

**Party** - With respect to administrative actions, the following persons or entities only, who file a timely statement or request for hearing as provided by general provisions of this Ordinance, are hereby defined as a party:

- a. The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.
- b. All property owners of record, as provided in (a) above, within the notification area, as described in Table 2-1, of the property which is the subject of the application.
- c. A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to [ORS. 197.160](#).
- d. Any affected unit of local government or public district or state or federal agency.
- e. Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority.

**Pathway** - A walkway conforming to [Chapter 21](#) that is not within a street right-of-way.

**Pedestrian Way** - A way or right-of-way for pedestrian traffic.

**Person** - An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.

**Physical Settings** – The physical quality of the landscape at a recreation site, and how rustic recreation facilities may appear. Physical setting is distinct and not to be confused with landscape settings and landscape setting character descriptions.

**Place of Public Assembly** - A structure which is designed to accommodate more than twenty-five (25) persons at one time for such purposes as deliberation, education, worship, shopping, entertainment or amusement.

**Planning Commission** - The Wasco County Planning Commission.

**Planning Control Area** - An area in a state of incomplete development within which special control is to be exercised over land partitioning.

**Plat** - A special and final map, diagram or drawing of a subdivision, major or minor partition prepared from completed information, containing writings, descriptions, locations, specification, dedications, provisions, and information concerning a subdivision, being drawn to scale to geometrically represent defined land and setting forth all mathematical data necessary to the identification, location and perpetuation of the various land boundaries indicated thereon, without recourse to supplementary metes and bounds description for conveyances.

**Porch** - Outside walking area, the floor of which is elevated more than eight (8) inches from the ground.

**Practicable** - Able to be done, considering technology and cost.

**Pre-existing** - Existing prior to the adoption of the first Columbia River Gorge National Scenic Area Management Plan on October 15, 1991.

**Prevailing Wind Direction** - Within 45 degrees of the direction from which wind flows for at least 20 percent of the year based on at least one year's site-specific recorded wind data.

**Previously disturbed** - An area of land where the natural surface has been graded, excavated, paved and/or graveled.

**Priority Habitat** – Areas that provide habitat for sensitive wildlife determined by Forest Service, Oregon Department of Fish & Wildlife, or Washington Department of Fish & Wildlife.

**Private Easement Road** - A minimum 30 foot wide private easement in any zone that provides ingress and egress to a public or private road for not more than three (3) units of land and serves not more than three (3) units of land.

**Private Road** - A road in a resource zone (F-1, F-2, & A-1) whose primary purpose is to provide access for resource activities, that was accepted by the County Governing Body pursuant to [Section 21.300](#) of this Ordinance or has been previously recognized by the County Governing Body and which is not public, but which intersects with an existing public road.

**Project Area** - The geographic area or areas within which new development and uses may cause changes in the character or use of cultural resources, if any such resources exist.

**Property Line Adjustment** - The relocation a common property line between two abutting properties. See Lot Line Adjustment.

**Public dock** – A dock constructed, maintained and operated by a federal, state, local or tribal governmental entity to provide public access to a water body.

**Public Road** - A road over which the public has a right of use that is a matter of public record and was legally created at the time of dedication.

**Public Use Facility** - Recreation development(s) which meet the definition of "recreation facility" in this ordinance and are open for use by the general public. Private clubs and other facilities limited to members or otherwise restricted in availability shall not be considered public use facilities.

**Ramada** - A freestanding roof or shade structure installed above the roof of a mobile home that provides protection from rain, snow, sun or other forms of inclement weather.

**Rare Plant Species** - Various categories of plants and plant communities cited in federal and state programs. Rare plants and rare plant ecosystems are:

- a. Endemic to the Columbia River Gorge and vicinity (see Table 2),
- b. Listed as endangered or threatened pursuant to federal or state endangered species acts, or
- c. Designated global or state status rank 1, 2, or 3 by the Oregon Biodiversity Information Center or Washington Natural Heritage Program.

In the SMAs, rare plant species also include plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

**Rare Wildlife Species** - Wildlife species that are:

- a. Listed as endangered or threatened pursuant to federal or state endangered species acts,
- b. Listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission,
- c. Listed as sensitive by the Oregon Fish and Wildlife Commission, or
- d. Considered to be of special interest to wildlife management authorities and the public (great blue heron, osprey, golden eagle, peregrine falcon, and prairie falcon).

In the SMAs, rare wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

**Reconnaissance Survey** - Actions conducted to determine if archaeological resources are present in an area that would be affected by a proposed use. Reconnaissance surveys may include archival research, surface surveys, subsurface testing, and ethnographic research.

**Recreation Facility** - A cluster or grouping of recreational developments or improvements located in relatively close proximity to one another, and which are not separated in distance by more than one-quarter mile of land not containing any such recreational developments or improvements, except for roads and/or pathways.

**Recreation Opportunity Spectrum (ROS)** - A means of classifying areas in relation to the types of recreation opportunities and experiences they provide or are appropriate for. The spectrum ranges from primitive (wilderness areas) to urban (highly modified areas).

- a. Primitive: Remote, inaccessible areas with a high degree of solitude and with resources essentially unmodified.
- b. Semiprimitive: Areas accessible only by primitive transportation routes, with low to moderately infrequent human encounters and with only subtle modifications to the natural setting.
- c. Roaded Natural: Roaded areas with moderately frequent human encounters and with resource modifications evident.
- d. Rural: Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.
- e. Suburban: Areas representing the rural-urban interface, with urban-like roads, structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.
- f. Urban: Highly accessible, roaded areas dominated by human encounters and human-related structures.

**Recreation resort** – A master-planned development focused on accessing a range of resource-based recreational opportunities, consisting of predominately short-term visitor accommodations and supporting commercial uses.

**Recreation Resources** - Areas and facilities that provide recreation opportunities and experiences. Recreation resources include semi-primitive areas with few facilities and developed sites.

**Recreation Setting** - The tool for managing recreation development and opportunities based on the sites social, physical, and managerial setting

**Reflective surface** - Providing a reflection; capable of reflecting light or other radiation.

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

- a. It is connected to a sewer system (including septic tank) except for the purpose of emptying the holding tanks; after such time it must be disconnected;

- b. It is connected to water or electrical lines except for purposes of charging the batteries or filling water tanks; after such time it must be disconnected;

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

- c. It is occupied for more than 60 days, on the same property, in any consecutive 12 month period; or
- d. It is parked on property that is without a legally placed dwelling for more than 30 days during any 6 month period.

**Recreational Vehicle Park** - A lot or tract where the primary land use is the parking, on a fee or other basis, occupied by motor homes, truck campers, travel trailers, or other recreational vehicles.

**Regularly maintained** - An area of land that has been previously disturbed and where periodic actions have been taken to:

- a. keep the area clear of vegetation (e.g., shoulders, utility yards); and
- b. limit the height and type of vegetation (e.g., utility rights-of-way), and/or
- c. establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

**Rehabilitation (Natural Resources)** - A human activity that returns a wetland, stream, buffer zone, or other sensitive area that was disturbed during construction of a permitted use to its natural or pre-construction condition.

**Remnant old forest (SMA)** - Large trees in the overstory that are well into the mature growth state (older than 180 years).

**Repair** - Replacement or reconstruction of a part of a serviceable structure after damage, decay or wear. A repair returns a structure to its original and previously authorized and undamaged condition (in kind). It does not change the original size, scope, configuration or design of a structure, nor does it excavate beyond the depth of the original structure.

Repair includes, but is not limited to, re-roofing a building, replacing damaged guardrails, reconstructing a rotten deck or porch, replacing a broken window or door, replacing a utility pole and associated anchors, replacing a section of broken water or sewer line, replacing a damaged or defective utility line, reconstructing a portion of a building damaged by fire or a natural event, and replacing railroad ties or rails.

**Replat** - The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, to increase or decrease the number of lots in a subdivision, or to correct an error or irregularity in the original plat.

**Reserved Open Space** - Land areas reserved through public dedication, public ownership, easements,



covenants, or other devices for public use and limited development.

**Residential Trailer** - A portable residence that is transportable on public highways by permanently attached axles, the dimensions of which do not exceed thirty-two (32) feet in length, or eight (8) feet in width, or any equivalent dimension combination.

**Resource-based Recreation** - Those recreation uses which are essentially dependent upon the natural, scenic or cultural resources of the National Scenic Area and which do not adversely affect those resources upon which they depend.

**Restaurant** - A public establishment for the purpose of selling meals to customers.

**Restoration (Wetlands)** - A human activity that converts an area that was formerly a wetland back into a wetland. This definition presumes that the area to be restored no longer qualifies as a wetland because of past activities, alterations, or catastrophic events.

**Retirement Center** - A building or group of buildings containing separate dwelling units designed for and occupied principally (at least one occupant of each dwelling unit), by persons over the age of sixty (60) years, excluding convalescent and nursing care as a function of the center.

**Reversed Corner Lot** - A corner lot where the street side line is substantially a continuation of the front lot line of the first lot to its rear.

#### **Review Types –**

##### **a. Type I (Ministerial/Nondiscretionary)**

These procedures are decided by the Director, or the Director's designee without public notice or public hearing. They do not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. Type I does not qualify as a "land use decision" under [ORS 197.015\(11\)](#).

##### **b. Type II (Administrative/Discretionary)**

These procedures are decided by the Director or the Director's designee with notice, as established by Chapter 2, and appeal period established by [ORS 215.416\(11\)](#). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under [ORS 197.015\(11\)](#). An appeal of a Type II decision becomes a Type III review.

##### **c. Type III (Quasi Judicial/Planning Commission/Other Authorized or County Governing Body)**

###### **Planning Commission**

These procedures are initially heard and decided solely by the Planning Commission or other authorized review authority<sup>5</sup> or on appeal from the Planning Director with the hearings process, notice and appeal period governed by [ORS 197.763](#). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under [ORS 197.015\(11\)](#).

## County Governing Body

These procedures are initially heard and decided solely by the County Governing Body or on appeal from the Planning Commission or other authorized review authority<sup>6</sup> with the hearings process, notice and appeal period governed by [ORS 197.763](#). They do require interpretation or the exercise of policy or legal judgment in evaluating approval standards and qualify as a land use decision under [ORS 197.015\(11\)](#).

### d. Type IV (Legislative/County Governing Body)

These procedures are heard and decided solely by the County Governing Body after an initial hearing and recommendation is made by the Planning Commission. The hearings process, notice and appeal period are governed by [ORS 197.763](#). They do require substantial interpretation or the exercise of policy or legal judgment and qualify as a land use decision under [ORS 197.015\(11\)](#).

**Review uses** - Proposed uses and developments that must be reviewed by Wasco County to determine if they comply with the Wasco County National Scenic Area Land Use and Development Ordinance.

**Right-of-Way** - The area between boundary lines of a road, street or other easement. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way shall be dedicated or deeded to the public for public use and under the control of a public agency, or it shall be dedicated or deeded and privately owned.

**Riparian Area** - The area immediately adjacent to streams, ponds, lakes, and wetlands that directly contributes to the water quality and habitat components of the water body. This may include areas that have high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover, or debris, or that directly enhance water quality within the water body.

**Road** - The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- a. Ways described as streets, highways, throughways, or alleys;
- b. Road-related structures that are in the right-of-way such as tunnels, culverts or similar structures; and
- c. Structures that provide for continuity of the right-of-way such as bridges.

**Roadway** - The portion or portions of a right-of-way developed for vehicular traffic.

**Rotor** - A system of rotating aerodynamic elements and hub assembly attached to a shaft that converts the kinetic energy in the wind into mechanical energy or a rotating element in an electrical generator.

**Rotor Diameter** - Twice the distance from the center of rotation to the outermost point of the blade.

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

**Scenery Management System** – The overall framework for the orderly inventory, analysis, and management of scenery developed in coordination with the Forest Service.

**Scenic Area** - The Columbia River Gorge National Scenic Area.

**Scenic Travel Corridor** - Those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Washington State Routes 14, 141, and 142 located in the National Scenic Area, specifically designated to be managed as scenic and recreational travel routes.

**Secretary** – The U.S. Secretary of Agriculture.

**School, Commercial** - A building where instruction is given to pupils in arts, crafts, or trades, and operated as a commercial enterprise, as distinguished from schools endowed and/or supported by taxation.

**School, Elementary** - A school offering instruction to one (1) or more grades, between and including the fifth through the eighth, exclusively, or in combination with grades lower than the fifth.

**School, High** - A school offering instruction to one (1) or more grades, between and including the ninth through the twelfth, or in combination with the seventh and eighth grades.

**School, Nursery** - A school offering instruction and guided activity to kindergarten or pre-kindergarten classes.

**School, Primary** - A school offering instruction to one (1) or more grades, between and including kindergarten through the fourth.

**School, Private or Parochial** - A school under the control of and financed primarily by a religious or philanthropic and non-profit institution operating in conformance with relevant State Department of Education regulations.

**School, Public** - A school under the control of and financed by legally constituted public school districts in the State of Oregon.

**Seasonal Farm Worker** - Any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to, the planting, transplanting, tubing, pre-commercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities.

**Secretary** - The Secretary of Agriculture.

**Sectional Home** - Defined the same as a modular home.

**Service Station** - A business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

**Serviceable** - Presently useable.

**Sewage** - Water-carried human or animal waste and kitchen, bath, or laundry waste, from a building, together with such groundwater infiltration and surface water as may be present.

**Shall** - Action is mandatory.

**Should** - Action is encouraged.

**Shrub** - A woody plant usually greater than 3 feet but less than 20 feet tall that generally exhibits several erect, spreading, or prostrate stems and has a bushy appearance. (Note: For the Management Plan, seedlings of woody plants that are less than 3 feet tall shall be considered part of the herbaceous layer.)

**Sidewalk** - A pedestrian walkway with permanent surfacing.

**Sign** - Any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure, or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any public, business, commercial, industrial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matters is made visible. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out- of-doors position, any frame or support structure erected specifically to bear or uphold a sign.

**Sign, Advertising** - A sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold or offered upon the premises where such a sign is located.

**Significant Adverse Effect** - A consequence of a facility that irreparably reduces management of or damages a resource listed as a standard and identified in the comprehensive plan and the Wasco County Land Use and Development ordinances.

**Significant Archaeological Sites** - Sites possessing valuable artifacts or evidence of precontact cultures, including areas catalogued by the National Park Service, United States Department of the Interior, and areas identified by academic institutions.

**Significant Change** - A change in an existing facility which increases the impact of the facility on abutting properties. This provision shall be interpreted broadly to invoke review of any potentially significant change. However, a significant change shall not include ordinary and regular maintenance, actions such as research, monitoring, and impact mitigation that were authorized or required by law. Significant change shall not include other actions, such as reconducting, which may increase the useful life of the facility without increasing long-term, off-site impacts.

**Significant Cultural Resource (SMA)** - A cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. [The criteria for evaluating the eligibility of properties for the National Register of Historic Places appears in "National Register Criteria for Evaluation" ([36 CFR 60.](#))]

**Significant Interference with Wind Access** - A ten (10) percent decrease in wind speed caused by an obstruction(s).

**Single-wide Mobile Home** - One (1) complete living unit constructed on a single chassis.

**Skyline** - The line which represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, and is topographically visible from a specified vantage point ([generally a key viewing area, for the purpose of the Management Plan](#)).<sup>96</sup> The skyline is formed where the surface of the earth meets the sky except in existing densely forested landscapes with thick, unbroken coniferous tree cover characteristic to its setting, the skyline may be formed by the top of the vegetative canopy.

**Slope** - An incline in an oblique direction from the perpendicular.

**Social Settings** – Identifies the opportunities for solitude as well as quantity and type of encounters visitors could experience when visiting a recreation site or area.

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

**Soil Capability Class** - A classification system developed by the U.S. Soil Conservation Service to group soils as to their capability for agricultural use.

**Solid Waste** - All putrescible and non-putrescible waste, including, but not limited to, garbage, rubbish, refuse, ashes, waste paper and cardboard, grass clippings, composts, sewer sludge, residential, commercial, and industrial appliances, equipment and furniture, discarded or inoperable vehicles, vehicle parts or vehicle tires, manure, vegetable or animal solid and semisolid waste and dead animals. The term Solid Waste does not include:

- a. Materials used for fertilizer or for other productive purposes on land in the growing and harvesting of crops or the raising of fowl or animals;
- b. Septic tank and cesspool pumping or chemical toilet waste;
- c. Reusable beverage containers as defined in [ORS 459A.725](#); and
- d. Source separated principal recyclable materials as defined in [ORS Chapter 459](#) and the Rules promulgated thereunder, which have been purchased or exchanged for fair market value.

**Special District** - Any unit of local government other than city or county, authorized and regulated by statute. Special district includes, but is not limited to: water control districts, irrigation districts, port districts, regional air quality control authorities, fire districts, mass transit districts, sanitary districts, and Soil & Water Conservation District.

**Special Road District** – For the purposes of improving roads, special road districts may be formed from contiguous territory lying within the county and not incorporated within the limits of a city. Special road districts are governed by a board of commissioners, either appointed or elected. Special road districts have the following powers: to make contracts; to acquire, hold, receive and dispose of real and personal property; to sue and be sued; to exercise the power of eminent domain; to assess, levy and collect taxes on all taxable

property within the district; and to do any other act necessary to carry out purposes of the special road district. See [ORS 371.305](#).

**Special Habitat Area** - Wetlands, mudflats, shallow water, and riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles.

**Special Streams** - Streams that are primary water supplies for fish hatcheries and rearing ponds.

**Stable, Private** - A detached accessory building for the keeping of horses owned by the occupants of the premises and which are not kept for remuneration or profit.

**Stand** - A group of trees possessing uniformity with regard to type, age, vigor, or size.

**Standard Drawing** - A drawing drawn to the specifications as established by the County Planning Director or County Roadmaster.

**Story** - A single floor level of a structure as defined by the International Building Code.

**Story, Half** - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

**Streams** - Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, springs and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface-water runoff structures or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction in such watercourses.

For this ordinance, streams are categorized into two classes: perennial streams and intermittent or ephemeral streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally (ephemeral), during years of normal precipitation.

**Street** - The entire width between the right-of-way lines of every way for vehicular and pedestrian traffic, and includes terms, "roads", "highways", "land", "place", "avenue", "alley", and other similar designations.

**Street Plug or Reserve Strip** - A narrow strip of land controlling access to a street or half street, title to which is dedicated to the County and the disposal of which land shall be placed within the jurisdiction of the County Governing Body for disposal under conditions approved by the Commission.

**Structure** - That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to buildings, walls, fences, roads, parking lots, signs, patios, driveways, and additions/alterations to structures, including repaving or resurfacing roads, driveways, and patios.

**Subdivide** - To effect a subdivision, as applied to this Ordinance.

**Subdivider** - Any person, as defined herein, who undertakes proceedings to effect a subdivision of land, including changes in street or lot lines, for the purpose of transfer of ownership of development.

**Subdivide Land** - To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

**Subdivision** - Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

**Submit** - To deliver a document (e.g., land use application, written comment) to a reviewing agency's office by personal delivery, commercial delivery, mail, fax, or E-mail. When a document must be submitted within a specified period, it must arrive at the reviewing agency's office by the close of business on the last day of the specified period.

**Subsurface Testing** - Any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, posthole digger tests and auger borings.

**Suitability** - The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production; whether the land is committed to another land use that does not allow for agricultural use; surrounding uses and features associated with development, compatibility with scenic, cultural, natural and recreation resources, compatibility among uses, and other cultural factors, such as roads, power lines, dwellings and size of ownership.

**Swept Area** - Area perpendicular to the wind velocity that a rotor will cover during one complete rotation.

**Tax Lot** - An identification number assigned by the Oregon Department of Revenue to delineate property ownership for the purpose of taxation.

**Tentative Plan Map for a Partition** - A drawing or diagram prepared from completed information, in compliance with regulations and ordinances adopted pursuant to [ORS 92.046](#), and regulations of [ORS 209.205](#), representing defined land, setting forth intentions in writing, and including relative mathematical and descriptive data for preparation of conveyances by metes and bounds descriptions.

**Thinning (SMA)** - A forest practice intended to create favorable conditions for the continued growth of trees within an existing stand of trees. A thinning becomes a forest opening in coniferous forests when the average canopy closure of the overstory layer is zero or less than 40 percent and the understory layer is less than 60 percent average canopy closure of trees averaging less than 5 inches diameter at breast height. A thinning becomes a forest opening in oak woodlands when the total average canopy closure is less than 25 percent.

**Tiedowns** - Strapping or cables attached to the mobile home and connected to anchors embedded in the ground, which secure a mobile home from damage and movement during high winds.

**Topographic Visibility** – Refers to areas that can be seen (generally from a key viewing area, for the purpose of the Management Plan) if all vegetation were to be removed.

**Total canopy closure (SMA)** - For forest practices, the percentage measuring the degree to which all layers of the tree canopy combine together to block sunlight or obscure the sky as measured from below.

**Total WECS Height** - The height of a WECS measured from ground level to the highest vertical extension of a WECS.

**Tourist Court** - A group of attached or detached buildings containing separate rooms or living units for the temporary use of automobile travelers, having garage attached or parking space adjacent to every unit, including auto courts, motels, or motor cottages.

**Tract** - All contiguous lots, parcels or lot of records under the same ownership.

**Traditional foods** – Natural and cultural resources that Native Americans rely on for sustenance, based on<sup>97</sup> history, culture and tradition.

**Trail Characteristics** – Tools to describe the types of trail conditions that recreationists should expect when visiting a recreation resource.

**Travel Trailer** - A recreation vehicle that is not used as a permanent residence, is transportable on public highways by permanently attached axles, and does not exceed thirty-two (32) feet in length, or eight (8) feet in width, or any equivalent dimension combination.

**Treatment (SMA)** - For forest practices, a site-specific operation that carries out the forest management objectives for an area.

**Treaty Rights or Other Rights** - Rights reserved by the Indian tribes through the Treaties of 1855. These include the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and hunting and gathering on open and unclaimed lands in common with the citizens of the states.

**Tribal Government** - The governing bodies of the Nez Perce Tribes (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustee), the Confederated Tribes of the Warm Springs ~~Reservation of Oregon~~ (Tribal Council), and the Confederated Tribes and Bands of the Yakama ~~Indian Nation~~ (Tribal Council).<sup>97</sup>

**Tributary Fish Habitat** - Streams that are used by anadromous or resident fish for spawning, rearing and/or migration.

**Truck Camper** - A recreation vehicle, camper, or canopy that fits onto the bed of a pickup or flat-bed truck, and that is not used as a permanent residence.

**Understory (SMA)** - For forest practices, the shorter or immature trees below the tall or mature overstory trees.

**Undertaking** - Any project, activity, program or development or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural resources is located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements [36 CFR 800.16(y)].

**Unimproved Lands** - Lands that generally do not have developments such as buildings or structures.



**Unique Ecologic Associations** - Land areas where species composition, vegetative characteristics, or systems variations produce ecologic patterns of unusual and rare quality that cannot be observed elsewhere in Wasco County.

**Unique Geological Features** - Fossil beds, formation type locations, and major structural features that cannot be observed elsewhere in the State of Oregon.

**Unit of Land** - An area of contiguous land at least of sufficient size to meet minimum zoning requirements for use, coverage of an area, and to provide such yards and other open spaces as are required by this Ordinance; such property shall have frontage on a public street, or such other access approved by the Commission or Court under provisions of this ordinance. A unit of land may be:

- a. A single lot of record;
- b. A lot as defined herein;
- c. A parcel, as defined herein.

**Upland** - any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils and/or hydrologic characteristics associated with wetlands.

**Unobstrusive** – When a structure does not intrude or visually dominate the scene of a landscape and for which the introduced forms, lines, colors, textures, and patterns mimic the native environment.

**Use** - The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is not or may be occupied or maintained.

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

**Use Permit** - A permit allowing a specific use.

**Use, Professional** - The place of business of a person engaged in a profession such as accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts.

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

**Uses allowed outright** - New uses and developments that may occur without being reviewed by Wasco County to determine if they are consistent with the Wasco County National Scenic Area Land Use and Development Ordinance.

**Utility Facility** - Any structure which provides for the transmission or distribution of water, sewer, fuel, electricity, and/or communications.

**Variance** - A specific deviation from a part of this Ordinance.

**Vehicle Site** - The area or place used for parking occupied residential trailers or recreational vehicles, and may include sewer, water, gas or electrical hook-ups. Places used to store unoccupied recreational vehicles are not considered to be recreational vehiclesites.

**Vertical Axis WECS** - A WECS which rotor axis is vertical.

**Vested right** - The right to develop or continue to develop a use, development or structure that was reviewed and approved pursuant to the Wasco County Land Use and Development Ordinance.

**Veterinary Hospital** - An institution providing overnight medical services for sick and injured animals, and including such related facilities as laboratories, X-ray, and boarding.

**Veterinary Office** - An office which provides medical services for sick and injured animals on an outpatient basis.

**Viewshed** - A landscape unit visible from a key viewing area.

~~**Visual Quality Objective (VQO)** - Is a set of visual management goals established by the Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.<sup>7</sup>~~

**Visually Subordinate** – One of the two scenic standards applicable in the National Scenic Area. A description of the relative visibility of a development, structure or use where that development, structure or use does not noticeably contrast with the defining landscape setting characteristics, as viewed from a specified vantage point (**generally a key viewing viewing area, for the purpose of the Management Plan**)<sup>98</sup>, and the setting appears only slightly altered (distinctive characteristics of that setting remain dominant). As opposed to development, structures or uses that are fully screened, structures which are visually subordinate may be partially visible but would be difficult to discern to the common viewer. Visually subordinate development, structures, or uses as well as forest practices in the SMAs shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of scale, proportion, t, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

**Walkway** - A sidewalk or pathway, including access ways, providing a pedestrian connection that is improved to County standards, or to other roadway authority standards, as applicable. See also, Access, Pathway, Sidewalk.

**Waterbody** - A lake, wetland, or Class I or Class II stream.

**Water-Dependent** - Uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water-dependent uses include, but are not limited to, docks, wharfs, piers, dolphins, certain fish and wildlife structures, boat launch facilities, and marinas. Dwellings, parking lots, spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts, and motels are not water-dependent.

**Water-Related** - Uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the General Management Area, water-related uses shall be limited to boardwalks, trails and paths, observation decks, and interpretive aids, such as kiosks and signs.

**WECS** - See Wind Energy Conversion System.

**WECS Site** - The lot or lots upon which a WECS is situated. If abutting lots are used primarily for WECS, the WECS site encompasses all such abutting lots.

**WECS Tower** - Subsystem of a WECS that supports the rotor, or other collection device, above-ground.

**Wetlands** - Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes.

**Wetlands Functions** - The beneficial roles that wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and nongame birds, mammals, and other living resources; protection of habitat for endangered, threatened, and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

**Wildlife Areas** - Areas identified and inventoried by wildlife biologists from several federal and state resource agencies that have special values including:

- a. Areas that are used by wildlife species that have limited or declining populations.
- b. Habitats that are highly vulnerable to the effects of new development and uses.
- c. Areas that support large numbers of wildlife species.
- d. Areas that are essential to the long-term existence of a given species, including breeding habitat, seasonal ranges, and movement corridors.
- e. Habitat of limited availability.

[The Management Plan](#) for the Columbia River Gorge National Scenic Area lists the types of habitat areas inventoried in Table 4, page I-129. The Columbia River Gorge Commission has a list on file of the habitat sites. The Forest Service and Gorge Commission will provide and update mapped inventory information for County use.

**Wind Energy Conversion System (WECS)** - A device that converts the kinetic energy in the wind into electric energy. The WECS includes all parts of the system except transmission lines.

**Wind Energy Facility** - One or two WECS including all parts of the system on the same tract.

**Wind Measurement Device** - An instrument for measuring wind speed and/or direction, including the tower or pole upon which it is mounted.

**Winery or cidery** - An agricultural building used for processing fruit into wine or cider, including laboratories, processing areas, offices, and storage areas. A winery or cidery is distinct from a wine or sales sales and tasting room; each of these uses must be explicitly reviewed and approved.

**Wine or cider sales andtasting room** - A facility that is accessory to a winery or cidery and used for tasting and retail sales of wine or cider, including interior space (e.g., wine bar, sitting room) and exterior space (e.g., patio, veranda). A wine or cider sale andtasting room shall not be used for preparing or serving meals or hosting weddings, receptions or other commercial events, unless allowed, reviewed and approved under the “Commercial Events”, Section 20.300 of this Ordinance. A wine or cider sales andtasting room is distinct from a winery or cidery; each of these uses must be explicitly reviewed and approved.

**Woody Plant** - A seed plant (gymnosperm or angiosperm) that develops persistent, hard, fibrous tissues.

**Yard** - An open space on a lot with a building and bounded on one (1) or more sides by such building, such space being unoccupied and unobstructed from the ground upward.

**Yard, Front** - A yard between the front line of the main building (exclusive of steps), and the front property line. Front property line is that side of a lot or parcel where access is obtained from a street or road.

**Yard, Rear** - An open, unoccupied space on the same lot with the main building, between the rear line of the main building (exclusive of steps, porches, and accessory buildings), and the rear line of the lot.

**Yard, Side** - An open, unoccupied space on the same lot with the main building, between the side wall line of the main building and the side line of the lot.

**Yurt**: A round, domed shelter of cloth or canvas on a collapsible frame. ([ORS 215.283\(2\)\(c\)](#))



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## **CHAPTER 2 - DEVELOPMENT APPROVAL PROCEDURES**

### **SECTION 2.010 Purpose**

The purpose of this Chapter is to establish procedures for approval of development required by this Ordinance, appeals from aggrieved persons and parties, and review of any decision by a higher authority.

### **SECTION 2.020 Review Process**

An application for Type II, III, or IV approval required by Wasco County shall be processed by Administrative Action, quasi-judicial Public Hearing or, Legislative Public Hearing pursuant to applicable sections of this Ordinance. Quasi-judicial Public Hearings shall be held on all applications for a permit or approval required by these regulations, provided that hearings shall not be held in those matters the Director has authority to act upon, unless an appeal be taken.

### **SECTION 2.030 Applying New Less-Stringent Regulations to Development Approved Under Prior National Scenic Area Regulations (GMA & SMA)**

A landowner may submit a land use application to alter conditions of approval for an existing use or structure approved under prior National Scenic Area regulations (e.g., Columbia River Gorge National Scenic Area Final Interim Guidelines, original Management Plan), subject to the following standards:

- A. The applicant(s) shall apply for the same development that was reviewed in the original decision.
- B. The development shall remain in its current location.
- C. The application shall be reviewed by Wasco County and shall be governed by all applicable application and review procedures indicated in this Chapter.
- D. The entire development shall be reviewed to ensure that it would fully comply with all the current criteria in [Chapter 14](#) (i.e., land use, treaty rights, scenic resources, cultural resources, recreation resources and natural resources) as well as any other applicable review criteria.
- E. The new decision shall supersede the original decision.
- F. The new decision may remove or revise original conditions of approval or add new conditions of approval to ensure full compliance with all the current criteria.

### **SECTION 2.040 Coordination of Development Approval**

- A. The Director shall be responsible for the coordination of a development application and decision-making procedures and shall approve developments when proper application is made and the proposed development is in compliance with the provisions of this Ordinance, the Wasco County Comprehensive Plan, and the Management Plan for the Columbia River Gorge National Scenic Area.

- B. The coordination of development application shall include the opportunity for the applicant to apply for all permits necessary for a development project at one time. The consolidated procedure shall be subject to the time limitations set out in this chapter.
- C. After an application has been submitted, no building permit application for the proposed use shall be signed until final action has been taken and all required conditions have been met. Following final action on the application, the issuance of zoning approval on a building permit application shall be in conformance with the zoning regulations of this Ordinance, and any conditions of development approval.

#### **SECTION 2.050 Wasco County Application Authority**

The Following includes only the Wasco County Application Authority. All quasi – judicial appeals and legislative actions decided upon by the Columbia River Gorge Commission shall be governed by the Management Plan for the Columbia River Gorge National Scenic Area.

- A. The Director shall have the authority to review the following applications for Type II Administrative Actions, and shall follow the procedure provided by this Ordinance to accomplish such review.
  - 1. Basic Provisions ([Chapter 3](#))
  - 2. Uses permitted subject to Expedited Review ([Chapter 3](#)).
  - 3. Uses permitted Subject to Additional or Referenced Standards ([Chapter 3](#))
  - 4. Conditional Use Reviews ([Chapter 5](#))
  - 5. Administrative Variance ([Chapter 6](#))
  - 6. Temporary Use Permits ([Chapter 8](#))
  - 7. Non-conforming Use Reviews ([Chapter 13](#))
  - 8. National Scenic Area Reviews ([Chapter 14](#))
  - 9. Emergency/Disaster Response ([Chapter 16](#))
  - 10. Partition Approvals, except as provided for in 2.050(B), re-plats and property line adjustments. ([Chapter 21](#))
  - 11. Permitted uses which require the interpretation or the exercise of policy or legal judgment.
- B. The following applications for Type III and Type IV Quasi-Judicial and Legislative Actions shall be heard by the Planning Commission or other authorized review authority<sup>8</sup>, pursuant to [Sections 2.100, 2.180, 2.190, 2.200, 2.210, and 2.220](#) of this Ordinance:

**Type III Actions**

1. Appeals of Decision of Director made pursuant to [2.050\(A\)](#) and any ministerial action of the Director.
2. Matters which the Director elects not to review, pursuant to [2.050\(A\)](#).
3. Revocation of Conditional Use Permits [\(Chapter 5\)](#)
4. Variances [\(Chapter 6\)](#)
5. Recreational Vehicle Parks [\(Chapter 17\)](#)
6. Preliminary Partitions involving private or public road approval [\(Chapter 21\)](#)
7. Subdivisions [\(Chapter 21\)](#)
8. Private Road Approvals [\(Chapter 21\)](#)

**Type IV Actions**

9. Recommendation to the County Governing Body on a Legislative or Quasi-Judicial Plan Amendment [\(Chapter 9\)](#)
  10. Recommendation to the County Governing Body on Zone Change and/or Ordinance Amendments [\(Chapter 9\)](#)
  11. Recommendation to the County Governing Body on street dedications [\(Chapter 21\)](#)
- C. The following application for Type III and Type IV Quasi Judicial and Legislative Actions shall be heard by the County Governing Body, pursuant to [Sections 2.100](#), [2.180](#), [2.190](#), [2.200](#), [2.210](#), and [2.220](#) of this Ordinance:

**Type III Actions**

1. Appeals of a Planning Commission or other authorized review authority:<sup>9</sup> Decision made pursuant to [2.050\(B\)\(1\)](#) – (9) .

**Type IV Actions**

2. Plan Amendments [\(Chapter 9\)](#)
3. Zone Change and Ordinance Amendments [\(Chapter 9\)](#)
4. Street Dedications [\(Chapter 21\)](#)

**A. Development request may be initiated by one or more of the following:**

1. All owner(s) of the property which is the subject of the application; or
2. The purchaser(s) of such property who submits a duly executed written contract, or copy thereof, which has been recorded with the Wasco County Clerk; or
3. The purchaser(s) of such property who submits a duly executed earnest money agreement stating the land use action proposal; or
4. A lessee in possession of such property who submits written consent of the owner(s) to make such application; or
5. Resolution of the County Governing Body; or
6. County Road Department, (when dealing with land involving public works projects).

Any of the above may be represented by an agent who submits written authorization by his principal to make such application.

**SECTION 2.070 Pre-Application Conference**

An applicant may request a pre-application conference prior to submitting a request for development approval. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this Ordinance, provide for an exchange of information regarding applicable elements of the Comprehensive Plan, the Management Plan for the Columbia River Gorge National Scenic Area, and development requirements, arrange such technical and design assistance as will aid the applicant, and to identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

**SECTION 2.080 Completeness**

**A. Complete Application Required:**

Any proposed use, development or structure, including expedited review uses, shall be reviewed according to the standards in effect on the date an applicant submitted a complete land use application. A complete application is one the Director determines contains:

1. A complete application form, including all applicable information and review criteria listed on the application form, the Complete Application Submittal requirements of [Section 14.020](#), and any additional information indicated throughout this ordinance; and
2. The required fee, pursuant to [Section 2.090](#).
3. Completeness Time Frame
  - a. If an application for a permit is incomplete, the applicant shall be notified in writing of exactly what information is missing within 30 days of receipt of the application and be

allowed to submit the missing information. The application shall be deemed complete upon receipt of all of the missing information.

- b. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection a. of this section and has not submitted information.

**B. Quasi-Judicial Time Limitations**

After deeming a quasi judicial application listed in [Section 2.050](#) complete, the Director shall act on or cause a hearing to be held on the application within the time requirements of [ORS 215.427](#) unless such time limitation is extended with the consent of the applicant.

**SECTION 2.090 Filing Fees**

- A. Any application filed with the Planning Department shall be accompanied by the appropriate filing fee to reimburse the County for processing costs attendant upon the application.
- B. Fees shall not exceed the actual or average cost of providing the service.
- C. Any and all fees shall be established by County Governing Body Order, be separate from this Ordinance, and may be revised whenever necessary.
- D. A filing fee may be waived by the County Governing Body following the procedures indicated in the current fee schedule.
- E. All fees received pursuant to this Section shall be deposited in the County General Fund.
- F. Fees are not transferable or refundable.

**SECTION 2.100 Notice Requirements**

Citizen and Agency Involvement. The County shall provide opportunities for public and agency input in the planning process. To ensure that there is a coordinated effort to permit land use projects, notice of applications for development approval shall be sent to interested agencies and departments such as County departments, sheriff and fire departments, school districts, utility companies, and the applicable city departments for those municipalities within Wasco County. Affected jurisdictions and agencies could include the Gorge Commission, Forest Service, Department of Environmental Quality, the Oregon Department of Transportation, Wasco County Transportation Network, and other applicable local, state or federal agencies & Treaty Tribes.

If the subject property is being considered for a plan amendment or zone change, notice of receipt of the application shall be provided to the Oregon Department of Transportation.

Comments received from a tribal government at any time during a local government's review of a proposed development or use shall be considered to ensure that the proposed development or use does not affect or modify the treaty or other rights of that tribe.

**A. Type II - Administrative Action**

1. Notice Recipients - Notice for an Administrative Action, pursuant to [2.050\(A\)](#) shall be mailed at least fifteen (15) days prior to a decision to the following:
  - a. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
  - b. All owners of property and agencies as stipulated by the notification matrix (Table 2-1);
  - c. Any affected governmental agency or public district within whose boundary the subject property lies;
  - d. The city within whose recognized Urban Area Boundary the subject property lies or whose facilities may be impacted;
  - e. Other persons as may be clearly and necessarily affected by the result of the development request and as required due to the presence of Scenic, Natural or Cultural Resources.
  - f. The USDA Forest Service, the Columbia River Gorge Commission, the State of Oregon, and the four Tribal governments.
  - g. Any individuals or groups having a subscription to receive notice of all planning actions taken by the Wasco County Planning and Development Office.
  - h. Owners of a public use airport of any land use action within 5,000 feet of the side or end of a "visual airport" runway, or within 10,000 feet of an "instrument airport" runway, unless the action involves structures less than thirty-five (35) feet tall outside the runway approach surface.
  - i. For an expedited review the notice shall be the preliminary decision pursuant to Sections [2.110](#) and [2.120](#). Written comments on the proposed development will be received within 12 days from the date a notice is sent from the four Tribal governments, the Gorge Commission, the Forest Service, all landowners within 200 feet of the subject parcel, and any other interested parties. If written comments are received from any of the above described, the comments will be included in the review and a new decision with appeal period will be issued pursuant to Sections [2.110](#) and [2.120](#). If no comments are received from these entities, the decision will be considered final unless appealed by another party pursuant to [Section 2.150](#). Comments received by a tribal government at any time during the expedited review process shall be considered, to ensure that the proposed development or use does not affect or modify the treaty or other rights of that tribe.
2. Contents of Notice - Notice for a Type II - Administrative Action shall be filed with the Director and shall include the following information:

- a. The location, title of the request and the date such notice was sent;
- b. The general location of the subject property and legal description;
- c. The legal owner of record and the name of applicant seeking review;
- d. The present zoning of the subject property and applicable Ordinances and sections that apply to the application at issue;
- e. The nature of the application;
- f. The deadline for filing comments on the request.
- g. That failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;
- h. The name of a local government representative to contact and the telephone number where additional information may be obtained;
- i. That a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
- j. That a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and
- k. General explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- l. For expedited reviews, the notice shall also include a copy of the application which shall only be required to be sent to the Gorge Commission, Forest Service and four Tribal Governments.

### 3. Additional Notice Criteria

- a. The County shall determine if a wildlife management plan as required in 14.600(C)(5), or rare plant protection and rehabilitation plan as required in 14.600(D)(5) is needed within seven (7) days of the close of the fifteen (15) day public comment period.
- b. For proposed uses or developments where a cultural resource survey (Reconnaissance or historic) is required to be performed by the Commission in accordance with 14.500(B), the survey shall be completed by the close of the fifteen (15) day public comment period.
- c. All cultural resource surveys shall be forwarded to the State Historic Preservation Office and Indian Tribes for a thirty (30) day cultural resource review period in accordance with

Section 14.500(C)(3).

- d. Within seven (7) days of the close of the thirty (30) day cultural resource comment period, a determination of need for an evaluation of significance, as provided for in 14.500(D), shall be made by the County, in consultation with Tribes and State Historic Preservation Office.
- e. An affidavit of all publication and mailing notices shall be made part of the record.

#### **B. Type III - Quasi Judicial Public Hearing**

1. **Notice Recipients** - At least twenty (20) days prior to the date of a quasi-judicial public hearing listed hearing under [2.050\(B\)\(1\)](#) – (9) and ten (10) days prior to the date of a public hearing listed under [2.050\(C\)\(1\)](#), notice shall be sent or provided to the same list indicated in (A)(1) above unless otherwise specified, in addition to the following:
  - a. Notice shall be given by publication in the official newspaper of Wasco County at least fifteen (15) days prior to the date of a quasi-judicial public hearing listed under [2.050\(B\)\(1\)](#) – (9) and ten (10) days prior to the date of a hearing listed under [2.050\(C\)\(1\)](#).
  - b. Notice of Review by the County Governing Body pursuant to [2.050\(C\)\(1\)](#) shall also be posted in at least two (2) different public locations and published in the official newspaper of Wasco County at least ten (10) days prior to the date set for the hearing.
  - c. **All property owners within 250 feet of a property for which a zone change has been initiated by a property owner or group of property owners.<sup>10</sup>**
2. **Contents of Notice** - In addition to the Contents of the Notice listed in (A)(2) above, with the exception of (f) & (g), the notice for a quasi-judicial public hearing listed under 2.060(B)(1) – (9) and (C)(1) shall also include the date, time and place of hearing and the name of the hearing body;
3. **Additional Notice Criteria** - The provisions of (A)(3) above shall be applicable to quasi-judicial public hearings listed under [2.050\(B\)\(1\)](#) – (9) and [2.050\(C\)\(1\)](#).

#### **C. Type IV - Legislative Hearing Notice**

1. Planning Commission [or other authorized review authority<sup>11</sup>](#) Notice Requirements – Notice shall be sent at least fifteen (15) days prior to the date of a legislative hearing.
  - a. Recipients to be determined by Wasco County Governing Body in addition to the following agencies:
    - (1) The USDA Forest Service, the Columbia River Gorge Commission, the State of Oregon, and the four Tribal governments
    - (2) All applicable local, state, and federal natural resource agencies
    - (3) State Historic Preservation Office



- (4)** Historic Columbia River Highway Advisory Committee
  - (5)** Any individuals or groups having a subscription to receive notice of all planning actions taken by the Wasco County Planning and Development Office.
  - (6)** Owners of a public use airport of any land use action within 5,000 feet of the side or end of a "visual airport" runway, or within 10,000 feet of an "instrument airport" runway, unless the action involves structures less than thirty-five (35) feet tall outside the runway approach surface.
- b.** Notice shall be published in accordance with (B)(1)(a) above.
- 2.** County Governing Body Notice Requirements – Notice shall be sent at least ten (10) days prior to the date of a legislative hearing.
- a.** In addition to agencies listed in (C)(1)(a) above, excluding recipients determined by Wasco County, recipients shall include parties of record who:
    - (1)** have submitted written testimony,
    - (2)** provided testimony at the Planning Commission or other authorized review authority hearing<sup>12</sup>,
    - (3)** or those who have requested in writing to receive notice
  - b.** Notice shall be published in accordance with (B)(1)(a) and (b) above.

**D. Transportation Related Notice**

- 1.** Notice of a legislative hearing will be sent to public agencies and local jurisdictions (including those providing transportation facilities and services) that may be impacted by the proposed action. Affected agencies and jurisdictions could include the Department of Environmental Quality, the Oregon Department of Aviation, cities within Wasco County, and neighboring jurisdictions.
- 2.** Notice of a legislative or quasi-judicial hearing for any proposal that includes a new transportation facility or improvement, and where these facilities or improvements include or may impact a collector or arterial street, will be sent to the Oregon Department of Transportation and any special interest transportation groups as appropriate. Special interest transportation groups could include trucking organizations, bicycle and pedestrian interest groups, and public transit providers. Information that should be conveyed with the notice includes the following:
  - a.** Project location
  - b.** Proposed land use action
  - c.** Location of project access point(s)

**SECTION 2.110 Administrative Action Procedure of the Director**

- A. Within the time period specified in [Section 2.080](#), the Director shall:
1. Publish or otherwise file notice pursuant to [Section 2.100](#);
  2. Prepare findings of fact and conclusions of law; and
  3. Prepare a decision to approve or deny the request. Approvals may include conditions considered necessary to assure conformance with the Comprehensive Plan and the Management Plan for the Columbia River Gorge National Scenic Area pursuant to [2.120\(C\)](#).
- B. If the application does not meet the criteria or if written objections are received, or if the applicant or the Director so desires for any reason, the Director may schedule any application made under [2.050\(A\)](#) for public hearing before the Planning Commission or other authorized review authority<sup>13</sup>, pursuant to [2.050\(B\)\(2\)](#), and the Commission shall decide the matter, as if the matter were listed under [2.050\(B\)](#).

**SECTION 2.120 The Decision of the Director**

- A. In making a decision, the Director shall consider the following:
1. The burden of proof is placed upon the petitioner seeking an action pursuant to the provisions of this Chapter. Unless otherwise provided for in this Chapter, such burden shall be to prove:
    - a. The proposed action fully complies with the applicable map elements of the relevant Comprehensive Plan and Management Plan for the Columbia River Gorge National Scenic Area and also the goals and policies of the applicable plans.
    - b. The proposed action is in accordance with the applicable criteria of this Ordinance.
  2. Written comments from parties or other persons.
- B. In all cases, the Director shall enter findings and conclusions to justify their decision.
- C. The following limitations shall be applicable to conditional approvals:
1. Conditions shall be fulfilled within the time limitations set forth in the approval thereof, or, if no specific time has been set forth, within a reasonable time.
  2. Such conditions shall be reasonably conceived to fulfill public needs emanating from the proposed land use as set forth in the application in the following respects:

- a. Protection of the public from the potentially deleterious effects of the proposed use; or
  - b. Fulfillment of the need for public service demands created by the proposed use.
  - c. Promote the public health, safety and welfare and provide protection and enhancement of the scenic, natural, cultural and recreation resources in the Columbia River Gorge National Scenic Area.
3. The conditional approval may require the owner of the property to sign a contract with the County for enforcement of the conditions. Such contract shall be executed within thirty (30) days after conditional approval is granted, provided, however, that the Director may grant time extensions due to practical difficulty. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required by a conditional approval, no zoning approval on a building permit application shall be issued for the use covered by the application until the executed contract is recorded on the real property records of Wasco County and filed in the County Journal. Such contract shall not restrict the power of subsequent administrative action, with or without conditions. Such contracts shall be enforceable against the signing parties, their heirs, successors, and assigns by Wasco County by appropriate action in law or suit in equity for the benefit of public health, safety and welfare.
  4. Failure to fulfill any conditions of approval within the time limitations imposed may be grounds for initiation of Administrative Action or revocation of approval by the Director.
  5. A bond, in a form acceptable to the Director or, upon appeal or review, by the Commission or County Governing Body or a cash deposit from the property owner(s) or contract purchaser(s) in such amount as will assure compliance with the conditions imposed pursuant to this section may be required. Such bond or deposit shall be posted at the same time the contract containing the conditions of approval is filed with the Wasco County Clerk.
- D. If an application is denied by the Director, and no higher authority reverses such denial upon appeal, no new application for the same or substantially similar action shall be filed for at least twelve (12) months from the date of the final order of the action denying the application.

#### **SECTION 2.130 Notice of a Decision**

- A. Notice of a decision by pursuant to [2.050](#)(A), (B)(1) – (9) and (C)(1) shall be filed in the records of the Director and also mailed to the following:
1. The applicant(s) and all owners or contract purchasers of record of the property which is the subject of the application.
  2. All owners of property as stipulated by the notification matrix (Table 2-1). For an expedited review, the required notification area shall be limited to landowners within 200 feet of the perimeter of the subject parcel.
  3. Any affected governmental agency or public district within whose boundary the subject

property lies.

4. The city within whose recognized Urban Area Boundary the subject property lies.
  5. The USDA Forest Service, the Columbia River Gorge Commission, the State of Oregon, and the four Tribal governments.
  6. Any individuals or groups having a subscription to receive notice of all planning actions taken by the Wasco County Planning and Development Office.
- B. Notice of a decision shall contain:**
1. Identification of the application;
  2. Other information pertinent to the application, if any;
  3. The date of the filing of the decision;
  4. Notice that any party may appeal an expedited review decision within twelve (12) days and all other review decisions within fifteen (15) days from the date such notice was sent by filing a timely statement with the Director.
- C. The decision of the Director pursuant to [2.050\(A\)](#) shall be final unless an appeal from an aggrieved person is received by the Director within twelve (12) days for an expedited review decision and fifteen (15) days for all other review decisions after the filing of a decision on an Administrative Action or unless the Commission or County Governing Body on its own motion, orders review for an expedited review decision within twelve (12) days and all other review decisions within fifteen (15) days after the filing of the proposed decision.**
- D. Notice of a legislative decision shall be filed in the records of the Director and also mailed to the following:**
1. Any affected governmental agency or public district within whose boundary the subject property lies;
  2. The city within whose recognized Urban Area Boundary the subject property lies;
  3. The USDA Forest Service, the Columbia River Gorge Commission, the State of Oregon, and the four Tribal governments.
  4. Any individuals or groups having a subscription to receive notice of all planning actions taken by the Wasco County Planning and Development Office.
  5. Parties of record who:
    - (a) have submitted written testimony; or
    - (b) provided testimony at either the Planning Commission, [other authorized review authority](#)<sup>14</sup>, or County Governing Body hearing; or

(c) those who have requested in writing to receive the decision.

**E. Notice of a decision shall contain:**

1. Identification of the application;
2. Other information pertinent to the application, if any;
4. The date of the filing of the decision by the Wasco County Governing Body;
5. Notice that any party may appeal a decision within thirty (30) days from the date such notice was sent by filing a timely statement with the Columbia River Gorge Commission.

**SECTION 2.140 Recordation of Conditions of Approval**

All conditions attached to approval of uses shall be recorded in the County deeds and records to ensure notice of the conditions to successors in interest.

**SECTION 2.150 Appeal from Decision of the Director**

- A. Any action taken by the Director or the Director's designee in the interpretation, administration or enforcement of this ordinance shall be subject to review by the Planning Commission or other authorized review authority<sup>15</sup>.
- B. Any party may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Approving Authority shall establish the appellant as a party or the appeal shall not be heard and the contested decision shall become final. For expedited reviews, party status shall be given to any person.
- C. The Approving Authority may review the action of the Director upon receipt of a Notice of Appeal as prescribed in this section. For the purpose of this section, an appeal shall be filed with the Director no later than twelve (12) days for an expedited review and fifteen (15) days for all other reviews following the date of the decision or action of the Director. The decision of the Director may also be reviewed by the County Governing Body upon its own motion passed within twelve (12) days for an expedited review and (15) fifteen days for all other reviews following the date of the written decision sought to be reviewed if no appeal is filed. County Governing Body review shall be conducted pursuant to Section 2.170.
- D. Every Notice of Appeal shall contain:
  1. A reference to the application sought to be appealed.
  2. A statement as to how the petitioner qualifies as a party.
  3. The specific grounds relied upon in the petition request for review.

4. The date of the final decision of the action.
  5. The required fee, unless waived pursuant to [Section 2.090](#).
- E. Members of the Approving Authority shall neither:
1. Communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; nor
  2. Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are afforded an opportunity to contest the material so noticed.
- F. Appeal of an administrative decision to the Planning Commission [or other authorized review authority](#)<sup>16</sup> shall be "de novo"; i.e., conducted as a new hearing before the public.
- G. The review shall be accomplished in accordance with the Rules of Procedure adopted by the County Governing Body. The Approving Authority may continue its hearing from time to time to gather additional evidence or to consider the application fully. Unless otherwise provided by the Approving Authority no additional notice need be given of continued hearings if the matter be continued to a certain date.
- H. All evidence offered and not objected to shall be received unless excluded by the Approving Authority on its own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conducting of their everyday affairs. Evidence shall be received and notice may be taken of those facts in a manner similar to that provided for in contested cases before state administrative agencies pursuant to [ORS 183.450](#) except as otherwise provided for herein.
- I. The Approving Authority shall render a decision, may affirm, reverse or modify the action of a lesser authority and may reasonably grant approval subject to conditions necessary to carry out the Comprehensive Plan and Management Plan for the Columbia River Gorge National Scenic Area pursuant to [2.120\(C\)](#).
1. For all cases the Approving Authority shall make a decision based on findings and conclusions from the record before it as justification for its action.
  2. The Director shall send a copy of the Approving Authority's decision to all parties to the matter and a copy of such decision shall be filed in the records of the Director.

#### **SECTION 2.160 Review of a Decision of the Planning Commission or Other Authorized Review Authority**

Fifteen (15) days from the date of a final decision of the Planning Commission [or other authorized review authority](#)<sup>17</sup>, the decision shall become effective unless review is sought pursuant to this Section.

- A. Review of the decision of the Planning Commission [or other authorized review authority](#)<sup>17</sup>:

1. Shall be made by the County Governing Body, pursuant to [Section 2.170](#), upon any party filing a Notice of Review with the Director within fifteen (15) days from the date of the final decision sought to be reviewed; or
  2. May be made by the County Governing Body, pursuant to [Section 2.170](#), on its own motion passed within fifteen (15) days from the date of the final decision sought to be reviewed.
- B. Notice of the time and place of the review together with any Notice of Review filed shall meet the requirements of [Section 2.100](#), Notice Requirements.
- C. Every Notice of Review shall contain:
1. A reference to the decision sought to be reviewed;
  2. A statement as to how the petitioner qualifies as a party;
  3. The specific grounds relied upon in the petition request for review; and
  4. The date of the decision sought to be reviewed.
- D. A Notice of Review shall be accompanied by a fee as set forth on the fee schedule established by the County Governing Body.
1. If the Court does not desire a transcript, the applicant or any party may request a transcript. Any such transcript request shall be paid for by the person requesting it. The estimated cost of the transcript shall be specified by the Director. Within five (5) days of such estimate, the person filing the Notice of Review shall deposit the estimated cost with the Director. Any deposit excess shall be returned to the depositing person. Failure to comply with this subsection shall be a jurisdictional defect.
  2. If a transcript is desired by the Court, the costs shall be borne by Wasco County.

#### **SECTION 2.170 Review by the County Governing Body**

- A. The review of the decision of the Planning Commission by the County Governing Body shall be conducted as a "de novo" hearing, including but not limited to the record established at the Planning Commission [or other authorized review authority<sup>18</sup>](#) level.
- B. Review by the County Governing Body upon appeal by a party shall be limited to the grounds relied upon in the petition request for review.
- C. The County Governing Body may remand the matter to the Planning Commission [or other authorized review authority<sup>18</sup>](#) if it is satisfied that testimony or other evidence could not have been presented at the hearing before the Planning Commission or other authorized review authority<sup>18</sup>. In deciding such remand, the County Governing Body shall consider and adopt findings and conclusions respecting:
1. Prejudice to parties;

2. Convenience or availability of evidence at the time of the initial hearing;
  3. Surprise to opposing parties;
  4. Date notice was sent to other parties as to an attempt to admit; and
  5. The competency, relevancy and materiality of the proposed testimony or other evidence.
- E. Only those members of the County Governing Body reviewing the entire record may act on the matter reviewed. The agreement of at least two (2) members is necessary to amend, reverse, or remand the action of the Planning Commission or other authorized review authority<sup>19</sup>. Upon failure of at least two (2) members to agree, the decision of the Approving Authority below shall stand.
- F. The Notice of a Decision shall meet the requirements of [Section 2.130](#).

#### **SECTION 2.180 Hearing Procedure**

- A. In the conduct of a public hearing, the Approving Authority shall have the authority, pursuant to Rules of Procedure approved by the County Governing Body, to:
1. Determine who qualifies as a party.
  2. Regulate the course, sequence and decorum of the hearing.
  3. Dispose of procedural requirements or similar matters.
  4. Rule on offers of proof and relevancy of evidence and testimony.
  5. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation and rebuttal testimony.
  6. Take such other action appropriate for conduct commensurate with the nature of the hearing.
  7. Grant, deny, or in appropriate cases, attach conditions pursuant to [2.120\(C\)](#) of this Chapter to the matter being heard.
- B. Order of Procedure: Unless otherwise specified, the Approving Authority, in the conduct of a hearing, shall:
1. Announce the nature and purpose of the hearing and summarize the rules for conducting the hearing.
  2. Recognize parties.
  3. Ask for disclosure of any potential conflicts of interest by those on the decision-making



body.

4. Ask parties to the hearing if there is a challenge to the ability of any member to make an unbiased decision on the case.
5. Request the Director or their designee to present a summary of staff findings and recommendation, if any, and explain any graphic or pictorial displays which are part of the staff report.
6. Testimony
  - a. De Novo Hearings:
    - (1) Allow the applicant to be heard first, on their own behalf or by representative.
    - (2) Allow parties or witnesses in favor of the applicant's proposal to be heard.
    - (3) Allow other parties or witnesses to be heard next in the same manner as in the case of the applicant.
    - (4) Upon failure of any party to appear, the Approving Authority may take into consideration written material submitted by such party.
    - (5) Allow only the applicant to offer rebuttal testimony. The scope and extent of rebuttal shall be limited to issues raised during testimony and shall not be used to introduce new evidence.
  - b. Quasi-Judicial Appeal to County Governing Body:
    - (1) Allow the appellant to be heard first, on their own behalf or by representative.
    - (2) Allow parties or witnesses in favor of the appellant to be heard.
    - (3) Allow other parties or witnesses to be heard next in the same manner as in the case of the applicant.
    - (4) Upon failure of any party to appear, the Approving Authority may take into consideration written material submitted by such party.
    - (5) Allow only the appellant to offer rebuttal testimony. The scope and extent of rebuttal shall be limited to issues raised during testimony and shall not be used to introduce new evidence.
7. Close the hearing to public testimony. Questions may be asked at this time by the Approving Authority. Questions by the Director or his designee may be allowed by the Approving Authority upon request.

8. At the conclusion of the hearing, the Approving Authority shall either make a decision and state findings which may incorporate findings proposed by any party, or the Director, or may take the matter under advisement. The Approving Authority may request proposed findings and conclusions from any party to the hearing.
9. The Approving Authority, before finally adopting findings and conclusions, may circulate the same in proposed form to the parties for written comment. All actions taken by the Approving Authority pursuant to adopting findings and conclusions shall be made a part of the record. The decision, findings and conclusions which support the decision of the Approving Authority shall be final when signed by the Approving Authority. For the purpose of signing the decision, findings and conclusions, the Approving Authority may be:
  - a. Planning Commission or Other Authorized Review Authority<sup>20</sup> Decision: The Chair of the Planning Commission, Hearings Officer<sup>20</sup>, or the Director of Planning.
  - b. County Governing Body Decision: All members of the County Governing Body present and deciding upon the application.
10. Within thirty (30) days of the date of public hearing the Approving Authority shall grant, deny or, in appropriate cases, pursuant to [2.120\(C\)](#), attach such conditions as may be necessary to carry out the Comprehensive Plan in approving the proposal being heard. The Director may extend the thirty (30) day deadline for rendering a decision upon consent of the applicant. The Director shall notify parties of the decision by mail.
11. The Approving Authority shall render a decision, may affirm, reverse or modify the action of a lesser authority, and may reasonably grant approval subject to the conditions necessary to carry out the Comprehensive Plan pursuant to [2.120\(C\)](#) of this Ordinance.
  - a. For all cases the Approving Authority shall make a decision based on the record before it as justification for its decision.
  - b. The Director shall send a notice of the Approving Authority's decision to all parties to the matter and a copy of such decision shall be filed in the records of the Director pursuant to [Section 2.130](#), Notice of a Decision.

#### **SECTION 2.190 Establishment of Party Status**

- A. In order to have standing under this Chapter, a person shall be recognized as a party by the Approving Authority.

Party status, when recognized by the Approving Authority, establishes the right of the person to be heard, either orally or in writing and to pursue a review or appeal under this Chapter.

- B. A request for establishment of party status may be made at least ten (10) days before the date set for a quasi-judicial public hearing by any person who files a written statement regarding the application being considered.

- C. Seven (7) or more days prior to the date set for a public hearing, the Director shall mail the applicant any statements that have been filed and a copy of the staff report.
- D. With respect to applications under [2.050\(B\)](#), all persons may submit written comments or provide oral testimony prior to the close of a Planning Commission [or other authorized review authority](#)<sup>21</sup> de-novo hearing. These persons shall be automatically given party status.
- E. With respect to applications under [2.050\(C\)\(1\)](#), the Approving Authority may authorize a person to have party status, at any time prior to the close of a hearing, if that person is not otherwise a party, as defined by [Section 1.200](#) of this Ordinance.
- F. A request for establishment of party status for an Administrative decision pursuant to [2.050\(A\)](#) of this Chapter shall be made by filing a written statement within a ten (10) day notification period. Such statement shall include:
  - 1. The name, address and telephone number of the person filing the statement;
  - 2. How the person qualifies as a party; as defined in [Section 1.200](#) of this Ordinance; and
  - 3. Comments which the party wishes to make with respect to the application under consideration.
- G. Any party may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Approving Authority shall establish the appellant as a party or the appeal shall not be heard and the contested decision shall become final.

#### **SECTION 2.200 Official Notice**

- A. The Approving Authority may take official notice of the following:
  - 1. All facts which are judicially noticeable. Judicially noticed facts shall be stated and made part of the record.
  - 2. The Comprehensive Plan and other officially adopted plans, ordinances, rules and regulations of Wasco County and comprehensive plans and implementing regulations of cities within Wasco County.
- B. Matters officially noticed need not be established by evidence and may be considered by the Approving Authority in the determination of the application.

#### **SECTION 2.210 General Conduct of All Hearings; Administrative, Quasi-Judicial or Legislative.**

The following rules apply to the general conduct of the County hearings:

- A. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
- B. No person shall testify without first receiving recognition from the Approving Authority and stating full name and address.
- C. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.

Formal rules of evidence as used in courts of law shall not apply. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs.

- D. Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing shall not be permitted.
- E. The person in charge of the decision making body shall have the authority, at such person's discretion, to inform, reprimand, or remove any person or persons for violations of the above rules of conduct. Violations of the above rules of conduct shall further be grounds for the immediate suspension of the hearing.

#### **SECTION 2.220 Approval, Rejection, Modification**

- A. Any application may be approved, rejected and modified, or approved subject to conditions.
- B. Any change to an application approved pursuant to the Wasco County NSA LUDO which represents a major deviation from the approved development action shall be processed as a new action.
- C. Any change to an application approved pursuant to the Wasco County LUDO which represents an immaterial deviation from the approved development action shall be reviewed by the Wasco County Planning Department for consistency with the applicable criteria in this ordinance and the findings and conclusions of the original approval. If the Planning Director approves a minor change, a new notice of decision indicating the change shall be given to all of the parties that would have standing to appeal the change, including the applicant, the Forest Service, the four Tribal governments, the Columbia River Gorge Commission, and anyone who submitted comments during the comment period on the original land use application. The change itself is subject to appeal under the same time frames applicable to the original decision.
- D. Any change to an application approved pursuant to the Wasco County NSA LUDO that is located entirely within the approved development footprint and reduces any exterior dimension without increasing any other dimension and without altering any approved exterior structural colors and materials may be approved by the Director upon submittal of a formal request, a new site plan, and any other information required for review of the requested change. This change will not require an additional pre-notice, findings, notice of decision or appeal period.

#### **SECTION 2.230 Appeals to the Gorge Commission**

- A. Congress authorized people to appeal a final decision by the County that relates to the implementation of the National Scenic Area Act to the Gorge Commission:

*"Any person or entity adversely affected by a final action or order of a county that relates to the implementation of this Act may appeal such action or order to the Commission by filing with the Commission within thirty days of such action or order, a written petition requesting that such action or order be modified, terminated or set aside."*

- B. The Gorge Commission shall consider an appeal at a hearing held for that purpose, only after notice to the petitioner, the County and others eligible to become parties to the proceeding. The Gorge Commission's hearing shall be based upon the record before the County.

- C. The Gorge Commission shall adopt rules to implement the appeals provisions in the National Scenic Area Act after consultation with the Secretary, the counties, and the Indian tribes and only after public hearing.

#### **SECTION 2.240 Expiration of Approvals**

- A. Notice Not Required: Expiration of any land use approval issued pursuant to this ordinance shall be automatic. Failure to give notice of expiration shall not affect the expiration of a land use approval.
- B. Land Use Approvals without Structures: Any land use approval issued pursuant to this Ordinance for a use or development that does not include a structure shall expire two years after the date the land use approval was granted, unless the use or development was established according to all specifications and conditions of approval in the land use approval. For land divisions, "established" means the final deed or plat has been recorded with the county recorder or auditor. The expiration date for the validity of a land use approval is from the date of the expiration of the appeal period and not the date the decision was issued.
- C. Land Use Approvals with Structures: Any land use approval issued pursuant to this Ordinance for a use or development that includes a structure shall expire as follows:
  1. When construction has not commenced within two years of the date the land use approval was granted, or
  2. When the structure has not been completed within two years of the date of commencement of construction.

The expiration date for the validity of a land use approval is from the date of the expiration of the appeal period and not the date the decision was issued.

- D. Commencement of Construction: As used in [C\(1\)](#) above, commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.
- E. Completion of Structure: As used in [C\(2\)](#) above, completion of the structure shall mean:
  1. Completion of the exterior surface(s) of the structure and
  2. Compliance with all conditions of approval in the land use approval.
- F. Vested Rights

Pursuant to Part II Chapter 7 Guideline 7 of Standards for Applications, Expiration of Approvals, Vested Rights of the Management Plan for the Columbia River Gorge National Scenic Area, the laws of the state of Oregon concerning vested rights are superseded by the provisions of the Management Plan as authorized in the National Scenic Area Act. A person has a vested right for as long as the land use approval does not expire.

**SECTION 2.250 Extension of Validity of Land Use Approvals**

A request for extension of the time frames in [2.240\(B\)](#), [C\(1\)](#) or [C\(2\)](#) above, shall be submitted in writing before the applicable expiration date. The expiration date for the validity of a land use approval is from the date of the expiration of the appeal period and not the date the decision was issued.

- A. The Director may grant one 12-month extension to the validity of a land use approval if they determine that events beyond the control of the applicant prevented commencement of the use or development (applicable to [2.240\(B\)](#) above) or commencement of construction (applicable to [2.240\(C\)\(1\)](#) above) within the original two-year time frame.
- B. The Director may also grant one 12-month extension if they determine that events beyond the control of the applicant prevented completion of the structure (applicable to [2.240C\(2\)](#) above) within the original two-year time frame.
- C. A request for extension shall state the reason why events beyond the control of the applicant warrant an extension.
- D. Approval or denial of a request for extension shall be considered an administrative decision.

**SECTION 2.300 Planning Commission Rules****A. Membership**

The Commission shall consist of seven (7) County residents appointed by the County Governing Body to serve as members for a term of four (4) years or for the unexpired portion of the term of a member whom the appointee succeeds, provided that members of the Commission shall serve without compensation other than reimbursement for duly authorized expenses, and members of the Commission shall be residents of the various geographic areas of the County. No more than two (2) voting members shall be engaged principally in the buying, selling or developing of real estate for profit, as individuals, or be members of any partnership or officers or employees of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than two (2) voting members shall be engaged in the same kind of business, trade or profession.

**B. Disqualification**

Each appointed member shall serve until his successor is appointed and qualified except that no member of the Commission shall participate in any consideration of matter in which he is directly or indirectly interested in a personal or financial sense.

**C. Officers**

The Commission shall:

- 1. At the first meeting of each calendar year elect from among their appointed members, to serve for no longer than twelve (12) months, a Chair for their body. The Chair shall preside at all meetings, shall appoint and serve ex officio upon all committees, shall compel the attendance of members and witnesses, shall administer oaths, and sign the minutes of meetings after the same be approved by the body.

2. At said meeting, select from among their appointed members, to serve no longer than twelve (12) months, as Vice-Chair for their body. The Vice-Chair shall perform the duties of Chair whenever that officer is absent, ill, disqualified or otherwise unable to act.

**D. Legal Advisor**

The District Attorney or their deputy shall act as legal advisor to the Commission and represent them in all litigation, provided that when he determines a conflict of interest prevents such service, the County Governing Body may authorize the Commission to retain other counsel.

**E. Meetings**

The Commission shall meet upon call of the Chair pursuant to such rules as they may from time to time adopt. Meetings of the Commission shall normally be held on the same day of the month established by the Commission, unless such day is a legal County holiday, in which case the commission shall decide upon the day to meet at its previous meeting. All meetings shall be public. All meetings of the Commission shall be publicized by giving notice thereof in a newspaper of general circulation pursuant to [2.100\(B\)](#), Notice Requirements.

**Table 2-1 NOTICE OF APPLICATION REQUIREMENTS**

	<b>Tribes</b>	<b>USFS</b>	<b>State</b>	<b>County</b>	<b>Landowners w/in 200'</b>	<b>Landowners w/in 500'</b>	<b>Wildlife</b>	<b>Heritage</b>
<b>GENERAL MANAGEMENT AREA</b>								
<b>Residential LUD</b> – Review uses except SFDs located adjacent to Agriculture & Forest LUDs and Commercial Events, and those uses within 1000' of a sensitive wildlife area or site, or a rare plant	X	X	X	X	X			
<b>Residential LUD</b> – SFDs adjacent to Agriculture & Forest LUDs and Commercial Events except those within 1000' of sensitive wildlife area or site, or a rare plant	X	X	X	X		X		
<b>Residential LUD</b> – Review uses within 1000' of a sensitive wildlife area or site except SFDs located adjacent to Agriculture or Forest LUDs and Commercial Events	X	X	X	X	X		X	
<b>Residential LUD</b> – SFDs adjacent to Agriculture & Forest LUDs and Commercial Events within 1000' of a sensitive wildlife area or site	X	X	X	X		X	X	
<b>Residential LUD</b> – Review uses within 1000' of a rare plant except SFDs and Commercial Events located adjacent to Agriculture or Forest LUDs	X	X	X	X	X			X
<b>Residential LUD</b> – SFDs and Commercial Events adjacent to Agriculture & forest LUDs within 1000' of rare plant	X	X	X	X		X		X
<b>Agriculture LUD</b> – Review uses except non-farm SFD and Commercial Events in Large-Scale Agriculture LUD and uses within 1000' of sensitive wildlife area or site, or rare plant	X	X	X	X	X			



<b>Agriculture LUD</b> – Review uses within 1000' of sensitive wildlife area or site except non-farm SFD and Commercial Events in Large-Scale Agricult. LUD	X	X	X	X	X		X	
<b>Agriculture LUD</b> – Review uses within 1000' of a rare plant except non-farm SFD and Commercial Events in Large-Scale Agriculture LUD	X	X	X	X	X			X
<b>Agriculture LUD</b> – Non-farm SFD or Commercial Events in Large-Scale Agriculture LUD, except those within 1000' of sensitive wildlife area or site, or rare plant	X	X	X	X		X		
<b>Agriculture LUD</b> – Non-farm SFD or Commercial Events in Large-Scale Agriculture within 1000' of sensitive wildlife area or site	X	X	X	X		X	X	
<b>Agriculture LUD</b> – Non-farm SFD or Commercial Events in Large-Scale Agriculture within 1000' of rare plant	X	X	X	X		X		X
<b>Commercial LUD</b> – Review uses within 1000' of a sensitive wildlife area or site	X	X	X	X		X	X	
<b>Commercial LUD</b> – Review uses within 1000' of a rare plant	X	X	X	X		X		X
<b>Recreation LUD</b> – Review uses except those within 1000' of a sensitive wildlife area or site, or a rare plant	X	X	X	X		X		
<b>Recreation LUD</b> – Review uses within 1000' of a sensitive wildlife area or site	X	X	X	X		X	X	
<b>Recreation LUD</b> – Review uses within 1000' of a rare plant	X	X	X	X		X		X
<b>Open Space LUD</b> – Review uses except those within 1000' of a sensitive wildlife	X	X	X	X	X			

area or site, or a rare plant								
<b>Open Space LUD</b> – Review uses within 1000’ of a sensitive wildlife area or site	X	X	X	X	X		X	
<b>Open Space LUD</b> – Review uses within 1000’ of a rare plant	X	X	X	X	X			X
<b>Agriculture-Special LUD</b> – Review uses	X	X	X	X	X			X
<b>Forest LUD</b> – Review uses except utility facilities, railroads, home occupations, cottage industries, Commercial Events, wineries and cideries, ag. product process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit learning/research facilities, and those review uses within 1000’ feet of a sensitive wildlife area or site, or rare plant	X	X	X	X	X			
<b>Forest LUD</b> – Utility facilities, railroads, home occupations, wineries and cideries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities, and not within 1000’ feet of a sensitive wildlife area or site, or rare plant	X	X	X	X		X		
<b>Forest LUD</b> – Review uses within 1000’ feet of a sensitive wildlife area or site, except utility facilities, railroads, home occupations, wineries and cideries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp.	X	X	X	X	X		X	

asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, Commercial Events, non-profit learning/research facilities								
<b>Forest LUD</b> – Review uses within 1000’ of a rare plant except utility facilities, railroads, home occupations, wineries and cideries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, non-profit learning/research facilities	X	X	X	X	X			X
<b>Forest LUD</b> – Utility facilities, railroads, home occupations, wineries and cideries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, temp. asphalt/batch plants, expansion of non-profit camps-retreats-conf. centers, B&Bs, Commercial Events, non-profit learning/research facilities within 1000’ of a sensitive wildlife area or site	X	X	X	X		X	X	
<b>Forest LUD</b> – Utility facilities, railroads, home occupations, wineries and cideries, ag. produce process. & pack., mineral resources, geothermal resources, aquaculture, boarding of horses, Commercial Events, temp. asphalt/batch plants, expansion of non-profit learning/research facilities within 1000’ of a rare plant	X	X	X	X		X		X
<b>Commercial LUD</b> – Review uses except	X	X	X	X	X			

those within 1000' of a sensitive area or site, or rare plant.								
<b>SPECIAL MANAGEMENT AREAS</b>								
Review uses – All LUDs	X	X	X	X	X		X	



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## **CHAPTER 3 BASIC PROVISIONS**

### **SECTION 3.010 Introduction**

In order to achieve the purposes outlined in Chapter 1 of this Ordinance and to assure that the development and use of land in the National Scenic Area portion of Wasco County conforms to the Comprehensive Plan and Management Plan for the Columbia River Gorge National Scenic Area, zoning classifications have been established for all unincorporated lands in the National Scenic Area portion of Wasco County. These classifications specify regulations for the use of land and property development standards, and are applied by boundaries indicated on the Columbia River Gorge National Scenic Area Zoning maps for Wasco County.

### **SECTION 3.020 Compliance Required**

A legal parcel may be used and a legal structure or part of a legal structure may be constructed, moved, occupied, or used only as this Ordinance permits.

New cultivation and some re-cultivation are subject to [Chapter 14 – National Scenic Area Review](#). The Gorge Commission, Forest Service and County will work together to establish a farm stewardship program enabling the County's Technical Advisory Committee, the Soil Conservation Service, Cherry Grower's Association and other affected groups to help educate Wasco County National Scenic Area residents about compliance requirements and preferable farming practices.

### **SECTION 3.030 Location of Zones**

The boundaries of each of the foregoing zones, the zoning classifications and use of each tract in each of said zoning districts are hereby prescribed to coincide with the identifying zone classification.

### **SECTION 3.040 Zoning Maps**

A Zoning Map or Zoning Amendment shall:

- A. Be prepared by authority of the Planning Commission or be a modification by the County Board of Commissioners of a map amendment so prepared;
- B. Be adopted by order of the County Board of Commissioners thereon;
- C. Be dated with the effective date of such action; and
- D. Be reviewed by the Columbia River Gorge Commission and Forest Service and approved if appropriate; and
- E. Be filed and maintained without change in the Office of the County Clerk as long as this Ordinance remains in effect.



**SECTION 3.050 Boundaries of Zones**

Boundaries of plan designations are established by the Gorge Commission and Forest Service in accordance with the Columbia River Gorge National Scenic Area Management Plan and Columbia River Gorge National Scenic Area Act ([Public Law 99-663](#)). These boundary lines have been transposed onto Wasco County tax lot maps for use in implementing this ordinance.

Original National Scenic Area Maps and Land Use Designation maps are on file at the offices of the USDA Forest Service, National Scenic Area Office, Hood River Oregon and the Gorge Commission Office, White Salmon, Washington.

- A. When it is necessary to pinpoint the location of a boundary line on the ground an applicant shall consult with the Gorge Commission and Forest Service regarding the specific location of the boundary.
- B. Where a discrepancy exists, the applicant shall work with the Gorge Commission and Forest Service staff to resolve the discrepancy.

**SECTION 3.060 Classification of Zones**

For the purposes of this Ordinance, the following zones are hereby established:

**ZONE**

Large Scale Agriculture	A-1
Small Scale Agriculture	A-2
Industrial Forest	F-1
Small Woodland-Forest	F-3
Rural Residential	RR
Commercial	C
Public Recreation	PR
Commercial Recreation	CR
Open Space	OS
Agriculture Special	A-S

**OVERLAY ZONES**

Environmental Protection District - EPD

Division 1	Flood hazard overlay
Division 2	Geologic hazard overlay

### **SECTION 3.100 Uses Permitted Without Review**

The following uses may be allowed without review in all GMA and SMA land use designations, except GMA and SMA Open Space and Agriculture Special, subject to the applicable property development standards:

- A. In the General Management Area, agricultural uses except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. For this guideline, cultivation and vegetation removal may be allowed in conjunction with a home garden.
- B. In the Special Management Area, agricultural uses within previously disturbed and regularly worked fields or areas.
- C. Forest practices in the General Management Area that do not violate conditions of approval for other approved uses and developments.
- D. Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities. This does not include trail, road, and railroad expansions.
- E. Accessory structures 60 square feet or less in area and 10 feet or less in height, unless within the buffer zone of a wetland, stream, pond, lake or riparian area. This category does not include signs, fences, outdoor lights, retaining walls, flagpoles, roads, transportation facilities, or utility facilities.
- F. Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses less than or equal to 500 feet in length and less than or equal to 10 feet in height that are accessory to an existing dwelling, provided woven-wire fences (post and wire) are brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.
- G. Wire-strand fences less than or equal to 48 inches in height that are outside deer and elk winter range as delineated in the Gorge Commission/USDA Forest Service natural resource inventories or determined by an appropriate federal or state agency. Height is measured from the ground to the top wire. This category does not include fences associated with transportation facilities or utility facilities.
- H. The following transportation facilities:
  - 1. Replace existing safety or protective structures, including but not limited to guardrails, access control fences and gates, barriers, energy attenuators, safety cables, rockfall structures, and traffic signals and controllers, provided the replacement structures are:
    - a. The same location and size as the existing structures and
    - b. The same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic*

- Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.”
2. Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are
    - a. The same location and size as the existing structures and
    - b. The same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.”
  3. New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.
  4. Permanent public regulatory, guide, and warning signs, except those excluded below, provided:
    - a. The signs comply with the *Manual on Uniform Traffic Control Devices*; and
    - b. The support structures and backs of all signs are dark brown with a flat, non-reflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.
  5. Extensions of existing guardrails or traffic barriers less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are
    - a. Located inside rights-of-way that have been disturbed in the past; and
    - b. Constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.”
  6. New traffic barriers and guardrail ends, provided the structures are
    - a. Located inside rights-of-way that have been disturbed in the past and
    - b. Constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to

the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors." This category does not include jersey barriers.

7. In the General Management Area, replacement or expansion of existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.
  8. In the Special Management Area, replacement or expansion of existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective. The entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.
  9. Maintenance of existing railroad track and paved roads, provided the activity does not
    - a. Increase the width of a road or railroad
    - b. Disturb the toe of adjacent embankments, slopes or cut banks, or
  10. Apply dust abatement products to non-paved road surfaces.
  11. Grade and gravel existing road shoulders, provided the activity does not
    - a. Increase the width of a road,
    - b. Disturb the toe of adjacent embankments, slopes or cut banks, or
    - c.
  12. Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails, traffic barriers, or the substructure of bridges (e.g., foundations, abutments).
- I. The following underground utility facilities:
1. Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.
  2. Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:

- a. No excavation would extend more than 12 inches beyond the depth and extent of the original excavation,
- b. No ditch for linear facilities would be more than 24 inches wide,
- c. No excavation for non-linear facilities would exceed 10 cubic yards, and
- d. No recorded archaeological site is located within 500 feet of the development. To comply, the entity or person undertaking the development shall contact the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

**J. The following aboveground and overhead utility facilities:**

- 1. Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have:
    - a. The same location and size as the existing facilities and
    - b. The same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors."
  - 2. Replace existing utility poles, provided the replacement poles are
    - a. Located within 5 feet of the original poles,
    - b. No more than 5 feet taller and 6 inches wider than the original poles, and
    - c. Constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.
  - 3. New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.
- K. Flagpoles** that are accessory to the principal building on a parcel, provided the height of the flagpole is less than or equal to the height of the highest ridge line or parapet of the principal building.

**L. The following Signs:**

1. Election signs. Removal must be accomplished within 30 days of election day.
2. "For sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.
3. Temporary construction site identification, public service company, safety, or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the *Manual on Uniform Traffic Control Devices*. Removal must be accomplished within 30 days of project completion.
4. Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet in the General Management Area and 2 square feet in the Special Management Area.
5. Temporary signs advertising civil, social, or political gatherings and activities provided such signs do not exceed 12 square feet. Removal must be accomplished within 30 days of the close of the event.
6. Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the intended message.
7. In the General Management Area, signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings (not on roofs or marquees).

**M.** In the General Management Area, wind machines for frost control in conjunction with agricultural use.

**SECTION 3.110 Expedited Review**

**A. Uses Permitted Subject to Expedited Review**

The following developments may be allowed on a legal parcel subject to the expedited development review process listed in [Chapter 2](#), provided they comply with the resource protection and procedural guidelines listed below.

1. Except in Open Space and Agriculture-Special, accessory structures/**buildings**<sup>22</sup> between 60 and 200 square feet in area and 10 feet or less in height. Only one accessory **structure/building**<sup>22</sup> per parcel may be allowed under this guideline, regardless of whether the parcel already includes an accessory **structure/building(s)**.<sup>22</sup> Additional accessory **structures/buildings**<sup>22</sup> shall be subject to full review. This category does not include signs, decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.
2. Additions and covered decks for existing buildings provided the existing building is at least 500 square feet in area and the addition or covered deck is no larger than 200 square feet in area and no taller than the height of the existing building. Only one addition and one covered deck per parcel may be allowed under this guideline, regardless of whether the parcel already includes an addition or covered deck.

3. Rail, solid or semi-solid fences accessory to existing dwellings less than or equal to 6 feet in height and less than or equal to 100 feet in length.
4. Wire-strand fences other than those allowed outright, provided the fence complies with the "Approval Criteria for Fences in Deer and Elk Winter Range" in [14.600\(C\)](#) if it is inside deer and elk winter range as delineated in the Gorge Commission/USDA Forest Service natural resource inventories or determined by an appropriate federal or state agency.
5. Woven-wire fences for agricultural use that would enclose 80 acres or less. (GMA Only)
6. Decks that are:
  - a. Uncovered,
  - b. Attached and accessory to existing dwellings, and
  - c. 500 square feet or less in area and 30 inches or less in height above existing grade.
7. Road closure gates
8. Signs, other than those allowed outright subject to the provisions of [Chapter 23](#).
9. Outdoor lights.
10. Air, weather, water and other similar research and monitoring facilities, provided the facilities are attached to existing structures or are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.
11. Property line adjustments and Replats subject to [Section 21.200](#) in the General Management Area that would not result in the potential to create additional parcels through subsequent land divisions, subject to the applicable property development standards for the zone in which the property is located and all other applicable provisions of [Chapter 21](#), except all lot line adjustments for parcels designated Open Space, Agricultural Special or, Public Recreation, shall be reviewed through the full development review process.
12. Property line adjustments in the Special Management Area subject to [Section 21.200](#) and all other applicable provisions of [Chapter 21](#).
13. Removal/Demolition of structures that are less than 50 years old, including wells, septic tanks and fuel tanks.
14. Decommission non-paved roads, including ripping the road surface, barriers, and revegetation.
15. Trail reconstruction involving up to 1,000 feet of trail re-route.

16. The following transportation facilities, provided they are not a part of larger construction or reconstruction projects (which shall be reviewed as a whole):
- a. New traffic barriers and guardrail ends, other than those allowed outright and new wire-strand and woven-wire access control fences. This category does not include jersey barriers.
  - b. New traffic detection devices, vehicle weighing devices, and signal boxes less than or equal to 120 square feet in size and less than or equal to 12 feet in height. This category does not include signs.
  - c. Pave existing dirt and gravel roads, provided the activity does not increase the width of the road or disturb the toe of adjacent embankments, slopes or cut banks.
  - d. New weather, air, traffic or other monitoring equipment attached to existing structures or that are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.
17. New underground utility facilities, except in Agriculture Special, located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided no ditch for linear facilities would be more than 36 inches wide and no excavation for non-linear facilities would exceed 20 cubic yards.
18. The following above ground and overhead utility facilities:
- a. Modify existing aboveground and overhead utility facilities or, except in Agriculture Special, develop new aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the development would be less than or equal to 120 square feet in area and less than or equal to 12 feet in height.
  - b. Replace existing aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the replacement facilities would be in the same location as and no more than 15 percent larger than the physical size of the existing facilities.
  - c. New antennas and associated support structures necessary for public service on existing wireless communication poles and towers other than those allowed outright, provided the size is the minimum necessary to provide the service.
19. Replace an existing mobile home in a mobile home space within a mobile home park, provided
- a. The mobile home to be replaced, the mobile home space and the mobile home park shall be existing, lawful uses according to the definition of existing use or structure in 1.200 and the provisions of [13.060](#) and [13.070](#).
  - b. The replacement mobile home shall be in the same location as the mobile home to be replaced;



- c. The height of the replacement mobile home shall be no more than 20 percent greater than the mobile home to be replaced, and
  - d. The mass and footprint of the replacement mobile home shall be no more than 100 percent greater than a single-wide mobile home to be replaced or no more than 25 percent greater than a double-wide mobile home to be replaced.
20. Retaining walls accessory to existing dwellings less than or equal to 2 feet in height and less than or equal to 100 feet in length.
21. Wind machines for frost control in conjunction with agricultural use. (SMA Only)
22. Additions to existing buildings or structures that generate solar power for approved uses, provided that the panels and hardware are non-reflective black or dark earth tone colors and do not increase the overall roof height. This category does not include freestanding solar arrays, which are subject to full review as new structures under Chapter 19.

**B. Expedited Development Review Process**

Proposed developments reviewed using the expedited review process shall comply with the following resource protection guidelines:

**1. Scenic**

- a. In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.
- b. Except signs, the colors of structures topographically visible from key viewing areas shall be dark earth tones found at the specific site or the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval. This guideline shall not apply to additions to existing buildings smaller in total square area than the existing building, which may be the same color as the existing building.
- c. Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.
- d. **Any exterior lighting** shall be directed downward and sited, hooded, limited in intensity and shielded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
- e. Structures within ½-mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or<sup>99</sup> designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).

## 2. Cultural

- a. The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey. The cultural resources in [Section 14.500](#) shall be used to determine if a reconnaissance and/or<sup>100</sup> historic survey is required for a proposed development.
- b. The requirements of [14.500\(G\)](#), “Cultural Resources Discovered After Construction Begins”, shall be applied as conditions of approval for all development approved under the expedited development review process.

## 3. Recreation

The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

## 4. Natural

- a. ~~Wetlands, Riparian Areas, Streams, Rivers, Ponds, and Lakes~~ [Water Resources](#).<sup>100</sup>

The development is outside water resources and their buffer zones for [water resources](#).~~wetlands, riparian areas, streams, rivers, ponds, and lakes.~~<sup>100</sup> This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

- b. Sensitive Wildlife and Rare plants

(1) The development meets one of the following:

- (a) The development is at least 1,000 feet from known Priority Habitats or sensitive wildlife sites (excluding sensitive aquatic species, and deer and elk winter range and known rare plants; or
- (b) The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or
- (c) For sensitive wildlife, the development is within 1,000 feet of known Priority Habitat or sensitive wildlife sites (excluding sensitive aquatic species, and deer and elk winter range), but an appropriate federal or state wildlife agency determines the Priority Habitat or sensitive wildlife site is not active or the proposed development would not compromise the integrity of the Priority Habitat or sensitive wildlife site or occur during the time of the year when wildlife species are sensitive to disturbance.

For rare plants, the development is within 1,000 feet of known rare plants, but the Oregon Biodiversity Information Center or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the rare plants.

- (2) Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife or rare plants in [Section 14.600](#).

C. Treaty Protection Rights

Proposed developments reviewed using the expedited review process shall comply with the following treaty rights protection guidelines:

1. Proposed developments shall not affect or modify any treaty or other rights of any **tribal government** ~~Indian tribe.~~<sup>101</sup>
2. The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.
3. Except as provided in 2 above, the GMA and SMA treaty rights and consultation criteria in [Sections 14.800](#) & [14.810](#) shall not apply to proposed developments reviewed under the expedited review process.



**SECTION 3.120 "A-1" Large Scale Agriculture Zone (GMA & SMA)****A. Purpose**

The purpose of the Large Scale Agriculture Zone is to protect and enhance large scale agricultural land for agricultural uses. Large Scale Agricultural lands are generally:

1. Currently devoted to agriculture of a scale that is land intensive, employs workers, or provides significant products for markets or processors; or
2. Have a combination of soil capability, size and freedom from conflicting use that renders them suitable for large-scale agriculture or forest use.

**B. Uses Permitted Without Review**

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Large-Scale Agriculture. (GMA & SMA)

**C. Uses Permitted Subject to Expedited Review**

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Large- Scale Agriculture subject to the Expedited Review Process, Subsection G - Property Development Standards, and [Chapter 11 - Fire Safety Standards](#) as well as all other listed or referenced standards. Firewise standards shall also be provided to the landowner at the time of application. (GMA & SMA)

**D. Uses Permitted Subject to Review**

The following uses and activities may be allowed on a legal parcel designated Large-Scale Agriculture subject to Subsection G - Property Development Standards, [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 National Scenic Area Review](#), as well as all other listed or referenced standards. Firewise standards shall also be provided to the landowner at the time of application.

**FARM USE**

1. New cultivation in the GMA and SMA, or new agricultural use in the SMA outside of previously disturbed and regularly worked fields or areas, upon demonstration that the landowner has sufficient water to support the use.

Clearing trees for new agricultural use is subject to criterion J(5): (SMA Only)

2. Forest practices in accordance with an approved forest practices application consistent forest practice requirements listed in criterion J(6) below. (SMA Only)
3. Agricultural structures in conjunction with agricultural use, including new cultivation. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#). (GMA & SMA).

4. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the following standards: (GMA & SMA)

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a [Farm Management Plan defined in Section 1.200](#) with their land use application:

#### RESIDENTIAL USE

5. One single family dwelling customarily provided in conjunction with agricultural use, as defined, subject to the following standards: (GMA & SMA)
  - a. There are no other dwellings on the subject farm or ranch, including all of its constituent lots/parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;
  - b. The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy (c)(4) below; and
  - c. The operation is a commercial agricultural enterprise as determined by the submittal of a [Farm Management Plan defined in Section 1.200](#) and an evaluation of the following factors:
    - (1) Size of the entire unit, including all land in the same ownership;
    - (2) Operational requirements for the particular agricultural activity common to area agricultural operations; and
    - (3) The farm or ranch, and all its constituent parcels, must produce at least \$80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination can be made using the following formula:
 
$$\text{Average Yield Per Acre/Unit} \times \text{Average Commodity/Unit Price} \times \text{Total Acres for Production of Commodity/Units} = \text{Annual Income}$$
  - d. The parcel is a minimum of 40 acres in size. (SMA Only)

6. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in criterion 7 below. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#). (GMA & SMA)
7. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel: (GMA & SMA)
  - a. Parcels less than or equal to 10 acres in size are subject to the following additional standards:
    - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
    - (2) The height of any individual accessory building shall not exceed 24 feet.
  - b. Larger than 10 acres in size are subject to the following additional standards:
    - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
    - (2) The footprint of any individual accessory building shall not exceed 1,500 square feet.
    - (3) The height of any individual accessory building shall not exceed 24 feet.
8. A single family dwelling for an agricultural operator's relative subject to the following standards: (GMA Only)
  - a. The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister of the agricultural operator;
  - b. The dwelling would be located on the same lot or parcel as the dwelling of the principal operator; and
  - c. The operation is a commercial enterprise as determined by an evaluation of criterion D(5)(c) above.
9. Agricultural labor housing subject to the following standards (GMA & SMA):
  - a. The proposed housing is necessary and accessory to a current agricultural use as evidenced

by the submittal of a [Farm Management Plan, defined in Section 1.200](#), with the application;

- b. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.
- c. The housing shall be located to minimize the conversion of lands capable of production of farm crops or livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.
- d. The operation is a commercial enterprise as determined by an evaluation of criterion D(5)(c) above
- e. There is an existing dwelling on the parcel.

**10. Life Estate** - A landowner who sells or otherwise transfers real property in an area designated Large Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a lot/parcel as defined in this Ordinance. A second dwelling in conjunction with agricultural use may be allowed subject to the following standards: (GMA Only)

- a. The proposed dwelling is in conjunction with agricultural use, as defined, subject to the following standards:
  - (1) There are no other dwellings on the subject farm or ranch, including all of its constituent lots/parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;
  - (2) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy 5(c)(3) above; and
  - (3) The operation is a commercial agricultural enterprise as determined by an evaluation of criterion D(5)(c) above.
- b. Upon termination of the Life Estate, the original or second dwelling shall be removed.

**11. A second single family dwelling** customarily provided in conjunction with agricultural use, as defined, when the new dwelling would be used for the primary residence instead of the existing dwelling that is listed in the National Register of Historic Places, or is eligible for inclusion in the Register as determined using the criteria listed in [Sections 14.500](#) and [14.510](#), Cultural Resources. (GMA Only)



- 12. A single family dwelling** not in conjunction with agricultural use on a lot/parcel that was legally created prior to November 17, 1986, subject to the following standards: (GMA Only)
- a. The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;
  - b. The subject lot/parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the tract. Size alone shall not be used to determine whether a lot/parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject lot/parcel to be utilized in conjunction with other agricultural operations in the area;
  - c. The dwelling shall be setback from any abutting parcel designated Forest as required in [3.140\(G\)](#), Property Development Standards for the Large Scale Forest zone.
  - d. A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Agriculture or Forest;
  - e. Request has been made to the County Assessor to disqualify the parcel for special assessment under [ORS 308A.315](#), or [321.839](#) and that said disqualification is completed prior to the final approval of the non-farm dwelling.
- 13. The temporary use of a manufactured home** or dwelling structure in the case of a family hardship, subject to the standards for hardship dwellings prescribed in [Chapter 8, Temporary Use Permit](#). (GMA & SMA). In the SMA, the property must be 40 acres or greater.
- 14. One dwelling** on a lot/parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling shall be necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following (SMA Only):
- a. The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This requirement shall indicate a relationship between ongoing forest management and the need for dwelling on the subject property.
  - b. The subject parcel has been enrolled in the appropriate state's forest assessment program.
  - c. A plan for management of the parcel has been approved by the Oregon Department of Forestry or Wasco County. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, etc.); a chronological description of when the operations will occur; estimates of yield, labor, and expenses; and how the dwelling will contribute towards the successful management of the property.

- d. There are no other dwellings on the parcel which are vacant or currently occupied by persons not engaged in forest management of the subject parcel.
- e. A declaration has been signed by the landowner and recorded into County deeds and records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.

#### MISCELLANEOUS USE

- 15. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building. (GMA & SMA)
- 16. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks. (GMA & SMA)
- 17. Resource Enhancement Projects for the purpose of enhancing scenic, cultural, recreation and/or<sup>102</sup> natural resources subject to the Resource Enhancement standards prescribed in [Chapter 10](#): (GMA & SMA)
- 18. Uninhabitable structures associated with hunting and fishing operations. (GMA Only)
- 20. Towers and fire stations for forest fire protection. (GMA & SMA)
- 21. Docks and boathouses, subject to the standards below: (GMA & SMA)
  - a. New, private docks and boathouses serving only one family and one property maybe allowed, up to 120 square feet in size;
  - b. New, private docks and boathouses serving more than one family and property maybe allowed, up to 200 square feet in size;
  - c. Public docks open and available for public use maybe allowed.
  - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
- 22. Exploration, development, and production of sand, gravel, or crushed rock subject to that material being used only for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the SMA. (SMA only)
- 23. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#) and all other applicable provisions of [Chapter 21](#). (GMA & SMA)

24. Property line adjustments and Replats that would result in the potential to create additional parcels through subsequent land divisions subject to the property development standards listed in G below, [Section 21.200](#) and all other applicable provisions of [Chapter 21](#). (GMA Only)
25. Temporary portable facility for the primary processing of forest products grown upon a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be subject to the standards in [Chapter 8, Temporary Use Permit](#), and be removed upon completion of the harvest operation. (SMA Only)

**E. Uses Permitted Conditionally**

The following uses and activities may be allowed with conditions on a legal parcel designated Large Scale Agriculture subject to Subsection G - Property Development Standards, [Chapter 5 - Conditional Use Review](#), [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 - National Scenic Area Review](#), as well as any other listed or referenced standards.

**FARM/FOREST USE**

1. Wineries and cideries, in conjunction with an on-site vineyard or orchard, upon a showing that processing of wine or cider is from fruits harvested on the subject farm or in the local region. (GMA Only)
2. Wine or cider sales and tasting rooms, in conjunction with an on-site winery or cidery. (GMA Only)
3. Boarding of horses. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within. (GMA Only)
4. Fruits and produce stands, upon a showing that: (GMA & SMA)
  - a. The stand complies with licensing requirements of the Food and Dairy Division of the Oregon Department of Agriculture.
5. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation. "Primarily" means a clear majority of the product as measured by volume, weight, or value. (GMA & SMA)
6. Fish hatcheries and aquaculture. (GMA & SMA)
7. Silvicultural nurseries. (SMA Only)

**COMMERCIAL USE**

8. Commercial Events, subject to [Commercial Events standards prescribed in Chapter 20](#). (GMA Only)
9. Home occupations or cottage industry<sup>103</sup> in existing residential or accessory structures subject to the [Home Occupations standards prescribed in Chapter 20](#). (GMA & SMA)

The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses. (SMA Only)

10. Bed and Breakfast Inns may be permitted in a lawfully established single family dwelling subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20 and provided that the residence](#) (GMA & SMA):
  - a. Is included in the National Register of Historic Places, or
  - b. Is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.
11. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20](#) (GMA Only).

**PUBLIC & QUASI-PUBLIC USE**

12. Nonprofit resource-related environmental learning facility or nonprofit resource-related research facility. (GMA Only)
13. Expansion of existing nonprofit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited. (SMA Only)
14. Expansion of existing school or place of worship. (GMA Only)
15. Community facilities and nonprofit facilities related to agricultural or forest resource management. (SMA Only)
16. Recreation Development, subject to [Section 14.700](#). (GMA Only)
17. Public recreation, commercial recreation, interpretive, and educational developments and uses, consistent with [Section 14.710](#). (SMA Only)

**MISCELLANEOUS USE**

18. Road and railroad construction and reconstruction. (SMA Only)

**19. Construction, reconstruction, or modification of roads, utility facilities and railroads necessary for public service upon a showing that: (GMA & SMA)**

- a.** There is no practicable alternative location with less adverse effect on the scenic, cultural, natural, recreational, agricultural or forest lands; and
- b.** The size is the minimum necessary to provide the service.

**21. Personal-use airstrips including associated accessory structures such as a hangar. (GMA Only)**

- a.** A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations.
- b.** No aircraft may be based on a personal-use airstrip other than those owned or controlled by the owner of the airstrip.

**22. Exploration, development and production of mineral and geothermal resources subject to the standards prescribed [Chapter 10](#). (GMA Only)**

**23. Temporary portable asphalt/batch plants related to public road projects, not to exceed six (6) months. (GMA & SMA)**

**24. Disposal sites managed and operated by the Oregon Department of Transportation, or the Wasco County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to [Disposal standards prescribed in Chapter 10](#). (GMA & SMA)**

**F. Prohibited Uses**

- 1.** Subdivisions, Cluster Developments, Industrial Uses.
- 2.** All other uses not listed, **unless permitted through Chapter 13 “Nonconforming Uses, Buildings, and Lots and Consolidation of Undeveloped Subdivisions and Legal Parcels.”<sup>23</sup>**

**G. Property Development Standards**

**1. Property Size**

- a.** The creation or alteration<sup>24</sup> of a parcel shall be subject to the following standards:

Zone	Minimum Parcel Size	Minimum Parcel Width
A-1(40)	Forty (40) Acres	500'
A-1(60)	Sixty (60) Acres	500'
A-1(80)	Eighty (80) Acres	1,000'
A-1(160)	One Hundred Sixty (160) Acres	1,000'

**A replat of a recorded partition or subdivision or property line adjustment involving nonconforming lots is subject to Section 21.200.B.<sup>24</sup>**

- b. In the SMA no land divisions will be allowed unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan. The provisions of Chapter 14 are not applicable.
- c. **2. General Setbacks** - All structures, other than approved signs and fences shall comply with the following general setback standards:

Front Yard	25'
Side Yard	25'
Rear Yard	40'

3. **Agricultural Setbacks** - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- a. New buildings adjacent to lands designated Large-Scale or Small-Scale Agriculture that are suitable, but currently not used for agriculture, shall use the open or fenced setback associated with the dominant type of agriculture in the vicinity. If a vegetation barrier, 8-foot berm, or terrain barrier exists, the corresponding setback shall apply. If more than one type of agriculture is dominant, the setback shall be the larger width.
- b. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
- c. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
- d. The necessary berming and/or planting shall be completed during the first phase of development and maintained in good condition.

- e. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
  - f. A variance to the setback requirements may be made in accordance with Chapter 6, Variances.
4. Irrigation Ditch Setbacks: All dwellings and structures shall be located outside of the easement of any irrigation or water district. In the absence of an easement, all dwellings and structures shall be located a minimum of 50 feet from the centerline of irrigation ditches and pipelines which continue past the subject parcel to provide water to other property owners. Substandard setbacks must receive prior approval from the affected irrigation district. These setbacks do not apply to fences and signs. If the irrigation ditch meets the definition of a “stream”, the natural resource provisions of [Chapter 14](#) shall apply.
  5. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
  6. Height - Maximum height for all structures shall be thirty-five (35) feet unless further restricted in accordance with [Chapter 14 – National Scenic Area Review](#).
  7. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
  8. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).
- H. Special Management Area  
In addition to the standards and conditions listed in this section, and the applicable provisions of [Chapter 14 – National Scenic Area Review](#), the following standards apply to the agricultural lands in the Special Management Area:
1. If a standard or condition of this subsection is more restrictive than other subsections of this section, this subsection is controlling;
  2. No new dwellings or other related major structures shall be permitted on parcels of land less than 40 contiguous acres;
  3. The Forest Service shall, in collaboration with county and/or state regulatory agencies, review site plans for forest practices for compliance with SMA forest practice guidelines. The Forest Service review of the site plans shall include the following analysis:
    - a. Protection of the scenic resources: analysis of potential impacts, including cumulative effects, to scenic values as viewed from the key viewing areas.
    - b. Protection of the cultural resources: analysis of potential impacts to the cultural resources, including cumulative effects.

- c. Protection of natural resources: analysis of potential impacts, including cumulative effects, to the natural resources.
  - d. Protection of the recreational resources: analysis of potential impacts to the recreational resources, including cumulative effects.
4. New commercial uses and developments other than commercial recreation, pursuant to recreational objectives and guidelines set forth in Chapter 4 Recreation Resources in the Columbia River Gorge National Scenic Area Management Plan, are not permitted in the Special Management Areas.
5. Clearing trees for new agricultural use is subject to the following additional standards:
- a. A Stewardship Plan subject to criterion d below shall be submitted and deemed complete by the county and submitted to the Forest Service for review.
  - b. Clearing trees for new agricultural use shall be limited to 15 acres.
  - c. If the Stewardship Plan proves that the above guideline is detrimental to the proposed agricultural use, the final size of the clearing shall be determined by the application in (d)(1-4) below and subject to criterion (i).
  - d. After a 30-day public comment period, the Forest Service shall review the Stewardship Plan using the following criteria:
    - (1) Scenic Resource guidelines in Review Uses 6(d)(1) and (5) below.
    - (2) The applicable criteria in [Section 14.510 Cultural Resources](#), [Section 14.610 Natural Resources](#), and [Section 14.710 Recreational Resources](#).
    - (3) The Natural Resource Conservation Service (NRCS) soil unit description shall indicate that soils are suitable for the proposed agricultural use. The woodland management tables shall be used as part of the analysis of suitability for both agricultural and forest uses.
    - (4) The size, shape and pattern on the landscape of the clearing for the new agricultural use shall blend with the surrounding landscape pattern either because the existing pattern includes agricultural openings or because the new agricultural opening is designed to appear natural.
  - e. The Forest Service shall send the review statement to the appropriate county planning office. The Forest Service shall state whether or not the new agricultural use should proceed including any conditions that are recommended to be required by the county.



- f. The county will accept an application for new agricultural use on forested lands after receipt of a positive review statement from the Forest Service.
  - g. The forest practice portion of the new agricultural use shall not be approved by the state forestry department or county until a decision on the new agricultural use is issued from the county.
  - h. The new agricultural use shall be operational within two years of the time frame described in the approved Stewardship Plan.
  - i. New agricultural uses with an approved Stewardship Plan requiring more than 15 acres shall attain the final approved size sequentially. After the first 15 cleared acres is operational, each subsequent clearing shall not occur until the previous clearing is operational.
6. Forest practices shall be subject to a National Scenic Area Review and will require an application with the following:
- a. The following additional application material
    - (1) Listed on recent aerial photo or detailed map:
      - (a) The size, shape, and exact location of the proposed treatment area including any clumps of leave trees to remain. If more than one silvicultural prescription is to be used, code each on the photo.
      - (b) Other important natural features of the subject parcel such as steep areas, streams, wetlands, rock outcrops, etc.
      - (c) Road and structure construction and/or reconstruction location.
      - (d) Location of proposed rock or aggregate sources.
      - (e) Major skid trails, landings, and yarding corridors.
      - (f) Commercial firewood cutting areas.
      - (g) Protection measures for scenic, cultural, natural and recreation resources.
    - (2) Describe the existing forest in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.
    - (3) Describe how the forest practice will fit into the existing landscape pattern and how it will meet scenic and natural resource standards in d and e below.
    - (4) Written silvicultural prescriptions with projected post-treatment forest condition

specified in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

- (5)** Road and structure construction and/or reconstruction design.
  - (6)** Existing and proposed rock pit development plans.
  - (7)** A discussion of slash disposal methods.
  - (8)** A reforestation plan as reviewed by the Oregon Department of Forestry.
- b.** As part of the application, flag, stake or mark buffers, any trees or downed wood to be retained or removed (whichever makes the most sense), and areas for placing fill or removing material in preparation for a field visit by the reviewer.
  - c.** Stewardship Plan Requirements: The following information, in addition to the applicable portions of the forest practice application requirements above and general site plan requirements shall be provided:
    - (1)** Outline the long term goals, proposed operations, and future sustainability of the subject parcel.
    - (2)** Describe the time frame and steps planned to reach the long term goals.
    - (3)** For Forest Practices, describe how the proposed activities fit into the long term goals and sustainability of the parcel and/or forest health. The following shall be addressed:
      - (a)** Describe the range of natural conditions expected in the forest in terms of tree species, structure, and landscape pattern.
      - (b)** Describe what the resulting tree species, structure, and landscape pattern will be after the proposed activities.
      - (c)** Give a clear explanation how a deviation from the applicable guidelines may better achieve forest health objectives.
      - (d)** Give a clear explanation how and why the proposed activities will lead the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.
    - (4)** For clearing trees for new agricultural use, the following shall be addressed in addition to (c)(1) & (2) above:
      - (a)** Submit NRCS soil unit description and map for each soil unit affected by the proposed clearing or treatment.

- (b) Based on the needs of the operation, give a clear explanation as to the exact size of the clearing needed and how it will meet the natural and scenic requirements set forth in 5(d)(1) through (4) above.
  - (c) Describe in sufficient detail for evaluation the proposed agricultural use, the improvements needed on the parcel, time line for its establishment, and its marketability.
  - (d) Show evidence that an agricultural specialist, such as the county extension agent, has examined and found the proposed agricultural use reasonable and viable.
- d. For forest practices, the following scenic resource guidelines shall apply:
  - (1) Forest practices shall meet the design guidelines and scenic standards for the applicable landscape setting and zone.
  - (2) Created forest openings visible at one time shall be within the desired range for the vegetation type as set forth in (e) below.
  - (3) Size, shape, and dispersal of created forest openings shall maintain the desired natural patterns in the landscape as set forth in (e) below.
  - (4) The maximum size of any created forest opening is set forth by the “Desired” vegetation type in the Forest Structure and Pattern Table below.
    - (a) If the treatment is proposed to go beyond the above guideline based on forest health or ecosystem function requirements, a Stewardship Plan shall be required.
    - (b) If the Stewardship Plan proves that the above criterion is detrimental to either forest health or ecosystem function, the size of the created forest opening shall be within the natural range for the vegetation type as listed in the Desired Forest Structure and Pattern Table for each vegetation type, shall not mimic catastrophic fires, and shall maintain scenic standards.
  - (5) Created forest openings shall not create a break or opening in the vegetation in the skyline as viewed from a key viewing area.
- e. Forest practices shall maintain the following in addition to applicable natural resources criteria in [Section 14.610](#):
  - (1) Silvicultural prescriptions shall maintain the desired natural forest stand structures (tree species, spacing, layering, and mixture of sizes) based on forest health and ecosystem function requirements. Forest tree stand structure shall meet the requirements listed in the Desired Forest Structure and Pattern Table for each vegetation type. Forest tree stand structure is defined as the general structure of the forest in each vegetation type within which is found forest openings.

- (2)** Created forest openings shall be designed as mosaics not to exceed the limits defined as Desired in the Desired Forest Structure and Pattern Table unless proposed as a deviation as allowed under d(5) above.
- (3)** Snag and down wood requirements shall be maintained or created as listed in the Desired Forest Structure and Pattern Table for each vegetation type.
- (4)** If the treatment is proposed to deviate from the snag and down wood requirements based on forest health or ecosystem function requirements, a Stewardship Plan shall be required and shall show and prove why a deviation from the snag and down wood requirements is required.

DESIRED FOREST STRUCTURE AND PATTERN								
<u>1</u>	<u>2</u>	<u>3</u>		<u>4</u>		<u>5</u>	<u>6</u>	<u>7</u>
<b><u>Vegetation Type<sup>#</sup></u></b>	<b><u>Forest Structure</u></b> (Average % total canopy closure (cc)) *	<b><u>Typical Forest Opening s Size</u></b> <u>Disturbance caused</u>		<b><u>Percent Openings at One Time</u></b>		<b><u>Leave Trees</u></b>	<b><u>Average Down Wood</u></b> Pieces 30 ft long per acre (scattered)	<b><u>Average Snags</u></b> (Conifers) No. per acre Snags are 20-40 ft in height
		<u>Historic (Natural)</u>	<u>Desired</u>	<u>Historic (Natural)</u>	<u>Desired</u>			
<b><u>West Conifer</u></b>	60-80% canopy closure. Understory layer variable (0-60% of total cc).	Variable sizes with mosaic pattern, irregular shapes Mosaic fire 1-100acres Catastrophic fire over 100 acres	Retain forested character Allow openings up to 15 acres (up to 5 acres in the foreground of KVAs) All openings 1 acre or less on National Forest land and all Open Space LUD Openings retain 15 - 40% canopy closure	10%(mosaic fire) up to 55% (catastrophic fire) Intense fire return interval is 300 yrs	Not to exceed 8% for West Coniferous Woodland Landscape Setting and not to exceed 4% for Gorge Walls, Canyonlands and Wildlands Landscape Setting Widely dispersed, Variable sized mosaic of irregular shapes blending with existing openings.	Leave 15% of existing trees per acre throughout opening and in clumps. Include 3 trees per acre of the largest size trees available	18-25 pieces greater than 20" dbh	10 snags at 10" - 20" dbh, and 7 snags greater than 20" dbh
<b><u>East Conifer</u></b> (Ponderosa Pine/Douglas fir)	40-80% canopy closure Understory layer less than 25% of total cc	Few Openings due to low intensity fires. ¼ to 2 acres	Openings less than 1 acre Openings have 0 - 40% canopy Closure Openings widely dispersed	1 -10%	1 - 10% (% by vegetation type)	No leave trees required	3 - 6 pieces greater than 20" dbh	5 snags at 10"- 20" dbh and 3 snags greater than 20" dbh

<b><u>Ponderosa Pine/Oregon Oak</u></b>	25-60% canopy closure Understory layer greater than 25% of total cc.	Most natural openings due to poor soil. Disturbance openings few	Openings less than 1 acre Openings have 0 - 25% canopy closure Openings widely dispersed	1 -10%	1 - 10% (% by vegetation type)	No leave trees required	1 - 3 pieces greater than 20" dbh	5 snags at 10" - 20" dbh and 3 snags greater than 20" dbh Oak snags can be counted if already dead or partially dead
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# Map available at the Forest Service National Scenic Area Office

\* Does not apply to openings.

Dbh: Diameter at Breast Height

**SECTION 3.130 "A-2" Small Scale Agriculture Zone (GMA Only)****A. Purpose**

The purpose of the Small Scale Agriculture Zone is to protect and enhance small scale agricultural land for agricultural uses. Small Scale Agricultural lands generally:

1. Have little potential for consolidation with large-scale agricultural lands and are currently devoted to agriculture of a scale too small to support workers or provide a significant volume of products for markets or processors; and
2. Have a combination of soil capability and size that provides an opportunity for direct marketing or part-time/second income agriculture.

**B. Uses Permitted Without Review**

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Small-Scale Agriculture.

**C. Uses Permitted Subject To Expedited Review**

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Small- Scale Agriculture subject to [Expedited Review](#) and [Subsection G - Property Development Standards and Chapter 11 - Fire Safety Standards](#) as well as all other listed or referenced standards. Firewise standards shall also be provided to the landowner at the time of application.

**D. Uses Permitted Subject to Review**

The following uses and activities may be allowed on a legal parcel designated Small Scale Agriculture subject to the [Subsection G - Property Development Standards](#), [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 – National Scenic Area Review](#), as well as any other listed or referenced standards. Firewise standards shall also be provided to the landowner at the time of application.

**FARM USE**

1. New cultivation: Any operation that would cultivate land that has not been cultivated upon demonstration that the landowner has sufficient water to support the use.
2. Agricultural structures: in conjunction with agricultural use, including new cultivation. Non commercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#).
3. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the following standards:

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a [Farm Management Plan defined in Section 1.200](#) with their land use application:

## RESIDENTIAL USE

4. One single-family dwelling on any legally created and existing parcel.
5. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in 6 below. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#).
6. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any parcel:
  - a. Less than or equal to 10 acres in size are subject to the following additional standards:
    - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
    - (2) The height of any individual accessory building shall not exceed 24 feet.
  - b. Larger than 10 acres in size are subject to the following additional standards:
    - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
    - (2) The footprint of any individual accessory building shall not exceed 1,500 square feet.
    - (3) The height of any individual accessory building shall not exceed 24 feet.
7. The temporary use of a manufactured home in the case of a family hardship, subject to the standards for hardship dwellings prescribed in Chapter 8, Temporary Use Permits.
8. Agricultural labor housing subject to the following standards:
  - a. The proposed housing is necessary and accessory to a current agricultural use as evidenced by the submittal of a [Farm Management Plan, defined in Section 1.200](#), with the application;



- b. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.
  - c. The housing shall be located to minimize the conversion of lands capable of production of farm crops or livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.
9. Life Estate - A landowner who sells or otherwise transfers real property in an area designated Small Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a lot/parcel as defined in this Ordinance. A second dwelling in conjunction with agricultural use may be allowed subject to the following standards:
- a. The proposed dwelling is in conjunction with agricultural use, as defined, subject to the following standards:
    - (1) There are no other dwellings on the subject farm or ranch, including all of its constituent lots/parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;
    - (2) The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy (3)(c) below; and
    - (3) The operation is a commercial agricultural enterprise as determined by the submittal of a [Farm Management Plan, defined in Section 1.200](#), with the application and an evaluation of the following factors:
      - (a) Size of the entire unit, including all land in the same ownership;
      - (b) Operational requirements for the particular agricultural activity common to area agricultural operations; and
      - (c) The farm or ranch, and all its constituent parcels, must produce at least \$80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination can be made using the following formula:

Average Yield Per Acre/Unit x Average Commodity/Unit Price x Total Acres for  
Production of Commodity/Units = Annual Income

- b. Upon termination of the Life Estate, the original or second dwelling shall be removed.

#### MISCELLANEOUS USE

10. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
11. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
12. Construction, reconstruction, or modifications of roads not in conjunction with agriculture if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order.
13. Resource Enhancement Projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject Resource Enhancement standards prescribed in [Chapter 10](#).
14. Uninhabitable structures associated with hunting and fishing operations.
15. Towers and fire stations for forest fire protection when necessary for public service
16. Docks and boathouses, subject to the standards below:
  - a. New private docks and boathouses serving only one family and one property maybe allowed, up to 120 square feet in size;
  - b. New private docks and boathouses serving more than one family and property maybe allowed, up to 200 square feet in size;
  - c. Public docks open and available for public use maybe allowed.
  - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
17. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#), and all other applicable provisions of [Chapter 21](#).
18. Property line adjustments and Replats that would result in the potential to create additional parcels through subsequent land divisions subject to the property development standards listed in G below, [Section 21.200](#), and all other applicable provisions of [Chapter 21](#).

**E. Uses Permitted Conditionally**

The following uses and activities may be allowed with conditions on a legal parcel designated Small Scale Agriculture subject to [Subsection G - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 11 - Fire Safety Standards & Chapter 14 – National Scenic Area Review](#), as well as any other listed or referenced standards.

**FARM/FOREST USE**

1. Wineries and cideries, in conjunction with an on-site vineyard or orchard upon a showing that processing of wine or cider is from fruits harvested on the subject farm and the local region.
2. Wine or cider sales and tasting rooms, in conjunction with an on-site winery or cidery.
3. Boarding of horses. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.
4. Fruits and produce stands, upon a showing that:
  - a. The stand complies with licensing requirements of the Food and Dairy Division of the Oregon Department of Agriculture.
5. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
6. Fish hatcheries and Aquaculture.

**COMMERCIAL USE**

7. Commercial events, subject to the [Commercial Events standards prescribed in Chapter 20](#).
8. Home occupations in existing residential or accessory structures subject to the [Home Occupations standards prescribed in Chapter 20](#).
9. Bed and Breakfast Inns may be permitted in a lawfully established single family dwelling subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20](#).
10. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20 \(GMA Only\)](#).
11. Commercial events in conjunction with an on-site wine or cider sales and tasting room, commercial use, or dwelling listed in the National Register of Historic Places. **Commercial events shall be subject to the applicable provisions of Section 20.300.<sup>25</sup>**

## **PUBLIC & QUASI-PUBLIC USE**

12. Nonprofit resource-related environmental learning facility or nonprofit resource-related research facility.
13. Recreation Development subject to [Section 14.700](#).
14. Expansion of existing school or place of worship.

## **MISCELLANEOUS USE**

15. Utility facilities and railroads necessary for public service upon a showing that:
  - a. There is no practicable alternative location with less adverse effect on agricultural or forest lands; and
  - b. the size is the minimum necessary to provide the service.
16. Personal-use airstrips including associated accessory structures such as a hangar.
  - a. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations.
  - b. No aircraft may be based on a personal-use airstrip other than those owned or controlled by the owner of the airstrip.
17. Exploration, development and production of mineral and geothermal resources subject to the standards prescribed in [Chapter 10](#).
18. Temporary portable asphalt/batch plants related to public road projects, not to exceed six (6) months.
19. Disposal sites managed and operated by the Oregon Department of Transportation, or the Wasco County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to the Disposal standards prescribed in [Chapter 10](#).
20. Construction, reconstruction, or modifications of roads not in conjunction with agriculture if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order.

## **F. Prohibited Uses**

1. Industrial Uses.
2. All other uses not listed, **unless permitted through Chapter 13 “Nonconforming Uses, Buildings, and Lots and Consolidation of Undeveloped Subdivision and Legal Parcels.”**<sup>26</sup>

**G. Property Development Standards**

1. Property Size - The creation or alteration<sup>27</sup> of a parcel shall be subject to the following standards:

Zone	Minimum Parcel Size	Minimum Parcel Width
A-2(20)	Twenty (20) Acres	500'
A-2(40)	Forty (40) Acres	500'
A-2(60)	Sixty (60) Acres	500'
A-2(80)	Eighty (80) Acres	1,000'

**A replat of a recorded partition or subdivision or property line adjustment involving nonconforming lots is subject to Section 21.200.B.**<sup>27</sup>

2. General Setbacks - All structures other than approved signs and fences shall comply with the following general setback standards:

Front Yard	25'
Side Yard	25'
Rear Yard	40'

3. Agricultural Setbacks - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- a. New buildings adjacent to lands designated Large-Scale or Small-Scale Agriculture that are suitable, but currently not used for agriculture, shall use the open or fenced setback associated with the dominant type of agriculture in the vicinity. If a vegetation barrier, 8- foot berm, or terrain barrier exists, the corresponding setback shall apply. If more than one type of agriculture is dominant, the setback shall be the larger width.

- b. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
  - c. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
  - d. The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
  - e. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
  - f. A variance to the setback requirements may be made in accordance with Chapter 6.
4. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
  5. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 - National Scenic Area Review](#).
  6. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
  7. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

**SECTION 3.140 "F-1" Industrial Forest Zone (GMA Only)****A. Purpose**

The purpose of the Industrial-Forest Zone is to protect and enhance Industrial forest land for forest uses. Industrial forest land is land that:

1. Contains land in the industrial and public ownership classes which occur in large tracts, have few residences and are generally bounded by other lands in the same ownership classes or by lands in the large woodland class.
2. Contains land in the non-industrial ownership class which have few residences, no organized structural fire protection services, are capable of growing 85 cubic feet per acre per year or more of merchantable tree species and are generally bounded by lands in the large non-industrial, public or industrial ownership classes.

**B. Uses Permitted Without Review**

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Industrial Forest.

**C. Uses Permitted Subject To Expedited Review**

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Industrial Forest subject to Expedited Review and Subsection G - Property Development Standards and [Chapter 11 - Fire Safety Standards](#), as well as all other listed or referenced standards

**D. Uses Permitted Subject to Review**

The following uses and activities may be allowed on a legal parcel designated Industrial Forest subject to Subsection G - Property Development Standards, [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 – National Scenic Area Review](#), as well as any other listed or referenced standards.

**FOREST/FARM USE**

1. New cultivation: Any operation that would cultivate land that has not been cultivated.
2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. The structure shall be subject to the standards in [Chapter 8, Temporary Use Permit](#). An "auxiliary" use or structure shall meet the following standards:
  - a. The use or alteration of a structure or land provides help to or is directly associated with the conduct of a particular forest practice.
  - b. The auxiliary structure is located on-site, is temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting.
  - c. The auxiliary use is removed when a particular forest practice has concluded.

3. Temporary portable facility for the primary processing of forest products grown upon a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be subject to the standards in [Chapter 8, Temporary Use Permit](#), and be removed upon completion of the harvest operation.
4. Agricultural structures, except buildings, in conjunction with agricultural use, including new cultivation, subject to the “Approval Criteria for Fire Protection”. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#).
5. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years and subject to the following:

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a [Farm Management Plan defined in Section 1.200 with](#) their land use application:

6. A temporary mobile home in conjunction with a timber operation subject to a finding that security personnel are required to protect equipment associated with a harvest operation or the subject forest land from fire. The mobile home shall be subject to the standards in [Chapter 8, Temporary Use Permit](#), and must be removed upon completion of the subject harvest operation or the end of the fire season.

## RESIDENTIAL USE

7. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in 9 below. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#).
8. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel:
  - a. Less than or equal to 10 acres in size are subject to the following additional standards:
    - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
    - (2) The height of any individual accessory building shall not exceed 24 feet.



- b.** Larger than 10 acres in size are subject to the following additional standards:
  - (1)** The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
  - (2)** The footprint of any individual accessory building shall not exceed 1,500 square feet.
  - (3)** The height of any individual accessory building shall not exceed 24 feet.
- 9.** The temporary use of a manufactured home in the case of a family hardship subject to the standards for hardship dwellings prescribed in [Chapter 8, Temporary Use Permit](#).
- 10.** Agricultural labor housing subject to the following standards:
  - a.** The proposed housing is necessary and accessory to a current agricultural use on the subject farm as evidenced by the submittal of a [Farm Management Plan, defined in Section 1.200](#), with the application;
  - b.** The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.
  - c.** The housing will be located to minimize the conversion of lands capable of production of farm crops, livestock, or forest products and will not force a significant change in or significantly increase the cost of accepted agricultural or forest practices employed on nearby lands devoted to agricultural or forest use.
  - d.** The operation is a commercial agricultural enterprise as determined by and an evaluation of criterion D(7)(c) above.
  - e.** The housing is subject to the “Approval Criteria for the Siting of Dwellings on Forest Land” and “Approval Criteria for Fire Protection” in this chapter.
- 11.** Driveways, easement roads, and private roads serving a residence.

#### MISCELLANEOUS

- 12.** Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
- 13.** Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
- 14.** Resource Enhancement Projects for the purpose of enhancing scenic, cultural, recreation and/or

natural resources, subject to the [Resource Enhancement standards prescribed in Chapter 10.](#)

15. Uninhabitable structures accessory to hunting and fishing operations.
16. Towers and fire stations for forest fire protection.
17. Recreation Development, subject to [Section 14.700.](#)
18. Construction or reconstruction of roads or modifications not in conjunction with forest use or practices if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order.
19. Docks and boathouses, subject to the standards below:
  - a. New private docks and boathouses serving only one family and one property maybe allowed, up to 120 square feet in size;
  - b. New private docks and boathouses serving more than one family and property maybe allowed, up to 200 square feet in size;
  - c. Public docks open and available for public use maybe allowed.
  - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
20. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#), and all other applicable provisions of [Chapter 21.](#)
21. Property line adjustments and Replats that would result in the potential to create additional parcels through subsequent land divisions subject to the property development standards listed in G below, [subject to 21.200](#) and all other applicable provisions of [Chapter 21.](#)

**E. Uses Permitted Conditionally**

The following uses and activities may be allowed with conditions on a legal parcel designated Industrial Forest subject to Subsection G - Property Development Standards, [Chapter 5 – Conditional Use Review](#), [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 – National Scenic Area Review](#), as well as any other listed or referenced standards.

**FOREST/FARM USE**

1. Wineries and cideries, in conjunction with on-site vineyard or orchard, upon a showing that processing of wine or cider is from fruits harvested on the subject farm or in the local region.
2. Wine or cider sales and tasting rooms, in conjunction with an on-site winery or cidery.

3. Fruits and produce stands upon a showing that:
  - a. The stand complies with licensing requirements of the Food and Dairy Division of the [Oregon Department of Agriculture](#).
4. Agricultural product processing and packaging upon demonstration that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
5. Fish hatcheries and Aquaculture.
6. Boarding of horses. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

#### COMMERCIAL USE

7. Home occupations or cottage industry in existing residential or accessory structures subject to the [Home Occupations standards prescribed in Chapter 20](#).
8. Bed and breakfast Inns may be permitted in a lawfully established single family dwelling subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20](#).
9. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20](#).

#### PUBLIC & QUASI-PUBLIC USE

10. Expansion of existing nonprofit group camps, retreats or conference or education centers.
11. Nonprofit, environmental learning or research facilities.

#### MISCELLANEOUS USE

12. Utility facilities and railroads necessary for public service upon a showing that:
  - a. There is no practicable alternative location with less adverse effect on the scenic, cultural, natural, recreational, agricultural or forest lands values; and
  - b. the size is the minimum necessary to provide the service.
13. Exploration, development and production of mineral and geothermal resources subject to the standards prescribed in [Chapter 10](#).

14. Temporary portable asphalt/batch plants related to public road projects, not to exceed six (6) months.
15. Disposal sites managed and operated by the Oregon Department of Transportation or the Wasco County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to the Disposal Standards prescribed in [Chapter 10](#).
16. Construction, reconstruction, or modifications of roads not in conjunction with agriculture if not designated in the Adopted [Wasco County Transportation System Plan](#) or not designed and constructed as part of an approved, active development order. (GMA Only)

**F. Prohibited Uses**

1. Subdivisions, Cluster Developments, Industrial Uses.
2. All other uses not listed, **unless permitted through Chapter 13 “Nonconforming Uses, Buildings, and Lots and Consolidation of Undeveloped Subdivisions and Legal Parcels.”<sup>28</sup>**

**G. Property Development Standards**

1. Property Size – The creation of a parcel shall not result in a parcel less than eighty (80) acres and having less than a 1,000’ minimum lotwidth. **A replat of a recorded partition or subdivision or property line adjustment involving nonconforming lots is subject to Section 21.200.B.<sup>29</sup>**

**~~1-2~~. Structure Siting Standards**

The approval of new dwellings and accessory structures on Industrial Forest shall comply with the following standards:

- a. The dwelling and structures shall be sited on the lot/parcel so that they shall have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least two hundred (200) feet from adjacent properties unless they meet the requirements of criterion b below.
- b. Clustering or locating proposed development closer to existing development, including roads, on adjacent lands may minimize the impact on nearby or adjacent forest operations and may be considered as an alternative to the two hundred (200) foot setback required in (a) above.

Dwellings and accessory buildings shall be setback at least fifty (50) feet from the right of way of the road unless the road is a Scenic Travel Corridor, in which case the provisions of [Section 14.300](#) shall apply.

- c. The amount of forest land used to site dwellings, structures, access roads and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thus minimizing the length of access roads and utility corridors; or locating the dwelling, access road and service corridors on portions of the

Chapter 3 – Basic Provisions  
“F-1” Zone

lot/parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing nonforest uses, adjacent dwellings and lastly, land productivity.

- d. Dwellings shall be located to minimize the risks associated with wildfire. Dwellings shall be located on level slopes when practical, and in any case not on slopes which exceed ~~thirty~~ **thirty (30)** percent.<sup>104</sup> Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.
- e. A variance to the Structure Siting Standards may be made in accordance with [Chapter 6](#).
- f. Agricultural Setbacks - All new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- (1) Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
- (2) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
- (3) The necessary berming and/or planting shall be completed during the first phase of development and maintained in good condition.
- (4) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
- (5) A variance to the setback requirements may be made in accordance with [Chapter 6](#).

**2-3. Height** - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 - National Scenic Area Review](#).

~~3.4.~~ Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).

~~4.5.~~ Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.

~~5.6.~~ Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

**SECTION 3.150 "F-3" Small Woodland Forest Zone (GMA Only)****A. Purpose**

The purpose of the Small Woodland-Forest Zone is to protect and enhance Small Woodland forest land for forest uses. Small woodland forest land is land that contains land in the nonindustrial ownership class which occur in smaller tracts, have organized structural fire protection services, are capable of growing fifty (50) cubic feet per acre per year or more of merchantable tree species and are generally bounded by other lands in the same ownership class or lands devoted to nonforest use.

**B. Uses Permitted Without Review**

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Small Woodland Forest.

**C. Uses Permitted Subject To Expedited Review**

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Small Woodland Forest subject to [Expedited Review](#) and [Subsection G -Property Development Standards](#) and [Chapter 11 - Fire Safety Standards](#), as well as all other listed or referenced standards

**D. Uses Permitted Subject to Review**

The following uses and activities may be allowed on a legal parcel designated Small Woodland Forest subject to [Subsection G - Property Development Standards](#), [Chapter 11 - Fire Safety Standards & Chapter 14 – National Scenic Area Review](#), as well as any other listed or referenced standards.

**FOREST/FARM USE**

1. New cultivation: Any operation that would cultivate land that has not been cultivated.
2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation. The structure shall be subject to the standards in [Chapter 8, Temporary Use Permit](#). An "auxiliary" use or structure shall meet the following standards:
  - a. The use or alteration of a structure or land provides help to or is directly associated with the conduct of a particular forest practice.
  - b. The auxiliary structure is located on-site, is temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting.
  - c. The auxiliary use is removed when a particular forest practice has concluded.
3. Temporary portable facility for the primary processing of forest products grown upon a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be subject to the standards in [Chapter 8, Temporary Use Permit](#), and be removed upon completion of the harvest operation.
4. Agricultural structures, except buildings, in conjunction with agricultural use, including new

cultivation, subject to the “Approval Criteria for Fire Protection”. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#).

5. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years and meet the following:

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a [Farm Management Plan defined in Section 1.200](#) with their land use application:

## RESIDENTIAL USE

6. One (1) single family dwelling on a legally created and existing lot/parcel upon enrollment in the forest deferral taxation by the County Assessor's Office, or subject to findings that the lot/parcel cannot qualify for forest deferral taxation, a lot/parcel is entitled to one (1) single family dwelling. In either case, a declaration shall be signed by the land owner and recorded into County deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Forest or Agriculture.
7. One single family dwelling on lands designated Small Woodland customarily provided in conjunction with agricultural use, as defined, subject to the following standards:
  - a. There are no other dwellings on the subject farm or ranch, including all of its constituent lots/parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;
  - b. The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. Current use includes a minimum area which would satisfy (c)(4) below; and
  - c. The operation is a commercial agricultural enterprise as determined by an evaluation of the following factors:
    - (1) Size of the entire unit, including all land in the same ownership;
    - (2) Type(s) of operation (crops, livestock) and acreage;
    - (3) Operational requirements for the particular agricultural activity common to area agricultural operations; and
    - (4) The farm or ranch, and all its constituent parcels, must produce at least \$80,000 in gross



annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination can be made using the following formula:

$$\text{Average Yield Per Acre/Unit} \times \text{Average Commodity/Unit Price} \times \text{Total Acres for Production of Commodity/Units} = \text{Annual Income}$$

8. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in 9 below. Noncommercial wind energy conversions systems which fit this category are subject to the applicable provisions of [Chapter 19](#).
9. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any parcel:
  - a. Less than or equal to 10 acres in size are subject to the following additional standards:
    - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
    - (2) The height of any individual accessory building shall not exceed 24 feet.
  - b. Larger than 10 acres in size are subject to the following additional standards:
    - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
    - (2) The footprint of any individual accessory building shall not exceed 1,500 square feet.
    - (3) The height of any individual accessory building shall not exceed 24 feet.
10. The temporary use of a manufactured home in the case of a family hardship, subject to the standards for hardship dwellings prescribed in [Chapter 8, Temporary Use Permit](#).
11. A second single family dwelling for an agricultural operator's relative subject to the following standards:

- a. The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister of the agricultural operator;
- b. The dwelling would be located on the same lot or parcel as the dwelling of the principal operator; and
- c. Criteria 7(c)(1) – (4) above.

**12. Agricultural labor housing subject to the following standards:**

- a. The proposed housing is necessary and accessory to a current agricultural use as evidenced by the submittal of a [Farm Management Plan, defined in Section 1.200](#), with the application;
- b. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.
- c. The housing will be located to minimize the conversion of lands capable of production of farm crops, livestock, or forest products and will not force a significant change in or significantly increase the cost of accepted agricultural or forest practices employed on nearby lands devoted to agricultural or forest use.

**13. Life Estate - A landowner who sells or otherwise transfers real property in an area designated Small Woodland may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a lot/parcel as defined in this Ordinance. A second dwelling unit in a Forest Land designation may be allowed subject to the following standards.**

- a. The proposed dwelling is in conjunction with agricultural use using the standards prescribed in Subsection D(7); or
- b. One (1) single family dwelling on a legally created lot/parcel upon enrollment in the forest deferral taxation by the County Assessor's Office, or subject to findings that the lot/parcel cannot qualify for forest deferral taxation, a lot/parcel is entitled to one (1) single family dwelling. In either case, a declaration shall be signed by the land owner and recorded into County deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Forest or Agriculture.
- c. Upon termination of the Life Estate, the original or second dwelling shall be removed.

**14. Driveways, easement roads, and private roads serving a residence.**

## MISCELLANEOUS USE

15. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
  16. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
  17. Resource Enhancement Projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the Resource Enhancement standards prescribed in Chapter 10.
  18. Uninhabitable structures accessory to hunting and fishing operations.
  19. Towers and fire stations for forest fire protection.
  20. Recreation development, subject to [Section 14.700](#) and the Recreation Development Plan.
  21. Construction or reconstruction of roads or modifications not in conjunction with forest use or practices if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order.
  22. Docks and boathouses, subject to the standards below:
    - a. New, private docks and boathouses serving only one family and one property maybe allowed, up to 120 square feet in size;
    - b. New, private docks and boathouses serving more than one family and property maybe allowed, up to 200 square feet in size;
    - c. Public docks open and available for public use maybe allowed.
    - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
  23. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#) and all other applicable provisions of [Chapter 21](#).
  24. Property line adjustments and Replats that would result in the potential to create additional parcels through subsequent land divisions subject to the property development standards listed in G below, [Section 21.200](#), and all other applicable provisions of [Chapter 21](#).
- E. Uses Permitted Conditionally  
 The following uses and activities may be allowed with conditions on a legal parcel designated Small Woodland subject to Subsection G - Property Development Standards, [Chapter 5 – Conditional Use](#)

[Review, Chapter 11 - Fire Safety Standards & Chapter 14 – National Scenic Area Review](#), as well as any other listed or referenced standards.

#### **FOREST/FARM USE**

1. Wineries and cideries, in conjunction with **an on-site vineyard or orchard**, upon a showing that processing of wine is from grapes grown on the subject farm or in the **local region**~~location~~<sup>region</sup>.<sup>30</sup>
2. Wine or cider sales/tasting rooms, in conjunction with an on-site winery.
3. Fruits and produce stands, upon a showing that:
  - a. The stand complies with licensing requirements of the Food and Dairy Division of the [Oregon Department of Agriculture](#).
4. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
5. Fish hatcheries and Aquaculture.
6. Boarding of horses. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

#### **COMMERCIAL USE**

7. Commercial Events, subject to [Commercial Events standards prescribed in Chapter 20](#).
8. Home occupations or cottage industry in existing residential or accessory structures subject to the [Home Occupations standards prescribed in Chapter 20](#).
9. Bed and breakfast Inns may be permitted in a lawfully established single family dwelling subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20](#).
10. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20](#).

#### **PUBLIC & QUASI-PUBLIC USE**

11. Expansion of existing nonprofit group camps, retreats, or conference centers.

12. Nonprofit resource-related environmental learning facility or nonprofit resource-related research facilities.

#### MISCELLANEOUS USE

13. Utility facilities and railroads necessary for public service upon a showing that:
- a. There is no practicable alternative location with less adverse effect on scenic, cultural, natural or recreation resources, agricultural lands, or forest lands; and
  - b. the size is the minimum necessary to provide the service.
14. Exploration, development and production of mineral and geothermal resources subject to the standards prescribed in [Chapter 10](#).
15. Temporary portable asphalt/batch plants related to public road projects, not to exceed six (6) months.
16. Disposal sites managed and operated by the Oregon Department of Transportation, or the Wasco County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to Disposal standards prescribed in [Chapter 10](#).
17. Construction, reconstruction, or modifications of roads not in conjunction with forest use or practices if not designated in the Adopted [Wasco County Transportation System Plan](#) or not designed and constructed as part of an approved, active development order . (GMA Only)

#### F. Prohibited Uses

1. All other uses not listed, **unless permitted through Chapter 13 “Nonconforming Uses, Buildings, and Lots and Consolidation of Undeveloped Subdivisions and Legal Parcels.”<sup>31</sup>**

#### G. Property Development Standards

1. Property Size - The creation or alteration<sup>32</sup> of a parcel shall be subject to the following standards:

Zone	Minimum Parcel Size	Minimum Parcel Width
F-3(20)	Twenty (20) Acres	500'
F-3(40)	Forty (40) Acres	500'
F-3(80)	Eighty (80) Acres	1,000'

**A replat of a recorded partition or subdivision or property line adjustment involving nonconforming lots is subject to Section 21.200.B.<sup>32</sup>**

## 2. Structure Siting Standards

The approval of new dwellings and accessory structures on Small Woodland lands shall comply with the following standards:

The dwelling and structures shall be sited on the lot/parcel so that they shall have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least two hundred (200) feet from adjacent properties unless they meet the requirements of criterion b below.

- a. Clustering or locating proposed development closer to existing development, including roads, on adjacent lands may minimize the impact on nearby or adjacent forest operations and may be considered as an alternative to the two hundred (200) foot setback required in criterion a above.

Dwellings and accessory buildings shall be setback at least fifty (50) feet from the right of way of the road unless the road is a Scenic Travel Corridor, in which case the provisions of [Section 14.300](#) shall apply.

- b. The amount of forest land used to site dwellings, structures, access roads and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thus minimizing the length of access roads and utility corridors; or locating the dwelling, access road and service corridors on portions of the lot/parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing nonforest uses, adjacent dwellings and lastly, land productivity.
- c. Dwellings shall be located to minimize the risks associated with wildfire. Dwellings shall be located on level slopes when practical, and in any case not on slopes which exceed forty (40) percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.
- d. A variance to the Structure Siting Standards may be made in accordance with [Chapter 6](#).
- e. Agricultural Setbacks - All new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- (1) Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
  - (2) The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
  - (3) The necessary berming and/or planting shall be completed during the first phase of development and maintained in good condition.
  - (4) If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
  - (5) A variance to the setback requirements may be made in accordance with [Chapter 6, Variances](#).
3. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 – National Scenic Area Review](#).
  4. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
  5. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
  6. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).





**SECTION 3.160 "R-R" Rural Residential Zone (GMA & SMA)****A. Purpose**

Residential development may locate outside Urban Areas so long as it does not adversely affect the scenic, cultural, natural and recreation resources. In addition to consideration of these factors, lands may be designated as residential if deemed suitable for residential development, taking into account the physical characteristics of the areas in question and their geographic proximity to transportation and commercial facilities and other amenities.

**B. Uses Permitted Without Review**

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Residential. (GMA & SMA)

**C. Uses Permitted Subject To Expedited Review**

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Residential subject to Expedited Review and subsection G - Property Development Standards and [Chapter 11 - Fire Safety Standards](#), as well as all other listed or referenced standards. Firewise standards shall also be provided to the landowner at the time of application. (GMA & SMA)

**D. Uses Permitted Subject to Review**

The following uses and activities may be allowed on a legal parcel designated Residential subject to Subsection G - Property Development Standards, [Chapter 11 – Fire Safety Standards](#) & [Chapter 14 – National Scenic Area Review](#), as well as any other listed or referenced standards. Firewise standards shall also be provided to the landowner at the time of application.

**RESIDENTIAL USE**

1. One (1) single family dwelling per legally created lot/parcel. (GMA Only)
2. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in criterion 3 below. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#). (GMA & SMA)

3. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards: (GMA & SMA)

The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

- a. The height of any individual accessory building shall not exceed 24 feet.

4. The temporary use of a manufactured home in the case of a family hardship, subject to the standards for hardship dwellings prescribed in [Chapter 8, Temporary Use Permit](#). (GMA & SMA)  
Parcel must be 40 acres or greater. (SMA only)

**FARM USE**

5. New cultivation in the GMA and SMA, or new agricultural use in the SMA outside of previously disturbed and regularly worked fields or areas.

Clearing trees for new agricultural use is subject to [3.120\(D\)\(1\)](#) of the Large Scale Agriculture zone. (SMA Only).

6. Agricultural structures in conjunction with agricultural use, including new cultivation. Noncommercial wind energy conversion systems which fit this category are subject to the applicable provisions of [Chapter 19](#). (GMA Only)
7. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the following standards:

The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a Farm Management Plan defined in Section 1.200 with their land use application. (GMA Only)

**MISCELLANEOUS USE**

8. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building. (GMA & SMA)
9. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks. (GMA & SMA)
10. Construction, reconstruction or modification of roads if designated in the Adopted [Wasco County Transportation System Plan](#) or designed and constructed as part of an approved, active development order (GMA & SMA) and railroads (SMA Only).
11. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, Resource Enhancement standards prescribed in [Chapter 10](#). (GMA & SMA)
12. Docks and boathouses, subject to the standards below: (GMA & SMA)
  - a. New, private docks and boathouses serving only one family and one property maybe allowed, up to 120 square feet in size;

- b. New, private docks and boathouses serving more than one family and property maybe allowed, up to 200 square feet in size;
- c. Public docks open and available for public use maybe allowed.
- d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.

13. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#) and all other applicable provisions of [Chapter 21](#). (GMA & SMA)

14. Property line adjustments and Replats that would result in the potential to create additional parcels through subsequent land divisions subject to the property development standards listed in G below, [Section 21.100](#) and all applicable provisions of [Chapter 21](#). (GMA Only)

15. Forest Practices subject to [3.120](#)(D)(2) of the Large Scale Agriculture zone. (SMA Only)

**E. Uses Permitted Conditionally**

The following uses and activities may be allowed with conditions on a legal parcel designated Residential subject to Subsection G - Property Development Standards, [Chapter 5 - Conditional Use Review](#), [Chapter 11 - Fire Safety Standards](#) & [Chapter 14 – National Scenic Area Review](#), as well as any other listed or referenced standards.

**FARM USE**

1. Wineries and cideries, in conjunction with onsite vineyard or orchard, upon a showing that processing of wine or cider is from fruits harvested on the subject farm or in the local region. (GMA Only)
2. Wine or cider sales and tasting rooms in conjunction with an on-site winery or cidery, under the following conditions: (GMA Only)
  - a. The use shall comply with the criteria in Chapter 20 for Home Occupations as well as the following:
    - (1) The use may employ an unlimited number of outside employees.
    - (2) The wine or cider sales/tasting room may include interior and/or exterior space, provided the combined interior and exterior spaces shall not exceed 1,000 square feet.
    - (3) The interior space may be located in an existing building or in a new building or addition to an existing building constructed for the primary purpose of housing the wine sales/tasting room.
    - (4) The exterior space may be a veranda, patio, or other similar type of structure.

**COMMERCIAL USE**

3. Commercial events, subject to the [Commercial Events standards prescribed in Chapter 20](#). (GMA Only)
4. Home occupations in existing residential or accessory structures subject to the [Home Occupations standards prescribed in Chapter 20](#). (GMA & SMA)
5. Bed and Breakfast Inns may be permitted in a lawfully established single-family dwelling located on lands designated 5 acre or 10 acre residential subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20](#). (GMA & SMA)
6. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20](#) (GMA Only).
7. Accredited child care center within a RR-1 or RR-2 designation. A child care center may be permitted in other Residential designations within an existing church or community building. (GMA Only)
8. Boarding of horses on lands designated 10-acre Residential. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

**PUBLIC & QUASI-PUBLIC USE**

9. School within an existing church or community building. (GMA Only)
10. Expansion of existing primary or middle schools on land purchased prior to June 8, 1999. For purposes of this section, existing schools means public schools that existed prior to adoption of the original Management Plan on October 15, 1991. (GMA Only)
11. Community parks and playgrounds, consistent with the standards of the National Park and Recreation Society regarding the need for such facilities. (GMA & SMA)
12. Recreation development, subject to [Section 14.300](#). (GMA Only)
13. Fire stations. (GMA & SMA)

**MISCELLANEOUS USE**

14. Construction and reconstruction of roads, utility facilities and railroads. (GMA & SMA)

15. Construction, reconstruction, or modifications of roads not in conjunction with agriculture if not designated in the Adopted [Wasco County Transportation System Plan](#) or not designed and constructed as part of an approved, active development order. (GMA Only)

**F. Prohibited Uses**

1. All other uses not listed, **unless permitted through Chapter 13 “Nonconforming Uses, Buildings, and Lots and Consolidation of Undeveloped Subdivisions and Legal Parcels.”**<sup>33</sup>

**G. Property Development Standards**

**1. Property Size**

- a. The creation ~~or alteration~~<sup>34</sup> of a parcel shall be subject to the following standards:

Zone	Minimum Parcel Size	Minimum Parcel Width
R-R(1)	One (1) Acre	125'
R-R(2)	Two (2) Acres	125'
R-R(5)	Five (5) Acres	300'
R-R(10)	Ten (10) Acres	330'

**A replat of a recorded partition or subdivision or property line adjustment involving nonconforming lots is subject to Section 21.200.B.**<sup>34</sup>

- b. In the SMA no land divisions are permitted unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan. The provisions of Chapter 14 are not applicable.
2. **General Setbacks** - all structures other than approved signs and fences shall comply with the following general setback standards:

Front Yard	25'
Interior Side Yard	15'
Exterior Side Yard	20'
Rear Yard	20'

3. All new structures to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'

Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- a. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
  - b. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
  - c. The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
  - d. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
  - e. A variance to the setback requirements may be made in accordance with [Chapter 6](#).
4. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 – National Scenic Area Review](#).
  5. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
  6. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
  7. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).



**SECTION 3.170 "PR" Public Recreation Zone (GMA & SMA)****A. Purpose**

To protect and enhance opportunities for publicly-owned, moderate and high intensity resource-based recreation uses on lands most suitable for such uses.

**B. Uses Permitted Without Review**

The uses and activities listed in [Section 3.100](#) may be allowed without review on lands designated Public Recreation. (GMA & SMA)

**C. Uses Permitted Subject To Expedited Review**

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Public Recreation subject to Expedited Review and Subsections H - Property Development Standards and Chapter 11 - Fire Safety Standards, as well as all other listed or referenced standards. (GMA & SMA)

**D. Uses Permitted Subject to Review**

The following uses and activities may be allowed on a legal parcel designated Public Recreation, subject to Subsection H - Property Development Standards, Chapter 11 - Fire Protection Standards & Chapter 14 – National Scenic Area Review, as well as any other listed or referenced standards. (GMA & SMA)

1. Publicly-owned, resource based recreation uses, as defined, subject to [Section 14.700](#) (GMA Only).
2. Commercial uses and non-resource based recreation uses which are part of an existing or approved resource-based public recreation use consistent with the criteria for such uses contained in this section. (GMA Only)
3. New cultivation in the GMA and SMA, or new agricultural use in the SMA outside of previously disturbed and regularly worked fields or areas.

Clearing trees for new agricultural use is subject to the [3.120\(l\)\(5\)](#), Large Scale Agriculture Zone. (SMA Only)

**E. Uses Permitted Conditionally**

The following uses and activities may be allowed with conditions on a legal parcel designated Public Recreation subject to Subsection G – Conditional Use Approval Standards, Subsection H - Property Development Standards, Chapter 5 - Conditional Use Review, Chapter 11 - Fire Safety Standards & Chapter 14 – National Scenic Area Review, as well as any other listed or referenced standards.

**RESIDENTIAL USE****1. Single Family Dwelling**

- a. GMA: The parcel must have been legally created prior to 15 October 1991. Exceptions may be considered to the limitation of one dwelling only upon demonstration that more than one residence is necessary for management of a public park.



- b. SMA: The parcel must be 40 contiguous acres or larger and meet the standards required for a dwelling customarily provided in conjunction with an agricultural use in [3.120\(D\)\(5\)](#), or a dwelling customarily provided in conjunction with a forest use in [3.120\(D\)\(14\)](#), or show that it is necessary for public recreation site management purposes.
- 2. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in criterion 3 below. (GMA & SMA)
- 3. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards: (GMA & SMA)
  - a. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
  - b. The height of any individual accessory building shall not exceed 24 feet.
- 4. On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a manufactured home in the case of a family hardship, subject to the standards for hardship dwellings prescribed in [Chapter 8, Temporary Use Permit](#). (SMA Only)
- ~~5. Agricultural labor housing subject to the following standards (SMA Only):~~
  - ~~a. The proposed housing is necessary and accessory to a current agricultural use as evidenced by the submittal of a Farm Management Plan, defined in [Section 1.200](#), with the application;~~
  - ~~b. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.~~
  - ~~c. The housing shall be located to minimize the conversion of lands capable of production of farm crops or livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.~~
  - ~~d. The operation is a commercial enterprise as determined by an evaluation of the following:~~
    - ~~(1) Size of the entire unit, including all land in the same ownership;~~
    - ~~(2) Type(s) of operation (crops, livestock) and acreage;~~
    - ~~(3) Operational requirements for the particular agricultural activity common to area agricultural operations; and~~

~~(4) The farm or ranch, and all its constituent parcels, is capable of producing at least \$80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year.~~

~~This determination can be made using the following formula: Average Yield Per Acre/Unit x Average Commodity/Unit Price x Total Acres for Production of Commodity/Units = Annual Income~~

~~There is an existing dwelling on the parcel and the parcel is at least 40 acres. (SMA only)<sup>35</sup>~~

## FARM/FOREST USE

~~6.5.~~ SMA Agricultural review uses only, as allowed for in [Section 3.120](#), Large Scale Agricultural Zone, except D(7) - (Accessory Buildings), E(17) - (Public Recreation), and E(24) - (ODOT Disposal Sites). (SMA Only)

~~7.6.~~ Agricultural structures in conjunction with agricultural use, including new cultivation. (GMA & SMA)

~~8.7.~~ Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings". (GMA & SMA) The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a [Farm Management Plan defined in Section 1.200](#) with their land use application:

9. Fruits and produce stands, upon a showing that: (SMA Only)

- a. Sales will be limited to agricultural products raised on the subject farm and other farms in the local region, and
- b. The stand complies with licensing requirements of the Food and Dairy Division of the Oregon Department of Agriculture.

10. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation. "Primarily" means a clear majority of the product as measured by volume, weight, or value. (SMA Only)

11. Silvicultural nurseries. (SMA Only)

12. Fish hatcheries and aquaculture. (SMA Only)
13. Forest uses and practices as allowed on lands designated SMA Forest in the [Management Plan](#) (Part II, Chapter 2, SMA Guidelines), except SMA Forest Land review uses 1.I (public and commercial recreation), 1. L (accessory buildings), 1.M (accessory buildings), and 1.V (disposal sites). (SMA Only)

## COMMERCIAL USE

14. Commercial Events, subject to the [Commercial Events standards as prescribed in Chapter 20.](#) (GMA Only)
15. Home occupations or cottage industry in existing residential or accessory structures subject to the [Home Occupations standards prescribed in Chapter 20.](#) (SMA Only)
16. Bed and Breakfast Inns, may be permitted in a lawfully established single family dwelling subject to the [Bed and Breakfast Inn standards prescribed in Chapter 20 \(SMA Only\).](#)
17. Special Uses in Historic Buildings subject to Special Uses in [Historic Buildings standards prescribed in Chapter 20 \(GMA Only\).](#)

## PUBLIC & QUASI-PUBLIC USE

18. Public nonprofit group camps, retreats, conference or educational centers, and interpretive facilities. (SMA Only)
19. Community facilities and nonprofit facilities related to agricultural or forest resource management. (SMA Only)
20. Public recreation facilities, consistent with the provisions of [Section 14.710.](#) (SMA Only)
21. Public Trails subject to [Section 14.700](#) and [14.710.](#) (GMA & SMA)

## MISCELLANEOUS USE

22. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building. (GMA & SMA)
23. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks. (GMA & SMA)
24. Towers and fire stations for forest fire protection. (SMA Only)

25. Docks and boathouses, subject to the standards below: (GMA & SMA)
  - a. New, private docks and boathouses serving only one family and one property maybe allowed, up to 120 square feet in size;
  - b. New, private docks and boathouses serving more than one family and property maybe allowed, up to 200 square feet in size;
  - c. Public docks open and available for public use maybe allowed.
  - d. Boathouses may be allowed under criteria a and b above only when accessory to a dwelling and associated with a navigable river or lake.
26. Exploration, development, and production of sand, gravel, or crushed rock subject to that material being used only for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the SMA (SMA Only)
27. Road and railroad construction and reconstruction. (SMA Only)
28. Temporary portable asphalt/batch plants related to public road projects, not to exceed six (6) months. (SMA Only)
29. Utility transmission, transportation, communications, and public works facilities for public service provided that: (GMA & SMA)
  - a. There is no alternative location with less adverse effect on Public Recreation land; and
  - b. The size is the minimum necessary to provide the service.
30. Temporary portable facility for the primary processing of forest products grown upon a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be subject to the standards in [Chapter 8, Temporary Use Permit](#), and be removed upon completion of the harvest operation. (SMA Only)
31. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject subject to the [Resource Enhancement standards prescribed in Chapter 10](#). (GMA & SMA)
32. Land Divisions and Replats subject to the property development standards listed in H below, [Section 21.100](#), and all other applicable provisions of [Chapter 21](#). (GMA Only)
33. Property line adjustments and Replats subject to the property development standards listed in H below, [Section 21.200](#), and all other applicable provisions of [Chapter 21](#). (GMA Only)

**F. Prohibited Uses**

1. All other uses not listed.

**G. Conditional Use Approval Standards (GMA Only)**

In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided by [Chapter 5](#) of this Ordinance, the following limitations shall apply to a conditional use permitted in subsection D of this Section:

1. The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigative measures utilized to comply with this criterion may include provision of on-site buffers and seasonal or temporary closures during peak recreation use periods.
2. The proposed use will not permanently commit the majority of the site to a non-recreational use and will not remove all potential future resource-based public recreation uses. Careful siting and design of structures and other improvements may be utilized to comply with this criterion.

**H. Property Development Standards**

1. Property Size:

- a. GMA: Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site. **A replat of a recorded partition or subdivision or property line adjustment involving nonconforming lots is subject to Section 21.200.B.**<sup>36</sup>

- ~~a.~~b. SMA: No land divisions are allowed unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan. The provisions of [Chapter 14](#) are not applicable.

2. General Setbacks - all structures other than approved signs and fences shall comply with the following general setback standards:

Front Yard	25'
Interior Side Yard	15'
Exterior Side Yard	20'
Rear Yard	20'

3. Agricultural Setbacks - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- a. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
  - b. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
  - c. The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
  - d. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
  - e. A variance to the setback requirements may be made in accordance with [Chapter 6](#).
4. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 – National Scenic Area Review](#).
  5. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
  6. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
  7. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).

**SECTION 3.180 “OS” Open Space Zone (GMA & SMA)****A. Purpose**

Protect those most significant, sensitive and representative, scenic, cultural, natural and recreation resources on unimproved lands from conflicting uses and enhance them where appropriate.

**B. Uses Permitted Without Review**

The following uses and activities may be allowed without review on lands designated Open Space subject to the applicable property development standards. (GMA & SMA)

1. Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities. This does not include trail, road, and railroad expansions.
2. The following transportation facilities:
  - a. Replace existing safety or protective structures, including guardrails, access control fences and gates, barriers, energy attenuators, safety cables, and traffic signals and controllers, as well as existing traffic detection devices, vehicle weighing devices, and signal boxes provided the replacement structures are:
    - (1) The same location and size as the existing structures and
    - (2) The same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the [Historic Columbia River Highway Master Plan](#) for the Historic Columbia River Highway or the scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the [Management Plan](#) title “Scenic Travel Corridors
  - b. New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.
  - c. Permanent public regulatory, guide, and warning signs, except those excluded below, provided:
    - (1) The signs comply with the Manual for Uniform Traffic Control Devices and
    - (2) The support structures and backs of all signs are dark brown with a flat, non-reflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.

- d. Extensions of existing guardrails less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are
    - (1) Located inside rights-of-way that have been disturbed in the past; and
    - (2) Constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the [Historic Columbia River Highway Master Plan](#) for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the [Management Plan](#) titled “Scenic Travel Corridors.”
  - e. New guardrails and guardrail ends, provided the structures are
    - (1) Located inside rights-of-way that have been disturbed in the past and
    - (2) Constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the [Historic Columbia River Highway Master Plan](#) for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the [Management Plan](#) titled “Scenic Travel Corridors.” This category does not include jersey barriers.
  - f. Replace and/or expand existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality, fish, and wildlife habitat before construction. (GMA Only)
  - g. Replace and/or expand existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective. (SMA Only)
  - h. Resurface or overlay existing paved roads, or grade and gravel existing road shoulders provided the activity does not:
    - (1) Increase the width of a road,
    - (2) Disturb the toe of adjacent embankments, slopes or cut banks, or
    - (3) Change existing structures or add new structures.
  - i. Apply dust abatement products to non-paved road surfaces.
  - j. Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails or the substructure of bridges (e.g., foundations, abutments).
3. The following underground utility facilities:



- a. Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.
  - b. Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:
    - (1) No excavation would extend more than 12 inches beyond the depth and extent of the original excavation;
    - (2) No ditch for linear facilities would be more than 24 inches wide;
    - (3) No excavation for non-linear facilities would exceed 10 cubic yards, and;
    - (4) No recorded archaeological site is located within 500 feet of the development. To comply with (4), the entity or person undertaking the development shall contact the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.
4. The following aboveground and overhead utility facilities:
- a. Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have:
    - (1) The same location and size as the existing facilities and;
    - (2) The same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the [Historic Columbia River Highway Master Plan](#) for the Historic Columbia River Highway or the scenic highway corridor strategy for Interstate 84 prepared according to the GMA policies in the section of the Scenic Resources chapter of the [Management Plan](#) title "Scenic Travel Corridors."
  - b. Replace existing utility poles, provided the replacement poles are
    - (1) Located within 5 feet of the original poles;
    - (2) No more than 5 feet taller and 6 inches wider than the original poles, and;

- (3) Constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.
- c. New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.
- 5. The following signs:
  - a. Election signs. Removal must be accomplished within 30 days of election day.
  - b. "For sale" signs not greater than 12 square feet. Removal must be accomplished within 30 days of close of sale.
  - c. Temporary construction site identification, public service company, safety, or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the [Manual on Uniform Traffic Control Devices](#). Removal must be accomplished within 30 days of project completion.
  - d. Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than 6 square feet in the GMA and 2 square feet in the SMA.
  - e. Temporary signs advertising civil, social, or political gatherings and activities, provided such signs do not exceed 12 square feet. Removal must be accomplished within 30 days of the close of the event.
  - f. Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the intended message.
  - g. Signs associated with the use of a building or buildings, if placed flat on the outside walls of buildings (not on roofs or marquees). (GMA Only)
- C. Uses Permitted Subject To Expedited Review  
The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Open Space subject to Expedited Review and Subsection G - Property Development Standards, as well as all other listed or referenced standards
- D. Uses Permitted Subject to Review  
The following uses and activities may be allowed on a legal parcel designated Open Space subject to [Chapter 14 – National Scenic Area Review](#), Subsection G - Property Development Standards, as well as any other listed or referenced standards.
  - 1. Low-intensity recreation uses and developments (GMA & SMA), including educational and

interpretive facilities (SMA Only) subject to [Section 14.700](#) in the GMA and [Section 14.710](#) in the SMA.

2. Improvement, not including expansion, of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities (GMA Only) ~~Repair, maintenance, operation, and improvement and expansion of existing serviceable structures, including roads, railroads, hydro facilities and utilities that provide sewer, transportation, electric, gas, water, telephone, telegraph, telecommunications. (GMA Only)~~<sup>105</sup>
3. Changes in existing use, including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices. (SMA Only)
4. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to subject to the Resource Enhancement standards prescribed in [Chapter 10](#). (GMA & SMA)
5. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks. (GMA & SMA)
6. Land Divisions and Replats subject to the property development standards listed in G below, [Section 21.100](#), and all other applicable provisions of [Chapter 21](#). In the GMA land division will only be allowed to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources. (GMA & SMA)
7. Property line adjustments and Replats subject to the property development standards listed in G below, [Section 21.200](#), and all other applicable provisions of [Chapter 21](#). (GMA Only)
8. Utility facilities for public service, upon a showing that: (SMA Only)
  - a. There is no alternative location with less adverse effect on Open Space land.
  - b. The size is the minimum necessary to provide the service.
9. Treatment of noxious weeds shall be permitted without completion of an SMA Open Space plan when the following criteria have been met: (SMA Only)
  - a. Noxious weed infestation is new and eradication is still viable.
  - b. Delayed or deferred treatment could have widespread or major adverse impacts to one or more of the following resources:
    - (1) Displacement of native and traditionally gathered plants;
    - (2) Degradation of wildlife habitat and forage;
    - (3) Degradation or loss of agricultural uses of land, such as cropland or livestock forage;
    - (4) Limitation of recreational uses.
  - c. For federal lands, treatment effects have been thoroughly evaluated in an environmental

assessment.

10. For those areas designated Gorge Walls and Canyonlands - The following uses may be authorized: (GMA Only)
  - a. Livestock grazing;
  - b. Fish and wildlife management activities conducted by federal, tribal or state resource agencies;
  - c. Soil, water and vegetation activities performed in accordance with a conservation plan approved by a county conservation district;
  - d. Harvesting of wild crops;
  - e. Educational or scientific research;
  - f. Continued operation of existing quarries if determined to be consistent with guidelines to protect scenic, cultural, natural and recreation resources.
11. For those areas designated Chenoweth Table Natural Area - The following uses may be authorized: In addition to those above. (GMA Only)
  - a. Low-intensity recreation, subject to the guidelines for Recreation Intensity Classes and after consultation with the Oregon Biodiversity Information Center;
  - b. Wildlife management activities conducted by federal, tribal or state resource agencies, after consultation with the Oregon Biodiversity Information Center;
  - c. Educational or scientific research, after consultation with the Oregon Biodiversity Information Center.
12. For that area designated Squally Point Natural Area - The following uses may be authorized: In addition to those above. (GMA Only)
  - a. Except in the upland dunes south of the railroad, low-intensity recreation, subject to the guidelines for the Recreation Intensity Classes and after consultation with the Oregon Biodiversity Information Center;
  - b. Repair and maintenance of railroads except measures to stabilize dunes, only after consultation with the Oregon Biodiversity Information Center;
  - c. Except as limited by Criterion 12(a), all those uses allowed in Section D, Uses Permitted Subject to Review above.
13. For those areas designated State Park Recreation Areas - The following uses may be authorized on those portions of state park ownerships not suitable for major recreation facilities: In addition to

those above. (GMA Only)

- a. Fish and wildlife management activities conducted by federal, tribal or state resource agencies;
- b. Soil, water or vegetation activities performed in accordance with a conservation plan approved by a local conservation district;
- c. Harvesting of wild crops;
- d. Educational or scientific research.

**E. Special Management Area - Open Space**

- 1. The primary managing agency for open space areas for the SMA shall prepare an open space management plan. The management plan shall be completed prior to any new land uses or development, and shall be reviewed by the Forest Service.
- 2. The open space management plan shall include the following:
  - a. Direction for resource protection, enhancement, and management.
  - b. Review of existing uses to determine compatibility with open space values.
  - c. Consultation with members of the public, and agency and resourcespecialists.
- 3. Upon request, the Forest Service will help located mapped boundaries of Open Space areas in cases of new land uses or developments.

**F. Prohibited Uses**

- 1. All other uses not listed, **unless permitted through Chapter 13 “Nonconforming uses, Buildings, and Lots and Consolidation of Undeveloped Subdivisions and Legal Parcels.”<sup>37</sup>**

**G. Property Development Standards**

- 1. Property Size:
  - a. In the GMA there is no minimum property size.
  - c. In the SMA land divisions are prohibited unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines of the Management Plan. The provisions of Chapter 14 are not applicable and there is no minimum parcel size.

2. General Setbacks - all structures other than approved signs and fences shall comply with the following general setback standards:

Front Yard	25'
Interior Side Yard	15'
Exterior Side Yard	20'
Rear Yard	20'

3. Agricultural Setbacks - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8-foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

- a. Earth berms may be used to satisfy, in part, the setback guidelines. The berm shall be a minimum of eight (8) feet in height, and contoured at 3 to 1 slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet.
- b. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.
- c. The necessary berming and/or planting must be completed during the first phase of development and maintained in good condition.
- d. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.
- e. A variance to the setback requirements may be made in accordance with [Chapter 6](#).

4. Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with [Chapter 14 - National Scenic Area Review](#).
5. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).
6. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
7. Parking - Off street parking shall be provided in accordance with [Chapter 4](#).





**SECTION 3.190 “AS” Agriculture Special Zone (GMA Only)****A. Purpose:**

1. Ensure that new uses do not adversely affect natural areas that are potentially eligible for the Oregon Register of Natural Heritage Resources.
2. Encourage landowners to enhance those portions of natural areas that are in fair or poor condition.

**B. Uses Permitted Without Review**

The following activities and uses may be allowed on lands designated Agriculture-Special without review:

1. Existing livestock grazing. A livestock operation ceases to be existing when the land on which it is conducted has lain idle for more than 5 years.
2. Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.
3. Low-intensity recreation uses that occur with the knowledge and permission of the landowner, including hunting, fishing, trapping, native plant study, bird watching, photography, horseback riding and hiking. Development associated with these low-intensity recreation uses is subject to review and is not allowed outright.
4. Temporary livestock facilities, such as portable livestock pens and corrals.
5. New fences that exclude livestock from lands that are not part of an existing livestock operation.

**C. Uses Permitted Subject To Expedited Review**

The uses and activities listed in [Section 3.110](#) may be allowed on a legal parcel designated Agriculture Special subject to Expedited Review and Subsections H - Property Development Standards and [Chapter 11 - Fire Safety Standards](#), as well as all other listed or referenced standards.

**D. Uses Permitted Conditionally**

The following uses and activities may be allowed on a legal parcel designated Agricultural-Special subject to [Chapter 5 - Conditional Use Review](#), [Chapter 14 – National Scenic Area Review](#), and [Subsection D, Conditional Use Approval Standards](#), as well as any other listed or referenced standards.

1. New livestock grazing. Any operation that would introduce livestock to land that has not been grazed, or has lain idle, for more than 5 years shall be considered new livestock grazing.
2. New fences, livestock watering facilities, and corrals.
3. Soil, water, and vegetation conservation uses.

4. Replacement or minor expansion of existing and serviceable structures within a dedicated site. Expansion shall be limited to the dedicated site.
5. Fish and wildlife management uses, educational activities, and scientific research.
6. Land divisions that facilitate livestock grazing or protect and enhance natural areas. No resulting parcel may be smaller than 160 acres, unless it would facilitate the protection of scenic, cultural, natural or recreation resources.
7. Single family dwellings that are not in conjunction with agricultural use, if a land owner demonstrates that:
  - a. The dwelling cannot be constructed on a portion of the parcel that is located outside of the natural area, and
  - b. The dwelling is sited and designed in a manner that minimizes adverse effects to the natural area.
  - c. All dwellings shall meet the following standards:
    - (1) The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;
    - (2) The subject lot/parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the tract. Size alone shall not be used to determine whether a lot/parcel is unsuitable for agricultural use. An analysis of suitability shall include the capability of the subject lot/parcel to be utilized in conjunction with other agricultural operations in the area;
    - (3) The dwelling shall be setback from any abutting parcel designated as Agriculture as required in the setback standards listed in [3.120\(G\)](#), Large Scale Agriculture Zone. The dwelling shall be setback from any abutting parcel designated Forest as required setback standards in [3.140\(G\)](#) Property Development Standards for the Industrial Forest zone.
    - (4) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Agriculture or Forest;
    - (5) All owners of land in areas designated Agriculture or Forest within five hundred (500) feet of the perimeter of the subject lot/parcel on which the dwelling is proposed to be located have been notified and given at least ten (10) days to comment prior to a decision;
    - (6) The County Assessor has been notified that the parcel is no longer being used as farmland; and

- (7) Request has been made to the County Assessor to disqualify the parcel for special assessment under [ORS 308.A.315](#), or [321.839](#);
- (8) The lot or parcel on which the dwelling will be located has been legally created.
- d. The buffer standards for dwellings may be varied according to [Chapter 6](#), if the standards prevent the optimum siting of a dwelling for scenic, cultural, natural or recreational resources.
- 8. Recreation uses, subject to [Section 14.510](#).
- 9. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
- 10. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to [Section 10.100](#) (Resource Enhancement Projects). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).
- 11. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
- 12. Property line adjustments, subject to [Section 21.200 – \(Property Line Adjustments\)](#).
- D. Conditional Use Approval Standards  
In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided by [Chapter 5](#) of this Ordinance, the following limitations shall apply to a conditional use permitted in Subsection C of this Section:
  - 1. A range conservation plan is prepared in accordance with Subsection F, Range Conservation Plans before new livestock grazing commences; new fences, livestock watering facilities, and corrals are constructed; and soil, water and vegetation conservation activities are undertaken (Conditional Uses (C)(1),(2) and (3)). Range conservation plans are described below (see Subsection G, Range Conservation Plans).
  - 2. The County shall submit all land use applications and range conservation plans to the Oregon Biodiversity Information Center.
    - a. The state heritage program will have 20 days from the date that an application and/or plan is mailed to submit written comments to the County Planning Office.
    - b. The County shall record and address any written comments submitted by the state heritage program in its development review order.
  - 3. Based on the comments from the state heritage program, the County shall make a final decision on

whether the proposed use is consistent with the Agriculture-Special standards. If the final decision contradicts the comments submitted by the state heritage program, the County shall justify how it reached an opposing conclusion.

**E. Prohibited Uses:**

Except for permitted and conditional uses, new uses shall be prohibited on lands designated Agriculture-Special. Prohibited uses include, but are not limited to:

1. Cultivation, including plowing, harrowing, leveling, tilling, or any activity that prepares land for raising crops by turning, breaking up, or loosening the soil.
2. Removal or clearing of native grasses, shrubs, and trees.
3. Single family dwellings and accessory structures, other than non-agricultural dwellings allowed as a conditional use.
4. Barns, silos, and other agricultural buildings.
5. Irrigation systems.
6. Exploration, development, and production of mineral resources.
7. Utility facilities, public use facilities, and roads.

**F. Floodplain:** Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to [Section 3.240, Flood Hazard Overlay](#).

**G. Range Conservation Plans**

If a range conservation plan is required as per subsection D of this section, before a use is allowed, the range conservation plan shall be prepared by landowners in cooperation with range scientists from local conservation districts. Specialists from the Oregon Biodiversity Information Center should be consulted while the plan is being prepared.

1. Range conservation plans shall ensure that new uses do not adversely affect natural areas. They shall accomplish the following goals:
  - a. Maintain native rangeland that is in excellent or good condition; enhance rangeland that is in fair or poor condition.
  - b. Preserve native trees and shrubs.
  - c. Re-establish native grasses in degraded areas that have been invaded by non-native plants and weeds.

2. Range conservation plans shall include the following elements:
  - a. Range Inventory. Existing composition, carrying capacity, and condition of rangeland; the location of rare plants and non-native weeds; and existing fences, watering ponds, and other range improvements.
  - b. Rehabilitation Plan. Actions that will be taken to rehabilitate native rangeland that is in fair or poor condition, such as weed and soil erosion control, seeding, and prescribed burning.
  - c. Livestock Management Plan. Grazing system that will be used, including number and size of pastures, expected livestock numbers, and grazing/deferral periods and sequence. Management plans should project livestock movements for at least three years.
  - d. Monitoring Program. Track annual progress of the conservation plan and condition of the range. Monitoring techniques shall be described, such as line transects or photographic plots.

### **SECTION 3.200 Environmental Protection Districts**

The purpose of the Environmental Protection District is to permit the regulation of environmental hazards, the qualification of lands for floodplain insurance programs and preferential taxation assessment, and the protection of the health, safety and welfare of residents of Wasco County. The specific intent of this district is:

- A. To combine with present zoning requirements certain restrictions to promote the general health, welfare, and safety of the County.
- B. To prevent the establishment of certain structures and land uses in areas unfit for human habitation because of the danger of flooding, unsanitary conditions, mass earth movement, unstable soils, or other hazards.
- C. To minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage.
- D. To reduce the financial burden imposed on the public and governmental units by frequent and periodic flooding.
- E. To permit certain uses which can be located on flood plains and which will not impede the flow of flood waters, or otherwise cause danger to life and property at, above, or below their locations within the flood plain.
- F. To permit uses on lands subject to mass earth movement or unstable soils which will not increase the potential for environmental degradation.
- G. To require that uses vulnerable to hazards, including public facilities which serve such uses be provided with protection at the time of initial construction.
- H. To protect individuals, as much as possible through education and information from buying lands which are unsuited for intended purposes.

### **SECTION 3.210 Divisions**

This district consists of several overlay divisions that provide additional development standards or special processes for development in protected areas.

- A. Division 1 - Flood hazard overlay
- B. Division 2 - Geologic hazards overlay

### **SECTION 3.230 Non-Liability Clause**

The granting of approval of any structure or use shall not constitute a representation, guarantee or warranty of any kind or nature by Wasco County, or the County Board of Commissioners, the Planning Commission or other authorized review authority<sup>38</sup>, or by any officer or employee thereof, of the practicability or safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer or employee for any damage that may result pursuant thereto.



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**SECTION 3.240 Division 1 – Flood Hazard Overlay****A. Background****1. Statutory Authorization**

The State of Oregon has in ORS 203.035 and ORS 197.175 delegated the responsibility to local government units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry.<sup>39</sup>

**~~1~~.2. Findings of Fact**

- a. The Areas of Special Flood Hazard of Wasco County are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. All of which adversely affects the public health, safety, and general welfare.
- b. These flood losses are caused by the cumulative effect of obstructions in the areas of special flood hazard which increase flood heights and velocities, which may damage uses in other areas. Uses that are inadequately protected from flood damage also contribute to the losses associated with the flood.

~~2~~.3. Statement of Purpose: It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by implementing provisions designed to:

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in areas of special flood hazard;
- f. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. Ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- i. **Participate in and maintain eligibility for flood insurance and disaster relief.**<sup>40</sup>

**3.4. Methods of Reducing Flood Losses:** In order to accomplish its purposes, this chapter includes methods and provisions for:

- a. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**A.B. Applicability<sup>41</sup>**

**~~A. Lands to which this Chapter Applies:-~~**

-

This chapter shall apply to all **ASFH<sup>42</sup>** Areas of Special Flood Hazards within the jurisdiction of Wasco County.

- ~~a. Although Wasco County holds and utilizes the official Flood Insurance Rate Maps (FIRMs) supplied by FEMA, there is no Flood Insurance Study (FIS) for the County. This FIS typically provides the detailed information and cross sections necessary to establish the Base Flood Elevation in a given area. For that reason, the Area of Special Flood Hazard as shown on the FEMA FIRMs is only an approximation of the floodplain boundary. Without the FIS, the Director may require additional information to determine that a proposed development, which may appear to be located outside of an Area of Special Flood Hazard based on the FIRMs, is in fact reasonably safe from flooding as required by Section 3.242(B) – Duties and Responsibilities of the Planning Director. In a situation where the Director determines that it is unclear if a proposed development lies in or out of the Area of Special Flood Hazard, it shall be the responsibility of the applicant to provide the Base Flood Elevation for the property using FEMA approved methodologies.<sup>43</sup>~~

**~~B.C. Basis for Establishing the ASFH<sup>44</sup> Areas of Special Flood Hazard:~~** The Areas of Special Flood Hazards identified by the Federal Insurance Administration on its Flood Insurance Rate Map (FIRM), dated September 24, 1984, and any revision thereto, is adopted by reference and declared ~~to be a~~ part of this Ordinance. The Flood Insurance Rate Map is on file at the Wasco County Planning and Development Office.

**D. Abrogation and Greater Restrictions:** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another

chapter, ordinance, state building code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**E. Severability**

This ordinance and the various parts thereof are hereby declared to be severable. If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

**F. Coordination with State of Oregon Specialty Codes**

Pursuant to the requirement established in ORS 455 that Wasco County administers and enforces the State of Oregon Specialty Codes, Wasco County does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in ASFH. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.<sup>45</sup>

**G. Interpretation**

In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under State statutes and rules including state building codes.

**H. Warning and Disclaimer of Liability**

1. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

- ~~1.2.~~ This chapter shall not create liability on the part of Wasco County, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

**SECTION 3.241 Special Definitions**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. The words or phrases found below only apply to this Chapter of the Land Use and Development Ordinance.

**Area of Shallow Flooding -** A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.<sup>46</sup>

**Area of Special flood hazard (ASFH)** – The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. **It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, A1-30, AE, A99, AR (V, V1-30, VE). "Special flood hazard area" is synonymous in meaning and definition with the phrase, "area of special flood hazard."**<sup>46</sup> ~~Designation on maps always includes the letters A or V.~~

**Appeal** – A request for a review of the interpretation of any provision of this ordinance.

**Base Flood** – The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letters A or V.

**Base Flood Elevation (BFE)** – The computed elevation to which floodwater is anticipated to rise during the Base Flood. ~~Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.~~

~~The BFE is the regulatory requirement for the elevation or flood proofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium.~~<sup>47</sup>

**Basement** – Any area of the building having its floor sub-grade (below ground level) on all sides.

**Critical Facility** – A facility where the potential for even minimal water damage might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response facilities, installations that produce, store or use hazardous materials or hazardous waste. (Approval of any new Critical Facility within the ASFH must be reviewed through the Administrative Variance provisions (Chapter 6) of the Wasco County Land Use and Development Ordinance.)

**Development** – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

~~Development does not include low impact practices using hand based tools to perform habitat restoration activities, which do not result in:~~

~~— the potential destabilization and/or erosion of the designated floodplain by removal of bank stabilizing root systems or other means;~~

~~— alteration of the topography of the designated ASFH;~~

~~— the accumulation of woody vegetative debris within the ASFH;~~

~~— a violation of any prior condition of approval associated with a review on the subject property;~~

~~— a violation of any Wasco County or other agency natural resource regulations; or~~  
~~— the siting of any structure.<sup>48</sup>~~

**Elevated Building (for Insurance Purposes)** – A non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Flood or Flooding** – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.
- c. **Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in “a.” of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of a current.**

**The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels of suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by unanticipated force of nature, such as flashflood or abnormal tidal surge, or by similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) of this definition.<sup>48</sup>**

**Flood elevation study** – See Flood Insurance Study definition.<sup>48</sup>

**Flood Insurance Rate Map (FIRM)** – The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. **A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).<sup>48</sup>**

**Flood Insurance Study (FIS) – (FIS) – An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.<sup>48</sup>** ~~The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Map, and the water surface elevation of the Base Flood.<sup>47</sup>~~

**Flood proofing** – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk or flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.<sup>48</sup>

**Floodway** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as a “Regulatory Floodway.”<sup>48</sup>

**Flood-Resistant Material** – Any building product capable of withstanding direct and prolonged (at least 72 hours) contact with floodwaters without sustaining significant damage (any damage requiring more than low-cost cosmetic repair such as painting.)

**Functionally Dependent Use** - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship-building and ship repair facilities, and does not include long term storage or related manufacturing facilities.<sup>48</sup>

**Hazardous material** - The Oregon Department of Environmental Quality defines hazardous materials to include any of the following:

- a. Hazardous waste as defined in ORS 466.005;
- b. Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005
- c. Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;
- d. Hazardous substances designated by the United States Environmental Protection Agency (EPA) under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
- e. Substances listed by the United States EPA in section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
- f. Material regulated as a Chemical Agent under ORS 465.550;
- g. Material used as a weapon of mass destruction, or biological weapon;
- h. Pesticide residue;
- i. Dry cleaning solvent as defined by ORS 465.200(9).<sup>48</sup>

**Highest Adjacent Grade** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.<sup>48</sup>

**Historic Structure** - Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic

preservation programs that have been certified by an approved state program, as determined by the Secretary of the Interior.<sup>48</sup>

**Letter of Map Change (LOMC)** – Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

- a. **Conditional Letter of Map Amendment (CLOMA):** A CLOMA is FEMA’s comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
- b. **Conditional Letter of Map Revision (CLOMR):** A CLOMR is FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
- c. **Conditional Letter of Map Revision based on Fill (CLOMR-F):** A CLOMR-F is FEMA’s comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.
- d. **Letter of Map Amendment (LOMA): An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.**
- e. **Letter of Map Revision (LOMR): A LOMR is FEMA’s modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.**
- f. **Letter of Map Revision based on Fill (LOMR-F): A LOMR-F is FEMA’s modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.**
- g. **Physical Revision and Republication (PMR): A PMR is FEMA’s physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.**<sup>48</sup>

~~**Improvement or Repair Cost** – The cost to improve or repair a structure. This is used to determine if the proposed repairs and / or improvements constitute Substantial Damage and / or Substantial Improvement.~~



Improvement or Repair Costs ~~include~~ but are not limited to structural elements, footings, concrete slabs, attached decks and porches, interior partition walls, wall finishes, windows, doors, roofing materials, flooring, sub-flooring, cabinets, utility equipment, and labor.

Improvement or Repair Costs ~~exclude~~ plans, surveys, permitting costs, post-emergency debris removal and clean-up, landscaping, sidewalks, fences, yard lights, pools, detached structures, and landscape irrigation systems.<sup>47</sup>

**Lowest Floor** – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at [Section 3.243\(D\) – Specific Standards](#).

**Mean Sea Level - For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.**<sup>48</sup>

**Manufactured Home** – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” **does not** include a “recreational vehicle.” **A Manufactured Home is synonymous with a “manufactured dwelling.”**<sup>48</sup>

**Manufactured Home Park or Subdivision** – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. ~~(Approval of any New or expansion of a manufactured home park or subdivision within the ASFH must be reviewed through the Administrative Variance provisions () of the Wasco County Land Use and Development Ordinance.)~~<sup>47</sup>

**New Construction** – For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation and includes any subsequent improvements to such structures.<sup>48</sup>

~~**New Construction** – Structures for which the lawful “start of construction” commenced on or after the effective June 1, 2010~~<sup>48</sup>

~~**Raised Structure** – A non-basement structure that has its lowest elevated floor raised a minimum of one foot above the Base Flood Elevation.~~<sup>48</sup>

**Recreational Vehicle (Flood Hazard Overlay Section only)** – A vehicle which is:

- a. Built on a single chassis; and
- b. 400 square feet or less when measured at the largest horizontal projection; and
- c. Designed to be self-propelled or permanently towable by a light duty truck; and

- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway** – **See Floodway definition.** ~~The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.~~<sup>48</sup>

**Special Flood Hazard Area** - **See Area of Special Flood Hazard definition.**<sup>48</sup>

**Start of Construction** – Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure (Flood Hazard Overlay Section only)** – A walled and roofed building, as well as any gas or liquid storage tank, that is principally above ground, **as well as a manufactured dwelling.**<sup>48</sup>

**Substantial Damage** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to it before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** – Any ~~repair, reconstruction,~~ **rehabilitation, addition or other** ~~or~~ improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure **before the “start of construction” of improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed.**<sup>48</sup> ~~either:~~

~~Before the improvement or repair is started, or~~

~~If the structure has been damaged and is being restored, before the damage occurred.~~

~~For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~<sup>47</sup>

The term does not, however, include either:

- a. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,

- b. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, **provided the alteration will not preclude the structure's continued designation as a "historic structure."**<sup>48</sup>

**Variance** – A grant of relief from the **terms of a floodplain management regulation.**<sup>48</sup> ~~requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.~~<sup>47</sup>

**Violation -- The failure of a structure or other development to be fully compliant with the County's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.**<sup>48</sup>

**Water Dependent** – A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations, including but not limited to bridges, docks, piers, wharfs, certain fish and wildlife structures, boat launch facilities and marinas. Dwellings, parking lots, spoil and dump sites, restaurants, trailer parks, resorts, and motels are not water dependent.

**Water Surface Elevation -- The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.**<sup>48</sup>

#### **SECTION 3.242 Designation of the Floodplain Administrator**~~Planning Director~~<sup>49</sup>

##### **A. Designation of the Planning Director**

The Planning Director is hereby appointed to administer, ~~and implement,~~ **and enforce** this chapter by granting or denying development permit applications in accordance with its provisions. **The Floodplain Administrator (Planning Director) may delegate authority to implement these provisions.**<sup>50</sup>

##### **B. Duties and Responsibilities of the Planning Director**

Duties of the Planning Director shall include, but not be limited to:

##### **1. Development Permit Review**

- a. Review all development permits to determine that the permit requirements and conditions of this chapter have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required. (added 4-87)
- c. **Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in Section 3.243.G -- Floodways are met;**

- d. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of Section 3.243.D.7 – Use of Other Base Flood Elevation Data; and
- e. Provide the County Building Official with the BFE applicable to any building requiring a development permit.
- f. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in Section 3.241 – Special Definitions.
- g. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with Section 3.243.D.1 – Alteration of Watercourses.
- ~~f.h.~~ Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.<sup>51</sup>
- ~~e.~~ Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the Special Flood Hazard Area. For the purposes of this chapter, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
- ~~j.~~ If it is determined that there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.
- ~~ii.~~ If it is determined that there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.<sup>52</sup>

## 2. Information to be Obtained and Maintained<sup>53</sup>

The Planning Director shall obtain and maintain the following information:

- a. Obtain and record the actual (as-built) elevation (in relation to mean sea level) to the lowest floor (including basements and below grade crawl-spaces) and all attendant utilities of all new or substantially improved structures where BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 3.243.D.7 – Use of Other Base Flood Elevation Data.
- b. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the development is consistent with the requirements of Sections 3.243.G - Floodways and 3.242.B.1.b -- Development Permit Review.
- c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional

licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).

- d. Where base flood elevation data are utilized, obtain as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- e. Maintain all Elevation Certificates (EC) submitted to the Director.
- f. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 3.243.D.7 -- Use of Other Base Flood Elevation Data.
- g. Maintain all floodproofing certificates required under this ordinance;
- h. Where base flood elevation data is changed via a restudy, limited map maintenance project, map revision amendment, those changes shall be obtained and recorded.
- i. Submit any new or revised map information that could affect the ASFH to the Federal Emergency Management Agency (FEMA) when it becomes available.
- j. Record and maintain all variance actions, including justification for their issuance;
- k. Obtain and maintain all hydrologic and hydraulic analyses performed as required under Section 3.243.G -- Floodways.
- l. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under Section 3.242.B.4 --Substantial Improvement and Substantial Damage Assessments and Determinations.

a.m. **Maintain for public inspection all records and data pertaining to this chapter.**<sup>54</sup>

**2. Use of Other Base Flood Data**

~~When base flood elevation data has not been provided in accordance with Section 3.240.B.2 --Basis for Establishing the Areas of Special Flood Hazard, the Planning Director shall require, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer --Specific Standards.~~<sup>55</sup>

**3. Requirement to Notify Other Entities and Submit New Technical Data**<sup>56</sup>

**a. Community Boundary Alterations**

The Planning Director shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary

Maps and FIRM accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.<sup>57</sup>

b. ~~Alteration of Watercourses~~ **Alterations**<sup>58</sup>

Notify adjacent communities, Department of State Lands, Department of Land Conservation & Development, and the Department of Water Resources, **and any other appropriate state and federal agencies** prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. **This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:**

- i. **A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or**
- ii. **Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.**<sup>59</sup>

~~Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.~~<sup>60</sup>

**The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under Section 3.242.B.3.c – Requirement to Submit New Technical Data. The Director shall ensure compliance with all applicable Section 3.242.B.3.c -- Requirement to Submit New Technical Data and Section 3.243.D.1 -- Alteration of Watercourses.**

c. **Requirement to Submit New Technical Data**

**A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.**

**The Planning Director shall require a CLOMR prior to the issuance of a floodplain development permit for:**

- i. **Proposed floodway encroachments that increase the base flood elevation; and**
- ii. **Proposed development, which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.**

An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a CLOMR from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR. The Planning Director shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this Chapter and all applicable state and federal permits.<sup>61</sup>

#### **4. Substantial Improvement and Substantial Damage Assessments and Determinations**

The Planning Director shall:

- a. Conduct Substantial Improvement (SI) (as defined in Section 3.241 – Special Definitions) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 3.242.B.2 --Information to be Obtained and Maintained.
- b. Conduct Substantial Damage (SD) (as defined in Section 3.241 – Special Definitions) assessments when structures are damaged due to a natural hazard event or other causes.
- c. Make SD determinations whenever structures within the special flood hazard area (as established in Section 3.240.C -- Basis for Establishing the ASFH are damaged to the extent that the cost of restoring the structure to its “before damaged” condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.<sup>62</sup>

#### **4. Information to be Obtained and Maintained**

- ~~a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 2.242(B)(4) obtain and record the actual (as built) elevation (in relation to mean sea level) to the lowest floor (including basements and below grade crawl spaces) of all new or substantially improved structures, and whether or not the structure contains a basement (Elevation Certificate).~~
- ~~b. Maintain for public inspection all records pertaining base flood elevations and flood-proofing certificates required in Section 3.242(B)(6).~~
- ~~c. Where base flood elevation data is changed via a restudy, limited map maintenance project, map revision amendment, those changes shall be obtained and recorded.~~
- ~~d. Submit any new or revised map information that could affect the ASFH to FEMA when it becomes available.~~
- ~~e. For all new or substantially improved flood proofed structures:~~



- i. Obtain and record the actual elevation (in relation to mean sea level) to which the structure was flood-proofed, and
  - ii. Maintain the flood proofing certifications required in Section 3.243(B) – Application Requirements (Added 4-87).
- 
- f. Maintain for public inspection all records and data pertaining to this chapter.<sup>63</sup>

### SECTION 3.243 Establishment of Development Permit

#### A. Development Permit Required Establishment of Development Permit

1. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in [Section 3.240\(B\)](#) – Applicability. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", [Section 3.241 – Special Definitions](#), and for all development including fill and other **development** activities. ,also as set forth in the "DEFINITIONS".
2. If the director determines that it is unclear if a proposed development lies in or out of the Area of Special Flood Hazard, then Establishment of the Development Permit shall be based on the following:
  - a. Within thirty (30) days of receiving an appropriate Land Use Application, the Director or the Director's designee shall conduct a site inspection on the proposed development. If during that site inspection, the Director is able to determine that the proposed development is reasonably safe from flooding based to topography or other pertinent data, then no ASFH Development Permit will be required.
  - b. If during the above mentioned site inspection, the Director cannot determine that the proposed development is reasonably safe from flooding, then the applicant will be required to establish the Base Flood Elevation for the Development using FEMA approved methodologies. Appropriate methodologies may include HEC, SMADA, SWWM, QUICK 2, or other FEMA approved hydraulic or hydrologic modeling programs.
  - c. If the Director determines that the BFE must be established for a development, then the applicant will be required to hire a competent consultant (engineer, surveyor, hydrologist, architect, etc.) with proof of suitable credentials to determine the BFE using appropriate FEMA approved methodologies.<sup>64</sup>

#### B. Application for Development Permit Application Requirements:

Any application for a Development Permit shall be made on forms furnished by the Planning Director and **shall** may include: , but not be limited to: plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing structures, proposed structures, fill, storage of materials, utilities, septic facilities, and drainage facilities.

Specifically, the following information is required:



1. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing structures, proposed structures, fill, storage of materials, utilities, septic facilities, and drainage facilities;
2. The proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with Section 3.242.B.2 – Information to be Obtained and Maintained.
3. Proposed elevation in relation to mean sea level to which any non-residential structure will be flood proofed.
- ~~1-4.~~ Certification by a registered professional engineer or architect licensed in the State of Oregon that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in Section 2.243.F.3 – Non-Residential Construction ~~(D)(6) – Specific Standards.~~
- ~~2-5.~~ Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- ~~3-6.~~ Copies of all permits required from any governmental agency, together with a certification under penalties of perjury that all certificates and permits requested have been obtained.
7. Base Flood Elevation certificate when required. If the Planning Director determines that it is unclear if a proposed development lies in or out of the ASFH, then the applicant will be required to hire a qualified consultant (engineer, surveyor, hydrologist, architect, etc.) with proof of suitable credentials to determine the BFE using appropriate FEMA approved methodologies.
8. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
9. The amount and location of any fill or excavation activities proposed.<sup>65</sup>

#### C. Application Types

1. Type II Administrative Action Development Permits: The Type II Administrative Action Development Permit provides the default review process for most development within the ASFH. Type II Administrative Action Development Permits include but are not limited to new structures, improvements to structures (remodel, repair, etc.), critical facilities, utilities, manufactured homes, recreational vehicles, mining, paving, and other development that is not specifically addressed in Section 3.243.C.2 – Expedited Review Development Permits. Type II decisions are subject to review procedures, as defined in Section 2.110 – Administrative Action Procedure of the Director.
2. Expedited Development Permits:
  - a. The Expedited Development Permit enables an applicant to apply for certain low-impact projects through a more expeditious and less expensive review process. Type I permits are subject to review procedures, as defined in Section 3.110 – Expedited Review.

- b. Any development listed in Section 3.243.C.1 is excluded from the Expedited Development Permit process.
- c. Expedited Development Permits may only be utilized when evaluating uses that are specified in Section 3.110 – Expedited Review.
- d. If the applicant does not provide sufficient evidence to justify an Expedited Review Development Permit, then the request will be reviewed as a Type II Administrative Action.<sup>66</sup>

#### D. General Standards

In all areas of special flood hazards the following standards are required:

##### 1. Alteration of Watercourses

- a. Flood carrying capacity within the altered or relocated portion of said watercourse shall be maintained to ensure that the flood carrying capacity is not diminished.
- b. All altered watercourses shall comply with Section 3.242.B.3.b.– Watercourse Alterations and 3.242.B.3.c – Requirement to Submit New Technical Data.

##### 2. Anchoring

- ~~b.a.~~ All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- ~~c.b.~~ All manufactured homes shall be anchored per Section 3.243.F.4 – Manufactured Homes. must likewise be anchored to prevent flotation, collapse or lateral movement, according to requirements set forth in the . (See FEMA’s guidebook for additional information).

##### ~~1.3.~~ Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. ~~See FEMA 348(Protecting Building Utilities from Flood Damage) for details.~~
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- ~~c.~~ Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

##### 4. Utilities and Equipment

**a. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems**

- i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the North-Central Public Health District **and Department of Environmental Quality**.

**b. Electrical, Mechanical, Plumbing and Other Equipment**

**Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be:**

- i. Elevated or located at or above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding.
- ii. Meet all requirements of this section if any of these systems are replaced as part of a substantial improvement.

**c. Tanks**

- i. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- ii. Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

**5. Subdivision Proposals and Other Proposed Developments**

- a. All new subdivision proposals and other new proposed development (including proposals for new manufactured dwelling parks and subdivisions) greater than 50 lots or five acres, whichever is lesser, shall include within such proposals, BFE data.
- b. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
  - i. ~~All subdivision proposals shall be~~ consistent with the need to minimize flood damage;

- ii. ~~All subdivision proposals shall have~~ public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; **and**
- iii. ~~All subdivision proposals shall have~~ adequate drainage provided to reduce exposure to flood damage; ~~and,~~

~~Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).~~

#### 6. Partition and Property Line Adjustment Proposals

- a. All partition and property line adjustment proposals shall be consistent with the need to minimize flood damage;
- b. Parcels created through these processes shall include suitable sites for the construction of buildings, structures, sewage systems, and water supplies outside of the ASFH.
- c. Parcels created through these processes shall be designed so that access to the proposed parcel does not traverse the ASFH.

#### 7. Use of Other Base Flood Elevation Data

When BFE data has not been provided in accordance with Section 3.240.C -- Basis for Establishing the Special Flood Hazard Areas, the Planning Director shall obtain, review, and reasonably utilize any BFE data available from a federal, state, or other source, in order to administer Section 3.243 – Establishment of Development Permit. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of Section 3.243.D.5 – Subdivision Proposal and Other Proposed Developments.

BFEs shall be determined for development proposals that are five acres or more in size or are 50 lots or more, whichever is lesser in any “A” zone. Development proposals located within an unnumbered “A” zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc. where available. When no BFE data is available, the elevation requirement for development proposals within a riverine unnumbered “A” zone is a minimum of two (2) feet above the highest adjacent grade, to be reasonably safe from flooding.

#### 6.8. Critical Facilities

Construction of new critical facilities shall be, to the extent possible:

- a. Located outside the limits of the ASFH (100-year floodplain).

- b. Construction of new critical facilities shall be permissible within the ASFH if no feasible alternative is available and if the development receives approval of a Type II Variance, subject to variance criteria found in Section 6.020 – Criteria for Decision.
- c. Critical facilities constructed within the ASFH shall have the lowest floor elevated three feet above the BFE or to the height of the 500-year flood, whichever is higher.
- d. Access to and from the critical facility should also be protected and constructed to be elevated three feet above the BFE or to the height of the 500-year flood, whichever is higher.
- a-e. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

#### 9. Structures Located in Multiple or Partial Flood Zones

In coordination with the State of Oregon Specialty Codes:

- a. When a structure is located in multiple flood zones on the community's FIRM the provisions for the more restrictive flood zone shall apply.
- b. When a structure is partially located in the ASFH, the entire structure shall meet the requirements for new construction and substantial improvements.<sup>67</sup>

#### B.E. Specific Standards for Areas of Special Flood Hazard

These specific standards shall apply to all new construction and substantial improvements located in the ASFH, in addition to the standards listed in Section 3.243.D – General Standards:

##### 1. Flood Openings

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the BFE, including crawl spaces shall:

- a. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- b. Be used solely for parking, storage, or building access;
- c. Be certified by a professional engineer or architect or meet or exceed all of the following minimum criteria:
  - i. A minimum of two openings;

- ii. The total net area of non-engineered openings shall not be less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;
- iii. The bottom of all openings shall be no higher than one foot above grade;
- iv. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
- v. Design and construction shall comply with all additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2, when applicable.

## 2. Garages

- a. Attached garages may be constructed with the garage floor slab below the BFE in flood zones, if the following requirements are met. In riverine flood zones, if the following requirements are met:
  - i. If located within a floodway the proposed garage must comply with the requirements of Section 3.243.G -- Floodways.
  - ii. The floors are at or above grade on not less than one side;
  - iii. The garage is used solely for parking, building access, and/or storage;
  - iv. The garage is constructed with flood openings in compliance with Section 3.243.E.1 – Flood Openings to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
  - v. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage.
  - vi. The garage is constructed in compliance with the standards in Section 3.243.D – General Standards.
  - vii. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- a.b. Detached garages must be constructed in compliance with the standards for appurtenant structures in Section 3.243.F.6 – Appurtenant (Accessory) Structures and non-residential

structures in Section 3.243.F.3 – Nonresidential Construction depending on the square footage of the garage.<sup>68</sup>

## F. Specific Standards for Areas of Special Flood Hazard with Base Flood Elevations

In addition to the general standards listed in Section 3.243.D – General Standards, the following specific standards shall apply in all ASPH with BFE: Zones A1-A30, AH, and AE: ~~In all areas of special flood hazards where base flood elevation data has been provided as set forth in (B)(4) Use of Other Base Flood Data, the following standards are required:~~

### 1. Before Regulatory Floodway

In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

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### 1.2. Residential Construction

a. New construction, **conversion to**, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot ~~(1')~~ above base flood elevation.

~~b. Fully enclosed areas below the lowest floor shall comply with the Flood Opening requirements in Section 3.243.E.1 – Flood Openings. that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:~~

~~c.~~

~~d. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~

~~e.~~

~~f. The bottom of all openings shall be no higher than one foot above grade.~~

~~g.~~

~~h. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~

### 3. Non-residential Construction

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the **Planning Director official** as set forth in Section 3.242.B.2 – Information to be Obtained and Maintained. ~~3.242(B)(6)(e).~~
- d. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in **Section 3.243.E.1 – Flood Openings.** ~~(D)(1)– Specific Standards.~~
- e. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level). ~~(added 4-87)~~

## 2. ~~Partition and Property Line Adjustment Proposals~~

- ~~a. All partition and property line adjustment proposals shall be consistent with the need to minimize flood damage;~~
- ~~b. Parcels created through these processes shall wherever practical include suitable sites for the construction of buildings, structures, sewage systems, and water supplies outside of the ASFH.~~
- ~~c. Parcels created through these processes shall wherever practical be designed so that access to the proposed parcel does not traverse the ASFH.~~

## 3. ~~Subdivision Proposals~~

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## 4. **Manufactured Homes**

- a. **All manufactured homes to be placed (new or replacement) or substantially improved within the ASFH shall be elevated on a permanent foundation such that the bottom of the longitudinal chassis frame beam is elevated a minimum of eighteen inches above the base flood elevation.**
- b. **All foundation flood openings shall comply with Section 3.243.E.1 – Flood Openings.**
- c. **Manufactured homes to be placed (new or replacement) or substantially improved shall be securely anchored to prevent floatation, collapse and lateral movement during the base flood; and shall be designed in accordance with the provisions of Section 3.243.D.2 –**



**Anchoring.** Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;

**d. Electrical crossover connections shall be a minimum of 12 inches above BFE.**

~~a.~~

~~b. Fully enclosed areas below the lowest floor that are subject to flooding shall comply with Sections A(2)(a-c) above. Non structural metal or vinyl skirting does not constitute a "fully enclosed area".~~

**5. Recreational Vehicles**

Recreational Vehicles placed on sites **are required to:** ~~with an "A" zone (Areas of 100-year flood) as identified on the Flood Insurance Rate Maps (FIRM) must:~~

- a.** Be on the site for fewer than 180 consecutive days; and
- b.** Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

~~Meet the requirements of Section 3.243(D) -- Specific Standards above.~~

**c. Meet the requirements of Section 3.243.F.4 – Manufactured Homes.<sup>69</sup>**

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**6. Appurtenant (Accessory) Structures**

**Relief from elevation or flood-proofing requirements for residential and non-residential structures flood zones may be granted for appurtenant structures that meet the following requirements:**

- a.** Appurtenant structures located partially or entirely within the floodway must comply with requirement for development within a floodway found in Section 3.243.G -- Floodways.
- b.** Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation.
- c.** In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.
- d.** The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;

- e. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- f. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section 3.243.E.1 – Flood Openings.
- g. Appurtenant structures shall be located and constructed to have low damage potential.
- h. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with Section 3.243.D.4.c – Tanks.
- i. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed to prevent water from entering or accumulating within the components during conditions of the base flood.<sup>70</sup>

#### G. Floodways

Located within the ASFH established in Section 3.240.C – Basis for Establishing the ASFH are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
  - a. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the County during the occurrence of the base flood discharge; or
  - b. The County may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a CLOMR if a request is submitted and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the CFE Section 65.12 are fulfilled.
2. If the requirements of Section 3.243.G.1 – Floodways are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Section 3.243 – Establishment of Development Permit.<sup>71</sup>

#### H. Standards for Shallow Flooding Areas

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with

BFE. For AO zones, the base flood depths range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

#### 1. Standards for AH Zones

Development with AH Zones must comply with the standards in Section 3.243.D – General Standards, Section 3.243.E – Specific Standards for Areas of Special Flood Hazard, Section 3.243.F – Specific Standards for Areas of Special Flood Hazard with Base Flood Elevation, and Section 3.243.H – Standards for Shallow Flooding Areas.

#### 2. Standards for AO Zones

In AO zones, the following provisions apply in addition to the requirements in Section 3.243.D – General Standards and Section 3.243.H – Standards for Shallow Flooding Areas:

- a. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the FIRM (at least two feet if no depth number is specified). For manufactured homes, the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
- b. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:
  - i. Be elevated at minimum to or above the depth number specified on the FIRM or a minimum of two feet above highest adjacent grade if no depth number is specified; or
  - ii. Together with attendant utility and sanitary facilities, be completely flood-proofed to a minimum of two feet above the highest adjacent grade or a minimum of two feet above highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in Section 3.243.F.3.c. – Non-residential Construction
- c. Recreational vehicles placed on sites within AO zones on the FIRM shall either:
  - i. Be on the site for fewer than 180 consecutive days, and
  - ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only be quick disconnect type utilities and security devices, and has no permanently attached additions; or

- iii. Meet the elevation requirements of Section 3.243.H.2.b.i -- Standards for AO Zones, and the anchoring and other requirements for manufactured dwellings of Section 3.243.F.4 – Manufactured Homes.
- d. In AO zones, new and substantially improved appurtenant structures must comply with the standards in Section 3.243.F.6 – Appurtenant (Accessory) Structures.
- e. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in Section 3.243.E.1 – Flood Openings.<sup>72</sup>

#### Storage of Hazardous or Toxic Materials

The storage of hazardous or toxic materials shall be a minimum of one foot (1') above the BFE of the property. This may require alterations to a structure or development to ensure that the potential storage of such materials can be accommodated. Hazardous or toxic materials include but are not limited to those regulated by the EPA and DOT.

#### Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Area Special Flood Hazard (ASFH) (100-year floodplain). Construction of new critical facilities shall be permissible subject to an Administrative Variance within the ASFH if no feasible alternative site is available. Critical facilities constructed within the ASFH shall have the lowest floor elevated three feet above the BFE. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

#### Development Within Riparian Areas

The Wasco County FIRMs do not designate regulatory floodways. No new construction, substantial improvements, or other development (including fill) shall be permitted within the ASFH unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated onsite development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The methodology for conducting this research must conform to the methodologies prescribed in the FEMA Region X Procedures for "No-Rise" Certification for Proposed Development s in the Regulatory Floodway.

#### Fish Habitat Structures

Projects for stream habitat restoration may be allowed provided:

The project qualifies for a Department of the Army, Portland District *Regional General Permit for Stream Habitat Restoration* (NWP-2007-1023, and

The applicant supplies a feasibility analysis and certification from a qualified professional that the project was designed to keep any rise in the 100-year flood levels as close to zero as practically as possible, and that no structures would be impacted by a potential rise, and

~~No structures would be impacted by a potential rise in flood elevation, and~~

~~An agreement to monitor the project, correct problems, and ensure that the flood carrying capacity remains unchanged is included with the application.~~

~~Qualified professionals may include private hydrology or hydraulic consultants, or hydrology or hydraulic professionals from the Soil and Water Conservation District, Natural Resources Conservation Service, Oregon Department of Fish and Wildlife, or similar qualified agency.~~

~~Other restrictions set forth in the most recent applicable Policy from FEMA may be required of such projects.<sup>72</sup>~~

### **SECTION 3.244 Variances**

**A. The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.<sup>73</sup>**

**A.B.** Variances to any Flood Hazard Overlay regulations shall be reviewed administratively, **in accordance with Section 2.110 – Administrative Action Procedure of the Director,<sup>74</sup>** unless the Planning Director elects the matter to be heard before the Planning Commission **or other authorized review authority.<sup>75</sup>**

#### **B.C. Conditions for Variances:**

- 1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases. Variances shall be approved only upon a finding that the provisions of Section 3.244.C.2 through 4 – Conditions for Variances are met.**
- 2. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.**
- 3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.**
- 4. Variances shall only be issued upon:**
  - a. A showing of good and sufficient cause;**
  - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;**

- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 5. Variances may be issued by the Planning Director for new construction and for other development necessary for the conduct of a functionally dependent use if the criteria of 3.244.C.2-4 – Conditions for Variances are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- 6. Variances may be issued for the repair or rehabilitation of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- 7. The Planning Director may attach conditions to the granting of the variance as is deemed necessary to further the purposes of this ordinance.

#### D. Variance Notification

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with Section 3.242.B.2 – Information to be Obtained and Maintained.<sup>76</sup>

~~C. In considering a variance to floodplain standards, the Planning Director or his designee shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:~~

- ~~1. The danger that materials may be swept onto other lands to the injury of others;~~
- ~~2. The danger to life and property due to flooding or erosion damage;~~
- ~~3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~
- ~~4. The importance of the services provided by the proposed facility to the community;~~
- ~~5. The necessity to the facility of a waterfront location, where applicable;~~
- ~~6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~
- ~~7. The compatibility of the proposed use with existing and anticipated development;~~

- ~~8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~
- ~~9. The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
- ~~10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and~~
- ~~11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.~~

~~D. Upon consideration of the factors in B., and the purposes of this ordinance, conditions may be attached to the granting of the variance as is deemed necessary to further the purposes of this ordinance.~~

~~E. Records of all appeal actions shall be maintained by Wasco County and any variances shall be reported to the Federal Insurance Administration upon request.~~

~~#~~

~~2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.~~

~~3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.~~

~~4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~

~~5. Variances shall only be issued upon:~~

~~a. A showing of good and sufficient cause;~~

~~b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;~~

~~c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.~~

~~6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.~~

- ~~7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except (E)(1), and otherwise complies with (C)(1) and 3.243(C)(2) of the General Standards.~~
- ~~8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.<sup>77</sup>~~

### **SECTION 3.245 Appeals**

Appeals shall be processed as described in **Section 2.230 -- Appeals to the Gorge Commission.** ~~of this Ordinance.<sup>78</sup>~~

### **SECTION 3.246 Compliance and Penalties for Noncompliance Required**

**A. All development within the ASFH is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.**

~~A. No person shall construct, erect, locate, maintain, repair, alter, enlarge, or change the use of a structure located within the ASFH in violation of this Ordinance.~~

~~B.~~

~~C.B.~~ No person shall initiate any development within the ASFH in violation of this Ordinance.

~~D.C.~~ The, construction, erection, location, maintenance, repair, alteration, enlargement or change in use of any structure, or the initiation of any development in violation of this Ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance shall be deemed a nuisance and shall be subject to the provisions of the Wasco County Code Compliance and Nuisance Abatement Ordinance.<sup>79</sup>

### **SECTION 3.247 Revising FIRM Maps**

~~A. Reasons to Revise FIRMs~~

~~The Wasco County FIRMs were established in 1984. Advances in technology along with physical changes in a given flood situation may necessitate a FIRM map being updated, revised, corrected, or changed. Common reasons why a FIRM may need to be changed include correcting certain features, including better ground elevation data, reflecting physical changes to the floodplain, submitting new or revised flood data, or to reflect a new flood control project.~~

~~Regardless of the reason a FIRM is changed, all changes must be submitted to FEMA and retained by Wasco County.~~

~~B. Types of Changes: There are four approaches to changing FIRMs. They include restudies, limited map maintenance projects, amendments, and revisions. Any request for a restudy, amendment or revision must be reviewed by Wasco County for compliance with this chapter.~~



~~1. Restudy~~~~a. A restudy is a new Flood Insurance Study for a part or all of a community.~~~~b. Restudies are typically large scale projects conducted by FEMA~~~~2. Limited Map Maintenance Project (LMMP)~~~~a. A LMMP is a small scale restudy that is limited in size and cost. This type of study is often used for studies of unnumbered A Zones, like those found in Wasco County.~~~~b. A LMMP may be conducted by FEMA or the community.~~~~3. Revision~~~~a. A revision is typically used for:~~~~i. Scientifically based challenges to flood elevations, or~~~~ii. Incorporation of new flood data, or~~~~iii. Reflecting fill placed in the floodplain, or~~~~iv. Changing floodplain boundaries,~~~~b. Revisions may be conducted by FEMA, requested by the community, or requested by property owner(s).~~~~5. Amendment~~~~a. An amendment is only used to remove an area that was inadvertently included in the ASFH. Often the ground is higher than depicted on the base map used for the FIRM.~~~~b. FEMA will review map amendments based on information submitted by the applicant. An amendment does not challenge the Flood Insurance Study or FIRM; it simply removes certain portions of a property from the ASFH because they are higher than the Base Flood Elevation~~~~C. Requesting Map Changes~~~~FEMA may actually change a FIRM and publish new copies. A restudy or LMMP will generally result in a new map. Additionally, FEMA may issue a Letter of Map Change (LOMC) when a revision can be adequately described in writing or through use of a small annotated map panel.~~~~There are two types of LOMCs; a Letter of Map Revision (LOMR) and a Letter of Map Amendment (LOMA).~~

1. ~~Letters of Map Revision (LOMRs) address revisions to the FIRM as described in Section B.3 above. A LOMR may be requested of FEMA by the applicant. A copy of the final LOMR must be provided to the County. FEMA typically charges a processing fee for all LOMRs.~~
2. ~~Letters of Map Amendment (LOMAs) address revisions to the FIRM as described in Section B.4 above. A LOMA may be requested of FEMA by the applicant. A copy of the final LOMA must be provided to the County. FEMA may not charge a processing fee for a LOMA.<sup>80</sup>~~

### **SECTION 3.248 Notes on Insurance**

The provisions of this section are provided for informational purposes and are subject to change without notice.

- ~~A. Coverage: Flood insurance is available for insurable buildings and their contents to property owners within the ASFH.~~
- ~~B. Waiting Period: Unless a Flood Insurance Policy is purchased at the time of closing, a 30-day waiting period typically follows the purchase of that policy before it goes into effect.~~
- ~~C. Mandatory Flood Insurance Purchase: If a building is located within the ASFH, a federally regulated lender is required by law to require the recipient of the loan to purchase a Flood Insurance Policy on the building. This policy is typically equal to the value of the mortgage on the building.~~
- ~~D. Lender's Choice: Although a lender may not be required by law to secure a Flood Insurance Policy on a building or structure located outside of the ASFH, it may choose to require coverage as a condition of a loan for any property. Neither Wasco County, nor FEMA control this requirement.~~
- ~~E. Flood Insurance for Contents: Mandatory Flood Insurance as described above typically does not cover the contents of the building unless an additional voluntary insurance policy is purchased specifically for the contents.~~
- ~~F. Further elevation of a structure beyond the required one foot (1') above BFE may significantly reduce the cost of a Flood Insurance Policy.<sup>81</sup>~~

### **SECTION 3.250 Division 2 - Geologic Hazards Overlay**

The purpose of the Geologic Hazards Overlay District is to protect the public health, safety and welfare by assuring that development in hazardous or potential hazardous areas is appropriately planned to mitigate the threat to man's life and property.

#### **A. Basis for Establishing the Geologic Hazards Overlay District**

The Geologic Hazards Overlay District is intended to be applied to areas identified by the State of Oregon Department of Geology and Mineral Industries, Geologic Hazards of Parts of Northern Hood River, Wasco and Sherman Counties, Oregon, 1977. A complete explanation and maps showing the natural hazards and geologic units can be found in this document; however, this document may be superseded by a more site specific study conducted by a licensed engineer or geologist registered in the State of Oregon.

#### **B. Approval Standards**

Prior to development, the following measures shall be utilized:

1. Any proposed developments on slopes greater than twenty-five percent (25%) shall be reviewed to ensure site suitability. Such review shall be conducted in the process for building permit approval and, unless the site has been identified as a geologic hazard area, shall rely on provisions of the Uniform Building Code for the protection of the public health, safety and welfare.
2. Any proposed development in an identified geologic hazard area shall be preceded by a written report by an engineering geologist or an engineer who certifies he is qualified to evaluate soils for suitability. For purposes of this section, development shall include any excavation or change in topography, such as home construction, associated roads, driveways, septic tank disposal fields, wells and water tanks. The written report of the engineering geologist or engineer shall certify that the development proposed may be completed without threat to public safety or welfare and shall be used in ministerially reviewing the development proposal.
3. In approval of a development permit, whether ministerial or through the [Administrative Action procedures of Chapter 2](#) of this Ordinance, the following conditions may be imposed at the time of approval to ensure site and area stability:
  - a. Maintain vegetation and eliminate widespread destruction of vegetation.
  - b. Carefully design new roads and buildings with respect to:
    - (1) Placement of roads and structures on the surface topography.
    - (2) Surface drainage on and around the site.
    - (3) Drainage from buildings and road surfaces.
    - (4) Placement of septic tank disposal fields.

- c. Careful construction of roads and buildings
  - (1) Avoid cutting toeslopes of slump blocks.
  - (2) Careful grading around the site, especially avoiding over-steepened cut banks.
  - (3) Re-vegetating disturbed areas as soon as possible.
- d. Other conditions may be imposed to reasonably assure that the development is protected from damage by mass movement.



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## **CHAPTER 4 SUPPLEMENTAL PROVISIONS**

### **SECTION 4.010 Maintenance of Open Space**

No lot area, yard, or other open space existing on or after the effective date of this Ordinance shall be reduced below the minimum required for it by this Ordinance, and no lot area, yard, off-street parking and loading area or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other open space for another use. This section does not apply to area requirements reduced below the minimum as a result of the creation of cemetery lots. Any required yard shall not include any land dedicated, reserved or set aside for road, highway, street or other public purposes except as provided in this Ordinance.

### **SECTION 4.020 Projections Into Yards**

Every part of a required yard shall be open from the ground to the sky unobstructed except for the following:

- A. Accessory buildings where permitted.
- B. Ordinary building projections such as cornices, eaves, belt courses, sills or similar architectural features may project into required side yards not more than eighteen (18) inches or into front and rear yards not more than twenty-four (24) inches.
- C. Chimneys may project into any required yard not more than eighteen (18) inches.
- D. Uncovered balconies or fire escapes may project into any required yard not more than three (3) feet.
- E. Uncovered terraces, decks or platforms may project or extend into a required setback not more than five (5) feet. Such terraces, decks or platforms including guardrails or fencing shall not extend thirty (30) inches above grade or ground level.

### **SECTION 4.030 Vision Clearance**

A vision clearance area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

- A. A vision clearance area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in the appropriate zone, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
- B. A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2 1/2) feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area removed to a height of eight (8) feet above the grade.



**C. The following measurements shall establish vision areas:**

1. In an agricultural or residential zone, the minimum distance shall be thirty (30) feet, or, at intersections including an alley, ten (10) feet.
2. In all other zones where yards are required, the minimum distance shall be fifteen (15) feet or, at intersections including alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

**SECTION 4.040 Off-Street Parking**

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this Section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

The following are the uses and minimum standards provided for off-street parking unless specified otherwise:

**A. Residential**

1. Single-family dwelling: One (1) space per dwelling unit.
2. Residential hotel, rooming or boarding house: Four (4) spaces per five (5) guest accommodations, plus one (1) space per two (2) employees.
3. Two family or multi-family dwellings: Three (3) spaces per two (2) dwelling units.

**B. Commercial**

1. Motel: One (1) space per guest room plus one (1) space for owner or manager.
2. Club or Lodge: One (1) space per five (5) seats, or one (1) space for each fifty (50) square feet of floor area used for assembly, whichever is greater.
3. Retail store except as provided in subsection (2): One (1) space per two hundred (200) square feet of floor area plus one (1) space per employee.
4. Service or repair shop, retail store handling exclusively in bulk merchandise such as automobiles and furniture: One (1) space per six hundred (600) square feet of floor area plus one (1) space per employee.
5. Bank, office (except medical and dental): One (1) space per six hundred (600) square feet of floor

area plus one (1) space per employee.

6. Medical and dental clinic: One (1) space per three hundred (300) square feet of floor area plus one (1) space for every four (4) seats.
7. Eating and drinking establishment: One (1) space per two hundred (200) square feet of floor area, plus one (1) space for every four seats.
8. Mortuaries: One (1) space per four (4) seats or every (8) feet of bench length in chapels.

**C. Institutional**

1. Welfare or correctional institutions: One (1) space per five (5) beds for patients or inmates, plus one (1) space per employee.
2. Convalescent hospital, nursing home, sanitarium, rest home for the aged: One (1) space per five (5) beds for patients or residents, plus one (1) space per employee.
3. Hospital: Three (3) spaces per two (2) beds.

**D. Places of Public Assembly**

1. Church: One (1) space for four (4) seats or every eight (8) feet of bench length in the main auditorium.
2. Library, reading room, museum, art gallery: One (1) space per four hundred (400) square feet of floor area plus one (1) space per two employees.
3. Pre-school, nursery, kindergarten: Two (2) spaces per teacher; plus off-street loading and unloading facility.
4. Elementary or junior high school: One (1) space per classroom plus one (1) space per administrative employee or one (1) space per four (4) seats or every eight (8) feet of bench length in the main auditorium, whichever is greater.
5. High School: One (1) space per classroom plus one (1) space per administrative employee plus one (1) space for each six (6) students or one (1) space per four (4) seats or eight (8) feet of bench length in the main auditorium, whichever is greater.
6. Other auditorium, meeting room: One (1) space per four (4) seats or every eight (8) feet of bench length.

**SECTION 4.050 Bicycle Parking Requirements**

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, bicycle parking shall be provided in accordance with the following standards:

- A. Number of Bicycle Parking Spaces** - A minimum of two (2) bicycle parking spaces per use is required for all uses with greater than 10 permanent vehicle parking spaces. The following additional standards apply to specific types of development:
  - 1. Recreational Uses and Parks** - Where the proposed use is recreational, bicycle parking shall be provided one (1) bicycle parking space for every 10 motor vehicle spaces. Fifty percent (50%) of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
  - 2. Schools** - Schools, both private and public, shall provide one (1) bicycle parking space for every 10 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
- B. Exemptions** - This Section does not apply to single family dwellings, home occupations, agriculture and livestock uses, or other developments with fewer than 10 permanent vehicle parking spaces.
- C. Location and Design** - Bicycle parking shall be conveniently located with respect to both the road right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other pedestrian amenities.
- D. Visibility and Security** - Bicycle parking shall be visible to cyclists from roadway sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- E. Options for Storage** - Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;
- F. Lighting** - Bicycle parking shall be least as well-lit as vehicle parking for security.
- G. Reserved Areas** - Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. Hazards** - Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located to avoid conflict with vision clearance standards ([Section 4.090 Vision Clearance](#)).

#### **SECTION 4.060 Public Parking Area**

Every parcel of land hereafter used as a public parking area or an automobile or trailer sales area shall be developed as follows unless otherwise specified:

- A.** Such areas shall be surfaced with permanent paving; they shall have bumper rails or curbs and be enclosed by a sturdy wall, fence or evergreen hedge not less than thirty (30) inches in height nor more than six (6) feet in height. Such wall, fence or hedge shall not enclose any required front yard or required side yard on the street side of a corner lot. Any such required front or side yard shall be properly maintained.

- B. Where a public parking area or automobile or trailer sales area is illuminated, the lights shall be fixed so as to reflect away from adjoining premises in residential zones.

#### **SECTION 4.070 Off-Street Loading**

- A. Schools: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.
- B. Merchandise, materials or supplies: Buildings or structures to be built or substantially altered to receive and distribute materials or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

#### **SECTION 4.080 General Provisions-Off-Street Parking and Loading**

- A. The provisions and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.
- B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Director of Planning based upon the requirements of comparable uses listed herein.
- C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- D. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap.
- E. Off-street parking spaces shall be located on the same or abutting lot with the building or use they are intended to serve.
- F. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

- G. Plans shall be submitted in sufficient detail so that they may be reviewed and approved by the appropriate reviewing authority.
- H. Design requirements for parking lots:
  - 1. Areas used for standing and maneuvering of vehicles shall have a durable and dustless, but not necessarily paved, surface maintained adequately for all weather use.
  - 2. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
  - 3. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.
  - 4. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movement or other maneuvering will be required within a street.
  - 5. Lighting of the parking area shall be deflected from a residential zone.
- I. Required parking spaces shall be improved and available for use by the time the use to be served by the parking space is ready for occupancy.

#### **SECTION 4.090 Through Lots**

- A. On through lots one hundred fifty (150) feet or less in depth, the height of a building may be that permitted on either street on which the lot faces.
- B. On through lots more than one hundred fifty (150) feet in depth, the height regulations for the greater height shall not extend more than one hundred fifty (150) feet from that street.
- C. Through lots having a frontage on two streets shall provide the required front yard on each street.

#### **SECTION 4.100 Exterior Finishing of Mobile Homes**

- A. All mobile homes located on any lot or parcel in Wasco County shall be skirted with fire-proof, non-decaying and non-corroding materials or shall be provided with a cement or concrete block exterior foundation. If metal skirting is employed, it shall be painted and formed in a pattern complementary to the siding of the mobile home.
- B. All awnings carports, ramadas, cabanas, and garages shall be painted and designed in a style complementary to the design of the mobile home.
- C. Wheels shall be removed from all mobile homes at the time of installation on property. In addition, tongues, and hitches shall be removed from all mobile homes wider than ten (10) feet that are installed on any parcel of land, exclusive of licensed mobile home parks. The Director of Planning may exempt certain mobile homes from the last requirement when removal would damage the frame and weaken the structure.

#### **SECTION 4.110 Accessory Buildings Serving as Guest Houses**

Any accessory building built to function as a guest house for use in a manner subordinate and incidental to the main use may be allowed on a lot-of-record on which a primary dwelling is situated, subject to the setback requirements of the underlying district, and the provisions of this section;

- A. Only one (1) guest house shall be allowed on a lot-of-record.
- B. The maximum floor area of a guest house, including all levels and basement floor areas shall not exceed six hundred (600) square feet. Garage area shall not count toward the total floor area. In addition to the six hundred (600) square foot size limitation, guest houses shall also be subject to the height limitations and the combined footprint size limitation established for accessory buildings in each zone.
- C. A guest house shall be located within one hundred (100) feet of the primary dwelling on the subject lot-of-record. This distance shall be measured from the closest portion of each structure.
- D. Occupants of a guest house and the primary dwelling shall live together as one house keeping unit, sharing one kitchen and one laundry facility, to be located in the primary dwelling. A guest house shall be permitted one (1) bathroom, but not a refrigerator or freezer, range/stove/oven, or other cooking appliances.
- E. All public water, electricity, natural gas and sewer services for the guest house shall be extended from the primary dwelling service. No separate meters for the guest house shall be allowed. A separate telephone line for the guest house may be provided.
- F. A guest house shall use the same septic system as the primary dwelling. Approval from the County Sanitarian shall be required.
- G. The property owners shall sign and record a covenant letting future property owners know the guest house cannot be used as a single family dwelling.

#### **SECTION 4.120 Traffic Impact Analysis (TIA)**

- A. Purpose - The purpose of this section of the code is to implement [OAR 660-012-0045 \(2\) \(e\)](#) of the State Transportation Planning Rule that requires the County to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the Study.
- B. Typical Average Daily Trips - The latest edition of the Trip Generation Report, published by the Institute of Transportation Engineers (ITE), or a source deemed acceptable to the City Engineer through the pre-application process (Section 4.120(D)(3)) shall be used to gauge the trip generation potential of future development.

**C. When Required** - A Traffic Impact Analysis shall be required to be submitted to the County with a land use application when the following conditions apply:

- 1.** The development application involves one or more of the following actions:
  - a.** A change in zoning or a management plan amendment initiated at the county level; or
  - b.** Any proposed development or land use action that ODOT states may result in operational or safety concerns along a state highway; and
  - c.** The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
    - (1)** An increase in site traffic volume generation by 200 Average Daily Trips (ADT) or more (or as required by the Wasco County Road Master); or
    - (2)** An increase in intersection traffic volume by 50 Average Daily Trips (ADT) or more (or as required by the Wasco County Road Master); or
    - (3)** An increase in use of adjacent roads by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
    - (4)** The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the adjacent roadway, creating a safety hazard; or
    - (5)** The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
    - (6)** A change in internal traffic patterns that may cause safety problems, such as back up onto the roadway or traffic crashes in the approach area.

**D. Traffic Impact Analysis Requirements**

- 1. Preparation** - A Traffic Impact Analysis shall be prepared by a professional engineer. The traffic analysis will be paid for by the applicant.
- 2. Transportation Planning Rule Compliance** - See Section 9.059 Transportation Planning Rule Compliance.
- 3. Pre-application Conference** - The applicant will meet with the County Road Master prior to submitting an application that requires a Traffic Impact Analysis. ODOT will be invited to

participate in the pre-application conference if a proposal is expected to have impacts to a state transportation facility. The objective of this meeting is to prepare a scope of the TIA, including the required elements of the TIA and the level of analysis expected.

**E. Approval Criteria**

1. Criteria - When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:
  - a. The Traffic Impact Analysis was prepared by a registered professional engineer in the State or Oregon; and
  - b. If the proposed development shall cause one or more of the effects in Section C(1)(c), above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis includes mitigation measures that meet County's volume-to-capacity ratio of 0.85 and satisfactory to the County Road Master, and ODOT when applicable; and
  - c. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
    - (1) Have the least negative impact on all applicable transportation facilities; and
    - (2) Accommodate and encourage non-motorized vehicular modes of transportation to the extent practicable; and
    - (3) Make the most efficient use of land and public facilities as practicable; and
    - (4) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
    - (5) Otherwise comply with applicable requirements of the Wasco County Land Development Ordinance.

**F. Conditions of Approval.** The County may deny, approve, or approve the proposal with appropriate conditions.

1. Dedication of land for streets/roadways, transit facilities, sidewalks, bikeways, paths, or access ways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
2. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or streets/roadways that serve the proposed use where the existing transportation system may be burdened by the proposed use may be required.





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## **CHAPTER 5 CONDITIONAL USE REVIEW**

### **SECTION 5.010 Purpose**

A conditional use is an activity which is basically similar to the uses permitted in a particular zone but which may not be entirely compatible with the permitted uses. Therefore, a conditional use must be approved through the Administrative Action procedure to ensure that the use is compatible with the permitted uses in a zone and consistent with the general and specific purposes of this Ordinance, the Wasco County Comprehensive Plan, and the Management Plan for the Columbia River Gorge National Scenic Area. Conditions of approval may be imposed to ensure that any use may be made compatible with surrounding uses and that non-resource uses permitted in resource areas do not interfere with accepted resource management practices.

### **SECTION 5.020 Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used**

Conditional uses listed in this Ordinance shall be permitted, enlarged or otherwise altered or denied upon authorization by Administrative Action in accordance with the procedures set forth in [Chapter 2](#) of this Ordinance. In judging whether or not a conditional use proposal shall be approved or denied, the Administrative Authority shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

- A. The proposal is consistent with the goals and objectives of the [Management Plan](#) for the Columbia River Gorge National Scenic Area, and consistent with the provisions of the County's implementing ordinances.
- B. Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses.
- C. The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical service, or solid waste disposal facilities.
- D. The proposed use will not unduly impair traffic flow or safety in the area.
- E. The effects of noise, dust and odor will be minimized during all phases of development and operation for the protection of adjoining properties.
- F. The proposed use will not significantly reduce or impair sensitive wildlife habitat, riparian vegetation along streambanks and will not subject areas to excessive soil erosion.
- G. The proposed use will not adversely affect the air, water, or land resource quality of the area.
- H. The location and design of the site and structures for the proposed use will not significantly detract

from the visual character of the area.

- I. The proposal will preserve areas of historic value, natural or cultural significance, including archaeological sites, or assets of particular interest to the community.

For properties located within or adjacent to farm or forest zones, or located nearby agricultural and forest operations, the following shall apply:

- J. The proposed use is compatible with agricultural uses and will not force a change in, or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to, or available for, farm or forest use.
- K. The proposed use or development will be sited in such a way as to minimize the loss of forest or agricultural land suitable for the production of crops or livestock and to minimize the chance of interference and not force a change in accepted farm or forest practices on surrounding lands devoted to, or available for, farm or forest use.
- L. The use or development will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel.
- M. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices w or Small-Scale Agriculture, Agriculture-Special, Commercial Forest Land, or Large or Small Woodland.

#### **SECTION 5.030 Conditions**

Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding permitted uses as are necessary to fulfill the general and specific purposes of this Ordinance may be imposed in approving an application, pursuant to [2.120\(C\)](#). Such conditions may include, but are not limited to, the following:

- A. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor.
- B. Establishing a special yard or other open space or lot area or dimension.
- C. Limiting the height, size, or location of a building or other structure.
- D. Designating the size, number, location, and nature of vehicle access points.
- E. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.
- F. Limiting or otherwise designating the number, size, location, height and lighting of signs.

- G. Limiting the location and intensity of outdoor lighting and requiring its shielding.
- H. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
- I. Designating the size, height, location and materials for a fence.
- J. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural, historic, or cultural resources.
- K. Other conditions to permit the development of the County in conformity with the intent and purpose of the conditional classification of uses.

#### **SECTION 5.040 Revocation of Conditional Use Permit**

Noncompliance with any condition placed on a conditional use permit shall be grounds for revocation of the permit. Revocation of a conditional use permit shall be considered a land use action and reviewed by the Planning Commission [or other authorized review authority](#)<sup>82</sup>. The following procedures shall be completed at least twenty (20) days prior to the date of the revocation hearing:

- A. A notice of violation pursuant to Section 15.090 shall be sent to the owner of the property on which the conditional use takes place.
- B. Notice of public hearing pursuant to [2.100](#)(B) shall be sent.

The opportunity for review of the Planning Commission [or other authorized review authority](#)<sup>82</sup> decision, pursuant to [Section 2.160](#) shall be available.

#### **SECTION 5.050 Criteria for Certain Transportation Facilities and Improvements.**

- A. Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are (1) not designated in the adopted [Wasco County Transportation System Plan](#) ("TSP") or (2) not designed and constructed as part of an approved, active, development order, are allowed in all zoning districts subject to the Conditional Use Review provisions of this ordinance and satisfaction of all of the following criteria :
  - 1. The project and its design are consistent with the County's adopted TSP and consistent with the State Transportation Planning Rule, [OAR 660-012](#) ("the TPR").
  - 2. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.
  - 3. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

4. The project includes provisions for bicycle and pedestrian access and circulation consistent with the requirements of this ordinance, and the TSP.
- B.** State transportation system facility or improvement projects. The Oregon Department of Transportation (“ODOT”) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in this Section. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.
- C.** Proposal inconsistent with TSP/TPR. If the County determines that the proposed use or activity or its design is inconsistent with the TSP or TPR, then the applicant shall first attempt to amend the project so that it is consistent. If the applicant can justify this is not practicable they can apply for a Management Plan and/or Zoning amendment prior to or in conjunction with conditional use permit approval. The applicant shall choose one of the following options:
1. If the County’s determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional use application; or
  2. If the County’s determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional permit application, apply for a Management Plan/Zone amendment, and re-apply for a conditional use permit if and when the amendment is approved; or
  3. If the County’s determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall submit a Management Plan/Zoning amendment application for joint review and decision with the conditional use permit application, along with a written waiver of the [ORS 215.429](#) 120/150-day period within which to complete all local reviews and appeals once the application is deemed complete; or
  4. If the County’s determination of inconsistency is part of a final decision on the conditional use permit application, the applicant shall submit a new conditional use permit application, along with a Management Plan/Zoning amendment application for joint review and decision.





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## CHAPTER 6 VARIANCES FROM BUILDING HEIGHTS, SLOPE, SETBACKS AND BUFFERS

### SECTION 6.010 Purpose

- A. When building height, setbacks, buffers or other review criteria specified in this Ordinance for protection of scenic, cultural, natural, recreational, agricultural or forestry resources overlap or conflict, building height, setbacks, or buffers should be varied in a manner to achieve, to the greatest extent possible, the overall protection of the affected resources.
  - 1. Variances of setbacks from parcel boundaries imposed on lands designated Agriculture, Special Agriculture, Rural Residential, or Commercial, to protect adjacent property owners and variances to the maximum building height shall not allow a development to:
    - a. infringe on any buffers or setbacks or supersede any height constraints stipulated under [Chapter 14 – National Scenic Area Review](#), or
    - b. encroach on setbacks established in and around land designated agriculture for the protection of lands that are used for or are suitable for agricultural uses.
  - 2. Setbacks established, in and around land designated agriculture, for the protection of lands that are used for or are suitable for agricultural uses shall not encroach on any buffer or setbacks stipulated under [Chapter 14 – National Scenic Area Review](#). (SMA Only)
- B. Building height, setbacks and buffers specified in this Ordinance for protection of scenic, cultural, natural, recreational, agricultural or forestry resources shall not be applied in the General Management Area in such a manner as to deprive the owner of a tract of land of the opportunity to establish a residence on the land if that opportunity is otherwise authorized by the land use designation. (GMA Only)

### SECTION 6.020 Criteria for Decision

- A. Authority
  - 1. Administrative Variance  
The request shall be for a variance to a building height, setback or buffer which is less than 50% of the stated standard for the building height, setback or buffer as stated in this ordinance.
  - 2. Planning Commission or Other Authorized Review Authority<sup>83</sup> Variance  
The request shall be for a variance to a building height, setback or buffer which is 50% or greater of the stated standard for the building height, setback or buffer as stated in this ordinance.
- B. When building height, setbacks or buffers specified in the standards for protection of scenic, cultural, natural, recreational, agricultural or forestry resources overlap or conflict, the building height, slope setbacks or buffers may be varied upon a demonstration that: (GMA Only)

1. A building height, setback or buffer specified in this Ordinance to protect one resource would cause the proposed use to fall within a setback or buffer specified in this ordinance to protect another resource; and
  2. Variation from the specified building height, setbacks or buffer would, on balance, best achieve the protection of the affected resources.
- C. A building height, setback or buffer specified in the standards for protection of scenic, cultural, natural, recreational, agricultural, or forestry resources may be varied in the General Management Area in order to allow a residence to be built on a tract of land upon a demonstration that:
1. The land use designation otherwise authorizes a residence on the tract;
  2. There is no site on the tract (all contiguous lots or parcels under the same ownership) on which a residence could be placed practicably in full compliance with the building height, setback or buffer; and
  3. The variance from the specified building height, setback or buffer is the minimum necessary to allow the residence.
  4. The variance shall not be used to permit an addition to a building (including, but not limited to, decks and stairs), when the addition would be within the setback, except where the building is wholly within the setback, in which case, the addition may only be permitted on the portion of the building that does not encroach any further into the required setback.
- D. All setbacks and buffer zones in the SMA shall remain undisturbed unless:
1. It has been shown that no practicable alternatives exist, as evidenced by completion of a practicable alternative test; and
  2. The [natural resources mitigation plan completed in accordance with Chapter 14](#) of this ordinance ensures that the development can be mitigated to ensure no adverse effects would result.



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## **CHAPTER 8 TEMPORARY USE PERMIT**

### **SECTION 8.010 Purpose**

A temporary use permit may be approved to allow the limited use of structures or activities which are temporary or seasonal in nature and do not conflict with the zoning district in which they are located. No temporary use permit shall be issued which would have the effect of permanently rezoning or granting a special privilege not shared by other properties in the same zoning district.

### **SECTION 8.020 Permitted Temporary Uses**

Temporary structures, activities or uses may be permitted, pursuant to [2.050\(A\)](#) of this Ordinance, [Chapter 3 – Basic Provisions](#), and [Chapter 14 – National Scenic Area Review](#).

### **SECTION 8.030 Criteria for Decision**

No temporary permits shall be issued except upon a finding that the proposed structure, activity or use would not permit the permanent establishment within a zoning district any use not permitted within the zoning district of any use for which a conditional use permit is required.

### **SECTION 8.040 Conditions Relative to the Issuance of Temporary Permits**

- A.** Reasonable conditions may be imposed pursuant to 2.120(C) by the Approving Authority in connection with the temporary permit to minimize the potential impact of the proposed use to other uses in the vicinity. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to:
  - 1. Special yards and spaces;
  - 2. Fences or walls;
  - 3. Control of points of vehicular ingress and egress;
  - 4. Special provisions on signs;
  - 5. Landscaping and maintenance thereof;
  - 6. Maintenance of the grounds;
  - 7. Control of noise, odors, or other nuisances;
  - 8. Limitation of time for certain activities.
- B.** Any temporary permit shall clearly set forth the conditions under which the permit is granted and shall clearly indicate the time period for which the permit is issued. No temporary permit shall be transferable to any other owner or occupant, but may be renewable through the Administrative Action process.
- C.** All structures for which a temporary permit is issued:

1. Shall meet all other requirements of the zoning district in which they are located;
2. Shall meet all applicable County health and sanitation requirements;
3. Shall meet all applicable County building code requirements;
4. Shall be removed upon expiration of the temporary permit unless renewed by the Director, or used in conjunction with a permitted use; and
5. Shall meet the appropriate requirements for the protection and enhancement of scenic, cultural, natural and recreation resources as required in [Chapter 14 – National Scenic Area Review](#).

#### **SECTION 8.050 Issuance of Permits**

- A. Temporary permits shall be issued for the time period specified by the Approving Authority but may be renewable upon expiration as an Administrative Action if all applicable conditions can again be met. In no case shall a temporary permit be issued for a period exceeding two (2) years, unless the temporary permit is renewed.
- B. Renewal of a temporary permit shall follow the same procedure as the initial application.

#### **SECTION 8.060 Temporary Use of a Manufactured Home (Family Hardship)**

- A. During a family hardship condition where the condition relates to the necessary care for aged, infirm or persons otherwise incapable of maintaining a separate residence, the Director may authorize the placement of a manufactured home on a lot if the following criteria are met:
  1. The request for the manufactured home is submitted in writing. Such request shall state the nature of the hardship, the names of the persons who will occupy such dwelling, the relationship of the occupants of such dwelling to the residents, and the estimated period of time the dwelling will remain on the property.
  2. The additional dwelling will use the same subsurface sewage disposal system used by the existing dwelling if that said sewage disposal system is adequate to accommodate the additional dwelling unless the additional dwelling can utilize a public sanitary sewer system.
  3. The additional dwelling is a manufactured home or recreational vehicle as defined in [Section 1.200](#) of this Ordinance.
  4. A family hardship exists where conditions relate to the necessary care for a member of the family occupying the principal dwelling and where medical conditions relate to the infirm or aged.
  5. The location and use of the additional dwelling otherwise conforms to the provisions established for the zone, and is found to be consistent with Chapter 14 – National Scenic Area Review.
  6. The structure does not require a permanent foundation.
- B. Temporary placement of an additional dwelling may be granted for the time period specified by the Director, subject to annual review for compliance with the provisions of this section and any other conditions of approval. A temporary use permit may be renewable upon expiration if all applicable

conditions can be met. In no case shall a temporary placement be authorized for a period exceeding two (2) years, unless the temporary placement is renewed.

- C. The Director shall determine whether or not the conditions described in this section warrant approval of the request to place an additional dwelling on the property. The Director may require a Doctor's, Physician's Assistant or nurse Practitioner statement showing that the person is incapable of maintaining a separate residence and needs to be near a family member for care and supervision. The Director may also require the applicant to provide any other evidence as he deems necessary to make that determination.
- D. Upon expiration of the time period for which the temporary placement was authorized, or at such time as the hardship ceases to exist, whichever comes first, the property owner shall have thirty (30) days in which to remove the additional dwelling from the property, unless an extension is granted as prescribed above.



## CHAPTER 9 ZONE CHANGE, ORDINANCE AMENDMENT AND REVISION OF URBAN AREA BOUNDARIES

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## **CHAPTER 9 ZONE CHANGE AND ORDINANCE AMENDMENT**

### **SECTION 9.010 Gorge Commission**

All zone changes shall first require an amendment to the Management Plan by the Gorge Commission. Upon receipt of an application for a zone change, the Gorge Commission shall schedule a hearing on the matter and take such action as may appear appropriate to that body. Amendments to the Management Plan shall be conducted by the Gorge Commission as specified in [Section 9.100](#), Amendment of the Management Plan.

Upon final approval of the zone change by the Gorge Commission and concurrence by the Secretary of Agriculture, the zone change shall be reviewed by the County pursuant to those procedures set out in [Sections 9.020](#), [9.030](#), [9.040](#), [9.060](#), [9.070](#) and [9.080](#).

### **SECTION 9.020 Application for Zone Change**

Application for a zone change may be initiated as follows:

- A. By resolution of the County Board of Commissioners referring to the Planning Commission a proposal therefore;
- B. By a majority vote of the Planning Commission confirmed by the Wasco County Governing Body;
- C. By application filed with the Director of Planning upon forms prescribed by the Director of Planning and signed by a property owner within the area of the proposed change, and containing such information as may be required to establish the criteria for the change (quasi-judicial only);
- D. By petition filed with the Director of Planning upon forms prescribed by the Director and bearing the signatures of not less than two hundred (200) registered voters of the County.

Any petition for a Zone Change shall be accompanied by any additional information or material which petitioners feel justifies the need for action.

Within 90 days of receipt of the petition the Director of Planning shall present the petition to the County Governing Body and provide a recommendation. An authorized representative of the petitioners shall be notified of the date of the review and shall be allowed the opportunity to explain the petition. The County Governing Body may accept or reject the petition. If the petition is accepted the County Governing Body shall determine the timeframe to initiate the Zone Change process.

- E. By request of the Planning Director, limited to changes required to implement the Comprehensive Plan, the Management Plan, or to eliminate spot zoning.

### **SECTION 9.030 Criteria for Decision**

The Approving Authority may grant a zone change only if the following circumstances are found to exist:

- A. The original zoning was the product of a mistake; or



**B. It is established that:**

1. The rezoning will conform with the Management Plan for the Columbia River Gorge National Scenic Area; and,
2. The site is suitable to the proposed zone;
3. There has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.

**SECTION 9.040 Transportation Planning Rule Compliance**

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

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
2. Change standards implementing a functional classification system; or
3. As measured at the end of the planning period identified in the adopted transportation system plan:
  - a. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
  - b. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
  - c. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

**B. Amendments That Affect Transportation Facilities** - Amendments to the land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:

1. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

2. Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of Section -0060 of the TPR.
  3. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation. This may require a Management Plan amendment.
  4. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- C. Traffic Impact Analysis - A Traffic Impact Analysis shall be submitted with a zone change application pursuant to [Section 4.120](#) Traffic Impact Analysis (TIA)

#### **SECTION 9.050 Conditions Relative to the Approval of a Zone Change**

Reasonable conditions may be imposed, pursuant to [Section 2.110](#)(D) as are necessary to insure the compatibility of a zone change to surrounding uses and as are necessary to fulfill the general and specific purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

- A. Special yards and spaces;
- B. Fences and walls;
- C. Special parking and/or loading provisions;
- D. Street dedication and improvements or bonds in lieu of improvements;
- E. Control of points of vehicular ingress and egress;
- F. Special provisions for signs;
- G. Lighting, landscaping and maintenance of grounds;
- H. Control of noise, vibration, odors, or other similar nuisances.

#### **SECTION 9.060 Amendments to the Zoning Ordinance**

Amendments to this Ordinance may be initiated as follows:

- A. By resolution of the County Governing Body referring a proposed amendment to the Planning Commission for its consideration, report and recommendations;
- B. By a majority vote of the Planning Commission confirmed by the Wasco County Governing Body;
- C. By petition filed with the Director of Planning upon forms prescribed by the Director and bearing the signatures of:

1. Not less than two hundred (200) registered voters of the County; or
2. Where the proposed amendment would affect a limited area within the County, at least sixty percent (60%) of the recorded owners of property within the area and three hundred (300) feet thereof, and accompanied by a list of the record owners of property within the area and three hundred feet thereof.

Any petition for Ordinance amendment shall be accompanied by any additional information or material which petitioners feel justifies the need for action.

Within 90 days of receipt of the petition the Director of Planning shall present the petition to the County Governing Body and provide a recommendation. An authorized representative of the petitioners shall be notified of the date of the review and shall be allowed the opportunity to explain the petition. The County Governing Body may accept or reject the petition. If the petition is accepted the County Governing Body shall determine the timeframe to initiate the Ordinance Amendment process.

- D. By request of the Director of Planning or the District Attorney to conform the Ordinance to changes in the State Law;
- E. Any Ordinance amendment that will require an amendment to the Management Plan shall first be reviewed by the Gorge Commission and concurred upon by the Secretary of Agriculture pursuant to those procedures set out in [Section 9.100, Amendment to the Management Plan](#). Upon amendment of the Management Plan, the application shall be reviewed by the County, pursuant to those procedures set out in Sections [9.050](#), [9.060](#), [9.070](#), [9.080](#) and [9.090](#) of this ordinance.
- F. Any Ordinance amendment that does not require an amendment to the Management Plan shall first be reviewed by the County, pursuant to those procedures set out in Sections [9.050](#), [9.060](#), [9.070](#), [9.080](#) and [9.090](#) of this ordinance.

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

After the hearing, the Approving Authority shall recommend that the proposed zone change or amendment to the Zoning Ordinance be granted or denied. The Planning Director or their assistants shall reduce to writing the Planning Commission's recommendations together with a brief statement of the facts and reasons upon which such recommendation is based.

#### **SECTION 9.080 Notice of Planning Commission Recommendation**

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

**SECTION 9.090 Action by County Governing Body**

Upon receipt of the Commission report, the County Governing Body shall take such action as may appear appropriate to that body, or as it feels the public interest requires, provided that in no event shall the County Board of Commissioners act until at least twenty (20) days after the Notice of Planning Commission Recommendation has been mailed.

**SECTION 9.100 Action by the Gorge Commission**

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

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

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

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

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

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

**SECTION 9.110 Amendment of the Management Plan**

Congress gave the Gorge Commission the authority to amend the Management Plan, after adoption, if the Gorge Commission determines that conditions within the National Scenic Area have changed significantly it may amend the Management Plan pursuant to Commission Rule 350-50.

**SECTION 9.120 Revision of Urban Area Boundaries**

Congress designated 13 cities and towns as "Urban Area": Cascade Locks, Hood River, Mosier and The Dalles, Oregon, and Bingen, Carson, Dallesport, Home Valley, Lyle, North Bonneville, Stevenson, White Salmon and Wishram, Washington. Urban Areas are exempt from regulation under the Management Plan. The Columbia River Gorge Commission has defined the revision process in the Management Plan, under Revision of Urban Area Boundaries.



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## **CHAPTER 10 RESOURCE ENHANCEMENT PROJECTS, DISPOSAL SITES AND MINERAL & AGGREGATE REVIEW**

### **SECTION 10.100 Resource Enhancement Projects (GMA & SMA)**

Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, which may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries) subject to the following criteria:

- A.** Applications for resource enhancement projects must describe the goals and benefits of the proposed enhancement project. They must also thoroughly document the condition of the resource before and after the proposed enhancement project. Applicants shall seek technical assistance from federal, state or county technical experts for assistance in designing voluntary wetland, stream, habitat, plant, and scenic enhancement projects.
- B.** In addition to other guidelines that protect scenic, cultural, recreation, and natural resources, quarry enhancement projects shall comply with the following:
  - 1.** Application Requirements. In addition to other applicable requirements, land use applications for quarry enhancement projects shall include a reclamation plan that provides all the applicable information specified in [10.300\(A\)](#) except the words "pre-reclamation" and "post-reclamation" should replace the words "pre-mining" and "post-mining," respectively, and the appropriate state agency or local government does not have to approve the reclamation plan and meet the requirements of [10.300\(B\)\(1\)](#) if any of the quarry enhancement project is visible from Key Viewing Areas. The reclamation plan should provide at a minimum the following:
    - a.** (A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre- reclamation existing grades and post- reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.
    - b.** Cross-sectional drawings of the site showing pre- reclamation and post- reclamation grades.
    - c.** Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.
    - d.** Description of drainage/erosion control features to be employed for the duration of the use.
    - e.** A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.



2. Scenic Resource Standard. Quarry enhancement projects shall restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable.
3. Natural Resource Standard. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.
4. Time Frames. The following time frames shall apply to quarry enhancement projects:
  - a. All grading (e.g., excavating, filling and re-contouring) shall be completed within one (1) year of the date an applicant begins on-the-ground work.
  - b. All landscaping shall be planted within one (1) year of the date an applicant completes the grading.
  - c. An applicant may request one one-year extension to the one year grading time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after grading has commenced and before the one year grading time frame has expired.
  - d. An applicant may also request one six-month extension to the one (1) year landscaping time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after landscaping has commenced and before the one-year landscaping time frame has expired.
- C. Enhancement of wetlands not associated with any other project proposal may be allowed, if such efforts comply with the wetlands provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a written plan consistent with the guidelines under “Wetlands Compensation Plans”.
- D. Enhancement of streams, ponds, lakes, and riparian areas not associated with any other development proposal may be allowed, if such efforts comply with the water resource provisions in this Management Plan. Enhancement efforts shall be conducted pursuant to a written plan consistent with the guidelines under “Water Resources Mitigation Plans”.
- E. In the SMAs, enhancement of wetlands, streams, ponds, lakes, and riparian areas not associated with any other project proposal may be allowed, if such efforts comply with the wetlands, streams, ponds, lakes, and riparian areas provisions in the Management Plan. Enhancement efforts shall be conducted pursuant to a written plan, consistent with the guidelines described in “SMA Policies: Water Resources”.

#### **SECTION 10.200 Disposal Sites (GMA & SMA)**

Disposal sites managed and operated by the Oregon Department of Transportation, or the Wasco County Public Works department for earth materials and any intermixed vegetation generated by

routine or emergency/disaster public road maintenance activities within the National Scenic Area, subject to the following:

- A. Application Requirements. In addition to other applicable requirements, land use applications for disposal sites shall include the same information that applicants are required to submit for expansion of existing quarries and exploration, development (extraction or excavation), and production of mineral resources in the GMA which are indicated in [10.300\(A\)](#) & [\(B\)\(1\)](#), Mineral and Aggregate Review, in addition to the following:
  - 1. Cultural resource reconnaissance and historic surveys, as required by [Section 14.500](#). Disposal sites shall be considered a "large-scale use".
  - 2. Field surveys to identify sensitive wildlife areas or sites and rare plants as described in [Section 14.600](#).
- B. Siting Standard. The proposed disposal site shall only be approved if the applicant demonstrates it is not practicable to locate the disposal site outside the National Scenic Area or inside an Urban Area. At a minimum, the applicant shall submit a feasibility and suitability analysis that compares the proposed disposal site to existing or potential disposal sites located both outside the National Scenic Area and inside an Urban Area.
- C. Scenic Resource Standards. Disposal sites shall comply with the same scenic resources protection standards as expansion of existing quarries and exploration, development (extraction or excavation), and production of mineral resources in the GMA, in [10.300\(B\)\(2\)](#) through (5).

## **SECTION 10.300 Mineral and Aggregate Review (GMA Only)**

### **A. All Mineral and Aggregate Operations**

- 1. For all new exploration, development (extraction or excavation), and production of mineral resources and expansion of existing quarries, a reclamation plan is required in addition to the site plan. The reclamation plan shall address the restoration of the site to a natural appearance which blends with and emulates distinctive characteristics inherent to its landscape setting. At a minimum, such reclamation plans shall include:
  - a. A map of the site, at a scale of 1" = 200' or a scale at greater detail with ten (10) foot contour intervals or less, showing pre-mining existing grades and post-mining, final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch-basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing and equipment areas employed for the duration of the use;
  - b. Cross-sectional drawings of the site showing pre-mining and post-mining grades;
  - c. Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, and processing activities;
  - d. A landscaping plan providing for revegetation consistent with the vegetation patterns of the

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

**B. Mineral and Aggregate Operations Visible from Key Viewing Areas**

1. For proposed mining and associated activities on lands visible from Key Viewing Areas applicants shall submit perspective drawings of the proposed mining areas as visible from applicable Key Viewing Areas.
2. An interim time period to achieve compliance with visual subordination requirements in the GMA, for expansion of existing quarries and development of new quarries located more than three miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed three years beyond the date of approval.
3. New exploration, development (extraction or excavation), and production of mineral resources on sites less than 3 miles from the nearest Key Viewing Area may be allowed upon a demonstration that the area to be mined and the area used for primary processing, equipment storage, stockpiling, etc., associated with the use would be fully screened from any Key Viewing Area as described in 5 below. The applicant shall also meet the requirements of B(2) above.
4. An interim time period to achieve compliance with full screening requirements for new quarries located less than three miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed one year beyond the date of approval. Quarrying activity occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide screening, for example the creation of berms and planting of trees.



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## CHAPTER 11 FIRE SAFETY STANDARDS

### SECTION 11.010 Purpose of Fire Safety Standards:

- A. To inform and notify rural residents that fire protection services are limited or nonexistent through much of Wasco County.
- B. Encourage residents to become familiar with the structural fire protection district that will respond to their property (if there is one).
- C. To notify them that the volunteer fire protection districts can only serve if they have sufficient trained volunteers to meet demands. Please consider volunteering.
- D. To reduce threats to life, safety, property, and resources by improving access to and defensibility of development in rural areas.
- E. To educate current and future property owners about fire safety standards and regulate fire standards in a manner that decreases review process where possible while communicating requirements as clearly as possible.
- F. To provide flexibility where necessary by providing for a review process that will allow modifications to fire safety standards where necessary with comment and recommendations from emergency responders.
- G. To establish consistency between standards currently listed in various zones, Oregon Department of Forestry regulations, and best available science.

### SECTION 11.020 Applicability of Fire Safety Standards

- A. Applicability of Fire Safety Standards in Different Rural Zones:  
County Ordinances affect all rural zones (all zones outside an Urban Growth Boundary). All rural zones are subject to fire standards but the applicability of the specific standards varies by zone and by use type. Zoning terms used to classify groups of land use designations in the Fire Safety Standard Checklist, Sections 11.110 to 11.150, are defined in the following table (any more specific distinctions based on parcel shape or specific zoning designation are also called out in the checklist):

Zoning Classifications Referred to in the Fire Safety Standards Checklist, Sections 11.110-11.150		Zones
All Zones – All rural zones anywhere outside an adopted Urban Growth Boundary	<b>Exception Areas and Smaller Lot Residential</b> - Exception areas with smaller lot residential, rural commercial, rural industrial or rural community land use designations.	RR-1, RR-2
	<b>Resource Zones and Large Lot Residential</b> - Resource or recreation zones and rural residential areas with larger minimum lot sizes.	RR-5, RR-10, A-1, A-2 F-1, F-3 & PR

Please also work with the County Planning Department if you are permitting only an accessory structure or replacing or adding onto an existing home, commercial, or industrial structure and they will help you determine which standards apply to that specific type of land use in accordance with (B) below.

**B. Applicability of Fire Standards to Different Types of Land Uses**

**1. Zones affected by Fire Standards**

Fire standards are applicable in all rural zones, but different standards may apply in different types of zones. The applicability of fire standards by zone is discussed in (A) above and noted in the fire safety standards checklist below, Sections 11.110 to 11.150. The checklist also highlights any specific differences in the applicability of the standard due to size of lot or specific zoning.

**2. Uses affected by Fire Standards**

Some fire standards are applicable only to new dwellings while others are applicable to all kinds of structures and alterations to structures. The following table lists the fire safety standards applicable to different types of development.



<b>Applicability of Fire Safety Standards to Different Types of Land Uses</b>	
<b>All New Dwellings and Rural Commercial or Rural Industrial Buildings</b>  <b>Conditional Use Permit, Subject to Standards, Site Plan Review, and Permitted Dwellings</b>	<b>Siting</b> – (A) Avoid slopes > 40% & (B) Set back from top of slopes > 30% <b>Defensible Space</b> – (A) Fire fuel break & (B) Minimum of 50 feet to unmanaged lands around structures <b>Construction Standards</b> – (A.1) Roofing, (A.2) Spark Arresters, (B.1) Clear Clean & Protected Decks, (B.2) Screened Exterior Openings, (B.3) Overhanging trees, (B.4) Underground Utilities, (B.5) Stand Pipe <b>Access</b> – (A) Improved Surface & Minimum Driveway widths, (B) Turn Radius, Maximum Slopes, & Pull Outs, (C) Physical Clearance & Fire Fuel Breaks on Driveways, (D) Turnarounds, (E) Bridges & Culverts, (F) Gates, (G) Signs & (H) Roads to the property <b>Structural Fire Protection Required</b>
<b>Relocated Dwellings (Replacement in a new location)</b>	<b>Siting</b> – (A) Avoid slopes > 40% & (B) Set back from top of slopes > 30% <b>Defensible Space</b> – (A) Fire fuel break & (B) Minimum of 50 feet to unmanaged lands around structures <b>Construction Standards</b> – (A.1) Roofing, (A.2) Spark Arresters, (B.1) Clear Clean & Protected Decks, (B.2) Screened Exterior Openings, (B.3) Overhanging trees, (B.4) Underground Utilities & (B.5) Stand Pipe <b>Access</b> – (A) Improved Surface & Minimum Driveway widths, (B) Turn Radius, Maximum Slopes, & Pull Outs, (C) Physical Clearance & Fire Fuel Breaks on Driveways, (D) Turnarounds, (E) Bridges & Culverts, (F) Gates & (G) Signs.
<b>Replacement Dwellings (In Kind – same size / same location)</b>	<b>Defensible Space</b> – (A) Fire fuel break & (B) Minimum of 50 feet to unmanaged lands around structures. <b>Construction Standards</b> – (A.1) Roofing, (A.2) Spark Arresters, (B.1) Clear Clean & Protected Decks, (B.2) Screened Exterior Openings, (B.3) Overhanging trees, (B.4) Underground Utilities, (B.5) Stand Pipe <b>Access</b> – (A) Improved Surface & Minimum Driveway widths, (B) Turn Radius, Maximum Slopes, & Pull Outs, (C) Physical Clearance & Fire Fuel Breaks on Driveways, (D) Turnarounds, (E) Bridges & Culverts, (F) Gates & (G) Signs
<b>Improved Expanded Dwellings</b>	<b>Defensible Space</b> – (A) Fire fuel break & (B) Minimum of 50 feet to unmanaged lands around structures <b>Construction Standards</b> – (A.1) Roofing, (A.2) Spark Arresters, (B.1) Clear Clean & Protected Decks, (B.2) Screened Exterior Openings, (B.3) Overhanging trees, (B.4) Underground Utilities & (B.5) Stand Pipe <b>Access</b> – (C) Physical Clearance and Fire Fuel Breaks on Driveways, (F) Gates & (G) Signs
<b>Accessory Buildings</b>	<b>Siting</b> – (A) Avoid slopes > 40% & (B) Set back from top of slopes > 30% <b>Defensible Space</b> – (A) Fire fuel break <b>Construction Standards</b> – (A.1) Roofing, (A.2) Spark Arresters, (B.1) Clear Clean & Protected Decks (B.2) Screened Exterior Openings, (B.3) Overhanging trees, (B.4) Underground Utilities & (B.5) Stand Pipe <b>Access</b> – (C) Physical Clearance & Fire Fuel Breaks on Driveways, (F) Gates & (G) Signs

<b>Accessory or Agricultural Structures/building</b>	<b>Construction Standards</b> – (A.1) Roofing, (A.2) Spark Arresters, (B.1) Clear Clean & Protected Decks (B.2) Screened Exterior Openings, (B.3) Overhanging trees, (B.4) Underground Utilities, (B.5) Stand Pipe
<b>Land Divisions</b>	<b>Fire Mitigation Plan</b> shall be submitted identifying all home sites, building envelopes, and access as necessary to demonstrate compliance with all applicable fire standards on proposed lots.
<b>Remodeling which does not require a Review</b>	<b>Construction Standards</b> – (A.1) Roofing, (A.2) Spark Arresters, (B.1) Clear Clean & Protected Decks (B.2) Screened Exterior Openings

3. Applicability of Defensible Space Standards not associated with new development. Wasco County recognizes the benefits of thinning and hazardous fuel reductions not associated with new development and encourages land owners to work with local, state and federal agencies to achieve this subject to the following limitations:

a. General Management Area

- (1) This is allowed without review as long as there are no existing conditions on a review to prohibit it. Check with the Wasco County Planning Department to verify this.

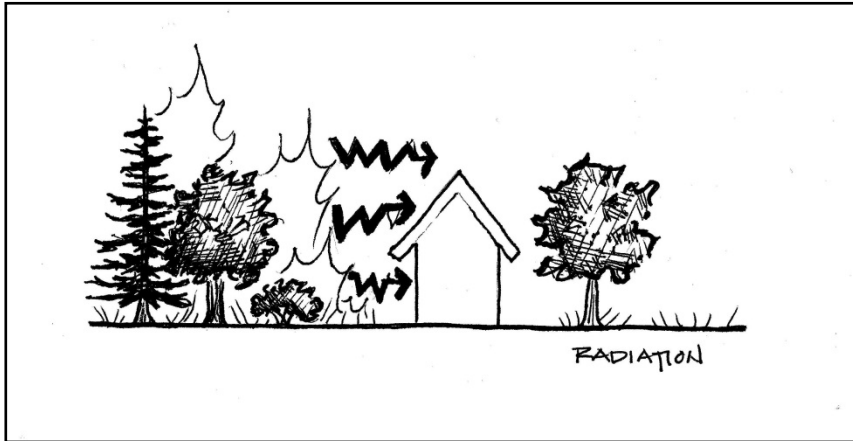
b. Special Management Area

- (1) Non-ground disturbing defensible space work within 50 feet of a lawfully established building consisting of brush pruning/trimming, tree limbing, removal of hazard trees (as defined in Section 1.200) and other activities outlined in [Section 11.120](#) (A) that are not considered forest practices is allowed without review as long as there are no existing conditions on a review to prohibit it. Check with the Wasco County Planning Department to verify this.
- (2) Ground disturbing activity or removal of non-hazard trees falls within the definition of a "Forest Practice" and must be approved through a review prior to the commencement of any work.

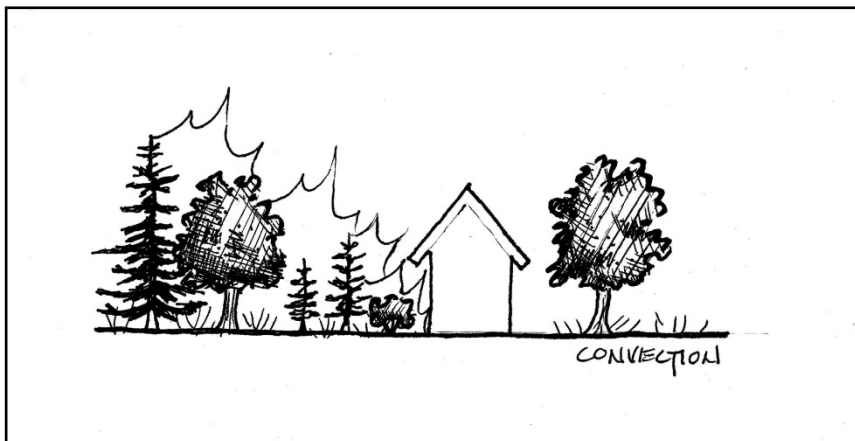
## **SECTION 11.030 Introduction**

### **A. Cause of Wild Land and Fire Spread and Residential Starts**

1. Radiated Heat – Fires are started by heat that radiates or spreads out from flames, (e.g., run your finger above a candle flame). Flames of every size radiate heat. Smaller ground level flames radiate less heat than larger flames generated by crown fires. The larger the flames near a structure the greater the chance of the structure being ignited by radiant heat. Radiant heat is also hotter above the flames than it is beside the flame so where a structure is located on a slope can also affect the risk of a structure igniting from radiated heat from a wild fire.



2. Convection or Direct Contact with Flames – Fires are also ignited by direct contact between the structure and the flame. When flammable material (wood piles, shrubbery, dead leaves, or grass) accumulates under eaves or decks or near the house, the structure is exposed to a much greater risk of ignition as the flammable fuel will feed the flames right at the structure.



3. Firebrands or Contact with Flying Embers – Fires can start from burning embers carried aloft from as far away as a mile or more. Fire brands are most dangerous when they:
- a. Land on flammable roofs or decks,
  - b. Settle or are sucked into openings in eaves, soffits, roof vents, under decking, or in crawl spaces through foundation vents, or
  - c. Fall on and ignite nearby vegetation or flammable materials, especially if stored or accumulated under eaves, decks, or other structural extensions that can trap the heat generated by the burning of flammable materials.



**B. What's Necessary to Defend Against Wild Land Fire?**

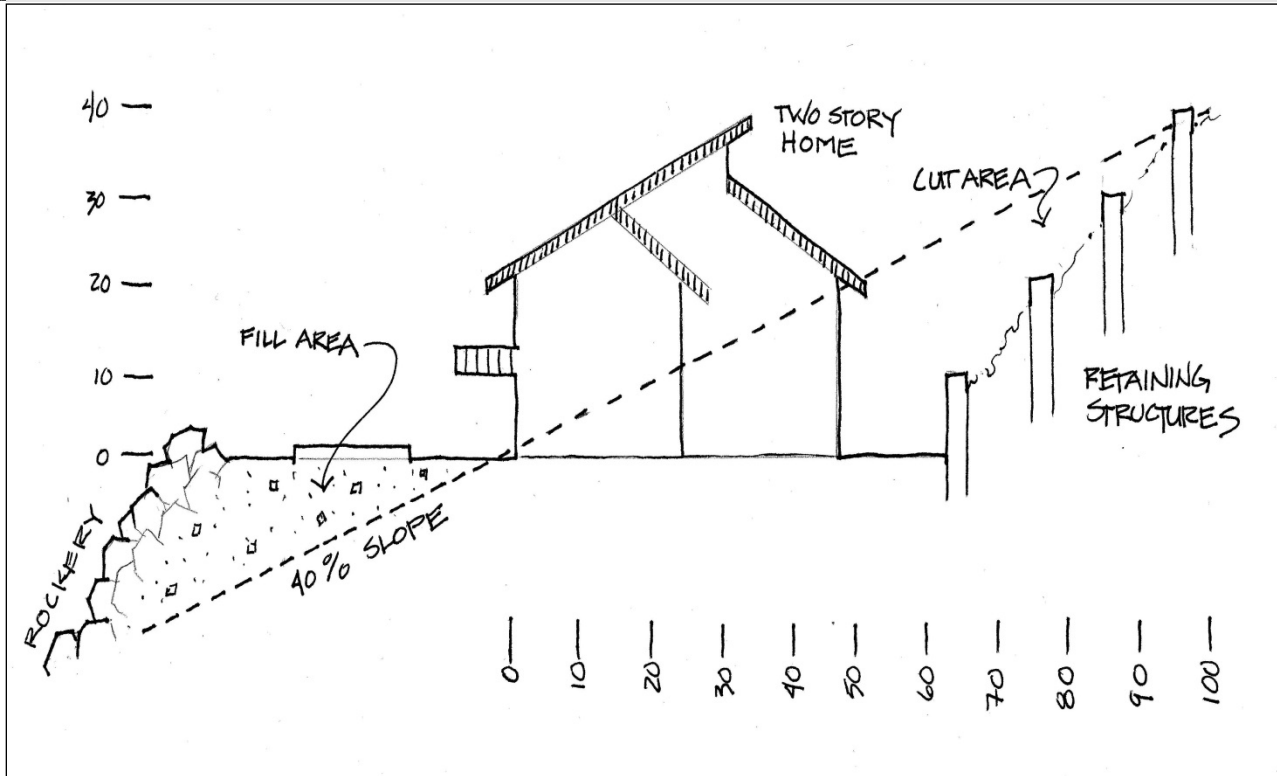
1. Access to structures and property.
2. Room to maneuver around structures.
3. Elimination and containment of fire fuels to limit ignition risks around the structure.
4. Use of fire resistant materials to decrease ignition risks at the dwelling or structure.
5. On-site water supplies to help extinguish a small fire before it requires a full response or becomes a wild land fire start.

**C. Fire Safety Standards**

Sections 11.110 to 11.150 of this chapter state the Fire Safety Standards on one page. The zones in which the safety standards apply, the benefits of compliance with safety standards, and the necessary actions if an applicable standard cannot be met are stated on the facing pages. Sections 11.210 to 11.240 describe the review and self-certification process and necessary steps to permitting a modification of fire safety standards.

**SECTION 11.110 Siting Standards - Locating Structures for Good Defensibility**

**A. Does your building avoid slopes steeper than 40% (more than 40-foot elevation gain over 100 feet horizontal distance)?**



**A. This Standard is applicable to dwellings, accessory buildings, and agricultural buildings in:**

-All zones

**A. If Yes Then**

- Extensive and costly grading and ground disturbance will be avoided
- Emergency responders will have room to access and maneuver around all sides of the structure.
- Structure will avoid exposure to the hottest side of fast moving flames climbing the slope
- Structure will avoid potential of trapping heat rising off of flames on the slope below.

**A. If No Then**

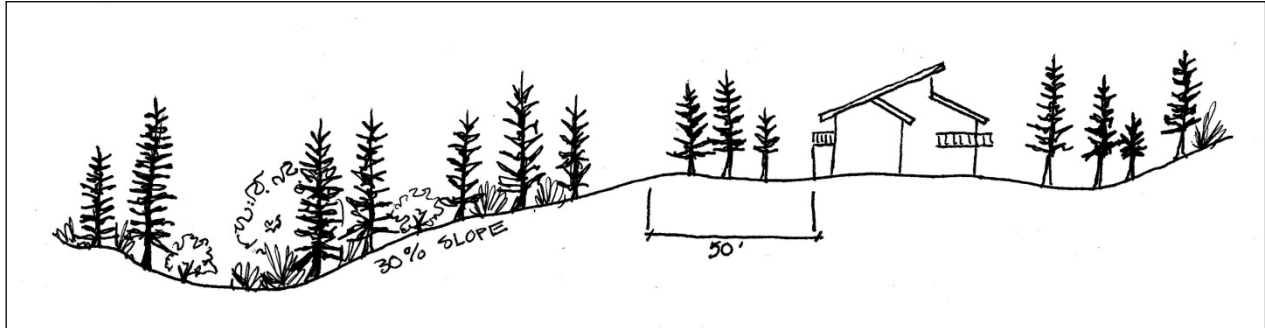
A modification of fire safety standards must be requested.

The fire mitigation plan submitted with the request for modification must propose mitigation measures such as:

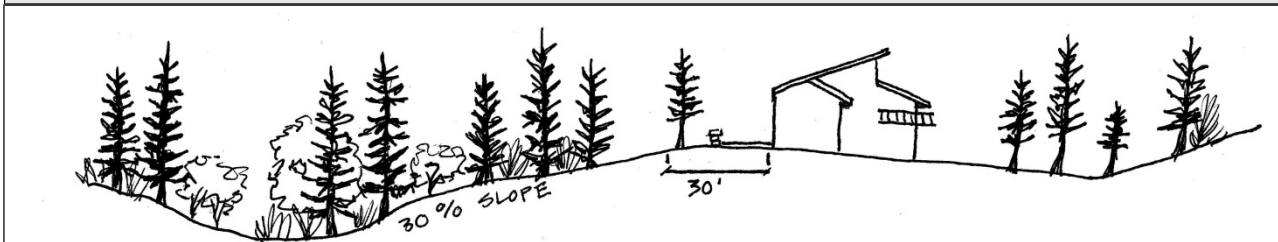
- Structural fire proofing (thermal windows, smaller windows, fire retardant building materials on all sides).
- National Fire Protection Association (NFPA) Sprinkler system if access standards cannot be met.
- Expanded fire fuel breaks.
- Additional irrigation on all sides of the home and an onsite water supply capable of running the irrigation system for extended periods.
- Evacuation plan.

## B. Setbacks

1. Is your building set back from the top of slopes greater than 30% by at least 50 feet? -or-



2. Is your building set back from the top of slopes greater than 30% at least 30 feet? -and-

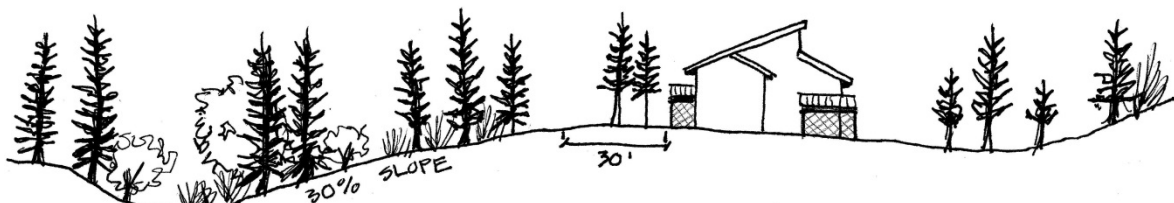


No structures or other extensions closer than 30 feet from top of slope

Stone or Concrete patio rather than above ground decking

Enclosed soffits

-OR-



Fire resistant or noncombustible exterior materials (siding, decking, roofing)

Large timber or metal supports for decks or other extensions

Decking area screened or enclosed

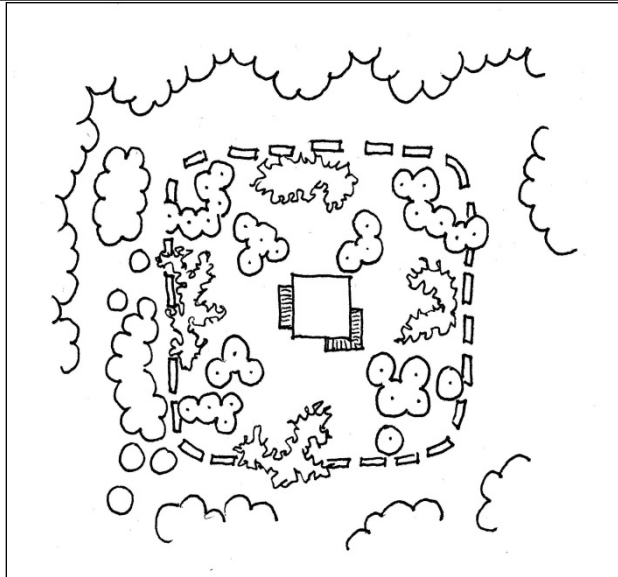
Enclosed soffits

<b>B. This Standard is applicable to dwellings, accessory buildings, and agricultural buildings in:</b> -Resource and Large Lot Residential Zones	
<b>B(1). If <u>Yes</u> Then</b>	<b>B(1). If <u>No</u> Then</b>
<ul style="list-style-type: none"> <li>Emergency responders will have room to access and maneuver around all sides of the building.</li> <li>Building will avoid exposure to the hottest side of fast moving flames climbing the slope.</li> <li>Building will avoid trapping heat rising off flames below.</li> </ul>	Refer to <b>B(2)</b> below.
<b>B(2) - If <u>Yes</u> Then</b>	<b>B(2) - If <u>No</u> Then</b>
<ul style="list-style-type: none"> <li>Emergency responders can still access and maneuver around all sides of the building.</li> <li>Building will be closer to the hottest side of fast moving flames climbing the slope but additional fire proofing of the building will help mitigate risks of ignition.</li> <li>Flattening the design of the façade on the downhill side of the building will help avoid potential of trapping heat rising off of flames on the slope below allowing the building to be constructed nearer the top of slope.</li> </ul>	<p>A modification of fire safety standards must be requested.</p> <p>The fire mitigation plan submitted with the request for modification must propose mitigation measures such as:</p> <ul style="list-style-type: none"> <li>Eliminate decks and eaves.</li> <li>Structural fire proofing (thermal windows, smaller windows, fire retardant building materials on all sides).</li> <li>NFPA Sprinkler system if access standards cannot be met.</li> <li>Expanded fire fuel breaks.</li> <li>Additional irrigation on all sides of the home and an onsite water supply capable of running the irrigation system for extended periods.</li> <li>Evacuation plan.</li> </ul>

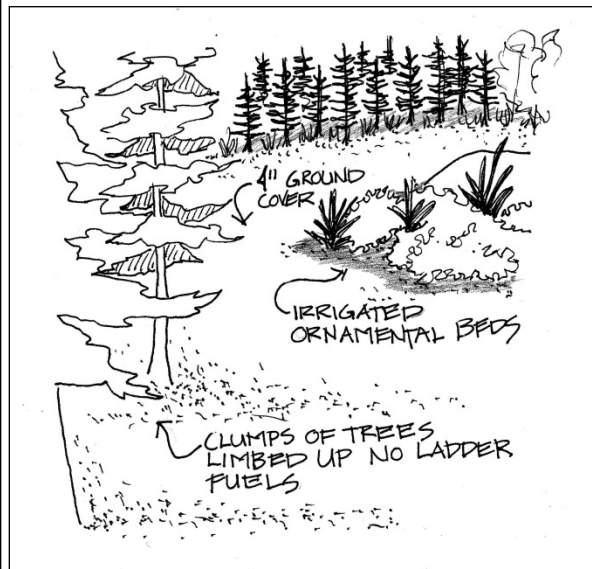


**SECTION 11.120 Defensible Space – Clearing and Maintaining a Fire Fuel Break****-DEFENSIBLE SPACE**

**Fire Fuel Break Includes:** Irrigated fire resistant domestic plantings, low volume slow burning plantings, and trees encouraged to provide shade and ground cooling. Trees should be grouped. Groups of trees shall be spaced to avoid creation of a continuous tree canopy. Trees shall be kept in healthy fire resistant condition. Trees shall be limbed up to create a vacant area between ground fuels and canopy fuels. Under story vegetation shall be minimized and ground cover shall be kept trimmed low to the ground.

**A. Is your building surrounded by a 50-foot wide fire fuel break?**

Fire Fuel Break Area Plan View



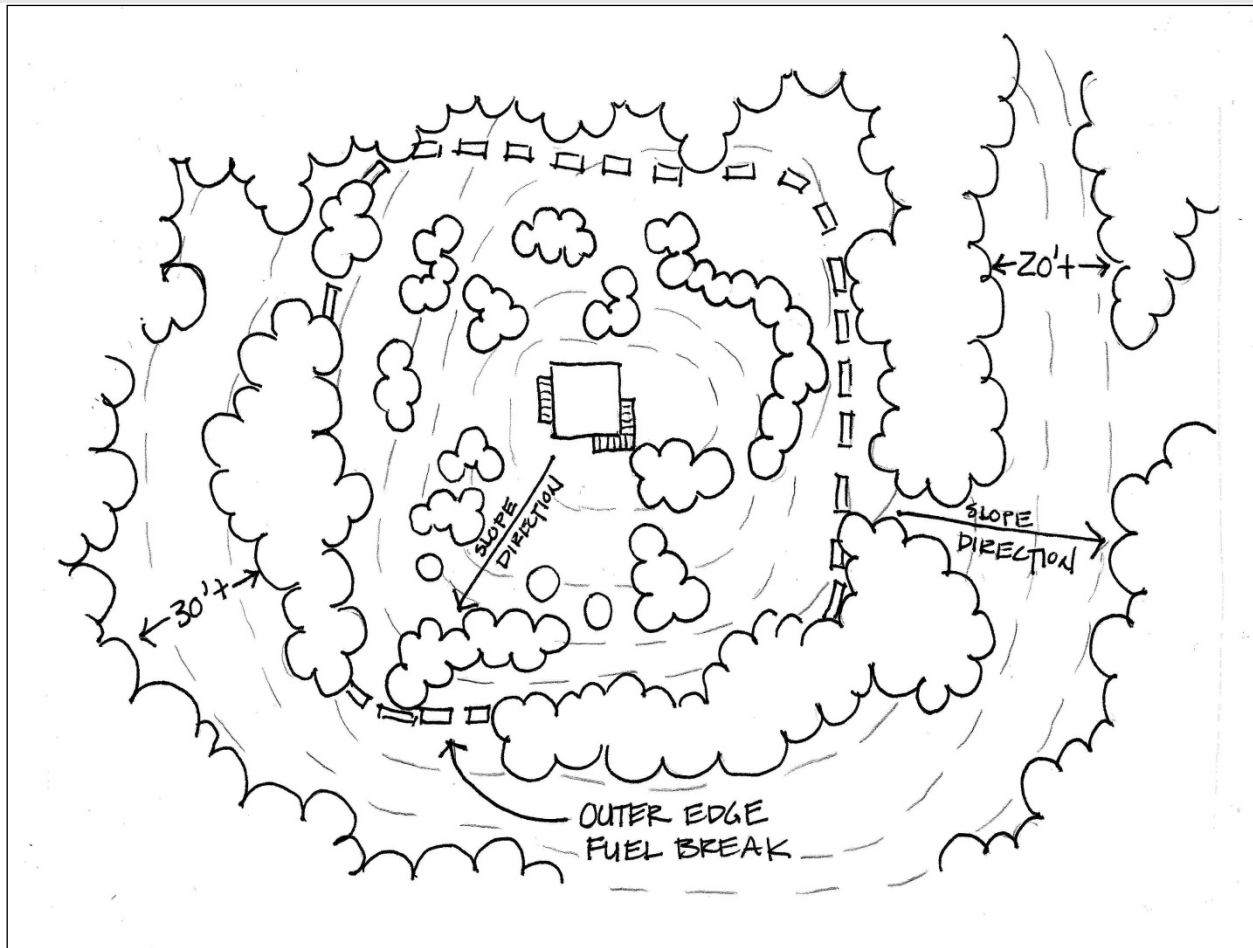
Fire Fuel Break Area Sample Illustration

**MAINTENANCE STANDARDS FOR FIRE FUEL BREAK AREA:**

- Ground cover maximum 4 inches tall;
- Trees limbed up approximately 8 feet from the ground,
- Trees kept free from dead, dry, or flammable material;
- Ladder fuels must be removed;
- No shrubs or tall plants under trees;

<ul style="list-style-type: none"> <li>• Shrubs only in isolated groupings that maximize edges of ornamental beds to avoid continuous blocks of ground fuel;</li> <li>• Keep shrubs and ornamental beds 15 feet away from edge of buildings and drip line of tree canopy; and</li> <li>• Use well irrigated or flame resistant vegetation (See OSU Extension Service publication called "<a href="#">Fire Resistant Plants for Oregon Home Landscapes</a>")</li> </ul>	
<b>A. This standard is applicable to all dwellings, accessory buildings, and agricultural buildings in:</b> -All Zones	
<b>A. If <u>Yes</u> Then</b>	<b>A. If <u>No</u> Then</b>
<ul style="list-style-type: none"> <li>• Eliminating ladder fuels and limbing trees up helps keep fire on the ground.</li> <li>• Including trees in the fire fuel break can catch and deflect flying embers before they land on the structure.</li> <li>• Spacing between bedding plants or shrub groupings allows ornamental plantings that do not create a fuel bed.</li> <li>• Irrigation provides moisture during the dry months and shading from healthy limbed trees retains moisture longer. Moisture is key to helping dissipate fire energy.</li> <li>• Fire resistant vegetation also helps slow spread of fire toward the structure.</li> </ul>	<p>A modification of fire safety standards must be requested.</p> <p>The fire mitigation plan submitted with the request for modification must document that the fire fuel break cannot be met:</p> <ul style="list-style-type: none"> <li>• Demonstration why an alternate site on the property cannot be used to allow for the full fire fuel break.</li> <li>• Demonstration that an easement allowing for the full fire fuel break cannot be provided for by easement on adjoining land</li> <li>• The fire mitigation plan submitted with the request for modification must also propose mitigation measures such as:             <ul style="list-style-type: none"> <li>• Eliminate decks and eaves.</li> <li>• Structural fire proofing (thermal windows, smaller windows, fire retardant building materials on all sides).</li> <li>• Additional irrigation on the side of the home where fire fuel break width requirements cannot be met and an onsite water supply capable of running the irrigation system for extended periods.</li> </ul> </li> <li>• Evacuation plan.</li> </ul>

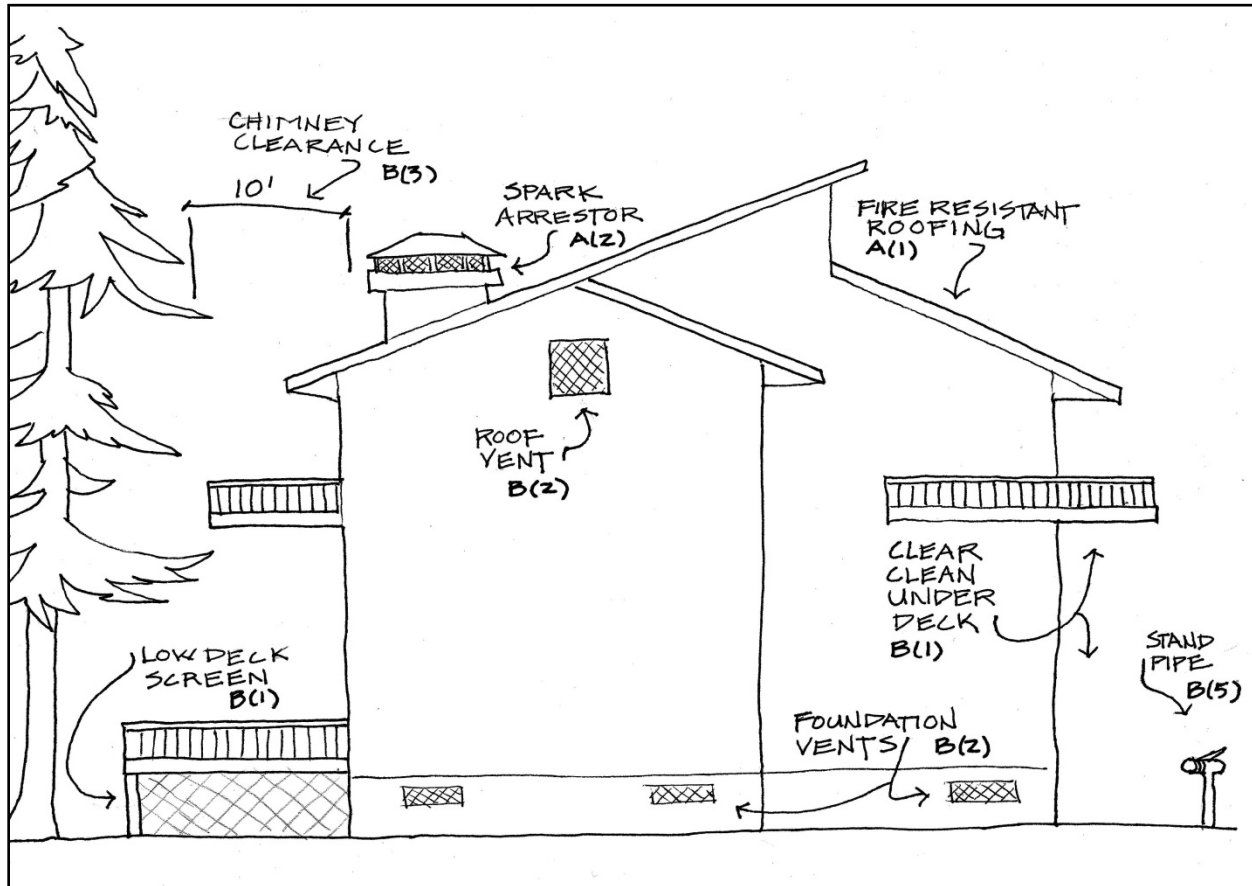
**B. Is dense unmanaged vegetation beyond 50 feet from the outer edges of your buildings, including any extensions such as decks or eaves, kept to a MINIMUM? If located on steeper ground, have you created and maintained some clearings beyond the 50 feet fire fuel break?**



- Those developing steeper properties are advised to provide breaks in the tree canopy across the slope at the outer edges and extending beyond the fire fuel breaks.
- Land beyond the fire fuel break can always be managed for additional safety.
- This is the place for tight trees, dense under-story vegetation, tall waving grass, and unmanaged or less managed lands.
- The outer edge of the fuel break zone can be feathered back into the unmanaged area to provide for a more natural appearing edge condition.

<b>B. This Standard is applicable to all dwellings accessory buildings, and agricultural buildings in:</b> -Resource and Large Lot Residential Zones <b>This Standard does not apply to SMA Lands:</b> Any defensible space work beyond 50 feet of a lawfully established building falls within the definition of a “Forest Practice” and must be approved through a review prior to the commencement any of work.	
<b>B. If <u>Yes</u> Then</b>	<b>B. If <u>No</u> Then</b>
<ul style="list-style-type: none"> <li>• If slopes cannot be avoided, providing for broad breaks in the canopy across the slope 20-30 feet and more can help limit the spread of a canopy fire up slope.</li> <li>• Keeping some wild unmanaged areas is OK if they are far enough from the structure that a wild fire’s progress will be slowed by the decrease in fire fuels as fire approaches developed areas.</li> <li>• <b>NOTE:</b> Slope hazards increase the threat of structural fire ignition by increasing the chance of a wild land fire getting into and traveling through the tree canopy. If you are developing in a wooded area with steep slopes, every attempt should be made to locate away from the steeper ground. (<a href="#">see 11.110</a>(A) and (B) above)</li> </ul>	<p>This standard is advisory. No request for modification of fire safety standards is required if it cannot be met.</p>

**SECTION 11.130 Construction Standards for Dwellings and Structures – Decreasing the ignition risks by planning for a more fire-safe structure.**



**A. Is your building designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?**

1. **Roof Materials:** Do you or will you have fire resistant roofing installed to the manufacturers specification and rated by Underwriter's Laboratory as Class A, B, or its equivalent (includes but not limited to: slate, ceramic tile, composition shingles, and metal)?

**NOTE:** Fire resistant materials are required to be used for all horizontal projections. To give your structure the best chance of surviving a wild fire, all structural projections such as balconies, decks and roof gables **shall** be built with fire resistant materials equivalent to that specified in the uniform building code.

2. **Spark Arrestors:** Will all chimneys and stove pipes be capped with spark arresters meeting NFPA standards (e.g., constructed of 12 USA gauge wire mesh with half-inch openings)?

<b>A(1) &amp; (2) These Standards are applicable to all dwellings, accessory buildings, and agricultural buildings in:</b> -All Zones	
<b>A(1). If <u>Yes</u> Then</b>	<b>A(1). If <u>No</u> Then</b>
Your roof will resist ignition from fire brands. Fire resistant roofing is one of the most important standards of defensibility.	Fire resistant roofing is required. There is no way to mitigate risks of a wild land fire ignition related to use of more flammable roofing. Fire brands can be carried over a quarter mile to land on a roof.
<b>A(2). If <u>Yes</u> Then</b>	<b>A(2). If <u>No</u> Then</b>
Sparks and embers in the fire box of a fireplace or stove will not be allowed to escape through the chimney and start a wild land fire.	There is no alternative to the requirement that spark arrestors be installed and maintained. They are common and widely available.

**B. Is your structure designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?**

- 1. Decks:** Will all decks be kept clear of fire wood, flammable building material, dry leaves and needles, and other flammable chemicals? Will decks less than three feet above ground also be screened with noncombustible corrosion resistant mesh screening material with quarter inch or smaller openings? Will decks, as required in accordance with [11.110\(B\)](#) above, be built of fire resistant material? Will all flammables be removed from the area immediately surrounding the structure to be stored 20 feet from the structure or enclosed in a separate structure during fire season?
- 2. Openings:** Will all openings into and under the exterior of the building including vents and louvers, be screened with noncombustible corrosion resistant mesh screening material with quarter inch or smaller openings.
- 3. Trees:** Will all trees overhanging the building be limbed up 8 feet in accordance with fire fuel break requirements in [11.120\(A\)](#) above, kept trimmed back 10 feet from any chimney or stove pipe, and be maintained free of all dead material.
- 4. Underground Utilities:** Utility supply systems serving new development shall be underground whenever practical.

Do all new buildings and structures served by electricity include a clearly marked power disconnect switch at the pole or off-grid power source?

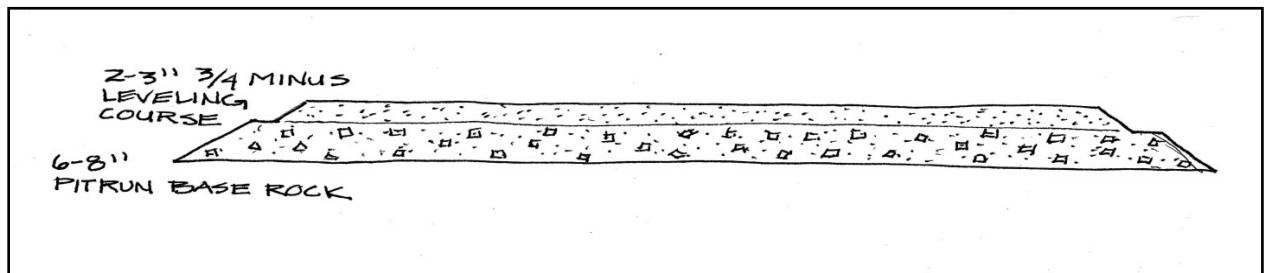
<p><b>5. Stand Pipe:</b> Will a stand pipe be provided 50 feet from the dwelling or any structure served by a plumbed water system?</p>	
<p><b>B. These Standards are applicable to dwellings, accessory buildings, and agricultural buildings or structures in:</b> -All Zones</p>	
<b>B(1). If <u>Yes</u> Then</b>	<b>B(1). If <u>No</u> Then</b>
Horizontal extensions, like decks, will be protected from the accumulation of fire fuel. Horizontal extensions create a heat trap for heat if flames are generated beneath them. Limiting fire fuels under horizontal extensions and screening to keep embers or fire bombs from getting in under lower decks will help eliminate the risk of heat being trapped under a deck or porch and igniting a structure.	There is no alternative to the screening and maintenance required under and around the exterior of a structure, its decks, and other horizontal extensions.
<b>B(2). If <u>Yes</u> Then</b>	<b>B(2). If <u>No</u> Then</b>
Vents are built to funnel air through enclosed areas of a structure. Screening on the vents or behind vent louvers ensures that embers are not sucked into the hard-to-reach recesses behind the vents.	There is no alternative to the screening of exterior vents and openings.
<b>B(3). If <u>Yes</u> Then</b>	<b>B(3). If <u>No</u> Then</b>
Healthy green trees around the house can be retained and may actually help shelter the dwelling from fire brands.  Trees and their debris must be maintained in a clean healthy condition.	If maintenance of trees near or overhanging the house is too onerous the trees can be removed. <b>NOTE:</b> The presence of trees has been shown to have the benefits discussed in <a href="#">11.120(A)</a> , above, if properly maintained.
<b>B(4). If <u>Yes</u> Then</b>	<b>B(4). If <u>No</u> Then</b>
<ul style="list-style-type: none"> <li>Threat of a fire start due to downed service lines will be minimized.</li> <li>Access to and around the structure will be simplified by limiting aerial access to the structure to a single location.</li> <li>Responders will be able to shut down main power so they can respond safely to the structure at the main service switch.</li> </ul>	<p>The fire mitigation plan submitted with the request for modification must document that it is not practical to underground utilities and propose measures such as:</p> <ul style="list-style-type: none"> <li>Keeping the utility service routes clear to simplify access around the structure.</li> <li>Providing a single point of access to the structure.</li> </ul> <p>There is no alternative to the requirement that private utility services have a clearly marked power disconnect switch at the pole or off grid power source.</p>
<b>B(5). If <u>Yes</u> Then</b>	<b>B(5). If <u>No</u> Then</b>
This stand pipe will be available to the homeowner for use to help contain smaller fires prior to emergency responders getting to	There is no alternative allowed to the provision of a standpipe 50 feet from all combustible structures served by a plumbed water system. Rural response

the site.	times are always longer than in town. Land owners must do what they can to provide immediate response to small fire starts.
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# **SECTION 11.140 Access Standards - Providing safe access to and escape from your home.**

**A. Does your residential driveway meet standards for improved, all weather driveway surface and minimum driveway widths?**

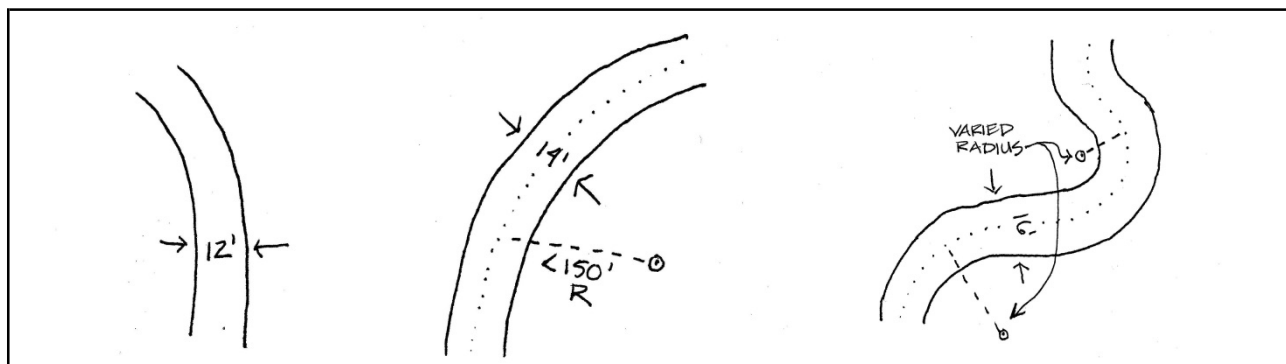
## **IMPROVED SURFACE REQUIREMENTS**



90-95% Compaction

Driveway surface standards shall meet the specifications above or meet an alternate design standard established by a licensed engineer who will certify that the alternate design standard is capable of supporting 75,000 pound gross vehicle weight year round, wet or dry. Compliance shall be demonstrated prior to inspection by the County Road Department to confirm compliance with road approach permit.

## **MINIMUM DRIVEWAY WIDTHS**



Minimum improved width is 12 feet on straight sections and through gentle curves.

Minimum improved width is 14 feet on single curves with less than 150-foot radius.

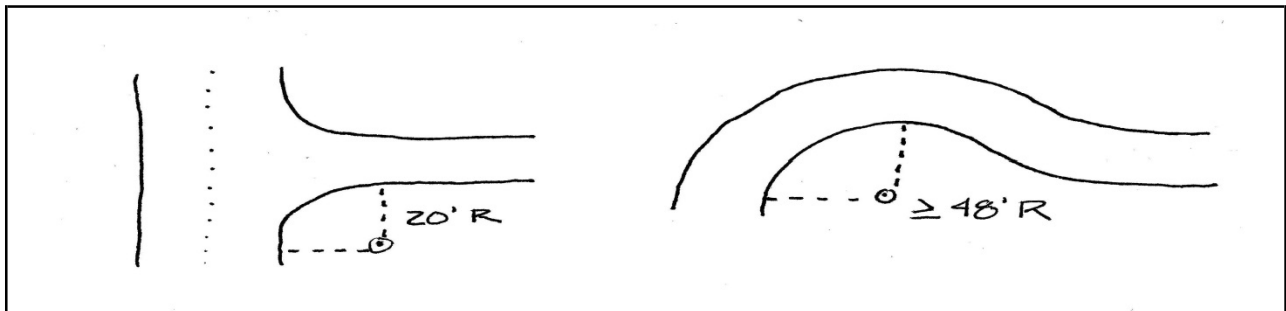
Minimum improved width is 16 feet when curves are linked or located on a slope in excess of 10%.



A. This Standard is applicable to residential driveways in: -All Zones	
A. If <u>Yes</u> Then	A. If <u>No</u> Then
Emergency responders will be able to bring all vehicles onto your property and to your building site.	<p>A modification of fire safety standards must be requested.</p> <p>The fire mitigation plan submitted with the request for modification must propose mitigation measures such as:</p> <ul style="list-style-type: none"> <li>• A demonstration why standards cannot be met and that an alternate site will not allow standards to be met.</li> <li>• Proposed alternate road lay out that can allow the best access possible to the building site.</li> <li>• NFPA Sprinkler system if alternate access standards cannot provide for timely response.</li> <li>• Expanded fire fuel breaks.</li> <li>• Additional irrigation on all sides of the home and an on-site water supply capable of running the irrigation system for extended periods.</li> <li>• Structural fire proofing (thermal windows, smaller windows, fire retardant building materials on all sides).</li> <li>• Evacuation plan and acknowledgment that some or all fire equipment may not have sufficient access to your property to respond.</li> </ul>

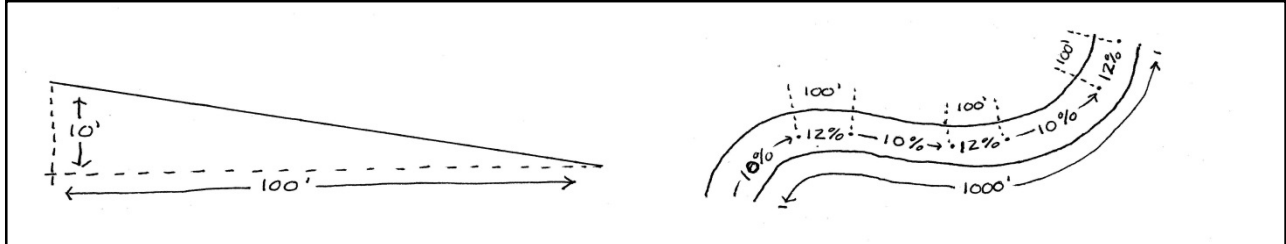
**B. Is your dwelling accessed by a driveway with curves and slopes that are passable by emergency equipment? And are turnouts provided as needed to allow vehicles to pass safely?**

**CAN LARGE EQUIPMENT MAKE IT AROUND THE TURNS IN YOUR DRIVEWAY?**



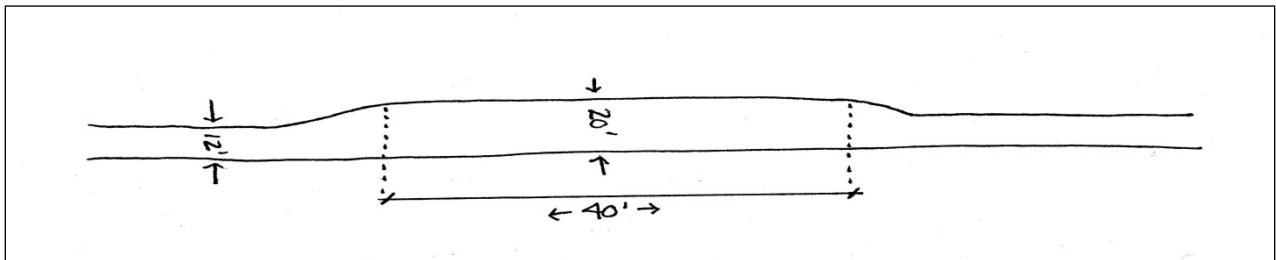
Minimum 20 foot turn radius onto driveway from road.

Minimum 48 foot turn radius for curves or switchbacks in the driveway. Larger radius, more gentle turns are desirable where possible.

**IS THE SLOPE OF YOUR DRIVEWAY GENTLE ENOUGH FOR EQUIPMENT TO GET UP AND DOWN SAFELY?**

Maximum steady grade of 10% or 10 feet of elevation gain over 100 feet of distance.

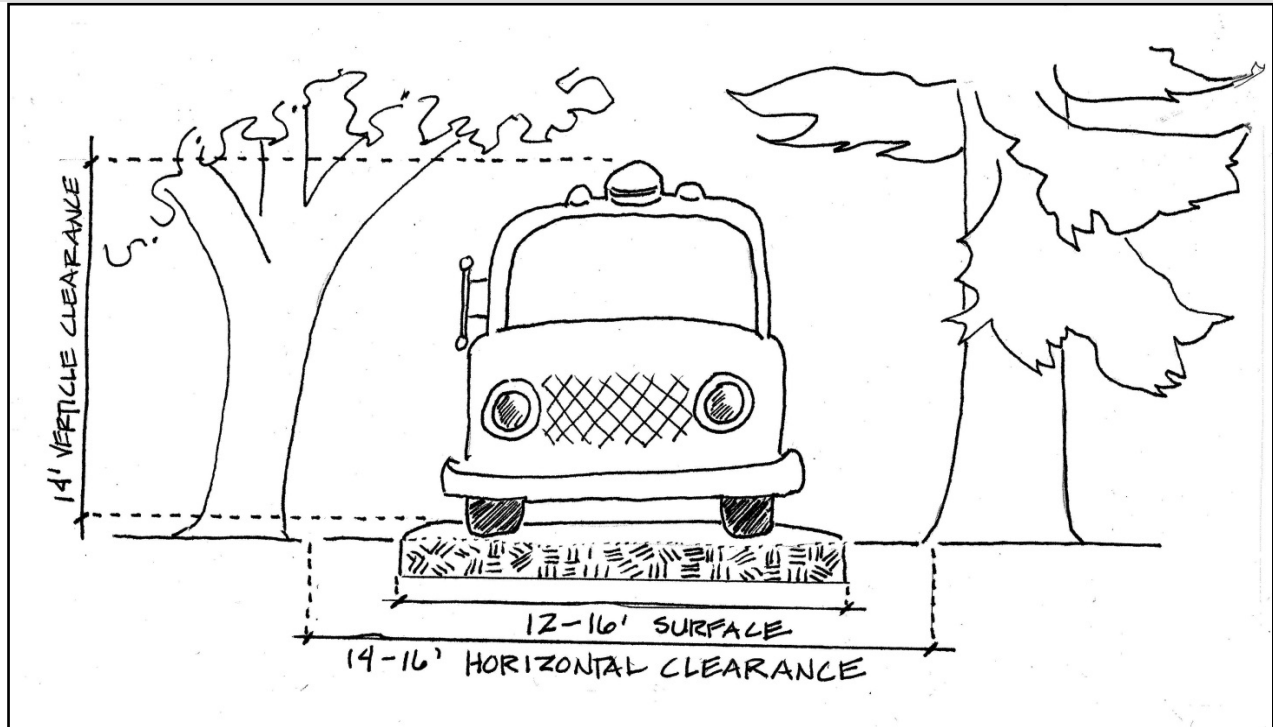
Maximum steady grade of 10% may be exceeded for short pitches. Short (up to 100-foot lengths) intermittent sections may be up to 12%. No more than three 100-foot lengths in 1,000 feet.

**IF YOUR DRIVEWAY IS LONGER THAN 200 FEET, ARE TURNOUTS PROVIDED ALONG ITS LENGTH?**

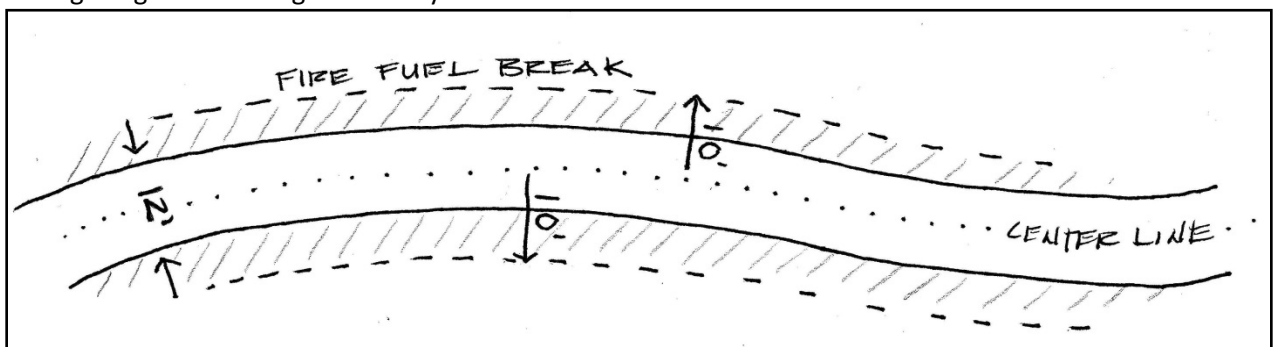
Turnouts need to be provided at least every 400 feet. Turn outs are intended to allow vehicles to pass safely, especially during an emergency. This should be kept in mind when siting the turnouts. Steeper slopes or tighter corners may require turnouts to be located closer than every 400 feet.

<b>B. This Standard is applicable to all residential driveways in:</b> -All Zones	
<b>B. If <u>Yes</u> Then</b>	<b>B. If <u>No</u> Then</b>
<ul style="list-style-type: none"> <li>Emergency responders will be able to bring all vehicles onto your property and to your building site.</li> <li>You will be able to get off your property as the fire equipment accesses the site.</li> </ul>	See (A) above

- C. Does your residential driveway provide adequate clearance for emergency vehicles and is there sufficient clear area along the driveway to allow responders to maneuver safely around their vehicles?



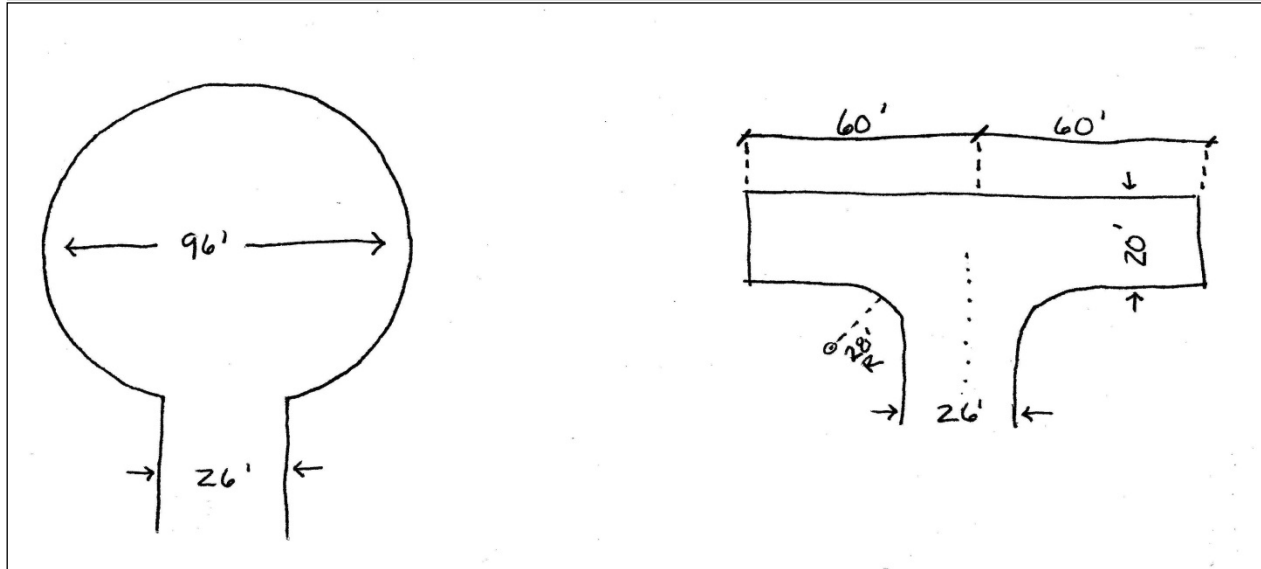
Responding vehicles need over 13 vertical feet and a minimum of 14 horizontal feet of clearance to pass through vegetation along a driveway.



A fire fuel break extending 10 feet either side of the center line of the driveway is required.

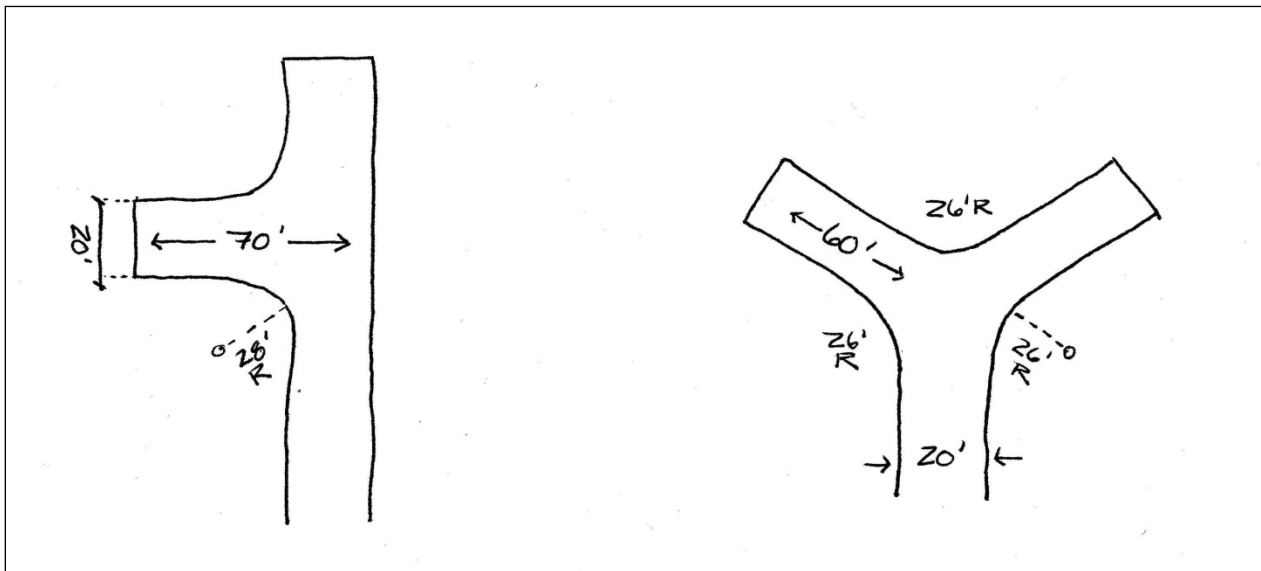
C. This Standard is applicable to all residential driveways in: -All Zones	
C. If <u>Yes</u> Then	C. If <u>No</u> Then
<ul style="list-style-type: none"> <li>• Emergency responders will be able to access your property without damaging your landscaping, native trees, or their vehicles.</li> <li>• If there is a need to respond from the driveway, there will be room to maneuver more safely around the emergency vehicles.</li> <li>• If there is a major wild land fire, the fire fuel break along the drive will help ensure that the driveway remains passable during the response.</li> </ul>	See <b>(A)</b> above

**D. If your residential driveway is longer than 150 feet, does it end with a turnaround that is passable for emergency responders?**



95-foot-diameter cul-de-sac

120-foot hammerhead



Acceptable alternative to 120' hammerhead

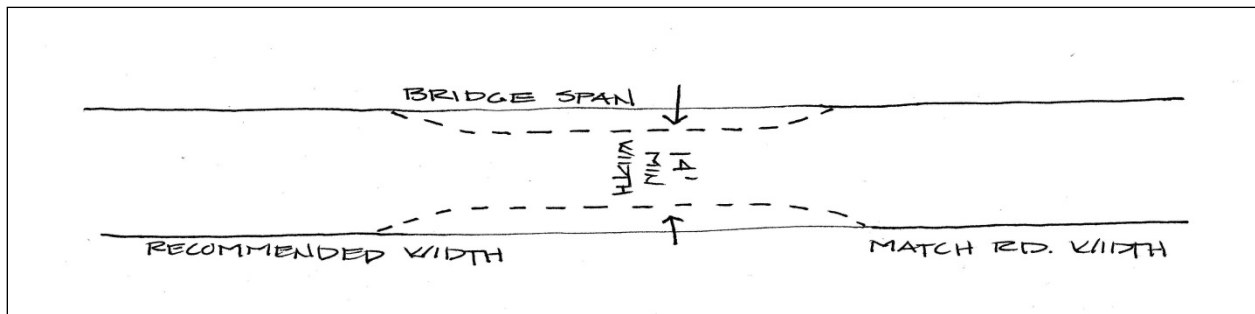
Acceptable alternative to 120-foot hammerhead

**D. This Standard is applicable to residential driveways in:**

-All Zones	
D. If <u>Yes</u> Then	D. If <u>No</u> Then
Responders accessing your property in an emergency will be able to get turned around to leave the property, make room for additional responders, or to refill tenders and return.	See <b>(A)</b> above

**E. Can the bridges or culverts crossed to access your dwelling on your property accommodate emergency response vehicles?**

Culverts larger than a 6-foot diameter and all bridges that are relied on to access development must be engineered constructed and maintained to support 75,000 pounds gross vehicle weight. Culverts less than a 6-foot diameter must be installed to manufacturer specifications, including requirements that the culvert be embedded sufficiently to maximize water flow and minimize risk of scouring or undercutting below the pipe.



Bridges should match the finished width of the road or driveway. A minimum bridge width of 14 feet is required and may be built if 7-foot-wide and 50-foot-long pullouts are provided on either side of the bridge.

**F. Can emergency responders get through your gate?**

- Gates need to swing or glide.
- Gates need to be operable by a single person and maintained in operable condition.
- The horizontal clearance through a gate must be a minimum of 14 feet.
- Electric or locked gates must be operable or removable by emergency responders.

**G. Are the signs you've posted for emergency responders legible and in good repair?**

Signs required to:

- Limit parking.
- Mark fire lanes.
- Direct responders to an on-site water source.
- Identify electrical service shut-off at the power pole or off grid power source.
- Post weight limits on existing bridges or culverts.

Must be made and maintained so that:

- Lettering is light colored and reflective against a dark background – except that red and white 12 inch by 18 inch fire lane, no parking signs Per Figure D(103.6) of the 2004 Oregon Fire Code.
- Letters are a minimum of 4 inches tall.
- Letters are a minimum of ½-inch-wide-letter strokes.

Signs are posted and kept clear of vegetation so they are fully visible.

**E. This Standard is applicable to residential driveways in:**

-All Zones

<b>E. If <u>Yes</u> Then</b>	<b>E. If <u>No</u> Then</b>
Emergency responders will be able to get to or through your property without risk of damage to equipment or roadway structures.	A modification of fire safety standards must be requested. The fire mitigation plan submitted with the request for modification must propose mitigation measures including: <ul style="list-style-type: none"> <li>• Any culvert greater than a 6-foot diameter or bridge not capable of supporting 75,000 gross vehicle weight shall be signed at both entrances.</li> <li>• Other applicable mitigation measures listed in <b>(A)</b> above.</li> </ul>

**F. This Standard is applicable to residential driveways in:**

-All Zones

<b>F. If <u>Yes</u> Then</b>	<b>F. If <u>No</u> Then</b>
Emergency responders will be able to access your property.	No alternatives exist for the requirement for a passable gate.

**G. This Standard is applicable to residential driveways in:**

-All Zones

<b>G. If <u>Yes</u> Then</b>	<b>G. If <u>No</u> Then</b>
Emergency responders will be able to access and navigate your property and the development site.	No alternatives exist for the requirement for that clear and legible signage be installed and maintained.

**H. Are the roads to your residential property maintained in a condition that is passable for emergency vehicles? Do you know who is responsible for required improvements and maintenance?****DEFINITIONS – WHO IMPROVES AND MAINTAINS WHICH EXISTING ROADS?**County Roads are:

- Fully dedicated public roads over which the County has full jurisdiction.
- The County is responsible for improvements and maintenance of county roads including bridges, culverts, ditches, etc.
- Most, if not all, public roads in the county meet the minimum access requirements for emergency vehicles.

Local Access Roads are:

- Public roads over which the County has limited jurisdiction.
- The County is not liable for failure to improve the local access road or keep it in repair.
- The County has limited ability to spend money on local access roads and expenditure on local access roads is made only in emergencies and is subject to special review process prior to the expenditure.
- Landowners served by the road must improve or maintain the road if it is to stay in good repair.
- Some local access roads have organized maintenance organizations but most do not.
- Many local access roads meet minimum access requirements but some will require improvements in order to be accessible to emergency responders and all will require maintenance.

Private Roads are:

- Neither public roads nor county roads.
- The County cannot improve or maintain private roads.
- Private roads serve more than one dwelling but are not required to be open to the public.
- The land owners served by the private road are solely responsible for its improvement and maintenance.
- Many private roads will require improvements in order to be accessible to emergency



responders and all will require maintenance.

Driveways are:

- Private access roads serving no more than two dwellings.
- The home owner bears sole responsibility for driveway improvement and maintenance.

Per [ORS 368.001-368.031](#)

**ACCESS ROAD STANDARDS – WHAT MAY HAVE TO BE DONE TO ROADS LEADING TO BUT NOT PART OF YOUR PROPERTY?**

If a legally created parcel is accessed by a County or State improved and maintained road, the applicant must demonstrate that driveway standards are met on the property and is responsible for continued maintenance of the driveway in accordance with standards.

If a legally created parcel is accessed by a local access or private road the road way will need to be determined to meet county road standards or minimum standards for a fire apparatus access road (defined in Chapter 5 of the 2004 Oregon Fire Code) prior to new construction. A fire apparatus access road needs to have an improved all-weather surface of 20-feet wide or sections of the road with a finished road surface width of 20 feet for a length of 40 feet at no greater than 400-foot intervals. All access standards, other than width, turn radius, and slope or grade that are applicable to driveways, **(A) – (H)**, are also applicable to local access and private roads. Improvements made within a local access road will require a permit to do work in a public right of way.

Land divisions creating new parcels need to improve roads up to the point of access to the proposed land division to meet public road standards prior to final land division approval.

**H. This Standard is applicable to residential development in:**

-All Zones

<b>H. If <u>Yes</u> Then</b>	<b>H. If <u>No</u> Then</b>
Emergency responders will be able to get to your property with any vehicle at a reasonable rate of speed with little risk of damage to equipment or roads.	<p>A modification of fire safety standards must be requested.</p> <p>The fire mitigation plan submitted with the request for modification must:</p> <ul style="list-style-type: none"> <li>• Employ applicable mitigation measures listed in <b>(A)</b> above. -AND-</li> <li>• Demonstrate that county road or fire apparatus access road standards cannot feasibly be met.</li> <li>• Demonstrate that improvements achieve basic access (driveway standard) along sections determined incapable of meeting a higher standard.</li> </ul>

	<ul style="list-style-type: none"> <li>• If basic driveway standard is not met at any point, that section shall be clearly signed from both directions calling out the weight limit, width of narrow road section, or grade and length of steep road way.</li> <li>• Ability of responders to get to a site is limited by the ability of an applicant to make and maintain off-site improvements.</li> <li>• The land owner will be notified of service limitations resulting from substandard access and required to document acknowledgement of limitations to emergency services prior to receiving a building permit.</li> </ul>
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**SECTION 11.150 Fire Protection or On-Site Water Required - Ensuring dwellings have some fire protection available through manned or unmanned response.**

**DEFINITION - FIRE DISTRICT FOR PURPOSE OF APPLICATION OF FIRE STANDARDS.**

An actively trained and reporting structural fire protection district having a boundary on file with the State Fire Marshal and recognized as a qualified structural fire protection district by the State Fire Marshal's Office.

<b>A. Are you proposing to construct a dwelling inside a structural fire protection district? -OR-</b>
<p><b>ON SITE WATER IS REQUIRED IN BOTH URBAN AND RURAL ENVIRONMENTS FOR FIRE SAFETY (Fire Flow Requirements).</b></p> <p><b>Dwellings less than or equal to 3,500 square feet</b> can rely on emergency responders to meet the on site water requirements if they are inside a fire protection district.</p> <p><b>Dwellings in excess of 3,500 square feet</b> require on-site water in excess of the amount of water that could reasonably be delivered to the site by emergency responders. Dwellings in excess of 3,500 square feet need to provide an NFPA sprinkler system to meet on site water requirements. Provision of an NFPA sprinkler system meets fire code fire flow requirements.</p> <p><b>Structures must be located inside a structural fire protection district if possible.</b> It is not possible to be in a fire protection district when it is demonstrated that the dwelling cannot locate within, annex into a district, or contract with a structural fire protection district for service</p> <p><b>Agricultural structures and buildings and other accessory buildings in the Forest Zones,</b> not otherwise provided with onsite water for fire protection, must meet the minimum standards for onsite water required by the Management Plan. A pond, stream, tank or sump with storage of not less than 1,000</p>

gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided.

**A. This Standard is applicable in:**

-All Zones - as specifically noted in the standard

**A. If Yes Then**

- A special taxing district exists and volunteer or professional fire fighters will respond to and defend a structure to the best of their ability.
- Installation of an NFPA-approved sprinkler system meets the fire flow requirements for rural structures when a responders' ability to bring water to the site cannot. (See other benefits of NFPA sprinkler systems in **(B)**, below.)

**A. If No Then**

Refer to **(B)**, Below

**B. Are you proposing to construct a dwelling outside a structural fire protection district?**

**ON-SITE WATER IS REQUIRED IN BOTH URBAN AND RURAL ENVIRONMENTS FOR FIRE SAFETY EVEN OUTSIDE A STRUCTURAL FIRE PROTECTION DISTRICT (Fire Flow Requirements).**

**Dwellings can be located outside a structural fire protection district** upon demonstration that the parcel or home site cannot locate within, annex into, or contract with a structural fire protection district for service. If a dwelling is proposed outside a structural fire protection district, you cannot rely on emergency responders to meet the fire code fire flow requirements. Providing an NFPA sprinkler system is required to meet fire flow requirements unless a request for modification of the fire safety standards has been requested and approved.

**Dwellings in the Forest Zones and outside a structural fire protection district** must provide a year-round on-site 4,000 gallon water source, or access to a stream or spring having continuous year-round flow of at least 1 cubic foot per second.

- The applicant must provide a written statement from Oregon Water Resources Department verifying that permits or registrations required for any water diversion or storage have been obtained or are not required.
- Driveway access and a turnaround meeting the access standards in [Section 11.140](#) must be extended to within 10 feet of the water source.
- Permanent signs shall be posted directing emergency vehicles to approved water sources.

**Agricultural structures and buildings and other accessory buildings in the Forest Zones** must meet the minimum standards for onsite water required by the Management Plan. (see **(A)**. above)

**C. This Standard is applicable in:**

-All Zones - and as specifically noted in the standard

**B. If Yes Then**

- Provision of an NFPA sprinkler system does not rely on a responder's presence to function and can often extinguish a small ignition before it grows to the point where a large-scale response is necessary.
- Meeting fire flow requirements for larger structures can require an on-site water source of 8,000 gallons or more (see alternatives to sprinkler system).
- Installation of a sprinkler system in site-built homes, particularly larger homes, is often the most affordable way to meet fire flow requirements. Installation of an NFPA approved sprinkler system can save home owners a significant amount on their fire insurance rates and will pay for itself over time.

NOTE: Manufactured homes and historic structures may substitute on site water provision for inclusion of a residential sprinkler system when otherwise required. The county recognizes the disproportionately high cost of installation of NFPA sprinkler systems in this type of structure and the limited ability to alter the design of structures when locating a historical structure or manufactured home. Applicants locating a manufactured home or historic structure on their property may elect to install an on-site water source meeting the on-site water requirements listed in this subsection. No request for modification needs to be made for these structures.

**B. If No Then**

If a NFPA sprinkler system is required but cannot be provided, a modification of fire safety standards must be requested. This is necessary because either no structural fire protection will be provided by a recognized district or because the dwelling exceeds the size determined to be defensible by local responders.

The fire mitigation plan submitted with the request for modification must include an on-site water source capable of meeting fire code requirements for water supplies in rural settings. Requirements for rural water supplies to meet fire flow requirements are generalized here:

- Minimum on site water storage 2,000 gallons
- 1,500-3,500 square foot dwelling - 4,000 gallons
- >3,500-5,000 square foot dwelling - 8,000 gallons
- >5,000 square foot dwelling - 13,000 gallons

When on-site water is provided to meet fire flow requirements within a fire protection district, the on-site source must be made accessible to responders.

When on-site water is provided to meet fire flow requirements outside a fire protection district, then the fire mitigation plan shall include provisions by the home owner for applying the water to the structure in the event of a fire.

**Section 11.210 Fire Safety Standard Review Process**

- A. Compliance with applicable fire safety standards is required by the ordinance for new, replacement, and modified structures in all rural zones.
1. Fire standards shall be made a part of the **conditions** of approval when a conditional use permit, site plan or subject to standards review, partition, subdivision, or other land use action is required prior to construction.
  2. Structures or alterations to structures that are subject to ministerial review must also comply with all applicable fire standards prior to receiving zoning approval on a building permit application.
  3. In all cases compliance with applicable fire standards shall be self-certified prior to receiving zoning approval on a building permit.
  4. Certifications shall be verified within one year of approval and may be verified by staff site visits at any time.
- B. Continued compliance with fire safety standards is required.
1. Compliance is the responsibility of the land owner.
  2. An illustrative checklist will be provided to land use permit applicants and building permit applicants that explains all necessary steps to comply with applicable fire safety standards.
  3. Required compliance with fire safety standards shall be disclosed to future land owners prior to sale of any parcel.

Where fire safety standards, or a modification of the standards pursuant to 11.220 below, are applied through a land use review as conditions of approval, the conditions of approval shall be recorded along with the notice of decision.

**Section 11.220 Modification of Fire Safety Standards**

If one or more fire safety standard cannot be met, the applicant must request a modification to fire safety standards. The request for modification shall include a site specific fire safety mitigation plan. The modification of standards review shall be processed in accordance with the procedures in LUDO [Section 2.050\(A\)\(3\)](#). Notice prior to the decision shall be provided to fire responders with jurisdiction by the Planning Director. The decision to approve or deny the request for modification shall meet all public notice requirements.

**Section 11.230 Fire Safety Mitigation Plan**

A fire safety mitigation plan is required when an applicant needs to request a modification to one or more fire safety standards listed on the self-certification check list. A fire safety mitigation plan is also required for any land division creating lots that can accommodate dwellings. A fire mitigation plan shall include the following:

**A. One or more maps and accompanying narrative statement addressing the following:**

1. Site description.
2. Documentation of fire protection service or proposed plan for on-site fire protection.
3. Documentation of on-site water supply where required.
4. Driveway construction plan including gate features, size and locations of bridges or culverts and proposed signage.
5. Documentation of fuel break areas if land on adjoining properties is relied on to meet fuel break requirements.
6. Public or private road plans for new roads to serve proposed land divisions (including location, size, and type of bridges and culverts).
7. Other information deemed necessary to allow adequate review of the request for modification.

**B. Statement of need**

A clear statement of why the fire safety standards cannot feasibly be met.

**C. Risk Assessment**

An assessment of increased risk of wildfire damage if standard is modified. Risk assessments shall consider the purpose of the standard that cannot be met, the specific proposal, and site conditions to determine what, if any, additional exposure to wild land fire risks could be created by approval of the modification to fire safety standards. The consideration shall include increased risk of the proposed structure becoming a source of ignition and risks to the proposed structure from a wild land fire ignited elsewhere and traveling through the site.

**D. Statement of Additional Action Proposed to Eliminate or Minimize Increased Risks**

A clear list of additional measures proposed by the applicant to address any increased risks identified in the risk assessment.

**Section 11.240 Review of Requested Modification(s)**

**A. Planning Director Shall Seek Review**

1. The Planning Director shall request and consider the comments and recommendations of local emergency responders, including ODF and the State Fire Marshal's Office when making the final decision on a request for modification of fire safety standards. The complete fire safety mitigation plan shall be forwarded to all commenting responders including the Deputy State Fire Marshal.

2. Comments and recommendations by local responders shall be provided to the Planning Director within 15 days.

**B. Responses to the Director's Request for Review**

1. Responders' comments and recommendations shall do one of the following:
  - a. Support the modification with mitigation measures proposed by the applicant.
  - b. Support the modification with a recommendation for alternate mitigation measures detailed by the responders.
  - c. Accept the request for modification conditionally though minimum standards cannot be met. This will be done only when the responder commenting on the request cannot recommend feasible means to mitigate risks resulting from approval of the modification. Acceptance of a modification that cannot be fully mitigated or meet minimal standards will also include an assessment of any limitations of service that may accompany approval of the modification.

*E.g., an existing off-site bridge is located along a private road accessing the applicant's dwelling and many existing dwellings. The bridge is weight limited but cannot be feasibly upgraded for the one new home. One or more responders may require that the weight limit of the existing bridge be determined and clearly posted and they may also elect to notify the current land owner and all other residents that larger responding vehicles will not respond to calls accessed by that bridge.*

- d. Recommend denial of the requested modification(s) on the grounds that:
  - (1) The proposed modification is not necessary because standards can and should be met, including consideration and selection of an alternative location for the development.
  - (2) Approval of the proposed modification will result in undue risk to life and safety.
2. Comments and recommendations from emergency responders shall be supported by reasons sufficient to allow the Planning Director to weigh the evidence and arguments prior to deciding to grant, conditionally grant, or deny a request for modification of fire safety standards.
3. Approval or denial of a modification to standards is not subject to variance criteria in the LUDO.
4. A modification of standards can be reviewed and decided in conjunction with another land use decision where other land use permits are required.
5. Approval of a modification of standards is subject to administrative review, public notice, and the opportunity for further review on appeal under LUDO [Section 2.150](#).
6. Certifications shall be verified within one year of approval and may be verified by staff site visits at any time.





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**CHAPTER 12 RESERVED FOR EXPANSION**

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## **CHAPTER 13 NONCONFORMING USES, BUILDINGS AND LOTS**

### **SECTION 13.010 Purpose**

It is necessary and consistent with the establishment of this Ordinance, that all uses and structures incompatible with permitted uses or structures in each zone, be strictly regulated and permitted to exist only under rigid controls. The purpose of such regulation and control, is to change a nonconforming use or structure to a conforming status or to discontinue the use or structure.

### **SECTION 13.020 Continuation of Nonconforming Uses**

Except as is hereinafter provided in this Ordinance, the lawful use of a building or structure or of any land or premises lawfully existing at the time of the effective date of this Ordinance or at the time of a change in the official zoning maps may be continued as long as it is used in the same manner and for the same purpose, although such use does not conform with the provisions of this Ordinance.

### **SECTION 13.030 Conveyance of Nonconforming Use**

Nothing in this Ordinance shall be construed to limit the sale, transfer, or conveyance of property on which exists a nonconforming building, structure or use, so long as such sale, transfer, or other conveyance does not otherwise violate the provisions of this Ordinance.

### **SECTION 13.040 Construction on and Conveyance of Nonconforming Legal Parcels**

Nothing in this Ordinance shall be deemed to prohibit construction or reconstruction of conforming uses on nonconforming legal parcels or limit the sale, transfer or conveyance of said legal parcels approved prior to the adoption of this Ordinance, so long as the construction, reconstruction, sale, transfer or conveyance is consistent with all applicable provisions of this Ordinance.

### **SECTION 13.050 Gorge Commission Prior Approved Actions**

Any land use action that has been authorized by the Gorge Commission or Forest Service for the Columbia River Gorge National Scenic Area shall remain valid for the time period initially authorized or a time period granted by extension in accordance with Commission Rule 350-110 or the Interim Guidelines, as applicable. All land use actions authorized under Interim Guidelines shall maintain concurrent County approval to remain valid.

Nothing in the Ordinance will require the loss of a use, activity, structure or parcel of land that was approved by the Gorge Commission or Forest Service for the time period initially authorized or a time period granted by extension in accordance with Commission Rule 350-110 or the Interim Guidelines, as applicable. If an approval period has lapsed without extension, the development action shall be processed as a new action subject to current County Land Use Ordinance.

### **SECTION 13.060 Verification of Nonconforming Use**

Must meet lawfully established and discontinuance or abandonment criteria below.

**A. Lawfully Established:** For a nonconforming use to be verified as lawfully established it shall be consistent with all of the following:

1. The nonconforming use has not been expanded in size or area or changed in purpose or use beyond what was lawfully established;
2. The property on which the nonconforming use is located meets the definition of legal parcel in Chapter 1 of this ordinance;
3. The nonconforming use was lawfully established on or before the effective date of the provisions of this ordinance prohibiting the use verified by either a or b below. No unlawful use of property existing at the time of the effective date of the provisions of this ordinance shall be deemed a nonconforming use.
  - a. Type I Verification: Lawfully established is verified by non-discretionary evidence including but not limited to zoning approval or County Assessor records verifying the date of establishment. This type of verification is not subject to any review process because it does not involve the exercise of any discretion or judgment. If the applicant wishes documentation of this it shall be done as a Land Use Verification Letter.
  - b. Type II Verification: Lacking non-discretionary evidence, lawfully established is verified by a discretionary process consistent with [Section 2.0650\(A\)\(7\)<sup>84</sup>](#).

It is the burden of the applicant to provide a preponderance of evidence which will allow the Planning Director to conclude the nonconforming use was lawfully established. Such evidence includes but is not limited to:

- Utility Bills and Records (phone, power, sewer, water)
- Aerial Photographs
- Dated Photos
- Notarized Letters or Affidavits affirming the date of establishment

**B. Discontinuance or Abandonment:** For a nonconforming use to be verified as lawfully established it must not have been discontinued or abandoned according to the following criteria. Based on the circumstances, the Director shall determine whether discontinuance or abandonment shall be reviewed as a Type I or Type II process as described in A above.

1. The reference period for determining whether an abandonment or interruption of a nonconforming use or an aspect thereof has occurred shall be twelve (12) consecutive months. Proof of intent to abandon is not required to determine that a nonconforming use has been discontinued or abandoned.
2. An abandonment or interruption of a use may arise from the complete cessation of the actual use for a twelve (12) month period even if improvements to support the use remain in place.

3. An interruption or abandonment for a twelve (12) month period that constitutes less than full cessation of the use or a portion thereof may result in a declaration of a continuing use, but of a lesser intensity or scope than what would have been allowable if the nature and extent of the use as of the date it became nonconforming had continued, even if improvements to support the full use remain in place.
4. If a use or structure is used in a different manner or for a different purpose for a twelve (12) month period than was lawfully established, such a change shall result in a determination that the use has been abandoned or has ceased.

Factors to be considered in determining whether there has been a change in the nature of a use shall include, but are not limited to, consideration of the type of activities being conducted, the operating characteristics of the activities associated with the use (including off-site impacts of those activities), changes in structures associated with the use and changes in the degree to which the activities associated with the use occupy the site.

#### **SECTION 13.070 Restoration or Replacement of Legally Created Nonconforming Structure**

- A. Replacement of Existing Structures Not Damaged or Destroyed by Disaster: Except as provided in criterion B below, an existing structure may be replaced if a complete land use application for a replacement structure is submitted to Wasco County within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:
  1. The replacement structure shall have the same use as the original structure.
  2. The replacement structure may have a different size and/or location than the original structure. An existing manufactured home may be replaced with a framed residence and an existing framed residence may be replaced with a manufactured home.
  3. The replacement structure shall be subject to the scenic, cultural, recreation and natural resources criteria; the treaty rights criteria; and the land use designations criteria for agricultural buffer zones, fire protection, and siting of dwellings on forest land.
  4. The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one year time frame.
- B. Replacement of Existing Structures Damaged or Destroyed by Disaster: An existing structure damaged or destroyed by fire, flood, landslide or other similar disaster may be replaced if a complete land use application for a replacement structure is submitted to the Wasco County within two years of the date the original structure was damaged or destroyed. The replacement structure shall comply with the following standards:
  1. The replacement structure shall have the same use as the original structure. An existing manufactured home may be replaced with a framed residence.

2. The replacement structure shall be in the same location as the original structure. An exception may be granted and the replacement structure may be sited in a different location if all the following conditions exist:
  - a. A registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the disaster made the original building site physically unsuitable for reconstruction.
  - b. The new building site is no more visible from key viewing areas than the original building site. An exception may be granted if a registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the subject parcel lacks alternative building sites physically suitable for construction that are no more visible from key viewing areas than the original building site.
  - c. The new building site complies with the cultural resources, natural resources, and treaty rights protection criteria.
3. The replacement structure shall be the same size and height as the original structure, provided:
  - a. The footprint of the replacement structure may be up to 10 percent larger than the footprint of the original structure. The footprint of a structure includes any covered decks and porches, attached garages, and breezeways that share a wall with the structure.
  - b. The walls of the replacement structure shall be the same height as the walls of the original structure unless a minor increase is required to comply with standards in the current jurisdictional building code. Height is generally defined as the greatest vertical distance between the lowest finished grade adjoining any exterior wall and the highest point of the roof.
4. The replacement structure shall only be subject to the following scenic resources standards:
  - a. The replacement structure shall comply with the criteria regarding color and reflectivity. These criteria shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable.
  - b. Decks, verandas, balconies and other open portions of the original structure shall not be rebuilt as enclosed (walls and roof) portions of the replacement structure.
  - c. In the General Management Area, the replacement structure shall comply with the scenic resources criteria regarding landscaping. These criteria shall be applied to achieve the applicable scenic standard (visually subordinate) to the maximum extent practicable.
  - d. In the SMA, the replacement structure shall comply with the scenic resources guidelines regarding landscaping. These guidelines shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable, provided:

- (1) Use of plant species appropriate for the area and minimum sizes of new trees needed to achieve the standard (based on average growth rates expected for the recommended species) are required. Examples of native species are identified in the Scenic Resources Implementation as appropriate to the area.
- (2) The height of any new trees shall not be required to exceed 5 feet.
- (3) The time frame for achieving the applicable scenic standard (visually subordinate or not visually evident) shall be 10 years.
- 5. The replacement structure shall be subject to A(1) A(2) and A(3) above if it would not comply with B(2) and B(3) above.
- 6. The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the two-year time frame.

#### **SECTION 13.080 Change to Nonconforming Uses & Structures**

Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Ordinance.

- A. Expansion of Existing Industrial Uses in the GMA shall be prohibited:
- B. Conversion of Existing Industrial Uses in the GMA: In the GMA, existing industrial uses may convert to less intensive uses. For this section, a less intensive use is a commercial, recreation, or residential use with fewer adverse effects upon scenic, cultural, natural, and recreation resources.

#### **SECTION 13.100 Mineral Resource Extraction (SMA Only)**

Uses involving the exploration, development or production of sand, gravel or crushed rock in Special Management Areas may continue when:

- A. The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in Special Management Areas; and
- B. A determination by the Forest Service finds that the use does not adversely affect the scenic, cultural, natural or recreational resources.

#### **SECTION 13.110 Solid Waste Disposal (SMA Only)**

Solid waste disposal sites or sanitary landfills are not allowed in Special Management Areas.

#### **SECTION 13.200 Consolidation of Undeveloped Subdivisions**

- A. Consolidation of Undeveloped Subdivisions

1. A unit of land shall be consolidated with adjacent lands in the same ownership if the subdivision within which the unit of land is located is undeveloped pursuant to [ORS 92](#), Undeveloped Subdivisions.
2. No portion of a consolidated plat shall be considered a separate parcel solely because an existing parcel overlays, and possibly fragments, that consolidated subdivision.
3. Criterion A shall not be applied to consolidate two or more units of land where each unit of land is developed with a dwelling that qualifies as an existing use. One or more undeveloped units of land shall be consolidated with one or more developed units of land.
4. Lots shall be consolidated through the process outlined in [ORS 92](#), Undeveloped Subdivisions, or through a replat process as outlined in [Chapter 21](#).



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## **CHAPTER 14 NATIONAL SCENIC AREA REVIEW**

### **SECTION 14.010 Purpose**

The purpose of the National Scenic Area Review is to preserve, protect and enhance the scenic, natural, cultural and recreational values of the Gorge and to assure that development occurs in a manner that is compatible with its unique qualities.

### **SECTION 14.020 Complete Application Submittal Requirements for a National Scenic Area Review**

#### **A. Application Form Requirements**

1. Project applicant's name and address.
2. Property owner's name and address if different than 1 above.
3. Location of the proposed use, including township, range, section, and tax lot number.
4. A written description of the proposed use, including details on the height, dimensions, exterior color(s), and construction materials of proposed structures.
5. A list of Key Viewing Areas that are visible from the proposed development site and from which the proposed use would be visible.
6. Legal parcel documentation.
7. Legal structure documentation. Evidence that a structure was lawfully established shall include the following:
  - a. Wasco County Assessor records verifying the structure was built prior to 4 September 1974; or
  - b. Any one of the following:
    - (1) A valid Oregon State Building Codes permit signed by the Wasco County Planning Department between 4 September 1974 and 17 November 1986; or
    - (2) A valid Wasco Sherman Health Department septic permit before 1 January 1985; or
    - (3) A valid Land Use Compatibility Statement signed by the Wasco County Planning Department between 1 January 1985 and 17 November 1986, or
    - (4) National Scenic Area approval by either the Columbia River Gorge Commission, the USDA Forest Service, or the Wasco County Planning Department, after 17 November 1986, and a valid Oregon State Building Codes permit signed by the Wasco County Planning Department.

8. Signatures of the owners or authorized representatives.

**B. Site Plan**

A complete site plan, showing the proposed site (site plans with alternative sites or building envelopes are not sufficient) shall be submitted for all new development, except for buildings smaller than 60 square feet in area and less than or equal to 10 feet in height, as measured at the roof peak.

The site plan shall be prepared at a scale of 1" = 200' or a scale providing greater detail which clearly indicates the following information:

**ALL DEVELOPMENT**

1. Boundaries, dimensions, and size of the subject parcel.
2. Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel.
3. Access: Indicate all existing and proposed points of ingress and egress and whether they are public or private.
4. Location, dimensions and method of improvement of all roads, access drives, trails, and parking areas with individual parking spaces and internal circulation patterns.

Access drives shall be constructed to a minimum of twelve (12) feet in width and not exceed a grade of twelve (12) percent with turnouts provided at a minimum of every five hundred (500) feet.

5. Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, telephone and power poles and lines. Utility supply systems shall be underground whenever practical.
6. The location of the pond, stream, tank or sump with storage of not less than 1,000 gallons if the well or water system is not capable of delivering twenty (20) gallons per minute.
7. The location of a standpipe (water spigot) a minimum of fifty (50) feet from each flammable structure if the development includes a plumbed water system.
8. Location, size and dimension of all yards and setbacks and all spaces between buildings.
9. Lighting: General nature and location (not including interior building lighting).
10. Outdoor storage and activities, if permitted in the zone, showing type, location and height of screening devices, including trash and recycling storage locations and their pick up locations.

11. Location and depth of all proposed grading, filling, ditching and excavating unless a grading plan is required by F below.

12. North arrow and map scale.

13. Significant terrain features and landforms.

14. Bodies of water and watercourses.

#### **NON RESIDENTIAL DEVELOPMENT**

15. Signs: Locations, size, height, material and method of illumination.

16. Loading: Location, dimensions, internal circulation and access from public right-of-way.

17. General locations for all temporary facilities associated with a commercial event.

C. Material Samples - As part of a complete application, material samples for all exterior surfaces of proposed structures shall be submitted. Material samples may be paint samples, stain samples, a piece of the physical construction material, brochures, manufactures specifications, or other material or information that is adequate to represent the final exterior appearance. Samples shall be required for all exterior parts of proposed structure(s) including but not limited to:

1. Main
2. Trim or Secondary
3. Roof. The roof shall be constructed of fire resistant material.
4. Window frames, sills, and sashes
5. Doors, including garage doors, and
6. Hooding for exterior lighting

D. Landscaping Plan - A detailed plan for landscaping which shall clearly illustrate:  
(The landscaping plan may be included on the site plan if there is adequate detail to show all of the required information.)

1. The location, height and species of existing trees and vegetation. Indicate which are proposed to be removed. The landscaping plan shall include detailed information to the level of individual trees and groupings of vegetation for the proposed development area and all topographically visible corridors between the proposed development area and Key Viewing Areas. The landscaping information for the remainder of the property may be generalized.

2. The location, height and species of individually proposed trees and vegetation groupings.
3. Indicate the fifty (50) foot fuel break surrounding each new building and how this area will meet hazardous fuels reduction standards.

Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced with greater than fifteen (15) feet between the crowns and pruned to remove dead and low [less than eight (8) feet] branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.

4. The location of automatic sprinkler systems or other irrigation provisions to ensure survival of landscape planting for screening purposes.

E. Elevation Drawing - Elevation drawings shall show the appearance of all sides of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as visible from a horizontal view. Elevation drawings shall be drawn to scale.

F. Grading Plan

1. All applications for structural development, except for trails in the SMA, involving more than 100 cubic yards of grading with slopes greater than 10 percent shall include a grading plan.
2. All proposed structural development involving more than 200 cubic yards of grading on sites visible from Key Viewing Areas shall include a grading plan.
3. All grading plans shall include the following:
  - a. A map of the site, prepared at a scale of 1-inch equals 200 feet (1:2,400) or a scale providing greater detail, with contour intervals of at least 5 feet, including:
    - (1) **Existing and proposed final grades.**
    - (2) Location of all areas to be graded, with cut banks and fill slopes delineated.
    - (3) Estimated dimensions of graded areas.
  - b. A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:
    - (1) Its purpose.
    - (2) An estimate of the total volume of material to be moved.
    - (3) The height of all cut banks and fill slopes.

- (4)** Provisions to be used for compactions, drainage, and stabilization of graded areas. (Preparation of this information by a licensed engineer or engineering geologist is recommended.)
- (5)** A description of all plant materials used to revegetate exposed slopes and banks, including the species, number, size, and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings.
- (6)** A description of any other interim or permanent erosion control measures to be used.

**SECTION 14.100 Provisions For All New Development (GMA & SMA)**

- A. All new development, except uses allowed through the expedited review process, shall be reviewed under the applicable sections of Key Viewing Areas, Scenic Travel Corridors, Landscape Settings, Natural Resources, Cultural Resources, and Recreation Resources.

**SITING**

- B. New development shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

**DESIGN/COLOR**

- C. New buildings and expansions of existing development shall be compatible with the general scale of existing nearby development. New buildings that are 1,500 square feet or less are exempt from this guideline. Findings addressing this guideline shall include but are not limited to:

1. Application of the landscape setting design guidelines, if applicable.
2. A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.
3. Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:
  - a. All finished above ground square footage;
  - b. Total area of covered decks and porches;
  - c. Attached garages
  - d. Daylight basements
  - e. Breezeways, if the breezeway shares a wall with an adjacent building
  - f. Dimensions, based on information from the application or on Assessor's records
4. An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

- D. Unless expressly exempted by other provisions, colors of all exterior surfaces of structures on sites not visible from Key Viewing Areas shall be dark earth tones found at the specific site or in the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval.



- E. Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval.
- F. Outdoor lighting shall be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River as well as preventing the lighting from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. Shielding and hooding materials shall be composed of non-reflective opaque materials. There shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic.

## LANDSCAPING

- G. All ground disturbance as a result of site development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation, and replacement of such vegetation that does not survive.
- H. Except as is necessary for site development or fire safety purposes, the existing tree cover screening the development area on the subject parcel from Key Viewing Areas and trees that provide a back drop on the subject parcel which help the development area achieve visual subordination, shall be retained. Additionally, unless allowed to be removed as part of the review use, all trees and vegetation within buffer zones for wetlands, streams, lakes, ponds and riparian areas shall be retained in their natural condition. Any of these trees or other trees required to be planted as a condition of approval that die for any reason shall be replaced by the current property owner or successors in interest no later than the next planting season (Oct-April) after their death with trees of the same species or from the list in the landscape setting for the property.

To ensure survival, new trees and replacement trees shall meet the following requirements

1. All trees shall be at least 4 feet tall at planting, well branched, and formed.
2. Each tree shall be braced with 3 guy wires and protected from livestock and wildlife. The guy wires need to be removed after two winters.
3. The trees must be irrigated until they are well established.
4. Trees that die or are damaged shall be replaced with trees that meet the planting requirements above.

**SECTION 14.200 Key Viewing Areas**

The following is required for all development that occurs on parcels/lots topographically visible from Key Viewing Areas.

- A.** Each development and land use shall be visually subordinate to its setting in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA as visible from Key Viewing Areas.
  - 1. A determination of the potential visual impact of a new development** shall include written findings addressing the following factors:
    - a. The number of Key Viewing Areas it is visible from;
    - b. The distance from the building site to the Key Viewing Areas it is visible from;
    - c. The linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads and the Columbia River);
    - d. The difference in elevation between the building site and Key Viewing Areas;
    - e. The nature and extent of topographic and vegetative back screening behind the building site as visible from Key Viewing Areas;
    - f. The amount of area of the building site exposed to Key Viewing Areas; and
    - g** The degree of existing vegetation providing screening.
  - 2.** Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA as visible from key viewing areas, including but not limited to:
    - a. screening by topography**
    - b. siting (location of development on the subject property, building orientation, and other elements);
    - c. retention of existing vegetation on the applicant's property**
    - d. design (form, line, color, texture, reflectivity, size, shape, height, architectural and design details and other elements); and
    - e. new landscaping on the applicant's property

**f. new berms or other recontouring on the applicant's property, where consistent with other applicable provisions.**

## **SITING**

- B.** New development shall be sited to achieve visual subordination from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites or conflict with standards to protect cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable. (GMA Only)
- C.** New development shall be sited to achieve visual subordination utilizing existing topography, and/or existing vegetation as needed in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas.
- D.** Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.
- E.** The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as visible from Key Viewing Areas.
- F.** New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. Variances to this guideline may be authorized according to Chapter 6 of this Ordinance if its application would render a property unbuildable. In determining the slope, the average percent slope of the proposed building footprint shall be utilized.

## **Design/Color**

- G.** Unless expressly exempted by other provisions in this chapter, colors of all exterior surfaces of structures visible from Key Viewing Areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval.
- H.** The exterior of buildings in the GMA and structures in the SMA on lands visible from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity. Continuous surfaces of glass shall be limited to ensure visual subordination. The Scenic Resources Implementation Handbook includes a list of recommended exterior materials and screening methods

## **Landscaping**

- I.** The following criteria shall apply to new landscaping used to screen development from Key Viewing Areas:
  - 1.** New landscaping (including new earth berms) shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development visually

subordinate in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.

2. If new landscaping is required to make a proposed development visually subordinate in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this criterion shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction. If after five years the vegetation has not achieved a size sufficient to screen the development, additional screening may be required by the local government to make the development visually subordinate.
3. Unless as specified otherwise by provisions in this chapter, landscaping shall be installed as soon as practicable, and prior to project completion.
4. Conditions regarding new landscaping or retention of existing vegetation for new developments shall meet both scenic guidelines and the fuel break guidelines listed in the fire protection standards for each zone.

## MISCELLANEOUS

- J. Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.
- K. New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.
- L. New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.
- M. New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:
  1. The facility is necessary for public service;
  2. The break in the skyline is -visible only in the background; and
  3. The break in the skyline is the minimum necessary to provide the service.

- N.** Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that:
1. The facility is necessary for public service;
  2. The break in the skyline is the minimum necessary to provide the service.
- O.** In addition to all applicable criteria above, all Mineral and Aggregate related uses on lands visible from Key Viewing Areas shall meet all applicable criteria in [Chapter 10](#).
- P.** In addition to the GMA standards, the following will be required in the SMA.
1. New developments and land uses shall be evaluated to ensure that the required scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from Key Viewing Areas.
  2. Sites approved for development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources.
  3. In all landscape settings, scenic standards in Table below shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.

REQUIRED SMA SCENIC STANDARDS		
LANDSCAPE SETTING	LAND USE DESIGNATION	SCENIC STANDARD
Coniferous Woodland, Oak-Pine Woodland	Forest (National Forest Lands), Open Space	Not Visually Evident
River Bottomlands	Open Space	Not Visually Evident
Gorge Walls, Canyonlands, Wildlands	Forest, Agriculture, Public Recreation, Open Space	Not Visually Evident
Coniferous Woodland, Oak-Pine Woodland	Forest, Agriculture, Residential, Public Recreation	Visually Subordinate
Residential	Residential	Visually Subordinate
Pastoral	Forest, Agriculture, Public Recreation, Open Space	Visually Subordinate
River Bottomlands	Forest, Agriculture, Public Recreation	Visually Subordinate

4. Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that meeting this criterion is not feasible considering the function of the structure.
5. Seasonal lighting displays maybe permitted on a temporary basis, not to exceed 3 months.
6. Proposed developments or land uses shall be sited to achieve the applicable scenic standard. Development shall be designed to fit the natural topography, to take advantage of landform and vegetation screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.
7. New buildings shall be compatible with the general scale of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable. New buildings that are 1,500 square feet or less are exempt. Findings addressing this guideline shall include, but are not limited to:
  - a. application of the landscape setting design guidelines, if applicable
  - b. a defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.
  - c. individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:
    - (1) All finished above ground square footage;
    - (2) Total area of covered decks and porches;
    - (3) Attached garages
    - (4) Daylight basements
    - (5) Breezeways, if the breezeway shares a wall with an adjacent building
    - (6) Dimensions, based on information from the application or on Assessor's records
8. An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

**Q.** The following are not required to meet scenic standards:

1. Uses and activities in Developed Settings as specified in [14.400\(J\)](#), Landscape Settings.

2. Rehabilitation of or modification of significant historic structures, carried out in compliance with the National Register of Historic Places guidelines (SMA)/National Parks Service regulations for such structures (GMA). To be eligible for such exemption, the structure must be included in or eligible for the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to structures meeting this guideline shall be consistent with National Park Service regulations for such structures.
3. Shoreline developments, uses and activities on the mainstream of the Columbia River that are adjoining Urban Areas.

**SECTION 14.300 Scenic Travel Corridors (GMA & SMA)**

- A.** Several state and federal highways, renowned as highly scenic travel and recreation corridors, traverse the National Scenic Area. These travelways parallel the Columbia River and several of its major tributaries. Among these well-known roads are the Historic Columbia River Highway and Interstate 84 (recently designated as one of the most scenic highways in America by Rand McNally).

The "Scenic Travel Corridors" program in the Management Plan acknowledges the importance of these travelways to the National Scenic Area. It provides measures to protect and enhance the scenic qualities of the landscapes within the foregrounds of these roads. Many of the standards included in this section require implementing actions from the state agencies charged with managing these scenic byways, in coordination with local governments.

- B.** The Historic Columbia River Highway and Interstate 84 are designated as Scenic Travel Corridors. Development along these corridors shall be subject to the following standards:
- 1.** For the purposes of implementing this section, the immediate foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Scenic Travel Corridor roadway.
  - 2.** All new buildings and alterations to existing buildings shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to [Chapter 6](#). All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.
  - 3.** Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a Scenic Travel Corridor roadway shall comply with standard 2 of this subsection to the maximum extent practicable.
  - 4.** All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:
    - a.** An evaluation of potential visual impacts of the proposed project as visible from any Key Viewing Area;
    - b.** An inventory of any rare plants, special wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable Management Plan guidelines to protect the resources.
  - 5.** When evaluating which locations to consider undergrounding of signal wires or power lines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the *Columbia River Gorge National Scenic Area Corridor Visual Inventory*, prepared in April 1990.



6. New exploration, development (extraction or excavation), and production of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. An interim time period to achieve compliance with full screening requirements shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed one year beyond the date of approval. Quarrying activity occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).
  7. Expansion of existing quarries may be allowed pursuant to [Section 10.300\(B\)\(2\)](#). Compliance with visual subordination requirements shall be achieved within timeframes specified in [Section 10.300\(B\)\(3\)](#). **(GMA Only)**
- C. In the SMA the following additional criteria shall apply to development within the immediate foregrounds of Key Viewing Areas. Immediate foregrounds are defined as within the developed prism of a road or trail KVA or within the boundary of the developed area.
1. The proposed development shall be designed and sited to meet the applicable scenic standard from the foreground of the subject KVA. If the development cannot meet the standard, findings must be made documenting why the project cannot meet the requirements in the previous section and why it cannot be redesigned or wholly or partly relocated to meet the scenic standard.
  2. Findings must evaluate the following:
    - a. The limiting factors to meeting the required scenic standard and/or applicable guidelines from the previous section,
    - b. Reduction in project size;
    - c. Options for alternative sites for all or part of the project, considering parcel configuration and on-site topographic or vegetative screening;
    - d. Options for design changes including changing the design shape, configuration, color, height, or texture in order to meet the scenic standard.
  3. Form, line, color, texture, and design of a proposed development shall be evaluated to ensure

that the development blends with its setting as visible from the foreground of key viewing areas:

- a. Form and Line-Design of the development shall minimize changes to the form of the natural landscape. Development shall borrow form and line from the landscape setting and blend with the form and line of the landscape setting. Design of the development shall avoid contrasting form and line that unnecessarily call attention to the development.
  - b. Color-Color shall be found in the project's surrounding landscape setting. Colors shall be chosen and repeated as needed to provide unity to the whole design.
  - c. Texture-Textures borrowed from the landscape setting shall be emphasized in the design of structures. Landscape textures are generally rough, irregular, and complex rather than smooth, regular, and uniform.
  - d. Design-Design solutions shall be compatible with the natural scenic quality of the Gorge. Building materials shall be natural or natural appearing. Building materials such as concrete, steel, aluminum, or plastic shall use form, line color and texture to harmonize with the natural environment. Design shall balance all design elements into a harmonious whole, using repetition of elements and blending of elements as necessary.
4. Screening from key viewing areas shall be encouraged for existing and required for new road maintenance, warehouse, and stockpile areas.



## **SECTION 14.400 Landscape Settings (GMA & SMA)**

Landscape settings are the combination of land uses, landforms and vegetation patterns which distinguish an area in appearance and character from other portions of the National Scenic Area.

Landscape Setting goals, policies and guidelines, as defined and identified in the Management Plan, represent a long-term vision of scenic protection as expressed in the landscape. The following design standards are provided to ensure that new developments are compatible with and maintain the character of their settings. These standards are not intended to limit imagination, variety or creative design solutions.

The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

### **A. Pastoral Landscape Setting**

#### **GMA Only**

1. Accessory structures, outbuildings and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.
2. In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:
  - a. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.
  - b. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area.
  - c. At least one-quarter of any trees planted for screening shall be coniferous for winter screening. **Variances may be granted to this guideline when development is directly adjacent or adjoining a landscape setting where coniferous trees are not common or appropriate (as identified in the Scenic Implementation Handbook), and tree species ultimately selected for winter screening are natives characteristic to that setting.**<sup>106</sup>

#### **SMA Only**

3. Pastoral areas shall retain the overall appearance of an agricultural landscape. The use of plant species in rows as commonly found in the landscape setting is encouraged. The use of plant species native to the landscape setting shall be encouraged. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area.

**B. Coniferous Woodland Landscape Setting**

**GMA Only**

1. Structure height shall remain below the forest canopy level.
2. In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:
  - a. At least half of any trees planted for screening purposes shall be species native to the setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area.
  - b. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

**SMA Only**

3. Woodlands areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous Woodland landscape.
  - a. Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics. Examples of native species are identified in the Scenic Implementation Handbook.
  - b. Buildings shall be encouraged to have a vertical overall appearance.

**C. Oak-Pine Woodland Landscape Setting**

**GMA Only**

1. Structure height shall remain below the tree canopy level of the dominant vegetation types of this setting.
2. In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development.
  - a. At least half of any tree species planted for screening purposes shall be species native to the setting. Examples of the native species are identified in the Scenic Implementation Handbook as appropriate to the area.

- b.** At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

**For substantially wooded portions:**

- c. Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.

**For treeless portions or portions with scattered tree cover:**

- d. Structures shall be sited on portions of the property which provide maximum screening from Key Viewing Areas utilizing existing topographic features.
- e. Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees in small groupings and openings between groupings.
- f. Accessory structures, outbuildings and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

**SMA Only**

- 3. Woodland areas should retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Oak/Pine Woodland landscape.
  - a. Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics. Examples of native species are identified in the Scenic Implementation Handbook.
  - b. Buildings shall be encouraged to have horizontal overall appearance.

**D. Grassland Landscape Setting**

**GMA Only**

- 1. Accessory structures, outbuildings and access ways shall be clustered together as much as possible. Exceptions to this criterion, where necessary for farming operations, are permitted.
- 2. In portions of this setting visible from Key Viewing Areas, the following standard shall be employed to achieve visual subordination standards for new development and expansion of existing development:
  - a. Structures shall be sited on portions of the property which provide maximum screening from Key Viewing Areas utilizing existing topographic features.
  - b. Lower structures which emphasize horizontal lines and blend with this sweeping landscape shall be encouraged rather than very tall structures.

- c. Planting of trees for screening shall not be extensive, in character with the openness of this setting. Where utilized, screening vegetation shall either tie in with near-by riparian vegetation in seasonal drainages or emulate windrows. At least half of any trees planted for screening purposes shall be species native to the setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area.

#### **E. Rural Residential Landscape Setting**

##### **GMA Only**

1. In portions of this setting visible from Key Viewing Areas(except those areas described in the “Developed Settings and Visual Subordinance Policies” of the Management Plan or in J below) the following standards shall be employed to achieve visual subordinance for new development:
  - a. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Examples of native species are identified in the Scenic Implementation Handbook.
  - b. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

#### **F. Rural Residential/Pastoral, Coniferous Woodland or Oak-Pine Woodland Landscape Setting**

##### **GMA Only**

1. New development in this setting shall meet the design standards described for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral, Coniferous Woodland, or Oak-Pine Woodland), unless it can be demonstrated that compliance with the guidelines for the more rural setting is impracticable. Expansion of existing development shall comply with this guideline to the maximum extent practicable.
2. In the event of a possible conflict between the two sets of standards, the standards for the more rural setting (Coniferous Woodland, Pastoral, or Oak-Pine Woodland) shall apply, unless it can be demonstrated that application of such standards would not be practicable.

#### **G. Residential Landscape Setting**

##### **GMA Only**

1. In portions of this setting visible from Key Viewing Areas (except those areas described in the “Developed Settings and Visual Subordinance Policies” of the Management Plan or in J below), the following standards shall be employed to achieve visual subordinance for new development and expansion of existing development:



- a. Structures' exteriors shall be non-reflective unless fully screened from Key Viewing Areas with existing vegetation and/or topography.
- b. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Examples of native species are identified in the Scenic Implementation Handbook.
- c. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

**SMA Only**

- 2. The Residential setting is characterized by concentrations of dwellings.
  - a. Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics. Examples of native species are identified in the Scenic Implementation Handbook.
  - b. At Rowena Dell, new buildings shall have a rustic appearance and use natural materials.

**H. River Bottomlands Landscape Setting**

**GMA Only**

- 1. In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:
  - a. At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation developments are encouraged to maximize the percentage of planted screening vegetation native to this setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area.
  - b. At least one-quarter of any trees planted for screening purposes shall be coniferous for winter screening.

**SMA Only**

- 2. River bottomlands shall retain the overall visual character of a floodplain and associated islands:
  - a. Buildings shall have an overall horizontal appearance in areas with little tree cover.
  - b. Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics. Examples of native species are identified in the Scenic Implementation Handbook.

**I. Gorge Walls, Canyonlands and Wildlands Landscape Setting**

**GMA Only**

1. New development and expansion of existing development shall be screened so as to not be visible from Key Viewing Areas to the maximum extent practicable.
2. All trees planted to screen permitted development and uses from Key Viewing Areas shall be native to the area.
3. All buildings shall be limited in height to 1 1/2 stories.
4. The exteriors of structures shall be non-reflective.
5. Signage shall be limited to natural materials such as wood or stone, and natural colors or earth-tone colors found in the surrounding landscape, unless public safety concerns or federal or state highway standards require otherwise.

**SMA Only**

6. New developments and land uses shall retain the overall visual character of the natural appearing landscape:
  - a. Structures, including signs, shall have a rustic appearance, use non-reflective materials, have low contrast with the surrounding landscape, and be of Cascadian architectural style.
  - b. Temporary roads must be promptly closed and revegetated.
  - c. New utilities must be below ground surface, where feasible.
  - d. Use of plant species non-native to the Columbia River Gorge shall not be allowed.
7. Signage shall be limited to natural materials such as wood or stone, and natural colors or earth tone colors, unless public safety concerns or federal or state highway standards require otherwise.

## J. Special Settings

### **GMA Only**

1. Two landscape settings in Wasco County are considered developed settings: Rural Residential and Residential. Of all General Management Area lands in these two settings, two particular areas which are not visually sensitive have been identified. New development in these settings shall be compatible with the setting, but not necessarily visually subordinate. New developments in these settings are exempt from the color and siting guidelines in the Key Viewing Areas section of this chapter. These areas are:
    - a. Murray's Addition subdivision, The Dalles (Residential)
    - b. Two small areas south of The Dalles in Sections 9 and 10, Township 1N, Range 13E (Residential).
  2. The Gorge Discovery Center site at Crates Point is designated River Bottom lands. The scope of development planned for the site may not make visual subordination possible. The Discovery Center site shall be designed and developed to be visually subordinate from Key Viewing Areas and compatible with its landscape setting to the maximum extent possible.
- K. The following guidelines shall apply to new landscaping used to screen development from key viewing areas: **(SMA Only)**
1. New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.
  2. If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.
  3. Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.
  4. The Building in the National Scenic Area Handbook includes recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).



**Section 14.500 Cultural Resources (GMA Only)**

**A. Purpose:**

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

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

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

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

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

**(1)** The modification, expansion, replacement, or reconstruction of existing buildings and structures.

**(2)** Proposed uses that would not disturb the ground, including:

**(a)** Land divisions and lot-line adjustments/replats;

**(b)** Storage sheds that do not require a foundation;

**(c)** Installation of surface chemical toilets;

**(d)** Hand treatment of brush within established rights-of-way; and

**(e)** New uses of existing structures.

**(3)** Proposed uses that involve minor ground disturbance, as defined by depth and extent, including:

**(a)** Repair and maintenance of lawfully constructed and serviceable structures;

**(b)** Home gardens;

**(c)** Live-stock grazing;

- (d)** Cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill;
- (e)** Construction of fences;
- (f)** New utility poles that are installed using an auger, post-hole digger, or similar implement; and
- (g)** Placement of manufactured homes where septic systems and underground facilities are not involved.

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

- (4)** Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed depth and extent of existing ground disturbance.
  - (a)** To qualify for this exception, a project applicant must demonstrate that land disturbing activities occurred in the project area.
  - (b)** Land disturbing activities include grading and cultivation.
- (5)** Proposed uses that would occur on sites that have been adequately surveyed in the past.
  - (a)** Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing.
  - (b)** The nature and extent of any cultural resources in the project area must be adequately documented.
- (6)** Proposed uses occurring in areas that have a low probability of containing cultural resources, except:
  - (a)** Residential development that involves two or more new dwellings for the same project applicant;
  - (b)** Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;
  - (c)** Public transportation facilities that are outside improved rights-of-way;
  - (d)** Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and

- (e)** Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

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

- c.** A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource and all proposed uses within 100 feet of a high probability area, including those listed above in (a)(1) through (6). The Forest Service maintains a map of known cultural resources and a probability map. Both maps are confidential as required by the National Scenic Area Act, other federal law, and Oregon and Washington law.
  - d.** The Gorge Commission may choose to conduct a reconnaissance survey for proposed uses listed in the exceptions if, in its professional judgement, a reconnaissance survey may be necessary to ensure protection of cultural resources.
- 2.** A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.
  - 3.** The Gorge Commission will conduct and pay for all reconnaissance and historic surveys for small-scale uses in the General Management Area.
    - a.** When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also will identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone.
    - b.** Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.
    - c.** Project applicants are responsible for paying for evaluations of significance and mitigation plans for cultural resources that are discovered during construction; subsection G, for small and large-scale uses in the General Management Area.
    - d.** For this Ordinance, large-scale uses include development involving:
      - (1)** Two or more new residential dwellings;
      - (2)** Recreation facilities;
      - (3)** Commercial and industrial development;

- (4) Public transportation facilities;
  - (5) Electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater;
  - (6) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances; and
  - (7) Disposal sites
4. The primary responsibility and cost of preparing an Evaluation of Significance, D; Assessment of Affect, E; or Mitigation Plan, F, shall be borne by the project applicant.
- a. If the applicant has no practicable alternative, according to (7) below, Practicable Alternative Test, allowing them to avoid an affected cultural resource, or is seeking to make a change or addition to a historic resource, the Forest Service has agreed to provide services to aid in the preparation of the Evaluation of Significance, Assessment of Effect, or Mitigation Plan to the greatest extent possible.
  - b. The responsibility for and cost of any development necessary to protect or mitigate effects on the cultural resource shall be borne by the project applicant.
5. All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in [36 Code of Federal Regulations \(CFR\) Part 61](#) and *Guidelines for evaluating and Documenting Traditional Cultural Properties* (Parker and King, no date).
- 1. If cultural resources may be affected by a proposed use, an evaluation shall be performed to determine if they are significant. Cultural resources are significant if one of the following criteria is satisfied:
    - A. The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places.

The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" ([36 CFR 60.4](#)). Generally, cultural resources must meet one or more of the following criteria. If a cultural resources meets one or more of the criteria, then it shall be assessed for integrity of location, design, setting, materials, workmanship, feeling, and association. If a cultural resource has the requisite integrity, then it would be eligible for the National Register of Historic Places. In addition, they must meet one or more of the following criteria:

- (1) Have an association with events that have made a significant contribution to the broad patterns of the history of this region.
- (2) Have an association with the lives of persons significant in the past.



- (3) Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction.
  - (4) Yield, or may be likely to yield, information important in precontact or historical information.
- B. The cultural resources are determined to be culturally significant by an Tribal government, based on criteria developed by that Tribal government.
- 2. If a project applicant's and Tribal government's evaluations of significance contradict, the Cultural Advisory Committee (CAC) shall review the applicant's evaluation and Tribal government's concerns. The CAC will submit a recommendation to the local government as to whether affected cultural resources are significant.
- 3. If cultural resources are determined to be significant, there shall be a professional assessment of the effects of the proposed use. The assessment shall be based on the criteria published in "Protection of Historic Properties" ([36 CFR800.5](#)).
- 4. A mitigation plan shall be prepared if a proposed use would have an adverse effect on significant cultural resources. The criteria published in "Resolution of Adverse Effects" ([36 CFR 800.6](#)) shall be used to determine if a proposed use would have an adverse effect.
- 5. Mitigation measures shall ensure that a proposed use would have no adverse effect on significant cultural resources. Uses that would adversely affect significant cultural resources shall be prohibited.
- 6. Avoidance is the preferred method of cultural resource protection. Other mitigation measures to reduce the effect of a proposed use on cultural resources shall be used only if avoidance is not practicable.
- 7. The state historic preservation officer (SHPO) shall have an opportunity to review all cultural resource surveys, evaluations, assessments, and mitigation plans. Based on comments submitted by the SHPO and interested persons, the local government shall make a final decision on whether the proposed use would be consistent with the cultural resource goals, policies, and guidelines.
- 8. The SHPO may delegate all or a portion of their responsibilities under these goals, objectives, policies, and guidelines to a local government that establishes a Certified Local Government, as provided in the National Historic Preservation Act of 1966.
- 9. If cultural resources are discovered during construction activities, all construction shall cease until the resources are inventoried and evaluated in accordance with applicable law and any inadvertent discovery plan. If the resources are determined to be significant, a mitigation plan shall be prepared.

10. If human remains are discovered during a cultural resource survey or during construction activities, all activities shall cease and the proper officials and governments shall be notified. Human remains shall be treated in accordance with the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) as amended, and other state laws that do not conflict with NAGPRA. A mitigation plan shall be prepared if the remains are reinterred or preserved in their original position.
  11. Provide incentives to protect and enhance historically significant buildings by allowing uses of such buildings that are compatible with their historic character and that provide public appreciation and enjoyment of them as cultural resources.
6. Determination of potential effects to significant cultural resources shall include consideration of cumulative effects of proposed developments that are subject to any of the following: 1) a reconnaissance or historic survey; 2) a determination of significance; 3) an assessment of effect; or 4) a mitigation plan.

**7. Practicable Alternative Test**

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

- a. The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on cultural resources;
- b. The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on cultural resources; and
- c. Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a management plan amendment to demonstrate that practicable alternatives do not exist.

**C. Cultural Resource Reconnaissance and Historic Surveys**

**1. Gorge Commission/Tribal Government Notice**

- a.** In addition to other public notice requirements that may exist, the County shall notify the Tribal governments when:
  - (1)** A reconnaissance survey is required; or
  - (2)** Cultural resources that are precontact or otherwise associated with Native Americans exist in the project area.
- b.** Notices sent to Tribal governments shall include a site plan as stipulated in Section 14.040. At a minimum, notice shall be sent via email where addresses are available. If a tribal government requests notice in another form, local governments shall comply with that request.
- c.** Tribal governments shall have 30 calendar days from the date a notice is mailed to submit written comments to the County Planning Office.
  - (1)** The tribal government may choose to include comments that describe the nature and extent of any cultural resources that exist in the project area and identify individuals with specific knowledge about them.
  - (2)** The County shall send a copy of all comments to the Gorge Commission.

**2. Consultation and Ethnographic Research**

- a.** When written comments are submitted to the County Planning Office in a timely manner, the project applicant shall offer to meet with the interested persons within 10 calendar days.
  - (1)** The 10 day consultation period may be extended upon agreement between the project applicant and the interested persons.
  - (2)** Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. This consultation meeting may include oral history identification through tribal sources. Recommendations to avoid potential conflicts should be discussed.
  - (3)** All written comments and consultation meeting minutes shall be incorporated into the reconnaissance or historic survey report, except that sensitive tribal information may be redacted by an appropriate tribal representative. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.

- b.** A project applicant who is proposing a large-scale use or development shall conduct interviews and other forms of ethnographic research if interested persons submit a written request for such research.
  - (1)** All requests must include a description of the cultural resources that may be affected by the proposed use and identify of knowledgeable informants.
  - (2)** Ethnographic research shall be conducted by qualified specialists. Recordings, maps, photographs, and minutes shall be used when appropriate.
  - (3)** All written comments, consultation meeting minutes and ethnographic research shall be incorporated into the reconnaissance or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report.

### **3. Notice of Survey Results**

- a.** The County shall submit a copy of all cultural resource survey reports to the State Historic Preservation Office and the Tribal governments.
  - (1)** Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer zone.
  - (2)** The State Historic Preservation Office and the tribes shall have 30 calendar days from the date a survey report is mailed to submit written comments to the County Planning Office.
  - (3)** The County shall record and address all written comments in its development review order.

### **4. Conclusion of the Cultural Resource Protection Process**

- a.** The County Planning Office will make a final decision on whether the proposed use would be consistent with the cultural resource goals, policies, guidelines, and standards.
- b.** If the final decision contradicts the comments submitted by the State Historic Preservation Office, the County must justify how it reached an opposing conclusion.
- c.** The cultural resource protection process may conclude when one of the following conditions exist:
  - (1)** The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 30 calendar days of the date that a notice was mailed.

- (2) A reconnaissance survey demonstrates that cultural resources do not exist in the project area and no substantiated concerns were voiced by interested persons within 30 calendar days of the date that a notice was mailed.
- (3) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area.
  - (a) To meet this standard, a reasonable buffer zone must be established around the affected resources or properties;
  - (b) All ground disturbing activities shall be prohibited within the buffer zone.
  - (c) Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant.
  - (d) A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.
  - (e) An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.
- (4) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures. To demonstrate that the proposed use would not have an effect on historic buildings or structures, the historic survey must satisfy one of the following guidelines:
  - (a) The State Historic Preservation Office concludes that the historic buildings or structures are clearly not significant, as determined using the criteria in the "National Register Criteria for Evaluation" ([36 CFR Part 60.4](#)); or
  - (b) The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (US Department of Interior 2017 or the most recent revision).
- (5) The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these standards.

(a) If it does not, architectural and building plans, photographs, and archival research may be required; and

(b) The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.

(6) The historic survey and report must demonstrate that these standards have been clearly and absolutely satisfied. If the State Historic Preservation Office or the County Planning Office question whether these standards have been satisfied, the project applicant shall conduct an evaluation of significance, according to D below, Evaluation of Significance.

#### D. Evaluation of Significance

##### 1. Evaluation Criteria

Cultural resources are significant if one of the following criteria is satisfied.

a. The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places.

The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" ([36 CFR 60.4](#)). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, they must meet one or more of the following criteria.

(1) Have an association with events that have made a significant contribution to the broad patterns of the history of this region.

(2) Have an association with the lives of persons significant in the past.

(3) Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic components may lack individual distinction.

(4) Yield, or may be likely to yield, information important in prehistory or history.

b. The cultural resources are determined to be culturally significant by a Tribal government, based on criteria developed by that Tribal government and filed with the Gorge Commission.

##### 2. Evaluation Process and Information Needs

If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following standards:

Evaluations of significance shall follow the procedures in [How to Apply the National Register](#)

[Criteria for Evaluation](#) (U.S. Department of the Interior 2002 or most recent revision) and [Guidelines for the Evaluation and Documentation of Traditional Cultural Properties](#) (Parker and King 1998 or most recent revision). They shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.

- a. To evaluate the significance of cultural resources, the information gathered during the reconnaissance or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analyses, and archival research may be required.
- b. The project applicant shall contact Tribal governments and interested persons, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.
- c. The evaluation of significance shall follow the principles, guidelines, and report format recommended by the State Historic Preservation Office. It shall incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.
- d. All documentation used to support the evaluation of significance shall be cited.
  - (1) Evidence of consultation with Tribal governments and other interested persons shall be presented.
  - (2) All comments, recommendations, and correspondence from Tribal governments and interested persons shall be appended to the evaluation of significance.

### 3. Notice of Evaluation Results

If the evaluation of significance demonstrates that the cultural resources are not significant, the County shall submit a copy of the evaluation of significance to the State Historic Preservation Office and the Tribal governments for concurrence.

- a. The State Historic Preservation Office, Tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the County Planning Office.
- b. The County Planning Office shall record and address all written comments in its development review order.

#### 4. Cultural Resources are Culturally Significant

If a Tribal government believes that the affected cultural resources are culturally significant, contrary to the evaluation submitted by the project applicant, the Cultural Advisory Committee shall make an independent review of the applicant's evaluation and the Tribal government's substantiated concerns.

- a. The Cultural Advisory Committee will formulate a recommendation regarding the significance of the cultural resources.
- b. The Tribal government must substantiate its concerns in a written report.
  - (1) The report must be submitted to the County Planning Office, Cultural Advisory Committee, and the project applicant within 15 calendar days from the date the evaluation of significance is mailed.
  - (2) The Cultural Advisory Committee must submit its recommendation to the County Planning Office within 30 calendar days from the date the evaluation of significance is mailed.

#### 5. Conclusion of the Cultural Resource Protection Process

The County will make a final decision on whether the affected resources are significant.

- a. If the final decision contradicts the comments or recommendations submitted by the State Historic Preservation Office or Cultural Advisory Committee, the County must justify how it reached an opposing conclusion.
- b. The cultural resource protection process may conclude if the affected cultural resources are not significant.
- c. If the project applicant or the County determines that the cultural resources are significant, the effects of the proposed use shall be assessed according to E below, Assessment of Effect.

#### E. Assessment of Effect

##### 1. Evaluation Criteria and Information Needs

If a use could affect significant cultural resources, an assessment shall be made to determine if it would have no effect, no adverse effect, or an adverse effect. The assessment shall meet the following standards:

- a. The assessment of effect shall be based on the criteria published in "Protection of Historic Properties" ([36 CFR Part 800.5](#)) and shall incorporate the results of the reconnaissance or



historic survey and the evaluation of significance. All documentation shall follow the requirements listed in [36 CFR Part 800.11](#).

- (1) Proposed uses have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [\[36 CFR Part 800.5\]](#).
- (2) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association [\[36 CFR Part 800.5\]](#). Adverse effects on cultural resources include, but are not limited to:
  - (a) Physical destruction, damage, or alteration of all or part of the cultural resource;
  - (b) Isolation of the cultural resource from its setting or alteration of the character of the resources setting when that character contributes to the resource's qualification as being significant;
  - (c) Introduction of visual, audible, or atmospheric elements that are out of character with the cultural resource or its setting;
  - (d) Neglect of a significant cultural resource resulting in its deterioration or destruction, except as described in [36 CFR 800.5](#); and
  - (e) Transfer, lease, or sale of the cultural resource.
- b. The assessment of effect shall be prepared in consultation with Tribal governments and interested persons, as appropriate. The concerns and recommendations voiced by Tribal governments and interested persons shall be recorded and addressed in the assessment.
- c. The effects of a proposed use that would otherwise be determined to be adverse may be considered to not be adverse in the following instances:
  - (1) The cultural resources are of value only for their potential contribution to archeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research before development begins, and such research is conducted in accordance with applicable professional standards and guidelines;
  - (2) The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through conformance with [The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings](#) (U.S. Department of the Interior 2017 or most recent revision); or

- (3) The proposed use is limited to the transfer, lease, or sale of non-federal lands that contain cultural resources, and adequate restrictions or conditions are included to ensure preservation of the significant features of the resources.

## 2. Notice of Assessment Results

If the assessment of effect concludes that, the proposed use would have no effect or no adverse effect on significant cultural resources, the County shall submit a copy of the assessment to the State Historic Preservation Office and the Tribal governments.

- a. The State Historic Preservation Office, Tribal governments, and interested persons shall have 30 calendar days from the date the assessment of effect is mailed to submit written comments to the County Planning Office.
- b. The County shall record and address all written comments in its development review order.

## 3. Conclusion of the Cultural Resource Protection Process

The County will make a final decision on whether the proposed use would have no effect, no adverse effect, or an adverse effect.

- a. If the final decision contradicts the comments submitted by the State Historic Preservation Office, the County must justify how it reached an opposing conclusion.
- b. The cultural resource protection process may conclude if the proposed use would have no effect or no adverse effect on significant cultural resources.
- c. A mitigation plan shall be prepared if a project applicant or the County determines that the proposed use would have an adverse effect on significant cultural resources according to F below, Mitigation Plans.

## F. Mitigation Plans

### 1. Mitigation Plan Criteria and Information Needs

Mitigation plans shall be prepared when proposed uses would have an adverse effect on significant cultural resources. The plans must reduce an adverse effect to no effect or no adverse effect. Mitigation plans shall meet the following guidelines:

- a. Mitigation plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including Tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and the State Historic Preservation Office.
- b. Avoidance of cultural resources through project design and modification is preferred.

Avoidance may be effected by reducing the size, scope, configuration, and density of the proposed use.

- c. Alternative mitigation measures shall be used only if avoidance is not practicable.
  - (1) Alternative measures may include, but are not limited to, requiring a monitor during construction, burial under fill, stabilization, removal of the cultural resource to a safer place, and partial to full excavation and recordation.
  - (2) If the mitigation plan includes buffer zones to protect cultural resources, a deed covenant, easement, or other appropriate mechanism must be developed and recorded in county deeds and records.
- d. Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in [36 CFR Part 800.11](#), including, but not limited to:
  - (1) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use;
  - (2) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection;
  - (3) Documentation of consultation with the State Historic Preservation Office regarding any alternatives or mitigation measures;
  - (4) A description of the project applicant's efforts to obtain and consider the views of Tribal governments, interested persons, and local governments; and
  - (5) Copies of any written recommendations submitted to the County Planning Office or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.

## 2. Notice of Mitigation Plan Results

If a mitigation plan reduces the effect of a use from an adverse effect to no effect or no adverse effect, the local government shall submit a copy of the mitigation plan to the State Historic Preservation Office and the Tribal governments.

- a. The State Historic Preservation Office, Tribal governments, and interested persons shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the County Planning Office.
- b. The local government shall record and address all written comments in its development review order.

### 3. Conclusion of the Cultural Resource Protection Process

The County will make a final decision on whether the mitigation plan would reduce an adverse effect to no effect or no adverse effect.

- a. If the final decision contradicts the comments submitted by the State Historic Preservation Office, the County must justify how it reached an opposing conclusion.
- b. The cultural resource protection process may conclude if a mitigation plan would reduce an adverse effect to no effect or no adverse effect.
- c. The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.

### G. Cultural Resources Discovered After Construction Begins

The following procedures shall be affected when cultural resources are discovered during construction activities, and shall be included as conditions of approval for all review uses. All survey and evaluation reports and mitigation plans shall be submitted to the local government and the SHPO. Tribal governments shall also receive a copy of all reports and plans if the cultural resources are precontact or otherwise associated with Native Americans.

- 1. Halt Construction: All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
- 2. Notification: The project applicant shall notify the County Planning Office and the Gorge Commission within 24 hours of the discovery. If the cultural resources are precontact or otherwise associated with Native Americans, the project applicant shall also notify the Tribal governments within 24 hours.
- 3. Survey and Evaluation: The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation Office (see, [ORS 358.905](#) to [358.955](#)).
  - a. The Commission will gather enough information to evaluate the significance of the cultural resources.
  - b. The survey and evaluation will be documented in a report that generally follows the criteria in the "Reconnaissance Survey Reports--Large Scale Uses" and "Evaluation of Significance, Evaluation Criteria and Information Needs" of this chapter.
  - c. Based on the survey and evaluation report and any written comments, the County will make a final decision on whether the resources are significant.

- d. Construction activities may recommence if the cultural resources are not significant.
  - e. A mitigation plan will be prepared by the Gorge Commission if the affected cultural resources are significant.
4. Mitigation Plan: Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in F above, Mitigation Plans.
  5. All survey and evaluation reports and mitigation plans shall be submitted to the County Planning Office and the State Historic Preservation Office.
  6. Tribal governments also shall receive a copy of all reports and plans if the cultural resources are precontact or otherwise associated with Native Americans.
  7. Construction activities may recommence when the conditions in the mitigation plan have been executed.
- H. Discovery of Human Remains
- The following procedures shall be used when human remains are discovered during a cultural resource survey or during construction, and shall be included as a condition of approval for all review uses. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.
1. Halt Activities: All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.
  2. Notification: Local law enforcement officials, the County Planning Office, the Gorge Commission, and the Tribal governments shall be contacted immediately. Do not contact any other entity than those listed here.
  3. Inspection: The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are precontact/historic or modern. Representatives from the Tribal governments shall have an opportunity to monitor the inspection.
  4. Jurisdiction: If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.
  5. Treatment: Precontact/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in [ORS 97.740](#) to [97.760](#).
  6. If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements specified in F above, Mitigation Plans.
    - a. The mitigation plan shall accommodate the cultural and religious concerns of Native Americans.

- b. The cultural resource protection process may conclude when the conditions set forth in F above, Mitigation Plans, are met and the mitigation plan is executed.

I. Reconnaissance Surveys -- Small Scale Uses

Reconnaissance surveys for small-scale uses shall be designed by a qualified professional. Reconnaissance surveys for small-scale uses shall generally include a surface survey and subsurface testing. They shall meet the following guidelines:

1. A surface survey of the project area shall be conducted, except for inundated areas and impenetrable thickets.
2. Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present.
3. Subsurface probes will be placed at intervals sufficient to determine the absence or presence of cultural resources.

J. Reconnaissance Survey Reports--Small Scale Uses

The results of a reconnaissance survey shall be documented in a confidential report that includes:

1. A description of the fieldwork methodology used to identify cultural resources, including a description of the type and extent of the reconnaissance survey.
2. A description of any cultural resources that were discovered in the project area, including a written description and photographs.
3. A map that shows the project area, the areas surveyed, the location of subsurface probes, and if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer zone.

K. Reconnaissance Surveys--Large Scale Uses

Reconnaissance surveys for large-scale uses shall be designed by a qualified professional. A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.

Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following standards:

1. Archival research shall be performed prior to any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous archaeologic,

historic, and ethnographic research; cultural resource inventories and records maintained by federal, state, and local agencies; and primary historic accounts, such as diaries, journals, letters, and newspapers.

2. Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.
3. Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.
4. Archaeological site inventory forms shall be submitted to the State Historic Preservation Office whenever cultural resources are discovered.

**L. Reconnaissance Survey Reports--Large Scale Uses**

The results of a reconnaissance survey for large-scale uses shall be documented in a confidential report. Reconnaissance survey reports shall include:

1. A description of the proposed use, including drawings and maps.
2. A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.
3. A list of the documents and records examined during the archival research and a description of any precontact or historic events associated with the project area.
4. A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be prepared at a scale that provides accurate and readable details. In no event shall the scale be less than 1 inch equals 100 feet (1:1,200).
5. An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings, and a map. The map shall be prepared at a scale that provides accurate and readable details. In no event shall the scale be less than 1 inch equals 100 feet (1:1,200).
6. A summary of all written comments submitted by Tribal governments and other interested persons.
7. A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. This assessment shall incorporate concerns and recommendations voided during consultation meetings and information obtained through archives and ethnographic research and field surveys.

**M. Historic Surveys and Reports**

Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures.

1. Historic surveys shall include original photographs and maps. Archival research, blueprints, and drawings should be used as necessary.
2. Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures.
3. The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.

**N. Cultural Advisory Committee**

The Gorge Commission will establish a Cultural Advisory Committee. The Cultural Advisory Committee will be comprised of cultural resource professionals, interested individuals, and at least one representative from each of the four Indian tribes.

The Cultural Advisory Committee will perform six principal functions:

1. Monitor cultural resource surveys, evaluations, impact assessments, and mitigation plans;
2. Periodically formulate and submit recommendations to the State Historic Preservation Office, local governments, and the Gorge Commission regarding cultural resource surveys, evaluations, impact assessments, and mitigation plans;
3. Monitor cultural resource decisions made by the State Historic Preservation Office and the local governments;
4. Recommend procedural and administrative changes to the Gorge Commission that would improve the cultural resource protection process;
5. Advise the Gorge Commission on the design and implementation of future cultural resource inventories, including oral history programs and survey strategies; and
6. Review evaluations of significance when a disagreement arises between a project applicant and an Tribal government.
  - a. In these instances, the Cultural Advisory Committee will submit written recommendations to the local government.
  - b. Recommendations will be based on the evaluation prepared by the project applicant, reports submitted by Tribal governments, and comments submitted by interested persons, including the State Historic Preservation Office.





### **Section 14.510 Cultural Resources (SMA Only)**

In addition to the standards and conditions listed in this chapter for the GMA, the following standards apply to all lands in the Special Management Area:

- A. If a standard or condition of this Section is more restrictive than other sections of this chapter, this section is controlling;
- B. This section is applicable to all Federal agencies for new developments and land uses on all Federal lands, federally assisted projects and forest practices. The Forest Service will provide for completing the requirements of this Section for forest practices and National Forest system lands.
- C. All projects that are not included for review in B above shall be reviewed under [Section 14.500](#) of this Chapter.
- D. All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal Investigators shall meet the professional standards published in [36 CFR Part 61](#).
- E. For federal or federally assisted undertakings, the reviewing agency will complete its consultation responsibilities under Section 106 of the Historic Preservation Act of 1966. [[36 CFR 800.2](#)]
- F. Discovery During Construction:
  - 1. All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the reviewing agency in the event of the inadvertent discovery of cultural resources during construction or development.
  - 2. In the event of the discovery of cultural resources, particularly human bone or burials, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery, and recommend measures to protect and/or recover the resource.
  - 3. If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:
    - a. Stop all work in the vicinity of the discovery.
    - b. The applicant shall immediately notify the Forest Service, the applicant's cultural resource professional, the County coroner, and appropriate law enforcement agencies.
    - c. The Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.

**G. Effects to Cultural Resources**

Reviewing agencies shall use the following steps under [36 CFR 800.4](#) for assessing potential effects to cultural resources and [36 CFR 800.5](#) for assessing adverse effects to cultural resources

**1. Literature Review and Consultation**

- a.** An assessment of the presence of any cultural resources, listed on the National Register of Historic Places at the national, state or local level, on or within the area of potential direct and indirect impacts.
- b.** A search of state and County, National Scenic Area/Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural resources, including consultation with the State Historic Preservation Office and tribal governments. State and tribal government response to the consultation request shall be within 30 days.
- c.** Consultation with cultural resource professionals knowledgeable about the area.

**2. Field Inventory**

- a.** As determined by G(1) above, the presence of a recorded or known cultural resource, including those reported in consultation with the tribal governments on or within the immediate vicinity of a new development or land use, shall require a field inventory by a cultural resource professional.
- b.** Tribal representatives shall be invited to participate in the field inventory.
- c.** The field inventory shall consist of one or the other of the following standards, as determined by the cultural resource professional:

**(1) Complete Survey:**

- (a)** The systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly-spaced transects.
- (b)** A complete survey may also require techniques such as clearing of vegetation, auguring or shovel probing of subsurface soils for the presence of buried cultural resources.

**(2) Sample Survey:**

- (a)** The sampling of an area to assess the potential of cultural resources within the area of proposed development or use.
- (b)** This technique is generally used for large or difficult to survey parcels, and is

generally accomplished by a stratified random or non-stratified random sampling strategy.

- (c) A parcel is either stratified by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.
  - (d) Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers and types of cultural resources throughout the sampling strata.
  - (e) Depending on the results of the sample, a complete survey may or may not subsequently be recommended.
- d. A field inventory report is required, and shall include the following:
- (1) A narrative integrating the Literature Review in G(1) with the Field Inventory G(2).
  - (2) A description of the Field Inventory methodology utilized under G(2), describing the type and extent of field inventory, supplemented by maps which graphically illustrate the areas surveyed, not surveyed, and the rationale for each.
  - (3) A statement of the presence or absence of cultural resources within the area of the new development or land in use.
  - (4) When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources shall be included.
  - (5) Recommendations and standards for monitoring, if appropriate, shall be included.
- e. Report format shall follow that specified by the Oregon State Historic Preservation Office.
- f. The field inventory report shall be presented to the Forest Service for review.
3. Evaluations of Significance
- a. When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource relative to the criteria of the National Register of Historic Places ([36 CFR 60.4](#)).
  - b. Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.
  - c. Evaluations of the significance of traditional cultural properties shall follow National Register Bulletin 38, "[Guidelines for the Evaluation and Documentation of Traditional Cultural Properties](#)", within local and regional contexts.
  - d. Recommendations for eligibility of individual cultural resources under National Register

Criteria A through D ([36 CFR 60.4](#)) shall be completed for each identified resource. The Forest Service shall review evaluations for adequacy.

- e. Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in the project area, and documentation of their concerns, shall be included as part of the evaluation of significance.

#### 4. Assessment of Effect

- a. For each significant (i.e., National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in [36 CFR 800.5](#) "Assessing Effects". Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for (b) through (d) below. The Forest Service shall review each determination for adequacy.
- b. If the proposed development or change in use will have "No Adverse Effect" ([36 CFR 800.4](#)) to a significant cultural resource, documentation for that finding shall be completed, following the "Documentation Standards" of [36 CFR 800.11](#). If the proposed development or change in use will have an effect then the criteria of adverse effect must be applied ([36 CFR 800.5](#)).
- c. If the proposed development or change in use will have an "Adverse Effect" as defined by [36 CFR 800.5](#) to a cultural resource, the type and extent of "Adverse Effect" upon the qualities of the property that make it eligible to the National Register shall be documented ([36 CFR 800.6](#) "Resolution of Adverse Effects"). This documentation shall follow the process outlined under [36 CFR 800.11](#), ("Failure to Resolve Adverse Effects").
- d. If the "effect" appears to be beneficial (i.e., an enhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the qualities of the cultural resource that make it eligible to the National Register. This documentation shall follow the process outlined under [36 CFR 800.11](#) "Standards".

#### 5. Mitigation

- a. If there will be an effect on cultural resources, measures shall be provided ([36 CFR 800.6](#) "Resolution of Adverse Effects") for mitigation of effects. These measures shall address factors such as avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, and other appropriate measures.
- b. Evidence of consultation with tribal governments and individuals with knowledge of the resources to be affected, and documentation of their concerns, shall be included for all mitigation proposals.
- c. The Forest Service shall review all mitigation proposals for adequacy.

- H. Determination of potential effects to significant cultural resources shall include consideration of cumulative effects of proposed developments that are subject to any of the following: 1) a reconnaissance or historic survey; 2) a determination of significance; 3) an assessment of effect; or 4) a mitigation plan.



**SECTION 14.600 Natural Resources (GMA Only)****A. Wetlands****1. Purpose**

- a. Achieve no loss of wetlands acreage and functions.
- b. Improve the quality of wetlands.
- c. New uses shall avoid wetlands to the greatest extent practicable.

**2. Rules for Delineating Wetlands Boundaries**

- a. The approximate location and extent of wetlands in the National Scenic Area is shown on Statewide Wetlands Inventory. In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.

Some wetlands may not be shown on the wetland inventory or soil survey maps. Wetlands that are discovered by the County planning staff during an inspection of a potential site shall be delineated and protected unless the proposed development is clearly sited beyond the wetland buffers as stated in A(3).

- b. Determining the exact location of a wetlands boundary shall be the responsibility of the project applicant.

(1) Wetlands boundaries shall be delineated using the procedures specified in the [Corps of Engineers Wetlands Delineation Manual](#) (Wetlands Research Program Technical Report Y-87-1, on-line edition, updated through March 21, 1997) and applicable regional supplements as may be revised from time to time.

(2) All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures, such as a soil scientist, botanist, or wetlands ecologist.

- c. The County may verify the accuracy of, and may render adjustments to, a wetlands boundary delineation.

In the event the adjusted boundary delineation is contested by the project applicant, the County shall, at the applicant's expense, obtain professional services to render a final delineation.



### 3. Wetlands Buffer Zones

- a. The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.
- b. The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.

(1) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent.

A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.

(2) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

(3) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grass-like plants, forbs, ferns, and non-woody vines.

- c. Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required.

(1) Forest communities: 75 feet

(2) Shrub communities: 100 feet

(3) Herbaceous communities: 150 feet

- d. Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition.

When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

- e. Deschutes River, identified by the Environmental Protection Agency in 2019 as priority cold water refuge fish habitat, requires a 200 feet buffer.

### 4. Modification to Serviceable Structures and Placement of Minor Water Dependent and Water-Related Structures in Wetlands

The following uses may be allowed in wetlands and wetland buffer zones, subject to (5) below, Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and

Water-Related Structures in Wetlands, (7) below Site Plans, and the remaining applicable sections of this Chapter.

- a. The modification, expansion, replacement, or reconstruction of serviceable **transportation or other public infrastructure (this does not include private road or driveways)**<sup>85</sup> structures if such actions would not:

- (1) Increase the size of an existing structure by more than 100 percent;
- (2) Result in a loss of wetlands acreage or functions;
- (3) Result in a loss of water quality, natural drainage, and fish and wildlife habitat; and
- (4) Intrude further into a wetland or wetlands buffer zone.

New structures shall be considered to be intruding further into a wetland or wetlands buffer zone if any portion of the structure is located closer to the wetland or wetlands buffer zone than the existing structure.

- b. The construction, modification, expansion, replacement, or reconstruction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretive aids, such as kiosks and signs.
- c. The construction, modification, expansion, replacement, or reconstruction of water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.
- d. The modification, expansion, replacement, or reconstruction of serviceable transportation or other public infrastructure (this does not include private road and driveways), if such actions would not:
  - (1) Increase the size of an existing structure by more than 100 percent.
  - (2) Result in a loss of water resource functions.
  - (3) Result in a loss of water quality, natural drainage, and fish and wildlife habitat
- e. The construction, modification, expansion, replacement, or reconstruction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to: boardwalks; observation decks; interpretive aids, such as kiosks and signs; and trails and paths, provided their surface is not constructed of impervious materials.

- f. The construction, modification, expansion, replacement, or reconstruction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal government resource agencies.
5. Approval Criteria for Uses in Wetlands. Uses may be allowed only if they meet all of the following criteria:
- a. Practicable alternatives for locating the structure outside of the wetland do not exist.
  - b. All reasonable measures have been applied to ensure that the use will result in the minimum loss of wetlands and in the minimum degradation of ecological functions, water quality, existing contour, vegetation, fish and wildlife resources, and hydrology.
  - c. The use will be constructed using best management practices. Best management practices can include measures to prevent soil erosion, the introduction and spread of invasive measures to prevent soil erosion, the introduction and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil, and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality.
  - d. Areas disturbed during construction of the use will be rehabilitated to the maximum extent practicable.
  - e. The use complies with the Approval Criteria for Other Review Uses in Water Resources below.
  - f. Proposed uses in wetlands shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.
  - g. The use complies with all applicable federal, state, and local laws.
6. Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Wetlands. The uses listed in (4) above may only be allowed upon findings that:
- a. Practicable alternatives, as determined by E below, Practicable Alternative Test, minimizing the impacts of the structure do not exist;
  - b. All reasonable measures have been applied to ensure that the structure will result in the minimum alteration or degradation of ecological functions, water quality, existing contour, vegetation, fish and wildlife resources, and hydrology;
  - c. All wetlands that are altered shall be restored, replaced, or enhanced according to (8) below, Wetlands, Compensation Plan;
  - d. The structure will be constructed using best management practices. Best management

practices can include measures to prevent soil erosion, the introduction and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil, and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality;

- e. Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable;
- f. The structure complies with all applicable federal, state, and local laws; and
- g. Proposed uses in wetlands and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

**7. Other Uses and Activities Located in Wetlands or Wetland Buffer Zones.**

Except for uses permitted without review in [Section 3.100](#) and [3.180\(B\)](#) (Open Space) and [Modifications to Serviceable Structures and Placement of Minor Water-Dependent and Water-Related Structures in Wetlands](#) as specified in (4) above, other uses authorized by the applicable zoning designation may be allowed in wetlands and wetland buffer zones subject to (7) below, [Site Plans](#), the remaining applicable sections of this Chapter and the following criteria:

- a. The proposed use is water-dependent.
- b. The proposed use is in the public interest as determined by F, [Public Interest Test](#).
- c. Measures will be applied to ensure that the proposed use results in the minimum feasible alteration or destruction of the wetland's functions, existing contour, vegetation, fish and wildlife resources, and hydrology.
- d. Groundwater and surface-water quality will not be degraded by the proposed use.
- e. Those portions of a proposed use that are not water-dependent will not be located in wetlands or wetlands buffer zones.
- f. The proposed use complies with all applicable federal, state, and local laws.
- g. Areas that are disturbed during construction of the proposed use will be rehabilitated to the maximum extent practicable.
- h. Unavoidable impacts to wetlands will be offset through the deliberate restoration, creation, or enhancement of wetlands. Wetlands restoration, creation, and enhancement are not alternatives to the guidelines listed above; they shall be used only as a last resort to offset unavoidable wetlands impacts. Wetlands restoration, creation, and enhancement shall be in accordance with Subsection (8) below, [Wetlands Compensation Plans](#).

The following wetlands restoration, creation, and enhancement guidelines shall apply:

- (1)** Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred alternative.
- (2)** Wetlands restoration, creation, and enhancement projects shall be conducted in accordance with a wetlands compensation plan.
- (3)** Wetlands restoration, creation, and enhancement projects shall use native vegetation.
- (4)** The size of replacement wetlands shall equal or exceed the following ratios. The first number specifies the acreage of wetlands requiring replacement and the second number specifies the acreage of wetlands altered or destroyed.
  - (a)** Restoration: 2:1
  - (b)** Creation: 3:1
  - (c)** Enhancement: 4:1
- (5)** Replacement wetlands shall replicate the functions of the wetland that will be altered such that no net loss of wetlands function occurs.
- (6)** Replacement wetlands should replicate the type of wetland that will be altered or destroyed. If this standard is not feasible or practical due to technical constraints, a wetland type of equal or greater benefit may be substituted, provided that no net loss of wetlands functions occurs.
- (7)** Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this guideline is not practicable due to physical or technical constraints, replacement shall occur within the same watershed and as close to the altered or destroyed wetland as practicable.
- (8)** Wetlands restoration, creation, and enhancement efforts should be completed before a wetland is altered or destroyed. If it is not practicable to complete all restoration, creation, and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the new use is occupied or used.
- (9)** Five years after a wetland is restored, created, or enhanced at least 75 percent of the replacement vegetation must survive. The project applicant shall monitor the hydrology and vegetation of the replacement wetland and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan and this guideline.

- 8.** Proposed uses in wetlands and wetland buffer zones shall be evaluated for adverse effects,

including cumulative effects, and adverse effects shall be prohibited.

## 9. Site Plans

In addition to the information required in all site plans, site plans for proposed uses in wetlands or wetlands buffer zones shall include: a site plan map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail; the exact boundary of the wetland and the wetlands buffer zone; and a description of actions that would alter or destroy the wetland.

## 10. Wetlands Compensation Plans

Wetlands compensation plans shall be prepared when a project applicant is required to restore, create, or enhance wetlands. A written plan addressing the guidelines in this section is also required for voluntary enhancement projects. All wetlands compensation plans must be approved by the local government, after consultation with federal and state agencies with jurisdictions over wetlands. They shall satisfy the following guidelines and any others required by federal and state agencies:

- a. Wetlands compensation plans shall be prepared by a qualified professional.
- b. The primary responsibility and cost of preparing wetland compensation plans shall be borne by the applicant. If the applicant has no practicable alternative, according to E below, Practicable Alternative Test, to locating within the wetland or wetland buffer area, the Forest Service has agreed to provide assistance in the preparation of the plan, to the greatest extent possible.
- c. Wetland compensation plans shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.
- d. Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered and the wetland that will be restored, created, or enhanced. This assessment shall include information on flora, fauna, hydrology, and wetlands functions.
- e. Compensation plans shall also assess the suitability of the proposed site for establishing a replacement, wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities, and value of the existing area to be converted.
- f. Compensation plans shall provide plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals no greater than 1 foot, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:
  - (1) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.

- (2) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.
- (3) Water-quality parameters, water source, water depths, water-control structures, and water-level maintenance practices needed to achieve the necessary hydrologic conditions.
- g. A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.
- h. A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a wetlands compensation plan.
- (1) The Director may require the owner of the property to sign a contract with the County for enforcement of the Wetland Compensation Plan. Such contract shall be executed within thirty (30) days after approval is granted, provided, however, that the Director may grant time extensions due to practical difficulty. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required, no building permit shall be issued for the use covered by the application, nor construction commence until the executed contract is recorded on the real property records of Wasco County and filed in the County Journal. Such contract shall not restrict the power of subsequent administrative action, with or without conditions. Such contracts shall be enforceable against the signing parties, their heirs, successors, and assigns by Wasco County by appropriate action in law or suit in equity for the benefit of public health, safety and welfare.
- (2) A bond, in a form acceptable to the Director or, upon appeal or review, by the Commission or County Board of Commissioners or a cash deposit from the property owner(s) or contract purchaser(s) in such amount as will assure compliance with the Wetland Compensation Plan may be required. Such bond or deposit shall be posted before any building permits will be issued or construction may commence.

**B. Streams, Ponds, Lakes, and Riparian Areas**

**1. Purpose**

- a. Protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas.
- b. Enhance aquatic and riparian areas.

## 2. Stream, Pond, and Lake Buffer Zones

- a. Buffer zones shall generally be measured landward from the ordinary high water-mark on a horizontal scale that is perpendicular to the ordinary high water-mark. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer widths shall be required:
  - (1) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet.
  - (2) Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet.
  - (3) Ponds and lakes:
    - (a) The pond or lake buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.
    - (b) The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected pond or lake. Vegetation communities are classified as forest, shrub, or herbaceous.
      - (i) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent.  
  
A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.
      - (ii) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.
      - (iii) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grass-like plants, forbs, ferns, and non-woody vines.
    - (c) Buffer zones shall be measured outward from a pond or lake boundary on a horizontal scale that is perpendicular to the pond or lake boundary. The following buffer zone widths shall be required.
      - (i) Forest communities: 75 feet
      - (ii) Shrub communities: 100 feet



**(iii) Herbaceous communities: 150 feet**

**(d)** When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

- b.** Determining the exact location of the ordinary high water-mark or normal pool elevation shall be the responsibility of the project applicant. The County may verify the accuracy of, and may render adjustments to, an ordinary high water-mark or normal pool delineation. In the event the adjusted boundary delineation is contested by the project applicant, the County shall, at the project applicant's expense, obtain professional services to render a final delineation.
- c.** Except as otherwise allowed, buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

**3. Modifications to Serviceable Structures and Placement of Minor Water-Dependent and Water-Related Structures in Aquatic Riparian Areas.**

The following uses may be allowed in streams, ponds, lakes, and riparian areas, and their buffer zones subject to (4) below, Approval Criteria for Modifications to Serviceable Structures and Placement of Minor Water-Dependent and Water-Related Structures in Aquatic Riparian Areas, (6) below, Site Plans, the remaining applicable sections of this Chapter and the following:

- a.** The modification, expansion, replacement or reconstruction of serviceable structures, provided that such actions would not:

- (1)** Increase the size of an existing structure by more than 100 percent,
- (2)** Result in a loss of water quality, natural drainage, and fish and wildlife habitat, or
- (3)** Intrude further into a stream, pond, lake, or buffer zone.

New structures shall be considered intruding further into a stream, pond, lake, or buffer zone if any portion of the structure is located closer to the stream, pond, lake, or buffer zone than the existing structure.

- b.** The construction, modification, expansion, replacement, or reconstruction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretive aids, such as kiosks and signs.
- c.** The construction, modification, expansion, replacement, or reconstruction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat

houses, and fish and wildlife management structures that are constructed by federal, state or tribal government resource agencies.

4. Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Aquatic and Riparian areas. The uses listed in (3) above may only be allowed upon findings that:

- a. Practicable alternatives for locating the structure outside of the water resource or buffer zone do not exist;
- b. All reasonable measures have been applied to ensure that the structure will result in the minimum alteration or degradation of ecological functions, water quality, natural drainage, existing contour, vegetation, and fish and wildlife **resources, and hydrology**; ~~habitat of streams, ponds, lakes, and riparian areas.~~<sup>86</sup>
- c. All aquatic and riparian areas that are altered shall be restored, replaced, or enhanced according to (7) below, Rehabilitation and Enhancement Plans;
- d. The structure will be constructed using best management practices. Best management practices can include measures to prevent soil erosion, the introduction and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality;
- e. Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and
- f. The structure complies with all applicable, federal, state and local laws.
- g. Proposed uses in aquatic and riparian areas and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

5. Other Uses and Activities Located in Aquatic and Riparian Areas

Except for uses permitted without review in [3.100](#) and [3.180\(B\)](#) (Open Space) and modifications to serviceable structures and placement of minor water-dependent and water-related structures in aquatic and riparian areas as specified in (3) above, other uses authorized by the applicable zoning designation may be allowed in aquatic and riparian areas subject to (6) below, Site Plans, the remaining applicable sections of this Chapter, and the following criteria:

- a. The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by E below, Practicable Alternative Test of this section.
- b. The proposed use is in the public interest as determined by F below, Public Interest Test of this section.

- c. Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake and/or buffer zone.

As a starting point, the following mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

- (1) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife 2000) unless otherwise coordinated with and approved by the Oregon Department of Fish and Wildlife.
  - (2) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.
  - (3) Ecological functions, contour, and hydrology shall be maintained. Nonstructural controls and natural processes shall be used to the greatest extent practicable.
  - (4) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.
  - (5) Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used.
  - (6) Temporary and permanent control measures shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.
  - (7) Measures shall be taken to prevent the introduction or spread of invasive plants or aquatic species.
- d. Groundwater and surface-water quality will not be degraded by the proposed use.
  - e. Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.
  - f. The proposed use complies with all applicable federal, state, and local laws.
  - g. Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement.

Rehabilitation and enhancement shall improve water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone. When a project area has been disturbed in the past it shall be rehabilitated to its natural condition to the maximum extent practicable.

The following rehabilitation and enhancement standards shall apply:

- (1) Rehabilitation and enhancement projects shall be conducted in accordance with a rehabilitation and enhancement plan.
  - (2) Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.
  - (3) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient.
  - (4) The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.
  - (5) Riparian areas shall be rehabilitated to their original configuration, including slope and contour.
  - (6) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structures. Structures include large woody debris and boulders.
  - (7) Stream channels and banks, shorelines, and riparian areas shall be replanted with native plant species that replicate the original vegetation community.
  - (8) Rehabilitation and enhancement efforts shall be completed no later than 90 days after the aquatic area or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.
  - (9) Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation must survive. The project applicant shall monitor the replacement vegetation and take corrective measures to meet this standard.
6. Proposed uses in streams, ponds, lakes, and riparian areas and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

## 7. Site Plans

In addition to the information required in all site plans, site plans for proposed uses in streams, ponds, lakes, and their buffer zones shall include: a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail; the exact boundary of the ordinary high water-

mark or normal pool elevation and the prescribed buffer zone; and a description of actions that would alter or destroy the stream, pond, lake, or riparian area.

## 8. Mitigation Plans

Mitigation plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake, and/or buffer zone. A written plan addressing the guidelines in this section is also required for voluntary enhancement projects. Plans shall satisfy the following standards and any others required by federal and state agencies:

- a. Mitigation plans shall be primarily the responsibility of the applicant. If the applicant has no practicable alternative, according to E below, Practicable Alternative Test, to locating within the stream, pond, lake, riparian zone, or buffer area, the Forest Service has agreed to provide assistance in the preparation of the plan, to the greatest extent possible.
- b. Mitigation plans shall be prepared by qualified professionals.
- c. All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, and/or buffer zone. This assessment shall include hydrology, flora, and fauna.
- d. Plans shall include plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least 2 feet, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate:
  - (1) Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.
  - (2) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.
  - (3) Water-quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.
- e. A minimum 3-year monitoring, maintenance, and replacement program shall be included in all mitigation plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation shall survive. The project applicant shall monitor the replacement vegetation and take corrective measures to meet this guideline. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.

- f. A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a mitigation plan.

(1) The Director may require the owner of the property to sign a contract with the County for enforcement of the Rehabilitation and Enhancement Plan. Such contract shall be executed within thirty (30) days after approval is granted, provided, however, that the Director may grant time extensions due to practical difficulty. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required, no building permit shall be issued for the use covered by the application, nor construction commence, until the executed contract is recorded on the real property records of Wasco County and filed in the County Journal. Such contract shall not restrict the power of subsequent administrative action, with or without conditions. Such contracts shall be enforceable against the signing parties, their heirs, successors, and assigns by Wasco County by appropriate action in law or suit in equity for the benefit of public health, safety and welfare.

(2) A bond, in a form acceptable to the Director or, upon appeal or review, by the Commission or County Board of Commissioners or a cash deposit from the property owner(s) or contract purchaser(s) in such amount as will assure compliance with the Rehabilitation and Enhancement Plan may be required. Such bond or deposit shall be posted before any building permits will be issued or construction may commence.

### C. Wildlife Habitat

#### 1. Purpose:

- a. Ensure that new uses do not adversely affect Priority Habitats or sensitive wildlife sites.

Priority Habitats are identified by the Forest Service, Oregon Department of Fish and Wildlife, and Washington Department of Fish and Wildlife. The agencies revise their priority habitats from time to time. The list of priority habitats as of the date of adoption of this Plan as listed in Table 1.

"Sensitive wildlife sites" are the locations used by species for nesting roosting, denning or other life cycle needs as identified below:

- (1) Listed as endangered or threatened pursuant to federal or state endangered species acts;  
or
- (2) Listed as sensitive by the Oregon Fish and Wildlife Commission, or
- (3) Considered to be of special interest to wildlife management authorities and the public, including great blue heron, osprey, mountain goat, golden eagle, peregrine falcon, and prairie falcon.
- (4) Updated lists of species included in (1), (2), and (3) above can be found on the website

for the Wildlife Division of Oregon Department of Fish and Wildlife. The Forest Service and the Gorge Commission also maintain updated lists.

- b. Enhance wildlife habitat that has been altered by past uses.
- c. Use regulations to avoid adverse effects of development and land use within and near Priority Habitats or sensitive wildlife sites.
- d. Update wildlife data as new areas and sites are discovered and federal or state wildlife lists are revised.

2. Approval Criteria for Fences in Deer and Elk Winter Range

New fences in deer and elk winter range shall comply with the following standards.

- a. New fences in deer and elk winter range maybe allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.
- b. New and replacement fences that are allowed in winter range shall comply with the guidelines in the Forest Service document, *Specifications for Structural Range Improvements* (Sanderson et. al. 1990), as summarized below, and may be revised from time to time, unless the project applicant demonstrates the need for an alternative design. To allow deer and other wildlife safe passage
  - (1) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.
  - (2) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.
  - (3) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.
  - (4) Stays, or braces placed between strands of wire, shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.
- c. Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet their specific and immediate needs, such as controlling hogs and sheep.

### 3. Uses and Activities Permitted within 1,000 feet of a Priority Habitat or Sensitive Wildlife Site.

Except for uses permitted without review in [Section 3.100](#) and [3.180\(B\)](#) (Open Space), uses and activities authorized by the applicable designation may be allowed within 1,000 feet of a Priority Habitat or sensitive wildlife site subject to (4) below, Site Plans and Field Surveys, the remaining applicable sections this Chapter and the following criteria:

- a. Uses that are proposed within 1,000 feet of a Priority Habitat or sensitive wildlife site shall be reviewed by the Oregon Department of Fish and Wildlife.
  - (1) The approximate locations of Priority Habitats or sensitive wildlife sites are shown in the wildlife inventory.
  - (2) State wildlife biologists will help to determine if a new use would adversely affect a Priority Habitat or sensitive wildlife site.
- b. The Site plan shall be submitted to the Oregon Department of Fish and Wildlife by the County. State wildlife biologists will review the site plan and their field survey records. They will:
  - (1) Identify/verify the precise location of the Priority Habitat or sensitive wildlife site,
  - (2) Ascertain whether the Priority Habitat or sensitive wildlife area site is active or abandoned,
  - (3) Determine if the proposed use may compromise the integrity of the Priority Habitat or sensitive wildlife site or occur during the time of the year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons, and
  - (4) In some instances, state wildlife biologists may conduct field surveys to verify the wildlife inventory and assess the potential effects of a proposed use.
- c. The following factors may be considered when site plans are reviewed:
  - (1) Biology of the affected wildlife species.
  - (2) Published guidelines regarding the protection and management of the affected wildlife species. Examples include: the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron; the Washington Department of Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander (Rodrick and Milner 1991).
  - (3) Physical characteristics of the subject parcel and vicinity, including topography and



vegetation.

- (4)** Historic, current, and proposed uses in the vicinity of the Priority Habitat or sensitive wildlife site.
- (5)** Existing condition of the Priority Habitat or sensitive wildlife site and the surrounding habitat and the useful life of the area or site.
- d.** The wildlife protection process may terminate if the County, in consultation with the state wildlife agency, determines:
  - (1)** The Priority Habitat or sensitive wildlife site is not active, or
  - (2)** The proposed use would not compromise the integrity of the Priority Habitat or sensitive wildlife site or occur during the time of the year when wildlife species are sensitive to disturbance.
- e.** If the County, in consultation with the State wildlife agency, determines that the proposed use would have only minor effects on the Priority Habitat or sensitive wildlife site that could be eliminated through mitigation measures recommended by the state wildlife biologist, or by simply modifying the site plan or regulating the timing of new uses:
  - (1)** A letter shall be sent to the project applicant that describes the effects and measures needed to eliminate them.
  - (2)** If the project applicant accepts these recommendations, the County will incorporate them into its development review order, and
  - (3)** The wildlife protection process may conclude.
- f.** If the County, in consultation, with Oregon Department of Fish and Wildlife, determines that the proposed use would adversely affect a Priority Habitat or sensitive wildlife site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing, the project applicant shall prepare a wildlife management plan as specified in 5, Wildlife Management Plans.
- g.** The County shall submit a copy of all field surveys and wildlife management plans to Oregon Department of Fish and Wildlife.
  - (1)** The state wildlife agency will have 20 days from the date that a field survey or management plan is mailed to submit written comments to the County Planning Office.
  - (2)** The county shall record and address any written comments submitted by the state

wildlife agency in its development review order.

- (3)** Based on the comments from the state wildlife agency, the County will make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines.

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

- h.** The County shall require the project applicant to revise the wildlife management plan to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.
- i.** Proposed uses within 1,000 feet of a Priority Habitat or sensitive wildlife site shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.
- j.** Oregon white oak shall not be removed if practicable alternatives exist. If no practicable alternative exists, a wildlife survey and mitigation plan shall be required. This criteria shall not apply to forest practices that are otherwise allowed and that do not violate conditions of approval for other approved uses.

#### **4. Site Plans and Field Surveys**

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

- c. Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a professional wildlife biologist hired by the project applicant. All Priority Habitat or sensitive wildlife sites discovered in a project area shall be described and shown on the site plan map.

## 5. Wildlife Mitigation Plans

Wildlife Mitigation Plans shall be prepared when a proposed use is likely to adversely affect a Priority Habitat or sensitive wildlife site. Their primary purpose is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. This information provides a basis for the project applicant to redesign the proposed use in a manner that protects Priority Habitat or sensitive wildlife areas sites, maximizes their development options, and mitigates temporary impacts to the wildlife area or site and/or buffer zone.

Wildlife management plans shall meet with the following standards:

- a. Wildlife management plans shall be prepared by a professional wildlife biologist.
- b. The primary responsibility and cost of preparing wildlife management plans shall be borne by the applicant. If the applicant has no practicable alternative, according to E below, Practicable Alternative Test, to locating within 1,000 feet of a Priority Habitat or sensitive wildlife site, the Forest Service has agreed to provide assistance in the preparation of the plan, to the greatest extent possible.
- c. All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and useful life of the Priority Habitat or sensitive wildlife site.
- d. The core habitat of the sensitive wildlife species shall be delineated. It shall encompass the sensitive wildlife area or site and the attributes, or key components, that are essential to maintain the long-term use and integrity of the wildlife area or site.
- e. A wildlife buffer zone shall be employed. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer zones shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.
- f. The size, scope, configuration, or density of new uses within the core habitat and the wildlife buffer zone shall be regulated to protect scenic wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are sensitive to disturbance. The following standards shall apply:

- (1) New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor underground utilities or the maintenance of existing structures.
- (2) Intensive uses shall be generally prohibited in wildlife buffer zones. Such uses may be conditionally authorized when a Priority Habitat or sensitive wildlife site is inhabited seasonally, provided they will have only temporary effects on the wildlife buffer zone and rehabilitation and/or enhancement will be completed before a particular species returns.
- g. Rehabilitation and/or enhancement shall be required when new uses are authorized within wildlife buffer zones.
  - (1) When a buffer zone has been altered o in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable.
  - (2) When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required.
  - (3) Enhancement shall achieve no net loss of the integrity of the wildlife area or site.
  - (4) Rehabilitation and enhancement actions shall be documented in the wildlife mitigation plan and shall include a map and text.
- h. The project applicant shall prepare and implement a 3-year monitoring plan when the affected Priority Habitat or sensitive wildlife site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists.
  - (1) It shall include an annual report and shall track the status of the Priority Habitat or sensitive wildlife site and the success of rehabilitation and/or enhancement actions.
  - (2) At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful.
  - (3) In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the wildlife mitigation plan standards.

#### **D. Rare Plants**

##### **1. Purpose**

- a. Ensure that new uses do not adversely affect rare plant species and ecosystems that are, according to lists kept current by the Gorge Commission:

- (1) endemic to the Columbia River Gorge and vicinity,
  - (2) listed as endangered or threatened pursuant to federal or state endangered species acts, or
  - (3) **designated global or state status ranks 1, 2, or 3** by the Oregon Biodiversity Information Center. This includes designated native plant communities.
- b. Encourage the protection of plant species that are classified "Review" {list 3}, or "Watch" {list 4} by the Oregon Biodiversity Information Center.
  - c. Enhance the natural habitat of rare plant species.
2. Sensitive Plant Buffer Zones:
- a. A 200 foot buffer zone shall be maintained around rare plants. Buffer zones shall remain in an undisturbed, natural condition.
  - b. Buffer zones may be reduced if a project applicant demonstrates that intervening topography, vegetation, manmade features, or natural plant habitat boundaries negate the need for a 200 foot radius. Under no circumstances shall the buffer zone be less than 25 feet.
  - c. Requests to reduce buffer zones shall be considered if a professional botanist or plant ecologist hired by the project applicant:
    - (1) identifies the precise location of the rare plants,
    - (2) describes the biology of the rare plants, and
    - (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected plants and the surrounding habitat that is vital to their long-term survival.
    - (4) All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and management shall be cited. The report shall include detailed maps and photographs.
  - d. The County shall submit all requests to reduce sensitive plant species buffer zones to the Oregon Biodiversity Information Center.
    - (1) The state heritage program will have 20 days from the date that such a request is mailed to submit written comments to the County Planning Office.

- (2) The County shall record and address any written comments submitted by the state heritage program in its development review order.
- (3) Based on the comments from the state heritage program, the County will make a final decision on whether the reduced buffer zone is justified. If the final decision contradicts the comments submitted by the state heritage program, the County shall justify how it reached an opposing conclusion.

### 3. Uses and Activities Permitted Within 1,000 Feet of a Sensitive Plant

Except for uses permitted without review in [Section 3.100](#) and [3.180\(B\)](#) (Open Space) uses and activities authorized by the applicable zoning designation may be allowed within 1,000 feet of a rare plant subject to (4) below, Site Plans and Field Surveys, the remaining applicable sections of this Chapter and the following criteria:

- a. Uses that are proposed within 1,000 feet of a rare plant shall be reviewed by the Oregon Biodiversity Information Center.
  - (1) The approximate locations of rare plants are shown in the rare plant species inventory.
  - (2) State heritage staffs will help determine if a new use would invade the buffer zone of rare plants.
- b. Site plans shall be submitted to the State Natural Heritage Program by the County.
  - (1) The State Heritage staff will review the site plan and their field survey records.
  - (2) The State Heritage Office will identify the precise location of the affected plants and delineate a 200 foot buffer zone on the project applicant's site plan.
  - (3) If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.
- c. The rare plant protection process may conclude if the County, in consultation with the State Heritage Program, determines that the proposed use would be located outside of a rare plant buffer zone.
- d. New uses shall be prohibited within rare plant species buffer zones, except for those uses that are allowed outright.
- e. If a proposed use must be allowed within a rare plant buffer zone in accordance with Chapter 6, Variances the project applicant shall prepare a protection and rehabilitation plan that complies with the standards in (7) below, Rare Plant Mitigation Plans.

- f. The County shall submit a copy of all field surveys and Rare Plant Mitigation Plans to the Oregon Biodiversity Information Center.
  - (1) The state heritage program will have 20 days from the date that a field survey is mailed to submit written comments to the County.
  - (2) The County shall record and address any written comments submitted by the state heritage program in its development review order.
- g. Based on the comments from the State Heritage Program, the County will make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the state heritage program, the County shall justify how it reached an opposing conclusion.
- h. Proposed uses within 1,000 feet of a rare plant shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

**4. Site Plans and Field Surveys**

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

expected to be flowering or most easily detectable.

**(2)** Field surveys shall identify the precise location of the rare plants and delineate a 200 foot buffer zone.

**(3)** The results of a field surveys shall be shown on the site plan map and kept confidential by Wasco County as required by state law

## **5. Rare Plant Mitigation Plans**

Rare Plant Mitigation Plans shall minimize and offset unavoidable impacts that result from a new use that occurs within a rare plant buffer zone as the result of a variance granted according to [Chapter 6](#). All plans shall meet the following guidelines:

- a.** Rare Plant Mitigation Plans shall be prepared by a professional botanist or plantecologist.
- b.** The primary responsibility and cost of preparing Rare Plant Mitigation Plans shall be borne by the applicant. Recognizing the limited number of situations in which an applicant will be forced to locate within a rare plant buffer area, the Forest Service has agreed to provide assistance in the preparation of these plans, to the greatest extent possible.
- c.** Construction, protection, and rehabilitation activities shall occur during the time of the year when ground disturbance will be minimized and protection, rehabilitation, and replacement efforts will be maximized.
- d.** Rare plants that will be altered shall be transplanted or replaced to the maximum extent practicable.
  - (1)** Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses.
  - (2)** Replacement may be accomplished by seeds, cuttings, or other appropriate methods.
  - (3)** Replacement shall occur as close to the original plant site as practicable.
  - (4)** The project applicant shall ensure that at least 75 percent of the replacement plants survive three years after the date they are planted.
- e.** Rare plants and their surrounding habitat that will not be altered shall be protected and maintained. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management, and noxious weed control.
- f.** Habitat of a rare plant that will be affected by temporary uses shall be rehabilitated to a natural condition.



- g.** Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.
- h.** Rare Plant Mitigation Plans shall include maps, photographs, and text. The text shall:
  - (1)** Describe the biology of rare plant species that will be affected by a proposed use.
  - (2)** Explain the techniques that will be used to protect rare plants and their surrounding habitat that will not be altered.
  - (3)** Describe the rehabilitation and enhancement actions that will minimize and offset the impacts that will result from a proposed use.
- (4)** Include a 3-year monitoring, maintenance, and replacement program. The project applicant shall prepare and submit to the County an annual report that documents milestones, successes, problems, and contingency actions.

**E. Practicable Alternative Test**

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

- 1.** The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, streams, ponds, lakes, riparian areas, wildlife areas or sites, or plant areas and sites; and
- 2.** The basic purpose of the use cannot be accomplished by reducing its size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, streams, ponds, lakes, riparian areas, wildlife or plant areas and sites.; and
- 3.** Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or Recreation Intensity Class is a constraint, an applicant must request a management plan amendment to demonstrate that practicable alternatives do not exist.

**F. Public Interest Test**

The following factors shall be considered when determining if a proposed use is in the public interest:

1. The extent of public need for the proposed use. For uses in wetlands, public need is limited to uses necessary to alleviate a current public safety issue supported by evidence establishing the safety issue.
2. The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.
3. The functions and size of the wetland, stream, pond, lake, or riparian area that may be affected.
4. The economic value of the proposed use to the general area.
4. The ecological value of the wetland, stream, pond, lake, or riparian area and probable effect on public health and safety, fish, plants, and wildlife.



**SECTION 14.610 Natural Resources (SMA Only)****A. Water Resources (Wetlands, Streams, Ponds, Lakes, and Riparian Areas)**

1. Purpose - Protect and enhance the quantity and quality of water resources and their functions.
2. All new developments and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following guidelines to ensure that natural resources are protected from adverse effects. Cumulative effects analysis is not required for expedited review uses or development. Comments from state and federal agencies shall be carefully considered.
  - a. All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in (2)(a) and (b) below. These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined below.
    - (1) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a Mitigation Plan as described in E below.
    - (2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:
      - (a) A minimum 200 foot buffer on each wetland, pond, lake, and each bank of a perennial or fish bearing stream, some of which can be intermittent.
      - (b) A 50-foot buffer zone along each bank of intermittent (including ephemeral), non-fish bearing streams.
      - (c) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:
        - i. The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way.
        - ii. The wetland is not critical habitat.
        - iii. Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.

- (3) The buffer width shall be increased for the following:

- (a) When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.
  - (b) When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.
  - (c) When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.
- (4) Buffer zones can be reconfigured if a project applicant demonstrates all of the following:
- (a) the integrity and function of the buffer zones is maintained,
  - (b) the total buffer area on the development proposal is not decreased,
  - (c) the width reduction shall not occur within another buffer, and
  - (d) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, manmade features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.
- (5) Requests to reconfigure buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant
- (a) identifies the precise location of the sensitive wildlife/plant or water resource,
  - (b) describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and
  - (c) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.
- (6) The County shall submit all requests to re-configure sensitive wildlife/plant or water resource buffers to the Forest Service and the appropriate state agencies for review. All written comments shall be included in the project file. Based on the comments from the state and federal agencies, the County will make a final decision on whether the reconfigured buffer zones are justified. If the final decision contradicts the comments submitted by the federal and state agencies, the County shall justify how it reached an opposing conclusion.
- b. When a buffer zone is disturbed by a new use, it shall be replanted with only native plant

species of the Columbia River Gorge.

- c. The applicant shall be responsible for identifying all water resources and their appropriate buffers. (see above)
- d. Wetlands Boundaries shall be delineated using the following:
  - (1) The approximate location and extent of wetlands in the National Scenic Area is shown on the Statewide Wetlands Inventory. In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.
  - (2) Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.
  - (3) The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the '[1987 Corps of Engineers Wetland Delineation Manual](#) (on-line Edition)' and applicable Regional Supplements.
  - (4) All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures, such as a soil scientist, botanist, or wetlands ecologist.
- e. Stream, pond, and lake boundaries shall be delineated using the bank full flow boundary for streams and the high water mark for ponds and lakes. The project applicant shall be responsible for determining the exact location of the appropriate boundary for the water resource.
- f. The County may verify the accuracy of, and render adjustments to, a bank full flow, high water mark, normal pool elevation (for the Columbia River), or wetland boundary delineation. If the adjusted boundary is contested by the project applicant, the County shall obtain professional services, at the project applicant's expense, or the County will ask for technical assistance from the Forest Service to render a final delineation.
- g. Buffer zones shall be undisturbed unless the following criteria have been satisfied:
  - (1) The proposed use must have no practicable alternative as determined by the practicable alternative test.  
  
Those portions of a proposed use that have a practicable alternative will not be located in wetlands, stream, pond, lake, and riparian areas and/or their buffer zone.
  - (2) Filling and draining of wetlands shall be prohibited with exceptions related to public safety or restoration/enhancement activities as permitted when all of the following

criteria have been met:

- (a) A documented public safety hazard exists or a restoration/ enhancement project exists that would benefit the public and is corrected or achieved only by impacting the wetland in question, and
  - (b) Impacts to the wetland must be the last possible documented alternative in fixing the public safety concern or completing the restoration/enhancement project, and
  - (c) The proposed project minimizes the impacts to the wetland.
- h. Unavoidable impacts to wetlands and aquatic and riparian areas and their buffer zones shall be offset by deliberate restoration and enhancement or creation (wetlands only) measures as required by the completion of a Mitigation Plan as described in E below.
  - i. Proposed uses and development within wetlands, streams, ponds, lakes, riparian areas and their buffer zones shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited.

## B. Wildlife and Plants

### 1. Purpose

- a. Protect (ensure that new uses do not adversely affect, including cumulative effects) and enhance the wildlife and plant diversity of the Gorge.
- b. Encourage the protection of plant species that are classified as "List 3 (Review)" or "List 4 (Watch)" by the Oregon Biodiversity Information Center.
- c. Ensure that new uses do not adversely affect natural areas that are potentially eligible for the Oregon Register of Natural Heritage Resources.

- 2. All new developments and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following guidelines to ensure that natural resources are protected from adverse effects. Comments from state and federal agencies shall be carefully considered.

- a. Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 ft. of a sensitive wildlife/plant site and/or area.

Sensitive Wildlife Areas and endemic plants are those areas depicted in the wildlife inventory and listed in the Priority Habitats Table below, including all Priority Habitats listed in this Chapter. The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.

- b. The County shall submit site plans (of uses that are proposed within 1,000 feet of a sensitive wildlife and/or plant area or site) for review to the Forest Service and Oregon Department of

Fish and Wildlife and Oregon Biodiversity Information Center for plant issues.

- c. The Forest Service wildlife biologists and/or botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:

- (1) Identify/verify the precise location of the wildlife and/or plant area or site,
- (2) Determine if a field survey will be required,
- (3) Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse affects (including cumulative effects) to the wildlife or plant area or site. This would include considering the time of year when wildlife or plant species are sensitive to disturbance, such as nesting, rearing seasons, or flowering season, and
- (4) Delineate the undisturbed 200 ft. buffer on the site plan for rare plants and/or the appropriate buffer for sensitive wildlife areas or sites, including nesting, roosting and perching sites.
  - (a) Buffer zones can be reconfigured if a project applicant demonstrates all of the following:
    - i. the integrity and function of the buffer zones is maintained,
    - ii. The total buffer area on the development proposal is not decreased,
    - iii. The width reduction shall not occur within another buffer, and
    - iv. The buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, manmade features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.
  - (b) Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant):
    - i. identifies the precise location of the sensitive wildlife/plant or water resource,
    - ii. Describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and
    - iii. Demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long-term function.



- (c) The County shall submit all requests to re-configure sensitive wildlife/plant or water resource buffers to the Forest Service and the appropriate state agencies for review. All written comments shall be included in the record of application and based on the comments from the state and federal agencies, the County will make a final decision on whether the reduced buffer zone is justified. If the final decision contradicts the comments submitted by the federal and state agencies, the County shall justify how it reached an opposing conclusion.
- d. The County, in consultation with the State and federal wildlife biologists and/or botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed developments or uses do not compromise the integrity and function of or result in adverse affects to the wildlife or plant area or site:
  - (1) Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron.
  - (2) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.
  - (3) Historic, current, and proposed uses in the vicinity of the sensitive wildlife/plant area or site.
  - (4) Existing condition of the wildlife/plant area or site and the surrounding habitat and the useful life of the area or site.
  - (5) In areas of winter range, habitat components, such as forage, and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.
  - (6) The site plan is consistent with the "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife 2000).
  - (7) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.
  - (8) The site plan illustrates that new developments and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.
  - (9) Maintain, protect, and enhance the integrity and function of Priority Habitats (such

as old growth forests, talus slopes, and oak woodlands) as listed on the following Priority Habitats Table. This includes maintaining structural, species, and age diversity, maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.

PRIORITY HABITATS TABLE	
Priority Habitats	Criteria
Aspen stands	High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.
Caves	Significant wildlife breeding habitat, limited availability, dependent species.
Old-growth forest	High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.
Oregon white oak woodlands	Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability
Prairies and steppe	Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.
Riparian	High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.
Wetlands	High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.
Snags and logs	High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.
Talus	Limited availability, unique and dependent species, high vulnerability.
Cliffs	Significant breeding habitat, limited availability, dependent species.
	Unique species habitat, limited availability, high vulnerability,

Dunes	dependent species.
Winter Range	Provides important wintering habitat for deer and elk.

- e. The wildlife/plant protection process may terminate if the County, in consultation with the Forest Service and state wildlife agency or Heritage program, determines

- (1) The sensitive wildlife area or site is not active, or
- (2) The proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and
- (3) The proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the County shall incorporate them into its development review order and the wildlife/plant protection process may conclude.

- f. If the above measures fail to eliminate the adverse effects, the proposed project shall be prohibited, unless the project applicant can meet the Practicable Alternative Test in D below, and prepare a Mitigation Plan pursuant to E below to offset the adverse effects by deliberate restoration and enhancement.

- g. The County shall submit a copy of all field surveys (if completed) and mitigation plans to the Forest Service and appropriate state agencies. The County shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in its development review order.

Based on the comments from the state and federal wildlife agency/heritage program, the County shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the County shall justify how it reached an opposing conclusion.

- h. The County shall require the project applicant to revise the mitigation plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife/plant area or site.
- i. Proposed uses and developments within 1,000 feet of sensitive wildlife areas and sites or within 1,000 feet of rare plants shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited.

### C. Soil Productivity

Soil productivity shall be protected using the following criteria:

1. A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.
2. New developments and land uses shall control all soil movement within the area shown on the site plan.
3. The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed 15 percent of the project area.
4. Within 1 year of project completion, 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.

**D. Practicable Alternative Test**

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

1. The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites.
2. The basic purpose of the use cannot be reasonably accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites.
3. Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

**E. Mitigation Plan**

1. Mitigation Plan shall be prepared when:
  - a. The proposed development or use is within a buffer zone (wetland, pond, lakes, riparian areas, wildlife or plant areas and/or sites)
  - b. There is no practicable alternative according to D below, Practicable Alternative Test.

2. In all cases, Mitigation Plans are the responsibility of the applicant and shall be prepared by an appropriate professional (botanist/ecologist for plant sites, a wildlife/fish biologist for wildlife/fish sites, and a qualified professional for water resource sites).
3. The primary purpose of this information is to provide a basis for the project applicant to redesign the proposed use in a manner that protects the identified water resources, and rare wildlife/plant areas and sites, that maximizes their development options, and that mitigates, through restoration, enhancement, creation and replacement measures, impacts to the water resources and/or wildlife/plant area or site and/or buffer zones.
4. The applicant shall submit the mitigation plan to the County. The County shall submit a copy of the mitigation plan to the Forest Service, and appropriate state agencies. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the County shall justify how it reached an opposing conclusion.
5. A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a mitigation plan involving wetland creation.
6. Mitigation plans shall include maps, photographs, and text. The text shall:
  - a. Describe the biology and/or function of the protected resources (e.g. Wildlife/plant species, or wetland) that will be affected by a proposed use. An ecological assessment of the protected resource and the condition of the resource that will result after restoration shall be required. Reference published protection and management guidelines.
  - b. Describe the physical characteristics of the subject parcel, past, present, and future uses, and the past, present, and future potential impacts to the protected resources. Include the size, scope, configuration, or density of new uses being proposed within the buffer zone.
  - c. Explain the techniques that will be used to protect the protected resources and their surrounding habitat that will not be altered (for examples, delineation of core habitat of the protected wildlife/plant species and key components that are essential to maintain the long-term use and integrity of the wildlife/plant area or site).
  - d. Show how restoration, enhancement, and creation measures will be applied to ensure that the proposed use results in minimum feasible impacts to protected resources, their buffer zones, and associated habitats.
  - e. Show how the proposed restoration, enhancement, or creation mitigation measures are NOT alternatives to avoidance. A proposed development/use must first avoid a protected resource, and only if this is not possible should restoration, enhancement, or creation be considered as mitigation. In reviewing mitigation plans, the County, appropriate state agencies, and Forest Service shall critically examine all proposals to ensure that they are indeed last resort options.

7. At a minimum, a project applicant shall provide to the County a progress report every 3-years that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor all mitigation progress.
8. A final monitoring report shall be submitted to the County for review upon completion of the restoration, enhancement, creation or replacement activity. This monitoring report shall document successes, problems encountered, resource recovery, status of any rare wildlife/plant species and shall demonstrate the success of restoration and/or enhancement actions. The County shall submit copies of the monitoring report to the Forest Service; who shall offer technical assistance to the County in helping to evaluate the completion of the mitigation plan. In instances where restoration and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the restoration and enhancement guidelines.
9. Mitigation measures to offset impacts to resources and/or buffers shall result in no net loss of water quality, natural drainage, fish/wildlife/plant habitat, and water resources by addressing the following:
  - a. Restoration and enhancement efforts shall be completed no later than one year after the protected resource or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.
  - b. All natural vegetation within the buffer zone shall be retained to the greatest extent practicable. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management, and noxious weed control. Within five years, at least 75 percent of the replacement vegetation shall survive. All plantings must be with native plant species that replicate the original vegetation community.
  - c. Habitat that will be affected by either temporary or permanent uses shall be rehabilitated to a natural condition. Habitat shall be replicated in composition, structure, and function, including tree, shrub and herbaceous species, snags, pool-riffle ratios, substrata, and structures, such as large woody debris and boulders.
  - d. If this standard is not feasible or practical because of technical constraints, a protected resource of equal or greater benefit may be substituted, provided that no net loss of protected resource functions occurs and provided the County, in consultation with the appropriate state and federal agency, determine that such substitution is justified.
  - e. Rare plants that will be altered shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods.

Replacement shall occur as close to the original plant site as practicable. The project

applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted

- f. Nonstructural controls and natural processes shall be used to the greatest extent practicable.
  - (1) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.
  - (2) Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to hydrologic and biologic functions. Culverts shall only be permitted if there are no practicable alternatives as demonstrated by the 'Practical Alternative Test'.
  - (3) Fish passage shall be protected from obstruction.
  - (4) Restoration of fish passage should occur wherever possible.
  - (5) Show location and nature of temporary and permanent control measures that shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.
  - (6) Groundwater and surface water quality will not be degraded by the proposed use. Natural hydrologic conditions shall be maintained, restored, or enhanced in such a manner that replicates natural conditions, including current patterns (circulation, velocity, volume, and normal water fluctuation), natural stream channel and shoreline dimensions and materials, including slope, depth, width, length, cross-sectional profile, and gradient.
  - (7) Those portions of a proposed use that are not water-dependent or that have a practicable alternative shall be located outside of stream, pond, and lake buffer zones.
  - (8) Streambank and shoreline stability shall be maintained or restored with natural revegetation.
  - (9) The size of restored, enhanced, and created wetlands shall equal or exceed the following ratios. The first number specifies the required acreage of replacement wetlands, and the second number specifies the acreage of wetlands altered or destroyed.

Restoration: 2: 1  
 Creation: 3: 1  
 Enhancement: 4: 1

- g.** Wetland creation mitigation shall be deemed complete when the wetland is self-functioning for 5 consecutive years. Self-functioning is defined by the expected function of the wetland as written in the mitigation plan. The monitoring report shall be submitted to the County to ensure compliance. The Forest Service, in consultation with appropriate state agencies, shall extend technical assistance to the County to help evaluate such reports and any subsequent activities associated with compliance.
- h.** Wetland restoration/enhancement can be mitigated successfully by donating appropriate funds to a non-profit wetland conservancy or land trust with explicit instructions that those funds are to be used specifically to purchase protection easements or fee title protection of appropriate wetlands acreage in or adjacent to the Columbia River Gorge meeting the ratios given above in (f)(9) above. These transactions shall be explained in detail in the Mitigation Plan and shall be fully monitored and documented in the monitoring report.



**SECTION 14.700 Recreation Resources (GMA Only)****A. Purpose**

1. Protect and enhance recreation resources consistent with tribal treaty rights.
2. Protect scenic, natural, cultural and recreation resources when providing new recreation opportunities.

**B. Recreation Intensity Classes**

The following uses are permitted in the applicable Recreation Intensity Class designation, subject to compliance with Subsections (C) Approval Criteria for Recreation Uses and (D) Facility Design Standards for all Recreation Projects.

**1. Recreation Intensity Class 1 (Very Low Intensity)**

- a. Social Setting: Visitors in this designation have a high chance of finding solitude and opportunities to experience activities that rely on self-reliance, challenge and risk. Encounters with other visitors is low throughout the designation. Perceived crowdedness is low to non-existent away from roads and recreation sites. Visitor encounters and perceived crowdedness is low to moderate at or near (within 1 mile) roads and recreation sites.
- b. Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of developed recreation facilities are allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural environment. Away from developed recreation sites there is minimal or subtle control of users.
- c. Trail development is simple and typically accommodate low use levels. Users are highly skilled with a high degree of orienteering skills.
- d. The following uses may be permitted:
  - (1) Parking areas, not to exceed a site-wide capacity of 10 vehicles, when associated with any allowed uses in Recreation Intensity Class 1. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.
  - (2) Trails for hiking, equestrian, and mountain biking use.
  - (3) Pathways for pedestrian and bicycling use.
  - (4) Trailheads (with provisions for hitching rails and equestrian trailers at trailheads accommodating equestrian use).

- (5) Scenic viewpoints and overlooks.
- (6) Wildlife/botanical viewing and nature study areas.
- (7) River access areas.
- (8) Boat docks, piers, or wharfs.
- (9) Picnic areas.
- (10) Restrooms/comfort facilities.

**2. Recreation Intensity Class 2 (Low Intensity)**

- a. Social Setting: RIC 2 is characterized by opportunities to experience relaxation, physical fitness and outdoor learning and where there is a moderate probability to experience solitude. Typically encounters with other visitors throughout the designation is Low to Moderate. Visitor encounters are low to moderate on trails and away from developed recreation sites and roads, and moderate to high near (within 1 mile) recreation sites and roads.
- b. Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of highly developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural environment. Away from developed recreation sites there is minimal or subtle control of users.
- c. Trails are moderately developed (native surface or gravel, trail bridges and other facilities are provided for user convenience). Trail use is typically low to moderate. Trails are suitable for a wide range of users and are challenging and involve intermediate to advance skills.
- d. The following uses may be permitted.
  - (1) All uses permitted in Recreation Intensity Class 1.
  - (2) Parking areas, not to exceed a site-wide capacity of 25 vehicles, when associated with any allowed uses in Recreation Intensity Class 2. Parking spaces for campground units shall be included in this number. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.
  - (3) Boat ramps, not to exceed two lanes.
  - (4) Campgrounds for 20 units or less, tent sites only.

### 3. Recreation Intensity Class 3 (Moderate Intensity)

- a. Social Setting: A high degree of interaction with other visitors with opportunities to experience relaxation and activities that provide little challenge or risk in a natural appearing environment characterizes this designation. Visitor encounters are moderate to high on trails away from developed recreation sites and roads.
- b. Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape.
- c. Trails typically accommodate moderate to high use and are well developed (native, gravel or paved surfaces, trail facilities such as bridges are provided for convenience). Trails are easily traveled by a wide range of users who have intermediate skill level and minimal orienteering skills.
- d. The following uses may be permitted.
  - (1) All uses permitted in Recreation Intensity Classes 1 and 2.
  - (2) Parking areas not to exceed a site-wide capacity of 75 vehicles, when associated with any allowed uses in Recreation Intensity Class 3. Parking spaces for campground units shall be included in this number.
  - (3) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 3 day-use recreation sites, and improvements to existing Class 3 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.
  - (4) Boat ramps, not to exceed three lanes.
  - (5) Concession stands, pursuant to applicable policies in this chapter.
  - (6) Campgrounds for 50 individual units or less for tents and/or recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 3 campgrounds may also include one group campsite area, in addition to the individual campground units or parking area maximums allowed as described herein.

### 4. Recreation Intensity Class 4 (High Intensity)

- a. Social Setting: This designation is characterized by highly developed facilities where there is

little challenge or risk associated with being in the outdoors. There is a high degree of interaction with other visitors. Encounters are high in recreation sites, on roads and trails within in this designation.

- b. Physical and Managerial Setting: Changes to the natural landscape may be evident but in harmony with characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience and ease of movement. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape.
- c. The maximum of site design capacity for parking areas shall not exceed 250 vehicles for any allowed uses in Recreation Intensity Class 3. Parking spaces for campground units are to be included in this number.
- d. Trails are highly developed (gravel or paved surfaces, trail facilities such as bridges are provided for convenience) and accommodate heavy to intensive use. Users are typically inexperienced with little or no orienteering skills. Trails are easily traveled by a wide range of users.
- e. The following uses may be permitted.
  - (1) All uses permitted in Recreation Intensity Classes 1, 2, and 3.
  - (2) Parking areas, not to exceed a site-wide capacity of 250 vehicles, with any allowed uses in Recreation Intensity Class 4. Parking spaces for campground units are to be included in this number.
  - (3) Horseback riding stables and associated facilities.
  - (4) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 4 day-use recreation sites and improvements to existing Class 4 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.
  - (5) Boat ramps.
  - (6) Campgrounds for 175 individual units or less for tents and/or recreation vehicles with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 4 campgrounds may also include up to 3 group campsite areas, in addition to individual campsite units or parking area maximums allowed as described herein.

### **Approval Criteria for Recreation Uses**

1. For all proposed recreation projects outside of Public or Commercial Recreation designations,

project applicants/landowners shall demonstrate compliance with the following criteria (if applicable):

- A.** Compliance with all applicable guidelines in the Management Plan for the protection of scenic, cultural, recreation, and natural resources. Cumulative effects of proposed recreation projects on landscape settings shall be based on the "Compatible Recreation Use Guideline" for the landscape setting in which the proposed project is located (see Part I, Chapter 1: Scenic Resources of the [Management Plan](#))

Cumulative effects of proposed recreation projects on landscape settings shall be based on the stated "compatible recreation use" for the designated landscape setting in which the proposed project is located.

- B.** For proposed recreation projects in or adjacent to lands designated Large or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland:

- (1)** The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of on-site buffers may be used to partially or fully comply with this criterion, depending upon project design and/or site conditions.
- (2)** A declaration has been signed by the project applicant or owner and recorded with County deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm practices on lands designated Large or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland.

- C.** For proposed projects including facilities for outdoor fires for cooking or other purposes, or proposed campgrounds:

- (1)** The project applicant shall demonstrate that a sufficient quantity of water necessary for fire suppression (as determined pursuant to applicable fire codes or the County fire marshal) is readily available to the proposed facility, either through connection to a community water system or on-site wells, storage tanks, sumps, ponds or similar storage devices. If connection to a community water system is proposed, the project applicant shall demonstrate that the water system has adequate capacity to meet the facility's emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities.
- (2)** To provide access for fire-fighting equipment, access drives shall be constructed to a minimum of 12 feet in width and a maximum grade of 12 percent. Access drives shall be maintained to a level that is passable to fire-fighting equipment.

- D.** For proposed trail or trailhead projects: compliance with the following:

- (1)** Where applicable, new trails should incorporate existing segments of older or historic trails,

- abandoned roads and railroad rights-of-way, and other previously developed areas suitable for recreation use to the maximum extent practicable.
- (2)** Trails that are intended for multiple user groups shall be required to post signs at trailheads alerting users that multiple user groups may be present on the trail. Trails shall be designed such that user conflicts and safety issues are minimized.
  - (3)** Applications for new trails or trailheads shall include measures to minimize the potential spread of noxious weeds.
  - (4)** Applications for new trails or trailheads shall consider the potential of fire risk during critical fire hazard periods in developing the physical and managerial setting of the site.
- E.** For proposed projects providing recreation access to the Columbia River or its tributaries: applicants shall demonstrate that the new facility is consistent with and does not affect or modify tribal treaty rights.
  - F.** For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries shall comply with the guidelines, as defined in [Sections 14.800](#) and [14.810](#), Tribal Treaty Rights and Consultation.
  - G.** Proposed projects which include interpretation of natural or cultural resources shall demonstrate that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.
  - H.** Applications for public recreation development in Recreation Intensity Class 3 and 4 projects shall demonstrate how the proposed recreation development will be equitable and accessible (regardless of income level, ethnicity, gender, ability or age). Applications for public recreation development in RIS 1 and 2 shall meet this standard to the maximum extent practicable.
  - I.** Applications shall demonstrate compliance with the social, physical and managerial setting characteristics in the applicable Recreation Intensity Class description.

#### Facility Design Standards for All Recreation Projects

- 1.** Recreation facilities which are not resource-based in nature may be included at sites providing resource-based recreation uses consistent with the standards and criteria contained herein, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses and/or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses and/or facilities.
- 2.** The facility design standards contained herein are intended to apply to individual recreation facilities.

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

least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads) from such developments or improvements.

3. Existing vegetation, particularly mature trees, shall be maintained to the maximum extent practicable. These trees may be used to satisfy requirements for perimeter and interior landscaped buffers.
4. Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.
5. Lineal frontage of parking areas and campsite loops to Scenic Travel Corridors shall be minimized to the greatest extent practicable.
6. Ingress/egress points shall be consolidated to the maximum extent practicable, providing for adequate emergency access pursuant to applicable fire and safety codes.
7. Signs shall be limited to those necessary to provide relevant, recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.
8. Innovative designs and materials which reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduce required minimum interior or perimeter landscaped buffers. Upon determination that potential visual impacts have been substantially reduced by use of such designs and materials, the County shall allow either reductions in required minimum interior or perimeter landscape buffers up to 50 percent of what would otherwise be required, or additional parking spaces not to exceed 10 percent of what would otherwise be permitted.
9. A majority of trees, shrubs, and other plants in landscaped areas shall be species native to the landscaped setting in which they occur. The landscape setting descriptions and design guidelines are found in [Section 14.400](#) Project applicants that are required to use new landscaping are encouraged to place trees, shrubs and other plants in a manner approximating their natural condition.
10. For any parking area with over 50 spaces, interior landscaped buffers breaking up continuous areas of parking into discrete "islands" shall be provided. The minimum width of interior landscaped buffers between each parking lot of 50 spaces or less shall be 20 feet.
11. Grading or soil compaction within the "drip line" of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.
12. Project applicants/landowners shall utilize measures and equipment necessary for the proper maintenance and survival of all vegetation utilized to meet the landscape standards contained herein, and shall be responsible for such maintenance and survival.
13. All parking areas shall be set back from property boundaries by at least 50 feet. All campsites

and associated facilities shall be set back from property boundaries by at least 100 feet.

#### Variances and Plan Amendments

1. The County may grant a variance to the setback and buffer requirements contained in this Chapter in accordance with [Chapter 6](#) and upon findings that the following conditions exist:
  - A. The proposed project is a public use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with a Scenic Travel Corridor;
  - B. All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored, and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed;
  - C. Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures.
  - D. The variance is the minimum necessary to accommodate the use.
2. The County may grant a variance of up to 10 percent to the standards of Recreation Intensity Class 4 for parking and campground units upon demonstration that:
 

(The provisions of Chapter 6, Variances shall not apply)

  - A. Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from the National Visitor Use Monitoring Program shall be relied upon to meet this criterion in the absence of current applicable studies.
  - B. The proposed use is dependent on resources present at the site.
  - C. Reasonable alternative sites, including those in nearby Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
  - D. The proposed use is consistent with the goals, objectives and policies for recreation in the Management Plan.
  - E. Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.
  - F. Through site design and/or mitigation measures, the proposed use can be implemented without affecting or modifying treaty rights.



3. Proposals to change the Recreation Intensity Class of an area to a different class shall require a plan amendment, pursuant to Policies 1 through 4 in "Amendment of the Management Plan" (Part IV, Chapter 1, Gorge Commission Role) of the [Management Plan](#) for the Columbia River Gorge National Scenic Area.

**F. Proposed development on properties Adjacent to Listed Recreation Sites**

Recreation sites shall be protected from adjacent uses that would detract from their use and enjoyment. If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.

**SECTION 14.710 Recreation Resources (SMA Only)**

**The following standards apply to the lands in the Special Management Area:**

- A. If a standard or condition of this subsection is more restrictive than other subsections of this section, this subsection is controlling;
- B. New developments and land uses shall not displace existing recreational use.
- C. Protect recreation resources from adverse effects by evaluating new developments and land uses as proposed in the site plan. An analysis of both on- and off-site cumulative effects shall be required.
- D. New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.
- E. Mitigation measures shall be provided to preclude adverse effects on the recreation resource.
- F. The Facility Design Guidelines are intended to apply to individual recreation facilities. Recreation developments or improvements to be considered a separate facility from other developments or improvements within the same Recreation Intensity Class must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads) from such developments or improvements.
- G. New development and reconstruction of scenic routes shall include provisions for bicycle lanes.
- H. New interpretive or education programs and/or facilities shall follow the recommendations of the "Interpretive Strategy for the Columbia River Gorge National Scenic Area."
- I. Only natural resource-based recreation shall be allowed.
- J. Recreation resources shall be protected by limiting development and uses as per the Recreation Intensity Classes.

**K. Recreation Intensity Classes - (RIC)**

The following uses are permitted in the applicable Recreation Intensity Class designation.

**1. Recreation Intensity Class 1(Very Low Intensity)**

- A. Social Setting:** Visitors in this designation have a high chance of finding solitude and opportunities to experience activities that rely on self-reliance, challenge and risk. Encounters with other visitors is low throughout the designation. Perceived crowdedness is low to non-existent away from roads recreation sites. Visitor encounters and perceived crowdedness is low to moderate at or near (within 1 mile) roads and recreation sites.
- B. Physical and Managerial Setting:** Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) are noticeable but harmonize with the natural characteristics of the landscape setting. Away from developed recreation sites there is minimal or subtle control of users.

**C.** Trail development is simple and typically accommodate low use levels. Users are highly skilled with a high degree of orienteering skills.

**C.** The maximum design capacity for parking areas shall be 10 vehicles.

**D.** The following uses may be permitted:

- (1)** Trails and trailheads.
- (2)** Parking areas.
- (3)** Dispersed campsites accessible only by a trail.
- (4)** Viewpoints and overlooks.
- (5)** Picnic areas.
- (6)** Signs.
- (7)** Interpretive exhibits and displays.
- (8)** Restrooms.
- (9)** Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

**2. Recreation Intensity Class 2 (Low Intensity)**

- A.** Social Setting: RIC 2 is characterized by opportunities to experience relaxation, physical fitness, outdoor learning, and where there is a moderate probability to experience solitude. Visitor encounters are low to moderate on trails and away from developed recreation sites and roads. Usually and moderate to high near (within 1 mile) recreation sites and roads.
- B.** Physical and Managerial Setting: Predominately natural/natural appearing landscapes with rustic improvements characterize this designation. Nodes of highly developed recreation facilities may be allowed. Developed recreation site regulations and controls (signing, regulations or other regimentation) harmonize with the natural characteristics of the landscape setting. Away from developed recreation sites, there is minimal or subtle control of users.
- C.** Trails are moderately developed (native surface or gravel, trail bridges and other facilities are provided for user convenience). Trail use is typically low to moderate. Trails are suitable for a wide range of users, are challenging, and involve intermediate to advance skills.
- D.** The following uses may be permitted.
  - (1). All uses permitted in Recreation Intensity Class 1
  - (2). Parking areas not to exceed a site-wide capacity of 25 vehicles, when associated with any allowed uses in Recreation Intensity Class 2. Parking spaces for campground units shall be included in this number. Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings
- E.** The maximum design capacity shall be 25 vehicles.
- F.** All uses permitted in Class 1 are permitted in Class 2. The following uses may also be permitted:
  - (1) Campgrounds for twenty (20) units or less, tent sites only.
  - (2) Boat anchorages designed for no more than 10 boats at one time.
  - (3) Swimming areas.
  - (4). Accommodations for mass transportation facilities should be considered where compatible with the social and physical settings.

**3. Recreation Intensity Class 3 (Moderate Intensity)**

A. Social Setting: A high degree of interaction with other visitors with opportunities to experience relaxation and activities that provide little challenge or risk in a natural appearing environment characterizes this designation. Visitor encounters are moderate to high on trails away from developed recreation sites and roads.

B. Physical and Managerial Setting: Changes to the natural landscape, yet can may be evident but in harmony with natural characteristics of the landscape setting. Highly developed recreation facilities and trails are constructed for visitor convenience. On-site regulation and controls are noticeable but harmonize with the natural environment.

C. Trails typically accommodate moderate to high use and are well developed (native, gravel or paved surfaces, trail facilities such as bridges are provided for convenience). Trails are easily traveled by a wide range of users who have intermediate skill level and minimal orienteering skills.

- A. Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learning, and physical activity.
- B. The maximum design capacity shall be 50 vehicles. The GMA vehicle capacity level of 75 vehicles would be approved if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10% of the site.
- C. Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 3 day-use recreation sites and improvements to existing Class 3 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.
- D. All uses permitted in Classes 1 and 2 are permitted in Class 3. The following uses may also be permitted:
  - (1) Campgrounds improvement may include water, power, sewer, and sewage dump stations. Campgrounds shall not exceed a combination of 50 single or group campsites (tent or recreational vehicle) and a total design capacity of 250 people at one time.
  - (2) Boat anchorages designed for not more than 15 boats.
  - (3) Public visitor, interpretive, historic, and environmental education facilities.
  - (4) Full service restrooms, may include showers.
  - (5) Boat ramps.
  - (6) Riding stables.

#### 4. Recreation Intensity Class 4 (High Intensity)

A. Social Setting: This designation is characterized by highly developed facilities where there is little challenge or risk associated with being in the outdoors. There is a high degree of interaction with other visitors. Encounters are high in recreation sites, on roads and trails within in this designation.

B. Physical and Managerial Setting: Landscapes with natural appearing backdrop are characterized by this designation. Highly developed recreation facilities and trails are constructed for visitor convenience and ease of movement. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape setting.

C. Trails are highly developed (gravel or paved surfaces, trail facilities such as bridges are provided for convenience) and accommodate heavy to intensive use. Users are typically inexperienced with little or no orienteering skills. Trails are easily traveled by a wide range of users.

A. Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation, and physical activity.

B. The maximum design capacity for parking areas shall be 200 vehicles. The GMA vehicle capacity level of 250 vehicles would be approved if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 20% of the site.

C. Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 4 day-use recreation sites and improvements to existing Class 4 day-use recreation sites where the improvement would increase the use of the site,, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

D. All uses permitted in Classes 1, 2, and 3 are permitted in Class 4. The following uses may also be permitted:

(1) Campgrounds with improvements that may include vehicle access, water, power, sewer, and sewage dump stations. Campgrounds shall not exceed a combination of 100 single or group campsites (tent or recreational vehicle) and a total design capacity of 500 people at one time.

E. The County may grant a variance of up to 10 percent to the guidelines of Recreation Intensity Class 4 for parking and campground units upon demonstration that all of the following conditions exist:

(The provisions of Chapter 6, Variances shall not apply)

(1) Demand and use levels for the proposed activity(s), particularly in the area where the

site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from National Visitor Use Monitoring Program shall be relied upon to meet the criterion in the absence of current applicable studies.

- (2) The proposed use is dependent on resources present at the site.
- (3) Reasonable alternative sites offering similar opportunities, including those in Urban Areas, have been evaluated, and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
- (4) The proposed use is consistent with the goals, objectives, and policies in this chapter.
- (5) Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural, or cultural resources and adjacent landuses.
- (6) Though site design and/or mitigation measures, the proposed use can be implemented without affecting or modifying treaty rights.

## F

- L. Proposals to change the recreation intensity class of an area shall require a Management Plan amendment pursuant to policies listed in [Section 9.090](#) of this Ordinance and in accordance with applicable Gorge Commission Rules.

## M. Proposed development on properties Adjacent to Listed Recreation Sites

Recreation sites shall be protected from adjacent uses that would detract from their use and enjoyment. If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.



**SECTION 14.800 Tribal Treaty Rights and Consultation (GMA Only)****A. Purpose**

Ensure that the National Scenic Area Act, the Management Plan, and these implementing ordinances do not affect or modify any treaty or other rights of any Indian tribe.

**B. Tribal Government Notice and Comment Period**

1. The County shall send a notice to the governments of the four Columbia River treaty tribes for all new review uses, requesting comments, recommendations or concerns relating to the protection of treaty rights, including rights to access, hunt, fish and gather when:
  - a. proposed on public lands, or
  - b. proposed in or adjacent to the Columbia River or its tributaries that support anadromous or resident fish.
2. Notices sent to the Tribal governments shall include a site plan and also may include supplemental information and a proposed treaty rights protection plan.
3. Proposed new review uses and development located in, providing recreation river access to, or on parcels that adjoin the Columbia River or its fish-bearing tributaries, shall include supplemental information:
  - a. The site plan map also shall show adjacent river areas at least one-half mile upstream and downstream from the project site, the locations at which river access is planned, and the locations of all tribal fishing sites known to the project applicant.
  - b. A description of the type of river access and uses proposed, estimated period when the development would be used, and anticipated levels of use (people, boats, and other uses) during peak-use periods.
4. Proposed treaty rights protection measures that will be used to avoid effects to Indian treaty or other rights. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.
5. At the same time that the county sends notice, the county shall offer to meet with or consult with the tribal government prior to making a decision on the proposed development. Offers to meet or consult with a tribal government shall include phone calls and electronic communication to tribal government chairs, chief administrative officers, and natural and cultural resource staff. The county shall make more than one attempt to contact a tribal government.



6. Tribal governments shall have 30-calendar days from the date a notice is mailed to submit substantive written comments to the County Planning Office. Tribal governments must identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the new uses.

**C. Tribal Government Consultation**

- 1.
2. Any substantive comments, recommendations, or concerns expressed by Tribal governments during the consultation meeting shall be resolved by the County or project applicant through revisions to the project application, conditions of approval, and, if necessary in a treaty rights protection plan. The protection plan shall include measures to avoid effects or modifications to treaty and other rights of any Indian tribe. All substantive comments, recommendations, or concerns expressed by tribal governments during the consultation meeting shall be summarized by the county, subject to the following confidentiality standards:
  - a. Wasco County shall keep confidential and may not disclose to any person or party who is not the applicant, the applicant's representative or the necessary county planning staff and decision makers the tribal government's comments, recommendations, and concerns, and notes of the consultation and other information related to protection of treaty rights, unless the tribal governments expressly authorizes disclosure.
  - b. The confidential information shall be submitted to the Gorge Commission for review in the event of an appeal, and shall remain confidential and not subject to disclosure to any person or party other than the applicant, the applicant's representative, the appellant, the appellants representative or the necessary Gorge Commission staff and Gorge Commission members unless the tribal government expressly authorizes disclosure.
3. The County shall submit all protection plans to the Tribal governments. Tribal governments shall have 30 calendar days from the date a protection plan is mailed to submit written comments to the County Planning Office.
4. Any time periods specified in a county ordinance to review an application shall stop when a tribal government requests consultation and shall not start again until the county meets with all tribal governments that requested consultation and the county receives all additional information and actions from the project applicant necessary to avoid effects to treaty rights to the satisfaction of the tribal governments that requested consultation.
5. A tribal government's choice to consult with the county shall, in no way, be interpreted as a waiver of the tribe's sovereign immunity or waiver of any claim that the proposed use affects or modifies a treaty right or other tribal rights.

**D. Conclusion of the Treaty Rights Protection Process**

1. The County will decide whether the proposed uses would affect or modify any treaty or other rights of any Indian tribe.
  - a. The final decision shall integrate findings of fact that address the county's effort to meet with or consult with the tribal governments and any revisions and treaty rights protection plan resolving the tribal governments' comments, recommendations, or concerns.
  - b. If the final decision contradicts the comments, recommendations or concerns of Tribal governments, the County must justify how it reached an opposing conclusion.
2. The treaty rights protection process may conclude if the County determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.
3. A finding by the County that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as provided in these guidelines, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses adversely affect or modify treaty or other tribal rights.

#### **SECTION 14.810 Tribal Treaty Rights and Consultation (SMA Only)**

For all new development or new uses in the SMA, the Forest Service is responsible for consulting with Tribal governments at the government-to-government level. The purpose of this process is to ensure that its management activities will not affect treaty rights, and to provide meaningful participation in the identification, evaluation and protection of cultural resources.

[Section 17](#) (Savings Provisions of the National Scenic Area Act) contains several provisions regarding the need to avoid potential effects to treaty rights. Treaty rights are defined by the Treaties of 1855 between the Congress and Tribal governments. These rights are not subject to negotiation. Potential effects to treaty rights must be avoided. The Forest Service has no authority to interpret or negotiate in the area of treaty rights.

Cultural resources are protected by the National Scenic Area Act and the Historic Preservation Act of 1966. Tribal governments are identified as parties to be consulted during the inventory, evaluation and protection of cultural resources.



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## **CHAPTER 15 ADMINISTRATION AND ENFORCEMENT**

### **SECTION 15.010 Administration**

It shall be the duty of the Director, or the Director's designee, to enforce the provisions of this ordinance pertaining to property use and to the construction, erection, location or enlargement of any structure located within the National Scenic Area portion of Wasco County, Oregon, under the jurisdiction of this Ordinance.

### **SECTION 15.020 Zoning Approval**

- A.** The Director, the Director's designee or other Approving Authority shall not give zoning approval on any development or use of land, including land divisions and property line adjustments on a property that is not in full compliance with all applicable provisions of this ordinance, regardless of whether the applicant(s) or current owner(s) created the violation.
- B.** Zoning approval may be authorized if:
  - 1.** It results in the property coming into full compliance with all applicable provisions of the Wasco County Land Use and Development Ordinance. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or
  - 2.** It is necessary to protect public safety; or
  - 3.** It is for work related to and within a valid easement over, on or under an affected property.
- C.** For the purpose of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

### **SECTION 15.030 Authority**

Whenever necessary to enforce the provisions of this Ordinance, the Director, or the Director's designee, shall have the authority in addition to other remedies provided by law, to issue compliance notices and orders, assess penalties, record violations and liens with the County Clerk, issue citations, to institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate a violation.

### **SECTION 15.040 Civil Relief**

When a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is, or is proposed to be, used in violation of this Ordinance, the County Board of Commissioners, the District Attorney or any person whose interest in real property within the County is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction,

mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use. When a temporary restraining order is granted in a suit instituted by a person who is not exempt from furnishing bonds or undertakings as provided under ORS 32.010 to 32.060, the person shall furnish undertakings as provided under O.R.S. 32.010 to 32.060.

**SECTION 15.050 Violation of Ordinance**

No person shall construct, erect, locate, maintain, repair, alter, enlarge, use or change the use or uses of any structure or property or shall transfer any property in violation of this Ordinance.

**SECTION 15.060 Violation of Ordinance as a Nuisance**

The construction, erection, location, maintenance, repair, alteration, enlargement or use or change in use or uses of any structure or property or transfer of any property in violation of this Ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance shall be deemed a nuisance and may be enjoined, abated or removed.

**SECTION 15.070 Wasco County Code Compliance and Nuisance Abatement Ordinance**

The Wasco County Code Compliance and Nuisance Ordinance is a separate County Board of Commissioners adopted ordinance that implements land use, nuisance and health violations. Please refer to that ordinance for further details related to enforcement of the provisions of the Wasco County National Scenic Area Land Use and Development Ordinance.





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## **CHAPTER 16 - EMERGENCY/DISASTER RESPONSE ACTIONS**

### **SECTION 16.010 Purpose**

Post-emergency/disaster response development review is required in order to evaluate whether such response actions have impacted scenic, natural, cultural or recreation resources. Adverse impacts of the response actions shall be mitigated to the greatest extent practicable. The review process shall be expedited to facilitate timely mitigation/restoration efforts, where needed.

### **SECTION 16.020 Responsible Party**

The party(ies) submitting the post-emergency/disaster response application shall be responsible for implementing any required mitigation/restoration, unless:

- A. Other responding parties agree to assume such responsibility, upon mutual agreement of the parties; or
- B. The landowner denies access for mitigation/restoration activities, in which case the landowner assumes responsibility.

### **SECTION 16.030 Emergency/Disaster Action Requirements**

#### **A. Responsible Party Operational Requirements:**

1. Following emergency/disaster response actions, best management practices (BMPs) to prevent sedimentation and provide erosion control shall be utilized whenever disaster response actions necessitate vegetation removal, excavation, and/or grading. BMPs may include but are not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover, jute netting, etc.
2. Structures or development installed or erected for a temporary use (e.g. sandbags, check dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one year following an emergency event. If it can be demonstrated that the continued use of these devices is necessary to protect life property, public services or the environment, an extension of no more than two years may be granted by the Wasco County Planning Department or the Forest Service for federal agency actions.
3. The new exploration, development (extraction or excavation), and production of mineral resources, used for commercial, private or public works projects, shall not be conducted as an emergency/disaster response activity.
4. No spoils resulting from grading or excavation activities shall be deliberately deposited into a wetland, stream, pond, lake or riparian area within the National Scenic Area (NSA) as a part of an emergency/disaster response action. The only exception to this is for construction of a fire line during a wildfire, where avoiding the aquatic area or its buffer zone has been considered

and determine to not be possible without further jeopardizing life or property.

#### **B. Responsible Party Notification Requirements**

Actions taken in response to an [emergency/disaster event, as defined in the Section 1.200](#), are allowed in all GMA and SMA land use designations, subject to the following notification requirements.

1. Notification of an emergency/disaster response activity shall be submitted either within 48 hours of the commencement of a response action, or by the next business day following the start of such an action, whichever is sooner. Notification shall be submitted by the party conducting an emergency/disaster response activity or their representatives. In the case of multiple responding parties, the first party to respond shall provide the required notification, unless, upon mutual agreement of responding parties, another responder elects to assume this responsibility.
2. Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notification occurs by telephone, a hard copy of the notification shall be submitted by mail or in person within 7 days.
3. Notification shall be furnished to the Wasco County Planning Department, or the Forest Service for federal agency actions.
4. At a minimum, the following information shall be required at the time of notification:
  - a. Nature of emergency/disaster event.
  - b. Description of emergency/disaster response activities and magnitude of response actions to be taken, if applicable (such as extent of earth movement, erection of structures, etc.).
  - c. Location of emergency/disaster response activities.
  - d. Estimated start and duration of emergency/disaster response activities.
  - e. Contact person and phone number for the parties conducting emergency/disaster response actions.
5. Repair and maintenance of an existing serviceable structure to its previously authorized and undamaged condition are not subject to the above referenced notification requirements.

#### **C. Agency Responsibility**

1. Upon notification of an emergency/disaster response action, the Wasco County Planning Department or Forest Service shall, as soon as possible:
  - a. Review its natural resource inventory data and notify the contact person for the

- emergency/disaster response actions of all inventoried natural resource sites and their buffers, that are within or adjacent to the response area or that may be adversely affected by response activities;
- b. Notify the Oregon Department of Fish and Wildlife of all noticed emergency/disaster response actions, to provide that agency an opportunity to consult with responding agencies during the event, and;
  - c. Notify the Forest Service, the Oregon Historic Preservation Office and the tribal governments of all emergency/disaster response activities. The Forest Service will review their cultural resource inventory data and notify the contact person for the emergency/disaster response action as soon as possible of all inventoried cultural resource sites, or their buffers, that are within, or adjacent to, emergency/disaster response areas.
2. Upon notification of a response action, the Forest Service shall, as soon as possible, offer the services of a resource advisor to the agency(ies) conducting the response action. The resource advisor will provide on-site advice to minimize impacts to resources from emergency/disaster response actions.

**SECTION 16.040 Post-Emergency/Disaster Response Development Review Application Requirements**

- A. Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Wasco County Planning Department, or Forest Service for federal agency actions. In the case of an event with multiple responding parties, the agency providing initial notification as required herein shall submit the application. An exception to this may occur if another responding party, by mutual agreement with the other respondents, elects to submit the application. Requests to extend this submittal deadline may be made in writing and shall include the reason why an extension is necessary. Extensions shall not exceed 30 days in duration and not more than two (2) extensions shall be granted.
- B. Post-emergency/disaster response applications shall only address development activities conducted during an emergency/disaster response. Applications shall specify if development placed during an emergency/disaster event is permanent or temporary. The terms "development activities" and "development" include the disposal of any spoil materials associated with an emergency/disaster response action. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. Responders not agreeing to have another responder address their actions shall be responsible to submit an application for those actions.
- C. Emergency/disaster response actions not involving structural development or ground disturbance with mechanized equipment are exempt from these requirements, except for those actions within 500 feet of a known cultural resource (as determined in the notification process).
- D. Applications shall include the following information:
  - 1. Applicants name and address.

2. Location of emergency/disaster response.
3. A written description of the emergency/disaster response, including any structures erected, excavation or other grading activities, or vegetation removal.
4. A map of the project area drawn to scale, at a scale of 1 inch = 200 feet or a scale providing greater detail. The map shall include:
  - a. North arrow and scale.
  - b. Boundaries, dimensions and size of subject parcel(s).
  - c. Bodies of water, watercourses, and significant landforms.
  - d. Existing roads and structures.
  - e. New structures placed and any vegetation removal, excavation or grading resulting from the response actions.
5. An exception to the scale requirements in D(4) above may be granted for an event encompassing an area greater than one square mile. In such cases, a clear sketch map of the entire response action area shall be provided. In addition, a map of 1 inch = 200 feet or a scale providing greater detail shall be provided that shows a section of the response area exemplifying the specific actions taken.

#### **SECTION 16.050 Post-Emergency/Disaster Response Development Review Requirements**

- A. Emergency/disaster response review uses may be allowed pursuant to a process that provides at minimum the following:
  1. Notice of the application to landowners within 200 feet of the perimeter of the subject parcel, the Forest Service, Gorge Commission, four tribal governments and interested parties.
  2. A written decision with findings of fact and conclusions of law.
  3. An opportunity to request a hearing.
- B. Actions taken in all land use designations within the GMA/SMA that are in response to an [emergency/disaster event, as defined in Section 1.200](#), shall be reviewed for compliance with the following guidelines.
  1. Scenic Resources
    - a. Impacts of emergency/disaster response actions shall be evaluated to ensure that scenic resources are not adversely affected. In the GMA, such actions shall be rendered visually subordinate in their landscape setting as visible from key viewing areas to the greatest

extent practicable, except for actions located in areas exempted from visual subordination requirements in [14.400\(J\)](#), Special Settings. In the SMA, such actions shall meet the scenic standard to the greatest extent practicable.

- b.** Vegetation shall be used to screen or cover road cuts, structural development, landform alteration, and areas denuded of vegetation, as a result of emergency/disaster response actions.
- c.** Areas denuded of vegetation as a result of emergency/disaster response actions shall be revegetated with native plant species, or species commonly found within the applicable landscape setting, to restore the affected areas to its pre-response condition to the greatest extent practicable. Revegetation shall occur as soon as practicable, but no later than one year after the emergency/disaster event. An exception to the one-year requirement may be granted upon demonstration of just cause, with an extension up to one year.
- d.** The painting, staining or use of other materials on new structural development shall be used to ensure that the structures are non-reflective, or of low reflectivity, and visually subordinate in their landscape setting as visible from key viewing areas, unless the structure is fully screened from key viewing areas by existing topographic features.
- e.** Additions to existing structures, resulting from an emergency/disaster response action, which are smaller in total height, bulk or area than the existing structures may be the same color as the existing development. Additions larger than the existing development shall be visually subordinate in their landscape setting as visible from key viewing areas to the greatest extent practicable.
- f.** In the General Management Area, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:
  - (1)** The spoil materials shall either be:
    - (a)** Removed from the NSA,
    - (b)** Deposited at a site within the NSA permitted by the Wasco County Planning Department, or
    - (c)** (Re)contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.
  - (2)** The Wasco County Planning Department shall decide whether an applicant removes the spoil materials, deposits the spoil materials, or (re)contours the spoils materials. The applicant does not make this decision.
  - (3)** The Wasco County Planning Department shall select the action that, to the greatest extent practicable, best complies with the provisions of Chapter 14 that protect scenic,

cultural, recreation, and natural resources.

- (4)** Disposal sites created according to f(1)(b) above shall only be used for spoil materials associated with an emergency/disaster response action. Spoil materials from routine road maintenance activities shall not be deposited at these sites.
- g.** In the Special Management Area, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:
  - (1)** The spoil materials shall either be:
    - (a)** Removed from the NSA, or
    - (b)** Deposited at a site within the NSA permitted by the Wasco County Planning Department within two years of the emergency.
  - (2)** After the spoils materials are removed, the emergency disposal site shall be rehabilitated to meet the scenic standard.
  - (3)** All grading (i.e., recontouring) shall be completed within 30 days after the spoils materials are removed.
  - (4)** Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.
  - (5)** All revegetation shall take place within one (1) year of the date an applicant completes the grading.
  - (6)** This provision shall take effect two years after the date of Management Plan concurrence by the U.S. Secretary of Agriculture, or approval of a disposal site, whichever comes first.

## **2. Cultural Resources and Treaty Rights**

- a.** To the greatest extent practicable, emergency/disaster response actions shall not adversely affect cultural resources. Emergency/disaster response actions shall not affect tribal treaty rights.
- b.** The USDA Forest Service shall determine if a reconnaissance survey or historic survey is necessary within three days after receiving notice that a post-emergency land use application has been received by the Wasco County Planning Department.
  - (1)** Reconnaissance surveys shall be conducted by the USDA Forest Service and comply with the criteria in [Section 14.500](#). Reconnaissance survey reports shall comply with the criteria in [Section 14.500](#).



- (2) Historic surveys shall be conducted by the USDA Forest Service and shall describe any adverse effects to historic resources resulting from an emergency/disaster response action. Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. Such surveys shall also include original photographs, if available, and maps, and should use archival research, blueprints, and drawings as necessary.
- c. Following the submittal of a post-emergency land use application, in addition to other public notice requirements that may exist, the tribal governments shall be notified by the development review offer when a reconnaissance survey is required or cultural resources exist in the project area. Notices shall include a site plan. Tribal governments shall have 15 calendar days from the date a notice is sent to submit written comments. Written comments should describe the nature and extent of any cultural resources that exist in the project area or treaty rights that exist in the project area and how they have been affected, and identify individuals with specific knowledge about them. The Wasco County Planning Department shall send a copy of all comments to the Gorge Commission.
  - d. When written comments are submitted in compliance with (c) above, the project applicant shall offer to meet within five calendar days with the interested persons. The five day consultation period may be extended upon agreement between the project applicant and the interested persons. A report shall be prepared by the Wasco County Planning Department following the consultation meeting. Consultation meetings and reports shall comply with the standards in [Section 14.500](#).
  - e. If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall have a qualified professional conduct a survey to gather enough information to evaluate the significance of the cultural resources and what effects the action had on such resources. The survey and evaluation shall be documented in a report that generally follows the standards in [Section 14.500](#).
  - f. A mitigation plan shall be prepared by the project applicant if the affected cultural resources are significant. The mitigation plan shall be prepared according to the information, consultation, and report guidelines in Mitigation Plan Criteria and Information Needs in [Section 14.500](#).
  - g. The Wasco County Planning Department shall submit a copy of all reconnaissance and historic survey reports and treaty rights protection plans to the SHPO and the tribal governments. Survey reports shall include measures to mitigate adverse effects to cultural resources resulting from emergency/disaster response actions. The SHPO and tribal governments shall have 15 calendar days from the date a survey report is mailed to submit written comments to the agency conducting the post-emergency development review. The agency shall record and address all written comments in the development review order.
  - h. The Wasco County Planning Department shall make a final decision on whether the emergency/disaster response actions are consistent with the applicable cultural resource

goals, policies, and guidelines. If the final decision contradicts the comments submitted by the SHPO, or those submitted by a tribal government regarding treaty rights, the agency shall justify how it reached an opposing conclusion.

- i. The cultural resource protection process may conclude when it has been determined that tribal treaty rights have not been not affected and one of the following conditions exists:
  - (1) The emergency/disaster response action does not require a reconnaissance or historic survey, or a reconnaissance survey demonstrates that no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 15 calendar days of the date that a notice was mailed.
  - (2) The emergency/disaster response action avoided cultural resources that exist in the project area.
  - (3) Adequate mitigation measures to affected cultural resources have been developed and will be implemented.
  - (4) A historic survey demonstrates that emergency/disaster response actions, and associated development, had no effect on historic buildings or structures because:
    - (a) The SHPO concluded that the historic buildings or structures are clearly not eligible, as determined by using the criteria in the “National Register Criteria for Evaluation” ([36 CFR 60.4](#)), or
    - (b) The emergency/disaster response actions did not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in [The Secretary of the Interior’s Standards for Rehabilitation](#) [U.S. Department of the Interior 1990] and [The Secretary of the Interior’s Standards for Historic Preservation Projects](#) [U.S. Department of the Interior 1983].

### 3. Natural Resources

- a. To the greatest extent practicable, emergency/disaster response actions shall not adversely affect natural resources.
- b. Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or areas, and sites containing rare plants, shall be the same as those established in [Sections 14.600](#) and [14.610, Natural Resources](#).
- c. Wetlands, Streams, Ponds, Lakes, Riparian Areas
  - (1) Emergency/disaster response actions occurring within a buffer zone of wetlands, streams, pond, lakes or riparian areas shall be reviewed by the Oregon Department

of Fish and Wildlife (ODFW). These areas are also referred to in this section as aquatic areas. State biologists will help determine if emergency/disaster response actions have affected or have a potential to affect these aquatic areas or their bigger zones. State biologists shall respond within 15 days of the date the application is mailed.

- (2) When emergency/disaster response activities occur within wetlands, streams, ponds, lakes, riparian areas, or the buffer zones of these areas, the applicant shall demonstrate the following:
  - (a) All reasonable measures have been applied to ensure that the response actions have resulted in the minimum feasible alteration or destruction of the functions, existing contours, vegetation, fish and wildlife resources, and hydrology of wetlands, streams, ponds, lakes or riparian areas.
  - (b) Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable.
- (3) Impacts to wetlands, streams, ponds, lakes and riparian areas, and their buffers will be offset through mitigation and restoration to the greatest extent practicable. Mitigation and restoration efforts shall use native vegetation, and restore natural functions, contours, vegetation patterns, hydrology and fish and wildlife resources to the maximum extent practicable.
- (4) If The Wasco County Planning Department, in consultation with ODFW, determines that the emergency/disaster response actions had minor effects on the aquatic area or its buffer zone that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state biologist, or a Forest Service natural resource advisor (as available) in consultation with the state biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the agency administering the National Scenic Area ordinance shall incorporate them into its development review order and the aquatic area protection process may conclude.
- (5) Unless addressed through (4) above, mitigation and restoration efforts shall be delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy the standards in [Section 14.600](#). Rehabilitation plans shall also satisfy the following:
  - (a) Plans shall include a plan view and cross-sectional drawing at a scale that adequately depicts site rehabilitation efforts. Plans will illustrate final site topographic contours that emulate the surrounding natural landscape.
  - (b) Planting plans shall be included that specify native plant species to be used, specimen quantities and plant locations.

- (c) The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency/disaster response activities.

d. Wildlife Habitat

- (1) Emergency/disaster response actions occurring within 1,000 feet of a sensitive wildlife area or site, shall be reviewed by the Oregon Department of Fish and Wildlife. State wildlife biologists will help determine if emergency/disaster response actions have affected or have a potential to affect a sensitive wildlife area or site.
- (2) Site plans for emergency/disaster response sites shall be submitted by the Wasco County Planning Department to ODFW for review as prescribed in [Section 14.600](#). The wildlife agency shall respond within 15 days of the date the application is mailed.
- (3) The wildlife protection process may terminate if the Wasco County Planning Department, in consultation with the state wildlife agency, determines the sensitive wildlife area or site was not active, or the emergency/disaster response did not compromise the integrity of the wildlife area or site or occurred at a time when wildlife species are not sensitive to disturbance.
- (4) If The Wasco County Planning Department, in consultation with ODFW, determines that the emergency/disaster response activities had minor effects on the wildlife area or site that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state wildlife biologist, or a Forest Service natural resource advisor (as available) in consultation with the state wildlife biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the agency administering the National Scenic Area ordinance shall incorporate them into its development review order and the wildlife protection process may conclude.
- (5) If the Wasco County Planning Department, in consultation with the ODFW, determines that the emergency/disaster response activities had adverse effect on a sensitive wildlife area or site, the project applicant shall prepare a Wildlife Management Plan. Wildlife Management Plans shall comply with standards in [Section 14.600](#). Upon completion of the Wildlife Management Plan, the agency shall:
  - (a) Submit a copy of the Wildlife Management Plan to the state wildlife agency for review. ODFW will have 15 days from the date that a plan is mailed to submit written comments to the agency conducting the post-emergency development review;
  - (b) Record any written comments submitted by the ODFW in its development review order. Based on these comments, the agency conducting the post-emergency development review shall make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by ODFW, the Wasco County Planning

Department shall justify how it reached an opposing conclusion.

- (c) Require the project applicant to revise the Wildlife Management Plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.

e. Deer and Elk Winter Range

Any fencing permanently erected within deer and elk winter range, as a result of an emergency/disaster response, shall comply with the standards in [Section 14.600](#).

f. Rare Plants

- (1) Emergency/disaster response actions occurring within 1,000 feet of a rare plant, shall be reviewed by the Oregon Biodiversity Information Center. State heritage staff will help determine if emergency/disaster response actions have occurred within the buffer zone of a rare plant.
- (2) Site plans for emergency/disaster response sites shall be submitted to the Oregon or Natural Heritage Program by the agency conducting the post-emergency development review. State natural heritage staff will, within 15 days from the date the application is mailed, identify the location of the affected plants and delineate a 200 foot buffer zone on the applicant's site plan.
- (3) The rare plant protection process may conclude if the Wasco County Planning Department, in consultation with the state natural heritage program, determines that emergency/disaster response activities occurred outside of a rare plan buffer zone.
- (4) If the Wasco County Planning Department, in consultation with the state natural heritage program, determines that the emergency/disaster response activities had minor effects on rare plants or the rare plant buffer zone, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state natural heritage staff, or a Forest Service natural resources advisor (as available) in consultation with the state natural heritage staff, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the Wasco County Planning Department shall incorporate them into its development review order and the rare plant protection process may conclude.
- (5) If emergency/disaster response activities occurred within a rare plant buffer zone that had adverse effects on rare plants or their buffer zone, the project applicant shall prepare a protection and rehabilitation plan that meets the standards in [Section 14.600](#).
- (6) The Wasco County Planning Department shall submit a copy of all Rare Plant Mitigation Plans to the state heritage program for review. The state natural heritage program will have 15 days from the date the protection and rehabilitation plan is mailed to submit written comments to the Wasco County Planning Department.

The Wasco County Planning Department review shall record any written comments submitted by the state natural heritage program in its development review order. Based on these comments, it shall make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the state natural heritage program, the Wasco County Planning Department shall justify how it reached an opposing conclusion.

- (7) The Wasco County Planning Department shall require the project applicant to revise the protection and rehabilitation plan as necessary to ensure that the proposed use would not adversely affect a rare plant site.

#### 4. Recreational Resources

- (a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect recreational resources.
- (b) Mitigation measures shall be implemented to mitigate any adverse effects on existing recreation resources caused by emergency/disaster response activities to the maximum extent practicable.

#### **16.060 Post-Emergency/Disaster Construction**

- A. The following review uses are allowed in all land use designations subject to a full National Scenic Area Review.
  - 1. Placement of structures necessary for continued public safety and the protection of private property and essential public services damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use applications shall be submitted within 12 months following an emergency/disaster events.



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## **CHAPTER 17 RECREATIONAL VEHICLE PARKS**

### **SECTION 17.010 Review**

In addition to the general provisions of this Ordinance, special provisions for the establishment of a new recreational vehicle park, the expansion of an existing recreational vehicle park or the expansion of an existing mobile home park to contain recreational vehicle sites shall be met. No Recreational vehicle park shall be established or expanded and no plan for said park or expansion shall be filed or recorded until submitted to and approved by the Approving Authority, in accordance with standards set forth in this section, [Chapter 14 – National Scenic Area Review](#), and the underlying zone. Recreational Vehicles are only allowed in Recreation Intensity Classes three (3) and four (4). In the event of conflicting requirements to comply with this section and the underlying zones or [Chapter 14](#), the requirements of the underlying zone or [Chapter 14](#) shall be met.

### **SECTION 17.020 Information Required for Preliminary Site Plan Review**

The application for a preliminary site plan review for a recreational vehicle park shall be filed with the Planning Office in the form described by the Director and shall be accompanied by five (5) copies of the site plan showing the general layout of the entire recreational vehicle park and drawn at a scale not smaller than one inch (1") representing fifty feet (50'). The drawing shall show the following information:

- A. Name of the property owner, applicant, and person who prepared the plan;
- B. Name of the Recreational Vehicle park and address;
- C. Scale and north point of the plan;
- D. Vicinity map showing relationship of Recreational Vehicle park to adjacent properties and surrounding zoning;
- E. Boundaries and dimensions of the Recreational Vehicle park;
- F. Location and dimensions of each Recreational Vehicle site; designate each site by number, letter or name;
- G. Location and dimensions of each existing or proposed building;
- H. Location and width of park streets;
- I. Location and width of walkways;
- J. Location of each lighting fixture for lighting the mobile home park;
- K. Location of recreational areas and buildings, and area of recreational space;
- L. Location and type of landscaping plantings, fence, wall, or combination of any of these, or other

screening materials;

- M. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities;
- N. Location of available fire and irrigation hydrants;
- O. Location of public telephone service for the park;
- P. Location and number of toilets provided for men and for women.
- Q. Location of all public water facilities.
- R. Location of all sanitary dumping stations.
- S. Enlarged plot plan of a typical Recreational Vehicle space, showing location of the stand, parking, sidewalk, trails, utility connections and landscaping.

#### **SECTION 17.030 Final Site Plan and Submission Requirements**

At the time of application for final approval to construct a recreational vehicle park, or expansion of an existing recreational vehicle park or mobile home park to provide additional recreational vehicle sites, the applicant shall submit copies of the following required detailed plans to the appropriate reviewing departments and agencies as required by law or Ordinance:

- A. New structures.
- B. Public water systems approved by the Department of Human Resources, Health Division, State of Oregon.
- C. Methods of sewage disposal approved by the Department of Environmental Quality, State of Oregon.
- D. Method of garbage disposal.
- E. Plan of electrical service.

#### **SECTION 17.040 General Design Standards**

- A. Access: A recreational vehicle park shall not be established on any site that does not have access to any public street on which the potential paving width is less than thirty-six (36) feet.
- B. Park Street: A park street shall connect each recreational vehicle site to a public street. The park street shall be a minimum of thirty-five (35) feet in width, with a service width of at least twenty-five (25) feet if no parking is allowed, and thirty-five (35) feet if parking is allowed on one side only.
- C. Walkways: Pedestrian walkways of not less than three (3) feet in width shall be separated from

vehicular ways and maintained for safe and convenient movement to all parts of the park and connect to ways leading to destinations outside the park.

**D. Off Street Parking:**

1. Two off-street parking spaces shall be provided for each recreational vehicle site, either on the site or within one hundred (100) feet thereof in the recreational vehicle park, which shall be nine by twenty (9x20) feet in size per space.
2. Guest parking shall also be provided in every recreational vehicle park, based on a ratio of one parking space for each four (4) recreational vehicle sites.

**E. Signs:** Signs may be installed according to [Chapter 23, Sign Provisions](#).

**F. Fencing and Landscaping:**

1. Every recreational vehicle park shall provide a sight-obscuring fence, wall, evergreen or other suitable screening/planting along all boundaries of the recreational vehicle park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress.
2. Walls or fences shall be six (6) feet in height. Evergreen planting shall not be less than five (5) feet in height, and shall be maintained in a healthy, living condition for the life of the recreational vehicle park.
3. There shall be suitable landscaping provided within the front and side yard setback areas, and all open areas in the recreational vehicle park not otherwise used.

**G. Lighting:** Lighting shall be designed to produce a minimum of 0.1 foot-candle throughout the street system. Potentially hazardous location such as a major street intersection and steps or stepped ramps shall be individually illuminated with a minimum of 0.3 foot-candle. Such lighting shall meet the provisions for all new development in [14.100\(F\)](#).

**H. Area:**

1. Size of a recreational vehicle park site: No recreational vehicle park shall be created on a lot or parcel of land of less than the minimum required to accommodate the density of the underlying zoning regulations.
2. Recreational vehicle sites: The average area of a recreational vehicle site within a recreational vehicle park shall not be less than 3,000 square feet, and in no case shall any one recreational vehicle site be less than 2,500 square feet, providing that the dwelling unit density for a new recreational vehicle park shall not exceed the allowable density of the district in which it is located.
3. Setbacks: Shall comply with those established by the underlying zone.

4. Spacing: A recreational vehicle shall be separated from an adjoining recreational vehicle a minimum of fifteen (15) feet.
5. Overnight Spaces (for expansion of existing mobile home parks): Not more than ten (10) percent of the total mobile home park area may be used to accommodate persons wishing to park their recreational vehicle overnight.

I. Other Site Requirements:

1. Permitted Uses: No building, structure or land within the boundaries of a recreational vehicle park shall be used for any purpose except for the uses permitted as follows:
  - a. Recreational vehicle for temporary detached residential use only.
  - b. Private and public utilities.
  - c. Community recreation facilities, including swimming pools, for residents of the park and guests only.
  - d. One residence for the use of a caretaker or a manager responsible for maintaining or operating the property.
2. Recreational Area: A minimum of two hundred (200) square feet of recreation area shall be provided for each recreational vehicle space. The recreation area may be in one or more locations in the park. At least one recreation area shall have a minimum size of 5,000 square feet, and be of a shape that will make it usable for its intended purpose, and at least fifty percent (50%) of the required recreation area shall be provided for use by residents of the entire park. Swimming pools shall be set back at least fifty (50) feet from the nearest residential area and will have a fence surrounding it at least eight (8) feet high which does not obscure vision into the pool area. Rescue devices such as buoyant rings, poles, etc., shall be provided and easily accessible.
3. State Requirements: Rules and regulations governing mobile home facilities as contained in [ORS 446.310](#) to [446.350](#) and [446.435](#), of "Rules and Regulations Governing the Construction and Statutory Operation of Travelers' Accommodations and Tourist Parks", adopted by the Oregon State Department of Human Resources, Health Division, shall be applicable in the development and operation of a recreational vehicle park, provided, that the provision of this Ordinance shall prevail where said provisions are more stringent than those imposed by state law, rules or regulations.

**SECTION 17.050 Exceptions**

No recreational vehicle shall be permanently attached to the land, or otherwise finished with accessories as provided for in [Section 4.100](#) of this Ordinance.

**SECTION 17.060 Occupancy Permit**

No permit for occupancy of any recreational vehicle park, building, or facility located within said park shall

be issued by the Building Official until such time as the development has been completed according to the finished plan approved by the Approving Authority. Deviations from the approved plan must be submitted to the Director for approval as revisions of the Plan.

#### **SECTION 17.070 Facilities**

Recreational vehicle parks shall be designed to accommodate recreational vehicles. For this purpose recreational vehicle parks shall provide the following facilities, in addition to meeting all other development standards in this section:

- A. Toilets at the ratio of one toilet for men and women each for every ten (10) vehicle sites.
- B. Public water facilities at a ratio of one faucet for every five (5) vehicle sites.
- C. Sanitary dumping stations as required by the Approving Authority.

#### **SECTION 17.080 Certificate Required**

No recreational vehicle park shall be operated in Wasco County without a certificate of sanitation provided by an agent of the Department of Human Resources, Health Division, State of Oregon, and no occupancy permit shall be issued by the Building Official until such certification is obtained pursuant to O.R.S. 446.320.

#### **SECTION 17.090 Service Buildings**

Service buildings housing sanitation facilities shall be permanent structures, complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems. Such buildings shall be maintained in a sanitary and orderly condition.

#### **SECTION 17.100 Accommodation of Handicapped**

At least one (1) service building housing sanitation facilities shall be accessible to paraplegics or persons confined to wheelchairs. The stalls of said building shall be wide enough to permit entrance and shall be provided with assist bars. Ramps shall be provided over curbs. Such buildings shall be clearly marked and signed.



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**CHAPTER 19 STANDARDS FOR A NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEM (WECS)**  
**ACCESSORY TO PERMITTED USES**

**SECTION 19.010 Purpose**

This chapter describes how to apply for county approval of a proposed non-commercial WECS accessory to a permitted use and its associated transmission lines as specified in designated zones.

**SECTION 19.020 Review Criteria and Conditions**

In addition to the applicable criteria listed in [Chapter 3](#) and [Chapter 14](#), a non-commercial WECS and its associated transmission lines may be permitted in the designation zones subject to the following additional criteria and conditions:

- A. Accessory Use. The applicant(s) shall demonstrate how the WECS is accessory to another permitted use on the subject tract. Free standing equipment is a new accessory structure, equipment attached to an existing structure is an addition of the structure on which it is located.
- B. Size Limitation. The production of energy shall not exceed the needs of the use on the tract. The applicant(s) shall demonstrate how much energy is needed and how the proposed size and number of WECS match this. No more than two WECS shall be allowed on the same tract. Net-metering may be allowed,. Sale of power back to the electrical grid is permitted, provided that it is an occasional event, not ongoing over the course of theyear.
- C. Height.
  - 1. Maximum Height. The total WECS height shall not exceed 200 feet.
  - 2. Minimum Height. The lowest point in the sweep of a WECS blade shall be a minimum height above the tallest current or foreseeable obstruction within a horizontal, 500 foot radius of a WECS or a radius of 10 rotor diameters (for horizontal axis) and 5 WECS heights (for vertical axis), whichever is greater, as described in (a), (b), and (c) below. The radius shall be measured from the center point of the tower.
    - a. At least 30 feet for a horizontal axis WECS on a site without site-specific wind direction data or representative off-site data.
    - b. At least 30 feet above current or foreseeable obstructions within 45 degrees of the direction(s) of prevailing wind for a horizontal axis WECS on a site with site-specific wind direction data or representative off-site data.
    - c. At least six feet for a vertical axis WECS.
- D. Setbacks.
  - 1. A WECS shall be setback from all adjoining property lines as described in (a) and (b) below. An

easement that complies with [ORS 105.900](#) through [105.915](#) may be substituted for required setbacks. The setback shall be measured from the center point of the tower or pedestal.

- a. A horizontal axis WECS shall be setback at least five rotor diameters.
  - b. A vertical WECS shall be setback the total WECS height.
2. The furthest horizontal extension of a WECS (including guy wires) shall not extend into yards required in the underlying zones or be closer than twelve feet to any major structure, or right-of-way or easement for above-ground telephone, electrical transmission and distribution lines.
- E. Notice. The following signs shall be clearly visible on the WECS tower and accessory facilities.
1. "No Trespassing" signs shall be attached to any perimeter fence.
  2. "Danger" signs shall be posted at the height of five feet on WECS towers and accessory structures.
  3. A sign shall be posted on the tower showing an emergency telephone number.
  4. The manual electrical and/or over speed shutdown disconnect switch(es) shall be clearly labeled.
- F. Public Access. Public access to a vertical axis WECS shall be limited. Public access to a horizontal axis WECS shall be limited using one or a combination of the following methods:
1. Removal of tower climbing fixtures to 12 feet from the ground,
  2. Installation of a locking, anti-climb device on the tower, or
  3. Installation of a protective fence at least six feet tall with a locking gate.
- G. Air Safety. The Oregon Department of Aviation, Federal Aviation Administration, and local aerial sprayers shall be notified of the WECS. The WECS shall comply with the air hazard rules based on a written action by those agencies.
- H. Grounding. All WECS which may be charged with lightning shall be grounded according to the Oregon State Electrical Specialty Code.
- I. Electrical Safety. Transmission lines associated with the facility shall not generate an electrical field greater than 9 kV per meter measured at grade and shall comply with the National Electrical Safety Code, based on a written decision by the Public Utility Commissioner.
- J. Noise. Construction and operation of the proposed WECS shall comply with the noise regulations of the Oregon Department of Environmental Quality (DEQ) in [OAR 340-35](#), based on a written decision by DEQ. In addition, the application shall identify noise sensitive property(ies) and ambient noise levels prior to construction.

- K. Communications.** The proposed WECS shall not unduly reduce or interfere with electromagnetic communication signals. If undue reduction or interference occurs, the applicant shall return reception levels to pre-facility levels.
- L. Coordination:** The applicant shall demonstrate that all necessary state and federal permits, licenses, exemptions, variances, or authority are approved before initiating construction of the WECS.
- M. Removal:** An abandoned WECS shall be removed by the owner of the subject tract, or by Wasco County at the owner's expense, if after notice of abandonment by Wasco County, the WECS does not resume production of electricity within 6 months.





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**CHAPTER 20 HOME OCCUPATIONS, BED & BREAKFAST INNS, COMMERCIAL EVENTS AND SPECIAL USES**  
**IN HISTORIC BUILDINGS**

**SECTION 20.100 Home Occupations (GMA & SMA)**

Home occupations may be established as authorized in specified land use designations and consistent with the following.

- A. A home occupation may employ only residents of the home.
- B. A cottage industry may employ up to three (3) outside employees.
- C. There will be no interference with existing uses on nearby land or with other uses permitted in the zone in which the property is located.
- D. There will be an annual review by the Approving Authority. The approval shall continue if the home occupation or cottage industry continues to comply with the requirements of this Subsection and all conditions of approval.
- E. No more than twenty-five percent (25%) of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.
- F. No more than five hundred (500) square feet of an accessory structure may be utilized for a home occupation or cottage industry.
- G. There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.
- H. Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.
- I. No retail sales may occur on the premises except incidental sales at lodging establishments authorized in this chapter.
- J. One (1) small, non-animated, non-illuminated sign, not exceeding two (2) square feet in area may be permitted on the subject structure or within the yard containing the home occupation or cottage industry.
- K. Parking not associated with residential use shall be screened so it is not visible from Key Viewing Areas.

**SECTION 20.200 Bed and Breakfast Inns (GMA & SMA)**

Bed and Breakfast Inns may be permitted in a lawfully established single family dwelling as authorized in specified zoning designations and consistent with the following:

**A. Residential zones (GMA & SMA)**

1. Bed and Breakfast Inns with up to two (2) bedrooms may be permitted in all residential zones.
2. Bed and Breakfast Inns with between three (3) and five (5) bedrooms may only be permitted in R-R(5) and R-R(10) and SMA Residential zones.

**B. Agricultural and Forest zones (GMA & SMA)**

1. Bed and Breakfast Inns with up to two (2) bedrooms may be permitted in specified agricultural and forest zones.
2. Bed and Breakfast Inns with between three (3) and five (5) bedrooms may only be permitted in specified agricultural and forest zones when the dwelling is listed or is eligible to be listed on the National Register of Historic Places or, identified and protected under local landmark status as approved pursuant to Oregon State land use regulations protecting historic structures.
3. The owners or operators of the bed and breakfast inn shall post an 8 1/2" x 11" "NOTICE" that will be located in a conspicuous location inside the bed and breakfast inn. Such "NOTICE" shall generally state:
  - a. In large, one (1) inch tall lettering at the top of the page, "N-O-T-I-C-E"; and
  - b. That the bed and breakfast inn is located in an agricultural or forest area; and
  - c. That guests should use care when out of doors to avoid injury by adjacent and nearby agricultural or forest operations; and
  - d. That adjacent and nearby agricultural or forest operations may from time to time cause noise, odor and sights that are associated with agricultural or forest operations.
  - e. That guests should be aware that adjacent and nearby operators are entitled to carry on accepted agricultural or forest practices on lands designated Agricultural or Forest.
4. Buffer zones should be considered to protect agricultural practices from conflicting uses (SMA Only).
5. The Bed and Breakfast shall be compatible with agricultural use. (SMA Only)

**C. In the Public Recreation zone Bed and Breakfast Inns with up to five (5) bedrooms may be permitted in the SMA only.**

**D. Guests may not occupy a facility for more than fourteen (14) consecutive days;**

- E. One (1) non-animated, non-illuminated sign, not exceeding four (4) square feet in area, may be authorized on the structure or within the yard containing the facility;
- F. Parking areas shall be screened so as to not be visible from Key Viewing Areas.
- G. No retail sales may occur on the premises except incidental sales to the bed and breakfast operation.
- H. In the SMA, Bed and breakfast inns shall be allowed only in dwellings that are included in, or eligible for inclusion in, the National Register of Historic Places.
- I. In addition to the criteria above, all proposed Bed and Breakfast Inn with up to two (2) bedrooms shall meet A, E, F, G, H, J and K in [Section 20.100](#).

### **Section 20.300 Commercial Events (GMA Only)**

Commercial events include weddings, receptions, indoor concerts, farm dinners, or events similar in size and activity and must be incidental and subordinate to the primary use on a parcel and may be allowed except on lands designated Open Space, Industrial Forest, or Agriculture Special, subject to compliance with the following:

- A. The use must be in conjunction with a lawful, on-site wine sales/tasting room, bed & breakfast inn, or commercial use. If the use is proposed on a property with a building on or eligible for the National Register of Historic Places, it shall be subject to the provisions of Section 20.400 and not thisSection.
- B. The owner of the subject parcel shall live on the parcel and shall operate and manage the use.
- C. A single commercial event shall host no more than 100 guests.
- D. The use shall comply with the following parking requirements:
  - 1. A single commercial event shall include no more than 50 vehicles for guests.
  - 2. All parking shall occur on the subject parcel.
  - 3. At least 200 square feet of parking space shall be required for each vehicle.
  - 4. Parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other imperious materials shall be prohibited.
  - 5. All parking areas shall be fully screened from Key Viewing Areas.
- E. The owner of the subject parcel may conduct 18 single events up to one day in length per year.
- F. The owner of the subject parcel shall notify Wasco County and all owners of land within 500 feet of the perimeter of the subject parcel of each planned event. The notice shall be in writing and shall be

mailed at least seven calendar days before an event.

- G. Tents, canopies, portable restrooms and other similar temporary structures necessary for a commercial event may be allowed, provided all such structures are erected or placed on the subject parcel no more than two days before the event and removed no more than two days after the event. Alternatively, temporary structures may remain in place for up to 90 days if they are fully screened from Key Viewing Areas.
- H. To protect any nearby agricultural and forest operations the use may be allowed upon demonstration that it would be set back from any abutting parcel designated Large-Scale or Small-Scale Agriculture, as required in "Agricultural Buffer Zones," or designated Commercial Forest Land or Large or Small Woodland, as required in the "Siting of Dwellings on Forest Land" in Chapter 3 of this Ordinance.
- I. Land use approvals for commercial events shall not be valid for more than two years. Landowners must reapply for the use after a land use approval expires.
- J. A yearly report shall be submitted to the reviewing agency by January 31st reporting on the events held the previous year. This report shall include the number of events held, how many people were in attendance, and copies of catering contracts or other vendors used to verify.
- K. Permits shall not be renewed if there have been past violations, including failure to file.

#### **Section 20.400 Special Uses in Historic Buildings (GMA Only)**

- A. Special uses in historic buildings may be allowed as authorized in specified land use designations subject to the provisions of Section 20.400(B), [Chapter 5](#), [Chapter 14](#), as well as any other listed or referenced provisions.
  - 1. For the purposes of this section, the term "historic buildings" refers to buildings either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to B(1)(a) below.
  - 2. The following review uses may be allowed on parcels with building(s) included on the National Register of Historic Places:
    - a. Public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property. Voluntary donations and/or fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner. Criteria B(1)(a) and B(1)(b)(3) & (4) below and the parking limits and associated "Facility Design Guidelines" in the Recreation Intensity Classes are not applicable to this use.
    - b. Former restaurants and/or inns shall be permitted to re-establish these former uses. The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of

- January 1, 2006. Banquets, private parties and other special events that take place entirely within an approved restaurant facility shall be considered a restaurant use allowed under this section. Criteria B(1)(a) and B(1)(b)(3) & (4) below are not applicable to this use.
- c. Commercial events in the building or on the subject parcel. Criterion B(1)(a) below is not applicable to this use.
3. The following additional review uses may be allowed on parcels with building(s) either on or eligible for the National Register for Historic Places and that was 50 years old or older as of January 1, 2006:
- a. Establishments selling food and/or beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such establishments shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within approved establishments selling food and/or beverages shall be considered a part of the approved use.
  - b. Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of existing rooms in the historic building as of January 1, 2006.
  - c. Commercial events in the building or on the subject property.
  - d. Wineries and cideries upon a showing that processing of wine or cider is from fruits harvested on the subject parcel or the local region, within a historic building, as the building existed as of January 1, 2006.
  - e. Sales/tasting rooms in conjunction with an on-site winery or cidery, within a historic building, as the building existed as of January 1, 2006.
  - f. Conference and/or retreat facilities within a historic building, as the building existed as of January 1, 2006.
  - g. Artist studios and galleries within a historic building, as the building existed as of January 1, 2006.
  - h. Gift shops within a historic building, as the building existed as of January 1, 2006 that are:
    - (1) incidental and subordinate to another approved use included in A(3) above; and
    - (2) no larger than 100 square feet in area.
  - i. Interpretive displays, picnic areas or other recreational day use activities on the subject parcel. The parking limits and associated "Facility Design Guidelines" in the Recreation Intensity Classes are not applicable to this use.

- j. Parking areas on the subject property to support any of the above uses.
- 4. Land use approvals for special uses in historic buildings shall be subject to review by Wasco County every five years from the date the original approval was issued. As part of this review, the applicant shall submit documentation to Wasco County on the progress made in implementing the “Protection and Enhancement Plan” required in B(1) below. Wasco County shall submit a copy of the applicant’s documentation to the State Historic Preservation Office (SHPO). SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to Wasco County. If Wasco County’s determination contradicts comments from the SHPO, Wasco County shall justify how it reached an opposing conclusion. Wasco County shall revoke the land use approval if the owner has failed to implement the actions described in the “Protection and Enhancement Plan” according to the schedule for completing such actions in this plan. Wasco County may, however, allow such a use to continue for up to one additional year from the date Wasco County determines the applicant has failed to implement the actions if the applicant submits a written statement describing unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule, what progress the applicants have made towards completing such actions, and a proposed revised schedule for completing such actions.
- 5. Commercial events allowed in this section are not subject to the provisions of [Section 20.300](#). Commercial events allowed in this section are subject to the following:
  - a. Commercial events include weddings, receptions, parties and other gatherings that are incidental and subordinate to the primary use on a parcel.
  - b. The owner of the parcel shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.
  - c. Applications for commercial events shall include all information in the “Operational Plan for Commercial Events” as specified in B(1)(b)(4) below.
- B. Additional Resource Protection Provisions for Special Uses in Historic Buildings.
  - 1. Cultural Resources
    - a. All applications for uses listed in A(3) above, shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in “Historic Surveys and Reports”, [Section 14.500\(M\)](#). The evaluation of eligibility shall follow the process and include all information specified in the National Register Bulletin “[How to Apply the National Register Criteria for Evaluation](#)” [National Park Service, National Register Bulletin #15].



Eligibility determinations shall be made by Wasco County based on input from SHPO. Wasco County shall submit a copy of any historic survey and evaluation of eligibility to SHPO. SHPO shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to Wasco County. If Wasco County's determination contradicts comments from SHPO, Wasco County shall justify how it reached an opposing conclusion.

- b.** Applications for Special Uses for Historic Buildings shall include a "Protection and Enhancement Plan" which shall include the following:
  - (1)** A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.
  - (2)** A statement addressing consistency of the proposed use with the [\*Secretary of the Interior's Standards for Rehabilitation of Historic Properties\*](#) and the *Secretary of the Interior's Standards for Preservation of Historic Properties*.
  - (3)** Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.
  - (4)** Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the "Protection and Enhancement Plan". The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:
    - (a)** Number of events to be held annually.
    - (b)** Maximum size of events, including number of guests and vehicles at proposed parking area.
    - (c)** Provision for temporary structures, including location and type of structures anticipated.
    - (d)** How the proposed commercial events will contribute to protection and enhancement of the historic resource.
- c.** Wasco County shall submit a copy of the "Protection and Enhancement Plan" to the SHPO. SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to Wasco County. SHPO's comments shall address consistency of the proposed use with the [\*Secretary of the Interior's Standards for Rehabilitation of Historic Properties\*](#) and

the *Secretary of the Interior's Standards for Preservation of Historic Properties*, and the effect of the proposed use on the historic resource.

- d. Any alterations to the building or surrounding area associated with the proposed use have been determined by Wasco County to be consistent with the [\*Secretary of the Interior's Standards for Rehabilitation of Historic Properties\*](#) and the *Secretary of the Interior's Standards for Preservation of Historic Properties*. If Wasco County's final decision contradicts the comments submitted by SHPO, Wasco County shall justify how it reached an opposing conclusion.
- e. The proposed use has been determined by Wasco County to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If Wasco County's final decision contradicts the comments submitted by SHPO, Wasco County shall justify how it reached an opposing conclusion.

## 2. Scenic Resources

- a. New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials shall be prohibited.
- b. New parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordination. New screening vegetation may be used if existing topography and vegetation are insufficient to help make the parking area visually subordinate from Key Viewing Areas, if such vegetation would not adversely affect the historic character of the building's setting.
- c. Temporary structures associated with a commercial event (e.g. tents, canopies, portable restrooms) shall be placed on the subject property no sooner than two days before the event and removed within two days after the event. Alternatively, temporary structures may remain in place for up to 90 days after the event if the local government determines that they will be visually subordinate from Key Viewing Areas.

## 3. Recreation Resources

The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

## 4. Agricultural and Forest Lands

All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Agriculture- Special, Commercial Forest Land, or Large or Small Woodland that are within 500 feet of the perimeter of the subject property on which the use is proposed to be located have been notified

and given at least 10 days to comment prior to a decision on an application for a Special Use for a Historic Building.



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## **CHAPTER 21 LAND DIVISIONS**

As authorized by law, including ORS Chapters [92](#), [197](#), and [215](#), subdivisions, partitions plats, replats, property line adjustments and streets shall be approved in accordance with this Chapter and applicable provisions of [Chapter 3 - Basic Provisions](#), and [Chapter 14 – National Scenic Area Review](#). The Chapter applies to all land within the unincorporated territory of the Columbia River Gorge National Scenic Area portion of the County. A person desiring to subdivide, partition, replat, adjust a common boundary line, or to create a street or a private road shall submit preliminary plans and final documents for approval as provided in this Chapter and state statutes. Land divisions in the Special Management Area shall not be allowed, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines in the Management Plan.

### **SECTION 21.010 Purpose**

In accordance with the provisions of ORS Chapters [92](#), [197](#), and [215](#), this Ordinance sets forth the minimum standards governing the approval of land development, including subdivisions, partitions, replats, and property line adjustments, as necessary to carry out the Wasco County Comprehensive Plan and the Management Plan for the Columbia River Gorge National Scenic Area and to promote the public health, safety and general welfare. The purpose of these provisions and regulations are to:

- A. Encourage well planned development to the end that good livable neighborhoods with all needed amenities and community facilities may be created.
- B. Encourage development in harmony with the natural environment and within resource carrying capacities.
- C. Safeguard the interest of the public, the applicant, and the future legal parcel owner.
- D. Improve land records and boundary monumentation.
- E. Ensure equitable processing of plats and plans, and accomplish to the greatest extent possible the goals and objectives of the Comprehensive Plan for Wasco County and the [Management Plan](#) for the Columbia River Gorge National Scenic Area.

### **SECTION 21.020 Definitions**

The definitions set forth in [Section 1.200](#) of this Ordinance shall be utilized for the purposes of this chapter.

### **SECTION 21.030 Basic Provisions and Design Standards**

- A. Compliance required: No land within the unincorporated territory of the Columbia River Gorge National Scenic Area portion of Wasco County shall be subdivided or partitioned, and no plat shall be filed or recorded until submitted to and approved by the Approving Authority in accordance with ORS Chapter [92](#).
- B. Minimum standards: The requirements and standards set forth in this chapter are the minimum ones to

which a subdivision, partition, or boundary adjustment must conform before approval by the Approving Authority. Scenic, Natural, Cultural and Recreational resource buffers set forth in [Chapter 14](#) – National Scenic Area Review shall not be altered or varied to allow design standards to be met.

- C. Conformity with the plan: All divisions of land and boundary adjustments shall conform to and be in harmony with the Wasco County Comprehensive Plan and National Scenic Area Land Use Designation Map and the Management Plan for the Columbia River Gorge National Scenic Area and map of that portion of the Columbia River Gorge National Scenic Area within which the subdivision and partition lies.
- D. Conformity with zoning chapter: All divisions of land and boundary adjustments, regardless of the number of lots or parcels, shall comply with all specifications authorized by [Chapter 3](#) of this Ordinance. All lots created shall conform in all respects with the applicable regulations of [Chapter 3](#), including uses of land, lot size and dimensions, space for off-street parking, landscaping and other requirements as may be set forth. Variances from minimum parcel sizes shall not be granted.

Land divisions shall also be made only in full compliance with standards set in [Chapter 14 – National Scenic Area Review](#).

- E. Relation to Adjoining Street System: A subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivisions or of their proper projection when the adjoining property is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations.
- F. Redevelopment Plan:
  - 1. In subdividing or partitioning tracts of land into large lots which at some future time could be further divided, the Director may require that blocks and lots shall be of such size and shape, be so divided into lots, and meet such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of a smaller size which shall have the minimum lot frontage on a street.
  - 2. No lot in a platted subdivision shall be reduced in size from that shown on the recorded plat if the newly created lot will have less than the minimum lot area for the zone in which it is located.
  - 3. Any lot in a platted subdivision may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.
  - 4. Any person dividing tracts of land into large lots which at some future time could be further divided and still meet the minimum lot size requirement of the zone in which the land is located shall provide suitable road access to each created parcel so that the future development of each parcel will provide access for redevelopment parcels or lots.
- G. Access: A unit of land shall be considered to have access by way of a public road or street, private road, or private easement road, if the following criteria are satisfied:



1. The unit of land abuts on the road or street.
  2. There is a legal right appurtenant to the unit of land to use the road or street for ingress and egress. A legal right to use a private road or private easement road may be evidenced by: (a) an express grant or reservation of an easement in a document recorded with the County Clerk; (b) a decree or judgment issued by a court of competent jurisdiction; (c) an order of the County Governing Body; or, (d) an express easement set forth in a duly recorded plat.
  3. The road or street provides actual physical access for the unit of land.
- H. Access Requirements for Land Divisions: Each unit of land shall be provided with access by a public road meeting standards noted in Table 1 (Rural Public Roadway Design Standards) & 2 (Urban Public Roadway Design Standards), except as provided below and in Table 3 (Private Access Standards):
1. Private Easement Road - In all zones a unit of land may have access by way of a private easement road upon a finding that such road provides access for not more than three (3) units of land and serves not more than three (3) units of land.

The requirements of Section 21.300 are not applicable to a Private Easement Road.

If the private easement road could provide access for more than three (3) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public or private road and not the right of way of the private easement road.

2. Private Road - In resource areas only (areas zoned F-1, F-3, A-1 and A-2), a unit of land may have access by way of a private road upon findings of the Approving Authority that:
  - a. Such private road provides access for not more than ten (10) units of land and serves not more than ten (10) units of land;
  - b. Private road approval is obtained pursuant to [Section 21.400](#);
  - c. Private road is constructed to standards of [Section 21.430](#) when more than three (3) units of land use roadway;
  - d. The primary use of the road is to provide access for resource activities. Conflicting uses shall be minimized;
  - e. When service to more than ten (10) units of land is possible, provision shall be made to serve the area by public road, including but not limited to: (a) dedication of right-of-way; (b) extension and improvement of the roadway to public road standards such that not more than ten (10) units of land may be served.

If the private road could provide access for more than ten (10) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public road

and not the right of way of the private road.

- I. Alignment: As far as practical, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than one hundred twenty-five (125) feet.
- J. Half Streets: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the requirements of this Ordinance and when possible to require the dedication of the other half when the adjoining property is subdivided. Whenever an existing half street is adjacent to land to be subdivided, the remaining half of the street shall be dedicated within such subdivision. Reserve strips and street plugs may be required to insure the objectives of obtaining full width streets.
- K. Streets Adjacent to Railroads, Freeways and Parkways: When a subdivision or partition contains or is adjacent to a railroad, a parallel street may be required on each side of such railroad. A land strip of not less than twenty-five (25) feet in width shall be provided along a railroad right-of-way for screen planting or park purposes between the railroad and residential lots. Parallel, local service streets shall be provided on each side of a freeway or parkway either within or abutting their right-of-way. When such parallel streets are less than eighty (80) feet from such freeway or parkway the intervening property shall be used for only park or thoroughfare purposes. Streets paralleling railroads, at those cross streets where grade separations are proposed, shall be located at a distance from the railroad that provides for such grade separation structure.
- L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision or partitioning.
- M. Future Extension of Streets: Where necessary to give access to or permit a satisfactory future subdivision or partitioning of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- N. Alleys: The minimum width of alleys, when provided in residential blocks, shall be twenty (20) feet. Alleys shall be provided in commercial and industrial districts and shall not be less than twenty (20) feet in width. The corners of all alleys at their intersection with streets and other alleys shall be rounded and have a radius of not less than ten (10) feet.
- O. Pedestrian Ways: When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.
- P. Cul-De-Sacs: In general, dead-end (cul-de-sac) streets are not desirable, but if provided, shall terminate in a turnaround that is consistent with [Chapter 11](#) and the local fire department.
- Q. Street Intersections:
  - 1. All streets shall intersect at right angles (90 degrees) one to the other; where an intersection at

ninety (90) degrees cannot be secured by reason of physical conditions of the site an angular intersection of not less than sixty (60) degrees may be permitted.

2. Property corners at street intersections shall be rounded and with a radius of not less than ten (10) feet.
  3. Major thoroughfares intersections shall have roadway curb radii of not less than twenty-five (25) feet; all other street intersections shall have roadway curb radii of not less than twenty (20) feet.
- R. Reserve Strips: Reserve strips or street plugs dedicated to the County and controlling the access to a street may be approved or required when necessary to:
1. Prevent access to the street on a side where additional width is required to meet the minimum right-of-way standards;
  2. Prevent access to abutting property at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or
  3. Prevent the uncontrolled development of land.
- S. Marginal Access Streets: Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Approving Authority may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- T. Utility Lines: Easements for sewers, water mains, electrical lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least twelve (12) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.
- U. Water Courses: If a subdivision or partition plat is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.
- V. Environmental Hazards: If a subdivision or partition contains known hazards resulting from potential for flooding, land movement, high water tables, erosion, or similar natural phenomena, the Approving Authority may require dedication of protective easements for uses that would minimize aggravation of the environmental hazard.
- W. Blocks: No block shall exceed twelve hundred (1200) feet in length between streets. In blocks over eight hundred (800) feet in length there shall be a cross walkway of not less than ten (10) feet in width, near the middle of the block. The width of blocks shall be such as to allow two tiers of lots, except where in the opinion of the Approving Authority a relatively short length of double frontage lots are unavoidable.

**X. Lots:**

1. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the types of use permitted. Lot dimensions shall not include part of existing or proposed streets. All lots shall be buildable, except a public utility lot. Depth and width of utility lots shall be adequate to provide for standard setbacks for service structures, and to furnish off-street parking facilities required by the kind of use contemplated. In no other case shall the width or area be less than that prescribed for the zone in which the lot is proposed.
2. Each side lot line shall be at right angles to the adjacent street line or radial to a curved street line, unless the Approving Authority determines that variation from these requirements is necessitated by unusual circumstances such as topography and site location.
3. Lots with double frontage shall be avoided, except where the Approving Authority determines that such lots are essential to provide separation or residential development from major traffic arterials or adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, across which there shall be no rights of access, may be required along the line of lots abutting such a traffic arterial or other incompatible use. Such area shall be considered the rear portion of the lot.
4. Flag lots shall not be permitted, except when unusual circumstances exist. Such circumstances may include characteristics of topography and site which affect construction on the property or access to the property. Approval of the creation of flag lots by the Approving Authority shall be based on specific findings indicating what unusual circumstances exist.

**Y. Public Open Space:** School sites, neighborhood playgrounds, parks and recreation areas shall be located in accordance to the development pattern of the County or the County area. When such public school or recreation sites are within the area of an approved subdivision they may be dedicated to the County or shall be reserved until such time as the County is able to acquire them. Parks and recreation areas shall be provided at the rate of one (1) acre of recreation area to every one hundred people.

**Z. Subdivision Name:** The name of any subdivision shall not duplicate or be so similar as to be confused with the name of any existing subdivision or parcel or area within the County.

**AA. Street Names:** Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, and shall be subject to the approval of the Approving Authority.

**BB. Street Signs:** All street and highway signs shall meet the County standards for such signs.

**SECTION 21.100 Land Partitioning Approval**

**A. Approval of Preliminary Partition Plans:**

1. An application for preliminary partition plan approval shall be initiated as provided in [Chapter 2](#).
2. In addition to the complete application requirements for [Chapter 14 – National Scenic Area Review](#), a preliminary partition application, plan and supporting documentation shall include the following:
  - a. a vicinity map of such scale to clearly locate the proposed partitioning in relation to adjacent subdivisions, partitions, roadways and other land parcels;
  - b. any existing permanent structures and their setbacks to existing and proposed property lines;
  - c. all existing and proposed means of utilities for each tract including but not limited to water, primary and secondary septic drain fields, sewer lines, telephone lines, and electrical lines;
  - d. predominant topographical features such as bluffs and rock outcroppings;
  - e. areas subject to sliding or other natural hazards;
  - f. areas subject to flooding and all water courses and their directional flows, including marshes and wetlands;
  - g. north point, scale and date;
  - h. zoning classification and plan map designation of the land;
  - i. a plan of the proposed partitioning, showing boundaries of the total contiguous ownership, boundaries of each proposed tract, the number assigned to each tract, acreage of each tract and location and name of existing and proposed streets and roads;
  - j. all existing and proposed public and private easements, restrictions, and covenants providing for, or affecting all services, utilities, or access must be shown on the face of the map along with the legal description. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map; and
  - k. if not sewered and located in an "F-1", "F-3", "A-1" or "A-2" zone, a statement signed by an authorized representative of the Department of Environmental Quality, State of Oregon, or County Sanitarian regarding the suitability of each parcel to be partitioned for subsurface sewage disposal; or a signed statement shown on the face of the final partition plan that no investigation has been made of the suitability of any given parcel by an authorized representative of the Department of Environmental Quality, and that no warranty is made that any parcel will be usable for subsurface sewage disposal; or
  - l. if not sewered and located in an "RR" or "PR" zone, a statement signed by an authorized representative of the Department of Environmental Quality approving each parcel to be partitioned for subsurface sewage disposal; or a statement signed by the County Sanitarian or an officer of a public sewer district or corporation warranting the availability of sewer hook-ups

for each parcel to be partitioned.

**3. Standards for approval of a preliminary partition plan.**

- a. A decision on a preliminary partition plan application shall be made by the Approving Authority as provided in [Chapter 2](#) of this Ordinance.
  - b. The preliminary partition plan shall be approved if the Approving Authority finds that the information required by this subsection has been provided, if the proposal complies with [Chapter 3 - Basic Provisions](#), and [Chapter 14 – National Scenic Area Review](#), and if the standards of [Section 21.030](#) have been met.
- 4. The Approving Authority may require dedication or reservation of land and utility or drainage easements; and may impose conditions promoting redevelopment of the parcels if, in view of the zoning and plan map designation, the acreage of a parcel or parcels in contiguous ownership make additional partitioning of the subject property feasible.**

**B. Approval of Final Partition Plat:**

- 1. Within twenty four (24) months from the date of preliminary partition approval, the applicant shall initiate a request for final partition plat approval by filing with the Director a final plat prepared in accordance to those standards in this section.**
- 2. The approval of a final partition map by the Director is a ministerial action. The Director shall grant final approval if he determines that:**
  - a. the final plat and any supporting documents are in substantial conformance with the approved preliminary partition plan;
  - b. any conditions imposed by the Approving Authority have been met;

Substantial conformance means that any differences between the preliminary and final plans are "minor amendments", as defined in [Section 21.110](#) that clearly will not adversely affect scenic, natural, cultural or recreational resources.

- 3. All access easements created as part of land partitioning become effective when the plat is recorded by the County Clerk. If an access easement is pre-existing or if the access easement has been recorded with the County Clerk prior to the final approval of the land partition, then the recorded Document Number shall appear on the face of the plat.**
- 4. The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary partition plat.**
- 5. After approval of the final partition plat, the Director, County Surveyor, Assessor/Tax Collector, and Clerk shall endorse their approval on the original plat. The original plat shall be recorded with the County Clerk and a copy with the County Surveyor's Office.**

6. Pursuant to [ORS 92.055](#) a parcel larger than ten (10) acres is not required to be surveyed and monumented but shall comply with the following:
  - a. The approximate acreage of each unsurveyed parcel shall be shown.
  - b. Any unsurveyed parcel shall have the word “unsurveyed” placed in bold letters adjacent to the parcel number on the plat as provided in (5) above.
  - c. Unsurveyed parcels need not comply with [ORS 92.050\(5\)](#), (7) and (8).
7. Pursuant to [ORS 92.095](#), prior to recordation of the final partition map, the current years’ taxes must be paid in full. (The tax year runs from July 1<sup>st</sup> through June 30<sup>th</sup>).

**C. Final Land Partition Plat Requirements:**

1. Conformance to preliminary plan. The map shall substantially conform to the preliminary plan as approved.
2. Preparation of the Plat.
  - a. A plat shall be prepared on 4 mill (minimum) double matte polyester film, approved by the County Surveyor, on a standard 18” x 24” sheet, with archival permanent black ink, in a format available at the Wasco County Surveyors Office.
  - b. All signatures on the original must be in archival quality black ink.
  - c. The lettering shall be a size or type to be clearly legible when copies are made.
  - d. A face sheet and index must be included for a plat with 3 or more sheets.
3. Compliance with [ORS 209.250](#). A plat shall comply with all requirements of [ORS 209.250](#) including:
  - a. Narrative
  - b. Location of the survey by one-fourth section, Township and Range.
  - c. Date of the survey.
  - d. Scale and North Arrow. The plat shall be drawn to a standard engineering scale sufficient to depict the change, approved by the County Surveyor.
  - e. The distance and course of all lines traces or established, giving the basis of bearing.
  - f. Measured bearings and distances used as a basis for establishing or reestablishing lines or monuments separately indicated from those of record.

- g. Monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.
  - h. The surveyor's seal and original signature.
  - i. The surveyor's business name and address.
4. Compliance with ORS 92.050. A person shall not submit a plat of a partition for record until all the requirements of ORS 209.250 and the plat requirements of the partition have been met.
- a. The survey for the plat shall be done in a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.
  - b. The plat shall be made by professional land surveyor.
  - c. The plat shall be of sufficient scale and lettering size, approved by the County Surveyor, so that:
    - (1) The survey and mathematical information and all other details are clearly and legibly shown on the plat.
    - (2) Each lot or parcel is numbered consecutively.
    - (3) The lengths and courses of the boundaries of each lot or parcel are shown on the plat.
    - (4) Each street is named and shown on the plat.
  - d. The locations and descriptions of all monuments found or set must be carefully recorded upon the plat and the proper courses and distances of all boundary lines, conforming to the Surveyor's Certificate, must be shown.
  - e. The location, dimensions and purpose of all recorded and proposed public and private easements must be shown on the plat along with the County Clerk's recording reference if the easement has been recorded with the County Clerk. Private easements become effective upon the recording of the plat.
  - f. The area of each lot or parcel must be shown on the plat, to the nearest one-hundredth of an acre.
  - g. In addition to showing bearings in degrees, minutes and seconds, and distances in feet and hundredths of a foot, the following curve information must be shown on the plat:
    - (1) Arc length
    - (2) Chord length



- (3) Chord bearing
  - (4) Radius
  - (5) Central Angle
- h. The final plat may not be required to show any information or requirement that is or may be subject to administrative change or variance by the county, or any other information unless authorized by the County Surveyor. Examples of authorized information include:
- (1) Parcels located in an "F-1", "F-3", "A-1" or "A-2" zone shall contain the following statement "No investigation has been made of the suitability of any given parcel by an authorized representative of the Department of Environmental Quality, and no warranty is made that any given parcel will be used for subsurface sewage disposal. If subsurface sewage disposal evaluations have been completed, a copy shall be filed with the Wasco County Planning Department.
  - (2) Parcels located in any other zone shall contain the following statement: "The parcels have been approved for subsurface sewage disposal by an authorized representative of the Oregon Department of Environmental Quality."
  - (3) Planning Department File Number
  - (4) Tax lot Information
  - (5) Zoning classification and Plan Designation
  - (6) Table indicating the acreages of all existing and newly created parcels.
  - (7) Assessor Account Number for each existing property
5. Monuments.
- a. The Initial Point of a plat must be on the exterior boundary of the plat and must be marked with a monument meeting the specifications of [ORS 92.060\(1\)](#). The location of the monument shall be with reference by survey to a known corner, per [ORS 92.060](#) and shown on the plat.
  - b. The exterior boundary and all parcel corners must be monumented per [ORS 92.060](#).
  - c. For partitions involving land in a flood plain, the provisions of [21.310\(B\)\(8\)\(e\)](#) shall apply.
6. Surveyor's Certificate. The plat must include a Surveyor's Certificate, together with the seal and signature of the surveyor of record, to the effect that the surveyor has correctly surveyed and marked with proper monument the lands represented, including the initial point of the plat and its location, and accurately describing by metes and bounds, or other description as approved by the

County Surveyor, the tract of land upon which the parcels are laid out.

**7. Declaration.**

- a. The plat shall include a declaration, taken before a notary public, stating that the declarant has caused the plat to be prepared in accordance with the provisions of [ORS 92](#).
- b. Any dedication of land to public purposes or any public or private easements create, or any other restrictions made, shall be included in the Declaration.
- c. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the Declaration for the purpose of consenting to the property being partitioned.
- d. If the plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the Declaration
- e. Notwithstanding the provisions of subsection a. to d., the fee owner, vendor or the mortgage trust deed holder may record an affidavit consenting to the declaration, pursuant to [ORS 92.075\(4\)](#).

**8. General Information.**

- a. Streets or Road for public use are dedicated without reservation or restriction other than reversionary rights upon vacation.
- b. All easements provided for public services, utilities, or access are shown on the face of the plat along with the legal description and any limitations of the easements. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorders number shall appear on the face of the plat.
- c. Names and addresses of the partitioner, owner, mortgagee, if any, and the person preparing the plat are shown.
- d. The names of any streets intersecting or within the parcels are shown.
- e. All easements provided for public services, utilities, or access must be shown on the face of the map along with the legal description and any limitations of the easements. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map.
- f. Zoning classification and Plan Designation
- g. Space for date and signatures of the following officials for maps of partitions:

**(1) County Planning Director or designee**

(2) County Surveyor

(3) County Assessor/Tax Collector

9. County Surveyor Fees: In the cases where partitions are required to be surveyed, if the interior monuments are not set prior to the approval of the plat, the subdivider shall pay an additional fee to the County Surveyor equal to fifty percent (50%) of that fee provided in [ORS 92.100\(2\)](#), to cover the second field check as provided in post monumentation. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his discretion, charge a second fee or partial fee.

10. Farm and Forest Zones: For any land divisions in farm and forest zones, it is required that:

(1) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Agriculture or Forest;

(2) All owners of land in areas designated Agriculture or Forest within five hundred (500) feet of the perimeter of the subject lot/parcel on which the dwelling is proposed to be located have been notified and given at least ten (10) days to comment prior to a decision;

## SECTION 21.110 Amendments to Preliminary Plans and Final Plats or Maps

### A. Definitions:

1. "Minor Amendment" means a change which:

- a. Does not change the number of parcels created by the subdivision or partition;
- b. Does not enlarge the boundaries of subdivided partitioned, or boundary adjusted area;
- c. Does not change the general location or amount of land devoted to a specific land use; or
- d. Includes only minor shifting of the established lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces; or
- e. Shall not adversely affect scenic, natural, cultural or recreational resources.

2. "Major Amendment" means any change which is not a minor amendment.

B. Approval of Minor Amendments: A minor amendment to an approved preliminary subdivision, partition, or boundary adjustment plan or to an approved final subdivision, partition, or boundary adjustment plat or map may be approved by the Director.

- C. Approval of Major Amendments: Approval of a major amendment to an approved preliminary subdivision partition, or boundary adjustment plan or to an approved final subdivision, partition, boundary adjustment plat shall be subject to the provisions of [Chapter 2](#).

## **SECTION 21.200 Property Line Adjustments & Replats**

### **A. Property Line Adjustments**

1. Application - The decision on a request for a Property Line Adjustment shall be under [Chapter 2](#). A completed application, as prescribed by the Director, shall be filed prior to any action on a Property Line Adjustment. A completed application shall contain the same information required for preliminary partition plans in [Section 21.100\(A\)](#).
2. Approval Standards for all zones except Agriculture Special, Open Space and Public Recreation: The request for a property line adjustment shall be approved by the Director if the following criteria are met;

- a. The adjustment will not result in the creation of any new parcel(s).
- b. GMA Only: The adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the maximum density allowed by the land use designation(s) for the affected parcels.

Adjustments that would result in the potential to create additional parcels through subsequent land divisions, shall be subject to the full provisions of [Chapter 14 National Scenic Area Review](#).

- c. The proposal will not render any property unusable, nor shall the usefulness, utility or viability of the property be reduced from the designated purpose statement of the zoning district in which the property is located.
- d. GMA Only: Property which presently conforms to the lot size requirements of the zoning district in which it is located shall not become nonconforming as a result of the property line adjustment, except to allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

SMA Only: The adjustment shall not result in a parcel greater than or equal to 40 acres becoming less than 40 acres.

- e. SMA Only: The adjustment shall not result in a parcel less than 40 acres becoming 40 acres or greater.

- f. Property line adjustments shall result in greater conformity where it can be achieved. Property line adjustments to nonconforming property (less than the current minimum lot size in the GMA and less than 40 acres in the SMA) shall not result in greater nonconformity, except to accomplish one of the following purposes:
  - (1) Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided:
    - (a) in the GMA, the parcel to be enlarged would not become eligible for a subsequent land division and in the SMA the parcel to be enlarged would not become 40 acres or greater, and
    - (b) the amount of land transferred would be the minimum necessary to resolve the issue.
  - (2) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions (in the GMA) and residential development.
- g. (GMA Only): Adjusted property lines may cross zoning district boundaries unless
  - (1) The adjustment will increase the number of parcels or lots which could potentially be created, based on the density requirements of the applicable zoning district; or
  - (2) The adjustment will allow the boundary of a parcel designated Large-Scale Agriculture, Agriculture Special, Commercial Forest, Large Woodland or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under less stringent guidelines (e.g., extending a parcel designated GMA Large-Scale Agriculture into a parcel designated Rural Center or Residential).
- h. The adjustment will not cause any previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection criteria, including, but not limited to, requirements for setbacks, buffer zones and landscaping.
- i. The adjustment shall not result in a parcel that cannot comply with existing land use and resource protection criteria, including, but not limited to requirements for setbacks, buffer zones and landscaping.
- j. Proposed property line adjustments which have the net result of physically relocating a parcel to a new location beyond an existing common boundary line or which requires the creation of a private or public road will not be acted on, and must be reviewed under [Section 21.100](#) of the Wasco County Land Use and Development Ordinance.

3. (GMA Only): Approval Standards for Agriculture Special, Open Space and Public Recreation zones

In addition to meeting the standards of 2(a), (g), (h), & (i) above, adjustments shall comply with the following standards:

- a. Agriculture Special & Open Space: The adjustment may be allowed upon demonstration that it is necessary to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources. (Note: There is no specified minimum parcel size for parcels designated Agriculture Special or Open Space.)
  - b. Public Recreation: The adjustment may be allowed upon demonstration that it is necessary to facilitate, enhance, or otherwise improve recreation uses on the parcel. (Note: There are no specified minimum parcel sizes for parcels designated Public Recreation.)
4. Survey Requirements for Property Line Adjustments: An adjusted property line created by the relocation of a common boundary as described in [ORS 92.010 \(7\)\(b\)](#) shall be subject to the final mapping requirements listed in [21.100\(B\)](#) & (C). In addition the final map shall contain a written legal description of all newly created legal parcels as a result of the property line adjustment.
- B. Replats shall be reviewed according to 1 or 2 below with the exception that the requirements of [ORS 92.180 - 92.190](#) shall apply.
- 1. Replats which result in a reconfiguration between lots or parcels in a recorded subdivision or partition, a decrease of lots in a recorded subdivision, or a correction of an error or irregularity in the original plat shall be reviewed according to A above.
  - 2. Replats which result in an increase in the number of lots in a recorded subdivision shall be reviewed according to [Section 21.100, Land Partitioning Approval](#).

### SECTION 21.300 Preliminary Subdivision Plan Approval

The approval of a preliminary subdivision plan is reviewed by the Planning Commission or other authorized review authority<sup>87</sup> subject to the provisions of [Chapter 2](#).

A. Application for Preliminary Subdivision Plan Approval:

- 1. An application for preliminary subdivision plan approval shall be initiated as provided in [Chapter 2](#) of this Ordinance.
- 2. In addition to the complete application requirements for [Chapter 14 – National Scenic Area Review](#) the applicant shall file with the Director a preliminary subdivision plan, together with improvement plans and other supplementary information required by B below to demonstrate the design and objectives of the subdivision.

3. The preliminary plan shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals one hundred (100) feet, or one (1) inch equals fifty (50) feet.

**B. Information Required in the Preliminary Subdivision Plan:**

1. All existing and proposed means of utilities for each tract including but not limited to water, sewer, telephone lines, and electrical lines.
2. Any existing permanent structures and their setbacks to existing and proposed subdivision lot lines.
3. Predominant topographical features such as bluffs and rock outcroppings.
4. Typical cross-sections of proposed streets, showing all improvements proposed within the street right-of-way at such scale to clearly show the details thereof.
5. Contour lines may be required at intervals to be determined by the Director.
6. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.
7. The location, width and names of all existing or plotted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features such as section lines, political subdivisions or corporation lines and school district boundaries.
8. Vicinity sketch showing how the proposed streets and alleys may connect with existing streets in neighboring subdivisions or undeveloped property.
9. Zoning classification and plan map designation of the land.
10. The location of any environmental hazard; area unsuitable for building purposes; or land subject to mass movement, excessive erosion, or similar natural phenomena.
11. The proposed name of the subdivision.
12. North point, scale, date of preparation, and basis of bearing.
13. Areas subject to flooding, storm water overflow and all water courses and their directional flows, including marshes and wetlands;
14. Names and addresses of the subdivider, owner, mortgagee, if any and of the engineer, surveyor or land planner or landscape architect.
15. The tract description according to the real estate records of Wasco County.

16. The boundary lines (accurate in scale) of the tract to be subdivided.
17. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.
18. All existing and proposed public and private easements, restrictions, and covenants providing for, or affecting all services, utilities, or access must be shown on the face of the map along with the legal description. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map; and
19. Proposed lots, approximate lot dimensions, and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated upon such lots.
20. Parks, playgrounds, recreation areas, parkways, and other open space for public use.
21. Locations of proposed tree plantings or other plantings. Appropriate information clearly stating the map is a tentative plan.
22. Proposed source of water supply, if any; estimated volume to be available, together with data regarding the location, type, and size of all storage facilities, distribution lines, fire hydrants, and gate valves.
23. If domestic water supply proposed by the developer includes the drilling of wells, information on the feasibility of well drilling. Such information will be provided even if the developer is not required by the Commission to drill the wells.
24. The proposed method of sewage disposal.
  - a. If to be served by a community sewer system, data regarding the location, type, size, approximate grade, and capacity of all collection lines, feeder lines, trunk lines, pumping stations, storage facilities, backflow prevention devices, and gate valves. If treatment is to be accomplished by an existing municipal or public sewage facility, a statement regarding the ability of the facility to accommodate the projected increased load. If treatment is to be accomplished by a new installation or privately owned treatment facility, a statement regarding conformity to applicable regulations of the Oregon State Department of Environmental Quality.
  - b. If to be served by a community collection and storage system, data regarding the location, type, size, approximate grade, and capacity of all lines, holding tanks, storage facilities, pumping facilities, and valves.
  - c. If to be served by subsurface sewage disposal, a statement from an authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian regarding the approval of each lot or parcel to be sold for installation of septic tank facilities.
25. Proposed building setback lines.



**C. Development Phasing:**

1. A preliminary subdivision plan may provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.
2. Time limitations for the various phases must meet the following requirements:
  - a. Phase 1 final plat shall be approved within twenty four (24) months of preliminary approval.
  - b. Phase 2 final plat shall be approved within thirty six (36) months of preliminary approval.
  - c. Phase 3 final plat shall be approved within forty eight (48) months of preliminary approval.

**D. Criteria for Approval of Preliminary Subdivision Plan:**

1. A decision on the preliminary subdivision plan application shall be made by the Approving Authority as provided in [Chapter 2](#).
2. The preliminary subdivision plan shall be approved if the Approving Authority finds the following:
  - a. The information required by this Chapter has been provided;
  - b. The standards of [Section 21.030](#) have been met; and
  - c. If the preliminary plan provides for development in more than one phase, the Approving Authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.

**E. Duration of Preliminary Subdivision Plan Approval:**

1. Approval of a preliminary subdivision plan shall be valid for twenty four (24) months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of (C)(2) above.
2. If any time limitation is exceeded, approval of the preliminary subdivision plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require a new development request.

**F. Granting of Extensions:**

1. An applicant may request an extension of the validity of a preliminary subdivision plan approval,

or, if the preliminary plan provides for phased development, an extension of the validity of preliminary approval with respect to the phase the applicant is then developing. Such request shall be considered an Administrative Action and shall be submitted to the Director, in writing, prior to expiration of such approval, stating the reason why an extension should be granted.

2. The Director may grant one extension of up to twelve (12) months in the validity of a preliminary subdivision plan approval or, if the preliminary plan provides for phased development, one extension of up to twelve (12) months in the validity of a preliminary subdivision plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation.

### **SECTION 21.310 Final Subdivision Plat Approval**

Approval of a final subdivision plat is reviewed by the ~~Planning Commission~~ **Board of County Commissioners**<sup>88</sup> and subject to the provision of [Chapter 2](#).

#### **A. Application for Final Subdivision Approval:**

1. Before expiration of the validity of the preliminary subdivision plan approval obtained pursuant to [21.300](#), the applicant shall cause an Oregon licensed land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.
2. The applicant shall initiate a request for final plat approval by filing with the Director a final plat, an exact reproducible copy, other supporting documents as described in B, Final Subdivision Plat Requirements through D, Performance Bond, below, and the appropriate fees as established by the County Governing Body.

#### **B. Final Subdivision Plat Requirements:**

1. The final plat shall be prepared in conformance with all provisions of this Section.
2. Prior to submission for final approval, the final subdivision plat shall be signed by all persons who own land in the subdivision and the mortgagees, or by their authorized representatives or any title-holder. The plat shall bear the signature and seal of the licensed land surveyor responsible for its preparation and certification that the plat has been correctly surveyed and properly monumented. All signatures must be with black ink.
3. Conformance to preliminary plan. The plat map shall substantially conform to the preliminary plan as approved.
4. Preparation. All plat maps shall be prepared by a professional land surveyor registered with the State of Oregon.
5. Format. The plats shall be drawn with an archival quality black permanent ink, approved by the County Surveyor, on 4 mil (minimum) thick polyester based transparent drafting film, or an

equivalent, matted on both sides, eighteen inches by twenty-four inches (18"x24") in size. The quality of said drafting film and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used.

6. Scale. The plat shall be drawn to a standard engineering scale sufficient to depict the subdivision of land approved by the County Surveyor.
7. Survey Accuracy. The survey for the plat shall be done in such a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.
8. Measurements. The subdivision plat shall contain the following measurements:
  - a. The boundary lines with distance and bearing of the exact location and width of existing or recorded streets intersecting the boundary.
  - b. The arc, length, chord length, chord bearing, radii, and central angles of curves.
  - c. Block indications, lot numbers and lot lines with dimensions in feet and hundredths and bearings and angles to street and alley lines.
  - d. The area of each lot in either acres, to the nearest 1/100th of an acre, or square feet.
  - e. All measured bearings or angles and distances separately indicated from those of record.
  - f. All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.

Any additional information shall be typed or printed in narrative form.

9. Monuments. The subdivision plat shall contain the location, material, and size of all monuments which have been set. A monument shall be set at each of the following locations.
  - a. The Initial Point, which must be on the exterior boundary of the plat and must be marked with a monument meeting the specifications of [ORS 92.060\(1\)](#). The location of the monument shall be with reference by survey to a known corner per [ORS 92.060](#).
  - b. The exterior boundary including every angle point or curve point along the boundary lines. Any exceptions shall be allowed only with approval of the County Surveyor. All monuments for the exterior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval.
  - c. All lot corners, except lot corners of a cemetery. All monuments for the interior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval, unless the surveyor certifies the remaining monuments will be set. If the interior monuments

are not set prior to the approval of the plat:

- (1) The person performing the survey work shall, by affidavit, certify that the interior monuments will be set by a date specified by him, such a date not exceeding one year from the date of submission of the plat for approval. The County Surveyor may extend the one year period and such extension shall be in writing. The County Surveyor shall submit a written copy of the extension to the Director.
  - (2) The subdivider shall furnish to the Wasco County Surveyor's Office a bond or cash deposit, at the option of the Wasco County Surveyor's Office in the amount equal to not more than 120 percent of the County Surveyor's estimate of the cost to perform the work for the interior monumentation.
  - (3) Space will be provided on the face of the plat for endorsement of the recording reference to the plat copy to be filed upon completion of such interior monumentation.
  - (4) Upon completion of the interior monumentation, the person performing the survey shall indicate upon a copy of the plat that monumentation has been completed.
  - (5) The County Surveyor shall check the interior monumentation, and, if the conditions required on the tentative plan have been complied with, he shall so certify on the plat copy and file it with the County Clerk.
  - (6) The County Clerk shall file the plat copy and reference the filing number on the original plat. The County Clerk shall advise the County Surveyor of such number for notation on the plat previously filed with him.
- d. Flood Plain Monumentation for Subdivisions and Partitions. For subdivisions and partitions involving land in a flood plain, the following specifications shall apply:
- (1) A standard Bench Mark shall be a minimum of thirty-six inches (36") in depth and eight inches (8") in diameter, constructed of concrete with a brass cap set in the center. The brass cap shall bear the name of the Bench Mark, the year set and the agency or Registered Land Surveyor's license number. The Bench Mark shall be set at least thirty inches (30") in the ground in a stable, protected area of the partition or subdivision. The elevation established shall be 3rd order or higher.
  - (2) The Bench Mark location shall be indicated on the face of the Plat or Final Survey Map along with its name and elevation and the name, year, and elevation of the Bench Mark upon which the elevation is based.
  - (3) The level notes or a copy thereof shall be filed with the final map. Any exceptions shall be allowed only with the approval of the County Surveyor.
  - (4) Field notes and closure copies to County Surveyor:

(a) Copies of all lot closures, block closures and plat closures of the subdivision shall be furnished to the County Surveyor upon his request.

(b) If the interior monuments are not set prior to the approval of the plat, the field notes or legible copies for the original survey of the subdivision shall be furnished to the County Surveyor upon his request.

**10. Surveyor's Certificate.** The plat must include a Surveyor's Certificate, together with the seal and signature of the surveyor of record, to the effect that the surveyor has correctly surveyed and marked with proper monument the lands represented, including the initial point of the plat and its location, and accurately describing by metes or bounds, or other description as approved by the County Surveyor, the tract of land upon which the parcels are laid out.

**11. Declaration**

- a. The plat shall include a declaration, taken before a notary public, stating that the declarant has caused the plat to be prepared in accordance with the provisions of [ORS 92](#).
- b. Any dedication of land to public purposes or any public or private easements created, or any other restrictions made, shall be included in the Declaration.
- c. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the Declaration for the purpose of consenting to the property being partitioned.
- d. If the plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the Declaration.
- e. Notwithstanding the provisions of subsections a. to d., the fee owner, vendor or the mortgage or trust deed holder may record an affidavit consenting to the declaration, pursuant to ORS 92.075 (4).

**12. General Information.** The map shall comply with [ORS 209.250](#) and contain the following information in addition to the preliminary plan information except that 21.3 00(B)(1) – (8) shall not be required to be on the face of the plat:

- a. Table indicating the approximate acreages of all existing and newly created parcels and lots.
- b. Assessor Account Number for each existing property.
- c. Planning Department File Number.
- d. Legal description of the subdivision boundaries, area of the subdivision in acres, and the location of the subdivision by one-fourth section and Donation Land Claim, Township and Range.

- e. Subdivision block and lot boundary lines and street right-of-way and center lines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arcs, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.
- f. Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
- g. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, a certified copy of the easement shall be provided. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's declaration.
- h. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.
- i. Numbering of blocks and lots, as follows:
  - (1) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure or lot numbers. In an addition to a subdivision of the same name, numbers shall be a continuation of the numbering in the original subdivision.
  - (2) Lot numbers beginning with the number "1" and numbered consecutively in each block.
- j. Ties to any city, county, or adjacent subdivision boundary lines.
- k. The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-sixteenth corner or Donation Land Claim corner in Township and Range.
- l. Space for date and signature of the County officials specified in I below.
- m. Any conditions specified by the Approving Authority upon granting preliminary approval.
- n. A copy of the covenants, if any, that will be placed on the subdivision, including the volume and page(s) of recording with Wasco County.

- o. A copy of all documents relating to establishment and maintenance of private facilities, common areas and easements, including the volume and page(s) of recording with Wasco County.
  - p. A copy of all documents relating to additional requirements or restrictions required by the County as a condition of approval.
  - q. A declaration signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the plat.
  - r. A declaration signed and acknowledged by all parties having any record title interest in the land dedicating all land intended for public use and common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems the donation of which was made a condition of the approval of the tentative plan.
  - s. A narrative per [ORS 209.250\(2\)](#).
  - t. All subdivisions outside the boundaries of an irrigation district, drainage district, water control district, or district improvement company must file a statement of water rights. If a water right is appurtenant to the lands of the subdivision, the statement of water right and a copy of the subdivision plan must be submitted to the Oregon Water Resources Department. A copy of the acknowledgment from the Water Resources Department must be submitted with the final subdivision plat.
  - u. Any additional information made a condition of approval of the tentative plan.
- 13. Supplemental Information with Final Plat.** The following data shall accompany the final plat if requested by the Director or County Surveyor:
- a. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
  - b. Sheets and drawings showing the following:
    - (1) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
    - (2) The computation of all distances, angles, and courses shown on the final map.
    - (3) Ties to existing monuments, proposed monuments, adjacent subdivision, street corners, and state highway stationing.
  - c. A copy of any dedication requiring separate documents.
  - d. A Plan and Profile showing the following:
    - (1) Widths of the proposed dedication throughout the length of the proposal.

- (2) Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearings of tangents.
  - (3) Ground line and grade line profile on the centerline of the proposed street or road.
  - (4) Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent grades.
  - (5) Proposed drainage structures, showing both size and type of structure.
  - (6) Earthwork distribution, i.e., volume of cuts and fills shown in appropriate haul distribution brackets.
  - (7) Provisions for waste or borrow areas if widened cuts or fills do not provide the desired balance of material.
  - (8) Toe of slope and top of cut lines showing the limits of the construction area within the dedication.
  - (9) Typical section of roadbed to be constructed.
  - (10) Sections lines, fractional section lines and/or Donation Land Claim lines tied to corner from which dedication description is prepared.
  - (11) Vicinity map in the upper left hand corner of the first plan sheet showing roughly the relationships of the proposed road to cities, state highways, county roads, or other well-defined topographical features.
  - (12) The stamp and signature of the registered Professional Engineer or qualified land surveyor preparing the plans.
- e. Cross Sections
- (1) Shall be platted on standard 10-square inch or CAD cross-section print-outs.
  - (2) Shall show proposed widened cuts or fill if these are needed for material balance.
- f. If sewer and/or water facilities are required as the condition of approval of the Final Plat, the following may be required to be submitted with the Final Plat:
- (1) Plans and profiles of proposed sanitary, and storm-water sewers, with grades, pipe sizes and the location of manholes indicated.
  - (2) Plans and profiles of the proposed water distribution system showing pipe sizes and the location of valves and fire hydrants.



- (3) Specification for the construction of all proposed sewer and water lines and other utilities.
- (4) Grading plans and specifications as required for areas other than streets and ways.
- (5) Planting plans and specifications for street trees and other plantings in public areas.

**14. County Surveyor Fees:** The subdivider shall pay a subdivision review fee to the County Surveyor as provided in [ORS 92.100\(2\)](#) which is included in the cost at the time of application. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his discretion, charge a second fee or partial fee.

**C. Agreement for Improvements**

- 1. Before approval of the final subdivision plat, the applicant shall either install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the subdivision, or shall execute and file with the County Governing Body an agreement between himself and the County specifying the period within which required improvements and repairs will be completed. The agreement may provide that if work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the applicant.
- 2. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for administrative action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for him to fulfill the agreement within the original time limit(s).

**D. Performance Bond**

- 1. To assure full performance of the improvement agreement, an applicant shall provide one of the following:
  - a. A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the District Attorney; or
  - b. cash deposit with the County Tax Collector; or
  - c. certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and that said money will be released only upon the direction of the County Road Master. The bank certification or letter of assurance shall be approved by the District Attorney; or
  - d. cash deposit with an escrow agent authorized to transact business in the State of Oregon subject to escrow instructions that require the escrow agent to release the money only upon the direction of the County Road Master. Escrow instructions shall be approved by the District Attorney.

2. Such assurance shall be for a sum determined by a qualified licensed engineer or in the case of survey monuments, a licensed land surveyor as sufficient to cover the costs of included improvements and repairs or monuments and including related County expenses; and
  3. Such assurance provides that: If the applicant fails to carry out provisions of the agreement or the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement; if the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, the County shall release the remainder; and if the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the applicant shall be liable to the County for the difference.
- E. Parks, Playgrounds, or Recreational Areas: The Approving Authority may require parks, playgrounds, or recreational areas be provided in the final subdivision plan and dedicated to the County in locations and of size indicated by the Plan for the area in which the subdivision is located.
- F. Recreational Fund: Where no parks, playgrounds or recreational areas are required by the Commission, the subdivider shall pay to the County a sum equal to six and two-thirds percent (6 2/3%) of the assessed value of the land area, exclusive of streets, within the subdivision. Such sum shall be paid to the County Clerk prior to recording of the final subdivision plan and such sum shall be held by him in a special fund for acquisition and development of parks, playgrounds, and recreational areas within the immediate area of the subdivision.
5. Development Phasing: If the preliminary subdivision plan approval, pursuant to [Section 21.300](#), provided for phasing of development, the applicant may request final plat approval for an individual phase of the subdivision by filing with the Director a final plat and supporting documents, as provided in A through D above, for that phase only.
- H. Standards for Final Subdivision Plat Approval
1. The Planning Commission [or other authorized review authority](#)<sup>89</sup> shall grant final subdivision plat approval if they determine that the final plat and supporting documents are in substantial conformance with the approved preliminary plan, including any conditions imposed by the Approving Authority. Substantial conformance means that any differences between the preliminary and final plans are "minor amendments", as defined in [21.110\(A\)\(1\)](#).
  2. The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary subdivision plan.
  3. Approval of a final plat by the Approving Authority shall constitute an acceptance by the public of the dedication of any street shown on the plat. Acceptance of a street by approval of the final plat shall not constitute an acceptance to maintain the street. Acceptance for maintenance of any street by virtue of approval of the final plat shall be by a separate process of petitioning the County Governing Body for acceptance of road maintenance. Approval of the final plat shall not act as an acceptance by the public of any other land for public purposes.

**I. Filing and Recording of Final Plat**

1. After final plat approval, the applicant shall submit without delay the final plat for signatures of the following County officials, in the order listed:
  - a. Planning Commission Chairman<sup>90</sup> or [other authorized review authority](#)<sup>91</sup>;
  - b. County Surveyor;
  - c. County Assessor/Tax Collector;
  - d. An authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian;
  - e. County Sheriff;
  - f. County Commissioners;
  - g. County Clerk.
2. The final plat shall be recorded within thirty (30) days of the date that the approvals and signatures required by H, Standards and Recording of Final Plat and (1) above were obtained.

**SECTION 21.400 Private Road Approval and Public Road or Street Dedications**

Any person desiring to create a public street or private road not part of a subdivision or land division shall make written application to the Director. Approval of a public or private road is reviewed by the County Governing Body. Public or private roads being created as part of a subdivision or land division shall be reviewed by the Planning Commission [or other authorized review authority](#)<sup>92</sup> subject to the provisions of [Chapter 2](#).

**A. Application for Tentative Plan**

1. An application for tentative plan approval for road or street dedication or private road approval shall be initiated as provided in [Chapter 2](#) of this Ordinance.
2. The applicant shall submit to the Director a written application and of a Tentative Plan prepared in accordance with B below, Information Required on Tentative Plan.
3. The Director shall distribute a copy of the Tentative Plan to the County Road Master and obtain their recommendation on the proposed action.

**B. Information Required on Tentative Plan.** Tentative Plans shall include the following information presented in the following form:

1. The Tentative Plan shall be clearly and legibly drawn to an appropriate scale so that the Approving Authority may have an adequate understanding of what is proposed.
2. A vicinity map showing the proposal in relationship to other existing or proposed streets.
3. Date, north point and scale.
4. Name and address of applicant and the person preparing the Tentative Plan.
5. Appropriate identification of the drawing as a Tentative Plan.
6. Location of the proposed dedication or private road abutting the unit of land proposed to be approved by the Section, Township and Range sufficient to define its location and, if available, a centerline description or right-of-way boundary description.
7. Zoning classification and Plan Map designation.
8. The names of adjacent subdivisions and the names of recorded owners of adjoining lots, parcels or units of land and the amount of frontage each owner has on the proposed dedication or on the private road.
9. Existing roads or street(s) intersecting or meeting the proposed dedication or private road.

**C. Approval of Road or Street Dedication**

1. After considering the recommendation by the County Road Master, the Approving Authority shall approve the Tentative Plan for road or street dedication and recommend to the County Governing Body the dedication of a public road if it determines that:
  - a. the information required by this section has been provided;
  - b. the road or street is or will be improved to meet all applicable standards of these regulations; and
  - c. dedication of the road or street to the public is consistent with the goals, policies and map of the Plan.
3. If Tentative Plan to dedicate a road or street is recommended to the County Governing Body, and the street to be dedicated has not been improved, the Approving Authority shall recommend conditional approval on improvements of the road or street to the improvement standards recommended by the County Road Master.

**D. Acceptance of Dedication by the County Board of Commissioners**

1. Before the County Governing Body may accept the dedication, the applicant must have

completed any improvements required as a condition of the approval of the dedication or have complied with [21.310\(D\)](#).

2. Prior to acceptance by the County Governing Body, the owner of the land to be dedicated shall submit a preliminary title report issued by a title insurance company in the name of the owner of the interest in the land.
3. Upon acceptance of the dedication by the County Governing Body, the owner of the land to be dedicated shall prepare a warranty deed dedicating the land to the public.
4. The County Governing Body shall indicate their approval of the dedication by an order accepting the deed and by recording such order with the recording of the deed.
5. No road or street will be accepted for maintenance as part of the county road system unless it meets the standards of subsection (B) and (C) of this Section and is ordered accepted by the County Governing Body pursuant to law.

**E. Approval of a Private Road**

1. The County Road Master shall determine if the private road meets the improvement standards and shall submit his findings as a written recommendation to the Approving Authority.
2. The Approving Authority shall approve a private road if it finds that the private road meets the standards of [Section 21.030](#) and also the improvement standards for private roads.
3. Upon approval of such private road, the applicant shall submit a boundary line or centerline survey of the road, unless the location of the road is already established by existing property line surveys recorded with the County Surveyor. The boundary line survey shall be submitted to the Director and the Wasco County Surveyor.

**SECTION 21.410 Improvements**

The improvement standards contained in Sections 21.410 through 21.440 shall apply to all subdivisions, street dedications and private road approvals in Wasco County.

**A. Improvement Requirements:** The following improvements shall be installed at the expense of the subdivider partitioner, or person(s) creating the road:

1. Roadways in all cases shall conform with the improvement standards set forth herein.
2. Sidewalks shall be constructed in dedicated pedestrian ways along streets where determined necessary by the Approving Authority for pedestrian safety.
3. The applicant shall undertake on-site grading and construction or installation of drainage facilities necessary for the purpose of proper drainage of the subdivision partition or properties adjacent to the dedicated road.
4. The applicant shall make improvements to existing County or public roads determined necessary

by the Approving Authority at connections and intersections with subdivision streets and at locations where additional subdivision lots or partition parcels are created which front on County maintained roads.

5. Road signs shall be required as an improvement in a subdivision or partition. Wasco County shall install and maintain such road or street signs, provided the person(s) creating the road pays the expense of the initial improvement.
6. When necessary, and consistent with all applicable standards including those in [Chapter 14](#), sidewalks shall be required as part of a new road when a proposed development or land division is within an urban growth boundary, or when:
  - a. The subject property is located within one-quarter mile of a school, shopping center, recreation area, or other use likely to create pedestrian traffic; or
  - b. The surrounding area is developed with sidewalks or is zoned for commercial, industrial or urban residential uses.
7. Sidewalk(s) shall be constructed to applicable standards (see Table 2 Urban Wasco County Roadway Design Standards in the [Wasco County Transportation System Plan](#)). Sidewalk requirements may be waived, or may be deferred through a road improvement agreement when, in the opinion of the County, sidewalks would not be immediately necessary to accommodate pedestrian traffic.
8. Bicycle facilities shall be required along new roads when necessary to extend an existing bicycle route, or when a bicycle route or way is proposed within an adopted Transportation System Plan.

#### **B. Improvement Policies and Standards**

The improvement policies and standards contained herein shall apply to development conducted under provisions of this Ordinance. They are primarily intended to govern the design and construction of streets and roads which are to be accepted into the Wasco County maintained road system. These policies and standards also apply to other roads, both public and private, as determined appropriate by the Approving Authority.

It shall be the duty of the Wasco County Road Master to interpret the provisions and requirements of these standards in such a way as to carry out their intent and purposes.

### **SECTION 21.420 Public Streets and Roads**

- A. General Design Policies: The design of improvements governed by these standards shall, in general, conform to policies set forth in the current editions of the following publications by the American Association of State Highway and Transportation Officials (AASHTO):
  1. "A Policy on Geometric Design on Highways and Streets".
  4. "Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400)"

**B. Design Criteria**

1. Improvement of public streets and roads shall conform to the design standards designated for the particular classifications indicated in [Table 21-1 \(Rural Public Roadway Design Standards\)](#) & [21-2 \(Urban Public Roadway Design Standards\)](#) of this Chapter
2. Roadway sections shall conform to the sections designated for the particular road classifications.
3. The design of structural sections of all roadways required by this Ordinance, including arterials, collectors, local access roads and principal highways shall conform with the General Design Policies in A above and the standard specifications which are applicable to construction of improvements in E(2) below, Construction. Any deviation from these standards shall be approved by the County Road Master.
4. The design standards listed and referenced in this section may only be varied only through a request to the Wasco County Public Works Director by a Professional civil engineer.

**C. Standard Drawings**

1. The County Road Master shall have the authority to publish "Standard Drawings" for the design of public streets and roads. These drawings may be included in the separately adopted document listed in B(1) above.
2. The applicant's design shall conform to the "Standard Drawings".

**D. General Considerations**

1. The County Road Master may impose additional design requirements as are reasonably necessary to provide safe and adequate access.
2. There shall be provided a cul-de-sac at the end of each street or road that ends within the confines of a proposed subdivision or partition. Any proposed street or road that terminates at a proposed subdivision or development boundary will be provided with a temporary cul-de-sac or turnaround which may be discontinued at such time as the road or street is extended.
3. Any road or street which does not connect directly to a County maintained road, city maintained street or state highway shall not be accepted for maintenance by the County. No other road or street shall be accepted for maintenance as a part of the County road system unless it is ordered accepted by the County Governing Body pursuant to law.

**E. Development Requirements**

1. Engineering:
  - a. Plans - Construction plans may be required for improvements governed by these standards. Such construction plans shall be prepared under the direction of a consultant engineer

registered in the State of Oregon, and shall be submitted for approval to the County Road Master and shall include the following information:

- (1) Widths of all proposed road right-of-way dedication.
  - (2) Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearing of tangents.
  - (3) Original ground line and grade line profile on the centerline of the proposed road.
  - (4) Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent grades.
  - (5) Proposed drainage structures, showing both size and type of structure.
  - (6) Toe of fill and top of cut lines.
  - (7) Typical structural section of roads to be constructed.
  - (8) Section lines, fractional section lines and/or Donation Land Claim lines. Also, bearing and distance from which the centerline description is prepared, and basis of bearings.
  - (9) A vicinity map in the upper left hand corner of the first plan sheet showing the relationships of the proposed road to cities, state highways, county roads, or other well-defined topographical features.
  - (10) Proposed utilities, showing location and type. Also, a written statement that locations have been approved by affected utility companies. A composite map shall be furnished by the consultant engineer to all affected utilities.
  - (11) The plans shall contain a standard symbol sheet approved by the County Road Master.
  - (12) The stamp and signature of a consultant engineer preparing the plans.
  - (13) The location and dimensions of the pedestrian circulation system.
  - (14) The location and dimensions of bicycle parking, when required.
- b. Cost Estimates - The consultant engineer shall submit, with his proposed construction plans, a construction cost estimate. This estimate shall include all related road-work and affected utility installation and/or relocation.
  - c. Monumentation - All horizontal curve points shall be referenced with a 5/8" x 30" steel rod set perpendicular to the tangents at the right-of-way line and witnessed by a white 4" x 4" x 4' cedar post or a four foot section of steel fence post painted white. In the case of a curbed street, the witness posts may be omitted.



## 2. Construction:

- a. Standard Specifications - The Standard Specifications which are applicable to the construction of improvements governed by these standards are the following (except as they may be modified, supplemented or superseded by Wasco County):

- (1) "Oregon Standard Specifications for Construction", most recent edition, published by the Oregon Department of Transportation, and the American Public Works Association, Oregon Chapter.
- (2) "Oregon Standard Specifications for Construction", most recent edition, published by the Oregon Chapter of the American Public Works Association (APWA) and the Oregon Department of Transportation (ODOT).

References to "Oregon Transportation Commission" shall be construed to mean Wasco County and the Wasco County Governing Body, respectively. "Engineer" and "Director" shall be construed to mean the County Road Master, or his properly authorized agent(s) acting within the scope of their particular duties.

- b. Permits - A permit to occupy and perform operations shall be obtained from the County Road Master prior to commencing construction within the right-of-way of any County maintained road.
- c. Bond Requirements - Before the dedication or deed to the public for street or road right-of-way is accepted by the County Governing Body, the applicant shall provide a performance bond or other security, as set forth in [21.310\(D\)](#).
- d. Inspection Schedule - After financial assurance is received by the County, the applicant shall arrange for periodic inspection by his consultant engineer. At a minimum, such inspection shall occur at the following stages of construction:
- (1) After clearing and grubbing is completed.
  - (2) After grading and drainage is completed.
  - (3) After rock surface is completed.
  - (4) After paving is completed.
- e. Certification and Warranty Requirements -
- (1) When the project is completed, the consultant engineer shall certify to the County, in writing, that the project has been constructed in substantial conformance with the plans and specifications. The certification shall include a copy of the results of all conformance tests performed in conjunction with the design and construction of the project.

- (2) Upon receiving said certification, the County will accept the project for normal and routine maintenance, provided the applicant posts a warranty bond equal to twenty percent (20%) of the performance bond required in (c) above for the correction of any deficiencies that may arise within a period of one (1) year.
  - (3) Upon receiving the warranty bond for the correction of deficiencies and upon certification by the County Road Master that the provisions of the improvement agreement are complete, the performance bond required by (c) above shall be released to the applicant.
  - (4) The County Road Master shall inspect the project at the end of one (1) year and list the deficiencies to be corrected and shall notify the applicant of such deficiencies. In the event no deficiencies are found, the warranty bond will be released to the applicant at that time.
  - (5) Upon notification of the deficiencies, the applicant shall commence corrective work within thirty (30) days and shall complete such work at the earliest possible date. Upon satisfactory completion, the warranty bond shall be released to the applicant.
  - (6) In the event the applicant fails to commence corrective work within thirty (30) days of notification of deficiencies, the County shall cause the corrective work to be accomplished and call on the warranty bond for reimbursement. If the amount of the warranty bond exceeds cost and expenses incurred by the County, the County shall release the remainder; and if the amount of the warranty bond is less than the cost and expenses incurred by the County, the applicant shall be liable to the County for the difference.
- f. As-Constructed Plans - The County Road Master, at the completion of the project, may require the consultant engineer to furnish permanent reproducible plans of the work or an "as-constructed" modification of the original permanent reproducible plans previously submitted, as may be required under (1)(a) above, Plans.
- (1) The title sheet shall contain the consultant engineer's signed P.E. (Professional Engineer) stamp and a certification signed by the engineer "that the project has been constructed in substantial conformance with the plans and specifications".
  - (2) The title sheet shall contain in the title block the name of the street or road; the name of the subdivision; the names of the applicant and consultant engineer preparing the plan; the location of the street or road according to Section, Township and Range; a typical section showing surfacing, thickness and types, side slopes and cut and fill slopes; and, a vicinity map of approximately 1"= 1 mile showing where the street or road is located in relation to Sections, Townships and Ranges and surrounding topographical features and its connections to existing County or State highways.
  - (3) The plans shall show the centerline alignment and all curve data, and direction of tangents, the location and monumentation of the street or road, right-of-way widths, drainage easements, section lines, lot lines of the subdivision, and all drainage structures, their sizes, lengths and locations, and underground utilities, their types, sizes and locations.

- (4) The plans shall show the original ground line and the finish grade on the centerline, all P.I. (Point of Interest) elevations and stations, elevations of vertical curves and tangent grades.
- (5) The plans shall have a title block in the lower right hand corner giving the name of the street or road, the subdivision, the name of the consultant engineer preparing the plans and the name of the applicant.
- (6) The consultant engineer will provide accurate "as-constructed" plans to all affected utility companies.
- g. Signing - Permanent traffic control and street or road identification signs will be required for all subdivisions.
  - (1) The applicant shall deposit (in cash) with the County Road Master, an amount determined by the Road Master adequate for the construction and installation of permanent signing required. Upon receiving said cash deposit, the County will prepare, place and maintain required permanent signing.
  - (2) Temporary construction signing will be required on all streets and roads under construction which are being used by the public. Temporary construction signing shall be in conformance with the "Manual on Uniform Traffic Control Devices", as published by the Department of Transportation, Federal Highway Administration, and supplemented by State of Oregon "Standard Practice and Interpretations", and shall be furnished, installed, maintained and removed at the expense of the applicant.

#### **SECTION 21.430 Private Roads**

- A. General Design Policies: Private roads shall conform to the requirements outlined in Table 3 of this Chapter.
- B. Design Criteria

Private roads shall conform to the requirements outlined in the Wasco County Road Standards document indicated in [21.420\(B\)\(1\)](#) as well as the criteria below:

The design standards listed and referenced in this section may only be varied only through a request to the Wasco County Public Works Director by a registered Professional civil engineer.

- 1. Finished top surface width of roads shall be a minimum of twelve (12) feet.
- 2. The roadbed shall have an all-weather surface of suitable material, in good repair and of sufficient depth to ensure a solid roadbed, but in no case less than four (4) inches of crushed rock.
- 3. Turnouts shall be provided no further than six hundred (600) feet apart and not less than fifty

(50) feet in length and eight (8) feet in width excluding taper, unless further restricted by fire safety standards.

4. The County Road Master may require paving for road profile grades exceeding fifteen percent (15%), and in no case shall a grade exceed twenty percent (20%).
5. Cross culverts of adequate size (minimum eighteen inches in diameter) shall be provided to carry storm run-off under the roadway.
6. All cut and fill slopes shall be 1.5:1 or flatter; unless steeper slopes are determined feasible by a consultant engineer. A fallout area may be necessary for any slope steeper than 1.5:1.
7. Adequate roadside ditches shall be provided to carry storm run-off. Roadside ditches in excess of seven percent (7%) grade and in erodible soils shall be lined with suitable material to prevent erosion.

#### C. General Considerations

1. The Approving Authority, upon recommendation of the County Road Master, may impose additional requirements as are reasonably necessary to provide a safe and adequate access.
2. Private roads shall be maintained by the benefited property owners and shall not be accepted by the County for maintenance.

#### D. Certification and Special Considerations

1. The County Road Master may require the applicant to retain a consultant engineer to inspect his private road project. When the project is completed, that engineer shall certify to the County, in writing, that the project has been constructed in substantial conformance to the County's current improvement standards.
2. In the event an existing road is to be used for access to a land division, it shall be inspected by a consultant engineer retained by the applicant and, if found adequate for the intent and purposes of the private road requirements, shall be approved.

#### E. Signing

Permanent traffic control and street or road identification signs will be required at the intersections of private roads with County maintained roads.

1. The applicant shall deposit (in cash) with the County Road Master, an amount determined by the Director adequate to cover the costs of construction and installation of required permanent signing required. Upon receiving said cash deposit, the County will prepare, place and maintain required permanent signing.
2. Temporary construction signing will be required on all streets and roads under construction which are being used by the public. Temporary construction signing shall be in conformance with the "Manual on Uniform Traffic Control Devices", as published by the Department of

Transportation, Federal Highway Administration, and supplemented by State of Oregon "Standard Practice and Interpretations", and shall be furnished, installed, maintained and removed at the expense of the applicant.

#### **SECTION 21.440 Roadway Improvement Standards**

- A. Roadway Requirements:** No development shall occur unless the roadways adjacent to the development meet the standards of this section, unless the following applies:
1. A development may be approved if the adjacent roadway does not meet the standards but half-street improvements meeting the standards of this title are constructed adjacent to the development.
  2. Roadways under the jurisdiction of the Oregon Department of Transportation shall be improved to state standards.
- B. Minimum Right-of-Way Width** - The width of street right-of-way provided in Table 1 shall be the minimum widths of rights-of-way for streets existing along and adjacent to any boundary of the subdivision or partition which is the natural or planned continuation of the alignment of the existing or proposed streets. Unless otherwise indicated on the official roadway map, the width of all rights-of-way and roadway improvements shall be in compliance with the following:
1. Arterials: A minimum right-of-way width of sixty (60) feet.
  2. Collectors: A minimum right-of-way width of sixty (60) feet.
  3. Local Roads: A minimum right-of-way width of fifty (50) feet.
- C. Partial street improvements** - Partial street improvements resulting in a pavement width of less than 16 feet; while generally not acceptable, may be approved where essential to reasonable development when in conformity with the other requirements of these regulations, and when it will be practical to require the improvement of the other half when the adjoining property developed.
- D. Improvements Guarantee in Lieu of Improvements** - If the County could and would otherwise require the applicant to provide street improvements, the County Road Master may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist:
1. A partial improvement is not feasible due to the inability to achieve proper design standards;
  2. A partial improvement may create a potential safety hazard to motorists or pedestrians;
  3. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;

4. The improvement would be in conflict with an adopted capital improvement plan;
  5. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or
  6. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.
- E. Off-site Improvements - Off-site improvements, such as pavement construction or re-construction of existing street(s) proposed for access to the subdivision or partition, which are inadequate or in failing condition, may be required. Off-site transportation improvements will include bicycle and pedestrian improvements, as identified in the adopted [Wasco County Transportation System Plan](#).

#### **SECTION 21.450 Access Control**

- A. Purpose. The following access control standards apply to industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the [Wasco County Transportation System Plan](#). Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the county. Access management is a primary concern on these roads. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision or partitioning of land.
- B. Access Control Standards.
1. Traffic Impact Analysis Requirements. The County or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 4.180 Traffic Impact Analysis.)
  2. The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.
  3. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required).
    - a. Option 1. Access to the lower order roadway.

- b. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
  - c. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection e., below.
- 4. Subdivisions and Partitions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide secondary (local or collector) streets for access to individual lots.
- 5. Access Spacing. Minimum access spacing standards apply to newly established public street intersections, private drives, and non-traversable medians.
  - a. Standards are found in Table 7.2, Rural Wasco County Roadway Design Standards and Table 7-3 Urban Wasco County Roadway Design Standards, in the [Wasco County Transportation System Plan](#).
  - b. Access to State Highways and Interchanges. Access to a transportation facility under the jurisdiction of the Oregon Department of Transportation (ODOT) shall be subject to the applicable standards and policies contained in the Oregon Highway Plan and the requirements of [OAR 734-051](#).
- 6. Number of Access Points. For single-family housing types, one street access point is permitted per lot, when secondary (local or collector) street access cannot otherwise be provided. The number of street access points for commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection (g) below, in order to maintain the required access spacing, and minimize the number of access points.
- 7. Shared Driveways. The number of driveway and the frequency with which private streets intersect with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
  - a. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant

- or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
- b.** Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
  - c.** Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.
- C.** Notwithstanding [Section 21.450](#), upon the recommendation of the County Road Master the County may reduce access spacing standards if the following conditions are met:
- 1.** Joint access (shared) driveways and cross access easements are provided in accordance with the standards;
  - 2.** The site plan incorporates an integrated access and circulation system in accordance with the standards;
  - 3.** The property owner enters into a written agreement with the County that pre-existing connections on the site will be closed and eliminated after construction of each side of the shared driveway;
  - 4.** The proposed access plan for redevelopment properties moves in the direction of the spacing standards; and
  - 5.** The reduced access spacing is consistent with all applicable provisions of [Chapter 14](#).
- D.** The County Road Master may modify or waive the access spacing standards for roadways under County jurisdiction where the physical site characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical and would make meeting the access standards infeasible, subject to the following:
- 1.** The application of the location of access standard will result in the degradation of operational and safety integrity of the transportation system.
  - 2.** The granting of the modification or waiver shall meet the purpose and intent of these standards and shall not be considered until every feasible option for meeting access standards is explored.
  - 3.** Applicants for modification or waivers from these standards must provide proof of unique or special conditions that make strict application of the standards impractical. Applicants shall include proof that:
    - a.** Indirect or restricted access cannot be obtained;



- b. No engineering or construction solutions can be applied to mitigate the condition;
  - c. No alternative access is available from a road with a lower functional classification than the primary roadway;
  - d. The hardship is not self-created; and
  - e. The modification or waiver is necessary to protect scenic, natural, cultural or recreation resources in [Chapter 14](#) or is at a minimum consistent with the standards to project them.
- E. Street/roadway Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the county, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private roads, in accordance with AASHTO design standards. For residential and commercial developments, the maximum block length shall not exceed 600 feet, with the maximum perimeter not to exceed 1,400 feet.

#### **SECTION 21.460 Pedestrian Access and Circulation**

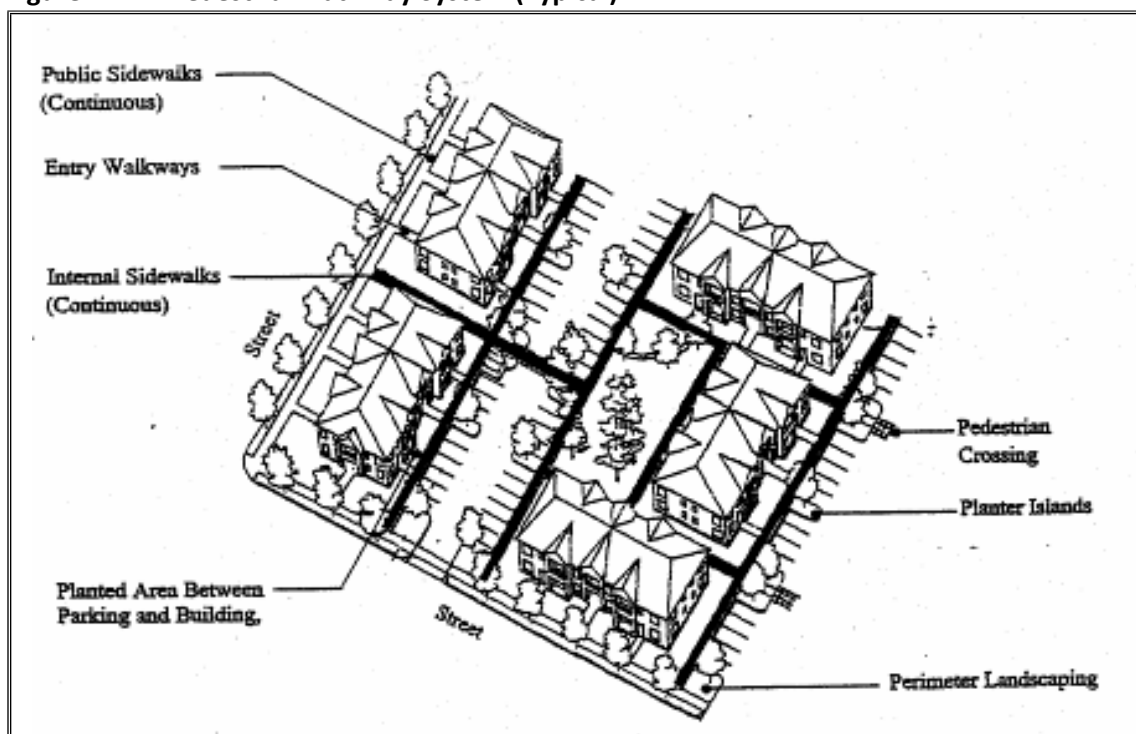
- A. Site Layout and Design - To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections 1-4, below:
1. Continuous Walkway System - The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets or roads and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of [Section 21.030\(E\)](#) (Relation to Adjoining Street System).
  2. Safe, Direct, and Convenient - Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets/roadways, based on the following definitions:
    - a. Reasonably direct - A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
    - b. Safe and convenient - Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
    - c. "Primary entrance" for commercial, mixed use, and office buildings is the main public entrance to the building. In the case where no public entrance exists, street/roadway connections shall be provided to the main employee entrance.
    - d. "Primary entrance" for residential buildings is the front door (i.e., facing the street or road). For multifamily buildings in which each unit does not have its own exterior entrance, the

“primary entrance” may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.

**3. Connections Within Development** - Connections within developments shall be provided as required in subsections a-c, below:

- a. Walkways shall connect all building entrances to one another to the extent practicable, as generally shown in Figure 21-1;
- a. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and
- c. Large parking areas shall be broken up so that no contiguous parking area exceeds three (3) acres or the space required for the maximum number of cars allowed by the applicable provisions of this ordinance. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (*i.e.*, at least 20 feet total width), streets/roadways, or driveways with street-like features, Street-like features, for the purpose of this section, means a raised sidewalk of at least 4-feet in width, 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting. The parking areas shall be designed consistent with all applicable provisions of this ordinance including but not limited to [Section 14.200](#) (Key Viewing Areas), [14.600](#) (Natural Resources) and [14.700](#) (Recreation Resources).

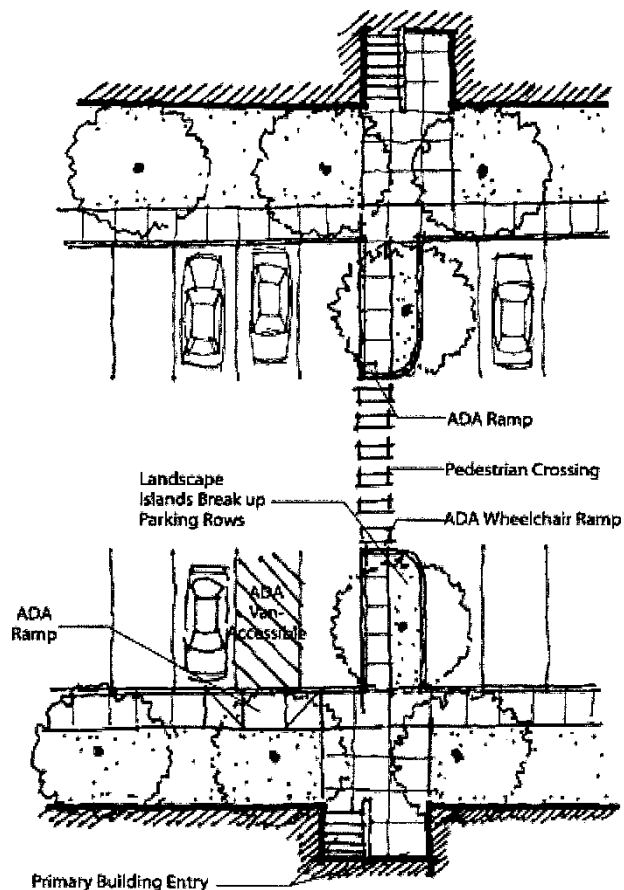
**Figure 21-1 – Pedestrian Pathway System (Typical)**



**B. Walkway Design and Construction** - Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in subsections 1-4, as generally illustrated in Figure 21-2:

1. **Vehicle/Walkway Separation**. Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the Approving Authority may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed for withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

2. **Crosswalks** - Where walkways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.



**Figure 21-2 – Pedestrian Walkway**

3. **Walkway Width and Surface** - Walkway and access way surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least six (6) feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide.
4. **Accessible Routes** - Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

**SECTION 21.470 Penalty and Enforcement on Violation**

- A. Violation of any provision of this Ordinance is punishable upon conviction under the provisions of [ORS 92.990\(1\)](#).
- B. In addition to the criminal penalties provided for by subsection (1) of this Section, Wasco County may seek equitable relief for violations of this Chapter.

**SECTION 21.480 Repeal and Transferal Provisions**

- A. The Wasco County Subdivision and Land Development Ordinance adopted February 3, 1982, is repealed upon the effective date of this Ordinance.
- B. Actions approved under the provisions or regulations repealed by subsection (A) of this Section shall continue to be governed by the terms and conditions of such approval.
- C. Violations of the provisions or regulations repealed by subsection (A) of this Section shall be deemed violations of this Chapter.

**Table 21-1 – Rural Wasco County Public Roadway Design Standards**

	Rural Local Roads									Rural Minor Collector			Rural Major Collector			Rural Arterial		
	Unpaved			Unpaved			Paved			Paved			Paved			Paved		
Design ADT	<25			25-250			25-250			250-400			400 – 2,000			>2,000		
Terrain <sup>1</sup>	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M
Design Speed (mph)	30	30	20	30	30	20	30	30	20	40	30	20	50	40	30	60	50	40
Max Grade (%)	7	10	12	7	10	12	7	10	12	7	9	12	6	8	10	3	4	8
Stopping Sight Distance (ft)	220	235	135	220	235	135	220	235	135	340	230	135	475	350	235	600	610	350
Passing Sight Distance (ft)	-	-	-	-	-	-	1,090	<sup>2</sup>	<sup>2</sup>	1,470	<sup>2</sup>	<sup>2</sup>	1,835	<sup>2</sup>	<sup>2</sup>	2,135	<sup>2</sup>	<sup>2</sup>
Traveled Way Width (ft)	18	18	18	22	22	22	22	22	22	22	22	22	24	24	24	24	24	24
Paved Shoulder Width (each side)																		
- Non Bike Route	-	-	-	-	-	-	-	-	-	1	1	1	1	1	1	2	2	2
- Bike Route (ft)	-	-	-	-	-	-	-	-	-	2	2	2	5	5	5	6	6	6
Gravel Shoulder Width (each side)	-	-	-	-	-	-	2	2	2	2	2	2	2	2	2	2	2	2
Roadway Width (Non Bike / Bike Route) (ft)	18	18	18	22	22	22	26	26	26	28 30	28 30	28 30	30 38	30 38	30 38	32 40	32 40	32 40
Number of Lanes	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Minimum ROW Width (ft)	50	50	50	50	50	50	50	50	50	60	60	60	60	60	60	60	60	60
Preferred Access Spacing <sup>3</sup>	75			100			100			150			300			500		

<sup>1</sup> L=Level, R=Rolling, M=Mountainous<sup>2</sup> See AASHTO manual for guidance.<sup>3</sup> Lower spacing may be allowed when supported by a traffic study and/or approved by the County Engineer.

**Table 21-2 – Urban Wasco County Public Roadway Design Standards**

	Local Street	Urban Minor Collector	Urban Major Collector	Urban Arterial
Design ADT	<1,000	1,000-3,000	3,000–6,000	>6,000
Design Speed (mph)	25	25-30	25-35	25-35
Max Grade	12%	10%	10%	6%
Minimum ROW Width (ft)	58	64	63-76	90
Number and Width of Lanes	2 12' Travel Lanes	2 12' Travel Lanes	2 12' Travel Lanes	3 Two 12' Travel Lanes, 14' Center Turn Lane
Traveled Way Width (ft)	36	40	52	50 or 66
On-Street Parking (ft)	Not striped	8 (each side)	8 (each side)	8 (each side), optional
Sidewalk Width (ft)	5 (each side)	5 (each side)	5 (each side)	5 (each side)
Bike Lane Width (ft)	-	-	6	6
*Preferred Access Spacing (ft)	50	150-300	150-300	300-600

Note: The urban roadway design standards apply to all County roadways in urban areas (incorporated communities). However, local roadway design standards may be utilized when deemed appropriate.

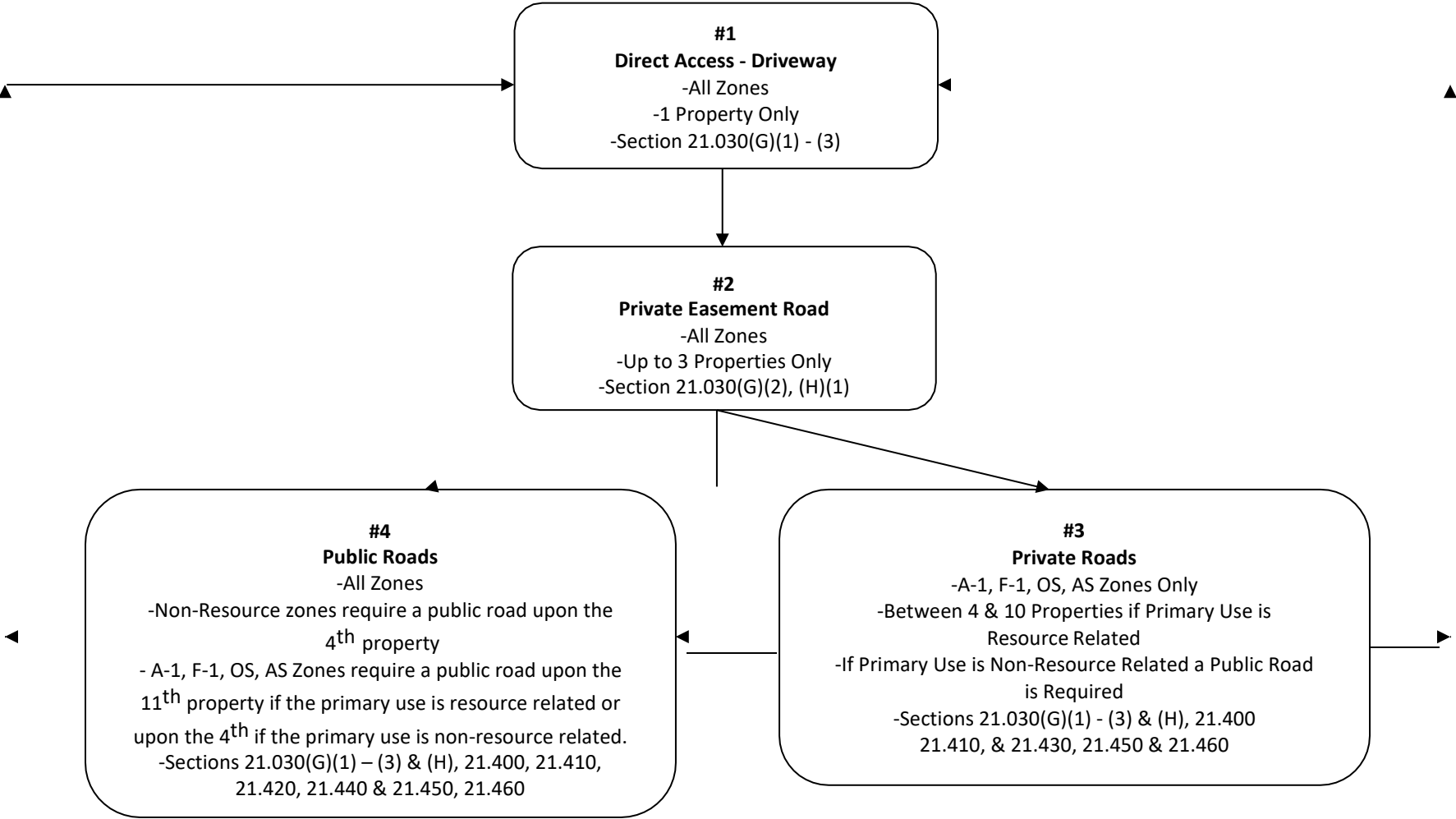
\*Lower spacing may be allowed when supported by a traffic study and/or approved by the local jurisdiction

**Table 21-3 – Private Access Standards**

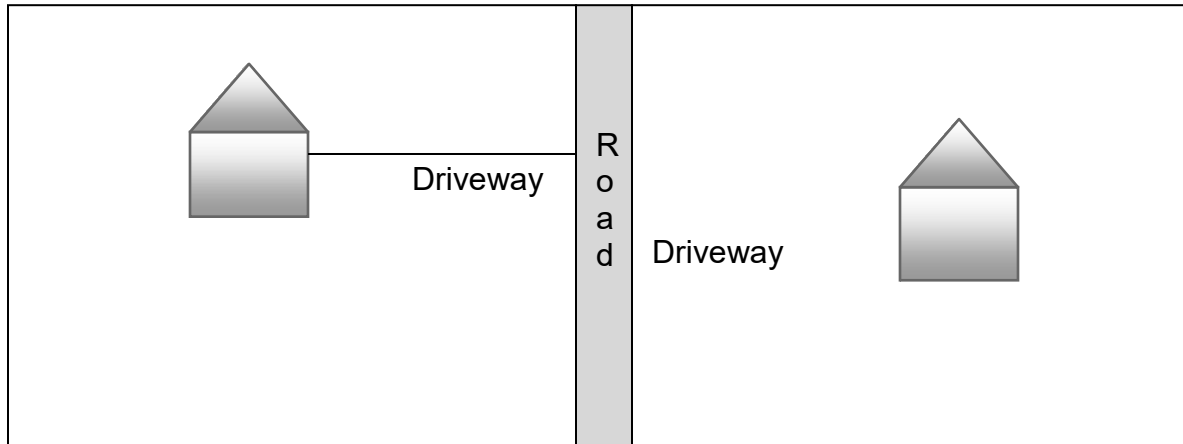
Location in Zones	Designation	Responsibilities for Maintenance	Minimum Improvements Standards	Minimum Width of Easement	Maximum Number of Lots, Parcels or Units of Land
All Zones	Driveway	Property Owners	Fire Safety Standards	No Easement Required	One
All Zones	Private Easement Road	Property Owners	Fire Safety Standards	30 Feet	Three (3) provided the service to additional lots parcels or units of land is improbable
Non-Residential Zones Only (A-1, A-2, F-1, F-3, AS, PR OS)	Private Road	Property Owners	*Improve with minimum of four inches (4") of base rock	*30 Feet with 12 feet of travel surface.	Ten (10) provided that no more than three (3) lots are less than ten (10) acres in size and the primary use is resource related.

\*See Section 21.420 for complete standards.

Figure 21-3 – Hierarchy of Property Access (See Figures 21-4 – 21-7 Below)



**Figure 21-4 – Direct Access via a “Public Road” or “Private Road” (Driveway).** In all zones, a single property is considered to have direct access via a “Public Road” or “Private Road” if the property intersects a lawfully established “Public Road” or “Private Road” and has a legal right to enter and exit the “Public Road” or “Private” road.

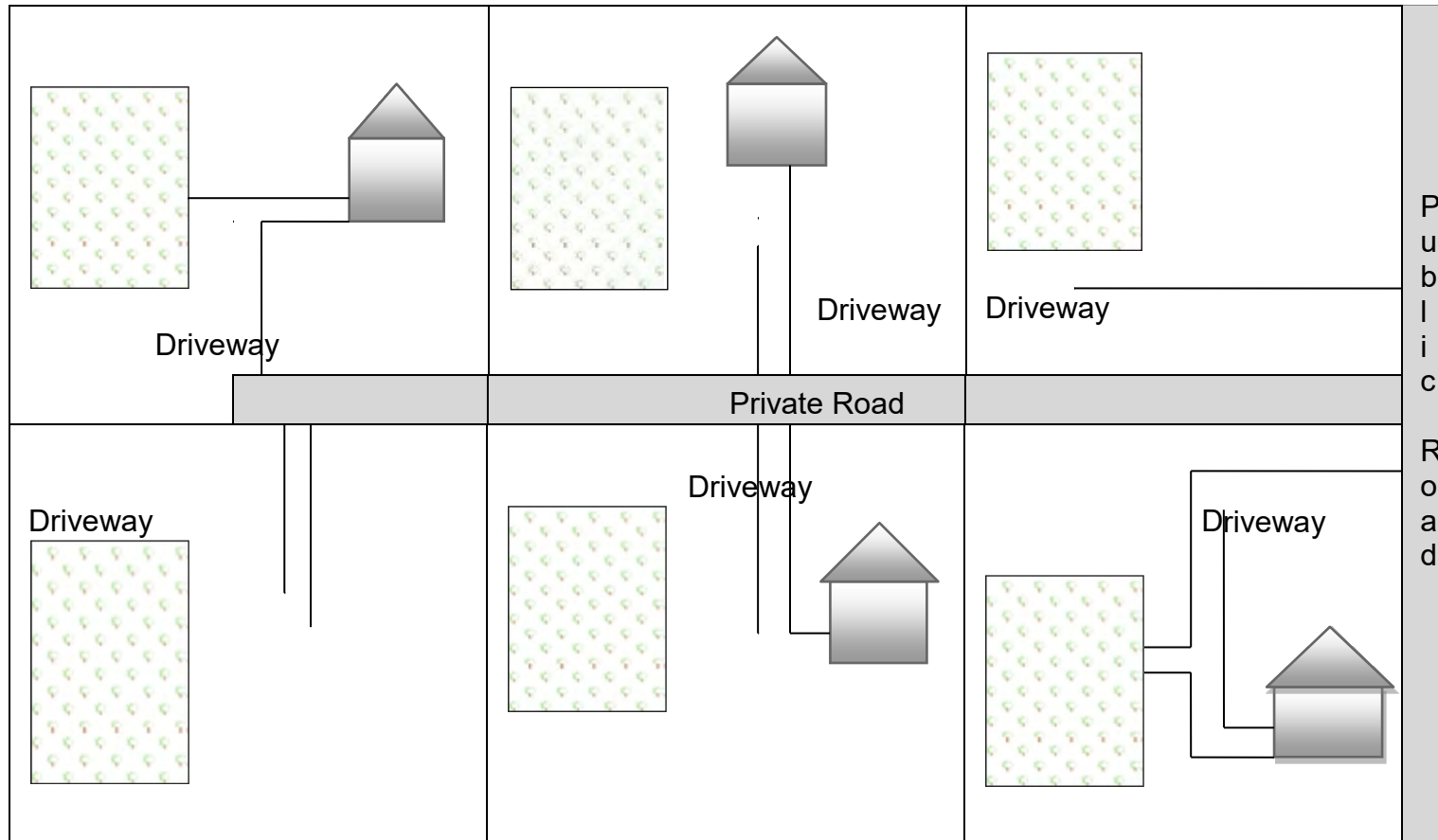


**Figure 21-5 – Private Easement Road.** In all zones, up to but not exceeding 3 properties may have their primary access by way of a “Private Easement Road”. Upon the fourth, it must become “Public Road” or “Private Road” depending on the zone and the primary use of the properties.

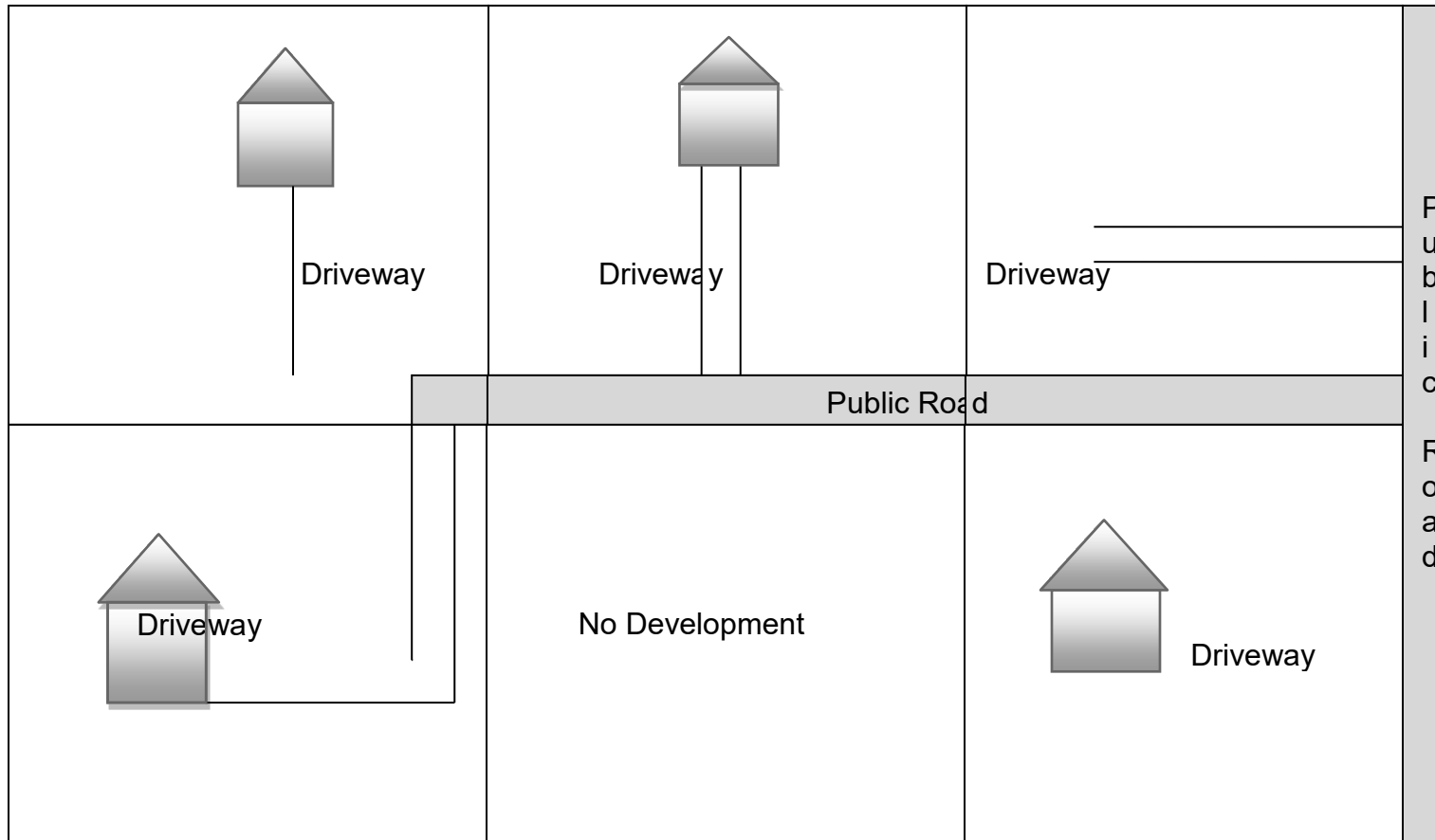




**Figure 21-6 – Private Road.** In A-1, F-1, OS, AS zones only, between 4 and 10 properties may have their primary access via a “Private Road” if the primary use of the properties is resource related. If the primary purpose is residential the access shall become a “Public Road” upon the 4<sup>th</sup> property using it as its primary access.



**Figure 21-7 – Public Road.** In non-resource zones an access shall become a “Public Road” if it provides primary access to more than 3 properties. In A-1, F-1, OS, AS Zones an access shall become a “Public Road” upon the 11<sup>th</sup> property if the primary use is resource related or upon the 4<sup>th</sup> if the primary use is non-resource related. There are no limitations to the number of properties having their primary access via a publicly dedicated road.





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### **CHAPTER 22**

**[Reserved for Future Expansion]**



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## CHAPTER 23 SIGN PROVISIONS

### Section 23.010 Purpose

- A. Protect and enhance scenic resources by minimizing visual impacts of signage, while authorizing signage necessary for commerce, recreation, safety and public information.
- B. Encourage the use of the Columbia River Gorge National Scenic Area Graphic Signing System for public signs in and adjacent to public rights-of-way.

### Section 23.020 Signs (GMA Only)

- A. Except for signs allowed without review pursuant to [Sections 3.100](#) and [3.180\(B\)](#), all new signs must meet the following standards unless these guidelines conflict with the Manual on Uniform Traffic Control Devices for public safety, traffic control or highway construction signs. In such cases, the standards in the Manual for Uniform Traffic Control Devices shall supersede these guidelines.
  - 1. The support structure shall be unobtrusive and have low visual impact.
  - 2. Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting the maximum extent practicable.
  - 3. Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.
  - 4. Spot lighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.
  - 5. Except for signs along public highways necessary for public safety, traffic control, or road construction and consistent with the Manual on Uniform Traffic Control Devices, the following signs are prohibited:
    - a. Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays, and other signs that are internally illuminated, exclusive of seasonal holiday light displays.
    - b. New billboards.
    - c. Signs with moving elements.
    - d. Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.
  - 6. In addition to 1-5, signs shall meet the below guidelines according to Recreation Intensity Class, and subject to compliance Approval Criteria for Recreation Uses and Facility Design Guidelines for All Recreation Projects:

- a. Recreation Intensity Class 1 (Very Low Intensity) – Simple interpretive signs or displays, not to exceed a total of 50 square feet. Entry name signs, not to exceed 10 square feet per sign.
  - b. Recreation Intensity Class 2 (Low Intensity) - Simple interpretive signs and displays, not to exceed a total of 100 square feet. Entry name signs, not to exceed 20 square feet per sign.
  - c. Recreation Intensity Class 3 (Moderate Intensity) - Interpretive signs, displays or facilities. Visitor information and environmental education signs, displays, or facilities. Entry name signs, not to exceed 32 square feet per sign.
  - d. Recreation Intensity Class 4 (High Intensity) - Entry name signs, not to exceed 40 square feet per sign.
7. For recreation facility design projects, signs shall be limited to that necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.
- B. Any sign which does not conform with a provision of these guidelines and has existed prior to their adoption is subject to the following provisions.
- 1. Alteration of existing nonconforming signs shall comply with these standards.
  - 2. Any nonconforming sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.

#### **Section 23.030 Signs (SMA Only)**

- A. All public signs subject to review located in SMA, must be designed and located in compliance with the standards described in the Columbia River Gorge National Scenic Area Graphic Signing System and conform to the Manual for Uniform Traffic Control Devices standards.
- B. New signs shall meet the minimum provisions of these standards in all cases where these provisions do not conflict with other regulations intended for public safety and information.
- C. All signs shall meet the following standards:
  - 1. New signs shall be allowed as specified in the applicable land use designations.
  - 2. No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal or device.
  - 3. Pre-existing signs are allowed to continue provided no changes occur in size, structure, color or message.
  - 4. Except for signs allowed without review pursuant to Section 3.100 and 3.180(B) all new signs shall meet the following guidelines, and be consistent with the Manual for Uniform Traffic Control Devices:



- a. Signs shall be maintained in a neat, clean and attractive condition.
  - b. The character and composition of sign materials shall be harmonious with the landscape and/or related to and compatible with the main structure upon which the sign is attached.
  - c. Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.
  - d. Signs shall be unobtrusive and have low contrast with the setting.
  - e. The visual impact of the support structure shall be minimized.
  - f. Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.
  - g. Backs of all signs shall be visually unobtrusive, non-reflective, and blend in with the setting.
  - h. Sign internal illumination or backlighting shall not be permitted except for highway construction, warning or safety.
5. Public signs shall meet the following standards in addition to standards C(1) through C(4).
- a. The Graphic Sign System provides design standards for public signs in and adjacent to public road rights-of-way. All new and replacement public signs, except those transportation regulatory, guide, and warning signs allowed outright, shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, interpretive, specific service signs, destination and distance signs, variable message signs, or signs that bridge or are cantilevered over the road service.
  - b. Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.
  - c. Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the message intended.
6. Signs for public and commercial recreation facilities, home occupations, cottage industries, and commercial uses shall meet the following guidelines in addition to standards C(1) through C(4) and C(7).
- a. Any sign advertising or relating to a business which is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.
  - b. Any signs relating to or advertising for a business shall be brought into conformance with these sign guidelines prior to any expansion or change in use which is subject to review by the county.
  - c. Off-site and on-site directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted on-site, but should be kept to the

minimum required to achieve the purpose(s) of the facilities.

- d.** Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.
- e.** Recreation developments may be permitted one on premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Sign System.

**7. Prohibited Signs**

- a.** Billboards.
  - b.** Signs that move or give the appearance of moving except signs used for highway construction, warning or safety.
  - c.** Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.
- 8.** Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.

**For more information on the map revisions please visit:**

[https://www.co.wasco.or.us/departments/planning/long\\_range/nsa\\_lud\\_revisions.php](https://www.co.wasco.or.us/departments/planning/long_range/nsa_lud_revisions.php)

Planning Department  
2705 E 2nd St  
The Dalles, OR 97058



## ATTACHMENT C

While on the website, you can also learn about some minor updates we are proposing for the National Scenic Area Land Use and Development Ordinance. Ordinance updates include:

- Updates to the procedures to allow Wasco County to use a Hearings Officer for development permit reviews and appeals.
- Reference corrections
- Removal of non-compliant ag labor housing for the Public Recreation zone

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**This is to notify you that the Columbia River Gorge Commission has proposed a land use designation map revision that may affect the permissible uses of your property and other properties.**

---

On April 9, 2024, the Columbia River Gorge Commission will hold a public hearing to adopt revisions to the Columbia River Gorge National Scenic Area Land Use Designation maps. The meeting will be held in person at The Dalles Readiness Center and online. For updated agenda and information on how to attend:  
<https://www.gorgecommission.org/about-crgc/commission-meetings>

Wasco County has determined that adoption of these maps may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property. Map revisions are available for inspection at the Wasco County Planning Department at 2705 E 2nd Street. You can also email staff at [wcplanning@co.wasco.or.us](mailto:wcplanning@co.wasco.or.us) or call 541-506-2560 with the address or Wasco County account number for your property for information on proposed changes to your property.

This page contains no comments

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**SECTION 3.240 Division 1 – Flood Hazard Overlay**

**A. Background**

**1. Statutory Authorization**

The State of Oregon has in ORS 203.035 and ORS 197.175 delegated the responsibility to local government units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry.<sup>39</sup>

**2. Findings of Fact**

- a. The Areas of Special Flood Hazard of Wasco County are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. All of which adversely affects the public health, safety, and general welfare.
- b. These flood losses are caused by the cumulative effect of obstructions in the areas of special flood hazard which increase flood heights and velocities, which may damage uses in other areas. Uses that are inadequately protected from flood damage also contribute to the losses associated with the flood.

**3. Statement of Purpose:** It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by implementing provisions designed to:

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in areas of special flood hazard;
- f. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g. Ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- i. Participate in and maintain eligibility for flood insurance and disaster relief.<sup>40</sup>

**3-4. Methods of Reducing Flood Losses:** In order to accomplish its purposes, this chapter includes methods and provisions for:

- a. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**A.B. Applicability<sup>41</sup>**

**A. Lands to which this Chapter Applies:**

This chapter shall apply to all ASFH<sup>42</sup> Areas of Special Flood Hazards within the jurisdiction of Wasco County.

~~a. Although Wasco County holds and utilizes the official Flood Insurance Rate Maps (FIRMs) supplied by FEMA, there is no Flood Insurance Study (FIS) for the County. This FIS typically provides the detailed information and cross sections necessary to establish the Base Flood Elevation in a given area. For that reason, the Area of Special Flood Hazard as shown on the FEMA FIRMs is only an approximation of the floodplain boundary. Without the FIS, the Director may require additional information to determine that a proposed development, which may appear to be located outside of an Area of Special Flood Hazard based on the FIRMs, is in fact reasonably safe from flooding as required by Section 3.242(B) – Duties and Responsibilities of the Planning Director. In a situation where the Director determines that it is unclear if a proposed development lies in or out of the Area of Special Flood Hazard, it shall be the responsibility of the applicant to provide the Base Flood Elevation for the property using FEMA approved methodologies.<sup>43</sup>~~

**B.C. Basis for Establishing the ASFH<sup>44</sup> Areas of Special Flood Hazard:** The Areas of Special Flood Hazards identified by the Federal Insurance Administration on its Flood Insurance Rate Map (FIRM), dated September 24, 1984, and any revision thereto, is adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Rate Map is on file at the Wasco County Planning and Development Office.

**D. Abrogation and Greater Restrictions:** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another

Author: rsix Subject: Highlight Date: 6/5/2024 8:03:24 AM

5 Author: rsix Subject: Sticky Note Date: 6/5/2024 8:05:19 AM  
The County is currently undergoing a mapping study which will update the Flood Insurance Study (FIS) and FIRMs. Will need to adopt updated FIS (title and date) and FIRMs by their effective dates (to be determined).

5 Author: AliceC Subject: Sticky Note Date: 6/6/2024 10:55:39 AM  
Yes. The County acknowledges that we will have to add a new new effective date in this section when the new FIS and FIRMs are finalized. Thanks for the reminder.



chapter, ordinance, state building code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Severability

This ordinance and the various parts thereof are hereby declared to be severable. If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

F. Coordination with State of Oregon Specialty Codes

Pursuant to the requirement established in ORS 455 that Wasco County administers and enforces the State of Oregon Specialty Codes, Wasco County does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in ASFH. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.<sup>45</sup>

G. Interpretation

In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under State statutes and rules including state building codes.

H. Warning and Disclaimer of Liability

1. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

~~1-2.~~ This chapter shall not create liability on the part of Wasco County, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

**SECTION 3.241 Special Definitions**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. The words or phrases found below only apply to this Chapter of the Land Use and Development Ordinance.

**Area of Shallow Flooding** - A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.<sup>46</sup>

**Area of Special flood hazard (ASFH)** – The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, A1-30, AE, A99, AR (V, V1-30, VE). "Special flood hazard area" is synonymous in meaning and definition with the phrase, "area of special flood hazard."<sup>46</sup> Designation on maps always includes the letters A or V.

**Appeal** – A request for a review of the interpretation of any provision of this ordinance.

**Base Flood** – The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letters A or V.

**Base Flood Elevation (BFE)** – The computed elevation to which floodwater is anticipated to rise during the Base Flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.

The BFE is the regulatory requirement for the elevation or flood proofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium.<sup>47</sup>

**Basement** – Any area of the building having its floor sub-grade (below ground level) on all sides.

**Breakaway Wall** – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.<sup>48</sup>

**Critical Facility** – A facility where the potential for even minimal water damage might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response facilities, installations that produce, store or use hazardous materials or hazardous waste. (Approval of any new Critical Facility within the ASFH must be reviewed through the Administrative Variance provisions (Chapter 6) of the Wasco County Land Use and Development Ordinance.)

**Development** – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Development does not include low impact practices using hand based tools to perform habitat restoration activities, which do not result in:

- the potential destabilization and/or erosion of the designated floodplain by removal of bank stabilizing root systems or other means;
- alteration of the topography of the designated ASFH;

Author: rsix Subject: Highlight Date: 6/5/2024 8:28:41 AM

Author: rsix Subject: Sticky Note Date: 6/5/2024 8:29:32 AM  
Varies from Model Ordinance definition which reads: "A request for a review of the interpretation of any provision of this ordinance or a request for a variance."

Author: AliceC Subject: Sticky Note Date: 6/6/2024 1:14:11 PM  
We have a separate variance process listed in Section 3.244. In our Code, an "Appeal" is not the same as a "variance."

Author: rsix Subject: Highlight Date: 6/5/2024 8:36:40 AM

Author: rsix Subject: Sticky Note Date: 6/5/2024 10:22:07 AM  
Remove sentence, "Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles." to match Model Ordinance definition.  
(A BFE may not always be on the FIRM and may need to be determined for Unnumbered Zone A).

Author: AliceC Subject: Sticky Note Date: 6/6/2024 1:15:58 PM  
We will make that change.

Author: rsix Subject: Highlight Date: 6/5/2024 8:25:00 AM

Author: rsix Subject: Sticky Note Date: 6/5/2024 10:22:33 AM  
Can remove the definition of breakaway wall - these standards are only required in Coastal V zones.

Author: AliceC Subject: Sticky Note Date: 6/6/2024 1:17:56 PM  
We will make this change. Thank you.

Author: rsix Subject: Highlight Date: 6/5/2024 8:42:48 AM

Author: AliceC Subject: Sticky Note Date: 6/6/2024 1:22:45 PM  
We will make this change. Thank you.

- the accumulation of woody vegetative debris within the ASFH;
- a violation of any prior condition of approval associated with a review on the subject property;
- a violation of any Wasco County or other agency natural resource regulations; or
- the siting of any structure.

**Elevated Building (for Insurance Purposes)** – A non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Flood or Flooding** – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.
- c. Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in "a." of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of a current.

The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels of suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by unanticipated force of nature, such as flashflood or abnormal tidal surge, or by similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) of this definition.<sup>48</sup>

Flood elevation study – See Flood Insurance Study definition.<sup>48</sup>

**Flood Insurance Rate Map (FIRM)** – The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).<sup>48</sup>

**Flood Insurance Study (FIS)** – (FIS) – An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.<sup>48</sup> The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Map, and the water surface elevation of the Base Flood.<sup>47</sup>

**Flood proofing** – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk or flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.<sup>48</sup>

**Floodway** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as a "Regulatory Floodway."<sup>48</sup>

Author: rsix Subject: Highlight Date: 6/5/2024 8:42:48 AM

Author: rsix Subject: Sticky Note Date: 6/5/2024 10:23:25 AM  
Remove highlighted text exemption to match Model Ordinance and Code of Federal Regulations (CFR) definition of "Development."

Author: AliceC Subject: Sticky Note Date: 6/6/2024 1:23:06 PM  
We will make this change. Thank you.

**Flood-Resistant Material** – Any building product capable of withstanding direct and prolonged (at least 72 hours) contact with floodwaters without sustaining significant damage (any damage requiring more than low-cost cosmetic repair such as painting.)

**Functionally Dependent Use** - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship-building and ship repair facilities, and does not include long term storage or related manufacturing facilities.<sup>48</sup>

**Hazardous material** - The Oregon Department of Environmental Quality defines hazardous materials to include any of the following:

- a. Hazardous waste as defined in ORS 466.005;
- b. Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005
- c. Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;
- d. Hazardous substances designated by the United States Environmental Protection Agency (EPA) under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
- e. Substances listed by the United States EPA in section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
- f. Material regulated as a Chemical Agent under ORS 465.550;
- g. Material used as a weapon of mass destruction, or biological weapon;
- h. Pesticide residue;
- i. Dry cleaning solvent as defined by ORS 465.200(9).<sup>48</sup>

**Highest Adjacent Grade** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.<sup>48</sup>

**Historic Structure** - Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program, as determined by the Secretary of the Interior.<sup>48</sup>

**Letter of Map Change (LOMC)** – Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

- a. **Conditional Letter of Map Amendment (CLOMA):** A CLOMA is FEMA’s comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
- b. **Conditional Letter of Map Revision (CLOMR):** A CLOMR is FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
- c. **Conditional Letter of Map Revision based on Fill (CLOMR-F):** A CLOMR-F is FEMA’s comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.<sup>48</sup>

**Improvement or Repair Cost** – The cost to improve or repair a structure. This is used to determine if the proposed repairs and / or improvements constitute Substantial Damage and / or Substantial Improvement.

Improvement or Repair Costs include but are not limited to structural elements, footings, concrete slabs, attached decks and porches, interior partition walls, wall finishes, windows, doors, roofing materials, flooring, sub flooring, cabinets, utility equipment, and labor.

Improvement or Repair Costs exclude plans, surveys, permitting costs, post emergency debris removal and clean-up, landscaping, sidewalks, fences, yard lights, pools, detached structures, and landscape irrigation systems.<sup>47</sup>

**Lowest Floor** – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at [Section 3.243\(D\) – Specific Standards](#).

**Mean Sea Level** - For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.<sup>48</sup>

**New Construction** – For floodplain management purposes, “new construction” means structures for

Author: rsix Subject: Highlight Date: 6/5/2024 8:45:19 AM

Author: rsix Subject: Sticky Note Date: 6/5/2024 10:24:13 AM

Missing some of the categories of LOMCs from the Model Ordinance (LOMA, LOMR, LOMR-F, PMR). See Appendix A (Optional definitions) of Model Ordinance.

Author: AliceC Subject: Sticky Note Date: 6/6/2024 1:37:19 PM

We will make that change. Thank you.

which the "start of construction" commenced on or after the effective date of a floodplain management regulation and includes any subsequent improvements to such structures.<sup>48</sup>

Regulatory floodway - See Floodway definition.<sup>48</sup>

**Manufactured Home** – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" **does not** include a "recreational vehicle." **A Manufactured Home is synonymous with a "manufactured dwelling."**<sup>48</sup>

**Manufactured Home Park or Subdivision** – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (Approval of any New or expansion of a manufactured home park or subdivision within the ASFH must be reviewed through the Administrative Variance provisions () of the Wasco County Land Use and Development Ordinance.)<sup>47</sup>

**New Construction** – Structures for which the lawful "start of construction" commenced on or after the effective June 1, 2010

**Raised Structure** – A non-basement structure that has its lowest elevated floor raised a minimum of one foot above the Base Flood Elevation.

**Recreational Vehicle (Flood Hazard Overlay Section only)** – A vehicle which is:

- a. Built on a single chassis; and
- b. 400 square feet or less when measured at the largest horizontal projection; and
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Special Flood Hazard Area** - See Area of Special Flood Hazard definition.<sup>48</sup>

Author: rsix Subject: Highlight Date: 6/5/2024 8:47:03 AM

Author: rsix Subject: Sticky Note Date: 6/5/2024 10:25:19 AM

"New Construction" is defined twice. Delete New Construction definition "Structures for which the lawful "start of construction" commenced on or after the effective June 1, 2010."

Author: AliceC Subject: Sticky Note Date: 6/6/2024 1:46:51 PM

We will make that change. Thank you.

Author: rsix Subject: Highlight Date: 6/5/2024 8:47:49 AM

Author: rsix Subject: Sticky Note Date: 6/5/2024 8:49:55 AM

"Raised structure" - this definition is not in the Model Ordinance, and I am not seeing the term "raised structure" used elsewhere so it can probably be removed.

Author: AliceC Subject: Sticky Note Date: 6/6/2024 1:39:16 PM

We will make that change. Thank you.

**Start of Construction** – Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure (Flood Hazard Overlay Section only)** – A walled and roofed building, as well as any gas or liquid storage tank, that is principally above ground, [as well as a manufactured dwelling](#).<sup>46</sup>

**Substantial Damage** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to it before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** – Any ~~repair, reconstruction, rehabilitation, addition or other~~ improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure ~~before the "start of construction" of improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.~~<sup>46</sup> ~~either~~

~~Before the improvement or repair is started, or~~

~~If the structure has been damaged and is being restored, before the damage occurred.~~

~~For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~<sup>47</sup>

The term does not, however, include either:

- a. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- b. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, [provided the alteration will not preclude the structure's continued designation as a "historic structure."](#)<sup>48</sup>

**Variance** – A grant of relief from the [terms of a floodplain management regulation](#).<sup>49</sup> ~~requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.~~<sup>47</sup>

**Violation** -- [The failure of a structure or other development to be fully compliant with the County's](#)

floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.<sup>48</sup>

**Water Dependent** – A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations, including but not limited to bridges, docks, piers, wharfs, certain fish and wildlife structures, boat launch facilities and marinas. Dwellings, parking lots, spoil and dump sites, restaurants, trailer parks, resorts, and motels are not water dependent.

**Water Surface Elevation** -- The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.<sup>48</sup>

**SECTION 3.242** Designation of the Floodplain Administrator~~Planning Director~~<sup>49</sup>

**A.** Designation of the Planning Director

The Planning Director is hereby appointed to administer, ~~and~~ implement, **and enforce** this chapter by granting or denying development permit applications in accordance with its provisions. **The Floodplain Administrator (Planning Director) may delegate authority to implement these provisions.**<sup>50</sup>

**B.** Duties and Responsibilities of the Planning Director

Duties of the Planning Director shall include, but not be limited to:

**1.** Development Permit Review

- a. Review all development permits to determine that the permit requirements and conditions of this chapter have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required. (added 4-87)
- c. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in Section 3.243.G – Floodways are met;
- d. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of Section 3.243.D.7 – Use of Other Base Flood Elevation Data; and
- e. Provide the County Building Official with the BFE applicable to any building requiring a development permit.



- f. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in Section 3.241 – Special Definitions.
- g. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with Section 3.243.D.1 – Alteration of Watercourses.
- ~~f.h. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.<sup>51</sup>~~
- ~~e. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the Special Flood Hazard Area. For the purposes of this chapter, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.~~
- ~~j. If it is determined that there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.~~
- ~~ii. If it is determined that there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.<sup>52</sup>~~

2. Information to be Obtained and Maintained<sup>53</sup>

The Planning Director shall obtain and maintain the following information:

- a. Obtain and record the actual (as-built) elevation (in relation to mean sea level) to the lowest floor (including basements and below grade crawl-spaces) and all attendant utilities of all new or substantially improved structures where BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 3.243.D.7 – Use of Other Base Flood Elevation Data.
- b. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the development is consistent with the requirements of Sections 3.243.G - Floodways and 3.242.B.1.b -- Development Permit Review.
- c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
- d. Where base flood elevation data are utilized, obtain as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- e. Maintain all Elevation Certificates (EC) submitted to the Director.

- f. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where BFE data is provided through the FIS, FIRM, or obtained in accordance with Section 3.243.D.7 -- Use of Other Base Flood Elevation Data.
- g. Maintain all floodproofing certificates required under this ordinance;
- h. Where base flood elevation data is changed via a restudy, limited map maintenance project, map revision amendment, those changes shall be obtained and recorded.
- i. Submit any new or revised map information that could affect the ASFH to the Federal Emergency Management Agency (FEMA) when it becomes available.
- j. Record and maintain all variance actions, including justification for their issuance;
- k. Obtain and maintain all hydrologic and hydraulic analyses performed as required under Section 3.243.G -- Floodways.
- l. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under Section 3.242.B.4 --Substantial Improvement and Substantial Damage Assessments and Determinations.

m. Maintain for public inspection all records and data pertaining to this chapter.<sup>54</sup>

~~2. Use of Other Base Flood Data~~

~~When base flood elevation data has not been provided in accordance with Section 3.240.B.2 --Basis for Establishing the Areas of Special Flood Hazard, the Planning Director shall require, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Specific Standards.~~<sup>55</sup>

3. Requirement to Notify Other Entities and Submit New Technical Data<sup>56</sup>

a. Community Boundary Alterations

The Planning Director shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps and FIRM accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.<sup>57</sup>

b. ~~Alteration of Watercourses~~ Alterations<sup>58</sup>

Notify adjacent communities, Department of State Lands, Department of Land Conservation & Development, and the Department of Water Resources, and any other appropriate state

and federal agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

- i. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
  - ii. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.<sup>59</sup>
- ~~Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.<sup>60</sup>~~

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under Section 3.242.B.3.c -- Requirement to Submit New Technical Data. The Director shall ensure compliance with all applicable Section 3.242.B.3.c -- Requirement to Submit New Technical Data and Section 3.243.D.1 -- Alteration of Watercourses.

c. Requirement to Submit New Technical Data

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Planning Director shall require a CLOMR prior to the issuance of a floodplain development permit for:

- i. Proposed floodway encroachments that increase the base flood elevation; and
- ii. Proposed development, which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a CLOMR from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

~~The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR. The Planning Director shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this Chapter and all applicable state and federal permits.<sup>61</sup>~~

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#### 4. Substantial Improvement and Substantial Damage Assessments and Determinations

The Planning Director shall:

- a. Conduct Substantial Improvement (SI) (as defined in Section 3.241 – Special Definitions) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 3.242.B.2 --Information to be Obtained and Maintained.
- b. Conduct Substantial Damage (SD) (as defined in Section 3.241 – Special Definitions) assessments when structures are damaged due to a natural hazard event or other causes.
- c. Make SD determinations whenever structures within the special flood hazard area (as established in Section 3.240.C -- Basis for Establishing the ASFH) are damaged to the extent that the cost of restoring the structure to its "before damaged" condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.<sup>62</sup>

#### ~~4. Information to be Obtained and Maintained~~

- ~~a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 2.242(B)(4) obtain and record the actual (as built) elevation (in relation to mean sea level) to the lowest floor (including basements and below grade crawl spaces) of all new or substantially improved structures, and whether or not the structure contains a basement (Elevation Certificate).~~
- ~~b. Maintain for public inspection all records pertaining base flood elevations and flood proofing certificates required in Section 3.242(B)(6).~~
- ~~c. Where base flood elevation data is changed via a restudy, limited map maintenance project, map revision amendment, those changes shall be obtained and recorded.~~
- ~~d. Submit any new or revised map information that could affect the ASFH to FEMA when it becomes available.~~
- ~~e. For all new or substantially improved flood proofed structures:~~
  - ~~i. Obtain and record the actual elevation (in relation to mean sea level) to which the structure was flood-proofed, and~~
  - ~~ii. Maintain the flood proofing certifications required in Section 3.243(B) Application Requirements (Added 4-87).~~
- ~~f. Maintain for public inspection all records and data pertaining to this chapter.<sup>63</sup>~~

**SECTION 3.243 Establishment of Development Permit****A. Development Permit Required** ~~Establishment of Development Permit~~

- ~~1. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in [Section 3.240\(B\)](#) – Applicability. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", [Section 3.241 – Special Definitions](#), and for all development including fill and other [development](#) activities. ~~also as set forth in the "DEFINITIONS".~~~~
- ~~2. If the director determines that it is unclear if a proposed development lies in or out of the Area of Special Flood Hazard, then Establishment of the Development Permit shall be based on the following:~~
  - ~~a. Within thirty (30) days of receiving an appropriate Land Use Application, the Director or the Director's designee shall conduct a site inspection on the proposed development. If during that site inspection, the Director is able to determine that the proposed development is reasonably safe from flooding based to topography or other pertinent data, then no ASFH Development Permit will be required.~~
  - ~~b. If during the above mentioned site inspection, the Director cannot determine that the proposed development is reasonably safe from flooding, then the applicant will be required to establish the Base Flood Elevation for the Development using FEMA approved methodologies. Appropriate methodologies may include HEC, SMADA, SWMM, QUICK 2, or other FEMA approved hydraulic or hydrologic modeling programs.~~
  - ~~c. If the Director determines that the BFE must be established for a development, then the applicant will be required to hire a competent consultant (engineer, surveyor, hydrologist, architect, etc.) with proof of suitable credentials to determine the BFE using appropriate FEMA approved methodologies.<sup>64</sup>~~

**B. Application for Development Permit Application Requirements:**

Any application for a Development Permit shall be made on forms furnished by the Planning Director and **shall** may include: ~~but not be limited to: plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing structures, proposed structures, fill, storage of materials, utilities, septic facilities, and drainage facilities.~~

Specifically, the following information is required:

1. **Plans drawn to scale** showing the nature, location, dimensions, and elevations of the area in question; existing structures, proposed structures, fill, storage of materials, utilities, septic facilities, and drainage facilities;
2. The proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with [Section 3.242.B.2 – Information to be Obtained and Maintained](#).

Author: rsix Subject: Highlight Date: 6/5/2024 8:51:19 AM

Author: rsix Subject: Sticky Note Date: 6/5/2024 10:26:49 AM  
Update to Model Ordinance Section 4.3.2: "Plans **in duplicate** drawn to scale..." (See Oregon Residential Specialty Code section 106.1)

Author: AliceC Subject: Sticky Note Date: 6/6/2024 1:52:13 PM  
We will make this change. Thank you.

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3. Proposed elevation in relation to mean sea level to which any non-residential structure will be flood proofed.

~~4.~~4. Certification by a registered professional engineer or architect licensed in the State of Oregon that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in [Section 2.243.F.3 – Non-Residential Construction](#) ~~(D)(6) – Specific Standards.~~

~~5.~~5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

~~6.~~6. Copies of all permits required from any governmental agency, together with a certification under penalties of perjury that all certificates and permits requested have been obtained.

7. Base Flood Elevation certificate when required. If the Planning Director determines that it is unclear if a proposed development lies in or out of the ASFH, then the applicant will be required to hire a qualified consultant (engineer, surveyor, hydrologist, architect, etc.) with proof of suitable credentials to determine the BFE using appropriate FEMA approved methodologies.

8. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.

9. The amount and location of any fill or excavation activities proposed.<sup>65</sup>

#### C. Application Types

1. Type II Administrative Action Development Permits: The Type II Administrative Action Development Permit provides the default review process for most development within the ASFH. Type II Administrative Action Development Permits include but are not limited to new structures, improvements to structures (remodel, repair, etc.), critical facilities, utilities, manufactured homes, recreational vehicles, mining, paving, and other development that is not specifically addressed in Section 3.243.C.2 – Expedited Review Development Permits. Type II decisions are subject to review procedures, as defined in Section 2.110 – Administrative Action Procedure of the Director.

#### 2. Expedited Development Permits:

- a. The Expedited Development Permit enables an applicant to apply for certain low-impact projects through a more expeditious and less expensive review process. Type I permits are subject to review procedures, as defined in Section 3.110 – Expedited Review.
- b. Any development listed in Section 3.243.C.1 is excluded from the Expedited Development Permit process.
- c. Expedited Development Permits may only be utilized when evaluating uses that are specified in Section 3.110 – Expedited Review.

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d. If the applicant does not provide sufficient evidence to justify an Expedited Review Development Permit, then the request will be reviewed as a Type II Administrative Action.<sup>66</sup>

#### D. General Standards

In all areas of special flood hazards the following standards are required:

##### 1. Alteration of Watercourses

- a. Flood carrying capacity within the altered or relocated portion of said watercourse shall be maintained to ensure that the flood carrying capacity is not diminished.
- b. All altered watercourses shall comply with Section 3.242.B.3.b.– Watercourse Alterations and 3.242.B.3.c – Requirement to Submit New Technical Data.

##### 2. Anchoring

~~b.a.~~ All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

~~c.b.~~ All manufactured homes shall be anchored per Section 3.243.F.4 – Manufactured Homes. ~~must likewise be anchored to prevent flotation, collapse or lateral movement, according to requirements set forth in the (See FEMA's guidebook for additional information).~~

##### ~~3.3.~~ Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. ~~See FEMA 348(Protecting Building Utilities from Flood Damage) for details.~~
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- ~~c.~~ ~~Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

##### 4. Utilities and Equipment

###### a. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems

- i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood

waters; and,

- iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the North-Central Public Health District [and Department of Environmental Quality](#).

**b. Electrical, Mechanical, Plumbing and Other Equipment**

Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be:

- i. Elevated or located at or above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding.
- ii. Meet all requirements of this section if any of these systems are replaced as part of a substantial improvement.
- iii. ~~No systems shall be mounted to penetrate through breakaway walls.~~

**c. Tanks**

- i. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- ii. Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

**5. Subdivision Proposals and Other Proposed Developments**

- a. All new subdivision proposals and other new proposed development (including proposals for new manufactured dwelling parks and subdivisions) greater than 50 lots or five acres, whichever is lesser, shall include within such proposals, BFE data.
- b. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
  - i. ~~All subdivision proposals shall be~~ consistent with the need to minimize flood damage;
  - ii. ~~All subdivision proposals shall have~~ public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage; **and**
  - iii. ~~All subdivision proposals shall have~~ adequate drainage provided to reduce exposure to flood damage; **and,**

Author: AliceC Subject: Sticky Note Date: 6/6/2024 9:36:03 AM  
Comment from Rachel Six: Try to understand why.

Author: rsix Subject: Cross-Out Date: 6/5/2024 9:11:55 AM

Author: rsix Subject: Sticky Note Date: 6/5/2024 9:12:56 AM  
Remove iii, breakaway walls, as this is a coastal V zone construction requirements.



~~Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).~~

#### 6. Partition and Property Line Adjustment Proposals

- a. All partition and property line adjustment proposals shall be consistent with the need to minimize flood damage;
- b. Parcels created through these processes shall include suitable sites for the construction of buildings, structures, sewage systems, and water supplies outside of the ASFH.
- c. Parcels created through these processes shall be designed so that access to the proposed parcel does not traverse the ASFH.

#### 7. Use of Other Base Flood Elevation Data

When BFE data has not been provided in accordance with Section 3.240.C -- Basis for Establishing the Special Flood Hazard Areas, the Planning Director shall obtain, review, and reasonably utilize any BFE data available from a federal, state, or other source, in order to administer Section 3.243 -- Establishment of Development Permit. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of Section 3.243.D.5 -- Subdivision Proposal and Other Proposed Developments.

BFEs shall be determined for development proposals that are five acres or more in size or are 50 lots or more, whichever is lesser in any "A" zone. Development proposals located within an unnumbered "A" zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc. where available. ~~Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.~~

#### 6.8. Critical Facilities

Construction of new critical facilities shall be, to the extent possible:

- a. Located outside the limits of the ASFH (100-year floodplain).
- b. Construction of new critical facilities shall be permissible within the ASFH if no feasible alternative is available and if the development receives approval of a Type II Variance, subject to variance criteria found in Section 6.020 -- Criteria for Decision.
- c. Critical facilities constructed within the ASFH shall have the lowest floor elevated three feet above the BFE.
- d. Access to and from the critical facility should also be protected and constructed to be elevated three feet above the BFE.

Author: rsix Subject: Highlight Date: 6/5/2024 9:06:33 AM

Author: rsix Subject: Sticky Note Date: 6/5/2024 9:10:29 AM

Missing minimum elevation requirement from Model Ordinance Section 5.1.7. (recommended for clear and objective). Recommend adding the following language: **WHEN NO BASE FLOOD ELEVATION DATA IS AVAILABLE, THE ELEVATION REQUIREMENT FOR DEVELOPMENT PROPOSALS WITHIN A RIVERINE UNNUMBERED A ZONE IS A MINIMUM OF TWO (2) FEET ABOVE THE HIGHEST ADJACENT GRADE, TO BE REASONABLY SAFE FROM FLOODING**

Author: AliceC Subject: Sticky Note Date: 6/6/2024 1:55:23 PM

We will make this change. Thank you.

Author: rsix Subject: Cross-Out Date: 6/5/2024 9:10:45 AM

Author: rsix Subject: Sticky Note Date: 6/6/2024 8:14:48 AM

Can remove the sentence "Failure to elevate at least two feet above grade in these zones may result in higher insurance rates." This is outdated insurance rating methodology and will be removed in next Model Ordinance update.

Author: AliceC Subject: Sticky Note Date: 6/6/2024 2:00:05 PM

We can make this change. Thank you.

Author: rsix Subject: Highlight Date: 6/5/2024 9:13:23 AM

Author: rsix Subject: Sticky Note Date: 6/5/2024 10:28:06 AM

Subsections (c) and (d) vary from Model Ordinance 5.1.9, Critical Facilities, which requires lowest floor elevated 3 ft above BFE, **"or to the height of the 500-year flood, whichever is higher."**

Author: AliceC Subject: Sticky Note Date: 6/6/2024 2:27:55 PM

We can make this change. Thank you.

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a-e. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

#### 9. Structures Located in Multiple or Partial Flood Zones

In coordination with the State of Oregon Specialty Codes:

- a. When a structure is located in multiple flood zones on the community's FIRM the provisions for the more restrictive flood zone shall apply.
- b. When a structure is partially located in the ASFH, the entire structure shall meet the requirements for new construction and substantial improvements.<sup>67</sup>

#### B.E. Specific Standards for Areas of Special Flood Hazard

These specific standards shall apply to all new construction and substantial improvements located in the ASFH, in addition to the standards listed in Section 3.243.D – General Standards:

##### 1. Flood Openings

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the BFE, including crawl spaces shall:

- a. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- b. Be used solely for parking, storage, or building access;
- c. Be certified by a professional engineer or architect or meet or exceed all of the following minimum criteria:
  - i. A minimum of two openings;
  - ii. The total net area of non-engineered openings shall not be less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls;
  - iii. The bottom of all openings shall be no higher than one foot above grade;
  - iv. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.

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- v. Design and construction shall comply with all additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2, when applicable.

## 2. Garages

- a. Attached garages may be constructed with the garage floor slab below the BFE in flood zones, if the following requirements are met. In riverine flood zones, if the following requirements are met:
  - i. If located within a floodway the proposed garage must comply with the requirements of Section 3.243.G -- Floodways.
  - ii. The floors are at or above grade on not less than one side;
  - iii. The garage is used solely for parking, building access, and/or storage;
  - iv. The garage is constructed with flood openings in compliance with Section 3.243.E.1 -- Flood Openings to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
  - v. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage.
  - vi. The garage is constructed in compliance with the standards in Section 3.243.D -- General Standards.
  - vii. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- a-b. Detached garages must be constructed in compliance with the standards for appurtenant structures in Section 3.243.F.6 -- Appurtenant (Accessory) Structures and non-residential structures in Section 3.243.F.3 -- Nonresidential Construction depending on the square footage of the garage.<sup>68</sup>

## F. Specific Standards for Areas of Special Flood Hazard with Base Flood Elevations

In addition to the general standards listed in Section 3.243.D -- General Standards, the following specific standards shall apply in all ASPH with BFE: Zones A1-A30, AH, and AE: ~~in all areas of special flood hazards where base flood elevation data has been provided as set forth in (B)(4) Use of Other Base Flood Data, the following standards are required:~~

### 1. Before Regulatory Floodway

In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones

A1-30 and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

#

#### 1.2. Residential Construction

- a. New construction, **conversion to**, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot (~~1/2~~) above base flood elevation.

~~b. Fully enclosed areas below the lowest floor shall comply with the Flood Opening requirements in Section 3.243.E.1 – Flood Openings. that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:~~

~~c.~~

- ~~d. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~

~~e.~~

- ~~f. The bottom of all openings shall be no higher than one foot above grade.~~

~~g.~~

- ~~h. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~

#### 3. Non-residential Construction

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the **Planning Director official** as set forth in **Section 3.242.B.2 – Information to be Obtained and Maintained.** ~~3.242(B)(6)(c).~~

d. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in **Section 3.243.E.1 – Flood Openings. (D)(1)– Specific Standards.**

e. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level). ~~added 4-87)~~

#### 2. Partition and Property Line Adjustment Proposals:

a. ~~All partition and property line adjustment proposals shall be consistent with the need to minimize flood damage;~~

b. ~~Parcels created through these processes shall wherever practical include suitable sites for the construction of buildings, structures, sewage systems, and water supplies outside of the ASFH.~~

c. ~~Parcels created through these processes shall wherever practical be designed so that access to the proposed parcel does not traverse the ASFH.~~

#### 3. Subdivision Proposals

#

#### 4. Manufactured Homes

a. All manufactured homes to be **placed** or substantially improved within the ASFH shall be elevated on a permanent foundation such that the bottom of the longitudinal chassis frame beam is elevated a minimum of eighteen inches above the base flood elevation.

b. All foundation flood openings shall comply with Section 3.243.E.1 – Flood Openings.

c. Manufactured homes to be placed (new or replacement) or substantially improved shall be securely anchored to prevent floatation, collapse and lateral movement during the base flood; and shall be designed in accordance with the provisions of Section 3.243.D.2 – Anchoring. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques), and;

d. Electrical crossover connections shall be a minimum of 12 inches above BFE.

~~a.~~

b. ~~Fully enclosed areas below the lowest floor that are subject to flooding shall comply with Sections A(2)(a)–c) above. Non structural metal or vinyl skirting does not constitute a “fully enclosed area”.~~

#### 5. Recreational Vehicles

Recreational Vehicles placed on sites ~~are required to~~ with an “A” zone (Areas of 100-year flood) as identified on the Flood Insurance Rate Maps (FIRM) must:

Author: rsix Subject: Highlight Date: 6/5/2024 9:34:30 AM

Author: rsix Subject: Sticky Note Date: 6/5/2024 9:36:18 AM  
Recommend adding “(new or replacement)” here to be consistent with 4(c).

Author: AliceC Subject: Sticky Note Date: 6/6/2024 2:30:57 PM  
We can make this change. Thank you.

- a. Be on the site for fewer than 180 consecutive days; and
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or  
~~Meet the requirements of Section 3.243(D) – Specific Standards above.~~
- c. **Meet the requirements of Section 3.243.F.4 – Manufactured Homes.**<sup>69</sup>

<sup>#</sup>

#### **6. Appurtenant (Accessory) Structures**

Relief from elevation or flood-proofing requirements for residential and non-residential structures flood zones may be granted for appurtenant structures that meet the following requirements:

- a. Appurtenant structures located partially or entirely within the floodway must comply with requirement for development within a floodway found in Section 3.243.G -- Floodways.
- b. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation.
- c. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.
- d. The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;
- e. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- f. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section 3.243.E.1 – Flood Openings.
- g. Appurtenant structures shall be located and constructed to have low damage potential.
- h. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental

Quality unless confined in a tank installed in compliance with Section 3.243.D.4.c – Tanks.

- i. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed to prevent water from entering or accumulating within the components during conditions of the base flood.<sup>70</sup>

#### G. Floodways

Located within the ASFH established in Section 3.240.C – Basis for Establishing the ASFH are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
  - a. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the County during the occurrence of the base flood discharge; or
  - b. The County may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a CLOMR if a request is submitted and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the CFE Section 65.12 are fulfilled.
2. If the requirements of Section 3.243.G.1 – Floodways are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Section 3.243 – Establishment of Development Permit.<sup>71</sup>

#### H. Standards for Shallow Flooding Areas

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with BFE. For AO zones, the base flood depths range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

##### 1. Standards for AH Zones

Development with AH Zones must comply with the standards in Section 3.243.D – General Standards, Section 3.243.E – Specific Standards for Areas of Special Flood Hazard, Section 3.243.F -- Specific Standards for Areas of Special Flood Hazard with Base Flood Elevation, and Section 3.243.H – Standards for Shallow Flooding Areas.

## 2. Standards for AO Zones

In AO zones, the following provisions apply in addition to the requirements in Section 3.243.D – General Standards and Section 3.243.H – Standards for Shallow Flooding Areas:

- a. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, **at minimum to or above the depth number specified on the FIRM.** For manufactured homes, the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
- b. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:
  - i. **Have the lowest floor (including basement) elevated at least two feet above the highest adjacent grade of the building site;**
  - ii. **Together with attendant utility and sanitary facilities, be completely flood proofed to a minimum of two feet above the highest adjacent grade,** so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in Section 3.243.F.3.c. – Non-residential Construction
- c. Recreational vehicles placed on sites within AO zones on the FIRM shall either:
  - i. Be on the site for fewer than 180 consecutive days, and
  - ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only be quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - iii. Meet the elevation requirements of Section 3.243.H.2.b.i – Standards for AO Zones, and the anchoring and other requirements for manufactured dwellings of Section 3.243.F.4 – Manufactured Homes.
- d. In AO zones, new and substantially improved appurtenant structures must comply with the standards in Section 3.243.F.6 – Appurtenant (Accessory) Structures.
- e. In AO zones, **enclosed areas beneath elevated structures shall comply with the requirements in Section 3.243.F.4 – Manufactured Homes.**<sup>72</sup>

### Storage of Hazardous or Toxic Materials

The storage of hazardous or toxic materials shall be a minimum of one foot (1') above the BFE of the property. This may require alterations to a structure or development to ensure that the potential

Author: rsix Subject: Highlight Date: 6/5/2024 9:41:51 AM

Author: rsix Subject: Sticky Note Date: 6/5/2024 10:32:47 AM

Some AO zones will not have a depth number on the FIRM. Add missing language from Model Ordinance section 5.2.5.2: "(at least two (2) feet if no depth number is specified)."

Author: AliceC Subject: Sticky Note Date: 6/6/2024 2:39:40 PM

We can make this change. Thank you.

Author: rsix Subject: Highlight Date: 6/5/2024 9:43:35 AM

Author: rsix Subject: Sticky Note Date: 6/6/2024 8:18:00 AM  
Revise to Model Ordinance 5.2.5.2(B)(1).

Non-residential structures that are elevated must be elevated at minimum to or above the depth number specified on the FIRM, or a minimum of two (2) feet above highest adjacent grade if no depth number is specified."

(The depth number on the FIRM could be 3 ft, so if lowest floor is two feet above HAG it would be too low).

Add "or" at end of subsection (i), as nonresidential structures can either be elevated or floodproofed.

Author: rsix Subject: Highlight Date: 6/5/2024 10:36:34 AM

Author: rsix Subject: Sticky Note Date: 6/6/2024 8:18:37 AM  
Revise to Model Ordinance 5.2.5.2(B)(2).

Similar to above comment. Non-residential structures that are floodproofed must be floodproofed to or above the depth number on the FIRM, or a minimum of two feet above highest adjacent grade if no depth number is specified.

Author: AliceC Subject: Sticky Note Date: 6/6/2024 2:46:36 PM

We will make this change. Thank you.

Author: rsix Subject: Highlight Date: 6/5/2024 9:49:46 AM

Author: rsix Subject: Sticky Note Date: 6/5/2024 9:51:32 AM  
This citation should be "3.243.E.1. - Flood Openings."

Author: AliceC Subject: Sticky Note Date: 6/6/2024 2:48:09 PM

Thank you. Good catch. We make will make this change. Thank you.



storage of such materials can be accommodated. Hazardous or toxic materials include but are not limited to those regulated by the EPA and DOT.

Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Area Special Flood Hazard (ASFH) (100-year floodplain). Construction of new critical facilities shall be permissible subject to an Administrative Variance within the ASFH if no feasible alternative site is available. Critical facilities constructed within the ASFH shall have the lowest floor elevated three feet above the BFE. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

Development Within Riparian Areas

The Wasco County FIRMs do not designate regulatory floodways. No new construction, substantial improvements, or other development (including fill) shall be permitted within the ASFH unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated onsite development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The methodology for conducting this research must conform to the methodologies prescribed in the FEMA Region X Procedures for "No Rise" Certification for Proposed Development s in the Regulatory Floodway.

Fish Habitat Structures

Projects for stream habitat restoration may be allowed provided:

The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023), and

The applicant supplies a feasibility analysis and certification from a qualified professional that the project was designed to keep any rise in the 100-year flood levels as close to zero as practically as possible, and that no structures would be impacted by a potential rise, and

No structures would be impacted by a potential rise in flood elevation, and

An agreement to monitor the project, correct problems, and ensure that the flood-carrying capacity remains unchanged is included with the application.

Qualified professionals may include private hydrology or hydraulic consultants, or hydrology or hydraulic professionals from the Soil and Water Conservation District, Natural Resources Conservation Service, Oregon Department of Fish and Wildlife, or similar qualified agency.

Other restrictions set forth in the most recent applicable Policy from FEMA may be required of such projects.<sup>72</sup>

**SECTION 3.244 Variances**

A. The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.<sup>73</sup>

A-B. Variances to any Flood Hazard Overlay regulations shall be reviewed administratively, in accordance with [Section 2.110 – Administrative Action Procedure of the Director](#),<sup>74</sup> unless the Planning Director elects the matter to be heard before the Planning Commission or other authorized review authority.<sup>75</sup>

**B-C. Conditions for Variances:**

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases. Variances shall be approved only upon a finding that the provisions of Section 3.244.C.2 through 4 – Conditions for Variances are met.
2. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
5. Variances may be issued by the Planning Director for new construction and for other development necessary for the conduct of a functionally dependent use if the criteria of 3.244.C.2-4 – Conditions for Variances are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
6. Variances may be issued for the repair or rehabilitation of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

7. The Planning Director may attach conditions to the granting of the variance as is deemed necessary to further the purposes of this ordinance.

D. Variance Notification

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with Section 3.242.B.2 – Information to be Obtained and Maintained.<sup>76</sup>

~~C. In considering a variance to floodplain standards, the Planning Director or his designee shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:~~

- ~~1. The danger that materials may be swept onto other lands to the injury of others;~~
  - ~~2. The danger to life and property due to flooding or erosion damage;~~
  - ~~3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~
  - ~~4. The importance of the services provided by the proposed facility to the community;~~
  - ~~5. The necessity to the facility of a waterfront location, where applicable;~~
  - ~~6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~
  - ~~7. The compatibility of the proposed use with existing and anticipated development;~~
  - ~~1. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~
  - ~~2. The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
  - ~~3. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and~~
  - ~~4. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.~~
- ~~D. Upon consideration of the factors in B., and the purposes of this ordinance, conditions may be attached to the granting of the variance as is deemed necessary to further the purposes of this ordinance.~~

~~E. Records of all appeal actions shall be maintained by Wasco County and any variances shall be reported to the Federal Insurance Administration upon request.~~

~~F.~~

~~2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.~~

~~3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.~~

~~4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~

~~5. Variances shall only be issued upon:~~

~~a. A showing of good and sufficient cause;~~

~~b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;~~

~~c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.~~

~~6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.~~

~~7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except (E)(1), and otherwise complies with (C)(1) and 3.242(C)(2) of the General Standards.~~

~~8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.<sup>77</sup>~~

#### **SECTION 3.245 Appeals**

Appeals shall be processed as described in [Section 2.230 -- Appeals to the Gorge Commission](#). ~~of this Ordinance.<sup>78</sup>~~

**SECTION 3.246 Compliance and Penalties for Noncompliance Required**

**A.** All development within the ASFH is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.

~~A.~~ No person shall construct, erect, locate, maintain, repair, alter, enlarge, or change the use of a structure located within the ASFH in violation of this Ordinance.

~~B.~~

~~C.B.~~ No person shall initiate any development within the ASFH in violation of this Ordinance.

~~D.C.~~ The, construction, erection, location, maintenance, repair, alteration, enlargement or change in use of any structure, or the initiation of any development in violation of this Ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance shall be deemed a nuisance and shall be subject to the provisions of the Wasco County Code Compliance and Nuisance Abatement Ordinance.<sup>79</sup>

**SECTION 3.247 Revising FIRM Maps**

**A. Reasons to Revise FIRMs**

The Wasco County FIRMs were established in 1984. Advances in technology along with physical changes in a given flood situation may necessitate a FIRM map being updated, revised, corrected, or changed. Common reasons why a FIRM may need to be changed include correcting certain features, including better ground elevation data, reflecting physical changes to the floodplain, submitting new or revised flood data, or to reflect a new flood control project.

Regardless of the reason a FIRM is changed, all changes must be submitted to FEMA and retained by Wasco County.

**B. Types of Changes:** There are four approaches to changing FIRMs. They include restudies, limited map maintenance projects, amendments, and revisions. Any request for a restudy, amendment or revision must be reviewed by Wasco County for compliance with this chapter.

**1. Restudy**

~~a.~~ A restudy is a new Flood Insurance Study for a part or all of a community.

~~b.~~ Restudies are typically large scale projects conducted by FEMA

**2. Limited Map Maintenance Project (LMMP)**

~~a.~~ A LMMP is a small scale restudy that is limited in size and cost. This type of study is often used for studies of unnumbered A Zones, like those found in Wasco County.

~~b.~~ A LMMP may be conducted by FEMA or the community.

**3. Revision**

~~a.~~ A revision is typically used for:

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i. ~~Scientifically based challenges to flood elevations, or~~

ii. ~~Incorporation of new flood data, or~~

iii. ~~Reflecting fill placed in the floodplain, or~~

iv. ~~Changing floodplain boundaries,~~

b. ~~Revisions may be conducted by FEMA, requested by the community, or requested by property owner(s).~~

#### ~~5. Amendment~~

a. ~~An amendment is only used to remove an area that was inadvertently included in the ASFH. Often the ground is higher than depicted on the base map used for the FIRM.~~

b. ~~FEMA will review map amendments based on information submitted by the applicant. An amendment does not challenge the Flood Insurance Study or FIRM; it simply removes certain portions of a property from the ASFH because they are higher than the Base Flood Elevation~~

#### ~~C. Requesting Map Changes~~

~~FEMA may actually change a FIRM and publish new copies. A restudy or LMMP will generally result in a new map. Additionally, FEMA may issue a Letter of Map Change (LOMC) when a revision can be adequately described in writing or through use of a small annotated map panel.~~

~~There are two types of LOMCs; a Letter of Map Revision (LOMR) and a Letter of Map Amendment (LOMA).~~

1. ~~Letters of Map Revision (LOMRs) address revisions to the FIRM as described in Section B.3 above. A LOMR may be requested of FEMA by the applicant. A copy of the final LOMR must be provided to the County. FEMA typically charges a processing fee for all LOMRs.~~

2. ~~Letters of Map Amendment (LOMAs) address revisions to the FIRM as described in Section B.4 above. A LOMA may be requested of FEMA by the applicant. A copy of the final LOMA must be provided to the County. FEMA may not charge a processing fee for a LOMA.<sup>80</sup>~~

#### ~~SECTION 3.248 Notes on Insurance~~

~~The provisions of this section are provided for informational purposes and are subject to change without notice.~~

A. ~~Coverage: Flood insurance is available for insurable buildings and their contents to property owners within the ASFH~~

B. ~~Waiting Period: Unless a Flood Insurance Policy is purchased at the time of closing, a 30 day waiting period typically follows the purchase of that policy before it goes into effect.~~

- C. ~~Mandatory Flood Insurance Purchase: If a building is located within the ASFH, a federally regulated lender is required by law to require the recipient of the loan to purchase a Flood Insurance Policy on the building. This policy is typically equal to the value of the mortgage on the building.~~
- D. ~~Lender's Choice: Although a lender may not be required by law to secure a Flood Insurance Policy on a building or structure located outside of the ASFH, it may choose to require coverage as a condition of a loan for any property. Neither Wasco County, nor FEMA control this requirement.~~
- E. ~~Flood Insurance for Contents: Mandatory Flood Insurance as described above typically does not cover the contents of the building unless an additional voluntary insurance policy is purchased specifically for the contents.~~
- F. ~~Further elevation of a structure beyond the required one foot (1') above BFE may significantly reduce the cost of a Flood Insurance Policy.<sup>81</sup>~~

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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE WASCO COUNTY PLANNING COMMISSION'S REQUEST TO APPROVE PROPOSED  
LEGISLATIVE AMENDMENTS TO UPDATE THE WASCO COUNTY NATIONAL SCENIC AREA LAND USE AND  
DEVELOPMENT ORDINANCE

**ORDINANCE # 24-001**

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

WHEREAS, the Columbia River Gorge Commission transmitted approved updates to the National Scenic Area Management Plan to Wasco County for adoption into the Wasco County National Scenic Area Land Use and Development Ordinance (NSA LUDO) on March 16, 2021; and

WHEREAS, the Oregon Department of Land Conservation and Development Department and Federal Emergency Management Administration (FEMA) Region X issued a State of Oregon Model Flood Hazard Management Ordinance for adoption into the NSA LUDO on October 23, 2020;

WHEREAS, the revisions included many mandatory changes;

WHEREAS, revisions to the NSA LUDO were to make the language consistent with the adopted National Scenic Area Management Plan and FEMA floodplain hazard rules; and

WHEREAS, ORS 196.107 exempts Wasco County from the requirement to give notice for all amendments to regulations within the National Scenic Area; in the spirit of agency cooperation, the Wasco County Planning Department voluntarily sent notification to DLCD on April 9, 2024;

WHEREAS, Planning Department staff posted project information on the County website and hosted a virtual public open house on April 17, 2024 to inform the property owners about the amendments and invite public comment;

WHEREAS, on May 14, 2024, at the hour of 3:00 PM via electronic methods duly posted, the Wasco County Planning Commission held the first legally notified public hearing to review the proposed amendments, findings of fact, and receive public testimony on the revisions and with a vote of 4 to 0 recommended approval to the Wasco County Board of Commissioners;

WHEREAS, that on July 3, 2024 at the hour of 9:30 AM the Wasco County Board of Commissioners met to conduct the first of two legally notified public hearings on the above matter. The Board of County Commissioners reviewed



recommendations by the Wasco County Planning Commission, staff's presentation, and received testimony from the public. The Board of County Commissioners tentatively approved the amendments; and

WHEREAS, that on July 17, 2024 at the hour of 9:30 AM the Wasco County Board of Commissioners met to conduct the second of two legally notified public hearings on the above matter. The Board of County Commissioners reviewed recommendations by the Wasco County Planning Commission, staff's presentation, and received testimony from the public. The Board of County Commissioners, by a vote of \_\_\_ to \_\_\_, approved the amendments and conducted the second reading, recommending submittal to the Columbia River Gorge Commission; and

NOW, THEREFORE, IT IS HEREBY ORDERED:

Section 1. Based on the Planning Commission recommendation dated May 22, 2024 and the evidence and testimony in the record, the legislative amendments to the Wasco County National Scenic Area Land Use and Development Ordinance Attached as Exhibit A are hereby approved;

Section 2. Pursuant to the National Scenic Area Act, the County Administrator shall submit the completed update to the National Scenic Area Land Use and Development to the Columbia River Gorge Commission for approval;

Section 3. Pursuant to Oregon Revised Statute 197.615, the County Administrator shall submit the adopted land use regulation change to the Department of Land Conservation and Development for acknowledgment; and

Section 4. The adopted amendments to the Wasco County National Scenic Area Land Use and Development Ordinance become effective on the date they are acknowledged.

DATED this 17<sup>th</sup> day of July 2024.

**APPROVED AS TO FORM:**

\_\_\_\_\_  
\_\_\_\_\_, County Counsel

**ATTEST:**

\_\_\_\_\_  
Kelly Walker, Executive Assistant

**WASCO COUNTY BOARD OF COMMISSIONERS:**

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

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

\_\_\_\_\_  
Philip L. Brady, County Commissioner



## MEMORANDUM

**SUBJECT: MAY 21, 2024 PRIMARY ELECTION RESULTS**

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TO: BOARD OF COUNTY COMMISSIONERS

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FROM: CHRISSY ZAUGG

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DATE: 06/21/2024

### BACKGROUND INFORMATION:

On June 12, 2024, the Wasco County Clerk's Office certified the May 21, 2024 Primary Election. Jill Amery was elected to a four year term as Wasco County Assessor, commencing on January 6, 2025. Brian Lauterbach and Jeff Justesen received the highest number of votes for the Wasco County Commissioner, Position 2 race. Their names will be placed on the ballot for a run-off in the November 5, 2024 General Election.



**SUBJECT: Oregon Parks and Recreation County Grant Opportunity**

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**TO: BOARD OF COUNTY COMMISSIONERS**

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**FROM: ALI POSTLEWAIT, DIRECTION OF ADMINISTRATIVE SERVICES**

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**DATE: 6/18/2024**

In late 2019, we were recommended for approval of a \$250,000 grant for the County Grant Opportunity Program offered by the advisory committee to Oregon Parks and Recreation District (OPRD). Delays due to COVID and other factors outside of our control, the funding was put on hold until recently.

In the board packet, you will find an agreement between OPRD and Wasco County in order to receive the grant funds. OPRD will then return a fully signed agreement to Wasco County along with a Notice to Proceed letter. Work may not begin until Wasco County receives the Notice to Proceed letter and a copy of this agreement, signed by the State.

# Oregon Parks and Recreation Department

## County Opportunity Grant Program Agreement

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THIS AGREEMENT ("Agreement") is made and entered into, by and between, the State of Oregon, acting by and through its Oregon Parks and Recreation Department, hereinafter referred to as "OPRD" or the "State" and **Hood River County**, hereinafter referred to as the "Grantee".

**OPRD Grant Number:** COG20-003

**Project Title:** Hunt Park

**Project Type (purpose):** Development

**Project Description:** The project will add specific sewer, water, septic and electrical infrastructure and reconfigure two full RV sites at the existing Hunt Park RV park in Wasco County, Oregon. The Project is further described in Attachment A - Project Description and Budget.

**Grant Funds /**  
**Maximum Reimbursement:** \$249,975 (75%)

**Grantee Match Participation:** \$ 83,325 (25%)

**Total Project Cost:** \$333,300

**Grant Payments / Reimbursements:** Grant funds are awarded by the State and paid on a reimbursement basis, and only for the Project described in the Agreement, and the Project Description and Budget included as Attachment A. To request reimbursement, Grantee shall use OPRD's online grant management system accessible at [oprdgrants.org](http://oprdgrants.org). The request for reimbursement shall include documentation of all project expenses plus documentation confirming project invoices have been paid. Grantee may request reimbursement as often as quarterly for costs accrued to date.

**Fiscal Year-End Request for Reimbursement:** Grantee must submit a Progress Report and a Reimbursement Request to OPRD for all Project expenses, if any, accrued up to **June 30**, of each fiscal year. The Fiscal Year-End Reimbursement Request must be submitted to OPRD by **July 31**.

**Reimbursement Terms:** Based on the estimated Project Cost of **\$333,300**, and the Grantee's Match participation rate of **25%**, **the reimbursement rate will be 75%**. Upon successful completion of the Project and receipt of the final reimbursement request, the State will pay Grantee the remaining Grant Funds balance, or **75%** of the total cost of the Project, whichever is less.

**Matching Funds:** The Grantee shall contribute matching funds or the equivalent in labor, materials, or services, which are shown as eligible match in the rules, policies and guidelines for the County Opportunity Grant Program. Volunteer labor used as a match requires a log with the name of volunteer, dates volunteered, hours worked, work location and the rate used for match, to be eligible.

**Progress Reports:** Grantee shall submit Progress Reports with each reimbursement request or, at a minimum, at **three month intervals**, starting from the effective date of the Agreement. Progress Reports shall be submitted using OPRD's online grant management system accessible at [oprdgrants.org](http://oprdgrants.org).

**Agreement Period:** The effective date of this Agreement is the date on which it is fully executed by both parties. Unless otherwise terminated or extended, the Project shall be completed by **July 31, 2026**. If project is completed before the designated completion date, this Agreement shall expire on the date final reimbursement payment is made by OPRD to Grantee.

**Retention:** OPRD shall disburse up to 90 percent of the Grant Funds to Grantee on a cost reimbursement basis upon approval of invoices submitted to OPRD. OPRD will disburse the final 10 percent of the Grant Funds upon approval by OPRD of the completed Project, the Final Progress Report and the submission of five to ten digital pictures of the completed project site.

**Final Request for Reimbursement:** Grantee must submit a Final Progress Report, a Final Reimbursement Request and five to ten digital pictures of the completed project site to OPRD within 45 days of the Project Completion Date.

**Project Sign:** When project is completed, Grantee shall post an acknowledgement sign of their own design, or one supplied by the State, in a conspicuous location at the project site, consistent with the Grantee's requirements, acknowledging grant funding and the State's participation in the Project.

**Agreement Documents:** Included as part of this Agreement are:

- Attachment A: Project Description and Budget
- Attachment B: Standard Terms and Conditions
- Attachment C: Inadvertent Discovery Plan

In the event of a conflict between two or more of the documents comprising this Agreement, the language in the document with the highest precedence shall control. The precedence of each of the documents is as follows, listed from highest precedence to lowest precedence: this Agreement without Attachments; Attachment B; Attachment A; Attachment C.

**Contact Information:** A change in the contact information for either party is effective upon providing notice to the other party:

Grantee Administrator  
Stephanie Krell  
Wasco County  
511 Washington ST, STE 101  
The Dalles, OR 97058  
541-5062550  
[stephaniek@co.wasco.or.us](mailto:stephaniek@co.wasco.or.us)

Grantee Billing Contact  
Stephanie Krell  
Wasco County  
511 Washington ST, STE 101  
The Dalles, OR 97058  
541-5062550  
[stephaniek@co.wasco.or.us](mailto:stephaniek@co.wasco.or.us)

OPRD Contact  
Mark Cowan, Coordinator  
Oregon Parks & Rec Dept.  
725 Summer ST NE STE C  
Salem, OR 97301  
503-951-1317  
[mark.cowan@oprds.oregon.gov](mailto:mark.cowan@oprds.oregon.gov)

**Signatures:** In witness thereof: the parties hereto have caused this Agreement to be properly executed by their authorized representatives as of the last date hereinafter written.

**GRANTEE**

By: \_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**STATE OF OREGON**

**Acting By and Through Its  
OREGON PARKS AND RECREATION DEPT.**

By: \_\_\_\_\_  
Stefanie Coons, Deputy Director of Administration

\_\_\_\_\_  
Date

**Approval Recommended:**

By: \_\_\_\_\_  
Michele Scalise, Grants Section Manager

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Mark Cowan, Grant Program Coordinator

\_\_\_\_\_  
Date

## Attachment A: Project Description and Project Budget

**OPRD Grant Number:** COG20-003  
**Project Title:** Hunt Park  
**Grantee Agency:** Wasco County

### Project Description:

The project will add specific sewer, water, septic and electrical infrastructure, and reconfigure two full RV sites at the existing Hunt Park RV park in Wasco County, Oregon. The Project is further described in Attachment A - Project Description and Budget.

### Project Budget Worksheet

Connect sewer system to reconfigured sites	\$ 57,150
RV electrical site upgrades	\$ 114,113
Electrical trenching and backfill	\$ 7,875
Sewer at reconfigured sites	\$ 7,935
Water loop	\$ 43,200
RV water service	\$ 7,553
Re-feed power	\$ 2,024
Mobilization	\$ 28,677
RV Grading	\$ 14,793
Engineering	\$ 49,980
<b>Total Project Cost</b>	<b>\$ 333,300</b>

### Source of Local Match

Wasco County Capital Fund	\$ 83,325
<b>Total Match from Grantee</b>	<b>\$ 83,325</b>

### Summary

Total Project Cost	\$ 333,300
Total Match from Grantee	\$ 83,325
<b>Grant Funds Requested</b>	<b>\$ 249,975</b>

# Attachment B – Standard Terms and Conditions

## Oregon Parks and Recreation Department County Opportunity Grant Program Agreement

1. **Compliance with Law:** Grantee shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the Agreement or to implementation of the Project, including without limitation, OAR 736-007-0030 - County Opportunity Grant Program administrative rules. The grant program provides funding on a competitive project basis for the acquisition, development, rehabilitation, and planning of county park and recreation sites that provide camping facilities.
2. **Compliance with Workers Compensation Laws:** All employers, including Grantee, that employ subject workers who provide services in the State of Oregon shall comply with ORS.656.017 and provide the required Worker's Compensation coverage, unless such employers are exempt under ORS 656.126. Employer's liability insurance with coverage limits of not less than \$500,000 must be included.
3. **Amendments:** This Agreement may be amended only by a written amendment to the Agreement, executed by the parties.
4. **Expenditure Records:** Grantee shall document, maintain and submit records to OPRD for all Project expenses in accordance with generally accepted accounting principles, and in sufficient detail to permit OPRD to verify how Grant moneys were expended. These records shall be retained by the Grantee for at least six years after the Agreement terminates. The Grantee agrees to allow Oregon Secretary of State auditors, and State agency staff, access to all records related to this Agreement, for audit and inspection, and monitoring of services. Such access will be during normal business hours, or by appointment. Grantee shall ensure that each of its subgrantees and subcontractors complies with these requirements.
5. **Equipment:** Equipment purchased with County Opportunity Grant Program funds must be used as described in the Project Agreement and Application throughout the equipment's useful life. The Grantee will notify the State prior to the disposal of equipment and will coordinate with the State on the disposal to maximize the equipment's ongoing use for the benefit of the County Opportunity Grant Program.
6. **Use of Project Property:** Grantee warrants that the land within the Project boundary described in the Application (Attachment B) shall be dedicated and used for a period of no less than **20 years** from the completion of the Project. Grantee agrees to not change the use of, sell, or otherwise dispose of the land within the Project boundary, except upon written approval by OPRD. If the Project is located on land leased from the federal government, the lease shall run for a period of at least 20 years after the date the Project is completed. If the Project is located on land leased from a private or public entity, other than the federal government, the lease shall run for a period of at least 20 years after the date the Project is completed, unless the lessor under the lease agrees that, in the event the lease is terminated for any reason, the land shall continue to be dedicated and used as described in the Project Application for a period of at least 20 years after the date the Project is completed.

Land acquired using County Opportunity Grant funds shall be dedicated, by an instrument recorded in the county records, for recreational use in perpetuity, unless OPRD or a successor agency, consents to removal of the dedication.

7. **Conversion of Property:** Grantee further warrants that if the Grantee converts lands within the Project boundary to a use other than as described in the grant application or disposes of such land by sale or any other means converts land, the Grantee must provide replacement land acceptable to OPRD within 24 months of the date of the conversion or disposal or, if the conversion or disposal is not discovered by OPRD until a later date, within 24 months after the discovery of the conversion or disposal.

If replacement land cannot be obtained within the 24 month period, the Grantee will provide payment of the grant program's prorated share of the current fair market value of the Converted Land to the State. The prorated share is measured by that percentage of the original grant (plus any amendments) as compared to the original Project cost(s). The replacement land must be equal to the current fair market value of the Converted Land, as determined by an appraisal. The recreation utility of the replacement land must also be equal to that of the Converted Land.

If conversion occurs through processes outside of the Grantee's control such as condemnation or road replacement or realignment, the Grantee must pay to the State a prorated share of the consideration paid to the Grantee by the entity that caused the conversion. The State's prorated share is measured by the percentage of the original grant (plus any amendments) as compared to the original Project cost(s).

The warranties set forth in Section 6 and this Section 7 of this Agreement are in addition to, and not in lieu of, any other warranties set forth in this Agreement or implied by law.

8. **Contribution:** If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against a party (the "Notified Party") with respect to which the other party ("Other Party") may have liability, the Notified Party must promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Either party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this paragraph and meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Party's liability with respect to the Third Party Claim.

With respect to a Third Party Claim for which the State is jointly liable with the Grantee (or would be if joined in the Third Party Claim), the State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the Grantee in such proportion as is appropriate to reflect the relative fault of the State on the one hand and of the Grantee on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the State on the one hand and of the Grantee on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the State had sole liability in the proceeding.

With respect to a Third Party Claim for which the Grantee is jointly liable with the State (or would be if joined in the Third Party Claim), the Grantee shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the State in such proportion as is appropriate to reflect the relative fault of the Grantee on the one hand and of the State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Grantee on the one hand and of the State on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in



such expenses, judgments, fines or settlement amounts. The Grantee's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.

Grantee shall take all reasonable steps to cause its contractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon and its officers, employees and agents ("Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys' fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Grantee's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by the contractor from and against any and all Claims.

9. **Inspection of Equipment and Project Property:** Grantee shall permit authorized representatives of State, the Oregon Secretary of State, or their designees to perform site reviews of the Project, and to inspect all Equipment, real property, facilities, and other property purchased by Grantee as part of the Project.
10. **Public Access:** The Grantee shall allow open and unencumbered public access to the completed Project to all guests who have paid any required fee, without regard to race, color, religious or political beliefs, sex, national origin or place of primary residence.
11. **Condition for Disbursement:** Disbursement of grant funds by OPRD is contingent upon OPRD having received sufficient funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow OPRD, in the exercise of its reasonable administrative discretion, to make the disbursement and upon Grantee's compliance with the terms of this Agreement.
12. **No Third Party Beneficiaries.** OPRD and Grantee 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 shall be construed to give or provide any benefit or right, whether directly or indirectly, to a third person unless such a third person is individually identified by name herein and expressly described as intended beneficiary of the terms of this Agreement.
13. **Repayment:** In the event that the Grantee spends Grant Funds in any way prohibited by state or federal law, or for any purpose other than the completion of the Project, the Grantee shall reimburse the State for all such unlawfully or improperly expended funds. Such payment shall be made within 15 days of demand by the State.
14. **Termination:** This Agreement may be terminated by mutual consent of both parties, or by either party upon a 30-day notice in writing, delivered by certified mail or in person to the other party's contact identified in the Agreement. On termination of this Agreement, all accounts and payments will be processed according to the financial arrangements set forth herein for Project costs incurred prior to date of termination. Full credit shall be allowed for reimbursable expenses and the non-cancelable obligations properly incurred up to the effective date of the termination.
15. **Governing Law:** The laws of the State of Oregon (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Agreement, including, without limitation, its validity, interpretation, construction, performance, and enforcement. Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum. In no event shall this section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of

the United States or otherwise, from any claim or from the jurisdiction of any court.

16. **Entire Agreement:** This Agreement constitutes the entire Agreement between the parties. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, Agreements, or representations, oral or written, not specified herein regarding this Agreement. The Grantee, by signature of its authorized representative on the Agreement, acknowledges that the Grantee has read this Agreement, understands it, and agrees to be bound by its terms and conditions.
17. **Notices:** Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile, email, or mailing the same, postage prepaid, to Grantee contact or State contact at the address or number set forth in this Agreement, or to such other addresses or numbers as either party may hereinafter indicate. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine, and to be effective against State, such facsimile transmission must be confirmed by telephone notice to State contact. Any communication by email shall be deemed to be given when the recipient of the email acknowledges receipt of the email. Any communication or notice mailed shall be deemed to be given when received, or five days after mailing.
18. **Counterparts:** This agreement may be executed in two or more counterparts (by facsimile or otherwise), each of which is an original and all of which together are deemed one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart.
19. **Severability:** If any term or provision of this agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held to be invalid.

Reviewed and approved by ODOJ on 2/27/24 by Jeffery B. Grant, Sr. AAG



# Oregon

Tina Kotek, Governor

## Parks and Recreation Department

Oregon Heritage/  
State Historic Preservation Office  
725 Summer St. NE, Suite C  
Salem, OR 97301-1266  
(503) 986-0690  
Fax (503) 986-0793  
oregonheritage.org



June 6, 2024

Mr. Mark Cowan  
Oregon Parks and Recreation Department  
725 Summer St NE STE C  
Salem, OR 97301

RE: SHPO Case No. 24-0967

OPRD, Wasco County, Hunt Park Development  
reconfigure RV spaces, including utilities, surfacing and sewer/water lines.  
81849 Fairgrounds Rd, Tygh Valley, Wasco County

Dear Mark Cowan:

Thank you for submitting information for the project referenced above. According to our records there are no identified archaeological objects or sites (Oregon Revised Statute [ORS] 358.905), and no Native American cairn, burial, human remains, sacred objects and objects of cultural patrimony (ORS 97.740-760) in or adjacent to the project area. Based on the information provided, Oregon SHPO does not have any concerns with the project proceeding as planned.

Under ORS 358.920 and ORS 97.745, archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. Please know that if any archaeological artifacts are found during construction all activity in the area should cease and our office should be contacted. We also advise having an Inadvertent Discovery Plan (IDP) in place during construction. A template is available on our website (<https://www.oregon.gov/oprd/OH/pages/projectreviewresources.aspx>). The IDP explains what to do in the event of a discovery and provides examples of archaeological materials. Using this form can reduce confusion, risk, and liability.

If the project has a federal nexus (lands, funding, permitting, or oversight) coordinate with the lead federal agency to ensure compliance with Section 106 of the National Historic Preservation Act.

If you have not already done so, be sure to consult with all appropriate Native American tribes regarding the proposed project. Additional consultation regarding this case must be sent through Go Digital. In order to help us track the project accurately, reference the SHPO case number above in all correspondence.

Please contact our office if you have any questions, comments or need additional assistance.

Sincerely,

Koren Tippet  
Special Project Archaeologist, OPRD/SHPO Liasion  
(971) 304-4737  
Koren.Tippet@oprd.oregon.gov

# ATTACHMENT C

## ARCHAEOLOGICAL INADVERTENT DISCOVERY PLAN (IDP)

Archaeological materials are the physical remains of the activities of people in the past. This IDP should be followed should any archaeological sites, objects, or human remains be found. Archaeological materials are protected under Federal and State laws and their disturbance can result in criminal penalties.

This document pertains to the work of the Contractor, including any and all individuals, organizations, or companies associated with the project.

### **WHAT MAY BE ENCOUNTERED**

Archaeological material may be found during any ground-disturbing activity. If encountered, all excavation and work in the area **MUST STOP**. Archaeological objects vary and can include evidence or remnants of historic-era and pre-contact activities by humans. Archaeological objects can include but are not limited to:

- **Stone flakes, arrowheads, stone tools, bone or wooden tools, baskets, beads.**
- Historic building materials such as **nails, glass, metal** such as cans, barrel rings, farm implements, **ceramics, bottles, marbles, beads.**
- Layers of **discolored earth** resulting from hearth fire
- Structural remains such as **foundations**
- **Shell Middens** (mounds)
- **Human skeletal remains** and/or **bone fragments** which may be whole or fragmented.

**If in doubt call it in.**

### **DISCOVERY PROCEDURES: WHAT TO DO IF YOU FIND SOMETHING**

1. Stop ALL work in the vicinity of the find
2. Secure and protect area of inadvertent discovery with 30 meter/100 foot buffer—work may continue outside of this buffer
3. Notify Project Manager and Agency Official
4. Project Manager will need to contact a professional archaeologist to assess the find.
5. If archaeologist determines the find is an archaeological site or object, contact SHPO. If it is determined to *not* be archaeological, you may continue work.

### **HUMAN REMAINS PROCEDURES**

1. If it is believed the find may be human remains, stop ALL work.
2. Secure and protect area of inadvertent discovery with 30 meter/100 foot buffer, then work may continue outside of this buffer with caution.
3. Cover remains from view and protect them from damage or exposure, restrict access, and leave in place until directed otherwise. **Do not take photographs. Do not speak to the media.**

4. Notify:
  - Project Manager
  - Agency Official
  - Contracted Archaeologist (if applicable)
  - Oregon State Police - **DO NOT CALL 911** . . . . . 503-378-3720
  - SHPO (State Historic Preservation Office) . . . . . 503-986-0690
  - LCIS (Legislative Commission on Indian Services) . . . . . 503-986-1067
  - Appropriate Native American Tribes (as provided by LCIS)
5. If the site is determined not to be a crime scene by the Oregon State Police, do not move anything! The remains should continue to be *secured in place* along with any associated funerary objects, and protected from weather, water runoff, and shielded from view.
6. Do not resume any work in the buffered area until a plan is developed and carried out between the State Police, SHPO, LCIS, and appropriate Native American Tribes, and you are directed that work may proceed.

### **CONFIDENTIALITY**

The Agency and employees shall make their best efforts, in accordance with federal and state law, to ensure that its personnel and contractors keep the discovery confidential. The media, or any third-party member or members of the public are not to be contacted or have information regarding the discovery, and any public or media inquiry is to be reported to the Agency. Prior to any release, the responsible agencies and Tribes shall concur on the amount of information, if any, to be released to the public.

*To protect fragile, vulnerable, or threatened sites, the National Historic Preservation Act, as amended (Section 304 [16 U.S.C. 470s-3]), and Oregon State law (ORS 192.501(11)) establishes that the location of archaeological sites, both on land and underwater, shall be confidential.*



## Request for Reimbursement Guide

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All **Progress Reports** and **Reimbursement Requests** must be submitted using OPRD's online grant application and management system. An account with [OPRDgrants.org](https://oprddgrants.org) is required for access.

For detailed instruction on how to submit Progress Reports and Reimbursement Requests, see the ***Grant Reporting and Reimbursement Instructions*** at:

- > [oprddgrants.org](https://oprddgrants.org)
- > Grant Programs
- > Local Government
- > Management & Reporting Requirements
- > ***Grant Reporting and Reimbursement Instructions***

All files for projects benefiting from Oregon Parks and Recreation Department administered grant funds must be able to pass a State audit. When preparing to submit a Request for Reimbursement, plan on submitting the following documentation:

- ☐ **Progress Report** – Once you submit a Progress Report, you will be able to access the Reimbursement Request form.
- ☐ **Project Bills / Invoices**
- ☐ **Bill Payment Confirmation** – Please submit documentation confirming that all project bills/invoices have indeed been paid. The best way to document this is with some type of **Accounts Paid Report** or **Check Ledger Report** for the project that lists **Payments, Payee, Payment Date** and **Check Number**. (This is different from an Accounts Payable Report which would only list payments pending.) If an Accounts Paid Report is not available, please submit copies of canceled payment checks (with account numbers blocked out).

Once the project is completed . . .

- ☐ **Project Pictures** – Please plan to submit 5-10 digital pictures of the completed project site and specific project elements, for the project file. Digital pictures can be attached to any Progress Report or Request for Reimbursement. For **Planning Projects**, rather than pictures, please submit a digital copy of the final **Planning Document**.
- ☐ **As-Built Map** – If the completed project is different from the original Site Plan submitted with the application, please submit an *As-Built Map* that shows the actual layout of the completed project.
- ☐ **Acknowledgement Sign** - Is there any type of signage on site acknowledging OPRD grant support for the project? If not, we will send you one. (An acknowledgement sign is not necessary for Planning projects.)

If you have questions, please contact:

Mark Cowan  
Grant Program Coordinator  
[mark.cowan@oprdd.oregon.gov](mailto:mark.cowan@oprdd.oregon.gov)  
503-951-1317  
<https://www.oregon.gov/oprdd>

## 2020 County Opportunity Grant Program Awards

### Listed Alphabetically by County

Applicant	Project Name	Brief Project Description	Grant Funds Requested	Matching Funds	Total Project Cost
Jackson County Parks	Emigrant Lake Pavement Repairs	This project will repair and replace asphalt in major parking areas at Emigrant Lake County Park in Jackson County, Oregon.	\$ 101,250	\$ 101,250	\$ 202,500
Josephine County Parks	Wolf Creek Park Vault Replacements	This project will replace two deteriorating wooden vault toilets with two single prefabricated ADA compliant vault restrooms at Wolf Creek Park in Josephine County, Oregon.	\$ 24,009	\$ 24,009	\$ 48,018
Lake County	Ana Reservoir County Park	This project will build three picnic shelters, chip seal the parking lot, gravel the picnic area, and create a two-mile loop trail at Ana Reservoir County Park in Lake County, Oregon.	\$ 54,581	\$ 18,800	\$ 73,381
Wasco County	Hunt Park Development	This project will add four additional full hookup RV spaces, including ADA accessible sites, connect existing sewer lines to a drain field, and extend new water and sewer lines around future RV development sites at Hunt Park in Tygh Valley, Oregon.	\$ 211,679	\$ 70,560	\$ 282,239
<b>Totals: .....</b>			<b>\$ 391,519</b>	<b>\$ 214,619</b>	<b>\$ 606,138</b>



## MEMORANDUM

**SUBJECT: ORMAP Grant IGA 2024**

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TO: BOARD OF COUNTY COMMISSIONERS

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FROM: IVAN DONAHUE

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DATE: 6.24.2024

### BACKGROUND INFORMATION:

ORMAP Spring 2024 Grant Start Date July 1 2024 to June 30 2025

DEPARTMENT OF REVENUE ORMAP INTERGOVERNMENTAL AGREEMENT CONTRACT #DOR-062-24

- ❖ Wasco County is seeking a total of **\$47,634.00** to remap 467 taxlots to continue the conversion of Wasco County Assessor's tax maps to meet ORMAP technical specifications.
- ❖ The remapping of 20 tax maps in township and range 3S-13E and 4S-13E will be completed for this grant which is located around the community of Tygh Valley. This is shown on the Status Map in orange labeled on the legend as Remap Spring 2024.
- ❖ This will be my third remapping grant contract with Department of Revenue and will be the 17<sup>th</sup> grant contract.
- ❖ We are anticipating having all remapped tax lots in Wasco County completed in the next 6 to 7 years.





# Oregon

Tina Kotek, Governor

**Department of Revenue**  
**Property Tax Division**  
955 Center St NE  
PO Box 14380  
Salem, OR 97309-5075

May 28, 2024

Ivan Donahue, Survey/Engineer and GIS Technician  
2705 E 2nd St.  
The Dalles, OR 97058

Dear Mr. Donahue,

I am pleased to inform you that the Department of Revenue has approved your request for funding through the ORMAP program. You will soon receive a contract to formalize the ORMAP grant agreement with the Department of Revenue. The agreement will be effective from July 1, 2024, through June 30, 2025.

Listed below are the deliverables as outlined in your grant request. To expedite the payment process for you, please use the "ORMAP Invoice" form, you can download a copy from the ORMAP site. Please state the correct contract number on the chart and complete the information requested for each task or deliverable.

Contract Number:		
Task	Deliverable	Award Amount
1	467 Remapped Tax Lots	\$47,634.00
2		
3		
Total		\$47,634.00

If you have questions, please contact the ORMAP Coordinator, Philip McClellan (503-586-8128).

Best wishes for a successful project.

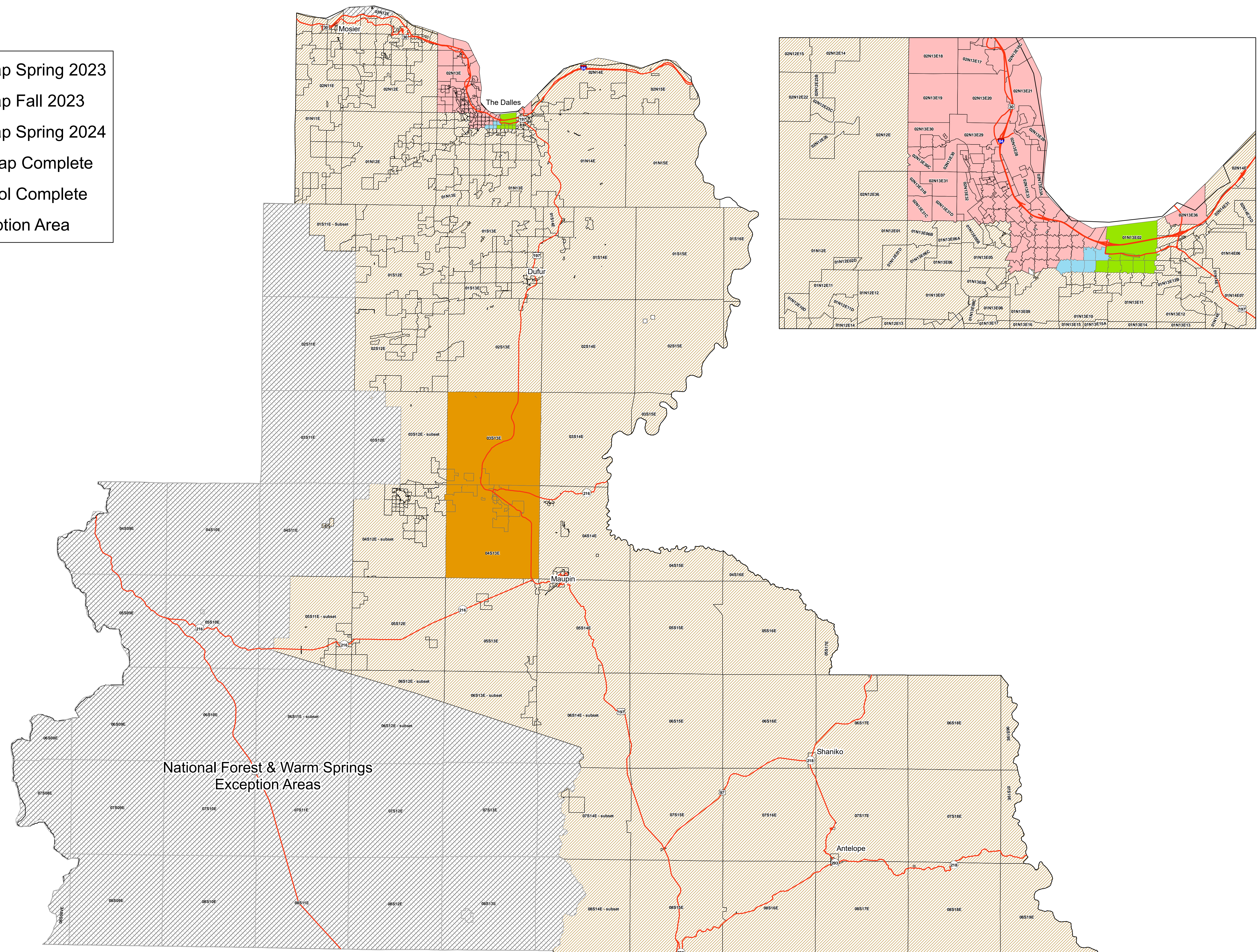
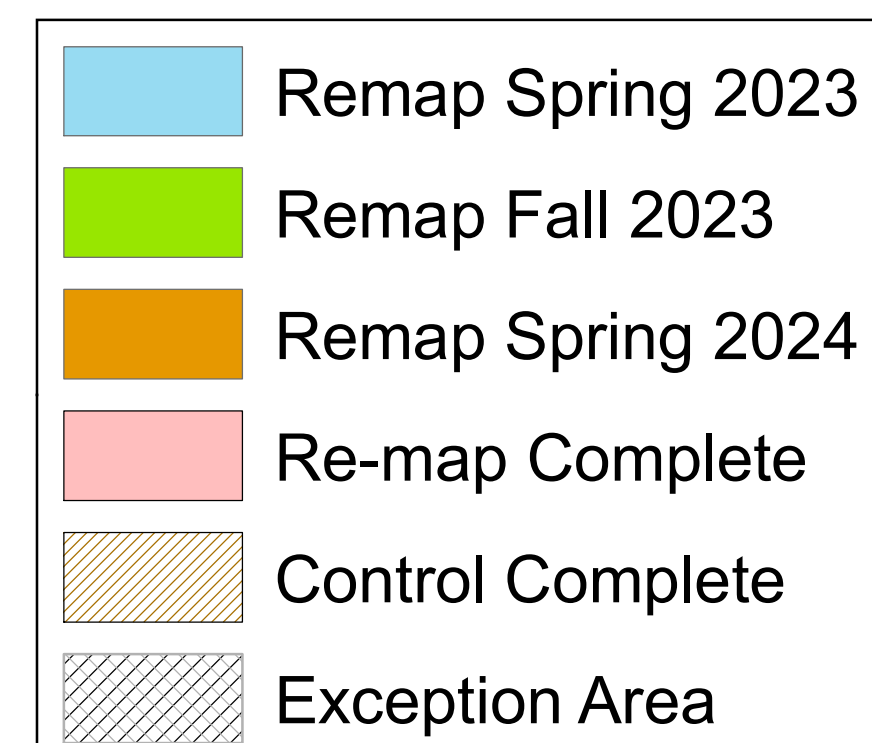
With regards,

Jason D. Brockie  
Property Tax Assistance and Oversight Section Manager  
Oregon Department of Revenue

cc: County Assessor  
DOR Finance Department  
File



# Wasco County ORMAP Status Map Spring 2024



Date: 10/10/2024



A horizontal number line with tick marks at 0, 2.5, 5, 10, 15, and 20. The word "Miles" is written below the line.

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.





**DEPARTMENT OF REVENUE  
ORMAP INTERGOVERNMENTAL AGREEMENT  
CONTRACT #DOR-062-24**

This Agreement is entered into by and between the State of Oregon, acting by and through the Department of Revenue ("Department") and Wasco County ("County").

WHEREAS, under ORS 306.135 the Department is charged with developing a base map system to facilitate and improve the administration of the ad valorem property tax system;

WHEREAS, pursuant to ORS 190.110, the Department may cooperate, by agreement or otherwise, with a unit of local government in performing the duties imposed upon it by ORS 306.135.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Department and the County agree to the following:

**I. EFFECTIVE DATE OF AGREEMENT; AWARD; PROJECT COMPLETION**

- A. Effective Date of Agreement. This Agreement shall become effective on the date this Agreement has been signed by every party and all required approvals have been obtained.
- B. Award. The Department shall provide funds in the amount of **\$47,634.00** (the "Award") to the County to fund all or part of the activities set forth in Exhibit A ("Proposal") which is attached hereto and by this reference made a part hereof. The part of the activities set forth in the Proposal which is funded by the Award shall be called the "Project". All of the activities set forth in the Proposal, whether funded by the Department or by other sources, shall be referred to as the "Total Project". (If there are no other funders beside the Department for the activities described in the Proposal, the Total Project is the same as the Project.) The Department shall not be obligated to provide to the County, and the County shall not use the Award other than for costs for the Project.
- C. Project Completion. County agrees to complete the Total Project in accordance with the terms and specifications of the Proposal by **June 30, 2025** ("Project Completion Date"). Final billing for the Project shall be submitted to the Department on or before **July 31, 2025**.

**II. DISBURSEMENTS.**

- A. Disbursement of Funds by the Department. Subject to Section IV, upon receipt of the County's request for disbursement, the Department shall disburse the

Award to the County on a cost reimbursement basis. The Department may, in its sole discretion, impose a minimum or maximum dollar amount for each disbursement request or limit the frequency of disbursement requests.

- B. Overpayment. In the event that the aggregate amount of the Department's disbursements hereunder exceeds the costs of the County for the Project, the County agrees to refund to the Department the amount paid in excess of such costs within thirty (30) days of final billing by the County or the Project Completion Date, whichever is earlier.
- C. Disallowed Costs. The County agrees that payment(s) under this Agreement shall be subject to offset or reduction for amounts previously paid hereunder which are found by the Department not to constitute allowable costs under this Agreement. If such disallowed amount exceeds the payment(s); the County shall immediately upon demand pay the Department the amount of such excess.
- D. Cost Savings. Any cost savings realized on the Total Project shall be prorated between the funding sources based on the percentage of their respective cash contributions as set forth in the Proposal. In no event shall the Department pay for more than its pro rata share of the County's actual out-of-pocket cost of the Total Project.
- E. No Duplicate Payment. The County shall not be compensated for, or receive any other duplicate, overlapping or multiple payments for the same work performed under this Agreement from any agency of the State of Oregon or the United States of America or any other party.

### III. REPRESENTATIONS AND WARRANTIES

County represents and warrants to the Department that (1) it has the power and authority to enter into and perform this Agreement, (2) this Agreement, when executed and delivered, shall be a valid and binding obligation of County enforceable in accordance with its terms, (3) the Total Project shall be performed in a good and workmanlike manner and in accordance with the highest professional standards, (4) those persons performing work on the Total Project shall, at all times during the term of this Agreement, be qualified, professionally competent and duly licensed to perform work on the Total Project, and (5) Exhibit A presents a good faith estimate of the costs of the Total Project and the Project and accurately states the amount of other funds, whether in cash or through binding commitment(s), available for payment of the costs of the Total Project.

### IV. CONDITIONS TO DISBURSEMENT

- A. Conditions Precedent to Disbursement. The Department shall not be obligated to disburse any funds hereunder for Project costs unless (1) there exists no event of default or default which with notice or lapse of time or both will become an event of default hereunder, and (2) the Department has received from the County (i) a request for disbursement signed by a duly authorized representative of the County (which shall, among other things, state that the County has or will have sufficient funds to complete the Total Project by the Project Completion Date), (ii) an itemized invoice and (iii) such other documentation as the Department may require, all in form and substance satisfactory to the Department; further, the Department shall only be obligated to disburse Award funds to the extent that the portion of the Award represented by the aggregate amount of all disbursements made through the date of the disbursement request (including the amount of the disbursement request) does not exceed the percentage of the Project completed through the date of the disbursement request, as determined by the Department.
- B. Conditions Precedent to Final Disbursement. The Department shall not be obligated to make final disbursement hereunder until a final payment request and such documentation as may be required by the Department, all in form and substance satisfactory to the Department, shall be submitted by the County to the Department. Final payment will be made to the County within forty-five (45) days of approval by the Department.

## V. COVENANTS

- A. Assignment. If the County hires a contractor(s) to do all or part of the Project, the County shall remain liable for compliance with the terms and conditions of this Agreement and shall not in any way be relieved of any of its obligations under this Agreement. The County shall be responsible for all cost overruns.
- B. Payments. To the extent required by state and federal law, the County agrees to:
1. Make payment promptly as due to all contractors, subcontractors, vendors and other persons supplying labor and/or materials for the Project; and
  2. All employers, including County, that employ subject workers, as defined in ORS 656.027, shall comply with ORS 656.017 and shall provide workers' compensation insurance coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). County shall require and ensure that each of its subcontractors complies with these requirements.

- C. Liabilities. County shall perform its obligations under this Agreement as an independent contractor. Each party shall be responsible exclusively with respect to its employees, for providing for employment-related benefits and deductions that are required by law, including but not limited to federal and state income tax deductions, workers' compensation coverage, and contributions to the Public Employees Retirement System.

Each party shall be responsible, to the extent required by law (including the Oregon Tort Claims Act, ORS 30.260-30.300), only for the acts, omissions or negligence of its own officers, employees or agents.

- D. Compliance with Applicable Law. The County shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to this Agreement. The Department's performance under this Agreement is conditioned upon the County's compliance with the provisions of ORS 279B.220, 279B.235, 279B.230 and 279B.270, as amended from time to time, which are incorporated by reference herein. The parties shall, to the maximum extent economically feasible in the performance of this Agreement, use recycled paper (as defined in ORS 279A.010(ee)), recycled PETE products (as defined in ORS 279A.010(ff)), and other recycled products (as "recycled product" is defined in ORS 279A.010(gg))
- E. Records Maintenance. The County shall maintain all fiscal records relating to this Agreement in accordance with generally accepted accounting principles and the Oregon Local Budget Law, ORS 294.305 to 294.565. In addition, the County shall maintain any other records pertinent to this Agreement in such a manner as to clearly document the County's performance. The County's accounting procedures shall provide for an accurate and timely recording of receipt of funds by source, of expenditures made from such funds, and of unexpended balances. Controls shall be established which are adequate to ensure that all expenditures reimbursed under this Agreement are for allowable purposes and that documentation is readily available to verify that such charges are accurate.
- F. Access. The County acknowledges and agrees that the Department and the Oregon Secretary of State's Office and the federal government and their duly authorized representatives shall have access to such fiscal records and other books, documents, papers, plans and writings of the County that are pertinent to this Agreement to perform examinations and audits and make copies, excerpts and transcripts. The County shall retain and keep accessible all such fiscal records, books, documents, papers, plans and writings for a minimum of five (5) years, or such longer period as may be required by applicable law, following final payment under this Agreement, or until the conclusion of any audit, controversy, or litigation arising out of or related to this Agreement, whichever date is later.

- G. Project Ownership. The Department acknowledges and agrees that the Project is the exclusive property of the County. The County acknowledges and agrees that the Department is not responsible or liable in any manner for the completion or maintenance of the Project or Total Project.

## VI. TERMINATION; REMEDIES

- A. Termination for Convenience. Either party may terminate this Agreement at any time upon thirty (30) days prior written notice to the other party; provided, however, that the County shall, within thirty (30) days of such termination, reimburse the Department for all funds disbursed by the Department hereunder to the extent that the amount of funds disbursed exceeds the amount of the Award multiplied by the percentage of the Project completed to the satisfaction of the Department; provided further that until the County has fully reimbursed the Department for such funds, the County shall comply with the terms of this Agreement.
- B. Termination Because of Non-Appropriation or Project Ineligibility.
1. The Department, at any time upon prior written notice to the County, may terminate this Agreement if the Department fails to receive funding or appropriations, limitations, or other expenditure authority at levels sufficient to allow Agency, in the exercise of its reasonable administrative discretion, to pay for the allowable costs of the Project to be funded hereunder or any state law, regulation or guideline is modified, changed or interpreted in such a way that the Total Project, or any portion of the Total Project, is no longer eligible for Award funds.
  2. In the event insufficient funds are appropriated by the County for its share of the costs of the Total Project and the County has no other lawfully available funds, then the County may terminate this Agreement at the end of its current fiscal year, with no further liability to the Department. The County shall deliver to the Department written notice of such termination within thirty (30) days of its determination of such shortfall.
- C. Termination for Default. The Department may, at any time upon thirty (30) days prior written notice to the County, terminate this Agreement if:
1. The design and implementation of the Total Project is not pursued with due diligence; or
  2. The cadastral portions of the Total Project do not conform to the Department of Revenue Oregon Cadastral Map System; or

3. The County fails to receive funding for portions of the Total Project from outside sources as described in its Proposal; or
  4. The County, without the prior written approval of the Department, uses the funds provided by the Department hereunder in a way other than the Project described in the Proposal.
  5. The County violates any other provision of this Agreement.
- D. Rights and Remedies. The County shall, within thirty (30) days of its receipt of the notice described in Section VI.C above, reimburse the Department for all funds disbursed hereunder to the extent that the funds disbursed exceed the amount of the Award multiplied by the percentage of the Project completed to the satisfaction of the Department as of the date of County's receipt of the notice described in Section VI.C above. Further, the Department shall have any and all rights and remedies available at law or in equity.

## VII. GENERAL PROVISIONS

- A. Force Majeure. Neither the Department nor the County shall be held responsible for delay or failure to perform when such delay or failure is due to fire, flood, epidemic, strike, public carrier, act of God, act of a public enemy or a public authority or a cause which cannot be reasonably foreseen or provided against.
- B. Persons Not to Benefit. No member of or delegate to Congress, resident commissioner, officer, agent or employee of the United States of America, member of the Oregon Legislative Assembly, elected official of the State of Oregon, or official, agent, or employee of the State of Oregon, or elected member, officer, agent, or employee of any political subdivision, municipality or municipal corporation of the State of Oregon shall derive any unfair knowledge or financial benefit from this Agreement that is not offered to others in a competitive process.
- C. No Third Party Beneficiaries. The Department and County 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 shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.
- D. Successors and Assigns. The provisions of this Agreement shall be binding upon and shall inure to the benefit of the Department and County and their respective successors and assigns; provided however that the County may not



assign this Agreement or any interest therein without the prior written consent of the Department, which consent may be withheld for any reason.

- E. Severability. The Department and the County agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provisions held to be invalid.
- F. Notice. Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile, or mailing the same, postage prepaid, to the Department or the County at the address or number set forth on the signature page of this Agreement, or to such other addresses or numbers as either party may hereafter indicate pursuant to this Section. Any communication or notice so addressed and mailed shall be deemed to be given five (5) days after mailing. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine. Any communication or notice by personal delivery shall be deemed to be given when actually delivered.
- G. Counterparts. This Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement binding all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of the Agreement so executed shall constitute an original.
- H. Governing Law; Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between the Department and/or other agency or department of the State of Oregon and the County that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether it is sovereign immunity, governmental immunity, immunity based on the Eleventh Amendment to the Constitution of the United States or otherwise, from any Claim or from the jurisdiction of any court. COUNTY, BY EXECUTION OF THIS CONTRACT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURTS.
- I. Merger Clause; Amendment; Waiver. THIS AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE DEPARTMENT AND THE COUNTY ON THE SUBJECT MATTER HEREOF. NO MODIFICATION OR

CHANGE OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH THE DEPARTMENT AND THE COUNTY, AND NO CONSENT OR WAIVER SHALL BE EFFECTIVE UNLESS IN WRITING AND SIGNED BY THE PARTY AGAINST WHOM SUCH CONSENT OR WAIVER IS BEING ENFORCED. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE, IF MADE, SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS AGREEMENT. THE DELAY OR FAILURE OF THE DEPARTMENT TO ENFORCE ANY PROVISION OF THIS AGREEMENT SHALL NOT CONSTITUTE A WAIVER BY THE DEPARTMENT OF THAT PROVISION OR ANY OTHER PROVISION. THE COUNTY, BY THE SIGNATURE BELOW OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS.

DEPARTMENT:

State of Oregon, acting by and through its  
Department of Revenue  
Authorized Agency Signature

COUNTY:

Wasco County

By: \_\_\_\_\_

Jason Hamblen, Procurement Manager, DPO

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

By: \_\_\_\_\_

Title: Commission Chair

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

Telephone: \_\_\_\_\_

Fax No: \_\_\_\_\_

# EXHIBIT A

AWARD LETTER  
COUNTY GRANT PROPOSAL



## **MOTION**

**SUBJECT: ORMAP**

---

I move to approve Department of Revenue ORMAP IGA DOR-062-24.

## YouthThink Update 2024

The following is a summary of some of YouthThink's most visible programs. YouthThink has a diverse volunteer board of nine individuals who help guide the work of the organization. YouthThink is very grateful for the support it has received through Wasco County from its very beginnings and especially grateful for the opportunity to be a part of the Youth Services Department of Wasco County. Through this structure, YouthThink has been able to continue to maintain its priorities of helping children, youth and families to thrive within Wasco County.

YouthThink works within all three of the counties school districts, including Mosier and Saint Mary's. We are always looking for more ways to collaborate with our schools and community partners. YouthThink has worked with the districts over the past several years in obtaining county wide youth survey data, in-school education, assemblies and specific programs such as the "What's Strong with You" program that we have highlighted below.

YouthThink is not just a substance use prevention entity. We go much deeper and strive to find the root causes of harmful and risky behaviors and strengthen the protective factors that can help our future generations become more resilient and successful.

Our youth are faced with many challenges from gambling and excessive screen time use to the deadly influx of fentanyl. We are striving to have an action plan for all of these risky behaviors and have found that there are many common threads, including the environment that our youth live in.

YouthThink most recently conducted two robust youth assessments. The final reports are included with your documents. The first includes the opinions of over 150 youth who live in The Dalles. The information is their voices, not what we assume as adults. The second a deeper look into the lives of 5 teens who have struggled in some form of fashion with substance use and share their insight for adults and future generations. YouthThink is using both of these documents to establish a comprehensive behavior health promotion strategy, which will benefit our communities now, and in the future.

Some of those strategies include the continuation of the following programs:

### **Most of Us**

You will be hearing much more about this effort in the near future. The Most of Us effort began in 2022 and will be getting a new look this coming summer and fall. The premise behind the effort is that most youth do not use substances that are harmful to them, but think, "Everyone is doing it".

2023 Youth Survey Data – Youth grades 6<sup>th</sup> – 12<sup>th</sup>

Percentage of youth that have used the following substances in the past 30 days compared to the perception of youth that think their peers have used in the past 30 days.

### **Alcohol**

Have drank alcohol in the past 30 days	Think that their peers have drank alcohol in the past 30 days
All youth - 8.1%	All youth – 75%

### **Marijuana**

Have use marijuana in the past 30 days	Think that their peers have used marijuana in the past 30 days
All youth – 5.4%	All youth – 74%

Have

Have used a vaped in the past 30 days    Think that their peers have vaped in the past 30 days

All youth – 6.6%

Think that their peers have vaped in the past 30 days

All youth – 78%

## “What’s Strong with You” Program

The “What’s Strong with You” program was created with the goal of decreasing the number of youths engaging in risky behaviors by enhancing resilience and bolstering protective factors. The program builds on existing skills youth demonstrate and supports them in identifying internal qualities to empower and avert potential problems in the future through individual coaching, peer-identified support groups, and family facilitations.

YouthThink-Wasco County contracts with Comprehensive Family Services to provide services to youth and families through the “What’s Strong with You” program. The program is focused on The Dalles Middle School students who are referred by school counselors based on their classroom behavior, substance use, chronic absenteeism, or concerns about bullying or being bullied. Low-risk youth participate in groups and medium and high-risk youth receive one-on-one case management. Students move through the program and eventually become part of YouthThink’s Teen Leadership team.

This report covers July 2019 – June 2021. We are still waiting on the July 2021 – July 2023 updated report.

Notable data points:

- During the reporting period 33 youth participated in the program
- Of the 33 youth, 22 youth were deemed to be at a medium risk level (6-13 risk indicators) 6 youth were deemed to be at high risk (14 or more risk indicators)
- Top risk indicators identified include
  - Academic failure
  - Has friends who have been suspended, expelled, or dropped out of school
  - Serious Family conflicts
  - Poor family supervision and control
  - Friends engage in unlawful or serious action out behavior
  - A pattern of impulsivity combined with aggressive behavior towards others
  - Chronic truancy
- A comparison report was shared that shows a reduction in Dynamic Risk Score over a youth's involvement in the program. This included:
  - 7% Increased risk
  - 27 No change
  - 67% Reduced Risk
- This data was also used to overlay these specific youth with criminal referral during and post program. This included the following:
  - 90% of youth indicated no criminal referrals post evaluation
  - 10% of youth indicated 1+ criminal referrals post evaluation
- Youth most frequently seen decreases (improvements) in the following risk indicators
  - Aggressive behavior at school past month – 100%

- There is an adult in the youth's life (other than a parent) they can talk to – 67%
- Has friends who are academic achievers – 58%
- Anti-social thinking, attitudes, values – 50%

Quotes from Staff and parents:

1. "The more supportive services we have for students, the better, if we could have more "Jensie's" or could provide more frequent services, our students would benefit." – TDMS staff
2. "I am so thankful for this program as a teacher and to see how it's helping the student. There is not enough emotional support for kids and this is helping." – TDMS staff
3. "My son was involved with the "what's Strong with You" program all through Middle School. I'm not exaggerating when I say it was absolutely life changing for him. It gave him tools to use to resolve issues at school and at home and the confidence to use those tools. I can't say enough about this program!" – Jackie Deckard (parents)
4. "The "What's Strong with You" program brings out the innermost strength within yourself you never before realized was there all along." – Amie Patchin (student)
5. "What's' Strong With You" is a tremendous help to us as we navigate the uncharted parenting territory of a teenager with a cell phone, and an eleven year old who is getting close to his teens. With the "What's Strong With You" team guidance and education we now have scheduled weekly family meetings, a cell phone plan we all participated in creating, and they have been a great resource; providing us the tools on how to communicate to our boys with an open approach to assure there is buy in and input from all sides. It's been a game changer in our house!" – Erin and Travis Dray (parents)
6. "I'm not sure what the "What's Strong with You program did, but my child is actually happy now. Before, he used to stay isolated in his room and he would blow up at anyone who tried to talk to him. Now he is the sweet child in the family." – TDMS parent

### **Saturday Free Family Movie Program**

Program began in 2008 and has run every winter with the exception of 2021 and 2022 due to Covid restrictions. Over this time, an average attendance of 391 people per movie and over 4 tons of food have been donated. This programs goal are to provide free family entertainment, parent education and an opportunity to give back to the community. Local high school youth have also participated in producing short PSA's that have been incorporated into the movie previews.

### **Parenting Education**

YouthThink has help create, pilot and adopt an emotional literacy and secure attachment model for parents and providers. Over 400 parents/providers have been trained in the model.

### **Overdose Prevention Program**

YouthThink has contracted with North Central Public Health over the past three years to implement an Overdose Response program. Through these efforts the following has occurred:

- Overdose Emergency Response plan has been produced and activated
- Wasco County now participates in the ODMAP program (details are included below)
- Has assisted in the delivery of 1,976 doses of Narcan through our Naloxone Emergency Kits

ODMAP -Overdose Detection Mapping Application Program  
2022 & 2023

#### Suspected Overdoses:

2022	34	
2023	56	64.7% increase

#### Breakdown of Suspected OD's By Drug Type

##### 2022

Fentanyl	23	69.7%
Heroin	9	27.2%
RX	1	3.1%

##### 2023

Fentanyl	47	84%
Meth	5	9%
Alcohol	2	3%
RX	1	2%
OTC	1	2%

#### Fatal Suspected Overdoses

2022	6
2023	4

#### Non-Fatal Overdoses

2022	27
2023	51

#### Age of Overdoses

	2022	2023
Teens	2	2
20s	4	13
30s	11	19
40s	4	10
50s	2	5

#### Overdoses by Gender

	2022	2023
Male	25	43
Female	9	11

This is just a brief summary of some of the efforts of YouthThink. Thank you commissioners for your support and partnership.

Debby Jones

Wasco County Certified Prevention Specialist



### **What is YouthThink Doing?**

Current Boards/Positions that Debby Serves/Participants on:

- 4 Rivers Early Learning Hub – Wasco County Representative
- Wasco County Representative for Columbia River Gorge Community Advisory Committee (CCO)
- Chair of the state of Oregon's Addiction and Mental Health Planning and Advisory Council
- Board Member Oregon Coalition of Prevention Professionals
- Member of the National Cyberbullying and Online Safety Work Group
- Wasco and Sherman Counties Overdose Prevention Director
- Vice-Chair Oregon Alcohol and Drug Policy Commission
- Chair of Oregon Alcohol and Drug Policy Commission Prevention Sub-Committee member
- South Wasco County Multi-Disciplinary Team

### **Current Programs/Strategies YouthThink is actively implementing**

- Overdose prevention
  - Directs Task-Force
  - Implementation of Overdose Emergency Response Plan
  - Naloxone inventory and dispensing
  - ODMAP and ESSENCE data
  - Harm Reduction
  - Oversee annual strategy and implementation plan
  - Oversee development of county Opioid Settlement Fund spending recommendations
- Gambling prevention
  - Develop and oversee annual strategy and implementation plan
  - Mentor Sherman County
- Parenting Education
  - T2T Boost Camps
- Teen Intervene
  - Training
  - Implementation within schools, Youth Services, NORCOR
- SBIRT (Screening, Brief Intervention, Refer to Treatment model)
  - Training on the model
  - Increasing "Brief Intervention" options
  - Ensuring that every youth receives some type of feedback no matter if screening is negative or positive
- Classroom Champions
  - Currently being implemented in St. Mary's and soon to begin implementation in South Wasco County, Mosier and The Dalles elementary schools through the 21<sup>st</sup> Century program
- "What's Strong With You" The Dalles Middle School
  - Currently providing direct service to 19 middle school aged youth
  - Services include working with families, teachers as well as youth
- SEARCH Surveys
  - 6<sup>th</sup> – 12<sup>th</sup> grade data collection on school environments and risky behaviors

- Surveys include students and staff
- In-School Presentations
  - Middle School and High School health classes
  - School assemblies
- Newsletter
  - Monthly newsletter reinstated starting July 2024
- Social Media Outreach
  - Facebook
  - Twitter
  - YouTube
  - Website
  - Use of Act-On analytics
- Most of Us
  - Perception education
  - Radio ads
  - School signage
  - Social media presence
- The Dalles High School Graphics Partnership
  - Most of Us
  - ReThink the Drink
  - What's Strong With You

**Program/Strategies YouthThink is actively pursuing for future implementation**

- Free family Saturday Movie Program
- Screen time and social media education
  - Have purchased the license for three of the screenager movies for school and community viewing
  - Posters in doctors' offices
- Suicide Prevention
  - QPR trainings for schools and community
- Opioid/Fentanyl Education-Awareness
  - Community Presentations
  - School Presentations

# What's Strong With You?

YouthThink of Wasco County's 2023-24

Youth Needs Assessment

Final Report



# Introduction

In the scenic heart of Oregon's Wasco County, a vibrant group of young individuals is not only shaping the future but also enriching the present. Our community, poised for growth and prosperity, relies on the diverse strengths and aspirations of its youth. This needs assessment is dedicated to unveiling the challenges they face and the remarkable potentials they hold.

Rather than dwelling on deficits, by adopting the lens of "What's Strong With You?", our approach celebrates the assets and possibilities inherent in Wasco County's youth. This report acknowledges the barriers they encounter while emphasizing the importance of asset-based perspectives. It highlights the county's rich heritage and the promise it holds, insisting on a proactive stance toward challenges.

Our youth are active participants in shaping the narrative of Wasco County, making this report a collaborative journey of discovery and understanding. We delve into the data with an appreciation for the dreams, obstacles, hopes, and opportunities it represents, aiming to foster a community where every young person is seen as a key contributor to our collective well-being.

This introduction to "What's Strong With You?" invites all stakeholders—communities, families, and especially our youth—to join in crafting a future that celebrates resilience, seizes opportunities, and fulfills promises. We stand at the threshold of a new chapter in Wasco County's story, one where the youth are not just the future but active architects of an inclusive, thriving community. Welcome to a narrative of strength, collaboration, and hope in the heart of Oregon.

Yours in partnership,

YouthThink

200 E 4th St, The Dalles, OR 97058

## Executive Summary

Nearly 200 middle- and high-school-aged youth contributed to this Youth Needs Assessment. Through a collaborative process of collecting data, analyzing listening sessions, and cross-referencing qualitative and quantitative data, YouthThink has identified the following key themes impacting the present realities and future possibilities for youth living in Wasco County today.

# Key Themes

## 1. Access to Healthy Activities

- The need for youth- and family-focused activities was the single highest concern raised in listening sessions. Youth emphasized the connection between unhealthy choices (such as over-reliance on technology and substance use) and a lack of interesting, accessible programs for them to participate in.
- Concerns about safety also impact access to activities. Students shared that they feel unsafe walking to school, so they may drive instead (impacting the amount of physical exercise they get in a day). They feel that parks and other public spaces are not well cared for, and often contain health and safety concerns that prevent them from utilizing the services that do exist in the region.

## 2. A Strong Sense of Community

- A primary strength within the region is strong communities where youth know each other well, families work together, and caring adults choose to return to (or stay) in Wasco County— all working together to address community needs.
- There is an opportunity to deepen a sense of community by increasing the sense of inclusion in The Dalles, especially regarding issues of race and LGBTQ+<sup>1</sup> identities.

## 3. Technology, Screen Time, Gaming, and Social Media

- A majority of the youth who participated in listening sessions are concerned about their own use of technology. Many described being “aware but also unaware” of the passage of time while using social media, playing games, and watching videos. This finding held true across middle and high school listening sessions.
- Only a handful of students shared that their technology use is monitored by their parents in any way (including limits on time spent online, expectations around educational content vs. entertainment, bans on certain apps, etc.). However, **many students** (particularly those who are middle-school-aged) expressed a desire for their parents to place limits on their use of technology.

## 4. Supportive Policies and Systems

- Listening sessions revealed the reality that many young people in Wasco County feel that their communities don’t value them. In addition to the lack of opportunities to engage in healthy, fun community activities, they expressed a perception that their needs are not prioritized by decision-makers in their communities.

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<sup>1</sup> In this report, the acronym “LGBTQ+” will be used to describe lesbian, gay, bisexual, transgender, and/or queer people and communities, and should also be understood to include other sexual and gender minorities.

- High schoolers in particular pointed to the fact that voters in Wasco have declined to pass measures that would improve their educational experience. They gestured to peeling plaster, referenced the unchecked heat in their classrooms, and repeatedly pointed to the lack of basic infrastructure to support their learning (such as a school parking lot). The school bond that failed to pass in late 2023 reinforced the perception that the community more broadly is unwilling to make financial sacrifices for the betterment of youth in the area.

This report provides detailed descriptions of each key theme, including concrete recommendations to improve youth experiences and outcomes across the county. These recommendations may be used by parents, teachers, coaches, mentors, elected officials, decision-makers, and more— all working together to invest in the youth of Wasco County.

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## Overview of Report and Region

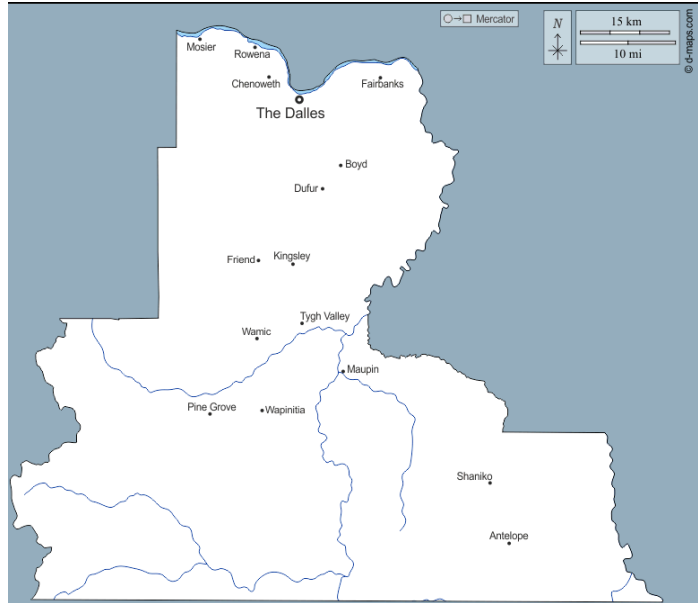
## About Wasco County

Wasco County is situated in the Columbia Gorge Region, which is a mostly rural area with several towns that are larger than 1,000 people. Agriculture is the dominant industry in almost every county of the Gorge, and Wasco is no exception. However, many of the largest employers are also in the medical, educational, and tech sectors<sup>2</sup>.

Wasco County consists of 2,387 square miles and is bordered by two rivers: the Columbia to the north and the Deschutes to the east. The Warm Springs Indian Reservation borders Wasco County to the south and Mt. Hood National Forest lies to the west. Wasco County shares boundaries with Sherman, Wheeler, Jefferson, Clackamas, and Hood River Counties<sup>3</sup>.

The estimated population of Wasco County in 2022 is 26,728, and it is believed that around 5,817 youth currently reside in the county<sup>4</sup>.

Roughly 72% of Wasco County residents identify as white/not Hispanic or Latino. 21% describe themselves as Hispanic or Latino, 3.8% identify as American Indian or Alaska Native, and 2.8% identify with two or more races. 15.4% of people ages five and up speak a language other than English at home<sup>5</sup>.



## About Wasco County's YouthThink

The Youth Needs Assessment process, data analysis phase, and this subsequent report were all sponsored by Wasco County's YouthThink. The mission of YouthThink is to inspire new generational cycles of success, where young people are considered first and our entire

<sup>2</sup> "The Dalles Area Chamber of Commerce." <https://www.thedalleschamber.com>. Accessed 09 Jul. 2023

<sup>3</sup> "Wasco County History - Oregon Secretary of State." <https://sos.oregon.gov/archives/records/county/Pages/wasco-history.aspx>. Accessed 11 Jun. 2023.

<sup>4</sup> "United States - U.S. Census Bureau QuickFacts." <https://www.census.gov/quickfacts/fact/table/US/POP010220>. Accessed 11 Jun. 2023.

<sup>5</sup> "United States - U.S. Census Bureau QuickFacts." <https://www.census.gov/quickfacts/fact/table/US/POP010220>. Accessed 11 Jun. 2023.



community has the social and emotional skills to reach our greatest potential, both together and as individuals.

To achieve these goals, YouthThink provides the following programs:

- T2T Boost Camp, which is offered in partnership with T2T Connection to bring T2T Boost Camps to our area. This free training introduces a groundbreaking and powerful tool that helps parents better understand and connect with their children in a way that transforms their relationships. The Toddler2Twins Boost Camp is for parents and adults who have children 0 – 7 and the Tween2Teen Boost Camp is for those with youth ages 8 – 17.
- The More You Know, a monthly newsletter that provides parents and families with up-to-date facts and trends pertaining to health and wellness.
- “What’s Strong With You,” a youth-serving program currently operating at The Dalles Middle School. Often, struggling youth are asked, “What’s wrong with you?” YouthThink wants to turn that thought process around, asking instead, “What’s STRONG with you?” Through this effort, YouthThink has joined forces with Comprehensive Family Services, LLC.

YouthThink also runs youth-focused education campaigns to deter unhealthy behaviors and promote healthy ones. These campaigns have included:

- The "[Most of Us Don't](#)" campaign, which aims to bridge the disparity between youth perceptions of peer drug and alcohol use and the actual prevalence of such behaviors.
- Community Town Halls and other education opportunities to help inform families and decision-makers of what Wasco County’s youth and families need, from fentanyl awareness to education on excessive screen time.

## Understanding and Responding to Youth Needs

The Youth Needs Assessment was an opportunity for YouthThink to engage young people in The Dalles with the goal of better understanding what youth believe are the area’s strengths and needs. Rather than solely relying on adult inputs, YouthThink emphasized youth engagement throughout this process, performing listening sessions in middle and high school classrooms, aiming to create an environment where honest opinions were shared. YouthThink also partnered with a regional partner organization, The Next Door, to perform a listening session with their

LGBTQ+ Youth Leadership Council. These voices are quoted word-for-word in this report, and the findings of this process are rooted in the concerns shared in these listening sessions.

When comparing and contrasting the findings of this assessment to others, it is important to note that most community needs assessments that include Wasco County also include other counties in the Columbia Gorge; few reports are solely focused on Wasco County.

There are a handful of studies, however, that *have* looked at youth and family needs in Wasco County exclusively, or have otherwise adequately surveyed and analyzed data collected in the county. A 2012 evaluation of family resources in The Gorge identified health care, parenting support and information, and employment as crucial necessities for Wasco County specifically.<sup>6</sup> A 2021 assessment of family needs in the region highlighted additional concerns, including insufficient childcare options, homelessness, and inadequate services for children with disabilities.<sup>7</sup> The Oregon Child Development Coalition published a 2022 study that includes a factsheet on Wasco County specifically; however, only one data point (the county's teen pregnancy rate) focused on youth over age five.<sup>8</sup>

Existing assessments are comprehensive examinations of community needs more generally, but they don't provide the level of specificity desired by Wasco County-based youth- and teen-serving programs. Nor do they survey young people specifically. The Youth Needs Assessment process and report aim to fill that gap, narrowing the geographic scope to The Dalles, focusing on middle- and high-school-aged youth, and centering youth voices almost exclusively.

## Research Values

The driving principles of this process are as follows:

- The Youth Needs Assessment will use an **asset-based approach**, rather than a deficit-based approach. This ethos is in alignment with YouthThink's Middle School program entitled "What's Strong With You," which serves to reframe the common "What's wrong with you?" narrative that struggling youth often face.
- The Youth Needs Assessment will be **youth-informed**, trusting the wisdom of young people in our community to know what works (and doesn't work) for them. We will be

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<sup>6</sup> "Oregon Home Visiting - Needs Assessment Report."

<https://www.oregon.gov/oha/PH/HEALTHYPEOPLEFAMILIES/BABIES/HOMEVISITING/Documents/GilliamHoodRiverShermanWascoWheeler.pdf>. Accessed 11 Jun. 2023.

<sup>7</sup> "MCCC Community Needs Assessment." [https://mcccheadstart.org/wp-content/uploads/2022/10/Pacific-Research-and-Evaluation\\_MCCC\\_Community-Needs-Assessment\\_Updated\\_May-2022.pdf](https://mcccheadstart.org/wp-content/uploads/2022/10/Pacific-Research-and-Evaluation_MCCC_Community-Needs-Assessment_Updated_May-2022.pdf). Accessed 11 Jun. 2023.

<sup>8</sup> "Community Assessment - Oregon Child Development Coalition." 4 Mar. 2022, [https://www.ocdc.net/wp-content/uploads/2022/04/2022\\_OCDC\\_Community\\_Assessment.pdf](https://www.ocdc.net/wp-content/uploads/2022/04/2022_OCDC_Community_Assessment.pdf). Accessed 11 Jun. 2023.

inspired by other efforts to collect data in our region, but will primarily listen to the voices of youth who share their candid thoughts and opinions in listening sessions.

- We aim to be **trauma-informed** in our process, bringing a judgment-free approach to listening sessions, the analysis process, and the final report. We know that youth everywhere are doing their absolute best to make healthy choices, in whatever circumstances they find themselves in.

## Gathering Community Data

To better understand the unique perspectives, opinions, experiences, and knowledge of community members, we conducted nine listening sessions with approximately 174<sup>9</sup> young people, each hosted in partnership with a community organization or local school. Listening sessions were composed of young people from middle and high school age, all residing or going to school in Wasco County.

In addition to youth listening sessions, the assessment team collected and analyzed local, state-wide, and national information using a mixed-methods approach that included both quantitative and qualitative data. The sources referenced in this report are cited throughout.

As often as possible, the Youth Needs Assessment team aimed to prioritize equity and diversity in the collection and presentation of data. However, we recognize that true youth experiences must be measured using multiple streams of data, just as it takes multiple cross-sector, ongoing efforts to create the conditions that result in equitable experiences and outcomes for youth.

We acknowledge the limitations of the data collected during this assessment; for example, the only middle schoolers we heard from were being educated at St. Mary's Academy, a private school. This places a limitation on the economic diversity of voices included in this process. One listening session was hosted in collaboration with the girls' tennis team at The Dalles High School, which means that girls and young women are over-represented in our data collection. The listening session performed in partnership with The Next Door consisted solely of LGBTQ+ Youth Advisory Committee members; thus, LGBTQ+ youth voices are likely over-represented in the data, compared to the percentage of LGBTQ+ youth more broadly in the community.

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<sup>9</sup> There were two "waves" of listening sessions completed during this assessment. The first was completed in May of 2023 and included students from The Dalles High School, middle schoolers from St. Mary's Academy, and The Next Door's LGBTQ+ Youth Leadership Council. These sessions included 56 students total. The second wave of sessions were completed in December of 2023, were all performed at The Dalles High School, and included 104 students in total.

One of the natural limitations of listening sessions is the prioritization given to participants who feel comfortable offering opinions in front of others, disagreeing with peers, and providing politically or culturally unpopular points of view. Necessarily, this may exclude introverted, soft-spoken, and/or neurodivergent participants. Care was taken to address this dynamic; students were given opportunities to write suggestions down rather than volunteer them aloud, and quieter students were specifically invited to share their input. However, it is likely that some voices were still heard over others.

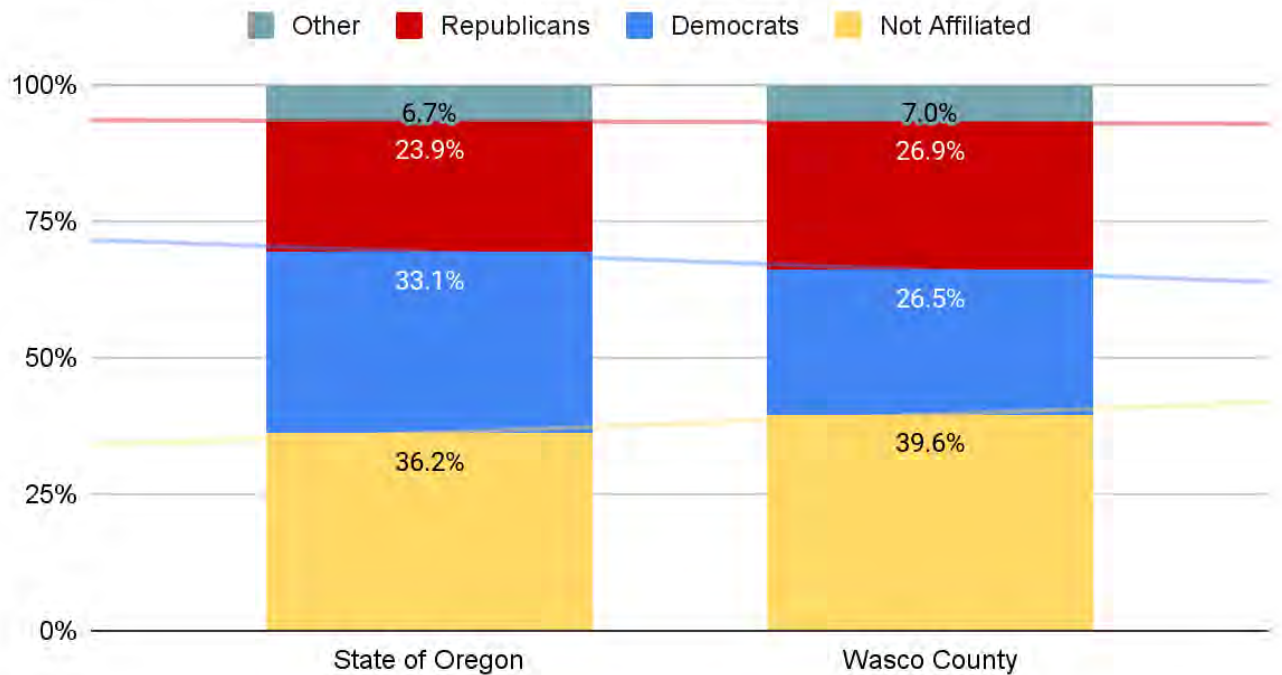
Finally, it is important to note that Wasco County exhibits a distinct political polarization that merits attention. According to 2024 party registration data published by the state of Oregon’s Elections Division, Oregon voters lean Democratic, with 33.1% registered as Democrats and 23.9% registered as Republicans. However, Wasco County is split relatively equally along political party lines, with 26.5% registered Democrats and 26.9% registered Republicans. A greater percentage of voters are Not Affiliated in Wasco County, compared to the overall state of Oregon.<sup>10</sup>

Put more simply (and demonstrated in the chart below), compared to the entire state of Oregon, there are slightly more Republicans (3 points) and Not Affiliated voters (4 points) in Wasco County, and far fewer Democrats, by 6.5 points.

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<sup>10</sup> “Voter Registration Comparison by County.” January 2024.  
<https://sos.oregon.gov/elections/Documents/registration/2024-january.pdf>. Accessed 5 Feb 2024.

## 2024 Wasco County Registered Party Affiliation



This unique polarization impacted several aspects of this assessment process. First, the listening session facilitator intentionally used politically neutral language, avoiding words and phrases that may have provoked defensive or argumentative reactions among youth. It was also important to the facilitator that conversations didn't veer into territory that may cause harm to listening session participants. However, the facilitator was also intentional about not censoring youth who shared controversial opinions about "hot topics" raised in the sessions. Those unvarnished thoughts are included here, without much editorializing.

## Community Input

To better understand the unique perspectives, opinions, experiences, and knowledge of community members, Collaborate Consulting, on behalf of YouthThink, conducted nine listening sessions with a total of 174 youth.

### Youth Listening Sessions by Type, Age, Gender, Number of Participants, Location, and Date

Listening Session Type	Age/Grade Level of Youth	Gender	# of Participants	Location	Date
Listening session with LGBTQ+ youth	High school age (15-19)	Mixed	6	The Next Door, The Dalles	3/6/2023
Listening session with high school health class	10th grade	Mixed	24	The Dalles High School	5/23/2023
Listening session with middle school health class	7th grade	Mixed	14	St. Mary's Academy	5/23/2023
Listening session with girls' tennis team	High school age (15-18)	Girls	12	The Dalles High School	5/23/2023
Listening session with graphic design class 1	High school age (15-18)	Mixed	25	The Dalles High School	12/13/2023
Listening session with graphic design class 2	High school age (15-18)	Mixed	24	The Dalles High School	12/13/2023
Listening session with graphic design class 3	High school age (15-18)	Mixed	26	The Dalles High School	12/13/2023
Listening session with graphic design class 4	High school age (15-18)	Mixed	25	The Dalles High School	12/13/2023
Listening session with esports club	High school age (15-18)	Mixed	4	The Dalles High School	12/13/2023

## Next Steps

The 2023-24 YouthThink Needs Assessment serves multiple purposes. Among these purposes, the assessment empowers YouthThink and community partners to:

- Use the information presented to guide the development of goals, objectives, strategies, and performance measures.

- Identify the social determinants of health affecting youth in our region and explore how these factors are impacting the overall health and vitality of youth in our communities.
- Observe the shifting patterns of these community issues over time.
- Identify assets and resources as well as gaps and needs in services in order to help set funding and programming priorities.
- Use the report as the foundation for organizational strategic plans that will address specific aspects of the needs identified in this report. Each strategic or programmatic plan should describe the actions each organization intends to take, the anticipated impact of these actions, and the resources the organization plans to commit to addressing youth needs. The plans should also describe any planned collaboration between organizations in addressing the prioritized needs.



# Key Themes

This Key Themes section describes the highest priority needs determined through an analysis of qualitative data (listening sessions), community assessments performed by partner organizations, and publicly available population-level data.

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## 1. Access to Healthy Activities

### Why It Matters

The need for fun, accessible, youth- and family-focused activities was the *single highest concern* raised by listening session participants. Many, many youth in listening sessions emphasized the connection between their unhealthy choices (such as over-reliance on screens and social media) and the lack of interesting community programs for them to participate in. Healthy activities offer much to young people.

**Positive Development:** Engaging in healthy activities provides opportunities for youth to develop and enhance useful and gratifying skills, including teamwork, problem-solving, creativity, and communication. Healthy activities promote personal growth, resilience, and positive self-esteem.

**Physical Health and Well-Being:** Healthy activities encourage physical fitness and active lifestyles, helping to combat sedentary behaviors and prevent the many health issues associated with a sedentary lifestyle. Regular participation in physical activities improves cardiovascular health, strengthens muscles and bones, and promotes overall well-being.

**Emotional and Mental Well-Being:** Participating in healthy activities can positively impact youth's emotional and mental well-being. Activities such as sports, art, music, or outdoor





adventures provide outlets for self-expression, stress relief, and emotional regulation. They can also foster a sense of belonging, social connection, and reduce feelings of loneliness or isolation.

**Social Skills and Peer Relationships:** Healthy activities offer opportunities for youth to interact with peers in a structured and positive environment. Through these activities, they learn important social skills, build friendships, develop empathy, and cultivate a sense of community and belonging.

**Academic Performance:** Research has shown that youth who participate in healthy activities often demonstrate improved academic performance. Regular physical activity and engagement in activities that stimulate creativity and critical thinking can enhance cognitive function, attention span, and academic achievement.

**Future Opportunities:** Involvement in healthy activities exposes youth to new interests, hobbies, and potential career paths. They may discover talents and passions that can shape their future educational or professional endeavors. Access to a wide range of activities increases the likelihood of discovering areas of strength and personal fulfillment.

**Community Engagement:** Healthy activities encourage youth to engage with their communities, fostering a sense of civic responsibility and social connection. Involvement in community-based activities promotes active citizenship, empathy, and understanding of diverse perspectives.

## What's At Stake

During this assessment process, YouthThink leadership shared that young brains actively seek out adventure and risk. If youth are not provided with opportunities to take healthy risks (such as those found in outdoor activities, team sports, creative pursuits, volunteering activities, and more), they will seek out unhealthy risks (such as substance abuse, violence, delinquency, and others listed below). Unhealthy risks come with many detrimental effects on the physical, emotional, or social well-being of youth.

**Substance Abuse:** Engaging in underage drinking, smoking cigarettes, vaping, using illicit drugs, or misusing prescription medications can lead to serious physical and mental health consequences, addiction, impaired judgment, and increased risk of accidents or violence.

**Reckless Driving:** For youth who are old enough to drive, engaging in dangerous driving behaviors such as speeding, driving under the influence, distracted driving, or street racing can result in severe accidents, injuries, or fatalities.

**Unsafe Sexual Behaviors:** Engaging in unprotected sexual activities, having multiple sexual partners, or not seeking proper sexual health care can lead to sexually transmitted infections (STIs), unintended pregnancies, emotional distress, and strained relationships.

**Online Safety Risks:** Engaging in unsafe online behaviors, such as sharing personal information with strangers, engaging in cyberbullying, or participating in illegal activities online. These activities can lead to cyberbullying, online harassment, identity theft, or exploitation.

**Self-Harm or Suicide:** Engaging in self-harm behaviors like cutting, substance abuse, or suicidal ideation poses significant risks to a youth's well-being and requires immediate attention and support from caring adults or mental health professionals.

**Ideological Radicalization:** Young people (and young men in particular) are exposed to extremist ideologies and propaganda in online echo chambers, extremist forums, and recruitment efforts through social media. Social isolation can increase the likelihood that a young person becomes radicalized, which may make them more likely to engage in acts of violence, terrorism, or support violent extremist ideologies. This poses a direct threat to public safety, causing harm to innocent individuals and communities.

**Extreme Dieting or Eating Disorders:** Adopting unhealthy and extreme dieting practices, or developing eating disorders such as anorexia nervosa or bulimia, can result in severe physical and mental health consequences, including malnutrition, organ damage, and emotional distress.

**Engaging in Unhealthy Relationships:** Participating in abusive or unhealthy relationships characterized by physical, emotional, or sexual violence can have long-lasting negative effects on youth, including low self-esteem, trauma, and increased vulnerability to future abusive relationships.

**Gambling and Excessive Gaming:** Engaging in excessive gambling or spending excessive amounts of time on video games can lead to addiction, financial problems, social isolation, academic difficulties, and neglect of other important aspects of life.

**Skiping School or Dropping Out:** Habitually skipping school or dropping out can significantly impact a youth's educational attainment, future opportunities, and overall well-being.

## Assessment Findings

### Strengths

1. Some enterprising students interviewed for this assessment have been able to find or even create healthy activities for themselves. Certainly, the members of The Dalles High

School's tennis team and esports club members have been able to do so, as were the members of the LGBTQ+ Advisory Committee at The Next Door.

2. Many high school students shared that they are employed as seasonal workers on farms, at businesses such as Scooper McQuades or McDonald's, or at public organizations such as the Columbia Gorge Discovery Center. Employment can be a healthy activity for a young adult, especially if they are able to successfully balance the job's expectations alongside their educational responsibilities.
3. Several students shared the importance of family outings, highlighting camping trips, hunting with parents, and kayaking locally. It is clear that many parents and adult family members are prioritizing healthy activities with the kids in their lives, creating a blueprint for these children's future investment in health and well-being.

## Opportunities

1. There is no way to sugar-coat the feedback offered by youth during this process. Many individuals said the same thing, unprompted: "There's nothing to do here." There are no arcades or bowling alleys to speak of, nor are there other youth-focused private businesses that were appealing to the young people we spoke with.
2. As for public areas, there were many concerns raised there as well. The public pool closes when it gets too hot in the summer, which is often, due to a lack of staffing. The Discovery Center was not seen as a compelling activity for the youth surveyed for this assessment process, and the Riverfront Park is quite small. But the most pressing issue preventing youth from accessing public services, including hiking trails and the skate park, is their sense of safety in those locations.
  - a. The lack of overall safety youth feel in The Dalles cannot be overstated, and those fears are not unfounded. In March of this year, students at The Dalles High School found the body of a deceased woman near their school<sup>11</sup>; this story was mentioned several times during listening sessions.
  - b. Students who would otherwise walk to school shared that they choose to drive instead because they don't feel safe on foot, especially after dark. This means they are missing out on the possible exercise that walking would offer, in addition to contributing to the lack of available parking near the high school.
  - c. Even when new resources are built, or old ones improved, if they are overrun with adults who are drinking or simply loitering– youth won't utilize them. The best

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<sup>11</sup> [29-year-old deceased woman found near TDHS on March 27; Students and parents notified](#)

example of this is The Dalles Skate Park, which was brought up in three of the listening sessions.

*“They’ve fixed it up, but I can’t go there without being harassed and yelled at,” one student at The Dalles High School shared. “I’m not trying to be mean, but I don’t want to have to step over needles to skate. I’d rather go somewhere else... or just stay home.”*

- d. Similar concerns were raised about other parks and outdoor spaces; students feel that parks and other public spaces are not well cared for, and often contain health and safety concerns that prevent them from utilizing the services that do exist in the region.

## Recommendations

Creating more healthy activities for youth in Wasco County can happen in several different ways.

1. **Public-private partnerships.** Explore and pursue opportunities for Wasco County and/or The Dalles to incentivize family- or youth-focused businesses to come to the region.
  - a. This could include tax incentives (reduced property taxes, sales tax rebates, or tax credits for businesses that primarily serve the youth demographic), grants and subsidies for startups or existing businesses that wish to expand their operations or services targeted at youth, infrastructure support (such as a youth district or plaza, where businesses catering to young people can thrive), start-up competitions in which winning ideas receiving seed funding, or even partnerships with local banks or financial institutions to provide low-interest loans to entrepreneurs looking to set up youth-serving businesses.
2. **Continued support of organizations tackling homelessness in the region.** By assisting individuals experiencing homelessness, it may be possible to revitalize city and county parks and public lands, ensuring they serve their original purpose of being accessible and safe recreational spaces for all, especially young people. Because these spaces are currently not available or safe, youth are seeking other outlets for recreation and social interaction. A comprehensive and compassionate approach, led by non-profits who are skilled in this work, benefits everyone in the community.
3. When building new resources, or expanding old ones, ensure there are **plans for ongoing maintenance and security.**

- a. The Dalles Skate Park is a good example of this. Recently, [the city secured funding to expand the park](#). While improvements are exciting, even the most state-of-the-art skate park will quickly return to disuse if it is not adequately staffed by park rangers or community patrols who can monitor the area, ensuring it's being used appropriately and assisting those in need.
  - b. The city can also designate specific hours when the park is open for recreational purposes to help manage its use and ensure that it remains a recreational space during those times.
  - c. Finally, additional design elements can be added: lights, which can deter unwanted activities during the evening and nighttime, and a redesign to discourage prolonged stays while still maintaining its functionality for skaters.
4. **Partner with tourism-focused programs** to serve two purposes: increase visitors from outside Wasco County AND provide local youth with new avenues for adventure.
- a. Travel Oregon's [Oregon Visitor Profile Report](#) for the region found that only 25% of visitors in 2021 and 2022 were families, while the rest were solo travelers or couples/groups without children. The Dalles is the second most-visited city in The Gorge, yet has half the visitation rates that Hood River does. An investment in more family- and teen-friendly activities could bolster the number of visitors while also increasing the number of local youth engaging in recreational activities.
  - b. This Assessment process included an interview with an employee at [Crosscurrent Collective](#), a planning, strategy, and facilitation firm in the Columbia River Gorge that supports communities to “design, build, and manage world-class outdoor recreation destinations.” They recommended Wasco County consider increasing outdoor recreation options with an eye towards youth accessibility, which isn't always prioritized because youth aren't often seen as major financial contributors.
  - c. External recreation funding sources may open up when a project is framed as an issue of equity: hiking trails can be improved by adding more amenities for elders and youth, including elements that improve youth attitudes about the location. Many recreation funders understand that projects must address the motivations and interests of youth and teens. In other words, it doesn't matter if a youth can access a hiking trail; if the hike isn't seen as interesting and fun for them, they won't engage with it.

## 5. Partner with state outdoor recreation organizations.

- a. The Oregon Parks and Recreation Department published its [Oregon Statewide Comprehensive Outdoor Recreation Plan](#) in 2019, with “Lack of youth engagement in outdoor recreation” as one of its five core challenges to address. This provides a vital opportunity for collaboration, as perhaps Wasco County could work with the Oregon Parks and Recreation Department to create new ways for youth to engage in outdoor recreation.

## 6. Support existing outdoor recreation nonprofits to expand to Wasco County.

- a. As an example, [CultureSeed](#) is a Gorge-based nonprofit that is dedicated to providing outdoor immersion programs for youth in Klickitat and Skamania Counties. With funding and other tangible supports from the state or county, perhaps organizations like this would be able to expand their reach to the youth in Wasco County.

## Existing Assets and Resources

Below is a selection of community resources addressing healthy youth activities in Wasco County:

- [Northern Wasco County Aquatic Center](#) is the local public pool mentioned above. The Splash Pad is open for two months in the summer, and the pool is open from June 19th to September 4th except in cases of extreme heat.
  - Some students mentioned participating in outdoor activities with their parents, including hunting, hiking, and biking. However, most students who named hiking as a preferred activity noted that they typically drive to Hood River for “the best hikes.”
  - The Next Door has a [Youth Drop-In Center](#), which is a safe space for runaway, houseless youth, or youth who are finding home life to be challenging and need a safe place to take a break. At the Drop-In Center, youth can shower, play video games, and get help finding emergency shelter/housing, navigating services (including applying for SNAP and health care), and accessing mental health services.
  - [The Dalles High School](#) has several sports teams (including tennis, football, soccer, and cheerleading) and many after school clubs (including robotics, esports, graphic arts, drama, and gardening).
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## 2. A Strong Sense of Community

### Why It Matters

A strong sense of community plays a pivotal role in shaping future outcomes of youth and teens. In communities where bonds are strong, young people are more likely to access mentorship opportunities, educational resources, and extracurricular activities that enrich their learning and personal growth. Ultimately, the strength of community ties directly influences the ability of young people to navigate challenges, seize opportunities, and achieve socioeconomic success.

**Social Support:** A strong sense of community provides a network of social support for young people. It offers opportunities for individuals to connect with others, build relationships, and receive emotional, practical, and informational support. This support system can buffer against stress, enhance resilience, and contribute to positive mental health outcomes.

**Belonging and Identity:** Being part of a community helps young people develop a sense of belonging and identity. It provides a framework for understanding themselves in relation to others, fostering a sense of purpose and meaning. This sense of belonging can promote self-esteem, self-worth, and overall psychological well-being.

**Emotional Well-being:** Community connections can positively impact young people's emotional well-being. Engaging with a supportive community can reduce feelings of loneliness, isolation, and depression. It offers opportunities for social interaction, meaningful relationships, and shared experiences that contribute to positive emotions and life satisfaction.

**Sense of Security:** Strong communities create a sense of security for young people. When they feel connected and supported by their community, they have a sense of safety and stability. This feeling of security promotes healthy development, lowers stress levels, and contributes to overall well-being.



**Opportunities for Growth and Development:** Communities often provide various opportunities for young people to grow, learn, and develop their skills and interests. Access to educational resources, extracurricular activities, mentorship, and community programs can foster personal growth, boost self-confidence, and enhance overall development.

**Healthy Behaviors and Norms:** Strong communities can promote healthy behaviors and norms. When young people are surrounded by a community that values and supports healthy choices, they are more likely to engage in positive behaviors such as physical activity, healthy eating, and avoiding risky behaviors.

## What's At Stake

For youth, a primary driver of disconnection from the community is bullying, which is defined by aggressive behavior or intentional harm-doing by peers that is carried out repeatedly and involves an imbalance of power<sup>12</sup>. The short-, medium-, and long-term impacts of bullying are well-documented; however, many other factors can contribute to a loss of connection to community, including overuse of social media and technology, all of which can have devastating effects on youth.

**Bullying impacts mental health and often correlates with substance abuse.** Bullying can lead to increased feelings of fear, anxiety, depression, and low self-esteem, eroding a young person's sense of self-worth and confidence, resulting in long-lasting emotional distress. In severe cases, bullying can push individuals to engage in self-harming behaviors, suicidal tendencies, or drug and alcohol use as a way to cope with the emotional pain and distress caused by bullying.

**Bullying can strain and even damage relationships.** Whether with family members, friends, or romantic partners, the negative effects of bullying can hinder individuals' ability to trust, form healthy connections, and maintain positive relationships. Victims may have difficulty forming and maintaining positive relationships with peers, feeling isolated and disconnected from their social networks.

**Bullying can interfere with academic performance.** Bullying can interfere with a person's ability to concentrate and participate in class. Victims of bullying often experience a decline in their academic performance, which can affect their educational opportunities and future prospects.

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<sup>12</sup> "Long-term effects of bullying - PMC - NCBI." 10 Feb. 2015, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4552909/>. Accessed 11 Jul. 2023.



**Increased Isolation and Loneliness:** Without the feeling of a supportive community, young people can feel isolated and lonely, which are significant risk factors for mental health issues such as depression and anxiety.

**Higher Risk of Engaging in Risky Behaviors:** A lack of positive community influences can lead to an increased likelihood of engaging in risky behaviors, including substance abuse, delinquency, and other harmful activities, as youth seek belonging and acceptance through alternative, sometimes destructive, means.

## Assessment Findings

### Strengths

1. Based on the youth listening sessions performed during this assessment process, one primary strength within the region is **strong communities where youth know each other well**, families work together, and caring adults choose to return to (or stay) in The Dalles and Wasco County— all working together to address community needs.
2. Other factors contribute to this finding, as well. Traveling the halls of The Dalles High School, St. Mary’s Academy, and The Next Door, it is clear that **teachers, staff members, coaches, and other supportive professionals know every youth individually**. In school environments, teachers and staff greet students by name, share that they’ve taught multiple siblings from the same family, and even note that their own parents attended the school. Generations of students and staff have made their way through these systems, and the interconnection between the community shows.
3. One notable listening session participant expressed the **great pride he takes as someone who lives in Mosier**, a town in Wasco County that is roughly 15 miles west of The Dalles High School. He boasted about living somewhere with no crime, where everybody knows everybody else. It was clear that his sense of community in Mosier was very strong.
4. Female listening session attendees of all races expressed that they **feel very comfortable in school**, and are not subjected to unwelcome comments about their bodies or other types of targeted behavior based on their gender. They shared that this experience of safety carries out into their overall experience in The Dalles; not a single listening session attendee has ever been “cat called” or been the victim of sexist or lewd advances by strangers in public.

## Opportunities

There are several barriers in place that are impacting the sense of community that youth in Wasco County feel. Here are three specific examples discussed during the listening sessions:

1. Of particular note are the **concerns raised by LGBTQ+-identified youth** who participated in listening sessions. They emphasized, in many different ways, that they do not feel that Wasco County is supportive of them. They expressed a feeling that other students at school were empowered to bully them by calling them derogatory names with impunity. One young person said, “It’s not like I think the teachers agree with the haters, it’s more like... they don’t know what they should do or say, so they end up doing nothing.” Another youth chimed in, adding, “Yeah, they don’t do anything, so then it’s like, we’re all alone out here.”
  - a. This finding is backed up by external sources as well. The 2020 Oregon Student Health Survey<sup>13</sup> found that **12.6% of 11th graders in the region experienced bullying** because someone thought they were gay, lesbian, bisexual, or transgender. This number outpaces rates of bullying based on unwanted sexual attention and disability status.
  - b. Students at The Dalles High School noted that homophobic slurs were common in school hallways, but that the language wasn’t being used to target LGBTQ+ students. For example, one student may call another student “gay” in a derogatory way, but neither student actually identifies as gay. This dynamic may contribute to the staff feeling inadequately prepared to intervene; it is clear that one should step in if a gay student is being targeted, but less clear how to address a situation where “gay” is used as an insult against a heterosexual student.
2. Another concern raised specifically in the girls’ tennis listening session was **racial inclusion at school**. While the young women interviewed noted that boys were never disrespectful of them based on their gender, they all agreed that racial slurs were permitted in classrooms and in hallways at the school. Similar to concerns shared about homophobic slurs, these students expressed a feeling that teachers and staff don’t have the skills or don’t feel comfortable intervening in instances of inappropriate race-based name-calling, resulting in a culture where harmful language is used by students without repercussions.
  - a. Between listening sessions, the listening session facilitator witnessed a verbal altercation between two Latina students, in which both referred to the other using

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<sup>13</sup> "NORTH CENTRAL HEALTH DISTRICT - Oregon.gov." 5 Nov. 2021, <https://www.oregon.gov/oha/PH/BIRTHDEATHCERTIFICATES/SURVEYS/Documents/SHS/2020/Reports/County/North%20Central%20Health%20District.pdf>. Accessed 11 Jul. 2023.

the n-word. This situation echoes the findings around anti-LGBTQ+ language used in hallways at The Dalles High School: anti-Black language may be used by students, but not to specifically target Black students. This is another example of a complicated linguistic dilemma staff may not know how to address.

- b. One measure that may be utilized to understand racial disparities in Wasco County is the Juvenile Justice Information System's Racial and Ethnic Disparities Relative Rate Index (RRI) report. While most racial groups are too small to draw conclusions about, the 2022 report found that Native American youth are more than four times as likely to be referred to detention when compared to white youth, even when accounting for the rates of actual crimes committed by those youth. In other words, if all things are equal in a given court case, a Native youth is still much more likely to be sent to detention when compared with a white youth in the same situation.<sup>14</sup>
3. Students were notably distressed about what seems to them like an increase in the prevalence of unsafe people in the streets and neighborhoods of The Dalles. They appear to assume that all unsafe people (those who are in emotional or mental distress, behaving erratically, and/or obviously under the influence of drugs or alcohol) are homeless, and students commonly refer to individual homeless people as "a homeless." For example, one student stated that her family found "a homeless" in their yard.
  - a. When youth exhibit decreased empathy towards others, especially those who are struggling to survive, it can increase their feelings of unsafety in their communities.
  - b. Youth in several different listening sessions parroted the debunked myth that the city of Portland is currently bussing homeless people from the city into The Dalles, a story that is not supported by facts. In 2016, Portland piloted a program to help homeless individuals return to cities where they had housing and support systems. There is no evidence to suggest that any program participants returned home to The Dalles, but this narrative reinforces the idea that The Dalles is a place that other cities look down on and send dangerous people to. It also strengthens the dehumanizing attitude that youth displayed during listening sessions; if people living on the streets are not even from your community, it becomes easier to belittle, discount, and dismiss them.

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<sup>14</sup> "Juvenile Justice Information System - Oregon.gov."  
<https://www.oregon.gov/oia/jjis/Reports/2022WascoRRI.pdf>. Accessed 11 Jul. 2023.

## Recommendations

There are many opportunities to deepen the sense of community felt by youth in Wasco country. The biggest opportunity lies in increasing experiences of inclusion regarding race and LGBTQ+ identities.

1. Teachers and staff in schools, support people in community-based programs, and even parents can work to **bolster their understanding of inclusive environments**. Regardless of personal, religious, or political views, caring adults should work to find ways to ensure that all young people, including those who are people of color and/or members of the LGBTQ+ community, are able to access bias-free education and community resources safely.
2. Organizational leadership will be critical in this area: school principals can to publicly state their commitment to bias-free educational environments, Executive Directors of nonprofits may choose to pass resolutions and utilize training resources to shift the culture of their organizations, and elected or appointed officials could create proclamations asserting their belief that Wasco County should be an inclusive community for all of its citizens. Leaders will likely have to undergo specific training to teach them how to message these commitments so they are in alignment with the values of Wasco County's residents and don't further inflame political and cultural divisions.
  - a. An example of these types of statements can be found in the North Wasco County School District's 2021 Equity Code<sup>15</sup>, including **specific commitments along the lines of affirming and sustaining the unique identities held by students** (and staff). It is unclear how much support these commitments have been given (such as what types of funding have been provided to meet the goals and what baseline data has been gathered to assess success), but the language is strong and can be replicated by other organizations.
    - i. *The district shall provide a system of ongoing professional learning to strengthen employees' knowledge and skills for eliminating opportunity/access gaps and building the capacity of administrative, instructional, and support personnel to affirm and sustain students' and staff's unique identities.*

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<sup>15</sup> "Equity - About Us - North Wasco County School District."  
[https://www.nwasco.k12.or.us/apps/pages/index.jsp?uREC\\_ID=2709070&type=d&pREC\\_ID=2306267](https://www.nwasco.k12.or.us/apps/pages/index.jsp?uREC_ID=2709070&type=d&pREC_ID=2306267). Accessed 11 Jul. 2023.

- ii. *The district shall create schools with a welcoming, inclusive culture and environment that reflects and affirms the identities of the diverse student population, their families, and their community.*
- 3. Organizations should begin (or continue) **investing in the leadership of youth** who are directly impacted by racism and homophobia. There are many ways to accomplish this recommendation.
  - a. Organizations can establish mentorship programs that connect marginalized youth with experienced leaders within the organization or from the community. These programs could provide guidance, support, and opportunities for skill-building, networking, and personal growth.
  - b. Organizations can develop leadership training programs and workshops specifically designed for marginalized youth. These initiatives can focus on areas such as communication skills, project management, advocacy, and self-empowerment. Inviting guest speakers and mentors from diverse backgrounds can offer valuable insights and role models.
  - c. Invite youth to join advisory boards (perhaps modeled after The Next Door's Youth Advisory Council), committees, or task forces where their perspectives and contributions can directly influence organizational strategies and policies, thus ensuring that marginalized youth have meaningful representation and a voice in decision-making processes within the organization.
- 4. Empathetic youth and the adults who support them can build programs designed to increase connection and compassion between groups who seem different from each other, including between students and people experiencing homelessness.
  - a. On one listening session day at The Dalles High School, students were collecting toys and other items for children experiencing financial trouble. This type of activity is ideal for building connections with homeless youth and families; there is an opportunity for adults to help educate young people on the realities of housing and homelessness so those young people don't continue to feel that their communities are unsafe.
  - b. Guest speakers can come into classrooms to share their personal experiences about homelessness, mental health challenges, and other stigmatized experiences to empower students to dismantle the worst myths and stereotypes being told about these members of our community.

## Existing Assets and Resources

Below is a selection of community resources addressing inclusion and community connection in Wasco County:

- [The Next Door](#) offers equity and outreach training, which could be deployed within schools and community organizations to help caring adults understand how to identify and address racially inappropriate behavior and homophobic slurs and comments. The Next Door also offers consulting to businesses and workplaces, reviewing culture and materials for inclusion.
  - [The Columbia Gorge Pride Alliance's Youth Advisory Council](#) supports the leadership of LGBTQ+ youth (aged 16-20) in the region, providing skill-building opportunities and offering a stipend for participation.
  - In 2022, the [Six Rivers Dispute Resolution Center](#) received a specific pool of money to create the Columbia Gorge Region Restorative Justice Program, which covers Wasco County. According to the Center, "Restorative Practices helps students, staff, and families build a strong community at school through healthy relationships and processes for resolving conflict, and it gives students the skills to better cope with adversity and help ensure equity within our communities."
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# 3. Technology, Screen Time, and Social Media

## Why It Matters

It's no secret that the COVID-19 pandemic had a profound impact on the world's relationship with technology. Youth were abruptly expected to shift from in-person learning to online learning, spending up to seven hours a day on camera in front of a computer screen. Where parents may have previously implored their children to "put the screen down," they suddenly found themselves begging those same children to pay attention to the screen.

Then, after school was let out for the day, many parents were still working. With childcare centers closed, grandparents unavailable to help, and afterschool activities shut down, children were left with few entertainment options other than a television, tablet, phone, or computer. In other words, the problem of youth and technology was drastically exacerbated by the pandemic. Now, with the pandemic in the rearview mirror, teens and young adults are more reliant on technology than ever before, with few tools to help moderate their usage.

To further complicate matters, dozens of studies have found that "social media is designed to hook our brains, and teens are especially susceptible to its addictiveness<sup>16</sup>." Or, as one listening session participant put it, "The smartest people on the planet are working on making kids like me spend more time on social media. Teachers lecture us on how tobacco is addictive, but they don't talk about social media like that. If we get addicted to cigarettes, it's the company's fault. But if we get addicted to social media, it's *our* fault. How does that make sense?"

## What's At Stake



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<sup>16</sup> [The Addictiveness of Social Media: How Teens Get Hooked | Jefferson Health](#)



Being adept at technology will inevitably help youth with future career prospects, ensuring that they remain competitive in the job market. Social media can help young people connect with each other, especially those in rural communities and those with underrepresented identities. And gaming can be a fun distraction on an otherwise stressful day. But overuse of technology can result in many negative consequences:

**Mental Health Concerns:** Increased screen time has been associated with a rise in depression, anxiety, and feelings of loneliness among teenagers. The pressure to portray a "perfect" life, cyberbullying, and the comparison trap on social media platforms can contribute to these issues.

**Physical Health:** Excessive screen time, especially before bedtime, can interfere with sleep due to the blue light emitted by screens. Prolonged screen time can lead to a sedentary lifestyle and can result in eye strain and posture-related problems.

**Reduced Real-World Interactions:** Over-reliance on digital interactions might hinder the development of face-to-face social skills.

**Attention and Focus:** The continuous influx of notifications and the multitasking nature of technology can impact attention spans and the ability to focus on singular tasks, rewiring a young child or teen's brain to constantly seek out immediate gratification.

**Exposure to Traumatic Content:** During several listening sessions, the facilitator asked the participants to raise their hands if they had ever seen something online that they wished they had never seen. Nearly every hand went up immediately. Without effective monitoring, young people can be exposed to content that is violent, sexual, or otherwise wildly inappropriate. Youth may feel unable to bring these experiences to the adults in their lives, and will thus be unable to process what they've seen in a healthy way.

## Assessment Findings

### Strengths

1. There were several examples shared during the listening sessions that pointed to **healthy, effective communication between parents and youth** regarding technology use. One teen mentioned getting "too deep" into social media, staying up late at night unable to stop scrolling, making changes to their physical appearance because of comments left on their photos. At the time, they believed social media was helping them connect with others, but eventually, their parents placed restrictions on their usage and they found their mental health improved drastically as a direct result of those restrictions.



2. Some students felt that they were **easily able to monitor their own use of technology**, setting timers so they don't get "too carried away" on social media and gaming.
3. With the use of external platforms, apps, and tools, **parents can now easily restrict, limit, and/or monitor their children's technology use**. This assessment finds that parents have the opportunity to protect their children from viewing inappropriate material, spending too much time comparing themselves to others, and losing track of time because of technology.
4. **Some parents and families are excelling at supporting youth to set boundaries around technology**. One esports team member shared that his family takes trips where the parents take away the three teenagers' phones, replacing them with cameras. This gives the youth something to do while on the trip, addresses the complaint that phones are "the only way to take pictures," and provides an opportunity for a "digital detox" that the youth begrudgingly admit is a good thing.
5. Overall, the biggest strength in this area is with the young people themselves– **they know how damaging social media can be**. They know it's easy to get stuck playing video games for hours at a time. They know that endless scrolling on TikTok isn't really helping them be their best selves.

## Opportunities

1. While youth understand that they need help regulating their technology use, this assessment found that the **adults in their lives are, by and large, not giving them what they need**.
  - a. When a classroom of middle schoolers was asked if their parents placed any restrictions on their technology use (limits on the amount of time or time of day they may be on their phones, for example, or preventing the download of age-gated apps), only three hands went up. When that same classroom was asked who wished their parents placed limits on their technology use, *nearly every hand was raised*.
  - b. By the time youth get to high school, nearly all restrictions have been removed and **teens are expected to fend for themselves online**. In classes of 25 or more students, only one or two had parents who were providing any type of guardrails around their use of technology.
2. At present, **the responsibility for monitoring teen technology use seems to be falling squarely on the shoulders of parents**. But other adults who work with young people,

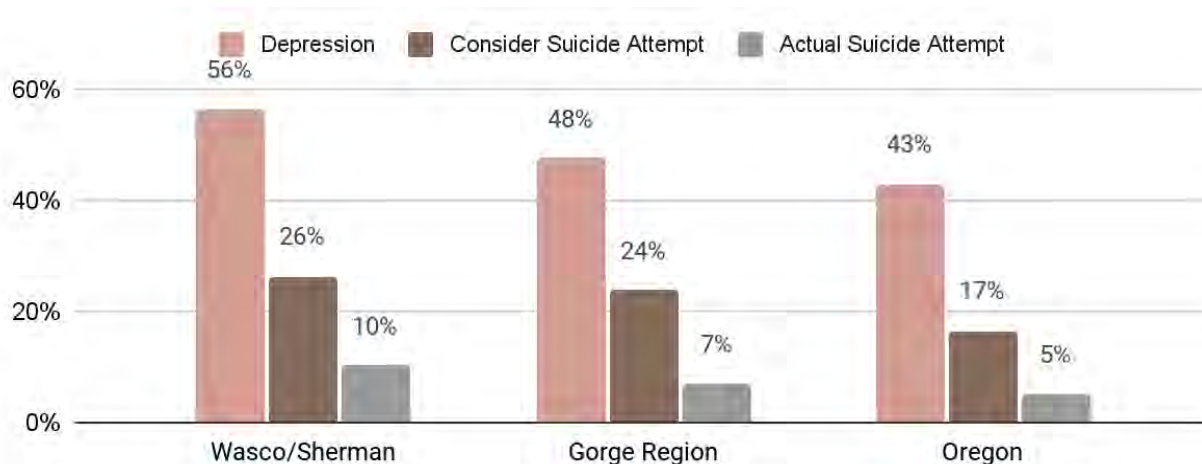
including teachers, coaches, and mentors, can also develop skills for talking about technology. Listening session attendees lamented the lack of strong social media education, critical media consumption tools, and practical skills for navigating the treacherous online world.

- a. The state of Oregon allows individual teachers and schools to create and enforce policies governing cell phone use in classrooms and hallways.<sup>17</sup> One teacher at The Dalles High School was observed explaining the “why” behind a request for cell phones to be put away during a listening session, which can help youth evolve their understanding of when technology can be beneficial for their learning... and when it can be detrimental.
3. While technology cannot be blamed for all mental health challenges faced by the youth of Wasco County, it is important to note that **the county is uniquely impacted by teen depression and suicidality**. Sherman and Wasco Counties participated in the 2020 Oregon Health Authority’s Student Health Survey (though their results were combined into one category during analysis); these counties had higher rates of 11th-grade students reporting signs of depression (56.4%) and suicidality (26.3%) than the Columbia Gorge Region and Oregon state overall. At 10.2%, actual suicide attempts in Sherman and Wasco Counties were substantially higher when compared to the Gorge and the state of Oregon.
  - a. Students and staff at The Dalles High School mentioned recent experiences with a suicide death that impacted the school community, so these issues are not theoretical for them. They are omnipresent, and a very real threat to the feeling of connection and safety experienced by students.

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<sup>17</sup> [Portland area school policies on cellphones all over the map, especially for high schoolers - oregonlive.com](https://www.oregonlive.com/portland-area-school-policies-on-cellphones-all-over-the-map-especially-for-high-schoolers-oregonlive.com/)

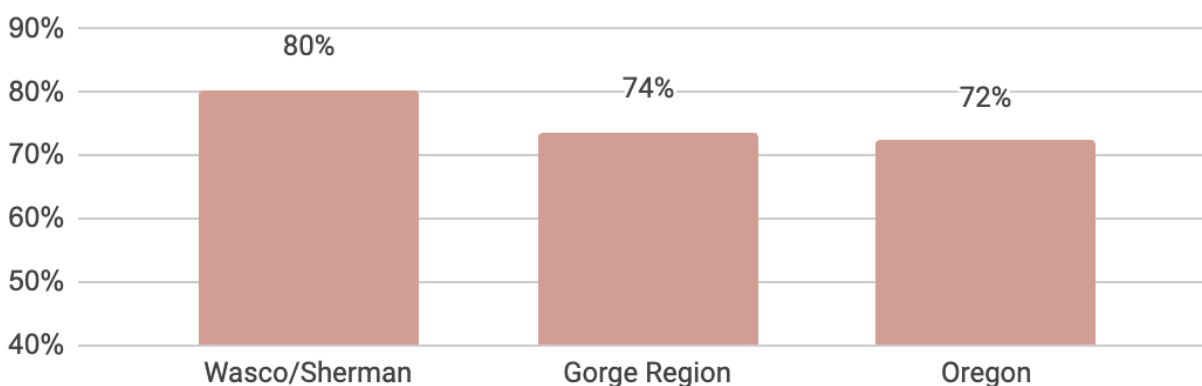
## Percent High School Students Reported Signs of Depression, by County, Region, and State, 2020/21



SOURCE: Oregon Health Authority, Student Health Survey, 2020 (11th-grade data used here)

Unfortunately, these trends stay largely consistent when looking at other mental health conditions, such as anxiety. Wasco and Sherman County teens have higher rates of anxiety than the Columbia Gorge Region and Oregon state overall.

## Percent High School Students Reported Signs of Anxiety, by County, Region, and State, 2020/21



SOURCE: Oregon Health Authority, Student Health Survey, 2020 (11th-grade data used here)

## Recommendations

Creating healthier relationships between youth and technology must happen holistically, with several avenues working in tandem to achieve the same end.

1. **Implement digital literacy training.** Whether in schools, churches, or other community environments, young people can be taught to understand technology in the same ways

they understand food: some feel good but aren't good for you, some feel bad but are good for you, some are REALLY bad and should be avoided, and some are a little bad and are okay in smaller quantities.

- a. One member of the esports club at The Dalles High School stated that, “social media is like a really soft drug.” Continuing to acknowledge the short-term feel-good but long-term negative impacts of social media and technology can help youth better navigate these treacherous waters.
  - b. Researchers who completed an [American Psychological Association report on social media use](#) recommend teaching youth how to curate their social media feeds to limit content that makes them feel bad.<sup>18</sup>
2. **Support real-world interaction.** This is another benefit of increasing the availability of healthy activities for young people— they help youth balance online interactions with IRL (“in real life”) interactions.
  - a. At home, watching movies and playing video games can be supplemented with board games.
  - b. In school, students can be encouraged to join after-school clubs, activities, and teams. Non-athletic activities, such as robotics and esports, should be equally supported by the school so more students have an opportunity to build strong relationships with others, hone their leadership skills, and travel to other areas.
  - c. In the community, events like music festivals, comic book conferences, and other activities described in section one can be created. Youth shared that they would enjoy arcades, bowling alleys, indoor mini golf, ropes courses, summer outdoor programs such as camps, and more.
3. **Place external limits on technology use.** While it can be difficult to face the ire of a teenager, this assessment finds that the long-term benefits of limiting technology far outweigh the short-term cost of dealing with resistance to those limits. To reiterate the findings above, youth who participated in listening sessions shared that they *wanted more guardrails around their use of technology*.
  - a. Limits can come in many different forms— iPhones can be set with daily time limits and “downtime,” which prevents users from picking up the phone in the middle of the night to check for likes and comments. A head researcher for the

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<sup>18</sup> [How to help young people limit screen time — and feel better about how they look.](#)

American Psychological Association report mentioned above recommends a one-day weekly break from all screens, sharing that a full day off each week can "really reset" each member of the family in a deep way. Even if a full day off isn't possible for every family, teens can be coached to turn off notifications so they become less reliant on the dopamine "hit" that comes from knowing that someone liked or commented on a photo they posted.

- b. Parents can ensure their children don't see adult content online by purchasing Wi-Fi router add-ons or adjusting YouTube content filters. Organizations like YouthThink can host trainings for parents on how to understand, implement, and maintain these tools to protect their children from the downside of technology.
  - c. Adults may also benefit from a more measured approach to technology, understanding that there are ways youth use social media to connect with others, gaming to decompress after a stressful day, and videos to get a glimpse into diverse life experiences they might not otherwise be exposed to. Conversations that frame all technology as bad are likely to backfire; adults are likely to have more success when asking open-ended questions, using affirmative statements, and framing external limits as a collaborative process with their youth.
4. **Role Modeling.** Understanding that young people often emulate the behaviors they observe in adults around them, community leaders, teachers, and parents should work to model balanced tech use. Parents can put their phones away during meals or other family time, and teachers can openly talk about the ways they are working to use technology in a healthy, balanced way. Adults can also be honest about their own struggles to place limits on their technology use, in addition to sharing the ways they use technology to reconnect with old friends, decompress after a stressful day, or indulge in health escapism.
- a. Far and above all specific limits that can be placed on technology use, the *intentional* use of technology should be emphasized. Rather than *compulsive* use, where one isn't necessarily aware of picking up their phone or opening their laptop or booting up their video game console, youth (and adults!) can practice consciously choosing to use technology for a specific purpose.
  - b. One esports team member described technology as a "meantime activity." To this teen, that meant it was something he used between other things he enjoyed doing—it wasn't the main event. If youth can be encouraged to see technology (specifically social media, gaming, and watching short videos) as something that happens between more meaningful activities, that can help create a healthy balance.

5. **Shift the way youth are spoken to about technology and social media.** Instead of focusing on kids needing to “put their phones away,” work to understand how truly addictive social media and video games are. This addictive nature is not a bug, it’s a feature– the platforms are designed to drive surges of dopamine to the brain to keep consumers coming back over and over again. The shares, likes, and comments on these platforms trigger the brain’s reward center, resulting in a high similar to the one people feel when gambling or using drugs. Partnering with youth to not fall prey to these tactics will likely result in changed behavior when compared to shaming or punishing them.
  - a. As mentioned above, an esports team member referred to social media as “a very soft drug.” That type of framing, whether it feels too harsh or not harsh enough, may help youth understand that the adults in their lives want to partner with them to create healthy limits around the social media and other technology usage.

## Existing Assets and Resources

Below is a selection of resources to support the healthy use of technology in young people:

- The American Psychological Association released a [Health advisory on social media use in adolescence](#) in March of 2023
  - [Deviced!: Balancing Life and Technology in a Digital World](#) is a book that highlights the brain changes that result from excessive technology use, offering a practical approach to the digital world that enables more informed and lasting change and a healthier long-term perspective.
  - YouthThink has acquired the appropriate licenses to offer classroom or school-wide assemblies or community presentations of the [Screenager trilogy](#) of films. These documentaries probe the vulnerable corners of family life, depicting struggles over social media, video games, and academics.
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## 4. Supportive Policies and Systems

### Why It Matters

Communities and governments play a significant role in shaping a teen's perception of their worth and potential. Funding for schools, support for community programs, allocation of housing resources— these external forces all significantly impact the overall health and well-being of teenagers, especially in rural areas like Wasco County. When youth feel cared for and prioritized, they're more likely to develop into healthy, confident, and civically engaged adults. Conversely, neglect can lead to negative outcomes that not only affect the individual but reverberate throughout the community over time.



**Education:** Budget allocations for public schools play a crucial role in students’ educational experiences. They impact whether schools have parking lots, sports equipment, air conditioning, and more.

**Economic Opportunities:** Decisions related to job creation, support for local businesses, and investment in rural areas can influence local economies, impacting teens directly and indirectly. Parent's employment status can affect the family's overall well-being, and limited job opportunities can lead to feelings of hopelessness or lack of perspective for the future among teens.

**Substance Abuse:** Programs and strategies to combat drug and alcohol abuse, including education and rehabilitation, are vital. Rural areas, including parts of Oregon, have been hard-hit by the opioid epidemic, which may be contributing to increased rates of homelessness. Addressing substance abuse is essential for the well-being of teens directly and indirectly affected by it.



**Recreational and Social Opportunities:** As discussed in section one, funding for community centers, parks, and youth programs can shape teens' social lives. Lack of recreational opportunities can lead to feelings of isolation, boredom, or engagement in risky behaviors.

## What's At Stake

Beyond the direct implications of youth-focused policies, a less obvious impact of community decisions on youth is psychological. When teens perceive that their government and community don't care about or prioritize their needs, as listening session participants did, it can have multifaceted implications on their development, behavior, and well-being. Here's a breakdown of how such perceptions might affect youth and teens.

**Mental Health:** Feeling neglected or unimportant can lead to feelings of low self-esteem and worthlessness. Perceived neglect from the community can contribute to feelings of isolation, loneliness, and stress, potentially exacerbating mental health issues. Feeling uncared for can lead to a bleak outlook on the future, reducing motivation and aspirations.

**Behavioral Consequences:** Teens might engage in riskier behaviors, such as drug and alcohol use, as a form of coping or rebellion. Feeling disconnected from the community may make teens less likely to engage in civic activities like voting, attending town meetings, or participating in local initiatives as they grow older. A lack of investment in youth can sometimes contribute to higher rates of juvenile delinquency, as teens might act out feelings of frustration or seek attention and connection elsewhere.

**Educational Impact:** If teens feel that their community doesn't care about their success, they may lack motivation in school. They might set lower educational and career goals, believing that the community won't support or recognize their achievements. Feelings of neglect can contribute to higher dropout rates, as teens may not see the value in continuing education if they feel it won't benefit them in their community.

**Social Impact:** Teens might withdraw from community activities or social engagements, feeling that they don't belong or are unwelcome. They may gravitate towards peers with similar feelings of neglect, potentially reinforcing negative perceptions and behaviors.

**Physical Health:** Teens may neglect their health and well-being if they feel that their community doesn't prioritize it. This can manifest in poor eating habits, lack of exercise, or avoidance of medical care.

**Identity and Personal Development:** Adolescence is a critical period for identity formation. Feeling unsupported by one's community can create confusion and instability in a teen's



developing sense of self. Without positive community support and engagement, teens might miss out on valuable experiences and opportunities that foster growth and maturity.

## Assessment Findings

### Strengths

It is clear that supporting youth is a high priority for many decision-makers in the region.

1. Wasco County has a plethora of dedicated adults and organizations working tirelessly to support the youth in the community. The North Wasco County School District created a **Community Bond Planning Advisory** group in early 2022 to help prepare for a \$140 million bond measure, which was unanimously approved by the school board; the bond would have completely replaced The Dalles High School and appeared for a public vote in November.
  - a. Though this bond did not pass, the very fact that it appeared on the ballot was an achievement not to be overlooked. Additionally, the percentage of voters who cast their ballot in support of the bond was larger than in past years; several students noted optimism that future bonds would be successful because of this trend.
2. **YouthThink is solely dedicated to the well-being of youth and families in Wasco County, and The Next Door has several programs serving youth and families in the region.** These are just two of the many organizations striving to improve the experiences of young people.
3. In the fall of 2021, The Dalles embarked on a community-wide visioning process with the goal of creating a shared vision for the future of the region and an actionable roadmap to achieve that future. Through the visioning effort, five community focus areas were selected along with supporting priorities and projects described in the [Vision Action Plan 2040](#). The very first watershed opportunity is “modern, state-of-the-art school facilities,” and the first focus area is “invest in local school facilities, including outdoor learning spaces and safe ways to bike and walk to school.”

### Opportunities

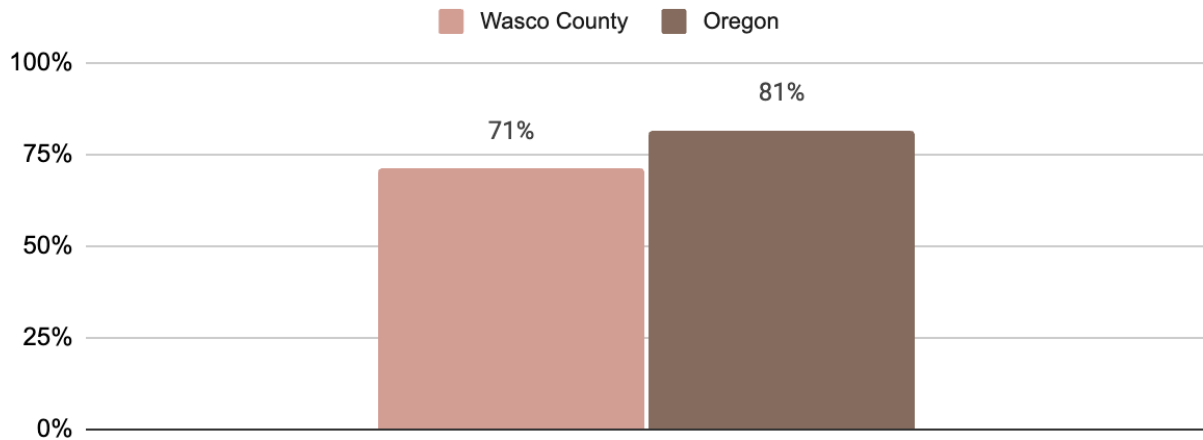
1. Several of the listening sessions revealed that **many young people in The Dalles feel that their community simply doesn’t value them.** In addition to the lack of opportunities to engage in sports, hobbies, or nature activities outside of school, they expressed a perception that their needs are not prioritized by decision-makers.

- a. High schoolers in particular pointed to the fact that voters in Wasco County have declined to pass measures that would improve their educational experience. They gestured to peeling plaster, referenced the extreme heat and cold in their classrooms, and repeatedly referenced the lack of basic infrastructure to support their learning (such as a school parking lot).
  - b. There was vast disagreement between students who were interviewed after the school bond loss at the ballot box. A majority of young people seemed sanguine about the loss, stating that they understood the issue to be a financial one, rather than an ethical one. 16% of Wasco County residents live at or below the poverty line, which is higher than the Oregon state average of 12%.<sup>19</sup> Most students seemed to feel that voters simply could not afford to pay more taxes for a new school, and they didn't seem to take the loss personally. A handful of students, however, did express anger, frustration, and disappointment about another loss at the ballot box. One student in particular shared that they worked on the political campaign supporting the bond; that student in particular took the loss quite hard.
2. **Students who attend The Dalles High School, a campus 82 years of age, want a parking lot** so they can get to class faster in the morning and don't have to walk around the neighborhood at the beginning and end of each day. But speaking with them about the issue made it clear that they aren't just upset about the actual parking situation; the issue is symbolic of the many expectations that are placed on them (such as getting to school on time and not being out of breath) without the structural support that would make it possible for them to meet those expectations.
  - a. One student on the football team shared that “in a small town, even if you are exceptional... you don't get a lot of attention.” Others agreed that they don't have access to the same opportunities (such as scholarships, college options, and summer programs) as students who attend high school in a larger city.
3. A \$140 million bond measure was on the November 7, 2023 ballot, which was ostensibly a good thing— it could have passed, which would have allowed the district to replace The Dalles High School entirely. However, **a public vote on the future of the high school always poses the risk of putting students in the political crosshairs.** School staff shared that commercials in support of past school bonds have emphasized the dire state of the current school building, positioning students as failures. Luckily, the messaging around the 2023 ballot measure didn't seem to have the same effect on students as they expressed empathy for voters when discussing the measure's failure to pass.

<sup>19</sup> [United States Census Bureau: QuickFacts, Oregon; Wasco County](#)

4. Finally, it may not be the case that a lack of supportive policies directly corresponds with graduation rates, but it is true that Wasco County graduation rates are lower than in the state of Oregon overall. The 2023 graduation rate for Wasco County was 75.5%, while the graduation rate for Oregon was 81.3%.<sup>20</sup>

#### Cohort Graduation Rate by County and State, 2022-23



*SOURCE: Oregon Department of Education, Graduation Reports, School Year 2022-23*

## Recommendations

There are many opportunities to increase youth faith in the policies that affect them.

1. **Whenever possible, policies impacting youth should be passed administratively, avoiding the public voting process altogether.** The stakes are very high for young people whose futures are being voted on, and it can be devastating to have your educational future voted down by your friends and neighbors. While a public vote may be unavoidable at times, great effort should be put into protecting youth from feeling that their futures are being put up to a vote.
2. **Youth-focused education campaigns are vital.** Whenever decisions to support youth are made, those decisions should be communicated clearly and effectively to young people. Youth are uniquely susceptible to disinformation, so organizations will have to be adept at telling true stories about their work. Luckily, their presence on social media makes these campaigns relatively easy to promote— a boosted post about the school

<sup>20</sup> [Oregon Department of Education : Cohort Graduation Rate : Students](#)

board's unanimous decision to put forward a bond to revamp the high school could quickly make its way in front of teens.

3. **Engage youth in decision-making.** During one of the listening sessions at The Dalles High School, students mentioned creating a political afterschool club. A collection of civic-minded youth, such as those who would form a political club, would be ideal for providing insights into the needs and perspectives of young people in Wasco County and surrounding areas. These youth can also help build out feedback mechanisms by creating platforms where teens can voice their concerns, suggestions, and feedback on policies directly affecting them.

# Acknowledgements

First and foremost, YouthThink wishes to thank the many youth who engaged so fully in this process, giving us the gift of their honest feedback. These youth generously shared their experiences, hopes, and concerns, despite fears that they might not be taken seriously, or that change might not come in the way they desired. Their voices are the cornerstone of this report and have informed every recommendation put forward.

Our sincere appreciation goes to the parents, guardians, educators, and community members who took time out of their schedules to facilitate the execution of youth listening sessions. Their assistance added depth and richness to our understanding of the challenges and opportunities facing our youth.

We extend our gratitude to the staff, volunteers, and administrators of St. Mary's Academy, The Dalles High School, and The Next Door. Their cooperation and willingness to provide access and logistical support were indispensable.

A special mention goes to the Wasco County officials and local government departments for their endorsement of this project, provision of essential data, and ongoing commitment to improving youth services.

Lastly, we would like to recognize our dedicated research team, without whom this extensive assessment would not have been possible. Their dedication to ensuring the quality and rigor of the assessment process is commendable.

As we move forward with the findings and recommendations from this assessment, we are confident that the collective efforts of the Wasco County community will bring about meaningful and lasting positive change for our youth.

Thank you.

# Normal, Acceptable, and Accessible:

## Insights and Perspectives on Youth Substance Use

Summary of Findings from 2024 Focus Group

*This summary encapsulates the views and experiences shared by five young individuals in a focus group session focused on drug and alcohol use among youth under 21 in Wasco and Clackamas Counties. The primary aim was to delve into the reasons behind substance use among this demographic and understand its impact on their lives.*

### Key Findings

#### Driving Factors Behind Substance Use

- **Stress Relief:** Youth often turn to substances to mitigate stress from both typical and extraordinary life stressors.
- **Media Influence:** The depiction of substance use in media is pointed out as a significant influence, across social media platforms and on tv shows and movies.
- **Social Acceptance:** Peer usage heavily influences substance use, although youth feel that most pressure comes internally rather than through typical peer pressure.
- **Curiosity and Boredom:** Substance use may begin with curiosity and/or boredom, which was especially high during COVID when social events were few and far between.

#### Potential Solutions to Youth Substance Use

- **Sober Commitments:** If a young person has a specific reason not to engage in substance use and abuse, that can help them avoid starting.
- **Positive Peer Pressure:** When asked what advice they would have for peers who were thinking about using substances, participants stressed the importance of creating a sense of belonging that doesn't include substance use. Acceptance was the highest priority for the youth in this listening session, and creating social

acceptance outside of substance use can dissuade teens from engaging in drug or alcohol use.

- **Understanding Consequences:** Youth mentioned making sure that other young people understand that there could be real consequences for substance use, even if they aren't apparent right away and might seem different than how adults have talked about those consequences.
- **Intentional Decision-Making:** Rather than simply using without consciously deciding to, one participant shared that he would urge others to actually think through what you're planning to take, why you want to take it, and what you're expecting out of it. If it would be possible to help a young person hit pause and really consider the possible consequences, it could help them make a healthier choice.
- **Honest and Non-Judgemental Communication:** Youth in this listening session expressed a desire for open and understanding communication across generations, helping them understand the realities of substance use while also emphasizing safety and informed decision-making.

## Conclusion:

The discussion revealed a multifaceted view of substance use among youth, influenced by stress, media, and social acceptance. It underscores the need for genuine communication between adults and youth, highlighting the importance of understanding and addressing the unique challenges faced by today's younger generation.

# Youth Substance Use: Insights and Perspectives

Full Report

## Introduction:

This report compiles the opinions and experiences shared by a group of five young individuals during a focus group session addressing drug and alcohol use among youth under 21 in Wasco and Clackamas Counties. The session aimed to understand why young people engage in substance use and the effects it has on their lives.

## Key Findings:

### Reasons for Substance Use:

- **Stress Relief:** Many youth turn to substances to alleviate stress from home or school, often leading to habitual use and addiction.
  - Based on this listening session, it would be fair to conclude that youth who have stressors above and beyond those of typical teenage life are more likely to engage in substance use and abuse. Typical stressors may include social tensions (friend disagreements, dating issues, and pressure to get good grades). Atypical stressors may include an abusive household, dealing with traumatic events such as sexual violence, and coming out as LGBTQ+.
  - One youth in the listening session spoke to the stressors of living in an abusive household, and how substance use helped them and a friend in a similar situation escape the feelings of being on edge all the time.
- **Media Influence:** The portrayal of drug and alcohol use in social media, movies, and TV shows makes such behavior seem acceptable and normal, encouraging young people to mimic what they see.



- One listening session participant said, "I think that why youth use at such a young age is because social media platforms and movies, TV really hold that to their audience."
- "A lot of social media influencers are very welcoming to drugs and alcohol," explained one participant. They went on to explain that particularly during COVID, when youth and families were really struggling, influencers continued to look like they were happy and doing well. That created even more of an idolatry of these social media icons, allowing them to more deeply impact their followers' desire to be like them by using drugs and alcohol.
- **Social Acceptance:** Peer influence and the desire to fit in within friend groups contribute significantly. Youth specifically mentioned events where substances may be used more frequently, such as dances or at holidays.
  - It was unclear from the listening session how substance use happens at school dances, which are ostensibly held in schools with adults present. It was also unclear which holidays or holiday scenarios are conducive to substance use.
  - There are other social situations when substances are being used. One attendee described going to a party where "everyone was drinking alcohol." To this young person, it looked like "everyone was having a good time" so that caused this teen (and their friends) to also want to drink.

## Initial Experiences of Substance Use:

- **As a Coping Mechanism:** Youths often begin using substances as a way to deal with emotional trauma, such as from an abusive household.
  - One listening session attendee shared this statement: "Things got really really bad, we had nowhere to go...we experimented and...it kinda just helps block out some things." This youth talks about the initial "numbing" effect of LSD and how welcome that experience was in helping them cope with their emotionally abusive living situation.
- **Curiosity and Peer Influence:** Initial use is frequently driven by curiosity and the influence of friends or coworkers, rather than direct peer pressure in the ways

parents and other adults may think about it (such as the typical portrayal of peers coercing others into using). In fact, many reported their first experiences occurring in social settings where they did not feel overtly pressured by others.

- One attendee shared that their peers started using substances during COVID: "A lot of people... were curious and wanted to try, or were doing it out of straight boredom." However, that curiosity or boredom quickly evolved to addiction, according to this attendee. Furthermore, if a young person builds a relationship with a peer that is based on substance use, they may feel obligated to use drugs or alcohol when they hang out with that friend.
- **Lack of Immediate Negative Effects:** It's also possible that youth may expect to get sick, have a "bad trip," or get addicted right away to substances after an initial experimentation. This perception may come from the ways in which substance use is discussed by adults. One youth described trying alcohol at a party, sounding surprised that when they drank, it didn't "raise any addicting behavior."
  - The group indicated that adult warnings and educational efforts often don't resonate with their actual experiences, leading to distrust or dismissal of adult guidance. When immediate negative consequences don't occur, perhaps young people feel that they can safely continue down the road of substance use.

## Views on Peer Pressure:

- **Internal Pressure:** Participants noted a shift from direct peer pressure to more of an internal pressure or expectation to participate in substance use, reinforcing the idea that it's more about fitting in or curiosity than being directly coerced.
  - "Peer pressure isn't necessarily the same as how adults think it is," one listening session attendee explained. "If you're out at a party and you're not drinking, no one is really focused on that." However, listening session attendees still describe an internal struggle to participate and fit in, even when that pressure isn't coming directly from others.

- **“Normal, Acceptable, and Accessible”:** Drug and alcohol use seems to be rampant and “casual,” occurring often and in many different settings. This reinforces the idea that “everybody is doing it” and that it’s not a big deal to start.
  - “We just wanted to have a good time, have fun, and drink with our friends.” Trying substances isn’t seen as a momentous decision in the moment, even though it may lead to bad consequences down the road.
  - “It just kind of sort of happened,” shared one youth who had not used substances even though their friends had been. This youth described casually drinking at a party one time, then the decision not to try it again. “It was just my own curiosity.” But once that curiosity was sated, this youth hasn’t returned to substances.
  - Using substances has become inevitable for most teens, based on the experiences of the youth in this listening session. “[Using substances] is going to happen eventually... It’s just kind of become normal, everyday life.”

## **Avoiding Substance Use:**

- **“Possible But Challenging.”** Attendees did share that they thought it was possible to make it to age 21 without using drugs or alcohol, depending on the person and the situations they find themselves in.
  - “It’s very rare in today’s society because drugs are normalized by a lot of people. So is alcohol, and so is marijuana and all that.” Youth stressed the environment of acceptance around substance use as a primary reason why it would be difficult for a teen to resist the temptation until they were 21.
  - “You would have to be very strong-willed and have a very strong personal reason why you don’t [want to use drugs].” If a young person had a specific commitment not to use, that might be helpful in helping them avoid substance use and abuse.
- **Addiction:** Youth named addiction as the biggest risk when it comes to substance use, and thus is viewed as the primary reason to avoid substance use.

- **Impact on Relationships:** Youth also mentioned how using drugs or drinking alcohol with friends can “poison” the friendship, while also drawing you away from healthy friends and supportive family members who do not engage in substance use.
  - One listening session attendee named a family member who had “chosen drugs over his own daughter,” and shared that this dynamic made them less likely to want to get involved with drugs.
- **Health Challenges:** A participant named cancer and asthma as side effects of smoking, which they learned about in health class and appreciated being informed about.

## Substance Use and Mental Health:

- **A Temporary Solution:** Youth expressed that substance use can seem like an effective temporary solution for mental health issues like depression and anxiety but acknowledged the potential negative long-term consequences.
  - “All the intrusive thoughts went away and nothing bad happened,” is how one listening session attendee described the beginning of a psychedelic drug experience.
  - One listening session participant shared about friends who have used substances: “My friends who have used, prior to their first time, they were either heavily in depression or had suicidal thoughts or didn’t feel like they belonged in a certain area where they lived in or went to school in. And using, in a way, helped them get out of that situation.” This participant shared further about a specific friend who vapes nicotine and describes it as “free therapy,” reducing her stress and anxiety.
- **Pressures from COVID-19:** One participant shared that they started using substances during COVID, and another participant with their camera on could be seen nodding their head in agreement.
  - “A lot of households became hostile during COVID... a lot of stuff was changing and a lot of stuff was going on,” which led to some young people

trying substances for the first time, according to this participant.

- **Relief from Social Pressures:** Even for teens without mental health challenges, substances can help them feel “happier,” “more confident,” and “more willing to talk to new people.”
  - “When I’m using, you kind of just feel more independent and more social, and you feel more accepted and more *with* your friend group when you’re on the same level as them.”

## Family and Community Influence:

- **Lack of Constructive Communication:** Many participants cited a lack of constructive communication with parents or guardians regarding substance use, often due to poor relationships or the adults' own heavy substance use issues.
  - Two participants specifically shared experiences of parental alcoholism and methamphetamine use, which caused situations in which neither participant is currently in relationship with any of their birth or step parents.
  - Youth expressed a fear of bringing their substance use challenges to their parents, worrying that it may cause a rift in the relationship; they stated a desire to have the kind of relationship where they could talk to their parents about anything.
- **Strict Prohibitions Can Backfire:** At least two participants mentioned that rigid opinions about substances from parents, rather than an open dialogue, can cause youth to rebel and use substances in particularly unhealthy ways.
  - One participant shared that adults may have had negative experiences with substances and this may cause adults to counsel their children very strongly against any substance use. Sometimes this can result in youth rebelling and using drugs.
  - However, both participants with strict rules imposed by parents shared that they “understand” where their parents are coming from, and have become more likely to listen and respect their family rules as they age

through adolescence.

- **Understanding Generational Differences:** Any adults who work with youth should be aware of how different current adolescence is than it has been in the past.
  - “With social media and technology– they didn’t have that when they were a teenager. It’s a very different landscape now... Drugs and alcohol are a lot more accessible for teenagers now, too; I don’t think they fully understand.”
  - “It’s easy for them to be like, ‘Oh, I was a teenager once.’ But in reality, our teenage experience is almost completely different from theirs, considering we’re growing up with so many different types of technology and advancements that wasn’t normal for people aged 40 and up.”

## Advice for Peers and Younger Youth:

- **It’s okay not to use:** When asked what advice they would have for peers who were thinking about using substances, participants stressed the importance of creating a sense of belonging that doesn’t include substance use.
  - “[I would tell them that] not everybody uses substances and drinks... not everybody needs to do that to get friends or to fit in,” is how one participant modeled a conversation that could prevent other youth from using substances. They shared how important it is to normalize NOT using substances, and to let others know that they would be safe from social consequences if they chose not to use substances.
- **There are real consequences:** Youth mentioned making sure that other young people understand that there could be real consequences for substance use, even if they aren’t apparent right away and might seem different than how adults have talked about those consequences.
  - The pertinent consequences shared by youth included addiction, health challenges, changes in personal relationships, and getting into legal trouble.
- **Make informed decisions:** Rather than simply using without consciously deciding

to, one participant shared that he would urge others to actually think through what you're planning to take, why you want to take it, and what you're expecting out of it. If it would be possible to help a young person hit pause and really consider the possible consequences, it could help them make a healthier choice.

## Future Considerations for Their Children:

- **Balancing Honesty and Protection:** When discussing future parenting, individuals expressed a desire to be more open and understanding with their own children about the realities of substance use, while also emphasizing safety and informed decision-making.
  - There was a wide diversity of opinions about this topic, however. One youth expressed that they would openly and honestly discuss substance use with their future children, while another shared a decisive belief that being too transparent might instill fear in their child or children.
    - "If I tell them everything I've been through, then they'll just be scared that that's going to happen to them, that it will for sure happen to them... I want them to feel like not everything is bad and not everything is good. Kind of like the neutral setting."
    - Maintaining a parenting relationship, rather than a friendship relationship, was also mentioned as important to building trust between parents and children.

## Overall Emotional Needs and Desires:

- **Acceptance:** When asked what the biggest emotional challenges are, participants all agreed that feeling accepted by others is the primary emotional desire shared by youth.
  - One youth walked the group through a possible thought process a teen might have when deciding whether to use substances: "If I do this, am I going to stand out or if I do something, am I going to be accepted for what I do?"

## Conclusion:

The youth participating in the focus group expressed a complex interplay of factors contributing to substance use among their peers, including social acceptance, media influence, stress relief, and family dynamics. They emphasized the need for more authentic, understanding communication from adults and educational programs that resonate with their real-life experiences. There is a clear call for actions that consider the unique societal pressures and mental health challenges facing today's youth.



Policy Period:

2023-2024

2024-2025

		Premiums		Premiums
Package Policy				
Property Premium		\$ 163,273.61		\$ 209,337.02
Multi-Line Credit		\$ (8,163.68)		\$ (10,466.85)
Special Form/\$1,000 Ded/RC/GRC Per Appraisal				
	<u>Number of Locations</u>			
	Building Limit**			
	Contents / Business Personal Property Limit			
	Property in the Open			
	Deductible			
	Valuation			
	Revenue Loss & Extra Expense			
	Blanket Limits?			
	Coverage Enhancements			
	Equipment Breakdown			
	Electronic Data - Hardware & Software			
	Extended Period of Restoration			
	Debris Removal			
	Backup of Sewer or Drains			
	Personal Property of Others			
	Hired, Rented or Borrowed Equipment			
	Pollution Cleanup			
	Unscheduled Fine Arts			
	Temporary Emergency Shelter Restoration			
	Tenant Improvements & Betterments			
	Fences / Trees / Outdoor Property			
	Earthquake			
	Flood			
Equipment Schedule				
	Scheduled Equipment: See Schedule	Inc. In Property		Inc. In Property
	Rented and Borrowed Equipment up to 60 days			
	Deductible			
General Liability				
Premium		\$ 242,781.13		\$ 262,756.49
Aggregate/Retro Deductible Credit		\$ (75,547.00)		\$ (80,536.00)
Multi-Line Credit		\$ (8,411.74)		\$ (9,161.02)
Other GL Risk Exposure		\$ 1,000.00		\$ 1,000.00
	Each Occurrence			
	General Aggregate			
	Exposures:			
	Personnel Services for Prior Year			
	Total Materials & Services			
	Total Requirements			
	Coverage Enhancements			
	Blanket Additional Insured			
	Blanket Waiver of Subrogation			
	Employee Benefits Liability			
	Professional Liability			
	Sexual Abuse or Molestation Liability			
	Employment Practices			
Business Auto				
Premium		\$ 58,461.01		\$ 58,387.77
Multi-Line Credit		\$ (2,923.06)		\$ (2,919.39)
	<u>Owned Auto</u>			
	Liability			
	PIP			
	Un/Underinsured Motorist - BI			
	Comprehensive Ded.			
	Collision Ded.			
	Owned Vehicle Count			
	Non-Owned Auto Liability			
	Hired Auto Liability - 60 days or less			
	Cost of Hire			
Crime				
	Employee Theft	\$ 960.00		\$ 1,055.00
	Forgery or Alteration			
	Theft of Money / Securities - Inside the Premises			
	<u>Theft of Money / Securities - Outside the Premises</u>			
	Money Orders & Counterfeit Money			
	Computer Funds Transfer			
	Impersonation Fraud			
	Retention			
CIS Total Premium		\$ 371,430.27		\$ 429,453.02
Cyber				
	Limit of Liability	\$ 33,000.00		\$33,481
	Maximum Aggregate Limit			Taxes & Fees
	Coverages			
	Third Party Liability			
	Multimedia Liability			
	Security & Privacy			
	Privacy Regulatory Defense Penalties			
	PCI DSS Liability Coverage			
	First Party Liability			
	Breach Event Costs			
	System Failure Coverage			
	Cyber Crime Loss			
	Criminal Reward Costs			
	Aggregate Deductible/Waiting period			
	Waiting Period/Period of Indemnity			
	Retro Date			
	TechPro Coverage Sublimitg			
	Technology Services Liability Each Claim			
	Technology Services Aggregate			
	Professional Services Liability			
	TechPro Aggregate Sublimit			
	TechPro Deductibles Each Claim			
	TechPro Retro Date			
Cyber Excess				
	Limit of Liability	\$ -		\$8,500
	Maximum Aggregate Limit			Taxes & Fees
Workers Compensation				
	Bodily Injury by Accident - each accident	\$ 119,444.65		\$ 118,360.93
	Bodily Injury by Disease - each employee			
	Bodily Injury by Disease - policy limit			
	Exp Mod			
Total Premium		\$ 523,874.92		\$ 589,794.95

WORKERS COMPENSATION

Workers' Compensation is a form of state-mandated insurance covering medical costs and wage replacement for employees injured in the course of their employment. For employees residing in a monopolistic state (WA, WY, ND, OH), workers compensation benefits are obtained through that individual states

Class Code	Description	2024 - 2025 Estimated Payroll	2023-2024 SAIF Ren		2024-2025 SAIF Ren	
0042	Street/Rd Beautification Incl Dr	\$0	4.79	\$0	4.61	\$0
0050	Weed Control Incl Dr	\$88,157	4.21	\$3,711	4.07	\$3,587.99
5213	Concrete Construction NOC	\$0	4.14	\$0	3.73	\$0
5506	Street/Rd Const-Fnl Grad/Pve/Rep/Dr	\$1,005,354	4.63	\$46,548	4.17	\$41,923.26
5507	Street or Road Construction Subsurface Work & Drivers	\$0	3.22	\$0	2.8	\$0
5507	Street or Road Construction-Rock Excavation & Drivers	\$0	3.22	\$0	2.8	\$0.00
7024	Vessels-NOC-State Act	\$76,318	2.92	\$2,228	2.94	\$2,243.75
7720	Police Officers & Dr	\$1,725,410	2.48	\$42,790	2.57	\$44,343
7720	Police Matrons/Juvenile Officers/Dr	\$292,678	2.48	\$7,258	2.57	\$7,522
7720	Vol Police Chaplain	\$0	2.48	\$0	2.57	\$0.00
7720	Vol Emergency Management	\$3,543	2.48	\$88	2.57	\$91
7720	Vol Police Dept Support Svrs	\$0	2.48	\$0	2.57	\$0.00
7720	Inmates	\$37,372	2.48	\$927	2.57	\$960
7720	County Search And Rescue Volunteer	\$7,517	2.48	\$186	2.57	\$193.19
7720	Vol K9 Decoy Trainer	\$0	2.48	\$0	2.57	\$0.00
8380	City/County-Veh/Equip Repr Shop-Dr	\$152,594	2.02	\$3,082	1.81	\$2,762
8411	Vol Dpty Sheriff @3400/Mo Ea	\$81,600	1.13	\$922	1.18	\$962.88
8742	Field Representatives	\$600,261	0.21	\$1,261	0.18	\$1,080.47
8810	Office Clerical	\$2,878,404	0.11	\$3,166	0.07	\$2,015
8820	Attorney & Cler/Messenger/Dr	\$636,251	0.11	\$700	0.07	\$445
8831	Dog Pounds-Incl Dog Catcher/Dr	\$0	1	\$0	0.92	\$0.00
8832	Physician & Clerical	\$0	0.28	\$0	0.3	\$0
8835	Nurse-Home Health/Public-Trvl-Al Emp	\$0	1.87	\$0	1.8	\$0.00
9015	Buildings-Operation By Owner Or Lessee & Drivers	\$285,137	2.75	\$7,841	2.41	\$6,872
9016	County Fairs/Dr	\$80,500	2.11	\$1,699	2.01	\$1,618.05
9101	College/Schools-Al Other Emp	\$0	2.62	\$0	2.41	\$0
9102	Park NOC-All Employees & Dr	\$0	2.96	\$0	2.73	\$0.00
9402	Highway Oper/Snow Remvl Only/Dr	\$43,863	4.35	\$1,908	4.1	\$1,798.38
9410	Municipal/Twn/Cnty/State Emp-NOC	\$2,211,030	1.3	\$28,743	1.2	\$26,532.36
Total Manual Premium		\$10,205,989		\$153,060		\$144,951
EL Increased Limits (Part II)			1.54	\$393	1.54	\$1,212
EL Increased Limits Premium (Part II)			n/a	\$0	1.009	\$1,305
Total Subject Premium				\$153,453		\$147,467
Experience Rating			0.98	-\$2,702	0.89	-\$16,221
Total Modified Premium				\$150,751		\$131,246
Pre-Pay Credit			0.97	-\$3,972	0.97	-\$3,937
Total Standard Premium				\$146,779		\$127,308
Premium Discount			0.1631	-\$20,943	0.1628	-\$20,740
Terrorism Premium			0.005	\$463	0.005	\$510
Catastrophe Premium			0.01	\$926	0.01	\$1,021
DCBS Assessment			1.098	\$10,566	1.098	\$10,262
Total Premium and Assessment				\$137,791		\$118,361

2023-24 Estimated Payroll: \$9,262,459

2023-24 Premium: \$119,444.65

Part A - Workers Compensation

Statutory Limits

States Covered

OR

Part B - Employers Liability

Each Accident

\$3,000,000

Each Employee

\$3,000,000

Policy Limit

\$3,000,000

Part C - Other States

None

Payroll Reporting Frequency: Annual

Audit Period: Annual

**\*\*This policy does not provide coverage for ND, OH, WA or WY. These are monopolistic states which require the Workers Compensation be provided through each individual state's Workers Compensation program. If you work in any of these states, please be sure you are registered directly through that state.**