

# ATTACHMENT D – STAFF REPORT

**File Number:** PLAPAR-17-05-0002 (agricultural building)

**Applicant:** David Wilson

**Owner:** David W. Wilson

**Request:** Retroactively approve a 100’L x 70’W x 14’T, 7,000 square foot (SF) 3-sided agricultural exempt building (Type 1 Permit)

**Decision:** 7,000 SF building: **Denied**  
2,500 SF building: **Approval**, with conditions

**Decision Date:** October 5, 2017

**Appeal Deadline:** October 17, 2017

**Location:** The subject property is located approximately 0.3 mile south of Sevenmile Hill Road southeast of Richard Road, approximately 4.3 miles northwest of The Dalles, Oregon; more specifically described as:

<u>Existing Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
2N 12E 22 4100	14901, 13446	29.16
2N 12E 22 4400	884, 1197	40.61
2N 12E 0 2800	804	40.16

**Zoning:** F-2(80) Forest

The subject parcel is also located in the EPD-8, Sensitive Wildlife Habitat Overlay Zone (Low Elevation Winter Range)

**Past Actions:** 2N 12E 22 4100: CUP-89-118-WAF24-A (dwelling in conjunction with farm use); LOC-96-WAF28-BP (replacement dwelling); LOC-98-WAF28-FAEC (agricultural building)  
2N 12E 22 4400: BP-92-WAF28 (agricultural building); BP-93-WAF28 (replacement dwelling); LOC-87-BP (residential addition/remodel); LOC-88-BP (addition to dwelling); LOC-01-WAF28-FAEC-A (hay barn); LOC-98-WAF28-BP (single family dwelling); ENF-95-122-WAF28-A (junk/salvage yard, illegal dwellings, auto wrecking yard)  
2N 12E 0 2800: None

**Procedure Type:** Administrative

**Prepared By:** Dawn Baird, Associate Planner

## **I. APPLICABLE STANDARDS**

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

#### **1. Chapter 1 – Introductory Provisions**

Section 1.090 – Definitions – Agricultural Structure

#### **2. Chapter 3 – Basic Provisions, Section 3.120, F-2, Forest Zone**

Section 3.127, Property Development Standards

Section 3.129.D., Additional Standards – Siting Requirements

#### **3. Chapter 10 – Fire Safety Standards**

Section 10.130 - Construction Standards For Dwellings And Structures – Decreasing The Ignition Risks By Planning For A More Fire-Safe Structure

#### **4. Chapter 15 – Administration & Enforcement**

Section 15.030 - Authority

Section 15.060 - Violation of Ordinance as a Nuisance

Section 15.070 - Wasco County Code Compliance and Nuisance Abatement Ordinance

## **II. BACKGROUND**

**A. Legal Parcel:** The subject parcel was legally created by Partition PLAPAR-17-05-0002, recorded with the Wasco County Clerk on September 8, 2017. The subject parcel is considered to be legal because it was created by a duly recorded partition.

**B. Site Description:** The subject parcel is located approximately 0.3 mile south of Sevenmile Hill Road. The property contains northeast-facing slopes ranging from 4-22% with the majority of the property averaging 10-15%. The primary use of the property is residential use with small scale farming (alfalfa and grazing). There is a small seasonal drainageway running north/south near the center of the property.

**C. Surrounding Land Use:** Properties located south and west of the subject tax lots are located in the F-2(80) Forest Zone and are vacant. These properties are enrolled in a forest deferral program. Property to the west is heavily planted with trees while property to the south contains heavy tree planting and hay production. Property to the north was the subject of the previously mentioned (June 15, 2017) partition to legalize the subject property and property to the north, which is in residential use and heavily wooded with trees with some areas containing open meadows. Properties to the east are located in the F-F(10) Forest-Farm Zone and either contain a single family dwelling

or are vacant. These properties are generally heavily planted with Oregon white oak and Ponderosa pine trees, the predominant tree species in the area. BPA powerlines are located on properties to the east and west.

### III. FINDINGS:

#### A. Oregon Administrative Rule (OAR) 660-006-0025, Uses Authorized in Forest Zones

*(3) The following uses may be allowed outright on forest lands:*

*(r) An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use.*

**FINDING:** State law says this “may” be allowed outright on forest lands. All new structural development must comply with property development and other relevant standards in the Wasco County LUDO. Wasco County is supportive of agricultural buildings and related development to support active permitted agricultural uses. The requested agricultural building is provided in conjunction with farm use in the Forest Zone and complies with OAR 660-033-0025(3)(r).

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

##### 1. Chapter 1 – Introductory Provisions

###### *Section 1.090 – Definitions*

***Agricultural Structure** – In any zone a building or structure may be considered in conjunction with farm use, as defined in this Chapter or ORS 215.203 subject to the following:*

*All buildings and structures*

- a. The owner provides a farm management plan that is reviewed and approved by the Planning Department; and*

**FINDING:** The owner submitted a farm management plan for retroactive approval of a 7,000 SF agricultural building. The Farm Management plan shows that he currently has 6 acres of alfalfa/oats, five poultry, and three cattle (seasonal).

The building is proposed to be used for agricultural storage of farm equipment for the production of barley hay and oats and seasonal grazing (cattle). The owner states that he needs this large building for the current farm use. He stated that when he retires he plans to expand the farm use. During a site visit to the property on May 31, 2017, Mr. Wilson stated that he has been plowing additional land adjacent to the current 6 acres of barley/oats and plans to continue to expand the farm use and increase the number of cattle grazed on the

property. He indicated he was not able to plant a crop in 2017 due to a lack of moisture in the soil and that he did not get “much of a crop” in 2016, and it was not worth harvesting.

Staff asked Oregon State Extension Office’s “Ask an Expert” website how much area it takes to store 6 acres of hay. Their response states:

*“Hay crop yields can vary between crop varieties and irrigation. With a highly productive irrigated crop you could see between 8-10 tons per acre for the entire season. Therefore about 60 tons would be about the highest production you could see for one year.*

*Assuming a harrowbed is used for stacking which stacks 9 bales high (13.5’), 1440 bales (24 bales per ton) would require about 1,050 square feet (14,140 cubic feet). If only stacked 4 bales high (about 6’ tall) it would require 2,360 square feet.”*

If cropland is irrigated it requires a Water Right from the Oregon Water Resources Department. On June 21, 2017, Robert Wood, Watermaster for Wasco County, confirmed that the existing barley field does not have a water right.

According to Mylen Bohle, Oregon State Extension Office, non-irrigated barley would produce approximately an annual crop of 0.5 – 1.5 tons per acre under conditions in northern Wasco County. This means that 6 acres of non-irrigated barley would generate between 3-9 tons.

Based on projected barley yields, storage of 9 tons of hay, 6’ tall would require slightly less than 400 SF. Associated equipment such as a tractor, baler, etc., would require less than 2,000 SF of space. The entire farm operation could occur in a building containing less than 2,500 SF. Many of the items the applicant states he intends to store in the agricultural building are not currently stored in the building. Most hay operations do not store the rake, swather, etc., under cover because the implements are difficult to access. The applicant’s proposed floor plan shows an excessive amount of space will be used for these farm implements.

During staff’s visit to the property on May 31, 2017, it was clear that many items stored in the building are not associated with the production of alfalfa/oats or the grazing of cattle. For instance, the building held four refrigerators or freezers for the storage of the Wilsons’ personal frozen food, a large ammunition cabinet, a lawn mower, a large tarp-covered pile of Mrs. Wilson’s antiques and “things”, tires not belonging to farm equipment, children’s pedal cars, electric wheelchair, four wheelers, etc.

The requested 7,000 SF agricultural building does not comply with Criterion a. because the agricultural building is not used to store only agricultural crops, animals and equipment. Wasco County supports agricultural buildings and related development to support agricultural uses in zones encouraging agricultural use. However the proposed building is much larger than necessary to accommodate the existing agricultural use. There is no assurance that the agricultural use will be expanded in the future. Even if no personal items are stored in the structure, the existing building is much larger than necessary for the current farm use.

Based on the proposed farm management plan, information from Oregon State University Extension Office experts, and observations from the site visit to the property on May 31, 2017, staff finds that an agricultural building containing 2,500 SF is justified for the proposed farm use.

A **condition** of approval is included in the Notice of Decision approving a 2,500 SF agricultural building on the property and requiring the owner to remove 4,500 SF of the existing structure. This shall be accomplished no later than May 1, 2018. With the proposed condition of approval, a 2,500 SF agricultural exempt building complies with Criterion a.

- b. The lot or parcel is enrolled in a farm deferral program with the County Assessor; or the farm management plan provides sufficient documentation to confirm compliance with the income capability requirements of state law.*

**FINDING:** The subject parcel is located within a farm deferral program with the Wasco County Assessor. According to Melanie Brown, Appraiser, the subject parcel is required to generate a minimum income of \$3,000 per year. She stated that the Assessor sends out a questionnaire every three years to determine what income has been generated from farm use. Assessor records indicate that the subject parcel has exceeded the income requirement for the past several years therefore the request complies with Criterion b.

#### *Agricultural Exempt Buildings Only*

- c. The owner submits a signed floor plan showing that only farm related uses will occupy the building space; and*

**FINDING:** The owner submitted a signed floor plan showing that only farm related uses will occupy the building therefore the request complies with Criterion c.

- d. The owner will file a restrictive covenant in the deed records of Wasco County agreeing the it will be used solely as will be solely used as an agricultural building as defined by ORS 455.315(2).*

**FINDING:** Approval of the request requires the owner to record a restrictive covenant in the deed records of Wasco County agreeing to only use the agricultural building for agricultural uses. A **condition** of approval is included in the Notice of Decision requiring the owner to record the indicated restrictive covenant. With the proposed condition of approval the request complies with Criterion d.

## **2. Chapter 3 – Basic Provisions**

### ***Section 3.120, F-2, Forest Zone***

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**Section 3.127, Property Development Standards**

**A. Setbacks**

1. *New Buildings and Structures: No structure other than a fence, sign, road or retaining wall less than four (4) feet in height shall be located closer than forty (40) feet from the right of way of a public road and all other property lines. Dwellings and structures accessory to dwellings shall also meet all siting standards and setbacks listed for dwellings or structures in the F-2 zone.*

**FINDING:** The agricultural building has the following setbacks:

Required Setback	Proposed Setback	Consistent?
40' – north	850+'	Yes
40' – east	1,100+'	Yes
40' – south	1,300+'	Yes
40' - west	125'+/-	Yes

The existing agricultural building meets the general setback requirements in the F-2 Zone. Setback requirements are further addressed in Section 3.129.

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

**FINDING:** The application states that the agricultural structure is 14' tall. This was verified during staff's visit to the property on May 31, 2017. The request complies with Criterion B.

- C. *Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).*

**FINDING:** The subject parcel is not located within any FEMA designated flood zone and is in an area where the Planning Director can deem the development reasonably safe from flooding therefore the request complies with Criterion C.

- D. *Signs: Signs shall not extend over a public right-of-way or project beyond the property line.*
  1. *Signs shall not be illuminated or capable of movement.*
  2. *Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property on which the sign is located.*

3. *Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from right of way of public road.*

**FINDING:** No signs are proposed by the owner. No signs are necessary for an agricultural exempt building therefore the request complies with Criterion D.

- E. *Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review when and if necessary.*

**FINDING:** Chapter 20 – Site Plan Review, Section 20.050 – Off-Street Parking does not apply to agricultural exempt buildings.

- F. *Lighting: All 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. Shielding and hooding materials shall be composed of nonreflective, opaque materials.*

**FINDING:** There is outdoor lighting on the existing 7,000 SF building. It is unknown if these are motion lights or if they are on all day or only at night. The owner is advised that all outdoor lighting must meet the lighting standard described in F. A **condition** of approval is included in the Notice of Decision requiring compliance with Criterion F. With the proposed **condition** of approval the request complies with Criterion F.

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

**FINDING:** There is no access permit on file for the existing driveway to the property. A **condition** of approval is included in the Notice of Decision requiring the property owner to obtain an Approach Road Permit from the Wasco County Public Works Department within 30 days of final approval. With the proposed condition of approval the request complies with Criterion G.

### ***Section 3.129 - Additional Standards***

- D. *Siting Requirements for Compatibility of New Dwellings and Accessory Buildings and Structures or Replacement Dwellings and Accessory Buildings and Structures in a New Location: These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. Dwellings and structures shall be sited on the parcel so that:*
  1. *Site Selection for Least Impact - Siting shall result in the least possible impact on nearby or adjoining forest or agricultural lands.*

- a. *Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.*
- b. *Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.*
- c. *Siting shall minimize the risks associated with wildfire by imposing fire prevention standards applicable to the Forest zone. (Added 4/12)*

**FINDING:** The existing agricultural building is located approximately 110' from the western property line in an area containing an existing detached accessory building. No land was removed from farm or forest use to construct the building nor was any land removed from production for the access road (driveway). The existing building is a large steel building with a metal roof. The building is fire resistant. Provided the owner complies with Chapter 10 – Fire Safety Standards the request complies with Criterion 1. Fire safety standards are addressed in III.C.

2. *Dwelling and Accessory Structure Set Backs - To satisfy a. above, dwellings and their accessory structures shall be sited a minimum of 100 feet from property lines. This set back is intended to limit the potential for conflict (including increased fire risk) between residential use and existing or potential resource use on surrounding parcels. Exceptions to this requirement may be granted outside the standard variance procedure in Chapter 6, if the applicant can demonstrate that the siting the dwelling within 100 feet but not less than 40 feet from the public right of way or property line better accomplishes the objectives listed in 1. above.*

**FINDING:** The existing agricultural building is located approximately 125' from the western property line and more than 850' from all other property lines. By providing setbacks greater than 100' from property lines, potential conflicts between surrounding uses and the proposed agricultural building will be minimized. As proposed the request complies with Criterion 2.

3. *Clustering of Development - Clustering development near or among existing structures and in as limited a portion of the site as practical is considered preferable when developing in the Forest Zone. The applicant may be required to demonstrate that development has been clustered sufficiently to limit impacts on the undeveloped portion of the parcel or tract.*

**FINDING:** The existing agricultural buildings was constructed directly west of an existing detached accessory building and is located approximately 160' from the existing dwelling and approximately 132' from a detached accessory building. Considering the 69 acre size of the property staff finds that the agricultural building is sufficiently clustered to limit impacts on undeveloped portions of the parcel.

4. *Good Proximity to Public Roads - Siting close to existing roads is generally considered preferable and may be required of the applicant if it best accomplishes the overall intent of the siting requirements.*

**FINDING:** The existing agricultural building is located approximately 0.3 mile south of Sevenmile Hill Road on an easement driveway which provides good access to the road. Though the agricultural building could have been built closer to Sevenmile Hill Road, it should also be located close to the agricultural use. The existing driveway is well-maintained and access to the agricultural building and the farm field are both good. Staff finds that the existing location of the agricultural building complies with the overall intent of the siting requirements therefore the request complies with Criterion 4.

5. *Development Located on Least Productive Portion of Land - Siting development on that portion of the parcel least well suited for growing trees is considered preferable. The applicant may be required to demonstrate that the location of development will impact the least productive portion of the parcel or tract.*

**FINDING:** The subject parcel contains three different types of soil. Two of the soils (49C, 50D) are considered to be productive for forest use and are rated Class 6 for Ponderosa pine production. The third soil contains the location of the agricultural exempt building. This soil is Wamic-Skyline Complex (51D). The Skyline portion of the soil is not considered to be productive for commercial use in eastern Oregon but the Wamic portion contains a forest cubic foot site class rating of 6 for Ponderosa pine. In reviewing all three soils on the subject parcel staff finds that the agricultural building is located on the least productive soil on the property. The request complies with Criterion 5.

6. *Road Maintenance Required - If road access to the dwelling is by a road owned and maintained by the County, a private party, the Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or maintenance agreement allowing permanent access to a dwelling site. The road use permit or maintenance agreement may require the applicant to agree to accept full or partial responsibility for road maintenance.*

**FINDING:** There is an existing 30' wide access easement for the subject parcel through 2N 12E 22, tax lot 4400. It is maintained by the current property owner. The request complies with Criterion 6.

### **Section 3.920 – Sensitive Wildlife Habitat Overlay (EPD-8)**

#### **B. Section 3.924 - Permitted Uses**

*All uses allowed in the overlay zone shall be those farm and forest uses permitted outright by the underlying zone.*

**FINDING:** The request is for a 3-sided agricultural building in conjunction with an existing farm use. Wasco County has not updated its LUDO since the adoption of Oregon Administrative Rule 660-006-0025, Uses Authorized in Forest Zones, subsection (3)(r) which allows an agricultural building customarily provided in conjunction with farm use. Per this OAR an agricultural building is a permitted use therefore the request complies with Criterion B.

*E. Section 3.927 - Fencing Standards*

*The following fencing standards could apply to new fences constructed as a part of development of a property in conjunction with conditional use permit. These standards shall be a voluntary agreement by the applicant.*

*New fences in the Big Game overlay zone are designed to permit wildlife passage. The following standards are guidelines approved by the County after consultation with the Oregon Department of Fish and Wildlife:*

- A. To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.*
- B. A 3-wire or 4-wire fence with the bottom wire at least 18 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire to avoid injury to animals.*
- C. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.*

**FINDING:** The request is for a Type 1 Review, not a Conditional Use Permit therefore Section 3.927 is not applicable to this request.

**3. Chapter 10 – Fire Safety Standards**

***Section 10.130 - Construction Standards For Dwellings And Structures – Decreasing The Ignition Risks By Planning For A More Fire-Safe Structure***

***Section 10.130***

*A. Is your building designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?*

- 1. Roof Materials: Do you or will you have fire resistant roofing installed to the manufacturers specification and rated by Underwriter’s Laboratory as Class A, B, or its equivalent (includes but not limited to: slate, ceramic tile, composition shingles, and metal)?*

*NOTE: To give your structure the best chance of surviving a wild fire, all structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the uniform building code.*

2. *Spark Arrestors: Will all chimneys and stove pipes be capped with spark arresters meeting NFPA standards (e.g., constructed of 12 USA gauge wire mesh with half-inch openings)?*

**FINDING:** The existing 7,000 SF agricultural building is constructed of steel and has a metal roof. There are no chimneys or stovepipes on the 3-sided building. Reducing the size of the building to comply with this decision will not affect the materials or compliance with this requirement. The request complies with Criterion A.

- B. *Is your structure designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?*
  1. *Decks: Will all decks be kept clear of fire wood, flammable building material, dry leaves and needles, and other flammable chemicals? Will decks less than three feet above ground also be screened with noncombustible corrosion resistant mesh screening material with quarter inch or smaller openings? Will decks, as required in accordance with standard 10.110(B) above, be built of fire resistant material? Will all flammables be removed from the area immediately surrounding the structure to be stored 20 feet from the structure or enclosed in a separate structure during fire season?*
  2. *Openings: Will all openings into and under the exterior of the building including vents and louvers, be screened with noncombustible corrosion resistant mesh screening material with quarter inch or smaller openings.*
  3. *Trees: Will all trees overhanging the building be limbed up 8 feet in accordance with fire fuel break requirements in 10.120(A) above, kept trimmed back 10 feet from any chimney or stove pipe, and be maintained free of all dead material.*
  4. *Utilities: If your private utility service lines are not underground will the utilities be:*
    - a. *Kept clear along their route?*
    - b. *Have a single point of access to the building?*

*Do all new buildings and structures served by electricity include a clearly marked power disconnect switch at the pole or off-grid power source?*
  5. *Stand Pipe: Will a stand pipe be provided 50 feet from the dwelling or any structure served by a plumbed water system?*

**FINDING:** Staff conducted a site visit to the development site on May 31, 2017, and noted that the existing building complies with Criterion 1. – 5. therefore the request complies with Criterion B.

#### 4. Chapter 15 – Administration & Enforcement

##### ***Section 15.030 – Authority***

*Whenever necessary to enforce the provisions of this Ordinance, the Director, or the Director's designee, shall have the authority in addition to other remedies provided by law, to issue compliance notices and orders, assess penalties, record violations and liens with the County Clerk, issue citations, to institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate a violation.*

**FINDING:** The existing 3-sided agricultural building was not permitted by the Planning Department. It is in violation of the definition of Agricultural Structure in LUDO Chapter 1, Section 1.090. Section 15.030 provides authority for the County to require the building to be reduced in size or removed.

A **condition** of approval is included in the Notice of Decision approving a 2,500 SF agricultural building on the property (the size needed to support the existing agricultural use) and requiring the owner to remove the remaining 4,500 SF of the agricultural building. This shall be accomplished no later than May 1, 2018. With the proposed condition of approval the request complies with Section 15.030.

##### ***Section 15.060 - Violation of Ordinance as a Nuisance***

*The construction, erection, location, maintenance, repair, alteration, enlargement or use or change in use or uses of any structure or property or transfer of any property in violation of this Ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance shall be deemed a nuisance and may be enjoined, abated or removed.*

**FINDING:** The building was constructed without any permits therefore it is in violation of the LUDO. This building is determined to be a nuisance and may be enjoined, abated or removed according to Section 15.060.

The Merriam-Webster dictionary defines “enjoin,” “abate” and “remove” as follows:

- *“Enjoin: instruct or urge (someone) to do something; prescribe (an action or attitude) to be performed or adopted*
- *Abate: To put an end to (abate a nuisance)*
- *Remove: Take (something) away or off from the position occupied; eliminate or get rid of”*

The existing building is significantly larger than the current agricultural uses warrant and should be reduced in size or removed for compliance with State and local land use regulations. As noted in the findings above, the building should be reduced to 2,500 SF to serve the agricultural use or be removed. Personal storage buildings containing a maximum of 1,336 SF are also

permitted on the property but a 7,000 SF agricultural exempt building cannot be approved because it is more than twice as large as necessary for the existing/future agricultural use. The landowner could apply for additional accessory buildings through a new land use application.

A **condition** of approval was previously included in the Notice of Decision requiring the size of the building to be reduced from 7,000 SF to 2,500 SF. This size was determined based on the farm management plan, information from extension office experts and observations during staff's May 31, 2017, site visit. With the previous **condition** of approval the request complies with Section 15.060.

***Section 15.070 - Wasco County Code Compliance and Nuisance Abatement Ordinance***

*The Wasco County Code Compliance and Nuisance Ordinance is a separate Wasco County Board of Commissioner adopted ordinance that implements land use, nuisance and health violations. Please refer to that Ordinance for further details related to enforcement of the provisions of the Wasco County Land Use and Development Ordinance.*

**FINDING:** Compliance with conditions of approval in this decision will eliminate the code compliance issue. Failure to meet all conditions of approval will result in the violation being forwarded to the Wasco County Code Compliance Officer. The Code Compliance Office will follow all of the requirements in the Wasco County Code Compliance and Nuisance Abatement Ordinance. A **condition** of approval is included in the Notice of Decision advising the owner that failure to meet all conditions of approval will result in enforcement action by Wasco County through the Code Compliance and Nuisance Abatement Ordinance. With the proposed **condition** of approval the request complies with Section 15.070.

# 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.

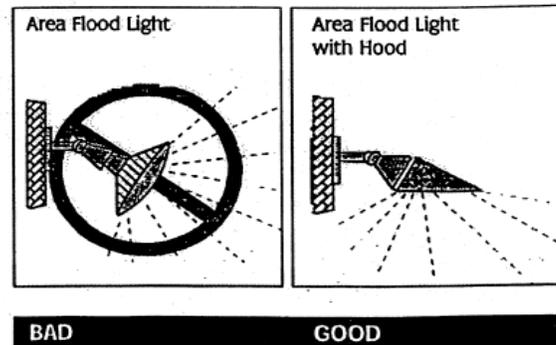
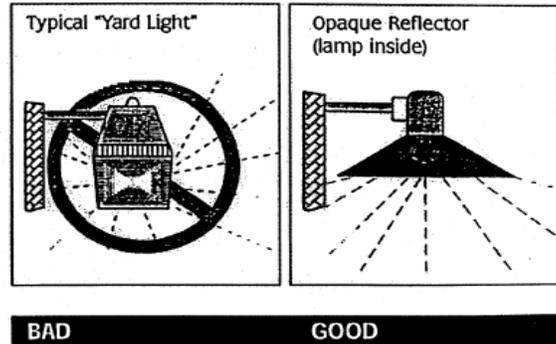
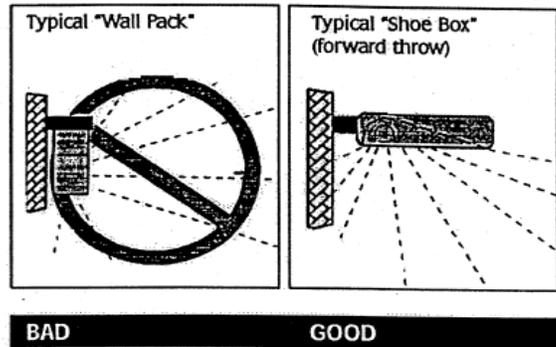
**Energy Waste** Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

**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



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.

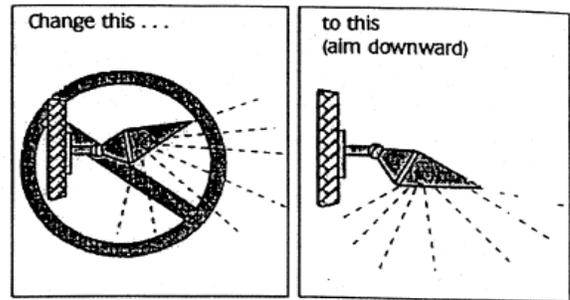
Properly aimed and shielded lights may cost more initially, but they save you far more in the long run. They can illuminate your target with a low-wattage bulb just as brightly as a wasteful light does with a high-wattage bulb.

- 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!

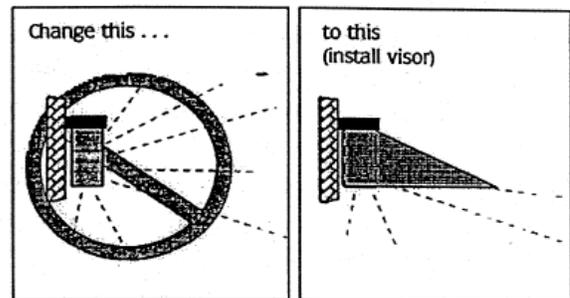
**Replace bad lights with good lights.**

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

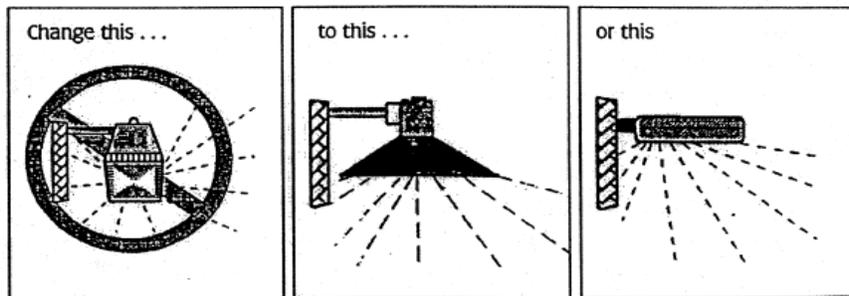
**What You Can Do To Modify Existing Fixtures**



**FLOOD LIGHT**



**WALL PACK**



**YARD LIGHT**

**OPAQUE REFLECTOR**

**SHOE BOX**

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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