



PLANNING DEPARTMENT

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Pioneering pathways to prosperity.

WASCO COUNTY CITIZEN **ADVISORY GROUP PACKET**

FOR

Hearing Date: August 4, 2020

Hearing Time: 3:00 pm

Hearing Location: Virtual Meeting via Zoom

Link to join: <https://wascocounty-org.zoom.us/j/84016344611?tk=ia7Oi6uQbML6AmD0OtOvb41IB6296Jpgf61pjGSR03Q.DQIAAAATj8OulxZvUklNdkRNQ1Q3MjZnNy1PRmlnaG5RAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA>

Wasco County 2040 Comprehensive Plan Final Draft



PLANNING DEPARTMENT

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Date: July 28, 2020
To: Wasco County Citizen Advisory Group
From: Wasco County Planning Office
Subject: Submittal for meeting dated August 4, 2020
Re: **Wasco County 2040**

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FILE #: 921-20-000072

REQUEST: Legislative Request to Amend the Comprehensive Plan, Introduction, Revisions
and Exceptions Chapters

DECISION:

Attachments:

- A. Overview of Chapters 15 & 16
- B. Final Draft of Proposed Introduction Chapter
- C. Final Draft of Proposed Chapter 15 of Wasco County 2040 (Comprehensive Plan)
- D. Final Draft of Proposed Chapter 16 of Wasco County 2040 (Comprehensive Plan)

File Number: 921-20-000072

Request: Amend the Wasco County Comprehensive Plan
1. Change the format to align with Statewide Land Use Planning Goals
2. Develop Introduction, Revisions Process and Goal Exceptions into Wasco County 2040 format, make any general amendments reflecting current planning practice.

Prepared by: Kelly Howsley Glover, Long Range Planner

Prepared for: Wasco County Planning Commission

Applicant: Wasco County Planning Department

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

Planning Commission Hearing Date: September 1, 2020

Procedure Type: Legislative

Attachments: Attachment A: Wasco County Comprehensive Plan Introduction Chapter, Chapter 15 and 16 Overview
Attachment B: Draft of Proposed Introduction Chapter of Wasco County 2040 (Comprehensive Plan)
Attachment C: Draft of Proposed Chapter 15 of Wasco County 2040 (Comprehensive Plan)
Attachment D: Draft of Proposed Chapter 16 of Wasco County 2040 (Comprehensive Plan)

I. APPLICABLE CRITERIA

- A. Wasco County Comprehensive Plan Chapter 11: Revisions Process
 - 1. Section B: Form of Comprehensive Plan Amendment
 - 2. Section C: Who May Apply for a Plan revision
 - 3. Section D: Legislative Revisions
 - 4. Section H: General Criteria
 - 5. Section I: Transportation Planning Rule Compliance
 - 6. Section J: Procedure for the Amendment process
- B. Oregon Administrative Rules 660-018: Post Acknowledgment Amendments
- C. Oregon Administrative Rules 660-004: Interpretation of Goal 2 Exception Process

II. SUBMITTED COMMENTS

As of the date of this document, Wasco County Planning Department has received no comments about the proposed revisions.

III. PUBLIC INVOLVEMENT

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

A. Newspaper Notifications

Citizen Advisory Group Work Session August 4, 2020:

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

Planning Commission Hearing September 1, 2020:

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

B. Postcard Notice

On August 10th, a notice was sent to all residents in unincorporated Wasco County, outside the National Scenic Area, in accordance with ORS 215.503. The language included that required by ORS 215.503, hearing time, the address for the project website and contact information.

C. Information Available on Website

The information regarding the proposed amendments was placed on the Wasco County Planning Department Website¹ starting in January 2020. If updates are made following each hearing, the webpage will be updated to reflect such changes. At the time of publication of this document, the following information was made available to the public:

- A listing of hearing dates, times and locations

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

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

In addition, the Wasco County Comprehensive Plan website² has included several posts that have included the time and date of meetings and discussion of proposed topics. This website has 48 subscribers that receive notification of new content, and is also promoted on the Planning Department's social media channels which have over 385 followers.

D. Notification to Partners

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to the Periodic Review Assistance team and other Citizen Advisory Group identified stakeholders on August 17, 2020. The notification included links to the staff report, proposed amendments, and the opportunity to comment.

E. Notification to Community Notification List

During the Wasco County 2040 initial outreach phase, a public email notification list was assembled. Members of the public continue to have the opportunity to sign up for this list at any time on the project website³ or in person at any of the public hearings, work sessions or other events. They can also request to be put on the list via email, telephone, or in the Planning Department Office. Currently this list includes 184 interested parties from the community.

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to this notification list on August 25, 2020. The notification included links to the proposed amendments, and information on how to provide comment.

F. Other Public Outreach

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

IV. FINDINGS

A. Wasco County Comprehensive Plan Criteria

1. Chapter 11 - Revisions Process

- a. Section B – Form of Comprehensive Plan Amendment*
Amendments to the Comprehensive Plan include many forms and can either be legislative or quasi-judicial.

² www.Wasco2040.com

³ <https://wasco2040.com/contact/>

FINDING: The request is for a legislative text amendment to policies and the format for the Introduction, Revisions Process (Chapter 15) and Goal Exception Chapter (Chapter 16) of the Comprehensive Plan. These updates are not part of the Periodic Review work plan but are proposed to be consistent with updates made during Periodic Review. Amendments include reformatting and edits to existing policy and implementation, as well as the addition of some new content including historical zoning, how to use the plan, references, a definitions section, and new illustrative maps.

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

2. Planning Commission by majority vote confirmed by the Wasco County Governing Body. (Legislative)

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

c. Section D – Legislative Revisions

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

FINDING: The proposed text amendments to policies and format of the Comprehensive Plan are applicable to all properties governed by the Wasco County Comprehensive Plan and therefore the proposal is a legislative revision. The proposed amendments are part of a larger Periodic Review process approved by the Planning Commission, Board of County Commissioners, Department of Land Conservation and Development and the Land Conservation and Development Commission. To be accepted for periodic review, staff prepared extensive justification demonstrating the need for amendments to the Comprehensive Plan as a result of changes in the social, economic and environmental character of Wasco County. The proposed revisions are consistent with the overall goal to make the Comprehensive Plan an easy to read document with updated information and analysis. The proposed Chapters are supporting pieces of the overall Comprehensive Plan that facilitate revisions, staff analysis of development applications, and general usability of the long range plan.

d. Section H – General Criteria

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

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

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

FINDING: By in large, the proposed revisions are intended to facilitate ease of use with the new Comprehensive Plan and will not impact the implementing Ordinance, Wasco County compliance with Statewide Goals, health and safety, inventories, or the overall land use planning program. Instead, the amendments clarify Wasco County's historical zoning and land use program, how to read and use the Comprehensive Plan, definitions, the Wasco County 2040 process, and to clarify past committed land goal exceptions.

The proposed changes support Wasco County's Goal 1 and 2 in increasing transparency, usability, clarity and information to assist citizen involvement and equitable land use planning. They do not represent a mistake in the existing Comprehensive Plan but instead are in response to overall changes as a part of Periodic Review. Proposed revisions, however, are not directly related to Statewide Goals or the implementing Ordinances for Statewide Goals, and therefore are not detrimental to the spirit and intent of Statewide Goals.

Any modifications are not relevant to public health and safety or existing inventories. Revisions are based on public need, established with revisions to Goal 1 and 2, to "present information used to reach decisions in a simple and straightforward manner to help citizens comprehend the issues" (1.1.1 (d)) and for "the most factual and current data available" (2.1.2 (b)).

The Revisions Process Chapter has been revised in keeping with the new format. No substantive changes to the revisions process for Comprehensive Plan Amendments are proposed.

Staff finds the proposed revisions are necessary to support compliance with Statewide Goals and increase citizen involvement and equitable land use planning.

e. Section I- Transportation Planning Rule Compliance

- 1). Review of Applications for Effect on Transportation Facilities – A proposed zone change or land use regulation change, whether initiated by the County or by a private interest, shall be reviewed to**

determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – “TPR”). “Significant” means the proposal would:

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

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

f. Section J – Procedure for the Amendment Process

- 1. A petition must be filed with the Planning Offices on forms prescribed by the Director of Planning.**
- 2. Notice of a proposed revision within, or to, the urban growth boundary will be given to the appropriate city at least thirty (30) days before the County public hearing.**
- 3. Notification of Hearing:**
 - (1) Notices of public hearings shall summarize the issues in an understandable and meaningful manner.**
 - (2) Notice of a legislative or judicial public hearing shall be given as prescribed in ORS 215.503. In any event, notice shall be given by publishing notice in newspapers of general circulation at least twenty (20) days, but not more than forty (40) days, prior to the date of the hearing.**
 - (3) A quorum of the Planning Commission must be present before a public hearing can be held. If the majority of the County Planning Commission present cannot agree on a proposed change, the Commission will hold another public hearing in an attempt to**

resolve the difference or send the proposed change to the County Governing Body with no recommendation.

(4) After the public hearing, the Planning Commission shall recommend to the County Governing Body that the revision be granted or denied, and the facts and reasons supporting their decision. In all cases the Planning Commission shall enter findings based on the record before it to justify the decision. If the Planning Commission sends the proposed change with no recommendation, the findings shall reflect those items agreed upon and those items not agreed upon that resulted in no recommendation.

(5) Upon receiving the Planning Commission's recommendation, the County Governing Body shall take such action as they deem appropriate. The County Governing Body may or may not hold a public hearing. In no event shall the County Governing Body approve the amendment until at least twenty (20) days have passed since the mailing of the recommendation to parties.

FINDING: The Planning Department and the Planning Commission sought approval to revise the Comprehensive Plan through the Board of County Commissioners and the State Department of Land Conservation and Development (DLCD). DLCD approved Wasco County for Periodic Review on February 20, 2018. In addition to the scope of Periodic Review, the directive was to also update additional Chapters/Goals in tandem with work tasks.

These additional updates do not involve modifications or amendments to any of the urban growth boundaries and therefore no notices to Cities are required. Planning staff has contacted incorporated cities within Wasco County to solicit ongoing feedback and participation in Wasco County 2040.

Notices for all amendments are occurring in accordance with ORS 215.503. Section III of the staff report, above, details all the public noticing issued for this Post Acknowledgment Plan Amendment.

A quorum for this hearing was present to deliberate. By a vote of ___ to ___ the Planning Commission voted to recommend approval of the amendments to Chapters 4 and 8 to the Board of County Commissioners. The first hearing by the Board of County Commissioners will be held on October 7, 2020, 35 days following this hearing.

Oregon Administrative Rule (OAR) 660-018: Post Acknowledgment Amendments

OAR 660-018-0020 Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation

1). Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section 2). Of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.

2). The submittal must include applicable forms provided by the department, be in a format acceptable to the department, and include all the following materials:

a). The text of the proposed change to the comprehensive plan or land use regulation implementing the plan, as provided in section 3) of this rule;

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

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

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

(e) The notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable; and

(f) Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

(3) The proposed text submitted to comply with subsection (2)(a) of this rule must include all of the proposed wording to be added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal or its purpose, by itself, is not sufficient. For map changes, the material submitted to comply with Subsection (2)(b) must include a graphic depiction of the change; a legal description, tax account number, address or similar general description, by itself, is not sufficient. If a goal exception is proposed, the submittal must include the proposed wording of the exception.

FINDING: A notice was sent to DLCD on July 27, 2020, consistent with requirements, to inform them of the proposed September 1, 2020 hearing and subsequent hearings to adopt amendments to the Introductions Chapter, Chapter 15, and 16 via PAPAOnline as requested. Staff used FORM 1, as required, and submitted a copy of the notice, the staff report, and other relevant materials. A list of persons who participate orally or in writing in the local proceedings will be submitted with materials to DLCD.

OAR 660-018-0040 Submittal of Adopted Change

(1) When a local government adopts a proposed change to an acknowledged comprehensive plan or a land use regulation it shall submit the decision to the department, with the appropriate notice forms provided by the department, within 20 days.

(2) For purposes of the 20-day requirement under section (1) of this rule, the proposed change is considered submitted to the department:

(a) On the day the applicable notice forms and other required documents are received by the department in its Salem office, if hand-delivered or submitted by electronic mail or similar electronic method, or

(b) On the date of mailing if the local government mails the forms and documents.

(3) The submission to the department must in a format acceptable to the department and include all of the following materials:

(a) A copy of final decision;

(b) The findings and the text of the change to the comprehensive plan or land use regulation;

(c) If a comprehensive plan map or zoning map is created or altered by the proposed change:

(A) A map showing the area changed and applicable designations; and

(B) Electronic files containing geospatial data showing the area changed, as specified in section (5) of this rule, if applicable.

(d) A brief narrative summary of the decision, including a summary of substantive differences from the proposed change submitted under OAR 660-018-0020 and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the actual change; and

(e) A statement by the individual transmitting the decision identifying the date of the decision and the date the submission was mailed to the department.

(4) Where amendments or new land use regulations, including supplementary materials, exceed 100 pages, a summary of the amendment briefly describing its purpose and requirements shall be included with the submittal to the director.

FINDING: The local record for updates related to 921-20-000072 will be submitted electronically (via PAPAOnline) within 20 days of the last evidentiary meeting (October 21st). The submittal will include correct forms, copy of the final decision, findings and text of the change, comprehensive plan map, electronic geospatial data files, a narrative summary of the decision, a statement by the individual transmitting the decision identifying the date of the decision and the date the submission was mailed to the department.

Interpretation of Goal 2 Exception Process OAR 660-004-0000 Purpose

(2) An exception is a decision to exclude certain land from the requirements of one or more applicable statewide goals in accordance with the process specified in Goal 2, Part II, Exceptions. The documentation for an exception must be set forth in a local government's comprehensive plan. Such documentation must support a conclusion that the standards for an exception have been met. The

conclusion shall be based on findings of fact supported by substantial evidence in the record of the local proceeding and by a statement of reasons that explains why the proposed use not allowed by the applicable goal, or a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use, should be provided for. The exceptions process is not to be used to indicate that a jurisdiction disagrees with a goal.

FINDING: All committed lands outlined in Chapter 16 were approved prior to Periodic Review.

Staff found the format in which committed lands were presented in the previous Comprehensive Plan version to be inconsistent with the requirements of OAR 660-004-0000; in the case of exceptions granted during the original 1983 Comprehensive Plan adoption, the documentation present in the Comprehensive Plan was outdated as far as map and tax lot and did not have adopting Ordinance numbers where the record of proceedings, and therefore substantial evidence and findings of fact, could be easily obtained.

Staff conducted extensive research to develop a consistent template for presenting committed lands including current and past zoning, date approved, the mechanism by which the rezone was approved, a brief description of the rezoned area, and an accompanying map. Because a portion of committed lands and subdivisions acknowledged in 1983 were later designated National Scenic Area lands and rezoned in keeping with Columbia River Gorge National Scenic Area Management Plan zoning designations, staff also clearly delineated lands currently in Wasco County and in the National Scenic Area.

Committed subdivisions were included in a justification for exception table, similar to what was developed for the 1983 Comprehensive Plan, with some additional information to help aid in contemporary or future research and analysis.

Revisions to the format and information provided are intended to be consistent with OAR 660-004-0000 (2).

Attachment A

Chapter 15 Proposed Amendments

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

State of the Comprehensive Plan:

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

Chapter by Chapter Overview of Proposed Substantive Amendments:

A. Chapter 15- Plan Revisions Process

This chapter replaces the existing Chapter 11. The content is the same but has been rearranged to fit with conventions of the new format and for readability.

- 1. **Overview:** The overview briefly discusses the purpose of the Chapter.

2. **Plan Revisions Procedure/Criteria:** This section contains the procedures and criteria for updating the Comprehensive Plan. The content is the same, it has been updated to a new outline system consistent with other Chapters in Wasco County 2040.
3. **Findings:** Consistent with the Wasco County 2040, findings have been added as endnotes. The specific finding including references the nexus of the rule to state law.

Chapter 16 Proposed Amendments

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

Overview of Proposed Substantive Amendments:

A. Chapter 16- Goal Exceptions

This new chapter is a revision of previous Chapter 13, entitled “Exceptions to Goal 3.” The new chapter now covers all Goal Exceptions, including exceptions to Goal 4.

1. **Overview:** The overview explains what Goal Exceptions and Committed Lands are and the process by which they were identified and approved.
2. **Committed Land and the National Scenic Area:** This section summarizes the community updates as a result of the adoption of the National Scenic Area Act.
3. **Criteria:** This provides the criteria for approving goal exceptions.
4. **Committed Lands:** This gives an overview of the exceptions in the inventory.
5. **Findings:** Findings, presented as endnotes, offer additional details or facts about the text.
6. **References:** The references list a variety of external plans and reports that are useful, not only in giving context to the policies, but also for research or reference for current planning.
7. **Appendix:** This appendix serves as the inventory for approved committed lands/goal exceptions in Wasco County. To preserve their pre-existing exceptions, lands that have been subsequently rezoned under the National Scenic Area Act Management Plan, are also listed. The appendix shows committed lands in a table and for non-subdivision lands, gives additional relevant details including the date of the exception and a brief description of the area.

Wasco County 2040 Comprehensive Plan



Additional copies available from:
Wasco County Planning Department
2705 E 2nd St The Dalles, OR 97058
Also available on our website: www.co.wasco.or.us

Adopted by
Ordinance
Nos:

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Credits

The contribution of the following individuals as Planning Commissioners and members of the Citizen Advisory Committee was critical to the Comprehensive Plan review and revision process.

Vicki Ashley - 2017, 2018, 2019, 2020
Russell Hargrave - 2017, 2018, 2019, 2020
Bradley DeHart - 2017, 2018, 2019, 2020
Lynne MacIntyre - 2017, 2018, 2019, 2020
Andrew Myers - 2017
Mike Davis - 2017, 2018, 2019, 2020
Jeff Handley – 2017, 2018
Chris Schanno - 2018, 2019, 2020
Kate Willis - 2018, 2019, 2020
LeRoy Booth - 2018, 2019, 2020
Marcus Swift – 2019, 2020

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Introduction

Introduction

Wasco County 2040 is the official policy guide for decisions about growth, development, services, and resource management in Wasco County – outside of incorporated cities – in conjunction with the Oregon state land use planning program. The policies of the Comprehensive Plan serve as the basis for developing the implementing regulations of the Wasco County Land Use and Development Ordinance. The policies of the Comprehensive Plan are not in themselves implementing regulations and are not applied to individual applications except as provided by the Land Use and Development Ordinance.

The Comprehensive Plan is based on the physical, economic and social characteristics of the county; the desires and needs of county citizens, state laws, and programs and policies of other local, state, and federal governmental agencies. Overall, Wasco County 2040 is intended to provide a framework for consistent and coordinated public and private land use decisions.

This introduction chapter covers the history of planning in Wasco County, the Statewide Land Use Planning Goals that apply to Wasco County, the legal framework for Comprehensive Plans, components of the plan, an overview of the process to develop and adopt Wasco County 2040, how to use the plan, future updates and map revisions, the values and vision of Wasco County and definitions.

History of Planning in Wasco County

Wasco County was organized by the territorial legislature in 1850 and began as 250,000 square miles – the largest county ever established in the United States. It included all the land between the Cascade and Rocky Mountains, south of the Columbia River and north of the California and Nevada borders. Wasco County was reduced in 1859 to the land in Oregon east of the Cascades. It was eventually broken in to the eighteen Oregon counties which exist today.

The first subdivision ordinance and Planning Commission in Wasco County was adopted in 1953. This ordinance had property development standards and road/driveway standards as part of its scope. In 1956, a Zoning Ordinance was adopted with a broader scope that included the regulation of uses in conjunction with a zoning map.

By the late 1960s, Wasco County had formed area advisory committees to oversee planning work. A formal citizen involvement program was adopted by the County Court in 1973. At this time, planning was broken up into sixteen planning units with seven advisory groups. This preceded the Statewide Planning Goals being adopted in 1974 by the Land Conservation and Development Commission (LCDC) which was formed in 1973.

The Oregon Supreme Court, in 1975, determined that local comprehensive plans are the controlling land use documents which all other zoning and land use regulations must be consistent. This set the requirement for Comprehensive Plans from jurisdictions.

In 1977, changes to staff prompted the consolidation into five units with new advisory committees. The units represented different geographic areas of Wasco County. Plans for these units were adopted by the County Court in 1980 and sent to LCDC to be acknowledged as Comprehensive Plans.

At that time, LCDC recommended all plans be combined into one Wasco County Plan. The plans were then consolidated into the Wasco County Comprehensive Plan, which was subsequently adopted in 1983.

Amendments to the rules impacting farm and forest lands (Goals 3 & 4) in the 1990s saw revisions being made to the Wasco County Comprehensive Plan. There were also additional changes, for things like Goal 5 required updates, but the plan was never completely overhauled. This resulted in public, leadership, and county staff interest in revising the Comprehensive Plan. Specifically, there was concern that the nexus between the Comprehensive Plan and the Land Use and Development Ordinance was no longer clear. Regulations in the LUDO were perceived as being an obstacle to growth and development and no longer consistent with the Statewide Land Use Planning Goals. There was broad support to undertake a large scale overhaul of the Comprehensive Plan to ensure it is consistent with the goals of Wasco County and the State for the next twenty years.

In 2017, after several years of planning, Wasco County Planning Staff, with the support of the Planning Commission and Board of County Commissioners, formally requested permission from LCDC to pursue Voluntary Periodic Review to update the Comprehensive Plan. The request was approved contingent on a plan evaluation and proposed work plan.

The Citizen Advisory Group and Planning staff embarked on a series of visioning work sessions throughout the County to get feedback on the Comprehensive Plan update and identify the critical issues for residents and property owners. Over 1,200 people participated in that process, attending meetings or giving feedback through various channels. Staff and the Citizen Advisory Group utilized the information collected to develop a work plan, in conjunction with the statutory requirements for

Periodic Review.

Wasco County 2040's work plan was officially approved by the Department of Land Conservation and Development in February of 2018. Following approval, the Wasco County Planning Department and CAG first worked to address Goals 1 and 2 to set a precedent for the process moving forward and to expand on the feedback received from the public and stakeholders during the visioning phase.

Every year, staff and CAG members held a series of "roadshow" community events to solicit comments and feedback or generate ideas about proposed work task revisions on the work plan. Following each roadshow series, a CAG work session would follow. Once amendments for the respective Chapters had been developed, staff would then present it to the Planning Commission, followed by two Board of County Commissioner hearings.

Community engagement was achieved through a variety of outreach and gathering methods including traditional media (radio and newspaper), social media, and a robust project website that included posts about relevant topics or issues, hosted polls and surveys, advertised events, and had a way for community members to submit feedback directly. Staff also made themselves available for community presentations, and citizen initiated meetings. In addition to increased turnout at the public meetings as momentum and awareness built, these methods were instrumental in helping staff and the CAG surpass participation goals.

Wasco County Zoning History

A foundational aspect of the land use planning program in Wasco County is zoning. Zoning implements the comprehensive plan by guiding development patterns and land use activities, mitigating land use conflict, and protecting significant resources.

Updates to the County's zoning have been made over the last several decades and have impacted land uses and activities. In preparing for Wasco County 2040, staff sought to understand past updates and their impacts; significant amount of research was done. Where particularly of interest to the public, history has been included in chapter sidebars, as well as shared with the public through the project website and handouts made available during the creation of this document.

The following is a brief history of Wasco County zoning. Because this information had to be recreated from several historic databases and archives, it is possible that summary is incomplete.

1950s

August 11, 1953 the first zoning maps around "The Dalles Region" were adopted.

The stated purpose was *"to regulate and restrict the location and use of buildings, structures and land for residence, trade, industry and other purposes...to promote the public health and general welfare; to secure safety from fire, panic or disaster; to lessen congestion on the streets and highways; to prevent overcrowding of land; to prevent excessive population density; to facilitate adequate provisions" for public facilities and services, "to conserve natural resources;...protect and improve property values; to encourage the most appropriate use of land."* These primarily consisted of agricultural zones for a portion of the County surrounding the City of The Dalles.

1970s

February 3, 1970 the first Countywide zoning maps were adopted, adding zoning for residential, commercial and industrial uses. In addition to agricultural, residential, commercial and industrial zones,

the new ordinance saw the creation of the F-1 and F-2 zones for forest uses. The agricultural recreational zone also was part of the new 1970 zoning.

August 23, 1974 Environmental Protection Districts are added to the zoning map and ordinance, including hazard mitigation zones like flood and geological, as well as resource protection zones like wildlife, historic and open space. These zones were designed to “combine with present zoning requirements” to add additional considerations or restrictions on uses and activities.

October 3, 1974 the first Urban Growth Boundary around The Dalles was adopted.

November 22, 1978 a Joint Management Agreement (JMA) established between Wasco County and the City of Mosier.

December 28, 1978 JMA established between Wasco County and the City of Maupin

September 27, 1979 JMA established between Wasco County and City of Dufur.

1980s

The 1980s were a transformational decade for the Wasco County Planning Department. In addition to the incorporation and ongoing legal battle over Rajneeshpuram, and subsequent fire bombing of the Department offices, Wasco County adopted its first Comprehensive Plan, began to work through the National Scenic Area Act and its implication for County lands, and solidified Joint Management Agreements with remaining urban areas.

December 2, 1981 JMA established between Wasco County and the City of Antelope

March 12, 1980 new Countywide Maps were adopted (many of the zones are similar or the same as the 1970s map).

April 27, 1983 new Urban Growth Boundary (UGB) maps for The Dalles were adopted.

April 27, 1983 JMA established between Wasco County and the City of The Dalles.

August 25, 1983 After LCDC required revisions, including the merging of Area Comprehensive Plans, the Wasco County Comprehensive Plan was acknowledged by LCDC.

April 4, 1984 During the Comprehensive Plan committed lands exception process, two areas were separated from the Comprehensive Plan approval for further work. These included “Rancho Rajneesh” work and the committed lands rezoning of portions of the Seven Mile Hill area from resource to FF-10.

May 14, 1986 Rowena Rural Service Center zoning adopted.

November 17, 1986 Columbia River Gorge National Scenic Area Act signed by President Ronald Reagan, creating the Columbia River Gorge National Scenic Area (NSA) spanning portions of six counties in two states, including the northernmost portion of Wasco County. Wasco County contains two designated Urban Areas, exempt from NSA regulations: The Dalles and Mosier.

June 30, 1987 the Final Interim Guidelines are established by the Columbia River Gorge Commission and USDA Forest Service National Scenic Area Office. They are implemented directly by the Gorge Commission and the Forest Service while the County continued to implement county zoning.

1990s

1991 Management Plan for the Columbia River Gorge National Scenic Area established by the Columbia River Gorge Commission and USDA Forest Service National Scenic Area Office, replacing the Final Interim Guidelines. Until the County's local ordinance was adopted in 1994, the Columbia River Gorge Commission implemented NSA regulations in Wasco County while the County continued to implement county zoning.

May 4, 1994 Wasco County National Scenic Area Land Use and Development Ordinance (NSA LUDO) adopted with new Zoning for NSA lands in Wasco County. Wasco County, after adoption, began administering the federal program in Wasco County.

December 16, 1997 "A-1" (Agriculture) zone adopted a 160 acre minimum per the recommendation of the Agriculture Resource Group. wildlife. The following EPDs were

September 18, 1997 adoption of AR (Agriculture-Recreation) zone for Big Muddy Overlay Zone. The former site of Rajneespuram, Washington Family Ranch would donate the large ranch to Young Life to establish a youth camp.

Changes to state law necessitated extensive work by a special advisory group, the Agricultural Resource Group. Due to minimum parcel size changes and other amendments to agricultural lands, Wasco County modified its agricultural zone to be 160 acre minimum.

March 18, 1998 Wasco County pursued a "Go Below" for orchard lands south of The Dalles to establish 40 acre minimum parcel sizes in keeping with traditional land use patterns.

March 18, 1998 Wasco County adopted the Transitional Lands Study Area. The TLSA project was initiated in 1993 in response to public, staff and leadership concern about development in northern Wasco County, specifically in the Seven Mile Hill Area. Concerns about groundwater availability, fire hazard, and wild life conflict resulted in two phases of work. The final product was to select, from alternatives, a recommendation to rezone portions for limited residential development while preserving other lands for resource uses.

2000s

November 16, 2000 Tygh Valley Rural Community zones adopted.

February 1, 2000 Wamic Rural Community zones adopted.

January 5, 2005 More Environmental Protection Zones added. Wasco County completed a limited Periodic Review to address several Goal 5 issues including sensitive wildlife. The following EPDs were added at this time: 6 (Reservoir Overlay Zone), 12 (Sensitive Birds) and 13 (Western Pond Turtles).

July 1, 2009 Exclusive Farm Use Zone Revisions. Wasco County and the Agricultural Resource Group completed their task to revise the A-1 Zones to be consistent with state law.

2010s

September 29, 2016 Wasco County requests to enter Voluntary Periodic Review from the Land Conservation and Development Commission (LCDC).

February 20, 2018 DLCD approved Wasco County for Periodic Review. The work plan included revisions to the Sensitive Wildlife Environmental Protection Districts.

Legal Framework

Senate Bill 100 (ORS 197), which was adopted in 1973 and later amended in 2003, substantially altered the legal framework for planning in Oregon. This state law requires that cities and counties adopt comprehensive plans and zoning ordinances that meet statewide goals and guidelines. ORS 197 is implemented through the Land Conservation and Development Commission (LCDC).

Specifically, ORS 197.175 requires that: "...each city and county in this state shall:

- (a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission;
- (b) Enact land use regulations to implement their comprehensive plans;
- (c) If its comprehensive plan and land use regulations have not been acknowledged by the commission, make land use decisions and limited land use decisions in compliance with the goals;
- (d) If its comprehensive plan and land use regulations have been acknowledged by the commission, make land use decisions and limited land use decisions in compliance with the acknowledged plan and land use regulations; and
- (e) Make land use decisions and limited land use decisions subject to an unacknowledged amendment to a comprehensive plan or land use regulation in compliance with those land use goals applicable to the amendment."

State law also requires, under ORS 195.025, that "...each county, through its governing body, shall be responsible for coordinating all planning activities affecting land uses within the county, including planning activities of the county, cities, special districts and state agencies, to assure an integrated comprehensive plan for the entire area of the county". ORS 215.050 addresses County government directly, requiring a County to adopt and revise both comprehensive plans and zoning ordinances. Zoning ordinances are identified as the implementing document for the Comprehensive Plan.

These rules are supported by ORS 197.250 which requires Comprehensive Plans be in compliance with the Statewide Land Use Planning Goals. ORS 197.320 gives the Land Conservation and Development Commission authority to take action against Wasco County for non-compliance.

Rules guiding Periodic Review and several of the Statewide Land Use Planning Goals are located in the Oregon Administrative Rules (OAR), Chapter 660. The Division for Periodic Review is 25. This division outlines the Periodic Review process including Voluntary Periodic Review (660-025-0035) and gives LCDC the exclusive jurisdiction to review completed periodic review work tasks for compliance with statewide planning goals all applicable statutes and administrative rules.

The Oregon Revised Statutes (ORS) 197.628-650 also cover rules related to Periodic Review. ORS 197.628 defines periodic review as the process by which the State of Oregon can ensure Comprehensive Plans are up to date related to Statewide Land Use Planning Goals and any changes to local conditions.

Additional relevant OARs for this process include Division 6 (Goal 4 Forest Lands), Division 8 (Interpretation of Goal 10 Housing), Division 9 (Economic Development), Division 11 (Public Facilities Planning), Division 12 (Transportation Planning), Division 15, (Statewide Planning Goals and Guidelines), Division 22 (Unincorporated Communities), Division 23 (Procedures and Requirements for Complying with Goal 5), and Division 33 (Agricultural Land). Many of these divisions outline elements of the Statewide Land Use Planning Goals and the requirements for inventory, analysis, and rule.

The next section outlines the Statewide Land Use Planning Goals and their main policy objectives.

Statewide Planning Goals

The Land Conservation and Development Commission (LCDC) adopted the Statewide Planning Goals to provide a legal framework for local land use planning.

Goal 1 Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Goal 2 Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 3 Agricultural Lands: To preserve and maintain agricultural lands.

Goal 4 Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.

Goal 6 Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Goal 7 Areas Subject to Natural Hazards: To protect people and property from natural hazards.

Goal 8 Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 9 Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal 10 Housing: To provide for the housing needs of citizens of the state.

Goal 11 Public Facilities and Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Goal 12 Transportation: To provide and encourage a safe, convenient and economic transportation system.

Goal 13 Energy Conservation: To conserve energy.

Goal 14 Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Note: Statewide Planning Goals 15-19 pertain only to Willamette valley and coastal areas.

Components of the Comprehensive Plan

Oregon's Statewide Planning Goals

The Oregon Statewide Land Use Planning Goals were adopted in 1973 and are the foundation for the statewide planning program. Oregon's statewide goals are achieved through local comprehensive planning.

State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect. Local comprehensive plans must be consistent with the statewide planning goals and are reviewed by Oregon's Land Conservation and Development Commission (LCDC) to assure consistency. When LCDC officially approves a local government's plan, the plan is said to be "acknowledged".

Wasco County's Goals

Fourteen of Oregon's 19 Statewide Planning Goals relate to Wasco County. The remaining five goals are specific to communities on the coast or in the Willamette Valley. Wasco County 2040 is formatted to very clearly see the connections between Wasco County goals and the Statewide Planning Goals. Chapters 1 through 14 are directly mapped to the land use planning goals. For example, Chapter 1 covers Goal 1, Chapter 2 covers Goal 2, etc.

Overview

Each chapter begins with a brief summary of intent and purpose. Many of the chapters also include a side bar with additional information of interest, such as historical facts or current data that are critical to contextualizing the content of the chapter.

Statewide Planning Goal Excerpt

Chapters 1 through 14 include an excerpt of the relevant Statewide Land Use Planning Goal to provide context.

Policies

The policies of the County's Comprehensive Plan provide a framework of principles and guidelines for consistent decision making intended to lead the County in a strategic direction toward accomplishing its stated goals. Many of the new policies were developed in direct response to citizen input and address some of the challenges and opportunities facing Wasco County over the next 20 years.

The policies of the Comprehensive Plan are adopted by ordinance and have the force of law.

Implementation Measures

Putting policies into action requires agreed upon implementation measures. These strategies follow each policy statement. This format is similar to the 1983 Comprehensive Plan, and intends to provide clear direction to staff and the public on how each goal and policy will be achieved.

Many of these implementation measures will have a direct impact on the Land Use and Development Ordinance. This may include the revision, addition, or removal of rules and regulations. Like the policies, implementation measures were developed with extensive public and stakeholder feedback and research into state law requirements.

There are some instances where implementation measures are advisory, for example, the directive to increase outreach and information on certain land use planning topics. Similarly, there are implementation measures that provide procedural information to the Wasco County Planning Department.

Implementation is included in all OAR 660-015-0000 Goal guidelines and includes references to relevant ORS. Where relevant, staff has included these links or references to ensure continuity and consistency with local, state, and federal law.

Findings & References

As the goals and policies of the Comprehensive Plan were developed, a great deal of research took place that establishes the basis for the Plan. Official reports were reviewed, agencies and organizations were consulted, and an extensive public outreach and involvement campaign was launched. Where relevant, these facts and streams of input are referenced, in end note format, at the end of the policy section of the chapter. These serve as findings in support of policy and implementation measures.

Any references used in the development of the policy or implementation measure are captured at the end of each Chapter in a references section. The references are cited in APA format, standard for the Department at the time of publication.

Appendices

Each Chapter that requires inventories or additional information, including reference documents, has an appendix or series of appendices. To ensure clarity and usability of the document, these appendices are included directly following the corresponding chapter.

Maps

The Comprehensive Plan and Zoning Map illustrates the designations for lands including zoning, environmental protection districts, and boundaries. The map is adopted by reference.

The Wasco County GIS Department manages the databases for the Comprehensive Plan and Zoning Map. These databases contain a variety of layers including zoning designations and data provided by State and Federal agencies for environmental protection district overlay purposes.

Many of the Environmental Protection Districts (EPD) correspond to Goal 5 inventories that are included in Chapter 5 appendices. These include both point and area locations depending on the type of protected resource. These inventories are required by OAR 660-023. Modifications to these inventories and corresponding maps require legislative action including a Comprehensive Plan Amendment.

Similarly, any modifications to zoning, including individual or multiple property rezones require a Comprehensive Plan and Zoning Map amendment.

Two Goal 5 Environmental Protection District maps, EPD 12 (Sensitive Birds) and EPD 13 (Western Pond Turtles) are confidential and cannot be shared with the public. Property owners may be able to view the mapped resource for EPD 12 or EPD 13 on their property in the Wasco County Planning Department office at the time of development application.

Plan Development Process

The adoption of this County Comprehensive Plan is the culmination of an intensive public process that occurred over a period of more than four years.



The intent was to thoroughly consider issues, opportunities and community values of Wasco County residents and business and develop a long range plan that could best address Statewide Planning Goals for Wasco County.

Public Kickoff Meeting

A public meeting was held to launch the Plan update process on April 11, 2017. This meeting of the Wasco County Planning Commission and Planning Staff was to introduce Comprehensive Plan concepts to the public and solicit feedback to ascertain whether the public felt a major Comprehensive Plan revision was necessary, as required by OAR 660-025-0070.

Request to LCDC for Periodic Review

Following the visioning phase, and determining that the Comprehensive Plan was in need of update, staff was required to present their request for voluntary periodic review to the Land Conservation and Development Commission.

The request was approved. The work plan was subsequently developed by Wasco County, with input from agency partners and the Periodic Review Assistance Team, and approved by DLCD.

Citizen Advisory Group (CAG)

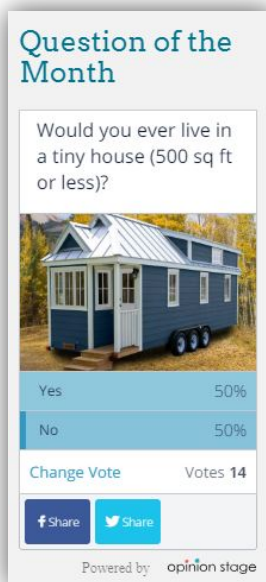
The Citizen Advisory Group was made of the seven Planning Commission volunteers plus the two Planning Commission alternates. As a nine member body, they serve in an advisory capacity to Planning Staff. With their own Charter and rules of engagement, the CAG did much of their work in work sessions scheduled one month before legislative/evidentiary hearings to provide additional opportunities for public involvement.

Roadshow Event Series

Between May and September, Wasco County Planning Staff and members of the CAG travelled around the County to seven different locations to continue getting feedback about general land use challenges and opportunities facing Wasco County over the next twenty years. This information was used, in conjunction with stakeholder feedback, to develop the Periodic Review work plan.



The roadshow event series continued annually, during different months and locations between 2018-2020, to continue engaging the citizens of Wasco County in discussions about the work tasks. Strategically, these meetings were held during the week to maximize attendance. In total, there were over 575 attendees at all the roadshow events of the course of four years. The format of the roadshow events series meetings varied depending on the topics.



Other Outreach and Engagement Methods

To reach the broadest amount of people and encourage wide levels of participation, the Wasco County Planning Department invested significant time and resources in developing a variety of outreach and engagement methods. This included a dedicated project website, surveys, polls, social media posts, and engaging press. With the combination of methods and public meetings, there were over 5,400 public interactions over the four years.

The public was encouraged to frequently engage with staff using online comment submissions, sending letters, sending emails or attending meetings. Staff also made themselves available for ad hoc meetings or to present to interested groups. Many of the meetings were advertised broadly using print media, radio, social media, posters, and through postcards or mailers.

In addition, a yearly Measure 56 (ORS 215.503) was sent to all property owners within Wasco County outside incorporated areas.

Following every major annual cycle of outreach, an outreach report was produced to share results with the public¹

Key Stakeholders

Early on in the process, a list was compiled of key agency and organizational partners or individuals that work frequently with the Wasco County Planning Department and have input or are impacted by land use planning.

In 2017, the key stakeholders were approached with the opportunity to provide feedback in one of two ways: informational interviews or a stakeholder questionnaire. The focus of questions was to identify any particular challenges or opportunities for the land use planning program that could be addressed during Periodic Review.

Research and Information Gathering

A significant amount of research and analysis went in to all phases of the Comprehensive Plan. This included reading peer-reviewed articles, government reports, plans, best practices, and demographic data. Staff developed many data points into infographics or blog posts early on to educate the public about the current state of many Statewide Planning Goals in Wasco County, including agriculture, forestry, recreation, tourism, and population.

¹ These are entitled: Wasco County 2040 Visioning Report (2017), Wasco County 2040 2018 Outreach Report, Wasco County 2040 2019 Outreach Report, and Wasco County 2040 2020 Outreach Report.

Staff also utilized information tracked from current planning inquiries to develop popular inquiry topics or development projects to identify relevant areas for inquiry. Where relevant, the research has been cited in reference sections, finding endnotes, or included in the appendices.

Public Hearings and Adoption of the Plan

Periodic review is adopted on a rolling basis, with each work task submitted as a separate plan amendment to the Department of Land Conservation and Development. The first work tasks were adopted in 2018, with a series of work tasks adopted every year through 2020.

Depending on the scale of the work tasks, most were accompanied by the road show series, a CAG work session, Planning Commission hearing and two Board of County Commission hearings. Adoption of the complete document, after final revisions and adjustments, happened in the end of 2020.

Using the Plan

Comprehensive Plans are the long-range land use planning document for a jurisdiction that sets policy and implementation measures to achieve community goals. As required by state law, Wasco County 2040 has been formatted and developed to make clear the policies and implementation strategies to address the relevant 14 Statewide Land Use Planning Goals.

State law (OAR 660-015-0000(2)) requires that all Comprehensive Plans have the following:

1. An inventory of existing conditions
2. General goals and objectives
3. Policies
4. Implementing ordinances and regulations

It is a document that serves multiple purposes:

1. As a basis for the development of public programs and regulations, e.g., policies on infrastructure; zoning regulations; land division regulations; etc.
2. To guide decisions on development as reviewed through implementing regulations, such as the Land Use and Development Ordinance.
3. As a basis for the measurement and evaluation of changes in the physical, social or economic makeup of the county.
4. To promote intergovernmental coordination.
5. To strengthen communications with the public.
6. As a basis for private decision-making regarding the nature and timing of land development and conservation activities.

Wasco County 2040 can be used in the following ways:

To ensure land use decisions are consistent with community vision and values.

Many land use reviews will require findings that demonstrate a proposed development or land division is consistent with the Comprehensive Plan. This requires an analysis that shows the Land Use and Development Ordinance rules and regulations have a clear nexus to the goals, policies, and implementation measures within the Comprehensive Plan.

The findings must demonstrate a proposed development is consistent with these elements, which represent the community vision and values for Wasco County.

To ensure land use decisions are consistent with state law

The Comprehensive Plan is intended to clearly show how Wasco County intends to achieve the Statewide Planning Goals and Guidelines. It also provides the framework for Goal work that takes place outside a development review, like with a zone change or modification to an inventory.

As the source for research, analysis and inventory for land use planning and resources in Wasco County

Wasco County 2040 consists of factually based inventories, policies, and data about Wasco County and land use and can be used as a resource during analysis, research, or evaluation. The Comprehensive Plan serves as the main foundation for resource protection, so that any changes to inventoried resources must result in an amendment to the Comprehensive Plan and potentially, the Comprehensive Plan and Zoning Map. In addition to inventories, the Comprehensive Plan also serves as the repository for information like exception lands, revisions process, and the past, current, and projected status of different elements like demographics in Wasco County.

As a guide for rulemaking

The main vehicle for land use regulation in Wasco County, outside of the National Scenic Area, is the Wasco County Land Use and Development Ordinance (LUDO). State law requires the development code be

consistent with the Comprehensive Plan which, in turn, must be consistent with state law.

When new regulations are proposed for the LUDO, staff should use the Comprehensive Plan as a primary guide to inform rules. This will ensure new regulations are consistent both with state law and the community vision and values for Wasco County.

How to Use:

Policies

1.1.1 Encourage involvement of citizens and property owners in the land use planning process.

Implementation for Policy 1.1.1:

- a. Direct notification of land use planning processes shall be provided to property owners, neighborhood groups, community organizations, and interest groups consistent with ORS 197.763, 215.060, 215.223, and 215.503. Furthermore, it is desirable to provide direct notification beyond these minimum standards when it would create greater citizen involvement. Wasco County will strive to do this whenever possibleⁱⁱⁱ.
- b. Provide for continuity of citizen participation in all phases of the planning processⁱⁱⁱ.
- c. Foster citizen involvement using a range of available media including mailings, emails, the website and social media, meetings, newspapers and radio.
- d. Present information used to reach decisions in a simple and straightforward manner to help citizens comprehend the issues. When relevant, use the best available data to support information.

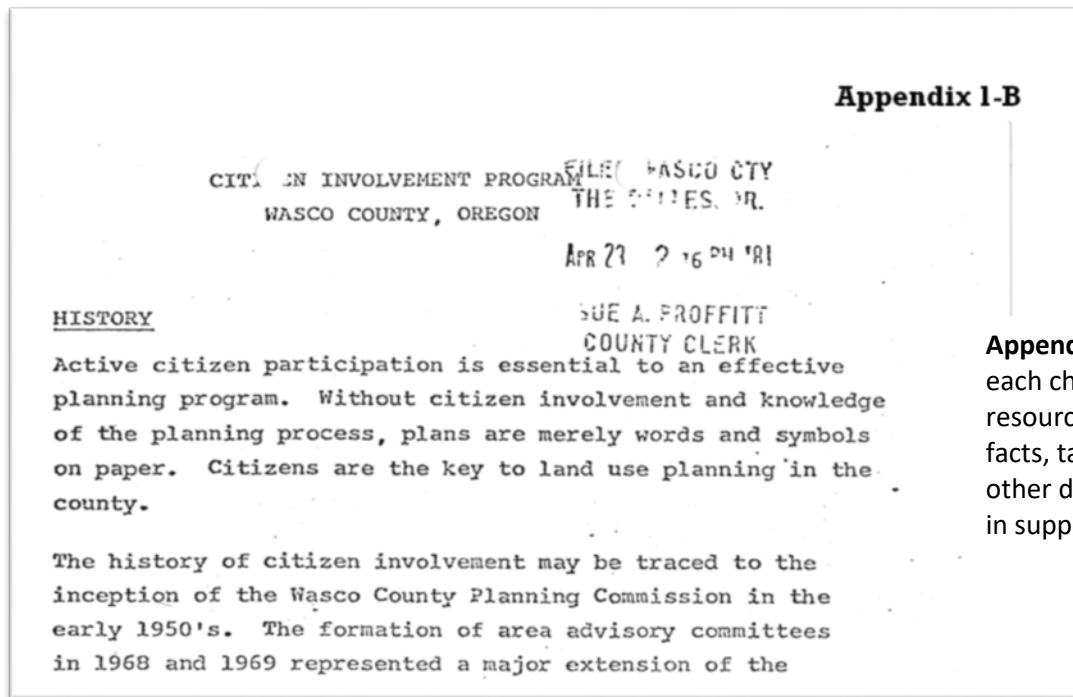
Policy statement: A policy is a clear statement guiding a specific course of action or actions to achieve a desired goal. Policies are regulatory.

Implementation measures: Strategy statements guiding a specific course of actions to achieve the policy. These are regulatory and may be codified in the Land Use and Development Ordinance or as part of a Department policy or procedure.

ⁱ Wasco County promotes public participation in land use actions through direct notification, newspaper notices, and promotion of material on our website, in the office, and during our interactions with the public by phone, email or at the counter.

ⁱⁱ Wasco County engages key stakeholders through direct notification to impacted agencies and organizations for land use actions and plan development or amendment.

Findings: Findings are clarifying statements or references based on facts that support conclusions. In Wasco County 2040, findings are formatted as endnotes to make clear which policies or implementation measures they are supporting.



Appendix: The appendix of each chapter includes vital resources like supporting facts, tables, inventories and other data that can be used in support of the Goals.

The most critical components of Wasco County 2040 for use in staff reports, plans, or research are the policies, implementation measures, findings and appendices. These four elements represent the foundation of the Wasco County Planning program.

As outlined above, they can be used for a variety of tasks or purposes. The policies and implementation measures have been numbered so that they can be cited in staff reports, plans or other documents.

To demonstrate a finding and conclusion are consistent with the Comprehensive Plan, as required by conditional use criteria in the Wasco County Land Use and Development Ordinance (LUDO), specific policies and implementation measures or findings of fact in the endnotes or appendices can be cited.

Similarly, the policies, implementation measures, findings and appendices can also be used to guide future rulemaking. When redrafting plans, including the LUDO, staff will want to ensure consistency and can demonstrate this by citing facts evidenced in Wasco County 2040.

Future Updates, Revising the Map and Inventories

It is the intent of the Wasco County Planning Department that Wasco County 2040 is updated in 20 years, or before 2040. However, there are instances when components of the plan may need to be updated sooner. This includes revising the databases, inventories, and re-evaluating the policies and implementation strategies.

State law changes could trigger the need for update, as well as significant economic, demographic, housing or agricultural practice changes. There may also be minor or major changes to several of the inventories, including Goal 5 resources.

The procedures for revisions to the Comprehensive Plan, including small amendments, are in Chapter 15. Many of the policies and implementation measures also include triggers or tasks for the next update. These should be maintained by the Wasco County Planning Department as a list of long range planning tasks.

Revisions to the inventories or the Zoning Map will require detailed analysis and a robust public processes. It's important to note that no changes can be made to the Comprehensive Plan and Zoning Map or inventories without a Comprehensive Plan Amendment.

Purpose Definitions of Map Classifications on the Comprehensive Plan Map

Forest – (Purpose): To provide for all commercial and multiple use forest activities compatible with sustained forest yield.

Municipal Watershed – (Purpose): To protect the domestic water supplies of The Dalles and Dufur.

Exclusive Farm Use (Orchard, Wheat, and Range, General Agriculture) – (Purpose): To sustain orchard lands as a viable portion of the local economy. To maintain wheat and other small grain farms as an element of the local economy. To preserve existing general agricultural uses, such as irrigated farm land and Christmas tree farming, as well as soils classes I-VI for present and future agricultural uses.

Forest-Farm – (Purpose): To provide for the continuation of forest and farm uses on soils which are predominantly class 7 and forest site classes 6 and 7; to preserve open space for forest uses (other than strictly commercial timber production) and for scenic value.

Rural Residential – (Purpose): To provide for residential, commercial, agricultural and other uses of a rural type and level which will not conflict with commercial agricultural operations on resource lands.

Industrial – (Purpose): To provide for industrial uses outside Rural Service Centers which will not conflict with resource activities on resource lands and an exception to the Statewide Land Use Planning Goals is taken.

Commercial – (Purpose): To provide for commercial uses outside Rural Service Centers which will not conflict with resource activities on resource lands and an exception to the Statewide Land Use Planning Goals is taken.

Rural Service Centers – (Purpose): To allow controlled development and growth to continue in existing rural unincorporated communities.

Future Growth Area – (Purpose): To recognize areas designated by the City of The Dalles Comprehensive Plan as future urbanizable lands and an exception to the Statewide Land Use Planning Goals is taken.

Urban Growth Areas – (Purpose): To identify those lands within established Urban Growth Boundaries which will provide for high density urban development and provision of urban services.

Reservation Lands – (Purpose): To identify those lands within the Confederated Tribes of Warm Springs Indian Reservation of Oregon. This area includes all land within the McQuinn Line.

Definitions on Existing Land Use Map(s)

These definitions are for the Comprehensive Plan Map rather than the Zoning Map and focus on the predominant land use on the property. Land use maps may be used for analysis or research purposes, but not to guide decisions about development. The Comprehensive Plan Map was adopted in 1983 to provide a strategic vision for future growth and based, by in large, on existing land use patterns.

The Comprehensive Zoning Map is used for development permitting and relates to Land Use and Development Ordinance. It is adopted by reference and available online using our GIS Web Map.

Urban Growth Boundary Areas (UGBA): Includes those lands within the adopted Urban Growth Boundaries of the cities of Antelope, Dufur, The Dalles, Maupin, and Mosier. Shaniko's City Limits match their Urban Growth Boundary, so there are no UGBAs.

Residential: Includes all residential uses, including multiple family dwellings and recreational subdivisions.

Commercial: Includes all commercial uses, whether retail, wholesale, service oriented or professional.

Industrial: This classification includes both light and heavy industrial uses.

Public: Includes all public and quasi-public uses, such as schools, fire and police stations, churches, parks, fairgrounds, and other recreation sites.

Agriculture: Includes all lands used for agricultural purposes: orchard lands, wheat and other dry land farming lands, open range and grazing land (other than commercial forest) and all other agricultural lands, such as those cultivated and used for irrigated farm-lands, Christmas tree growing or other minor farm uses.

Forestry: This designation includes all commercial forest land, both publicly and privately owned. Productivity is greater than 20 cubic feet per acre per year.

Indian Reservation: Includes all lands within the boundaries of the Confederated Tribes of Warm Springs Indian Reservation of Oregon.

Adopted by Reference

Plans

The City of Antelope Comprehensive Plan
The City of Antelope Land Use and Development Ordinance
The City of The Dalles Comprehensive Plan
The City of The Dalles Land Use and Development Ordinance
The Dalles Transportation Systems Plan
The City of Dufur Comprehensive Plan
The City of Dufur Land Use and Development Ordinance
The City of Maupin Comprehensive Plan
The City of Maupin Land Use and Development Ordinance
The City of Mosier Comprehensive Plan
Wasco County Transportation Systems Plan
The Wasco County Natural Hazards Mitigation Plan
The Wasco County Community Wildfire Protection Plan
North Wasco Parks and Recreation Master Plan

Maps

Prior to 1998, maps were printed and stored at the Planning Department. In the mid to late 1990s, Wasco County went through the extensive process to digitize all maps. The digital layers make up the suite of Comprehensive Plan Maps and Zoning Map. Modifications to these maps, once adopted by the Board of County Commissioners into the Comprehensive Plan, are made by the Wasco County GIS staff. The table below provides an overview that includes the layer name, function, dates of adoption and revisions, the source and whether or not the map is publicly available. A few maps are required to be confidential for resource protection. A few other maps have limits to what information is available online via the public webmap for resource protection.

Several Environmental Protection Districts existed prior to the adoption of the 1983 Comprehensive Plans, as early as 1974, but were significantly different at that time. 1983 is the date when Wasco County adopted official inventories for many of the Goal 5 resources in correspondence with EPD maps. We have used the 1983 date below for several of those EPDs that pre-existed adoption of the Comprehensive Plan including EPD-1, EPD-2, and EPD-3. EPD-4 and EPD-8 also existed, coupled with other resources, as division 4 (EPD-4). Revisions were made to these, as well as the addition of several other EPDs, in 1985 with amendments to the Land Use and Development Ordinance.

This list constitutes the official Comprehensive Plan and Zoning Maps and are hereby adopted by reference.

Layer Name	Layer Function	Date Adopted	Date Digitized	Revisions	Source	Publicly Available
Zoning*	Displays all zoning designations in Wasco County	See Zoning History	1997	See Zoning History	Wasco County	Yes
EPD 1	FEMA FIRM Overlay	1985	1996		FEMA	Yes
EPD 2	Geological Hazards Overlay	1983	1996	2003, 2012	DOGAMI	Yes
EPD 3	Airport Impact Overlay	No Map Has Been Adopted/No Public Airports				No
EPD 4	Historical, Cultural and Archaeological Inventory Overlay	1985	1998	2019	Wasco County	Limited
EPD 5	Mineral and Aggregate Overlay	1985	1997	2019	Wasco County	Limited
EPD 6	Reservoir Overlay Zone	2004	2004	2005	Wasco County	Yes
EPD 7	Natural Areas Overlay, including Wild & Scenic Rivers and Oregon Scenic Waterways	1985	2004		Oregon Heritage, NWSRS, DSL	Yes
EPD 8	Sensitive Wildlife Habitat Overlay	1985	1997	2020	ODFW	Yes
EPD 9	Big Muddy Limited Use Overlay	1997	1997		Wasco County	Yes
EPD 10	Badger Creek Limited Use Overlay	1999	1999		Wasco County	Yes
EPD 11	Pine Hollow Airport Overlay	2003	2003		Wasco County	Yes
EPD 12	Sensitive Bird Overlay	2004	2004	2005, 2020	ODFW	No
EPD 13	Pond Turtle Sensitive Area Overlay	2004	2004	2005	ODFW, USFS, Wasco County	No
EPD 14	Camp Morrow Limited Use Overlay	2006	2006		Wasco County	Yes
EPD 15	Destination Resort Map	2020	2020		Wasco County	Yes
State Wetland Inventory**	Shows riparian area and wetlands for Wasco County	2019	2019		State Department of Lands	Yes
Comprehensive Plan Map	Shows land use designations	1983	2009	2020	Wasco County	Yes

*Wasco County has had zoning maps in place since the 1950s. The modern map now used is a digital iteration of the Comprehensive Plan Zoning Map adopted in 1983. For more information about maps prior to 1983, please see Zoning History. Paper copies are archived at the Wasco County Planning Department.

**Wasco County previously used the National Wetland Inventory.

Values and Vision

Background

During the initial stages of developing a work plan for the Comprehensive Plan update, Wasco County was also engaged in a visioning, values, and mission project. This included a strategic vision, rebranding, and development of a County culture guide.

In 2017, staff engaged the community in developing a land use and planning vision and has mapped the feedback from the community to the Statewide Land Use Planning Goals. Results are shared on the next page.

These vision concepts served as the foundation for developing the Voluntary Periodic Review work plan and work tasks. Many also served as guiding principles for the research, analysis, and questions asked of the public. In some cases, these vision statements are also reflected in policies or implementation strategies.

The most frequently heard message from most of the public was the desire for data driven decision making, transparency, improved coordination, and increased education and outreach on relevant topics. Generally, there was a desire for flexibility in rules that reflect the diversity of landscapes and people within Wasco County.



Wasco County's Vision:

Pioneering Pathways to Prosperity

Wasco County's Mission:

Partner with our citizens to proactively meet their needs and create opportunities.

Wasco County's Culture:

100% Love (Living Our Values Everyday)

Wasco County's Core Values:

- Embody the 100% love culture
- Relationships are primary
- Do the right thing, even when no one is watching

These statements are from public and key stakeholder outreach during the visioning phase of Wasco County 2040 and provided a foundation to the work plan for Periodic Review. Feedback was obtained through exercises and discussion at public meetings, comments submitted online and via mail, interviews, and questionnaires.

Goal 1: Citizen Involvement

- Continued transparency and communication on land use cases, actions, and plan updates

Goal 2: Land Use Planning

- Updated and current plans are critical
- Less restrictions (some of this is related to the National Scenic Area, which is out of scope)
- Keep current restrictions to maintain current land use.
- More restrictions to limit development.

Goal 3: Agricultural Lands

- More flexibility of regulations/rules for diverse agricultural lands across Wasco County
- Focus on “common sense” and knowledge based approaches to development, including the availability of water, the size of land required related to type of crop or livestock, and development standards that “make sense” and retain rural character (setbacks, home sizes, alternative housing)
- Encourage or allow for agri-tourism in areas that are appropriate. Discourage from areas where there is high level of commercial agricultural traffic or would create potentially dangerous transportation conflicts.
- Valued added agriculture
- More restrictions on Outdoor Mass Gatherings

Goal 4: Forest Lands

- Encourage active forest management
- Encourage forestry operations
- More restrictions on Outdoor Mass Gatherings

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

- Encourage oak habitat conservation
- Preserve natural resources

Goal 6: Air, Water and Land Resources Quality

- Active water resource management
- Reduce impact to water rights by discouraging certain high water demand types of development
- Allow new uses, like residential, only in areas that have available water

Goal 7: Areas Subject to Natural Disasters and Hazards

- Make sure all references are up to date.

Goal 8: Recreation

- Opportunities for private and public recreation should be supported by land use planning.

Goal 9: Economic Development

- More jobs, better paying jobs, a diversity of jobs.
- Land use planning can support job creation through flexibility/innovation.
- Encourage technology networks (broadband, etc.)
- Support home occupations and make rules easier and more transparent.

Goal 10: Housing

- Explore potential for transfer of development rights (TDRs) between farm lands and areas that are residential (including potential areas that were historically platted like Boyd)
- Keep rural character and density of housing
- Explore potential for alternative housing types

Goal 11: Public Facilities and Services

- Explore potential for new South County school outside of Maupin UGB.
- Better access to medical facilities
- Encourage and support continued development of broadband/high speed internet. This is particularly critical for South County.

Goal 12: Transportation

- Better signage or facilities for shared roadways.
- More support for roads, including maintenance. Don't increase capacity without means to support maintenance (tourism and recreation, commercial agriculture)
- More notice for events happening on public right of ways.

Goal 13: Energy

- Incentives for residential/noncommercial alternative energy.
- Update LUDO for commercial solar to make rules more transparent.

Goal 14: Urbanization

- Updated Joint Management Agreements with Wasco County and the Cities to ensure full development potential, including in the UGAs.

Some of these statements were contradictory, providing opportunities to have broader discussions about how to achieve varied goals. In combination with priorities identified by stakeholders, these vision statements were used to craft the work plan for Wasco County 2040 and served as guiding principles for developing policy and implementation strategies.

Definitions

Accessory dwelling unit (ADU): a dwelling secondary and subordinate to the primary dwelling on a property.

Agricultural Land (Per OAR 660-033-030(1)(a): Lands classified by the US Natural Resource Conservation Service (US NRCS) as predominantly Class I-IV in Eastern Oregon; land in other soil classes that is suitable for farm use as defined in ORS 215.203 taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands; and land in capability classes other than I - VI that is adjacent to or intermingled with lands in capability classes I - VI within a farm unit shall be inventoried as agricultural lands even though this land may not be cropped or grazed. Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.

Agri-tourism: The general definition is an activity that generates supplemental income for working farms and ranches by connecting their resources and products with visitors. For the purposes of land use in Oregon, agri-tourism refers to activities and uses that are related to and supportive of agriculture. This is described by ORS 215.283 (4) and permitted according to OAR 660-033.

Best management practices (BMP): a preferred set of methods or practices for accomplishing a given task, which, when followed, will accomplish the task with a desired outcome. Wasco County Soil and Water Conservation District has a specific set of BMPs for conservation plans for agricultural properties.

Biodiversity/biological diversity: the variety of living organisms within and between species, communities and ecosystems in a given area.

Citizen Advisory Group (CAG): a nine member volunteer body representing citizens from designated areas throughout the county that are outside of incorporated city boundaries, the main task of the CAG is to engage with members of the public to help inform policy and implementation. In Wasco County, Planning Commissioners have served as CAG members for over 20 years.

Citizen Involvement Program: A requirement of Statewide Planning Goal 1 (OAR 660-015-0000(1)), the citizen involvement program must clearly define the procedures by which the general public will be involved in the on-going land use planning process. Goal 1 lays out further requirements and criteria. Wasco County's CIP is included in the Chapter 1 Appendix.

Commercial : The use of land or structures for a business activity engaged primarily in the sale of goods or services.

Commercial in conjunction with farm use: OAR 660-033-0120 and ORS 215.283 identify that commercial uses in conjunction with farm use can be permitted in Exclusive Farm Use zones.

Community Sanitary Sewer/Waste System: A public or private system of underground pipes of sufficient capacity to carry domestic sewage from an area to connected treatment and disposal facilities, as approved by the Oregon Department of Environmental Quality.

Community Water Supply System: A public or private system of underground distribution pipes providing a continuous supply of potable water from a center source in quantities sufficient to meet domestic and fire protection needs for three (3) or more dwellings, as approved by the State of Oregon Department of Human Resources, Health Division.

Conditional use/conditional use permit (CUP): The process by which the County may approve a proposed use for a particular property if the use meets criteria concerning compatibility with neighboring properties and with the purpose of the zone.

Conservation: Limiting or minimizing the use or depletion of natural resources, including such things as land, energy, water, wildlife habitat.

Defensible space: As used in Wasco County 2040 and the Wasco County Land Use and Development Ordinance (LUDO), defensible space refers to an area around a building in which vegetation, debris, and other types of combustible fuels have been treated, cleared, or reduced to slow the spread of fire to and from the building. This definition comes from FEMA.

Density bonus: An incentive used to encourage certain types of development goals, it typically provides an increase in allowed dwelling units per property, floor area ratio (FAR) or height in exchange for meeting certain public policy goals like affordable housing or sustainable development.

Ecosystem: The physical and biological components and processes occurring in a given area, which interact to create dynamic equilibrium.

Environmental Protection District (EPD): In Wasco County, an environmental protection district is an overlay zone establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. In Wasco County, EPDs serve to protect Goal 5 resources, mitigate risks from natural hazards, and set additional rules and criteria for several exception areas.

ESEE Analysis: ESEE Analysis are a required part of the process of planning for natural resources under Statewide Planning Goal 5, in which the County analyzes the Environmental, Social, Economic and Energy (ESEE) consequences of prohibiting, limiting, or allowing uses that would conflict with protection of a specified Goal 5 resource – for certain resource categories, the local government has the option of forgoing the ESEE analysis and adopting generalized provisions developed by the state.

Exception: see goal exception

Exclusive Farm Use (EFU): The general zoning category for agricultural lands as identified by OAR 660-033.

Federal Emergency Management Agency (FEMA): The agency that produced the floodplain maps and promulgated the floodplain regulations which Wasco County has incorporated into the Land Use and Development Ordinance.

Finding: A fact, determination or reason, based on existing information, which, by itself or in conjunction with other findings, leads to a particular conclusion or course of action.

Fire Safety Standards: A set of standards for new developments in Wasco County to reduce fire risk and mitigate fire damage. The fire safety standards are detailed in Chapter 10 of the Wasco County LUDO and discussed in the Community Wildfire Protection Plan (CWPP).

Goal: A desired condition or circumstance toward which the planning effort is directed; a “destination” that is by nature generalized; used to give policy direction and indicate intention.

Goal Exception: A land use process through which a local jurisdiction justifies, based on factual evidence, that a policy embodied in a particular statewide planning goal should not apply to a particular property or set of properties. A common example is demonstrating that land developed in small-lot residential outside urban growth boundaries (UGBs) should not be subject to Goals 3 and 4, which generally require land outside UGBs to be zoned for farm or forest use.

Groundwater: Water that sinks into the soil and either moves toward a surfacing location (e.g., a spring or a stream), or is stored in slowly flowing and slowly renewed underground reservoirs called aquifers.

Habitat: A place that provides seasonal or year-round food, water, shelter, and necessities for an organism, community, or population of plants and animals.

Historic Resources: Include, but are not limited to, districts, corridors, ensembles, buildings, portions of buildings, sites, landscape features, cemeteries, bridges, signs, plaques, archaeological sites or artifacts, or other objects of historical and/or architectural significance, locally, regionally, or nationally.

Historic Significance: Include, but are not limited to, districts, corridors, ensembles, buildings, portions of buildings, sites, landscape features, cemeteries, bridges, signs, plaques, archaeological sites or artifacts, or other objects of historical and/or architectural significance, locally, regionally, or nationally.

Home Occupation: Any lawful activity carried on within a dwelling or other building normally associated with uses permitted in the zone and which said activity is secondary to the primary use of the property for residential purposes.

Industrial: The use of land or structures to treat, process, manufacture, or store materials or products.

Mitigation: Reducing the impact of an event or activity, or reducing the potential of an event occurring for example: planting a hedge could mitigate the visual impact of an industrial use, installing an engineered retaining wall when excavating on a steep slope could mitigate the risk of landslide.

Mobile Home:

a. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.

b. A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

c. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

Natural Areas: Land areas reserved from development or modification for the protection of animal species and other natural areas as identified in the Wasco County Comprehensive Plan.

Natural Hazard: Natural events or processes that can harm people, property and/or environmental quality. Both the risk of natural hazards occurring and the potential for an occurrence to cause harm are affected by human land use activities.

Non-farm uses: ORS 215.283 identifies non-farm uses that may be permitted in EFU zones, including non-farm dwellings and divisions. These are uses or activities that are not related to agriculture.

Nonpoint source pollutant: Any source of pollution that does not result from a discharge at a specific, single location or point source (such as a pipe) but generally is distributed by runoff, precipitation, groundwater flow, or atmospheric deposition.

Open Space: Consists of lands used for agricultural or forest uses, and any land area that, if preserved and continued in its present use, would achieve the following:

- a. conserve and enhance natural or scenic resources,
- b. protect air or streams or water supply,
- c. promote conservation of soils, wetlands, or other natural functions,

- d. enhance the value to the public of parks, forests, wildlife preserves, natural areas or sanctuaries or other open space,
- e. conserve landscaped areas such as public or private golf courses that reduce air pollution and enhance the value of abutting or neighboring property, or
- f. promote orderly urban development

OAR: Oregon Administrative Rules.

ORS: Oregon Revised Statutes.

Periodic Review: A cooperative Comprehensive Plan update process with a prescribed process and three year time frame. Periodic review is governed by the rules in OAR 660-025.

Policy: A course of action or statement of priority selected from among alternatives, and in light of given conditions and findings, to guide and influence present and future decisions.

Pollution: The addition to water, air, or soil of matter or energy that has a negative or injurious impact to human, plant, or animal life.

Post-Acknowledgement Plan Amendment (PAPA): An amendment to the Comprehensive Plan adopted subsequent to LCDC's acknowledgment of the County's Comprehensive Plan.

Primary Structure: A structure containing or relating to the primary use of a property; for example, in a residential zone, a dwelling would be a primary structure; in an industrial zone, a warehouse or factory would be a primary structure – distinguished from “accessory structure”.

Restoration: The process of accurately recovering the form and details of a property and its setting as they appeared at a particular historic period by means of the removal of later works or the replacement of missing earlier work.

Riparian area: The zone of interaction between a waterbody and the adjacent land in which processes on land affect the waterbody and vice-versa examples of these interactions include but are not limited to: erosion of land causing sedimentation in the waterbody; the moderating effect of the waterbody on adjacent soil and air temperature; vegetation on the land shading the waterbody and thereby maintaining cooler water temperatures; water and land combining to form highly valuable habitat for numerous wildlife species.

Rural Fire Protection District (RFPD): ORS 478 defines the components of an RFPD, which is an unincorporated community fire district organized for the purposes of fighting wildland or structural fire. Many RFPDs in Wasco County are volunteer staffed.

Rural Service Center (or Area): An unincorporated community consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some permanent residential dwellings (OAR 660-022-0010 (8)). In Wasco County, these were identified by the committed lands exception process with the original 1983 Comprehensive Plan adoption.

Safe Harbor: An optional course of action for satisfying Goal 5 process requirements to identify and protect Goal 5 resources, usually involving a more simplified process such as applying standard setback requirements or determining significance based on existing listings, mapping, or other documentation of significance.

Setback: A prescribed distance from a property line, structure, or resource that a structure must meet. Setbacks are utilized for reasons of public safety, privacy, environmental protection, and to mitigate conflicting uses.

Short Term Rentals (STR): Short term rentals are commercial in nature and are typically defined as housing units that are rented or leased for less than 30 days. STRs are typically advertised through private, web based businesses including

but not limited to Airbnb, VRBO, HomeToGo, LUXbnb, CouchSurfing, HomeAway, and VaCasa.

Statewide Planning Goals: Goals that express the state’s policies on land use and related topics, such as natural resources – local comprehensive plans must be consistent with the statewide planning goals.

Transfer Development Rights (TDR): general concept that can be implemented in a variety of ways, all of which result in relocating development rights away from one area and increasing the development rights (i.e., density) in another area often used to reduce development pressure on sensitive sites and correspondingly increase development opportunities on well-suited sites, thereby protecting sensitive sites while keeping the overall density unchanged

Urban Growth Boundary: For each incorporated city, a boundary established to define the land area needed to accommodate 20 years of growth of the city the location of the UGB is agreed to by the affected city and county; only lands within the UGB are potentially eligible for annexation to the city.

Urban Growth Boundary Areas: Includes those lands within the adopted Urban Growth Boundaries of the cities of Antelope, Dufur, The Dalles, Maupin, and Mosier.

Value Added Agriculture: Mid-Columbia Economic Development District (MCEDD) defines value added agriculture as manufacturing, like food processing or fermentation sciences, that enhances the value of an agricultural product through industrial production. This conforms with the USDA definition.

Water Rights: A right to use the publicly owned waters of the State of Oregon, granted by the Oregon Water Resources Department: all water, whether surface water or groundwater, is publicly owned; to use water, the user must apply for a water right, obtain a permit to use the water, begin use of the water, and then have a water rights examiner report on how and where the water is being used; if the water has been used according to the provisions of the permit, a water right certificate is issued based upon the report findings – certain uses are exempt from needing a water right, such as domestic wells not exceeding a certain usage.

Waiver of Remonstrance: Also called a non-remonstrance agreement, it is a written agreement between a property owner and the County to waive the right of an owner to file a remonstrance in the case of local infrastructure improvements.

Wetland: Land areas where excess water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semi aquatic plant life. In marine and estuarine areas, wetlands are bounded at the lower extreme by extreme low water; in freshwater areas, by a depth of six feet. The areas below wetlands are submerged lands.

Zone: A governmental designation applied to land, defining the uses that are allowed and not allowed, and typically containing standards for the uses and subdivision of the land.

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Chapter 15

Plan Revisions Process

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Plan Revisions

Overview

Wasco County 2040 is the primary document which guides land use in unincorporated Wasco County. The plan is intended to reflect the community’s vision for land use planning and to be responsive to the needs and desires of citizens.

This chapter outlines amendments to the Comprehensive Plan and the process for different amendments.

15.0 Definitions

A. Legislative Revisions

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

B. Quasi-Judicial Revisions

Quasi-Judicial revisions are those which do not have significant effect beyond the immediate area of the change, i.e., narrow in scope and focusing on specific properties.

Each plan change or revision will first be heard by the Planning Commission on a first-come, first serve basis. Such a hearing shall be conducted in accordance with the Land Use and Development Ordinance and Wasco County Planning Commission rules.

C. Urban Growth Area Management

In the event that any city within Wasco County adopts an urban growth boundary which includes lands beyond their corporate limits, the city and the county shall agree upon a program for the joint management of such lands. The management program shall include provision for the interim management of these lands as well as a coordinated system for open communication between the two bodies. The agreement shall also include a joint system outlining procedures for plan amendments or changes to the Urban Growth Boundary.

D. Urban Growth Boundary Revisions

Individuals, agencies, or local governments requesting proposed revisions within or to an urban growth boundary outside a city limit shall apply to the Wasco County Planning Office. The Wasco county Planning Office will then submit a copy of this to the impacted city.

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Plan Revisions

15.1.1 A Comprehensive Plan Amendment may take the following forms:

- a. Amendment of one or more policies of the plan (Legislative)
- b. Amendment to the text, inventories, maps or figures of the plan (Legislative or Quasi-Judicial)
- c. Amendment of a portion of the Comprehensive Plan Land Use Designation map (Legislative or Quasi-Judicial)
- d. Amendment to the urban growth boundary (Legislative or Quasi-Judicial)
- e. A combination plan change/zone amendment (Legislative or Quasi-Judicial)

15.1.2 Comprehensive Plan revisions may be initiated by:

- a. Wasco County Governing Body (Legislative)
- b. Planning Commission by majority vote confirmed by the Wasco County Governing Body (Legislative)
- c. Property owner or authorized representative (Quasi-Judicial)

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

- a. Compliance with the statewide land use goals in Chapters 1-14 or further amended by the Land Conservation and Development Commission, where applicable, as required by ORS 197.250.
- b. Substantial proof that such change shall not be detrimental to the spirit and intent of such goals.
- c. A mistake in the original Comprehensive Plan or change in the character of the neighborhood can be demonstrated.
- d. Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions.
- e. Proof of change in the inventories originally developed.
- f. Revisions shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established.
- g. Revisions must be consistent with rule in ORS 197.175, 197.610-651, 215.050, and 215.431 when applicable.

15.1.4 Transportation Planning Rule Complianceⁱ

- a. Review of Application for Effect on Transportation Facilities – A proposed plan amendment, whether initiated by the County or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – “TPR”). “Significant” means the proposal would:
 - 1) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - 2) Change standards implementing a functional classification system; or

- 3) As measured at the end of the planning period identified in the adopted transportation system plan:
 - a). Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - b). Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
 - c). Worse the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- b. Amendments That Affect Transportation Facilities – Amendments to the land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:
 - 1) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - 2) Amending the TSP or comprehensive plan to provide transportation facilities, improvement or services adequate to support the proposed land uses consistent with the requirements of Section – 0060 of the TPR.
 - 3) Altering land use designations, densities, or design requirements to reduce demand for vehicle travel or meet travel needs through other modes of transportation.
 - 4) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- c. Traffic Impact Analysis – A Traffic Impact Analysis shall be submitted with a plan amendment application pursuant to Section 4.140 Traffic Impact Analysis (TIA) of the Land Use and Development Ordinance.

15.1.5 Procedure for the Amendment Process

- a. A petition must be filed with the Planning Offices on forms prescribed by the Planning Director.
- b. Notice of a proposed revision within, or to, the urban growth boundary will be given to the appropriate city at least thirty (30) days before the County public hearing.
- c. Notification of Hearing:
 - 1). Notices of public hearings shall summarize the issues in an understandable and meaningful manner.
 - 2). Notice of a legislative or judicial public hearing shall be given as prescribed in ORS 215.503. In any event, notice shall be given by publishing notice in the newspaper of record at least twenty (20) days, but not more than forty (40) days,

prior to the date of the hearing.

3). A quorum of the Planning Commission must be present before a public hearing can be held. If the majority of the County Planning Commission present cannot agree on a proposed change, the Commission will hold another public hearing in an attempt to resolve the difference or send the proposed change to the County Governing Body with no recommendation.

4). After the public hearing, the Planning Commission shall recommend to the County Governing Body that the revision be granted or denied, and the facts and reasons supporting their decision. In all cases the Planning Commission shall enter findings based on the record before it to justify the decision. If the Planning Commission sends the proposed change with no recommendation, the findings shall reflect those items agreed upon and those items not agreed upon that resulted in no recommendation.

5). Upon receiving the Planning Commission's recommendation, the County Governing Body shall take such action as they deem appropriate. The County Governing Body may or may not hold a public hearing. In no event shall the County Governing Body approve the amendment until at least twenty (20) days have passed since the mailing of the recommendation to parties.

15.1.6 Appeals. The decision of the County Governing Body will be final unless appealed to a higher court.

15.1.7 Review. In any event, the Comprehensive Plan and implementing Ordinances shall be reviewed as often as necessary if the Planning Commission and County Governing Body finds that there are compelling reasons to justify such change, i.e., criteria listed in Section 15.1.3. A public statement will be issued by the Planning Commission and/or County Governing Body on whether any revision is needed.

ⁱ These rules and criteria come directly from OAR 660-012. For more information and definitions see the rule.

Chapter 16

Goal Exceptions

Chapter 16

Goal Exceptions and Committed Lands

Overview

In applying the statewide land use planning goals, the need for preserving agricultural, forest and other resource lands and the need for providing housing and rural development must be addressed and balanced.

To accomplish this balance, rezones of resource lands are required by state law to go through an exception process, and meet certain criteria, to statewide land use planning goals. This process and the criteria are explained in OAR 660-015-0000(2).

A committed lands process was devised by the Land Conservation and Development Commission to exclude properties with existing development from resource protection.

Wasco County identified committed land through a two-step process in 1982. First, a review of existing settlement patterns, parcelization and the amount of physical development was conducted. This was primarily done through a window surveyⁱ. The second step took those potential properties identified and created an inventory including legal description, ownership, tax assessment, parcel size and the level of improvementⁱⁱ.

Since 1983, a few additional goal exceptions have been approved and rezoned lands from resource uses to non-resource uses. There have also been some changes to the map and tax lot and other information which necessitated an update to the committed lands inventory.

This chapter summarizes the process and, included in the appendix, gives an overview exception and rural service areas.

Committed Lands and the National Scenic Area

A portion of lands identified in previous editions of the Wasco County Comprehensive Plans as committed exceptions were later identified as National Scenic Area lands and rezoned.

Additionally, some of the map and tax lots were updated which makes the old charts difficult to read.

As a result, significant efforts were made to research and update the historic committed lands in the Appendix, with the exception of National Scenic Area lands. This research will be done at a later date and compiled into a Wasco County National Scenic Area Committed Lands reference guide.

The new reference will show the zones of committed lands and subdivisions before and after the National Scenic Area rules went into effect and can be used as a resource in the future.

Criteria

16.1.1 If the exceptionⁱⁱⁱ to the goal is adopted, then the compelling reasons and facts for that conclusion shall be completely set forth in the plan and shall include:

- a. Why these other uses should be provided for;
- b. What alternative locations within the area could be used for the proposed uses;
- c. What are the long term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use;
- d. A finding that the proposed uses will be compatible with other adjacent uses.

Committed Lands

16.2.1 To identify committed lands, or those lands committed to non-resource uses, Wasco County used a two-step process. The first step was to review an area's existing settlement pattern, the existing parcelization, and the amount of actual physical, development.

The second step involved a detailed inventory of those areas previously identified for non-resource uses.

All of Wasco County exceptions have been based on commitment. The compelling reasons and facts are presented throughout the Appendix.

ⁱ A window survey was conducted to inventory the location of existing physical development, to identify and significant factors which make this area unsuitable for resource purposes, and to determine the appropriate land use classification for a particular area. A breakdown of Soil Conservation Service agricultural capability class and forest site class was also inventoried to determine which areas are more suitable for farm and forest resource protection.

ⁱⁱ For each specific area, the legal description, ownership, tax assessment, size of parcel and level of improvement were inventoried. The level of improvements was based on the January 1982 Assessment Roll for Wasco County. Any parcel receiving a "true cash value" over five thousand dollars, or containing a mobile home or homestead was considered developed.

ⁱⁱⁱ The exceptions process is utilized to evaluate whether certain lands should be designated for future rural development or maintained as resource lands. As defined, this process requires that any lands designated for rural development be justified based on 1) need; 2) a consideration of other alternatives which would or would not require an exception; 3) a consideration of long-term consequences of designating an area for rural development; and 4) the compatibility of the anticipated development with adjacent uses.

References

Oregon Department of Land Conservation and Development. *Goal 2: Land Use Planning*. Oregon's Statewide Planning Goals and Guidelines.

Wasco County Planning Department (1983). *Wasco County Comprehensive Plan*.

Wasco County Planning Department (1983). *Committed Lands Study*.

Wasco County Planning Department (1997). *Wasco County Transition Lands Study Area (TLSA)*.

Wasco County Planning Department (2006). *Wasco County Comprehensive Plan*.

Wasco County Planning Department (2009). *Buildable Lands Study*.

Appendix 16-A

Most of the exception and committed lands properties were identified during the original Comprehensive Plan through a two-step process including a window survey and analysis of assessment records. Table 16-1 lists committed exceptions outside of the National Scenic Area, and 16-2 lists those inside the National Scenic Area. Table 16-3 demonstrates the justification for committed subdivisions prepared for the 1983 Comprehensive Plan. According to the 1983 Plan, committed lands were identified based on size, tax assessment, location to other parcels, level and amount of public facilities and services, character of the community and development trends. For subdivisions, this included the total number of lots, average size of lots, and the percentage of lots already with development on them.

For lands identified as committed during the 1983 Comprehensive Plan but later rezoned as a result of the National Scenic Area Act and land use designations, see Table 16-2.

Committed Exceptions (Table 16-1) for lands outside the National Scenic Area

	Location	Legal Description	Acres	Avg. Parcel Size (ac.)	Historic Zoning	Current Zoning (2020)
Rural Service Centers						
	Pine Grove	5S 11E & 12 E	380.61	5.77	Various	Various
	Pine Hollow	4S 12E 3 & 4	834	1.78	AR	AR
	Tygh Valley	4S 13E	756	4.25	Various	Various
	Wamic	4S 12E 11 14	223.43	2.7	Various	Various
	Walters Corners	5S 12E 13, 14, 23, 24	7.18	1.5	RC and A-1	RC and A-1
Committed Subdivisions						
	Brown's Ranch Estates	2N 13E 31C	116.2	6.12	RR-5	RR-5
	Dundas Tracts	2N 12E 16B	160	10	RR-5	RR-5
	Flyby Night Subdivision	2N 12E 15	190.75	7.63	RR-5	RR-5
	Mill Creek Wayside Garden	1N 12E 22CC	9.78	1.33	RMH-2	RR-2
	Mountain View Homes	1S 13E 34	7.28	.56	R-2	RR-2
	Mill Creek Reservoir Addition	1N 12E 22CC	9	.50	RMH-2	RR-2
	Shady Brook Estates	3S 13E 31	86.64	14.44	FF-10	FF-10
	North Sportsmans Paradise	2S 12E 2, 10, 11, 15, 14B	994.74	10.40	FF-10	FF-10
	South Sportsmans Paradise	2S 12E 14B	219.18	8.43	FF-10	FF-10
	Sportsman Park	4S 11E 14	13.20	1.18	AR	AR
	Sportsmans Park 2	4S 11E 14	16.80	1.34	AR	AR
	Sportsmans Park 3	4S 11E 14	28.40	.25	AR	AR
	Sportsmans Park 4	4S 11E 14	15.20	.27	AR	AR
	Valley View Acres	1N 13E 12	32.98	1.94	RR-5	RR-5
	Wahtonka Tracts Subdivision	1N 12E 1	100.60	5.03	RR-5	RR-5
	Wayside Second Addition	1N 12E 22	2.00	.50	RMH-2	RR-5
	Mt. Hood Subdivision (Richman)	1N 13E 1, 12	171.46	NA	RR	RR-5
Other Committed Lands						
	Mid-Columbia Grain Growers Re-zone	7S 17E TX 2400	.29	NA	M-1	RI
	Camp Morrow Re-zone	4S 12E 4	37.76	NA	A-1 & AR*	A-1 & AR
	Sacamano Re-zone	2N 12E 17 & 20	56.85	11	FF-10	FF-10
	Badger Creek	4S 13E 6	235	33	A-1(160)	FF-10 + EPD 10
	Big Muddy/Washington Family Ranch	8S 18E 28, 29, 31, 32 and 8S 19E	1267	NA	A-1(160)	AR & EPD 9
*EPD 14 Camp Morrow Limited Use Overlay Zone was part of exception						

Appendix 16-B

Committed Exceptions (Table 16-1) for lands inside the National Scenic Area

	Location	Legal Description	Acres	Avg. Parcel Size (ac.)	Historic Zoning	Current Zoning (2020)
Rural Service Centers						
	Rowena	2N 12E	551*	1.61	Various	Various
Committed Subdivisions						
	Cameron Tracts	2N 12E 9	280.9	8.51	RR-5	R-10 (GMA)
	Rowena Dell P.U.D.	2N 12E 3	64.09	2.21	RMH-2	RES (SMA)
	Tooley Terraces	2N 13E 17AB	20.81	1.52	R-1	R-2 (GMA)
	Dry Hollow Area	1N 13E 10	14.3	.83	R-2	R-1 (GMA)
	Cherry Park Area	1N 13E 1DC	18.25	1.83	RR	R-5 (GMA)
	Fifteen Mile Creek Area	2N 14E 31	14.8	2.46	RR	R-5 (GMA) & A 40 (GMA)
	Williams First Addition	1N 13E 8	17.60	1.10	R-1	R-5 (GMA)
Other Committed Lands						
	Rowena Dell Area	2N 12E 3, 4, 8, 9, 10 & 16				Various
	Brown's Re-zone	1N 13E 5B 600	1.15		R-4	A-1 (40) (GMA)
	Areas Adjacent to The Dalles**	2N 13E 19, 26, 31 & 32	2,170.48	4.00	RR-5	Various
	The Dalles Country Club Area	2N 13E 17, 20	21.28	3.55	C-1	R-5 (GMA)
	The Dalles Concrete	2N 13E 17	29.79	9.93	M-2/M-1	A-1 (160) (GMA)
	Bert Hodges' Property	2N 13E 29	57.17	NA	C-1/R-1	A-1 (160) (GMA)
	Bryant Property	2N 13E 20, 20	18.55	NA	M-2	A-1 (160) (GMA)
*This total includes land in highway and railroad rights of way.						
**This includes Chenowith, Murray's Addition. Foley Lakes, and some SMA lands between Chenowith Creek and Cherry Heights.						

Appendix 16-C

Justification for Committed Subdivisions (Table 16-3)

Subdivision	Legal Description	Acres	# of Lots	Avg. Lot Size	% of Lot Committed	Zoning	Date Approved
Brown's Ranch Estates	2N 13E 31	116.2	19	6.12	11	RR-5	04/08/1981
Cameron Tracts	2N 12E 9	280.9	33	8.51	24	RR-5	11/02/1907
Dundas Tracts	2N 12E 16	160	16	10.00	45	RR-5	03/04/1908
Flyby Night Subdivision	2N 12E 15	190.75	25	7.63	44	RR-5	11/22/1979
Mill Creek Wayside Garden	1N 12E 22	9.78	8	1.33	75	RMH-2	08/31/1965
Mountain View Homes	1S 13E 34	7.28	13	0.56	26	R-2	12/27/1966
Reservoir Addition	1N 12E 22	9	18	0.50	65	RMH-2	08/03/1955
Rowena Dell	2N 12E 3	64.09	29	2.21	25	RR-5	10/28/1975
Shady Brook Estates	3S 13E 31	86.64	6	14.44	68	FF-10	07/23/1980
Sportsmans Paradise N.	2S 12E	994.74	118	N/A	21	FF-10	03/21/1972
Sportsmans Paradise S.	2S 12E 14	219.18	26	8.43	19	FF-10	02/25/1970
Sportsmans Park	4S 11E 14	13.20	33	N/A	71	AR	05/20/1970
Sportsmans Park 2	4S 11E 14	16.80	42	N/A	71	AR	07/31/1970
Sportsmans Park 3	4S 11E 14	28.40	71	N/A	44	AR	05/30/1973
Sportsmans Park 4	4S 11E 14	15.20	38	N/A	39	AR	05/30/1973
Terrace Trailer Homes	2N 13E 17	8.5	25	0.34	63	RMH-2	08/13/1964
Terrace Trailer Homes 2	2N 13E 17	10.92	6	1.82	67	RMH-2	11/15/1965
Terrace Trailer Homes 3	2N 13E 17	1.56	6	0.26	83	RMH-2	08/16/1967
Tooley Terraces	2N 13E 17	10.24	16	0.64	40	R-1	06/03/1954
Valley View Acres	1N 13E 12	32.98	17	1.94	35	RR-5	05/05/1965
Wahtonka Tracts Subdiv.	1N 12E 1	100.60	20	5.03	65	RR-5	10/23/1969
Wayside Second Addition	1N 12E 22	2.00	4	0.50	75	RMH-2	08/31/1965
Williams First Addition	1N 13E 8	17.6	16	1.10	83	R-1	1/23/1953
Mt. View Acres (Richman)	1N 12E 12	32.79	3	12		RR	11/10/1975

These subdivisions were approved prior to 1983, and designated as committed with the 1983 Comprehensive Plan by Order dated April 27, 1983.

Appendix 16-D

This section provides the details for each of the non-subdivision exceptions, including the Order or Ordinance by which the exception was approved. In most cases, this occurred before the County numbered Ordinances, so we have provided a name (e.g. Profitt or Maxwell) or other information on the stamp to identify it. The original ordinance contains the findings of fact that demonstrate the standards for an exception have been met as well as the substantial evidence necessary to demonstrate that the standard has been met. The brief description includes statements of reasons for the exception as well as additional relevant information.

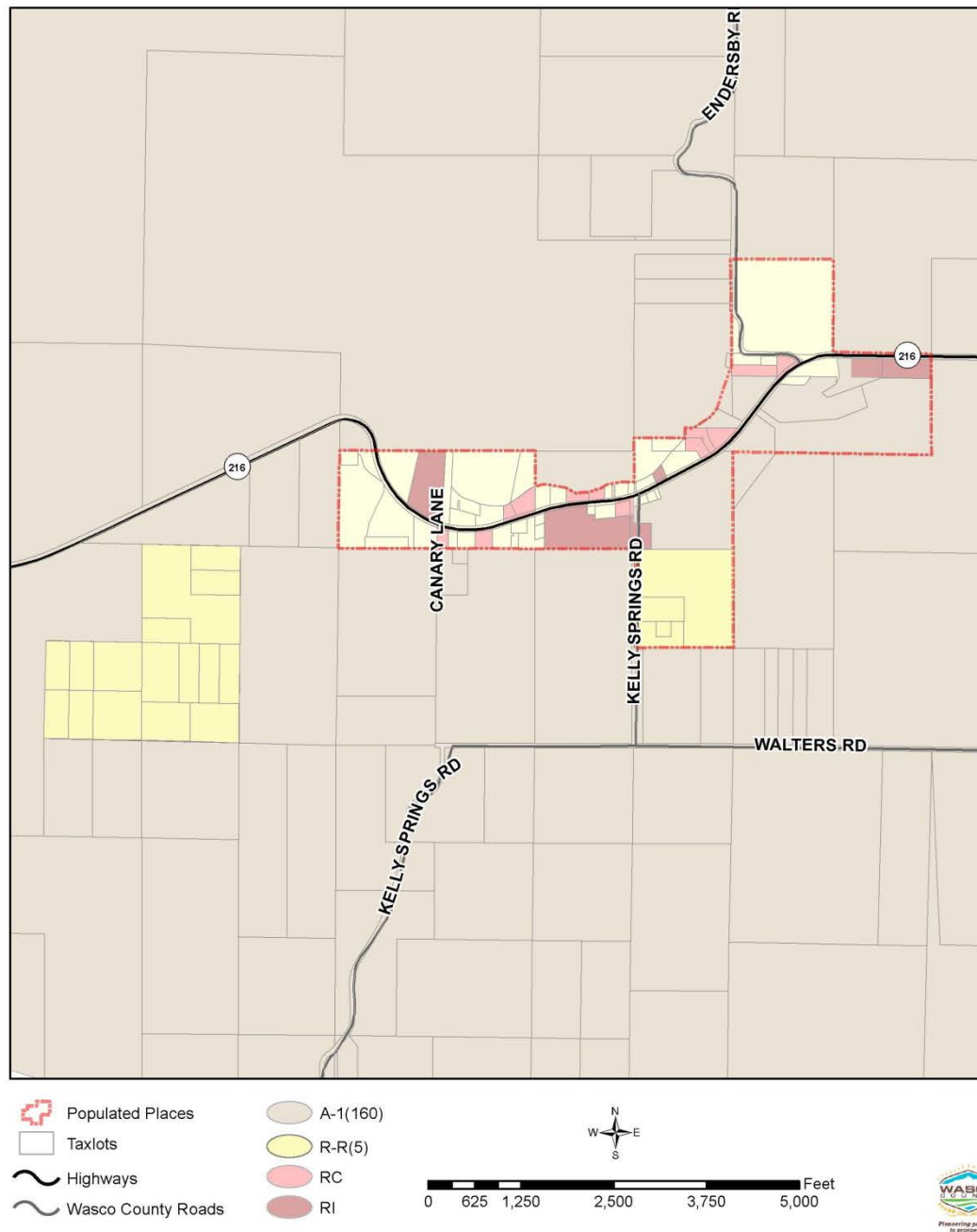
The 1983 Committed Lands Study has some additional information about those committed lands identified during the Comprehensive Plan project.

Rural Service Centers and Recreational Communities

Wasco County currently has four rural service areas and one recreational community: Tygh Valley, Pine Grove, Wamic, Walter's Corner and Pine Hollow, respectively. Rowena was designated a rural service center during the 1983 Comprehensive Plan adoption, but has since become part of the National Scenic Area.

Descriptions and maps are included below. More extensive historic information is available at the Planning Department and in the Committed Lands study (1983).

PINE GROVE



Pine Grove

5S 11E & 12 E

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: Various

Current Zoning: Various (RR-2, RR-5, RC, RI, A-1 (160))

Date Approved: April 27, 1983

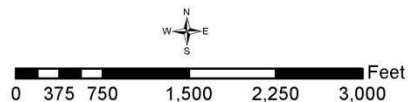
Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Served by a community water system, this roughly 250 acre community has traditionally had approximately 40 residents and has remained stable since the 1980s. Pine Grove consists of industrial, commercial, residential and exclusive farm uses. It was identified in 1983, with the Comprehensive Plan, as a rural service center. Pine Grove was originally rezoned in 1970 by Ordinance (no ordinance number on record). Additional RR added in 1984 based on developments and public demand.

PINE HOLLOW



- Populated Places
- Taxlots
- Wasco County Roads
- Public Access
- A-1(160)
- A-R
- LAKE



Pine Hollow

4S 12E 3 & 4

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: AR

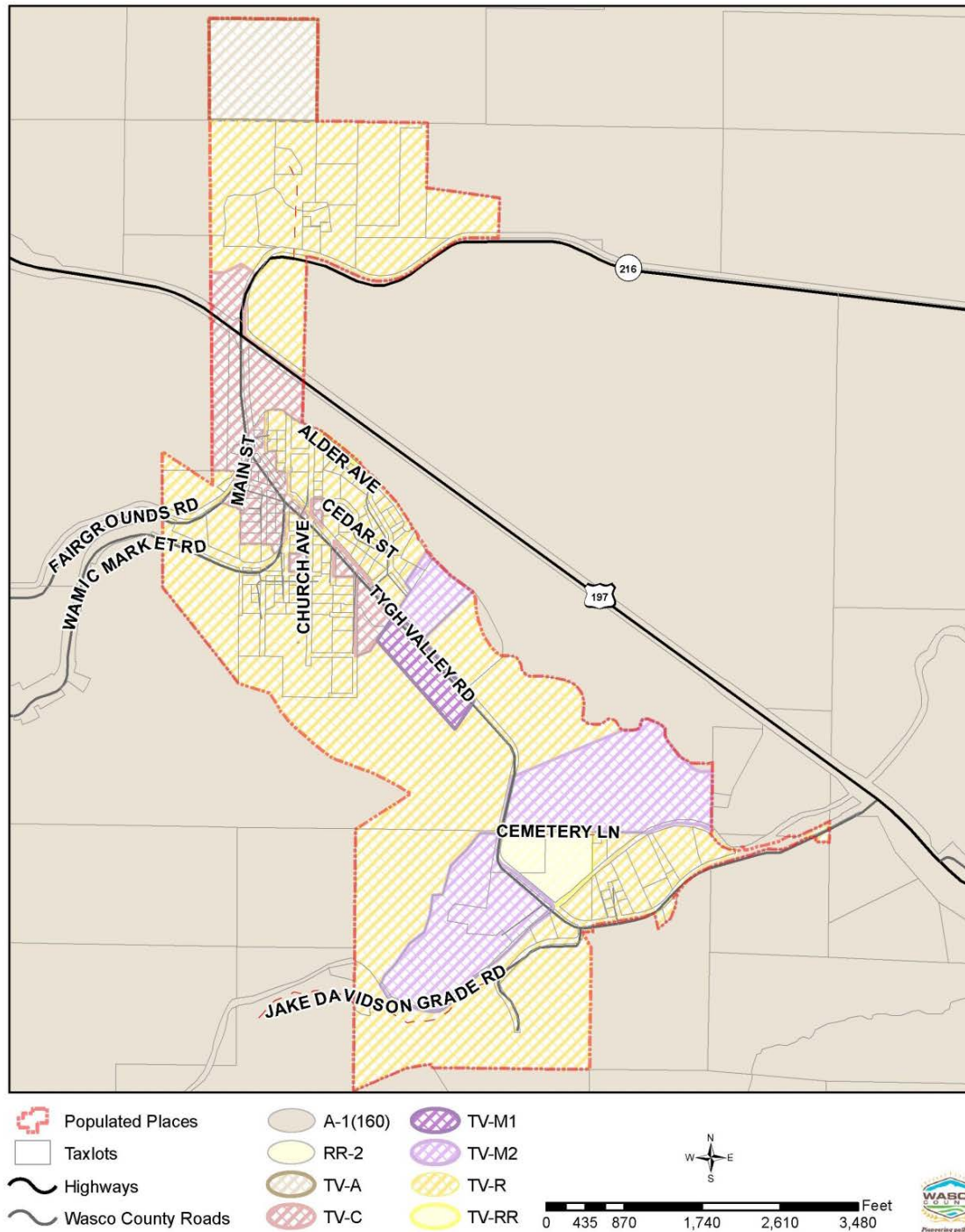
Current Zoning: AR

Date Approved: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Surrounding a reservoir, Pine Hollow is one of the largest unincorporated communities in Wasco County. Designated a recreational area with the 1983 Comprehensive Plan, it typically increases in population size during summer months. Estimates are well over 400 people in the summer months. Five community wells serve approximately 300 users. Residences are served by individual septic tanks. Pine Hollow also has a restaurant, RV park, and a small airstrip.

TYGH VALLEY



Tygh Valley

4S 13E

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: Various

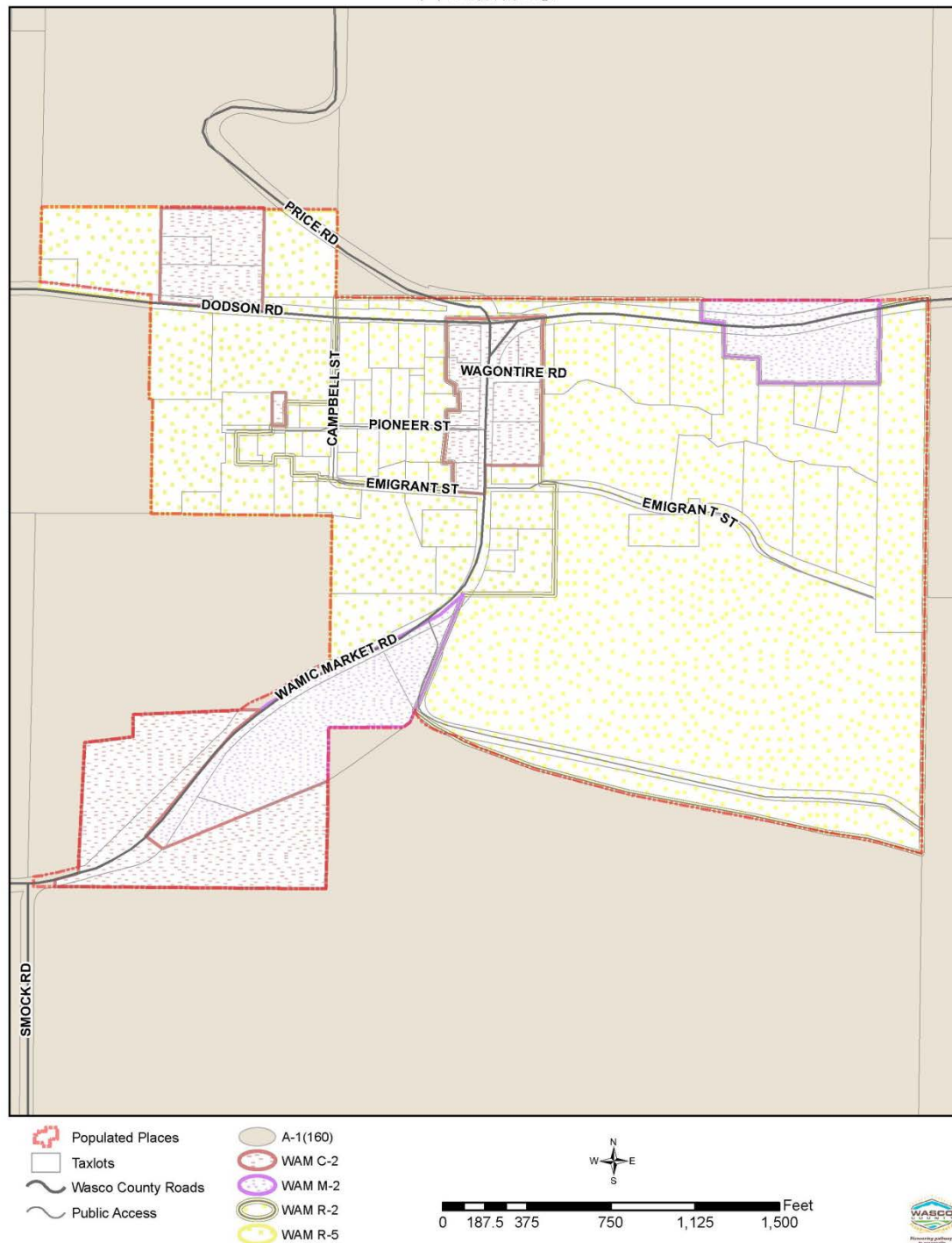
Current Zoning: Various (TV-AG, TV-R, TV-C, TV-M1, TV-M2, TV-RR)

Date Approved: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Historically centered around a lumber mill, Tygh Valley has approximately 175 residents and has a mixture of businesses. A community water system is located west of OR-197. Residences are served by individual septic tanks. Tygh Valley was designated a rural service center with the 1983 Comprehensive Plan.

WAMIC



Wamic

4S 12E 11 & 14

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: Various

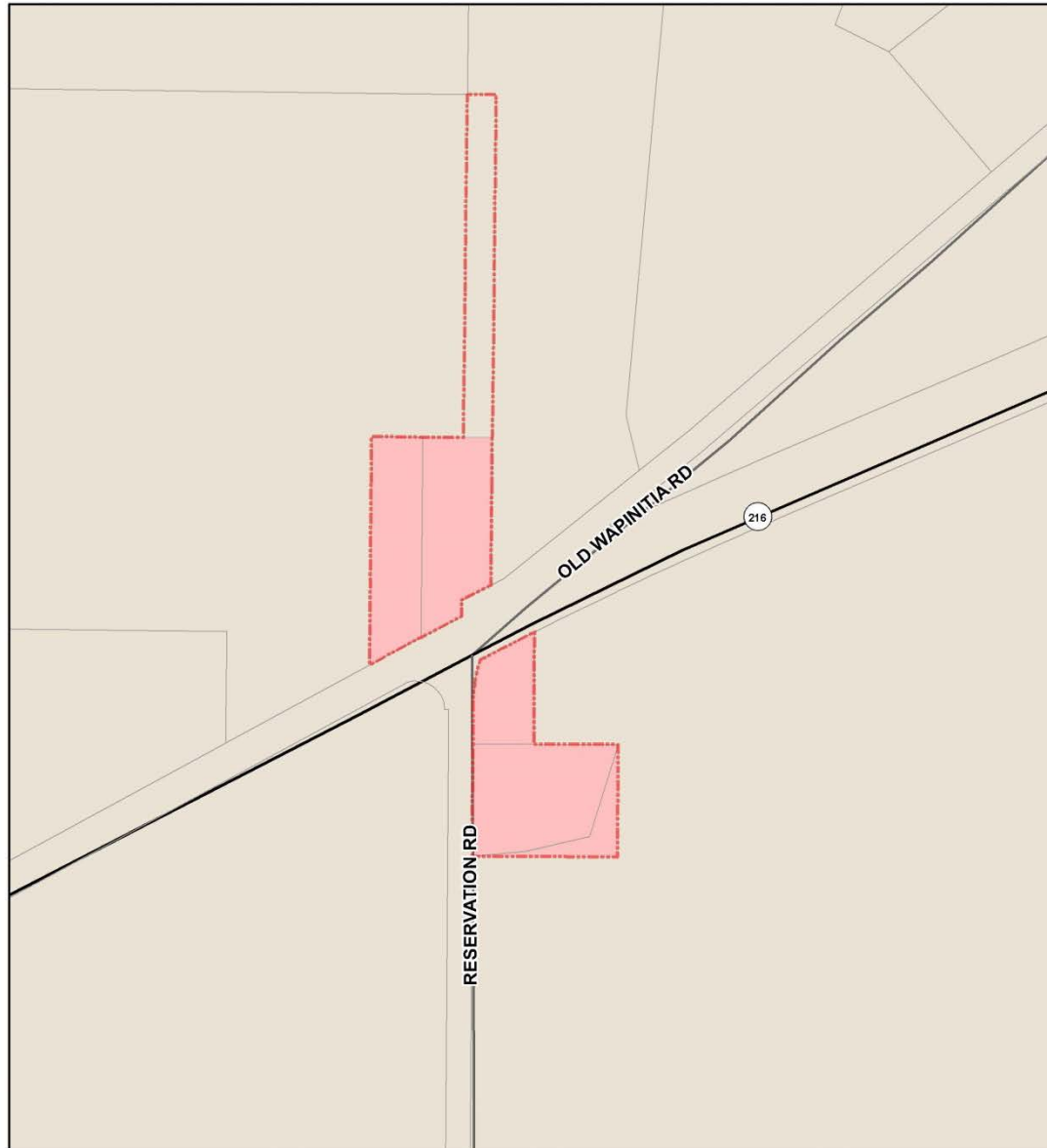
Current Zoning: Various (WAM-R2, WAM-R5, WAM-C2, WAM-M2)

Date Approved: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

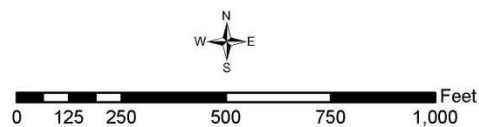
Brief description: Wamic has maintained a relatively stable population of approximately 150 residents. It has a community water system and a hybrid sanitary waste system. It was designated a rural service center in the 1983 Comprehensive Plan.

WALTER'S CORNER



- Populated Places
- Taxlots
- Highways
- Wasco County Roads

- RC
- A-1(160)



Walter's Corner

5S 12E 13, 14, 23, 24

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: Various (RC and A-1(160))

Current Zoning: Various (RC and A-1(160))

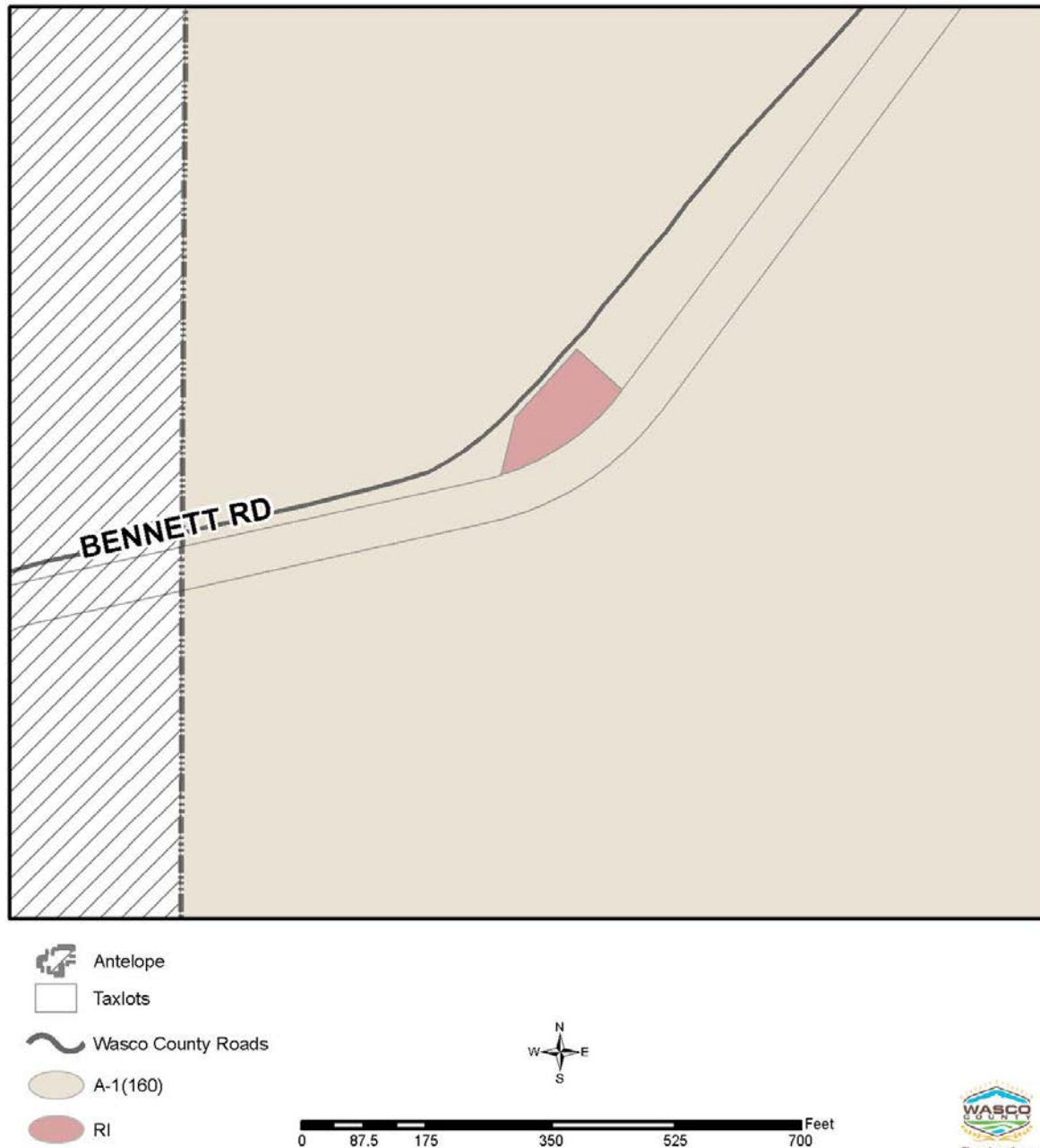
Date Approved: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Walter's Corner is a small pocket of commercially zoned property on OR-216 that has traditionally housed a gas station and convenience store. Surrounding property is Exclusive Farm Use.

Other Committed and Exception Lands

MID COLUMBIA GRAIN GROWERS REZONE



Mid-Columbia Grain Grower Re-zone:

7S 17E 2400 #11702

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: M-1 (Light Industrial)

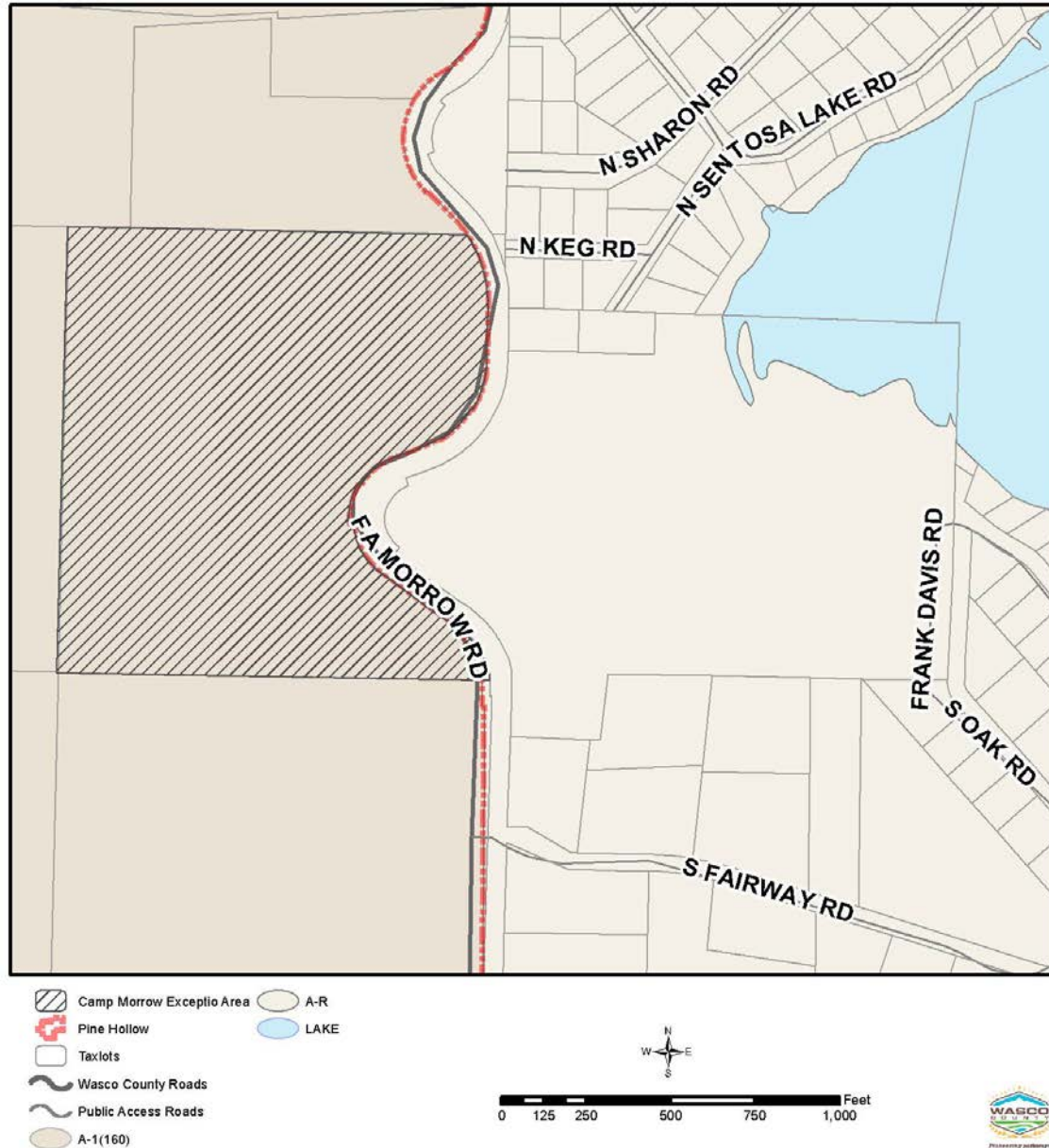
Current Zoning: RI

Date Approved: July 7, 1976

Approved by: Order - Maxwell Zone Change

Brief description: The site has a long standing lease by the Mid-Columbia Grain Growers for storage and sales of agricultural products. It was identified in 1976 as a pre-existing use that was granted a zone change. Referred to as "Antelope Industrial" in the 2009 Buildable Lands Study.

CAMP MORROW EXCEPTION AREA



Camp Morrow (Badger Creek Ranch) Re-zone:

4S 12E 4 600 #10884

Exception to: Goal 3

Zoned prior to exception: A-1

Current Zoning: A-1 (160) & EPD-10

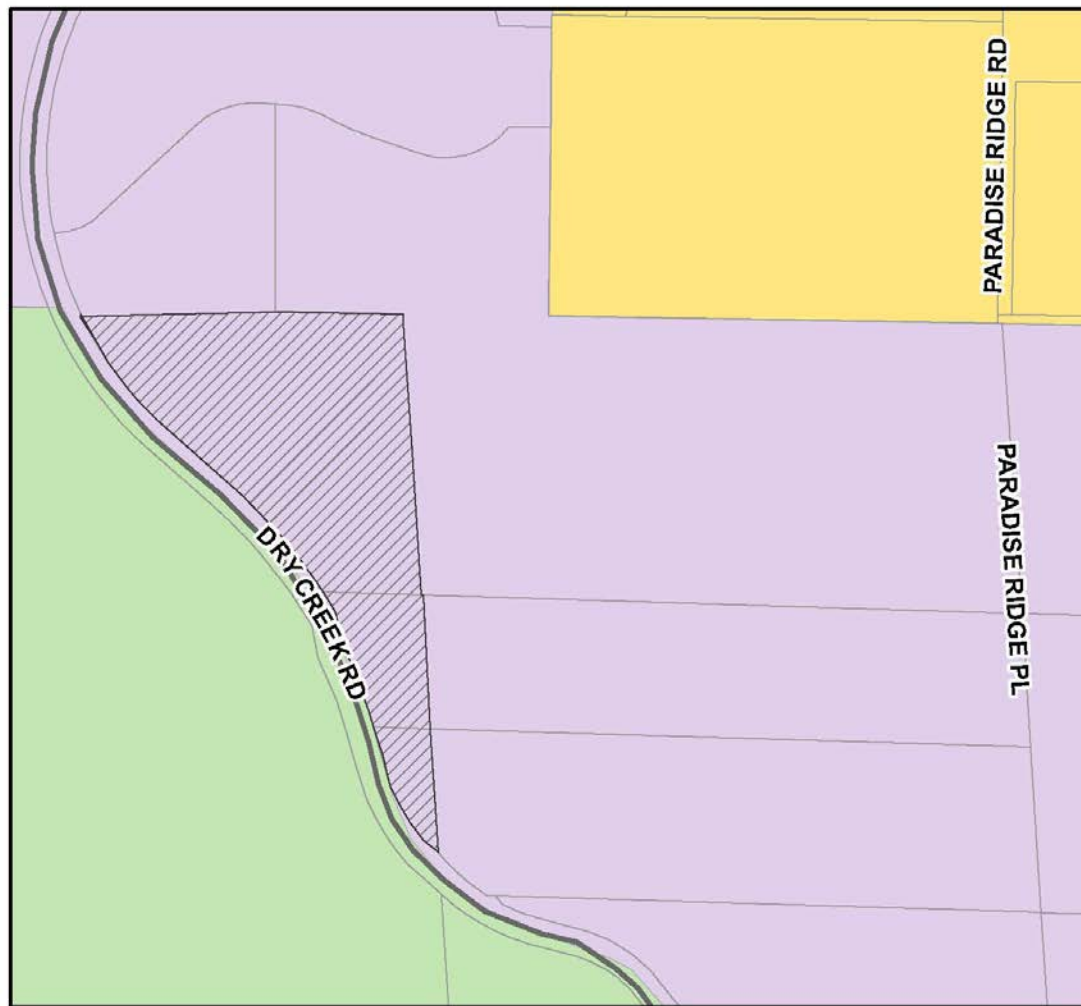
Date Approved: November 14, 2006

Approved by: Ordinance No. 99-112

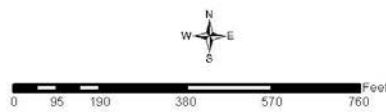
Planning Case #: CP-06-101/EXC-06-101/ZNC-06-101

Brief description: The Camp Morrow/Badger Creek Ranch Exception is reasons exception for 37.76 acres known as the Badger Creek Ranch portion of Camp Morrow. This includes an established youth and family camp in Pine Hollow. The exception was granted with a Limited Use Overlay zone (EPD-10) to permit the camp activities and development.

EXCEPTION & REZONE AREA



- Exception & Rezone From F-2 (80) to F-F(10)
- F-2(80)
- F-F(10)
- R-R(10)
- Taxlots
- Wasco County Roads
- Public Access Roads



Sacamano Re-zone

OWNER	Tax Lot	Total Size	F-2 Rezone Area	Contiguous Land
Sacamano	2N12E17: 2700 & 1N12E20: 5000	16.16 acres 19.31 acres	Approx 6.8 acres (por. of TL 2700)	35.47 Acres
Campbell	2N12E20: 4700	10 acres	Approx 0.78 acres (por. of TL 4700)	10 Acres
Cherniak/ Conklin	2N12E20: 4600 & 2N 12E20: 4500	0.34 acres 11.04 acres	0.34 acres (all of TL 4600)	11.38 Acres

Exception to: Goal 4

Zoned prior to exception: F-2

Current Zoning: FF-10

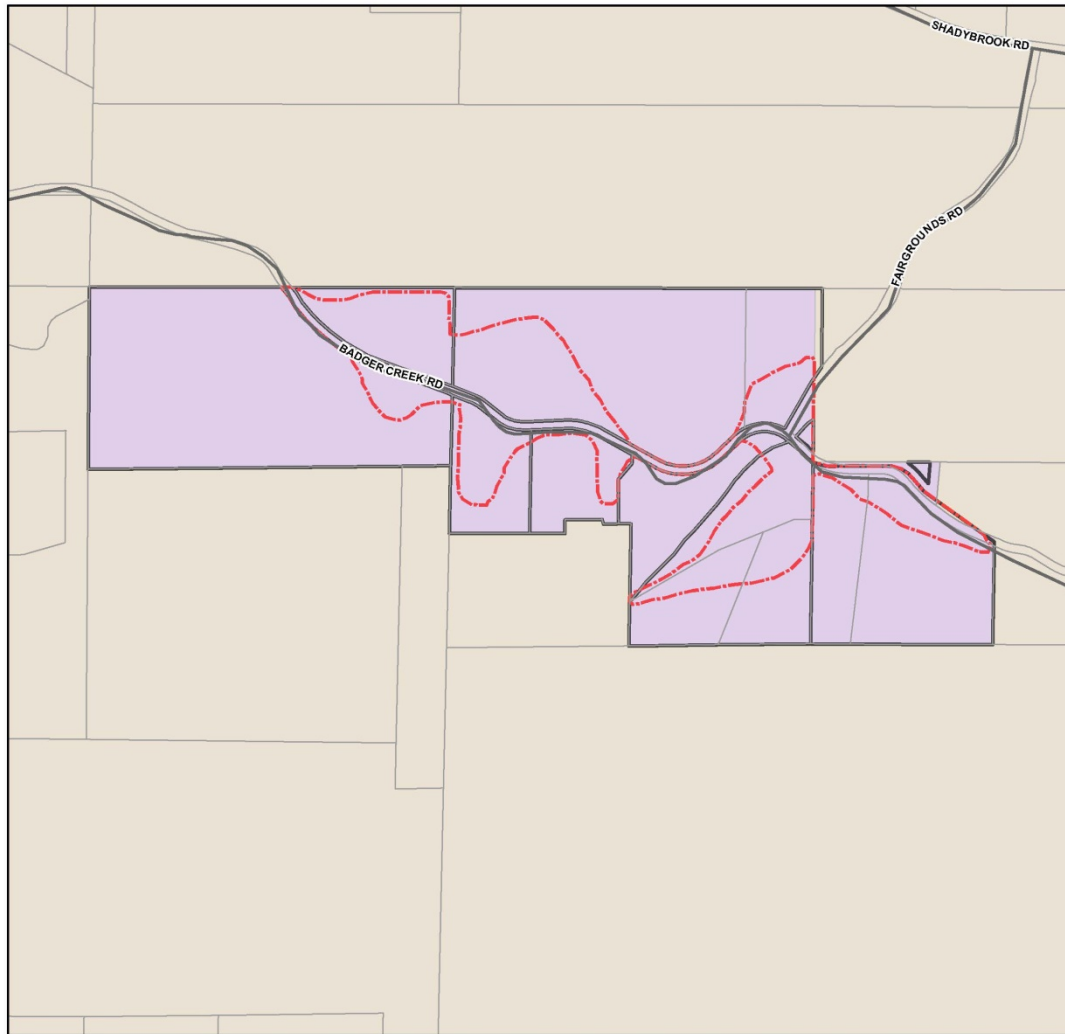
Date Approved: February 22, 2008

Approved by: Order (No number)

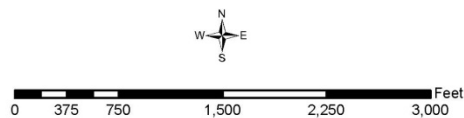
Planning Case #: CPA-07-102/ZNC-07-101/EXC-07-101

Brief description: The Sacamano Exception is a committed land exception to 6.8 acres. The area was found to be committed to non-resource use due to the isolation of the area from roads, lack of trees or suitability of soils for growing trees, small size of the exception, and it being already in residential use.

BADGER CREEK



- Wasco County Roads
- Public Access Roads
- Taxlots
- EPD 10 Badger Creek Properties
- EPD 10 Badger Creek Development Area
- A-1(160)
- F-F(10)



Badger Creek

4S 13E 6 #100, 101, 102, 103, 300, 500, 700, 701, 702 and 4S 13E 5 #500, 501

Exception to: Goal 3

Zoned prior to exception: A-1

Current Zoning: FF-10 with EPD-10 Limited Use Overlay

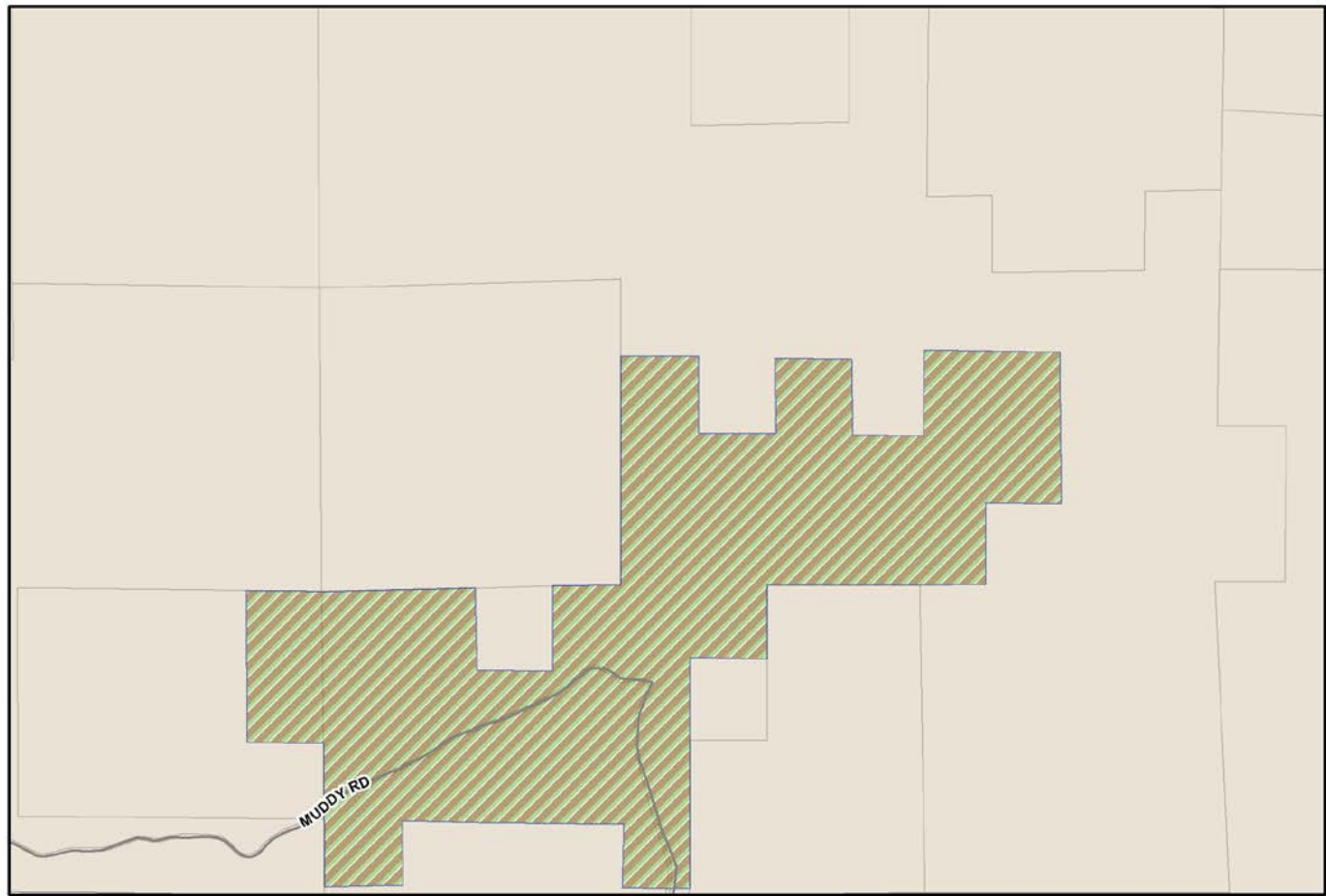
Date Approved: March 17, 1999





Approved by: Order 99-101

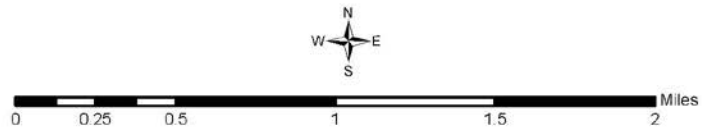
Associated Files: CPA-98-102 and ZNC-98-102

Brief description: Located 1.4 miles West of Tygh Valley and near the Wasco County Fairgrounds, this goal exception was awarded under the irrevocably committed exception due to the existing residential development and in conjunction with EPD-10, a Limited Use Overlay Zone, which has some unique criteria and regulations for these properties restricting future development or redevelopment.

BIG MUDDY/ WASHINGTON FAMILY RANCH



-  Taxlots
-  Public Access Roads
-  EPD 9 Big Muddy Limited Use Overlay/ A-R County Zoning
-  A-1(160)



Big Muddy/Washington Family Ranch

8S 18E 28, 29, 31, 32 and 8S 19E

Exceptions to: Goal 3, 11, and 14

Zoned prior to exception: A-1

Current Zoning: AR with EPD-9 Limited Use Overlay

Date Approved: September 18, 1997

Approved by: Ordinance 97-001

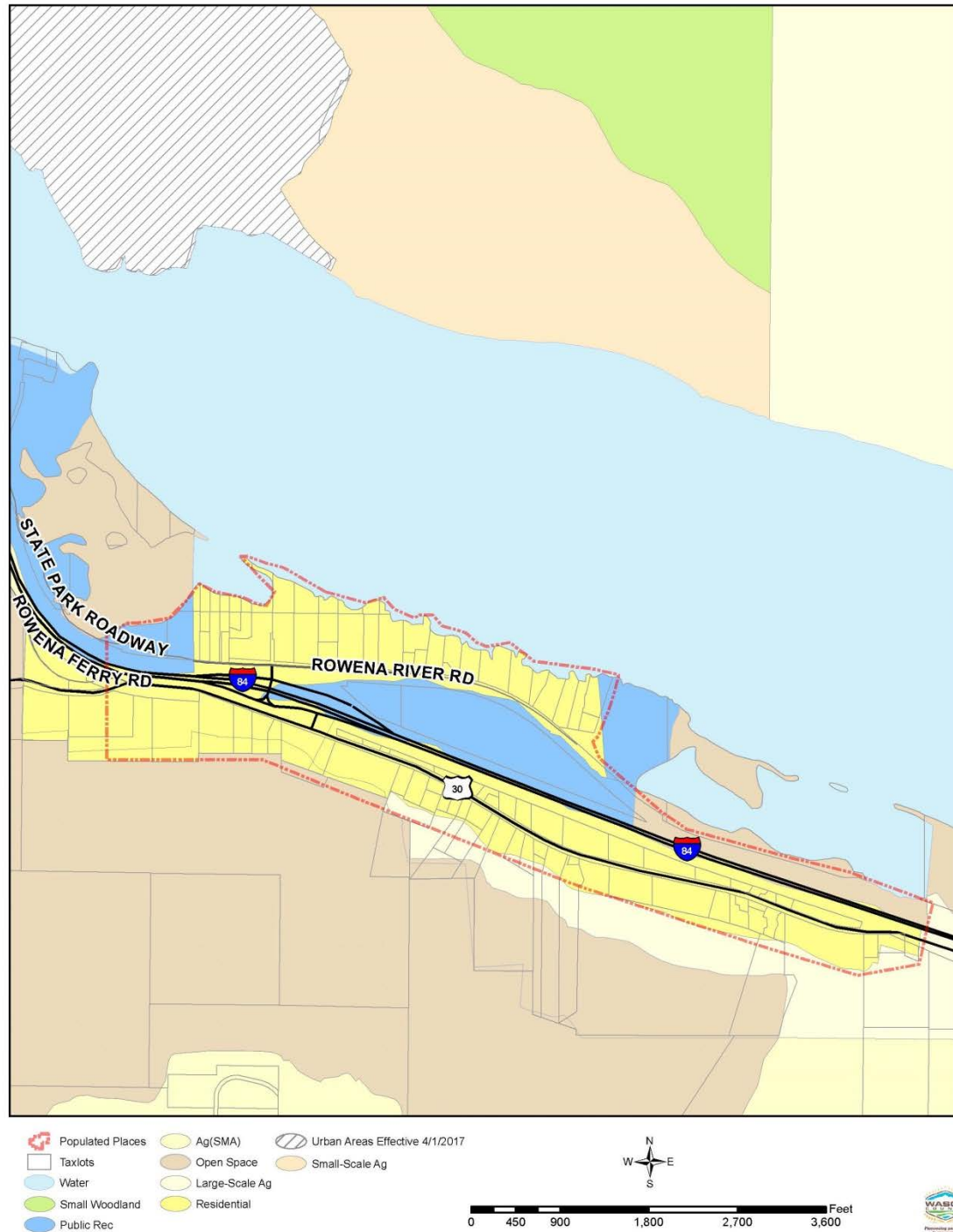
Associated Files: CPA-97-101

Brief description: Young Life applied for a reasons exception to Goals 3, 11, 14 to change the existing zone of Big Muddy/Washington Family Ranch from A-1 to AR and requested the placement of EPD-9, a Limited Use Overlay Zone to limit the uses to those allowed by the exception. The focus was on establishing a youth and family camp on the ranch previously developed and known as Rancho Rajneesh.

National Scenic Area

Rural Service Centers

ROWENA



Rowena

2N 12E

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: Various

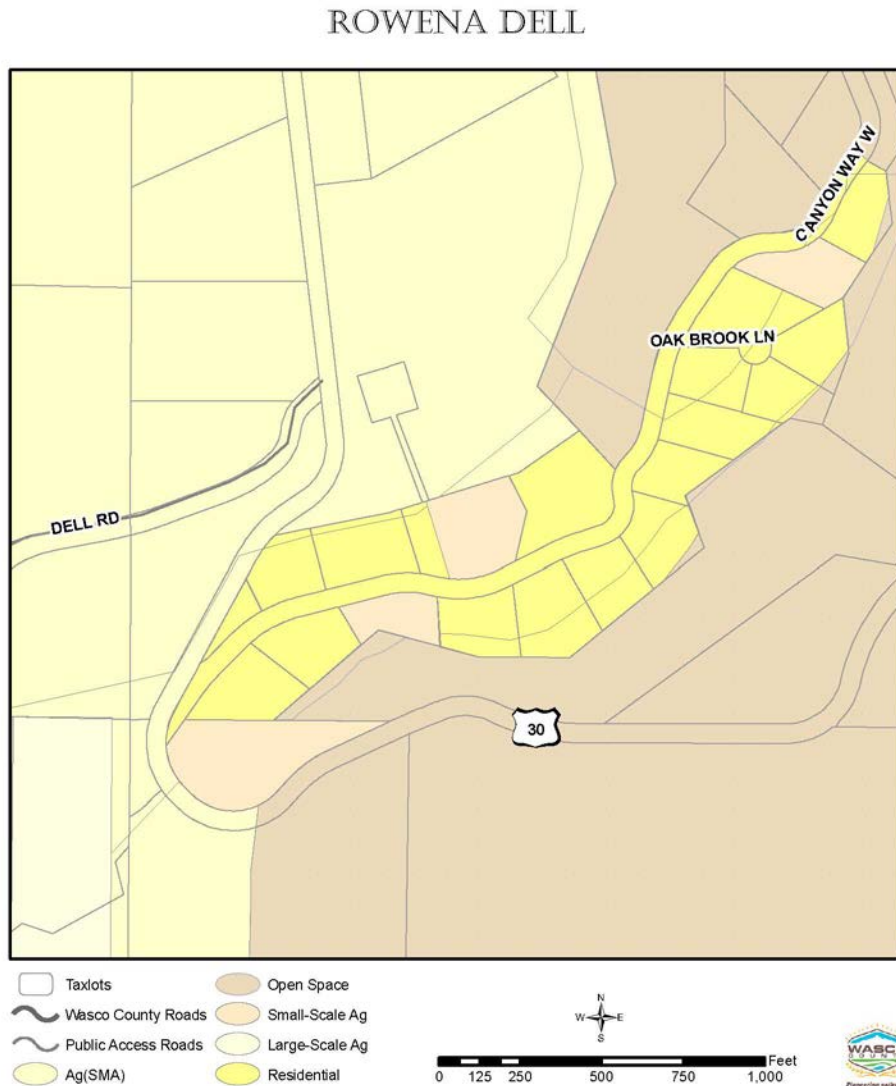
Current Zoning: Various (GMA & SMA)

Date Approved 1983 Zoning: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Historically Rowena has been a residential area. There have been no commercial, industrial, or public uses. Some of the lands are public or have been designated open space.

Other Committed Lands



Rowena Dell Area

2N 12E 3, 4, 8, 9, 10 & 16

Exception to: Goal 3

Zoned prior to exception: Various

1983 Zoning: RR

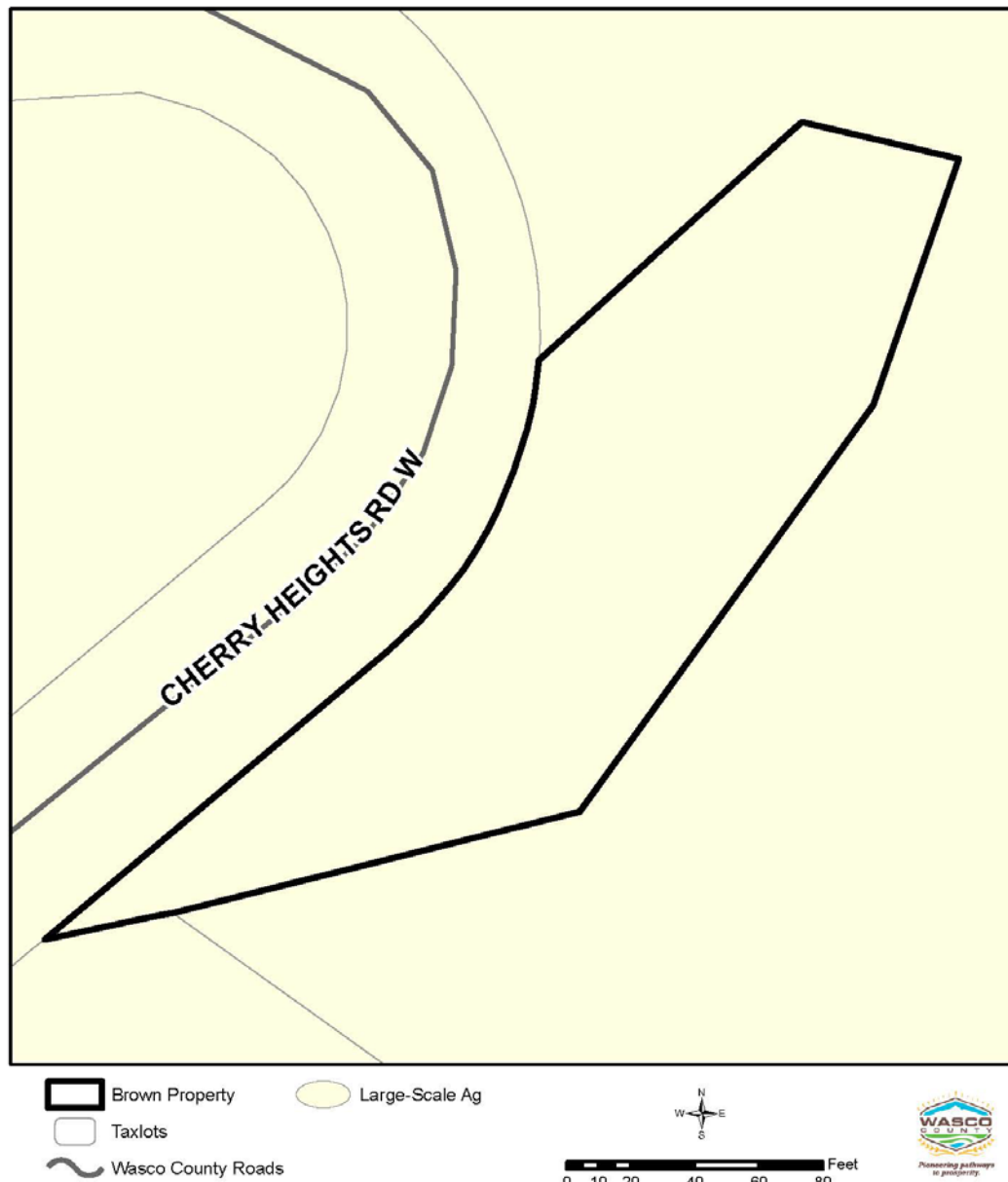
Current Zoning: Various (GMA & SMA)

Date Approved 1983 Zoning: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: The Rowena Dell Area is located between The Dalles and Mosier in the Seven Mile Hill Area. The area includes 1,258 acres with 140 parcels (in 1983). These were, at the time of exception, primarily smaller parcels with existing residential development.

BROWN PROPERTY



Brown's Rezone

1N 13E 5B 600

Exception to: Goal 3

Zoned prior to exception: AR-4

1983 Zoning: R-4

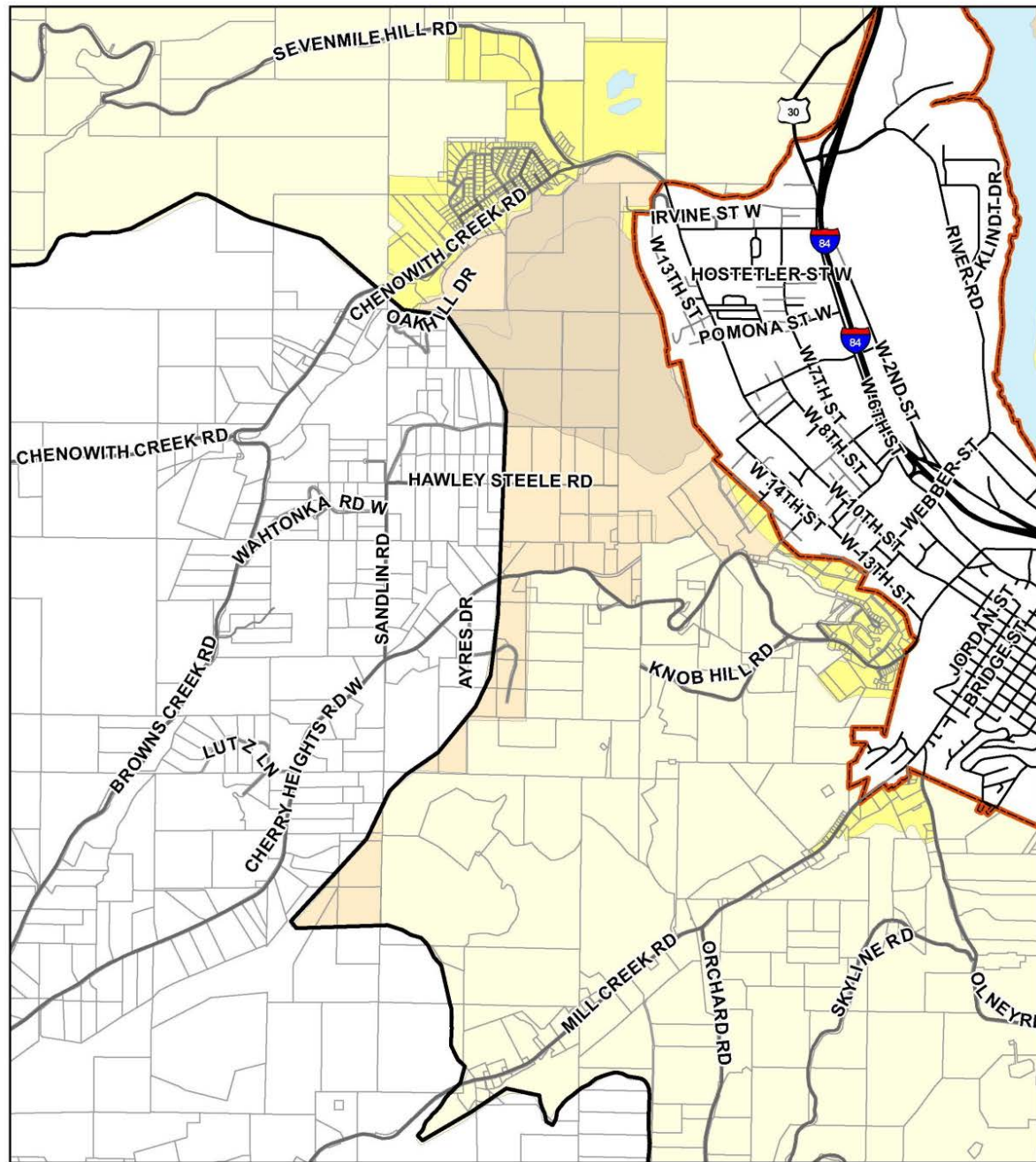
Current Zoning: A-1 (40) (GMA)

Date Approved 1983 Zoning: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Several multi-family structures have been on the 1.15 acre lot since 1964. The lot was rezoned prior to their construction, and no conflicts were identified at the time of the 1983 exception.

CHENOWITH EXCEPTION AREA



Areas Adjacent to The Dalles

2N 13E 19, 26, 31 & 32

Exception to: Goal 3

Zoned prior to exception: Various

1983 Zoning: Various (Predominantly Residential)

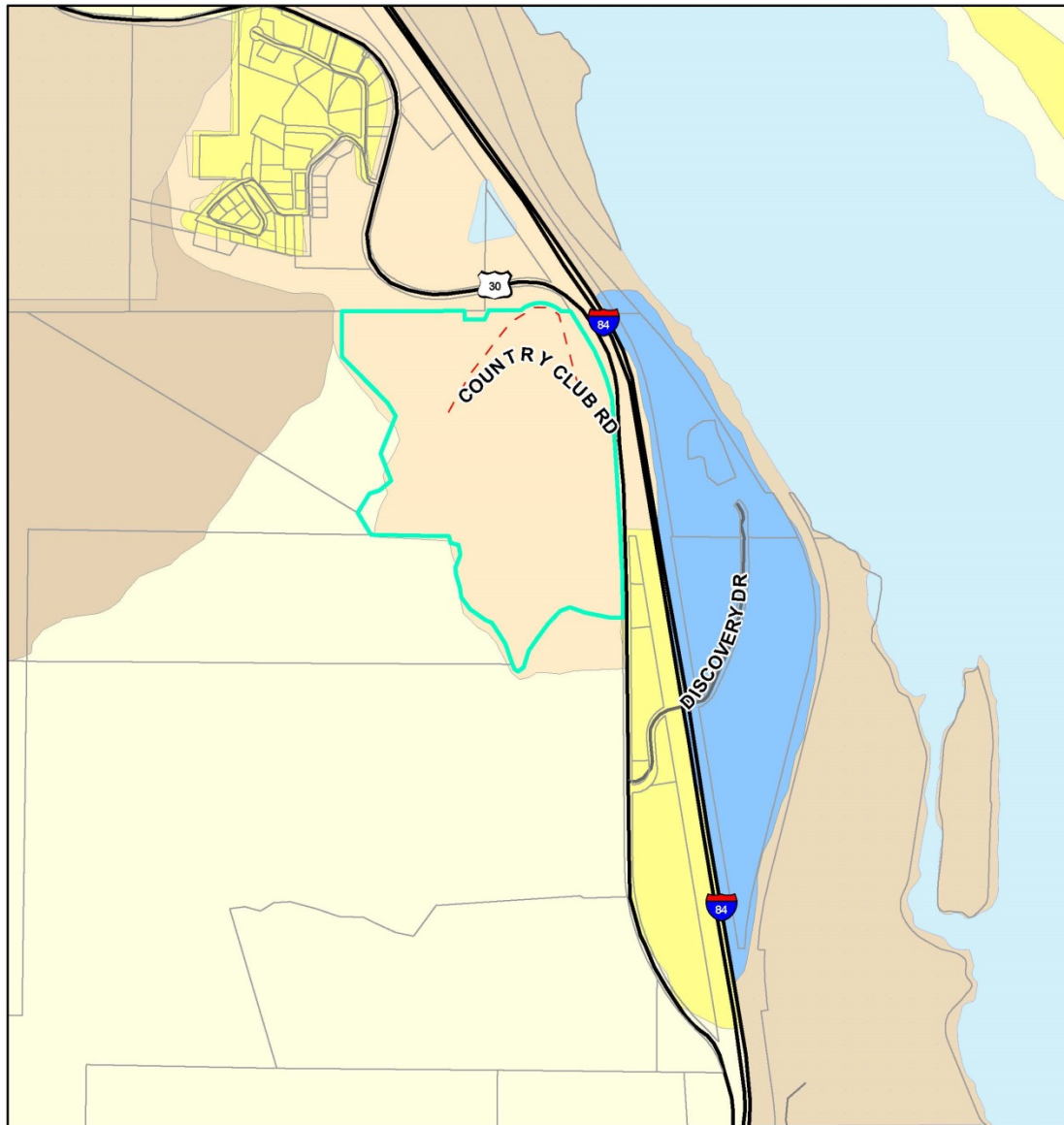
Current Zoning: Various (Predominantly GMA Residential)

Date Approved 83 Zoning: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: The over 2,000 acres under this exception area includes established residential communities like Foley Lakes, Murray's Addition and Chenowith.

THE DALLES COUNTRY CLUB AREA



- | | | |
|---------------------|-------------------------|------------|
| Taxlots | The Dalles Country Club | Water |
| Highways | Ag Special | Ag(SMA) |
| Wasco County Roads | Public Rec | Open Space |
| Local City Roads | Small-Scale Ag | |
| Public Access Roads | Large-Scale Ag | |
| Private Roads | Residential | |

0 340 680 1,360 2,040 2,720 Feet



The Dalles Country Club Area

2N 13E 17 & 20

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: C-1

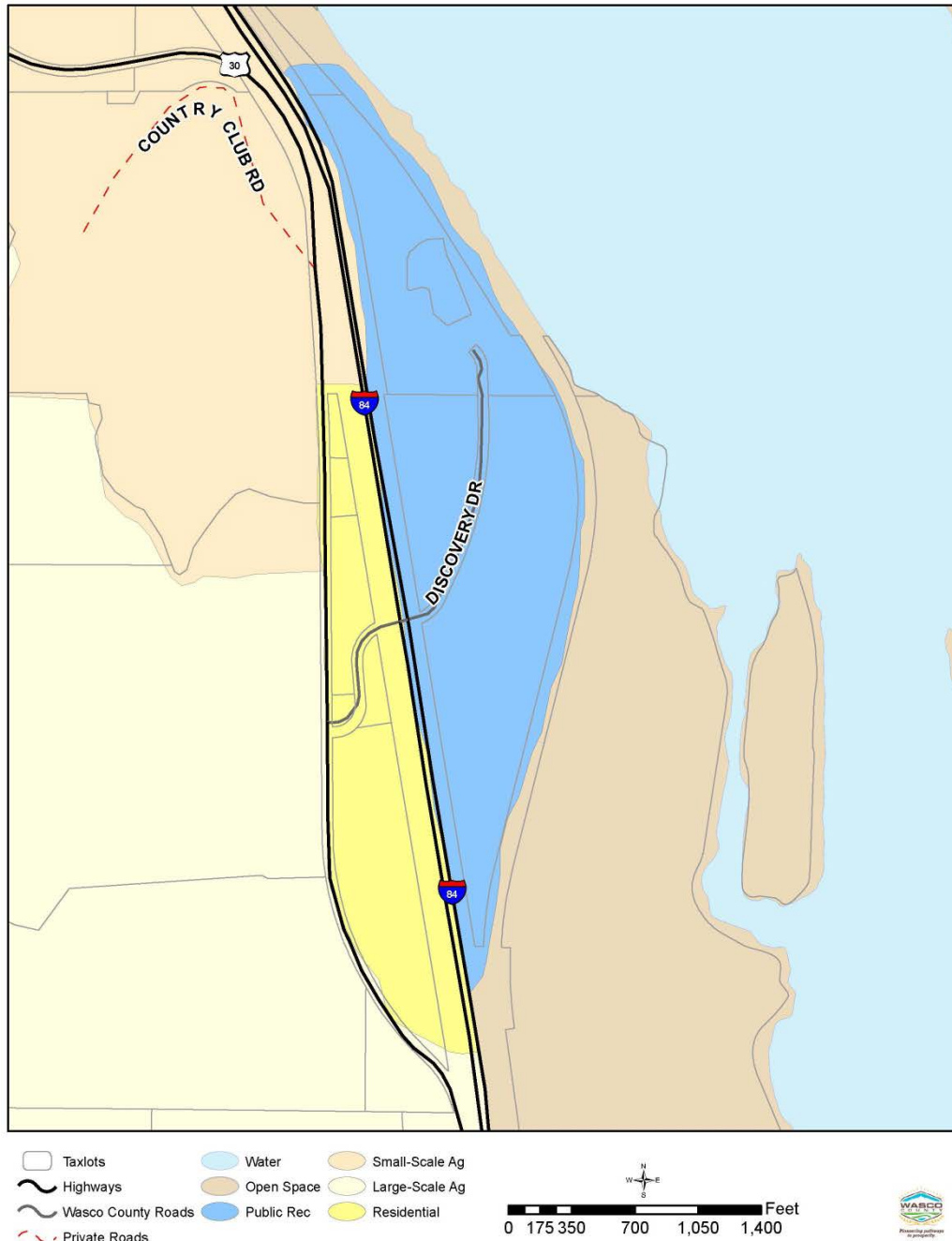
Current Zoning: R-5 (GMA)

Date Approved 1983 Zoning: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Total acreage of 21.28, the six parcels consisted of a mobile home and recreational vehicle park.

THE DALLES CONCRETE PROPERTY



The Dalles Concrete

2N 13E 17

Exception to: Goal 3

Zoned prior to exception: M-2

1983 Zoning: M-2

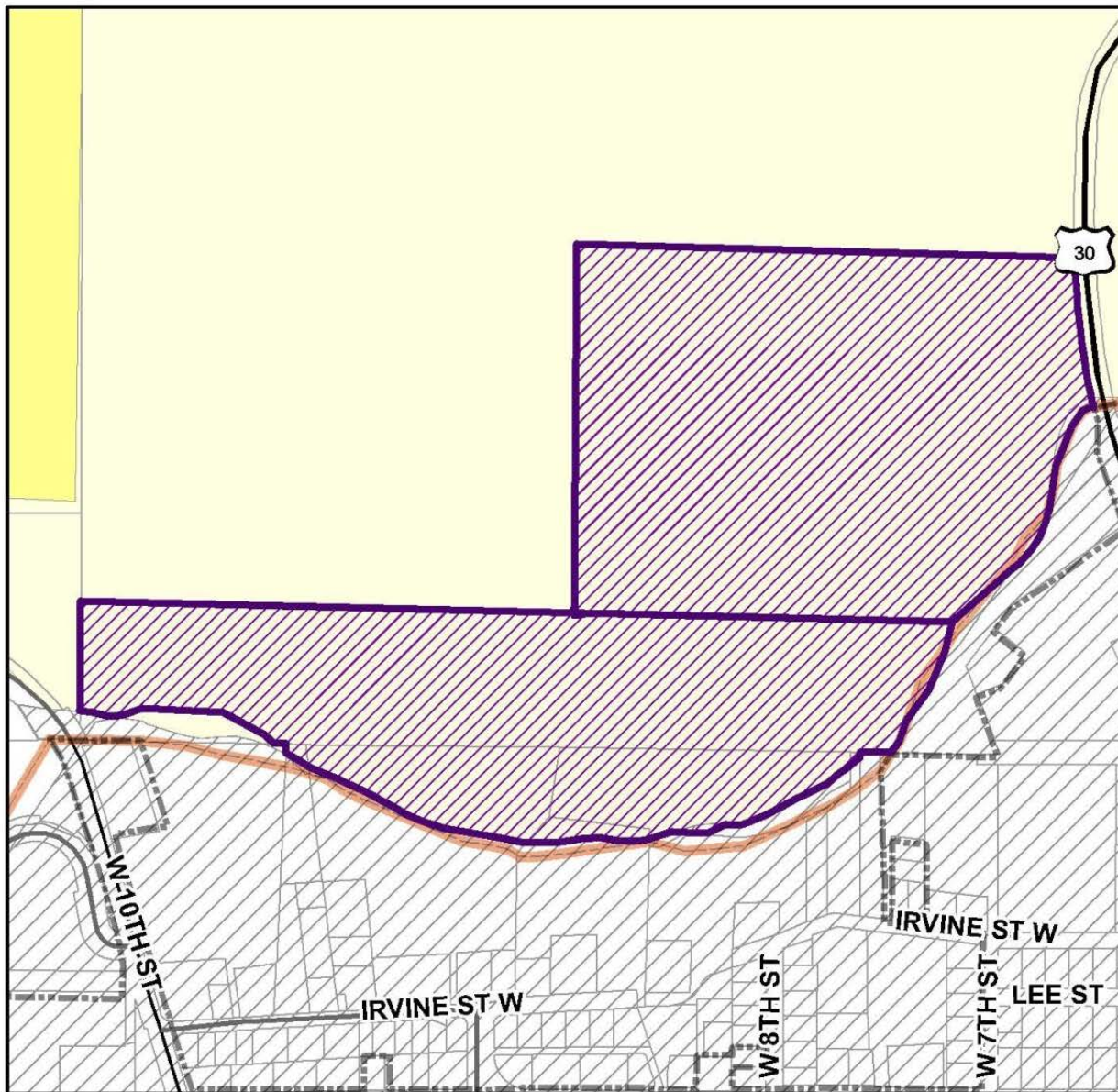
Current Zoning: A-1 (160) (GMA)

Date Approved 1983 Zoning: April 27, 1983

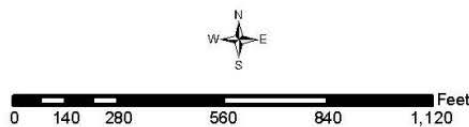
Approved by: Order – Stamped Proffitt, County Clerk

Brief description: These three parcels consisted of a cement batching plant, dwelling, and pond. The exception established the land was committed to non-resource use.

HODGES PROPERTY



- Burt Hodges Property
- The Dalles City Limits
- The Dalles UGB
- Highways
- Wasco County Roads
- Local City Roads
- Taxlots
- Urban Areas Effective 4/1/2017
- Large-Scale Ag
- Residential



Bert Hodges' Property

2N 13E 29

Exception to: Goal 3

Zoned prior to exception: Commercial

1983 Zoning: C-1

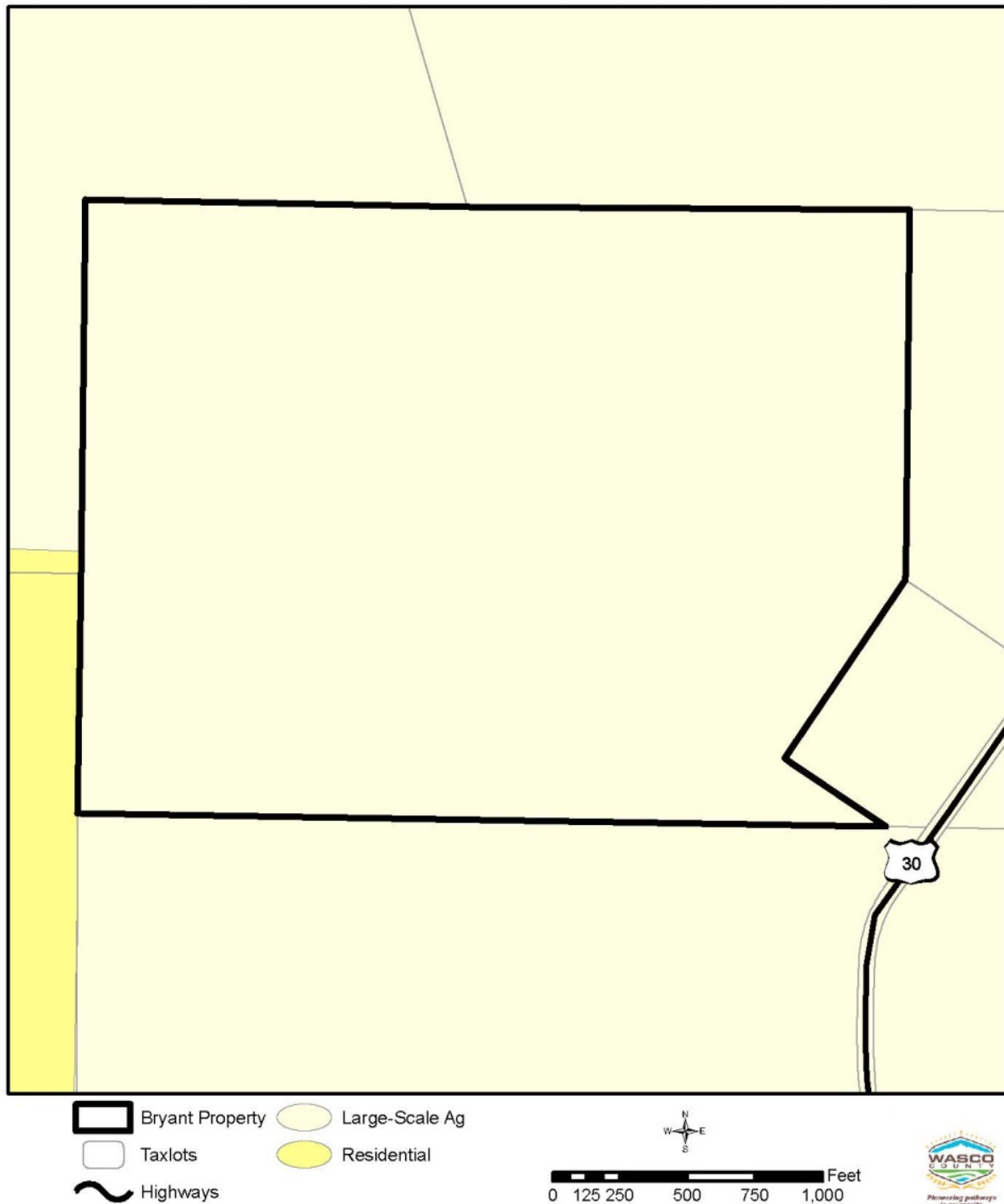
Current Zoning: A-1 (160) (GMA)

Date Approved 1983 Zoning: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Platted for a mobile home park, the properties have relatively poor agricultural soils and were found in 1983 to be committed to non-resource use.

BRYANT PROPERTY



Bryant Property

2N 13E 20

Exception to: Goal 3

Zoned prior to exception: M-2

1983 Zoning: M-2 (Heavy Industrial)

Current Zoning: A-1 (160) (GMA)

Date Approved 1983 Zoning: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: The site contains a quarry operation established in the early 1900s.

“Planning Department”



Wasco County 2040 Updates

Overview

- **Revisions Process Chapter**
- **Goal Exceptions Chapter**
- **Introduction**
- **Work Task 18 (Time Permitting)**

Chapter 15: Plan Revisions Process

- Previously Chapter 11
- New format
- Move definitions to sidebar
- Renumber criteria
- Add a finding

Chapter 15 Purpose

- Criteria for updates (what we use in staff reports)

Chapter 16: Goal Exceptions

- What is a Goal Exception/Committed Lands?
 - Land designated for non-resource use (not farm or forest)
 - Committed lands meet criteria for being committed to non-resource/exempting them from Goals 3 or 4

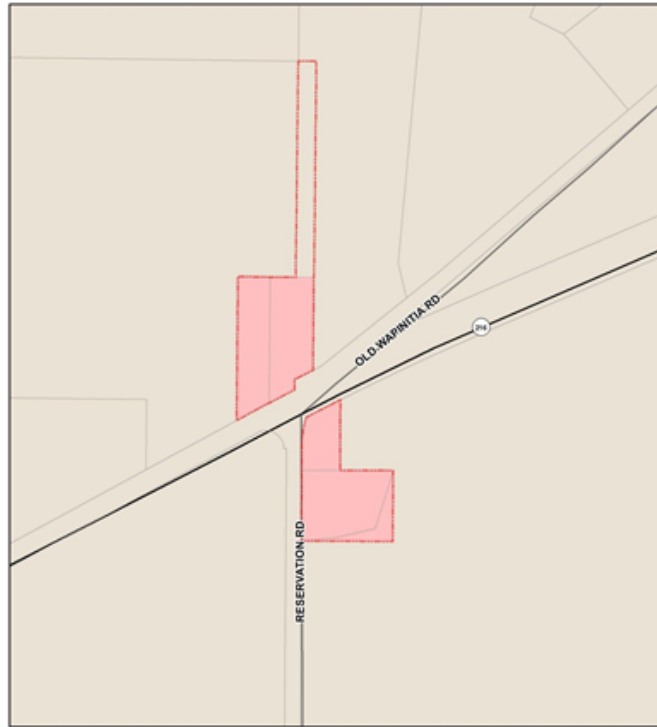
Chapter 16: Goal Exceptions

- Previously Chapter 13
- New format
- Distinguish NSA lands
- Revise format based on statutory requirements/DLCD consultation

Chapter 16 Purpose

- As committed lands inventory required by OAR 660-004
- Research for development applications

WALTER'S CORNER



Map with consistent colors, updated parcels

Updated map and taxlot(s)

Walter's Corner
SS 12E 13, 14, 23, 24

Exception to: Goal 3

Zoned prior to exception: A-1

1983 Zoning: Various (RC and A-1(160))

Current Zoning: Various (RC and A-1(160))

Date Approved: April 27, 1983

Approved by: Order – Stamped Proffitt, County Clerk

Brief description: Walter's Corner is a small pocket of commercially zoned property on OR-216 that has traditionally housed a gas station and convenience store. Surrounding property is Exclusive Farm Use.

Past and current zoning

Date/method of approval

Brief description/reason for exception

Introduction Chapter

- New Chapter
- Includes:
 - Overview
 - History of Planning in Wasco County
 - Wasco County Zoning History
 - Legal Framework
 - Statewide Planning Goals
 - Components of the Comprehensive Plan
 - Plan Development Process
 - Using the Plan
 - Future Updates, Revising the Map and Inventories
 - Purpose Definitions of Map Classifications on the Comprehensive Plan Map
 - Definitions on Existing Land Use Maps
 - Adopted by Reference
 - Values and Vision
 - Definitions



PLANNING DEPARTMENT

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FILE #: 921-18-000221

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

Attachments:

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

File Number: 921-18-000221

Request: Amend the Wasco County Comprehensive Plan

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

Prepared by: Kelly Howsley Glover, Long Range Planner

Prepared for: Wasco County Planning Commission

Applicant: Wasco County Planning Department

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

Planning Commission Hearing Date: September 1st, 2020

Procedure Type: Legislative

Attachments:

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

I. APPLICABLE CRITERIA

- A. Wasco County Comprehensive Plan Chapter 11: Revisions Process
 - 1. Section B: Form of Comprehensive Plan Amendment
 - 2. Section C: Who May Apply for a Plan revision
 - 3. Section D: Legislative Revisions
 - 4. Section H: General Criteria
 - 5. Section I: Transportation Planning Rule Compliance
 - 6. Section J: Procedure for the Amendment process
- B. Oregon Administrative Rules 660-025: Periodic Review
- C. Oregon Administrative Rules 660-023: Procedures and Requirements for Complying with Goal 5
 - 1. OAR 660-023-0020 Standard and Specific Rules and Safe Harbors
 - 2. OAR 660-023-0040 ESEE Decision Process
 - 3. OAR 660-023-0050 Programs to Achieve Goal 5
 - 4. OAR 660-023-0110 Wildlife Habitat
 - 5. OAR 660-023-0250 Applicability

II. SUBMITTED COMMENTS

As of the date of this document, Wasco County Planning Department has received no comments about the proposed revisions.

III. PUBLIC INVOLVEMENT

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

A. Newspaper Notifications

Citizen Advisory Group Work Session March 3, 2020:

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

Citizen Advisory Group Work Session August 4, 2020:

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

Planning Commission Hearing September 1, 2020:

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

B. Postcard Notice

On February 1, 2020, a postcard notice was sent to all residents in unincorporated Wasco County, outside the National Scenic Area, in accordance with ORS 215.503. The language

included that required by ORS 215.503, as well as roadshow event dates and time, the address for the project website and contact information.

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

C. Information Available on Website

Information regarding the proposed amendments was placed on the Wasco County Planning Department Website¹ starting in December 2019. If documents are amended as a result of a public hearing, the webpage will be updated to reflect such changes. At the time of publication of this document, the following information was made available to the public:

- A listing of hearing dates, times and locations
- Drafts of the proposed amendments
- Staff report describing the process and proposed changes
- A way to submit comments and concerns

In addition, the Wasco County Comprehensive Plan website² has included several posts that have included the time and date of meetings and discussion of proposed topics. This website has 49 subscribers that receive notification of new content, and is also promoted on the Planning Department's social media channels which have over 380 followers.

D. Notification to Partners

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to the Periodic Review Assistance team and other Citizen Advisory Group identified stakeholders on March 19, 2020. The notification included links to the staff report, proposed amendments, and the opportunity to comment.

A revised notification was sent on August 17th, 2020 to the Periodic Review Assistance Team.

E. Notification to Community Notification List

During the Wasco County 2040 initial outreach phase, a public email notification list was assembled. Members of the public continue to have the opportunity to sign up for this list at any time on the project website³ or in person at any of the public hearings, work sessions or other events. They can also request to be put on the list via email, telephone, or in the Planning Department Office. Currently this list includes 184 interested parties from the community.

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to this notification list on March 26, 2020. An additional notice was sent to this list on August 25, 2020.

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

² www.Wasco2040.com

³ <https://wasco2040.com/contact/>

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

F. Other Public Outreach

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

IV. FINDINGS

A. Wasco County Comprehensive Plan Criteria

1. Chapter 11 - Revisions Process

a. Section B – Form of Comprehensive Plan Amendment

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

FINDING: The request is for a legislative text amendment to policies and the format for Goal 5 (Chapter 5) of the Comprehensive Plan, as part of a broader Periodic Review work plan. In addition, the proposal is for modification to the Comprehensive Plan Zoning Map, specifically for Environmental Protection Districts (EPD) 8 (Big Game Habitat) and 12 (Sensitive Birds). Amendments include reformatting and edits to existing policy and implementation, as well as the addition of some new content including historical perspective, overview, and findings and references. There are also significant revisions to policies and implementation measures based on required ESEE analysis, external plans, and public input.

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

2. Planning Commission by majority vote confirmed by the Wasco County Governing Body. (Legislative)

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

c. Section D – Legislative Revisions

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

as often as necessary to meet changes in the social, economic, or environmental character of Wasco County.

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

d. Section H – General Criteria

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

- 1). Compliance with the statewide land use goal as provided by Chapter 15 or further amended by the Land Conservation and Development Commission, where applicable.***
- 2). Substantial proof that such change shall not be detrimental to the spirit and intent of such goals.***
- 3). A mistake in the original comprehensive plan or change in the character of the neighborhood can be demonstrated.***
- 4). Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions.***
- 5). Proof of change in the inventories originally developed.***
- 6). Revisions shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established.***

FINDING:

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

During the 2017 Periodic Review scoping phase, the Wasco County Planning Department conducted outreach to key stakeholders including the Oregon Department of Fish and Wildlife (ODFW). At that time, ODFW informed Wasco County Planning that the sensitive wildlife maps were out of date and needed to be revised during Periodic Review. Specifically, ODFW launched their interactive mapping tool, COMPASS, in 2012. COMPASS is based on a variety of data sets from federal, state and regional

partners. This data is currently used by ODFW in their consultations and advisement with applicants on any conditional use applications in Wasco County, regardless of their inclusion in EPD-8.

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

Wasco County relied on ODFW, as technical experts, to provide information supporting the need for changing inventories as consistent with OAR 660-023. Although some of the information is confidential, particularly with sensitive bird species, it was evident in comparing Wasco County’s environmental protection district overlay zones and those used for regulatory and advisement purposes by ODFW that there were obvious discrepancies. In order to support Statewide Land Use Planning Goals 1, 2, and 5 appropriately, staff worked with ODFW to evaluate the potential for map revisions based on the data.

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

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

In 2012, ODFW adopted a revised map for big game winter range statewide including portions in Wasco County. The new map includes protections for areas zoned Exclusive Farm Use, minimum parcel size 160 acres, that were previously omitted because they were considered protected by the EFU zone and parcel size. According to ODFW, the maps were amended to remove assumptions and procedural

oversights with the increasing amount of conflict presented by commercial energy facility projects and other conditional uses or rezones that significantly changed the landscape and uses in formerly agricultural lands. These changes in conditions necessitated modifications to mapped protections. These projects and conversations about impact also increased targeted research for sensitive bird nesting sites to understand impacts of uses like commercial wind facilities on sensitive birds.

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

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

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

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

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

e. Section I- Transportation Planning Rule Compliance

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

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

b). Change standards implementing a functional classification system; or

c). As measured at the end of the planning period identified in the adopted transportation system plan:

(1) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(2) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or

(3) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan.

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

f. Section J – Procedure for the Amendment Process

1. A petition must be filed with the Planning Offices on forms prescribed by the Director of Planning.

2. Notice of a proposed revision within, or to, the urban growth boundary will be given to the appropriate city at least thirty (30) days before the County public hearing.

3. Notification of Hearing:

(1) Notices of public hearings shall summarize the issues in an understandable and meaningful manner.

(2) Notice of a legislative or judicial public hearing shall be given as prescribed in ORS 215.503. In any event, notice shall be given by publishing notice in newspapers of general circulation at least twenty (20) days, but not more than forty (40) days, prior to the date of the hearing.

(3) A quorum of the Planning Commission must be present before a public hearing can be held. If the majority of the County Planning Commission present cannot agree on a

proposed change, the Commission will hold another public hearing in an attempt to resolve the difference or send the proposed change to the County Governing Body with no recommendation.

(4) After the public hearing, the Planning Commission shall recommend to the County Governing Body that the revision be granted or denied, and the facts and reasons supporting their decision. In all cases the Planning Commission shall enter findings based on the record before it to justify the decision. If the Planning Commission sends the proposed change with no recommendation, the findings shall reflect those items agreed upon and those items not agreed upon that resulted in no recommendation.

(5) Upon receiving the Planning Commission's recommendation, the County Governing Body shall take such action as they deem appropriate. The County Governing Body may or may not hold a public hearing. In no event shall the County Governing Body approve the amendment until at least twenty (20) days have passed since the mailing of the recommendation to parties.

FINDING: The Planning Department and the Planning Commission sought approval to revise the Comprehensive Plan through the Board of County Commissioners and the State Department of Land Conservation and Development (DLCD). DLCD approved Wasco County for Periodic Review on February 20, 2018.

The Periodic Review does not involve a modification or amendment to any of the urban growth boundaries and therefore no notices to Cities are required. Planning staff has contacted incorporated cities within Wasco County to solicit ongoing feedback and participation in Wasco County 2040.

Notices for all amendments are occurring in accordance with ORS 215.503. Section III of the staff report, above, details all the public noticing issued for this Periodic Review work task.

A quorum for this hearing was present to deliberate. By a vote of ___ to ___ the Planning Commission voted to **recommend approval** of the amendments to Goal 5 to the Board of County Commissioners. The first hearing by the Board of County Commissioners will be held on **xxx, 2020**, 35 days following this hearing.

Oregon Administrative Rule 660-025: Periodic Review

Oregon Administrative Rule 660-0010: Purpose

The purpose of this division is to carry out the state policy outlined in ORS 197.010 and 197.628. This division is intended to implement provisions of ORS 197.626 through 197.651. The purpose for periodic review is to ensure that comprehensive plans and land use regulations remain in compliance with the statewide planning goals adopted pursuant to ORS 197.230, the commission's rules and applicable land use statutes. Periodic review also is intended to ensure that local government plans and regulations make adequate provision for economic development, needed housing, transportation, public facilities and services, and urbanization, and that local plans are coordinated as described in ORS 197.015(5). Periodic Review is a cooperative planning process that includes the state and its agencies, local governments, and other interested persons.

Oregon Administrative Rules 660-025-0130: Submission of Completed Work Task

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

FINDING: A notice was sent to DLCD on February 26, 2020, consistent with requirements, to inform them of the proposed April 2, 2020 hearing and subsequent hearings to adopt Chapter 5 related to Periodic Review work task 18. Due to COVID-19, staff wrote DLCD in March requesting an extension. An extension was approved. A new notice was sent to DLCD on July 27, 2020, consistent with requirements, to inform them of the proposed September 1, 2020 hearing and subsequent hearings to adopt amendments. A list of persons who participate orally or in writing in the local proceedings will be submitted with materials to DLCD.

- 3). For a periodic review tasks to be complete, a submittal must be a final decision containing all required elements identified for that task in the work program. The department may accept a portion of a task or subtask as a complete submittal if the work program identified that portion of the task or subtasks as a separate item for adoption by the local government. All submittals required by section 1) of this rule are subject to the following requirements:***
 - a). If the local record does not exceed 2,000 pages, a submittal must include the entire local record, including but not limited to adopted ordinances and orders, studies, inventories, findings, staff reports, correspondence, hearings minutes, written testimony and evidence, and any other items specifically listed in the work program.***
 - b). If the local record exceeds 2,000 pages, a submittal must include adopted ordinances, resolutions, and orders; any amended comprehensive or regional framework plan provisions or land use regulations; findings, hearing minutes; materials from the record that the local government deems necessary to explain the submittal or cities in its findings; and a detailed index listing all items in the local record and indicating whether or not the item is included in the submittal. All items in the local record must be made available for public review during the period for submitting objections under OAR 660-025-0140. The director or commission may require a local government to submit any materials from the local record not included in the initial submittal;***
 - c) A submittal of over 500 pages must include an index of all submitted materials. Each document must be separately indexed, in chronological order, with the last document on the top. Pages must be consecutively numbered at the bottom of the page.***

FINDING: The local record for Work Tasks 18 will not exceed 2,000 pages. Consistent with this requirement, submittal to DLCD will include the entire local record, including but not limited to the adopted ordinance and orders, studies, findings, staff reports, correspondence, hearing minutes, written testimony and evidence and any other relevant material.

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

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

(1) The standard Goal 5 process, OAR 660-023-0030 through 660-023-0050, consists of procedures and requirements to guide local planning for all Goal 5 resource categories. This division also provides specific rules for each of the fifteen Goal 5 resource categories (see OAR 660-023-0090 through 660-023-0230). In some cases this division indicates that both the standard and the specific rules apply to Goal 5 decisions. In other cases, this division indicates that the specific rules supersede parts or all of the standard process rules (i.e., local governments must follow the specific rules rather than the standard Goal 5 process). In case of conflict, the resource-specific rules set forth in OAR 660-023-0090 through 660-023-0230 shall supersede the standard provisions in OAR 660-023-0030 through 660-023-0050.

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

FINDING:

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

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

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

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

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

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

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

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

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

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

OAR 660-023-0040 ESEE Decision Process

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

(a) Identify conflicting uses;

(b) Determine the impact area;

(c) Analyze the ESEE consequences; and

(d) Develop a program to achieve Goal 5.

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

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

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

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

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

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

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

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

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

FINDING:

Wasco County staff conducted an ESEE Analysis for both sensitive wildlife habitat and sensitive birds (Attachment C, Appendix 5-D). These analyses identify conflicting uses in the underlying zone, state the impact area as those identified with the safe harbor method, an analysis of ESEE consequences and recommendations for a program to achieve Goal 5.

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

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

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

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

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

Based on the analysis, staff provided recommendations for a program to achieve Goal 5 including maintaining existing overlay zone ordinance regulations and criteria with some modifications. It was

found in all cases, except for farm uses for sensitive wildlife habitat and farm and forest uses for sensitive birds, that all conflicting uses are important compared to each other and that the conflicting uses should be allowed in a limited way that protects the resource to a desired extent necessary to be consistent with ODFW management plans and the ODFW Conservation Strategy.

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

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

660-023-0050 Programs to Achieve Goal 5

(1) For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to OAR 660-023-0040(5). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see OAR 660-023-0040(5)(b) and (c)).

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

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

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

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

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

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

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

FINDING:

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

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

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

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

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

OAR 660-023-0110 Wildlife Habitat

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

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

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

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

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

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

(b) Sensitive bird site inventories; and

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

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

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

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

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

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

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

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

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

FINDING:

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

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

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

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

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

OAR 660-023-0250 Applicability

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

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

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

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

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

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

(4) Consideration of a PAPA regarding a specific resource site, or regarding a specific provision of a Goal 5 implementing measure, does not require a local government to revise acknowledged

inventories or other implementing measures, for the resource site or for other Goal 5 sites, that are not affected by the PAPA, regardless of whether such inventories or provisions were acknowledged under this rule or under OAR 660, division 16.

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

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

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

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

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

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

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

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

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

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

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

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

FINDING:

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

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

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

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

Attachment A

Chapter 5 Proposed Amendments

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

State of the Comprehensive Plan:

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

- a. Overview: A sentence to a paragraph on the outlining the purpose behind the Goal and Wasco County policies.
- b. Statement of Wasco County Goal and reference to Statewide Planning Goal
- c. Any cross-references to other Goals
- d. Policy Statements
- e. Implementation Statements for each policy
- f. Findings and reference section detailing any relevant findings and references.
- g. Appendices: Supplemental materials, including inventories.

Chapter by Chapter Overview of Proposed Substantive Amendments:

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

This new chapter maps to Goal 5 and includes an overview of Wasco County's Goal 5 resources, a brief overview of the goal's purpose in Wasco County, an excerpt of Oregon's Statewide Land Use Planning Goal 5, policies, implementation strategies for each policy, and a new findings and references section.

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

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

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

implementation measures. Findings provide additional context for some of the policies and implementation strategies. The references list a variety of external plans and reports that are useful, not only in giving context to the policies, but also for research or reference for current planning.

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

Goal5

Open Spaces, Scenic and
Historic Areas and
Natural Resources

Goal5

Open Spaces, Scenic and Historic Areas and Natural Resources

Overview

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

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

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

Goal 5 Inventories:

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

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

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

Statewide Planning Goal 5

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

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

Excerpt from
OAR 660-015-0000(5)

Cross-Reference

Additional policies related to this goal: Goal 2, Goal 13

Wasco County Goal

Open Spaces, Scenic and Historic Areas and Natural Resources

To conserve open space and protect natural and scenic resources.



Policies

Riparian Corridors

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

Implementation for Policy 5.1.1:

- a. Encourage land use and land management practices which contribute to the preservation and enhancement of fish and wildlife resources, with consideration for private agricultural practices.
- b. Maintain wildlife diversity and habitat so that it will support optimum numbers of wildlife for recreation and aesthetic opportunities.
- c. Consistent with the development standards of the land use ordinance, sensitive riparian areas of perennial and intermittent streams identified by the State Wetland Inventory, as well as to protect people and property from flood damage, the zoning ordinance shall prohibit development within 100 feet of the mean high water mark of perennial or intermittent stream or lake or river or riparian area in a resource zone, and 50 feet of the mean high water mark of a perennial or intermittent stream or lake or river or riparian area in residential zones.

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

Wetlands

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

Implementation for Policy 5.2.1:

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

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5.1 P o l i c i e s

on the State Wetland Inventory.

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

Wildlife Habitat

5.3.1 Preserve wildlife habitat to provide for productive ecological function.

Implementation for Policy 5.3.1:

- a. Identify and maintain all wildlife habitats by:
 - 1. Implementation of an Environmental Protection District (EPD) overlay zone for significant fish and wildlife habitats and for the big game winter range.
 - ~~2. Designation of the Big Game Winter Range and Area of Voluntary Siting Standards (low elevation winter range) on the map contained in this plan's Resource Element.~~
- b. The winter range identified on the Big Game Habitat Map included in the Resource Element of this plan shall be protected by an overlay zone, EPD-8.
- c. The Rural Service Centers identified in the Comprehensive Plan which lie within the EPD-8 overlay zone shall be exempt from the provisions of the EPD-8 overlay zone.
- d. Areas designated as Impacted Areas in the Transition Lands Study Area shall be exempt from provisions of EPD-8.
- ~~b.e.~~ Based on the ESEE Analysis, farm uses have been identified as non-conflicting with Big Game

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

~~e.f.~~ Consistent with the development standards of the land use ordinance, sensitive riparian areas of perennial and intermittent streams identified in the Resource Element, as well as to protect people and property from flood damage, the zoning ordinance shall prohibit development within 100 feet of the mean high water mark of perennial or intermittent stream or lake in a resource zone, and 50 feet of the mean high water mark of a perennial or intermittent stream or lake in residential zones.

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

~~d.h.~~ and mammal habitat sites (Western pond turtle nesting sites) identified in the Resource Element of the plan shall be protected by a Sensitive Bird and Mammal Overlay Zone Western Pond Turtles during periodic review pursuant to the current County approved work program are protected through the EPD-13 overlay zone. Sites are confidential and the map is available for onsite review by the property owner at the time of application. If a deed restriction is required, a map will be provided by staff to the property owners for their records.

~~e.i.~~ When site specific information is available to the County on the location, quality and quantity of threatened and endangered fish and wildlife species listed by State or Federal ~~wildlife-wildlife~~ agencies and the Oregon Department of Fish and Wildlife develops protection criteria for the species, the county shall proceed with a Goal 5 ESEE analysis in compliance with OAR 660 Div. ~~1623~~.

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- ~~f. The county shall review the Transition Land Study Area (TLSA) big game habitat areas and designated as "1-B" Goal 5 resources, during the next periodic review or as additional information on the location, quality and quantity of the habitat areas becomes available. (ORD 3.180). County owned land shall be managed to protect and enhance fish and wildlife habitat except where a conflicting public use outweighs the loss of habitat.~~
- ~~g. An application for a destination resort, or any portion thereof, in a recognized big game habitat overlay zone shall not be accepted pending completion of the County's Goal 8 destination resort mapping process. (ORD 3.180)~~
- ~~h. The county shall provide ODFW an annual record of development approvals within the areas designated as Area of Voluntary Siting Standards' on the plan map to allow ODFW to monitor and evaluate if there is a significant detrimental effect on habitat.~~
- i. Sensitive wildlife maps shall be evaluated for update on a five year cycle or in conjunction with major updates from Oregon Department of Fish and Wildlife or other State or Federal wildlife agencies.

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Federal Wild and Scenic Rivers

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

Implementation for Policy 5.4.1:

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

Development Ordinance.

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

Oregon Scenic Waterways

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

Implementation for Policy 5.5.1:

- a. Coordinate all land use planning activities with the Bureau of Land Management, Oregon State Department of Transportation and the Warm Springs Indian Reservation. These three parties shall be notified of all proposed land actions within the Deschutes River and John Day River Scenic Waterways for their review and comment.
- b. Allow agricultural operations within the Deschutes and John Day Scenic Waterways.
- c. Allow only buildings customarily provided in conjunction with farm use within the visual corridors of the Deschutes and John Day Scenic Waterways.
- d. Encourage the preservation of landscape features of the Deschutes and John Day rivers.
- e. Consistent with the Scenic Waterways Act, Oregon Parks and Recreation Department (OPRD) must be notified of certain changes that landowners may want to make to their property, and those changes may be subject to review. The landowner is obligated to make this notification on OPRD forms and submit directly to OPRD.
- f. Rules and criteria pertaining to the Oregon Scenic

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

Groundwater Resources

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

Implementation for Policy 5.6.1:

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

Approved Oregon Recreation Trails

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

Natural Areas

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

Implementation for Policy 5.8.1:

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

Mineral Resources

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

Implementation for Policy 5.9.1:

- a. The development of new rock and aggregate resource sites shall be consistent with the State Planning Goal 5 and Oregon Administrative Rules Chapter 660, Division 23 process to balance conflicts between mining operations and new and existing surrounding conflicting uses.
- b. Sites identified as significant aggregate resource sites shall not support interim or permanent uses which may jeopardize the future availability of the resource.
- c. Mining and processing of gravel and mineral materials may only be allowed at sites included on the ~~"Other Site Existing Sites"~~ inventory or ~~"Significant Sites"~~ inventory.
 1. Mining at sites on the ~~"Other Sites Existing Sites"~~ (formerly "other sites") inventory may be allowed by a conditional use permit.

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2. Mining at sites on the "Significant Sites" inventory may only be permitted in accordance with the Mineral Resources Overlay.
- d. For each site determined to be significant, the County shall complete the remainder of the County Goal 5 process identifying conflicting uses, analyzing the ESEE consequences of the conflicting use(s), and designating a level of protection from conflicting uses. If the final decision concerning the site is to preserve fully or partially protect the resource from conflicting uses, the County shall zone the site with the Mineral Resources Overlay.

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

- a. An inventory of "Significant Sites" identified through the Goal 5 process (OAR 660-023-0030) as important resources that will be protected from conflicting uses;
- b. An inventory of "Potential Sites" for which sufficient information concerning the location, quality, and quantity of a resource site is not adequate to allow the County to make a determination of significance that were established prior to 1996;
- c. An inventory of Existing Sites, previously identified as "Other Sites", that were established prior to 1996 and for which available information demonstrates that the site is not a significant resource to be protected.
- d. The inventory is kept in the Comprehensive Plan and on the Comprehensive Plan Zoning Map as Environmental Protection District (EPD)-5. Rules related to permitting for these sites are listed in the Land Use and Development Ordinance under EPD-5, Mineral and Aggregate Resources.

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Implementation for Policy 5.9.2:

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

suppression personnel.

~~f.e.~~ The County may establish and impose conditions on operation of a surface mine when deemed necessary as a result of a site-specific Goal 5 analysis. Where such conditions conflict with criteria and standards in the Mineral and Aggregate Resources Overlay, the conditions developed through the Goal 5 analysis shall control.

~~g.f.~~ No surface mining or processing activity, as defined by the zoning ordinance, shall commence without land use approval from the County, and approval of a reclamation plan and issuance of an operating permit by DOGAMI.

~~h.g.~~ Aggregate sites shall be subordinate to the landscape setting as seen from travel corridors when such travel corridors have been determined to be significant by the ESEE analysis.

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

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Implementation for Policy 5.9.3:

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

1,500 foot impact area; and

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

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

Energy Sources

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

Implementation for Policy 5.10.1:

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

Historic, Cultural, and Archeological Resources

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

Implementation for Policy 5.11.1:

- a.** Wasco County shall maintain an inventory of significant archaeological and cultural resources in the County. Require preservation of resources identified as significant historically, culturally, or archaeologically in keeping with state and national rules
- b.** Location of archaeological sites shall not be disclosed, (this information is exempt from the Freedom of Information Act), unless development is proposed which would threaten these resources. When any development is proposed which may affect an identified archaeological site, the site will be protected by the Wasco County Land Use and Development Ordinance, Chapter 3, Historic Preservation Overlay zone.
- c.** Resources listed as Wasco County Historic Landmarks will be protected by the Wasco County Land Use and Development Ordinance Chapter 3 Historic Preservation Overlay zone.
- d.** When adequate information becomes available, Wasco County shall evaluate its Goal 5 1-B historic resources for inclusion on the inventory or designation as a significant (1-C) resource and, where appropriate, provide protection under the County's Historic Preservation Overlay Chapter of the Wasco County Land Use and Development Ordinance.
- e.** Pursue private and public sources of funding for use by property owners in renovation and maintenance of historic properties.
- f.** Pursue options and incentives to allow productive, reasonable use, and adaptive reuse of historic properties.

- ~~g. Wasco County shall maintain a Historic Landmarks Commission, which evaluates applications for development, alteration or demolition in accordance with the Land Use and Development Ordinance and State Law.~~ All resources listed on the National Register or determined eligible for the National Register of Historic Places shall be designated a Wasco County landmark subject to EPD-4. All designations or removals from the inventory are required to go through a Comprehensive Plan amendment.
- l. Maintain EPD-4 in accordance with state regulations.
- m. Encourage active participation and coordination with local, regional, state and federal partners.
- n. Provide outreach and information to maintain public awareness of state and federal laws protecting historic and prehistoric resources, including deposit of prehistoric artifacts and records with appropriate institutions.
- ~~P.O.~~ The Planning Director, or designee, shall have authority of review of applications related to historical, cultural and archaeological landmarks and sites including development review and demolition or modification.

Open Space

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

Implementation for Policy 5.12.1:

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

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

Implementation for Policy 5.12.2:

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

Scenic Views and Sites

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

Implementation for Policy 5.13.1:

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

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

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

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

US Fish and Wildlife Service. National Wetlands Inventory.

Findings and References

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

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

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

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

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

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

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

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

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

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

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

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

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

References

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Goal 5

Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5

Open Spaces, Scenic and Historic Areas and Natural Resources

Overview

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

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

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

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

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

Goal 5 Inventories:

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

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

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

Statewide Planning Goal 5:

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

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

Excerpt from
OAR 660-015-0000(5)

Cross Reference

Additional policies related to this goal: Goal 2, Goal 13,

Wasco County Goal

Open Spaces, Scenic and Historic Areas and Natural Resources

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



Policies

Riparian Corridors

5.1.1 Preserve riparian areas to provide for productive ecological function.

Implementation for Policy 5.1.1:

- a. Encourage land use and land management practices which contribute to the preservation and enhancement of fish and wildlife resources, with consideration for private agricultural practices.
- b. Maintain wildlife diversity and habitat so that it will support optimum numbers of wildlife for recreation and aesthetic opportunities.
- c. Consistent with the development standards of the land use ordinance, sensitive riparian areas of perennial and intermittent streams identified by the State Wetland Inventory, as well as to protect people and property from flood damage, the zoning ordinance shall prohibit development within 100 feet of the mean high water mark of perennial or intermittent stream or lake or river or riparian area in a resource zone, and 50 feet of the mean high water mark of a perennial or intermittent stream or lake or river or riparian area in residential zonesⁱ.
- d. Conserve important riparian areas with the implementation of the Reservoir Overlay Zone (EPD-6).

Wetlands

5.2.1 Preserve wetland areas to provide for productive ecological function.

Implementation for Policy 5.2.1:

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

Wildlife Habitat

5.3.1 Preserve wildlife habitat to provide for productive ecological functionⁱⁱⁱ.

Implementation for Policy 5.3.1:

- a. Identify and maintain all wildlife habitats by:
 - 1. Implementation of an Environmental Protection District (EPD) overlay zone for significant fish and wildlife habitats and for the big game winter range.
- b. The winter range identified on the Sensitive Wildlife Habitat Map included in the Resource Element of this plan shall be protected by an overlay zone, EPD-8.
- c. The Rural Service Centers identified in the Comprehensive Plan which lie within the EPD-8 shall be exempt from the provisions of EPD-8.
- d. Areas designated as Impacted Areas in the Transition Lands Study Area shall be exempt from provisions of EPD-8.
- e. Based on the ESEE Analysis, farm uses have been identified as non-conflicting with Sensitive Wildlife Habitat protections. Farm uses permitted outright or with ministerial review shall be exempt from the provisions and siting standards of EPD-8.
- f. Consistent with the development standards of the land use ordinance, sensitive riparian areas of perennial and intermittent streams identified in the Resource Element, as well as to protect people and property from flood damage, the zoning ordinance shall prohibit development within 100 feet of the mean high water mark of perennial or intermittent stream or lake in a resource zone, and 50 feet of the mean high water mark of a perennial or intermittent stream or lake in residential zones.
- g. Sensitive bird habitat sites are protected through provisions in the EPD-12 overlay zone. Sites are confidential and the map is only available for onsite review by the property owner at the time of application.
- h. Western Pond Turtles are protected through the EPD-13 overlay zone. Sites are confidential and the map is available for onsite review by the property owner at the time of application.
- i. When site specific information is available to the County on the location, quality and quantity of threatened and endangered fish and wildlife species listed by State or Federal wildlife agencies and the Oregon Department of Fish and Wildlife develops protection criteria for the species, the county shall proceed with a Goal 5 ESEE analysis in compliance with OAR 660 Div. 23.
- j. Sensitive wildlife maps shall be evaluated for update on a five year cycle or in

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

Federal Wild and Scenic Rivers

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

Implementation for Policy 5.4.1:

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

Oregon Scenic Waterways^v

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

Implementation for Policy 5.5.1:

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

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

Groundwater Resources

5.6.1 Maintain quantity and quality of water in compliance with state and federal standards^{viii}.

Implementation for Policy 5.6.1:

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

Approved Oregon Recreation Trails

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

Natural Areas

5.8.1 Protect identified natural areas from conflicting uses and activities^{xi}.

Implementation for Policy 5.8.1:

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

Mineral Resources

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

Implementation for Policy 5.9.1:

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

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

- a. An inventory of Significant Sites identified through the Goal 5 process (OAR 660-023-0030) as important resources that will be protected from conflicting uses;
- b. An inventory of Potential Sites for which sufficient information concerning the location, quality, and quantity of a resource site is not adequate to allow the County to make a determination of significance that were established prior to 1996;
- c. An inventory of Existing Sites, previously identified as Other Sites, that were established prior to 1996 and for which available information demonstrates that the site is not a significant resource to be protected.
- d. The inventory is kept in the Comprehensive Plan and on the Comprehensive Plan Zoning Map as Environmental Protection District (EPD)-5. Rules related to permitting for these sites are listed in the Land Use and Development Ordinance under EPD-5, Mineral and Aggregate Resources.

Implementation for Policy 5.9.2:

- a. The significance of non-aggregate mineral resources shall be judged on a case by-case basis, taking into account information concerning the commercial or industrial use of the resource, as well as the relative quality and relative abundance of the resource within at least the County.
- b. The scope of an existing aggregate operation shall be established by:
 - 1. Authorization by a County land use approval; or
 - 2. The extent of the area disturbed by mining on the date that the mining operation became a non-conforming use.
- c. Sites on the Existing Sites inventory shall not be protected from conflicting uses.
- d. In order to approve surface mining at a site zoned for exclusive farm or forestry use, the County shall find, as part of the ESEE analysis, that the proposed activity will not: 1) force a significant change in, or significantly increase the cost of, accepted farming or forestry practices on surrounding lands, and 2) will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- e. The County may establish and impose conditions on operation of a surface mine when deemed necessary as a result of a site-specific Goal 5 analysis. Where such conditions conflict with criteria and standards in the Mineral and Aggregate Resources Overlay, the conditions developed through the Goal 5 analysis shall control.
- f. No surface mining or processing activity, as defined by the zoning ordinance, shall commence without land use approval from the County, and approval of a reclamation

plan and issuance of an operating permit by DOGAMI.

- g. Aggregate sites shall be subordinate to the landscape setting as seen from travel corridors when such travel corridors have been determined to be significant by the ESEE analysis.
- h. To be removed from the inventory, property owners must apply to Wasco County for a Comprehensive Plan Amendment, demonstrating that the site has been certified by DOGAMI as reclaimed.

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

Implementation for Policy 5.9.3:

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

Energy Sources

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

Implementation for Policy 5.10.1:

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

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

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

Historic, Cultural, and Archeological Resources

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

Implementation for Policy 5.11.1:

- a. Wasco County shall maintain an inventory of significant archaeological and cultural resources in the County. Require preservation of resources identified as significant historically, culturally, or archaeologically in keeping with state and national rules
- b. Location of archaeological sites shall not be disclosed, (this information is exempt from the Freedom of Information Act), unless development is proposed which would threaten these resources. When any development is proposed which may affect an identified archaeological site, the site will be protected by the Wasco County Land Use and Development Ordinance, Chapter 3, Historic Preservation Overlay zone.
- c. Resources listed as Wasco County Historic Landmarks will be protected by the Wasco County Land Use and Development Ordinance Chapter 3 Historic Preservation Overlay zone.
- d. When adequate information becomes available, Wasco County shall evaluate its Goal 5 1-B historic resources for inclusion on the inventory or designation as a significant (1-C) resource and, where appropriate, provide protection under the County's Historic Preservation Overlay Chapter of the Wasco County Land Use and Development Ordinance.
- e. Pursue private and public sources of funding for use by property owners in renovation

and maintenance of historic properties.

- f. Pursue options and incentives to allow productive, reasonable use, and adaptive reuse of historic properties.
- g. All resources listed on the National Register or determined eligible for the National Register of Historic Places shall be designated a Wasco County landmark subject to EPD-4. All designations or removals from the inventory are required to go through a Comprehensive Plan amendment.
- l. Maintain EPD-4 in accordance with state regulations.
- m. Encourage active participation and coordination with local, regional, state and federal partners.
- n. Provide outreach and information to maintain public awareness of state and federal laws protecting historic and prehistoric resources, including deposit of prehistoric artifacts and records with appropriate institutions.
- o. The Planning Director, or designee, shall have authority of review of applications related to historical, cultural and archaeological landmarks and sites including development review and demolition or modification.

Open Space

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

Implementation for Policy 5.12.1:

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

5.12.2 Consider impacts of new open space to public facilities and services as part of development review^{xiii}.

Implementation for Policy 5.12.2:

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

service area.

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

Scenic Views and Sites

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

Implementation for Policy 5.13.1:

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

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

ⁱⁱ ORS 215.418 outlines the noticing requirements for developments on wetlands.

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

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

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

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

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

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

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

^{ix} Significant groundwater resources are defined in OAR 660-23-0140 (2)(a) and (b).

^x There are currently no approved Oregon Recreation Trails in Wasco County.

^{xi} OAR 660-023-0160 requires new natural areas meet requirements of OAR 660-023-0040 through OAR 660-023-0050.

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

^{xiii} According to Goal 5, the main goal of protecting open space is to reduce impact as a result of converting open space lands to inconsistent uses.

^{xiv} OAR 660-023-0230 requires amendments or additions to scenic resources must meet requirements of OAR 660-023-0030 through OAR 660-023-0050.

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Appendix 5-A

Riparian Areas Table 5.1 – Fish Species and Habitats in Wasco County

	Columbia River	Deschutes River	White River	Fifteenmile Creek	Eightmile Creek	Fivemile Creek	Dry Creek	Tygh Creek	Badger Creek	Jordan Creek	Little Badger Creek	Threemile Creek	Rock Creek	Clear Creek	Frog Creek	Crane Creek	Harlow Creek	Gate Creek	Wapinitia Creek	Nena Creek	Eagle Creek	Oak Brook Creek	Buckollow Creek	Deep Creek	Stag Canyon	Cove Creek	Brocher Creek	Trout Creek	Ward Creek	Antelope Creek	Bakeoven Creek	Columbia Backwater Ponds	
A = Abundant F = Few C = Common R = Rare																																	
Game Species																																	
Chinook Salmon	A	A	F																				R								R	C	
Steelhead	A	A	C	F	R															F	F	F	F	A	C	F	R	F	C	F	F	A	C
Coho Salmon	A	A	C	C	F	R																										C	
Chum Salmon	R																																
Sockeye Salmon	A	C																														F	
Rainbow Trout	C	A	A	A	A	C	F	A	A	A	F	C	C	A	C	C	C	C	F	F	F	F	A	A	F	F	F	C	F	F	A	F	
Cutthroat Trout	R			R	R	R										C																	
White Sturgeon	A																																
Green Sturgeon	F																																
Mountain Whitefish	A	A	C																														
American Shad	A																																
Channel Catfish	C																															C	
Brown Bullhead	A																															A	
Walleye	C																															C	
Yellow Perch	C																															C	
Largemouth Bass	A																															A	
Smallmouth Bass	A																															A	
Bluegill	C																															C	
Pumpkinseed	F																															F	
White Crappie	C																															C	
Black Crappie	A																															A	
Brook Trout									C					A	C	R	C																
Dolly Varden Trout		F																															
Non-Game Species																																	

[illegible]

Wildlife Habitat

Table 5.2 Animals in Wasco County

A = Abundant F = Few C = Common R = Rare U = Unknown											
Darker Grey is from the 2007 White River Wildlife Management Plan (2007) ODFW											
C = Common, U = Uncommon, R = Rare, X = Extremely Rare											
Light Grey is from Lower Deschutes Wildlife Area Management Plan (2009) ODFW											
C = Common, U = Uncommon, R = Rare, X = Extremely Rare											
	Habitat Types							Use Period			
	Mixed Conifer	Mixed Conifer Oak	Pine-Oak	Oak-Grass	Grass-Shrub Juniper	Riparian	Agricultural	Spring	Summer	Fall	Winter
Bird Species											
Killdeer					C	C		X	X	X	X
Mallard Duck						C	C	X	X	X	X
Wood Duck						F			X	X	X
Turkey Vulture	C	C	C	C	C	C	C	X	X		
Bald Eagle	F	F	F	F	F	F		X			
Rough-legged Hawk	F	F	F	F	C	F	C			X	X
American Kestrel	C	C	C	C		C	C	X	X	X	X
Long-eared owl	C	C	F	C	F	F	F	X	X	X	X
Screech owl	F	C	F	C	F	F	F	X	X	X	X
Great-horned owl	C	C	C	C	C	C	C	X	X	X	X
Merriam's Turkey	C	C	C	C		C		X	X	X	X
California Quail	C	C	C	C	C	C	C	X	X	X	X
Ring-necked Pheasant		F	F	F	F	C	C	X	X	X	X
Mourning Dove		C	C	C	C	C	C	X	X	X	X
Rock Dove		C	C	C		C		X	X	X	X
Common Nighthawk	C	C	C	C	C	C	C	X	X		
Belted Kingfisher					F	C		X	X	X	X

Common Flicker	C	C	C	C	F	C	C	X	X	X	X
Lewis Woodpecker	C	C	C	C	F	C	C	X	X	X	X
Downy Woodpecker	C	C	C		F	C		X	X	X	X
Yellow Bellied Sapsucker	F	F	F			F		X	X	X	X
Western Kingbird	F	F	F		F	F	F	X	X		
Western Flycatcher	F	F	F		F	F	F	X	X		
Ash-throated Flycatcher	F		F		F	F	F	X	X		
Western Wood Pewee	F	F	F		F	F	F	X	X		
Horned Lark			C	C	C	C	C	X	X	X	X
House Wren	C	C	C		C	C	C	X	X		
Winter Wren	C	C	C			C	C			X	X
Bewick's Wren	F	F	F			F		X	X		
Rock Wren	F	C	F	C	C	F	F	X	X		
Hermit Thrush	C	C	F			F		X	X		
Fox Sparrow	F	C	C			C	C	X	X	X	X
Song Sparrow	F	C	C			C	C	X	X	X	X
Canada Goose						C	C	X	X	X	X
Pintail						F	F			X	X
American Widgeon						C	C			X	X
Blue Winged Teal						F	F			X	X
Cinnamon Teal						F	F	X	X	X	X
Green-winged Teal						F	F	X	X	X	X
Common Goldeneye	F					F		X	X	X	X
Bufflehead						F		X	X	X	X
Harlequin Duck						F		X	X	X	X
Common Merganser						C		X	X	X	X
Hooded Merganser						F		X	X	X	X
Goshawk	F	F				F		X	X	X	X
Coopers Hawk	C	F	C	F	F	C	C	X	X	X	X
Sharp-skinned Hawk	C	F			F	C	F	X	X	X	X

Osprey						F		X	X		
Ruffed Grouse	C	C	C			C		X	X	X	X
Blue Grouse	C	C	C			C		X	X	X	X
Spotted Owl	R							X	X	X	X
Great Blue Heron						C	C	X	X	X	X
American Coot						C		X	X	X	X
Common Snipe						F				X	X
Poor-will	F		F			F	F	X	X		
Hairy Woodpecker	F	F	F					X	X	X	X
Alder Flycatcher	F					F	F	X	X		
Bank Swallow			C	C		C	C	X	X		
Clark's Nutcracker	F	F	F			F				X	X
Townsend's Solitaire	C					C	C	X	X		
Loggerhead Shrike			F		F		F	X	X	X	X
House Finch		C	C	C	C	C	C	X	X	X	X
Western Grebe						C		X	X	X	X
Marsh Hawk					F	F	F	X	X	X	X
Hungarian Partridge					F	F	C	X	X	X	X
Ferruginous Hawk					R	R	R			X	X
Swainson's Hawk					F	F	F	X	X	X	X
Golden Eagle	F		F		F	F	F	X	X	X	X
Chukar Partridge					C	C	C	X	X	X	X
Prairie Falcon					F	F	F	X	X	X	X
Sparrow Hawk		F	C	C	C	C	C	X	X	X	X
Burrowing Owl					F	F	F	X	X		
Red-shafted Flicker	F	C	C	C	F	C	F	X	X	X	
Red-Tailed Hawk	C	C	C	C	C	C	C	X	X	X	X
Eastern Kingbird				F	F	F	F	X	X		
Say's Phoebe				F	F	F	F	X	X		
Sage Thrasher					F			X	X		

Yellow Warbler	C	C	F			F	F	X	X		
Common Yellowthroat	C	C				F		X	X		
MacGilvray's Warbler	C	C				F	F	X	X		
Wilson Warbler	C	C				F	F	X	X		
Nashville Warbler	F					F	F	X	X		
Yellow-rumped Warbler	F					F	F	X	X		
Black-throated Gray Warbler	F					F	F	X	X		
House Sparrow	C	C	C	C	C	C	C	X	X	X	X
Western Meadowlark		C	C	C	C	C	C	X	X	X	X
Red-winged Blackbird		C	F	F	C	C	C	X	X	X	X
Brewer's Blackbird	F	C	F	F	C	C	C	X	X	X	X
Brown-headed Cowbird		C	F	C	C	C	C	X	X	X	X
Northern Oriole		C	F			F	F	X	X	X	X
Western Tanager	F					F	F	X	X		
Evening Grosbeak	C	F				C	C	X	X	X	X
Lazuli Buntin	F	F	F		F	F		X	X		
Purple Finch	F	F	F	F		F	F	X	X		X
American Goldfinch	C	C	F	C	F	F	F	X	X		
Rufous-sided Towhee	C	C	C	C	C	C	C	X	X	X	X
Savannah Sparrow		C	F	C	C	F	F	X	X		
Vesper Sparrow		C	F	C	C	F	F	X	X	X	
Lark Sparrow		C	F	C	F	F	F	X	X	X	
Dark-eye Junco	C	C	C		F	C	C	X	X	X	X
Chipping Sparrow	F	C	F	C	F	F	F	X	X		
White-crowned Sparrow		C	C	C	C	C	C	X	X	X	X
Hummingbirds	C	C	C	F	F	C	C	X	X		
Pine Siskin	C	C				F		X	X		
Mountain Quail	C	F	F	F	R	C		X	X	X	
Barn Swallow		C	C	C	F	C	C	X	X		
Violet-green Swallow	C	C	C	C	C	C	C	X	X		

Tree Swallow	C	C	F		F	F	F	X	X		
Stellars Jay	C	C	C	C	F	C	C	X	X	X	X
Scrub Jay	C	F	F	F	F	C	F	X	X	X	X
Black-billed Magpie		C	F	C	C	C		X	X	X	X
Common Raven	C	C	C	C	C	C	C	X	X	X	X
Common Crow	C	C	C	C	C	C	C	X	X	X	X
Black-capped Chickadee	C	C	C		F	C	C	X	X	X	X
Common Bushtit	C	C	F		F	F		X	X	X	X
Dipper						C		X	X	X	X
White-breasted Nuthatch	C	C	F			C		X	X	X	X
Brown Creeper	C	C	F	F	F	C		X	X	X	X
Red-breasted Nuthatch	C	C				C		X	X	X	X
Grasshopper Sparrow				C				X	X		
American Robin	C	C	C	C	C	C	C	X	X	X	X
Varied Thrush	C	C				C	C	X	X	X	X
Swainsons Thrush	C	C				C		X	X	X	
Western Bluebird	C	C	C	C	F	C	C	X	X		
Mountain Bluebird	C	C		C	F	C		X	X	X	X
Golden-crowned Kinglet	C	C				C		X	X	X	X
Ruby-crowned Kinglet	C	C				C		X	X	X	
Bohemian Waxwing	C	C				F	F	X	X	X	X
Cedar Waxwing	C	C				F	F	X	X	X	
Starling	C	C	C	C	C	C	C	X	X	X	X
Vaux's Swift	F				F	F	F	X	X		
Solitary Vireo	C	C	F			F	F	X	X		
Orange-crowned Warbler	C	C	F			F	F	X	X		
Sage Sparrow	F	C	F	C	F	F	F	X	X	X	X
Short-eared Owl	F	C	F	C	F	F	F	X	X	X	X
Horned Grebe								R	R	R	R
Eared Grebe								R	R	R	R

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

Warbling Vireo								U	C	C	C
Spotted Towhee								C	C	C	C
Pacific Loon										X	X
Common Loon								R		R	R
Pied-billed Grebe								U	R	U	R
Red-necked Grebe											X
Double-crested Cormorant								C	C	C	C
Great Egret								X			
Black-crowned Night-Heron								X			
Trumpeter Swan									X		
Northern Pintail										R	R
Gadwall										R	R
Eurasian Wigeon										X	
Northern Shoveler								R		R	R
Ring-necked Duck								U		U	C
Canvasback								R		R	R
Barrow's Goldeneye										R	U
Lesser Scaup								U		U	C
Ringed-bill Gull								C	C	C	C
California Gull								C	U	C	C
Herring Gull								R		R	
Thayer's Gull								R		R	
Rock Pigeon								C	C	C	C
White-throated Swift								R		R	
Northern Flicker								C	C	C	C
Northern Shrike										R	R
Northern Rough-winged								C	C	U	
Cliff Swallow								C	C	C	
Marsh Wren								R		R	
American Pipit								R		R	

Palm Warbler											X
Bullock's Oriole								C	C		
Amphibians Species											
Northern Long-Toed Salamander						U		X	X	X	X
Western Toad	F	F			F	F		X	X	X	X
Pacific Tree Frog	C					C	F	X	X	X	X
Rough-skinned Newt	C					C		X	X	X	X
Spotted Frog						F		X	X	X	X
Leopard Frog						F		X	X	X	X
Bullfrog											
Reptiles											
Painted Turtles						F		X	X	X	X
Northwestern Fence Lizard	C	C	C	C	F	C	C	X	X	X	X
Western Shink	F	F	F		F	F	F	X	X	X	X
Oregon Alligator Lizard		F	F			F	F	X	X	X	X
Rubber Boa						U		X	X	X	X
Sharp-tailed Snake		U	U			U		X	X	X	X
Stripped Whipsnake		U	U		F	U		X	X	X	X
Western Yellow-bellied Racer		U	U			U		X	X	X	X
Great Basin Gopher Snake	U	U	U	U		U		X	X	X	X
Pacific Gopher Snake		C	C	C		C	C	X	X	X	X
Valley Garter Snake		C	C	C		C	C	X	X	X	X
Wandering Garter Snake					U	U		X	X	X	X
Northern Pacific Rattlesnake	F	F	F	F	F	F	F	X	X	X	X
Western Ring-necked Snake	F	F	F	F	F	F	F	X	X	X	X
Great Basin Fence Lizard					F			X	X	X	X
Sagebrush Lizard	U	U	U	U	F	U	U	X	X	X	X
Side-blotched Lizard	U	U	U	U	F	U	U	X	X	X	X
Western Whiptail	U	U	U	U	U	U	U	X	X	X	X

Rocky Mt. Rubber Boa	U	U	U	U	U	U	U	X	X	X	X
Bullsnake			C	C	C	C	C	X	X	X	X
Night Snake	U	U	U	U	U	U	U	X	X	X	X
Western Pond Turtle											
Southern Alligator Lizard											
Western Fence Lizard											
Racer											
Western Terrestrial Garter Snake											
Common Garter Snake											
Mammals											
Mule Deer					C	C	C	X	X	X	X
Blacktail Deer	C	C	C			C	C	X	X	X	X
Coyote	C	C	C	C	C	C	C	X	X	X	X
Bobcat	F	F		F	F	F		X	X	X	X
Raccoon	C	C	C		F	C	C	X	X	X	X
Long-tailed Weasel	F	F			F	F	F	X	X	X	X
Badger		F		F	C			X	X	X	X
Striped Skunk	C	C	C	C	F	C	C	X	X	X	X
River Otter					F	F		X	X	X	X
Mink					F	C		X	X	X	X
Beaver						C		X	X	X	X
Muskrat			F			F		X	X	X	X
Merriam Shrew					U			X	X	X	X
Vagrant Shrew	U	U	U	U	U		U	X	X	X	X
Water Shrew					U			X	X	X	X
Pacific or Coast Mole	U	U			U	F	F	X	X	X	X
Little Brown Myotis	U	U	U		U	U	U	X	X	U	U
Fringed Myotis	U	U	U		U	U	U	X	X	U	U
California Myotis	U	U	U		U	U	U	X	X	U	U

Western Harvest Mouse					C			X	X	X	X
Canyon Mouse					C			X	X	X	X
Deer Mouse	F	C	C	C	C		C	X	X	X	X
Northern Grasshopper Mouse					C			X	X	X	X
Bushy-tailed Wood Rat		C	C		C	C	C	X	X	X	X
Sagebrush Mole					U			X	X	X	X
Montane Meadow House					U			X	X	X	X
Norway Rat					F	C	C	X	X	X	X
House Mouse			C	C	F	C	C	X	X	X	X
Western Jumping Mouse			F	F	F			X	X	X	X
Opossum		F				F	R	X	X	X	X
Dusky Shrew	U	U	U	U			U	X	X	X	X
Trowbridge Shrew	U	U	U			U	U	X	X	X	X
Pacific Mole	U	U				R	F	X	X	X	X
Yuma Myotis	U	U	U			U	U	X	X	U	U
Spotted Skunk	F	F	F	F	R	F	F	X	X	X	X
California Ground Squirrel	C	C	C	C	F	C	C	X	X	X	X
Yellow Pine Chipmunk	C	C	C			C		X	X	X	X
Townsend Chipmunk	C	C	C			C		X	X	X	X
Small-footed Myotis	U	U	U		U	U	U	X	X	U	U
Hairy-winged Myotis					U			X	X	X	X
Long-eared Myotis	U	U	U		U	U	U	X	X	U	U
Silvery-haired bat	U	U	U		U	U	U	X	X	U	U
Big Brown Bat	U	U	U		U	U	U	X	X	U	U
Western Pipistrelle	U	U	U		U	U	U	X	X	U	U
Pallid Bat	U	U	U		U	U	U	X	X	X	X
Lump-nosed Bat					U			X	X		
Blacktailed Hare					R			X	X	X	X
Whitetailed Hare					F		F	X	X	X	X
Mountain Cottontail	F	C	C	C	C	C	C	X	X	X	X

Pygmy Rabbit	F	F			F	F	F	X	X	X	X
Yellow-bellied Marmot					F			X	X	X	X
Belding Ground Squirrel					C		F	X	X	X	X
Townsend Ground Squirrel					C		F	X	X	X	X
Least Chipmunk	F	F			F			X	X	X	X
Northern Pocket Gopher	C	C	C	C	C	C	C	X	X	X	X
Great Basin Pocket Mouse					U			X	X	X	X
Ord Kangaroo Rat					F			X	X	X	X
Western Gray Squirrel	C	C	C			C	C	X	X	X	X
Chickaree	C	C				C		X	X	X	X
Northern Flying Squirrel	F	F				F		X	X	X	X
Longtail Vole	C	C		C		C	C	X	X	X	X
Oregon Vole	C	C		C		C	C	X	X	X	X
Norway Rat						C	C	X	X	X	X
Black Rat						C	C	X	X	X	X
Porcupine	C	C	C	C	C	C	C	X	X	X	X
Snowshoe Hare	C							X	X	X	X
Black Bear	C							X	X	X	X
Mountain Lion	F	F	F					X	X	X	X
Rocky Mountain Elk	C	C	C	C		C	C	X	X	X	X
Pika	C							X	X	X	X
Nuttall Cottontail	C	C		C		C		X	X	X	X
Cougar								C	C	C	C
Little Brown Bat								C	C	C	C
Golden-mantled Ground Squirrel								U	C	C	U
American Beaver								C	C	C	C
Townsend's Big-eared Bat											
White-tailed Jackrabbit											
Montane Vole											

Sagebrush Vole											
North American Porcupine											
California Bighorn Sheep											
A = Abundant F = Few C = Common R = Rare U = Unknown											
Darker Grey is from the 2007 White River Wildlife Management Plan (2007) ODFW											
C = Common, U = Uncommon, R = Rare, X = Extremely Rare											
Lighter Grey is from Lower Deschutes Wildlife Area Management Plan (2009) ODFW											
C = Common, U = Uncommon, R = Rare, X = Extremely Rare											
Additional known animals without habitat information (from CAG members): Pronghorn Antelope, Diamond Back Rattlesnake, Timber Rattler, Sandhill Crane, Asian Dove											

ESEE Analysis for EPD – 8 Sensitive Wildlife Habitat

Executive Summary

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

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

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

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

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

The Oregon Elk Management Plan

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

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

The Oregon Mule Deer Management Plan

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

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

Conflicting Uses

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

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

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

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

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

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

Allowed use:

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

Environmental Protection District protections:

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

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

Not allowed

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

Conflicting Uses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Clustering is especially invaluable when higher densities of development occur (Lendrum, 2012). When there is more dispersed development, like with farm dwellings and associated outbuildings on large acres, wildlife generally is able to make adjustments.

Residential development, because of the scale and density, are the least impactful non-resource use to occur on these lands. However, for the reasons explained above there are some potential impacts on the protected resource. Therefore, staff finds that residential uses are a conflicting use.

Residential ESEE Analysis

Economic consequences:

Allowed use (no protection):

No economic consequences have been identified for no protection of sensitive wildlife from residential development.

Environmental Protection District protections:

Current practice is to protect sensitive wildlife from residential development through the 300 feet requirement. This requires additional findings and a moderately complex review, which made add time or money on to a permitting process

Not allowed:

Eliminating the ability to build a residence in EPD-8 has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues.

Social consequences:

Allowed use (no protection):

Limited social consequences of no protection would be diminished scenic opportunities for wildlife viewing.

Environmental Protection District protections:

There are no known social consequences with mitigation via EPD 8.

Not allowed

Prohibiting residential activity may increase opportunities for scenic viewing, but will further compound housing needs throughout the county and contribute to further limit supply.

Environmental consequences:

Allowed use (no protection):

Allowing residential uses has potential environmental consequences including disturbance of wildlife habitat, the introduction of pollutants to the resource, and potential diminishment of food supply. Construction and development waste and disturbance and human occupancy related disturbance have been demonstrated to have significant impact on the natural resource.

Environmental Protection District protections:

Current practice is to protect sensitive wildlife habitat through additional setbacks for residential development, namely the 300 feet within a road standard. This requires a subject to standards review for residential development. Mitigation for impacts to habitat can be managed through the setback.

Not allowed:

Eliminating the ability to build a residence in EPD 8 has no known environmental consequences.

Energy consequences:

Allowed use (no protection):

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the dwelling.

Environmental Protection District protections:

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the dwelling.

Not allowed:

There are no known energy consequences of not allowing residential uses.

Conclusions/Recommendations:

Allowing residential uses without additional criteria or restriction does not ensure for protection of the resource in keeping with the ODFW management plans and general best practices for reducing impacts to big game. Because residential development carries with it potential for adverse impacts to sensitive wildlife habitat, a review requiring consideration of impacts and mitigation would be most consistent with the management plans.

Furthermore, current practice of requiring all new developments, with limited exceptions, locate within 300 feet of roadways clusters development in such a way that has been demonstrated to reduce or eliminate adverse impacts to sensitive wildlife habitat. Staff is recommending this provision remain in effect for all new dwellings, except farm dwellings and accessory farm dwellings.

As a farm use, farm dwellings are not required to be considered as a conflicting use and, due to the larger parcel sizes, are dispersed enough to show limited adverse impacts. Staff recommends the ordinance language be written to exempt farm dwellings but make clear that as subject to standards review permits, will still be required to adhere to ODFW notice and comment.

Commercial Uses: (F-1, F-2, A-1, FF)

Commercial uses in conjunction with resource uses are permitted in both resource zones. In addition, there are some additional non-resource commercial uses that may be permitted in the zones.

Table 1: Commercial Uses and Activities by Zone
(SR (Subject to Review), CU (Conditional Use, NP (Not Permitted))

Commercial Use	F-1 (80)	F-2 (80)	A-1 (160)	FF-10
Winery	NP	NP	SR	NP
Farm Processing	NP	NP	CU	NP
Forest Processing	NP	SR	NP	NP
Farm Ranch Recreation	NP	NP	CU	NP
Major Home Occupation	CU	CU	CU	CU
Bed and Breakfast	NP	NP	CU	NP
Dog Kennels	NP	NP	CU	CU
Private Park, Campground, Playground	NP	CU	CU	CU
Golf Course	NP	NP	CU	NP
Fee Hunting/fishing Accommodations	NP	CU	NP	NP
Youth Camps	NP	CU	NP	NP

Public Park	NP	CU	CU	CU
Cemetery	NP	CU	SR	NP
Firearms Training Facility	NP	CU	NP	NP
Mobile Home Park	NP	NP	NP	NP
Retirement Center/nursing Home	NP	NP	NP	NP

Wineries in A-1 consist of growing grapes, processing, and manufacturing. Some agro-tourism activities also can be permitted with wineries. The commercial aspect involves a structure often with associated parking, outbuildings, landscaping and access road. Building placement and developing these assets typically involves clearing the existing vegetation. The loss of vegetation can lead to habitat loss and forage loss.

Once the buildings are in place, occupancy from workers and visitors can contribute light and noise pollution, pollution from vehicles and other human activity, and other disruptions to the natural environment.

Farm and Forest Processing have similar impacts, although the frequency or volume of visitors is significantly reduced.

Farm Ranch Recreation, and Bed and Breakfast lodging, which consists of visitors staying and recreating on farms, has similar impacts to wineries, with the primary difference being in production and overnight occupancy. Visitors engaging with the wildlife, or infrastructure built for recreation, may create erosion, pollution, or general disturbances to wildlife habitat. In the forest zone, fee hunting and fishing accommodations share impacts to farm accommodations.

Home Occupations carry with them the same impacts as residences plus any additional disturbances caused by the business related activity. Impacts are similar but amplified.

Dog Kennels carry impacts of residences with increased impact of animal and customer activity. The noise from animals can be disruptive to natural values as habitat and reduce big game security.

Golf Courses typically have limited structures but intensely landscaped property which could result in significant problems with erosion, invasive species, and destruction of habitat. Pollutants as a result of landscape may also get introduced to the resource from runoff or leeching. As indicated in the residential section, a high level of infrastructure or development is detrimental to population's security and foraging abilities.

Private and Public Parks or Campgrounds may include landscaping, infrastructure for recreation, or other modifications to the landscape that may introduce noise and other human impacts to the natural environment. Both deer and elk management plans cite recreation trips as a common disturbance adversely impacted both species.

Youth Camps typically involve overnight lodging, facilities for gathering and eating, and recreation resources. The density of people, required infrastructure, and activity associated with a youth camp could have impacts to wildlife and habitat through noise, pollution, and generally human activity.

Cemeteries, as a result of organic and inorganic decomposition, can introduce pollution to soil, ground water, and the resource. They typically carry with them minimal structures or infrastructures, but consistent digging for plots may contribute to soil erosion and impacts to the natural landscape that provides forage. Similarly, depending on landscaping practices, maintenance of the site may create disturbance of food sources.

Firearms Training Facility would contribute significant noise impacts unless mitigated through noise reducing building materials. Other impacts would be similar to other structures.

A Mobile Home or RV park involves dense siting of temporary or semi-permanent homes. The level of density increases potential noise and environmental pollution from human activity. Development also potentially disturbs food supply and habitat. The dense scale of development may also impact view corridors or scenic aspects of the resource.

A Retirement Center or Nursing Home is also a source of dense, shared housing with additional facilities often requiring a sizeable footprint. The scale of the building could introduce impacts associated with built environment as covered above.

Commercial Uses often require extensive site clearing and grading. As a result, the removal of vegetation and habitat are common. This can create a variety of issues including the elimination of shelter for security and plant life for forage. Similar to impacts discussed with residential use, commercial impact can be more significant due to the scale of structures and development.

Commercial uses also often carry with them dense human activity that can create noise, smells, and other impacts to the natural habitat as well as scenic and recreation values of the place. These impacts are discussed more thoroughly in the residential use section.

Commercial ESEE Analysis

Economic consequences:

Allowed use (no protection):

If commercial development is allowed to occur in such a way that it creates the adverse impacts, the economic consequences may include: cost of future restoration of habitat.

Environmental Protection District protections:

Current practice is to protect sensitive wildlife habitat through EPD 8 and through review by ODFW for conditional uses, which most commercial uses are in the underlying zones. This requires additional findings and a moderately complex review, which made add time or money on to a permitting process.

The public identified the following possible consequences of limiting commercial uses:

Not allowed:

Eliminating the ability for commercial development in sensitive wildlife habitat land has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues. Commercial uses offer employment opportunities, economic growth, and support for existing businesses.

The public identified the following possible economic consequences of prohibiting commercial uses: loss of jobs, reduced value of property and increased time and money for permitting.

Social consequences:

Allowed use (no protection):

The primary social consequence of allowing commercial uses without restriction would be diminished wildlife for viewing and hunting.

Environmental Protection District protections:

Current practice is to protect sensitive wildlife habitat through the application of EPD-8 and conditional use permit review. Because commercial uses are typically conditional use permits, ODFW is able to work on a project by project basis to recommend mitigation strategies, including different siting of development to reduce or eliminate adverse impacts to habitat and species.

The social consequences of limiting commercial uses, defined by the public include limitations on private property rights. The public also cited concerns about increases to traffic from clustered developments.

Not allowed

Commercial uses offer employment opportunities, economic growth, and support for existing businesses and residents. In some cases, these commercial enterprises may offer housing opportunities, recreation activities, and energy production which represent Statewide Land Use Planning Goals 10, 8 and 13.

The public identified concerns over limitations on private property rights.

Environmental consequences:

Allowed use (no protection):

Allowing commercial uses with no protections has potential environmental consequences including disturbance of wildlife habitat in terms of migration paths, foraging, security and reproduction sites. Big Game grazing can help reduce fire fuels and invasive species, according to the elk and deer management reports. Both plans stress primitive development, dispersed recreational activities, and limited access as beneficial environments for the stability and security of both animal populations. This habitat, according to ODFW, is also critical for a variety of other species including trees, plants, and animals. One example is the Oregon White Oak, which is habitat for species like the grey squirrel.

As the main mitigation strategy between development and protection of sensitive wildlife is relocation, fundamentally the lack of protections may be disastrous for multiple species and plants. The overall impacts of endangerment or extinction are manifold.

The public expressed concern that unmitigated commercial development poses the environmental threat of increased noise and fire risk.

Environmental Protection District protections:

Current practice is to protect sensitive wildlife habitat through the application of EPD-8 and conditional use permit review. Because commercial uses are typically conditional use permits, ODFW is able to work on a project by project basis to recommend mitigation strategies, including different siting of development to reduce or eliminate adverse impacts to habitat and species.

These steps are able to preserve wildlife habitat while protection environmental resources, suggesting limited consequences for this strategy.

Not allowed:

Eliminating the ability to build commercial use structures in sensitive wildlife habitat has no known environmental consequences.

Energy consequences:

Allowed use (no protection):

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the commercial building.

Environmental Protection District protections:

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the commercial building.

Not allowed:

Not allowing commercial uses may help preserve existing energy sources for other uses. No other consequences are known.

Conclusions/Recommendations:

Allowing commercial uses without additional criteria does not ensure for protection of the resource in keeping with the ODFW management plans. Because any commercial development carries with it potential for adverse impacts to sensitive wildlife habitat, a review requiring consideration of impacts and mitigation should be required.

Economic impacts, such as lack of employment opportunities or business growth, coupled with affiliated social consequences suggest prohibiting commercial uses in big game winter range may be detrimental to Wasco County residents.

Most commercial uses in the underlying zones are conditional and subject to additional review by ODFW. Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings for adverse impacts. Evidence must demonstrate that the proposed use will not significantly reduce or impair sensitive wildlife habitat and generally safeguard the air, water and land quality. Possible

conditions may include siting requirements like clustering or limiting removal of critical habitat like tree clusters.

Implementation of EPD-8 with commercial subject to standards uses provides an opportunity to solicit feedback from ODFW for mitigation strategies that may be employed, like clustering, in a similar fashion to the conditional use permit review.

Staff is recommending all permitted commercial uses be subject to EPD-8 and, for conditional uses, to conditional use analysis and ODFW review.

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

Table 2: Industrial Uses and Activities by Zone
(SR (Subject to Review), CU (Conditional Use, NP (Not Permitted))

Industrial Use	F-1 (80)	F-2 (80)	A-1 (160)	FF-10
Utility Facility	CU	CU	SR	CU
Aggregate Mining	NP	NP	CU	CU
Asphalt Batching	CU	CU	CU	NP
Mineral Processing	CU	CU	CU	NP
Water Bottling	NP	NP	CU	NP
Manufacturing	NP	NP	NP	NP

Utility facilities are permitted, following review, in all zones within sensitive wildlife habitat overlay. The installation of utility facilities typically involves construction activities that disturb wildlife habitat. Once construction has been completed, utility facilities may have, depending on the type, continued impacts to the natural area from noise, development in migratory paths, and the reduction of foraging.

Mining, mineral processing, asphalt batching and other related uses and activities can create a variety of disturbances and pollution that can be detrimental to the resource. Noise, dust, odors, ground disturbance and blasting which can cause ground shaking or seismicity are commonly cited impacts from mining. Mining also typically involves a large footprint of disturbance over an entire property limiting connections between adjacent parcels for migration, food supply, and security.

Water bottling and extraction, which involves components of industrial production, would have significant impacts on the resource including erosion, pollution, scenic impacts, noise, and development disruption of habitat.

Manufacturing and other industrial uses are not permitted in the underlying zones.

Generally, the scale of development and disturbance can adversely impact sensitive wildlife by disrupting migration paths, reducing forage and habitat for security and reproduction, and introducing a high level of human activity to the natural environment.

Industrial ESEE Analysis

Economic consequences:

Allowed use (no protection):

If industrial development is allowed to occur in such a way that it creates the adverse impacts, the economic consequences may include: cost of future clean up and restoration.

Environmental Protection District protections:

Current practice is to protect sensitive wildlife habitat through EPD-8 and conditional use review and conditions. This requires additional findings and a moderately complex review, which made add time or money on to a permitting process.

Not allowed:

Eliminating the ability for industrial development along the White River has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues. Industrial uses offer employment opportunities, economic growth, and support for existing businesses.

Social consequences:

Allowed use (no protection beyond EPD-1 and setbacks):

Allowing industrial uses without protections could have significant social consequences. Industrial activity, by its nature, is typically done at a scale and in the type of structures that doesn't blend with the natural environment. Industrial uses and activities also typically create noise, smells, and other emissions that may be undesirable to visitors and residents as well as wildlife.

Environmental Protection District protections:

There are limited social consequences to allowing industrial activity with a conditional use review and application of EPD-8, and these protections offer mitigation to some of the impacts that have a connection to social values including aesthetics and recreation. The primary concern expressed from the public was “red tape”, or the increased time of added process.

Not allowed

The public expressed concern that people will give up when faced with “red tape” and that will limit use of private property.

Environmental consequences:

Allowed use (no protection):

Allowing industrial uses with limited protections has potential environmental consequences including impacts to ground water quality, disturbance of wildlife habitat, and the introduction of pollutants to the resource. Industrial activities typically occur at a scale and with materials that can be especially detrimental to the natural environment.

Noise is one of the most obvious adverse impacts of industrial uses that could threaten wildlife habitat. Machinery noise from manufacturing, storage yards, auto repair, or other activities can be disruptive to security, migration and reproduction. It also can impact the perceived human experience of the scenic and recreation resource. Additional traffic, particularly that of heavy machinery or trucks, can create noise, have leaks, or create ground disturbance. This can introduce a variety of pollutants to ground, which can, in turn, reduce the quality of food supply. This can also disrupt the scenic values by introducing noise that is at a higher volume than ambient.

Waste, by product, drainage, leeching, and spills can contaminate soil and groundwater through a variety of accidental or intentional activities. Industrial activity tends to generate pollutants by its very nature, lending to exposure to the resource.

Some permitted industrial uses involve application of chemicals or other practices which may release noxious odors. Smells generated from certain types of industrial activities may impact wildlife or human visitors.

Industrial uses also often require complete site clearing and grading, with the retention of few if any natural resources on a site. They therefore can have more severe environmental effects than other uses. Industrial uses also often draw substantial amounts of water from wells or

public water sources, drawing down the water table which can, in turn, reduce food and water supply for wildlife.

There are significant potential environmental consequences for allowing industrial uses without additional protections.

Environmental Protection District protections:

Current practice is to protect sensitive wildlife habitat through EPD-8 and conditional use review and conditions with the goal of mitigation. There are no known environmental consequences of this strategy.

Not allowed:

Eliminating industrial uses within sensitive wildlife habitat has no known environmental consequences.

Energy consequences:

Allowed use (no protection):

Industrial uses may require large amounts of power for operation requiring additional infrastructure or development to support the demand.

Environmental Protection District protections:

Industrial uses may require large amounts of power for operation requiring additional infrastructure or development to support the demand. This would typically be outside the purview of the Wasco County Planning Department review.

Large scale commercial energy projects are subject to conditional reviews which allow for input from ODFW on adverse impacts and mitigation strategies. This allows for continued access or development of alternative energy sources while reducing or eliminating adverse impacts to sensitive wildlife and habitat.

Not allowed:

Removing opportunities for the development of alternative energy could reduce the resiliency of Wasco County and its residence. Comments from the public indicated a concern in increased costs in the lack of availability of energy sources.

Conclusions/Recommendations:

Industrial uses pose significant potential environmental, social and energy consequences. These include adverse impacts like noise, erosion, pollution, ground disturbance, waste, and scenic disruption. Allowing without or minimal restrictions create a scenario where the uses are likely to adversely impact sensitive wildlife habitat.

To balance environmental impacts and social consequences with potential economic and energy consequences, industrial uses should, at a minimum, be required to meet conditional use criteria demonstrating no adverse impact to wildlife or, mitigation strategies that meet with approval of ODFW. Because many of the uses and activities are diverse, the ability to apply rules with discretion towards individual conditions provide for an equitable solution.

Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings made regarding adverse impacts. Evidence must demonstrate that the proposed use will have minimal impact from dust, noise, and odor during construction, will not significantly reduce or impair sensitive wildlife habitat and generally safeguard the air, water and land quality. Findings would also need to demonstrate how the proposed development does not impact the scenic aspect of wildlife and wildlife habitat.

Staff is recommending the continued application of conditional use criteria for industrial uses that allows for ODFW comment and mitigation in conjunction with the additional review required by EPD-8.

To strengthen and clarify EPD-8, staff is recommending the language within the LUDO be re-written to clearly indicate which resource uses are exempt and that other uses are subject to ODFW review.

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ESEE Analysis for EPD – 12 Sensitive Birds

Executive Summary

Wasco County entered Periodic Review in 2004 to make specific Goal 5 updates including adopting EPD-12 map and ordinance language for the protection of sensitive bird species. This data has not been updated since.

Numerous commercial energy facility applications in Wasco County over the last decade have resulted in significant additional data and changes to existing data that prompted ODFW to identify the need for an updated EPD-12. This is, in part, due to the perceived and real risk to raptor and other avian species from wind turbines. There was also an ongoing statewide nesting study for Golden Eagle that has increased the available data for sites.

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

Wasco County currently protects sensitive bird habitat through an overlay zone; EPD-12 currently requires all development within the buffers to submit a sensitive resource plan in conjunction with a development application. The sensitive resource plan includes the proposed location of development, a map of existing development and supporting infrastructure, an outline of operating characteristics, timing of construction and a description of existing vegetation and vegetation proposed to be removed. This is then evaluated by ODFW who can provide mitigation strategies, including timing construction outside of nesting window for identified species.

There are several components of this protection plan. The first, foundational component are the buffers. The buffers are dictated by the species and individual site characteristics which influence the sensitivity to disturbance (Blumstein, 2003 and Harness, 2015). These buffers have been dictated by best practices in wildlife management and recommended by the biologists of Oregon Department of Fish and Wildlife. According to local ODFW biologists, the buffers are the minimum distance required between humans and nesting sites to reduce or eliminate disturbances.

Buffers have been found to be one of the most effective management strategies, but need to be specialized by species (Harness, 2015). For instance, research has shown that big raptors that nest in trees have greater sensitivity to disturbance than raptors nesting in cliffs. Spatial and temporal buffer zones have been successful in reducing raptor disturbance (Richardson, 1997). Overall, the abundance of nesting sites correlates to the health of the species (USFW, 2002).

Human disturbance is a greater factor in nest abandonment than habitat destruction in many cases (USFW, 2002). Human disturbance can include walking, driving or other movement near nest sites (Holmes, 1993). The scale, intensity and timing of all uses and activities will have varying impacts on species, which is why it's also critical to examine on a case by case basis (Harness, 2015). Quality habitat is most important during breeding season when birds nest in trees, cliffs, and other spaces. According to US Fish and Wildlife: "If that habitat is destroyed or disturbed during the breeding season, nests may be lost or abandoned or productivity may be reduced" which has a chain effect across populations nationally (<https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/habitat-impacts.php>). US Fish and Wildlife identifies that the best method for avoiding habitat impacts are "to avoid placing development and energy projects in or near important bird habitat" (<https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/habitat-impacts.php>). In

addition to nest abandonment, human disturbance at nesting sites can result in nestling mortality (USFW, 2002).

A scientific literature review shows the most two successful approaches to protecting raptors are first, to prevent human access to nesting sites and second, putting in place temporal activity and use management based on nesting cycles (Knight, 1988). The first strategy is most often used with threatened and endangered species, as prohibiting all use and activity can be difficult to require, monitor and enforce (Knight, 1988). The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) identifies criminal penalties for the disturbance of eagles and nest sites. This includes nest abandonment which results from disturbance. Typically, this method is only a recommended strategy for sensitive birds in Wasco County.

The second strategy is most successful for mitigating impacts when development and activity is unavoidable (Knight, 1988). This includes identifying a buffer zone for disturbance, and then limiting activity and uses from occurring within the nesting and reproductive cycles of the species. Because many of the nest site features and species characteristics are unique, this level of mitigation needs to be applied on a case by case basis.

The Utah Field Office US Fish and Wildlife guidelines recommend the following strategies to reduce nest abandonment and disturbance driven mortality of species:

- Avoid disturbance
- Retain or increase snags
- Place new construction and human activities within already disturbed areas and/or within areas that reduce loss of nesting/roosting habitat.
- Limit the project footprint to the smallest area necessary,
- Reclaim disturbed areas (including roads) following construction and completion of project activities.
- Reduce or close road use within high use raptor areas. Reduce maximum allowable speeds. Reduce access to minimize recreational activity and human-raptor interactions.
- Increase prey habitat through vegetation planting or thinning.
- Install and maintain powerlines and other tall utilities in a way that will reduce raptor collision, electrocution, etc.

Based on their extensive analysis, the Utah Field Office USFW recommended some additional land use planning specific guidelines for mitigating impacts to raptors:

- Create buffer zones to restrict human activity within the spatial boundaries.
- For activity within the buffer zones, they should be timed to coincide with when most raptors leave their roost.
- Activities should not occur within buffers during courtship/nest selection season.
- Long-term land use activities and human activities should be restricted near nesting sites up to seven years.

These findings and recommendations represent the current strategies for mitigating impacts to sensitive bird species and detail the human disturbances that result in nest abandonment and mortality. The USFW paper clearly indicates that all land use and human activities represent conflict with sensitive birds, and that they are often unique to individual landscapes, which supports Wasco County's current strategy of requiring a sensitive resource plan for all use and activity within the buffer site, excepting some forest and farm uses.

The following analysis identifies conflicting uses in the underlying zones for proposed new sites and then goes through the ESEE consequences for three alternatives to Goal 5 protection: no protection, EPD-12, and prohibiting uses.

Conflicting Uses

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

OAR 660-023-0060 requires opportunities for citizen involvement during the inventory and ESEE process. In addition to providing notice, Wasco County staff presented to the public the opportunity to identify conflicting uses and ESEE consequences of limiting or prohibiting certain uses. This was done through a series of public meetings in February 2020 and surveys available online. During work sessions in February 2020, the public was also asked to identify their perceived conflicts and/or uses that don't conflict with the resources. The input received during these sessions has become part of the analysis for conflicting uses and ESEE impacts.

All of these zones permit a variety of uses and activities according to different review criteria. F-1, F-2, and A-1 are resource zones. The primary function of these zones is for the protection and maintenance of resource uses, including agriculture and forestry. The primary function of

the FF zone is “to permit low-density residential development in suitable locations while reducing potential conflicts with agricultural uses, forestry uses, and open space” (Wasco County Land Use and Development Ordinance). TV-R is a rural service center residential zone which primary function is for residential development. All relevant zones include a variety of other uses including residential, commercial, and industrial.

Conflicting uses are defined by OAR 660-023-0010 as a “land use, or other activity reasonably and customarily subject to land use regulations that could adversely affect a significant Goal 5 resources.” The definition states that local jurisdictions are “not required to regard agricultural practices as conflicting uses.” Similarly, Wasco County and ODFW have identified that forest practices subject to ORSS 527.610 to 527.770 are not subject to additional sensitive bird overlay regulations; Oregon forest practice laws require specific mitigation strategies for forestry uses and harvest which do not fall into the authority of the planning department but instead are implement by the Oregon Department of Forestry. This means that all non-agricultural and non-forest practices and uses permitted in these zones must be examined for adverse impacts.

What follows is an analysis of the main categories of uses: residential, commercial and industrial. As proscribed by OAR 660-023, three protection alternatives are evaluated against these conflicting uses to determine what might be the most efficient, effective and equitable approach to protecting sensitive wildlife.

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

Allowed use:

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

Environmental Protection District protections:

Current protections for sensitive birds are implemented through EPD-12 and the proposal is to amend that EPD map. The current protections associated with the map require that all non-farm and non-forest development applications or land divisions submit a sensitive resource plan for evaluation by ODFW with possible mitigation recommendation including moving the project site, limiting construction times, and changing lights and other disturbance features from the design.

Not allowed

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

Conflicting Uses

The next section analyzes four categories of development activity residential, commercial, industrial, and energy facilities and defines potential conflicts. Each use is evaluated according to the ESEE consequences and finally, a recommendation for protection is made. Staff has elected to segregate energy uses from the commercial/industrial heading due to height and other characteristics of commercial energy projects that make them unique.

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

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

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

Once dwellings are in place, human occupancy creates household lights, noises, landscaping, and other human activities that may disturb wildlife and threaten their security. Research has found that noise can be a source of habitat degradation (Keyels, 2017). Light, according to the report, can also have a significant detrimental impact on ecosystem health (Longcore, 2016) and disturb nesting (ODFW, 2006).

Residential development, because of the scale and density, are the least impactful non-resource use to occur on these lands. However, for the reasons explained above there are

some potential impacts on the protected resource. Therefore, staff finds that residential uses are a conflicting use.

Residential ESEE Analysis

Economic consequences:

Allowed use (no protection):

There are potential economic costs to the lack of protection including restoration efforts, moving nesting sites, and

Environmental Protection District protections:

Current practice is to protect sensitive birds from residential development by mitigating site specific conditions and construction timing. This typically adds more cost to a development application due to more criteria.

Not allowed:

Eliminating the ability to build a residence in EPD-12 has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues.

Social consequences:

Allowed use (no protection):

Limited social consequences of no protection would be diminished scenic opportunities for bird viewing.

Environmental Protection District protections:

Social consequences may include additional time associated with more criteria and review by ODFW for development applications, inconvenience for buildings schedules or redesigns of structures, and limitations for things like outdoor lights.

The public also cited concerns about restrictions on private property.

Not allowed

Prohibiting residential activity may increase opportunities for scenic viewing, but will further compound housing needs throughout the county and contribute to further limit supply.

Members of the public expressed concern that prohibition would deprive land owners the use of their land.

Environmental consequences:

Allowed use (no protection):

Allowing residential uses has potential environmental consequences including disturbance of nesting sites and the introduction of pollutants to food sources or habitat. Construction and development waste and disturbance and human occupancy related disturbance have been demonstrated to have significant impact on the natural resource.

The reduction in some species that serve as predators for other species could create significant ecological impacts.

Environmental Protection District protections:

Mitigation strategies on a site by site basis demonstrate no known environmental consequences.

Not allowed:

Eliminating the ability to build a residence in EPD 12 has no known environmental consequences.

Energy consequences:

Allowed use (no protection):

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the dwelling.

Environmental Protection District protections:

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the dwelling.

Not allowed:

There are no known energy consequences of not allowing residential uses.

Conclusions/Recommendations:

Allowing residential uses without additional criteria or restriction does not ensure for protection of the resource in keeping with the ODFW conservation strategies, federal law and general best practices for reducing impacts to sensitive birds. Because residential development carries with it potential for adverse impacts to sensitive birds, a review requiring consideration of impacts and mitigation would be most consistent with the best practices.

Staff is recommending maintaining the current EPD-12 standards for all new dwelling development within the overlay zone. This includes any development in the newly identified buffers.

Commercial Uses: (F-1, F-2, A-1, FF, TV-R)

Table 1: Commercial Uses and Activities by Zone
(SR (Subject to Review), CU (Conditional Use, NP (Not Permitted))

Commercial Use	F-1 (80)	F-2 (80)	A-1 (160)	FF-10	TV-R
Winery	NP	NP	SR	NP	NP
Farm Processing	NP	NP	CU	NP	NP
Forest Processing	NP	SR	NP	NP	NP
Farm Ranch Recreation	NP	NP	CU	NP	NP
Major Home Occupation	CU	CU	CU	CU	CU
Bed and Breakfast	NP	NP	CU	NP	CU
Dog Kennels	NP	NP	CU	CU	NP
Private Park, Campground, Playground	NP	CU	CU	CU	CU
Golf Course	NP	NP	CU	NP	CU
Fee Hunting/fishing Accommodations	NP	CU	NP	NP	NP
Youth Camps	NP	CU	NP	NP	NP
Public Park	NP	CU	CU	CU	CU
Cemetery	NP	CU	SR	NP	NP
Firearms Training Facility	NP	CU	NP	NP	NP
Mobile Home Park	NP	NP	NP	NP	CU
Retirement Center/nursing Home	NP	NP	NP	NP	CU

Wineries in A-1 consist of growing grapes, processing, and manufacturing. Some agro-tourism activities also can be permitted with wineries. The commercial aspect involves a structure often with associated parking, outbuildings, landscaping and access road. Building placement and developing these assets typically involves clearing the existing vegetation. The loss of vegetation can lead to habitat loss and forage loss.

Once the buildings are in place, occupancy from workers and visitors can contribute light and noise pollution, pollution from vehicles and other human activity, and other disruptions to the natural environment. This level of human activity is likely to create disturbance, particularly for highly sensitive species. Disturbance can lead to nest abandonment.

Farm and Forest Processing have similar impacts, although the frequency or volume of visitors is significantly reduced.

Farm Ranch Recreation, and Bed and Breakfast lodging, which consists of visitors staying and recreating on farms, has similar impacts to wineries, with the primary difference being in production and overnight occupancy. Visitors engaging with the wildlife, or infrastructure built for recreation, may create erosion, pollution, or general disturbances to habitat. In the forest zone, fee hunting and fishing accommodations share impacts to farm accommodations. Generally, this scale of development within the buffer is likely to create disturbance, particularly for sensitive species.

Home Occupations carry with them the same impacts as residences plus any additional disturbances caused by the business related activity. Impacts are similar but amplified.

Dog Kennels carry impacts of residences with increased impact of animal and customer activity. The noise from animals can be disruptive to natural values as habitat and cause disturbance to nesting.

Golf Courses typically have limited structures but intensely landscaped property which could result in significant problems with erosion, invasive species, and destruction of habitat. Pollutants as a result of landscape may also get introduced to the resource from runoff or leeching. The noise from activity and the airborne golf balls may also introduce disturbance to habitat.

Private and Public Parks or Campgrounds may include landscaping, infrastructure for recreation, or other modifications to the landscape that may introduce noise and other human impacts to the natural environment. They also typically involve some kind of development that may contribute to disturbance through light, dust, and activity during nesting season.

Youth Camps typically involve overnight lodging, facilities for gathering and eating, and recreation resources. The density of people, required infrastructure, and activity associated with a youth camp could have impacts to wildlife and habitat through noise, pollution, and generally human activity.

Cemeteries, depending on landscaping practices, maintenance of the site may create disturbance of food sources.

Firearms Training Facility would contribute significant noise impacts unless mitigated through noise reducing building materials. Other impacts would be similar to other structures.

A Mobile Home or RV park involves dense siting of temporary or semi-permanent homes. The level of density increases potential noise and environmental pollution from human activity. Development also potentially disturbs food supply and habitat. The dense scale of development may also impact view corridors or scenic aspects of the resource.

A Retirement Center or Nursing Home is also a source of dense, shared housing with additional facilities often requiring a sizeable footprint. The scale of the building could introduce impacts associated with built environment as covered above.

Commercial uses also often carry with them dense human activity that can create noise, smells, and other impacts to the natural habitat as well as scenic and recreation values of the place. These impacts are discussed more thoroughly in the residential use section. This can be particularly problematic if activity is occurring during nesting seasons.

Commercial ESEE Analysis

Economic consequences:

Allowed use (no protection):

If commercial development is allowed to occur in such a way that it creates the adverse impacts, the economic consequences may include: cost of future restoration of habitat.

Environmental Protection District protections:

Current practice is to protect sensitive wildlife habitat through EPD 12 and require a sensitive resource plan which is reviewed by ODFW for mitigation strategies based on location and site characteristics. This requires additional findings and a moderately complex review, which made add time or money on to a permitting process.

The public identified the following possible consequences of limiting commercial uses: loss of jobs.

Not allowed:

Eliminating the ability for commercial development in sensitive wildlife habitat land has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues. Commercial uses offer employment opportunities, economic growth, and support for existing businesses.

Social consequences:

Allowed use (no protection):

The primary social consequence of allowing commercial uses without restriction would be diminished wildlife for viewing.

Environmental Protection District protections:

The public cited “red tape” as a social consequence of limitations

Not allowed

Commercial uses offer employment opportunities, economic growth, and support for existing businesses and residents. In some cases, these commercial enterprises may offer housing opportunities, recreation activities, and energy production which represent Statewide Land Use Planning Goals 10, 8 and 13.

The public identified concerns over limitations on private property rights.

Environmental consequences:

Allowed use (no protection):

Allowing commercial uses with no protections has potential environmental consequences including disturbance of nesting and reproduction, impacts to food supply, and the overall impacts to the ecology.

As the main mitigation strategy between development and protection of sensitive birds is relocation, fundamentally the lack of protections may be disastrous for most species. The overall impacts of endangerment or extinction are manifold.

Environmental Protection District protections:

The mitigation steps are able to preserve wildlife habitat while protection environmental resources, suggesting limited consequences for this strategy.

Not allowed:

Eliminating the ability to build commercial use structures in sensitive birds has no known environmental consequences.

Energy consequences:

Allowed use (no protection):

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the commercial building.

Environmental Protection District protections:

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the commercial building.

Not allowed:

Not allowing commercial uses may help preserve existing energy sources for other uses. No other consequences are known.

Conclusions/Recommendations:

Allowing commercial uses without additional criteria does not ensure for protection of the resource in keeping with the ODFW and USFW guidelines. Because any commercial development carries with it potential for adverse impacts to sensitive birds and nesting sites, a review requiring consideration of impacts and mitigation should be required.

Economic impacts, such as lack of employment opportunities or business growth, coupled with affiliated social consequences suggest prohibiting commercial uses within the sensitive bird buffers may be detrimental to Wasco County residents.

Most commercial uses in the underlying zones are conditional and subject to additional review by ODFW. Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings for adverse impacts. Evidence must demonstrate that the proposed use will not significantly reduce or impair sensitive wildlife habitat and generally safeguard the air, water and land quality. Coupled with the requirement for a sensitive resource plan and case by case analysis, staff feels the Goal 5 resource can be protected consistent with guidelines.

Staff is recommending all permitted commercial uses be subject to EPD-12 and mitigation strategies suggested by ODFW on a case by case basis.

Industrial Uses: (F-1, F-2, A-1, FF-10, TV-R)

Table 2: Industrial Uses and Activities by Zone

(SR (Subject to Review), CU (Conditional Use, NP (Not Permitted))

Industrial Use	F-1 (80)	F-2 (80)	A-1 (160)	FF-10	TV-R
Utility Facility (non-energy)	CU	CU	SR	CU	CU
Aggregate Mining	NP	NP	CU	CU	NP
Asphalt Batching	CU	CU	CU	NP	NP
Mineral Processing	CU	CU	CU	NP	NP
Water Bottling	NP	NP	CU	NP	NP
Manufacturing	NP	NP	NP	NP	NP

Utility facilities are permitted, following review, in all zones within sensitive bird overlay. The installation of utility facilities typically involves construction activities that can disturb nesting. Once construction has been completed, utility facilities may have, depending on the type, continued impacts to the natural area from noise, development in migratory paths, and the reduction of food sources.

Mining, mineral processing, asphalt batching and other related uses and activities can create a variety of disturbances and pollution that can be detrimental to the resource. Noise, dust, odors, ground disturbance and blasting which can cause ground shaking or seismicity are commonly cited impacts from mining.

Water bottling and extraction, which involves components of industrial production, would have significant impacts on the resource including erosion, pollution, scenic impacts, noise, and development disruption of habitat.

Manufacturing and other industrial uses are not permitted in the underlying zones.

Generally, the scale of development and disturbance can adversely impact sensitive birds by disrupting migration paths, disturbing nesting resulting in nest abandonment, and potentially impact food sources.

Industrial ESEE Analysis

Economic consequences:**Allowed use (no protection):**

If industrial development is allowed to occur in such a way that it creates the adverse impacts, the economic consequences may include: cost of future restoration.

Environmental Protection District protections:

Application of EPD 12 review procedures requires additional findings and a moderately complex review, which made add time or money on to a permitting process.

Not allowed:

Eliminating the ability for industrial development within the sensitive bird overlay zone has tax revenue implications for Wasco County. Industrial uses offer employment opportunities, economic growth, and support for existing businesses.

Social consequences:**Allowed use (no protection beyond EPD-1 and setbacks):**

Allowing industrial uses without protections could have significant social consequences. Industrial activity, by its nature, is typically done at a scale and in the type of structures that doesn't blend with the natural environment. Industrial uses and activities also typically create noise, smells, and other emissions that may be undesirable to visitors and residents as well as wildlife.

Environmental Protection District protections:

There are limited social consequences to allowing industrial activity with a conditional use review and application of EPD-12, and these protections offer mitigation to some of the impacts that have a connection to social values including aesthetics and ecology.

Not allowed

The public cited social concerns of limiting industrial uses within the sensitive bird overlay zone but did not specify what particular concerns they had. It is likely the primary concerns were related to the restriction of property rights.

Environmental consequences:**Allowed use (no protection):**

Allowing industrial uses with no protections has potential environmental consequences including disturbance of nesting and pollution of natural environment impacting food supply. Industrial activities typically occur at a scale and with materials that can be especially detrimental to the natural environment.

Noise is one of the most obvious adverse impacts of industrial uses that could threaten wildlife habitat. Machinery noise from manufacturing, storage yards, auto repair, or other activities can be disruptive to nesting as evidenced by research. Additional traffic, particularly that of heavy machinery or trucks, can create noise, have leaks, or create ground disturbance. This can introduce a variety of pollutants to ground, which can, in turn, reduce the quality of food supply. This can also disrupt the scenic values by introducing noise that is at a higher volume than ambient.

Waste, by product, drainage, leeching, and spills can contaminate soil and groundwater through a variety of accidental or intentional activities. Industrial activity tends to generate pollutants by its very nature, leading to exposure to the resource.

Some permitted industrial uses involve application of chemicals or other practices which may release noxious odors. Smells generated from certain types of industrial activities may impact wildlife or human visitors.

Industrial uses also often require complete site clearing and grading, with the retention of few if any natural resources on a site. They therefore can have more severe environmental effects than other uses. Industrial uses also often draw substantial amounts of water from wells or public water sources, drawing down the water table which can, in turn, reduce food and water supply for wildlife.

There are significant potential environmental consequences for allowing industrial uses without additional protections.

Environmental Protection District protections:

There are no known environmental consequences of this strategy.

Not allowed:

Eliminating industrial uses within sensitive wildlife habitat has no known environmental consequences.

Energy consequences:

Allowed use (no protection):

Industrial uses may require large amounts of power for operation requiring additional infrastructure or development to support the demand.

Environmental Protection District protections:

A case by case analysis of industrial uses within specific sites should produce no known consequences.

Not allowed:

There are no known energy consequences of prohibition of industrial uses.

Conclusions/Recommendations:

Industrial uses pose significant potential environmental, social and energy consequences. These include adverse impacts like noise, erosion, pollution, nesting disturbance, and scenic disruption. Allowing without or minimal restrictions create a scenario where the uses are likely to adversely impact sensitive birds.

To balance environmental impacts and social consequences with potential economic and energy consequences, industrial uses should be required to meet conditional use criteria demonstrating no adverse impact to wildlife or, mitigation strategies that meet with approval of ODFW based on the EPD-12 required submission of a sensitive resource plan. Because many of the uses and activities are diverse, the ability to apply rules with discretion towards individual conditions provide for an equitable solution.

Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings made regarding adverse impacts. Evidence must demonstrate that the proposed use will have minimal impact from dust, noise, and odor during construction, will not significantly reduce or impair sensitive wildlife habitat and generally safeguard the air, water and land quality. Findings would also need to demonstrate how the proposed development does not impact the scenic aspect of wildlife and wildlife habitat.

Staff is recommending the continued application of conditional use criteria for industrial uses that allows for ODFW comment and mitigation in conjunction with the additional review of the site specific features required by EPD-12.

Commercial Energy Facilities:

(F-1, F-2, A-1, FF-10, TV-R)

Table 2: Industrial Uses and Activities by Zone

(SR (Subject to Review), CU (Conditional Use, NP (Not Permitted))

Industrial Use	F-1 (80)	F-2 (80)	A-1 (160)	FF-10	TV-R
Commercial Energy Facilities	CU	CU	CU	CU	CU

Disturbance and mortality to raptor and other avian species related to wind turbine facilities has been broadly studied since the 1980s. Recent research (Erickson, 2002) found that raptor mortality has been absent to very low at all newer generation wind plants studied in the U.S. This is in part due to the slower speeds of new generation facilities (Erickson, 2002). The main concerns with commercial energy projects are primarily with fatalities when birds come in to contact with wind turbine blades, but towers or solar panels near nesting sites may also serve as a disturbance.

Research suggests that a case-by-case approach is the most appropriate for limiting negative impacts and determining overall impact predictions (Erickson, 2002).

The public generally found commercial energy facilities to be in conflict with sensitive birds. ODFW has also been concerned about the impacts to sensitive birds which resulted in the development of new studies and buffers for species.

Commercial Energy Facilities ESEE Analysis**Economic consequences:**

Allowed use (no protection):

If industrial development is allowed to occur in such a way that it creates the adverse impacts, the economic consequences may include: cost of future restoration or moving nesting sites to reestablish species.

Environmental Protection District protections:

The requirements of EPD 12 include additional findings and a moderately complex review, which made add time or money on to a permitting process.

Not allowed:

Eliminating the ability for energy development within sensitive bird habitat has tax revenue implications for Wasco County as well as limitations on employment opportunities, economic growth, and support for existing businesses. However, in most cases these can be mitigated by moving towers and other facilities outside of the buffer.

Social consequences:

Allowed use (no protection):

Allowing commercial energy facilities without protections could have significant social consequences. The facilities are typically developed at a scale and in the type of structures that doesn't blend with the natural environment.

Environmental Protection District protections:

There are limited social consequences to allowing commercial energy facilities with some restriction.

Not allowed

No social consequences have been indicated by prohibiting commercial energy facilities within sensitive bird buffers.

Environmental consequences:

Allowed use (no protection):

Allowing commercial energy facilities with limited protections has potential environmental consequences including disturbance of nesting, impacts to food, and impacts to habitat. Commercial energy projects and required construction typically occur at a scale and with materials that can be especially detrimental to the natural environment.

Noise is one of the most obvious adverse impacts of industrial uses that could threaten wildlife habitat. Machinery noise from manufacturing, storage yards, auto repair, or other activities can be disruptive to security, migration and reproduction. It also can impact the perceived human experience of the scenic and recreation resource. Additional traffic, particularly that of heavy machinery or trucks, can create noise, have leaks, or create ground disturbance. This can introduce a variety of pollutants to ground, which can, in turn, reduce the quality of food supply. This can also disrupt the scenic values by introducing noise that is at a higher volume than ambient.

Commercial energy facilities also often require site clearing and grading, with the retention of few if any natural resources on a site. They therefore can have more severe environmental effects than other uses.

There are significant potential environmental consequences for allowing industrial uses without additional protections.

Environmental Protection District protections:

There are no known environmental consequences of this strategy.

Not allowed:

Eliminating industrial uses within sensitive bird has no known environmental consequences.

Energy consequences:

Allowed use (no protection):

Any type of development has energy requirements, including those related to transportation to and from during construction and after completion of the energy facility.

Environmental Protection District protections:

Large scale commercial energy projects are subject to conditional reviews which allow for input from ODFW on adverse impacts and mitigation strategies. This allows for continued access or development of alternative energy sources while reducing or eliminating adverse impacts to sensitive wildlife and habitat. Some impacts, as a result of transportation to and from the site during development, still exist.

Not allowed:

Removing opportunities for the development of alternative energy could reduce the resiliency of Wasco County and its residence. Comments from the public indicated a concern in increased costs in the lack of availability of energy sources.

Conclusions/Recommendations:

Commercial energy facilities pose significant potential environmental, social and energy consequences. These include adverse impacts like noise, erosion, pollution, and scenic disruption as well disturbance to nesting sites. Allowing without or minimal restrictions create a scenario where the uses are likely to adversely impact sensitive birds.

To balance environmental impacts and social consequences with potential economic and energy consequences, commercial energy facilities uses should, at a minimum, be required to meet conditional use criteria demonstrating no adverse impact to wildlife or, mitigation strategies that meet with approval of ODFW. The added requirement of a sensitive wildlife plan will ensure there is clarity of the site, construction and development conditions to provide ODFW enough information to develop a site specific mitigation strategy.

Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings made regarding adverse impacts. Evidence must demonstrate that the proposed use will have minimal impact from dust, noise, and odor during construction, will not significantly reduce or impair sensitive birds and generally safeguard the air, water and land quality. Findings would also need to demonstrate how the proposed development does not impact the scenic aspect of wildlife and wildlife habitat.

Staff is recommending the continued application of conditional use criteria for commercial energy facilities that allows for ODFW comment and mitigation in conjunction with the additional review required by EPD-12.

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Sensitive Turtle Habitat Location Quality and Quantity of the Resource

Biologists from the non-game division of ODFW and the USFS National Scenic Area Office have identified a series of ponds that provide critical Western Pond Turtle habitat. Wasco County reviewed the location information provided by ODFW and USFS for the sites along with the ownership patterns, parcel sizes and surrounding zoning and worked with ODFW to identify significant sites outside the Columbia River Gorge National Scenic Area that require Goal 5 protection. These sites are included in the inventory list and a mapped inventory is also included in the County's Comprehensive plan inventory section. The Western Pond Turtle is listed as a Critical Sensitive Species in Oregon. Habitat areas are mapped by ODFW as habitat for a wildlife species of concern or as a habitat of concern. All listed and mapped sites are deemed significant under OAR 660-023-0110 (4).

Significant Habitat areas extend into the Columbia River Gorge National Scenic Area (NSA) – General Management Area (GMA). A local ordinance has been adopted by Wasco County to implement the applicable GMA policies and guidelines in the NSA Management Plan. Further Goal 5 protection is not deemed necessary inside the NSA at this time. The only sites inventoried as significant are those sites located outside the NSA.

Significant sensitive habitat areas also provide distinct habitat values and are designated in accordance with their distinct functions to support the species. The core habitat area is inventoried and identified on the Western Pond Turtle Inventory Map. Upland management areas have also been identified and are also shown on the Western Pond Turtle Inventory Map. The function of each area, uses potentially in conflict with the function, and a program to protect the resource are discussed in the ESEE analysis.

Conflicting Uses

The significant core habitat and upland management areas for Western Pond Turtles are located on land zoned for resource use and non resource use. Two lots impacted by the upland management area are zoned for agricultural use. All remaining habitat areas are located on Forest Farm land with a 10 acre minimum lot size or Rural Residential land with a 10 acre minimum lot size. Conflicting uses generally consist of residential, driveway, or roadway construction, land divisions that may result in the need to locate improvements in identified upland management or core habitat areas. A majority of the parcels are developed with residential uses. Redevelopment or expansion on parcels in this area is a concern and must be

reviewed to limit potential impacts on sensitive resources. Specific conflicting uses are evaluated in the site specific ESEE analyses.

Economic, Social, Environmental and energy Consequences of Conserving Sensitive Western Pond Turtle Habitat

1. Economic consequences:
2. Social Consequences:
3. Environmental Consequences:
4. Energy Consequences:
5. Conclusions:

An ESEE analysis has been prepared that considers both the core habitat and the upland management area. The ESEE analysis once adopted becomes a part of the County's comprehensive plan inventory and provides the frame work for program adoption. As new sites are deemed significant due to the availability of additional information about the location or status of the site an ESEE analysis will be performed to provide the necessary framework for the protection of newly inventoried sites.

A Program to Conserve Sensitive Pond Turtle Habitat

The ESEE analysis done for both the core habitat and upland management areas helps the County to determine whether: the resource warrants protection to the point of prohibiting surrounding conflicting uses per OAR 660-023-0040 (5) (a), whether the conflicting uses should be allowed in a limited way that can protect the significant site to the desired extent per OAR 660-023-0040 (5) (b), or whether the conflicting use(s) warrant protection to the point of suspending resource protection measures without regard for the possible impacts to the resource site OAR 660-023-0040 (5) (c). A determination of whether to allow, limit, or prohibit identified conflicting uses has been made for each of the significant resource sites on the County's inventory. New sites deemed significant in the future will be subject to the same site specific determinations regarding the type or level of protection that should be afforded newly inventoried resource sites or areas before a program for protection is developed and adopted. The County shall amend its comprehensive plan so that the determinations will be included with the ESEE analyses for additional significant sites or areas in the same manner as those currently inventoried.

ESEE ANALYSIS – Western Pond Turtle Sensitive Habitat Area Inventory

The western pond turtle is listed as a critical sensitive species in Oregon. The Oregon Department of Fish and Wildlife (ODFW) in cooperation with the U.S. Forest Service has identified a population of western pond turtles along Morganson Road within Township 2N, Range 12E, Sections 7,8,9,17 and 16B. The population of western pond turtles along Morganson Road inhabits lands that are primarily zoned for rural residential uses. Most of the parcels are developed with residential uses. At the time this ESEE was developed three undeveloped parcels of land are considered to be impacted by inventoried significant sensitive habitat area. The sensitive habitat area is made up of:

1. Core habitat, consisting of the ponds, known or likely nesting habitats, and corridors between and to other nearby ponds that interconnect these ponds; and
2. Upland management area, an area in which nesting may take place and in which land uses may be limited to protect the core habitat values.

The core habitat and upland management areas are designated on the Western Pond Turtle Map in the County's Comprehensive Plan inventory section.

Sensitive Habitat Area Characteristics

A. Core Habitat

The biology of the turtle indicates that there are four critical habitat components which must be protected to ensure a viable turtle population:

1. Ponds such as the Six large primary ponds A, B, C, D, I, and J at the Morgansen Road area. Both the primary ponds and related secondary ponds E, F,G, and H are critical to this habitat area though the secondary ponds are considered less important due to size, location or existing developments and land uses;
2. Known or likely nesting habitats surrounding the ponds;
3. Corridors between and to other nearby ponds; and
4. Water quality and quantity

The core habitats (ponds and corridors) are considered together due to their close proximity and because their protection measures are the same and overlay each other spatially. The ponds are the primary water habitats for adult turtles and where they obtain most of their food. Ponds where turtles are known to occur and where existing land uses are minimal were considered critical. This includes ponds A, B, C, D, I and J. Some ponds already have human dwellings and other developments immediately adjacent to them and were not considered critical, such as ponds G and H. Ponds E and F are not known to have turtles.

Primary ponds (A, B, C, D, I, J) and their potential adjacent nesting habitats require a 600 ft. no disturbance buffer to protect the resource. The inventoried 600 ft. core habitat area is decreased if the habitat is altered or determined to be of decreased value due to topographic aspect or because of impacts related to existing development. All buffer zones are measured horizontally from the edge of a pond or wetland and from the ordinary high watermark on each

side of a stream. Although ponds E and F are not known to be used by the western pond turtles, protection of these ponds is important in supporting the core habitat. A 150' foot buffer around each secondary pond and a connectivity corridor with a 150 ft. buffer was considered minimal. No core habitat was identified around Ponds G and H because of the existing adjacent land uses and the impacts they already pose. The existing buffers that apply to ponds G and H are per the Wasco County ordinance which requires a 100 ft. setback.

A 150 "no disturbance" buffer around the stream connectivity corridors is considered minimal. These corridors ensure that the turtles have an undisturbed route by which they can move from one pond to another. Movement along the corridors to other ponds may be critical in helping the turtles disperse to other areas and to encourage genetic out-breeding. It is common for food sources to dry up in some areas while not in others; if the individuals cannot move to more plentiful food sources, then the population becomes threatened.. Although the 150 ft. corridor buffers were diminished in some instances due to previous developments or land uses, the full buffer width was applied to most of the stream corridors.

Pond I is the only pond located outside the National Scenic Area. This pond and a narrow strip of core habitat area providing connectivity along a length of drainage way that follows the NSA boundary just west of pond I are the only core habitat areas located beyond the NSA boundary and subject to protection through the County's goal 5 process.

The core habitat is considered a no disturbance buffer in the Management Plan for the Western Pond turtle population on Morganson Road, Oregon prepared by the Forest Service and ODFW. "No disturbance" is defined to mean:

1. No new building construction
2. No new agricultural cultivation
3. No motor vehicle use, except for those required to maintain existing utilities and road; use of existing roads; and use for enhancement projects.
4. No livestock use.
5. No new ground disturbance
6. No livestock grazing

The no disturbance limitations have been applied inside the National Scenic area through implementation of the National Scenic Area Ordinances. Application of a compatible set of sensitive area protection measures will be accomplished outside the National Scenic Area through adoption and implementation of a Goal 5 program.

Upland Management Area

The upland management area consists of upland nesting/hibernation areas and can be up to ¼ mile (1320 feet) from the ponds. In the spring (May-June) gravid females leave their water habitat and search for a nesting site which can be up to ¼ mile away from ponds or streams.

The eggs are laid in nests excavated in the soil, in a sunny and warm location. The females then return to their water habitat. There is some evidence that the females return to the same nesting site year after year. The loss or disturbance of nesting sites could have significant implications to these relatively small populations.

The eggs hatch within about 75 days but do not emerge from the nest until the following spring. The young turtles then attempt to reach the water. Whenever the turtles are away from the water, they are vulnerable to being crushed by heavy livestock or vehicles. Overgrazing will diminish suitable vegetation cover for hibernation.

The following table lists the parcels entirely or partially within the sensitive habitat area (core habitat and upland management areas) outside the NSA and subject to Wasco County's Land Use Ordinance and Comprehensive Plan. A majority of the sensitive habitat area is within the National Scenic Area. These areas are adequately protected by the Management Plan and National Scenic Area Ordinance criteria.

Western Pond Turtle Sensitive Habitat Area – Impacted Parcels					
Map and Lot #	Zone	Size	Ownership	Developed Undeveloped	Core Habitat (CH) Upland Management (UM)
2N 12 7:2700	A-1(40)/GMA	23.08	Private	Dev	UM
2N 12 7:2800	A-1(40)/GMA	20	Private	Dev	UM
2N 12 8:1900	F-F(10)/GMA	10.03	Private	Undeveloped	CH/UM
2N 12 8:2100	F-F(10)/GMA	9.56	Private	Undeveloped	CH/UM
2N 12 8:2200	F-F(10)	10.02	Private	Dev	UM
2N 12 8:2300	F-F(10)	9.81	Private	Dev	CH/UM
2N 12 17:400	R-R(10)	10	Private	Dev	UM
2N 12 17:100	R-R(10)	9.5	Private	Dev	CH/UM
2N 12 17:200	R-R(10)	10.05	Private	Dev	CH/UM
2N 12 17:300	R-R(10)	10.06	Private	Dev	UM
2N 12 17:1200	R-R(10)	10.07	Private	Undeveloped	UM
2N 12 17:1300	R-R(10)	10.07	Private	Dev	UM
2N 12 17: 1400	R-R(10)	10.10	Private	Dev	UM
2N 12 17:1600	R-R(10)	10	Private	Dev	UM
2N 12 17:1700	R-R(10)	10	Private	Dev	UM
2N 12 16B:1000	R-R(10)	1.17	Private	Dev	UM

Conflicts Identification

Potentially Conflicting Uses within the Sensitive Habitat area are discussed below following the list of uses permitted outright or conditionally in affected zones.

A. A-1(40) - Exclusive Farm Use Zone – Section 3.210

Uses Permitted Outright:

1. Farm use defined by ORS 215.203
2. Buildings customarily provided in conjunction with farm use.
3. Dwelling provided in conjunction with farm use subject to section 3.210
4. Dwelling for farm use occupied by a relative on the same parcel as farm operator's dwelling
5. Lot of Record dwelling which does not otherwise qualify for a dwelling on less than 80 acres which meets the standards of this section
6. Propagation and harvesting of a forest product.
7. Public or private schools
8. Churches except within three miles of an urban growth boundary.
9. Utility facilities

Uses Permitted Conditionally: In a A-1 Zone, the following may be permitted when authorized in accordance with the requirements of this Ordinance::

1. A dwelling not in conjunction with farm use subject to 3.210(F).
2. Operation conducted for mining.
3. A site for disposal of solid waster under ORS 459.245.
4. Home occupation carried on by the resident as an accessory use within their dwelling or other building customarily provided in conjunction with farm use.
5. Dog Kennels
6. Personal use airports
7. Golf courses
8. Commercial utility facilities
9. Private parks, playgrounds, and campgrounds except that such uses are prohibited on high value farmland.

B. F-F (10) – Farm Forest Zone- Section 3.220

Uses Permitted Outright:

1. Farm use
2. A single family dwelling and other buildings and accessory uses in conjunction with forest or farm use

3. Propagation or harvesting of a forest product
4. Subdivisions
5. Planned Unit Developments
5. Breeding, boarding and training horses for profit

Uses Permitted Conditionally: In a F-F Zone, the following may be permitted when authorized in accordance with the requirements of this Ordinance::

1. Additional single family dwellings in conjunction with a commercial farm or forest use subject to income requirements
2. A single family dwelling not in conjunction with a farm or forest use
3. Commercial activities in conjunction with farm use
3. Exploration ,mining, and processing of aggregate resources
4. Private parks, playgrounds, hunting and fishing preserves and campgrounds.
5. Parks, playgrounds, or community center owned and operated by a governmental agency or non-profit organization
6. Home occupations
7. Personal use airports
8. Public or private schools
9. Churches
10. Sanitary landfill
11. Kennels

C. R-R Rural Residential Zone – Section 3.250

Uses Permitted Outright

1. A single family dwelling subject to standards
2. A single family dwelling and other buildings and accessory uses in conjunction with forest or farm use
3. Propagation or harvesting of a forest product
4. Subdivisions
5. Planned Unit Developments
6. Breeding, boarding and training horses for profit

Uses Permitted Conditionally in the RR zone - In the R-R Zone, the following may be permitted when authorized in accordance with the requirements of this Ordinance:

1. Commercial activities in conjunction with farm use
3. Commercial activities in conjunction with farm use
7. Exploration ,mining, and processing of aggregate resources
8. Private parks, playgrounds, hunting and fishing preserves and campgrounds.
9. Parks, playgrounds, or community center owned and operated by a governmental agency or non-profit organization

10. Home occupations
11. Personal use airports
12. Public or private schools
13. Churches
14. Sanitary landfill
15. Kennels

The significant conflicting uses in the above zones would be farm uses including cultivation of land and grazing. Cultivation would destroy and/or disturb nesting sites which could have significant implications to these relatively small populations. Grazing is a conflict because whenever the turtles are away from the water they are vulnerable to being crushed by livestock. Overgrazing will also often diminish suitable vegetation cover for hibernation with resulting loss due to exposure or predation.

Another important conflict to the turtles arises from the existing and future roads and driveways within the buffer area because whenever the turtles are away from the water they are vulnerable to being crushed by vehicles.

Residential building construction within the buffer area would also destroy and/or disturb nesting sites located most frequently on sunny south facing slopes. Continued habitation and landscaping around a dwelling will also diminish suitable vegetative cover for hibernation and nesting.

Water quantity can be altered by use of existing or future water rights to the waters of the ponds. The only presently known water right is on pond A. In the long term, present water rights should be discontinued when appropriate alternatives are found. Future water rights should not be given for any of the water bodies or streams in the sensitive area.

Water quality will most likely be influenced by influx of pesticides from adjacent land uses, from sedimentation due to soil erosion, and from spillage of toxic compounds. All of these are unlikely to occur or directly influence the core water habitat if the upland management area is used in a manner consistent with the goal 5 program.

Economic, Social, Environmental and Energy Consequences Analysis.

A. Economic Consequences

1. *Core Habitat Area*

The limited land area designated core habitat area limits the economic consequences that would result from regulatory steps taken to protect the resource. Vehicular access to portions of the parcel separated from public or private roads by core habitat area will need

to be provided for in some instances to ensure a loss of use of the property does not result. Existing drives will be used when ever possible. Agricultural practices will not be limited in the EFU (A-1 Zone). Limitations on grazing and new cultivation in core habitat areas in non resource zones may result in inconvenience but will not result in serious economic impacts. Typical parcel sizes outside the EFU zone are 10 acres or less. These parcels will not support commercial cattle or other uses reliant on the feeding and care of numerous large cloven hoofed animals. Location of buildings, other structures, and ground disturbing activities outside the core habitat area will not result in serious economic impact due to the large amount of ground available outside the core habitat area. Most parcels impacted by the overlay are developed with residential uses and limitations on development, redevelopment, or expansion of existing uses will be balanced against the need to accommodate reasonable uses on the rural residential parcels while limiting conflicting uses in a manner that will adequately protect resources. The limited extent of the core habitat area will help ensure that necessary protection measures are not applied over large areas of many parcels. The greatest concern regarding the need to balance required access to developable portions of a property against the need to avoid impacts in the core habitat area would be expected to be on parcel 2100.

2. Upland Management Area

Reviewing and potentially limiting new agricultural cultivation and grazing for FF and RR zoned parcels would not have significant economic impact on the County but could prove inconvenient and Costly to the individual land owner. Though the parcels are not generally managed for commercial agricultural production and the lot sizes are not consistent with accepted commercial scale farm management, it is not uncommon for residents in this rural area to have a horse, small orchard, or other small scale agricultural activity. It is important that all agricultural disturbance not be completely excluded in the upland management area. A Site Plan review process will identify allowable ground disturbances and allow limited agricultural activities in most instances. Likewise, however, such ground disturbances must be subject to review, in order to ensure that impacts to significant sensitive habitat are avoided wherever possible.

There are two parcels in the A-1 zone which total 48 acres. No restrictions on accepted agricultural practices are to be imposed upon Exclusive Farm Use or A-1 zones. Though the economic impact on commercial farming related to proposed limitations is limited by the limited number of parcels containing upland management area, the state law precluding state, city or county agencies from limiting agricultural use in the A-1 zone prevents any economic impact on these areas.

Limiting the location of residential development would not reduce the value of the property. No prohibition of development is being considered. A dwelling is anticipated to be sited on each legal parcel even where an entire parcel is located within the Upland management area. Site Plan Review will enable the site to be selected to avoid impact to valuable areas within the Upland management area and to minimize impacts if impacts cannot be avoided. Parcel sizes provide some flexibility with regard to siting of dwellings

and driveways or private easement roads. Parcel sizes within the sensitive habitat area are not large enough to support further subdivision so no value related to prospective additional home sites will be lost. Two of the three parcels within the sensitive habitat area that were vacant at the time this ESEE was performed, are predominantly covered by upland management area. A single family home site will be able to be provided on each vacant parcel through the site plan review process to preclude any economic loss to the current or future owner related to the program to protect the resource.

Limiting new water rights could prevent some irrigated farm uses in the FF and RR zones. The review of water rights is outside of the purview of the zoning ordinance and Wasco County and is within the jurisdiction of the State Water master.

B. Social Consequences

1. Core Habitat Area

The social consequence of allowing unregulated conflicting uses in the core habitat area would be degradation or elimination of critical habitat and a potential loss of a visible species that inspires public interest.

A prohibition on all ground disturbance in the core habitat area, however could potentially deprive a land owner of basic use of their property, particularly where access through a core habitat area to a less sensitive upland area is needed. The limited extent of the core habitat area should minimize the need for flexibility to allow disturbance where it cannot otherwise be avoided without depriving a land owner of the basic use of their property.

Strict limitations on disturbance within the core habitat area is needed to preserve a very visible and interesting species, however, a degree of balancing may be necessary in very specific instances to ensure an entire parcel is not rendered inaccessible or undevelopable due to limitations on ground disturbances in the core habitat .

2. Upland Management Area

Prohibiting residential development (driveways and roads included) within the upland habitat area would have a social impact as property owners would be unable to develop their property in a manner consistent with the rural surroundings.

Limiting the location, and in some instances the timing, of development and ground disturbing activities would have less impact because homes could still be constructed on each parcel and land use practices typically employed in a rural area could be continued to some permissible extent on areas determined to be less sensitive to disturbance.

C. Environmental Consequences

1. Core Habitat Area

The environmental consequence of allowing unregulated development in the core habitat area would be direct impacts on the core habitat area that could be expected to result in the loss of nesting sites and the continued loss of population leading to the potential for the extinction of the species.

The prohibition of conflicting uses within the core habitat area would have only positive environmental consequences.

2. Upland Management Area

Unregulated development in the upland management area might include the establishment of residences, roads, and other ground disturbing activities which would require removal of native vegetation which could provide cover for hibernation and predation or allow chemicals or pollutants to be transferred into the core habitat area. Though less direct, these secondary impacts, left unchecked would be expected to be detrimental to the habitat area and the species as a whole.

The prohibition of conflicting uses within the upland management area, though not reasonable based on the social or economic consequences, would likely be preferable from a strictly environmental perspective. A balancing of these issues should allow for development and redevelopment to occur in a reasonable fashion within the upland habitat area without directly or indirectly adversely impacting the core habitat area or the overall health of the species and its habitat.

D. Energy Consequences

Core Habitat Area and Upland Management Area

The energy consequence of allowing residential development and other potentially conflicting uses are the increased use of fuels for transportation of materials to support continued development and redevelopment, consumption of fuels for transportation to and from home if rural residents can be expected to inhabit population centers if rural housing options are lost, and the increased cost of other services such as law enforcement and fire protection outside existing cities and communities.

The potential negative energy consequences for prohibiting development in the sensitive habitat area would be to encourage growth to continue further out from the population centers of Mosier and The Dalles. The area at Morganson Road is a relatively high demand area and the lack of rural dwelling opportunities in this area could be expected to transfer the demand for rural living further out increasing the energy costs to commute from and serve the areas further removed.

5. Program to Meet Goal 5.

Based on the ESEE consequences the County finds that both the sensitive resource area and some of the conflicting uses (residential and agricultural development in the A-1 Zone and access to some portions of parcels) are important relative to each other and should be balanced to allow the conflicting uses in a limited way (OAR 660-23-040(5)(b). and ; in some instances the resource site is more important than the conflicting uses (building and new public road construction and cultivation and grazing in RR-FF zones and) and should be prohibited (OAR 660-23-040(5)(a).

Core Habitat Area

1. In order to protect the core water habitat uses permitted outright and conditional uses except accepted farm practices on Exclusive Farm Use Land are not allowed within the core habitat area. The core habitat will be considered a no disturbance area and new disturbances will be allowed only in extremely limited situations where the use must be allowed to protect a substantive property right of the land owner and the use cannot be accommodated outside the core habitat area. This circumstance is not anticipated to arise. New ground disturbances are expected to be permitted in the core habitat area only in the most extreme circumstance and mitigation measures including monitoring for success of the mitigation effort will be required if a disturbance is allowed.
2. Wasco County will notify Oregon State Division of State Lands (DSL) of this habitat based limitation on disturbance by sending them maps and text describing the limitation. This coordination will be done to help decrease confusion should an independent party contact DSL regarding removal fill permit requirements in a wetland or riparian area. The County will request that DSL inform anyone making inquiry about ground disturbing activities in the wetland or riparian areas that activities in the core habitat area are limited and local sensitive habitat review may be required by the County prior to any new ground disturbance.

Upland Management Area

3. The upland management area will be managed for protection of critical nesting habitat primarily consisting of those areas having a south or west aspect and suitable vegetation and the area between these areas and the core habitat. New ground disturbance

including construction activities for expansion, maintenance, replacement of existing structures or construction of new structures, utilities replacement or maintenance, and new utilities requiring a building permit from the Wasco County Planning Department or septic installation requiring a permit for the Health Department shall be subject to a site plan review by the County and by the Oregon Department of Fish and Wildlife as part of the County's review to determine how the proposed development is or can be made to be compatible with the protection of the habitat.

Sensitive Habitat Area	Start of Peak Sensitivity	End of Peak Sensitivity
Core Habitat Area	Year round	None
Upland Management Area	May	September

4. Maintenance and repair of existing structures not requiring a construction permit, permitted work conducted within an enclosed structure creating no new ground disturbance, or repair of a failing septic system are exempt from this requirement.

Wild and Scenic River

The White River was designated a Federal Wild and Scenic River on October 28, 1988. Historically, Wasco County has protected the White River through EPD-7, which includes protections for natural areas and the Oregon Scenic Waterways. Oregon Administrative Rules 660-023-0120 requires at periodic review for Wasco County to ensure the Wild and Scenic River is clearly addressed as a Goal 5 resource. Because the 1983 plan was written anticipating the designation but prior to the federal management plan, the requirement that the resource be protected consistent with the White River Management Plan has never been formally evaluated.

To fulfill this requirement during the Wasco County 2040 update, staff conducted an ESEE analysis of the White River and impacted areas to determine protections.

ESEE Analysis for the White River

Executive Summary

The White River originates from the eastern slope of Mt. Hood at the White River glacier, and flows 47 miles through two wilderness areas before converging with the Deschutes River.

The White River was designated a National Wild and Scenic River on October 26, 1988. The Wild and Scenic Rivers Act required the Bureau of Land Management (BLM) and the US Forest Service (USFS) to develop a management plan for the river. A Management Plan for the White River was adopted in 1990 and amended in 2015.

During the Management Plan development process an environmental assessment was conducted. The Environmental Assessment for the White River provides a summary of White River values and issues. The outstandingly remarkable values include geology, hydrology, botany, fish habitat and populations, wildlife habitat and populations, historic resources, recreation and scenic resources. The issues listed are commodity production, recreation management, water quality, vegetation management, public/private lands conflicts, and final corridor and viewshed boundaries.

For the segment within Wasco County, the following particular assets are called out in the narrative: hydrology, botany, fish habitat (particularly White River redband rainbow trout and the introduction of Chinook salmon), and historic resources.

Portions of the upper White River are surrounded by public lands that are managed through Federal efforts. The majority of the segment through Wasco County is privately owned and as a result, the BLM has no direct administration of land uses. However, it is expressly stated in the Environmental Assessment that mandated intergovernmental coordination and plan consistency are critical foundations of the Wild and Scenic Rivers Act.

The Environmental Assessment also states that the “Wild and Scenic Rivers Act envisioned high reliance of local comprehensive plans to achieve the Act’s objectives”. During the BLM environmental assessment, they reviewed the Wasco County Comprehensive Plan and Land Use and Development Ordinance (LUDO) and found that, coupled with topographical constraints, Environmental Protection District 7 (EPD-7) adequately protects the resource. The assessment goes on to state that it’s recommended “Wasco County incorporate the river plan’s recommendations as appropriate.”

Oregon Administrative Rules (OAR) 660-023, which relates to inventory, analysis and protection for Goal 5 resources provides insight into how jurisdictions should manage Federal Wild and Scenic Rivers. First, the “impact area” is defined by the Wild and Scenic River corridor already established by the federal government. Second, an Economic, Social, Environmental and Energy (ESEE) Analysis must be conducted to determine conflicting uses within the impact area. Once the conflicting uses have been established, a program to protect the Federal Wild and Scenic River must be adopted.

Wasco County currently protects the White River through an overlay zone; EPD-7 requires all permitted uses within the overlay zone be treated as conditional uses. This allows the decision maker to apply additional criteria to more accurately determine potential adverse impacts and mitigate impacts through conditions or deny the application based on impact.

An interpretation from the Wasco County Board of Commissioners has resulted in conditional uses in the underlying zones within EPD-7 to be considered prohibited. The required ESEE analysis will help determine whether that is a necessary protective measure for the resource.

The White River Management Plan

The White River is surrounded by forest, agricultural and residential lands. These lands present a variety of opportunities for land use and activities which conflict with the federal program for protection. The BLM White River Management Plan provides the following general resource management goals:

- *Protect the river's free-flowing character and protect and enhance its outstandingly remarkable values.*
- *Provide opportunities for a wide range of recreation opportunities along the river corridor managed to prevent degradation of the outstandingly remarkable values.*
- *Protect and enhance the quality and quantity of river water. Maintain acceptable levels of water temperature, suspended sediment, and chemicals.*
- *Identify, provide, and protect instream flows which are necessary to maintain and/or enhance the outstandingly remarkable values of White River.*
- *Protect and enhance habitat for fish and wildlife species.*
- *Protect threatened, endangered, and sensitive species of plants, fish and wildlife found in the corridor.*
- *Protect culturally significant features and resources.*
- *Maintain and/or enhance the integrated ecological functions of rivers, streams, floodplains, wetlands, and associated riparian areas.*
- *Protect, and where necessary, seek to restore the natural ecological and hydrologic functioning along the river.*
- *Provide for plant and plant community diversity and maintain and/or enhance healthy functioning ecosystems to sustain long-term productivity.*
- *Help reduce conflicts between recreation users and private property owners and reduce trespass on private property.*
- *Strive for a balance of resource use and permit other activities to the extent that they protect and enhance the quality of the river's outstandingly remarkable values.*
- *Develop a partnership among landowners; county, State, and tribal governments; and federal agencies in deciding the future of White River and share in management responsibilities for the river.*
- *Strive to develop effective, compatible, and consistent land use management through coordination with local land use planning authorities.*
- *Emphasize user education and information. Establish as few regulations as possible and ensure that any regulations established are enforceable and enforced.*
- *Foster cooperative interpretation and environmental education efforts.*
- *Consider the needs of local communities regarding economic development. Recognize that the public with its varied needs as partners and participants in managing the river corridor through awareness, interaction, and communication.*
- *Require all developments to harmonize with the natural environment.*
- *Have a management plan that is reasonable, cost-effective, and viable and that achieves protection of the river's outstandingly remarkable values.*

The White River in Wasco County

The Environmental Assessment offers some additional insights on County zoning, including the statement: "Wasco County and The Nature Conservancy designated White River Canyon as a Natural Area and placed the area in the Environmental Protection District zone." It also details

some of the uses that occurred in the 1990s in Wasco County along the White River corridor, including agriculture.

OAR 660-023-0040 (2) requires an examination of all zones within the impact area of the resource to understand possible conflicting uses. These are typically land uses allowed outright or conditionally by the zone. As indicated by Figure 1, the majority of land surrounding the White River in Wasco County is zoned F-2 (80) (Forest) or A-1 (160) (Exclusive Farm Use). These resource zones are intended to preserve forest and farm operations and activities while restricting more urban uses, like residential and commercial. Properties tend to be large in size.

The river also runs through the Tygh Valley rural service area, which includes a variety of zones and uses including residential, commercial and industrial. The White River Management Plan describes Tygh Valley as “an agrarian community complimented by a free-flowing, natural-appearing river” (BLM, 20). The industrial sites were formerly part of a mill that has been closed for several decades and is available for redevelopment. Tygh Valley’s dense scale development is impeded by sanitary waste and water limitations.

All of these zones permit a variety of uses and activities according to different review criteria. Within the EPD-7 overlay zone, the additional restriction of treating all permitted uses like conditional uses is applied. However, no analysis has been done to date to determine which specific uses or activities conflict with the resource.

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

Based on the Federal White River Management Plan, protection measures are focused on the quality and quantity of the river as well as preserving the conditions, like temperature and sediment. Emphasis is on maintaining health, functioning ecosystems for ecological and hydrological function as well as serving as habitat to wildlife and endangered and sensitive species of plants, fish and animals. Outstanding values are also the scenic and recreation opportunities. While some of the recreation and scenic viewpoints or access points are limited in the Wasco County portion of the White River, there is still value in acknowledging these points in determining conflicting uses and impacts.

The Federal White River Management Plan also emphasizes education and outreach in favor of more regulation and that all developments should “harmonize with the natural environment”.

What follows is an analysis of the main categories of uses: residential, commercial and industrial. As proscribed by OAR 660-023, three protection alternatives are evaluated against these conflicting uses to determine what might be the most efficient, effective and equitable approach to protecting the White River.

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

Allowed use:

This possible scenario would permit uses and activities, as allowed by the Wasco County Land Use and Development Ordinance, without additional criteria or regulations. Currently, the White River is protected under riparian setbacks and floodplain regulations that create a buffer around the waterway. This would not prohibit permitted uses and activities in the underlying zones that occur outside of riparian setbacks or the floodplain buffer.

Environmental Protection District protections:

Currently, the White River is protected by the Environmental Protection District – 7, a natural areas overlay that requires all permitted uses be treated as a conditional use. A current Board of County Commissioner interpretation of the language prohibits conditional uses in the underlying zone to be permitted.

This possible scenario would permit uses and activities with additional standards and analysis as required by conditional use permits. Clarification over which uses can be permitted (all uses allowed in the zone or only those permitted subject to standards or outright) should be incorporated into any revisions of this protection.

Not allowed

Prohibiting uses which demonstrate significant impact and consequences is a possible option for protecting the White River.

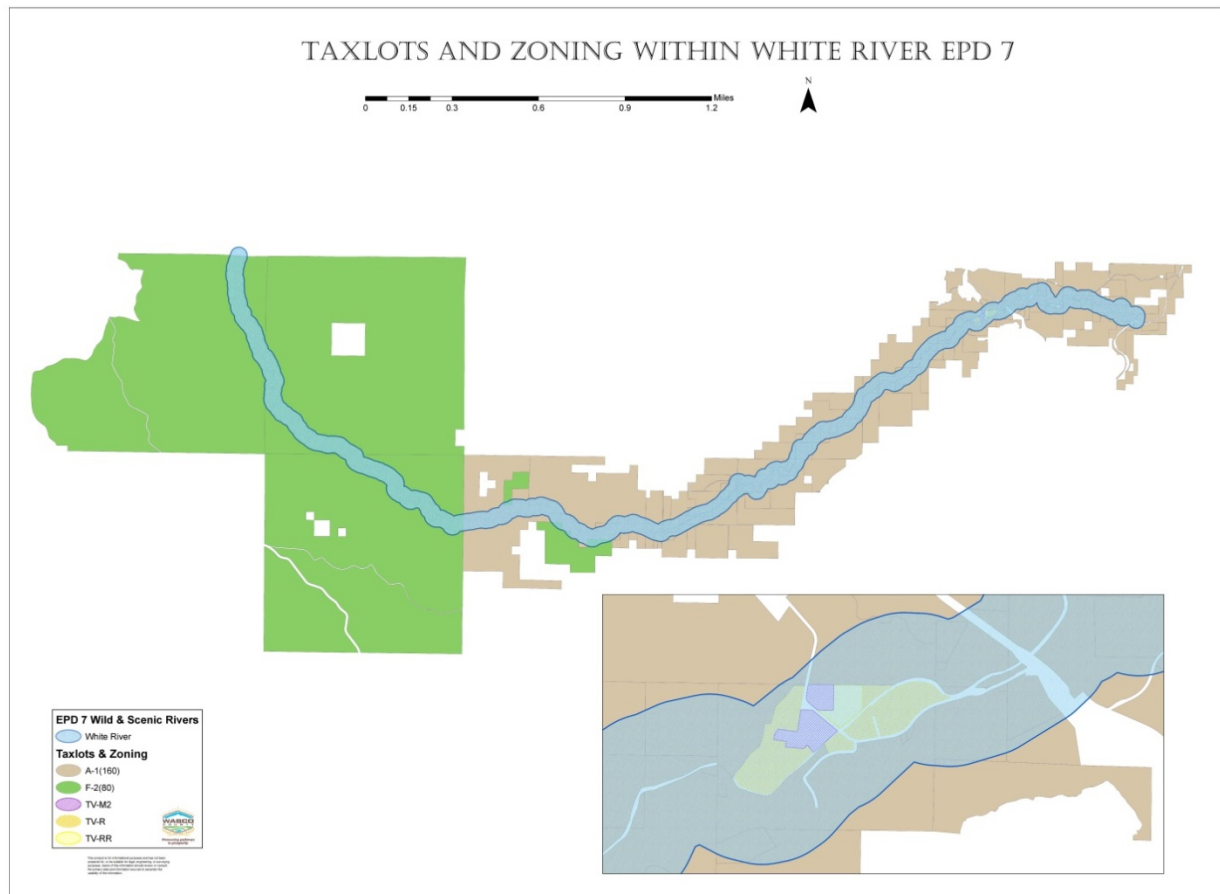


Figure 5.4- Zoning surrounding the White River in Wasco County

Conflicting Uses

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

Residential ESEE Analysis

Economic consequences:

Allowed use (no protection beyond EPD-1 and setbacks):

If residential development is allowed to occur, the economic consequences may include: cost of future clean up and restoration of protected resources, infrastructure costs for diminishing water capacity, and fines as a result of not meeting Clean Water Act standards.

Environmental Protection District protections:

Current practice is to protect the White River from residential development through additional setbacks in the EPD-7 Natural Areas Overlay. This requires additional findings and a moderately complex review, which made add time or money on to a permitting process. If residential development is not appropriately mitigated through design or conditions, this option may carry with it similar consequences to allowed use without additional protection.

Not allowed:

Eliminating the ability to build a residence along the White River has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues.

Social consequences:

Allowed use (no protection beyond EPD-1 and setbacks):

With the exception of impacts as described, allowing residential uses without additional protections has limited social consequences.

Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the EPD-7 Natural Areas Overlay. There are no known social consequences, and these protections offer mitigation to some of the impacts that have a connection to social values including aesthetics and recreation.

Not allowed

Prohibiting residential activity may increase opportunities for recreation or scenic viewing, but will further compound housing needs throughout the county and contribute to further limit supply. Limited housing opportunities can have the impact of making the rural service area, Tygh Valley, increasingly unviable.

Environmental consequences:

Allowed use (no protection beyond EPD-1 and setbacks):

Allowing residential uses has potential environmental consequences including impacts to ground water quality, disturbance of wildlife and fish habitat, and the introduction of pollutants to the resource. Construction and development waste and disturbance and human occupancy related disturbance have been demonstrated to have significant impact on the natural resource.

Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the EPD-7 Natural Areas Overlay. This requires a conditional use review for all permitted uses and the development of findings which demonstrate the natural value will not be damaged by the use or activity. Mitigation for impacts to ground water, habitat, and river quality can be managed through permit conditions.

Not allowed:

Eliminating the ability to build a residence along the White River has no known environmental consequences.

Energy consequences:

Allowed use (no protection beyond EPD-1 and setbacks):

There are no known energy consequences of allowing residential uses.

Environmental Protection District protections:

There are no known energy consequences of allowing residential uses with some limitations.

Not allowed:

There are no known energy consequences of not allowing residential uses.

Conclusions/Recommendations:

Allowing residential uses without additional criteria or restriction does not ensure for protection of the resource in keeping with the federal management plan. Because all residential development carries with it potential for adverse impacts to the White River, a review requiring consideration of impacts and mitigation would be most consistent with the management plan. This, in turn, is consistent with a conditional use permit review process.

Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings on adverse impacts. Findings, based on evidence in the record, must demonstrate that the proposed use will have minimal impact from dust, noise, and odor during construction, will not significantly reduce or impair sensitive wildlife habitat, subject the ground to excessive soil erosion, and generally safeguard the air, water and land quality. The majority of impacts from residential uses are potential erosion, noise, and pollution. Through the application of conditions, these impacts can be reduced or eliminated.

The economic and social consequences of prohibiting residential uses to Wasco County and Wasco County residents suggests more long term, sustained adversity than a mitigation strategy through conditional use. Risk of litigation, loss of tax revenue, and compounding limited housing supply have the potential to have serious negative impacts on Wasco County.

Staff is recommending all permitted residential uses be allowed as conditional uses to help mitigate impacts to the resource while preventing identified economic and social consequences.

Commercial Uses: (A-1, F-2, TV-R, TV-RR)

Commercial uses in conjunction with resource uses are permitted in both resource zones. In addition, there are some additional non-resource commercial uses that may be permitted in A-1 and F-2.

Table 1: Commercial Uses and Activities by Zone
(SR (Subject to Review), CU (Conditional Use, NP (Not Permitted))

Commercial Use	A-1 (160)	F-2 (80)	TV-R	TV-RR
Winery	SR	NP	NP	NP
Farm Processing	CU	NP	NP	NP
Forest Processing	NP	SR	NP	NP
Farm Ranch Recreation	CU	NP	NP	NP
Home Occupation	CU	CU	CU	NP
Bed and Breakfast	CU	NP	CU	NP
Dog Kennels	CU	NP	NP	NP
Private Park, Campground, Playground	CU	CU	CU	NP
Golf Course	CU	NP	CU	NP
Fee Hunting/fishing Accommodations	NP	CU	NP	NP
Youth Camps	NP	CU	NP	NP
Public Park	CU	CU	CU	CU
Cemetery	SR	CU	NP	CU
Firearms Training Facility	NP	CU	NP	NP
Mobile Home Park	NP	NP	CU	NP
Retirement Center/nursing Home	NP	NP	CU	NP

Wineries in A-1 consist of growing grapes, processing, and manufacturing. Some agro-tourism activities also can be permitted with wineries. The commercial aspect involves a structure often with associated parking, outbuildings, landscaping and access road. Building placement and developing these assets typically involves clearing the existing vegetation. The loss of vegetation can lead to habitat loss, soil erosion, and pollution of the resource.

Once the buildings are in place, occupancy from workers and visitors can contribute light and noise pollution, pollution from vehicles and other human activity, and other disruptions to the natural environment. The structures and activity also impact the natural scenic beauty of the area through introduction of the built environment.

Farm and Forest Processing have similar impacts, although the frequency or volume of visitors is significantly reduced.

Farm Ranch Recreation, and Bed and Breakfast lodging, which consists of visitors staying and recreating on farms, has similar impacts to wineries, with the primary difference being in production and overnight occupancy. Visitors engaging with the wildlife, or infrastructure built for recreation, may create erosion, pollution, or general disturbances to wildlife habitat. In the forest zone, fee hunting and fishing accommodations share impacts to farm accommodations.

Home Occupations carry with them the same impacts as residences plus any additional disturbances caused by the business related activity. Impacts are similar but amplified.

Dog Kennels carry impacts of residences with increased impact of animal and customer activity. The noise from animals can be disruptive to recreational values as well as natural values as habitat. Animal waste, depending on disposal, can also potentially become a pollutant to the river.

Golf Courses typically have limited structures but intensely landscaped property which could result in significant problems with erosion, invasive species, and destruction of habitat. Pollutants as a result of landscape may also get introduced to the resource from runoff or leeching.

Private and Public Parks or Campgrounds may include landscaping, infrastructure for recreation, or other modifications to the landscape that may contribute to river pollutants, alter the scenic resource, or introduce noise and other human impacts to the natural environment.

Youth Camps typically involve overnight lodging, facilities for gathering and eating, and recreation resources. The density of people, required infrastructure, and activity associated with a youth camp could have impacts to wildlife, habitat, and introduce a variety of pollution sources to the resource site.

Cemeteries, as a result of organic and inorganic decomposition, can introduce pollution to soil, ground water, and the resource. They typically carry with them minimal structures or

infrastructures, but consistent digging for plots may contribute to soil erosion. Similarly, depending on landscaping practices, maintenance of the site may create pollution from run off or leeching.

Firearms Training Facility would contribute significant noise impacts unless mitigated through noise reducing building materials. Other impacts would be similar to other structures.

A Mobile Home or RV park involves dense siting of temporary or semi-permanent homes. The level of density increases potential noise and environmental pollution from human activity. Development also potentially disturbs soil, contributing to erosion, and habitat. The dense scale of development may also impact view corridors or scenic aspects of the resource.

A Retirement Center or Nursing Home is also a source of dense, shared housing with additional facilities often requiring a sizeable footprint. The scale of the building could impact scenic resources as well as introduce additional impacts associated with built environment as covered above.

Commercial Uses often require extensive site clearing and grading. As a result, the removal of vegetation and habitat are common. This can create a variety of issues including erosion, reduced permeability and therefore increased runoff, and the introduction of pollutants to the White River. Similar to impacts discussed with residential use, commercial impact can be more significant due to the scale of structures and development.

Commercial development often results in more impervious surfaces which can exacerbate these issues.

Commercial uses also often carry with them dense human activity that can create noise, smells, and other impacts to the natural habitat as well as scenic and recreation values of the place. These impacts are discussed more thoroughly in the residential use section.

Commercial ESEE Analysis

Economic consequences:

Allowed use (no protection beyond EPD-1 and setbacks):

If commercial development is allowed to occur in such a way that it creates the adverse impacts, the economic consequences may include: cost of future clean up and restoration, infrastructure costs for diminishing water capacity, and fines as a result of not meeting Clean Water Act standards.

Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the EPD-7 Natural Areas Overlay. This requires additional findings and a moderately complex review, which made add time or money on to a permitting process.

Not allowed:

Eliminating the ability for commercial development along the White River has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues. Commercial uses offer employment opportunities, economic growth, and support for existing businesses.

Social consequences:

Allowed use (no protection beyond EPD-1 and setbacks):

With the exception of impacts as described, allowing commercial uses without additional protections has limited social consequences.

Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the EPD-7 Natural Areas Overlay. There are no known social consequences to allowing for commercial activities beyond described impacts, and these protections offer mitigation to some of the impacts that have a connection to social values including aesthetics and recreation.

Not allowed

Commercial uses offer employment opportunities, economic growth, and support for existing businesses and residents. In some cases, these commercial enterprises may offer housing opportunities, recreation activities, and energy production which represent Statewide Land Use Planning Goals 10, 8 and 13.

Environmental consequences:

Allowed use (no protection beyond EPD-1 and setbacks):

Allowing commercial uses with limited protections has potential environmental consequences including impacts to ground water quality, disturbance of wildlife and fish habitat, and the introduction of pollutants to the resource. The White River Management Plan stresses primitive development, dispersed recreational activities, and limited access. The lack of additional restrictions may limit Wasco County's ability to ensure for development consistent with the White River Management Plan.

Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the EPD-7 Natural Areas Overlay. This requires a conditional use review for all permitted uses and the development of findings which demonstrate the natural value will not be damaged by the use or activity. Mitigation for impacts to ground water, habitat, and river quality can be managed through permit conditions.

Not allowed:

Eliminating the ability to build commercial use structures along the White River has no known environmental consequences.

Energy consequences:

Allowed use (no protection beyond EPD-1 and setbacks):

There are no known energy consequences of allowing commercial uses.

Environmental Protection District protections:

There are no known energy consequences of allowing commercial uses with some limitations.

Not allowed:

Not allowing commercial uses may help preserve existing energy sources for other uses. No other consequences are known.

Conclusions/Recommendations:

Allowing commercial uses without additional criteria does not ensure for protection of the resource in keeping with the federal management plan. Because any commercial development carries with it potential for adverse impacts to the White River, a review requiring consideration of impacts and mitigation should be required, and would be most consistent with a conditional use permit.

Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings for adverse impacts. Evidence must demonstrate that the proposed use will have minimal impact from dust, noise, and odor during construction, will not significantly reduce or impair sensitive wildlife habitat, subject the ground to excessive soil erosion, and generally safeguard the air, water and land quality. The majority

of impacts from residential uses were related to potential erosion, noise, and pollution. Through the application of conditions, these impacts can be reduced or eliminated.

Economic impacts, such as lack of employment opportunities or business growth, coupled with affiliated social consequences suggest prohibiting commercial uses near the White River may be detrimental to Wasco County residents. Adverse impacts by commercial development can be mitigated through the additional conditional use criteria and process.

Staff is recommending all permitted commercial uses be allowed as conditional uses to help mitigate impacts to the resource while preventing identified economic and social consequences.

Industrial Uses: (A-1, F-2, TV-R, TV-RR, TV-M2)

Table 2: Industrial Uses and Activities by Zone
(SR (Subject to Review), CU (Conditional Use, NP (Not Permitted))

Industrial Use	A-1 (160)	F-2 (80)	TV-R	TV-RR	TV-M2
Utility Facility	SR	CU	CU	CU	CU
Aggregate Mining	CU	NP	NP	NP	NP
Asphalt Batching	CU	CU	NP	NP	CU
Mineral Processing	CU	CU	NP	NP	NP
Water Bottling	CU	NP	NP	NP	NP
Manufacturing	NP	NP	NP	NP	SR
Auto Repair/assembly	NP	NP	NP	NP	SR
Storage or Retail Yard	NP	NP	NP	NP	SR
Welding Shop	NP	NP	NP	NP	SR
Laundry/cleaning	NP	NP	NP	NP	SR
Circus, Rodeo, etc.	NP	NP	NP	NP	SR
Junk or Wrecking Yard	NP	NP	NP	NP	CU

Utility facilities are permitted, following review, in all zones adjacent to the White River. The installation of utility facilities typically involves construction activities that disturb soils, landscape, and wildlife habitat. Once construction has been completed, utility facilities may have, depending on the type, continued impacts to the natural area and scenic values of the resource.

Mining, mineral processing, asphalt batching and other related uses and activities can create a variety of disturbances and pollution that can be detrimental to the resource. Noise, dust, odors, ground disturbance and blasting which can cause ground shaking or seismicity are commonly cited impacts from mining. In addition, spill/tailing, erosion, and drainage can add pollutants to the river as well as the groundwater.

Water bottling and extraction, which involves components of industrial production, would have significant impacts on the resource including erosion, pollution, scenic impacts, noise, and impact to aquifers.

Manufacturing, which typically occurs in a structure, can create potential sources of environmental pollution, disturb wildlife habitat through the building footprint and associated infrastructure, and potentially disrupt scenic views. Similarly, auto repair or assembly, laundry and cleaning facilities, and welding shops can involve chemicals or other materials that through spill or improper storage pose contamination to ground, ground water, and the adjacent resource.

Circus, rodeo, or other large entertainment facilities as permitted can create significant impacts through waste, recycling, infrastructure, human traffic, and noise.

Junk or wrecking yard typically involves the collection, processing, and storage of non-functioning automobiles in open air on untreated ground. This could result in direct pollution to the habitat and resource, create a real visual impact from the river, and also have ongoing impacts of noise. This use is permitted only in Tygh Valley Industrial, contained within the rural service area.

Storage or retail yard for a variety of products including lumber, building materials and heavy machinery.

Industrial ESEE Analysis

Economic consequences:

Allowed use (no protection beyond EPD-1 and setbacks):

If industrial development is allowed to occur in such a way that it creates the adverse impacts, the economic consequences may include: cost of future clean up and restoration, infrastructure costs for diminishing water capacity, and fines as a result of not meeting Clean Water Act standards.

Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the Natural Areas Overlay. This requires additional findings and a moderately complex review, which made add time or money on to a permitting process.

Not allowed:

Eliminating the ability for industrial development along the White River has tax revenue implications for Wasco County and leaves the County open to potential litigation risk over takings issues. Industrial uses offer employment opportunities, economic growth, and support for existing businesses.

Social consequences:

Allowed use (no protection beyond EPD-1 and setbacks):

Allowing industrial uses without protections could have significant social consequences related to scenic and recreational value of the White River. Industrial activity, by its nature, is typically done at a scale and in the type of structures that don't blend with the natural environment. Industrial uses and activities also typically create noise, smells, and other emissions that may be undesirable to recreators or other visitors.

Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the Natural Areas Overlay. There are no known social consequences to allowing industrial activity with these additional rules, and these protections offer mitigation to some of the impacts that have a connection to social values including aesthetics and recreation.

Not allowed

There are no known social consequences for prohibiting industrial activities and uses.

Environmental consequences:

Allowed use (no protection beyond EPD-1 and setbacks):

Allowing industrial uses with limited protections has potential environmental consequences including impacts to ground water quality, disturbance of wildlife and fish habitat, and the introduction of pollutants to the resource. Industrial activities typically occur at a scale and with materials that can be especially detrimental to the natural environment.

Noise is one of the most obvious adverse impacts of industrial uses that could threaten wildlife habitat. Machinery noise from manufacturing, storage yards, auto repair, or other activities can be disruptive to nesting or other related wildlife activity. It also can impact the perceived human experience of the scenic and recreation resource. Additional traffic, particularly that of heavy machinery or trucks, can create noise, have leaks, or create ground disturbance. This can

introduce a variety of pollutants to ground, groundwater or the River. This can also disrupt the scenic or recreational values by introducing noise that is at a higher volume than ambient.

Waste, by product, drainage, leeching, and spills can contaminate soil, groundwater or the River directly through a variety of accidental or intentional activities. Industrial activity tends to generate pollutants by its very nature, lending to exposure to the resource.

Some permitted industrial uses involve application of chemicals or other practices which may release noxious odors. Smells generated from certain types of industrial activities may impact wildlife or human visitors.

Structures or the open yard nature of industrial uses impact the scenic or recreational values by introducing large scale built environment to a Wild and Scenic River. One of the action items from the federal White River management plan requires development to harmonize with the natural environment.

Industrial uses also often require complete site clearing and grading, with the retention of few if any natural resources on a site. They therefore can have more severe environmental effects than other uses. Industrial uses also often draw substantial amounts of water from wells or public water sources, drawing down the water table which can, in turn, reduce surface water flows in the streams and river.

There are significant potential environmental consequences for allowing industrial uses without additional protections.

Environmental Protection District protections:

Current practice is to protect the White River through additional setbacks in the Natural Areas Overlay. This requires a conditional use review for all permitted uses and the development of findings which demonstrate the natural value will not be damaged by the use or activity. Mitigation for impacts to ground water, habitat, and river quality can be managed through permit conditions. Conditions can also limit hours of operation, structure size, and impose other limitations through site plan review.

For mining activities there is typically the requirement for reclamation or rehabilitation of lands once resource is exhausted. However, this implies finite operations. Many of the permitted industrial uses require structures and infrastructure which increase the permanency of development.

There may be limitations to how EPD-7 protects the White River from industrial use environmental consequences.

Not allowed:

Eliminating industrial uses along the White River has no known environmental consequences.

Energy consequences:

Allowed use (no protection beyond EPD-1 and setbacks):

Industrial uses may require large amounts of power for operation requiring additional infrastructure or development to support the demand.

Environmental Protection District protections:

Industrial uses may require large amounts of power for operation requiring additional infrastructure or development to support the demand. This would typically be outside the purview of the Wasco County Planning Department review.

Not allowed:

There are no known energy consequences of not allowing industrial uses.

Conclusions/Recommendations:

Industrial uses pose significant potential environmental, social and energy consequences. These include adverse impacts like noise, erosion, pollution, ground disturbance, waste, and scenic disruption. Allowing without or minimal restrictions create a scenario where the uses are likely to adversely impact the White River.

To balance environmental impacts and social consequences with potential economic consequences, industrial uses should, at a minimum, be restricted through additional criteria and regulations consistent with EPD-7. EPD-7 requires all uses be evaluated through conditional use standards which require analysis of potential adverse impacts and the application of conditions to mitigate impacts.

Because many of the uses and activities are diverse, the ability to apply rules with discretion towards individual conditions provide for an equitable solution.

Conditional uses according to the Wasco County Land Use and Development Ordinance require the review of proposed uses and activities with findings made regarding adverse impacts.

Evidence must demonstrate that the proposed use will have minimal impact from dust, noise, and odor during construction, will not significantly reduce or impair sensitive wildlife habitat, subject the ground to excessive soil erosion, and generally safeguard the air, water and land quality. Findings would also need to demonstrate how the proposed development does not impact the scenic or recreation values of the White River.

Staff is recommending all permitted industrial uses be allowed as conditional uses to help mitigate impacts to the resource while preventing identified economic and social consequences. If evidence suggests that the industrial use may have adverse impact on the resource and cannot be mitigated, a denial should be issued for the development permit application.

To strengthen and clarify EPD-7, staff is recommending the language within the LUDO be re-written to clearly indicate all uses within this overlay zone should be treated as conditional uses. Furthermore, the language should expressly state the impacts identified in the Federal Management Plan which need to be mitigated for.

Environmental Protection Agency. (2013). [*Our Built and Natural Environments: A Technical Review of the Interactions Among Land Use, Transportation, and Environmental Quality*](#).

Keyel, A., et al (2017). [*Evaluating anthropogenic noise impacts on animals in natural areas*](#).

Longcore, T. et al (2016). *Artificial night lighting and protected lands: ecological effects and management approaches*. Natural Resource Report.

Pejchar, L., et al (2015). *Consequences of residential development for biodiversity and human well-being*. Front Ecol Environ; 13(3), p. 146-153.

Natural Resources Conservation Service. (2008). [*Urban Soil Erosion and Sediment Control: Conservation Practices for Protecting and Enhancing Soil and Water Resources in Growing and Changing Communities*](#).

Natural Areas

Areas in Wasco County which appear to have ecological and scientific value have been identified by the Nature Conservancy for the Oregon Natural Heritage Program. Personal interviews, extensive literature review, field investigations, and aerial photography in the 1978 were the basis of this inventory list of natural areas. The list does include some areas which have not been verified by research or field study, but are considered potentially significant. Table 5.8a lists the natural areas in Wasco County as identified by the Nature Conservancy in 1978.

A “site” as it appears in Table 5.8 is the geographic location of one or more noteworthy element occurrences. An element is any one natural feature of the landscape; for example, a bald eagle nest or an age-old forest, and the site is where it occurs. A site may have only one feature, such as a nest, or it may include several features, such as a stretch of river surrounded by an old growth forest with a rare plant species and nesting areas for endangered bird species. Descriptions accompanying the site on the inventory list have been written to point out features at the site.

Not all lands identified by the Nature Conservancy are being considered as natural areas. Many of the elements have not been verified. Many of the ones that have been verified have not been located specifically. The attempt has been made to locate the most significant natural areas and identify them with specific boundaries. Ownerships, conflicts of use, location, surrounding uses, size of the area and citizen input were taken into account when designating natural areas: Additional sites not listed by the Nature Conservancy have been included as natural areas. Table 5.8b lists these sites.

All natural areas have been identified on the zoning map by placement of an environmental protection district overlay zone (EPD-7). The zone is described in the Wasco County Land Use and Development Ordinance.

Table 5.8a- Natural Areas as Identified by the Nature Conservancy (4/78)

REF NO.	*SR	**REFERENCE NAME	LOCATION Township, Range & Section	***P S	ELEMENT NO.	****V O	ELEMENT NAME
WC-4	+	Oak Springs (B)	-4S, 14E, SE1/4 17	3	1.18.986 2.02.402 2.02.402 4.11.110	V V V V	Wetland shrubland Rough-skinned newt Pacific giant salamander Cold spring

WC-6	+	Confluence of White River & Tygh Creek to Deschutes River (B)	-4S, 13E, 1, 2, 11, 12 -4S, 14E, 5 - 8	3	1.08.912 4.04.120 4.04.450 4.04.460 5.14.596	V V V V V	Wetland forest Low stream segment, low gradient reach River island Waterfalls Great blue heron rookery
WC-8	+	Lawrence Memorial Grassland Preserve (The Nature Conservancy) (B)	-7S, 16E, 15, 22	2	1.18.931 1.28.910 1.28.911 1.28.920 3.01.049 6.01.000	V V V V V V	Stiff sage/Sandberg's bluegrass Bluebunch wheatgrass-Idaho fescue Bluebunch wheatgrass-Sandberg's bluegrass Sandberg's bluegrass communities <i>Lomatium minus</i> Geologic feature
WC-11		Tygh Ridge Summit (C)	-3S, 14E, 16, 17, 20	3	1.28.910	V	Bluebunch wheatgrass-Idaho fescue
WC-13		Hollow Creek Area (A)	-7S, 18E, NW1/4 1 -8S, 17E, NE1/4 1	3	2.02.642	V	Golden eagle (2 nests)
WC-14		Mission Hollow (A)	-2S, 15E, 6	3	2.02.642	NV	Golden eagle
WC-15		Butler Canyon (B)	-3S, 13E, 14, 23	3	1.18.931 1.28.910 1.28.911	V V V	Stiff sage/Sandberg's bluegrass Bluebunch wheatgrass-Idaho fescue Bluebunch wheatgrass-Sandberg's bluegrass
WC-20		Buck Hollow Creek (C)	-6S, 17E, W1/2 16	3	1.18.931 1.28.910 1.28.911	V V V	Stiff sage/Sandberg's bluegrass Bluebunch wheatgrass-Idaho fescue Bluebunch wheatgrass-Sandberg's bluegrass
WC-28		Black Rock/Rotten Lake Basin (B)	-7S, 18E, 1-3, 10-15 -7S, 19E, 5-8, 18	3	2.02.642 4.07.110 4.10.100 6.01.000 6.02.000	NV NV NV NV NV	Golden eagle Low lake, permanent Lowland pond Geologic feature Paleontologic feature
WC-30		White River Canyon (B)	-4S, 5S, 11-13E	3	3.04.800	V	Isolated population, Douglas fir
WC-34		Camas Prairie (C)	-5S, 10E, 16, 17	3	1.25.118 3.04.000	V V	Marshland Wildflower area
WC-37		Mill Creek Falls (C)	-1S, 12E, NW1/4 5, NE1/4 6	3	1.05.620 4.04.460	NV V	Douglas fir forest Waterfalls
WC-38		Mill Creek Drainage (C)	-1S, 11E, NW1/4 3	3	3.01.037 3.02.000	V V	<i>Hydrophyllum capitatum</i> var. <i>thompsonii</i> <i>Lomatium columbianum</i>
WC-40		Nena Ranch (B)	-6S, 13E, 1, 12	3	1.05.913	NV	Wetland forest

WC-44		Oak Canyon (C)	-2S, 14E, 35, 36	3	1.05.621 1.05.911 1.25.114	V V V	Douglas fir-ponderosa pine Oregon white oak/grassland Bluebunch wheatgrass-Idaho fescue
WC-47		Boulder Creek Drainage (C)	-8S, 9S, 9-11E	3	1.05.600	V	Old growth Douglas fir forests
WC-50	+	Rowena Dell (The Nature Conservancy Preserve, part) (B)	-2N, 12E, 3, 4	2, 3	2.02.636 3.01.037 3.02.000 3.04.700 4.10.110 4.10.120 6.01.000 6.04.000	NV NV V V V V V V	Osprey <i>Hydrophyllum capitatum</i> var. <i>thompsonii</i> <i>Lomatium Columbianum</i> Wildflower area Lowland pond/wetland, permanent Lowland pond/wetland, intermittent Geologic feature Historic feature
WC-51		Mosier Area (C)	-2N, 11E, 2	3	1.05.912 3.04.700	NV V	East Col. Gorge rockfall with forest complex Wildflower area
WC-52		Seven Mile Hill Area (A)	-2N, 12E, 11	3	1.05.912 1.25.110	V V	East Col. Gorge rockfall with forest complex East slopes Cascade grassland
WC-56		Memaloose Island (B)	-3N, 12E, 32	3	2.02.636	V	American osprey
WC-61		Mill Creek Research Natural Area (B)	-1S, 11E, 4, 8, 9, 16, 17	2	1.05.621 1.05.911 1.25.114	V V V	Ponderosa pine-Douglas fir Oregon white oak/grassland Bluebunch wheatgrass-Idaho fescue
WC-62		Persia M. Robinson Research Natural Area (C)	-6S, 10E, 10, 11	2	1.05.621 1.05.630 4.04.120	V V V	Ponderosa pine-Douglas fir Mixed conifers Lowland stream segment, low gradient reach
WC-65		Wapanitia Warm Springs (C)	-6S, 12E, 2, 11	3	4.11.120	V	Hot spring
WC-67		Deschutes Island (C)	-2S, 16E, 5	3	5.14.596	V	Great blue heron rookery
WC-69		Antelope Creek (A)	-8S, 15E, 25, NW1/4 35 -8S, 16E, NE1/4 4	3	2.02.642	V	Golden eagle (7 nests)
WC-70		Antelope Valley (C)	-S1/2 7S, 17E -N1/2 8S, 17E	3	2.02.640	V	Swainson's hawk (8 nests)
WC-71		Tygh Creek (C)	-3S, 12E, 26	3	2.02.643	V	Northern bald eagle
WC-72		White River Wildlife Management Area (B)	-4S, 5S, 11E, 12E	2	2.02.643 2.02.510 2.02.513	V V V	Northern bald eagle Ring-necked duck Bufflehead

					2.02.641	V	Ferruginous hawk
					2.02.642	V	Golden eagle
					2.02.654	V	Western burrowing owl
					2.02.752	V	Gray-crowned rosy finch
					2.02.881	V	White-tailed jackrabbit
					2.02.902	V	Sagebrush vole
					5.14.621	V	Band-tailed pigeon mineral springs
					5.17.806	V	Elk critical winter range
WC-74		Sunflower Flat (C)	-6S, 11E, SW1/4 2, S1/2 3, NW1/4 11	3	1.05.710 1.05.810 1.05.911	NV NV NV	Ponderosa pine Western juniper woodland Oregon white oak/grassland
WC-75		Abbot Pass (proposed Research Natural Area (C)	-5S, 9E, 17	3	1.05.310	NV	Mountain hemlock
WC-76		Four Hills Grassland (C)	-8S, 17E, 2, 3, 10, 11	3	1.28.910 3.04.700	V NV	Blubunch wheatgrass-Idaho fescue Wildflower area
WC-77		Antelope Watershed (C)	-7S, 17E, 30	3	1.08.814	V	Western juniper/big sage/bitterbrush
WC-80		Unnamed (C)	-7S, 17E, 18	3	3.01.049	V	<i>Lomatium minus</i>
WC-81		Unnamed (C)	-7S, 16E, 5	3	3.01.049 3.02.000 3.02.000 3.02.000	V V V V	<i>Lomatium minus</i> <i>Allium macrum</i> <i>Allium tolmiei</i> var. <i>tolmiei</i> <i>Claytonia minus</i>
WC-82		Unnamed (B)	-4S, 14E, 20, SW1/4 29	3	3.02.000	V	<i>Mimulus jungermannioides</i>
WC-83		Dinger/Clear Lake proposed Research Natural Area (A)	-5S, 81/2E, W1/2 1	3	1.05.310	V	Western hemlock zone
WC-84		Wasco Lookout (C)	-2N, 12E, SE1/4 32	3	3.01.037	V	<i>Hydrophyllum capitatum</i> var. <i>thompsonii</i>

*SR = Site Report

**Areas Marked with:

- (A) have been designated as natural areas using locational description given.
- (B) have been designated as natural areas, although the area descriptions have been altered.
- (C) have been removed from the list because they are not considered unique or significant natural areas.

***PS = Protection Status

- 1 = Preserved
- 2 = Legally Protected
- 3 = Unprotected

****VO = Verification of Occurrence

- V = Verified
- NV = Not Verified

Table 5.8b – Natural Areas

#	Site Name	Location	VO	Element Name
1	Cedar Island	T3S, R15E, Sec. 4	UV	River Island with a distinct population of incense cedars. (B.L.M.)
2	Sharps Island	T1S, R16E, Sec. 5	UV	Great Blue Heron rookery and riparian habitat.
3	Fall Creek Island	T1N, R16E, Sec. 31	UV	Great Blue Heron Rookery
4	Underhill Site	T2S, R11E, Sec. 15	UU	Environmental education site for children. Natural vegetation and habitats, trails, and historic sites are preserved (U.S. Forest Service)
5	Postage Stamp Lookout	T3S, R13E, Sec. 18, 19, & 20	UV	Laboratory research site. (State of Oregon)

VO = Verification of Occurrence:

-UV = Unsurveyed, verified.

-UU = Unsurveyed, unverified.

Application of Statewide Planning Goal # 5 To Inventoried Natural Areas in Forest Lands

In the May 20, 1982, Land Conservation and Development Commission's "in order to comply statement", Wasco County was directed to analyze the economic, social, environmental and energy (ESEE) consequences of the conflicts between forest operations and inventoried natural areas and develop a program to achieve the goal (3). Wasco County has identified three natural areas that are within forested areas. These areas include: the western end of the White River Canyon, site "WC-30"; the Mill Creek Research Natural Area, site "WC-61"; and the Dinger/Clear Lake Proposed Natural Research Area, site "WC-83".

Sites "WC-30" and "WC-83" are within the "F-2 (80)" zone and are also within the Environmental Protection District, EPD-7, overlay zone which permits the following uses which are identified as conflicting ESEE uses:

Permitted:

- Management, production and harvesting of forest products, including primary wood processing and operations.
- Utility facility necessary for public service.

Conditional:

- Single family residences and mobile homes in conjunction with a farm or forest use.

- Public facilities
- Personal-use airports
- Public and private parks
- Mining
- Sanitary Landfill

The prime factor in analyzing the ESEE consequences on these sites is ownership. There are no private holdings involved within these sites. Site "WC-30" is owned by the Oregon State Game Commission and is being managed for Big Game Winter Range and other wildlife habitat. The conflicting uses identified above, except for timber harvesting, will not occur on state lands. Any timber harvesting will be controlled by the Oregon Department of Fish and Wildlife under their program for wildlife habitat. The conflicting uses are, therefore, controlled and limited by the Department of Fish and Wildlife's program for habitat improvement.

Site "WC-83" is owned by the United States Forest Service and is part of the Mt. Hood National Forest. Again, timber harvesting would be the only conflicting use and that activity is controlled by the Forest Service. Compliance with local plans is not mandatory of federal agencies, although their co-operation is encouraged by Wasco County.

Site "WC-61" is within the "F-1 (80)" zone. This zone includes only those lands within The Dalles Watershed. The EPD-7 over-lay zone permits only conditionally the following uses which are identified as conflicting ESEE uses:

- Management, production and harvesting of forest products, including primary wood processing and operations.
- Mining
- Utility facilities necessary for public service.

Site "WO-61" is totally owned by the United States Forest Service and is within The Dalles Watershed. The watershed is managed through an agreement between The Dalles and the Forest Service called. "Comprehensive Management Plan for The Dalles Municipal Watershed". 1972. Forest harvesting activities as well as other uses is strictly controlled by both federal programs and regulations and by the cooperative agreement with The Dalles. The conflicting uses are, therefore, controlled and limited and no other measures need to be taken to protect the natural area.

Mineral and Aggregate Resources

- 1) **General Information:** Wasco County has few economically important mineral deposits. Some limited mining activity has occurred in the past. There are no active mineral mines in Wasco County. Most of the county is underlain with recent basalt flows, which precludes the possibility of extensive mineral resources. The highest potential for minerals would be in the older geologic formations, found in other parts of Oregon or bordering counties. The primary minerals found in Wasco County are as follows:
 - A. **Bauxite:** Evidence suggests there may be some potential low grade bauxite found in the Columbia River basalt group but no investigations have been undertaken in Wasco County to confirm this.
 - B. **Copper and Lead:** These minerals have been mined in the Ashwood-Oregon King Mine located in Jefferson County to the south. Some deposits may occur in the County.
 - C. **Mercury and Molybdenum:** No economically important deposits are located within Wasco County.
 - D. **Semi-precious Gems:** These are more of interest to rock collectors rather than having intrinsic mineral value.
 - E. **Perlite:** Between 1945 and 1950, mining was conducted in an area south of Maupin near the Deschutes River. High quality acoustic and insulating tile was produced for a number of years from this perlite. It became unprofitable to mine at this location and the operation was discontinued. A large deposit still exists in this area.
 - F. **Volcanic Tuffs:** The Rainbow Rock Quarry, about five miles south of Pine Grove, has produced brightly colored and banded tuff since 1949. Rock of similar appearance has been uncovered but not developed on a nearby flat east of the quarry. Tuffs are utilized for decorative building stone and ceramic art.
 - G. **Peat:** According to the U.S. Geological Survey, Mineral and Water Resources of Oregon, 1969, there are widely scattered minor deposits of peat in the Cascade region of the County and coal in the southeastern region. They have never been mined commercially.
 - H. **The Ka-Nee-Ta Stone Quarry:** On the Warm Springs Reservation, this quarry produced rough pieces of rhyolite. The stone is multi-colored and valuable for decoration. Other stone quarries include Indian Candy and Sorenson Quarry.
 - I. **Quarry Rock:** Quarry rock increases in importance as the more desirable deposits become depleted. Transportation costs are high so that quarries must be located within ample reserves of good quality crushing rock. The best rock for crushing is generally Columbia River basalt.
- 2) **Inventory:** Wasco County's cumulative demand projection for all aggregate material by the year 1995 was between four and six million tons (Wasco County Aggregate Site and Aggregate Demand Analysis (1976) Montagne and Associates). Total resources as inventoried in that document are 6.3 million tons. The demand project was based on a per capita average.

Available information was sufficient to identify 135 resources sites in Wasco County during the original 1983 Comprehensive Plan Process. A study done in 1976 by Montagne and Associates, Wasco County Aggregate Sites and Aggregate Demand Analysis (1976), provided the basis for this process. During 1990-1991 additional information, as a supplement to the 1976 data, was gathered from individual owner/operators and from the DOGAMI Mined Information Layer database to provide the County a more thorough and accurate record of sites in the County.

All Wasco County sites listed in the County Inventory (Table 5.9) but without significant research are Potential Sites. Significant Sites have been identified in accordance with OAR 660-016 or OAR 660-023 rules.

3) **Application of the Goal 5 Process for Mineral Resources**

- A. Potential Conflicting Use in Zone Categories Applicable to Mineral resource Sites: All except one currently inventoried resource site fall into three resource zones employed by the County: A-1, Agriculture; F-1, Forest; F-2, Forest. One site is in an Industrial zone (Sun Pit). Conflicting uses are generally those which, if allowed to locate within the specific site identified, would render the resource unrecoverable and those activities on surrounding lands which affects or is affected by aggregate operation. Most of the conflicting uses are structural improvements which commit the site to another use. Other less intensive uses such as recreation facilities, public parks and playgrounds, and golf courses which are conditional uses in some zones may conflict because, once established, they tend to diminish the value of the resource. Some competing uses, such as water impoundments or power generation facilities, may be determined to be of sufficient importance as to preempt the mineral resource value.

Specific potentially conflicting uses contained within the A-1, FF, and F-2 zones are;

Zone	Permitted Uses	Conditional uses
A-1	Farm dwelling	Additional Farm Dwelling
	Utility facility (public)	Nonfarm dwelling
		Commercial activities in conjunction
		Private recreation facilities
		Churches
		Schools
		Public parks and playgrounds
		Golf courses
		Utility facilities (commercial)
		Personal use airport
		Home occupations
		Solid waste disposal site
F-F	Same as A-1 Zone except boarding of horses for profit.	Same as A-1 zone except for kennels
F-2	Utility Facilities (public)	Forest Farm Dwelling

a. Economic, Social, Environmental and Energy Consequences of Conserving Mineral Resources

- (1) Economic Consequences: Aggregate is a crucial resource for nearly all types of structural development. As a basic building material, its relative abundance can exert either a positive or negative influence on the development of a local economy. It provides the building blocks for development, and the removal, transport and use provides jobs upon which a substantial part of the economy depends.

To protect mineral resource sites through the resolution of conflicts between mineral extraction and other competing uses (as identified) will help ensure a strong economic future. The economic consequences of not protecting mineral sites could be costly to the local economy through increased costs for basic building materials.

- (2) Social Consequences: The consequence of protecting mineral resource sites is necessary in order for public and private construction projects. The characteristics of sand and gravel operations may be a nuisance in that they do contribute to noise, dust, and visual blight.

The negative social consequence of applying regulations is similar to the negative economic consequences in that the same individuals may be inconvenienced in their building plans.

- (3) Environmental Consequences: The importance of any mining activity lies within its economic value and the relative scarcity of the resource. State agencies regulate mining activities and require that reclamation plans be submitted prior to permit approval. Reclamation plans provide for productive uses of property following a mining operation and can include recreational features such as lakes and wildlife habitats.

Because the natural environment will, of necessity, be disturbed by mining, the protection of mineral resource sites may not result in positive environmental consequences (mineral extraction is temporary in nature). Farming, forestry and recreation can and do occur before and after a mining operation. In case of important mineral resource sites, the positive economic and social benefits must be weighed against the environmental consequences.

- (4) Energy Consequence: Because of transportation costs, the deposits nearest to developing areas are, of necessity, the best ones in order to remain economically viable. As a result, the energy consequence of protecting the best mineral resource site (those close to construction areas) is entirely positive.

- (5) Conclusion: In Wasco County decisions to protect aggregate sites for Goal 5 will be on a site by site basis. The consequences of establishing requirements which limit conflicting uses in identified mineral resource sites should prove to be of substantial benefit to the economic, social, and energy systems within which we live. As long as provision for reviewing extenuating circumstances is included, the limitation of conflicting uses within identified mineral resources sites is warranted.

- b. A Program to Conserve Mineral Resource Sites: The program to conserve significant mineral resource sites is designed to limit some conflicting uses and prohibit others through the use of an overlay zone. The overlay will ensure that most structural development will not preempt the use of a needed mineral resource.

Based on a site specific ESEE analysis, the County shall make a determination on the level of protection to be afforded each significant site. The County shall make one of the following determinations:

- (1) Protect the site fully and allow mining. To implement this decision the county shall apply the Mineral and Aggregate Overlay zone. Development of the significant site shall be governed by the standards in Section 3.835 of the Wasco County Land Use and Development Ordinance. As part of the final decision, the County shall adopt site-specific policies prohibiting the establishment of conflicting uses within the Impact Area.
- (2) Allow conflicting uses, do not allow surface mining. To implement this decision the county shall not apply the Mineral and Aggregate Overlay zone. The significant site will not be afforded protection from conflicting uses, and surface mining shall not be permitted.
- (3) Balance protection of the significant site and conflicting uses, allow surface mining. To implement this decision the county shall apply the Mineral and Aggregate Overlay zone, and identify which uses in the underlying zone will be allowed, allowed conditionally, or prohibited. Development of the significant site shall be governed by the standards in Section 3.835 of the Wasco County Land Use and Development Ordinance and any other site-specific requirements designed to avoid or mitigate the consequences of conflicting uses and adopted as part of the final decision. Development of conflicting uses within the Impact Area shall be regulated by Section 3.845 of the Wasco County Land Use and Development Ordinance and any other site-specific requirements designed to avoid or mitigate impacts on the resource site and adopted as part of the final decision.

Any uses not mentioned below will be allowed as specified in the Land Use and Development Ordinance.

Under the Mineral Resource Overlay, the following uses, by zone, will be prohibited:

Zone	Prohibited Use
F-2	Single Family Dwelling
A-1	Churches
	Second farm dwelling
	Schools
	Additional farm dwellings
	Nonfarm dwellings
F-F	Churches
	Second farm dwelling
	Schools
	Additional farm dwellings
	Nonfarm dwellings

The following uses by zone, will require a conditional use permit:

Zone	Conditional Use
------	-----------------

F-2	Public recreational facilities
	Water impoundments
	Private recreation facilities
A-1	Public utility facilities
	Solid waste disposal site
	Water impoundments
	Commercial activities in conjunction with farm use
	Private recreation facilities
	Public parks and playgrounds
	Golf courses
	Commercial utility facilities
	Personal use airport
	Boarding horses for profit
	Farm Dwellings
F-F	Placement of power generation facilities
	Kennels
	Public utility facilities
	water impoundments
	Commercial activities in conjunction with farm use
	Public parks and playgrounds
	Golf courses
	Commercial utility facilities
	Personal use airport
	Boarding horses for profit
	Private recreation facilities
	Solid waste disposal sites
	Farm Dwelling

Table 5.9 - Aggregate Inventory

Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
1	2N 11E 2 D 200	NSA	Hood River Sand & Gravel		33-0055	CUP 92-110	No
2	2N 11E 11 900	NSA	ODOT (Gove) 33-004-4	2N 11E 11 2800	33-0060		No
3	2N 11E 11 200	NSA	ODOT 33-001-4	2N 11E 11 200	33-0057		

	2N 11E 2 D 300	Mosier UGB	(Mosier Pit) Listed as reference	2N 11E 2 1300			
4	2N 11E 1 D 200	NSA	Hood River Sand & Gravel 2630 Old Columbia River Drive Hood River OR 97031	2N 11E 1 D 200	33-0076	CUP 92-136	No
5	2N 11E 13 600	F-2	Ken & Joan Hudson 1020 Mosier Creek Rd	2N 11E 3500			No
6	2N 11E 24 500	F-2	Mosier Creek Dev. 1234 P O Box 6039 Bellevue WA 98008	2N 11E 6001			No
7	2N 12E 19 1200	F-2	Tony Heldstab 2175 Mosier Creek Road Mosier OR 97040	2N 12E 19 600	33-0088	CUP 92-126 & 94-111	No
8	2N 12E 29 1800	F-2	Mosier Creek Dev. 1234 P O Box 6039 Bellevue WA 98008	2N 12E 9155			No
9	2N 11E 11 2700	NSA	Gayle Weisfield		33-0079	CUP 92-101 - <i>Exp. 1997</i>	No
10			Chenoweth Air Park				No
11	2N 13E 19 1600	NSA	Floyd Marsh P O Box 2 The Dalles OR 97058	2N 13E 19 100			No
12	2N 13E 19 600	A-1	W R & Margaret Pentecost 4900 Seven Mile Road The Dalles OR 97058	2N 13E 19 800			No
13	2N 12E 1300	NSA	Jim Ellett 5693 Chenoweth Road The Dalles OR 97058	2N 12E 24 12500	33-0056	CUP 90-124 & C90-0249 <i>Exp. 11-2000</i> CUP-00-125 & SPR-00-169	Yes
Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	
14	2N 12E 16 D 1900	RR-5	William Ringlbauer 2244 Dell Vista Drive The Dalles OR 97058	2N 12E 16 D 1700			No
15			Mayer State Park				No
16	2N 13E 17 B 200	SMA	US Forest Service 902 Wasco Ave Ste 200 Hood River OR 97031	2N 13E 17 1801			No
17	2N 13E 20 300	NSA	Wayne & Jana Webb P O Box 692	2N 13E 20 1000 not shown on map	33-0064	CUP-98-122 - <i>Exp. 1-2000</i>	No

			The Dalles OR 97058				
18			Gooseberry Springs - State of Oregon				No
19			Gooseberry Springs - State of Oregon				No
20			Dalles Dam - State of Oregon				No
21	2N 13E 20 700, 600	NSA	(Sun Pit)	2N 13E 20 600	33-0011	CUP 91-101 &	No
			1022 W 9th Street		33-0083	SPR 91-103	
			The Dalles OR 97058				
22	2N 15E 500	NSA	Celilo - State of Oregon	2N 15E 700			No
23	Fifteen Mile Road		County				No
24	2N 14E 25		Right of Way	2N 14E 25			No
25	2N 14E 1100	A-1	Jacob Kaser	2N 14E 1000			No
			4550 Fifteen Mile Road				
			The Dalles OR 97058				
26	2N 14E 2200	A-1	Donna E. Ashbrook et al	2N 14E 28 2700	33-0014		No
			P O Box 158				
			Dufur OR 97021				
27	2N 14E 33 500	A-1	Judith F. Bayley et al	2N 14E 33 400			No
			6331 SW Radcliff St				
			Portland OR 97219				
28	2N 14E 2400	A-1	C Gard Fulton	2N 14E 33 3000	33-0023		No
			3775 Fifteen Mile Rd.				
			The Dalles OR 97058				
29	1N 14E 300	A-1	Forest J. Hay	1N 14E 400			No
Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
			609 E 9th St				
			The Dalles OR 97058				
30	1N 14E 2000	A-1	Sylvia Weimer	1N 14E 3500			Yes
			4100 Old Dufur Rd.				
31	1N 14E 2300	A-1	William & Sheli Markman/Wasco	1N 14E 3300			No
			County				
			4785 Eight Mile Road				
			The Dalles OR 97058				
32	1N 15E 3700	A-1	William & Carmen Eddins	1N 15E 3700			No
			1515 E 21st Street				

			The Dalles OR 97058				
33	1N 14E 500	A-1	Cliff Baker (County?)	1N 14E 6700			No
34	1S 13E 1		County May Pit	1S 13E 1	33-0013		No
35	1S 14E 17 300	A-1	Miller Ranch Co. 1 NW Greenwood Ave. Bend OR 97701	1S 14E 3100			No
36	1S 14E 3000	A-1	Paul & Velma Limmeroth 2520 Ward Road The Dalles OR 97058	1S 14E 3401 Boyd			No
37	1S 14E 18 100	A-1	Miller Ranch Co. 1 NW Greenwood Ave. Bend OR 97701	1S 14E 18 100			No
38	1S 14E 3200	A-1	Mary Sylvester 3813 Faith Home Road Ceres CA 95307	1S 14E 3600			No
39	1S 14E 20		Dufur	1S 14E 20			No
40	2S 13E 35 100	A-1	William Neil 62883 US Hwy 197 Dufur OR 97021	2S 13E 100	33-0050		No
41	2S 13E 5000	A-1	ODOT Tygh Ridge 33-025-4	2S 13E 35 5200	33-0071		Yes
42	3S 13E 100	A-1	William & Masil Hulse P O Box 427 Dufur OR 97021	3S 13E 100			No
43	3S 13E 2300	A-1	Paul & Velma Limmeroth 2520 Ward Road	3S 13E 2500			No
Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
44	3S 13E 2300	A-1	The Dalles OR 97058 Paul & Velma Limmeroth 2520 Ward Road The Dalles OR 97058	3S 13E 2500			No
45	3S 13E 3200	A-1	Irl Jr. & Orlena Davis 45 N Eagle Pt Road Tygh Valley OR 97063	3S 13E 3400	33-0054	CUP 96-101	No
46	3S 13E 33 100	A-1	Robert & Meredith Lindell P O Box 217 Tygh Valley OR 97063	3S 13E 33 3500	33-0047		No

47	2N 11E 36 100	F-2	Berniece & Morris Schmidt 2855 Mosier Creek Road Mosier OR 97040	2N 11E 7600	33-0081		No
48	2N 12E 30 1100	F-2	Mosier Creek Dev. 1234 P O Box 6039 Bellevue WA 98008	2N 12E 9139	33-0088		No
49	2N 13E 31 B 600	RR	Whispering Pines Ranch Corp 612 Liberty The Dalles OR 97058	2N 13 31 600			No
50	1N 11E 25 100	F-2	Ketchum Ranch Inc 6282 Chenowith Road W The Dalles OR 97058	1N 11E 900			No
51	1N 13E 1300	A-1	John & Betty Skirving 2013 W Scenic Drive The Dalles OR 97058	1N 13 4490			No
52	1N 13E 32 200	A-1	Milton & June Martin 3560 Three Mile Road The Dalles OR 97058	1N 13E 5300			No
53	1N 13E 25 700	A-1	Arthur V Braun P O Box 498 The Dalles OR 97058	1N 13E 25 2991	33-0082	CUP 90-113	No
54	1N 15E 2900	A-1	Eldon F Emerson et al 6124 Roberts Market Road The Dalles OR 97058	1N 15E 28 2700			No
Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
55	1S 15E 700	A-1	James Q Johnson 6352 Roberts Market Road The Dalles OR 97058	1S 15E 402			No
56	1S 15E 2000	A-1	Iva J Kortge 338 West 21st The Dalles OR 97058	1S 15E 1400			No
57	1S 15E 2600	A-1	Frederick & Peggy Clausen Rt 2 Box 4 Dufur OR 97021	1S 15E 1900			No
58	2S 14E 1900	A-1	Martin & Beverly Underhill P O Box 266	2S 14E 1600			No

			Dufur OR 97021				
59	2S 14E 2000	A-1	Martin & Beverly Underhill	2S 14E 1800			No
			P O Box 266				
			Dufur OR 97021				
60	2S 14E 2300	A-1	Robert & Nancy Hammel	2S 14E 2000			No
			62250 Tygh Ridge Road				
			Tygh Valley OR 97063				
61	1N 15E 2200	A-1	William & Barbara Hammel	1N 15E 21 2100			No
			7075 Fifteen Mile Road				
			The Dalles OR 97058				
62	1N 15E 2200	A-1	William & Barbara Hammel	1N 15E 2100			No
			7075 Fifteen Mile Road				
			The Dalles OR 97058				
63	1N 15E 2900	A-1	Eldon F Emerson et al	1N 15E 20 2700			No
			6124 Roberts Market Road				
			The Dalles OR 97058				
64	1S 14E 4500	A-1	Lucie Underhill Life Estate	1S 14E 4900			No
			85429 Easton Canyon Road				
			Dufur OR 97021				
64	1S 14E 4500	A-1	Clara A. O'Brien	1S 14E 4900			No
			2867 Breckenridge NW	Duplicate			
			Salem OR 97304				
Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
65	1S 14E 5100	A-1	W C Hanna Estate	1S 14E 31 5600			No
			US Nat'l Bank Trust Dept				
			P O Box 3168				
			Portland OR 97208				
66	1S 14E 2800	A-1	Daniel Bolton	1S 14E 1900			No
			P O Box 731				
			Dufur OR 97021				
68	2N 12E 4 1100	NSA	Wasco County	2N 12E 4/5			No
70	2S 12E 1700	A-1	Sharon L. Sorensen	2S 12E 12 3000			No
			Rt 1 Box 180				
			Dufur OR 97021				

71	2S 12E 5100	A-1	Martin & Beverly Underhill P O Box 266 Dufur OR 97021	2S 12E 23 5700			No
72	3S 12E 3	A-1	Wasco County 511 Washington St. The Dalles OR 97058	3S 12E 3			No
73	3S 12E 25 300	A-1	Russell & Wanda Sinclair Rt 1 Box 79 Tygh Valley OR 97063	3S 12E 25 3700			No
74	2S 13E 5200	A-1	Keith & Mary Smith 60538 Dufur Gap Rd. Dufur OR 97021	2S 13E 32 4900			No
75	4S 13E 12 2800	A-1	Fred & Maxine Ashley/Tygh Valley Sand & Gravel	4S 13E 12 6800	33-0015		No
76	3S 13E 3800	A-1	Roger T. Justesen/Betty Nelson P O Box 96 Grass Valley OR 97029	3S 13E 31 4000	33-0051	Cancelled 1976	No
77	4S 13E 10	A-1	Wasco County	4S 13E 10			No
78	4S 12E 2700	A-1	Keith & Kathleen Obermaier P O Box 3497 Pojaque Santa Fe NM 87501	4S 12E 17 5000 Formerly Cody Logging	33-0048		No
79	4S 13E 7100	A-1	Erma C. Gutzler	4S 13E 31 10800			No
Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
			Rt 1 Box 120 Maupin OR 97037				
80	5S 12E 2 400	A-1	Lora M Hachler Rt 1 Box 408 Maupin OR 97037	5S 12E 2 400			No
81	5S 12E 800	A-1	Wasco County 511 Washington St. The Dalles OR 97058	5S 12E 4 800			No
82	5S 12E 2300	A-1	Milton & Mae McCorkle Life Estate Rt 1 Box 412 Maupin OR 97037	5S 12E 12 2100			No
83	5S 13E 1400	A-1	Eugene H. Walters Rt 1 Box 86 Maupin OR 97037	5S 13E 6 1400			No

84	5S 13E 6300	A-1	Lyle & Lorraine Gabel Rt 1 Box 110 Maupin OR 97037	5S 13E 28 5200			No
85	5S 12E 7100	A-1	Allan & Cristina Blake Rt 1 Box 60A Maupin OR 97037	5S 12E 35 5400			No
86	5S 11E 5100	A-1	Wasco County	5S 11E 35 4802	33-0074		No
87	6S 11E 9	A-1	Woodside	6S 11E 9			No
88	4S 13E 11 100 4S 13E 0 7200	A-1	Robert Ashley	4S 13E 11 100 4S 13 E 0 2700		CPA-01-101 CUP-01-112	No
101	Site Not Identified		Port of The Dalles				
102	Site Not Identified		Interpretative Center Site				
150	4S 14E 33	A-1	Connolly	4S 14E 33			No
151	4S 14E 2700	A-1	Connolly Land & Livestock Inc. 412 W. 4th St. The Dalles OR 97058	4S 14E 25 2400	33-0093	CUP 93-110	No
152	4S 15E 800	A-1	Lee & Ruth Lindley Box 64 Maupin OR 97037	4S 15E 30 800			No
Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
153	4S 15E 1000	A-1	USA Bureau of Land Management	4S 15E 30 1200			No
154	5S 16E 2000	A-1	Lonny & Pamela Brown (County Lease) 18233 W Wintergreen Lane Bremerton WA 98312	5S 16E 20 2200			No
155	5S 16E 3300	A-1	Janis Lee Snodgrass % Lonny D. & Pamela A. Brown 18233 W Wintergreen Lane Bremerton WA 98312	5S 16E 32 3300			No
156	5S 16E 3400	A-1	Warnock Ranches Inc. Rt 1 Box 16 Baker OR 97814	5S 16E 32 2401			No
157	6S 19E 900	A-1	Warnock Ranches Inc. Rt 1 Box 16 Baker OR 97814	6S 16E 5 106			No
158	6S 16E 900	A-1	Warnock Ranches Inc.	6S 16E 5 106			No

			Rt 1 Box 16 Baker OR 97814				
159	6S 16E 2100	A-1	ODOT Bakeoven Quarry 33-051-4	6S 16E 21 101	33-0017	PR-94-102	No
160	7S 17E 31 1700	A-1	Richard & Betty Baker P O Box 136 Antelope OR 97001	7S 17E 31 1990	33-0032		No
161	8S 17E 600	A-1	Donald & Marjorie Gomes (County owned) P O Box 70 Antelope OR 97001	8S 17E 4 692			No
162	8S 17E 1400	A-1	Wilton & Francis Dickson 604 NE Loucks Road Madras OR 97741	8S 17E 14 1500			No
163	8S 16E 4300	A-1	McNamee Ranches P O Box 50 Antelope OR 97001	8S 16E 36 3400			No
164	8S 17E 2000	A-1	Herbert & Faye McKay P O Box 5 Antelope OR 97001	8S 17E 35 2100			NO
Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
165	8S 18E 900	A-1	Washington Corp. P O Box 3027 Pasco WA 99302	8S 18E 34 800			No
166	8S 19E 1600	A-1	USA Bureau of Land Management	8S 19E 31 1900			No
167	8S 14E 1400	A-1	Ned Darling 5618 SE Taylor Portland OR 97215	8S 14E 13 101			No
168	8S 14E 2200	A-1	Bureau of Land Management	8S 14E 21 1900			No
169	7S 14E 3100	A-1	Ned Darling 5618 SE Taylor Portland OR 97215	7S 14E 32 3000			No
170	5S 12E 0 8500, 6S 12E 0 1300	A-1	Richard Dodge			PLAQJR-10-10-0005, 4/15/2011	No
171	7S 15E 0 600	A-1	J. Arlie Bryant Inc. (Hagen)			PLACUP-15-01-0001, 6/12/2015	Yes
172	6S 17E 0 2200, 2400	A-1	Jon Justesen			PLACUP-15-01-0002, 6/12/2015	Yes

173	5S 16E 0 3600	A-1	J. Arlie Bryant Inc. (Carver)			PLACUP-15-02-0003, 6/12/2015	Yes
174	3S 13E 0 4000	A-1	Jack Stevens		33-0051	CUP-06-112, CPA-06-102	No
200	4S 14E 3700	A-1	USA Bureau of Land Management	4S 14E 33 3800			No
201	5S 14E 35 C 400	A-1	ODOT Maupin Pit 33-036-4	5S 14E 35 4400	33-0004		Yes
202	6S 14E 300	A-1	Criterion Interest Inc. 122 E Stonewall Charlotte NC 28202-1889	6S 14E 11 100			Yes
203	7S 14E 200	A-1	ODOT Criterion 33-038-4	7S 14E 12 1200	33-0078		Yes
204	6S 17E 3 400	A-1	ODOT 33-049-4 County Line Quarry	6S 17E 3 500	33-0102		Yes
205	6S 17E 0 2000	A-1	State Highway Dept	5S 17E 16 ?			No
206	6S 17E 2300	A-1	ODOT 33-050-4 Hinton Quarry	6S 17E 19 1800	33-0100		Yes
208	7S 16E 1300	A-1	ODOT Identifier 33-053-4	7S 16E 6 1000	33-0024		Yes
209	7S 15E 1600	A-1	ODOT 33-059-4 Garbage Pit	7S 15E 22 1600	33-0097		Yes
Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
211	8S 15E 2200	A-1	Charles & Betty Johnson	8S 15E 22 1701			No
			Gateway Star Route Box 465				
			Madras OR 97741				
212	8S 15E 2000	A-1	Charles & Betty Johnson	8S 15E 27/28 1701			No
			Gateway Star Route Box 465				
			Madras OR 97741				
213	8S 15E 26 3500	A-1	Annan & Marla Priday	8S 15E 26 2900	33-0094	CPA 96-101	Yes
			HC 62, Box 462			Goal 5	
			Madras OR 97741				
214	7S 17E 1600	A-1	ODOT Shaniko 33-062-4	7S 17E 20 2000	33-0065		Yes
215	8S 18E 600	A-1	ODOT 33-064-4	8S 18E 6 501			Yes
216	8S 18E 4 400	A-1	ODOT 33-065-4 Antelope Rock Product	8S 18E 4 400	33-0069		Yes
217	5S 12E 8500		Richard Dodge	5S 12E 33 7200	33-0080	CUP 87-104 Added 3/93	No
218	4S 12E 2800	A-1	Metzentine Quarry	4S 12E 17 1900	33-0086	CUP 91-102 Added 3/93	No
			Dan Van Vactor				
219	2N 11E 900		ODOT 33-002 Rock Creek Quarry	2N 11E 2 900			No
220	2N 13E 20 800		ODOT 33-007 Shooting Range Quarry	2N 13E 20 800			No
221	2N 13E 500		ODOT 33-008	2N 13E 20/21 500			No

222	1S 14E 3300		ODOT 33-021 Boyd Quarry	1S 14E 20 3700			No
223	3S 13E 33 200		ODOT 33-028-4 Butler Canyon Quarry	3S 13E 33 4100	33-0062		No
224	5S 14E 6 200		ODOT 33-032 Maupin Maintenance Yard	5S 14E 6 200			No
225	7S 15E 2000		ODOT 33-039 Filler Pit	7S 15E 29 2100			Yes
226	8S 15E 2000		ODOT 33-040	8S 15E 15			Yes
227	8S 15E 3100		ODOT 33-041 Cow Canyon Quarry	8S 15E 22 2800	33-0075		Yes
228	5S 11E 36 1600		ODOT 33-045-4 Pine Grove Quarry	5S 11E 36 5300	33-0074		Yes
229	5S 12E 30B 100		ODOT	5S 12E 30 200			Yes
230	6S 12E 2 700		ODOT 33-048-4 Paquet Gulch Quarry	6S 12E 2 300	33-0101		Yes
231	7S 17E 600		Shaniko Ranch		33-0092	CUP 93-106	No
Inv. #	Current Map/Tax Lot	Zone	Owner Name & Address	Former Map & Tax Lot	DOGAMI #	Application #	Goal 5
232	1N 13E 27/28 1000		Phetteplace		33-0098	CUP 98-113 & CPA 98-103	No
233	6S 17E 2400		Jon Justesen		33-0072	CUP 99-105	No
234	1N 13E 0 2900		Elmer Wilson		33-0096	CUP 94-135	No
235	2N 12E 2000		Tingue		33-0064 & 33-0081	CUP 90-107	No
other -	Co. Road Depts Sites						
625	1S 13E 39 102		Dufur County Pit	1S 13E 36 102			No
649	4S 12E 36 7400		Kennedy Pit	4S 12E 36 7400			No
673	8S 14E 13 101		South Junction Pit	8S 14E 13 101 a portion			No
713	5S 11E 35 4802		Kelly Springs	5S 11E 35 4802			No
790	2S 14E 33 2900		Hilgen Pit	2S 13E 33 2900 a portion of			No
800	8S 17E 4 500		Helyer Pit	8S 17 4 500			No
833	3S 12E 3 1101		Schindler Pit	3S 12E 3 1101			No
850	2S 12E 12 3000		West Pit	2S 12E 12 3000			No
870	3S 12E 25 3800 & 1102		Shadybrook Pit	3S 12E 25 1102			No
871	2N 12E/13E 19 & 24 1000	NSA	Harvey Pit	2N 12E 1000	33-0009		Yes
872	2S 13E 0 (34,35) 4400, 4900		(Mike) Filbin Pit		33-0099	CUP-99-102	No

Historic Resources

Table 5.11-Historic, Cultural and Archaeological Inventory

Site Number	Site Name	Location	Description	Date of Construction	Notes
1	Oregon Trail		Road/ Archaeological Site		Historic Oregon Trail Route. This east-west route was the highway to the Northwest that ended in The Dalles.
2	Barlow Road and Cut off Road		Road/ Archaeological Site	1845-1846	This was the alternate route to the Willamette Valley from the east. The former route was the Columbia River. The road was built in 1845-6 by Samuel K Barlow.
3	The Dalles Military Wagon Road	4S 12E 1 301	Road/ Archaeological Site		This was the main military road to the interior Oregon from Fort Dalles.
4	Jonah H. Mosier Sawmill Site	2N 11E 1	Cultural site	1854	Mosier sawmill established to supply The Dalles with lumber, was the first settlement of the City of Mosier.
5	Lower Fivemile School	1N 14E 2000		1890	Historic school, also known as the Benson School.
6	Mt. Hood Flat School	1S 13E 21 400		1890	Originally Dutch Flat School (1890), then called Fairview (1901), finally Mount Hood Flat (1910), it was declared abandoned in 1954 and property became private.
7	Lower Eightmile School	1N 14E 32 400		1904	Established in 1904, the school dated back to 1860 and was also used by Mt. View Grange.
8	Mill Creek Grange	1N 12E 14		1920	Historic grange hall.
9	Wolf Run Community Hall	1S 12E 14		1913	Wolf Run School operated from 1913-1939 and was named after wolves that roamed the area.
10	Center Ridge School	2S 15E 0 800		1890	Historic school, in the 1940s it consolidated with Dufur School District.
11	Columbia Hall	1N 15E 0 1200		1906	Was used as a school until moved to the current site where it was as a Farmers Union Hall.
12	Bear Springs Camp Shelter	5S 10E 0 100			Owned by the US Forest Service. Occupied during the first enrollment period by Company 616, a company of junior enrollees from Chicago.
13	Wapinitia School/Gym	5S 12E 25B 200		1878	Wapinitia, meaning “running water”, references a nearby creek. The school operated from 1878 to 1946. The town of Wapinitia also had two churches, two stores, a hotel and a blacksmith. The school district eventually merged with Maupin.
14	White River Dam	4S 14E 0 1800		1910	Now a State Park, the White River Falls was the site of a historic hydroelectric power plant that supplied power to Wasco and Sherman

					Counties from 1910 until completion of The Dalles Dam in 1960.
15	Old White River Station Camp	4S 11E 0 100			Owned by the US Forest Service this campsite was used in the pioneer days.
16	Pine Grove School	5S 11E 25B 600		1890	Historic school was consolidated with other schools in the late 1940s.
17	Jersey School	8S 14E 0 2300		1894	A historic school close to the Deschutes River, it was abandoned in 1954.
18	Lower Antelope School	8S 16E 0 800		1890	Historic school that was part of a joint district with Jefferson County.
19	Fivemile Rapids				Site not identified on GIS to protect cultural resources
20	Memaloose Island		Cultural Site		Lewis and Clark called it "Sepulchar Island".
21	Abbott site	5S 12E 0 5000			Near Wapinitia
22	Celilo Falls	2N 15E 20 400	Cultural site	1958	Falls were flooded in 1957 with the construction of the Dam. Park was developed by the Army Corp of Engineers to commemorate the Falls.
23	Black Walnut	2s 13E 18 1600	Black walnut tree with approx. 7' diameter	c. 1860	Record Size. Part of the Nickalson P. O'Brien homestead from 1890s. Black walnut trees, not native to Oregon, were reportedly brought west by Oregon Trail pioneers.
24	Old Fashioned Yellow Rose	4S 13E 24	Large Old-Fashioned Yellow Rosebush	c. 1910	Rose was inside the Fairview School yard. Highway was widened on part of the original school yards.
25	Ox Yoke Monument	2N 14E 25 400	Monument	1936	Built as an Oregon Trail marker by Isaac Remington. Constructed from cement mixed by hand in his wheelbarrow when Remington was aged 76.
26	Seufert Viaduct	2N 14E 31	Bridge	1920	Named for former train station which, in turn, was named for two pioneer brothers who moved to Oregon in the early 1880s. Designed by CB McCullough and constructed by the State Highway Department. Built under contract in 1920 by the Colonial Building Company.
27	BNRR Bridge	2N 15E 20	Railroad Bridge	1912	Historic link between Oregon and Washington. The bridge was built entirely on dry land on the rocks in the river during low water.
28	Dalles Canyon City Road Bridge	2S 14E 9 700	Bridge	1923	Constructed by Alfonso Pizzolato to eliminate water problems created by Dry Creek. One of few cut stone bridges in Wasco County.
29	Upper White River Canyon Grade	5S 12E 4, 5, 8, 9	Road	1910	Road was built as a short cut between Juniper Flats and Smock Prairie. Valuable as recreation and scenic road.
30	Hinton House	5S 16E 26 2900	Dwelling	1900-1915	Built for R.R. Hinton and family.
31	Nansene House and Post Office	2S 14E 9 701	Hotel/Stage Coach Stop	1874	Nansene, the Native-American name for Fifteenmile Creek, was an early stage coach stop and post office. It served as a stage coach stop (started in 1874) and post office (1880 to 1904). Credited with being one of the few remaining stagecoach stops in Oregon.
32	Mark O. Mayer House	2N 12E 6 401	Residence	1910	Mark O. Mayer constructed the house in 1910 as a country home. Mayer, from Portland, built the road from Mosier to his house. The road later became part of the Columbia River Highway. He named the house Mayerdale. Its an excellent example of Colonial Revival style.

33	Friend Store, Post Office and Real Estate Office	2S 12E 35 100	Commerce/Government	1912	The post office was opened in 1903. The small building was constructed in 1924 by Fred Buskuhl as a real estate office during the boom time for Friend between 1912-1924.
35	Wapinitia Hotel	5S 12E 26 5000	Multiple dwelling	1915	Barzee Hotel, built in 1915 by Earl Barzee. The hotel/rooming house was very popular in the 1920s when the Wapinitia cut-off highway was being constructed with highway engineers and workers. It was also a popular place for local teachers to board. The Wapinitia Hotel operated until the 1940s.
36	OWRR&N Railroad Section House	5S 14E 5 700	Multiple dwelling	1910	Affiliated with the east site of the Deschutes River and the railroad.
37	Round Barn	1N 13E 10AB 7200	Barn	1932	Built for a poultry business for Howard McNeal. In 1964, the barn was remodeled for use by a local theater group and called "The Round Barn." The group was asked to vacate the barn in 1973, and reverted to farm use. It is one of the few remaining round barns in Wasco County.
38	Smock Prairie School	4S 12E 32 8500	School	1906	The district merged with Wamic in 1958.
39	Friend School	3S 12E 2 800	School	1909-1910	Operated as a school until the late 1930s.
40	Petersburg School	2N 14E 33 3001	School	1860s	Built by William Floyd circa 1860s. Originally called the Floyd School. In 1904, name changed to Roosevelt School until 1908 when it was renamed Petersburg School after the nearby Great Southern Railroad station of the same name. The school was vacated in 1954 when a new school was built.
41	Fairbanks School	2N 15E 31 600	School	1912	Served as a school between 1912-1928. From 1954-1982, the building was leased to the Ten-Mile Saddle Club.
42	Clarno School	7S 19E 32 1200	School	1914	Had an average of 10-16 pupils who were rancher children between Clarno and Pine Creek (Wheeler County). The last class graduated in 1937 with two students.
43	Imperial Stock Ranch Headquarters Complex	5S 16E 26 2900	Historic District	1871-1915	Historic District, for much of its history was the largest individually owned land and livestock holding in Oregon.
44	Mosier Mounds		Archaeological resource		Site not identified on GIS to protect cultural resources

Open Space

During the 1983 Comprehensive Plan planning process, a list of open spaces to be preserved and protected were developed and subsequently listed in the Findings and Recommendations Chapter. Table 5.13 summarizes that information.

Table 5.13 – Open Space Resources in Wasco County

Open Space Resource	Details	Conflicting Uses
Agricultural and forest lands	Lands are protected through low density and conditional uses for non-resource related development	Residential uses
Columbia Gorge	Formerly protected by an Environmental Protection Zone, now protected via the Columbia River Gorge National Scenic Area Act and implementing Management Plan and Ordinances	Non-resource uses
Deschutes and John Day Rivers	Protected by the State Scenic Rivers Act and EPD 7	Non-resource uses
The White River	Designated natural area by the Nature Conservancy and Wasco County, Federally Designated Wild and Scenic River.	Non-resource uses
The Dalles and Dufur Watersheds	Zoned F-1 to limit conflicting uses	Residential uses

Scenic Views and Sites

Table 5.14-Wasco County Designated Scenic Areas

Route No	Hwy	From MP & Location	To MP & Location	Remarks
US I-84 N	2	67.72 – Hood River/Wasco County Line 70.63 – E City Limits of Mosier 87.85 - .06 E of E City Limits of The Dalles 96.70 - .25 W of Jct Celilo-Wasco Hwy	69.62 – W City Limits of Mosier 79.70 – 1.08 W of Tayler Frantz Rd O-Xing 96.70 - .25 W of Jct Celilo-Wascy Hwy 99.85 – Wasco/Sherman County Line	660' Both Sides 660' Both Sides 660' Both Sides Within View
US 97	4	2.00 - .16 S of O-Xing, Equipment Pass 22.42 - .06 N of Tygh Ridge Summit 47.00 - .14 N of City Limits of Maupin	11.00 - .14 S of Starveout Road 43.83 - .13 N of W City Limits of Maupin 50.00 – 2.58 S of S City Limits of Maupin	Within View Within View Within View
US 197/US 97	4	59.00 – 1.07 S of Criterion	74.26 – Wasco/Jefferson County Line	660' Both Sides
US 97	42	48.81 – Sherman/Wasco County Line 56.72 – W City Limits of Shaniko	56.04 – N City Limits of Shaniko 68.66 – Jct The Dalles-California Hwy	Within View Within View
ORE 216	44	0.00 – Jct Warm Springs Highway	26.17 – Jct The Dalles-California Hwy	Within View
US 26	53	62.15 – Clackamas/Wasco County Line	77.99 - .11 W of Willow Creek	660' Both Sides
ORE 216	290	6.00 - .45 W of Winter Water Creek	8.30 – Wasco/Sherman County Line	660' Both Sides
ORE 218	291	0.56 – S City Limits of Shaniko 8.24 – E City Limits of Antelope	7.31 – N City Limits of Antelope 23.07 – Wasco/Wheeler County Line	660' Both Sides 660' Both Sides
US 30	292	2.00 - .91 E of City Limits of Mosier	13.00 - .73 W of Taylor – Frantz Road	660' Both Sides

Figure 5.14a - Wasco County Outstanding Scenic and Recreational Areas

Columbia River Gorge: Includes area defined by the Columbia River Gorge Commission and O.R.S. 390.460.

Deschutes River: Areas within the river canyon that can be seen from the Deschutes River or lands designated under the State Scenic Rivers Act. This is a potential Federal Wild and Scenic River.

John Day River: Land seen from the river within the river canyon, or lands designated under the State Scenic Rivers Act. This river is under study for inclusion as a Federal Wild and Scenic River.

Rock Creek Reservoir: Includes land adjacent to the reservoir.

Pine Hollow Lake: Includes land adjacent to the lake.

White River: Lands within the River Canyon, or lands within approximately 4 mile of the river

WASCO COUNTY 2040 OUTREACH REPORT



Wasco County 2040

May 2019-March 1, 2020

3/1/2020

Outreach Results and Summary

In February 2018, the Wasco County Planning Department officially entered Periodic Review and commenced work on the Comprehensive Plan update, Wasco County 2040. The process includes public outreach efforts to engage citizen involvement in updates. This report is a summary of those efforts, including feedback received through online comments, email, mailed in comments, online surveys, and at workshop events.

The Wasco County Citizen Advisory Group set a goal for total participation of 20% of the population, roughly 1,629 residents living outside UGBs (this number includes children). In 2017, outreach efforts engaged 890¹ people including 60 key stakeholders and over 830 residents. Between the end of 2017 and June 2018, outreach efforts engaged an additional 1,014 people. From June 2018 until April 10, 2019, participation numbers totaled over 1,447 interactions. Between May 2019 and February 2020, there were over an additional 2,072 contacts with the public through either public meetings, comments, website visits, phone calls or emails.

This brings the total reach to over 5,400 interactions. Due to ongoing participation of some of our citizens, and the nature of counting interactions that are in some cases anonymous, it's difficult to conclude exactly how many discrete contacts have been made over the last several years. Planning staff estimates, based on

¹ This number counts each interaction as unique (e.g., survey filled, meeting attendance, etc.). Because many of the activities were anonymous, staff could not identify all interactions as discrete. We also had some people participating separately as citizens and stakeholders. The same count method was used in 2018, 2019, and 2020.

available data, that roughly have of the total 5,400 interactions are discrete which far exceeds the 20% goal set by the Citizen Advisory Group.

This interaction percentage also does not include the mailers sent every year to every property owner in unincorporated Wasco County. Total recipients for the postcard in 2020 were 3,694 residents. Many new faces were at the February 2020 roadshow meetings and told staff they were specifically in attendance because of the mailer.

Planning staff and the Citizen Advisory Group will continue, in the last year, to work to improve total reach and encourage public participation. The intention is to build on the momentum of outreach from Wasco County 2040 for the Land Use and Development Update in 2021-2022.

Wasco County 2040 Outreach Report

OUTREACH RESULTS AND SUMMARY

Online Exercises

To model activities at the 2020 roadshow meetings, staff developed a survey tool to seek public input about the Economic, Social, Environmental and Energy (ESEE) Analysis needed to update the sensitive wildlife maps. In particular, participants were asked to identify possible conflicting uses and potential ESEE consequences of limiting those conflicting uses.

The surveys were posted online on February 17, 2020 and shared through links on the Wasco County main the Wasco County 2040 project website and Wasco County Planning social media.

The surveys were closed on February 28th to tabulate results.

The survey received a total of **0** responses.

Online Comment Submissions

Submit a Comment

Name (required)

Email (required)

Website

Comment (required)

Would you like to be added to our notification list for news and events? (required)

SUBMIT

To make it easy for residents and businesses to submit comments, an online comment submission form was created in 2017 and posted on the project website.

8 comments were received from the online submission form between May 2019 and February 2020. Online comments can be read in [Appendix A](#). We have redacted email addresses.

Emailed Comments

Community members were encouraged to email planning staff at any time during the Comprehensive Plan Update process to voice their hopes, concerns, and other feedback for Wasco County 2040.

No comments were received via email in 2020.

Mailed Comments

Community members were also encouraged to mail comments to planning staff at any time during the Comprehensive Plan Update process to provide feedback for Wasco County 2040.

No mailed comments were received to date in 2020.

Phone Calls and Counter Visits

Between May 2019 and February 2020, staff received 24 inquiries by phone or at the counter related to Wasco County 2040.

September 2019 Open House

On September 19, 2019 Wasco County Planning held an open house to share information with the public on updates to Goal 5, Goal 7 and Goal 13.

There were 3 people in attendance.

October 1st Citizen Advisory Group Meeting

In October, a Citizen Advisory Group meeting was held to review proposed amendments to Chapters 5, 7, 11, and 13 of Wasco County 2040. There were 2 members of the public in attendance.

November 5th Hearing

In November, a Planning Commission meeting was held to review proposed amendments to Chapters 5, 7, 11, and 13 of Wasco County 2040. There were 2 members of the public in attendance.

The Planning Commission recommended approval of the amendments to the Board of Commissioners.

December Board of County Commissioner Meetings

The Planning Commission recommendations were presented to the Board of County Commissioners in two separate hearings in December. No members of the public attended to provide testimony.

2020 Roadshow Work Sessions

As part of work task 18, staff and the Citizen Advisory Group held four community workshops to address topics of sensitive wildlife, forest lands, and recreation. Interested in understanding community visions for policy and implementation, the sessions were structured to be two hours long and consisted of a short presentation, three informational tables with exercises, and a large group discussion.

- The Dalles Attendance: 52 citizens, 3 CAG members, 1 BOCC, 1 ODFW, 4 staff
- Dufur Attendance: 72 citizens, 2 BOCC, 1 ODFW, 4 staff
- Wamic Attendance: 63 citizens, 3 CAG members, 1 BOCC, 1 ODFW, 5 staff
- Mosier Attendance: 50 citizens, 2 CAG member, 2 BOCC, 1 ODFW, 5 staff

Notes from each meeting can be seen in [Appendix B](#).

Participants were also encouraged to make written comment on comment cards at the meetings. We received 17 comment cards that can be seen in [Appendix C](#).

At the roadshow meetings, staff requested the public support the ESEE Analysis by identifying potential land use conflicts and ESEE consequences. The exercises can be seen in [Appendix D](#).





Ad Hoc Meetings

Although they were offered, no ad hoc meetings were requested of staff.

Social Media Engagement

The Planning Department currently maintains 4 social media accounts, in addition to the project website, including YouTube, Facebook, Twitter, and Pinterest. These accounts are used to push out material from the project website in order to increase audience engagement and capture. All accounts have restricted comments in order to funnel comments through official methods.

The Facebook page has continued to grow in followers and has been helpful in directing visits to the project website. Over 600 visitors to the website were referred to Wasco2040.com between May 2019 and February 2020.

				
Followers	271	54	142 (views)	3
Likes	84	7	1	NA
Shares	11	1	0	NA
Posts	64	89	2	102

Media Coverage

Staff sent a press release to all regional media, including the newspapers and radio stations for updates in 2019 and 2020.

Radio: 2 radio interviews with Mark Bailey of KHR radio, BiCoastal Media Columbia River (July 31, 2019 and January 22, 2020)

Websites: *Reprint of Press Release on Gorge Country Radio website homepage*

Wasco 2040 To Discuss Wildlife, Forests, And Recreation
Published January 22, 2020



Wasco 2040, Wasco County's Comprehensive Plan update, will be discussing goals relating to wildlife, forests, and recreation over the next few months. Wasco County Long-Range Planner Kelly Howsley-Glover this could be one of the most contentious parts of the process, noting wildlife map revisions in the past have brought up both private property and conservation issues. She says they will be updating two overlay maps based on new data from the Oregon Department of Fish and Wildlife. Four public meetings are scheduled in February on the topic starting February 19 at Columbia Gorge Community College in The Dalles, and moving on to Dufur School on February 20, Wamic School on February 26, and Mosier Grange Hall on February 27, all at 5:30 p.m. More information is available at wasco2040.com.

Project Website

In March 2017, a project website (wasco2040.com) was launched to house information about the Comprehensive Plan Update, including data and research about Wasco County, upcoming events, ways to participate, and results from public participation.

In addition to sharing information, the project website's main goal is to channel public participation into methods that could help support visioning efforts including promoting the survey, offering an online comment submission form, links to social media pages, and offering a variety of ways to sign up for notifications on news and events.

In 2017, the project website had a total of 2,494 views by 749 visitors. In 2018, the website had 1,657 views by 509 visitors. The project website currently has 48 followers by email (a 28 person increase in 2020), 325 by social media and 10 by feed. Between May 2019 and February 2020, the website had 1,800 visitors that resulted in 5,089 views.



WASCO COUNTY 2040

HOME ABOUT FAQ PARTICIPATE

GET INVOLVED!

Upcoming Events

- Wed. Feb 19th
5:30-7:30PM
Columbia Gorge Community College
Lecture Hall Building 2
- Thur. Feb. 20th
5:30-7:30PM
Dufur School Cafeteria
- Wed. Feb 26th
5:30-7:30PM
Wamic School Community Center
- Thur. Feb 27th
5:30-7:30PM
Mosier Grange Hall

Notice about Updates

Did you get a postcard and/or letter in the mail? Wondering what it's all about?

[Click here to learn more!](#)

You can also view the proposed map for EPD 8 [here](#).

Want to help provide feedback for our analysis? Respond to the [Sensitive Wildlife Survey here](#). Respond to the [Sensitive Bird Survey here](#).

The most popular pages are: Progress to Date, Wasco County 2040: Look Ahead, References, and Participate. There were also a significant number of views to the Wildlife Habitat Overlay Zone Updates during this cycle.

The website has a steady readership of between 200 to 500 views a month.

Notification List

Staff has compiled a list, through meetings and the website, of all citizens who have indicated that they want notifications about news and events related to Wasco County 2040. To date, the list has 184 individuals signed up.

Staff sends out email notices for upcoming events and other news as they happen.

Analysis and Recommendations

Goal 4

The primary concern expressed at all public meetings to date with forest lands is wildfire risk. There was some discussion and questions related to buildability of forest lands by individual property owners, but by in large the community feels current regulations are consistent with values of residents and goals for the future.

Staff is recommending revisions to Goal 4 focus on ensuring the language, policies and implementation strategies are consistent with the Natural Hazards Mitigation Plan, Community Planning Assistance for Wildfire recommendations, and the Community Wildfire Protection Plan.

Destination Resorts

Citizens were concerned about impacts to water and increased fire risk of destination resorts. In particular, areas of concern were in the north east portion of the County that is largely winter wheat crops. When shown the correlation between fire protection districts and the eligible destination resort sites, the feedback by in large preferred the location around Pine Grove and at the Big Muddy Ranch.

Staff proposes that we address this concern by a). adding fire risk/emergency service availability to the eligibility criteria for mapping or b). as part of the criteria for approval of a destination resort . To address water, staff proposes we address this concern as an analysis required at the time of approval.

Additional Goal 8

There continues to be significant concern over the conflict between recreation and commercial agricultural activity, particularly on the transportation network. Staff is recommending an implementation strategy to increase education and outreach to recreators and partners about harvest seasons and hazards, and to work with Public Works to notify residents when major events are happening on the roadway.

Sensitive Wildlife

The next step to adopt revised maps for Environmental Protection District 8 (Sensitive Wildlife/Big Game Habitat) and Environmental Protection District 12 (Sensitive Birds) is to conduct an Economic, Social, Environmental and Energy (ESEE) analysis. The roadshow meetings were focused on soliciting feedback that would be helpful to staff in conducting this analysis.

Here are the primary takeaways based on public input:

- Farm uses should be exempt from additional restrictions in EPD 8
- Maintain exemptions for dwelling setback requirements if there are better alternatives on site for protecting habitat in EPD 8
- Remove fencing standards (they don't make sense and don't keep cows/livestock in) from EPD 8
- Update Sensitive Bird map on more frequent basis
- Most non resource uses pose potential conflict with Goal 5 wildlife resources
- There are significant ESEE consequences for prohibition of any land use

The recommendations based on public feedback are as follows:

- Revise EPD 8 to remove voluntary standards, including fencing, exempt farm uses and maintain exemptions for dwelling setback in case of better alternatives
- Add an implementation strategy to have EPD 12 evaluated on a five year cycle
- In the ESEE Analysis, ensure the ESEE consequences for prohibition of uses are clearly reflected
- Tie these recommendations into implementation measures and references to clearly identify public input

Appendix A –

Amie Davis wordpress@wasco2040.com via a.atomicsites.net
to me ▾

Mon, Jul 15, 2019, 10:15 PM ☆ ↩ ⋮

Name: Amie Davis

Email: amie.davis2040@gmail.com

Website:

Comment: No regulations. (For now) Given the very small number and percentage of short term rentals, it doesn't seem necessary at this point in time. We also want to encourage tourism and one way to do that is to provide a place to stay!

Would you like to be added to our notification list for news and events?: Yes

Johnk658 wordpress@wasco2040.com via a.atomicsites.net
to me ▾

Sun, Jul 28, 2019, 5:38 PM ☆ ↩ ⋮

Name: Johnk658

Email: johnk658@gmail.com

Website:

Comment: A big thank you for your article. Really thank you! Cool. eddeedegkece

Would you like to be added to our notification list for news and events?: No

Nicole Y Chaisson wordpress@wasco2040.com via a.atomicsites.net
to me ▾

Fri, Feb 14, 8:39 AM ☆ ↩ ⋮

Name: Nicole Y Chaisson

Email: nicoley@wasco2040.com

Website:

Comment: I will be at the meetings but I am really worried that you will restrict my F1 and F2 land use even further. Also the chance that our taxes will rise and different agencies will be allowed to have access to my property at any time.

Would you like to be added to our notification list for news and events?: Yes

steve m carlson wordpress@wasco2040.com [via](#) a.atomicsites.net
to me ▾

Sun, Feb 16, 6:32 PM (12 days ago)



Name: steve m carlson

Email: [REDACTED]

Website:

Comment: The maps on this page are useless as you cannot enlarge them and nothing is visible.

I'm assuming the Community College is in the Dalles as there is also one in Hood River.

Would you like to be added to our notification list for news and events?: Yes

steve m carlson wordpress@wasco2040.com [via](#) a.atomicsites.net
to me ▾

Sun, Feb 16, 6:39 PM (12 days ago)



Name: steve m carlson

Email: [REDACTED]

Website:

Comment: The entire idea that the forest is closed outside of Rock Creek in the Winter because of pregnant deer is ridiculous. Every winter there are around 150 female and male deer on our sewer system drain field eating the grass. They're not out in the forest. On top of that, the area has been a popular ATV and 4 Wheel drive area for the last 50 years or so.

I find it funny that since you put the East side of the lake off limits to people, the eagles don't hang around as much. 15 years ago they watch the fishermen and swimmers from the dead trees on the West side of the lake. Now, you don't see them as frequently.

Now you've closed the trail around the lake by digging another drain or something, and put big rocks in the way over the dam. That used to be a enjoyable Mt. Bike ride for years and the hike around the lake was special.

Not a fan of you making the plan and then when you take input very little is ever taken. You already have your plan based on your needs and could give a rip about those that live there.

Would you like to be added to our notification list for news and events?: Yes

Steve M. Carlson wordpress@wasco2040.com via a.atomicsites.net
to me ▾

Feb 27, 2020, 9:01 AM (1 day ago)



Name: Steve M. Carlson

Email: [REDACTED]

Website:

Comment: Want more jobs in the county? Reinstate the logging industry. The supposed "migration" habitat is just a theory and isn't even common sense. Look what the fish and wildlife theories have done already! The Wolves have wiped out the coyotes in Yellowstone so you now have an over population of rodents eating the grass needed for the Bison. Northern Idaho's wonderful Elk hunting grounds have been decimated. You've caused a disaster at the Coast as the logging industry shifted down there to private land and less control. They oyster industry is suing the logging because the increase sedimentation in the bays are ruining the industry. The soils in the Coast range are much more subject to erosion because they were initially deposited on the slopes of Volcanoes in the ocean and now move down slope easily. Fish and Wildlife has bankrupt all of those little logging communities and the schools no longer receive funding from the industry. All for a theory about making a Cascade Corridor.

Would you like to be added to our notification list for news and events?: Yes

Elizabeth Turner wordpress@wasco2040.com via a.atomicsites.net
to me ▾

Feb 27, 2020, 6:45 PM (14 hours ago)



Name: Elizabeth Turner

Email: [REDACTED]

Website:

Comment: I left a long comment but it deleted it. Im against any expansion of wildlife overlay.

Its a farce and unneeded.

Best plan for good wildlife management is do a good job on Goal 3 working with a agriculture working group. They are the ones taking care of wildlife. The more you restrict their flexibility the more you endanger wildlife. All these little zones just restrict their ability to survive and to take good care of the land. After 40 years in agriculture here I cant tell you what fish and wildlife really does for wildlife. As far as survivability of animals its always the ranchers who are critical to survival.

Anywhere you go where resource ranch managers are allowed to be flexible and use their skills to be profitable you will find good Wildlife numbers.

In sage grouse country for example. The best habitat and numbers of grouse is on privately controlled ground.

I never received notification of these meetings nor did others.

Thank you

Would you like to be added to our notification list for news and events?: Yes

Pete Dalke wordpress@wasco2040.com via a.atomicsites.net
to me ▾

7:00 AM (3 hours ago) ☆ ↶ ⋮

Name: Pete Dalke

Email: [REDACTED]

Website:

Comment: Thanks for your presentation in Mosier last evening. I am writing to indicate full support for including ODFW's habitat maps in the Wasco County planning work and comprehensive plan documents.

Regards,
Pete Dalke

Would you like to be added to our notification list for news and events?: Yes

Appendix B – Roadshow Meeting Notes

WASCO COUNTY 2040 Roadshow

**February 19, 2020
5:30pm
Columbia Gorge Community College**

Staff present: Kelly Howsley Glover, Angie Brewer, Daniel Dougherty, Lexi Stickel

CAG Members present: Leroy Booth, Kate Willis, Lynne McIntire

CALL TO ORDER (5:30pm):

Long Range Planner Kelly Howsley Glover called the meeting to order. Howsley Glover then gave introductions, went over the agenda for the meeting, and presented the Wasco County 2040 PowerPoint presentation. At 6:05, the group was split up into three stations.

Group was reassembled at 7:00PM for question and answer.

Question: Sensitive wildlife habitat (property north of me is not in it) and they've put in orchards land and have fences. Will new regulations apply to them.

Answer: Ag fences have changed migratory paths of animals, but actually excluding that wildlife from those high intensity ag zones is good for species in the long run. We create those overlay zones assumed habitat utilization from December to April – deer or elk would utilize during that critical period.

March 3rd is the Citizen Advisory Group work session --- not March 7th

Enforcement question. Answer: we don't do code enforcement unless there is a complaint. If there's a complaint our code enforcement officer will investigate and work with the land owner for abatement.

Question: Looking at the EPD 8, I see that my neighbors are within it, but they didn't receive a postcard.

Answer: Everyone outside of the NSA and outside of incorporated area received a postcard

Question: Possible property value changes?

A: That language is required by state law. It's hard for planners to estimate a potential loss of value maybe – typically it happens if you weren't able to build a certain type of development.

Question: "May" is concerning word, I should prefer "shall"

Answer: It's hard to say with certainty when we haven't done the analysis yet. And the analysis requires citizen involvement and feedback.

Question: Exceptions for use, what does that mean?

Answer: This is referring to concerns about south Wasco County moving into EPD 8, and A1-160 isn't concerning as it provides a lot of protection for deer and elk and those typical activities of farming doesn't concern ODFW. Unusual uses on A1-160 is what concerns ODFW, however, those uses are already CUPs and as part of that process and in reality we're already doing that work.

Question: There's more talk of parcels being available... website... more parcels for development within the sensitive areas?

Answer: Without seeing the context, it's hard to see. Please contact me and we can chat through that and I can provide context.

Question: If you are in EPD 12, are you still able to use your land in the same way, for instance, can you still cut your hay during the same time as birds nesting. Can I still use my property in the same way?

Answer: We wouldn't limit any current uses. We would look at proposed uses – new development.

Question: What if you purchased a house, 20 years ago, that was never permitted.

Answer: We do have something within our LUDO called a non-conforming use, and we have some provisions in state law that would allow us to approve a dwelling that wasn't permitted. It's tricky, but there are options to make the house permitted and legal.

Question: Why are deer and elk important to Wasco County? Is it a Wasco County rule or ODFW?

Answer: Wasco County is required to protect anything that has been identified by ODFW. Deer and elk are the species that we have the greatest data due to hunting we are required to gather data on these two

species and they serve as a surrogate for all the other species that rely on open space. We also believe in our hunting heritage. It serves a far greater purpose than just deer and elk. There's a long list of species that we know migrate or depend on some level of movement – big horned sheep, bear, coyote, antelope. Some of the last good habitat for some of these species is located in Wasco County. Part of the comprehensive plan, we list all the species that exist in Wasco County (birds and fish too).

WASCO COUNTY 2040 Roadshow

**February 20, 2020
5:30pm
Dufur School**

Staff present: Kelly Howsley Glover, Angie Brewer, Daniel Dougherty, Lexi Stickel

CAG Members present:

CALL TO ORDER (5:30pm):

Long Range Planner Kelly Howsley Glover called the meeting to order. Howsley Glover then gave introductions, went over the agenda for the meeting, and presented the Wasco County 2040 PowerPoint presentation. At 6:07, the group was split up into three stations.

Group was reassembled at 6:50PM for question and answer.

Question: I noticed that the boundary for voluntary participation has been taken away and that expands this map into legal requirements. Can we lessen the law?

Answer: We can more strict in our rules, but not less strict. In terms of our maps, it up to Wasco County and our partners to develop our inventories.

Question: So you had an advisory committee that helped put this together and you as the planner guided their work?

Answer: Voluntary advisory committee (wide diversity), and naming the farmers who helped. This map was not created. Process moving forward with March 3rd 3-5pm at the Discovery Center at the Citizen Advisory Group.

Question: Why do I feel like this has already been decided? It feels like my feedback isn't taken seriously.

Answer: We talk your feedback very seriously, it's gone a long way in shaping our work plan and policies. The only decision that's been made is that we need to use the maps provided by ODFW.

Question: Destination resort – there's a placement of a destination resort on the highest value farmland in the county. Why?

Answer: Based on NRCS data that state requires us to use –

Question: If we don't want to adopt the new map, does public comment make a change – specifically wildlife?

Answer: We are required by state law (OAR 660, division 23) to update maps.

Question: You mentioned mitigation? What do you mean? If there potential to change the maps from ODFW?

Answer: The only time ODFW would comment on uses within that new zone, mainly A1-160, is for unusual uses. For example, if an energy

Question: Lot line adjustment, affect Sensitive Birds

Answer: I think the concern is that if you create a new property then there's an increased a likelihood of new development. To date there's only been one application in the last 15 years that I've been here with ODFW, there's only been one application. The lot line adjustment becomes a concern when it crosses over into a buffer zone (or creates an unbuildable land).

Comment: Destination resorts – in unprotected areas for fire prevention – our resources are so limited right now that it could be an huge issue if something were to happen. The cost of that resort will be rolled over onto the community.

Comment: Water constraints are also very real so these areas and if there's limited water

Question: Along with fire, bicyclists with farm equipment, and now with a destination resort now there will be more traffic year round and now it would create more interaction on road with bicyclists. Also they might be selling this destination resort as a quiet place, but then a tractor rolls through loud in the morning – they may not like that, but that's how we make our living.

Question: Are the maps set in stone, or will they change?

Answer: Maps have been quite static for some time, they were updated in 2012. These are statewide map. We need to have a county go through periodic review for the update then there would be a public process. These a conglomeration of protections for

Question: Where did you get your directive to erase the boundary for the voluntary changes?

Answer: The County map is reflective of old data that the County has been using, but we haven't been using that for ODFW. As an agency directive comes from ODFW Commission. As I've gone back through the files, and looked at the original map, Ag 1-160 inherently provides more protection than other zones. The farm land community already provides that protection. We've had conflict and confusion arise when energy developers come in, ODFW comments off of our map. Through that process, we realized that it would be nice if the maps were the same so when an applicant looks at the county map they can see what the map will be that their application is actually based off of. We will want mitigation measures taken into account. It's helpful to uncouple the protections from A1-160 parcel size from EDP-8. This makes it really, really clear what exists on your property and what resources need to be protected.

Question: On fencing, if that was to be incorporated into all that area – is that retroactive?

Answer: No, new development only. ODFW would not recommend any language around any voluntary fencing standards in Ag1-160 (if at all). Handout for county for new landowners about wildlife friendly fencing.

Question: You know you're constantly repairing fences, because of the wildlife.

Question: Will we be voting on this? So as landowners we don't have a say?

Answer: We take your feedback to the CAG and the Planning Commission.

Comment: Postcards were really great.

WASCO COUNTY 2040 Roadshow

February 26, 2020

5:30pm

Wamic School Community Center

Staff present: Kelly Howsley Glover, Angie Brewer, Daniel Dougherty, Lexi Stickel, Brent Bybee

CAG Members present: Leroy Booth, Kate Willis, Vickie Ashley

CALL TO ORDER (5:32pm):

Long Range Planner Kelly Howsley Glover called the meeting to order. Howsley Glover then gave introductions, went over the agenda for the meeting, and presented the Wasco County 2040 PowerPoint presentation. At 6:04, the group was split up into three stations.

Group was reassembled at 6:55PM for question and answer.

Question: So you don't have the maps available unless we come into the office. What are you using on our private property to determine these sites?

Answer: We don't maintain that map set, it's maintained by ORBIC. It's probably within 6 miles of an energy proposal. Most of those nests are within the Deschutes River corridor, Columbia Gorge condor in public lands. Located in rim rock canyon cliffs. Only time in 15 years I've been here there's only been one time that I've made a comment

Question: How come we don't have those maps? Why don't we have them more specific. Nice Kate is going to charge us by the mile to drive into the office.

Answer: When it comes to Big Game Winter Range, it's publically available. You can call or email and we can send you a zoomed in map that shows on your property.

Question: What do you consider big game? Why are 200 elk on my property? What happened to the fence? What about these damned goose? Can I send you a bill? 10,000 goose on your property to destroy the wheat? You going to fix my fence. (Juniper Flat)

Answer: We can help with tags and deterrents. You can call our office. We haven't had many damage management complaints. You need to call our office so we know what's going on. We can absolutely work with landowners to help?

Comment: Elk crossing Deschutes River.

Question: 42 inches – not a cow or horse that will stay in with only 42 inches.

Answer: My recommendation is to remove that requirement. This is why we recommend that those rules are removed. We aren't following those requirements either. It's my understanding

Question: I just need to get rid of these elk.

Answer: I have till May to lethally remove elk (kill). I need a phone call. I know that not all of my solutions work.

Question: What about the wolves? We have them on Juniper Flats. They came right over on Victor Road.

Answer: The current pack is 7 of the White River Pack – mostly hanging out on the reservation.

Question: EPD 8, we're intermixed with the forest service and white river management area. It doesn't really bother use to see the big game on the forest ground, but the rules that get adopted here for our land (above the Indian Reservation) – the Forest Service adopts rules based on County and ODFW rules, we have timber sales but you can only log from winter.... Subtlety over time the rules affect us.

Answer: Agency to agency collaboration with the Forest Service to help with the rules. They have their own overlay for big game.

Question: Kelly, you mentioned that you have no jurisdiction over publically owned land. Where'd you get the authority to have all the rules over us? If it's state law, why do we need you? Can't we just follow state law? It's 5th amendment takings – courts and law won't say it is. French revolution there's a man who said "I don't care, I'm going to die anyway, I'm going to say. It's call legal plunder."

Answer: It's to help citizens navigate state law. We want to become subject experts to help citizen navigate regulations. Land use is all about regulations between

Question: Who is on the Citizen Advisory Group that's here tonight? What are the other categories besides ranching and farming?

Answer: Business owners, ODOT government worker, attorney, real estate (we used to have someone in forestry), and someone with food systems/nonprofit sector

Question: I don't understand the correlation between someone who owns a business up in The Dalles – I don't understand why they have the power to create laws that govern our land when they don't understand our lifestyle.

Answer: Process – voluntary, applications, Planning Commission. We care very much about what we get back from us. That's why we do so much public meetings. Wasco County is very diverse and it's incredibly hard to find a handful of volunteers who represent the county. We encourage you to apply to the Planning Commission. Leroy and XX are examples of that. Don't have vacancies right now, but the applications are always online.

Question: Elk problem on the flats. Who could harvest the elk?

Answer: At this scale, I would work with the landowners, they can determine who they want on their land as long as they didn't get a tag in 2019, and then ODFW issues them a tag (must pay for hunting license and tag).

WASCO COUNTY 2040 Roadshow

February 27, 2020

5:30pm

Mosier Grange Hall

Staff present: Kelly Howsley Glover, Angie Brewer, Daniel Dougherty, Lexi Stickel, Will Smith

CAG Members present: Leroy Booth, Rus Hargrave

CALL TO ORDER (5:30pm):

Long Range Planner Kelly Howsley Glover called the meeting to order. Howsley Glover then gave introductions, went over the agenda for the meeting, and presented the Wasco County 2040 PowerPoint presentation. At 6:10, the group was split up into three stations.

Group was reassembled at 6:55PM for question and answer.

Question: Energy facilities – but there's solar and wind, and there's a difference between one versus the other. A lot of the stuff is so general, it's hard to understand and hard to comment on the ESEE analysis. But if you're in support of protecting the birds, and you want to change some of the rules to protect. For big game, why aren't you protecting just elk and deer.

Answer: There's indicator species (elk and deer) and their habitat and migrations tend to help inform about a lot of other species. Once we get this high level feedback, we're able to start narrowing it down to more specifics. The proposed specifics will be available on March 26th – it will be posted on the Wasco County 2040 website and planning website. You can also come down to our office to pay for a copy.

Question: How does the sensitive bird map relate to wind farms, which are notorious for killing birds? How does it related to siting of wind farms?

Answer: We're not ODFW staffer. The new data is by and large related to all the wind farm activity. EPD 12 the only tie-in is related to all the data/surveys we had to gather due to the wind farm activity. The data tends to be pretty accurate – I trust the professional who conducts these studies for a lot of the wind farms. Bird habitat tends to change more rapidly, and one thing we're discussing is to update that map more frequently.

Question: Can you tell us how many acres in Wasco County are public lands versus private ownership? It would seem like the public lands are much higher than other private. So with all the thousands of acres that timber companies hold, why are you expanding big game habitat down to Mosier?

Answer: Spilt between 60% of private land, and 40% public. The majority of lands from Mosier to Mt Hood are privately held by timber companies. A lot of the areas that we've developed used to be the best habitat for deer and elk, and now we need to more land for them to survive in the winter on less than ideal land.

Question: ODFW used to have a recommendation, but now it's a rule that the County enforces that you have to build within 300 ft of an existing road. I was told that I may impact the migration of big game

Answer: Our recommendation (ODFW) was originally one house on every 160 acres on the habitat. It was negotiated with the County to determine how to condensed development in currently impacted corridors.

Question: The result is that you could have 10,000 acres, you'd have to build within 300 ft of an existing road or easement – in the dust zone within the county road.

Answer: If you read the code, and you can demonstrate that you can maintain that habitat, Wasco County would go with ODFW's recommendation. The goal is not to create additional burden on the landowner, but to work with the landowners to create ways to maintain critical habitat.

Question: So 160 is no longer the minimum parcel size?

Answer: Our resource zones are 80 minimum, and then there are some mixed farm forest parcels with a 10 acres minimum. In the Ag 1-160, if someone wants to explore uses beyond agriculture is that the applicant meets with ODFW to discuss mitigation. We're not telling land owners no, it's telling the land owners that we need a mitigation plan. We find other areas that need restoration. This doesn't change the underlying zoning.

Question: Are there, within EPD8, are there restrictions on logging?

Answer: No. The County doesn't have the power to restrict forestry practices. We want to protect resource lands to be able to use that land for that resource in the future – as the foundation of the Oregon system. It would be counter-intuitive to put restrictions

Question: In F-2 (80) can you build a dwelling?

Answer: There's two ways to build a new dwelling – either lot of record (you or your family has owned that land since 1985) or large tract tested (240 contiguous acres of land). You'd still have to apply through our office and through a STS application (fire site safety standards, setback standards). You could apply for a land use application, and then sell that approved application with the parcel then it could be developed (only one time). It's intended to balance resource zones with residential development.

Question: Why is map regarding birds confidential?

Answer: Federally protected species because they cross state lines, and therefore the information is confidential.

Question: So it doesn't impact underlying zoning, this is for future development. If you get a lot of kickback from the community about this, will the map be re-shaped?

Answer: We don't have flexibility on the map. State law requires that we use ODFW's map. Where we have flexibility is the rules we use to enforce these maps. We could exempt things from the overlay zones, like farm uses or forestry practices. What ODFW is most concerned is conditional use permits like large scale energy projects, rezoning.

Question: How much are we talking about opinion versus scientific data?

Answer: Public input is really critical to land use, and actively involve the public in the analysis. We do the analysis based upon scientific data, then we go out to the public looking to gut check that. It's a way to ground truth and test.

Question: Does Wasco County work with ODF about wildfire? For the most part they will not fight a structure fire. At some point in time, they will need to have a year round fire protection. Does Wasco County or Commissioners?

Answer: We can't speak for Commissioners. ODF does comment in development applications. Wildland fire fighters in Oregon don't have the equipment or expertise to fight structure fires.

Question: All our neighbors and myself don't have fire protection from a fire district so it's a big concern that we don't have fire protection. ODF won't come fight fires.

Answer: Yeah, the best we can do at the Planning Department can do on the front hand to help prevent or prepare applicants for fire. CWPP process will be beginning soon, and work with partners like ODF, ODFW, BLM, etc.

Questions: Any interest in expanding the fire districts?

Answer: It would be a fire district questions, I believe you can apply if you live close-by. All these are all voluntary run fire district. A lot of recommendations from the fire marshal is to install sprinklers to help prevent fires.

Question: Are you required to have a well for new development?

Answer: Fire safety standards, if you're outside the fire district there are requirements for gallons of water onsite. Inside the fire district, the fire marshal makes comment

Question: Are there any proposed questions for water quality?

Answer: Water was a big issue that arose during the visioning process in 2017. What we heard loud and clear is that Wasco County Planning is not water experts and we don't want more rules or conservation plan. What the community wanted from us was good quality data about water.

Question: Multi dwellings for family members?

Answer: We're still waiting for the rural-residential zones to be in state law as an allowable use.



Question: How big are those zones?

Answer: Rural residential zones are typically 5 or 10 acres. Though it would be an accessory dwelling, and would typically be smaller or be hooked up to same septic.

Question: What happens when that family member dies?

Answer: Accessory dwellings are different than a temporary hardship or temporary medical hardship, in those instances it would have to be removed after the hardship is over. ADU's are different and would not be required to be for a family member.

Appendix C –



  We Want Your Feedback

Name: Keith Mobley Email: [REDACTED]

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Dest. Resort design for Pine Grove
area makes most sense - between
Mt. Hood & Deschutes

Wildfire mitigation - Survivor does it well.
Will provide contact info if needed.



  We Want Your Feedback

Name: Sharon Blumley Email: [REDACTED]

☒ Sign Me Up for Notification on News and Events

destination Resorts sitting on the Brakes
of the Deschutes & needs to not happen,
due to wild life habitat, fire danger,
and conflict between ag and tourist,
bicycles, walking traffic and traffic in general.

How did you come up with the
two areas for the destination Resorts.

  We Want Your Feedback

Name: Linda May Email: [REDACTED]

☐ Sign Me Up for Notification on News and Events

The destination Resorts would be
a very possible fire risk for the
farmers in the area. (Tygh Ridge)
Also, water is in short supply.

Tygh Ridge should not be a
destination resort area.



Name: _____ Email: _____

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□ Sign Me Up for Notification on News and Events

Northern most - Highest Value
- Wild fire - farmland
Concerns

M. Idle

Wild fire concerns



We Want Your Feedback

Name: Bin Markman Email: _____

 [Sign Me Up for Notification on News and Events](#)

ELIGIBLE AREAS FOR NORTH
END FOR ROCKET SITES MAKES NO
SENSE. BEST WHAT GROUND IN
COUNTRY





We Want Your Feedback

Name: Ben/corner Email: _____

☐ Sign Me Up for Notification on News and Events

Northern zones are high fire risk zones, high value ~~low~~ farm land. County roads not designed for high traffic impact to property value along travel path.



 
We Want Your Feedback

Name: Tom May [Redacted]

☐ Sign Me Up for Notification on News and Events

Tygh Ridge should NOT be a
Destination Resort AREA.



Fire Risk
Water Issues
Not good for wildlife.

 
We Want Your Feedback

Name: Clinton Cox Email: [Redacted]

☒ Sign Me Up for Notification on News and Events

My vision for Wasco County is.... I feel that
there are plusses and minuses for
Destination Resorts. They can be good
economically and bring needed
resources to the county. The bad
could be an influx of people, creating
more traffic and road wear/damage

 
We Want Your Feedback

Name: Jamie Grandy Email: [Redacted]

☒ Sign Me Up for Notification on News and Events

My vision for Wasco County is.... to grow slowly.
I've seen what happened in 40 years
to area just west of Mt. Hood
(Welches and Sandy) and don't want
the beauty + quaintness taken
by those who abuse our
lands.



We Want Your Feedback

Name: Tim Seitz Email: [REDACTED]☒ Sign Me Up for Notification on News and Events



My vision for Wasco County is.... Lands for resort
recreation will be so hard to do without
water sewer the land cant handle
the water it's so hard to get approved for
my own septic water ect



We Want Your Feedback

Name: Bob MANESS Email: [REDACTED]☐ Sign Me Up for Notification on News and Events



My vision for Wasco County is.... THERE ARE POLITICIANS
MAKING DECISIONS ABOUT THE USE
OF FARMLAND THAT HAVE 1) NO IDEA
ABOUT FARMING 2) NEVER FARMED
A DAY IN THEIR LIFE.

  We Want Your Feedback

Name: Dei Remington Email: [REDACTED]

☒ Sign Me Up for Notification on News and Events



Green Area off Kelly cutoff in NE
has 60-80 Bushel wheat ground
throughout, there this has some canyon
ground for 15 mile that runs through it.
we farm the ground next to it and it
is some of our best ground for 4 generations
All buildable ground there is high value
farm ground.

  We Want Your Feedback

Name: Russ Hargrave Email: _____

☐ Sign Me Up for Notification on News and Events

Dest. Resort map
makes sense to me.

  We Want Your Feedback

Name: Susan Gabay Email: [REDACTED]

☒ Sign Me Up for Notification on News and Events

I am most concerned about big developments -
multiple housing or resort complexes since
the Mosier Valley where I reside (have for
44 yrs) has seen continuous decline in the
water aquifers - I am on the watershed
Council and request strict attention to
the limited water resources we have here



We Want Your Feedback

Name: Robert Dye Email: [REDACTED]☐ Sign Me Up for Notification on News and Events

Small destination resorts are not allowed in almost all of Wasco Co. Why not have a map for small 160-500 ac. resorts, then another for 500-2000 ac, then a third for over 2000, that way you don't shut out the entire county from small.



We Want Your Feedback

Name: Bill Gibbs Email: _____☐ Sign Me Up for Notification on News and Events

My vision for Wasco County is... Not to become a destination resort area because it would negatively affect the quiet farm community county it has been known to be for many many years

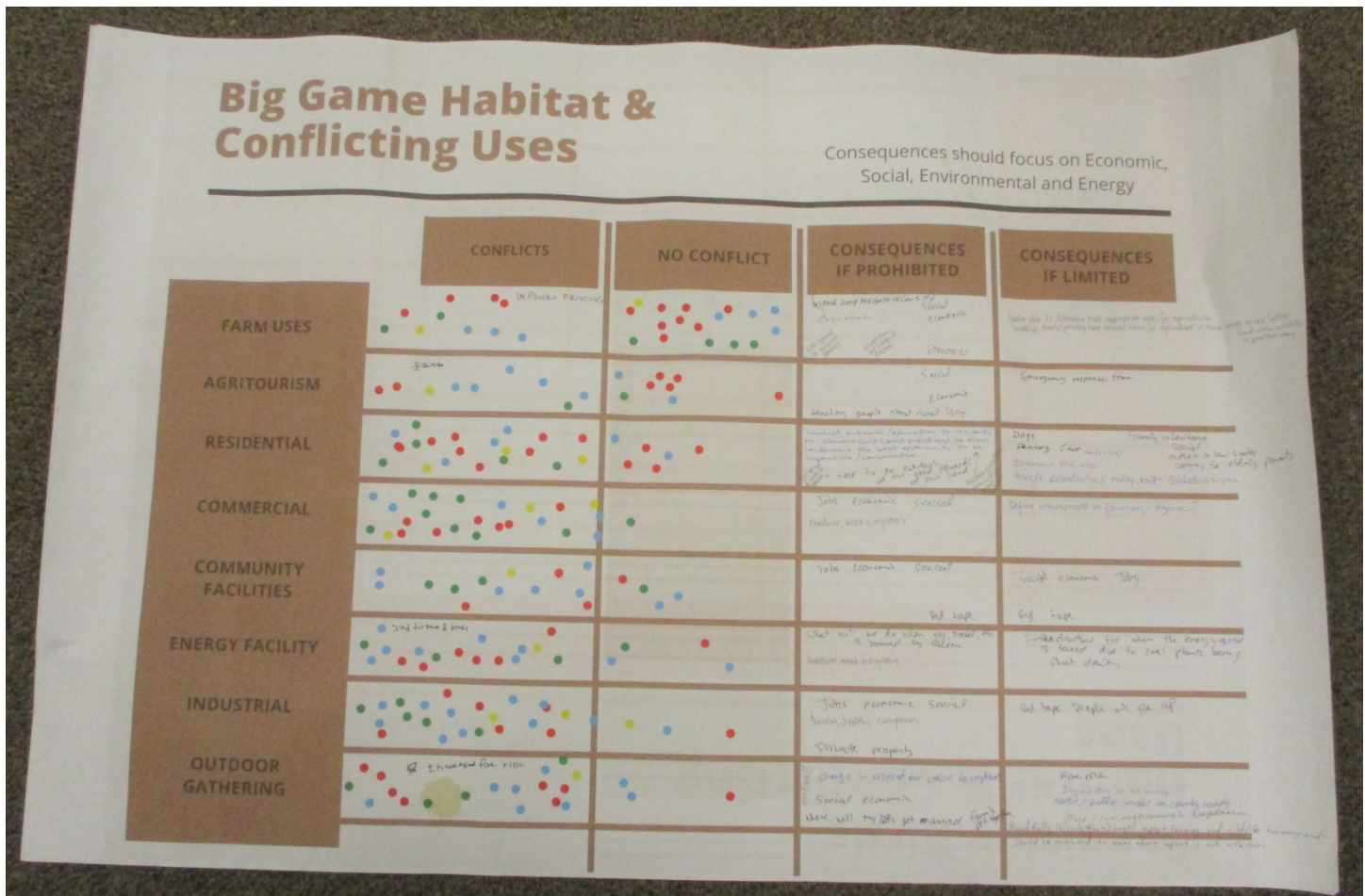


We Want Your Feedback

Name: Karen Bailey Email: [REDACTED]☐ Sign Me Up for Notification on News and Events

Water availability is an enormous concern. Mosier is a critical water area and ~~develop~~ more development for residential, farms or recreational ~~uses~~ would impact that resource even if it were on a scale of 160 acres or more. Please consider that. Also, the fire danger in summer & fall.

Appendix D



Sensitive Birds Habitat & Conflicting Uses

Consequences should focus on Economic, Social, Environmental and Energy

	CONFLICTS	NO CONFLICT	CONSEQUENCES IF PROHIBITED	CONSEQUENCES IF LIMITED
FARM USES			Economic - Social but not good climate for our birds habitat (mostly birds) Agriculture habitat by birds	habitat birds (especially those in riparian areas) Red tape
AGRITOURISM			Economic - Social but not good climate for our birds habitat (mostly birds) Agriculture habitat by birds	Economic - Social habitat birds (especially those in riparian areas) Red tape
RESIDENTIAL			Planning and zoning decisions habitat birds (especially those in riparian areas) Red tape	Planning and zoning decisions habitat birds (especially those in riparian areas) Red tape
COMMERCIAL			Economic - jobs land use by the business	Red tape
COMMUNITY FACILITIES			Economic - jobs land use by the business	Red tape
ENERGY FACILITY			habitat what will happen when you go to ground	habitat what will happen when you go to ground
INDUSTRIAL			habitat what will happen when you go to ground	habitat what will happen when you go to ground
OUTDOOR GATHERING			habitat what will happen when you go to ground	habitat what will happen when you go to ground

Section 3.920 - Sensitive Wildlife Habitat Overlay (EPD-8)

Section 3.921 – Purpose	1
Section 3.922 - Application of Provisions.....	1
Section 3.923 - Exempt Areas	1
Section 3.924 - Permitted Uses.....	2
Section 3.925 - Conditional Uses	2
Section 3.926 - Siting Standards	2
Section 3.927 - Fencing Standards	3
Section 3.928 – Other Provisions.....	3

~~In any zone which is in the Wildlife Overlay (EPD-8), the requirements and standards of this SectionChapter shall apply in addition to those specified in this Section for the underlying zone. If a conflict in regulation or standards occurs, the provisions of this Section shall govern except that the larger minimum lot size shall always apply.~~

Section 3.921 – Purpose

The purpose of this overlay district is to conserve important wildlife areas by providing supplementary development standards; to promote an important environmental, social, and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

Section 3.922 - Application of Provisions

Except as provided in Section [3.923](#) below, this overlay district shall be applied to all areas identified in the Comprehensive Plan as ~~Big Game Winter Range Habitat and Area of Voluntary Siting Standards~~Sensitive Wildlife Habitat.

Section 3.923 - Exempt Areas

The following areas are exempt from these provisions:

- A. Rural Service Centers.
- B. Areas designated as Impacted Areas in the Transition Lands Study Area.

Section 3.924 – Exempt Uses

- A. All uses permitted without review in the underlying zone are exempt from provisions and siting standards in this Section.
- B. All uses in A-1 (160) that are permitted subject to Type I Review are exempt from provisions and siting standards in this Section.

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C. Farm dwellings, accessory farm dwellings, and relative farm dwellings in A-1 (160) are exempt from provisions and siting standards in this Section but still require notice to ODFW consistent with subject to standards review.

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Section 3.924—Permitted Uses

All uses allowed in the overlay zone shall be those farm and forest uses permitted outright by the underlying zone.

Section 3.925—Conditional Uses

The conditional uses permitted in the zones in which this overlay is applied, shall be those permitted conditionally by the underlying zone subject to the other applicable standards of this Section.

Section 3.926-925 - Siting Standards

A. Within EPD-8, subject to standards uses permitted in the underlying zone are subject to notice to and comment from the For lands within the Area of Voluntary Siting Standards a meeting between the applicant and Oregon Department of Fish and Wildlife, shall be required if Oregon Department of Fish and Wildlife determines that habitat values exist which may be important to discuss with the applicant. The result of the meeting shall be included as information in the county review of a land use application.

B. Within EPD-8, conditional uses permitted in the underlying zone are subject to notice and comment from the Oregon Department of Fish and Wildlife. This includes conditional use requirements per Section 5.020 F.

~~B-C.~~ Within EPD-8, in the area designated Big Game Winter Range the following siting standards shall be applied as a condition of approval for all new dwellings in all zones not exempt under Section 3.924. In the area designated Area of Voluntary Siting Standards the following siting standards shall be by voluntary agreement of the applicant.

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1. New dwellings shall be located within three hundred feet (300') of public roads or easement or private roads or easements existing as of October 22, 1997, unless it can be found that:
 - a. Habitat values (browse, forage, cover, access to water) are afforded equal or greater protection through a different development pattern; or,
 - b. The siting within three hundred feet (300') of such roads or easements would force the dwelling to be located on irrigated land, in which case, the dwelling shall be located to provide the least impact on wildlife habitat possible

considering browse, forage cover, access to water, and minimizing length of new access roads.

Section 3.927—Fencing Standards

~~The following fencing standards could apply to new fences constructed as a part of development of a property in conjunction with conditional use permit. These standards shall be a voluntary agreement by the applicant.~~

~~New fences in the Big Game overlay zone are designed to permit wildlife passage. The following standards are guidelines approved by the County after consultation with the Oregon Department of Fish and Wildlife:~~

- ~~A. To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.~~
- ~~B. A 3-wire or 4-wire fence with the bottom wire at least 18 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire to avoid injury to animals.~~
- ~~C. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.~~

Section 3.928—Other Provisions

- ~~A. The County shall notify the Oregon Division of State Lands and the Oregon Department of Fish and Wildlife of any development application for land within a wetland identified on the National Wetlands Inventory maps.~~
- ~~B. An application for a destination resort, or any portion thereof, in a recognized Big Game Habitat overlay zone shall not be accepted pending completion of the County's Goal 8 destination resort mapping process.~~
- ~~C.A. _____ The county shall provide ODFW an annual record of development approvals within the areas designated as "Area of Voluntary Siting Standards" on the plan map to allow ODFW to monitor and evaluate if there is a significant detrimental effect on habitat (Added October 1997).~~

Section 3.920 - Sensitive Wildlife Habitat Overlay (EPD-8)

Section 3.920 - Sensitive Wildlife Habitat Overlay (EPD-8)	1
Section 3.921 – Purpose	1
Section 3.922 - Application of Provisions.....	1
Section 3.923 - Exempt Areas	1
Section 3.925 - Siting Standards	2

The requirements and standards of this Section shall apply in addition to those specified for the underlying zone. If a conflict in regulation or standard occurs, the provisions of this Section shall govern except that the larger minimum lot size shall always apply.

Section 3.921 – Purpose

The purpose of this overlay district is to conserve important wildlife areas by providing supplementary development standards; to promote an important environmental, social, and economic element of the area; and to ensure development is compatible with the protection of the wildlife resource.

Section 3.922 - Application of Provisions

Except as provided in Section [3.923](#) below, this overlay district shall be applied to all areas identified in the Comprehensive Plan as Sensitive Wildlife Habitat.

Section 3.923 - Exempt Areas

The following areas are exempt from these provisions:

- A. Rural Service Centers.
- B. Areas designated as Impacted Areas in the Transition Lands Study Area.

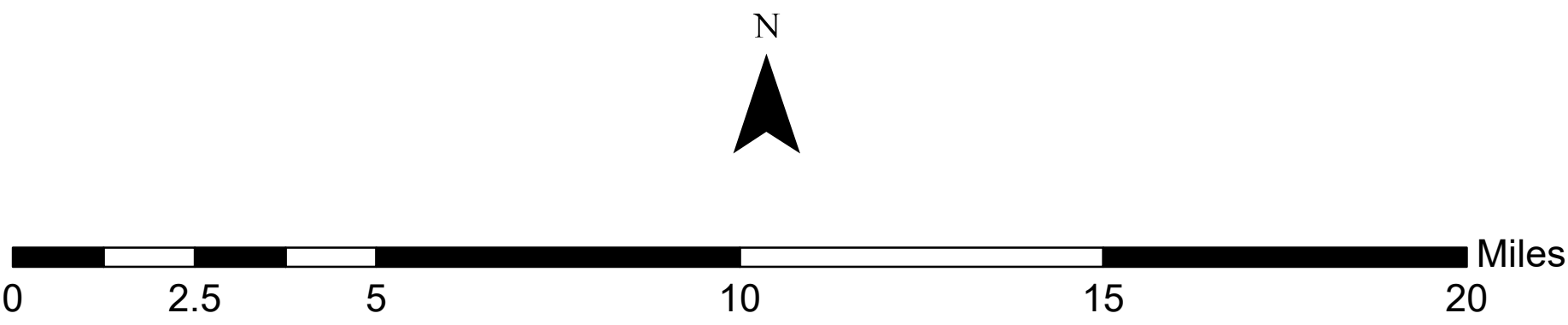
Section 3.924 – Exempt Uses

- A. All uses permitted without review in the underlying zone are exempt from provisions and siting standards in this Section.
- B. All uses in A-1 (160) that are permitted subject to Type I Review are exempt from provisions and siting standards in this Section.
- C. Farm dwellings, accessory farm dwellings, and relative farm dwellings in A-1 (160) are exempt from provisions and siting standards in this Section but still require notice to ODFW consistent with subject to standards review.

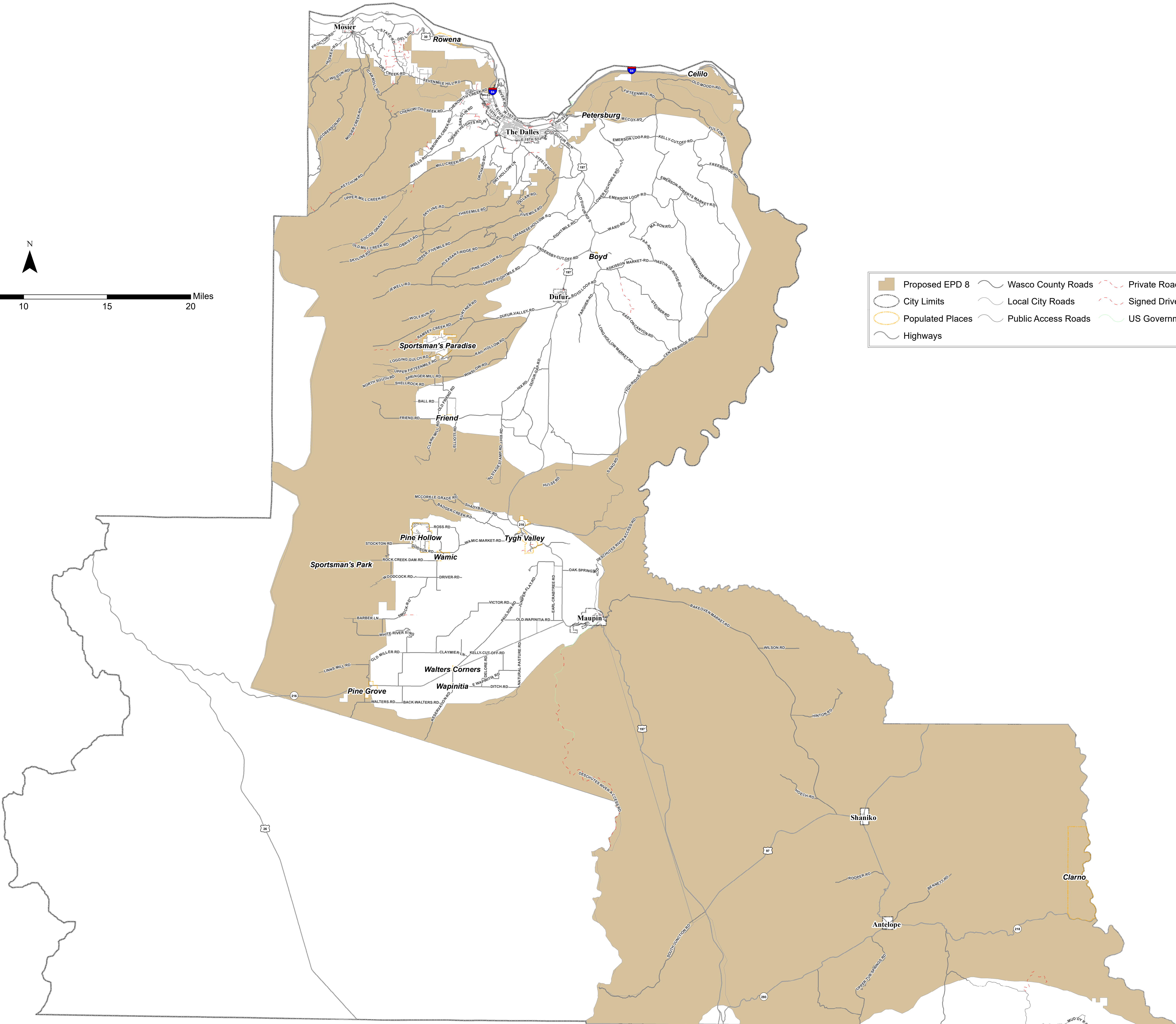
Section 3.925 - Siting Standards

- A. Within EPD-8, subject to standards uses permitted in the underlying zone are subject to notice to and comment from the Oregon Department of Fish and Wildlife.
- B. Within EPD-8, conditional uses permitted in the underlying zone are subject to notice and comment from the Oregon Department of Fish and Wildlife. This includes conditional use requirements per Section 5.020 F.
- C. Within EPD-8, the following siting standards shall be applied as a condition of approval for all new dwellings in all zones not exempt under Section 3.924:
 - 1. New dwellings shall be located within three hundred feet (300') of a public road or private road or road easement existing as of October 22, 1997, unless it can be found that:
 - a. Habitat values (browse, forage, cover, access to water) are afforded equal or greater protection through a different development pattern affirmed by Oregon Department of Fish and Wildlife; or
 - b. The siting within three hundred feet (300') of such roads or easements would force the dwelling to be located on irrigated land, in which case, the dwelling shall be sited to minimize impact on wildlife habitat considering browse, forage cover, access to water, and minimizing length of new access roads.

PROPOSED EPD 8 – SENSITIVE WILDLIFE HABITAT



Proposed EPD 8	Wasco County Roads	Private Roads
City Limits	Local City Roads	Signed Driveways
Populated Places	Public Access Roads	US Government Roads
Highways		



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.



Map *

5S 13E 0 2400
5S 12E 0 1700
1S 12E 15 800
1S 12E 15 800
4S 13E 0 3500
5S 16E 0 2200
4S 13E 0 1800
4S 13E 15 400
4S 12E 31 800
1S 12E 15 700
4S 11E 0 400
1S 12E 0 2700
4S 16E 0 500
7S 14E 0 2000
2N 12E 30 700
7S 18E 0 300
4S 13E 15 500
4S 13E 6 101
2S 15E 0 800
1S 15E 0 3200
4S 13E 6 100
6S 15E 0 1302
4S 14E 0 3100
5S 15E 0 1500
2S 15E 0 1000
2N 12E 30 600
4S 13E 6 800
6S 14E 0 2000
6S 13E 0 2200
4S 14E 0 3400
5S 12E 0 4300
4S 12E 0 5500
5S 13E 0 3000
5S 13E 0 6000
8S 17E 0 1600
2N 12E 30 1000
2N 12E 30 800
6S 17E 0 3000
4S 13E 6 400
5S 12E 0 400
2S 15E 0 1200
2N 12E 30 200
4S 13E 10 1100
1S 12E 0 2800

4S 13E 6 700
4S 13E 0 1200
4S 13E 6 701
1S 16E 0 1500
2S 15E 0 400
5S 13E 0 2300
8S 19E 0 2100
5S 13E 0 5900
5S 13E 0 500
4S 13E 6 702
3S 13E 0 2100
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4S 13E 0 2200
4S 11E 0 800
4S 13E 0 3600
4S 13E 0 2000
4S 13E 0 2000
1N 16E 0 200
4S 13E 0 900
4S 13E 0 2000
4S 13E 0 4800
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4S 13E 6 300
4S 13E 0 4900
4S 13E 0 3101
8S 19E 0 700
1S 12E 15 900
6S 17E 0 2900
2N 12E 0 3100
1S 12E 15 100
4S 12E 4 200
4S 12E 3 500
3S 12E 0 3100
4S 15E 0 100
6S 17E 0 1800
4S 13E 6 500
2N 12E 30 101
4S 16E 0 300
4S 15E 0 200
2S 15E 0 1200
5S 13E 0 2300
4S 15E 0 100
4S 13E 6 102
1S 12E 0 3000

4S 11E 14 100
4S 13E 6 702
5S 12E 0 1400
2N 12E 0 3200
1S 11E 0 1800
6S 14E 0 2500
4S 13E 6 200
4S 13E 0 2400
2N 12E 30 300
5S 13E 0 5900
2N 12E 30 1100
1S 11E 0 1700
2N 12E 30 400
5S 15E 0 500
4S 13E 0 3500
4S 13E 15 300
5S 14E 0 600
4S 13E 10 1300
7S 17E 0 1900
6S 17E 0 2800
1S 12E 0 500
5S 12E 0 200
8S 19E 0 2000
4S 13E 10 1100
8S 19E 0 2100



PLANNING DEPARTMENT

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FILE #: 921-19-000126

REQUEST: Legislative Request to Amend the Comprehensive Plan, Chapter 4 & 8
DECISION:

Attachments:

- A. Overview of Chapter 4 & 8 Revisions
- B. Final Draft of Proposed Chapter 4 of Wasco County 2040 (Comprehensive Plan)
- C. Final Draft of Proposed Chapter 8 of Wasco County 2040 (Comprehensive Plan)

File Number: 921-19-000126

Request: Amend the Wasco County Comprehensive Plan
1. Change the format to align with Statewide Land Use Planning Goals
2. Develop Goal 4 & 8 into Wasco County 2040 format (Chapter 4 & 8),
make any general amendments reflecting current planning practice.

Prepared by: Kelly Howsley Glover, Long Range Planner

Prepared for: Wasco County Planning Commission

Applicant: Wasco County Planning Department

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

**Planning Commission
Hearing Date:** April 2, 2020

Procedure Type: Legislative

Attachments: Attachment A: Wasco County Comprehensive Plan Chapter 4 and 8 Overview
Attachment B: Draft of Proposed Chapter 4 of Wasco County 2040 (Comprehensive Plan)
Attachment C: Draft of Proposed Chapter 4 of Wasco County 2040 (Comprehensive Plan)

I. APPLICABLE CRITERIA

- A. Wasco County Comprehensive Plan Chapter 11: Revisions Process
 - 1. Section B: Form of Comprehensive Plan Amendment
 - 2. Section C: Who May Apply for a Plan revision
 - 3. Section D: Legislative Revisions
 - 4. Section H: General Criteria
 - 5. Section I: Transportation Planning Rule Compliance
 - 6. Section J: Procedure for the Amendment process
- B. Oregon Administrative Rules 660-018: Post Acknowledgment Amendments

II. SUBMITTED COMMENTS

As of the date of this document, Wasco County Planning Department has received no comments about the proposed revisions.

III. PUBLIC INVOLVEMENT

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

A. Newspaper Notifications

Citizen Advisory Group Work Session March 3, 2020:

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

Citizen Advisory Group Work Session August 4, 2020:

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

Planning Commission Hearing September 1, 2020:

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

B. Postcard Notice

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

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

C. Information Available on Website

The information regarding the proposed amendments was placed on the Wasco County Planning Department Website¹ starting in December 2019. If updates are made following each hearing, the webpage will be updated to reflect such changes. At the time of publication of this document, the following information was made available to the public:

- A listing of hearing dates, times and locations
- Drafts of the proposed amendments
- Staff report describing the process and proposed changes
- A way to submit comments and concerns

In addition, the Wasco County Comprehensive Plan website² has included several posts that have included the time and date of meetings and discussion of proposed topics. This website has 48 subscribers that receive notification of new content, and is also promoted on the Planning Department's social media channels which have 325 followers.

D. Notification to Partners

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to the Periodic Review Assistance team and other Citizen Advisory Group identified stakeholders on March 19, 2020. The notification included links to the staff report, proposed amendments, and the opportunity to comment.

Due to the revised timeline, another email notification was sent to partners on August 17, 2020.

E. Notification to Community Notification List

During the Wasco County 2040 initial outreach phase, a public email notification list was assembled. Members of the public continue to have the opportunity to sign up for this list at any time on the project website³ or in person at any of the public hearings, work sessions or other events. They can also request to be put on the list via email, telephone, or in the Planning Department Office. Currently this list includes 184 interested parties from the community.

An email notification of proposed amendments, progress on Periodic Review, and the legislative hearing was sent to this notification list on March 26, 2020. The notification included links to the proposed amendments, and information on how to provide comment. Due to the revised timeline, another email notification was sent to the list on August 25, 2020

F. Other Public Outreach

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

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

² www.Wasco2040.com

³ <https://wasco2040.com/contact/>

IV. FINDINGS

A. Wasco County Comprehensive Plan Criteria

1. Chapter 11 - Revisions Process

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

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

FINDING: The request is for a legislative text amendment to policies and the format for Goal 4 and 8 (Chapter 4 and 8) of the Comprehensive Plan. These updates are not part of the Periodic Review work plan but are proposed to be consistent with updates made during Periodic Review. Amendments include reformatting and edits to existing policy and implementation, as well as the addition of some new content including historical perspective, overview, and findings and references. There are also revisions to policies and implementation measures based on external plans, and public input.

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

2. *Planning Commission by majority vote confirmed by the Wasco County Governing Body. (Legislative)*

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

c. *Section D – Legislative Revisions*

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

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

d. Section H – General Criteria

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

- 1). Compliance with the statewide land use goal as provided by Chapter 15 or further amended by the Land Conservation and Development Commission, where applicable.***
- 2). Substantial proof that such change shall not be detrimental to the spirit and intent of such goals.***
- 3). A mistake in the original comprehensive plan or change in the character of the neighborhood can be demonstrated.***
- 4). Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions.***
- 5). Proof of change in the inventories originally developed.***
- 6). Revisions shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established.***

FINDING:

Proposed updates to Goal 4 (Forest Lands) reflect updates made in the Natural Hazards Mitigation Plan and recommendations made by the Community Planning Assistance for Wildfires. These changes have been incorporated into Goal 7 (Natural Hazards) and are proposed to be added to policies in Goal 4 to add continuity and consistency. Goal 7 revisions were requested/required by the Department of Land Conservation and Development when approving the Periodic Review work plan to ensure compliance with the statewide land use goal. Inclusion in Goal 4 will further ensure compliance with Goal 7.

The focus of updates is to clarify existing language, update references, and provide reference to the Oregon Department of Forestry rules and policies for Natural Hazard mitigation. Wasco County recently inventoried fire risk through the Community Planning Assistance for Wildfire. Wildfire is mitigated through strategies identified in the Community Wildfire Protection Plan (CWPP) which is implemented through the Land Use and Development Ordinance. More generally, Wasco County Natural Hazards have been inventoried and an action plan developed by the Natural Hazards Mitigation Plan (NHMP) Steering Committee. The first NHMP, adopted in 2012, was updated in 2019.

To be consistent with these plans and Goal 7, Wasco County is proposing to amend its policies and implementation measures to be consistent with inventories, action plans, and current practice. These amendments do not reflect a mistake in the original Comprehensive Plan. Instead, they are the result of continued work and new, available data on natural hazards. Many of these plans did not exist or were not required when the original Comprehensive Plan was adopted in 1983.

The strategies are, by in large, intended to mitigate impact from natural hazards on the built environment and promote safety and health for Wasco County residents. The proposed amendments are based on the special studies, data, and other information available from partners and the plan teams and consistent with widespread public input over concern for wildfire risk. Based on requirements of state law, public expressed need for health/safety, and a change in conditions with forest practices, the changes have been deemed justified.

The Chapter is also revised significantly in format, and includes additions like references, findings, and an overview to provide context for the Goal and its impact on Wasco County.

By providing a clear connection between plans and the Comprehensive Plan, the intent is to provide a clear, efficient means for the public and staff to understand the policies and implementation measures related to wildfire in the forest lands.

Updates to Goal 8 consist, by in large, of updates to policies and implementation measures meant to reflect concerns expressed by property owners throughout the Wasco County 2040 process. This includes removal of outdated/unnecessary policy or implementation strategies, the addition of references or notations for current practice, and new policies to reflect community concerns of conflict on transportation network, maintenance issues for open space, and improved coordination with agencies and partners. This reflects a broader goal to revise policies to be consistent with Goal 8.

These changes are not as a result of a mistake in the original Comprehensive Plan, but reflect revisions to state law, local conditions, and factors which impact public safety. Revisions are based in the significant amount of public input gathered during Wasco County 2040.

In addition to changes to policy, staff is recommending the adoption of a destination resort eligibility map. The map was developed to be consistent with rule in OAR 660-015-0000(8). Policies in support of OAR 660-015-0000(8) and the destination resort are also proposed. Public input about destination resorts was factored in to recommendations about policies and the eligibility criteria.

e. Section I- Transportation Planning Rule Compliance

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

- a). Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***
- b). Change standards implementing a functional classification system; or***
- c). As measured at the end of the planning period identified in the adopted transportation system plan:***

- (1) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;***
- (2) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or***
- (3) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or Comprehensive Plan.***

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

f. Section J – Procedure for the Amendment Process

- 1. A petition must be filed with the Planning Offices on forms prescribed by the Director of Planning.***
- 2. Notice of a proposed revision within, or to, the urban growth boundary will be given to the appropriate city at least thirty (30) days before the County public hearing.***
- 3. Notification of Hearing:***
 - (1) Notices of public hearings shall summarize the issues in an understandable and meaningful manner.***
 - (2) Notice of a legislative or judicial public hearing shall be given as prescribed in ORS 215.503. In any event, notice shall be given by publishing notice in newspapers of general circulation at least twenty (20) days, but not more than forty (40) days, prior to the date of the hearing.***
 - (3) A quorum of the Planning Commission must be present before a public hearing can be held. If the majority of the County Planning Commission present cannot agree on a proposed change, the Commission will hold another public hearing in an attempt to resolve the difference or send the proposed change to the County Governing Body with no recommendation.***
 - (4) After the public hearing, the Planning Commission shall recommend to the County Governing Body that the revision be granted or denied, and the facts and reasons supporting their decision. In all cases the Planning Commission shall enter findings based on the record before it to justify the decision. If the Planning Commission sends the proposed change with no recommendation, the findings shall reflect those items agreed upon and those items not agreed upon that resulted in no recommendation.***
 - (5) Upon receiving the Planning Commission's recommendation, the County Governing Body shall take such action as they deem appropriate. The County Governing Body may or may***

not hold a public hearing. In no event shall the County Governing Body approve the amendment until at least twenty (20) days have passed since the mailing of the recommendation to parties.

FINDING: The Planning Department and the Planning Commission sought approval to revise the Comprehensive Plan through the Board of County Commissioners and the State Department of Land Conservation and Development (DLCD). DLCD approved Wasco County for Periodic Review on February 20, 2018. In addition to the scope of Periodic Review, the directive was to also update additional Chapters/Goals in tandem with work tasks.

These additional updates do not involve modifications or amendments to any of the urban growth boundaries and therefore no notices to Cities are required. Planning staff has contacted incorporated cities within Wasco County to solicit ongoing feedback and participation in Wasco County 2040.

Notices for all amendments are occurring in accordance with ORS 215.503. Section III of the staff report, above, details all the public noticing issued for this Post Acknowledgment Plan Amendment.

A quorum for this hearing was present to deliberate. By a vote of ___ to ___ the Planning Commission voted to recommend approval of the amendments to Chapters 4 and 8 to the Board of County Commissioners. The first hearing by the Board of County Commissioners will be held on May 6, 2020, 34 days following this hearing.

Oregon Administrative Rule (OAR) 660-018: Post Acknowledgment Amendments

OAR 660-018-0020 Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation

1). Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section 2). Of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.

2). The submittal must include applicable forms provided by the department, be in a format acceptable to the department, and include all the following materials:

a). The text of the proposed change to the comprehensive plan or land use regulation implementing the plan, as provided in section 3) of this rule;

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

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

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

(e) The notice or a draft of the notice required under ORS 197.763 regarding a quasi-judicial land use hearing, if applicable; and

(f) Any staff report on the proposed change or information that describes when the staff report will be available and how a copy may be obtained.

(3) The proposed text submitted to comply with subsection (2)(a) of this rule must include all of the proposed wording to be added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal or its purpose, by itself, is not sufficient. For map changes, the material submitted to comply with Subsection (2)(b) must include a graphic depiction of the change; a legal description, tax account number, address or similar general description, by itself, is not sufficient. If a goal exception is proposed, the submittal must include the proposed wording of the exception.

FINDING: A notice was sent to DLCD on February 26, 2020, consistent with requirements, to inform them of the proposed April 2, 2020 hearing and subsequent hearings to adopt amendments to Goal 4 and 8 via PAPAOnline as requested. Due to COVID-19, staff wrote DLCD in March requesting an extension. An extension was approved. A new notice was sent to DLCD on July 27, 2020, consistent with requirements, to inform them of the proposed September 1, 2020 hearing and subsequent hearings to adopt amendments to Goal 4 and 8 using PAPAOnline. Staff used FORM 1, as required, and submitted a copy of the notice, staff report and the map under consideration for destination resorts. A list of persons who participate orally or in writing in the local proceedings will be submitted with materials to DLCD.

OAR 660-018-0040 Submittal of Adopted Change

(1) When a local government adopts a proposed change to an acknowledged comprehensive plan or a land use regulation it shall submit the decision to the department, with the appropriate notice forms provided by the department, within 20 days.

(2) For purposes of the 20-day requirement under section (1) of this rule, the proposed change is considered submitted to the department:

(a) On the day the applicable notice forms and other required documents are received by the department in its Salem office, if hand-delivered or submitted by electronic mail or similar electronic method, or

(b) On the date of mailing if the local government mails the forms and documents.

(3) The submission to the department must in a format acceptable to the department and include all of the following materials:

(a) A copy of final decision;

(b) The findings and the text of the change to the comprehensive plan or land use regulation;

(c) If a comprehensive plan map or zoning map is created or altered by the proposed change:

(A) A map showing the area changed and applicable designations; and

(B) Electronic files containing geospatial data showing the area changed, as specified in section (5) of this rule, if applicable.

(d) A brief narrative summary of the decision, including a summary of substantive differences from the proposed change submitted under OAR 660-018-0020 and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the actual change; and

(e) A statement by the individual transmitting the decision identifying the date of the decision and the date the submission was mailed to the department.

(4) Where amendments or new land use regulations, including supplementary materials, exceed 100 pages, a summary of the amendment briefly describing its purpose and requirements shall be included with the submittal to the director.

FINDING: The local record for updates to Goal 4 and 8 will be submitted electronically (via PAPAOnline) within 20 days of the last evidentiary meeting (October 21st). The submittal will include correct forms, copy of the final decision, findings and text of the change, comprehensive plan map, electronic geospatial data files, a narrative summary of the decision, a statement by the individual transmitting the decision identifying the date of the decision and the date the submission was mailed to the department.

Attachment A

Chapter 4 Proposed Amendments

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

State of the Comprehensive Plan:

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

- a. Overview: A sentence to a paragraph on the outlining the purpose behind the Goal and Wasco County policies.
- b. Statement of Wasco County Goal and reference to Statewide Planning Goal
- c. Any cross-references to other Goals
- d. Policy Statements
- e. Implementation Statements for each policy
- f. Findings and reference section detailing any relevant findings and references.

Chapter by Chapter Overview of Proposed Substantive Amendments:

A. Chapter 4- Goal 4 Forest Lands

This new chapter maps to Goal 4 and includes an overview of Wasco County's Goal 4 resources, a brief overview of the goal's purpose in Wasco County, an excerpt of Oregon's Statewide Land Use Planning Goal 4, policies, implementation strategies for each policy, and a new findings and references section.

1. **Overview:** The overview briefly discusses Goal 4 as applied in Wasco County.
2. **Historical Perspective:** Provides a brief summary of the history of forest zones in Wasco County.
3. **Excerpt of Statewide Planning Goal:** Excerpt from the Oregon Administrative Rules on Goal 4 that outlines for staff and public the purpose of Goal 4.
4. **Wasco County's Goal:** This maps directly to the State's Goal 4, and has not been modified from existing broad goal.
5. **Photo:** A staff photo showing forested lands in Wasco County.
6. **Cross Reference:** A list of other goals that relate to Goal 4 was included for easy reference.
7. **Policies:** The existing plan has five policies. The recommendation is to keep existing policies with some modification to policies and implementation measures.
 - a. Policy 1: Existing policy is "Land use regulation and tax incentives should be designed to safeguard forest management operations on both private and public lands."
 - (1) Implementation strategy "a" is "Encourage resource management on those lands which meet the stocking and survival requirements of the Forest Practices Rules for Eastern Oregon." The recommendation is to replace this statement with "Maintain forest stocking requirements, in accordance with the Oregon Forest Practices Act, with the approval of a dwelling in the forest lands."
 - (2) Implementation strategy "b" is proposed to be revised to read "Only allow residential development as conditional uses in the F-2 Forest zone."

- (3) Implementation measure “c” is proposed to be revised to: “Prohibit residential development in the F-1 Forest zone.”
 - (4) Implementation strategy “d” is a revised to add the Oregon Revised Statute reference of forest land minimum parcel size.
 - (5) No changes are proposed for implementation measure “e”
 - (6) Staff is recommending the addition of the following implementation measure: “Properties that meet state and local forest tax deferral eligibility requirements should be encouraged to enroll in the program.”
 - (7) Staff is recommending the addition of implementation measure “g” to reflect Goal 7 policies: “Maintain site requirements for compatibility of new dwellings and accessory buildings and structures to minimize wildfire risk, conserve forest values, and reduce non-resource impacts to resource uses. Site requirements include setbacks, clustering of development, proximity to public roads, development on least productive portions of land, authorization for domestic water supply, and required road maintenance.”
- b. No changes are proposed to Policy 2, which expands on the habitat and resource values for F-1 zoned properties.
- (1). Implementation strategy “a” is proposed to be removed, as it references documents no longer utilized by partners for Watershed Management. Updated references are included in the findings and references section of this Chapter.
 - (2). Implementation measure “b” has been modified to clearly identify what types of residential development can be permitted in F-1: “Residential development, excepting Temporary Medical Hardship dwellings, is prohibited in the F-1 zone to protect resources, including surface water sources, from conflicts that are unable to be mitigated.”
 - (3). Staff is proposing the addition of implementation strategy “c”: “Other urban uses and activities, like commercial not in conjunction with forestry, will be prohibited to protect resources.”
- c. Policy 3 addresses wildfire risk reduction, and is not proposed to be removed.
- (1). The following is proposed to be added to implementation measure “a”: “Physical development that do not implement the Fire Safety Standards in a timely manner shall be considered a code compliance violation.”
 - (2). No change is proposed for implementation strategy “b”.

- (3). Implementation measure “c” is proposed to be revised to remove the first line “Coordination with the appropriate fire protection agency shall occur prior to issuance of any zoning approval for any dwelling, temporary or permanent, in the F-2 Forest zone.” This sentence is redundant with what follows.
- (4). No change is proposed for implementation strategy “d”.
- d. Policy 4 addresses coordination with ODF and ODFW and is proposed to remain the same.
 - (1) Implementation strategy “b” is new and proposed to read: “New forestry operations or practices require notice to the Oregon Department of Forestry by the landowner and/or operator.”
- e. Policy 5: addresses dwellings in the Transition Lands Study Area (TLSA). No changes are recommended.
 - (1) For implementation measure “a” the word “adopt” is proposed to be replaced with “maintain” to signify the current status of the TLSA document.
 - (2) Implementation Strategy “b” the word “implement” is proposed to be replace by “maintain” to reflect current status.
 - (3) No changes are proposed for measure “c.”
- 8. **Findings and References:** To help provide some information about each of the policies, as well as some history, findings and references are provided at the end of the chapter. These references cite sources from text. Findings provide additional context for some of the policies and implementation strategies. The references list a variety of external plans and reports that are useful, not only in giving context to the policies, but also for research or reference for current planning.

Chapter 8 Proposed Amendments

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

State of the Comprehensive Plan:

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

- g. Overview: A sentence to a paragraph on the outlining the purpose behind the Goal and Wasco County policies.
- h. Statement of Wasco County Goal and reference to Statewide Planning Goal
- i. Any cross-references to other Goals
- j. Policy Statements
- k. Implementation Statements for each policy
- l. Findings and reference section detailing any relevant findings and references.

Chapter by Chapter Overview of Proposed Substantive Amendments:

B. Chapter 8- Goal 8 Recreation

This new chapter maps to Goal 8 and includes an overview of Wasco County's Goal 4 resources, a brief overview of the goal's purpose in Wasco County, an excerpt of Oregon's Statewide Land Use Planning Goal 8, policies, implementation strategies for each policy, and a new findings and references section.

- 9. **Overview:** The overview briefly discusses Goal 8 as applied in Wasco County.
- 10. **Key Community Planning Issues:** This section summarizes the community identified issues with recreation during the Wasco County 2040 process.
- 11. **Excerpt of Statewide Planning Goal:** Excerpt from the Oregon Administrative Rules on Goal 8 that outlines for staff and public the purpose of Goal 8.
- 12. **Wasco County's Goal:** This maps directly to the State's Goal 8, and has not been modified from existing broad goal.
- 13. **Photos:** Staff photos showcasing different recreation in Wasco County have been inserted.
- 14. **Cross Reference:** A list of other goals that relate to Goal 4 was included for easy reference.
- 15. **Policies:** The existing plan has three policies. The recommendation is to keep existing policies with some modification to policies and implementation measures and add two additional policies and implementation.
 - a. Policy 1: Existing policy is "Manage the Deschutes and John Day Scenic Waterways to minimize recreational over-use, accumulation of solid waste and conflicts with agricultural use, while maximizing their scenic and recreational values."
 - (1) Implementation strategies "a" - is proposed to be modified from "Encourage governmental agencies to restrict open camp fires on the Deschutes and John Day Rivers" which has been done to "Encourage the development of a cooperative management plan between private landowners and government agencies for new development."

- (2) Implementation measure “b” is proposed to be removed and pertains to recreational subdivisions along the rivers, which is prohibited by law.
 - (3) Implementation strategy “c” relates to recreational power boats on the Scenic Waterways and is proposed to be removed.
 - (4) New implementation measure “b” is proposed to be consistent with law: “Consistent with the Scenic Waterways Act, Oregon Parks and Recreation Department (OPRD) must be notified of certain changes that landowners may want to make to their property, and those changes may be subject to review. The landowner is obligated to make this notification on OPRD forms and submit directly to OPRD.”
 - (5) A new implementation measure “c” is proposed: “All land use actions related to the Deschutes and John Day Scenic Waterways should be consistent with Goal 5, Policy 5.5.1 and related implementation measures.”
- b. Policy 2 is a relates to recreational sites and open spaces and is proposed to remain the same.
- (1). Implementation strategy “a”-“b” are proposed to remain the same.
 - (2). Implementation measure “c” is to be modified with the addition of “Ensure ongoing maintenance of open space and road systems through deed restrictions and HOA requirements” to be consistent with Goals 5 and 14.
 - (3). Implementation measure “d” is new and reads: “Recreational development shall take into account access, topographic and physical features, water areas, wooded areas, and other critical features.”
 - (4). New implementation measure “e” is proposed as “Consistent with Goal 8, preference shall be given to non-motorized types of activities over motorized activities when developing recreation plans.”
- c. Policy 3: Is proposed to be revised from “Discourage illegal recreational access through private agricultural lands” to a more broad: “Wasco County shall respect private property rights and landowner concerns, maintain a good neighbor philosophy, and develop partnership[s and creative solutions that meet mutual objectives when acquiring developing and managing parks and natural areas.”
- (1). An addition to implementation measure “a” is: “Discourage illegal recreational access through private agricultural lands.”
 - (2). No other revisions are proposed for measures “b” and “c”.

- d. Policy 4 is an additional policy to directly address requirements of Goal 8: “Wasco County shall actively coordinate with federal, state, regional and local partners to meet recreational needs, provide outreach, and assist with updates.”
 - (1) Implementation strategy “a” is proposed as “Partners will be notified about potential development or activity that may have an impact on infrastructure, emergency services, or natural resources.”
 - (2) Implementation strategy “b” details Goal 8 requirements related to data: “As required by OAR 660-015-0000(8), the Statewide Comprehensive Outdoor Recreation Plan (SCORP) should be used as a guide when planning, acquiring, and developing recreation resources, areas, and facilities. Wasco County shall actively participate in SCORP updates.”
 - (3) Implementation measure “c” is recommended to be “Recreational trails designated as an Oregon Recreation Trail shall follow rules set forth by OAR 660-023-0150.”
 - (4) Implementation strategy “d” is proposed as “Wasco County Planning shall coordinate with the Wasco County Public Works Department on even permits on the roadway to help raise awareness about special events and mitigate adverse impacts to existing uses.” This was a frequent public request during the Wasco County 2040 process.
 - (5) The final new implementation measure for this policy, “e” is “Wasco County Planning shall coordinate with other groups, like Travel Oregon, to raise awareness about potential recreational conflicts with existing land uses.” This was also a frequent comment received from the public throughout the Wasco County 2040, and by in large relates to conflicts between commercial agriculture and recreational biking.
- e. Policy 5: In conjunction with the proposed destination resort eligibility map, staff is proposing the following policy: “Wasco County has adopted a destination resort eligibility map to demonstrate those portions of the county that qualify for a Destination Resort.” The subsequent implementation measures support this and make clear state law requirements.
 - (1) Implementation measure “a” is proposed: “Destination resort tourist development shall be allowed at designated areas as indicated by the eligibility map.”
 - (2) Implementation strategy “b” is suggested to read: “The destination resort provisions shall be consistent with the requirements of ORS 197.435 to 197.467 and Statewide Planning Goal 8. The provisions shall also provide a clear mechanism to allow for the siting of a destination resort within Wasco County, consistent with the County’s acknowledged Comprehensive Plan and implementing ordinances, Statewide Planning Goals, and Oregon Administrative Rules.”

- f. Policy 6: Much of the guidance from the public during Wasco County 2040 emphasized using best available data, improving coordination, and actively conducting outreach on relevant topics. The proposed sixth policy reflects these values: “Recreation planning should be based on data and input from stakeholders, SCORP and residents.”
 - (1) Implementation measure “a” is proposed: “The current Wasco County Parks Inventory shows existing recreational opportunities in Wasco County.”
 - (2) Implementation measure “b” is recommended as: “Wasco County should develop long range recreation plans or work with County Parks and Recreation Departments to identify recreation needs and opportunities.”
- 16. **Findings and References:** To help provide some information about each of the policies, as well as some history, findings and references are provided at the end of the chapter. These references cite sources from text. Findings provide additional context for some of the policies and implementation strategies. The references list a variety of external plans and reports that are useful, not only in giving context to the policies, but also for research or reference for current planning.
- 17. **Appendix:** The appendix for Goal 8 includes a parks inventory. The destination resort eligibility map is adopted by reference.

Goal 4

Forest Lands

Goal 4

Forest Lands

Overview

The western boundary of Wasco County is, by in large, forested lands. Roughly 40% is publicly owned by federal, state, and local entities and 40% is held in tribal trust, with the rest privately owned.

In addition to its value for commercial timber, the lands have unique recreational, habitat, and watershed values. Forest lands in Wasco County consist of three general types: grass-shrub, principle forest, and upper-slope forest zones. The grass-shrub is used primarily for grazing and is privately owned. Lower elevation principle forest zones are also commonly used for range land but also have Ponderosa Pine which is valued for timber production. Upper-slope forest zone has true fir, mountain hemlock, lodge pole pine and western larch.

Wasco County protects forest lands for its forestry, recreation, watershed and habitat.

Historical Perspective

Lands were determined to be suitable for forest uses based on forest site class. The site class inventory was an estimate of the productive potential of forest land for wood growth. The site class can be translated to cubic feet/acre/year. Generally, forest site classes less than VII are considered to be of commercial quality.

Public timber harvest peaked in the early 1980s, while private industry had peak harvest between 1985 and 1991. Following statewide restrictions on forestry as a result of species protections, Wasco County lost several wood processing facilities and commercial timber harvest companies.

In addition to value for commercial forest production, many of the forest lands in Wasco County are in critical habitat, watershed, or in topographically constrained sites. This includes forested lands that have Oregon White Oak.

Early zoning in Wasco County included a 40 acre minimum parcel forest zone in addition to the 80 acres.

Statewide Planning Goal 4

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Excerpt from
OAR 660-015-0000(4)

Cross-Reference

Additional policies related to this goal:

Wasco County Goal 4

Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.



Staff photo (2018) of F-2 property with Mt. Hood view.

Policies

4.1.1 Land use regulationⁱ and tax incentives should be designed to safeguard forest management operations on both private and public lands.

Implementation for Policy 4.1.1:

- a. Only allow residential development as conditional uses in the F-2 Forest zone.
- b. Prohibit residential development in the F-1 Forest zoneⁱⁱ.
- c. The minimum lot size of lands designated on the Comprehensive Plan map as “Forest” shall be eighty (80) acres (ORS 215.780)ⁱⁱⁱ.
- d. Approval of a conditional use permit for a dwelling not in conjunction with a forest use shall be preceded by the parcels disqualification from receiving a farm or forest tax deferral.
- e. Maintain site requirements for compatibility of new dwellings and accessory buildings and structures to minimize wildfire risk, conserve forest values, and reduce non-resource impacts to resource uses. Site requirements include setbacks, clustering of development, proximity to public roads, development on least productive portions of land, authorization for domestic water supply, and required road maintenance.
- f. Maintain forest stocking requirements, in conjunction with the Oregon Forest Practices Act, with the approval of a dwelling in forest lands.

4.1.2 Lands within the F-1 Forest designation shall be managed for maintenance of water quality and quantity, in addition to timber protection, fish and wildlife, soil conservation and air quality.

Implementation for Policy 4.1.2:

- a. Residential development, excepting Temporary Medical Hardship dwellings, is prohibited in the F-1 zone to protect resources, including surface water sources, from conflicts that are unable to be mitigated.
- b. Other urban uses and activities, like commercial not in conjunction with forestry, will be prohibited to protect resources.

4.1.3 All physical development should be located such that it minimizes the risk of wildfire and allows for assistance in the control of wildfire^{iv}.

Implementation for Policy 4.1.3:

- a. All physical developments shall implement the applicable Fire Safety Standards of the zone in a timely manner. Physical developments that do not implement the Fire Safety Standards in a timely manner shall be considered a code compliance violation.
- b. A functioning on-site water supply shall be implemented prior to issuance of any zoning approval/building permit within the F-1 and F-2 Forest zones. The aforementioned water supply shall be connected to all applicable Fire Safety Standards of the zone.
- c. In the “F-1” & “F-2” Forest Zones, coordination with the local fire protection agency shall occur prior to any land use application. Where development does not fall within a structural fire protection district, coordination with the applicable wildland interface agencies shall occur. Close consideration of the Wildland Urban Interface (WUI) setting, Wildfire Hazard designation, and Mitigation Difficulty for that area shall occur with agency coordination^v.
- d. Requests for dwellings not in conjunction with forest use, on property which is located outside of a rural fire protection district, shall not be accepted by the Approving Authority unless a contract for services has been reached with a rural fire protection district.

4.1.4 Coordination with the Oregon Department of Forestry and Oregon Department of Fish and Wildlife should occur whenever possible during the land use review process.

Implementation for Policy 4.1.4:

- a. Notice of all action on all conditional use permits shall be forwarded to these departments for their comments and analysis. Lack of concurrence from either department shall be considered by the Approving Authority in the decision making process.
- b. New forestry operations or practices require notice to the Oregon Department of Forestry by the landowner and/or operator.

4.1.5 Coordination with the Oregon Department of Forestry and Oregon Department of Fish and Wildlife should occur whenever possible during the land use review process.

Implementation for Policy 4.1.5:

- a. Maintain the TLSA document (September 17, 1997), and comprehensive plan map by reference, as background information for planning purposes within TLSA.

- b. Maintain the “lot of record” provision in the TLSA, for parcels within a fire protection district (OAR 660-006-0027 adopted June 1, 1998).
- c. Do not implement the OAR provision for the “template test” in the TLSA based on the available area wide information regarding overall land use patterns, land values, and lack of infrastructure in the forest zone, based on the TLSA study dated September 17, 1997.

ⁱ Forest lands, according to OAR 660-015-0000(4) include “lands which are suitable for commercial forest uses...and other forested lands that maintain soil, air, water and fish and wildlife resources.” This means that not all zoned forest lands will necessarily be productive but may have other values that merit their zoning and protection. This is an important consideration for Exceptions to Goal 4.

ⁱⁱ Several large properties within the F-1 Zone are owned and managed by The City of The Dalles or The City of Dufur for source water protection purposes. The F-1 chapter of the LUDO identifies that residential development is prohibited in the zone due to the conflicts with safe and efficient watershed management.

ⁱⁱⁱ Oregon Revised Statutes 215.780 require the minimum parcel size for all designated forestland to be at least 80 acres.

^{iv} The Community Wildfire Protection Plan outlines many of the mitigation steps applied through regulation to reduce fire risk.

^v The Community Planning Assistance for Wildfire (CPAW) Final Recommendations for Wasco County, OR (2018) includes a discussion of the WUI, Wildfire Hazard designation and Mitigation Difficulty.

References

Oregon Department of Forestry Forest Practice Administrative Rules and Forest Practices Act. (2018).

<https://www.oregon.gov/ODF/Documents/WorkingForests/FPARuleBook2018Final.pdf>

Oregon. Department of Land Conservation and Development. *Goal 4: Forest Lands*. Oregon's Statewide Planning Goals and Guidelines.

Oregon Forest Resources Institute. (2018). Oregon Forest Protection Laws: An Illustrated Manual. https://oregonforests.org/sites/default/files/2018-02/OFRI_IllusManual_full.pdf

Wasco County. (2005). Community Wildfire Protection Plan.

Goal 8

Recreational Needs

Goal 8

Recreational Needs

Overview

Statewide planning directs the County to inventory recreation needs and opportunities and to develop long range plans for meeting the recreational needs of its citizens in coordination with private interests and public agencies.

Wasco County has two Parks and Recreation Districts: North Wasco Parks and Recreation and South Wasco Parks and Recreation. These organizations have surveyed their respective communities to identify key recreation challenges and opportunities and to develop strategic investments.

Overall, recreation is an important quality of life issue for Wasco County residents and recreational tourism is an important part of the Wasco County economy. Residents and visitors are drawn to the extensive public lands, scenic waterways and viewpoints, and wide variety of recreational activities and settings. Recreation opportunities include fishing, boating, biking, hiking, camping, and a combination of these activities.

Key Community Planning Issues

- Recreational bicycle use on County Roads

During the Wasco County 2040 visioning phase, many residents and farmers expressed significant concern over sharing the road during harvest with bicyclists or bicycle events. The concern is related to conflicts or safety hazards that arise when heavy equipment is on the roadways.

- Balancing recreational uses with natural resource protection
- Coordination with key partners
- Reducing liability from unmaintained designated open space
- Considering impacts to emergency services by increasing activity or development

Statewide Planning Goal 8

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

The requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements.

Excerpt from
OAR 660-015-0000(8)

Cross-Reference

Additional policies related to this goal:

Wasco County Goal 4

Recreational Needs

To satisfy the recreational needs of the citizens of Wasco County and visitors.



From top left: Rafters on the Deschutes River (2017), bicycle overlooking the Columbia (2018), and a swimming pool at The Washington Family Ranch (2005)

Policies

8.1.1 Manage the Deschutes and John Day Scenic Waterways to minimize recreational over-use, accumulation of solid waste and conflicts with agricultural use, while maximizing their scenic and recreational values.

Implementation for Policy 8.1.1:

- a. Encourage the development of a cooperative management plan between private landowners and government agencies.
- b. Consistent with the Scenic Waterways Act, Oregon Park and Recreation Department (OPRD) must be notified of certain changes that landowners may want to make their property, and those changes may be subject to review. The landowner is obligated to make this notification on OPRD forms and submit directly to OPRD.
- c. All land use actions related to the Deschutes and John Day Scenic Waterways should be consistent with Goal 5, Policy 5.5.1 and related implementation measures.

8.1.2 Develop and maintain a variety of recreational sites and open spaces adjacent to population concentrations to adequately meet the County's recreational needsⁱ.

Implementation for Policy 8.1.2:

- a. The County may establish public park lands adjacent to future multiple-purpose reservoirs. This may include the dedication of park land to the County from a federal agency or private land developer at future reservoir sites.
- b. Encourage a system of safe and convenient trails for non-motorized recreation and transportation. Adequate right-of-way should be acquired on public roads to provide bicycle, pedestrian and equestrian paths where feasible.
- c. Large planned development shall include the reservation of a suitable area of park land or open space. Ensure ongoing maintenance of open space and road systems through deed restrictions and HOA requirements.
- d. Recreational site development shall take into account access, topographic and physical features, water areas, wooded areas, and other critical features.
- e. Consistent with Goal 8, preference shall be given to non-motorized types of activities over motorized activities when developing recreation plans.

8.1.3 Wasco County shall respect private property rights and landowner concerns, maintain a good-neighbor philosophy, and develop partnerships and creative solutions that meet mutual objectives when acquiring developing and managing parks and natural areas.

Implementation for Policy 8.1.3:

- a. Encourage governmental agencies to develop a public information program concerning recreational access through private lands. Discourage illegal recreational access through private agricultural lands.
- b. Condemnation of private land for recreational use will be strongly opposed.
- c. Easements for recreational use at well-established access points should be acquired. Possible funding sources such as the National Park Service and Oregon State Parks should be investigated.

8.1.4 Wasco County shall actively coordinate with federal, state, regional and local partners to meet recreational needs, provide outreach, and assist with updates.

Implementation for Policy 8.1.4:

- a. Partners will be notified about potential development or activity that may have an impact on infrastructure, emergency services, or natural resources.
- b. As required by OAR 660-015-0000(8), the Statewide Comprehensive Outdoor Recreation Plan (SCORP) should be used as a guide when planning, acquiring, and developing recreation resources, areas, and facilities. Wasco County shall actively participate in SCORP updatesⁱⁱ.
- c. Recreation trails designated as an Oregon Recreation Trail shall follow rules set forth by OAR 660-023-0150ⁱⁱⁱ.
- d. Wasco County Planning shall coordinate with the Wasco County Public Works Department on event permits on the roadway to help raise awareness about special events and mitigate adverse impacts to existing uses^{iv}.
- e. Wasco County Planning will coordinate with other groups, like Travel Oregon, to raise awareness about potential recreation conflicts with existing land uses.

8.1.5 Wasco County has adopted a destination resort eligibility map to demonstrate those portions of the county that qualify for a Destination Resort.

Implementation for Policy 8.1.5:

- a. Destination resort tourist development shall be allowed at designated areas as indicated by the eligibility map.
- b. The destination resort provisions shall be consistent with the requirements of ORS 197.435 to 197.467 and Statewide Planning Goal 8. The provisions shall also provide a clear mechanism to allow for the siting of a destination resort within Wasco County, consistent with the County's acknowledged Comprehensive Plan and implementing ordinances, Statewide Planning Goals, and Oregon Administrative rules.

8.1.6 Recreation planning should be based on data and input from stakeholders, SCORP, and residents.

Implementation for Policy 8.1.6:

- a. The current Wasco County Parks Inventory shows existing recreational opportunities in Wasco County.
- b. Wasco County should develop long range recreation plans or work with County Park and Recreation Departments to identify recreation needs and opportunities^v.

ⁱ During the Wasco County 2040 visioning, residents were asked to identify critical issues and challenges in Wasco County related to land use. The results relevant to recreation are outlined in the Key Community Planning Issues section.

ⁱⁱ The 2019-2023 Oregon SCORP focuses on five demographic and social shifts facing outdoor recreation providers in the next several years including; an aging population, increasingly diverse population, low youth engagement, underserved low income population, and the focus on health benefits of physical activity. These shifts resulted in strategic actions developed to address needs. The actions include recommendations for both recreation and municipal providers.

ⁱⁱⁱ This is written to be consistent with similar implementation measures in Goal 5 and Goal 14.

^{iv} This was identified by the public, during visioning work, as a top priority due to conflicts between commercial agricultural and recreation.

^v Recreation providers in Wasco County for the 2019-2023 SCORP identified the greatest local need for more visitor facilities, including tent sites and cabins/yurts, urban bike paths and connecting trails into a larger trail system. There was also a need identified for public access to waterways.

References

Bureau of Land Management (1993). Lower Deschutes River Management Plan Record of Decision.

Department of Land Conservation and Development (2015). Guide to Trails in EFU and Forest Zones.

Oregon's Kitchen Table (2015). South Wasco County Parks and Recreation District Survey.

Oregon Department of Land Conservation and Development. Goal 8: Recreational Needs.

Oregon's Statewide Planning Goals and Guidelines.

Oregon State Parks. (2016). [Oregon Satewide Recreation Trails Plan](#).

Oregon State Parks. (2019). [2019-2023 Oregon Statewide Comprehensive Outdoor Recreation Plan](#).

Oregon State Parks (2013). Statewide Comprehensive Outdoor Recreation Plan 2013-2017.

Oregon State Parks (2019). 2017 Oregon Resident Outdoor Recreation Survey.

Oregon State Parks (2013). A Guide to Community Park and Recreation Planning for Oregon Communities.

Travel Oregon (2016). Travel Oregon Stakeholder Engagement Survey Results and Oregon Tourism Town Hall Findings.

Appendix 18-A

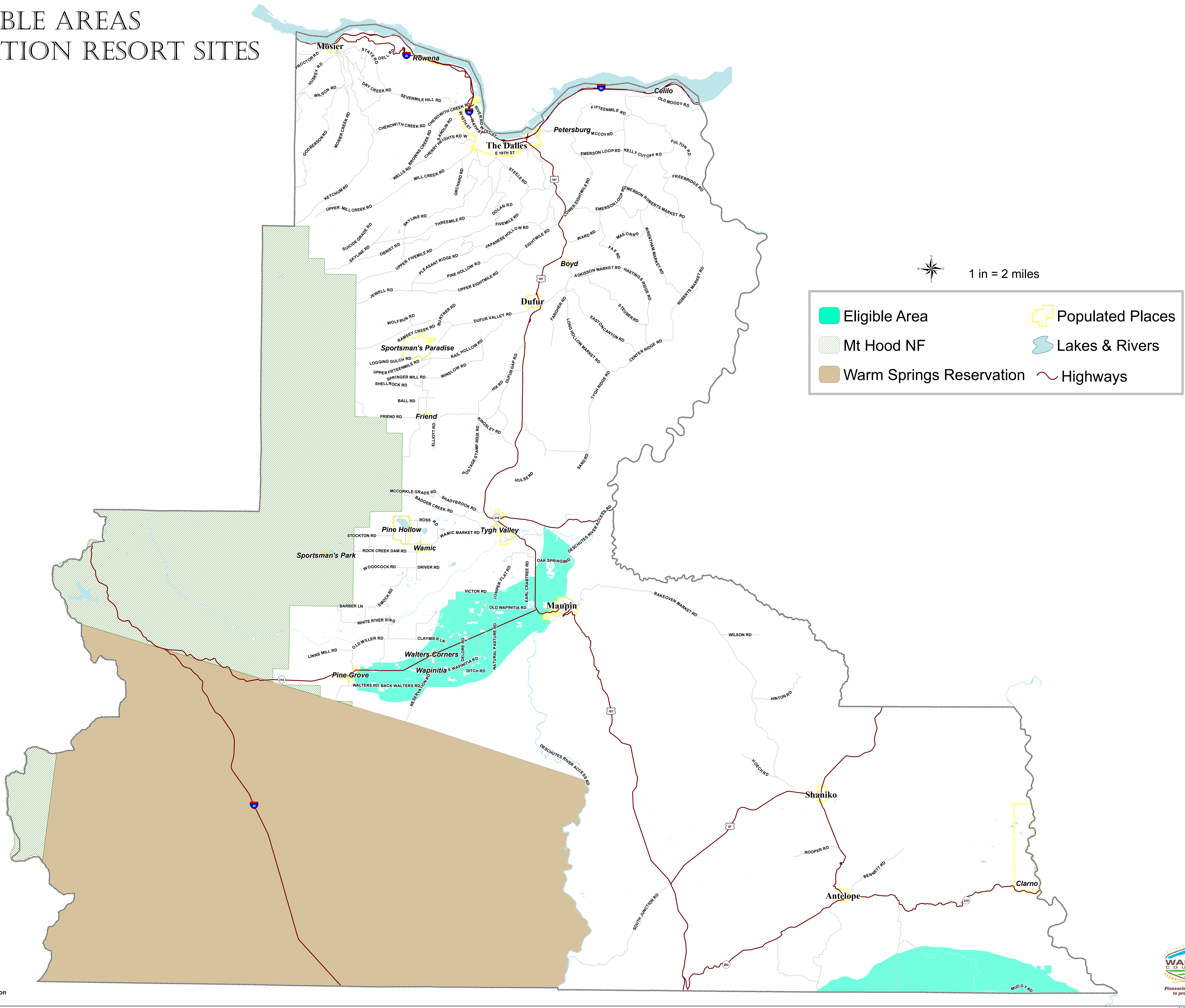
Wasco County Parks Inventory

Park	Ownership	Water	Toilets	Picnic Sites	Tent Sites	RV Hookup Sites	Total Camp Sites	Other facilities \ Activities
Memaloose State Park	State	X	X	X	65	40	105	
Mayer State Park	State	X	X	X				
Koberg Beach St Wayside	State	X	X	X				
Seufert Park	Army Corp of Engineers			X				
Celilo Park	Army Corp of Engineers	X	X	X	Yes			
Deschutes River State Rec. Area	State		X	X				
Underhill Site	Private	X	X					
Camp Baldwin	Private	X	X					Boy Scout Camp
Pine Hollow	Private	X	X	X	23	66	89	
Wasco Co. Fairgrounds/ Hunt Park	County	X	X	X	Yes	120	120+	
White River Falls	State	X	X	X				
White River Game Management Area	State							
Barlow Creek	USFS		X	X	3		3	
Clear Creek	USFS		X	X	7		7	
Clear Lake	USFS	X	X	X	32		32	
Forest Creek	USFS		X	X	8		8	
Grindstone	USFS		X	X	3		3	
Keeps Mill	USFS		X	X	5		5	
Little Badger	USFS			X	3		3	
Post Camp								
Rock Creek Reservoir	USFS	X	X	X	33		33	
Frog Lake	USFS	X	X	X	33		33	
Cow Canyon Rest Area	State	X	X	X				
Nena (Deschutes River)	BLM		X	X				
Devil's Canyon (Deschutes River)	BLM		X	X	4		4	
Long Bend (Deschutes River)	BLM		X	X	X		1	
Harpham Flat (Deschutes River)	BLM		X	X	13		13	
Wapinitia (Deschutes River)	BLM		X	X	6		6	

Maupin City Park (Deschutes River)	City of Maupin	X	X	X	22	25	47	
Oasis (Deschutes River)	BLM		X	X	12		12	
Grey Eagle (Deschutes River)	BLM		X	X				
Blue Hole (Deschutes River)	BLM		X	X	1		1	
Lower Blue Hole (Deschutes River)	BLM			X				
Oak Springs (Deschutes River)	BLM		X	X	7		7	
Surf City (Deschutes River)	BLM			X				
White River (Deschutes River)	BLM		X	X	5		5	
Sandy Beach (Deschutes River)	BLM		X	X				
Buckhollow (Deschutes River)	BLM		X	X				
Pine Tree (Deschutes River)	BLM			X				
Twin Springs (Deschutes River)	BLM		X	X	7		7	
Oakbrook (Deschutes River)	BLM		X	X				
Jones Canyon (Deschutes River)	BLM		X	X	10		10	
Beavertail (Deschutes River)	BLM	X	X	X	17		17	
Rattlesnake Canyon (Deschutes River)	BLM		X	X	9		9	
Macks Canyon (Deschutes River)	BLM	X	X	X	20		20	
Deschutes River Sites								Additional sites via boat only
Pebble Ford	USFS		X	X	3	3	6	
Eightmile Crossing	USFS		X	X	21		21	
Lower Eight mile Crossing	USFS		X	X	3		3	
Knebel Springs	USFS		X	X	8		8	
Fifteenmile Campground	USFS		X	X	3		3	
Zig Zag Trail	USFS							
Bonney Crossing	USFS		X	X	8		8	
Spring Drive RV Campground	USFS	X	X	X		6	6	
McCubbins Gulch	USFS		X	X	15		15	
Bear Springs Group Camground	USFS	X	X		4		4	
Dufur RV Park	Private	X	X			26	26	

Boat launch
 Fishing
 Hiking
 Swimming
 Wind surfing
 Horseback riding (rental, guided tour)
 Waterskiing
 River rafting
 Bicycle trail
 Crosscountry ski trail
 Snow-shoeing
 All-terrain trail

ELIGIBLE AREAS FOR DESTINATION RESORT SITES



Disclaimer
This product is for informational purposes only. Users of this information should review or consult primary data and information sources to ascertain the usability of the information.

“Planning Department”



Wasco County 2040 Updates

Overview

- **Work Task 18 (Sensitive Wildlife/Goal 5)**
- **Goals 4 (Forest Lands) & 8 (Recreation)**

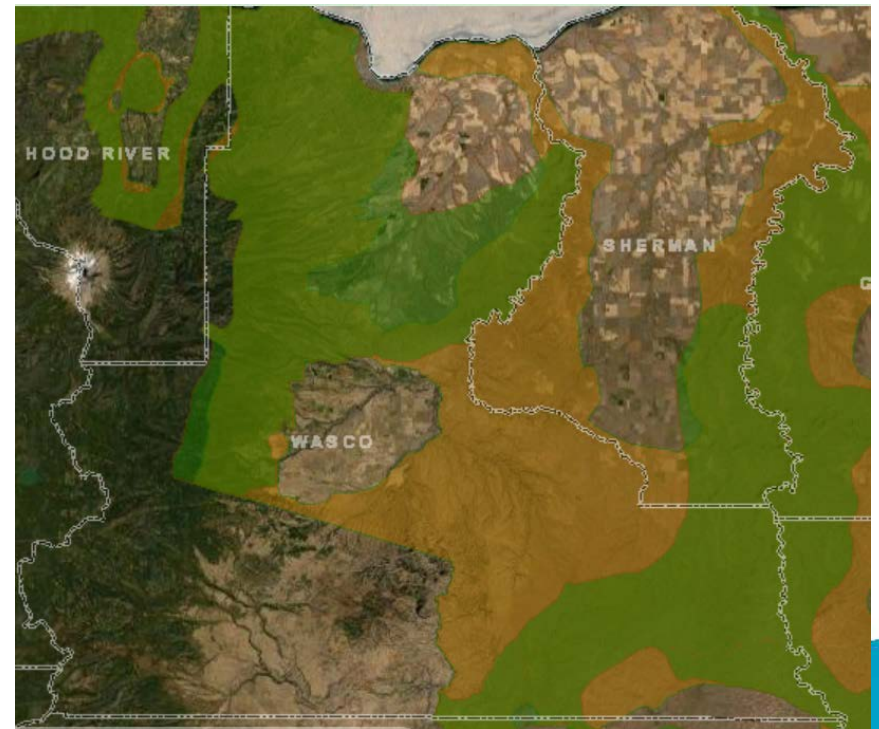
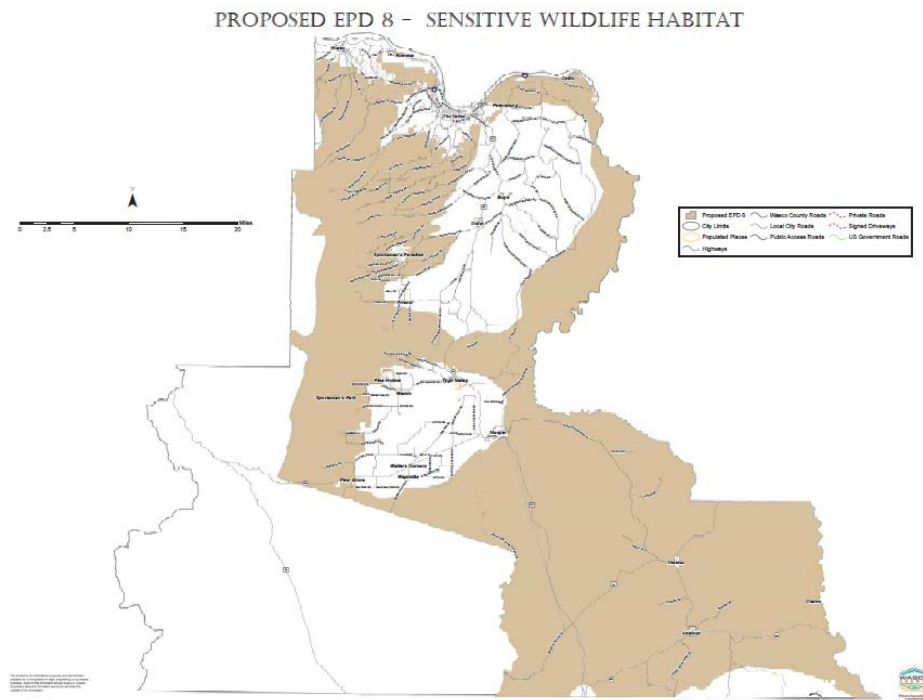


Work Task 18: Goal 5

- Update EPD 8 (Sensitive Wildlife Habita)
- Update EPD 12 (Sensitive Birds)
- Update Policies/Implementation
- Update Ordinance language for EPD 8

EPD 8 Map

- Map modified to match ODFW Compass Map





EPD 12

- Update map with new nesting sites, removed old/nonviable sites (from 2005)
- Map is confidential
- Notified individual property owners impacted



Why Update Now?

- OAR 660-023-0250 requires at Periodic Review to amend Comp Plan if new information about inventories is provided during work plan development
- Required by OAR 660-023-0110 (2) to obtain current habitat inventory from ODFW and others
- Rule OAR 660-023-0110 (4)(a-e) required we rely on this info



Policies/Implementation

Wildlife Habitat

5.3.1 Preserve wildlife habitat to provide for productive ecological function.

Implementation for Policy 5.3.1:

a. Identify and maintain all wildlife habitats by:

Implementation of an Environmental Protection District (EPD) overlay zone for significant fish and wildlife habitats and for the big game winter range. ~~Designation of the Big Game Winter Range and Area of Voluntary Siting Standards (low elevation winter range) on the map contained in this plan's Resource Element.~~

b. The winter range identified on the Big Game Habitat Map included in the Resource Element of this plan shall be protected by an overlay zone, EPD-8.

c. The Rural Service Centers identified in the Comprehensive Plan which lie within the ~~EPD-8 overlay zone~~ shall be exempt from the provisions of the ~~EPD-8 overlay zone~~.

d. Areas designated as Impacted Areas in the Transition Lands Study Area shall be exempt from provisions of EPD-8.

e. ~~Based on the ESEE Analysis, farm uses have been identified as non-conflicting with Big Game Habitat protections. Farm uses permitted outright or with ministerial review shall be exempt from the provisions and siting standards of EPD-8.~~

f. Consistent with the development standards of the land use ordinance, sensitive riparian areas of perennial and intermittent streams identified in the Resource Element, as well as to protect people and property from flood damage, the zoning ordinance shall prohibit development within 100 feet of the mean high water mark of perennial or intermittent stream or lake in a resource zone, and 50 feet of the mean high water mark of a perennial or intermittent stream or lake in residential zones.

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

h. ~~and mammal habitat sites (Western pond turtle nesting sites) identified in the Resource Element of the plan shall be protected by a Sensitive Bird and Mammal Overlay Zone. Western Pond Turtles during periodic review pursuant to the current County approved work program are protected through the EPD-13 overlay zone. Sites are confidential and the map is available for onsite review by the property owner at the time of application. If a deed restriction is required, a map will be provided by staff to the property owners for their records.~~

i. When site specific information is available to the County on the location, quality and quantity of threatened and endangered fish and wildlife species listed by State or Federal ~~Wildlife~~ wildlife agencies and the Oregon Department of Fish and Wildlife develops protection criteria for the species, the county shall proceed with a Goal 5 ESEE analysis in compliance with OAR 660 Div. ~~1623~~.

f. The county shall review the Transition Land Study Area (TLSA) big game habitat areas and designated as "1-B" Goal 5 resources, during the next periodic review or as additional information on the location, quality and quantity of the habitat areas becomes available. (ORD. 3.180). County-owned land shall be managed to protect and enhance fish and wildlife habitat except where a conflicting public use outweighs the loss of habitat.

g. ~~An application for a destination resort, or any portion thereof, in a recognized big game habitat overlay zone shall not be accepted pending completion of the County's Goal 8 destination resort mapping process. (ORD 3.180)~~

h. The county shall provide ODFW an annual record of development approvals within the areas designated as Area of Voluntary Siting Standards' on the plan map to allow ODFW to monitor and evaluate if there is a significant detrimental effect on habitat.

j. Sensitive wildlife maps shall be evaluated for update on a five year cycle or in conjunction with major updates from Oregon Department of Fish and Wildlife or other State or Federal wildlife agencies.

Ordinance Language for EPD 8

Section 3.924 – Exempt Uses

All uses permitted without review in the underlying zone are exempt from provisions and siting standards in this Section.

All uses in A-1 (160) that are permitted subject to Type I Review are exempt from provisions and siting standards in this Section.

Farm dwellings, accessory farm dwellings, and relative farm dwellings in A-1 (160) are exempt from provisions and siting standards in this Section but still require notice to ODFW consistent with subject to standards review.

Ordinance Language for EPD 8

- Remove “Permitted Uses” and “Conditional Uses” for clarity.
- Remove fencing standards
- Remove “Other Provisions”
- Modify Siting standards for clarity:

Section 3.925 - Siting Standards

Within EPD-8, subject to standards uses permitted in the underlying zone are subject to notice to and comment from the Oregon Department of Fish and Wildlife.

Within EPD-8, conditional uses permitted in the underlying zone are subject to notice and comment from the Oregon Department of Fish and Wildlife. This includes conditional use requirements per Section 5.020 F.

Within EPD-8, the following siting standards shall be applied as a condition of approval for all new dwellings in all zones not exempt under Section 3.924

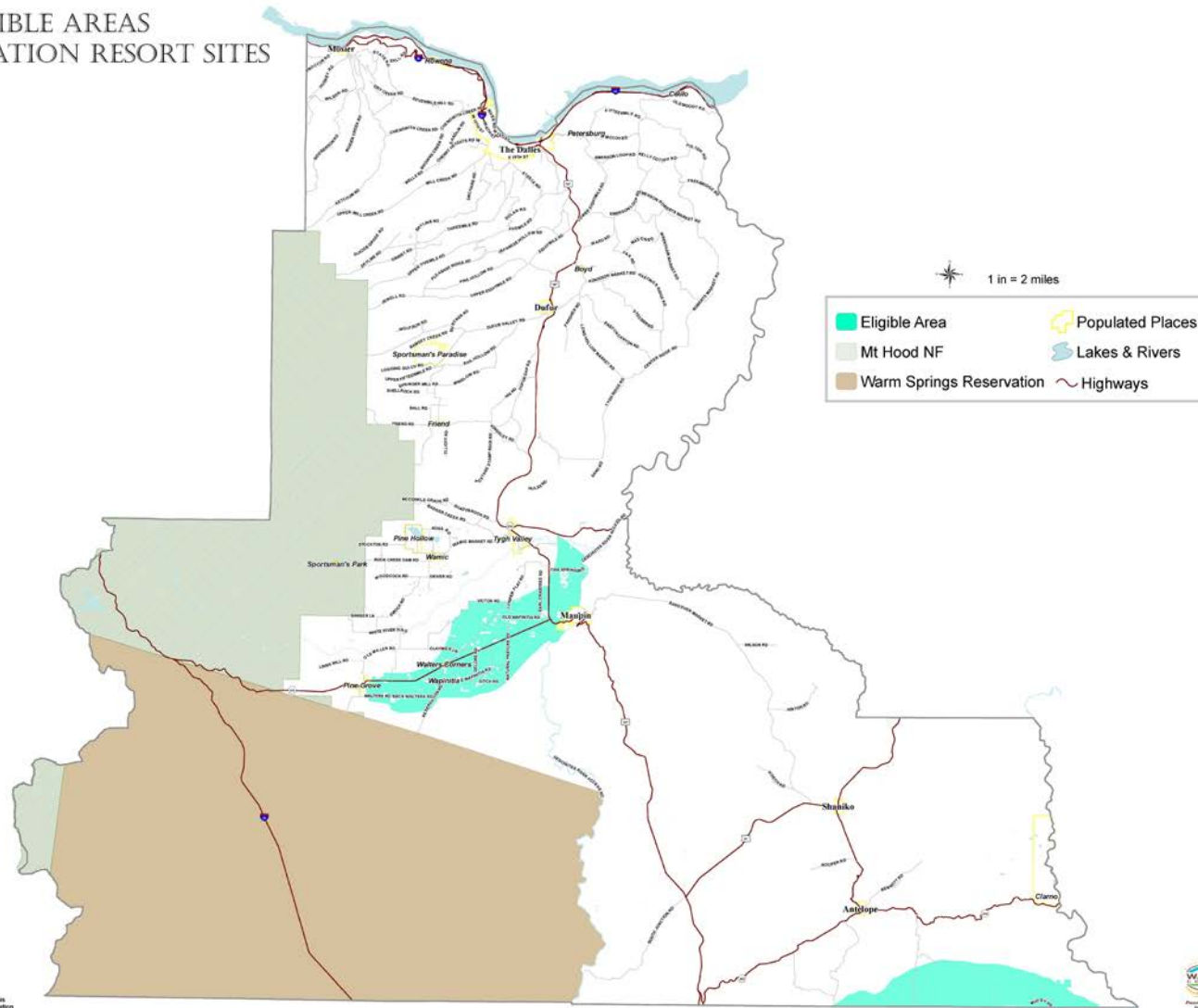
Goal 4 (Forest Lands)

- Focused on updating language to be consistent with current practice
- Made wildfire recommendations consistent with CPAW and CWPP

Goal 8 (Recreation)

- Identify community planning issues
- Make outreach, notifications, and coordination transparent
- Adopt destination resort map

ELIGIBLE AREAS FOR DESTINATION RESORT SITES



Additional Goal 5 Updates

- Switched from Historical Landmarks Commission to Planner Director for review
- Modified aggregate/mining language to clarify based on OARs

Other Edits

- Slightly modified format to make findings endnotes
- Removed two column format throughout policy section