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**WASCO COUNTY PLANNING COMMISSION WORK SESSION**
**May 5, 2020**
**3:00 p.m.**
**Google Meets**
**meet.google.com/isq-jpwu-amf**
**(315) 599-0215 PIN: 393 293 859#**

**CALL TO ORDER**

**ROLL CALL:**
Members Present: Chair Chris Schanno; Vice Chair Lynne MacIntyre; Mike Davis; Vicki Ashley; Russell Hargrave; Brad DeHart; Kate Willis; Alternate LeRoy Booth; Alternate Marcus Swift

Staff Present: Planning Director Angie Brewer, Associate Planner Lisa Johnson; Senior Planner Will Smith Planning Coordinator Jensi Smith

**Chair Schanno** opened the Hearing at 3:02 p.m. He welcomed everyone and thanked them for joining.

**Director Brewer** asked for roll call.

**PUBLIC COMMENT:**
**Chair Schanno** asked for comments on non-agenda items. There were none.

**APPROVAL OF PAST MINUTES:**
February 4, 2020 Minutes were presented for approval.

**Alternate Booth** recognized as a voting member.

**Commissioner MacIntyre** motioned to approve the Minutes from February 4, 2020. **Commissioner Davis** 2nd, all in favor. Motion passed.

**The motion was approved 5 to 0; (3 Abstained – Commissioner DeHart; Commissioner Hargrave; Commissioner Ashley)**
A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Schanno – yes
Vice Chair MacIntyre – yes
Commissioner Hargrave – abstained
Commissioner DeHart – abstained
Commissioner Davis – yes

Commissioner Ashley – abstained
Commissioner Willis – yes
Alternate Booth – yes
Alternate Swift – abstained

**Chair Schanno** shared the procedure to be followed:

This meeting is being recorded and will be publically available. All participants must mute themselves unless they are speaking. Lines providing feedback while not speaking will be muted to ensure others can hear. Only you can unmute yourself, using the mic icon. If you are participating by phone, unmute yourself by dialing *6.

Participants behaving inappropriately will be promptly removed from the meeting. The Chair will specifically invite participants for public comment at the appropriate times, so please be patient and wait to be called on.

Please refrain from using the comment feature unless directed by the Chair – it will distract from the intended flow of the hearings procedure.

PLANNING COMMISSION HEARING of FILE #921-19-000175-PLNG: **Subject to Standards Review for two 40'L x 26'8"W x 12'H (1,067 SF) Accessory Farm Dwellings with a Planning Commission Variance to the front yard (north), side yard (west), and rear yard (south) setback requirements, as well as retroactive approval of 5 agricultural structures.**

**Chair Schanno** opened the Hearing in the following manner:
The public hearing is now open for the purpose of the Planning Commission's consideration of land use application file #921-19-000175-PLNG, a Subject to Standards Review requested by Dane & Stephanie Klindt for: (a) Two (2) Accessory Farm Dwellings with a Planning Commission Variance to the front yard (north), side yard (west), and rear yard (south) setback requirements; and (b) The retroactive approval of 5 agricultural structures.

The subject property is zoned A-1 (40) in the Exclusive Farm Use designation and is 30.36 acre in size. The property is located on the southwest side of Steele Road, approximately 900 feet southeast of its intersection with Threemile Road, and approximately 1 mile west of The Dalles, OR, more specifically described as Township 1 North, Range 13 East, Section 14, Tax Lot 2000.

The hearing will include the application of Wasco County Land Use and Development Ordinance Chapter 2 Development Approval Procedures; Review Criteria: Chapter 3 Basic Provisions, Chapter 6 Variances, and Chapter 10 Fire Safety Standards.

Establishing Party Status
If a person does not otherwise have party status, any time prior to the close of the hearing, the approving authority may authorize party status.

Automatic Standing is provided to the following parties:

- The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.
- All property owners of record, as provided in (a) above, within the notification area, as described in section 2.080 A.2., of the property which is the subject of the application.
- A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to O.R.S. 197.160.
- Any affected unit of local government or public district or state or federal agency.
- Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority.
- Any person who is heard by Planning Commission orally or in writing before the close of the hearing.

Procedure

- Planning Department Staff will present their report.
- Provide an opportunity for the Applicants to provide testimony.
- Members of the audience who wish to speak in favor of the proposal.
- Members of the audience who wish to speak in opposition of the proposal.
- Applicant's rebuttal.
- Close the hearing for question, deliberation, and the decision.
- The hearing is scheduled for 2 hours. We will try to conclude the hearing by 5:00pm. Testimony will be limited to 15 minutes for the applicant and 3 to 5 minutes for those in favor or against, as time allows. If possible and appropriate, we will make a decision today.

Rules of Evidence

- No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence. (If you have submitted written comments please do not restate it in oral testimony unless you have further information to add).
- Evidence received shall be of a quality that reasonable persons rely upon in the conduct of their daily affairs.
- Testimony and evidence must be directed toward the criteria applicable to the subject hearing.
- Failure to raise an issue accompanied by statements or evidence sufficient to afford the Commission and parties an opportunity to respond to the issue precludes further appeal based on that issue.
- Any party of record may request that the record remain open for at least seven (7) days prior to the conclusion of the initial evidentiary hearing.

Disclosure of Interest of Ex Parte Contact

- Does any commission member wish to disqualify themselves for any personal or financial interest in this matter? **Commissioner DeHart** noted he has been friends with the applicant for a very long time. He rescued himself. No other contact noted.
- Does any commission member wish to report any significant ex parte or pre-hearing contacts? There were none.
- Does any member of the audience wish to challenge the right of any commission member to hear this matter? There were none.
- Is there any member of the audience who wishes to question the jurisdiction of this body to act on behalf of Wasco County in this matter? There were none.

**Chair Schanno** called for the staff presentation. **Associate Planner Johnson** presented. (Attachment A)

Following the staff presentation **Chair Schanno** called for questions. **Alternate Booth** asked about the septic system. **Planner Johnson** shared information she received from the North Central Public Health District (NCPHD). They had reviewed and had no concerns, stating more could be added to the existing system or a second system could be placed alongside the existing one.

**Commissioner MacIntyre** asked if there were any conditions other than those noted in the staff report. **Planner Johnson** stated there were no additional conditions added.

**Commissioner Willis** inquired if there had been any additional comments received. **Planner Johnson** stated there were no further comments. **Director Brewer** asked to clarify that **Commissioner Willis** was inquiring about public comment. **Commissioner Willis** confirmed that was what she was referring to. **Planner Johnson** stated the only comments received were the ones included with the agenda packet.

**Chair Schanno** called for additional comments. There were none.

**Chair Schanno** asked for applicant would like to speak.

**Dane Klindt** introduced himself and shared his address. He stated he did not have anything additional to add.

**Chair Schanno** asked if there were any questions for applicant. None stated.

**Chair Schanno** asked if there were any audience members who would like to speak in favor of proposal. There were none.

**Chair Schanno** asked if there were any audience members who would like to speak in opposition of proposal. There were none.

**Chair Schanno** closed the hearing at 3:46 pm.

Deliberation:

**Chair Schanno** shared the following:

The Planning Commission may begin to deliberate the information shared on the record.

Clarifying questions may be made to staff and the applicant.
No new information may be added unless the hearing is continued and a specific request is made to staff to obtain additional information for the Planning Commission's consideration.

**Chair Schanno** asked if there were any questions for staff or applicant. None stated.

**Chair Schannon** called for a motion.

**Commissioner MacIntyre** motioned to approve with proposed conditions and findings as stated in the staff recommendation. **Commissioner Hargrave** 2nd.

**Chair Schanno** called for further discussion.

**Alternate Boo**th stated he had a question, calling out information in Chapter 6 regarding variances, a point of reference about exceptional or extraordinary. He noted the information presented that other adjacent properties can build but this property cannot is more an issue of where they decide to build – not whether they can or cannot. (46:30)

**Planner Johnson** shared more information from Chapter 6, stating one section defines exceptional or extraordinary circumstances; another defines the preservation of a property rights.

**Alternate Booth** stated that the state had come back to us, on a previous application, noting they are very restrictive on what can be considered extraordinary circumstances.

(48:10) **Chair Schanno** stated this is an accessory agriculture building. These have a lot of different rules. This is different than putting a house on a regular piece of property.

**Chair Schanno** asked for other discussion to the motion. There were none.

**Chair Schanno** called for the vote. **Alternate Booth** recognized as a voting member.

**The motion was approved 5 to 0; (3 Absent – Commissioner DeHart; Commissioner Hargrave; Commissioner Ashley)**
A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:

Chair Schanno – yes
Vice Chair MacIntyre – yes
Commissioner Hargrave – yes
Commissioner DeHart – recused
Commissioner Davis – yes
Commissioner Ashley – yes
Commissioner Willis – yes
Alternate Booth – yes
Alternate Swift – NA

**Chair Schanno** stated the motion passed. The request has been approved with the conditions and findings as presented by staff.

**Chair Schanno** asked for a motion to close the hearing.

**Commissioner MacIntyre** motioned to adjourn. **Alternate Booth** 2nd.

A listing of the vote, as required by Oregon Revised Statute 192.650.c. is as follows:
**Vice Chair MacIntyre** motioned to adjourn. **Commissioner Ashley** 2nd. All in favor.

Chair Schanno – yes
Vice Chair MacIntyre – yes
Commissioner Hargrave – yes
Commissioner DeHart – yes
Commissioner Davis – yes
Commissioner Ashley – yes
Commissioner Willis - yes
Alternate Booth – NA
Alternate Swift - NA

Motion to adjourn passed.

**Chair Schanno** adjourned Hearing at 3:54 pm.

for

Chris Schanno, Chair
Wasco County Planning Commission

Angie Brewer, Director
Wasco County Planning & Development

ATTACHMENT A

Planning Department

# Planning Commission Public Hearing

## Application #: 921-19-000175-PLNG

## KLINDT

## May 5, 2020

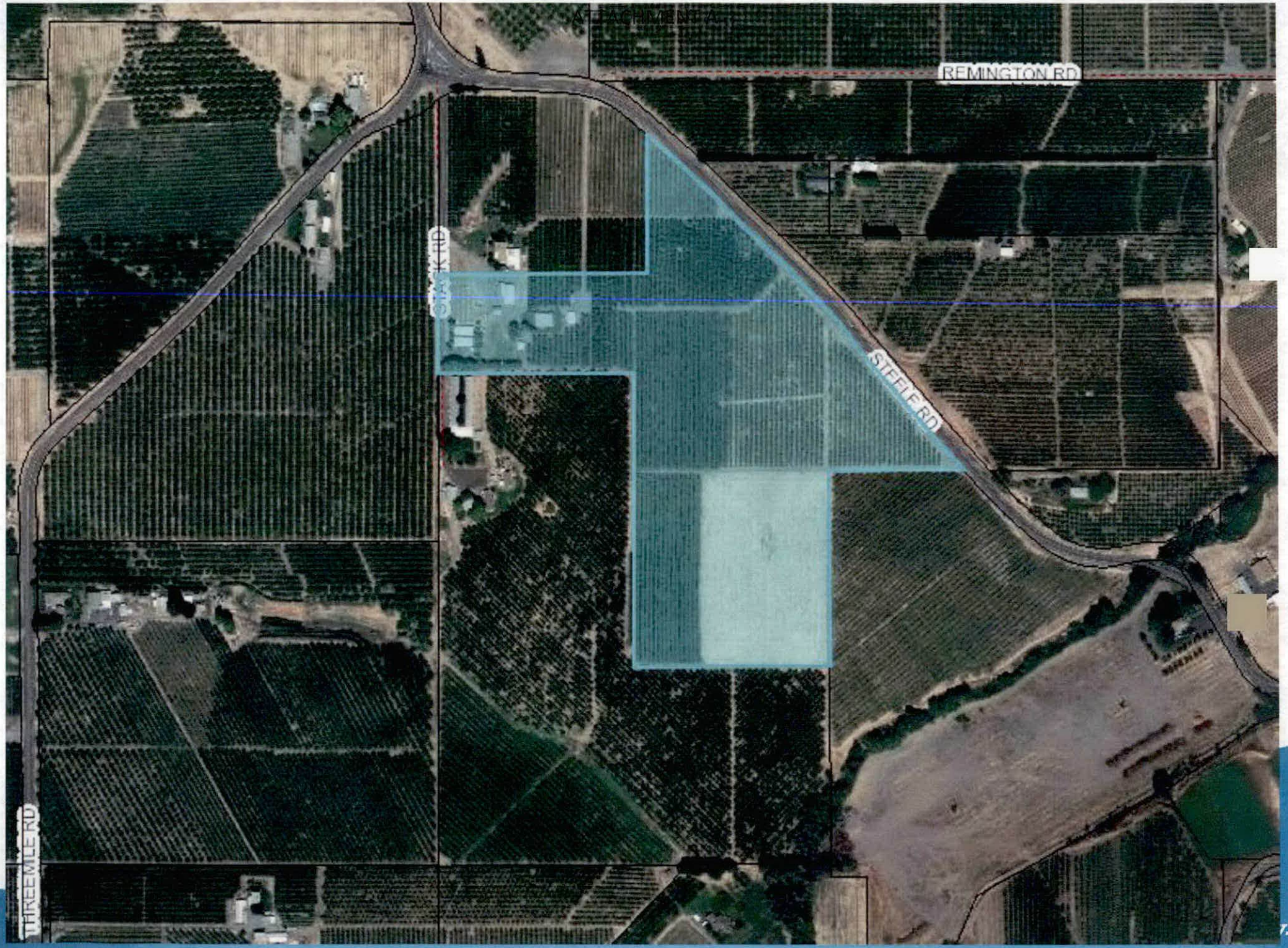
# Request

(1) Subject to Standards Review for two 1,067 square foot (SF), 40'L x 26'8"W x 12'H (1,067 SF) Accessory Farm Dwellings

(2) Planning Commission Variance to the front yard (north), side yard (west), and rear yard (south) setback requirements

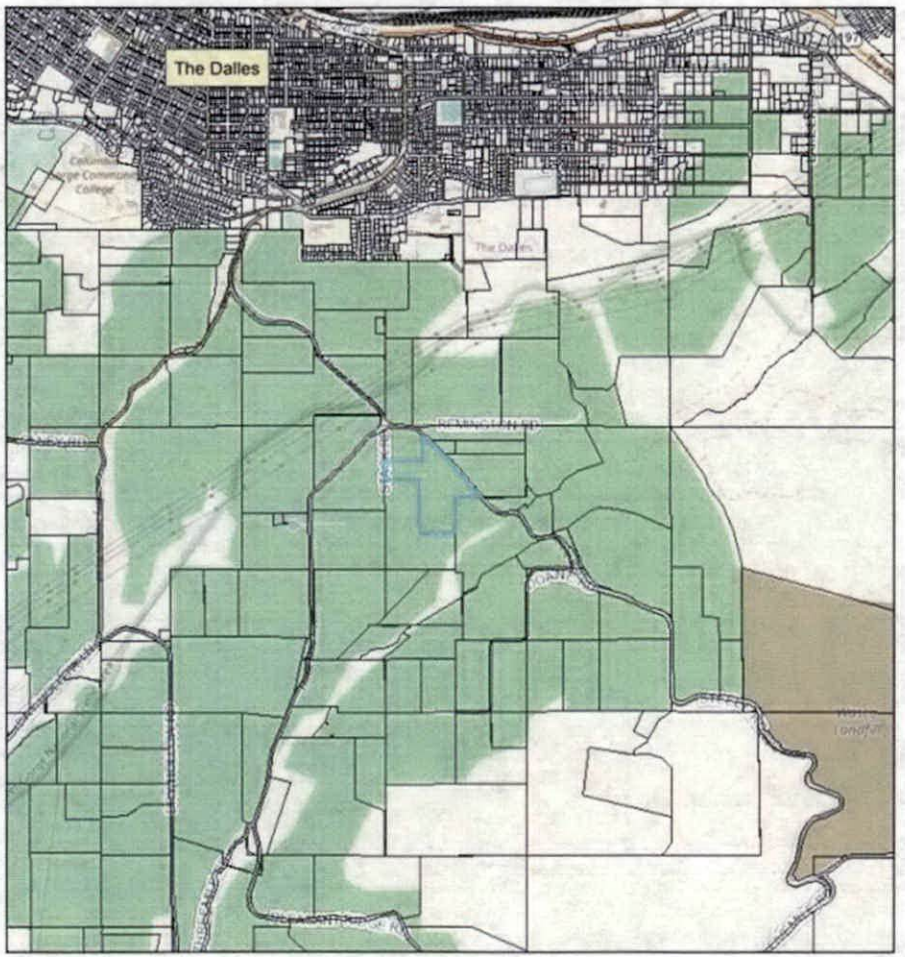
(3) Retroactive approval of five agricultural structures

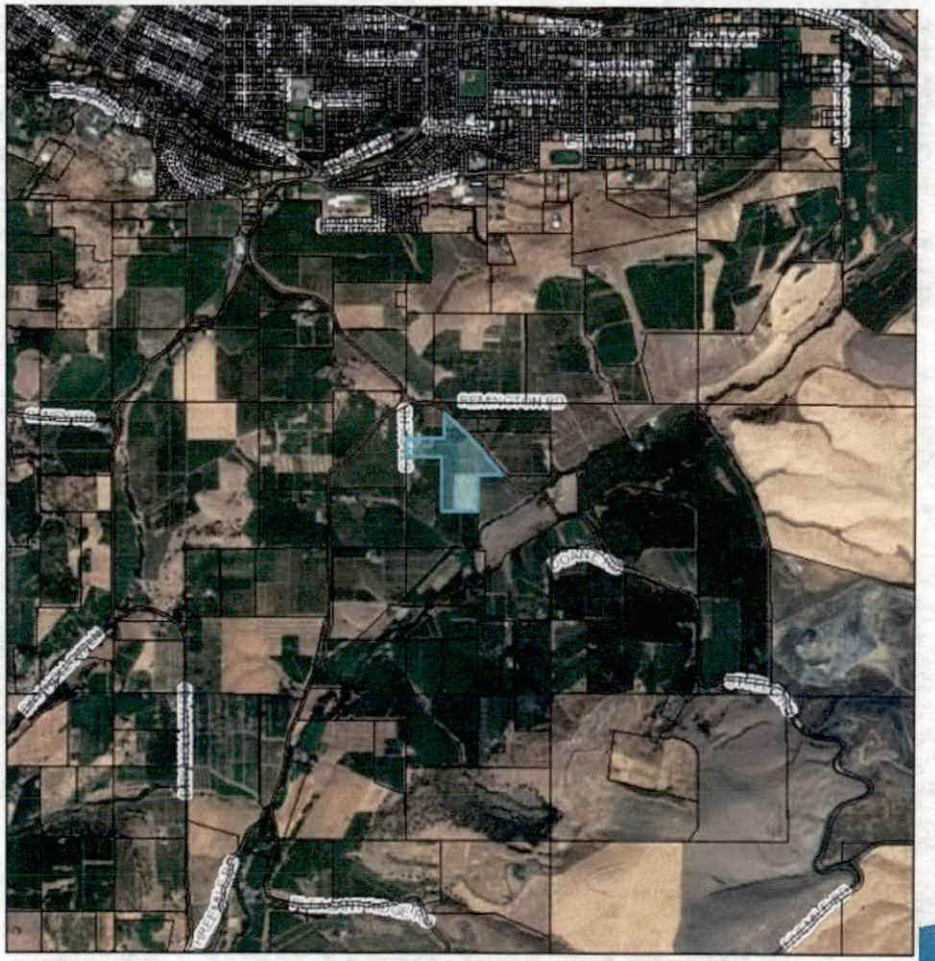
- Applicant/Property Owners: Dane & Stephanie Klindt
- Location: Southwest side of Steele Road and southeast side of Threemile Road where they intersect


ATTACHMENT A
REMINGTON RD
STEELE RD
THREE MILE RD

ATTACHMENT A

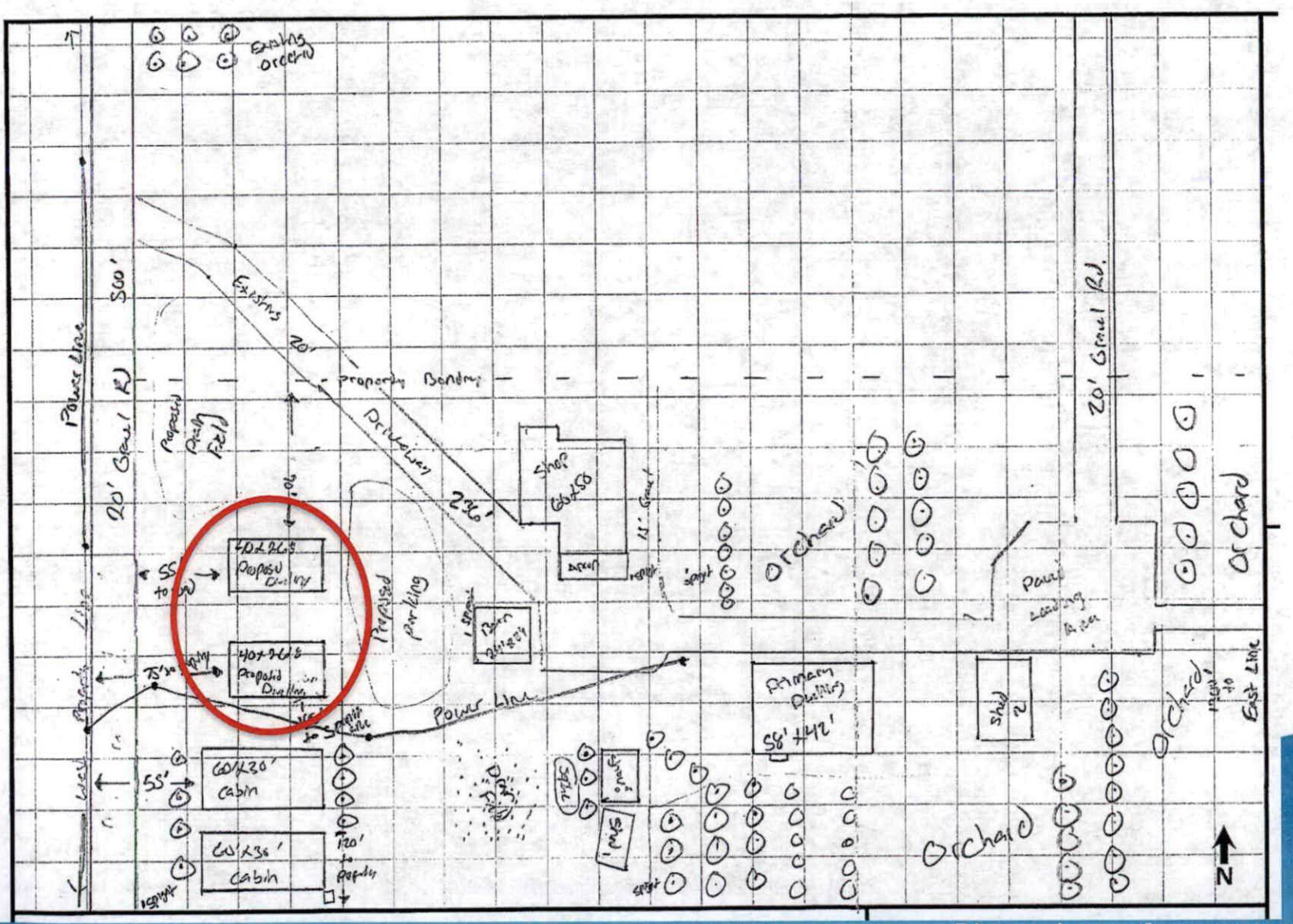
# Vicinity Maps



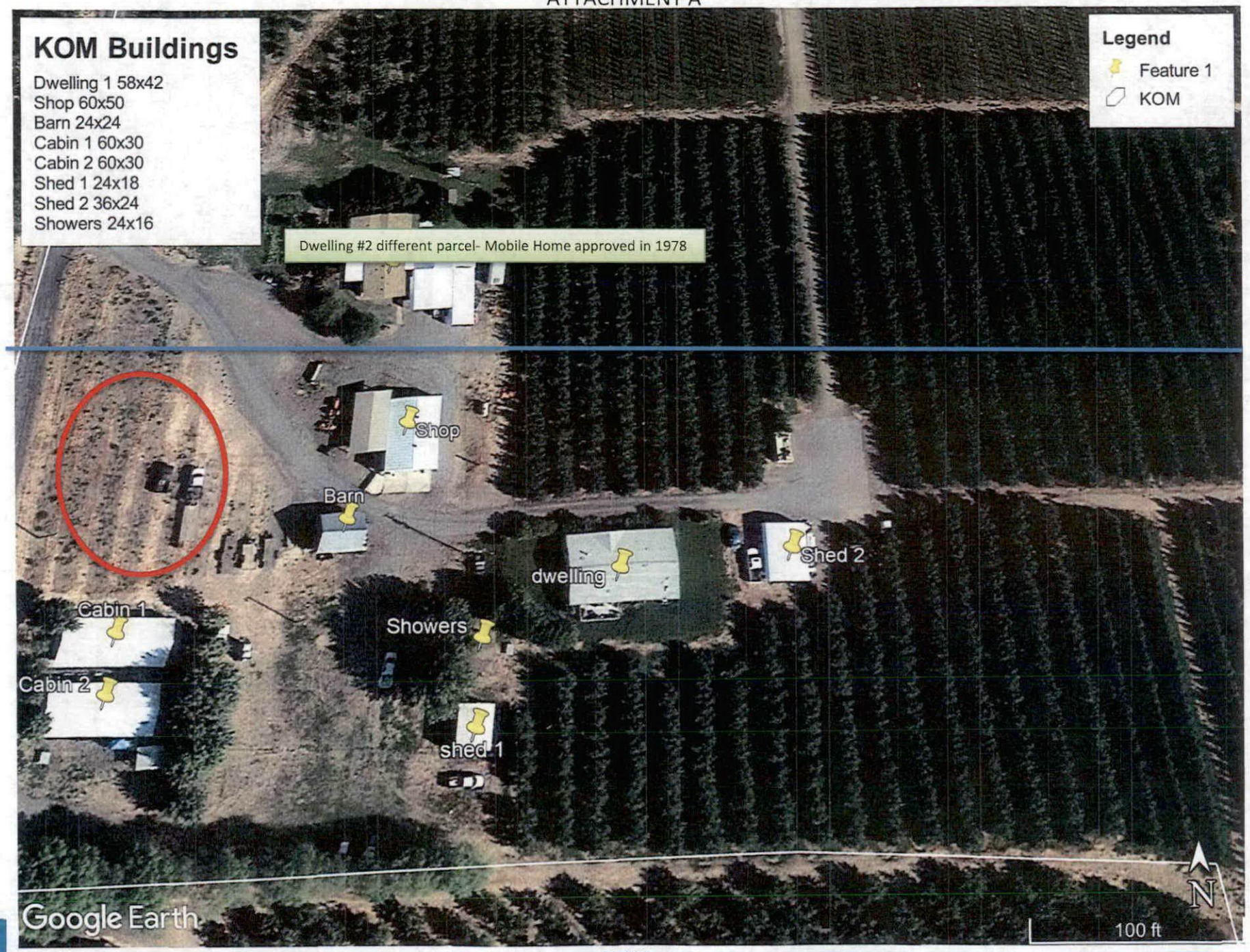



ATTACHMENT A

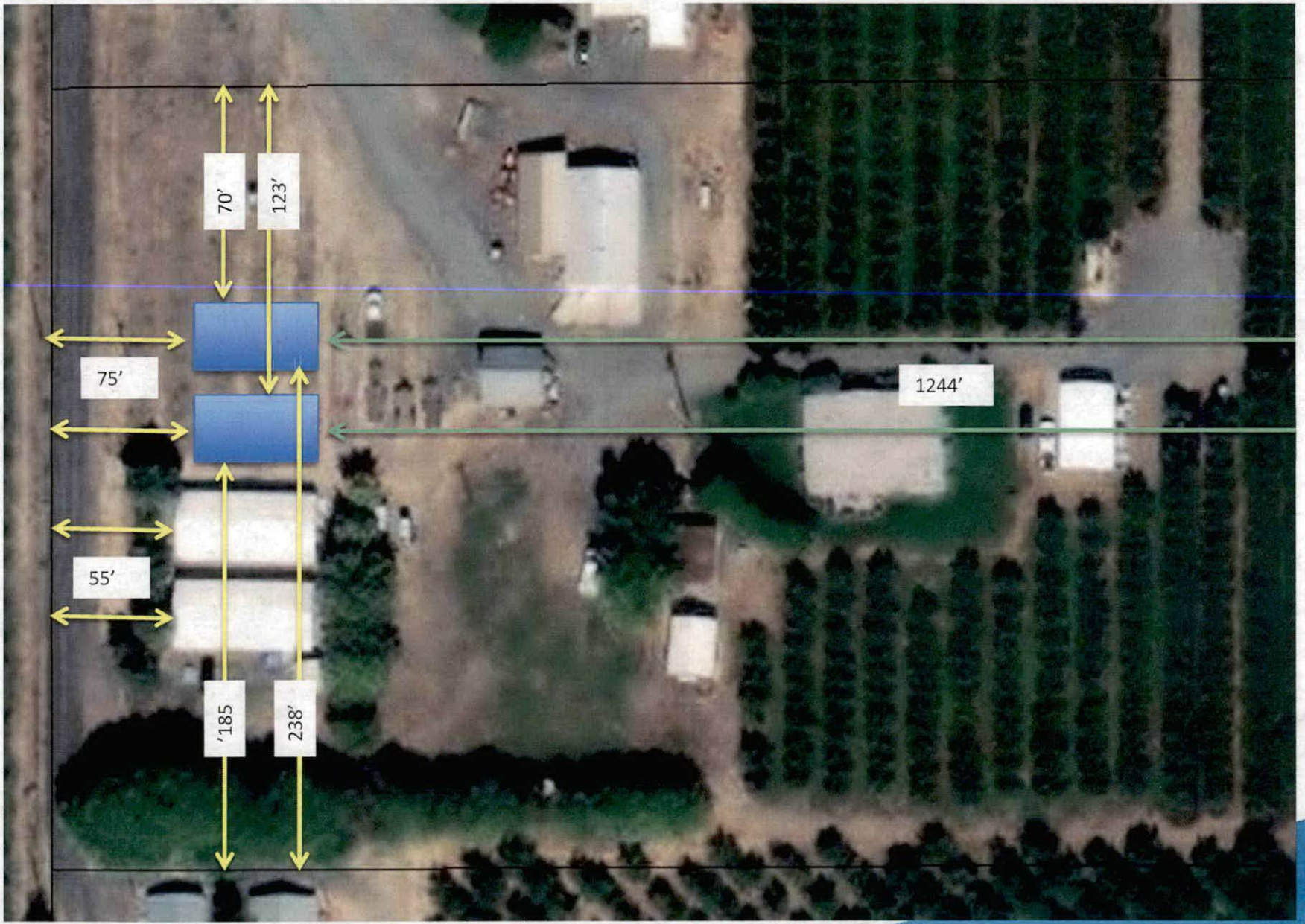
# Site Plan



ATTACHMENT A



ATTACHMENT A



KOM
50 acres total
33 acres cherries
11 acres pears
Legend
KOM
Pears
Pears
Pears
Pears
Cherries
Google Earth
© 2018
900 ft
N

ATTACHMENT A

# WC LUDO Criteria for Decision

**A. Chapter 3 – BASIC PROVISIONS**

**Section 3.210 – Exclusive Farm Use (A-1) Zone**

| | |
|---|---|
| Section 3.213.A | (Uses Permitted Subject to Type I Review- Agricultural Structure) |
| Section 3.214.G | (Uses Permitted Subject to Standards- Accessory Farm Dwellings) |
| Section 3.216 | (Property Development Standards) |
| Section 3.218 | (Agricultural Protection) |
| Section 3.219.B | (Accessory Farm Dwelling) |

**B. Chapter 6 – Variances**

| | |
|---|---|
| Section 6.020 | (Criteria for Decision) |

**C. 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) |

# LUDO Criteria continued…

***Section 3.210 – Exclusive Farm Use (A-1) Zone***

*Type I Review*

# LUDO Criteria continued...

***Section 3.214 - Uses Permitted Subject to Standards/Type II Review***

*G. Accessory Farm Dwelling(s): ....*

***Section 3.216 - Property Development Standards***

*A. Setbacks*

*1. Property Line*

*a. All dwellings (farm and non-farm) and accessory structures not in conjunction with farm use, shall comply with the following property line setback requirements:*

*(1) If adjacent land is being used for perennial or annual crops, the setback shall be a minimum of 200 feet from the property line.*

*(***)*

*b. Farm structures shall be set back a minimum of 25 feet from the property line.*

ATTACHMENT A

# Setback Distances Proposed

| Required Setback | Shop | Barn | Showers | Shed 1 | Shed 2 | Complies? |
|---|---|---|---|---|---|---|
| North (Front) – 25' | 35' | 111' | 188' | 230' | 129' | Yes |
| South (Rear) – 25' | 25 | 19 | 12 | 8 | 16 | Yes |
| East (Side) – 25' | 1 0' | 1 0' | 1 1' | 1 16' | 7' | Yes |
| West (Side) – 25' | 199' | 85' | 265' | 262' | 432' | Yes |

| Required Setback | Proposed Distance Southernmost New Dwelling | Proposed Distance Northernmost New Dwelling | Complies? |
|---|---|---|---|
| North (Front) – 200' | 123' | 70' | No-Variance Requested |
| South (Rear) – 200' | 185' | 238' | No-Variance Requested |
| East (Side) – 200' | 1244' | 1244' | Yes, complies |
| West (Side) – 200' | 75' | 75' | o-Variance Requested |

=VARIANCE

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# LUDO Criteria continued…

**Chapter 6 – Variances**

*Exceptional or extraordinary circumstances*

*Preservation of a property right*

*Conformity with LUDO and Comp Plan*

*Minimum required*

*Self created hardship*

**Chapter 10 – Fire Safety**

ATTACHMENT A

# Process Summary

- Wasco County Process
  - Application received, 30 days to deem complete
  - Letter of incompleteness sent
  - Once deemed complete, Notice of Public Hearing sent out to affected agencies and neighboring properties within 750' of subject parcel

# Comments

**Denise Harrison & Matt Rowlen, Neighbors**

- Concerns regarding parking, road and safety issues. Requested a more robust traffic safety plan regarding parking, speed limits and enforcement.

ATTACHMENT A

# Key Questions

1) Does the proposal meet the definition for "Accessory Farm Dwelling" ?

2) Given the subject farm's necessities for planting, harvesting, and processing, are four accessory farm dwellings required?

3) Given existing development and agricultural land, is there another siting location possibility?

4) Does the variance preserve a property right that would otherwise not be possible?

5) Is the variance requested the minimum required to alleviate the difficulty?

# Staff Recommendation

**Staff Recommends:**

Approval of the application for two new accessory farm dwellings and five existing agricultural structures, subject to the conditions and findings contained in the Staff Report dated May 5, 2020.