



Wasco County Planning Department

"Service, Sustainability & Solutions"

2705 East Second St. • The Dalles, OR 97058
(541) 506-2560 • wcplanning@co.wasco.or.us
www.co.wasco.or.us/planning

NOTICE OF DECISION (As Corrected)

FILE #: PLANCU-16-05-0001

DATE: October 20, 2016

CORRECTED DECISION DATE: *October 24, 2016*

APPEAL DEADLINE: November 1, 2016, 4:00 PM

CORRECTED APPEAL DEADLINE: *November 5, 2016, 4:00 PM*

REQUEST: Verification of a legal nonconforming use for the production and primary processing of medical marijuana in a portion of an existing dwelling, two (2) greenhouses, and an outdoor grow area, and the alteration of this use to include the addition of five temporary hoop houses to be used as shelter for the plants and a shop to be used for production and primary processing.

Correction Request: *All information and findings of fact found within the Corrected Notice of Decision and Staff Report are considered a reaffirmation of the previous findings and found to be consistent with the Wasco County LUDO. Any corrected findings shall be indicated with a strikethrough (~~strikethrough~~) for deletions and underlined and italics (underlined and italics) for additions and/or modifications.*

Corrections reflect clarifications of wording as requested by applicant and are consistent with application materials provided in the official request.

DECISION: Approved, with **conditions**

APPLICANT/OWNER INFORMATION

Applicant: Brooks Foster, 510 SW 5th Ave, 5th Floor, Portland, OR 97204

Owner: Loren Dana, 2040 Seven Mile High Rd, The Dalles, OR 97058

PROPERTY INFORMATION

Zoning: R-R (10) Rural Residential; Environmental Protection District 8, Impacted Low Elevation

Location: The subject property is located on the east side of Seven Mile High Rd, 0.2 miles north of its intersection with Seven Mile Hill Rd, approximately 4 miles west of The Dalles, OR and 5 miles east of Mosier, OR; more specifically described as:

<u>Existing Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
2N 12 E 22 300	871/1184	9.94

After recording, please return to:
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Attachments:

- A. Conditions of Approval
- B. Time Limits & Appeal Information
- C. Maps
- D. Staff Report
- E. Lighting Standards

Staff Reviewer: Will Smith, Associate Planner

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ATTACHMENT A – CONDITIONS OF APPROVAL

Current and future property owners shall comply with the application as reviewed and approved by the staff report which is available at the Wasco County Planning Department. This report details the restrictions on aspects of the approved development including but not limited to location, dimensions and use. This decision does not constitute tacit approval for any other development or use.

After expiration of the 12-day appeal period and prior to zoning approval on a building permit application, the owner(s) shall comply with the following conditions:

1. **Fire Safety Standards Self-Certification Form**: The owner filled out and signed a Fire Safety Standard Self-Certification Form and provided it to the Planning Department. By signing the self-certification form, the owner acknowledges that he understands these standards and commits 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 # PLANCU-16-05-0001.
2. **Outdoor 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 nonreflective, opaque materials. Light deprivation curtain systems in each greenhouse must be deployed when grow lights are in use *at night, between sunset and sunrise*.
3. **Fencing**: Barbed wire strands that extend above the established 72 inch height of the perimeter fence must be removed so that the fence meets the Wasco County fence standard of six (6) feet in height. The interior fence around the marijuana grow is exempt from height restrictions as it is a game fence designed to protect agricultural crops from game animals.
4. **Odor**: A building used for marijuana production or marijuana processing shall be equipped with a carbon filtration system for odor control.
 - a. The system shall consist of one or more fans and filters.
 - b. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the square footage of the building floor space (i.e., one CFM per square foot of building floor space).
 - c. The filter(s) shall be rated for the applicable CFM.
 - d. The filtration system shall be maintained in working order and shall be in use.
 - e. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the carbon filtration system otherwise required.
5. **Home Occupation**. A major home occupation has not and cannot be approved for this use. Employees for the marijuana production on this property are limited to members of the family that reside in the dwelling.
6. **Limitation of Use**. The property may not contain more than the 2015 permitted legal and established maximum of 96 *mature and flowering* plants (unless further restricted by state law) and may not be grown outside of the areas established for growing in 2015 except as specifically permitted by this alteration to include the hoop houses and greenhouse area

ATTACHMENT A – CONDITIONS OF APPROVAL

inside the interior fence, a portion of the dwelling, and the shop (which sits on the outdoor grow site identified on the site plan as 2015 OMMP Site). The physical footprint of these growing and processing areas shall not increase beyond what existed prior to January 11, 2106 as shown in Attachment C – Site Plan.

7. **Medical Marijuana.** The primary use of the marijuana production of this property shall remain as medical marijuana serving a maximum of sixteen (16) cardholders at any one time, unless further limited by changes in state law. As was the legal use in 2015, sales to retailers are permitted as incidental to that primary use.

SIGNED THIS 24TH day of October, 2016, at The Dalles, Oregon.

William M. Smith, Associate Planner
Wasco County Planning Department

State of Oregon
County of Wasco

Signed or attested before me on October 24, 2016, by William M. Smith, Associate Planner.

Notary Public – State of Oregon

NOTE: Any new land uses or structural development such as residences; garages, workshops or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: Oregon Revised Statutes, Chapter 215, requires that if you receive this notice, it must promptly be forwarded to the purchaser.

ATTACHMENT B – TIME LIMITS AND APPEAL INFORMATION

No ground disturbance shall occur until all conditions of approval are met and all appeal periods have expired. Per Section 2.125 of the Wasco County Land Use and Development Ordinance, this approval shall expire: (1) when development has not commenced within two (2) years of the date of approval, or (2) the use approved is discontinued for any reason for one (1) continuous year or more. If the approval expires, a new application shall be made.

Please Note!

No guarantee of extension or subsequent approval either expressed or implied can be made by the Wasco County Planning Department. Please take care in implementing your proposal in a timely manner.

APPEAL PROCESS:

The decision date for this land use review is **Thursday, October 24, 2016**. The decision of the Director shall be final unless an appeal from an aggrieved party is received by the Director within twelve (12) days of the mailing date of this decision, **Tuesday, November 5, 2016, at 4:00 p.m.**, or unless the Planning Commission or Board of County Commissioners on its own motion orders review within twelve (12) days of the date of decision. A complete record of the matter is available for review upon request during regular business hours or copies can be ordered at a reasonable price at the Wasco County Planning Department. Notice of Appeal forms may also be obtained at the Wasco County Planning Department. **The filing fee for an appeal is \$250.00. Fees are refunded if appellant prevails.**

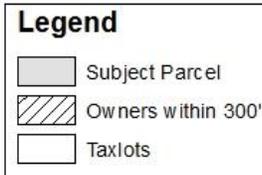
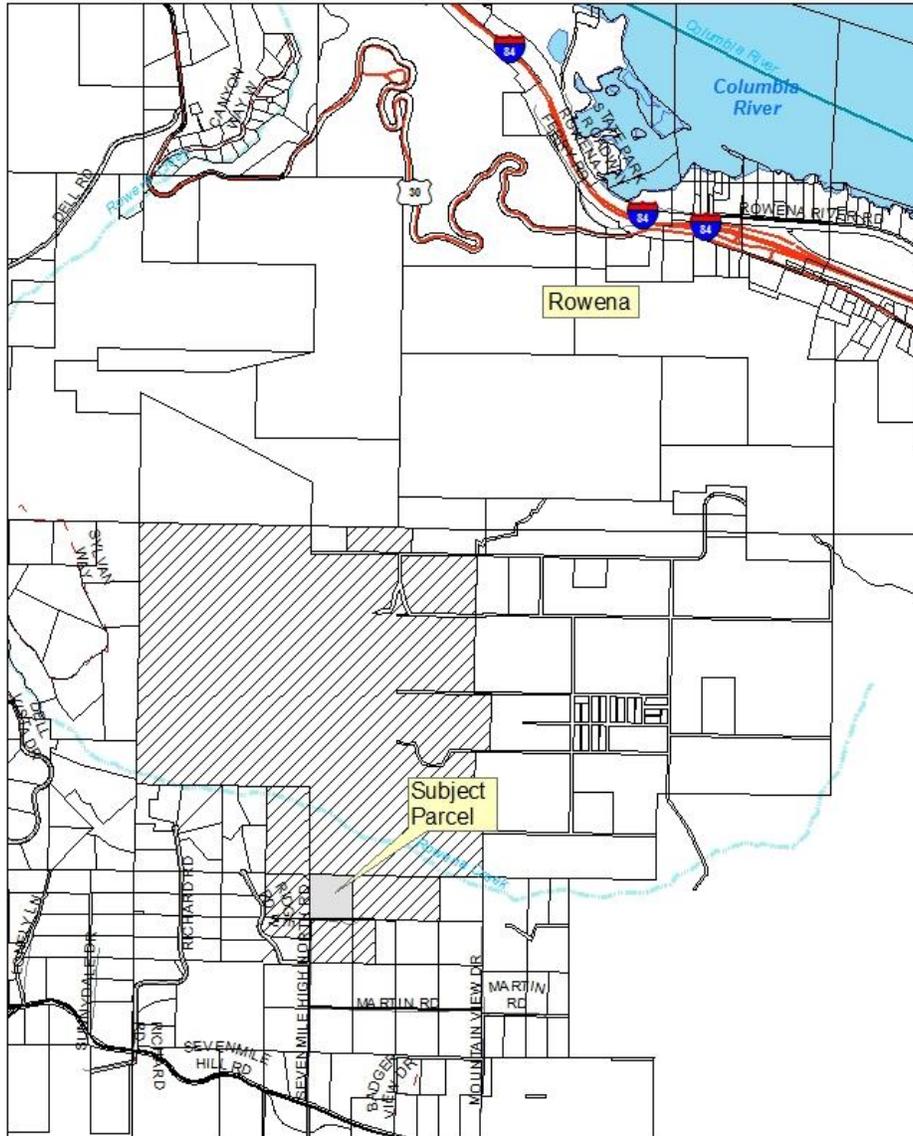
FINDINGS OF FACT:

Findings of fact approving this request may be reviewed at the Wasco County Planning Department, 2705 East Second Street, The Dalles, Oregon, 97058, or are available for purchase at the cost of \$0.25 per page. These documents are also available online at: <http://co.wasco.or.us/planning/Actions.html>. The table is sorted alphabetically by the name of the applicant. The information will be available until the end of the appeal period.

ATTACHMENT C – MAPS

Applicant: Brooks Foster
Owner: Loren Dana
2N 12E 22, Tax Lot 300

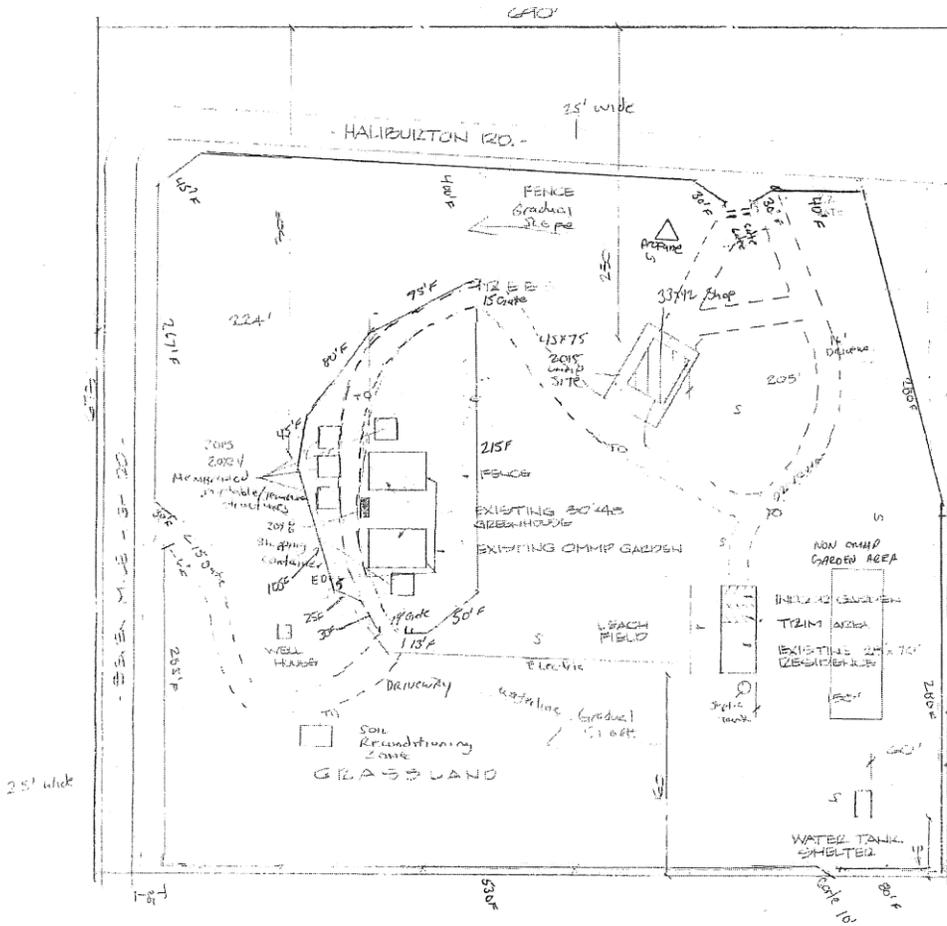
Vicinity Map



ATTACHMENT C – MAPS

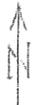
Applicant: Brooks Foster
 Owner: Loren Dana
 2N 12E 22, Tax Lot 300

Site Plan



SITE PLAN 11.8.2017

ALL DISTANCES ARE APPROXIMATE



- F = FENCE 2"x4"x6' no climb fence (w barb wire)
- S = Spicket
- 70 = Turnout
- Elec = Electric Drop

LOREN DANA - OWNER
 (503) 674-7847

2040 SEVEN MILE ROAD
 THE DALLES, OR. 97058