

ATTACHMENT D - STAFF REPORT

File Number: 921-18-000117-PLNG

Applicant: Jonathan Humphries

Owner: Melanie Noble

Request: Single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property.

Decision: Approved, with **conditions**

Decision Date: August 30, 2018

Appeal Deadline: September 11, 2018

Location: The subject property is located at the corner of Seven Mile High Road and Halliburton Road, approximately 0.5 mile north of its intersection with Seven Mile Hill Road, and 3.9 miles northwest of the City of The Dalles, OR, more accurately described as:

<u>Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
2N 12E 15 400	859 & 1173	20.26

Zoning: A-1 (160) Exclusive Farm Use

Environmental Protection District: EPD-8 Wildlife Habitat Overlay Zone (Impacted Low Elevation/TLSA)

Past Actions: Permit#: 33-062 Septic Approval

Procedure Type: Administrative Action

Prepared By: Brent Bybee, Associate Planner

ATTACHMENT E – LIGHTING STANDARDS

I. APPLICABLE STANDARDS

Wasco County Land Use & Development Ordinance (LUDO)

A. Chapter 3 – Basic Provisions

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

- Section 3.213 (Uses Permitted Subject to Type I Review)
- Section 3.214 (Uses Permitted Subject to Standards/Type II Review)
- Section 3.216 (Property Development Standards)
- Section 3.217 (Property Size Standards)
- Section 3.218 (Agricultural Protection)
- Section 3.219 (Additional Standards)

Section 3.290 – Sensitive Wildlife Habitat Overlay (EPD-8)

- Section 3.923 (Exempt Areas)

B. Chapter 10 – Fire Safety Standards

- Section 10.110 (Siting Standards)
- Section 10.120 (Defensible Space)
- Section 10.130 (Construction Standards for Dwellings and Structures)
- Section 10.140 (Access Standards)
- Section 10.150 (Fire Protection or On-Site Water Required)

C. Chapter 20 – Site Plan Review

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

D. Chapter 21 – Land Divisions

- Section 21.030 (Basic Provisions and Design Standards)
- Section 21.100 (Land Partitioning Approval)

E. ORS 92.176 – Validation of Unit of Land Not Lawfully Established

II. BACKGROUND

- A. **Legal Parcel:** In accordance with the Wasco County Land Use and Development Ordinance, a legal parcel is defined as:

(Legal) Parcel - A unit of land created as follows:

- a. A lot in an existing, duly recorded subdivision; or*
- b. A parcel in an existing, duly recorded major or minor land partition; or*
- c. By deed or land sales contract prior to September 4, 1974.*

The subject property (2N 12E 15 400) is not considered a lawfully established unit of land because it was created by Deed 1979-002692, which was filed with the Wasco County Clerk's office on August 14, 1979. The subject parcel was zoned A-1 at the time of creation. The A-1

zone had a minimum acreage of 20 acres at that time, which was the exact amount of acreage Deed 1979-002692 created.

The parcel to the south (2N 12E 22 6800) was created by Minor Partition MIP-76-113 as Tract 1 containing 10 acres. The zoning designation at the time was A-2 with a minimum acreage of 10 acres.

In 1979 a small triangle in the northeast corner of the south parcel was added to the subject parcel by Deed 1979-001300, filed with the Wasco County Clerk on May 5, 1979. This dropped the south parcel below the minimum acreage allowed in the A-2 Zone.

To validate both pieces of land, the owners have agreed to transfer the triangle portion of land back to the south parcel, bringing the south parcel back into conformance, and leaving the subject parcel with 20 acres which would have met the Minimum acreage for the A-1 zone in 1979.

- B. **Site Description:** The subject parcel is located at the intersection of Sevenmile High North Road, and Halliburton Road, with driveway easement access through the neighboring parcel to the south. Rowena Creek runs through the northern portion of the property in an east to west direction. The entire property is forested with exception to the existing development area, and the greenhouse area which is the proposed development site. Tree species consist of a mixture of Pine and oak trees. The parcel ranges in elevations of 1,240-1,480 feet above sea level. The southern portion of the parcel ranges in slopes of 5-10%. The northern portion of the property slopes down towards Rowena Creek, and contains slopes of 25-30%. The parcel contains northwest facing aspects in the southern portion of the property, and north facing aspects in the northern portion of the property.
- C. **Surrounding Land Use:** There is one contiguous parcel to the north and east of the subject property that is zoned A-1 (160), Exclusive Farm Use, containing 527.98 acres. The farm use is not distinguishable from aerial imagery, but could possibly include cattle grazing. There is no development on that property. Property to the west of the subject property is all zoned R-R(5) Rural Residential. The four properties directly to the west of the subject parcel are all owned by the same owner, with residential development on two of them. Property to the south is zoned R-R(10), and contains residential development as well.

III. FINDINGS:

A. Chapter 3 – Basic Provisions

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

Section 3.213 - Uses Permitted Subject to Type I Review

The following uses are permitted on a legal parcel on lands designated Exclusive Farm Use (A-1) Zone subject to Section 3.216 - Property Development Standards, Chapter 10 - Fire Safety Standards and any other listed, referenced or applicable standards:

This review involves an evaluation by Planning and Development staff but only requires formal zoning approval if the use is required to meet building codes approval. If the use does not require formal zoning approval but that is requested by the applicant for future documentation they will be charged the appropriate Type I review fee. (Added 4/12)

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- D. *Alteration, restoration relocation, or replacement of a lawfully established dwelling and/or accessory residential or non-residential building or structure (non-discretionary) on any part of the legal parcel, subject to Section 3.216 A 1 c - Addition, Modification or Relocation Setbacks and 3.219 C - Replacement Dwellings (Dwellings only). (Amended 4/12)*

FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. On July 7, 1979, the Wasco-Sherman Public Health Department issued a permit to construct a subsurface sewage disposal system. Up until January 1, 1985, the health department would simply receive verbal acknowledgement from the Planning Department whether an applicant had received zoning approval. Based off that fact and the septic approval provided with the application, staff acknowledges that the dwelling was lawfully established, and may be replaced as such. Legal parcel was covered earlier in this report. Section 3.216 A 1 c – Addition, Modification, or Relocation Setbacks and Section 3.219 C – Replacement Dwellings are addressed later in this report. Staff finds the request complies with Criterion D.

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

The following uses may be permitted on a legal parcel on lands designated Exclusive Farm Use (A-1) Zone subject to the Section 3.216 - Property Development Standards, Section 3.218 - Agricultural Protection, 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:

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- P. *Partitions, Property Line Adjustments and Subdivisions, subject to Chapter 21 - Land Divisions.*

FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. The two parcels involved are zoned A-1 (160) Exclusive Farm Use and R-R(10) Rural Residential. Legal parcel status was discussed above in (II)(A). All other applicable standards are addressed below. Staff finds the request complies with Criterion P.

Section 3.216 - Property Development Standards

Property development standards are designed to preserve and protect the character and integrity of agricultural lands, and minimize potential conflicts between agricultural operations and adjoining property owners. A variance subject to WCLUDO Chapter 6 or Chapter 7 may be utilized to alleviate an exceptional or extraordinary circumstance that would otherwise preclude the parcel from being utilized. A variance to these standards is not to be used to achieve a preferential siting that could otherwise be achieved by adherence to these prescribed 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:*

*(***)*

(2) If adjacent land is being used for grazing, is zoned Exclusive Farm Use and has never been cultivated or is zoned F-1 or F-2, the setback shall be a minimum of 100 feet from the property line.

(3) If the adjacent land is not in agricultural production and not designated Exclusive Farm Use, F-1 or F-2, the setback shall be a minimum 25 Feet from the property line.

FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. Adjacent property to the north and east is zoned A-1(160) Exclusive Farm Use, and has never been cultivated, requiring a 100 foot setback requirement. Property to the west and south are zoned Rural Residential, requiring a 25 foot setback requirement. See the table below for setbacks.

Property Line	Required Setback	Proposed Setback	Meets the Criteria?
North	100'	1,000'	Yes
South	25'	325'	Yes
East	100'	250'	Yes
West	25'	325'	Yes

With those findings, staff finds the request complies with Criterion (2) & (3).

*(***)*

- c. *Additions, modifications or relocation of existing structures shall comply with all EFU setback standards. Any proposal that cannot meet these standards is subject to the following:*

(1) Dwellings: The proposed addition modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements unless the addition will extend a structure further away from and perpendicular to the property line or resource. Any proposal that would place a relocated dwelling or extend an existing dwelling into or further toward the property line or resource, or expand an existing dwelling parallel into a setback or buffer shall also be subject to Chapters 6 & 7 - Variances and any other applicable review criteria. The provisions of Chapter 13 - Nonconforming Uses, Buildings and Lots are not applicable to replacement dwellings. (Added 4/12)

FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. The siting of the proposed replacement dwelling will be located outside of all setback

requirements, bringing the dwelling into conformance. Therefore, a variance for the replacement dwelling will not be necessary. Staff finds the request complies with Criterion (1).

2. Waterways

- a. *Resource Buffers: All bottoms of foundations of permanent structures, or similar permanent fixtures shall be setback from the high water line or mark, along all streams, lakes, rivers, or wetlands.*

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- (2) *A minimum distance of fifty (50) feet when measured horizontally at a right angle for all water bodies designated as non-fish bearing by any federal, state or local inventory.*

FINDING: There are two Identified wetlands on the subject property. Rowena creek runs from east to west along the northern portion of the property, and will be roughly 750' from the development area. An unidentified riverine also runs through the southwest corner of the property, and is located roughly 330' from the development area. Both setbacks are above the required 50 foot setback minimum. Staff finds the request complies with Criterion 2.

- B. *Height: Except for those uses allowed by Section 4.070 - General Exception to Building Height Requirements, no building or structure shall exceed a height of 35 feet. Height is measured from average grade.*

FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. The proposed height of the replacement dwelling is 20 feet, which falls under the 35 foot height requirement. Staff finds the request complies with Criterion B.

- E. *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 waterways. Shielding and hooding materials shall be composed of non-reflective, opaque materials.*

FINDING: A **condition** of approval is included in the Notice of Decision requiring that if lighting is proposed on the property, it shall comply with County lighting standards which require lighting to 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 (see Attachment E). With the condition of approval, staff finds the request complies with Criterion E.

- F. *Parking: Off street parking shall be provided in accordance with Chapter 20.*

FINDING: Chapter 20 requires one parking space per dwelling unit. In the site plan provided by the applicant, one parking space was illustrated near the proposed replacement dwelling. Staff finds the request complies with Criterion F.

- G. *New Driveways: All new driveways and increases or changes of use for existing driveways which access a public road shall obtain a Road Approach Permit from the*

appropriate jurisdiction, either the Wasco County Public Works Department or the Oregon Dept. of Transportation.

FINDING: Although there is an existing driveway, staff could not identify a road approach permit for the property. A **condition** of approval is included in the Notice of Decision Stating that prior to development, the applicant will file for a Road Approach Permit through the Wasco County Public Works Department. With the condition of approval, staff finds the request complies with Criterion G

Section 3.217 – Property Size Standards

Subdivisions and Series Partitions pursuant to ORS 92.010 - 92.190, and 92.305-92.495: Subdivisions are prohibited in the Exclusive Farm Use Zone. Series Partitions for non-farm uses are prohibited in the Exclusive Farm Use Zone.

A. *Farm Divisions:*

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3. *160 Acre: There shall be a 160 acre minimum land division for all parcels in the Exclusive Farm Use Zone that are not within the A-1(40) zone and cannot meet the 80 acre minimum test in b above.*

FINDING: The proposal is as follows:

Tax Lot	Acct #	Current Acreage	Proposed Acreage	Zoning
2N 12E 15 400	1173	20.26	20.061	A-1(160)
2N 12E 22 6800	1187	10.13	10.303	R-R(10)

In accordance with ORS 92.176, the subject property (2N 12E 15 400) is not considered a lawfully established unit of land because it was created by Deed 1979-002692, which was filed with the Wasco County Clerk’s office on August 14, 1979. The subject parcel was zoned A-1 at the time of creation. The A-1 zone had a minimum acreage of 20 acres at that time, which was the exact amount of acreage Deed 1979-002692 created.

The parcel to the south (2N 12E 22 6800) was created by Minor Partition MIP-76-113 as Tract 1 containing 10 acres. The zoning designation at the time was A-2 with a minimum acreage of 10 acres.

In 1979 a small triangle in the northeast corner of the south parcel was added to the subject parcel by Deed 1979-001300, filed with the Wasco County Clerk on May 5, 1979. This dropped the south parcel below the minimum acreage allowed in the A-2 Zone.

To validate both pieces of land, the owners have agreed to transfer the triangle portion of land back to the south parcel, bringing the south parcel back into conformance, and leaving the subject parcel with 20 acres which would have met the Minimum acreage for the A-1 zone.

The property size will be based off the zoning criteria in place when the land division was completed, and in accordance with ORS 92.176, will not be required to meet the 160 acre minimum currently in place. Staff finds the request complies with Criterion 3.

Section 3.218 - Agricultural Protection

The uses listed in Section 3.214 - *Uses Allowed Subject to Standards* and Section 3.215 - *Conditional Uses* must meet the following standards:

- A. *Farm-Forest Management Easement: The landowner is required to sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*
- B. *Protection for Generally Accepted Farming and Forestry Practices - Complaint and Mediation Process: The landowner will receive a copy of this document.*

FINDING: To minimize potential conflicts between the residential use and surrounding farm uses, a **condition** is included requiring the owners to sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937 prior to receiving zoning approval on a building permit application (**See Attachment G**).

Section 3.219 - Additional Standards

- C. *Alteration, restoration, relocation or replacement of a lawfully established dwelling:*
 - 1. *Has intact interior walls and roof structure;*
 - 2. *Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;*
 - 3. *Has interior wiring or interior lights;*
 - 4. *Has a heating system;*
 - 5. *In the case of replacement:*
 - a. *The new dwelling is subject to all applicable siting requirements;*
 - b. *The existing dwelling is removed, demolished or converted to a permitted non-residential use within 90 days of completion of the replacement dwelling;*
 - c. *If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county where the property is located a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel; and*

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FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. Staff conducted a site visit on August 2, 2018, and noted that the existing structure contained

all of the criteria listed in 1-4 above. Siting requirements were addressed earlier in this report. The dwelling will be located on land that is zoned A-1(160), Exclusive Farm Use, therefore a deed restriction will not need to be filed with the county. A **condition** of approval is included in the Notice of Decision stating that the existing dwelling shall be removed, demolished or converted to a permitted non-residential use within 90 days of completion of the replacement dwelling. With those findings and the condition of approval, staff finds the request complies with Criteria 1-5.

Section 3.920, EPD-8, Sensitive Wildlife Habitat Overlay Zone

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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.*

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FINDING: Since the property falls within Environmental Protection District-8 Sensitive Wildlife Habitat, and is located in the impacted low elevation designation within the Transition Lands Study Area, the application is exempt from the provision of Section 3.920, EPD-8, Sensitive Wildlife Habitat Overlay Zone. Staff finds the request complies with Section 3.923.

B. Chapter 10 – Fire Safety Standards

- 1) **Section 10.110, Siting Standards – Locating Structures for Good Defensibility**
- 2) **Section 10.120, Defensible Space – Clearing & Maintaining a Fire Fuel Break**
- 3) **Section 10.130, Construction Standards for Dwellings and Structures – Decreasing the Ignition Risks by Planning for a More Fire-Safe Structure**
- 4) **Section 10.140, Access Standards – providing safe access to and escape from your home**
- 5) **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 File # 921-18-000117-PLNG and a **condition** of approval is included requiring the landowner to adhere to these standards.

The home site detailed on the site plan is in conformance with Section 10.110 - Siting Standards

A **condition** of approval is included in the Notice of Decision stating that a 50 foot fire fuel break shall be provided around all development. Trees within this area shall be limbed up to at least 8 feet off the ground within 50 feet of the development.

The owner has reviewed the construction standards for dwellings, and signed the fire safety standards self-certification application acknowledging the development will be held to these standards.

The owner submitted a site plan with the application, but failed to illustrate a turnout along the road which is proposed to be 350' long. A turnout is required if the driveway is over 200' in length. A **condition** of approval is included in the Notice of Decision stating that one turnout shall be provided along the driveway measuring 8'W x 40'L.

In addition, a turnaround was not illustrated at the proposed dwelling within the site plan provided. A turnaround must be provided at the end of the driveway if the driveway is over 150' long. A **condition** of approval is included in the Notice of Decision stating that a turnaround will be provided at the dwelling in substantial conformance with Chapter 10 – Fire Safety Standards, ensuring access is passable for emergency responders.

The subject property is located within the boundaries of Mid-Columbia Fire and Rescue (structural), and Oregon State Forestry (wildfire) for fire protection.

With those findings and conditions of approval, staff finds that the request complies with Chapter 10.

C. Chapter 20 – Site Plan Review

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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.*

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FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. Criterion A-F is all illustrated in the site plan materials submitted by the applicant. Staff finds the request complies with Criteria A-F.

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 single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. 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.*

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FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. In the site plan provided by the applicant, one parking space was provided for the single family dwelling replacement. This meets the minimum one (1) space requirement for single family dwellings. Staff finds the request complies with Section 20.050 – Off Street Parking.

D. Chapter 21 – Land Divisions

Section 21.030 - Basic Provisions and Design Standards

- A. Compliance Required: No land within the unincorporated territory of Wasco County shall be subdivided or partitioned, and no plat shall be filed or recorded until submitted to and approved by the Approving Authority.*
- B. Minimum Standards: The requirements and standards set forth in this chapter are the minimum ones to which a subdivision or partition must conform before approval by the Approving Authority.*
- C. Conformity with the Comprehensive Plan: All divisions of land shall conform to and be in harmony with the Wasco County Comprehensive Plan and Comprehensive Plan Map of that portion of the County within which the subdivision and partition lies.*
- D. Conformity with Zoning Chapter: All divisions of land, regardless of the number of lots or parcels, shall comply with all specifications authorized by Chapter 3 of this Ordinance. All lots created shall conform in all respects with the applicable regulations of Chapter 3, including uses of land, lot size and dimensions, space for off street parking, landscaping and other requirements as may be set forth.*

FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. Prior to filing the final plat, the Wasco County Planning Department shall approve a preliminary plat. After receiving approval, a final plat shall be provided for the director's approval prior to filing with the Wasco County Clerk's office. Minimum standards, conformity to the comprehensive plan, and conformity to the zoning chapter are all addressed throughout this report, and conditions of approval are put in place to ensure compliance. A **condition** of approval is included in the Notice of Decision stating that the final plat shall not be filed or recorded until it has been submitted to and approved by the Planning Director. With this condition of approval, staff finds the request complies with Criterion A-D.

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- G. Access: A unit of land shall be considered to have access by way of a public road or street, private road, or private easement road, if the following criteria are satisfied:*

1. *The unit of land abuts on the road or street.*
2. *There is a legal right appurtenant to the unit of land to use the road or street for ingress and egress. A legal right to use a private road or private easement road may be evidenced by: (a) an express grant or reservation of an easement in a document recorded with the County Clerk; (b) a decree or judgment issued by a court of competent jurisdiction; (c) an order of the County Governing Body; or, (d) an express easement set forth in a duly recorded plat.*
3. *The road or street provides actual physical access for the unit of land.*

FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. The subject parcel 2N 12E 15 400, is currently served by an access road through the northeast corner of parcel 2N 12E 22 6800, which adjoins at the corner of Seven Mile High Road, and Halliburton Road. Once the partition has been approved, and the property has been legalized back into its original configuration, the owner will need an easement to allow access through parcel 2N 12E 22 6800. Easements have not been recorded previously for the property; however approval of the partition in question will fulfill this criterion once dedicated easements shown in the plat are recorded by the Wasco County Clerk's office. A **condition** of approval is included in the Notice of Decision stating that any private or public easements on the property shall be shown on the face of the plat, and will be recorded with the Wasco County Clerk's office upon final plat approval. With the condition of approval, staff finds the request complies with Criterion G.

H. Access Requirements for Land Divisions: Each unit of land shall be provided with access by a public road meeting standards noted in Table 1 (Rural Public Roadway Design Standards) & 2 (Urban Public Roadway Design Standards), except as provided below and in Table 3 (Private Access Standards):

1. *Private Easement Road In all zones a unit of land may have access by way of a private easement road upon a finding that such road provides access for not more than three (3) units of land, serves not more than three (3) units of land, and that the easement is a minimum 30' in width;*

The requirements of Section 21.300 are not applicable to a Private Easement Road.

If the private easement road could provide access for more than three (3) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public or private road and not the right of way of the private easement road.

FINDING: The subject parcel 2N 12E 15 400, is currently served by an access road through the northeast corner of parcel 2N 12E 22 6800, which adjoins at the corner of Seven Mile High Road, and Halliburton Road. Once the partition has been approved, and the property has been legalized back into its original configuration, the owner will need an easement to allow access through parcel 2N 12E 22 6800. On a site visit conducted August 2, 2018, Mr. Humphries stated that the owner of parcel 2N 12E 22 6800 would be allowing him an easement to access the subject property. The easement will be serving only the subject property, which is below the maximum 3 that is allowed by a private easement road. A **condition** of approval is included in the Notice of Decision stating that the easement granted from the neighboring parcel shall be a minimum of 30' in width. Since the Easement will only serve the subject

property, and road standards are addressed in Chapter 10 Fire Safety Standards, staff finds the request complies with Criterion H.

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- T. *Utility Lines: Easements for sewers, water mains, electrical lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least twelve (12) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.*

FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. No utilities are proposed, however a **condition** is included in the Notice of Decision stating that if there are any existing easements for electrical lines or public utilities, they shall be illustrated and conveyed on the final plat, and will be recorded with the Wasco County Clerk's Office. With the condition of approval, staff finds the request complies with Criterion T.

- U. *Water Courses: If a subdivision or partition is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right of way conforming substantially to the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.*

FINDING: Rowena creek is located on the subject parcel, on the northern portion of the property running from East to West. A **condition** of approval is included in the Notice of Decision stating that a storm water drainage easement or drainage easement shall be provided on the final partition plat conforming substantially to the lines of the water course, and such further width as will be adequate for the purpose. No streets are proposed along the creek. With the condition of approval, staff finds the request complies with Criterion U.

- V. *Environmental Hazards: If a subdivision or partition contains known hazards resulting from potential for flooding, land movement, high water tables, erosion, or similar natural phenomena, the Approving Authority may require dedication of protective easements for uses that would minimize aggravation of the environmental hazard.*

FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. There are currently no known hazards that would result in potential flooding, land movement, high water tables, erosion, or similar natural phenomena. Staff finds the Criterion V does not apply.

(***)

Section 21.100 – Land Partitioning Approval

A. Approval of Preliminary Partition Plans:

1. *An application for preliminary partition plan approval shall be initiated as provided in Section 2.060.A. of this Ordinance.*

FINDING: An application for a partition was submitted to the Planning Department on July 10, 2018. The applicable ordinance provisions and required findings are outlined in this staff report. Staff finds the request complies with Criterion 1.

2. *A preliminary partition application, plan and supporting documentation shall include the following:*
 - a. *A vicinity map of such scale to clearly locate the proposed partitioning in relation to adjacent subdivisions, partitions, roadways and other land parcels;*
 - b. *North point, scale and date;*
 - c. *A plan of the proposed partitioning, showing boundaries of the total contiguous ownership, boundaries of each proposed tract, the number assigned to each tract, acreage of each tract and location and name of existing and proposed roads;*
 - d. *Private streets and all restrictions or reservations relating to private streets;*
 - e. *Name and address of the landowners, the applicant and the surveyor, if any, employed to make necessary surveys and prepare the description of each tract involved;*
 - f. *Proposed means and location of water supply and sewage disposal for each tract;*
 - g. *Zoning classification of the land and Comprehensive Plan map designation;*
 - h. *Predominant natural features, such as water courses and their flows, marshes, rock outcroppings, and areas subject to flooding, sliding or other natural hazards;*
 - i. *Any existing permanent structures;*
 - j. *Draft of proposed restrictions and covenants affecting the partitioned land;*
 - k. *Legal description of the property being partitioned;*
 - l. *If not sewered and located in an "F 1", "F 2", or "A 1" zone, a statement signed by an authorized representative of the Department of Environmental Quality, State of Oregon, or County Sanitarian regarding the suitability of each parcel to be partitioned for subsurface sewage disposal; or a signed statement shown on the face of the final partition plan that no investigation has been made of the suitability of any given parcel by an authorized representative of the Department of Environmental Quality, and that no warranty is made that any parcel will be usable for subsurface sewage disposal;*
 - m. *If not sewered and located in an F-F or any other non-resource zone, a statement signed by an authorized representative of the Department of Environmental Quality approving each parcel to be partitioned for subsurface sewage disposal; or a statement signed by the County Sanitarian or an officer of a public sewer district or corporation warranting the availability of sewer hook ups for each parcel to be partitioned.*

FINDING: A preliminary map containing the items required in a-m was submitted to the Planning Department on July 10, 2018. Staff finds the request complies with Criterion 2.

3. *Standards for approval of a preliminary partition plan.*
 - a. *A decision on a preliminary partition plan application shall be made by the Approving Authority as provided in Chapter 2 of this Ordinance.*
 - b. *The preliminary partition plan shall be approved if the Approving Authority finds that the information required by this subsection has been provided and if the design and development standards of Section 21.030 of this chapter have been met.*

FINDING: A preliminary plat was provided with the application for approval, and shall be approved in accordance with Chapter 2 of the Wasco County Land Use and Development Ordinance. Conditions of approval within this report will ensure that the plat is in conformance with Section 21.030 of this ordinance. Staff finds the request complies with Criterion 3.

4. *The Approving Authority may require dedication or reservation of land and utility or drainage easements; and may impose conditions promoting redevelopment of the parcels if, in view of the zoning and comprehensive plan map designation, the acreage of a parcel or parcels in contiguous ownership make additional partitioning of the subject property feasible.*

FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. The subject property contains 20.26 acres, and cannot be divided further pursuant to the 160 acre minimum within the property size standards of the A-1(160) Exclusive Farm Use Zone. Rowena Creek Runs from East to West along the northern portion of the subject parcel. These features are identified on the National Wetland Inventory map. One residence exists on the subject property, but will be replaced with a new dwelling approximately 700' South of Rowena Creek. No further partitioning of the property will be allowed, and drainage easements were covered in previous conditions of approval. With these findings, staff finds the request complies with Criterion 4.

5. *Duration of approval for preliminary partition plan: Approval of a preliminary partition plan shall be valid for twenty-four (24) months from the date of tentative approval. During such time, all conditions of approval shall be met and required documentation shall be filed with the Director as an application for final approval, and shall otherwise comply with the provisions of subsections (2) and (3) of this section.*

FINDING: Criterion 5 is superseded by ORS 92.176, which requires a final plat to be recorded within 90 days. A **condition** of approval is included in the Notice of Decision requiring the owners to record the final plat with the Wasco County Clerk within 90 days from final approval of this request. Final approval occurs upon expiration of the 12-day appeal period if there is no appeal of the administrative decision, the final plat must be recorded no later than December 10, 2018. Failure to file the final plat within 90 days will void the land use approval, and the action will need to be applied for again.

B. Approval of Final Partition Plat:

1. *Within twenty-four (24) months from the date of preliminary partition approval, the applicant shall initiate a request for final partition plat approval by filing with the*

Director a final plat prepared in accordance to those standards specified in Section 21.100 of this Chapter.

FINDING: A condition of approval was previously required in Section A.5. above, requiring the final plat to be recorded within 90 days from final approval of this request. This is state law ORS 92.176 and supersedes local requirements. With the condition of approval, staff finds the request complies with Criterion 1.

2. *The approval of a final partition map by the Director is a ministerial action. The Director shall grant final approval if he determines that:*
 - c. *the final plat and any supporting documents are in substantial conformance with the approved preliminary partition plan;*
 - d. *any conditions imposed by the Approving Authority have been met;*

Substantial conformance means that any differences between the preliminary and final plans are "minor amendments", as defined in Section 21.110 A 1 of this Ordinance.

FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. A **condition** of approval is included in the Notice of Decision requiring the final plat map to be in substantial conformance with the approved preliminary partition plat. The Director will not issue a final approval until all conditions of approval have been met. With the condition of approval, staff finds the request complies with Criterion 2.

3. *All access easements created as part of land partitioning become effective when the plat is recorded by the County Clerk. If an access easement is preexisting or if the access easement has been recorded with the County Clerk prior to the final approval of the land partition, then the recorded Document Number shall appear on the face of the plat.*

FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. An easement will be required for access onto the property, and a **condition** of approval is included in the Notice of Decision stating that any easements on the property shall be identified, and their recorded document number listed on the plat. With the condition of approval, staff finds the request complies with Criterion 3.

(***)

4. *After approval of the final partition plat, the Director and the County Surveyor shall endorse their approval on the original plat. The original plat shall be recorded with the County Clerk and a copy with the County Surveyor's Office.*

FINDING: Upon expiration of the appeal period, all of the appropriate department heads will sign the plat, and then it will be recorded with the County Clerk, with a copy provided to the Wasco County Surveyor's Office. Staff finds the request complies with Criterion 4.

5. Pursuant to ORS 92.055(1) a parcel larger than ten (10) acres is not required to be surveyed and monumented but shall comply with the following:
 - a. The approximate acreage of each unsurveyed parcel shall be shown.
 - b. Any unsurveyed parcel shall have the word “unsurveyed” placed in bold letters adjacent to the parcel number on the plat as provided in (5) above.
 - c. Unsurveyed parcels need not comply with ORS 92.050(5), (7) and (8).

FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40’ L x 50’ W x 20’ T (2,000 SF) single family dwelling, an attached 40’ x 25’ (1,000 SF) deck, and the removal of all other existing structures on the property. The subject parcel is located in the A-1(160), Exclusive Farm Use Zone and is 20.26 acres. Pursuant to ORS 92.055, the parcel is larger than 10 acres and is not required to be surveyed and monumented. A **condition** of approval is included in the Notice of Decision stating that approximate acreage of the unsurveyed parcel shall be shown on the plat, and any unsurveyed parcel shall have the word “unsurveyed” placed in bold letters adjacent to the parcel number on the plat. With the condition of approval, staff finds the request complies with Criterion 5.

6. Pursuant to ORS 92.095, prior to recordation of the final partition map, the current years’ taxes must be paid in full. (The tax year runs from July 1st through June 30th).

FINDING: The current years’ taxes must be paid in full when a land division occurs. A **condition** is included requiring the property owners to submit proof that the current years’ taxes are paid in full. (Note: The tax year runs July 1st – June 30th.) With the condition of approval, staff finds the request complies with Criterion 6.

7. If the property is zoned “A-1” Exclusive Farm Use, a statement shall appear on the face of the partition plat stating that the land division is for commercial farm use.

FINDING: The parcel is located in the A-1(160), Exclusive Farm Use Zone. A **condition** of approval is included in the Notice of Decision stating that a statement shall appear on the face of the partition plat stating that the land division is for commercial farm use. With the condition of approval, staff finds the request complies with Criterion 7.

C. Final Land Partition Plat Requirements:

FINDING: Section 21.100.C. lists all of the requirements of a final partition/property line adjustment map, including all items listed in ORS 209.250 and ORS 92.050. A **condition** is included requiring the final partition plat to include all of the items required by Section 21.100.C. (see Attachment F), and the following additional items:

1. Planning Department File Number (921-18-000117-PLNG) below the Planning Director signature block near the bottom right (if multiple pages, this should be on page 1).
2. Account number: 1173 & 859
3. Current date
4. Comprehensive Plan and Zoning designation:
 - o Comprehensive Plan designation: Exclusive Farm Use & Rural Residential in Wasco County
 - o Zoning: A-1(160) & R-R(10) in Wasco County. Property contains an EPD-8, Impacted Low Elevation/TLSA

4. One metes and bounds description identifying the perimeter of all subject parcels shall be included on the final plat
5. The following statement: No investigation has been made of the suitability of any given parcel by an authorized representative of the department of environmental quality, and no warranty is made that any given parcel will be used for subsurface sewage disposal.
6. A table consistent with the following: (Place this table outside of any illustrated parcel boundary.)

	Existing Property Size	Proposed Property Size
2N 12E 15 400	20.26	20.061
2N 12E 22 6800	10.13	10.303

To ensure deed records are accurate, a **condition** is included requiring the property owners to prepare and file new deeds for the newly configured parcel as soon as the final plat map is filed.

With the conditions of approval listed above, staff finds the request complies with Criterion C.

H. ORS 92.176 – Validation of Unit of Land Not Lawfully Established

(1) A county may approve an application validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land if the unit of land:

- a. Is not a lawfully established unit of land; and*
- b. Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.*

FINDING: The subject property (2N 12E 15 400) is not considered a lawfully established unit of land because it was created by Deed 1979-002692, which was filed with the Wasco County Clerk’s office on August 14, 1979. The subject parcel was zoned A-1 at the time of creation. The A-1 zone had a minimum acreage of 20 acres at that time, which was the exact amount of acreage Deed 1979-002692 created.

The parcel to the south (2N 12E 22 6800) was created by Minor Partition 76-113 as Tract 1 containing 10 acres. The zoning designation at the time was A-2 with a minimum acreage of 10 acres.

In 1979 a small triangle in the northeast corner of the south parcel was added to the subject parcel by Deed 1979-001300, filed with the Wasco County Clerk on May 5, 1979. This dropped the south parcel below the minimum acreage allowed in the A-2 Zone.

To validate both pieces of land, the owners have agreed to transfer the triangle portion of land back to the south parcel, bringing the south parcel back into conformance, and leaving the subject parcel with 20 acres which would have met the Minimum acreage for the A-1 zone.

Since the subject property was not a lawfully established unit of land, and could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold, staff finds the request complies with Criterion (1).

(***)

(5) A unit of land becomes a lawfully established parcel when the county or city validates the unit of land under this section if the owner of the unit of land causes a partition plat to be recorded within 90 days after the date the county or city validates the unit of land.

FINDING: A **condition** of approval is included in the Notice of Decision requiring the owners to record the final plat with the Wasco County Clerk within 90 days from final approval of this request. Final approval occurs upon expiration of the 12-day appeal period if there is no appeal of the administrative decision, the final plat must be recorded no later than December 10, 2018. Failure to file the final plat within 90 days will void the land use approval, and the action will need to be applied for again. With the condition of approval, staff finds the request complies with Criterion 5.

(6) A county or city may not approve an application to validate a unit of land under this section if the unit of land was unlawfully created on or after January 1, 2007.

FINDING: The unit of land was created by Deed 1979-002692, which was filed with the Wasco County Clerk's office on August 14, 1979. This is before the January 1, 2007 requirement in the criterion above. With that finding, staff finds the request complies with Criterion 6.

(7) Development or improvement of a parcel created under subsection (5) of this section must comply with the applicable laws in effect.

FINDING: The request is for a single parcel partition to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25' (1,000 SF) deck, and the removal of all other existing structures on the property. Property Development Standards are addressed in Section 3.216 earlier in this report. Staff finds the request complies with Criterion 7.

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.

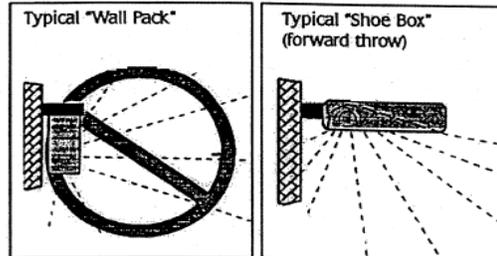
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

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?

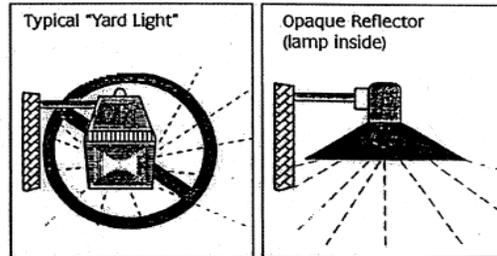
- 1 Provide only enough light for the task at hand; don't over-light, and don't spill light off your property. Specifying enough light for a job is sometimes hard to do on paper. Remember that a full Moon can make an area quite bright. Some lighting systems illuminate areas 100 times more brightly than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

Some Good and Bad Light Fixtures



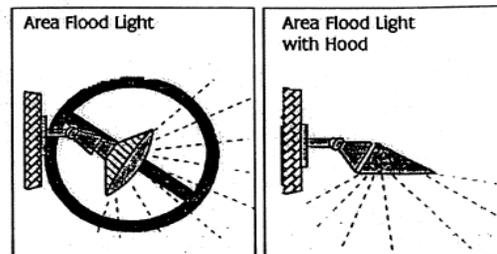
BAD

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.

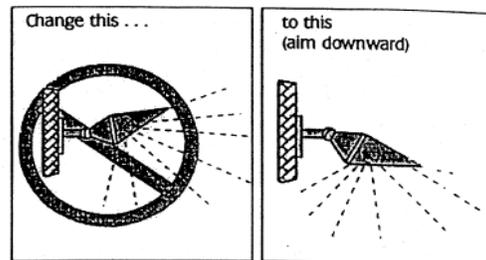
- 4 Choose energy-efficient low-pressure sodium (LPS) or high-pressure sodium (HPS) lamps wherever yellowish light will do the job. Use less efficient white lights only where ideal color rendition is important.

- 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!

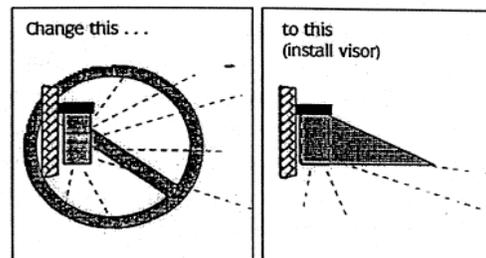
Replace bad lights with good lights.

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

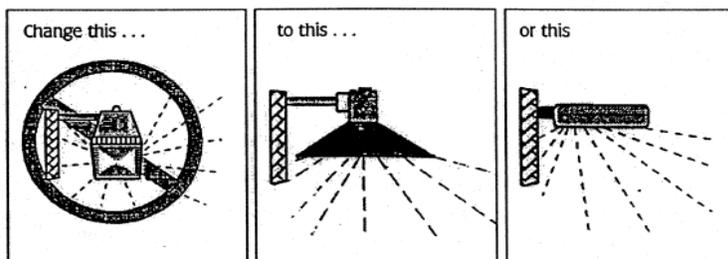
What You Can Do To Modify Existing Fixtures



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

ATTACHMENT F – CHAPTER 21 – LAND DIVISIONS

SECTION 21.100.C, Final Land Partition Plat Requirements

1. Conformance to Preliminary plan. The plat shall substantially conform to the preliminary plan as approved.
2. Preparation of the Plat.
 - a. A plat shall be prepared on 4 mill (minimum) double matte polyester film, approved by the County Surveyor, on a standard 18" x 24" sheet, with archival permanent black ink, in a format available at the Wasco County Surveyors Office.
 - b. All signatures on the original must be in archival quality black ink.
 - c. The lettering shall be a size or type to be clearly legible when copies are made.
 - d. A face sheet and index must be included for a plat with 3 or more sheets.
3. Compliance with ORS 209.250. A plat shall comply with all requirements of ORS 209.250 including:
 - a. Narrative
 - b. Location of the survey by one-fourth section, Township and Range.
 - c. Date of the survey.
 - d. Scale and North Arrow. The plat shall be drawn to a standard engineering scale sufficient to depict the change, approved by the County Surveyor.
 - e. The distance and course of all lines traces or established, giving the basis of bearing.
 - f. Measured bearings and distances used as a basis for establishing or reestablishing lines or monuments separately indicated from those of record.
 - g. Monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.
 - h. The surveyor's seal and original signature.
 - i. The surveyor's business name and address.
4. Compliance with 92.050. A person shall not submit a plat of a partition for record until all the requirements of ORS 209.250 and the plat requirements of the partition have been met.
 - a. The survey for the plat shall be done in a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.
 - b. The plat shall be made by professional land surveyor.

- c. The plat shall be of sufficient scale and lettering size, approved by the County Surveyor, so that:
 - (1) The survey and mathematical information and all other details are clearly and legibly shown on the plat.
 - (2) Each lot or parcel is numbered consecutively.
 - (3) The lengths and courses of the boundaries of each lot or parcel are shown on the plat.
 - (4) Each street is named and shown on the plat.
- d. The locations and descriptions of all monuments found or set must be carefully recorded upon the plat and the proper courses and distances of all boundary lines, conforming to the Surveyor's Certificate, must be shown.
- e. The location, dimensions and purpose of all recorded and proposed public and private easements must be shown on the plat along with the County Clerk's recording reference if the easement has been recorded with the County Clerk. Private easements become effective upon the recording of the plat.
- f. The area of each lot or parcel must be shown on the plat, to the nearest one-hundredth of an acre.
- g. In addition to showing bearings in degrees, minutes and seconds, and distances in feet and hundredths of a foot, the following curve information must be shown on the plat:
 - (1) Arc length
 - (2) Chord length
 - (3) Chord bearing
 - (4) Radius
 - (5) Central Angle
- h. The final plat may not be required to show any information or requirement that is or may be subject to administrative change or variance by the county, or any other information unless authorized by the County Surveyor. Examples of authorized information include:
 - (1) Parcels located in an "A-1", "F-1" or "F-2" zone shall contain the following statement: "No investigation has been made of the suitability of any given parcel by an authorized representative of the Department of Environmental Quality, and no warranty is made that any given parcel will be used for subsurface sewage disposal. If subsurface sewage disposal evaluations have been completed, a copy shall be filed with the Wasco County Planning Department."
 - (2) Parcels located in any other zone shall contain the following statement: "The parcels have been approved for subsurface sewage disposal by an authorized representative of the Oregon Department of Environmental Quality."

- (3) Planning Department File Number
- (4) Tax lot Information
- (5) Zoning classification and Comprehensive Plan Designation
- (6) Table indicating the acreages of all existing and newly created parcels.
- (7) Assessor Account Number for each existing property.

F. Monuments.

- a. The Initial Point of a plat must be on the exterior boundary of the plat and must be marked with a monument meeting the specifications of ORS 92.060(1). The location of the monument shall be with reference by survey to a known corner, per ORS 92.060 and shown on the plat.
- b. The exterior boundary and all parcel corners must be monumented per ORS 92.060.
- c. For partitions involving land in a flood plain, the provisions of Section 21.210(5) shall apply.

6. Surveyor's Certificate. The plat must include a Surveyor's Certificate, together with the seal and signature of the surveyor of record, to the effect that the surveyor has correctly surveyed and marked with proper monument the lands represented, including the initial point of the plat and its location, and accurately describing by metes and bounds, or other description as approved by the County Surveyor, the tract of land upon which the parcels are laid out.

7. Declaration.

- a. The plat shall include a declaration, taken before a notary public, stating that the declarant has caused the plat to be prepared in accordance with the provisions of ORS 92.
- b. Any dedication of land to public purposes or any public or private easements create, or any other restrictions made, shall be included in the Declaration.
- c. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the Declaration for the purpose of consenting to the property being partitioned.
- d. If the plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the Declaration
- e. Notwithstanding the provisions of subsection a. to d., the fee owner, vendor or the mortgage trust deed holder may record an affidavit consenting to the declaration, pursuant to ORS 92.075(4).

8. General Information. No plat shall be approved unless:

- a. Streets or Road for public use are dedicated without reservation or restriction other than reversionary rights upon vacation.

- b.** All easements provided for public services, utilities, or access are shown on the face of the plat along with the legal description and any limitations of the easements. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the plat.
- c.** Names and addresses of the partitioner, owner, mortgagee, if any, and the person preparing the plat are shown.
- d.** The names of any streets intersecting or within the parcels are shown.
- e.** All easements provided for public services, utilities, or access must be shown on the face of the map along with the legal description and any limitations of the easements. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map.
- f.** Zoning classification and Comprehensive Plan Designation
- g.** Space for date and signatures of the following officials is made:
 - (1)** Planning Director or designee
 - (2)** County Surveyor
 - (3)** County Assessor
 - (4)** County Tax Collector
- h.** Any additional information made a condition of approval of the tentative plan is shown.

ATTACHMENT F - FOREST-FARM MANAGEMENT EASEMENT

Owner Name: _____
Mailing Address: _____

Melanie Noble, 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 15, Tax Lot 400, Account 859 & 1173

In accordance with the conditions set forth in the decision of Wasco County Planning Staff, dated August 30, 2018, approving a Subject to Standards Review (File #921-18-000117-PLNG) to legalize an improperly created parcel through ORS 92.176, replacement of existing dwelling with a 40' L x 50' W x 20' T (2,000 SF) single family dwelling, an attached 40' x 25'(1,000 SF) deck, and the removal of all other existing structures on the property. 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 an Exclusive Farm Use/ Forest/Forest-Farm 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

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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