

Hood River County is taking steps to limit exposure to and spread of COVID-19 (novel coronavirus). In support of state and federal guidelines for social distancing, the Hood River County Board of *Commissioners will hold this meeting in person at the address listed below*. In addition, the meeting will be shown on WebEx. To listen to/view the meeting please call **(408) 418-9388** and use **Event Number: 146 586 5523**. You may also access the meeting via a smart device or computer. For best results please dial into the number above and mute the microphone and speakers on your device once logged in.

Please visit the Board of Commissioners webpage for the link. Thank you.

**HOOD RIVER COUNTY BOARD OF COMMISSIONERS**  
**WORK SESSION AGENDA**

July 20, 2020 @ 5:45pm, 601 State Street, Hood River, Oregon

5:45pm          Review Amendments to Community ID Ordinance #362

**HOOD RIVER COUNTY BOARD OF COMMISSIONERS**  
**BUSINESS MEETING AGENDA**

June 15, 2020 @ 6:00pm, 601 State Street, Hood River, Oregon

**I.      ADDITIONS OR DELETIONS FROM THE AGENDA**

**II.     CONFLICT OR POTENTIAL CONFLICTS OF INTEREST TO DECLARE**

**III.    PUBLIC HEARINGS**

1.      Appeal of Forest Template Dwelling Denial – Paul Jones Consider  
**RECOMMENDATION:** Determine how the hearing will be held: allow new testimony, de novo or on the record then conduct the hearing and determine the best action for the County.
2.      Financial Management of the Timber Deposit Fund  
**RECOMMENDATION:** Conduct the hearing and consider adopting a new Resolution, as presented, that would amend Amended Resolution 351.

**IV.    ITEMS FROM THE PUBLIC (3 mins person per subject NOT on the agenda)**

**V.     REPORTS – County Administrator, Legal Counsel and Commissioners. Department Reports in Packet.**

**VI.    WORK SESSION ACTION ITEMS**

- i.      Amendments to Community ID Ordinance #362. **RECOMMENDATION:** Conduct the first reading of the amended Ordinance by title only and set a public hearing to consider recommended amendments for August 17, 2020 at 6:00pm, or soon thereafter.

**VII.   CONSENT**

- ✓ Award the Jonny Boy Salvage Sale to the highest bidder: WyEast Timber LLC

- ✓ Award the following timber sales to the highest bidders: Lentil #21-4 and Mangrove #21-5 to High Cascade, Inc.
- ✓ Approve closing the Kendall timber sale #20-03 and return appropriate bonds.
- ✓ Confirm the email poll approval from June 29, 2020 that approved three (3) year end (FY 19/20) budget adjustments affecting the Title III fund 418, Fair budget and the Tollbridge Septic Loan Payment fund 101.
- ✓ Approve and authorize Chair Oates to sign Amendment #1 to Intergovernmental Agreement #5844 with the Oregon Dept of Corrections for grant-in-aid and inmate welfare subsidy funding for the 2019-2021 biennium.
- ✓ Approve and sign an Intergovernmental Agreement with Columbia Cascade Housing for participation in the 2020 Mid-Columbia Home Repair Program.
- ✓ Approve and sign an Intergovernmental Agreement with OSU – Hood River County Extension for a five-year term.
- ✓ Approve and sign an Intergovernmental Agreement with the Port of Hood River for irrigation system maintenance on the Museum grounds.
- ✓ Declare miscellaneous (items shown in the packet) as surplus and authorize them to be donated to the Heritage Council for trade, sale or disposal.
- ✓ Declare a 2019 Ver Mac PCMS mobile reader board as surplus and authorize it to be traded in for a newer model that will work with the other reader boards in Public Works' possession.

## **VIII. NEW BUSINESS**

### Board of Commissioners

1. Hood River County Charter Amendments  
**RECOMMENDATION:** Approve and sign a Resolution to forward the Charter Amendments to the voters at the November 2020 election and approve the Ballot Title as presented.

## **IX. EXECUTIVE SESSION PER ORS 192.660(2)(h) – Legal Counsel**

## **X. ADJOURNMENT**

# WORK SESSION

**HOOD RIVER COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST FORM**

**DATE:** 7/10/2020      **DEPARTMENT:** R&A      **NAME:** Brian Beebe

**SUBJECT:** Hood River County Community ID - Amendments to County Ordinance 362

**AUTHORITY:**    *ORS:* \_\_\_\_\_      *OAR:* \_\_\_\_\_

*COUNTY ORD.:*    362

**BACKGROUND/SUMMARY OF SUBJECT:**

The Next Door requested changes to the HRC Community ID Ordinance to make the wording relevant to Oregon and to rectify that the current charts are creating unintended barriers for some of our most under-served community members. Proposed changes include deleting documents listed that do not exist in Oregon and adopting a similar rule as the Oregon DMV for proof of residency.

A public hearing was conducted in April of 2020. At the hearing the Board of Commissioners proposed some additional changes including moving birth certificates from table A to table B and simplifying the tables by removing the point system. The requested changes have been incorporated.

**ATTACHMENTS:** Ordinance      0

**FISCAL IMPACT:**

None

**ACKNOWLEDGEMENT BY AFFECTED PARTIES:**

*COUNTY COUNSEL*       *FINANCE*       *OTHER AGENCIES*       *ADMIN*   
*HR DEPT*       *APPROPRIATE COUNTY COMMITTEE*       *OTHER*

**RECOMMENDATION OF THE DEPARTMENT:**

Review changes being proposed at the work session on July 20th, 2020. If the Board approves the changes, conduct the 1st reading of the modified ordinance, and set a public hearing date.

**ADMINISTRATION RECOMMENDATION:**

Review the recommended amendments during a work session then if the changes are satisfactory, conduct the 1st reading of the amended Ordinance and set a public hearing for August 17, 2020 at 6:00pm, or soon thereafter.

**FOLLOW UP:**    ORD/RESO/AGMT/ORDER, ETC: ORIGINALS TO R&A  
*COPIES TO:* \_\_\_\_\_

**REQUEST FOR LEGAL SERVICES**

File Number: 17-60 ADM

Date: 06/10/2020

Date Needed: 06/24/2020

Contact: Brian Beebe

Phone #: 541-387-6854

Written Response Requested: Y

Subject: Hood River County Community ID

**Background:**

The Hood River County Community ID Council requested some changes to the Hood River County Community ID Ordinance. The Hood River County Board of Commissioners heard the requested changes and asked for some additional revisions including elimination of the point system and moving the birth certificate to table B.

**Brian Beebe**

Department Head

**Response:**

*Approved As to form.*

Date: 6/22/2020

  
County Counsel's Office

**Summary of Changes Request to HRC Community ID Ordinance  
Appendix Tables A, B and C  
6/9/20**

At the April 2020 HRC BOC meeting, The Next Door had requested changes to the HRC Community ID Ordinance Appendix, Tables A, B and C to:

- 1) Make the wording relevant to HRC and
- 2) Rectify that the current charts are creating unintended barriers for some of our most underserved community members in accessing the ID card

Changes included deleting documents listed that do not exist in Oregon and recommending that we adopt a similar rule as Oregon DMV requires to prove residency. Please see the attached document "Changes to HRC Community ID Tables text" for more detailed information.

Sheriff English and Police Chief Holste reviewed and are in support of these changes. The ID Advisory Council is in support of these changes. This Council has representatives from Gorge Ecumenical Ministries, the hospital, *Latinos en Acción*, Hood River Growers and Shippers and more. Also, the HRC lawyers had no objections to the requested changes.

At the second reading of the proposed changes at the May 2020 BOC meeting, Commissioners requested that The Next Door eliminate the point system for proof of identity to streamline and simplify the Tables. Commissioners also discussed moving Birth Certificate from Table A to Table B. Attached are is the revised Appendix with Tables based on the Commissioners' requests.

# New Version of the Appendix & Tables

## APPENDIX

### Criteria for Issuing a Community Identification Card.

In reviewing a Community ID application for approval, the administering agent shall determine if there is sufficient proof of identity and residency using the following methodology:

#### (1) Identity (*Name and Date of Birth*)

**Tables A** and **B** both set forth documents that may be used to establish identity.

**Table A** lists various pieces of government-issued identification that include: (A) the individual's legal name; (B) their date of birth; and (C) at least one physiological identifier such as a photo. The documents set forth here are generally considered conclusive evidence of identity.

**Table B** lists documents that provide evidence of identity but either (A) may not be government-issued or (B) fail to include a date of birth or photo. If a community member does not have documents from Table A, they may provide three documents from Table B to establish identity. At least one of them must have a photo and at least one of them a date of birth. One document could contain both.

To establish identity for the purposes of HRCC Chapter 13.04, the applicant must provide either:

- (1) Government-issued identifying documents from Table A; or
- (2) Three or more documents from Table B with at least one of them with photo and one of them a date of birth.

#### (2) Residence

Table C lists documents that may be considered to establish residency in Hood River County. To establish residency for the purposes of HRCC Chapter 13.04, the applicant must provide one document set forth in Table C.

**Table A**

**Evidence of Identity**  
Government-issued identifying documents

One document from this list proves identity.

Unless noted otherwise, **documents must** display an accurate photo of applicant or another physiological identifier which confirms that the document was issued to the applicant. Documents must be current and not expired if they have an expiration date.

Government-issued Passport

U.S. Certificate of Citizenship & Naturalization

Government-issued driver license or ID card

Identifying documents issued by U.S. State Department or Department of Homeland Security (Immigration and Customs Services), such as visas, DACA ID cards, permanent resident card and alien registration cards.

Identifying documents issued by U.S. Department of Defense, a U.S. military branch or the U.S. Coast Guard.

Criminal record check (AFIS)

Oregon/Washington/NORCOR prisoner ID card

Hood River County Community ID Card (renewals only)

**Table B****Alternative Evidence of Identity**

If applicant does not have a document from Table A to prove identity, applicant must provide three documents from this Table. At least one of them must have a photo and at least one of them a date of birth. One document could contain both.

Unless noted otherwise, **documents must:**

1. Be expressly issued/addressed to applicant; and
2. Either:
  - (a) have been issued no more than 60 days prior to application OR
  - (b) be currently valid (e.g. Voter's Registration), including documents denoting a permanent status (e.g. Social Security Card, adoption order; military discharge, etc.).

Minors with Government Issued Birth Certificates can utilize their parent or guardian's identity documents instead of two additional documents from Table B.

Expired documents from Table A
Government Issued Birth Certificate
Record, correspondence or bill from a medical provider or institution
Record or correspondence from a federal or state agency (i.e. Department of Homeland Security, Internal Revenue Services, etc.)
U.S. Social Security Card
U.S. Selective Service Card
Government issued Voter's Registration Card
Medicare, Medicaid or other public or private health insurance card
Military discharge or separation documents (DD-214)
U.S. marriage license or divorce decree
Department of Humans Services forms 1-797, I-797A/B or I-797D
Domestic adoption records
Federal or state tax return
Domestic court order establishing/verifying applicant's identity
OR/WA driver's education certificate (applicants age 17 and under)
Employment verification form (1-9)
Notarized declaration of a Hood River County resident
Affidavit of a custodian of records for a local medical, mental health, dental or social services care provider, made under penalty of perjury.
Photo ID issued by a domestic educational institution, trade union or employer
Criminal record check (AFIS) without a photograph
Local property tax statement
Current mortgage contract/payment records
Lease or Sublease
Financial record/statement issued by a domestic financial institution (e.g. checking account, credit card, car loan, 401(k), etc.)
Insurance policy/statement issued by a domestic insurance company
Employment-related tax records (W-2, 1099R)
Employment pay stubs
Cable, phone, utility bill
Record/Diploma/Transcript from domestic educational institution
Immunization registration
Records/Correspondence issued by a domestic public or private agency providing government-funded social services to the public

**Table C**

**Proof of Residency**

One document from this list proves residency.

Unless noted otherwise, **documents must:**

1. Expressly identify applicant or, where applicable, the applicant's legally recognized spouse\* or minor child\*\*.
2. Indicate applicant/spouse/child is physically residing in Hood River County.
3. Be current for the purposes of establishing residency, as follows:
  - a. Any license, permit, card, title or registration from Table A or B must be current and valid - no expired documents,
  - b. Any lease or sublease from Table B must relate to an existing tenancy,
  - c. Any financial or insurance documents from Table B must relate to a current, existing account or policy,
  - d. All other documents must be either:
    - i. permanent/perpetual in nature (e.g. court order; adoption records; military discharge); or
    - ii. issued no less than 60 days prior to application.

\*Relationship to spouse must be established by government-issued marriage license or court order.

\*\*Relationship to minor child must be established by government-issued Birth Certificate or court order, including but not limited to order of adoption or guardianship documentation.

**MINORS:** Proof of residency in the County can be accepted from parent or guardian as required in Tables, or a letter from the Hood River County School District addressed "To the parents of [student's name] with physical address in the County.

**PEOPLE EXPERIENCING HOUSELESSNESS:** May use a descriptive address such as "under Hwy 84 bridge at exit 62". If use such an address, must also provide proof of a P.O. Box or a letter from a local or state service agency that shows applicant is receiving services in Hood River County.

Any applicable document listed in Tables A or B that expressly states the applicant's current local address, provided document is "current" under this section/table

Oregon title/registration: vehicle; manufactured home in name of applicant or spouse

Record/Correspondence issued by local educational institution indicating current enrollment of applicant's minor child

Record/Correspondence issued by local medical care provider concerning applicant's minor child

U.S. Postal Service change of address receipt

Local property tax statement in name of applicant's spouse; current mortgage contract/payment records

Lease or Sublease in name of applicant's spouse

Mortgage account/statement in name of applicant's spouse

# Information from the First Public Hearing

## Brian Beebe

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**From:** Lisa Davies <LKDavies@gorgelaw.com>  
**Sent:** Wednesday, March 11, 2020 2:40 PM  
**To:** Brian Beebe  
**Subject:** RE: Community ID

There is the Appendix, and the Tables.

**Lisa Knight Davies** | Managing Shareholder  
**Peachey Davies & Myers, PC**  
430 Industrial St. | P.O. Box 417 | Hood River, OR 97031  
**Phone:** 541.386.2221  
**Fax:** 541.386.1381  
[website](#) | [vCard](#) | [map](#) | [email](#)



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**From:** Brian Beebe <brian.beebe@co.hood-river.or.us>  
**Sent:** Wednesday, March 11, 2020 2:16 PM  
**To:** Lisa Davies <LKDavies@gorgelaw.com>  
**Subject:** RE: Community ID

Hello Lisa,

So just to confirm, the ordinance is fine, but replace old tables with new tables?

Thanks,

**Brian D. Beebe**  
Director of Records & Assessment  
Assessor/Clerk  
Hood River County  
601 State Street  
Hood River, OR 97031  
(541) 387-6854  
[brian.beebe@co.hood-river.or.us](mailto:brian.beebe@co.hood-river.or.us)

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**From:** Lisa Davies <[LKDavies@gorgelaw.com](mailto:LKDavies@gorgelaw.com)>  
**Sent:** Wednesday, March 11, 2020 1:36 PM  
**To:** Brian Beebe <[brian.beebe@co.hood-river.or.us](mailto:brian.beebe@co.hood-river.or.us)>  
**Subject:** Community ID

Hi Brian-

I've had some communication with Next Door and concluded my evaluation of their suggested changes. Ultimately I decided the Ordinance itself doesn't require revision as the changes to the Appendix and Tables still work with the definitions. So, I think we can go ahead and relay that to Next Door and coordinate with them for scheduling purposes with the BOC.

Best regards,

**Lisa Knight Davies** | Managing Shareholder

**Peachey Davies & Myers, PC**

430 Industrial St. | P.O. Box 417 | Hood River, OR 97031

**Phone:** 541.386.2221

**Fax:** 541.386.1381

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ACCEPTANCE OF SERVICE: I do not accept service of legal documents by email unless I have specifically agreed in writing to accept service by that method in advance

**REQUEST FOR LEGAL SERVICES**

File Number: \_\_\_\_\_

Date: 02/13/2020

Date Needed: 03/01/2020

Contact: Brian Beebe

Phone #: 541-387-6854

Written Response Requested: Y

Subject: Hood River County Community ID

Background:

The Hood River County Community ID Council is requesting modifications to the existing county ordinance.

**Brian Beebe**

\_\_\_\_\_  
Department Head

Response:

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

\_\_\_\_\_  
County Counsel's Office

## Brian Beebe

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**From:** Lorena Sprager <LorenaS@nextdoorinc.org>  
**Sent:** Friday, February 07, 2020 3:08 PM  
**To:** Brian Beebe  
**Cc:** Matt English; Neal Holste; Anna Osborn  
**Subject:** HRC Community ID Tables changes request  
**Attachments:** Changes to HRC Community ID Tables text 2 7 20.pdf; Tables A B ID and Reside proof with proposed changes 2 7 20.pdf

Hi Brian. I hope you and your family are well.

Attached please find the two documents requesting changes to the HRC Community ID Tables. The "Changes" document is explanatory text. The "Tables" document shows the changes from the "Changes" document we are asking for in red.

Sheriff Matt and City Police Chief Neal have reviewed and approved these changes. I have their permission to share their emails and will forward them to you separately. Thanks to Neal and Matt for your prompt review and feedback on our requested changes and for being so supportive of our community members.

I know how busy you and HRC staff are. We would be grateful for any way you can help move this process forward as quickly as possible. As always, Brian, thanks for your support.

Sincerely,

Lorena

Lorena Sprager  
Projects Manager  
She, her, hers  
Health Promotion Services/*Nuestra Comunidad Sana*  
541-399-4561



## Brian Beebe

---

**From:** Lorena Sprager <LorenaS@nextdoorinc.org>  
**Sent:** Friday, February 07, 2020 3:11 PM  
**To:** Brian Beebe  
**Cc:** Neal Holste; Matt English; Anna Osborn  
**Subject:** Fw: Updated changes to ID tables

Hi again Brian.

Below please see Neal's email regarding your requested changes to the ID Tables.

Best wishes,

Lorena

Lorena Sprager  
Projects Manager  
She, her, hers  
Health Promotion Services/*Nuestra Comunidad Sana*  
541-399-4561



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**From:** Neal Holste <N.Holste@cityofhoodriver.gov>  
**Sent:** Thursday, February 6, 2020 4:06 PM  
**To:** Lorena Sprager <LorenaS@nextdoorinc.org>  
**Subject:** RE: Updated changes to ID tables

Good afternoon Lorena,

I would like to thank you for allowing me to review the proposed changes to the Hood River County ID program. After reviewing the documents, I see no impact to the community regarding the minimal but significant changes to provide ID for all.

Thank you for the service you provide.

*Neal Holste*  
*Chief of Police*  
*Hood River City Police Department*  
*207 2nd Street*  
*Hood River, OR 97031*  
*(541) 387-5256*

## Brian Beebe

---

**From:** Lorena Sprager <LorenaS@nextdoorinc.org>  
**Sent:** Friday, February 07, 2020 3:12 PM  
**To:** Brian Beebe  
**Cc:** Matt English; Neal Holste; Anna Osborn  
**Subject:** Fw: Updated changes to ID tables

Hi yet again Brian.

Below please see Matt's response to the changes we are requesting to the ID Tables.

Best wishes,

Lorena

Lorena Sprager  
Projects Manager  
She, her, hers  
Health Promotion Services/*Nuestra Comunidad Sana*  
541-399-4561



---

**From:** Matt English <menglish@hooddriversheriff.com>  
**Sent:** Thursday, February 6, 2020 3:28 PM  
**To:** Lorena Sprager <LorenaS@nextdoorinc.org>  
**Subject:** RE: Updated changes to ID tables

Looks good. No objections.

# HRC Community ID Improvements to Proof of Identity and Residency in HRC

2/3/20

## Introduction:

Tables A, B and C of the HRC Community ID Ordinance require 300 points to prove identity and 300 points to prove residency in the County to be able to get the ID. These Tables were taken from a county ID program in the Midwest.

Some changes need to be made to make the wording appropriate and relevant to Hood River County and our ID Ordinance. For example, we need to delete documents listed that do not exist in Oregon.

We also request adaptations to reflect the reality of our community. This includes adding new documents that are similar to others accepted that our community members have and are valid proof of residency in the County.

Most importantly, we request that we adopt a similar rule as Oregon Department of Motor Vehicles (DMV) requires to prove residency. Oregon DMV requires one proof of residency. One proof of residency is what many other city and county ID programs in the United States require.

As regards proving residency in the County, the current charts are creating unintended barriers for some of our most underserved community members to access the HRC Community ID card. In some cases, a person needs to bring in 6 proofs that they reside in the County to achieve the 300 points. Among the underserved, the requirements make it almost impossible for people experiencing homelessness in the County to get an ID. Over the last 6 months, we have had to turn away community members at each monthly enrollment event due to insufficient proof of residency in the County. In almost all these cases applicants provided more than one proof of residency but were not able to meet the criteria of the current tables. For example, at the January 2020 enrollment event, a community member brought three W-2s with her physical address on them. With these, she was presenting three different government-issued documents that proved her physical address in the County. However, with the current Tables point system, we could only credit her with 225 points and she could not get the card. The Community Health Worker who primarily arranges ID enrollment appointments gets told numerous times a week, if not daily, a version of this, "You tell us you want to support us in getting IDs. So why are you putting up so many barriers for us to get one?"

The HRC Community ID has limited use. It can be used to prove identity within the County, access certain services within the County and access business discounts. It cannot be used to fly on a plane, drive a vehicle or purchase alcohol, tobacco, marijuana or firearms. As such, we request one proof of residency from the Tables to get the ID, which will coincide with single proof of residency Oregon DMV requirements.

## Requested Changes:

### Wording appropriate and relevant to Hood River County and our ID Ordinance:

- **Appendix: Criteria for Issuing a Community Identification Card, first page, introductory text. Under "Residence", last sentence starting with "To establish identity..." Change "identity" to "residence".**

Reason for request: This was a typo and needs to refer to residence and not identity.

- **Change from "30 days" to "60 days" to match the HRC Ordinance.**

Reason for request: Ensure the text matches the HRC Community ID Ordinance on Tables B and C.

- **Delete the references to proofs specific only to Michigan: Table A "Criminal record check (AFIS), ~~or Offender Tracking Information System record (OTIS) with photograph~~"**

Reason for request: Not relevant or appropriate for Hood River County.

- **Accept Birth Certificates as proof of identity without requirement of physiological evidence.**

Reason for request: The current Table A text reads: "Government issued birth certificate containing/displaying physiological evidence of identity (e.g. fingerprint, footprint, etc.). Applicant must provide clear and convincing evidence that such identifier(s) match applicant."

Many Birth Certificates do not contain physiological evidence. In addition, it is almost impossible to prove a match to a physiological trait that was recorded when the applicant was an infant. Birth Certificates are official government documents and should be valued as such.

So change intro text in Table A from "DOCUMENTS MUST" to "DOCUMENTS OTHER THAN BIRTH CERTIFICATES MUST".

## Adaptations to reflect the reality of our community:

- **Proof of residency in Hood River County: Require one proof of residency in Hood River County to coincide with Oregon DMV regulations and other city and county ID programs in the nation that require one proof of residency.**

Reason for request: Please see Introduction text on the first page of this document. Requiring one proof of residency is the reason for removing points on Table C: Proof of Residency.

- **On Table B, change 50 and 75 points for identity purposes to 100 points.**

Reason for request: For those presenting a Government Issued Birth Certificate, they would be required to provide two additional documents (versus more than two) to corroborate the Birth Certificate, posing fewer barriers. Table B list is of official documents, a number of which are government issued. Please note that up to now, few have used Birth Certificate as their primary form of identification.

- **Modify on Table B, from "U.S. Voter's Card" to "Government issued Voter's Registration Card"**

Reason for request: Some have a voter registration card from their country of origin. This can help prove identity as it is government issued.

- **Modify on Table B, "Employment-related tax records (W-2, 1099R) (limit 75 points) and "Employment Pay stubs (limit 50 points)" by deleting "(limit 75 points)" and "(limit 50 points)".**

Reason for the request: Requesting points be 100 in this Table. Some community members hold two and three jobs. As such, those should be accepted.

- **Add to Table B, "medical bills and medical records" to the list.**

Reason for request: These are currently not explicitly listed in the Tables. They are a clear demonstration of residence. They are official documents just as Financial Records or Federal or State Tax Returns.

- **Add to Table B, “Records/Correspondence from a state or federal agency (i.e. Department of Homeland Security, Internal Revenue Services, etc.)”.**

Reason for request: This is not currently listed in the tables. These are official correspondence sanctioned by a governmental agency, and therefore should be accepted as adequate proof of residency.

- **On Table B, change “Declaration of Hood River County resident, given under penalty of perjury” to “Notarized declaration of Hood River County resident”.**

- Reason for request: Current Table text is “Declaration of Hood River Co. resident, given under penalty of perjury, provided declarant’s identity and residence are confirmed under the same methodology.”

Many ID programs in the nation use Notarized letter. Switching to a one proof of residency, this makes sense as well. Notarization is more formal and official than current requirement.

- **On Table C, add “and Guardianship documentation” to “\*\*relationship to minor child must be established by government-issued birth certificate or court order, including but not limited to order of adoption.**

Reason for request: To be inclusive of foster kids and other minors who are in legal guardianship situation.

- **Enrolling Minors: Make adaptations to Tables A and C to allow enrollment of minors.**

Reason for request: There is no age limit on the HRC Community ID. As such, minors need to be able to access the ID card. Parents and guardians have a minor’s birth certificate. Minors rarely have other identification from Table A.

The Ordinance requires two or more documents from Table B to prove identity if presenting birth certificate for ID (see text below). The vast majority of minors will not have proofs from Table B due to their minor status. As such, request added wording in Tables A and C for minors where a parent or guardian listed on birth certificate or presenting proof of guardianship of the minor can prove their identity and residency in the

County per Tables requirements to prove the minor's residency in the County and that we accept birth certificate of minors as proof of identity (without requiring two additional documents from Table B).

From page 1 of Appendix of Ordinance:

Each document on Tables A & B has been assigned a point value to reflect its relative value as evidence of identity. To establish identity for the purposes of HRCC Chapter 13.04, the applicant must provide either:

- (1) Government-issued identifying documents from Table A with a total value of at least 300 points; or
- (2) (a) Two or more documents from Table B with a combined value of at least 300 points: PLUS
- (b) Either:
  - (i) a government-issued birth certificate; OR
  - (ii) an expired government-issued ID from Table A.

## APPENDIX

### Criteria for Issuing a Community Identification Card.

In reviewing a Community ID application for approval, the administering agent shall determine if there is sufficient proof of identity and residency using the following methodology:

#### (1) Identity (*Name and Date of Birth*)

**Tables A** and **B** both set forth documents that may be used to establish identity.

**Table A** lists various pieces of government-issued identification that include: (A) the individual's legal name; (B) their date of birth; and (C) at least one physiological identifier such as a photo. The documents set forth here are generally considered conclusive evidence of identity.

**Table B** lists documents that provide evidence of identity but either (A) are not government-issued or (B) fail to include a date of birth or physiological identifier. These documents may be used in combination with a valid birth-certificate or an expired government-issued ID to establish identity under this chapter.

Each document on Tables A & B has been assigned a point value to reflect its relative value as evidence of identity. To establish identity for the purposes of HRCC Chapter 13.04, the applicant must provide either:

- (1) Government-issued identifying documents from Table A with a total value of at least 300 points; or
- (2) (a) Two or more documents from Table B with a combined value of at least 300 points: PLUS
- (b) Either:
  - (i) a government-issued birth certificate ~~(without physiological identifier)~~; OR
  - (ii) an expired government-issued ID from Table A.

#### (2) Residence

Table C lists documents that may be considered to establish residency in Hood River County. ~~One~~Each document ~~required has been assigned a point value to reflect its relative value~~ as evidence of residence ~~from Table C~~. To establish ~~residency identity~~ for the purposes of HRCC Chapter 13.04, the applicant must provide ~~one~~ documents set forth in Table C ~~for with~~ a total value of ~~at least~~ 300 points.

<p><b>TABLE A</b></p> <p><b>EVIDENCE OF IDENTITY</b></p> <p>Government-issued identifying documents</p> <p>Unless noted otherwise:  <b>DOCUMENTS <u>OTHER THAN BIRTH CERTIFICATES</u> MUST:</b>  <b>Display an accurate photograph of applicant or another physiological identifier which confirms that the document was issued to the applicant.</b></p> <p><b><u>MINORS: Government issued Birth Certificate accepted without two additional documents from Table B. Instead, parent must show proof of identity per Tables requirements and match parent listed on Birth Certificate. Or guardian must show proof of identity per Table requirements and guardianship document, with minor's name matching.</u></b></p>	<p><b>Current ID.</b> Currently valid or otherwise issued within prior 5 years.</p>	<p><b>Outdated ID.</b> No longer valid but issued within prior 5 to 10 years.</p>
Government-issued Passport	300	100
U.S. Certificate of Citizenship & Naturalization	300	N/A
Government-issued driver license or ID card	300	100
Identifying documents issued by U.S. State Department or Department of Homeland Security ( <i>Immigration and Customs Services</i> ), such as: visas, DACA ID cards, permanent resident cards, and alien registration cards.	300	100
Identifying documents issued by U.S. Department of Defense; a U.S. military branch or the U.S. Coast Guard.	300	100
Criminal record check (AFIS) <del>or Offender Tracking Information System record (OTIS) with photograph</del>	300	100
OR/WA/NORCOR prisoner ID card	300	100
Government issued Birth Certificate <del>containing/displaying physiological evidence of identity (e.g. finger print, foot print, etc.). Applicant must provide clear and convincing evidence that such identifier(s) match applicant.</del>	300	N/A
Hood River County ID Card (Renewals only)	300	N/A

<p><b>Table B</b></p> <p style="text-align: center;"><b>ALTERNATIVE EVIDENCE OF IDENTITY</b></p> <p>Unless noted otherwise:  <b>DOCUMENTS MUST BE:</b>  (1) expressly issued/addressed to applicant; and  (2) either: (a) have been issued no more than <del>60</del>30 days prior to application OR (b) be currently valid (e.g. Voter's Registration), including documents denoting a permanent status (e.g. Social Security Card, adoption order; military discharge, etc.).</p> <p>To satisfy this matrix, an applicant must provide:  (1) two or more documents set forth below with a combined value of at least 300 points. PLUS  (2) either:  (a) Birth Certificate <del>without physiological identifiers</del>; OR  (b) Outdated document from Table A.</p>		<p>Points for Identity Points</p>
Additional outdated documents from Table A	100	
<u>Record, correspondence or bill from a medical provider or institution</u>	<del>100</del>	
<u>Record/Correspondence from a federal/state agency (i.e. Department of Homeland Security, Internal Revenue Services, etc.)</u>	<del>100</del>	
U.S. Social Security Card	<del>100</del>	
U.S. Selective Service Card	<del>100</del>	
<u>Government issued U.S. Voter's Registration Card</u>	<del>100</del>	
Medicare, Medicaid or other public or private health insurance card	<del>100</del>	
Military discharge or separation documents (DD-214)	100	
U.S. marriage license or divorce decree	<del>100</del>	
Department of Humans Services forms 1-797, I-797A/B or I-797D	<del>100</del>	
Domestic adoption records	100	
Federal or state tax return	100	
Domestic court order establishing/verifying applicant's identity	100	
OR/WA driver's education certificate (applicants age 17 and under)	100	
Employment verification form (1-9)	<del>100</del>	
<u>Notarized dDeclaration of a Hood River Co. resident, <del>given under penalty of perjury, provided declarant's identity and residence are confirmed under the same methodology.</del></u>	100	
Affidavit of a custodian of records for a local medical, mental health, dental or social services care provider, made under penalty of perjury.	<del>100</del>	
Photo ID issued by a domestic educational institution, trade union or employer.	<del>100</del> 75	
Criminal record check (AFIS) without a photograph	<del>100</del> 75	
Local property tax statement	<del>100</del> 75	
Current mortgage contract/payment records	<del>100</del> 75	
Lease or Sublease	<del>100</del> 75	
Financial record/statement issued by a domestic financial institution (e.g. checking account, credit card, car loan, 401(k), etc).	<del>100</del> 75	
Insurance policy/statement issued by a domestic insurance company	<del>100</del> 75	
Employment-related tax records (W-2, 1099R). <del>(limit: 75 points)</del>	<del>100</del> 75	
Employment Pay stubs <del>(limit 50 point)</del>	<del>100</del> 50	
Cable, phone, utility bill	<del>100</del> 50	
Record/Diploma/transcript from domestic educational institution	<del>100</del> 50	
Immunization registration	<del>100</del> 50	
Records/Correspondence issued by a domestic public or private agency providing government-funded social services to the public.	<del>100</del> 50	

**Table C**

**Proof of Residency**

Unless noted otherwise:

**DOCUMENTS MUST:**

Documents shall not qualify as evidence of residency unless:

- (1) Expressly identify applicant or, where applicable, the applicant's legally-recognized spouse\* or minor child\*\*.
- (2) Indicate applicant/spouse/child is physically residing in Hood River County.
- (3) Current for the purposes of establishing residency, as follows:
  - (a) Any license, permit, card, title or registration from Table A or B must be current and valid; no expired documents;
  - (b) Any lease or sublease from Table B must relate to an existing tenancy.
  - (c) Any financial or insurance documents from Table B must relate to a current, existing account or policy.
  - (d) All other documents must be either: (i) permanent/perpetual in nature (e.g. court order; adoption records; military discharge); or (ii) issued no less than ~~60~~ 30 days prior to application.

\*relationship to spouse must be established by government-issued marriage license or court order.

\*\* relationship to minor child must be established by government-issued birth certificate or court order, including but not limited to order of adoption, and guardianship documentation.

To satisfy this matrix, an applicant must provide one documents from this table ~~with a combined total value of at least 300 points.~~ MINORS: Proof of residency in the County can be accepted from parent or guardian as required in Tables, or a letter from the Hood River County School District addressed "To the parents of [student's name] with physical address in the County.

	Points
<del>Any applicable document listed in Tables A or B that expressly states the applicant's current local address, provided document is "current" under this section/table.</del>	<del>Point value as set in Tables A &amp; B.</del>
<del>Oregon title/registration: vehicle; manufactured home in name of applicant or spouse</del>	<del>10</del>
Record/Correspondence issued by local educational institution indicating current enrollment of applicant's minor child.	50
Record/Correspondence issued by local medical care provider concerning applicant's minor child.	50
U.S. Postal Service change of address receipt.	50
Local property tax statement in name of applicant's spouse; current mortgage contract/payment records	50
Lease or Sublease in name of applicant's spouse	50
Mortgage account/statement in name of applicant's spouse	50

County Ordinance #362 with the  
Proposed Amendments to the Appendix  
& Tables Incorporated

BEFORE THE BOARD OF COMMISSIONERS  
HOOD RIVER COUNTY, OREGON

IN THE MATTER OF AMENDING THE )  
HOOD RIVER COUNTY CODE BY )  
ADDING A NEW CHAPTER 13.04 AND ) Ordinance No. 362  
ESTABLISHING A COMMUNITY )  
IDENTIFICATION CARD PILOT PROGRAM )

**WHEREAS**, many residents of Hood River County lack a valid form of official identification—including immigrants, the indigent, the homeless, the elderly, foster youth, and survivors of domestic violence—which restricts access to law enforcement, financial institutions, jobs, housing, education, healthcare services, social services, and other vital aspects of civic, cultural, and economic life; and

**WHEREAS**, Hood River County is an increasingly popular destination for recreational travelers and tourists, with an accompanying increased cost of living, and some similarly popular travel destinations offer privileges and benefits to locals to connect residents to businesses and engage a proud citizenry; and

**WHEREAS**, the 2017 Regional Gorge Community Health Improvement Plan prioritized the strengthening of sense of community as a driver of health and wellbeing, measured by feelings of belonging, safety, and trust; and

**WHEREAS**, the County desires to create a reliable form of official identification that is available to all residents of the County that will unify the Hood River County community, make it safer and more secure, benefit the local economy, and facilitate participation in public and private county activities and civic life; and

**WHEREAS**, a community identification card that is available to all residents will strengthen the sense of community, provide access to vital goods and services, increase participation in health and human services, improve reporting of crime and concerns to law enforcement and other public officials, advance community disaster readiness, and make it easier for all residents to participate in local and regional commerce; and

**WHEREAS**, the County desires and anticipates that the Community Identification Card Program will be administered and operated by a third party, in compliance with the requirements set forth in this Chapter, at no net cost to the County; and

**WHEREAS**, individuals who live in a socially connected community with a sense of security, belonging, and trust, have better psychological, physical, and behavioral health, and are more likely to thrive; and

**WHEREAS**, funds are currently available through private sources to fund a pilot program to license the issuance of Community Identification Cards at little or no additional cost to the County; and

**WHEREAS**, the County finds it is in the best interests of the public health, safety, and welfare of Hood River County that a pilot program be created to make Community Identification Cards available to all residents.

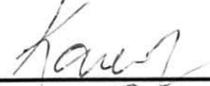
**NOW, THEREFORE, IT IS HEREBY ORDAINED**, that Hood River County Ordinance No. 362 is adopted as Chapter 13.04 of the Hood River County Code as per the attached.

Adopted this 18 day of June 2018.

HOOD RIVER COUNTY  
BOARD OF COMMISSIONERS



Ron River, Chair



Karen Joplin, Commissioner



Rich McBride, Commissioner



Robert Benton, Commissioner



Les Perkins, Commissioner

TITLE 13

Chapter 4

COMMUNITY IDENTIFICATION CARD PROGRAM

- 13.04.005 Definitions.
- 13.04.015 Purpose; Limitations.
- 13.04.025 Authority.
- 13.04.035 Administration.
- 13.04.045 Eligibility; Application.
- 13.04.055 Fees.
- 13.04.065 Identification Cards; design and construction.
- 13.04.075 Proof of Identity.
- 13.04.085 Proof of Residency.
- 13.04.087 Examination; Evaluation.
- 13.04.095 Confidentiality.
- 13.04.105 Use of Community Identification Card.
- 13.04.115 Violations.
- 13.04.125 Enforcement.
- 13.04.135 Nonexclusive Penalty.
- 13.04.145 Severability.
- 13.04.155 Sunset.

**13.04.005 Definitions**

- (1) “Administering Agency” means any county department or third-party contractor designated by the County to administer this Chapter.
- (2) “Applicant” means an individual applying for a Community Identification Card.

- (3) “Board” means the Board of Commissioners of Hood River County.
- (4) “Community Identification Card” or “Community ID” means an identification card issued under this Chapter by Hood River County.
- (5) “County” means Hood River County, Oregon.
- (6) “County Administrator” means the Hood River County Administrator or the administrator’s designee.
- (7) “County Officer” means the county administrator, department head, or other duly authorized county employee.
- (8) “Domestic” means originating in or issued by the United States or a U.S. state, territory or tribe.
- (9) “Government-issued” means issued by:
  - (a) The United States;
  - (b) U.S. state, territory or tribe or political subdivision thereof; or
  - (c) A sovereign foreign government or recognized political subdivision thereof, including but not limited to states, territories, provinces, cities and counties.
- (10) “Identity” means an individual’s legal name and date of birth.
- (11) “Identifying documents” means a government-issued document that states both an individual’s name and date of birth.
- (12) “Pertinent” means specifically relevant or applicable to a determination of one’s identity or residency.
- (13) “Physiological identifier” means a photograph, finger/foot print or other record of distinctive observable characteristics used to describe and differentiate an individual.
- (14) “Resident” means an individual who demonstrates proof of residency within Hood River County pursuant to Section 4 of this Chapter.

**13.04.015 Purpose; Limitations**

(1) The purpose of this chapter and the *Hood River Community ID Pilot Program* is to establish a pilot program to provide a form of official personal identification to all Hood River County residents.

(2) Except as set forth in this Chapter, the County does not otherwise warrant or guarantee:

(a) the identity of Community ID cardholders; or

(b) against any acts, criminal or otherwise, committed by an individual while possessing or using a Community Identification Card.

(3) The adoption of the Community ID Pilot Program does not waive any protection or immunity afforded to the County under federal, state, or local law.

**13.04.025 Authority**

(1) The County is authorized to license the issuance of Community Identification Cards to residents of Hood River County in accordance with this chapter.

(2) The authority granted under this chapter shall terminate December 31, 2021, unless specifically extended by ordinance.

(2) The Board may suspend the Community Identification Pilot Program at its discretion.

(3) The Board shall suspend the Community Identification Pilot Program if there are insufficient funds available through private sources to adequately fund the pilot program.

**13.04.035 Administration**

(1) The County may contract with a third-party administering agency to manage and operate the Community ID program in accordance with this chapter.

(2) The administering agency shall provide an annual report to the Board on the Community ID Program.

**13.04.045 Eligibility; Application**

(1) Community ID cards shall be available to individuals who have resided within the limits of Hood River County for at least sixty (60) consecutive days and can provide clear and convincing proof of identity and residency under the provisions of this chapter.

(2) No person shall be denied a Community ID card based on their race, color, religion, gender, sexual orientation, national origin, citizenship status, marital or partnership status, disability, housing status, or criminal record.

(3) To receive a Community Identification Card, a qualified resident may:

(a) Apply to the Community ID program administrator; and

(b) Provide clear and convincing proof, as set forth in this chapter, of the applicant's:

(i) Identity; and

(ii) Residency; and

(c) Pay any applicable fee.

(4) All applicants under this section shall be provided an option under ORS 192.368 to request in writing that their home address, personal telephone number and electronic mail address not be disclosed in response to a public records request (ORS 192.311 to 192.478).

**13.04.055 Fees**

(1) The County may charge a reasonable fee to issue a Community Identification Card. Fees established pursuant to this chapter shall be incorporated in the Hood River County Fee Schedule and, as such, shall be subject to annual review and amendment.

(2) The County may authorize a third-party administering agency to retain some or all fees collected under this section as consideration and compensation for administering the community ID program.

**13.04.065 Identification Cards; Design and Construction**

Community Identification Cards shall be designed and constructed:

- (1) To clearly display:
  - (a) The cardholder's full name;
  - (b) A current photograph of the cardholder;
  - (c) The cardholder's date of birth;
  - (d) The cardholder's address;
  - (e) An Identification card number (i.e. serial number);
  - (f) Expiration date; and
  - (g) The official seal of Hood River County.
- (2) In a manner to deter fraud, protect against counterfeit reproduction, and protect the public safety.

**13.04.075 Proof of Identity**

The following documents and information may be considered evidence of the identity of an applicant for a Community ID Card:

- (1) Certificates, licenses, permits, passports, visas, statements, assessments, tax forms, administrative and court orders and pertinent correspondence issued by an official, department or agency of:
  - (a) The U.S. federal government;
  - (b) A foreign government;
  - (c) Any U.S. state, territorial or tribal government.
- (2) Statements, records, membership or identification cards, contracts or pertinent correspondence issued within 6 months of the application by:
  - (a) An educational institution;
  - (b) A medical service provider;
  - (c) A U.S. financial institution;
  - (d) A U.S. insurance company;

- (e) The applicant's current or former employer;
  - (f) A trade union registered with the U.S. Department of Labor.
- (3) A written declaration, given subject penalty of perjury, from anyone having resided in Hood River County for at least five (5) consecutive years immediately prior to the date of application.

**13.04.085 Proof of Residency**

- (1) The following documents and information may be considered proof of the residency of an applicant for a Community ID Card:
- (a) All pertinent evidence of identity under Section 13.04.075.
  - (b) Contracts, mortgages, leases, statements, bills or receipts issued by:
    - (i) A mortgage lender;
    - (ii) Landlord; or
    - (iii) Utility service (gas, electric, phone, etc.).
  - (c) Written declarations, given subject penalty of perjury, from:
    - (i) An officer or duly authorized administrator of a non-governmental social services provider confirming that the applicant has received services within the prior sixty (60) days; or
    - (ii) Any person who has lived in the same Hood River County household with an applicant for at least sixty consecutive (60) days prior to the date of application, provided the declarant presents documentation sufficient under this chapter to verify the declarant's own identity and residency.
- (2) Applicants may present a residency credential that lists their spouse or domestic partner's name together with documented proof of their relationship as evidenced by:
- (a) A certificate of marriage, partnership or union;
  - (b) A domestic partnership agreement;

- (c) A birth certificate or child custody order identifying the applicant and partner as the parents of a minor child.

**13.04.087 Examination; Evaluation**

- (1) The administering agency shall thoroughly examine each ID card application pursuant to the provisions of this chapter and any other applicable law, rule or regulation.
- (2) The administering agency shall only issue cards to Hood River County residents who provide clear and convincing evidence of their identity and residence by satisfying the criteria set forth in Appendix A, incorporated and adopted herein.
- (3) In reviewing documents submitted with any application for an ID card under this chapter, the administering agency shall consider the following factors in determining the document's authenticity and relevance:
  - (a) The identity, nature and purpose of the purported issuer;
  - (b) The relative age of the document;
  - (c) Objective accuracy of the information contained or displayed;
  - (d) Identifying characteristics of known examples of its kind;
  - (e) Physical appearance and condition of document; evidence of alterations or tampering;
  - (f) Supporting documentation (e.g. relevant correspondence, receipts, etc.);
  - (g) Any other material information that is directly relevant to the document's authenticity or relevance.

**13.04.095 Confidentiality**

- (1) The County shall not copy, record or retain any documents or records provided in support of an application for a Community Identification Card.
- (2) The County shall not disclose personal information or data obtained from an applicant unless:

- (a) Disclosure is required by law; or
  - (b) The applicant provides the County written authority to disclose the information sought, or the applicant's parent or legal guardian if the applicant is a minor.
- (3) Any information disclosed under this Subsection 2 shall be limited to the specific information requested or authorized.

**13.04.105 Use of Community Identification Card**

- (1) Except where prohibited, the County, its officers, employees, and agents shall accept a duly issued Community Identification Card, as a valid form of identification.
- (2) Third-parties may, at their own discretion:
- (a) Voluntarily accept Community Identification Cards as a form of identification; and
  - (b) Offer benefits and privileges to cardholders.
- (3) Nothing in this section shall require acceptance of a Community Identification Card if there are reasonable grounds to believe:
- (a) The holder or presenter of the card is not the person to whom the Community Identification Card was issued.
  - (b) The card presented is counterfeit, forged, or unlawfully altered.
- (4) A Community Identification Card shall not be considered a valid form of identification for state or federal governmental purposes

**13.04.115 Violations**

- (1) A person shall be guilty of the civil violation of Fraudulent use of a Community ID if the person, with the intent to deceive or to defraud:
- (a) Obtains, possesses, creates, utters or converts to the person's own use:
    - (i) A false or forged Community ID Card; or
    - (ii) A Community ID Card issued to another person; or

(b) Alters, copies, or replicates a Community Identification Card.

(2) A person shall be guilty of the civil violation of Fraudulent ID Card Application if the person, knowingly provides false information or materials to the Administering Agency in support of an application.

(3) A person shall be guilty of the civil violation of Submitting a Fraudulent Declaration, if the person, knowingly provides false information in a declaration given under Section 13.04.085 in support of a third-party's application for Community Identification Card.

(4) All violations under this chapter shall be a Class II County Violation, subject to a penalty of not more than \$1,000, pursuant to HRCC Chapter 1.08.

**13.04.125 Enforcement**

Violations under this Chapter shall be enforced pursuant to Chapter 1.08 of the Hood River County Code.

**13.04.135 Nonexclusive Penalty**

Nothing in this chapter shall limit the authority of the County or the State to pursue any other applicable civil claim or criminal charge. Civil penalties under this chapter may be imposed in addition to other civil or criminal penalties.

**13.04.145 Severability**

All provisions of this Chapter are severable. If any provision of this Chapter is held to be unlawful or unenforceable by any court of competent jurisdiction, the remainder of this entire Chapter shall remain in full force and effect.

**13.04.155 Sunset**

The sections, subsections and provisions of this chapter shall extinguish on December 31, 2021, unless specifically extended by ordinance.

## Appendix

### Criteria for Issuing a Community Identification Card.

In reviewing a Community ID application for approval, the administering agent shall determine if there is sufficient proof of identity and residency using the following methodology:

#### (1) Identity (Name and Date of Birth)

**Tables A** and **B** both set forth documents that may be used to establish identity.

**Table A** lists various pieces of government-issued identification that include: (A) the individual's legal name; (B) their date of birth; and (C) at least one physiological identifier such as a photo. The documents set forth here are generally considered conclusive evidence of identity.

**Table B** lists documents that provide evidence of identity but either (A) are not government- issued or (B) fail to include a date of birth or physiological identifier. These documents may be used in combination with a valid birth-certificate or an expired government-issued ID to establish identity under this chapter.

Each document on Tables A & B has been assigned a point value to reflect its relative value as evidence of identity. To establish identity for the purposes of HRCC Chapter 13.04, the applicant must provide either:

(1) Government-issued identifying documents from Table A with a total value of at least 300 points; **or**

(2) Two or more documents from Table B with a combined value of at least 300 points: **Plus**

**Either:**

(a) a government-issued birth certificate; **or**

(b) an expired government-issued ID from Table A.

#### (2) Residence

**Table C** lists documents that may be considered to establish residency in Hood River County. To establish residency for the purposes of HRCC Chapter 13.04, the applicant must provide one document set forth in Table C for a total value of 300 points.

<b>Table A</b>  <b>Evidence of Identity</b> Government-issued identifying documents  <b>Unless noted otherwise documents other than birth certificates must:</b> Display an accurate photograph of applicant or another physiological identifier which confirms that the document was issued to the applicant.  <b>Minors:</b> Government issued Birth Certificate accepted without two additional documents from Table B. Instead, parent must show proof of identity per Tables requirements and match parent listed on Birth Certificate. Or guardian must show proof of identity per Table requirements and guardianship document, with minor's name matching.	<b>Current ID.</b> Currently valid or otherwise issued within prior 5 years.	<b>Outdated ID.</b> No longer valid but issued within prior 5 to 10 years.
Government-issued Passport	300	100
U.S. Certificate of Citizenship & Naturalization	300	N/A
Government-issued driver license or ID card	300	100
Identifying documents issued by U.S. State Department or Department of Homeland Security (Immigration and Customs Services), such as: visas, DACA ID cards, permanent resident cards, and alien registration cards.	300	100
Identifying documents issued by U.S. Department of Defense; a U.S. military branch or the U.S. Coast Guard.	300	100
Criminal record check (AFIS)	300	100
OR/WA/NORCOR prisoner ID card	300	100
Government issued Birth Certificate	300	N/A
Hood River County ID Card (Renewals only)	300	N/A

<p><b>Table B</b></p> <p style="text-align: center;"><b>Alternative Evidence of Identity</b></p> <p><b>Unless noted otherwise documents must be:</b></p> <p>(1) Expressly issued/addressed to applicant; and</p> <p>(2) Either:</p> <p style="padding-left: 20px;">(a) Have been issued no more than 60 days prior to application; or</p> <p style="padding-left: 20px;">(b) Be currently valid (e.g. Voter's Registration), including documents denoting a permanent status (e.g. Social Security Card, adoption order; military discharge, etc.).</p> <p><b>To satisfy this matrix, an applicant must provide:</b></p> <p>(1) Two or more documents set forth below with a combined value of at least 300 points. Plus</p> <p>(2) Either:</p> <p style="padding-left: 20px;">(a) Birth Certificate; or</p> <p style="padding-left: 20px;">(b) Outdated document from Table A.</p>	<b>Points for Identity</b>
Additional outdated documents from Table A	100
Record, correspondence or bill from a medical provider or institution	100
Record/Correspondence from a federal/state agency (i.e. Department of Homeland Security, Internal Revenue Services, etc.)	100
U.S. Social Security Card	100
U.S. Selective Service Card	100
Government issued Voter's Registration Card	100
Medicare, Medicaid or other public or private health insurance card	100
Military discharge or separation documents (DD-214)	100
U.S. marriage license or divorce decree	100
Department of Humans Services forms 1-797, I-797A/B or I-797D	100
Domestic adoption records	100
Federal or state tax return	100
Domestic court order establishing/verifying applicant's identity	100
OR/WA driver's education certificate (applicants age 17 and under)	100
Employment verification form (1-9)	100
Notarized declaration of a Hood River Co. resident	100
Affidavit of a custodian of records for a local medical, mental health, dental or social services care provider, made under penalty of perjury.	100
Photo ID issued by a domestic educational institution, trade union or employer.	100
Criminal record check (AFIS) without a photograph	100
Local property tax statement	100
Current mortgage contract/payment records	100
Lease or Sublease	100
Financial record/statement issued by a domestic financial institution (e.g. checking account, credit card, car loan, 401(k), etc.)	100
Insurance policy/statement issued by a domestic insurance company	100
Employment-related tax records (W-2, 1099R)	100
Employment Pay stubs	100
Cable, phone, utility bill	100
Record/Diploma/transcript from domestic educational institution	100
Immunization registration	100
Records/Correspondence issued by a domestic public or private agency providing government- funded social services to the public.	100

**Table C**

**Proof of Residency**

**Unless noted otherwise documents shall not qualify as evidence of residency unless:**

- (1) Expressly identify applicant or, where applicable, the applicant's legally-recognized spouse\* or minor child\*\*.
- (2) Indicate applicant/spouse/child is physically residing in Hood River County.
- (3) Current for the purposes of establishing residency, as follows:
  - (a) Any license, permit, card, title or registration from Table A or B must be current and valid; no expired documents;
  - (b) Any lease or sublease from Table B must relate to an existing tenancy.
  - (c) Any financial or insurance documents from Table B must relate to a current, existing account or policy.
  - (d) All other documents must be either: (i) permanent/perpetual in nature (e.g. court order; adoption records; military discharge); or (ii) issued no less than 60 days prior to application.

\*relationship to spouse must be established by government-issued marriage license or court order.

\*\* relationship to minor child must be established by government-issued birth certificate or court order, including but not limited to order of adoption, and guardianship documentation.

To satisfy this matrix, an applicant must provide one document from this table.

**Minors:** Proof of residency in the County can be accepted from parent or guardian as required in Tables, or a letter from the Hood River County School District addressed "To the parents of [student's name]" with physical address in the County.

Any applicable document listed in Tables A or B that expressly states the applicant's current local address, provided document is "current" under this section/table.

Oregon title/registration: vehicle; manufactured home in name of applicant or spouse.

Record/Correspondence issued by local educational institution indicating current enrollment of applicant's minor child.

Record/Correspondence issued by local medical care provider concerning applicant's minor child.

U.S. Postal Service change of address receipt.

Local property tax statement in name of applicant's spouse; current mortgage contract/payment records.

Lease or Sublease in name of applicant's spouse.

Mortgage account/statement in name of applicant's spouse.

# PUBLIC HEARING

**HOOD RIVER COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST FORM**

**DATE:** July 10, 2020      **DEPARTMENT:** Planning      **NAME:** Keith Cleveland

**SUBJECT:** Request for TWO public hearings regarding Appeal #20-0045 of the Planning Commission's Final Order for Appeal #19-0266.

**AUTHORITY:**    *ORS:* \_\_\_\_\_      *OAR:* \_\_\_\_\_

*COUNTY ORD.:*    HRCZO Article 61

**BACKGROUND/SUMMARY OF SUBJECT:**

On November 12, 2019, Paul Jones filed an appeal of of the County Planning Director’s decision to deny his Forest Template Dwelling request. On January 8, 2020, the Planning Commission unanimously denied the appeal. On February 3, 2020, Paul Jones filed an appeal of Planning Commission's Final Order for Appeal #19-0266.

As part of the filed appeal, the appellant requested to either submit additional evidence, or to hold a de novo hearing. Therefore; staff is requesting that the Board of Commissioners hold two hearings. The first hearing will consider the appellant's request for the submission of additional evidence or a de novo hearing, then, based on the outcome of the first hearing, the second hearing will consider the merits of the Planning Commission's decision.

**FISCAL IMPACT-** *Budget Line Item:* \_\_\_\_\_ *Acct Bal \$* \_\_\_\_\_

*Est. Hrs. Spent to Date:* \_\_\_\_\_ *Est. Completion Date:* \_\_\_\_\_

*Comments:*

Fiscal impacts associated with this application are limited to staff time.

**ACKNOWLEDGEMENT BY AFFECTED PARTIES:**

*COUNTY COUNSEL*       *FINANCE*       *OTHER AGENCIES*       *ADMIN*   
*HR DEPT*       *APPROPRIATE COUNTY COMMITTEE*       *OTHER*

**RECOMMENDATION OF THE DEPARTMENT:**

It is recommended that the Board of County Commissioners 1) deny the request for the submission of additional evidence or a de novo hearing, and 2) deny Appeal #20-0045 and uphold the Planning Commission’s decision, dated January 21, 2020, to dismiss Appeal #19-0266 filed by Paul Jones.

**ADMINISTRATION RECOMMENDATION:** Determine how the hearing will be conducted: de novo, allow new testimony or on the record and then based on that decision conduct the hearing and determine the best action for the County.

**FOLLOW UP:**    ORD/RESO/AGMT/ORDER, ETC: ORIGINALS TO R&A  
                    COPIES TO: County Planning

**QUASI JUDICIAL HEARING  
- ON THE RECORD -**

This is the time set for hearing in the Matter of an appeal filed by Paul Jones of the County Planning Commission's decision to deny Appeal #19-0266 regarding the Planning Director's denial of a Forest Template Dwelling application filed by Paul Jones.

I'll open the hearing at this time.

Because this hearing is being recorded, anyone who wishes to speak should come to the front table, state your name and address, and speak clearly into the microphone.

**Everyone here has the right to speak, provided that:**

- a. You do not have the right to be disorderly, abusive or disrupt the hearing.
- b. You should not present irrelevant or immaterial testimony.
- c. No one may speak in excess of ten minutes unless you have received permission to do so.

At this point I will ask the Board members whether any of you need to disclose any personal bias, ex parte communications or conflict of interest.

Is there anyone in the audience who wishes to challenge the qualifications of any member of the Board?

**Pursuant to ORS 197.763 the following points are required to be read into the record:**

1. The criteria that apply to our decision are listed in both the staff report and the notice letter and may be further expanded or clarified during the hearing.
2. Testimony and evidence must be directed towards the identified criteria or other criteria in the county's comprehensive plan or land use regulations that you believe apply to this decision.

With one possible exception, the hearing tonight and the Board's decision will be based on the record that was before the Planning Commission. The exception is that the County Code, Sections 61.10.D and E, allows the Board to consider new evidence if there are "good and substantial reasons" the evidence was not presented to the Planning Commission. Further, the County Administrative Code allows the Board to consider new evidence if it was not available at the time of the Planning Commission hearing. When we get to public testimony, I will ask the appellant to present the evidence they want us to consider and the Board will determine whether to allow it. If it is allowed into the record, anyone may testify about the evidence. Otherwise, this hearing is on the record that was before the Planning Commission.

3. Failure to raise an issue with sufficient specificity to afford the Board and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
4. Pursuant to provisions in Section 60.06 of the County Planning Zoning Ordinance, failure of a property owner to receive notice does not invalidate these proceedings because a good faith effort was made to notify everyone who is entitled to notice based on records in the Department of Records and Assessment, which were used.

**The order of the hearing is as follows:**

1. First we will have the staff report;
2. Then, we will hear from the appellant;
3. Then, those in support of the appeal;
4. Then, those opposed to the appeal;
5. Then, interested public agencies;
6. Then, the appellant's rebuttal;
7. Finally, questions by the decision-makers.

At that point, the hearing will be closed and no further testimony or argument is allowed. The Board will then deliberate and either make a decision or continue the hearing to a date certain and finalize the decision at that time.

Are there any questions concerning the procedure or rules that I have covered? If not, then we will hear from Staff.



# Hood River County Community Development

Planning, Building Codes, Code Compliance, Economic Development & GIS

601 State Street, Hood River OR 97031

---

ERIC WALKER, DIRECTOR  
(541) 387-6840 • plan.dept@co.hood-river.or.us

May 8, 2020

To: County Board of Commissioners

cc: Paul Jones, Appellant/Applicant (*US Mail*)  
William H. Sumerfield, Attorney for the Appellant/Applicant (*US Mail*)  
Heather Staten, Thrive Hood River, Party of Record (*via email*)  
Mike McCarthy, Adjacent Property Owner, Party of Record (*via email*)  
Scott Franke, Thrive (*via email, subscription holder*)

From: Keith Cleveland, Sr. Planner

Attachments: **1 – Hearing #1 Documents**

- Relevant County Code Sections
- Appellant's Submitted Documents

**2 – Hearing #2 Documents**

- Record of the Planning Commission

**RE: Appeal #20-0045 of Planning Commission's Final Order for Appeal #19-0266 (regarding the denial of Paul Jones Forest Template Dwelling #19-0077)**

---

**Request:**

An appeal filed by Paul Jones of the County Planning Commission's decision to deny Appeal #19-0266 regarding the Planning Director's denial of his Forest Template Dwelling application.

As part of the filed appeal, the appellant also requested to either submit new evidence or to hold a de novo hearing. Therefore, staff is requesting that the Board of County Commissioners (Board) hold two hearings. The first hearing will consider the appellant's request for the submission of new evidence or a de novo hearing, then, depending on the outcome of the first hearing, a second hearing to consider the merits of the Planning Commission's decision.

**Hearing #1:** Request by the appellant to either submit new evidence or to hold a de novo hearing

The appellant cites ORS 197.763 (9)(b) which defines evidence as “facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.”

The appellant then argues that the new evidence they request to submit is not technically *evidence*, in that it does not directly pertain to the forest template dwelling application at issue in this appeal, but is demonstrative of arguments made by the appellant during his testimony to the Planning Commission.

**Staff response:** At issue is how the Board will review the Planning Commission's decision. As per Article 61, Sections 61.10.D and E of the Hood River County Zoning Ordinance (HRCZO), the Board's review of the Planning Commission's order “shall be confined to the Record...” unless it is shown to the satisfaction of the Board that the additional evidence is relevant and that there were “good substantial reasons” for failure to present the new evidence at the Planning Commission hearing.

Further, Section 6D.42 of the Hood River County Administrative Code sets an even higher bar requiring that “Unless there are extraordinary circumstances, appeals will be heard on the Planning Commission record” [*emphasis added*].

Most importantly, the Hood River County Administrative Code, Section 6D.49, defines “new evidence” as “Information that was absolutely not available at the time of the Planning Commission hearing” [*emphasis added*].

The new evidence that the appellant is requesting to submit consists of emails sent by a Planning staff member and applicant on April 3, 2019. It also includes a site plan from a previous application submitted to the Planning Department on July 16, 2019 and used in approving a Forest Template Dwelling on the property on January 3, 2020. The “new evidence” requested to be included into the record was absolutely available at the time of the Planning Commission hearing on January 8, 2020 but was not submitted at that time.

**Recommendation:** In compliance with Hood River County Administrative Code Sections 6D.49, staff recommends that the Board deny the request by the appellant to submit additional evidence or hold a de novo hearing and to review the Planning Commission decision “on the record” as required by Article 61, Section 61.10.E of the HRCZO and Section 6D.42 of the Hood River County Administrative Code.

---

**Hearing #2:** To consider the merits of the appeal filed by Paul Jones of the County Planning Commission’s decision to deny Appeal #19-0266 involving his Forest Template Dwelling application.

**Background:**

On July 17, 2019, notice of the initial application for a Forest Template Dwelling was mailed to affected public agencies and adjacent property owners within 750 feet of the perimeter of the property. Notice was also published in the Hood River News.

On October 31, 2019, the County Planning Department denied the applicant’s request based on the applicable provisions of Article 4 (*Forest Zone*), and Article 72 (*Planning Director’s Review Procedures*) of the County Zoning Ordinance.

On November 12, 2019, Paul Jones filed an appeal of the County Planning Director’s decision to deny the applicant’s Forest Template Dwelling request.

On January 8, 2020, The Planning Commission held a public hearing and voted unanimously to uphold the County Planning Director’s decision to deny the applicant’s Forest Template Dwelling request.

On February 3, 2020, Paul Jones filed an appeal of the Planning Commission’s decision.

**Summary of the Planning Commission’s Decision:**

The following relevant sections of the HRCZO are the focus of this appeal; primarily at issue is the interpretation of the underlined portion:

*Section 4.04(C)(3) requires that all or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160-acre template centered on the subject tract; and that at least three dwellings that existed on January 1, 1993 are contained within the above eleven parcels.*

*Section 4.04(C)(6): states that if the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.*

The primary reasons listed by the appellant for the appeal were that staff erred by 1) finding that the applicant’s proposed template is not accurately positioned to align with Cooper Spur Road to the “maximum extent possible,” as required by Section 4.04(C)(6) of the Hood River County Zoning Ordinance (HRCZO); and 2) using a repositioned 160-acre template alignment to review the application.

During the Planning Commission hearing, staff reiterated that, in this particular case, aligning the template with the full extent of the road within the template area provides a more reliable road orientation and mitigates for the many road curves found adjacent to the property. In using this methodology, staff maintained that the alignment of the template must be set in a north-south direction with a only a minor counter-clockwise skew; as opposed to the applicant's template, which, in order to capture the requisite three dwellings, tilts it more than can be reasonably justified given the "maximum extent possible" requirement.

The appellant's attorney, Bill Summerfield, emphasized that because of the various turns in Cooper Spur Road, and because there is no specific direction given in Section 4.04(C)(6) of the HRCZO regarding how to position the template in relation to the road, as long as the ¼ mile by one mile rectangular template is positioned so as to include the road through its entire length, it can be angled to match any degree that the road moves through. Mr. Summerfield also argued that staff never described any specific, repeatable, method for making their determination; only that it was staff's opinion that the applicant's template was not aligned with the road to the maximum extent possible.

After receiving the above testimony, asking questions, and providing opportunities for rebuttal, the Planning Commission closed the hearing and proceeded into deliberations. As part of these deliberations, the Commission agreed with staff's argument that the applicant's template was not aligned with Cooper Spur Road to the maximum extent possible. The Planning Commission voted unanimously to uphold the Planning Director's decision and deny the appeal based on the findings of fact and conclusions of law provided in the staff report, dated December 31, 2020.

**Recommendation:**

On behalf of the County Planning Commission, and based on the findings of fact and conclusions of law relied upon in making their decision (*attached*), it is recommended that the Board of County Commissioners uphold the Planning Commission's decision, dated January 21, 2020, to deny Appeal #19-0266 filed by Paul Jones.

# Attachment 1

Hearing #1 Documents

## Relevant Hood River County Code Sections

### Article 61 – Review by the Board, HRCZO

#### Section 61.10 - Appeals

##### Section 61.10.D:

If, not later than 15 days before the date set for the hearing on the petition application is made to the Board for leave to present additional evidence, and it is shown to the satisfaction of the Board that the additional evidence is material and that there were good substantial reasons for failure to present it in the proceeding before the initial hearing body, the Board may order the additional evidence to be taken before the initial hearings body upon such conditions as the Board deems proper. Notice of the time and place where the initial hearings body is to take the additional evidence shall be published in the same manner as in the original hearing. The initial hearings body may modify its findings and order by reason of the additional evidence and shall, within a time to be fixed by the Board file with the Board, to become a part of the record, the additional evidence, together with any modifications or new findings or orders, or that it elects to stand on its original findings and order

##### Section 61.10.E:

The Board's review of the Planning Commission's order shall be confined to the record unless the Board elects at its option to hear the application de novo and allow testimony and other evidence in addition to that received upon initial action. If the Board elects to hear the application de novo this fact shall be included in the notice of the hearing.

## Hood River County Administrative Code

### SECTION 6-D PROCEDURE FOR HEARING

#### Subsection C:

HEARINGS ON THE PLANNING COMMISSION RECORD: In addition to general hearing provisions and land use hearing provisions, the following procedures shall be used in processing a hearing that the Board of Commissioners has determined shall be heard on the Planning Commission record.

**6D.42** Unless there are extraordinary circumstances, appeals will be heard on the Planning Commission record.

**6D.49** The Board of Commissioners shall determine whether new evidence or testimony 117 shall be received. New evidence or testimony shall be defined as:

1. Information that was absolutely not available at the time of the Planning Commission hearing;
2. A person requesting an opportunity to testify who was absolutely not able, or was unavailable to testify either verbally or in writing at the Planning Commission hearing

**PHILLIPS REYNIER SUMERFIELD & CLINE, LLP**

**ATTORNEYS AT LAW**

DEBORAH M. PHILLIPS, P.C.  
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(541) 386-4264  
FAX: (541) 386-2557  
email: [bill@phillipsreynier.com](mailto:bill@phillipsreynier.com)

Licensed in Oregon & Washington

May 1, 2020

Keith Cleveland  
Senior Planner  
Hood River County Community Development  
601 State Street  
Hood River, Oregon 97031  
[keith.cleveland@co.hood-river.or.us](mailto:keith.cleveland@co.hood-river.or.us)

**RE: Appeal #20-0045 of Planning Commission’s Final Order for Appeal #19-0266  
(regarding denial of Paul Jones Forest Template Dwelling #19-0077)**

Dear Keith:

I represent Paul Jones. Pursuant to the notice dated April 22, 2020, please consider the following comments and materials at the appeal hearing.

Pursuant to Article 61.10 (D) and (E), Applicant/appellant [referred to as Applicant hereafter for brevity] requests leave to submit additional evidence, and/or for the Board to conduct its review de novo.

This is a simple, one issue appeal of the Planning Director’s denial of the application for a Forest Template Dwelling and of the Planning Commission’s affirmation of that denial. The sole issue presented is whether the Applicant’s proposed template alignment is oriented to align with Cooper Spur Road to the maximum extent possible, as required by the ordinance. The Department rejected Applicant’s proposed template alignment and substituted its own. The Planning Commission supported the Department’s decision and denied the appeal.

Applicant submits for consideration email correspondence and the final, approved template from the Department’s file in the forest template dwelling application of Darci Brown, 415-19-0181 (tax lot 2N 10E 18 800). Applicant discovered this information after making a public records request and reviewing other forest template dwelling applications.

ORS 197.763 (9)(b) defines evidence:

“Evidence” means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

The correspondence and template approved in *Brown* is not technically *evidence*, in that it does not directly pertain to the forest template dwelling application at issue in this appeal. It

Keith Cleveland, Sr. Planner  
May 1, 2020  
Page 2

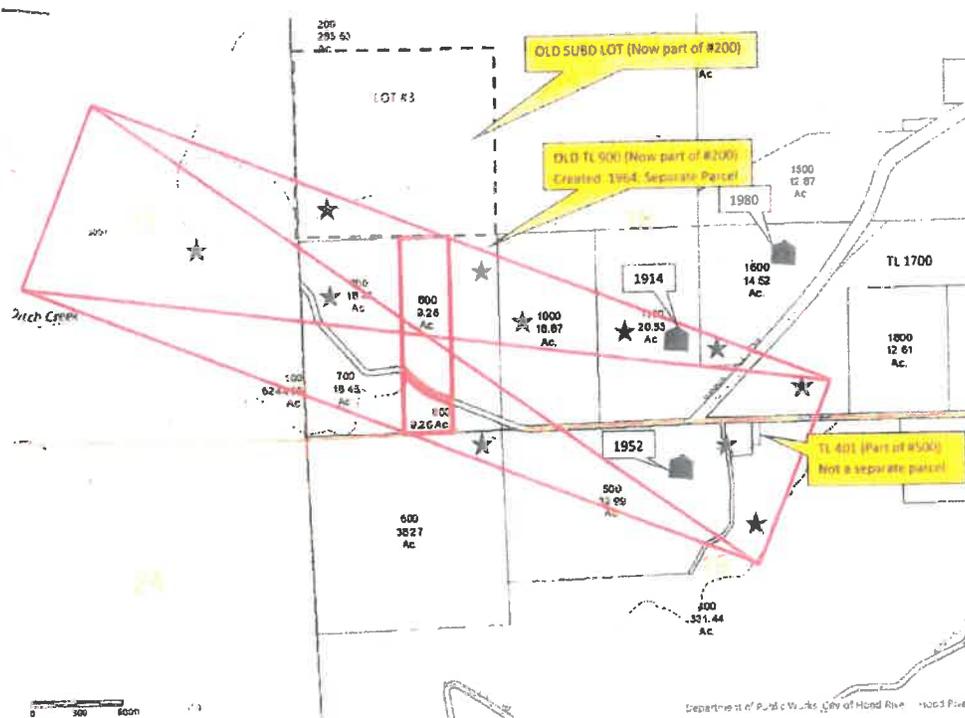
is, however, *demonstrative* of the argument made by Applicant that the Department's application of the ordinance in this case was arbitrary and capricious, due principally to a lack of objective standards in determining alignment of the rectangle with the road.

In *Brown*, Senior Planner Nick Kraemer encouraged the Applicant to rotate the proposed template in order to include a qualifying parcel. Planner Kraemer stated:

"I spoke to Keith Cleveland – Senior Planner and he recommended that you could rotate the rectangle to follow the northwesterly direction of the Binns Hill Road (this is different from what I told on the phone – that it had to be oriented East-West). You could make a case for either way. But -- yes, I think it would be advantageous to rotate it and pick up [qualifying property] DU#2."

The final template approved in *Brown* is no more in alignment with Binns Hill Road than the Applicant's proposed alignment was with Cooper Spur Road in this case.

**Brown:**





Keith Cleveland, Sr. Planner  
May 1, 2020  
Page 4

Very Truly Yours,

PHILLIPS REYNIER SUMERFIELD & CLINE, LLP

A handwritten signature in black ink, appearing to read 'W. Sumerfield', with a large, stylized loop at the end.

William H. Sumerfield

WHS/kar

Enclosures [*Brown file: emailed drawings, email from Kraemer, final approved template*]

29-1

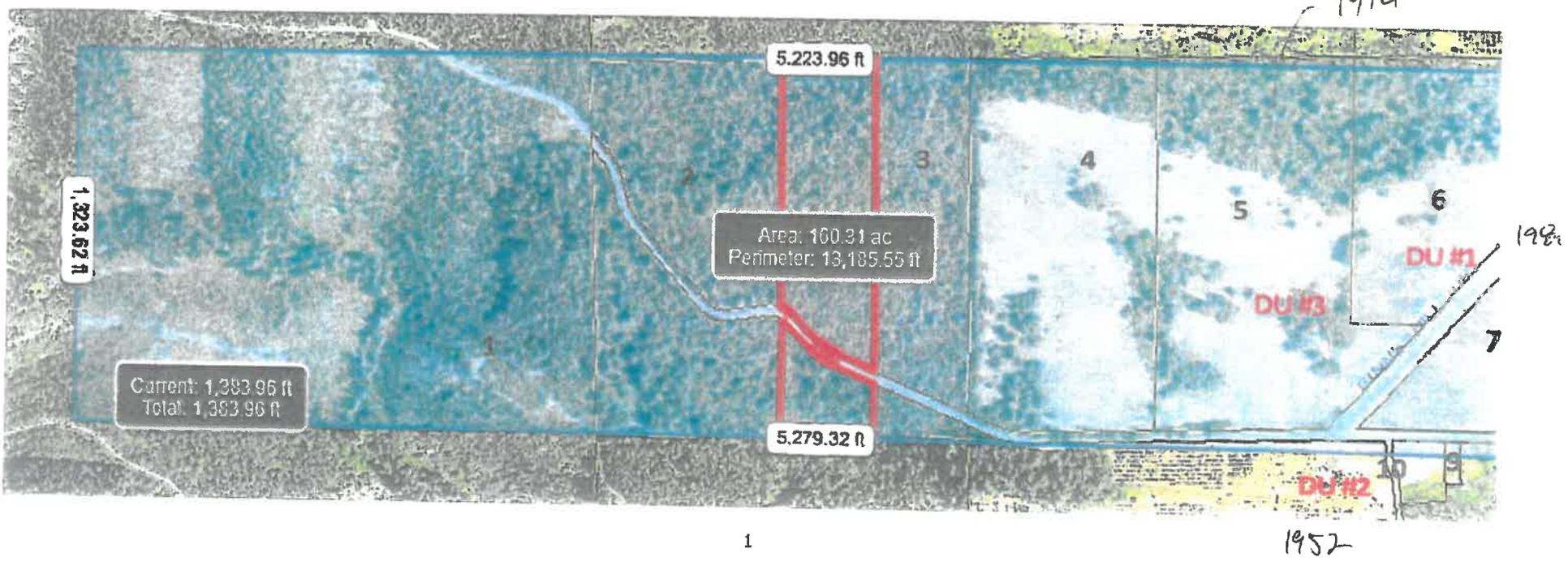
2N10E18800

Nick Kraemer

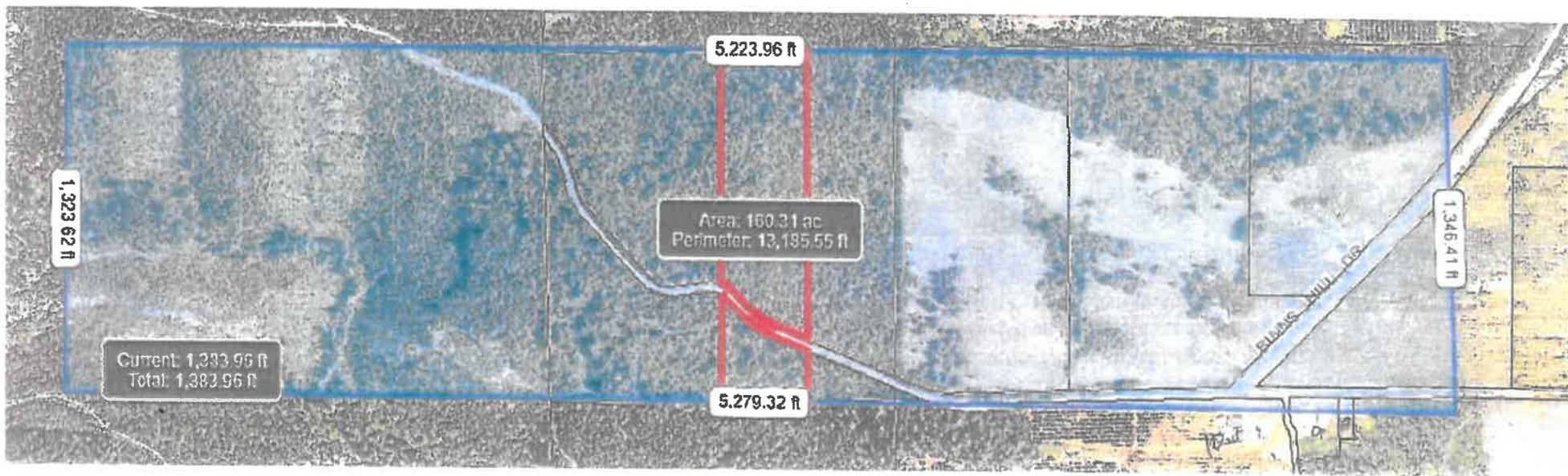
From: Spoo, Ethan <Ethan.Spoo@abam.com>  
 Sent: Wednesday, April 03, 2019 1:06 PM  
 To: Nick Kraemer  
 Cc: Keillor, Scott; Roberts, Sam  
 Subject: Brown Property Forest Template Dwelling

Nick,

Nice talking with you earlier today. At your suggestion, I am sending you a map graphic showing the subject tax lot (2N10E18, lot 800) owned by Darci Brown. The owner would like to establish a forest template dwelling on the site. The graphic shows a 1/4-mile wide by 1 mile long area centered on the subject lot and oriented east-west showing that the template area touches 11 tax lots and 3 dwellings. This is based on existing parcels and dwellings, so we haven't done the research yet to see what the situation was in 1993. However, I wanted to send this to you as a preliminary check to see if you can verify this meets the requirements of codes section 4.04(C)(6) – abuts a road, 1/4-mile wide/1 mile long, centered on the center of subject tract that is to the maximum extent possible aligned with the road. We would do a final and more precise check to verify 1993 lots and dwellings assuming the applicant decides to proceed forward. I believe the template area would ultimately rotate slightly clockwise to align better with the road through the site in compliance with the code, picking up more tax lots. and ensuring DU#2 is completely within the template.



L-1



$\frac{1}{4}$  mile = ~~1320~~ 1320'

Part of dwelling in template

**Nick Kraemer**

---

**From:** Spoo, Ethan <Ethan.Spoo@abam.com>  
**Sent:** Wednesday, April 03, 2019 3:12 PM  
**To:** Nick Kraemer  
**Cc:** Keillor, Scott; Roberts, Sam  
**Subject:** RE: Brown Property Forest Template Dwelling

Thanks Nick. Much appreciated.

Ethan

**From:** Nick Kraemer <nick.kraemer@co.hood-river.or.us>  
**Sent:** Wednesday, April 3, 2019 3:07 PM  
**To:** Spoo, Ethan <Ethan.Spoo@abam.com>  
**Cc:** Keillor, Scott <Scott.Keillor@abam.com>; Roberts, Sam <sam.roberts@abam.com>  
**Subject:** RE: Brown Property Forest Template Dwelling

**External**

Hello Ethan

This looks great. I spoke with Keith Cleveland Senior Planner and he recommended that you could rotate the rectangle to follow the northwesterly direction of the Binns Hill Road (this is different than what I told you on the phone that it had to be oriented East West). You could make a case for either way. But yes I think it would be advantageous to rotate it and pick up DU #2.

Using our Webmap I did a quick survey search and found this - which appears to show most of the parcels in the same configuration in 1983

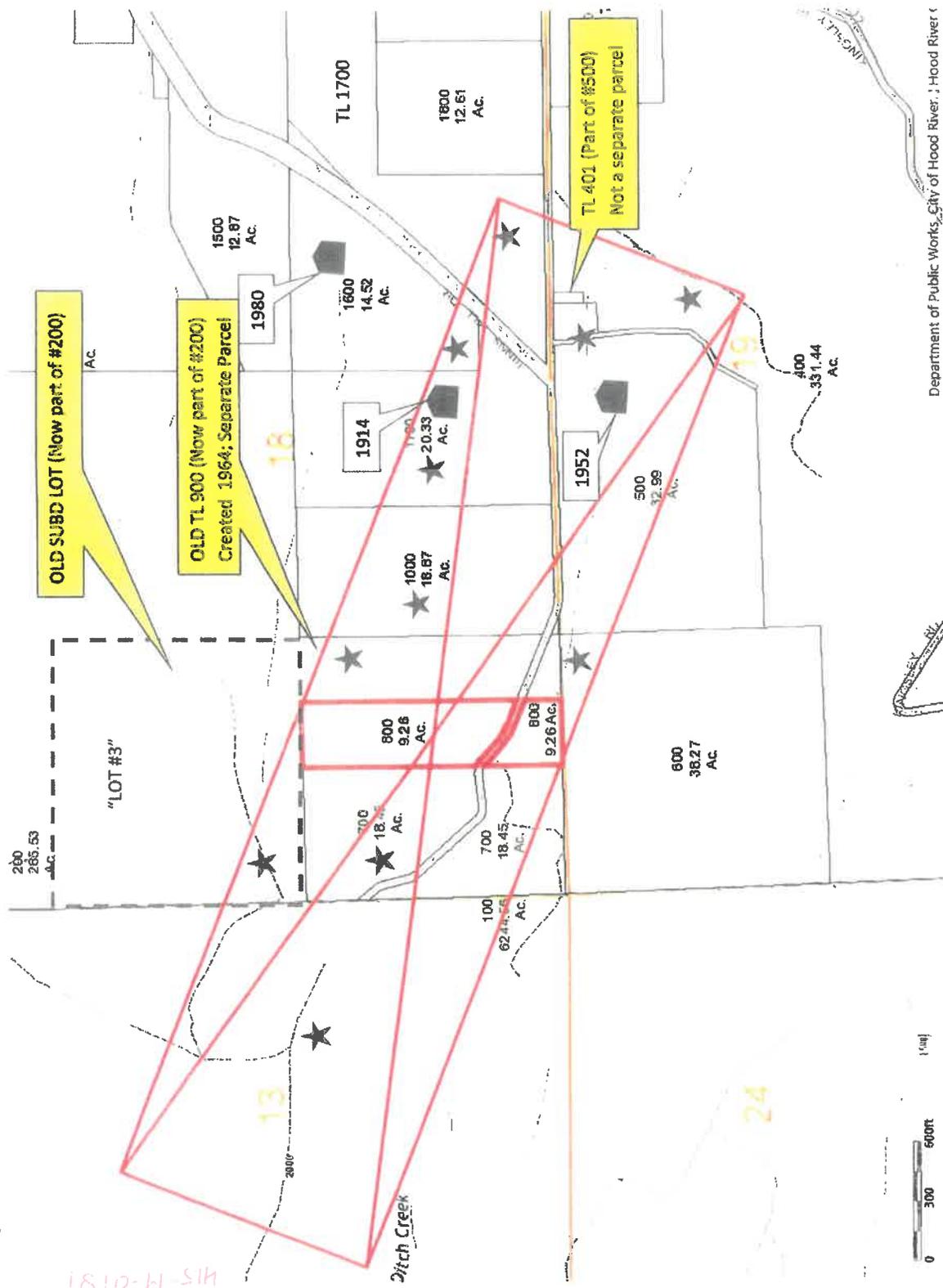
- [http://webmap.co.hood-river.or.us/GIS\\_DATA/surveys/CS1983051.pdf](http://webmap.co.hood-river.or.us/GIS_DATA/surveys/CS1983051.pdf)

The dwellings appear to be 1952, 1980, and 1914.

So - it is looking promising for meeting the criteria.

Let me know if you have any further questions.

Thanks,  
 Nick Kraemer  
 Senior Planner  
 Community Development  
 Hood River County  
 601 State Street  
 Hood River, OR 97031  
 541-387-6875



Stream  
MS-19-0181

# Attachment 2

Hearing #2 Documents

**Paul Jones**  
**Appeal to the Board of County Commissioners #20-0045**

**(February 3, 2020)**

***(3 double-sided pages including cover)***

**Appeal #20-0045**

415-20-00045-PLNG  
2-3-2020

Appeal Fee \$2,785

COUNTY OF HOOD RIVER )  
STATE OF OREGON )  
PETITION FOR APPEAL OF THE )  
PLANNING COMMISSION'S DECISION )  
(COUNTY ZONING ORDINANCE) )

PAUL JONES #19-0077  
Name and County File Number

Pursuant to Article 61, Hood River County Permanent Zoning Ordinance, an action or ruling of the Planning Commission authorized by this ordinance may be appealed to the Board of Commissioners within 15 days after the Commission has rendered its decision by filing written notice with the Department of Records and Assessments. If no appeal is taken within the 15 day period, the decision of the Commission shall be final.

The written notice of appeal should be accompanied with a statement indicating whether new evidence will be given. The Board may then order the Planning Commission to hear the new evidence presented. The Board's hearing on the appeal will be limited to the record of evidence presented to the Planning Commission unless the Board elects at its option to hear testimony and other evidence in addition to the Planning Commission record.

Notice of the public hearing shall be by one publication in a newspaper of general circulation in the County, not less than ten (10) days prior to the date of the hearing. The above filing fee shall be paid to Hood River County, Records and Assessment Department, 601 State Street, Hood River OR 97031.

Those making an appeal must have "standing" as prescribed in Section 61.06; see attached Appendix "A". Based upon consideration of provisions in Section 61.06, it is felt that I (we) have standing based upon the following justification:

APPELLANT IS THE APPLICANT

Consequently, I (we) hereby appeal the decision of the Hood River County Planning Commission in the application of:

PAUL JONES

for: FOREST TEMPLATE DWELLING PERMIT #19-0077;  
APPEAL OF PLANNING DEPARTMENT'S DENIAL (APPEAL  
#19-0266)

heard before the Planning Commission on the 8<sup>th</sup> day of JANUARY, 2020, for the following reasons:

SEE ATTACHED

I (we) therefore petition the Board of Commissions to hold a public hearing to consider this appeal of the Planning Commission action on the above matter.

Dated this 3 day of FEB, 2020.

by: PAUL JONES

## ASSIGNMENTS OF ERROR

1. The Planning Director erred in rejecting the applicant's proposed 160 acre template alignment.
2. The Planning Director erred in using an alternative 160 acre template alignment.
3. The Planning Director erred in finding that the applicant's proposed template alignment is not accurately positioned to align with Cooper Spur Road to the maximum extent possible.
4. The Planning Director erred in determining the alignment of Cooper Spur Road.
5. The Planning Commission erred in upholding the Planning Director's denial.

### REQUEST FOR LEAVE TO SUBMIT ADDITIONAL EVIDENCE/DE NOVO HEARING

Pursuant to Article 61.10 (D) and (E), Applicant/appellant [referred to as Applicant hereafter for brevity] requests leave to submit additional evidence, and/or for the Board to conduct its review de novo.

This is a simple, one issue appeal of the Planning Director's denial of the application for a Forest Template Dwelling and of the Planning Commission's affirmation of that denial. The sole issue presented is whether the Applicant's proposed template alignment is oriented to align with Cooper Spur Road to the maximum extent possible, as required by the ordinance. The Department rejected Applicant's proposed template alignment and substituted its own. The Planning Commission supported the Department's decision and denied the appeal.

After making a public records request and reviewing other forest template dwelling applications, Applicant discovered that the Senior Planner Nick Kraemer encouraged the Applicant to rotate the proposed template in order to include a qualifying parcel. Planner Kraemer stated:

"I spoke to Keith Cleveland – Senior Planner and he recommended that you could rotate the rectangle to follow the northwesterly direction of the Binns Hill Road (this is different from what I told on the phone – that it had to be oriented East-West). You could make a case for either way. But -- yes, I think it would be advantageous to rotate it and pick up [qualifying property] DU#2."

The final approved template in *Brown* is no more in alignment with Binns Hill Road than the Applicant's proposed alignment was with Cooper Spur Road in this case.

Applicant intends to submit the Department's correspondence with the applicants in those prior applications, as well as the final, approved templates. ORS 197.763 (9)(b) defines evidence:

"Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.

The template approved in *Brown* is not technically *evidence*, in that it does not directly pertain to the forest template dwelling application at issue in this appeal. It is, however, *demonstrative* of

the argument made by Applicant that the Department's application of the ordinance in this case was arbitrary and capricious, due principally to a lack of objective standards in determining alignment of the rectangle with the road.

In the proceedings below, Applicant proposed an objective test for alignment, roughly stated as follows: If the road in consideration does not leave the rectangle (or if it does leave, it does not reenter), then the rectangle is in alignment with the road to the maximum extent possible. Non-objective determinations leave too much room for interpretation, and lead to inconsistent application and results. Applicant intends to demonstrate that inconsistency in application with materials from the prior applications.

The information to be submitted is public record and consists of less than 10 pages of material. It will in no way hinder or delay the appeal. It is material, and will help the Board to understand the issue presented and reach a decision.

Applicant asks the Board to either allow submittal of these materials or agree to hear the appeal de novo on an open record.

**Planning Commission's Final Order and Record**  
**Including Documents Submitted at the Hearing**

**(January 21, 2020)**

***(45 double-sided pages including covers)***

**Appeal #20-0045**



# Hood River County Community Development

Planning, Building Codes, Code Compliance, Economic Development & GIS

601 State Street, Hood River, OR 97031

2-5

FILE COPY

ERIC WALKER, DIRECTOR  
(541) 387-6840 • plan.dept@co.hood-river.or.us

January 22, 2020

Paul Jones, Appellant/Applicant/Owner  
3763 Neal Creek Road  
Hood River, OR 97031

William H. Sumerfield, Attorney for the Appellant  
PO Box 758  
Hood River, OR 97031

**RE: Appeal #19-0266 of Forest Template Dwelling Permit #19-0077; 1S 10E, Section 30, Tax Lot 1000**

Dear Mr. Jones:

Enclosed is a copy of the signed final order outlining the results of the Planning Commission's January 8, 2020 hearing concerning your appeal of the Planning Department's decision to deny your application to establish a Forest Template Dwelling located on your property referenced above.

Pursuant to Section 61.00 of the Hood River County Zoning Ordinance, the decision of the Planning Commission is final unless a written appeal is filed with the Hood River County Department of Records & Assessment within fifteen (15) days of the date of this letter. Appeal forms are available at the Hood River County Planning Department, 601 State Street, Hood River, OR 97031 or the County website at [www.co.hood-river.or.us](http://www.co.hood-river.or.us). The filing fee for an appeal to the County Board of Commissioners is \$2,785.

If you have any questions regarding this letter, please call (541) 387-6840 or send an email to [keith.cleveland@co.hood-river.or.us](mailto:keith.cleveland@co.hood-river.or.us).

Sincerely,

Keith Cleveland  
Sr. Planner

Enclosures: Final Order for Appeal #19-0266

cc: **Planning File #19-0077**

Brian Beebe, County Dept. of Records and Assessment (*via email*)  
Duane Ely, County Dept. of Records and Assessment (*via email*)  
Mikel Diwan, County Public Works (*via email*)  
Cheryl Moore, Middle Fork Irrigation District (*via email*)  
Doug Thiesies, County Forest Manager (*via email*)  
Paul Jones, Appellant/Applicant/Owner (*via email*)  
William H. Sumerfield, Attorney for the Appellant (*via email*)  
Mike McCarthy, (*via email*)  
Heather Staten, Thrive (*via email*)  
Scott Franke, Thrive (*via email, Subscription Holder*)

Before the Planning Commission  
for Hood River County

**In the Matter of an Appeal (File #19-0266) Filed by Paul Jones of the County Planning Director's Decision to Deny a Land Use Permit Application (File #19-0077) to construct a Forest Template Dwelling.**

)  
) **ORDER**  
)

A public hearing was held before the Hood River County Planning Commission on January 8, 2020 at 5:30 p.m. in the County Board of Commissioners Conference Room (1<sup>st</sup> floor), 601 State Street, Hood River, Oregon, to consider the above-referenced appeal.

Due notice was given of the public hearing before the Planning Commission. A quorum was present. The qualifications of the members of the Planning Commission in attendance were determined and all of the five commissioners present participated in the hearing. Prior to the hearing, the presiding Chair of the Planning Commission described the applicable rules and procedures of the hearing.

The Planning Commission was provided a brief staff summary and then received testimony from the applicant, who is also the appellant, followed by an opponent of the appeal.

The staff summary outlined the primary reasons listed by the appellant for the appeal, namely, staff erred by 1) finding that the applicant's proposed template (*attached hereto as Exhibit "B," and incorporated herein by this reference*) is not accurately positioned to align with Cooper Spur Road to the "maximum extent possible," as required by Section 4.04(C)(6) of the Hood River County Zoning Ordinance (HRCZO); and 2) using a repositioned 160-acre template alignment (*attached hereto as Exhibit "C," and incorporated herein by this reference*) to review the application<sup>1</sup>. Staff reiterated that determining the overall alignment of the road is best achieved by looking at its entire length and location as it falls within the template area and not just limiting it to one particular arc of a short segment of the road adjacent to a portion of the property, as proposed by the applicant. Staff argued that aligning the template with the full extent of the road within the template area provides a more reliable road orientation and mitigates for the many road curves found near the property. In using this methodology, staff maintained that the alignment of the template must be set in a north-south direction with a only a minor counter-clockwise skew; as opposed to the applicant's template, which, in order to capture the requisite three dwellings<sup>2</sup>, tilts it more than can be reasonably justified given the "maximum extent possible" requirement.

---

<sup>1</sup> Using the repositioned template, staff found that only one of the three requisite dwellings was located on parcels partially or wholly within the template as required by Section 4.04(C)(3) of the HRCZO and, therefore, denied the application.  
<sup>2</sup> As required by Section 4.04(C)(3) of the HRCZO

The Planning Commission then heard testimony from the appellant's attorney, Bill Summerfield. Mr. Summerfield emphasized that because of the various turns in Cooper Spur Road, and because there is no specific direction given in Section 4.04(C)(6) of the HRCZO regarding how to position the template in relation to the road, as long as the ¼ mile by one mile rectangular template is positioned so as to include the road through its entire length, it can be angled to match any degree that the road moves through. Mr. Summerfield also argued that staff never described any specific, repeatable, method for making their determination; only that it was staff's opinion that the applicant's template was not aligned with the road to the maximum extent possible.

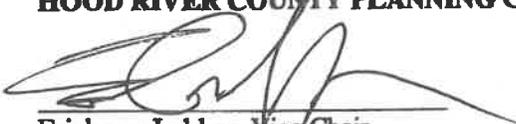
The Planning Commission also heard from an opponent of the appeal who supported staff's position concerning the need to align the template more closely with the north-south direction of the road.

After receiving the above testimony, asking questions, and providing opportunities for rebuttal, the Planning Commission closed the hearing and proceeded into deliberations. As part of these deliberations, the Commission agreed with staff's argument that the applicant's template was not aligned with Cooper Spur Road to the maximum extent possible. The Planning Commission voted unanimously to uphold the Planning Director's decision and deny the appeal based on the findings of fact and conclusions of law provided in the staff report, dated December 31, 2020, which is attached hereto as Exhibit "A," and incorporated herein by this reference.

Based upon this information, it is **HEREBY ORDERED** that the Planning Department's denial of Forest Template Dwelling Application #19-0077 be upheld and Appeal #19-0266 be denied.

DATED THIS 21<sup>st</sup> DAY OF January 2020

HOOD RIVER COUNTY PLANNING COMMISSION

  
Erick von Lubken, Vice-Chair

APPROVED AS TO FORM:

  
David Doughman, County Counsel



ERIC WALKER, DIRECTOR  
(541) 387-6840 • plan.dept@co.hood-river.or.us

December 31, 2019

To: Hood River County Planning Commission

From: Keith Cleveland, Sr. Planner

CC: Paul Jones, Appellant/Applicant/Owner (*US Mail and email*)  
William H. Sumerfield, Attorney for the Appellant (*US Mail and email*)  
Scott Franke, Thrive (*via email, Subscription Holder*)

Attachments: A – Written Appeal filed by Paul Jones  
B – Planning Department’s October 31, 2019, Decision Letter and Staff Report with Attachments  
C – Applicant’s Template  
D – Staff’s Alternative Template  
E – Submitted Application  
F – Miscellaneous information

RE: **Appeal #19-0266 of Denied Land Use Permit Application #19-0077 (Forest Template Dwelling)**

---

I. **Request:** Paul Jones has filed an appeal (*File #19-0266*) of the County Planning Director’s decision to deny his land use permit application (*File #19-0077*) authorizing the construction of a Forest Template Dwelling.

II. **General Information:**

- A. **Appellant, Applicant, Owner:** Paul Jones
- B. **Location:** The subject parcel is located on the west side of Cooper Spur Road, approximately 2.75 miles south of its intersection with Evans Creek Drive; and is further described as 1S 10E, Section 30, Tax Lot #1000
- C. **Zoning:** Article 4 (*Forest Zone*) and Article 72 (*Planning Director’s Review Procedure*) of Hood River County Zoning Ordinance.
- D. **Onsite Land Use:** According to information obtained from the County Department of Records and Assessment the subject parcel is vacant and is not enrolled in the County’s forest deferral program.
- E. **Background:**

On July 17, 2019, notice of the initial application for a Forest Template Dwelling was mailed to affected public agencies and adjacent property owners within 750 feet of the perimeter of the property. Notice was also published in the Hood River News.

On October 31, 2019, the County Planning Department denied the applicant’s request based on the applicable provisions of Article 4 (*Forest Zone*), and Article 72 (*Planning Director’s Review Procedures*) of the County Zoning Ordinance. (*See Attachment B.*)

On November 12, 2019, Paul Jones filed an appeal of the County Planning Director’s decision to deny the applicant’s Forest Template Dwelling request. (*See Attachment A.*)

**III. Appeal Items:** The following information was provided as part of the appellant's November 12, 2019 appeal:

A. *The appellant argues that they have standing to appeal this decision under Section 72.45.B.2 of the HRCZO because, as the applicant, they are persons adversely affected or aggrieved by an action or ruling of the Director and/or that their legal rights are substantially affected by the Planning Director's decision.*

Staff agrees that the appellant, as the applicant, qualifies as a "party" per Section 72.45.B.2 of the HRCZO.

Staff also notes that the appellant submitted a timely appeal in compliance with Section 72.40.

B. *The appellant argues that the Planning Director erred in:*

1. *Rejecting the applicant's proposed 160-acre template alignment.*
2. *Using an alternative 160-acre template alignment.*
3. *Finding that the applicant's proposed template alignment is not accurately positioned to align with Cooper Spur Road to the maximum extent possible.*
4. *Determining the alignment of Cooper Spur Road.*

To address the submitted appeal, the following relevant sections of the HRCZO are provided:

*Section 4.04(C)(3) requires that all or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160-acre template centered on the subject tract; and that at least three dwellings that existed on January 1, 1993 are contained within the above eleven parcels.*

*Section 4.04(C)(6): If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.*

In determining compliance with Section 4.04(C)(3) and 4.04(C)(6) above, the applicant hired a professional surveyor to position an 160-acre template that is one mile long and 1/4-mile wide centered on the subject parcel and aligned with a portion of Cooper Spur Road, which abuts the subject parcel on three sides. (See Attachment C.) Using this template, the applicant proposed that all or part of at least 11 other parcels and three dwellings, which existed on January 1, 1993, are entirely or partially within this 160-acre rectangle.

In order to approve the positioning of the applicant's proposed template, staff was required to find that it met the standards in Section 4.04(C)(6).

In a letter supporting the applicant's positioning of the template, William H. Sumerfield, attorney for the applicant, stated that there is a "complete lack of guidance and standards in the relevant authorities," and "The subject parcel in this case is an irregular bell-like shape. Cooper Spur Road loops around it, making a 180 degree turn along the subject tract's western, northern, and eastern boundaries. The road direction along the subject tract could credibly be said to be almost any compass heading between about 270 W through 360 N to 180 S."<sup>1</sup>

Staff disagrees that there is a "complete lack of guidance and standards in the relevant authorities." In addition to the size of the optional template (1/4-mile-wide by 1 mile long), there are two criteria the

<sup>1</sup> See Attachment B, pgs. B-5 and B-6

template must meet. The template must 1) be centered on the subject tract and 2) to the maximum extent possible, be aligned with the road.

Staff found that the applicant's template was clearly centered on the subject parcel; however, staff was also required to find that, *to the maximum extent possible*, the template was aligned with the road. It is important to note that various dictionary sources define "aligned" as: "to arrange in a straight line; adjust according to a line; to bring into a line; to arrange in a line or so as to be parallel."

Staff agrees that the parcel is indeed an irregular shape; Cooper Spur Road makes a 180 degree turn along the subject tract's north, west, and east boundaries. Staff agrees that if this were the only way to evaluate the direction of the road, or if there was a requirement to only consider the road as it is adjacent to the parcel, then staff could potentially angle the template through any number of various degrees, as suggested by Mr. Sumerfield. However, staff is directed by the standard to look at all possibilities (*to the maximum extent possible*) in order to position the template in alignment with the overall location of the road. Given that the test is based on a ¼-mile wide by 1-mile long template, staff found that determining the overall alignment of the road is best achieved by looking at its entire length and location as it falls within the template area and not just limiting it to one particular arc of a short segment of the road that happens to fall along a portion of the property. By aligning the template with the full extent of the road within the template area, it provides a more reliable road orientation and mitigates for the many road curves found near the property. In using this methodology, staff found that the location of the template must be set in a more north-south direction with a minor easterly skew; as opposed to the applicant's template, which tilts it in a more easterly direction than can be reasonably justified given the "*maximum extent possible*" requirement.

Based on this information, staff found that the applicant's proposed template was not accurately positioned to align with Cooper Spur Road to the maximum extent possible, and, therefore, could not be used to justify compliance with the requirements of Section 4.04(C)(3). In compliance with Section 4.04(C)(6), staff used an alternate template (*see Attachment D*) that matched the methodology described above. Based on this new template location, it was determined that a sufficient number of parcels were located within this template. However, according to information obtained from the County Department of Records and Assessment, of the parcels located entirely or partially within staff's 160-acre template, only one contained a single-family dwelling that existed on January 1, 1993. Therefore, staff found the request did not comply with the requirements of Section 4.04(C)(3).

#### IV. Additional Comments Received:

On November 19, 2019, notice of the appeal was sent to affected public agencies, adjacent property owners within 750 feet of the perimeter of the subject parcel, and other qualifying parties of record. As of writing this report, no additional comments concerning this appeal have been received.

#### V. Recommendation:

Staff recommends that the Planning Director's decision to deny the Forest Template Dwelling application (*File #19-0077*) of Paul Jones be upheld, and that the appeal (*File #19-0266*) be denied, based on the information provided as part of this summary, as well the findings of fact and conclusions of law provided as part of the original staff report, dated October 31, 2019 (*see Attachment B*).

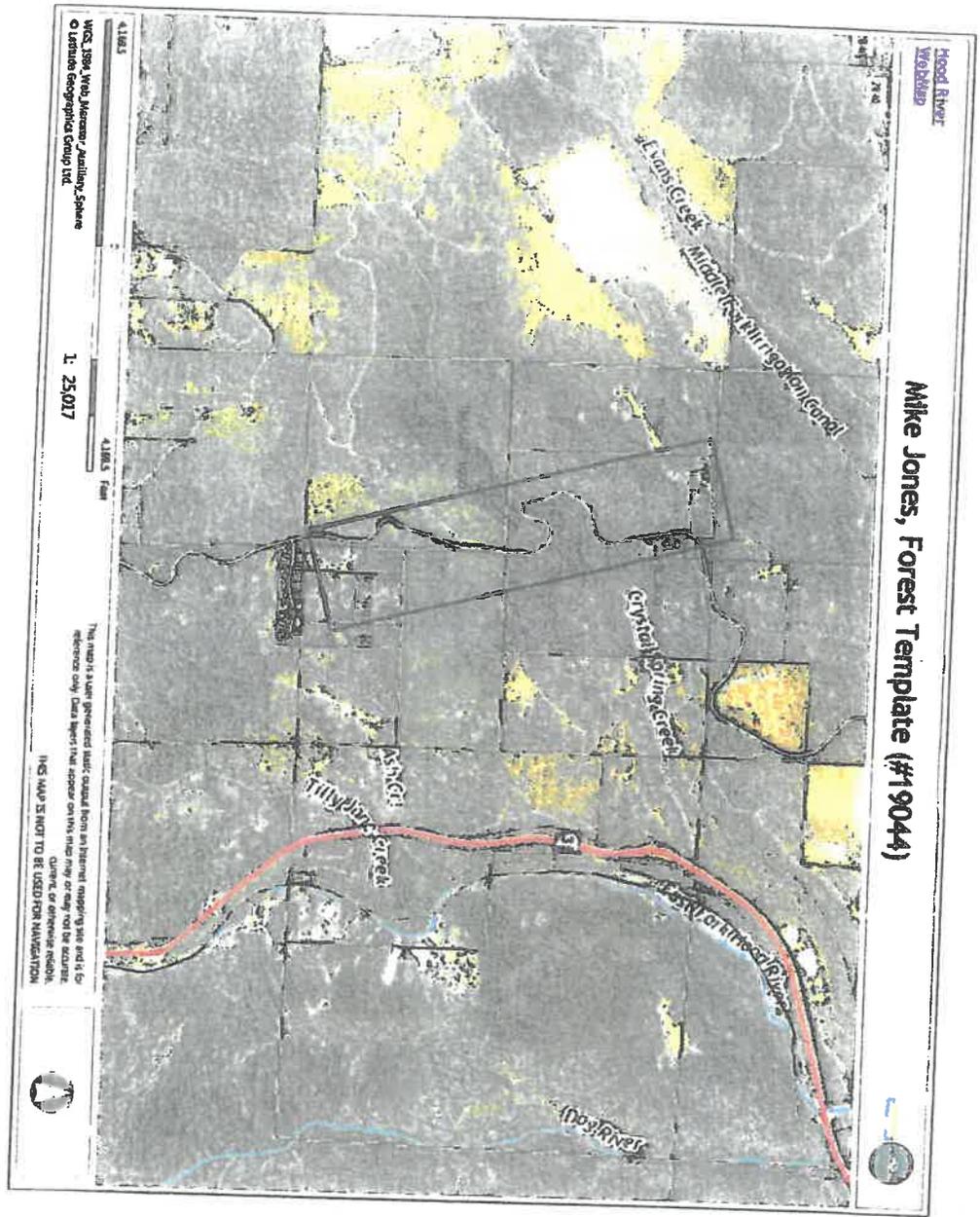
TERRA SURVEYING  
FOREST ZONE TEMPLATE

for  
**MIKE JONES**

LOCATION:  
PARTIAL OF LAND LOCATED IN THE MANAGEMENT QUANTUM OF THE MANAGEMENT QUANTUM OF SECTION 36,  
TOWNSHIP 1 NORTH, RANGE 10 WEST, CALHOUN COUNTY, MISSISSIPPI, HOOVER FOREST COUNTY, GEORGIA.

OWNER:  
MIKE JONES  
1100 HOOPER ROAD  
HOOD RIVER, OR 97123

**Mike Jones, Forest Template (#19044)**



4183  
VISO, 1998, Web Mercator, Aurilio's Sphere  
© TerraSurveys Geopixels Group Ltd

1:25017

This map is a computer generated map created from an airborne mapping system and is for reference only. Data errors that appear on this map may be due to inaccurate data, or errors in the original data. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



**NARRATIVE:**

THE PURPOSE OF THIS MAP IS TO DETERMINE THE BOUNDARY OF THE LAND TO BE SURVEYED. THE BOUNDARY OF THE LAND TO BE SURVEYED IS SHOWN BY A RED LINE ON THIS MAP. THE BOUNDARY OF THE LAND TO BE SURVEYED IS SHOWN BY A RED LINE ON THIS MAP. THE BOUNDARY OF THE LAND TO BE SURVEYED IS SHOWN BY A RED LINE ON THIS MAP. THE BOUNDARY OF THE LAND TO BE SURVEYED IS SHOWN BY A RED LINE ON THIS MAP.



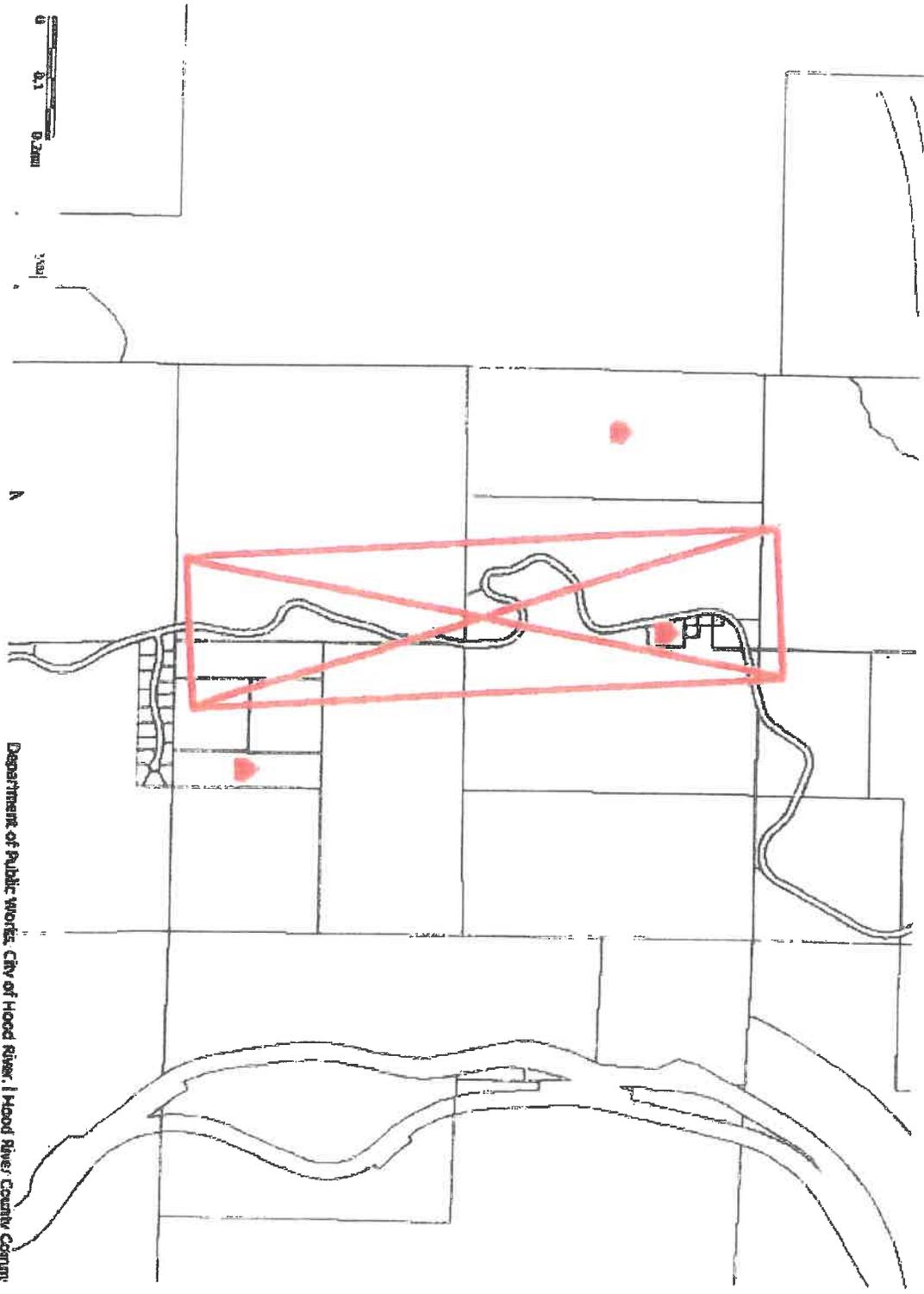
SCALE 1" = 1000'

**REGISTERED PROFESSIONAL LAND SURVEYOR**  
TERRA SURVEYING  
1100 HOOPER ROAD  
HOOD RIVER, OR 97123  
PHONE: (503) 338-4637  
FAX: (503) 338-4637

**TERRA SURVEYING**

P.O. BOX 817  
1100 HOOPER ROAD, HOOD RIVER, OR 97123  
PHONE: (503) 338-4637  
FAX: (503) 338-4637  
DATE: APRIL 4, 2019  
PROJECT: FOREST ZONE TEMPLATE  
SCALE: 1" = 1000'  
ASSESSOR: MAP 15-102-37 P. 1, 1000

 = 1993 Dwellings





# Hood River County Community Development

Planning, Building Codes, Code Compliance, Economic Development & GIS

601 State Street, Hood River OR 97031

2-13

ERIC WALKER, DIRECTOR  
(541) 387-6840 • plan.dept@co.hood-river.or.us

December 31, 2019

To: Hood River County Planning Commission

From: Keith Cleveland, Sr. Planner

CC: Paul Jones, Appellant/Applicant/Owner (*US Mail and email*)  
William H. Sumerfield, Attorney for the Appellant (*US Mail and email*)  
Scott Franke, Thrive (*via email, Subscription Holder*)

Attachments: A – Written Appeal filed by Paul Jones  
B – Planning Department’s October 31, 2019, Decision Letter and Staff Report with Attachments  
C – Applicant’s Template  
D – Staff’s Alternative Template  
E – Submitted Application  
F – Miscellaneous information

RE: **Appeal #19-0266 of Denied Land Use Permit Application #19-0077 (Forest Template Dwelling)**

---

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## II. **General Information:**

- A. **Appellant, Applicant, Owner:** Paul Jones
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- E. **Background:**

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On October 31, 2019, the County Planning Department denied the applicant’s request based on the applicable provisions of Article 4 (*Forest Zone*), and Article 72 (*Planning Director’s Review Procedures*) of the County Zoning Ordinance. (*See Attachment B.*)

On November 12, 2019, Paul Jones filed an appeal of the County Planning Director’s decision to deny the applicant’s Forest Template Dwelling request. (*See Attachment A.*)

**III. Appeal Items:** The following information was provided as part of the appellant's November 12, 2019 appeal:

- A. *The appellant argues that they have standing to appeal this decision under Section 72.45.B.2 of the HRCZO because, as the applicant, they are persons adversely affected or aggrieved by an action or ruling of the Director and/or that their legal rights are substantially affected by the Planning Director's decision.*

Staff agrees that the appellant, as the applicant, qualifies as a "party" per Section 72.45.B.2 of the HRCZO.

Staff also notes that the appellant submitted a timely appeal in compliance with Section 72.40.

- B. *The appellant argues that the Planning Director erred in:*

1. *Rejecting the applicant's proposed 160-acre template alignment.*
2. *Using an alternative 160-acre template alignment.*
3. *Finding that the applicant's proposed template alignment is not accurately positioned to align with Cooper Spur Road to the maximum extent possible.*
4. *Determining the alignment of Cooper Spur Road.*

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**Section 4.04(C)(3)** *requires that all or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160-acre template centered on the subject tract; and that at least three dwellings that existed on January 1, 1993 are contained within the above eleven parcels.*

**Section 4.04(C)(6):** *If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.*

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In order to approve the positioning of the applicant's proposed template, staff was required to find that it met the standards in Section 4.04(C)(6).

In a letter supporting the applicant's positioning of the template, William H. Sumerfield, attorney for the applicant, stated that there is a "complete lack of guidance and standards in the relevant authorities," and "The subject parcel in this case is an irregular bell-like shape. Cooper Spur Road loops around it, making a 180 degree turn along the subject tract's western, northern, and eastern boundaries. The road direction along the subject tract could credibly be said to be almost any compass heading between about 270 W through 360 N to 180 S."<sup>1</sup>

Staff disagrees that there is a "complete lack of guidance and standards in the relevant authorities." In addition to the size of the optional template (1/4-mile-wide by 1 mile long), there are two criteria the

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template must meet. The template must 1) be centered on the subject tract and 2) to the maximum extent possible, be aligned with the road.

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Based on this information, staff found that the applicant's proposed template was not accurately positioned to align with Cooper Spur Road to the maximum extent possible, and, therefore, could not be used to justify compliance with the requirements of Section 4.04(C)(3). In compliance with Section 4.04(C)(6), staff used an alternate template (*see Attachment D*) that matched the methodology described above. Based on this new template location, it was determined that a sufficient number of parcels were located within this template. However, according to information obtained from the County Department of Records and Assessment, of the parcels located entirely or partially within staff's 160-acre template, only one contained a single-family dwelling that existed on January 1, 1993. Therefore, staff found the request did not comply with the requirements of Section 4.04(C)(3).

#### **IV. Additional Comments Received:**

On November 19, 2019, notice of the appeal was sent to affected public agencies, adjacent property owners within 750 feet of the perimeter of the subject parcel, and other qualifying parties of record. As of writing this report, no additional comments concerning this appeal have been received.

#### **V. Recommendation:**

Staff recommends that the Planning Director's decision to deny the Forest Template Dwelling application (*File #19-0077*) of Paul Jones be upheld, and that the appeal (*File #19-0266*) be denied, based on the information provided as part of this summary, as well the findings of fact and conclusions of law provided as part of the original staff report, dated October 31, 2019 (*see Attachment B*).

# Attachment A: Written Appeal

(Appeal 19-0266)

Recd. 11/12/19  
415-19-000266 PLNG

Appeal Fee: \$250

COUNTY OF HOOD RIVER  
601 STATE STREET  
STATE OF OREGON  
PETITION FOR APPEAL OF THE  
PLANNING DIRECTOR'S DECISION )

)  
)  
)  
)  
PAUL JONES #19-0077  
Application Name and File Number

Pursuant to Article 72, Planning Directors Review Procedures, Section 72.40 - Appeal from Decision of the Director and Section 72.45 - Standing, of the Hood River County Zoning Ordinance, an action or ruling of the Planning Director authorized by this ordinance may be appealed to the Planning Commission within 15 days after the Director has rendered a decision, if those making an appeal have "standing". If no appeal is taken within the 15 day period, the decision of the Director shall be final. Contact the Planning Department for the filing fee.

Notice of the Planning Commission's public hearing shall be by one publication in a newspaper of general circulation in the County, not less than ten (10) days prior to the date of the hearing.

Pursuant to Article 72, those making an appeal must have "standing" as prescribed in Section 72.45; see Appendix "A". Based upon consideration of provisions in Section 72.45, it is felt that I (we) have standing based upon the following justification:

APPELLANT IS THE APPLICANT

Consequently, I (we), the undersigned, hereby appeal the decision of the Hood River County Planning Director in the application of: (file number and type of application)  
PAUL JONES #19-0077

for: FOREST TEMPLATE DWELLING

considered before the Planning Director on (date): OCTOBER 31, 2019  
for the following reasons:

SEE ATTACHED ASSIGNMENTS OF ERROR

I (we) therefore petition the Planning Commission to hold a public hearing to consider this appeal of the Planning Director action on the above matter.

Dated this 12<sup>th</sup> day of NOVEMBER 2019.

Signature [Signature]  
Name (Please print) Paul Jones  
Address: 3763 Mill Creek Rd  
HO 97031  
Phone Number: 709 840-199

## APPENDIX A

Section 72.45 - Standing

- A. Any "party" having "standing" as provided by this section may appeal to the Planning Commission the Director's decision.
- B. In order to have standing for review under this ordinance, a party, as defined in subsections 1, 2, 3 and 4 below, must attend a conference or submit written comments to the Director prior to the Director's final decisions and speak or introduce written comments in opposition to the Director's ultimate act or decision, unless the party can show to the Planning Commission good cause or reason why a discussion or submittal of information to the Director was not possible. The following are hereby defined as parties having standing for review under this ordinance:
1. The Planning Commission shall make all decisions of who shall qualify as a party having standing under this ordinance prior to the time set for final hearing on review.
  2. A person or persons jointly or severally, adversely affected or aggrieved in fact by an action or ruling of the Director.
  3. A governmental agency, civic or environmental organization that demonstrates to the Planning Commission that it has a valid interest in the preservation of aesthetic, healthful, or conservational conditions for the welfare of the general public.
  4. Any other person who demonstrates to the Planning Commission that his legal rights are substantially affected by the Planning Director's decision.

**ASSIGNMENTS OF ERROR**

1. **The Planning Director erred in rejecting the applicant's proposed 160 acre template alignment.**
2. **The Planning Director erred in using an alternative 160 acre template alignment.**
3. **The Planning Director erred in finding that the applicant's proposed template alignment is not accurately positioned to align with Cooper Spur Road to the maximum extent possible.**
4. **The Planning Director erred in determining the alignment of Cooper Spur Road**

**Attachment B:**

**October 31, 2019 Decision Letter and Staff Report**

**(Appeal 19-0266)**



## Hood River County Community Development

Planning, Building Codes, Code Compliance, Economic Development & GIS

601 State Street, Hood River OR 97031

ERIC WALKER, DIRECTOR

(541) 387-6840 • [plan.dept@co.hood-river.or.us](mailto:plan.dept@co.hood-river.or.us)

**FILE COPY**

October 31, 2019

Paul Jones, Applicant/Owner  
3763 Neal Creek Road  
Hood River, OR 97031

William H. Sumerfield, Attorney for the Applicant/Owner  
PO Box 758  
Hood River, OR 97031

**RE: Forest Template Dwelling Application (File #19-0077); 1S 10E 30 #1000**

Dear Mr. Jones:

Pursuant to the requirements of Article 4 (*Forest Zone*) and Article 72 (*Planning Director's Review Procedures*) of the Hood River County Zoning Ordinance (HRCZO) and based upon the findings of fact and conclusions of law in the enclosed staff report, your request to establish a single-family dwelling with attached garage under the Forest Template Dwelling test on the above-described parcel has been **denied** by the Hood River County Planning Department.

*This decision will not become final until the appeal period expires, which is fifteen days from the date this decision letter was mailed. Persons who have been mailed a copy of this notice cannot appeal directly to the Oregon Land Use Board of Appeals under Oregon Revised Statute 197.830. Appeal forms are available at the Hood River County Planning Department on the second floor of the County Business Administration Building located at 601 State Street, Hood River, OR 97031 or on the County website at [www.co.hood-river.or.us](http://www.co.hood-river.or.us). (Follow these links: County Departments; Community Development; Planning and Zoning Services; Applications). The filing fee for an appeal of the Planning Director's decision is \$250.00.*

*For a copy of the staff report, referenced attachments, application or other information related to the application, go to either [buildingpermits.oregon.gov](http://buildingpermits.oregon.gov) or <https://aca.oregon.accela.com/oregon/> on the State of Oregon's ePermitting site. To access records: 1) click on "Search" and then "Planning Permits"; 2) in the General Search type in the applicant's last name or business name under "Project Name" (note: Record # and address can be used too, but these search criteria are more erratic); 3) under "Record Info/Schedule Inspections" click on "Attachments"; and 4) click on the name of the document/attachment you would like to view.*

If you have any questions regarding this decision, contact Keith Cleveland, Sr. Planner, at (541) 387-6840 or [keith.cleveland@co.hood-river.or.us](mailto:keith.cleveland@co.hood-river.or.us).

Sincerely,

Eric Walker, Director

Enclosures: Staff Report, Dated October 31, 2019  
Applicant's proposed site plan  
Letter from William H. Sumerfield, attorney for the applicant, dated June 28, 2019  
Attachment A – Received Written Comments  
Attachment B – Staff's Alternative Template Map  
Attachment C – Applicant's Template Map

cc: Adjacent Property Owners (*US Mail*)

Brian Beebe, County Department of Records and Assessment (*via email*)  
Duane Ely, Department of Records and Assessment (*via email*)  
Mark VanVoast, County Building Official (*via email*)  
Mikel Diwan, County Public Works (*via email*)  
Mike McCafferty, Parkdale Rural Fire Protection District (*via email*)  
Cheryl Moore, Middle Fork Irrigation District (*via email*)  
Robert Wood, Water Master, OWRD (*via email*)  
Doug Thiesies, Oregon Department of Forestry (*via email*)  
William H. Sumerfield, Attorney for the Applicant/Owner (*via email*)  
Mike McCarthy, Adjacent Property Owner (*via email*)  
Heather Staten, Thrive (*via email*)



## Hood River County, Oregon

### STAFF REPORT

**Administrative Action:** Forest Template Dwelling Application. (File #19-0077)

On the 31st day of October 2019, the above application came before the Hood River County Planning Department as an administrative action pursuant to Article 4 (*Forest Zone*), and Article 72 (*Planning Director's Review Procedure*) of the Hood River County Zoning Ordinance (HRCZO).

Due notice was given and written comments and evidence were submitted and placed in the record. Based upon the comments and evidence submitted, the following Findings of Fact, Conclusions of Law, and Recommendation are made:

#### **I. Background:**

- A. **Request:** Paul Jones has made application to establish a single-family dwelling with attached garage under the Forest Template Dwelling test.
- B. **Location and Zoning:** The subject property is located on the west side of Cooper Spur Road, approximately 2.75 miles south of its intersection with Evans Creek Drive; and is further described as 1S 10E, Section 30, Tax Lot #1000. The parcel is zoned Forest (F1).
- C. **Legal Parcel Size:** ~4 acres. The subject parcel was lawfully created by deed in 1963 (*Deed Bk 75, pg. 8*), which pre-dates the effective date of the County Subdivision Ordinance (*January 1, 1976*).
- D. **Tract Size:** The applicant/owner does not own any other contiguous property.
- E. **Soils:** 51.5% #13F Hutson fine sandy loam, 30-65 percent slopes; Class VIIe; forest cubic foot site class rating of 120 – Douglas Fir (*Potential Yield = 119 cubic ft./ac.*).  
48.5% #13E Hutson fine sandy loam, 0-30 percent slopes; Class VIe; forest cubic foot site class rating of 120 – Douglas Fir (*Potential Yield = 119 cubic ft./ac.*).
- F. **On-Site Land Use:** The subject parcel is vacant and is not currently enrolled in the County's forest deferral program.
- G. **Summary of Comments:** Comments were received from following parties, which are included as part of the staff report as Attachment A:
  - Mikel Diwan, County Public Works
  - Cheryl Moore, Middle Fork Irrigation District
  - Duane Ely, County Department of Records and Assessment
  - Doug Thiesies, Oregon Department of Forestry
  - Heather Staten, Thrive Hood River
  - Mike McCarthy, Adjacent Property Owner

#### **II. Findings of Fact and Conclusions of Law:**

- A. **Forest Zone - Article 4, Section 4.04(C) Forest "Template" Dwelling:** authorized under ORS 215.750 on

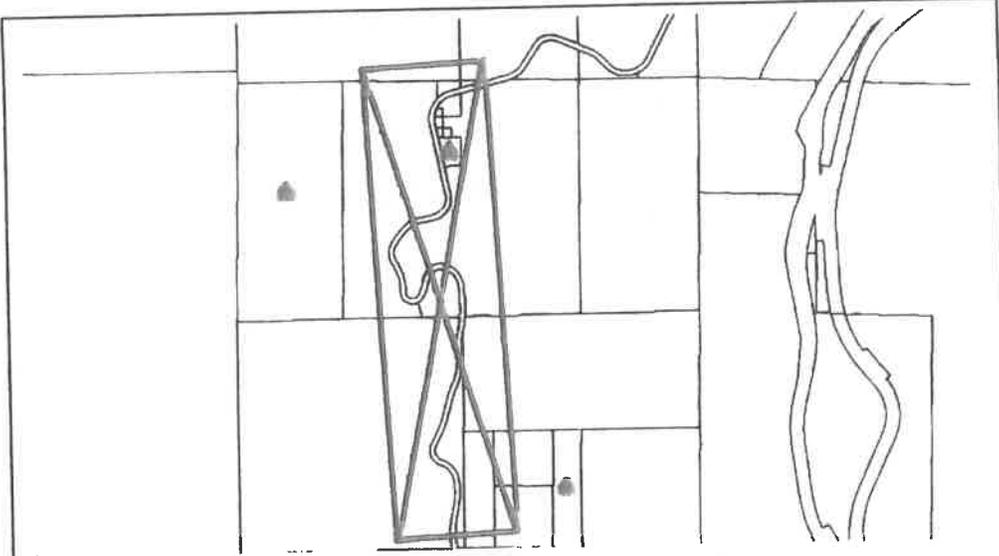
a lot or parcel located within the F-1 zone if the lot or parcel is predominantly composed of soils that are:

- 1. Section 4.04(C)(3): Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
  - a. All or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160-acre square [or rectangle as allowed by 4.04(C)(6), see section II(A)(3) below] centered on the center of the subject tract.

After completing an evaluation of onsite soil types and corresponding forest site class ratings, staff finds that the subject parcel contains a forest site class rating of 120 (*Douglas fir*), and as a result, staff finds that the "high productive soil criterion" applies in this instance.

In determining compliance with Section 4.04(C)(3)(a) of the County Zoning Ordinance, the applicant hired a professional surveyor<sup>1</sup> to position an 160-acre template that is one mile long and 1/4-mile wide centered on the subject parcel and aligned with Cooper Spur Road, which abuts the subject parcel on three sides. (see *Map 2* on pg. 3 or *Attachment C, Applicant's Template Map*.) Using this template, the applicant proposes that all or part of at least 11 other parcels, which existed on January 1, 1993, are entirely or partially within this 160-acre rectangle.

As explained under subsection II(A)(3) below, staff does not find that the location of the applicant's template appropriately aligns with Cooper Spur Road "to the maximum extent possible" as provided in the standard. Consequently, an alternative template was used by staff that more accurately aligns with the overall north-south direction of the road as it falls within the template area. (See *Map 1* below or *Attachment B, Staff's Alternative Template Map*.) In using this alternative template, staff finds that all or part of ~20 other parcels existing on January 1, 1993 are located within the template area, which complies with this standard.



**Map 1: Staff's Alternative Template**

<sup>1</sup> Erik Carlson, Terra Surveying

- b. *At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.*

According to information obtained from the County Department of Records and Assessments, of the parcels located entirely or partially within the 160-acre rectangle identified by staff, only one contains a single-family dwelling that existed on January 1, 1993 (01S 10E 30 #500; circa 1968).

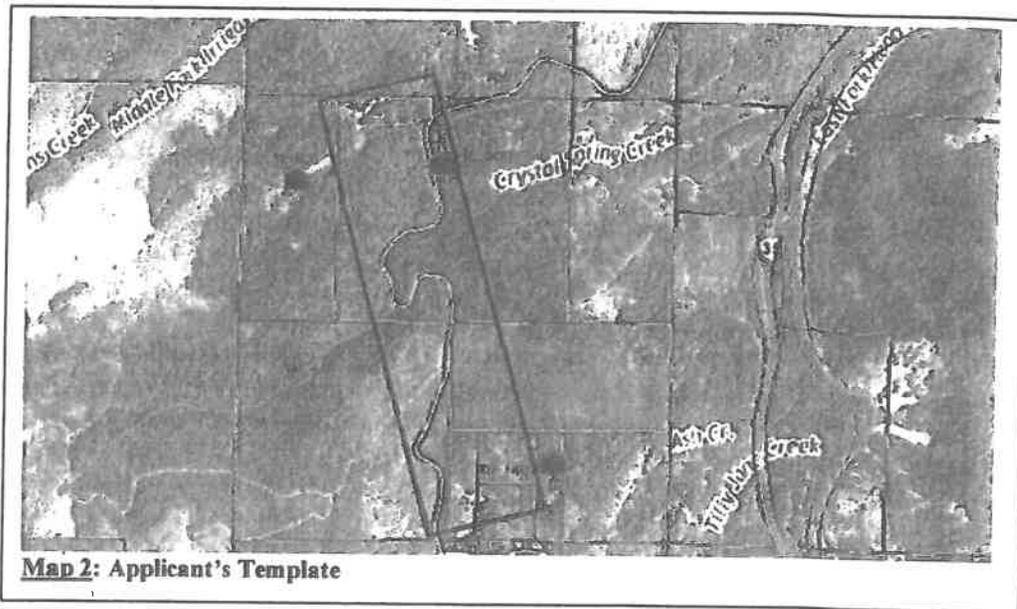
Based on the above information, staff finds the request does not comply with this standard.

2. *Section 4.04(C)(4): Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.*

No lots or parcels in urban growth boundaries were used to satisfy eligibility requirements; therefore, this standard is found to be met.

3. *Section 4.04(C)(6): If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.*

In order to approve the positioning of the applicant's proposed 1/4-mile wide by 1-mile long template (See **Map 2** below or Attachment C, Applicant's Template Map.), staff must find that it meets the requirements of the above standard.



William H. Sumerfield, attorney for the applicant, presented the following statements in a letter supporting the applicant's positioning of the template:

"The code, rule, and statutory language are identical. There is no guidance given in any of those authorities as to how to determine the road direction, and consequently the rectangle's alignment with it. For example, is the road direction measured in reference to the section of the road adjoining the subject tract? Or for the length of the rectangle? Over the entire length of the road?"

Is it the road's average direction heading? Or its predominant direction? There are no reported court cases interpreting the road alignment issue.

The subject parcel in this case is an irregular bell-like shape. Cooper Spur Road loops around it, making a 180 degree turn along the subject tract's western, northern, and eastern boundaries. The road direction along the subject tract could credibly be said to be almost any compass heading between about 270 W through 360 N to 180 S. Even within the 160-acre rectangle, Cooper Spur Road meanders through several headings, particularly in the area of the subject tract. And zooming out to an even wider point of view, the road makes many twists and turns between its origin in Parkdale and its terminus at Highway 35.

Given the complete lack of guidance and standards in the relevant authorities, Paul's proposed alignment for the rectangle appears to be at least as supportable as being in alignment with the road as the alignment you propose. No piece of the road leaves the rectangle at any location in Paul's drawing, indicating that the rectangle is in alignment with the road and has not been unduly skewed." (*For complete comments, see attached letter.*)

Staff disagrees that there is a "complete lack of guidance and standards in the relevant authorities..." In addition to the size of the optional template (1/4-mile-wide by 1 mile long), there are two criteria the template must meet. The template must 1) be centered on the subject tract and 2) to the maximum extent possible, be aligned with the road.

Staff finds that the applicant's template map, drafted by a professional surveyor and identified as **Map 2** on pg. 3 above or Attachment C, *Applicant's Template Map*, is clearly centered on the subject tract.

Staff must also find that, to the maximum extent possible, the template is aligned with the road. Various dictionary sources<sup>2</sup> define "aligned" as: "to arrange in a straight line; adjust according to a line; to bring into a line; to arrange in a line or so as to be parallel."

Staff agrees that the parcel is indeed an irregular shape; Cooper Spur Road making a 180 degree turn along the subject tract's north, west, and east boundaries. Staff agrees that if this were the only way to evaluate the direction of the road, or if there was a requirement to only consider the road as it is adjacent to the parcel, then staff could potentially angle the template through any number of various degrees, as suggested by Mr. Sumerfield. However, staff is directed by the standard to look at all possibilities (*to the maximum extent possible*) in order to position the template in alignment with the overall location of the road. Given that the test is based on a 1/4-mile wide by 1-mile long template, staff finds that determining the overall alignment of the road is best achieved by looking at its entire length and location as it falls within the template area and not just limiting it to one particular arc of a short segment of the road that happens to fall along a portion of the property. By aligning the template with the full extent of the road within the template area, it provides a more reliable road orientation and mitigates for the many road curves found near the property. In using this methodology, staff finds that the location of the template must be set in a north-south direction with a minor easterly skew; as opposed to the applicant's template, which tilts it in a more easterly direction than can be reasonably justified given the "maximum extent possible" requirement.

Based this information, staff finds that the applicant's proposed template is not accurately positioned to align with Cooper Spur Road *to the maximum extent possible*, and, therefore, cannot be used to justify compliance with the requirements of Section 4.04(C)(3)(a) and (b) above.

<sup>2</sup> Dictionary.com: <https://www.dictionary.com/browse/align>; Wordnik: <https://www.wordnik.com/words/align>; Merriam-Webster: <https://www.merriam-webster.com/dictionary/align>

4. *Section 4.04(C)(8): A proposed "template" dwelling under this Ordinance is not allowed:*

- a. *If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;*

Applicable provisions of the Comprehensive Plan, including Goal 4 (*Forest Land*) protection guidelines, are addressed in this report. If the request is determined to be consistent with these provisions, the request will conform to the Comprehensive Plan.

- b. *Unless it complies with the requirements of Section 4.06 and 4.07;*

See section II(B) and (C) below.

- c. *Unless deed restrictions are recorded pursuant to Subsection (A.3) for all other lots or parcels that make up the tract;*

Pursuant to Article 1 of the HRCZO, a *tract* is defined as "one or more contiguous lots or parcels under the same ownership." According to County Records and Assessments, the applicant does not own any contiguous property and, therefore, the parcel is not part of a tract. The requirements are found not to apply.

- d. *If the tract on which the dwelling will be sited includes a dwelling*

According to information obtained from the County Department of Records and Assessment, the subject parcel does not contain a residence and the applicant does not own any other contiguous property. As a result, this standard is found not to apply.

- e. *If the property is zoned F-2.*

The County zoning maps indicate that the subject parcel is zoned F-1. The request is consistent with this standard.

B. *Forest Zone - Article 4, Section 4.06 Siting Standards for Dwellings and Structures: New dwellings and structures shall be subject to the following applicable standards:*

1. *Dwellings and structures shall be sited on the parcel so that:*

- a. *They have the least impact on nearby or adjoining forest or agricultural lands;*

The subject parcel is located in an area (*parcels within 750 feet of the subject parcel*) that is primarily in forest use. Parcels to the north, east, and west are privately owned forest parcels; parcels to the south are County-owned forest parcels. According to the applicant's submitted site plan, the proposed dwelling is ~400 feet from the northern property boundary, ~200 feet from the western property boundary, ~160 feet from the eastern property boundary, and ~60 feet from the southern property boundary. Forest Buffer standards from Article 50 [*see section II(F) below*] require dwellings to be at least 80' from all adjacent commercial forest land. These buffers are in place in order to protect the public health, safety, and welfare by separating forestry uses from non-forest use dwellings. More specifically, to help protect residences from forest spray drift, dust and noise and to help protect forest operators from fire, trespass, vandalism and complaints concerning above conflicts. The buffers are easily exceeded to the north, east, and west of the proposed dwelling. Staff recommends a condition requiring the southern property line buffer to be increased to at least 80 feet.

In response to this application, **Mike McCarthy, adjacent forest property owner**, expressed concerns regarding timber being cut on his property without permission, and that this type of problem is *“Too frequent an occurrence by these “non forest” parcels.”* (See Attachment A for complete comments.)

Also in response to this application, **Doug Thiesics, County Forest Manager**, commented, *“If approved, a clause in the findings should identify the land is adjacent to production Forest land and any dwelling may be impacted by the sites [sic] and sounds of forest management, including logging noise, herbicide use, burning, etc.”*

As stated above, the buffers are in place in order to help protect forest operators from issues like fire, trespass, vandalism and complaints concerning normal commercial forest practices. Further, in compliance with Article 50, and as described below in item #3, the subject property owner will be required (if the application is approved) to sign a deed statement acknowledging commercial forest practices. While this cannot prevent the specific issue raised by Mr. McCarthy, it does make the owner aware of the commercial nature of the surrounding forest property.

In most situations, the greatest potential impact to adjacent forest-use land caused by the development of a residence in the forest zone is an increased risk of damage caused by the start of a wildfire. Using available elevation data from WebMap, the proposed home site is located on the eastern 2/3 of the subject parcel which generally contain slopes of ~25 percent. Slopes increase to ~65 percent on the western 1/3 of the parcel. Given these land conditions, the proposed location of the home site on more moderate-sloped terrain reduces the risk of wildfire associated with steeper-sloped terrain which tends to propel fire more quickly.

Because of the above-mentioned buffers and the dwelling’s proposed placement on more moderate-sloped land, staff concludes that the siting of the dwelling in the location proposed by the applicant will have minimal impact on nearby forest lands, nevertheless; to ensure maximum compliance with this standard, staff recommends the following be made conditions of approval:

1. The dwelling shall be constructed at the location shown on the applicant’s tentative approved site plan; however, the southern property line buffer must be increased to at least 80 feet.
2. The applicant shall implement all required fire mitigation measures (e.g. maintain adequate primary and secondary fire breaks, install a chimney spark arrester(s), install a fire-retardant roof, provide adequate emergency access, etc.).
3. As per Article 50 [see section II(F) below], the applicant shall record a deed statement acknowledging the right of adjacent forest operators to employ timber practices that produce noise, spray residue, vapor, and other types of visual, odor, or noise pollution, which the applicant accepts as a normal and necessary timber practice and as part of the risk of a residential dwelling in a forest zone.

Based on the above information and recommended conditions, staff finds that the request complies with this standard.

- b. *The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*

This standard is addressed in section II(C) below.

- c. *The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized;*

The applicant's plan sites the home near Cooper Spur Road, requiring only a moderate-length driveway. Because of this, staff finds that the project will not result in a significant amount of land being taken out farm or forest production.

Based on the above information, staff finds that the request is consistent with this standard.

- d. *The risks associated with wildfire are minimized*

In response to this application, **Doug Thiesies, County Forest Manager** commented, "Anytime residential use is added in the Forest Zone you also add fire risk, whether by accident or human activity. In addition, there is always some risk of wildfire during the fire season originating on any forestland. Proper fuels and vegetation management of the subject property can mitigate some but not all of these risks."

As stated previously, risks associated with wildfire are minimized because the proposed home site has direct access to Cooper Spur Road--this will minimize delay should a wildfire start in proximity to the home--and is sited on the more moderately sloped portion of the parcel.

In addition, the County Zoning Ordinance provides standards for new dwellings and structures in the forest zones to help mitigate wildfire hazards. These standards are addressed in sections II(C) and (D) below. By requiring compliance with these rules, staff finds that wildfire dangers will be minimized.

2. *Dwellings shall comply with applicable provisions of Article 50 – Buffer Requirements.*

The provisions of Article 50 of the County Zoning Ordinance are addressed in section II(F) below.

3. *The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Type F or Type N streams as defined in the Forest Practices rules (OAR chapter 629-635- 0200). For purposes of this section, evidence of a domestic water supply means:*

- i. *Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water*
- ii. *A water use permit issued by the Water Resources Department for the use described in the application; or*
- iii. *Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.*

The subject property is not within a water district; therefore, to meet this standard, the applicant will need to utilize a private well. Staff previously contacted Robert Wood, Water Master, Oregon Water Resources Department (OWRD), and he stated that statute allows, without review or approval from his agency, single or group domestic use from a

well as long as it does not exceed 15,000 gallons per day. According to information provided by Mr. Wood, one single-family dwelling would be well under this amount. In compliance with the above standard, staff recommends a condition that the applicant submit the well constructor's report to the county upon completion of the well.

Staff also recommends a condition that the applicant secure any required permits for the installation of equipment or supply lines in order to connect the new dwelling to the existing well, and that they are responsible to abide by all regulations for domestic use of the well as required by the OWRD or other state or local regulations.

With the above-recommended condition, staff finds that the request is consistent with this standard.

- 4. Proof of a long-term road access use permit or agreement if road access to the dwelling is by a road owned and maintained by a private party, the Department of Forestry, the US Bureau of Land Management or the US Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

As previously mentioned, the subject parcel has direct access to Cooper Spur Road; a County-maintained road.

Staff finds that the request is consistent with this standard.

- 5. Approval of a dwelling shall be subject to the following requirements:

- a. Approval of a dwelling requires the owner of the tract to plant a sufficient number of seedlings, saplings, poles, or trees on the tract, and if not to plant sufficient seedlings on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules OAR 629-610-0020;
- b. The planning department shall notify the County Department of Records and Assessment of the above condition at the time the dwelling is approved;

Staff recommends conditions reflective of the above standards.

- c. The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.283 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937

With the condition previously recommended [section II(B)(1)(a)] to meet the above requirements, staff finds that the request is consistent with this standard.

- d. If the lot or parcel is more than 10-acres the property owner shall:

- 1. Submit a stocking survey report by a professional forester to the County Department of Records and Assessment and they will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;

2. *Upon notification by the County Department of Records and Assessment, it will be determined whether the tract meets minimum stocking requirements of the Forest Practices Act. If it is determined that the tract does not meet those requirements, Records and Assessment will notify the owner that the land is not being managed as forest land. The County Department of Records and Assessment will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax.*

As previously stated, the subject property is ~4 acres; therefore, staff finds this standard does not apply.

C. Forest Zone - Article 4, Section 4.07 Fire-Siting Standards for Dwellings and Structures  
*The following fire-siting standards or their equivalent shall apply to all new dwellings or structures in the F-1 and F-2 zones:*

1. *The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract.*

The subject parcel is not located in any structural fire protection district, and is about one mile from the boundary of the Parkdale Rural Fire Protection District; therefore, staff recommends a condition that prior to issuance of a building permit, the applicant provide evidence that:

- a. They requested that the property be annexed into Parkdale Fire Protection District and have been accepted.
- b. They have residential fire protection by contract or agreement.
- c. They have provided for an alternative means for protecting the dwelling from fire hazards that shall comply with the following:
  - The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions;
  - If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year-round flow of at least one cubic foot per second;
  - The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
  - Road access shall be provided to within 15-feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
2. *Road access to the dwelling shall meet road design standards described in Section 4.09.*

See section II(D) below.

3. *A 50-foot primary fuel break plus a 100-foot secondary fuel break shall be cleared and maintained surrounding all dwellings and structures. Land owned or controlled by the owner that is too small to accommodate the fuel breaks shall be subject to Subsection (G). The primary fuel break shall not*

*contain vegetation that will produce flame lengths in excess of one foot. The secondary fuel break shall reduce vegetation so that the intensity and likelihood of crown fires and crowning is reduced. Secondary fuel breaks shall be increased on the downslope side: 50-feet for 10% slope; 75-feet for 20% slope; 100-feet for 25% slope; or 150-feet for 40% slope.*

According to available elevations taken from the GIS WebMap, the proposed building site contains down slopes of ~25-30 percent to the north and east away from the proposed site, which requires an additional 100 feet of secondary fuel break. Therefore, staff recommends a condition that the secondary fuel breaks to the north and east of the proposed dwelling be at least 200 feet.

With a condition requiring that proper fuel breaks be created and maintained, staff finds that the request is consistent with this standard.

- 4. *Dwellings and structures shall have fire retardant roofs.*

The applicant has not yet indicated the type of roofing material proposed for the dwelling. A condition requiring the roof to be composed of fire-retardant materials is recommended as part of the final decision.

- 5. *The dwelling shall not be sited on a slope of greater than 40 percent.*

Based on information from the County WebMap, the proposed home site is located in an area on the subject parcel with slopes between 25 and 30 percent. As a result, staff finds that the applicant's request complies with this standard.

- 6. *If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.*

The applicant did not indicate whether or not the proposed dwelling would have a chimney(s). A condition requiring that all chimneys be fitted with a spark arrester in compliance with this standard is recommended as part of the final decision.

D. Forest Zone - Article 4, Section 4.09 (Road Standards): *New dwellings and structures shall be subject to the following applicable standards, unless superseded by road standards implemented by the Fire District:*

- a. *Roads shall be built and maintained to provide a minimum 20-foot width of all-weather surface and a vertical clearance of 13-feet 6 inches*
- b. *Driveways shall be built and maintained to provide a minimum 16-foot width of all-weather surface and a vertical clearance of 13-feet 6 inches.*
- c. *The all-weather surface, bridges, culverts, and other structures in the road bed shall be constructed and maintained to support gross vehicle weights of 50,000 pounds.*
- d. *Grades shall not exceed an average of 8%, with a maximum of 12% on short pitches. Variance may be granted by the fire service having responsibility for the area when topographic conditions make these standards impractical.*
- e. *Cul-de-sacs, dead-end driveways and dead-end roads over 150-feet in length shall have turnarounds of not less than 48-feet radius.*
- f. *Driveways in excess of 200-feet shall provide 20-foot wide by 40-foot long turnouts at a*

*maximum spacing of half the driveway length or 400-feet, whichever is less.*

- g. *Driveways shall be marked with the residence's address unless it is clearly visible on the residence from the road. The numbers shall be 4 inches high and of reflective material.*

The road standards outlined in the *Recommended Fire Siting Standards for Dwellings and Fire Safety Design Standards for Roads* brochure and the *Fire and Life Safety Requirements* brochure (both enclosed), either match or exceed the above road requirements. As a result, staff recommends that the above road standards (a through g), be made conditions for siting a residence on the subject parcel. (For more information regarding applicable fire standards, the applicant is encouraged to review the enclosed "Recommended Fire Siting Standards for Dwellings and Fire Safety Design Standards for Roads" brochure or, if more guidance is needed, contact the Parkdale Fire Chief at 541-352-6092.)

With the above-recommended conditions, staff finds that the request is consistent with this standard.

E. Forest Zone - Article 4, Section 4.10 Dimensional & Site Development Standards:

*The following standards are the minimum applicable to all new dwellings/buildings and replacement dwellings/buildings located on a completely different site, unless required by other provisions of this article:*

1. *Article 50: Buffer Requirement shall apply to all proposed dwellings, except dwellings located on and directly associated with farm uses, and hardship dwellings in conjunction with a pre-existing non-conforming dwelling.*

Standards in Article 50 are addressed in section II(F) below.

2. Maximum height: 35 feet;

No information was provided regarding the height of the proposed dwelling. The height of the dwelling will be confirmed at the time a building permit application is submitted. Staff recommends a condition requiring final elevation drawings be submitted showing the height of structures.

With the above-recommended condition, staff finds that the request is consistent with this standard.

3. Setbacks, minimum:

<i>Roads:</i>	<i>50 ft from the centerline of Cooper Spur Road or 20 ft from the edge of the right of way, whichever is greater.</i>
<i>Side setback:</i>	<i>10 ft</i>
<i>Rear setback:</i>	<i>20 ft</i>
<i>Stream Setback:</i>	<i>100 ft from normal high-water line</i>

The applicant's submitted site plan indicates that the proposed dwelling complies with the above setback requirements; nevertheless, staff recommends a condition reflective of the above standards. Compliance with these standards will be further confirmed at the time a building permit application is submitted.

It should be noted that the above property line setback requirements are superseded by Article 50 buffer requirements. In this instance, an 80-foot setback is required for the proposed dwelling from all property lines.

F. Buffer Requirements - Article 50, Sections 50.15, 50.25, and 50.45.

1. Section 50.15 Applicability:

*This "Buffer Requirements" section shall apply to all proposed dwellings and subdivisions that are within or directly adjacent to Exclusive Farm Use (EFU) and Forest (FR) zones except dwellings located on and directly associated with farm uses.*

The subject parcel is located in the Forest (F-1) Zone. Compliance with the provisions of Article 50 will be required as part of the final decision.

2. Section 50.25 Deed or Contract Statement: *Before a building permit is granted for a new dwelling in or adjacent to a Forest Zone, a deed or contract statement shall be added to the deed of the property on which the new dwelling is to be constructed.*

See Condition in section II(B)(1)(a) above.

3. Section 50.45: *If the proposed dwelling is to be adjacent to a commercial forest use or within or adjacent to a forest zone, the landowner or developer shall provide an eighty (80) foot setback and a maintained firebreak.*

As required by this standard, a condition will be implemented that requires the proposed dwelling to be set back a minimum of eighty (80) feet from all property lines.

The maintenance of fire breaks is addressed in section II(C)(3) above.

G. Article 72 – Planning Director's Review Procedures: *Section 72.30 requires compliance with the following standards:*

1. *Conditions of approval shall be reasonable and shall ensure the protection of the public's health, safety, and welfare.*

[NOTE: Staff finds that all the conditions of approval recommended as part of this staff report are reasonable because they are based on applicable approval criteria from the HRCZO. However, as mentioned previously, staff cannot find that this application conforms to all applicable standards. Specifically, the requirement that the template used to quantify area parcels and dwellings be, to the maximum extent possible, aligned with the road. Staff, therefore, must recommend denial.]

County Environmental Health was notified of this application but did not provide comments; nevertheless, staff recommends a condition that evidence of a site evaluation approval from County Environmental Health for a septic drainfield be provided prior to obtaining a building permit for the proposed dwelling.

With the above recommended condition, staff finds the standard is met.

2. *Consideration shall be given of comments received from adjacent property owners, affected public agencies, or other jurisdictions.*

As noted earlier, comments were received from four agencies, one organization, and an adjacent property owner. Comments connected to applicable standards pertinent to this application are addressed below. Complete comments are included as part of the staff report as Attachment A.

**Mikel Diwan**, County Public Works, commented: *"I have no comment on the land use aspect but if a residential home is approved a road approach permit would likely be required; I have not verified if*

*there is current access. Given the road alignment and site visibility around the parcel, Public Works would likely be restrictive where a driveway could be located. Please let me know if you have further questions."*

Staff recommends a condition reflective of the above comments.

**Cheryl Moore**, Middle Fork Irrigation District, commented: *"MFID has no issues with this."*

**Doug Thiesies**, Oregon Department of Forestry: *[see comments in sections II(B)(1)(a) and (d) above.]*

**Duane Ely**, County Department of Records and Assessment commented: *"The subject parcel is zoned F-1. Subject is currently value at real market value and does not presently receive the benefit of Special Assessment as Forest Land. No disqualification is necessary. An on-site development charge will be added when the dwelling is placed. The applicant should be advised to contact the Department of Records and Assessment if there are any questions."*

Staff recommends a condition reflective of the above comments.

**Heather Staten**, Thrive, provided comments concerning the completeness of the application, the positioning of the template *[staff addressed this issue in section II(A)(3)]*, and fire standards *[staff addressed this issue in sections II(B) and (C)]*. See complete comments in Attachment A.

**Mike McCarthy**, adjacent property owner: *[see comments in section II(B)(1)(a) above.]*

Staff finds that all comments have been given consideration.

- III. Recommendation:** Based upon the above findings of fact and conclusions of law, and because staff was unable to make affirmative findings regarding certain standards in Article 4, Sections 4.04(C)(3) and (6), staff recommends that the application of Paul Jones to establish a single-family dwelling with attached garage under the Forest Template Dwelling test be denied.

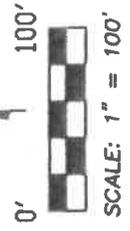
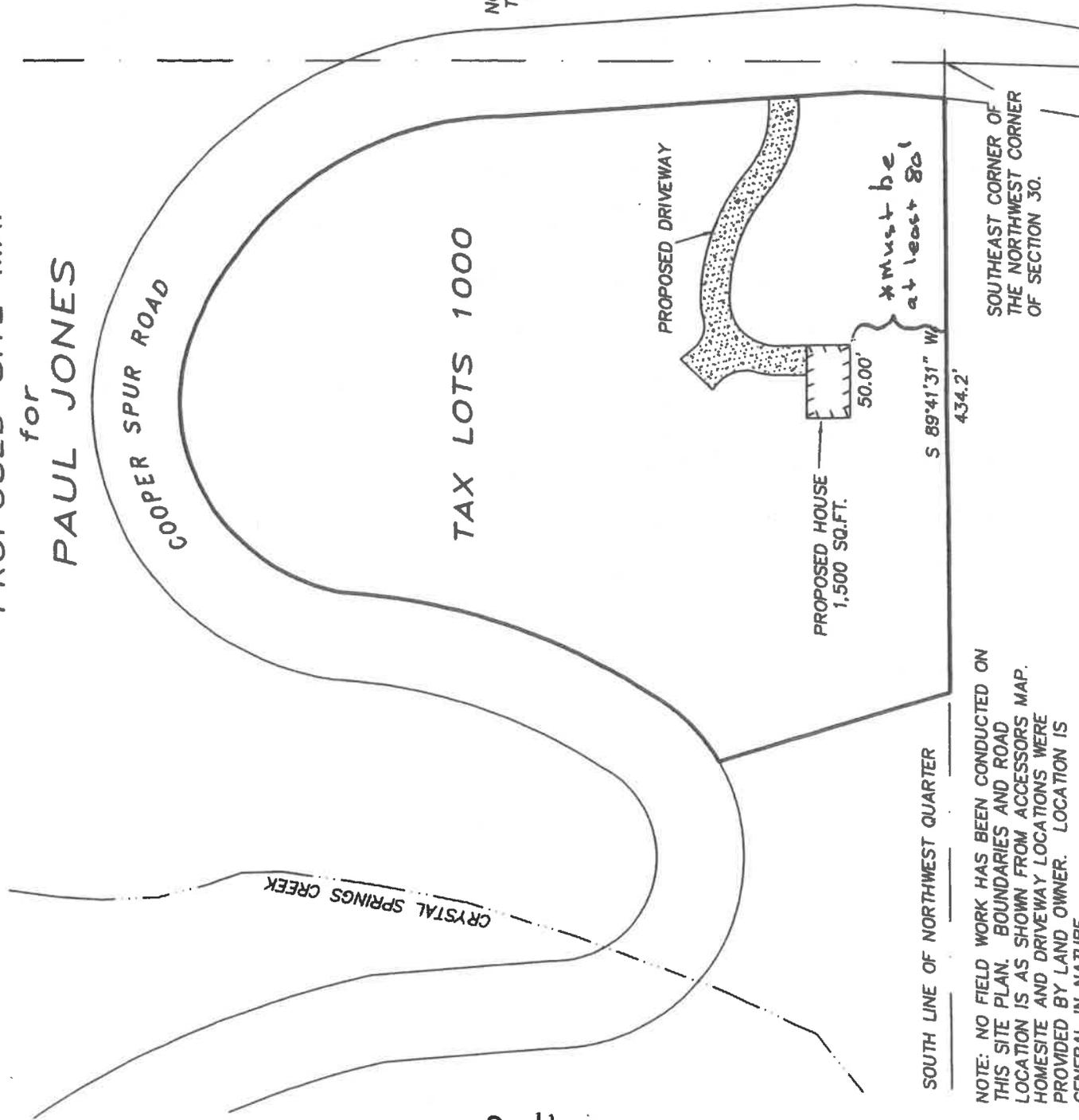
**Dated this 31st Day of October 2019**

**Hood River County Planning Department**



**Keith Cleveland, Sr. Planner**

TERRA SURVEYING  
PROPOSED SITE MAP  
for  
PAUL JONES



SCALE: 1" = 100'

LOCATION OF SURVEY:

NORTHWEST QUARTER OF SECTION 30,  
TOWNSHIP 1 SOUTH, RANGE 10 EAST,  
WILLAMETTE MERIDIAN, HOOD RIVER  
COUNTY, OREGON.  
ASSESSORS MAP: 1S-10E-30

ZONING: FOREST

DATE: AUGUST 20, 2019  
SCALE: 1" = 100'  
PROJECT: 19122SITE  
P.O. BOX 617  
HOOD RIVER, OREGON 97031  
PHONE: (541) 386-4531  
terra@gorge.net  
www.terralandsurveying.com

SOUTHEAST CORNER OF  
THE NORTHWEST CORNER  
OF SECTION 30.

SOUTH LINE OF NORTHWEST QUARTER

NOTE: NO FIELD WORK HAS BEEN CONDUCTED ON  
THIS SITE PLAN. BOUNDARIES AND ROAD  
LOCATION IS AS SHOWN FROM ACCESSORS MAP.  
HOMESITE AND DRIVEWAY LOCATIONS WERE  
PROVIDED BY LAND OWNER. LOCATION IS  
GENERAL IN NATURE.

*there is current access. Given the road alignment and site visibility around the parcel, Public Works would likely be restrictive where a driveway could be located. Please let me know if you have further questions."*

Staff recommends a condition reflective of the above comments.

**Cheryl Moore**, Middle Fork Irrigation District, commented: *"MFID has no issues with this."*

**Doug Thiesies**, Oregon Department of Forestry: *[see comments in sections II(B)(1)(a) and (d) above.]*

**Duane Ely**, County Department of Records and Assessment commented: *"The subject parcel is zoned F-1. Subject is currently value at real market value and does not presently receive the benefit of Special Assessment as Forest Land. No disqualification is necessary. An on-site development charge will be added when the dwelling is placed. The applicant should be advised to contact the Department of Records and Assessment if there are any questions."*

Staff recommends a condition reflective of the above comments.

**Heather Staten**, Thrive, provided comments concerning the completeness of the application, the positioning of the template *[staff addressed this issue in section II(A)(3)]*, and fire standards *[staff addressed this issue in sections II(B) and (C)]*. See complete comments in Attachment A.

**Mike McCarthy**, adjacent property owner: *[see comments in section II(B)(1)(a) above.]*

Staff finds that all comments have been given consideration.

- III. Recommendation:** Based upon the above findings of fact and conclusions of law, and because staff was unable to make affirmative findings regarding certain standards in Article 4, Sections 4.04(C)(3) and (6), staff recommends that the application of Paul Jones to establish a single-family dwelling with attached garage under the Forest Template Dwelling test be denied.

**Dated this 31st Day of October 2019**

**Hood River County Planning Department**



**Keith Cleveland, Sr. Planner**

TERRA SURVEYING  
 PROPOSED SITE MAP  
 for  
 PAUL JONES

COOPER SPUR ROAD

TAX LOTS 1000

CRYSTAL SPRINGS CREEK

PROPOSED DRIVEWAY

PROPOSED HOUSE  
 1,500 SQ.FT.

50.00'

\*must be  
 at least 80'

S 89°41'31" W  
 434.2'

SOUTHEAST CORNER OF  
 THE NORTHWEST CORNER  
 OF SECTION 30.



SCALE: 1" = 100'

LOCATION OF SURVEY:

NORTHWEST QUARTER OF SECTION 30,  
 TOWNSHIP 1 SOUTH, RANGE 10 EAST,  
 WILLAMETTE MERIDIAN, HOOD RIVER  
 COUNTY, OREGON.  
 ASSESSORS MAP: 1S-10E-30

ZONING: FOREST

DATE: AUGUST 20, 2019

SCALE: 1" = 100'

PROJECT: 19122SITE

P.O. BOX 617

HOOD RIVER, OREGON 97031

PHONE: (541) 386-4531

terra@gorge.net

www.terrandsurveying.com

SOUTH LINE OF NORTHWEST QUARTER

NOTE: NO FIELD WORK HAS BEEN CONDUCTED ON  
 THIS SITE PLAN. BOUNDARIES AND ROAD  
 LOCATION IS AS SHOWN FROM ACCESSORS MAP.  
 HOMESITE AND DRIVEWAY LOCATIONS WERE  
 PROVIDED BY LAND OWNER. LOCATION IS  
 GENERAL IN NATURE.

# Attachment A

Received Written Comments

**Keith Cleveland**

---

**From:** Mikel Diwan  
**Sent:** Wednesday, July 17, 2019 2:39 PM  
**To:** Keith Cleveland  
**Subject:** RE: Notice of Application 19-0077 Jones FTD

Keith,

I have no comment on the land use aspect but if a residential home is approved a road approach permit would likely be required; I have not verified if there is current access. Given the road alignment and site visibility around the parcel, Public Works would likely be restrictive where a driveway could be located. Please let me know if you have further questions.

Mikel Diwan  
Public Works Director  
Hood River County, OR

BRIAN D. BEEBE  
DIRECTOR

KIMBERLY KEAN  
CHIEF DEPUTY ASSESSMENT  
ELECTIONS SUPERVISOR

DUANE ELY  
CHIEF APPRAISER



DEPARTMENT OF RECORDS & ASSESSMENT

HOOD RIVER COUNTY  
601 STATE STREET  
HOOD RIVER, OREGON 97031-1871

(541) 386-1442 – RECORDS & ELECTIONS  
(541) 386-4522 – ASSESSMENT  
(541) 387-6864 – FAX NUMBER

July 17, 2019

To: Planning Department

From: Assessment Department

Re: Jones Forest Template Dwelling #415-19-0077 (1S 10E 30, Tax Lot 1000)

The subject parcel is zoned F-1. Subject is currently value at real market value and does not presently receive the benefit of Special Assessment as Forest Land. No disqualification is necessary. An on-site development charge will be added when the dwelling is placed.

The applicant should be advised to contact the Department of Records and Assessment if there are any questions.

Brian D. Beebe, Director  
Department of Records and Assessments  
Hood River County Courthouse  
Hood River, OR 97031

by:  
Duane A. Ely  
Chief Appraiser

**Keith Cleveland**

---

**From:** Cheryl Moore <mfid@mfidp.com>  
**Sent:** Thursday, July 18, 2019 10:01 AM  
**To:** Keith Cleveland  
**Subject:** RE: Notice of Application 19-0077 Jones FTD

MFID has no issues with this.

Thank you!

B-21

**Keith Cleveland**

---

**From:** Doug Thiesies  
**Sent:** Thursday, October 03, 2019 7:07 AM  
**To:** Keith Cleveland  
**Subject:** RE: Forest Template Dwelling 19-0077

Hello Keith,

If approved, a clause in the findings should identify the land is adjacent to production Forest land and any dwelling may be impacted by the sites and sounds of forest management, including logging noise, herbicide use, burning, etc. Anytime residential use is added in the Forest Zone you also add fire risk, whether by accident or human activity. In addition, there is always some risk of wildfire during the fire season originating on any forestland. Proper fuels and vegetation management of the subject property can mitigate some but not all of these risks.

*Doug Thiesies*

County Forest Manager  
918-18<sup>th</sup> Street  
Hood River, OR 97031

**Keith Cleveland**

---

**From:** heather@thrivehoodriver.org  
**Sent:** Wednesday, August 07, 2019 5:20 PM  
**To:** Keith Cleveland  
**Cc:** Scott Franke  
**Subject:** Comments on 19-0077 Jones FTD  
**Attachments:** NOTICE 19-0077 JONES.pdf

Keith--

We were wondering if there is more to this application (#415-19-0077 Jones) than what was forwarded to Scott--attached here? Is there a narrative explaining how the project meets the criteria for a forest template dwelling in Sections 4.04, 4.06 and 4.07?

It appears to us that the application is incomplete which makes it impossible to assess whether the project meets the approval criteria. As always, the burden of proof is on the applicant to demonstrate that they meet each criterion. That said, we have the following comments:

1. The application does not show that all the parcels that the applicant is attempting to use to qualify for a forest template dwelling existed prior to January 1, 1993 and that at least three dwellings are in the template, they existed prior to January 1, 1993 and continue to exist. The map from Terra Surveying does not include depictions of where the qualifying dwellings are located.
2. The application does not show how the created rectangle is "aligned to the maximum extent possible" with the County Road. This is is specific wording that requires proof and compliance. In fact, it appears to us that the rectangle is "tipped" away from alignment with the road in order to bring more parcels into the rectangle. Both the number of parcels and the need for the rectangle to be aligned to the road to the maximum extent possible are criteria the project must meet.
3. The applicant has not addressed firebreak criteria as set out in HRCZO 4.06, 4.07 and OAR 660-006-0029 and -0035 relating to water and fire protection and other siting standards.

Thank you for the opportunity to provide comments on this application. If you get more information from the applicant to flesh out their application, can you send our way? Thanks,

Heather Staten  
 Executive Director  
 PO Box 1544  
 Hood River, OR 97031  
 www.thrivehoodriver.org  
 (541) 490-5225



B-23

**Keith Cleveland**

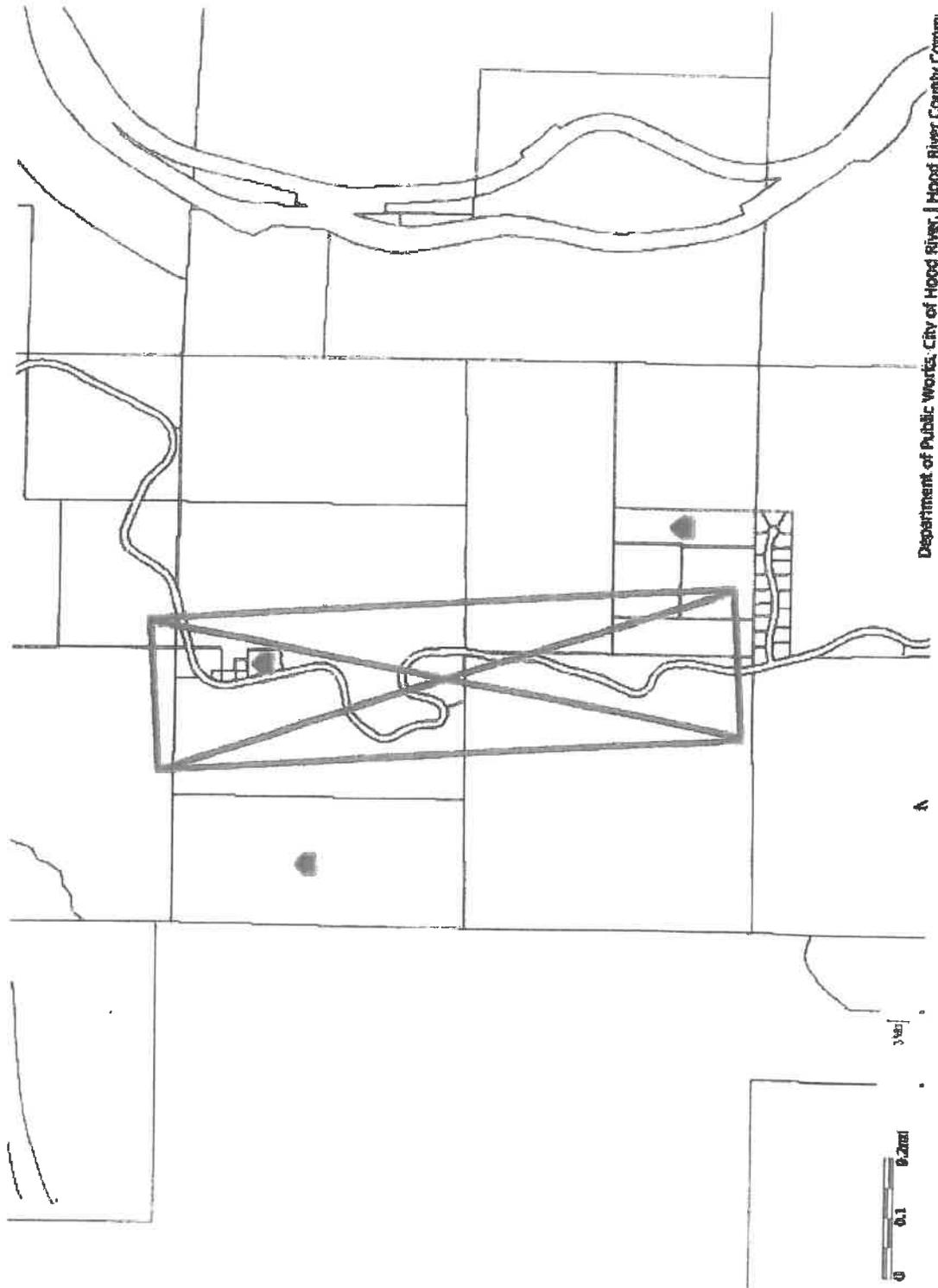
---

**From:** Mike Mccarthy <comicepear@aol.com>  
**Sent:** Friday, July 19, 2019 3:17 PM  
**To:** Keith Cleveland  
**Subject:** Re: Jones FTD

Keith  
Would you say the application is complete now? By the way applicant cut timber on our property there. Too frequent an occurrence by these "non forest" parcels.  
Thank you  
Mike  
Sent from my iPhone

# Attachment B

Staff's Alternative Template Map



Department of Public Works, City of Hood River, Hood River County, Oregon

A

B-25

# Attachment C

Applicant's Template Map



# Attachment C: Applicant's Template

(Appeal 19-0266)

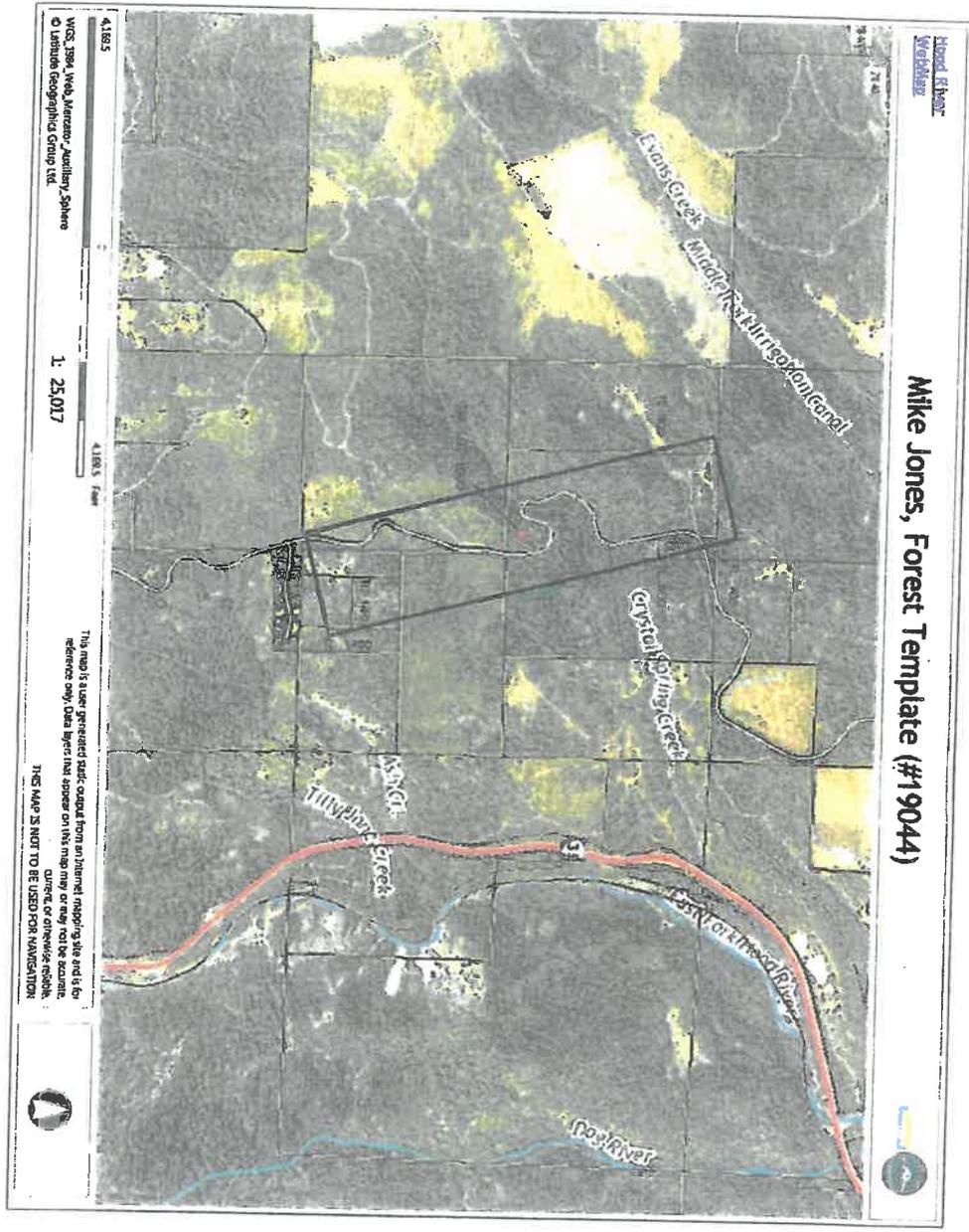
# Applicant's Template

TERRA SURVEYING  
FOREST ZONE TEMPLATE

for  
**MIKE JONES**

LOCATION:  
NAME OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 30,  
TOWNSHIP 1 SOUTH, RANGE 10 WEST, WILKINSON WOOD RIVER COUNTY, OREGON.

**Mike Jones, Forest Template (#19044)**



41825  
WGS 1984 North American Datum, Jantigny, Sphere  
© United Geographic Group Ltd

1:25,017

This map is a map generated from an internet mapping site and is for reference only. Data errors that appear on this map may or may not be accurate. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



OWNER:  
MIKE JONES  
3400 WILKINSON ROAD  
WOOD RIVER, OR 97133

### MARRIAGE:

THE PURPOSE OF THIS MAP IS TO DETERMINE THE  
PRESENTITY OF THE LOT 1000 TO BE WITHIN THE  
CREATED A RECTANGULAR SECTION WITHIN THE  
PART (1/4) AND CENTERED ON THE CENTER OF THE  
PART OF 1000. THE DISTRICTS HOLDERS ALL ON  
JANUARY 1ST 1850. THE DISTRICTS HOLDERS ALL ON  
JANUARY 1ST 1850.

THE LOT 700 - 1000 -  
THE LOT 800 - 1000  
THE LOT 900 - 1000  
THE LOT 1000 - 1000  
THE LOT 1100 - 1000  
THE LOT 1200 - 1000  
THE LOT 1300 - 1000  
THE LOT 1400 - 1000  
THE LOT 1500 - 1000  
THE LOT 1600 - 1000  
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THE LOT 3000 - 1000  
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THE LOT 4000 - 1000  
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THE LOT 9200 - 1000  
THE LOT 9300 - 1000  
THE LOT 9400 - 1000  
THE LOT 9500 - 1000  
THE LOT 9600 - 1000  
THE LOT 9700 - 1000  
THE LOT 9800 - 1000  
THE LOT 9900 - 1000  
THE LOT 10000 - 1000



SCALE 1" = 1000'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

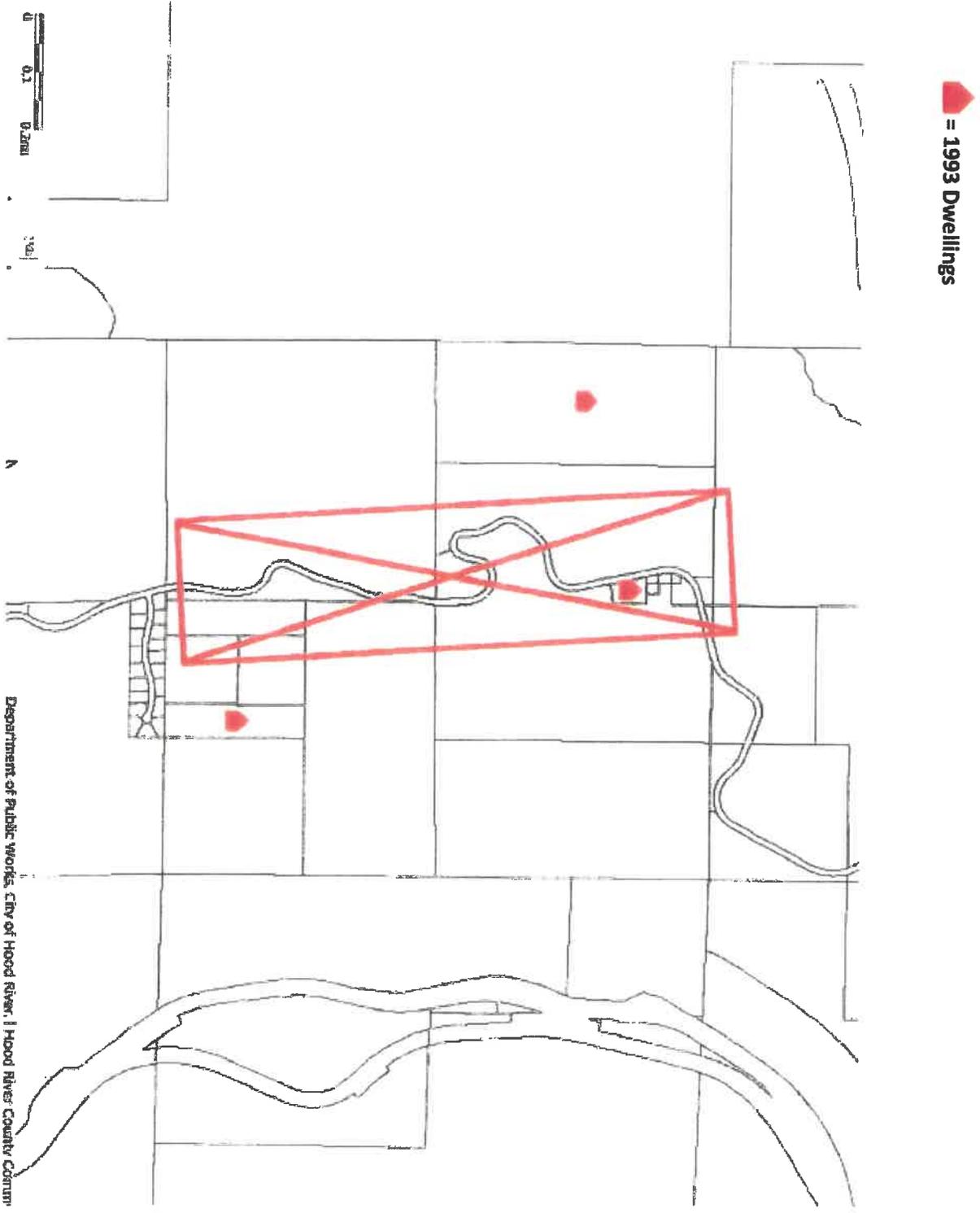
*John A. Jones*

Open Office: 503.839.8309  
Cell: 503.839.8309  
Fax: 503.839.8309  
E-mail: [land@terra-surveying.com](mailto:land@terra-surveying.com)  
Date: December, 2018

TERRA SURVEYING  
P.O. BOX 617  
1000 WILKINSON ROAD, OREGON 97133  
PHONE: 503-839-8309  
E-mail: [land@terra-surveying.com](mailto:land@terra-surveying.com)  
DATE: APRIL 4, 2018  
PROJECT: 19044-FORESTTEMPLATE  
SCALE: 1" = 1000'  
ASSESSOR: MAP 15-10E-30 TL 1000

# Attachment D: Staff's Template

(Appeal 19-0266)



Department of Public Works, City of Hood River, | HOOD RIVER COUNTY CENTER

# Attachment E: Submitted Application

(Appeal 19-0266)

# ADMINISTRATIVE LAND USE APPLICATION



## HOOD RIVER COUNTY COMMUNITY DEVELOPMENT

601 State Street  
Hood River, OR 97031  
JOHN ROBERTS, DIRECTOR  
PHONE 541-387-6840  
FAX 541-387-6873  
plan.dept@co.hood-river.or.us

PLANNING	
File No.:	415-19-000077-Plan
Date received:	4-8-19
Date issued:	
Application Review Fee \$	1,445

### TYPE OF LAND USE PERMIT:

#### Dwellings:

- Farm Operator Dwelling  
    Income    Acreage
- Relative Farm Dwelling
- Accessory Farm Dwelling
- Farm Lot of Record
- Forest Template Dwelling
- Forest Large Tract Dwelling
- Forest Lot of Record

#### Conditional Use:

- Non- Farm Dwelling
- Dependent Relative Dwelling
- Home Occupation
- Bed and Breakfast

#### Other:

- Variance
- Subdivision

- Plan and Zone Change
- Planned Unit Development
- Zone Boundary Adjustment
- Comprehensive Plan Amendment

### SITE INFORMATION:

Township:	S	Range:	10E	Section:	30	Tax Lot:	1000	Parcel size:	3.85 ac.	Zoning:	F-1
Site Address:	9700 Cooper Spur Road						City:	Mt Hood/Parkdale			

Description of Proposed Development or Use: SINGLE HOUSE

### APPLICATION CHECKLIST:

Unless otherwise noted, the following information is required as part of a complete application:

Completed application form	<input checked="" type="checkbox"/>	Project description	<input checked="" type="checkbox"/>
Applicant's & ALL property owners' signatures	<input checked="" type="checkbox"/>	Applicable criteria form / questionnaire	<input checked="" type="checkbox"/>
Site Plan - per attached example	<input checked="" type="checkbox"/>	Supporting documents (farm income, etc.)	<u>N/A</u>
Filing fee			

Only applications with the required information can be processed. Obtain a copy of the criteria and the questionnaire for your application type. The pertinent Hood River County Zoning Ordinance sections may be obtained from Hood River County Community Development or on-line through the county website at [www.co.hood-river.or.us](http://www.co.hood-river.or.us)

Pursuant to Oregon Revised Statutes Chapter 215, Section 427, this department has 30 days to review the application for completeness and notify the applicant of any deficiencies.

### SIGNATURES: All Owners must sign (Corporate or LLC owned parcels require authorized signatures)

Owner Name: <u>MICHAEL R. JONES</u>	Owner Name: _____
Signature req'd: <u>[Signature]</u>	Signature req'd: <u>AS Below</u>
Mailing Address: <u>3125 FIR MOUNTAIN RD.</u>	Mailing Address: _____
City: <u>HOOD RIVER</u> State: <u>OR</u> Zip: <u>97031</u>	City: _____ State: _____ Zip: _____
Phone: <u>209-743-3425</u> E-mail: <u>MJONES@MLODE.COM</u>	Phone: _____ E-mail: _____
Applicant if other than owner: <u>Paul Jones</u>	By signing, I acknowledge that the information provided in this application is accurate to the best of my knowledge. Signature of the property owner(s) indicates that the property owners(s) is/are aware that an application is being made on the subject property. Signature of the property owner(s) also authorizes the County planning staff reasonable access to the site in order to evaluate the application.
Signature req'd: <u>[Signature]</u>	
Mailing Address: <u>3763 New Creek Rd</u>	
City: <u>Hood River</u> State: <u>OR</u> Zip: <u>97031</u>	
Phone: <u>209-890-1919</u> E-mail: <u>wycistforest@yahouca</u>	

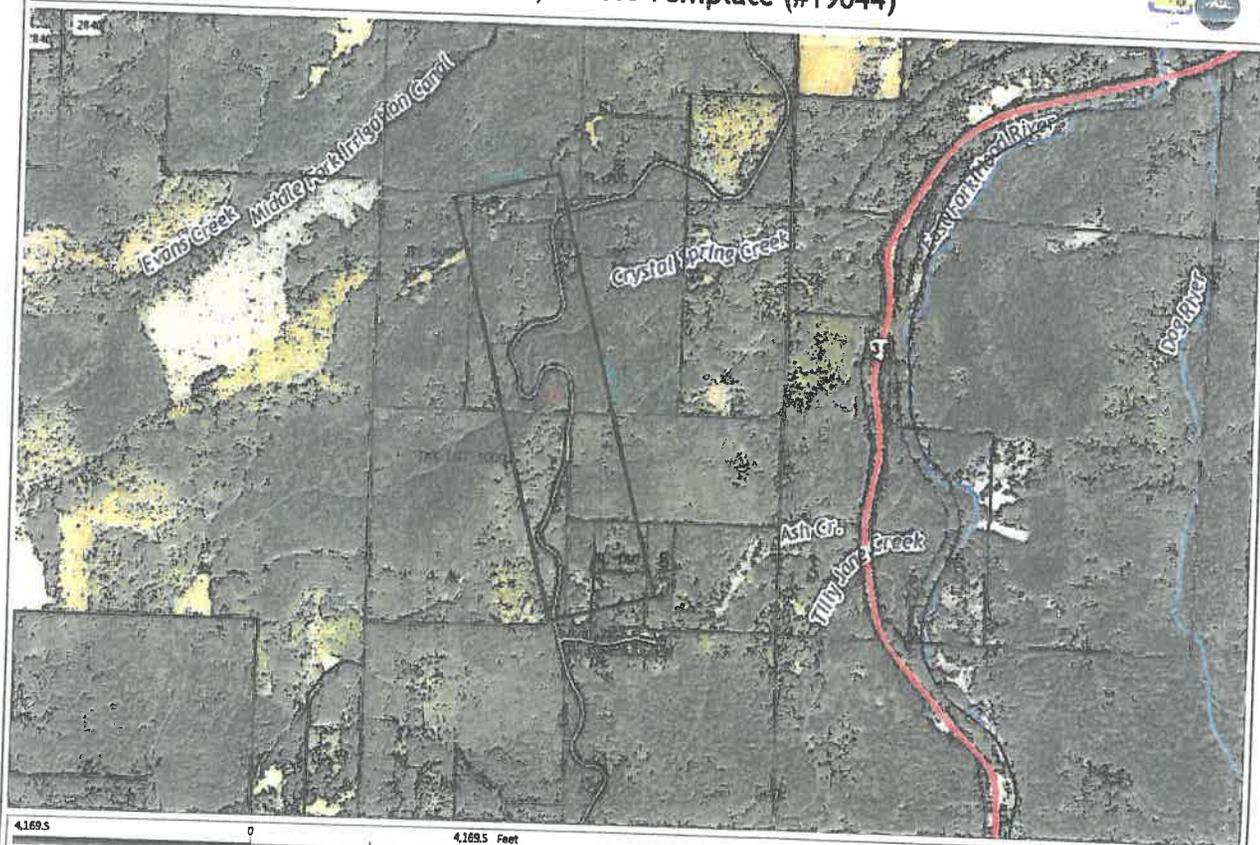
FOREST ZONE TEMPLATE  
for  
**MIKE JONES**

LOCATION:  
PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30,  
TOWNSHIP 1 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, HOOD RIVER COUNTY, OREGON.

OWNER:  
MIKE JONES  
3125 FIR MOUNTAIN ROAD  
HOOD RIVER, OR 97031

Hood River  
WebMap

**Mike Jones, Forest Template (#19044)**



**NARRATIVE:**  
THE PURPOSE OF THIS MAP IS TO DETERMINE THE ELEVABILITY OF TAX LOT 1000 TO BE WITHIN THE FOREST ZONE TEMPLATE PER ORS. 215.720. WE CREATED A RECTANGLE 5280 FEET (1-MILE) BY 1320 FEET (1/4 MILE) CENTERED ON THE CENTERED ON TAX LOT 1000. THIS RECTANGLE INCLUDED ALL OR PART OF LOTS WITH EXISTING HOMES BUILT PRIOR TO JANUARY 1ST 1983.

- TAX LOT 900 - 1988
- TAX LOT 700 - UNKNOWN
- TAX LOT 800 - 1900
- TAX LOT 1450 - UNKNOWN
- TAX LOT 1401 - 1970

BASED ON ORS DATES.



SCALE: 1" = 1000'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Erik M. Carlson*  
OREGON  
December 30, 2008  
ERIK M. CARLSON  
71108  
Expires: December, 2019

**TERRA SURVEYING**

P.O. BOX 617  
HOOD RIVER, OREGON 97031  
PHONE: (541) 388-4531  
E-Mail: [tterra@terra.net](mailto:tterra@terra.net)

DATE: APRIL 4, 2019  
PROJECT: 19044FORESTTEMPLATE  
SCALE: 1" = 1000'  
ASSESSORS MAP: 15-10E-30 T.L. 1000



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Latitude Geographics Group Ltd.

1: 25,017

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



E-2

2-48

**PHILLIPS REYNIER SUMERFIELD & CLINE, LLP**

**ATTORNEYS AT LAW**

DEBORAH M. PHILLIPS, P.C.  
RONALD H. REYNIER, P.C.  
WILLIAM H. SUMERFIELD, P.C.  
JULIE L. CLINE, L.L.C

P. O. BOX 758  
718 STATE STREET  
HOOD RIVER, OREGON 97031

(541) 386-4264  
FAX: (541) 386-2557  
email: [bill@phillipsreynier.com](mailto:bill@phillipsreynier.com)

Licensed in Oregon & Washington

June 28, 2019

Keith Cleveland  
Senior Planner  
Hood River County Community Development  
601 State Street  
Hood River, Oregon 97031  
[keith.cleveland@co.hood-river.or.us](mailto:keith.cleveland@co.hood-river.or.us)

RE: Paul Jones Forest Template Dwelling Application  
Tax Lot 01S 10E 30 1000

Dear Keith:

I represent Paul Jones. Paul asked me to take a look at his Forest Template Dwelling application which is pending with the County regarding the above referenced tax lot, and in particular your emails to him dated May 13, 2019 and June 12, 2019. I have reviewed that correspondence, and the applicable standards in County Code Article 4, Section 4.04; OAR 660-006-0027; and ORS 215.750. In the portions which are applicable here, those authorities allow for a dwelling to be built on forest lands when a 160 acre template centered on the subject parcel includes three other dwellings on other parcels. When the subject parcel adjoins an existing road, the authorities allow for the 160 acre template to be a one mile long and ¼ mile wide rectangle. The rectangle must be “centered on the center of the subject tract and...to the maximum extent possible, aligned with the road.” Section 4.04.C.6; OAR 660-006-0027 (5)(b); ORS 215.750 (5).

I understand that Paul presented a drawing using the rectangular template which was able to include the requisite three dwellings. I understand that you are objecting to that drawing because “the extent to which your template is tilted does not align with the road.” For the following reasons, we respectfully disagree with that position, and ask you to reconsider it.

The code, rule, and statutory language are identical. There is no guidance given in any of those authorities as to how to determine the road direction, and consequently the rectangle’s alignment with it. For example, is the road direction measured in reference to the section of the road adjoining the subject tract? Or for the length of the rectangle? Over the entire length of the road? Is it the road’s average direction heading? Or its predominant direction? There are no reported court cases interpreting the road alignment issue. The only reported LUBA decision I could find that even mentioned the issue turned on the completely separate issue of whether a County could adopt a more restrictive test, and decline to provide the rectangle alternative. See *Yontz v. Multnomah County*, LUBA No. 97-116 (Held: County can adopt rule requiring 160 acre square template to be aligned with section lines and decline to adopt rule allowing rectangular template; County’s rules can be more restrictive than statutory authority.)

Keith Cleveland, Sr. Planner  
June 28, 2019  
Page 2

The subject parcel in this case is an irregular bell-like shape. Cooper Spur Road loops around it, making a 180 degree turn along the subject tract's western, northern, and eastern boundaries. The road direction along the subject tract could credibly be said to be almost any compass heading between about 270 W through 360 N to 180 S. Even within the 160 acre rectangle, Cooper Spur Road meanders through several headings, particularly in the area of the subject tract. And zooming out to an even wider point of view, the road makes many twists and turns between its origin in Parkdale and its terminus at Highway 35.

Given the complete lack of guidance and standards in the relevant authorities, Paul's proposed alignment for the rectangle appears to be at least as supportable as being in alignment with the road as the alignment you propose. No piece of the road leaves the rectangle at any location in Paul's drawing, indicating that the rectangle is in alignment with the road and has not been unduly skewed.

We ask that you reconsider your decision and accept Paul's proposed template alignment. I am happy to meet with you to discuss this application at any time.

Very Truly Yours,

PHILLIPS REYNIER SUMERFIELD & CLINE, LLP

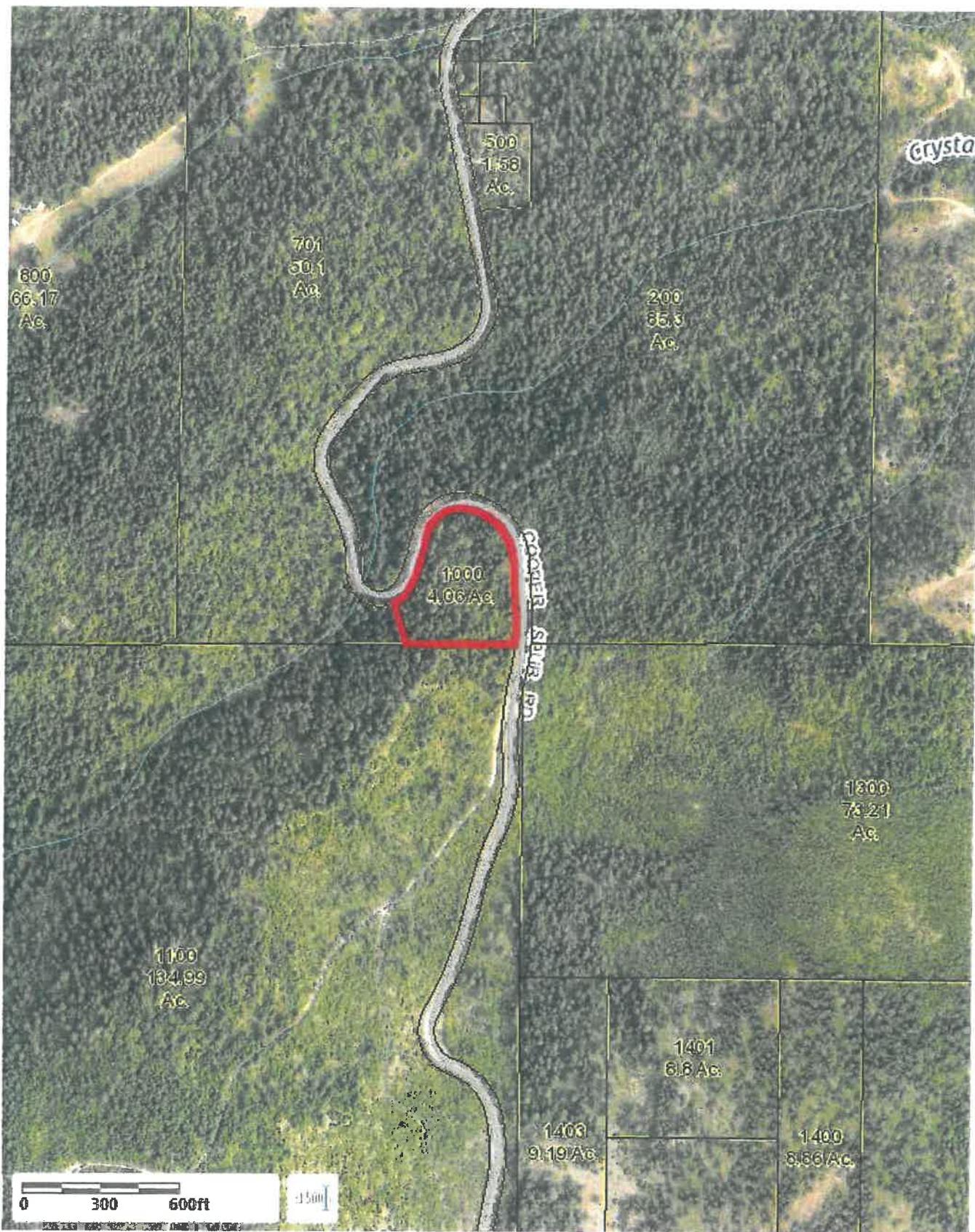


William H. Sumerfield

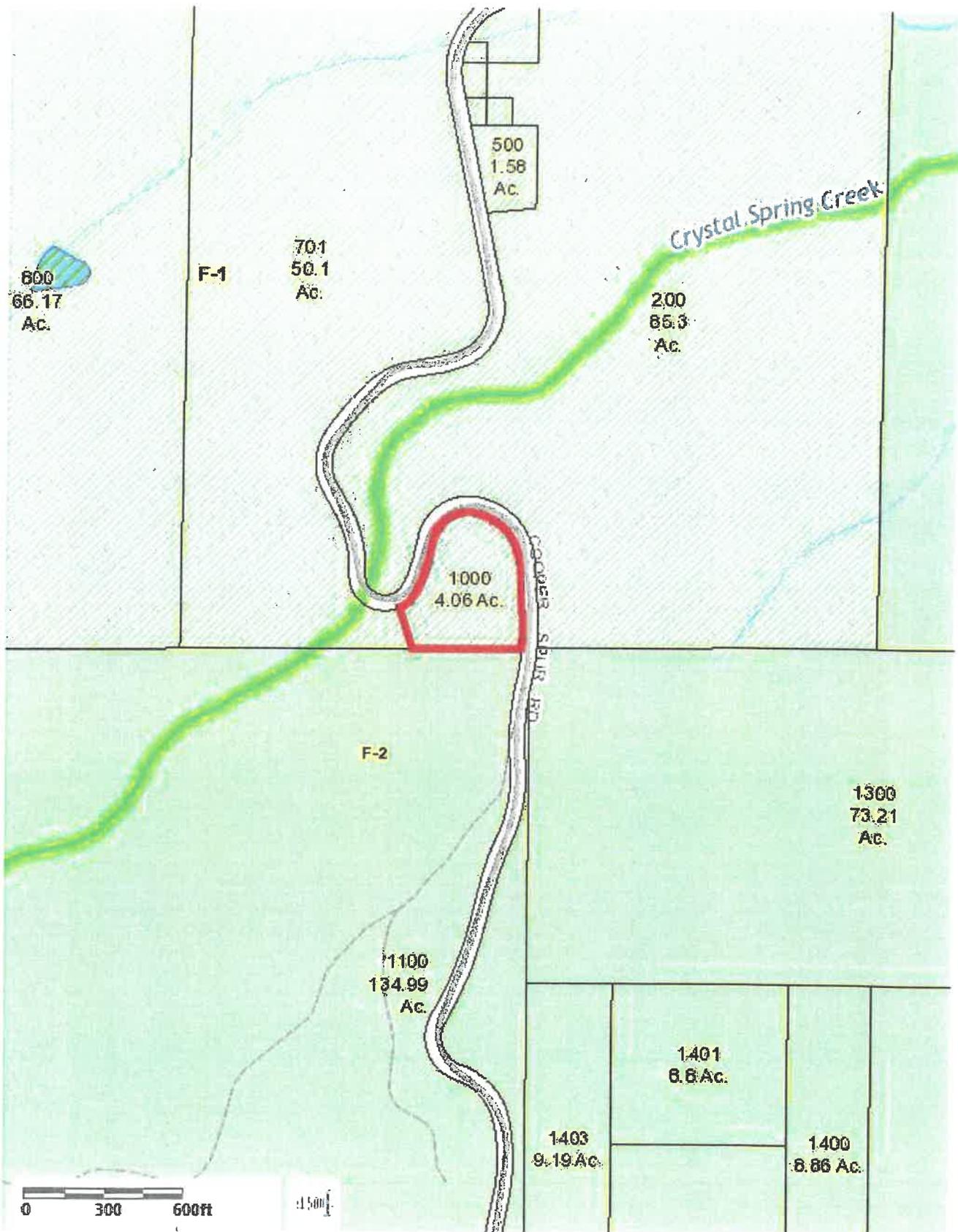
WHS/kar

# Attachment F: Miscellaneous

(Appeal 19-0266)



F-1



F-2

FILED

75 OCT 8

DEC 21 12 51 PM '63  
D. Schuler  
W. Barner

4905

110625

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS that we, EUGENE B. BARBIER and JUNE S. BARBIER, husband and wife, of Route 1, Box 838, Parkdale, Oregon, for and in consideration of TEN (\$10.00) DOLLARS and other good and valuable consideration to us in hand paid by JAMES GILBERT, a single man, of Route 1, Box 838, Parkdale, Oregon, have bargained and sold and by these presents do grant, bargain, sell and convey unto the said JAMES GILBERT the following described real property, together with all and singular the tenements, hereditaments and appurtenances thereto, in the County of Hood River, State of Oregon:

Beginning at an iron pipe N. 89° 30' West a distance of 10 feet from the center of Section 30, Township 1 South, Range 10 East of the Willamette Meridian, Hood River County, Oregon. Thence continuing N. 89° 30' W. 434.2 feet to an iron pipe. Thence N. 16° 37' W. 120.5 feet to an iron pipe, which is the East right of way line of old Highway 35. Thence in a Northeasterly and Southeasterly direction, following the curve of said highway right of way line, to the point of beginning, containing 3.85 acres.

TO HAVE AND TO HOLD the same unto the said JAMES GILBERT, a single man, and to his heirs and assigns forever.

WITNESS our hands and seals this 14 day of October, 1963.

Eugene B. Barbier (SEAL)

June S. Barbier (SEAL)

STATE OF OREGON }  
County of Hood River }

ss.

October 14, 1963

Personally appeared the within named EUGENE B. BARBIER and JUNE S. BARBIER, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:



James Merrill  
Notary Public for Oregon  
My commission expires: 12-8-65

LAW OFFICES  
PARKER & ABRAHAM  
Hood River, Oregon  
Phone 288-4115

**Documents Submitted at the Hearing**

**(January 8, 2020)**

***(8 double-sided pages including cover)***

2-54

APPLICANT TEMPLATE	STAFF TEMPLATE	LEGAL DWELLING	NOTES
01S10E1900600	01S10E1900600		
	01S10E1900800		
01S10E3000200	01S10E3000200		
01S10E3000300	01S10E3000300		
01S10E3000500	01S10E3000500	YES, 1968	
01S10E3000501	01S10E3000501		
01S10E3000503	01S10E3000503		
01S10E3000505	01S10E3000505		
01S10E3000506	01S10E3000506		
01S10E3000510	01S10E3000510		
01S10E3000700	01S10E3000700		
01S10E3000701	01S10E3000701		
01S10E3000800		YES, 1900	
01S10E3001100	01S10E3001100		
01S10E3001300	01S10E3001300		
01S10E3001400		YES, 1970	
01S10E3001401	01S10E3001401	NO, EXPIRED	Temp SWMH to live in while building dwelling; home never built
01S10E3001402	01S10E3001402		
01S10E3001403	01S10E3001403		

## Article 4 – Forest Zones

- C. Forest “Template” Dwelling authorized under ORS 215.750 on a lot or parcel located within the F-1 zone if the lot or parcel is predominantly composed of soils that are:
1. Capable of producing zero to 49 cubic per acre per year of wood fiber if:
    - a. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
    - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
  2. Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
    - a. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
    - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
  3. Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
    - a. All or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
    - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
  4. Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.
  5. A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.
  6. Except as provided by Subsection (7), if the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
  7. The following applies where a tract 60-acres or larger abuts a road or perennial stream:
    - a. One of the three required dwellings shall be on the same side of the road or stream as the tract, and:



January 5, 2020

Hood River County Planning Commission  
601 State Street  
Hood River, OR 97031  
Via email to [keith.cleveland@co.hood-river.or.us](mailto:keith.cleveland@co.hood-river.or.us)

RE: Appeal #19-0266 of Forest Template Dwelling Denial #19-0077

Dear Chair Schuppe and honored Commissioners:

Hood River County Planning Department staff made the correct analysis on this application. Thrive Hood River urges the Planning Commission to uphold the staff decision and deny this forest template dwelling.

Hood River's forests benefit all of us: they create living-wage jobs, they store carbon, they protect our water supply and they provide habitat for wildlife and big game. In light of heightened risks of catastrophic wildfire impacting forests, we have become highly concerned about the increasing number of template dwellings fragmenting the forest landscape.

Current law allows a house in a forest zone if a certain amount of development and smaller parcels existed on January 1, 1993, within an overlaid 160-acre square "template" centered on the subject parcel. The statute was originally intended to give families an opportunity to create a home on forestland that was historically "parcelized" (meaning that it was already divided into smaller separate parcels rather than large lots).

We urge you to deny this application for the following reasons:

**1. The template must be aligned with the road to "the maximum extent possible."** Hood River County Planning staff is correct that the applicant's template does not meet the criteria because instead of being aligned with the road, the template is "tipped away" from the road. It's worth understanding why the state legislature added this option. The default "template" is a 160-acre square but a 160-acre rectangle (1 mile long and 1/4 mile wide) may be used if the subject tract abuts a road. The legislature recognized that past parcelization and development often occurred, not across a wide landscape, but along a road. That is the case here. See *Attachment A* which shows that parcelization to smaller lots is limited to properties adjacent to Cooper Spur Road. Otherwise the general area is characterized by large lot properties in timber production, public ownership or other natural resource uses. *Attachment B* shows the zoning of surrounding properties the area south of the subject property is zoned F-2. As staff has explained, with the template correctly aligned the template does not include the three required dwellings.

**2. The three required dwellings must be inside the template per Section 4.04 (c)(5) "A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template."** Staff did not need to address this standard because with the correctly aligned template, there was only one parcel with a house in the template. But even if the applicant's preferred orientation is allowed, the application would still fail to meet the criteria because as Terra Surveying's site plan B-26 shows, two of the required homes are located outside of the template. The applicant seems to think that it is sufficient for the template to cover a small portion of the parcels with dwellings but that the template is not actually required to include the dwellings themselves. This is incorrect and inconsistent with Section 4.04 (c)(5).

**3. There is insufficient evidence to show that the lots were legally established by January 1, 1993.** In order to meet the standards in Section 4.04 (3)(a) the applicant must show not just property lines from the County's online GIS system but some evidence that the required lots were lawfully created prior to January 1, 1993. As always, the burden of proof is on the applicant to show that their project meets the criteria. For forest template dwellings this is normally achieved by showing deeds and the legal history of the parcels the applicant will be relying on.

For these reasons, we request that your Commission deny this appeal and application. Thank you for the opportunity to comment on this application.

Best regards,



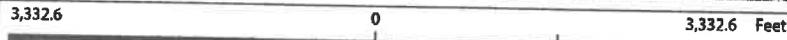
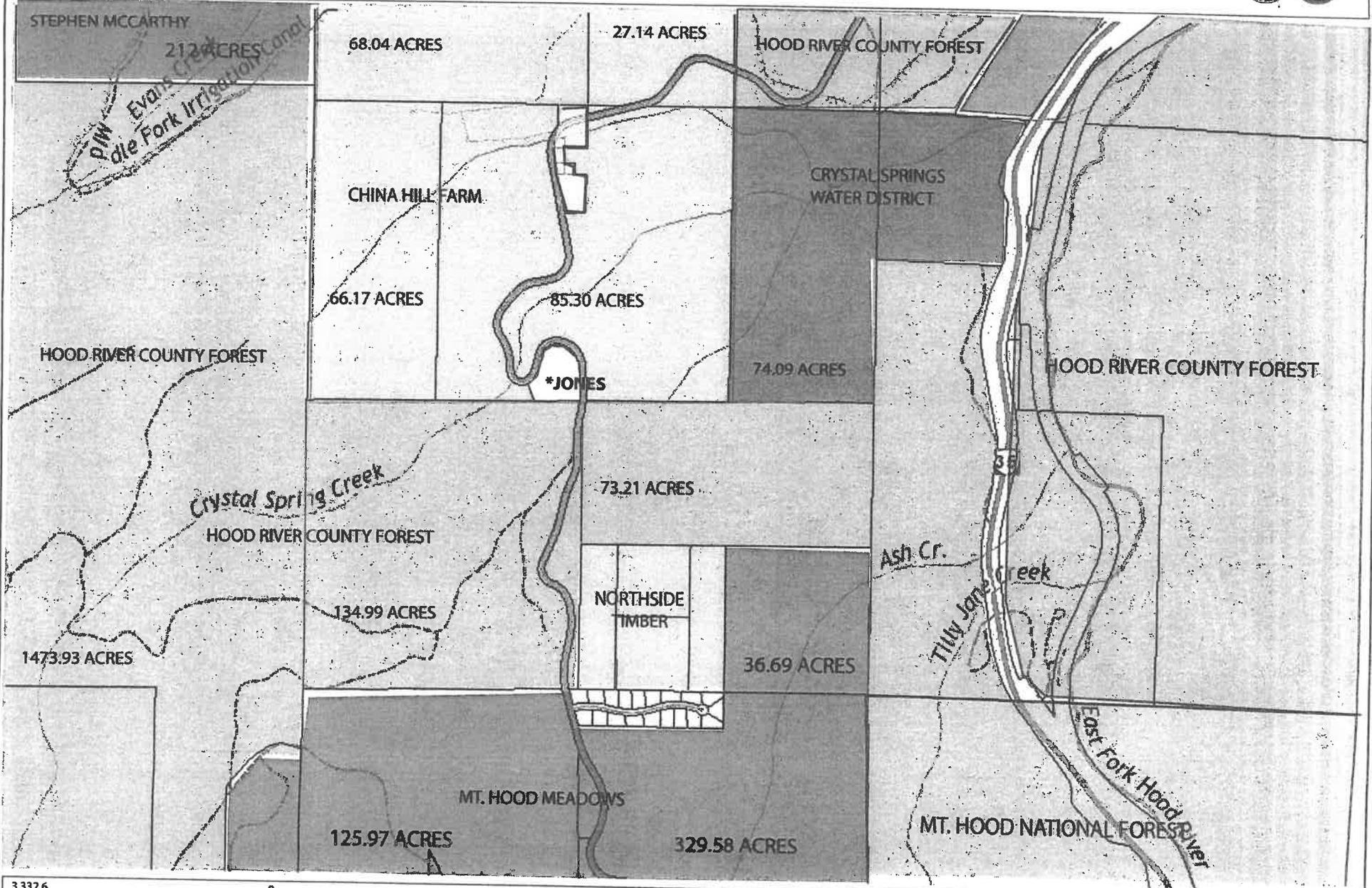
Heather Staten  
Executive Director

Enclosures:

Attachment A Map showing ownership and parcelization in surrounding area

Attachment B Map showing zoning of surrounding area

# Jones Forest Template



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Latitude Geographics Group Ltd.

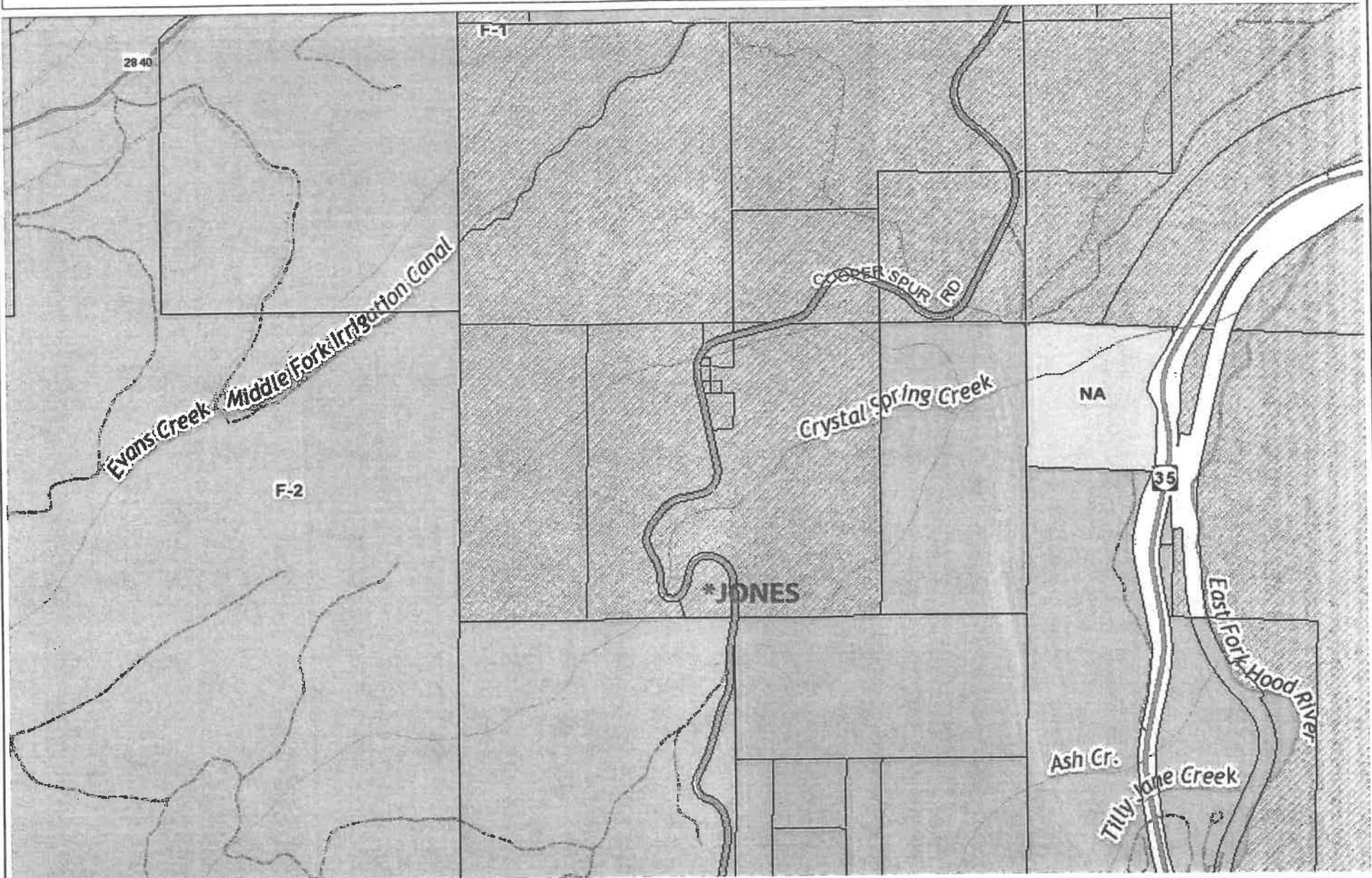
1: 19,996

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



# Jones Forest Template Zoning



3,332.6 0 3,332.6 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Latitude Geographics Group Ltd.

1: 19,996

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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2-59

## ORS § 215.750

The Oregon Annotated Statutes is current through the 2019 Regular Session. Some sections may have multiple variants due to amendments by multiple acts. Revision and codification by the Legislative Counsel are updated as available, see ORS 173.111 et seq. For sections pending codification by the Legislative Counsel, see Newly Added Sections in the Table of Contents.

*LexisNexis® Oregon Annotated Statutes > Title 20 Counties and County Officers (Chs. 201 — 220) > Chapter 215- County Planning; Zoning; Housing Codes (§§ 215.010 — 215.808) > Farmland and Forestland Zones (§§ 215.700 — 215.794) > (Other Forestland Dwellings) (§§ 215.740 — 215.755)*

### Notice

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 This section has more than one version with varying effective dates.

### 215.750 Alternative forestland dwellings; criteria. [Effective January 1, 2020]

(1)As used in this section, “center of the subject tract” means the mathematical centroid of the tract.

(2)In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(a)Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:

(A)All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B)At least three dwellings existed on January 1, 1993, on the other lots or parcels;

(b)Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:

(A)All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B)At least three dwellings existed on January 1, 1993, on the other lots or parcels;  
or

**(c)Capable of producing more than 85 cubic feet per acre per year of wood fiber if:**

**(A)All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and**

**(B)At least three dwellings existed on January 1, 1993, on the other lots or parcels.**

(3) In eastern Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(a) Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:

(A) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels;

(b) Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:

(A) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels;  
or

(c) Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

(A) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B) At least three dwellings existed on January 1, 1993, on the other lots or parcels.

(4) Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements under subsection (2) or (3) of this section.

(5) A proposed dwelling under this section is allowed only if:

(a) It will comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations and other provisions of law;

(b) It complies with the requirements of [ORS 215.730](#);

(c) No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under [ORS 215.740 \(3\)](#) for the other lots or parcels that make up the tract are met;

(d) The tract on which the dwelling will be sited does not include a dwelling;

(e) The lot or parcel on which the dwelling will be sited was lawfully established;

(f) Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in [ORS 92.192](#);

(g) Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and

(h) If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.

**(6) Except as described in subsection (7) of this section, if the tract under subsection (2) or (3) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide**

centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

(7)

(a) If a tract 60 acres or larger described under subsection (2) or (3) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (6) of this section. However, one of the three required dwellings must be on the same side of the road or stream as the tract and:

(A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or

(B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

(b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings must be on the same side of the road as the proposed dwelling.

(8) Notwithstanding subsection (5)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (2), (3), (6) or (7) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.

## History

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[1993 c.792 § 4\(6\),\(7\),\(8\)](#); [1999 c.59 § 58](#); [2005 c.289 § 1](#); [2019 c.433 § 1](#), effective January 1, 2020.

## Annotations

## LexisNexis® Notes

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## Notes

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## Amendment Notes

The 2019 amendment by c. 433 § 1 (HB 2225), effective January 1, 2020, added (1); redesignated former (1) through (7) as (2) through (8); in (4), substituted "may" for "shall" and "subsection (2) or (3)" for "subsection (1) or (2)"; substituted "allowed only if" for "not allowed" in the introductory language of (5), rewrote (5)(a); deleted "Unless" at the beginning of (5)(b) and

**Transcript of Planning Commission Hearing**

**(January 8, 2020)**

***(6 double-sided pages including cover)***

**Appeal #20-0045**

**HOOD RIVER COUNTY COMMUNITY DEVELOPMENT  
PLANNING COMMISSION HEARING TRANSCRIPTION**

**Wednesday, January 8, 2020 – 5:30 p.m.**

Edited by Kim Paulk, Office Manager

Transcribed by Rev.com

**Jones Appeal #415-19-0266 of Forest Template Dwelling**

- 9 Chair von Lubken: We will call this meeting to order. We do have minutes, but Kim had a nice Christmas, so  
10 we will have them next week. Eric, do you have anything?
- 11 Mr. Walker: Nothing to report Mr. Chair.
- 12 Chair von Lubken: Okay. David?
- 13 Mr. Dougman Nothing at this time Chairman, Thank you.
- 14 Chair von Lubken: Any unscheduled items from the public? Any unscheduled items from the commissioners?  
15 Okay. At this time, we'll be hearing, having a quasi-judicial hearing for appeal 415-19-  
16 0266. Hood River Planning County Commission will consider the appeal filed by Paul Jones  
17 to the Hood River County Planning Department's decision to deny an application to  
18 construct a forest template dwelling on a 4-acre parcel. Subjective property is located on  
19 the West side of Cooper Spur Road approximately 2.75 miles South of the intersection of  
20 Evens Creek. Parcel size is...parcel is zoned F1.
- 21 We will begin the hearing at this time. Because it is necessary to record during the  
22 hearing, persons desiring to be heard shall step forward in front of the table, state their  
23 name and address prior to making presentation. All persons at the hearing have the right  
24 to be heard provided that no person has the right to be disorderly, abusive or disruptive  
25 to the orderly transaction at this hearing. No person has the right to present irrelevant  
26 and immaterial or incompetent testimony. No person shall speak in excess of 10 minutes  
27 unless permission has been requested and received by the chair.
- 28 It is necessary to determine qualifications of the board to act as decision makers in this  
29 matter. Does anyone have any, any reason for abstention or the need to disclose any  
30 personal bias, ex parte pre-hearing contact of any significant nature or any personal or  
31 financial interest in this matter?
- 32 Mr. Dougman No.
- 33 Mr. Walker: No.
- 34 Commissioner's: No.
- 35 Chair von Lubken: Okay. Is there anyone in the audience who wishes to challenge the qualifications of any  
36 member of the Board? Pursuant to ORS 197.761, ORS 197.796, the following points are  
37 required to be read into the record. The applicable criteria being addressed at this hearing  
38 are listed to both the staff report and the adjacent property owner notification letters or

1 otherwise stated during the hearing. Testimony and evidence must be directed toward  
2 the identified criteria or other criteria in the plan or land use res-regulation which the  
3 person believes to apply to this decision. Failure to raise an issue with significant  
4 specificity to afford the Planning Commission and the parties an opportunity to respond  
5 to the issue precludes appeal to land use court of appeals LUBA based on this, on that  
6 issue.

7 Failure of the applicant to raise constitutional or otherwise related to the proposed  
8 conditions of approval with significant specificity to allow the Planning Commission or its  
9 designee to respond to the issue precludes any actions for damage in circuit court. Any  
10 party at this hearing has the right to request continuance of this hearing in response to  
11 the Planning Commission will either continue the hearing to a date certain or leave the  
12 record open for at least seven days in accordance to ORS 197.796 Section Six.

13 Pursuant to the provisions of Section 60.06 County Planning Ordinance failure of the  
14 property owner to receive notification, shall not invalidate proceedings because a good  
15 faith effort was made to notify persons entitled to the notice based on the record, the  
16 Department of Record and Assessment. The order of the hearing is as follows, first we'll  
17 have a staff report, then we'll hear from the applicant who has the burden of proof to  
18 show that the applicable criteria has been satisfactory met.

19 Then proponents those in support of the application, then opponents, those opposed to  
20 the application, and interested parties, public agencies. Then rebuttal by the applicant  
21 based on argument evidence presented to the Planning Commission and finally questions  
22 from the decision makers. At that point, unless a party has requested a continuance, the  
23 hearing will be closed for further testimony or argument allowed. The board would then  
24 deliberate and either make a decision or continue the hearing to a date certain and  
25 finalize a decision. Are there any questions concerning the procedures or rules that I have  
26 covered? If not, we'll hear from the staff, Keith.

27 Mr. Cleveland:

28 **12:44** Thank you. Thank you, Mr. Chair, Commissioners. As noted, we're here tonight to  
29 consider an appeal filed by Paul Jones of the County Planning Department's decision to  
30 deny his application for a forest template dwelling. In order to avoid repeating all the  
31 details in the staff report, I'll focus on the main issues being appealed as described by the  
32 appellant so far. Primarily the appellant contends that staff erred by finding that their  
33 proposed template is not accurately positioned to align with Cooper Spur Road and  
therefore cannot be used to meet the required standards.

34 To address the submitted appeal, the following relevant sections of the Hood River  
35 County Zoning Ordinance are provided and they're on page two of your staff report.  
36 Section 404-C3 requires that all or part and at least 11 parcels that existed on January, 1,  
37 93 are within a 160 acre square centered on the center of the subject track, and at least  
38 three dwellings existing since January, 1, 1993 are located on those parcels. In Section  
39 404-C6 offers an alternate template. If the subject track abuts a road that existed on  
40 January, 1, 1993, the measurement may be made by creating 160 acre rectangle as one  
41 mile long and one quarter mile wide centered on the center of the subject track and that  
42 is to the maximum extent possible aligned with the road.

1 In response to these standards, the applicants submitted a 160-acre template, one mile  
2 long and one quarter mile wide centered on the subject parcel and aligned with an  
3 arching portion of Cooper Spur Road. A road which abuts the subject parcel on three  
4 sides, and a copy of this template is on page C1 in your packet, a copy of the applicant's  
5 standards.

6 Using this template, the applicant proposed that all or part of at least 11 other parcels  
7 which existed on January 1, 1993 are entirely or partially within this 160-acre rectangle,  
8 and at least three dwellings existing since January 1, 1993 are located on those parcels. In  
9 order to approve the positioning of the applicants' template, staff required to find that it  
10 met the standards in Section 404-C6. Staff found that the applicants' template was clearly  
11 centered on the subject parcel.

12 However, staff was also required to find that the template was aligned with the road to  
13 the maximum extent possible. Staff agrees that as argued by the appellant, the parcel is  
14 an irregular shape. Cooper Spur Road makes a 180 degree turn along the subject tracks  
15 North West and East boundaries. Staff also agrees that if this were the only way to  
16 evaluate the direction of the road, or if there was a requirement to only consider the road  
17 as it is adjacent to the parcel, then staff could potentially angle a template through any  
18 number of various degrees as suggested by the appellant.

19 However, staff is directed by the standard to look at all possibilities, or as stated in the  
20 standard to the maximum extent possible in order to position the template in alignment  
21 with the overall location of the road. Given that the test is based on the template, a  
22 quarter mile wide by one mile long, staff found that determining the overall alignment of  
23 the road is best achieved by looking at its entire length and location as it falls within the  
24 template area and not just limiting it to a short arching segment of road along a portion of  
25 the property.

26 Aligning the template with the full extent of the road within the template area provides a  
27 more reliable road orientation and mitigates for the many road curves found near the  
28 property. And using this methodology, staff found that the location of the template must  
29 be set in a more North South direction with only a minor counter-clockwise skew as  
30 opposed to the applicant's template which tilts it more than can reasonably justified given  
31 the maximum extent possible requirement.

32 Based on this information, staff found that the applicant's proposed template was not  
33 accurately positioned to align with Cooper Spur Road to the maximum extent possible  
34 and therefore could not be used to justify compliance with the requirements of Section  
35 404-C3. In compliance with Section 404-C6, staff then used the methodology previously  
36 described to create an alternate template, and a copy of the staff's template is on page  
37 D1 in your packet. It was determined that while a sufficient number of parcels were  
38 located within this template only one contained a single-family dwellings that existed on  
39 January 1, 1993.

40 Therefore, staff found the request did not comply with the requirements of Section 404-  
41 C3 and denied the application. Based on this information and the information provided as  
42 part of the original staff report dated October 31, 2019 staff recommends that the

1 Planning Directors, Planning Department's decision to deny the forest template dwelling  
2 application of Paul Jones be upheld, that the appeal be denied. Thank you.

3 Chair von Lubken: Bill. I'm assuming that's why you're here.

4 Mr. Summerfield: 17:51 Yeah. Bill Summerfield, State Street, for the applicant. This is a one issue appeal. It  
5 boils down to the alignment of the road and I'm going to get into it in just a minute, but  
6 the problem with the Staff's position is that there's nothing that dictates that the road is  
7 to be measured within the parcel, within the rectangle itself. If there was, we probably  
8 wouldn't be here and we're going to address that in more detail here in a minute.

9 The Staff's interpretation is one potential interpretation of many, but there's no guidance.  
10 There's no case, there's no rule, there's no regulation, there's no ordinance that requires  
11 that that be applied that way. And we're going to urge an alternate test. Let me start  
12 though by speaking to a couple of other issues that Thrive raised in their submission to  
13 you.

14 One is that, they raised the alignment. They say, also state that the dwellings need to be  
15 within the rectangle and that there's no proof that the lots were legally created.  
16 The...when I reviewed the County Staff's file, there was proof that lots has been legally  
17 created before 1993. I understand that that's not been provided to you. So that should  
18 not be an issue. As to the second issue, Thrive is simply wrong. The County's ordinance  
19 tracks, ORS 215-750, and I'm going to hand out some highlighted copies of each of those.

20 There is no requirement that the dwellings themselves be within the rectangle. The  
21 County's ordinance specifies that it's just the 11 parcels, three of which have to contain a  
22 dwelling and that they do not need to be within that rectangle. The statute at the very  
23 last section allows the counties to adopt a more restrictive test and counties can if they  
24 choose to in their Comp Plan or their Land Use Ordinances can require that the dwellings  
25 be with the rectangle, and they have not done that, Hood River County has not done that.

26 And so that issue, again, Thrive is just simply wrong on that issue. So the only issue is  
27 whether or not there are the 11 parcels within the rectangle and that three of those  
28 contain dwellings that qualify 00:20:28 and they in fact do. So, let's talk about the  
29 alignment. In my letter to the County, I stated that there was no guidance for how you  
30 determine the alignment of the road, and I think that's been a little bit misconstrued.  
31 Staff tells you that there is some guidance and yes, the rectangle does need to be  
32 centered on the parcel, and it does need to be aligned to the maximum extent possible  
33 with the road.

34 Where there's no guidance is how you determine the roads direction. There's lots of ways  
35 we can look at Cooper Spur Road. You can start from, it's where it begins and you can  
36 look at it, it's on Highway 35 and say, well is it the average heading? You could look at the  
37 average heading over the rectangle itself. You could look at the average heading in  
38 relation to the property.

39 What we think makes the most sense is to look at the orientation of the road in relation  
40 to the property in question, which is this four-acre parcel. The road turns 180 degrees  
41 around it. And as I said, the road could be said to be almost any direction within that;

1 really within about 270 degrees in relation to this property. For me, the operative test  
2 when I look at the templates submitted by Paul is whether or not the road is contained  
3 within the rectangle. Does the rectangle skew such that the road strays outside of it at  
4 any place, and it doesn't, the road is entirely contained within the rectangle.

5 To me that's a good test, if the road is entirely within the rectangle, that indicates the  
6 rectangle is not negatively skewed, and that the rectangle is to the maximum extent  
7 possible aligned with the road in relations to this particular property. The County tells you  
8 that what it did was look at Paul's alignment and determined that it was unduly skewed,  
9 and then the County offered you an alternate alignment, which unfortunately does not  
10 pick up the requisite number of dwellings.

11 What the Staff have not offered for you is any empirical evidence of how they arrived at  
12 that template. It appears to be just an eyeball of, no, we think this is more aligned to the  
13 road. There's no average heading given. There's no headings given. They didn't have a  
14 surveyor specify where the road goes, at what headings and for what lengths to  
15 determine what the direction of the road is. They just kind of picked a template and said,  
16 no, this looks more like we think Cooper Spur Road is oriented in that rectangle.

17 The problem with test that, that boils down to I know when I see it, or this is what it looks  
18 like to us is that it's impossible to replicate. You know it can be applied inconsistently  
19 from application to application. The test that we propose, if the road is within the  
20 rectangle and does not stray from the rectangle, it's easy to apply and it's easy to not  
21 stray from, from application to application. We think it's at least as credible as the, the  
22 template offered by the staff, and we are to adopt Paul's template in the absence of any  
23 controlling authority, we think that you can easily say that it is aligned to the direction of  
24 the road to the maximum extent possible in relation to this project. So, we are to adopt  
25 that template, reverse the Staff's and grant the application for the forest template  
26 dwelling. Thank you.

27 Chair von Lubken: Are there any people who are in support of the application?

28 Mr. Jones: 24:25 Paul Jones, 3763, Neal Creek Road. My name is Paul Jones, I'm the owner of the  
29 property. And uh, first of all I want to thank you guys for taking the opportunity to be  
30 here. I also want to thank the opportunity to respond to Heather's Thrive. I'm in the  
31 forestry business and the logging business and I know firsthand um, what it is to create  
32 living wage jobs, to have proper water supply, and also the biggest thing is to have, a  
33 landscape with the increasing risk of wildfire.

34 We spend more time in this industry, in this Valley than anybody else as a company  
35 protecting Hood River, protecting The Dalles with our wild land fire services. And so, what  
36 I don't want, and we have been able to buy multiple pieces of property throughout the  
37 Valley that we know that are just strictly timber tracks and may treat those timber tracks  
38 responsibly and log those responsibility, responsible.

39 However, on this piece here, the reason why I am standing in front of you right now is  
40 because of the language it says the maximum extent possible. And if my property was 300  
41 yards up the road or 300 yards down the road, we wouldn't be having this conversation.  
42 But since Cooper Spur Road is not aligned on my piece of property I feel that the forest

1 template which fits inside the road should be able to be moved appropriately to be able  
2 to pick up these, to be able to pick up these three houses which would make a forest  
3 template.

4 So, I am asking you guys to look at that language of the maximum extent possible and  
5 reverse the decision of the Planning Commission, or the Planners and grant me the forest  
6 application. That's all I have.

7 Chair von Lubken: Thank you. Is there anyone opposed to this application? Heather.

8 Ms. Staten: 26:40 Hi. Heather representing Hood River County, Thrive Hood River and I live at 2931  
9 Read Road and just wanted to respond to the applicant attorney's, criticism of our letter  
10 where we said the three required dwellings must be in the template per Section 404-C5.  
11 And the wording of that is, a template is in the 160-acre template if any part of the  
12 dwelling, sorry, the dwelling is in the 160-acre template, if any part of the dwelling in the  
13 160-acre template. And their take is the dwelling does not require to be in the template.

14 If the dwelling is not required to be in the template, why is this in your code at all if it has  
15 no function? The courts have made it a general interpretation of the way you look at  
16 statutes and code. And it says, as a general rule, this is from the Supreme Court, we  
17 assume that the legislature did not intend any portion of its enactments to be  
18 meaningless surplus-surplusage.

19 So I think what Mr. Summerfield is saying is that even though Section 404-C5 says that the  
20 dwelling must be in the template because section, the section above that doesn't say...  
21 Section 404-3 doesn't say that the dwelling must be in the template that you can  
22 somehow ignore C5, and I guess I just didn't ask you to interpret that. Why is that phrase  
23 there if it doesn't mean anything?

24 Chair von Lubken: Anyone else opposed to the application? Any rebuttal?

25 Mr. Summerfield: Yeah, just briefly. You might ask your counsel about this, but the, the ordinance is clear  
26 that the dwellings do not need to be in the, within the template itself. It's just a property  
27 and a dwelling that needs to be within the template itself. As to why that's there, may be  
28 that Section Sub 5 may be there, it may be relevant, there's a separate section for parcels  
29 that I think are bigger than 60 acres that align with the road and also have a river running  
30 through them, that maybe relevant to that analysis. It maybe just that the County put it in  
31 there just in case they later wanted to adopt a more restrictive provision either as part of  
32 the comp plan and their ordinance. But all I can tell you is that the ordinance that is  
33 operative today does not require that the dwellings themselves be within the 160-acre  
34 template.

35 Chair von Lubken: Anything else? Questions? Peter, Commissioner Frothingham 29:59?

36 Commissioner Frothingham: No, probably questions for Keith.

37 Mr. Cleveland: Yes.

- 1 Commissioner Frothingham: The maps that I've looked at, I have trouble finding 11 parcels that are related to  
2 this. Can you-
- 3 Mr. Cleveland: Yeah, there was actually-
- 4 Commissioner Frothingham: ... help with that?
- 5 Mr. Cleveland: Yeah, absolutely. I gave you that addendum, that sheet that shows the tax slots, there's a  
6 bunch of little ones in there that you can't see with, with the map-
- 7 Commissioner Frothingham: Oh, okay.
- 8 Mr. Cleveland: ... and it does pick up quite a few of those. But you can see that the actual tax lots on that  
9 sheet and it's organized by our staffs' template and then the applicant's template.
- 10 Commissioner Frothingham: Okay. And maybe this is more a question for you Eric. It seems to me, in my time  
11 on the Planning Commission and before, that the practice of the planning department has  
12 been that the dwellings need to be within the 160-acre rectangle or square. Am I  
13 mistaken in my recollection of that?
- 14 Mr. Walker: You are. It, the standards, I should clarify that our current Article Four was updated I think  
15 in 2018. And so there have been some minor tweaks to it over time, but even then, the  
16 statute is pretty clear that the parcels themselves have to be located within the square,  
17 but the homes do not. And that's what's being talked about here is there's an ORS, it's  
18 215-757 subset seven that says that the County has the option of requiring that the  
19 homes be located within the template. And Hood River County did not choose to make  
20 that a requirement within its zoning code. And so, we have never, as far as I am aware  
21 and since I've been here, we had never knowingly applied it in a way that would require  
22 the homes be within the template area.
- 23 Commissioner Frothingham: Thank you.
- 24 Mr. Walker: Commissioner Euwer.
- 25 Commissioner Euwer: That was my question as well. Thank you.
- 26 Chair von Lubken: Gehrig.
- 27 Commissioner Gehrig: 32:30 Question for staff and I already asked this to Eric and Keith that I thought it was  
28 actually helpful. The State code says, Western Oregon and governing body of a County or  
29 its designate may allow the establishment of a single family dwelling on a lot of parcel  
30 located within the forest zone if the lot per parcel is predominantly composed of soils that  
31 are, and it goes on to tell you what they are. And I was caught up on the word may  
32 because may is not a definite thing. It's not shall, it's not must. So, in my interpretation of  
33 the State code it's that may give the County some discretion in making that decision. So, I  
34 guess probably that question would be for David. While the state says that, is that  
35 primarily giving the County the broader decision to choose to enforce this State law, and  
36 then put it within their code? That makes sense.

- 1 Mr. Dougham: Yeah, it does. I think, it would allow the County, and I think the County's done this in  
2 terms of allowing it in one of the forest zones but not another, so it does provide that  
3 discretion. The way that I view what your code does is what I just said, it basically says,  
4 okay, well, we're going to allow the template dwelling here in this forest zone but not this  
5 one.
- 6 Commissioner Gehrig: Okay. Perfect. Thank you.
- 7 Chair von Lubken: Anything else?
- 8 Commissioner Gehrig: No. Thanks.
- 9 Chair von Lubken: Commissioner Weathers.
- 10 Commissioner Weathers: Keith could you just, could you just try to 34:04 shed a little light on the maxim-  
11 maximum extent possible definition? Because clearly there's an article [inaudible  
12 00:34:12]. Could be some am-ambiguity as to what that really means.
- 13 Mr. Cleveland: I know there's a vague, it's a vague phrase. But sometimes vague phrases mean more  
14 restrictive interpretations and I know as staff we took it, you know, when it says the  
15 maximum of extent possible it has to be in line with the road, we said okay. There's  
16 different ways you can look at this. The applicant turn in something that was, that said  
17 you could do it on any one of those arcing portions. That's one way, the other way is to  
18 align it with the road. Because it clearly goes North and South within that template. And  
19 so, to the maximum extent possible, make it in line with that road and we just couldn't  
20 bring ourselves to tip it over just to grab those dwellings.
- 21 The road goes North and South. If you look at, the total direction of the road. And when it  
22 says to the maximum extent possible, that means let's look at all possibilities and see  
23 which one best represents that direction of the road. And I think within that template,  
24 most people would say, Yeah, it generally goes North and South. I mean you could tip it a  
25 little bit. But that's...
- 26 Commissioner Weathers: So, I didn't do the math, but I think I heard, and if I didn't, long day, but isn't there  
27 still the same amount of road area within the template regardless of the way it's tipped?
- 28 Mr. Cleveland: Yeah, the same amount of road area is just, when it talks about a line, and if you look up,  
29 obviously the definition of align, means to put in line with.
- 30 Commissioner Weathers: Yeah.
- 31 Mr. Cleveland: And so, it's okay, is that template better in line with that road by being like this, like this  
32 or on top?
- 33 Commissioner Weathers: OK. That answers the question, Thanks.
- 34 Chair von Lubken: Anything else?
- 35 Commissioner Weathers: Nope.

1 Chair von Lubken: So, I do, I try to understand, the template is that an arbitrary, trying to fit 160 acre box  
2 some place, is that the template or is it surveyed out in some point?

3 Mr. Cleveland: So if its, if it comes down to, and I've had applications like this where it's real close, I  
4 mean, if I don't get that thing, I use a measuring, a pretty darn accurate measuring on our  
5 web map tools, and I can get a template pretty close. But if I see that its, its close as far as  
6 well, you know, if I'm off by 10 feet it's going to grab that parcel. Then we have a surveyor  
7 come and make sure they got that thing exactly right. And I have had an applicant do this,  
8 you have got to take this to a surveyor, he's got to survey it and draw it on there an exact  
9 replication. In this case, and it wasn't that crucial, 10 feet, 20 feet or whatever, and I can  
10 come pretty close to it.

11 Chair von Lubken: OK. Any other questions?

12 Commissioner Gehrig: Just out of curiosity, how many templates...forest template dwellings in this situation, has  
13 the county seen and how many of those have been approved?

14 Mr. Walker: 37:05 I would say that we, just a very rough ballpark, I think in 2019 maybe three?  
15 Probably three. So I guess that we could say that there's two or three a year that we have  
16 processed, and of how many of those we approved, I would say I can't, I would say this is  
17 probably the first one that we've denied. You know, usually you get a good sense of  
18 where that template is going to be and we would assist folks before they get the point of  
19 actually making an application to determine, hey, it looks close. You might want to look at  
20 this a little more closely, and we've had some who've just determined, yeah, there's just  
21 not physically enough of those, area and they've just decided not to apply.

22 Like he said, we had another one that was very similar to this and in that case it was so  
23 close, that we asked the owner to go and we said hey, if you, if you can have a surveyor  
24 dial this in and show that it meets the criteria, fine we will accept that. This one is very  
25 unique in the fact that the parcel is nearly surrounded by the road and so it's definitely a  
26 unique circumstance.

27 Commissioner Gehrig: Okay, got it. Thank you.

28 Commissioner Weathers: Can I ask a follow up question to that?

29 So, you said ones that were, one similar in that slight variation in that template, made a  
30 change or because of uniqueness of a road shape.

31 Mr. Cleveland: In that case it was, if a template was longer, then it would catch parcels, and if it was 10  
32 feet shorter it wouldn't catch them, and so I didn't want to, you know, if I can get it pretty  
33 close, but I needed a surveyor to do that dial in completely. So, it wasn't the angle it was  
34 the **the license**. In their case it was a square. They used the square template so that you  
35 can spin. There's no road to align it to, so it's just how big is that square going to be. I  
36 want to make sure we get the size right, so we don't make a mistake.

37 Commissioner Gehrig: So, in that case it was a question of size versus orientation.

38 Mr. Cleveland: Got you.

1 Commissioner Gehrig: And orientation is the interpretation.

2 Mr. Cleveland: Yes.

3 Commissioner Gehrig: And centering was important in that case.

4 Mr. Cleveland: Right, yeah, it was, it was an odd shaped parcel and that we wanted to somehow figure  
5 out where the center is.

6 Commissioner Gehrig: Okay.

7 Chair von Lubken: Any other questions?

8 At this point, unless party has requested for continuance, the hearing will be closed, no  
9 further testimony or argument allowed, and the board will deliberate. It would make a  
10 decision or continue the hearing to a date certain and finalize the decision.

11 Commissioner Frothingham?

12 Commissioner Frothingham: 39:50 I've looked at the staffs alignment of the rectangle and it seems to me that it  
13 does in fact most closely follow the alignment of the road and if that means that the  
14 application doesn't meet the criteria I would uphold the Staff.

15 Chair von Lubken: Commissioner Euwer?

16 Commissioner Euwer: The process that the staff went through to determine the alignment makes sense to me  
17 and I think that it does almost, closely align.

18 Chair von Lubken: Commissioner Gehrig?

19 Commissioner Gehrig: Yeah, I would agree with the staff's interpretation. I think that when you have a boundary,  
20 its, there's two important, two critical things are one, it has to be centered, and the other  
21 one it has to be the maximum extent possible. I don't see that as open to interpretation  
22 of anywhere along the road by the parcel. The smaller you get with that parcel; the more  
23 interpretation is open to that. So, I think it makes sense, you have 160 acres that needs to  
24 match that 160 acres as closely as possible. And the North, South orientation that Keith  
25 mentioned seems to be the most logical and practical way to align that. If we're looking at  
26 the Terra Surveying survey, you know, if it were me, I would even say that the road on the  
27 North-South bound sections on the East and West portions of the road, don't even align  
28 to the maximum extent possible to their their template. I would say it's still skewed, the  
29 top is skewed to the West, to pick up those additional parcels. So, they could, its a bit of a  
30 stretch. I would agree with Keith's interpretation of this.

31 Chair von Lubken: Commissioner Weathers

32 Commissioner Weathers: I would agree with the group. I think sometimes when we try to make something really  
33 difficult, I-I go back to the simplest meaning of the maximum extent possible of  
34 alignment, makes sense to me. And while it may not make a lot of sense to someone that

1 has a very unique situation, that is what the, that is how the code reads and I can't see  
2 any way that I could go against that.

3 Chair von Lubken: I would also agree with the Staff's interpretation and the job he did, I know it's Staff's...it's  
4 Staff's job to try to, be able to, allow people to do things that they want, it's not a job of  
5 just river scant denial. So, I agree with the staff.

6 At this point is there a motion?

7 Commissioner Gehrig: I would like the make the motion to deny the appeal 19-0266 and uphold the Staff  
8 interpretation.

9 Chair von Lubken: Is there a second?

10 Commissioner Frothingham: Second.

11 Chair von Lubken: It's been moved and seconded, Commissioner Frothingham.

12 Commissioner Frothingham: Aye

13 Chair von Lubken: Commissioner Euwer?

14 Commissioner Euwer: Yes

15 Chair von Lubken: Commissioner Gehrig?

16 Commissioner Gehrig: Yes.

17 Chair von Lubken: Commissioner Weathers?

18 Commissioner Weathers: Yes

19 Chair von Lubken: Chair votes yes. Is there a consent to have the Chair sign the order?

20 Commissioner Frothingham: Yes.

21 Commissioner Gehrig: Yes.

22 Commissioner Euwer: Yes.

23 Commissioner Weathers: Yes.

24 Chair von Lubken: Thank you. Do you need a break? About 40 minutes, 30 minutes. [inaudible 00:43:49]

25 Mr. Dougham: It might be 20, who knows. [crosstalk 00:43:49]  
26  
27

28 **END**

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**RE: Appeal #20-0045 of Planning Commission's Final Order for Appeal #19-0266  
(regarding denial of Paul Jones Forest Template Dwelling #19-0077)**

Dear Keith:

I am responding to Thrive's comments dated May 12, 2020. I am submitting a written response because this argument is better presented in writing than at the hearing, given the limitations of video meetings.

In Section 2 of its comments, Thrive argues that all three of the requisite dwellings must be in the 160-acre template, citing Section 4.04(C)(5). Thrive is incorrect. The relevant standard, Section 4.04(C)(3), has a two part requirement for approval: First, that all or part of 11 lots or parcels that existed on January 1, 1993 are within the 160-acre rectangle centered on the subject tract; and second, that at least three dwellings existed on January 1, 1993 and continue to exist on the other lots and parcels. **The ordinance does not require that the three dwellings be within the rectangle, only all or part of the parcels on which the dwellings are located.**

Section 4.04(C)(3) is identical to its state law analog, ORS 215.750(2)(c). State law does allow for counties to adopt a *more* restrictive standard for forest template dwellings: ORS 215.750(8) provides that "...*if the acknowledged comprehensive plan and land use regulations of the county require that a dwelling be located in a 160-acre square or rectangle*...a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle." Hood River's comprehensive plan and land use regulations do not require that the dwelling be in the rectangle. Director Walker confirmed that the county has never required that the dwellings be within the rectangle (see transcript, packet at 2-69, lines 14 – 22). Section 4.04(C)(5) may be in the ordinance to cover the eventuality that the county adopts a more restrictive forest template ordinance in the future, but it simply isn't applicable to this application.

For the reader's convenience I have attached copies of the ordinance and ORS 215.750 with the relevant sections highlighted (also found in the packet at 2-55 and 2-60 – 2-62).

In Section 3 of its comments, Thrive argues that there is a lack of proof of the creation of

Keith Cleveland, Sr. Planner

May 13, 2020

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the requisite number of lots prior to January 1, 1993. This portion of the test has never been in question, but staff didn't address the issue in the staff report due to its rejection of the applicant's proposed template. Mr. Cleveland prepared a list of the relevant tax lots and distributed it at the prior hearing (found in the appeal packet at 2-54), and orally confirmed the requisite number of qualifying lots (see transcript, packet at 2-69 lines 1-9).

If this is an issue after approval of the applicant's proposed template, the case should be remanded for additional findings.

Very Truly Yours,

PHILLIPS REYNIER SUMERFIELD & CLINE, LLP

A handwritten signature in black ink, appearing to read 'W. Sumerfield', with a large, stylized flourish at the end.

William H. Sumerfield

WHS/kar

Enclosures [*Forest template ordinance; ORS 215.750*]

## Article 4 – Forest Zones

- C. Forest “Template” Dwelling authorized under ORS 215.750 on a lot or parcel located within the F-1 zone if the lot or parcel is predominantly composed of soils that are:
1. Capable of producing zero to 49 cubic per acre per year of wood fiber if:
    - a. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
    - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
  2. Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:
    - a. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
    - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
  3. Capable of producing more than 85 cubic feet per acre per year of wood fiber if:
    - a. All or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and
    - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
  4. Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.
  5. A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.
  6. Except as provided by Subsection (7), if the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
  7. The following applies where a tract 60-acres or larger abuts a road or perennial stream:
    - a. One of the three required dwellings shall be on the same side of the road or stream as the tract, and:

## ORS § 215.750

The Oregon Annotated Statutes is current through the 2019 Regular Session. Some sections may have multiple variants due to amendments by multiple acts. Revision and codification by the Legislative Counsel are updated as available, see ORS 173.111 et seq. For sections pending codification by the Legislative Counsel, see Newly Added Sections in the Table of Contents.

*LexisNexis® Oregon Annotated Statutes > Title 20 Counties and County Officers (Chs. 201 — 220) > Chapter 215- County Planning; Zoning; Housing Codes (§§ 215.010 — 215.808) > Farmland and Forestland Zones (§§ 215.700 — 215.794) > (Other Forestland Dwellings) (§§ 215.740 — 215.755)*

### Notice

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🚩 This section has more than one version with varying effective dates.

### 215.750 Alternative forestland dwellings; criteria. [Effective January 1, 2020]

(1)As used in this section, “center of the subject tract” means the mathematical centroid of the tract.

(2)In western Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(a)Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:

(A)All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B)At least three dwellings existed on January 1, 1993, on the other lots or parcels;

(b)Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:

(A)All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B)At least three dwellings existed on January 1, 1993, on the other lots or parcels;  
or

(c)Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

(A)All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(B)At least three dwellings existed on January 1, 1993, on the other lots or parcels.

## ORS § 215.750

**(3)** In eastern Oregon, a governing body of a county or its designate may allow the establishment of a single-family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

**(a)** Capable of producing 0 to 20 cubic feet per acre per year of wood fiber if:

**(A)** All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

**(B)** At least three dwellings existed on January 1, 1993, on the other lots or parcels;

**(b)** Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:

**(A)** All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

**(B)** At least three dwellings existed on January 1, 1993, on the other lots or parcels;  
or

**(c)** Capable of producing more than 50 cubic feet per acre per year of wood fiber if:

**(A)** All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

**(B)** At least three dwellings existed on January 1, 1993, on the other lots or parcels.

**(4)** Lots or parcels within urban growth boundaries may not be used to satisfy the eligibility requirements under subsection (2) or (3) of this section.

**(5)** A proposed dwelling under this section is allowed only if:

**(a)** It will comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations and other provisions of law;

**(b)** It complies with the requirements of [ORS 215.730](#);

**(c)** No dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under [ORS 215.740 \(3\)](#) for the other lots or parcels that make up the tract are met;

**(d)** The tract on which the dwelling will be sited does not include a dwelling;

**(e)** The lot or parcel on which the dwelling will be sited was lawfully established;

**(f)** Any property line adjustment to the lot or parcel complied with the applicable property line adjustment provisions in [ORS 92.192](#);

**(g)** Any property line adjustment to the lot or parcel after January 1, 2019, did not have the effect of qualifying the lot or parcel for a dwelling under this section; and

**(h)** If the lot or parcel on which the dwelling will be sited was part of a tract on January 1, 2019, no dwelling existed on the tract on that date, and no dwelling exists or has been approved on another lot or parcel that was part of the tract.

**(6)** Except as described in subsection (7) of this section, if the tract under subsection (2) or (3) of this section abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide

centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

(7)

(a) If a tract 60 acres or larger described under subsection (2) or (3) of this section abuts a road or perennial stream, the measurement shall be made in accordance with subsection (6) of this section. However, one of the three required dwellings must be on the same side of the road or stream as the tract and:

(A) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible, aligned with the road or stream; or

(B) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.

(b) If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings must be on the same side of the road as the proposed dwelling.

(8) Notwithstanding subsection (5)(a) of this section, if the acknowledged comprehensive plan and land use regulations of a county require that a dwelling be located in a 160-acre square or rectangle described in subsection (2), (3), (6) or (7) of this section, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the 160-acre square or rectangle.

## History

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[1993 c.792 § 4\(6\),\(7\),\(8\)](#); [1999 c.59 § 58](#); [2005 c.289 § 1](#); [2019 c.433 § 1](#), effective January 1, 2020.

Annotations

## LexisNexis® Notes

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## Notes

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### Amendment Notes

The 2019 amendment by c. 433 § 1 (HB 2225), effective January 1, 2020, added (1); redesignated former (1) through (7) as (2) through (8); in (4), substituted “may” for “shall” and “subsection (2) or (3)” for “subsection (1) or (2)”; substituted “allowed only if” for “not allowed” in the introductory language of (5), rewrote (5)(a); deleted “Unless” at the beginning of (5)(b) and

## ORS § 215.750

(5)(c); in (5)(d), deleted “If” at the beginning and substituted “does not include” for “includes”; added (5)(e) through (5)(h); in (6), substituted “subsection 7” for “subsection 6” and “subsection (2) or (3)” for “subsection (1) or (2)”; substituted “must” for “shall” in the introductory language of (7)(a) and in (7)(b); in (7)(a), substituted “subsection (2) or (3)” for “subsection (1) or (2)” and “subsection (6)” for “subsection (5)”; and in (8), substituted “subsection (5)(a)” for “subsection (4)(a)” and “subsection (2), (3), (6) or (7)” for “subsection (1), (2), (5) or (6)”; and made related changes.

### Applicability

#### 2019 c. 433 § 4 provides:

**Sec. 4.** (1) Section 2 of this 2019 Act is repealed on January 2, 2024.

#### 2019 c. 433 § 3 provides:

**Sec. 3.** (1) The amendments to ORS 215.750 by section 1 of this 2019 Act apply:

(a) On and after the effective date of this 2019 Act in Clackamas, Jackson, Lane and Polk Counties.

(b) On and after November 1, 2021, in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington and Yamhill Counties.

(c) On and after November 1, 2023, in Baker, Benton, Clatsop, Crook, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Multnomah, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties.

(2) A county may not apply any administrative rule adopted to implement the amendments to ORS 215.750 by section 1 of this 2019 Act until on or after the applicable date for that county under subsection (1) of this section.

(3) Section 2 of this 2019 Act applies:

(a) On and after the effective date of this 2019 Act in Clackamas, Jackson, Lane and Polk Counties.

(b) On and after November 1, 2021, in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington and Yamhill Counties.

#### 2019 c. 433 § 2 provides:

**Sec. 2.** Prior to November 1, 2023, a county may allow the establishment of a single-family dwelling on a lot or parcel that was part of a tract on January 1, 2021, if:

(1) No more than one other dwelling exists or has been approved on another lot or parcel that was part of the tract; and

(2) The lot or parcel qualifies, notwithstanding ORS 215.750 (5)(h), for a dwelling under ORS 215.750.



May 12, 2020

Hood River County Board of Commissioners  
601 State Street  
Hood River, OR 97031  
*Via email to keith.cleveland@co.hood-river.or.us*

RE: Appeal of Forest Template Dwelling Denial #19-0077

Dear Chair Oates and honored Commissioners:

Hood River County Planning Commission made the correct analysis of this application by upholding the staff decision. We urge you to do the same and deny this forest template dwelling.

Hood River's forests benefit all of us: they create living-wage jobs, they store carbon, they protect our water supply and they provide habitat for wildlife and big game. In light of the increased occurrence of catastrophic wildfires, adding to the number of "houses in the woods" impacts all of us with heightened risk and fire-fighting expense.

In accordance with the "Template Dwelling Statute" ORS 215.750, Hood River County Zoning Ordinance ("HRCZO") Section 4.04 (C) allows a house in the F-1 zone if a certain amount of development and smaller parcels existed on January 1, 1993, within an overlaid 160-acre square "template" centered on the subject parcel. The purpose of the template dwelling statute is to enable additional development in areas zoned for forest use that are *already* divided into smaller parcels with houses. The 160-acre template provides a standard for measuring the existing nearby development that's required to qualify for a dwelling.

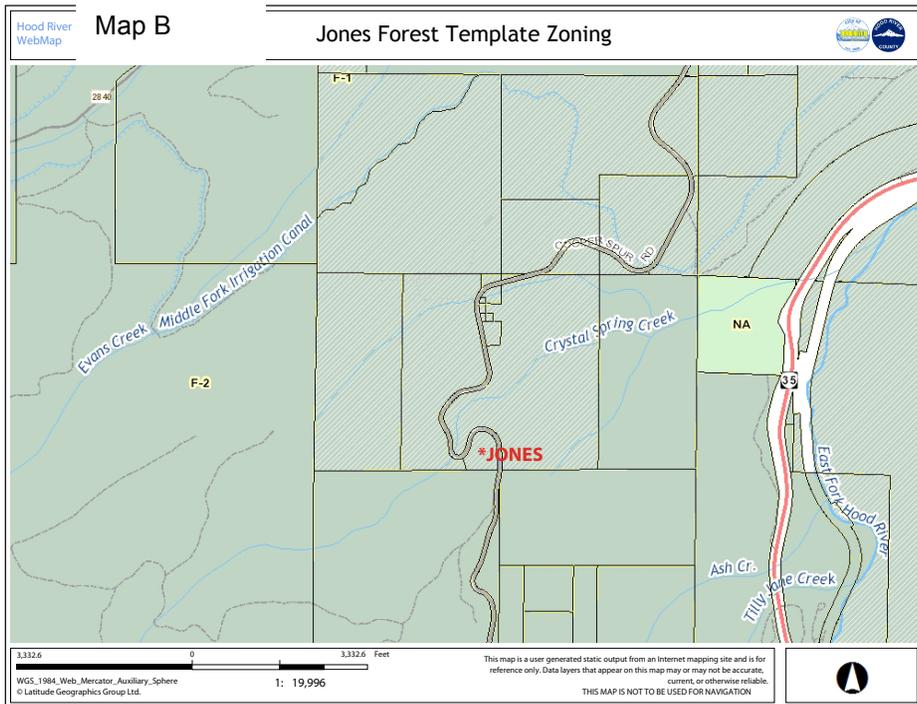
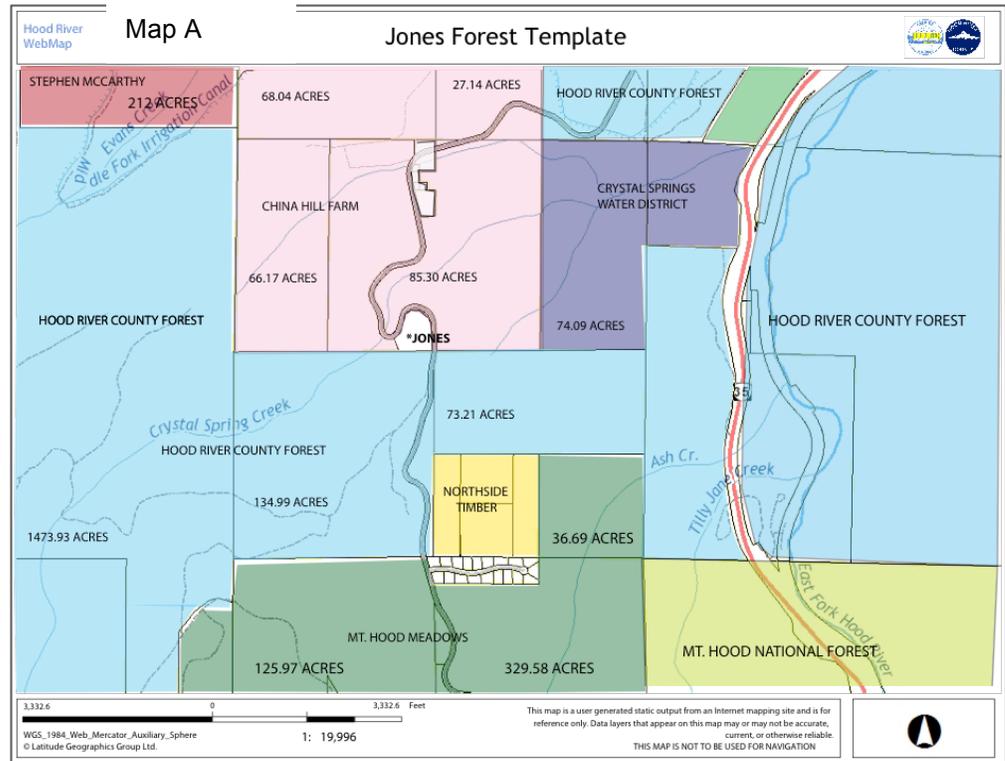
We urge you to deny this application for the following reasons:

**1. Section 4.04 (C)(6) - The template must be aligned with the road to "the maximum extent possible."**

Hood River County Planning staff is correct that the applicant's template does not meet the criteria because instead of being aligned with the road, the template is "tipped away" from the road. It's worth understanding why the state legislature added this option. The default "template" is a 160-acre *square* but a 160-acre *rectangle* (1 mile long and 1/4 mile wide) may be used if the subject tract abuts a road. The legislature recognized that past parcelization and development often occurred not across a wide landscape but along a road. That is the case here and that is the reason the rectangular template must be aligned with the road to the "maximum extent possible."

Map A (right) shows that parcelization to smaller lots is limited to properties adjacent to Cooper Spur Road. Apart from the properties on Cooper Spur Road, the general area is not characterized by small parcels but by large lot properties in commercial timber production, public ownership or other natural resource uses.

As staff has explained, with the template correctly aligned with the road, the template does not include the three required dwellings.



Map B shows the zoning of surrounding properties. As you can see, the parcels south of the subject property are zoned F-2, Primary Forest zone. Forest Template Dwellings are prohibited on F-2.

Nestled between a private large lot timber parcel and the County's tree farm, and bordering F-2 land, this is not a case where the Commission should bend the rules to allow an additional home in the forest.

**2. The three required dwellings must be inside the template per Section 4.04 (C)(5) “A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.”**

Staff did not address this standard because with the correctly aligned template, there was only one parcel with a house in the template. But even if the applicant’s preferred orientation is allowed, the application would still fail to meet the criteria because as Terra Surveying’s site plan B-26 shows, two of the required homes are located far outside of the template. The applicant seems to think that it is sufficient for the template to cover a small portion of the parcels with dwellings but that the template is not actually required to include the dwellings themselves. This is incorrect and inconsistent with Section 4.04 (C)(5).

In a land use appeal hearing, the Board of Commissioners is acting in a quasi-judicial capacity. It is your task to interpret HRZCO Section 4.04 (C)(5). While given considerable deference by LUBA in your interpretation of Hood River’s code, you must arrive at an interpretation that is plausible under the basic principles of statutory construction.

One of the principles of statutory interpretation is that you should "give effect to every clause and word of a statute." When interpreting statute and code, the courts assume that the legislative body that enacted the code intended for effect to be given to all its provisions, that no part will be inoperative or superfluous, void or insignificant. (Bolt v. Influence, Inc., 333 Or 572, 581, 43 P3d 425 (2002)).

The applicant argues that Section 4.04 (C)(5) does not impose a criterion for the template to actually include three dwellings. If that is the case, what is the purpose of Section 4.04 (C)(5)? It is a standard with no meaning at all if it’s purpose is not to provide a clear standard for what counts as a dwelling for Section 4.04 (C)(3) “at least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.” To interpret otherwise is to act contrary to the guidance of Oregon’s Supreme Court “As a general rule, we assume that the legislature did not intend any portion of its enactments to be meaningless surplusage.”

**3. There is insufficient evidence to show that the lots were legally established by January 1, 1993.** In order to meet the standards in Section 4.04 (3)(a) the applicant must show not just property lines from the County’s online GIS system but some evidence that the required lots were lawfully created prior to January 1, 1993. As always, the burden of proof is on the applicant to show that their project meets the criteria. For forest template dwellings this is normally achieved by showing deeds and the legal history of the parcels the applicant will be relying on.

For these reasons, we request that the Commission deny this appeal and application. Thank you for the opportunity to comment on this application.

Best regards,



Heather Staten  
Executive Director



**BEFORE THE BOARD OF COMMISSIONERS**

**HOOD RIVER COUNTY, OREGON**

A RESOLUTION ESTABLISHING BOARD)  
POLICY FOR THE FISCAL MANAGEMENT)  
OF THE TIMBER DEPOSIT FUND)

RESOLUTION NO. \_\_\_\_\_

**WHEREAS**, it is the intent of the Hood River County Board of Commissioners to clearly prescribe the fiscal management of the revenues derived from the County Forest, which revenues are deposited in what is known as the Timber Deposit Fund; and

**WHEREAS**, the timber sold from the County Forest, (other than salvage or mortality), is managed on a ~~long term ten (10) year~~ harvest level (allowable cut) based on ~~a non-declining, even flow,~~ sustained yield; and

**WHEREAS**, Hood River County Forest timber sales are executed ~~for several or 2-~~ for up to 5 years in advance of estimated harvest completion date; and

**WHEREAS**, the price per thousand board feet received from the sale of County Forest timber fluctuates greatly over the years due to conditions of the local and national economy, wildlife preservation, changes in laws and other reasons; and

**WHEREAS**, there also is great variance from year to year in the volume of mortality sales due to the unpredictability of wind storms, insect infestation, catastrophes, etc.; and

**WHEREAS**, the total revenue received each year from the sale of County Forest timber also fluctuates greatly for the reasons stated above; and

**WHEREAS**, the revenues received annually for budgeting purposes by the General Fund from the Timber Deposit Fund represent a substantial proportion of all funds available for the providing of County services; and

**WHEREAS**, prudent fiscal management dictates that the revenues received annually for budgeting purposes from the Timber Deposit Fund be insulated from the great fluctuations in total timber revenue which occur from year to year sales.

**NOW THEREFORE, BE IT RESOLVED**, it is the policy of Hood River County that the revenues to be transferred annually to the General Fund for budgeting purposes from the Timber Deposit Fund shall be in accordance with the following formula:

~~Annualized allowable Cut Volume x Previous Ten (10) year Average Bid Price\* of all timber sales (except mortality)~~Ten (10) year average revenue from allowable

~~cut volume harvested + ten (10) year average revenue from all mortality sales of the previous ten (10) years.~~

~~\*The ten (10) year average bid price is obtained by dividing total sales (except mortality) revenues of the previous ten (10) years by actual volume removed (except mortality) in the previous ten (10) years.~~

All funds remaining in the Timber Deposit Fund after the annual transfer to the General Fund shall be carried in the Timber Deposit Fund as unappropriated fund balance for use in the future years per ORS 294.371.

Because of the importance of this Resolution, a change may not be made without a public hearing being held by the Hood River County Board of Commissioners.

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ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, ~~2019~~2020.

**HOOD RIVER COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Chair, -Michael Oates

\_\_\_\_\_  
Commissioner, -Les Perkins

\_\_\_\_\_  
Commissioner, -Rich McBride

\_\_\_\_\_  
Commissioner, -Robert Benton

\_\_\_\_\_  
Commissioner, -Karen Joplin

**BEFORE THE BOARD OF COMMISSIONERS  
HOOD RIVER COUNTY, OREGON**

A RESOLUTION ESTABLISHING BOARD ) RESOLUTION NO. \_\_\_\_\_  
POLICY FOR THE FISCAL MANAGEMENT )  
OF THE TIMBER DEPOSIT FUND )

**WHEREAS**, it is the intent of the Hood River County Board of Commissioners to clearly prescribe the fiscal management of the revenues derived from the County Forest, which revenues are deposited in what is known as the Timber Deposit Fund; and

**WHEREAS**, the timber sold from the County Forest, (other than salvage or mortality), is managed on a long term harvest level (allowable cut) based on a non-declining, even flow, sustained yield; and

**WHEREAS**, Hood River County Forest timber sales are executed for up to 5 years in advance of estimated harvest completion date; and

**WHEREAS**, the price per thousand board feet received from the sale of County Forest timber fluctuates greatly over the years due to conditions of the local and national economy, wildlife preservation, changes in laws and other reasons; and

**WHEREAS**, there also is great variance from year to year in the volume of mortality sales due to the unpredictability of wind storms, insect infestation, catastrophes, etc.; and

**WHEREAS**, the total revenue received each year from the sale of County Forest timber also fluctuates greatly for the reasons stated above; and

**WHEREAS**, the revenues received annually for budgeting purposes by the General Fund from the Timber Deposit Fund represent a substantial proportion of all funds available for the providing of County services; and

**WHEREAS**, prudent fiscal management dictates that the revenues received annually for budgeting purposes from the Timber Deposit Fund be insulated from the great fluctuations in total timber revenue which occur from year to year sales.

**NOW THEREFORE, BE IT RESOLVED**, it is the policy of Hood River County that the revenues to be transferred annually to the General Fund for budgeting purposes from the Timber Deposit Fund shall be in accordance with the following formula:

Ten (10) year average revenue from allowable cut volume harvested + ten (10) year average revenue from all mortality sales.

All funds remaining in the Timber Deposit Fund after the annual transfer to the General Fund shall be carried in the Timber Deposit Fund as unappropriated fund balance for use in the future years per ORS 294.371.

Because of the importance of this Resolution, a change may not be made without a public hearing being held by the Hood River County Board of Commissioners.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

**HOOD RIVER COUNTY BOARD OF COMMISSIONERS**

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Chair, Michael J. Oates

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Commissioner, Karen Joplin

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Commissioner, Rich McBride

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Commissioner, Robert Benton

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Commissioner Les Perkins

**BEFORE THE BOARD OF COMMISSIONERS**

**HOOD RIVER COUNTY, OREGON**

FILED  
RECORDS AND ASSESSMENT  
HOOD RIVER CO.

APR 7 4 39 PM '94

**A RESOLUTION ESTABLISHING BOARD )  
POLICY FOR THE FISCAL MANAGEMENT ) AMENDED RESOLUTION NO. 351  
OF THE TIMBER DEPOSIT FUND )**

**WHEREAS**, it is the intent of the Hood River County Board of Commissioners to clearly prescribe the fiscal management of the revenues derived from the County Forest, which revenues are deposited in what is known as the Timber Deposit Fund; and

**WHEREAS**, the timber sold from the County Forest, (other than salvage or mortality), is managed on a ten year harvest level (allowable cut) based on sustained yield; and

**WHEREAS**, Hood River County Forest timber sales are executed for several or 2-5 years in advance of estimated harvest date; and

**WHEREAS**, the price per thousand board feet received from the sale of County Forest timber fluctuates greatly over the years due to conditions of the local and national economy, wildlife preservation, changes in laws and other reasons; and

**WHEREAS**, there also is great variance from year to year in the volume of mortality sales due to the unpredictability of wind storms, insect infestation, catastrophes, etc.; and

**WHEREAS**, the total revenue received each year from the sale of County Forest timber also fluctuates greatly for the reasons stated above; and

**WHEREAS**, the revenues received annually for budgeting purposes by the General Fund from the Timber Deposit Fund represent a substantial proportion of all funds available for the providing of County services; and

**WHEREAS**, prudent fiscal management dictates that the revenues received annually for budgeting purposes from the Timber Deposit Fund be insulated from the great fluctuations in total timber revenue which occur from year to year sales.

**NOW THEREFORE, BE IT RESOLVED**, it is the policy of Hood River County that the revenues to be transferred annually to the General Fund for budgeting purposes from the Timber Deposit Fund shall be in accordance with the following formula:



# REPORTS



## Director's Report

Quarter ending June 30, 2020

### Revenues

- **Property Tax Revenue:** We ended the fiscal year by collecting 96.99% of taxes for the 2019 tax year, which is just a slight decrease from the prior year (.49%). The cash flow from tax collection is highest after statements are sent out in November, then drops off steadily as we move through the rest of the year.
- **CARES Act Reimbursement:** On June 29, we received our first CARES Act reimbursement for all COVID-19 related expenses from March 1 through May 15. The total was \$435,116, of which \$419,328 was put toward the General Fund and \$15,788 was put toward Prevention.
- **PILT:** On June 29, we received the PILT payment for FY19-20: \$196,242

### Investments

**LGIP (Local Government Investment Pool) interest rate: 1.30%**

Yields on commercial paper and government bonds are trending much lower than the LGIP interest rate; therefore, a large percentage of the county's surplus cash is with LGIP.

### New Financial Software Conversion Project

We are expecting to go live with our new financial software in September. Training on the new system begins the last week of July and continues through mid-August. This will be an extremely busy time for the Budget & Finance team, as we will be entering all transactions two times – once in the old system and again in the new system – to ensure we get the same result out of both systems.

### Year-end / New Fiscal Year / Audit

In addition to the software conversion, the Budget & Finance department is working to set up the new fiscal year, closing last fiscal year and working through the long list of tasks in preparation for the annual audit scheduled for the week of November 9.

Thank you!

  
July 10, 2020



# Hood River County Community Development

Planning, Building Codes, Code Compliance, Economic Development & GIS

601 State Street, Hood River OR 97031

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ERIC WALKER, DIRECTOR  
(541) 387-6840 • plan.dept@co.hood-river.or.us

**TO:** Jeff Hecksel, County Administrator

**FROM:** Eric Walker, Community Development Director

**RE:** Quarterly Report – FY 19/20 (Fourth Quarter)

**DATE:** July 8, 2020

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## **STAFFING CHANGES/UPDATES:**

Keith Cleveland was promoted from Senior Planner to Principal Planner starting July 1, 2020. Keith is filling the position that was left vacated last July when I was promoted to Director. Keith has worked for the County for 5 years, four as Senior Planner.

Nick Kraemer was hired on July 1, 2020 as a full-time Principal Planner, which backfills Keith's position. Nick has been working for the County as a temporary Senior Planner since October of 2018. He was initially hired to fill in after John Roberts left. Prior to be hired by the County, Nick was a contract planner for various small cities in the Mid-Columbia area; most recently, the City of Mosier.

Most all department staff are back reporting to work as normal. We anticipate this to continue at least through the summer, although some staff members with school-aged children may need to adjust their schedules again in the fall depending on school re-opening plans and access to daycare.

## **PLANNING:**

Planning applications dropped off significantly over the fourth quarter of this fiscal year. In total, 44 land use applications were received, which is down approximately 53 percent over the same period last year. When compared to the 4<sup>th</sup> quarter of the last 5 years, permit numbers this quarter were down approximately 49 percent. Planning permit fees collected this quarter were also down nearly 63 percent. Although permit numbers and revenues are down, phone and email inquiries remain constant. One benefit of the current slowdown is it has allowed the planners to continue to make progress on our current backlog of administrative applications.

One new land use appeal was received this quarter, while two earlier appeals were either heard or are scheduled to be heard shortly. The new appeal involves conditions related to an approved partition (Leavens). This hearing will likely be heard by the Planning Commission in either August or September. One of the other appeals (Thrive/Apollo Land Holdings) was heard by the Board on June 15<sup>th</sup>, while the other appeal (Jones Forest Template Dwelling) is scheduled to be heard by the Board on July 20<sup>th</sup>.

Over the last month, Planning staff has been reviewing draft revisions to the Columbia River Gorge National Scenic Area Management Plan. The changes to this 500-page document include both technical and policy related updates. A copy of the Planning Department's written comments to the Gorge Commission were provided to the Board via email on June 29<sup>th</sup>.

Upcoming Projects: Although delayed by COVID-19, the Planning staff is hoping to initiate code amendments related to the process and criteria used to evaluate land use permit extensions shortly. This code update is intended to clarify the process and eliminate the discretion currently found in some of the existing code, which has resulted in recent appeals, including the Thrive/Apollo Land Holdings appeal heard by the Board on June 15<sup>th</sup>.

### **BUILDING:**

Total permits issued by the Building Department during the last quarter (353) was down approximately 30 percent over the same period last year. However, total permit fees collected during the quarter was down approximately 48 percent over this same period. For the entire fiscal year, total revenue is down approximately 32 percent. Although the Building Department is currently fortunate to have a healthy reserve fund for times such as this, we will be watching this trend carefully over the next couple quarters to determine if operation adjustments are necessary.

### **CODE COMPLIANCE:**

According to Host Compliance, the current number of identified short-term rentals (STRs), both permitted and unpermitted, operating within the County's jurisdiction has dropped by 7 over the last quarter to approximately 67. We hope to restart hearings before the Hearings Officer on at least 9 current unpermitted short-term rentals that were postponed in March due to COVID-19. At least 9 other unpermitted short-term rentals that are in the early stages of enforcement are also being pursued.

### **GIS:**

In addition to the day-to-day GIS tasks of database maintenance and software/data updates, Mike Schrankel continues to refine the data and tools offered as part of both the public WebMap and those created for various County departments with specific WebMap applications.

Other work includes coordinating with Building Department staff to develop and maintain an authoritative data layer of county assigned address points, providing continued support to the EOC in their efforts to mitigate the effects of PacifiCorp's "Public Safety Power Shutoff" program, and assisting staff to initiate acquisition of new aerial photography for the County in 2020.

## **April – June 2020 Forestry Department Quarterly Report**

### **Timber Sales**

Timber Sale and Road Layout on 5 large sales.

Advertised four large sales totaling 7,095 MMBF.

Sold 3 large sales with 4.579 MMBF, projected revenue is 2.03 million

Advertised 3 salvage sales. The Huskey Rd and Westside salvages were sold in June. Jonny Boy Salvage is expected to sell in July.

Active road construction/logging on 7 large sales.

Contract prep, administration and accounting on 12 large sales, 4 salvage sales.

### **Forest Management**

Forestry activities designated essential during COVID restrictions maintained field operational progress.

Log Markets: With the impacts of the COVID virus log prices declined 20%, then essentially recovered, at least locally. Prices now good overall due to limited supply, yet tenuous with continued and uncertain economic impacts of COVID 19.

Expected to sell remaining FY 22/23 allowable cut volume August 6<sup>th</sup>, 2020.

Executed contract and conducted inspections on forest inventory contract work for calendar year 2020.

Forest Manager worked on multiple land transactions which involve County Forestland.

Hearing Prep, administrative support and hearing participation for Crystal Springs Water District South Reservoir Forest Lease and Easement.

Hearing prep and administrative support for East Fork Irrigation District easements for the Eastside Lateral Project.

### **Timber Stand Improvement**

Spring tree planting of over 195,000 seedlings completed in May. June rain helped ease planting stress.

Prepared 2020/2021 Pre-commercial Thinning and Roadside Vegetation Control bid solicitations.

Continued re-inventory of past pre-commercial thinning units.

### **Forest Recreation**

Forestry staff absorbed planning and administering varied COVID 19 public use and recreation closures.

Increased email correspondence. Recreation trail committee meeting cancelled due to COVID 19.

Hired three Seasonal staff funded by State ATV Grant funds, engaged in motorized trail maintenance.

Events: COVID restrictions delayed permits, roughly half of events (large) cancelled by promoters.

Revenue is down due to cancellations and less days requested overall.

Previously non-permitted event coordinators have been identified and contacted.

Grant administration, project oversight and billing for the 19/21 State ATV trail grant.

Kubota K008 had the ignition vandalized (OHV staff was able to make field repairs).

### **Personnel/Training**

Training opportunities delayed due to COVID 19.

### **Service Delivery**

Began issuing permits for firewood cutting, plant material and loose rock thru an office walk-up window.

FID Kingsley Reservoir Expansion Project, field support and coordination. SW Loop construction begun.

### **Needs & Issues**

Forestry staff continues work on recreation program funding needs.

Recreation Manager is researching State Grant funds needed to complete Kingsley Campground phases.

Will need to collect and/or procure additional local tree seed later this summer.

## Health Department

July 2020

The Health Department continues to respond to the COVID19 pandemic. Hood River saw a number of workplace COVID outbreaks this quarter, the largest of which added 64 confirmed and presumptive cases to our count. By the end of June, our pandemic total cases was at 88.

The Health Department has trained all staff, excluding two environmental health specialists, to fulfill the role of contact tracers as the need arises. We have also trained an employee of another County Department to assist. During the height of our largest outbreak, we also utilized two bilingual contact tracers from Oregon Health Authority. At our busiest time, we were contacting approximately 180 individuals daily that we had placed in isolation or quarantine. We have staff that are working 7 days per week to meet the needs for contact tracing.

Procuring sites for isolation and quarantine continue to be a challenge, as tourism returns to the Gorge. We have been successful in placing all those that need alternate housing. We now have a short-term agreement with NCPHD to rent rooms from them at a hotel in The Dalles if the need arises. In the meantime, we continue to work with local property managers and hotels/motels to find properties closer to home.

We continue to collaborate with Bridges to Health, Meals on Wheels and FISH Food Bank to help provide supports for those in isolation and quarantine. Those supports include delivery of food, medication, masks, sanitizer and cleaners as well as long-term supports for permanent housing and other referrals and needs. Referrals include wage replacement resources, food stamps, TANF, low-income energy assistance, and many others.

Oregon Health Authority has provided additional financial support for COVID response. Our triennial review that was to occur in February and March of 2020 was partially completed, and we anticipate that process to resume in the next quarter.

The Health Department is working with several workgroups as part of the Emergency Operations Center. Some examples of the workgroup topics listed below:

- PPE for medical/dental community
- Masks and hand sanitizer for agricultural workers, indigenous fishermen, the homeless, the schools, businesses, and other vulnerable populations
- Messaging for migrant/seasonal workers, and indigenous fishermen
- Alternate housing for those in isolation/quarantine
- Long Term Care Facility coordination
- Coordination with all the schools for reopening planning

The Health Department continues to serve clients in the office (and some fieldwork) by appointment only. Services include vital records, environmental health services, immunization services, reproductive health services, communicable disease (yes, we continue to see cases that are not COVID), OHP assistance, tuberculosis screening and treatment for latent TB infection, case management for HIV/AIDs, maternal/child health and families with children with health needs. WIC continues to serve families virtually.

Patricia Elliott, Director

Human Resources – Quarterly Report  
April – June 2020

General Activity: General employee relations support, talent acquisition for individual roles, COVID responses/signage.

- Signed 1 year agreements for AFSCME 1082 and 2503 (COLA only addressed)
- LEA Arbitration Hearing Held – briefs by each side being prepared (due 7-24-2020);
- Grievance from DDA Union Contract Employee
  - Currently tabled due to COVID-19;
- Received notification for Grievance Hearing on former 2503 Union Contract Employee
  - Has been set for August 21, 2020
- Employee Handbook on hold

Administration Office

- Working closely with Administration on COVID-19 Messaging
- Updating and maintaining current COVID-19 Signage
- All buildings are open to the public – visitation by appointment only still encouraged.
  - Cloth and disposable face masks being provided for employees and customers
- Opened Veteran Service Officer role, advertised and filled

Budget and Finance

- Payroll Accountant role advertised and filled (internal candidate)

District Attorney

- General Employee Relations

Forestry

- OHV Forestry Technician role advertised and filled
- Seasonal Forestry Laborer role opened, advertised and filled

Health Dept

- Working closely with Health Department on COVID-19 Messaging and PSAs
- Opened Environmental Health Specialist role, advertised and filled
- Opened Public Health Nurse (x2), advertised and filled (internal and external candidates)

Public Works/Parks & Bldg

- Opened Equipment Mechanic role, advertised and filled
- Opened Equipment Mechanic role – currently advertised
- Opened Road Technician role (x2) – currently advertised
- Preparing for August Grievance Hearing for former employee

Community Development

- Opened Principal Planner role, advertised and filled
- Promotion to Principal Planner supported

Sheriff Office/911 Dispatch

- LEA Arbitration Hearing Held – Closing Briefs due from each side 7-24-2020; decision within 30 days
- Opened 911 Dispatch role (x1) – offer extended-role filled
- Opened Sheriff Deputy role (x2) – offer extended to 1
- Opened Sheriff Deputy role – Fresh Out (New to Law Enforcement)
- Opened Sheriff Deputy role – Lateral (requires 3 years of experience)

June 2020 Quarterly Report

Jeff:

Below are the numbers for the Justice Court for the fourth quarter of 2019/2020:

<b>DATES</b>	<b>MONTHLY TOTALS</b>	<b>DOCKETED</b>	<b>CLOSED</b>	<b>COUNTY TOTALS</b>	<b>JC TOTALS</b>	<b>STATE TOTALS</b>
<b>FY</b>						
<b>Apr/Jun</b>						
<b>2018/19</b>	<b>\$284,286.52</b>	<b>898</b>	<b>917</b>	<b>\$134,647.76</b>	<b>\$116,319.58</b>	<b>\$149,638.76</b>
<b>FY</b>						
<b>Apr/June</b>						
<b>2019/20</b>	<b>\$132,985.60</b>	<b>422</b>	<b>461</b>	<b>\$63,386.07</b>	<b>\$54,029.87</b>	<b>\$69,599.53</b>
<b>TOTALS</b>	<b>-\$151,300.92</b>	<b>-476</b>	<b>-456</b>	<b>- \$71,26169</b>	<b>-\$62,289.71</b>	<b>- \$80,039.23</b>

Any questions feel free to call me.

John Harvey  
Justice of the Peace  
Cascade Locks Justice Court

# QUARTERLY REPORT- Juvenile Department

April – June 2020

The Juvenile Department has continued to function efficiently during the Covid-19 pandemic. With one person working some from home, we've been able to have no more than two people in the office at a time. We have seen an increase in dependency cases this quarter and a handful of new delinquency cases. We have one youth currently placed at the YCC program at NORCOR and we have two youth who are on warrant status. We've also had two youth paroled back to the community from the Youth Correctional Facility. Our delinquency court dockets for March, April and May were almost all moved to July so that will make for a busy month for us. It is still encouraged that parties appear in court by phone.

Most of the youth who are currently on probation are managing the restrictions pretty well. It has been challenging to engage with some of our clients over the phone. We've started scheduling some office appointments with contact restrictions in place. Thankfully, we have a waiting room area with a large bullet proof window so we are able to meet with clients and their families behind the glass. We sanitize the area between appointments, provide hand sanitizer and ask that everyone wear masks. We are documenting who comes into our space each day so that we can provide that information to the Health Department in the event there is Covid-19 exposure. In order to keep up with community service hours, we are having clients watch informational video's and answer questions or do other creative assignments. Mental health and drug and alcohol clinicians are still seeing our clients either by phone or virtually. We are still having parents assist us with collecting urinalysis tests.

Robbie Johnson, Director



# HOOD RIVER COUNTY PUBLIC WORKS

MIKEL S. DIWAN, DIRECTOR

918 18th Street • Hood River, OR 97031 • (541) 386-2616 • FAX (541) 386-2912

## FY 2019-20 QUARTERLY REPORT – PUBLIC WORKS DEPARTMENT 4<sup>th</sup> QUARTER; APRIL 1 – JUNE 30

### ADMINISTRATION

- There were no accidents or injuries. The department is currently at 863 consecutive accident/injury-free days and 2,225 time-loss free days.
- The Road Technician position that was filled and vacated in March is still open. Additionally, a second Road Technician position filled in March was later vacated in June.
- One Equipment Mechanic retired at the end of June. With the addition of one new mechanic position for FY21 and a replacement hire in June, there is still one vacant mechanic position. In total the department has four vacant positions.
- All work-from-home options were ended in June once the department opened its doors to the public.
- The OPRD grant the County was awarded for the Hood River Valley Parks & Recreation District Master Plan was extended for a second time. The new completion date is September 30, 2020.
- In April it was reported that several trees inside the Punchbowl Falls Park area had been cut down. Both Public Works and ODF staff inspected the site and observed several trees left encroaching into the East Fork Hood River. Without a viable means of enforcement or any witnesses to the damage, no action was taken.
- Tucker Park was also vandalized during the month of May. Between two separate buildings, five bathroom doors were destroyed which cost several thousand dollars to repair. This has generally been a yearly event so security cameras have been ordered to deter further damage.
- In early July the host at Tucker Park was again bitten by a loose dog. This was the second dog bite that occurred at the park and loose dogs continue to be a problem. The department plans to work more closely with Animal Control and begin posting that owners of loose dogs may be required to vacate the park.

### ROADS

- Finished sweeping winter sand from county roads.
- Graded gravel portions of Fir Mountain Road, Old Dalles Drive, Binns Hill Drive, and Post Canyon Drive.
- Patched wheel ruts and rebuilt shoulders on Country Club Road and Brookside Drive in preparation of paving.
- Paved Country Club Road from Post Canyon Drive to Barrett Drive.
- Crack sealed about half of Eastside Road in preparation of the 2021 chip seal program.
- Cleaned ditches on Country Club Road, Markham Road, Methodist Road, Belmont Drive and along portions of Indian Creek Road.
- Ran both mowers and performed regular sign maintenance as time allowed.

### MAINTENANCE

- Completed all annual truck and equipment brake inspections.
- Replaced the metal roof on the Hood River truck shed.
- Ordered and received two new VMS Reader Boards.
- The shop is still awaiting delivery of three new county vehicles ordered in FY20. One vehicle is for Central Services and the other two are for the Health Department.
- Assisted the road crew with paving Country Club Road by operating the paver and driving haul trucks.
- The Equipment Mechanic that had worked in the service room retired after 22 years of employment. The position has not been refilled but will be advertized in July.



# HOOD RIVER COUNTY PUBLIC WORKS

**MIKEL S. DIWAN, DIRECTOR**

918 18th Street • Hood River, OR 97031 • (541) 386-2616 • FAX (541) 386-2912

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- Seasonal mechanic help was put on layoff status. With a new mechanic position added for FY21, seasonal help is not expected to be rehired.
- The equipment repair budget finished the quarter at 101% expended with roughly \$35,000 still encumbered.
- The fuel budget finished the quarter at 61% expended with only \$3,000 still encumbered.

## ENGINEERING

- Ninety-eight various permit requests were processed, including twenty-seven for construction or other work within the Right-of-Way, fifty-nine for over-dimensional truck permits, and twelve utility locate requests.
- Eighteen Land Use applications were reviewed for comments on behalf of Community Development.
- Final inspection was completed for the Dee Irrigation District piping project.
- Plan reviews were performed and permits prepared for the Crystal Springs Water District's Westside Transmission Main project and the Neal Creek Transmission Main project.
- Provided layout and sign staking services for the road crew on behalf of the curvilinear sign project.
- Prepared a Guardrail Systems Report in order to quantify the locations and conditions of all guardrails on county roads. Based on the average lifespan of materials it will cost about \$50,000 annually to regularly maintaining the guardrails on county roads.
- Assisted with the 2020 paving program scope, including preparing traffic control plans, assisting with traffic control and materials bidding, and facilitating public outreach.
- Prepared and published an RFP for Pavement Analysis and Design services for Barker Road.

## LANDFILL

- Water quality, leachate, and gas content samples were collected in May. Analysis of the samples is still pending but monitoring wells #1 and #2 remained dry and well #3 would not sufficiently recharge in order to obtain the necessary samples. An analysis of the collected samples will be submitted to the DEQ but deepening of the wells may still be necessary in the future.

## SURVEY

- 16 surveys were filed during the quarter, including 5 Partition Plats, 2 PLA's and 9 Records of Survey.

## PARKS

- Both Tucker and Toll Bridge parks opened for camping on June 10<sup>th</sup>. Attendance at both parks during the first month has been strong and feedback regarding some of the changes has been positive.
- All coin-operated showers are in operation and seem to be working well. Coin change machines were also installed at both campgrounds as a convenience for visitors.
- The Tucker Park middle loop restroom was remodeled, including new lighting fixtures, an epoxy floor treatment, new plumbing and shower valves, and interior paint. New restroom partitions have also been ordered and scheduled to be installed next quarter.
- Panorama Point Park was reopened on June 29<sup>th</sup> after staff removed numerous dead trees and bushes, repaired the restroom and interior lighting, and worked to repair other damage caused by vandalism. The irrigation system will take several months to repair and will likely be next season before the grounds are back to good condition.



# HOOD RIVER COUNTY PUBLIC WORKS

**MIKEL S. DIWAN, DIRECTOR**

918 18th Street • Hood River, OR 97031 • (541) 386-2616 • FAX (541) 386-2912

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- Ruthton Park was also scheduled to reopen at the end of June but was delayed to do safety issues caused by damage. The park is expected to reopen by August once several trees are removed and the cliff fence is repaired.

## **BUILDINGS**

- Replaced a failing HVAC unit serving the Sheriff's deputy office area.
- Replaced compressors in several other HVAC units atop the courthouse.
- Installed new flooring paint and ceiling work inside the Health Department north entrance.
- Received remaining solar light pole equipment for the courthouse east dirt parking area. Delivery of the equipment was delayed several months and it is now scheduled to be installed in late 2020.
- Repaired a water leak at the courthouse that was underneath the first floor foundation slab. Work included cutting the concrete floor, repairing the line, pouring a new floor and replacing the tile.

## **MUSEUM**

- Museum issues remain minimal as the facility was closed during much of the pandemic. Two outstanding issues are regular maintenance of the irrigation system and managing nighttime activity around the building.

**Records and Assessment**  
**Departmental Quarterly Report: April - June 2020**  
**Report Date: July 8th, 2020**

**Department Projects**

**Records and Elections**

- The following chart displays quarterly statistics for recordings, marriage licenses, passports, and registered voter counts.

<b>Year</b>	<b>Period</b>	<b>Recordings</b>	<b>Marriage Licenses</b>	<b>Passports</b>	<b>Registered Voters</b>
2020	April - June	934	47	0	15,099
2020	January - March	1,217	37	332	15,213
2019	October - December	1,220	33	306	14,979
2019	July - September	1,211	101	309	14,946
2019	April - June	1,140	62	259	14,696
2019	January - March	816	26	326	14,814
2018	October - December	935	30	334	14,673
2018	July - September	1,134	103	306	14,583
2018	April - June	1,170	61	331	14,350

- The temporary elimination of passport processing due to COVID-19 has provided staff with additional time for training and time to focus on some of the important special projects we have been unable to work on.
- The May 19th Primary Election was conducted and certified. Voter turnout was 55.48%. Our curbside service for ballot issuance and replacements received a lot of praise from voters.
- All Counties in Oregon are receiving a security assessment for elections from the Department of Homeland Security. After rescheduling twice due to COVID 19, our assessment was conducted in June. A confidential report will be issued and shared with the County Administrator.

**Assessment**

- The appraisers have completed 540 of the 614 flags for permit activity.
- We have received back 907 of the 1,320 personal property returns that were sent out and due on March 15<sup>th</sup>. We have processed 798 of those 907 returns.
- The BoPTA summary of actions, enterprise zone report, CAFFA grant, and certification of the funded property tax exemptions were completed and submitted to the Department of Revenue.

## **Records and Assessment**

### **Departmental Quarterly Report: April - June 2020**

**Report Date: July 8th, 2020**

- We currently have three cases pending in the Magistrate Division of the Oregon Tax Court. Of the three cases, one has been heard and a decision has been issued and we are waiting for the final order from the court. For that case, the tax court raised the tax roll value based on recommendation of the Assessor. The second case is for State Appraised property and is being handled by the Department of Justice. The last case had a case management hearing and is scheduled for a joint status update in July.

## **Fiscal Status**

- The 2019/20 revenues should end up around 14% more than the budgeted amount. The increase in revenues is mostly attributed to a higher volume of recordings.
- The 2019/20 personnel costs should end up 4% less than the budgeted amount. The decrease in personnel costs is attributed to turnover in the department and hiring trainees instead of appraisers.
- The 2019/20 materials and services costs should end up at 13% less than the budgeted amount.

## **Personnel Supervision**

- Brian attended the online Joint Tax Advisory group meeting in April.
- Staff attended an online signature verification training in April, as we were unsure if we would have any election workers for the May Primary.
- Brian attended the online Community ID Council meeting in May.
- Margaret and Oscar completed the appraiser trainee program and passed the State test in May.

## **Needs & Issues**

- The turnover in the Department has impacted our ability to maintain the same production levels as in prior years. Our newer staff are working to develop the knowledge necessary to master their positions. Much of the work we do is cyclical and takes several years of going through these processes to gain enough knowledge and experience to understand the nuances and complexity of this work.
- The COVID-19 virus has impacted the operations of the Department. We have temporally discontinued processing passports and all other in-person services have been moved to phone, email, or by appointment. Customer traffic in the Department has significantly decreased, but requests for information over the phone and through the web have increased. Staff are spending additional time on the phone answering customer questions, scheduling appointments, and cleaning after appointments. The appraisal section is not performing regular physical property inspections and is currently relying on building plans and doing limited visual inspections.

# WORK SESSION ACTION ITEMS



**REQUEST FOR LEGAL SERVICES**

File Number: 17-60 ADM

Date: 06/10/2020

Date Needed: 06/24/2020

Contact: Brian Beebe

Phone #: 541-387-6854

Written Response Requested: Y

Subject: Hood River County Community ID

**Background:**

The Hood River County Community ID Council requested some changes to the Hood River County Community ID Ordinance. The Hood River County Board of Commissioners heard the requested changes and asked for some additional revisions including elimination of the point system and moving the birth certificate to table B.

**Brian Beebe**

Department Head

**Response:**

*Approved As to form.*

Date: 6/22/2020

  
County Counsel's Office

**Summary of Changes Request to HRC Community ID Ordinance  
Appendix Tables A, B and C  
6/9/20**

At the April 2020 HRC BOC meeting, The Next Door had requested changes to the HRC Community ID Ordinance Appendix, Tables A, B and C to:

- 1) Make the wording relevant to HRC and
- 2) Rectify that the current charts are creating unintended barriers for some of our most underserved community members in accessing the ID card

Changes included deleting documents listed that do not exist in Oregon and recommending that we adopt a similar rule as Oregon DMV requires to prove residency. Please see the attached document "Changes to HRC Community ID Tables text" for more detailed information.

Sheriff English and Police Chief Holste reviewed and are in support of these changes. The ID Advisory Council is in support of these changes. This Council has representatives from Gorge Ecumenical Ministries, the hospital, *Latinos en Acción*, Hood River Growers and Shippers and more. Also, the HRC lawyers had no objections to the requested changes.

At the second reading of the proposed changes at the May 2020 BOC meeting, Commissioners requested that The Next Door eliminate the point system for proof of identity to streamline and simplify the Tables. Commissioners also discussed moving Birth Certificate from Table A to Table B. Attached are is the revised Appendix with Tables based on the Commissioners' requests.

# New Version of the Appendix & Tables

## APPENDIX

### Criteria for Issuing a Community Identification Card.

In reviewing a Community ID application for approval, the administering agent shall determine if there is sufficient proof of identity and residency using the following methodology:

#### (1) Identity (*Name and Date of Birth*)

**Tables A** and **B** both set forth documents that may be used to establish identity.

**Table A** lists various pieces of government-issued identification that include: (A) the individual's legal name; (B) their date of birth; and (C) at least one physiological identifier such as a photo. The documents set forth here are generally considered conclusive evidence of identity.

**Table B** lists documents that provide evidence of identity but either (A) may not be government-issued or (B) fail to include a date of birth or photo. If a community member does not have documents from Table A, they may provide three documents from Table B to establish identity. At least one of them must have a photo and at least one of them a date of birth. One document could contain both.

To establish identity for the purposes of HRCC Chapter 13.04, the applicant must provide either:

- (1) Government-issued identifying documents from Table A; or
- (2) Three or more documents from Table B with at least one of them with photo and one of them a date of birth.

#### (2) Residence

Table C lists documents that may be considered to establish residency in Hood River County. To establish residency for the purposes of HRCC Chapter 13.04, the applicant must provide one document set forth in Table C.

**Table A**

**Evidence of Identity**  
Government-issued identifying documents

One document from this list proves identity.

Unless noted otherwise, **documents must** display an accurate photo of applicant or another physiological identifier which confirms that the document was issued to the applicant. Documents must be current and not expired if they have an expiration date.

Government-issued Passport

U.S. Certificate of Citizenship & Naturalization

Government-issued driver license or ID card

Identifying documents issued by U.S. State Department or Department of Homeland Security (Immigration and Customs Services), such as visas, DACA ID cards, permanent resident card and alien registration cards.

Identifying documents issued by U.S. Department of Defense, a U.S. military branch or the U.S. Coast Guard.

Criminal record check (AFIS)

Oregon/Washington/NORCOR prisoner ID card

Hood River County Community ID Card (renewals only)

**Table B****Alternative Evidence of Identity**

If applicant does not have a document from Table A to prove identity, applicant must provide three documents from this Table. At least one of them must have a photo and at least one of them a date of birth. One document could contain both.

Unless noted otherwise, **documents must:**

1. Be expressly issued/addressed to applicant; and
2. Either:
  - (a) have been issued no more than 60 days prior to application OR
  - (b) be currently valid (e.g. Voter's Registration), including documents denoting a permanent status (e.g. Social Security Card, adoption order; military discharge, etc.).

Minors with Government Issued Birth Certificates can utilize their parent or guardian's identity documents instead of two additional documents from Table B.

Expired documents from Table A
Government Issued Birth Certificate
Record, correspondence or bill from a medical provider or institution
Record or correspondence from a federal or state agency (i.e. Department of Homeland Security, Internal Revenue Services, etc.)
U.S. Social Security Card
U.S. Selective Service Card
Government issued Voter's Registration Card
Medicare, Medicaid or other public or private health insurance card
Military discharge or separation documents (DD-214)
U.S. marriage license or divorce decree
Department of Humans Services forms 1-797, I-797A/B or I-797D
Domestic adoption records
Federal or state tax return
Domestic court order establishing/verifying applicant's identity
OR/WA driver's education certificate (applicants age 17 and under)
Employment verification form (1-9)
Notarized declaration of a Hood River County resident
Affidavit of a custodian of records for a local medical, mental health, dental or social services care provider, made under penalty of perjury.
Photo ID issued by a domestic educational institution, trade union or employer
Criminal record check (AFIS) without a photograph
Local property tax statement
Current mortgage contract/payment records
Lease or Sublease
Financial record/statement issued by a domestic financial institution (e.g. checking account, credit card, car loan, 401(k), etc.)
Insurance policy/statement issued by a domestic insurance company
Employment-related tax records (W-2, 1099R)
Employment pay stubs
Cable, phone, utility bill
Record/Diploma/Transcript from domestic educational institution
Immunization registration
Records/Correspondence issued by a domestic public or private agency providing government-funded social services to the public

**Table C**

**Proof of Residency**

One document from this list proves residency.

Unless noted otherwise, **documents must:**

1. Expressly identify applicant or, where applicable, the applicant's legally recognized spouse\* or minor child\*\*.
2. Indicate applicant/spouse/child is physically residing in Hood River County.
3. Be current for the purposes of establishing residency, as follows:
  - a. Any license, permit, card, title or registration from Table A or B must be current and valid - no expired documents,
  - b. Any lease or sublease from Table B must relate to an existing tenancy,
  - c. Any financial or insurance documents from Table B must relate to a current, existing account or policy,
  - d. All other documents must be either:
    - i. permanent/perpetual in nature (e.g. court order; adoption records; military discharge); or
    - ii. issued no less than 60 days prior to application.

\*Relationship to spouse must be established by government-issued marriage license or court order.

\*\*Relationship to minor child must be established by government-issued Birth Certificate or court order, including but not limited to order of adoption or guardianship documentation.

**MINORS:** Proof of residency in the County can be accepted from parent or guardian as required in Tables, or a letter from the Hood River County School District addressed "To the parents of [student's name] with physical address in the County.

**PEOPLE EXPERIENCING HOUSELESSNESS:** May use a descriptive address such as "under Hwy 84 bridge at exit 62". If use such an address, must also provide proof of a P.O. Box or a letter from a local or state service agency that shows applicant is receiving services in Hood River County.

Any applicable document listed in Tables A or B that expressly states the applicant's current local address, provided document is "current" under this section/table

Oregon title/registration: vehicle; manufactured home in name of applicant or spouse

Record/Correspondence issued by local educational institution indicating current enrollment of applicant's minor child

Record/Correspondence issued by local medical care provider concerning applicant's minor child

U.S. Postal Service change of address receipt

Local property tax statement in name of applicant's spouse; current mortgage contract/payment records

Lease or Sublease in name of applicant's spouse

Mortgage account/statement in name of applicant's spouse

# Information from the First Public Hearing

## Brian Beebe

---

**From:** Lisa Davies <LKDavies@gorgelaw.com>  
**Sent:** Wednesday, March 11, 2020 2:40 PM  
**To:** Brian Beebe  
**Subject:** RE: Community ID

There is the Appendix, and the Tables.

**Lisa Knight Davies** | Managing Shareholder  
**Peachey Davies & Myers, PC**  
430 Industrial St. | P.O. Box 417 | Hood River, OR 97031  
**Phone:** 541.386.2221  
**Fax:** 541.386.1381  
[website](#) | [vCard](#) | [map](#) | [email](#)



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ACCEPTANCE OF SERVICE: I do not accept service of legal documents by email unless I have specifically agreed in writing to accept service by that method in advance

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**From:** Brian Beebe <brian.beebe@co.hood-river.or.us>  
**Sent:** Wednesday, March 11, 2020 2:16 PM  
**To:** Lisa Davies <LKDavies@gorgelaw.com>  
**Subject:** RE: Community ID

Hello Lisa,

So just to confirm, the ordinance is fine, but replace old tables with new tables?

Thanks,

**Brian D. Beebe**  
Director of Records & Assessment  
Assessor/Clerk  
Hood River County  
601 State Street  
Hood River, OR 97031  
(541) 387-6854  
[brian.beebe@co.hood-river.or.us](mailto:brian.beebe@co.hood-river.or.us)

---

**From:** Lisa Davies <[LKDavies@gorgelaw.com](mailto:LKDavies@gorgelaw.com)>  
**Sent:** Wednesday, March 11, 2020 1:36 PM  
**To:** Brian Beebe <[brian.beebe@co.hood-river.or.us](mailto:brian.beebe@co.hood-river.or.us)>  
**Subject:** Community ID

Hi Brian-

I've had some communication with Next Door and concluded my evaluation of their suggested changes. Ultimately I decided the Ordinance itself doesn't require revision as the changes to the Appendix and Tables still work with the definitions. So, I think we can go ahead and relay that to Next Door and coordinate with them for scheduling purposes with the BOC.

Best regards,

**Lisa Knight Davies** | Managing Shareholder  
**Peachey Davies & Myers, PC**  
430 Industrial St. | P.O. Box 417 | Hood River, OR 97031  
**Phone:** 541.386.2221  
**Fax:** 541.386.1381  
[website](#) | [vCard](#) | [map](#) | [email](#)



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TAX ADVICE DISCLAIMER: Pursuant to federal law, you are advised that any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

ACCEPTANCE OF SERVICE: I do not accept service of legal documents by email unless I have specifically agreed in writing to accept service by that method in advance

**REQUEST FOR LEGAL SERVICES**

File Number: \_\_\_\_\_

Date: 02/13/2020

Date Needed: 03/01/2020

Contact: Brian Beebe

Phone #: 541-387-6854

Written Response Requested: Y

Subject: Hood River County Community ID

Background:

The Hood River County Community ID Council is requesting modifications to the existing county ordinance.

**Brian Beebe**

\_\_\_\_\_  
Department Head

Response:

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

\_\_\_\_\_  
County Counsel's Office

## Brian Beebe

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**From:** Lorena Sprager <LorenaS@nextdoorinc.org>  
**Sent:** Friday, February 07, 2020 3:08 PM  
**To:** Brian Beebe  
**Cc:** Matt English; Neal Holste; Anna Osborn  
**Subject:** HRC Community ID Tables changes request  
**Attachments:** Changes to HRC Community ID Tables text 2 7 20.pdf; Tables A B ID and Reside proof with proposed changes 2 7 20.pdf

Hi Brian. I hope you and your family are well.

Attached please find the two documents requesting changes to the HRC Community ID Tables. The "Changes" document is explanatory text. The "Tables" document shows the changes from the "Changes" document we are asking for in red.

Sheriff Matt and City Police Chief Neal have reviewed and approved these changes. I have their permission to share their emails and will forward them to you separately. Thanks to Neal and Matt for your prompt review and feedback on our requested changes and for being so supportive of our community members.

I know how busy you and HRC staff are. We would be grateful for any way you can help move this process forward as quickly as possible. As always, Brian, thanks for your support.

Sincerely,

Lorena

Lorena Sprager  
Projects Manager  
She, her, hers  
Health Promotion Services/*Nuestra Comunidad Sana*  
541-399-4561



## Brian Beebe

---

**From:** Lorena Sprager <LorenaS@nextdoorinc.org>  
**Sent:** Friday, February 07, 2020 3:11 PM  
**To:** Brian Beebe  
**Cc:** Neal Holste; Matt English; Anna Osborn  
**Subject:** Fw: Updated changes to ID tables

Hi again Brian.

Below please see Neal's email regarding your requested changes to the ID Tables.

Best wishes,

Lorena

Lorena Sprager  
Projects Manager  
She, her, hers  
Health Promotion Services/*Nuestra Comunidad Sana*  
541-399-4561



---

**From:** Neal Holste <N.Holste@cityofhoodriver.gov>  
**Sent:** Thursday, February 6, 2020 4:06 PM  
**To:** Lorena Sprager <LorenaS@nextdoorinc.org>  
**Subject:** RE: Updated changes to ID tables

Good afternoon Lorena,

I would like to thank you for allowing me to review the proposed changes to the Hood River County ID program. After reviewing the documents, I see no impact to the community regarding the minimal but significant changes to provide ID for all.

Thank you for the service you provide.

*Neal Holste*  
*Chief of Police*  
*Hood River City Police Department*  
*207 2nd Street*  
*Hood River, OR 97031*  
*(541) 387-5256*

## Brian Beebe

---

**From:** Lorena Sprager <LorenaS@nextdoorinc.org>  
**Sent:** Friday, February 07, 2020 3:12 PM  
**To:** Brian Beebe  
**Cc:** Matt English; Neal Holste; Anna Osborn  
**Subject:** Fw: Updated changes to ID tables

Hi yet again Brian.

Below please see Matt's response to the changes we are requesting to the ID Tables.

Best wishes,

Lorena

Lorena Sprager  
Projects Manager  
She, her, hers  
Health Promotion Services/*Nuestra Comunidad Sana*  
541-399-4561



---

**From:** Matt English <menglish@hooddriversheriff.com>  
**Sent:** Thursday, February 6, 2020 3:28 PM  
**To:** Lorena Sprager <LorenaS@nextdoorinc.org>  
**Subject:** RE: Updated changes to ID tables

Looks good. No objections.

# HRC Community ID Improvements to Proof of Identity and Residency in HRC

2/3/20

## Introduction:

Tables A, B and C of the HRC Community ID Ordinance require 300 points to prove identity and 300 points to prove residency in the County to be able to get the ID. These Tables were taken from a county ID program in the Midwest.

Some changes need to be made to make the wording appropriate and relevant to Hood River County and our ID Ordinance. For example, we need to delete documents listed that do not exist in Oregon.

We also request adaptations to reflect the reality of our community. This includes adding new documents that are similar to others accepted that our community members have and are valid proof of residency in the County.

Most importantly, we request that we adopt a similar rule as Oregon Department of Motor Vehicles (DMV) requires to prove residency. Oregon DMV requires one proof of residency. One proof of residency is what many other city and county ID programs in the United States require.

As regards proving residency in the County, the current charts are creating unintended barriers for some of our most underserved community members to access the HRC Community ID card. In some cases, a person needs to bring in 6 proofs that they reside in the County to achieve the 300 points. Among the underserved, the requirements make it almost impossible for people experiencing homelessness in the County to get an ID. Over the last 6 months, we have had to turn away community members at each monthly enrollment event due to insufficient proof of residency in the County. In almost all these cases applicants provided more than one proof of residency but were not able to meet the criteria of the current tables. For example, at the January 2020 enrollment event, a community member brought three W-2s with her physical address on them. With these, she was presenting three different government-issued documents that proved her physical address in the County. However, with the current Tables point system, we could only credit her with 225 points and she could not get the card. The Community Health Worker who primarily arranges ID enrollment appointments gets told numerous times a week, if not daily, a version of this, "You tell us you want to support us in getting IDs. So why are you putting up so many barriers for us to get one?"

The HRC Community ID has limited use. It can be used to prove identity within the County, access certain services within the County and access business discounts. It cannot be used to fly on a plane, drive a vehicle or purchase alcohol, tobacco, marijuana or firearms. As such, we request one proof of residency from the Tables to get the ID, which will coincide with single proof of residency Oregon DMV requirements.

## Requested Changes:

### Wording appropriate and relevant to Hood River County and our ID Ordinance:

- **Appendix: Criteria for Issuing a Community Identification Card, first page, introductory text. Under "Residence", last sentence starting with "To establish identity..." Change "identity" to "residence".**

Reason for request: This was a typo and needs to refer to residence and not identity.

- **Change from "30 days" to "60 days" to match the HRC Ordinance.**

Reason for request: Ensure the text matches the HRC Community ID Ordinance on Tables B and C.

- **Delete the references to proofs specific only to Michigan: Table A "Criminal record check (AFIS), ~~or Offender Tracking Information System record (OTIS) with photograph~~"**

Reason for request: Not relevant or appropriate for Hood River County.

- **Accept Birth Certificates as proof of identity without requirement of physiological evidence.**

Reason for request: The current Table A text reads: "Government issued birth certificate containing/displaying physiological evidence of identity (e.g. fingerprint, footprint, etc.). Applicant must provide clear and convincing evidence that such identifier(s) match applicant."

Many Birth Certificates do not contain physiological evidence. In addition, it is almost impossible to prove a match to a physiological trait that was recorded when the applicant was an infant. Birth Certificates are official government documents and should be valued as such.

So change intro text in Table A from "DOCUMENTS MUST" to "DOCUMENTS OTHER THAN BIRTH CERTIFICATES MUST".

## Adaptations to reflect the reality of our community:

- **Proof of residency in Hood River County: Require one proof of residency in Hood River County to coincide with Oregon DMV regulations and other city and county ID programs in the nation that require one proof of residency.**

Reason for request: Please see Introduction text on the first page of this document. Requiring one proof of residency is the reason for removing points on Table C: Proof of Residency.

- **On Table B, change 50 and 75 points for identity purposes to 100 points.**

Reason for request: For those presenting a Government Issued Birth Certificate, they would be required to provide two additional documents (versus more than two) to corroborate the Birth Certificate, posing fewer barriers. Table B list is of official documents, a number of which are government issued. Please note that up to now, few have used Birth Certificate as their primary form of identification.

- **Modify on Table B, from "U.S. Voter's Card" to "Government issued Voter's Registration Card"**

Reason for request: Some have a voter registration card from their country of origin. This can help prove identity as it is government issued.

- **Modify on Table B, "Employment-related tax records (W-2, 1099R) (limit 75 points) and "Employment Pay stubs (limit 50 points)" by deleting "(limit 75 points)" and "(limit 50 points)".**

Reason for the request: Requesting points be 100 in this Table. Some community members hold two and three jobs. As such, those should be accepted.

- **Add to Table B, "medical bills and medical records" to the list.**

Reason for request: These are currently not explicitly listed in the Tables. They are a clear demonstration of residence. They are official documents just as Financial Records or Federal or State Tax Returns.

- **Add to Table B, “Records/Correspondence from a state or federal agency (i.e. Department of Homeland Security, Internal Revenue Services, etc.)”.**

Reason for request: This is not currently listed in the tables. These are official correspondence sanctioned by a governmental agency, and therefore should be accepted as adequate proof of residency.

- **On Table B, change “Declaration of Hood River County resident, given under penalty of perjury” to “Notarized declaration of Hood River County resident”.**

- Reason for request: Current Table text is “Declaration of Hood River Co. resident, given under penalty of perjury, provided declarant’s identity and residence are confirmed under the same methodology.”

Many ID programs in the nation use Notarized letter. Switching to a one proof of residency, this makes sense as well. Notarization is more formal and official than current requirement.

- **On Table C, add “and Guardianship documentation” to “\*\*relationship to minor child must be established by government-issued birth certificate or court order, including but not limited to order of adoption.**

Reason for request: To be inclusive of foster kids and other minors who are in legal guardianship situation.

- **Enrolling Minors: Make adaptations to Tables A and C to allow enrollment of minors.**

Reason for request: There is no age limit on the HRC Community ID. As such, minors need to be able to access the ID card. Parents and guardians have a minor’s birth certificate. Minors rarely have other identification from Table A.

The Ordinance requires two or more documents from Table B to prove identity if presenting birth certificate for ID (see text below). The vast majority of minors will not have proofs from Table B due to their minor status. As such, request added wording in Tables A and C for minors where a parent or guardian listed on birth certificate or presenting proof of guardianship of the minor can prove their identity and residency in the

County per Tables requirements to prove the minor's residency in the County and that we accept birth certificate of minors as proof of identity (without requiring two additional documents from Table B).

From page 1 of Appendix of Ordinance:

Each document on Tables A & B has been assigned a point value to reflect its relative value as evidence of identity. To establish identity for the purposes of HRCC Chapter 13.04, the applicant must provide either:

- (1) Government-issued identifying documents from Table A with a total value of at least 300 points; or
- (2) (a) Two or more documents from Table B with a combined value of at least 300 points: PLUS
- (b) Either:
  - (i) a government-issued birth certificate; OR
  - (ii) an expired government-issued ID from Table A.

## APPENDIX

### Criteria for Issuing a Community Identification Card.

In reviewing a Community ID application for approval, the administering agent shall determine if there is sufficient proof of identity and residency using the following methodology:

#### (1) Identity (*Name and Date of Birth*)

**Tables A** and **B** both set forth documents that may be used to establish identity.

**Table A** lists various pieces of government-issued identification that include: (A) the individual's legal name; (B) their date of birth; and (C) at least one physiological identifier such as a photo. The documents set forth here are generally considered conclusive evidence of identity.

**Table B** lists documents that provide evidence of identity but either (A) are not government-issued or (B) fail to include a date of birth or physiological identifier. These documents may be used in combination with a valid birth-certificate or an expired government-issued ID to establish identity under this chapter.

Each document on Tables A & B has been assigned a point value to reflect its relative value as evidence of identity. To establish identity for the purposes of HRCC Chapter 13.04, the applicant must provide either:

- (1) Government-issued identifying documents from Table A with a total value of at least 300 points; or
- (2) (a) Two or more documents from Table B with a combined value of at least 300 points: PLUS
- (b) Either:
  - (i) a government-issued birth certificate ~~(without physiological identifier)~~; OR
  - (ii) an expired government-issued ID from Table A.

#### (2) Residence

Table C lists documents that may be considered to establish residency in Hood River County. ~~One~~Each document ~~required~~~~has been assigned a point value to reflect its relative value~~ as evidence of residence ~~from Table C~~. To establish ~~residency~~identity for the purposes of HRCC Chapter 13.04, the applicant must provide ~~one~~ documents set forth in Table C ~~for~~with a total value of ~~at least~~ 300 points.

<p><b>TABLE A</b></p> <p><b>EVIDENCE OF IDENTITY</b></p> <p>Government-issued identifying documents</p> <p>Unless noted otherwise:  <b>DOCUMENTS <u>OTHER THAN BIRTH CERTIFICATES</u> MUST:</b>  <b>Display an accurate photograph of applicant or another physiological identifier which confirms that the document was issued to the applicant.</b></p> <p><u><b>MINORS: Government issued Birth Certificate accepted without two additional documents from Table B. Instead, parent must show proof of identity per Tables requirements and match parent listed on Birth Certificate. Or guardian must show proof of identity per Table requirements and guardianship document, with minor's name matching.</b></u></p>	<p><b>Current ID.</b> Currently valid or otherwise issued within prior 5 years.</p>	<p><b>Outdated ID.</b> No longer valid but issued within prior 5 to 10 years.</p>
Government-issued Passport	300	100
U.S. Certificate of Citizenship & Naturalization	300	N/A
Government-issued driver license or ID card	300	100
Identifying documents issued by U.S. State Department or Department of Homeland Security ( <i>Immigration and Customs Services</i> ), such as: visas, DACA ID cards, permanent resident cards, and alien registration cards.	300	100
Identifying documents issued by U.S. Department of Defense; a U.S. military branch or the U.S. Coast Guard.	300	100
Criminal record check (AFIS) <del>or Offender Tracking Information System record (OTIS) with photograph</del>	300	100
OR/WA/NORCOR prisoner ID card	300	100
Government issued Birth Certificate <del>containing/displaying physiological evidence of identity (e.g. finger print, foot print, etc.). Applicant must provide clear and convincing evidence that such identifier(s) match applicant.</del>	300	N/A
Hood River County ID Card (Renewals only)	300	N/A

<b>Table B</b>	
<b>ALTERNATIVE EVIDENCE OF IDENTITY</b>	
<p>Unless noted otherwise:  <b>DOCUMENTS MUST BE:</b>            (1) expressly issued/addressed to applicant; and            (2) either: (a) have been issued no more than <del>60</del>30 days prior to application OR (b) be currently valid (e.g. Voter's Registration), including documents denoting a permanent status (e.g. Social Security Card, adoption order; military discharge, etc.).</p> <p>To satisfy this matrix, an applicant must provide:            (1) two or more documents set forth below with a combined value of at least 300 points. PLUS            (2) either:                (a) Birth Certificate <del>without physiological identifiers</del>; OR                (b) Outdated document from Table A.</p>	
	<b>Points for Identity Points</b>
Additional outdated documents from Table A	100
<u>Record, correspondence or bill from a medical provider or institution</u>	<u>100</u>
<u>Record/Correspondence from a federal/state agency (i.e. Department of Homeland Security, Internal Revenue Services, etc.)</u>	<u>100</u>
U.S. Social Security Card	<u>100</u>
U.S. Selective Service Card	<u>100</u>
<u>Government issued U.S. Voter's Registration Card</u>	<u>100</u>
Medicare, Medicaid or other public or private health insurance card	<u>100</u>
Military discharge or separation documents (DD-214)	100
U.S. marriage license or divorce decree	<u>100</u>
Department of Humans Services forms 1-797, I-797A/B or I-797D	<u>100</u>
Domestic adoption records	100
Federal or state tax return	100
Domestic court order establishing/verifying applicant's identity	100
OR/WA driver's education certificate (applicants age 17 and under)	100
Employment verification form (1-9)	<u>100</u>
<u>Notarized dDeclaration of a Hood River Co. resident, <del>given under penalty of perjury, provided declarant's identity and residence are confirmed under the same methodology.</del></u>	100
Affidavit of a custodian of records for a local medical, mental health, dental or social services care provider, made under penalty of perjury.	<u>100</u>
Photo ID issued by a domestic educational institution, trade union or employer.	<u>100</u> <del>75</del>
Criminal record check (AFIS) without a photograph	<u>100</u> <del>75</del>
Local property tax statement	<u>100</u> <del>75</del>
Current mortgage contract/payment records	<u>100</u> <del>75</del>
Lease or Sublease	<u>100</u> <del>75</del>
Financial record/statement issued by a domestic financial institution (e.g. checking account, credit card, car loan, 401(k), etc).	<u>100</u> <del>75</del>
Insurance policy/statement issued by a domestic insurance company	<u>100</u> <del>75</del>
Employment-related tax records (W-2, 1099R). <del>(limit: 75 points)</del>	<u>100</u> <del>75</del>
Employment Pay stubs <del>(limit 50 point)</del>	<u>100</u> <del>50</del>
Cable, phone, utility bill	<u>100</u> <del>50</del>
Record/Diploma/transcript from domestic educational institution	<u>100</u> <del>50</del>
Immunization registration	<u>100</u> <del>50</del>
Records/Correspondence issued by a domestic public or private agency providing government-funded social services to the public.	<u>100</u> <del>50</del>

**Table C**

**Proof of Residency**

Unless noted otherwise:

**DOCUMENTS MUST:**

Documents shall not qualify as evidence of residency unless:

- (1) Expressly identify applicant or, where applicable, the applicant's legally-recognized spouse\* or minor child\*\*.
- (2) Indicate applicant/spouse/child is physically residing in Hood River County.
- (3) Current for the purposes of establishing residency, as follows:
  - (a) Any license, permit, card, title or registration from Table A or B must be current and valid; no expired documents;
  - (b) Any lease or sublease from Table B must relate to an existing tenancy.
  - (c) Any financial or insurance documents from Table B must relate to a current, existing account or policy.
  - (d) All other documents must be either: (i) permanent/perpetual in nature (e.g. court order; adoption records; military discharge); or (ii) issued no less than ~~60~~ 30 days prior to application.

\*relationship to spouse must be established by government-issued marriage license or court order.

\*\* relationship to minor child must be established by government-issued birth certificate or court order, including but not limited to order of adoption, and guardianship documentation.

To satisfy this matrix, an applicant must provide one documents from this table ~~with a combined total value of at least 300 points.~~ MINORS: Proof of residency in the County can be accepted from parent or guardian as required in Tables, or a letter from the Hood River County School District addressed "To the parents of [student's name] with physical address in the County.

	Points
<del>Any applicable document listed in Tables A or B that expressly states the applicant's current local address, provided document is "current" under this section/table.</del>	<del>Point value as set in Tables A &amp; B.</del>
<del>Oregon title/registration: vehicle; manufactured home in name of applicant or spouse</del>	<del>10</del>
Record/Correspondence issued by local educational institution indicating current enrollment of applicant's minor child.	50
Record/Correspondence issued by local medical care provider concerning applicant's minor child.	50
U.S. Postal Service change of address receipt.	50
Local property tax statement in name of applicant's spouse; current mortgage contract/payment records	50
Lease or Sublease in name of applicant's spouse	50
Mortgage account/statement in name of applicant's spouse	50

County Ordinance #362 with the  
Proposed Amendments to the Appendix  
& Tables Incorporated

BEFORE THE BOARD OF COMMISSIONERS  
HOOD RIVER COUNTY, OREGON

IN THE MATTER OF AMENDING THE )  
HOOD RIVER COUNTY CODE BY )  
ADDING A NEW CHAPTER 13.04 AND ) Ordinance No. 362  
ESTABLISHING A COMMUNITY )  
IDENTIFICATION CARD PILOT PROGRAM )

**WHEREAS**, many residents of Hood River County lack a valid form of official identification—including immigrants, the indigent, the homeless, the elderly, foster youth, and survivors of domestic violence—which restricts access to law enforcement, financial institutions, jobs, housing, education, healthcare services, social services, and other vital aspects of civic, cultural, and economic life; and

**WHEREAS**, Hood River County is an increasingly popular destination for recreational travelers and tourists, with an accompanying increased cost of living, and some similarly popular travel destinations offer privileges and benefits to locals to connect residents to businesses and engage a proud citizenry; and

**WHEREAS**, the 2017 Regional Gorge Community Health Improvement Plan prioritized the strengthening of sense of community as a driver of health and wellbeing, measured by feelings of belonging, safety, and trust; and

**WHEREAS**, the County desires to create a reliable form of official identification that is available to all residents of the County that will unify the Hood River County community, make it safer and more secure, benefit the local economy, and facilitate participation in public and private county activities and civic life; and

**WHEREAS**, a community identification card that is available to all residents will strengthen the sense of community, provide access to vital goods and services, increase participation in health and human services, improve reporting of crime and concerns to law enforcement and other public officials, advance community disaster readiness, and make it easier for all residents to participate in local and regional commerce; and

**WHEREAS**, the County desires and anticipates that the Community Identification Card Program will be administered and operated by a third party, in compliance with the requirements set forth in this Chapter, at no net cost to the County; and

**WHEREAS**, individuals who live in a socially connected community with a sense of security, belonging, and trust, have better psychological, physical, and behavioral health, and are more likely to thrive; and

**WHEREAS**, funds are currently available through private sources to fund a pilot program to license the issuance of Community Identification Cards at little or no additional cost to the County; and

**WHEREAS**, the County finds it is in the best interests of the public health, safety, and welfare of Hood River County that a pilot program be created to make Community Identification Cards available to all residents.

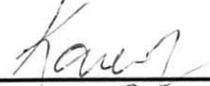
**NOW, THEREFORE, IT IS HEREBY ORDAINED**, that Hood River County Ordinance No. 362 is adopted as Chapter 13.04 of the Hood River County Code as per the attached.

Adopted this 18 day of June 2018.

HOOD RIVER COUNTY  
BOARD OF COMMISSIONERS



Ron River, Chair



Karen Joplin, Commissioner



Rich McBride, Commissioner



Robert Benton, Commissioner



Les Perkins, Commissioner

TITLE 13

Chapter 4

COMMUNITY IDENTIFICATION CARD PROGRAM

- 13.04.005 Definitions.
- 13.04.015 Purpose; Limitations.
- 13.04.025 Authority.
- 13.04.035 Administration.
- 13.04.045 Eligibility; Application.
- 13.04.055 Fees.
- 13.04.065 Identification Cards; design and construction.
- 13.04.075 Proof of Identity.
- 13.04.085 Proof of Residency.
- 13.04.087 Examination; Evaluation.
- 13.04.095 Confidentiality.
- 13.04.105 Use of Community Identification Card.
- 13.04.115 Violations.
- 13.04.125 Enforcement.
- 13.04.135 Nonexclusive Penalty.
- 13.04.145 Severability.
- 13.04.155 Sunset.

**13.04.005 Definitions**

- (1) “Administering Agency” means any county department or third-party contractor designated by the County to administer this Chapter.
- (2) “Applicant” means an individual applying for a Community Identification Card.

- (3) “Board” means the Board of Commissioners of Hood River County.
- (4) “Community Identification Card” or “Community ID” means an identification card issued under this Chapter by Hood River County.
- (5) “County” means Hood River County, Oregon.
- (6) “County Administrator” means the Hood River County Administrator or the administrator’s designee.
- (7) “County Officer” means the county administrator, department head, or other duly authorized county employee.
- (8) “Domestic” means originating in or issued by the United States or a U.S. state, territory or tribe.
- (9) “Government-issued” means issued by:
  - (a) The United States;
  - (b) U.S. state, territory or tribe or political subdivision thereof; or
  - (c) A sovereign foreign government or recognized political subdivision thereof, including but not limited to states, territories, provinces, cities and counties.
- (10) “Identity” means an individual’s legal name and date of birth.
- (11) “Identifying documents” means a government-issued document that states both an individual’s name and date of birth.
- (12) “Pertinent” means specifically relevant or applicable to a determination of one’s identity or residency.
- (13) “Physiological identifier” means a photograph, finger/foot print or other record of distinctive observable characteristics used to describe and differentiate an individual.
- (14) “Resident” means an individual who demonstrates proof of residency within Hood River County pursuant to Section 4 of this Chapter.

**13.04.015 Purpose; Limitations**

(1) The purpose of this chapter and the *Hood River Community ID Pilot Program* is to establish a pilot program to provide a form of official personal identification to all Hood River County residents.

(2) Except as set forth in this Chapter, the County does not otherwise warrant or guarantee:

(a) the identity of Community ID cardholders; or

(b) against any acts, criminal or otherwise, committed by an individual while possessing or using a Community Identification Card.

(3) The adoption of the Community ID Pilot Program does not waive any protection or immunity afforded to the County under federal, state, or local law.

**13.04.025 Authority**

(1) The County is authorized to license the issuance of Community Identification Cards to residents of Hood River County in accordance with this chapter.

(2) The authority granted under this chapter shall terminate December 31, 2021, unless specifically extended by ordinance.

(2) The Board may suspend the Community Identification Pilot Program at its discretion.

(3) The Board shall suspend the Community Identification Pilot Program if there are insufficient funds available through private sources to adequately fund the pilot program.

**13.04.035 Administration**

(1) The County may contract with a third-party administering agency to manage and operate the Community ID program in accordance with this chapter.

(2) The administering agency shall provide an annual report to the Board on the Community ID Program.

**13.04.045 Eligibility; Application**

(1) Community ID cards shall be available to individuals who have resided within the limits of Hood River County for at least sixty (60) consecutive days and can provide clear and convincing proof of identity and residency under the provisions of this chapter.

(2) No person shall be denied a Community ID card based on their race, color, religion, gender, sexual orientation, national origin, citizenship status, marital or partnership status, disability, housing status, or criminal record.

(3) To receive a Community Identification Card, a qualified resident may:

(a) Apply to the Community ID program administrator; and

(b) Provide clear and convincing proof, as set forth in this chapter, of the applicant's:

(i) Identity; and

(ii) Residency; and

(c) Pay any applicable fee.

(4) All applicants under this section shall be provided an option under ORS 192.368 to request in writing that their home address, personal telephone number and electronic mail address not be disclosed in response to a public records request (ORS 192.311 to 192.478).

**13.04.055 Fees**

(1) The County may charge a reasonable fee to issue a Community Identification Card. Fees established pursuant to this chapter shall be incorporated in the Hood River County Fee Schedule and, as such, shall be subject to annual review and amendment.

(2) The County may authorize a third-party administering agency to retain some or all fees collected under this section as consideration and compensation for administering the community ID program.

**13.04.065 Identification Cards; Design and Construction**

Community Identification Cards shall be designed and constructed:

- (1) To clearly display:
  - (a) The cardholder's full name;
  - (b) A current photograph of the cardholder;
  - (c) The cardholder's date of birth;
  - (d) The cardholder's address;
  - (e) An Identification card number (i.e. serial number);
  - (f) Expiration date; and
  - (g) The official seal of Hood River County.
- (2) In a manner to deter fraud, protect against counterfeit reproduction, and protect the public safety.

**13.04.075 Proof of Identity**

The following documents and information may be considered evidence of the identity of an applicant for a Community ID Card:

- (1) Certificates, licenses, permits, passports, visas, statements, assessments, tax forms, administrative and court orders and pertinent correspondence issued by an official, department or agency of:
  - (a) The U.S. federal government;
  - (b) A foreign government;
  - (c) Any U.S. state, territorial or tribal government.
- (2) Statements, records, membership or identification cards, contracts or pertinent correspondence issued within 6 months of the application by:
  - (a) An educational institution;
  - (b) A medical service provider;
  - (c) A U.S. financial institution;
  - (d) A U.S. insurance company;

- (e) The applicant's current or former employer;
  - (f) A trade union registered with the U.S. Department of Labor.
- (3) A written declaration, given subject penalty of perjury, from anyone having resided in Hood River County for at least five (5) consecutive years immediately prior to the date of application.

**13.04.085 Proof of Residency**

- (1) The following documents and information may be considered proof of the residency of an applicant for a Community ID Card:
- (a) All pertinent evidence of identity under Section 13.04.075.
  - (b) Contracts, mortgages, leases, statements, bills or receipts issued by:
    - (i) A mortgage lender;
    - (ii) Landlord; or
    - (iii) Utility service (gas, electric, phone, etc.).
  - (c) Written declarations, given subject penalty of perjury, from:
    - (i) An officer or duly authorized administrator of a non-governmental social services provider confirming that the applicant has received services within the prior sixty (60) days; or
    - (ii) Any person who has lived in the same Hood River County household with an applicant for at least sixty consecutive (60) days prior to the date of application, provided the declarant presents documentation sufficient under this chapter to verify the declarant's own identity and residency.
- (2) Applicants may present a residency credential that lists their spouse or domestic partner's name together with documented proof of their relationship as evidenced by:
- (a) A certificate of marriage, partnership or union;
  - (b) A domestic partnership agreement;

- (c) A birth certificate or child custody order identifying the applicant and partner as the parents of a minor child.

**13.04.087 Examination; Evaluation**

- (1) The administering agency shall thoroughly examine each ID card application pursuant to the provisions of this chapter and any other applicable law, rule or regulation.
- (2) The administering agency shall only issue cards to Hood River County residents who provide clear and convincing evidence of their identity and residence by satisfying the criteria set forth in Appendix A, incorporated and adopted herein.
- (3) In reviewing documents submitted with any application for an ID card under this chapter, the administering agency shall consider the following factors in determining the document's authenticity and relevance:
  - (a) The identity, nature and purpose of the purported issuer;
  - (b) The relative age of the document;
  - (c) Objective accuracy of the information contained or displayed;
  - (d) Identifying characteristics of known examples of its kind;
  - (e) Physical appearance and condition of document; evidence of alterations or tampering;
  - (f) Supporting documentation (e.g. relevant correspondence, receipts, etc.);
  - (g) Any other material information that is directly relevant to the document's authenticity or relevance.

**13.04.095 Confidentiality**

- (1) The County shall not copy, record or retain any documents or records provided in support of an application for a Community Identification Card.
- (2) The County shall not disclose personal information or data obtained from an applicant unless:

- (a) Disclosure is required by law; or
  - (b) The applicant provides the County written authority to disclose the information sought, or the applicant's parent or legal guardian if the applicant is a minor.
- (3) Any information disclosed under this Subsection 2 shall be limited to the specific information requested or authorized.

**13.04.105 Use of Community Identification Card**

- (1) Except where prohibited, the County, its officers, employees, and agents shall accept a duly issued Community Identification Card, as a valid form of identification.
- (2) Third-parties may, at their own discretion:
- (a) Voluntarily accept Community Identification Cards as a form of identification; and
  - (b) Offer benefits and privileges to cardholders.
- (3) Nothing in this section shall require acceptance of a Community Identification Card if there are reasonable grounds to believe:
- (a) The holder or presenter of the card is not the person to whom the Community Identification Card was issued.
  - (b) The card presented is counterfeit, forged, or unlawfully altered.
- (4) A Community Identification Card shall not be considered a valid form of identification for state or federal governmental purposes

**13.04.115 Violations**

- (1) A person shall be guilty of the civil violation of Fraudulent use of a Community ID if the person, with the intent to deceive or to defraud:
- (a) Obtains, possesses, creates, utters or converts to the person's own use:
    - (i) A false or forged Community ID Card; or
    - (ii) A Community ID Card issued to another person; or

(b) Alters, copies, or replicates a Community Identification Card.

(2) A person shall be guilty of the civil violation of Fraudulent ID Card Application if the person, knowingly provides false information or materials to the Administering Agency in support of an application.

(3) A person shall be guilty of the civil violation of Submitting a Fraudulent Declaration, if the person, knowingly provides false information in a declaration given under Section 13.04.085 in support of a third-party's application for Community Identification Card.

(4) All violations under this chapter shall be a Class II County Violation, subject to a penalty of not more than \$1,000, pursuant to HRCC Chapter 1.08.

**13.04.125 Enforcement**

Violations under this Chapter shall be enforced pursuant to Chapter 1.08 of the Hood River County Code.

**13.04.135 Nonexclusive Penalty**

Nothing in this chapter shall limit the authority of the County or the State to pursue any other applicable civil claim or criminal charge. Civil penalties under this chapter may be imposed in addition to other civil or criminal penalties.

**13.04.145 Severability**

All provisions of this Chapter are severable. If any provision of this Chapter is held to be unlawful or unenforceable by any court of competent jurisdiction, the remainder of this entire Chapter shall remain in full force and effect.

**13.04.155 Sunset**

The sections, subsections and provisions of this chapter shall extinguish on December 31, 2021, unless specifically extended by ordinance.

## Appendix

### Criteria for Issuing a Community Identification Card.

In reviewing a Community ID application for approval, the administering agent shall determine if there is sufficient proof of identity and residency using the following methodology:

#### (1) Identity (Name and Date of Birth)

**Tables A** and **B** both set forth documents that may be used to establish identity.

**Table A** lists various pieces of government-issued identification that include: (A) the individual's legal name; (B) their date of birth; and (C) at least one physiological identifier such as a photo. The documents set forth here are generally considered conclusive evidence of identity.

**Table B** lists documents that provide evidence of identity but either (A) are not government- issued or (B) fail to include a date of birth or physiological identifier. These documents may be used in combination with a valid birth-certificate or an expired government-issued ID to establish identity under this chapter.

Each document on Tables A & B has been assigned a point value to reflect its relative value as evidence of identity. To establish identity for the purposes of HRCC Chapter 13.04, the applicant must provide either:

(1) Government-issued identifying documents from Table A with a total value of at least 300 points; **or**

(2) Two or more documents from Table B with a combined value of at least 300 points: **Plus**

**Either:**

(a) a government-issued birth certificate; **or**

(b) an expired government-issued ID from Table A.

#### (2) Residence

**Table C** lists documents that may be considered to establish residency in Hood River County. To establish residency for the purposes of HRCC Chapter 13.04, the applicant must provide one document set forth in Table C for a total value of 300 points.

<b>Table A</b>  <b>Evidence of Identity</b> Government-issued identifying documents  <b>Unless noted otherwise documents other than birth certificates must:</b> Display an accurate photograph of applicant or another physiological identifier which confirms that the document was issued to the applicant.  <b>Minors:</b> Government issued Birth Certificate accepted without two additional documents from Table B. Instead, parent must show proof of identity per Tables requirements and match parent listed on Birth Certificate. Or guardian must show proof of identity per Table requirements and guardianship document, with minor's name matching.	<b>Current ID.</b> Currently valid or otherwise issued within prior 5 years.	<b>Outdated ID.</b> No longer valid but issued within prior 5 to 10 years.
Government-issued Passport	300	100
U.S. Certificate of Citizenship & Naturalization	300	N/A
Government-issued driver license or ID card	300	100
Identifying documents issued by U.S. State Department or Department of Homeland Security (Immigration and Customs Services), such as: visas, DACA ID cards, permanent resident cards, and alien registration cards.	300	100
Identifying documents issued by U.S. Department of Defense; a U.S. military branch or the U.S. Coast Guard.	300	100
Criminal record check (AFIS)	300	100
OR/WA/NORCOR prisoner ID card	300	100
Government issued Birth Certificate	300	N/A
Hood River County ID Card (Renewals only)	300	N/A

<p><b>Table B</b></p> <p style="text-align: center;"><b>Alternative Evidence of Identity</b></p> <p><b>Unless noted otherwise documents must be:</b></p> <p>(1) Expressly issued/addressed to applicant; and</p> <p>(2) Either:</p> <p style="padding-left: 20px;">(a) Have been issued no more than 60 days prior to application; or</p> <p style="padding-left: 20px;">(b) Be currently valid (e.g. Voter's Registration), including documents denoting a permanent status (e.g. Social Security Card, adoption order; military discharge, etc.).</p> <p><b>To satisfy this matrix, an applicant must provide:</b></p> <p>(1) Two or more documents set forth below with a combined value of at least 300 points. Plus</p> <p>(2) Either:</p> <p style="padding-left: 20px;">(a) Birth Certificate; or</p> <p style="padding-left: 20px;">(b) Outdated document from Table A.</p>	<p style="text-align: center;"><b>Points for Identity</b></p>
Additional outdated documents from Table A	100
Record, correspondence or bill from a medical provider or institution	100
Record/Correspondence from a federal/state agency (i.e. Department of Homeland Security, Internal Revenue Services, etc.)	100
U.S. Social Security Card	100
U.S. Selective Service Card	100
Government issued Voter's Registration Card	100
Medicare, Medicaid or other public or private health insurance card	100
Military discharge or separation documents (DD-214)	100
U.S. marriage license or divorce decree	100
Department of Humans Services forms 1-797, I-797A/B or I-797D	100
Domestic adoption records	100
Federal or state tax return	100
Domestic court order establishing/verifying applicant's identity	100
OR/WA driver's education certificate (applicants age 17 and under)	100
Employment verification form (1-9)	100
Notarized declaration of a Hood River Co. resident	100
Affidavit of a custodian of records for a local medical, mental health, dental or social services care provider, made under penalty of perjury.	100
Photo ID issued by a domestic educational institution, trade union or employer.	100
Criminal record check (AFIS) without a photograph	100
Local property tax statement	100
Current mortgage contract/payment records	100
Lease or Sublease	100
Financial record/statement issued by a domestic financial institution (e.g. checking account, credit card, car loan, 401(k), etc.)	100
Insurance policy/statement issued by a domestic insurance company	100
Employment-related tax records (W-2, 1099R)	100
Employment Pay stubs	100
Cable, phone, utility bill	100
Record/Diploma/transcript from domestic educational institution	100
Immunization registration	100
Records/Correspondence issued by a domestic public or private agency providing government- funded social services to the public.	100

**Table C**

**Proof of Residency**

**Unless noted otherwise documents shall not qualify as evidence of residency unless:**

- (1) Expressly identify applicant or, where applicable, the applicant's legally-recognized spouse\* or minor child\*\*.
- (2) Indicate applicant/spouse/child is physically residing in Hood River County.
- (3) Current for the purposes of establishing residency, as follows:
  - (a) Any license, permit, card, title or registration from Table A or B must be current and valid; no expired documents;
  - (b) Any lease or sublease from Table B must relate to an existing tenancy.
  - (c) Any financial or insurance documents from Table B must relate to a current, existing account or policy.
  - (d) All other documents must be either: (i) permanent/perpetual in nature (e.g. court order; adoption records; military discharge); or (ii) issued no less than 60 days prior to application.

\*relationship to spouse must be established by government-issued marriage license or court order.

\*\* relationship to minor child must be established by government-issued birth certificate or court order, including but not limited to order of adoption, and guardianship documentation.

To satisfy this matrix, an applicant must provide one document from this table.

**Minors:** Proof of residency in the County can be accepted from parent or guardian as required in Tables, or a letter from the Hood River County School District addressed "To the parents of [student's name]" with physical address in the County.

Any applicable document listed in Tables A or B that expressly states the applicant's current local address, provided document is "current" under this section/table.

Oregon title/registration: vehicle; manufactured home in name of applicant or spouse.

Record/Correspondence issued by local educational institution indicating current enrollment of applicant's minor child.

Record/Correspondence issued by local medical care provider concerning applicant's minor child.

U.S. Postal Service change of address receipt.

Local property tax statement in name of applicant's spouse; current mortgage contract/payment records.

Lease or Sublease in name of applicant's spouse.

Mortgage account/statement in name of applicant's spouse.

# CONSENT ITEMS

**HOOD RIVER COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST FORM**

**DATE:** July 14, 2020

**DEPARTMENT:** Forestry

**SIGNATURE:** Doug Thiesies

**SUBJECT:** Approval of Salvage Sale Results of July 14, 2020

**AUTHORITY:**

ORS 275.340

OAR

COUNTY ORD.

**BACKGROUND/SUMMARY OF SUBJECT:**

Hood River County Forestry Department held a sealed bid Salvage Sale on July 14, 2020 and received no bids. Following notice of results, a minimum bid was received and accepted.

Jonny Boy Salvage-2020 Sale #20-13 volumes - DF 20 MBF @ \$225.00/MBF; WF & O 10MBF @ \$110.00/MBF to: WyEast Timber Services, LLC

**FISCAL IMPACT-** BUDGET LINE ITEM: 406-1808-395.90-02 ACCOUNT BALANCE: \$ 5,600.00

EST. HRS SPENT TO DATE:

EST. COMPLETION DATE:

COMMENTS:

**ACKNOWLEDGEMENT BY AFFECTED PARTIES:**

COUNTY COUNSEL

FINANCE

OTHER AGENCIES

ADMIN

HR DEPT

APPROPRIATE COUNTY COMMITTEE

OTHER

**RECOMMENDATION OF THE DEPARTMENT:**

Approve the sale of:

Jonny Boy Salvage-2020 Sale #20-13 to WyEast Timber Services, LLC

**ADMINISTRATION RECOMMENDATION/COMMENTS:**

Award the Jonny Boy Salvage-2020 sale #20-13 to the highest bidder WyEast Timber Services, LLC.

**FOLLOW UP:**

ORD/RESO/AGMT/ORDER ETC: ORIGINALS TO R&A AND COPIES TO:

COPIES ALL INFO:

COPIES ARF ONLY:

All Departments



## Hood River County Forestry Department

918 18th Street, Hood River, OR 97031

Douglas M. Thiesies, County Forest Manager

Telephone (541) 387-6888

### TIMBER SALE SUMMARY

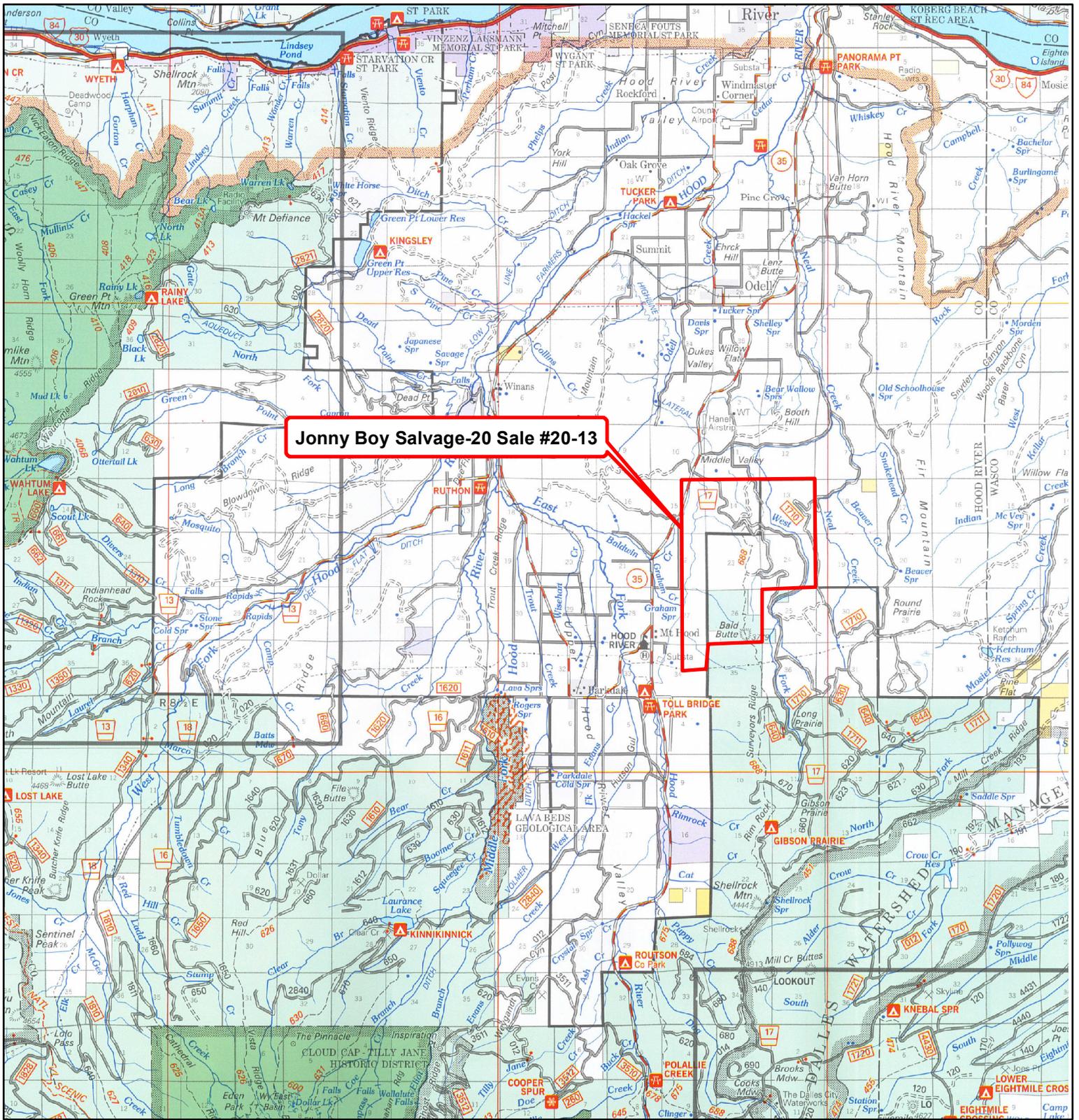
The results of the Hood River County Forestry Department sealed bid timber sale on July 14, 2020 are as follows:

#### Jonny Boy Salvage-2020 #20-13

Expires 12/31/2020

Bidder	Douglas-fir 20 MBF	White Fir & Others 10 MBF	Total 30 MBF
MINIMUM	\$225.00	\$110.00	\$5,600.00
<b>WyEast Timber Services, LLC</b>	<b>\$225.00</b>	<b>\$110.00</b>	<b>\$5,600.00</b>

**Bold = High Bidders**



**HOOD RIVER COUNTY**  
**TIMBER SALE VICINITY MAP**  
**SEALED BID SALE**  
**Sale Date: Tuesday, July 14, 2020**  
**County: Hood River, Oregon**

Prepared By: Hood River County Forestry Dept.

Disclaimer: This map is intended for general reference only. Hood River County makes every effort to ensure that the data used to produce this map is a true representation. However, the County makes no warranty, expressed or implied, regarding the accuracy or completeness of any information disclosed. The County accepts no liability for any damage or injury caused by the use of this map.

PROPRIETARY INFORMATION: Any resale of this information is prohibited, except in accordance with a licensing agreement.

# HOOD RIVER COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST FORM

DATE: July 9, 2020

DEPARTMENT: Forestry

SIGNATURE: Doug Thiesies

SUBJECT: Approval of Timber Sale Results of July 9, 2020

AUTHORITY: ORS 275.340

OAR

COUNTY ORD.

## BACKGROUND/SUMMARY OF SUBJECT:

Hood River County Forestry Department held a sealed bid Timber Sale on July 9, 2020 with the following results:

Lentil Timber Sale #21-4 volumes - DF 1,982 MBF @ \$487.58/MBF; WF & O 335 MBF @ \$322.58/MBF to: High Cascade, Inc.

Mangrove Timber Sale #21-5 volumes - DF 735 MBF @ \$421.42/MBF; WRC 64 MBF @ 936.42/MBF; WF & O 263 MBF @ \$286.42/MBF to: High Cascade, Inc.

FISCAL IMPACT- BUDGET LINE ITEM: 406-1802-395.10-90 ACCOUNT BALANCE: \$ 1,519,450.90

EST. HRS SPENT TO DATE:

EST. COMPLETION DATE:

COMMENTS:

## ACKNOWLEDGEMENT BY AFFECTED PARTIES:

COUNTY COUNSEL

FINANCE

OTHER AGENCIES

ADMIN

HR DEPT

APPROPRIATE COUNTY COMMITTEE

OTHER

## RECOMMENDATION OF THE DEPARTMENT:

Approve the sale of:

Lentil T. S. #21-4 to High Cascade, Inc.

Mangrove T.S. #21-5 to High Cascade, Inc.

## ADMINISTRATION RECOMMENDATION/COMMENTS:

Award to the following timber sales to the highest bidder:

Lentil T. S. #21-4 to High Cascade, Inc.

Mangrove T.S. #21-5 to High Cascade, Inc.

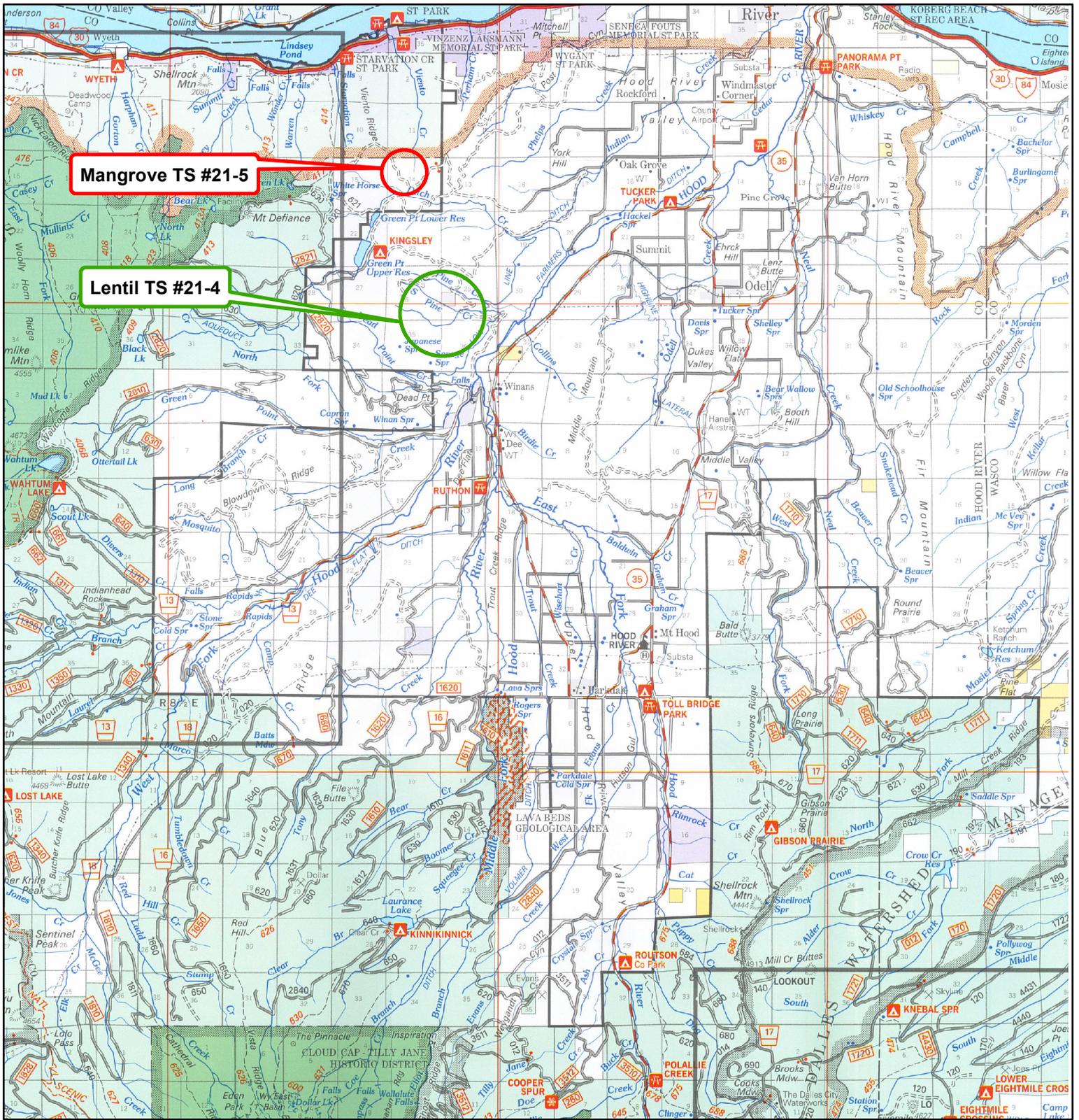
## FOLLOW UP:

ORD/RESO/AGMT/ORDER ETC: ORIGINALS TO R&A AND COPIES TO:

COPIES ALL INFO:

COPIES ARF ONLY:

All Departments



**HOOD RIVER COUNTY**  
**TIMBER SALE VICINITY MAP**  
**SEALED BID SALE**  
**Sale Date: Thursday, July 9, 2020**  
**County: Hood River, Oregon**

Prepared By: Hood River County Forestry Dept.

Disclaimer: This map is intended for general reference only. Hood River County makes every effort to ensure that the data used to produce this map is a true representation. However, the County makes no warranty, expressed or implied, regarding the accuracy or completeness of any information disclosed. The County accepts no liability for any damage or injury caused by the use of this map.

PROPRIETARY INFORMATION: Any resale of this information is prohibited, except in accordance with a licensing agreement.



**HOOD RIVER COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST FORM**

**DATE:** July 7, 2020

**DEPARTMENT:** Forestry

**SIGNATURE:** Doug Thiesies

**SUBJECT:** Kendall Timber Sale #20-3 Closure

**AUTHORITY:** ORS

OAR

COUNTY ORD.

**BACKGROUND/SUMMARY OF SUBJECT:**

Timber Sale requirements have been met and purchaser, WyEast Timber Services, LLC requests closure. Sale was approved on June 28, 2019 with estimated volume of 1,126 MBF @ \$344.00/MBF for Douglas-fir; and 53 MBF @ \$195.00/MBF for Ponderosa Pine and other conifers. Final volume removed was 960.55 MBF for actual revenue of \$319,809.95.

**FISCAL IMPACT-** BUDGET LINE ITEM: 406-1802-395.10-90 ACCOUNT BALANCE: \$ 319,809.95

EST. HRS SPENT TO DATE:

EST. COMPLETION DATE:

COMMENTS:

**ACKNOWLEDGEMENT BY AFFECTED PARTIES:**

COUNTY COUNSEL  FINANCE  OTHER AGENCIES  ADMIN   
HR DEPT  APPROPRIATE COUNTY COMMITTEE  OTHER

**RECOMMENDATION OF THE DEPARTMENT:**

Close as requested by purchaser and release all bonding back to purchaser.

**ADMINISTRATION RECOMMENDATION/COMMENTS:**

Approve closure of the Kendall Timber Sale #20-3 and return appropriate bonding.

**FOLLOW UP:**

ORD/RESO/AGMT/ORDER ETC: ORIGINALS TO R&A AND COPIES TO:

COPIES ALL INFO:

COPIES ARF ONLY:

All Departments



**Timber Services, LLC**  
WyEastTimberServices.com

June 30, 2020

Doug Thiesies  
Hood River County Forestry  
918 18<sup>th</sup> Street  
Hood River, OR 97031

Dear Mr. Thiesies:

WyEast Timber Service, LLC (WTS) have finished and met all contract requirements for the Kendall Timber Sale. Please let me know how the County would like to proceed with final invoices and release of bond.

Please let me if you have any questions.

Sincerely,

Paul Jones  
(209) 840-1919

**HOOD RIVER COUNTY BOARD OF COMMISSIONERS AGENDA REQUEST FORM**

**DATE:** June 29, 2020    **DEPARTMENT:** Budget & Finance    **NAME:** Tina Ruffin  
**SUBJECT:** Year-end Budget Adjustments FY 19/20

**AUTHORITY:**    *ORS:*    294    *OAR:*    \_\_\_\_\_  
*COUNTY ORD.:*    \_\_\_\_\_

**BACKGROUND/SUMMARY OF SUBJECT:**

Three budget adjustments are needed in order to close out the fiscal year 2019-2020, as follows:

- 1) Recognize the Federal Forest Title III funds received, which must be paid out to the school district and the sheriff's office as required by law.
- 2) Increase the refunds account line in the Fair budget. Due to the closures related to COVID-19, it was necessary for the Fair to refund more vendor deposits than anticipated.
- 3) Transient room tax revenue is used to make a loan payment to the Timber Projects Fund for the Tollbridge Park septic project. The TRT revenue was budgeted for an amount greater than the loan payment. A budget adjustment is needed to make the required loan payment.

**ATTACHMENTS:** Resolution        3   

**FISCAL IMPACT:**

Budget adjustments, through a resolution, must be approved in order to make the necessary payments.

**ACKNOWLEDGEMENT BY AFFECTED PARTIES:**

*COUNTY COUNSEL*     *FINANCE*     *OTHER AGENCIES*     *ADMIN*   
*HR DEPT*     *APPROPRIATE COUNTY COMMITTEE*     *OTHER*

**RECOMMENDATION OF THE DEPARTMENT:**

Approve the budget adjustments as presented.

**ADMINISTRATION RECOMMENDATION:**

Confirm the e-mail poll approval from June 29, 2020 that approved 3 end of the FY (19/20) budget adjustments affecting the Title III fund 418, Fair budget and the Tollbridge Septic Loan Payment Fund 101.

**FOLLOW UP:**    ORD/RESO/AGMT/ORDER, ETC: ORIGINALS TO R&A  
                  COPIES TO:            B&F (signed resolution)



## Jamie Hepner

---

**From:** McDowell Eric S <Eric.S.McDowell@doc.state.or.us>  
**Sent:** Friday, June 19, 2020 12:41 PM  
**To:** Jamie Hepner  
**Cc:** Sitler Denise  
**Subject:** #5844(1) Hood River County GIA Agreement  
**Attachments:** 5844(1) Hood River County Final.pdf

Director,

Attached for your review and signature approval is Amendment #1 the Intergovernmental Agreement (IGA) for Grant-in-Aid and Inmate Welfare Fund/Subsidy funding. To assure that all parties are in complete accord, please read the document carefully to make sure you understand everything required of you and that you agree with the terms and conditions. If you agree, please:

- Sign and date the IGA; and
- Attach an updated 2019-2021 Community Corrections Budget Summary (Exhibit A) showing a reduction of **\$1,713.00** to the Inmate Welfare Release Subsidy Fund; and
- Return the signed agreement and budget summary via email to: [denise.sitler@doc.state.or.us](mailto:denise.sitler@doc.state.or.us) and [eric.s.mcdowell@doc.state.or.us](mailto:eric.s.mcdowell@doc.state.or.us)

Exhibit A, the 2019-2021 Community Corrections Budget Summary template has already been sent to your office. If you have not received this template or need a new copy, please contact Denise at (503) 945-9051.

Denise or Eric will obtain the remaining Department of Corrections' approvals. When the agreement is finalized, a fully executed copy of the agreement and a Notice to Proceed letter will be returned for your records.

Please contact either Denise or myself if you have any questions.



Eric S. McDowell  
Oregon Department of Corrections  
Procurement & Contracts Specialist 3  
503-378-5876



**AMENDMENT No.1 to  
INTERGOVERNMENTAL AGREEMENT #5844**

1. This is Amendment No. 1 to Agreement No. 5844 (as amended from time to time the "Agreement") dated July 1, 2019, between the State of Oregon acting by and through its Department of Corrections, hereafter called ODOC, and Hood River County, hereafter called COUNTY. Each party, without distinction, shall be referred to individually as "Party" or collectively as "Parties."

***"New language is indicated in bold and underlined and deleted language is indicated by [brackets]"***

2. The Agreement is hereby amended to correct Exhibit A of this Agreement.

2.1 Exhibit A is deleted in its entirety and replaced with the attached Exhibit A.

3. Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates set forth below.

STATE OF OREGON  
DEPT. OF CORRECTIONS

HOOD RIVER COUNTY  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Jeremiah Stromberg, Asst. Director

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

DEPARTMENT OF JUSTICE  
As to Legal Sufficiency:

/s/: N/A

**Hood River County  
2019-2021 Community Corrections Budget Summary**

<b>Program Name</b>	<b>Grant in Aid Fund</b>	<b>Inmate Welfare Release Subsidy Fund</b>	<b>County/Other Funds and Fees</b>	<b>Total</b>
Work Crew	\$172,270.00		\$7,780.00	\$180,050.00
Administration	\$159,092.00			\$159,092.00
Supervision	\$786,645.00		\$74,000	\$860,645.00
Custodial Sanctions			\$300,000	\$300,000.00
Domestic Violence	\$5,000.00		\$5,000.00	\$10,000.00
Mental Health	\$5,000.00		\$1,000	\$6,000.00
Parole Transition	\$6,000.00	\$1713.00		\$7,713.00
Recovery Mentor	\$35,000		\$114,857.00.00	\$149,857.00
Sex Offender	\$16,000		\$10,000	\$26,000.00
Guardian			\$4,400.00	\$4,400.00
NORCOR ReEntry			\$50,000.00	\$50,000.00
Short Term Housing			\$29,200.00	\$29,200.00
MRT			\$10,000	\$10,000
<b>Fund Total</b>	<b>\$1,185,007.00</b>	<b>\$1713.00</b>	<b>\$606,237</b>	<b>\$1,792,957</b>

**INTERGOVERNMENTAL AGREEMENT #5844  
BETWEEN THE STATE OF OREGON AND HOOD RIVER COUNTY**

This Intergovernmental #5844 (Agreement) is between the State of Oregon acting by and through its Department of Corrections, hereafter called DEPARTMENT, and Hood River County, hereafter called COUNTY.

Whereas, DEPARTMENT is an agency of the State of Oregon and COUNTY is a unit of local government of the State of Oregon and both parties desire to cooperate by agreement to provide correctional services in COUNTY within the requirements as authorized by ORS 423.475 to 423.565;

Whereas, the Legislative Assembly of Oregon enacted legislation establishing shared responsibility between county corrections programs and the Department on a continuing basis (ORS 423.475 to 423.565);

Whereas, ORS 144.106 provides "the supervisory authority shall use a continuum of administrative sanctions for violations of post-prison supervision";

Whereas, ORS 144.334 provides that the Board of Parole and Post-Prison Supervision may authorize issuance of citations by supervising officers;

Whereas, ORS 144.343 provides that the Board of Parole and Post-Prison Supervision may delegate the authority to impose sanctions as provided in ORS 144.106 and to continue a violator on parole or post-prison supervision with the same or modified conditions;

Whereas, ORS 423.478(2)(a) - (f) assigns responsibility for all offenders on probation, parole, post-prison supervision and those offenders sentenced or revoked for periods of one year or less, and on conditional release to COUNTY;

Whereas, ORS 137.545 and 137.595 provide that courts may delegate the authority to parole/probation officers to impose sanctions for probationers through a system of Structured Sanctions; and

Whereas, ORS 423.555 requires DEPARTMENT, with cooperation from COUNTY, to establish and operate a Statewide Evaluation and Information System and to monitor effectiveness of corrections services provided to criminal offenders under ORS 423.500 to 423.560.

Now, therefore, THE PARTIES HERETO, in consideration of the mutual promises, terms and conditions hereinafter provided, agree to the following:

## I. DEFINITIONS

- A. **Amendment**: Any change to this Agreement that alters the terms and conditions of the Agreement, effective only after all parties have signed and all approvals have been obtained. Plan Modifications are NOT Amendments.
- B. **Budget Summary**: The part of the County Corrections Plan that reflects the amount of County Corrections Grant funds granted by DEPARTMENT to COUNTY to implement the programs in the Plan. The Budget Summary is attached to this Agreement as Exhibit A.
- C. **Community Corrections Manager**: Individual designated by COUNTY pursuant to ORS 423.525 as responsible for administration of the community corrections programs as set forth by the Plan.
- D. **County Corrections**: All County agencies and officials who carry out the responsibilities in ORS 423.478(2)(a)-(f) and the activities of carrying out those responsibilities.
- E. **County Community Corrections Plan or Plan**: A document developed by the Local Public Safety Coordinating Councils and adopted by COUNTY's governing body pursuant to ORS 423.525 and 423.535 and received by DEPARTMENT's director or designee.
- F. **County Community Corrections Plan Modification**: A written change or alteration to the County Corrections Plan promulgated by COUNTY modifying the Plan subject to ORS 423.525, effective upon the date the written change or alteration has been submitted to the DEPARTMENT representative under this Agreement.
- G. **County Community Corrections Grant**: Grant(s) made by DEPARTMENT to assist COUNTY in the implementation and operation of county corrections programs including, but not limited to, preventive or diversionary correctional programs, probation, parole, post-prison supervision work release and local correctional facilities and programs for offenders.
- H. **Offender**: Any person under supervision who is on parole, post-prison supervision, transitional leave, work release, local control, and/or probation status.
- I. **Sanctions or Structured Sanctions**: A response to Offender violations of conditions of supervision that uses custody units.

- J. **Statewide Evaluation and Information System:** The Corrections Information Systems (CIS) including the Offender Profile System (OPS), the Integrated Supervision Information System (ISIS), Case Management for Institutions (CMI), Offender Management System (OMS), Offender Information System (OIS), Interstate Compact Offender Tracking System (ICOTS), and related case management modules.
- K. **Supervisory Authority:** The local corrections official or officials designated in each COUNTY by that COUNTY's Board of County Commissioners or county court to operate corrections supervision services, custodial facilities or both.

## II. AUTHORITY AND DURATION

### A. Authority

This Agreement is entered into pursuant to the provisions of ORS 423.520.

### B. Duration

This Agreement will become effective on **July 1, 2019** and will remain in effect until **June 30, 2021** or until terminated according to Section X, captioned TERMINATION.

## III. PLAN; PLAN MODIFICATIONS

- A. **County Community Corrections Plan:** COUNTY will create a County Community Corrections Plan meeting the requirements of ORS 423.525 outlining the basic structure of supervision, services, and local sanctions to be applied to Offenders sentenced or convicted of felonies and designated drug-related misdemeanors and on supervision in the county. The Plan consists of program descriptions and budget allocations and is included by this reference as part of this Agreement. The Plan must be received and approved by DEPARTMENT before disbursements can be made by COUNTY.
- B. **Plan Modifications:** COUNTY and DEPARTMENT agree that the Plan must remain a flexible instrument capable of responding to unforeseen needs and requirements. COUNTY may modify the Plan according to ORS 423.525 and the administrative rules thereunder governing the support and development of County Corrections Programs. A copy of all Plan Modifications will be marked in sequence beginning with the designation "Plan Modification 1" and attached to the above-mentioned Plan. DEPARTMENT will notify COUNTY of any concerns about the modification or the need for an amendment within a 30 calendar day period after DEPARTMENT receives the Plan Modification.

- C. **Notice of Modification: No Plan Modifications shall take effect until COUNTY gives written notice to DEPARTMENT, in a form approved by DEPARTMENT. DEPARTMENT shall provide to COUNTY an approved form for modifications as soon as practicable after execution of this Agreement.**

#### **IV. AMENDMENTS GENERALLY**

The terms of this Agreement shall not be waived, altered, modified, supplemented or amended, in any manner whatsoever, except by written Amendment signed by the parties.

#### **V. DUTIES AND RESPONSIBILITIES OF COUNTY**

- A. COUNTY shall assume administrative responsibility for correctional supervision and services within its jurisdiction, as outlined in the Plan.
- B. COUNTY shall designate a Community Corrections Manager.
- C. COUNTY will meet the goals for community corrections in Oregon described below:
  - 1. **Reduce Criminal Behavior**
    - a. Indicator: recidivism, as measured by arrest, conviction, or incarceration for a new crime within three years from initial admission to probation.
    - b. Indicator: recidivism, as measured by arrest, conviction, or incarceration for a new crime within three years from first release to parole/post-prison supervision.
  - 2. **Enforce Court, Board of Parole and Post-Prison Supervision, and Local Supervisory Authority Orders:**
    - a. Indicator: the percentage of positive case closures for Offenders on parole/post-prison supervision.
    - b. Indicator: the percentage of positive case closures for Offenders on probation.
  - 3. **Assist Offenders to Change:**
    - a. Indicator: employment rates for Offenders.
    - b. Indicator: substantial compliance with treatment requirements.
  - 4. **Provide Reparation to Victims and Community**
    - a. Indicator: the percentage of restitution and compensatory fines collected, owed to victims.



18. **Procedures for Response to Parole and Post-Prison Supervision Condition Violations for Offenders Under the Jurisdiction of the Board of Parole and Post-Prison Supervision or Local Supervisory Authority, OAR Chapter 255, Division 75.**
19. **Active and Inactive Parole and Post-Prison Supervision, OAR Chapter 255, Division 94.**
20. **Archiving, OAR Chapter 166.**

- F. COUNTY will follow all applicable Federal and State civil rights laws including, but not limited to:**
1. **Federal Code, Title 5 USCA 7201 et seq. - Anti-discrimination in Employment.**
  2. **Oregon Statutes, Enforcement of Civil Rights: ORS 659A.009, 659A.006, and 659A.030.**
  3. **Americans with Disabilities Act.**
- G. COUNTY will prepare and furnish such data, descriptive information and reports as may be requested by DEPARTMENT as needed to comply with ORS 423.520, which states in part, "The department shall require recipients of the grants to cooperate [ . . . ] in the collection and sharing of data necessary to evaluate the effect of community corrections programs on future criminal conduct." COUNTY will enter data into the Statewide Evaluation and Information Systems in a complete, accurate, and timely manner. COUNTY agrees to, and does hereby grant DEPARTMENT the right to reproduce, use and disclose all or any part of such reports, data and technical information furnished under this Agreement.**
- H. COUNTY will permit authorized representatives of DEPARTMENT to make such review of records of COUNTY as may be necessary to satisfy audit or program review purposes. A copy of any audit or monitoring report will be made available to COUNTY.**
- I. COUNTY will follow DEPARTMENT prescribed allotment and expenditure reporting system and shall provide this information on each discrete program in the COUNTY Corrections Plan. This system will be used for controlling County Corrections Grant funds by DEPARTMENT and to provide suitable records for an audit. COUNTY will make available to the DEPARTMENT copies of its annual audit report required by ORS 297.425.**
- J. If funding from DEPARTMENT is reduced or discontinued by legislative action, COUNTY will not be required to increase use of COUNTY revenue for continuing or maintaining corrections services as set out in this Agreement. If funding is reduced below the amount set out in ORS 423.483, the County may elect to terminate pursuant to Section X, below.**

- K. COUNTY will participate in all of the systems that comprise the Statewide Evaluation and Information Systems. COUNTY will enter and keep current information on offenders under supervision in the Law Enforcement Data System (LEDS) Enter Probation Record (EPR) System.
- L. COUNTY will retain responsibility for cases transferred to and accepted by another state under the terms of the Interstate Compact for Adult Offender Supervision, an agreement among states to provide supervision services for parole, post-prison, and probation Offenders that relocate to other states per ORS 144.610 and OAR 291-180-0106 through 291-180-0275.
- M. COUNTY will comply with ORS 182.515-182.525. Programs identified by the Community Corrections Commission and receiving any state grant funds shall be evidence based. Evidence based programs are delivered consistent with the findings in research about what works best to reduce recidivism.

#### **VI. DEPARTMENT RESPONSIBILITIES**

- A. DEPARTMENT will furnish to COUNTY, in a timely manner, those procedures, directives, records, documents and forms required for COUNTY to meet its obligations.
- B. Subject to system capacity and data processing capabilities, DEPARTMENT will furnish data, descriptive information and reports, available to DEPARTMENT and requested by COUNTY that will assist COUNTY in complying with DEPARTMENT requirements. This data includes, but is not limited to details regarding outcomes noted in Subsection V(C). DEPARTMENT hereby grants to COUNTY the right to reproduce, use, and disclose all or part of such reports, data, and technical information furnished under this Agreement.
- C. DEPARTMENT agrees to provide COUNTY an opportunity to review and comment on all new or revised administrative rules that have fiscal or programmatic impact on COUNTY.
- D. If by legislative action, funding from DEPARTMENT is reduced to COUNTY, DEPARTMENT agrees to provide reasonable notice and transition opportunity to COUNTY of changes that may significantly alter approved appropriations and programs.
- E. If COUNTY ceases to participate in County Corrections programs as described in ORS Chapter 423, DEPARTMENT may recover title and possession to property previously transferred to COUNTY or purchased by COUNTY with County Corrections Grant funds.

- F. DEPARTMENT grants to COUNTY continual access to the DEPARTMENT's computer system at no charge to COUNTY. All costs (including but not limited to any equipment or software upgrades) to ensure this access however, is the responsibility of COUNTY. If DEPARTMENT's computer is used in any way other than for pass-through of COUNTY data to the DEPARTMENT's system, COUNTY will provide support for additional activities. DEPARTMENT will provide timely notification and technical assistance when changes are made that impact applicable restrictions on the software, if any. If COUNTY uses DEPARTMENT's data circuits or network connections to access a third party jail management system, the terms of the attached Exhibit B apply. If DEPARTMENT determines that COUNTY has not complied with the terms of Exhibit B, DEPARTMENT may immediately suspend COUNTY access to DEPARTMENT's computer system.
- G. DEPARTMENT's Community Corrections Division will administer the provisions of the Interstate Compact for Adult Offender Supervision, an agreement among states to provide supervision services for parole, post-prison, and probation Offenders that relocate to other states per ORS 144.610 and OAR 291-180-0106 through 291-180-0275.
- H. DEPARTMENT will provide technical assistance to COUNTY in implementing and evaluating COUNTY's Plan.
- I. DEPARTMENT will provide technical assistance to COUNTY on changes in Oregon Statutes and Oregon Administrative Rules.

## **VII. FUNDS**

- A. The Budget Summary, Exhibit A, lists the County Corrections Grant funds authorized under this Agreement for the implementation of the Plan during the term of this Agreement.
- B. The Plan and fully executed Intergovernmental agreement (IGA) must be received by the DEPARTMENT from the COUNTY. After receipt of both the Plan and IGA, DEPARTMENT will authorize payments to the COUNTY as scheduled in this Section VII.
- C. The first payment to COUNTY will occur as soon as possible after the DEPARTMENT's budget is legislatively approved and implemented and quarterly thereafter.
- D. The DEPARTMENT will disburse to COUNTY one eighth of the County Correction Grant Funds authorized under this Agreement within 15 days of

each of the following dates; 7/1/19, 10/1/19, 1/1/20, 4/1/20, 7/1/20, 10/1/20, 1/1/21, and 4/1/21.

DEPARTMENT's obligation to disburse County Correction Grant Funds is subject to satisfaction, on the date of each disbursement, of each of the following conditions:

1. COUNTY is in compliance with all terms and conditions of this Agreement;
  2. This Agreement has not been terminated; and
  3. DEPARTMENT has received funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow DEPARTMENT, in the exercise of its reasonable administrative discretion, to make the disbursement.
- E. Both parties agree that all reallocations of funds between or within programs shall require a County Community Corrections Plan Modification, except that COUNTY may reallocate up to ten percent of funds in any budget category in the approved Plan between or within programs without a County Community Corrections Plan Modification. COUNTY shall notify DEPARTMENT in writing of such reallocation within 30 days after making the reallocation.
- F. Unexpended Funds: Fund balances remaining at the termination of this agreement may be retained by the COUNTY, upon approval by the DEPARTMENT, for the provision of on-going supervision, correctional services, and sanctions in accordance with the Plan.
- G. Supervision fees collected by COUNTY will be used to offset costs of supervising the probation, parole, post-prison supervision or other supervised release pursuant to ORS 423.570 and its administrative rules, as amended from time to time.
- H. Unauthorized Expenditures: Any County Corrections Grant Funds expended for unauthorized purposes will be deducted by DEPARTMENT from subsequent payments under this Agreement or refunded to DEPARTMENT upon request.
- I. For purposes of the delivery of field corrections services, DEPARTMENT recognizes COUNTY as an ongoing partner for all County Corrections appropriations provided by the State of Oregon Legislature according to ORS 423.475 to 423.565.

- J. **Funding for Sexually Violent Dangerous Offenders:** After receipt and review of an invoice from the COUNTY, DEPARTMENT will reimburse COUNTY at the daily rate established by the DEPARTMENT for the intensive supervision of Offenders designated as sexually violent dangerous offenders by the Court or Board of Parole and Post-Prison Supervision only from the amount specifically appropriated for the increased level of supervision of such Offenders.
- K. In the event that the COUNTY retains funds to spend in the next biennium under Subsection VII(F), then Subsections VII (D)-(G) and (I)-(J) will survive termination or expiration of this Agreement.

### **VIII NONCOMPLIANCE**

- A. The Assistant Director of Community Corrections or the Assistant Director's designee shall annually review COUNTY's compliance with this Agreement under ORS 423.500 to 423.560. COUNTY must substantially comply with the provisions of the Plan received by DEPARTMENT and this Agreement.
- B. If, upon review, DEPARTMENT determines that there are reasonable grounds to believe that COUNTY is not in substantial compliance with this Agreement or Plan, DEPARTMENT shall contact COUNTY regarding the alleged noncompliance and offer technical assistance to reach compliance. If COUNTY does not resolve the alleged noncompliance, DEPARTMENT shall, after giving COUNTY not less than 30 calendar days' notice, conduct a hearing to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. After technical assistance, which may include peer review or other assistance, is provided and the hearing occurs, DEPARTMENT may suspend any portion of the funding made available to COUNTY under ORS 423.500 to 423.560 until County complies as required.
- C. In the event that a dispute arises, COUNTY may appeal to the Director of the Department of Corrections.

### **IX INDEMNIFICATION See Exhibit C**

### **X TERMINATION**

- A. It is understood and agreed by the parties hereto that this Agreement will remain in force only during its term and will not continue in force after its term. There will be no automatic extension, but this Agreement may be extended only by written Amendment.

- B.** It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement, including any part, term or provision of any appended material, is held by a court to be illegal or in conflict with any law of the State of Oregon or applicable administrative rule, that element of this Agreement including relevant appended materials will be void and without effect and will be treated by the parties as having been terminated as of the date of determination of the voidness.
- C.** If COUNTY chooses to discontinue participation in the Plan as described in this Agreement and ORS 423.483(2), COUNTY may terminate participation at the end of any month by delivery of a resolution of the Board of Commissioners to the DEPARTMENT's Director or the Director's designee not less than 180 calendar days before the date on which COUNTY intends to discontinue its participation. Termination of COUNTY participation may occur only at the end of a month. This Agreement will terminate on the same date that COUNTY discontinues its participation in the Plan.
- D.** If COUNTY terminates participation, the following will apply:
- 1.** The responsibility for correctional services transferred to COUNTY and any unused County Corrections Grant funds will revert to DEPARTMENT.
  - 2.** In no case does responsibility for supervision and provision of correctional services to non-designated drug-related misdemeanor Offenders revert to DEPARTMENT.
- E.** It is understood and agreed by the parties hereto that this Agreement will automatically terminate if the State of Oregon fails to provide any funding. If there is reduced state funding as described in ORS 423.483, County may terminate the Agreement as described herein.

## **XI COMPLIANCE WITH APPLICABLE LAW**

Both Parties shall comply with all federal, state and local laws, regulations, executive orders, and ordinances to which each is subject and which is applicable to this Agreement. Without limiting the generality of the foregoing, the parties expressly agree to comply with: (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to those laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. DEPARTMENT's performance under this Agreement is conditioned upon COUNTY's compliance with the provisions of ORS 279B.220, 279B.230, 279B.235 and 279B.270, as amended from time to time, which are made

applicable to this Agreement and incorporated herein by this reference. All employers, including COUNTY, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. COUNTY shall ensure that each of its subcontractors complies with these requirements.

Nothing in this Agreement shall require County or Department to act in violation of state or federal law or the Constitution of the State of Oregon.

## **XII ACCESS TO RECORDS**

For not less than six (6) years after Agreement expiration or termination, DEPARTMENT, the Secretary of State's Office of the State of Oregon, the federal government, and their duly authorized representatives shall have access to the books, documents, papers and records of COUNTY which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts. COUNTY shall retain all pertinent records until the later of: (i) the date that is not less than six (6) years following the Agreement expiration or termination date or (ii) the date on which all litigation regarding this Agreement is resolved. COUNTY agrees that full access to DEPARTMENT will be provided in preparation for and during litigation and that copies of applicable records shall be made available upon request and payment by DEPARTMENT for the COUNTY's cost to produce the copies.

## **XIII SURVIVAL**

All rights and obligations shall cease upon termination or expiration of this Agreement, except for the rights and obligations set forth in Sections IV, IX, X, XI, XII, XIII, and XIV.

## **XIV GOVERNING LAW; JURISDICTION; VENUE**

The laws of the State of Oregon (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Agreement, including, without limitation, its validity, interpretation, construction, performance, and enforcement. Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

## **XV WAIVER**

The failure of either party to enforce any provision of this Agreement will not constitute a waiver by that party of that or any other provision.

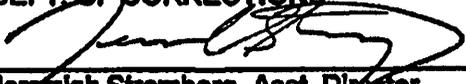
**XVI EXECUTION AND COUNTERPARTS**

This Agreement may be executed in several counterparts, each of which will be an original, all of which will constitute but one and the same instrument.

**XVII MERGER; INTEGRATION**

This instrument contains the entire agreement between the parties and no statement made by any party hereto, or agent thereof, not contained or attached with reference thereto in this written agreement will be valid or binding. This Agreement will supersede all previous communications, representations, whether verbal or written, between the parties hereto. This Agreement may not be enlarged, modified or altered except in writing, signed by the parties, and attached.

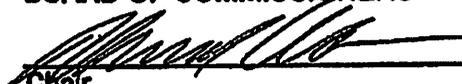
STATE OF OREGON  
DEPT. OF CORRECTIONS

  
Jeremiah Stromberg, Asst. Director

Date

12/12/19

HOOD RIVER COUNTY  
BOARD OF COMMISSIONERS

  
Chair

Date

Nov. 18, 2019

Approved for Legal Sufficiency  
Oregon Attorney General's Office:

/s/ Cynthia Byrnes per email dated 5/2/19  
Assistant Attorney General

**EXHIBIT A**

**BUDGET SUMMARY  
HOOD RIVER COUNTY  
(to be added by DEPARTMENT after  
COUNTY submission of the County Corrections Plan)**

**Hood River County  
2019-2021 Community Corrections Budget Summary**

<b>Program Name</b>	<b>Grant in Aid Fund</b>	<b>Inmate Welfare Release Subsidy Fund</b>	<b>County/Other Funds and Fees</b>	<b>Total</b>
Work Crew	\$172,270.00		\$7,780.00	\$180,050.00
Administration	\$159,092.00			\$159,092.00
Supervision	\$786,645.00		\$74,000	\$860,645.00
Custodial Sanctions			\$300,000	\$300,000.00
Domestic Violence	\$5,000.00		\$5,000.00	\$10,000.00
Mental Health	\$5,000.00		\$1,000	\$6,000.00
Parole Transition	\$6,000.00	\$3426.00		\$9,426.00
Recovery Mentor	\$35,000		\$114,857.00.00	\$149,857.00
Sex Offender	\$16,000		\$10,000	\$26,000.00
Guardian			\$4,400.00	\$4,400.00
NORCOR ReEntry			\$50,000.00	\$50,000.00
Short Term Housing			\$29,200.00	\$29,200.00
MRT			\$10,000	
<b>Fund Total</b>	<b>\$1,185,007.00</b>	<b>\$3426.00</b>	<b>\$606,237</b>	<b>\$1,794,670.00</b>

**EXHIBIT B**

**HOOD RIVER COUNTY**

**NETWORK ACCESS BY COUNTY**

1. COUNTY jail users will be permitted to use existing DEPARTMENT data circuits to access third party systems. Access is permitted for jail management system application users only. COUNTY jail users will not be permitted to use DEPARTMENT circuits for video conferencing, Real Audio, Internet access, applications that require large amounts of bandwidth, or other jail management software online service or system unless approved by DEPARTMENT. COUNTY jail users will be permitted to use DEPARTMENT's data circuits for video image transmissions using a NIST standard (available from DEPARTMENT upon request).

- A. All network traffic covered by this agreement will employ TCP/IP network protocols.
- B. DEPARTMENT will continue its policy of only providing one router to each county. This means that if COUNTY's jail and the parole and probation office are located in separate buildings, COUNTY will be responsible for providing a connection between the two buildings.

2. COUNTY understands and acknowledges that DEPARTMENT is subject to the public records provision of ORS 192.410 through 192.505 and other applicable laws and administrative rules which establish uniform guidelines and procedures for the release of information from DEPARTMENT's computer system.

**EXHIBIT C  
INDEMNIFICATION  
HOOD RIVER COUNTY**

**Contribution**

If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against a party (the "Notified Party") with respect to which the other party ("Other Party") may have liability, the Notified Party must promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Either party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this paragraph and meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Party's liability with respect to the Third Party Claim.

With respect to a Third Party Claim for which the Department is jointly liable with the County (or would be if joined in the Third Party Claim), the Department shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the County in such proportion as is appropriate to reflect the relative fault of the Department on the one hand and of the County on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Department on the one hand and of the County on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The Department's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the Department had sole liability in the proceeding.

With respect to a Third Party Claim for which the County is jointly liable with the Department (or would be if joined in the Third Party Claim), the County shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the Department in such proportion as is appropriate to reflect the relative fault of the County on the one hand and of the Department on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the County on the one hand and of the Department on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The County's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.

### **Alternative Dispute Resolution**

The parties should attempt in good faith to resolve any dispute arising out of this agreement. This may be done at any management level, including at a level higher than persons directly responsible for administration of the agreement. In addition, the parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

### **Indemnification by Subcontractors**

County shall take all reasonable steps to cause its contractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon and its officers, employees and agents ("Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys' fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of County's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by the contractor from and against any and all Claims.

### **Subcontractor Insurance Requirements**

#### **GENERAL**

County shall require its first tier contractor(s) that are not units of local government as defined in ORS 190.003, if any, to: i) obtain insurance specified under TYPES AND AMOUNTS and meeting the requirements under, "TAIL" COVERAGE, NOTICE OF CANCELLATION OR CHANGE, and CERTIFICATES OF INSURANCE before the contractors perform under contracts between County and the contractors (the "Subcontracts"), and ii) maintain the insurance in full force throughout the duration of the Subcontracts. The insurance must be provided by insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to County. County shall not authorize contractors to begin work under the Subcontracts until the insurance is in full force. Thereafter, County shall monitor continued compliance with the insurance requirements on an annual or more frequent basis. County shall incorporate appropriate provisions in the Subcontracts permitting it to enforce contractor compliance with the insurance requirements and shall take all reasonable steps to enforce such compliance. Examples of "reasonable steps" include issuing stop work orders (or the equivalent) until the insurance is in full force or terminating the Subcontracts as permitted by the Subcontracts, or pursuing legal action to enforce the insurance requirements. In no event shall County permit a contractor to work under a Subcontract when the County is aware that the contractor is not in compliance with the insurance requirements. As used in this section, a "first tier" contractor is a contractor with which the county directly enters into a contract. It does not include a subcontractor with which the contractor enters into a contract.

## **TYPES AND AMOUNTS**

### **PROFESSIONAL LIABILITY**

Professional Liability Insurance covering any damages caused by an error, omission or negligent act related to the services to be provided under the Subcontract, with limits not less than \$2,000,000, as determined by the Department:

**"TAIL" COVERAGE** If any of the required insurance policies is on a "claims made" basis, such as professional liability insurance, the contractor shall maintain either "tail" coverage or continuous "claims made" liability coverage, provided the effective date of the continuous "claims made" coverage is on or before the effective date of the Subcontract, for a minimum of 24 months following the later of : (i) the contractor's completion and County's acceptance of all Services required under the Subcontract or, (ii) the expiration of all warranty periods provided under the Subcontract. Notwithstanding the foregoing 24-month requirement, if the contractor elects to maintain "tail" coverage and if the maximum time period "tail" coverage reasonably available in the marketplace is less than the 24-month period described above, then the contractor may request and the Department may grant approval of the maximum "tail" coverage period reasonably available in the marketplace. If Department approval is granted, the contractor shall maintain "tail" coverage for the maximum time period that "tail" coverage is reasonably available in the marketplace.

**NOTICE OF CANCELLATION OR CHANGE** The contractor or its insurer must provide 30 days' written notice to County before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

**CERTIFICATE(S) OF INSURANCE** County shall obtain from the contractor a certificate(s) of insurance for all required insurance before the contractor performs under the Subcontract. The certificate(s) or an attached endorsement must specify: i) all entities and individuals who are endorsed on the policy as Additional Insured and ii) for insurance on a "claims made" basis, the extended reporting period applicable to "tail" or continuous "claims made" coverage.



**Intergovernmental Agreement in Support Of A  
Community Development Block Grant  
From The 2020 Community Development Block Grant Program  
Administered by the Oregon Business Development Department,  
Infrastructure Finance Authority**

Agreement Title: Sponsorship of Mid-Columbia Home Repair Program

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

Signatory parties: **Hood River County**

Agreement: The above signatory parties agree to jointly sponsor a housing rehabilitation program provided through a Community Development Block Grant (CDBG), administered by the Oregon Business Development Department, Infrastructure Finance Authority and recognize the City of The Dalles as the lead agency that will be responsible for applying, receiving and administering the CDBG award.

Grant Activity: The purpose of the proposed CDBG is to manage a housing rehabilitation revolving grant fund to provide assistance to low income homeowners to repair their homes.

Constraints: One hundred percent (100%) of the benefitted owner-occupied household occupants must have incomes below the federal low- and moderate-income limit (80% of the median family income as adjusted by family size).

Only persons who reside within the boundaries of the cities and unincorporated/ non-entitlement county areas of the signatory parties are to receive the housing rehabilitation funding.

Columbia Cascade Housing Corporation will enter into a sub-grant agreement with the lead agency, the City of The Dalles, to manage the housing rehabilitation program.

Counterparts: This agreement may be signed in counterparts and each counterpart will be deemed an original. Copies of all signatures will be provided as part of the grant application and to each signatory.

Multiple Parties: In the event one or more of the signatories identified above decline to sign this agreement, it remains sufficient for all other signatories to receive the benefits of the agreement.

So Agreed:

\_\_\_\_\_  
Mike Oates Commission Chair  
Hood River County Board of Commissioners

\_\_\_\_\_  
Date



## **INTERGOVERNMENTAL AGREEMENT**

THIS Agreement is entered into by Oregon State University and its Extension Service, hereinafter referred to as "OSU" and Hood River County, hereinafter referred to as "County". OSU and County may individually be referred to as a "Party" and collectively as "the Parties."

WHEREAS, the residents of Hood River County have expressed their need, desire, and support for OSU educational programs and OSU, through its Extension Service;

WHEREAS, OSU has the capability and resources to provide the desired educational programs;

IT IS HEREBY AGREED, OSU and the County enter this Agreement for the provision of the delivery of OSU educational programs to residents of Hood River County in consideration of the mutual promises stated herein.

### **1. OSU AGREES TO:**

- 1.1. Deliver OSU educational programs and information to residents of Hood River County.
- 1.2. Employ faculty and staff to deliver OSU educational programs that are the subject of this Agreement. The number of such employees will vary based on need and subject to available funding.
- 1.3. Designate one OSU representative to lead the effort to deliver OSU educational programs under this Agreement. This OSU representative is responsible for assigning tasks to OSU program and office staff and volunteers as deemed appropriate, serving as OSU's primary contact for any budget and financial administration inquiries, and liaise with County's Budget Officer regarding budget and financial administration.
- 1.4. Recruit and train volunteer citizens to assist in the delivery of OSU educational programs.
- 1.5. Provide leadership and training on OSU's educational programs for OSU faculty, staff, and volunteer residents.
- 1.6. Maintain a resource base of specialized personnel and research information for use by OSU faculty and volunteer citizens in the delivery of OSU educational programs.
- 1.7. OSU shall not subcontract, assign or transfer any of its interest in this Agreement, without the prior written consent of County. In the event that County chooses to delegate any or all County obligations under this Agreement to Hood River County, OSU hereby accepts and approves County's delegation of obligations to Hood River County. The provisions of this Agreement shall be binding upon and shall inure to the benefit of the Parties hereto, and their respective successors, delegates, and assigns, if any.
- 1.8. OSU agrees that the funds remitted to OSU shall be used for payment of expenses related to the operations of the Extension Service described in this Agreement.

### **2. COUNTY AGREES TO:**

- 2.1. Authorize and provide support and funding as indicated in the approved County budget to carry out OSU educational programs for the duration of this Agreement.

- 2.2. Retain any approved funds not remitted to OSU. Funds retained in County for OSU educational programs will be used for payment of County's Extension Service related expenses.
  - 2.3. Designate a Budget Officer who is responsible for the oversight of the budget and financial administration in accordance with the County's budget policies and any applicable budget laws; and serves as the primary contact for budget and financial administration inquiries for Extension County operations. The Budget Officer must be a County employee.
  - 2.4. Promptly process payment of reimbursement requests by OSU in accordance with the budget adopted by the County. Reimbursement will be based on invoices provided by OSU. Reimbursement to OSU shall be made in four payments during the year. The total of the reimbursement payments shall not exceed the amounts shown on the invoices or the amounts appropriated for the purpose.
- 3. SITE AGREEMENT:** OSU's use of office and storage space under control of the County shall be detailed and recorded in a separate written agreement (i.e. lease, space use agreement, site rental, etc.) as mutually agreed upon by the Parties. County may fund the costs associated with the lease of the space as provided in Attachment A.
- 4. MUTUAL RESPONSIBILITIES AND UNDERSTANDINGS:**
- 4.1. This Agreement is effective on the date it has been signed by all Parties and all required approvals have been obtained. This Agreement expires on June 30, 2025.
  - 4.2. County and OSU understand and agree that each Party's respective financial responsibilities under this Agreement are contingent on receiving funding, appropriations, limitations, allotments or other expenditure authority at levels sufficient to allow that Party, in the exercise of its reasonable administrative discretion, to fund this Agreement.
  - 4.3. This Agreement may be terminated at any time pursuant to the mutual agreement of the Parties.
  - 4.4. Subject to the limitations and conditions of the Oregon Public Records Law and the Family Educational Rights and Privacy Act, County will have the right to audit funding provided to OSU under this Agreement. OSU agrees that its records pertaining to this Agreement shall be available for audit upon request and with reasonable advance notice. The costs of such audit, if requested, shall be borne by County.
  - 4.5. The Parties each shall be responsible, to the extent permitted by the Oregon Tort Claims Act (ORS 30.260-30.300), only for the acts, omissions or negligence of its own officers, employees or agents.

#### 4.6. Contribution.

4.6.1. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against a Party (the "Notified Party") with respect to which the other party ("Other Party") may have liability, the Notified Party shall promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this paragraph and meaningful opportunity for the Other Party to participate in the investigation, defense, and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Party's liability with respect to the Third Party Claim.

4.6.2. For a Third Party Claim for which the Parties are jointly liable, each party shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the Party in such proportion as is appropriate to reflect the Parties' relative fault. The Parties' relative fault shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines, or settlement amounts. Each Party's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if that party had sole liability in the proceeding.

4.7. Each Party, through self-insurance or a commercial policy, shall be insured with adequate levels of excess general liability and commercial auto liability insurance and maintain workers' compensation insurance for its respective employees in conformance with ORS Chapter 656.017, subject to the Oregon Tort Claims Act (ORS 30.260 – 30.300). A certificate of insurance will be provided upon request. OSU does not waive the right to subrogation.

4.8. The Parties agree they shall not discriminate based on age, color, disability, ethnicity, gender identity, genetic information, marital status, national origin, pregnancy, race, religion, sex, sexual orientation, veteran or military status, or on any other basis protected by federal and/or state law.

4.9. **MERGER:** THIS AGREEMENT, INCLUDING ATTACHMENTS, WHICH ARE FULLY INCORPORATED BY THIS REFERENCE, CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS AGREEMENT. NO AMENDMENT, CONSENT, OR WAIVER OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY ALL PARTIES. ANY SUCH AMENDMENT, CONSENT, OR WAIVER SHALL BE SIGNED BY ALL PARTIES AND SHALL BE EFFECITVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THE PARTIES, BY THE SIGNATURE BELOW OF THEIR AUTHORIZED REPRESENTATIVES, ACKNOWLEDGE HAVING READ AND UNDERSTOOD THE AGREEMENT AND THE PARTIES AGREE TO BE BOUND BY ITS TERMS AND CONDITIONS AND NEITHER PARTY SHALL BE ACCORDED ANY ADVANTAGE OVER THE OTHER BY REASON OF BEING THE DRAFTER OF ANY OF THE LANGUAGE OF THIS AGREEMENT.

**HOOD RIVER COUNTY**

\_\_\_\_\_  
Michael J. Oates, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Karen Joplin, Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Rich McBride, Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert Benton, Commissioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Les Perkins, Commissioner

\_\_\_\_\_  
Date

**OREGON STATE UNIVERSITY**

\_\_\_\_\_  
Nicole Strong  
Central Regional Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Anita Azarenko  
Interim Vice Provost of Extension & Engagement  
Interim Director, OSU Extension Service

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contracts Officer  
Business Affairs | PCMM

\_\_\_\_\_  
Date

## **ATTACHMENT A**

### **County Support and Funding**

Subject to the funding limitations specified in Section 2.1, County funds may be used for the following activities:

1. Office and educational support staff as needed, including all payroll and other compensation costs. OSU employees will be supervised and managed according to OSU policies and procedures.
2. Funding for space adequate to fully house staffing for OSU activities that are the subject of this Agreement, including but not limited to, office space in a County-owned or leased facility. Such space may include utilities, internet, telephone, kitchen facilities, and any maintenance and repair. Office occupancy agreements shall be made by separate written agreement between OSU and the County.
3. Funding to support travel and per diem expenses for OSU faculty, office staff, and educational support staff. All travel reimbursement rates and allowances are to conform to the OSU travel reimbursement rates.
4. Funding for other services, supplies, materials, publications, and operation costs as required in support of OSU education programs.
5. Funding for equipment and other capital outlay items which have been approved by the County.
6. Funding for other contingency expenditures, as approved by the County.

**REQUEST FOR LEGAL SERVICES**

File Number: 13.87 ADM

Date: 06/16/2020

Date Needed: 07/10/2020

Contact: Heidi DeHart - Admin.

Phone #: 541-387-6826

Written Response Requested: Yes

Subject: IGA with OSU Extension - 5 yr Agmt Starting 7/1/2020

**Background:**

Review IGA for legal sufficiency.

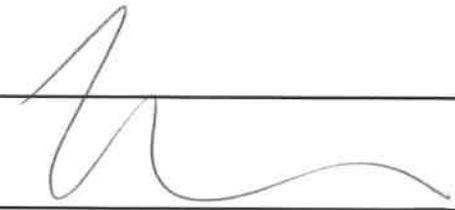
**Jeff Hecksel**

Department Head

**Response:**

Approved As to form.

Date: 7/19/20

  
County Counsel's Office



20-52 PUF  
~~01-48~~  
due 7-10

**REQUEST FOR LEGAL SERVICES**

**Date:** 06/30/20

**Date Due:** 07/10/20

**Subject:** County museum & Port IGA

**Contact Person and phone #:** Mikel Diwan, 387-7100

**Written Response:**

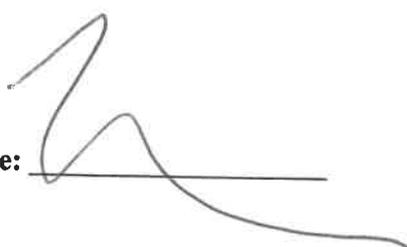
**Question:**

County Public Works has worked with Port of Hood River staff to develop an IGA regarding maintenance of the county museum irrigation system. Michael McElwee has reviewed the IGA and the next step is to take it to the BOC for consideration. Please review the attached IGA for legal sufficiency.

**Requesters Signature:** Mikel Diwan, 06/30/20

**Response:**

**Date:** 06/11/20

**County Counsel's Office:** 

## INTERGOVERNMENTAL AGREEMENT BETWEEN HOOD RIVER COUNTY AND THE PORT OF HOOD RIVER

This Agreement is by and between HOOD RIVER COUNTY, a home rule county and political subdivision of the State of Oregon, hereinafter referred to as "County," and THE PORT OF HOOD RIVER, hereinafter referred to as "Port", both collectively referred to as the "Parties".

### RECITALS

**WHEREAS**, COUNTY and PORT entered into a Land Use Agreement ("Agreement") on January 5, 2012 regarding real property PORT owns at 300 E. Port Marina Drive, Hood River, Oregon; and

**WHEREAS**, said Agreement describes the terms and conditions under which COUNTY may operate a County Museum ("museum"); and

**WHEREAS**, COUNTY currently operates a museum at said location and uses utility services, including irrigation water; and

**WHEREAS**, PORT provides museum access to irrigation water through improvements PORT owns at no cost to COUNTY; and

**WHEREAS**, at no cost to COUNTY, PORT has made significant repairs to the museum irrigation system, and

**WHEREAS**, routine maintenance and repair of the museum irrigation system on a regular basis is necessary to prevent damage to PORT facilities and equipment; and

**WHEREAS**, it is in the best interest of COUNTY and PORT that PORT facilitate any necessary repairs and provide for the routine maintenance of the museum irrigation system.

### AGREEMENT

**NOW THEREFORE**, the parties agree as follows:

1. PORT shall evaluate the museum's irrigation system and make any **Minor Repairs** needed in order to meet the operating standards of PORT. Minor Repairs may include:
  - a. Locating and repairing underground leaks.
  - b. Repairing damaged underground lines.
  - c. Replacing failing electrical control valves.
  - d. Replacing damaged sprinkler heads.
  - e. Testing the system for operability.
2. Any repairs needed to meet PORT standards and under \$500 in total cost will be considered Minor Repairs and performed and reimbursed in accordance with Section 5.
3. PORT shall consult with COUNTY if the anticipated cost of any repair work is expected to exceed a total of \$500, based on the actual cost of materials and a labor rate of \$35.00 per hour, per person. Repair work in excess of \$500 shall be considered "**Major Repairs**" and may be carried out by PORT or a private contractor only after written approval by COUNTY.

4. PORT agrees to perform all necessary **Routine Maintenance** on the museum irrigation system to ensure it continues to operate properly. Routine Maintenance includes;
  - a. Regular visual inspections while the system is operating.
  - b. Adjustment of spray heads
  - c. Annual testing.
  - d. Seasonal cleaning of the system.
5. Subject to the availability of funds, COUNTY agrees to pay PORT a lump sum of **\$4,550.00** per year for minor repairs and routine maintenance, based on an anticipated labor time of five (5) hours per week at a labor rate of \$35.00 per hour. PORT shall invoice COUNTY for this amount during the month of July in 2020 and annually in April thereafter.

Port shall invoice COUNTY monthly for any parts and materials related to **Minor Repairs**. Payment shall be due and payable within thirty (30) days of receipt of invoice.

Port shall invoice COUNTY for labor, parts, materials and/or subcontractor costs for **Major Repairs** that have been approved by COUNTY. Payment shall be due and payable within thirty (30) days of receipt of invoice.

6. For the purpose of this Agreement, the parties are independent contractors. Nothing herein shall alter the employment status of any person providing services under this Agreement. Such persons shall at all times continue to be subject to all standards of performance, disciplinary rules and other terms and conditions of their employer. COUNTY and PORT shall not be responsible for the direct payment of any salaries, wages, compensation or benefits for employees of the other party.
7. This Agreement may be terminated by either party upon giving thirty (30) days written notice. Termination shall be without prejudice to any obligations or liabilities of either party accrued prior to termination.
8. COUNTY and PORT are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons.
9. This Agreement does not in any way constitute or nominate either of the parties as the agent or legal representative of the other party for any purpose whatsoever. Neither party is granted any right or authority to assume or to create any obligation or responsibility, express or implied, on behalf of, or in the name of, the other party to this Agreement.
10. Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney's fees and costs) arising from the performance of this Agreement to the extent the loss or claim is attributable to the negligent acts or omissions of that party. The parties mutually agree that nothing contained in this Agreement is intended to limit the remedy, if any, of either party against the other party, including claims under subrogation agreements with the party's insurance carrier, to recover damages to property or injury to persons caused by a party's negligence, other than limitations of liability for public bodies under the Oregon Tort Claims Act and the Oregon Constitution.





County Museum Items Stored at Barker Road Facility Recommended for Surplus, July, 2020

ITEM	DESCRIPTION
1.	Hanging wall display cabinet with mirrored back, missing doors
2.	Large glass display case, breakable glass, missing glass on top
3.	Plaque: Gift of 100 Dance Club 1989
4.	Floor display cabinet; brackets for shelves and sliding doors (but no doors or shelves)
5.	Large display case with glass top and curved glass ends; breakable glass; 6 wooden panel doors
6.	Two stanchions, wood with spooled profile
7.	Two upright display cases, modern 'Deco-ish' style with curved corners, glass doors, open at top, no shelves, wood-grain contact paper on cabinet sides
8.	Oak desk
9.	Metal electric box fan
10.	Curved corner panel partition, padded fabric panel with metal trim
11.	Box of new UV light filters for fluorescent tubes
12.	Computer kiosk, blond wood, slant top, speakers in cupboard below, plaque: donated by Trust Management Services Foundation to Hood River County Historical Society, Bernice Hoffman (1973-1998)
13.	Display cabinet, mahogany, shelve and doors fixtures, oriental cupboard door handles
14.	L-shaped Countertop, laminated plywood



# NEW BUSINESS



**BEFORE THE BOARD OF COMMISSIONERS**

**OF**

**HOOD RIVER COUNTY, OREGON**

**IN THE MATTER OF REFERRING TO THE )  
VOTERS AT THE NOVEMBER 3, 2020 ) RESOLUTION NO. \_\_\_\_\_  
ELECTION A REVISED HOME RULE )  
CHARTER )**

**WHEREAS**, the Hood River County Home Rule Charter was last comprehensively reviewed in 2008; and

**WHEREAS**, the Board of Commissioners appointed a Charter Review Committee to evaluate the existing Charter, comprised of citizens as well as the County Administrator, Sheriff, Counsel and Commission Chair; and

**WHEREAS**, the Charter Review Committee determined that changes to the Charter are warranted and prepared a draft for review by the Board; and

**WHEREAS**, the Board concurs with the recommendations of the Charter Review Committee and finds that the proposed revised Charter will better meet the present and future needs of the County, and is in the best interest of the County to refer to the voters for their approval.

**NOW, THEREFORE, THE HOOD RIVER COUNTY BOARD OF COMMISSIONERS HEREBY RESOLVES:**

1. Pursuant to Article XII, Section VI of the Hood River County Home Rule Charter, an election is called for the purpose of referring to the electors of Hood River County a measure proposing adoption of a revised Home Rule Charter.
2. The measure in the Ballot Title, attached hereto as Exhibit A, shall be referred to the qualified electors of Hood River County for their “yes” or “no” vote.
3. The Ballot Title attached hereto and marked as Exhibit A is approved for submission to the Hood River County Elections Officer (County Clerk) for the November 3, 2020 Election.

4. Hood River County General Counsel will certify form SEL 801, Notice of County Measure Election, as required by law.
5. Following certification, Counsel shall cause to be delivered to the County Clerk this Resolution, Ballot Title and form SEL 801 for further action as required by law for placement on the November 3, 2020 election ballot.
6. The County Clerk shall give notice of receipt of the Ballot Title and notice of electors' right to petition for review of the Ballot Title as provided by law.

**ADOPTED THIS 20<sup>th</sup> day of July, 2020.**  
**HOOD RIVER COUNTY BOARD OF COMMISSIONERS**

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Michael J. Oates, Chair

---

Karen Joplin, Commissioner

---

Rich McBride, Commissioner

---

Robert Benton, Commissioner

---

Les Perkins, Commissioner

EXHIBIT A  
BALLOT MEASURE \_\_\_\_\_

CAPTION: (10 Words)

Revision of Hood River County Home Rule Charter

QUESTION: (20 Words)

Shall the Electors of Hood River County adopt the revised Charter proposed by the Charter Review Committee?

BALLOT SUMMARY: (175 Words)

This Measure proposes adoption of a revised Hood River County Home Rule Charter. The revision is recommended because the current Charter was last updated in 2008. Since then, certain state laws and the way the County is administered have changed.

The proposed revised Charter contains editorial changes to improve the document's organization and to conform its provisions to current County procedures. Such changes include: clarification of residency within the District a Commissioner will represent for a continuous period of 12 months immediately preceding election or appointment; nomination and election of elective county offices other than Sheriff so candidates receiving the majority of votes cast in a primary are elected and do not appear on the November ballot; eligibility requirements of the Justice Department to conform to state law; and revision of procedures for adopting ordinances.

The Charter may be amended by vote of the people. If approved the revised Charter would take effect on January 1, 2021.

# HOOD RIVER COUNTY

Fruit • Recreation • Industry



## HOME RULE COUNTY CHARTER

*A Small County With a Big Mission:  
Providing Quality of Life for All*

Style Definition: Heading 1

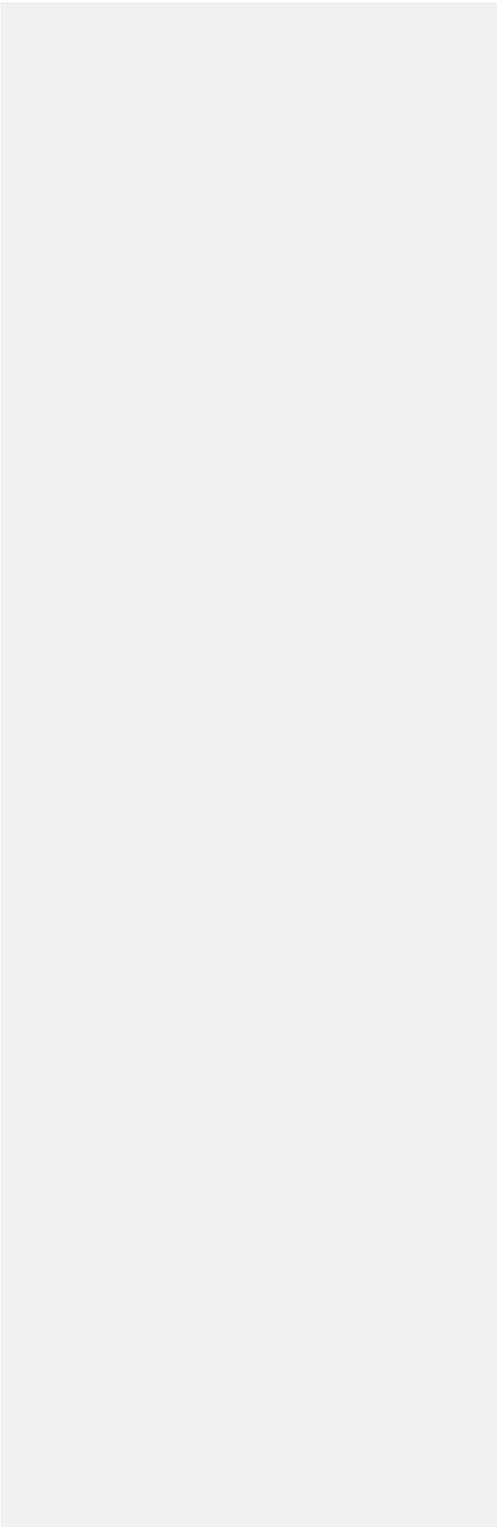
Originally adopted 1964  
Revised 1965  
Revised 1984  
Revised 1998  
Revised 2008  
DRAFT 2020

Original adopted 1964  
Revised 1965  
Revised 1984  
Revised 1998  
Revised 2008  
Draft 2020

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## PREAMBLE

We the people of Hood River County in the State of Oregon, having established the original Home Rule Charter in 1965 in accordance with the provisions of the Constitution and laws of the State of Oregon, hereby repeal the Hood River County Charter of ~~1998~~2008 and adopt and establish as our charter and form of government this Home Rule Charter for Hood River County.

In this Charter references to County pertain to HOOD RIVER COUNTY, and references to State pertain to the STATE OF OREGON

## ARTICLE I. POWERS

### Section I. General Grant of Powers

(1) Except as this Charter provides to the contrary, the County has authority over matters of County concern to the fullest extent now or hereafter granted or allowed by the constitutions and laws of the United States and the State of Oregon.

(2) Except as this Charter provides to the contrary and subject to the powers of initiative and referendum residing in the people of the County:

- (a) The legislative power of the County is vested in, and exercisable only by the elected legislative body known as the Board of Commissioners.
- (b) All other powers of the County not vested by this Charter elsewhere are vested in the Board of Commissioners and are exercisable only by it or persons acting under its delegated authority.

(3) This Charter shall be liberally construed to the end that, within the limits imposed by this Charter or the constitutions or laws of the United States or the State of Oregon, the County shall have all powers necessary or convenient for the conduct of its affairs. No enumeration of powers shall be construed to be exclusive or to restrict the authority that the County would have if the particular power were not mentioned.

### Section II. Specific Legislative Powers

(1) In addition to the other duties and powers herein provided; the Board of Commissioners shall have the power to:

- (a) Enact ordinances according to the provisions of this Charter.
- (b) Adopt a County Administrative Code.
- (c) Appoint Boards, commissions and committees.
- (d) Appoint a County Administrator, County Counsel(s) and Auditor.

(2) The County offices, departments or institutions shall exercise their functions under the authority of the Board of Commissioners under direction and supervision of the County Administrator.

### Section III. Limitation of Powers

Original adopted 1964  
Revised 1965  
Revised 1984  
Revised 1998  
Revised 2008  
Draft 2020

No Commissioner including the Chair shall have the authority to make statements or act independently on behalf of the County without the express authorization of the Board of Commissioners.

## ARTICLE II. BOARD OF COMMISSIONERS

### Section I. Commissioners

The Board of Commissioners shall consist of the Chair of the Board of Commissioners and four County Commissioners. The Chair of the Board of Commissioners shall be a registered voter of the County and shall be elected at large. The County Commissioners shall be registered voters of the County and residents of the districts ~~from~~in which ~~nominated, and one~~they reside. One Commissioner shall be elected by each district.

### Section II. Districts

There shall be four districts established for the election of Commissioners.

### Section III. Boundaries

The Board of Commissioners may change the boundaries of Commissioner Districts by ordinance in conformance with the concept of one person, one vote. The procedure for this process shall be set forth in the Administrative Code.

### Section IV. Eligibility

(1) To qualify for an elective office of County Commissioner a person:

- (a) Shall be a legal voter of the County.
- (b) Shall have resided in the County for a continuous period of 12 months immediately preceding election or appointment ~~one year immediately prior to filing for office.~~
- ~~(c). Shall have resided in the district they will represent for a continuous period of 12 months immediately preceding election or appointment.~~
- (d) No person employed by Hood River County shall be eligible to serve as a member of the Board of Commissioners.
- ~~(e)~~ For the purposes of this section a member of the Board of Commissioners is not an employee of Hood River County.

### Section V. Election of Chair and Commissioners

\_\_\_\_ (1) The voters shall elect the Chair at each November general election.

\_\_\_\_ (2) The voters from odd-numbered districts shall elect Commissioners at the November general election of non-presidential election years.

\_\_\_\_ (3) The voters from even-numbered districts shall elect Commissioners at the November general election of presidential election years.

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(4) The candidate or candidates receiving the highest number of votes at the general election shall be elected to the position or positions to be filled.

(5) Notwithstanding the foregoing, a candidate receiving the majority of the votes cast (50% plus one vote) at a primary election for Chair or Commissioner shall be elected to that position and shall not appear on the general election ballot.

~~(4)~~ (6) Newly elected or appointed Commissioners shall, before the commencement of their term, take an Oath to uphold the constitution of the United States, State of Oregon, Charter, and Ordinances of the County of Hood River.

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#### Section VI. Term of Office

The term of office of the Chair shall be two years, and the term for Commissioners shall be four (1) years. Terms of office ~~begin shall begin the first day on or after January 1~~ of the ~~ensuing~~ year following election ~~upon administration of the oath of office.~~

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(2) The Chair and Commissioners serve until the succeeding Chair or Commissioner has taken the oath of office or the Board has declared a vacancy.

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#### Section VII. Vacancy of Office

(1) A vacancy of office on the Board of Commissioners shall occur for the following reasons: death, resignation, incapacity to act, taking up residence outside his or her district, conviction of a felony, unexcused absence for three consecutive regularly scheduled Board meetings, other reasons of ineligibility and declaration by the Board of a vacancy:

- (a) If the vacancy is in the position of Chair the remaining Board members shall appoint a member of the Board to the position to serve for the vacated un-expired term. In the event that no Commissioner will accept the appointment or a majority vote is not obtained then a special election shall be held to fill the position for the un-expired term; such special election shall be held within 60 days of the date of the vacancy.
- (b) If the vacancy is in the position of Commissioner, the remaining Board members shall appoint a resident of the vacant district to fill the un-expired term of the vacated position.

#### Section VIII. Organization

At the first meeting of each calendar year the Board of Commissioners shall elect a Vice-Chair who shall serve in the absence of the Chair.

#### Section IX. Powers and Duties of the Chair of the Board of Commissioners

(1) The Chair of the Board of Commissioners shall:

- (a) Preside over meetings of the Board of Commissioners.
- (b) Preserve order at meetings of the Board of Commissioners.
- (c) Enforce the rules of the Board of Commissioners.
- (d) Determine the order of business for meetings of the Board of Commissioners.
- (e) Call special meetings and executive sessions of the Board.
- (f) Vote on all questions before the Board of Commissioners.

(g) Have power to make motions and second motions.

#### **Section X. Quorum**

Three Commissioners of the Board of County Commissioners shall constitute a quorum.

#### **Section XI. Meetings**

The Board of Commissioners shall meet regularly at least once each month and at such time and place as the Board of Commissioners may prescribe by rule. Special meetings may be called by the Chair or by three Commissioners upon notice to each member. All meetings shall be open to the public except for executive sessions as allowed by State law.

#### **Section XII. Voting**

No action of the Board of Commissioners shall be valid or binding unless adopted by the affirmative vote of three or more members. All voting shall be by recorded roll call vote.

#### **Section XIII. Compensation**

Members of the Board of Commissioners shall receive reasonable compensation as determined annually by the lay members of the budget committee.

### **ARTICLE III. ADMINISTRATIVE FUNCTIONS**

#### **Section I. Powers and Duties of the County Administrator**

(1) The County Administrator shall:

- (a) Be appointed by the Board of Commissioners.
- (b) Serve at the will of the Board.
- (c) Be the head of the administrative branch of County Government.
- (d) Be responsible to the Board of Commissioners for the proper Administration of all affairs of Hood River County.
- (e) Be responsible for carrying out the policies established by the Board of Commissioners.
- (f) Be responsible for the employment and termination of all County employees; for all departments of the County with the exception of the department of law enforcement and department of justice.

### **ARTICLE IV. DEPARTMENT OF LAW ENFORCEMENT**

#### **Section I. Powers and Duties of the Sheriff and the Department of Law Enforcement**

(1) The Sheriff of Hood River County shall be the Director of Law Enforcement and shall be an elected official residing within the County.

(2) A candidate for the position of Sheriff shall:

- (a) Possess the minimum qualifications required of a Sheriff under State law.
- (b) Be a minimum of 25 years of age.
- (c) Be bondable.

(3) The candidate receiving the most votes at the November general election of presidential election years shall be elected Sheriff.

(4) The Sheriff of Hood River County shall be responsible for:

- (a) The enforcement of State law and County ordinances, except for the function of tax collection.
- (b) The handling of criminal and civil processes as prescribed by State law and County ordinance.
- (c) Performing the duties and responsibilities as set forth in the County Administrative Code.
- (d) The employment or termination of deputies and other personnel of the department in conformance with the County Administrative Code, Employee Handbook, state laws and any applicable collective bargaining agreement(s).

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(5) In the event of vacancy in office, the Chief Deputy shall serve as Sheriff until the Board of Commissioners appoint a qualified successor. The vacancy shall be filled by the appointee until the next general election. The position shall then be filled by election for the remainder of the term.

(6) The Sheriff shall devote full time to the duties of the office during the Sheriff's tenure. This requirement may be enforced by the Board of Commissioners.

(7) The Sheriff shall receive reasonable compensation as determined annually by the lay members of the budget committee.

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## ARTICLE V. DEPARTMENT OF JUSTICE

### Section I. Policies and Procedures

(1) The Department of Justice shall include the District Attorney, the Justice Courts and Judges as provided by State law.

(2) The election, tenure of office, salary, and procedure for filling vacancies in judicial offices shall be as provided by State law.

(3) The practice and procedure as to prosecution, trial and punishment of County offenses shall be the same as similar crimes or offenses defined or made punishable by State law. As used in this section, County offense means any crime or offense defined or made punishable by County ordinances or this Charter.

### Section II. Powers and Duties of the District Attorney, Justice of the Peace and County

## Counsel

- (1) The District Attorney of Hood River County shall be the Director of the District Attorney's office and shall be an elected official ~~residing within the County.~~
- (2) The District Attorney of Hood River County is a state elected official and shall be responsible for:
  - (a) The enforcement of State law with the exception of the function of tax collection.
  - (b) Performing the duties and responsibilities as set forth in State law and the County Administrative Code.
  - (c) The employment or termination of deputies and other personnel of the department in conformance with the County Administrative Code-, Employee Handbook, state laws and any applicable collective bargaining agreement(s).
- (3) The Justice of the Peace of Hood River County shall be the Director of the Justice Court office and shall be an elected official ~~residing within the County.~~ with a residence in the County or a principal office in the County. A principal office shall be the primary location from which the person conducts the person's business or profession.
- (4) The Justice of the Peace for Hood River County shall be responsible for:
  - (a) The trial of any cases involving violation of County ordinances or State laws in all areas of the County which may be referred to the Justice Court.
  - (b) Performing the duties and responsibilities as set forth in State law and the County Administrative Code.
  - (c) The employment or termination of personnel of the department in conformance with the County Administrative Code-, Employee Handbook, state laws and any applicable collective bargaining agreement(s).
- (5) County Counsel responsibilities may include:
  - (a) Acting as civil counsel to the Board of Commissioners
  - (b) Enforcement of County Ordinances.

## ARTICLE VI. EXPENSE AND CAPITAL BUDGETS

- (1) Budgets shall be made and approved in accordance with the local budget law of the State.
- (2) Expenditure items which do not appear in the regularly published budget may be included by filing a supplemental budget.

## ARTICLE VII. COUNTY ADMINISTRATIVE CODE

- (1) The County Administrative Code shall govern the operation of the various County offices, departments and institutions. It shall prescribe the powers and duties of elected and appointed County officials and employees and shall prescribe the procedures and systems of operation and management of all offices, departments and institutions of the County.

(2) The Board of Commissioners may enact, amend, revise or repeal provisions of the County Administrative Code.

(3) It shall be the responsibility of the Board of Commissioners to compile and maintain the County Administrative Code in a systematic manner properly indexed and current.

(4) The Board of Commissioners shall review the County Administrative Code periodically to assure its accuracy and completeness.

## ARTICLE VIII. ORDINANCE PROCEDURE

### SECTION I. ~~Introduction~~Legislative Action

~~(1) An ordinance may be introduced~~All legislative action by ~~any Commissioner at any regular or special meeting of the~~  
~~Board.~~

~~(2) Publication of all proposed ordinances~~ County shall ~~require prior approval be~~ by the Board ~~of ordinance.~~  
~~Commissioners.~~

### SECTION II. ~~Publication~~Enacting Clause

~~(1) Copies~~The enacting clause of the proposed an ordinance ~~shall be distributed to each~~  
~~Commissioner, news media~~  
~~representatives and interested citizens upon request.~~

~~(2) The Board shall promptly publish the proposed ordinance indicating the time and place for a public hearing and its consideration~~enacted by the Board of County Commissioners- ~~and not referred to the voters shall read, "The Board of County commissioners of Hood River County ordains as follows:". The enacting clause for ordinances initiated and adopted by the voters of the County shall read: "The People of Hood River County ordain as follows:"~~

### SECTION III. ~~Public Hearings~~Adoption

~~(1) The public hearing on the proposed ordinance shall be held at least one week after publication.~~

~~(2) At the hearing, copies of the proposed~~ (1) Except as this section provides to the contrary, before an ordinance is enacted, it shall be fully and distinctly read in regular meeting of the Board on two different days at least 13 days apart. The Board may direct that either or both of the readings be by title only;

(a) If a copy of the ordinance is provided for each member of the Board when the ordinance shall be made is introduced; and

(b) A copy of the ordinance is available to all persons present  
~~and all interested persons shall have the opportunity to be heard.~~

~~(3) After the hearing, the Board of Commissioners may adopt, amend or reject the proposed ordinance.~~

~~(4) Any substantive changes to the proposed ordinance shall constitute an amendment requiring publication and public hearing prior to adoption.~~

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~~(5) Grammatical, clerical, typographical errors or omissions shall not constitute amendments requiring publication or hearing.~~

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~~SECTION IV. Enactment~~

~~(1) Except as otherwise provided in this Charter, every adopted ordinance shall become effective thirty one days after adoption or at any later date specified therein. As used in this section, the term "published" shall be the same as provided by State law as it applies to the publishing of budgets for tax supported institutions.~~

~~(2) Each adopted ordinance and resolution shall be given a serial number and date of adoption.~~

~~(3) The ordinance shall then be entered into a separate properly indexed record and made available to the public.~~

~~(4) Except as otherwise provided for by State law, the procedures set out each person at the meeting who desires a copy.~~

~~(2) An ordinance enacted after being read by title only may have no legal effect if any section incorporating a substantial change in the ordinance as introduced is not read fully and distinctly in regular meeting of the Board at least 13 days prior to the adoption of the ordinance.~~

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~~SECTION IV. this Charter shall govern the Authentication~~

~~Upon enactment of all County Ordinances an ordinance by the Board, the Commissioners present at the session at which the Board finally approves the ordinance shall sign the ordinance and indicate the date of its enactment.~~

~~SECTION V. Time of Effect~~

~~(1) A nonemergency ordinance shall take effect on the 30<sup>th</sup> day after it is signed unless:~~

~~(a) It prescribes a later date for it to take effect; or~~

~~(b) It is referred to the voters of the County, in which event it shall take effect only upon receiving their approval.~~

~~(2) An ordinance enacted by the Board in the exercise of its police power and for the purpose of meeting an emergency may take effect immediately upon being so enacted.~~

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~~SECTION V. Emergency Ordinance~~

~~(1) To meet a public emergency affecting life, health or property the Commissioners Board may adopt an emergency ordinance provided that:~~

~~(a) The ordinance does not levy taxes, or authorize the borrowing of money.~~

~~(b) Upon adoption the ordinance shall be published in the next available issue of the designated newspaper.~~

~~(c) The ordinance, including any amendments made after its adoption, shall be~~

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automatically repealed on the one hundred eighty-first day following the date of its adoption.

## ARTICLE IX. ELECTIONS

### SECTION I. Non-Partisanship

All Elective County offices of the Board, Commission and Sheriff shall be non-partisan for the purposes of filing for office, election to office and performance of the duties and responsibilities of the office.

### SECTION II. Nominations

~~(1) Candidates Except as this Charter provides to the contrary, the manner of nominating and electing candidates for County elected elective county offices shall be nominated the manner now or hereafter prescribed by the laws of the state for the conduct of nonpartisan nominations and elections.~~

~~(a) No petition, declaration, primary or general ballot for an elective county office shall make reference to any political party ballot or to a political party affiliation or designation.~~

~~(b) A primary or general ballot, as the case may be, shall be delivered to each registered elector, regardless of party affiliation.~~

~~(c) Except for the office of Sheriff, when a candidate for nomination for an elective county office receives a majority of all votes cast (50% plus one vote) at the primary election. The name of the candidate receiving the majority of the votes cast for, they shall be elected to that office will be placed position and shall not appear on the November general election ballot.~~

~~(2)(d) If no candidate at the primary election receives a majority of the all votes, the names of cast, the two candidates receiving the greatest highest number of votes will shall be placed on the November general election ballot. The candidate receiving the greatest number of votes in the November general election shall be the candidate elected to the position ballot.~~

~~(3) The method of nominating filing as a candidate for the position of Chair of the Board or Sheriff of Hood River County shall be:~~

~~(a) To file with the official in charge of elections within the filing period specified by State Law, a nominating petition signed by not fewer than twenty legal voters of each Commissioner district; or~~

~~(b) To pay a filing fee of \$50 within the filing period specified by State law.~~

~~(4) The method of nominating filing as a candidate for an elected position of Hood River County Commissioner District Positions shall be:~~

~~(a) To file with the official in charge of elections, within the filing period specified by State law a nominating petition signed by not fewer than twenty legal voters of the district in which the candidate resided at the time of filing; or~~

~~(b) To pay a filing fee of \$50 within the filing period specified by State law.~~

## ARTICLE X. GENERAL PROVISIONS

## **SECTION I. Contracts and Purchases**

(1) Purchases or contracts shall be as set forth in the County Administrative Code as required by State law.

## **Section II. Audits**

(1) A complete independent financial audit of the records of the County shall be performed in accordance with State and Federal law on an annual basis.

(2) The complete audit shall be filed with the Board of Commissioners, the State of Oregon and made available for public inspection.

## **ARTICLE XI. PROHIBITIONS**

### **Section I. Non-Discrimination**

No person shall be discriminated against with respect to any County position or appointive office because of race, religion, age, ethnic origin, gender, sexual orientation, veteran's status, disability or other classes protected by State law.

### **Section II. Ethical Requirements**

Any person holding elected or appointed offices under this Charter shall comply with ethical standards as set forth in Oregon laws.

## **ARTICLE XII. TRANSITIONAL PROVISIONS**

### **Section I. Effective Date**

This Charter shall become effective on the thirtieth day following its adoption.

### **Section II. Continuity**

(1) The elected and appointed County officials in office at the time this Charter is adopted shall continue in office and perform their present powers and duties at existing salaries until changed by the Board of Commissioners.

(2) All rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue except as modified by this Charter and in each case shall be continued by the appropriate County department.

### **Section III. Repealer Clause**

All rules, regulations or policies are repealed to the extent that they are inconsistent with or interfere with the effective operations of this Charter.

### **Section IV. Severability**

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

**Section V. Review**

The Board of Commissioners shall appoint a Charter Review Committee to review the Charter at least every ten years hereafter or more often as deemed necessary by the Board.

**Section VI. Amendments**

This Charter may be amended by the vote of the people as set forth by State Law.

**Section VII. Definitions**

As used in this Charter the word "shall" is considered mandatory and the word "may" is considered permissive. Words in the present tense include the future; the singular includes the plural; plural usage includes the singular.

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Hood River County  
Charter Review Committee

~~Ron Rivers~~Mike Oates, Chair  
~~Will Carey~~Charles Bugge, Vice-Chair  
Jean Melean  
Paul Cummings  
Paul Blackburn

Bill Pattison  
Tennis J. Wyers  
Ron Guth  
Wally Eakin  
Jason Shaner  
Jeff Hecksel  
Lisa Knight Davies  
Jess Groves  
Brien Gibson  
John McGhee  
Matt English  
Bob Benton

# HOOD RIVER COUNTY

Fruit • Recreation • Industry



## HOME RULE COUNTY CHARTER

*A Small County With a Big Mission:  
Providing Quality of Life for All*

Originally adopted 1964

Revised 1965

Revised 1984

Revised 1998

Revised 2008

DRAFT 2020

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## PREAMBLE

We the people of Hood River County in the State of Oregon, having established the original Home Rule Charter in 1965 in accordance with the provisions of the Constitution and laws of the State of Oregon, hereby repeal the Hood River County Charter of 2008 and adopt and establish as our charter and form of government this Home Rule Charter for Hood River County.

In this Charter references to County pertain to HOOD RIVER COUNTY, and references to State pertain to the STATE OF OREGON

## ARTICLE I. POWERS

### Section I. General Grant of Powers

(1) Except as this Charter provides to the contrary, the County has authority over matters of County concern to the fullest extent now or hereafter granted or allowed by the constitutions and laws of the United States and the State of Oregon.

(2) Except as this Charter provides to the contrary and subject to the powers of initiative and referendum residing in the people of the County:

- (a) The legislative power of the County is vested in, and exercisable only by the elected legislative body known as the Board of Commissioners.
- (b) All other powers of the County not vested by this Charter elsewhere are vested in the Board of Commissioners and are exercisable only by it or persons acting under its delegated authority.

(3) This Charter shall be liberally construed to the end that, within the limits imposed by this Charter or the constitutions or laws of the United States or the State of Oregon, the County shall have all powers necessary or convenient for the conduct of its affairs. No enumeration of powers shall be construed to be exclusive or to restrict the authority that the County would have if the particular power were not mentioned.

### Section II. Specific Legislative Powers

(1) In addition to the other duties and powers herein provided; the Board of Commissioners shall have the power to:

- (a) Enact ordinances according to the provisions of this Charter.
- (b) Adopt a County Administrative Code.
- (c) Appoint Boards, commissions and committees.
- (d) Appoint a County Administrator, County Counsel(s) and Auditor.

(2) The County offices, departments or institutions shall exercise their functions under the authority of the Board of Commissioners under direction and supervision of the County Administrator.

### Section III. Limitation of Powers

No Commissioner including the Chair shall have the authority to make statements or act independently on behalf of the County without the express authorization of the Board of Commissioners.

## ARTICLE II. BOARD OF COMMISSIONERS

### Section I. Commissioners

The Board of Commissioners shall consist of the Chair of the Board of Commissioners and four County Commissioners. The Chair of the Board of Commissioners shall be a registered voter of the County and shall be elected at large. The County Commissioners shall be registered voters of the County and residents of the districts in which they reside. One Commissioner shall be elected by each district.

### Section II. Districts

There shall be four districts established for the election of Commissioners.

### Section III. Boundaries

The Board of Commissioners may change the boundaries of Commissioner Districts by ordinance in conformance with the concept of one person, one vote. The procedure for this process shall be set forth in the Administrative Code.

### Section IV. Eligibility

(1) To qualify for an elective office of County Commissioner a person:

- (a) Shall be a legal voter of the County.
- (b) Shall have resided in the County for a continuous period of 12 months immediately preceding election or appointment.
- (c) Shall have resided in the district they will represent for a continuous period of 12 months immediately preceding election or appointment.
- (d) No person employed by Hood River County shall be eligible to serve as a member of the Board of Commissioners.
- (e) For the purposes of this section a member of the Board of Commissioners is not an employee of Hood River County.

### Section V. Election of Chair and Commissioners

(1) The voters shall elect the Chair at each November general election.

(2) The voters from odd-numbered districts shall elect Commissioners at the November general election of non-presidential election years.

(3) The voters from even-numbered districts shall elect Commissioners at the November general election of presidential election years.

(4) The candidate or candidates receiving the highest number of votes at the general election shall be elected to the position or positions to be filled.

(5) Notwithstanding the foregoing, a candidate receiving the majority of the votes cast (50% plus one vote) at a primary election for Chair or Commissioner shall be elected to that position and shall not appear on the general election ballot.

(6) Newly elected or appointed Commissioners shall, before the commencement of their term, take an Oath to uphold the constitution of the United States, State of Oregon, Charter, and Ordinances of the County of Hood River.

## **Section VI. Term of Office**

- (1) The term of office of the Chair shall be two years and the term for Commissioners shall be four years. Terms of office shall begin on or after January 1 of the year following election upon administration of the oath of office.
- (2) The Chair and Commissioners serve until the succeeding Chair or Commissioner has taken the oath of office or the Board has declared a vacancy.

## **Section VII. Vacancy of Office**

(1) A vacancy of office on the Board of Commissioners shall occur for the following reasons: death, resignation, incapacity to act, taking up residence outside his or her district, conviction of a felony, unexcused absence for three consecutive regularly scheduled Board meetings, other reasons of ineligibility and declaration by the Board of a vacancy:

- (a) If the vacancy is in the position of Chair the remaining Board members shall appoint a member of the Board to the position to serve for the vacated un-expired term. In the event that no Commissioner will accept the appointment or a majority vote is not obtained then a special election shall be held to fill the position for the un-expired term; such special election shall be held within 60 days of the date of the vacancy.
- (b) If the vacancy is in the position of Commissioner, the remaining Board members shall appoint a resident of the vacant district to fill the un-expired term of the vacated position.

## **Section VIII. Organization**

At the first meeting of each calendar year the Board of Commissioners shall elect a Vice-Chair who shall serve in the absence of the Chair.

## **Section IX. Powers and Duties of the Chair of the Board of Commissioners**

- (1) The Chair of the Board of Commissioners shall:
  - (a) Preside over meetings of the Board of Commissioners.
  - (b) Preserve order at meetings of the Board of Commissioners.
  - (c) Enforce the rules of the Board of Commissioners.
  - (d) Determine the order of business for meetings of the Board of Commissioners.
  - (e) Call special meetings and executive sessions of the Board.
  - (f) Vote on all questions before the Board of Commissioners.
  - (g) Have power to make motions and second motions.

## **Section X. Quorum**

Three Commissioners of the Board of County Commissioners shall constitute a quorum.

## **Section XI. Meetings**

The Board of Commissioners shall meet regularly at least once each month and at such time and place as the Board of Commissioners may prescribe by rule. Special meetings may be called by the Chair or by three Commissioners upon notice to each member. All meetings shall be open to the public except for executive sessions as allowed by State law.

## **Section XII. Voting**

No action of the Board of Commissioners shall be valid or binding unless adopted by the affirmative vote of three or more members. All voting shall be by recorded roll call vote.

## **Section XIII. Compensation**

Members of the Board of Commissioners shall receive reasonable compensation as determined annually by the lay members of the budget committee.

# **ARTICLE III. ADMINISTRATIVE FUNCTIONS**

## **Section I. Powers and Duties of the County Administrator**

(1) The County Administrator shall:

- (a) Be appointed by the Board of Commissioners.
- (b) Serve at the will of the Board.
- (c) Be the head of the administrative branch of County Government.
- (d) Be responsible to the Board of Commissioners for the proper Administration of all affairs of Hood River County.
- (e) Be responsible for carrying out the policies established by the Board of Commissioners.
- (f) Be responsible for the employment and termination of all County employees; for all departments of the County with the exception of the department of law enforcement and department of justice.

# **ARTICLE IV. DEPARTMENT OF LAW ENFORCEMENT**

## **Section I. Powers and Duties of the Sheriff and the Department of Law Enforcement**

(1) The Sheriff of Hood River County shall be the Director of Law Enforcement and shall be an elected official residing within the County.

(2) A candidate for the position of Sheriff shall:

- (a) Possess the minimum qualifications required of a Sheriff under State law.
- (b) Be a minimum of 25 years of age.
- (c) Be bondable.

(3) The candidate receiving the most votes at the November general election of presidential election years shall be elected Sheriff.

(4) The Sheriff of Hood River County shall be responsible for:

- (a) The enforcement of State law and County ordinances, except for the function of tax collection.
- (b) The handling of criminal and civil processes as prescribed by State law and County ordinance.
- (c) Performing the duties and responsibilities as set forth in the County Administrative Code.
- (d) The employment or termination of deputies and other personnel of the department in conformance with the County Administrative Code, Employee Handbook, state laws and any applicable collective bargaining agreement(s).

(5) In the event of vacancy in office, the Chief Deputy shall serve as Sheriff until the Board of Commissioners appoint a qualified successor. The vacancy shall be filled by the appointee until the next general election. The position shall then be filled by election for the remainder of the term.

(6) The Sheriff shall devote full time to the duties of the office during the Sheriff's tenure. This requirement may be enforced by the Board of Commissioners.

(7) The Sheriff shall receive reasonable compensation as determined annually by the lay members of the budget committee.

## **ARTICLE V. DEPARTMENT OF JUSTICE**

### **Section I. Policies and Procedures**

(1) The Department of Justice shall include the District Attorney, the Justice Courts and Judges as provided by State law.

(2) The election, tenure of office, salary, and procedure for filling vacancies in judicial offices shall be as provided by State law.

(3) The practice and procedure as to prosecution, trial and punishment of County offenses shall be the same as similar crimes or offenses defined or made punishable by State law. As used in this section, County offense means any crime or offense defined or made punishable by County ordinances or this Charter.

### **Section II. Powers and Duties of the District Attorney, Justice of the Peace and County Counsel**

(1) The District Attorney of Hood River County shall be the Director of the District Attorney's office and shall be an elected official.

(2) The District Attorney of Hood River County is a state elected official and shall be responsible for:

- (a) The enforcement of State law with the exception of the function of tax collection.
- (b) Performing the duties and responsibilities as set forth in State law and the County

Administrative Code.

(c) The employment or termination of deputies and other personnel of the department in conformance with the County Administrative Code, Employee Handbook, state laws and any applicable collective bargaining agreement(s).

(3) The Justice of the Peace of Hood River County shall be the Director of the Justice Court office and shall be an elected official with a residence in the County or a principal office in the County. A principal office shall be the primary location from which the person conducts the person's business or profession.

(4) The Justice of the Peace for Hood River County shall be responsible for:

(a) The trial of any cases involving violation of County ordinances or State laws in all areas of the County which may be referred to the Justice Court.

(b) Performing the duties and responsibilities as set forth in State law and the County Administrative Code.

(c) The employment or termination of personnel of the department in conformance with the County Administrative Code, Employee Handbook, state laws and any applicable collective bargaining agreement(s).

(5) County Counsel responsibilities may include:

(a) Acting as civil counsel to the Board of Commissioners

(b) Enforcement of County Ordinances.

## **ARTICLE VI. EXPENSE AND CAPITAL BUDGETS**

(1) Budgets shall be made and approved in accordance with the local budget law of the State.

(2) Expenditure items which do not appear in the regularly published budget may be included by filing a supplemental budget.

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(1) The County Administrative Code shall govern the operation of the various County offices, departments and institutions. It shall prescribe the powers and duties of elected and appointed County officials and employees and shall prescribe the procedures and systems of operation and management of all offices, departments, and institutions of the County.

(2) The Board of Commissioners may enact, amend, revise or repeal provisions of the County Administrative Code.

(3) It shall be the responsibility of the Board of Commissioners to compile and maintain the County Administrative Code in a systematic manner properly indexed and current.

(3) The Board of Commissioners shall review the County Administrative Code periodically to assure its accuracy and completeness.

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### SECTION I. Legislative Action

All legislative action by the County shall be by ordinance.

### SECTION II. Enacting Clause

The enacting clause of an ordinance enacted by the Board of County Commissioners and not referred to the voters shall read, "The Board of County commissioners of Hood River County ordains as follows:". The enacting clause for ordinances initiated and adopted by the voters of the County shall read: "The People of Hood River County ordain as follows:"

### SECTION III. Adoption

(1) Except as this section provides to the contrary, before an ordinance is enacted, it shall be fully and distinctly read in regular meeting of the Board on two different days at least 13 days apart. The Board may direct that either or both of the readings be by title only:

- (a) If a copy of the ordinance is provided for each member of the Board when the ordinance is introduced; and
- (b) A copy of the ordinance is available for each person at the meeting who desires a copy.

(2) An ordinance enacted after being read by title only may have no legal effect if any section incorporating a substantial change in the ordinance as introduced is not read fully and distinctly in regular meeting of the Board at least 13 days prior to the adoption of the ordinance. .

### SECTION IV. Authentication

Upon enactment of an ordinance by the Board, the Commissioners present at the session at which the Board finally approves the ordinance shall sign the ordinance and indicate the date of its enactment.

### SECTION V. Time of Effect

(1) A nonemergency ordinance shall take effect on the 30<sup>th</sup> day after it is signed unless:

- (a) It prescribes a later date for it to take effect; or
- (b) It is referred to the voters of the County, in which event it shall take effect only upon receiving their approval.

(2) An ordinance enacted by the Board in the exercise of its police power and for the purpose of meeting an emergency may take effect immediately upon being so enacted.

### SECTION VI. Emergency Ordinance

(1) To meet a public emergency affecting life, health, or property the Board may adopt an emergency ordinance provided that:

- (a) The ordinance does not levy taxes or authorize the borrowing of money.
- (b) The ordinance, including any amendments made after its adoption, shall be

automatically repealed on the one hundred eighty-first day following the date of its adoption.

## ARTICLE IX. ELECTIONS

### SECTION I. Non-Partisanship

All Elective County offices of the Board, Commission and Sheriff shall be non-partisan for the purposes of filing for office, election to office and performance of the duties and responsibilities of the office.

### SECTION II. Nominations

(1) Except as this Charter provides to the contrary, the manner of nominating and electing candidates for elective county offices shall be the manner now or hereafter prescribed by the laws of the state for the conduct of nonpartisan nominations and elections.

(a) No petition, declaration, primary or general ballot for an elective county office shall make reference to any political party ballot or to a political party affiliation or designation.

(b) A primary or general ballot, as the case may be, shall be delivered to each registered elector, regardless of party affiliation.

(c) Except for the office of Sheriff, when a candidate for nomination for an elective county office receives a majority of all votes cast (50% plus one vote) at the primary election, they shall be elected to that position and shall not appear on the general election ballot.

(d) If no candidate at the primary election receives a majority of all votes cast, the two candidates receiving the highest number of votes shall be placed on the general election ballot.

(2) The method of filing as a candidate for the position of Chair of the Board or Sheriff of Hood River County shall be:

(a) To file with the official in charge of elections within the filing period specified by State Law, a nominating petition signed by not fewer than ten legal voters of each Commissioner district; or

(b) To pay a filing fee of \$50 within the filing period specified by State law.

(3) The method of filing as a candidate for an elected position of Hood River County Commissioner shall be:

(a) To file with the official in charge of elections, within the filing period specified by State law a nominating petition signed by not fewer than twenty legal voters of the district in which the candidate resided at the time of filing; or

(b) To pay a filing fee of \$50 within the filing period specified by State law.

## ARTICLE X. GENERAL PROVISIONS

### SECTION I. Contracts and Purchases

(1) Purchases or contracts shall be as set forth in the County Administrative Code as required by State law.

## **Section II. Audits**

(1) A complete independent financial audit of the records of the County shall be performed in accordance with State and Federal law on an annual basis.

(2) The complete audit shall be filed with the Board of Commissioners, the State of Oregon and made available for public inspection.

## **ARTICLE XI. PROHIBITIONS**

### **Section I. Non-Discrimination**

No person shall be discriminated against with respect to any County position or appointive office because of race, religion, age, ethnic origin, gender, sexual orientation, veteran's status, disability or other classes protected by State law.

### **Section II. Ethical Requirements**

Any person holding elected or appointed offices under this Charter shall comply with ethical standards as set forth in Oregon laws.

## **ARTICLE XII. TRANSITIONAL PROVISIONS**

### **Section I. Effective Date**

This Charter shall become effective on the thirtieth day following its adoption.

### **Section II. Continuity**

(1) The elected and appointed County officials in office at the time this Charter is adopted shall continue in office and perform their present powers and duties at existing salaries until changed by the Board of Commissioners.

(2) All rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue except as modified by this Charter and in each case shall be continued by the appropriate County department.

### **Section III. Repealer Clause**

All rules, regulations or policies are repealed to the extent that they are inconsistent with or interfere with the effective operations of this Charter.

### **Section IV. Severability**

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

## **Section V. Review**

The Board of Commissioners shall appoint a Charter Review Committee to review the Charter at least every ten years hereafter or more often as deemed necessary by the Board.

## **Section VI. Amendments**

This Charter may be amended by the vote of the people as set forth by State Law.

## **Section VII. Definitions**

As used in this Charter the word "shall" is considered mandatory and the word "may" is considered permissive. Words in the present tense include the future; the singular includes the plural; plural usage includes the singular.

Hood River County  
Charter Review Committee

Michael J. Oates, Chair  
Charles Bugge, Vice-Chair  
Jeff Hecksel  
Lisa Knight Davies  
Jess Groves  
Brien Gibson  
John McGhee  
Matt English  
Bob Benton