

# ATTACHMENT D – STAFF REPORT

**File Number:** 921-18-000132-PLNG

**Applicant:** Jerry & Marguerite Brown

**Owner:** Leonard Angermund

**Requests:** Conditional Use Permit to approve a 24’6”W x 48”L x 14’H (1,176 square feet (SF)) single family dwelling not in conjunction with a farm use, and a 12’W x 20’L x 8’H (240 SF) accessory structure.

**Decision:** Approved, with **Conditions**

**Decision Date:** September 13, 2018

**Appeal Deadline:** September 25, 2018

**Location:** The subject property is located north of Dry Creek Road, 0.2 miles west of the intersection of Dry Creek Road and Pine Oak Road, approximately 3.1 miles southeast of Mosier, Oregon; more accurately described as:

<u>Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
2N 12E 20 4100	617	9.58

**Zoning:** F-F (10) Forest-Farm Zone (Non-Resource)

**Environmental Protection Districts:** EPD-8 Sensitive Wildlife Habitat Overlay, Impacted Low Elevation in the Transition Lands Study Area (TLSA)

**Past Actions:** PLALPD-18-01-0001                      Legal Parcel Determination

**Procedure Type:** Administrative Decision

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

## I. APPLICABLE STANDARDS - Wasco County Land Use & Development Ordinance (WCLUDO)

### Wasco County Land Use and Development Ordinance

#### A. Chapter 2 – Development Approval Procedures

Section 2.060.A.1.	(Conditional Use Review)
Section 2.080	(Notice)

#### B. Chapter 3 – Basic Provisions

- Section 3.220** (Forest-Farm (F-F(10) Zone (Non-Resource))  
Section 3.223.A (Uses Permitted Subject to Type I Review, Accessory Structures)  
Section 3.225.A (Uses Permitted Subject to Conditional Use Review/Type II or Type III, Single Family Dwelling not provided in conjunction with forest or farm use)  
Section 3.226 (Property Development Standards)
- Section 3.920** (Sensitive Wildlife Habitat Overlay (EPD-8))  
Section 3.923 (Exempt Areas)

#### C. Chapter 5 – Conditional Use Permit

Section 5.020	(Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used)
Section 5.030	(Conditions)
Section 5.040	(Revocation of Conditional Use Permit)

#### D. 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)
Section 10.140	(Access Standards - Providing Safe Access to and Escape From Your Home)
Section 10.150	(Fire Protection or On-site Water Required)

#### E. Chapter 20 – Site Plan Review

Section 20.030	(Contents of the Site Plan)
Section 20.040	(Approval Standards)
Section 20.050	(Off Street Parking)

## II. BACKGROUND

- Legal Parcel:** Based on Wasco County ordinance definitions in 1983 for a Lot of Record, and interpretation of ORS 92.010(9)(d), many properties in Wasco County were segregated (partitioned) based on a road dissection of the property. A change to this policy and state law occurred in 1989 and 1992 where divisions only using roadways are were no longer allowed.

Prior to December 31, 1989, any property which was dissected by a road (i.e., any road named by Wasco County) had the right to be divided along the road, regardless of minimum lot size. Only those property owners who acted by filing a new deed and legal description for the subject properties with the Wasco County Clerk, have segregated parcels. A change occurred to this interpretation in 1990.

A deed was filed for the subject property and granted on July 5<sup>th</sup>, 1983 by Karl and Ruth Johnson to Bill Combs Jr, deed number 1983 - 001531. The legal description is listed separately amongst others as

*That portion of Lot 10 lying Easterly of Dry Creek County Road*

Staff finds that since a deed was filed prior to December 31<sup>st</sup>, 1989, and a deed with legal description for the subject property was filed with the Wasco County Clerk, Tax Lot 4100 is a separate and distinct legal parcel. See PLALPD-17-08-0001, on file with the Wasco County Planning Department.

- B. Site Description:** The subject property is located north of Dry Creek Road, 0.2 miles west of the intersection of Dry Creek Road and Pine Oak Road, approximately 3.1 miles southeast of Mosier, Oregon. The property is located on a hill which slopes down drastically towards Dry Creek Road to the south and west. Land to the north has a slight slope downhill, and land to the east is flat running into the adjacent property that slopes uphill. The development is proposed at the top of this hill in the center of the subject property. Slopes on the south portion of the property are approximately 50%, with a south facing aspect. Slopes on the west portion of the property are approximately 36%, with a west facing aspect. Slopes on the north portion of the property have a west facing aspect and contain slopes of approximately 29%. The top of the hill, which is at the center of the property, contains slopes approximately 9%, with the slope running uphill into the property to the east. The development will be located within this area of lower slopes. The property is mostly composed of grasses, with a small portion containing scrub oak trees at the center of the property. There is no existing development on the property, but work has been done in the past to construct a driveway and level a home site. The existing driveway feeds onto Pine Oak Road which is a privately maintained road.
- C. Surrounding Land Use:** Properties to the north are zoned F-F(10), contain similar west facing aspects with slopes of 29%, and are composed of mainly grasses and scattered scrub oak trees. These lots contain approximately 10 acres. Property to the east is zoned F-F(10), with lower slopes of 9%-15%, and contain grasses with a larger number of deciduous and coniferous tree species. These properties contain approximately 10 acres. Lands to the west are zoned F-2(80), with similar west aspect slopes containing 30%-40% slopes, comprised of grasses and scattered scrub oak trees. The lot sizes are approximately 10 acres. Lands to the south are also zoned F-2(80), with a large number of coniferous and deciduous trees. A valley runs down the middle of this property in an east to west direction, and contains slopes of approximately 5%-60%. The property is approximately 106 acres. Residential development is located on surrounding properties to the east and north, with exception the north lot. Properties to the west and south do not contain any development. No farm or forest uses are identified in the area.

**COMMENTS:** Surrounding property owners and interested agencies were provided notice of this request on August 30, 2018, and given 12 calendar days to submit comments. Staff received the following comments:

(August 30, 2018) Kristin Dodd, Unit Forester Central Oregon District – The Dalles Unit, Oregon Department of Forestry

A letter was received from Kristin Dodd stating the importance of approving the development in accordance with the fire safety standards required by the county. Wildfire continues to be a natural occurrence within the wildland fire urban interface setting, and urban development within this setting has the capability of being an ignition source. Emphasis was put upon the importance of fire fuel breaks, siting the structure away from the top of 40% or greater slopes, road standards, and Power Driven Machinery Permits if construction takes place during spring or summer months. The letter is on file with the Wasco County Planning Department, Application 921-18-000132-PLNG.

Staff Response: Kristin Dodd’s comments are addressed in Section 5.020 - Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used, Criterion C.

(September 5, 2018) Arthur Smith, Director, Wasco County Public Works Department

“I have no concerns. This use will not have a significant impact on the county road system. Please make sure that these fine people understand that Pine Oak Road is NOT a county road and that road will receive no maintenance, snow plowing, etc. from the county road crews.”

Staff Response: Staff concludes that there will be no effects to the county road system, and the comment received from Arthur Smith was forwarded to the applicant for their knowledge.

(September 7, 2018) Scott Williams, Chief Deputy, Wasco County Sheriff’s Office

In response to the development, Scott Williams stated, “No real reason to have any heart with it”.

Staff Response: Staff concludes that the development will have no effect on local law enforcement in the area, and the criteria is address in the Conditional Use Review Criteria further on in this report.

### **III. FINDINGS – Based on Wasco County Land Use & Development Ordinance**

#### **A. CHAPTER 2 – Development Approval Procedures**

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##### **Section 2.060 – Application/Completeness**

- A. *The Director shall have the authority to review the following applications for Administrative Action, and shall follow the procedure provided by this Ordinance to accomplish such review. Matters required by this Ordinance that are not subject to other provisions of this Ordinance include, but are not limited to:*

1. *Conditional Use Review (Chapter 5)*

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**FINDING:** The request is consistent with 2.060.A.1. The owner has applied for a Conditional Use Permit as required by Section 2.060.A.1. Applicable standards are addressed throughout this report. The proposed dwelling is being reviewed by the Director as an Administrative Action in accordance with the Basic Provisions of Chapter 3, Conditional Use Review standards in Chapter 5, and Fire Safety Standards

in Chapter 10. The applicable ordinance provisions and required findings are outlined in this report. To help ensure ordinance provisions are adhered to, a **condition** of approval is included in the Notice of Decision that requires current and future property owners to comply with the application as reviewed and approved by the staff report which is available at the Wasco County Planning Department. This report details the restrictions on aspects of the approved development including but not limited to location, dimensions and use. This decision does not constitute tacit approval for any other development or use.

**Section 2.080 – Notice**

*Citizen and Agency Involvement - The County shall provide opportunities for public and agency input in the planning process. [Refer to Wasco County Land Use & Development Ordinance for full passage].*

**FINDING:** Public notice of the application was given on August 30, 2018, as specified by Section 2.080 of the Wasco County Land Use & Development Ordinance. Upon issuance of a decision, notice will again be given, and a twelve day appeal period provided.

**B. CHAPTER 3 – Basic Provisions**

**1. Section 3.220 – Forest-Farm (F-F 10) Zone (Non-Resource)**

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**Section 3.223 - Uses Permitted Subject to Type I Review**

*The following uses are permitted on a legal parcel on lands designated Forest-Farm (F-F 10) Zone subject to Section 3.226 - Property Development Standards, Chapter 10 - Fire Safety Standards, as well as any other listed, referenced or applicable standards. (Amended 4/12)*

*This review involves an evaluation by planning department staff but only requires formal zoning approval if the use is required to be reviewed by building codes. If the use does not require formal zoning approval but is requested by the applicant for future documentation, the applicant will be charged the appropriate Type I review fee.*

- A. *Buildings and structures accessory to a lawfully established use. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.*

**FINDING:** The request is for a 24'6"W x 48'L x 14'H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12'W x 20'L x 8'H (240 SF) accessory structure. The subject parcel was legally created as described above in the legal parcel portion of this report. The applicant has proposed a 240 SF accessory structure, therefore it will be subject to the applicable criteria. Section 3.226 - Property Development Standards and Chapter 10 - Fire Safety Standards are addressed further on in this report. Staff finds that the use and request comply with Criterion A.

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**Section 3.225 - Uses Permitted Subject to Conditional Use Review/Type II or Type III.**

*The following uses may be permitted on a legal parcel on lands designated Forest-Farm (F-F 10) Zone subject to Section 3.226 - Property Development Standards, Chapter 5 - Conditional*

*Use Review, Chapter 10 - Fire Safety Standards Chapter 20 - Site Plan Review only if the request includes off street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards.*

*Residential Uses*

- A. *A single-family dwelling, including mobile home, not provided in conjunction with a forest or farm use.*

**FINDING:** The request is for a 24’6”W x 48”L x 14’H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12’W x 20’L x 8’H (240 SF) accessory structure. Section 3.226 - Property Development Standards, Chapter 5 - Conditional Use Review, and Chapter 10 - Fire Safety Standards are addressed further on in this report. The subject parcel was legally created as described above in the legal parcel section of this report. Staff finds the request complies with Criterion A.

**Section 3.226 – Property Development Standards**

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- B. *Lot Coverage - No more than ten percent (10%) of any lot or parcel may be occupied by non-farm or forest dwellings and their accessory buildings allowed by this section.*

**FINDING:** The request is for a 24’6”W x 48”L x 14’H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12’W x 20’L x 8’H (240 SF) accessory structure. The square footage of the proposed dwelling and accessory structure combined will be 1,416 SF. The parcel is 9.58 acres, or 417,305 SF. The total proposed development would then occupy 0.003% of the subject parcel, less than the 10% maximum allowed. Staff finds the request complies with criterion B.

- C. *Setbacks - No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road (front yard), twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.*

**FINDING:** The applicant proposes the following setbacks:

**Dwelling & Accessory Structure**

<b>SETBACKS</b>	<b>Required</b>	<b>Proposed</b>	<b>Meets?</b>
Front (East)	25'	405'	Yes
Rear (West)	40'	220'	Yes
Side (North)	25'	295'	Yes
Side (South)	25'	250'	Yes

Staff finds that the proposed setbacks exceed the minimum requirements of the F-F (10) zone, and the request complies with Criterion C.

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

**FINDING:** The request is for a 24'6"W x 48"L x 14'H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12'W x 20'L x 8'H (240 SF) accessory structure. The subject property is a corner lot, requiring 30 feet of vision clearance. The corner of the property subject to the criteria is the southwest corner, and the proposed development will be located approximately 225 feet away from the southwest corner. Staff finds the request complies with Criterion D.

*E. Height - Maximum height for all structures shall be thirty-five (35) feet.*

**FINDING:** The request is for a 24'6"W x 48"L x 14'H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12'W x 20'L x 8'H (240 SF) accessory structure. As proposed, both the dwelling and accessory structure will be less than the maximum 35' height limitation. Staff finds that this proposal complies with criterion E.

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*H. 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 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 the right-of-way of a public road.*

**FINDING:** The request is for a 24'6"W x 48"L x 14'H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12'W x 20'L x 8'H (240 SF) accessory structure. No signs are proposed for the development. Staff finds that criterion H is not applicable.

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

**FINDING:** The request is for a 24'6"W x 48"L x 14'H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12'W x 20'L x 8'H (240 SF) accessory structure. Chapter 20 – Site Plan Review criteria in relation to parking states that one parking space shall be provided per dwelling unit. A **condition** of approval is included in the Notice of Decision stating that in accordance with Chapter 20 – Site Plan Review standards for parking, at least one parking space shall be provided for the dwelling. With the condition of approval, staff finds the request complies with Criterion I

*J. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.*

**FINDING:** The site plan does not identify any outside lighting; however, the owner needs to be aware of the Wasco County Planning Departments outdoor lighting standards. A **condition** of approval is included requiring all exterior lighting to be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties and roadways. The exterior of shielding and hooding materials shall be composed of nonreflective, opaque materials. With this condition, staff finds that the request complies with Criterion J.

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

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

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

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**Section 3.923 – Exempt Areas**

*The following areas are exempt from these provisions:*

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

**FINDING:** The proposed development is located within Environmental Protection District 8 – Sensitive Wildlife Habitat. GIS inventories also indicate the site is located in the Impacted Low Elevation designation, and within the Transitional Land Study Area (TLSA), satisfying the exemption criteria. Staff finds that Section 3.920 does not apply.

**C. CHAPTER 5 - Conditional Use Review**

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**Section 5.020 - Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used**

*Conditional uses listed in this Ordinance shall be permitted, enlarged or otherwise altered or denied upon authorization by Administrative Action in accordance with the procedures set forth in Chapter 2 of this Ordinance. In judging whether or not a conditional use proposal shall be approved or denied, the Administrative Authority shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.*

- A. *The proposal is consistent with the goals and objectives of the Comprehensive Plan and implementing Ordinances of the County.*

**FINDING:** Goal # 4 (Forest Lands) of the Wasco County Comprehensive Plan states the purpose of Forest Designated lands is to “conserve forest lands for forest uses”. The subject parcel is within the Farm-Forest F-F (10) zone. On October 11, 1995, the Oregon Department of Land Conservation and Development (DLCD) notified the Wasco County Planning Department that they had no objections to the Periodic Review Work Task #3 which gave the F-F (10) Forest Farm zoned lands in Wasco County a non-resource designation. The rationale for giving this zone a non-resource designation is indicated on page 4 of the DLCD letter. It states “because the lands were given a 10 acre minimum parcel size (division standard) in 1983, and are 80% parcelized where topography permits access, and 95% built out, even though the Forest Site Class VI may indicate some forest suitability, this is precluded by the existing committed rural residential nature of the area. The rural residential development has avoided conflict with the surrounding forest lands largely because it is within a Rural Fire Protection District, and receives necessary service to support the commensurate level of development prescribed by F-F (10), 10 acre minimum lot size”.

Based on the DLCD response, staff concludes that the use of the parcel for a non-resource residence is consistent with Goal #4. Consistency with the provisions of Wasco County’s Land Use Development Ordinance is addressed throughout this report. Staff finds that the request is consistent with Criterion A.

*B. Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses.*

**FINDING:** The subject parcel is located approximately 0.20 miles northwest of the intersection of Dry Creek Road and Pine Oak Road, and 3.2 miles southeast of Mosier. The subject parcel and adjacent properties to the north and east are zoned Forest-Farm F-F(10), with a 10 acre minimum according to Wasco County LUDO Section 3.226, Property Development Standards. Land to the south and west are zoned F-2(80), Forest Zone. The F-F zone is intended to serve as a buffer between residential and resource uses. Properties in the F-F(10) zone can be developed for residential use through a Conditional Use Permit, provided they do not interfere with uses permitted outright such as farm and forest uses, like those on A-1 Exclusive Farm Use properties further west. However, there is a sufficient buffer between those zones, and the use will not interfere with current practices. All surrounding properties that are zoned F-F(10) contain residential development, with the exception of the northern lot which is not developed.

In considering size, design, and operational characteristics criteria, staff interprets the ordinance to place emphasis on the nature of the use, more than on the particular architectural characteristics of a proposed structure. In this instance, the request is for a 24’6”W x 48’L x 14’H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12’W x 20’L x 8’H (240 SF) accessory structure. The proposed buildings will be consistent in size and design with other structures in the surrounding area since there are several small single family dwellings in the area, ranging in size from 1575 square feet to 2750 square feet with detached accessory structures. The proposed use is a single family dwelling so the operational characteristics such as trips to and from the site every day, are similar to surrounding properties, which have similar uses. Staff finds that the proposed dwelling will not adversely affect surrounding properties and that the request is consistent with Criterion B.

*C. The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical service, or solid waste disposal facilities.*

**FINDING:** The request is for a 24'6"W x 48'L x 14'H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12'W x 20'L x 8'H (240 SF) accessory structure. The proposed dwelling and accessory structure would be served by Dry Creek Road to Pine Oak Road. Roads are addressed in Section 10.140 below. The subject parcel is located within the boundaries of Mosier Fire District, which provides structural fire protection, and the Oregon Department of Forestry for wildland fire protection. Chapter 10 – Fire Safety Standards are addressed in the Chapter 10 section of this report. On August 30, 2018, Kristin Dodd, Unit Forester for The Dalles Unit with the Oregon Department of Forestry commented on the development. In her letter, she expressed the importance that the development adheres to the Fire Safety Standards required by the Wasco County Planning Department. In particular, Dodd focused on the importance of fire fuel breaks, siting the structure away from the top of 40% or greater slopes, road standards, and Power Driven Machinery Permits if construction takes place during spring or summer months.

A **condition** of approval is included in the Notice of Decision stating that defensible space shall be maintained around the structures year round. All brush and grass shall be maintained, and trees within the 50 foot fire fuel break shall limbed up to reduce ladder fuels.

A **condition** of approval is also included in the Notice of Decision stating that all development shall be set back at least 30 feet from the top of any 30% or greater slopes.

A **condition** of approval is also included in the Notice of Decision stating that a turnaround shall be provided along the driveway in accordance with chapter 10 – Fire Safety Standards to ensure proper access for emergency responders. The turnaround shall be at least 70 feet deep by 20 feet wide. Alternative options shall be approved prior to development by the Wasco County Planning Department. The driveway will be composed of ¾ minus rock, at least 12 feet wide, with a 10 foot fire fuel break extending 10 feet out on either side from the centerline of the driveway.

A **condition** of approval is also included in the Notice of Decision stating that if the applicant plans to construct the proposed dwelling and accessory structure during the spring and summer months, the applicant shall receive a Permit to Operate Power Driven Machinery (PDM), from the Oregon Department of Forestry.

This area of the County is patrolled by the Wasco County Sheriff's Office. On September 5, 2018. Staff emailed Scott Williams, Chief Deputy with the Wasco County Sheriffs Office. In a response dated September 7, 2018, Williams stated in regard to the development that there "no real reason to have any heart ache with it". Staff concludes that the residential development in this location will not significantly burden the Wasco County Sheriff's Office.

The applicant states that there is an existing well system. There is currently no septic system in place, but an evaluation was completed for the property on August 28, 1987 by the Oregon Department of Environmental Quality. A **condition** of approval is included in the Notice of Decision stating that the applicant shall receive sanitation approval through North Central Public Health, prior to zoning approval for building codes.

Telephone service is provided by various cellular telephone companies, however the applicant has proposed relying exclusively on wireless telephone service, which is available in this area. Electrical service is available to the subject parcel by Wasco Electric Cooperative, which has the capacity to serve. Waste disposal in this area is served by The Dalles Disposal, with recycling available at their The Dalles location.

Staff finds that one additional single family dwelling in this area will not significantly burden public facilities and services and with the conditions of approval, the request complies with Criterion C.

*D. The proposed use will not unduly impair traffic flow or safety in the area.*

**FINDING:** The owner accesses Dry Creek Road through Pine Oak Road with a private driveway that is already in place. The proposed development is a single family dwelling and accessory structure, planned to serve 1-2 people with the expected use of the road to be one to two trips per day. In an email dated September 5, 2018, Arthur Smith, Wasco County Public Works Director stated that he has no concerns with the new development. He also stated to ensure that the applicant knew Pine Oak Road is not a county road, and will receive no maintenance, snow plowing, etc., from the county road crews. There will be no change in the impact on traffic from what occurs currently. Staff finds that this proposal complies with Criterion D.

*E. The effects of noise, dust and odor will be minimized during all phases of development and operation for the protection of adjoining properties.*

**FINDING:** The request is for a 24'6"W x 48'L x 14'H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12'W x 20'L x 8'H (240 SF) accessory structure. A building site has already been cleared for residential development. However, the applicant has stated that they will need to re-establish the site to conform to the new development, and improve the road. The applicant has stated that they plan to run underground utilities to the development site, and that all development will take place during times of sufficient soil moisture and of short duration to limit the amount of noise and dust to the area. Regardless of soil moisture and duration of construction, vegetation disturbance and excavation can result in airborne dust once construction has been completed. A **condition** is included requiring that the owners maintain existing vegetation to the greatest extent possible and to reseed and/or revegetate disturbed areas within the first planting season (October – April).

In addition to the ground disturbance, regular travel upon the existing private road and future driveway can create airborne dust which could be a nuisance to adjacent land owners. To further suppress dust on the subject parcel, a **condition** is included requiring that current or future property owner(s) maintain the access driveway on their parcel with enough gravel to cover the dirt base and minimize the amount of airborne dust created by vehicular travel.

The applicant also proposed working times of 7:00am to 7:00pm to ensure noise from construction only takes place during the daytime, limiting the effects on neighboring properties. A **condition** of approval is included in the Notice of Decision stating that construction activities for the development shall only occur between the hours of 7:00am and 7:00pm.

With these conditions, staff finds the request complies with Criterion E.

*F. The proposed use will not significantly reduce or impair sensitive wildlife habitat, riparian vegetation along streambanks and will not subject areas to excessive soil erosion.*

**FINDING:** The request is for a 24'6"W x 48'L x 14'H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12'W x 20'L x 8'H (240 SF) accessory structure. The subject parcel is located in Environmental Protection District (EPD) 8, Sensitive Wildlife Habitat Overlay zone, but falls within the Impacted Low Elevation designation, and is within the Transition Lands Study Area (TLSA), which exempts it from complying with EPD-8 requirements, as stated above. Proposed construction will not be

in an area that will affect vegetation along streambanks, as there are no identified wetlands or streams on the subject property. A previous condition is included requiring that disturbed areas be revegetated within the first planting season, which will prevent excessive soil erosion. With those findings, staff finds that the request complies with Criterion F.

*G. The proposed use will not adversely affect the air, water, or land resource quality of the area.*

**FINDING:** The request is for a 24'6"W x 48'L x 14'H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12'W x 20'L x 8'H (240 SF) accessory structure. The single-family dwelling and accessory structure will not adversely affect air quality because air pollution created by a single-family dwelling is minimal. The most common form of air pollution would be smoke from a woodstove/fireplace. This pollutant is regulated by the Oregon Department of Environmental Quality via standards for woodstoves.

The applicants are required to comply with all North Central Public Health Department requirements to maintain their septic system. Compliance with all sanitation requirements will ensure groundwater quality in the area will not be adversely affected by the new dwelling. A **condition** of approval is included in the Notice of Decision stating that the applicant shall receive sanitation approval through North Central Public Health for the evaluation completed on August 28, 1987, prior to zoning approval for building codes.

A previous condition requiring maintenance of vegetation and reseeding or revegetation of all disturbed areas upon completion of the dwelling will ensure that excessive soil erosion does not occur.

With the conditions of approval, staff finds the request complies with Criterion G.

*H. The location and design of the site and structures for the proposed use will not significantly detract from the visual character of the area.*

**FINDING:** The request is for a 24'6"W x 48'L x 14'H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12'W x 20'L x 8'H (240 SF) accessory structure. The standard does not require that there be no visual impact from the dwelling; rather, that any impact not be significant. The development pattern on surrounding land primarily consists of scattered single family dwellings at low densities and detached accessory buildings. The applicant has also proposed to utilize the existing cleared areas on the property, and blend the development into the landscape with natural earth colors on the home. The existing cleared site is located in a depression at the top of the property, with landforms surrounding the development area, blocking it from view of other properties. As proposed, the dwelling and detached accessory structure would not alter the visual character of the area.

Visual impact of the proposed dwelling is further minimized due to the presence of scrub oak trees surrounding the development area. A previous condition requiring maintenance of vegetation and reseeding or revegetation of all disturbed areas upon completion of the dwelling will ensure that the visual impact remains minimized.

With those conditions, staff finds that the request complies with Criterion H.

*I. The proposal will preserve areas of historic value, natural or cultural significance, including archaeological sites, or assets of particular interest to the community.*

**FINDING:** According to the inventory of historic landmarks, as inventoried by the Wasco County Historical Landmarks Committee (6/15/81 – present), there are no historic sites located on the subject parcel or surrounding properties. The inventory of natural areas as listed in the Wasco County Comprehensive Plan, Table 11A, does not identify any significant natural features on the subject parcel or adjacent properties.

Notification was sent to area residents within 750' of the proposal on August 30, 2018. No comments were received from the notified property owners suggesting the development will not interfere with assets of particular interest to the community. Staff finds that the request is consistent with Criterion I.

- J. The proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use.*
- K. The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use.*

**FINDING:** For the purpose of addressing these criteria, “surrounding lands” are considered to be those properties within ¼ mile of the subject parcel. The proposed nonfarm dwelling parcel will be abutted on the north and east sides by properties similar in size and topography, which contain nonfarm dwellings with detached accessory structures. A property to the northeast appears to contain a small area containing crops for personal use. The proposed use is a single family dwelling with an accessory structure which will require a few daily car trips. An existing single family dwelling doesn't generally have the effect of forcing a significant change on, or increasing the cost of accepted farm or forest practices. Staff determines that the use will not conflict with any farm or forest practices which are approximately 500+ feet away. Staff finds the request complies with Criterion J and K.

**Section 5.030, Conditions**

*Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding permitted uses as are necessary to fulfill the general and specific purposes of this Ordinance may be imposed in approving an application, pursuant to Section 2.110(D).*

**FINDING:** Conditions of approval are implemented throughout this report to ensure the use is compatible with surrounding permitted uses. Staff finds the request complies with Section 5.030.

**Section 5.040 - Revocation of Conditional Use Permit (added 2 89)**

*Noncompliance with any condition placed on a conditional use permit shall be grounds for revocation of the permit. Revocation of a conditional use permit shall be considered a land use action and reviewed by the Planning Commission. The following procedures shall be completed at least twenty (20) days prior to the date of the revocation hearing: (Revised 1-92)*

- A. A notice of violation pursuant to Section 15.090 shall be sent to the owner of the property on which the conditional use takes place.*
- B. Notice of public hearing pursuant to Section 2.080 shall be sent.*

*The opportunity for review of the Planning Commission decision, pursuant to Section 2.170 shall be available.*

**FINDING:** The property owner applied for a Conditional Use Permit to construct a 24'6"W x 48'H x 14'H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12'W x 20'L x 8'H (240 SF)

accessory structure. This staff report addresses any and all conditions of approval for the proposed use. A **condition** of approval is included in the notice of decision stating that Noncompliance with any condition of approval shall be grounds for revocation of the permit. Revocation of the Conditional Use Permit shall be considered to be a land use action and shall be reviewed by the Planning Commission according to the requirements in Section 5.040. with this **condition** of approval, the request complies with Section 5.040

#### **D. CHAPTER 10 – Fire Safety Standards**

***Section 10.110 - Siting Standards – Locating Structures for Good Defensibility***

***Section 10.120 - Defensible Space – Clearing & Maintaining a Fire Fuel Break***

***Section 10.130 - Construction Standards for Dwellings and Structures – Decreasing the Ignition Risks by Planning for a More Fire-Safe Structure***

***Section 10.140 - Access Standards – providing safe access to and escape from your home***

***Section 10.150 - Fire Protection or On-Site Water Required – Ensuring Dwellings Have Some Fire Protection Available Through Manned or Unmanned Response***

**FINDING:** The Fire Safety Standards, adopted by the Wasco County Court in 2007, require property owners to be made aware of potential fire risks in areas outside of urban areas of Wasco County, and requires compliance with siting standards, fuel break requirements, construction standards, access standards, and on-site water storage requirements.

As part of a complete application, the property owners completed a Fire Safety Standard Self-Certification Form. By signing the self-certification form, the owners have acknowledged that they understand these standards and commit to achieve compliance with them within one year of the date of approval and maintain them through the life of the development. This certification further commits all future property owners to this same requirement. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under Files 921-18-000132-PLNG, and a **condition** of approval is included requiring the applicant to adhere to these standards.

The subject property is located within the boundaries of Mosier Fire District (structural) and Oregon Department of Forestry (wildfire) for fire protection. The proposed single family dwelling will be constructed of fire-resistant materials. A 50 foot fuel fire break will be provided around all proposed buildings. These concerns are addressed with the condition above that the applicant and all future owners adhere to Wasco County fire safety standards.

Siting and access shall also be in accordance with the criteria of this chapter, and previous conditions of approval related to road construction and siting of the structures will ensure the development adheres to these standards.

Though not specifically addressed in Chapter 10, it is essential that all new dwellings in Wasco County have a valid address so that emergency responders can quickly find the property. A **condition** of approval is included requiring that current and future owners shall clearly post the address of the subject lot on both sides of a post or mailbox, or other similar post, support, stake or pedestal which cannot be easily removed or destroyed which is within 30' of the driveway which accesses the dwelling. The address numbers shall be legible, reflective, and at least 2½ inches high.

#### **E. Chapter 20 – Site Plan Review**

(\*\*\*)

**Section 20.030 - Contents of the Site Plan**

The Site Plan shall clearly indicate the following information:

- A. Lot dimensions.
- B. Location, size, height, of all existing or proposed buildings and structures, and illustrating the buildings and parking facilities on abutting properties.
- C. Location, size and dimension of all yards and setbacks and all spaces between buildings.
- D. Walls and fences: Location, height and materials.
- E. Off street parking:
  - 1. Location, dimensions and method of improvement of all driveways and parking areas consistent with Sections 20.050 & 20.080.
  - 2. Number of spaces consistent with Section 20.050 & 20.080 and internal circulation pattern.
  - 3. Size and location of existing and proposed curb openings.
- F. Access: Pedestrian, vehicular, service; and definitions of all points of ingress and egress.

(\*\*\*)

**FINDING:** The request is for a 24'6"W x 48'L x 14'H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12'W x 20'L x 8'H (240 SF) accessory structure. Criterion A-F are all illustrated in the site plan materials submitted by the applicant. Staff finds the request complies with Section 20.030.

**Section 20.040 - Approval Standards**

Upon completion of the Site Plan Review, the Approving Authority shall approve, approve with conditions, or disapprove the site plan. In approving the plan, the Approving Authority shall find that:

- A. All provisions of this ordinance and other applicable ordinances are complied with.
- B. Elements of the site plan are arranged so that:
  - 1. Traffic congestion is avoided.
  - 2. Pedestrian and vehicular safety and welfare are protected.
  - 3. Significant features and public amenities are preserved and maintained.
  - 4. There will be minimal adverse effect on surrounding property.

- C. *Proposed lighting is arranged to direct light away from adjoining properties.*
- D. *Proposed signs will not interfere with traffic or limit visibility by size, location or illumination.*

**FINDING:** The request is for a 24'6"W x 48'L x 14'H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12'W x 20'L x 8'H (240 SF) accessory structure. All applicable sections of the ordinance have been addressed in this report. The elements of the site are arranged in a manner to satisfy criteria 1-4 above. Lighting was previously addressed in this report. No signs are proposed for the use. Staff finds the request complies with Section 20.040 – Approval Standards.

**Section 20.050 - Off Street Parking**

*At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off street parking spaces shall be provided in accordance with this Section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.*

*The following are the uses and minimum standards provided for off street parking:*

A. *Residential*

- 1. *Single family dwelling: One (1) space per dwelling unit.*

*(\*\*\*)*

**FINDING:** The request is for a 24'6"W x 48'L x 14'H (1,176 SF) single family dwelling not in conjunction with a farm use, and a 12'W x 20'L x 8'H (240 SF) accessory structure. The Criterion requires at least one parking space per single family dwelling. A **condition** of approval is included in the Notice of Decision stating that in accordance with Chapter 20 – Site Plan Review standards for parking, at least one parking space shall be provided for the dwelling. With the condition of approval, staff finds the request complies with Section 20.050 – Off Street Parking.

# ATTACHMENT E – LIGHTING STANDARDS

## Good Neighbor OUTDOOR LIGHTING

PRESENTED BY THE NEW ENGLAND LIGHT POLLUTION ADVISORY GROUP (NELPAG) AND SKY PUBLISHING CORP.

### What is good lighting?

Good outdoor lights improve visibility, safety, and a sense of security, while minimizing energy use, operating costs, and ugly, dazzling glare.

### Why should we be concerned?

Many outdoor lights are poorly designed or improperly aimed. Such lights are costly, wasteful, and distractingly glary. They harm the nighttime environment and neighbors' property values.

**Glare** Here's the basic rule of thumb: If you can see the bright bulb from a distance, it's a bad light. With a good light, you see lit ground instead of the dazzling bulb. "Glare" is light that beams directly from a bulb into your eye. It hampers the vision of pedestrians, cyclists, and drivers.

**Light Trespass** Poor outdoor lighting shines onto neighbors' properties and into bedroom windows, reducing privacy, hindering sleep, and giving the area an unattractive, trashy look.

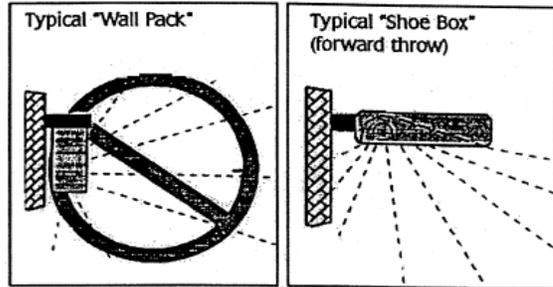
**Energy Waste** Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

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

### How do I switch to good lighting?

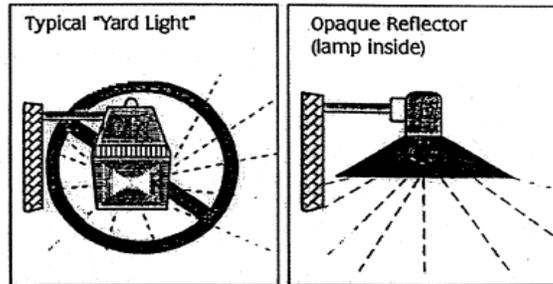
- 1 Provide only enough light for the task at hand; don't over-light, and don't spill light off your property. Specifying enough light for a job is sometimes hard to do on paper. Remember that a full Moon can make an area quite bright. Some lighting systems illuminate areas 100 times more brightly than the

### Some Good and Bad Light Fixtures



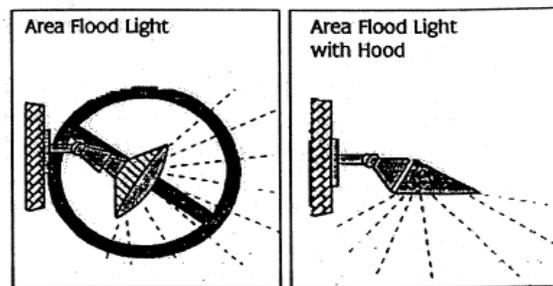
BAD

GOOD



BAD

GOOD



BAD

GOOD

full Moon! More importantly, by choosing properly shielded lights, you can meet your needs without bothering neighbors or polluting the sky.

- 2** Aim lights down. Choose "full-cutoff shielded" fixtures that keep light from going uselessly up or sideways. Such fixtures produce minimum glare. They create a pleasant-looking environment. They increase safety because you see illuminated people, cars, and terrain, not dazzling bulbs.
- 3** Install fixtures carefully to maximize their effectiveness on the targeted area and minimize their impact elsewhere. Proper aiming of fixtures is crucial. Most are aimed too high. Try to install them at night, when you can see where all the rays actually go.

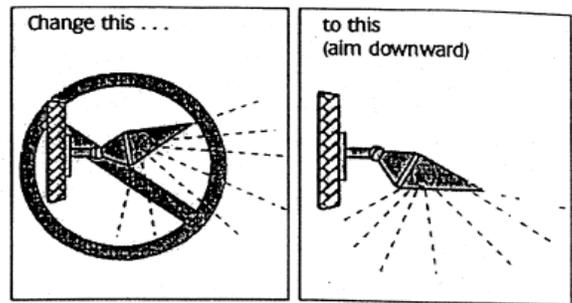
Properly aimed and shielded lights may cost more initially, but they save you far more in the long run. They can illuminate your target with a low-wattage bulb just as brightly as a wasteful light does with a high-wattage bulb.

- 4** Choose energy-efficient low-pressure sodium (LPS) or high-pressure sodium (HPS) lamps wherever yellowish light will do the job. Use less efficient white lights only where ideal color rendition is important.
- 5** Where feasible, put lights on timers to turn them off each night after they are no longer needed. Put home security lights on a motion-detector switch, which turns them on only when someone enters the area; this provides a great deterrent effect!

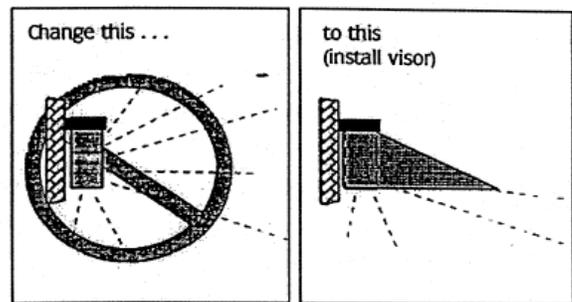
**Replace bad lights with good lights.**

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

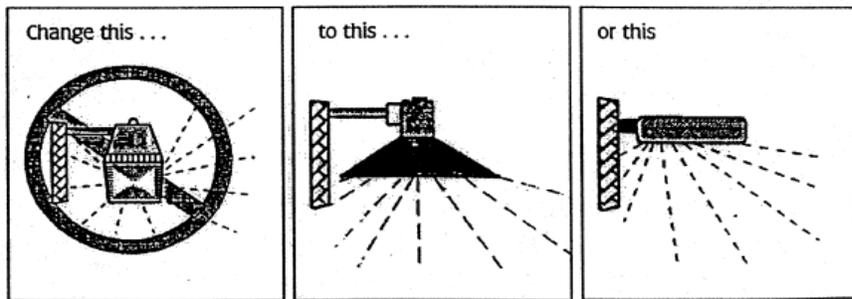
**What You Can Do To Modify Existing Fixtures**



**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