



WASCO COUNTY PLANNING COMMISSION HEARING

November 5, 2019

3:00 p.m.

The Columbia Gorge Discovery Center

Lower Level Classroom

5000 Discovery Drive

The Dalles, OR 97058

CALL TO ORDER

ROLL CALL:

Members Present: Vice Chair Chris Schanno; Russell Hargrave; Lynne MacIntyre; Kate Willis; Brad DeHart; Alternate LeRoy Booth; Alternate Marcus Swift

Absent Members: Chair Mike Davis; Vicki Ashley

Staff Present: Planning Director Angie Brewer, Long Range Planner Kelly Howsley Glover, Planning Coordinators Brenda Coleman and Jensi Smith

Vice Chair Schanno opened the hearing at 3:05 p.m.

Vice Chair Schanno asked for roll call.

Alternate Swift introduced himself. He was welcomed by the group.

PUBLIC COMMENT:

Vice Chair Schanno asked for comments on non-agenda items. There were none.

APPROVAL OF PAST MINUTES:

Vice Chair Schanno called for comments on the Minutes from July 2, 2019.

Commissioner MacIntyre moved to approve Minutes from July 2, 2019. **Alternate Booth** seconded.

The motion was approved 7 to 0; (2 Absent – Chair Davis; Commissioner Ashley)

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Davis – absent
Vice Chair Schanno – yes
Commissioner Hargrave – yes
Commissioner DeHart – yes
Commissioner Ashley – absent
Commissioner MacIntyre – yes
Commissioner Willis - yes
Alternate Booth – yes
Alternate Swift - yes

RECOMMENDATIONS ON PROPOSED AMENDMENTS TO CHAPTERS 5, 7, 11 AND 13 AS PART OF WASCO COUNTY 2040 WORK PLAN:

Vice Chair Schanno opened the Hearing in the following manner:

The public hearing is now open for the purpose of considering:

921-18-000216 – Work Task 13; 921-18-000217 – Work Task 14; 921-18-000218 – Work Task 15; 921-18-000219 – Work Task 16; 921-18-000222 – Work Task 19; 921-19-000125 (No Work Task) of the Periodic Review. The proposed amendments will update Chapter 5, 7, 11 and 13 of Wasco County 2040, the Wasco County Comprehensive Plan.

The procedure I would like to follow tonight is:

- Planning Department Report
- Members of the audience who wish to speak in favor of the proposal
- Members of the audience who wish to speak in opposition to the proposal
- Planning Commission will close hearing and begin deliberation
- Planning Commission will ultimately make a recommendation to the Board of County Commissioners regarding the proposal. The Board of County Commissioners will take final local legislative action
- The hearing is scheduled for 2 hours. We will try to conclude the hearing by 5:00 PM. Testimony will be limited to 3 minutes per audience member

The Rules of Evidence are as follows:

- No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.
- Evidence received shall be of a quality that reasonable persons rely upon in the conduct of their daily affairs
- Testimony and evidence must be directed toward the criteria applicable to the subject hearing

Disclosure of Interest:

- Does any commission member wish to disqualify themselves for any personal or financial interest in this matter? There were none.
- Does any member of the audience wish to challenge the right of any commission member to hear this matter? There were none.
- Is there any member of the audience who wishes to question the jurisdiction of this body to act on behalf of Wasco County in this matter? There were none.

Vice Chair Schanno stated **LRP Howsley Glover** would present report. See Attachment A

LRP Howsley Glover stated these items had been presented to the Citizen Advisory Group (CAG) last month. This has been updated to be very specific for planners of the future and members of the public. She reviewed slides that relate Goals to work tasks, noting items that are required by the state. She noted that policy language has been updated.

Goal 5 is challenging and needs to be very clear and transparent to help the public to understand. It was noted that the state wetland inventory would be used, which includes the national inventory. They have worked to make sure all the references and documents have been updated. **LRP Howsley Glover** talked about Oregon Scenic Waterways. In the past, applicants may have missed the requirement that they need to notice the Oregon Parks and Recreation Department for development and obtain a separate approval outside of our process.

Before the Scenic Act, Wasco County had an overlay zone that protected the Gorge area. Because the Comp Plan had not been updated, there were still some old references to that old overlay zone. Those have been removed and we have added clear direction on where to go for information regarding the National Scenic Area (NSA). The Comp Plan is for non NSA areas of Wasco County. The Management Plan is the comprehensive plan of the NSA.

The state has required us to switch over aggregate resources from Division 16 to Division 23.

LRP Howsley Glover spoke more on Wild and Scenic Rivers, specifically the White River. The previous Comp Plan information was discussed, including things covered by EPD 7. There has been some confusion and concerned residents regarding the White River being part of EPD 7. **LRP Howsley Glover** stated any new resource needs to go through the Economic Social Environmental and Energy (ESEE) analysis process. It states which zones are adjacent to the resource, the uses or activities that are likely to occur, the adverse impacts to the activity and the resource. The process is then to figure out what the best mitigation strategies are to manage and protect the resource but still allow for activities and uses that are allowed in the zone. This exercise is to make it clear to the public that we are not overreaching. Goal 5 requires us to follow the management plan of any agency that is responsible for any Wild & Scenic Rivers. The conclusion of the analysis is to continue to protect the White River through EPD 7. This seems like the best way to mitigate potential impacts to the uses or the resource. Several years ago, after a number of appeals, the Planning Commission and likely the Board of County Commissioners (BOCC) made a policy decision to make all uses lower than a conditional use (Types I & II) be treated as a conditional use. By virtue of the language, all conditional uses in the underlying zone are prohibited. People were told they would probably be denied because they were in the EPD 7 and had a conditional use. This recommendation is the best way to protect these resources and uses by making everything conditional, allow them to go through the process, as a way to mitigate impacts to neighborhoods, resources, etc. (19:20) **Director Brewer** stated the recommendation is to use the process we were doing up to 2014. There were no text changes, just an interpretation of the language. There seems to be some unintended consequences of that change. This allows us to be more consistent. **LRP Howsley Glover** stated all this language will be updated in the Land Use and Development Ordinance (LUDO) update, with the aspiration stated in the Comp Plan.

LRP Howsley Glover discussed Goal 11, which relates to public utilities and services updates, which is not related to a work task. This piece gets at unincorporated areas, our partnerships with emergency service, school districts, etc. We want to make sure the language is consistent with how things are done, particularly with jurisdictional authority. This is one of the goals that rely heavily on coordination with partners.

Goal 13, regarding energy conservation was discussed. Updated in 2009, this mirrored what was put in the LUDO. In work with Goal 5, there are things to think about when permitting renewable energy facilities, with a priority to look for opportunities for residential solar incentives. We don't have a solution now but are looking for ways to achieve resiliency and self-sufficiency for our communities in the future.

LRP Howsley Glover would like to have this approved and moved forward to the BOCC. These updates are due to Department of Land Conservation and Development (DLCD) in March 2020. The next updates will be pretty meaty and controversial and will need a lot of time to do a deep dive on these issues. She is proposing the last roadshow at the end of February. Our final updates are due in June. They will work to assure that it is clean and comprehensive document. LUDO updates should start in late 2020. (25:55)

Vice Chair Schanno asked if any audience members wished to speak in favor of the proposal.

Shelia Dooley commented on Goal 13 regarding energy conservation. She noted a draft from last time (CAG meeting) 'where available incentives would be provided to encourage residential solar'. She stated there is an incentive with the electric co-op where they will buy back any energy that is not used, but not a good rate, but is an incentive. The Commission did not have any questions for **Ms. Dooley**. There were no other audience members that wished to speak.

Vice Chair Schanno asked if there were members of the audience that wished to speak in opposition of the proposal. There were none.

Vice Chair Schanno closed the public hearing. (28:20)

Deliberation:

There was a discussion on the language 'limiting, restricting or discouraging the building of residences near water resources or surface water.' (PC-15) It was noted this is a carryover from Goal 4 of the Comp Plan. Many of the critical water sources are in our F-1 zoned properties with a long standing policy to prohibit residential activity in that zone, with a couple exceptions. This is to maintain water quality and quantity. This is just tying it to natural hazards. There was concern the current verbiage might make it look like any water source. There was consensus to update the language to make it more specific. (33:56)

The language on PC-121 (Findings) regarding changes being made was discussed. Is public input required to make changes? Staff clarified that the current hearing as well as the meeting of the Citizen Advisory Group are opportunities for the public to comment. The revisions to Goals 11 & 13 were not identified as part of the state approved work plan as a work task. It has always been the intention to do a comprehensive updates to all the Goals.

Policy 1 on PC-129 regarding limiting development in concentrated areas appropriate with levels of fire and emergency services was discussed. Staff stated there are mechanisms available when approving development to ensure there are appropriate levels of fire and medical services. Some may require contracting with adjacent rural fire protection districts. This language strengthens existing policies and makes it more transparent. It was noted we don't have the ability to provide fire protection. This is to help ensure that people are safe. We have updated the language to clarify that. The LUDO specifies that if you are planning development outside a fire district that you need to have a mitigation strategy – on site storage with a minimum number of gallons or contract with an adjacent rural fire protection district. The fire safety standards define the appropriate level of services. It was noted that when the public has been specific, we have tried to be specific. When we are dealing with state law, we have been a little less specific because state law changes every year. It was stated the LUDO would be where things would be more specific. The goal is for new developments have appropriate levels of fire and medical services. Using the word appropriate was a concern for some, as it is subjective. Staff noted that what is the appropriate level is subject to change. It was suggested to change the language to “as determined by”, giving reference to what drives the decision on what is appropriate. It was stated there are multiple tools for fire, with local, state and federal jurisdictions that are tasked with it specifically. The Fire Safety Standards in our ordinance are where the appropriateness is specified. Being multi-layered, it is hard to have a word that references all of that. There are pointers to this issue in the Findings in Chapter 11 that spell out our current practice. The Fire Safety Standards are shared with all applicants in a packet that specifies what is required. Staff noted if someone is looking to develop, they would look at the LUDO for that information. The findings should make it clear as to what we mean by that policy.

Policy 13 (PC-148) verbiage of Land and Uses Development was discussed. Staff clarified this is from the Oregon Administrative Rules (OARs) so we are not able to edit that. It was stated it might read better with commas inserted.

There was discussion about the terms – active versus inactive hazards zones, with a CAG recommendation to staff to update this with a definition of these terms. It was stated that FEMA has a definition for *intensive*. Staff noted this is stated in Findings 7.1.j.

The Comprehensive Plan Update cycle of review was discussed. It was stated the goal is for every 5-10 years, but it often depends on budget needs and political will. There is no regular interval mandated by the state. It is better to do it on some sort of regular basis because of legislative changes made at the state level.

The definition for sustainable and resilient (Policy 7.1.1) will be added to the Findings by staff.

The policy regarding mobile homes verses manufactured homes was discussed (Goal 7, Chapter 7). Staff stated updates were made to make it more inclusive. If the language had been only manufactured homes, it might keep out mobile homes, as they are not the same thing. They have different Building Code requirements. Fire Safety Standards are clearer in Planning for stick built homes. Approval to place a manufactured or mobile home is different because the structural components that would be reviewed for stick built are already done. A pre-built home has its own Building Codes standards. It was noted the 1983 version of the Comp Plan had many references to manufactured and mobile homes. There were a lot being placed at that time so there were a lot of policies put in place regarding site safety and design features. Because of Fire Safety Standards and Building Codes, there are instances where manufactured

and mobile homes are treated differently. Staff recommendation is to not make an explicit policy and implementation measures about mobile homes but have a more general piece about mitigations to wild fire hazards, fire safety, etc. These would apply to all structures.

There was discussion about having maps available to show the overlays of things like wetlands, EPDs, Geo-hazards, Scenic Area, etc. Staff indicated these things are currently on our GIS web mapping tool. Staff is willing to train the Commission on the use of this tool. Members stated they would like a tool to help them with context when making decisions. Staff stated any printed images would need to be split up because the county is very large. It was stated the GIS department would be a great resource to help with this. Staff stated they would look into this and told Commissioners they would work with them if there were resources they felt they needed. (1:05:00) Staff spoke about individual applications that are required to have a site plan map to show detail that would not be available on a county wide map. There is much more detail on the GIS map. There was discussion on how the data is best referenced with the GIS maps. Staff will inquire of the GIS staff as to the best way for Commissioners to access this information. Staff noted that maps traditionally have not been included because it is not our data and these do change. There will not be maps in the LUDO or Comp Plan as it would be difficult to maintain in real time. It was noted the Commissioners could use their tablets to access the information from GIS. Staff will look into the possibility of training similar to what is offered to realtors in the area.

There was discussion on the language on PC-23: (e) active hazard zones and (f) inactive hazard zones was discussed during the CAG meeting and staff was to share how these were different. Staff noted they have been placed together so all hazards are identified and can be investigated. This is the safest approach. Staff is trying to get a grant so that this data layer can be updated. It was noted that the standard practice has been to have a qualified engineer do these certifications, not necessarily a geologist. Requirements for certification for 'qualified' are identified in our ordinance. It was stated there is potential that areas of the county have been marked with a geological hazard, that if investigated by a qualified professional, they might find those area are inactive. If an area is found to be inactive, there might be a reason to have them identified as such and have a different procedure to deal with them. It was stated that all active and inactive sites are in a hazard area and procedurally staff is responsible to assure development happens in a safe way. This means we need something from a qualified professional that determines whether it is safe. Staff stated this would be a LUDO issue – EPD 2, which doesn't distinguish between active and inactive. When the LUDO update takes place, a more robust conversation can take place regarding this. Staff will add language called out in the LUDO regarding requirements for 'qualified' professionals who can make determinations to this section of the Comp Plan update. The hope is we will be able to update our geological hazards zones to reflect most current information. Staff recognized this has been an issue, noting there are deficiencies.

Vice Chair Schanno called for a motion.

Commissioner MacIntyre made a motion to approve the proposed amendments and recommend their adoption to the Board of County Commissioners. **Commissioner Hargrave** seconded.

Discussion:

Comments regarding: Clarifying issues that needed to be defined – items that have been discussed that will need updates; clarifying or providing reference to other areas where clarity is provided; definition of

surface water resources; a finding to define sustainable and resilient; an update to the language on geologic hazards report.

LRP Howsley Glover stated she had added these items and would make the revisions.

Chair Schanno asked **Commissioner MacIntyre** if she would amend her motion.

Commissioner MacIntyre motioned to approve the amendments, with the additions noted this evening with members, and recommend the proposed be sent to the Wasco County Commissioners as well.

Commissioner Hargrave seconded.

Vice Chair Schanno opened for further discussion. There was none.

Vice Chair Schanno called for the vote.

The motion was approved 7 to 0; 2 absent (2 absent – Chair Davis; Commissioner Ashley)

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Davis – absent

Vice Chair Schanno – yes

Commissioner Hargrave – yes

Commissioner DeHart – yes

Commissioner Ashley – absent

Commissioner MacIntyre – yes

Commissioner Willis - yes

Alternate Booth – yes

Alternate Swift – yes

Vice Chair Schanno noted the first motion was killed and the second motion approved.

Vice Chair Schanno closed the Hearing at 4:30

Directors Report:

Director Brewer stated the December meeting has been scheduled. She will bring the bylaws to the group at that time. If there are issues the group would like to discuss, send them to her via email.

Recruitment for the Assistant Planner had 15 candidates and she will make an offer to the top candidate tomorrow.

The planners just attended an Oregon Chapter of the American Planning Association (APA) conference and got some great new ideas. She noted that all Planning Commissioners should now have access to APA's website, which has great resources available. Our staff is fairly active in the Oregon Chapter with Senior Planner Will Smith on the subcommittee for outreach and education. Associate Planner Brent Bybee is a member of the board, representing Planning Commissioners (The City of The Dalles). **Director Brewer** stated she will attend the Association of Oregon Counties annual conference in November. At this conference the Planning Directors have a couple days to talk about hot topics within the state.

We are submitting an application for a FEMA grant to update our geological hazards inventory and already have the one for community wildfire, which we are waiting to hear back about.

Within the Scenic Area, the Gorge Commission and Forest Service will clarify the location of the zoning lines on their maps. In the last couple years, they have clarified the urban area lines. There were two different methodologies used in these processes. Postcards will be sent to residents to make them aware. Even if it is a clarification and not a move, it will change the zoning lines on some properties, because of technical errors made during the original process. This will be in coordination with The Dalles and Mosier to assure we have all other procedural requirements met. We have been given some cool GIS maps that will show where these changes will be. We have been given the opportunity to provide feedback.

The Land Use Board of Appeal (LUBA) date for the Wilson Hearing is November 26th. The BOC will make a decision tomorrow on the level of involvement we'll have going forward. Counsel has made a recommendation. This hearing will be in Salem. The hearing will be based on everything that is on the record.

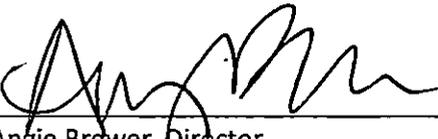
Commissioner MacIntyre motioned to adjourn. **Alternate Booth** seconded.

All in favor, motion carried.

Meeting adjourned at 4:42 pm



Mike Davis, Chair
Wasco County Planning Commission

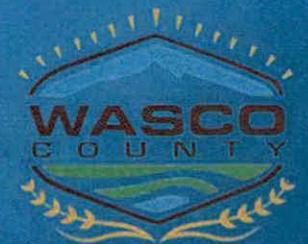


Angie Brewer, Director
Wasco County Planning & Development

ATTACHMENT A

Wasco County
Planning

Wasco County 2040 Work Tasks 13-16 & 19



ATTACHMENT A

Work Tasks

13	<p>Update Hazard Plan References Amend comprehensive plan, to align with work done in Natural Hazards Mitigation Plan (NHMP), including referencing NHMP</p> <p>Product: Updated comprehensive plan natural hazards element</p>	3/31/20
14	<p>Wetland and Waterway Protections Update references from National Wetland Inventory to State Wetland Inventory</p> <p>Product: Updated comprehensive plan and LUDO, changing references from National Wetland Inventory to State Wetland Inventory.</p>	3/31/20
15	<p>Wild and Scenic Rivers</p> <ul style="list-style-type: none"> • Update language in Comprehensive Plan to correctly identify both Federal and State Wild and Scenic Rivers. • Appropriately identify development buffers and restrictions. • Reference appropriate wildlife management plans for rivers and other relevant external plans/documents or partners. • Update Wild and Scenic Rivers Section to add clarity and codify policy interpretation (or eliminate) for the LUDO that all Type 1 uses in EPF 7 are CUPs and any CUPs are not permitted. <p>Products: (1) Amendments to existing comprehensive plan policies; (2) add policy that addresses uses in EPD 7 (Wild and Scenic Rivers Overlay); (3) Update supporting data and references to Wild and Scenic Rivers, including external partner plans; (4) appropriately identify development buffers and designations.</p>	3/21/20

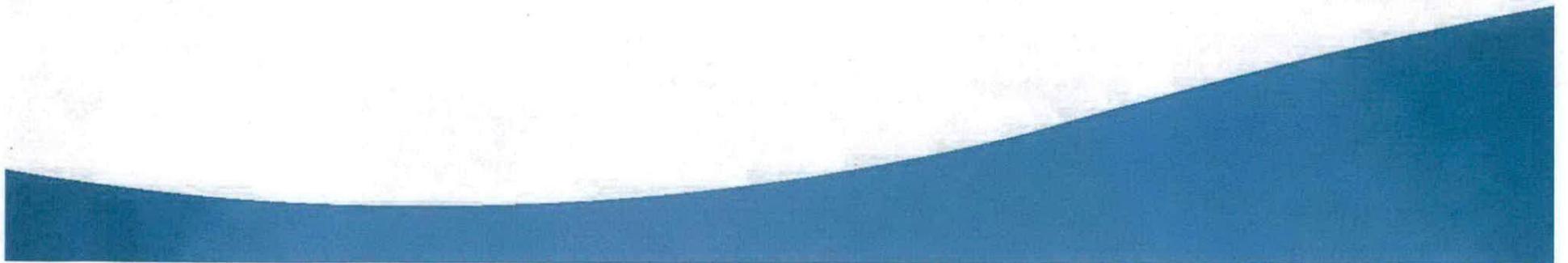
ATTACHMENT A

Work Tasks

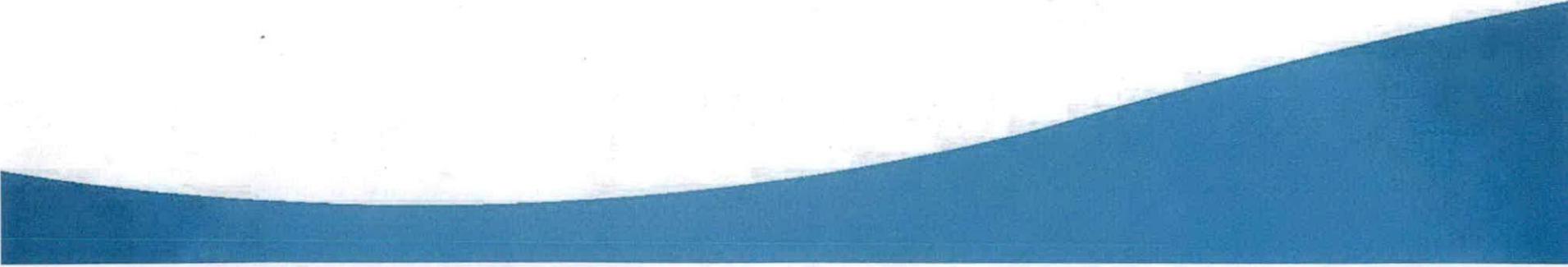
16	<p>Replace references to overlay zone with National Scenic Area Address county lands that are now regulated by National Scenic Area rules. Reference documents, including the National Scenic Area Management Plan and Land Use and Development Ordinance, appropriately.</p> <p>Product: (1) Remove references in the comprehensive plan and LUDO to Columbia River Gorge EPD; (2) reference, where appropriate, National Scenic Area Management Plan and National Scenic Area Land Use and Development Ordinance</p>	3/31/20
19	<p>Aggregate Resources Update the comprehensive plan and LUDO to be consistent with OAR 660-023-0180.</p> <p>Products: (1) Updated comprehensive plan policies related to aggregate resource protection; (2) LUDO updates to implement new plan policies and OAR 660-023-0180</p>	3/31/20

Goal 7—Natural Hazards

- Clarified policy language
- Aligned with the NHMP
- Added in a policy for drought and wildfire



Goal 5

- Change National Wetland Inventory to State Wetland Inventory
 - Create separate policies for each relevant Goal 5 resource
 - Correct references
 - Improve notification for Scenic Waterways
 - Create linkages to Goal 5 rules
 - Ensure Aggregate Resources are connected to division 23 rather than 16
- 

Goal 5-Wild and Scenic Rivers

- Conducted ESEE for White River per OAR 660-023-0120
- Make implementation connect with the White River Management Plan
- ESEE recommendation is to continue protection of White River via EPD 7
- Revise EPD 7 to make all uses conditional (including conditional uses, which are currently prohibited)



Goal 11-Public Facilities & Services

- Revise some of the language to be more consistent with jurisdictional authority/current practice
- Included a new policy aimed at improved coordination



Goal 13 – Energy Conservation

- Added residential solar incentive strategy
- Added policy and implementation to ensure compliance with Goal 5 OAR 660-23



Next Steps

- BOCC Hearings December 4th and 18th
- Due to DLCD March 2020
- Roadshow end of February
- Final Chapters 4, 8, and 5 by June
- Clean Up/Merge by end of 2020
- Kick off LUDO Update late 2020