

## ATTACHMENT D – STAFF REPORT

**File Number:** PLASTS-17-08-0011

**Applicant/Owner:** John Patton

**Request:** Construct a 2,659 square foot single family dwelling with attached garage (72'L x 56'W x 16'H), approval of an existing 1,296 square foot shop (36'L x 36'W x 16' H), and a new 395' driveway.

**Decision:** Approved, with **conditions**

**Decision Date:** November 2, 2017

**Appeal Deadline:** November 14, 2017

**Location:** The subject parcel is located north of Patton Drive, east of Lutz Lane, and west of Cherry Heights Road West, approximately 2.2 miles southwest of The Dalles, Oregon; more specifically described as:

<u>Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
1N 12E 1 D 400	15512	9.19

**Zoning:** R-R (10), Rural Residential Zone

**EPD:** EPD-2, Geologic Hazards Overlay  
EPD-8, Sensitive Wildlife Habitat Overlay Zone (Impacted Low Elevation Winter Range)

**Past Actions:** PAR-93-125-WAFF1-A, Partition to Divide Property  
PWAPPR-17-09-0027, Existing Road Approach

**Procedure Type:** Administrative Action

**Prepared By:** Brent Bybee, Associate Planner

## I. APPLICABLE STANDARDS

### Wasco County Land Use & Development Ordinance (LUDO)

#### A. Chapter 3 - Basic Provisions

##### 1. Section 3.250, R-R (10) Rural Residential Zone

Section 3.253(A)	(Uses Permitted Subject to Type I Review)
Section 3.254(A)	(Uses Permitted Subject to Standards/Type II Review)
Section 3.256	(Standards for Establishment of a Dwelling and Accessory Structures)
Section 3.257	(Property Development Standards)

##### 2. Section 3.750 - Geologic Hazards Overlay (EPD-2)

##### 3. Section 3.920 - Sensitive Wildlife Habitat Overlay Zone (EPD-8)

#### B. 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 - 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)

## II. BACKGROUND

- A. **Legal Parcel:** The subject parcel was legally created through a partition in 1977 (MIP-77-123), which was recorded with Wasco County. It is a parcel in an existing, duly recorded minor partition, and therefore consistent with the definition of a Legal Parcel in LUDO Chapter 1, Section 1.090, Definitions.
- B. **Site Description:** The subject parcel is bordered by roads on the west, east, and southern property lines. The driveway runs through the northwest corner of the property, and serves other properties in the area. The property is approximately half open grass meadow and half Oregon Oak woodland; a small area of land in the southeastern portion of the property contains orchard trees. There is an existing 36' x 36' shop on the property that is being retroactively reviewed for compliance through this application. The home site is located in an area that is flat or sloped at less than 5%.
- C. **Surrounding Land Use:** The subject parcel is located within the R-R(10) Rural Residential zoning. Property to the north and east are the same zoning. Adjacent property to the west, southwest,

and south is zoned R-R(5) Rural Residential. All of the property surrounding the proposed development contains single family dwellings and accessory development.

### III. FINDINGS:

#### A. Chapter 3 – Basic Provisions

##### **Section 3.250, Rural Residential (R-R(10)) Zone**

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##### **Section 3.254 – Uses Permitted Subject to Standards/Type II Review**

*The following uses may be permitted on a legal parcel on lands designated Rural Residential (R-R (10)) Zone subject to Section 3.257 - Property Development Standards, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.*

- A. *One single-family dwelling and other buildings and accessory uses subject to the request meeting standards pursuant to Section 3.256 and 3.257 of this section.*

**FINDING:** The applicant has applied to construct a single family dwelling and for the retroactive review of an existing 36' x 36' accessory structure to be used as a shop. Upon receipt of the application, it was learned that the existing shop was constructed in 1992 without permits. The shop is used in a manner that is accessory to the residential use of the property. Applicable standards are addressed below.

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##### **Section 3.256 - Standards for Establishment of a Dwelling and Accessory Structures**

- A. *Scenic Development Standards including:*

- 1. *Dwellings should be sited and landscaped to blend with their surroundings.*

**FINDING:** Staff conducted a site visit to the subject property on September 27, 2017. The proposed single family dwelling and attached garage will be located in a clearing within an oak woodland. As proposed, the trees surrounding the home will be retained, if they meet Fire Safety Standards. The proposed dwelling will be 16' tall and the existing shop is 16' tall. Surrounding trees range from 15' – 50' tall and will effectively blend the development. A **condition** of approval is included in the Notice of Decision requiring the retention of on-site trees to help the development blend with the surrounding vegetation. The removal of trees is will only be necessary at the development site or the access road and turn outs to comply with Fire Safety Standards.

- 2. *House and roof colors that are non-reflective, preferably earth tone colors, that blend with surrounding vegetation or landscape, should be used on all exterior surfaces.*

**FINDING:** The standard “prefers” earth tone colors, but only requires that it blend with the surrounding landscape. The applicant stated within their application that the “siding will be rock on north and south sides, with concrete siding on east and west. Roof will be charcoal slate colored interlocking metal (non-reflective)”. The applicant also provided a photo illustration within the application. With the proposed

materials and existing on-site trees, staff finds that the new single family dwelling will blend into the surrounding landscape.

3. *Existing vegetation shall normally be retained as much as possible and employed for landscaping and screening.*

**FINDING:** The location of the proposed home is set into the oak woodland portion of the property, overlooking a pasture. The footprint of the home will cover 2,659 square feet, while the existing shop covers 1,296 square feet. Because the shop already exists, it will only be necessary to remove trees in the footprint of the dwelling. The site plan identifies a 50 foot fire break, but the new development will only include limbing trees and the removal of small shrubs. The application materials state,

*“will ask permission to leave two scenic oak trees on the north side, overlooking pasture, and three oak trees on the east side screening the view of the barn (shop). The trees will be trimmed up at least 16 feet. The rest of the area around the house is cleared 50 feet, beyond that is scrub oak”.*

Staff conducted a site visit on September 27, 2017, and observed that the owner already cleared a space for the development. Upon observation, staff found that the owner retained as many trees as possible for landscaping and screening. The owner saved several large oak trees on the north aspect of the proposed home site, which is where most of the windows on the house will be. These oak trees will also help screen the proposed development from the view of Cherry Heights Road West. A **condition** of approval is included in the Notice of Decision that any trees employed for the use of screening shall be maintained in accordance to Chapter-10 Fire Safety Standards, and in the future if any trees are to die, they will be replaced by the same species in the same location as its predecessor.

4. *Existing landforms will be preserved and utilized for screening where applicable.*

**FINDING:** There will be no further disturbance to landforms. The 395' access road has already been constructed, and will cause minimal impact. Please see finding for criterion 5 below. Staff finds this meets the criterion.

5. *Access and roads shall be designed and located to fit the natural topography with minimum grading and minimal modifications of existing landforms. Crests and ridges are to be avoided where possible. Cuts and fills shall be rounded and reseeded with natural vegetation.*

**FINDING:** The application states,

*“The road follows contours. The base rock is below the surface, not visible. Dirt at side of road is reseeded and will be seeded again with fall rains”.*

On September 27, 2017, staff conducted a site visit. The access road had already been constructed, and filled with ¾ minus base rock”. Since the development site is located on a level surface, there was minimal grading, cuts, or fills that needed to take place. Staff finds that the access road meets the criterion.

6. *All buildings and structures shall be set back at least fifty (50) feet from all bluff lines and cliffs.*

**FINDING:** In the application submitted, it states,

*“The site is essentially flat, and at the edge of pasture. There is no height variance beyond 10 feet”.*

Staff confirmed during a site visit that there are no bluff lines or cliffs within 50 feet of the building site or driveway. Staff finds this meets the criterion.

7. *Fences should be constructed of non-reflective materials and/or painted with non-reflective colors. Placement and alignment should be done to minimize their visibility.*

**FINDING:** No fences are proposed. However, the owners should be aware of fencing requirements in case they decide to place a fence in the future. A **condition** of approval is included in the Notice of Decision requiring future fences to be constructed of non-reflective material and/or painted with nonreflective colors. Placement and alignment shall be done to minimize visibility.

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**Section 3.257 Property Development Standards**

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- B. *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 request proposed the construction of a 2,659 square foot dwelling, a preexisting 1,296 square foot shop, and a 395' driveway. The total footprint for all structures equals 3,955 square feet. The subject property is 9.19 acres in size, or 400,316 square feet.  $3,955\text{sf}/400,316\text{sf}=0.010\%$  lot coverage. Staff finds this meets the criterion.

- C. *Setbacks - 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 following distances are proposed:

**Dwelling Setbacks:**

Required Setback	Proposed Distance	Consistent?
Front (south) 25'	225' +/-	Yes
Side (east) 25'	450' +/-	Yes
Side (west) 25'	120' +/-	Yes
Rear (north) 40'	275' +/-	Yes

**Existing Shop Setbacks:**

Required Setback	Proposed Distance	Consistent?
Front (south) 25'	150' +/-	Yes
Side (east) 25'	250' +/-	Yes
Side (west) 25'	300' +/-	Yes
Rear (north) 40'	375' +/-	Yes

Staff finds that the proposed development meets Criterion C.

- D. *Vision Clearance: Vision clearance on corner properties shall be a minimum of thirty (30) feet.*

**FINDING:** Staff conducted a site visit on September 27, 2017. The southeast and southwest corners of the property are the only corners that relate to the above criterion. Upon inspection, staff found the corners of the property to have adequate vision clearance beyond the 30 foot minimum. Staff finds this meets the criterion.

- E. *Height - Maximum height for all structures shall be thirty-five (35) feet. Height is measured from average grade.*

**FINDING:** The proposed single family dwelling will be 16' in height and the existing shop is 16' high. Staff finds this meets the criterion.

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- I. *Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.*

**FINDING:** Chapter 20 requires one parking space per residential single family dwelling. On the September 27, 2017 site visit, Staff observed a loop at the end of the driveway that provides parking, and could fit more than two vehicles. Staff finds that this proposal meets the criterion.

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- K. *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 waterways. The exterior of shielding and hooding materials shall be composed of non-reflective, opaque materials.*

**FINDING:** Staff conducted a site visit on September 27, 2017. Upon inspection, the existing accessory structure had one exterior light. The light was sited, limited in intensity, shielded and hooded in a manner that prevented the lighting from projecting onto adjacent properties, roadways, and waterways. A **condition** of approval is included in the Notice of Decision requiring new outdoor lighting to be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

- L. *New Driveways: All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.*

**FINDING:** The request meets criterion L. The land owner has applied for a new Road Approach Permit, file number PWAPPR-17-09-0027. Staff finds this meets the criterion.

**Section 3.750 – Geologic Hazards Overlay (EPD-2)**

*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.*

**A. Basis for Establishing the Geologic Hazards Overlay District**

*The Geologic Hazards Overlay District is intended to be applied to areas identified by the State of Oregon Department of Geology and Mineral Industries, Geologic Hazards of Parts of Northern Hood River, Wasco and Sherman Counties, Oregon, 1977. A complete explanation and maps showing the natural hazards and geologic units can be found in this document; however, this document may be superseded by a more site specific study conducted by a licensed engineer or geologist registered in the State of Oregon.*

**FINDING:** The Wasco County EPD-2 Geologic Hazards overlay indicates the subject property is located in an area of landslide hazard. When the landowner submitted their application for a new dwelling, they also provided a site specific geologic hazard report that had been conducted August 24, 2017, by Benjamin B. Beseda, P.E., P.L.S., Tenneson Engineering Corporation. Staff finds that this meets the criterion.

**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:** All proposed development including the existing shop is located on slopes less than 25%. The steepest slope on the property is 5%. Therefore, staff finds that the development does not need to be reviewed to ensure site suitability.

- 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:** As noted above, a site specific geologic hazard report was prepared by Benjamin B. Beseda, P.E., P.L.S., Tenneson Engineering Corporation, and was provided with the application. In his report he stated, "There are no geologic hazards that require special design considerations for construction of the wood framed single family residential structure on this property". Please see criterion (3) below for more information on how the development may be completed without threat to public safety or welfare.

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:*
  - a. *Maintain vegetation and eliminate widespread destruction of vegetation.*
  - b. *Carefully design new roads and buildings with respect to:*
    - (1) *placement of roads and structures on the surface topography.*
    - (2) *surface drainage on and around the site.*
    - (3) *drainage from buildings and road surfaces.*
    - (4) *placement of septic tank disposal fields.*
  - c. *Careful construction of roads and buildings.*
    - (1) *avoid cutting toe slopes of slump blocks.*
    - (2) *careful grading around the site, especially avoiding over steepened cut banks.*
    - (3) *Re-vegetating disturbed areas as soon as possible.*
  - d. *Other conditions may be imposed to reasonably assure that the development is protected from damage by mass movement.*

**FINDING:** A site specific geologic hazard report was submitted with the application. The report states:

*During construction of the proposed home, it is important that existing cut banks and fill slopes not be further steepened. If a slope is impacted, it should be finished graded to no steeper than 2H:1V slope. Additionally to this comment, there are considerations with regard to standard building practice and the International Residential Code that will govern construction on this property. Any new construction must meet the requirements of the International Residential Code with a design soil bearing pressure of 1,500 pounds per square foot and siting within Seismic Zone "C". Standard recommendations for the construction of these structures include:*

- *The building must be setback a minimum of 5 feet from the top edge of any manmade fills. In addition, the building footings must be placed on solid, original, native ground or engineered fill.*
- *All drainage from the building site shall be directed away from exposed slopes and around the building pad to prevent soil erosion.*
- *The sandstone material that is achieved at greater depths may be cut at approximately a 1H:1V slope, while the loam topsoil upper layers and all fill slopes must be no greater than 2H:1V.*
- *All exposed cut and fill slopes shall be revegetated immediately upon completion of construction activities.*

Pursuant to criterion (3), a **condition** of approval is included in the Notice of Decision that the landowner will construct the proposed dwelling in accordance with the recommendations listed within the site specific geologic hazard report conducted for the subject property on August 24, 2017, by Benjamin B. Beseda, P.E., P.L.S., Tenneson Engineering Corporation.

### ***Section 3.920, Division 8 – Sensitive Wildlife Habitat Overlay Zone***

*The purpose of this overlay district is to conserve important wildlife areas by providing supplementary development standards; to promote an important environmental, social, and economic element of the area; and to permit development compatible with the protection of the wildlife resource.*

*In any zone which is in the Wildlife Overlay (EPD-8), the requirements and standards of this Chapter shall apply in addition to those specified in this Section for the underlying zone. If a conflict in regulation or standards occurs, the provisions of this Section shall govern except that the larger minimum lot size shall always apply.*

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**Section 3.923 – Exempt Areas**

*The following areas are exempt from these provisions:*

- A. Rural Service Centers.*
- B. Areas designated as Impacted Areas in the Transition Lands Study Area.*

**FINDING:** The proposed development is located within Environmental Protection District 8 – Sensitive Wildlife Habitat. GIS inventories also indicate the site is located in the Impacted Low Elevation designation and the Transitional Land Study Area. Given this information, it is therefore exempt from the EPD-8 Sensitive Wildlife Habitat Overlay Zone provisions.

**B. 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 – 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:** With **conditions** of approval, the request is complies with Chapter 10 – Fire Safety Standards.

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 achieve 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-17-08-0011 and a **condition** of approval is included requiring the landowner to adhere to these standards.

The subject property is located within the boundaries of Mid-Columbia Fire & Rescue (structural) and Oregon State Forestry (wildfire) for fire protection.

The proposed single family dwelling with attached garage, and existing shop building, will be constructed of fire-resistant materials. As shown on the approved site plan, a 50 foot fuel fire break will be provided around all proposed and existing buildings.

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 the owner to apply for an address, and submit the filing fee (\$125) to the Planning Department prior to issuance of zoning approval on a building permit application.

Once an address is issued, the owner 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 and is within 30' of the driveway that accesses the dwelling. The address numbers shall be legible, reflective, and at least 2½ inches high.

# 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.

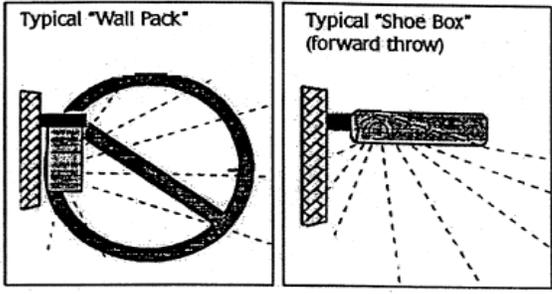
**Energy Waste** Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

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

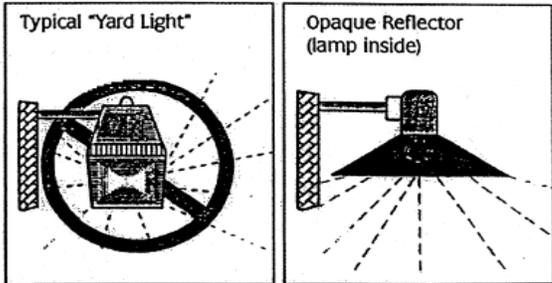
### How do I switch to good lighting?

- 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

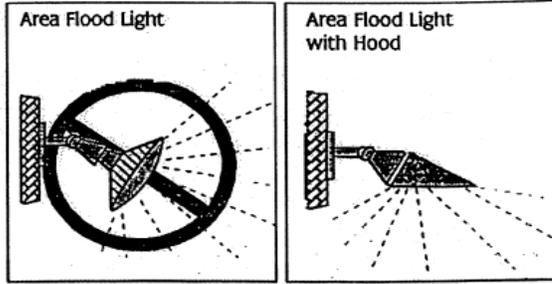
### Some Good and Bad Light Fixtures



**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.

Presented by the

**New England Light Pollution Advisory Group (NELPAG)**

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

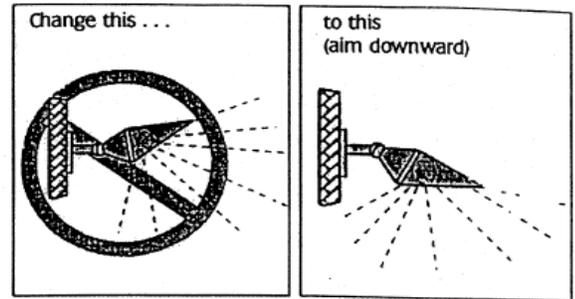
**Sky Publishing Corp.** (<http://www.skypub.com/>).

NELPAG and Sky Publishing Corp. support the

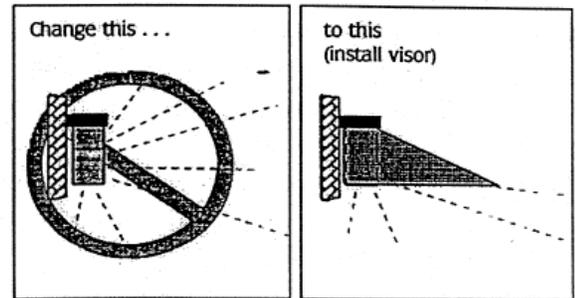
**International Dark-Sky Association (IDA)** (<http://www.darksky.org/>).

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.

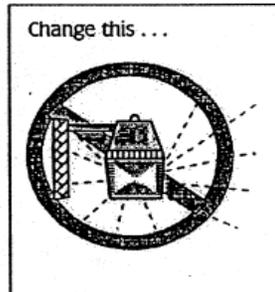
**What You Can Do To Modify Existing Fixtures**



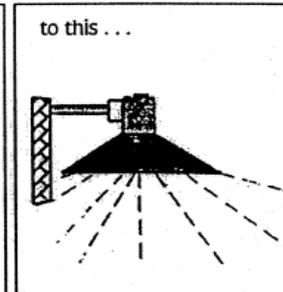
**FLOOD LIGHT**



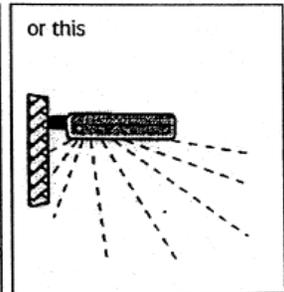
**WALL PACK**



**YARD LIGHT**



**OPAQUE REFLECTOR**



**SHOE BOX**



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