

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

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.

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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.

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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

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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 ~~White~~ 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

Strikethrough indicates deletion; underline indicates addition

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.

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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.

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 reseeded 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.

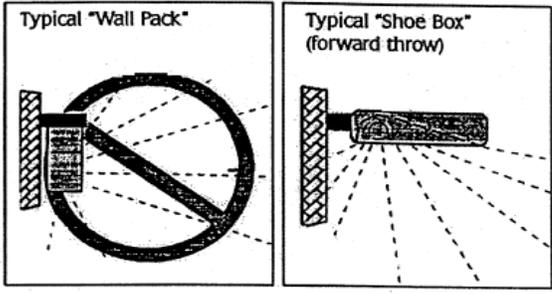
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

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

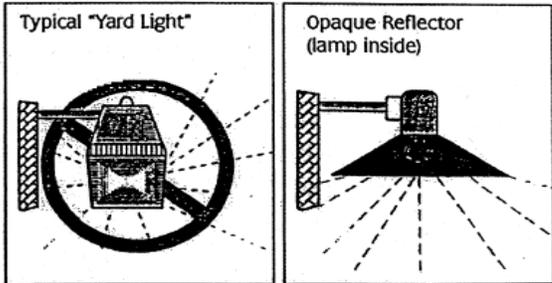
How do I switch to good lighting?

- 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

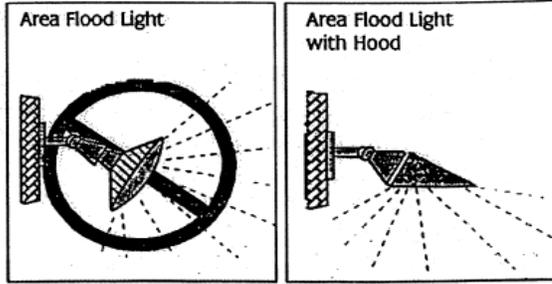
Some Good and Bad Light Fixtures



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.

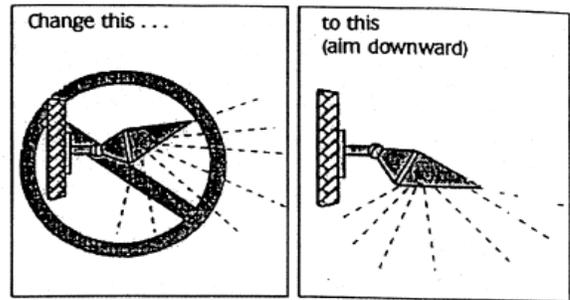
Properly aimed and shielded lights may cost more initially, but they save you far more in the long run. They can illuminate your target with a low-wattage bulb just as brightly as a wasteful light does with a high-wattage bulb.

- 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!

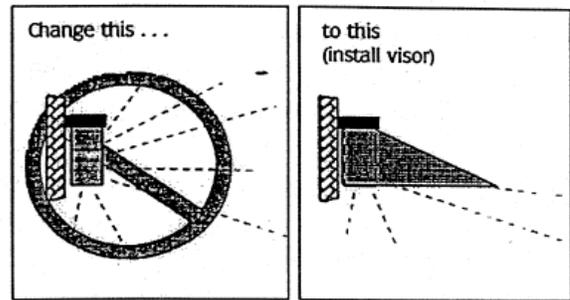
Replace bad lights with good lights.

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

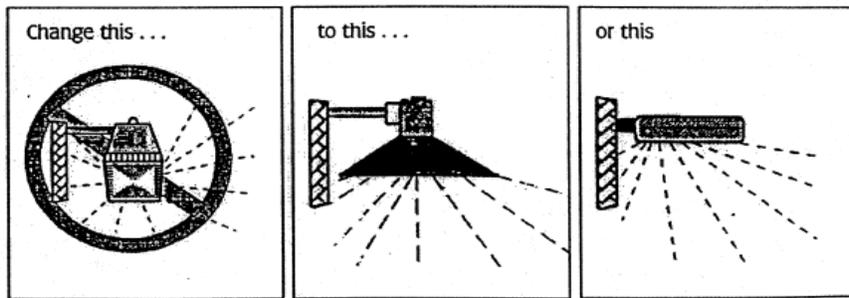
What You Can Do To Modify Existing Fixtures



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: _____

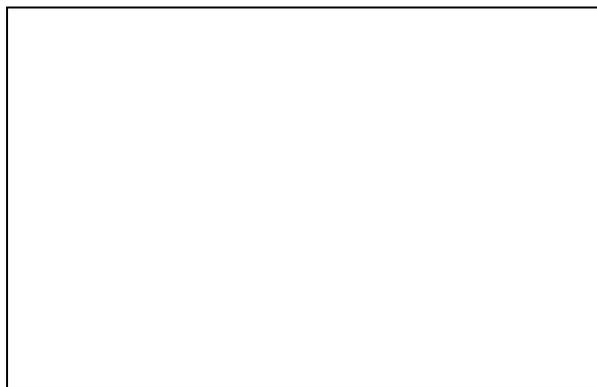
O.M. Wilson Jr. et. al., herein called the Grantors, are the owners of real property described as follows:

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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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