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KAREN N. ELDRETON
COUNTY CLERK

BEFORE THE COUNTY COURT OF WASCO COUNTY, OREGON

IN THE MATTER OF AN ORDINANCE AMENDING THE WASCO COUNTY COMPREHENSIVE PLAN, TAKING AN EXCEPTION TO GOALS 3, 11 14; AMENDING SECTIONS 3.230(B) AND 1.090 OF THE WASCO COUNTY ZONING ORDINANCE; AND APPLYING THE AGRICULTURAL-RECREATIONAL ZONE, A-R PLAN DESIGNATIONS, AND THE LIMITED USE OVERLAY ZONE TO THE EXCEPTION PROPERTY	)	ORDINANCE NO. 97-001

THE WASCO COUNTY COURT HEREBY ORDAINS AS FOLLOWS:

1. UNDERLYING PURPOSE

This ordinance is enacted pursuant to the authority granted to general law counties in the State of Oregon by ORS Chapters 203, 197, and 215 to implement the Wasco County Comprehensive Land Use Plan by amending the Wasco County Comprehensive Plan by taking an exception to Statewide Goals 3 (Agricultural Lands), 11 (Public Facilities and Services) and 14 (Urbanization) (the "Exception") and incorporating plan policies referencing the Agricultural-Recreational (A-R) plan designations; amending the Wasco County Zoning Ordinance by adding a new permitted use in the A-R zone and by adding a definition of "youth/family camp"; and applying the A-R zone designation, the A-R plan map designations and the Big Muddy Limited Use Overlay to 1360 acres located within the Big Muddy Ranch in southeastern Wasco County, more particularly described in Exhibit A.

2. AUTHORIZATION

The applicant, Young Life, initiated the plan amendment proceedings by an application submitted to the County in May 1997. The Planning Commission held public hearings on the proposal on July 14 and 28, 1997. The Planning Commission submitted its Recommendation to

970363 (59)

the County Court. The County Court held a public hearing on August 20, 1997, for which proper public notice and advertisement were given, including 45-day notice to the Department of Land Conservation and Development. All persons present during the public hearing were given the opportunity to speak or present written statements.

3. EVIDENCE AND FINDINGS

The amendment to the Wasco County Comprehensive Plan made hereunder is based on consideration and analysis of the provisions of ORS Chapters 197 and 215 and Oregon Administrative Rules Chapter 660. Due consideration was given to the testimony and evidence in the record. The County Court finds that adoption of the Exceptions to Goals 3, 11 and 14 as part of the Wasco County Comprehensive Plan is in compliance with the Statewide Goals, with the applicable goals and policies in the plan, and with ORS Chapters 197 and 215 and OAR 660. It also finds that the adoption of plan policies referencing the A-R plan policies and plan map designations is in compliance with these referenced standards. The findings and conclusions showing compliance are attached hereto as Exhibit B and incorporated herein by this reference.

The amendments to the Wasco County Zoning Ordinance made hereunder are based on consideration and analysis of the provisions of ORS Chapters 197 and 215 and applicable Statewide Goals, the county plan and zoning ordinances. Due consideration was given to testimony and evidence in the record. The Court finds that amending Section 3.230(B) to add a new permitted use, amending Section 1.090 to add a new definition and adding the Big Muddy Limited Use Overlay to Section 3.700, Division 9 as new Section 3.930 are actions that are in compliance with ORS 197 and ORS 215, the Statewide Goals, the goals and policies in the Wasco County Comprehensive Plan and the criteria of the county zoning ordinance.

consideration and analysis of the provisions of ORS Chapters 197 and 215 and applicable zoning ordinance provisions. Due consideration was given to testimony and evidence in the record. The Court finds that application of the A-R and Big Muddy Limited Use Overlay to the Exception area is consistent with applicable approval criteria as discussed. The findings demonstrating compliance with these criteria are attached hereto as Exhibit B and are incorporated herein by reference.

4. AMENDMENT TO WASCO COUNTY COMPREHENSIVE PLAN

The comprehensive plan amendments, comprised of an Exception to Goals 3, 11 and 14 and plan policies referencing the A-R plan purposes and map designations are granted. The plan amendments include the Findings and Conclusions attached hereto as Exhibit B, the text of the Exception Statement attached as Exhibit C and the text policies referencing the A-R plan purposes as Exhibit D are incorporated herein.

5. AMENDMENT TO WASCO COUNTY ZONING ORDINANCE SECTION 3.230(B), AGRICULTURAL RECREATIONAL ZONE AND SECTION 1.090, DEFINITIONS

The zoning ordinance amendments to Section 3.230(B) and Section 1.090 are approved. The amendments consist of the Findings and Conclusions attached as Exhibit B and the text of the amendments attached as Exhibit E, both of which are incorporated herein.

6. AMENDMENTS TO WASCO COUNTY ZONING ORDINANCE BY ADDITION OF BIG MUDDY LIMITED USE OVERLAY ZONE

The amendment of the Wasco County Zoning Ordinance by addition of the Big Muddy Limited Use Overlay is approved. The amendment consists of the Findings and Conclusions attached as Exhibit B and the text of the Big Muddy Limited Use Overlay, referenced as Section 3.930, Division 9 of the Environmental Protection Districts, attached as Exhibit F, are incorporated herein.

7. AMENDMENT OF WASCO COUNTY ZONING MAP BY APPLICATION OF A-R AND BIG MUDDY LIMITED USE OVERLAY ZONES TO EXCEPTION AREA

The requested application of the A-R zone and LU overlay zone to the exception area is granted. Approval is subject to the conditions identified in Exhibit G, attached hereto and by this reference incorporated herein.

SIGNED this 17th day of September, 1997.

WASCO COUNTY COURT

John Mabrey, Judge

Scott McKay, Commissioner

Bernard L. Smith
Wasco County District Attorney

Daniel W. Ericksen, Commissioner

W&H PACIFIC
155 N.E. Revere
Bend, Oregon 97701

EXHIBIT A

Legal Description

All that property being a portion of Section 36, Township 8 South, Range 18 East, and Sections 28, 29, 31, and 32, Township 8 South, Range 19 East, Willamette Meridian, Wasco County, Oregon, described as follows:

T.8S., R.18E.

Section 36: 1.) The east half of the northeast quarter (E½NE¼)

T.8S., R.19E.

Section 28:
1.) The south half of the northwest quarter (S½NW¼)
2.) The north half of the southwest quarter (N½SW¼)
3.) The southwest quarter of the southwest quarter (SW¼SW¼)

Section 29:
1.) The south half of the section (S½)
2.) The southwest quarter of the northwest quarter (SW¼NW¼)
3.) The southwest quarter of the northeast quarter (SW¼NE¼)

Section 31:
1.) The northwest quarter (NW¼)
2.) The north half of the southwest quarter (N½SW¼)
3.) The southwest quarter of the southwest quarter (SW¼SW¼)
4.) The north half of the southeast quarter (N½SE¼)
5.) The northeast quarter of the northeast quarter (NE¼NE¼)
6.) The south half of the northeast quarter (S½NE¼)

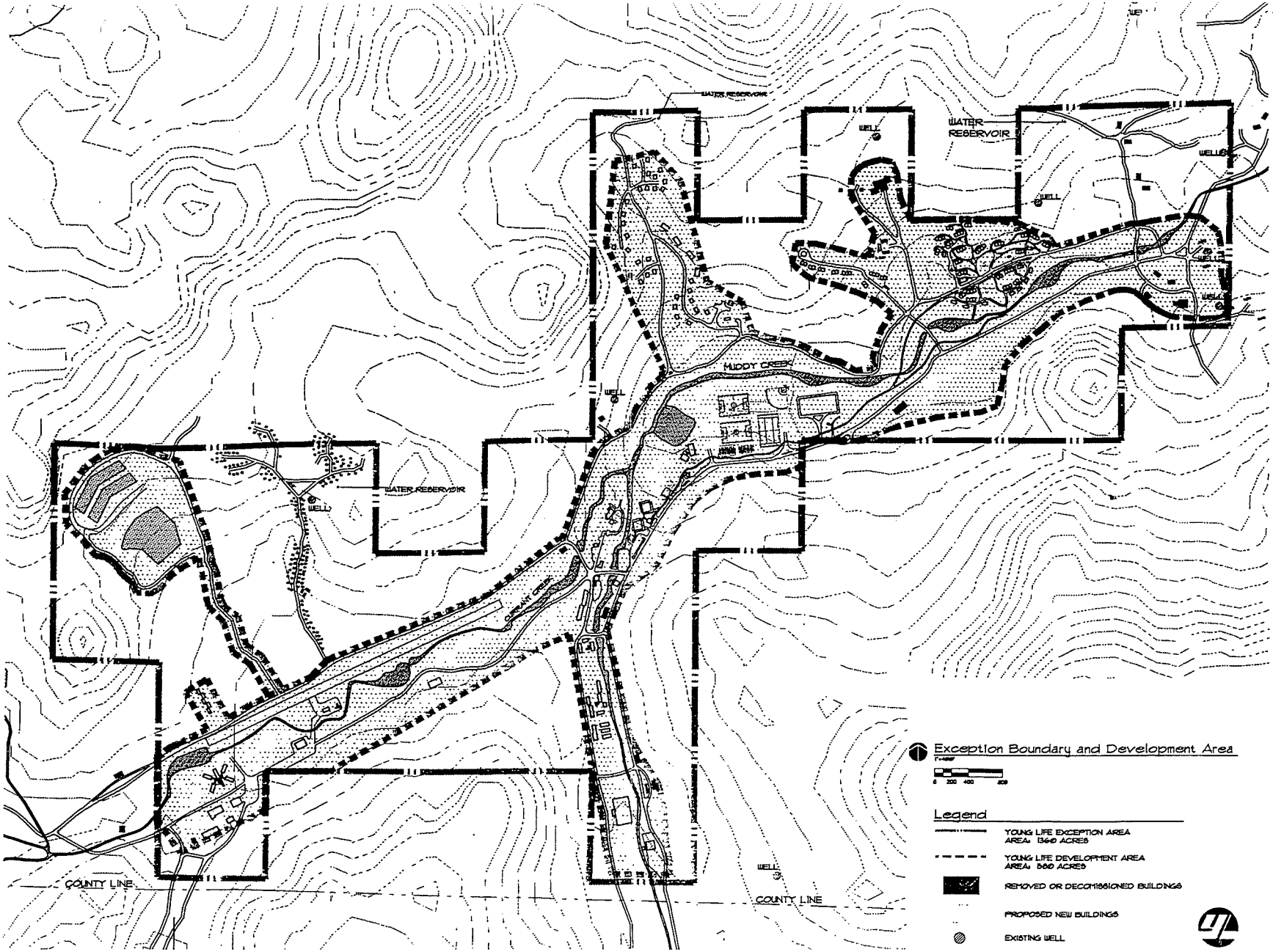
Section 32:
1.) The northeast quarter of the northwest quarter (NE¼NW¼)
2.) The west half of the northwest quarter (W½NW¼)
3.) The west half of the southwest quarter (W½SW¼)

REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
JANUARY 21, 1997
KENNETH A. FISHER
2802
RENEWAL DATE: 12/97

18140101\bigmuddy.leg

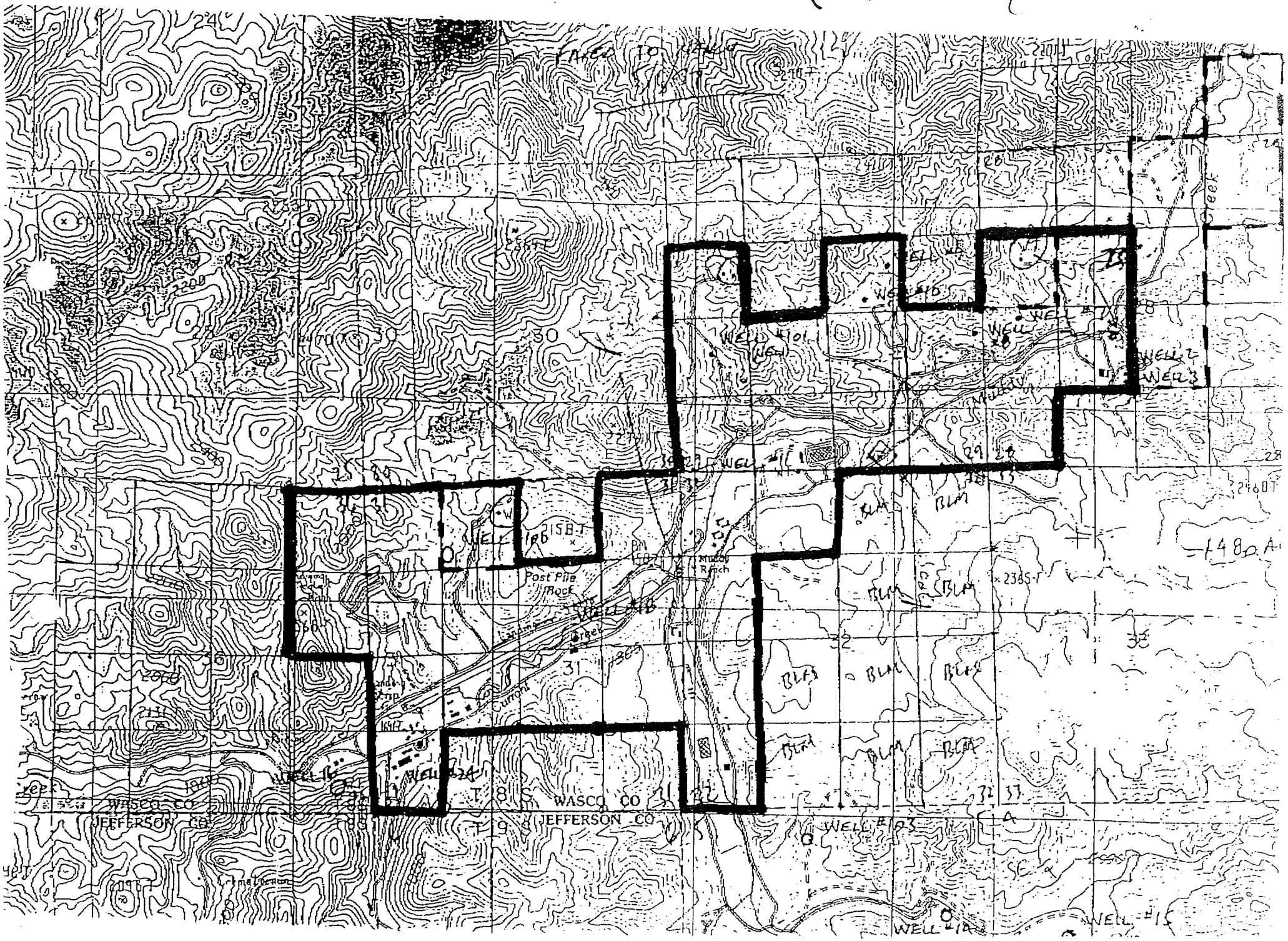
9703658/59

EXHIBIT A-2



P970363(59)

EXHIBIT A-1



WELL #101
WELL #10
WELL #7
WELL #8
WELL #2
WELL #3
WELL #1
WELL #16
WELL #18
WELL #24
WELL #103
WELL #14
WELL #15
Post Pile Rock
Muddy Ranch
Creek
Muddy
BLM
WASCO CO
JEFFERSON CO
T 8 S
T 9 S

EXHIBIT B

Big Muddy Ranch - Young Life
Youth and Family Camp
Land Use Findings and Conclusions

September 1997

970363 (59)

TABLE OF CONTENTS

Page

I. INTRODUCTION 1

II. APPLICANT 1

III. SUBJECT PROPERTY 1

IV. NATURE OF APPLICATION 2

V. ELEMENTS OF THE APPROVED AMENDMENTS 2
- A. Comprehensive Plan Amendments 3
- B. LUDO Amendments 3

VI. APPLICABLE STANDARDS AND CRITERIA 4
- A. Statutes and Administrative Regulations 4
- B. Statewide Planning Goals 4
- C. Comprehensive Plan Provisions 4
- D. LUDO Provisions 4

VII. STATEWIDE PLANNING GOALS 5
- A. Goal 1 - Citizen Involvement 5
- B. Goal 2 - Land Use Planning 5
- C. Goal 3 - Agricultural Lands 6
- D. Goal 4 - Forest Lands 6
- E. Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources 6
- F. Goal 6 - Air, Water, and Land Resources Quality 7
- G. Goal 7 - Areas Subject to Natural Disasters and Hazards 7
- H. Goal 8 - Recreational Needs 7
- I. Goal 9 - Economic Development 8
- J. Goal 10 - Housing 8
- K. Goal 11 - Public Facilities and Services 8
- L. Goal 12 - Transportation 9
- M. Goal 13 - Energy Conservation 11
- N. Goal 14 - Urbanization 12

VIII. REASONS GOAL EXCEPTION 12
- A. Standards for Reasons Exception 12
- B. Examples of Reasons Justifying an Exception 14
- C. Reasons Justification 16
- D. Alternative Locations 20
- E. Wasco County Comprehensive Plan 35
- F. LUDO Criteria 38

EXHIBIT B

FINDINGS AND CONCLUSIONS

I. INTRODUCTION

This document supports Wasco County Ordinance No. 97-001 which adopts a statewide planning goal exception, related map and text amendments to the Wasco County Comprehensive Plan ("Plan") and Wasco County Land Use and Development Ordinance ("LUDO"), and implementing a limited use overlay zone for a youth and family camp on a portion of the Big Muddy Ranch in southeastern Wasco County.

II. APPLICANT

The application approved by this final decision documented by Ordinance No. 97-001 was submitted by Young Life, a non-profit nationwide Christian organization which ministers across the country and on a worldwide basis to senior and middle school youths. The Young Life organization, headquartered in Colorado Springs, Colorado, is over 50 years old and has active ministries in 23 different countries.

The property subject to the application is presently owned by two separate parties: the State of Oregon (Division of State Lands) and Mr. Dennis Washington. Both owners have authorized Young Life (by letter or contract) to file the land use applications. The Court finds that Young Life has appropriate authorization to initiate these land use requests in accordance with LUDO Section 2.040.

III. SUBJECT PROPERTY

The Big Muddy Ranch consists of approximately 66,000 acres in southeastern Wasco County and northeastern Jefferson County. Only a portion of the ranch consisting of 1360 acres along the Muddy Creek in Wasco County, was included in the application. The lands included in the application are hereinafter referred to as the "subject property," "site" or "Exception Area." No lands in Jefferson County are part of this land use approval.

The subject property is depicted on Exhibits A-1 and A-2, adopted as part of Ordinance No. 97-001. The legal description of the subject property is provided for in Exhibit A, also adopted as part of the referenced ordinance. The Exception Area, like the remainder of the Big Muddy Ranch, is currently planned and zoned for agricultural use. This decision adopts land use approvals for the 1360 acre Exception Area to allow use for a youth and family camp consistent with the approved exception statement and the new Big Muddy Limited Use Overlay Zone (Exhibits C and E to Ordinance No. 97-001). The remainder of the Big Muddy Ranch is not subject to the land use application or approvals referred to in these Findings and Conclusions adopted by Ordinance No. 97-001. It retains the A-1, Exclusive Farm Use, zoning and plan designation.

970363 (59)

IV. NATURE OF APPLICATION

The Young Life application consisted of the necessary land use requests to allow Young Life to establish and operate its proposed youth and family camp at the Big Muddy Ranch. Young Life has the opportunity to obtain fee title to the ranch by charitable gift from the principal owner and Young Life intends to accept the ranch for youth and family camp purposes as long as it is able to obtain the necessary land use approvals and associated permits for the establishment and operation of the youth and family camp.

Young Life operates a non-profit Christian organization with youth and family camps located throughout the country. It is active principally with junior high and high school age youth and provides a summer camping experience in unique quality settings in various areas of the country. The Young Life camps are extensions of the activities which occur in Young Life clubs in many junior and high schools. Young Life clubs are active in various communities throughout the Northwest, including cities in Oregon, Washington and Idaho.

Young Life's camp at the Big Muddy Ranch will serve youth from around the Northwest. It will have capacity for 1000 campers, mostly junior high and high school youth and will offer both indoor and outdoor recreational opportunities as well as dormitory, conference and eating facilities. The main area of the camp will be located in the area along Muddy Creek, an area already developed with roads, buildings, and facilities. Other portions of the ranch will be used for various recreational opportunities, including hiking, climbing, rafting and related water activities in the nearby reservoirs and the John Day River.

The requested land use approvals for the referenced site included the following:

1. A reasons exception to Statewide Planning Goal No. 3, 11 and 14 and related map and text amendments to the Plan and LUDO to effect a zone and plan change from A-1, Exclusive Farm Use to A-R, Agricultural-Recreational.

2. Young Life also requested that the zone change include the placement of the Wasco County Limited Use Overlay (LU) (Section 3.600) on the subject property to limit the uses to the use allowed by the exception. The LU zone is intended to be utilized in these circumstances (meaning as part of a reasons exception) in order to limit the permitted uses to those justified in the reasons exception (Section 3.600(A)).

3. The third request was for an amendment to the text of the A-R zone to list a youth and family camp as an identified permitted use in the A-R zone (Section 3.230(B)).

4. The last request was to include a definition of youth and family camp in the definitions section of the LUDO.

V. ELEMENTS OF THE APPROVED AMENDMENTS

Ordinance No. 97-001 adopts the following Plan and LUDO amendments:

A. **Comprehensive Plan Amendments**

1. Taking exceptions to statewide planning goals necessary to allow the use of the Big Muddy site for a youth and family camp.

Exhibit C to Ordinance No. 97-001 adopts the Big Muddy Exception Statement. Consistent with OAR 660-04-018(3), the approved reasons exception limits the uses and activities to only those uses and activities justified by the exception. A change in use or intensity would require a new exception.

The Big Muddy Exception Statement describes the boundaries of the approved Exception Area, the nature and scope of the exception approval, the conceptual master plan for the camp, and the nature of the camp's uses and activities justified by the exception. In the designated Development Area, consisting of 580 acres, the approved exception allows the use of existing buildings, improvements, roads and utility infrastructure. The Development Area is the portion of the approved Exception Area to be used extensively for camp purposes and is the only area which can accommodate new buildings for camp purposes. New buildings are restricted by and regulated under the Big Muddy Limited Use Overlay, adopted as Exhibit E to Ordinance No. 97-001, discussed in more detail below as an amendment to the LUDO.

2. Creating an Agricultural-Recreational (A-R) plan map designation, adopting a policy statement for that designation and applying the A-R plan map designation to the subject property.

The Plan text amendment includes the adoption of a Plan policy describing the purpose of the A-R plan designation. This policy is adopted as Exhibit D to Ordinance No. 97-001. The adopted Plan policy is consistent with the existing A-R purpose statement provided for in the LUDO, A-R zone, Section 3.230(A).

B. **LUDO Amendments**

1. Rezoning the subject property from A-1 to A-R.

2. Amending the text of the LUDO to add youth and family camp as a new permitted use in the A-R zone.

3. Amending the definition section of the LUDO to add a definition of youth and family camp to the LUDO.

4. Adopt the Big Muddy Limited Use Overlay Zone and apply it to the approved Exception Area.

Ordinance No. 97-001 approves these above-referenced changes to the LUDO. Exhibit E, adopted as part of the referenced ordinance, includes the text changes to the LUDO by amending Section 3.230(B) to add youth and family camp to the A-R zone's list of permitted uses and the new definition of the use to Section 1.090.

Exhibit F, also adopted as part of the referenced ordinance, contains the text of the newly adopted Big Muddy Limited Use Overlay Zone. Consistent with the purpose of Wasco County's LU zone, the Big Muddy Limited Use Overlay is adopted concurrently with the approved reasons exception to limit the list of uses allowed in the underlying zone (A-R) to only those uses and activities justified by the exception. As provided for in Exhibit E, the Big Muddy Limited Use Overlay has been made a part of the LUDO, adopted as Division 9, Section 3.710.

VI. APPLICABLE STANDARDS AND CRITERIA

A. Statutes and Administrative Regulations

The standards for a reasons exception are outlined in three places: ORS 197.732(1)(c), LCDC Goal 2, Part II, and Chapter 660, Division 4. The specific applicable administrative rules when a request is made for an urban use on rural lands are set forth in OAR 660-14-040(2) and (3).

B. Statewide Planning Goals

The adopted amendments comply fully with most statewide planning goals, but do involve nonresource uses and some urban levels of facilities and services. As a result, the approvals depart from certain goal requirements, such as those of the Agricultural Goal (Goal 3), Public Facilities Goal (Goal 11), and Urbanization Goal (Goal 14). In these circumstances, the approvals include the taking of a formal exception which is an amendment to the Plan setting forth facts and reasons authorizing and justifying the necessary departures from the goals. The approved reasons exception incorporated in these approvals is discussed in detail below.

C. Comprehensive Plan Provisions

The procedures and requirements governing amendments to the Wasco County Comprehensive Plan are set forth in Section XI, (VIII).

The findings demonstrating compliance with these criteria follow the discussion of the reasons exception.

D. LUDO Provisions

The LUDO (Section 9.020(B)) describes the criteria relevant to amendments to the LUDO and county zoning map. These are also discussed below.

These findings are organized so that the analysis begins with state law and proceeds to local law. The first section addresses statewide goals and rules, including the standards for a goal exception; the latter sections address applicable standards from the Plan and the LUDO.

VII. STATEWIDE PLANNING GOALS

A. Goal 1 - Citizen Involvement

Goal 1 ensures "the opportunity for citizens to be involved in all phases of the planning process." Various opportunities for citizen involvement have been incorporated into the Plan and LUDO. Compliance with Goal 1 is demonstrated by compliance with the acknowledged Plan and LUDO provisions.

For this matter, the Wasco County Planning Commission held public hearings on July 14 and July 28, 1997. Public notice was provided as required by state law and Plan and LUDO provisions. A public hearing was also held before the Wasco County Court on August 20, 1997 following receipt of the Planning Commission's unanimous recommendation of approval. Prior to this hearing, the application statement, supporting documents, and a staff report were made available to the public for review. Notice of the hearing was published and mailed to all property owners within 500 feet of the Big Muddy Ranch. Through this notice and hearing process, the public was provided the opportunity to be involved in the planning process. Thus, the Court finds compliance with Goal 1.

One procedural issue relating to citizen involvement was raised by an opponent of the proposal. Mr. Silvertooth-Stewart asserted that the County committed procedural error by closing the record on a Saturday and requiring that submittals be post marked by Saturday. The County did not commit procedural error. At the request of a party, the County held the record open for 10 days, following all testimony to allow for responsive comment to the testimony. It is the County Court's practice to close the record on the last day, even if that day is a Saturday. State law only requires that the record be held open seven days after the initial evidentiary hearing. ORS 197.763(6)(c). The record was held open for ten days and thus the statutory obligation was met. Further, there was ample time and opportunity to comment on the materials in the record.

Even if the County committed a procedural error, the opponents were not substantially prejudiced. First, the opponents have been afforded numerous opportunities to comment on the application, both at the Planning Commission and County Court stages. Second, prior to the close of the record, the opponents contacted the County Planning Office to determine when the record closed and submitted over ten pages of additional responsive comments to the testimony before the record closed. Nothing submitted by the opponents was rejected as being received after the close of the record.

B. Goal 2 - Land Use Planning

Goal 2 guarantees that processes will be followed which establish a land use planning process and policy framework as a basis for all decisions related to the use of land and assure an adequate factual base for its decisions and actions. Wasco County has acknowledged comprehensive plan and implementing ordinances which establish the planning basis, inventory and factual basis for land use actions in Wasco County. The Young Life application and this approval process adhered to the requirements and standards of the Plan and LUDO. This

adherence to the process together with these findings demonstrates that an adequate factual base exists to support the approval. Thus, the Court finds that Goal 2 has been satisfied. It is recognized that Goal 2, Part 2 provides the exceptions process to allow departure from the strict requirements of other goals in limited circumstances. The exception is discussed below.

C. **Goal 3 - Agricultural Lands**

Goal 3 requires that agricultural lands be preserved and maintained for farm use consistent with the state's agricultural land use policies of ORS 215. The lands within the boundaries of the subject property at the Big Muddy Ranch are agricultural lands as defined by Goal 3. They are currently zoned A-1, an Exclusive Farm Use zone in Wasco County.

While the A-1 zone allows as conditional uses certain uses which are similar to Young Life's camp, the A-1 zone does not allow this type of camp with its associated public services for water and sewer without an exception to Goal 3. For example, the A-1 zone allows "farm ranch recreation" as a conditional use (Section 3.210(C)(23). That use is described as farm ranch activities including overnight facilities and recreational facilities that are operated in conjunction with commercial farm operations. Young Life's camp will have many characteristics of this referenced use, however, neither its overnight facilities nor its recreational facilities will be operated in conjunction with the ranching operation to be maintained on the remainder of the ranch. Because the camp is not a farm or nonfarm use that can be allowed under Goal 3, an exception to Goal 3 is being taken based on the reasons set forth below. The approval of the exception exempts the site from the strict application of Goal 3.

D. **Goal 4 - Forest Lands**

The Court finds that Goal 4 is not applicable because the subject property does not contain lands designated as forest lands. Wasco County's Comprehensive Plan inventory and the associated Timber Site Productivity map document that no forest land resources exist at the Exception Area. (Comprehensive Plan, pp. 57-60.)

E. **Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources**

Goal 5 provides for the conservation and protection of natural and scenic resources. The Plan and LUDO have been acknowledged by LCDC as being in compliance with the statewide planning goals, so in this postacknowledgment proceeding, the county is entitled to rely on its acknowledged inventory of Goal 5 resources in determining what resources subject to Goal 5 are present on or near the Exception Area.

None of the subject property has been specifically identified or inventoried in the Plan or LUDO as a Goal 5 resource, nor is it within the area of potential conflicts with any specific inventoried site. While the Plan acknowledges that agricultural lands "could be" an open space resource under Goal 5, this subject property is not so inventoried. The Court finds that the proposal is consistent with Goal 5.

F. **Goal 6 - Air, Water, and Land Resources Quality**

The purpose of Goal 6 is to maintain and improve the quality of air, water and land resources of the state.

1. Air

The Exception Area at the Big Muddy Ranch is not located in or near a federal attainment area. No foreseeable aspect of the Young Life camp will invoke the need for state or federal air quality permits.

2. Water

Appropriate permits from Water Resources Department (WRD) will be needed in order to use water at the camp for quasi-municipal purposes. The Oregon Department of Environmental Quality (DEQ) and WRD must review, approve and permit operation of the existing sewage treatment facilities. In addition, DEQ must also review, approve and permit all components of the sewage collection system including the sewers, pump stations and control systems.

3. Land Resources

There are no foreseeable solid waste or other contaminants from the camp which will require an environmental permit. As a condition of approval, Young Life must submit a solid waste management plan. Any and all other required land use permits (if any) will be obtained as a part of the future processing of the camp approvals.

The Court finds the proposal consistent with Goal 6.

G. **Goal 7 - Areas Subject to Natural Disasters and Hazards**

The purpose of Goal 7 is to "protect life and property from natural disasters and hazards." This goal is implemented by the Plan's corresponding goal and policies identifying areas subject to natural disasters and hazards. The Exception Area of the Big Muddy Ranch is not identified or inventoried as a natural hazard area and there is no development proposed in an identified natural disaster or hazard area. As a result, the Court finds that the approval is consistent with Goal 7.

H. **Goal 8 - Recreational Needs**

The purpose of Goal 8 is "to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts." The Young Life camp will offer recreational opportunities to youth from Wasco County, other parts of Oregon, Idaho and Washington. One of the primary benefits of the camp is to introduce youth and others to a variety of recreational opportunities. The Court finds that the proposal is consistent with Goal 8.

I. **Goal 9 - Economic Development**

The purpose of Goal 9 is to "provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon citizens." The County implements this goal through the "Economy of the State" Goal and corresponding policies. Policy 5.C further implements this goal by providing that "additional parks, overnight camping areas, and other recreational areas should be provided when needed to encourage tourism in the county." The Young Life camp will contribute to this policy by attracting visitors and campers to the County. The Court also finds that the camp will boost the County's economy by providing employment opportunities, principally during the conversion of the existing structures and facilities to camp uses. Because the remainder of the ranch, approximately 64,000 acres, will retain its EFU zoning, the County's policy of maintaining agriculture as a primary basis of its economy will also be satisfied.

J. **Goal 10 - Housing**

Goal 10 provides for the housing needs of citizens of the state. This Goal is largely inapplicable because the Exception Area does not now provide housing opportunities and the Young Life camp will only offer limited permanent housing for year-round staff. The Court finds that Goal 10 is satisfied.

K. **Goal 11 - Public Facilities and Services**

Goal 11 requires the planning and development of an orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The Court finds that public services will be adequate for the proposed use.

1. Transportation

Transportation issues are addressed below under Goal 12.

2. Police

Police protection will be provided by the Wasco County Sheriff or the Oregon State Police. The Wasco County Sheriff has confirmed his offices availability for providing services to the subject property.

3. Fire Protection

Fire protection will be provided using trained camp personnel and equipment consistent with the requirements of the State Fire Marshall, as approved by the fire suppression plan imposed as a condition of approval (Exhibit G) (Condition No. 4).

4. Health

Medical and first aid will be provided by trained camp personnel.

5. Sewer

Existing sewer facilities will be upgraded and permitted. They are adequate for camp use.

6. Water

Existing water facilities will be upgraded for camp use and are adequate to provide for the proposed use. All necessary water permits will be obtained for the use and system.

7. Power

Adequate power capability is available to the Big Muddy Ranch from Wasco Electric Co-op.

8. Schools

The Superintendent of the Madras School District confirmed that the schools can accommodate the students (the children of permanent staff) that may live year round at the camp.

As previously noted, an exception to Goal 11 has been incorporated into this approval because Goal 11 prohibits urban levels of public facilities and services on rural lands outside a UGB. Because Young Life's camp will reactivate and utilize the existing community water system and sewage system facilities, the County has taken the precaution of assuming these services would be considered urban services.

L. **Goal 12 - Transportation**

The purpose of Goal 12 is "to provide and encourage a safe, convenient and economic transportation system." It is implemented by LCDC's Transportation Planning Rule (TPR), OAR 660-12.

1. County Roads

The approved Exception Area is approximately 12 miles southeast of Antelope and is accessed by a county road (Cold Camp Road) and Muddy Road (a county road in part and a local public access road in part). These are the only two county or local roads which will be used to access the camp area. The County's Director of Public Works has determined that these roads are adequate to handle the traffic projected by Young Life and that the county's current maintenance program is also sufficient to handle the projected traffic from the camp. Maintenance of that portion of Muddy Road which is a public road of local access is the responsibility of the property owner.

Two conditions of approval have been made a part of this decision related to county road and public road maintenance. They are as follows:

"(2) Paving of Cold Camp Road southerly from its intersection with state highway 218 shall be completed to a length of approximately 100' or to a length providing the County Road Department a reasonable starting point for road grading."

***

"(5) The Muddy Road, a public road not maintained by the County, shall be maintained by the applicant in a safe condition for public as well as private access. If an alternate road is constructed to afford alternative access to the Jefferson County public road in lieu of any portion of the Muddy Road, either the Muddy Road shall be maintained for public access or the alternate route shall be dedicated to public access while the unmaintained portion of the Muddy Road may be considered for vacation."

2. State Roads

State Highway 218 will serve as the principal access other than local roads for the camp's projected traffic. In cooperation with Young Life, the Oregon Department of Transportation (ODOT) assessed the traffic impacts from the project on State Highway 218. ODOT concluded that State Highway 218 has adequate capacity to accommodate the projected traffic generated by the youth camp. ODOT suggested that Cold Camp Road be paved for a distance of 50 feet (Condition No. 2 extended this distance to 100 feet or to a length necessary to start grading) to protect the surface of the highway from rocks.

The Court recognizes that Condition No. 3 of Exhibit G also relates to transportation issues. It imposes a requirement for a revised transportation plan in the event that the projected traffic is increased by more than 30 percent. ODOT reviewed this condition when initially proposed as a part of the Planning Commission's recommendation and concluded that the flexibility afforded Young Life (the potential 30 percent increase) does not negatively affect State Highway 218. ODOT again determined that given existing traffic volumes on the highway, there is adequate capacity to accommodate the projected traffic from the camp.

Some opponents are concerned that traffic levels will create unsafe driving conditions. However, ODOT and the Director of Public Works have determined that the levels of traffic from the Young Life camp can be accommodated safely on existing roads. A condition of approval ensures that if estimated trips increase by more than 30 percent, Young Life will submit a revised transportation plan to the Planning Commission to ensure maintenance of public safety.

Opponents specifically expressed concern about traffic levels on Highway 293. Most traffic from the camp will be directed from Cold Creek Road onto Highway 218, will proceed west to the intersection with Highway 293 and will continue west on Highway 293 to Highway 97 north of Willowdale. The use of Highway 293 diverts traffic to the south of Antelope and avoids directing traffic through Antelope on Highway 218. The opponents'

concern about Highway 293 is unfounded. Testimony from ODOT included in the opponents' letters in the record states that Highway 293 is adequate to accommodate the traffic increase projected for Young Life. Furthermore, while opponents are concerned that during times of high water, traffic will be diverted through Antelope, high water will most likely occur during rainy seasons when there is limited camp use. As a result, it is very unlikely that any noticeable amount of traffic from the camp will ever travel through Antelope. The testimony of ODOT and the County Public Works Director, in combination with traffic information submitted by the applicant, is substantial evidence that the road system is adequate to handle traffic from the proposed camp safely.

3. TPR

Because of the location of the Young Life camp, the nature of the project, and the lack of public transportation in remote areas of the County, the Court finds that most of the provisions of the TPR related to transit-oriented development do not apply. The only applicable provision is OAR 660-12-060. It requires that local governments amending comprehensive plans and land use regulations determine whether the amendments "significantly affect a transportation facility" and, if so, to assure that land uses authorized by the amendments "are consistent with the identified function, capacity, and level of service of the facility." OAR 660-12-060 also requires local governments to coordinate with ODOT in making these determinations.

The amendments to the county's acknowledged comprehensive plan and land use regulations as proposed by Young Life do not "significantly affect" a transportation facility, as defined by the rule. The adopted Plan and LUDO amendments do not change the functional classification of a transportation facility, nor do they change standards implementing a functional classification system (OAR 660-12-020(a) and (b)). In accordance with subsections (c) and (d), the levels of traffic that will be generated by the youth camp are not inconsistent with the functional classifications of the roads serving the youth camp. The Court finds that Goal 12 is satisfied.

M. **Goal 13 - Energy Conservation**

Goal 13 provides that land and land uses shall be managed to maximize the conservation of all forms of energy based on sound economic principles. It is implemented by local plans and regulations that control location, orientation and density of development to minimize net energy consumption. Conservation measures are generally of two types: (1) development of energy resources, and (2) wise use of energy.

The Young Life proposal does not include the development of energy resources. It does, however, include the reuse of many existing structures and provides for their conversion into structures suitable for youth camp purposes. This conserves energy by minimizing the need for construction of similar buildings elsewhere. In addition, uses within the camp will be clustered within the Development Area to reduce the need for motor vehicle trips. Pedestrian and bicycle trips within the camp will be encouraged by the use of camp buildings within the designated Development Area. The Court finds compliance with Goal 13.

N. **Goal 14 - Urbanization**

This goal requires that comprehensive plans provide for an orderly and efficient transition from rural to urban use. It requires that urban growth boundaries ("UGBs") be established around incorporated cities through a cooperative process with surrounding counties to assure compact and efficient urban growth within the boundary while protecting and facilitating rural resource uses outside the boundary. It has been interpreted as requiring urban levels of development inside of acknowledged UGBs.

The determination of whether a particular use is an urban use is done on a case-by-case basis. The Young Life camp has both rural and urban elements. The ultimate buildout of the camp will allow up to 1000 campers plus staff and counselors. The presence of a community water and sewer system can also be considered urban in level and type of use. On the other hand, open space, recreational fields, water features and the absence of industrial and nontourist-related commercial facilities are typical of a rural setting and level of use. Because of the mixture of urban and rural uses, facilities, and services, it is necessary to take an exception to Goal 14.

The Court finds that the other Statewide Planning Goals are not applicable.

VIII. REASONS GOAL EXCEPTION

A. **Standards for Reasons Exception**

Goal exceptions are authorized under statewide planning statutes, goals and administrative rules as flexibility tools for situations in which a departure from the strict application of a substantive goal is justified based on site specific conditions. Goal 2 defines the term as follows:

> "Exception means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that:
>
> "(a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;
>
> "(b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and
>
> "(c) Complies with standards for an exception."

There are three different kinds of exceptions, defined by state statute and rule. The three different types are:

- "Development exceptions" are justified where the property is physically developed to the point where resource use is no longer practicable.

- "Committed exceptions" are justified where the nature of nearby physical development makes resource use impracticable.

- "Reasons exceptions" are justified where there is a need for development at the site in question and where the site compares favorably with other possible locations for the proposed land use."

This decision approves a reasons exception to Goal 3 (Agricultural Lands), Goal 11 (Public Facilities and Services) and Goal 14 (Urbanization). An exception to Goal 3 is required because the approved amendments to the Plan and LUDO authorize a use not permitted by the A-1, Exclusive Farm Use zoning statute on land that satisfies the Goal 3 definition of agricultural land. An exception to Goal 11 and Goal 14 is required because those goals prohibit urban levels of public facilities and services and urban levels of use on rural lands outside a UGB. Because of the size of the camp (a maximum potential of 1000 campers plus staff) and the utilization of community water and sewer systems, the county has assumed these uses and services would be considered urban in nature.

During the hearings on these applications, the county received testimony from 1000 Friends which suggested that rezoning of the property was not necessary to allow the camp. They suggested instead that an exception be approved and that the list of uses allowed in the county's A-1, Exclusive Farm Use zone, be expanded to include "uses allowed by the reasons exception." Their motivation for this suggestion was to ensure that the use allowed by the exception could not change or intensify and to maintain the property's agricultural designation.

The Court finds that the suggestion by 1000 Friends is not allowed by state law. ORS 215 establishes the uses which are allowed in EFU zones. Because the uses are strictly limited by statute, the Court does not have the opportunity to add new uses to its EFU zone. Moreover, the Court finds that the concerns of 1000 Friends are adequately addressed by the imposition of the Big Muddy Limited Use Overlay and by the limitations on the use authorized by the exception. As a result, rezoning of the property to A-R, subject to the exception justifications and the Big Muddy Ranch Muddy Limited Use Overlay, ensures approval of the youth camp in a lawful way with appropriate assurances limiting the nature, size and intensity of the use. The Court accepts the testimony of Mr. Brent Lake, representative of the Department of Land Conservation and Development (DLCD) on this issue. Mr. Lake testified that in his opinion the suggestion from 1000 Friends was not allowed by state law and could jeopardize the validity of the County's EFU zone.

The general reasons exception standards are set forth in ORS 197.732(1)(c) and Goal 2, Part II(c). The statute and the goal provide that a local government may adopt a reasons exception when the following standards are met:

> "(1) **[Reasons/Need]** Reasons justify why the state policy embodied in the applicable goals should not apply;
>
> "(2) **[Nonexception Alternatives]** Areas which do not require a new exception cannot reasonably accommodate the use;
>
> "(3) **[Exception Alternatives/Comparative Impacts]** The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would result form the same proposal being locate din areas requiring a goal exception other than the proposed site; and
>
> "(4) **[Compatibility]** The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

More detailed interpretative guidance is provided in administrative rules adopted by the Land Conservation and Development Commission, principally OAR 660-04-020(2) and 660-04-022. Further, OAR 660-14-040 explains the requirements for reasons exceptions to allow urban uses on undeveloped rural lands, as is the case here.

The documentation supporting an exception must be adopted as part of the county's comprehensive plan. The exception should include all conditions, limitations, and requirements necessary to define the nature, scope, location, and conduct of the proposed land uses.

B. **Examples of Reasons Justifying an Exception**

LCDC has promulgated an administrative rule which explains the "reasons" requirement to mean:

> "* * * The exception shall set forth facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations * * *." OAR 660-04-020(2)(a).

OAR 660-04-022(1) gives examples of the kinds of reasons which can justify a reasons exception:

> "* * * Such reasons include but are not limited to the following:

"(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19; and either

"(b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or . . ."

"(c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site." (Emphasis added.)

OAR 660-14-040(2) elaborates on what reasons can justify an exception to allow urban uses on rural lands:

> "* * * Reasons which can justify why the policies in Goals 3, 4, 11, and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity which is dependent upon an adjacent or nearby natural resource."

The rules recognize that exceptions are exceptional and that it is not possible to foresee all of the combinations of factors that may constitute an adequate set of "reasons" to justify an exception. They do not purport to restrict the types of reasons which may support an exception. OAR 660-04-022(1) simply provides "examples" that "are not limited" to the examples of types of reasons provided. It recognizes that market demand and assistance to counties in meeting their planning obligations under statewide goals and acknowledged plans may be among the reasons that, taken together, explain why a particular exception is justified. By its use of the terms "examples" and "not limited to" OAR 660-04-022(1) clearly rules out any inference that its terms are intended to be exclusive. This exception is justified for a number of reasons, several of which are very similar to the examples given in the rule.

In addition, it is clear that in these circumstances of an exception including an exception to Goals 11 and 14 for urban levels of use, the Division 14 rules apply instead of the Division 4 rules. The Division 14 rules also apply to a Goal 3 exception when it is included with a Goal 11 and 14 exception.

Before addressing the relevant standards for the reasons exception in this case, the Court will address testimony received during the hearings which challenged the nature or type of the requested exception. Opponents suggested that this reasons exception is a "built and

committed exception." The Court does not agree and does not find persuasive the arguments presented by opponents. They claim that because consideration was given under certain reasons exception criteria to the existing infrastructure the exception was, in reality, an exception premised on the existence of development and facility infrastructure.

Contrary to these assertions, the Court agrees with DLCD's testimony and the presentations and testimony of the applicant. The opponents have failed to recognize that there are different legal standards and requirements for the two types of exceptions. Different rules apply to each. In describing the reasons justifying the exception, the exception justification identified various reasons consistent with the alternate factors or reasons available to justify a reasons exception. As noted, the rules provide examples that do not necessarily limit the types of reasons that may be appropriate. This exception was justified on the basis of need under Goals 8 and 9, it was justified under OAR 660-14-020, and it was justified by other reasons similar to the examples identified in OAR 600, Division 4.

It is clear that other standards relevant to reasons exception approval require a discussion of alternate sites and a consideration of impacts comparing the consequences of establishing the use on the site in contrast to or in comparison to another site (OAR 660-14-040(3)(b)). Under this standard, the exception justification properly and appropriately discusses the existence of infrastructure, buildings and utilities and contrasts the consequences of establishing the use at a site which has such facilities to a site which would by necessity need to construct new facilities and infrastructure. This discussion, required under OAR 660-14-040(3)(b) (Exception Alternatives/Comparative Impacts), has similarities to certain aspects of a "built and committed exception." Opponents erroneously conclude, however, that the two exceptions are the same. Simply because the "ESEE" criteria are addressed, including beneficial consequences obtained by using existing structures or facilities, does not alter the type of the exception.

C. **Reasons Justification**

The approved reasons exception has been justified for a number of reasons consistent with the requirements of OAR 660, Division 14 and for reasons similar to examples of appropriate reasons identified in OAR 660, Division 4. These reasons include:

- Young Life has demonstrated need based on Statewide planning Goals 8, 9 and 11.
- The exception has been justified on the basis of the implementation of the County's comprehensive plan.
- The exception has been justified on the basis of the location, the special features or qualities of the location and the natural resources of the site which are integral to the camp operation and on which the camp depends. (OAR 660, Division 14.)

1. OAR 660-14-040(2)

Under OAR 660-14-040(2) reasons that justify an exception may include a finding that urban levels of facilities are needed to support an activity that is dependent on a nearby natural resource. For the reasons discussed below, the Court finds that urban facilities are needed for the camp and that the camp is dependent on the natural resources located at or near the approved Exception Area.

Urban levels of facilities and services are needed to support the economic activity

Urban facilities and services are necessary to serve the proposed camp. The camp will initially accommodate 500 campers and a second phase will accommodate an additional 500 campers. Campers will live in dormitories, eat in common cafeteria facilities and will share recreational facilities. Because the camp is part of a coordinated, integrated development that cannot be as efficiently served by individual water and sewer disposal systems, it requires community water and sewer systems which are typically considered urban. Based on the number of campers, the density of uses and levels of public services that support the Young Life camp, the facilities and services needed to support the camp are urban in nature.

Dependency on Natural Resources

Young Life chose the Big Muddy Ranch for its camp because of the abundance and proximity of natural resources that are vital to the operation of the camp. The Young Life camp has a dude ranch type atmosphere with hills and mountains interspersed with wide-open expanses of land. The camp is also centered around the recreational opportunities provided by streams, rivers and lakes as well as the hiking, climbing opportunities of the rimrock areas. Young Life camps are designed to be located on sites that offer nearly all of the proposed recreational activities that campers will participate in to avoid bussing campers from location to location. As a result, the chosen camp site must have a number of unique natural resources in close proximity.

The proposed Big Muddy exception area contains unique natural features that make it ideal for the proposed camp use. First, the Exception Area is located in a valley bordered by unique rock formations that are suitable for both beginning and more advanced rock climbing opportunities. Running through the valley is a stream with reservoirs that are needed for boating and swimming activities. In the immediate vicinity of the Exception Area is the John Day River which will provide rafting, fishing, boating and floating opportunities.

The camp is also dependent on the 66,000 acres of the ranch outside of the Exception Area to provide isolation from neighboring ranches and to provide additional recreational opportunities. The surrounding acreage will provide nearby horseback riding, camping and hiking opportunities.

Location - Primary Market Area

One of the primary factors considered in determining the location of Young Life camps is the distance from primary market areas. Currently, the only national Young Life camps on the west coast are located in California and in British Columbia. Both of these camps are attended by campers from Washington, Oregon and Idaho and have significant waiting lists. Over 2,700 youths from Oregon, Washington and Idaho attend Young Life camps each summer. As discussed in the application, the two West Coast camps have annually been operating at or above capacity. On a nationwide basis, there is a waiting list of over 3,000 campers. Because there is no national camp in the immediate vicinity of the identified market area and because so many of the campers are from Oregon, Washington and Idaho, the location in north central Oregon is critical to the Young Life program. The application details the basis for establishing the primary market area critical to the location justification.

Climate

Another primary reason the applicant chose to locate a Young Life camp at the proposed exception area is climate. Outdoor activities will predominate at the Young Life camp during the summer when the level of use is highest. As a result, consistent, dry and relatively hot summer weather is required. Locations in Western Oregon were not considered because of the lengthy rainy season. The arid high-desert climate of central Oregon is ideal for year-round camping uses because of dry, hot summers and the comparatively dry fall and spring seasons. The map of mean annual precipitation in the State of Oregon from the Oregon Climate Service shows that the Big Muddy Ranch receives 10 to 16 inches of rain per year. The only areas of Oregon that receive that little rain are in north central Oregon and southeastern Oregon. A location in southeastern Oregon is too far from primary market areas, as discussed above.

2. Need to Meet Requirements and Fulfill Purposes of Statewide Goals 8 and 9

Statewide Goal 8 encourages the provision of recreational facilities for visitors and residents of the state. It also establishes planning guidelines for the state's recreational needs and requires the planning for and siting of necessary recreational facilities. Goal 8's Planning Guideline No. 7 provides that the planning and provision of recreational facilities and opportunities should be given to areas, facilities and uses that meet recreational need requirements for a high density population, serve persons of limited mobility and finances, meet recreational need requirements while conserving energy, minimize environmental deterioration, are available to the public at nominal cost, and meet the need of visitors to the state.

The approved exception serves to meet the requirements of Goal 8. The exception demonstrates that the youth of the Northwest, including Oregon, are in need of a youth camp recreational facility. The need is evidenced not only by the full occupancy of existing facilities in California and British Columbia, but also by the extensive waiting lists for the existing Young Lift camps in the Northwest. The approved exception also implements Goal 8's Planning Guideline No. 7. It provides recreational opportunities to meet recreational needs for a high density population. The Young Life camp at the Big Muddy Ranch has been located to serve

youth from urban areas in Washington, Oregon and, in part, Idaho. Based on the market analysis, over 75 percent of the campers will be from the high density centers in the Willamette Valley in Oregon and along the I-5 corridor in Washington. Further, the camp is available to youth of limited mobility and finances and is designed to conserve energy and minimize environmental impacts by utilizing existing facilities and structures. The needs of Goal 8 are fulfilled by the approval of the reasons exception.

The approved exception also serves to meet the requirements of and fulfill the purposes of Goal 9. Goal 9 requires counties "to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens." Under Goal 9, counties are required to identify areas suitable for increased economic growth and activity after taking into consideration the economic base, material and energy availability and cost, labor, availability of public facilities, etc.

The economic development needs and requirements of Goal 9 are fulfilled by the approved exception. The youth camp will bring construction jobs to the county for the construction and remodeling of the camp facilities and infrastructure and for ongoing maintenance of camp structures and facilities. While the number of permanent paid employees is limited due to the extensive volunteer program utilized by Young Life, the camp will offer a significant ongoing economic benefit to Wasco County. In addition to construction employment, the camp will also contribute to the prosperity of the county through the purchasing of goods and services necessary for the operation of the camp and the addition of new administrative personnel for camp operations together with the addition of approximately 15 new permanent residents to manage the ranch property.

The development of the youth camp will also fulfill Goal 9 because the economic growth associated with the camp will occur at a site which has adequate transportation access, existing public facilities and maintains the agriculturally-based ranching activities on the remainder of the ranch by retaining its EFU designation.

3. <u>Enabling Wasco County to Meet Its Planning Obligation</u>

Another reason establishing the justification for the approved exception is that the exception will enable Wasco County to meet one or more of its planning obligations. Such obligations can be found in both the Statewide Planning Goals and in acknowledged comprehensive plans. In Wasco County, an exception for the Young Life youth camp enables the county to secure a significant new use satisfying its goals to provide adequate recreational opportunities, to enhance its economic base, and to encourage tourism in the county.

The Wasco County Comprehensive Plan's Recreational Goal is "to satisfy the recreational needs of the citizens of Wasco County and visitors." This goal implements Statewide Planning Goal 8 which requires local jurisdictions to "satisfy the recreational needs of the citizens of the state and visitors." The Wasco County Comprehensive Plan's Economic Goal is to "diversify and improve the economy of Wasco County." The Goal carries out the mandate of LCDC Goal 9 which requires comprehensive plans and policies to "contribute to a stable and healthy economy in all regions of the state." This exception provides the county with an

important vehicle to provide that support, to contribute to the Wasco County economy, and to realize some fulfillment of the county's recreational need policy.

4. Market Demand

While market demand alone does not justify an exception, it is a relevant factor in a reasons analysis. Based on the historical demand and estimated annual attendance for Young Life camps throughout the country, in the Northwest, and as projected for the Big Muddy, the Court finds the existence of the necessary market demand.

Young Life has 10 national camps, four regional camps and three wilderness programs. These camps serve approximately 70,000 campers, 11,000 leaders, 6,500 volunteer work crew and staff, 2,500 adult guests and 8,000 wilderness and leadership campers. Approximately 70 percent of the campers are junior high and high school youth. There are only two Young Life national camps in the Northwest. One is near Sacramento; the other is in British Columbia. Oregon, Washington and Idaho youth generally travel to one of those national camps, if possible. For the past five summers, these Young Life camps have exceeded 100 percent occupancy and each year over 3,000 kids remain on waiting lists because the camps are full.

Young Life is active in many communities in the Northwest, including the Seattle area, Yakima and Spokane as well as the Bend area and many communities in the Portland area and the Willamette Valley. It is anticipated that youth from these communities in the Northwest as well as youth from schools in Idaho will attend camp at the Big Muddy Ranch. Over 2,700 Young Life campers come from the Northwest. Given the existing waiting list of youths each year unable to attend summer camp, the market demand for the Big Muddy camp has been sufficiently documented.

D. **Alternative Locations**

1. OAR 660-14-040(3)(a)

OAR 660-04-020(2)(b) and (c) and OAR 660-14-040(3)(a) and (b) elaborate on the analysis of alternative locations for the proposed use that is required to support a goal exception. The analysis is divided between areas which do not require a goal exception and areas which do.

With regard to areas that do not require a goal exception, OAR 660-04-020(2)(b) elaborates on the standard established by ORS 197.732(1)(c)(B) and Goal 2, Part II(c)(2):

> "'Areas which do not require a new exception cannot reasonably accommodate the use'"
>
> "(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified.

"(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

"(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

"(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

"(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

"(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether the similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding."

In the circumstances of an exception to Goals 3, 11 and 14 (as in this case), OAR 660-14-040(3)(a) provides that the "areas which do not require a new exception cannot reasonably accommodate the use" standard can be met:

"* * * by showing the proposed urban development cannot be reasonably accommodated in or through expansion of existing

urban growth boundaries or by intensification of development at existing rural centers."

In order to document compliance with this standard, an analysis of urban growth boundaries and existing rural centers was undertaken for a five county area in north central Oregon. The jurisdictions included in the review were Wasco, Jefferson, Sherman, Wheeler, and Gilliam counties, as well as each incorporated jurisdiction and rural center located in each of the counties. The five county area in north central Oregon was identified and delineated on the basis of the following factors:

- Weather/climate
- Adequate transportation facilities
- Proximity to market area

One principal locational factor in establishing the parameters of the alternative sites analysis was the climate of the area. Given that outdoor activities predominate at the camp, consistent predictable weather in the spring, summer and fall was critical. In addition, moderate temperatures and minimal snowfall was considered in order to accommodate year-round camping. An arid high desert climate was identified as ideal for year round camping uses based on its dry, hot summers and cool, comparatively dry fall and spring seasons.

A second factor in the alternative site analysis was the proximity to the market area. The proposal required a location which would be within a reasonable driving distance from the primary camp markets. The demographic analysis indicates that approximately 40 percent of the campers would be from western Washington, 15 percent from eastern Washington and close to 45 percent from western Oregon. A location within driving distance from these markets was essential. Because camp patrons will originate their trips in a variety of areas in the Pacific Northwest, a location near Interstate 84 with adequate local transportation systems was essential. There was no challenge during the hearings on this approval to the area considered for the alternative sites analysis.

The analysis of the five county area demonstrated that the proposed use cannot be reasonably accommodated within any existing urban growth boundaries, through expansion of existing urban growth boundaries or by intensification of development at existing rural centers. The testimony of Mr. Brent Lake, the Eastern Oregon representative for the Department of Land Conservation and Development (DLCD) confirmed the results of the analysis that the proposed use could not be reasonably accommodated inside UGBs or rural centers. There was no specific evidence contesting this point. The Court finds Mr. Lake's testimony to be reliable and persuasive evidence.

There was considerable testimony regarding the process of collecting the information regarding the availability of lands inside the referenced UGBs or rural centers. According to the testimony of Young Life, Young Life representatives evaluated the availability of lands in UGBs or rural centers by first calling local jurisdictions or consultants on contract to

the local jurisdictions to determine the amount of available undeveloped land. Second, Young Life reviewed available documents at the DLCD Salem office. Finally, Young Life confirmed the information with Mr. Lake, DLCD representative. Young Life considered the following urban growth boundaries and rural unincorporated communities in Wasco County: The Dalles, Dufur, Mosier, Antelope, Shaniko, and Maupin. As shown in the chart entered into the record at the August 20, 1997 hearing, none of the urban growth boundaries or rural communities contain adequate land for the proposed use. Similarly, Young Life considered the rural centers in urban growth boundaries in Jefferson County, Wheeler County, Gilliam County, and Sherman Country: Madras, Culver, Vitolius, Ashwood, Fossil, Mitchell, Spray, Conden, Arlington, Lone Rock, Olex, Wasco, Moro, Rufus, Grass Valley, Kent, and Big Junction. As shown in the chart entered into the record at the August 20, 1997 hearing, none of these areas contain adequate available land for the proposed camp. Similarly, the intensification of rural centers was found to be an infeasible alternative given the limited lands available. Mr. Brent Lake confirmed that no existing UGB or rural center contained adequate land for the proposed use. On the basis of this reliable testimony and evidence, the Court finds that the limited acreage available in these areas cannot reasonably accommodate the proposed camp. The Court also finds that intensification of development at an existing rural center or the expansion of an existing urban growth boundary is not an appropriate technique to allow for the siting of a youth camp which encompasses approximately 600 acres with significant additional land needed for buffer and recreational purposes. Despite the fact that the Young Life camp will utilize urban level public facilities, the use is essentially a rural use. A Young Life camp requires large expanses of open land and water features for various recreational activities such as horseback riding, hiking, boating, and mountain biking.

Opponents assert that there is no evidence that Young Life contacted local jurisdictions regarding available acreage because office personnel that the opponents called at certain jurisdictions did not recall speaking to Young Life representatives during the months prior to the hearing. Young Life representatives testified that requests for information from some local jurisdictions may have been made without specifically identifying Young Life because their discussions often dealt only with the amount of available land. The Court finds that there is substantial evidence that Young Life analyzed alternative sites by contacting local jurisdictions and confirming the relevant data with DLCD staff. The relevant inquiry for purposes of OAR 660-14-040(3)(a) is whether there are existing urban growth boundaries or rural centers that can accommodate the proposed use or whether such boundaries could be expanded or uses intensified for the use. Young Life has provided substantial evidence on this issue and the results of the analysis have been confirmed with DLCD. The opponents have not identified a UGB or rural center that contains enough contiguous acreage to accommodate the proposed camp nor have they suggested that the use could be accommodated through expansion of a UGB or by intensification of development at an existing rural center. The Court finds that OAR 660-14-040(3)(a) is satisfied.

2. <u>OAR 660-14-040(3)(b)</u>

With regard to areas that do require a goal exception, OAR 660-04-020(2)(c) elaborates on the standard established by ORS 197.732(1)(c)(C) and Goal 2, Part II(c)(3):

"The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas [sic] considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts."

OAR 660-14-040(3)(b) provides that with regard to exceptions to allow urban uses on rural lands the analysis of alternative sites which do require an exception must consider:

"(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and

"(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area."

As noted, this rule requires an analysis of the comparative long-term ESEE consequences of locating the proposed urban development at the Big Muddy Ranch, as mitigated by measures designed to reduce adverse impacts with those of locating the same proposal on other undeveloped rural lands. Under the rule, the comparison of alternative sites which do require an exception must include consideration of whether the amount of land included within the boundaries of the proposed urban development is appropriate.

(a) Quantity of Land

The amount of land included in the Exception Area was determined on the basis of an analysis of the land needs for the youth camp considering the need for camp facilities, housing and accommodations, camper services, recreational areas, open space, maintenance facilities and utility infrastructure. The conceptual master plan depicts the proposed uses of the land within the Exception Area and identifies how the camp will utilize existing buildings for camp purposes and where new structures may be needed in the defined Development Area.

The Court finds that the boundaries of the Exception Area have been narrowly tailored along the Muddy Creek valley so that both the north and south sides contain only enough land for camp purposes. This area includes the existing service facilities which serve the camp area. The Court finds that inclusion of these service areas is necessary to provide efficient utility service to the camp site and that inclusion of these areas is appropriate. The Court also recognizes that during the hearings on this approval, Young Life deleted two other non-contiguous areas from the proposed exception area request. The Court finds that this narrow tailoring of the Exception Area has insured that no more land than appropriate is included in the Exception Area consistent with the requirements of OAR 660-14-040(3)(b)(A).

(b) Carrying Capacity

Under OAR 660-14-040(3)(b)(B), the comparison of alternative sites which do require an exception must include consideration of whether the urban development is limited by air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding site.

The Court finds that there will be no adverse air quality impacts generated by the youth camp, nor will development of the camp be limited by available air resources. The Exception Area is not in an air quality maintenance area and it is not subject to any air pollution limitations. The Court also finds that there will be no industrial or commercial air pollution sources on the site and that a youth camp does not generate air quality impacts.

The camp will rely on its own water system. Appropriate permits will be obtained by WRD and DEQ relating to water quality and water quantity. The Court has determined that adequate water rights exist for the proposed use at the Exception Area and that appropriate permit applications have been filed for the use of the water. The Court finds that the sewage treatment facilities at the camp site are adequate to serve the camp, in good condition, and, therefore, they will have no adverse affect on the water quality near the Exception Area.

Opponents asked that the County limit use of groundwater at the camp. The water uses at the camp will be limited by water right permits issued by WRD. Evidence in the record demonstrates that there is adequate groundwater to serve the proposed use without adversely affecting other users. No evidence to the contrary has been presented by opponents of the project. Based on this evidence, the Court finds there is no reason to limit groundwater use, an issue more appropriately dealt with by WRD regulations.

The Court further finds that the exception will not adversely affect the land resources in or near the Exception Area. The Exception Area is comprised of two distinct areas. The defined Development Area is the area of the exception which will be used extensively for camp purposes. It is the location of existing buildings and facilities. It is largely encompassed by the remaining exception lands of the Exception Area. These lands buffer the Development Area from the surrounding areas of the Ranch so that land resources around the Exception Area will not be adversely affected. Further, the Exception Area is buffered from other lands by the approximate 64,000 acres of land on the ranch which will be retained in EFU zoning. Young Life has indicated it will maintain its use as rangeland.

The Exception Area is already developed with buildings and facilities. The Court finds that the impact on land resources of using existing buildings, roadways, and facility infrastructure is significantly less than the impact of locating the camp on undeveloped rural land which would necessitate new construction of buildings and facilities with its associated impacts.

(c) ESEE Consequence

During the hearings on this proposal, no alternative sites were proposed. In assessing the ESEE consequences as mitigated by measures designed to reduce adverse impacts with the consequences of locating the same proposal on other undeveloped rural lands, the Court has not considered specific alternative sites, but has considered the typical consequences resulting from the use on other undeveloped rural land.

Environmental Consequences

The Court finds that the environmental consequences to the Exception Area will be minimal. The youth camp proposes to utilize a significant number of existing structures on the valley floor which are currently vacant. Other structures on the hillsides will be removed or decommissioned. Since the Exception Area only encompasses the area containing existing facilities (utilities) and structures, use of the property will not require significant new construction of infrastructure or buildings as would be required at another rural undeveloped location. Further, the proposed camp intends to use the existing reservoir system for irrigation and recreational purposes. Significant new development of water systems or lakes for recreational needs will not be necessary as would be the case with undeveloped rural sites.

Economic Consequences

The economic consequences of carrying out the project is discussed under Goal 9 above. The positive economic consequences would be similar on another undeveloped rural site, however, such a site would require the expenditure of significant monies to construct infrastructure, utilities and buildings for the camp which is not required at the Exception Area. Further, the existence of adequate water resources is a significant positive economic factor which may not be available at alternate undeveloped rural sites. Development of a water supply system as well as a sewer system adequate to serve the camp would be costly at other undeveloped rural sites.

Social Consequences

The social consequences of the Young Life proposal are not significantly more adverse than would result from the proposal being sited on other lands. Because the roughly 64,000 acres surrounding the Exception Area retains an A-1 zoning designation, its use will remain an agricultural one and will buffer the camp from neighboring properties. The Exception Area also provides needed recreational opportunities for Wasco County youth and visitors.

Energy Consequences

The energy consequences of the Young Life proposal are not significantly more adverse than would result from locating the proposal on other rural lands. Significant energy expenditure is conserved by locating the camp in existing structures and utilizing existing infrastructure and facilities. The compactness of the Exception Area will save auto trips within the camp and encourage pedestrian and bicycle travel. The pre-existing water and sewage infrastructure will conserve energy expenditures required to establish such a service network at an alternate undeveloped rural site.

Overall Consequences

The Exception Area offers a superior site for the proposed use. It is ample in size, has numerous unique natural land forms and water features for camp usage and has existing development which can be utilized without significant impacts for the proposed use. Given its high desert setting, remoteness, natural amenities, transportation access and proximity to the market area, the Court finds that the Exception Area is well suited to the proposed use.

3. OAR 660-14-040(c)

OAR 660-14-040(c) requires that the proposed use is compatible with adjacent uses considering whether the urban development detracts from the ability of an existing city or service district to provide services and whether the potential for continued resource management of land at present levels surrounding and nearby the site for urban development is assured.

The Court finds that the use of the Big Muddy Exception Area as a Young Life camp will not detract from the ability of existing service providers to supply service. The Exception Area is fully serviced by its own community water and sewage treatment system and does not receive water or sewer services from other providers. The existing domestic water supply at the Big Muddy Ranch consists of numerous groundwater wells, distribution piping, three domestic water storage reservoirs, and associated facilities. It is adequate to handle the needs of the camp. The existing sanitary sewage collection and disposal system located in the Exception Area is also sufficient to serve the Young Life camp. Thus, with regard to water and sewer, there will be no impact on existing cities or service districts to provide service.

Police services will be provided by the Wasco County Sheriff or Oregon State Police. The Sheriff's office has confirmed its availability to handle services for the camp and the adequacy of its services for the camp needs. Solid waste management will be handled in a

manner approved by DEQ and the approved solid waste management plan required by Condition No. 6, Exhibit G, as adopted by Ordinance No. 97-001 approving the Exception Area. Likewise, fire protection will be provided by trained personnel in accordance with the fire protection plan approved by the State Fire Marshall as required by Condition No. 4, Exhibit G, as adopted by Ordinance No. 97-001 approving the Exception Area. The camp's permanent residential staff will be limited and less than 15 permanent staff will be housed at the camp. If any staff have children of school age, their impact on the school system services will be minimal. The Madras School District has confirmed its availability to accommodate these potential students.

The Exception Area is surrounded by the other ranch lands of the Big Muddy Ranch. Approximately 64,000 acres of agriculturally-zoned lands surround the Exception Area. Use of the Development Area as the area intended for camp use utilizing existing buildings and infrastructure will not affect ongoing ranching operations on surrounding lands. Given the buffer from adjacent uses, the Court concludes that the youth camp will be compatible with the adjacent uses and with surrounding and nearby management uses and will not detract from the ability of cities and special districts in the area to provide their services.

An opponent of the proposal, Mr. Silvertooth-Stewart, identifies recreational use of the John Day River and public use of BLM land as uses in the area that should be considered in determining compatibility of the proposed camp. First, he claims there will be visual and noise pollution from the proposed sports complex that will impact recreational use of the John Day River. In terms of protection provided to the John Day River by the Comprehensive Plan, the John Day River Scenic Waterway is a designated Goal 5 resource. The Comprehensive Plan implements its protection of the John Day River through the State Scenic Rivers Act and the Environmental Protection District of the Land Use and Development Ordinance (LUDO). Under those regulations certain types of development are limited or prohibited within 1/4 mile of the river. OAR 736-040-065 and LUDO 3.910 (Division 7 - Natural Areas Overlay). All uses allowed by this application will be consistent with the State Scenic Rivers Act and the Environmental Protection District. The sports complex is in an existing structure that is located over 2.4 miles from the John Day River and is outside of the John Day River Scenic Waterway buffer zone.

Under the Goal 5 protection provisions of the comprehensive plan and as a practical matter, the camp uses allowed by the comprehensive plan amendment are located miles from the river. Any recreational activities conducted near the river are not specifically part of this approval and may be subject to future land use review, if necessary under the EFU zoning. As noted above, the original application included an area adjacent to the river. The original application was amended to delete the area near the river and limit the Exception Area to the area more than 2 miles from the river.

Second, Mr. Silvertooth-Stewart claims that hunting uses on BLM lands will be negatively impacted by the proposed development. Hunting uses occur on BLM lands in various remote areas of the Big Muddy Ranch, not within the developed central ranch area. In addition, most hunting occurs in the fall, well after the peak summer camping season. Young Life stated at one of the hearings that it will take steps, such as installing adequate fencing or developing

camp regulations, to ensure that campers do not enter BLM land. Further, the area proposed as the area for concentrated camp usage is located in the designated Development Area internal to the Exception Area. There are lands principally containing infrastructure and utility facilities surrounding the Development Area which serve to buffer the camp area from other lands, including BLM lands.

4. OAR 660-14-040(d)

OAR 660-14-040(d) requires that an appropriate level of public facilities are likely to be provided in a timely and efficient manner. This is demonstrated by the findings above related to public facilities and services.

5. OAR 660-14-040(e)

OAR 660-14-040(e) requires that the development is coordinated with comprehensive plans of affected jurisdictions. In this case, the affected jurisdiction is Wasco County because the entire exception is within Wasco County.

The coordination requirement is satisfied by the findings of Goal 2 coordination and the findings below which demonstrate that the Exception is consistent with the relevant provisions of the Plan.

The Plan contains a series of goals under separate subject matter headings, each of which is separated into (1) policies and (2) implementation. The Plan is intended to "establish a single, coordinated set of policies which will act to provide for orderly development of Wasco county" and "give a direction to planning, establish priorities for action, serve as a basis for future decisions, provide a standard by which progress can be measured, and promote a sense of community for an improved quality of life."

Wasco County planning obligations potentially relevant to the Young Life project were identified by determining which policies would be materially affected by the proposed development. The analysis evaluated these policies against the facts of the proposed development to determine whether the policies are furthered, hindered or not affected. The relevant plan policies are presented first, along with the facts that demonstrate whether the particular planning obligation has been met.

A. Citizen Involvement

The citizen involvement goal is "to develop and maintain a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process." Plan page 275. This goal is carried out by three Policies, one of which is relevant to this decision. Policy 3 provides: "Encourage involvement of citizens and property owners in the land use planning process." The relevant Implementation Measure is (C) which provides: "When revising or adopting the Comprehensive Plan, there shall be a minimum of two public hearings held within the affected planning area." In this case, the County Planning Commission held two hearings and the County Court held two hearings in conformance with this Policy.

One procedural issue relating to citizen involvement was raised by an opponent of the proposal. Mr. Silvertooth-Stewart asserted that the County committed procedural error by closing the record on a Saturday and requiring that submittals be post marked by Saturday. The County did not commit procedural error. At the request of a party, the County held the record open for 10 days to allow comment on the record. It is the County Court's practice to close the record on the last day, even if that day is a Saturday. State law only requires that the record be held open seven days after the initial evidentiary hearing. ORS 197.763(6)(c). The record was held open for ten days and thus the statutory obligation was met.

Even if the County committed a procedural error, the opponents were not substantially prejudiced. First, the opponents have been afforded numerous opportunities to comment on the application, both at the Planning Commission and County Court stages. Second, prior to the close of the record, the opponents contacted the County Planning Office to determine when the record closed and submitted over ten pages of additional comments before the record closed. Nothing submitted by the opponents was rejected as being received after the close of the record.

B. Land Use Planning

The Land Use Planning Goal is to establish a process and policy framework as a basis for land use decisions and ensure an adequate factual base for such decisions. This goal is carried out by four policies, two of which are relevant to this decision. Policy 2 provides that the Comprehensive plan must be consistent with Statewide goals. Consistency with statewide goals is discussed above. Policy 3 provides that the Comprehensive plan shall be reviewed periodically for necessary revisions "to keep pace with changes in the physical, environmental, social and economic character of the County." Implementation Measure C provides that plan amendments shall be carried out under the revisions process set forth in the Comprehensive Plan. The revisions process is set forth in the Comprehensive Plan. The revisions process set forth at pages 225-228 was followed by the applicant in proposing the comprehensive plan amendments and by the County in reviewing the amendments. The applicant, a private property owner, initiated the amendment, paid the required fee and addressed the "General Criteria" in its application and supplemental submittals to the record. The County followed the notice and hearing procedures in part by holding Planning Commission hearings, forwarding a Planning Commission recommendation to the County Court and holding County Court hearings.

C. Agricultural Lands

The Young Life camp site is designated Exclusive Farm Use by the Comprehensive Plan and is zoned accordingly. This decision approves a redesignation of the site to the A-R plan designation and zone with a Limited Use overlay.

Goal 3 is to "preserve and maintain agricultural lands." Policy 2 directs the County to "Encourage better management of all agricultural lands." Pursuant to that policy, Implementation Measure B. provides that "[n]on-farm uses permitted within farm use zones adopted pursuant to O.R.S. 215.213 should be minimized to allow for maximum agricultural productivity." Opponents of the project proposed that the exception could be added to the list of

permitted uses in EFU rather than rezoning the property to A-R. Adding to the list of permitted uses would not only run afoul of state law as discussed above, but would hinder Implementation Measure B. In furtherance of this policy, the County should rezone the exception area rather than allow additional uses in farm use zones.

Policy 4 provides that "[w]here rural agricultural land is to be converted to urbanizable land, the conversion is to be completed in an orderly and efficient manner." Since the land subject to the proposal is agricultural land that will be converted to urban land, this Policy is applicable. Implementation Measure A. requires that the conversion be in compliance with Goal No. 14, Policy 1, A-E. Compliance with that goal is discussed below. Implementation Measure B. provides that extension of services must be appropriate for the proposed urban use. As discussed above, evidence in the record demonstrates that appropriate levels of services are available or will be made available to serve the proposed use, including water, sanitary sewer, roads, fire, police and schools. Implementation Measure (E) provides that "normal agricultural practices shall not be restricted by non-agricultural interests within agricultural areas." The Big Muddy Ranch is currently used for grazing of livestock. Use of the Exception Area for camp purposes will not restrict normal grazing practices.

D. Forest Lands

None of the Young Life camp site is designated forest land. As a result, the policies and implementation measures of the Forest Land goal do not apply.

E. Open Spaces, Scenic and Historic Areas and Natural Resources

The purpose of Goal No. 5 is "to conserve open space and protect natural and scenic resources." This goal is carried out by eight policies, three of which are relevant to this decision. Policy 3 relates to protection of the John Day River Scenic Waterway as a natural and open space area with consideration for recreation and agriculture. The Exception Area, as originally proposed, would have included land within the John Day River Scenic Waterway. However, based on comments from other participants in the proceedings, the applicant eliminated an Exception Area along the John Day River from the proposal. As a result, the purpose of Policy 3 to protect and maintain the John Day River Scenic Waterway is furthered.

Policy 7 requires the County to encourage land use and land management practices that contribute to preservation and enhancement of fish and wildlife resources. Implementation Measures (A) and (D) require the county to identify and protect all wildlife habitats (through application of the Environmental Protection District Overlay and setbacks in riparian habitats) and all rare and endangered plants and animals. The Court reviewed its Goal 5 inventory and determined that no wildlife habitat or rare and endangered plants and animals have been identified within the approved Exception Area.

Policy 8 requires the County to preserve historic, cultural and archeological areas. No such areas are identified in the County's Goal 5 inventory of historic, cultural or archeological sites as being located within the Exception Area. As a result, the proposal will not hinder the County's compliance with this policy.

F. Air, Land and Water Quality

Goal 6 is "to maintain and improve the quality of the air, water and land resources of the County." Certain implementation measures under each of the four policies that carry out Goal 6 are relevant to the county's decision. Policy 1 encourages preservation of the quantity and quality of air, water and land resources. Implementation Measure (B) requires that the solid waste collection and disposal ordinance be enforced. Adoption of the comprehensive plan amendment will not hinder enforcement of that ordinance. Implementation Measure (C) directs the County to preserve riparian vegetation through the Environmental Protection District overlay or by setbacks. The Exception Area is not overlain with the Environmental Protection Overlay. All new structures within the Exception Area are conditional uses and thus will be subject to conditions protecting any natural riparian vegetation. Policy 3 directs the County to "maintain quantity and quality of water in compliance with state and federal standards." The only Implementation Measure applicable to quasi-judicial applications is (E) which provides that "[t]he adequacy of the Ground water supplies and their quality shall be a major consideration in all development." Evidence in the record provided by the applicant demonstrates that ground water wells will provide an adequate supply of high quality groundwater to serve proposed uses. No credible evidence to the contrary has been presented.

G. Areas Subject to Natural Disasters and Hazards

None of the proposed Exception Area is located in an area identified in the Comprehensive Plan as subject to natural disasters or hazards. As a result, Goal 7 and its policies are not impacted by this decision.

H. Recreational Needs

Goal No. 8 requires the County to "satisfy the recreational needs of the citizens of Wasco County and visitors." Of the three policies that carry out this goal, one is applicable to this project. Policy 2 provides: "develop and maintain a variety of recreational sites and open spaces adjacent to population concentrations to adequately meet the County's recreational needs. Development of the Young Life project will further the County's policy of developing a variety of recreation sites to meet County recreational needs. In addition, Implementation Measure D provides that "aesthetic values in existing and future and recreational sites should be preserved and enhanced." The proposed camp development will have beneficial impacts on the aesthetic values in the area. The camp use will utilize existing structures and ensure their upkeep and maintenance. Any new structures would undergo conditional use review and are subject to the limitations of the exceptions statement, Exhibit C and the limited use overlay, Exhibit E.

The text discussing recreational needs for the County provides a rough list of recreation needs including additional camp sites, biking trails, hiking trails and parks. The Plan states that "final recreational land use designations are generally made by property owners and local citizens." Because of the Plan's dependence on private property owners to meet these recreation needs, the redesignation of this property to the agricultural recreational zone furthers the County's recreation goals.

I. Economy of the State

This plan goal requires Wasco County "to diversify and improve the economy of Wasco County." Most of Wasco County's rural economy is based on agriculture and forestry.

Conversion of 1,360 acres of range land within the Big Muddy Ranch for use as a youth and family camp will not hinder the County's policy of maintaining agriculture and forestry as a basis of the economy. To the contrary, by providing recreational uses and utilizing local services for construction and supply needs for the proposed camp, the proposed use will support diversification of Wasco County's economy in support of Goal No. 9. In addition, Policy 5 provides that "tourism in Wasco County will be supported and encouraged." The development of the youth and family camp will support policy of encouraging tourism. Campers and their families will have an opportunity to experience the high recreation and historic attributes of the County and will be encouraged to return to the area. Implementation Measure C provides that "additional parks, overnight camping areas, and other recreational areas should be provided when needed to encourage tourism in the County." The provision of the camp and associated recreation areas and overnight lodging support this implementation measure.

J. Housing

Goal No. 10 provides for the housing needs of the citizens of Wasco County. This goal is largely inapplicable because the Exception Area and proposed development does not now provide housing opportunities and the Young Life camp will offer only limited permanent housing for your own staff. The Court finds that the County's ability to satisfy Goal No. 10 is not hindered by the proposed comprehensive plan amendments.

K. Public Facilities and Services

Goal No. 11 is "to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a frame work for urban and rural development." As discussed above under Goal 11, the Court finds that public facilities and services are adequate to serve the proposed site. Evidence is on the record regarding the adequacy of school, fire, medical and police services, water, sewer, transportation, health and power facilities. The Court finds that this is substantial evidence demonstrating compliance with Goal No. 11. Plan Policy 1 requires an appropriate level of fire protection for rural areas. As a condition of approval, Young Life must provide a fire suppression plan for the proposed camp. The Court finds that the fire suppression plan will ensure that an appropriate level of fire protection is provided for the camp.

Policy 2 requires the provision of an appropriate level of police protection for rural areas. While this is largely directed at the County, levels of police protection are relevant to the appropriate level of development in rural areas. The Court finds there is evidence in the record to demonstrate an adequate level of police protection for the proposed camp. The Wasco County Sheriff's office has confirmed its availability to handle services for the camp and the adequacy of its services for camp needs.

Policy 4 is to "encourage adequate convenience school facilities for the citizens of Wasco County." As discussed at hearings before the County Court, the school superintendent for the Madras School District, which would accommodate any students living year round at the Young Life camp, stated that school facilities are adequate to accommodate such students.

Finally, Policy 5 provides that "future provision of public facilities and services shall be adequate to meet the needs of Wasco County's citizens and be provided efficiently and economically." Implementation Measure C provides that increased an efficient emergency medical service shall be encouraged in rural areas. Young Life has stated that it will have emergency medical staff present at the camp at all times. The Court finds this to be substantial evidence that emergency medical services will be adequate for the camp. Implementation Measure H provides that facilities and services be appropriate but limited to the needs and requirements of the area to be served. The Court finds that Young Life has demonstrated that the water, sewer and other utility services provided for the proposed level of development at the camp are appropriate for the needs of the camp.

L. Transportation

Goal No. 12 is to provide and encourage a safe convenient and economic transportation system. Of the four policies that carry out this goal, one is applicable to this development. Policy 1 directs the County to develop and maintain an adequate County road system. As discussed in letters from the County Public Works Director and ODOT, the existing County road system is adequate to accommodate levels of traffic expected from the Young Life development. In addition, a condition of approval requires that, if the camp creates more than a 30% increase over anticipated traffic levels, an additional transportation plan must be developed. The County finds that evidence in the record demonstrates that the County road system is adequate to support the proposed use and maintain a safe convenient and economic transportation system.

M. Energy Conservation

The planned energy conservation goal requires the County to "conserve energy." This goal is to be implemented through strategies including working with state and federal agencies to identify renewable energy resources to reduce consumption of non-renewable resources of energy, to minimize energy consumption through the use of zoning and subdivision standards to diversify the transportation system and to encourage use of renewable energy. The camp will contribute toward energy conservation by ensuring that most transportation within the camp area will be by bicycle, walking or horseback. In addition, recycling of glass, bottles and other recyclable products will be encouraged at the camp. The Court finds that the camp use will contribute to the County's energy conservation goal.

N. Urbanization

Urbanization is "to provide for an orderly and efficient transition from rural to urban use." Of the five policies that carry out this goal, Policy 1 is the only one applicable to the

approved development. Policy 1 provides that "conversion of rural agricultural land to urbanizable land shall be based upon consideration of each of the following factors:

(a) Environmental, energy, social and economic consequences;

(b) Demonstrated need consistent with other goals;

(c) Availability of alternative suitable locations for the requested use;

(d) A compatibility of the proposed use with related agricultural land; and

(e) The retention of Class I, II, III, IV, V and VI soils in farm use.

These factors were considered as part of the reasons exception to Goals 3, 11 and 14 under OAR 660-14-040. The County has considered each of those factors and has determined that the proposed site should be converted to urban land. The Court believes that the reasons justifying conversion of the land from agricultural use to urban use are compelling and based on consideration of these factors has approved the requested exception request converting the Exception Area lands from agricultural uses.

E. **Wasco County Comprehensive Plan**

1. Section XI(VIII)

Section XI (VIII) of the Plan identifies the general criteria which must be considered for approval of an amendment to the Plan. The Court interprets the Comprehensive Plan as requiring only consideration of these general criteria. In other words, the criteria of Section XI are not mandatory approval criteria. As a result, even if certain of the criteria are not satisfied by a particular application, the Court may determine that because other criteria are satisfied, approval of an amendment to the Plan is justified. In this case, evidence in the record demonstrated that the six general criteria are satisfied by the comprehensive plan amendment.

Opponents of the amendment have asserted that certain of the general criteria are not satisfied, in particular, (VIII)(3) and (VIII)(5). As discussed below, the Court disagrees with the opponents and finds that all of the criteria are met. However, even if criteria (VIII)(3) and (VIII)(5) were found not to be met, the Court finds that its decision relating to compliance with statewide goals ((VIII)(1) and (VIII)(2)) in addition to (VIII)(4) and (6) warrants approval of the comprehensive plan amendment. The Court finds that factors (VIII(3)) and (VIII(5)) relating to mistake and inventory change are generally more appropriately a determination in legislative plan amendments which often include policy deliberations of a broader scale. For a quasi-judicial plan change of limited scope, the Court finds that the other factors are compelling and warrant this plan amendment. In any event, because the Court considered each of the factors, Section XI(VIII) is satisfied.

Compliance with Goals (VIII)(1)

This requirement is satisfied by consideration of the findings documenting compliance with the applicable Statewide Planning Goals, above, and the findings documenting compliance with the applicable Comprehensive Plan Goals and Policies above. The Court finds that this general criterion is met.

Compliance with Spirit and Intent of Goals (VIII)(2)

Comprehensive Plan Section XI (VIII)(2) requires that the County Court consider whether there is "substantial proof that such change shall not be detrimental to the spirit and intent of such goals." The Court interprets the term "such goals" to refer to the prior general criterion in subsection (VIII)(1), which requires consideration of compliance with the Statewide Land Use Goals. As a result, consideration of subsection (VIII)(2) requires only that the County consider the Statewide Goals. Reference to any county goals under this criterion is unnecessary. The County's findings need not, and in fact, should not discuss the Comprehensive Plan provisions regarding "unforeseen circumstances" that are discussed in Mr. Silvertooth-Stewart's letter. The County corrected the applicant's initial interpretation of this factor and informed the applicant that the findings under this factor should address only the Statewide Goals. In fact, subsequent drafts of the findings that were included in the record delete any reference to "unforeseen circumstances" and focus solely on the Statewide Goals.

The Court finds that the approved exception and associated text and map amendments are authorized and appropriately justified in accordance with the goals. The Court finds that the Plan amendment is not detrimental to the spirit and intent of the goals.

Change in Character or a Mistake (VIII(3)

This criteria requires that the Court consider whether a change in the character of the neighborhood or a mistake in the original comprehensive plan can be demonstrated.

The Court has considered evidence from the applicant and opponents regarding changes in the character of the neighborhood. While there is substantial evidence of a change in the character of the overall area, the character of the neighborhood surrounding the subject property has not changed significantly.

The Court also considered whether there is a mistake in the original comprehensive plan and finds that the applicant has adequately demonstrated a mistake. The Court interprets "mistake" in this context to mean a failure to plan or provide for general or identified needs in the Plan. The mistake identified by the applicant is the Plan's failure to provide for recreational needs under Goal 8. The Plan recognizes the need for recreational opportunities such as campsites away from Interstate 84, indoor pools, walking trails, multiple use trails, ballfields, and bike trails. However, the Plan does not specifically designate land to accommodate these uses. This can be viewed as an error in the original Plan. This mistake is remedied, to an extent, by the approval of land use proposals which will provide these

recreational opportunities. The Young Life proposal will provide swimming pools, campsites, and trails like those described in the Plan.

One of the opponents, Mr. Silvertooth-Stewart, asserts that the failure to designate land for needed recreational opportunities is not a mistake. When making this assertion, he ignores the County's obligation under Statewide Goal 8, Recreation, to "satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts." The Comprehensive Plan explicitly recognizes the need for recreational opportunities, such as campsites away from I-84, swimming pools, walking and multiple use trails. However, the Plan fails to ensure that there is adequate land with land use designations allowing such recreational uses. In fact, the Plan improperly delegates responsibility for meeting recreational needs by stating that "recreational land use designations are generally made by property owners and local citizens." Plan, Page 144. Because the County is required to provide for the recreational needs of citizens and visitors under Goal 8, failure to do so is a mistake. This mistake can be addressed by designating additional land for recreational uses, including the proposed youth and family camp which will serve to satisfy recreational needs for Wasco County citizens and others.

Public Need for Safe Surroundings (VIII)(4)

This plan criteria requires that the Court consider factors which relate to the public need for healthful, safe, and aesthetic surroundings and conditions are met.

The Court finds that the camp specifically provides for the safe enjoyment of the County's aesthetic surroundings. Approving the amendment to the Plan will allow Young Life to convert the Exception Area to facilitate various recreational opportunities. These activities will be supervised by adults and conducted in a safe and healthful manner.

Change in Inventories XI(VIII)(5)

Comprehensive Plan Section XI (VIII)(5) requires the County to consider whether there is proof of change in the inventories originally developed. Mr. Silvertooth-Stewart does not appear to dispute that there has been a change in the inventories. Rather, he asserts that the Exception Area was part of the County's original inventory of agricultural lands.

The history of the development of the Comprehensive Plan demonstrates that there have been changes in the original inventories of agricultural land. The Comprehensive Plan was adopted by ordinance on February 3, 1982. On April 27, 1983, the County adopted amendments to the Plan including inventories, plan policies and implementation measures that reflect the incorporation of Rajneeshpuram.

These amendments were acknowledged by LCDC. LCDC's continuance order related to Rajneeshpuram required the County in 1992 to adopt an agricultural plan designation and EFU zoning for the Rajneeshpuram land. As a result, the County's inventory of agricultural land changed when the Rajneesh land was rezoned to EFU because the inventory in 1983 reflected the incorporation of Rajneeshpuram. The county's agricultural lands inventory has

been changed since originally developed. In 1992, after adoption of the Plan, 2,385 acres of land were rezoned to A-1(80)EFU. This added new lands to the County's agricultural lands inventory.

Other aspects of the agricultural lands inventory have also changed. The original comprehensive plan refers to Soil Conservation Service maps regarding soil capability classifications. These maps have been updated and reflect more current information about soil capability and acres per AMU. These maps were adopted by ordinance in 1996 as part of amendments to the County's EFU ordinance that were discussed in the original application and reflect a change in the inventory of agricultural lands. See adopted EFU ordinance (now at LUDO 3.210) and accompanying maps.

Factual Basis XI(VIII)(6)

This criteria requires that the Court consider whether revisions are based on adequate facts to support the Plan amendment.

The Court finds that the public need and justification has been established in the application and supporting documentation and that an adequate factual basis exists to support the Plan amendment.

F. **LUDO Criteria**

1. Section 9.020(B)(1). This criterion requires that a zone change conform with the Comprehensive Plan.

The Court finds that the zone change which implements the A-R comprehensive plan designation, conforms with the Plan as discussed above.

2. Section 9.020(B)(2). This criterion requires that the site be suitable for the proposed use.

The Court finds that the recreational uses allowed in the zone are of an outdoor nature and require a large area to accommodate an isolated camping experience. The 65,000 acres of the ranch which will be maintained in agricultural uses provide an adequate buffer to isolate recreational uses from neighboring agricultural uses. The Court finds that the large expanse of the site minimizes any potential conflicts between recreational uses and agriculture. The Court also finds that the site's prior use has resulted in the investment in building improvements and service facilities. The proposal is suitable to the site because it uses the existing structures in a way which will not be detrimental to agricultural uses of the surrounding property. Therefore, the Court concludes that the site is suitable for the proposed use.

3. Section 9.020(B)(3). This criterion requires that there has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.

The Court finds that the recreational opportunities provided by the zone change will benefit youth from the County and from the region. The camp offers supervised recreational opportunities which enhance the county's public health, safety and welfare because outdoor recreational opportunities are beneficial to the well-being of the youth and provide an opportunity to enjoy the scenic wonder of the high desert environment. For these reasons, the Court finds that the public health, safety, and welfare have been considered in the zone change.

EXHIBIT C

Big Muddy Exception Statement

The Big Muddy Exception is a reasons exception for 1360 acres of the Big Muddy Ranch to allow use of the Exception Area for a youth/family camp. Consistent with OAR 660-04-018 (3), the reasons exception approved by Ordinance No. 97-001, incorporated herein by reference, adopts comprehensive plan and zone designations to limit the uses and activities to only those uses and activities justified by the exception. If Wasco County were to change the types or intensities of uses within the Big Muddy Exception Area, a new reasons exception would be required. (OAR 660-04-18(3)(b)).

Description of Exception Boundary and Development Area

The Big Muddy Exception Area consists of 1360 acres along Muddy Creek within the approximate 66,000 acres included in the boundaries of the Big Muddy Ranch in southeastern Wasco County and northeastern Jefferson County. The Exception Area is approximately 12 miles southeast of Antelope.

The boundaries of the Exception Area are shown on Exhibit A-2, entitled "Exception Boundary and Development Area." Within the 1360 acre exception, a 580 acre Development Area is depicted. The Development Area is presently developed with various buildings, other improvements, roads and utility infrastructure. It is the portion of the Exception Area to be used extensively for camp purposes and is the only area in the Exception Area which can accommodate new buildings for camp purposes. The Big Muddy limited use overlay requires all new buildings to be located in the Development Area. Some utility infrastructure (water and sewer) are located in the Exception Area outside the Development Area and this infrastructure will be used, maintained and operated for camp purposes. Various recreational activities of the camp will be located in the Development Area and Exception Area.

The youth/family camp will utilize some of the existing structures in the Development Area; other buildings will be demolished and some new buildings will be developed for the camp. Existing water and sewer systems located in the Exception Area will be operated for the camp. This Exception Statement describes the scope of the exception approved for youth/family camp and, together with Ordinance No. 97-001, establishes the limitations or restrictions on uses in the Exception Area and the Development Area.

Scope of Exception

The approved reasons exception for the Big Muddy Ranch Exception allows use of the Exception Area for a youth/family camp. As proposed by Young Life and approved by Wasco County, the camp proposed at the Big Muddy Exception Area will accommodate up to 1000 campers during the summer months, plus the necessary counselors and staff. It will operate year round, but the most intensive use occurs in the summer when the camp accommodates middle and high school youths in summer camps. During the remainder of the calendar year, the camp is used less intensively but is available for retreats and conferences for families, adults or youths. These off-peak season uses may serve educational purposes, retreats or staff training.

P970363(59) 0140496.02

The youth/family camp will be developed in phases. Each phase will accommodate up to 500 campers, plus staff. The conceptual plan map approved as part of the Exception identifies the main components of the camp. Young Life proposes to utilize some of the existing buildings for camp purposes. These are generally depicted on the conceptual plan. In addition, Young Life intends to remove or decommission numerous buildings and to provide some new structures necessary for camp operations. The conceptual plan identifies the existing building inventory, the proposed uses of the existing buildings, the buildings proposed for removal, and the new buildings planned for the camp. The uses authorized by this Exception for the youth/family camp include accommodations for campers, staff and guests, dining, meeting and conference facilities, administrative and support offices or work areas including maintenance or shop areas, camp activity centers, clubrooms, pool or sports activity buildings and associated recreational facilities and other similar uses designed for youth/family camp operations. As noted on the conceptual plan, these uses have been identified in the Exception and are authorized under the Big Muddy Overlay (Section 3.930(B) and (C).

The conceptual plan is not intended to be a binding document regarding the development of the camp. However, it does present the general parameters of the proposed youth/family camp in terms of the location of principal camp components, such as dormitory or staff housing areas, sports or recreational amenities and dining, activity, or conference facilities. Any new building will require a conditional use permit under the terms of the Big Muddy Limited Use Overlay. The approval of a conditional use will be based on a demonstration that the location, size, design and operational characteristics of the proposed use are compatible with the surrounding area and the approved exception. Because any new building will require a conditional use approval and the review process for a conditional use permit involves a determination of location, size, design and operational characteristics, the County can consider whether a proposed new building is compatible with the approved exception. As a result, the conceptual plan need not presently identify each exact new potential addition to the youth/family camp. In addition, the approved exception requires that the youth/family camp be developed, maintained and operated in a manner consistent with the exception. This means that a user or operator of the youth/family camp must employ similar camp operations to those approved by the Exception.

The Exception authorizes the establishment and operation of a youth/family camp consistent with the approvals provided for in Ordinance No. 97-001, including the referenced Exhibits A to G. Exhibit B, the Findings and Conclusions, describes the nature, size and general operation of the proposed camp. Exhibit E sets forth the provisions of the Big Muddy Limited Use Overlay. The purpose of the Big Muddy Limited Use Overlay is to assure that the development and operation of the camp is consistent with the purpose and intent of this Exception and limits uses and activities allowed in the underlying A-R zone to only those uses and activities justified by this Exception. By this reference, the Big Muddy Limited Use Overlay is incorporated into this Exception.

Reasons Justifying the Exception

Consistent with OAR 660-04-020, this Exception and the accompanying referenced documents include the justification for the Exception and incorporates the Exception

970363 (59)

into the County's comprehensive plan. The reasons justifying the exception including the facts and assumptions used as the basis for determining that a state policy in a goal should not apply to the Exception Area, the amount of land for the proposed use, and a rationale of why the use requires a location on resource land are included by the reference to and incorporation of Ordinance No. 97-001 and its other exhibits.

P970363 (59)

EXHIBIT D

Comprehensive Plan Policy Amendment -- Purposes Statement

The text of the Wasco County Comprehensive Plan is amended as set forth below by the adoption of a purposes statement for the Agricultural - Recreational Plan designation.

On page 233, add the following:

"Agricultural-Recreational

Purpose: To provide areas for outdoor recreation and to allow controlled growth to continue in existing rural unincorporated communities."

P970363 (59)

EXHIBIT E

Amendments to
Wasco County Land Use and Development Ordinance

1. Section 1.090

Section 1.090 is hereby amended to add the following new definition for a youth/family camp:

"Youth/Family Camp -- An area devoted to facilities and equipment for camp purposes for youths and adults, including swimming pools, tennis courts, recreational fields and facilities for meetings, conferences or retreats, including facilities for eating and sleeping accommodations that are provided in connection with the camp."

2. Section 3.230(B)

Section 3.230(B) is hereby amended as follows:

"B. Permitted Uses

15. Youth/family camp."

3. Section 3.700

Section 3.700, The Environmental Protection District is hereby amended to add the following new purpose statement:

"M. To assure that properties subject to specific limited use overlay zones (LU) are subject to county ordinance provisions."

4. Section 3.710

Section 3.710 is hereby amended to add Division 9, The Big Muddy Limited Use Overlay:

"I. Division 9 - Big Muddy limited use overlay."

P970363(59)

5. Section 3.930

Section 3.930 is hereby amended as follows:

"A. Purpose

The purpose of the Big Muddy limited use overlay is to assure that the development and operation of a youth/family camp in the Big Muddy exception area (adopted as part of the Wasco County Comprehensive Plan by Ordinance No. 97-001) occurs in a manner that is consistent with the purpose and intent of the Big Muddy Exception ("Exception") and limits uses and activities allowed in the underlying Agricultural-Recreational (A-R) Zone to only those uses and activities which are justified in the Exception adopted as part of the County's plan by Ordinance No. 97-001.

B. Permitted Uses

1. Use of buildings existing on the date of adoption of this Section consistent with the Exception.

2. Renovation and relocation of buildings existing on the date of adoption of this Section consistent with the Exception to the extent that the renovation or relocation does not increase the building footprint.

C. Conditional Uses

1. The following are Conditional Uses in the Big Muddy limited use overlay:

a. New buildings for youth/family camp purposes.

b. Expansion of existing buildings for youth/family camp purposes.

2. Approval Criteria

Approval of a Conditional Use in the Big Muddy limited use overlay shall be based on a demonstration that the following four criteria are met:

a. Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and the Exception.

b. The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical services, or solid waste disposal facilities.

c. The proposed use will not significantly reduce or impair sensitive wildlife habitat or riparian vegetation along streambanks and will not subject areas to excessive soil erosion.

d. The proposal will not significantly increase the cost of or cause a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use.

3. Conditions

Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding properties and to fulfill the purposes of the Big Muddy limited use overlay may be imposed in approving a conditional use permit application.

4. Applicability of Conditional Use Review Standards

Conditional uses in the Big Muddy limited use overlay shall be subject only to the following sections of Chapter 5, Conditional Use Review: Sections 5.040, 5.050 and 5.060.

D. Development Standards

1. Lighting

Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties and roadways.

2. Setbacks

No new structure other than fences or signs shall be located closer than twenty-five (25) feet from the right-of-way of a public road.

3. Height

Maximum height for all buildings shall be 50 feet.

E. Limitations

1. No partitioning or subdividing shall be allowed in the Big Muddy limited use overlay.

2. No temporary housing shall be permitted in the Big Muddy limited use overlay, except as necessary to house construction personnel/workers during construction and remodeling on site.

3. All new structures shall be located within the Development Area as provided for in the Exception.

4. Uses in the Big Muddy limited use overlay shall be limited to the youth/family camp as provided for in the Exception."

EXHIBIT F

Section 3.930 Division 9 - Big Muddy Limited Use Overlay

A. Purpose

The purpose of the Big Muddy limited use overlay is to assure that the development and operation of a youth/family camp in the Big Muddy exception area (adopted as part of the Wasco County Comprehensive Plan by Ordinance No. 97-001) occurs in a manner that is consistent with the purpose and intent of the Big Muddy Exception ("Exception") and limits uses and activities allowed in the underlying Agricultural-Recreational (A-R) Zone to only those uses and activities which are justified in the Exception adopted as part of the County's plan by Ordinance No. 97-001.

B. Permitted Uses

1. Use of buildings existing on the date of adoption of this Section consistent with the Exception.

2. Renovation and relocation of buildings existing on the date of adoption of this Section consistent with the Exception to the extent that the renovation or relocation does not increase the building footprint.

C. Conditional Uses

1. The following are Conditional Uses in the Big Muddy limited use overlay:

a. New buildings for youth/family camp purposes.

b. Expansion of existing buildings for youth/family camp purposes.

2. Approval Criteria

Approval of a Conditional Use in the Big Muddy limited use overlay shall be based on a demonstration that the following four criteria are met:

a. Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and the Exception.

b. The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical services, or solid waste disposal facilities.

c. The proposed use will not significantly reduce or impair sensitive wildlife habitat or riparian vegetation along streambanks and will not subject areas to excessive soil erosion.

P970363(59)

d. The proposal will not significantly increase the cost of or cause a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use.

3. Conditions

Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding properties and to fulfill the purposes of the Big Muddy limited use overlay may be imposed in approving a conditional use permit application.

4. Applicability of Conditional Use Review Standards

Conditional uses in the Big Muddy limited use overlay shall be subject only to the following sections of Chapter 5, Conditional Use Review: Sections 5.040, 5.050 and 5.060.

D. Development Standards

1. Lighting

Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties and roadways.

2. Setbacks

No new structure other than fences or signs shall be located closer than twenty-five (25) feet from the right-of-way of a public road.

3. Height

Maximum height for all buildings shall be 50 feet.

E. Limitations

1. No partitioning or subdividing shall be allowed in the Big Muddy limited use overlay.

2. No temporary housing shall be permitted in the Big Muddy limited use overlay, except as necessary to house construction personnel/workers during construction and remodeling on site.

3. All new structures shall be located within the Development Area as provided for in the Exception.

4. Uses in the Big Muddy limited use overlay shall be limited to the youth/family camp as provided for in the Exception.

EXHIBIT G

Conditions of Approval

1. That the Big Muddy Exception Statement be recorded with the Wasco County Clerk's Office.

2. Paving of Cold Camp Road southerly from its intersection with state highway 218 shall be completed to a length of approximately 100' or to a length providing the County Road Department a reasonable starting point for road grading.

3. The July 8, 1997 letter from ODOT, together with the supplemental letter of August 12, 1997 from ODOT documents the anticipated traffic generation for the camp operation. If the estimated trips are increased by more than 30%, the camp operator shall submit a revised transportation plan for review by the Planning Commission to ensure adequate steps can be taken to maintain public safety on all public roads.

4. Prior to initiating operation of the camp: (a) A fire response, suppression, and evacuation plan shall be prepared by a registered Professional Fire Protection Engineer and reviewed for adequacy by the State Fire Marshall or his/her assign; and (b) An approved flood evacuation plan shall also be prepared in accordance with the Water Master's requirements.

5. The Muddy Road, a public road not maintained by the County, shall be maintained by the applicant in a safe condition for public as well as private access. If an alternate road is constructed to afford alternative access to the Jefferson County public road in lieu of any portion of the Muddy Road, either the Muddy Road shall be maintained for public access or the alternate route shall be dedicated to public access while the unmaintained portion of the Muddy Road may be considered for vacation.

6. Prior to commencing operation the applicant shall prepare a solid waste management plan. This plan shall be prepared by a qualified solid waste professional and shall be reviewed for adequacy by the local Sanitarian with the Public Health Department and by Department of Environmental Quality's (DEQ) solid waste division. The plan shall include, but not be limited to, estimates of material generation, proposed means and frequency of transport, container types if applicable and disposal site. The applicant is encouraged to explore opportunities to recycle or create a recycling depot with DEQ.