

ATTACHMENT D – STAFF REPORT

File Number: PLASTS-17-08-0010

Applicant: Jeremy Coburn
Owners: Edwin and Christine Coburn

Requests: Subject to Standards review to construct a 2,100 square foot, 35'W x 60'L x 26.5'H accessory structure with a bathroom, for storage and use as a workshop.

Decision: Approval, with **Conditions**

Decision Date: October 5 25, 2017

Appeal Deadline: October 17, 2017

Location: The subject property is located ¼ mile west of the intersection of Fairgrounds Road and Badger Creek Road, on the north side of Badger Creek Road, approximately 2.5 miles west of Tygh Valley, Oregon; more accurately described as:

<u>Tax Lot</u>	<u>Acct #</u>	<u>Acres</u>
4S 13E 6 100	10436	50.2 acres

Zoning: F-F (10) Forest-Farm Zone, EPD-2 Geologic Hazards Overlay, and EPD-10 Badger Creek Limited Use Overlay

Past Actions: PAR-99-109 (Divide 80.73 acre parcel into (1) 57.83, (1) 12.1, and (1) 10.8 acres), PAR-00-104 (Divide 58.88 acre parcel into (1) 48.88 and (1) 10 acres)

Procedure Type: Administrative Decision

Prepared By: William Smith, Senior Planner

I. APPLICABLE STANDARDS - Wasco County Land Use & Development Ordinance (WCLUDO)

CHAPTER 1 – Introductory Provisions

Section 1.090 Definitions

CHAPTER 2 – Development Approval Procedures

Section 2.060.A.6. Uses Permitted Subject to Standards

CHAPTER 3 – Basic Provisions

Section 3.220 Forest-Farm Zone
Section 3.223 Uses Permitted Subject to Type I Review
Section 3.226 Property Development Standards
Section 3.750 EPD-2, Geologic Hazard Overlay Zone
Section 3.940 EPD-10, Badger Creek Limited Use Overlay

CHAPTER 10 – Fire Safety Standards

Section 10.110 Siting Standards – Locating Structures for Good Defensibility
Section 10.120 Defensible Space – Clearing and Maintaining a Fire Fuel Break
Section 10.130 Construction Standards for Dwellings and Structures
Section 10.140 Access Standards – Providing Safe Access to and Escape From Your Home
Section 10.150 Fire Protection or On-site Water Required

II. BACKGROUND

- A. Legal Parcel:** The subject parcel was created by partition (PAR-00-104), and recorded with the Wasco County Clerk’s Office on October 2, 2000. It is consistent with the definition of Legal Parcel in LUDO Chapter 1, Section 1.090, Definitions, because it is a parcel in a duly recorded partition.
- B. Site Description:** The project site sits mostly on a flat bluff above the Badger Creek valley. The driveway climbs up in elevation from Fairgrounds Road to the existing dwelling in the southwest corner of the property. Most of the surrounding property is wooded with oak and scattered ponderosa pine along the slopes, and across the ridge to the north. All areas contain grasslands. Scattered low shrubs are found throughout the subject property and there are two large clearings to the east. One building is present on the subject property – a 2,910 square foot single family dwelling approximately 200’ north of the proposed development.
- C. Surrounding Land Use:** Properties to the south, east, and west are also zoned Forest-Farm, F-F (10). The property to the north is zoned A-1 (160), Exclusive Farm Use (EFU) and has no structures. The Forest-Farm parcels have single family dwellings and intermittent low intensity farm uses such as small hay fields, horses, or other animals. Slopes are variable on adjacent properties, running generally uphill to the north and downhill to the creek, then back uphill. Badger Creek is approximately 800 feet south of the subject parcel and meanders down slope to

the east. Vegetation consists of primarily grassland and oak woodlands with occasional ponderosa pine on the north facing slopes and scattered pines among the scrub oak on the flat ridges above the creek to the north and south.

III. FINDINGS – Based on Wasco County Land Use & Development Ordinance

CHAPTER 1 – Introductory Provisions

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Section 1.090 – Definitions

Accessory Structure - A detached structure, its footprint being less than 3/4 of the primary structures footprint, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot-of-record with the primary structure or use. Accessory structures shall not include agricultural exempt buildings. (Revised 1/92, 5/93)

FINDING: The applicant proposes constructing a 2,100 square foot, 35’W x 60’L x 26.5’H accessory structure with a bathroom, for storage and use as a workshop. This building will be a detached structure, placed 150’ south of the main house. The footprint of the main house is 2,910 square feet. Three quarters of 2,910 is 2,183. The proposed accessory structure at 2,100 square feet is less than three quarters the primary structure’s footprint. Staff finds that this proposal complies with the definition of an accessory structure.

CHAPTER 2 – Development Approval Procedures

Section 2.060 – Application/Completeness

A. The Director shall have the authority to review the following applications for Administrative Action, and shall follow the procedure provided by this Ordinance to accomplish such review. Matters required by this Ordinance that are not subject to other provisions of this Ordinance include, but are not limited to:

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6. Uses Permitted Subject to Standard (Chapter 3)

FINDING: The applicant proposes constructing a 2,100 square foot, 35’W x 60’L x 26.5’H accessory structure with a bathroom, for storage and use as a workshop. An accessory structure is permitted subject to a Type 1 application in Forest-Farm zone, as described below in Section 3.223. However, the location of the proposed development lies within two Environmental Protection Districts (EPD), EPD-2 (Geologic Hazard Overlay) and EPD-10 (Badger Creek Limited Use Overlay) which are also standards in Chapter 3 that this proposal is subject to. Staff finds that request is consistent with criterion 2.060.A.6.

CHAPTER 3 – Basic Provisions

Section 3.220 – Forest-Farm Zone

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Section 3.223 - Uses Permitted Subject to Type I Review. *The following uses are permitted on a legal parcel on lands designated Forest-Farm (F-F 10) Zone subject to Section 3.226 - Property Development Standards, Chapter 10 - Fire Safety Standards, as well as any other listed, referenced or applicable standards. (Amended 4/12)*

- A. *Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.*

FINDING: The applicant proposes constructing a 2,100 square foot, 35'W x 60'L x 26.5'H accessory structure with a bathroom, for storage and use as a workshop. The subject parcel is legally created as described above in Section II.A. The use of this property is residential. The proposal is for a structure accessory to that use. The proposed development is an accessory structure typically subject to a Type I review, but due to its location within two environmental protection districts (EPD-10 and EPD-2) it requires further review addressed below.

To ensure that land currently devoted to, or available for, agricultural use in the area is not adversely affected by the proposed nonfarm accessory use, a **condition** is included requiring the owners to sign and record in the deed records for the County a document (Attachment F: Forest-Farm Management Easement) binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

Additionally, as a structure accessory to the residential use associated with the existing dwelling, a condition of approval is included the proposed bathroom be connected to the dwelling's septic system. Sign off on a structural permit application by the County Sanitarian is required prior to submittal of the application for zoning approval. Staff finds that, with **conditions** and the EPD criteria addressed satisfactorily, this request is consistent with criterion A.

Section 3.226 – Property Development Standards

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- B. *Property Development Standards - Lot Coverage - No more than ten percent (10%) of any lot or parcel may be occupied by non-farm or forest dwellings and their accessory buildings allowed by this section.*

FINDING: The applicant proposes constructing a 2,100 square foot, 35'W x 60'L x 26.5'H accessory structure with a bathroom, for storage and use as a workshop. Currently there is one other structure on the parcel – a 2,910 square foot home. The total developed area will be 5,010 square feet. It is a 50.2 acre parcel, which is 2,186,712 square feet. The total lot coverage of the current and proposed development will be 0.22% which meets the 10% maximum threshold. Staff finds that this request complies with criterion B.

- C. *Property Development Standards - Setbacks - In the "F-F (10)" zone no structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public*

road (front yard), twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.

FINDING: The applicant proposes the following setbacks for the shop, measured by staff on the Wasco County GIS map:

SETBACKS	Required	Proposed	Meets?
Front (south)	25'	400'	Yes
Rear (north)	40'	600'	Yes
Side (west)	25'	565'	Yes
Side (east)	25'	1,475'	Yes

Staff finds that the proposed setbacks exceed the minimum setback requirements of the F-F (10) zone and criterion C is met.

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E. Property Development Standards - Height - Maximum height for all structures shall be thirty-five (35) feet.

FINDING: The height of the proposed shop is 26.5' which is less than the maximum of 35' in height. Staff finds that this proposal complies with criterion E.

F. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.

FINDING: There are no water bodies on the subject parcel. The proposed location for the shop lies 1,180' north of the nearest stream, Badger Creek, exceeding the 100' minimum. Staff finds that the proposal complies with criterion F.

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J. Property Development Standards – Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

FINDING: The site plan does not identify any outside lighting on the dwellings; however, the owner needs to be aware of the County's outdoor lighting standards. A **condition** of approval is included requiring all exterior lighting to be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties and roadways. The exterior shielding and hooding materials shall be composed of nonreflective, opaque materials. With a condition, Staff finds that the request complies with Criterion J.

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Section 3.750, Environmental Protection District, Division 2 - Geologic Hazard Overlay Zone

The purpose of the Geologic Hazards Overlay District is to protect the public health, safety and welfare by assuring that development in hazardous or potential hazardous areas is appropriately planned to mitigate the threat to man's life and property.

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B. Approval Standards

Prior to development, the following measures shall be utilized:

- 1. Any proposed developments on slopes greater than twenty-five percent (25%) shall be reviewed to ensure site suitability. Such review shall be conducted in the process for building permit approval and, unless the site has been identified as a geologic hazard area, shall rely on provisions of the Uniform Building Code for the protection of the public health, safety and welfare.*

FINDING: The site is located in the Geologic Hazard Area. The applicant proposes constructing a 2,100 square foot, 35'W x 60'L x 26.5'H accessory structure with a bathroom, for storage and use as a workshop. Slopes are flat at the building site, and gently slope down to the south for 245' to a cliff edge dropping off to Fairgrounds Road. Approximately 200' to the north, behind the current home, slopes rise from 20-30% up to the property line and a ridgeline north of the home. To the east, slopes are generally flat or 0-5% downhill. To the west, slopes are generally flat or 0-5% uphill. All development is proposed on the flat area on this parcel. A Geological Hazard review was conducted per Section 3.750 since this development site lies with EPD-2 and the reviewing engineer, Roger B. North, P.E., G.E., of Vista GeoEnvironmental Services, LLC identified the site as suitable and safe for development. Staff finds that this request complies with Criterion 1.

- 2. Any proposed development in an identified geologic hazard area shall be preceded by a written report by an engineering geologist or an engineer who certifies he is qualified to evaluate soils for suitability. For purposes of this section, development shall include any excavation or change in topography, such as home construction, associated roads, driveways, septic tank disposal fields, wells and water tanks. The written report of the engineering geologist or engineer shall certify that the development proposed may be completed without threat to public safety or welfare and shall be used in ministerially reviewing the development proposal.*

FINDING: The applicant submitted a written report by Roger B. North, P.E., G.E., of Vista GeoEnvironmental Services, LLC of a site survey conducted of the proposed development on July 27, 2017. The report concludes:

“Our conclusions regarding to the construction of the proposed accessory building are as follows:

- There are no indications of active faults in the area;*
- No potential rockfall conditions were observed;*
- The location may be underlain by soil deposits associated with historical (ancient) landslide activity, which have a moderate risk of liquefaction; and*
- Construction over the soil deposits (noted to be associated with historical landslide activity) should be able to be managed effectively by adopting reasonable construction measure, such as ensuring low foundation bearing pressures, which*

- will inherently result from single-story construction, and promoting surface drainage by sloping the ground surface away from the building; and*
- *The proposed building is considered reasonably safe from flooding.”*

The development site is not located in Wasco County’s EPD-1, Flood Hazard Overlay, and thus is not required to place additional fill. Staff finds the request complies with Criterion 2.

3. *In approval of a development permit, whether ministerial or through the Administrative Action procedures of Chapter 2 of this Ordinance, the following conditions may be imposed at the time of approval to ensure site and area stability...*

FINDING: The new shop will be built in accordance with the recommendation of the Geologic Hazard Report prepared by a professional engineer. Conditions of approval are included in the decision to ensure disturbed areas are revegetated as soon as possible after construction is completed, and that the proposed structure complies with all Oregon State Building Code requirements. Staff finds that with that condition, the request complies with Criterion 3.

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Section 3.940, Environmental Protection District, Division 10

The purpose of the Badger Creek Limited Use Overlay is (a) to assure that the development and use of the Badger Creek exception area (adopted as part of the Wasco County Comprehensive Plan by Ordinance No. 99-112) occurs in a manner that is consistent with the purpose and intent of the Badger Creek Exception (“Exception”) and (b) to limit uses and activities in accordance with the Exception.

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Section 3.943 - Limitations

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B. All new structures not provided in conjunction with a forest or farm use shall be located within the “Development Area” as shown on the Badger Creek Limited Use Overlay Map.

FINDING: The applicant proposes constructing a 2,100 square foot, 35’W x 60’L x 26.5’H accessory structure with a bathroom, for storage and use as a workshop. This use is not in conjunction with a forest or farm use. It is located within the “Development Area” as shown on the Badger Creek Limited Use Overlay Map. Staff finds that this request complies with Criterion B.

CHAPTER 10 – Fire Safety Standards

Section 10.110 - Siting Standards – Locating Structures for Good Defensibility

Section 10.120 - Defensible Space – Clearing & Maintaining a Fire Fuel Break

Section 10.130 - Construction Standards for Dwellings and Structures – Decreasing the Ignition Risks by Planning for a More Fire-Safe Structure

Section 10.140 - Access Standards – providing safe access to and escape from your home

Section 10.150 - Fire Protection or On-Site Water Required – Ensuring Dwellings Have Some Fire Protection Available Through Manned or Unmanned Response

FINDING: The Fire Safety Standards, adopted by the Wasco County Court in 2007, require property owners to be made aware of potential fire risks in areas outside of urban areas of Wasco County, and requires compliance with siting standards, fuel break requirements, construction standards, access standards, and on-site water storage requirements.

As part of a complete application, the property owners completed a Fire Safety Standard Self-Certification Form. By signing the self-certification form, the owners have acknowledged that they understand these standards and commit to achieving compliance with them within one year of the date of approval and maintain them through the life of the development. This certification further commits all future property owners to this same requirement. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under Files PLASTS-17-08-0010 and a **condition** of approval is included requiring the applicant to adhere to these standards.

The subject property is located within the boundaries of Tygh Valley RFPD (structural) and Oregon Department of Forestry (wildfire) for fire protection. The proposed accessory structure will be constructed of fire-resistant materials. A 50 foot fire break will be provided around the proposed building by the existing graveled area where the development is proposed. Currently the only vegetation within this 50 foot radius are grasses and a few oak trees.

Though not specifically addressed in Chapter 10, it is essential that all new dwellings in Wasco County have a valid address so that emergency responders can quickly find the property. A **condition** of approval is included requiring that current and future owners shall clearly post the address of the subject lot on both sides of a post or mailbox, or other similar post, support, stake or pedestal which cannot be easily removed or destroyed which is within 30' of the driveway which accesses the dwelling. The address numbers shall be legible, reflective, and at least 2½ inches high. On a September 13, 2017 site visit staff noticed that these address numbers were in compliance. This **condition** ensures that they remain so.

ATTACHMENT E – LIGHTING STANDARDS

Good Neighbor OUTDOOR LIGHTING

PRESENTED BY THE NEW ENGLAND LIGHT POLLUTION ADVISORY GROUP (NELPAG) AND SKY PUBLISHING CORP.

What is good lighting?

Good outdoor lights improve visibility, safety, and a sense of security, while minimizing energy use, operating costs, and ugly, dazzling glare.

Why should we be concerned?

Many outdoor lights are poorly designed or improperly aimed. Such lights are costly, wasteful, and distractingly glary. They harm the nighttime environment and neighbors' property values.

Glare Here's the basic rule of thumb: If you can see the bright bulb from a distance, it's a bad light. With a good light, you see lit ground instead of the dazzling bulb. "Glare" is light that beams directly from a bulb into your eye. It hampers the vision of pedestrians, cyclists, and drivers.

Light Trespass Poor outdoor lighting shines onto neighbors' properties and into bedroom windows, reducing privacy, hindering sleep, and giving the area an unattractive, trashy look.

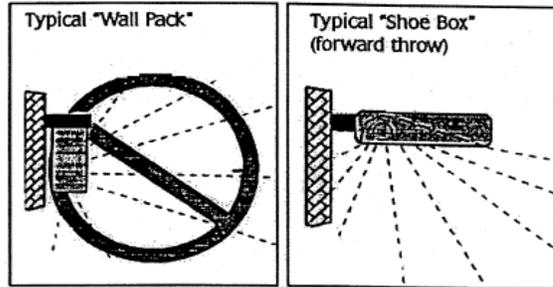
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

Sky Glow Rays that beam uselessly above the horizon create murky skyglow – the "light pollution" that washes out our view of the stars.

How do I switch to good lighting?

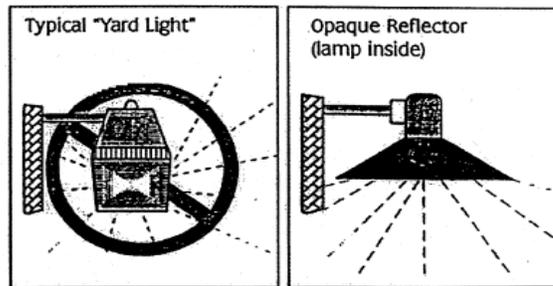
- 1 Provide only enough light for the task at hand; don't over-light, and don't spill light off your property. Specifying enough light for a job is sometimes hard to do on paper. Remember that a full Moon can make an area quite bright. Some lighting systems illuminate areas 100 times more brightly than the

Some Good and Bad Light Fixtures



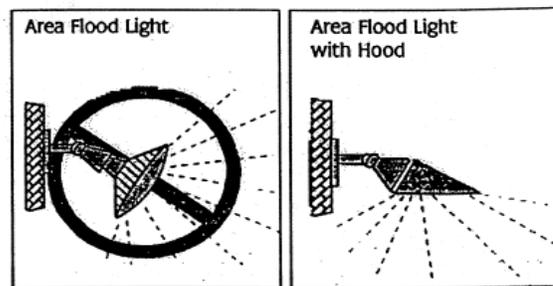
BAD

GOOD



BAD

GOOD



BAD

GOOD

full Moon! More importantly, by choosing properly shielded lights, you can meet your needs without bothering neighbors or polluting the sky.

2 Aim lights down. Choose "full-cutoff shielded" fixtures that keep light from going uselessly up or sideways. Such fixtures produce minimum glare. They create a pleasant-looking environment. They increase safety because you see illuminated people, cars, and terrain, not dazzling bulbs.

3 Install fixtures carefully to maximize their effectiveness on the targeted area and minimize their impact elsewhere. Proper aiming of fixtures is crucial. Most are aimed too high. Try to install them at night, when you can see where all the rays actually go.

Properly aimed and shielded lights may cost more initially, but they save you far more in the long run. They can illuminate your target with a low-wattage bulb just as brightly as a wasteful light does with a high-wattage bulb.

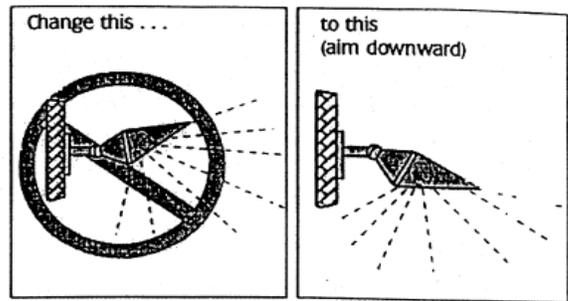
4 Choose energy-efficient low-pressure sodium (LPS) or high-pressure sodium (HPS) lamps wherever yellowish light will do the job. Use less efficient white lights only where ideal color rendition is important.

5 Where feasible, put lights on timers to turn them off each night after they are no longer needed. Put home security lights on a motion-detector switch, which turns them on only when someone enters the area; this provides a great deterrent effect!

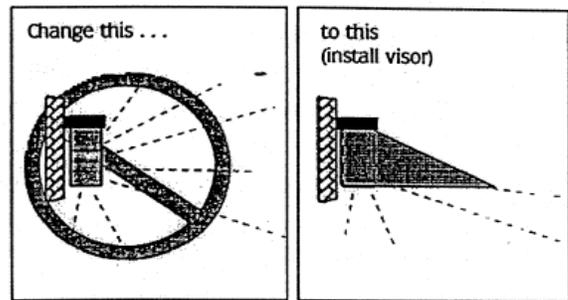
Replace bad lights with good lights.

You'll save energy and money. You'll be a good neighbor. And you'll help preserve our view of the stars.

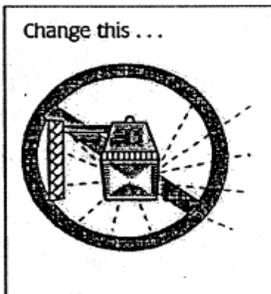
What You Can Do To Modify Existing Fixtures



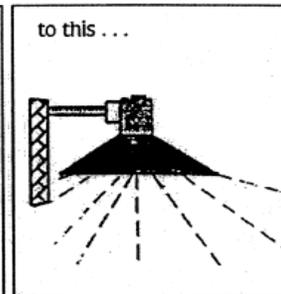
FLOOD LIGHT



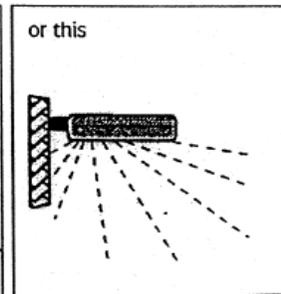
WALL PACK



YARD LIGHT



OPAQUE REFLECTOR



SHOE BOX

Presented by the

New England Light Pollution Advisory Group (NELPAG)

(<http://cfa-www.harvard.edu/cfa/ps/nelpag.html>) and

Sky Publishing Corp. (<http://www.skypub.com/>).

NELPAG and Sky Publishing Corp. support the

International Dark-Sky Association (IDA) (<http://www.darksky.org/>).

We urge all individuals and groups interested in the problems of light pollution and obtrusive lighting to support the IDA and subscribe to its newsletter. IDA membership costs \$30 per year; send your check to IDA, 3225 N. First Avenue, Tucson, AZ 85719, U.S.A.



Sky Publishing Corp.
49 Bay State Road
Cambridge, MA 02138

FOREST-FARM MANAGEMENT EASEMENT

Christine and Edwin Coburn, herein called the Grantors, are the owners of real property described as follows: Township 4 South, Range 13 East W.M., Section 6, Tax Lot 100; Assessor Account 10436

In accordance with the conditions set forth in the decision of Wasco County Planning Staff, dated October 5, 2017, approving a Subject to Standards application (PLASTS-17-08-0010) for an accessory structure on the above described property, and in consideration of such approval, Grantors hereby grant to the Owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

- 1.** The Grantors, their heirs, successors, and assigns hereby acknowledge by granting of this easement that the above described property is situated in a Farm Forest zone in Wasco County, Oregon, and may be subjected to conditions resulting from farm or forest operations on adjacent lands. Farm operations include, but are not limited to, the raising, harvesting and selling of crops or the feeding, breeding, management and sale of livestock or poultry, application of chemicals, road construction and maintenance, and other accepted and customary farm management activities conducted in accordance with Federal and State laws. Forest operations include, but are not limited to reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash, and other accepted and customary forest management activities conducted in accordance with Federal and State laws. Said farm or forest management activities ordinarily and necessarily produce noise, dust, odor, and other conditions, which may conflict with Grantors' use of Grantors' property for residential purposes. Grantors hereby waive all common law rights to object to normal and necessary farm or forest management activities legally conducted on adjacent lands which may conflict with grantors' use of grantors' property for residential purposes and grantors hereby give an easement to adjacent property owners for such activities.

2. Grantors shall comply with all restrictions and conditions for maintaining residences in the Farm Forest zone that may be required by State and local land use laws and regulations.
3. This easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantors have executed this easement on

_____, 2017.

Christine Coburn

Edwin Coburn

STATE OF OREGON)

COUNTY OF WASCO)

Personally appeared the above named Christine and Edwin Coburn, and

acknowledged the above easement to be their voluntary act and deed.

Notary Public for Oregon

After recording, please return original to: Wasco County Planning Department