

## ATTACHMENT D – STAFF REPORT

**File Number:** PLACUP-18-01-0001

**Request:** A Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure.

**Applicant:** Randy L. Kaatz

**Owner:** Thomas Zink

**Decision:** Approval, with **conditions**

**Decision Date:** April 26, 2018

**Appeal Deadline:** May 8, 2018

**Location:** The subject property is located north of the White River and west of Tygh Valley Road, in the southern portion of Tygh Valley approximately 6 miles northwest of Maupin, Oregon; more specifically described as:

<u>Map/Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
4S 13E 10 1100	10462	32.82

**Zoning:** TV-R, Tygh Valley Residential

**Environmental Protection Districts:** EPD-1 -Flood hazard Overlay Zone,  
EPD-7 - Natural Areas Overlay Zone

**Past Actions:**

LOC-88-BP	Install Flammable/Combustible Liquid Tanks
LOC-89-BP	Addition onto Maintenance Shop
LOC-97-WAMF2-LUC	Septic
LOC-97-WAMF2-BP	30' Diameter Yurt
LOC-97-WACM2-BP	Add Bathroom to Existing Dwelling (Yurt)
LOC-98-WAMF22-BP	Add Deck to Existing Dwelling
LOC-03-BP	24'x24'x14' Detached Garage
PWARCH-08-04-0732	Road Approach Permit

## I. APPLICABLE STANDARDS

### Wasco County Land Use & Development Ordinance (LUDO)

#### A. Chapter 3 – Basic Provisions

##### Section 3.600 – Tygh Valley Residential (TV-R) Zone

Section 3.603(B)(C)	Uses Permitted Subject to Type 1 Review - Accessory Structure/Replacement Dwelling
Section 3.606	Property Development Standards

##### Section 3.740, EPD-1, Flood Hazard Overlay Zone

Section 3.740.B.	Applicability
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##### Section 3.910, EPD-7, Natural Areas Overlay Zone

Section 3.911	Permitted Uses
Section 3.912	Approval Standards

#### B. Chapter 5 - Conditional Use Review

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

#### C. 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

## II. BACKGROUND

- A. Legal Parcel:** The subject parcel was created by Partition PAR-92-114, and was recorded with the Wasco County Clerk on June 29, 1992. It is consistent with the definition of (Legal) Parcel in Section 1.090 of the WCLUDO because it is a parcel in an existing, duly recorded major or minor land partition.
- B. Site Description:** The subject parcel lies north of the White River and west of Tygh Valley Road. The proposed development site is located on approximately 32.82 acres. The development site is located on the top of a bluff, in the central part of the subject parcel, where it is relatively flat with slopes of 0% -5%. Land to the south and east of the development site runs downhill with slopes of 25%-45%. The property is taxed at a residential rate. The northern portion of the property is composed of mainly rocky land with cliff bluffs. The southern portion of the property is composed of steep hillside sloping down to the White River with scattered trees and vegetation.
- C. Surrounding Land Use:** The neighboring property to the west is zoned A-1(160), Exclusive Farm Use, and contains private lands. The surrounding area to the north and east, known as Tygh Valley, contains residential development, small scale commercial activity, and agricultural uses

along or near Tygh Creek and the White River. The privately developed properties generally contain 5-40% northeast-facing slopes, though portions exceed 60%. Trees and vegetation are common around existing buildings and along the White River, with the remainder in a natural state, with native grasses and shrubs.

- D. Public Comment:** Notice of Administrative Action was mailed on March 1, 2018, to all owners of property within 300' of the subject parcel, and any affected agencies. This notice provided a 12-day pre-notice for public comment. This comment period ended at 4 p.m. on March 13, 2018. The following comments were received prior to the expiration of the comment period:

Kristin Dodd, Unit Forester, Central Oregon District – The Dalles Unit: “Catastrophic wildfires threaten and destroy many homes in Oregon and in other states each year. The Oregon Department of Forestry (ODF) has a responsibility to its landowners to protect their forest lands from wildfire. Since ODF does not provide structure protection it is incumbent on the local fire district (Tygh Valley Fire District) to provide that protection, however, ODF is still responsible for the forest and range land surrounding those structures.

This proposed development is located within the Oregon Department of Forestry Fire Protection District and receives wildland fire protection services by ODF, as does surrounding properties.

ODF continues to be concerned about the impact of additional structures and the associated human activities within the wildland urban interface. Simply stated, people start fires, no matter the good intentions of the landowner, many activities that result from living in the forest/range zone have the potential to cause fires. Because of these concerns we have worked closely with the planning department to provide consistent and appropriate siting standards for structures.

ODF recognizes that this proposed dwelling is intended to replace an existing yurt structure on the same parcel. Although there is already human activity associated with this parcel, we just want to reiterate the importance of fire prevention and risk mitigation. If approved, ODF would expect the planning department to consistently apply the wildfire siting standards adopted by the county as they currently exist.

The standards that ODF are most concerned with include paying particular attention to structures having the least impact on adjoining forest lands, appropriate buffer requirements, and that the risks associated with wildfire are minimized. That said, I would like to emphasize the importance of the defensible space standards around the building site that contribute to higher likelihood of a structure being saved while reducing risk to firefighting personnel in the event of a wildland fire moving through the area, regardless of how the fire started.

We place emphasis on primary and secondary fuel breaks, construction materials, and not siting structures on slopes greater than 40%. It appears as though construction materials are being taken into consideration from a fire risk standpoint.

We also want to see Road Standards with emphasis on road width, vertical clearance, turnarounds and turn outs, and road grades.

Flammable vegetation will continue to grow in and around these structures. However, if the proposal is granted, the long term maintenance of defensible space is an issue that is not

addressed in the current planning department standards, and may only be addressed through ongoing maintenance of defensible space surrounding all structures by the landowner.

It is ODF's hope that through proper wildfire siting standards and continued maintenance of defensible space, landowners will be able to provide a safe and risk free environment for themselves, their neighbors and the firefighters who protect their property."

Staff Response: Approval of the request can only occur when all applicable standards are met. All pertinent fire safety standards are included in this report under Chapter 10, Fire Safety Standards.

John Zalaznik, Environmental Health Supervisor, North Central Public Health District: "I looked at the existing system design--- Our office should have no issues signing off on this change. It will however require an Authorization and therefore we will need a LUCS from your office. If the applicant supplies us with a detailed plot plan we may be able to do this with a non-site visit Authorization-- \$220. Please direct the applicant to us for further detailed instructions."

Staff Response: Sanitation approval is required along with any land use approval that requires review by building codes. The applicant was forwarded the email from John Zalaznik. Sanitation is addressed within findings for Chapter 5 – Conditional Use Review.

### III. FINDINGS:

#### ***Wasco County Land Use & Development Ordinance (LUDO)***

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

###### ***Section 3.600 - Tygh Valley Residential (TV-R) Zone***

###### ***Section 3.603 - Uses Permitted Subject to Type I Review***

*The following uses are permitted on a legal parcel on lands designated Tygh Valley Residential (TV-R) Zone subject to Section 3.606 - Property Development Standards, Chapter 10 - Fire Safety Standards as well as any other listed, referenced or applicable standards.*

*\* 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.*

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*B. 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. (Added 4/12)*

**FINDING:** The request is for a Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure. Wasco County LUDO, Chapter 1, Section 1.090, Definitions, defines Accessory Structure as:

*Accessory Structure - A detached structure, its footprint being less than 3/4 of the primary structures footprint, the use of which is customarily incidental to that of the primary structure or the primary use of*

*the land and which is located on the same lot-of-record with the primary structure or use. Accessory structures shall not include agricultural exempt buildings. (Revised 1/92, 5/93)*

A **condition** of approval is included in the Notice of Decision stating that the accessory structure shall not receive zoning approval prior to zoning approval for the dwelling. Zoning approval for the accessory structure shall be granted simultaneously, or after zoning approval for the dwelling has been provided, but not before.

The proposed dwelling will be 2,136 SF. 75% of the proposed dwellings square footage is 1,602 SF. The applicant proposed a 1,440 SF accessory structure. A **condition** of approval is also located within the Notice of Decision stating that prior to zoning approval; it shall be demonstrated through engineered plans that the accessory structure shall have a footprint that is less than 3/4 of the dwellings footprint.

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

*C. Additions to, and replacement of, a lawfully established building or structure. (Added 4/12)*

**FINDING:** The request is for a Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure. The yurt is currently being used as a dwelling, and was originally approved in 1997. On the 1997 building permit it states,

*“For a 30’ diameter “yurt”. Dwelling allowed as the result of a previously approved septic and building permit.”*

Since the yurt was lawfully established as a dwelling, it may be replaced as such. Any additional standards are addressed in this staff report. Staff finds the request complies with Criterion C.

### ***Section 3.606, Property Development Standards***

#### ***B. Setbacks***

- 1. Front Yard: 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 except where forty percent (40%) of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.*
- 2. Side Yard: No structure other than a fence shall be located closer than seven (7) feet from side property lines for interior lots and ten (10) feet from exterior side property lines for corner building sites.*
- 3. Rear Yard: No structure other than a fence shall be located closer than fifteen (15) feet from the rear property line.*
- 4. Water Setbacks: All structures or similar permanent fixtures shall be set back from the high water line or mark along all water bodies a minimum distance of fifty (50) feet when measured horizontally at a right angle.*

5. *Agricultural setbacks: Any new structure requiring a building permit on a lot or parcel adjacent to EFU-zoned land which is currently used for or is suitable for agriculture use shall be set back a minimum of 100 feet from the common property line.*

**FINDING:** The request is for a Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure. The property to the west is zoned EFU, but is not in production, and is approximately 90% Class VII soils. Class VII soils are considered generally unsuitable for agriculture by the State of Oregon. The property is also predominantly greater than 40% slopes. Therefore the development will not be required to meet the 100' setback requirement. The White River is located on the southern portion of the property running west to east, and the development will be required to meet the 50' setback. The setbacks are as proposed below.

**Dwelling Setbacks**

Required Setback	Proposed Setback	Consistent?
Front (East): 25'	498' +/-	yes
Side (North): 15'	986' +/-	Yes
Side (South): 50'	403' +/-	Yes
Rear (West): 15'	91' +/-	Yes

**Accessory Structure Setbacks**

Required Setback	Proposed Setback	Consistent?
Front (East): 25'	633' +/-	yes
Side (North): 15'	886' +/-	Yes
Side (South): 50'	509' +/-	Yes
Rear (West): 15'	33' +/-	Yes

With the proposed setbacks, staff finds the request complies with Criterion B, 1-5.

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

**FINDING:** The subject parcel is not a corner property. Therefore, it will not be required to meet the 30 foot setback requirement. Staff finds that Criterion C is not applicable to this request.

- D. *Height: Maximum height for all structures shall be thirty five (35) feet with the exception of lights for athletic fields which shall be the minimum height necessary for the intended purpose.*

*Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.*

**FINDING:** The request is for a Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure. As illustrated in plans submitted by the applicant, the average building height for the home will be 13'5", and the accessory structure will be 17'. A **condition** of approval is included in the Notice of Decision stating that the owner shall submit full construction plans for the new single family dwelling and accessory structure prior to issuance of zoning approval on a building permit application. The final plans shall show the

finished height of the proposed dwelling being no more than 35' tall, and the proposed accessory structure being no more than 18' tall. With the condition, staff finds the request complies with Criterion D

- E. Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.740 - Flood Hazard Overlay (EPD 1).*

**FINDING:** The subject parcel has a portion of the Flood Hazard Overlay (EPD-1) on the southern border of the property along the White River. However, the existing and proposed development will be taking place approximately 300'+ outside of the overlay zone. Therefore, the development will not be subject to the provisions of Section 3.740 – Flood Hazard Overlay (EPD-1). Staff finds that Criterion E is not applicable to this request.

- F. Signs:*

**FINDING:** The request for a detached accessory building does not include the placement of signs, therefore Criterion F is not applicable.

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

**FINDING:** The request is for a Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure. Chapter 20 – Site Plan Review requires at least one parking space for residential development. A **condition** of approval is included in the Notice of Decision stating that one parking space shall be provided for the residential development. With the condition of approval, staff finds the request complies with Criterion G.

- H. 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. The exterior of shielding and hooding materials shall be composed of non-reflective opaque materials. Athletic field lighting shall follow normal good practices.*

**FINDING:** The request is for a Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure. Although the site plan does not include outdoor lighting, a **condition** of approval is included in the Notice of Decision requiring new outdoor 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. With the proposed condition of approval, the request complies with Criterion H.

- I. Building Orientation: New buildings shall have their primary orientation to the street utilizing features such as front porches, windows, doorways, and walkways.*

**FINDING:** In a site plan submitted with the application, the proposed dwelling and accessory structure orientation is directed towards the entrance onto the property which is located nearly 750' away. Staff finds the proposed orientation complies with Criterion I.

- J. *Garage/Carport Placement: Garages and carports are encouraged to be located on the side of the single family dwelling.*

**FINDING:** The criterion states that garages and carports are encouraged to be located on the side of the single family dwelling. The proposed accessory structure will be located 40' to the side of the single family dwelling. Staff finds that the request complies with Criterion J.

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L. *Access*

1. *No access will be allowed off of US Highway 197.*
2. *Spacing- Parcels/lots fronting Highway 197 shall have their access off ORE Highway 216 or Wamic Market Road at least 500 feet from the junction of Highway 197.*
3. *All accesses fronting ORE Highway 216 shall have a minimum spacing of 500 feet.*

**FINDING:** The subject parcel has frontage on Tygh Valley Road, not US Highway 197 or ORE Highway 216. Staff finds that Criterion L is not applicable to this request.

**Section 3.740, EPD-1, Flood Hazard Overlay Zone**

B. *Applicability*

1. *Lands to which this Chapter Applies:*
  - a. *This chapter shall apply to all Areas of Special Flood Hazards within the jurisdiction of Wasco County.*

**FINDING:** The subject parcel has a portion of the Flood Hazard Overlay (EPD-1) on the southern border of the property along the White River. However, the existing and proposed development will be taking place approximately 300'+ outside of the overlay zone. Therefore, the development will not be subject to the provisions of Section 3.740 – Flood Hazard Overlay (EPD-1). Staff finds that Section 3.740 is not applicable to this request.

**Section 3.910, EPD-7, Natural Area Overlay Zone**

*The purpose of this overlay district is to preempt conflicting use in areas identified in the Wasco County Comprehensive Plan as containing significant natural value. The overlay is designed to protect the identified natural value by allowing only uses which will not permanently destroy the natural value. This overlay applies to all natural areas identified in the Wasco County Comprehensive Plan and to the Wasco County portions of the Deschutes, John Day, and White Rivers designated as Wild & Scenic Rivers as defined and protected in ORS 390.805 & 390.825 or USFC & CFR.*

**Section 3.911 - Permitted Uses**

*Uses allowed in the underlying zone shall be subject to the conditional use review permit pursuant to Section 2.060(A) of this Ordinance.*

**FINDING:** The request is for a Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure. A replacement dwelling and a new accessory structure are permitted as a Type I Review in the TV-R Zone. Due to its location in the Natural Areas Overlay Zone, the request must go through the Conditional Use Review. The owners requested approval of a Conditional Use Permit for the proposed replacement dwelling and new accessory structure, a permitted use; therefore staff finds that the request complies with Section 3.911.

**Section 3.912 - Approval Standards**

*In the evaluation of any use subject to the Natural Area Overlay, finding shall be required demonstrating that the designated natural value will not be damaged by the use or activity. If a proposed use or activity would result in the permanent destruction of natural value, then the request shall be denied.*

**FINDING:** The request is for a Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure. The subject parcel lies along the northern bank of the White River, a wild and scenic river. One of the purposes of the overlay zone is to protect the identified natural value by allowing only uses which will not permanently destroy the natural value. The White River is fish-bearing, and contains Red band trout (year-round resident). To retain this natural resource, it is important that the riverbank and adjacent land not be disturbed. The proposed replacement dwelling and accessory structure will be located approximately 450' from the bank of the White River and will not disturb the natural habitat and vegetation along the river.

The proposed replacement dwelling and accessory structure will be placed in an area already disturbed by development, and will not result in any further "permanent destruction of natural value."

Staff finds the request complies with Section 3.912 because the proposed replacement dwelling and accessory structure will not have an impact on sensitive wildlife species or their habitat, nor will it have an impact on vegetation along the river due to its distance (450' +/-) from the river. The zoning criteria require that any development be located at least 100' feet from any fish bearing waterbody for the protection of sensitive wildlife species and their habitat. A stated later on addresses the minimization of ground disturbance caused by the development. Staff finds the request complies with Section 3.912 – Approval Standards.

**B. Chapter 5 – Conditional Use Review**

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

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

**FINDING:** The goals and objectives of the Comprehensive Plan are implemented through the Wasco County Land Use & Development Ordinance, which are 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 request is for a Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure.

(Location) The subject parcel has access onto Tygh Valley Road. The location of the proposed replacement dwelling and accessory structure is approximately 1,700' north of the access road, and 450' north of the White River.

(Size and Design) In considering this criterion, 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 proposal is for a replacement dwelling and accessory structure, less than 35' in height, as measured at average grade.

(Operational Characteristics) The proposed replacement dwelling and accessory structure will be used by the owners as a living space, and the accessory structure for personal storage. The new accessory structure will not create additional vehicular trips to or from the property, but will be used in conjunction with the replacement dwelling on the property, similar to other homes in the area with detached accessory buildings.

Permitted uses in the TV-R Zone generally consist of residential, commercial, and community facility uses. Many of the surrounding properties contain a residence and one or more detached accessory buildings. The existing dwelling and accessory structure are similar to the use of other existing development in the area. Therefore, staff finds that the proposed use is compatible with the surrounding area and development of abutting properties by outright permitted uses, and complies 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 Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure. There is an existing single family dwelling on the subject parcel which already uses the public access road. The County Sheriff currently provides police protection to the area. The request will not exceed or significantly burden road or police capacity because of the existence of a single family dwelling on the property. The dwelling determines the need for services and an accessory building has no impact on the available services.

The subject parcel is served by an on-site septic system for solid waste.

The subject parcel is served by Tygh Valley Rural Fire Protection District for structure fire, and Oregon State Forestry for wildfire. The replacement of a home and addition of an accessory structure will not significantly burden these entities, as there is already an existing home and development on the property. Access for Fire Safety Standards will be addressed further on in this report under Chapter 10 – Fire Safety Standards.

The subject parcel is served by Wasco Coop Electrical Service. Since there is already existing development on the property, and there is no intended expansion in use, this will not significantly burden this entity.

The subject property does not use water facilities, telephone service, or solid waste disposal facilities. Therefore, the use will not significantly burden these facilities.

As proposed, staff finds the request complies with Criterion C.

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

**FINDING:** The request is for a Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure on the subject parcel. These buildings will not cause an increase the amount of traffic in the area, nor will it change the traffic flow or safety in the area. Staff finds the request 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:** (Noise and Odor) Residential construction of this scale and nature is short in duration and will not create undue noise or odor given the distance and existing vegetation between the proposed development and all property lines.

(Dust) During residential construction vegetation will be disturbed that exposes soil and creates a high probability for airborne dust that can create a nuisance for surrounding property owners. A **condition** is included requiring the owners to maintain existing vegetation to the greatest extent possible and to reseed and/or revegetate disturbed areas within the first planting season (October – April).

The proposed driveway will have a gravel surface. Dust from driveways can create airborne dust which could be a nuisance to adjacent land owners. To suppress dust on the proposed subject parcel, a **condition** of approval is included in the Notice of Decision requiring the current or future property owner(s) to maintain the driveway from Tygh Valley Road to the proposed replacement dwelling and accessory structure with enough gravel on the running surface to cover the dirt base and minimize the amount of airborne dust.

With the proposed conditions of approval, 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 Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure. The existing dwelling is located approximately 450' north of the White River. The subject parcel is not located in the Sensitive Wildlife Habitat Overlay Zone (EPD-8), but is located along the White River, which contains Redband trout. The area along the river generally contains trees, natural grass vegetation.

A minimum 100' no-disturbance buffer is required from the White River because it is a year-round fish-bearing river. Though the development area is over 450' north of the river, it is important that any ground disturbance be revegetated to the greatest extent possible. A **condition** of approval is included in the Notice of Decision requiring ground disturbance to be minimized to the greatest extent possible. All ground disturbances resulting from development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation and the replacement of such vegetation that does not survive. With the proposed condition, staff finds 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:** (Air) The proposed replacement dwelling and accessory structure will not adversely affect air quality because air pollution created by a single family dwelling is minimal. There are no proposed heating facilities or construction associated with the request. 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.

(Water) The proposed replacement dwelling and accessory structure will not adversely affect water quality because it will not be connected to, or create any waste water that could leach into the White River.

(Land) The proposed replacement dwelling and accessory structure will not affect land quality. As previously stated, the proposed development will not create any pollutants/waste that are placed upon or drained into the land. A **condition** of approval requiring maintenance of vegetation and reseeding or revegetation of all disturbed areas upon completion of the dwelling and accessory structure will ensure that excessive soil erosion does not occur.

With the proposed condition 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 standard does not require that there be no visual impact from the proposed dwelling and accessory structure, but that any impact not be significant. The request is for a Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure. The existing development area is located on the top of a bluff in southwestern Tygh Valley, situated far enough back from the bluff that no neighboring development is viewable from the development area. Since the development area is pre-existing the land use approval under review, and the development is not viewable from neighboring development in the area, it will not detract from the visual character of the area. 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:** The request is for a Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure. According to the Wasco County Comprehensive Plan, there are no historic, natural, cultural, or archaeological sites on the subject parcel, nor are there any assets of particular interest to the community. Scenic resources were discussed in H. above. Staff finds the request complies 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. (Revised 1-92)*

*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. (Revised 1-92)*

**FINDING:** There is no identified farm or forest use on the subject parcel or surrounding properties. The closest farm uses are identified to the west approximately 1/4 of a mile. According to historical data from Farm Services Agency these properties have been used for crop production and grazing. These lands are in private ownership. Land to the southwest of the property approximately 430' is where SOAK, an outdoor mass gathering is held each year.

Due to a distance in excess of 1/4 mile from surrounding farm uses, the proposed replacement dwelling and accessory structure will not change or increase the cost of accepted farm or forest practices on surrounding properties. Staff finds the request complies with Criteria 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**

*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 request is for a Conditional Use Permit to remove an existing yurt and replace it with a 2,136 square foot dwelling, and the addition of a 1,440 square foot accessory structure. The caboose is within 1/4 mile of the White River, a wild and scenic river.

Compliance with all Conditional Use criteria is required throughout the life of this permit. A **condition** of approval is included in the Notice of Decision advising the owner 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 the proposed condition of approval, staff finds the request complies with Section 5.040.

**C. Chapter 10 – Fire Safety Standards**

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

*Section 10.120, Defensible Space – Clearing and Maintaining a Fire Fuel Break*

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

*Section 10.140, Access Standards – Providing Safe Access to and Escape From Your Home*

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

**FINDING:** The subject property is served by Tygh Valley Rural Fire Protection for structural protection, and the Oregon Department of Forestry for wildfire protection.

The fire safety standards, adopted by the Wasco County Court and effective February 5, 2007, require property owners to be 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.

A **condition** of approval is included in the Notice of Decision stating that all buildings shall be setback from the top of slopes greater than 30% by at least 50 feet.

A **condition** of approval is included in the Notice of Decision that a 50 foot fire fuel break shall be maintained around all structures in accordance with Chapter 10 – Fire Safety Standards.

To ensure the current roads meet the standards relating to access, a **condition** of approval is included in the Notice of Decision stating that the driveway providing access from Tygh Valley Road to the development site shall be a minimum width of 12' wide. Since the road is more than 200' long, turnouts shall be provided at least every 400' in accordance with Chapter 10 - Fire Safety Standards, Section 10.140 – Access. An adequate turnaround is already provided on the existing driveway.

The property owners have completed a Fire Safety Standard Self-Certification Form, and it is located in the Planning Dept. file. 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-PLACUP-18-01-0001.

# 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.

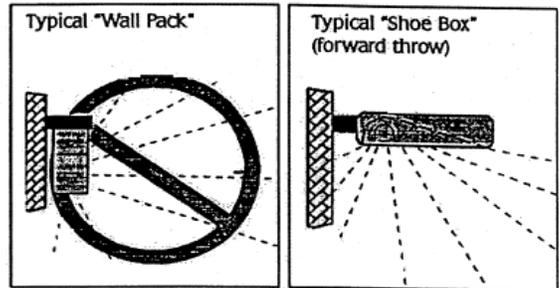
**Energy Waste** Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

**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?

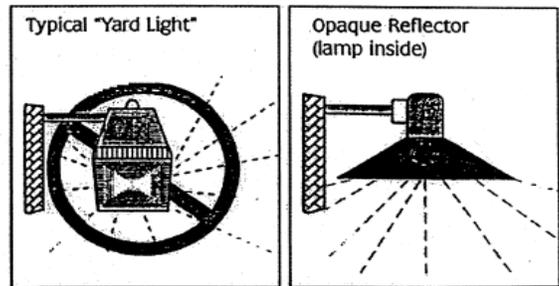
- 1 Provide only enough light for the task at hand; don't over-light, and don't spill light off your property. Specifying enough light for a job is sometimes hard to do on paper. Remember that a full Moon can make an area quite bright. Some lighting systems illuminate areas 100 times more brightly than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

### Some Good and Bad Light Fixtures



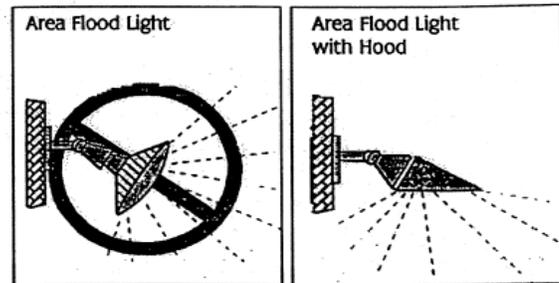
BAD

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.

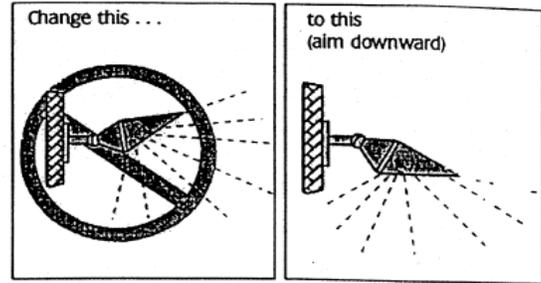
Properly aimed and shielded lights may cost more initially, but they save you far more in the long run. They can illuminate your target with a low-wattage bulb just as brightly as a wasteful light does with a high-wattage bulb.

- 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!

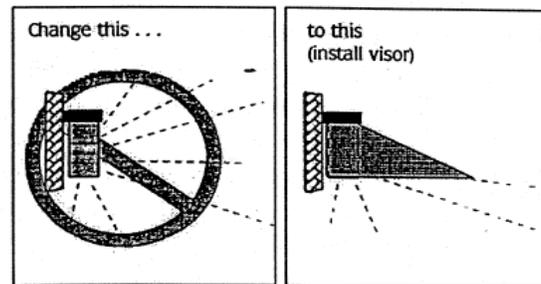
**Replace bad lights with good lights.**

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

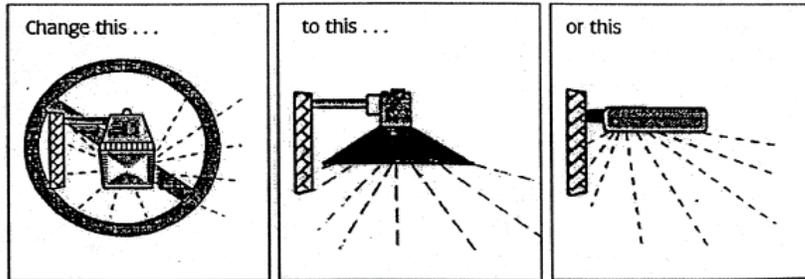
**What You Can Do To Modify Existing Fixtures**



**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.



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