

# ATTACHMENT D – PLANNING COMMISSION REPORT

**File Number:** PLAAPL-17-10-0001 of PLAPAR-17-05-0002

**Request:** Appeal of the Director’s Decision to deny a retroactive request for a 100’L x 70’W x 14’T, 7,000 square foot (SF) agricultural exempt building (Type 1 Permit), and approve a 2,500 SF agricultural exempt building.

**Procedure Type:** Quasi-Judicial Hearing

**Hearing Dates:** January 2 and 23, 2018

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

**Applicant/Owner:** David Wilson

**Decision:** Overturn the Decision of the Planning Director and approve a 7,000 SF agricultural exempt building, with **conditions** of approval

**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 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 0 2800: None

## I. APPLICABLE STANDARDS

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

### B. 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 an agricultural building “may” be allowed outright on forest lands. All new structural development must comply with property development and other relevant standards in the Wasco County Land Use & Development Ordinance (LUDO). Wasco County permits 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 staff finds that the request 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. Amended information received at the January 2, 2018, Planning Commission hearing shows that he currently has 12 acres of alfalfa/oats, 5 poultry, and 7-8 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.

The Planning Commission finds that there is no prescribed formula for the size of an agricultural building and that the applicant has met the burden for the size of the building in conjunction with the existing and proposed farm use as described in the amended farm management plan. The Planning Commission finds that the request 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 staff finds that 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 staff finds that 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, staff finds that the request complies with Criterion d.

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

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

(\*\*\*)

### ***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

Staff finds that the existing agricultural building meets the general setback requirements in the F-2 Zone and complies with Criterion 1. 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 site visit to the property on May 31, 2017. Staff finds that 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 staff finds that 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 staff finds that 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. 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, staff finds that 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 that the property owner obtain an Approach Road Permit from the Wasco County Public Works Department within 30 days of final approval. With the proposed **condition** of approval staff finds that 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, staff finds that 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, staff finds that 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 and complies with Criterion 3.

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 there is suitable access to the agricultural building as well as to the farm field. 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. Staff finds that 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. Staff finds that 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 an 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 staff finds that 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. No fencing has been proposed as part of the request to construct a 7,000 SF agricultural structure. Staff finds that Section 3.927 does not apply 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***

- 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. Staff finds that 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 staff finds that 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 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.

A condition of approval is included in the Notice of Decision requiring the owner to obtain an agricultural exempt building permit from Building Codes. With the proposed condition of approval the agricultural exempt building will no longer be in violation.

**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”*

A condition of approval was previously included requiring the owner to obtain an agricultural exempt building permit upon expiration of the appeal period for this action. With the previous **condition** of approval, staff finds that 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, staff finds that 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.

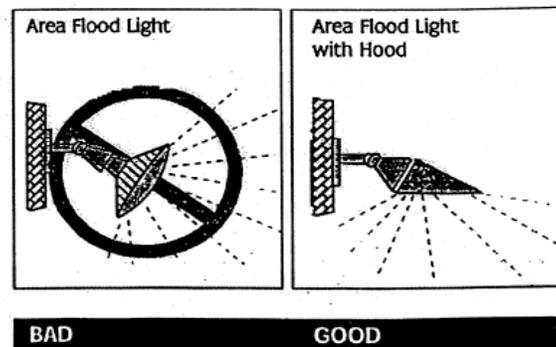
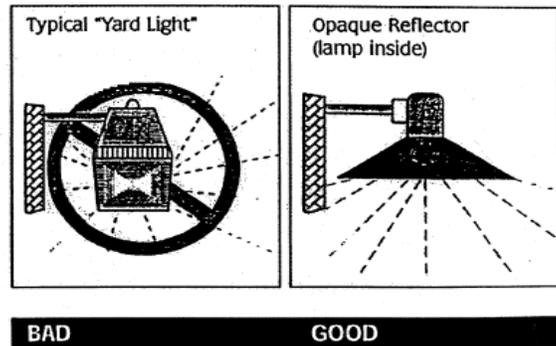
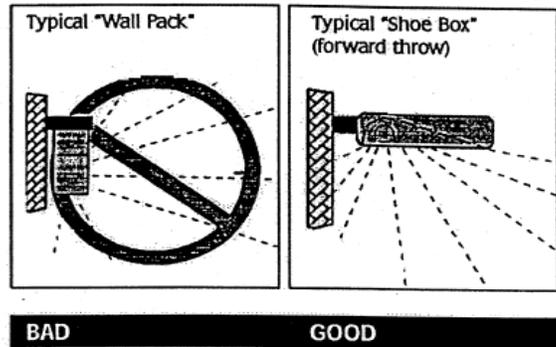
**Energy Waste** Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

**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.

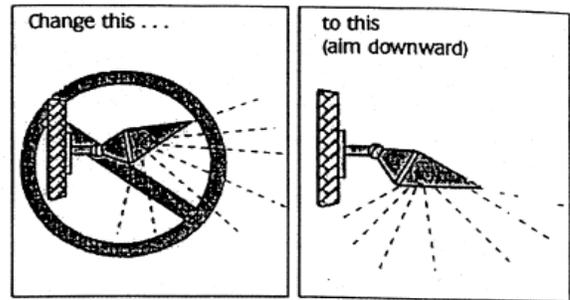
Properly aimed and shielded lights may cost more initially, but they save you far more in the long run. They can illuminate your target with a low-wattage bulb just as brightly as a wasteful light does with a high-wattage bulb.

- 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!

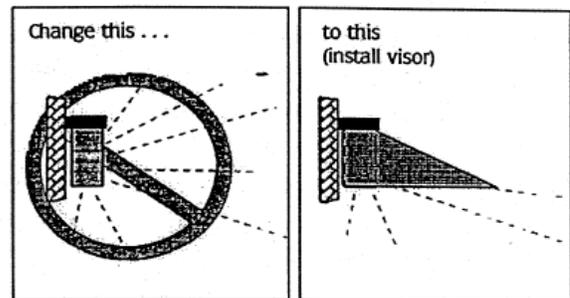
#### Replace bad lights with good lights.

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

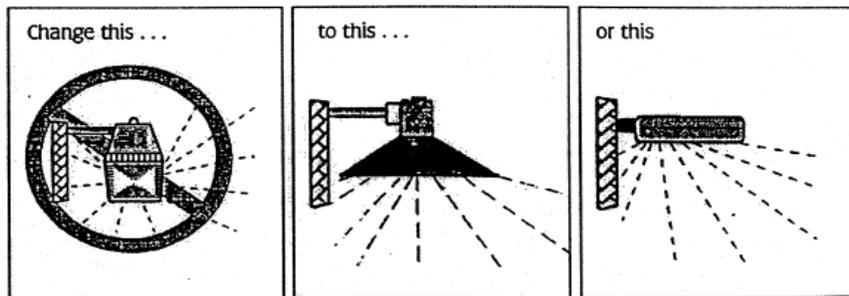
### What You Can Do To Modify Existing Fixtures



**FLOOD LIGHT**



**WALL PACK**



**YARD LIGHT**

**OPAQUE REFLECTOR**

**SHOE BOX**

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

**ATTACHMENT F - FOREST-FARM MANAGEMENT EASEMENT**

**Owner Name:** \_\_\_\_\_  
**Mailing Address:** \_\_\_\_\_  
\_\_\_\_\_

David Wilson, Owner, herein called the Grantor(s), is/are the owner(s) of real property described as follows:

Township 2N, Range 12 East W.M., Section 22, Tax Lot 4100, Accounts 14901, 13446  
Township 2N, Range 12 East W.M., Tax Lot 2800, Account 804

---

In accordance with the conditions set forth in the decision of Wasco County Planning Commission, dated January 25, 2018, overturning the Planning Director’s denial for a 7,000 SF agricultural exempt building approving a Conditional Use Permit (File # PLAAPL-17-10-0001 of PLAPAR-17-05-0002), Grantor hereby grants 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 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

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



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 Exclusive Farm Use/Forest/Forest-Farm zone that may be required by State and local land use laws and regulations.

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

\_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Titleholder Signature

STATE OF OREGON )  
COUNTY OF WASCO)

Personally appeared the above named \_\_\_\_\_ and \_\_\_\_\_, and acknowledged the above easement to be their voluntary act and deed.

\_\_\_\_\_  
Notary Public for Oregon