

ATTACHMENT D – STAFF REPORT

File Number: PLACUP-16-07-0011

Request: (1) Conditional Use Permit to use a 9’W x 26’5”L x 8’T historic railroad caboose as a detached accessory building (storage building) in the Natural Areas Overlay Zone.
(2) Variance to the 100’ southern property line setback requirement to allow the caboose to remain in its current location 58’ from the property line.

Applicant/Owner: Urban Station LLC

Decision: Approval, with conditions

Decision Date: October 13, 2016

Appeal Deadline: October 25, 2016

Location: The subject property is located east of the Deschutes River and primarily south of Deschutes River Access Road, approximately 13.5 miles south of Maupin, Oregon; more specifically described as:

<u>Map/Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
7S 14E 8D 400	12784	59.37

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

The subject property is also located in the EPD-1, Flood hazard Overlay Zone, EPD-2, Geologic Hazard Overlay Zone, EPD-7, Natural Areas Overlay Zone, and EPD-12, Sensitive Bird Site Overlay Zone.

Past Actions: CODARC-10-03-0133, illegal structure
CODENF-09-07-0005, illegal structure
LOC-96-WAA18-BP, repair flood damage
LOC-91-WAA18-BP, addition to single family dwelling
LOC-85 and CUP-85-107-WAA18-4H, nonfarm dwelling
ENF-84-106, alteration of pre-existing conditional use without approval

I. APPLICABLE STANDARDS

Wasco County Land Use & Development Ordinance (LUDO)

A. Chapter 3 – Basic Provisions

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

Section 3.213.B., Uses Permitted Subject to Type 1 Review - Accessory Structure

Section 3.216, Property Development Standards

Section 3.218, Agricultural Protection

Section 3.740, EPD-1, Flood Hazard Overlay Zone

Section 3.740.B., Applicability

Section 3.750, EPD-2, Geologic Hazards Overlay Zone

Section 3.960, EPD-12, Sensitive Bird Site Overlay Zone

Section 3.910, EPD-7, Natural Areas Overlay Zone

Section 3.911, Permitted Uses

Section 3.912, Approval Standards

B. Chapter 7 – Administrative Variances

Section 7.010, Administrative Variance from Dimensional Standards, excluding Minimum Lot Size

C. Chapter 6 – Variances

Section 6.020, Criteria for Decision

D. Chapter 5 - Conditional Use Review

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

Section 5.030, Conditions

Section 5.040, revocation of Conditional Use Permit

E. Chapter 10 – Fire Safety Standards

Section 10.110, Siting Standards

Section 10.120, Defensible Space

Section 10.130, Construction standards for dwellings and structures

Section 10.140, Access Standards

Section 10.150, Fire protection or on-site water required

II. BACKGROUND

A. Legal Parcel: The subject parcel was created by Bargain & Sale Deed 71-0815, recorded with the Wasco County Clerk on May 21, 1971. It is consistent with the definition of

(Legal) Parcel in Section 1.090 of the WCLUDO because it was created by deed prior to the existence of subdivision and partition regulations in Wasco County (9/4/1974).

- B. Site Description:** The subject parcel lies south and east of the Deschutes River and is divided by a railroad spur owned by Burlington Northern & Santa Fe/Union Pacific. The proposed development site is located on approximately 2.5 acres north of the railroad tracks. Slopes on the affected portions of the property are predominantly 5-10% northeast-facing. Land south of the railroad tracks averages slopes in all directions in excess of 60%. The property is taxed at a residential rate. The northern portion of the property contains trees and vegetation along the Deschutes River and around the existing homesite, but the remainder is in a natural state with native grasses and shrubs.
- C. Surrounding Land Use:** Surrounding properties are all zoned A-1(160), Exclusive Farm Use, and contain a mixture of private and public lands. The surrounding area, known as North Junction, contains many small homes/ cabins along or near the Deschutes River. The privately developed properties generally contain 5-10% northeast-facing slopes, though portions exceed 60%. Trees and vegetation are common around existing buildings and along the Deschutes River, with the remainder in a natural state with native grasses and shrubs. BLM land is generally not developed with any structural improvements.
- D. History:** According to the owner, a historic Great Northern caboose was dropped off in North Junction on a different property in 1958 by the railroad for use by railroad retirees for a fishing cabin, where it remained next to the river until the February, 1996, flood moved the structure and tipped it onto the subject parcel. It was then moved to its current location further away from the river. The detached accessory structure (caboose) has been a violation on the subject property since 1996. The proposed land use action will approve the caboose as a detached accessory structure to the lawfully established dwelling at its existing location, and close the enforcement case on the property.
- E. Public Comment:** Notice of Administrative Action was mailed on September 8, 2016, to all owners of property within 750' of the subject parcel and affected agencies. This notice provided a 12-day pre-notice for public comment. This comment period ended at 4 p.m. on September 20, 2016. The following comments were received prior to the expiration of the comment period:

Jim Harlow, adjacent property owner: "I am writing to ask that the County approve the request to save the historic railroad caboose located on the tax lot next to my property at North Junction."

Staff Response: Approval of the request can only occur when all applicable standards are met. All pertinent LUDO criteria are addressed in this report.

Ted Megert, Deputy State Fire Marshal, Milwaukie : "Innovative. Send me a picture."

Staff Response: Directed Mr. Megert to the on-line application which contains pictures.

III. FINDINGS:

Wasco County Land Use & Development Ordinance (LUDO)

A. Chapter 3 – Basic Provisions

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

Section 3.213, Uses Permitted Subject to Type 1 Review

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

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

- B. Accessory Structure:** *Buildings and structures accessory to a legally established dwelling not provided in conjunction with farm use subject to meeting the definition in Section 1.090, Definitions. This also includes buildings less than 200 square feet in area, buildings less than 10 feet in height, and decks including those less than 30" from the ground.*

FINDING: The request is to use a historic railroad caboose as a detached structure accessory to a lawfully established dwelling to be used as a seasonal storage shed for outdoor furniture, garden tools and other incidental items. Wasco County LUDO, Chapter 1, Section 1.090, Definitions, defines Accessory Structure as:

Accessory Structure - A detached structure, its footprint being less than 3/4 of the primary structures footprint, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot-of-record with the primary structure or use. Accessory structures shall not include agricultural exempt buildings. (Revised 1/92, 5/93)

According to the Wasco County Assessor's Office the existing house has a footprint of approximately 832 square feet (SF). Three-quarters (75%) of the footprint of 832 SF is 624 SF. The proposed caboose is 9'W x 26.5'L and contains 238.5 SF or approximately 29% of the footprint of the existing house. As proposed, the use of the caboose is accessory to the single family dwelling.

To ensure the detached accessory structure continues to be accessory to the existing dwelling, the following conditions of approval are imposed:

- The detached accessory structure shall not be used for overnight sleeping accommodations or any other residential use
- There shall be no kitchen or laundry facilities in the detached accessory structure. Kitchen is defined by Chapter 1, Section 1.090 as: “A place where food is cooked or prepared as well as the place where the facilities and equipment used to cook, prepare and store food are located. (Added 1/92)”

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

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: The request is for a detached accessory structure (historic railroad caboose) to be used as a storage building, accessory to an existing single family dwelling on the parcel. The closest identified historic farm use in the area is cattle grazing located approximately 2,400’ (0.45 mile) to the south. A minimum setback of 100’ is required from all property lines.

Required Setback	Proposed Setback	Consistent?
Front (South): 100’	58’ +/-	No
Side (East): 100’	249’ +/-	Yes
Side (West): 100’	259’ +/-	Yes
Rear (North): 100’	170’ +/-	Yes

The front (southern) setback does not comply with the 100' requirement. In order to approve the request, a variance must be granted to this setback. Variances are discussed in Sections B. and C.

Proposed setbacks to the north, east and west comply with Criterion 1.a

2. Waterways

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

(1) A minimum distance of one hundred (100) feet when measured horizontally at a right angle for all water bodies designated as fish bearing by any federal, state or local inventory.

FINDING: The request is to place a detached accessory structure on the subject parcel. The Deschutes River is located along the western property line of the subject parcel. This river is designated as fish-bearing (Bull trout, Chinook salmon, Steelhead, Redband trout), therefore the proposed structure must be located a minimum of 100' from the Deschutes River. As proposed, the detached accessory structure will be located approximately 236' from the river, therefore the request complies with Criterion a.(1).

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

FINDING: The request is to place a detached accessory structure on the subject parcel. According to digital data from the FEMA the floodplain east of the river in the location extends approximately 70' onto the land. A portion of the subject parcel is located within the Flood Hazard Overlay Zone, however the proposed location of the accessory structure is located more than 120' outside (east) of the identified Flood Hazard Overlay Zone boundary. The request complies with Criterion b. because the proposed development is located outside of the EPD-1 Zone.

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 to place a historic railroad caboose to be used as a detached accessory building. From the ground to the top of the caboose measures approximately 11'3" in height, less than the 35' height limit, therefore the request complies with Criterion B.

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

FINDING: The subject is not located on a corner property, therefore Criterion C. is not applicable to this request.

- D. Signs:

FINDING: The request for a detached accessory building does not include the placement of signs, therefore the request complies with Criterion D.

- 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: The request for placement of a caboose to be used as a detached accessory building does not include outdoor lighting, however a **condition** of approval is included in the Notice of Decision requiring new outdoor lighting to be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials. With the proposed condition of approval, the request complies with Criterion E.

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 request is for a Conditional Use Permit to place a detached accessory building in the EPD-7, Natural Areas Overlay Zone. As required by Section 3.218, the owner is required to sign and record a Farm Management Easement (see Attachment F) with the Wasco County Clerk prior to obtaining any permits from Mid-Columbia Building Codes Services. A **condition** stating this is included in the Notice of Decision. With the condition of approval, 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 request is for the placement of a detached accessory building . Criterion B. requires that the owner be provided with a copy of the above-mentioned document. It is included as Attachment G to this report, therefore the request complies with Criterion B.

Section 3.740, EPD-1, Flood Hazard Overlay Zone

B. Applicability

1. Lands to which this Chapter Applies:

- a. This chapter shall apply to all Areas of Special Flood Hazards within the jurisdiction of Wasco County.***

FINDING: The request is to place a historic railroad caboose on property to serve as a detached accessory building for personal storage. A portion of the property along the Deschutes River ranging in width from 50-130' is within the Flood Hazard Overlay Zone however the proposed location of the detached accessory building will be approximately 200' east of the river and outside of the Flood Hazard Overlay Zone. As proposed, the building site is located outside of the Flood Hazard Overlay Zone, therefore the full criteria in Section 3.740 is not addressed, and the request complies with Section 3.740.

Section 3.750, EPD-2, Geologic Hazards Overlay Zone

FINDING: The request is for the placement of a historic railroad caboose to be used as a storage building. The development site is located north of Deschutes River Access Road. This area constitutes approximately 10% of the parcel and contains slopes averaging 4%. The remainder of the parcel lies south of Deschutes River Access Road and contains slopes averaging 25-30+%. The steep areas are located on south-facing slopes on the southwestern portion of the property. The proposed location of the detached accessory building is more than ¼ mile northeast of the steep slopes and the EPD-2 Zone on gentle slopes. Staff finds that the proposed location of the detached storage building is outside of the Geologic Hazard Overlay Zone and the request complies with Section 3.750.

Section 3.960, EPD-12, Sensitive Bird Site Overlay Zone

The purpose of the Sensitive Bird Site Overlay is to insure that sensitive habitat areas identified in the County's Goal 5 Sensitive Bird Inventory as critical for the survival of the golden eagle and prairie falcon are protected from the effects of conflicting uses or activities which are not subject to the Forest Practices Act.

FINDING: The request is to use a historic railroad caboose as a detached accessory building on property containing the Sensitive Bird Site Overlay Zone. This overlay is located on the steep bluffs and cliffs on the southern portion of the parcel, where Prairie Falcons nest and raise their young. The identified EPD-12 Zone is located over 600' south of the proposed detached accessory building.

By e-mail on September 21, 2016, staff contacted Jeremy Thompson, Wildlife Biologist, Oregon Department of Fish & Wildlife, regarding the request. Mr. Thompson responded via e-mail on September 22, 2016. He stated that he has no concerns about impacts on the sensitive bird

nesting site from the proposed accessory building. As proposed, the request complies with Section 3.960.

Section 3.910, EPD-7, Natural Area Overlay Zone

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

Section 3.911 - Permitted Uses

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

FINDING: The request is to use a historic railroad caboose as a detached accessory structure. A detached structure accessory to a lawfully established permitted use is allowed as a Type 1 Review in the Exclusive Farm Use Zone. Due to its location in the Natural Areas Overlay Zone, the request must go through the Conditional Use Review. The owners requested approval of a Conditional Use Permit for the proposed accessory structure, a permitted use, therefore the request complies with Section 3.911.

Section 3.912 - Approval Standards

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

FINDING: The request is for a detached accessory building in the Natural Area Overlay Zone. The subject parcel lies along the eastern bank of the Deschutes River, a wild and scenic river. One of the purposes of the overlay zone is to protect the identified natural value by allowing only uses which will not permanently destroy the natural value. The Deschutes River is fish-bearing, and is popular for fishing. The river contains Bull trout and Steelhead (spawning and rearing), Redband trout (year-round resident), and Chinook salmon (spawning, rearing and migration). To retain this natural resource, it is important that the riverbank and adjacent land not be disturbed. The proposed caboose will be located approximately 200' from the bank of the Deschutes River and will not disturb the natural habitat and vegetation along the river.

A portion of the parcel also contains a sensitive bird species – Prairie Falcon. Habitat loss has limited nest sites and foraging habitat for the Prairie Falcon and it is important that this species not be harmed or its habitat impacted by the proposed use. By e-mail on September 21, 2016, staff contacted Jeremy Thompson, Wildlife Biologist, Oregon Department of Fish & Wildlife, regarding the request. Mr. Thompson responded via e-mail on September 22, 2016, stating that he had no concerns regarding the request.

The proposed caboose will be placed on top of the ground and if necessary, could be moved in the future, therefore the use would not result *in the permanent destruction of natural value*.

Staff finds the request complies with Section 3.912 because the proposed accessory detached storage building will not have an impact on sensitive wildlife species or their habitat, nor will it have an impact on vegetation along the river due to its distance (200' +/-) from the river.

B. Chapter 7 – Administrative Variances

Section 7.010 - Administrative Variance from Dimensional Standards, excluding Minimum Lot Size

A. An administrative variance from regulations covering any building setback, building height, or building size requirement may be authorized pursuant to the Administrative Action process of Section 2.060(A) up to a maximum of fifty percent (50%) of the requirement, by the Director or designee upon findings that:

FINDING: The location of the railroad caboose, a structure accessory to an existing lawfully established dwelling, is contained on the portion of the property north of the railroad tracks. Its current location does not meet the 100' setback requirement established in the Exclusive Farm Use Zone. In order for the caboose to remain in its current location, approximately 58' from the southern property line, a variance to this setback is required. The requested setback is 42% of the requirement, consistent with the maximum of 50% for an administrative variance.

1. Approval of the variance will not negatively impact adjacent properties;

FINDING: The requested detached structure accessory to a lawfully established dwelling is a common use on adjacent properties. Properties along the Deschutes River contain cabins/houses and detached accessory buildings. Staff notes that the railroad caboose was washed onto the property during the 1996 floods which are considered to be an Act of God. The prior owner moved the caboose away from the river (east) so that it would not again be washed down river, removing it out of the floodplain and outside of the regulated waterway setback for fish bearing streams. The caboose has existed on the subject parcel for over 20 years and has had no negative impact on adjacent properties. Given that the nearest agricultural use is nearly a half mile away and based on the above findings, staff finds the request complies with Criterion 1.

2. The variance does not result in a setback of less than five (5) feet; and

FINDING: The railroad caboose is located approximately 58' from the closest property. It is located more than 5' from the property line therefore the request complies with Criterion 2.

3. Complies with circumstances listed in Section 6.020.

FINDING: Section 6.020 is addressed in Section C. where the request is found to comply with all

Variance criteria.

(***)

- C. *An Administrative Variance is void if it conflicts with any restrictive covenant applicable to the property at the time such variance is granted.*

FINDING: There are no known restrictive covenants applicable to the property at the present time, therefore staff finds the request complies with Criterion C.

C. Chapter 6 – Variances

Section 6.020 - Criteria for Decision

A variance to the requirements of this Ordinance may be granted with respect to lot dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences and walls, and other dimensional requirements, except property size, only if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist: (Revised 1-92)

- A. *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography, or other circumstances over which the property owner since the enactment of this Ordinance has had no control.*

FINDING: The request is to approve a historic railroad caboose as a structure accessory to an existing lawfully established dwelling. The caboose was moved from property located upriver by the February 6, 1996, floods and washed up on the subject parcel. The previous property owner moved the caboose to the east, outside of the 100-Year Floodplain as identified by FEMA, to its current location approximately 230' east of the river. Staff finds that the relocation of an accessory structure by the flood of 1996 as it applies to this property meets the exceptional or extraordinary circumstance that generally does not apply to other properties. Though other properties were flooded in 1996, the subject parcel is the only property that had a structure weighing many tons washed upon it by the flood waters. The owner had no control over the caboose washing up onto the property. Though the previous owner moved the caboose to a new location, it reduced its vulnerability to natural disaster, and the current owners had no control over its placement.

- B. *The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.*

FINDING: The request is for a variance to the property line setback to the south to allow the caboose to remain in its current location, 58' from the property line. The required setback is 100'. Though there is adequate room on the property to meet the setback, moving a *30 ton caboose is nearly impossible without flood waters helping to float it and can be considered a

hardship. Other property owners in the area have the right to place detached accessory buildings on the property. Staff finds that this variance is necessary to allow the continuation of the caboose as a detached accessory building. Without the variance, the current owners would be denied a property right which is enjoyed by surrounding properties.

**The Southern California Scenic Railway Association, Inc. website (http://www.scsra.org/roster/atsf_110.html). This website contains a similar looking historic caboose, built in 1928. Total weight of the similar caboose is 59,900 pounds.*

- C. The variance would conform with the purposes of this Ordinance and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.*

FINDING: The request to continue using a historic railroad caboose on the subject parcel as a detached accessory building is consistent with the purpose of the LUDO, which allows structures and buildings that are accessory to a primary use. The current application proposes the caboose as a storage building accessory to the existing single family dwelling. As proposed, the requested variance will not be materially detrimental to property in the same zone or vicinity, and will not conflict with the Comprehensive Plan.

- D. The variance requested is the minimum variance which would alleviate the difficulty.*

FINDING: The request is for a variance to the 100' southern property line requirement to allow the proposed detached storage building to remain in its current location 58' from the property line. If the caboose is permitted to stay in its current location where it has existed for 20+ years, the difficulty would be alleviated. If the caboose is required to be moved, structural damage would likely occur. It is difficult to impossible to get large equipment to the subject parcel on Deschutes River Access Road due to the inability to get it through a small tunnel on the road. Staff finds the requested variance is the minimum variance that would alleviate the difficulty.

- E. The variance is not the result of a self-created hardship.*

FINDING: The proposed variance is necessary to allow the existing caboose to remain in its current location of 20 years. The caboose was originally moved by an Act of God, moved to its current location 58' from the southern property line by the previous owner, not the current owner, therefore staff finds the variance is not the result of a self-created hardship.

D. Chapter 5 – Conditional Use Review

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

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

FINDING: The request complies with Criterion A. The goals and objectives of the Comprehensive Plan are implemented through the Wasco County Land Use & Development Ordinance, which are addressed throughout this report.

- B. *Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses.*

FINDING: The request is for a detached accessory building in conjunction with a lawfully established (existing) single family dwelling.

(Location) The subject parcel has access onto Deschutes River Access Road in the area known as "North Junction." The location of the proposed caboose is approximately 40' north of the access road, 100' east of the existing residence, and 200' east of the Deschutes River

(Size and Design) In considering this criterion, staff interprets the ordinance to place emphasis on the nature of the use, more than on the particular architectural characteristics of a proposed structure. In this instance, the proposal is for a detached accessory building, a historic railroad caboose, less than 35', in height as measured at average grade.

(Operational Characteristics) The proposed detached accessory building will be used by the owners for personal storage in conjunction with the existing lawfully established dwelling. It will not create additional vehicular trips to or from the property, but will be used in conjunction with the existing residence on the property, similar to other homes in the area with detached accessory buildings.

Permitted uses in the A-1 Zone generally consist of resource, natural resource, transportation, and utility facility uses. Many of the surrounding properties contain a residence and one or more detached accessory buildings. The existing accessory building is similar to the use of other existing development in the area and is accessory to a lawfully established use, therefore staff finds that the proposed use is compatible with the surrounding area and development of abutting properties by outright permitted uses and complies with Criterion B.

- C. *The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical service, or solid waste disposal facilities.*

FINDING: The request is for a detached accessory building. There is an existing single family dwelling on the subject parcel which already uses the public access road. The County Sheriff currently provides police protection to the area. The request will not exceed or significantly burden road or police capacity because of the existence of a single family dwelling on the

property. The dwelling determines the need for services and an accessory building has no impact on the available services.

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

The subject property does not use public fire, water facilities, telephone and electrical service or solid waste disposal facilities, therefore the use will not significantly burden these facilities.

As proposed, the request complies with Criterion C.

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

FINDING: The request to approve a historic railroad caboose on the subject parcel will not increase the amount of traffic in the area, nor will it change the traffic flow or safety in the area. The request complies with Criterion D.

E. The effects of noise, dust and odor will be minimized during all phases of development and operation for the protection of adjoining properties.

FINDING: With a **condition** of approval, the request complies with Criterion E.

The railroad caboose is already in place on the property, therefore the placement of the structure will not create any noise, dust or odor.

Staff finds that the request complies with Criterion E.

F. The proposed use will not significantly reduce or impair sensitive wildlife habitat, riparian vegetation along streambanks and will not subject areas to excessive soil erosion.

FINDING: The request is to approve a historic railroad caboose on the subject parcel as a detached accessory building. The caboose is currently on the subject parcel and is located approximate 230' east of the river. The subject parcel is not located in the Sensitive Wildlife Habitat Overlay Zone (EPD-8), but is located along the Deschutes River, which contains Bull trout, Chinook salmon, Steelhead, and Redband trout. The area along the river generally contains trees, natural grass vegetation, and rip rap in some areas.

A minimum 100' no-disturbance buffer is required from the Deschutes River because it is a year-round fish-bearing river. Though the caboose is over 200' east of the river, it is important that any ground disturbance be revegetated to the greatest extent possible. A **condition** of approval is included in the Notice of Decision requiring ground disturbance to be minimized to the greatest extent possible. All ground disturbance resulting from development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation and the replacement of such vegetation that does not survive. With the proposed **condition**, the request complies with Criterion G.

G. The proposed use will not adversely affect the air, water, or land resource quality of the area.

FINDING:

(Air) The proposed detached accessory building will not adversely affect air quality because air pollution created by a single family dwelling is minimal. There are no proposed heating facilities or construction associated with the request. The most common form of air pollution would be smoke from a woodstove/fireplace. This pollutant is regulated by the Oregon Department of Environmental Quality via standards for woodstoves.

(Water) The proposed detached accessory building will not adversely affect water quality because it will not be connected to, or create any waste water that could leach into the Deschutes River.

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

With the proposed **condition** of approval, the request complies with Criterion G.

H. The location and design of the site and structures for the proposed use will not significantly detract from the visual character of the area.

FINDING: The standard does not require that there be no visual impact from the proposed dwelling, but that any impact not be significant. The request is to approve an existing detached accessory building consisting of a historic railroad caboos. According to the applicant, the historic Great Northern caboos was placed in the North Junction area by the railroad in 1958 for use by railroad retirees for a fishing cabin. This caboos remained where it was placed until flooding in 1996 washed it down river to the current property. The caboos was moved farther from the river to its current location approximately 230' east of the Deschutes River by the prior owner.

The subject parcel is located in an area referred to as "North Junction." This area contains multiple single family dwellings and detached accessory buildings. Because the caboos existed on railroad property along the river from 1958-1996, and on Urban Station LLC's property (formerly owned by Hartung) for the past 20 years, it is actually part of the visual character of the area. As such it will not detract from the visual character of the area, but continues to support it.

The request complies with Criterion H.

I. The proposal will preserve areas of historic value, natural or cultural significance, including archaeological sites, or assets of particular interest to the community.

FINDING: The request is for a detached accessory building. According to the Wasco County Comprehensive Plan, there are no historic, natural, cultural, or archaeological sites on the subject parcel, nor are there any assets of particular interest to the community. Scenic resources were discussed in H. above.

The request complies with Criterion I.

J. The proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use. (Revised 1-92)

K. The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use. (Revised 1-92)

FINDING: There is no identified farm or forest use on the subject parcel or surrounding properties. The closest farm uses are identified to the south approximately 2,280' (0.43 mile). According to historical data from Farm Services Agency these properties have been used for grazing. These lands are primarily owned by BLM, however some are in private ownership.

During the most recent updates to the LUDO, the Agricultural Resource Group (ARG) determined that nonfarm buildings should be located a minimum of 200' from all adjacent properties that contain planted fields, and 100' from grazing operations. The ARG was composed of County residents in all occupations, but focuses on residents who operate lands in agricultural production (orchard, wheat, cattle). The group determined that the identified setbacks maintain an adequate distance from planted cropland and grazing operations that will eliminate the need for a farmer to change his farming practices or increase his cost of operation.

Due to a distance in excess of 2,200' from surrounding farm uses, the proposed detached accessory building (historic railroad caboose) will not change or increase the cost of accepted farm or forest practices on surrounding properties.

The request complies with Criteria J. and K.

Section 5.030, Conditions

Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding permitted uses as are necessary to fulfill the general and specific purposes of this Ordinance may be imposed in approving an application, pursuant to Section 2.110(D).

FINDING: Conditions of approval are implemented throughout this report to ensure the use is compatible with surrounding permitted uses. The request complies with Section 5.030.

Section 5.040, Revocation of Conditional Use Permit

Noncompliance with any condition placed on a conditional use permit shall be grounds for revocation of the permit. Revocation of a conditional use permit shall be considered a land

use action and reviewed by the Planning Commission. The following procedures shall be completed at least twenty (20) days prior to the date of the revocation hearing: (Revised 1-92)

A. A notice of violation pursuant to Section 15.090 shall be sent to the owner of the property on which the conditional use takes place.

B. Notice of public hearing pursuant to Section 2.080 shall be sent.

The opportunity for review of the Planning Commission decision, pursuant to Section 2.170 shall be available.

FINDING: The request is for a Conditional Use Permit to approve the location/use of a historic railroad caboose as a use accessory to a lawfully established dwelling in the Natural Areas Overlay Zone. The caboose is within ¼ mile of the Deschutes River, a scenic river.

Compliance with all Conditional Use criteria is required throughout the life of this permit. A **condition** of approval is included in the Notice of Decision advising the owner that noncompliance with any condition of approval shall be grounds for revocation of the permit. Revocation of the Conditional Use Permit shall be considered to be a land use action and shall be reviewed by the Planning Commission according to the requirements in Section 5.040.

With the proposed **condition** of approval, the request complies with Section 5.040.

E. Chapter 10 – Fire Safety Standards

Section 10.110, Siting Standards – Locating Structures for Good Defensibility

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

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

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

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

FINDING: The subject property is not served by a structural or wild fire protection district. However, it is located adjacent to the Deschutes River.

The fire safety standards, adopted by the Wasco County Court and effective February 5, 2007, require property owners to be aware of potential fire risks in areas outside of urban areas of Wasco County, and requires compliance with siting standards, fuel break requirements, construction standards, access standards, and on-site water storage requirements.

The property owners have completed a Fire Safety Standard Self-Certification Form, and it is located in the Planning Dept. file. By signing the self-certification form, the owners have acknowledged that they understand these standards and commit to achieve compliance with them within one year of the date of approval and maintain them through the life of the development. This certification further commits all future property owners to this same requirement. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under Files PLACUP-16-07-0011.

Though not specifically addressed in Chapter 10, it is essential that all dwellings in Wasco County have a valid address so that emergency responders can quickly find the property. In accordance with the Wasco County Uniform Addressing Ordinance adopted on June 9, 1982, prior to Building Permit Authorization, the applicant or future owner(s) shall clearly post the address of the subject lot on both sides of a post or mailbox, or other similar post, support, stake or pedestal which cannot be easily removed or destroyed which is within 30' of the driveway which accesses the dwelling. The address numbers shall be legible, reflective, and at least 2 ½ inches high. The subject parcel does not contain an address issued by Wasco County. A **condition** is included requiring the owner to apply for a new address after expiration of the appeal period but at least 2 weeks prior to issuance of zoning approval on a building permit application, and submit the filing fee (\$125) to the Planning Department prior to issuance of zoning approval on a building permit application.

ATTACHMENT E – LIGHTING STANDARDS

Good Neighbor OUTDOOR LIGHTING

PRESENTED BY THE NEW ENGLAND LIGHT POLLUTION ADVISORY GROUP (NELPAG) AND SKY PUBLISHING CORP.

What is good lighting?

Good outdoor lights improve visibility, safety, and a sense of security, while minimizing energy use, operating costs, and ugly, dazzling glare.

Why should we be concerned?

Many outdoor lights are poorly designed or improperly aimed. Such lights are costly, wasteful, and distractingly glary. They harm the nighttime environment and neighbors' property values.

Glare Here's the basic rule of thumb: If you can see the bright bulb from a distance, it's a bad light. With a good light, you see lit ground instead of the dazzling bulb. "Glare" is light that beams directly from a bulb into your eye. It hampers the vision of pedestrians, cyclists, and drivers.

Light Trespass Poor outdoor lighting shines onto neighbors' properties and into bedroom windows, reducing privacy, hindering sleep, and giving the area an unattractive, trashy look.

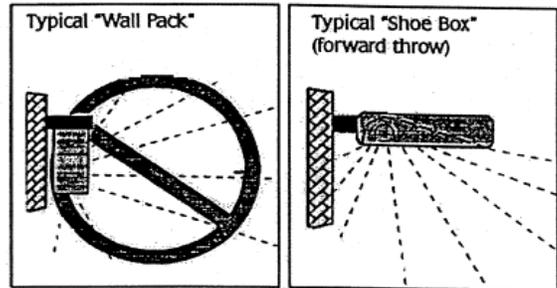
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

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

How do I switch to good lighting?

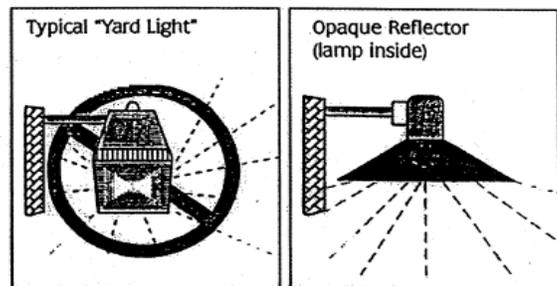
- 1 Provide only enough light for the task at hand; don't over-light, and don't spill light off your property. Specifying enough light for a job is sometimes hard to do on paper. Remember that a full Moon can make an area quite bright. Some lighting systems illuminate areas 100 times more brightly than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

Some Good and Bad Light Fixtures



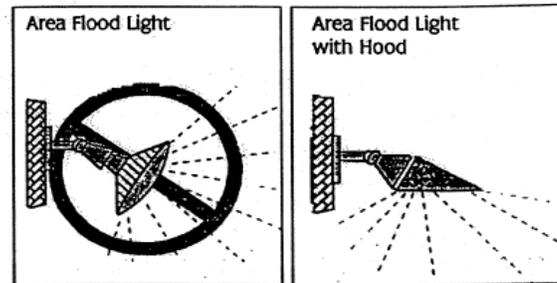
BAD

GOOD



BAD

GOOD



BAD

GOOD

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

- 2** Aim lights down. Choose "full-cutoff shielded" fixtures that keep light from going uselessly up or sideways. Such fixtures produce minimum glare. They create a pleasant-looking environment. They increase safety because you see illuminated people, cars, and terrain, not dazzling bulbs.
- 3** Install fixtures carefully to maximize their effectiveness on the targeted area and minimize their impact elsewhere. Proper aiming of fixtures is crucial. Most are aimed too high. Try to install them at night, when you can see where all the rays actually go.

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

- 4** Choose energy-efficient low-pressure sodium (LPS) or high-pressure sodium (HPS) lamps wherever yellowish light will do the job. Use less efficient white lights only where ideal color rendition is important.
- 5** Where feasible, put lights on timers to turn them off each night after they are no longer needed. Put home security lights on a motion-detector switch, which turns them on only when someone enters the area; this provides a great deterrent effect!

Replace bad lights with good lights.

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

Presented by the

New England Light Pollution Advisory Group (NELPAG)

(<http://cfa-www.harvard.edu/cfa/ps/nelpag.html>) and

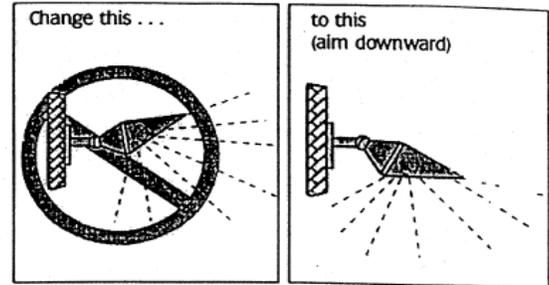
Sky Publishing Corp. (<http://www.skypub.com/>).

NELPAG and Sky Publishing Corp. support the

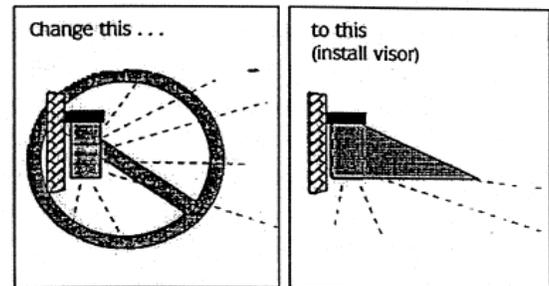
International Dark-Sky Association (IDA) (<http://www.darksky.org/>).

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.

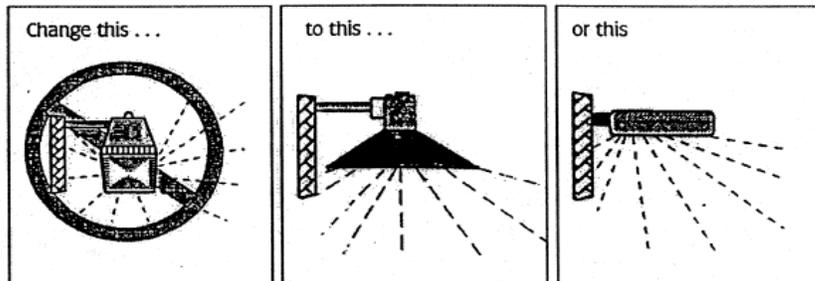
What You Can Do To Modify Existing Fixtures



FLOOD LIGHT



WALL PACK



YARD LIGHT

OPAQUE REFLECTOR

SHOE BOX



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

FOREST-FARM MANAGEMENT EASEMENT

Owner Name: _____
Mailing Address: _____

_____, herein called the Grantors, are the
(Owner(s) Name

owners of real property described as follows:

Township 7S, Range 14 East, Section 8D, Tax Lot 400; Assessor Account 12784

In accordance with the conditions set forth in the decision of Wasco County Planning Staff, dated October 13, 2016, approving a Conditional Use Permit (File # PLACUP-16-07-0011, to place a detached accessory building on the subject parcel, Grantors hereby grant 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 maintenance, harvesting of forest tree species, application of chemicals and disposal of slash, and

After recording, please return original to: Wasco County Planning Department.



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____.

Titleholders Signature

Titleholders 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 H – MEDIATION ORDINANCE

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

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

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.

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

2 - AMENDED ORDINANCE

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

3 – AMENDED ORDINANCE

(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;

4 - AMENDED ORDINANCE

- (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 - AMENDED ORDINANCE

- (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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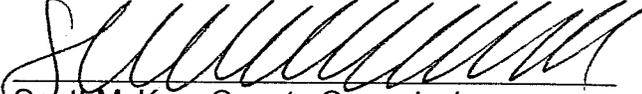
8 - AMENDED ORDINANCE

DONE AND DATED this 3rd day of September, 2003

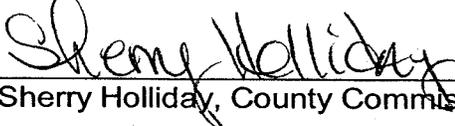
WASCO COUNTY COURT



Dan Ericksen, County Judge



Scott McKay, County Commissioner



Sherry Holliday, County Commissioner

APPROVED AS TO FORM:



Eric J. Nisley
Wasco County District Attorney

9 – AMENDED ORDINANCE