September 11, 2014

TO: Land Conservation and Development Commission

FROM: Jim Rue, Director
Jon Jinings, Community Services Specialist

SUBJECT: Agenda Item 10, September 25-26, 2014, LCDC Meeting

RULEMAKING REGARDING YOUTH CAMPS ON CERTAIN AGRICULTURAL LANDS IN EASTERN OREGON

I. AGENDA ITEM SUMMARY

A. Type of Action and Commission Role

The Department of Land Conservation and Development (department &/or DLCD) is asking the Land Conservation and Development Commission (commission &/or LCDC) to hold a public hearing on draft amendments to Oregon Administrative Rule (OAR) chapter 660, division 33, accept public testimony, and to adopt the proposed rule revisions.

The proposal would allow counties to authorize establishment of youth camps on land in Eastern Oregon zoned exclusive farm use (EFU) that are predominantly composed of Class VI, VII, or VIII soils. This rulemaking is required by legislation enacted during the 2013 legislative session. The draft proposal was developed with the assistance of a rules advisory committee (RAC).

For additional information about this report, please contact Jon Jinings at 541-322-2032, or at jon.jinings@state.or.us.

II. BACKGROUND

A bill enacted in the 2013 session (House Bill (HB) 3098) authorizes youth camps in EFU zones and requires the commission to adopt rules to provide for this use. The rules must be “based on” current rules authorizing youth camps in forest zones, but the bill does not specify to what extent those rules may be altered as they are translated into new rules for farmland. HB 3098 was proposed in response to a request for expansion of the Young Life development in Jefferson and Wasco counties, but the initial bill was adjusted considerably during legislative consideration. The final legislation is not necessarily intended to apply to the current Young Life development.

The commission initiated rulemaking and authorized the establishment of a RAC during its regular March 2014 meeting. The commission held a public hearing on the proposed revisions at the regular July 2014 meeting in Ontario, Oregon. The staff reports for that hearing are available.
Public testimony was received from representatives of Young Life and 1000 Friends of Oregon. Written testimony included submittals from Young Life and the Confederated Tribes of Warm Springs, a joint letter from the Oregon departments of Agriculture (ODA) and Fish and Wildlife (ODFW), and a joint letter including the names of several state legislators (Representatives Clem, McLane, Huffman, Davis, Whisnant, and Johnson).

The proposed rule amendments are provided in Attachments A and B. Attachment A is the draft language developed by the department with RAC input. Attachment B is a related amendment adding youth camps as a permitted use in EFU zones on Table 1 of OAR chapter 660, division 33.

III. PROCESS AND ISSUES

HB 3098 sets forth several clear and objective requirements and directs the implementing rules to be based on OAR 660-006-0031, which were adopted several years ago to allow youth camps on forest land. The legislation also requires youth camps to pay particular attention to items of archeological and cultural significance. HB 3098, section 2(2)(c).

The RAC initially held three meetings. Four key issues quickly emerged:

1. Number of allowable youth camp participants 
2. Types of allowable youth camp activities
3. Process for implementing section 2(2)(c) of the bill
4. Considerations for wildlife

The department’s original plan was to hold just three RAC meetings. However, after the third meeting it was clear that the issues were not sufficiently resolved and an additional meeting would be necessary. A fourth meeting was scheduled for July 1 in Madras. This was a very productive session, resulting in sufficient agreement that the department felt it could move forward with a recommendation to the commission.

However, because the unanticipated RAC meeting was added less than a month before the commission hearing, the draft rule was not be available to the public for an adequate period of time prior to the hearing on July 24, 2014. The department believed that postponing adoption until the commission’s September 2014 meeting would provide a more adequate timeframe for public review and comment, as well as allow the department an opportunity to further refine the text as needed.

Furthermore, after reaching the conclusion that targeting a September adoption would be an appropriate course of action, the department received comments indicating that what we had understood as agreement following the final RAC meeting was not shared by all parties. Specifically, a Young Life participant (who is not a RAC member) expressed that Young Life is not satisfied with one section of the proposed rule.
During the July 24 meeting in Ontario the commission directed the department to reconvene the RAC and work toward a solution that would adequately respond to Young Life’s needs. The commission also emphasized maintaining sufficient safeguards to help ensure that inappropriate amounts of development would not be encouraged. The RAC met on August 10, 2014.

Each of the four issues that emerged over the course of the initial RAC meetings are discussed in the following sections. A description of what followed from the August 10, 2014 meeting is also provided.

A. **Number of allowable youth camp participants**

Provisions for youth camp participants are located at subsection (40)(c) of the draft rule. For purposes of this rule, the term “youth camp participant” is intended to mean campers, leaders, staff, volunteers and any other parties directly involved in youth camp functions and located on site. Numbers of allowable participants are measured in terms of sleeping quarters.

The forest rule addresses this issue by requiring the local government to determine the correct number of participants based on a case-by-case assessment of property-specific characteristics and sets the maximum number of youth camp participants that may be accommodated at 350. This approach has been carried forward into the current draft, but Young Life’s representative on the RAC strongly contended that the 350 cap is too low to meet their needs. The limit offered instead was 600 participants, which is assumed to be made up of 400 campers and 200 leaders, staff and volunteers.

The draft rule attempts to reconcile these differences by maintaining 350 as a baseline maximum while providing an opportunity for an applicant to add to that number, up to 600 participants, by setting aside resource lands that would be permanently protected from future development by means of a conservation easement. As written, the “set aside” lands would be located in the same county as the proposed youth camp, zoned for either farm or forest use and be predominantly composed of class I-VI soils. The soils test has been included to help guarantee that lands with a genuine value for resource activities are protected in exchange for additional youth camp participants. The draft language does not require set aside lands to be located adjacent to the 1,000 acre lot or parcel on which the youth camp is located.

The current draft of the rule has retained the provision establishing a baseline number of 350 overnight youth camp participants with the ability to earn a high number by setting aside other lands. The types of lands and the ratio of acres per additional overnight youth camp participant has been adjusted as follows:

<table>
<thead>
<tr>
<th>Type of Resource Lands</th>
<th>Ratio of Acres Per Additional Overnights</th>
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<tbody>
<tr>
<td>Class I-V Soils</td>
<td>160 acres per 50 youth camp participants up to 600 total</td>
</tr>
<tr>
<td>Wildlife Habitat</td>
<td>160 acres per 50 youth camp participants up to 600 total</td>
</tr>
<tr>
<td>Class VI-VIII Soils</td>
<td>160 acres per 25 youth camp participants up to 600 total</td>
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</tbody>
</table>

The current draft also provides for an opportunity for a tract of 1,920 acres (three 640-acre sections) to qualify for up to 600 total youth camp participants. Language regarding deed
restrictions or conservation easements has also been expanded and draws from longstanding provisions in the forest rule.

Young Life has indicated that they could endorse the option allowing for an increase in overnight camper numbers (up to 600) on a tract of at least 1,920 acres. They have also noted that the language regarding deed restrictions appear overly complicated.

No other follow up comments from RAC members have been received.

**B. Types of allowable youth camp activities**

The types of activities that may be allowed in a youth camp also received a large degree of discussion. Language in the forest rule emphasizes “passive” recreational activities and specifies the number and types of buildings that many be established to support youth camp functions.

The language recommended in the draft closely follows the forest rule. These provisions are included at subsection (40)(d) of the draft rule in Attachment A. The Young Life representative on the RAC expressed concerns that strict adherence to the forest rule language regarding allowable activities could be more limiting than they preferred and could leave them vulnerable to legal challenges.

In response to these concerns, the draft rule in Attachment A proposes provisions that modestly revise the forest rule language regarding recreational activities. Tennis courts and gymnasiums are not listed as prohibited, as they are in the forest rule, and provisions regarding swimming pools are less restrictive in the proposal than exists for forest zones.

The draft also allows for bathing facilities in sleeping quarters. The commission made a deliberate choice when adopting the forest rules not to allow bathing facilities in sleeping quarters in order to guard against youth camps being converted to resorts or managed as hotels by future operators. The department believes this is sound policy. However, the RAC and the department feel it is worthwhile to explore different methods to achieve the same policy objective. A ratio of one shower per five beds is likely to result in a dormitory-style arrangement rather than a product resembling overnight accommodations at a destination resort.

Young Life’s representative also asked for language in the rule that would offer youth camps relief from the ordinary limitations of providing sewer service to rural lands. The department understands this request to be driven by Young Life’s interest in using the sewer system that serves their existing camp facilities for future youth camp projects. This sewer system was established to support the city of Rajneeshpuram and is designed to support 5,000 residents. However, rural sewer service is regulated by Goal 11, so policy changes should be discussed in the context of the Goal 11 rule rather than the Goal 3 rule.

The current draft in Attachment A has been further modified regarding recreational improvements. Specifically, the term “passive” has been replaced with the term “low impact” and a definition has been provided. The term “such as” has been replaced with the term
“including but not limited to” and the list of possible examples has been expanded to include “zip lines.”

The department believes the effect of these changes is to clarify that the list of examples is not exclusive and that other uses that are not identified may be approved by local government decision-makers upon a finding that they are “low impact” as defined by the rule. The department believes that activities such as go-cart tracks could be allowed if the county found the circumstances to meet the rule guidance.

In response to comments from Young Life the department has considered how sewer may be extended to serve future projects at the Washington Family Ranch. The conclusion was that excusing an applicant from the provisions of Goal 11 and the Goal 11 administrative rule (OAR chapter 660, division 11) through revisions to the commission’s rule implementing Goal 3 was not a viable option. Instead, the current draft includes language modeled on provisions of the Transportation Planning Rule (OAR chapter 660, division 12) to provide guidance to a county regarding appropriate findings when reviewing a request for a Goal 11 exception for a youth camp in an exclusive farm use zone. The department believes this approach maintains consistency, legal and otherwise, between the various goals and rules while offering a solution that accommodates the needs of Young Life and the Washington Family Ranch property while not undermining the policy in Goal 11 for youth camp proposals statewide.

In response to comments from Young Life, language has been added to the current draft allowing “gift shops.” These facilities would only be available to youth camp participants. The department believes previous language could have provided for a gift shop and that this adjustment simply adds clarity.

Young Life has indicated that it continues to prefer fewer limitations on recreational facilities and an approach that would waive any necessity of taking a Goal 11 exception\(^1\) and indicated support for the “gift shop” provision.

No other follow up comments from RAC members have been received.

C. **Process for implementing Section 2(2)(c) of the bill**

HB 3098 requires “strict adherence to the protection of archaeological objects, archaeological sites, burials, funerary objects, human remains, objects of cultural patrimony and sacred objects…in the development and use of the youth camp.” The RAC agreed that providing guidance on how to accomplish this requirement would be helpful for local decision-makers and future applicants.

After a couple of drafts, lawyers representing Youth Life and the Confederated Tribes of Warm Springs worked out the language included in the draft rule at subsection (40)(f). The department

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\(^1\) The department does not believe a Goal 11 exception would be needed where on-site facilities for the disposal of waste water serving a single use on a single lot or parcel are developed.
recommends the commission agree with this language. This language was not discussed at the August 10, 2014 RAC meeting. It is supported by all RAC members.

D. Considerations for wildlife

Over the course of the first four RAC meetings, ODFW consistently renewed concerns they raised during the original solar rulemaking project in 2010-2011. In effect, ODFW is very concerned that local Goal 5 programs for protecting wildlife habitat are out-of-date to the extent that important wildlife resources may not receive adequate consideration.

Based on the choices the commission made with regard to commercial-scale photovoltaic solar projects, which have similar impacts on farmland as the projects subject to his rule, the department found it justified to include the wildlife habitat protection language in the draft youth camp rule as well. This language is located in subsection (40)(l). Paragraphs (40)(l)(A)–(C) are the same as language included in the solar rule.

Should the commission agree to include wildlife language in the youth camp rule, the department recommends using the language in the proposed draft in Attachment A, which deliberated on and approved during the solar rulemaking. Having differing language for the same issue would be awkward and confusing and could lead to challenging legal interpretations. The department also recommends that, should the commission agree to apply wildlife language to the youth camp rule, that this language be removed from the body of each rule and isolated in OAR 660-033-0130 as separate criteria, similar to the provisions of OAR 660-033-0130(5). This way it would apply equally to both solar and youth camp proposals (and perhaps others and some point) without having to be listed redundantly at multiple locations.

This language was not discussed in detail at the August 10, 2014 RAC meeting. Previous comments from OFDW indicate they would prefer to see the sunset clause removed. Young Life continues to ask for revisions based on the advice of their attorney.

The department appreciates both of these points. However, this provision mirrors language adopted for photovoltaic solar projects at the request of the House Committee on Energy and Environment. The department is concerned that having different provisions for the same subject would be confusing at best and at worst, poor public policy.

E. Other Item from August 10, 2014 RAC Meeting.

Commissioner Morrow raised the importance of fire protection. The RAC agreed to remove language that would allow a county to waive requirements for on-site fire suppression equipment because rangeland areas are far less likely to be served by public fire prevention agencies such as a rural fire protection district, the Oregon Department of Forestry or the USFS.
IV. DEPARTMENT RECOMMENDATION & DRAFT MOTION

The department recommends the commission hold a public hearing to accept testimony on the draft amendments to OAR 660-033-0130 and OAR 660-033-0120 as shown in Attachments A and B, respectively. After any testimony has concluded the department recommends that the commission adopt the rule amendments.

Recommended motion: I move the commission adopt the proposed amendments to OAR 660-033-0130(40) and OAR 660-033-0120 as recommended by the department and explained in the staff report.

V. ATTACHMENTS

A. Proposed draft rule amendment to OAR 660-033-0130
B. Proposed draft rule OAR 660-033-0120
OAR chapter 660, division 33

660-033-0130

Uses Authorized on Agricultural Lands

** * *

(40) A youth camp may be established on agricultural land under the requirements of this section. The purpose of this section is to allow for the establishment of youth camps that are generally self-contained and located on a lawfully established unit of land of suitable size and location sufficient to limit potential impacts on nearby land and to ensure compatibility with surrounding farm uses.

(a) Definitions: In addition to the definitions provided for this division in OAR 660-033-0020 and ORS 92.010, for purposes of this section the following definitions apply:

(A) “Low impact recreational facilities” means activities that have a limited amount of permanent disturbance on the landscape and are not likely to create off-site impacts. Low impact recreational facilities include, but are not limited to, open areas, ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding areas, swimming pools and zip lines. Low impact recreational facilities are designed and developed in a manner consistent with the site’s natural environment.

(B) “Youth camp” means a facility that is either owned or leased, and is operated by a state or local government or a nonprofit corporation as defined under ORS 65.001 and is established for the purpose of providing an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include a juvenile detention center or juvenile detention facility or similar use.

(C) “Youth camp participants” means persons directly involved with providing or receiving youth camp services, including but not limited to, campers, group leaders, volunteers or youth camp staff.

(b) Location: A youth camp may be located only on a lawfully established unit of land suitable to ensure an outdoor experience in a private setting without dependence on the characteristics of adjacent and nearby public and private land. In determining the suitability of a site for a youth camp the county shall consider its size, topography, geographic features and other characteristics, the proposed number of overnight participants and the type and number of proposed facilities. A youth camp may be located only on property that is:

(A) At least 1,000 acres;

(B) In eastern Oregon;

(C) Composed predominantly of class VI, VII or VIII soils;

(D) Not within an irrigation district;
(E) Not within three miles of an urban growth boundary;

(F) Not in conjunction with an existing golf course;

(G) Suitable for the provision of protective buffers to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands and uses. Such buffers shall consist of natural vegetation, topographic or other natural features and shall include setbacks from adjacent public and private lands, roads, and riparian areas. Setbacks from roads and adjacent public and private property shall be at least 250 feet unless the county establishes a different setback distance based upon the criteria in this paragraph. Setbacks must be sufficient to:

(i) Prevent conflicts with commercial resource management practices;

(ii) Prevent a significant increase in safety hazards associated with vehicular traffic on adjacent roads; and

(iii) Minimize conflicts with resource uses on nearby resource lands;

(H) At least 1320 feet from any other lawfully established unit of land containing a youth camp approved pursuant to this section; and

(I) Suitable to allow for youth camp development that will not interfere with the exercise of legally established water rights on nearby properties.

(c) Overnight Youth Camp Participants: The county shall establish the maximum number of overnight youth camp participants, not to exceed 350 participants, based on consideration of the size, topography, geographic features and other characteristics of the proposed youth camp site. A county may approve a youth camp for more than 350 overnight youth camp participants if other resource lands that are located in the same county or adjacent counties that are in addition to the lawfully established unit of land approved for the youth camp are permanently protected from future development by a deed restriction or conservation easement and subject to the following provisions:

(A) For each 160 acres of agricultural lands predominantly composed of class I-V soils that are permanently protected from development, an additional 50 overnight youth camp participants may be allowed; or

(B) For each 160 acres of wildlife habitat, regardless of soil types and resource land designation that are permanently protected from development, an additional 50 overnight youth camp participants may be allowed; or
(C) For each 160 acres of agricultural lands predominantly composed of class VI-VIII soils that are permanently protected from development, an additional 25 overnight youth camp participants may be allowed; or

(D) A youth camp sited on a tract of at least 1,920 acres may have up to 600 overnight youth camp participants when that portion of the tract not needed to satisfy paragraph (b)(1) of this section is permanently protected from development; and

(E) Under no circumstances shall more than 600 overnight youth camp participants be allowed without an exception to statewide planning goal 3 and any other applicable statewide planning goals.

(d) The applicant for an increased number of overnight youth camp participants authorized by paragraphs (c)(A), (B), (C) or (D) of this section that requires other lands to be permanently protected from development shall provide evidence that the deed restriction or conservation easement has been recorded with the county clerk of the county or counties where the property subject to the deed restriction or conservation easement is located.

(A) The deed restriction or conservation easement is irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the deed restriction or conservation easement is located.

(B) Enforcement of the deed restriction or conservation easement may be undertaken by the department or by the county or counties where the property subject to the deed restriction or conservation easement is located.

(C) The failure to follow the requirements of this section shall not affect the validity of the transfer of property or the legal remedies available to the buyers of property that is subject to the deed restriction or conservation easement required by this subsection.

(D) The county planning director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records pursuant to this section and a map or other record depicting tracts do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the county deed records pursuant to this section. The map or other record required by this subsection shall be readily available to the public in the county planning office.

(e) In addition, the county may allow:

(A) Up to eight nights during the calendar year during which the number of overnight youth camp participants may exceed the total number of overnight participants allowed under subsection (c) of this section.
(B) Overnight stays at a youth camp for participants of adult programs that are intended primarily for
individuals over 21 years of age, not including staff, for up to 30 days in any one calendar year.

(f) Facilities: A youth camp may provide only the facilities described in paragraphs (A) through (I) of this subsection:

(A) Low impact recreational facilities. Intensive developed facilities such as water parks and golf courses are not allowed;

(B) Cooking and eating facilities, provided they are within a building that accommodates youth camp activities but not in a building that includes sleeping quarters. Food services shall be limited to those provided in conjunction with the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(C) Bathing and laundry facilities;

(D) Up to three camp activity buildings, not including a building for primary cooking and eating facilities.

(E) Sleeping quarters, including cabins, tents or other structures, for youth camp participants only, consistent with subsection (c) of this section. Sleeping quarters intended as overnight accommodations for persons not participating in youth camp activities or as individual rentals are not allowed. Sleeping quarters may include restroom facilities and, except for the caretaker's dwelling, may provide only one shower for every five beds. Sleeping quarters may not include kitchen facilities.

(F) Covered areas that are not fully enclosed for uses allowed in this section;

(G) Administrative, maintenance and storage buildings including permanent structures for administrative services, first aid, equipment and supply storage and a gift shop available to youth camp participants but not open to the general public;

(H) An infirmary, which may provide sleeping quarters for medical care providers (e.g., a doctor, registered nurse, or emergency medical technician);

(I) A caretaker's residence, provided no other dwelling is on the youth camp property.

(g) A campground as described in ORS 215.283(2)(c), OAR 660-033-0120, and section (19) of this rule may not be established in conjunction with a youth camp.

(h) Conditions of Approval: In approving a youth camp application, a county must include conditions of approval as necessary to achieve the requirements of this section.
(A) With the exception of trails, paths and ordinary farm and ranch practices not requiring land use approval, youth camp facilities shall be clustered on a single development envelope of no greater than 40 acres.

(B) A youth camp shall adhere to standards for the protection of archaeological objects, archaeological sites, burials, funerary objects, human remains, objects of cultural patrimony and sacred objects, as provided in ORS 97.740 to 97.750 and ORS 358.905 to 358.961, as follows:

(i) If a particular area of the proposed youth camp site is proposed to be excavated, and if that area contains or is reasonably believed to contain resources protected by ORS 97.740 to 97.750 and ORS 358.905 to 358.961, the application shall include evidence that there has been coordination among the appropriate Native American Tribe, the State Historic Preservation Office (SHPO) and a qualified archaeologist, as described in ORS 390.235(6)(b).

(ii) The applicant shall obtain a permit required by ORS 390.235 before any excavation of an identified archeological site begins.

(iii) The applicant shall monitor construction during the ground disturbance phase(s) of development if such monitoring is recommended by SHPO or the appropriate Native American Tribe.

(C) A fire safety protection plan shall be adopted for each youth camp that includes the following:

(i) Fire prevention measures;

(ii) On site pre-suppression and suppression measures; and

(iii) The establishment and maintenance of fire-safe area(s) in which camp participants can gather in the event of a fire.

(D) A youth camp’s on-site fire suppression capability shall at least include:

(i) A 1000 gallon mobile water supply that can reasonably serve all areas of the camp;

(ii) A 60 gallon-per-minute water pump and an adequate amount of hose and nozzles;

(iii) A sufficient number of firefighting hand tools; and

(iv) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.
(v) An equivalent level of fire suppression facilities may be determined by the governing body or its designate. The equivalent capability shall be based on the response time of the effective wildfire suppression agencies.

(E) The county shall require, as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, the operator of the youth camp if different from the owner, and the land owner’s or operator’s successors in interest, prohibiting:

(i) a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937, or

(ii) future land divisions, and development on the subject property that is not related to the youth camp unless the county’s original approval of the camp is rescinded and the youth camp development is removed.

(F) Nothing in this rule relieves a county from complying with other requirements contained in the comprehensive plan or implementing land use regulations, such as the requirements addressing other resource values (e.g. resources identified in compliance with statewide planning Goal 5) that exist on agricultural lands.

(i) If a youth camp is proposed to be developed on lands that contain a Goal 5 resource protected under the county’s comprehensive plan, and the plan does not address conflicts between youth camp development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts consistent with OAR chapter 660, division 23. If there is no program to protect the listed Goal 5 resource(s) included in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures in compliance with OAR chapter 660, division 23; and

(ii) If a proposed youth camp is located on lands where, after site specific consultation with a district state biologist, the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive) or habitat, or to big game winter range or migration corridors, golden eagle or prairie falcon nest sites, or pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife habitats are anticipated. Based on the results of the biologist’s report, the site shall be designed to avoid adverse effects to
state or federal special status species or to wildlife habitats as described above. If the applicant’s site-
specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate
wildlife management agency will cooperatively develop an agreement for project-specific mitigation
to offset the potential adverse effects of the youth camp facility. Where the applicant and the
resource management agency cannot agree on what mitigation will be carried out, the county is
responsible for determining appropriate mitigation, if any, required for the youth camp facility.

(iii) The provisions of subparagraph (ii) are repealed on January 1, 2022.

(i) Extension of Sewer to a Youth Camp. A Goal 11 exception to authorize the extension of a sewer
system to serve a youth camp shall be taken pursuant to ORS 197.732(1)(c), Goal 2, and this section.
The exceptions standards in OAR chapter 660, division 4 and OAR chapter 660, division 11 shall not
apply. Exceptions adopted pursuant to this section shall be deemed to fulfill the requirements for goal
exceptions under ORS 197.732(1)(c) and Goal 2.

(A) A Goal 11 exception shall determine the general location for the proposed sewer extension and
shall require that necessary infrastructure be no larger than necessary to accommodate the approved
youth camp.

(B) To address Goal 2, Part II(c)(1), the exception shall provide reasons justifying why the state policy
in the applicable goals should not apply. Goal 2, Part II(c)(1) may be found to be satisfied if the
proposed sewer extension will serve a youth camp approved for 600 youth camp participants.

(C) To address Goal 2, Part II(c)(2), the exception shall demonstrate that areas which do not require a
new exception cannot reasonably accommodate the proposed sewer extension. Goal 2, Part II(c)(2)
may be found to be satisfied if the sewer system to be extended was in existence as of January 1,
1990 and is located outside of an urban growth boundary on lands for which an exception to Goal 3
has been taken.

(D) To address Goal 2, Part II(c)(3), the exception shall demonstrate that the long term environmental,
economic, social, and energy resulting from the proposed extension of sewer with measures to reduce
the affect of adverse impacts are not significantly more adverse than would typically result from the
same proposal being located in areas requiring a goal exception other than the proposed site. Goal 2,
Part II(c)(3) may be found to be satisfied if the proposed sewer extension will serve a youth camp
located on a tract of at least 1,920 acres.

(E) To address Goal 2, Part II(c)(4), the exception shall demonstrate that the proposed sewer extension
is compatible with other adjacent uses or will be so rendered through measures designed to reduce
adverse impacts. Goal 2, Part II(c)(4) may be found to be satisfied if the proposed sewer extension
will serve a youth camp that has been approved pursuant to the criteria at section (5) of this rule.

(F) An exception taken pursuant to this section does not authorize extension of sewer beyond what is
justified in the exception.
(j) Applicability: The provisions of this section shall apply directly to any land use decision pursuant to ORS 197.646 and 215.427(3). A county may adopt provisions in its comprehensive plan or land use regulations that establish standards and criteria in addition to those set forth in this section, or that are necessary to ensure compliance with any standards or criteria in this section.
### OAR 660-033-0120 Table

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<tr>
<th>HV Farmland</th>
<th>All Other</th>
<th>USES</th>
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<tbody>
<tr>
<td>Parks/Public/Quasi-Public</td>
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2.*18(a) 2,5,19
or R2  2,5,31
2,5,19
or R2  Churches and cemeteries in conjunction with churches consistent with ORS 215.441.
2.*18(a) 2,5,19
2,5,19
or R2  Private parks, playgrounds, hunting and fishing preserves, and campgrounds.
R2,5,31 2,5,31
Public parks and playgrounds. A public park may be established consistent with the provisions of ORS 195.120.

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<thead>
<tr>
<th>A</th>
<th>A</th>
<th>Fire service facilities providing rural fire protection services.</th>
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<tbody>
<tr>
<td>R2,5,36</td>
<td>R2,5,36</td>
<td>Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community.</td>
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<tr>
<td>R2,18(a)</td>
<td>R2,5,18(a)</td>
<td>Golf courses on land determined not to be high-value farmland as defined in ORS 195.300.</td>
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<tr>
<th>R2,5,21</th>
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<th>Living history museum</th>
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<tr>
<td>R2,25</td>
<td>R2,25</td>
<td>Firearms training facility as provided in ORS 197.770.</td>
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<th>A</th>
<th>A</th>
<th>Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.</th>
</tr>
</thead>
<tbody>
<tr>
<td>R5,20</td>
<td>R5,20</td>
<td>Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A26</th>
<th>A26</th>
<th>A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary.</th>
</tr>
</thead>
<tbody>
<tr>
<td>R5,20</td>
<td>R5,20</td>
<td>Expansion of existing county fairgrounds and activities directly relating to county fairgrounds governed by county fair boards established pursuant to ORS 565.210.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>R5,20</th>
<th>R5,20</th>
<th>Operations for the extraction and bottling of water.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A11</td>
<td>A11</td>
<td>Land application of reclaimed water, agricultural or industrial process water or biosolids.</td>
</tr>
<tr>
<td>R5,20</td>
<td>R5,20</td>
<td>A county law enforcement facility that lawfully existed on August 20, 2002, and is used to provide rural law enforcement services primarily in rural areas, including parole and post-prison supervision, but not including a correctional facility as defined under ORS 162.135 as provided for in ORS 215.283(1).</td>
</tr>
</tbody>
</table>

18 R5,40  **Youth camps in Eastern Oregon on land that is composed predominantly of class VI, VII or VIII soils.**