

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

MAR 18 2 35 PM '98

KAREN R. LEBRETON  
COUNTY CLERK

IN THE MATTER POST-ACKNOWLEDGEMENT )  
AMENDMENTS TO THE WASCO COUNTY LAND USE )  
AND DEVELOPMENT ORDINANCE and )  
COMPREHENSIVE PLAN TO IMPLEMENT )  
RECOMMENDATIONS FOR THE TRANSITION LANDS )  
STUDY AREA (TLSA) INCLUDING: 1. AMENDMENT )  
TO WASCO COUNTY COMPREHENSIVE PLAN and )  
PLAN MAP, 2. AMENDMENT TO WASCO COUNTY )  
ZONING ORDINANCE CHAPTER 3 , BASIC )  
PROVISIONS TO ADD A NEW R-R(10) ZONE, 3. )  
AMENDMENT TO WASCO COUNTY ZONING )  
ORDINANCE, SECTION 1.090, DEFINITIONS, TO ADD )  
A DEFINITION OF THE NEW R-R(10) ZONE. )  
)  
)  
)

ORDINANCE  
97-102

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Court being present; and

IT APPEARING TO THE COURT: That during an eighteen month period, June 1996 to September 1997, the Transition Lands Study Area Steering Committee and Technical Committee met to establish a factual database in order to make informed landuse decisions for the Transition Lands Study Area (TLSA). The results of the findings were presented in a report entitled "Wasco County Transition Lands Study Area" dated September 12, 1997. This report includes five key recommendations: 1. Change a portion of the "F-F(10)" zone to "R-R(10)" as mapped by the TLSA Steering Committee (a new zone), 2. Change approximately 200 acres of existing F-

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F(10) zoned land to R-R(5) adjacent to existing R-R(5) land, 3. Designate a test "receiving area" for the Transfer of Development Rights, 4. Implement development standards for fire, scenic, and roads within the new R-R(10) zone, and 5. Not implement House Bill 3661 Provisions for Template dwellings or Lot-of-Record dwellings in the F-2 Commercial Forest Zone; and

IT FURTHER APPEARING TO THE COURT: The Steering Committee presented inventory and methodology information from the TLSA Study to the public in an informational meeting held at The Dalles Middle School Media Room on September 22, 1997; and

IT FURTHER APPEARING TO THE COURT: That on November 18, 1997, in the Columbia Gorge Community College Board Room, The Dalles, Oregon, the Wasco County Citizens Advisory Committee met to conduct a legally notified legislative public hearing on the recommendations of the Steering Committee. There was no quorum of the Citizen Advisory Group, so no public hearing was held. The Advisory Group reviewed the evidence and recommendation of the Steering Committee and voted to (1) support recommendations 1, 2, 4, (2) discussed variations but made no decision on recommendation 3, and (3) split the vote on recommendation 5 (supported implementing Lot-of-Record but did not support Template Test provisions of House Bill 3661); and

IT FURTHER APPEARING TO THE COURT: That on December 1, 1997 and January 6, 1998, in the Columbia Gorge Community College Board Room, The Dalles, Oregon, the Wasco County Planning Commission met to conduct a legislative public hearing on the recommendations of the Steering Committee. Those members of the Planning Commission present were determined to be qualified to hear the matter. The Planning Commission reviewed the record, and received all testimony and evidence, then closed the public hearing; and then deliberated, and based upon the full record and evidence and testimony presented, voted 7-0 to

recommend to the Wasco County Court the approval of the proposed recommendation with some modifications. Planning Commission Recommendation included: 1. To Change a portion of the FF-10 zone to R-R (10) (a new zone, L.U.D.O. Section 3.220 "R-R" Rural Residential) as proposed by the TLSA Steering Commission and as delineated on the map entitled TLSA Recommendation, and dated, September 1997, and also including as R-R(10), those areas shown on the map as the proposed R-R(5) upzone, and Transfer of Development Rights Test Area; 2. To adopt development standards for fire, scenic, and roads within the new R-R(10) zone, with two wording changes in Section D.2. Scenic Development Standards D.2. (b) and (g) from mandatory requirements for house colors, and fences, to non-mandatory requirements; and with a wording change in Section E. 9. (e) Fire Standards from undergrounding of power and telephone being located underground where **practicable** instead of where possible.; 3. To implement the Lot of Record provision in the F-2 Commercial Forest Zone for parcels within a fire protection district or by contracting for fire protection, based on the Legislative intent to provide for fairness and equity to landowners owning prior to 1985, and **not** to implement the Template Test provision based on the available area wide information regarding overall landuse patterns, land values, and infrastructure in the F-2 Commercial Forest Zone based on the TLSA study; 4. To put on 'hold' the Transfer of Development Rights Test Area with direction to planning staff to explore the necessary size of the receiving area; look into who manages the conservation easements and; to gather more information in order to determine the reason and potential effectiveness of implementing this tool in the TLSA area; 5. Not to upzone the approximately 200 acre area identified by the Steering Committee from a F-F (10) zone to a R-R (5) zone, and to review this issue at the bi-annual advisory group review with respect to the additional information that will be available concerning the Transfer of Development Rights.

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IT FURTHER APPEARING TO THE COURT: That at the hour of 10:00 a.m. on Wednesday, February 18, 1998, in the Wasco County Courtroom, Room 202, of the Wasco County Courthouse, 511 Washington Street, The Dalles, Oregon, the County Court met to conduct a legislative public hearing on the Wasco County Planning Commission Recommendation. Those members of the Court present were determined to be qualified to hear the matter. The Court reviewed the record, and received all testimony and evidence, then closed the public hearing to oral testimony but left the record open for written testimony until March 4, 1998. The Court then continued the hearing until March 4, 1998 for delivery.

IT FURTHER APPEARING TO THE COURT: That at the hour of 11:00 a.m. on Wednesday, March 4, 1998, the Court deliberated and based upon the TLSA Study report, the record, evidence and testimony presented, the Court makes the following findings of fact and conclusion of law:

### **FINDINGS AND CONCLUSIONS**

1. Proper notice was given and the hearings were held in accordance with procedural rules as set forth in the Wasco County Comprehensive Plan and Ordinances.
2. In making its decision, the Commission recognizes the procedural and legal requirements of the Wasco County Land Use and Development Ordinance, and weighed fully each requirement in arriving at its decision:
3. The Commission reviewed and accepted as relevant, special reports resulting from the TLSA study including the following: Wasco County Transition Lands Study Area report dated September 12, 1997; two separate documents relating to groundwater evaluation: Hydrogeologic Investigation Transition Land Study Area by Northwest Geological Services, March 10, 1995, and: Transition Lands Study Area Ground Water Evaluation, Wasco County, Oregon by Gay

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M. Jervey, December 1996 and; Inventory maps that were compiled and used for analysis including the following: Forest Site Classes (soil), Historically Cropped (Ag) Soils, Existing Ag Lands (lands in production), Aquifer units, Zoning, Potential Development, Developed Parcels by Size, Parcels, Maintained County Roads, Road Capacity, Fire Districts Response Time.

4. The Court finds it appropriate that the TLSA Steering Committee continue to perform as an advisory group to biannually review the final approved recommendations for consideration of new information including, but not limited to: infrastructure development, growth and build-out rates, impacts on resources such as water and wildlife, successes or failures of siting standards and progress of private local preservation efforts, and the concept of the Transfer of Development Rights.

**THEREFORE:** Based upon findings of fact and conclusion of law and the Court being fully advised in the premises,

**THE WASCO COUNTY COURT ORDAINS AS FOLLOWS:** The Wasco County Court determined to:

1. To Change a portion of the FF-10 zone to R-R (10) (a new zone, L.U.D.O. Section 3.220 "R-R" Rural Residential and Comprehensive Plan Section XIV No 5. ) as proposed by the TLSA Steering Commission and as delineated on the map entitled TLSA Recommendation, and date , September 1997, with the exception stated in No. 6 below; and also including as R-R(10), those areas shown on the map as the Transfer of Development Rights Test Area. (R-R 10 Ordinance and Comprehensive Plan Text and Map attached).
2. To adopt development standards for fire, scenic, and roads within the new R-R(10) zone. (Attached)
3. To implement the provisions of House Bill 3661, Lot of Record provision, in the F-2 Commercial Forest Zone for parcels within a fire protection district or by contracting for fire protection, based on the Legislative intent to provide for fairness and equity to landowners owning prior to 1985, and **not** to implement the

provision of House Bill 3661, Template Test provision, based on the available area wide information regarding overall landuse patterns, land values, and infrastructure in the F-2 Commercial Forest Zone based on the TLSA study.

4. Not to adopt the Transfer of Development Rights, with direction to planning staff to explore the necessary size of the receiving area; look into who manages the conservation easements and; to gather more information in order to determine the reason and potential effectiveness of implementing this tool in the TLSA area in conjunction with the additional information on the formation of a land trust.

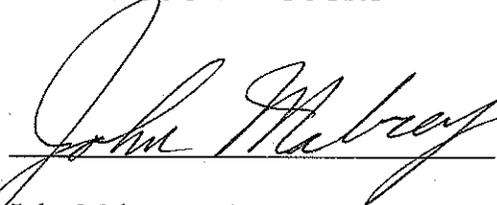
5. Upzone the approximately 200 acre area identified by the Steering Committee from a F-F (10) zone to a R-R (5) zone as delineated on the map entitled TLSA Recommendation, and dated, September 1997.

6. To maintain the existing F-F(10) designation on those eight parcels that are adjacent to the existing F-2 Forest zone within the TLSA area.

Regularly passed and adopted by a 3-0 vote of all members of the County Court of the County of Wasco State of Oregon present on this day.

SIGNED this 18<sup>th</sup> day of March, 1998.

WASCO COUNTY COURT



John Mabrey, Judge

Approved as to Form:

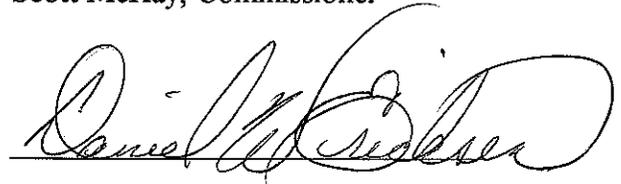
Absent

Scott McKay, Commissioner



Bernard L. Smith

Wasco County District Attorney



Daniel W. Ericksen, Commissioner

KMC:\WPWIN60\NOTICE\TLSACC.WPD

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Wasco County Comprehensive Plan Revision  
Section XIV Revisions to No. 5 pp. 50-51 of the Revisions Document

underlined is new text, ~~crossed out is replaced text~~

**Plan Amendment and Zone Change to some F-F-10 Lands to R-R 10 in the Transition Lands Study Area**

5. F-F 10 and F-F 40 and R-R 10

The Forest Farm zone does protect existing farming operations by permitting dwellings and other non-farm uses only as conditional uses. Lands within the Forest-Farm zones have been zoned for ten acre minimum lot sizes for many years. ~~The designation of Forest Farm has placed additional protection of forest and farm uses by having more non-farm uses as conditional uses or by not permitting them at all.~~

Background

In 1995 Wasco County's FF-10 (Forest Farm) zone was evaluated to determine its appropriateness as Goal 4 lands. On March 15, 1995, Wasco County submitted their final findings and analysis to the Department of Land Conservation and Development for a non-resource determination for the F-F(10) lands. On October 11, 1995 LCDC approved the Non-resource Determination (letter dated October 11, 1995 from James B. Knight, LCDC to Kimberly Jacobsen, Wasco County Planning Director. These findings and analysis are presented in full in Wasco County File No. P-R (Periodic Review) 95-101-L (LCDC Periodic Review Work Task #3, Order 00505).

Based on the Non-resource determination of these lands a zone change from Farm Forest, F - F(10) to Rural Residential R-R(10) is not a conflict with the Goal 4 of Forest lands.

The proposed zone change includes rezoning approximately 3,035 acres of the existing 5,495 acres of F-F 10 zoned lands in the Transition Lands Study Area from F-F (10) to Rural Residential R-R (10). The zone change was determined appropriate based on a comprehensive study and analysis entitled Wasco County Transition Lands Study Area September 12, 1997, for the Transition Lands Study Area which includes Seven Mile Hill and the Browns Creek Cherry Heights (Map attached). The staff report, CPA-97-102-WAFF-P and ZNC-97-102-WAFF-P (Comprehensive Plan Amendment and Zone Change) applies ordinance and comprehensive plan criteria to the proposed amendments. The zone change was found to comply with Statewide Planning Goals and implementing rule OAR Chapter 660 Division 15, and the Wasco County Comprehensive Plan Provision in Section XI, Revisions Process, and Periodic Review work Task

Justification for Zone Change

Comprehensive Plan Revisions

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On October 11, 1995 LCDC approved the Nonresource Determination for Wasco County F-F 10 lands under periodic review. The October 11, 1995 from James B. Knight, LCDC to Kimberly Jacobsen, Wasco County Planning Director. Justification for the zone change is fully documented in the Transition Lands Study Area report. The analysis described in the study identified areas best suited for development and areas best suited for resource use. The area identified for the R-R 10 upzone is within the area determined to be best suited for development and are: located within the fire district; accessible by a Class III or Class I road with 75% capacity remaining; located within the recognized impacted Big Game Winter Rand; and located within aquifer systems which have identified "units" within them which have fewer anomalies and generally support densities greater than or equal to existing zoning. (Reference document Transition Lands Study Area Ground Water Evaluation Wasco County Oregon, December, 1996, by Jervey Geological Consulting).

The proposed upzone does not increase the numbers of potential dwellings within this area.

No. 6 (new)

#### Non-Resource Determination of the F-F 10 lands

In 1995 Wasco County's FF-10 (Forest Farm) zone was evaluated to determine its appropriateness as Goal 4 lands. On March 15, 1995, Wasco County submitted their final findings and analysis to the Department of Land Conservation and Development for a non-resource determination for the F-F(10) lands. On October 11, 1995 LCDC approved the Non-resource Determination (letter dated October 11, 1995 from James B. Knight, LCDC to Kimberly Jacobsen, Wasco County Planning Director. These findings and analysis are presented in full in Wasco County File No. P-R (Periodic Review) 95-101-L (LCDC Periodic Review Work Task #3, Order 00505).

The submittal of information for the non-resource determination of the F-F 10 lands, and the Department of Land Conservation and Development approval is attached.

#### Attachments

- Justification for Non-Resource Determination

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October 11, 1995

Kimberely Jacobsen, Director  
Wasco County Planning &  
Economic Development Office  
2705 East second street  
The Dalles, Oregon 97058

TO: KIM  
view with me  
Forward  
Return

RECEIVED  
OCT 11 1995  
WASCO CO. PLAN. & ECON. DEV.

## PERIODIC REVIEW WORK TASK #3 APPROVAL ORDER NO. 00505

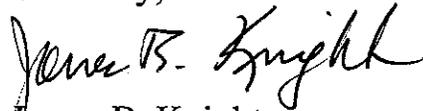
Dear Kim:

I am pleased to inform you that the Department of Land Conservation and Development has approved Periodic Review Work Task #3, FF-10 Nonresource Determination (OAR 660-25-150(10(a))). Work Task 3 (County Task #5.2) consisted of tabular data, maps and an analysis enclosed in your March 15, 1995 letter.

No objections to Task #3 were received in response to the department's 21-day notice. Therefore, this order is final and cannot be appealed.

I appreciate the efforts of you and your staff in completing the periodic review work task. Please feel free to contact Doug White, at 503-373-0083, if you have any questions or need further assistance.

Sincerely,



James B. Knight  
Community/Assistance Review Division Manager

<j:\pr\county>  
JBK:DW/bh

cc: Periodic Review Assistance Team  
DLCD Files (DW, BL, PR)

John A. Kitzhaber  
Governor



1175 Court Street NE  
Salem, OR 97310-0590  
(503) 373-0050  
FAX (503) 362-6705

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**R-R(10) ORDINANCE**

(Revised from the existing F-F(10) - *italicized words are proposed amendments; words that are struck out are deleted from the F-F(10) zone*)

**SECTION 3.220 "R-R" RURAL RESIDENTIAL**

**A. Purpose**

~~The purpose of the Forest-Farm zone is to permit those lands which have not been in commercial agriculture or timber production to be used for small-scale, part-time farm or forest units by allowing residential dwellings in conjunction with a farm use while preserving open space and other forest uses.~~

*The purpose of the Rural Residential (10) zone is to provide for low density residential and small scale, part time agricultural and forest uses in a rural atmosphere which will not conflict with commercial agricultural operations, while preserving open space and other forest uses.*

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the ~~"F-F" Forest-Farm~~ *"R-R(10)" Rural Residential* zone shall comply with the following regulations.

**B. Permitted Uses**

In the ~~"F-F" Forest-Farm~~ *"R-R(10)" Rural Residential* zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

- ~~2. One single-family dwelling and other buildings and accessory uses customarily provided in conjunction with a forest or farm use, including mobile home subject to Section 4.160 provided the following are met: (Revised 1-92)~~
  - ~~a. The parcel is currently employed in a farm or forest use and there are no other dwellings located on the subject lot of record. (Added 1-92)~~
  - ~~b. The parcel is currently enrolled in a farm or forest use tax deferral program by the Waseo County Assessor. (Added 1-92)~~
1. *One single-family dwelling and other buildings and accessory uses subject to*

"R-R(10)" Rural Residential Zone

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*the request meeting standards pursuant to subsection (D) of this section.*

2. *Farm use, as defined in ORS 215.203(2).*
3. **Propagation or harvesting of a forest product.**
4. **Utility facilities necessary for public service.**
5. **Public and private conservation areas and structures for the retention of water, soil, open space, forest or wildlife resources.**
6. **The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered to have land use impacts, in public parks, playgrounds and recreational areas.**
7. **Subdivisions, in the "F-F(10)" zone only.**
8. ~~**Planned Unit Developments (PD).**~~
9. **Energy facilities subject to the provisions of Chapter 19.**
10. **Agricultural Produce Stand (subject to Chapter 20). (Revised 1-92)**
11. **The breeding, boarding and training of horses for profit. (added 2-89)**
12. **Climbing and passing lanes within the right-of-way existing as of July 1, 1987. (added 2-89)**
13. **Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result. (added 2-89)**
14. **Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed. (added 2-89)**
15. **Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways. (added 2-89)**

**C. Uses Permitted Conditionally**

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In the ~~"F-F" Forest-Farm~~ "R-R(10)" Rural Residential zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this Section:

- ~~1. Additional single family dwellings, including mobile homes accessory and necessary to a forest or farm use.~~
- ~~2. A single family dwelling, including mobile home, not provided in conjunction with a forest or farm use.~~
3. Commercial activities that are in conjunction with farm use *as defined in ORS 215.203(2)*.
4. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources.
5. Private parks, playgrounds, hunting and fishing preserves and campgrounds.
6. Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit community organization.
7. Home occupations, subject to chapter 20.
8. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.
9. Personal-use airports for airplanes and helicopter pads, including associate hangar, maintenance and service facilities.
10. Public or private schools.
11. Churches.
12. The propagation, cultivation, maintenance and harvest of aquatic species.  
(added 2-89)
13. Solid waste disposal site as provided in ORS 215.213(2)(k).
- ?14. Sanitary landfill.

15. Facilities to manufacture alcohol from farm or timber waste.
16. Kennels.
17. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels. (added 2-89)
18. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels. (added 2-89)
19. Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels. (added 2-89)

**D. Standards for Establishment of a Dwelling and Accessory Structures**

1. *The development is served by an all-weather road that is maintained on a year-round basis and which meets County Road Department standards. (Approval will be generally based upon the existing County Road Department standards listed below.)*

**Private Road Standards**

*Applies to roads accessing less than or equal to 10 dwelling units.*

*Road Type: 12' gravel*

**Local Access Roads**

*The following standards apply for the creation of new roads or improvement of existing roads. All ADT's (average daily trips) are determined by the Wasco County Public Works Department.*

<b><u>AVERAGE</u></b>	<b><u>UNDER</u></b>		
<b><u>DAILY TRIPS</u></b>	<b><u>50</u></b>	<b><u>50-250</u></b>	<b><u>250+</u></b>

*Road Type: 18' gravel    24' gravel    24' paved with 6' shoulder*

*Wasco County Road Standards will be only used as a general guideline for*

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*County Road Dept. approval. It does not take into consideration other factors such as type of use, terrain.*

**2. Scenic Development Standards including:**

- a. *Dwellings should be sited and landscaped to blend with their surroundings.*
- b. *House and roof colors that are non-reflective, preferably earth tones colors, that blend with surrounding vegetation or landscape, could be used on all exterior surfaces.*
- c. *Existing vegetation shall normally be retained as much as possible and employed for landscaping and screening.*
- d. *Existing landforms will be preserved and utilized for screening where applicable.*
- e. *Access and roads shall be designed and located to fit the natural topography with minimum grading and minimal modifications of existing landforms. Crests and ridges are to be avoided where possible. Cuts and fills shall be rounded and re-seeded with natural vegetation.*
- f. *All buildings and structures shall be set back at least fifty (50) feet from all bluff lines and cliffs.*
- g. *Fences should be constructed of non-reflective materials and/or painted with non-reflective colors. Placement and alignment should be done to minimize their visibility.*

**3. In areas of parcels characterized by a predominance of oak or oak woodlands, native vegetation shall be retained to the greatest extent possible.**

**\*Referenced publication is "Wildlife on White Oak Woodland", a Woodland Fish and Wildlife Project Publication available from the Wasco County Planning Office and ODFW in The Dalles.**

*(Washington Department of Fish and Wildlife has a draft report with additional quantifiable standards for accomplishing the above management goals. The recommendations are as of yet strictly draft recommendations and not to be cited at this time. Staff can follow up with ODFW to confirm if and when their*

*recommendations become final and work with ODFW to verify their applicability to sites in the TLSA. In the meantime Oly Helgerson, OSU Extension Agent operating out of Stevenson, WA will be able to provide guidance to individuals wishing to manage their oak woodlands.)*

**DE. Property Development Standards**

1. **Property Size** - The creation of a parcel shall be subject to the following:
  - a. ~~In the "F-F (40)" zone the minimum property size is forty (40) acres with a 660 foot minimum average lot width.~~
  - b. In the "F-F (10)" "R-R(10)" zone the minimum property size is ten (10) acres with a 330 foot minimum average lot width.
2. **Lot Coverage** - No more than ten percent (10%) of any lot or parcel may be occupied by non-farm or forest dwellings and their accessory buildings allowed by this section. (added 2-89)
3. **Setbacks** - ~~In the "F-F (40)" zone no structure other than a fence or sign shall be located closer than forty (40) feet from the right-of-way of a public road (front yard), twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.~~

In the "F-F (10)" "R-R(10)" zone no structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road (front yard), twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.
4. **Vision Clearance** - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
5. **Height** - Maximum height for all structures shall be thirty-five (35) feet.
6. **Stream Setbacks** - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.
7. **Signs** - Signs shall not extend over a public right-of-way or project beyond the property line.
  - a. Signs shall not be illuminated or capable of movement.

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- b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
  - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of a public road.
8. Parking - Off street parking shall be provided in accordance with Chapter 4.
9. Fire and Safety Standards (added 2-89) - All dwellings, and other structures as specified, shall institute the following fire safety measures for protection of the development and of surrounding areas:
- a. If the development includes a plumbed water system, at least one standpipe shall be placed a minimum of fifty (50) feet from the dwelling; and
  - b. If electricity is provided, service separate from the dwelling shall be provided for the pump delivery water to the standpipe in (a), above; and
  - ~~c. All structures shall be surrounded by a maintained fire break not less than thirty (30) feet wide. This break shall consist of removal of fire fuels from the ground, shrubs from under large trees, and tree limbs within five (5) feet of the ground; and~~
  - d. Any chimney or stovepipe on any structure for use with a woodstove or fireplace shall be screened to prevent discharge of sparks or other burning material; and
  - e. *Power and telephone should be located underground where practicable; and*
  - f. *If a water supply, such as a swimming pool, pond, stream or lake, exists within 100 feet of the driveway or road at a reasonable grade, then access to within 15' of the water's edge should be provided for pumping units; and*

- g. Exterior roofing shall be of fire-resistant materials; and
- h. The owners of the dwelling and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area according to the chart below. This break shall consist of removal of fire fuels from the ground, shrubs from under large trees, and tree limbs within five (5) feet of the ground; and

Size of Fuel Break Safety Zone by Percent Slope

<u>Slope</u>	<u>Feet of Primary Safety Zone</u>	<u>Feet of Additional Down Slope</u>
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

- i. The owners of the dwelling and structures shall: maintain setbacks from ridgetops, cliffs and bluffs. The steeper the slope, the greater the flame length, the hotter the flame front and the faster the rate of fire spread. This is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below; and

Setback from Major Slope Changes in Conjunction with Fuel Break Safety Zone (The definition of a major slope change is a change in slope 10% or greater.)

<u>On a slope change where the downhill slope is</u>	<u>Feet of Setback</u>
10%	50
20%	75
25%	100
40%	150

- j. Driveways and Private Roads shall be maintained to a level that is passable for fire equipment; and
  - 1. Driveway and private roads shall be built and maintained to provide a minimum 12' width, a minimum curve radius of 48' and a vertical clearance of 13'6".

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2. *Grades shall not exceed an average of 8% with a maximum of 12% on short pitches.*
  3. *Vehicle Passage Turnouts - Driveways in excess of 200 feet in length, shall provide 20 foot wide by 40 foot long turnouts at a maximum spacing of ½ the driveway length or 400 feet, whichever is less. Existing driveways may be used as a turnout if they meet the spacing requirements above.*
  4. *Deadend driveways over 150 feet in length shall have turnarounds of not less than a 48' radius.*
  - k. *Public Roads providing access to a driveway or access to the dwelling shall be brought to a level that is passable for fire/emergency equipment; and*
  - l. *Roads shall be built and maintained to provide a minimum 18' width, all weather surface, with a minimum curve radius of 48', and a vertical clearance of 13'6".*
10. **Lighting** - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River. (Added 5-93)

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Revised Jan. 26, 1998 (CAG & PC Comments)

**(Revised F-F 10 ordinance - *italized words are amendments; words that are struck out are deleted consistent with the new R-R 10 zone*)**

**SECTION 3.220 "F-F" FOREST-FARM**

**A. Purpose**

The purpose of the Forest-Farm zone is to permit those lands which have not been in commercial agriculture or timber production to be used for small scale, part-time farm or forest units by allowing residential dwellings in conjunction with a farm use while preserving open space and other forest uses.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "F-F" Forest-Farm zone shall comply with the following regulations.

**B. Permitted Uses**

In the "F-F" Forest-Farm zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. Farm use, as defined in ORS 215.203(2).
2. One single-family dwelling and other buildings and accessory uses customarily provided in conjunction with a forest or farm use, including mobile home subject to Section 4.160 provided the following are met: (Revised 1-92)
  - a. The parcel is currently employed in a farm or forest use and there are no other dwellings located on the subject lot-of-record. (Added 1-92)
  - b. The parcel is currently enrolled in a farm or forest use tax deferral program by the Wasco County Assessor. (Added 1-92)
3. Propagation or harvesting of a forest product.
4. Utility facilities necessary for public service.
5. Public and private conservation areas and structures for the retention of water,

soil, open space, forest or wildlife resources.

6. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered to have land use impacts, in public parks, playgrounds and recreational areas.
7. Subdivisions, in the "F-F (10)" zone only.
8. Planned Unit Developments (PD).
9. Energy facilities subject to the provisions of Chapter 19.
10. Agricultural Produce Stand (subject to Chapter 20). (Revised 1-92)
11. The breeding, boarding and training of horses for profit. (added 2-89)
12. Climbing and passing lanes within the right-of-way existing as of July 1, 1987. (added 2-89)
13. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result. (added 2-89)
14. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed. (added 2-89)
15. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways. (added 2-89)

C. Uses Permitted Conditionally

In the "F-F" Forest-Farm zone, the following uses and activities and their accessory buildings and uses are permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the standards of this Ordinance as required in Chapter 5 and this Section:

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ATTACHMENT

1. Additional single-family dwellings, including mobile homes ~~accessory and necessary~~ *in conjunction with a commercial farm or forest use subject to incomre requirements in Section 3.210 D.2 or D.3.*
2. A single-family dwelling, including mobile home, not provided in conjunction with a forest or farm use.
3. Commercial activities that are in conjunction with farm use.
4. Exploration mining and processing of aggregate and other mineral resources or other subsurface resources.
5. Private parks, playgrounds, hunting and fishing preserves and campgrounds.
6. Parks, playgrounds, or community centers owned and operated by a governmental agency or a non-profit community organization.
7. Home occupations, subject to chapter 20.
8. Energy facilities and commercial energy facilities subject to the provisions of Chapter 19.
9. Personal-use airports for airplanes and helicopter pads, including associate hangar, maintenance and service facilities.
10. Public or private schools.
11. Churches.
12. The propagation, cultivation, maintenance and harvest of aquatic species. (added 2-89)
13. Solid waste disposal site as provided in ORS 215.213(2)(k).
14. Sanitary landfill.
15. Facilities to manufacture alcohol from farm or timber waste.

16. Kennels.
17. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels. (added 2-89)
18. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels. (added 2-89)
19. Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels. (added 2-89)

D. Property Development Standards

1. Property Size - The creation of a parcel shall be subject to the following:

~~a. In the "F-F (40)" zone the minimum property size is forty (40) acres with a 660 foot minimum average lot width.~~

a. In the "F-F (10)" zone the minimum property size is ten (10) acres with a 330 foot minimum average lot width.

2. Lot Coverage - No more than ten percent (10%) of any lot or parcel may be occupied by non-farm or forest dwellings and their accessory buildings allowed by this section. (added 2-89)

3. Setbacks - ~~In the "F-F (40)" zone no structure other than a fence or sign shall be located closer than forty (40) feet from the right of way of a public road (front yard), twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.~~

In the "F-F (10)" zone no structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road (front yard), twenty-five (25) feet from side yard property lines and forty (40) feet from the rear yard property line.

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

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5. Height - Maximum height for all structures shall be thirty-five (35) feet.
  
6. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be set back from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.
  
7. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
  - a. Signs shall not be illuminated or capable of movement.
  - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
  - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from the right-of-way of a public road.
  
8. Parking - Off street parking shall be provided in accordance with Chapter 4.
  
9. Fire and Safety Standards (added 2-89) - All dwellings, and other structures as specified, shall institute the following fire safety measures for protection of the development and of surrounding areas:
  - a. If the development includes a plumbed water system, at least one standpipe shall be placed a minimum of fifty (50) feet from the dwelling; and
  - b. If electricity is provided, service separate from the dwelling shall be provided for the pump delivery water to the standpipe in (a), above; and
  - ~~c. All structures shall be surrounded by a maintained fire break not less than thirty (30) feet wide. This break shall consist of removal of fire fuels from the ground, shrubs from under large trees, and tree limbs within five (5) feet of the ground; and~~
  - d. Any chimney or stovepipe on any structure for use with a woodstove or

fireplace shall be screened to prevent discharge of sparks or other burning material.

**NOTE: e through l are added to be consistent with the new R-R (10) zone.**

- e. *Power and telephone should be located underground where practicable; and*
- f. *If a water supply, such as a swimming pool, pond, stream or lake, exists within 100 feet of the driveway or road at a reasonable grade, then access to within 15' of the water's edge should be provided for pumping units; and*
- g. *Exterior roofing shall be of fire-resistant materials; and*
- h. *The owners of the dwelling and structures shall: maintain a primary fuel-free break area surrounding all structures; clear and maintain a secondary fuel-free break area according to the chart below. This break shall consist of removal of fire fuels from the ground, shrubs from under large trees, and tree limbs within five (5) feet of the ground; and*

Size of Fuel Break Safety Zone by Percent Slope

<u>Slope</u>	<u>Feet of Primary Safety Zone</u>	<u>Feet of Additional Down Slope</u>
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

- i. *The owners of the dwelling and structures shall: maintain setbacks from ridgetops, cliffs and bluffs. The steeper the slope, the greater the flame length, the hotter the flame front and the faster the rate of fire spread. This is primarily due to preheating of the vegetation upslope from the fire, increased draft of fresh air to the fire from below; and*

Setback from Major Slope Changes in Conjunction with Fuel Break Safety Zone (The definition of a major slope change is a change in slope 10% or

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*greater.)*

<u>On a slope change where the downhill slope is</u>	<u>Feet of Setback</u>
10%	50
20%	75
25%	100
40%	150

- j. *Driveways and Private Roads shall be maintained to a level that is passable for fire equipment; and*
- 1. Driveway and private roads shall be built and maintained to provide a minimum 12' width, a minimum curve radius of 48' and a vertical clearance of 13'6".*
  - 2. Grades shall not exceed an average of 8% with a maximum of 12% on short pitches.*
  - 3. Vehicle Passage Turnouts - Driveways in excess of 200 feet in length, shall provide 20 foot wide by 40 foot long turnouts at a maximum spacing of 1/2 the driveway length or 400 feet, whichever is less. Existing driveways may be used as a turnout if they meet the spacing requirements above.*
  - 4. Deadend driveways over 150 feet in length shall have turnarounds of not less than a 48' radius.*
- k. *Public Roads providing access to a driveway or access to the dwelling shall be brought to a level that is passable for fire/emergency equipment; and*
- l. *Roads shall be built and maintained to provide a minimum 18' width, all weather surface, with a minimum curve radius of 48', and a vertical clearance of 13'6".*
10. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River. (Added 5-93)

PLANNING AND ECONOMIC DEVELOPMENT OFFICE  
WASCO COUNTY

DOTTY DeVANEY, Director  
2705 EAST SECOND STREET  
THE DALLES, OREGON 97058

PHONE: (541) 298-5169  
FAX: (541) 296-2691  
email: wasco@gorge.net

RE: Proposed Plan and Map Amendment and Zone Change  
to the Cherry Heights/Browns Creek and Seven Mile Hill  
Areas

Property Descriptions:

Township 1 North Range 12 East, Sections 1,2, 10 through 15, and 22 through 24;  
Township 1 North Range 13 East, Sections 6,7, and 19;  
Township 2 North Range 11 East, Sections 12 through 14, and 22 through 27;  
Township 2 North Range 12 East Sections 7,8,13 through 23, and 25 through 36 and;  
Township 2 North Range 13 East, Section 31

Existing Comprehensive Plan Designation: Farm Forest

Existing Zoning: F-F 10, Farm Forest

Proposed Comprehensive Plan Designation: Rural Residential

Proposed Zoning; R-R 10, and R-R 5

Basis for Amendment: After a comprehensive land use study entitled "Wasco County Transition Lands Study Area (TLSA) dated September 12, 1997, it was determined that these areas were suitable for rural residential development. The zoning change does not change the minimum lot size, but does change the process for applying for a dwelling.

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