PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
p: [541] 506-2560 • f: [541] 506-2561 • www.co.wasco.or.us

Pioneering pathways to prosperity.

PLANNING COMMISSION
NOTICE OF DECISION

FILE # 921-18-000017-PLNG **DECISION DATE:** January 8, 2019
APPEAL DEADLINE: January 25, 2019 by 4:00 PM

REQUEST: Appeal of Conditional Use Permit and Scenic Area Review for a commercial horse boarding facility for 5 horses, and to construct a 60'L x 23.75'W x 30'H (2,856 square foot (SF), including the first and second floor) horse barn for commercial horse boarding, with two attached sheds measuring 36'L x 10'W x 10'H (360 SF), and 60'L x 11.75'W x 10'H (705 SF) for a total of 3,921 SF, a 60' diameter x 20'H round pen, a 30'L x 20'W x 12'H equipment shed, a 16'L x 12'W x 10'H loafing shed, approximately 3,000 linear feet of fencing with 12'L x 5'H and 6'L x 5'H gates, and underground utilities including subsurface septic disposal system.

DECISION: Uphold the decision of the Planning Director and deny the appeal, with amended Conditions and Findings.

APPELLANT: Kevin M. McCabe, PhD, 950 Quartz Drive, Mosier, OR 97040
APPLICANT: Jon Heltzel, 3750 Dee Highway, Hood River, OR 97031
OWNER: Solo Properties LLC, 4455 W Ridge Drive, Hood River, OR 97031

PROPERTY INFORMATION:

LOCATION: The development site is located north of Huskey Road, approximately 0.1 mile west of Jasper Lane, approximately 0.5 mile south of the City of Mosier, Oregon, more specifically described as:

Map/Tax Lot	Acct. #	Acres
2N 11E 11 2200	327	20.59

ZONING: A-2 (80), Small Scale Agriculture in the General Management Area of the Columbia River Gorge National Scenic Area

ATTACHMENTS:

A. **Conditions of Approval**
B. **Time Limits & Appeal Information**
C. **Maps**
D. **Staff Report**
E. **Outdoor Lighting Standards**
F. **Comments**
G. **Forest-Farm Management Easement**
H. **Recommended Plant List**

FOR RECORDER'S USE ONLY

After recording, please return to:
Wasco County Planning Department

ATTACHMENT A – CONDITIONS OF APPROVAL

Pursuant to Wasco County National Scenic Area Land Use Development Ordinance, Chapter 2 – Development Approval Procedures, Section 2.120.A., Notice of a Decision by the Director, the following shall be recorded as conditions of approval and binding upon the owners, developers or assigns.

A. Cultural Resources:

1. All ground disturbance within the archaeological site boundaries shall be monitored by a professional archaeologist, specifically the installation of fence lines.

2. If plans change so that greater impacts are proposed within the archaeological site boundaries, the site shall be formally evaluated for significance and eligibility for inclusion on the National Register of Historic Places (NRHP).

3. If cultural resources are discovered during development of any new structure or building, all construction shall cease within 100' of the discovered cultural resource. The cultural resource(s) shall remain as found and further disturbance is prohibited. The owners shall notify the Wasco County Planning Department and Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or associated with Native Americans, the owners shall also notify the Confederated Tribes of Warm Springs, Confederated Tribes of Umatilla, Perce Nez, and Yakama Indian Nation within 24 hours of discovery.

4. If human remains are discovered, all work on the parcel shall cease and the owners shall immediately notify the Wasco County Sheriff's Office, the Wasco County Planning Department, the Gorge Commission, and the four Indian tribal governments.

B. Prior to Issuance of Zoning Approval on any Building/Agricultural Permit and After Expiration of the 15-Day Appeal Period, the Applicant/Owner shall:

1. Submit elevation drawings for the equipment and loafing sheds.

2. Sign and record a Farm-Forest Management Easement (see Attachment G) with the Wasco County Clerk prior to issuance of zoning approval on a building permit application for any new structure.

3. Obtain a Road Approach Permit from the Wasco County Public Works Department for the existing driveway onto Huskey Road.

4. The proposal must be developed in accordance with the amended Site Plan, submitted on November 19, 2018 which is drawn to scale and includes the following features, as well as all previously required information:

    a. The location of the driveway, the turnaround for all traffic entering and exiting the property, and turnouts every 400' along the driveway.

    b. Location of the gravel parking area containing 3,944 SF of parking for the commercial horse boarding operation. In addition to the 3,944 SF parking area, if the parking area contains an access aisle between rows of parking spaces, the minimum access aisle width shall be 20' in width.

c. Location of off-street loading.

4. Oregon Dept. of Forestry Permit: Any land clearing activities involving power driven machinery that occur from May 1st through September 30th shall obtain a Permit to Operate Power Driven Machinery from the Oregon Dept. of Forestry prior to beginning any development.

5. A septic evaluation shall conducted by the North Central Public Health District. If the site is not capable of supporting a septic system in the proposed location, a portable restroom will be required to be located on-site for the use of customers and employees. The portable restroom must be located in an area not visible from KVAs.

6. The driveway and parking area shall be improved and available for use before beginning the commercial horse boarding facility.

C. Chapter 11 - Fire Safety Standards:

a. Improvements and requirements listed in Chapter 11 of the Wasco County NSA-LUDO and the signed and completed Fire Safety Standard Self-Certification shall be achieved within one year of the date of approval and maintained through the life of the development. This certification commits all future property owners to the same requirements. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under File #921-18-000017-PLNG.

b. Address: Apply for a new address for the proposed commercial horse boarding facility, and submit the County application and fee ($75) to the Planning Department (prior to issuance of zoning approval on a building permit application). An approved address shall be posted on both sides of a permanent post or mailbox within 30' of the driveway providing access to the dwelling. The address numbers shall be legible, reflective, and at least 2 ½ inches high. Application must be made a minimum of 2 weeks prior to issuance of zoning approval on a building permit application.

D. Colors/Materials

1. The following materials and colors are approved for the kitchen/restroom building:

	Material	**Exterior Color**	**Manufacturer**	**Looks Like**	**Consistent with color requirement?**
Siding	Wood	Burnt Hickory	Cabot	Dark Brown	Yes, approved
Trim	Wood	Burnt Hickory	Cabot	Dark Brown	Yes, approved
Door	Wood	Burnt Hickory	Cabot	Dark Brown	Yes, approved
Roof	Composition shingle	Black Onyx	Owens Corning (?)	Black	Yes, approved

2. If alternate colors or materials are proposed for any new development, they shall be submitted to and approved by the Planning Department prior to their use on the exterior of the building.

ATTACHMENT A – CONDITIONS OF APPROVAL

E. Conditional Use Permit Conditions:

1. Hours of Operation: Hours of operation for training of horses and their owners are limited to 8 a.m. – 8 p.m. Feeding and care of horses can occur outside of these hours.

2. Well Usage: The horse boarding facility is a commercial use and the owners are limited to 5,000 gallons of water per day for commercial uses such as employee use (restroom use, hand washing, etc.), and washing the horses. This water cannot be used for irrigation of the pastures; this use requires application for and approval of a water right from the Oregon Water Resources Department.

3. All horseback riding of boarded horses shall occur on the subject lot. No horseback riding of boarded horses exiting or entering the subject lot is permitted.

4. Manure shall be stored on an impermeable surface from November 1st – April 30th. No runoff of manure shall occur off the impermeable surface on the subject lot onto any adjacent property. If a complaint is lodged about manure runoff with the Oregon Department of Agriculture, and runoff is found to occur, the Conditional Use Permit may be revoked with the approval of the Planning Commission.

5. If the applicant or owner wants to increase the number of boarded horses in the future, a request to amend the operation must be submitted to and approved by the Wasco County Planning Department.

6. Noncompliance with **any** of the conditions of approval shall be grounds for revocation of this permit.

F. Chapter 14 - Scenic Area Review conditions

1. The overall mass of the proposed barn shall be reduced to no more than 3,921 square feet.

2. All windows above the first floor that face east and north shall be a tinted thermal pane glass (e.g., grey or bronze over low e – glass less than 11% exterior visible light reflectivity rating.

3. The owner shall maintain the existing contour, vegetation and hydrology of the wetland. Horses can graze in and around the wetland but shall not destroy the vegetation in or along the wetland.

G. Miscellaneous Conditions:

1. Parking Area/Driveway:

   The owner shall provide and maintain the required amount of parking/loading space. If any future change in use is proposed, parking and loading areas will be reviewed to ensure adequate space is maintained.

   a. Vehicles, materials, or the parking of trucks used in the business shall not be stored in the

parking area.

b. The owner shall maintain adequate gravel on the driveway, turnaround, and parking area to minimize dust.

2. Reflectivity: The second story window on the front (southeast) side of the house shall be a tinted thermal pane glass (e.g., grey or bronze over low e – glass less than 11% exterior visible light reflectivity rating.

3. Ground disturbance shall be minimized to the greatest extent possible. All ground disturbance resulting from development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation and the replacement of such vegetation that does not survive.

4. All existing trees on the property shall be maintained in accordance with the forest health recommendations included in the Building in the Scenic Area Scenic Resources Implementation Handbook Recommended Plant List (Attachment H) and the fire safety standards identified in Chapter 11 of the National Scenic Area Ordinance implemented by Wasco County. Any trees that provide screening from KVAs or provide a backdrop of vegetation for the proposed development, as viewed from KVAs, that die for any reason must be replaced to ensure permanent scenic resource protection. Any replacement trees shall be planted no later than the next planting season (Oct-April) after their death with trees of the same species or from the list in the landscape setting for the property.

   To ensure survival, new trees and replacement trees shall meet the following requirements:

   a. All trees shall be at least 4 feet tall at planting, well branched, and formed.

   b. Each tree shall be braced with 3 guy wires and protected from livestock and wildlife. The guy wires need to be removed after two winters.

   c. The trees must be irrigated until they are well established.

   d. Trees that die or are damaged shall be replaced with trees that meet the planting requirements above.

5. Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River. Shielding and hooding materials shall be composed of nonreflective, opaque materials.

ATTACHMENT A – CONDITIONS OF APPROVAL

SIGNED THIS 10th day of January, 2019, at The Dalles, Oregon.

Angie Brewer, Planning Director
Wasco County Planning Department

State of Oregon
County of Wasco

Signed or attested before me on January 10, 2019, by Angie Brewer, Planning Director.

Notary Public – State of Oregon

NOTE: Any new land uses or structural development such as residences; garages, workshops or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: Oregon Revised Statutes, Chapter 215, requires that if you receive this notice, it must promptly be forwarded to the purchaser.

ATTACHMENT B – TIME LIMITS & APPEAL INFORMATION

Proposed development shall not commence until the appeal period has expired, and conditions of approval are adhered to.

Section 2.240 of the Wasco County National Scenic Area Land Use and Development Ordinance, this approval shall expire: (1) when construction has not commenced within two years of the date the land use approval was granted, or (2) when the structure has not been completed within two years of the date of commencement of construction. The expiration date for the validity of a land use approval is from the date of expiration of the appeal period and not the date the decision was issued.

Please Note!

No guarantee of extension or subsequent approval either expressed or implied can be made by the Wasco County Planning Department. Please take care in implementing your proposal in a timely manner.

APPEAL PROCESS:

The decision date for this land use review is **Tuesday, January 8, 2019.** The Planning Commission decision shall be final unless an appeal from an aggrieved party is received by the Director within fifteen (15) days of the mailing date (**Thursday, January 10, 2019**) of this decision, **Friday, January 25, 2019, at 4:00 p.m.,** or unless the Board of County Commissioners on its own motion orders review within fifteen (15) days of the date of decision. A complete record of the matter is available for review upon request during regular business hours or copies can be ordered at a reasonable price at the Wasco County Planning Department. Notice of Appeal forms may also be obtained at the Wasco County Planning Department. **The filing fee for an appeal is $1,240.00. Fees are refunded if appellant prevails.**

FINDINGS OF FACT:

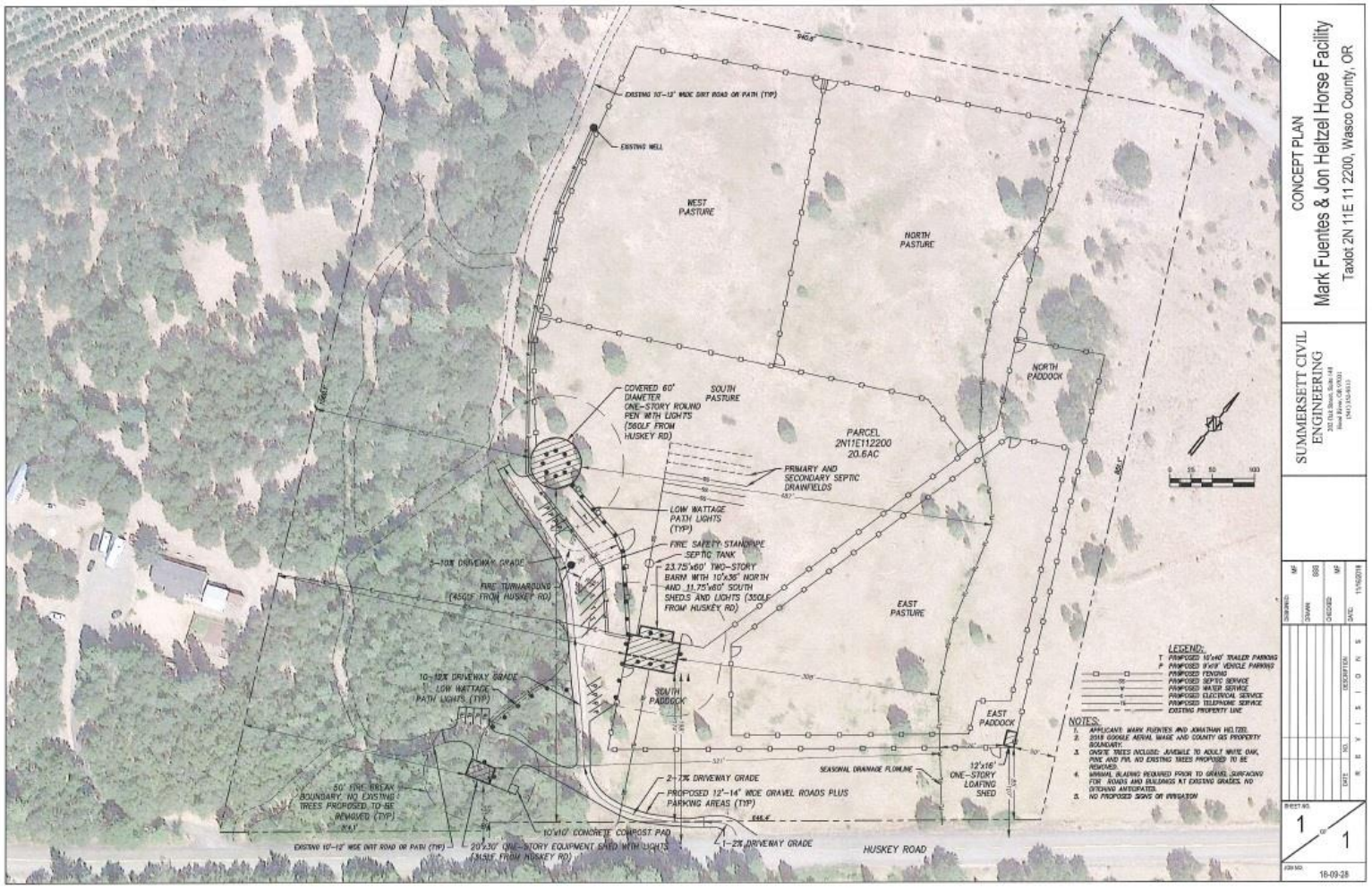
Findings of fact approving this request may be reviewed at the Wasco County Planning Department, 2705 East Second Street, The Dalles, Oregon, 97058, or are available on the Wasco County Planning Department website at
http://www.co.wasco.or.us/departments/planning/active_landuse_applications.php.
The table is sorted alphabetically by the name of the application. The information will be available until the end of the appeal period.

ATTACHMENT C – MAPS

Applicant: Jon Heltzel; Owner: Solo Properties LLC
2N 11E 11, Tax Lot 2200; Account #327

Vicinity Map

ATTACHMENT C – MAPS

Applicant: Jon Heltzel; Owner: Solo Properties LLC
2N 11E 11, Tax Lot 2200; Account #327

Site Plan