ATTACHMENT D – STAFF REPORT

File Number: 921-18-000028-PLNG

Applicant: Brian Walsh, Pacific Wind Development, LLC

Owner: Daniel Carver

Request: Subject to Standards Permit for temporary placement of 198' tall meteorological (met) tower for the purpose of measuring wind speeds and direction

Decision: Approved, with **Conditions**

Decision Date: May 24, 2018

Appeal Deadline: June 5, 2018

Location: The subject parcel is located approximately 0.3 mile west of Highway 97, approximately 5 miles northeast of Shaniko, Oregon; more specifically described as:

Existing Tax Lot	Acct#	Acres
6S 17E 0 500	12696	5,175.19

Zoning: A-1 (160), Exclusive Farm Use

Past Actions: PLA-97-105-WAA1-A, Property Line Adjustment

Procedure Type: Administrative Action

Prepared By: Dawn Baird, Associate Planner

I. APPLICABLE STANDARDS

A. Chapter 3 – Basic Provisions

Section 3.210 – A-1 (160), Exclusive Farm Use
Section 3.214.M., Uses Permitted Subject to Standards – Meteorological Tower
Section 3.216, Property Development Standards
Section 3.218, Agricultural Protection

B. Chapter 4 – Supplemental Provisions

Section 4.070, General Exceptions to Building Height Requirements

C. Chapter 19 – Standards for Non-Commercial Energy Facilities, Commercial Energy Facilities & Related Uses

Section 19.020, Non-Commercial/Stand Alone Power Generating Facilities & Related Uses Review

D. Chapter 10 – Fire Safety Standards

Section 10.110, Siting Standards – Locating Structures for Good Defensibility
Section 10.120, Defensible Space – Clearing and Maintaining a Fire Fuel Break
Section 10.130, Construction Standards for Dwellings and Structures - 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

II. BACKGROUND

A. Legal Parcel: The subject property was created by Property Line Adjustment 97-105-WAA1-A, recorded with the Wasco County Clerk's office on August 11, 1997. It is consistent with the definition of Legal Parcel in the Wasco County Land Use and Development Ordinance because it was created by a recorded property line adjustment plat after the enactment of subdivision and partition regulations in Wasco County (September 4, 1974).

B. Site Description: The subject parcel contains multiple wetlands including Buck Hollow, Thorn Hollow, and Thompson Canyon as well as other unnamed linear wetlands and ponds. The topography of the property includes slopes from 1-40% in every direction and includes hilltops sloping down to creeks and seasonal drainages. The property historically has contained a planted crop of wheat or hay on the northern portion of the property. The remainder of the land is used for cattle grazing. Unplanted areas contain natural grasses.

C. Surrounding Land Use: All surrounding properties are located in the A-1 (160), Exclusive Farm Use Zone. Properties to the north, east, and west contain similar slopes as the subject parcel. Slopes to the south leading to Shaniko are predominantly gentle and lead to relatively level slopes at Shaniko. Scattered areas to the east and south are planted in wheat and/or hay while land to the west is used for cattle grazing. Wetlands, creeks and ponds are common throughout the area. Unplanted areas contain natural grasses with few trees in this area.

III. FINDINGS:

Wasco County Land Use & Development Ordinance

A. Chapter 3 – Basic Provisions

Section 3.210, A-1(160), Exclusive Farm Use Zone

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:

M. Non-commercial/standalone power generating facilities and Meteorological Towers Subject to Chapter 19 - Standards for Energy Facilities - Section 19.020. Small scale commercial power generating facilities may be allowed under this provision if allowed by Section 19.030.

FINDING: The subject parcel is designated Exclusive Farm Use. It was legally created by Property Line Adjustment 97-105-WAA1-A on August 11, 1997. The request is to place a 198' tall meteorological (met) tower on a temporary basis to gather data regarding wind speed and direction. Property Development Standards and Agricultural Protection requirements are addressed below.

Chapter 19 – Standards for Energy Facilities, is addressed in II.C.

Chapter 10 – Fire Safety Standards is addressed in II.D.

Staff finds that the request complies with Criterion M.

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:

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

(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.*

FINDING: Properties to the north, south, and east contain planted crops therefore the required setback from these property lines is 200'. Property to the west does not have a history of being used for farm use therefore the required setback from this property line is 100'.

Required Setback	Proposed Setback	Consistent?
North – 200'	2,500'	Yes
East – 200'	200'	Yes
South – 200'	6,000+'	Yes
West – 100'	15,600+'	Yes

All proposed setbacks meet or exceed the requirements in the Exclusive Farm Use Zone. Staff finds that the request complies with Criterion a.

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 Subject to Standards Review for a 198' tall meteorological tower. Section 4.070 – General Exception to Building Height Requirements, is addressed in B. (below) where staff finds it qualifies for an exception to the 35' height limit in the Exclusive Farm Use Zone. Staff finds that 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: Lighting is addressed in C. Chapter 19, Section 19.020 (below).

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

FINDING: Chapter 20 does not specifically list off-street parking requirements for a meteorological tower. There is no daily presence by an employee at the site. The applicant states that maintenance of met towers may be required but will likely be infrequent (estimate once a year). Maintenance visits would typically involve one to two vehicles. Each met tower site is located in open grazing land and will have large open areas that can easily accommodate maintenance vehicles. Each met tower will have a 50 foot radius area firebreak which alone could easily accommodate two vehicles. Staff finds that 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: Access to the proposed tower is via an easement and existing driveway through private property located west of Highway 97. No improvements to the driveway are proposed. In an e-mail dated May 14, Leslie McClain, Senior Environmental Planner, Tetra Tech, Inc., stated that the met tower will be accessed through the existing jeep/ranch road (unpaved ranch road) to the extent practicable. The applicant does not plan to make any improvements to the proposed access route as the met tower crew only requires light duty trucks that can drive cross country. Staff contacted the Oregon Department of Transportation by e-mail on May 16, 2018, regarding the need for a Road Approach Permit for the existing approach onto Highway 97. Scott Peters, ODOT Permit Specialist, responded to staff by e-mail on May 21, 2018:

> *I have some concerns about the width of some of the approaches being able to accommodate the oversize loads without creating traffic problems. This would lead me to believe based on the other wind developments in the area that they plan to modify potentially all of these approaches. This would create the need to go through the permitting process or at least be able to verify that need for each of these. I would ask that contacting ODOT be included in the conditions of use.*

A **condition** of approval is included in the Notice of Decision requiring the applicant or owner to obtain a Road Approach Permit for the driveway approach onto Highway 97. Staff finds that the request complies with Criterion G.

> ***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.*

FINDING: The proposed meteorological tower dwelling is located in an area of Wasco County that is in commercial agricultural production. Property to the north, east, and south contains planted field crops and property to the west is used for grazing. Because surrounding lands are in commercial farm use in the Exclusive Farm Use Zone, the owner must sign a Farm-Forest Management Easement as described in Criterion A. A **condition** of approval is included in the Notice of Decision requiring the property owner to sign and record a Farm-Forest Management Easement (see Attachment F) with the Wasco County Clerk prior to obtaining Planning Department approval on the building permit application. With the proposed **condition**, staff finds that the request complies with Criterion A.

> *B. Protection for Generally Accepted Farming and Forestry Practices - Complaint and Mediation Process: The landowner will receive a copy of this document.*

FINDING: The Farm Mediation Ordinance is being provided to the property owner as Attachment G. Staff finds that the request complies with Criterion B.

B. Chapter 4 – Supplemental Provisions

Section 4.070 - General Exceptions to Building Height Requirements (Amended 4-12)
Necessary roof structures, housing elevators, stairways, tanks, fans and ventilators and towers, steeples, flagpoles, smokestacks, silos, grain elevators, uses specified in Chapter 19 - Energy Facilities (meteorological towers, transmission towers and lines, and commercial, net-metering, and non-commercial/stand-alone power generating facilities), communication towers, water tanks and skylights and fire or parapet walls may be erected above the height limits of the zone in which they are located provided no usable floor space is provided in such structures above the required height limits. All structures over 200 feet in height require a Conditional Use Permit for aviation safety.

FINDING: The request is for a meteorological tower, a use specified in Chapter 19 – Energy Facilities. As specified in Section 4.070, this tower may be erected above the 35' height limit of the Exclusive Farm Use Zone because there is no usable floor space in the structure. Staff finds that the request complies with Section 4.070.

C. Chapter 19 – Standards for Non-Commercial Energy Facilities, Commercial Energy Facilities & Related Uses

Section 19.020, Non-Commercial/Stand Alone Power Generating Facilities & Related Uses Review

A. Review Processes - Non-commercial/Stand Alone Power Generating Facilities & Related Uses (energy facilities) shall be reviewed pursuant to the following. Where standards are less restrictive than comparative standards in other sections, the more restrictive shall govern.

1. Towers: Includes free standing (Wind Turbine & Meteorological) or roof mounted towers/turbines.

Tower Height	***Property Size***			
	<2 Acres	***2 - < 5 Acres***	***5 - < 10 Acres***	***> = 10 Acres***
Non-Resource Zones				
< = 35'	**Type I*	**Type I*	*Type I*	*Type I*
> 35' - < 50'	*Type II – STS*	*Type II – STS*	*Type I*	*Type I*
50' - < 100'	*Type II – CUP*	*Type II – STS*	*Type II - STS*	*Type II - STS*
100' - 150'	*Type II – CUP*	*Type II – CUP*	*Type II - CUP*	*Type II - STS*
Resource Zones				
< 35'	**Type I*	**Type I*	*Type I*	*Type I*
35' - < 50'	*Type II – STS*	*Type II – STS*	*Type I*	*Type I*
50' - < 100'	*Type II – CUP*	*Type II – STS*	*Type II - STS*	*Type II - STS*
100' - < 200'	*Type II – CUP*	*Type II – CUP*	*Type II - STS*	*Type II - STS*
> = 200'	*Type II – CUP*	*Type II – CUP*	*Type II - CUP*	*Type II - CUP*

FINDING: The request is for a free standing 198' tall meteorological tower on a 5,175.19 acre parcel in a resource zone (A-1) which requires a Subject to Standards Review. Staff finds that the request complies with Criterion 1.

B. *Type I (Ministerial) Review Standards: The following are applicable to energy facilities in addition to meeting the property development standards of the zone, unless otherwise specified, and any other listed or referenced standards:*

1. *General Standards for all Energy Facilities:*

a. *Lawful Use: Power will be for a lawfully established use or use that is in the process of being reviewed by the planning department.*

FINDING: The request is to place a 198' tall met tower on a temporary basis for the purpose of measuring wind speed and directions. No power will be generated by the proposed tower therefore staff finds that Criterion a. does not apply.

b. *Interconnect Agreement (Net Metering Only): The applicant shall provide an interconnect agreement with a local utility or copy of a submitted application requesting an interconnect agreement with a local utility.*

c. *Closed System (Non-Commercial Stand Alone Only): The applicant shall provide a plan or diagram that proves the proposal is a closed system and will not tie into a utility.*

FINDING: The purpose of the met tower is to gather information about wind speed and direction which will provide information to determine whether the site is suitable for power generating wind turbines. The proposed met towers do not tie into any utility. No interconnect agreement or closed system plans were provided or required. Staff finds that Criteria b. and c do not apply.

d. *Setback/Buffers: Unless otherwise specified in this chapter, all energy facilities shall meet the property line setbacks of the zone in which they are located, natural resource buffers, as well as any additional setbacks required below.*

FINDING: Setback requirements were addressed in Section I.A. where the met tower was found to comply with all applicable requirements. Staff finds that the request complies with Criterion d.

e. *Height: Unless otherwise specified in this Chapter, Pursuant to Section 4.070, General Exceptions to Building Height Requirements, energy facilities shall be exempt from the height limits of the zone in which they are located.*

FINDING: Pursuant to Section 4.070, the proposed met tower is exempt from the height limit of 35' in the Exclusive Farm Use Zone. Staff finds that the request complies with Criterion e.

f. *Color/Visibility: Energy facilities and their accessory electrical control equipment shall be a non-reflective, unobtrusive color that blends in with the surrounding environment unless otherwise required by the Federal Aviation Administration or Oregon Department of Aviation.*

FINDING: The application states that in order to comply with the Federal Aviation Administration or Oregon Department of Aviation standards, the met tower will be painted with alternating orange and white stripes, each stripe 28' wide. In addition orange aircraft marker balls will be attached every 87' on the outermost guy wire anchor (two sets per wire, four total). A **condition** of approval is included in the Notice of Decision requiring the tower to be painted as stated in the application, including the

placement of aircraft marker balls. With the proposed condition of approval staff finds that the request complies with Criterion f.

g. Noise: Manufacturer's sound power level shall not exceed 60 dBA.

h. Air Quality: Manufacturer's emissions estimate shall be in compliance with Oregon Department of Environmental Quality in OAR 340-220.

i. Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which the energy facility is located.

j. Odor: To the extent practicable, odors shall not be produced which are humanly perceptible beyond the property on which the energy facility is located.

FINDING: The application states that the proposed met tower will be erected using a flatbed truck and a winch. The tower, baseplate and guy wires will be placed on the ground, therefore disturbance to natural vegetation on the ground will be minimized. This will reduce the potential for odor and dust created during construction. The anemometers (device used for measuring wind speed) placed on the tower will operate continuously but do not generate odor, dust, vibration or noise recognizable from adjacent properties. Staff finds that the request complies with Criteria g., h., i. and j.

k. Health & Safety:

(1) All uses or structures shall be designed and constructed to limit access.
(2) Warning and safety signs, up to three square feet in area, are allowed.
(3) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
(4) The manual electrical and/or over speed shutdown disconnect switch(es) shall be clearly labeled. Are there any and will they be clearly labeled?
(5) Utility facility service lines, electrical lines and other wires associated with the energy facility that are not underground shall be kept clear along the route and have a single point of access to the building to the maximum extent practicable while still complying with local, state, and federal electrical codes.
(6) Uses and structures shall be designed and constructed to not impair emergency response. Contact local emergency responder for specific requirements and guidance.
(7) Energy facilities shall be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

FINDING: The applicant states that the proposed met tower is a 198-foot pole tower with no climbing features and no high voltage electrical wires or shutdown disconnect switches. The proposed met tower will be located on private property, and will not be easily accessed from public rights-of-way, therefore security and signage is not needed. The data logger will be attached to the tower near the ground in a locked metal or plastic case. Power supply for data logger will be a small solar panel and a 12 V battery. For comparison, this power supply is similar to a laptop battery. The proposed met towers will have no shutdown disconnect switches, high voltage electrical wires, or components that could create an over speed situation. Electrical/service lines do not exist on-site. The driveway to the tower will provide the single point of access to the development site and it will be accessible to emergency response crews. A **condition** of approval is included in the Notice of Decision requiring the tower to be kept and

maintained in good repair and condition at all times. It shall not pose a potential safety hazard. Staff finds that the request complies with Criterion k.

l. Advertising: No commercial or advertising markings shall be allowed except those of the manufacturer & installer.

FINDING: The application states that there will be no posted commercial or advertising markings except those of the manufacturer & installer. Staff finds that the request complies with Criterion l.

m. Interference with Communication: Energy facilities shall not create any material signal interference with communication systems such as, but not limited to, radio, telephone, television, satellite, microwave or emergency communication systems. Should any material interference occur, the property owner must develop and implement a mitigation plan in consultation with the planning department.

FINDING: The proposed met tower gathers information about wind speed and direction and does not create any signals that interfere with communication systems. Staff finds that the request complies with Criterion m.

n. Decommissioning/Removal: Any facility that is inoperable for more than 12 months shall be deemed discontinued. Removal of the equipment and facilities shall occur within six (6) months of the discontinuance time frame or other time frame approved by the planning department unless all or a portion of the equipment and facilities are converted to an approved use within this same time frame.

FINDING: The applicant states that the temporary met tower will remain on site gathering data until the wind energy facility is constructed. The expected start date for the wind energy facility will be in 2021. If the tower is inoperable for more than 12 months it shall be deemed discontinued and the tower and associated equipment and facilities shall be removed within 6 months of the discontinuance time frame unless all or a portion of the equipment and facilities are converted to an approved use within this same time frame. A **condition** of approval is included in the Notice of Decision requiring compliance with Criterion n. Staff finds that the request complies with Criterion n.

o. Other Authority - All necessary local, state and federal authorizations/permits shall be obtained prior to constructing the use.

FINDING: The application states that all required local, state and federal authorizations or permits will be obtained prior to placing the proposed met tower. A **condition** of approval is included in the Notice of Decision requiring all local, state and federal permits to be obtained prior to tower placement. With this condition of approval, staff finds that the request complies with Criterion o.

C. Type II (Subject to Standards) Review Standards: The following are applicable to energy facilities in addition to meeting the Type I Review Standards in subsection B above, the property development standards of the zone, unless otherwise specified, and any other listed or referenced standards.

1. General Standards for all Energy Facilities

a. General Compatibility: The proposed use is compatible with adjacent surrounding properties taking into consideration the following:

(1) Scale
(2) Odors
(3) Vibration

FINDING: The request is for a single met tower. As discussed in B.1.h., i. and j., the application states that the proposed met tower will be erected using a flatbed truck and a winch. The tower, baseplate and guy wires will be placed on the ground therefore disturbance to natural vegetation on the ground will be minimized. This will reduce the potential for odor and dust created during construction. The anemometers (device used for measuring wind speed) placed on the tower will operate continuously but do not generate odor, dust, or vibration recognizable from adjacent properties. Staff finds that the request complies with Criterion a.

b. Noise: If the manufacturer's sound power level exceeds 60 db(A) or there is no manufacturer's stated sound power level, the applicant shall submit an analysis from a qualified consultant or individual and written report to prove operation of the energy facility shall be in compliance with sound pressure noise regulations established by the Oregon Department of Environmental Quality in OAR 340-035 with regard to any existing dwellings on non-participating landowners property. These regulations shall govern notwithstanding the energy facility is neither a commercial or industrial use.

FINDING: The proposed met tower consists of a tower, baseplate, and guy wires which will be placed on the ground. Once the tower is placed, the anemometers (device used for measuring wind speed) placed on the tower will operate continuously but they do not generate noise recognizable from adjacent properties. Staff finds that the request complies with Criterion b.

2. Specific Standards:

a. Tower Standards:

(1) Aviation Notification: Planning staff shall notify the following groups or agencies as to the location of the proposed tower(s). Comments received regarding safety may be included as safety features required in subsection (2) below.

(a) Aerial Sprayers and operators who have requested to be notified - All towers over 50' in height.

(b) Oregon Department of Aviation (ODA) & Federal Aviation Administration (FAA) - All towers over 200 feet in height or as prescribed by OAR 738-070-0110.

FINDING: There are no aerial sprayers operating in this area of Wasco County and there are no aerial sprayers or operators who have requested to be notified. The proposed met tower will be 198' in height and will not provide any obstruction to air navigation as specified in Oregon Administrative Rule (OAR) 738-070-0110. Staff finds that the request complies with Criterion (1).

(2) Aircraft Safety Plan: A safety plan shall be submitted that will ensure aircraft safety is maintained for all towers 50' in height or greater. Unless a determination of no hazard is made, safety features will be required as

necessary to ensure aircraft safety based on the location, height, and type of tower. Any safety features required as part of an approval shall be completed at the time the tower is installed. Safety features, if required, could include but are not limited to the following:

(a) Placing an aviation device or equivalent visible marker at each of the outermost guy wire anchors.

(b) Painting the top 30 feet of each tower with 5 foot bands of alternating colors of Aviation Orange and Aviation White.

(c) Lighting: Lighting of towers shall be evaluated on a case-by-case basis and is only allowed if required by the Oregon Department of Aviation or Federal Aviation Administration. If lighting is required by Oregon Department of Aviation or Federal Aviation Administration the applicant shall minimize the amount of lighting to the extent feasible under the law, which may include consideration of radar triggered lighting.

FINDING: According to the application, the Oregon Department of Aviation (ODA) has directed the applicant to complete and submit Federal Aviation Administration's (FAA) Form 7460-1, Notice of Proposed Construction or Alteration. Upon ODA and FAA's review of the form, any additional aviation safety plans or concerns will be discussed. A **condition** of approval is included in the Notice of Decision requiring the applicant to provide the Wasco County Planning Department with a copy of FAA Form 7460-1, and the approval from ODA and FAA, prior to placement of the met tower. With the proposed condition of approval staff finds that the request complies with Criterion (2).

(3) Minimum Height: The lowest extension of any exposed blade or other exposed moving component may be allowed less than (15) feet above the ground as required by subsection B 2 a (2) if based on the proposed location and site specific circumstances, the tower will not represent a safety hazard.

FINDING: There are no blades on a met tower. There are no moving parts on the towers except for the anemometers which are located near the top of the 198' tall tower and are over 15' above the ground. These do not represent a safety hazard. Staff finds that the request complies with Criterion (3).

(4) Shadow Flicker: Upon the non-participating owner's request, the applicant shall demonstrate that the wind turbines, taking into account mitigation measures, will have no significant adverse impact of shadow flicker on an existing dwelling of a non-participating landowner within ¼ mile (1,320 feet) from a turbine, measured from the centerline of the turbine to the centerline of the dwelling.

Towers shall be allowed to create an adverse shadow flicker impact to an existing dwelling on a non-participating landowner's property if written permission from the property owner and an adjustment is granted under Section 19.030 D 1 c. Said written permission shall be made part of the deed records of the non-participating landowner's property.

FINDING: **Shadow flicker** is the flickering effect caused when rotating wind turbine blades periodically cast **shadows** through constrained openings such as the windows of neighboring buildings. The scale of

the problem depends on a number of factors such as wind speed and direction, the position and point of the sun and cloudiness.

The request is to place a met tower which does not contain turning blades as would a wind turbine. There are no existing dwellings within ¼ mile (1,320') of the proposed met tower. Staff finds that Criterion (4) is not applicable.

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 request is for a Subject to Standards Review to place a met tower for the purpose of collecting data regarding wind speed and direction.

The subject parcel is not located within a fire protection district. Staff notes that galvanized steel is the main material used for the tower and guy wires. This material is considered to be fire resistant.

The Fire Safety Standards, adopted by Wasco County in 2007, require property owners to be made aware of potential fire risks in areas outside of urban areas of Wasco County, and require 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 921-18-01-00028-PLNG. A **condition** of approval stating this is included in the Notice of Decision.

With the proposed **condition** of approval in the Notice of Decision staff finds that the request complies with Chapter 10 – Fire Safety Standards.

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.

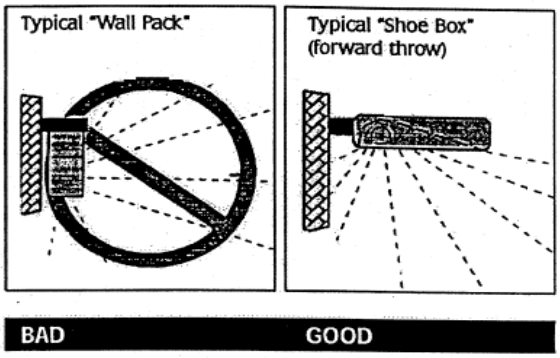
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

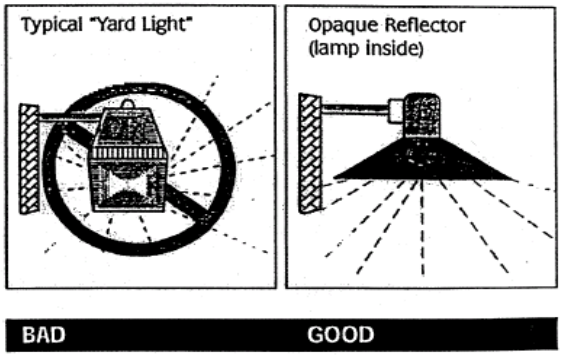
Sky Glow Rays that beam uselessly above the horizon create murky skyglow – the "light pollution" that washes out our view of the stars.

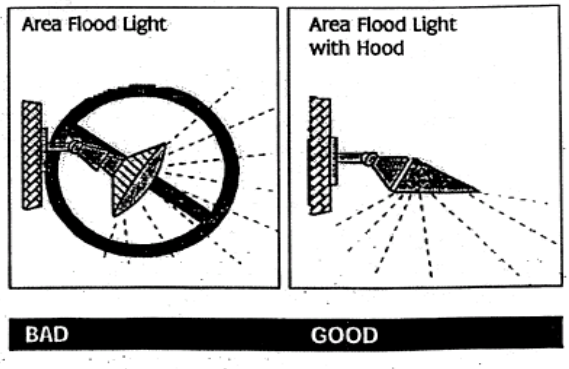
How do I switch to good lighting?

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







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

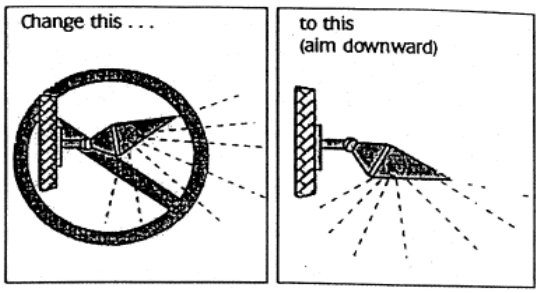
2. Aim lights down. Choose "full-cutoff shielded" fixtures that keep light from going uselessly up or sideways. Such fixtures produce minimum glare. They create a pleasant-looking environment. They increase safety because you see illuminated people, cars, and terrain, not dazzling bulbs.
3. Install fixtures 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!

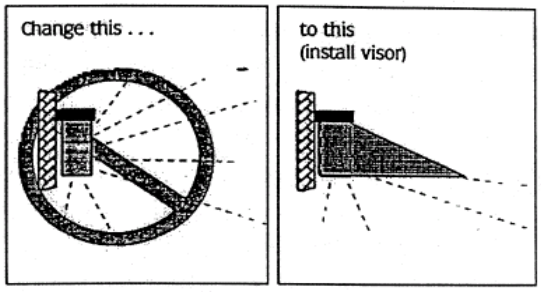
Replace bad lights with good lights.

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

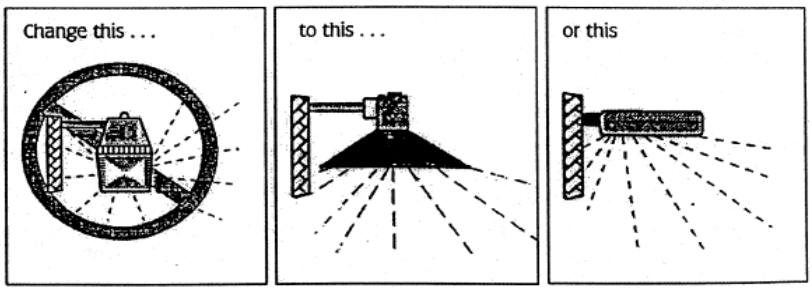
What You Can Do To Modify Existing Fixtures



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 & TELESCOPE®

Sky Publishing Corp.
49 Bay State Road
Cambridge, MA 02138

ATTACHMENT F - FOREST-FARM MANAGEMENT EASEMENT

Owner Name: _____ _____
Mailing Address: _____ _____
_____ _____

Daniel Carver, Owner, herein called the Grantor(s), is/are the owner(s)s of real property described as follows:

Township 6S, Range 17 East W.M., Section 0, Tax Lot 500, Account 12696

In accordance with the conditions set forth in the decision of Wasco County Planning Staff, dated March 29, 2018, approving a Subject to Standards Review (File #921-18-000028-PLNG) to place a meteorological tower on a 5,175.19 acre parcel, 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

After recording, please return 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

ATTACHMENT G – MEDIATION ORDINANCE

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

FILED
WASCO COUNTY
2003 SEP 12 P 3:15
MARSH LEBRETON COATS
COUNTY CLERK

IN THE MATTER OF THE ADOPTION OF AN AMENDED ORDINANCE PROVIDING PROTECTION FOR GENERALLY ACCEPTED FARMING AND FORESTRY PRACTICES AND ESTABLISHING A COMPLAINT MEDIATION PROCESS.	)	AMENDED ORDINANCE

RECEIVED
SEP
By

THE WASCO COUNTY COURT ORDAINS AS FOLLOWS:

Section 1. SHORT TITLE. This Ordinance may be cited as the Wasco County Farming and Forestry Practices Protection and Complaint Mediation Ordinance.

RECEIVED
SEP 23 2003
By

Section 2. PURPOSE.

(1) Wasco County recognizes that complaints about farming and forestry practices will sometimes occur because these practices create odors, smoke, dust and noise and there is a close proximity of agricultural and forest lands to expanding urban and rural residential development.

(2) Wasco County recognizes that all resource use complaints have the potential of requiring immediate shutdowns or interruptions of farming and forestry practices which could result in significant economic consequences for resource users.

(3) The purpose of this Ordinance is therefore to provide a rapid complaint response and mediation process for resource use complaints by Wasco County residents in order to protect farming and forestry operations to the greatest extent possible from immediate shutdowns or interruptions.

1 – AMENDED ORDINANCE

Section 3. _ DEFINITIONS. As used in this Ordinance:

(1) "FACILITY" means any real or personal property, including appurtenances thereto and fixtures thereon, associated with a given use.

(2) "FARMING PRACTICE" means the cultivation, growing, harvesting, processing or selling of plants or animals of any kind, which lawfully may be grown, possessed and sold, including but not limited to fish, livestock, poultry, grapes, cherries, apples, pears, wheat, barley, Christmas trees and nursery stock.

(3) "FORESTRY PRACTICE" means any operation conducted on or pertaining to forest land, including but not limited to:

(a) Reforestation of forest land;

(b) Road construction and maintenance;

(c) Harvesting of forest tree species;

(d) Application of chemicals; and

(e) Disposal of slash.

(4) "NONRESOURCE USE" means any facility, activity or other use of land which does not constitute a resource use, including but not limited to residential use.

(5) "RESOURCE USE" means any current or future generally accepted farming or forestry practice or facility conducted in compliance with applicable Wasco County Ordinances and Federal and State laws.

(6) "RESOURCE USE NUISANCE" means any current or future generally accepted farming or forestry practice or facility conducted in

compliance with applicable Wasco County Ordinances and Federal and State laws, which may be considered offensive, annoying, or interferes with or otherwise affects the urban and rural residents of Wasco County.

(7) "RESOURCE USE" does not include:

(a) Any unlawful act;

(b) The willful growing of infested, infected or diseased plants or animals;

(c) Trespass which involves actual physical intrusion onto the property of another by a person or by a person's animals;

(8) "DESIGNEE" means a Case Developer, appointed by the Six Rivers Community Mediation Services Director.

(9) "COMPLAINT MEDIATION PROCESS"

(a) Means a procedure established by the Wasco County Court to provide a forum for the mediation of Wasco County residents complaints regarding farming or forestry practices or facilities, including, but not limited to: odors from domestic livestock operations; blowing smoke from heaters, smokers and slash burning; noise from machines, including those devices producing sounds designed for agricultural purposes in order to frighten predacious birds or animals away from agricultural crops; drift or contamination from chemical and fertilizer applications; hours of operation; and littering of County roads; and

(b) Shall consist of at least two (2) mediators, working cooperatively in a co-mediation role. Both mediators shall maintain a neutrality and confidentiality throughout and beyond the process. The Six Rivers Community Mediation Services Director or Designee shall serve as a consultant to the Complaint Mediation Process. Consultation may come prior to, during or after the actual mediation, as appropriate.

(10) "PEER REVIEW BOARD" is a Board appointed, as needed, by the Wasco County Court to advise the Six Rivers Community Mediation Services on whether a disputed resource use activity is a generally accepted farming or forest practice or facility. The Board shall consist of 5 persons who regularly are involved in a resource use within the County, at least 3 of whom are regularly involved in the same type of disputed resource use being heard through the Complaint Mediation Process.

Section 4. __ PROTECTING RESOURCE USES.

(1) Wasco County shall not support a resource use nuisance complaint or claim for relief by nonresource uses or any persons or property associated therewith unless the resource use complaint response and mediation procedure of Section 5 of this Ordinance has been utilized.

(2) This Section applies regardless of:

(a) The location of the purportedly affected nonresource use;

(b) Whether the nonresource use purportedly affected existed before or after the occurrence of the resource use;

(c) Whether the resource use or nonresource use has undergone any change or interruption; and

(d) Whether the resource use is inside or outside an urban growth boundary to the extent permissible under State law.

Section 5. RESOURCE USE COMPLAINT RESPONSE AND MEDIATION PROCEDURE.

(1) Initial resource use complaints involving farming or forestry practices or facilities shall:

(a) Be referred to the Six Rivers Community Mediation Services during regular operating hours or the Wasco County Sheriff's Office after hours and on weekends; and

(b) Be responded to as soon as possible.

(2) The responding Six Rivers Community Mediation Services Agent or Designee shall:

(a) Use Six Rivers Community Mediation Services' procedures to respond to a complaint;

(b) Notify the Wasco County Court about the documented complaint as soon as possible and report on the effort and/or success in resolving the complaint.

(3) If the initial contact is through the Wasco County Sheriff's Department, or any other law enforcement agency, the responding officer should:

5 - AMENDED ORDINANCE

(a) Contact the complainant and document the complaint; and

(b) Encourage the complainant to call or meet with the resource user and attempt a one-on-one resolution of the complaint; and

(c) Provide both complainant and resource user with written documentation of the complaint, including, but not limited to the name and address of complainant, the name and address of the resource user, and a description of the nature of the complaint; and

(d) Inform both parties that the complaint will be referred to Six Rivers Community Mediation Services and that they will be contacted by that agency; and

(e) Deliver a copy of the complaint to the Six Rivers Community Mediation Services as soon as possible.

(4) If the complainant and resource user that are principles in a documented resource use complaint within Wasco County request assistance beyond that provided by the Case Developer, the Case Developer shall implement the Complaint Mediation Process.

(5) The Complaint Mediation Process shall:

(a) Set a date to hear the complaint from both complainant and resource user within a reasonable amount of time; and

Work with both complainant and resource user in an attempt to resolve the complaint.

(6) The Complaint Mediation Process may:

(a) Request the Wasco County Court to set up a Peer Review Board for assistance in determining whether an activity or facility is a generally accepted farming or forestry practice or facility;

(b) Suggest recommendations for Peer Review Board members to the Wasco County Court; and

(c) Meet with the complainant and resource user any number of times if the Mediators determine that progress is being made toward a resolution of the complaint.

(7) If the Complaint Mediation Process is unable to resolve the complaint, the complainant and resource user shall be advised by the Six Rivers Community Mediation Services of their additional options including, but not limited to, seeking advice from private counsel.

Section 6.__ LAND USE DECISIONS. The fact that Wasco County's Comprehensive Plan, Zoning Ordinances and land use decisions allow the siting, development or support of any particular use does not negate the provisions of this Ordinance intended to protect a resource use.

Section 7.__ EFFECT ON OTHER REMEDIES. The provisions of this Ordinance shall not impair the right of any Wasco County resident to pursue any remedy authorized by applicable Wasco County Ordinances or Federal and State laws that:

7 - AMENDED ORDINANCE

(1) Concerns matters other than a resource use nuisance;

(2) Does not expressly purport to prohibit or regulate a farming or forestry practice as a resource use nuisance; or

(3) Prohibits or regulates the use or physical condition of resource use activities or facilities that adversely affect public health or safety.

Section 8. SEVERABILITY CLAUSE. If any portion of this Ordinance is held invalid by a Court of competent jurisdiction, such decision shall apply only with respect to the specific portion held invalid by the decision. It is the intent of Wasco County that the remaining portions of this Ordinance continue in full force and effect.

Section 9. ___EMERGENCY CLAUSE. This Ordinance being immediately necessary for the preservation of the public well being, an emergency is declared to exist and this Ordinance shall take effect immediately upon adoption.

Regularly passed and adopted by the unanimous vote of all members of the County Court of the County of Wasco, State of Oregon, present on this day.

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8 - AMENDED ORDINANCE

DONE AND DATED this 3rd day of September, 2003

WASCO COUNTY COURT

Dan Ericksen, County Judge

Scott McKay, County Commissioner

Sherry Holliday, County Commissioner

APPROVED AS TO FORM:

Eric J. Nisley
Wasco County District Attorney

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