



Wasco County Planning Department
"Service, Sustainability & Solutions"

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(541) 506-2560 • wcplanning@co.wasco.or.us
www.co.wasco.or.us/planning

WASCO COUNTY PLANNING COMMISSION AGENDA PACKET

FOR

Hearing Date: January 6, 2014

Hearing Time: 3:00 pm

**Hearing Location: Columbia Gorge Discovery Center,
Lower Level Classroom
5000 Discovery Drive
The Dalles, Oregon 97058**

Action Item(s):

QUASIJUDICIAL HEARING:

File PLAAPL-14-08-0002 WATSON APPEAL OF WILSON DECISION

Appeal by Gabriel Watson of Planning Director approval for a Conditional Use Permit to replace an existing manufactured home with a new manufactured home. The subject property is zoned A-1(160), Exclusive Farm Use Zone, and EPD 7 – Natural Areas Overlay Zone.



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Date: December 29, 2014
To: Wasco County Planning Commission
From: Wasco County Planning Office
Subject: Submittal for Hearing dated January 6, 2015

I. **LEGISLATIVE HEARING:**

File PLAAPL-14-11-0003 Appeal of file PLACUP-14-09-0007

Appeal by Gabriel Watson of Planning Director approval for a Conditional Use Permit to replace an existing manufactured home with a new manufactured home. The subject property is zoned A-1 (160), Exclusive Farm Use Zone, and EPD 7 – Natural Areas Overlay Zone.

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TO: Wasco County Planning Commission

FROM: Dawn Baird, Associate Planner

DATE: December 24, 2014

SUBJECT: Summary and staff recommendation for Appeal PLAAPL-14-11-0003, made by Gabriel A. Watson in response to Planning Director's Decision PLACUP-14-09-0007 for O. Meredith Wilson et. al.

SUMMARY:

Director's Decision PLACUP-14-09-0007 approved a replacement dwelling on parcel 7S 14E 8D, tax lot 500,, located in the A-1(160), Exclusive Farm Use Zone, and within Environmental Protection District 7 (EPD-7), Natural Areas Overlay Zone, for proximity to the Deschutes River, a protected natural area and Oregon Scenic River. The decision was issued on November 6, 2014. An appeal was filed by Gabriel A. Watson on November 18, 2014, within the 12 day appeal period. Mr. Watson owns property north of the Wilson property.

As the result of an appeal Mr. Watson filed in 2013 when his conditional use application for a new dwelling in the same zone and EPD was denied, the Planning Commission, and subsequently the Wasco County Board of Commissioners, determined staff had been applying the regulations within the EPD-7 Zone incorrectly. As a result of the hearings, the County Commissioners determined that EPD-7 only allows uses listed as "permitted" in the underlying zone to be reviewed as conditional uses and other uses listed as "conditional uses" could not be applied for or approved.

In oral and email correspondence, Mr. Watson has stated to staff that he is not opposed to Mr. Wilson's replacement home, but feels that the County's interpretation of the Natural Areas Overlay Zone is incorrect. Staff suggested to Mr. Watson that he could instead apply for an ordinance interpretation rather than appeal the Director's Decision. However, Mr. Watson chose to pursue the appeal. Mr. Watson's grounds for appeal are listed below, followed by staff responses and finally, a staff recommendation.

Grounds for Appeal #1:

"Staff erred when it found the proposed development within the White River buffer.

Staff incorrectly found the proposed development is within the 0.25 mile White River buffer"; however, the proposed development is not located along any segment of the White River. The proposed development is not located along any segment of the White River. The proposed development is located at North Junction, east of the Deschutes River Access Road at its southern terminus, approximately 20 miles south of Maupin, Oregon; more specifically described as

Township 7S, Range 14E, Sec. 8D, more than 30 miles from any segment of the White River.

Notably, the Wasco County Comprehensive plan includes the White River Wildlife Management Area, a natural area listed in Table 11-A of the Plan. The area is identified as Township 7S, Range 5S SS 11E and 12E. However, the proposed development is located at least 30 miles from this area.

Because the proposed development is neither along White River buffer, nor within the White River Wildlife Management Area, County Staff clearly erred when applying the NAOD to the proposed development using this criterion."

STAFF RESPONSE:

The report incorrectly states that the proposed development is located within the buffer of the White River when in reality it is located in the buffer of the Deschutes River. This is a typographical mistake, not a procedural error because both rivers are protected under the same provision in the Wasco County Land Use and Development Ordinance (LUDO). The Conditional Review Use process applied by staff was correct. The typographical error regarding the name of the protected river was corrected immediately upon discovery.

Grounds for Appeal #2:

"Wasco County Land Use Development Ordinance Section 3.910, Environmental Protection District 7, Natural Areas Overlay (NAOD) does not apply to subject parcel because the parcel is neither a natural area identified by the Wasco County Comprehensive Plan nor adjacent to a "Wild" or "Scenic" portion of the Deschutes, White, or John Day Rivers.

- 1. Under Wasco County Land Use Development Ordinance (WCLUDO), Section 3.910(A) a proposed development will be subject to the Natural Areas Overlay District if it meets one of two criteria: First, if the proposed development is within an area identified by the Wasco County Comprehensive Plan as a Natural Area. Second, if the proposed development is adjacent to a "Wild & Scenic" segment of a Wasco County Portion of *inter alia the Deschutes River. If neither of the criteria is met, the NAOD does not apply to the proposed development.*
- 2. The proposed development is not within a Natural area listed by the Wasco County Comprehensive Plan.*

The first reason a proposed development will be subject to the NAOD is that the parcel is located within a "Natural Area" identified in the Wasco County Comprehensive Plan. The plan identifies Natural Areas using two tables: 11A – Natural Areas as identified by the Nature Conservancy (4/78), and 11B-Natural Areas. Both tables identify natural areas by Township, Range, and Section. The proposed development is located in Township 7S, Range 14E, Sec. 8D, a location that is not listed on either table. It follows that the proposed development is not within a Natural Area identified in the Wasco County Comprehensive Plan.

Thus, using this criterion, the proposed development cannot be subjected to the NAO.

3. *Subject parcel is not within a river segment classified as "Wild" and "Scenic" under federal or state law.*

The second reason the NAO will apply to a proposed development is that it is located along a Wasco County portion of inter alia the Deschutes River, designated as "Wild" and "Scenic" by the Oregon Scenic Waterways Act or the National Wild and Scenic Rivers System.

The National Wild and Scenic Rivers Act and the Oregon Scenic Waterways Act provide context that guides the interpretation and application of WCLUDO Section 3.910 to the proposed development."

STAFF RESPONSE:

In brief, the proposed development is located within an area identified by the Wasco County Comprehensive Plan as a Natural Area, and the Wasco County Land Use and Development Ordinance (WCLUDO) Environmental Protection District 7 (EPD-7), which was created in part to protect sensitive lands within the Deschutes River, an Oregon Scenic River. Please see below for more specific information as well as the attached map: Exhibit A.

Wasco County Comprehensive Plan, Chapter 14 – Findings and Recommendations, B. Goal 5 Issues, Land Needed or Desirable for Open Space states:

"Goal 5 states that open space shall be preserved and natural and scenic resources protected. The administrative rule on Goal 5, adopted by the Commission on May 1, 1981, has given the means by which these resources should be inventoried and preserved. The conflict resolution process used for each Goal 5 issue is illustrated below.

1. Land Needed or Desirable for Open Space:

Generally, all of the agricultural and forestry lands in the County could be considered as open space, in accordance with Goal 5. Other lands, such as the rock cliffs found in the Columbia Gorge, the Deschutes and John Day Scenic Waterways, the White River and The Dalles and Dufur Watersheds could also be considered as open space lands. Each of these areas is being protected by various methods, to preserve their natural and scenic properties.

The type of "conflicting use" most often found to occur in the above mentioned open space lands is residential development, either conventional homes or mobile homes. Each open space resource and the method of protection are noted below.

*(***)*

c. The Deschutes and John Day Scenic Waterways:

These waterways are protected by the State Scenic Rivers Act and the E.P.D. Division 5 (§3.755(5)). [Note: Updated 7/26/1985 DATE to be E.P.D. Division 7 and Section 3.910]

Wasco County Comprehensive Plan, Chapter 15 – Goals & Policies, Goal 5 – Open Spaces, Scenic and Historic Areas and Natural Resources, Policy 5 – Wild & Scenic Rivers, states:

"The Deschutes and John Day River Scenic Waterways shall be maintained and protected as natural and open areas with consideration for agriculture and recreation".

This policy states that the Deschutes and John Day River Scenic Waterways shall be maintained and protected. Staff notes that the policy is therefore mandatory, not advisory.

To implement this part of the Comprehensive Plan, the Wasco County Land Use and Development Ordinance (WCLUDO) contains Environmental Protection District 7 (EPD-7) Section 3.910. EPD-7 purpose statement identifies the intent of the district:

"This overlay district is intended 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."

The Deschutes River, in the vicinity of the replacement dwelling, is identified in ORS 390.805 and 390.825 and is designated as an Oregon Scenic Waterway, and is provided protection through State and County regulations. Oregon Revised Statute (ORS) 390.826(5), *Designated Scenic Waterways*, designates the Deschutes River and related adjacent land as an Oregon Scenic Waterway. ORS 390.805(1) defines "related adjacent land" as all land within one-fourth of one mile of the bank on a river or segment of river within a scenic waterway.

Wasco County resource inventories identify the site of the proposed development as being located within an identified protected Natural Areas Overlay District, consistent with WCLUDO Section 3.910(A) Criterion 1 and, therefore, subject to the regulations of the applicable environmental protection district.

Grounds for Appeal #3:

"National Wild and Scenic Rivers Act Congress created the National Wild and Scenic River in 1968 to complement the "established national policy of dam and other construction" by "preserving selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers..." Today administration of the law cannot "abrogate any existing rights, privileges, or contracts. . . held by any private party", and is administered without limiting uses that do not substantially interfere with public use and enjoyment (emphasis added).

Most importantly, the National Wild and Scenic Rivers System designates different segments of Component Rivers to reflect existing use, natural value, and administrative goals. United States Code, Title 16, Chapter 28, Sec. 1273 provides:

(d) CLASSIFICATION, DESIGNATION AND ADMINISTRATION OF RIVERS

A wild, scenic, or recreational river area eligible to be included in the system ...shall be classified, designated, and administered as one of the following:

- (1) Wild river areas-Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent the vestiges of primitive America.*
- (2) Scenic river areas-Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads,*
- (3) Recreational river areas-Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.*

The Deschutes river is divided into five segments, the proposed development is within the "100-mile segment from the Pelton Reregulating Dam to [the Deschutes] confluence with the Columbia River" designated as Recreational River."

STAFF RESPONSE: The portion of the Deschutes River near the proposed development is included in the National Wild and Scenic Rivers System, but is identified as "recreational" not "scenic". The property is also within the area protected as state designated Oregon Scenic River. As explained above in the staff response for Ground for Appeal #2, the location of the proposed development is within a designated Natural Area identified by the Wasco County Comprehensive Plan and WCLUDO as EPD-7.

The Conditional Use Review process did not prevent or limit the replacement of the existing manufactured dwelling.

Grounds for Appeal #4:

"D. Oregon Scenic Waterways Act

Similarly, the Oregon Scenic Waterways Act was created to preserve the "free-flowing" rivers of Oregon. The people of Oregon found that the "policy of permitting construction of dams... needs to be complemented by a policy that would preserve inter alia selected rivers and sections thereof in a free-flowing condition..." The Oregon Scenic Waterways act adopts much of its language from the National Wild and Scenic Waterways system.

The Oregon Scenic Waterways Act is codified in OAR 736-040-0005 through 0095. Segments of Scenic Waterways are classified in OAR 736-040-0040:
CLASSIFICATION OF SCENIC WATERWAYS AND SEGMENTS THEREOF

(1) *In order to establish varying intensities of protection or development based on special attributes of each area within the scenic waterways, the following classifications are established:*

(a) *Natural River Areas:*

(A) *Those designated scenic waterways or segments thereof that are generally inaccessible except by trail or the river, with related adjacent lands and shorelines essentially primitive. These represent the vestiges of primitive America;*

(B) *Natural River Areas may include an occasional lightly traveled road, airstrip, habitation or other kind of improvement already established, provided the effects are limited to the immediate vicinity;*

(C) *Natural River Areas will be administered to preserve their natural, wild and primitive condition, essentially unaltered by the effects of man, while allowing compatible recreational uses, other compatible existing uses and protection of fish and wildlife habitat.*

(b) *Scenic River Areas:*

(A) *Those designated scenic waterways or segments thereof with related adjacent lands and shorelines still largely primitive and largely undeveloped, except for agriculture and grazing, but accessible in places by roads. Scenic River Areas may not include long stretches of conspicuous or well-traveled roads paralleling the river in close proximity, but may include extensive areas in agricultural use;*

(B) *Scenic Areas will be administered to maintain or enhance their high scenic quality, recreational value, fishery and wildlife habitat, while preserving their largely undeveloped character and allowing continuing agricultural uses.*

(c) *Recreational River Areas:*

(A) *Those designated scenic waterways or segments thereof that are readily accessible by road or railroad, that may have some development along their shorelines and related adjacent lands, and that may have undergone some impoundment or diversion in the past;*

(B) *Recreational River Areas will be administered to allow continuance of compatible existing uses, while allowing a*

wide range of compatible river-oriented public outdoor recreation opportunities, to the extent that these do not impair substantially the natural beauty of the scenic waterway or diminish its esthetic, fish and wildlife, scientific and recreational values.

The proposed development is located within the Recreational River Area:

- (a) The segment of the scenic waterway extending from the Deschutes River intersection with the northerly extension of the common section line of Section 29 and Section 30, Township 9 South, Range 13 East, of the Willamette Meridian, (T 9S, R 13E, WM.), Jefferson County, downstream approximately 96 miles to the Columbia River, but excluding the right bank shoreline (as seen when facing downstream) and adjacent lands opposite the City of Maupin, as its boundaries were established on December 3, 1970, is classified as a Recreational River Area.⁶*

Because the NAOD applies only to the portions of the Deschutes river designated as Wild & Scenic, and because under both the Oregon Scenic Waterways Act and the National Wild & Scenic Waterways system the proposed development is in a "Recreational river area, the NAOD cannot apply to the proposed development."

STAFF RESPONSE: As previously stated above in Staff's response for Ground for Appeal #2, the Wasco County Comprehensive Plan (Chapter 15) contains mandatory language for the protection of the Deschutes and John Day River Scenic Waterways, which is a state designation, not a federal one. The Wasco County Comprehensive Plan was submitted to and acknowledged by the Department of Land Conservation & Development on August 25, 1993, for consistency with state law.

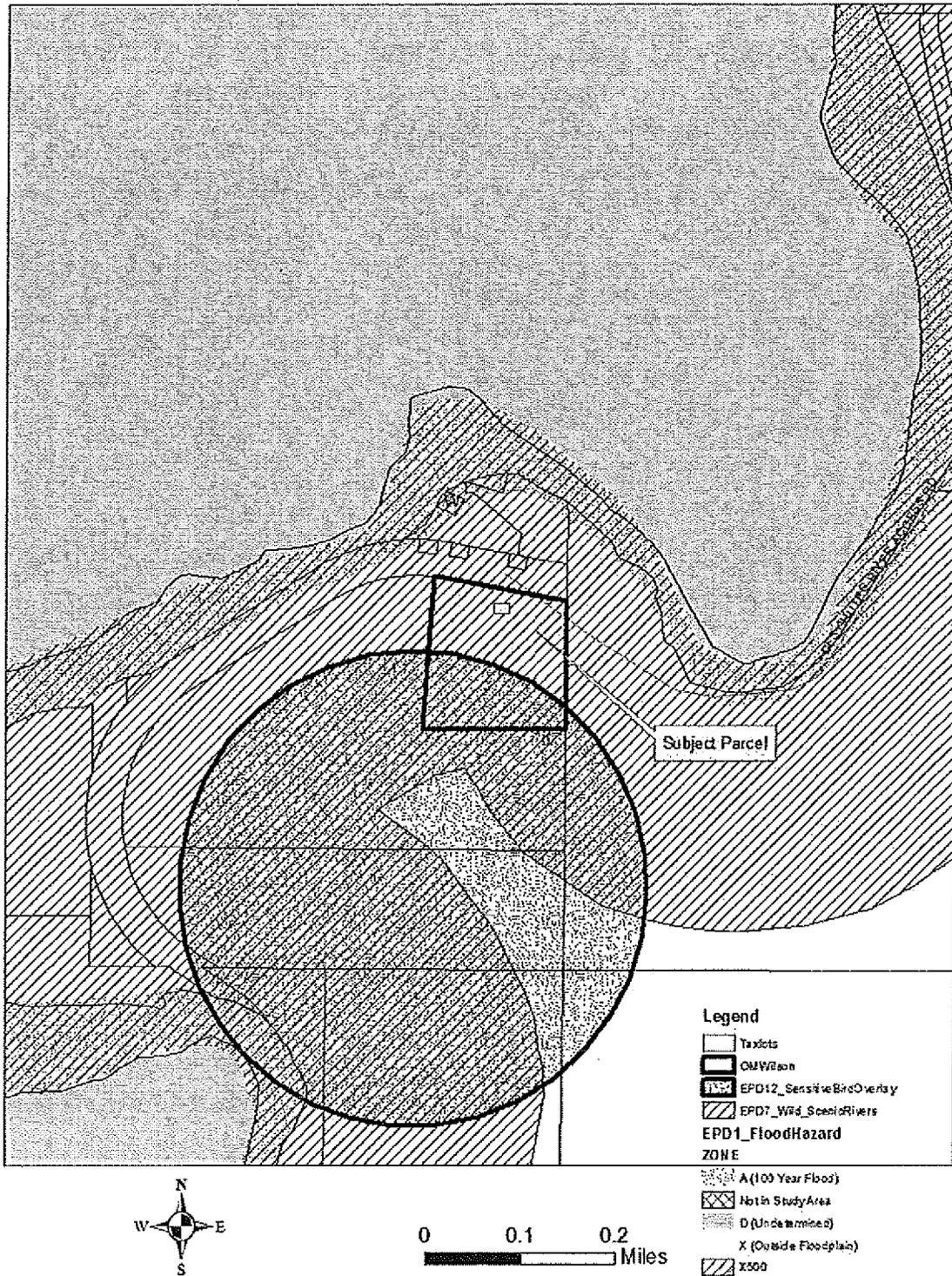
Findings above explain why the Comprehensive Plan and LUDO require the application of the EPD-7, Natural Areas Overlay Zone. The Conditional Use Review process did not prevent or limit the replacement of the existing manufactured dwelling.

STAFF RECOMMENDATION:

As explained above, the Wasco County Comprehensive Plan and WCLUDO provides resource protection for the Deschutes River, an Oregon Scenic River through EPD-7, an area identified by the Wasco County Comprehensive Plan as a Natural Area. According to Wasco County resource inventories, the subject site is located within the EPD-7 geographic area, and therefore subject to the applicable regulations.

Given this information, staff feels the review process applied to the Wilson application for a replacement dwelling (Director's Decision PLACUP-14-09-0007) was correct, and consistent with the 2013 interpretation of the County Board of Commissioners. **Staff recommends the Planning Commission uphold the decision of the Planning Director with the findings and conditions of approval contained within the November 6, 2014 Notice of Decision and Staff Report.**

EXHIBIT A – OVERLAY ZONES





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SUMMARY OF INFORMATION

Prepared for Planning Commission Hearing

FILE # PLAAPL-14-11-0003 of
PLACUP-11-09-0007

HEARING DATE: January 6, 2015
PUBLISH DATE: December 16, 2014

REQUEST: Appeal by Gabriel A. Watson of the Planning Director's decision to allow the replacement of a legally placed 52'L x 24'W x 15'T manufactured home with a new 52'L x 24'W x 15'T

RECOMMENDATION: Uphold the decision of the Director, and deny the appeal

APPLICANT:
O. Meredith Wilson Jr. et. al.
202 NW 20th Avenue
Portland, OR 97209

APPELLANT:
Gabriel A. Watson
1830 NW 23rd Place
Portland, OR 97034

PROPERTY INFORMATION:

Zoning: A-1(160)/EPD-7, Exclusive Farm Use/Natural Area Overlay Zone in Wasco County

Location: The subject parcel is located east of Deschutes River Access Road at its southern terminus, approximately 14 miles south of Maupin, Oregon, more specifically described as:

Existing Tax Lot	Previous Tax Lot	Acct #	Acres
7S 14E 8D 500	7S 14E 8D 101	12781	14.01

ATTACHMENTS:

- A. Summary of Information & Conditions
- B. Planning Commission Options & Staff Recommendation
- C. Maps
- D. Staff Report
- E. Lighting Standards

ATTACHMENT A – CONDITIONS OF APPROVAL

ATTACHMENT A SUMMARY OF INFORMATION & CONDITIONS

The full staff report with all proposed findings of fact and conclusions of law is enclosed as **Attachment D** and was available at the Wasco County Planning Department for review one week prior to the January 6, 2015, hearing. The full staff report is made a part of the record. This summary does not supersede or alter any of the findings or conclusions in the staff report, but summarizes the results of Staff's review and recommendation.

Gabriel A. Watson appealed the Director's decision to approve a Conditional Use Permit for O. Meredith Wilson Jr. et. al., to allow the replacement of a legally placed 52'L x 24'W x 15'T manufactured home with a new 52'L x 24'W x 15'T. Subject to the proposed findings contained in **Attachment D**, Staff recommends upholding the Director's decision to approve the request with the following **conditions of approval**:

- A. 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.
- B. **Fire Safety Standard 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 # PLACUP-14-09-0007.
- C. **After expiration of the 12-day appeal period and prior to issuance of zoning approval on a building permit application, the owners shall comply with the following conditions:**
 1. **Farm Management Easement:** Sign and record with the Wasco County Clerk a completed Farm Management Easement for the nonfarm parcel (Attachment F).
 2. **Sanitation approval:** Sanitation approval shall be provided on the building permit application prior to issuance of zoning approval on the application.
- D. **Miscellaneous Conditions:**
 1. **Color/Reflectivity Condition:** Earthtone colors shall be used on the exterior of the new home.
 2. **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.

3. Existing trees around the homesite shall be retained. Trees that die shall be replaced during the next planting season.
4. Maintain existing vegetation to the greatest extent possible and to reseed and/or revegetate disturbed areas within the first planting season (October – April).
5. The existing dwelling shall be removed from the subject parcel within 90 days of completion of the replacement dwelling. Completion of the dwelling is considered to be the final inspection by Mid-Columbia Building Codes Agency.

ATTACHMENT B
PLANNING COMMISSION OPTIONS & STAFF RECOMMENDATION

Planning Commission Options

- A. Uphold the decision of the Planning Director and deny the appeal, with the proposed Conditions and Findings of Fact in the staff recommendation.
- B. Uphold the decision of the Planning Director and deny the appeal, with amended Conditions and Findings of Fact.
- C. Overturn the decision of the Planning Director and deny the Conditional Use Permit and Subject to Standards Review subject to amended Findings of Fact.
- D. Continue the hearing, to a date and time certain, if additional information is needed to determine whether standards and criteria are sufficiently addressed.

Staff Recommendation

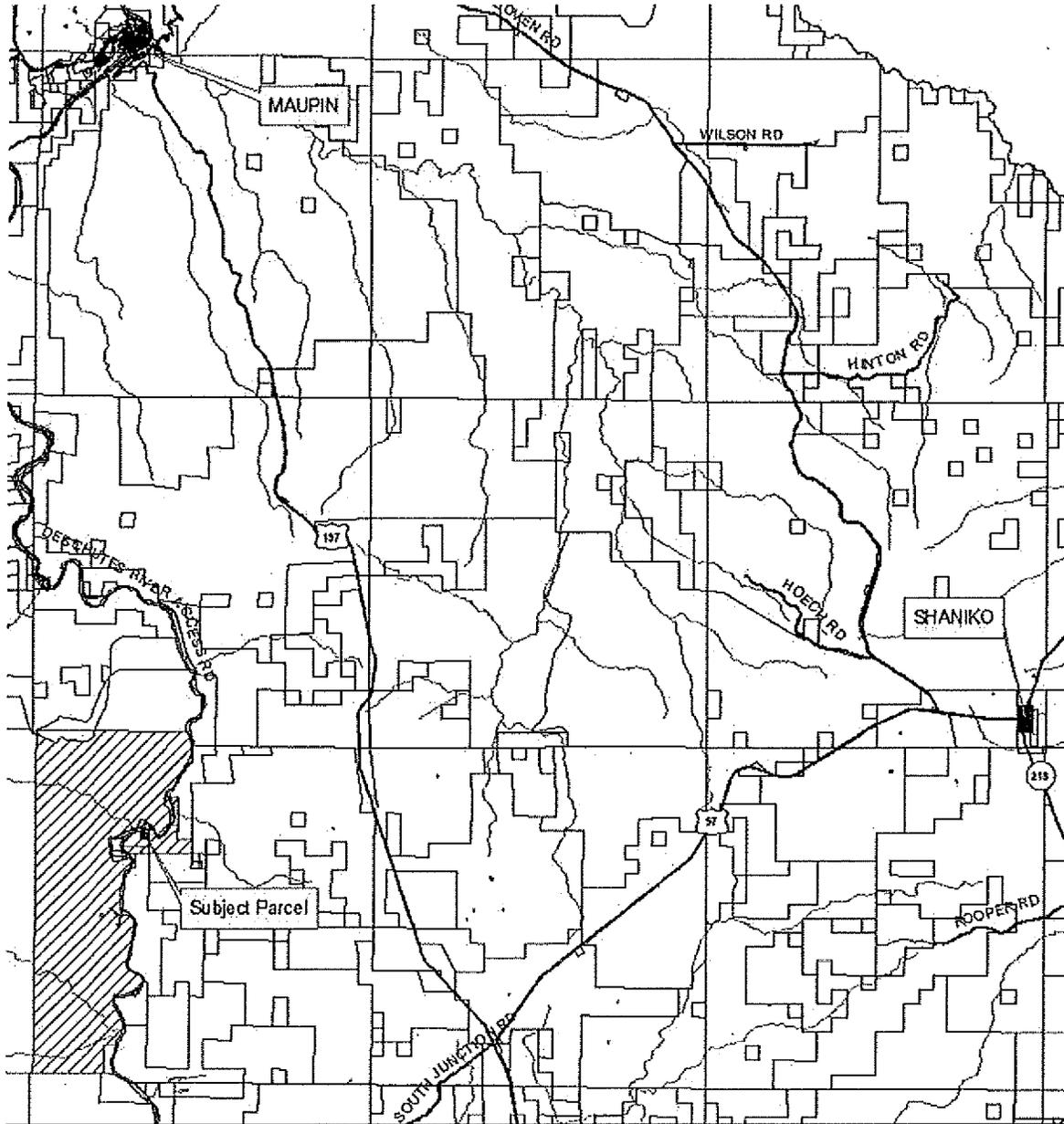
Staff recommends **Option A** – Uphold the decision of the Director and deny the appeal, with the proposed Conditions and Findings of Fact in the staff recommendation.

ATTACHMENT C – MAPS

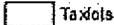
Property Owner: O. Meredith Wilson Jr., et. al.

8S 14E 8D, Tax Lot 500

Vicinity Map



Legend

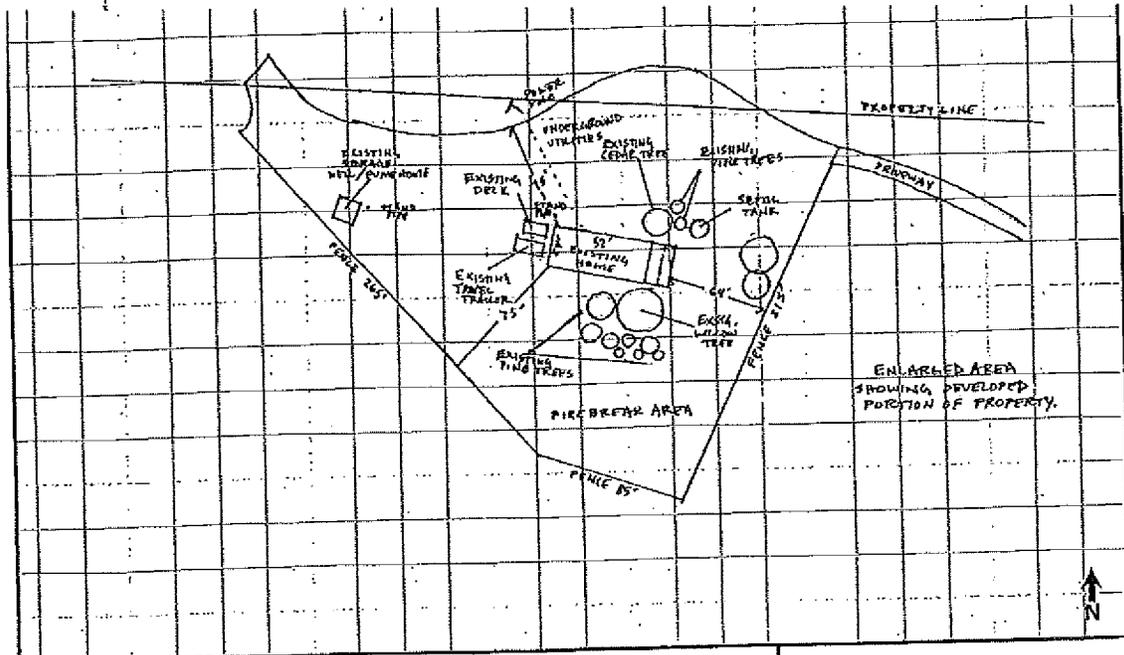
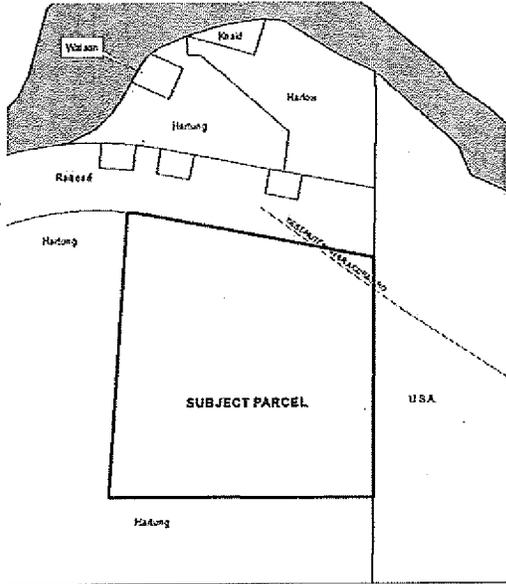
-  Taxlots
-  OM.Wilson
-  Affected_Owners

ATTACHMENT C – MAPS

Property Owner: O. Meredith Wilson Jr., et. al.

8S 14E 8D, Tax Lot 500

Site Plan



SITE PLAN MAP

Map, Tax Lot #: 8S 14E 8D 500
 Applicant: O. MEREDITH WILSON
 File #: _____

SCALE: (inches)

1:50	0 25 50	<input checked="" type="checkbox"/>
1:100	0 50 100	<input type="checkbox"/>
1:200	0 100 200	<input type="checkbox"/>

ATTACHMENT D – PLANNING COMMISSION REPORT

File Number: PLAAPL-14-11-0003 of PLACUP-14-09-0007

Request: Appeal of the Planning Director's Decision to approve, with conditions, replacement of an existing 52' x 24' x 15' tall (1,248 s.f.) manufactured home with a new 52' x 24' x 15' manufactured home

Prepared By: Dawn Baird, Associate Planner

Prepared For: Wasco County Planning Commission

Procedure Type: Quasi-Judicial

Appellant: Gabriel A. Watson

Applicant/Owners: O. Meredith Wilson Jr. et. al.

Staff Recommendation: Uphold the decision of the Planning Director to approve the manufactured home replacement, with conditions.

Planning Commission Hearing Date: January 6, 2015

Location: The subject parcel is located east of Deschutes River Access Road at its southern terminus, approximately 14 miles south of Maupin, Oregon; more specifically described as:

<u>Existing Tax Lot</u>	<u>Previous</u>	<u>Acct#</u>	<u>Acres</u>
7S 14E 8D 500	7S 14E 8D 101	12781	14.01

Zoning: A-1(160), Exclusive Farm Use Zone, EPD-7, Natural Areas Overlay Zone, and EPD-12, Sensitive Bird Overlay Zone

Past Actions: LOC-87-BP, CUP-85-119, ENF-84-108

I. APPLICABLE STANDARDS

A. Wasco County Comprehensive Plan

Goal #4 – Forest Lands

Chapter 15, Goals and Policies, Section D., Goal 4 – Forest Lands, Policies 3 and 4

Chapter 2 – Physical Characteristics, K., Forest Resources

B. Wasco County Land Use & Development Ordinance (LUDO)

Chapter 2 – Development Approval Procedures

Section 2.060.B.13., Appeals of Decision of Director made pursuant to Section 2.060.A.1.

Section 2.160, (Appeal from Decision of the Director

Section 2.110.D., Conditions of Approval

Chapter 3 – Basic Provisions

Section 3.210, Exclusive Farm Use zone

Section 3.210.D.10., Uses Permitted Subject to Standards/Type II Review

Section 3.210.F., Property Development Standards

Section 3.210.H., Agricultural Protection

Section 3.210.J.3., Additional Standards – Replacement Dwelling)

Section 3.910, EPD-7, Natural Areas Overlay Zone

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

Chapter 10 – Fire Safety Standards

Section 10.110, Siting Standards – Locating Structures for Good Defensibility

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

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

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

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

II. BACKGROUND

- A. **Legal Parcel:** The subject parcel was legally created by Warranty Deed 64-0455, recorded with the Wasco County Clerk's Office on February 26, 1964. It is consistent with the definition of Legal Parcel in LUDO Chapter 1, Section 1.090, Definitions because it was created by Deed prior to 9/4/1974.

Site Description: There is currently one 24' x 52' x 15' tall double-wide manufactured home, and one 14' x 14' x 10' pump house/shed on the subject parcel which lies approximately 250' south of the Deschutes River (at its closest point). The home is located south of the western terminus of Deschutes River Access Road. The northern/northeast portion of the property contains gentle northeast-facing slopes. Slopes get steeper as you travel to the south.

- B. Surrounding Land Use:** The subject parcel is located in an area known as "North Junction," a small recreational community on/near the Deschutes River approximately 22 miles south of the City of Maupin. Digital information from Farm Service Agency shows that there is no history of commercial farm use on any surrounding properties, which is likely due to the poor unproductive soils (class VII, VIII, and complex soils). Properties to the west, south, and east primarily contain north/north-west-facing slopes in excess of 70%. Properties to the north, along the Deschutes River are generally developed with recreational/seasonal homes. Only the land along and near the river contains any trees; the remainder of the landscape contains sagebrush.
- C. Public Comments:** A pre-notice was sent to all property owners within 500' of the subject parcel, and interested public agencies, on December 16, 2014, 21 days prior to the Planning Commission hearing. Public notice of this hearing appeared in The Dalles Chronicle on December 16, 2014. No comments were received as of December 24, 2014.
- D. Staff Comment:** The southern one-half (approximately) of the property is also located in the EPD-12, Sensitive Bird Overlay Zone. The existing/replacement building is located outside of this overlay zone, therefore, it is not addressed in this report.

III. FINDINGS:

A. County Comprehensive Plan

Goal #4 – Forest Lands

Chapter 15, Goals and Policies, Section D., Goal 4 – Forest Lands, Policies 3 and 4

Chapter 2 – Physical Characteristics, K., Forest Resources

B. Wasco County Land Use & Development Ordinance (LUDO)

Chapter 2 – Development Approval Procedures

Section 2.060.B.13., Appeals of Decision of Director made pursuant to Section 2.060.A.1.

FINDING: This appeal is being reviewed by the Planning Commission in accordance with the Basic Provisions of Section 2.060.B.13. The applicable Ordinance provisions and required findings are outlined in this report.

Section 2.160, Appeal from Decision of the Director

FINDING: Public notice was given, as specified by Section 2.160 of LUDO, twenty days prior to the Planning Commission hearing. Notice was sent to property owners and agencies on December 16, 2014, 21 days prior to the hearing. The public hearing notice was also published

in The Dalles Chronicle on December 16, 2014. After a decision is made by the Planning Commission, notice will again be given, and a twelve day appeal period will be provided.

Section 2.110.D., Conditions of Approval

FINDING: Staff has recommended that the Commission uphold the Director's approval of the request. If the request is approved, the proposed use will require **conditions** to protect the public from potentially deleterious effects of the proposed use, fulfill the need for public service demands created by the proposed use. Because all future property owners and the public are required to have access to the decision of the Planning Commission, the County Planning Department will record the entire notice of decision, with the Wasco County Clerk's Office upon expiration of the appeal period.

Chapter 3 – Basic Provisions

Section 3.210, Exclusive Farm Use zone

A. Chapter 3 – Basic Provisions, Section 3.210, Exclusive Farm Use Zone

- D. Uses Permitted Subject to Standards/Type II Review: The following uses may be permitted on a legal parcel on lands designated "A-1" Exclusive Farm Use Zone subject to the subsection F - Property Development Standards, subsection H - Agricultural Protection, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards:*

(***)

- 10. Alteration, restoration relocation, or replacement of a lawfully established dwelling (discretionary) and/or accessory residential or non-residential building or structure on any part of the legal parcel subject to Sections F(1)(a)(3) - Addition, Modification or Relocation Setbacks and J(3) - Replacement Dwellings (Dwellings only).*

FINDING: The owner (nine partners) submitted a request to replace an existing 24' x 52' x 15' tall single family dwelling with a new manufactured home of the same size in the Exclusive Farm Use/Natural Areas Overlay Zone. All applicable criteria, including conditional use criteria, are addressed in this report. 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.

Section 3.210.F., Property Development Standards

F. *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.*

1. Setbacks

a. *Property Line*

(***)

(3) *Additions, modifications or relocation of existing structures shall comply with all EFU setback standards. Any proposal that cannot meet these standards is subject to the following:*

(a) *Dwellings: The proposed addition modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements unless the addition will extend a structure further away from and perpendicular to the property line or resource. Any proposal that would place a relocated dwelling or extend an existing dwelling into or further toward the property line or resource, or expand an existing dwelling parallel into a setback or buffer shall also be subject to Chapters 6 & 7, Variances and any other applicable review criteria. The provisions of Chapter 13, Nonconforming Uses, Buildings and Lots are not applicable to replacement dwellings. (Added 4/12)*

FINDING: The new manufactured home is the same size (24' x 52' x 15' tall) as the existing home. Each half of the existing home is offset by 4'. The new home will be set up as a rectangle, and will not be offset. Staff finds that the request, with this slight change, is consistent with the intent of (a).

2. 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 proposed dwelling is consistent with the height limit in the Exclusive Farm Use Zone because it will be 15' in height, less than the 35' maximum height allowed by the LUDO.

(***)

5. 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: A condition is included 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.

(***)

7. New Driveways: All new driveways and increases or changes of use for existing driveways which access a public road shall obtain a Road Approach Permit from the appropriate jurisdiction, either the Wasco County Public Works Department or the Oregon Dept. of Transportation.

FINDING: The request is to replace an existing single family dwelling (manufactured dwelling) due to mold infestation. The replacement will be the same size and will continue to be used as a single family dwelling. There is no proposed change in use, and no proposed increase in use, therefore, no permit is required for the driveway.

Section 3.210.H., Agricultural Protection

1. Farm 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: A condition is included requiring the property owner to sign and record a Farm Management Easement with the Wasco County Clerk. This document is included as Attachment F.

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

FINDING: This staff report serves to make the applicant aware this document is available on the Planning Department website: <http://co.wasco.or.us/planning/>. Printed copies are available upon request.

Section 3.210.J., Additional Standards

(***)

3. Alteration, restoration, relocation or replacement of a lawfully established dwelling:
 - a. Has intact interior walls and roof structure;
 - b. Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;
 - c. Has interior wiring or interior lights;
 - d. Has a heating system;

FINDING: Staff visited the subject property on October 15, 2014, and verified that the existing dwelling complies with a. – d. Photographic documentation is located in the project file.

e. *In the case of replacement:*

(1) *The new dwelling is subject to all applicable siting requirements;*

FINDING: Property line setbacks, and all other property development standards were addressed in Section 3.210.F., and the request was found to be consistent with all requirements.

(2) *The existing dwelling is removed, demolished or converted to a permitted nonresidential use within 90 days of completion of the replacement dwelling;*

FINDING: A condition is included requiring the existing dwelling to be removed from the subject parcel within 90 days of completion of the replacement dwelling. Completion of the dwelling is considered to be the final inspection by Mid-Columbia Building Codes Agency.

Section 3.910, Division 7, Natural Areas Overlay Zone

A. *Purpose:* This overlay district is intended 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.

B. *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 proposed development is within the 0.25 mile buffer of the Deschutes River. A replacement dwelling is permitted subject to standards in the Exclusive Farm Use Zone, the underlying zone. The Natural Area Overlay zone requires a replacement dwelling to be elevated to a conditional use in the EPD-7 boundary. The owner has submitted a Conditional Use Permit application, and Chapter 5 – Conditional Use Review, is addressed below.

C. *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.

* *Note: White River is designated as an Outstanding Scenic Recreation Area (requires CUP review). See Table 11; Page 5-19 or Comprehensive Plan.*

FINDING: The existing manufactured home and pump house are medium to dark brown in color. Due to the topography and railroad track between the residence and the Deschutes River, the existing home is not visible from the river. The replacement dwelling will be located on the same footprint as the existing home and will be composed of earthtone colors to blend into the landscape. In addition to color, the existing trees reduce reflective surfaces such as windows and a metal roof. The natural value of the Deschutes River and areas along the river will not be damaged by the proposed replacement because there is an existing home on the property. The request is to replace the house on the existing footprint. The replacement will not increase the density in the area, nor will it change the view of the area, but will continue a use that has existed on the property since the mid-1980s. Conditions are included requiring:

- the use of earhttone colors on the exterior surface of the manufactured home; and
- Retention of existing trees. Trees that die shall be replaced during the next planting season.

There are nine (9) other recreational dwellings and several additional accessory structures within the approximately eight (8) acres of North Junction. The existing/replacement dwelling is the tenth dwelling in the area and is located 180' south of the railroad tracks. This represents a density of 1.25 dwelling units per acre. Similar densities have been maintained for more than 70 years in North Junction – decades before this area was included in a Wild & Scenic Area. As such, Staff finds that the “natural value” of this area is limited and must be viewed within the context of existing recreational dwellings and their accessory structures. Residential uses obviously have existed on the subject parcel for some time. Therefore, Staff finds that the proposed replacement dwelling will not result in the permanent destruction of natural value.

B. Chapter 5 – Conditional Use Review

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

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

Wasco County Comprehensive Plan Chapter 14, Section B.1.c (Page 14-9):

- c. *The Deschutes and John Day Scenic Waterways: These waterways are protected by the State Scenic Rivers Act and the E.P.D. Division 5 (§3.755(5)).*

FINDING: The cited Environmental Protection District (EPD) is addressed above in Section 3.910, where effects on natural value are evaluated. Furthermore, the development triggers a conditional use review, and the applicable standards are addressed throughout this section.

Wasco County Comprehensive Plan Chapter 15 – Goal #5 Open Space, Scenic and Historic Areas and Natural Resources

To conserve open space and protect natural and scenic resources.

(***)

Policy 5 Wild & Scenic Rivers

The Deschutes and John Day River Scenic Waterways shall be maintained and protected as natural and open space areas with consideration for agriculture and recreation.

Implementation

- A. *Coordinate all land use planning activities with the Bureau of Land Management, Oregon State Department of Transportation and the Warm Springs Indian Reservation. These three parties shall be notified of all proposed land actions within the Deschutes River and John Day River Scenic Waterways for their review and comment.*

FINDINGS: Staff finds that the subject property, while developed, does not constitute "open space" or a "natural or scenic resource" because it is in a "neighborhood" that has existed for several decades. It follows that this area is not necessarily "natural."

The Bureau of Land Management (BLM), Oregon State Highway Division and Warm Springs Indian Reservation were notified of the proposal. Three employees of the State Highway Division were notified on October 23, 2014 and will be notified upon issuance of this decision. BLM and Warm Springs Indian Reservation will also be sent a notice of this decision. Specifically, the BLM Prineville District will be notified and two individuals with the Confederated Tribes of Warm Springs will be notified. Additionally, the Oregon Parks and Recreation Department was notified on October 23, 2014, and will be notified upon issuance of a decision in this matter too.

B. Allow agricultural operations within the Deschutes and John Day Scenic Waterways.

FINDINGS: Agricultural operations within the Deschutes River Scenic Waterway are allowed. The underlying zoning of all properties within the Deschutes River Scenic Waterway is Exclusive Farm Use (EFU). However, the subject property is 14 acres and contains poor soils (predominately Class VII). In light of the subject parcel's size and soils agriculture operations on the property, or in North Junction, are not realistic.

C. Allow only buildings customarily provided in conjunction with farm use within the visual corridors of the Deschutes and John Day Scenic Waterways.

FINDINGS: Including this replacement dwelling, there are nine (9) residential structures and several additional accessory structures (i.e., sheds) in North Junction. None of the dwellings, residences or accessory structures are customarily provided in conjunction with farm use, as there is no active farming within this area (although there is limited ranching south of the railroad tracks).

It cannot be determined what the exact "visual corridor" of the Deschutes River Scenic Waterway is as it relates to this property or North Junction. Visual corridor is not clearly defined, delineated or mapped for this property by the Oregon Scenic Waterways, County's Comprehensive Plan or LUDO and can mean many different things. Regardless, the replacement dwelling will be approximately 180' south of the railroad tracks. Due to the topography and railroad track between the residence and the Deschutes River, the existing home is not visible from the river.

D. Encourage the preservation of landscape features of the John Day and Deschutes Rivers.

FINDINGS: Similar to "visual corridor," "landscape features" is not defined by the Plan or LUDO. It likely refers to features that are visually significant land or water features which are not man-made: mountain, plateaus, rivers, waterfalls, ravines and so on. The subject property is flat, with no significant vegetative or geologic features. Therefore, there are no features to preserve.

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 consistent with criterion B.

(Location) The current owner applied for a Conditional Use Permit on July 1, 1985. This request was approved by the Planning Commission on August 5, 1985. The decision was appealed to the Wasco County Court (now Board of Commissioners), who held a public hearing on September 25, 1985, and continued the hearing to October 23, 1985. At the October hearing, the County Court upheld the Planning Commission's decision to approve the manufactured home on the property. The manufactured home placement permit was signed by the Planning Department on July 2, 1987. The home has been on the subject parcel for nearly 30 years. Throughout the home's history of existing on the property, the Planning Department has never received a complaint about the house being incompatible with the surrounding area or abutting properties.

(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 to replace a 1,248 square foot single family dwelling with a new 1,248 square foot dwelling, 15' in height measured at average grade.

(Operational Characteristics) The replacement dwelling will not adversely affect surrounding agricultural land because: (1) it has existed on the subject parcel for over 27 years; (2) there are adequate separation distances, topographical changes and vegetative screening between the dwelling and surrounding properties (3) there are no adjacent properties that have a history of being used for farm use; and (4) the development of a single family dwelling on the subject parcel will neither destabilize the land use pattern of the area nor have a cumulative impact that will result in substantial changes in the land use pattern because the request is to replace an existing dwelling in-kind.

(Operational Characteristics) The proposed dwelling will not adversely affect surrounding agricultural land because: each of the abutting properties surrounding the subject parcel are developed for residential use; some parcels contain multiple dwellings. The North Junction area is characterized as being a "second home" community. That is, the dwellings are not used permanently, but in a temporary manner (typically 20 – 60 days of out the year). The homes in the community serve as "retreats" or "getaways" for family and family-friends, which according to assessor data seem to be primarily from the Portland metro area. The owners plan to use the proposed dwelling approximately the same amount of time per year (40 days out of the year) as they have used it in the past. The proposed replacement dwelling would be similar to how all the other houses in the community appear to be used and occupied (i.e., people come to visit to enjoy the solitude, beauty, fishing and river access). Site visits confirmed the temporary use of dwellings in North Junction. As such the proposed use will not alter or change the existing use of land within North Junction.

- 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: With a condition, the request complies with criterion C.

The existing and replacement dwelling is served by Deschutes River Access Road, a 12-15' wide private gravel road. Roads are addressed in D.

The subject parcel is not located in a wild fire or structural fire department.

This area of the County is patrolled by the Wasco County Sheriff's Office. Staff concludes that a replacement dwelling which does not increase density in the area will not significantly burden the Wasco County Sheriff's Office.

A subsurface septic disposal system exists on the subject parcel. The owner needs to be aware that prior to issuance of zoning approval on a building permit application, the property owner will have to obtain septic approval from the Wasco-Sherman Public Health Sanitarian. A **condition** stating this is included.

Electrical service is available to the area. Electricity is provided by Wasco Electric Cooperative.

Telephone service is unreliable in the area due to the steep canyon walls and lack of cell phone towers. No "land-line" telephone service is available.

Garbage is disposed of by the owners in Maupin.

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

FINDING: Deschutes River Access Road, a private road, dead-ends north of the subject parcel. There is an existing driveway south of Deschutes River Access Road. This driveway will remain unchanged. The proposed replacement dwelling will not increase or change traffic in the area, therefore, the request complies with 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**, the request is consistent with E.

(Noise and Odor) Residential construction of this scale and nature is short in duration and will not create undue noise or odor given the distance and existing vegetation between the proposed development and all property lines.

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

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 subject parcel is not located in the Sensitive Wildlife Habitat Overlay zone. There are no identified streams on the property. The Deschutes River is located over 250' from the northwest corner of the subject parcel, and the request is for a replacement dwelling on the same footprint. The proposed replacement dwelling will have no impact on sensitive wildlife habitat and riparian vegetation. With a previous **condition** requiring reseeding and revegetation of disturbed areas, the land will not be subject to excessive soil erosion.

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

FINDING: With previously stated conditions, the request is consistent with G.

(Air) The proposed single-family dwelling will not adversely affect air quality because air pollution created by a single-family dwelling is minimal. 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 owners previously complied with the North Central Public Health Department requirements to install a septic system. Compliance with all sanitation requirements has ensured groundwater quality in the area has not been adversely affected by the new dwelling.

(Land) A previous condition 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.

To further ensure that land currently devoted to or available for agricultural use is not adversely affected by the proposed farm use, a condition was previously included, requiring the owners to record a farm management easement with the County Clerk's Office.

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 dwelling, but that any impact not be significant. The development pattern on surrounding land consists of recreational cabins/homes. There is an existing manufactured home on the subject parcel that is used by the owners on a seasonal basis. A request has been made to replace this home with a new home of the same size/height to be located on the same footprint. With the use of earthtone colors and the maintenance of existing trees on the property, the new home will not significantly detract from the visual character of the area.

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: 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.

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: The request complies with J. and K. For the purpose of addressing these criteria, "surrounding lands" are considered to be all adjacent properties.

The replacement dwelling will be surrounded on all sides by properties that have no history of farm use. The subject parcel and adjacent properties generally contain agricultural capability class VII and VIII, which are considered unsuitable for commercial farm use in Wasco County. The request will not significantly increase the cost of accepted farm or forest practices on

surrounding lands devoted to or available for farm and forest use because no resource use exists and it is unlikely, based on soils, that there will never be commercial farm or forest use in this area. Without the existence of farm or forest practices on surrounding lands, the proposed use cannot force a change in accepted farm or forest practices on surrounding lands.

C. Chapter 10 – Fire Safety Standards

Section 10.110, Siting Standards – Locating Structures for Good Defensibility

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

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

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

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

FINDING: With a condition, the request is consistent with Chapter 10 – Fire Safety Standards.

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 subject property is not located within the boundaries of any wildfire or structural fire district, however, according to the application submitted on September 27, 2014, and based on staff's site visit to the property on October 15, 2014, staff verified that the replacement dwelling is able to comply with all of the fire safety standards.

Every few years there is a wildfire on one side of the Deschutes River. With windy conditions, it is easy for land on the opposite side of the river to catch on fire. It is essential that the owners comply with the fire safety standards to reduce risk to themselves and their property. The proposed roof of the replacement dwelling will be metal to reduce the chance of the home catching on fire during future wildfires. The new home will not have any chimneys or stovepipes. A minimum fuel fire break of 50' is, and will continue to be maintained around each building. Utilities from the power pole to the home are underground. There is an existing on-site well to provide water to help fight a fire.

The property owners have completed a Fire Safety Standard Self-Certification Form, and it is located in the Planning Department 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-14-09-0007. A condition making current and future owners aware of this is included.

ATTACHMENT E – LIGHTING STANDARDS

Good Neighbor OUTDOOR LIGHTING

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

What is good lighting?

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

Why should we be concerned?

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

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

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

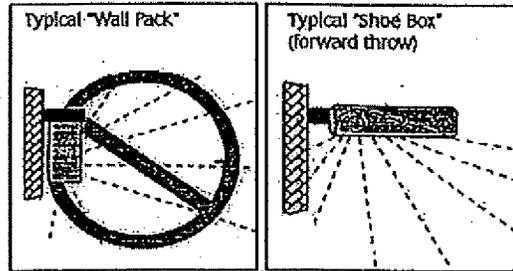
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

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

How do I switch to good lighting?

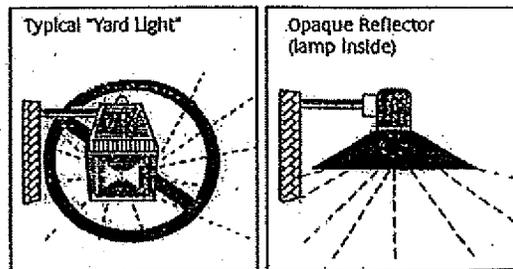
- 1 Provide only enough light for the task at hand; don't over-light, and don't spill light off your property. Specifying enough light for a job is sometimes hard to do on paper. Remember that a full Moon can make an area quite bright. Some lighting systems illuminate areas 100 times more brightly than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

Some Good and Bad Light Fixtures



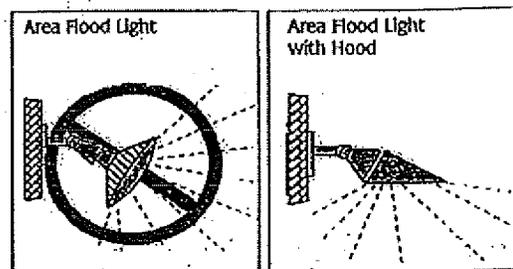
BAD

GOOD



BAD

GOOD



BAD

GOOD

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

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

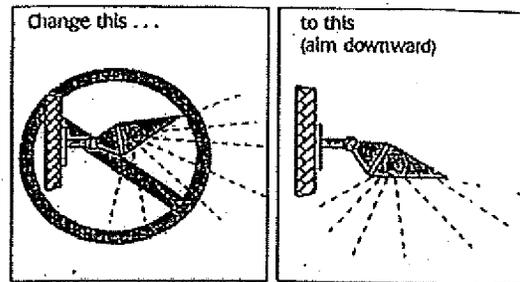
Properly aimed and shielded lights may cost more initially, but they save you far more in the long run. They can illuminate your target with a low-wattage bulb just as brightly as a wasteful light does with a high-wattage bulb.

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

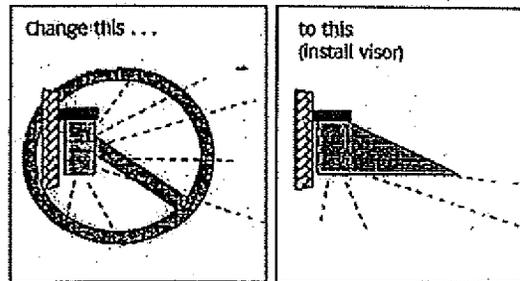
Replace bad lights with good lights.

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

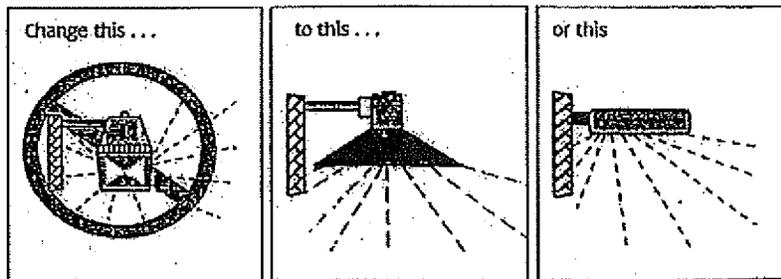
What You Can Do To Modify Existing Fixtures



FLOOD LIGHT



WALL PACK



YARD LIGHT OPAQUE REFLECTOR SHOE BOX

Presented by the

New England Light Pollution Advisory Group (NELPAG) (<http://cfa-www.harvard.edu/cfa/ps/nelpag.html>) and Sky Publishing Corp. (<http://www.skypub.com>).

NELPAG and Sky Publishing Corp. support the International Dark-Sky Association (IDA) (<http://www.darksky.org>).

We urge all individuals and groups interested in the problems of light pollution and obtrusive lighting to support the IDA and subscribe to its newsletter. IDA membership costs \$30 per year; send your check to IDA, 3225 N. First Avenue, Tucson, AZ 85719, U.S.A.



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

FARM MANAGEMENT EASEMENT

Owner Name: _____
Mailing Address: _____

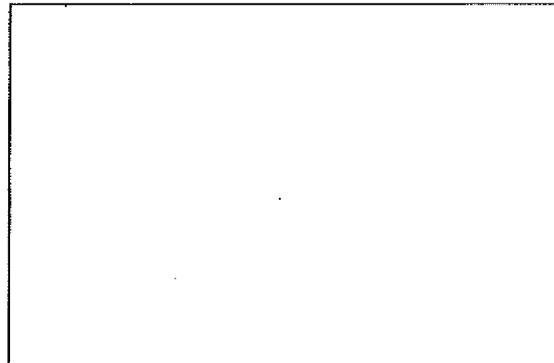
O.M. Wilson Jr. et. al., herein called the Grantors, are the owners of real property described as follows:

Township 7 South, Range 14E East W.M., Section 8D, Tax Lot 500; Account 12781

In accordance with the conditions set forth in the decision of Wasco County Planning Staff, dated November 6, 2014, approving a Conditional Use Permit to replace an existing single family dwelling (manufactured home) (File PLACUP-14-09-0007), Grantors hereby grants to the Owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

1. The Grantors, their heirs, successors, and assigns hereby acknowledge by granting of this easement that the above described property is situated in an Exclusive Farm Use 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 other accepted and customary forest management activities conducted in accordance

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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 Grantor's property for residential purposes. Grantor hereby waives 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 grantor's property for residential purposes and grantor hereby gives 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 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 Grantor has executed this easement on

_____, 201____.

Titleholders Signature

Titleholders Signature

STATE OF OREGON)

COUNTY OF WASCO)

Personally appeared the above named _____, and
acknowledged the above easement to be his voluntary act and deed.

Notary Public for Oregon



Wasco County Planning Department
 "Service, Sustainability & Solutions"
 2705 East Second St. • The Dalles, OR 97058
 (541) 506-2560 • wcpplanning@co.wasco.or.us
 www.co.wasco.or.us/planning

PLAAPL-14-11-0003 of PLACUP-14-09-0007

APPEAL OF LAND USE DECISION

ORIGINAL PLANNING DEPARTMENT FILE NUMBER: PLACUP-14-09-0007

Date Received: 11/19/14 Planner Initials: JR Date Complete: 12/1/14 Planner Initials: DB

APPELLANT INFORMATION

Name: Gabriel A. Watson

Mailing Address: 1830 NW 23rd Place

City/State/Zip: Portland, OR, 97034

Phone: 503-729-3521 Email: watsongabe@gmail.com

APPEAL INFORMATION

1. Appeal Type

- Administrative Decision to the Planning Commission: Fee = \$250
- Planning Commission Decision to the Board of County Commissioners: Fee = \$ _____

If appellant prevails at Planning Commission or a subsequent appeal, the \$250 fee for the initial appeal shall be refunded per ORS 215.416(11)(b). This is not applicable for any subsequent appeal costs.

2. Appeal Deadline: November 18, 2014 04:00 p.m.

Date Submitted: November 18, 2014

All appeal documents filed with Wasco County must be delivered to the Wasco County Planning Department Office by postal service or in person. Documents faxed are not considered filed. An appeal will not be considered timely unless received no later than 4:00 p.m. on the deadline stated on the Notice of Decision or Resolution. AN APPEAL IS NOT CONSIDERED COMPLETE UNTIL BOTH THE SIGNED NOTICE OF APPEAL AND FILING FEE ARE RECEIVED.

3. Party Status: State how the petitioner(s) qualifies as a party to this matter:

Petitioner has party status per WCLUDO §2.080(A)(2) . Subject parcel is within a farm zone, petitioner owns property within five hundred (500) feet.

Party includes the following:

- The applicant and all owners or contract purchasers of record, as shown in the files of the Wasco County Assessor's Office, of the property which is the subject of the application.
- All property owners of record, as provided in (a) above, within the notification area, as described in section 2.080 A.2., of the property which is the subject of the application.
- A Citizen Advisory Group pursuant to the Citizen Involvement Program approved pursuant to O.R.S. 197.160.
- Any affected unit of local government or public district or state or federal agency.
- Any other person, or his representative, who is specifically, personally or adversely affected in the subject matter, as determined by the Approving Authority. (Revised 1/92)

4. Grounds for appeal: List the specific grounds relied upon in the petition request for review (e.g. ordinance criteria not met, procedural error, etc.) Additional pages may be attached.

1. Elevation of review criteria for replacement dwelling from "permitted" to "conditional" is improper. Subject parcel does not meet criteria for inclusion in the Natural Areas Overlay Zone as defined in WCLUDO §3.910(A). (EPD-7). EPD-7 applies only to "[N]atural areas identified in the Wasco County Comprehensive Plan and Wasco County portions of the Deschutes...designated as Wild & Scenic Rivers as defined and protected in ORS 390.805 & 390.825 or USFC & CFR". ***see attached***

5. De Novo vs. On the record: All appeals to Planning Commission are DeNovo meaning new information can be entered into the record. All appeals to the Board of Commissioners are on the record unless a request is made as part of this request by party filing the petition. Any other party must make such a request no more than seven (7) calendar days after the deadline for filing a petition for review has expired.

The appeal is to the Board of Commissioners? NO YES

I request the hearing to be DeNovo or partial DeNovo? NO YES

State the reasons you are requesting a DeNovo or partial DeNovo without addressing the merits of the land use action:

N/A

Indicate any persons known to be opposed to a request for a DeNovo hearing.

N/A

When practicable, the requesting party shall advise the other parties and attempt to gain their consent.

I have attempted to gain the consent of the other parties associated with this file? NO YES

If you answered no indicate why this is not practicable. If you answered yes list the parties who have consented for this to be a DeNovo or partial DeNovo hearing.

N/A

The request for a DeNovo hearing for appeal of a quasi-judicial plan amendment shall be decided by the Board of Commissioners as a nonpublic hearing item, except that the Board may make such provision for notice to the parties

and may take such testimony as it deems necessary to fully and fairly address significant procedural or substantive issues raised. The Court shall grant the request only upon findings that:

- A de novo hearing is necessary to fully and properly evaluate a significant issue relevant to the proposed development action;
- The substantial rights of the parties will not be significantly prejudiced; and
- The request is not necessitated by improper or unreasonable conduct of the requesting party or by a failure to present evidence that was available at the time of the previous review.

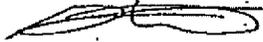
5. Outstanding Appeal Fees: Any person wishing to appeal any decision shall be required to pay all outstanding appeal fees prior to their appeal application being considered complete.

List prior appeals filed:

None _____

I have paid all outstanding fees associated with prior appeals: NO YES

SIGNATURES

	Petitioner	11/18/2014
Name, Title		Date
<hr/>		
Name, Title		Date

Additional petitioner(s):

Benjamin Vance	
Name	Address
Nancy Erz	2815 NE 77th Place, Portland, OR
<hr/>	
Name	Address
Michael Watson	3412 SW 13th Ave., Portland, OR 97239
<hr/>	
Name	Address
Samuel Watson	3215 NE Kilckilat St., Portland, OR 97212
<hr/>	
Name	Address

Gabriel A. Watson
1830 NW 23rd Place
Portland, Oregon 97210

November 19, 2014

Via Email

Wasco County Planning Department
2705 East 2nd Street
The Dalles, OR 97058

Re. Appeal of M. Wilson replacement dwelling
PLACUP-14-09-0007

To Whom It May Concern:

Attached is the requested explanation of the appeal filed in response to PLACUP-14-09-0007. As we have discussed, this appeal has no bearing on the approval of Mr. Wilson's application; rather, it involves the EPD-7 criteria for review.

I request that the applicant be allowed to proceed with the his development while this appeal is pending. The results of this appeal will affect only the review criteria and the amount paid by the applicant. As it is shown here that the EPD-7 is not properly applied to this application—and the applicant has been charged a Conditional Use Review fee—I propose the applicant be given a refund of the Conditional Use fee and the approval be amended to remove conditional use criteria.

This appeal reflects a return to the standards Wasco County has applied to this area for more than 30 years.

Please let me know if any further information is required.

Sincerely,

Gabriel A. Watson

4. Grounds for appeal: List the specific grounds relied upon in the petition request for review (e.g. ordinance criteria not met, procedural error, etc.) Additional pages may be attached.

A. Staff erred when it found the proposed development within the White River buffer.

Staff incorrectly found the "proposed development is within the 0.25 mile White River buffer"; however, the proposed development is not located along any segment of the White River. The proposed development is located at North Junction, east of the Deschutes River Access Road at its southern terminus, approximately 20 miles south of Maupin, Oregon; more specifically described as Township 7S, Range 14E, Sec. 8D, more than 30 miles from any segment of the White River.¹

Notably, the Wasco County Comprehensive plan includes the White River Wildlife Management Area, a natural area listed in Table 11-A of the Plan. The area is identified as Township 7S, Range 5S, §§ 11E and 12E. However, the proposed development is located at least 30 miles from this area.

Because the proposed development is neither along White River buffer, nor within the White River Wildlife Management Area, County Staff clearly erred when applying the NAOD to the proposed development using this criterion.

B. Wasco County Land Use Development Ordinance Section 3.910, Environmental Protection District 7, Natural Areas Overlay (NAOD) does not apply to subject parcel because the parcel is neither a natural area identified by the Wasco County Comprehensive Plan nor adjacent to a "Wild" or "Scenic" portion of the Deschutes, White, or John Day Rivers.

Under Wasco County Land Use Development Ordinance (WCLUDO) §3.910(A) a proposed development will be subject to the Natural Areas Overlay District if it meets one of two criteria: First, if the proposed development is within an area identified by the Wasco County Comprehensive Plan as a Natural Area. Second, if the proposed development is adjacent to a "Wild & Scenic" segment of a Wasco County Portion of *inter alia* the Deschutes River. If neither of the criteria is met, the NAOD does not apply to the proposed development.²

¹ The White River originates in eastern Hood River County on the southeast side of Mount Hood; the headwaters are just below the white river glacier in White River Canyon. It flows southeast for 12 miles then east for 8 miles before turning east-northeast past Tygh Valley.

² Section 3.910, Division 7, Natural Areas Overlay Zone

2. The proposed development is not within a Natural area listed by the Wasco County Comprehensive Plan

The first reason a proposed development will be subject to the NAOD is that the parcel is located within a "Natural Area" identified in the Wasco County Comprehensive Plan. The plan identifies Natural Areas using two tables: 11A-Natural Areas as Identified by the Nature Conservancy (4/78), and 11B-Natural Areas.³ Both tables identify natural areas by Township, Range, and Section. The proposed development is located in Township 7S, Range 14E, Sec. 8D, a location that is not listed on either table. It follows that the proposed development is not within a Natural Area identified in the Wasco County Comprehensive Plan.

Thus, using this criterion, the proposed development cannot be subjected to the NAOD.

3. Subject parcel is not within a river segment classified as "Wild" and "Scenic" under federal or state law.

The second reason the NAOD will apply to a proposed development is that it is located along a Wasco County portion of *inter alia* the Deschutes River, designated as "Wild" and "Scenic" by the Oregon Scenic Waterways Act or the National Wild and Scenic Rivers System.

The National Wild and Scenic Rivers Act and the Oregon Scenic Waterways Act provide context that guides the interpretation and application of WCLUDO §3.910 to the proposed development.

C. National Wild and Scenic Rivers Act

Congress created the National Wild and Scenic River in 1968 to complement the "established national policy of dam and other construction" by "preserving

A. Purpose: This overlay district is intended to preempt conflicting uses 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.

³ See Tables 11-A and B, Wasco County Comprehensive Plan, pp. 5-19

selected rivers or *sections thereof* in their free-flowing condition to protect the water quality of such rivers. . ."⁴ Today administration of the law cannot "abrogate any existing rights, privileges, or contracts. . . held by any private party", ⁵ and is administered *without* limiting uses that do not *substantially* interfere with public use and enjoyment (emphasis added).⁶

Most importantly, the National Wild and Scenic Rivers System designates different segments of Component Rivers to reflect existing use, natural value, and administrative goals. United States Code, Title 16, Chapter 28, Sec. 1273 provides:

(d) CLASSIFICATION, DESIGNATION AND ADMINISTRATION OF RIVERS

A wild, scenic, or recreational river area eligible to be included in the system shall be classified, designated, and administered as one of the following:

- (1) *Wild river areas*—Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent the vestiges of primitive America.
- (2) *Scenic river areas*—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.
- (3) *Recreational river areas*—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

The Deschutes river is divided into five segments, the proposed development is within the "100-mile segment from the Pelton Reregulating Dam to [the Deschutes] confluence with the Columbia River" designated as *Recreational River*.

D. Oregon Scenic Waterways Act

Similarly, the Oregon Scenic Waterways Act was created to preserve the "free-flowing" rivers of Oregon. The people of Oregon found that the "policy of permitting construction of dams. . . needs to be complemented by a policy that would preserve *inter alia* selected rivers and sections thereof in a free-flowing condition. . ." The Oregon Scenic Waterways act adopts much of its language from the National Wild and Scenic Waterways system.

⁴ 16 U.S.C.A. §1271

⁵ 16 U.S.C.A. §1283(b)

⁶ 16 U.S.C.A. §1281(a)

⁷ ORS 390.815

The Oregon Scenic Waterways Act is codified in OAR 736-040-0005 through 0095. Segments of Scenic Waterways are classified in OAR 736-040-0040:

CLASSIFICATION OF SCENIC WATERWAYS AND SEGMENTS THEREOF

- (1) In order to establish varying intensities of protection or development based on special attributes of each area within the scenic waterways, the following classifications are established:
 - (a) *Natural River Areas:*
 - (A) Those designated scenic waterways or segments thereof that are generally inaccessible except by trail or the river, with related adjacent lands and shorelines essentially primitive. These represent the vestiges of primitive America;
 - (B) Natural River Areas may include an occasional lightly traveled road, airstrip, habitation or other kind of improvement already established, provided the effects are limited to the immediate vicinity;
 - (C) Natural River Areas will be administered to preserve their natural, wild and primitive condition, essentially unaltered by the effects of man, while allowing compatible recreational uses, other compatible existing uses and protection of fish and wildlife habitat.
 - (b) *Scenic River Areas:*
 - (A) Those designated scenic waterways or segments thereof with related adjacent lands and shorelines still largely primitive and largely undeveloped, except for agriculture and grazing, but accessible in places by roads. Scenic River Areas may not include long stretches of conspicuous or well-traveled roads paralleling the river in close proximity, but may include extensive areas in agricultural use;
 - (B) Scenic Areas will be administered to maintain or enhance their high scenic quality, recreational value, fishery and wildlife habitat, while preserving their largely undeveloped character and allowing continuing agricultural uses.
 - (c) *Recreational River Areas:*
 - (A) Those designated scenic waterways or segments thereof that are readily accessible by road or railroad, that may have some development along their shorelines and related adjacent lands, and that may have undergone some impoundment or diversion in the past;
 - (B) Recreational River Areas will be administered to allow continuance of compatible existing uses, while allowing a wide range of compatible river-oriented public outdoor recreation opportunities, to the extent that these do not impair substantially the natural beauty of the scenic waterway or diminish its esthetic, fish and wildlife, scientific and recreational values.

The proposed development is located within the *Recreational River Area:*

- (a) The segment of the scenic waterway extending from the Deschutes River Intersection with the northerly extension of the common section line of Section 29 and Section 30, Township 9 South, Range 13 East, of the Willamette Meridian, (T 9S, R 13E, W.M.), Jefferson County, downstream approximately 96 miles to the Columbia River, but excluding the right bank shoreline (as seen when facing downstream) and adjacent lands opposite the City of Maupin, as its boundaries were established on December 3, 1970, is classified as a Recreational River Area.^a

^a OAR 736-040-0070(2)(a)

Because the NAOD applies only to the *portions* of the Deschutes river designated as Wild & Scenic, and because under both the Oregon Scenic Waterways Act and the National Wild & Scenic Waterways system the proposed development is in a "Recreational river area, the NAOD cannot apply to the proposed development.

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A, Staff erred when it found the proposed development within the White River buffer.

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³ See Tables 11-A and B, Wasco County Comprehensive Plan, pp. 5-19

selected rivers or *sections thereof* in their free-flowing condition to protect the water quality of such rivers..." Today administration of the law cannot "abrogate any existing rights, privileges, or contracts. . . held by any private party", ⁵ and is administered *without* limiting uses that do not *substantially* interfere with public use and enjoyment (emphasis added),⁶

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- (3) *Recreational river areas*-Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

The Deschutes river is divided into five segments, the proposed development is within the "100-mile segment from the Pelton Reregulating Dam to [the Deschutes] confluence with the Columbia River" designated as *Recreational River*.

D. Oregon Scenic Waterways Act

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- (C) Natural River Areas will be administered to preserve their natural, wild and primitive condition, essentially unaltered by the effects of man, while allowing compatible recreational uses, other compatible existing uses and protection of fish and wildlife habitat.

(b) Scenic River Areas:

- (A) Those designated scenic waterways or segments thereof with related adjacent lands and shorelines still largely primitive and largely undeveloped, except for agriculture and grazing, but accessible in places by roads. Scenic River Areas may not include long stretches of conspicuous or well-traveled roads paralleling the river in close proximity, but may include extensive areas in agricultural use;
- (B) Scenic Areas will be administered to maintain or enhance their high scenic quality, recreational value, fishery and wildlife habitat, while preserving their largely undeveloped character and allowing continuing agricultural uses.

(c) Recreational River Areas:

- (A) Those designated scenic waterways or segments thereof that are readily accessible by road or railroad, that may have some development along their shorelines and related adjacent lands, and that may have undergone some impoundment or diversion in the past;
- (B) Recreational River Areas will be administered to allow continuance of compatible existing uses, while allowing a wide range of compatible river-oriented public outdoor recreation opportunities, to the extent that these do not impair substantially the natural beauty of the scenic waterway or diminish its esthetic, fish and wildlife, scientific and recreational values.

The proposed development is located within the *Recreational River Area*:

- (a) The segment of the scenic waterway extending from the Deschutes River intersection with the northerly extension of the common section line of Section 29 and Section 30, Township 9 South, Range 13 East, of the Willamette Meridian, (T 9S, R 13E, WM.), Jefferson County, downstream approximately 96 miles to the Columbia River, but excluding the right bank shoreline (as seen when facing downstream) and adjacent lands opposite the City of Maupin, as its boundaries were established on December 3, 1970, is classified as a Recreational River Area.⁸

⁸ OAR 736-040-0070(2)(a)

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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

FILE #: PLACUP-14-09-0007

DATE: November 6, 2014

REQUEST: Replace an existing 52' x 24' x 15' tall (1,248 s.f.) manufactured home with a new 52' x 24' x 15' manufactured home

DECISION: Approved, with conditions

APPLICANT/OWNER INFORMATION:

Applicant: O. Meredith Wilson, 202 NW 20th Avenue, Portland, OR 97209

Owners: O. Meredith Wilson, Jr., et. al., 202 NW 20th Avenue, Portland, OR 97209

PROPERTY INFORMATION:

Zoning: A-1(160)/EPD-7, Exclusive Farm Use/Natural Areas Overlay Zone (Wild & Scenic River)

Location: The subject parcel is located east of Deschutes River Access Road at its southern terminus, approximately 14 miles south of Maupin, Oregon; more specifically described as:

<u>Existing Tax Lot</u>	<u>Previous</u>	<u>Acct#</u>	<u>Acres</u>
7S 14E 8D 500	7S 14E 8D 101	12781	14.01

Attachments:

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

Staff Reviewer: Dawn Baird, Associate Planner

After recording, please return original to:
Planning Department

ATTACHMENT A – CONDITIONS OF APPROVAL

- A. 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.
- B. **Fire Safety Standard 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 # PLACUP-14-09-0007.
- C. **After expiration of the 12-day appeal period and prior to issuance of zoning approval on a building permit application, the owners shall comply with the following conditions:**
1. **Farm Management Easement**: Sign and record with the Wasco County Clerk a completed Farm Management Easement for the nonfarm parcel (Attachment F).
 2. **Sanitation approval**: Sanitation approval shall be provided on the building permit application prior to issuance of zoning approval on the application.
- D. **Miscellaneous Conditions**:
1. **Color/Reflectivity Condition**: Earthtone colors shall be used on the exterior of the new home.
 2. **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.
 3. Existing trees around the homesite shall be retained. Trees that die shall be replaced during the next planting season.
 4. Maintain existing vegetation to the greatest extent possible and to reseed and/or revegetate disturbed areas within the first planting season (October – April).
 5. The existing dwelling shall be removed from the subject parcel within 90 days of completion of the replacement dwelling. Completion of the dwelling is considered to be the final inspection by Mid-Columbia Building Codes Agency.

SIGNED THIS 6th day of November, 2014, at The Dalles, Oregon.

Dawn Baird, Associate, Associate Planner
Wasco County Planning

State of Oregon
County of Wasco

Signed or attested before me on November 6, 2014, by Dawn Baird, Associate Planner.

Notary Public – State of Oregon

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 APEAL 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, November 6, 2014**. The decision of the Director shall be final unless an appeal from an aggrieved party is received by the Director within fifteen (15) days of the mailing date of this decision, **Tuesday, November 18, 2014, at 4:00 p.m.**, or unless the Planning Commission or Board of County Commissioners on its own motion orders review within fifteen (15) 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 and Development Office. **The filing fee for an appeal is \$250.00. Fees are refunded if appellant prevails.**

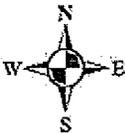
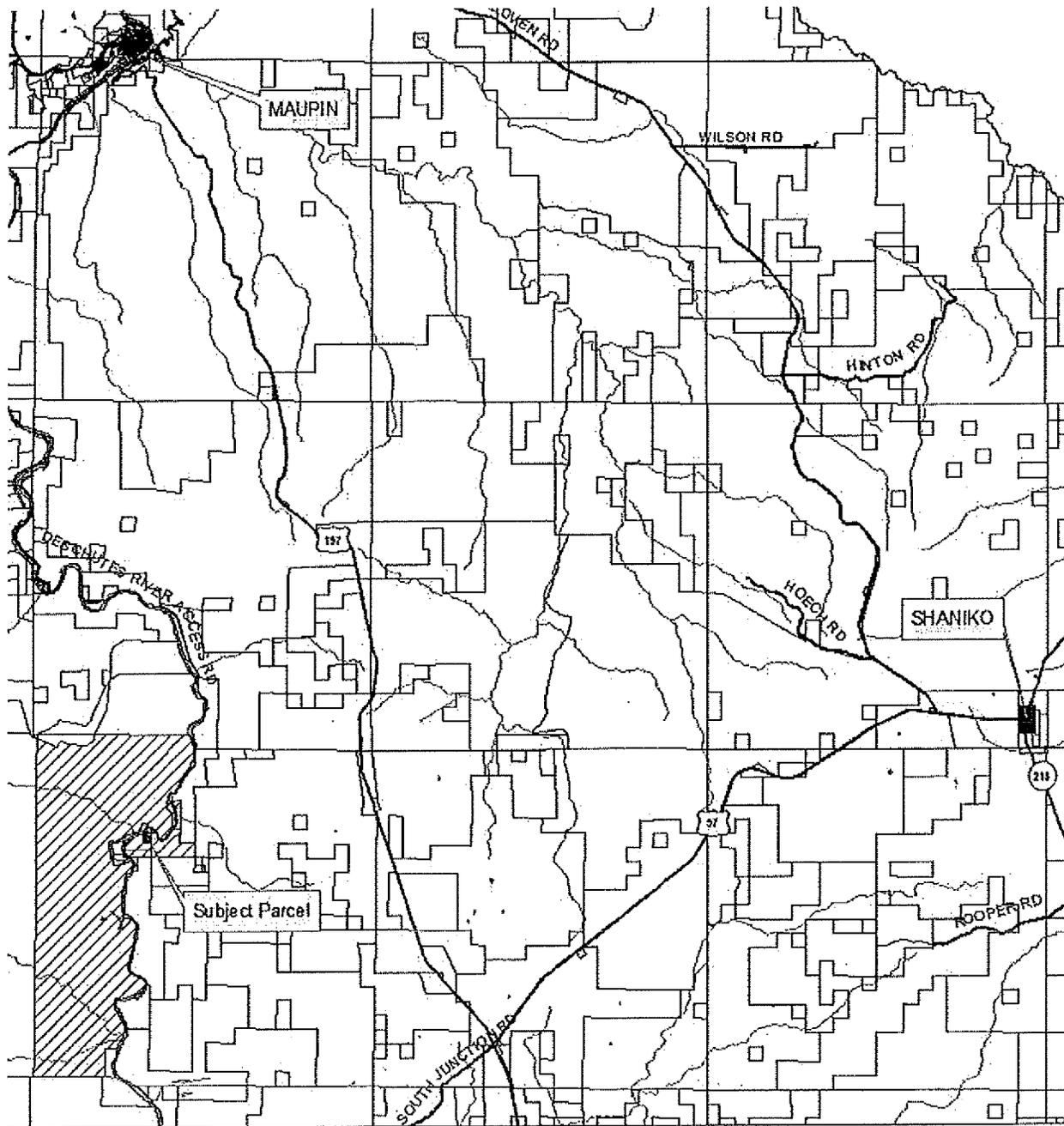
FINDINGS OF FACT:

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

Property Owners: O.M. Wilson Jr. et. al.
7S 14E 8D 500

Location Map



Legend

- Taxlots
- OM Wilson
- Affected Owners

ATTACHMENT D – STAFF REPORT

File Number: PLACUP-14-09-0007

Applicant: O. Meredith Wilson

Owners: O. Meredith Wilson Jr. et. al.

Request: Replace an existing 52' x 24' x 15' tall (1,248 s.f.) manufactured home with a new 52' x 24' x 15' manufactured home

Decision: Approval, with conditions

Decision Date: November 6, 2014

Appeal Deadline: November 18, 2014

Location: The subject parcel is located east of Deschutes River Access Road at its southern terminus, approximately 14 miles south of Maupin, Oregon; more specifically described as:

<u>Existing Tax Lot</u>	<u>Previous</u>	<u>Acct#</u>	<u>Acres</u>
7S 14E 8D 500	7S 14E 8D 101	12781	14.01

Zoning: A-1(160)/EPD-7/EPD-12, Exclusive Farm Use/Natural Areas Overlay Zone (Wild & Scenic River)/Sensitive Bird Overlay Zone

Past Actions: LOC-87-BP, CUP-85-119, ENF-84-108

Procedure Type: Administrative Action

Prepared By: Dawn Baird, Associate Planner

I. APPLICABLE STANDARDS

Wasco County Land Use & Development Ordinance (LUDO)

A. Chapter 3 – Basic Provisions

Section 3.210, Exclusive Farm Use zone

- Section 3.210.D.10. (Uses Permitted Subject to Standards/Type II Review)
- Section 3.210.F. (Property Development Standards)
- Section 3.210.H. (Agricultural Protection)
- Section 3.210.J.3. (Additional Standards – Replacement Dwelling)

Section 3.910, EPD-7, Natural Areas Overlay Zone

B. Chapter 5 – Conditional Use Review

- Section 5.020 (Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used)
- Section 5.030 (Conditions)
- Section 5.040 (Revocation of Conditional Use Permit)

C. Chapter 10 – Fire Safety Standards

- Section 10.110 (Siting Standards – Locating Structures for Good Defensibility)
- Section 10.120 (Defensible Space – Clearing and Maintaining a Fire Fuel Break)
- Section 10.130 (Construction Standards for Dwellings and Structures - Decreasing the Ignition Risks by Planning for a more Fire-Safe Structure)
- Section 10.140 (Access Standards – Providing Safe Access to and Escape From Your Home)
- Section 10.150 (Fire Protection or On-Site Water Required – Ensuring Dwellings Have Some Fire Protection Available Through Manned or Unmanned Response)

II. BACKGROUND

- A. Legal Parcel:** The subject parcel was legally created by Warranty Deed 64-0455, recorded with the Wasco County Clerk's Office on February 26, 1964. It is consistent with the definition of Legal Parcel in LUDO Chapter 1, Section 1.090, Definitions because it was created by Deed prior to 9/4/1974.
- B. Site Description:**

There is currently one 24' x 52' x 15' tall double-wide manufactured home, and one 14' x 14' x 10' pump house/shed on the subject parcel which lies approximately 250' south of the Deschutes River (at its closest point). The home is located south of the western terminus of Deschutes River Access Road. The northern/northeast portion of the property contains gentle northeast-facing slopes. Slopes get steeper as you travel to the south.
- C. Surrounding Land Use:** The subject parcel is located in an area known as "North Junction," a small recreational community on/near the Deschutes River approximately 22 miles south of the City of Maupin. Digital information from Farm Service Agency shows

that there is no history of commercial farm use on any surrounding properties, which is likely due to the poor unproductive soils (class VII, VIII, and complex soils). Properties to the west, south, and east primarily contain north/north-west-facing slopes in excess of 70%. Properties to the north, along the Deschutes River are generally developed with recreational/seasonal homes. Only the land along and near the river contains any trees; the remainder of the landscape contains sagebrush.

- D. **Public Comments:** A pre-notice was sent to all property owners within 500' of the subject parcel, and interested public agencies, on October 23, 2014, and a 15 day comment period was provided. Two comments were received as of 4 p.m., November 4, 2014.

Gabriel Watson, property owner 350' to the north (October 26, 2014): Fully supports the request for replacement of the existing manufactured home.

Staff Response: N/A

Nancy Erz, interested person (October 29, 2014): Two years ago her nephew and his co-owner were denied a permit to build a nonfarm dwelling near the Wilson property. Though she supports the request, she believes an approval will demonstrate inconsistency in the application of the law as created and defended by the actions of Doug Robertson, Jim Harlow and John Hartung

Staff Response: Replacement of an existing legally placed dwelling is a Subject to Standards Review. The application for Gabriel Watson, denied by Wasco County two years ago, was for a new nonfarm dwelling which requires a Conditional Use Permit. During the Planning Commission process, the Commission determined that the language in Section 3.910, EPD-7, Natural Areas Overlay Zone, only allowed Uses Permitted Outright, or Uses Permitted Subject to Standards, and did not allow any uses listed as a conditional use. This updated interpretation precludes the approval of any uses listed as a conditional use in the underlying zone. Because the dwelling on Wilson's property is existing, approval of a replacement dwelling is consistent with the Planning Commission's interpretation.

- E. **Staff Comment:** The southern one-half (approximately) of the property is also located in the EPD-12, Sensitive Bird Overlay Zone. The existing/replacement building is located outside of this overlay zone, therefore, it is not addressed in this report.

III. FINDINGS:

A. Chapter 3 – Basic Provisions, Section 3.210, Exclusive Farm Use Zone

D. Uses Permitted Subject to Standards/Type II Review: The following uses may be permitted on a legal parcel on lands designated "A-1" Exclusive Farm Use Zone subject to the subsection F - Property Development Standards, subsection H - Agricultural Protection, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced or applicable standards:

(***)

10. Alteration, restoration relocation, or replacement of a lawfully established dwelling (discretionary) and/or accessory residential or non-residential building or structure on any part of the legal parcel subject to Sections F(1)(a)(3) - Addition,

*Modification or Relocation Setbacks and J(3) - Replacement Dwellings
(Dwellings only).*

FINDING: The owner (nine partners) submitted a request to replace an existing 24' x 52' x 15' tall single family dwelling with a new manufactured home of the same size in the Exclusive Farm Use/Natural Areas Overlay Zone. All applicable criteria, including conditional use criteria, are addressed in this report. To help ensure ordinance provisions are adhered to, a **condition** is included that requires current and future property owners to 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.

Section 3.210.F., Property Development Standards

F. 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.

1. Setbacks

a. Property Line

*(***)*

(3) Additions, modifications or relocation of existing structures shall comply with all EFU setback standards. Any proposal that cannot meet these standards is subject to the following:

(a) Dwellings: The proposed addition modification or relocation shall not result in nonconformity or greater nonconformity to property line setbacks or resource buffer requirements unless the addition will extend a structure further away from and perpendicular to the property line or resource. Any proposal that would place a relocated dwelling or extend an existing dwelling into or further toward the property line or resource, or expand an existing dwelling parallel into a setback or buffer shall also be subject to Chapters 6 & 7, Variances and any other applicable review criteria. The provisions of Chapter 13, Nonconforming Uses, Buildings and Lots are not applicable to replacement dwellings. (Added 4/12)

FINDING: The new manufactured home is the same size (24' x 52' x 15' tall) as the existing home. Each half of the existing home is offset by 4'. The new home will be set up as a rectangle, and will not be offset. Staff finds that the request, with this slight change, is consistent with the intent of (a).

2. 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 proposed dwelling is consistent with the height limit in the Exclusive Farm Use Zone because it will be 15' in height, less than the 35' maximum height allowed by the LUDO.

(***)

5. 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: A condition is included 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.

(***)

7. New Driveways: All new driveways and increases or changes of use for existing driveways which access a public road shall obtain a Road Approach Permit from the appropriate jurisdiction, either the Wasco County Public Works Department or the Oregon Dept. of Transportation.

FINDING: The request is to replace an existing single family dwelling (manufactured dwelling) due to mold infestation. The replacement will be the same size and will continue to be used as a single family dwelling. There is no proposed change in use, and no proposed increase in use, therefore, no permit is required for the driveway.

Section 3.210.H., Agricultural Protection

1. Farm 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: A condition is included requiring the property owner to sign and record a Farm Management Easement with the Wasco County Clerk. This document is included as Attachment F.

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

FINDING: This staff report serves to make the applicant aware this document is available on the Planning Department website: <http://co.wasco.or.us/planning/default.html>. Printed copies are available upon request.

Section 3.210.J., Additional Standards

(***)

3. Alteration, restoration, relocation or replacement of a lawfully established dwelling:

- a. *Has intact interior walls and roof structure;*
- b. *Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system;*
- c. *Has interior wiring or interior lights;*
- d. *Has a heating system;*

FINDING: Staff visited the subject property on October 15, 2014, and verified that the existing dwelling complies with a. – d. Photographic documentation is located in the project file.

- e. *In the case of replacement:*

(1) The new dwelling is subject to all applicable siting requirements;

FINDING: Property line setbacks, and all other property development standards were addressed in Section 3.210.F., and the request was found to be consistent with all requirements.

(2) The existing dwelling is removed, demolished or converted to a permitted nonresidential use within 90 days of completion of the replacement dwelling;

FINDING: A condition is included requiring the existing dwelling to be removed from the subject parcel within 90 days of completion of the replacement dwelling. Completion of the dwelling is considered to be the final inspection by Mid-Columbia Building Codes Agency.

Section 3.910, Division 7, Natural Areas Overlay Zone

- A. *Purpose: This overlay district is intended 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.*
- B. *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 proposed development is within the 0.25 mile White River buffer. A replacement dwelling is permitted subject to standards in the Exclusive Farm Use Zone, the underlying zone. The Natural Area Overlay zone requires this type of review in the EPD-7 boundary to be elevated to a Conditional Use Review. The owner has submitted a Conditional Use Permit application, and Chapter 5 – Conditional Use Review, is addressed below.

- C. *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.*

* *Note: White River is designated as an Outstanding Scenic Recreation Area (requires CUP review). See Table 11; Page 5-19 or Comprehensive Plan.*

FINDING: The existing manufactured home and pump house are medium to dark brown in color. Due to the topography and railroad track between the residence and the Deschutes River, the existing home is not visible from the river. The replacement dwelling will be located on the same footprint as the existing home and will be composed of earthtone colors to blend into the landscape. In addition to color, the existing trees reduce reflective surfaces such as windows and a metal roof. The natural value of the Deschutes River and areas along the river will not be damaged by the proposed replacement because there is an existing home on the property. The request is to replace the house on the existing footprint. The replacement will not increase the density in the area, nor will it change the view of the area, but will continue a use that has existed on the property since the mid-1980s. **Conditions** are included requiring:

- the use of earthtone colors on the exterior surface of the manufactured home; and
- Retention of existing trees. Trees that die shall be replaced during the next planting season.

There are nine (9) other recreational dwellings and several additional accessory structures within the approximately eight (8) acres of North Junction. The existing/replacement dwelling is the tenth dwelling in the area and is located 180' south of the railroad tracks. This represents a density of 1.25 dwelling units per acre. Similar densities have been maintained for more than 70 years in North Junction – decades before this area was included in a Wild & Scenic Area. As such, Staff finds that the "natural value" of this area is limited and must be viewed within the context of existing recreational dwellings and their accessory structures. Residential uses obviously have existed on the subject parcel for some time. Therefore, Staff finds that the proposed replacement dwelling will not result in the permanent destruction of natural value.

B. Chapter 5 – Conditional Use Review

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

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

Wasco County Comprehensive Plan Chapter 14, Section B.1.c (Page 14-9):

- c. *The Deschutes and John Day Scenic Waterways: These waterways are protected by the State Scenic Rivers Act and the E.P.D. Division 5 (§3.755(5)).*

FINDING: The cited Environmental Protection District (EPD) is addressed above in Section 3.910, where effects on natural value are evaluated. Furthermore, the development triggers a conditional use review, and the applicable standards are addressed throughout this section.

Wasco County Comprehensive Plan Chapter 15 – Goal #5 Open Space, Scenic and Historic Areas and Natural Resources

To conserve open space and protect natural and scenic resources.

(***)

Policy 5 Wild & Scenic Rivers

The Deschutes and John Day River Scenic Waterways shall be maintained and protected as natural and open space areas with consideration for agriculture and

recreation.

Implementation

- A. *Coordinate all land use planning activities with the Bureau of Land Management, Oregon State Department of Transportation and the Warm Springs Indian Reservation. These three parties shall be notified of all proposed land actions within the Deschutes River and John Day River Scenic Waterways for their review and comment.*

FINDINGS: Staff finds that the subject property, while developed, does not constitute "open space" or a "natural or scenic resource" because it is in a "neighborhood" that has existed for several decades. It follows that this area is not necessarily "natural."

The Bureau of Land Management (BLM), Oregon State Highway Division and Warm Springs Indian Reservation were notified of the proposal. Three employees of the State Highway Division were notified on October 23, 2014 and will be notified upon issuance of this decision. BLM and Warm Springs Indian Reservation will also be sent a notice of this decision. Specifically, the BLM Prineville District will be notified and two individuals with the Confederated Tribes of Warm Springs will be notified. Additionally, the Oregon Parks and Recreation Department was notified on October 23, 2014, and will be notified upon issuance of a decision in this matter too.

- B. *Allow agricultural operations within the Deschutes and John Day Scenic Waterways.*

FINDINGS: Agricultural operations within the Deschutes River Scenic Waterway are allowed. The underlying zoning of all properties within the Deschutes River Scenic Waterway is Exclusive Farm Use (EFU). However, the subject property is 14 acres and contains poor soils (predominately Class VII). In light of the subject parcel's size and soils agriculture operations on the property, or in North Junction, are not realistic.

- C. *Allow only buildings customarily provided in conjunction with farm use within the visual corridors of the Deschutes and John Day Scenic Waterways.*

FINDINGS: Including this replacement dwelling, there are nine (9) residential structures and several additional accessory structures (i.e., sheds) in North Junction. None of the dwellings, residences or accessory structures are customarily provided in conjunction with farm use, as there is no active farming within this area (although there is limited ranching south of the railroad tracks).

It cannot be determined what the exact "visual corridor" of the Deschutes River Scenic Waterway is as it relates to this property or North Junction. Visual corridor is not clearly defined, delineated or mapped for this property by the Oregon Scenic Waterways, County's Comprehensive Plan or LUDO and can mean many different things. Regardless, the replacement dwelling will be approximately 180' south of the railroad tracks. Due to the topography and railroad track between the residence and the Deschutes River, the existing home is not visible from the river.

- D. *Encourage the preservation of landscape features of the John Day and Deschutes Rivers.*

FINDINGS: Similar to "visual corridor," "landscape features" is not defined by the Plan or LUDO. It likely refers to features that are visually significant land or water features which are not man-made:

mountain, plateaus, rivers, waterfalls, ravines and so on. The subject property is flat, with no significant vegetative or geologic features. Therefore, there are no features to preserve.

- 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 consistent with criterion B.

(Location) The current owner applied for a Conditional Use Permit on July 1, 1985. This request was approved by the Planning Commission on August 5, 1985. The decision was appealed to the Wasco County Court (now Board of Commissioners), who held a public hearing on September 25, 1985, and continued the hearing to October 23, 1985. At the October hearing, the County Court upheld the Planning Commission's decision to approve the manufactured home on the property. The manufactured home placement permit was signed by the Planning Department on July 2, 1987. The home has been on the subject parcel for nearly 30 years. Throughout the home's history of existing on the property, the Planning Department has never received a complaint about the house being incompatible with the surrounding area or abutting properties.

(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 to replace a 1,248 square foot single family dwelling with a new 1,248 square foot dwelling, 15' in height measured at average grade.

(Operational Characteristics) The replacement dwelling will not adversely affect surrounding agricultural land because: (1) it has existed on the subject parcel for over 27 years; (2) there are adequate separation distances, topographical changes and vegetative screening between the dwelling and surrounding properties (3) there are no adjacent properties that have a history of being used for farm use; and (4) the development of a single family dwelling on the subject parcel will neither destabilize the land use pattern of the area nor have a cumulative impact that will result in substantial changes in the land use pattern because the request is to replace an existing dwelling in-kind.

(Operational Characteristics) The proposed dwelling will not adversely affect surrounding agricultural land because: each of the abutting properties surrounding the subject parcel are developed for residential use; some parcels contain multiple dwellings. The North Junction area is characterized as being a "second home" community. That is, the dwellings are not used permanently, but in a temporary manner (typically 20 – 60 days of out the year). The homes in the community serve as "retreats" or "getaways" for family and family-friends, which according to assessor data seem to be primarily from the Portland metro area. The owners plan to use the proposed dwelling approximately the same amount of time per year (40 days out of the year) as they have used it in the past. The proposed replacement dwelling would be similar to how all the other houses in the community appear to be used and occupied (i.e., people come to visit to enjoy the solitude, beauty, fishing and river access). Site visits confirmed the temporary use of dwellings in North Junction. As such the proposed use will not alter or change the existing use of land within North Junction.

- 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: With a condition, the request complies with criterion C.

The existing and replacement dwelling is served by Deschutes River Access Road, a 12-15' wide private gravel road. Roads are addressed in D.

The subject parcel is not located in a wild fire or structural fire department.

This area of the County is patrolled by the Wasco County Sheriff's Office. Staff concludes that a replacement dwelling which does not increase density in the area will not significantly burden the Wasco County Sheriff's Office.

A subsurface septic disposal system exists on the subject parcel. The owner needs to be aware that prior to issuance of zoning approval on a building permit application, the property owner will have to obtain septic approval from the Wasco-Sherman Public Health Sanitarian. A condition stating this is included.

Electrical service is available to the area. Electricity is provided by Wasco Electric Cooperative.

Telephone service is unreliable in the area due to the steep canyon walls and lack of cell phone towers. No "land-line" telephone service is available.

Garbage is disposed of by the owners in Maupin.

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

FINDING: Deschutes River Access Road, a private road, dead-ends north of the subject parcel. There is an existing driveway south of Deschutes River Access Road. This driveway will remain unchanged. The proposed replacement dwelling will not increase or change traffic in the area, therefore, the request complies with 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 conditions, the request is consistent with E.

(Noise and Odor) Residential construction of this scale and nature is short in duration and will not create undue noise or odor given the distance and existing vegetation between the proposed development and all property lines.

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

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 subject parcel is not located in the Sensitive Wildlife Habitat Overlay zone. There are no identified streams on the property. The Deschutes River is located over 250' from the northwest corner of the subject parcel, and the request is for a replacement dwelling on the same footprint. The proposed replacement dwelling will have no impact on sensitive wildlife habitat and

riparian vegetation. With a previous **condition** requiring reseeding and revegetation of disturbed areas, the land will not be subject to excessive soil erosion.

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

FINDING: With previously stated **conditions**, the request is consistent with G.

(Air) The proposed single-family dwelling will not adversely affect air quality because air pollution created by a single-family dwelling is minimal. 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 owners previously complied with the North Central Public Health Department requirements to install a septic system. Compliance with all sanitation requirements has ensured groundwater quality in the area has not been adversely affected by the new dwelling.

(Land) A previous **condition** 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.

To further ensure that land currently devoted to or available for agricultural use is not adversely affected by the proposed farm use, a **condition** was previously included, requiring the owners to record a farm management easement with the County Clerk's Office.

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 dwelling, but that any impact not be significant. The development pattern on surrounding land consists of recreational cabins/homes. There is an existing manufactured home on the subject parcel that is used by the owners on a seasonal basis. A request has been made to replace this home with a new home of the same size/height to be located on the same footprint. With the use of earthtone colors and the maintenance of existing trees on the property, the new home will not significantly detract from the visual character of the area.

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: 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.

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: The request complies with J. and K. For the purpose of addressing these criteria, "surrounding lands" are considered to be all adjacent properties.

The replacement dwelling will be surrounded on all sides by properties that have no history of farm use. The subject parcel and adjacent properties generally contain agricultural capability class VII and VIII, which are considered unsuitable for commercial farm use in Wasco County. The request will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use because no resource use exists and it is unlikely, based on soils, that there will never be commercial farm or forest use in this area. Without the existence of farm or forest practices on surrounding lands, the proposed use cannot force a change in accepted farm or forest practices on surrounding lands.

C. Chapter 10 – Fire Safety Standards

Section 10.110, Siting Standards – Locating Structures for Good Defensibility

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

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

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

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

FINDING: With conditions, the request is consistent with Chapter 10 – Fire Safety Standards.

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 subject property is not located within the boundaries of any wildfire or structural fire district, however, according to the application submitted on September 27, 2014, and based on staff's site visit to the property on October 15, 2014, staff verified that the replacement dwelling is able to comply with all of the fire safety standards.

Every few years there is a wildfire on one side of the Deschutes River. With windy conditions, it is easy for land on the opposite side of the river to catch on fire. It is essential that the owners comply with the fire safety standards to reduce risk to themselves and their property. The proposed roof of the replacement dwelling will be metal to reduce the chance of the home catching on fire during future wildfires. The new home will not have any chimneys or stovepipes. A minimum fuel fire break of 50' is, and will continue to be maintained around each building. Utilities from the power pole to the home are underground. There is an existing on-site well to provide water to help fight a fire.

The property owners have completed a Fire Safety Standard Self-Certification Form, and it is located in the Planning Department 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-14-09-0007. A condition making current and future owners aware of this is included.

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 glaring. They harm the nighttime environment and neighbors' property values.

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

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

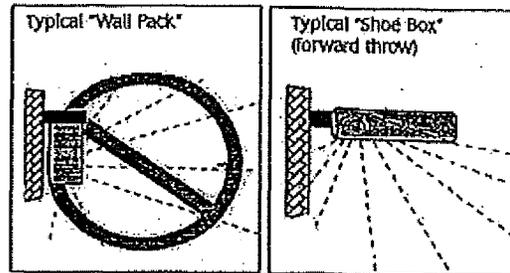
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

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

How do I switch to good lighting?

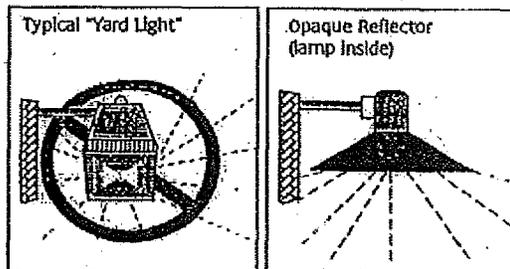
- 1 Provide only enough light for the task at hand; don't over-light, and don't spill light off your property. Specifying enough light for a job is sometimes hard to do on paper. Remember that a full Moon can make an area quite bright. Some lighting systems illuminate areas 100 times more brightly than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

Some Good and Bad Light Fixtures



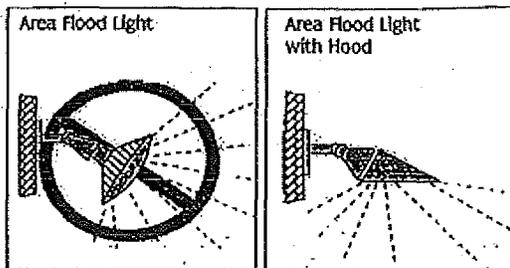
BAD

GOOD



BAD

GOOD



BAD

GOOD

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

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

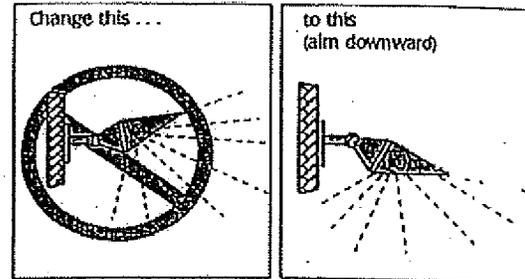
Properly aimed and shielded lights may cost more initially, but they save you far more in the long run. They can illuminate your target with a low-wattage bulb just as brightly as a wasteful light does with a high-wattage bulb.

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

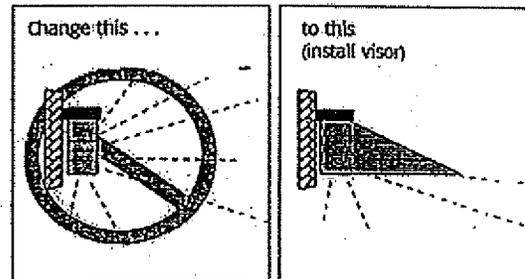
Replace bad lights with good lights.

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

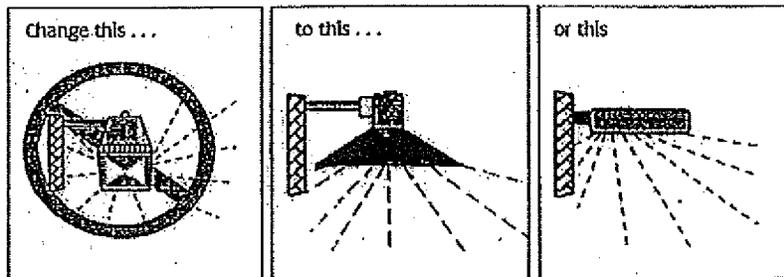
What You Can Do To Modify Existing Fixtures



FLOOD LIGHT



WALL PACK



YARD LIGHT

OPAQUE REFLECTOR

SHOE BOX

Presented by the

New England Light Pollution Advisory Group (NELPAG)

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

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

NELPAG and Sky Publishing Corp. support the International Dark-Sky Association (IDA) (<http://www.darksky.org/>).

We urge all individuals and groups interested in the problems of light pollution and obtrusive lighting to support the IDA and subscribe to its newsletter. IDA membership costs \$30 per year; send your check to IDA, 3225 N. First Avenue, Tucson, AZ 85719, U.S.A.

SKY
& TELESCOPE®

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

FARM MANAGEMENT EASEMENT

Owner Name: _____
Mailing Address: _____

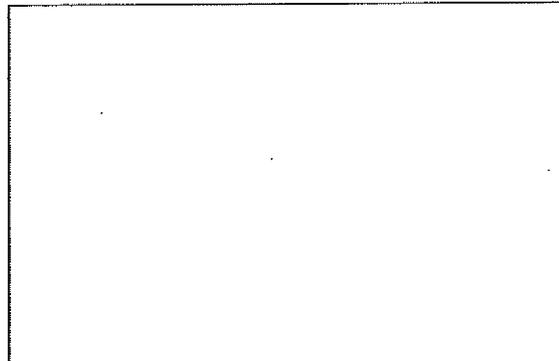
O.M. Wilson Jr. et. al., herein called the Grantors, are the owners of real property described as follows:

Township 7 South, Range 14E East W.M., Section 8D, Tax Lot 500; Account 12781

In accordance with the conditions set forth in the decision of Wasco County Planning Staff, dated November 6, 2014, approving a Conditional Use Permit to replace an existing single family dwelling (manufactured home) (File PLACUP-14-09-0007), Grantors hereby grants to the Owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

1. The Grantors, their heirs, successors, and assigns hereby acknowledge by granting of this easement that the above described property is situated in an Exclusive Farm Use 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 other accepted and customary forest management activities conducted in accordance

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



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 Grantor's property for residential purposes. Grantor hereby waives 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 grantor's property for residential purposes and grantor hereby gives 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 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 Grantor has executed this easement on
_____, 201__.

Titleholders Signature

Titleholders Signature

STATE OF OREGON)
COUNTY OF WASCO)

Personally appeared the above named _____, and
acknowledged the above easement to be his voluntary act and deed.

Notary Public for Oregon

October 26, 2014

To:

John Roberts, Director
Wasco County Planning Department
2705 East Second Street
The Dalles, OR 97058

From:

Gabriel Watson
1830 NW 23rd Place
Portland, OR 97210

Re:

PLACUP-14-09-0007

To Whom It May Concern:

I am writing this letter to offer my full support for the applicant. The Deschutes River is a beautiful resource and this application demonstrates that recreational and residential development *can* exist within the visual corridor of the Deschutes River. Here the applicant has demonstrated that screening, adherence to the reasonable interpretation of WCCP and WCLUDO, and Scenic Waterway suggestions, allow legal development of structures within ¼ mile of the Deschutes *and* in places where statute has in the recent past been interpreted to prohibit *any* development.

Two years ago, my co-owner and I were denied a permit to build a non-farm dwelling on a lot less than 400' from the parcel involved in this application. With the exception of variances and the flood hazard overlay, neither of which were relevant to the denial, our application PLAAPL-13-08-0001 & PLAAPL-13-08-0002 (original application PLAQJR-12-08-0001) were subject to the same review criteria as PLACUP-14-09-0007 (this Application). Fortunately here, it appears the County will reach the correct, legal, and equitable decision to APPROVE the application.

It remains to be seen whether this application will be draw the same paternalistic scrutiny as others. If objections are raised by Doug Robertson, Jim Harlow, or John Hartung, each of whom simply ignore land use laws to develop their own properties--I pray the county is willing to view there objections as nothing more than desperate attempts of a select few to benefit only their own interests by depriving others of an equitable and a fair process.

Land use laws and planning exist to harmonize varying uses while protecting resources of societal value. Laws do not exist for the sake of preserving self-interests through prohibition or exploitation of statutory ambiguities.

The Wasco County Comprehensive plan recognizes the natural value of the Deschutes River and aspires to limit obtrusive structures within the river's visual corridor. This structure is to be of a natural color that will blend into the surrounding environs. A development that provides for sufficient screening, appropriate blending measures, and follows appropriate conditions of approval can be successfully built along the waterway without being part of the 'visual corridor'. Further, the comprehensive plan makes an exception for recreation—the exact use for which this dwelling is proposed.

This application is submitted in accordance with the conditions and suggestions of County Planning, approval of the Scenic Waterways Program, and the reasonable input of good and fair neighbors—it *should* be approved.

I am the third generation of a family that has been a part of the North Junction community for more than fifty-five years—our connection with the river and the land goes beyond words. As an individual, I feel strongly tied to the river community: I have guided the river for more than twenty years, volunteered with the local fire department and shared my property with countless others who share in my deep respect and understanding for the value of this magical place. This summer I had the opportunity to meet Mr. Vance, a member of the partnership represented by Mr. Wilson—he belongs at North Junction as do every one of the members in his group.

For all of these reasons I again kindly request that this application be approved.

Sincerely,

Gabriel Watson

I wish to have my letter read by the Planning Director/Commission and become a part of their record and therefore request the status to have the standing provided in Wasco County Land Use and Development Ordinance Section 2.130 for acceptance of my letter into the hearing record.

October 29, 2014

To:

John Roberts, Director
Wasco County Planning Department
2705 East Second Street
The Dalles, OR 97058

From:

Nancy Erz
2815 NE 77 Place
Portland, OR 97213

Re:

PLACUP-14-09-0007

To Whom It May Concern:

I am writing this letter in support of the applicant. I would hate to see any family put through what my family has been subjected to in the denial of a very similar situation.

Two years ago, my nephew and his co-owner were denied a permit to build a non-farm dwelling on a lot less than 400' from the parcel involved in this application. With the exception of variances and flood hazard overlay, neither of which were relevant to the denial PLAAPL-13-08-0001 & PLAAPL-13-08-0002 (original application PLAQJR-12-08-0001) were subject to the same review criteria as PLACUP-14-09-0007 (this Application). It appears approval is forthcoming in this situation.

It remains to be seen whether this application will be subjected to the same scrutiny by Doug Robertson, Jim Harlow, or John Hartung, neighbors at North Junction that claim it is all about the scenic river they are trying to protect, while they ignore the same regulations they attempt to hold others to.

If they show little interest in opposing this permit, it is my opinion that it will make blatantly clear their hypocrisy and self-serving motives in opposing the building of a small structure, much smaller than any of theirs, when they went to great lengths to oppose PLAAPL-13-08-0001 & PLAAPL-13-08-0002 (original application PLAQJR-12-08-0001).

While I support the applicant regarding PLACUP-14-09-0007, I do feel that its approval will demonstrate inconsistency in the application of the law as created and defended by the actions of Doug Robertson, Jim Harlow and John Hartung.

This application is submitted in accordance with the conditions and suggestions of County Planning, approval of the Scenic Waterways Program, and the reasonable input of good and fair neighbors—it *should* be approved.

Sincerely,

Nancy Erz

I wish to have my letter read by the Planning Director/Commission and become a part of their record and therefore request the status to have the standing provided in Wasco County Land Use and Development Ordinance Section 2.130 for acceptance of my letter into the hearing record.



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

LAND USE APPLICATION

FILE NUMBER: PLACUP-14-09-0007

FEE: 1325.-

Date Received: _____ Planner Initials: _____ Date Complete: 10/16/14 Planner Initials: DB

APPLICANT INFORMATION

Name: O. MEREDITH WILSON
 Address: 202 NW 20th AVE.
 City/State/Zip: PORTLAND, OR 97209
 Phone: 503-972-5090
 Email: met@wilsonadr.com

OWNER INFORMATION

Name: O. MEREDITH WILSON
 Address: 202 NW 20th AVE.
 City/State/Zip: PORTLAND, OR 97209
 Phone: 503-972-5090
 Email: met@wilsonadr.com

PROPERTY INFORMATION

Township/Range/Section/Tax Lot(s)	Acct #	Acres	Zoning
<u>7S 14E 8 D 500</u>	<u>12781</u>		<u>A-1(160), EPD-7</u>

Property address (or location): 7S 14E 8 D 500 ; DESCHUTES ACCESS ROAD

Water source: WELL ON SITE Sewage disposal method: SEPTIC TANK

Name of road providing access: BLM DESCHUTES ACCESS ROAD

Current use of property: RECREATIONAL HOME Use of surrounding properties: RECREATIONAL HOMES

Do you own neighboring property? NO YES (description) NON ADJACENT, 2.80 ACRES 7S 14E 16 500
Acct. # 1275B

DETAILED PROJECT DESCRIPTION (proposed use, structures, dimensions, etc.): _____

REPLACEMENT OF EXISTING MANUFACTURED HOME THAT WAS DESTROYED BY WATER DAMAGE FROM BROKEN PIPES. THE EXISTING HOME IS 24'x52' WITH TWO SECTIONS OFFSET BY 4'. THE REPLACEMENT HOME WILL BE 24'x52' WITH THE SECTIONS ALIGNED. THE INSTALLER OF THE NEW HOME VERIFIED THE 12'x52' SECTIONS CAN BE TRANSPORTED ON THE EXISTING ROAD AND THE EXISTING HOME FOUNDATION CAN BE REUSED. HEIGHT OF THE REPLACEMENT STRUCTURE IS APPROXIMATELY 15', SIMILAR TO THE EXISTING STRUCTURE.

Additional description/maps/pictures attached

LEGAL PARCEL STATUS

Partition, Subdivision, OR

Most Recent Pre-9/4/1974 Deed #: 9371 (Decree #) Date Filed: MAY 31, 1960

Current Deed #: _____ Date Filed: _____

The deed and a map showing the property described in the deed(s) must accompany this application.

SIGNATURES

Applicant(s): O. Meredith Wilson Date: 9.24.14

Property Owner(s): O. Meredith Wilson Date: 9.24.14

Date: _____

Date: _____

Date: _____

Date: _____

PLEASE NOTE: Before this application will be processed, you must supply all requested information and forms, and address all listed or referenced criteria. Pursuant to ORS 215.428, this office will review the application for completeness and notify Applicant of any deficiencies within 30 days of submission. By signing this form, the property owner or property owner's agent is granting permission for Planning Staff to conduct site inspections on the property.

ALL LAND USE APPLICATIONS MUST INCLUDE:

- Application Fee -- Cash or Check (credit cards now accepted with additional fee)
- Site Plan
- Elevation Drawing
- Fire Safety Self-Certification
- Other applicable information/application(s):

- CUP
- Documentation from Parks & Rec Dept.
- _____

APPLICATIONS FOR PROPERTIES IN THE NATIONAL SCENIC AREA MUST ALSO INCLUDE:

- Scenic Area Application/Expedited Review
- Color and Material Samples
- Landscaping Plan
- Grading Plan
- Other applicable information/application(s):

- _____
- _____

CONDITIONAL USE PERMIT

DETAILED SPECIFIC WRITTEN REQUEST

PERMIT FOR REPLACEMENT OF AN EXISTING MANUFACTURED HOME THAT WAS DESTROYED BY WATER DAMAGE FROM BROKEN PIPES.

(Attach additional pages if necessary)

DETAILED STRUCTURAL INFORMATION

PROPOSED Improvements				
Structure/Development	Length	Width	Height	Square Footage
Dwelling	52'	24'	15'	1,248 SF
Driveway	EXISTING 240'	10'		
Accessory Structure	14'	14'	10'	196 SF
Agricultural Structure				
EXISTING Development				
Dwelling	52'	24'	15'	1,248 SF
DRIVEWAY	240'	10'	N/A	
ACCESSORY STRUCTURE	14'	14'	10'	196 SF

CONDITIONAL USE CRITERIA – LAND USE & DEVELOPMENT ORDINANCE (LUDO) CHAPTER 5

1. The proposal must be consistent with the goals and objectives of the Comprehensive Plan and LUDO.
2. Taking into account location, size, design and operational characteristics of the proposed use, describe how your proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses:

THE EXISTING HOME WAS APPROVED IN 1985. THE HOME HAS BEEN USED AS A RECREATIONAL PROPERTY AT NORTH JUNCTION. THE HOME IS SEPARATED FROM THE ADJACENT HOMES ALONG THE DESCHUTES RIVER BY A BERM AND RAILROAD TRACK. THE HOME IS NOT VISIBLE FROM THE RIVER. THE NEW HOME WILL INCORPORATE EARTH TONE COLORS MATCHING THE ENVIRONMENT.

Describe the operational characteristics (hours of operation, equipment used, etc.) of the proposed use:

HOME USED FOR RECREATION. PRIMARILY APRIL TO OCTOBER.

Describe the number of people/employees/customers associated with the proposed use:

THERE ARE NINE PARTNERS. NO EMPLOYEES. NO CUSTOMERS

3. The proposed use cannot exceed or significantly burden public facilities and services available to the area. Please describe the impact the proposed use will have on the following public facilities and services:

Roads: THE STRUCTURE IS BEHIND THE LOCKED GATE ON THE DESCHUTES ACCESS ROAD. THERE IS NO PUBLIC ACCESS.

Fire & Police Protection: WASCO COUNTY & BLM. THE PROPERTY HAS BEEN USED AS A STAGING AREA FOR HOT SHOTS FIGHTING FIRES IN THE DESCHUTES CANYON. WASCO COUNTY SHERIFF.

Sewer & Water: WATER: ON SITE WELL. SEWER, SEPTIC TANK

Electrical & Telephone: ELECTRICAL SERVICE RUNS FROM A POLE NEXT TO THE RAILROAD TRACK, UNDERGROUND TO THE HOME.

Solid Waste Disposal: SOLID WASTE IS HAULED OUT TO MAUPIN.

4. The proposed use will not unduly impair traffic flow or safety in the area. Does the subject property have a road approach permit from Public Works on file for the use? NO YES, Permit# _____

Describe the number of trips per day that will be generated by the proposed use: Less than one

5. How will you minimize the effects of noise, dust and odor on adjoining properties during development and operation?

WE ARE SEPARATE FROM EXISTING PROPERTIES. THE REPLACEMENT HOME WILL BE MANUFACTURED OFF SITE. CONSTRUCTION ACTIVITY WILL CONSIST OF DEMOLITION OF THE EXISTING STRUCTURE AND REPLACEMENT DELIVERY OF THE NEW HOME.

6. How will the proposed use affect sensitive wildlife habitat and riparian vegetation along streambanks? How will soil erosion be avoided? You may need to contact the Oregon Department of Fish & Wildlife.

THE LOCATION OF THE HOME IS OUTSIDE OF WILDLIFE HABITAT. THE PROPERTY IS NOT ALONG A STREAM BANK. THERE IS NO SITE WORK REQUIRED AND NO EROSION. OREGON PARKS & RECREATION HAS APPROVED THE PROPOSED PLAN WITHIN THE SCENIC WATERWAY SYSTEM

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

THE PROPOSED USE WILL REMAIN THE SAME AS THE EXISTING USE.

8. The location and design of the site and structures for the proposed use will not significantly detract from the visual character of the area. This may be done through siting, new vegetation, colors, materials or other.

THE REPLACEMENT STRUCTURE WILL BE CONSTRUCTED USING COLORS MATCHING THE ENVIRONMENT

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

THE REPLACEMENT HOME WILL NOT IMPACT ANY OF THE ABOVE.

10. The proposed use will not significantly increase the cost of, or force a significant change to, accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use.

Describe the agricultural uses (orchards, wheat, grazing, etc.) that are within 0.25 miles of the proposed development. How will the proposed development interact with surrounding agriculture uses?

THE USE WILL HAVE NO IMPACT ON FARM OR FOREST USE. THERE IS NO AGRICULTURAL ACTIVITY WITHIN .25 MILES OF THE SITE.



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

FIRE SAFETY STANDARDS SELF CERTIFICATION FORM

This checklist certifies that Applicant/Owner has reviewed, understands, and commits to maintain compliance with Wasco County Fire Safety Standards. The information contained in this form shall be recorded with the Wasco County Clerk.

Fire standards are listed in their entirety, with illustrations, in Chapter 10 of the Wasco County Land Use & Development Ordinance (WC LUDO) and Chapter 11 of the Wasco County National Scenic Area Land Use & Development Ordinance (NSA LUDO). Please confirm compliance by marking the appropriate box and providing written comment if necessary. If compliance with applicable standards cannot be certified by Applicant, please contact the Planning Department to request a modification to Fire Safety Standards.

File Number: PLACUP-14-09-0007

PROJECT DESCRIPTION: REPLACEMENT OF AN EXISTING, MANUFACTURED HOME THAT WAS DESTROYED BY WATER DAMAGE FROM BROKEN PIPES

APPLICANT INFORMATION

Name: D. MEREDITH WILSON
 Address: 202 NW 20th AVE.
 City/State/Zip: PORTLAND, OR 97209
 Phone: 503-972-5090
 Email: met@wilsonadr.com

OWNER INFORMATION

Name: D. MEREDITH WILSON
 Address: 202 NW 20th AVE.
 City/State/Zip: PORTLAND, OR 97209
 Phone: 503-972-5090
 Email: met@wilsonadr.com

PROPERTY INFORMATION

Township/Range/Section/Tax Lot(s)	Acct #	Acres	Zoning
7S 14E 8 D 500	12781	14	A-1(160)EPD-7

Property address (or location): NORTH JUNCTION, WASCO COUNTY, OREGON

SITING 10.110/11.110 – Please show approximate areas of steep slopes and proposed building locations relative to the slopes on the site plan. Information shall be sufficient to demonstrate the following: NOTE: Select either B(1) or B(2).

A. You have identified site(s) for your building(s) that are not steeper than 40%.

Yes – Comment N/A Replacement Dwelling No, See Attached Fire Safety Plan

B(1). If your property is located in a Resource (A-1, F-1 or F-2) or Large Lot Residential Zone please show, on the site plan, that you have identified site(s) for your building(s) that are at least 50 feet back from the top of any slopes steeper than 30%;

Yes – Comment N/A Replacement Dwelling No, See Attached Fire Safety Plan

B(2). If your property is located in a Resource or Large Lot Residential Zone please show you have identified site(s) for your building(s) that are at least 30 feet back from the top of any slopes steeper than 30% on the site plan and certify that you will be implementing the structural techniques for increasing fire resistance discussed in 10.110(B)(2)/11.110(B)(2) of the ordinance.

Yes – Comment N/A Replacement Dwelling No, See Attached Fire Safety Plan

DEFENSIBLE SPACE 10.120/11.120 – Please show building location(s) including a boundary for the 50 foot fire fuel break boundary on the site plan. Information shall be sufficient to demonstrate the following: NOTE: Select either A or B.

A. You have identified site(s) for the proposed building(s) that allow for a full 50 foot fire fuel break either on the parcel or by easement over the necessary portion of an adjoining parcel;

Yes – Comment AREA AS SHOWN ON AERIAL PHOTOS IS MOVED TO REMOVED FUEL. MINIMUM 60' FROM HOME. No, See Attached Fire Safety Plan

B. Your property is located in an exception area or smaller lot residential zone and building(s) are located to accommodate a 30 foot fire fuel break where a full 50 foot fire fuel break cannot be provided for.

Yes – Comment NOT APPLICABLE No, See Attached Fire Safety Plan

CONSTRUCTION STANDARDS 10.130/11.130 – Please provide the following information about construction details you will implement to increase the fire resistance of your proposed building(s):

A(1). Fire resistant roofing will be installed to the manufacturers' specifications. Please confirm the type of roofing and that the rating of the roof material by Underwriter's Laboratory Classification system is Class A, B, or its equivalent.

Yes – Comment HOME WILL HAVE A STANDING SEAM METAL ROOF.

A(2). Please verify that all spark arrestors will be installed to cap all chimneys and stove pipes. (The spark arrestors must meet NFPA standards)

Yes – Comment THERE WILL BE NO CHIMNEYS OR STOVE PIPES.

B(1). Please verify the following for all decks:

Decks will be kept clear of fire wood, flammable building material, dry leaves and needles, and other flammable chemicals.

Yes – Comment _____

Decks less than three feet above ground will be screened with noncombustible corrosion resistant mesh screening material with openings 1/4" or less in size.

Yes – Comment _____

When required by standard 10.110(B)(2)/11.110(B)(2) decks will be built of fire resistant material.

Yes – Comment EXISTING DECK IS CONSTRUCTED OF WOOD.

All flammables will be removed from the area immediately surrounding the structure to be stored 20' from the structure or enclosed in a separate structure during fire season.

Yes – Comment _____

B(2). Please confirm that all openings into and under the exterior of the building including vents and louvers, will be screened with noncombustible corrosion resistant mesh screening material with openings of 1/4" or less.

Yes – Comment _____

B(3). Please acknowledge that you will limb up all trees overhanging the building to 8' above the ground, as required by fire fuel break requirements, that vegetation will be trimmed back 10 feet away from any chimney or stove pipe, and that trees overhanging the building will be maintained free of all dead material.

Yes – Comment See attached photos.

B(4). Please verify that the utilities will:

Be kept clear along their route if your private utility service lines are not underground

Yes – Comment UTILITIES ARE UNDERGROUND

Have a single point of access to the building if service is not provided underground.

Yes – Comment SERVICE IS UNDER GROUND

Include a clearly marked main power disconnect switch at the pole or off grid power source for all electrical service to new buildings and structures. This has been located on the site plan.

Yes – Comment EXISTING

B(5). Please confirm that a stand pipe will be provided 50 feet from the dwelling and any structure served by a plumbed water system. This has been located on the site plan.

Yes – Comment Standpipe by home & pump house.

ACCESS 10.140/11.140 – Please confirm that access onto and through your property meets the following standards (Note: please show route, width, and alignment of access drives on the site plan):

A(1). New or improved driveways will be built and maintained to all weather design standards. (2-3" of ¾ minus over 6-8" of pitrun base rock OR capable of supporting 75,000 lbs GVW)

Yes – Comment ACCESS ROAD IS MAINTAINED ANNUALLY - DRIVEWAY RE-ROCKED IN 2014 No, See Attached Fire Safety Plan

A(2). Minimum widths – 12' to 16', depending on number and severity of curves – will be maintained.

Yes – Comment BLM ACCESS ROAD No, See Attached Fire Safety Plan

B(1). Corners will meet the minimum curve radius (20' or 48') required for large vehicles.

Yes – Comment EXISTING, MFG HOME OF 52' IS BEING DELIVERED No, See Attached Fire Safety Plan

B(2). Average grade or slope will be 10% or less. Short sections, 100' or less, may reach 12%.

Yes – Comment _____ No, See Attached Fire Safety Plan

B(3). Turnouts 40' long by 20' wide will be provided at least every 400'.

Yes – Comment BLM ACCESS ROAD No, See Attached Fire Safety Plan

C(1). Minimum clearance of 13' vertical and 14' horizontal will be maintained for emergency vehicles.

Yes – Comment BLM ACCESS ROAD No, See Attached Fire Safety Plan

C(2). Fire fuel break extending 10' both sides of driveway center line will be maintained.

Yes – Comment _____ No, See Attached Fire Safety Plan

D. Driveways longer than 150' will end with a 95' diameter turnaround (or 120' hammerhead).

Yes – Comment PROPERTY IS LARGELY FLAT AND CAN ACCOMMODATE TURN AROUND. No, See Attached Fire Safety Plan

E. Bridges and culverts will support 75,000 lbs gross vehicle weight.

Yes – Comment NO BRIDGES OR CULVERTS No, See Attached Fire Safety Plan

F. Gates will provide minimum clearance width of 14' and will be operable by emergency responders in accordance with access standards.

Yes – Comment DESCARTES CLUB LOCKED GATE IS LESS THAN 14'. GATE AT DANT IS LESS THAN 14'.

G. Legible signs will be installed to identify parking limitations, fire lanes, on site water source, electrical service shut off, and any necessary posted weight limits. Signs will be maintained in accordance with requirements.

Yes - Comment _____

H. Roads leading to the property will allow emergency response at a reasonable rate of speed with little risk of damage to equipment or roads themselves;

Yes - Comment _____ No, See Attached Fire Safety Plan

OR..... The following improvements to public and private roads have been determined to be necessary:

All necessary improvements will be made and maintained to ensure basic access to the property,

Yes - Comment _____ No, See Attached Fire Safety Plan

~~ON-SITE WATER 10.150/11.150 - On site water requirements will be met in the following way:~~

~~NOTE: Select either A or B. Previous requirements to install NFPA sprinkler systems have been found to conflict with State Building Codes.~~

~~A. The proposed dwelling is 3,500 SF or smaller and will be located within a fire protection district.~~

~~Yes - Comment N/A _____ No, See Attached Fire Safety Plan~~

~~B. The proposed dwelling is 3,500 SF or smaller, will be located outside a fire protection district, and will provide at least 4,000 gallons of water on site for fire protection.~~

~~Yes - Comment N/A _____ No, See Attached Fire Safety Plan~~

I/we acknowledge receipt of the full WC LUDO Chapter 10/NSA LUDO Chapter 11 - Fire Safety Standards text and illustrations applicable to the land use or building permit request at the time of application. I/we have reviewed and certify that the standards have been reviewed and understood. I/we further certify that all responses to the above questions and improvement designs and locations shown on the site plan are true and accurate, and that all planned future compliance will be achieved within one year and maintained in perpetuity.

O. Meredith Wilson, Jr., App _____ 9/24/14 _____
Name, Title Date

O. Meredith Wilson, Jr., owner _____ 9/24/14 _____
Name, Title Date

SITE PLAN CHECKLIST

SITE PLANS MUST SHOW THE FOLLOWING:

- Property boundary & development area dimensions
- Setback distances from proposed structures to all:
 - Property lines
 - Roadways
 - Waterways
- Existing structures (location & size)
- Proposed structures (location & size)
- Septic tanks and drain fields
- Existing & proposed services including wells, electricity, etc.
- Driveway & access to public/private roads
- Significant land forms & slopes

Fire Safety Information

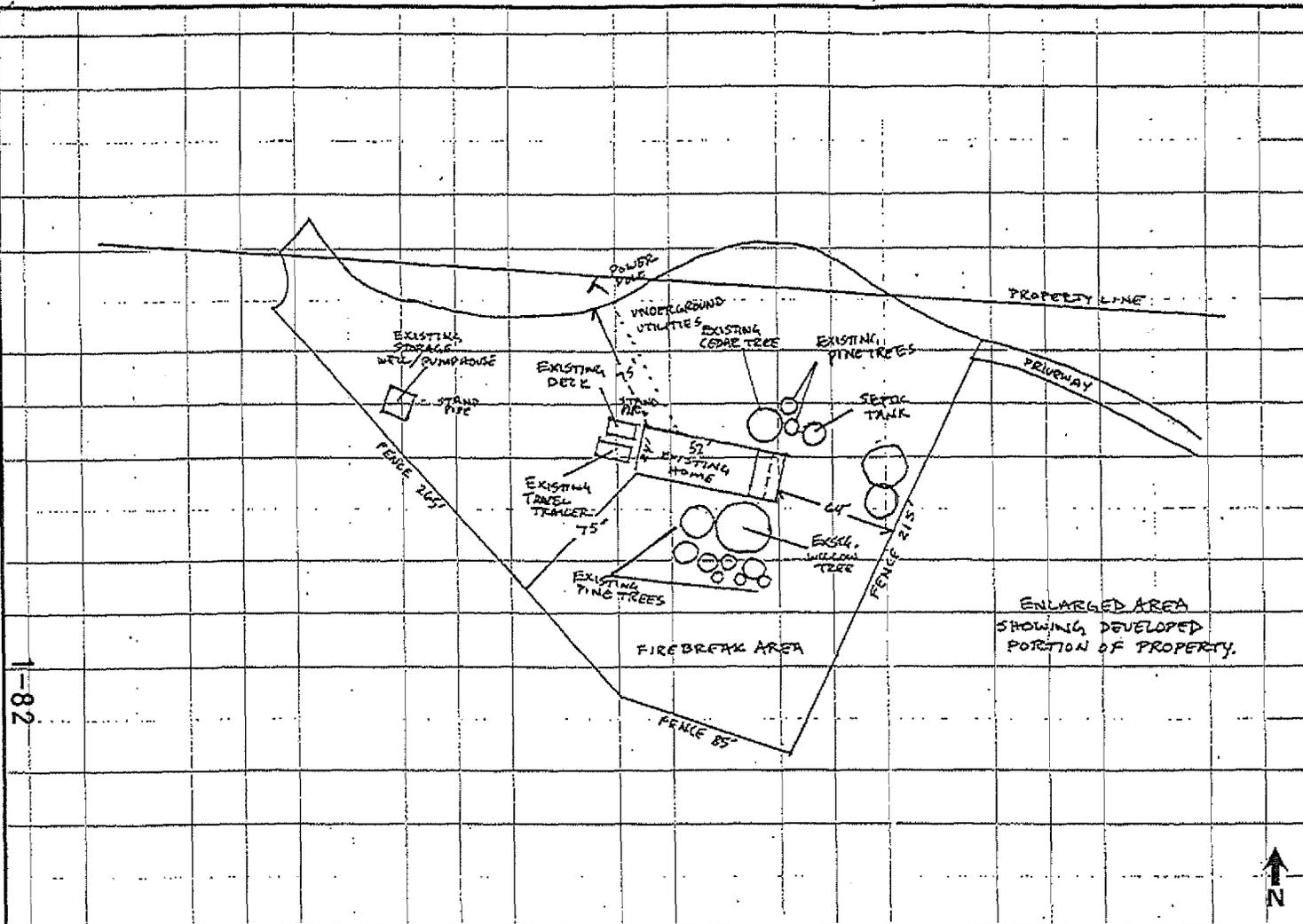
- Indicate driveway width, length, and grade. Long drives should provided turnouts every 400'.
- Location of a standpipe (water spigot) at least 50' from each building that includes plumbing.
- Indicate 50' fire break surrounding new buildings.

NATIONAL SCENIC AREA APPLICATIONS MUST ALSO SHOW THE FOLLOWING:

- Location & depth of proposed grading, filling, ditching and excavating
- Outside lighting fixtures
- All proposed signs
- Location & height of outdoor storage & screening devices

Landscaping Plan

- Location, height and species of existing & proposed individual trees & vegetation. Indicate if any are proposed to be removed.
- Location of irrigation systems



1-82



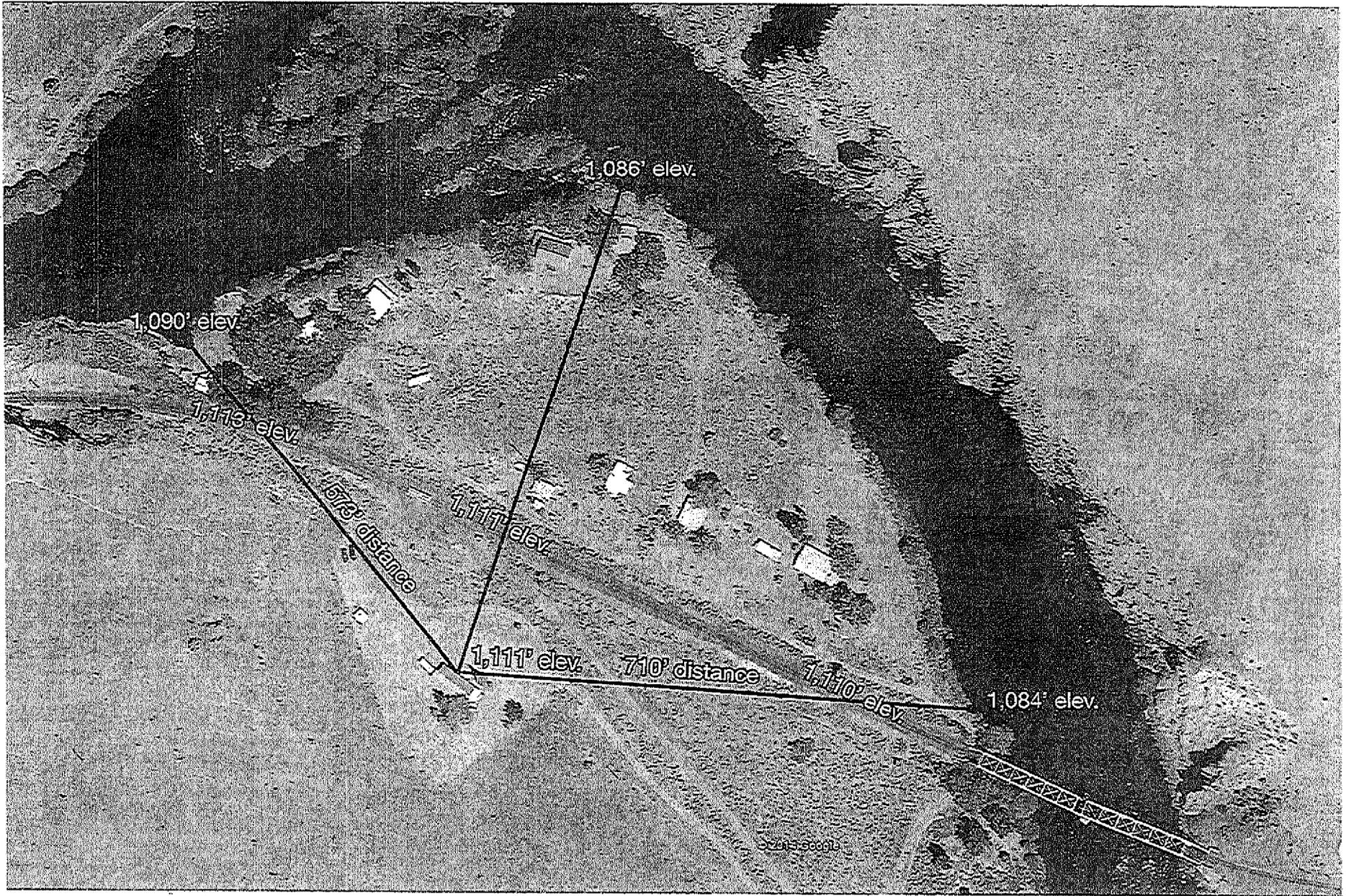
SITE PLAN MAP

Map, Tax Lot #: 75 14E 8D 900
 Applicant: O. MEREDITH WILSON
 File #: _____

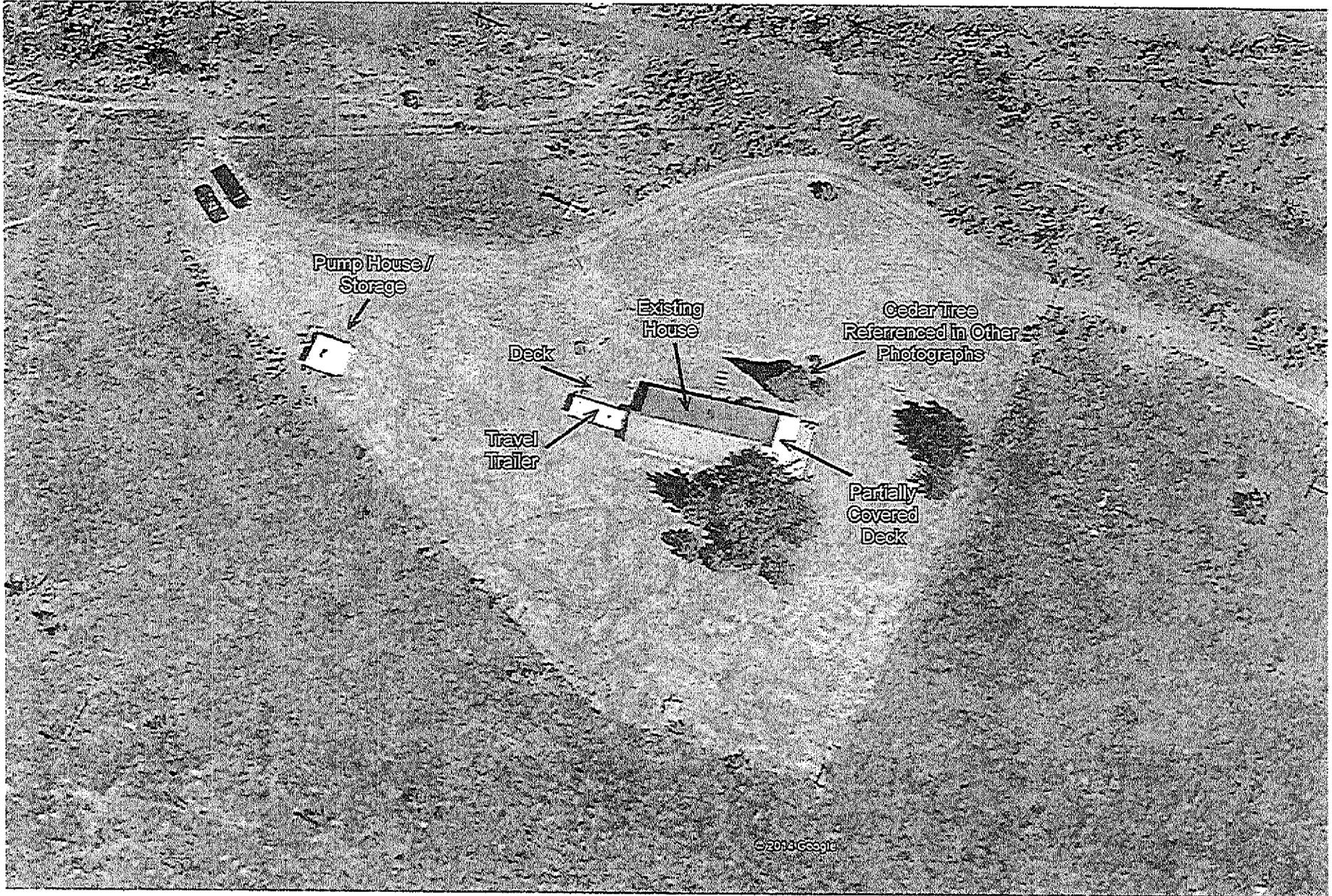
SCALE: (select one)

- 1:50
- 1:100
- 1:200

DISCLAIMER: The Planning Department may require additional site plan elements depending on development specifics.



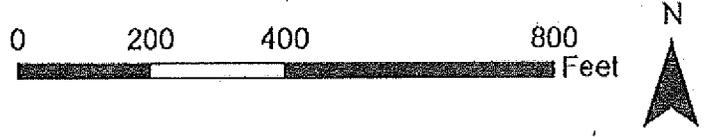
Elevation and Distance to River



Aerial Photograph of Existing Site Conditions



2N 14E 8 D 500
 ACCT# 12781
 14 acres

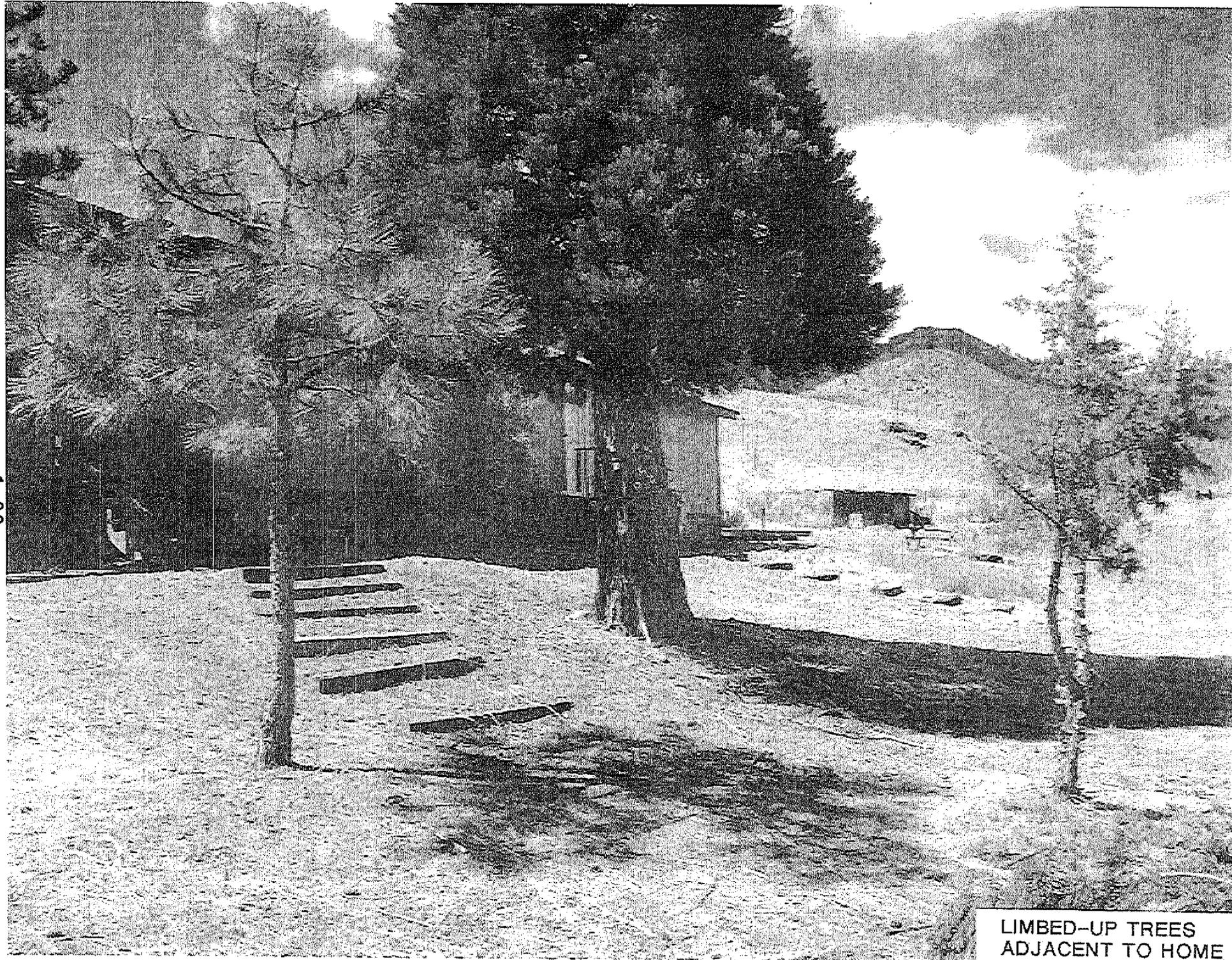


Map showing the property lot lines. Numbers showing the location and direction from which attached photographs were taken.

Map created 4/30/20014
 by Joey Shearer, Senior Planner

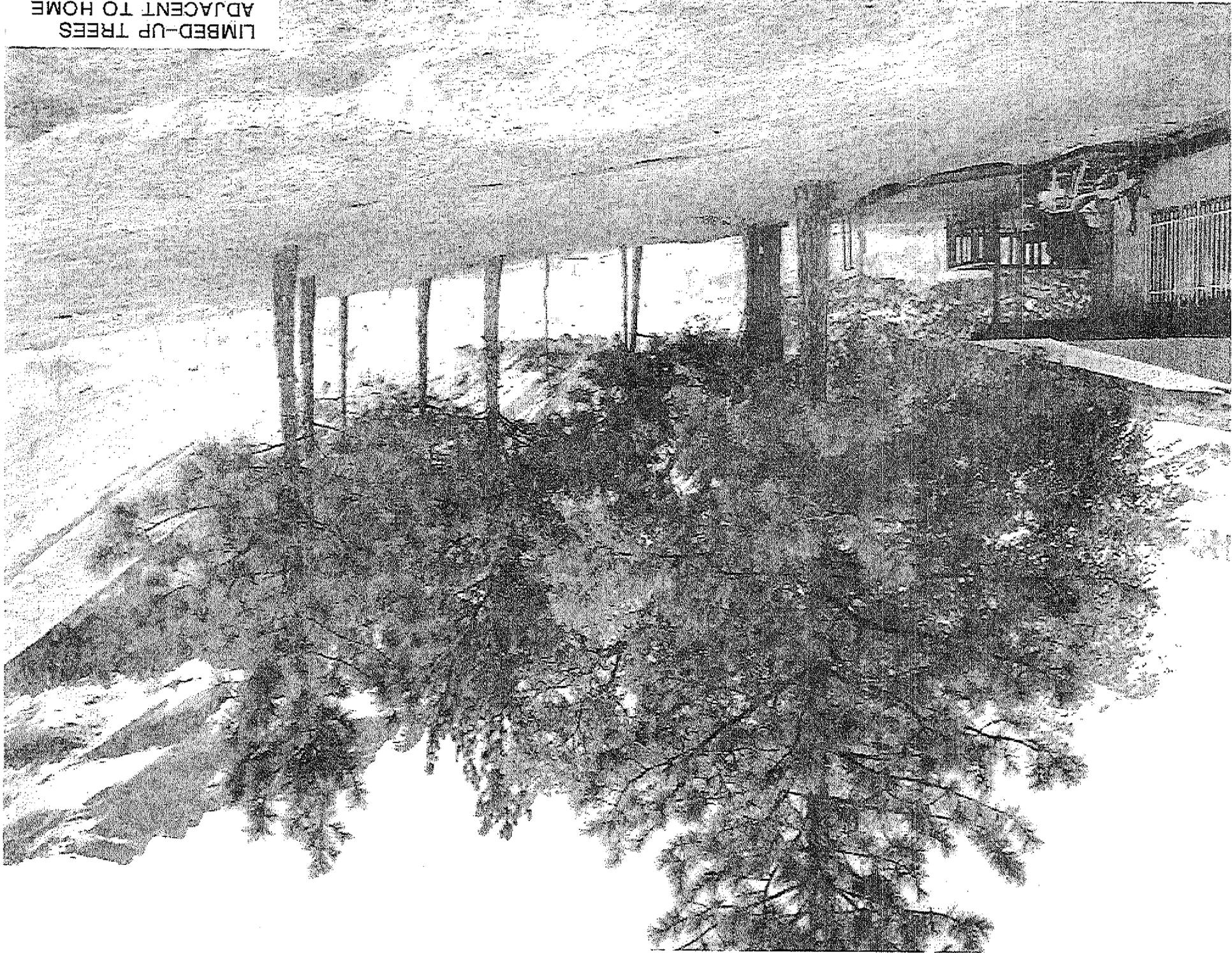
This product is for information purposes only and is not necessarily suitable for legal, engineering, or surveying purposes.

1-86

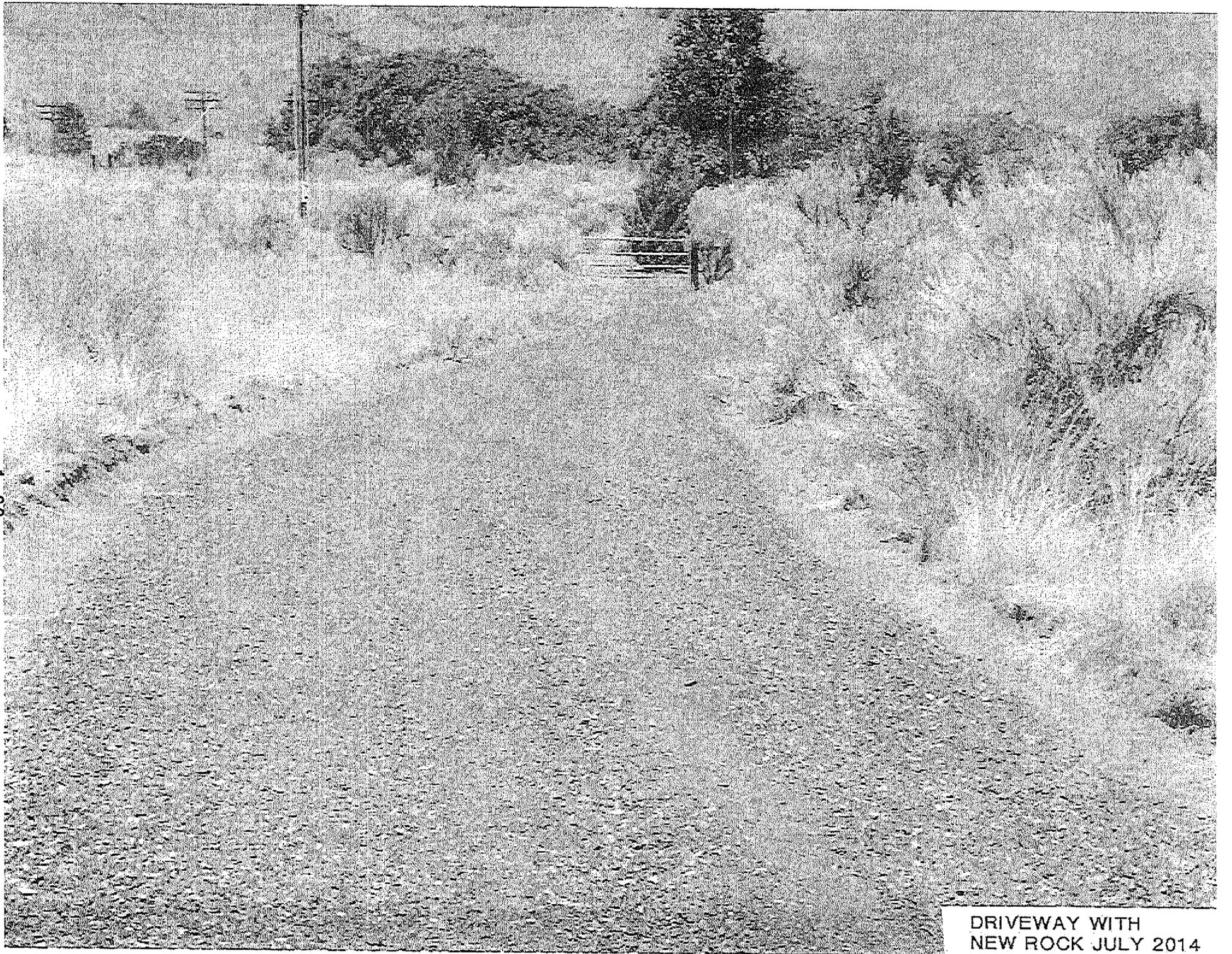


LIMBED-UP TREES
ADJACENT TO HOME

LIMBED-UP TREES
ADJACENT TO HOME



1-88



DRIVEWAY WITH
NEW ROCK JULY 2014



CEDAR TREE
BY HOME

PHOTO 1

PHOTO 2



1-90

1-91

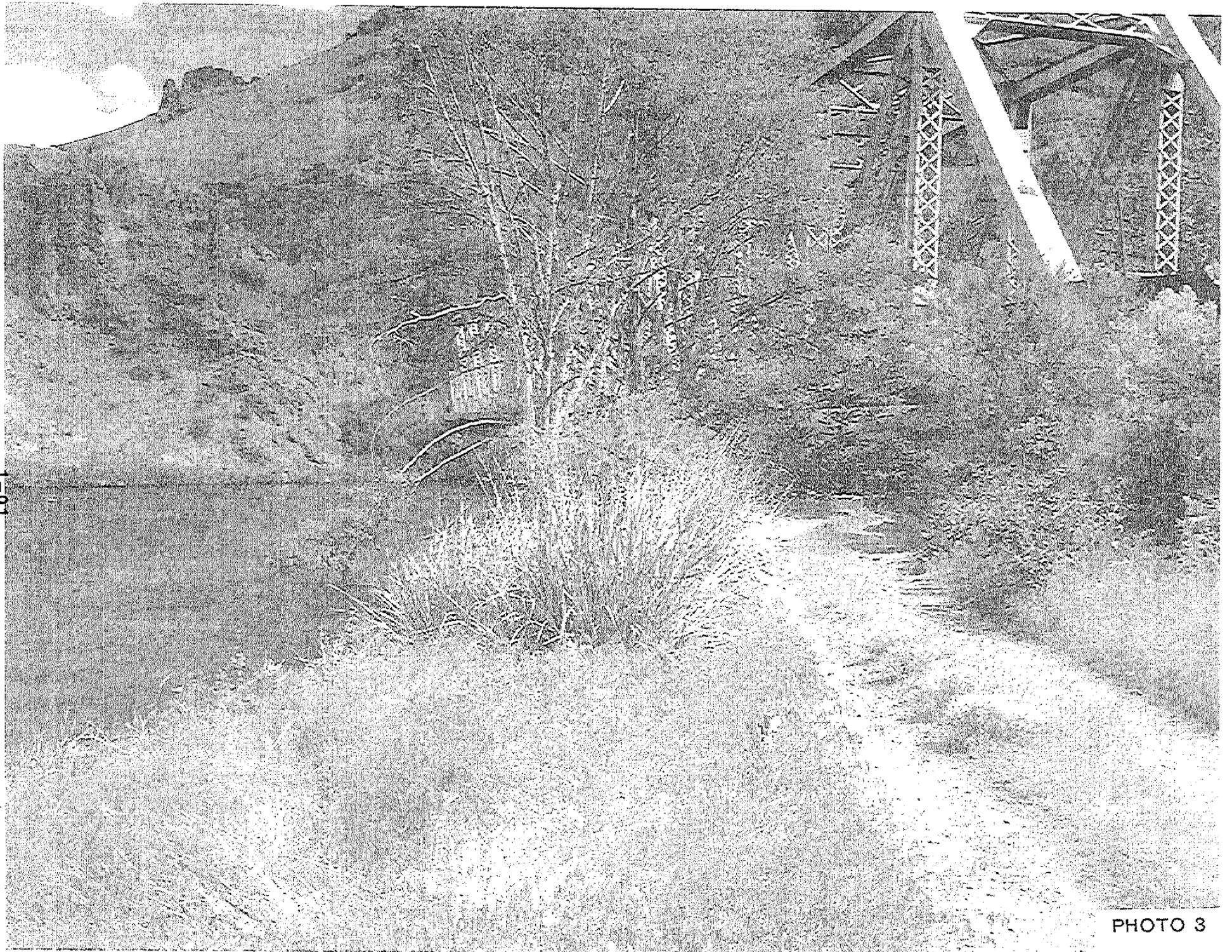


PHOTO 3

PHOTO 4

1-92

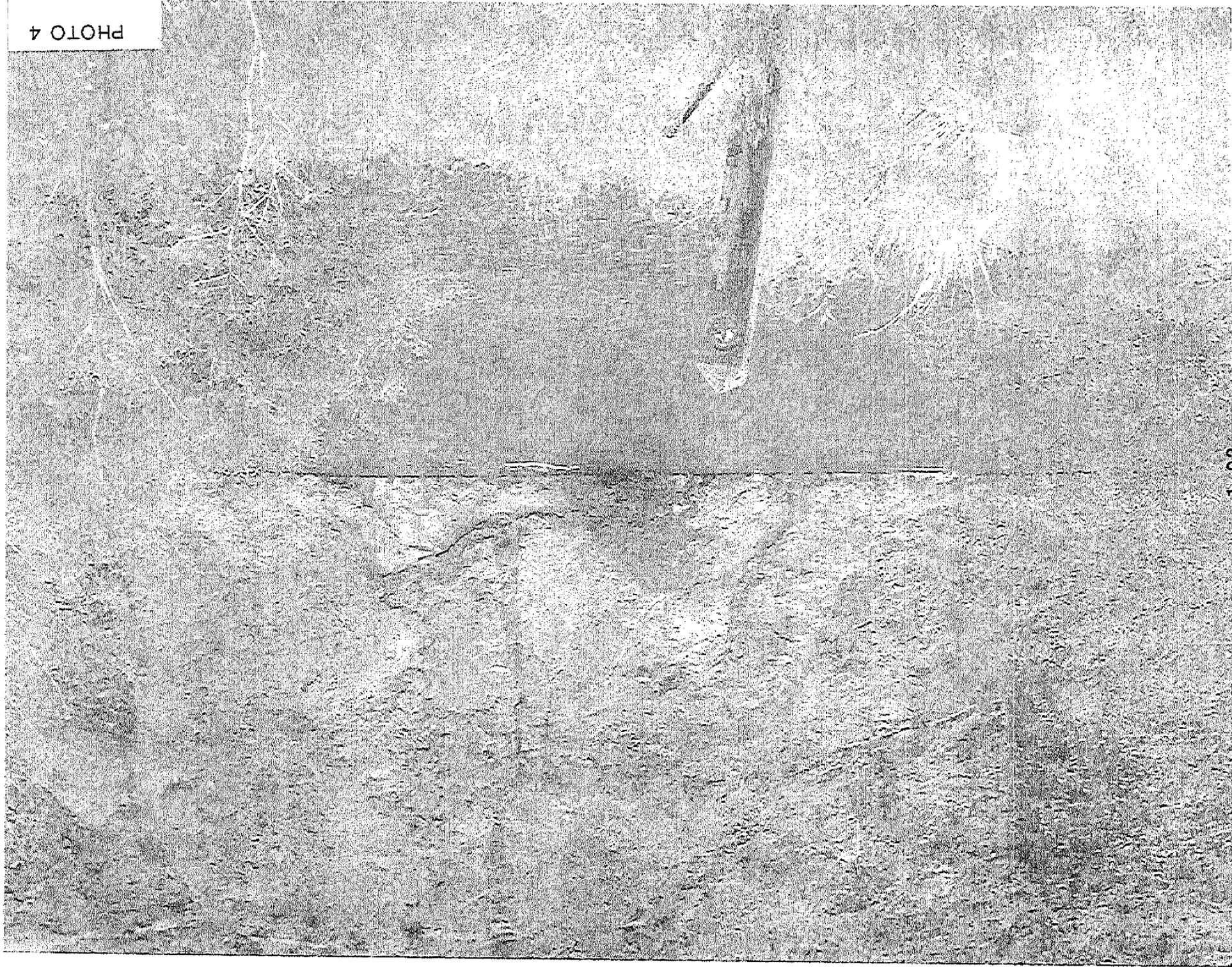
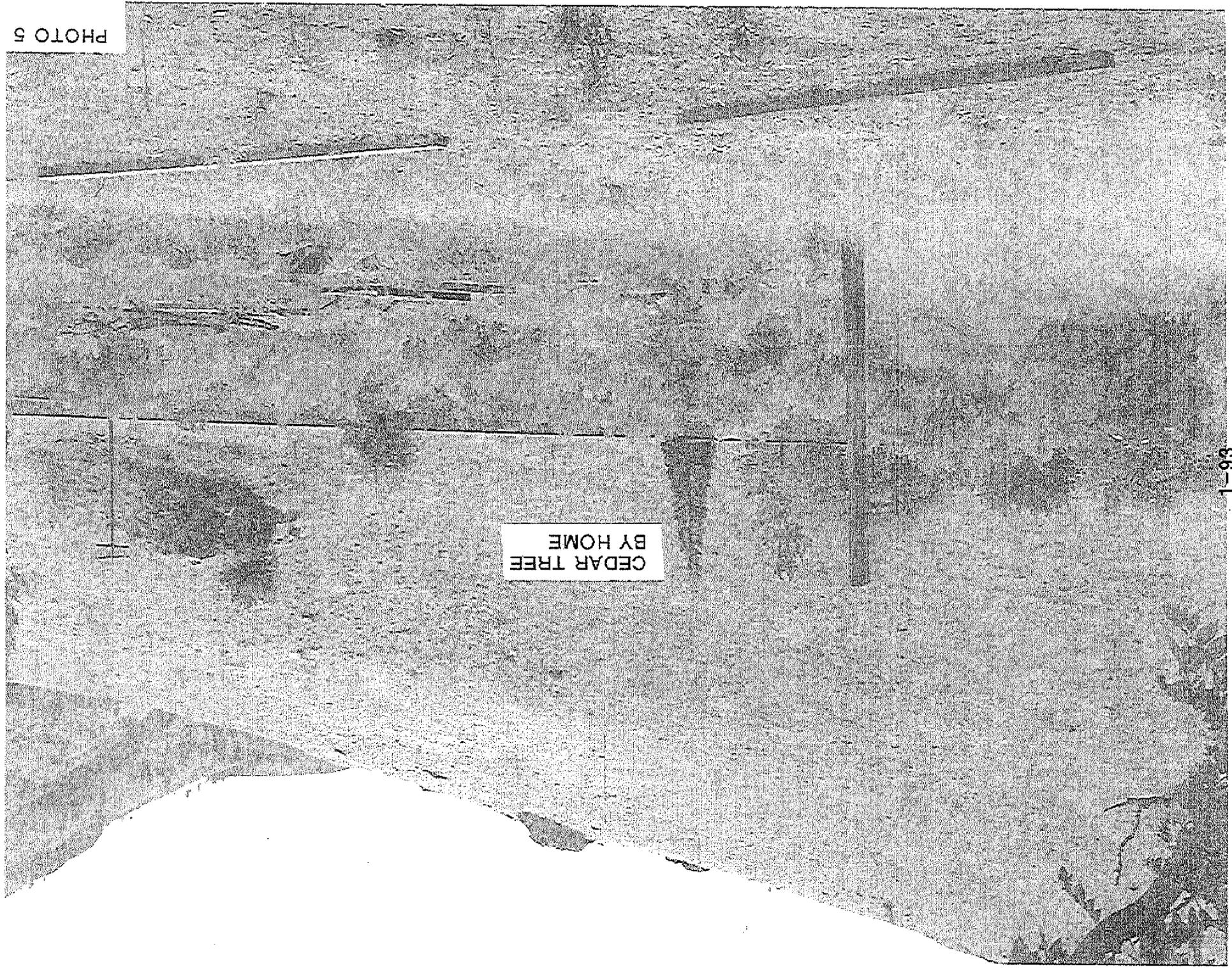
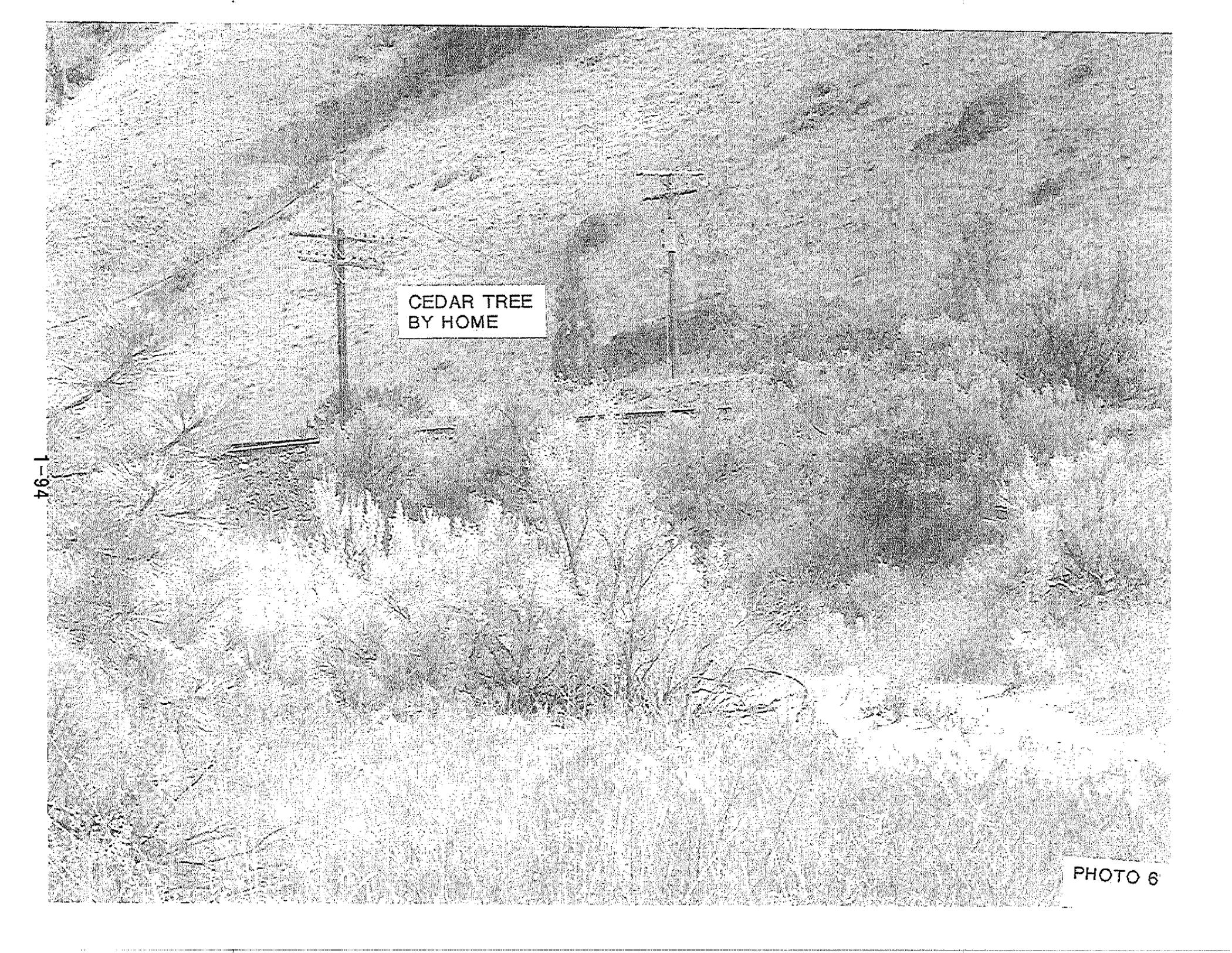


PHOTO 5

CEDAR TREE
BY HOME

1-93





CEDAR TREE
BY HOME

1-94

PHOTO 6

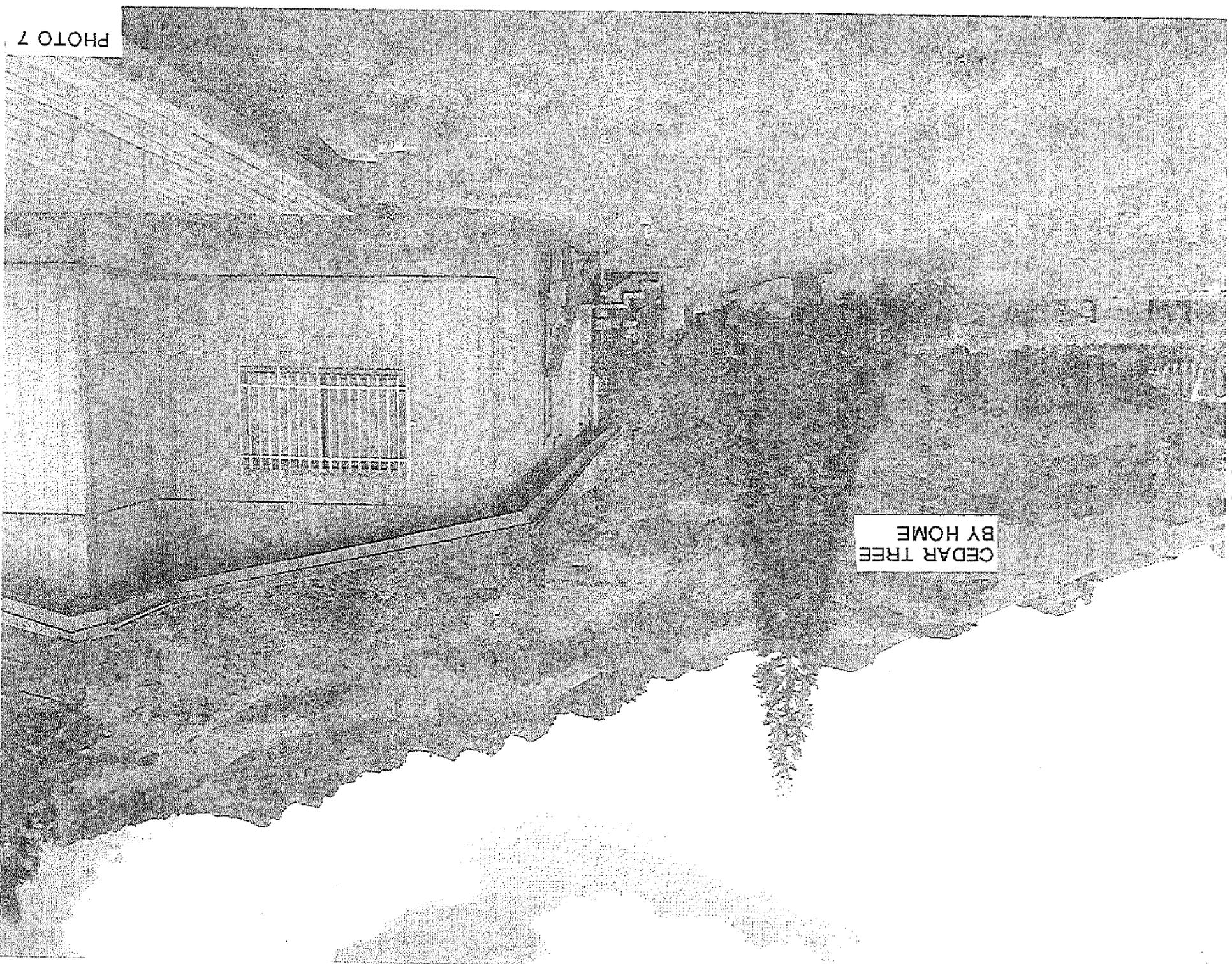


PHOTO 7

CEGAR TREE
BY HOME

1-95

1-96

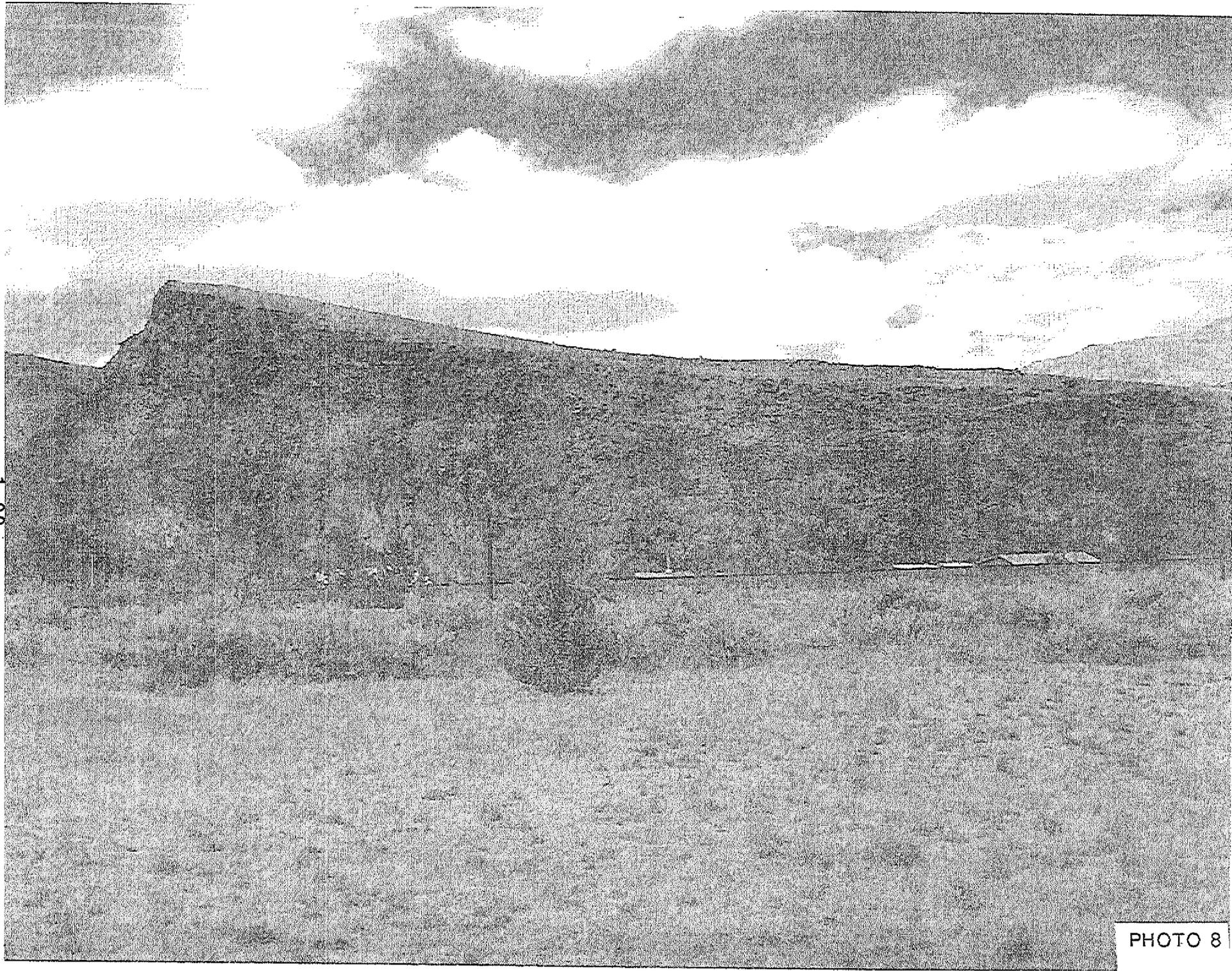
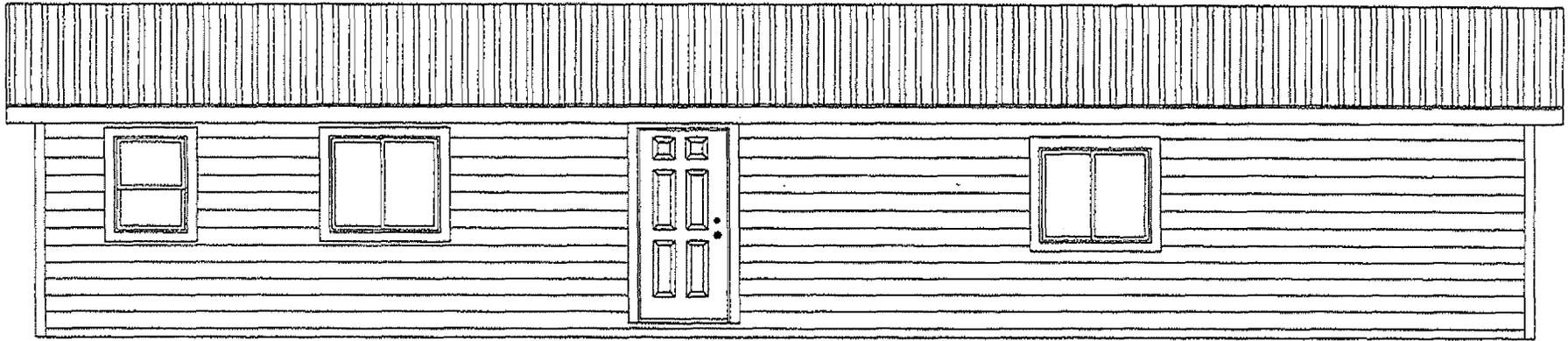
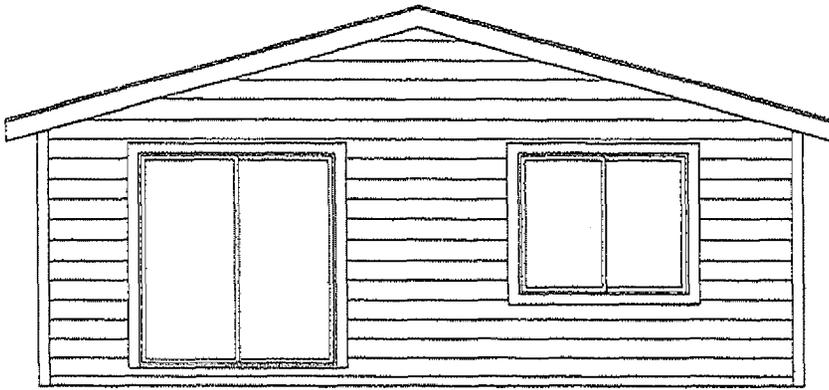


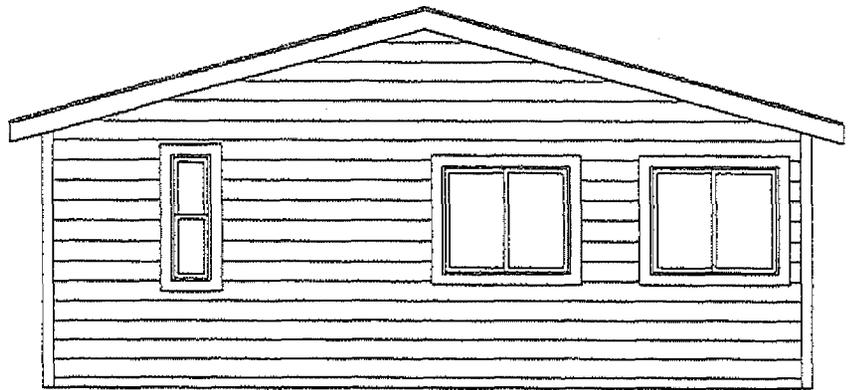
PHOTO 8



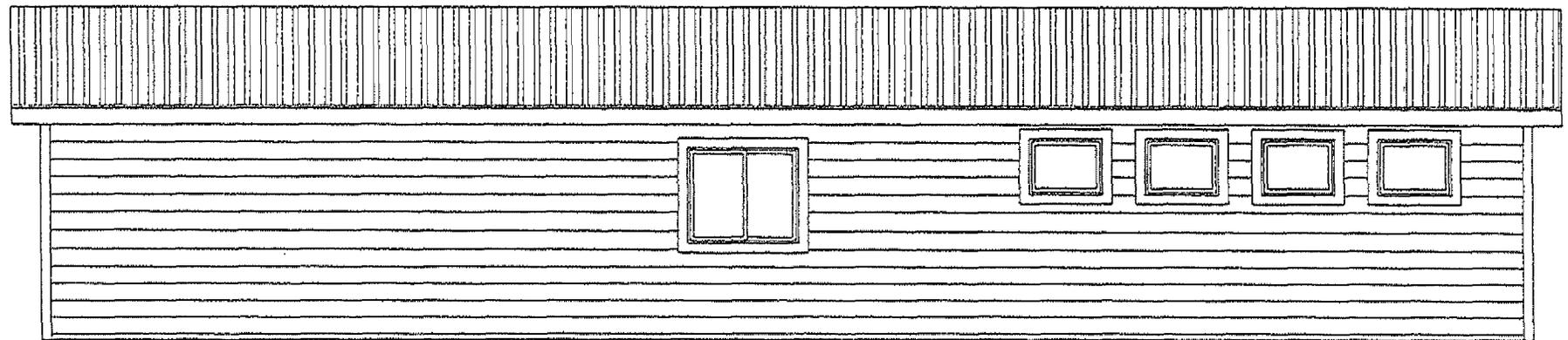
Front View



Left View

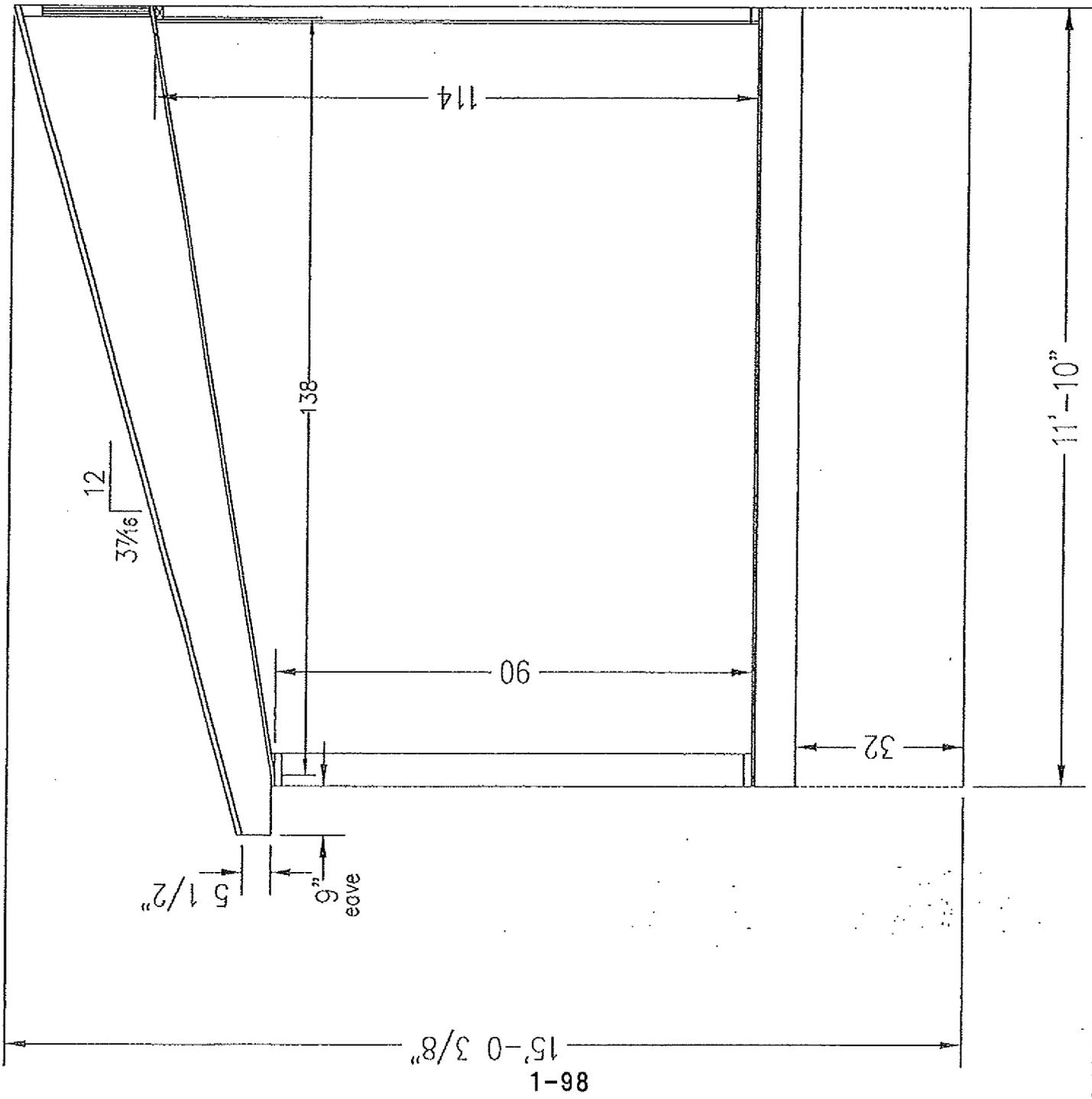


Right View



Rear View

1-97



86-1

15'-0 3/8"

11'-10"

12
37/16

114

138

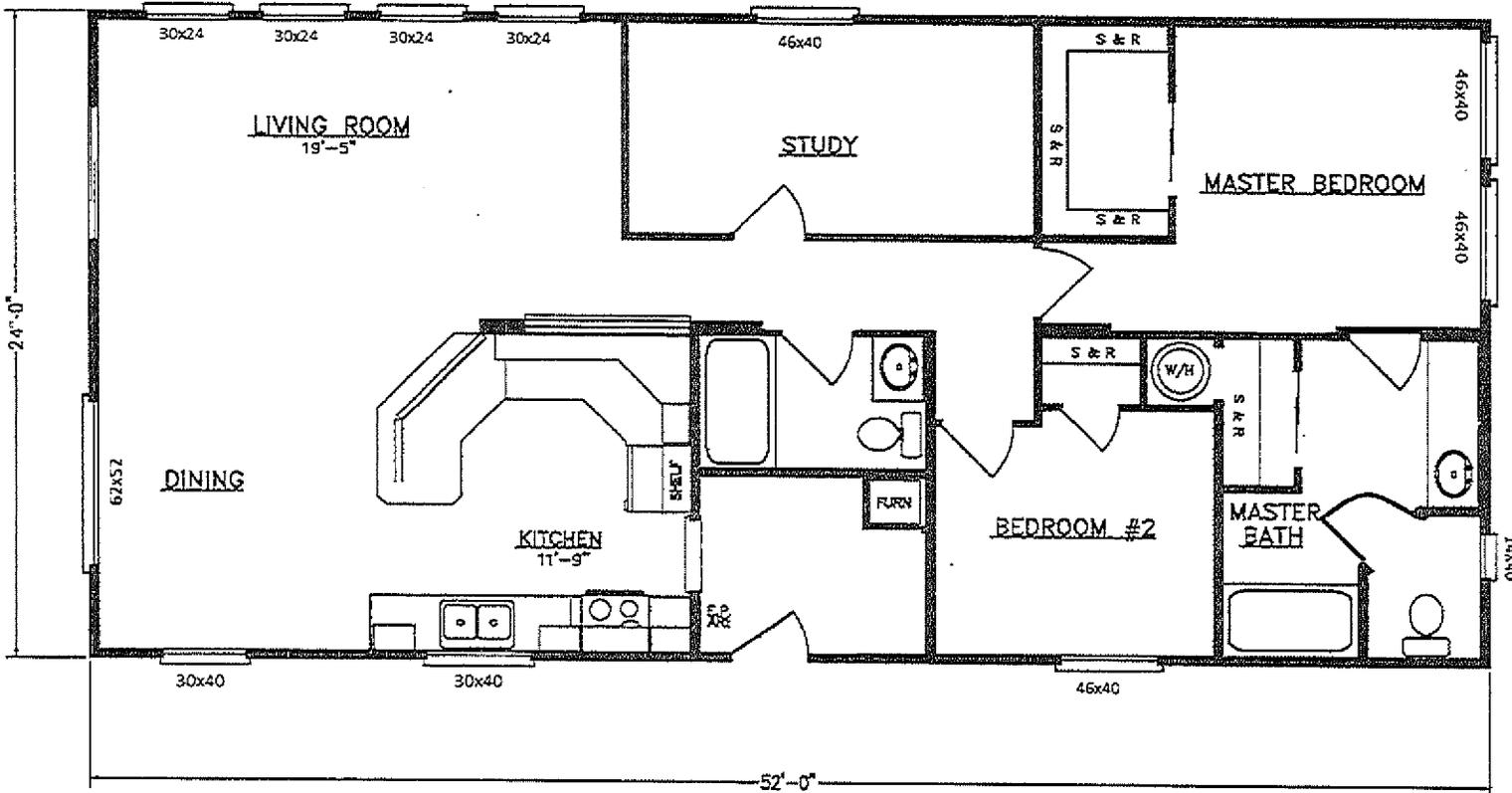
90

32

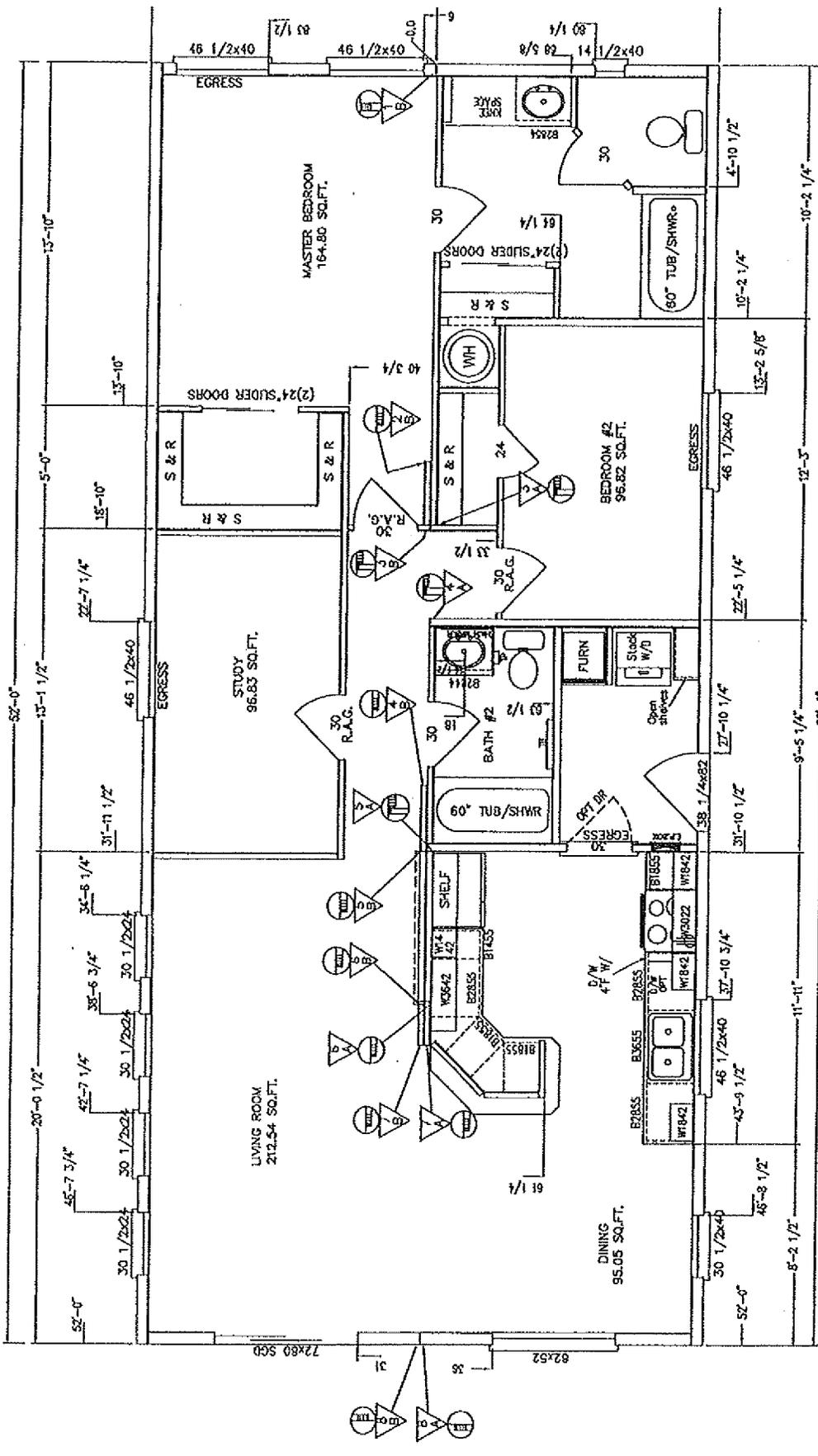
5 1/2"

9"
eave

1-99



Model: 4P252J4



FLOOR PLAN

(VENTILAIRE III)

MAX. DIST. FROM BEDROOM TO EXIT: 33'-5"

△ COLUMNS

VERSION 14
WIND ZONE 1
STUD LENGTH: 113

NO.	APD	31	GA	OPT	BRACKET	STD	MAX	WIND	REDUCTION	INCLUDED	20 PSF	ROOF	30 PSF	ROOF	40 PSF	ROOF			
1	B	0	2	1	4	13'-0"	16	1	2-204	N	1588	1	2-204	N	2211	1	2-204	Y	2764
2	B	0	2	1	4	13'-0"	16	2	3-203	N	1638	2	4-203	N	2211	2	5-203	N	2764
3	A	0	1	1	2	5'-7"	18	3	1-203	N	839	3	1-203	N	1118	3	1-203	N	1388
3	B	0	2	1	4	12'-4"	16	3	1-203	N	1527	3	2-203	N	2028	3	2-203	Y	2535
4	A	0	1	1	2	5'-7"	16	3	1-203	N	834	3	1-203	N	1112	3	1-203	N	1390
4	B	0	2	1	4	12'-4"	16	2	3-203	N	1521	2	4-203	N	2028	2	5-203	N	2535
5	A	0	1	1	2	6'-7"	16	3	1-203	N	887	3	1-203	N	1126	3	1-203	N	1496
5	B	0	1	1	2	6'-7"	16	2	2-203	N	757	2	2-203	N	1009	2	3-203	N	1281
6	A	0	1	1	2	6'-7"	16	2	2-203	N	889	2	2-203	N	1199	2	3-203	N	1498
6	B	0	1	1	2	6'-7"	16	2	3-203	N	1484	2	4-203	N	1979	2	4-203	N	2473
7	A	0	2	1	3	12'-0"	16	2	3-203	N	1484	2	4-203	N	1978	2	4-203	N	2473
7	B	0	2	1	3	12'-0"	16	2	3-203	N	1484	2	4-203	N	1978	2	4-203	N	2473
8	A	0	2	1	3	12'-0"	16	1	1-204	N	1484	1	2-204	N	1978	1	2-204	Y	2473
8	B	0	2	1	3	12'-0"	16	1	1-204	N	1484	1	2-204	N	1978	1	2-204	Y	2473

A/C = 2.5 TON UNIT
CFM DIST = 938
1 SET WALL BACK 1/2"
R.A.S. = PA-80-DS-1



Oregon

John A. Kitzhaber, MD, Governor

Parks and Recreation Department
Region 3 Office
1645 NE Forbes Road, Suite 112
Bend, OR 97701
(541) 388-6211
FAX (541) 388-6391
www.oregonstateparks.org



July 14, 2014

O. Meredith Wilson et al.
202 NW 20th Ave.
Portland, OR 97209

Re: Notification File No.: 2-203-14
Property-Location: T-7S R-14E Section 8 Taxlot 101

The Oregon Parks and Recreation Commission grants its approval to O. Meredith Wilson et al. for the construction of a replacement manufactured home with similar dimensions along the Lower Deschutes River Scenic Waterway. THIS APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. The activity shall be in conformance with the plans submitted.
2. All vegetation on property between the structure footprint and the river shall be retained for screening purposes (ex. Cedar tree).
3. All Wasco County land use permits secured.
2. In no case shall debris, silt or other materials will be allowed to reach the waters of the Lower Deschutes River Scenic Waterway.
3. The Commission shall be notified in writing when activity begins and activity has been completed. Written notices shall be sent to Rivers Program, Oregon Parks and Recreation Department, 1645 NE Forbes Rd, Suite 112, Bend, OR 97701.

Failure to comply with the conditions of approval will constitute a violation and be grounds for legal action. This approval does not affect any obligation you might have to other persons or agencies, local, state or federal.

Sincerely,

Greg Ciannella
Program Coordinator

Greg Cianella
OPRD Scenic Waterways Coordinator
1645 NE Forbes Road, Suite 112
Bend, OR 97701

June 26, 2014

Re: Notification of Intent Application – Deschutes River – North Junction

Dear Greg:

Joey Shearer, Senior Planner with Wasco County is handling our application for a replacement permit for our manufactured home that was destroyed by a water leak this past winter. As part of the application we are submitting this Notification of Intent as part of the process with Wasco County. Attached with the notification are a number exhibits and photographs to answer the questions contained on the form.

The existing home has a dimension of 24' x 52" with the two sections offset by 4'. The replacement home will be 24' x 52' with the sections aligned. We have consulted with an Installer and we will be able to reuse the existing foundation. The Installer verified that 12' x 52' sections can be transported on the existing road. Height of the replacement structure will match existing structure.

The site consists of approximately 14.01 acres. The home site is near the north boundary of the site. Approximate dimension of the site are as follows:

North boundary – 748'
East boundary – 708'
South boundary – 787'
West boundary – 839'

Approximate elevations at the corners of the site are as follows:

NE corner of site – 1,099' elevation
SE corner of site – 1,273' elevation
SW corner of site – 1,408' elevation
NW corner of site – 1,137' elevation

The elevations were taken from Google Earth. The site slopes up from north to south and from east to west. The vegetation consists primarily of grasses and sage brush. The area surrounding the home as shown on the aerial photograph is mowed to create a fire buffer.

Roads and driveways to the site exist and will not be modified to accommodate removal of the existing home and installation of the replacement home.

Existing Structures and Improvements are shown on the aerial photograph with the same title.

The existing well supplying water to the home is in place and will be connected to the new structure.

The existing septic tank is located to the northeast of the home. The new home will be connected to the existing system.

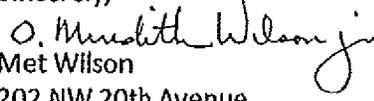
Utility poles are located along the access road on the south side of the railroad tracks.

The proposed structure will replace the existing home in the same location.

The distance of the home from the river is shown on the exhibit labeled Distance from Home to River. The closest point to the river is 571' the furthest point is 715'. The elevation of the river is between 1,090' and 1,084', over twenty feet lower than the elevation of the home site. The home is not visible from the river.

Please call me with any questions regarding the notification. My contact information is below. Thank you for your assistance.

Sincerely,


Met Wilson
202 NW 20th Avenue
Portland, OR 97209
503-972-5090

www.wilsonadr.com
met@wilsonadr.com

**OREGON PARKS AND RECREATION DEPARTMENT
NOTIFICATION OF INTENT TO MAKE IMPROVEMENTS,
CHANGE LAND USE, OR ENGAGE IN REGULATED ACTIVITIES
WITHIN THE OREGON SCENIC WATERWAY SYSTEM**

To process your application promptly, the Oregon Parks and Recreation Department must have completed, detailed information fully describing your plan to make improvements, change land use, or engage in regulated activities within a scenic waterway. Please supply all the information requested below which is in any way applicable and tell us of anything else which may affect the situation.

1. Name O. Meredith Wilson et al. Telephone (503) 972-5090

2. Address 202 NW 20th Avenue, Portland, OR 97209

3. Name and address of legal landowner if different from above:

a. Name Same as above. Telephone _____

b. Address _____

4. Location of improvement, land use change or activity:

County Wasco Township 7S Range 14E Section 8 Tax Lot 101

5. Scenic Waterway Deschutes River

6. Type of Improvement, change of land use or activity proposed and its purpose:

Replacement of existing double wide manufactured home with a new manufactured home of similar dimensions utilizing the existing foundation. Existing Home is 24'x 52' with the two sections offset by 4'. The new home will be 24'x 52' with the sections aligned. Existing partially covered deck on east side of home will be reused. There will be no change of land use or activity.

7. Logging Proposal - Please complete Timber Harvest or Salvage Activities supplement sheet.

8. When do you want to begin? Upon completion of the new manufactured home after Wasco County approval is obtained.
How long will it take? Approximately 30 days after completion after approval.

9. Attach an 8½" x 11" map showing the following: (The map may be hand-drawn, need not be professional, but accuracy of detail, distance, scale, etc. is important. Appropriate photographs may be helpful.)

- | | |
|---|---|
| <input type="checkbox"/> a. North | <input type="checkbox"/> g. Well or other water supply (existing and/or proposed) |
| <input type="checkbox"/> b. Shape, size and dimensions of the property. | <input type="checkbox"/> h. Sewage disposal system (existing and/or proposed) |
| <input type="checkbox"/> c. Location of the river and direction of its flow | <input type="checkbox"/> i. Utility poles and lines (power and telephone, existing or proposed) |
| <input type="checkbox"/> d. Principal features of terrain and vegetation | <input type="checkbox"/> j. Location of proposed structures, improvements or activities |
| <input type="checkbox"/> e. Roads, driveways, etc. (existing and/or proposed) | <input type="checkbox"/> k. Nearest distance from proposal to river |
| <input type="checkbox"/> f. Existing structures and improvements | |

10. Complete the following where applicable:

A. Proposed building or structure:

1. Exterior dimensions: Length 52' Width 24' Height from natural grade 14'

2. Siding: Material and Color 8" lap siding, Hardy or similar manufacturer. Earth tone to be selected.

3. Roof: Material and Color Standing seam metal roof. Earth tone color to be selected.

4. Architectural style: Architectural style will be similar to the existing structure. (photos attached)

5. How much clearing of vegetation will be necessary?

No vegetation will need to be removed.

6. Does the site need leveling or grading? No

7. If so, how much? N/A

8. How will excess material be disposed of?

N/A

9. Attach drawings, photographs or working plans of the proposed structure which will clearly show its exterior appearance on all sides. Documentation should not be larger than 8½" x 11" in size.

B. Road construction: There will be no road construction. The existing roads are sufficient.

1. Width N/A Length (in feet) N/A

2. Equipment to be used N/A

3. Percent of slope N/A

4. Type of surface N/A

5. How will the road be drained?

N/A

6. How will excess material be disposed of?

N/A

11. If the proposed improvements, change of land use or activity are not fully and clearly described in by the foregoing, attach a detailed description. There will be no change in the land use od activities.

12. Signature of applicant O. Meredith Wilson jr Date 6-26-14

13. Signature of legal landowner O. Meredith Wilson jr Date 6-26-14

NOTICE: Legal landowner is responsible for any violatlons under the Scenic Waterway Act (ORS 390.805 to 390.925). You should not begin any regulated activity until written approval is obtained. If you have any questions, please contact Oregon Parks and Recreation Department, 1115 Commercial St. NE, Sulte 1, Salem, OR 97301-1002; telephone 503-378-6305.

PROPOSALS RELATING TO OREGON SCENIC WATERWAYS SHOULD BE SUBMITTED DIRECTLY TO THE APPROPRIATE SCENIC WATERWAY COORDINATOR AS LISTED ON THE FOLLOWING PAGE.

For the Nestucca River and Walker Creek:

Katie Arhangelsky
OPRD Scenic Waterway Coordinator
401 SW 9th Street
Newport, OR 97365

katie.arhangelsky@state.or.us

For North Umpqua, Elk, Rogue and Illinois Rivers:

Sherri Laler
OPRD Scenic Waterway Coordinator
89814 Cape Arago Highway
Coos Bay OR 97420-9647

Sherri.laler@state.or.us

For the Deschutes, Metolius, Klamath, John Day, Grande Ronde, Wallowa, Minam, Owyhee, and Waldo Lake:

Greg Ciannella
OPRD Scenic Waterway Coordinator
1645 NE Forbes Road, Suite 112
Bend, OR 97701

Greg.ciannella@state.or.us

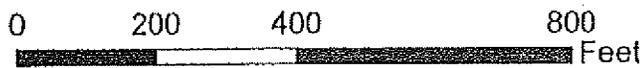
For the Willamette (North and Middle Forks), Sandy, Clackamas, Little North Santiam and McKenzie:

Andrea Berkley
OPRD Scenic Waterway Coordinator
2501 SW 1st Ave, Suite 100
Portland, OR 97201

Andrea.berkley@state.or.us



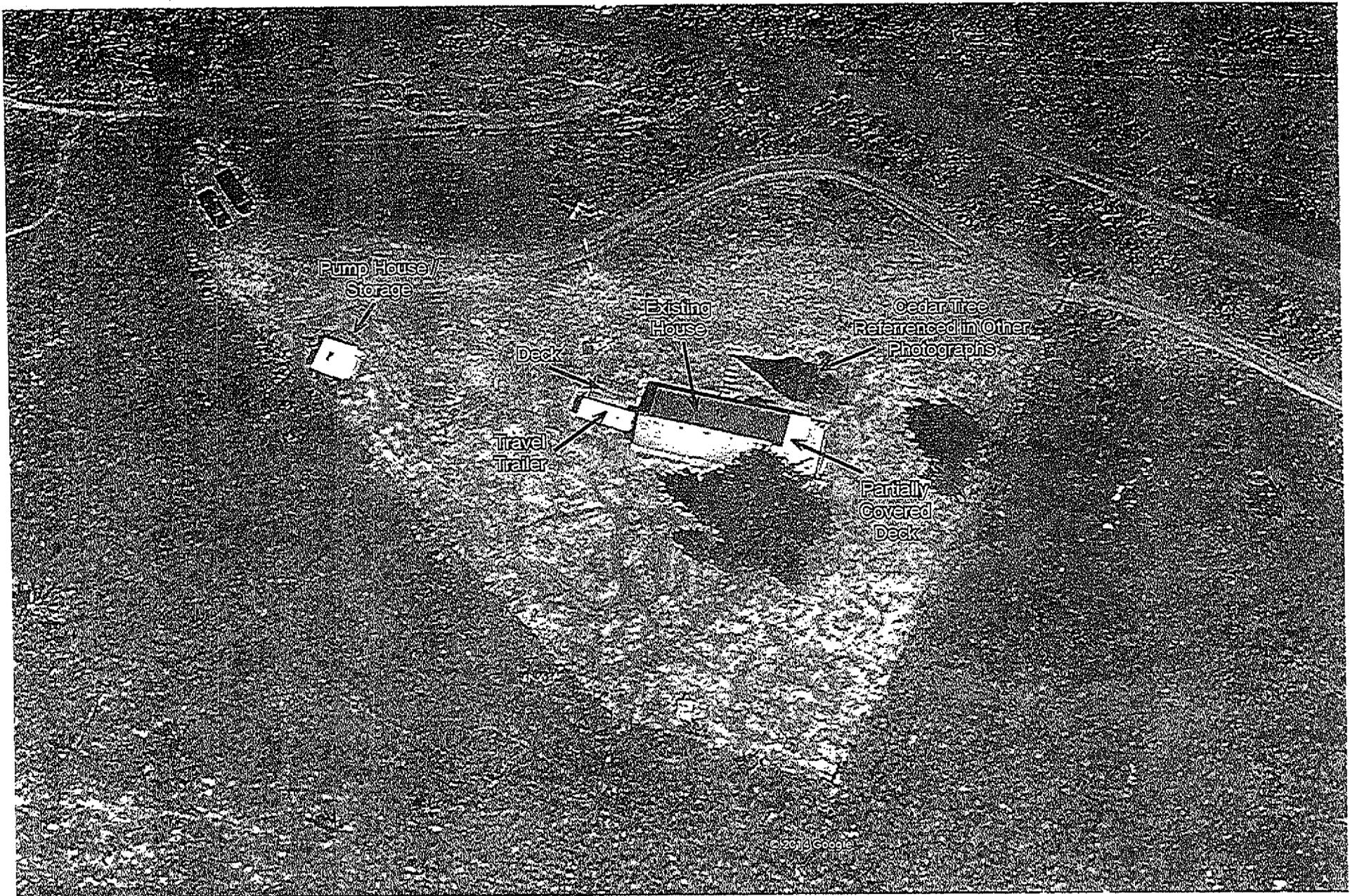
2N 14E 8 D 500
 ACCT# 12781
 14 acres



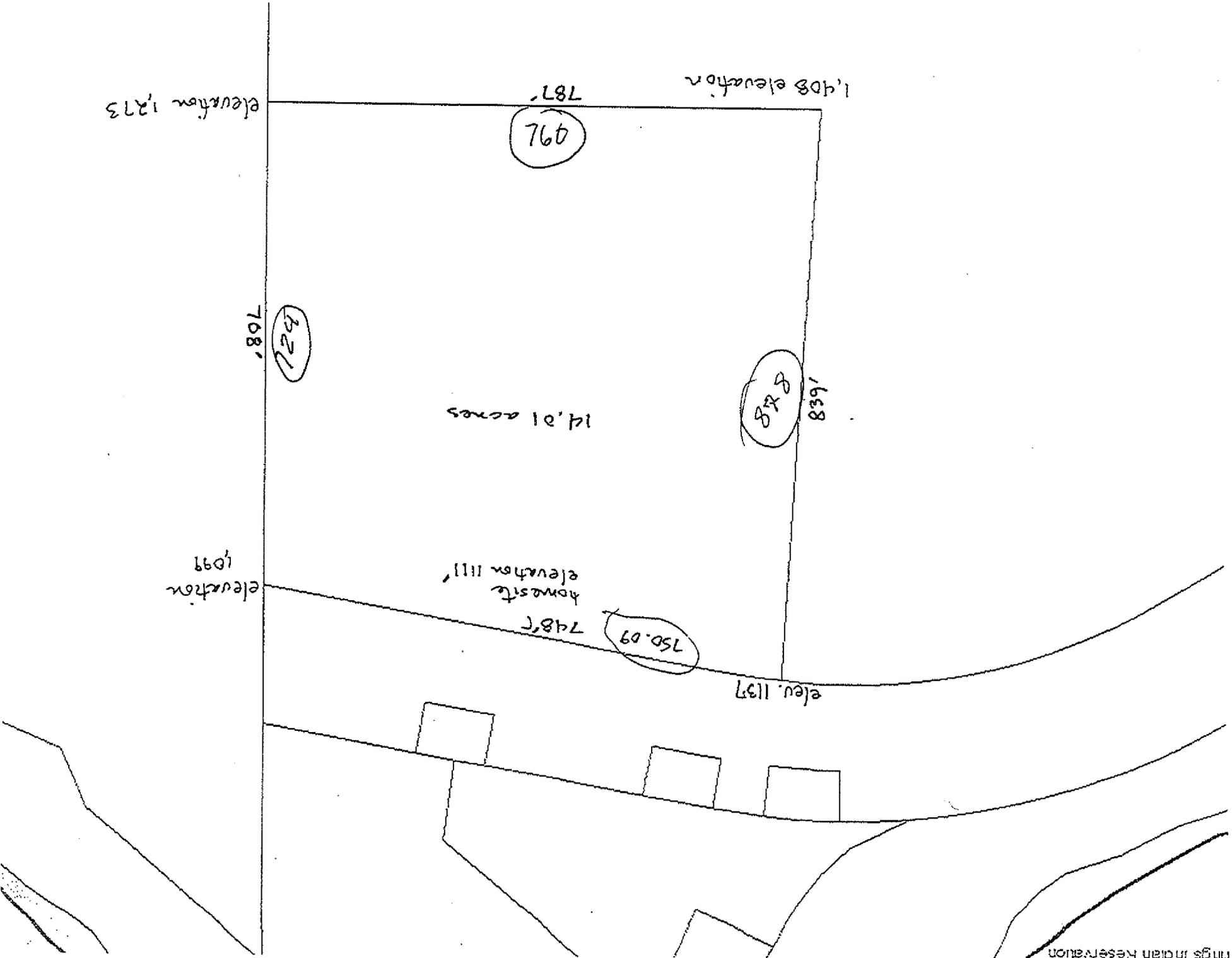
Map showing the property lot lines. Numbers showing the location and direction from which attached photographs were taken.

Map created 4/30/20014
 by Joey Shearer, Senior Planner

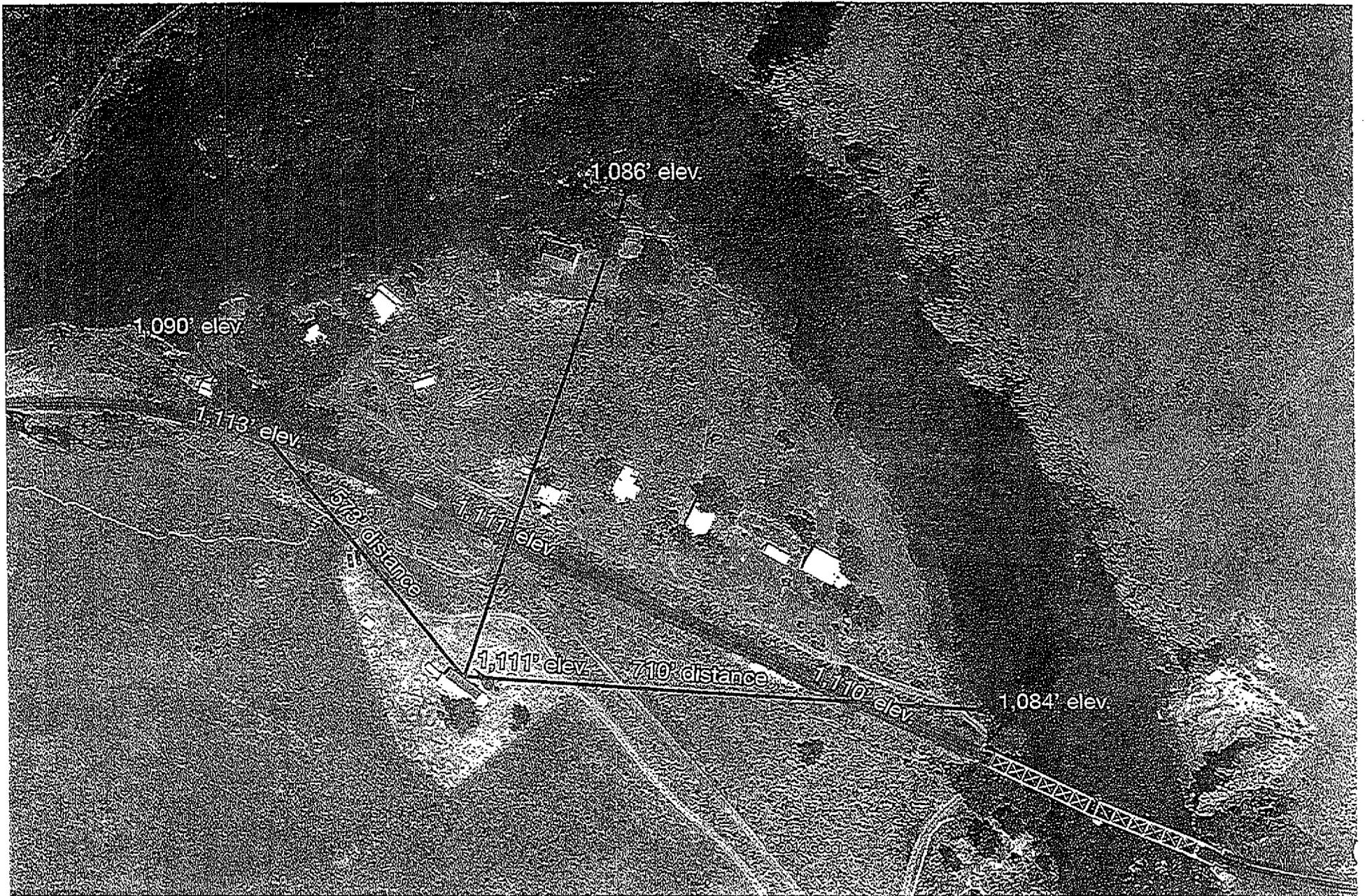
This product is for information purposes only and is not necessarily suitable for legal, engineering, or surveying purposes.



Aerial Photograph of Existing Site Conditions



1-110



Elevation and Distance to River

PHOTO 1



CEGAR TREE
BY HOME

111

1-112

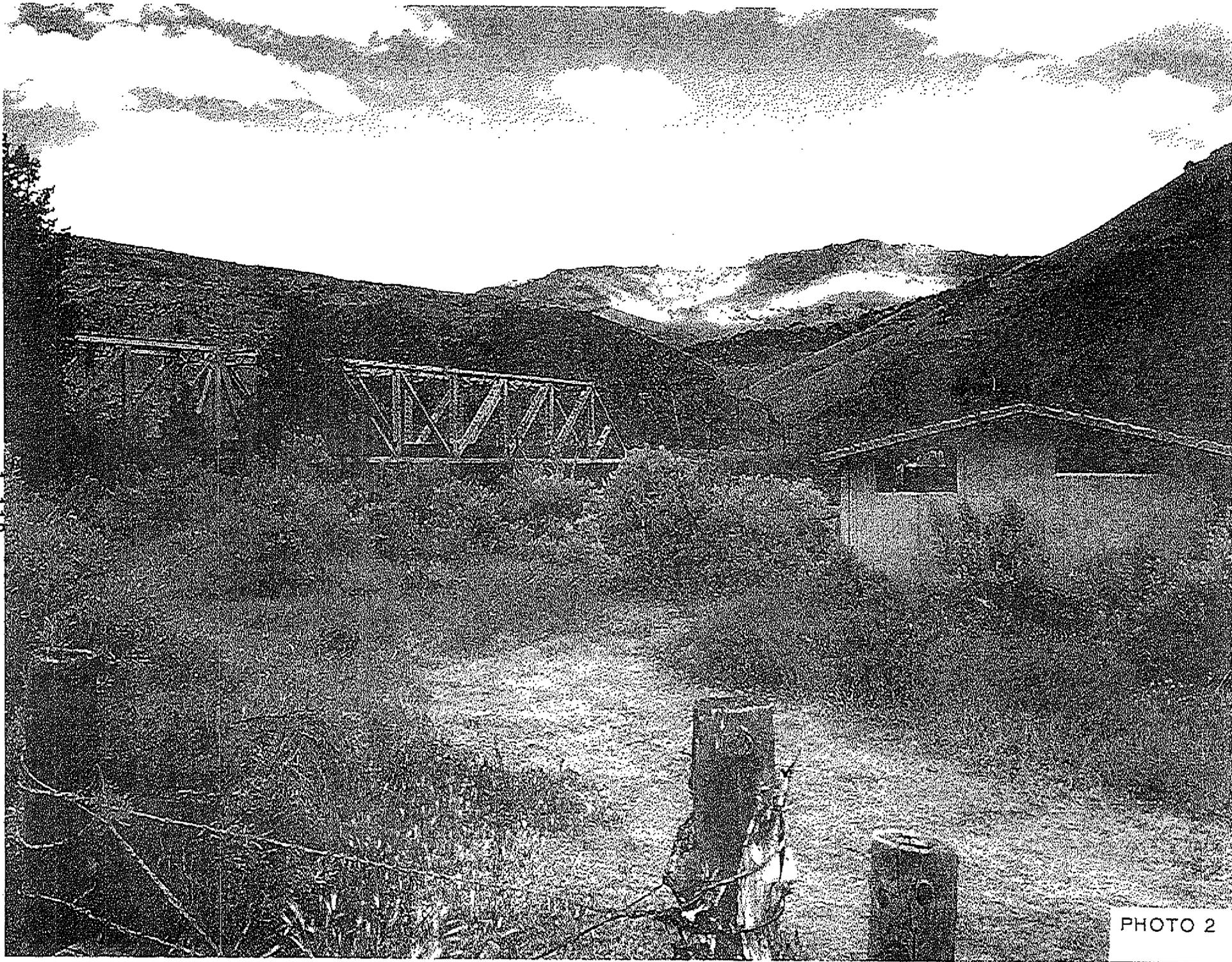


PHOTO 2



PHOTO 3

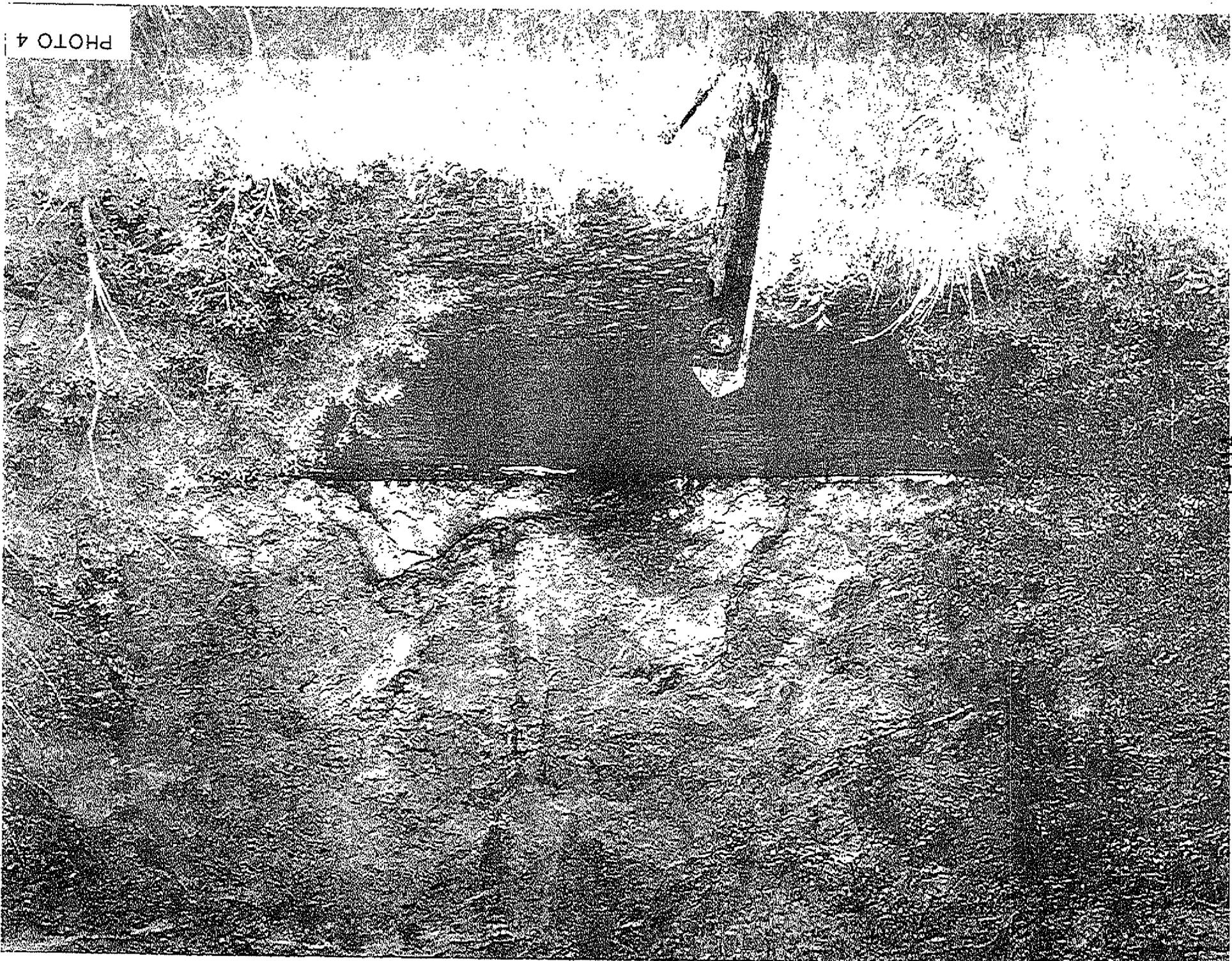
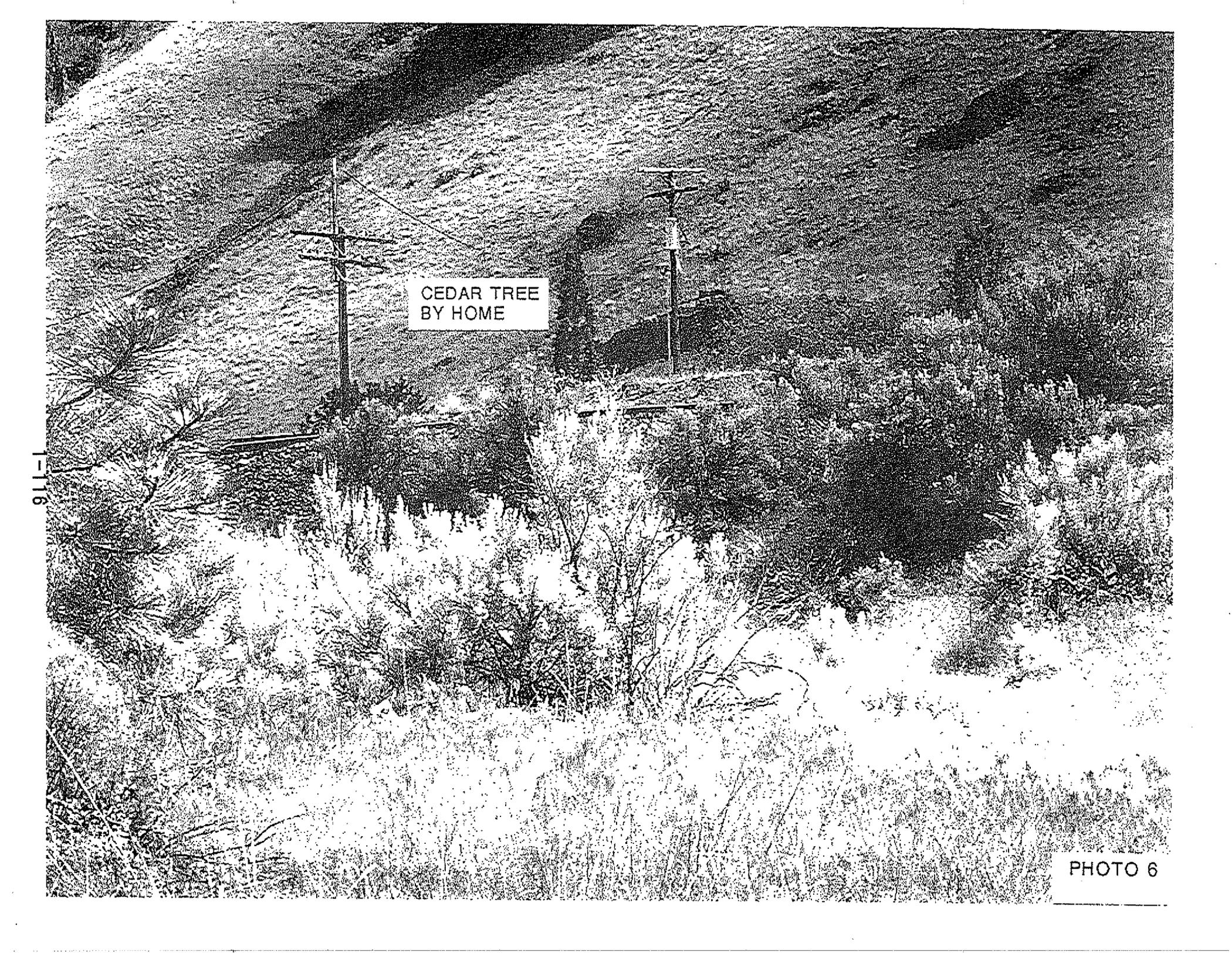


PHOTO 4

PHOTO 5

CEDAR TREE
BY HOME

F-115



CEDAR TREE
BY HOME

1-116

PHOTO 6

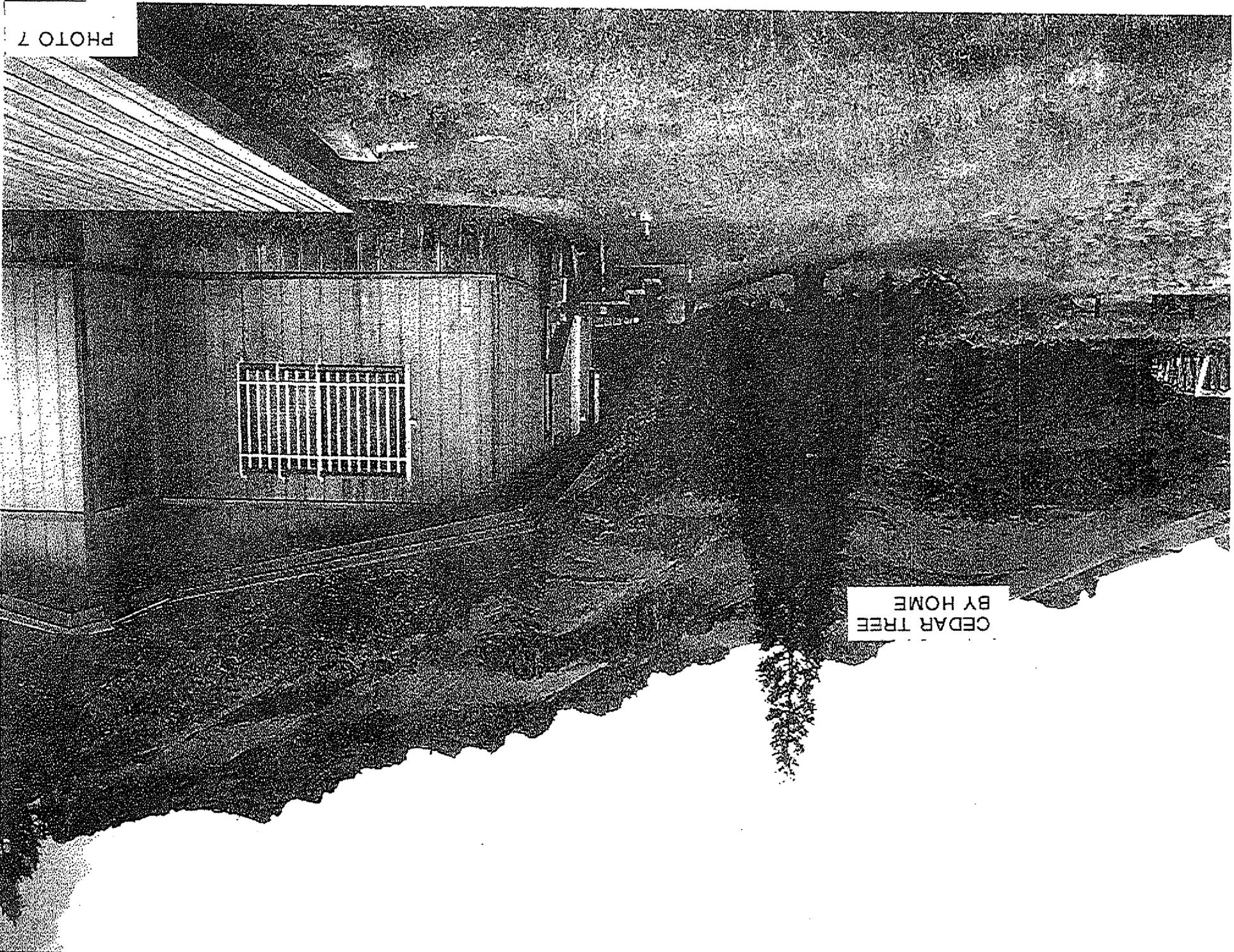
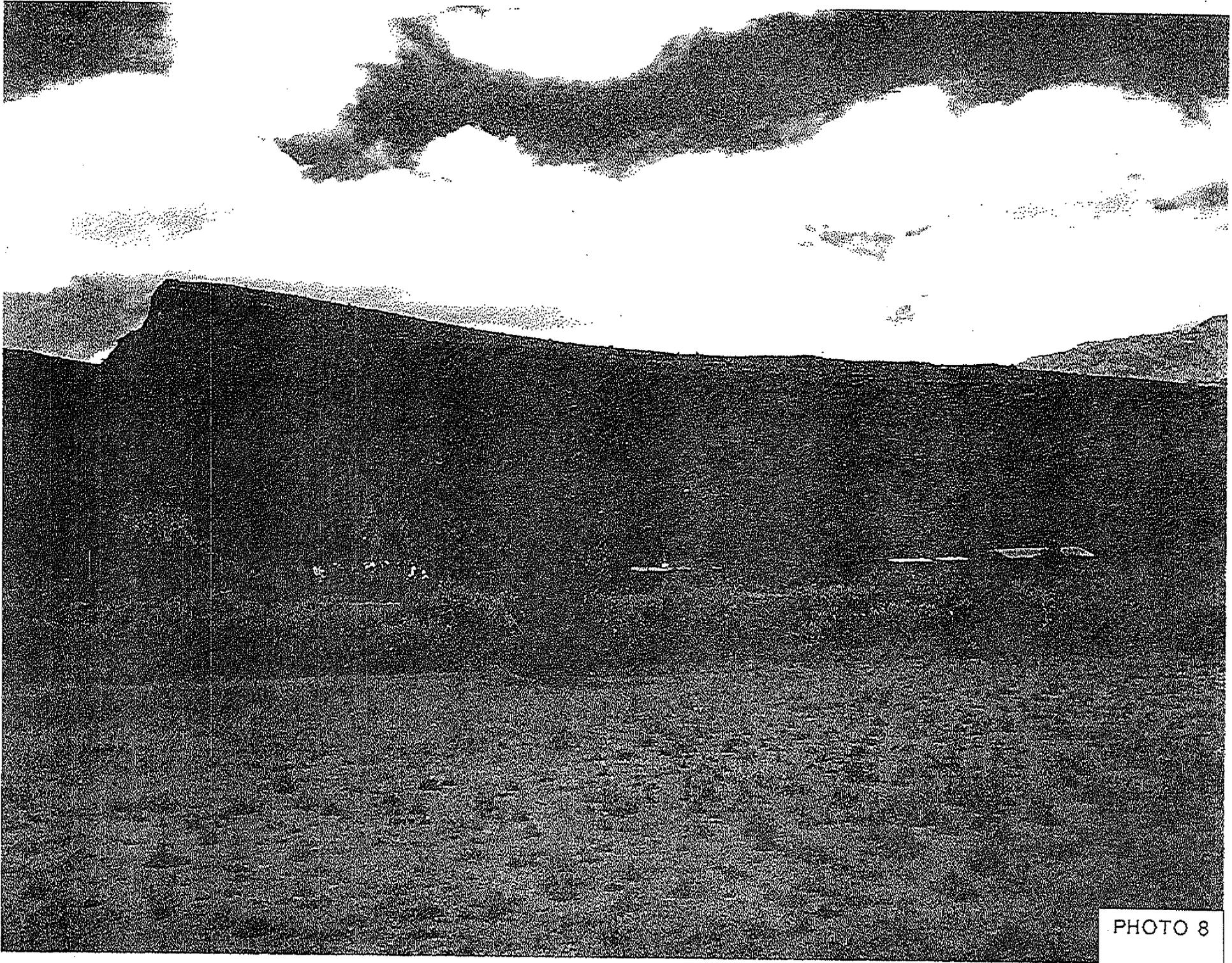


PHOTO 7

CEDAR TREE
BY HOME

1-117



1-118

PHOTO 8

CONTRACT FOR SALE OF REAL PROPERTY

THIS CONTRACT made and entered into as of the 14th day
of June, 1985, by and between JAMES N. HARLOW
("Seller") and O. MEREDITH WILSON, JR. and THEODORA DUSA
WILSON, husband and wife ("Buyer");

W I T N E S S E T H:

1. Sale. In consideration of the mutual promises and
agreements contained herein, Seller agrees to sell to Buyer and
Buyer agrees to purchase from Seller the following-described
property in Section 8, Township 7 South, Range 14 East of the
Willamette Meridian, Wasco County, Oregon:

Commencing at the intersection of the
southerly right-of-way of the Oregon Trunk
Railway and the east line of said Section 8;
thence North 78° 41' West 750.09 feet; thence
South 3° 19' West 878 feet to the intersection
with the line forming the north boundary of
South half Southeast quarter of said Section
8; thence east along said north boundary 790
feet, more or less, to the east line of
Section 8; thence north along said east line
of Section 8, 724 Feet, more or less, to the
southerly right-of-way of the Oregon Trunk
Railway and the point of beginning.

851304

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL
BE SENT TO THE FOLLOWING ADDRESS:

Mr. and Mrs. O. Meredith Wilson, Jr.
430 S.W. 70th Terrace Place
Portland, Oregon 97225

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY
BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER
SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING
DEPARTMENT TO VERIFY APPROVED USES.

851304 (11)

Together with a license to hook up to Seller's existing water line between the Holmes and Harlow Cabins and to run a water line for Buyer along the southern boundary of Tax Lot 100 to the easterly boundary of Tax Lot 100 as illustrated on the drawing attached as Exhibit A. This license shall be irrevocable for three years and revocable at Seller's option thereafter. All costs of installing and maintaining Buyer's water line will be Buyer's responsibility.

2. Purchase Price. The purchase price is Sixty-Five Thousand Dollars (\$65,000) due and payable as follows:

(a) Two Thousand Dollars (\$2,000) paid as earnest money and an additional Twenty-Three Thousand Dollars (\$23,000) paid upon execution of this contract. Receipt of said \$25,000 is acknowledged by Seller.

(b) The balance of Forty Thousand Dollars (\$40,000) with interest at the rate of ten percent (10%) per annum shall be paid as follows: Payments of at least Four Hundred Twenty-Nine and 85/100 Dollars (\$429.85) per month shall be made beginning one month after closing and continuing on the same day each month thereafter. The entire balance of principal and interest shall be paid on or before 15 years from the date of closing. Buyer may prepay all or any part of the principal balance from time to time without penalty.

3. Possession and Risk of Loss. Buyer shall be entitled to possession of the premises on June 15, 1985 or on such other date as the parties may agree, herein called the date of closing and risk of loss or damage to the property is,

851304 (11)

assumed by Seller until then. Buyer's right to possession and the closing date shall not be deemed to have occurred until Buyer has received a key to the Deschutes Club gate for access to the premises. Buyer may retain possession so long as Buyer is not in default under the terms of this contract.

4. Prorations and Escrow. Real property taxes for the fiscal year in which the closing occurs shall be prorated as of the date of closing. Closing shall be in escrow at the offices of Town and Country Estates Realty in Sandy, or otherwise as the parties may agree. If closing is in escrow, the parties will share the cost.

5. No Waste. Buyer will not suffer or permit any waste of the premises.

6. Indemnification. Buyer shall indemnify and defend Seller from any claim, loss or liability arising out of or related to any activity of Buyer on the premises and any failure to comply with applicable laws, ordinances, rules and regulations governing the use and occupation of the premises and any condition of the property.

7. Liens and Taxes. Buyer will keep the premises free from mechanic's and other liens and save Seller harmless therefrom and reimburse Seller for costs and attorney's fees incurred by Seller in defending against any such liens. However, Buyer may defend in good faith the assertion of any lien or levy against the property if Buyer supplies to Seller satisfactory assurance that the lien or levy will be promptly paid if the contest is unsuccessful. Buyer will pay all taxes

3-
(u) 851304 (u)

and other charges hereafter levied against the property before they become past due. At Seller's request, Buyer shall forthwith provide proof of payment satisfactory to Seller of any sums required to be paid to third parties (taxes and liens) by Buyer.

8. Title. Seller will furnish Buyer a title insurance policy insuring Buyer in an amount equal to the purchase price that the fee simple marketable title to the premises is in Seller on or after the date of this contract. The policy shall be subject only to the usual printed exceptions of the policy and any additional exceptions specifically approved by Buyer and listed on Exhibit B attached.

9. Conveyance. Seller will deposit with his attorney, Brian Freeman, a statutory form of special warranty deed approved by Buyer conveying the premises in fee simple unto Buyer and assigns, free and clear of encumbrances as of the date hereof except those listed on Exhibit B and free and clear of all encumbrances since that date placed, permitted or arising by, through or under Seller excepting liens and encumbrances created or permitted by Buyer or Buyer's assigns. Seller hereby irrevocably instructs Brian Freeman or his successors to deliver the deed to Buyer when the purchase price is paid. If the deed is not so delivered, seller will execute a deed in the same form and deliver it to Buyer and assigns.

10. Default. If Buyer shall fail to make any payment within ten (10) days of the time limited therefor or if Buyer

(11) 851301 (11)

shall fail to keep any other agreement and shall not cure such default within a period of thirty (30) days, or such other time as may be agreed upon between the parties, following written notice to Buyer of such claim to default, Seller shall have the following rights:

- (a) To foreclose this contract by strict foreclosure in equity;
- (b) To declare the full unpaid balance of the purchase price immediately due and payable;
- (c) To specifically enforce the terms of this agreement;
- (d) To exercise any and all other remedies provided by law.

11. Attorney's Fees. If an action is instituted in connection with any controversy arising out of this contract, the prevailing party shall be entitled to recover all reasonable costs incurred, including such sum as the court may adjudge reasonable as attorney's fees and related litigation costs, and if appeal is taken from any judgment or decree of the trial court, such sum as any appellate court may judge reasonable as attorney's fees on appeal.

12. Notice. Notices required or permitted to be given hereunder may be mailed or delivered to Buyer at 430 S.W. 70th Terrace Place, Portland, Oregon, 97225, and to Seller at P. O. Box 189, Maupin, Oregon, 97037, or at such other address as Buyer or Seller may hereafter direct in writing.

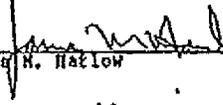
13. Access. The parties are aware that access to the

premises is controlled by the Baschutes Club. A condition of this contract is that the Baschutes Club will make access available on the terms and conditions indicated in Exhibit C to Buyer and to Buyer's successors and assigns.

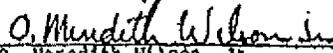
14. Assignment. So long as any balance remains due under this contract, Buyer will not assign any interest therein without the written consent of Seller. Seller will not unreasonably withhold such consent and Seller hereby irrevocably consents in advance to the assignment by Buyer of up to seven (7) interests in the premises. No assignment shall relieve Buyer of Buyer's obligations hereunder. The terms and conditions of this contract shall inure to the benefit of and shall be binding upon Buyer and Seller and their respective successors in interest, heirs and assigns.

15. Entire Agreement. This contract contains the final and entire agreement between the parties and they shall not be bound by any terms, conditions, statements or representations, oral or written, not herein contained.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed in duplicate as of the day and year first above written.


James H. Hatlow

SELLER


O. Meredith Wilson, Jr.


Theodora Dusa Wilson

BUYER

(11)

LS-
853304 (11)

STATE OF OREGON }
County of Multnomah }

BE IT REMEMBERED that on this 14th day of June 1985, before me, the undersigned, a Notary Public in and for said county and state, personally appeared the within named JAMES M. HARLOW, who is known to me to be the identical person described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.



IN TESTIMONY WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

James M. Harlow
Notary Public for Oregon
My commission expires: 6-15-86

STATE OF OREGON }
County of Multnomah }

BE IT REMEMBERED that on this 13th day of June 1985, before me, the undersigned, a Notary Public in and for said county and state, personally appeared the within named O. HERBERT WILSON, JR. and THEODORA DUSA WILSON, who are known to me to be the identical persons described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.



IN TESTIMONY WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Betty A. Rogers
Notary Public for Oregon
My commission expires: 5/16/89

[Signature]

O. Herbert Wilson, Jr.
[Signature]

Theodora Dusa Wilson

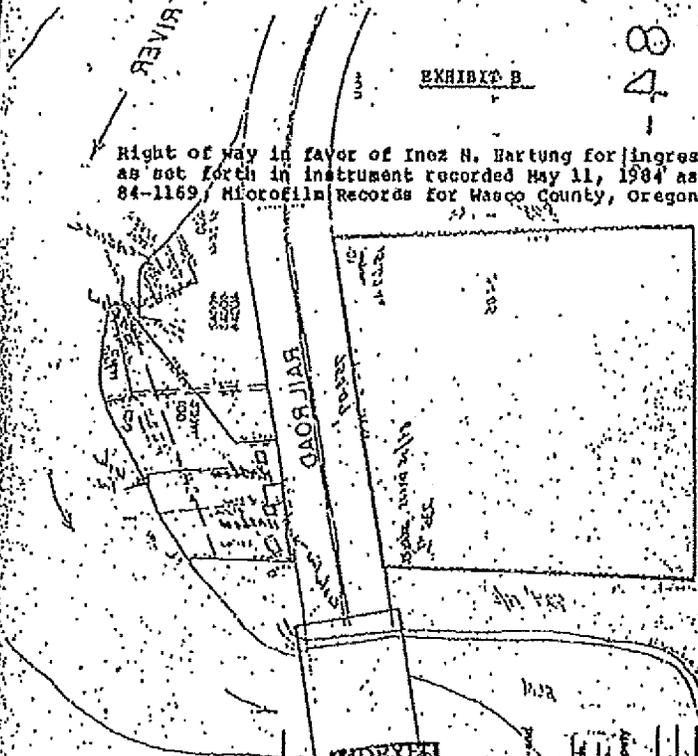
(11) 85104 (11)

RIVER

EXHIBIT B

48

Right of way in favor of Inez N. Hartung for ingress and egress as set forth in instrument recorded May 11, 1904 as MP No. 84-1169, Microfilm Records for Wasco County, Oregon.



INDEXED

Abstract No. 851304
FILED WASCO COUNTY
THE DALLES-OR
JUN 19 9 31 AM '05
SUE A. PROFFIT
COUNTY CLERK

COMPARE

STATE OF OREGON
County of Wasco

I certify that this document was recorded and indexed in the

INDEXED

Sue A. Proffit, County Clerk
by *[Signature]* Deputy
Return to *[Signature]*

EXHIBIT A

(11) 851304 (11)

THE DESCHUTES CLUB

916 S.W. Fourth Avenue
Portland, Oregon 97204

AGREEMENT

This agreement entered into this 1st day of August 1969 by and between The Deschutes Club, an Oregon corporation, hereinafter known as the party of the first part, and parties of the second part, the terms of which are set forth in this agreement entered into this 1st day of August 1969.

by and between The Deschutes Club, an Oregon corporation, hereinafter known as the party of the first part, and parties of the second part, the terms of which are set forth in this agreement entered into this 1st day of August 1969.

parties of the second part

WHEREAS parties of the second part desire to use such rights of way on the Deschutes River as are now owned by the party of the first part; and

WHEREAS party of the first part has agreed with parties of the second part for the use of such rights of way at such times and under such conditions as are hereinafter set forth, subject, however, at all times to immediate revocation, without notice and without determination of cause; now therefore:

It is expressly understood and agreed between the parties hereto that the parties of the second part assume and agree to pay upon billing their pro rata share of such expenses as may be deemed proper and just, road maintenance, watchmen's expenses, etc.

It is further understood and agreed that parties of the second part will register upon entering the property of the party of the first part and will pay to the watchman stationed thereon, or otherwise as they may be directed by the party of the first part, the regular guest fees as established by the party of the first part, which shall be in addition to the pro rata share of expenses above provided.

It is further agreed between the parties hereto that parties of the second part will not permit keys for entry to the property of the party of the first part to be duplicated nor will such parties of the second part give into the keeping of any other person or persons the key or keys entrusted to them.

A cash deposit will be required for each key entrusted to the parties of the second part, which will be refunded upon the return of the key to the parties of the first part.

It is further understood and agreed between the parties hereto that parties of the second part will refrain from using the road and grounds of the party of the first part for any purpose excepting that of egress and ingress and will themselves do no fishing or hunting nor permit their guests to do so on any of the water or land on the east side of the Deschutes within the confines of the property owned or controlled by the party of the first part.

EXHIBIT C

851304 (ii)

QUITCLAIM DEED-STATUTORY FORM
INDIVIDUAL GRANTOR

JAMES H. HARTON
Grantor, releases and
quitclaims to OTIS ANDERSON and GEORGINE KAY CALKINS, Grantees,
all right, title and interest in and to the following described real property situated in Wasco
County, Oregon, to-wit:

Beginning at the intersection of the northerly right of way line of the Oregon Trunk Railway and the east line of said Section 8; thence North along said east line of Section 8, 287 feet, more or less to the high water mark of the Deschutes River; thence northwesterly and downstream along said high water mark 141 feet to a point; thence South 7° 00' West 373 feet, more or less, to the northerly right of way line of the Oregon Trunk Railway; thence South 78° 41' East 141 feet, more or less along said railroad right of way to the east line of Section 8 and the point of beginning.

SUBJECT TO a right of way in favor of Inez Hartung for ingress and egress over the above mentioned property.
ALSO the following described property in Section 8, Township 7, South, Range 14 East of the Willamette Meridian, Wasco County, Oregon:

Commencing at the intersection of the southerly right of way of the Oregon Trunk Railway and the east line of said Section 8; thence North 78° 41' West 750.09 feet; thence South 3° 19' West 878 feet to the intersection with the line forming the north boundary of South half Southeast quarter of said Section 8; thence east along said north boundary 790 feet, more or less to the east line of Section 8; thence north along said east line of Section 8, 724 feet, more or less, to the southerly right of way of the Oregon Trunk Railway and the point of beginning.

SUBJECT TO a right of way over the above described property for ingress and egress.

841168

STATE OF OREGON, County of Wasco,) ss. May 7, 1984

Personally appeared the above named James H. Harton
and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me, Notary Public for Oregon—My commission expires 5-24-87.



Abstract recording return for
Western Title Company
3650 SW Beaverton Hillsdale Hwy
Beaverton, OR 97005
NAME, ADDRESS, ZIP
Until a change is registered, all tax statements
shall be sent to the following address
James H. Harton
P.O. Box 188
Bainbridge, OR 97007
NAME, ADDRESS, ZIP

Microfilm No. 841168
PLACES TO WHICH COPIES TO BE MADE
MAY 11 4 34 PM '84
COUNTY OF WASCO
STATE OF OREGON
I certify that this document was received and recorded in the
County of Wasco, Oregon
Notary Public
JACIE FIX

841168

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true consideration for this conveyance is \$ (Here comply with the requirements of ORS 93.030) * * * THIS DEED IS BEING RECORDED TO REFUTE PERMITS CONTRACT OR SALE. Recorded October 24, 1983, Wasco County, Oregon. Instrument No. B3-2402.

Dated this 7 day of May, 1984

James H. Harlow
James H. Harlow

STATE OF OREGON, County of Wasco, ss. May 7, 1984

Personally appeared the above named James H. Harlow and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me, Notary Public for Oregon—My commission expires 5-26-87



After entering office for
-Western Title Company
9650 SW Beaverton Hillside Hwy
Beaverton, OR 97005
Until a change is requested, all tax statements shall be sent to my following address:
James H. Harlow
P.O. Box 188
Havlin, OR 97037

841168
MAY 11 9 34 AM '84
STATE OF OREGON
County of Wasco
I certify that this document was received and recorded in the
by
Deputy

841168

841168

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

ASSIGNMENT OF CONTRACT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, the wife of the Assignee, for the consideration hereinafter stated, has sold and assigned and hereby does grant, bargain, sell, assign and set over unto JAMES M. HARLOW, his heirs, successors and assigns, all of the vendee's right, title and interest into that certain contract for the sale of real estate dated October 13, 1983, between OTIS ANDERSON and GEORGINE KAY CALDWALLADER, formerly GEORGINE KAY BOWMAN, as Sellers and JAMES M. HARLOW and MARY K. HARLOW, husband and wife, as Buyers, which contract was recorded in the Deed Records of Wasco County, Oregon, in Microfilm No. 83-2402, reference to said contract hereby being expressly made, together with all of the right, title and interest of the undersigned in and to the real estate described therein; the undersigned hereby expressly covenants with and warrants to the assignee above named that the undersigned is the co-owner of the vendee's interest in the real estate described in said contract of sale and upon compliance by said assignee with the terms of said contract, the undersigned directs that conveyance be made and delivered to the order of said assignee.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$ Nil. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

IN WITNESS WHEREOF, the undersigned assignor, hereinto set hand.

DATED: April 10, 1984.

Mary K. Harlow
MARY K. HARLOW

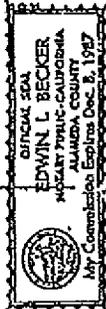
STATE OF CALIFORNIA }
County of ALAMOSA } ss.

April 10, 1984.

Personally appeared the above named, MARY K. HARLOW, and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

Edwin L. Becker
Notary Public for California
My Commission Expires: 10-8-87



After recording, return to:
JAMES M. HARLOW
P.O. Box 188
Maupin, OR 97039

Until a change is requested, all tax statements shall be sent to the following address:
JAMES M. HARLOW, PO Box 188, Maupin, OR 97039

841167(1)

ASSIGNMENT OF CONTRACT

THIS ASSIGNMENT OF CONTRACT... THE CONTRACTOR... THE ASSIGNEE... THE ASSIGNOR... THE COUNTY... THE STATE OF OREGON...

STATE OF OREGON, County of Wasco. I certify that this document was received and recorded in the... 841167 COMPARED... MAY 11 9 33 AM '07... J. H. HARRIS, JR.

APR 11 1907... JAMES M. HARRIS, JR. 50 BOX 188... 841167... HARRIS OR 841167

CONTRACT--REAL ESTATE

THIS CONTRACT, Made this 13th day of October, 1983, between OVIS ANDERSON AND GEORGINE KAY CALDWALLADER, formerly GEORGINE KAY BOWMAN, hereinafter called the seller, and JAMES H. HARLOW AND MARY K. HARLOW, h/w, hereinafter called the buyer,

WITNESSETH: That in consideration of the mutual covenants and agreements herein contained, the seller agrees to sell unto the buyer and the buyer agrees to purchase from the seller all of the following described lands and premises situated in Wasco County, State of Oregon, to-wit: Beginning at the intersection of the northerly right of way line of the Oregon Trunk Railway and the east line of said Section 8; thence North along said east line of Section 8, 287 feet, more or less to the high water mark of the Deschutes River; thence northwesterly and downstream along said high water mark 141 feet to a point; thence South 7 00' West 373 feet, more or less, to the northerly right of way line of the Oregon Trunk Railway; thence South 78 41' East 141 feet, more or less along said railroad right of way to the east line of Section 8 and the point of beginning.

SUBJECT TO a right of way in favor of Inez Hartung for ingress and egress over the above mentioned property.

ALSO the following described property in Section 8, Township 7, South, Range 14 East of the Willamette Meridian, Wasco County, Oregon:

Commencing at the intersection of the southerly right of way of the Oregon SEE OTHER SIDE FOR COMPLETED LEGAL.

for the sum of SIXTY THOUSAND AND NO/100 Dollars (\$ 60,000.00)

(hereinafter called the purchase price) on account of which SIX THOUSAND AND NO/100 Dollars (\$ 6,000.00) is paid on the execution hereof (the receipt of which is hereby acknowledged by the seller), and the remainder to be paid to the order of the seller at the times and in amounts as follows, to-wit: Purchaser will make annual payments of \$1,600.00 plus interest at 11 per cent until August 15, 1993, when total balance will be due and payable. Purchaser reserves the right to pay-off the balance after a Two year period with no penalty. Lessees to have ingress and egress to their property also to include Van Dozer Cabin. Purchaser cannot sell or lease property without the sellers approval. Buyer must observe all rules of the Deschutes Club and other Oregon laws. Purchaser will not destroy or remove or sublease any of the property. Seller will leave in Cabin: 2 (two) refrigerators, 2 (two) beds, 1 (one) bed davenport, 1 (one) wood stove, 1 (one) hot water heater, Electric fireplace, tables, chairs, and miscellaneous items.

832402

The buyer agrees to and covenants with the seller that the title property described in this contract is to be used for agricultural purposes, for the benefit of the seller, and for no other purpose (other than agricultural purposes).

All of said purchase price may be paid at any time all delivered balances of said purchase price shall bear interest at the rate of 11% per annum from above date until paid, interest to be paid N/A.

The buyer shall be entitled to possession of said lands on N/A and may retain such possession as long as he is not in default under the terms of this contract. The buyer agrees that if at any time he will keep the buildings on said premises, now or hereafter erected, in good condition and repair and will not suffer or permit any waste or dilapidation thereon, that he will keep said premises free from mortgages and all other liens and have the seller execute, deliver, and acknowledge within the six months and ninety days following the date of this contract, any such items that he will pay all taxes levied on said premises, as well as all water rents, public charges and recorded liens which have since that time may be imposed upon said premises, as properly being the taxes or any part thereof, and that the seller's interest in said lands and improvements shall be subject to the lien of any such taxes, and that the seller shall be bound to pay the same.

In a partition or compromise settlement of the seller, with less payable first to the seller and then to the buyer as this property interests may appear and all parties of interest to be distributed to the seller as soon as possible. Now if the buyer shall fail to pay any such taxes, rents, water rents, utility or charges or to execute and pay for such documents, the seller may do so and any charges so paid shall be added to and become a part of the debt secured by this contract and shall bear interest at the rate thereafter, without notice, from time of any right arising to the seller for recovery of such debt.

Five days from the date hereof, he will furnish unto buyer a title insurance policy insuring for an amount equal to said purchase price, payable to the seller and to said proceeds in the event of the date of the agreement, and shall also pay the usual recording expenses and the building and other construction and materials cost of record, if any. Seller also agrees that when said purchase price is fully paid and upon receipt and upon receipt of the certificate, he will deliver a good and sufficient deed conveying all interest in the above unto the buyer, his heirs and assigns, free and clear of encumbrances as of the date hereof and free and clear of all encumbrances that said date placed, recorded or arising by, through or under any title, certificate, however, the said agreement and restrictions and the taxes, mortgages, liens, water rents and public charges to be assumed by the buyer and further specified in this contract and encumbrances created by the buyer or his assigns.

(Continued on reverse)

UNDISBURSED MONEY: Debit, by date and address please and whenever necessary (A) or (B) is not applicable. If probably (B) is applicable and if the seller is a trustee, an acknowledgment in duplicate of and registered in the title shall comply with the title and registration by making required disclosures for the purpose, via thereon from the title or similar unless the contract will become a lost bill to transfer the purchase of a dwelling in which event the Uniform Real Property Law, 1939 or similar.

SELLER'S NAME AND ADDRESS
BUYER'S NAME AND ADDRESS
James + Mary Harlow
P.O. Box 188
Maupuv, Oregon
same as above

832402 (2) NAME, ADDRESS, ZIP

INDEXED, FILED, COMPARED
FILED WASHINGTON COUNTY
BY DAILES JR
OCT 24 9 11 AM '83
SUE A. PROFFER
COUNTY CLERK
STATE OF OREGON
County of Wasco
I certify that this document was received and recorded for the DEEDS
Sue A. Proffler County Clerk
By: KB
Return to:

RECEIVED and ENTERED *May 31, 1960* being the
6th Judicial Day of said term of said Court.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF WASCO

FILED

MAY 31 1960

1 INEZ N. HARTUNG,

2 Plaintiff,

3 vs.

4 OTIS ANDERSON AND GEORGINE ANDERSON,
5 husband and wife, H. J. DELANEY, M.
6 J. BUSHENVILLE, H. C. HOLMES, E.
7 ROGERS, W. H. CAPPS, MRS. GEORGE
8 TAYLOR, JOHN DOE GROSSMILLER, ELTON
9 C. MANSKE, and also all tenants,
10 lessors, occupants or other persons;
11 known or unknown, claiming any right,
12 title, estate, lien or interest in
13 the real property described in the complaint
14 herein,

15 Defendants.

J. J. ... County Clerk
J. J. ... Deputy

No. 9371

DECREE

INDEXED

COMPARED

16 A decree having been heretofore entered herein upon the 9th
17 day of May, 1960, and

18 It appearing to the Court that a survey of the following de-
19 scribed properties, to-wit:

20 Lots One (1) and Two (2) and the South one-half (S $\frac{1}{2}$)
21 of the Southeast quarter (SE $\frac{1}{4}$) except right-of-way,
22 Section Eight (8), T. 7, S. R. 14 E. of W.M., in
23 Wasco County, Oregon, containing 88.23 acres, more
24 or less;

25 has been made, and

26 It appearing to the Court that M. J. Bushenville and H. C.
27 Holmes have not settled their purported claim as tenants of a portion
28 of the above described property known as "Cabin No. 2 on the Deschutes
29 River at Davidson, Oregon";

26
27
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29
30
31
32

30 NOW THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
31 the plaintiff, INEZ N. HARTUNG, is the owner in fee simple of the
32 following described real property, to-wit:

33 Parcel A
34 All of the real property bounded by the intersection
35 of the herein described lines, all in Section 8, T. 7
36 South Range 14 East of the Willamette Meridian, to-wit:

1 Beginning at a point S. 00°36' east from the most
2 easterly meander corner on the section line between
3 Sections 8 and 9, T. 7 South Range 14 East of the
4 Willamette Meridian; 65.30' to an iron pipe; thence
5 N. 67°42' W. 589.50'; thence south 46°36' W. 10' to
6 an iron pipe; thence S. 49°25' E. 27.98' to an iron
7 pipe which is the true point of beginning; thence
8 S. 49°25' E. 355.78'; thence S. 7°00' W. 90.74' to
9 an intersection with the northern right-of-way line
10 of the Oregon Trunk Railway; thence westerly along
11 the said right-of-way line to its intersection with
12 the southern line of the Deschutes River; also from
13 the said identical true point of beginning 87°30' W.
14 34.90'; thence N. 2°30' W. 60' more or less to an
15 intersection with the southern line of the Deschutes
16 River; thence in a westerly direction along the southern
17 line of the Deschutes River to the point of intersection
18 with the said northern right-of-way line; all bearings
19 based on true north;

11 ✓ Parcel B

12 All of the real property bounded by the herein described
13 lines, all in Section 8, T. 7 South Range 14 East of
14 the Willamette Meridian, Wasco County, Oregon, to-wit:
15 Beginning at the most easterly meander corner on the
16 section line between Sections 8 and 9, T. 7 South Range
17 14 East of the Willamette Meridian; thence S. 00°36'
18 east 454.5' to a point on the southern right-of-way
19 line of the Oregon Trunk Railway and said section line;
20 thence N. 78°41' W. 750.09' to the true point of beginning;
21 thence S. 3°19' W. 878' to an intersection with the
22 line forming the northern boundary of the South half
23 of the Southeast Quarter of said Section 8; thence
24 S. 89°34' W. approximately 1693' to an intersection
25 with the southern right-of-way line of the Oregon Trunk
26 Railway; thence in an easterly direction along the southern
27 right-of-way line of the Oregon Trunk Railway to the
28 identical point of beginning; all bearings being based
29 on true north;

21 ✓ Parcel C

22 All of the property in the North half of the South half
23 of the Southeast Quarter of Section 8, T. 7 South Range
24 14 East of the Willamette Meridian in Wasco County,
25 Oregon, except for that property included in the right-
26 of-way of the Oregon Trunk Railway;

24 ✓ Parcel D

25 Beginning at the intersection of the most westerly ex-
26 tension of the boundary line between Lot 2 and the
27 South half of the Southeast quarter, and boundary line
28 between Lot 3 and Lot 2, all in Section 8, T. 7 South
29 Range 14 East of the Willamette Meridian in Wasco County,
30 Oregon, which is the true point of beginning; thence
31 northerly along the last said boundary line to an
32 intersection with the southern line of the Deschutes
River; thence easterly along said southern line of the
Deschutes River to a point one-half of the distance
to the intersection of the southern line of the Deschutes
River and the northern right-of-way line of the Oregon
Trunk Railway; thence southerly on a line paralleling
the boundary line between said Lots 2 and 3 to an
intersection with said right-of-way line; thence southerly

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Attorney at Law
Portland, Oregon

1 along said right-of-way line to an intersection of
2 said right-of-way line and said boundary between
3 Lot 2 and the South half of the Southeast quarter
of Section 8; thence westerly along the last said
boundary line to the point of beginning.

4 ALL SUBJECT TO a right-of-way in the defendants, Otis Anderson,
5 and Georgine Anderson for ingress and egress over the herein described
6 properties of which the plaintiff is decreed to be the owner.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendants
8 OTIS ANDERSON AND GEORGINE ANDERSON, husband and wife, are the owners
9 in fee simple of the following described real properties:

10 Parcel A
11 All of the real property bounded by the intersection of
12 the herein described lines, all in Section 8, Township
13 7 South Range 14 East of the Willamette Meridian, in
14 Wasco County, Oregon, to-wit:
15 Beginning at a point South 00°36' East from the most
16 easterly meander corner on the section line between
17 Sections 8 and 9, Township 7 South Range 14 East of
18 the Willamette Meridian 65.30' to an iron pipe; thence
19 North 67°42' West 589.50'; thence south 46°36' West
20 10' to an iron pipe; thence South 49°25' Ea. : 27.98'
21 to an iron pipe, which is the true point of beginning;
22 thence South 87°30' West 34.90' to an iron pipe; thence
23 North 2°30' West 60' more or less to an intersection with
24 the southern line of the Deschutes River; thence easterly
25 along the southern line of said River to an intersection
26 with the said section line; also from the said true point
27 of beginning South 49°25' East 355.78' to an iron pipe;
28 thence South 7°00' West 90.74' to an iron pipe and to
29 an intersection with the northern right-of-way line of
30 the Oregon Trunk Railway; thence on the identical right-
31 of-way line South 78°11' East to an intersection with
32 the said section line; thence North 00°36' West 184.8' to
an intersection with the southern line of the Deschutes
River; all bearings based on true north;
EXCEPT the following described real estate, to-wit:
All of the real property lying southerly of the southerly
line of the Deschutes River and northerly of a line
bearing North 75°49' West approximately 213.80' from
the point of beginning (hereinafter described) to an
intersection with the southerly line of the Deschutes
River and westerly of a line bearing North 14°11' east
approximately 63.78' from the identical point of beginning
above mentioned to an intersection with the southerly line
of the Deschutes River, said point of beginning being
49°41' east 4056.47' from the (most southerly) meander
corner between Sections 8 and 17, Township 7 South Range
14 East of the Willamette Meridian, together also with
a right-of-way 10' in width, lying southerly of the above
described tract and adjacent to and on the westerly side
of a line drawn South 4°37' West approximately 328' from
the above described point of beginning to an intersection
with the Oregon Trunk Line right-of-way, all in Wasco
County, Oregon.

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PORTLAND 4, OREGON

1 Parcel B

2 All of the property bounded by the herein described
3 lines, all in Section 8, Township 7 South Range 14
4 East of the Willamette Meridian, in Wasco County,
5 Oregon, to-wit:
6 Beginning at a point S. 00°36' east from the most
7 westerly meander corner on the section line between
8 Sections 8 and 9, Township 7 South Range 14 East of
9 the Willamette Meridian 454.5' to a point on the
10 southerly right-of-way line of the Oregon Trunk
11 Railway and said section line, which is the true
12 point of beginning; thence N. 78°41' west 750.09';
13 thence S. 3°19' West to an intersection with the
14 line forming the northerly boundary of the south half
15 of the Southeast quarter of said Section 8; thence
16 easterly along said northern boundary of said South
17 half of the Southeast quarter of Section 8 to an inter-
18 section with the said section line between said Sections
19 8 and 9; thence N. 00°36' West along said section line 724'
20 more or less to the true point of beginning; all bearings
21 being based on true north.

22 Parcel C

23 All the property in the South half of the South half
24 of the Southeast quarter of Section 8, Township 7 South
25 Range 14 East of the Willamette Meridian in Wasco County,
26 Oregon, except that property included in the right-of-way
27 of the Oregon Trunk Railway.

28 Parcel D

29 Beginning at the intersection of the most westerly ex-
30 tension of the boundary line between Lot 2 and the South
31 half of the Southeast quarter, and the boundary line
32 between Lot 3 and Lot 2, all in Section 8, Township 7
33 South Range 14 East of the Willamette Meridian, in
34 Wasco County, Oregon; thence northerly along the last said
35 boundary line to an intersection with the southerly line
36 of the Deschutes River; thence easterly along the southern
37 line of the Deschutes River to a point one-half the distance
38 to the intersection of the Deschutes River and the northern
39 right-of-way line of the Oregon Trunk Railway, which is
40 the true point of beginning; thence southerly on a line
41 paralleling the boundary between said Lots 2 and 3 to an
42 intersection with said right-of-way line; thence easterly along
43 said right-of-way line to the intersection with the southern
44 line of the Deschutes River; thence westerly along the
45 southern line of the Deschutes River to the true point
46 of beginning.

47 ALL SUBJECT to a right-of-way in plaintiff, Inez N. Hartung,
48 for ingress and egress over the herein described property of which the
49 defendants Otis Anderson and Georgine Anderson are decreed to be the
50 owners.

51 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the sum of
52 \$150.00 is the cost of the survey to establish descriptions for the
53 physical division herein, and the plaintiff will bear one-half thereof
54 and the defendants Anderson will bear one-half thereof.

55 Page IT IS FURTHER ORDERED that the said owners Hartung and Anderson

56 -4- DECREE

EDWIN J. WELSH
ATTORNEY AT LAW
SUITABLE BUILDING
PORTLAND 4, OREGON

1 and the said defendants Bushenville and Holmes appear before the above
2 entitled court on the 13th day of June, 1960, at the
3 hour of 10:00 o'clock A.M. for trial of the issues relative to
4 what if any right the defendants Bushenville and Holmes have in said
5 "Cabin No.2 on the Deschutes River at Davidson, Oregon" and the nature
6 and extent of such tenancy.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court
8 retain jurisdiction in this matter for the purposes of entering a final
9 decree and for the determination of such other matters as may be
10 necessary in the premises.

11 DATED this 21st day of May, 1960.

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13 T.M. Wilkinson
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Entered at the
Court of the
County of
State of Oregon