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VIA EMAIL

Wasco County Planning Commission
c/o: Wasco County Planning Office
2705 East Second Street
Dalles, OR 97058

Re: Gabriel Watson Non-Farm Dwelling Application
File # PLAQJR-12-08-0001

Dear Honorable Members of the Planning Commission:

I. Introduction.

I, along with Mark Whitlow of Perkins Coie, LLP, represent Mr. Douglas S. Robertson on land use matters related to the above-captioned case file. Our client is opposed to the Conditional Use Application on the grounds that it is not in compliance with the Wasco County Comprehensive Plan ("WCCP") and Wasco County Zoning Ordinance ("WCZO").

Mr. Whitlow previously submitted a letter to Ms. Isa Taylor that addresses many of the legal issues present in this case. Although there is some overlap between that letter and the material set forth herein, this letter primarily presents new legal arguments in support of a denial of the application.

II. Legal Analysis

A. The Application Does Not Propose to Build a "Dwelling."

The applicant proposes to build a structure intended for short-term occupancy. Such a structure, which in common parlance would be called a "cabin," is not recognized as an allowed or conditional use in the EFU zone. Under Oregon law, only those uses set forth in ORS 215.283 may be permitted in the EFU zone. Recreational short-term occupancy cabins are not listed as an

allowed or conditional use in the EFU zone. As a result, cabins are not allowed in the EFU zone under Oregon law. ORS 215.283; ORS 215.284.

For this reason, the applicant is trying to shoehorn the proposed development through the land use process as a "non-farm dwelling." However, as discussed below, a "dwelling" is intended for year-round occupancy and is required to have running water and indoor sanitation facilities connected to a disposal system. The proposed structure is not a "dwelling" because it does not have the proper indoor water / sanitation facilities.

1. Background on Non-Farm Dwellings.

ORS 215.284 governs the siting of non-farm dwellings on EFU land. This statute dates back to SB 100 (1973). One of the founders of SB-100, Hector MacPherson, said that the non-farm dwelling law was intended to provide "a little escape valve whereby we can allow a small amount of single family residential dwelling within an exclusive farm use zone." Nonetheless, "The clear intent is that non-farm dwellings be the exception and that approval for them be difficult to obtain." *Cherry Lane v. Jackson County,* 84 Or 196, 199 n.3 (1987).

Non-Farm dwellings are regulated by ORS 215.284(2), which provides:

> (2) In counties not described in subsection (1) of this section, a single-family residential dwelling not provided in conjunction with farm use may be established, subject to approval of the governing body or its designee, in any area zoned for exclusive farm use upon a finding that:
>
> (a) The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
>
> (b) The dwelling is situated upon a lot or parcel or portion of a lot or parcel that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel or portion of a lot or parcel may not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land;
>
> (c) The dwelling will be sited on a lot or parcel created before January 1, 1993;
>
> (d) The dwelling will not materially alter the stability of the overall land use pattern of the area; and

> (e) The dwelling complies with such other conditions as the governing body or its designee considers necessary.

2. The Term "Dwelling" Has a Specific Meaning Under Oregon Law: a Dwelling Must Have Indoor Plumbing and Indoor Sanitation Facilities Which Connect to an Approved Disposal System.

The term "dwelling" is not defined in ORS Chapter 215. However, in *Wetherell v. Douglas County*, 56 Or. LUBA 120 (2008), LUBA recognized that:

> [t]he term "dwelling" is not defined in the statute. "Dwelling" is defined in the Oregon Residential Specialty Code, with reference to the term "dwelling unit." "Dwelling unit" is defined in the Oregon Residential Specialty Code as "a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, *and sanitation*." * * * * *. Thus, the ordinary meaning of dwelling appears to be synonymous with residence, and includes a building that provides amenities typical of a residence, specifically including "sanitation." Sanitation would appear to include both water serving the residence and a method of disposing of waste generated by the residence. (Footnote omitted; Italics in original; underline added).

WCZO §3.210(E)(10) implements ORS 215.283(2), and provides that a non-farm dwelling is a conditional use, as follows.

> E. Uses Permitted Subject to Conditional Use Review/Type II or Type III: The following uses may be permitted on a legal parcel designated "A-1" Exclusive Farm Use * * *.
>
> * * * * *.
>
> 10. Non-Farm Dwelling: One single family dwelling not provided in conjunction with farm use, subject to Section J(1) - Additional Standards, below. (Emphasis added).

The statutory language raises the question of whether the applicant is truly proposing a "single family (residential) dwelling." The applicant states that the proposed structure will not have running water or an operational septic system. However, the term "Dwelling Unit" is defined in both ORS 215.283(1)(s) and WCZO §1.090 as follows:

> "A lawfully established dwelling is a single-family dwelling which:
> a. Has intact exterior 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 for interior lights; and
> d. Has a heating system." (Emphasis added).

In *Wetherell, supra*, the intervenor was seeking to locate a septic system for a non-farm dwelling on a portion of the property that contained soils suitable for farming. By happenstance, soils that are suitable for septic are usually also suitable for farming. Nonetheless, the statute requires that the non-farm "*dwelling*" be located on a portion of the property that is *not* suitable for farming. Although the statute is silent about whether that same rule applies to the septic system that serves the dwelling, LUBA held that the septic system is an integral part of the dwelling, and therefore, the landowner needed to site the septic system on land that is not suitable for farming.

LUBA rejected intervenor's argument that the "replacement dwelling" provisions of ORS 215.283(1)(s) support an inference that a "dwelling," as that term is used in ORS 215.284(2)(b), includes only the building structure. In so doing, LUBA provided insight as to the characteristics of a dwelling:

> We are not particularly persuaded by intervenor's reference to and reliance on ORS 215.283(1)(s). The purpose of the replacement dwelling provisions is to describe and therefore limit the types of dwellings that qualify for alteration or replacement. A dwelling that does not have all of the required components does not qualify for replacement. It is difficult to infer from ORS 215.283(1)(s) any particular legislative intent regarding what parts of a "dwelling" must be placed on generally unsuitable land under ORS 215.283(2)(b). To the extent some contextual inference from ORS 215.283(1)(s) to ORS 215.283(2)(b) is possible, we note that one of the required components of a qualifying dwelling under ORS 215.283(1)(s) is "indoor plumbing" that is "connected to a sanitary waste disposal system." If anything, that suggests that connection to a water supply and a sanitary waste disposal system is an essential component of a "dwelling." (Emphasis added).

Thus, LUBA seemed willing to accept, as context for statutory interpretation, an inference emanating from ORS 215.283(1)(s): that a structure is not a "dwelling" unless it features "indoor plumbing," including a kitchen sink, indoor toilet and bathing facilities, both of which must be connected to a "sanitary waste disposal system." That makes sense, since that is what the building code requires. Therefore, a structure that does not have these features is not a "dwelling."

3. Wasco County Code Requires a Dwelling to Contain Proper Sanitation and Water Facilities to Accommodate a Residence.

The Wasco County Zoning Code reinforces the need for a non-farm dwelling to have sanitation facilities. WCZO §3.210(J) provides as follows:

> J. Additional Standards
> 1. Non-Farm Dwelling:
> a. The parcel is not within the A-1(40) Zone.
> b. There is no other dwelling on the parcel;
> c. The site shall have appropriate physical characteristics such as adequate drainage, proper sanitation and water facilities to accommodate a residence or other non-farm use; (Emphasis added).

This code provision requires the dwelling to be on a "site" that features "proper sanitation" and "proper water facilities" *to accommodate a residence*. Although these terms are not defined in the code, it is apparent that a site that has *no* water facilities does not have "*proper*" water facilities. As discussed below, Oregon law requires all residential construction to have indoor plumbing. Further, the facilities must be adequate to support a *residence*, which is the location where a person resides. This suggests that the facilities are intended for long term occupancy, and must be more substantial than facilities intended to support intermittent short-term use.

Construction of a single family residential dwelling is governed by the Oregon Residential Specialty Code (2011) (aka "building code"). Section R306 of the ORSC provides as follows:

> *Section R 306*
> *Sanitation*
>
> *R 306.1 Toilet Facilities. Every dwelling shall be provided with a water closet, lavatory, and a bathtub or shower.*
>
> *R 306.2 Kitchen. Each dwelling shall be provided with a kitchen and every kitchen area shall be provided with a sink.*
>
> *R 306.3 Sewage Disposal. All plumbing fixtures shall be connected to a sanitary sewer or an approved private sewage disposal system.*
>
> *R 306.4 Water Supply to Fixture. All plumbing fixtures shall be connected to an approved water supply.*

Thus, an approved water supply and an approved private sewage disposal system is mandatory. The ORSC defines the terms "dwelling" and "dwelling unit" as follows:

> *DWELLING. Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or that are occupied for living purposes.*

> *DWELLING UNIT. Any single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.*

Because the applicant is not proposing to include indoor plumbing and sanitation facilities, the building he proposes is not a dwelling. Since cabins, and particularly those lacking approved water supply and indoor toilets are not allowed in the EFU zone, the application must be denied.

B. Statewide Planning Goal 5 and the County's Goal 5 Program Provides Context that Guides the Interpretation of WCZO §3.910. Viewed in Light of this Relevant Context, It is Clear that the Only Land Uses Permitted in the Natural Area Overlay Are Those Uses that are Allowed by Right in the Underlying Zone.

This case concerns the relationship between the County's Goal 5 Program and its Natural Area Overlay District ("NAOD"), which is one the Environmental Protection zones that implements the Goal 5 Program. The NAOD is found at WCZO §3.910, and provides as follows:

> SECTION 3.910 DIVISION 7 - NATURAL AREAS OVERLAY
>
> 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.
>
> 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.

The natural areas and open space resources that are protected by the NAOD have been inventoried pursuant to Statewide Planning Goal 5. Exercising its police power, the County's has used the Goal 5 program to adopt the same substantive protections provided in Oregon's Scenic

Rivers Act. As relevant here, it has prohibited non-farms dwellings within the NAOD. By making these prohibitions regulatory standards, the County has effectively obviated the need for the State to exercise eminent domain, as originally contemplated by the State's Scenic Rivers Act when it was written in 1970.[1]

To understand the significance and proper interpretation of the County's Goal 5 provisions, some background into the Goal 5 program is required.

1. Background on DLCD's Goal 5 Planning Process.

Both Goal 5 and the implementing Administrative Rule (Divisions 16 & 23[2]) attempt to establish a comprehensive planning process for protecting natural resources. There are four distinct parts to the traditional Goal 5 process, which are listed both in the Goal itself and the administrative rules.[3] The goal set out a process "whereby local governments are required to (1) inventory the location, quality and quantity of the listed resources in the territory; (2) identify conflicting uses for the inventoried resources; (3) conduct an analysis of the economic, social, environmental and energy (ESEE) consequences of negative impacts between conflicting uses and Goal 5 resources, and (4) develop a program to achieve the goal of resource protection."[4]

The first step in the Goal 5 program is the inventory. Goal 5 specially requires counties to inventory "state scenic waterways" such as the Deschutes River. It further requires that the County "adopt plans that will protect natural resources and conserve scenic * * * and open space resources for present and future generations." Thus, Wasco County has inventoried and designated the Deschutes River Scenic Area as a Goal 5 resource, and declared these resources worthy of protection.

The second step is to identify so-called "conflicting uses." The phrase "conflicting uses" is defined under Goal 5 as those uses "which, if allowed, could negatively impact a Goal 5 resource." OAR 660-016-0005. The identification of conflicting uses occurs only after the local

[1] Oregon's Scenic Waterways Act ("OSWA") was written at a time when the use of the State's police power for land use environmental protection purposes was both controversial and legally uncertain. The adoption of Senate Bills 100 and 101 (1973) ushered in a new era where the state began to regulate land uses under the guise of the police power. For this reason, the Police power approach has largely obviated the need for the state to pay just compensation under the OSWA. The substantive protections set forth in eth OSWA have been incorporated into the County's Goal program, thereby making the County the instrument through which state regulatory power is enforced.

[2] All of the Goal 5 related planning efforts completed by Wasco County was done at a time when Division 16 was in effect. For this reason, all further reference herein to the Goal 5 administrative rules will cite to Division 16.

[3] ORS 197.628, 197.633; OAR 660, Div. 16; OAR 660, Div. 19; *See also Knapp v. City of Jacksonville*, 20 Or. LUBA 189, 197 (1990) (summarizing the Goal 5 process).

[4] *Doty v. Jackson County*, 34 Or LUBA 287 (1998) (citing *Gage v. City of Portland*, 28 Or LUBA 307, 314 (1994); *aff'd*, 133 Or App 346, 891 P2d 1331 (1995)).

government determined that a site warranted being placed on the Goal 5 inventory. The conflicting uses may occur either on the resource site or elsewhere. *Mobile Crushing Company v. Lane County*, 11 Or LUBA 173 (1984). Generally speaking, identifying the main current and potential uses which conflict with the Goal 5 resource results in a process of analyzing uses that conflicted with the preservation of the site in its natural form. Thus, in this case, Wasco County determined that "residential development" is a use that is in conflict with the preservation of the open space resources in the natural areas.

In the vast majority of situations, some conflicting uses pre-existed in the planning area, and the local government was required to continue the Goal 5 analysis by examining the economic, social, environmental, and energy ("ESEE") consequences of those conflicting use on the resource site.[5] The ESEE analysis had to be completed before any resource "use" such as aggregate extraction could occur.[6] In addition, ESEE consequences could not be determined unless conflicting uses were adequately identified.[7] The Div. 16 administrative rules stated:

> Both the impacts on the resource site and on the conflicting use must be considered in analyzing the ESEE consequences. The applicability and requirements of other Statewide Planning Goals must also be considered, where appropriate, at this stage of the process. A determination of the ESEE consequences of the identified conflicting uses is considered adequate if it enables a jurisdiction to provide reasons to explain why decisions are made for specific sites.[8]

To accomplish an ESEE analysis, each of the four topics were to be considered separately. Typically, findings would address both (1) the impacts on the resource of allowing conflicting uses, and (2) the impacts on conflicting uses of allowing resource development. It was not required, however, that the local government makes separate findings for the consequences of each impact (*i.e.*, noise, dust, traffic, etc.).[9]

Notably, once conflicting uses were identified, planning jurisdictions are not automatically required to fully protect Goal 5 resources. Rather, the planning jurisdiction had to make one of three choices based on the ESEE analysis.[10] First, the local government could opt to fully protect

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[5] *Columbia Steel*, 314 Or at 431; *Friends of Forest Park*, 129 Or App at 30.

[6] *Coats v. LCDC*, 67 Or App 504, 679 P2d 898 (1984).

[7] *Gonzalez*, 24 Or LUBA at 267; *Eckis*, 19 Or LUBA at 39, n.17.

[8] OAR 660-016-0005(2).

[9] *Sanders v. Yamhill County*, 34 Or LUBA 69 (1998).

[10] OAR 660-016-0010.

the Goal 5 resource by restricting conflicting uses.[11] This became known as a "3A" decision. Conversely, the County could make a "3B" decision by fully allowing conflicting uses within the resource site, even if that would ensure the destruction of the resource.[12] Finally, the County could make the politically expedient "3C" decision to sacrifice neither the conflicting use or the Goal 5 resource by allowing both to coexist.[13] Although these decisions were discretionary, the local government was required to explain the reasons for its decision in writing, so that identified Goal 5 resources were adequately protected.[14] As discussed below, the County made a 3C decision, by allowing certain types of conflicting uses in the natural area, while prohibiting others.

With this background in mind, we can now begin to analyze in detail how the County completed its Goal 5 process for the Deschutes River when it completed this work many years ago.

2. Via the Goal 5 Planning Program, the County Has Made the Decision to Limit Conflicting Uses in the Deschutes County Scenic Area to Only Those Residential Uses That Are Allowed by Right in the Underlying Zone, Which in this Case is Farm Dwellings. Because Non-Farm Dwellings Are A Conditional Use in the Underlying (EFU) Zone, Such Dwellings Are Not Allowed on the Subject Property.

Chapter 14 of the Comprehensive Plan provides an analysis of the County's Goal 5 program. The Plan states, in relevant part:

> *B. Goal 5 Issues*
>
> *Goal 5 states that open space shall be preserved and natural and scenic resources protected. The administrative rule on Goal 5 [OAR Ch 660, Div. 16], 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*

[11] OAR 660-016-0010(1).

[12] OAR 660-016-0010(2).

[13] OAR 660-016-0010(3).

[14] *Eckis*, 19 Or LUBA at 34; *Knapp v. City of Jacksonville*, 20 Or LUBA 189, 202-04 (1990).

> *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.*
>
> *a. Agricultural and Forest Lands:*
>
> *According to sections 3.120(2)(a) and 3.210(1)(c) of the Wasco County Zoning Ordinance, residences are permitted outright in the agricultural and forest zones only in conjunction with a farm or forest use. Section 3.210(2)(r) permits a residence not connected with a farm or forest use as a conditional use, based on conditions set forth in section 3.120 (3), 3.210(3) and Oregon Revised Statutes 215.263. These conditions and the density requirement of each zone provide adequate protection of the farm, forest and open space resource. Other conditional uses must comply with the same conditions as mentioned above.*
>
> * * * *
>
> *c. The Deschutes and John Day Scenic Waterways:*
> *These waterways are protected by the State Scenic Rivers Act and the E.P.D. [Environmental Protection District zone] Division 5 (§3.755(5). [aka §3.910]*
> (Emphasis Added).

WCCP Ch. 14(B)(1), quoted above, is important both because it identifies the Deschutes Scenic Waterway as "open space" under Statewide Planning Goal 5, and because it recognizes that the planning goal for such open space is to "protect [its] natural and scenic properties." It further recognizes that residential development is a "conflicting use" under the Goal 5 planning paradigm.

WCCP Ch. 14(B)(1)(a) further concludes that an adequate level of protection is achieved for general farm and forest uses and generic open space by balancing the amount and density of conflicting residential uses. The findings further conclude that the zoning mandated by state law achieves adequate protection for these zones by effectively limiting the amount/density of residential development in EFU and forest zones. *See* ORS 215.283; 215.284.

However, specifically with regard to the Deschutes and John Day River Scenic Areas, the Comprehensive Plan takes a different approach: it states that "These waterways are protected by the State Scenic Rivers Act and the E.P.D. [Environmental Protection District zone] Division 5 (§3.755(5)."[15]

[15] Staff confirmed that the reference to "3.755(5)" is a typographic / scrivener's error. When the finding above states "E.P.D. [Environmental Protection District zone] Division 5 (§3.755(5)," the intended cross-reference is to the Natural Area Overlay District codified at WCZO §3.910.

By using the language "[t]hese waterways are protected by * * *", the Comprehensive Plan finding quoted above assumes that the State Scenic Rivers Act provides some level of *substantive* protection for the river against conflicting uses such as residential development. If, as staff seems to assume in its Staff report dated January 29, 2013, the State Scenic Rivers Act is merely a procedural requirement (*i.e.* one year "delay" period with opportunity for state to exercise condemnation), then there would be no real substantive "protection" provided by the Scenic Area. Such a result is incorrect, as it runs contrary to the stated goal of "protecting" the river's natural and scenic properties by using zoning controls. Thus, this Comprehensive Plan finding is "context" for interpreting WCZO §3.910, and it leads to the conclusion that both the Oregon Scenic Waterways Act and the E.P.D. provides *substantive* protection for Goal 5 resources. This issue is explored in more detail, *infra*.

Second, this code section states that "[t]his overlay district is intended to preempt conflicting use in areas defined in the Wasco County Comprehensive Plan as containing significant natural value." The Comprehensive Plan identifies the "overall variable terrain" of the Deschutes River as having unique and important wildlife habitat.[16] Again, the notion that conflicting uses will be preempted is a theme that provides context bolstering the conclusion that WCZO §3.910 be read strictly, with development rights being highly limited.

The remainder of the findings in the Comprehensive Plan confirm that the County has identified the Deschutes River as a resource that is worthy of protection under Goal 5. WCCP Ch. 14 (B)(1)(6) identifies the Deschutes River as having "outstanding scenic views and sites:"

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[16] The Comprehensive Plan states that the Deschutes River contains important and unique wildlife habitat. *See* Chapter 2 M. Fish and Wildlife Resources, which states:

> 4. Unique Habitats
> The unique rock formations, rock slides and overall variable terrain features of the southern portion of the county and along the Deschutes, John Day and Columbia Rivers provide an important and unique wildlife habitat. Some wild-life species are directly associated with rock formations as a result of adaptation. An example is the chukar part-ridge. Rocky, steep terrain is an integral part of good chukar habitat, as these areas are utilized for shade, cover and escape routes. Other species closely associated with rock formations include bobcat, porcupine, wood rat, cliff swallow, rock and canyon wrens and the rattlesnake. Golden eagles and bald eagles nest in rock outcrops, cliffs and snags along the John Day and Deschutes Rivers, as do burrowing owls and the great blue heron. Osprey nest and feed along the Deschutes and Columbia.
>
> 5. Land Use Conflicts and Resolutions
>
> The type and severity of conflicts between wildlife and other land uses vary depending upon the habitats and land use involved. Conflicts to habitat frequently results in habitat loss or degradation and harassment which reduce animal numbers and correspondingly recreational opportunities. Land uses most compatible with Wasco County's fish and wildlife resources include open space, agriculture and forest. Land use designations which maintain large minimum lot size result in low residential densities and reduced conflicts between habitats and human activities. It is important to note that valuable habitat is found throughout the County, not just in those areas identified as sensitive. (Emphasis added).

> *6. Outstanding Scenic Views and Sites*
> *Outstanding scenic views and sites are generally those in the Columbia Gorge, the Deschutes and John Day Scenic Waterways and the White River Canyon. Protection of these areas has been discussed previously.*

Again, the "protection" referred to above is provided by WCZO §3.910(B), which, as discussed below, limits the permitted uses in natural areas to only those uses that are allowed by right in the underlying zone. And even those uses must be permitted via a conditional use process. *Id.*

In the next section, we apply the above-stated provisions, along with other context, to arrive at the conclusion that non-farm dwellings are not allowed in the NAOD.

3. Textual and Contextual Analysis Confirms that the NAOD, WCZO §3.910(B), Prohibits Non-Farm Dwellings In the Natural Area Overlay District.

The text of WCZO §3.910(B) set forth the uses permitted in the Natural Area Overlay District. It provides as follows:

> *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.*[17]

Because the term "allowed" is not defined, it appears on its face to be susceptible to at least two interpretations. Staff interprets the term broadly, such that a use is "allowed" in the underlying zone if it is either allowed *by right* or if it is allowed *as a conditional use permit*. *See* Staff Report dated January 29, 2013 at p. 18 ("In the A-1 (160) zone, a non-farm dwelling is permitted subject to Conditional Use Review and an accessory structure is permitted subject to type I review.").

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[17] Section §2.060 provides:

> *Application/Completeness (Amended 4/12)*
> *A. The Director shall have the authority to review the following applications for Administrative Action, and shall follow the procedure provided by this Ordinance to accomplish such review. Matters required by this Ordinance that are not subject to other provisions of this Ordinance include, but are not limited to:*
> *1. Conditional Use Review (Chapter 5)*
> *2. Administrative Variances (Chapter 7)*
> *3. Temporary Use Permits (Chapter 8)*
> *4. Partition, Replat and Lot Line Adjustment Approval, except as provided for in section 2.060 B.10 (Chapter 21)*
> *5. Site Plan Reviews (Chapters 3 and 20)*
> *6. Uses Permitted Subject to Standards (Chapter 3)*
> *7. Similar use.*
> *8. Significance Determination for Aggregate Overlay (Chapter 3, Section 3.815)*
> *9. Nonconforming Use Verification, Restoration, or Alteration (Chapter 13)*

However, another more narrow and restrictive interpretation is plausible: only those uses that are "allowed" *by right* are "permitted" within the NAOD. Under this narrow interpretation, only those uses set forth in ORS 215.283(1) and WCZO § 3.210(E) would be allowed in the NAOD. The narrow interpretation is correct, for the reasons set forth below.

To resolve this interpretational issue, we employ the familiar methodological approach set forth in *Portland Gen. Elec. Co. v. Bureau of Labor & Indus.*, 317 Or 606, 611–612, 859 P2d 1143 (1993) (hereinafter *PGE v. BOLI*), as modified by ORS 174.010 and .020. *See State v. Gaines*, 346 Or 160, 171–172, 206 P3d 1042 (2009). The goal of the *PGE v. BOLI / Gaines* methodology is to determine the legislature intent of an ambiguous provision.

Under the first step of the *PGE v. BOLI* methodology, the task is to discern the intent of the enacting body by examining the text and context of the statute, as well as whatever legislative history may be presented by the parties. The best evidence of this intent is the law's text and context. *Sanchez v. Clatsop County*, 146 Or App 159, 932 P2d 557 (1997); *Whipple v. Howser*, 291 Or 475, 480, 632 P2d 782 (1981). In addition, "In trying to ascertain the meaning of a statutory provision, and thereby to inform the legislative intent, [LUBA] considers syntax-based rules of construction of the statutory text that bear directly on how to read the text." *State v. Webb*, 324 Or 380, 385-86, 927 P2d 79 (1996). We may also consider, at this first-level analysis, any relevant legislative history. ORS 174.010; 174.020.

a. Text.

When construing a statute, LUBA and the court will generally first look directly at the text of the statute itself.[18] A court will attribute to the legislature meanings based on the ordinary understanding of the words unless the legislature has specifically defined a statutory term or the context of the statute requires a specialized meaning. *North Marion School Dist. No. 15 ex rel. Trejo v. Acstar Ins. Co.*, 206 Or.App. 593, 138 P.3d 876 (2006).

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[18] *See Whipple v. Howser*, 291 Or 475, 635 P2d 782 (1981) (citing *Greyhound Corp. v. Mount Hood Stages, Inc.*, 437 US 322, 330, 98 S Ct 2370, 2375 (1978)). Emphasizing the need to look first to the language of the statute, the *Whipple* court stated:

> "The cardinal rule for the construction of a statute is to ascertain from the language thereof the intent of the law makers as to what the purpose was to be served, or what the objective was designed to be attained."

Whipple, 291 Or at 479 (citing *Swift & Co. and Armour & Cove, Co. v. Peterson,* 192 Or 97, 233 P2d 216 (1951). The *Whipple* court also cited to *State ex rel. Cox v. Wilson*, 277 Or 747, 562 P2d 172 (1977), in which the court stated:

> "There is, of course, no more persuasive evidence of the purpose of a statute then the words by which the legislature undertook to give impression to its wishes."

In this case, the text of the code provision sheds no conclusive light on its meaning when viewed in isolation. Dictionary definitions are inconclusive. The phrase "allowed use" is typically used in land use parlance as a land use that is allowed *by right*, which is to say without additional land use review. In contrast, the term "permitted" is typically used to encompass uses allowed by right as well as those allowed only after a permit has been obtained. Viewed in isolation, however, the intent these words cannot be determined from the text alone. Therefore, it is critical to evaluate how that phrase is used in the context of this specific zoning ordinance.

b. Context.

The more limiting interpretation is confirmed by the code provision's context. The context of the statute is as important to the interpretation as the text. *State v. Webb*, 324 Or 380, 927 P2d 79 (1996); *Friends of Neaback Hill v. City of Philomath*, 139 Or App 39, 48, 911 P2d 350 (1996). *See e.g., Shadrin v. Clackamas County*, 34 Or LUBA 154 (1998). In fact, the court may consider the context before examining the text, in situations where the context "provided perspective on the text." *See Plotkin v. Washington County*, 165 Or App 246, 250, 997 P2d 226 (2000). The context of a statute relevant at the first stage of inquiry may include other provisions of the same statute,[19] related statutes, [20] prior enactments,[21] statutes or codes adopted after the

[19] *State v. Guzek*, 322 Or 245, 906 P2d 272 (1995); *Boone v. Wright*, 314 Or 135, 138, 838 P2d 727 (1992).**Error! Main Document Only.** If the text of a statute was part of a larger bill that codified at several places in the Oregon statutes, it is appropriate to examine that test in the larger context of the bill as a whole. *See AT&T Communications of the Pacific Northwest, Inc. v. City of Eugene*, 177 Or App 379, 35 P3d 1029 (2001); *Midler v. Water Wonderland Improvement Dist.*, 326 Or 306, 309 n. 4, 951 P2d 720 (1998). *Rest Haven Memorial Park v. City of Eugene*, 175 Or App 419, 28 P3d 1229 (2001).

[20] *PGE*, 317 Or at 611; *Westwood Home Owners' Ass'n v. Lane County*, 318 Or 146, 864 P2d 350 (1993). *State v. Gulley*, 324 Or 57, 921 P2d 396 (1996); *Bird v. Norpac Foods, Inc.*, 325 Or 55, 934 P2d 382 (1997); *Miller v. Ogden*, 325 Or 248, 935 P2d 1205 (1997); including statements of general policy in statutes and rules. *See State v. McBroom*, 139 Or App 120, 39 P3d 226 (2002); *State v. Thomas*, 104 Or App 126, 130, 799 P2d 208 (1990). For example, in *1000 Friends of Oregon v. LCDC (City of McMinnville)*, 244 Or. App. 239, 259 P.3d 1021 (2011), the Court of Appeals looked to ORS 197.296 to provide context to help determine the meaning of ORS 197.298. Slip op at p. 20. The Court noted that these two provisions were adopted as part of the same bill. The court stated that it will consider "the context of related statutes in the same chapter in which a provision has been codified," as well as other provisions in the bill that enacted the statute. *Id* at 20, n 6. (citing *Morseman v. City of Madras*, 203 Or App 546, 561, 126 P3d 6, *rev den*, 340 Or 483. 135 P3d 318 (2006) and *State v. Ortiz*, 202 Or App 695, 699, 124 P2d 611 (2005)).

[21] *Young v. State*, 161 Or App 32, 983 P2d 1044 (1999); *Stull v. Hoke*, 326 Or 72, 948 P2d 722 (1997); This includes previous versions of a statute or code. *Owen v. Maass*, 323 Or 430, 435, 918 P2d 808 (1996); *Northwestern Title Loans, LLC v. Division of Finance and Corporate Securities, Div. Of Dept. of Consumer and Business Services*, 180 Or App 1, 42 P3d 313 (2002)**Error! Main Document Only.**; *Sweeney v. SMC Corp.*, 178 Or App 576, 37 P2d 244 (2002); *SAIF v. Walker*, 330 Or 102, 108-10, 996 P2d 979 (2000) (history of changes to a statute is part of the statute's context). *State v. Rodarte*, 178 Or App 173, 35 P3d 116 (2001) ("the change [in statutory language] is significant because new language in a statute ordinarily signals a change in the statute's meaning"); *State v. Click*, 305 Or 611, 616 n. 5, 755 P2d 693 (1988).

statute in question,[22] historical context of the relevant enactments,[23] and prior judicial interpretations of those and related statutes.[24]

i. The Purpose Statement of the Natural Area Overlay Provides Context.

We first consider, as context, the purpose statement for the Natural Area Overlay District. Courts have made clear that the purpose statements in a statute or ordinance can be used as context. *State v. Kitzman*, 323 Or 529 920 P2d 134 (1996). *See also, Miller v. Meisel Co., Inc.*, 183 Or App 148, 51 P3d 650 (2002)(statutory terms to be given "a broad construction commensurate with the statute's purpose."). Nonetheless, purpose statements "are instructive only insofar as they have a genuine bearing on the meaning of the provision that is being construed." *DLCD v. Jackson County*, 151 Or App 210, 218, 948 P2d 731 (1997).[25]

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[22] *State v. Carr*, 319 Or 408, 877 P2d 1192 (1994). *Linn-Benton-Lincoln Ed. Ass'n v. Linn-Benton ESD*, 163 Or App 558, 989 P2d 25 (1999).

[23] *Goodyear Tire and Rubber Co. v. Tualatin Tire and Auto*, 322 Or 406, 415, 908 P2d 300 (1995), *modified on Rehg*, 325 Or 46, 932 P2d 1141 (1997). *Young v. State*, 161 Or App 32, 35, 983 P2d 1044 (1999). In addition, it is presumed that when a legislative body enacts subsequent legislation, the legislature was aware of the policy underlying earlier enactments." *Fulmer v. Timber Inn Restaurant and Lodge*, 152 Or App 334, 954 P2d 201 (1998)(quoting *Plattner v. VIP's Industries, Inc.*, 95 Or App 351, 768 P2d 440 (1989)). *See State of Oregon, Mental Health Div. v. Lake County*, 17 Or LUBA 1165 (1989).

[24] *S-W Floor Cover Shop v. National Council on Compensation Ins.*, 318 Or 614, 872 P2d 1 (1994). *Owens v. Maass*, 323 Or 430, 435, 918 P2d 898 (1996); *Stephens v. Bohlman*, 314 Or 344, 838 P2d 600 (1992); *Oregon v. Elliott*, 204 Or 460, 277 P2d 754 (1954), *cert denied*, 349 US 929 (1955); *Tadsen v. Praegitzer Ind., Inc.*, 324 Or 465, 928 P2d 980 (1996). *State v. Toevs*, 327 Or 525, 532, 964 P2d 1007 (1998); **Error! Main Document Only.** *State v. Lamb*, 176 Or App 149, 29 P3d 1206 (2001); *Magee v. Dyrdahl*, 144 Or App 270, 275, 926 P2d 319 (1996).

[25] In *Warburton v. Harney County*, 174 Or App 322, 25 P3d 978 (2001), the court discussed purpose statements as follows:

> While it is true that a policy statement, such as this one, should not provide an excuse for delineating specific policies not articulated in the statutes, such a general purpose statement may serve as a contextual guide for the meaning of a particular statute. *DLCD v. Jackson County,* 151 Or App 210, 218, 948 P2d 731 (1997), *rev. den.* 327 Or 620, 971 P2d 412 (1998). (Emphasis Added).

Id. at 329. The case cited by the *Warburton* court, *DLCD v. Jackson County*, 151 Or App 210, 218, 948 P2d 731 (1997), details the pitfalls:

> Statutes and rules often contain statements of general policy, like the statement that DLCD cites in this rule. Such expressions can serve as contextual guides to the meaning of particular provisions of the statutes or rules, as much as any other parts of the enactment can. At the same time, the use of expressions of policy as context is subject to the same limitations as any other proffered type of context: they are instructive only insofar as they have a genuine bearing on the meaning of the provision that is being construed. Moreover, when legislative or administrative expressions of policy are offered as context, courts must be cautious not to make policy in the guise of interpretation, or to allow agencies or

The purpose statement of the NAOD states that "[t]his overlay district is intended to preempt conflicting use in areas identified in the Wasco County Comprehensive Plan as containing significant natural value." WCZO §3.910(A). Because the Comprehensive Plan identifies residential development as a conflicting use, and the County ultimately makes the decision, via WCZO §3.910(B), to "preempt residential use" in this planning area, if follows that that the County Court intended a narrow reading of the code. As with the generic EFU zone, the County decided to allow a certain amount of residential use in the Deschutes River Scenic Area, but it struck a different balance by more severely limiting the types of residential uses that are allowed in the NAOD. To achieve the proper balance between protecting the resource use and allowing conflicting uses in the NAOD, it decided to allow only farm-related dwellings in the Deschutes River Scenic Area, and even then, such dwellings would be subjected to both the more rigorous conditional use criteria and the requirement that natural value not be damaged. By listing permitted uses so narrowly, the County effectively made the decision to prohibit non-farm dwellings.

Under staff's interpretation, any number of uses allowed by ORS 215.283(2) are allowed, including, in theory, golf courses, dog kennels, private parks, bed and breakfast facilities, etc. Such a broad set of permitted uses seems to run contrary to the stated goal of protecting natural areas.

ii. Sensitive Wildlife Habitat Overlay District ("SWHOD") Provides Context.

The structure of the Sensitive Wildlife Habitat Overlay District ("SWHOD") provides additional context which shows that the NAOD is written in way that prohibits conditional uses. Specifically, WCZO §3.920(D)&(E) provide context for WCZO §3.910(B). WCZO §3.920(D)&(E) state as follows:

> other parties to achieve through a court's interpretation policy objectives that the enactment as promulgated was not meant to or failed to embody. *See 1000 Friends of Oregon v. Wasco County Court,* 299 Or. 344, 703 P.2d 207 (1985). (Emphasis Added).

Id. at 218. The *DLCD v. Jackson County* Court goes to explain that "context" is limited to those provisions of a legislative enactment that reflect in some meaningful way on the intended meaning of the ambiguous provision at issue:

> [A]as we understand the meaning of "context" in *PGE* and related cases, it contemplates a substantive relationship between the provision being interpreted and the putatively contextual provision in which the latter reflects in some meaningful way on the intended meaning of the former; a provision does not constitute "context" for another in that sense simply because the two are connected in some amorphous way that amounts to little more than their common authorship and general subject.

Id. at 220.

> *D. Permitted Uses: All uses allowed in the overlay zone shall be those farm and forest uses permitted outright by the underlying zone.*
>
> *E. Conditional Uses: The conditional uses permitted in the zones in which this overlay is applied, shall be those permitted conditionally by the underlying zone subject to the other applicable standards of this Section.*

Whereas these two provisions provide for both "Permitted Uses" and "Conditional Uses" in the SWHOD, the NAOD only has a section for "Permitted Uses," and all of those uses are required to undergo a review using the CUP process. The NAOD does not have a corresponding section for "Conditional Uses." Again, WCZO §3.910(B) simply provides:

> *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.*

Thus, WCZO §3.910(B) essentially merges the two-category format set forth in WCZO §3.920(D)&(E) into one catch-all category. This catch all category lists the sum toital of what is permitted in the NOAD.

Under well-recognized principles of statutory construction, if something is expressly stated in one Code provision and expressly omitted in a "sister" Code provision, that omission will be considered to be an intentional policy choice. ORS 174.010.[26] This holds true whether the omission is by design or by default. *Deluxe Cabinet Works v. Messmer*, 140 Or. App. 548, 915 P2d 1053 (1996). In other words, omissions are presumed to be intentional.[27] In this case, there is no indication that the failure to list a second section for "Conditional Uses" in the NAOD, as was done for the SWHOD, was an unintentional oversight. The Code's failure to include a second section addressing uses that are "*permitted conditionally by the underlying zone*" must be viewed as intentional. As such, non-farm dwellings are prohibited.

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[26] *See Emerald PUD v. Pacific Power & Light Co.*, 302 Or. 256, 269, 729 P.2d 552 (1986) ("when the legislature includes an express provision in one statute but omits such a provision in another statute, it may be inferred that such an omission was deliberate" (internal quotation marks omitted)). *See also Marriage of Perlenfein*, 316 Or. 16, 848 P.2d 604 (1993) ("When a legislature or agency uses a particular term in one provision of a statute or regulation, but omits that same term in a parallel and related provision, we infer that the legislature or agency did not intend that the term apply in the provision from which the term is omitted."); *Hughes v. State of Oregon*, 314 Or. 1, 28, 838 P.2d 1018 (1992); *Oregon Business Planning Council v. LCDC*, 290 Or. 741, 749, 626 P.2d 350 (1981); *J.C. Reeves Corp v. Washington County*, 31 Or LUBA 115 (1996); *Oregonians for Sound Economic Policy, Inc. v. State Acc. Ins. Fund Corp.*, 187 Or.App. 621, 69 P.3d 742 (2003).

[27] *State v. K. P.*, 324 Or. 1, 8, 921 P.2d 380 (1996); *Gladhart v. Oregon Vineyard Supply Co.*, 332 Or. 226, 233, 26 P.3d 817 (2001); *Armstrong v. Rogue Fed.l Credit Union*, 328 Or. 154, 160, 969 P.2d 382 (1998); *State ex rel. Hall v. Riggs*, 319 Or. 282, 286, 877 P.2d 56 (1994).

iii. Oregon Scenic Waterways Act and OAR Ch 736, Div 40 Provide Context.

The narrow interpretation is also consistent with the approach taken by the Oregon Scenic Waterways Act and its implementing rules with regard to dwellings. OAR 736-040-0070(2)(c) provides that "[a]dditional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels and lodges that are visible from the river, will not be permitted." The narrow interpretation results in the same prohibition as stated in the administrative rule, which is that only farm-related dwellings are allowed in Natural Areas Such as the Deschutes River.

> Note: With regard to "commercial public service facilities, including resorts and motels and lodges," the County's NAOD is more restrictive than the State Scenic Waterways Act's Administrative Rule, regardless of whether one applies staff's broad interpretation or the opponent's narrow interpretation of WCZO 9.010(B). By negative inference, the administrative rule allowed these commercial uses so long as they are not "visible" from the river. However, such commercial uses are not allowed in the A-1 (160) zone, which is a by-product of the Goal 5 planning Process. The closest use that is conditionally allowed in the A-1 (160) zone is "Farm Ranch Recreation," by these uses have to be run in conjunction with a commercial farm operation. WCZO §3.210(9). For this reason, Wasco County's Goal 5 program is even more restrictive than the OSWA.

iv. Comprehensive Plan Provides Further Relevant Context.

As mentioned above, the Comprehensive Plan provides further relevant context to guide the interpretation of WCZO §3.910(B). As we previously noted, the Comprehensive Plan provides background into the County's Goals 5 program. The County determined that both the Deschutes River and adjacent lands within ¼ mile of the river are natural areas that provide outstanding wildlife habitat and scenic views that need to be protected. The Comprehensive Plan further states that the Oregon Scenic Waterways Act will, in conjunction with the Natural Area Overlay Zone, will result in the protection of the management goals for the River. The County determined that residential development was a conflicting use that should be limited. Viewed in this light, the only plausible explanation for the meaning of the phrase "*uses allowed in the underlying zone*" is the narrow one: it refers to uses that are allowed by right in the underlying zone, and excludes uses that are conditionally permitted in the underlying zone.

Because the context of the NAOD, as summarized above, leaves no doubt as to its intended meaning, there is no need to proceed further with the *PGE v. BOLI* analysis.

C. The Application Violates Wasco County's Comprehensive Plan.

Even assuming that the development the applicant is proposing falls within the definition of a "non-farm dwelling," and further assuming that non-farm dwellings may be permitted in the

Natural Area Overlay District, this application fails because it does not comply with applicable portions of the Comprehensive Plan.

One of the basic approval criteria for all conditional use permits is set forth with WCZO §5.020(A), which provides:

> *A. The proposal is consistent with the goals and objectives of the Comprehensive Plan * * *.*

As discussed above, the Deschutes River Scenic Waterway is a protected Goal 5 resource, the boundaries of which are co-terminous with the boundary set forth in Oregon Scenic Waterway's Program. Under the County's Goal 5 program, these lands are considered to be open space lands. The management goal for this area is to "preserve their natural and scenic properties." *See* WCCP Ch. 14 (findings); WCCP Ch. 15, Policy 5 ("The Deschutes * * * River Scenic Waterways shall be maintained and protected as natural and open area with consideration for agriculture and recreation."). The County has adopted various implementation measures to achieve the management goal for this area. Each of these measures is addressed below.

Before addressing the specific implementation measures, the threshold question of whether these comprehensive plan provisions are mandatory approval standards must be addressed. Staff states that "no parts of the [Comprehensive] Plan present approval criteria that are directly applicable to the present application." Staff Report dated Jan. 29, 2013 at p. 19. To support this conclusion, staff relies on an unidentified findings implementing Goal 2 of the Plan. Staff states that "Goal 2 of the Plan itself indicates that conformance with its implementing ordinance indicates, *ipso facto*, conformance with the Plan." Staff Report at p. 19. We have been unable to confirm the existence of a provision that makes the statement quoted by staff.[28]

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[28] GOAL # 2 - LAND USE PLANNING is reproduced in its entirety below.:

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Policy 1
Citizen Involvement shall be an integral part of the planning process and shall be accomplished through the County's Citizen Involvement Program.

Implementation
A. The Citizen Involvement Program shall be maintained and updated periodically by the Wasco County Planning Office.
B. The Citizen Involvement Program shall abide by the policies as set forth in Goal # 1, "Citizen Involvement".

Policy 2
Comprehensive plans and implementing ordinances shall be consistent with the statewide goals and guidelines as well as the needs and desires of citizens in the County.

Implementation

Even if Goal 2 did say what staff attributes to it, reading such a provision as a statement that makes no part of the Comprehensive Plan an approval criterion would render WCZO §5.020(A) a nullity. This violates the first level maxim of statutory construction that courts give effect to all parts of a statute, in order to produce a harmonious whole. ORS 174.010.[29] As a corollary, courts will avoid interpretations that render a portion of the statute redundant or meaningless surplusage. ORS 174.010.[30]

In this case, staff's reading of Comprehensive Plan, Goal 2, is also incorrect for another reason: WCZO §5.020(A) would be meaningless surplusage if the County Court had intended the Zoning Code to fully implement the Comprehensive Plan. *See State v. Stamper,* 197 Or.App.

A. The Comprehensive Plan shall include all elements identified by the Land Conservation and Development Commission which are applicable to the County.
B. Inventories and other forms of data used in the development of the Comprehensive Plan shall be the most factual and current data available.
C. The Comprehensive Plan shall be coordinated with all other plans and programs affected by, or having effect on, land use within the County.
D. All implementing ordinances applicable to the County shall be consistent with the Comprehensive Plan.

Policy 3
The Comprehensive Plan shall be reviewed periodically for necessary revisions to keep pace with changes in the physical, environmental, social and economic character of the County.

Implementation
A. The Citizen Advisory Groups, in conjunction with the County Planning staff, shall conduct annual Comprehensive Plan review and evaluation.
B. Plan review and amendment shall take place every two years or whenever significant changes in the social, economic, physical, or environmental character of the County are evident.
C. Plan review, evaluation, and amendment shall be carried out utilizing the revisions process as set forth in the Comprehensive Plan. (This process is identical to the planning process employed for the initial development of the Comprehensive Plan.)

Policy 4
Increase public awareness of the planning process and plan implementation.

Implementation
A. Signs should be posted throughout the County to indicate permits are required.
B. Federal, State, County and City agencies should cooperate to simplify combine and expedite permit application.
C. Allow for local public input into the process of locating electrical corridors.
D. Hearing notice procedures shall be included in the Wasco County Zoning Ordinance.

[29] *Lane County v. LCDC*, 325 Or 569, 578, 942 P2d 278 (1997); *Bolt v. Influence, Inc.*, 333 Or. 572, 581, 43 P.3d 425 (2002) ("we are to construe multiple provisions, if possible, in a manner that will give effect to all"). *See also Davis v. Wasco IED*, 286 Or 261, 267, 593 P2d 1152 (1979); *Tatum v. Clackamas County*, 19 Or App 770, 775, 529 P2d 393 (1974); *Plotkin v. Washington County*, 36 Or LUBA 378 (1996); *Walz v. Polk County*, 31 Or LUBA 363 (1996); *Fechtig v. City of Albany*, 31 Or LUBA 410 (1996) (Ordinance).

[30] *Certain Underwriters at Lloyd's London and Excess Ins. Co., Ltd. v. Massachusetts Bonding and Ins. Co.*, 235 Or.App. 99, 230 P.3d 103 (2010); *State v. Stamper,* 197 Or.App. 413, 417, 106 P.3d 172, *rev. den.*, 339 Or. 230, 119 P.3d 790 (2005); *EQC v. City of Coos Bay,* 171 Or.App. 106, 110, 14 P.3d 649 (2000).

413, 418, 106 P.3d 172, *rev. den.*, 339 Or. 230, 119 P.3d 790 (2005) ("we assume that the legislature did not intend any portion of its enactments to be meaningless surplusage"). Thus, when one interprets Goal 2 and WCZO §5.020(A) as a harmonious whole, the correct conclusion is that certain Goals and mandatorily-worded policies and implementation measures in Comprehensive Plan are approval standards for CUP permits.

a. The Watson Application Violates Goal 5, Policy 5.

Goal 5, Policy 5 states that *"[t]he Deschutes and John Day River Scenic Waterways shall be maintained and protected as natural and open space areas with consideration for agriculture and recreation."*

Staff proposes findings which attempt to exempt the subject property from the boundaries of the NAOD:

> "Staff finds that the subject property, while undeveloped, does not constitute 'open space' or a 'natural or scenic resource' because it is bordered by two dwellings in a 'neighborhood' that has existed for several decades. It follows that this area is not 'natural.' More importantly, the implementation strategy has been satisfied."

There are numerous problems with this finding. As an in initial matter, the boundaries of the Natural Area Overlay District are established and fixed by both the Comprehensive Plan and the Zoning Ordinance. Both of these laws set the boundary in the same location as established by the Oregon Scenic Waterway Act. *Compare* ORS 390.805(1); 390.826(5); WCZO 3.910(B). There is no process in either the Plan or the Zoning Ordinance that allows the County to exempt a property from the District based on an ad hoc, site-specific evaluation of the quality of the resource or development impacts on adjacent properties. Simply put, the facts that staff identifies in its proposed finding above are irrelevant, even to the extent that they may be true. Staff's finding is essentially a collateral attack on the County's Goal 5 program, because it seeks to redefine the boundaries of the resource that were established via Goal 5 inventory, and it seeks to change the balancing exercise completed via the GOAL 5 ESEE analysis completed for this resource.

Furthermore, the plan policy does not seek to define open spaces on the basis that they are devoid of adjacent pre-existing conflicting uses. Rather, all land within ¼ mile of the bank is considered "related adjacent land:" that is part of the Scenic Area." *Id.* The subject property does not have to be "natural" in order to be subject to the requirement that it be "maintained and protected" as a "natural and open area." Stated another way, the land has been determined to be a part of a larger natural area that warrants protection, and the fact that isolated pockets within that larger area are compromised in some way does not make them less deserving of protection. For the sake of the larger resource, the County has determined that even lesser quality resources merit protection against conflicting use.

Finally, all of the development on neighboring properties are non-conforming uses. The presence of a cluster of non-conforming uses cannot be used as a basis to avoid zoning

requirements requiring preservation of natural areas. By their very definition, such uses are in derogation of the zoning code, and cannot be used to support further degradation of the resource. To rule otherwise would create a domino effect that could result in more area within the Deschutes River Natural Area being lost to development.

b. The Application Proposes a Non-Farm Dwelling in the Visual Corridor of the Deschutes River, Which Violates Wasco County Goal 5, Policy 5.

Policy 5's Implementation measure C states: "Allow only buildings customarily provided with farm use within the visual corridor of the Deschutes * * * Scenic Waterway. This provision is written in mandatory terms, and because of its clear unambiguous directive, it is surely not merely advisory or aspirational in nature.

The only aspect of the standard that requires interpretation is the contours of the phrase "visual corridor." As staff notes, the phrase is not defined. Regardless of this fact, it is apparent that the visual corridor at the very least includes all land that can be seen from any point on the river. In this case, there can be no argument that the goal of the Goal 5 program is to preserve resources that provide Outstanding Scenic Views, and in this case, the view from the Deschutes River is of primary importance.

Staff uses the absence of a definition to conclude that "the visual corridor for this property should take into account the entire physical and built landscape of North Junction. Meaning, for purposes of this application, the visual corridor includes all nine dwellings, accompanying structures in the area and topography." As a result of this analysis, Staff concludes that "the proposal would not jeopardize the integrity of the visual corridor and not visually degrade the existing beauty of the landscape." Staff Report at p. 20.

Staff errs by introducing a new unwarranted definition of "visual corridor" that is not supported by any language set forth in the Comprehensive Plan or Zoning Ordinance. Goal 5 Implementation Policy 3 is simple: it allows only farm-related dwellings and buildings in the visual corridor of the river. In other words, if you can see the proposed use from the river, it will only be permitted if it is a farm dwelling or building. Staff's attempt to create an exemption for areas that are developed with non-conforming uses fails, because there is nothing in the code that supports such an exemption.

Finally, it is again worth noting that Implementation Measure C is consistent with Oregon Parks and Recreation's Administrative rules implementing the Scenic Waterway Act, which shares the concern of making sure that the view from the river is free of development. In the case of the OSWA, it seeks to prohibit certain commercial uses that are "visible from the river." OAR 736-040-0070(2)(c). The goal of this standard – protection of scenic views from the perspective of a river traveler, is consistent with the above-stated interpretation of Goal 5, Policy 5, Implementation Measure 3.

D. The Application Violates WCZO § 3.910(C) Because It Will Result in the "Permanent Destruction of the Natural Value of the Site."

WCZO §3.910(C) is the approval standard for the Natural Area Overlay District. It is a very restrictive standard, providing:

> *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.*

Staff proposes the following findings:

> "There are nine (9) recreational dwellings and several accessory structures within the approximately eight (8) acres of North Junction. A tenth dwelling is located 180' feet 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 the Wild and Scenic Area. Staff finds that the 'natural value' of the area is limited and must be viewed in the context of existing recreational dwellings and their accessory structures. In fact, both recreational and residential uses have occurred on the subject parcel in the past. Up until 1996, a railroad caboose was located on the parcel and used as s recreational dwelling. Therefore, staff finds that the proposed dwelling and accessory structure will not result in the destruction of natural value."

Staff Report at p. 18. Staff relies on the existence of nine (9) non-conforming "recreational dwellings" in close proximity of the site to conclude that the subject property is already low and, as a result," the addition of one more "recreational dwelling" will not "*result in the permanent destruction of natural value.*" Staff's finding, which can be distilled down to the notion that non-conforming development on adjacent land makes the subject property ill-suited for uses advanced by the Statewide Planning Goals applicable to this property, is essentially the analysis called for by a Goal 2 "committed exception." No attempt has been made to take exception to either Goal 3 or Goal 5 using the Goal 2 exceptions process, however, and therefore, staff's analysis is inappropriate in the context of this application.

Furthermore, WCZO §3.910(C) does not call for a site-specific evaluation of natural value, as staff seems to suggest. To the contrary, the Comprehensive Plan designates the entire North Junction area as having high natural value, as evidenced by the fact that it applied the Natural Area Overlay District to this and surrounding properties. If North Junction is not a "natural area" then Wasco County should not have placed an overlay district on the subject property. Staff's finding is, therefore, simply a collateral attack on the legislative mandate to "preempt conflicting

uses in areas identified in the Wasco County Comprehensive Plan as containing significant natural value."

Furthermore, all of the "recreational dwellings" that staff mentions in its proposed findings are all non-conforming uses in the NAOD and A-1 (160) zone. The presence of nonconforming uses cannot be used as a basis to justify a similar exception for undeveloped properties in these zones.

Similarly, the fact that the subject property was previously used to site the Caboose is also irrelevant. The Caboose was a non-conforming use that was lost via abandonment. It's former presence on the site provides no legal justification to avoid the strict mandate of WCZO §3.910(C).

E. The Application Violates WCZO § 5.020(F) Because It Will "Significantly Reduce or Impair Sensitive Wildlife Habitat."

WCZO §5.020(F) is one the approval standards for a Conditional Use Permit. It provides as follows:

> *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.*

Staff states that "the subject property does not contain sensitive wildlife habitat." Staff report, at 26. However, that finding is in direct contradiction to the legislative facts adopted in the Comprehensive Plan. Chapter 2 M. Fish and Wildlife Resources states: "The unique rock formations, rock slides and overall variable terrain features of the southern portion of the county and along the Deschutes, John Day and Columbia Rivers provide an important and unique wildlife habitat." (Emphasis added). This finding recognizes that all land adjacent to the Deschutes River provides wildlife habitat. The Comprehensive Plan does not call out North Junction as an exception. Thus, the applicant has not demonstrated that the addition of a non-farm dwelling will not significantly reduce or impair that sensitive wildlife habitat.

III. Conclusion.

For all of the reasons discussed above, the applicant's request for a Non-Farm Dwelling must be DENIED.

ANDREW H. STAMP, P.C.

Andrew H. Stamp

Andrew H. Stamp

AHS:ahs

Enclosures

cc: Isa Ann Taylor, Jacques Sharp, et al.
John Roberts, Wasco County Planning Dept.
Mark Whitlow, Perkins Coie
Timothy V. Ramis
Steven Shipsey, DOJ
Client.

JORDAN RAMIS PC
ATTORNEYS AT LAW

VIA E-MAIL & FIRST CLASS MAIL

March 1, 2013

John Roberts
Planning Director
Wasco County Planning and Development
2705 E 2nd St
The Dalles OR 97058

Re: **Public Hearing Continuance**
Wasco County Land Use Permit
Your File No. PLAQJR-12-08-0001
Our File No. 51690-71154

TIMOTHY V. RAMIS

Admitted in:
Oregon

Direct Dial
(503) 598-5573

E-mail
tim.ramis@jordanramis.com

Dear John:

We represent Gabriel Watson in his land use application before the Planning Commission. We request a thirty (30) day continuance of the public hearing currently scheduled for March 5, 2013.

Attorney Mark Whitlow, on behalf of all other participants in this case to date, joins in this request. The continuance is requested because parties to the hearing are discussing ways to resolve differences without the necessity of contesting the application before the Planning Commission. To date those discussions have been fruitful; more time is requested to pursue these talks.

Sincerely,

JORDAN RAMIS PC

Timothy V. Ramis

cc: Client
Mark Whitlow
Andrew Stamp
Isa Taylor

Two Centerpointe Drive, 6th Floor, Lake Oswego, OR 97035 | 503.598.7070 phone | 503.598.7373 fax | www.jordanramis.com
1498 SE Tech Center Place, Suite 380, Vancouver, WA 98683 | 360.567.3900 phone | 360.567.3901 fax | 888.598.7070 toll free

JORDAN RAMIS PC
ATTORNEYS AT LAW

RECEIVED
APR 01 2013
WASCO COUNTY PLANNING

RECEIVED INTO RECORD
April 2, 2013 BY
DATE

VIA E-MAIL & FIRST CLASS MAIL

March 27, 2013

John Roberts
Planning Director
Wasco County Planning and Development
2705 E 2nd St
The Dalles OR 97058

Re: **Public Hearing Continuance**
Wasco County Land Use Permit
Your File No. PLAQJR-12-08-0001
Our File No. 51690-71154

TIMOTHY V. RAMIS

Admitted in:
Oregon

Direct Dial
(503) 598-5573

E-mail
tim.ramis@jordanramis.com

Dear John:

We represent Gabriel Watson in his land use application before the Planning Commission. We request a sixty (60) day continuance of the public hearing currently scheduled for April 2, 2013.

Attorney Mark Whitlow, on behalf of all other participants in this case to date, joins in this request. The continuance is requested because parties to the hearing have been making progress in negotiations which focus on modifications to the current proposal. More time is requested to pursue these negotiations.

Sincerely,

JORDAN RAMIS PC

Timothy V. Ramis

cc: Client
Mark Whitlow
Andrew Stamp
Isa Taylor

Two Centerpointe Drive, 6th Floor, Lake Oswego, OR 97035 | 503.598.7070 phone | 503.598.7373 fax | www.jordanramis.com

RECEIVED INTO RECORD
April 2, 2013 BJ
DATE BY

WASCO COUNTY

John Roberts< johnr@co.wasco.or.us>

Re: Gabe Watson plot

1 message

Joey Shearer< joeys@co.wasco.or.us> Thu, Mar 28, 2013 at 9:37 AM
To: Kevin Dworschak <kevind@co.wasco.or.us>
Cc: John Roberts <johnr@co.wasco.or.us>

Thanks Kevin. If you have any technical specs on the proposed system (written description, renderings, etc.), can you please forward them to me?

Since the septic will be located in the floodplain, do you have any insight into how the system will be designed to "minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters"?

The water supply issue is still unanswered. We are generally open to considering a water tank, but a legal challenge may tell us that the only acceptable water supply for a dwelling is a well. Obviously, we won't approve a water supply without adequate septic, and there's no practical reason to approve a plumbed septic without a water supply.

We'll keep each other in the loop as things progress. It looks like the attorneys involved are going to ask for another continuance at the Planning Commission, which will likely push the hearing back to at least June. Because of the property line setback variances Watson is requesting, the whole application must be heard by the Planning Commission. We submitted our staff report back in January, so we'll likely draft a supplemental to reflect any changes to the original application that Watson submitted.

Thanks,
Joey

On Thu, Mar 28, 2013 at 9:14 AM, Kevin Dworschak <kevind@co.wasco.or.us> wrote:

> Just keeping you informed. We have decided to OK the current plan for the septic system for this property. The DEQ said it was acceptable. We feel the planned system will protect the public health on this particular site. Our decision is dependent on your department settling the water supply issue. Further, there cannot be more than 2 bedrooms on this property due to the restrictions of this site.
> Thanks

--
Joseph Shearer, Senior Planner
Wasco County Planning Department
2705 East Second Street
The Dalles, OR 97058
www.wasco.or.us/planning
541.506.2566

"To preserve and enhance the beauty, livability, and economy of Wasco County"

RECEIVED INTO RECORD
DATE April 2, 2013 BY

Public Health
Prevent. Promote. Protect.

NORTH CENTRAL PUBLIC HEALTH DISTRICT
"Caring For Our Communities"

October 23, 2012

Gabe Watson
1824 SE Taylor.
Portland, OR 97214

Re: Site Evaluation Report
7S 14E 8D 300
North Junction

Mr. Watson:

In response to your recent application for site evaluation, the property at 7S 14E 8D 300 was examined on 3-2-12 to determine if an on-site sewage disposal system could be sited on the property.

The "test holes" on the property were evaluated and unfortunately the site is **denied** for the following reasons.

1. 340-71-0150 (4) (a) (c), requires sufficient usable area be available to accommodate both an initial and replacement drain field. Even considering the reduction in the overall system footprint (size) that an alternative treatment technology (ATT) system would allow for, this lot is not large enough.

2. Standard System - 340-071-0220 (1) (d), for a standard system there must be a confining layer between the bottom of the absorption trenches and the groundwater table in soil with rapid or very rapid permeability. No confining layer was noted in the soil evaluation and these are very rapidly draining soils.

3. Conventional Sand filter System-340-071-0290 (2) (c) sand filters installed in soils with rapid to very rapid permeability may not discharge more than 450 gallons of effluent per ½ acre per day. Your lot is ¼ acre in size.

4. Another limiting factor is the percent of rock (coarse fragments) in the native soils which ranged from approximately 80 to 100 percent.

You may request a variance from these Rules. If you choose to do so, the request is through the Department of Environmental Quality. This does not mean you will receive an automatic variance. You must provide technical justification that demonstrates that your proposed system will work over an extended period of time. Technical advice from a consultant would be recommended.

If you conclude this report to be in error of the Onsite Wastewater Treatment System rules, you may request a report review. You must request this review within sixty days of this letter.

If you wish to choose either of these options and want details on the application process and required fees, please contact:

Bob Baggett
Oregon DEQ, Bend Office
2146 NE 4th St., Suite 104
Bend, OR 97701
(541) 388-6146 x 230

Pleases contact me if you have questions or if you need further information regarding this denied evaluation.

Sincerely,

Kevin Dworschak
Registered Environmental Health Specialist
(541) 506-2600

PAC HILL / TAYLOR PACIFIC LLP
Pacific Spring LLC
Charles S. Lilley
President/ Managing General Partner
520 SW Yamhill Suit 510 Portland, Oregon 97204
Phone (503) 225-0755 (888) 352-0399 FAX (503) 225-0216

Wasco County Planning Department
Attention John R.
2705 East 2nd Street
The Dalles, OR 97058

RECEIVED
APR 25 2013
WASCO COUNTY PLANNING

Re: PLAQJR-12-08-0001

North Junction Building Permit request Gabe Watson

John,

I am writing this letter in support of the proposed construction of the single story vacation home by Gabe Watson and his family at their property located at North Junction.

As a partner in, and part owner of a home, referenced as KNAKL, located at North Junction, I have no objections to the project provided the project adheres to Scenic Waters, and county building ordnances and restrictions of record.

I had spoken to Gabe's mother (Leslie), years ago, as to the process and presumed objections, rumors, threats, and misrepresentations that would surface when and if the time would come that they would be able to build a structure that what once was the location of the old caboose.

It is my hope that the county planning department will view this project solely from an ordnance basis and provide the Watson family the opportunity to proceed with the project and enjoy the right of ownership they are entitled to.

Respectfully

CS Lilley
Partner KNAKL
85220 Deschutes River Road
North Junction, Oregon

RECEIVED INTO RECORD
DATE June 4, 2013 BY

JORDAN RAMIS PC
ATTORNEYS AT LAW

VIA E-MAIL & FIRST CLASS MAIL

May 24, 2013

John Roberts
Planning Director
Wasco County Planning and Development
2705 E 2nd St
The Dalles OR 97058

Re: **Public Hearing Continuance**
Wasco County Land Use Permit
Your File No. PLAQJR-12-08-0001
Our File No. 51690-71154

TIMOTHY V. RAMIS

Admitted in:
Oregon

Direct Dial
(503) 598-5573

E-mail
tim.ramis@jordanramis.com

Dear John:

We represent Gabriel Watson in his land use application before the Planning Commission. We request a sixty (60) day continuance of the public hearing currently scheduled for June 4, 2013.

Attorney Mark Whitlow, on behalf of all other participants in this case to date, joins in this request. The continuance is requested because parties to the hearing have been making progress in negotiations which focus on modifications to the current proposal. More time is requested to pursue these negotiations.

Sincerely,

JORDAN RAMIS PC

Timothy V. Ramis

cc: Client
Mark Whitlow
Andrew Stamp
Isa Taylor

Two Centerpointe Drive, 6th Floor, Lake Oswego, OR 97035 | 503.598.7070 phone | 503.598.7373 fax | www.jordanramis.com
1498 SE Tech Center Place, Suite 380, Vancouver, WA 98683 | 360.567.3900 phone | 360.567.3901 fax | 888.598.7070 toll free

ZALUTSKY, KLARQUIST & REINHART, P.C.
ATTORNEYS AT LAW

THE WALDO BLOCK
215 SW WASHINGTON ST 3RD FL
PORTLAND, OREGON 97204
(503) 248-0300
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E-MAIL SKIP@ERISALAW.COM
WWW.ERISALAW.COM

KENNETH S. KLARQUIST, JR.
Admitted in Oregon & Washington

July 16, 2013

RECEIVED
JUL 18 2013
WASCO COUNTY PLANNING

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

Re: Opposition to Watson Application

Dear Mr. Roberts:

My family shares a cabin with others at North Junction, which has been held by our families since the 1950s. All of us are extremely upset with the County's current recommendation of approval for the new dwelling proposed on the Watson lot. The lot is too small and the proposed structure is too large. The Watsons do not have an identified access easement to the lot and currently access the lot over land owned by others without their permission. Finally, they have recently cut significant trees and removed the vegetation from the lot, all of which was purportedly to provide screening to protect or buffer the new dwelling from the Deschutes River view corridor. It is our understanding that they had no permits or permission from the Parks Commission or Wasco County and proceeded to cut additional trees after receiving a cease and desist order from Parks.

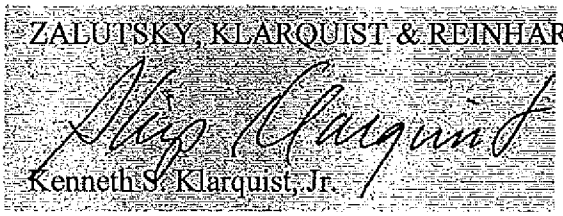
It is inconceivable that the County would approve the application. To do so would be a disservice to the State's Scenic Waterway program and to all other property owners in North Junction who, like us, were required to reestablish their dwellings within one year following the 1996 flood. The prior owners of the Watson lot elected not to reestablish a dwelling on that lot, and the right to reestablish the nonconforming dwelling was thereby waived. The waiver of the right to establish the nonconforming use and development runs with the land. The Watsons should not be allowed to reestablish the nonconforming structure 17 years after the fact. To do so is unfair to everyone else in North Junction.

Based upon the removal of the significant trees and other vegetation from the Watsons' lot, thereby destroying the natural character of the lot, we urge the County to change its recommendation to a recommendation of denial. Following your review of this letter, please call me with your questions or comments.

Thank you for the opportunity to provide comments with respect to this important matter. Please extend party status to me and the other owners of our cabin.

Very truly yours,

ZALUTSKY, KLARQUIST & REINHART, P.C.



Kenneth S. Klarquist, Jr.

c: North Junction Property Owners

THE Robertson GROUP

DATE:

Send to: John-Roberts | From: Doug-Robertson

Attention: | Office Location: See below

Office Location: | Phone Number: See below

Fax Number: 541-506-2561 | Number of Pages, Including Cover: 2

☐ URGENT ☐ REPLY ASAP ☐ PLEASE COMMENT ☐ PLEASE REVIEW
☐ FOR YOUR INFORMATION

COMMENTS:

Hi John

Good talking to you this morning. Here is the confirmation that the former owners were aware of the 6 months clock running and later calls verified they decided not to re-build per my e mail to you.

Thanks

Doug Robertson

The Robertson Group LLC
29 Hillshire Drive
Lake Oswego, OR 97034
Phone: 503-~~[illegible]~~6 638-0331
Fax: 503-638-8166
~~Principal: Nan R. Robertson~~
~~nan@therobertsongroup.org~~

InFocus
SYSTEMS

360-336-6608

April 4, 1996

Gary T. Jones
Jones & Smith
415 Pine Street
P.O. Box 1245
Mount Vernon, WA 98273

Dear Gary:

It was good to meet you, Amelia and your daughter but sorry about the circumstances. Ed Welsh was a wonderful man and I enjoyed knowing him the brief period I did.

I attach a copy of the Oregon Statutes and Administrative Rules. Other than case law, you should have it all. I look forward to working with you to become neighbors (again)!

Best regards,

Douglas S. Robertson

attachments

In Focus Systems, Inc. • 27700 SW Parkway Avenue, Wilsonville, OR 97070-9215 • 503-685-8888 Fax: 503-685-8887

July 19, 2013

RECEIVED
JUL 3 2 2013
WASCO COUNTY PLANNING

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

Re: Opposition to Watson Application

Dear Mr. Roberts:

This letter is written in opposition to the Watson land use application that is coming up for hearing on August 6, 2013. I am one of the owners of one of the adjacent lots. Please grant me party status.

I am surprised that I am opposing this application because I generally believe in allowing individuals the right to pursue their property rights. However, in this instance, I am unwilling to support and now must oppose the Watson application. The applicant has refused to respect and abide by the property rights of others consistently over a protracted period of time. I have observed the Watson family's use of John Hartung's property as a private campground and raft takeout area, over Mr. Hartung's objection.

If they are allowed to develop their lot in the manner they have requested, it will further damage the natural value of the area by imposing a large dwelling on a lot that is too small to develop under today's standards. It is too late to re-establish a non-conforming use and development seventeen years after the non-conforming rights were not preserved by the prior owners of the Watson lot. That does not give the Watson's the right to build now.

Yours truly,

Jim Harlow

Cc: North Junction Property Owners

July 22, 2013

Commissioner Scott Hege
Board of Wasco County Commissioners
511 Washington St, Ste 302
The Dalles, OR 97058

Re: North Junction land use permit for Gabe Watson

Dear Commissioner Hege:

You are currently considering a land-use permit for an oversized 3000 square foot home on the small triangle of property that Gabe Watson's mother, Leslie bought right before she died a couple of years ago. I'm writing to ask that you deny this request.

One would expect that as commissioners, you would respect and follow the 33 year old Scenic Waterway Act from 1970 which established that no new homes could be built in the scenic corridor. After the flood of 1996 it was again understood by all the owners in North Junction, including Leslie, that there was a window of time in which to re-build and after that there could be no more residences built. Searching for some obscure loophole to grant this request 17 years after North Junction was restored does not respect that law, its intent or any of the other property owners at North Junction. You are setting a precedent if you grant this permit –now, anyone can now buy property in the scenic waterway and build a new house and call it a dwelling, or shed, or whatever other sliver of approval definition you are looking for to accommodate the Watsons. You will willfully harm the beauty of Oregon. How can you, in good conscience consider their request?

The way the land sits, this home will be built up and a huge looming presence, with big decks for parties, under construction for who knows how long? They already chopped down several beautiful old poplars that would have provided natural screening in preparation for the land leveling they're planning in preparation for the memorial camping and rafting park they plan to install in Leslie's name and have threatened to formalize if their building permit is denied. They are proven to be spiteful, so please make it patently clear to them that it is not an appropriate use of the land to bulldoze and develop it as a rafting destination/campground.

Anyone who's been at North Junction long knows about the simmering feud between the Watsons, Hartung and Robertson. This small piece of unbuildable land is in between Hartung and Robertson. Leslie, a property owner, bought that piece of property full well knowing the law, but taking the chance that she could tell her story of dying of cancer and loving North Junction since she was a child and persuade officials to disregard the law and sympathetically act in her memory. I loved Leslie, but this is not right. It is a nightmare.

The land owners in North Junction are all avid stewards of the land as a natural habitat and fishing environment whereas Watsons are party people who like drive and raft in and host big groups of people. I am not a landowner, but my husband and I spend all of our vacation time there, so we are very invested in this beautiful piece of paradise.

North Junction is a fishing enclave. Leslie's dad came to fish. Leslie was clear to everyone that her experience at North Junction was camping with big groups of friends. She and Mike, Gabe's dad, openly chuckled about cutting the grass in front of the neighbor's house and camping on it, even when repeatedly asked not to – for decades! They have big parties, myriad rafts and camp everywhere. Evidently, a couple of weeks ago there was a party of about 40 and 3 kegs. It's getting so that you want to know when they'll be there and avoid that weekend which is not right. They don't fish; they take over the entire shore area, haul the rafts out of the water and trample the grasses in a wide swath. They don't respect or care that they are ruining the fishing habitat. The Watson's have one home there. Do not approve this second home. Preserve North Junction as it is. The time for new homes passed 33 years ago.

Respectfully,

Brenda Whitlow

Brenda Whitlow

Wasco County Planning & Development
Att'n: John Roberts

RE: Gabriel Watson, Proposed North Junction Project
PLACQJR-12-08-0001

7/25/13

Dear Mr Roberts,

I own Tax Lot 400 at North Junction that is adjacent to the three sides of the Watson property proposed for developing a new two-story, two-family house.

I want to work with our neighbor, but the application has been submitted without many of the facts and agreements that should be required for it to go forward.

1. After the flood of 1996, affected property owners were given a 6 month window to commence rebuilding to preserve grandfather status in the zone or be denied future approval. The window was extended to one year; all of the replacement dwellings there were done on this schedule. The owner of TL 300, Vicki Welsh-Jones **elected not to rebuild** with the understanding that the lot would be **unbuildable in the future.** Ref: Deb Gonzales, Planner & Jan Houck, Scenic Waterways.

2. The 'replacement' of the 288 sq ft antique caboose with a 47 x 30/ 1400+ sq ft **over-sized** house. This is not a "Conservative dimension of development" as stated in Variance # 3c. With the required piers the height will be about 40 feet. For scale, the adjacent cabin on my property is about ½ that size.

3. Section H, there is **no easement** in effect over my property. The easement had been abandoned by the previous owner; unused since the flood of 1996. Topography changes from that flood have obscured reference points. Before this project should move forward the **access to the subject property** must be addressed.

4. We do not know the specific size & location of the **septic drain field**. The actual drain field layout may change the Setback distance from dwelling to river as stated in the application Variance #2.

5. There is no provision for driveway location or **car/truck parking**. The lot area is inadequate for the number of people & vehicles this dwelling is meant to accommodate. I am concerned about spill-over of cars onto my adjacent land.

These are a few of the issues that would need to be further defined by the Applicant and formally examined the Planning Department in order to make an informed decision on this project to comply with the intent of the law.

Please grant me party status and provide me with a copy of your staff report.

Respectfully submitted,

John Hartung
1025 SE Sandy Blvd
Portland, 97214

ANDREW H. STAMP, P.C.
ATTORNEY AT LAW
Kruse-Mercantile Professional Offices, Suite 16
4248 Galewood St.
Lake Oswego, OR 97035

Admitted in Oregon.

Tele: 503.675.4318
Fax: 503.675.4319
andrewstamp@comcast.net

JULY 29, 2013

VIA EMAIL

Wasco County Planning Commission
c/o: Wasco County Planning Office
2705 East Second Street
Dalles, OR 97058

Re: Gabriel Watson Non-Farm Dwelling Application
File # PLAQJR-12-08-0001

Dear Honorable Members of the Planning Commission:

I. Introduction.

I, along with Mark Whitlow of Perkins Coie, LLP, represent Mr. Douglas S. Robertson on land use matters related to the above-captioned case file. Our mutual client is opposed to the Conditional Use application on the grounds that it is not in compliance with the Wasco County Comprehensive Plan ("WCCP"); Wasco County Zoning Ordinance ("WCZO") and Wasco County Land Use and Development Ordinance ("LUDO").

Both Mr. Whitlow and I have previously submitted letters to the Planning Commission that address many of the key legal issues This letter is intended both to present a new legal issue, present new evidence, and to provide rebuttal to arguments submitted by attorney Timothy V. Ramis, Jordan Ramis, P.C., on February 25, 2013 in support of the application.

II. Legal Analysis.

A. New Issue: The Applicant is Required to Undergo Site Plan Review Because the Applicant is Required to Provide Off-Street Parking.

The Code chapter addressing Site Plan Review contains standards for off-street parking. LUDO §20.050 states that "[a]t the time of erection of a new structure * * * off-street parking

spaces shall be provided in accordance with this Section." LUDO §20.050 further provides as follows:

> "The following are the uses and minimum standards provided for off-street parking:
>
> A. Residential
>
> 1. Single-family dwelling: One (1) space per dwelling unit.

Thus, the Zoning Code requires an applicant seeking approval to build a single family dwelling to provide one off-street parking spot in support of that application. The codes further requires

> E. Uses Permitted Subject to Conditional Use Review/Type II or Type III: The following uses may be permitted on a legal parcel designated "A-1...#157; Exclusive Farm Use subject to subsection F - Property Development Standards, subsection H - Agricultural Protection, Chapter 5 - Conditional Use Review, 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. Non-Farm Dwelling: One single family dwelling not provided in conjunction with farm use, subject to Section J(1) - Additional Standards, below. * * * * *. (Emphasis added).

This provision makes clear that the approval standards set forth in Chapter 20 (Site Plan Review) are applicable to the applicant's request for a residential dwelling.

The approval standards for site plan review are set forth at LUDO Section 20.040. Among other requirements, the applicant is required to demonstrate that "pedestrian and vehicular safety are protected" and that "there will be minimal adverse effect on surrounding properties." In this case, the applicant has made no effort to demonstrate that it has legal access to the subject property. The applicant states in its application that it has "an easement," but no easement is provided. We have searched the land records for "an easement" but as of today, we are not aware of the existence of a recorded easement. In the absence of a legal right of access, the application will violate the two approval standards quoted above, because it will result in the approval of a dwelling that will be accessed across property owned by other neighbors.

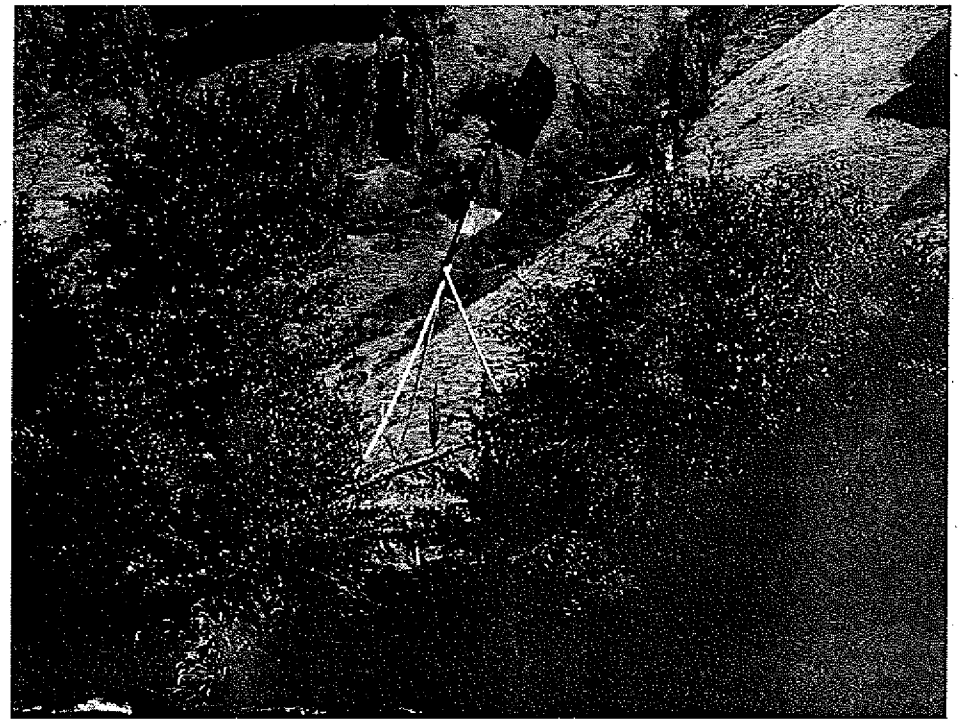
B. The Applicant proposes to build in the "Visual Corridor" of the River. In Violation of the Comprehensive Plan's Goal 5 Policy 5 Implementation Measure C.

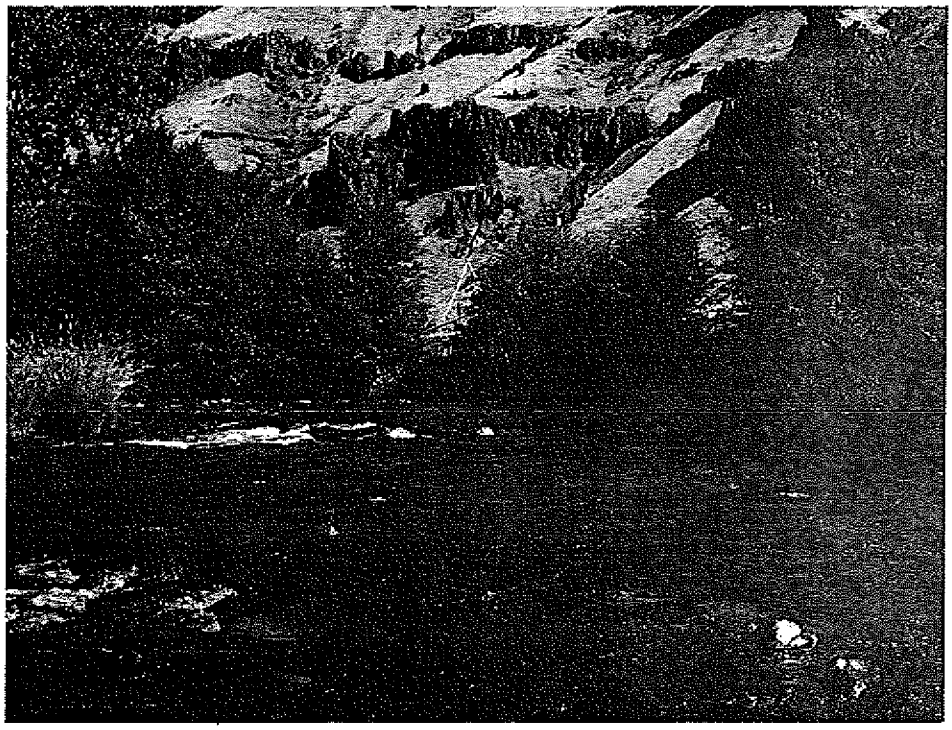
As part of the conditional use process, the applicant is required to demonstrate that "*The proposal is consistent with the goals and objectives of the Comprehensive Plan* * * *." WCZO §5.020(A).

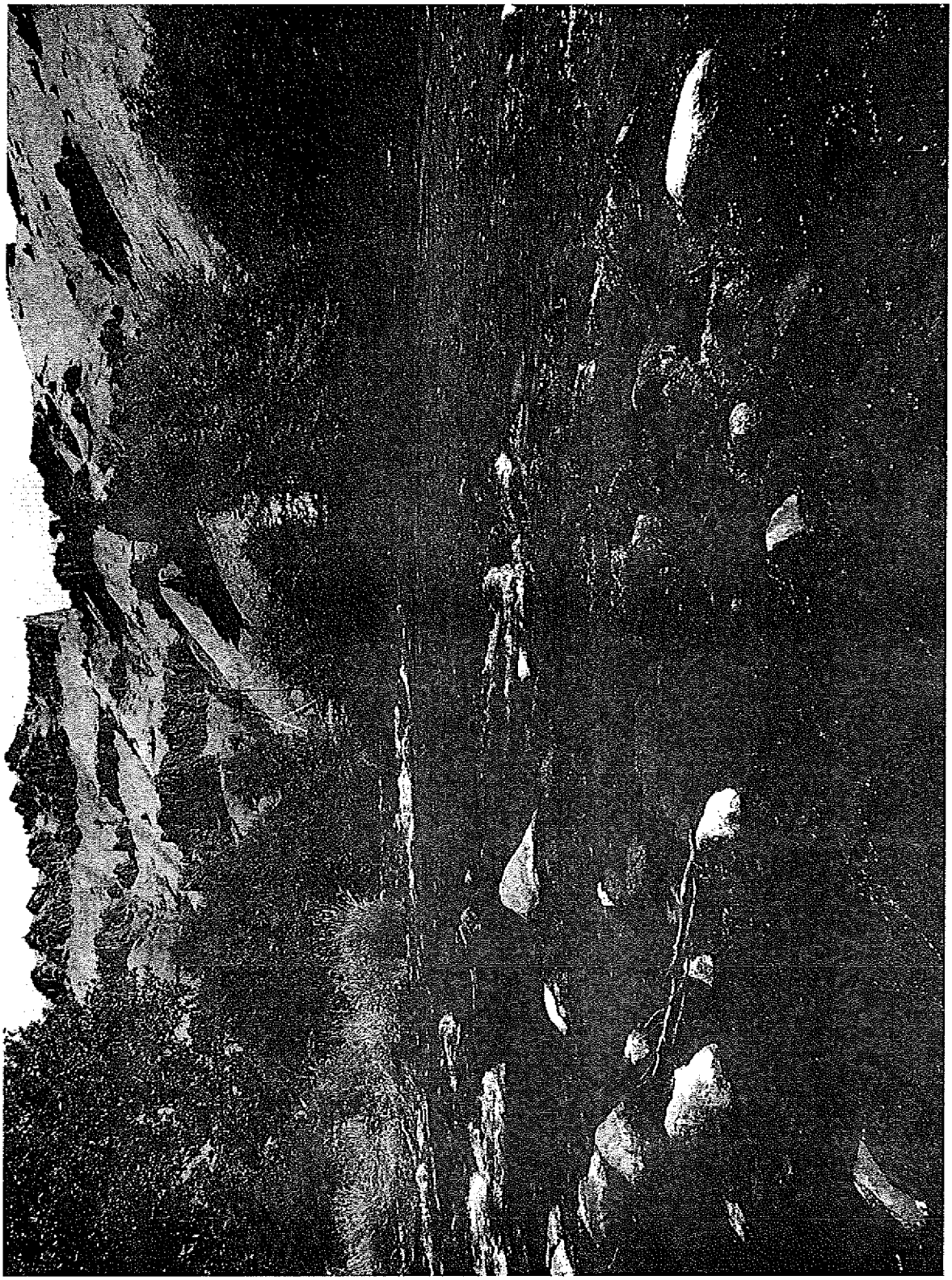
In this case, the Comprehensive Plan designates the Deschutes River Scenic Waterway as a protected Goal 5 resource. The boundaries of the resource are co-terminus with the boundary set forth in Oregon Scenic Waterway's Program. Under the County's Goal 5 program, these lands are considered to be "open space" lands. The management goal for this area is to "preserve their natural and scenic properties." *See* WCCP Ch. 14 (findings); WCCP Ch. 15, Policy 5 ("The Deschutes * * * River Scenic Waterways shall be maintained and protected as natural and open area with consideration for agriculture and recreation."). Policy 5's Implementation Measure C effectuates this policy goal by limiting development in the resource area: "Allow only buildings customarily provided with farm use within the visual corridor of the Deschutes * * * Scenic Waterway."

Goal 5 Policy 5 Implementation Measure C is a mandatory approval criterion in this case because it uses only mandatory words: "*Allow only* * * * in the visual corridor." Compare *Axon v. City of Lake Oswego*, 20 Or LUBA 108 (1990) ("Comp plan policy that states that "services shall be available or committed prior to approval of development" is a mandatory approval standard). The mandate set forth in measure C is simple: it allows only farm-related dwellings / buildings in the visual corridor of the river. Although the phrase "visual corridor" is not defined, it is clear that the phrase includes all land and structures that can be seen from any point on the river.

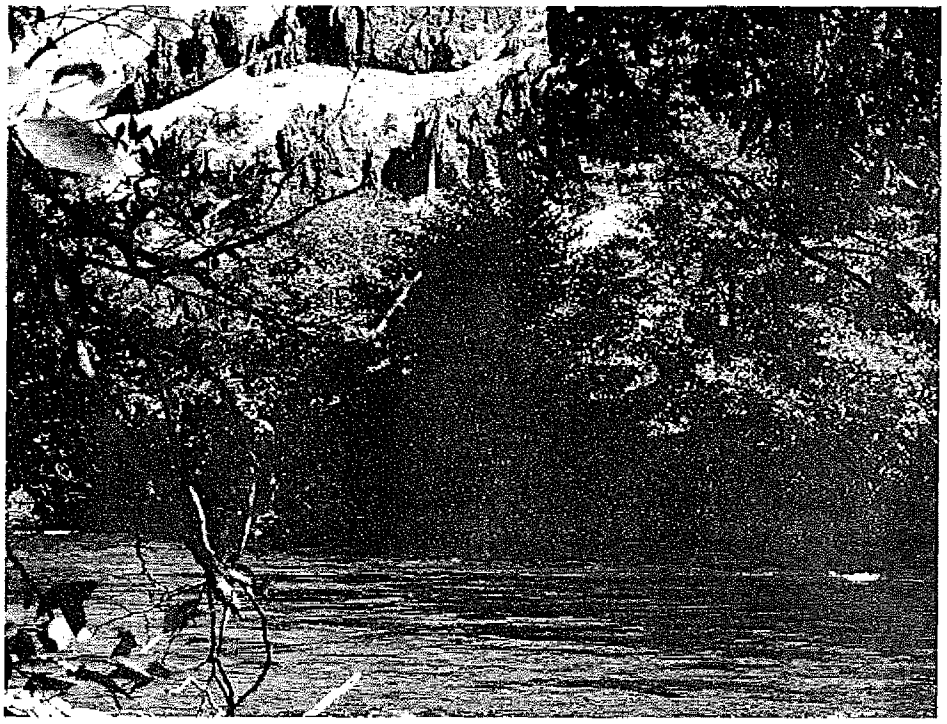
The following photos were taken from a watercraft situated on the waters of the Deschutes River in July of 2013, and show a flag located on the center of the Watson property. These images clearly show that a dwelling placed on the Watson property could be seen from the river – even in the summer when the vegetation is at its most dense. The tripod is made of 10 foot long sections of PVC pipe, creating a structure that is approximately 16- 17 feet tall. The flag adds another 12 feet (give or take) to the total height. Therefore, the total height of the flag is approximately 28-29 feet, which is less than the height of the dwelling proposed by the Watsons.



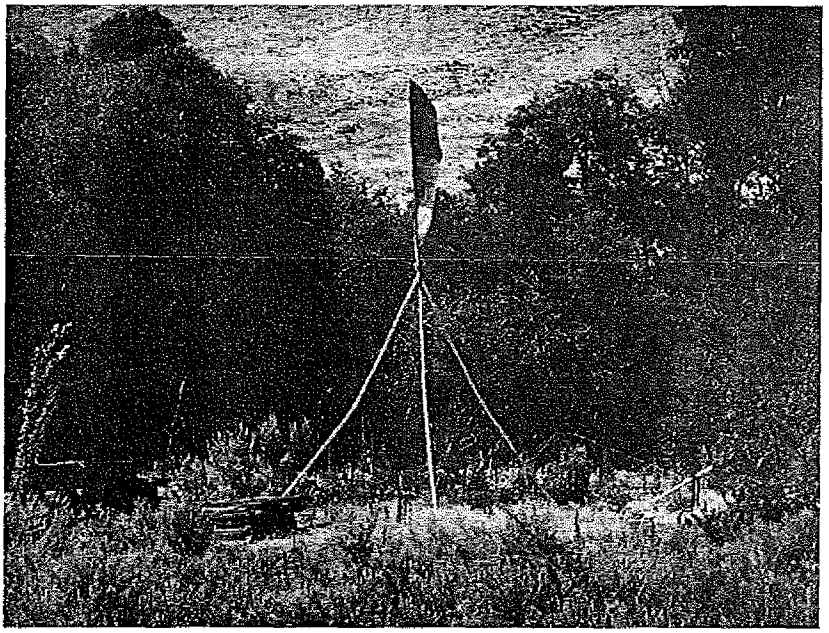


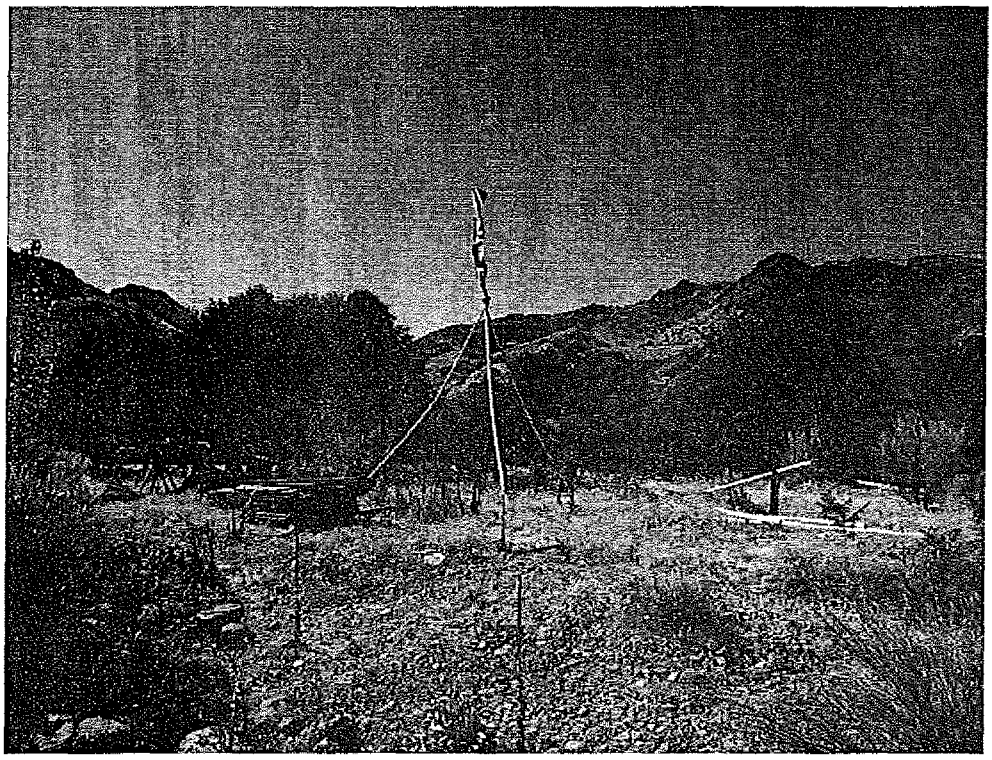


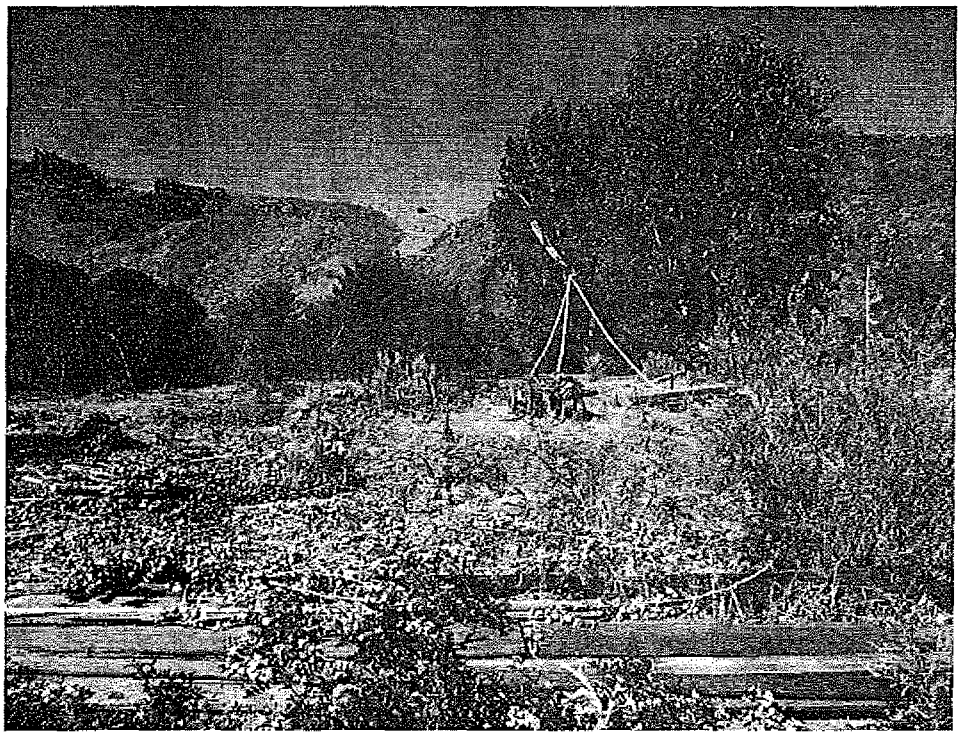
Even in locations where the seasonal vegetation is at its tallest, the flag is clearly visual over the top of the trees:



The same flag can be seen in these three images taken from neighboring property:







In this case, there can be no argument that the goal of the Goal 5 program is to preserve resources that provide Outstanding Scenic Views, and in this case, the view from the Deschutes River is of primary importance. The proposed dwelling would further degrade the scenic views in this area, which is inconsistent with the policy set forth in eth Comprehensive Plan

Thus, this proposed non-farm dwelling is not allowed within the visual corridor of the river.

C. Response to Applicant's February 25, 2013 Letter.

1. The Applicant Cannot Rebuild Non-Conforming Structures Destroyed by the 1996 Flood Due to the Operation of ORS 215.130(5)-(11).

Citing to WCZO §3.210(E), the applicant argues that he can "rebuild flood-damaged structures" via a conditional use permit. However, the applicant ignores the fact that residential uses are a non-conforming use in the Natural Area Overlay Zone. *See* WCZO §3.910; Comprehensive Plan Policy 5, Implementation measure C ("Allow only buildings customarily provided with farm use within the visual corridor of the Deschutes * * * Scenic Waterway.").

A non-conforming use is essentially a "grandfathered" use: a use of land, structures, or premises which lawfully existed prior to the enactment of a zoning ordinance, but which no longer complies with use restrictions applicable to the zone. *Clackamas County v. Holmes*, 265 Or 193, 508 P2d 190 (1973).

In this case, non-conforming use law governs the question as to whether the applicant can rebuild a residential structure. As we have previously discussed, the WCZO and WCCP do not allow non-farm dwellings or recreational cabins in the Natural Area Overlay Zone, and, as a result, all of the existing non-farm structures located in North Junction are non-conforming uses.

Non-conforming uses are regulated by ORS 215.130(5)-(11). A county's code may generally be more restrictive than the statute, but may not be more lenient. *Corvallis v. Benton County*, 16 Or LUBA 488 (1988); *Gibson v. Deschutes County*, 17 Or LUBA 692 (1989). ORS 215.130(6) governs the replacement of non-conforming residences that have been destroyed by flood waters. It provides as follows:

> Restoration or replacement of any use described in subsection (5) of this section may be permitted when the restoration is made necessary by fire, other casualty or natural disaster. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster.

The applicant admits that the structure on the property, a train caboose, was "tipped over" by the 1996 flood. *See* letter from Timothy V. Ramis, dated February 25, 2013, at p. 1. The applicant further admits that residential use of the caboose ended at that time. These facts

together establish that the replacement of the structure was not "commenced within one year from the occurrence of the fire, casualty or natural disaster." For this reason, non-conforming use rights have been lost.

While that result may seem harsh, the Planning Commission must understand that non-conforming uses are not favored in Oregon law. *Michael v. Clackamas County*, 9 Or LUBA 70, 75 (1983). A nonconforming use is by definition contrary to provisions of a local government's comprehensive plan and land use regulations. For this reason, it is certain that LUBA and the courts will not allow the applicant to rebuild a non-conforming use 17 years after the flooding occurred.

Finally, it is worth noting that a replacement of a nonconforming use due to flooding must be "in-kind and in place"; the use may not be expanded or intensified as a result of destruction through such an event. *See, e.g., Sellwood Harbor Condominium Ass'n v. City of Portland*, 16 Or LUBA 505 (1988). In this case, the applicant seeks to replace a caboose with a large, two-story dwelling, Such a replacement constitutes an expansion of a non-conforming use.

2. Applicant's Arguments Pertaining to the Oregon Scenic Waterways Act Miss the Mark.

The applicant states that the Oregon Scenic Waterways Act is separate from the County's Zoning Program, and, as a result, is "not applicable to this County land use application." The applicant is wrong.

As we explained in our letter dated February 26, 2013, the Land Conservation and Development Commission ("LCDC") adopted Statewide Planning Goal 5 in 1975. Under Goal 5, the County was required to inventory open space lands includes lands designated as wild and scenic rivers. Wasco County did exactly that, and then recognized that the planning goal for such open space is to "protect [its] natural and scenic properties." The County then identified residential development as a "conflicting use" to the resource. WCCP Ch. 14(B)(1). The County also made the policy decision, consist with Goal 5, to protect the Deschutes River from such conflicting uses, including residential development.

Policy 5's Implementation Measure C states: "Allow only buildings customarily provided with farm use within the visual corridor of the Deschutes * * * Scenic Waterway." This provision is written in mandatory terms, and because of its clear unambiguous directive, it is surely not merely advisory or aspirational in nature, as the applicant suggests.

3. The Applicant is Not Entitled to a Variance.

The applicant seeks a variance to the 100 foot setback requirement. A variance is by definition a request to use property in a manner that is expressly prohibited by law. *Bienz v. City of Dayton*, 29 Or App 761, 566 P2d 904 (1977), *rev den.*, 280 Or. 171 (1977). However, as noted by the Court of Appeals, "variances are an extraordinary remedy that 'should not be employed as

a substitute for the normal legislative process of amending zoning regulations." *Kelley v. Clackamas County*, 158 Or App 159, 163-65, 973 P2d 916 (1999). The 100 foot setback exists for a reason, and it should not be ignored merely because the applicant seeks to site an inappropriate development on the property. The property is simply too small to support residential uses, and the use of the variance process as a remedy for that problem is inappropriate.

The variance application runs afoul of at least two separate variance criteria.

First, the applicant cannot meet WCZO § 6.020(B), which states: "The variance is necessary for the preservation of a property right of the applicant which is the same that is enjoyed by other property owners in the same zoning district in the area." The only development-related "property rights" enjoyed by other landowners in North Junction are non-conforming use rights. The applicant does not have non-conforming use rights because his predecessor-in-interest voluntarily gave those rights up by failing to rebuild in a timely manner after the 1996 floods.

The failure to rebuild lead to the second problem: the applicant's inability to comply with WCZO § 6.020(E). This criterion requires an affirmative finding that "the variance is not the result of a self-created hardship." In this case, the hardship is self-created, because landowner's predecessor in interest failed to perfect non-conforming use rights. That failure essentially rendered the land unbuildable.

The applicant states that the creation of the lot in 1960 – prior to zoning - is the cause of the need for a variance. However, it was the landowner's inaction in the 1996-1997 that resulted in the loss of non-conforming use rights – by the applicant's lack of rebuilding, the land reverted to being available only for uses allowed by the zoning code.

Finally, the applicant is also wrong when it points out that the "the variance has been used as a remedy for other setback violations in this area." However, the fact that the county has a history of granting variances in North Junction is not germane to either the determination of whether the variance is self-created or whether the variance is necessary for the preservation of a property right of the applicant which is the same that is enjoyed by other property owners in the same zoning district in the area. Furthermore, illegal interpretations of the code do not somehow become correct interpretations merely through repetition. A firmly held mistake is just as reversible as a first-time mistake. While it may be that past variances would not have survived judicial scrutiny had they been put to the test, this applicant gets the opportunity to have the code correctly applied to his situation.

The variance must be denied.

III. Conclusion.

For all of the reasons discussed above, the applicant's requests for a Non-Farm Dwelling and a variance must be DENIED.

ANDREW H. STAMP, P.C.

Andrew H. Stamp

Andrew H. Stamp

AHS:ahs
Enclosures
cc: Isa Ann Taylor, Jacques Sharp, et al.
John Roberts, Wasco County Planning Dept.
Mark Whitlow, Perkins Coie, LLP
Timothy V. Ramis, Jordan Ramis, P.C.
Client.

WASCO COUNTY PLANNING COMMISSION

Columbia Gorge Discovery Center
Lower Level Classroom
5000 Discovery Drive
The Dalles, OR 97058

WASCO COUNTY PLANNING COMMISSION AGENDA PACKET

FOR

Hearing Date: February 5, 2013

Action Item(s):

File PLAQJR-12-08-0001 (previously named: PLACUP-10-11-0023_PLASTS-10-11-0026_PLAQJR-10-11-0006).

The request by owner, Gabriel Watson, is for an administrative (quasi-judicial) review of the following:

1) 40' x 28' x 24' (1,120 square foot), non-farm dwelling
2) 18' x 12' x 12' (216 square foot) shed
3) 7' x 7' sealed vault toilet
4) Variance to property line setbacks. Requested setbacks are as follows:
   - 25' from front and rear property line
   - 25' from side property lines
   - 25' from Deschutes River
5) Floodplain Development Review of requested structures located within the FEMA delineated floodplain
6) Modification to Wasco County Fire Safety Standards Review

Wasco County Planning Department

"Service, Sustainability & Solutions"

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

MEMORANDUM

To: Wasco County Planning Commission

From: Wasco County Planning Department

Date: January 29, 2013

Re: Submittal for Hearing Dated February 5, 2013

File PLAQJR-12-08-0001 (previously named: PLACUP-10-11-0023_PLASTS-10-11-0026_PLAQJR-10-11-0006).

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SUMMARY OF INFORMATION

Prepared for Planning Commission Hearing

FILE # PLAQJR-12-08-0001

HEARING DATE: February 5, 2013
PUBLISH DATE: January 29, 2013

REQUEST: Request by owner, Gabriel Watson, for an administrative (quasi-judicial) review of the following:

1. 40' x 28' x 24' (1,120 square foot), non-farm dwelling
2. 18' x 12' x 12' (216 square foot) shed
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4. Variance to property line setbacks. Requested setbacks are as follows:
   - 25' from front and rear property line
   - 25' from side property lines
   - 25' from Deschutes River
5. Floodplain Development Review of requested structures located within the FEMA delineated floodplain
6. Modification to Wasco County Fire Safety Standards Review

RECOMMENDATION: Evaluation of Conditions and Continuance

APPLICANT/OWNER INFORMATION:

Gabriel Watson
1824 SE Taylor St
Portland, OR 97214

PROPERTY INFORMATION:

Map and Tax Lot	Acres	Acct. #	Zoning
7S 14E 8 D 300	0.25	12783	A-1 (160)/EPD1/EPD 7

Location: The subject parcel is located approximately 19.6 miles south of Maupin along the Deschutes River Access Road. **Address:** None

ATTACHMENTS:

A. **Summary of Information & Conditions**
B. **Planning Commission Options & Staff Recommendation**
C. **Maps**
D. **Staff Report**
E. **Lighting Standards**
F. **Farm Management Easement**
G. **Mediation Ordinance**
H. **Comments**

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 February 5, 2013 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 Watson has requested a non-farm dwelling and associated structures located approximately 25' from property lines and the Deschutes River, and within the FEMA designated floodplain and the Wild and Scenic River Overlay. Subject to the proposed findings contained in **Attachment D**, Staff recommends 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 proposed development including but not limited to location, dimensions and use. This decision does not constitute tacit approval for any other development or use.

B. **After expiration of the appeal period, and prior to any Development, the owner(s) shall comply with the following conditions.**

   1. Farm Forest Management Easement: The owner shall sign and record the Farm Management Easement (**Attachment F**) prior to receiving zoning approval on a building permit.

   2. Disqualification from Special Assessment: The owner shall record the following statement on a new property deed for the subject parcel: "This parcel has been disqualified for special assessment and may not re-qualify for special assessment unless, combined with another contiguous lot or parcel, it constitutes a qualifying parcel by meeting the minimum lot size for commercial agriculture enterprises within the area."

   3. Colors of Structures: Colors of all structures shall be medium to dark earth tones. Applicant shall submit color samples to the Wasco County Planning Department for approval.

C. Outdoor Lighting: Any future 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 non-reflective, opaque materials. See **Attachment E**.

D. Above Ground Utilities: All utilities shall be elevated to prevent water from entering the components during flood conditions.

E. **Final Elevation Certificate**: The final finished floor for all elevated structures shall be at or above 1,098.6' NGVD, one foot (1') above base flood elevation. Prior to final building inspection by Mid-Columbia Building Codes Services, Applicant shall submit the "as built" Final Elevation Certificate for the dwelling and accessory structure(s) to the Wasco County Planning Department.

F. **Water Facilities:** No poly tank or plumbed water is approved in conjunction with this review. At such time appropriate water rights are obtained (either through a well or from the Deschutes River) AND septic approval is granted by North Central Public Health District, Applicant may apply for installation of additional water and sanitation facilities.

G. **Address**: The owner shall apply for a new address and submit the $170 fee to Wasco County. An approved address shall be posted on both sides of a permanent post or mailbox within 30' of the driveway which accesses the dwelling. The address numbers shall be legible, reflective, and at least 2 ½ inches high.

H. **Revegetation of Disturbed Soil:** Area disturbed during construction shall be revegetated within the first planting season (October – April) after final inspection by Building Codes.

I. **Fire Safety Standards**

1. **Permanent Fire Safety Obligations**: As part of this review, the owners have completed and signed a Fire Safety Standards Self-Certification Form. By signing this 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. Current and future owners shall comply with applicable Fire Safety Standards. A copy of the signed self-certification form is available for inspection at the Wasco County Planning Department under file PLAQJR-12-08-0001.

2. **Modifications to Fire Safety**: Listed below are accepted fire safety mitigation measures:

   a. Exterior of proposed dwelling will be constructed using James Hardie, Hardiplank lapsiding, Hardipanel siding, Harditex baseboard, and Hardishingle cladding shingles; consistent with 60 minute rated wall assembly designs. These products comply with ASTM-C1186 Standard Specification for Grade II, Type A, Non-Asbestos Fire-Cement Flat Sheets.

   b. Thermal windows will be used on sides of structure where full 50' fire fuel break cannot be maintained. Window size will be limited. Shutters constructed of fire resistive materials will be maintained on all ground level windows.

c. Roof will be metal and have UL Class A Rating.

d. Chimney and stove pipe shall be capped with spark arresters meeting NFPA standards.

e. Utility service provided to the subject parcel will be kept clear along its route, have a single point of access to the building and include a clearly marked power disconnect switch at the pole.

f. The owner will purchase 200' of 1" single jacket wildland firefighting hose and maintain an emergency-use water pump to access Deschutes River surface water in case of an emergency.. These fire-related emergency tools shall be stored in the shed/accessory building.

ATTACHMENT B

PLANNNING COMMISSION OPTIONS & STAFF RECOMMENDATION

Planning Commission Options

A. **Approve** the request:

1. 40' x 28' x 24' (1,120 square foot), non-farm dwelling
2. 18' x 12' x 12' (216 square foot) shed
3. 7' x 7' sealed vault toilet
4. Variance to property line setbacks. Requested setbacks are as follows:
   - 25' from front and rear property line
   - 25' from side property lines
   - 25' from Deschutes River
5. Floodplain Development Review of requested structures located within the FEMA delineated floodplain
6. Modification to Wasco County Fire Safety Standards Review

B. **Approve** the request described in A. above with amended findings, conclusions and conditions.

C. **Denying** this request as submitted.

D. **Continue** the hearing, to a date and time certain, if additional information is needed to determine whether standards and criteria are sufficiently addressed.

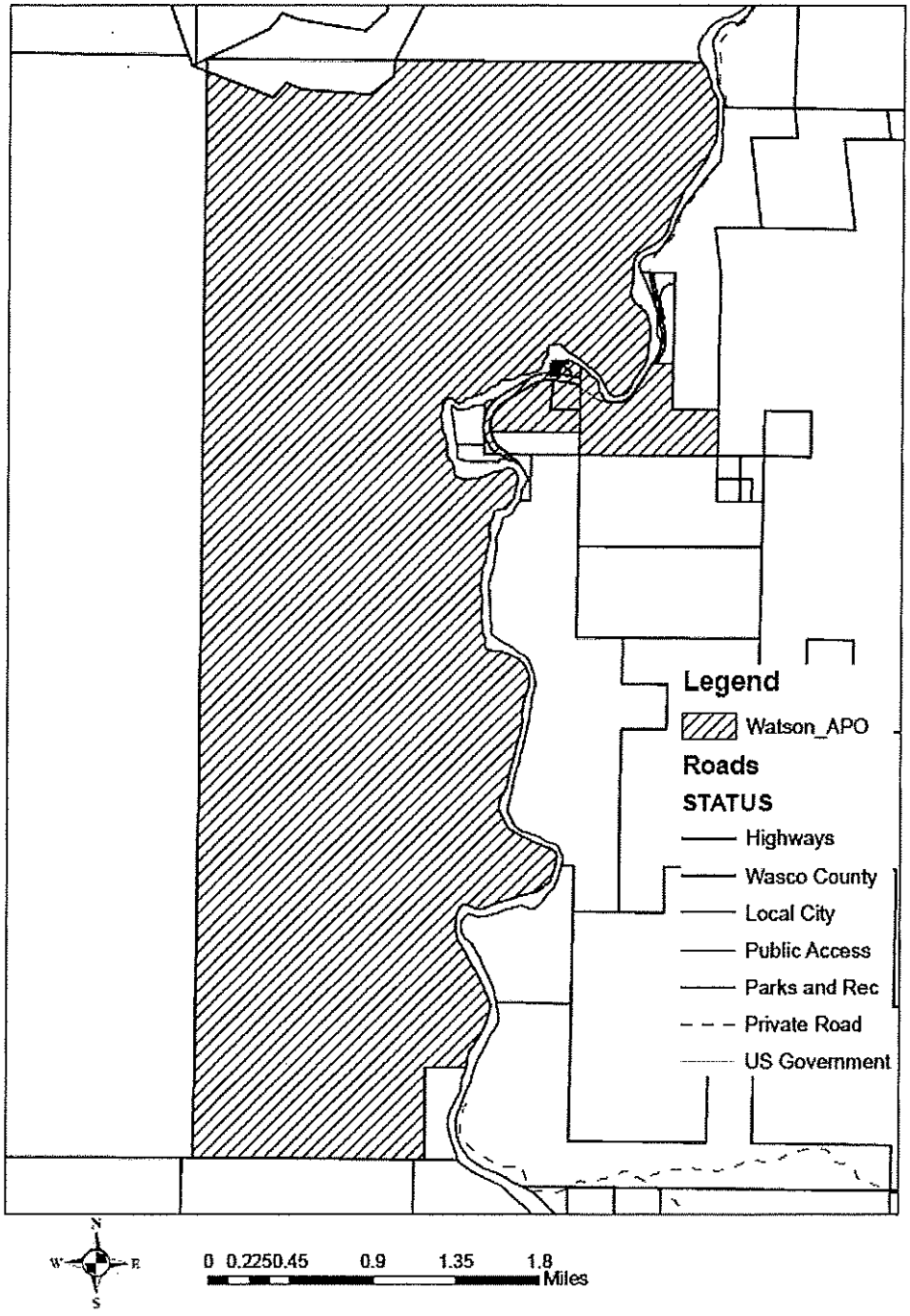
Staff Recommendation

Staff recommends **Option A – Approve the request.**

ATTACHMENT C – MAPS

Vicinity Map and Adjacent Property Owner (APO) Notification Radius

Watson Development Assoicated Property Owner Notification List



ATTACHMENT D – STAFF REPORT

File Numbers:	PLAQJR-12-08-0001
Applicants/Owners:	Gabriel Watson
Requests:	1. 40' x 28' x 24' (1,120 square foot), non-farm dwelling 2. 18' x 12' x 12' (216 square foot) shed 3. 7' x 7' sealed vault toilet 4. Variance to property line setbacks. Requested setbacks are as follows: - 25' from front and rear property line - 25' from side property lines - 25' from Deschutes River 5. Floodplain Development Review of requested structures located within the FEMA delineated floodplain 6. Modification to Wasco County Fire Safety Standards Review
Recommendation:	Approval, with conditions
Hearing Date:	February 5, 2013
Location:	The subject property is located in North Junction, along the Deschutes River Access Road, approximately 19.6 miles south of the City of Maupin, Oregon. The property is further described as: Existing: 7S 14E 8D 300 Previous: none
Zoning District:	A-1 (160); EPD-1, Flood Hazard Overlay; EPD-7, Wild and Scenic River Overlay
Contiguous Ownership:	None
Past Actions:	None
Procedure Type:	Quasi-Judicial Review by the Planning Commission
Prepared by:	John Roberts, Planning Director Joey Shearer, Senior Planner Isa Anne Taylor, Legal Counsel

ATTACHMENT D – STAFF REPORT

I. APPLICABLE STANDARDS

Oregon Administrative Rules (OAR)

OAR 736-040-0070 Deschutes River Scenic Waterway.....3

Wasco County Land Use & Development Ordinance (LUDO)

A. Chapter 3 Basic Provisions..... 5
Section 3.210 – Exclusive Farm Use Zone
Section 3.740 – Flood Hazard Overlay
Section 3.910 – Natural Areas Overlay

B. Chapter 5 Conditional Use Review.....18

C. Chapter 6 Variances.....29

D. Chapter 10 Fire Safety Standards.....32

II. BACKGROUND

A. LEGAL PARCEL: The subject property is a legal parcel created by deed 71-0815 and filed with the Wasco County Clerk on May 21, 1971.

B. SITE DESCRIPTION: The parcel is 0.25 acres with approximate dimensions of 100' by 110'. The property is generally flat and somewhat rocky. Vegetation consists primarily of scrub brush and some trees along the Deschutes River. Currently, there are no structures on the subject parcel.

The subject parcel is zoned A-1 (160) Exclusive Farm Use, and the development site is located in two environmental overlays – the Flood Hazard Overlay and the Natural Areas Overlay.

C. SURROUNDING LAND USES: The subject parcel is located in North Junction, a small cluster of recreational dwellings along the Deschutes River south of Maupin. The majority of the North Junction area is comprised of approximately eight (8) acres of land, in a rounded triangle shape, bordered to the south by the Burlington-Northern Railroad and to the northwest and northeast by the Deschutes River which bends to create the peak of the triangle. There are eight (8) taxlots and nine (9) recreational dwellings within this approximately eight (8) acre area. The subject parcel is the lone undeveloped property in the eight acre area north of the railroad. A tenth dwelling is located 180' south of the railroad tracks. According to Wasco County Assessor data, this particular area has been developed for residential use since the 1940s.

All of North Junction is zoned A-1 (160) Exclusive Farm Use and located in the Natural Areas Overlay. The North Junction properties immediately adjacent to the Deschutes River are all affected by the Flood Hazard Overlay.

D. PUBLIC AGENCY COMMENTS: Staff mailed notice of the development application and Planning Commission hearing on August 9, 2012 and, after receiving significant amendments to the application, again on January 15, 2013. Comments were received from Oregon Parks & Recreation, the State Fire Marshal and Wasco County Environmental Health. All public agency comments are included in the accompanying

attachment title COMMENTS/Agency Comments. Comments are addressed throughout the staff report.

E. **PUBLIC COMMENTS:** Staff mailed notice of the development application and Planning Commission hearing on August 9, 2012 and, after receiving significant amendments to the application, again on January 15, 2013. Notice was mailed to owners of property within 750' of the subject parcel. Staff received several comments from adjacent property owners and/or their representatives. All public comments are included as in the accompanying attachment titled COMMENTS. Comments are addressed throughout the staff report.

Approximately 14 Letters of Opposition were submitted before January 29, 2013. Approximately 111 Letters of Support were submitted before January 29, 2013.

It is anticipated additional comments will be submitted after the mailing of the staff report and before the public hearing.

SITE VISITS: On August 23, 2012, Senior Planner Jeannette Montour and Planning Director John Roberts conducted a site visit to the subject parcel. Staff and Wasco County Planning Commissioners conducted a follow-up site visit on December 10, 2012. Participants on the December 10 visit included Planning Director John Roberts, and Wasco County Planning Commissioners Chip Wood, Vicki Ashley and Ken McBain. Staff is not aware of any contact between Planning Commissioners and Applicant or other parties during the December 10 site visit.

III. CONCLUSIONARY FINDINGS

Oregon Administrative Rules 736-040-0070

(1) Deschutes River Scenic Waterway Recreation Area

(***)

*(b) Pursuant to ORS 390.934, the Commission adopts by reference the Lower Deschutes River Management Plan and Environmental Impact Statement, Volume 1 (January 1993), and the Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System, (June 1997) as the management plan for the Deschutes River Scenic Waterway Recreation Area. ****

(c) The state managing agencies, including the Department, Department of Fish and Wildlife, Oregon State Marine Board, and Oregon State Police and the local managing agencies, including Sherman, Wasco and Jefferson Counties and the City of Maupin shall perform their management responsibilities relating to the Deschutes River Scenic Waterway Recreation area according to the management plan adopted by this rule and ORS 390.805 to 390.925 and 390.930 to 390.940.

FINDINGS: This administrative rule requires Wasco County to "perform" its "management duties" according to the 1993 and 1997 plans referenced in subsection (b). "Management duties" is not defined in this administrative rule, nor in the referenced plans. Staff and legal counsel reviewed the 1993 and 1997 plans and found that they do not set forth any criteria for land use applications. Instead, the plans appear to only regulate recreational use of the river. Staff and legal counsel also reviewed ORS 390.805 to 390.925 and 390.930 to 390.940. We conclude that these statutes do not set forth any criteria for land use decisions, nor do they guide or direct the county in any way. Rather, the statutes provide that "Except as provided in ORS 390.835, scenic waterways shall be administered by the State Parks and Recreation Department." ORS 390.845. ORS 390.835 references various state agencies, but not Wasco County. Furthermore, "The State Parks and Recreation Department shall have primary management responsibility for the State of Oregon to manage the Deschutes River Scenic Waterway Recreation Area." ORS 390.934. In summary, staff finds that this administrative rule does not impose any obligation on the county that is relevant to this application.

Oregon Administrative Rules 736-040-0070

(***)

(2) 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.

(b) Within the Recreation River Area described in subsection (2)(a), the Department may not permit any new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection.

(c) Additional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels and lodges which are visible from the river, will not be permitted.

Findings: The subject property is within the Recreational River Area. On its face, subsection (b) is not administered by the County, but rather, only by the "[Parks] Department." Regarding subsection (c), Staff finds that the county is not obligated to enforce this provision for one or more of several reasons.

1) Pursuant to the language of ORS 390.805 to 390.925, 390.930 to 390.940, and the plan for the Deschutes River Scenic Waterway Recreation Area, the County does not administer or enforce those statutes, that plan, nor the administrative rules related to them. See findings above for OAR 736-040-0070(1).

2) The Wasco County LUDO does not require the County to administer or enforce this OAR.

3) Even if the County is obligated to enforce or administer this OAR, the County cannot do so for an effect that is more restrictive than the effect of the Parks Department or Parks Commission enforcing it. OAR 726-040-0005 et seq, of which the OAR cited above is part, does not authorize the Parks Department or the Parks Commission to outright deny a landowner a right to build a house. Rather, the effect of these rules is to require a landowner to submit a notice to the Parks Commission, which makes a determination about the effect of the development on the "natural beauty of the scenic waterway." OAR 726-040-0080. The Commission is authorized to require the applicant to add vegetative screening to avoid adverse effects on natural beauty, and negotiate with the neighbors. OAR 736-040-0085(a). Beyond that, the Commission has no authority to stop a proposed development short of acquiring the property. OAR 736-040-0085(b). "Twelve months after the Department accepts as complete the original notice to the Commission, the owner may use their land in conformity with the specific written plan submitted as part of that notice unless the Commission has sooner instituted proceedings to acquire the land involved." OAR 736-040-0085(c).

WASCO COUNTY LAND USE AND DEVELOPMENT ORDINANCE ("LUDO")

A. CHAPTER 3 – BASIC PROVISIONS

Section 3.210 – Exclusive Farm Use zone

Section 3.210.C. Uses Permitted Subject to Type I Review: The following uses are permitted on a legal parcel on lands designated "A-1" Exclusive Farm Use Zone subject to Subsection F – Property Development Standards, Chapter 10 – Fire Safety Standards and any other listed referenced of applicable standards:

(***)

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

FINDINGS: The definition for Accessory Structure in Section 1.090 states: "A detached structure, its footprint being less than ¾ of the primary structures footprint, the use of which is customarily incidental to that of the primary structure of the primary use of the land and which is located on the same lot-of-record with the primary structure or use."

Applicant requests a dwelling and a shed to be located on the same parcel. The footprint of the dwelling is approximately 40' x 28' (1,120 sq ft) and the footprint of the shed is 18' x 12' (216 sq ft). The establishment of the dwelling would constitute the primary use of the parcel, and the small size of the shed makes it incidental to the dwelling. Sheds are commonly used in conjunction with dwellings, including in North Junction, for the storage of various household and recreation items. The footprint of the shed is less than ¾ of the dwelling footprint. Staff finds the proposed shed meets the definition of Accessory Structure.

The requested dwelling is addressed in **Section 3.210.E**, below. Property Development Standards are addressed in **Section 3.210.F**, below. Fire Safety Standards are addressed in **D**, below.

Section 3.210.E. Uses Permitted Subject to Conditional Use Review/Type II or Type III: The following uses may be permitted on a legal parcel designated "A-1" Exclusive Farm Use subject to subsection F – Property Development Standards, subsection H – Agricultural Protection, Chapter 5 – Conditional Use Review, 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. Non-Farm Dwelling: One single family dwelling not provided in conjunction with farm use, subject to Section J(1) - Additional Standards, below.

FINDINGS: The applicant has requested approval of a Conditional Use Permit to construct a 40' x 28' x 24' single family dwelling not provided in conjunction with farm use.

Property Development Standards are addressed in **Section 3.210.F**, below. Fire Safety Standards are addressed in **D**, below. Agricultural Protection is addressed in **Section 3.210.H**, below. Conditional Use Review is addressed in **B**, below. Site Plan Review does not apply to the requested residential use and is not addressed.

Section 3.210.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.

Section 3.210.F.1.a. Setbacks, Property Line

(1) All dwellings (farm and non-farm) and accessory structures not in conjunction with farm use, shall comply with the following property line setback requirements:

(a) If adjacent land is being used for perennial or annual crops, the setback shall be a minimum of 200 feet from the property line.

(b) If adjacent land is being used for grazing, is zoned Exclusive Farm Use and has never been cultivated or is zoned F-1 or F-2, the setback shall be a minimum of 100 feet from the property line.

(c) If the adjacent land is not in agricultural production and not designated Exclusive Farm Use, F-1 or F-2, the setback shall be a minimum 25 Feet from the property line.

FINDINGS: According to Wasco County Assessor records and a site inspection on August 21, 2012, none of the adjacent properties are in agricultural production and none have been cultivated in the past 20 years. Adjacent land is zoned A-1 (160) Exclusive Farm Use, so the setback requirement from property lines is 100' for the proposed dwelling and accessory structure. Based

on the size and shape of the parcel, Staff finds no development can reasonably be expected to meet the 100' setback requirement, therefore a Variance is required. Variance criteria are addressed in **C**, below.

Section 3.210.F.1.b. Setbacks, Waterways

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

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

(***)

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

FINDINGS: The Deschutes River is a designated fish bearing body. Structures built adjacent to the Deschutes River have a 100' setback requirement. Staff finds the proposed development does not comply with the Resource Buffer without a variance. Staff also finds that the proposed development is located within the Flood Hazard Overlay. Variance criteria are addressed in **C**, below. The Flood Hazard Overlay is addressed in **Section 3.740**, below.

Section 3.210.F.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.

FINDINGS: Section 1.090 of the LUDO defines height as the vertical distance from average grade to the "mean height level between the eaves and ridge for a gable, hip or gambrel roof..." The property owner submitted an elevation drawing of a gabled roof dwelling with a height of 24', measured from the base of the structure to the ridge (top) of the roof.

However, the submitted elevation does not include piers, referenced in the submitted narrative, which the Applicant proposes to use to raise the structure in order to meet Flood Hazard Overlay requirements. Surveyor Bradley J. Cross finds the elevation at the proposed building site is 1,092.6' National Geodetic Vertical Datum (NGVD) and Applicant proposes raising the top of the bottom floor to 1,100' NGVD to meet Flood Hazard Overlay requirements. Staff finds the piers will raise the dwelling height an additional 7.4', which added to the 24' height illustrated in the submitted elevation, brings the distance from average grade to the ridge of the dwelling's roof to 31.4'. The dwelling height, as defined by the LUDO, will actually be slightly less than 31.4' because the measurement should be to the mean height level between the eaves and ridge rather than the ridge of the roof itself. Regardless, Staff finds the height of the proposed structure will be less than 35', which is the maximum height allowed.

Section 3.210.F.4. 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.

FINDINGS: Applicant has not proposed to install outdoor lighting. Therefore, Staff finds the applicant has met the criteria. However, a **condition** is included requiring any future 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 non-reflective, opaque materials. See **Attachment E.**

Section 3.210.H. Agricultural Protection: The uses listed in Section D, Uses Allowed Subject to Standards and E, Conditional Uses must meet the following standards:

1. *Farm-Forest Management Easement: The landowner is required to sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.*

FINDINGS: A **condition** is included that Applicant shall sign **Attachment F.**

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

FINDINGS: A copy of this document is enclosed as **Attachment G**.

Section 3.210.J.1., Additional Standards: Non-farm Dwelling

a. *The parcel is not within the A-1 (40) Zone.*

b. *There is no other dwelling on the parcel;*

FINDINGS: The subject parcel is located entirely within the A-1 (160) Zone. Staff verified during a site visit on August 21, 2012, that there is no dwelling on the subject parcel.

c. *The site shall have appropriate physical characteristics such as adequate drainage, proper sanitation and water facilities to accommodate a residence or other non-farm use;*

FINDINGS: Slopes on the subject parcel range from 0-5%, and proposed development will not create runoff onto adjacent properties. Applicant has proposed a sealed vault pit privy for proper sanitation. A December 11, 2012 email from Kevin Dworschak of North Central Public Health District in The Dalles confirms that the proposed pit privy will not leak sewage. Staff finds the site has appropriate physical characteristics to support the sealed vault pit privy. Applicant proposes transporting water to the site from a commercial supply in Portland, Oregon. Staff confirmed with the Wasco County Watermaster that on-site wells are not required for new residential development, and permits are not required to pump water from the Deschutes River for emergency use. Staff finds the site has appropriate physical characteristics to accommodate the proposed use.

d. *Criteria for Farmland within the EFU Zone:*
The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land.

A lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I - VI soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use.

The term "generally unsuitable" is vague. The following criteria define and specify in clear, objective, measurable means, what is generally unsuitable land for agriculture in Wasco County.

(1) On parcels less than 80 acres that were created prior to January 1, 1993, and parcels created pursuant to the Non-Farm Division (Part of Parcel) provisions when the entire parcel is found to be generally unsuitable. That is, over 50% of the parcel is a Class VII or poorer soil as determined by the NRCS Soil Survey for Wasco County, and (one) 1 of the criterion listed in (3) below.

FINDINGS: The subject parcel is 0.25 acres and was created by deed 71-0815 on May 21, 1971. According to NRCS generated soils data, over 70% of the subject parcel is a Class VIII soil. The subject parcel contains two soil types: Riverwash (Rh) and Mixed Alluvial land (Mx). Staff finds, per the table below that over 50% of the parcel is Class VII or poorer soil.

Soil Type	NRCS Soil Class	Portion of Parcel
Mx	III	8%
Rh	VIII	71%
Water	NA	23%

(***)

(3) Generally Unsuitable Criteria:

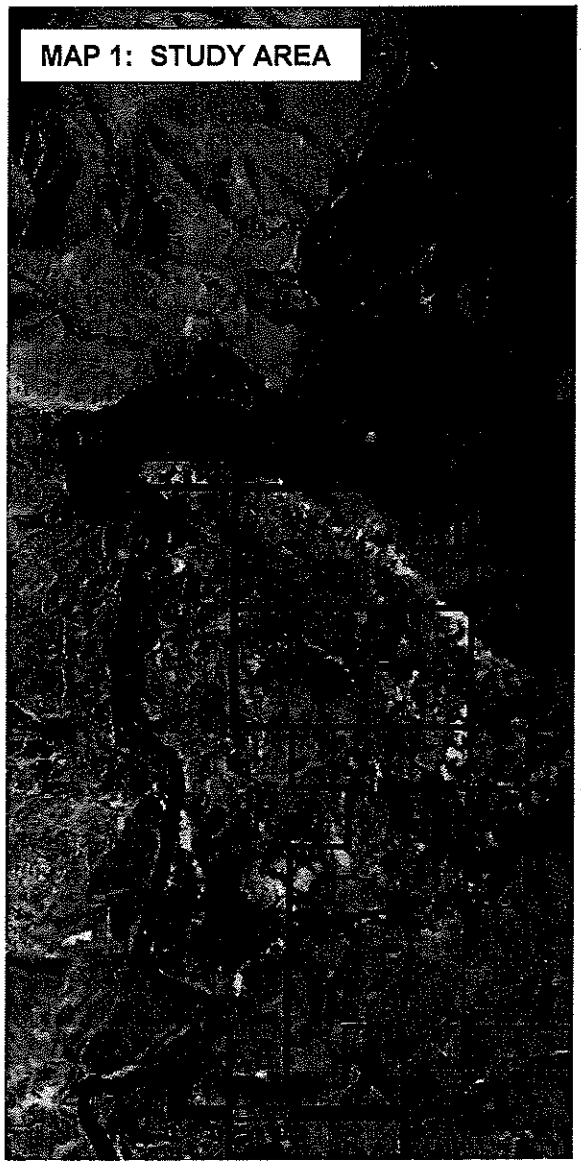
(a) predominantly greater than 40 % slope, or
(b) produces less than 25 bushels per acre wheat or cereal grains crop, or less than 1 ton per acre of alfalfa or other type of hay as per Farm Service Agency (FSA) registered field crop information. Averages shall be based on acres in production, or
(c) never been cropped according to the ASCS (FSA) aerial photos and records, and requires more than 5 acres per AUM based on the soil productivity as shown in the most up to date soils survey or on a field determination conducted by an authorized professional using Natural Resource Conservation Service standards.

FINDINGS: The request complies with the above criterion. Staff contacted USDA Farm Service Agency (FSA) and reviewed aerial photos, and found no evidence of cropping history. According to FSA data, the subject parcel consists of 8% Mixed Alluvial (Class III) and 71% Riverwash (Class VIII) soils. The remainder is water. The original Soil Survey for Wasco County was issued in March 1982 by USDA, and identifies Riverwash as a miscellaneous area constituting soil "so stony, so shallow, so severely eroded, or so variable that it has not been classified by soil series." Based on the lack of productive soil on the subject parcel, Staff finds the underlying land requires more than 5 acres per AUM.

(***)

f. *Cumulative Impact: The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the following standards:*

   (1) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;



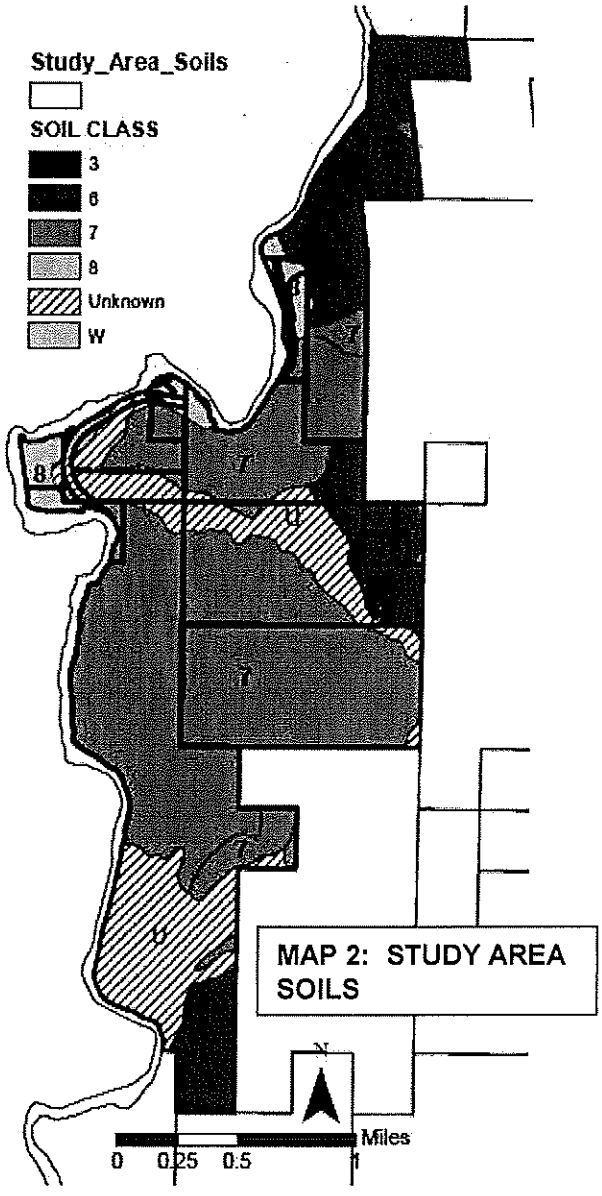
FINDINGS: Staff has identified a study area of 2,051 acres, consisting of 22 properties, all zoned A-1 (160). The Deschutes River forms the western boundary of the study area, which extends approximately 4.5 miles from north to south. The subject parcel is located 1.5 miles from the northern border (MAP 1).

Of the 22 properties in the study area, all but two (2) are privately owned. The privately owned properties in the study area range in size from less than 0.1 acres to 320 acres. Ten (10) of the

properties are 10 acres or less in size. Seven (7) of the properties are between 10+ and 80 acres, there are no properties between 80+ and 160 acres, and five (5) properties larger than 160 acres in size.

Soils within the study area range from Class III to VIII, but are majority Class VII (MAP 2). The State land use system defines (per Goal 3) "Agricultural Land" in Eastern Oregon as land predominantly consisting of Class I-VI soils. Soils Class VII and worse are determined to be generally unsuitable for agriculture. Under this metric, less than 21% of land in the study area has been determined to be suitable for agricultural purposes.

NRCS Soil Class	Acres	Portion of Study Area
III	0.2	0.01%
VI	422.1	20.6%
VII	1152.2	56.2%
VIII	87.0	4.2%
Unknown	385.2	18.8%
Water	5.2	0.3%



MAP 2: STUDY AREA SOILS

Staff finds the study area to be representative of the larger land use pattern surrounding the subject parcel because the study area is zoned A-1 (160), abuts the Deschutes River, and generally tracks the Deschutes River Access Road, which provides access to the area from Maupin. The study area is adequate to conduct a comprehensive analysis of the character of the area surrounding the subject parcel because of these factors, the size of the study area (2,052 acres) and number of properties (22).

(2) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm/lot-of-record dwellings that could be approved under current regulations, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings;

FINDINGS: Staff conducted site inspections on August 23 and December 10, 2012. Based on site inspections, analysis of aerial photographs, and review of Wasco County Assessor records, Staff finds that there is limited agricultural activity within the study area. Staff finds no evidence of crops within the study area, and some evidence that grazing may be taking place on properties constituting less than 30% of the study area.

Staff has identified 10 dwellings, distributed over six (6) of the 22 properties within the study area. All of these dwellings are located in the area of North Junction. None of the dwellings are located on properties in farm deferral; therefore Staff finds that they are all non-farm dwelling. Since 1993, considerable development has occurred within North Junction. At least two dwellings have been constructed to replace dwellings destroyed during the 1996 flood. Others dwellings have been expanded and accessory structures built.

Sixteen of the 22 properties in the study area are undeveloped. Of the 16 undeveloped properties, 11 are less than 160 acres. In fact, all 11 are less than 80 acres and would require over 50% of their soils to be "generally unsuitable" for agriculture in order to qualify for a non-farm dwelling. Five of these 11 properties do not have soils that meet the "generally unsuitable" criteria, and one does not have adequate site characteristics. These leaves five properties, including the subject parcel, which could potentially be developed with a non-farm dwelling.

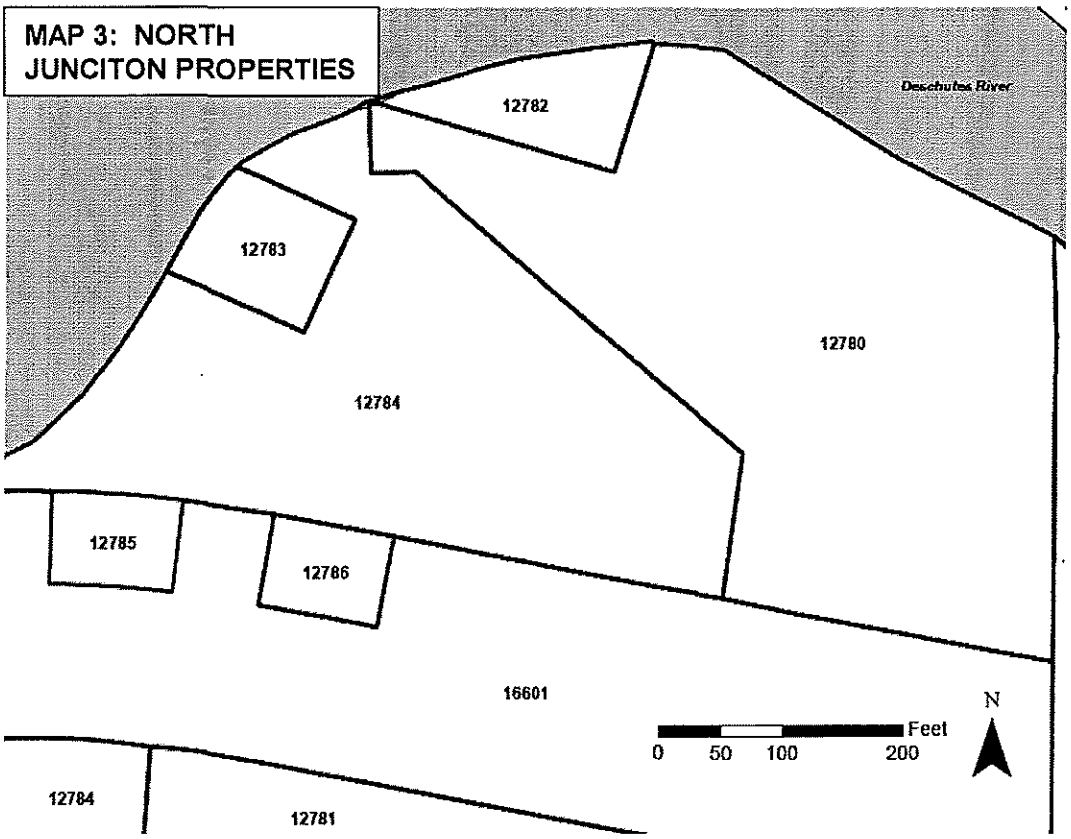
Regarding the potential for non-farm land divisions (i.e. Part of Parcel) that could allow for non-farm dwellings, there are three privately-owned properties that are appropriately sized for a non-farm division. For two (2) of those three, Staff cannot identify when they were lawfully created, and thus cannot determine that they meet the required criteria for a non-farm division. This leaves one property of appropriate creation date, size and soils as to qualify for a non-farm division and two non-farm dwellings.

It is impossible to determine with certainty whether a non-farm dwelling can be approved on each parcel referenced in this section, each request is reviewed within the context of the overall stability of the surrounding land use pattern and other unique and evolving factors. However, Staff finds that the properties described in this section contain the basic characteristics which could lead to the development of seven non-farm dwellings, including the subject parcel, within the 2,052 acre study area.

> *(3) Determine whether approval of the proposed non-farm/lot-of-record dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;*

FINDINGS: There are eight (8) taxlots and nine (9) recreational dwellings within the approximately eight acres of North Junction. A tenth dwelling is located 180' south of the railroad tracks. The table below shows the dwelling size and construction date of these dwellings:

Account	Dwelling #1 Size (sq ft)	Construction Date	Dwelling #2 Size (sq ft)	Construction Date	Dwelling #3 Size (sq ft)	Construction Date
12780	1,176	1997	1,136	2001	732	1966
12782	984	1997				
12784	1,136	1992	632	1940	864	2002
12781	1,248	1987				
12785	744	1930				
12786	828	1930				
16601	564	1940				

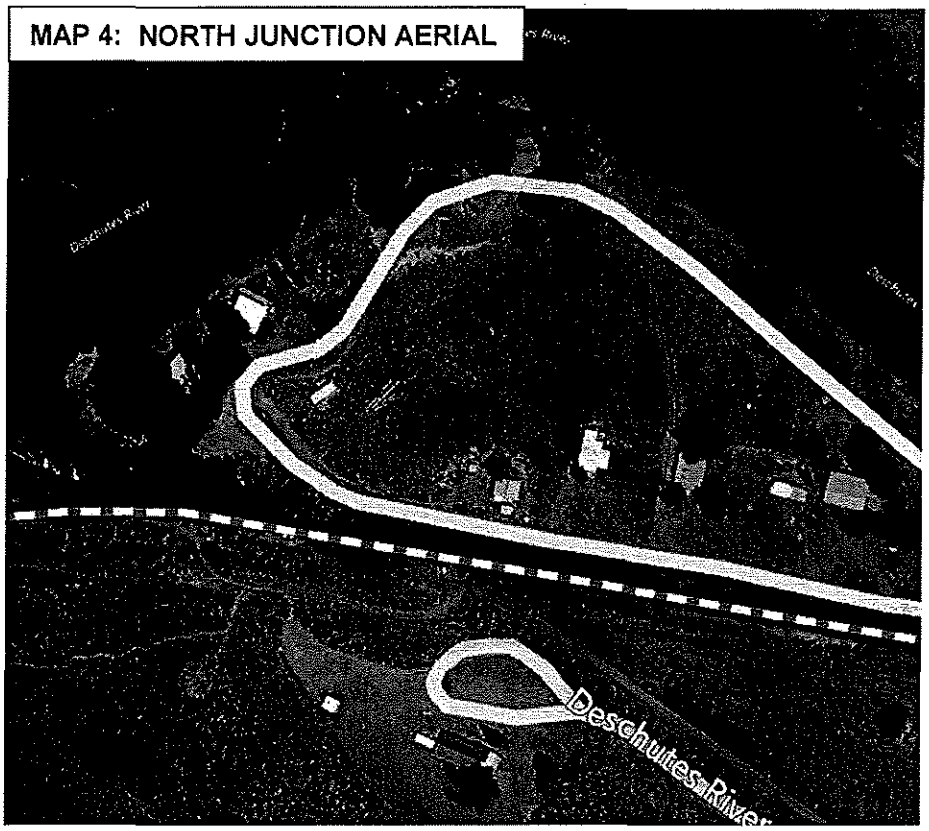


Based solely its small size and location within North Junction's long-established patchwork of recreational dwellings, any approved development upon the subject parcel is unlikely to alter the stability of the surrounding land use pattern, i.e. make it difficult for existing types of farms in the area to continue operation. As described in the previous section, there is very little agricultural activity occurring within the study area, and that activity is limited to grazing of largely unproductive land.

Staff finds the land use pattern and character of the area is predominately recreational dwellings around North Junction and mostly dry land to the south and east. Although some development has occurred after 1993, it does not appear that the acreage in agricultural use had changed significantly. By far, the most significant factor affecting agriculture in this area is the abundance of poor soils and volcanic rock outcroppings. Existing and potential non-farm

dwellings will not diminish farming opportunities nor destabilize the overall character of the study area.

MAP 4: NORTH JUNCTION AERIAL



g. Disqualification of Special Assessment:
The owner of the parcel shall provide evidence that:

1. *The County Assessor has been notified that the proposed non-farm parcel or parcel to contain the non-farm dwelling is no longer being used as farmland.*

FINDINGS: The request is consistent with the above criterion. According to Wasco County Assessor data, the subject parcel is not currently in farm deferral.

(***)

4. *Record on the Property Deed the following: This parcel (legal description) has been disqualified from special assessment and may not re-qualify for special assessment unless, when combined with another contiguous lot or parcel, it constitutes a qualifying parcel by meeting the minimum lot size for commercial agriculture enterprises within the area.*

FINDINGS: With a condition, the request complies with the criterion. A **condition** is included requiring the owner of the subject property to record the following statement on the new property deed for the subject parcel: "This parcel has been disqualified for special assessment and may not re-qualify for special assessment unless, combined with another contiguous lot or

parcel, it constitutes a qualifying parcel by meeting the minimum lot size for commercial agriculture enterprises within the area."

Section 3.740: Division 1 – Flood Hazard Overlay

Section 3.743 – Development Permit:
A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.740.B – Applicability. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS", and for all development including fill and other activities, also as set forth in the "DEFINITIONS".

(***)

C. *Application Requirements - Any application for a Development Permit shall be made on forms furnished by the Planning Director and may include, but not be limited to: plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing structures, proposed structures, fill, storage of materials, utilities, septic facilities, and drainage facilities.*

Specifically, the following information is required:
1. *General elevation to mean sea level of building site using best information available.*
2. *Elevation of the lowest floor (including basement) of all structures.*
3. *Distance between ground elevation and level to which a structure is to be flood-proofed.*
4. *Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in Section 3.743.E.6 – Specific Standards.*
5. *Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.*
6. *Copies of all permits required from any governmental agency, together with a certification under penalties of perjury that all certificates and permits requested have been obtained.*

FINDINGS: According to Federal Emergency Management Agency (FEMA)/Federal Insurance Administration FIRM, the development area is located within Flood Hazard Zone A. Applicant has submitted an application for structures located in the Flood Hazard Overlay on forms provided by Wasco County Planning.

The applicant provided a FEMA generated Letter of Map Amendment (LOMA), dated November 29, 2011. The LOMA determined the 1% annual chance flood elevation (Base Flood Elevation) to be 1,097.6 feet. Applicant also submitted an Elevation Certificate stamped by Registered Professional Land Surveyor, Bradley J. Cross determining that the lowest adjacent finished grade next to the development area is 1,092.6 ft NGVD and the top of the bottom floor for structures will be 1,100 ft.

The dwelling and accessory structure will be raised structures, rather than flood-proofed, and the proposed development will not require wetland permits from DSL or ACOE. The proposed development will not alter or relocate any watercourse. Subject to a **condition** below, Staff finds the application complies with the criteria.

A **condition** is included requiring that upon completion of the dwelling, the final "as built" Final Elevation Certificate shall be submitted to the planning department prior to the final building inspection by Mid-Columbia Building Codes Services. Failure to submit this documentation in a timely manner shall be considered a violation of conditions of approval and may be grounds for revocation of approval. After submittal, these documents will be retained at the planning department.

Section 3.743.D. - General Standards: In all areas of special flood hazards the following standards are required:

1. *Anchoring*
   a. *All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.*
   b. *All manufactured homes must likewise be anchored to prevent flotation, collapse and lateral movement, according to requirements set forth in the Oregon Manufactured Dwelling Specialty Code. (See FEMA's Manufactured Home Installation in Flood Hazard Areas" guidebook for additional information).*

FINDINGS: Applicant proposes elevating the dwelling above Base Flood Elevation on anchored sona tube piers. Properly anchored piers will prevent flotation, collapse or lateral movement of the dwelling.

2. *Construction Materials and Methods*
   a. *All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. See FEMA 348 (Protecting Building Utilities from Flood Damage) for details.*
   b. *All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.*
   c. *Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.*

FINDINGS: Subject to conditions, the request complies with the above criterion. Applicant proposes elevating structures on sona tube piers. Sona tube piers are forms filled with concrete at the building site. FEMA Technical Bulletin 2-93 classifies concrete as an acceptable construction material "highly resistant to floodwater damage". Staff finds the method of elevating structures minimizes flood damage, and proposed sona tube materials to be resistant to flood damage. Applicant has not proposed utilities other than electrical, which will be elevated. A **condition** is included that any additional utilities, connected in the future, are elevated to prevent water from entering the components during flood conditions.

3. *Utilities*
   a. *All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;*
   b. *New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,*

c. *On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the North-Central Public Health District.*

FINDINGS: Applicant has proposed a sealed vault pit privy for proper sanitation. A December 11, 2012 email from Kevin Dworschak of North Central Public Health District in The Dalles confirms that the vault pit privy will not leak sewage. Applicant proposes transporting potable water to the site from a commercial supply in Portland, Oregon. Staff finds that because the proposed sanitation and water supply systems are self-enclosed, they will minimize infiltration by, and discharge into, flood waters.

Section 3.743.E.1 – Specific Standards
In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.742.B.5, Use of Other Base Flood Data, the following standards are required

1. *Residential Construction*
   a. *New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot (1') above base flood elevation.*

FINDINGS: Subject to **conditions**, the request complies with the above criterion.

The applicant provided a FEMA generated Letter of Map Amendment (LOMA), dated November 29, 2011. The LOMA determined the 1% annual chance flood elevation (Base Flood Elevation) to be 1,097.6'. Applicant also submitted an Elevation Certificate stamped by Registered Professional Land Surveyor, Bradley J. Cross determining that the lowest adjacent finished grade next to the building is 1,092.6' NGVD and the top of the bottom floor will be 1,100'. Staff finds that the lowest floor will be elevated more than one foot above Base Flood Elevation.

A **condition** is included requiring the applicant to submit a Final Elevation Certificate upon completion of the dwelling and accessory structure(s). The Final Elevation Certificate must show that the final finished floor for all elevated structures is elevated to at least 1,098.6' NGVD, one foot (1') above base flood elevation.

b. *Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:*
   i. *A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.*
   ii. *The bottom of all openings shall be no higher than one foot above grade.*
   iii. *Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.*

FINDINGS: Applicant proposes elevating the dwelling above 1,097.6' Base Flood Elevation on anchored sona tube pilings. The concrete pilings will create an open area below the lowest floor and allow the entry and exit of floodwaters. Staff finds the bottom of the open area will be at average grade.

Section 3.910 Division 7 – Natural Areas Overlay

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.*

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.*

FINDINGS: In the A-1 (160) zone, a non-farm dwelling is permitted subject to Conditional Use Review and an accessory structure is permitted subject to Type I Review. Conditional Use Review criteria are addressed below in **Section B**.

There are nine (9) recreational dwellings and several additional accessory structures within the approximately eight (8) acres of North Junction. A tenth dwelling 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. In fact, both recreational and residential uses have occurred on the subject parcel in the past. Up until 1996, a railroad caboose was located on the parcel and used as a recreational dwelling. Therefore, Staff finds that the proposed dwelling and accessory structure 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

Conditional uses listed in this Ordinance shall be permitted, enlarged or otherwise altered or denied upon authorization by Administrative Action in accordance with the procedures set forth in Chapter 2 of this Ordinance. In judging whether or not a conditional use proposal shall be approved or denied, the Administrative Authority shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

A. *The proposal is consistent with the goals and objectives of the Comprehensive Plan and*

implementing Ordinances of the County.

FINDINGS: Pursuant to Oregon case law, this conditional use criterion does not mean that all parts of the Wasco County Comprehensive Plan are approval criteria. Some parts of the Plan *may* be mandatory approval criteria, some parts may present only "considerations" that must be balanced against other relevant considerations, while other parts of the Plan may not be relevant at all.

Under Oregon case law, it is appropriate to consider whether the comprehensive plan itself expressly assigns a particular role to some or all of the plan's goals and policies. Chapter 15 of the Wasco County Comprehensive Plan is entitled "Goals and Polices." For each Statewide Land Use Goal, the Plan provides a one-sentence statement of the county's corresponding goal. For example, Goal #1 is: "To develop and maintain a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." Because these one-sentence statements are broad in scope and aspirational in nature, staff finds that these statements are not approval criterion.

Each goal is followed by one or more numbered "policies." For example, Policy 1 of Goal #1 is "Improve the availability of planning information to all of the residents in the County." Staff finds that although these policies are more narrow than the goals, they also generally aspirational, and therefore unlikely to be approval criteria.

That the policies are not intended to be approval criteria is further supported by the fact that each Policy section is followed by a section titled "Implementation." For example, subsection A of Policy 1 of Goal 1 is "Hold at least one Citizen Advisory Group meeting per year." This particular implementation statement is obviously not an approval criterion. However, staff finds it most likely that if any part of the plan is to be an approval criterion, it would be found in the "Implementation" sections of the Plan.

However, the Goal 2 of the Plan itself indicates that conformance with its implementing ordinances indicates, *ipso facto*, conformance with the Plan. See findings below at Goal 2. The ordinances that implement Wasco County's Comprehensive Plan are collectively referred to as the Land Use Development Ordinance ("LUDO"). Consistency with the LUDO is demonstrated by the findings in this staff report.

Therefore, Staff finds that no parts of the Plan present approval criteria that are directly applicable to the present application. However, if indeed the Plan contains any approval criteria, the following section presents the Plan Goals, Policies and Implementation sections that staff deems relevant to the present application.

GOAL #1: Citizen Involvement
To develop and maintain a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.
***

Policy 2
A Citizen Involvement Program shall encourage the participation of citizens representing a broad cross-section of the population.

Implementation
***

B. The Wasco County Planning Office shall provide clear and concise notice of_the opportunities for citizen involvement.

FINDINGS: The Wasco County Planning Department provided notice of the present application at different times. Adjacent Property Owners and affected agencies were notified on August 9, 2012 and January 15, 2013. BLM and Warm Springs Indian Reservation were notified of the proposal on January 15, 2013. Notice of the quasi-judicial public hearing for the Wasco County Planning Commission was published in The Dalles Chronicle in August 20, 2012 and on January 18, 2013. Additionally, on August 27, 2012 notice was sent to 14 property owners or interested parties.

Additionally, the Oregon Parks and Recreation Department was notified on August 9, 2013 and January 15, 2013, too. As of the publication of this staff report no comments had been received from the BLM, State Highway Division or Warm Springs Indian Reservation.

GOAL #2: Land Use Planning
To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.
***

Policy 2
Comprehensive plans and implementing ordinances shall be consistent with the statewide goals and guidelines as well as the needs and desires of citizens in the County.
***

Implementation
D. All implementing ordinances applicable to the County shall be consistent with the Comprehensive Plan.

FINDINGS: Acknowledgment of the county's comprehensive plan by the State Department of Land Conservation and Development ensures and signifies consistency with the statewide planning goals and guidelines. The public process by which these documents were adopted ensures that they satisfy the needs and desires of the citizens in the county. Consistency with the LUDO can be found through the findings of this report. This goal and implementation statement indicate that if an application is consistent with the LUDO, then *ipso facto* it is consistent with the Plan.

GOAL #3: Agricultural Lands
To preserve and maintain agricultural lands.

FINDINGS: The subject property has apparently never been used for agricultural uses because the soils are class VII, i.e. of little use for agriculture. Therefore, there is no agricultural land to "preserve" or "maintain."

GOAL #4: Forest Lands
To conserve forest lands . . . .

FINDINGS: This goal is not applicable to the present application.

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 undeveloped, does not constitute "open space" or a "natural or scenic resource" because it is bordered by two dwellings in a "neighborhood" that has existed for several decades. It follows that this area is not "natural." More importantly, the Implementation statement has been satisfied.

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 August 9, 2012 and January 15, 2013. BLM and Warm Springs Indian Reservation were notified of the proposal on January 15, 2013. Specifically, the BLM Prineville District was notified and two individuals with the Confederated Tribes of Warm Springs were notified. Additionally, the Oregon Parks and Recreation Department was notified on August 9, 2013 and January 15, 2013, too. As of the publication of this staff report no comments had been received from the BLM, State Highway Division or Warm Springs Indian Reservation.

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 0.25 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: There are nine (9) residential structures and several additional accessory structures (i.e., sheds) in North Junction. None of the nine 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. Additionally, based on a person's vantage point, a visual corridor quickly changes and is not fixed (e.g., what an individual sees seen when rafting down the Deschutes River is constantly changing). As such, the visual corridor for this property should take into account the entire physical and built landscape of North Junction. Meaning, for purposes of this application, the visual corridor includes all nine dwellings, accompanying structures in the area and topography. In this

broader context this proposal would not jeopardize the integrity of the visual corridor and not visually degrade the existing beauty of the landscape.

Staff finds the proposed structure would be adequately screened from the river without additional landscaping. The pictures below show the existing native vegetation (without foliage) and the challenges to see the river. No existing trees along the riparian buffer of the river are proposed to be removed. Existing vegetation currently provides a visual buffer.

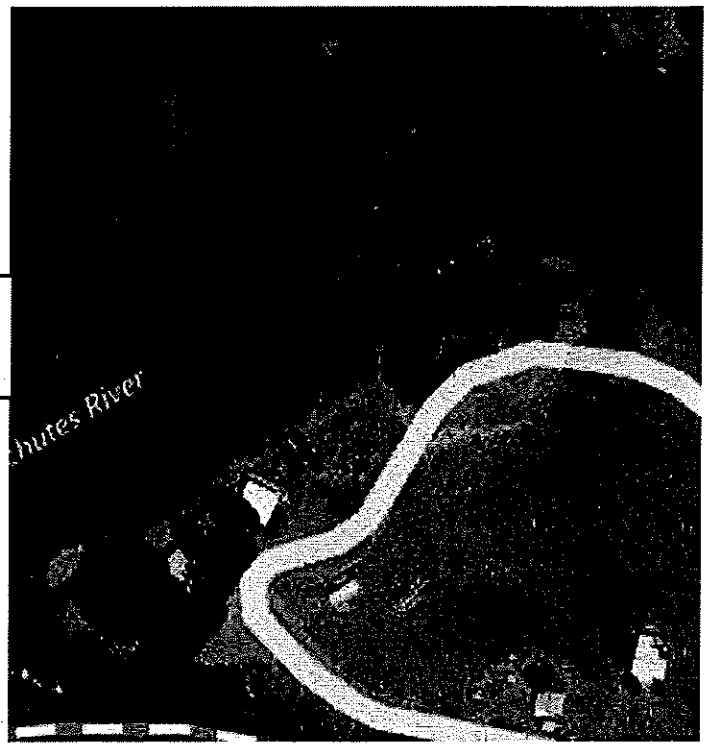


Site Visit Picture: View of the property north to river; existing vegetation/buffer; no foliage.



Site Visit Picture: Pines trees unsuccessfully planted along subject property's river bank and existing vegetation without foliage.

Existing vegetative buffer along river buffering subject parcel.



Aerial Demonstrating Existing Vegetative Buffer

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.

In summary, staff finds that pursuant to Wasco County Plan Goal 2, the Plan does not contain any approval criteria. To the extent it may, the criteria would be found in the "Implementation" statements, findings for which are provided above.

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

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 the abutting properties by outright permitted uses.

FINDINGS: The request is consistent with the criteria above.

(Location) The subject parcel is located in an area called North Junction, located approximately 20 miles south from the city of Maupin, along Deschutes River Road. According to Wasco County Assessor data, this particular area has been developed for residential use since the 1940s. There are currently nine dwellings north of the railroad tracks. Given that North Junction occupies approximately eight acres, Staff calculates a density of 1.13 dwellings per acre. The proposal would create 10 dwellings on 8 acres or 1.25 dwellings per acre. Thus the density would be compatible with the existing community development pattern. [Why is my math different?]

(Size and Design) The proposal is to construct one, 40' by 28' by 24' dwelling (1,120 total square feet) and 18' by 12' by 12 (216 sq. ft.) shed. Existing residential development within the immediate area ranges from 632 sq. ft. to 1,248 sq. ft. in size (excluding decks). The proposed dwelling is approximately 128 sq. ft. smaller in size than the largest dwelling within North Junction. The dwelling will be 31 - 32' above grade (that includes the piers necessary to meet flood proofing or Flood Hazard Overlay requirements), contain vaulted ceilings and per the applicant "will be built consistent with design features circa 1930s; post and beam heavy timber exterior style." The amended elevation and house plan submitted are consistent with this statement.

The proposed shed is approximately 216 sq. ft. in size, and will be compatible with existing development as proposed. Per the applicant the shed will be constructed in same manner as the dwelling and will be designed using heavy timber post and beam construction.

(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. Meaning 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 applicant envisions using the proposed dwelling approximately 40 days out of the year, and this 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.

FINDINGS:

Roads: Access to the property is via an approximately 12 mile private road, owned and maintained by the Deschutes Club. The applicant has secured the right to use the road and has signed a key holder agreement with the Deschutes Club. No public roads exist in the area and as such no public roads will be burdened.

Fire: Fire safety is addressed more thoroughly in **Section E**, Chapter 10 – Fire Safety Standards. The subject parcel is located outside of the boundaries of a fire protection district and is therefore under the State Fire Marshall's jurisdiction. The applicant has proposed modifications to the fire safety standards to increase fire protection in the community/North Junction area. Since no public fire protection is available in the area not burden is being created.

Police Protection: The subject parcel is served by the Wasco County Sheriff's Department. One new dwelling in a cluster of existing development will not create a burden on the department.

Sewer Facilities: The applicant is installing a sealed vault pit privy. The privy has been approved and will be inspected after installation by the North Central Public Health District. As designed it will not leak sewage and there will be no burden to sewer facilities. As such, it is a **condition** of approval that the sealed vault pit privy approved by North Central Public Health District be installed.

Applicant has proposed a sealed vault pit privy for proper sanitation. A December 11, 2012 email from Kevin Dworschak of North Central Public Health District in The Dalles confirms that the proposed pit privy will not leak sewage.

Water Facilities: The applicant has proposed a 2,000 gallon poly tank for on-site storage of water (as there is no well proposed). However, per Bob Wood with the Oregon Department of Water Resources, there are no water rights available from the Deschutes River to fill the tank. Additionally, per the North Central Public Health District the applicant cannot have plumbed water to the dwelling or connections/piping from a water storage tank to the dwelling. Therefore, it is a **condition** of approval that no poly tank or plumbed water be installed. However, at such time appropriate water rights for domestic water use are obtained (either through a well or from the Deschutes River) the applicant may apply for installation of applicable water facilities (i.e., poly tank and plumbed water). These water facilities could be subject to floodplain review.

Solid Waste Disposal Facilities: The owners are responsible for their own solid waste disposal and there will be no burden to solid water disposal facilities.

Telephone Facilities: No "land-line" utilities are available. Limited cellular telephone service in available in the area. The applicant maintains a contract with Verizon Wireless for cellular phone service and no burden will be created on telephone facilities.

Electrical Facilities: Wasco Electrical Cooperative provides electricity to the area. Estimated power usage is consistent with the adjacent properties. In a conversation on January 22, 2013, Wasco Electric Operation Manager Casey McCleary confirmed that the subject property is within Wasco Electric's territory and electric service/power will be provided.

Address: The owner shall apply for a new address and submit the $170 fee to Wasco County. An approved address shall be posted on both sides of a permanent post or mailbox within 30' of the driveway which accesses the dwelling. The address numbers shall be legible, reflective, and at least 2 ½ inches high. A **condition** is included requiring the property owners to make application for, and pay the fee ($170) for a new address.

In consideration of the above findings the proposed use complies with the standards and existing regulations that are in place to assure the use does not significantly burden public facilities and services available to the area.

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

FINDINGS: The request complies with the above criterion and will not unduly impair traffic flow or safety in the area. The proposed dwelling is at the termination of a 12 plus mile private road and access is secured via easement (deed number 952065 recorded May 30, 1995). Per the site plan, 420 sq. ft. (15' x 28') is proposed for parking and is located adjacent to the south side/rear of the structure. The proposed parking is more than ample for a single dwelling.

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

FINDINGS: With a **condition**, the request is consistent with the above criterion and will minimize the effects of noise, dust and order during all phases of development and operation to protect adjoining properties.

Per the applicant: *"Major construction is to be performed during non-peak months." "Construction is to be performed primarily during weekdays, polling of Deschutes Club access logs indicates infrequent use of adjacent properties during winter months and so noise contamination will be minimal or non-existent." "Site is ¼ acre and can accommodate all temporary equipment, storage of materials, and vehicles necessary for construction without trespass or disturbance of adjacent property." Existing vegetation will remain on site and will so as to prevent unnecessary dust."*

(Noise and Odor) Accordingly, if construction takes place in the winter months and on the weekdays impacts to neighboring properties would be minimized. Moreover, construction of this scale and nature is typically short in duration and would not create undue noise or odor given the distance and existing vegetation between the proposed development and adjacent

properties. The picture below displays the type of vegetation that is on-site and in the area to minimize dust.

(Dust) The applicant has to build the dwelling on piers because of floodplain requirements. Structures built on piers generally require less excavation and dust-creating ground disturbance than dwellings with traditional foundations. Additionally, in at least six instances over the past 25 years similar development (major remodel, replacing an existing dwelling or new dwelling) in the North Junction area have been approved. Staff could not find any reported complaints about dust associated with these similar development projects. Therefore, the effects of any dust will be minimized. To ensure dust is minimized once the cabin is completed and in use, a **condition** is included requiring the property owner to revegetate any areas disturbed during construction within the first planting season (October – April) once construction is complete.

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.

FINDINGS: The subject property does not contain sensitive wildlife habitat. The proposal will not disturb existing riparian vegetation along the streambank and as discussed above in 5.020.A.C. Overall, adequate tree and vegetative coverage exists between the siting of proposed structure and Deschutes River. This serves a visual buffer and device to control erosion. As mentioned the structure will be constructed on piers, which will minimize soil disturbance and excessive soil erosion as well.

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

FINDINGS:
(Air) The owners are requesting a single-family dwelling not provided in conjunction with farm use. Residential air pollution is generally caused by a woodstove/fireplace; however the applicant has not requested a woodstove or fireplace as part of the proposed development. This pollutant is regulated by the Oregon Department of Environmental Quality and not addressed through standards within the LUDO through this review. The owners have not requested a use or practice associated with the dwelling that is identified as a known pollution source or what is commonly permitted and customarily in use in residential settings.

(Water) Applicant proposes transporting potable water to the site from a commercial source in Portland, OR. No water is proposed to be taken from ground or surface sources in the area. Applicant proposes a sealed vault pit privy instead of septic. Staff finds there will be no adverse affects to water resources.

(Land Resource Quality) In light of the existing development pattern (i.e., surrounding residential development) and the general size of North Junction, residential use is appropriate and compatible with uses on adjacent properties. In a broader context the current density is approximately 1.12 dwellings per acre. This proposal would create 1.25 dwellings per acre.

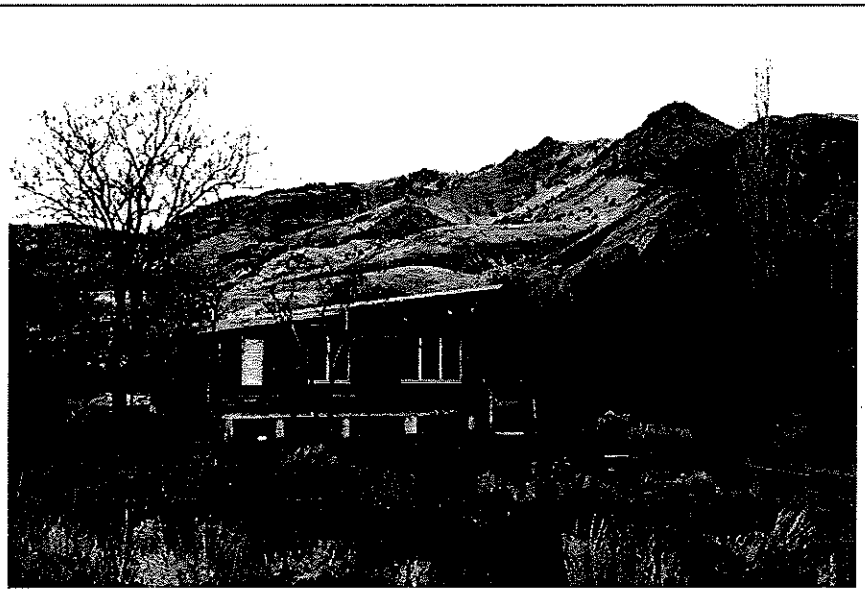
H. The location and design of the site and structures for the proposed use will not significantly detract from the visual character of the area.

FINDINGS: The request is consistent with the above criterion. The standard does not require that there be no visual impact, but that any impact not "significantly detract" from the "visual character"

of the area." The following pictures demonstrate the residential visual character of the area by showing a couple of the surrounding or adjacent properties and accompanying dwellings



Residential Visual Character; House located southwest of proposed dwelling.



Residential Visual Character; House located due west of and adjacent to proposed dwelling.

The proposed single family dwelling is obviously located in an area where residential development has existed for decades. Staff finds that structures consisting of natural materials and/or medium to dark earth toned colors will not significantly detract from the visual character of the area. A **condition** is included that Colors of all structures shall be medium to dark earth tones. Applicant shall submit color samples to Wasco County Planning for approval.

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

FINDINGS: The request is consistent with the above criterion. According to the inventory of historic landmarks, as inventoried by the Wasco County Historical Landmarks Committee (6/15/81 – present), there are no historic sites located on the subject parcel or surrounding properties. The inventory of natural areas as listed in the Wasco County Comprehensive Plan, Chapter 2 - Table 11A, does not identify any significant natural features on the parcel.

Notification was sent to property owners within 750' of the subject parcel and identified agencies (including Confederated Tribes of Warm Springs). No comments were received from affected agencies or adjacent property owners with regard to impacts of historic value. Therefore, Staff finds that the proposed development will not interfere with areas of historic value, natural or cultural significance, including archaeological sites, or 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.

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.

FINDINGS: With a **condition**, the request is consistent with Criteria J and K. Based on its small size and location within North Junction's long-established patchwork of recreational dwellings, any approved development upon the subject parcel will not increase the cost of, or force significant changes to, farm or forest practices on surrounding lands. As described above in findings related to *Section 3.210.J.1.F - Cumulative Impacts*, there is very little agricultural activity occurring within the 2,051 acre study area, and that activity is limited to grazing of largely unproductive land. Staff finds the land use pattern and character of the area is predominately recreational dwellings around North Junction and mostly dry land to the south and east. By far, the most significant factor affecting agriculture in this area is the abundance of poor soils and volcanic rock outcroppings.

Additionally, due to existing size, ownership, and existing residential development pattern, abutting properties do not generally have the ability to be used for resource purpose; therefore, the proposed development will not significantly increase the cost of, or force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use.

To minimize potential conflicts between the proposed single family dwelling and potential farm uses, a **condition** is included requiring the owner to sign and record a Farm Management Easement prior to receiving zoning approval on a building permit (**Attachment F**).

C. CHAPTER 6 – VARIANCES

Section 6.020 Criteria for Decision, A variance to the requirements of this Ordinance may be granted with respect to lot dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences and walls, and other dimensional requirements, except property size, only if, on the basis of the application, investigation and evidence submitted, all of the following circumstances are found to exist:

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

FINDING: Applicant is requesting a variance to required 100' setbacks from all surrounding property lines. Applicant also requests a variance to the required 100' resource buffer for the Deschutes River, a designated fish-bearing stream, which generally parallels the northwestern boundary of the subject property.

The size of the subject parcel presents an exceptional circumstance over which the owner has no control. The subject property is 0.25 acres (approximately 100' x 110') zoned entirely A-1 (160). The dimensions of the property have not changed since 1971, prior to the enactment of the LUDO. These dimensional characteristics make it impossible to site a dwelling or any non-farm structure which achieves the 100' property line setbacks and resource buffer requirements. Staff conducted an inventory and analysis of all properties in the same zone as the subject property. Properties with split zoning were not included in the analysis. The inventory identified 2,661 properties in Wasco County zoned exclusively A-1 (160). Fifty-two (52) of these properties are 0.25 acres or smaller in size. These 52 properties, including the subject property, represent less than 2% of the properties zoned A-1 (160). Staff finds that the small size of the subject property, and the inability to meet setbacks and resource buffer requirements which result, constitutes an exceptional circumstance that does not apply generally to other properties in the A-1 (160) zone.

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

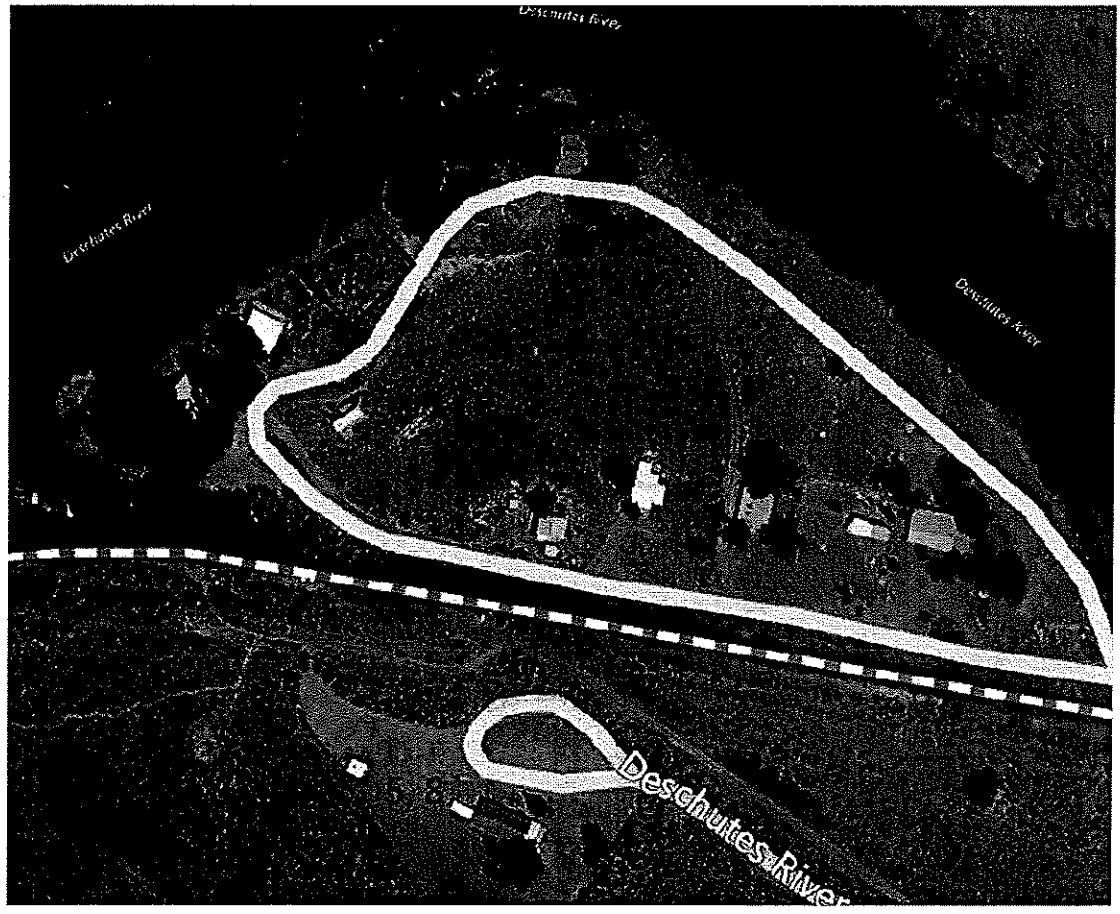
FINDINGS: The requested placement of a non-farm dwelling on the subject parcel is a Conditional Use in the A-1 (160) Zone. Wasco County Assessor data indicates that at least 9 non-farm dwellings – ranging in size from 564 to 1,248 square feet – exist on adjacent properties along with several accessory structures. None of these structures have been denied based on the inability to meet setbacks.

Over the past 80 years, a general pattern of development has occurred in North Junction that does not conform to current zoning requirements. This pattern consists of lawfully established dwellings and accessory structures that predate zoning or have been approved by Wasco County pursuant to the LUDO. In at least five (5) cases, the approvals by the County have included variances to setbacks similar to that requested by the applicant. In this context, Staff finds these lawfully established improvements constitute a property right enjoyed by other property owners in North Junction, and a variance is necessary in order for Applicant to continue this development pattern.

Map 5 below illustrates existing development surrounding the subject parcel. The table below lists several past Planning Department and Planning Commission approvals to construct and/or alter dwellings and accessory structures in North Junction (not a comprehensive list).

Map Number	Property Owner	County Land Use Action	Development Request	Action
1	Harlow	QJR-10-08-0003	Variance to Setbacks	APPROVED
2	Knackl	LOC-96-BP	Replacement Dwelling	APPROVED
3	Knackl	CUP-07-119/VAR-07-109	Variance to Setbacks	APPROVED
4	Hartung	CUP-85-107	Dwelling Expansion, Variance to Setbacks	APPROVED
5	Hartung	APL-85-105	Appeal of CUP-85-119	APPROVAL UPHELD
6	Hartung	LOC-96	Replacement Dwelling, Variance to Setbacks	APPROVED
7	Hartung	ENF-84-106	Expansion of Pre-Existing Conditional Use	APPROVED
8	Wilson	CUP-85-119	Non-Farm Dwelling, Variance to Setbacks	APPROVED

MAP 5: NORTH JUNCTION AERIAL – SUMMARY OF PAST ACTIONS



Residential and recreational development similar to that proposed by Applicant currently exists on all of the surrounding properties. The subject parcel is the lone undeveloped property in the eight acre area north of the railroad. Several of the properties contain multiple dwellings and their accessory structures.

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

FINDINGS: Applicant requests a dwelling and accessory structure within a cluster of similar development that does not meet current setback requirements. The Comprehensive Plan designation for the area is "Agriculture". The stated purpose of the A-1 zone in the LUDO is to "preserve and maintain the agricultural lands for farm use consistent with historical, existing and future needs..." The 100' setback standard for non-farm structures in the A-1 (160) zone is in place to protect current and potential agricultural uses from the impact of surrounding non-farm uses.

The primary land use on North Junction properties is recreational dwellings. Furthermore, according to Wasco County Assessor and Planning Department records, this has been the primary land use within North Junction for at least 80 years, and these uses (and their associated structures) have been expanded over the past 30 years as permitted by the LUDO and Comprehensive Plan. Staff finds that the variance would allow the siting of a use compatible with – and therefore not materially detrimental to – the predominant use in the North Junction vicinity.

Property sizes in North Junction range from 0.16 to 2.93 acres, including approximately 2.7 acres of the larger Hartung property, described as 7S 14E 8 D 400, located north of the railroad right of way (the railroad right of way, which serves as the southern boundary of North Junction, bisects the 61 acre Hartung property). In addition to proximity to the Deschutes River, a primary factor in North Junction's current and historic land use pattern is the poor underlying soil. The soils in North Junction are Class VII or worse. A GIS analysis of reported crops overlayed with aerial photographs indicates that the nearest planted crops are more than 3 miles from the subject parcel.

Based on the history, existing development pattern, property sizes and poor soils in North Junction, Staff finds the prospect of farming in this area impractical and improbable, and thus the requested variance would not reasonably be expected to conflict with the Comprehensive Plan.

D. The variance request is the minimum variance which would alleviate the difficulty.

FINDINGS: Applicant is proposing three structures (a 40' x 28' dwelling, 18' x 12' shed and small 7' x 7' vault toilet) within a 40' x 45' development footprint. Applicant has identified a location for development near the center of his property which balances and minimizes the variances needed from all property lines. Staff finds the proposed location for development minimizes the variance needed from any one property line and the Deschutes River.

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

FINDINGS: The hardship in question is associated with the conflict between the exceptionally small parcel size and the setback standards for all non-farm structures. As previously

discussed, the subject property was lawfully created in its current configuration in 1971 (via deed 71-0815 filed with Wasco County) prior to both Applicant's ownership and current setback requirements. Staff finds that the creation of the 0.25 acre parcel in 1971 was the primary action which created the hardship because, based solely on the parcel's dimensions, a variance would be required for the siting of any non-farm structure.

Applicant has submitted a letter from his mother stating, in part: *"The Application to develop on this lot seeks to reestablish a family dwelling enjoyed by the children of Harold F Erz from 1958 to fall 1995. Mr. Erz was a co-owner of the "red caboose,"* [removed by flooding in 1996] *but possessed only a life estate for the property* [owned by Edwin J Welsh] *on which it sat."* Applicant is the grandson of Mr. Erz. According to the letter, Applicant's immediate family had maintained ownership or use ties to the property since the mid-1950s. When Edwin Welsh died the property transferred to his heir in 1995. Applicant's family re-established and strengthened its interest in the property in 2009 when Edwin Welsh's heir transferred ownership to Applicant's family.

Public comments were submitted asserting that the act of purchasing the property itself constitutes a self-created hardship. While a person purchasing land with actual or presumed knowledge of zoning restrictions and property development standards is a factor in evaluating the criterion, Staff does not interpret the criterion to imply that the act of acquiring property which may require a variance for development precludes each and every property purchaser in that situation from meeting the "self-created hardship" criterion. A more important consideration in evaluating the criteria is whether Applicant initiated development which later resulted in the request for a variance. Staff finds Applicant has not altered the boundaries of the subject property or initiated development in any manner that created the hardship in question. Furthermore, based on the development pattern and the historical accessibility of variances to remedy setback conflicts in North Junction, Staff finds it reasonable for Applicant to assume, even after reviewing the LUDO, that building a non-farm structure on the subject parcel was possible.

D. CHAPTER 10 – FIRE SAFETY STANDARDS

Section 10.110 Siting Standards – Locating Structures for Good Defensibility

A. *Does your building avoid slopes steeper than 40% (more than 40-foot elevation gain over 100 feet horizontal distance)? This Standard is applicable to dwellings, accessory buildings, and agricultural buildings in: - All zones*

FINDINGS: Yes, the proposed dwelling avoids slopes steeper than 40%. This was confirmed by a site visit conducted on August 23, 2012 and analysis of GIS topographic information. The property has a slope of approximately 1-3%. In light of this and the applicant's proposed dwelling, extensive and costly grading or ground disturbance will be avoided. Additionally, the property is not protected by any fire district. Per Ted Megert, Deputy State Fire Marshal, "access need not be provided if no firefighters will respond." Lastly, the proposed dwelling will avoid exposure to the hottest side of fast moving flames climbing the slope. As there is only minimal slope the dwelling will avoid potential of trapping heat rising off of flames on the slope. As stated by the applicant, "Wind is generally in the late afternoon and originates from the river facing side. North Junction, area upon which site is located, is peninsula surrounded on three

sides by Deschutes River with railroad track on the remaining site. River and railroad tracks create substantial fire breaks protecting entire North Junction area from wildfire."

Section 10.120 Defensible Space – Clearing & Maintaining a Fire Fuel Break

A. Is your building surrounded by a 50-foot wide fire fuel break? This standard is applicable to all dwellings, accessory buildings, and agricultural buildings in: - All zones.

FINDINGS: No, the proposed structure will not be surrounded by a 50-foot wide fire fuel break (on the east, south or west sides). However, the placement of the structure on the lot is such that the 50' fuel break will be maintain on the windward (river facing) side of the structure.

As such, a modification to fire safety standards has been requested. The modifications to fire safety standards submitted document that the fire fuel break cannot be met. Due to the size of the property (0.25 acres) an alternate site on the property cannot be used to allow for the full fire fuel break (also a reason for the variance request from setbacks). The applicant has stated that an easement to allow for the full fire fuel break cannot be provided for on adjoining land due to the adjacent property owner's denial to grant such an easement/request. As stated by the applicant, "Applicants have been unable to obtain easement from adjacent property owner to maintain vegetation in a fire-wise fashion despite several attempts. Remote location of proposed dwelling limits availability of fire protection."

The fire mitigation plan proposes the following mitigation measures:

- The site plan indicates there is no deck proposed.
- The structure will be fire proofed and include: Exterior constructed using James Hardie, Hardiplank lapsiding, Hardipanel siding, Harditex baseboard, and Hardishingle cladding shingles; consistent with 60 minute rated wall assembly designs. These products comply with ASTM-C1186 Standard Specification for Grade II, Type A, Non-Asbestos Fire-Cement Flat Sheets.
- The structure will include thermal windows on sides where the full 50' fire fuel break cannot be maintained; window size will be limited. Shutters will be constructed of fire resistive materials and will be maintained on all ground level windows.
- The roof of the structure will be metal and have UL Class A Rating.
- Hose bibs will be installed and maintained on all four sides of proposed dwelling.
- Redundant water supply will be maintained: 1) Deschutes River surface water can be used without permit for emergency firefighting purposes, and 2) 2,000 gallon on-site water storage with 1 hp centrifugal pump will be provided.

Additional irrigation or an evacuation plan was not proposed. No well is proposed on the property at this juncture. Without a water source irrigation is not feasible. Per the applicant, "On-site protective measures and firefighting capacity will be superior to adjacent properties and will provide greater level of protection against incipient phase wildfires than is currently available. Store water, standpipe, and wildland hose will be available to adjacent property owners during wildland fire seasons.

B. Is dense unmanaged vegetation beyond 50 feet from the outer edges of your buildings, including any extensions such as decks or eaves, kept to a MINIMUM?

FINDINGS: Yes, dense unmanaged vegetation beyond 50 feet from the outer edges of the proposed structure will be kept to a minimum. The site visit conducted on August 23, 2012 confirmed that dense unmanaged vegetation was minimal in the North Junction area. The habitat or vegetation was sage brush and considerable open space exists between dwellings in the area. Note, the northern portion of the property is buffered by the Deschutes River.

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

A. Is your building designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?

1. *Roof Materials: Do you or will you have fire resistant roofing installed to the manufacturers specification and rated by Underwriter's Laboratory as Class A , B or its equivalent (includes but not limited to: slate, ceramic tile, composition shingles, and metal)?*

FINDINGS: Yes, a **condition** of approval is included to require the roof of the structure to be metal and have UL Class A Rating. In addition to roof materials, the applicant has proposed significant structural fire proofing with other materials to create a more fire-safe structure. This is an important component in assessing defensible space and the modification to fire safety standards. As such, the following two **conditions** of approval will be met prior to building approval.

1) Evidence the exterior of proposed dwelling will be constructed using James Hardie, Hardiplank lapsiding, Hardipanel siding, Harditex baseboard, and Hardishingle cladding shingles; consistent with 60 minute rated wall assembly designs. These products comply with ASTM-C1186 Standard Specification for Grade II, Type A, Non-Asbestos Fire-Cement Flat Sheets.
2) Evidence thermal windows will be used on sides of structure where full 50' fire fuel break cannot be maintained. Window size will be limited. Shutters constructed of fire resistive materials will be maintained on all ground level windows.

2. *Spark Arrestors: Will all chimneys and stove pipes be capped with spark arresters meeting NFPA standards (e.g., constructed or 12 USA gauge wire mesh with half-inch openings)?*

FINDINGS: Per the application and site plan submitted there will be no chimney. Moreover, per the application it is unclear if there will be a stove pipe. As such a **condition** of approval is included that requires any chimney or stove pipe be capped with spark arresters meeting NFPA standards.

B. Is your structure designed, built, and maintained to include the following features and materials necessary to make the structure more fire resistant?

a. Decks: Not applicable
b. Openings: Will all openings into and under the exterior of the building including vents and louvers, be screened with non combustible corrosion resistant mesh screening material with quarter inch or smaller opening.

FINDINGS: Per the application and site plan submitted it is unclear if the openings will be screened. However, the structure design recommendations for openings conflict or do not align with the flood hazard standards. Flood hazard standards require that electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Therefore to require all openings into and under the exterior of the building, including vents and louvers, be screened with non combustible corrosion resistant mesh screening material with quarter inch or smaller openings is not a condition.

c. Trees: Not applicable
d. Utilities: If your private utility service lines are not underground will the utilities be:
i. Kept clear along their route?
ii. Have a single point of access to the building?
Do all new buildings and structures served by electricity include a clearly marked power disconnect switch at the pole or off-grid power source?

FINDINGS: The application or site plan submitted does not clearly indicate if the utility service provided will be kept clear along its route, have a single point of access to the building or include a clearly marked power disconnect switch at the pole. As such a **condition** is included that requires the utility service provided will be kept clear along its route, have a single point of access to the building and include a clearly marked power disconnect switch at the pole.

e. Stand Pipe: Not applicable.

Section 10.140 Access Standards – providing safe access to and escape from your home

FINDINGS: The specific provisions of Section 10.140 A. through E. were not addressed with detailed Findings. There are two primary reasons: 1) The property is not protected by a fire district and access does not need to be provided if no firefighters will respond; 2) The access road is a private road, and the county cannot regulate, improve or maintain a private road. Overall, emergency vehicles can access the property as the private road to the property is improved. The access road has sufficient clearance and is passable for certain types of emergency vehicles to respond.

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

B. Are you proposing to construct a dwelling outside a structural fire protection district?

ON-SITE WATER IS REQUIRED IN BOTH URBAN AND RURAL ENVIRONMENTS FOR FIRE SAFTEY EVEN OUTSIDE A STRUCTURAL FIRE PROTECTION DISTRICT (Fire Flow Requirements).

Dwellings can be located outside a structural fire protection district upon demonstration that the parcel or home site cannot locate within, annex into, or contract with a structural fire protection district for service. If a dwelling is proposed outside a structural fire protection district, you cannot rely on emergency responders to meet the fire code fire flow requirements. Providing an NFPA sprinkler system is required to meet fire flow

requirements unless a request for modification of the fire safety standards has been requested and approved.

FINDINGS: Yes, the applicant is proposing to construct a dwelling outside a structural fire protection district; however a sprinkler system or on-site water is not required. The applicant is not able to locate within, annex into, or contract with a structural fire protection district for service and cannot rely on emergency responders to meet the fire code fire flow requirements. A 13-D NFPA sprinkler system is proposed by the applicant, but not required. Furthermore, it required by the State Fire Marshal or State Building Code.

On January 7, 2013 John Roberts, Planning Director, talked with Mr. Megert, State Fire Marshal, regarding the proposal to mitigate fire risk, the 13-D life safety Fire sprinkler system, proposed water storage container and Environmental Health requirements (i.e., no piping connections from a water tank to the proposed dwelling). Mr. Megert stated a 300 gallon 13-D life safety sprinkler system would be great and work well in a rural area. However, Mr. Megert also stated if there was no sprinkler system it was "not a deal killer" and additionally a sprinkler system cannot be required. He mentioned the sprinkler system would likely not work as envisioned as occupancy of the property is anticipated to be only 40 days a year (such a sprinkler system is designed for evacuation purposes not property protection).

Dwellings in the Forest Zones and outside a structural fire protection district must provide a year-round on-site 4,000 gallon water source, or access to a stream or spring having continuous year-round flow of at least 1 cubic foot per second.

- *The applicant must provide a written statement from Oregon Water Resources Department verifying that permits or registrations required for any water diversion or storage have been obtained or are not required.*
- *Driveway access and a turnaround meeting the access standards in Section 10.140 must be extended to within 10 feet of the water source.*
- *Permanent signs shall be posted directing emergency vehicles to approved water sources.*

FINDINGS: The applicant's proposed access to water is acceptable and redundant water supply will be maintained. Water at the proposed dwelling could be secured using the Deschutes River surface water. The applicant proposed a 2,000 gallon poly-tank to provide for year round domestic water supply and provide for redundant water supply for emergency firefighting purposes. Since no piping is allowed from the poly-tank to the house and the applicant has not secured appropriate permits from the state for storage/domestic of the water, it is felt the poly-tank is not necessary.

In case of emergency the applicant can use Deschutes River surface water. In an emergency, water would be secured using a 2" suction with foot valve and centrifugal water pump. The applicant discussed these emergency requirements, and lack of need to get a permit, with Bob Wood, Wasco County Watermaster. In essence Deschutes River surface water can be used without permit for emergency firefighting purposes per Oregon Water Resources Department Aqua Book. In lieu of not using the poly-tank for emergency water it is felt the applicant should install and continuously maintain an emergency-use water pump along the Deschutes River to be used for fire related emergencies only. Therefore, a **condition** of approval is included that the owner will purchase 200' of 1" single jacket wildland firefighting hose and maintain an emergency-use water pump. Furthermore, these fire-related emergency tools shall be stored in the shed/accessory building.

Driveway access standards are not applicable, as there is no driveway. No permanent signs are required direct emergency vehicles to approved water sources, as the only available water source in case of an emergency is the Deschutes River.

Section 10.220 Modification of Fire Safety Standards
If one or more fire safety standard cannot be met, the applicant must request a modification to fire safety standards. The request for modification shall include a site specific fire safety mitigation plan. The modification of standards review shall be processed in accordance with the procedures in LUDO Section 2.060(A)(6). Notice prior to the decision shall be provided to fire responders with jurisdiction by the Planning Director. The decision to approve or deny the request for modification shall meet all public notice requirements.

FINDINGS: 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. During a site visit to the subject parcel on August 21, 2012, staff verified that the proposed dwelling and shed are not able to comply with all fire safety standards, therefore modifications to fire safety standards are required.

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 planning department under Files PLAQJR-12-08-0001. A **condition** of approval making current and future owners aware of this is included.

Section 10.230 Fire Safety Mitigation Plan
A fire safety mitigation plan is required when an applicant needs to request a modification to one or more fire safety standards listed on the self-certification check list.

FINDINGS: The following are the applicant's proposed Modifications to Fire Safety Standards, prepared by Gabriel Watson, February 19, 2012:

*A. **Maps (See attached)***
1. ***Site Description:***
Site is approximately .25 acre parcel located adjacent to the Deschutes River. Site is non-sloping land with minimal fuel load. Majority of ground is either rocky or soil. See attached Map. Site has several mature White Alder trees native to the Deschutes River riparian zone and three (3) mature Poplar trees. Site is well hydrated as per proximity to the Deschutes River. Wind is generally in the late afternoon and originates from the river facing side. North Junction, area upon which site is located, is peninsula surrounded on three sides by Deschutes River with railroad track on the remaining side. River and railroad tracks create substantial fire breaks protecting entire North Junction area from wildfire.

2. ***Site falls outside of formal fire protection district. Access Road is maintained by the Deschutes Club. Deschutes Club maintains two (2) fire Apparatus; (1) Water Tender, with ~2000 gallon capacity; and (1) Brush Rig, with ~250 gallon storage and ~100 g.p.m.***

flow capacity. These apparatus are available for fires occurring along Deschutes Club access road. Apparatus are of appropriate size to access site despite limited clearance on access road.

The intent of this proposal is to provide for a more fire-safe structure, and the ability to mitigate incipient stage wildfire starts on area surrounding proposed dwelling.

B. Statement of Need:
Fire safety standards require modification due to site size and location. Applicants have been unable to obtain easement from adjacent property owner to maintain vegetation in a fire-wise fashion despite several attempts. Remote location of proposed dwelling limits availability of fire protection.

C. Risk Assessment
Additional risk from proposed dwelling is minimal. Proposed dwelling will be constructed to meet fire safety standards. On-site protective measures and firefighting capacity will be superior to adjacent properties and will provide greater level of protection against incipient phase wildfires than is currently available. Stored water, standpipe, and wildland hose will be available to adjacent property owners during wildland fire season.

D. Additional Actions to Minimize Risks

PROPOSED PLAN for ON-SITE FIRE PROTECTION

1. *Maintain fire fuel breaks to property line as required by Section 10.120 of Wasco County LUDO. Site is not large enough to accommodate alternative placement of proposed dwelling to allow for full 50' fire fuel break on all sides. Placement of structure on lot is such that 50' fuel break will be maintained on windward (river facing) side of structure.*
2. *Proposed dwelling will be constructed as per all specifications for fire protection in Section 10 of Wasco County LUDO.*
3. *Exterior of proposed dwelling will be constructed using James Hardie, Hardiplank lapsiding, Hardipanel siding, Harditex baseboard, and Hardishingle cladding shingles; consistent with 60 minute rated wall assembly designs. These products comply with ASTM-C1186 Standard Specification for Grade II, Type A, Non-Asbestos Fire-Cement Flat Sheets.*
4. *Thermal windows will be used on sides of structure where full 50' fire fuel break cannot be maintained. Window size will be limited. Shutters constructed of fire resistive materials will be maintained on all ground level windows.*
5. *Roof will be metal and have UL Class A Rating.*
6. *Hose bibs will be installed and maintained on all four sides of proposed dwelling.*
7. *Redundant water supply will be maintained: 1) Deschutes River; surface water can be used without permit for emergency firefighting purposes per Oregon Water Resources Department Aqua Book 2) 2000 gallon on site water storage with 1hp centrifugal pump.*
8. *Owners will purchase 200' of 1" single jacket wildland firefighting hose, with adapters to ensure compatibility with standpipe, hose bibs, and centrifugal pump discharge port. Hose will be maintained in an exterior hose locker for rapid deployment.*

Section 10.240, Review of Requested Modification(s)

A. Planning Director Shall Seek Review

1. The Planning Director shall request and consider the comments and recommendations of local emergency responders, including ODF and the State Fire Marshal's Office when making the final decision on a request for modification of fire safety standards. The complete fire safety mitigation plan shall be forwarded to all commenting responders including the Deputy State Fire Marshal.

FINDINGS: As previously mentioned the subject parcel is located within the State of Oregon Fire Marshal's jurisdiction. Ted Megert, Deputy State Fire Marshal served as the point of contact concerning this proposal. Mr. Megert reviewed the applicant's proposed fire safety mitigation plan. Although he agreed a 13-D life safety fire sprinkler system supplied by a 300 gallon tank would be a boon, it is not required or realistic in light of occupancy issues. Additionally, Mr. Megert felt a 2,000 gallon poly-tank would serve no purpose and it was good to have access to Deschutes River water. Staff concurs with the Fire Marshall Megert.

IV. CONCLUSIONS:

A. The request is for:
1. 40' x 28' x 24' (1,120 square foot), non-farm dwelling
2. 18' x 12' x 12' (216 square foot) shed
3. 7' x 7' sealed vault toilet
4. Variance to property line setbacks. Requested setbacks are as follows:
   - 25' from front and rear property line
   - 25' from side property lines
   - 25' from Deschutes River
5. Floodplain Development Review of requested structures located within the FEMA delineated floodplain
6. Modification to Wasco County Fire Safety Standards Review

B. The Comprehensive Plan designation for the property is A-1 (160).

C. Based upon the Findings in Section III, with **conditions**, Staff recommends approval of the request as consistent with all applicable requirements of law.

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.

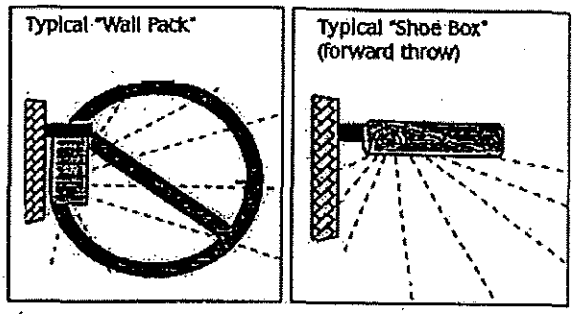
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

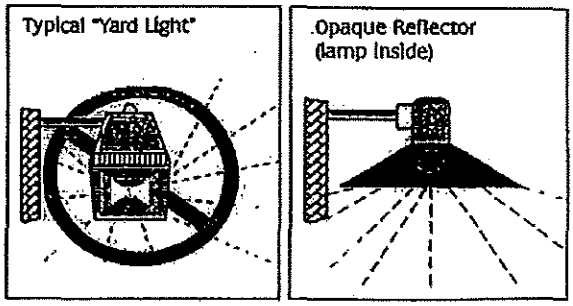
Sky Glow Rays that beam uselessly above the horizon create murky skyglow – the "light pollution" that washes out our view of the stars.

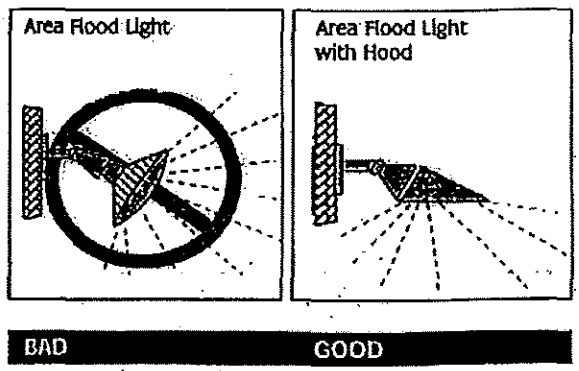
How do I switch to good lighting?

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







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

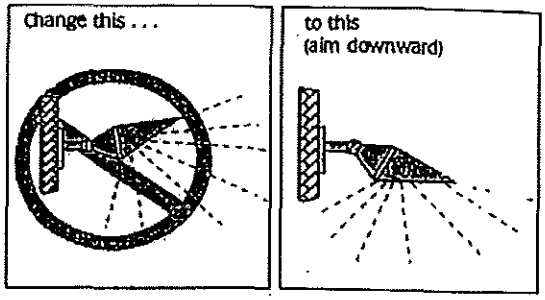
2. Aim lights down. Choose "full-cutoff shielded" fixtures that keep light from going uselessly up or sideways. Such fixtures produce minimum glare. They create a pleasant-looking environment. They increase safety because you see illuminated people, cars, and terrain, not dazzling bulbs.
3. Install fixtures 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!

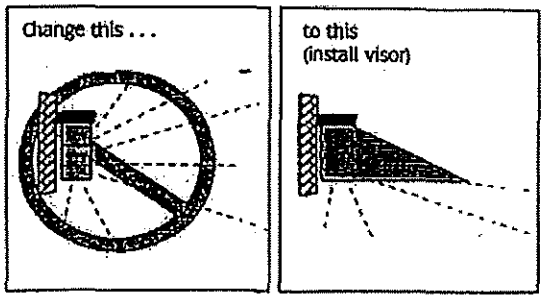
Replace bad lights with good lights.

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

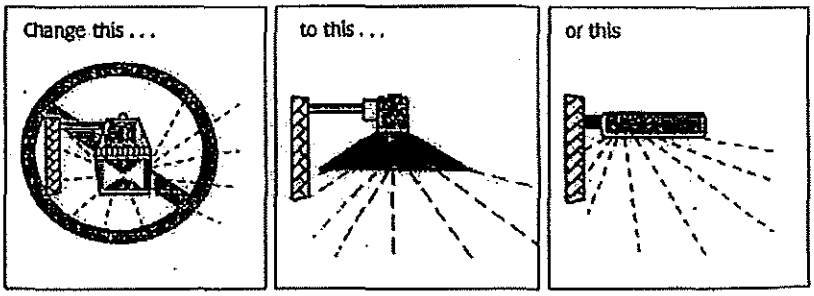
What You Can Do To Modify Existing Fixtures



FLOOD LIGHT



WALL PACK



YARD LIGHT | OPAQUE REFLECTOR | SHOE BOX

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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.

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ATTACHMENT F – FARM MANAGEMENT EASEMENT

Owner Name: GABRIEL WATSON
Mailing Address: _____ _____
_____ _____

Gabriel Watson, herein called the Grantor, is the owners of real property described as follows:
Township 7S, Range 14E East W.M., Section(s) 8 D, Tax Lot(s) 300;
Assessor Account# 12783.

In accordance with the conditions set forth in the decision of the Wasco County Planning Commission, dated _____, approving a non-farm dwelling and accessory structures (PLAQJR-12-08-0001) on the real property referenced above, Grantor 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/ Forest/Forest-Farm zone in Wasco County, Oregon, and may be subjected to conditions resulting from farm or forest operations on adjacent lands. Farm operations include, but are not limited to, the raising, harvesting and selling of crops or the feeding, breeding, management and sale of livestock or poultry, application of chemicals, road construction and maintenance, and other accepted and customary farm management activities conducted in accordance with Federal and State laws. Forest operations include, but are not limited to reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash, and 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 Grantors' property for residential purposes. Grantors hereby waive all common law rights to object to normal and necessary farm or forest management activities legally conducted on adjacent lands which may conflict with grantors' use of grantors' property for residential purposes and grantors hereby give an easement to adjacent property owners for such activities.

2. Grantors shall comply with all restrictions and conditions for maintaining residences in the Exclusive Farm Use/Forest/Forest-Farm zone that may be required by State and local land use laws and regulations.

This easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantors have executed this easement on _____, 2013.

_____
Titleholders Signature

_____
Titleholders Signature

STATE OF OREGON)
COUNTY OF WASCO)

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

_____
Notary Public for Oregon

ATTACHMENT G – MEDIATION ORDINANCE

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

FILED
WASCO COUNTY
2003 SEP 12 P 3:15
MARGIE LEBRETON COATS
COUNTY CLERK

IN THE MATTER OF THE ADOPTION OF AN AMENDED ORDINANCE PROVIDING PROTECTION FOR GENERALLY ACCEPTED FARMING AND FORESTRY PRACTICES AND ESTABLISHING A COMPLAINT MEDIATION PROCESS.

AMENDED ORDINANCE

RECEIVED
SEP 23 2003
By

THE WASCO COUNTY COURT ORDAINS AS FOLLOWS:

Section 1. SHORT TITLE. This Ordinance may be cited as the Wasco County Farming and Forestry Practices Protection and Complaint Mediation Ordinance.

Section 2. PURPOSE.

(1) Wasco County recognizes that complaints about farming and forestry practices will sometimes occur because these practices create odors, smoke, dust and noise and there is a close proximity of agricultural and forest lands to expanding urban and rural residential development.

(2) Wasco County recognizes that all resource use complaints have the potential of requiring immediate shutdowns or interruptions of farming and forestry practices which could result in significant economic consequences for resource users.

(3) The purpose of this Ordinance is therefore to provide a rapid complaint response and mediation process for resource use complaints by Wasco County residents in order to protect farming and forestry operations to the greatest extent possible from immediate shutdowns or interruptions.

Section 3.DEFINITIONS. As used in this Ordinance:

(1) "FACILITY" means any real or personal property, including appurtenances thereto and fixtures thereon, associated with a given use.

(2) "FARMING PRACTICE" means the cultivation, growing, harvesting, processing or selling of plants or animals of any kind, which lawfully may be grown, possessed and sold, including but not limited to fish, livestock, poultry, grapes, cherries, apples, pears, wheat, barley, Christmas trees and nursery stock.

(3) "FORESTRY PRACTICE" means any operation conducted on or pertaining to forest land, including but not limited to:

(a) Reforestation of forest land;

(b) Road construction and maintenance;

(c) Harvesting of forest tree species;

(d) Application of chemicals; and

(e) Disposal of slash.

(4) "NONRESOURCE USE" means any facility, activity or other use of land which does not constitute a resource use, including but not limited to residential use.

(5) "RESOURCE USE" means any current or future generally accepted farming or forestry practice or facility conducted in compliance with applicable Wasco County Ordinances and Federal and State laws.

(6) "RESOURCE USE NUISANCE" means any current or future generally accepted farming or forestry practice or facility conducted in

compliance with applicable Wasco County Ordinances and Federal and State laws, which may be considered offensive, annoying, or interferes with or otherwise affects the urban and rural residents of Wasco County.

(7) "RESOURCE USE" does not include:

(a) Any unlawful act;

(b) The willful growing of infested, infected or diseased plants or animals;

(c) Trespass which involves actual physical intrusion onto the property of another by a person or by a person's animals;

(8) "DESIGNEE" means a Case Developer, appointed by the Six Rivers Community Mediation Services Director.

(9) "COMPLAINT MEDIATION PROCESS"

(a) Means a procedure established by the Wasco County Court to provide a forum for the mediation of Wasco County residents complaints regarding farming or forestry practices or facilities, including, but not limited to: odors from domestic livestock operations; blowing smoke from heaters, smokers and slash burning; noise from machines, including those devices producing sounds designed for agricultural purposes in order to frighten predacious birds or animals away from agricultural crops; drift or contamination from chemical and fertilizer applications; hours of operation; and littering of County roads; and

(b) Shall consist of at least two (2) mediators, working cooperatively in a co-mediation role. Both mediators shall maintain a neutrality and confidentiality throughout and beyond the process. The Six Rivers Community Mediation Services Director or Designee shall serve as a consultant to the Complaint Mediation Process. Consultation may come prior to, during or after the actual mediation, as appropriate.

(10) "PEER REVIEW BOARD" is a Board appointed, as needed, by the Wasco County Court to advise the Six Rivers Community Mediation Services on whether a disputed resource use activity is a generally accepted farming or forest practice or facility. The Board shall consist of 5 persons who regularly are involved in a resource use within the County, at least 3 of whom are regularly involved in the same type of disputed resource use being heard through the Complaint Mediation Process.

Section 4. PROTECTING RESOURCE USES.

(1) Wasco County shall not support a resource use nuisance complaint or claim for relief by nonresource uses or any persons or property associated therewith unless the resource use complaint response and mediation procedure of Section 5 of this Ordinance has been utilized.

(2) This Section applies regardless of:

(a) The location of the purportedly affected nonresource use;

(b) Whether the nonresource use purportedly affected existed before or after the occurrence of the resource use;

(c) Whether the resource use or nonresource use has undergone any change or interruption; and

(d) Whether the resource use is inside or outside an urban growth boundary to the extent permissible under State law.

Section 5. RESOURCE USE COMPLAINT RESPONSE AND MEDIATION PROCEDURE.

(1) Initial resource use complaints involving farming or forestry practices or facilities shall:

(a) Be referred to the Six Rivers Community Mediation Services during regular operating hours or the Wasco County Sheriffs Office after hours and on weekends; and

(b) Be responded to as soon as possible.

(2) The responding Six Rivers Community Mediation Services Agent or Designee shall:

(a) Use Six Rivers Community Mediation Services' procedures to respond to a complaint;

(b) Notify the Wasco County Court about the documented complaint as soon as possible and report on the effort and/or success in resolving the complaint.

(3) If the initial contact is through the Wasco County Sheriffs Department, or any other law enforcement agency, the responding officer should:

(a) Contact the complainant and document the complaint; and

(b) Encourage the complainant to call or meet with the resource user and attempt a one-on-one resolution of the complaint; and

(c) Provide both complainant and resource user with written documentation of the complaint, including, but not limited to the name and address of complainant, the name and address of the resource user, and a description of the nature of the complaint; and

(d) Inform both parties that the complaint will be referred to Six Rivers Community Mediation Services and that they will be contacted by that agency; and

(e) Deliver a copy of the complaint to the Six Rivers Community Mediation Services as soon as possible.

(4) If the complainant and resource user that are principles in a documented resource use complaint within Wasco County request assistance beyond that provided by the Case Developer, the Case Developer shall implement the Complaint Mediation Process.

(5) The Complaint Mediation Process shall:

(a) Set a date to hear the complaint from both complainant and resource user within a reasonable amount of time; and Work with both complainant and resource user in an attempt to resolve the complaint.

(6) The Complaint Mediation Process may:

(a) Request the Wasco County Court to set up a Peer Review Board for assistance in determining whether an activity or facility is a generally accepted farming or forestry practice or facility;

(b) Suggest recommendations for Peer Review Board members to the Wasco County Court; and

(c) Meet with the complainant and resource user any number of times if the Mediators determine that progress is being made toward a resolution of the complaint.

(7) If the Complaint Mediation Process is unable to resolve the complaint, the complainant and resource user shall be advised by the Six Rivers Community Mediation Services of their additional options including, but not limited to, seeking advice from private counsel.

Section 6. LAND USE DECISIONS. The fact that Wasco County's Comprehensive Plan, Zoning Ordinances and land use decisions allow the siting, development or support of any particular use does not negate the provisions of this Ordinance intended to protect a resource use.

Section 7. EFFECT ON OTHER REMEDIES. The provisions of this Ordinance shall not impair the right of any Wasco County resident to pursue any remedy authorized by applicable Wasco County Ordinances or Federal and State laws that:

(1) Concerns matters other than a resource use nuisance;

(2) Does not expressly purport to prohibit or regulate a farming or forestry practice as a resource use nuisance; or

(3) Prohibits or regulates the use or physical condition of resource use activities or facilities that adversely affect public health or safety.

Section 8. SEVERABILITY CLAUSE. If any portion of this Ordinance is held invalid by a Court of competent jurisdiction, such decision shall apply only with respect to the specific portion held invalid by the decision. It is the intent of Wasco County that the remaining portions of this Ordinance continue in full force and effect.

Section 9. __ EMERGENCY CLAUSE. This Ordinance being immediately necessary for the preservation of the public well being, an emergency is declared to exist and this Ordinance shall take effect immediately upon adoption.

Regularly passed and adopted by the unanimous vote of all members of the County Court of the County of Wasco, State of Oregon, present on this day.

/////

///// /// ///// ////

8 - AMENDED ORDINANCE

DONE AND DATED this 3rd day of September, 2003

WASCO COUNTY COURT

Dan Ericksen, County Judge

Scott McKay, County Commissioner

Sherry Holliday, County Commissioner

APPROVED AS TO FORM:

Eric J. Nisley
Wasco County District Attorney

9 – AMENDED ORDINANCE

PLAQJR-12-08-0001
Watson Application

State Fire Marshal

PLAQJR-12-08-0001
Watson Application

State Fire Marshal

FIRE

Jeanette Montour

From: Ted Megert
Sent: Thursday, August 18, 2011 11:16 AM
To: Jeanette Montour
Cc: Brian Huff
Subject: Re: Fire Protection for Proposed Dwelling in Wasco County

Okay, I'll send the response to planning, again:
Jeanette,
A 13-D life safety fire sprinkler system is a reasonable alternative to access, on-site 2,000 gallon water tank w/pump, hose, etc. for exterior firefighting. The proposed fire protection makes no sense, because the property is not protected within any fire district. Access need not be provided if no firefighters will respond. A life safety fire sprinkler system w/300 gallon tank is a reasonable and cost-effective alternative in this rural (remote) setting and can be winterized when unoccupied in winter months. The owner proposes to provide a grey-water system from the river for toilets, showers, etc. and that will work fine to supply the 300 gallon 13-D supply tank. They also propose to truck in the bottled drinking water.
Ted Megert
Deputy State Fire Marshal
(503) 731-3020 x 250
>>> Brian Huff 8/18/2011 10:08 AM >>>
Me too!
If you want and have time, why don't you follow through with this one.

Brian Huff
OSP/OSFM
Deputy State Fire Marshal
Brian.huff@state.or.us
541-420-4263
-----Original Message-----
From: Ted Megert
To: Huff, Brian <bhuff@osp.state.or.us>

Sent: 8/18/2011 10:06:57 AM
Subject: Re: Fire Protection for Proposed Dwelling in Wasco County

I still think he should provide a 13-D system in lieu of the 2,000 gal. tank and pump, hose, etc. A Talco tank w/pump & PEX tubing in a combination grey water system could be winterized when not occupied.

>>> Brian Huff 8/18/2011 9:58 AM >>>
Hey man I am not worried about it at all! Thanks for your comments. It is in the State of Oregon somewhere so shoot at least one of us commented.
By the way, I always agree with your comments, I think we think a lot alike!
Take care,

Brian Huff
OSP/OSFM
Deputy State Fire Marshal
Brian.huff@state.or.us
541-420-4263
-----Original Message-----
From: Ted Megert
To: Huff, Brian <bhuff@osp.state.or.us>

Sent: 8/18/2011 9:49:45 AM
Subject: Re: Fire Protection for Proposed Dwelling in Wasco County

Brian,
Somewhere on the Deschutes River and not within any fire protection district. I regret having become involved, but the ·ounty planning is always around land descriptions, not addresses and are sent to both of us. Their requirements are excessive, given that some properties are unprotected, so I thought that a 13-D system supplied by a well or other rural water supply would be a reasonable alternative. This applicant says that they will only occupy the dwelling 40 days a year. What is the value of his proposed "fire protection" if nobody will be around to use it? The 13-D system would provide life safety when it is occupied and could be shut off and drained when vacant.
Sorry about that,
Ted

>>> Brian Huff 8/18/2011 8:36 AM >>>
Ted
Where is this property located?

Brian Huff
OSP/OSFM
Deputy State Fire Marshal
Brian.huff@state.or.us
541-420-4263
-----Original Message-----
From: Ted Megert
Cc: Huff, Brian <bhuff@osp.state.or.us>
Cc: Montour, Jeanette <jeanettem@co.wasco.or.us>
To: Watson, Gabriel <watsongabe@gmail.com>

Sent: 8/16/2011 5:10:52 PM
Subject: Re: Fire Protection for Proposed Dwelling in Wasco County

Jabriel,
Your e-mail attachment did not include a usable site map or tank diagram, but your description of the property was very clear.
The proposed property is outside of any fire protection district, so there is no reason to expect that any organized fire suppression will be provided.
The proposed plan for on-site fire protection appears to address exterior firefighting capability during the summer fire season, when the dwelling is occupied.
The proposed fire protection includes:
Hose bibs on all four sides of the dwelling; 2,000 gallon on-site water storage with 1 hp centrifugal pump; 200 feet of wildland firefighting hose; w/suitable adapters in an exterior hose locker.
I can understand your concerns for the costs related to this project, but who is going to use the hose, pump and stored water for fire suppression? If the dwelling is to be occupied for an average of 40 days a year, who is going to use the equipment?
A 13 D fire sprinkler system is for life-safety, not property protection. If you do not plan to rent the property and only occupy the dwelling an average of 40 days a year, you will have to weigh the risk/benefit of a life-safety system vs the proposed fire protection equipment that is useless if nobody is around and no fire department exists.
I will defer to Brian Huff, as it is his district and I have no jurisdiction in your area of Wasco County.
Regards,
Ted Megert
Deputy State Fire Marshal
(Clackamas, Hood River, Multnomah,
Washington, N. Wasco counties (Mosier, MCF&R only))

>>> Gabriel Watson <watsongabe@gmail.com> 8/16/2011 2:55 PM >>>
Ted,

Thanks for taking the time to speak with me today.

The proposal I have attached provides the background for the property and the proposed structure. As I mentioned to you, there are a number of factors that come in to play: limited fire protection, limited use, etc. Accordingly, if there is any way to construct the dwelling without the installation of a type 13d sprinkler system, that is preferable. Again, if you believe that the system is necessary, we are willing to proceed in accordance with your recommendations.

Jeanette at the county has a copy and I will be forwarding this email to her as well.

Please feel free to contact me with any questions you have regarding the proposal. And again, thanks for your time.

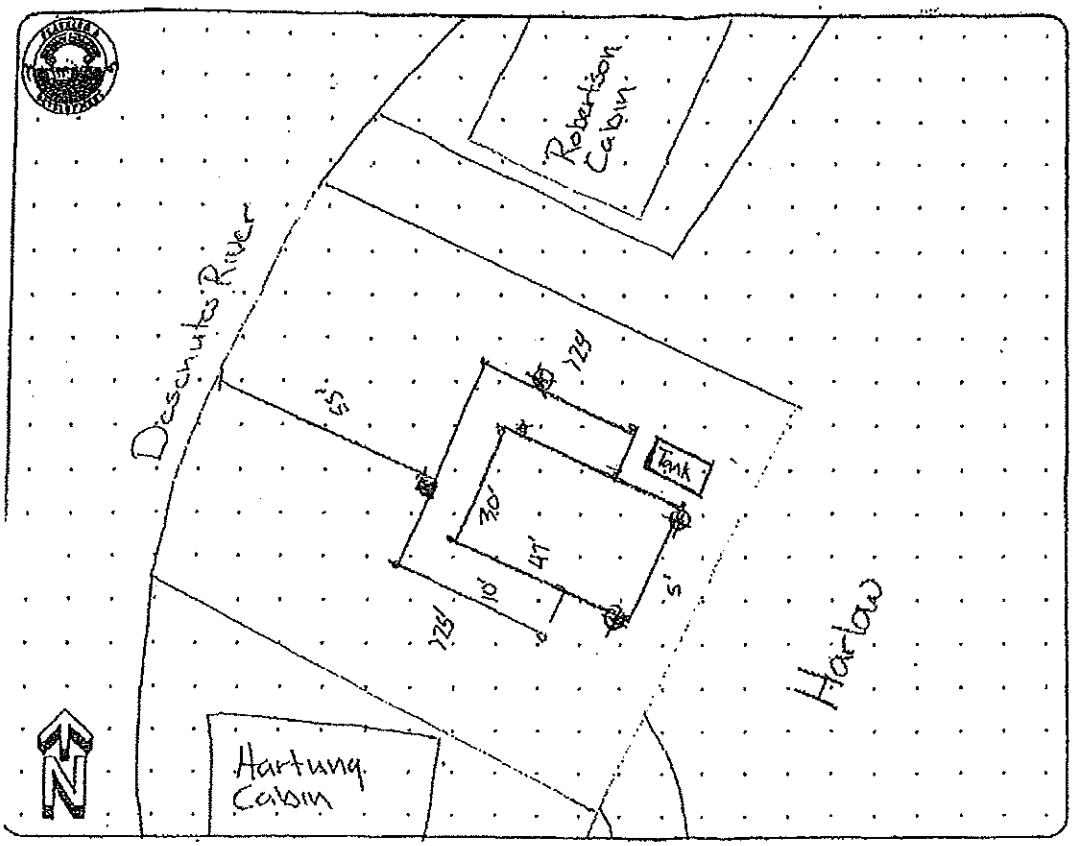
Gabriel Watson

--
Gabriel A. Watson
503-729-3521

Site Plan For Proposed Modifications to Fire Safety Standards
Township: T75 Range: 14E Section: 8D Tax Lot: 300

Hose Bibs

Submerged Water Storage Tank
Dimensions: W 98"x H 50" x D 125"



SITE PLAN MAP

Map, Tax Lot #: _____
Applicant: Watson
Owner(s): Gabriel Watson
Leslie Watson
Contact #: 503 779 3521
Date: 3/8/11

NOTE: Lot Dimensions and setbacks must be included numerically and drawn to the scale selected below.

* See back for required site plan information.

SCALE: (select one)
1:50 ☐
1:100 ☐
1:200 ☐

Planner Only:
File #: _____
Resized – No longer to scale ☐

PLAQJR-12-08-0001
Watson Application

Environmental Health

PLAQJR-12-08-0001
Watson Application

Environmental Health

WASCO COUNTY

John Roberts< johnr@co.wasco.or.us>

Gabe Watson Application

2 messages

John Roberts< johnr@co.wasco.or.us> Fri, Dec 7, 2012 at 10:51 AM
To: Kevin Dworschak <kevind@co.wasco.or.us>
Cc: Joey Shearer <joeys@co.wasco.or.us>

Kevin: We had previously exchanged some emails regarding the Gabe Watson application (the one at North Junction, Deschutes River). Anyway, we are in the process of writing a staff report and just need some more detailed info from you. Specifically:

-Septic approval at the proposed location ("proper sanitation and water facilities are available"); I have an email from you if you think that is appropriate

-Confirmation that the proposed 2000 gallon Poly-Tank is appropriate for a domestic water supply

-Water and sewer services will not adversely affect the river or other water resources
Thanks....

--

John Roberts, AICP
Planning Director, Wasco County Planning Department

"Service, Sustainability & Solutions"
Ph: (541) 506-2563 · johnr@co.wasco.or.us

Kevin Dworschak< kevind@co.wasco.or.us> Tue, Dec 11, 2012 at 7:52 AM
To: John Roberts <johnr@co.wasco.or.us>

John: Gabe is installing a sealed vault pit privy. Done correctly, I will inspect after installation, it will not leak sewage. He cannot have plumbed water to the cabin. We have no standards for water supply tanks. Our one requirement is there can be no connections from the water tank to the cabin. No piping is allowed from the water tank to the cabin. If a concrete tank is used it will have to have a tar like interior lining to stop any concrete cracks from leaking. These are the only requirements we have. Any more questions please contact me. Thanks
[Quoted text hidden]

PLAQJR-12-08-0001
Watson Application

Letters in Opposition (Total = 14)

Letters in Oppositoin Submitted by the Following

- Jay Beckstead, MD
- Mark Whitlow (Perkins Coie) on behalf of Doug Robertson
- John Pavelich
- Dougals and Nan Robertson
- Sandra Kindley
- Tyrell Vance
- Native Fish Society & Michael Moody
- David Symes
- Kenneth Klarquist, Jr. (Zalutsky, Klarquist & Reinhart, P.C.)
- Oregon Wild & Tim Lillebo
- John Hartung
- Jim Harlow

Total = 12

Letters/Comments Received After August 27, 2012 Mail-Out

- Luke Hanset
- Mark Whitlow (Perkins Coie) on behalf of Doug Robertson

Total = 2

PLAQJR-12-08-0001
Watson Application

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Total = 12

Letters/Comments Received After August 27, 2012 Mail-Out

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- Mark Whitlow (Perkins Coie) on behalf of Doug Robertson

Total = 2

RECEIVED
AUG 2 2 2012
WASCO COUNTY PLANNING

August 17, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

I wish to have my letter read by the Planning 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.

This letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter a part of your hearing record.

The proposed dwelling should not be allowed or is too large for the small site. I believe that proposal from the new owners of the very small parcel of land to build a two-story, two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act or, alternatively, is too intensive for that site in many ways. This position is based on the information below.

The Deschutes River Scenic Waterway administrative rules for this reach of the river state that: "Additional dwellings...are not permitted". See attached copy. The site has never had a dwelling on it, except for the old RR caboose which was placed there in 1958 and which was washed off the site in the 1996 flood. Everyone was given six months after the flood to replace their grandfathered dwellings. The owner of this site at the time elected not to do that, so the grandfathered right to have the caboose as a dwelling on that site was lost.

If they are somehow allowed to erect a new dwelling at this late date in spite of the above, the proposed, two-story, two-family dwelling and storage shed are too large for the small .25 acre site. They leave no room for the required setbacks, including the required 50' fire fuel break around the structures, they have inadequate room for a septic field, they have no access or utility easements, and they are providing no room for vehicle parking on their site.

If allowed a dwelling, they are asking to push the limits of the Code with requests for variances and modifications:

- from the required 100' setbacks from all property lines (to only 25' on the side property lines; and
- from the required fire safety standards for a 50' wide fire fuel break around the proposed dwelling and shed to some alternative fire suppression system with an automatic sprinkler system that would be certain to fail in a fire where the power would be lost.

The application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place.

Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Respectfully submitted,

Jay H. Beckstead

Jay H. Beckstead, M.D.
217 So. Modoc Ave
Medford, OR 97504

WASCO COUNTY

Jeanette Montour< jeanettem@co.wasco.or.us>

North Junction - Response to Watson's Land Use Applications

1 message

Whitlow, Mark (Perkins Cole) < MWhitlow@perkinscoie.com> Sun, Aug 19, 2012 at 4:59 PM

To: Jeanette Montour <jeanettem@co.wasco.or.us>
Cc: "robertsj@co.wasco.or.us" <robertsj@co.wasco.or.us>, Doug Robertson <dougr@easystreet.net>, "Vogel, Stephanie (Perkins Coie)" <SVogel@perkinscoie.com>

Jeanette,

This message is sent on behalf of Doug Robertson and will respond to the Watson applications now set for hearing on September 4th. Please make the message part of your record of proceedings.

-

The Application is Incomplete. The application does not submit the information required by Section 2.060, is not ready to proceed to hearing, and the hearing should be cancelled or rescheduled until a date after the applicant files the missing information regarding. Alternatively, the Planning Department should recommend denial of the applications for the same reasons:

Lack of Property Information: The Sewage section is left blank and needs to be completed. No one can determine whether the site plan works until the septic field is engineered and designed. With the general rocky nature of the soils in the area, it is anticipated that a much larger septic field area than the one scribbled on the not-to-scale sketch plan by the applicant. A detailed, to-scale site plan should be submitted based on a septic plan approved by the County's Sanitarian. Before that, the applicant is guessing as to what size dwelling and what location the dwelling can have on the site after the septic filed has been designed. The application omits the critical starting point for the application. It should be deemed incomplete or denied until this critical piece of missing information is submitted as the start point.

Lack of Detailed Structural Information: The applicant does not disclose the total square footage of the proposed dwelling regarding the size of the upstairs loft. That information is needed to access use impacts and calculate the size of the septic field. With the ground floor being 1410 sq ft, we assume that the loft is at least 600 sq ft, for a total building area of over 2,000 sq ft., plus a 216 sq ft shed.

Lack of Narrative Explaining How Criteria Are Satisfied. The application fails to provide any descriptive language that explains how the application addresses the applicable criteria. No narrative is attached and the applicant merely provides short conclusions in the body of the application form without any analysis of how the evidence submitted satisfies the applicable approval criteria. Moreover, the application fails to even fill in all of the blanks in the County's application forms and/or fails to submit the related evidence necessary for the County to review the application regarding several approval regulations, as required by Section 2.060:

I. **Does Not Address Conditional Use Application Criteria.** Under Section 5.020, the application fails to respond to the criteria of this section:

A. Consistency With Comprehensive Plan and Implementing Ordinances. The application fails to address how the proposal is consistent with the goals and objectives of the Comprehensive Plan and implementing ordinances of the County. Most specifically, the application fails to explain how the proposal to add a new dwelling to an area of the Deschutes River Scenic Waterway does not harm the natural value of the area, when the Scenic Waterway regulations applicable to this reach of the river state that: "Additional dwellings...shall not be permitted." Specifically, the application does not address:

Goal # 5, Policy 5 - Wild and Scenic Rivers. The application needs to provide the following missing information: notice to and comments from BLM and the Warm Springs Indian Reservation; a statement describing how the proposed recreational dwelling is otherwise customarily provided in conjunction with farm use within the visual corridor of the Deschutes Scenic Waterway; and how the proposal will encourage the preservation of landscape features on the Deschutes River when it will remove existing landscaping to build the new dwelling with 50' of the river.

Goal # 6, Policy 3 - Air, Water and Land Resources Quality. The proposal does not address how the proposed subsurface sewage disposal system will be consistent with County regulations or explain the adequacy of the proposed domestic water supply under Policy 3. The only property information provided by the application for Sewage is at page 1 and says: "?".

Goal # 8, Policy 1 - Recreational Needs. The application does not explain how the addition of a new, 2-story, 2-family recreational dwelling with a total square footage of over 2,000 sq ft on a .25 acre tract in a reach of the Deschutes Scenic Waterway where "Additional dwellings...are not permitted" does not over-use the Deschutes River Scenic Waterway, where the predecessor owner only used an antique railroad caboose of approximately 200 sq ft in size to occupy the land as a modest fishing cabin for 2 retirees before it was swept away by the 1996 flood and not re-established as a non-conforming use and development within 6 months of the flood, as other non-conforming uses and developments were then required by the County to be re-established on the other parcels within North Junction.

B. Compatible With Surrounding Area. The application does not explain how the new, 2-story, 2-family dwelling of over 2,000 sq ft in size on a .25 acre lot will be compatible with all of the other properties in North Junction, which have much lower densities of development when comparing their building square footages and heights with their related lot sizes. The proposed new dwelling will have massive urban townhouse appearance that will be totally out of scale and incompatible with the rural character of the natural surrounding area. A rendering or other visual graphic should be produced showing the scale of the proposed development relative to other developments in the immediate area. This section is incomplete

C. Public Services. The application fails to provide any information on public services under this criterion. This section is incomplete.

D. Traffic Flow. The application does not provide a copy of a recorded access easement to provide access to the proposed new 2-story, 2-family dwelling, nor does the application show an area on the proposed dwelling site for vehicular parking. A lack of parking on site would result in parking on adjacent lands, which will cause interference with local traffic flow. This section is incomplete.

E. Construction Impacts. Again, this section provides no real information. It is incomplete as to how the construction will be accomplished on a such a small site without using trespassing on adjacent lands to

access the site for construction and staging of materials. It appears that construction and staging easements will be required and none have been produced by the applicant. This section is incomplete.

F. Impacts to Habitat. Again, the application provides only a conclusion. No evidence is submitted or narrative offered on how the reduction in the required building setback from the property line adjacent to the Deschutes River from the required 100' to 50 ' will be consistent with streamside and riparian habitat protection. This section is incomplete.

G. Impacts to Natural Areas and Values. The application fails to respond to this section with anything but a conclusion based, with no discussion of evidence relative to the criterion. The County's Natural Areas Overlay in Section 3.910 is implemented by the County for the Deschutes River Scenic Waterway created by ORS 390.805 *et seq.* The Code provides that the uses allowed in the underlying zone shall be reviewed under the conditional use standards of Section 2.260(A), with findings that demonstrate that the designated natural value will not be damaged by the proposed use, where a proposed use that would result in the permanent destruction of natural value shall be denied. The applicant needs to explain how the development of a new, 2-story, 2-family dwelling in an area of the Deschutes River Scenic Waterway where: "Additional dwellings...are not permitted" does not permanently destroy the natural value of the currently undeveloped site. This section is incomplete.

H. Impacts to Visual Character of Area. As stated above, the proposal is out of scale and character with the other, existing developments in the area. A rendering or model to show relative scale and mass of proposed buildings relative to others existing in the area should be provided. This section is incomplete.

I. Preserve the Natural Significance of Area. Same comments as above regarding the need for the applicant to explain how they are entitled to add a new dwelling to the Deschutes River Scenic Waterway where "Additional dwellings...are not permitted". This section is incomplete.

J. No Increase to Farming Costs. This section is left blank by the applicant and is incomplete.

K. No Change in Farm Practices. This section is also left blank and is incomplete.

II. **Does Not Address Variance Application Criteria**. The application omits or misstates the following information:

Natural Scenic Area (NSA)

1. No Resource Protected by Variance Application. The applicant fails to address this criterion. In fact, the application will allow a new dwelling not otherwise permitted in the Deschutes River Scenic Waterway to be even closer to the Deschutes River than the code would provide. This section is incomplete. The application is inconsistent with this criterion and the variance is not needed to protect a resource. In fact, granting the variances will negatively and permanently impact the natural value of the scenic waterway area.

2. Variances Do Not Protect Resources. Again, this section is incomplete because the applicant does not address the issues. The requested variances will do nothing to protect the natural values of the scenic area, because they are inconsistent with them.

3. No Proof That New Residence Allowed in NSA. a. The applicant leaves the subsection blank that asks for the citation to the land use designation that allows the dwelling in the Deschutes River Scenic Waterway that states: "Additional dwellings...are not permitted." This section is incomplete. b. The applicant fails to accurately answer the question. The applicant already has another recreational dwelling in the area and doesn't need this site for a new dwelling. c. The applicant fails to say that the applicant already owns a cabin on adjacent land leased land from the railroad. No alternative site is needed by the applicant. c. The variances are not the minimum necessary to allow the development. The applicant originally proposed a 200 sq ft development which has been expanded to be a 2,000 sq ft new 2-story, 2-family dwelling, plus a 216 sq ft shed. by comparison, the prior owner maintained a 200 sq ft antique railroad caboose as a fishing cabin for 2 retirees. The applicant proposes to intensify the prior nonconforming use (lost through abandonment) tenfold. The dwelling doesn't have to be that big. It is too big to be serviced by a septic field on the same site. It is too big to allow on-site parking. It is too big in mass and scale to be compatible with the surrounding area. The applicant fails to discuss why the proposed structure cannot be downsized. This section is incomplete.

Special Management Area.

1. The application fails to address this section. This section is incomplete.

2. The application fails to address this section. This section is incomplete.

Outside NSA - Section 6.020. The application fails to address or misstates information regarding the applicable criteria:

A. No Exceptional or Extraordinary Circumstances. The application admits that the applicant is attempting to replace a non-conforming use and structure that was lost in the 1996 flood. The applicant purchased the tract knowing that it was too late to replace the grandfathered use and development that was lost in the flood, which was the antique railroad caboose. The prior owner elected not to reestablish that use in the time allowed by the Code as everyone else at North Junction did. The prior owner of this site had the same rights to re-establish grandfathered dwellings after the flood as the other land owners did, but the prior owner of this tract elected not do so, which the applicant knew before they bought the tract. There are no extraordinary or exceptional circumstances.

B. Variance Not Necessary to Preserve Common Property Right. The other dwellings in this area of North Junction are grandfathered developments. They did not obtain or need variances. They are grandfathered. To allow the requested variances to allow the applicant to replace the structure at this late date would be unfair to all other owners in the North Junction area that had to replace them with a short period of time following the 1996 flood. The applicant does not have grandfathered rights to reestablish the prior dwelling on the site because the right to do so was waived by the applicant's predecessor, which waiver runs with the land. The applicant is not entitled to grandfather rights enjoyed by other property owners in the same zone. The applicant cannot satisfy this criterion.

C. Variance Not Minimum Needed to Develop. As stated above, the applicant is proposing too much development on too small of a lot. The prior land owner, a retiree, only used a 200 sq ft caboose for occasional fishing trips for he and his retiree friend who owned the caboose. The applicant now wants to develop something ten times larger than that for 2 families. The applicant has failed to address why the proposal cannot be reduced in size to fit or better fit the site.

D. Self-Created Hardship. The applicant purchased a .25 acre parcel in a 160 acre minimum lot size EFU zone in the Deschutes River Scenic Waterway where "Additional dwellings...are not permitted" and where the prior owner had failed to re-establish the grandfathered dwelling (railroad caboose) that was lost in the 1996 flood. The applicant has occupied another dwelling in North Junction during the entire time since before and after the flood and was fully aware of all of the use and development restrictions on the land before the applicant bought the land. The applicant has no hardship except one that is self-imposed.

Non-Farm Dwelling Application. This application is also incomplete:

2. Parcel Creation - No Documentation. The applicant fails to provide the needed documentation. This section is incomplete.

4. Generally Unsuitable - No Soils Information. The requested soils map and other information in subsections and (2) and (4) is missing. This section is incomplete.

5. Inaccurate Road Requirement Information. The applicant does not provide the correct information regarding road access the site. The applicant says that the parcel has direct access from an existing private road, which is not true. There site has no direct road access. This section is incorrect and incomplete.

6. No Utilities for Residential Use. The applicant has apparently blown off any effort to verify that the proposed dwelling can be serviced by a septic field on site or has a permit to draw water from the river or another source of water. The applicant should be directed to obtain a septic evaluation for the Wasco County Sanitarian and a water right from the Water Master. This section is incomplete.

Fire Safety Standards. The application fails to provide the following required information:

50 Foot Fire Fuel Break - The application fails to show why the property qualifies for "small lot residential zone" treatment when the site is located within a 160 acre minimum lot size zone. The application also states that the proposal will conform with a 30 ' fire fuel break on all sides, when the application requests the ability to have only a 25' building setback from the side yards, unless the applicant plans on getting an easement from an abutting owner to use the owner's land for the remainder of the fire fuel break. The applicant has no such easement. Otherwise, the applicant will need to reduce the requested 25' setback from the side property boundaries to 30'. The application is inconsistent and incomplete regarding this section.

Closing. All in all, this is one of the worst land use applications that I have had an opportunity to comment on. I am disappointed that it has been sent out for hearing without the information that the code requires to make it complete.

Based on the above, I request that the Planning Department rescind any completeness notice and issue a corrected public notice cancelling the public hearing. It really isn't fair to interested parties to make them respond and go to hearing on an application that doesn't provide sufficient information. It is a waste of time for interested parties and the Planning Commission. The County has a legal duty to ensure that land use applicants submit enough information and evidence to allow the decision maker to rule and interested parties to comment on the application. This application does not provide sufficient information for either. The County may not legally defer decision making through conditions of approval that require the applicant to submit the information later. The necessary evidence must be submitted by the applicant into this hearing record which starts with the information required by the Code for the applicant to address the relevant criteria in the application.

Please call me or reply to this message as soon as possible. I will be out of the office travelling tomorrow, but available by cell at (503) 816-9805. In addition. I need to verify that the county imposes the provisions of Section 2.130 to establish party status. I do not see a reference to that code section in the public notice, so I am confused as to whether Section 2.130 is applicable.

Thank you for the opportunity to comment.

Mark Whitlow

Mark Whitlow Perkins Coie LLP
1120 N.W. Couch Street
Tenth Floor
Portland, OR 97209-4128
PHONE:503.727.2073
FAX:503.346.2073
E-MAIL: mwhitlow@perkinscoie.com

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

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NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

August 17, 2012

RECEIVED
AUG 21 2012
WASCO COUNTY PLANNING

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

As a frequent guest at North Junction this letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter a part of your hearing record.

The proposed dwelling should not be allowed or is too large for the small site. I believe that proposal from the new owners of the very small parcel of land to build a two-story, two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act or, alternatively, is too intensive for that site in many ways. This position is based on the information below.

The Deschutes River Scenic Waterway administrative rules for this reach of the river state that: "Additional dwellings...are not permitted". The site has never had a dwelling on it, except for the old RR caboose which was placed there in 1958 and which was washed off the site in the 1996 flood. Everyone was given six months after the flood to replace their grandfathered dwellings. The owner of this site at the time elected not to do that, so the grandfathered right to have the caboose as a dwelling on that site was lost.

If they are somehow allowed to erect a new dwelling at this late date in spite of the above, the proposed, two-story, two-family dwelling and storage shed are too large for the small .25 acre site. They leave no room for the required setbacks, including the required 50' fire fuel break around the structures, they have inadequate room for a septic field, they have no access or utility easements, and they are providing no room for vehicle parking on their site.

If allowed a dwelling, they are asking to push the limits of the Code with requests for variances and modifications:

- from the required 100' setbacks from all property lines (to only 25' on the side property lines; and

- from the required fire safety standards for a 50' wide fire fuel break around the proposed dwelling and shed to some alternative fire suppression system with an automatic sprinkler system that would be certain to fail in a fire where the power would be lost.

I know my frequent host would work with his neighbor, but the application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place.

Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Respectfully submitted,

John Pavelich,
3343 Pioneer Drive SE
Salem, OR

contact info:
[redacted] or 503 510-3410

August 21, 2012

RECEIVED
AUG 2 2 2012
WASCO COUNTY PLANNING

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St,
The Dalles, OR 97058

I submitted a letter a few days earlier concerning construction of a two family dwelling at North Junction on the Deschutes River. I didn't include my wish to have my letter read by the Planning 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.

Thank you.

Sincerely,

John Pavelich
Salem, OR

RECEIVED
AUG 20 2012
WASCO COUNTY PLANNING

August 17, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

I own land at North Junction. This letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter a part of your hearing record as well as the e-mails copied to you and Gary Nychyk, the previous Planner.

The proposed dwelling should not be allowed or is too large for the small site. I believe that proposal from the new owners of the very small parcel of land to build a two-story, two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act or, alternatively, is too intensive for that site in many ways. This position is based on the information below.

The Deschutes River Scenic Waterway administrative rules for this reach of the river state that: "Additional dwellings...are not permitted". See attached copy. The site has never had a dwelling on it, except for the old RR caboose which was placed there in 1958 and which was washed off the site in the 1996 flood. Everyone was given six months after the flood to replace their grandfathered dwellings. The owner of this site at the time elected not to do that, so the grandfathered right to have the caboose as a dwelling on that site was lost.

If they are somehow allowed to erect a new dwelling at this late date in spite of the above, the proposed, two-story, two-family dwelling and storage shed are too large for the small .25 acre site. They leave no room for the required setbacks, including the required 50' fire fuel break around the structures, they have inadequate room for a septic field, they have no access or utility easements, and they are providing no room for vehicle parking on their site.

If allowed a dwelling, they are asking to push the limits of the Code with requests for variances and modifications:

- from the required 100' setbacks from all property lines (to only 25' on the side property lines; and

- from the required fire safety standards for a 50' wide fire fuel break around the proposed dwelling and shed to some alternative fire suppression system with an automatic sprinkler system that would be certain to fail in a fire where the power would be lost.

I want to work with our neighbor, but the application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place. In addition, Oregon Parks Department has asked for an Attorney General Opinion which may cause a reconsideration of their conditional approval, which opinion is pending.

Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Sincerely,

Douglas S. Robertson and Nan R. Robertson

(A) The operation complies with the relevant Forest Practices Act rules;

(B) Harvest and management methods with low visual impact are used;

(C) The harvest or vegetation management does not degrade the riparian buffer of any waterway; and

(D) The harvest or vegetation management is designed to enhance the scenic view within a reasonable time (5--10 years). For the purposes of this paragraph, "enhance" means to benefit forest ecosystem function and vegetative health by optimizing forest stand densities and vegetative composition, fostering forest landscape diversity and promoting sustainable forest values.

(i) Improvements needed for public outdoor recreation use or resource protection may be visible from the river but shall be primitive in character and designed to blend with the natural character of the landscape.

(j) Proposed utility facilities shall share existing utility corridors, minimize any ground or vegetation disturbance, and employ non-visible alternatives when reasonably possible.

(k) Whenever the standards of OAR 736-040-0035 and section (2), subsections (c) through (j) of this rule are more restrictive than the Grant County Land Use and Development Ordinance, the above Oregon Administrative Rule shall apply.

Stat. Auth.: ORS 390.124
Stats. Implemented: ORS 390.845(2)
Hist.: PRD 10-2000, f. & cert. ef. 9-1-00

736-040-0070
Deschutes River Scenic Waterway

(1) Deschutes River Scenic Waterway Recreation Area:

(a) ORS 390.932 creates the Deschutes River Scenic Waterway Recreation Area. ORS 390.934 directs the Department to adopt a management plan by rule to administer the Deschutes River Scenic Waterway Recreation Area. ORS 390.124 authorizes the Commission to adopt rules to carry out the duties, functions and powers imposed by law upon the Commission and the Department.

(b) Pursuant to ORS 390.934, the Commission adopts by reference the Lower Deschutes River Management Plan and Environmental Impact Statement, Volume 1 (January 1993), and the Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System, (June 1997) as the management plan for the Deschutes River Scenic Waterway Recreation Area. Copies of the Lower Deschutes River Management Plan and the Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System are available from the Oregon Parks and Recreation Department, 725 Summer St N.E., Suite C, Salem, OR 97301.

(c) The state managing agencies, including the Department, Department of Fish and Wildlife, Oregon State Marine Board, and Oregon State Police and the local managing agencies, including Sherman, Wasco and Jefferson Counties and the City of Maupin shall perform their management responsibilities relating to the Deschutes River Scenic Waterway Recreation area according to the management plan adopted by this rule and ORS 390.805 to 390.925 and 390.930 to 390.940.

(d) The Confederated Tribes of Warm Springs and the Bureau of Land Management are encouraged to exercise their jurisdiction and to manage their lands in a manner consistent with the management plan adopted by section (3) of this rule and with ORS 390.805 to 390.925 and 390.930 to 390.940.

(2) 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.

(b) Within the Recreation River Area described in subsection (2)(a), the Department may not permit any new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection.

(c) Additional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels and lodges which are visible from the river, will not be permitted.

(3) River Community Areas:

(a) The segment of the scenic waterway extending from Pelton Re-Regulating Dam downstream approximately four miles to 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, is classified as a River Community Area. The shoreline and related adjacent lands opposite the City of Maupin, as its boundaries were established on December 3, 1970, is likewise classified as a River Community Area.

(b) Within the River Community Areas described in subsection (3)(a), when consistent with Jefferson County and Wasco County zoning ordinances, the Department may permit uses and structures including agriculture, single-family and multiple-family dwellings, churches, lodges, resorts, motels, transient public trailer parks, and necessary public service facilities. The Commission may establish permitted densities of improvements and structures which are visible from the river after consultation with the appropriate county planning commission, the State Fish and Wildlife Commission, the U.S. Bureau of Land Management, the City of Maupin or the Warm Springs Confederated Tribes and such other persons and agencies as the Commission may select.

(4) Public use of the Deschutes River Scenic Waterway:

(a) Policy: The Commission finds that in order to protect and enhance the Deschutes River Scenic Waterway's unique aesthetic, scenic, fish and wildlife, scientific and recreational features, and because these outstanding and unique features caused this river segment to be designated by the people of Oregon as a scenic waterway, it is necessary to adopt rules for public recreation use of the lands and waters within this scenic waterway area. These rules have as their basis the need to protect and preserve the waterway's outstanding scenic beauty and natural features while maintaining the river's wide range of recreational opportunities. Therefore, in accordance with the management requirements of ORS 390.845, the following rules shall be adhered to by persons using the Deschutes River Scenic Waterway for recreation purposes. These rules are in addition to other rules of the Commission promulgated for the management of all scenic waterways. Where more restrictive or specific than the general rules, these rules will prevail over the general rules except in the instance of private property owners where only OAR 736-040-0035 (Rules for Land Management) or this rule shall apply.

(b) Restricted Areas:

(A) All persons using the Deschutes River Scenic Waterway shall be advised that the Confederated Tribes of the Warm Springs Reservation of Oregon have closed all Reservation lands to public use except by permit. This closure, enacted by the Confederated Tribes, also affects all islands west of the middle of the river between the Pelton re-regulating dam and the north boundary of the Reservation near Two Springs Ranch at the power boat deadline.

(B) All persons using the Deschutes River Scenic Waterway shall be advised that the Confederated Tribes of the Warm Springs Reservation of Oregon own the east and west banks of the Deschutes River between Sandy Beach and the State Route 16 bridge crossing downstream from Sherars Falls. Sandy Beach shall be the last designated boat take out upstream from Sherars Falls. The banks of the Deschutes River from Sandy Beach downstream to the State Route 16 bridge crossing, including the former take out on the west bank of the Deschutes River immediately upstream from Sherars Falls, shall be closed to boat put in or take out. Plan at page 74.

(C) All persons using the Deschutes River Scenic Waterway shall be advised that the Deschutes River from the upstream end of Rattlesnake Rapids at about river mile 2.5 and extending downstream to the no wake zone at the downstream end of Moody Rapids at about river mile 5 is a pass through zone. All floating craft, except float tubes, shall pass through this segment of river and shall not stop along or tie up to the riverbank except in the event of an emergency. Plan at pages 58-60.

(D) Nothing in these rules gives to any person any right to trespass on the private property of others or in any way alters the rights of private property owners in regards to trespass.

WASCO COUNTY

Jeanette Montour< jeanettem@co.wasco.or.us>

Watson Proposed Project at North Junction; File PLAQJR-12-08-0001

1 message

Doug Robertson < dougr@easystreet.net> Sun, Aug 19, 2012 at 1:10 PM
To: jeanettem@co.wasco.or.us

Dear Ms. Montour;

Please consider this as notice that I wish to establish Party Status so that my letter of August 17, 2012 is considered by the Planning Commission and I have any other rights granted by Wasco County Land Use and Development Ordinance Section 2.130. I am a landowner adjacent to the proposed building and have submitted the particulars of my written statement under separate cover in the above referenced letter and emails to Oregon Parks and copied to you as well as emails addressed to you.

My mailing address is:

Douglas Robertson

29 Hillshire Dr.

Lake Oswego, OR 97034

Thank you and please let me know if I need any further action to have my concerns entered of record and be apprised of action on this application.

Sincerely,

Douglas Robertson

RECEIVED
AUG 2 2 2012
WASCO COUNTY PLANNING

August 18, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

I frequent the Deschutes River year around, as I am a member of the Deschutes Club. This letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter a part of your hearing record.

The proposed dwelling should not be allowed or is too large for the small site. I believe that proposal from the new owners of the very small parcel of land to build a two-story, two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act or, alternatively, is too intensive for that site in many ways. This position is based on the information below.

The Deschutes River Scenic Waterway administrative rules for this reach of the river state that: "Additional dwellings...are not permitted". See attached copy. The site has never had a dwelling on it, except for the old RR caboose which was placed there in 1958 and which was washed off the site in the 1996 flood. Everyone was given six months after the flood to replace their grandfathered dwellings. The owner of this site at the time elected not to do that, so the grandfathered right to have the caboose as a dwelling on that site was lost.

If they are somehow allowed to erect a new dwelling at this late date in spite of the above, the proposed, two-story, two-family dwelling and storage shed are too large for the small .25 acre site. They leave no room for the required setbacks, including the required 50' fire fuel break around the structures, they have inadequate room for a septic field, they have no access or utility easements, and they are providing no room for vehicle parking on their site.

If allowed a dwelling, they are asking to push the limits of the Code with requests for variances and modifications:

- from the required 100' setbacks from all property lines (to only 25' on the side property lines; and
- from the required fire safety standards for a 50' wide fire fuel break around the proposed dwelling and shed to some alternative fire suppression system with an automatic sprinkler system that would be certain to fail in a fire where the power would be lost.

I want to work with our neighbor, but the application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place.

Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Respectfully submitted,

Sandra Kindig

Tyrell B. Vance

August 19, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second
St. The Dalles, OR
97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

As a property owner at North Junction. this letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter a part of your hearing record.

The proposed dwelling should not be allowed or is too large for the small site. I believe that proposal from the new owners of the very small parcel of land to build a two-story, two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act or, alternatively, is too intensive for that site in many ways. This position is based on the information below.

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1. from the required 100' setbacks from all property lines (to only 25' on the side property lines; and

2. from the required fire safety standards for a 50' wide fire fuel break around the proposed dwelling and shed to some alternative fire suppression system with an automatic sprinkler system that would be certain to fail in a fire where the power would be lost.

It seems the application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place.

Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Sincerely,

Tyrell B. Vance

(A) The operation complies with the relevant Forest Practices Act rules;
(B) Harvest and management methods with low visual impact are used;
(C) The harvest or vegetation management does not degrade the riparian buffer of any waterway; and
(D) The harvest or vegetation management is designed to enhance the scenic view within a reasonable time (5-10 years). For the purposes of this paragraph, "enhance" means to benefit forest ecosystem function and vegetative health by optimizing forest stand densities and vegetative composition, fostering forest landscape diversity and promoting sustainable forest values.
(i) Improvements needed for public outdoor recreation use or resource protection may be visible from the river but shall be primitive in character and designed to blend with the natural character of the landscape.
(j) Proposed utility facilities shall share existing utility corridors, minimize any ground or vegetation disturbance, and employ non-visible alternatives when reasonably possible.
(k) Whenever the standards of OAR 736-040-0035 and section (2), subsections (c) through (j) of this rule are more restrictive than the Grant County Land Use and Development Ordinance, the above Oregon Administrative Rule shall apply.
Stat. Auth.: ORS 390.124
Stats. Implemented: ORS 390.845(2)
test.: PRD 10-2000, f. & cert. ef. 9-1-00
736-040-0070 -
Deschutes River Scenic Waterway
(1) Deschutes River Scenic Waterway Recreation Area:
(a) ORS 390.932 creates the Deschutes River Scenic Waterway Recreation Area. ORS 390.934 directs the Department to adopt a management plan by rule to administer the Deschutes River Scenic Waterway Recreation Area. ORS 390.124 authorizes the Commission to adopt rules to carry out the duties, functions and powers imposed by law upon the Comrlission and the Department.
(b) Pursuant to ORS 390.934, the Commission adopts by reference the Lower Deschutes River Management Plan and Environmental Impact Statement, Volume 1 (January 1993), and the Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System, (June 1997) as the management plan for the Deschutes River Scenic Waterway Recreation Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System are available from the Oregon Parks and Recreation Department, 725 Summer St N.E., Suite C, Salem, OR 97301.
(c) The state managing agencies, including the Department, Department of Fish and Wildlife, Oregon State Marine Board, and Oregon State Police and the local managing agencies, including Sherman, Wasco and Jefferson Counties and the City of Maupin shall perform their management responsibilities relating to the Deschutes River Scenic Waterway Recreation aea according to the management plan adopted by this rule and ORS 390.805 to 390.925 and 390.930 to 390.940.
(d) The Confederated Tribes of Warm Springs and the Bureau of Land Management are encouraged to exercise their jurisdiction and to manage their lands in a manner consistent with the management plan adopted by section (3) of this rule and with ORS 390.805 to 390.925 and 390.930 to 390.940.
(2) 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, (1' 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.
(b) Within the Recreation River Area described in subsection (2)(a), the Department may not permit any new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection.
(c) Additional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels and lodges which are visible from the river,not be permitted.
(3) River Community Areas:

WASCO COUNTY

Jeanette Montour< jeanettem@co.wasco.or.us>

Fwd: proposed Watson project

4 messages

wcplanning wcplanning< wcplanning@co.wasco.or.us> Tue, Aug 21, 2012 at 9:33 AM
To: Jeanette Montour <jeanettem@co.wasco.or.us>

---------- Forwarded message ----------
From: **T. Vance** <tbvancepdx@aol.com>
Date: Sun, Aug 19, 2012 at 7:19 PM
Subject: proposed Watson project
To: wcplanning@co.wasco.or.us

Dear Ms. Montour:

Attached, please find my correspondence, for the record re: the proposed Watson project at North Junction. Your consideration will be appreciated.

T. Vance

Tyrell B. Vance LLC

503-804-3144

This communication may contain privileged and/or confidential information. It is intended solely for the use of the addressee. If you are not the intended recipient, you are strictly prohibited from disclosing, copying, distributing or using any of this information. If you received this communication in error, please contact Tyrell B. Vance immediately and destroy the material in its entirety, whether electronic or hard copy. This communication may contain nonpublic information about individuals and businesses subject to the restrictions of the Gramm-Leach-Bliley Act. You may not directly or indirectly reuse or redisclose such information for any purpose other than to provide the services for which you are receiving the information.

--
Brenda Jenkins
Planning Coordinator

Wasco County Planning and Development
2705 East 2nd Street
The Dalles OR 97058

Wasco_Co_planning_ltr.docx_nojuc.docx
45K

Jeanette Montour< jeanettem@co.wasco.or.us> Tue, Aug 21, 2012 at 9:36 AM
To: wcplanning wcplanning <wcplanning@co.wasco.or.us>

Hello Mr Vance,

What is your relationship to the Watsons, are you an adjacent property owner?

What is your address?

Thank you.

[Quoted text hidden]

--

Jeanette Montour
Senior Planner
[Quoted text hidden]

Jeanette Montour< jeanettem@co.wasco.or.us> Tue, Aug 21, 2012 at 9:39 AM
To: tbvancepdx@aol.com

[Quoted text hidden]

T. Vance < tbvancepdx@aol.com> Tue, Aug 21, 2012 at 12:30 PM
To: Jeanette Montour <jeanettem@co.wasco.or.us>

Good afternoon;

Thank you for your prompt response. Our property is not directly adjacent to the proposed project, it is on the south side of the railroad.

My primary concern is the establishing precedence within the area that may have a long term adverse impact. Allowing variances of such a substantial nature would seem to be clearly outside the overall criteria for that area.

While I am not opposed to their utilization of the property, the size is most troubling. All of of the neighbors in the North Junction area try to work together to provide a positive experience for everyone. We provide parking for the members of The Dallas Rod & Gun Club for instance.

If you have additional questions, please feel free to contact me.

T. Vance

Tyrell B. Vance llc
503-804-3144
[Quoted text hidden]

NATIVE FISH SOCIETY

Advancing the Recovery of Native, Wild Fish in Their Homewaters

RECEIVED
AUG 22 2012
WASCO COUNTY PLANNING

August 20, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

We are a conservation organization with a well-documented history of working to improve the fisheries and ecosystems of the Deschutes River. This letter is written in response to the above-referenced Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter a part of your hearing record.

Native Fish Society has an interest in making sure that the Wild and Scenic Rivers law is upheld in order to protect scenic and outstanding resource benefits. This site is right on the river bank and subject to floods. It is a small parcel of land that is pinched in among other sites. Approval of this would establish encouragement for others to exploit.

The proposed dwelling should not be allowed or is too large for the small site. I believe that proposal from the new owners of the very small parcel of land to build a two-story, two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act or, alternatively, is too intensive for that site in many ways. This position is based on the information below.

The Deschutes River Scenic Waterway administrative rules for this reach of the river state that: "Additional dwellings...are not permitted". See attached copy. The site has never had a dwelling on it, except for the old RR caboose which was placed there in 1958 and which was washed off the site in the 1996 flood. Everyone was given six months after the flood to replace their grandfathered dwellings. The owner of this site at the time elected not to do that, so the grandfathered right to have the caboose as a dwelling on that site was lost.

If they are somehow allowed to erect a new dwelling at this late date in spite of the above, the proposed, two-story, two-family dwelling and storage shed are too large for the small .25 acre site. They leave no room for the required setbacks, including the required 50' fire fuel break around the structures, they have inadequate room for a septic field, they have no access or utility easements, and they are providing no room for vehicle parking on their site.

If allowed a dwelling, they are asking to push the limits of the Code with requests for variances and modifications:

- from the required 100' setbacks from all property lines (to only 25' on the side property lines; and
- from the required fire safety standards for a 50' wide fire fuel break around the proposed dwelling and shed to some alternative fire suppression system with an automatic sprinkler system that would be certain to fail in a fire where the power would be lost.

This application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place.

Based on the above, we request that the application be denied. Thank you for your attention to this important matter.

Respectfully submitted,

NATIVE FISH SOCIETY

Michael Moody
Executive Director

David P.R. Symes
15213 SW Ashley Drive
Tigard, Oregon 97224

August 20, 2012

RECEIVED
AUG 2 2 2012
WASCO COUNTY PLANNING

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

RE: **Re: Gabriel Watson Proposed Project at North Junction**
File PLAQJR-12-08-0001

Dear Ms. Montour:

I own land at North Junction and write in response to the Notice of Administrative Hearing on the above-referenced land use application. For the reasons set forth below, I strongly oppose the application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter part of the record of administrative proceedings.

First, the proposed application violates the law. The Deschutes River Scenic Waterway administrative rules say that "[a]dditional dwellings . . . are not permitted." The proposed site never had a dwelling. I remember the site had an old caboose on it, but that washed away in the 1996 flood and was never replaced. Wasco County should be the protector of this Scenic Riverway by making sure applications are complete and comply with the law. It should not ignore regulations and allow incomplete applications that propose new dwellings which will mar the beauty of this riverway.

Second, the dwelling proposed in the application would flagrantly violate other Scenic Waterway regulations. For example, to put a two-story, two-family structure on such a small parcel of land would mean there would be no room for a 50-foot fuel brake and no room for an adequate septic field. These are serious, safety-related deficiencies that variances will not cure. If the County allows this structure to be built in such clear violation of the law, will the County also responsible for damages that arise due to negligently approved fire setbacks and septic fields?

There are other obvious deficiencies with this application that warrant its denial. For example, the proposed application leaves no room for vehicle parking or other required easements, fails to explain how the new dwelling is compatible with the surrounding area, and does not address the new dwelling's significant adverse impact on the visual character of the area.

I mean no offense, but the County absolutely blew it by putting this incomplete and non-conforming application out for public comment. Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Sincerely,

David P.R. Symes

WASCO COUNTY

Jeanette Montour< jeanettem@co.wasco.or.us>

Watson Project at North Junction, File PLAQJR-12-08-0001

2 messages

Symes, David P. R. < david.symes@ogletreedeakins.com> Wed, Aug 22, 2012 at 12:44 PM

To: jeanettem@co.wasco.or.us, wcplanning@co.wasco.or.us

Hello Ms. Montour,

Yesterday, I mailed the attached letter to you relating to the above proposed application at North Junction. After mailing my comments, I came to understand that the County may require commenters to have "party status" in order to comment on the proposed application at North Junction.

In the event such status is required, I write to inform you that I own an undivided 1/4 interest in 280 acres of land on the south side of the railroad tracks, described as follows: Northwest quarter of northeast quarter, South half of the northeast quarter, and the Northwest quarter of Section 16, Township 7 South, Range 14 East of the Willamette Meridian, which is an adjacent property. I also have a leasehold interest in the property owned by Met Wilson and others known as Road's End, which is also an adjacent property.

I request party status because my property interests are within the notification area of the proposed application.

My home telephone number is 503.524.6402.

Please accept my letter as my comments on the proposed application.

Sincerely,
David Symes

David P.R. Symes | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
222 SW Columbia Street, Suite 1500 | Portland, OR 97201 | Telephone: 503-552-2141 | Fax: 503-224-4518
david.symes@ogletreedeakins.com | www.ogletreedeakins.com

This transmission is intended by the sender and proper recipient(s) to be confidential, intended only for the proper recipient(s) and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you are not the intended recipient(s) you are notified that the dissemination, distribution or copying of this message is strictly prohibited. If you receive this message in error, or are not the proper recipient(s), please notify the sender at either the email address or telephone number above and delete this email from your computer. Receipt by anyone other than the proper recipient(s) is not a waiver of any attorney-client, work product, or other applicable privilege. Thank you.

Unless expressly stated to the contrary herein, (a) Nothing contained in this message was intended or written to be used, can be used, nor may be relied upon or used, by any taxpayer for the purpose of avoiding penalties that could be imposed upon the taxpayer under the Internal Revenue Code of 1986, as amended; and (b) Any written statement contained herein relating to any federal tax transaction or issue may not be used by any individual or entity to recommend or support the promotion or marketing of any such transaction or issue.

ZALUTSKY, KLARQUIST & REINHART, P.C.
ATTORNEYS AT LAW

KENNETH S. KLARQUIST, JR.
Admitted in Oregon & Washington

THE WALDO BLOCK
215 SW WASHINGTON ST 3RD FL
PORTLAND, OREGON 97204
(503) 248-0300
FAX (503) 274-8302
E-MAIL SKIP@ERISALAW.COM
WWW.ERISALAW.COM

RECEIVED
AUG 29 2012
WASCO COUNTY PLANNING

RECEIVED
AUG 29 2012
WASCO COUNTY PLANNING

August 22, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

I am a member of a partnership that owns land at North Junction. This letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a 0.25 acre lot in North Junction. Please make this letter a part of your hearing record.

The proposed dwelling should not be allowed as it violates both statutory and regulatory provisions. The proposed dwelling is too large for the small site. Regardless of size, the proposed two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act. Moreover, the proposed dwelling is too intensive for that site in many ways.

The Deschutes River Scenic Waterway administrative rules for this reach of the river state that: "Additional dwellings...are not permitted". See attached copy. The site has never had a dwelling on it, except for an old RR caboose, which was placed there in 1958 and which was washed off the site in the 1996 flood. After the flood, everyone affected was given six months to replace their grandfathered dwellings. The owner of this site at the time elected not to do that, so the grandfathered right to construct a new, replacement dwelling on that site was lost.

If the applicants are somehow allowed to erect a new dwelling at this late date in spite of the above, the proposed, two-story, two-family dwelling and storage shed are too large for the small 0.25 acre site. They leave no room for the required setbacks, including the required 50' fire fuel break around the structures, they have inadequate room for a septic field, they have no access or utility easements, and they are providing no room for vehicle parking on their site.

If allowed a dwelling, they are asking unreasonably to push the limits of the Code too far with requests for variances and modifications:

- from the required 100' setbacks from all property lines (to only 25' on the side property lines; and
- from the required fire safety standards for a 50' wide fire fuel break around the proposed dwelling and shed to some alternative fire suppression system with an automatic sprinkler system that would be certain to fail in a fire where the power would be lost.

I want to work with our neighbor, but the application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place.

Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Respectfully submitted,

Kenneth S. Klarquist, Jr.

(A) The operation complies with the relevant Forest Practices Act rules;

(B) Harvest and management methods with low visual impact are used;

(C) The harvest or vegetation management does not degrade the riparian buffer of any waterway; and

(D) The harvest or vegetation management is designed to enhance the scenic view within a reasonable time (5–10 years). For the purposes of this paragraph, "enhance" means to benefit forest ecosystem function and vegetative health by optimizing forest stand densities and vegetative composition, fostering forest landscape diversity and promoting sustainable forest values.

(i) Improvements needed for public outdoor recreation use or resource protection may be visible from the river but shall be primitive in character and designed to blend with the natural character of the landscape.

(j) Proposed utility facilities shall share existing utility corridors, minimize any ground or vegetation disturbance, and employ non-visible alternatives when reasonably possible.

(k) Whenever the standards of OAR 736-040-0035 and section (2), subsections (c) through (j) of this rule are more restrictive than the Grant County Land Use and Development Ordinance, the above Oregon Administrative Rule shall apply.

Stat. Auth.: ORS 390.124
Stats. Implemented: ORS 390.845(2)
Hist.: PRD 10-2000, f. & cert. ef. 9-1-00

736-040-0070
Deschutes River Scenic Waterway

(1) Deschutes River Scenic Waterway Recreation Area:

(a) ORS 390.932 creates the Deschutes River Scenic Waterway Recreation Area. ORS 390.934 directs the Department to adopt a management plan by rule to administer the Deschutes River Scenic Waterway Recreation Area. ORS 390.124 authorizes the Commission to adopt rules to carry out the duties, functions and powers imposed by law upon the Commission and the Department.

(b) Pursuant to ORS 390.934, the Commission adopts by reference the Lower Deschutes River Management Plan and Environmental Impact Statement, Volume 1 (January 1993), and the Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System, (June 1997) as the management plan for the Deschutes River Scenic Waterway Recreation Area. Copies of the Lower Deschutes River Management Plan and the Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System are available from the Oregon Parks and Recreation Department, 725 Summer St N.E., Suite C, Salem, OR 97301.

(c) The state managing agencies, including the Department, Department of Fish and Wildlife, Oregon State Marine Board, and Oregon State Police and the local managing agencies, including Sherman, Wasco and Jefferson Counties and the City of Maupin shall perform their management responsibilities relating to the Deschutes River Scenic Waterway Recreation area according to the management plan adopted by this rule and ORS 390.805 to 390.925 and 390.930 to 390.940.

(d) The Confederated Tribes of Warm Springs and the Bureau of Land Management are encouraged to exercise their jurisdiction and to manage their lands in a manner consistent with the management plan adopted by section (3) of this rule and with ORS 390.805 to 390.925 and 390.930 to 390.940.

(2) 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.

(b) Within the Recreation River Area described in subsection (2)(a), the Department may not permit any new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection.

(c) Additional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels and lodges which are visible from the river, will not be permitted.

(3) River Community Areas:

(a) The segment of the scenic waterway extending from Pelton Re-Regulating Dam downstream approximately four miles to 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, is classified as a River Community Area. The shoreline and related adjacent lands opposite the City of Maupin, as its boundaries were established on December 3, 1970, is likewise classified as a River Community Area.

(b) Within the River Community Areas described in subsection (3)(a), when consistent with Jefferson County and Wasco County zoning ordinances, the Department may permit uses and structures including agriculture, single-family and multiple-family dwellings, churches, lodges, resorts, motels, transient public trailer parks, and necessary public service facilities. The Commission may establish permitted densities of improvements and structures which are visible from the river after consultation with the appropriate county planning commission, the State Fish and Wildlife Commission, the U.S. Bureau of Land Management, the City of Maupin or the Warm Springs Confederated Tribes and such other persons and agencies as the Commission may select.

(4) Public use of the Deschutes River Scenic Waterway:

(a) Policy: The Commission finds that in order to protect and enhance the Deschutes River Scenic Waterway's unique aesthetic, scenic, fish and wildlife, scientific and recreational features, and because these outstanding and unique features caused this river segment to be designated by the people of Oregon as a scenic waterway, it is necessary to adopt rules for public recreation use of the lands and waters within this scenic waterway area. These rules have as their basis the need to protect and preserve the waterway's outstanding scenic beauty and natural features while maintaining the river's wide range of recreational opportunities. Therefore, in accordance with the management requirements of ORS 390.845, the following rules shall be adhered to by persons using the Deschutes River Scenic Waterway for recreation purposes. These rules are in addition to other rules of the Commission promulgated for the management of all scenic waterways. Where more restrictive or specific than the general rules, these rules will prevail over the general rules except in the instance of private property owners where only OAR 736-040-0035 (Rules for Land Management) or this rule shall apply.

(b) Restricted Areas:

(A) All persons using the Deschutes River Scenic Waterway shall be advised that the Confederated Tribes of the Warm Springs Reservation of Oregon have closed all Reservation lands to public use except by permit. This closure, enacted by the Confederated Tribes, also affects all islands west of the middle of the river between the Pelton re-regulating dam and the north boundary of the Reservation near Two Springs Ranch at the power boat deadline.

(B) All persons using the Deschutes River Scenic Waterway shall be advised that the Confederated Tribes of the Warm Springs Reservation of Oregon own the east and west banks of the Deschutes River between Sandy Beach and the State Route 16 bridge crossing downstream from Sherars Falls. Sandy Beach shall be the last designated boat take out upstream from Sherars Falls. The banks of the Deschutes River from Sandy Beach downstream to the State Route 16 bridge crossing, including the former take out on the west bank of the Deschutes River immediately upstream from Sherars Falls, shall be closed to boat put in or take out. Plan at page 74.

(C) All persons using the Deschutes River Scenic Waterway shall be advised that the Deschutes River from the upstream end of Rattlesnake Rapids at about river mile 2.5 and extending downstream to the no wake zone at the downstream end of Moody Rapids at about river mile .5 is a pass through zone. All floating craft, except float tubes, shall pass through this segment of river and shall not stop along or tie up to the riverbank except in the event of an emergency. Plan at pages 58-60.

(D) Nothing in these rules gives to any person any right to trespass on the private property of others or in any way alters the rights of private property owners in regards to trespass.

August 22, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

Oregon Wild has spent nearly 40 years working to protect Oregon's forests, rivers, deserts, fish and wildlife. Oregon Wild was involved in supporting and passing the State Scenic Waterways and Federal Wild and Scenic River designations for the Deschutes River. We are concerned that regulations and laws be carefully followed in the management of the Deschutes and other Oregon Scenic Waterways and Wild and Scenic Rivers. We want to be sure that all proposed developments in our Scenic Waterways be treated equally and follow the letter of the law. This letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter a part of your hearing record.

The proposed dwelling should not be allowed or is too large for the small site. We believe that the proposal from the new owners of the very small parcel of land to build a two-story; two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act or, alternatively, is too intensive for that site in many ways. This position is based on the information below.

The Deschutes River Scenic Waterway administrative rules for this reach of the river state that: "Additional dwellings...are not permitted". See attached copy. The site has never had a dwelling on it, except for the old RR caboose which was placed there in 1958 and which was washed off the site in the 1996 flood. Everyone was given six months after the flood to replace their grandfathered dwellings. The owner of this site at the time elected not to do that, so the grandfathered right to have the caboose as a dwelling on that site was lost.

If they are somehow allowed to erect a new dwelling at this late date in spite of the above, the proposed, two-story, two-family dwelling and storage shed are too large for the small .25 acre site. They leave no room for the required setbacks, including the required 50' fire fuel break around the structures, they have inadequate room for a septic field, they have no access or utility easements, and they are providing no room for vehicle parking on their site.

If allowed a dwelling, they are asking to push the limits of the Code with requests for variances and modifications:

- from the required 100' setbacks from all property lines (to only 25' on the side property lines; and
- from the required fire safety standards for a 50' wide fire fuel break around the proposed dwelling and shed to some alternative fire suppression system with an automatic sprinkler system that would be certain to fail in a fire where the power would be lost.

We want neighboring landowners to work together, but the application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place.

Based on the above, we request that the application be denied. Thank you for your attention to this important matter.

Respectfully submitted,
Tim Lillebo

Tim Lillebo

Oregon Wild
16 NW Kansas Ave
Bend, Oregon 97701
W 541 382-2616

August 23, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

This letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family.

I own Tax Lot 400 at North Junction that is adjacent to three sides of the Watson property proposed for development.

I want to work with our neighbor, but the application has been submitted without many of the agreements that should be required for it to go forward. Some of my concerns are as follows:

1. The size of the proposed building on the lot; it is **over-sized** at 47 x 30 feet, the height will be about 40 feet with the required piers.
   For scale, the adjacent cabin on my property is about ½ that size. Variance # 3c. states that with the limitation of lot size this is a "Conservative dimension of development".

2. The Access Standards are not clear per Section H.
   The easement has been unused by the previous owner since before the flood of 1996 and the access route is undetermined.

3. We do not know the specific size & location of the septic drain field.
   The actual drain field layout will likely change the Setback distance from dwelling to river as stated in the application Variance #2.

4. Parking and driveway is problematic in the area for the number of people & vehicles this dwelling is meant to accommodate.
   I am concerned about spill-over onto my adjacent land.

These are a few of the issues that would need to be defined in order to make an informed decision on the merits of this project.

I believe there is reason to fully define this project more formally and have it comply with the intent of the law.

Please grant me party status and provide me with a copy of your staff report.

Respectfully submitted,

John Hartung
1025 SE Sandy Blvd.
Portland, 97214
(503) 780-7040

WASCO COUNTY

Jeanette Montour< jeanettem@co.wasco.or.us>

RE Watson North Junction Application

1 message

JimInKeys@aol.com< JimInKeys@aol.com> Sun, Aug 26, 2012 at 8:04 PM
To: jeanettem@co.wasco.or.us

Dear Jeanette

Please add my name to the list of people who have "Party Status" for this matter, Thank you,

Sincerely

Jim Harlow
517 Sanrodee Dr SE
Salem, OR
97317

Comments
Received
after mailout
on 8/27/12

PO Box 11349
Portland, OR 97211

RECEIVED
AUG 28 2012
WASCO COUNTY PLANNING

August 24, 2012

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

Regarding: Watson Building Permit

Dear Commissioners:

It has come to my attention that the Watson family will be coming before your committee to seek final approval for a building permit to erect a structure on land that has been in their ownership and under their stewardship for over 50 years. I am writing to express my deep support for the Watson application and to provide some brief context for my backing.

In an effort to preserve your valuable time, I have listed the primary reasons for my support of the proposed Watson structure below in bullet point format:

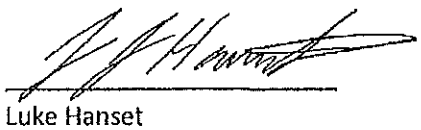
- **The Watson family's profound respect for the Deschutes River and surrounding lands:** The Watsons possess a rare depth of appreciation for the Deschutes River and their own private land. Many examples of this respect could be listed, but perhaps the most telling is that the property is now the resting place of the late Leslie Watson, wife to Mike and mother to Gabe and Sam. Leslie was a truly amazing and spiritual soul who loved the property to no end. That she chose the property as her burial plot speaks volumes of the respect this family has for their land.
- **Generations of guardianship and preservation:** In generations past, Hal Erz worked the rail line that borders the property for Burlington Northern. He fell in love with the land, and eventually purchased the property in 1957. Since that time, the family has poured countless hours into maintaining and improving the property. The Watsons have a vested interest in the land and surrounding area. They have for generations.
- **The Watson family's noble generosity:** The Watsons have openhandedly shared their private land with innumerable friends, family members and acquaintances. The family has a profound love, respect and appreciation for the property which they strive to bestow upon others. Although the land is in their ownership, the Watsons believe it is a special place that should be shared with others who are interested in learning about and appreciating the property and adjoining river. While certain neighbors may view this generosity as a nuisance to "their" property, in reality it is a form of generosity rarely demonstrated today. The Watsons never ask for anything in return from their guests besides respect for the land. This attitude stands in stark contrast to the elitist arrogance unfortunately displayed by some owners of similar properties in today's age.

The Watsons are a perfect example of a family that respects, cherishes, utilizes and generously shares their piece of heaven on the Deschutes River. It is only right to grant a lawful building permit to such tenured

stewards of this land. This structure will be utilized to more fully appreciate and share the awe of nature, the wonder of the river, and the spirituality one inevitably encounters on the property.

Thank you for your time and for your consideration of my endorsement. Feel free to contact me with any questions.

Best Regards,



Luke Hanset
503-519-2723

Perkins Coie

1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
PHONE: 503.727.2000
FAX: 503.727.2222
www.perkinscoie.com

Mark D. Whitlow
PHONE: (503) 727-2073
FAX: (503) 346-2073
EMAIL: MWhitlow@perkinscoie.com

November 14, 2012

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

Re: File No. PLAQJR-12-08-0001

Dear Mr. Roberts:

This letter is written on behalf of Doug Robertson, the owner of land adjacent to the site subject to the above application.

Consistent with our prior conversations regarding this matter, Mr. Robertson hereby requests that the hearing scheduled before the Planning Commission for December 4, 2012 be cancelled and that the application be deemed incomplete for the following reasons:

- We understand that the County's completeness determination relied upon the use approval of the Oregon Parks & Recreation Department to allow a new dwelling, which approval was withdrawn by the Oregon Parks & Recreation Commission on August 29, 2012;

- The applicant submitted no other substantial information relevant to the conditional use approval criteria to establish its entitlement to construct a new dwelling on a .25-acre parcel in the Deschutes River Scenic Waterway Recreation area, where the applicable management plan is that "Additional dwellings ... are not permitted.";

- The public hearing was continued until December 4th in order to allow the Oregon Parks & Recreation Commission sufficient time to reconsider its decision on the allowance of a new dwelling on the site within the Deschutes River Scenic Waterway Recreation area; and

- The matter has not been reconsidered by the Oregon Parks & Recreation Commission and, to our understanding, will not be placed upon the Oregon Parks & Recreation Commission's agenda until January, 2013.

Based upon the above, the application is no longer complete with respect to the conditional use component, the use determination is the threshold determination to be made before the requested variances are ripe for consideration, the reason for continuing the hearing has not yet been achieved, and there is no reason to proceed with the public hearing until the Oregon Parks & Recreation Commission has reconsidered the matter.

The application should be deemed incomplete until Parks has reconsidered the additional dwelling use issue under the Deschutes River Scenic Waterway regulations for the Recreation area. The December 4, 2012 hearing should be cancelled.

Thank you for your consideration and time devoted to this matter.

Very truly yours,

Mark Whitlow

Mark D. Whitlow

MDW:sv
cc: Doug Robertson

PLAQJR-12-08-0001
Watson Application

Letters of Support Submitted (Total = 111)

Note: None of the accompanying letters are signed and most do not have a date. All of the letters request to have the letter read by the planning commission to become part of the record, and thus have standing per Section 2.130 of the Wasco County Land Use and Development Ordinance.

Individual/Unique Letters of Support Submitted by the Following

- Nancy Erz, Michael Watson, Tim Thornton, Danielle Galland, Samuel Watson, Abraham Blair, Bob Robson, Will White, Frank Thomas, Brent Richford, Luke Hanset, Kristine Harter, David and Kerry Shynn

  Total = 13

First Form Letter of Support Submitted by the Following
(In order to reduce duplicates, only one of the letters is attached/included):

- Shannon Bading, Chris Ball, Karena Bennet, Malia Bennet, Ben Birdsall, Kitta Bodmer, Cameron Bogue, Olivia Boots, Joanna Boyeas, Nevin Brown, Allan Burns, Brett Butcher, Sherry Case, Johnna Case, Joclylyn Case, Alex Case, Rachel Cavanaugh, Johnathan Cooper, Paesha Curtis, Angie and Stevie Dagget, Laura Daye, Brady Donahue, Jesse Engler, Jessi and Shoni Equiro, Grace Eucker, Jerod Fitzgerald, Katie Fuller, Danielle Galland, Laura and Dan Gerphide, Pete and Christa Godon, Ryan Gosset, Kimberly Haughn, Joshua Haupt, Hayley Heinz, Josi Henderson, Jim Hibbard, Jan Hibbard, Ted Johnson, Terri Johnstone, Tara Khalil, Andrew Kirkland, Victoria Lettin, Robert Lettin, Nick and Chandler Lettin, Rian and Kelsey Lewis, Emma Lott, Stephanie MacDonald, Rebecca Martinez-Griffen, Frances McGovern, Scott McGregor, Tim Miller, Erik Miller, Vijay Mittal, Christine Pezzulo, John Pham Van, Bill Prows, Kelly Prows, Katie Riverso, Shawn Rommel, Kathlenn Scanlon, Jimmy Sharp, Michael Sheridan, Anette Simms, Angie Skosky, Kevin Smith, Megan Smith, Chris Smith, Cross Steve, Linda Strange, Andrew Swalko, Nicholas Thomas, Rohn Thomas, Tim Thornton, Matt Trevino, Eric Vincesslio, Joseph and Mary Watson, Samual Watson, Michael Watson, Erica Yoshida, Kate Young, Anna Zanolli, Dana Zottola

  Total = 82

Second Form Letter of Support Submitted by the Following
(In order to reduce duplicates, only one of the letters is attached/included):
Note: These letters DO NOT request to have the letter read by the planning commission to become part of the record, and thus have standing per Section 2.130 of the Wasco County Land Use and Development Ordinance.

- Jeffry and Marla Hennessee, Quinn Closson, Ashley Closson, Molly Smith, Liz Howlett, Benjamin and Melissa Vance, J. Ran Lothspeich, Jason Penwell, Paul Vance Bryan Sweeney, Erica Yoshida, David Sauter, Heather Gulian, Cameron and Teri Schultz, Steven and Kristen Cross, Mike Sparkes

  Total = 16

PLAQJR-12-08-0001
Watson Application

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  Total = 16

October 12, 2012

To: Wasco County Planning Office
Attn: John Roberts, Planning Director
2705 East Second Street
The Dalles OR 97058

From: Nancy L. Erz
2815 NE 77 Place
Portland OR 97213

Regarding: Gabriel Watson Proposal for North Junction • File PLAQJR-12-08-001

This letter is in support of the Watson property cabin. For me, the story begins long ago in 1958 when I was two years old. My father, Gabe Watson's grandfather Harold F. Erz had a partnership with Ed Welch on this property. My father provided the red caboose that he bought from the Spokane Portland & Seattle Railroad, his employer of many years, as well as contributing the majority of the labor of love towards the landscaping and placement of the caboose. The wiring, the plumbing, the painting and carpeting, everything it took to make our cabin the magical spot that it remains in my memory. I cannot really describe the value that I and my family place on this spot on earth. It is our sanctuary and place of solace and joy. Our place to contemplate and reflect on life and loss and our place to share the greatest joys of love between kindred spirits and family.

As a child going to "The Caboose" as we called the spot, was the highlight of my life. My father would prepare for weeks in advance to make sure we had all the necessary supplies to spend a couple weeks at a time there in the summer, without having to drive into Maupin for things forgotten. There were four girls in the Erz family and this place shaped our lives for the better giving us our great appreciation of the outdoors, animals, the environment and the entire universe that we contemplated for hours as we stared into the night sky. Together we would attempt to fathom what our very existence means and marvel at how small we all are in relation to what we could see on those beautiful starry nights as we slept outside, next to our beloved Caboose.

My entire life I lived with the fear of losing my ability to visit this place. As girls we were told we could not inherit the spot, we could not join the Deschutes club. Mr. Welch owned the property and would not let my father contribute to the taxes for his own reasons, I suppose not wanting the Erz girls to be able to have any claim. My father wanted to do so and as I understand it, that was the original agreement. This issue tore me and my sisters up. So when my father gave up his interest in 1995 due to macular degeneration and his inability to drive himself there anymore. I was devastated. But, there was a saving grace... my sister Leslie and her husband Mike Watson had years before rented what we called "The Green Cabin" a tiny place located 200 or so feet from the Caboose". They later became partners in the railroad cabin, where Mike and Gabe Watson still hold an interest. So we were not out. We still had access to our special area.

As fate would have it, the flood of '96 came and devastated North Junction. The Caboose was washed downstream and tipped on its side, the land gouged out, and many of the other cabins on the flat demolished beyond repair. In some ways my father's timing was impeccable, since he wasn't allowed to have ownership of the land, at least he was able to get his riding lawn mover, fishing rods and other valuables out of there before the flood.

By this time Leslie Erz Watson and Mike Watson had long been established in the railroad cabin on the point. It was one of the few cabins spared by the flood. Yes the water had risen and soaked the place but the cabin still stood, so we rejoiced in that and they set about cleaning it up so our love affair with this place could continue.

My memories go way back. The North Junction of my childhood looks little like the North Junction of today. The tiny quaint cabins that dotted the place have grown into large homes, and the friendly neighbors have become territorial self-righteous people that I find hard to understand. In spite of the friendliness of the Watson and Erz families these people have tried shamelessly to destroy our ability to continue to enjoy our special place. I cannot begin to grasp their motivation, as our family have been good stewards of the area. We have always taken great care of our places, having the prettiest lawns, and some of the finest fishing spots just beyond our doors. Never shooing people away that chose to walk across our lawns for access to the river. We have always been a friendly and accommodating group. I cannot say the same about our neighbors. Though they have been willing to share a beverage and play a game of dominoes with us, behind our backs they seem to plot together to try to keep us from enjoying what has been a very important part of my and my entire family's lives. To me, people such as Mr. Robertson are the newcomers, and he and Mr. Harlow and Mr. Hartung are the folks that set a precedent for the large cabins that now populate the flat.

It does not make any sense to me that these people have been allowed to build cabins totally out of scale to what was there before the flood, and yet continue to try to throw roadblocks in the way of Gabriel Watson, my nephew, whose love of the place is as great as mine, and is carrying on my Father and Mother and his Father and Mother's legacy of stewardship of this great place.

Gabriel and his mother Leslie Erz Watson and father Mike Watson purchased the property from Vicky Welch back in 2008. Since then Gabe has become sole owner of the property. He has respected the county and state by jumping through every hoop to get permits and satisfy the laws around building on the property. It is my understanding, that many of the same neighbors that are protesting the Watson cabin have not done the same. I include some photos of North Junction that I took as a young woman, that illustrate the way it was. I hope that the Wasco County Planning Office will allow Gabe Watson the same opportunity that has been allowed the others on the flat. We want nothing more than to continue to protect and share our special place with the people that we love. Please feel free to contact me if you have any questions.

Sincerely,

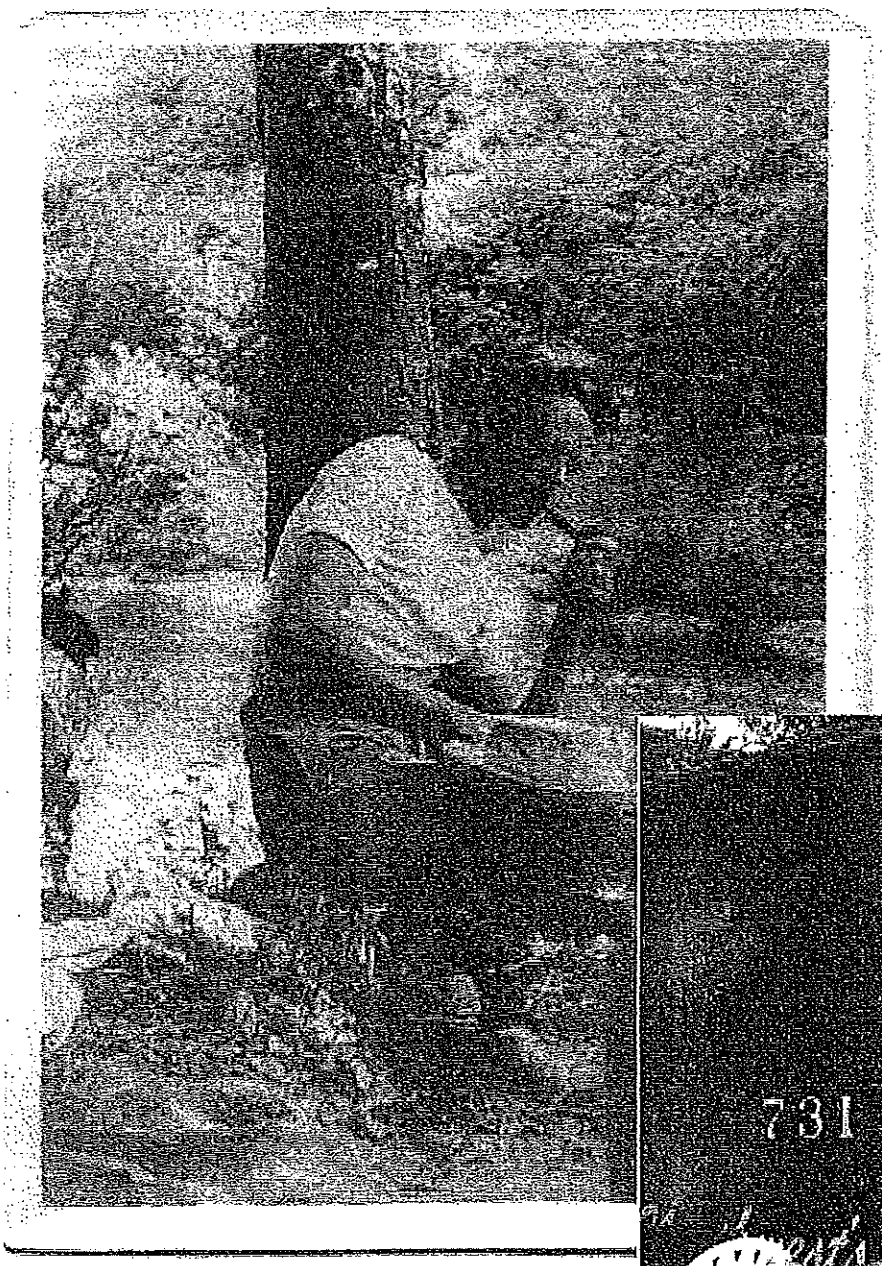
Nancy L. Erz

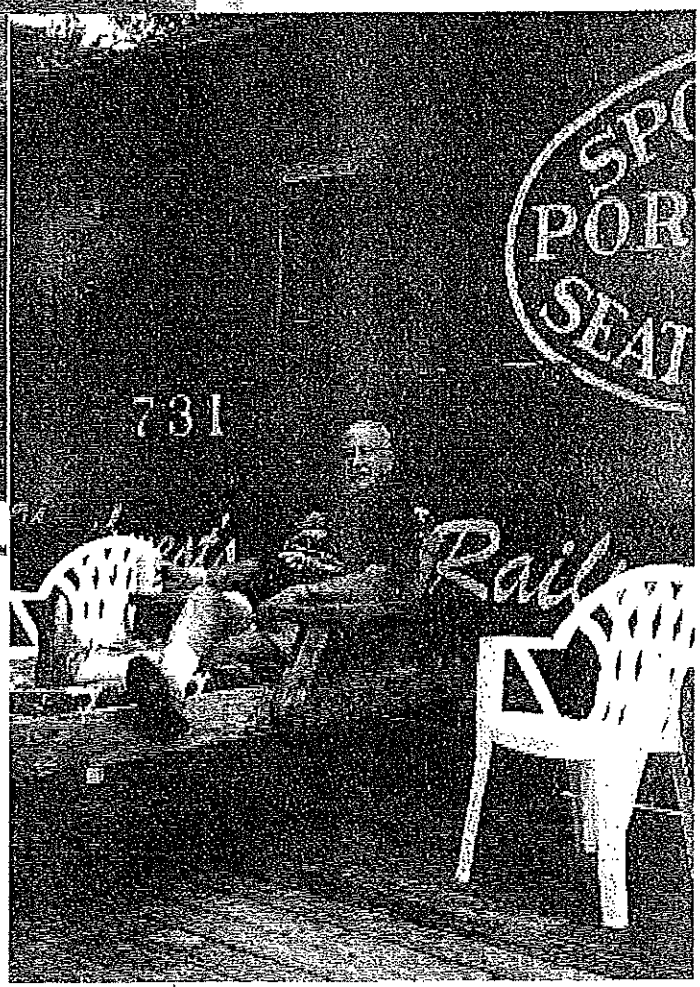
Wk: 503-235-7724
Hm: 503-408-9113
Cell: 503-309-3756



Nancy Erz and the beloved "Caboose"

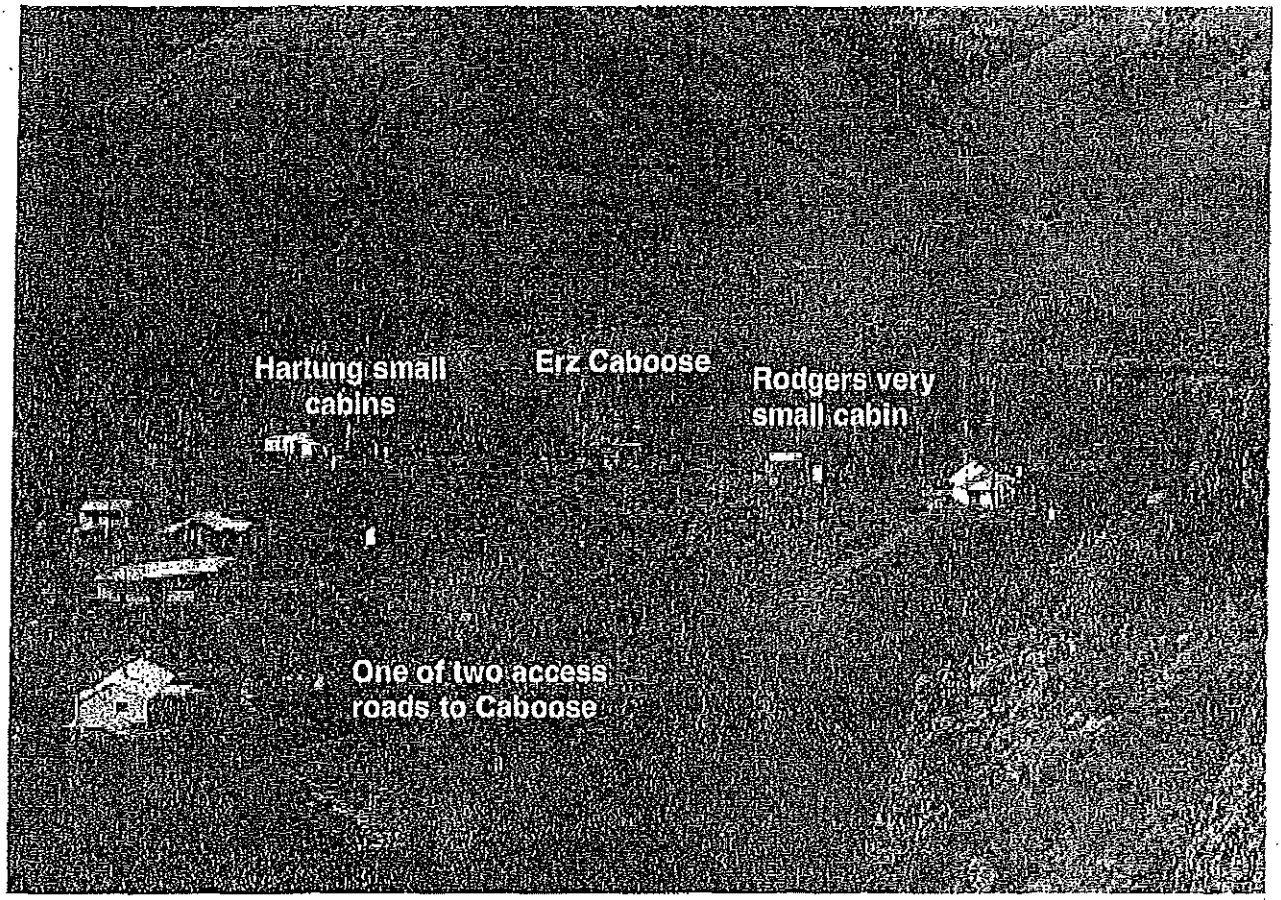
I would like to have my letter read by the Planning Commission and become part of their record and therefore request the status to have the standing provided in Wasco County Land Use and Development Ordinance Section 2.130 for acceptance of my letter into the hearing record.

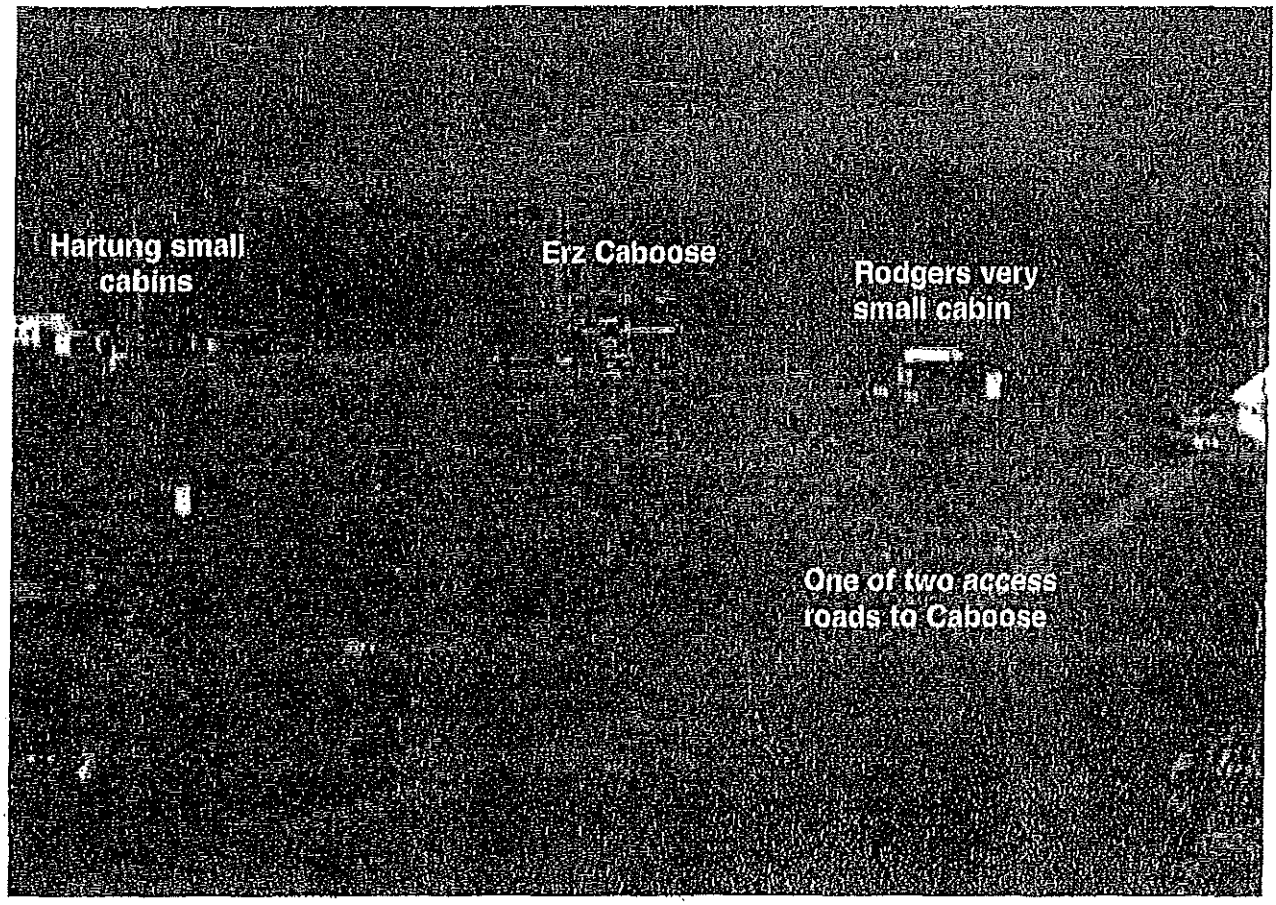


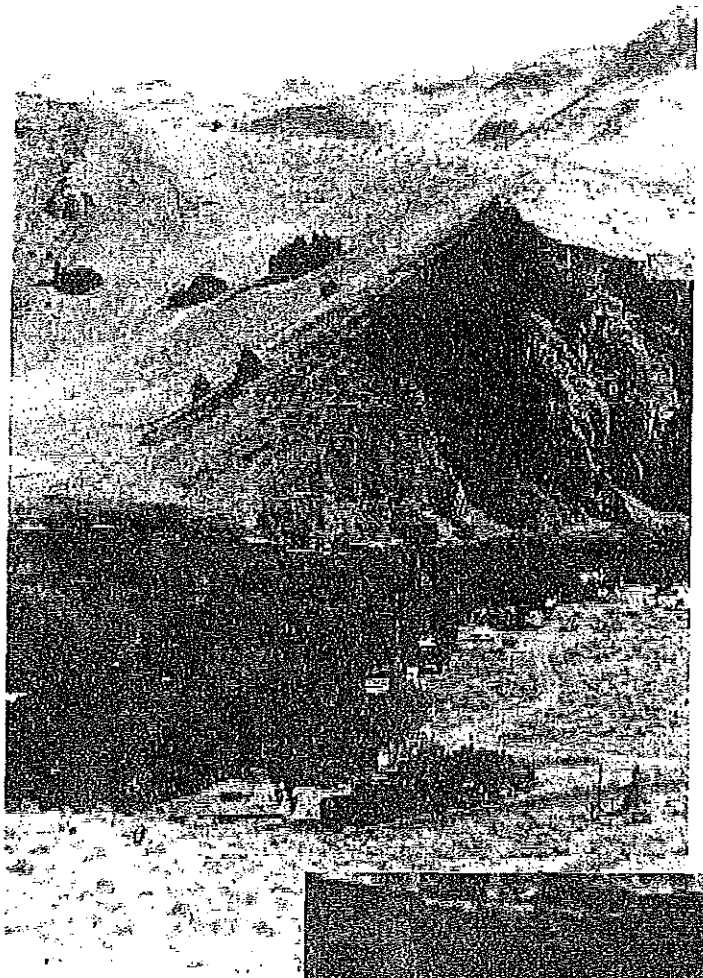


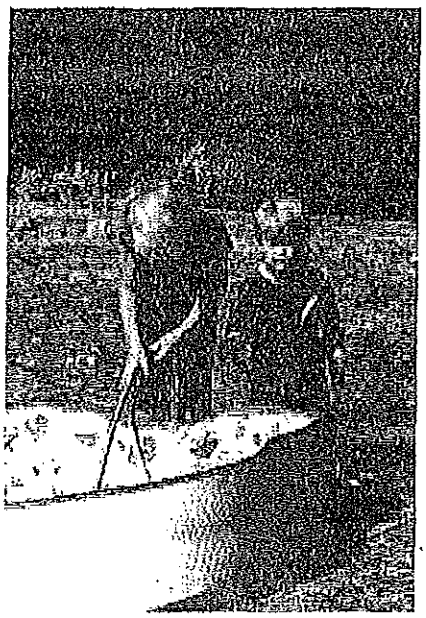
Harold F. Erz
Owner of the Red Caboose
at North Junction.
1958-1995

Father to the Erz girls.
Grandfather to Gabriel Watson.

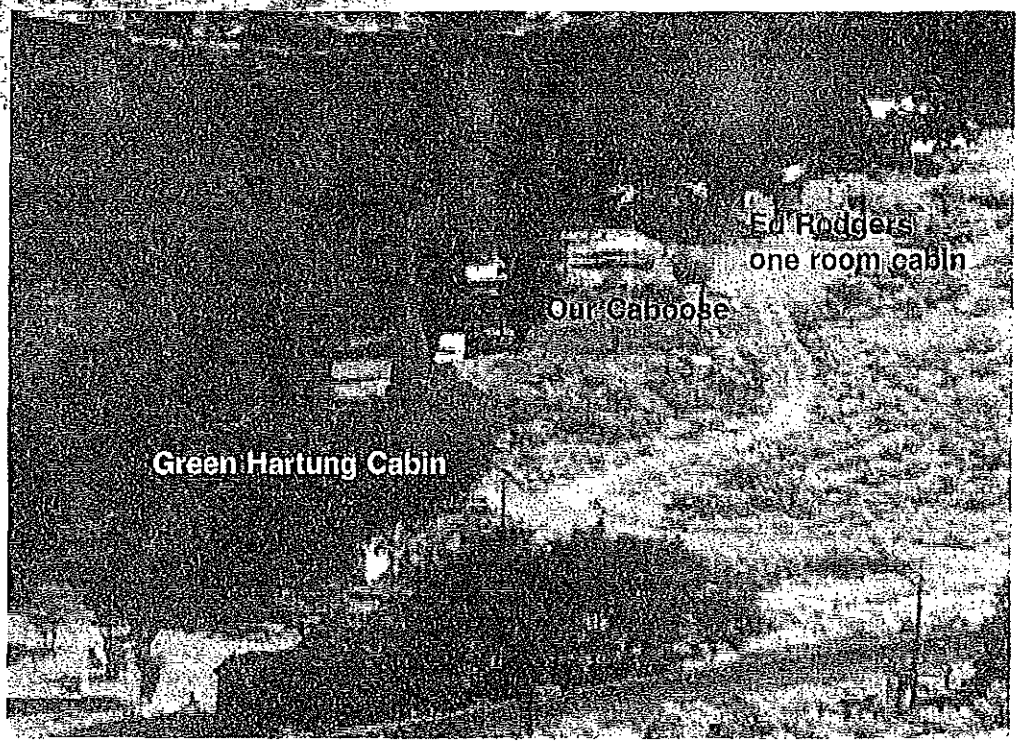

Hartung small cabins
Erz Caboose
Rodgers very small cabin
One of two access roads to Caboose


Hartung small cabins
Erz Caboose
Rodgers very small cabin
One of two access roads to Caboose





Gabe Watson and cousin Mike Edel playing on property.



Wasco County Planning Office
Attn: John Roberts, Planning Director
2705 East Second St.
The Dalles, OR 97058

Gabriel Watson Proposal for North Junction
File PLAQJR-12-08-001

To Whom It May Concern:

This letter is in support of Gabriel Watson and the structure he intends to build at North Junction. I am an adjacent property owner and I have been traveling to the Deschutes River for 40 years. Please grant me party status in the above matter.

Gabriel Watson is my son, Leslie Watson was my wife, and Harold Erz is my father-in-law. As a young family with limited resources, the Deschutes River was our place of solace—a place that our family could afford and countless memories could be made. Unfortunately my family has lived under constant duress at North Junction.

In 1988 John Hartung inherited the small cabin that my family was renting, he immediately increased our rent to $3600/yr., an amount he knew we could not afford. We approached the owner of a dilapidated railroad shack and entered an agreement with Fred Benson, the owner, we maintained and repaired that cabin for nearly 15 years.
In 2001, John Hartung unleashed a vicious campaign to steal this cabin. During the process Mr. Hartung referred to us as "squatters," placed a "No-Trespassing" sign on our front door, and entered our cabin without our permission using the combination we trusted him with. He also offered the services of his friend, Mark Whitlow—the attorney who now represents Dough Robertson—to help orchestrate the effort to steal our cabin. After a five-year legal battle we won our right to use that cabin. When we returned to the property, we found a "No Trespassing" sign and a baseball chalk line down the center of the lawn separating our leased property from his.

My wife Leslie was graceful throughout. The loss of our cabin was devastating but she chose to allow the past to remain in the past. She wrote a firm letter to Mr. Hartung (attached) and believed Mr. Hartung's antics expired. After she passed away I received the files relating to Hartung's attempt to defraud my family from our cabin. In his correspondence he lied to the railroad and the county assessor and even suggested that the railroad police would be available to remove my family from the Cabin.

Mr. Hartung built a cabin within 5' Gabriel Watson's property line. This is illegal and violates county laws. Still, when Gabriel and my wife began working through the permitting process they worked with Mr. Hartung to place the new cabin on the site plan in a manner that would least impact Mr. Hartung, and now it appears he has requested denial of my son's right to build.

Doug Robertson is another neighbor who has proven himself to be selfish and possessive of the land he owns with Jim Harlow. When we first purchased the land Doug left a letter on the front door of my cabin, addressed to my family. In this letter he falsely claims that we do not have the right to build and demands

that we discuss any development with him. I have enclosed this letter for the record as well. I have spoken with Doug, during these conversations he explained his ability to build a new cabin, far in excess of the one previously located on his property, is because no "photographs" existed. Doug has proven himself possessive of an area at which he has less time and history than anyone. Nothing can be done on North Junction without a complaint from Mr. Robertson. Mr. Robertson even complained against a structure on his own property. Ironically, the laws he exploits to harm his neighbors are the same laws he has exploited to benefit himself. He has used his money selfishly, offering to pay for alterations to a neighbor's addition, so that Mr. Robertson's "View" would not be disturbed. I do not know if these actions are manipulative, selfish or simply insane. Mr. Robertson purposely misinformed adjacent properties as to the scope of Gabriel Watson's application, distributed a message that was copied and pasted into multiple letters against the structure, and will not engage in any cooperative negotiation that would allow my son to proceed without seeking legal counsel. If allowed to continue interfering with EVERY process on the Deschutes River, Mr. Robertson will perpetually do harm to the legitimate application process, the rights of others to enjoy the Deschutes River, and will cost the County and land owner an enormous amount of time and money. This must stop now.

Every attempt has been made to work with Mr. Hartung and Mr. Robertson so that the design could be amicable to each of them. Neither neighbor is willing to offer input, only saying that they wish to see how the "Scenic Waterways" rule on the approval. These men have nothing to offer the river or community other than manipulation, selfishness, and greed. Doug frequently references a point in the river that was named in his honor, constant reference to his generosity clearly demonstrates that generosity had nothing to do with his 'gift;' instead, these references are a vain and narcissistic attempt to leverage an unrelated act and prevent another neighbor from exercising his rights.

I write this letter to you now because I am tired of the constant assault. I want this to stop and I want my family whose legacy in the area extends to the 1950's to be preserved. The cabin that is proposed is meant to honor my wife who lost her long battle with breast cancer in 2011. The original application bears her name and signature and the greed of these neighbors both dishonor and disrespect the spirit of that very beautiful place. My family has always taken the high road and we would prefer to get along with our neighbors. We do not wish for this process to become personal although I believe the nature and actions of each neighbor must be fully understood and displayed so that a true evaluation of their objections can be made.

Please make this letter, and those attached, part of the permanent record and grant me party status.

Sincerely,

Michael A. Watson
Adjacent Propety Owner
3412 SW 13th Avenue
Portland OR
503-329-4477

I would like to have my letter read by the Planning Commission and become 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.

September 11, 2012

Wasco County Planning Office
Attn: John Roberts, Planning Director
2705 East Second St.
The Dalles, OR 97058

Gabriel Watson Proposal for North Junction
File PLAQJR-12-08-001

To Whom It May Concern:

I am the owner of River Drifters, an outfitter on the Deschutes River. I understand the need to preserve the river for generations to come and to ensure that the natural value of the river is not diminished by unsightly development.

I am writing this letter in support of Gabriel Watson's proposed structure on the Deschutes River. I am very familiar with the river and its natural beauty. Preservation of the river is central to my business and if I felt this structure would compromise the river or my business I would object. The truth is that the cabin will sit among many others in the area. I have seen the design for the cabin; it fits the river and the area.

The Deschutes River is to be shared with everyone. I have known Gabriel as both a river guide and as a friend. This cabin is being built to restore the use his family enjoyed from 1958 until 1996. The Caboose that was damaged in the 1996 flood, and then moved onto an adjacent piece of property was a landmark on the Deschutes.

I appreciate your consideration in the above matter.

Sincerely,

Tim Thornton
Owner, River Drifters

I would like to have my letter read by the Planning Commission and become 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 Office
Attn: John Roberts, Planning Director
2705 East Second St.
The Dalles, OR 97058

Danielle Galland
10091 Rio San Diego Drive
#360
San Diego, CA, 92108

Gabriel Watson Proposal for North Junction
File PLAQJR-12-08-001

My name is Danielle Galland (Formerly Danielle Clark-Rizzio), I am strongly in favor of the cabin proposed by Gabriel Watson. On legal grounds, the property meets all of the requirements for variances, non-farm dwelling, and modifications to fire safety. The County of Wasco has a long history of upholding the rights due to property owners, granted to cooperation and understanding of first Leslie Watson, and now, her surviving son Gabriel, I can think of no reason why the County would not grant approval of the proposed structure.

The Watson have loved the river since the 1950's, though financial hardships prevented the Watson's from owning land, they fought to maintain a presence in North Junction for many years. Leslie and Gabriel purchased the land fully intent on building a cabin that would be a retreat for family and friends for generations to come. For Leslie, purchase of the land was an enormous achievement in that it meant her family would continue to have access to that sacred place for generations to come—it meant that her right to share the Deschutes could no longer be threatened by neighbors or anyone else.

My late husband was diagnosed with liver cancer during the final term of his senior year in High School. Daniel fought cancer for nearly eight years before he lost his battle in 2009—26-years-old. Although his life was short, he beat the odds, doctors told Daniel when he was first diagnosed that he would have only one more birthday at best. His final birthday was spent on the Deschutes River with the Watsons who graciously shared this piece of heaven with Daniel, myself, and a small group of his closest friends. We lost Daniel less than one month later. Leslie and Daniel were close friends. Samuel Watson, Leslie's son and Gabriel's brother was Daniel's closest friend. The Deschutes represents to all of us a place where we can go and draw on memories shared with loved ones lost—and this is because the Watson's choose to share this place with each of us.

I truly cannot understand what would cause the neighbors of Gabriel Watson to oppose a cabin built on the land that was once the retreat of his grandfather, is the

final resting place of his mother, and that Gabriel wants to share with his family and friends for generations to come. The selfishness and greed of those who have large cabins, seem to have exploited the rules, and now seek to prevent this project from moving forward, is beyond repulsive. Still, Gabriel much in the nature of his mother has chosen to proceed calmly, respectfully, and patiently. He is being held to the finite minutia and every legal mandate to a degree far in excess of what any other adjacent property owner has. He seeks to erect a dwelling to honor his mother—and his neighbors are concerned about their view from the side window of their illegally placed structures. This case is what one reads about in the papers and I believe Wasco County knows better than to empower these dishonest and greedy individuals who oppose this plan. I implore you to act in accordance with laws and in a manner consistent with how all others have been treated. Please APPROVE this structure.

Respectfully,

Danielle Galland

I would like to have my letter read by the Planning Commission and become 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 Office
Attn: John Roberts, Planning Director
2705 East Second St.
The Dalles, OR 97058

Samuel Watson
3215 NE Klickitat St.
Portland, OR 97212

Gabriel Watson Proposal for North Junction
File PLAQJR-12-08-001

The applicant above should be allowed to improve his land and I plead with the County of Wasco to act in accordance with the law and grant approval of the proposed structure.

- Applicant has followed all planning laws and conditions, has met with planners and eagerly complied with any and all conditions requested or required
- Applicant purchased the land with the sole intent of recovering a structure where his grandfather's once was, at no time did Gabriel Watson or Leslie Watson believe the land to be unbuildable. This is evidenced by correspondence between Leslie Watson and Vicki Welch (previous land owner).
- Variances requested are the minimum necessary to allow enjoyment afforded to others in the immediate area. Applicant has acted in good faith at every point in the application process
- Most of the hardships faced by this applicant are the direct result of structures built illegally and/or different than those presented in the application. Both John Hartung and Doug Robertson have built illegally close to property lines, in excess of the law, and in the interest of only themselves. No variances have been requested and any grandfathering should only extend to the true previous structure. Certainly grandfathered structures should not impose on others where the original structure did not.
- Applicant's modifications to fire safety regulations are excessively compliant with the spirit of the law, applicant has been a professional firefighter for more than 10 years and consulted several wild land firefighters and fire code enforcement officers. Applicant works with the State Fire Marshall's Office Incident Management Team and responds to wildfires.

- Structure will replace a family cabin that was on the property until the floods in 1996, will be fully screened from the river, and is consistent with the Comprehensive Plan, Non-farm dwelling, and Variance requirements
- Though neighbors have acted to mislead the County and State with regard to the proposal and the law, applicant has never made such attempt.
- Applicant has made several attempts to discuss plans with neighbors, email's often receive no response and neighbors are unwilling to discuss any reasonable alternative to the proposed structure

I strongly ask that Wasco County allow the construction of the structure proposed by Gabriel Watson. I am his brother and I have been traveling to North Junction my entire life with the exception of 5 years during which time John Hartung attempted to steal a small cabin from my family. My mother, who first came to know the Deschutes at the age of 7, was careful to shelter Gabriel and myself from the controversy caused by Mr. Hartung and Mr. Robertson. Now, after she has passed away, and we have recovered the documents from her home we learn of the full extent to which Hartung and Robertson have attempted to harm the right of our family to visit the Deschutes River. I understand that the decision by the Commission must be consistent with the law and with how the law is applied and I believe there should be no question as to the approval of this structure.

This application is no different than any other that is quickly approved, only that dishonest and manipulative individuals have managed to draw attention to every single point of the process. Mind Doug Robertson and John Hartung each have several large cabins on their own property. Mr. Robertson's cabin is at least 5 times the size of the small shed-like cabin that once sat in it's place; there have been complaints of drywall from the construction of his cabin being thrown into the river by Mr. Robertson or his contractors. Mr. Robertson's actions place an undue burden on the entire system. Representatives such as yourself are forced into unnecessary enforcement investigations, costly processes, and controversy that is the direct result of their complete and utter disregard for others who might also wish to enjoy the Deschutes River.

I have rafted into our cabin on several occasions only to be informed by neighbors that this is not allowed even though it is. Mr. Robertson has trespassed to take photographs of legal structures on our property and has a chronic issue of either being in violation or issuing false or misleading complaints about others in the area.

Fundamentally my family believes in our right to use the Deschutes River as a place for recreation and community—where friends and family can join and take

refuge in the beauty of the area. We would never harm the Deschutes River and we have never disrespected our neighbors (unless rafting into our own property is considered disrespectful).

Mr. Robertson has left notes on our property asserting that my family must discuss with him any improvements to the property. I believe Mr. Robertson has appointed himself as the protector of his interests and his alone. To the point they run concurrent with the message of "conservation" he is willing to be placed on a pedestal for the purpose of furthering his own inappropriate agenda. He does not like that we welcome others to our property, he does no like that we allow "non-owners" to fish from our front lawn, and it seems as though he believes this should keep us from being allowed to build.

Mr. Robertson is crafty and strategic, careful to act "legally" while suggesting misconduct on the part of my family. Still this is not personal. I have witnessed on several occasions my late mother and brother approach Mr. Robertson and welcome him to fish on our lawn and relax on our property. I feel as though it has been the grace of my family, calm in the face of constant assault, which has prevented this conflict from becoming personal or inappropriate. Mr. Robertson IS a man who loves the river and who has been cordial during each of our interactions. I have many fond childhood memories barbecuing with Mr. Robertson, Nan, his wife, and their daughter Lauren. This is why it is so disappointing that we must fight his selfish interests so that we are allowed to move forward and enjoy the same rights as him.

I speak for my entire family when I say that we are at a loss. We are relying on the County to honor our rights and uphold the law. I understand the difficulties of being forced into this controversy, I do believe that you must preserve the rights of the applicant and approve this structure. To issue a denial under the duress of self-interested adjacent property owners is to empower those who act in poor faith and to harm those who proceed with respect for the system and the land the system is meant to protect.

I apologize for the length of the letter, I feel it is important that the County be made aware of the situation at North Junction. We are tired of being the better person and having our reputation and rights diminished because of it. I mean no disrespect in my explanation of the situation and I am confident that should others explain the situation honestly, our accounts will be identical. I thank you for your time and consideration. And again, I ask that you approve this application.

Sincerely,

Samuel Watson

I would like to have my letter read by the Planning Commission and become 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.

Date: August 20, 2012

Wasco County Planning Office
Attn: John Roberts, Planning Director
2705 East Second St.
The Dalles, OR 97058

Abraham Blair
Owner, Blindman Photography
Fishing Guide, Belozers Fishing
2345 Mayflower Rd.
Pollock Pines, California

RE: **Gabriel Watson Proposal for North Junction**
File PLAQJR-12-08-001

I am writing in favor of Gabriel Watson's proposal to construct a cabin on the Deschutes River.

As a professional photographer the Deschutes River has been the frequent subject of much of my work. North Junction is an area I frequent in excess of 25 times each year as a guide for John Belozier, one of the original fly-fishing outfitters on the Deschutes. The photographic value of the Deschutes River, the scenery of the area, and the ability for others to recreate will not be disturbed by the proposed structure. The North Junction area was once a railroad camp and the subject property was a place upon which several railroad workers found rest.

I have worked on the river for nearly 20 years, I began working as a whitewater rafting guide; not a year has gone by where I have not been on the river. I was married to my wife on the banks of the Deschutes River. I recall fondly the red caboose that once sat at the location. I remember speaking with Harold Erz, Gabriel's maternal grandfather; he instilled within me the knowledge of fly fishing and the lore of the river that I have used in my professional life ever since. I believe that I am highly qualified to speak of the Deschutes River which planning and waterways laws are meant to protect. Each time I use the Deschutes River I purchase a pass and participate in the system I believe in. I understand the need to preserve the river and I would not voice my support if I felt in any way that the river would be compromised. I firmly believe that we must honor the rights of the landowner. In this case the landowner is the third generation of Erz family descendants to share the river. The original application for this cabin was submitted by Leslie Watson, the mother of Gabriel, for whom this cabin is meant as a tribute that can be enjoyed by generations to come.

The proposed structure is well within the "existing uses" of the river and adjacent properties. It will be built without drawing water from the river as most of the other cabins in the area do. Gabe is a firefighter and has proposed modifications to the fire plan that will improve dramatically the ability to protect the area from wildfire. The cabin selected and its placement on the land is such that it will be as far away from the river and as far away from adjacent properties as possible. A quick view of the area shows that both Hartung and Robertson/Harlow are encroaching on property lines. The lot cannot be seen from the river because it is up an embankment and it is heavily

screened. I do not know what else the Watson's could do to make the cabin acceptable to neighbors or compatible with the area and the river. Gabe has fought hard and against the obscene attempts of his wealthy neighbors to prevent him from placing a structure next door to theirs. The same laws that Doug Robertson, Jim Harlow, and John Hartung are exploiting in attempt to prevent this approval are the same laws that each have exploited to their own benefit. Doug Robertson built a replacement dwelling several times the size of the cabin it was meant to replace. John Hartung is currently in violation of County Planning Codes for illegally placing Harold Erz' caboose on his land. Jim Harlow and Doug Robertson added an accessory structure to their property, a property that already has three dwellings; this structure, applied for as a storage shed, has power, plumbing, and a permanent shower.

I understand the reasons that any neighbor would oppose a structure next to their own; but these are selfish. If the planning commission is to deny this application they will be acting to preserve the desires of a few self-interested men—this while costing generations of family their right to enjoy the river and preventing an individual who has dedicated himself to preserving his mothers legacy and sharing the river with all users from doing so.

I respectfully ask that you APPROVE this proposal. Gabe has worked with the County at every level, been approved by the Scenic Waterways on several occasions, he has worked with the County Sanitarian, FEMA, and multiple adjacent property owners. This cabin is respectful of the river and the spirit of its enjoyment. He has followed the laws cooperatively and to an extent that I believe no other individual has been forced to.

Again, I ask that you APPROVE this proposal and allow the Watson family the same privilege as has been granted to all others in the area.

I would like to have my letter read by the Planning Commission and become 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.

Sincerely,

Abraham Blair,

Owner Blindman Photography, Fishing Guide Belozer's Fishing

Wasco County Planning Office
Attn: John Roberts, Planning Director
2705 East Second St.
The Dalles, OR 97058

Bob Robson
Adjacent Property Owner, North Junctin

Gabriel Watson Proposal for North Junction
File PLAQJR-12-08-001

I would like urge the County Commission to approve the Watson application to build at North Junction. There have been several improvements to the area in the last 40 years. The Watson application is consistent with the North Junction Community that I support. My family too has been at North Junction for three generations. We understand the unique value of the area and so does Gabe Watson. I knew the Erz daughters, and Leslie.

The structure proposed will not have any negative affect on me or other property owners in the area. Gabe's land is screened from river's view more than any other in the area.

Mr. Watson has endured a lengthy process; he has been approved through Wasco Sherman Public Health, the Oregon Parks and Recreation Scenic Waterways, FEMA, Watermaster, and others. He went out of his way to discuss the process and the plans with me.

Please add me to the list of those in SUPPORT of this application.

Thank You,

Bob Robson
Adjacent Property Owner
North Junction, OR

I would like to have my letter read by the Planning Commission and become 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 14, 2012

Wasco County Planning
2705 East Second St.
The Dalles, OR 97058

To whom it may concern,

I am writing this letter in support of the Watson family request to permit a structure on their land next to the Deschutes River. Our family has known three generations of the family, and we were introduced to the Deschutes River scenic byway by all three generations at different times. Now two generations of our own family make regular visits to the river and surrounding areas.

It is hard to take a trip down the Deschutes and pass by the family's old place on the river, to see the Caboose that Harold Erz, our neighbor, had moved onto the land and then lost to a flood in 1996, without thinking of our indebtedness to them all for introducing us to the area.

Leslie Erz Watson was an amazing person. She died way too young, but knowing that the shores of the Deschutes are her final resting place is comforting to all of us to whom she was an inspiration.

Clearly, the Deschutes was a place with huge significance for Leslie; she felt strongly about the importance of preserving its beauty, ruggedness and availability to all. Leslie spent a lot of time at the Deschutes toward the end of her life. I'm glad for this, but sad that she wasn't able to realize her dream to build a structure on the new family land. Had she lived, I am confident that Leslie would have overseen the building with the care and attention that she gave to everything she undertook.

There could be no more fitting tribute to her memory than the completion of a structure where her family and friends can continue to enjoy and to share the magic of the Deschutes River for generations to come. I am confident, as I am sure you can be, that before and after approval is obtained, the family will continue to work in close coordination with all the appropriate people and agencies to make sure that the structure they build is well within the parameters of existing uses and laws, and has been completely screened from all views from the river.

Thank you for reading this letter. I am happy to be contacted in further support of this proposal.

Sincerely,

Will White
Dundas Way, Mosier, Oregon 97040
Currently working for Senator Jeff Merkley, Washington DC
503-758-6986

I would like to have my letter read by the Planning Commission and become 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 Office
Attn: John Roberts, Planning Director
2705 East Second St.
The Dalles, OR 97058

Gabriel Watson Proposal for North Junction
File PLAQJR-12-08-001

To Whom It May Concern,

My name is Frank Thomas, a long time friend of Gabe and Sam Watson and their family. I have had the good fortune of not only becoming friends with the Watson and Erz families, but being invited to share their special spot on the Deschutes river since I was a boy.

Even as a kid, I recognized the importance of this stretch of river and how precious it was to the family that hosted me. As I grew up with Sam and Gabe, it's become clear that the river and their property along it's shore have become ingrained in who they are. Their family's regard for the place that spans generations has been instilled in Sam and Gabe. They have always treasured the Deschutes. It's been a glue for family, friends, and community since I was a little boy. Sam and Gabe, and their late mother Leslie Erz and father Mike Watson, have appreciated sharing this place and seeing other people begin to love the Deschutes almost as much as enjoying it themselves.

The last time I was at the Deschutes, Sam and I were standing out on the beautiful lawn that slopes down to the shore talking about day dreams we have where in the future our children grow up along the shores that run their property and have the same kind of experiences along the Deschutes that have been so special for us growing up. It's clear that the river for their family has been a huge positive influence for generations. It's also clear that sharing that influence is a large part of the joy they get from having a place on the Deschutes. As a long time Language Arts teacher and basketball coach in the Gresham Barlow School District, I recognize the joy that certain types of people get from sharing their treasured things with others. I've seen it in their late mother's eyes when Leslie would sit on the porch and look up from her book to watch us play in the water. I've seen it in their dad Mike's face when we all gather in the kitchen and enjoy a big family meal together. I've seen it in Gabe and Sam, how excited they get when they get to host a group of their loved ones at their favorite place. I even see it when a stranger comes along and needs advice or directions. Without fail, I've seen their family happy to share what they know and try to help people they've never met before enjoy the

river in a responsible and respectful way.

And so, when they came to me and told me of their plans to improve their property so that they can continue to enjoy the place in harmony with the surroundings and their neighbors, as they have been trying to do for years and years, I wanted to share what my experience has been since I was a boy at their cabin and with their family. They've been amazing hosts and stewards of the river, and will continue to be in years to come. Feel free to contact me with any more questions.

Frank Thomas
thomas35@gresham.k12.or.us
503 501 7184

I would like to have my letter read by the Planning Commission and become 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 Office
Attn: John Roberts, Planning Director
2705 East Second St.
The Dalles, OR 97058

Gabriel Watson Proposal for North Junction
File PLAQJR-12-08-001

I vehemently support Gabriel Watson's application to build a recreational cabin on the Deschutes River. I have worked as a river guide since the mid 90's on the Deschutes, White Salmon, Wind, Grande Ronde, Sandy, John Day, and Clackamas River's. I am fond of each river and keenly sensitive to the need to protect each.

The Deschutes is already developed and many cabins are already located where Mr. Watson's property sits. The proposed cabin is well within the average for cabins along the river and I can see no way that the proposed structure will alter the enjoyment of the Deschutes River.

The county must protect the rights of property owners to the extent that each is provided the same options as their immediate neighbors. It appears as though the lot in question is the ONLY lot on North Junction that is not developed—and truth be told it once was. I have worked on the River since before the floods in 1996 and I remember when the caboose washed over and was then dragged onto adjacent property by a man by the name of Johnny Hartung.

I believe that we are all users of the Deschutes River, I too envy Mr. Watson for having purchased this land but I express this as support and not opposition. I believe Gabriel Watson will act consistent with the good faith he already has toward the river.

I urge Wasco County Planning Commission to approve this application. The river community is tired of the interests of a wealthy few having a negative result for those who value the river as an asset to be shared and not coveted.

Thank you for your consideration,

Brent Richford
River Guide

I would like to have my letter read by the Planning Commission and become 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.

PO Box 11349
Portland, OR 97211

August 24, 2012

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

Regarding: Watson Building Permit

Dear Commissioners:

It has come to my attention that the Watson family will be coming before your committee to seek final approval for a building permit to erect a structure on land that has been in their ownership and under their stewardship for over 50 years. I am writing to express my deep support for the Watson application and to provide some brief context for my backing.

In an effort to preserve your valuable time, I have listed the primary reasons for my support of the proposed Watson structure below in bullet point format:

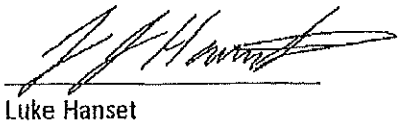
- The Watson family's profound respect for the Deschutes River and surrounding lands: The Watsons possess a rare depth of appreciation for the Deschutes River and their own private land. Many examples of this respect could be listed, but perhaps the most telling is that the property is now the resting place of the late Leslie Watson, wife to Mike and mother to Gabe and Sam. Leslie was a truly amazing and spiritual soul who loved the property to no end. That she chose the property as her burial plot speaks volumes of the respect this family has for their land.
- Generations of guardianship and preservation: In generations past, Hal Erz worked the rail line that borders the property for Burlington Northern. He fell in love with the land, and eventually purchased the property in 1957. Since that time, the family has poured countless hours into maintaining and improving the property. The Watsons have a vested interest in the land and surrounding area. They have for generations.
- The Watson family's noble generosity: The Watsons have openhandedly shared their private land with innumerable friends, family members and acquaintances. The family has a profound love, respect and appreciation for the property which they strive to bestow upon others. Although the land is in their ownership, the Watsons believe it is a special place that should be shared with others who are interested in learning about and appreciating the property and adjoining river. While certain neighbors may view this generosity as a nuisance to "their" property, in reality it is a form of generosity rarely demonstrated today. The Watsons never ask for anything in return from their guests besides respect for the land. This attitude stands in stark contrast to the elitist arrogance unfortunately displayed by some owners of similar properties in today's age.

The Watsons are a perfect example of a family that respects, cherishes, utilizes and generously shares their piece of heaven on the Deschutes River. It is only right to grant a lawful building permit to such tenured

stewards of this land. This structure will be utilized to more fully appreciate and share the awe of nature, the wonder of the river, and the spirituality one inevitably encounters on the property.

Thank you for your time and for your consideration of my endorsement. Feel free to contact me with any questions.

Best Regards,



Luke Hanset
503-519-2723

12 August 2012

Wasco County Planning Office
Attn: John Roberts, Planning Director
2705 East Second St.
The Dalles, OR 97058

RE: Gabriel Watson Proposal for North Junction
File PLAQJR-12-08-001

To whom it may concern,

I am writing this letter in support of Gabriel Watson and his family members' request to permit a structure on their land next to the Deschutes River. When we first moved to Oregon, over twenty years ago it was this family that introduced our family to the wonders of the Deschutes. They have been caring for and enjoying the river and its shores for as many years as we have known them.

Through his friendship with Gabe, our oldest son was hired as a rafting guide with All Star Rafting for several summers, learning valuable life skills and gaining a strong respect for nature and a continuing connection with the Deschutes.

Gabriel's grandparents, Faye and Harold Erz, were our neighbors in Portland. The old caboose that Harold had moved onto their property and had enjoyed with his family was an early piece of family lore that was shared with us. I know that the entire family mourned when the Caboose was washed away in the flood of 1996.

Gabriel's mother, Leslie Watson, was a friend and an inspiration to me. She was an incredible teacher of young children and a great lover of the outdoors. It was always clear from how she spoke of times on the Deschutes that it was a place that held huge significance for her and that she felt strongly about the importance of preserving its beauty, ruggedness and availability to many, not just a few.

Living her final years with cancer, Leslie chose to spend much time at the Deschutes. It was her dream to build a structure on their new property to replace the Caboose where she had spent many wonderful years. Had she lived, I am confident that Leslie would have overseen the building with the care and attention that she gave to everything she undertook. Sadly, she did not.

It gives me comfort, as I am sure it does her family, that the shores of the Deschutes became Leslie's final resting place. There could be no more fitting tribute to her memory than the completion of a structure where her family and other friends and relatives can continue to enjoy and to share the magic of the Deschutes River for generations to come. I am confident, as I am sure you can be, that before and after approval is obtained, the family will continue to work in close coordination with all the appropriate people and agencies to make sure that the structure they build is well within the parameters of existing uses and laws, and has been completely screened from all views from the river.

Thank you for the opportunity to give you my input. From our close proximity to the area in our home in Mosier, Oregon, I look forward to many future years of enjoying the Deschutes River and its surrounding areas.

Sincerely,
Kristine Harter
PO Box 657
Mosier, Oregon 97040

I would like to have my letter read by the Planning Commission and become 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.

August 22, 2012

Wasco County Planning Office
Planning Director
2705 East Second St.
The Dalles, OR 97058

Regarding:
Gabriel Watson Proposal for North Junction
File PLAQJR-12-08-001

To whom it may concern:

We just learned about Doug Robertson's opposition to the Watsons' building permit application, and felt inclined to send in a note of support for the Watsons. Gabriel and Audrey Watson have been close friends of ours for nearly a decade, and we have had many opportunities to spend time with extended Watson family. The reason we have stayed close to the Watsons is simple -- they are good and caring people. The Watsons love family and care deeply about their friends and are constantly willing to help out others; and we would hate to see good people like Watsons lose an opportunity to celebrate the life of Leslie Watson by having their building permit denied.

From our many experiences at the Deschutes cabin with the Watsons, we can assure you that the Watsons treat the land and river with respect. And, having seen plans for their new cabin, we know that they intend to construct a building that enhances the area. The Deschutes is a special place for the Watsons. A place they go to retreat and rejuvenate, and a place where they enable friends to do likewise. With this new cabin that celebrates Leslie, We are sure they will build something that honors Leslie, the Deschutes, the land, and generations of Watsons to come.

Respectfully submitted,
David and Kerry Shynn

13406 Heritage Way #504
Tustin, CA 92782
949-533-1334

Wasco County Planning Office
Attn: John Roberts, Planning Director
2705 East Second St.
The Dalles, OR 97058

Note: This form letter was submitted by 82 individuals.

Shannon Bading
989 112th Avenue #610
Bellvue, WA98004

Gabriel Watson Proposal for North Junction
File PLAQJR-12-08-001

I vehemently support approval of the Watson application. I understand that some neighbors have voiced concern over this proposal; I believe they have been either misinformed as to the scope and nature of the proposal or are attempting to impose their own ulterior motives. The selfish and self-serving motives of those who have maliciously coordinated opposition to this project are transparent and appalling.

The Erz/Watson family has known the Deschutes River for more than half a century. The cabin will honor the memory of Gabriel's mother Leslie, the original applicant, who lost her 15-year battle with metastatic breast cancer in January of 2012. On riverbank of this land, where Leslie grew from childhood, she finally rests.

Mr. Watson has cooperated at every stage in this lengthy process. His application meets every criterion necessary for approval:

- The proposed structure will not be visible from the Deschutes River. Greater screening than any neighboring property.
- The footprint for the structure is approximately 1100 square feet, consistent with most structures in the vicinity and smaller still than others.
- The variances requested will provide for greater property line and river setbacks than those observed by neighboring properties.
- Proposed Fire Safety modifications will provide dramatic improvement to existing fire protection at North Junction; modification is the necessary alternative to maintenance of a 50' fire fuel break that neighbors neither follow nor will grant Mr. Watson an easement to ensure.
- Mr. Watson has satisfied all requirements of Wasco Sherman Public Health, Oregon Parks and Recreation Scenic Waterways Program, Oregon State Fire Marshalls Office, State and County Watermasters, Department of Environmental Quality, Federal Emergency Management Agency, and Wasco County Planning.
- Proposed structure replaces Caboose that was damaged in 1996 floods, illegally moved to neighboring property, and now sits as an unapproved dwelling in the Land Use Code Enforcement process.

I believe those in opposition seek to covet a place that is intended for the enjoyment of others. Gabriel intends to share this gift with all who value and appreciate the majesty of the river and the peaceful reflection it provides. The applicant has every legal and moral right to proceed and I offer this application my full and unwavering support.

Sincerely,
Shannon Bading

I would like to have my letter considered by the Planning Commission and become 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 Office
John Roberts, Director
2705 E. 2nd Street
The Dalles, OR 97058

Note: This form letter was submitted by 16 individuals

Jeffry and Marla Hennessee
1300 Saratoga Ave
Ventura, CA 93003

To Whom It May Concern:

I fully support the Watson application and urge the County Commission to grant approval. This project honors the legacy of Leslie Watson who eternally rests by the river and who was the initial applicant.

Aesthetically pleasing in design and consistent with the historical use of the subject parcel, the proposed non-farm dwelling must be allowed. Topography and vegetation completely screen the subject parcel from river's view.

All criteria outlined for Conditional Use and Non-Farm dwelling have been met. The applicant has worked cooperatively with Wasco County Planning Department, The Oregon Parks and Recreation Scenic Waterways, Wasco Sherman Public Health, the Oregon State Watermaster, the Oregon State Fire Marshall's Office, Federal Emergency Management Agency, and the Deschutes Club. The process has been arduous. A few select neighbors are now attempting to impose their will on the entire process—lending to unnecessary work and disruption of an already lengthy process.

Approval of this application is consistent with others. The proposed structure will replace a dwelling that was illegally moved from the property by John Hartung following the 1996 floods. The Caboose, which belongs to the applicant's grandfather, now sits illegally on adjacent property. Every other lot in the immediate vicinity has at least one structure and several have more. The Commission granted approval to another structure in 1985, had the decision appealed to the County Commissioners, and saw the approval upheld. This structure will maintain setbacks in excess of most others in the area. Fire safety modifications improve overall safety in the area and fire preparedness for all neighbors.

Oregon State Parks and Recreation granted approval of the project consistent with more than 20 such approvals for residential structures along the Deschutes River. Though the applicant is clearly not required to follow the suggestions of the Scenic Waterways, since more than one year has passed since the original notification of intent, he is still planning to observe all of the no-impact practices recommended.

I understand that a self-interested few oppose this application, citing conservation, grandfathering, or misleading legal interpretation, this is unfortunate. The motives of immediately adjacent property owners, each of whom have several structures on their

respective properties, whose structures in many ways violate the setbacks and rules Mr. Watson has worked tirelessly to observe, should be fully understood:

1. Robertson/Harlow's neighboring dwelling is several times larger than the cabin it was meant to replace. The new structure encroaches on adjacent property in great excess of all but one other—the dwelling owned by John Hartung. Mr. Robertson has left notes for the Watson's explaining that he must be consulted before the Watson's move forward on any project. Mr. Robertson is a chronic complainer with a lengthy record of attempting to negatively influence the rights of adjacent property owners.

2. Mr. Hartung failed in an attempt to defraud Michael and Leslie Watson of their small family cabin. He is currently in the enforcement process with Wasco County for issues of which one is the illegal placement of Harold Erz' (Mr. Watson's Grandfather) on his property. Mr. Hartung has also chronically complained to agencies in an attempt to benefit him or limit the rights of others.

Mr. Watson has reached out to Mr. Harlow, Mr. Robertson, and Mr. Hartung. No input has been offered to Mr. Watson who has sought to engage these neighbors despite their enigmatic, manipulative, and damaging actions toward him. The lack of constructive input is inconsistent with the responses Mr. Watson has received from other owners at North Junction. Mr. Watson seeks to enjoy a respectful community and to have the same rights afforded to his neighbors.

The applicant is a friend of the Deschutes River who seeks to share the river with others. Gabriel Watson has worked as a river guide on the Deschutes River, has volunteered with South Wasco County Ambulance, and donates his time to assist Mark Angel in the recovery of drowning victims and pinned boats on the Deschutes.

I humbly request the County Planning Commission approve this application and allow Mr. Watson to share this property with future generations. This would be consistent with the manner in which it was shared in the past. History, laws, and applications thereof all point in favor of approval.

I thank you for your time and consideration,

Jeffry and Marla Hennessee

PLAQJR-12-08-0001
Watson Application

ADDITIONAL COMMENTS

Received After
January 15, 2013

WASCO COUNTY

John Roberts< Johnr@co.wasco.or.us>

FW: Watson Proposed New Dwelling in Deschutes Scenic Waterway Emailing: P1000083, P1000095, P1000096, P1000097, P1000099, P1000100, P1000103, P1000108, P1000121, P1000123

1 message

Whitlow, Mark (Perkins Cole)< MWhitlow@perkinscoie.com> Wed, Jan 16, 2013 at 2:51 PM
To: Isa Anne Taylor <isa@hoodriverlaw.com>, John Roberts <johnr@co.wasco.or.us>
Cc: Doug Robertson <dougr@easystreet.net>, "Vogel, Stephanie (Perkins Cole)" <SVogel@perkinscoie.com>, "Whitlow, Mark (Perkins Cole)" <MWhitlow@perkinscoie.com>

Isa and John,

I forward Doug Robertson's message of November 21, 2012 and attached photos for submittal into the Watson application hearing record.

We request that the hearing be rescheduled until the Parks Commission reconsiders the use question under the Deschutes River Scenic Waterways Act.

Please advise.

Thanks, Mark

Mark Whitlow | Perkins Cole LLP
PHONE: 503.727.2073
FAX: 503.346.2073
E-MAIL: mwhitlow@perkinscoie.com

-----Original Message-----
From: Doug Robertson [mailto:dougr@easystreet.net]
Sent: Wednesday, November 21, 2012 4:38 PM
To: Isa@hoodriverlaw.com
Cc: Whitlow, Mark (Perkins Cole)
Subject: Watson Proposed New Dwelling in Deschutes Scenic Waterway Emailing: P1000083, P1000095, P1000096, P1000097, P1000099, P1000100, P1000103, P1000108, P1000121, P1000123

MS Taylor;

Here a few of many shots taken from what would be the center of the proposed building a couple weeks ago. Look up the float permits and you will see hundreds of people floated by the two days I was over there. You see the main channel of the river over to the other side as well as the island channels in between. Parks at one point said only the main channel counted for "view" from the river, a requirement I never heard of. One picture shows a chair and two stumps of trees recently removed. There is no 70% shield nor even a 25% shield. The dead pines are what were planted to meet Park's request and draw your own conclusions on whether that was even just a technical compliance to again to say they followed directions and now are being unfairly picked on. I am very concerned they may have a point as the farther the Parks and County gives increments of permission, the more Watson will claim detrimental reliance--it was a hot topic on the case in the Columbia Gorge. I have more pictures showing river users can even see the back of the building site. Remember too that this is ground level. The plans show building doesn't even start until well off the ground level.

I hope you talk to the State land use attorney as well as some of the creators of the Scenic Waterways law. It was never meant to allow the exceptions to strict land use laws that no new dwellings were to be allowed whether they were "screened" or "naked" along the corridor and existing uses would be strictly maintained. If the law said one had 6 months to rebuild a nonpermitted use--that is what it means. Subsequent reversions to the existing zoning, but before Watson purchased the property, would not allow a new dwelling on .25 acres and the Scenic Waterways wouldn't allow it unless totally not visible from ANY point on the adjacent river--side, front, back even if only a roof. So for two strict reasons, this is not to be treated as normal urban or inland property--it is water frontage on one of Oregon's Crown Jewels. Something to think about isn't it?

Again, thanks for your patience and concern.

Doug Robertson
Your message is ready to be sent with the following file or link attachments:

P1000083
P1000095
P1000096
P1000097
P1000099
P1000100
P1000103
P1000108
P1000121
P1000123

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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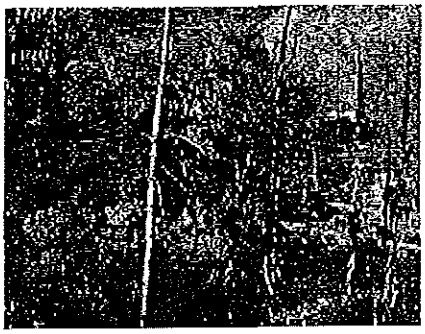
10 attachments



P1000083.jpg
246K



P1000095.jpg
279K



P1000096.jpg
313K



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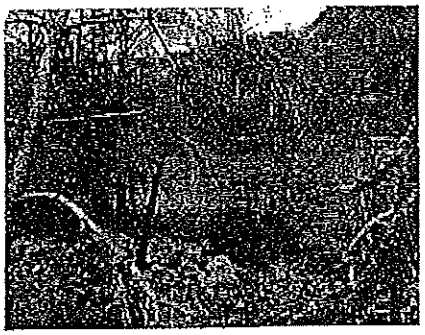
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JORDAN RAMIS PC
ATTORNEYS AT LAW

BY FACSIMILE AND USE MAIL

January 24, 2013

John Roberts
Planning Director
Wasco County Planning Office
2705 E. 2nd St.
The Dalles, OR 97058

Re: **Notice of Representation and Party Status**
PLAQJR-12-08-0001—previously named PLACUP-10-11-0023, PLASTS-10-11-0026, and PLAQJR-10-11-0006
Our File No. 51690-71154

TIMOTHY V. RAMIS

Admitted in:
Oregon

Direct Dial
(503) 598-5573

E-mail
tim.ramis@jordanramis.com

Dear John:

This firm represents Gabriel Watson, applicant for approval of a non-farm dwelling. Please enter me as attorney of record for Mr. Watson. Please also place this letter in the County's file as Mr. Watson's request for party status, which he requests by virtue of being the property owner, applicant, and for having submitted written remarks about this application, with the expectation, too, that other remarks will follow.

Mr. Watson's contact information is: 2815 NE 77th Place, Portland, OR 97213, (503) 729-3521.

JORDAN RAMIS PC

Timothy V. Ramis

cc: Gabe Watson (via US Mail)

WASCO COUNTY

John Roberts< johnr@co.wasco.or.us>

FW: Watson Proposed New Dwelling in Deschutes Scenic Waterway Emailing: P1000083, P1000095, P1000096, P1000097, P1000099, P1000100, P1000103, P1000108, P1000121, P1000123

2 messages

Whitlow, Mark (Perkins Coie)< MWhitlow@perkinscoie.com> Wed, Jan 16, 2013 at 2:51 PM
To: Isa Anne Taylor <isa@hoodriverlaw.com>, John Roberts <johnr@co.wasco.or.us>
Cc: Doug Robertson <dougr@easystreet.net>, "Vogel, Stephanie (Perkins Coie)" <SVogel@perkinscoie.com>, "Whitlow, Mark (Perkins Coie)" <MWhitlow@perkinscoie.com>

Isa and John,

I forward Doug Robertson's message of November 21, 2012 and attached photos for submittal into the Watson application hearing record.

We request that the hearing be rescheduled until the Parks Commission reconsiders the use question under the Deschutes River Scenic Waterways Act.

Please advise.

Thanks, Mark

Mark Whitlow | Perkins Coie LLP
PHONE: 503.727.2073
FAX: 503.346.2073
E-MAIL: mwhitlow@perkinscoie.com

-----Original Message-----
From: Doug Robertson [mailto:dougr@easystreet.net]
Sent: Wednesday, November 21, 2012 4:38 PM
To: Isa@hoodriverlaw.com
Cc: Whitlow, Mark (Perkins Coie)
Subject: Watson Proposed New Dwelling in Deschutes Scenic Waterway Emailing: P1000083, P1000095, P1000096, P1000097, P1000099, P1000100, P1000103, P1000108, P1000121, P1000123

MS Taylor;

Here a few of many shots taken from what would be the center of the proposed building a couple weeks ago. Look up the float permits and you will see hundreds of people floated by the two days I was over there. You see the main channel of the river over to the other side as well as the island channels in between. Parks at one point said only the main channel counted for "view" from the river, a requirement I never heard of. One picture shows a chair and two stumps of trees recently removed. There is no 70% shield nor even a 25% shield. The dead pines are what were planted to meet Park's request and draw your own conclusions on whether that was even just a technical compliance to again to say they followed directions and now are being unfairly picked on. I am very concerned they may have a point as the farther the Parks and County gives increments of permission, the more Watson will claim detrimental reliance--it was a hot topic on the case in the Columbia Gorge. I have more pictures showing river users can even see the back of the building site. Remember too that this is ground level. The plans show building doesn't even start until well off the ground level.

I hope you talk to the State land use attorney as well as some of the creators of the Scenic Waterways law. It was never meant to allow the exceptions to strict land use laws that no new dwellings were to be allowed whether they were "screened" or "naked" along the corridor and existing uses would be strictly maintained. If the law said one had 6 months to rebuild a nonpermitted use--that is what it means. Subsequent reversions to the existing zoning, but before Watson purchased the property, would not allow a new dwelling on .25 acres and the Scenic Waterways wouldn't allow it unless totally not visible from ANY point on the adjacent river--side, front, back even if only a roof. So for two strict reasons, this is not to be treated as normal urban or inland property--it is water frontage on one of Oregon's Crown Jewels. Something to think about isn't it?

Again, thanks for your patience and concern.

Doug Robertson
Your message is ready to be sent with the following file or link attachments:

P1000083
P1000095
P1000096
P1000097
P1000099
P1000100
P1000103
P1000108
P1000121
P1000123

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

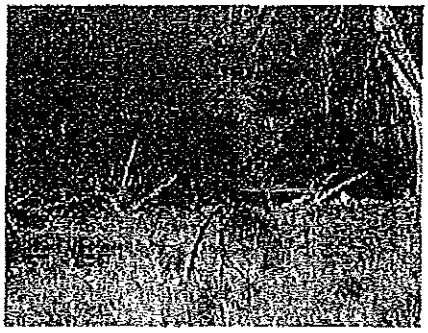
IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Cole LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

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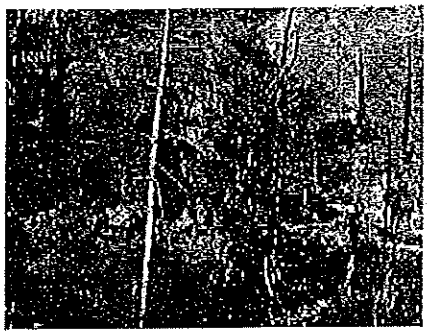
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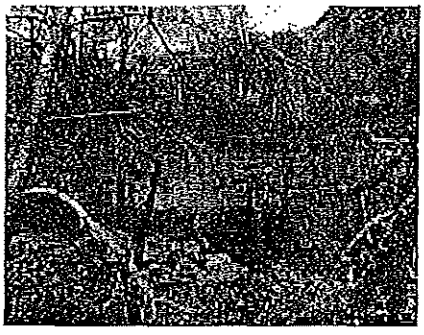
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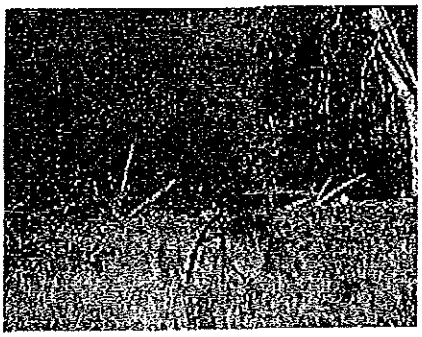
Whitlow, Mark (Perkins Coie)< MWhitlow@perkinscoie.com> Mon, Jan 28, 2013 at 4:54 PM
To: Isa Anne Taylor <isa@hoodriverlaw.com>, John Roberts <johnr@co.wasco.or.us>
Cc: Doug Robertson <dougr@easystreet.net>, "Vogel, Stephanie (Perkins Coie)" <SVogel@perkinscoie.com>, "Whitlow, Mark (Perkins Coie)" <MWhitlow@perkinscoie.com>

Isa and John, I forward additional pictures from Doug Robertson that show how visible the Watson's lot is from the Deschutes River. Please make these photos part of the hearing record and distribute them to the Planning Commission as attachments to the staff report. Thanks, Mark

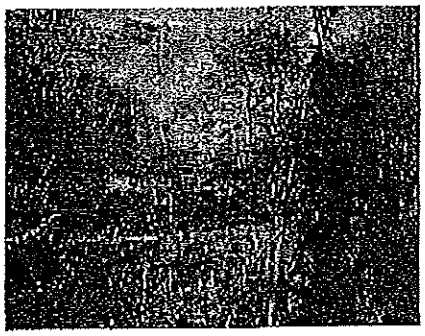
Mark Whitlow | Perkins Coie LLP
PHONE: 503.727.2073
FAX: 503.346.2073
E-MAIL: mwhitlow@perkinscoie.com

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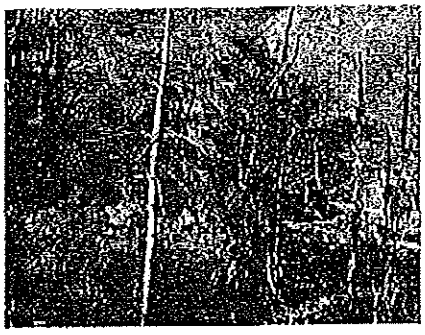
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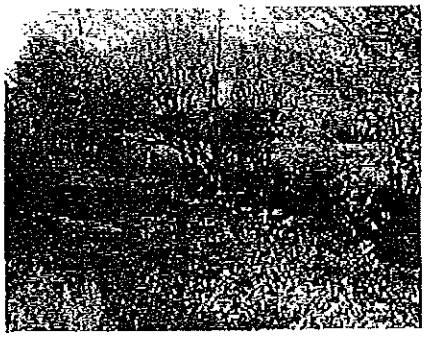
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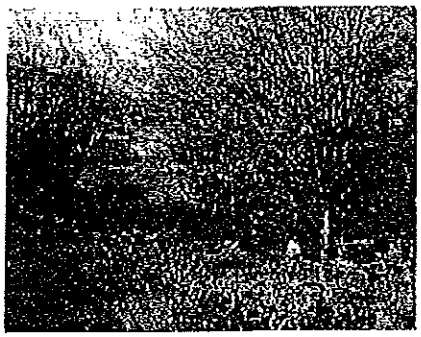
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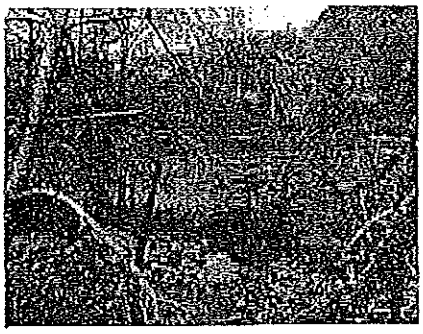
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V064-2

Wasco County Planning
2705 East Second St.
The Dalles, OR 97058

January 28, 2013

Erika Yoshida
4239 NE 79th
Portland, OR 97218

Re: Watson Application to Build

To whom it May Concern:

Please add me to the list of those who support the Watson application to build on the Deschutes River.

The proposed structure is consistent in size and stature of others in the area and the Watson family sought to work with every possible interested party.

The Deschutes River has been a place of recreation for my family and me for several years. I know the location of the proposed dwelling well; from the river there will be no impact as a result of the proposed structure.

I believe the opposition is little more than costly attorneys and a limited number of individuals who have employed a complex and expensive system of smoke and mirrors in an attempt to outspend Watson's. At the heart of their opposition is an obsessive legacy—unfortunately, absolute power over the Deschutes River is the Mt. Everest Mr. Robertson hopes to climb.

Gabe is a generous and open-minded individual who has sought the input of all neighbors. He has requested information and input from anyone, including state agencies and has been receptive to every request. Few applicants can be so cooperative and face such scrutiny.

The Deschutes for the Watson family is a legacy—not one of possession—but one of solace and sharing. Leslie Watson was a woman who loved the Deschutes for its ability to bring the world together on a platform of such natural beauty that all could peacefully coexist—Mr. Robertson's attempt to disrupt this is unfortunate at best. Again, I request the commission grant approval to Mr. Watson for this application. No matter which angle this application is viewed from—approval is the only appropriate conclusion.

Thank you,

I would like to have my letter considered by the Planning Commission and become 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.

August 17, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

I own land at North Junction. This letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter a part of your hearing record.

The proposed dwelling should not be allowed or is too large for the small site. I believe that proposal from the new owners of the very small parcel of land to build a two-story, two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act or, alternatively, is too intensive for that site in many ways. This position is based on the information below.

The Deschutes River Scenic Waterway administrative rules for this reach of the river state that: "Additional dwellings...are not permitted". See attached copy. The site has never had a dwelling on it, except for the old RR caboose which was placed there in 1958 and which was washed off the site in the 1996 flood. Everyone was given six months after the flood to replace their grandfathered dwellings. The owner of this site at the time elected not to do that, so the grandfathered right to have the caboose as a dwelling on that site was lost.

If they are somehow allowed to erect a new dwelling at this late date in spite of the above, the proposed, two-story, two-family dwelling and storage shed are too large for the small .25 acre site. They leave no room for the required setbacks, including the required 50' fire fuel break around the structures, they have inadequate room for a septic field, they have no access or utility easements, and they are providing no room for vehicle parking on their site.

If allowed a dwelling, they are asking to push the limits of the Code with requests for variances and modifications:

- from the required 100' setbacks from all property lines (to only 25' on the side property lines; and

- from the required fire safety standards for a 50' wide fire fuel break around the proposed dwelling and shed to some alternative fire suppression system with an automatic sprinkler system that would be certain to fail in a fire where the power would be lost.

I want to work with our neighbor, but the application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place.

Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Respectfully submitted,

(A) The operation complies with the relevant Forest Practices Act rules;

(B) Harvest and management methods with low visual impact are used;

(C) The harvest or vegetation management does not degrade the riparian buffer of any waterway; and

(D) The harvest or vegetation management is designed to enhance the scenic view within a reasonable time (5–10 years). For the purposes of this paragraph, "enhance" means to benefit forest ecosystem function and vegetative health by optimizing forest stand densities and vegetative composition, fostering forest landscape diversity and promoting sustainable forest values.

(i) Improvements needed for public outdoor recreation use or resource protection may be visible from the river but shall be primitive in character and designed to blend with the natural character of the landscape.

(j) Proposed utility facilities shall share existing utility corridors, minimize any ground or vegetation disturbance, and employ non-visible alternatives when reasonably possible.

(k) Whenever the standards of OAR 736-040-0035 and section (2), subsections (c) through (j) of this rule are more restrictive than the Grant County Land Use and Development Ordinance, the above Oregon Administrative Rule shall apply.

Stat. Auth.: ORS 390.124
Stats. Implemented: ORS 390.845(2)
Hist.: PRD 10-2000, f. & cert. ef. 9-1-00

736-040-0070
Deschutes River Scenic Waterway

(1) Deschutes River Scenic Waterway Recreation Area:

(a) ORS 390.932 creates the Deschutes River Scenic Waterway Recreation Area. ORS 390.934 directs the Department to adopt a management plan by rule to administer the Deschutes River Scenic Waterway Recreation Area. ORS 390.124 authorizes the Commission to adopt rules to carry out the duties, functions and powers imposed by law upon the Commission and the Department.

(b) Pursuant to ORS 390.934, the Commission adopts by reference the Lower Deschutes River Management Plan and Environmental Impact Statement, Volume 1 (January 1993), and the Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System, (June 1997) as the management plan for the Deschutes River Scenic Waterway Recreation Area. Copies of the Lower Deschutes River Management Plan and the Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System are available from the Oregon Parks and Recreation Department, 725 Summer St N.E., Suite C, Salem, OR 97301.

(c) The state managing agencies, including the Department, Department of Fish and Wildlife, Oregon State Marine Board, and Oregon State Police and the local managing agencies, including Sherman, Wasco and Jefferson Counties and the City of Maupin shall perform their management responsibilities relating to the Deschutes River Scenic Waterway Recreation area according to the management plan adopted by this rule and ORS 390.805 to 390.925 and 390.930 to 390.940.

(d) The Confederated Tribes of Warm Springs and the Bureau of Land Management are encouraged to exercise their jurisdiction and to manage their lands in a manner consistent with the management plan adopted by section (3) of this rule and with ORS 390.805 to 390.925 and 390.930 to 390.940.

(2) 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.

(b) Within the Recreation River Area described in subsection (2)(a), the Department may not permit any new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection.

(c) Additional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels and lodges which are visible from the river, will not be permitted.

(3) River Community Areas:

(a) The segment of the scenic waterway extending from Pelton Re-Regulating Dam downstream approximately four miles to 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, is classified as a River Community Area. The shoreline and related adjacent lands opposite the City of Maupin, as its boundaries were established on December 3, 1970, is likewise classified as a River Community Area.

(b) Within the River Community Areas described in subsection (3)(a), when consistent with Jefferson County and Wasco County zoning ordinances, the Department may permit uses and structures including agriculture, single-family and multiple-family dwellings, churches, lodges, resorts, motels, transient public trailer parks, and necessary public service facilities. The Commission may establish permitted densities of improvements and structures which are visible from the river after consultation with the appropriate county planning commission, the State Fish and Wildlife Commission, the U.S. Bureau of Land Management, the City of Maupin or the Warm Springs Confederated Tribes and such other persons and agencies as the Commission may select.

(4) Public use of the Deschutes River Scenic Waterway:

(a) Policy: The Commission finds that in order to protect and enhance the Deschutes River Scenic Waterway's unique aesthetic, scenic, fish and wildlife, scientific and recreational features, and because these outstanding and unique features caused this river segment to be designated by the people of Oregon as a scenic waterway, it is necessary to adopt rules for public recreation use of the lands and waters within this scenic waterway area. These rules have as their basis the need to protect and preserve the waterway's outstanding scenic beauty and natural features while maintaining the river's wide range of recreational opportunities. Therefore, in accordance with the management requirements of ORS 390.845, the following rules shall be adhered to by persons using the Deschutes River Scenic Waterway for recreation purposes. These rules are in addition to other rules of the Commission promulgated for the management of all scenic waterways. Where more restrictive or specific than the general rules, these rules will prevail over the general rules except in the instance of private property owners where only OAR 736-040-0035 (Rules for Land Management) or this rule shall apply.

(b) Restricted Areas:

(A) All persons using the Deschutes River Scenic Waterway shall be advised that the Confederated Tribes of the Warm Springs Reservation of Oregon have closed all Reservation lands to public use except by permit. This closure, enacted by the Confederated Tribes, also affects all islands west of the middle of the river between the Pelton re-regulating dam and the north boundary of the Reservation near Two Springs Ranch at the power boat deadline.

(B) All persons using the Deschutes River Scenic Waterway shall be advised that the Confederated Tribes of the Warm Springs Reservation of Oregon own the east and west banks of the Deschutes River between Sandy Beach and the State Route 16 bridge crossing downstream from Sherars Falls. Sandy Beach shall be the last designated boat take out upstream from Sherars Falls. The banks of the Deschutes River from Sandy Beach downstream to the State Route 16 bridge crossing, including the former take out on the west bank of the Deschutes River immediately upstream from Sherars Falls, shall be closed to boat put in or take out. Plan at page 74.

(C) All persons using the Deschutes River Scenic Waterway shall be advised that the Deschutes River from the upstream end of Rattlesnake Rapids at about river mile 2.5 and extending downstream to the no wake zone at the downstream end of Moody Rapids at about river mile .5 is a pass through zone. All floating craft, except float tubes, shall pass through this segment of river and shall not stop along or tie up to the riverbank except in the event of an emergency. Plan at pages 58-60.

(D) Nothing in these rules gives to any person any right to trespass on the private property of others or in any way alters the rights of private property owners in regards to trespass.

Wasco County Planning
2705 East Second St.
The Dalles, OR 97058

From,
Samuel Watson

RE:

Gabriel Watson Proposal for North Junction

File PLAQJR-12-08-001

To Whom It May Concern:

My name is Samuel Watson, I am the son of Leslie Watson and the brother of Gabriel Watson; I do not have an ownership interest in any property on the Deschutes River; still, my family ties to the Deschutes River are lifelong. I have for my entire life sat and watched as my family struggled against the political forces that exist on the Deschutes River at North Junction.

North Junction is a sacred place. My family prides ourselves on sharing this magical destination with family and friends—though our enjoyment of the Deschutes River is not limited to solo fishing and hunting trips—we do exist and respect the river and her environs in a manner that is consistent with the tranquility that abounds along her shores.

I believe that the legal aspects of this application are clear and that my brother has a clear and unquestionable right to proceed as per his application. I have read the Scenic Waterway laws, Wasco County LUDO, and administrative guidelines. The decision to grant approval MUST be made using those standards and those standards alone. Still, as I believe there could be substantial resistance to approval AND I believe that either Hartung or Robertson will be responsible; it is imperative that the County consider the character of those who oppose this application. I have, for as long as possible, withheld judgment—asking only for my brother to forward to me correspondence as it relates to the development of the property. With the greatest objectivity possible I have reached the following conclusions. I have attached email chains, transcribed letters, and other information—I ask that this be printed and made part of the permanent record.

A quick read of the enclosed reveals the depth of manipulation Doug Robertson has prompted his soldiers to enact. Discrepancies abound, contradictions, and lies. These letters are the mawkish works of a man whose megalomania now grossly extends into the rights of others. There is NO reasonable standard by which Doug can be validated—I understand and respect his right to be heard—I humble request he be heard as the person he truly shows himself to be.

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I have included the full text of the emails as attachments: the following are highlights from correspondence over the years. The hard copy of the letter, transcribed and included, is in my brother's possession. Either these are attempt by Doug to deceive or Doug is truly delusional. What was at one time perhaps a healthy love and respect of the Deschutes has grown into a dangerous obsession:

With regard to the existing structure Doug argues to the County:

"There was a small railroad caboose squeezed onto the property and it was washed downstream after the flood." (Email from Doug Robertson to Greg Ciannella, July 25, 2012)

In another correspondence Doug hints that my parents cabin might not be there own: "It's the cabin formerly Johnson but now? which Watson's have always occupied." (Email from Robertson to Ciannella, Aug 7,2010), and then explains to my brother "I was one of the few people at North Junction that listened to your request and agreed to testify at your hearing to get you returned to North Junction."

Doug believes the River is ONLY HIS to enjoy:

"This is the Crown Jewel of our legacy..."(Email from Doug Robertson to Gabe Watson, August 26, 2012)

"The Robertson Family considers the Deschutes River and this place of ours a sacred place. There is even a park on the Deschutes named after us for this dedication to our lives." (Undated Letter from Doug Robertson to Leslie Watson)

"You have now taken something very important to us—our view we love—and it is not a game to us." (Letter from Doug Robertson to Leslie Watson)

"I believe that you will do the right thing and not commence construction without involving us," (Letter from Doug Robertson to Leslie Watson).

"reconsider the floodgate that you may have inadvertently opened. It is more costly than you may have imagined and not just monetarlily." (Email from Doug R. to Gabe Watson August 26, 2012)

Doug Robertson contradicts himself on several occasions:

"I was sort of designated the person to bring this matter to the attention of the State and County." (Email from Doug R. to G. Watson August 26, 2012)

But on January 24th in a separate email he states: "Lastly, I enlisted the support of many of the interveners and I can unenlist them I am confident as they depend on my judgment on harm to the river and some were just interested in supporting my legacy on a personal level. If I can I live with it they would too." Later he writes: "I don't even know if it will

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sell with the guides and environmental groups that have contacted me and want to attend the hearing."

As recently as last week Doug verbally offered to withdrawal his opposition if my brother would postpone the Planning Commission hearing. When asked to put the proposal in writing—he was elusive.

Doug represents himself as the person chosen between Hatton, Harlow, Whitlow, and Robertson:

"Harlow hired Whitlow for another matter yet on our joint land we sometimes share expenses. Gabe you can't believe your neighbors aren't talking about you to each other. In a conversation Whitlow wanted to keep working [presumably against our application] but to justify all the time to his partners he needed a paying client." And [John] owes me money from long ago—I only mentioned he will be an indirect beneficiary of my struggle/cost and like you I asked for help from him last week (and many of your neighbors who are against what you are doing whether they tell you or not).

Using litigation as an attempt to honor Doug Robertson's legacy of power and influence on the river seems a clear abuse of the system.

These are just a few of the statements made by Doug in an attempt to alter the correct course of these proceedings. Nobody should ever be subject to this sort of delusional opposition. This is unhealthy for the entire Deschutes River community. I don't know who it falls upon to protect the applicant from this sort of onslaught, but the allowance of this behavior works only to disrupt a system that, while imperfect, is equally applied to all.

I request that this letter and the attached correspondence be made part of the record at the commission hearing. Please grant me status as allowed by Wasco County law.

1/28/15

Samuel Watson

4239 NE 79th
Portland, OR 97218

I would like to have my letter considered by the Planning Commission and become 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

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Wasco County Planning Department

"Service, Sustainability & Solutions"

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

AFFIDAVIT OF MAILING

APPLICANT: Gabe Watson

FILE NUMBER(S): PLAQJR-12-08-0001

I, John Roberts, do hereby swear that on the 15th day of January, 2013, I was the Planning Director for the Wasco County Planning Department, County of Wasco, State of Oregon, and I caused to be mailed to the attached list on the above mentioned date a copy of the referenced Prenotice, dated January 15th, 2013, and Attachments as follows:

Signature: JDR

State of Oregon)

County of Wasco)

Signed and affirmed to me on January 15, 2013, by John Roberts, Planning Director.

Brenda L Jenkins
(Notary Signature)

Notary Public
(Title)

OFFICIAL SEAL
BRENDA L JENKINS
NOTARY PUBLIC-OREGON
COMMISSION NO. 464550
MY COMMISSION EXPIRES FEBRUARY 24, 2016

ACCOUNT	OWNER	MAILING_AD	MAIL_CITY	MAIL_STATE	ZIP_CODE
12780	Robertson Family Investment LLC (Harlow)	29 HILLSHIRE DR	LAKE OSWEGO	OR	97034
12782	KNAKL CO/PARTNER	2646 SW DAVENPORT CT	PORTLAND	OR	97201
12783	WATSON GABRIEL A	1824 SE TAYLOR ST	PORTLAND	OR	97214
12784	HARTUNG JOHN S	15143 SE THORNTON DR	PORTLAND	OR	97267
12781	WILSON JR O MEREDITH ET AL	202 NW 20TH AVE	PORTLAND	OR	97209
16601	ROBSON ROBERT M ET AL	10731 NE MORRIS	PORTLAND	OR	97220
12785	GEMMET MICHAEL ET AL	PO BOX 950	VANCOUVER	WA	98666
12786	SHIELDS PAUL D	1725 SW 89TH AVE	PORTLAND	OR	97225
16543	UNITED STATES OF AMERICA	3050 NE 3RD ST	PRINEVILLE	OR	97754

changed on 1-23-13
To mailing →

Michael
Gemmet
POB 13679
PDX 97213

Agency	Care_of	Mail_ad	Mail_ city	Mail_state	Zip_code	Email
On Master Email Notification List:						
County Sanitarian		See Email				glennp@co.wasco.or.us
						johnz@co.wasco.or.us
	Kevin Dworschak					kevind@co.wasco.or.us
	Alyssa Borders					alyssab@co.wasco.or.us
Wasco County Health Dept	Teri Thalhofer					TeriT@co.wasco.or.us
Mid Columbia Building Codes Services	Bob Futter	See Email				robert.futter@mccog.com
						kristyb@co.wasco.or.us
County Watermaster	Sandy Smith	See Email				sandys@co.wasco.or.us
	Bob Wood	See Email				robert.l.wood@wrd.state.or.us
County Assessor		See Email				darlenel@co.wasco.or.us
						donnam@co.wasco.or.us
						melanieb@co.wasco.or.us
						brandonj@co.wasco.or.us
						suea@co.wasco.or.us
						timl@co.wasco.or.us
County Public Works	Marty Matherly					martym@co.wasco.or.us
County District Attorney	Eric Nisley	See Email				ericn@co.wasco.or.us
State Building Codes		See Email				Stephanie.J.Ziegler@state.or.us
NRCS	Ron Graves	See Email				ron.graves@or.nacdnet.net
State Fire Marshal's Office- County	Heather Miller	See Email				heather.miller@state.or.us
State Fire Marshal's Office- The Dalles/Mosier	Ted Megert	See Email				ted.megert@state.or.us
Oregon Dept. of Fish & Wildlife	Jeremy Thompson	See Email				jeremy.l.thompson@state.or.us
Oregon Dept. of Fish & Wildlife	Rod French	See Email				rod.a.french@state.or.us
Oregon Dept. of Forestry	David Jacobs	See Email				djacobs@odf.state.or.us
OR Dept. of Land Conservation & Dev.	Jon Jinings	See Email				jon.jinings@state.or.us
OR Dept. of Land Conservation & Dev.	Karen Swirsky	See Email				karen.swirsky@state.or.us
Office of Michael J Lilly		See Email				mikelilly@michaeljlilly.com
Kathleen Fitzpatrick		See Email				kfitzz77@gmail.com
Bonneville Power Admin		See Email				rowapplications@bpa.gov
The Dalles Chronicle	Keri Brenner	See Email				kbrenner@thedalleschronicle.com
OR State Highway Division, Bend	Ana Jovanovic	See Email				ana.jovanovic@odot.state.or.us
OR State Highway Division, The Dalles	Brad DeHart	See Email				bradley.k.dehart@odot.state.or.us
OR State Highway Division, The Dalles	Robert Perisho	See Email				Robert.A.Perisho@odot.state.or.us
Reviewing Planner to Notify:						
Oregon Parks and Recreation Department	Greg Ciannella					greg.ciannella@state.or.us
Bureau of Land Management: Prineville District	3050 N.E. 3rd St.		Prineville	OR	97754	BLM_OR_PR_Mail@blm.gov
Confed. Tribes of Warm Springs	Sally Bird	PO Box C	Warm Spring:	OR	97761	sbird@wstribes.org
Confed. Tribes of Warm Springs	Elmer Ward					eward@wstribes.org

NOTICE OF QUASI JUDICIAL PUBLIC HEARING
WASCO COUNTY PLANNING COMMISSION

HEARING DATE & LOCATION INFORMATION: NOTICE IS HEREBY GIVEN that the WASCO COUNTY PLANNING COMMISSION will conduct a public meeting on Tuesday, February 5th, 2013, beginning at 3:00 pm in the Gorge Discovery Center, Lower Level Classroom, The Dalles, Oregon 97058. *The meeting facility is handicapped accessible, and language interpreters are available with one week notice. Please call (541) 506-2560, if you need special accommodations to attend the work session.*

Hearings before the Wasco County Planning Commission are governed by ORS 197.763 and ORS 215.402 to 215.431, Section 2.180 of the Wasco County Land Use and Development Ordinance. The meeting agenda includes the following:

HEARING DETAILS: File PLAQJR-12-08-0001 (previously named: PLACUP-10-11-0023_PLASTS-10-11-0026_PLAQJR-10-11-0006). Request by owner and applicant, Gabriel Watson, for review of the following:

- 40' x 28' x 24' (1,120 square foot), non-farm dwelling
- 18' x 12' x 12' (216 square foot) shed
- Variance to property line setbacks. Requested setbacks are as follows:
  - 25' from front and rear property line
  - 25' from side property lines
  - 25' from Deschutes River
- Floodplain Development Review of requested structures located within the FEMA delineated floodplain
- Modification to Wasco County Fire Safety Standards Review

The property is within the A-1 (160) zone within Wasco County. The subject property is located in the North Junction of the Deschutes River Access Road, approximately 19.6 miles south of the City of Maupin, Oregon. The property is further described legally as: 7S 14E 8D 300.

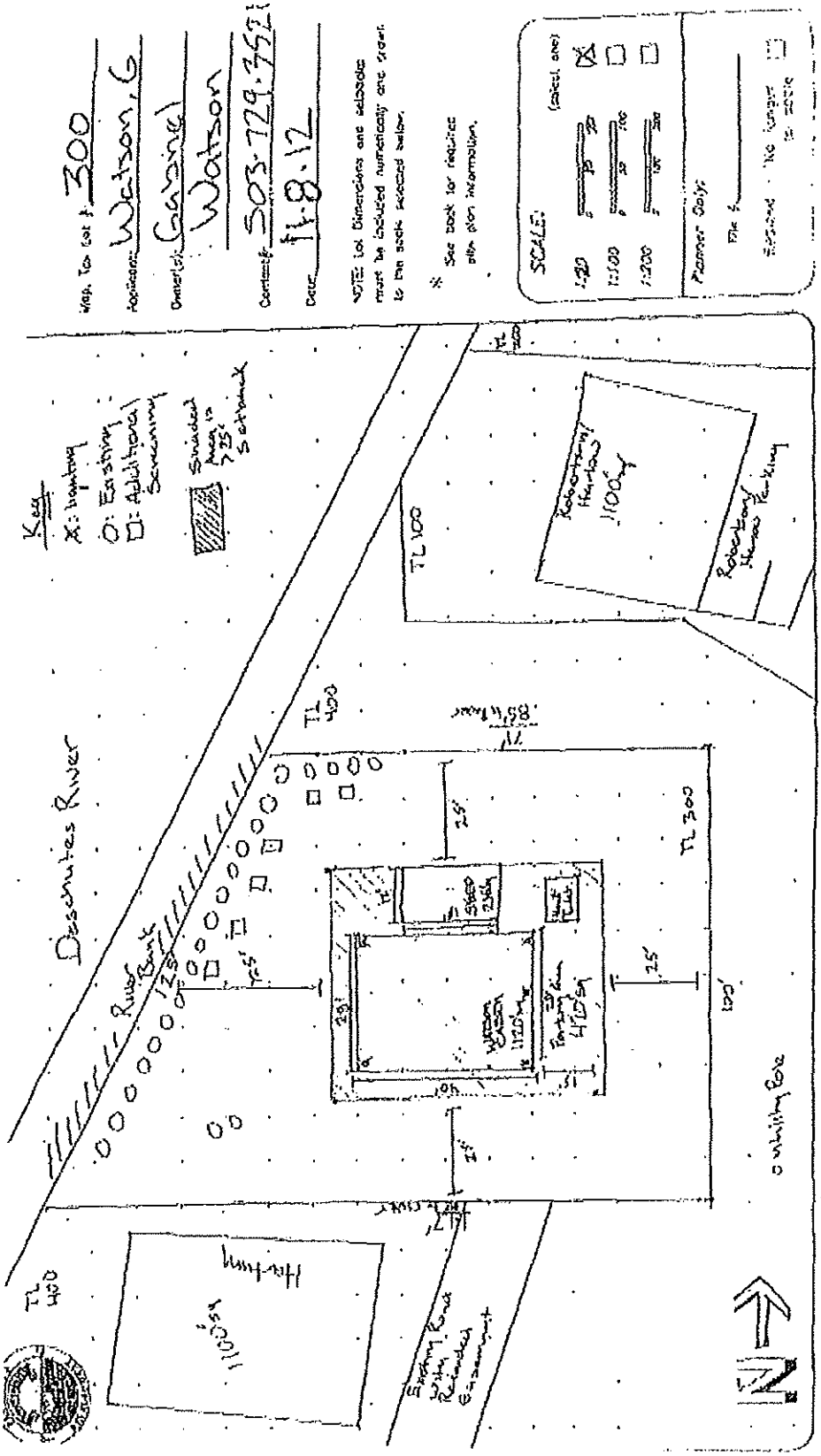
REVIEW AUTHORITY: Chapter 2, Section 2.060.B.8 & 14 of the Wasco County Land Use and Development Ordinance. REVIEW CRITERIA: Chapter 3 (Basic Provisions), Section 3.210 (Exclusive Farm Use zone), Section 3.210 (F) Setbacks, Section 3.740 (Flood Hazard Overlay), Section 3.910 (EPD 7 Natural Area- Wild and Scenic Rivers Boundary Area); Chapter 5 (Conditional Use Review); Chapter 6 (Variances); Chapter 10 (Fire Safety Standards).

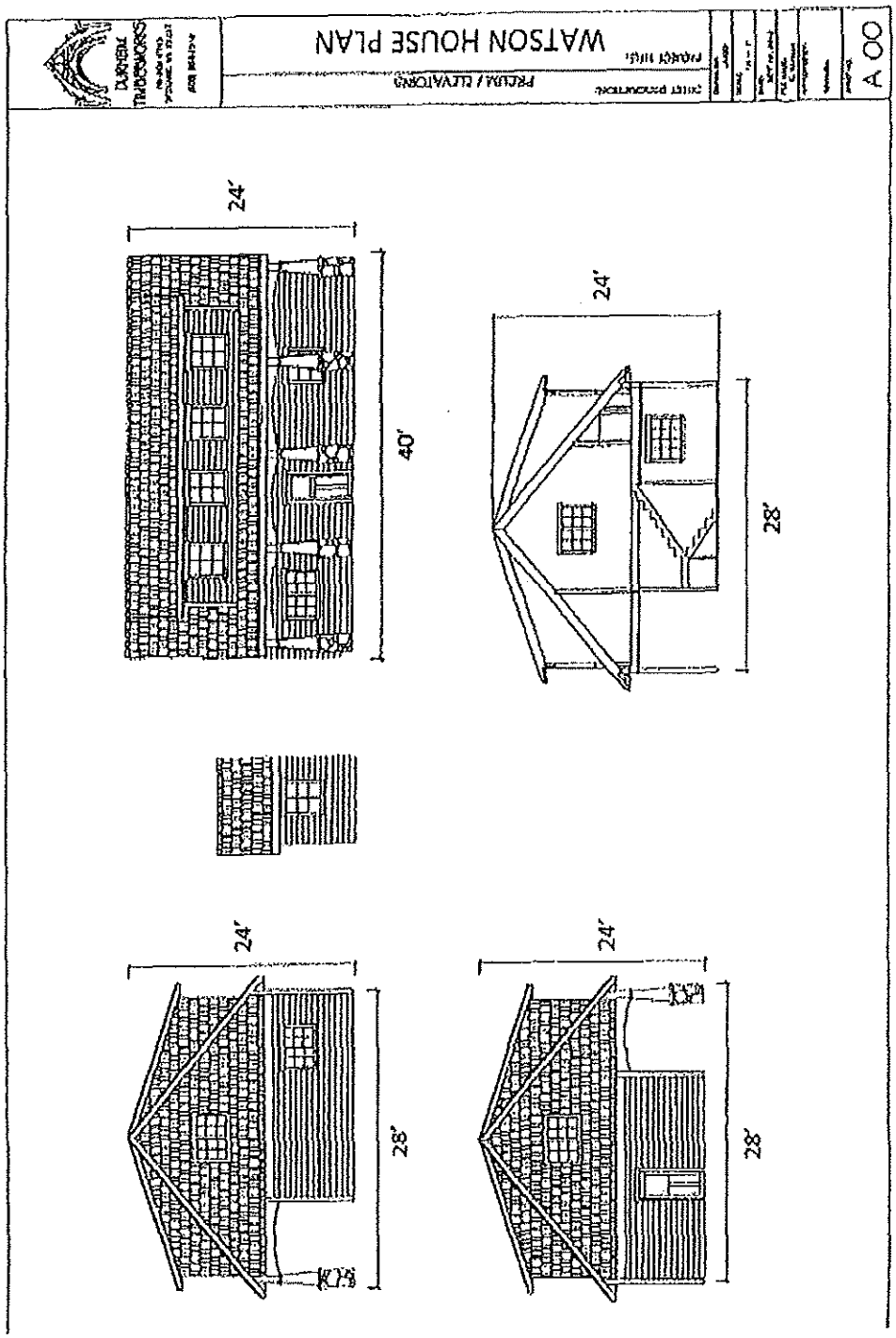
QUESTIONS/COMMENTS are to be submitted in writing to the Wasco County Planning Office, 2705 East Second St., The Dalles, Oregon 97058, or in person at the hearing. Testimony and evidence must be directed toward the listed review criteria or land use regulation which the person believes to apply to that decision. Questions and comments regarding PLAQJR-12-08-0001 or the public hearing should be directed to: John Roberts, Planning Director, at (541) 506-2563 or e-mail: wcplanning@co.wasco.or.us.

AVAILABILITY OF INFORMATION: A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable costs. Any staff report or memo prepared for the hearing shall be available for inspection at no cost seven (7) days prior to the work session and will be available online at: **http://co.wasco.or.us/planning/default.html.**

APPEAL INFORMATION: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Board of Commissioners based on that issue.

[Publication Date: January 15th, 2013]


Map, Tax Lot # 300
Applicant: Watson, G
Owner(s): Gwendel Watson
Contact#: 503-729-7521
Date: 11.8.12
NOTE: Lot Dimensions and setbacks must be included numerically and drawn to the scale selected below.
* See back for required site plan information.
SCALE: (select one)
1:50
1:100
1:200
Planner Only:
File #
Approved - No longer to scale
Key
X: Existing
O: Existing
□: Additional
Screened Area 75' Setback
TL 100
TL 400
TL 300
Deschutes River
Riverfront Setback
Existing Road & Utility Easement
Existing Pole
Retaining Wall
Retaining Wall Height
Retaining Wall Length
Steps
Patio
Water Feature
Water Feature Length
Water Feature Height
Existing Pole
Existing Road & Utility Easement
N


WATSON HOUSE PLAN
A 00
24'
40'
24'
28'
24'
28'
24'
28'

PLAQJR-12-08-0001
Watson Application

APPLICATION

PLAQJR-12-08-0001
Watson Application

APPLICATION

Wasco County Planning Department

"Service, Sustainability & Solutions"

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

File Number(s): PLACUP-10-11-0023

PLAQJR-12-08-0001

Associated M37 File # _____ Revised Application 7/31/12

Date Submitted: 11/8/2010 Planner Initials: JM 7/31/12 Date complete: _____ Planners Initials: _____

Applicant/Owner Information:

Applicant(s) Gabriel Watson Property Owner(s) _____

Mailing Address 1824 SE Taylor Mailing Address _____

Portland, OR, 97214

Phone (H) _____ (W) _____ Phone (H) _____ (W) _____

Email Watsongabe@gmail.com Email _____

Requested Structure(s)/Use(s):

Recreational Property (cabin) w/ Shed

Property Information

Map # 7S14E8D Tax Lot# 300 Acct # 12703 Acreage .25 Zoning EFU, A-1 (160)

Property location: N. Junction, OR

Property Address: _____ Tax Status: _____

Water Source: River Pump

Sewage: _____

Power: Elevated

Contiguous Ownership: _____

Legal Access: Road & Easement

Current Use of Property: Recreational Use of Adjacent Properties: Recreational

Legal Parcel Status:
1st pre-Sept. 4, 1974 Deed No., Partition, or Subdivision 71-0815 Date Filed June 9, 1971

Current Deed No. 2007-000233 Date Filed Jan. 24, 2005
2012-001016 May 9, 2012

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

Pre-Application Conference:
Per Section 2.050, a pre-application conference is required for a subdivision, planned unit development, conditional use, farm dwelling or site plan review for a home occupation outside the NSA.

Do you wish to waive the pre-application conference? ☐Yes ☒No
Planner: Conference Date: 4/5/10 Conference Time: ~~10:30~~ 10:30

Signatures:
Applicant(s) Date 7/31/12

Date

Property Owner(s) Date

Date

Date

Date

Date

Date

PLEASE NOTE: Before this application will be processed, you must supply all the requested information including but not limited to a site plan, elevation drawings and responses to all listed or referenced criteria pursuant to the attached instructions. Pursuant to ORS 215.428 this office will review the application for completeness and notify the 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.

PLAQJR-12-08-0001
Watson Application

Additional Information Submitted & Applicable to Application

Submitted: November 9, 2012

INCLUDES NARRATIVE & DISCUSSION OF:

- Statement of Facts
- Applicable Oregon Administrative Rules (OARs)
- Previous Approvals
- Conditional Use Permit Criteria
- Wasco Comprehensive Plan Consistency
- Compatibility Considerations
- Non-Farm Dwelling Criteria
- Variance Criteria

PLAQJR-12-08-0001
Watson Application

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- Compatibility Considerations
- Non-Farm Dwelling Criteria
- Variance Criteria

Friday, November 9, 2012

To: John Roberts, Director of Planning, Wasco County Oregon

From: Gabriel A. Watson, Applicant

Re: Watson Application for TL 300

John,

Here is a brief account of the laws and additional information to assist you in your processing of my application. We are prepared for the County Hearing on December 4th.

Thanks.

Statement of Facts:

In 1958 Harold Erz entered into an agreement with Ed Welch to place a retired railroad Caboose onto the subject parcel. In the Spring of 1996 a flood dislodged the Caboose from its foundation tipping the Caboose on its side. The dwelling remains intact, it was illegally moved from subject parcel (Watson) to adjacent parcel(Hartung), where it now rests as an illegal structure.

In 2009, Gabriel Watson and Leslie Watson purchased the subject parcel outright from the Vicki Welch, daughter of Ed Welch, Harold Erz' partner. Watson's immediately contacted Wasco County and Oregon Parks and Recreation and began discussions for approval to build a cabin to recover usage of the lot. Following the direction of Wasco County Planners, and Oregon Parks and Recreation representatives, Watson's applied for a "new structure," although it was agreed that they could apply for a replacement structure alternatively. On April 19, 2010 Watson's submitted Notice of Intent to Oregon Parks and Recreation, this was a complete application; Watson's also applied to Wasco County Planning Department (Conditional Use Permit, CUP for Non-Farm Dwelling, and Variance to setbacks). In early December 2010 (approximately the 14th) a Wasco County Planner, Gary Nychek, met with Gabriel Watson and performed a site visit. Leslie Watson, due to illness, was unable to attend.

On January 14, 2011, Leslie Watson died. Greg Ciannella, administrator of Oregon Scenic Waterways Program on the Lower Deschutes River, requested an amended Notification of Intent from Gabriel Watson, removing Leslie's name and making Gabriel Watson the sole applicant. Second Notice of Intent is deemed complete on May 19, 2011. Oregon Parks and Recreation distributed notice to affected entities, and no comments were received. Greg Ciannella performed a site visit. Following

the visit, Ciannella conditioned approval on the planting of several trees to ensure complete screening of the proposed structure from the Deschutes River. Watson planted several trees. Greg Ciannella revisited the site, confirmed the trees were planted, and on March 5, 2012, Oregon Parks and Recreation Commission granted approval to build.

In August of 2012, Wasco County Planning Department distributed notice to adjacent property owners of the application and of the Wasco County Planning Commission hearing related to the Watson application. The hearing was scheduled for early September 2012. On August 23, 2012, Greg Ciannella informed Gabriel Watson and Wasco County that the State of Oregon DOJ has recommended OPRD Commission withdraw approval pending further review of the Scenic Waterway laws as they apply to the Lower Deschutes River and Watson approval.

Discussion:

OAR Division 40 provides a complete and historically consistent platform in favor of upholding approval of the Watson application. More than twelve months have passed since the Commission accepted the Watson application as complete. Watson structure is consistent with existing uses as defined in OAR's. Watson's proposed structure will not affect the view from the river, and the commission has approved more than 25 dwellings and 100 improvements, on the Lower Deschutes River, since the Scenic Waterways Act went into effect in 1970.

A.

OAR 736-040-080 (2)(c) provides that twelve months after the commission accepts as complete the original notice to the commission, the owner may use their land in conformity with the specific written plan submitted as part of the notice unless the Commission has sooner instituted proceedings to acquire the land involved. The Commission made no attempt, indication, nor effort to acquire the land within the twelve-month period. Commission granted approval of application only to withdraw the approval, Watson was denied the opportunity to address questions of legality as none were presented or otherwise existed during the twelve-month period.

"the notification submitted by Leslie [was] deemed complete on April 19th 2010. I never received a letter/email communication that officially withdraw this notification. Email from Greg Ciannella, OPRD Program Coordinator to Gabriel Watson. (September 11, 2012)

This rule has been applied. On April 9, 2010, David Howell applied to the ORPD with Notice of Intent to improve property along the Grand Ronde River in Wallowa County. Denial of the application was issued on October 14, 2010. In the denial letter, Scenic Waterways advised the applicant:

Oregon Administrative Rule 736-040-0080 (c) states, "Twelve months after the Department accepts as complete the original notice to the Commission, the owner may use their land in conformity with the specific written plan submitted as part of the notice unless the Commission has sooner instituted proceedings to acquire the land involved."

And

If you choose to continue with the project as originally planned you may not begin work prior to April 4, 2011. Letter from Greg Ciannella, Scenic Waterway Program Coordinator, Oregon Parks and Recreation Department, to David Howell, applicant, *RE: File No.:19-16-10, Grande Ronde River Scenic Waterway* (Oct. 14, 2010)(Attached).

Applicant waited for the twelve-month period to pass and built. Wallowa County originally denied the application due to Parks denial. After twelve months from Notification of Intent receipt, County approved the application and the applicant built as originally planned, without any further input from OPRD. Oregon Parks and Recreation Department did not object or take any further action.

In the preceding instance OPRD 'attempted to work with the applicant on many accounts [applicant] would not budge at all.' The Commission 'felt like OPRD staff did what it was capable of doing, and issued a denial.' 'One year later, the applicant re-applied [to the the County]. With no OPRD review, the County issued land use permits to construct cabins. Email from Greg Ciannella to Mark Whitlow et. al. (July 26, 2012)

B.
OAR 736-040-070 (2)(b) and (c) only prescribes no structures, improvements, or dwellings **visible from the river** be denied. Since 1970 more than 200 approvals have been granted along the Lower Deschutes River. In all of the approvals, screening, topography, or other allowances or definitions, contained in OAR 40, dominant to (2)(b) and (c) have been sufficient to allow improvements.

To specifically address the subject of 'visibility' along the Deschutes River:

Oregon Parks and Recreation, *The Scenic Waterways Program: A Landowners Guide,* 6-7, explains: 'Development is allowed if it does not interfere with the natural scene from the river. On scenic waterways where the natural landscape is dominant, such as the Deschutes River, this means that the development, **other than that needed for agricultural, recreational or resource protection** uses, is not allowed to be visible and **requires complete screening.** Watson application was granted on conditions that additional trees be planted to provide for **complete screening.** Watson complied. It should be noted that this paragraph speaks directly to interpretation of the Deschutes River and the meaning assigned, by the OPRD to the

portions of the law under review. Further, the development is recreational in nature.

C.
OAR 736-040-115(7), allows exclusion of land which in the commissions judgment does not affect the view from the waters within a scenic waterway. The basis for OPRD approval of the Watson application was that the subject parcel and proposed structure would not affect the view from the waters of the Deschutes River. Therefore, it is unlikely that the subordinate portion of the law, OAR 736-040-070 (2)(b) and (c) should even be applied.

Between the centerline of the Deschutes and the Watson parcel, a large island with several trees greater than 70' and a smaller island, provide a complete obstruction of any view of the Watson property from the river. Further, the shoreline along the Watson property has several trees that already provide 70% screening from any point in the waterway (even along the shoreline); and additional trees planted by Watson will provide for 100% screening. View of the structure is further eliminated by placement of the structure at the extreme rear of the property to further optimize the already complete screening provided by topography. (Photographs attached).

In an email to applicant from Oregon Parks and Recreation, OPRD explains:

In regards to your submitted notification (2-194-10), approved by OPRD March 5th 2012, a major element in our negotiation process was the landscape management plan. That plan compiled collectively was designed to screen future development over time. It was this plan and the applicant's willingness to implement and maintain it, that OPRD used in the evaluation process that led to an approval (OPRD witnessed trees planted on-site prior to approval). (September 11, 2012) In Oregon Parks and Recreation, *The Scenic Waterways Program: A Landowners Guide, p. 8,* screening is graphically represented. On page 9 of the same document, vegetation and topography are graphically represented.

D.
Structures consistent with existing use are allowed and 'existing use' is defined as the use to which related adjacent land was being used prior to December 3, 1970. OAR 736-040-0015 (5). On December 3, 1970, and for more than 21 years prior, the land was used as an improved lot with a recreational dwelling. Photographs obtained from the Oregon Historical Society circa 1930 show the Watson parcel being used for lodging of railroad workers. Subject parcel most likely has most likely been used as a site for "dwellings" longer than any other in North Junction. (Photographs attached) Oregon Parks and Recreation, *The Scenic Waterways Program: A Landowners Guide, p.9* explains: "All uses that existed along a river before it was designated as a scenic waterway are not affected."

E.
Proposed dwelling is not 'additional dwelling visible from the river.' Structure is meant to replace dwelling that was damaged during the 1996 floods and was illegally removed from the subject parcel. Dwelling is not 'additional' to subject parcel or to the Deschutes River. The Caboose now sits as an illegal (additional) structure on property owned by neighbor John Hartung. Hartung is presently in the code enforcement process with County of Wasco and will not work with Oregon Parks and Recreation regarding the illegal structure. John Hartung has a history of non-compliance and attempts to defraud neighbors of property.

Placement of a recreational dwelling, to replace one that was not destroyed, rather illegally removed, is consistent with OAR Division 40. Approval was recently granted to Winn Francis to remove a small Airstream Camper from a location along the Lower Deschutes River and replace it with a dwelling 30x70'. There is already another dwelling on this property. See Scenic Waterways Database for Lower Deschutes River, attached, ID# 2-197-11.

F.
Denial of the Watson application would deny completely the ability of Watson to enjoy the same rights as a property owner afforded to all other neighbors in the immediate vicinity and along the Lower Deschutes Waterway. Several structures have been erected in the North Junction area and along the Lower Deschutes River Waterway since December 3, 1970. Photographs (included) of the immediate area surrounding the Watson property, taken over the past 40 years, show the numerous improvements in the immediate area. Most, if not all, of the improvements meet the standard definition of 'dwelling.' All meet the definition of structure or improvement.

The definition of a 'dwelling' has been considered synonymous with 'Structure or improvement.' OPRD explains, "The OPRD does not discern a difference between "new structures" and "dwellings". Rather, the program is concerned with height, outside colors, and its position in the landscape (screening potential). We don't care what applicants call it on their NOI." Email from Greg Ciannella, OPRD to Gabriel Watson. (Oct. 15, 2012)

A database of all applications under the Oregon Scenic Waterways Act (included), and more specifically a database of those applications subject to the specific rules governing improvement along the Lower Deschutes River (included) show that no denial has ever been issued. It is clear, based upon the documentation, the intent of the Scenic Waterways Program is not to deny land users the opportunity to improve their property; rather, it is to have an influence, for one year, in order to best protect the scenic value of the Oregon's Scenic Waterways.

The Watson Proposal is not the first application of OAR 736-040 to request approval for a new structure or dwelling. Scenic waterways:

1019 Single Family Dwelling	Ref# 2-93-81	APPROVED
984 Improvements to Resort	Ref# 2-51-81	APPROVED
989 Residence construction	Ref# 2-57-73	APPROVED
995 Single family residence	Ref# 2-69-74	APPROVED
1002 Possible House	Ref# 2-76-76	
1010 3 houses	Ref# 2-84-77	APPROVED
1014 Single family residence	Ref# 2-88-79	APPROVED
1027 Single family dwelling	Ref# 2-101-82	APPROVED
1022 Rebuild burned Cabin	Ref# 9-96-82	NO RECORD
1056 Recreational dwelling	Ref# 2-120-85	NO RECORD/BUILT*
1055 Construct Fishing Cab	Ref# 2-119-85	NO RECORD/BUILT*

Several "dwellings" and "structures" have been erected without approval by Scenic Waterways; if records supplied to Gabriel Watson (applicant) by OPRD are complete, several dwellings/structures have been erected along the Lower Deschutes without any Notification of Intent or approval, tacit or otherwise. The above list represents only applications where the applicant used the term "dwelling, cabin, or residence" and does not include structures such as sheds, accessory buildings, or otherwise that are occasionally used as dwellings or residences.

G.
Withdrawal of Watson application by OPRD is unwarranted, unprecedented, and arbitrary. Per OPRD, County of Wasco is allowed to interpret application of the SWW laws.

H.
The area defined as the Lower Deschutes River in OAR 73-040-070, excludes the right bank shoreline, calling into question whether subject parcel is even included in the Recreational Area.

I.
The designation of the Deschutes River as a "Recreational River Area" is consistent with the level of development on the Lower Deschutes River and other rivers so designated.

The screening requirements for the Lower Deschutes River are in excess of any other "Recreational River Area." Oregon Parks and Recreation, *The Scenic Waterways Program: A Landowners Guide, p. 6 explains:*

"A Recreational River Area contains mixed agricultural, residential and commercial

development along the shore and adjacent lands. A Recreational River Area is often rural or pastoral in nature and easily accessible from local roads. A Recreational River Area is managed to protect the **view from the river, allow development consistent with existing land uses,** and provide for a wide range of recreational activities within the scenic waterway."

Conditional Use Permit:

Standard print is text from standard form.
Bold is information provided by applicant.

Detailed Specific Written Request:

Construct a recreational use structure on parcel legally created in 1958. Structure seeks to replace recreational structure maintained on property from 1960 until floods of 1996. Structure is intended for occasional seasonal use and is intended to honor the memory of Leslie Louise Watson, original applicant, mother of current applicant, and daughter of Harold Erz who previously maintained a structure on the parcel.

Detailed Structural Information:

Proposed Improvements:

Dwelling:
Structure is new and is not additional to location. Length and Width are consistent with original application. Approximate square footage will be 1400. Ceilings will be vaulted. Height will be 28' above grade, including piers necessary for flood proofing. Structure will be built consistent with design features circa 1930's at which time the area was originally accessed as part of railroad development. Post and Beam/Heavy Timber exterior style. Septic requirements will be accomplished by placement of a vault toilet/pot privy consistent with DEQ and ANSI standards.

Garage:
NONE
Shed:
Length and Width are consistent with original application. Shed will be constructed in same manner as 'dwelling,' and is designed using heavy timber post and beam construction.
Decks:
Fences/Gates:
NONE

Driveway:
15'x20' extending off of easement recorded on Deed 952065, vehicle parking will be maintained on driveway.
Agricultural Building:
NONE
Lighting:
Lighting will be shrouded so that light does not extend beyond applicants property and where possible will use muted and energy efficient bulbs. No pole-based lighting will be present. Exterior lighting will not extend onto river or adjacent properties.
Other:
Parking area will be between structure and adjacent property lines. Vehicular width of 5-6' will allow minimum 15' between parking areas and adjacent property lines.

Existing Improvements:
Dwelling:
NONE
Garage:
NONE
Other:
NONE

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

The comprehensive plan for Wasco County was developed in the interest of public and private interests.

The comprehensive plan is applied using the following definitions:

Comprehensive Plan Definition (Oregon Revised Statute 197.015)"Comprehensive plan" means a generalized, coordinated land use map and policy statement of the governing body of a state agency, city, county, or special district that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to, sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs.

"Comprehensive" means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan.

"General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semi-public and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. (Page 3, Introduction, Wasco County

Comprehensive Plan).

The plan is General in nature, "Plan attempts to address all topics of interest to the citizens of Wasco County, an extensive amount of detail must be avoided." (WCCP Intro p. 1). "The intent of the plan is to establish a single, coordinated set of policies which will act to provide for orderly development of Wasco County" (WCCP Intro p. 3). The plan attempts to accommodate all entities to the greatest extent possible, A plan is "coordinated" when the needs of all levels of governments, semi-public and private agencies and the citizens of Oregon have been considered and accommodated as much as possible." (WCCP Intro p.3).

Input provided in this application is from the applicant and is consistent with the Comprehensive Plan: "More detailed information may be necessary when considering specific developments and projects on the land, and should be provided by the developers."(p. 2, Intro, WCCP).

WCCP Table 5 lists buildable land limitations, and proposed land is not limited from development. Structure is not located on soil Class I-VI and soil does not require preservation, land is not designated by State Department of Geology as and Mineral Industries as having potential hazards considered non-buildable, no slope greater than 20% exists on the property, land is not defined by Wasco County as a Research Natural Area, land is not productive forest land, land is not Wildlife Big Game Winter Range as defined by the State Fish and Game department, all flood plain requirements have been satisfied by survey, FEMA, et. al., and site is not an aggregate site.

WCCP states that Deschutes area shall be maintained and protected with consideration of recreation. "[B]uildable lands outside the urban area may also be considered as potential residential areas." (WCCP 7-6).

Proposed structure is a recreational. Proposed structure is approved by OPRD Scenic Waterways Program, applicant has met requirements for adequate screening. Application was submitted in 2010 and proposed structure and development no longer requires approval from OPRD.

Proposed structure is a single-family recreational cabin, consistent with several others (legal and illegal) in the adjacent area. Adjacent property has one or more illegal structures. Comprehensive plan is to protect residential development from encroachment by incompatible land uses.

Applicant agrees to meet all conditions relative to approval of structure in accordance with WCCP.

2. 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.

Structure is consistent with existing uses. Several dwellings exist in the immediate area. Many were replaced following the 1996 floods. Additional structures have been permitted in the area both prior to, and following flood. Permitted recreational dwellings are located on every property on North Junction. Structures and additional dwellings have been approved on parcels smaller than that which proposed structure is to be built on. After the fact permits have been issued for accessory dwellings, sheds, and structures built illegally and without required approvals. Applicant has sought all necessary approvals for construction of recreational single-family cabin.

Operational Characteristics, if applicable (days and hours of operation, number of average daily trips, etc.)

Operations will not occur at location.

Number of people (employees, students, congregation, clients) associated with the proposed use.

Proposed use is as recreational cabin. Average uses per year will be 10-20 and by single individual or group generally not greater than 4. Average daily use will be approximately <.10/persons/day using formula (Anticipated annual visitors / 365 days).

Buildings, vehicles, equipment, and materials associated with the proposed use.

No special equipment, buildings, vehicles, or materials will be associated with proposed (recreational) use. Vehicles will be one or two depending on group size.

3. 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.

Road:
Access to property is via private road, owned and maintained by Deschutes Club. Applicant has secured right to use road and has signed key holder agreement. No public roads exist in area and therefore no burden is created.

Fire Protection:
Fire protection is not currently provided in the area. Applicant has proposed modifications to fire safety plan that will increase fire protection to area. No public fire protection is available in area and so no burden is created. Applicant is professional firefighter and member of State of Oregon Fire Marshal's Office Incident Management Team. Applicant has discussed modifications with members of Wild land firefighting Incident Management Teams, Strike Teams, and Task Forces.

Police Protection:
Wasco County Sheriffs Office, Bureau of Land Management Rangers, and Oregon State Police provide police protection; law enforcement is increased with recreational demand during peak months on the Deschutes River. Additional structure, among others will not increase burden on law enforcement.

Sewer:
No public sewer facilities are available in the area and no burden is created.

Water:
No public water facilities are available in area and no burden is created.

Telephone:
No 'land-line' utilities are available. Limited cellular telephone service is available in the area. Applicant maintains contract with Verizon Wireless for Cellular Phone service. No burden is created.

Electrical:
Wasco County Electrical Cooperative provides electricity to area. Estimated power usage is consistent with adjacent properties. No burden is created.

Solid waste disposal facilities:
No solid waste disposal facilities exist. No burden is created.

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

Proposed structure is at the termination of a 12+ mile private road and is secured via easement recorded in Records of Wasco County 951445. Traffic into adjacent properties is not through, over, under, or around subject parcel and no flow impairment will be created.

5. The effects of noise, dust and odor will be minimized during all phases of development and operation for the protection of adjoining properties. Indicate how this will be done.

Major construction is to be performed during non-peak months. Proposed structure is to be built using hand tools. Construction is to be performed primarily during weekdays, polling of Deschutes Club access logs indicates infrequent use of adjacent properties during winter months and so noise contamination will be minimal or non-existent. Construction materials will be stored and protected from weather in a manner that protects adjacent properties. Site is ¼ acre and can accommodate all temporary equipment, storage of materials, and vehicles necessary for construction without trespass or disturbance of adjacent property. Duration of construction will be short and will not create undue nuisance. Existing vegetation will remain on site

and will so as to prevent unnecessary dust. Upon completion of structure, vegetation will be maintained to limit dust and in accordance with fire fuel setbacks.

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

Subject parcel is has Deschutes River as a barrier. Significant tree coverage exists between siting of proposed structure and Deschutes River. Applicant has planted additional trees in riparian zone as per Conditional use request from Oregon Parks and Recreation Department. Applicant plans to ensure nutrition of new and existing trees and natural resources. Surface land will be largely undisturbed and riparian zone will be maintained to ensure and enhance natural value. In the event that vegetation is disturbed during construction, it will be replaced in a manner to restore existing habitat and maintain fire fuel breaks.

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

Structure is to be built among other similar structures and will not cause adverse affect to air, water, or land. Air quality will not be affected by occasional seasonal use by owner. Water resource is to be protected, applicant will install holding tank to accommodate storage of water that is delivered to site and so no water will be removed from the Deschutes River with the exception of that necessary for firefighting purposes in accordance with the law. Land is of poor quality and structure will have no affect on land resource quality.

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

Area is characterized by several parcels, some of which have multiple dwellings, none of which is without a dwelling (save parcel upon which proposed structure is to be built). Many of the properties in the area are painted in non-natural colors (red or blue). Some structures in the area are painted in muted tones and/or use natural wood exteriors. Entire surrounding area is developed for residential use. Proposed structure will be for residential use.

Structure has been approved by Oregon Scenic Waterways and will be built in accordance with approval. Roofing materials will be consistent with code for both fire protection, material, and color; paint colors will be of muted tones, natural to the area. Accessories to the structure will be natural materials (stone, wood, etc.) and will be preserved in their natural colors. 70% screening of the structure exists to prevent visibility from the river with additional planted that will provide for complete screening with growth of trees.

Any disturbance to existing soil/vegetation will be repaired following construction.

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 proposal will restore site to existing use as defined in OAR 736-040-0015 (5). No historic landmarks exist on subject parcel or adjacent properties. No significant natural features exist on subject parcel per WCCP Table 11A.

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

No property in immediate vicinity of subject parcel is suitable for farm use or forest use and so no increase in cost is possible.

11. 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.

Is proposed development site adjacent to agricultural uses? NO

Include any additional information the will assist the Planning Department in reviewing the application:

Proposed structure seeks to re-establish family retreat to area that was originally maintained by applicants grandfather. Grandfather, facing macular degeneration was unable to maintain property and so was unable to immediately restore location following floods of 1996. Many standards exist relative to the Deschutes River and applicant has made EVERY effort to work with ALL agencies, departments, individuals, and interests in Wasco County or the Scenic Waterways.

Applicant has worked and followed the recommendations of Gary Nychk, Jeanette Montour, and all County, State, and Federal regulators. Process has been drawn out in no part due actions or lack thereof by the applicant. Notices, applications, conditions, evaluations, and fees have all been submitted by applicant in accordance with applicable laws, standards, and suggestion from official personnel; applicant has worked in good faith and with great patience at all junctures in the process.

Application period has been extended to accommodate requests, personnel replacements, and unforeseen circumstances and applicant has cooperated in every way possible. During extensions, Leslie L. Watson, original applicant, whose goal it was to restore this property to its original condition, passed away. Her son, Gabriel Watson, now continues in the spirit and good faith of his maternal grandfather and late mother, to complete the application process.

All requirements and conditions either have or will be met prior to County approval of Building Permits. All variances, conditions, or requirements necessary for APPROVAL of this application have been or will be met; historical application of rules and ordinances as contained in all applicable documents is conclusively supportive of APPROVAL.

Wasco County Non-Farm Dwelling Application:

1. A completed CUP application has been submitted with this application:
   YES
2. Parcel was created in its current configuration prior to July 1, 2001
   YES
3. There is another dwelling on the parcel:
   NO
4. Generally Unsuitable:

a.

(1) Soils are class VII or worse. NRCS survey identifies the parcel as having >70% Class VII or poorer soils.

(3) Property is not high value farmland

b. The parcel produces less than 25 bushels per acre of wheat or cereal grains or less than 1 ton per acre of alfalfa or other type of hay

5. Road

Subject parcel has direct access from the Deschutes Club Road, a private road, maintained year round by caretaker, and the Deschutes Club. Applicant maintains key holder agreement with Deschutes Club. Access easement is recorded with Wasco County.

6.

The site applicant has completed a septic evaluation with the Wasco County Sanitarian and has discussed the water rights process with the Water Master. Applicant has satisfied Water requirements and has received verbal approval for proposed septic plan as of November 9, 2012 with hard copy being prepared.

7.

No property in immediate vicinity of subject parcel is suitable for farm use or forest use and so no increase in cost is possible. Applicant will sign appropriate easement to remove any potential for increased cost to farming or forest practices on nearby lands devoted to farm or forest use.

No farm or forest use exists on adjacent lands.

8.

Applicant will sign and record in the deed records for the county a document binding the landowner, and the landowners's successors of interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937

Wasco County Variance Application

Applicant requests variances to 100' setbacks on all sides. Variance is <50% from Western boundary; >50% on North, East, and Southern boundaries.

The property rights of the owner, consistent with those enjoyed by adjacent property owners, is to be protected by the variances requested.

The variation from setbacks will achieve the desired affect of protecting resources by allowing applicant to restore recreational use of site and is consistent with rights enjoyed by adjacent property owners. Applicant owns no contiguous property and proposed structure is placed in a manner so as to provide the greatest buffer between structure and natural resources. Applicant has contacted adjacent property owners (with illegally placed structures and no known variances) in an attempt to ensure placement of structure is in best practicable location on site. No adjacent property owners in the area have setbacks greater than 25' from property lines, most observe setbacks of less than 5-10'.

No practicable alternatives exist and discussions have occurred to provide for minimal variances. Alternatives have been discussed with Senior Planners Gary Nychk and Jeanette Montour, site plan was revised with direction from Gary Nychk at pre-application hearing, so as to require minimal variances and to optimize every available alternative to original proposal. Proposal as presented is consistent with recommendations provided by Wasco County Planners and input provided by adjacent property owner.

Wasco County Criteria

1. Subject parcel is surrounded completely by properties with A1 (160) zoning. These properties have never been used for agricultural production. Deschutes River is located on fourth boundary. The property is a legally created .25 acre structure with no structures.

2. Preservation of property rights enjoyed by other property owners in the same zoning area requires proposed variance. Several dwellings (11) exist in immediate vicinity. Some properties have multiple dwellings; Wasco County Planning Department and Commission have approved several structures. Variances to required setbacks have been granted in at least the following actions:

-QJR-10-08-003
-CUP-07-119/VAR 07-109
-CUP-85-107 (Upheld on appeal)
-CUP-85-119

Placement of a dwelling is allowable in the Exclusive Farm Use Zone. Four adjacent properties contain multiple dwellings/structures. No structure, on adjacent properties, has been denied on the basis of inability to meet required setbacks.

3. Proposal structure would not be materially detrimental to property in the same zone or vicinity. Proposal and application, together with fire safety modifications, compliance with sanitarian requirements, Water Master requirements, Scenic Waterways requirements, FEMA requirements, and Wasco County Planning requirements is built to more stringent standards than any other in the vicinity or area. At all junctures, applicant has considered adjacent property owners and recreational value of Deschutes River. Applicant has sought input from all interested parties and agencies and wherever possible revised application to conform to requirements, suggestions, and concerns.

4. Requested variance is minimum necessary. Property is irregular size, and structures adjacent (lacking variances) are built in such proximity to subject parcel property lines, that further alteration is not possible. Wherever possible, applicant has made alterations to plan, these have included: alteration to original site plan to move dwelling further from waterway, placement of additional screening, modification to original (prior to original application) proposed structure. Height of structure was altered to reduce original footprint while maintaining square footage, so as to minimize dimensional setback variances.

5. No self-created hardship exists. Applicant has not developed, nor proposed development prior to receipt of permission; further, application has considered all interests in the area and worked to mitigate all concerns. Applicant solidified ownership of subject parcel with full intent of improving the land to be consistent with existing use prior to flood of 1996.

This application meets all criteria outlined in Wasco County LUDO Chapter 6 for approval of Variances. Applicant will apply for legal address.

PLAQJR-12-08-0001
Watson Application

Non-Farm Dwelling Application

PLAQJR-12-08-0001
Watson Application

Non-Farm Dwelling Application

File Number: CUP-_____

WASCO COUNTY
NON FARM DWELLING APPLICATION

REQUIREMENTS FOR NON FARM DWELLINGS

1. A completed general CUP application has been submitted with this application? ☐NO ☒YES

2. Parcel Creation: The parcel was created in its current configuration prior to January 1 1993? ☐NO ☒YES

   If no you do not qualify for a non farm dwelling.

   If yes indicate the date of creation_____ Documentation proving the date of creation has been submitted with this application (11-0815) ☐NO ☐YES

3. There is another dwelling on the parcel? ☒NO ☐YES

   If yes you do not qualify for a non-farm dwelling.

4. Generally Unsuitable

   a. Soils: A soils map that indicates the soil classifications for the property and the % breakdown of these soils is required to be submitted as part of this application. These may be obtained either at the Wasco County Planning Department or the Wasco County GIS Department.

      A soils map meeting these requirements has been submitted as part of this application? ☐NO ☐YES

      (1) On parcels less than 80 acres the entire parcel is generally unsuitable for agriculture. That is, 51% of the parcel is a Class VII or poorer soil.

      % of Class VII Soils on the subject parcel 100% Class VIII

      If the less than 51% of the property has Class VII or poorer soils you do not qualify for a non-farm dwelling.

      (2) On parcels at least 80 acres but less than 160 acres, a portion of the parcel that is identified for the dwelling site is a Class VII soil or poorer.

      The subject parcel includes Class VII or poorer soils and the site plan indicates the dwelling will be sited on these Class VII or poorer soils? ☐NO ☐YES

      (3) If the property is zoned A-1(40) it cannot be on High Value Farm Ground as defined by OAR 660-33-020(8)(a) and WCLUDO Section 1.090.

      The subject parcel is zoned A-1(40)? ☒NO ☐YES

      If yes is the property high value farm ground? ☐NO ☐YES

      If yes you do not qualify for a non-farm dwelling.

      (4) Forested Land Only: If the subject parcel is under forest assessment it is presumed unsuitable if it is composed predominantly (51% or greater) of soils capable of producing less than 20 cubic feet of wood fiber per acre per year.

      The subject parcel is under forest assessment? ☐NO ☐YES

If yes list the soils which are capable of producing less than 20 cubic feet of wood fiber per acre per year and the indicate the % of the subject parcel made up of these soils

b. Other: In addition to being generally unsuitable based on soils, the property must meet at least one of the following:

(1) The subject parcel must be comprised of predominantly greater than (51% or more) 40% slope.

Does the subject parcel meet this standard? ☒NO ☐YES

(2) The subject parcel must produce less than 25 bushels per acre of wheat or cereal grains, or less than 1 ton per acre alfalfa or other type of hay (per Farm Services Agency (FSA) registered field crop information).

Does the subject parcel meet this standard? ☐NO ☒YES

(3) The subject parcel has never been cropped according to the FSA aerial photos and records, and requires more than 5 acres per AUM.

Does the subject parcel meet this standard? ☐NO ☒YES

5. Road Requirements: The subject parcel shall be located on an all-weather road that is maintained on a year-round basis and which construction and maintenance meets Wasco County Public Works Department approval.

The subject parcel has direct access from existing road

This road is a
- ☐ Private Easement Road (must be a 30 foot wide access easement meeting fire safety standards)
- ☒ Private Road (must meet the standards of WCLUDO Section 21.420)
- ☐ Publicly Dedicated Road (must meet the standards of WCLUDO Section 21.420)
  - ☐Publicly Maintained
  - ☐Privately Maintained

Describe how the subject road that provides access to the subject parcel currently meets or will meet these standards.

6. The site shall have appropriate physical characteristics such as adequate drainage, proper sanitation and water facilities to accommodate a residence or other non-farm use.

I have completed a septic evaluation with the Wasco County Sanitarian? ☐NO ☐YES

I have discussed the water rights process with the Water Master? ☐NO ☐YES

7. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.

List all farm or forest uses on adjacent lands:

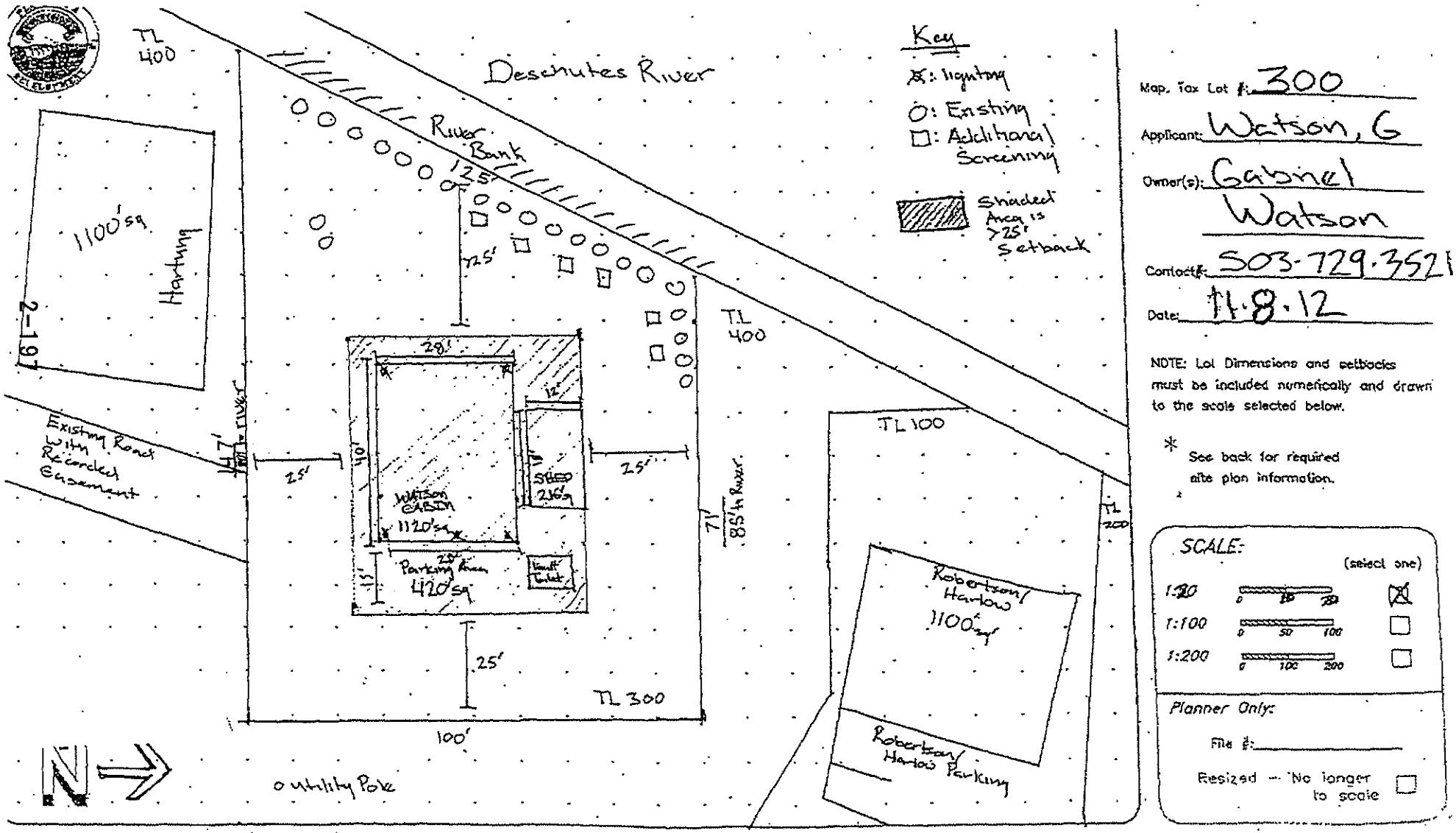
None

Taking into consideration the nature of these farm or forest uses and the proposed proximity of the non-farm dwelling to them, describe how the non-farm dwelling will not interfere with these farm or forest uses.

NA

8. The landowner for the dwelling shall 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 cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

I understand this will be required if my application is approved? ☐NO ☒YES



Map, Tax Lot #: 300

Applicant: Watson, G

Owner(s): Gabriel Watson

Contact #: 503-729-3521

Date: 11.8.12

NOTE: Lot Dimensions and setbacks must be included numerically and drawn to the scale selected below.

* See back for required site plan information.

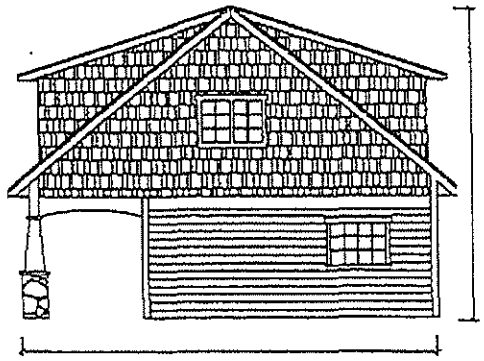
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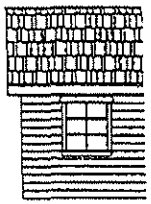
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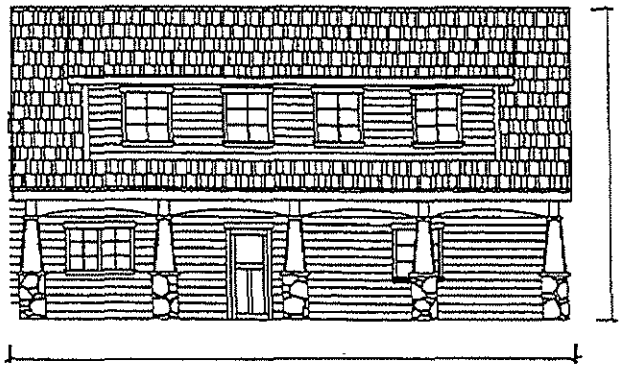
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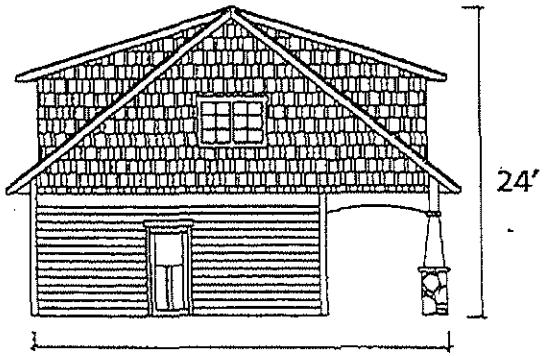
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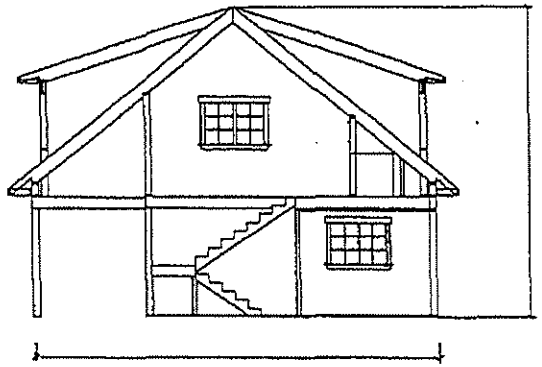
Resized – No longer to scale ☐











DURHEIM
TIMBERWORKS
PO BOX 6743
SPOKANE, WA 99217
(509)954-1918

SHEET DESCRIPTION: PRELIM / ELEVATIONS

PROJECT TITLE: WATSON HOUSE PLAN

DRAWN BY: JARED

SCALE: 1/4" = 1'

DATE: SEPT 29, 2012

FILE NAME: C. Watson

APPROVED BY:

REVISION:

SHEET NO. A 00

PLAQJR-12-08-0001
Watson Application

Conditional Use Permit Application

PLAQJR-12-08-0001
Watson Application

Conditional Use Permit Application

File Number: CUP-_____

WASCO COUNTY
CONDITIONAL USE PERMIT APPLICATION

DETAILED SPECIFIC WRITTEN REQUEST

Permit dwelling for recreational use, and shed.

DETAILED STRUCTURAL INFORMATION

Proposed Improvements	Length	Width	Height	Square Footage
Dwelling	40'	28'	< 35'	1,120 main No 2nd story
Garage				
Shed	18'	12'	12'	216'
Decks				
Fences/Gates				
Driveway				
Agricultural Bldg				
Lighting	as req'd by Wasco Cty.			
Other				
Existing Improvements				
Dwelling				
Garage				
Other				

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

2. 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.

Operational Characteristics, if applicable (days and hours of operation, number of average daily trips, etc.):

Recreational property. Variable.

Number of people (employees, students, congregation, clients) associated with the proposed use.
Varies.

Buildings, vehicles, equipment, and materials associated with the proposed use.
Cabin 1410' main floor, w/loft
Shed 216'

3. 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.

Road

Fire Protection

Police Protection

Sewer

Water

Telephone

Electrical

Solid waste disposal facilities

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

The subject property has a road approach permit on file for the use? Existing road. ☐NO ☐YES

How many trips per day will be generated by the proposed use? < 1x per day

5. The effects of noise, dust and odor will be minimized during all phases of development and operation for the protection of adjoining properties. Indicate how this will be done.
Construction will be in accordance w/ Wasco County noise & other applicable ordinances, as well as respectful of adjacent property owners.

6. 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. Check with ODFW if necessary.
Will not reduce or impair any of above.

7. The proposed use will not adversely affect the air, water, or land resource quality of the area.
No impact or adverse affect.

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 though siting, new vegetation, colors, materials or other.
Will not detract. All efforts to maintain and/or enhance visual character will be made.

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

10. 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.

11. 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.

Is proposed development site adjacent to agricultural uses? ☒NO ☐YES

If yes, what is distance and what type of agriculture? (grazing, orchards, grain, other)

Include any additional information the will assist the Planning Department in reviewing the application.

LESLIE L. & GABRIEL A. WATSON

T7S R14E 8D TL: 300

ADDENDUM TO

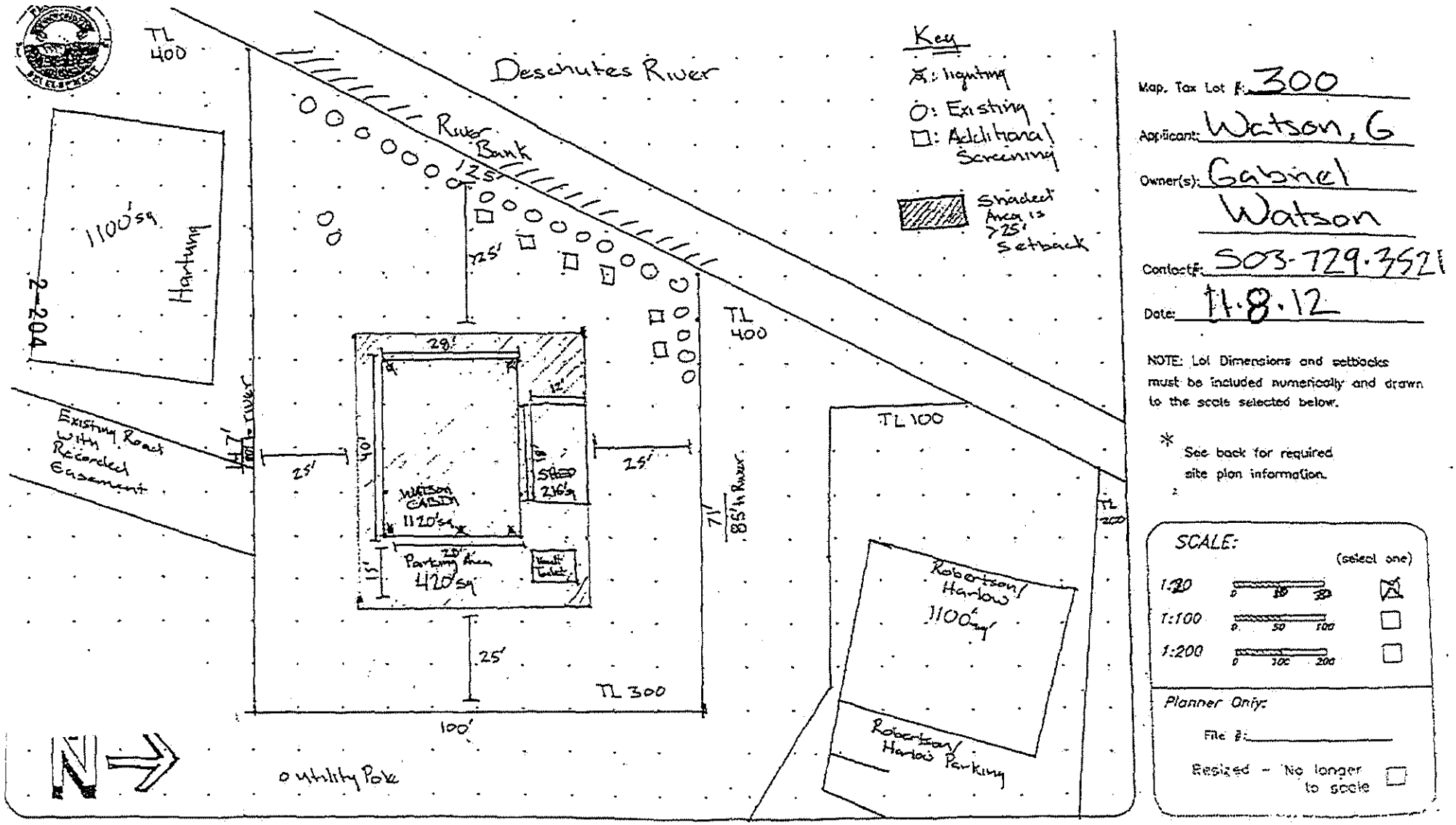
CONDITIONAL USE PERMIT APPLICATION:

THE APPLICATION TO DEVELOP ON THIS LOT SEEKS TO REESTABLISH A FAMILY DWELLING ENJOYED BY THE CHILDREN OF HAROLD F ERZ FROM 1958 TO FALL 1995. MR. ERZ WAS A CO-OWNER OF THE "RED CABOOSE", BUT POSSESSED ONLY A LIFE ESTATE FOR THE PROPERTY ON WHICH IT SAT. THE HEIR OF THE DECEASED OWNER (VICKI WELCH, HEIR OF ED WELCH) SOLD THE PROPERTY TO LESLIE WATSON & GABRIEL WATSON IN 2009. THUS WE ARE APPLYING FOR A PERMIT TO REPLACE THE DWELLING MOVED BY THE FLOOD OF 1996, AS THE OPPORTUNITY TO DO SO DID NOT EXIST UNTIL OUR LAND PURCHASE LAST YEAR.

LESLIE WATSON AND HER FAMILY HAVE A LONG AND SENTIMENTAL ATTACHMENT TO THIS LAND, AND WOULD LIKE TO RECLAIM THEIR FATHER'S RIGHT TO USE IT RECREATIONALLY FOR GENERATIONS TO COME. LESLIE WATSON IS THE DAUGHTER OF HAROLD F. ERZ; GABRIEL WATSON IS HIS GRANDSON.

THANK YOU FOR YOUR CONSIDERATION,

Leslie Watson



Map, Tax Lot #: 300

Applicant: Watson, G

Owner(s): Gabriel Watson

Contact #: 503-729-3521

Date: 11.8.12

NOTE: Lot Dimensions and setbacks must be included numerically and drawn to the scale selected below.

* See back for required site plan information.

SCALE: (select one)

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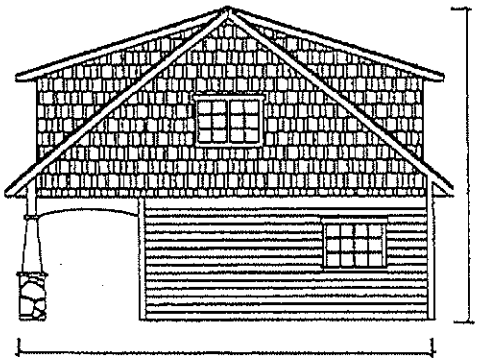
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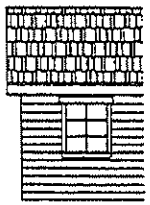
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Planner Only:

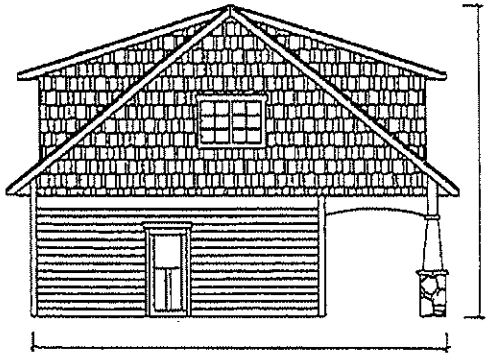
File #: _____

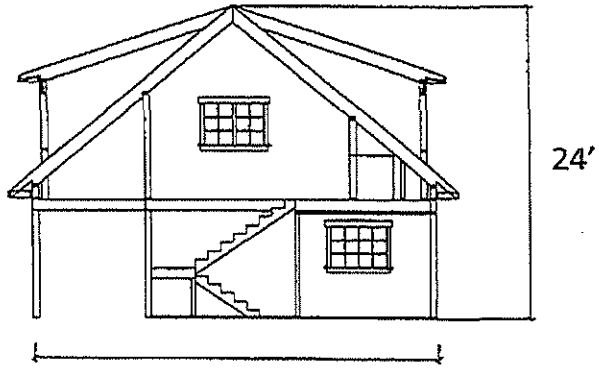
Resized - No longer to scale ☐











2-205

DURHEIM TIMBERWORKS
PO BOX 17743
SPOKANE, WA 99217
(509) 954-1916

SHEET DESCRIPTION: PRELIM / ELEVATIONS

PROJECT TITLE: WATSON HOUSE PLAN

DRAWN BY: JARED

SCALE: 1/4" = 1'

DATE: SEPT 29, 2012

FILE NAME: G. Watson

APPROVED BY:

REVISION:

SHEET NO.
A 00

PLAQJR-12-08-0001
Watson Application

Variance Application

PLAQJR-12-08-0001
Watson Application

Variance Application

File Number: VAR-_____

WASCO COUNTY
VARIANCE APPLICATION

DETAILED SPECIFIC WRITTEN REQUEST

Ordinance Criterion proposed to be varied? Minimum setback from river Deschutes

Requirement? 100'

How much is this proposed to be varied? 65%

Administrative Review? (up to 50% of the standard) ☒ YES ☒ NO DO

Planning Commission Review? (greater than 50% or resulting in less and a 5 foot Setback of the standard) ☒ YES ☐ NO

DETAILED STRUCTURAL INFORMATION

	Length	Width	Height	Square Footage
Existing Improvements				
Dwelling				
Garage				
Other				
Proposed Improvements				
Dwelling	47'	30'	∠35'	1410' main
Garage				plus loft
Shed	12'	12'	12'	216'
Decks	10' 10' 10'	in front & 2 sides		
Fences/Gates				
Driveway				
Agricultural Bldg				
Lighting	as req'd by	Wasco County		
Other				

NSA CRITERIA ONLY:

General Management Area

1. A building height, setback or buffer specified in this Ordinance to protect one resource would cause the proposed use to fall within a setback or buffer specified in this ordinance to protect another resource.

   Describe the resource that would be protected through the proposed variance.

   Protect 25' setbacks on rear & two sides to protect neighbors.

2. Variation from the specified building height, setbacks or buffer would, on balance, best achieve the protection of the affected resources.

Describe how the variance would best achieve the protection of affected resources.

Setback from river exceeds that of other development in area, and protects side & rear setbacks.

3. A building height, setback or buffer specified in the standards for protection of scenic, cultural, natural, recreational, agricultural, or forestry resources may be varied in the General Management Area in order to allow a residence to be built on a tract of land upon a demonstration that:

? a. The land use designation otherwise authorizes a residence on the tract;

Cite that ordinance criterion that allows a residence.

b. There is no site on the tract (all contiguous lots or parcels under the same ownership) on which a residence could be placed practicably in full compliance with the building height, setback or buffer; and

List any contiguous properties None

Describe why there are no other practicable alternative locations on the tract to site the proposed development in full compliance.

Small (.25 acre) parcel. Limited by dimension of lot (parcel) and location of waterway.

c. The variance from the specified building height, setback or buffer is the minimum necessary to allow the residence.

Describe how the proposal is the minimum necessary to allow the development. Reducing the size of the development, or altering its configuration must be discussed to justify the proposal.

Due to limitations of parcel size and conservative dimensions of development, this is the minimum variance required. Cabin to accommodate 1-2 families in 1 Bedroom, 1 bath w/ loft.

Special Management Area

1. It has been shown that no practicable alternatives exist, as evidenced by completion of a practicable alternative test. A practicable alternatives test has been submitted? ☐YES ☐NO

2. The natural resources mitigation plan completed in accordance with Chapter 14 of this ordinance ensures that the development can be mitigated to ensure no adverse effects would result. A resource mitigation plan has been submitted? ☐YES ☐NO

WASCO COUNTY CRITERIA (OUTSIDE OF NSA ONLY):

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

Describe the exceptional or extraordinary circumstances Replacing structure

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

What rights of property ownership are denied to you by Ordinance standards, which are enjoyed by other property owners in the same zone?

Ordinance standards deny applicants to develop small parcel consistent w/ development enjoyed by other property owners in same zone

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

Describe how approval of the proposed variance would not impact adjacent surrounding properties.

Requested variance consistent w/ adjacent usage. Setback exceeds adjacent neighbors who already enjoy the standards for which we are applying. No request for variance of side setbacks.

4. The variance requested is the minimum variance which would alleviate the difficulty.

Reducing the size of the development, altering its configuration, or changing its location must be discussed to justify the proposal.

Requested permit, configuration and location determined by difficulty of lot size.

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

Describe how the proposed variance is not the result self-created hardship such as locating the development too close to property lines or wanting something at a size or in a location that could be changed to meet the standards.

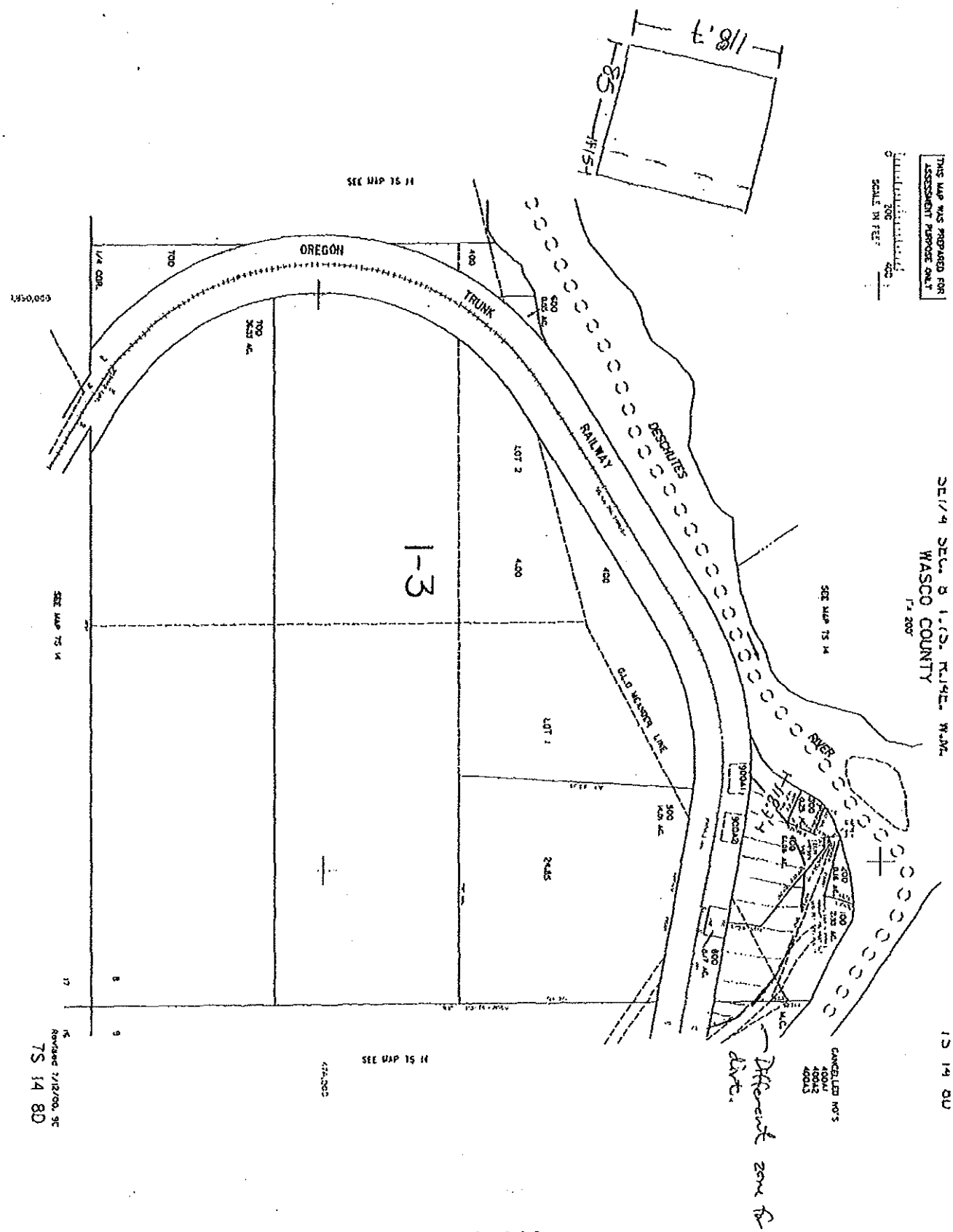
Minimum front variance respecting property lines on sides and rear.

County Administrative Variance Only

1. The variance does not result in a setback of less than five (5) feet from the property line.

Indicate the setback: _____
If is less than 5 feet from the property line, the variance will be reviewed by the Planning Commission.

* 25' setbacks for any building from property line.



PLAQJR-12-08-0001
Watson Application

Floodplain Development Application

PLAQJR-12-08-0001
Watson Application

Floodplain Development Application

File Number: STS-_____

FLOODPLAIN DEVELOPMENT APPLICATION

DETAILED SPECIFIC WRITTEN REQUEST

DETAILED DEVELOPMENT INFORMATION

Proposed Improvements	Length	Width	Height	Square Footage/Cubic Yards
Dwelling	47'	30'	2 35'	1410' main
Garage				plus loft
Accessory Bldg.				
Decks	10' 10' 10'	on front & 2 sides		
Driveway				
Agricultural Bldg				
Bridge				
Fill				
Other SHED	18'	12'	12'	216'
Existing Improvements				
Dwelling				
Garage				
Other				

REQUIREMENTS FOR ALL DEVELOPMENT IN THE FLOODPLAIN

In addition to structural development, a permit for development in the floodplain includes but is not necessarily limited to mining, dredging, filling, grading, excavating, roads, bridges, culverts, altering or relocating stream channels, storage of materials including gas or liquid storage tanks, and placement of water and septic/sewer systems.

1. Per the floodplain map, what are the following in the area of the proposed development?
   Zone A Panel Number 4102290043B Community Number 0229

2. Elevation to mean sea level at proposed development site: 1099.7 feet National Geodetic Vertical Datum (NGVD).

3. Base Flood Elevation to mean sea level at proposed development site: _____ feet NGVD. The height of the base flood elevation can only be determined by an engineer, or architect who is authorized by law to certify flood elevation information.
Adequate documentation establishing the base flood elevation has been submitted? ☐ No ☐ Yes

4. Alteration or relocation watercourse: Does the proposal include altering or relocating any watercourse?
☒ No ☐ Yes

If yes the following information is required to be submitted:

-A description of the extent to which any watercourse will be altered or relocated as a result of proposed development must be included. This description is attached? ☐ No ☐ Yes ☐ N/A

-A description of the long term maintenance plan within the altered or relocated portion of the watercourse showing how the flood carrying capacity will not be diminished is included? ☐ No ☐ Yes ☐ N/A

-Notification to adjacent communities, Department of Water Resources, Department of Land Conservation and Development Natural Hazards Coordinator, Department of State Lands, Federal Emergency Management Agency, and the Federal Insurance Administration is required prior to any alteration or relocation. Verification of the notification to these agencies or groups is included?
☐ No ☐ Yes ☐ N/A

5. Adverse affect: The proposed development cannot adversely affect the flood carrying capacity of the special hazard. To prove this, an analysis shall be done which includes but is not necessarily limited to the following:

-Potential damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas; and
-Potential danger to life and property due to increased flood heights or velocities; and
-Potential danger that materials may be swept onto other lands or downstream to the injury of others.

A non-adverse affect analysis is included? ☐ No ☐ Yes

6. Why is a waterfront location required for this facility? What alternative sites are available?

Lot location & dimensions. No alternate sites available.

7. Elevation Drawing: In addition to the general elevation requirements, the following shall also be included for all proposed development within the floodplain:
-Base flood elevation.
-Elevation of lowest floor including basement.
-Areas of ingress and egress of water through any structure.
-Elevation to which any structure will be flood-proofed (required to be 1 foot above base flood elevation).
-Elevation of water supply and sanitary facilities.
-Elevation of utilities including all heating and electrical equipment (furnace, water heater and electrical panel).
This is included? ☐ No ☐ Yes

8. Cross Section:

A Cross-Section of any area of the development site (structure, driveway and/or septic) where filling or excavation will occur showing by an elevation drawing the water table, fill and development elevations.

This is included? ☐ No ☐ Yes

Ask Gary to forward

9. Are other Federal, State or local permits required to be obtained?
   -Department of State Lands/Corps of Engineers Removal Fill Permit ☐ No ☐ Yes
   -Oregon State Parks Wild and Scenic River Permit. This may be required if the proposed development is located within ¼ mile of Deschutes River or John Day River ☐ No ☒ Yes
   -Other: Specify_____

WATER AND SEPTIC/SEWER UTILITIES

If new or replacement water or septic/sewer utilities are proposed within the ... ving must be met:
New or replacement water or septic/sewer facilities are proposed ... ☐ No ☒ Yes

1. Explain how it is not practicable to locate the ne... outside the floodplain.
   Location of parcel is entirely in Flood Plain
   Best to ask engineer

2. Documentation has been included which explains h... or eliminate infiltration of flood waters into the system. ☐ Yes

3. Documentation has been included which explains how t... will be located to avoid impairment to it or contamination from it during flooding. ☐ No ☐ Yes

4. Documentation has been included which explains how the sewage system is designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. ☐ No ☐ Yes

NON-SUBSTANTIAL IMPROVEMENTS

Non-substantial improvements include alterations, additions, or improvements to existing structures that meet the standards below:

1. What is the estimated market value of the existing structure? $ NA
2. What is the cost of the proposed construction? $ $45,000
3. If the cost of the proposed construction equals or exceeds 50 percent of the market value of the structure then the proposal is a substantial improvement and the applicable following sections shall be filled out. If not the proposal is a non-substantial improvement and no more of this application is required to be filled out. Documentation validating the numbers listed above has been submitted? ☐ No ☐ Yes

RESIDENTIAL DEVELOPMENT

All residential development and non-residential development that will not be flood proofed according to the next section below shall meet the following requirements:

1. Proposed lowest floor elevation (including basement): as per Flood Plain Elevation certificate feet NGVD. This must be at or above the base flood elevation for new residential development and substantial improvements to existing residential development. It is recommended that the first floor elevation be at least one foot above the base flood elevation. No development below Flood Plain.
   For new manufactured homes or existing manufactured homes with substantial improvement they shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.

2. Floodplain Elevation Certificate – A FEMA Elevation Certificate (Form No. 1660-0008) will be required to filled out by a registered professional engineer of architect. This form is available at the Planning Department.

   This elevation certificate has been submitted? ☐ No ☐ Yes

   If the permit application is approved, a second Elevation Certificate will be required indicating the as-built elevations.

3. Below the first floor: Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

   -A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
   -The bottom of all openings shall be no higher than one foot above grade.
   -Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

   Documentation has been included which shows how the proposed development meets or exceeds the requirements above? ☐ No ☐ Yes

   If no, documentation has been included by a registered professional engineer of architect showing how this standard will be met? ☐ No ☐ Yes

4. Requirements of "Additional Standards" section below must also be met.

NON-RESIDENTIAL DEVELOPMENT

If non-residential development is proposed to be located higher than the base flood elevation rather than flood-proofed, use the residential section above.

1. Elevation to mean sea level to which any non-residential structure will be floodproofed: _____ feet National Geodetic Vertical Datum (NGVD). This has to be at least one foot above base flood elevation.

2. FEMA Flood Proofing Certificate (Form No. 3067-0777) will be required to filled out by a registered professional engineer of architect. This form is available at the Planning Department.

   This flood proofing certificate has been submitted? ☐ No ☐ Yes

3. Certification by a registered professional engineer or architect that proposed flood-proofing meets the following flood-proofing criteria:

-The development is watertight with walls substantially impermeable to the passage of water to at least one foot above the base flood elevation.
-The development will have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

This flood proofing certificate has been submitted? ☐ No ☐ Yes

If the permit application is approved, a second flood proofing Certificate will be required indicating the as-built flood proofing methods.

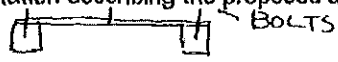
4. Requirements of "Additional Standards" section below must also be met.

ADDITIONAL STANDARDS

The standards included below are for all new construction and substantial improvement.

1. Anchoring: Development shall be anchored to prevent flotation, collapse, or lateral movement of the structure. For manufactured homes anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Any alternative method of anchoring may involve a system designed to withstand a wind-force of ninety (90) miles per hour, or greater.

   Documentation describing the proposed anchoring has been submitted? ☐ No ☒ Yes

   will illustrate in bldg plans.

2. Construction Materials and Methods: All new development shall be constructed with materials and utility equipment resistant to flood damage and using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing, and air- conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. As per Wasco County specs/requirements

   Documentation describing the construction materials and methods has been submitted? ☐ No ☐ Yes

ACKNOWLEDGEMENT

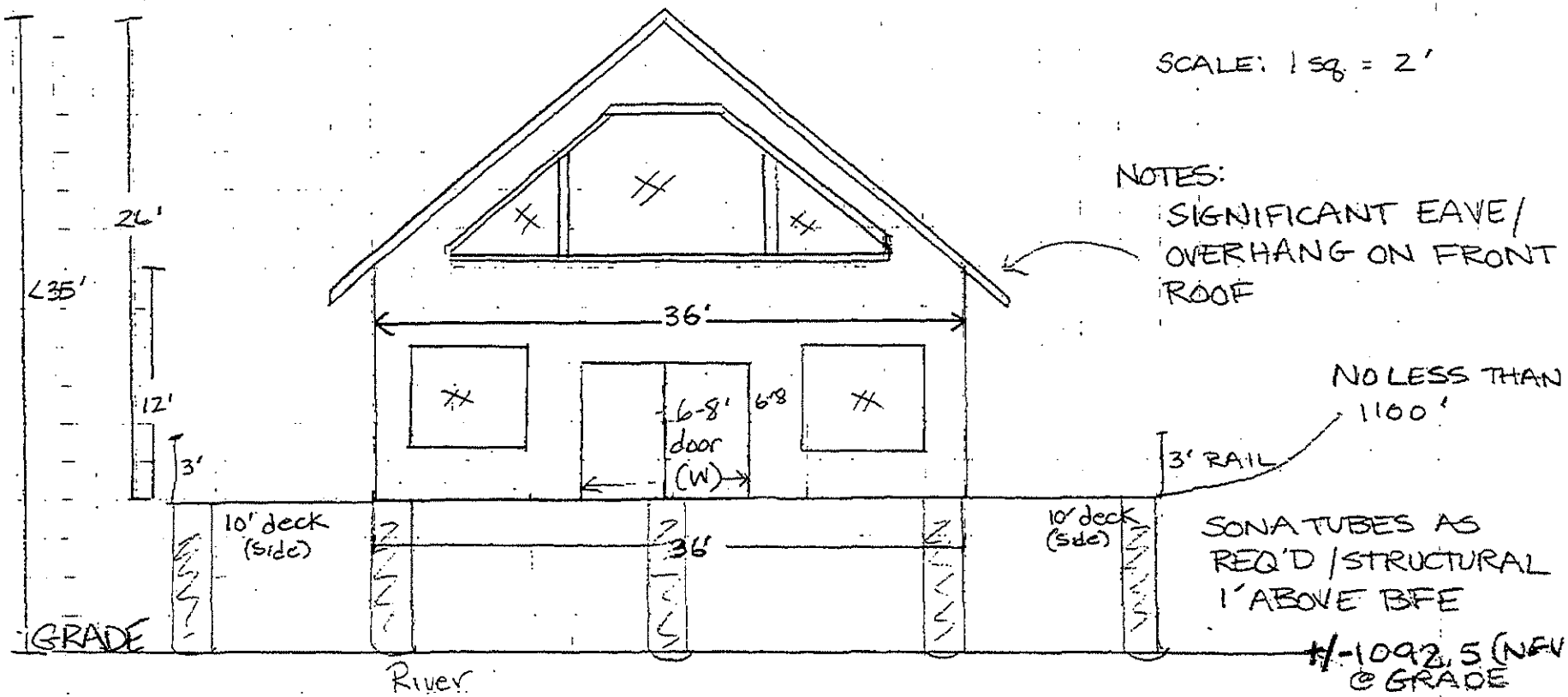
By signing the front page application that goes along with this application I/we have read and understand the following:

I/we agree that all such work shall be done in accordance with the requirements of the Wasco County Floodplain Ordinance as approved through this permit and with all other applicable local, State and Federal regulations. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Wasco County, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

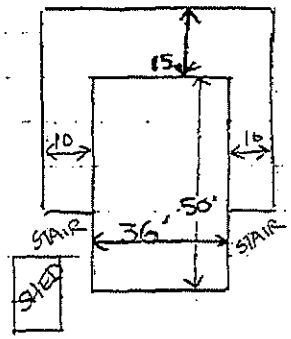
WATSON, LESLIE / GABRIE
T7S, R1AE, 8D, 300

SCALE: 1 sq = 2'

NOTES:
SIGNIFICANT EAVE/
OVERHANG ON FRONT
ROOF



SCALE: 1 sq = 10'

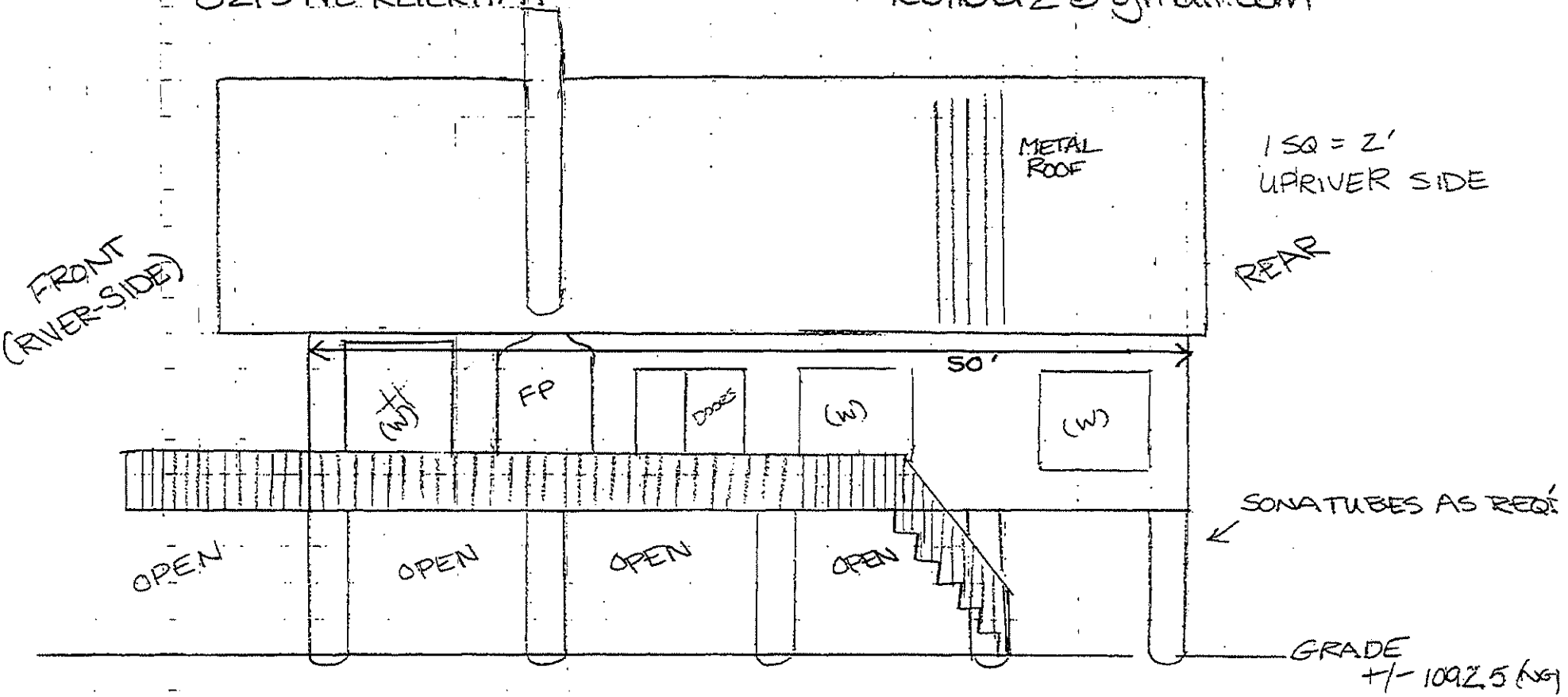


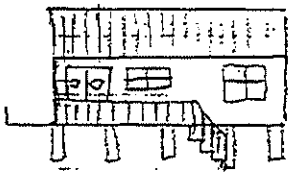
GABRIEL WATSON
1824 SE TAYLOR
PORTLAND, OR 97214

3215 NE KLICKITAT
PORTLAND, OR 97212
503-679-2555
leslieerz1@gmail.com

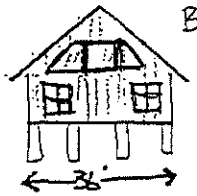
T7S, R14E, 8D, 300
LESLIE & GABRIEL WATSON
3215 NE KLICKITAT

[illegible]
503-679-2555
lesliecrz@gmail.com





DOWN RIVER SIDE
1 SQ = 10'



BACK SIDE
1 SQ = 10'

UPRIVER & DOWNRIVER SIDES W/B SIMILAR W/O FIREPLACE.

BACK SIDE SIMILAR TO FRONT W/O DOOR

2-219

ADDENDUM TO
FLOODPLAIN DEVELOPMENT APPLICATION

LESLIE L. & GABRIEL A. WATSON
T 7S R14E 8D TL: 300

4102290093

#1 ZONE A PANEL V COMM # 41 0229 B

#2 AS PER SURVEY, THE ELEVATION AT GRADE RANGES FROM 1088 TO 1095.5 EST. AT BLDG SITE 1092.5

#3 WILL BE PROVIDED AS REQ'D. SEE SURVEY

#7 HAG 1092.5
ELEV. OF LOWEST FLOOR: > 1100 OR 1' ABOVE HAG

ADJACENT DWELLINGS ARE 1098 & 1099 NGVD

INGRESS/EGRESS OF WATER: STRUCTURE OPEN BELOW LOWEST FLOOR

FLOOD PROOFED: > 1' ABOVE HAG

WATER/SANITATION FACILITIES: AS PER DISCUSSION W/ HEALTH OFFICER (WASCO CTY), SANITATION SYSTEM SHALL BE DESIGNED TO SUGGESTED SPECS EG: W/ LOCKING CAP DISALLOWING RELEASE OR BACK FLOW OR

ELEVATED > 1' ABOVE HAG TBD BY HEALTH DEPT. / PLANNING, ETC.

ALL HEATING/ELECTRICAL ELEVATED > 1' ABOVE HAG

#8 EXCAVATION TBD - MINIMUM REQ'D TO OBTAIN DESIRED DEVELOPMENT.

SEE SURVEY

U.S. DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
National Flood Insurance Program

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expires March 31, 2012

Important: Read the instructions on pages 1-9.

SECTION A - PROPERTY INFORMATION

For Insurance Company Use:
Policy Number
Company NAIC Number

A1. Building Owner's Name Gabriel Watson

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
Tax Lot 300, 7S-14E-8D, North Junction, Wasco County
City Maupin State OR ZIP Code 97031

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
Tax Lot 300, 7S-14E-8D as described by Wasco County Deed Document No.2009-000346

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) Residential
A5. Latitude/Longitude: Lat. 44.9754 Long. -121.0733 Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.
A7. Building Diagram Number 5
A8. For a building with a crawlspace or enclosure(s):
a) Square footage of crawlspace or enclosure(s) ____ sq ft
b) No. of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade ____
c) Total net area of flood openings in A8.b ____ sq in
d) Engineered flood openings? ☐ Yes ☐ No

A9. For a building with an attached garage:
a) Square footage of attached garage ____ sq ft
b) No. of permanent flood openings in the attached garage within 1.0 foot above adjacent grade ____
c) Total net area of flood openings in A9.b ____ sq in
d) Engineered flood openings? ☐ Yes ☐ No

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number	B2. County Name	B3. State
Wasco County Oregon (Unincorporated Areas) 410229	Wasco	Oregon

B4. Map/Panel Number	B5. Suffix	B6. FIRM Index Date	B7. FIRM Panel Effective/Revised Date	B8. Flood Zone(s)	B9. Base Flood Elevation(s) (Zone AO, use base flood depth)
4102290093	B	9/24/1984	9/24/1984	A	1097.6

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in item B9:
☐ FIS Profile ☐ FIRM ☐ Community Determined ☒ Other (Describe) LOMA Case No.11-10-2006A

B11. Indicate elevation datum used for BFE in Item B9: ☒ NGVD 1929 ☐ NAVD 1988 ☐ Other (Describe) ____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No
Designation Date ____ ☐ CBRS ☐ OPA

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☒ Construction Drawings* ☐ Building Under Construction* ☐ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. Use the same datum as the BFE.

Benchmark Utilized NGS OPUS GPS Solution Vertical Datum NGVD29
Conversion/Comments ____

		Check the measurement used.	
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	1100.6	☒ feet ☐ meters (Puerto Rico only)	
b) Top of the next higher floor	____.____	☐ feet	☐ meters (Puerto Rico only)
c) Bottom of the lowest horizontal structural member (V Zones only)	____.____	☐ feet	☐ meters (Puerto Rico only)
d) Attached garage (top of slab)	____.____	☐ feet	☐ meters (Puerto Rico only)
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	____.____	☐ feet	☐ meters (Puerto Rico only)
f) Lowest adjacent (finished) grade next to building (LAG)	1092.6	☒ feet ☐ meters (Puerto Rico only)	
g) Highest adjacent (finished) grade next to building (HAG)	1092.9	☒ feet ☐ meters (Puerto Rico only)	
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	1092.7	☒ feet ☐ meters (Puerto Rico only)	

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. *I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.* ☐
Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 15, 2002
BRADLEY J. CROSS
60051
RENEWAL DATE: 12/31/13

Certifier's Name Bradley J Cross License Number Oregon PLS 60051
Title President Company Name Columbia River Surveying & Mapping
Address 1767 12th St, #191 City Hood River State OR ZIP Code 97031
Signature [signature] Date 3/1/12 Telephone (541) 386 9002

IMPORTANT: In these spaces, copy the corresponding information from Section A.	For Insurance Company Use:
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. Tax Lot 300, 7S-14E-8D, North Junction, Wasco County	Policy Number
City Maupin State OR ZIP Code 97031	Company NAIC Number

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments Geographic coordinates determined by NGS OPUS Solution.
A Street address has not yet been assigned by the county.
BFE information was determined by LOMA Determination Document (non removal), Case No.11-10-2006A, dated November 29, 2011.
Construction of the building has not yet commenced. Elevations are based on construction drawings supplied by the owner. Items f,g & h of section C are likely to change during construction.

Signature _____ Date 3/1/12 ☐ Check here if attachments

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.

E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8-9 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E3. Attached garage (top of slab) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge.*

Property Owner's or Owner's Authorized Representative's Name

Address City State ZIP Code

Signature Date Telephone

Comments

☐ Check here if attachments

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8 and G9.

G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

G3. ☐ The following information (Items G4-G9) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate Of Compliance/Occupancy Issued

G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters (PR) Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____ ☐ feet ☐ meters (PR) Datum _____

G10. Community's design flood elevation _____ ☐ feet ☐ meters (PR) Datum _____

Local Official's Name Title

Community Name Telephone

Signature Date

Comments

☐ Check here if attachments

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (NON-REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	WASCO COUNTY, OREGON (Unincorporated Areas)	A parcel of land, as described in the Warranty Deed - Statutory Form, recorded as Document No. 2009-000346, in the Office of the County Clerk, Wasco County, Oregon (TM: 7S-14-8D; TL: 300)
	COMMUNITY NO.: 410229	
AFFECTED MAP PANEL	NUMBER: 4102290093B	
	DATE: 9/24/1984	
FLOODING SOURCE: DECHUTES RIVER		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 44.975, -121.074 SOURCE OF LAT & LONG: STREETS & TRIPS 2009 DATUM: WGS 84

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS NOT REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD 29)	LOWEST ADJACENT GRADE ELEVATION (NGVD 29)	LOWEST LOT ELEVATION (NGVD 29)
	--	--	--	Property	A	1097.6 feet	--	1085.4 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

ZONE A

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the property(ies) is/are located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). Therefore, flood insurance is required for the property described above. The lowest adjacent grade elevation to a structure must be at or above the Base Flood Elevation for a structure to be outside of the SFHA.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination and information regarding your options for obtaining a Letter of Map Amendment. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 6730 Santa Barbara Court, Elkridge, MD 21075.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Federal Emergency Management Agency
Washington, D.C. 20472

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (NON-REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

ZONE A (This Additional Consideration applies to the preceding 1 Property.)

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map stance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 6730 Santa Barbara Court, Elkridge, MD 21075.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

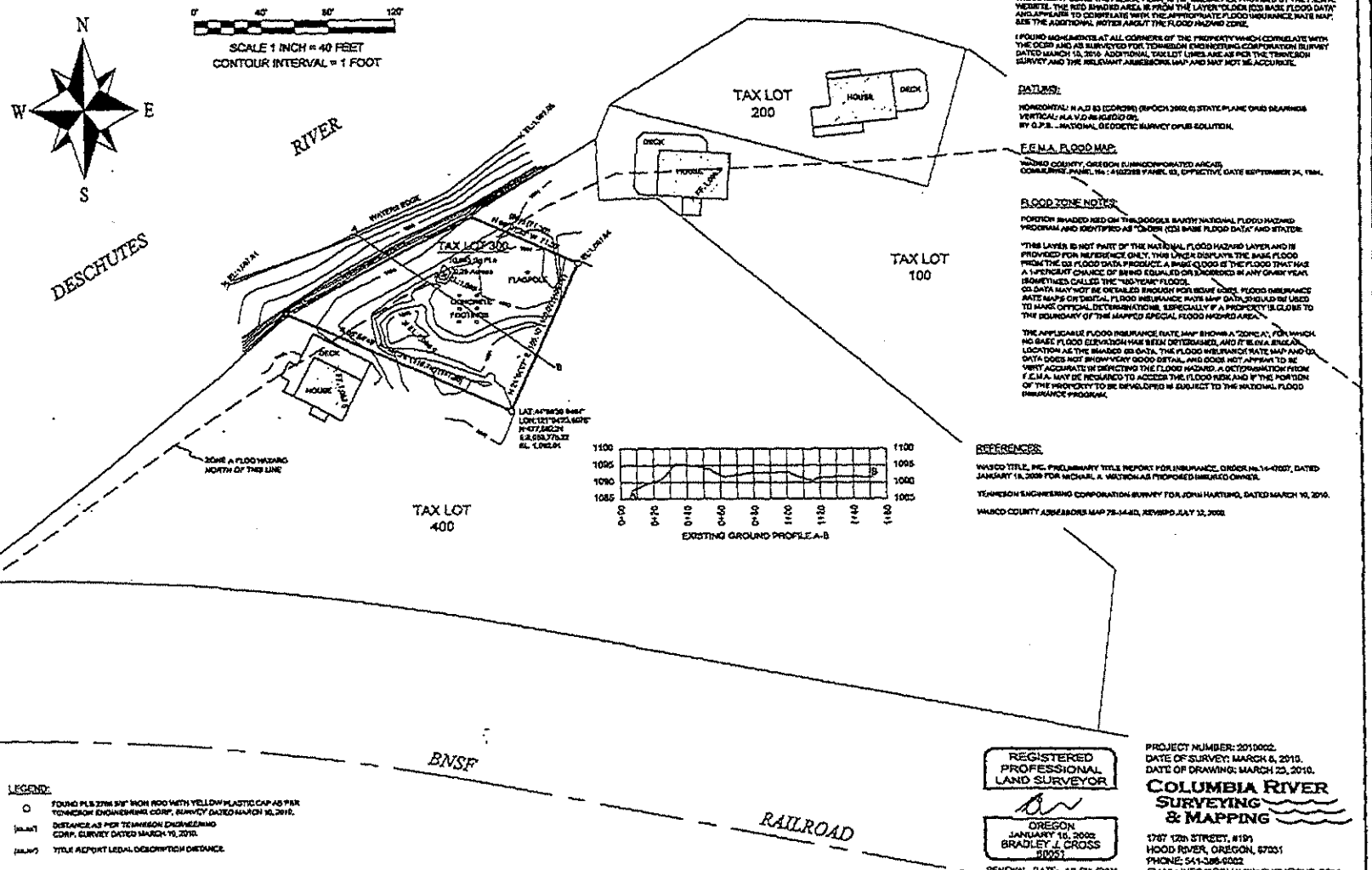
FLOOD HAZARD SURVEY
FOR BEN VANCE
TAX LOT 300, 7S-14E-SD, NORTH JUNCTION, MAUPIN, OREGON
SCALE - INCH = 40 FEET
CONTOUR INTERVAL = 2 FOOT
N
W
E
S
DESCHUTES
RIVER
TAX LOT
200
TAX LOT
100
B.N.S.F.
RAILROAD
COLUMBIA RIVER
SURVEYING
& MAPPING

FLOOD HAZARD SURVEY

FOR BEN VANCE

TAX LOT 300, 7S-14E-8D, NORTH JUNCTION, MAUPIN, OREGON

MARCH 8, 2010



NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO SHOW THE LOCAL GROUND CONDITIONS FOR TAX LOT 300 TO AID IN DETERMINING THE FLOOD HAZARD FOR THE PORTION OF THE PROPERTY FOR WHICH A NEW RESIDENCE IS PROPOSED. THE PORTION OF THE PROPERTY PROPOSED FOR DEVELOPMENT APPEARS TO BE NEAR, BUT NOT WITHIN A ZONE A HAZARD AREA WITH NO KNOWN BASE FLOOD ELEVATION DATA.

AERIAL IMAGERY IS FROM GOOGLE EARTH AND APPEARS TO SHOW THE CURRENT CONDITIONS OF THE PROPERTY. THE ZONE A FLOOD HAZARD AREA IS OVERLAID ON THE IMAGERY USING THE F.E.M.A. FEMA_NFHL_v2.0.zipFILE PROVIDED BY THE F.E.M.A. WEBSITE. THE RED SHADED AREA IS FROM THE LAYER FOLDER (03) BASE FLOOD DATA" AND APPEARS TO CORRELATE WITH THE APPROPRIATE FLOOD INSURANCE RATE MAP. SEE THE ADDITIONAL NOTES ABOUT THE FLOOD HAZARD ZONE.

I FOUND MONUMENTS AT ALL CORNERS OF THE PROPERTY WHICH CORRELATE WITH THE DEED AND AS SURVEYED FOR TENNESON ENGINEERING CORPORATION SURVEY DATED MARCH 10, 2010. ADDITIONAL TAX LOT LINES ARE AS PER THE TENNESON SURVEY AND THE RELEVANT ASSESSORS MAP AND MAY NOT BE ACCURATE.

DATUMS:

HORIZONTAL: N.A.D 83 (CORS96) (EPOCH 2002.0) STATE PLANE OR83 BEARINGS
VERTICAL: N.A.V.D 88 (GEOID 09)
BY O.P.S. - NATIONAL GEODETIC SURVEY OPUS SOLUTION.

F.E.M.A. FLOOD MAP:

WASCO COUNTY, OREGON (UNINCORPORATED AREAS)
COMMUNITY-PANEL No.: 410238B PANEL 03, EFFECTIVE DATE SEPTEMBER 24, 1984.

FLOOD ZONE NOTES:

PORTION SHADED RED ON THE GOOGLE EARTH NATIONAL FLOOD HAZARD PROGRAM AND IDENTIFIED AS "ZONE (03) BASE FLOOD DATA" AND STATES:

"THIS LAYER IS NOT PART OF THE NATIONAL FLOOD HAZARD LAYER AND IS PROVIDED FOR REFERENCE ONLY. THIS LAYER DISPLAYS THE BASE FLOOD FROM THE 03 FLOOD DATA PRODUCT. A BASE FLOOD IS THE FLOOD THAT HAS A 1-PERCENT CHANCE OF BEING EQUALED OR EXCEEDED IN ANY ONE YEAR. (SOMETIMES CALLED THE "100-YEAR FLOOD).
03 DATA MAY NOT BE DETAILED ENOUGH FOR SOME USES. FLOOD INSURANCE RATE MAPS OR DIGITAL FLOOD INSURANCE RATE MAP DATA SHOULD BE USED TO MAKE OFFICIAL DETERMINATIONS, ESPECIALLY IF A PROPERTY IS CLOSE TO THE BOUNDARY OF THE MAPPED SPECIAL FLOOD HAZARD AREA."

"THE ANTELOPE FLOOD INSURANCE RATE MAP SHOWS A "ZONE A", FOR WHICH NO BASE FLOOD ELEVATION HAS BEEN DETERMINED, AND IT IS IN A SIMILAR LOCATION AS THE WASCO 03 DATA. THE FLOOD INSURANCE RATE MAP AND 03 DATA DOES NOT SHOW VERY GOOD DETAIL, AND DOES NOT APPEAR TO BE VERY ACCURATE IN DIRECTING THE FLOOD HAZARD. A DETERMINATION FROM F.E.M.A. MAY BE REQUIRED TO ACCESS THE FLOOD RISK AND IF THE PORTION OF THE PROPERTY TO BE DEVELOPED IS SUBJECT TO THE NATIONAL FLOOD INSURANCE PROGRAM."

REFERENCES:

WASCO TITLE, INC. PRELIMINARY TITLE REPORT FOR INSURANCE, ORDER No.14-07007, DATED JANUARY 19, 2009 FOR MICHAEL A. WATSON AS PROPOSED INSURED OWNER.

TENNESON ENGINEERING CORPORATION SURVEY FOR JOHN HARTUNG, DATED MARCH 10, 2010.

WASCO COUNTY ASSESSORS MAP 7S-14-8D, REVISED JULY 12, 2002.

LEGEND:

- ○ FOUND PLS 2796 5/8" IRON ROD WITH YELLOW PLASTIC CAP AS PER TENNESON ENGINEERING CORP. SURVEY DATED MARCH 10, 2010.
- (00.00') DISTANCE AS PER TENNESON ENGINEERING CORP. SURVEY DATED MARCH 10, 2010.
- (00.00') TITLE REPORT LEGAL DESCRIPTION DISTANCE.

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JANUARY 16, 2002
BRADLEY J. CROSS
89021

RENEWAL DATE: 12/31/2011

PROJECT NUMBER: 2010002.
DATE OF SURVEY: MARCH 8, 2010.
DATE OF DRAWING: MARCH 23, 2010.

COLUMBIA RIVER SURVEYING & MAPPING
1787 12th STREET, #191
HOOD RIVER, OREGON, 97031
PHONE: 541-386-6002
EMAIL: INFO@COLUMBIASURVEYING.COM

PLAQJR-12-08-0001
Watson Application

Fire Safety
Self Certification Form

PLAQJR-12-08-0001
Watson Application

Fire Safety
Self Certification Form

WASCO COUNTY PLANNING
AND DEVELOPMENT
Todd R. Cornett, Director
2705 East Second Street
The Dalles, Oregon 97058

Phone: (541) 506-2560
Fax: (541) 506-2561
Web Address: co.wasco.or.us

Fire Safety Standards
Applicant's Self Certification Form

This checklist is provided to certify that the applicant has reviewed, understands, acknowledges, and commits to install and maintain improvements as required to comply with fire standards. Fire standards are listed in their entirety in **Chapter 10** of the Wasco County Land Use and Development Ordinance (WCLUDO) or **Chapter 11** of the Wasco County National Scenic Area Land Use and Development Ordinance (NSA LUDO).

Applicant's responses on the self certification form and the required site plan shall be recorded in county records (per **Section 10.510** of the WCLUDO or **Section 11.510** of the NSALUDO). Each of the applicable fire standards is listed below. Standards which begin with a 10 refer to the WCLUDO and standards which begin with an 11 refer to the NSALUDO. Please confirm compliance by marking the appropriate box, providing written comment if necessary, and initialing each response. Refer to the **Chapter 10** or **Chapter 11** for illustrations and further explanation of the standards. If compliance with applicable standards cannot be certified by the applicant, county planners will assist the applicant with the required modification process.

If one or more fire safety standard cannot be met, the applicant must request a modification to fire safety standards. The request for modification shall include a site specific fire safety mitigation plan. The modification of standards review shall be processed in accordance with the procedures in **Section 2.060(A)(6)** of the WCLUDO or **Section 2050(A)(3)** of the NSALUDO. Notice prior to the decision shall be provided to fire responders with jurisdiction by the Planning Director. The decision to approve or deny the request for modification shall meet all public notice requirements.

The applicant submitting the self certification form must be consistent with **Section 2.040** of the WCLUDO or **Section 2.060** of the NSALUDO.

WASCO COUNTY PLANNING
AND DEVELOPMENT
Todd R. Cornett, Director
2705 East Second Street
The Dalles, Oregon 97058

Phone: (541) 506-2560
Fax: (541) 506-2561
Web Address: co.wasco.or.us

FIRE SAFETY STANDARDS SELF CERTIFICATION FORM

FILE # **DATE:**

REQUEST:
Permit for construction of recreational dwelling.

APPLICANT/OWNER INFORMATION:

Applicant(s) LESLIE L. WATSON GABRIEL A. WATSON **Property Owner(s)** LESLIE L. WATSON GABRIEL A. WATSON

Mailing Address 3215 NE KLICKITAT **Mailing Address**

PORTLAND, OR 97212

#1 cell:

Phone (H) 503-679-2555 **(W)** 5032879206 **Phone (H)** **(W)**

PROPERTY INFORMATION:

Township	Range	Section	Tax Lot No.
T7S	R14E	8D	300

Acres	Acct.#	Zoning
.25	12783	A-1

Address

Location:
NORTH JUNCTION, OREGON

STAFF REVIEWER:

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:

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

☑ Yes – Comment No slope

☐ No – Initials _____ (See Attached Fire Safety Plan)

B(1). If your property is located in a Resource 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 No slope

☐ No – Initials _____ (See Attached Fire Safety Plan)

- or-

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 _____

☐ No – Initials _____ (See Attached Fire Safety Plan)

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:

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 _____

☐ No – Initials _____ (See Attached Fire Safety Plan)

-or-

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 Set backs allow > 30' fire fuel breaks on all sides.

☐ No – Initials _____ (See Attached Fire Safety Plan)

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 Metal - Class A

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 As per Wasco County reqs. & specs

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 ¼" or less in size.

☒ Yes – Comment NA

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

☒ Yes – Comment As per Wasco County reqs. & specs.

- 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 ¼" 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 _____

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 _____

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

☒ Yes – Comment _____

- 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 _____

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 As req'd. by Wasco Cty

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). Improved driving surface(s) will meet and be maintained to comply with driveway design standards.

☒ Yes – Comment As req'd. and/or consistent w/ existing road.

☐ No – Initials _____ (See Attached Fire Safety Plan)

A(2). Widths of drive(s) will meet minimum requirements for the type of driveway.

☒ Yes – Comment _____

☐ No – Initials _____ (See Attached Fire Safety Plan)

B(1).Corners will meet the minimum curve radius requirements for access drives.

☒ Yes – Comment _____

☐ No – Initials _____ (See Attached Fire Safety Plan)

B(2).Slope or grade of the driveway will meet maximum grade requirements.

☒ Yes – Comment _____

☐ No – Initials _____ (See Attached Fire Safety Plan)

B(3).Turn outs will be provided as required.

☒ Yes – Comment _____

☐ No – Initials _____ (See Attached Fire Safety Plan)

C(1).Clearance will be established and maintained in accordance with driveway standards.

☒ Yes – Comment _____

☐ No – Initials _____ (See Attached Fire Safety Plan)

C(2). Fire fuel break will be established and maintained along both sides of the drive(s).

☒ Yes – Comment _____

☐ No – Initials _____ (See Attached Fire Safety Plan)

D. Turn arounds will be provided and maintained at the end of drives longer than 150 feet.

☒ Yes – Comment _____

☐ No – Initials _____ (See Attached Fire Safety Plan)

E. Bridges and culverts will support 75,000.pound gross vehicle weight in accordance with driveway standards.

NA ☐ Yes – Comment _____

☐ No – Initials _____ (See Attached Fire Safety Plan)

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

☒ Yes – Comment _____

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 have been determined to meet driveway access standards other than width, turn radius, and slope;

☒ Yes – Comment _____

☐ No – Initials _____ (See Attached Fire Safety Plan)

-or-

The following improvements have been determined to be necessary:

_____

_____

_____

_____

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

☒ Yes – Comment _____

☐ No – Initials _____ (See Attached Fire Safety Plan)

10.150/11.150 – On site water requirements will be met in the following way:

A. The proposed dwelling will not exceed 3,500 square feet and will be located NOT within a fire protection district.

☐ Yes – Comment _____

☐ No – Initials _____ (See Attached Description of Onsite water requirements)

-or-

B. The proposed dwelling will NOT exceed 3,500 square feet or will be located outside a fire protection district (with demonstration that the parcel cannot be annexed into or contract for protection with a nearby district) and will be constructed with an interior sprinkler system that meets NFPA standards.

☐ Yes – Comment _____

☐ No – Initials _____ (See Attached Description of Onsite water requirements)

☐

-or-

C. The proposed dwelling is a manufactured home or a historic structure and will substitute provision of an on site water source meeting on site water supply standards in lieu of an NFPA sprinkler system that would otherwise be required.

☐ Yes – Comment _____

☐ No – Initials _____ (See Attached Description of Onsite water requirements)

I/we acknowledge receipt of the full **Wasco County LUDO Chapter 10/NSALUDO 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 accompanying site plan are true and accurate and that all planned future compliance will be achieved within one year and maintained in perpetuity.

_____ 7/31/12

Name, Title Date

_____

Name, Title Date

PLAQJR-12-08-0001
Watson Application

Fire Safety

Modification of Fire Safety Standards

PLAQJR-12-08-0001
Watson Application

Fire Safety

Modification of Fire Safety Standards

February 19, 2011

Gary Nychyk
Senior Planner
Wasco County Planning

Re: FILE NUMBER PLACUP-10-11-0023, PLASTS-10-11-0026, and PLAQJR-10-11—0006: Completeness review for Single Family Dwelling and detached shed on property located at Township 7 South, Range 14 East W.M., Section 8 D, Tax lot 300; Assessor Account 12783

Modification of Fire Safety Standards

A. Maps (See attached)
   1. Site Description:
      Site is approximately .25 acre parcel located adjacent to the Deschutes River. Site is non-sloping land with minimal fuel load. Majority of ground is either rocky or soil. See attached Map. Site has several mature White Alder trees native to the Deschutes River riparian zone and three (3) mature Poplar trees. Site is well hydrated as per proximity to the Deschutes River. Wind is generally in the late afternoon and originates from the river facing side. North Junction, area upon which site is located, is peninsula surrounded on three sides by Deschutes River with railroad track on the remaining side. River and railroad tracks create substantial fire breaks protecting entire North Junction area from wildfire.

   2. Site falls outside of formal fire protection district. Access Road is maintained by the Deschutes Club. Deschutes Club maintains two (2) fire Apparatus; (1) Water Tender, with ~2000 gallon capacity; and (1) Brush Rig, with ~250 gallon storage and ~100 g.p.m. flow capacity. These apparatus are available for fires occurring along Deschutes Club access road. Apparatus are of appropriate size to access site despite limited clearance on access road.

The intent of this proposal is to provide for a more fire-safe structure, and the ability to mitigate incipient stage wildfire starts on area surrounding proposed dwelling.

B. Statement of Need:
   Fire safety standards require modification due to site size and location. Applicants have been unable to obtain easement from adjacent property owner to maintain vegetation in a fire-wise fashion despite several attempts. Remote location of proposed dwelling limits availability of fire protection.

C. Risk Assessment

Additional risk from proposed dwelling is minimal. Proposed dwelling will be constructed to meet fire safety standards. On-site protective measures and firefighting capacity will be superior to adjacent properties and will provide greater level of protection against incipient phase wildfires than is currently available. Stored water, standpipe, and wildland hose will be available to adjacent property owners during wildland fire season.

D. Additional Actions to Minimize Risks

PROPOSED PLAN for ON-SITE FIRE PROTECTION

1. Maintain fire fuel breaks to property line as required by Section 10.120 of Wasco County LUDO. Site is not large enough to accommodate alternative placement of proposed dwelling to allow for full 50' fire fuel break on all sides. Placement of structure on lot is such that 50' fuel break will be maintained on windward (river facing) side of structure.
2. Proposed dwelling will be constructed as per all specifications for fire protection in Section 10 of Wasco County LUDO.
3. Exterior of proposed dwelling will be constructed using James Hardie, Hardiplank lapsiding, Hardipanel siding, Harditex baseboard, and Hardishingle cladding shingles; consistent with 60 minute rated wall assembly designs. These products comply with ASTM-C1186 *Standard Specification for Grade II, Type A, Non-Asbestos Fire-Cement Flat Sheets.*
4. Thermal windows will be used on sides of structure where full 50' fire fuel break cannot be maintained. Window size will be limited. Shutters constructed of fire resistive materials will be maintained on all ground level windows.
5. Roof will be metal and have UL Class A Rating.
6. Hose bibs will be installed and maintained on all four sides of proposed dwelling.
7. Redundant water supply will be maintained: 1) Deschutes River; surface water can be used without permit for emergency firefighting purposes per Oregon Water Resources Department Aqua Book 2) 2000 gallon on site water storage with 1hp centrifugal pump.
8. Owners will purchase 200' of 1" single jacket wildland firefighting hose, with adapters to ensure compatibility with standpipe, hose bibs, and centrifugal pump discharge port. Hose will be maintained in an exterior hose locker for rapid deployment.

Attachments:

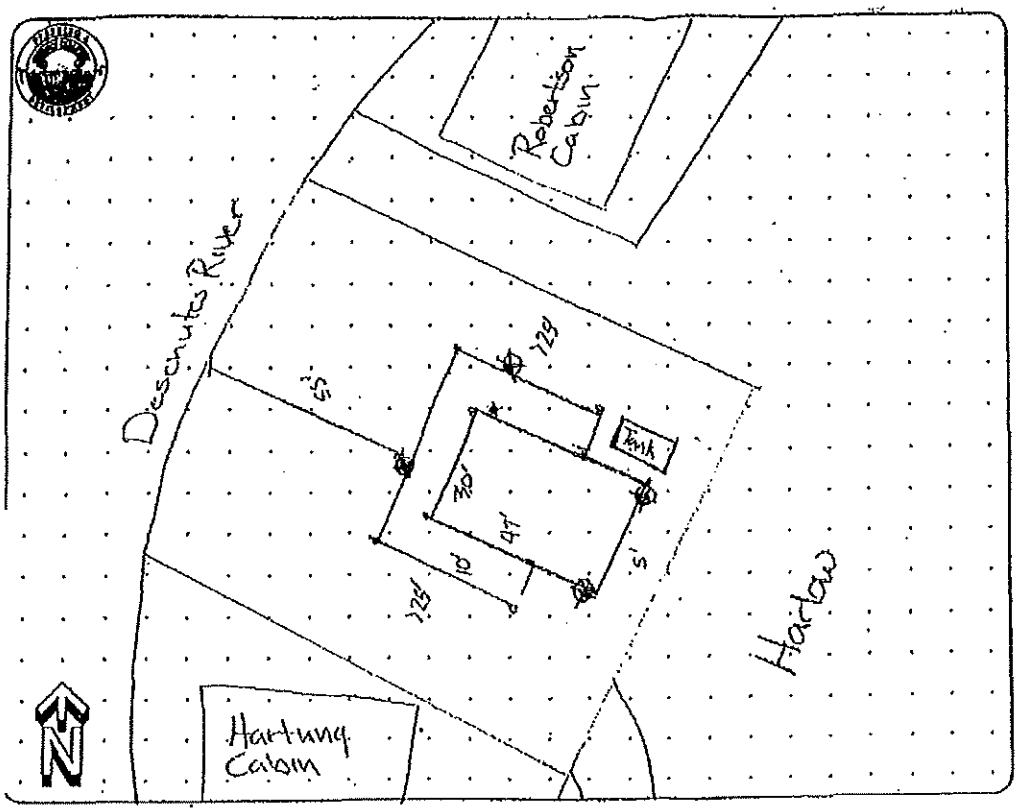
A. Site map
B. Tank diagram

(A)

Site Plan For Proposed Modifications to Fire Safety Standards
Township: T75 Range: 14E Section: 8D Tax Lot: 300

Hose Bibs

Submerged Water Storage Tank
Dimensions: W 98"x H 50" x D 125"



SITE PLAN MAP

Map, Tax Lot #: _____
Applicant: Watson
Owner(s): Colonel Watson
Leslie Watson
Contact #: 503 779 3521
Date: 3/8/11

NOTE: Lot Dimensions and setbacks must be included numerically and drawn to the scale selected below.

* See back for required site plan information.

SCALE: (select one)
1:50 ☐
1:100 ☐
1:200 ☐

Planner Only:
File #: _____
Resized – No longer to scale ☐

February 19, 2011

Gary Nychyk
Senior Planner
Wasco County Planning

Re: FILE NUMBER PLACUP-10-11-0023, PLASTS-10-11-0026, and PLAQJR-10-11—0006: Completeness review for Single Family Dwelling and detached shed on property located at Township 7 South, Range 14 East W.M., Section 8 D, Tax lot 300; Assessor Account 12783

Proposed Access to Water

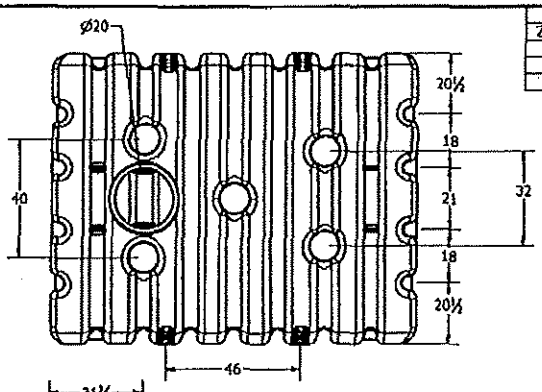
Water at proposed dwelling will be secured using two methods:

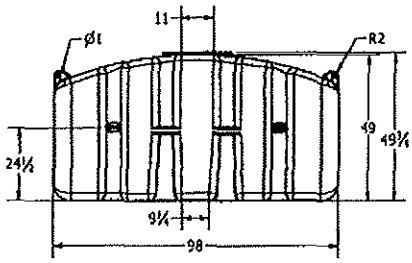
1. On-Site Storage:
   Water will be stored using 2000 gallon Poly-Tank. On Site storage will provide for year round domestic water supply and provide for redundant water supply for emergency firefighting purposes. Storage tank can be filled using water that is:
   a. Transported into site by vehicle
   b. Drawn from Deschutes River (pending approval of Permit for use of Surface Water for limited Domestic Use)

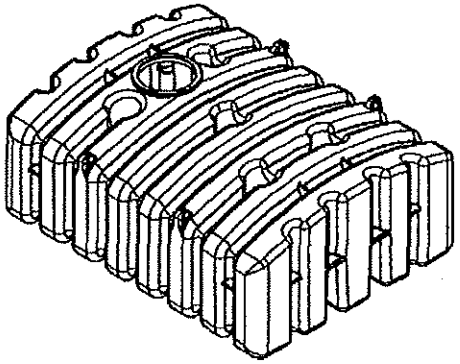
2. Deschutes River Surface Water
   Application for Permit to use Surface Water for limited Domestic Use from Oregon Water Resources Department. (See attached application for Surface Water limited Domestic Use) Water will be secured using 2" suction with foot valve and centrifugal water pump. Surface Water from the Deschutes River is available for emergency firefighting purposes without permit.

   Applicants have discussed water use with Bod Wood, Wasco County Watermaster and per Mr. Wood's recommendation, contacted Tim Willet at State of Oregon Water Resources Department. Applicants have contacted multiple well drilling companies and all have concluded that remote location, and limited clearance beneath railroad trestle, prohibits well rig from reaching location. Application for water right Permit is first step in obtaining a "Perfected Water Right," from the Oregon Water Resources Department.

REVISION HISTORY				
ZONE	REV	DESCRIPTION	DATE	APPROVED
	T	REMOVE CURRENT MOLDED THRU HOLES AND BUSHINGS	11-12-2009	
	T	ADD ANGLED INWARD RIBS TO BOTTOM HALF OF BOTH ENDS	11/12/2009	
	T	CAP OFF BOTTOM RIBS THAT INTERSECT MOLDED COLUMNS	11/12/2009	



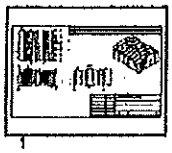


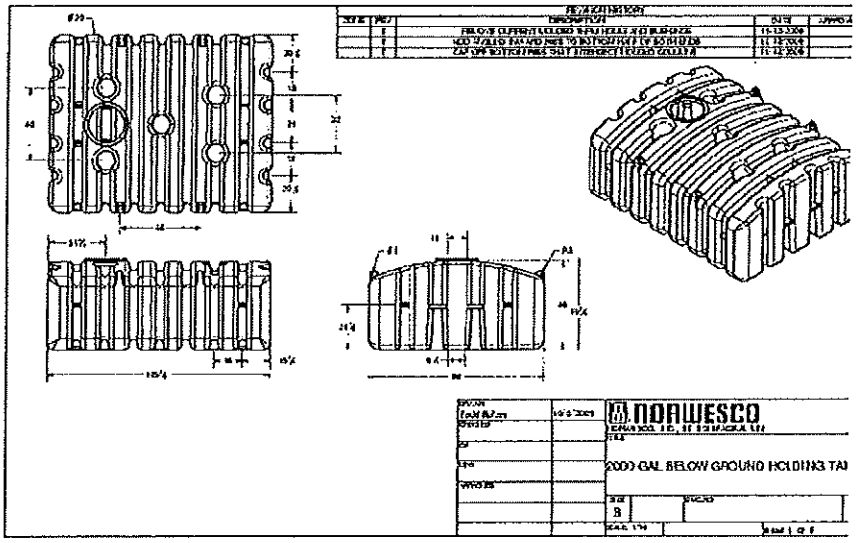


DRAWN: Todd Bolzer	10/5/2009	NORWESCO, INC., ST. BONIFACIUS, MN
CHECKED		TITLE: 2000 GAL BELOW GROUND HOLDING TANK
QA		
MFG		
APPROVED		
		SIZE: B; DWG NO.; REV: T
		SCALE: 1/16; SHEET 1 OF 1

2000 GAL BELOW GROUND HOLDING TANK (NO PART NUMBER)

jeanetten@co.wasco.or.us
Save to Google Docs Download original Share
File View Help
Search the document.





https://docs.google.com/a/co.wasco.or.us/viewer?a=v&pid=gmail&attid=0.1&thid=13168c... 7/30/2012

PLAQJR-12-08-0001
Watson Application

Oregon Parks & Recreation Department

Application Process & Documents

PLAQJR-12-08-0001
Watson Application

Oregon Parks & Recreation Department

Application Process & Documents

WASCO COUNTY

Gary Nychyk <garyn@co.wasco.or.us>

Watson - North Junction

1 message

Greg Clannella <greg.clannella@state.or.us> **Wed, Mar 9, 2011 at 1:25 PM**
To: GaryN@co.wasco.or.us

Hi Gary,

Currently, the Watson's have an incomplete notification of intent into Oregon Parks and Recreation Department (OPRD) for their proposed structure placement in North Junction along the Lower Deschutes River. Two items are missing, 1.) A landscape plan, 2.) Building plans that show detailed dimensions of structure size, and exterior color schemes. If the Watson's can submit a landscape plan that demonstrated native vegetation planting for screening, a maintenance plan to ensure plant survivability, in addition to building plans that showed structure height no more than 30ft. from natural grade and exterior color schemes that are earth tone and blend into the landscape, OPRD would approve their notification of intent.

As you'll read in the rules and regulations for the Lower Deschutes River "(2) Recreational River Area: (b) Within the Recreation River Area described in subsection (2)(a), the Department may not permit any new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection."

Under OAR rules for Scenic Waterways (http://arcweb.sos.state.or.us/rules/OARS_700/OAR_736/736_040.html) under 736-040-0035 Rules of Land Management, under 7 D(b) "The Commission may require that additional vegetative screening be established and maintained. In such event, it shall be evergreen, wherever practicable, and compatible with natural growth in the area."

As stated above, we will accept the Watson's notification of intent, if he can provide a landscape plan and demonstrate the ability to grow native vegetation for screening. In his approval, I can add yearly check-ups on vegetation establishment, and also put in clauses of re-planting if plants are dying off.

As you are aware of our rules and regulations, if OPRD denies the Watson's notification of intent, they have one year from the date their notification of intent is deemed complete to move forward with their plans, without consulting with OPRD.

I will let you know when the Watson's complete their notification of intent - you will receive a copy of their full application.

Please give me a call if want to discuss this - cell phone is best since I'm and in out a lot 503.580.2434

Greg

Greg Clannella
Natural Resource Specialist
Oregon Parks & Recreation Dept.
Region 3 (Central/Eastern Oregon)
1645 NE Forbes Road Ste 112
Bend, OR 97701-4990

RECEIVED
MAY 23 2011
WASCO COUNTY PLANNING

May 19, 2011

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

RE: File Number: 2-194-10
Property Location: T 7S R 14E Sec. 8D Taxlot 300

Please review the enclosed Notification of Intent from Gabriel Watson; he is seeking approval for construction of a recreational dwelling and storage on legal parcel, within the statutory boundaries of the Lower Deschutes River Scenic Waterway.

Comments are requested by June 13th 2011. You may use the responses below or attach written comments.

_____ Proposal is not regulated by local comprehensive plan and zoning ordinance.

_____ Proposal has been reviewed and is consistent with local comprehensive plan and zoning ordinances.

_____ Proposal has been reviewed and is NOT consistent with local comprehensive plan and zoning ordinances.

X Consistency of the proposal with the local zoning ordinances cannot be determined. The following approvals must be obtained:

- X Conditional Use Approval
- _____ Development Permit
- _____ Plan Amendment
- _____ Zone Change
- _____ Other: Subject to: Standards Review

An application X has _____ has not been submitted for local approvals checked above. (but is incomplete) Note – Application has expired. Needs to re-submit

John Roberts - Planning Director — 6-8-11
Name and title of approving official — Date

RETURN TO:

Rivers Program
Oregon Parks and Recreation Department
1645 NE Forbes Road, Suite 112
Bend, OR 97701

Enclosures.

See – Attached – Application in our office has expired, needs to re-submit.

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 Gabriel A Watson Telephone 503-729-3521

2. Address 1824 SE Taylor, Portland, OR 97214

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

   a. Name SAME Telephone

   b. Address

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

County Wasco Township 7S Range 14 E Section 8D Tax Lot 300

5. Scenic Waterway Lower Deschutes River

6. Type of improvement, change of land use or activity proposed and its purpose:
Construct recreational dwelling and storage on legal parcel as applied to Wasco County Planning. Planting of several trees in
to provide visual barrier between proposed structure and scenic waterway in accordance with Scenic Waterways.

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

8. When do you want to begin? Improvements to begin upon approval from Oregon Parks and Recreation and Wasco Co.
How long will it take? Approximately 1 year from date of 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.)

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

10. Complete the following where applicable:

A. Proposed building or structure.

1. Exterior dimensions: Length 47' Width 35' Height from natural grade 26'

2. Siding: Material and Color Hardi Plank fire resistive siding in beige/sage tone

4. Architectural style: Rustic cabin, heavy timber construction, style circa early 1900's

5. How much clearing of vegetation will be necessary?

Minimum clearing of existing vegetation beneath cabin footprint only. Other vegetation to remain as visual obstruction, maintained to fire safety standards.

6. Does the site need leveling or grading? ☐ Yes ☐ No

7. If so, how much? Structure to be placed atop leveling piers; no leveling will be necessary

8. How will excess material be disposed of?
None

☒ 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:

1. Width Existing road 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

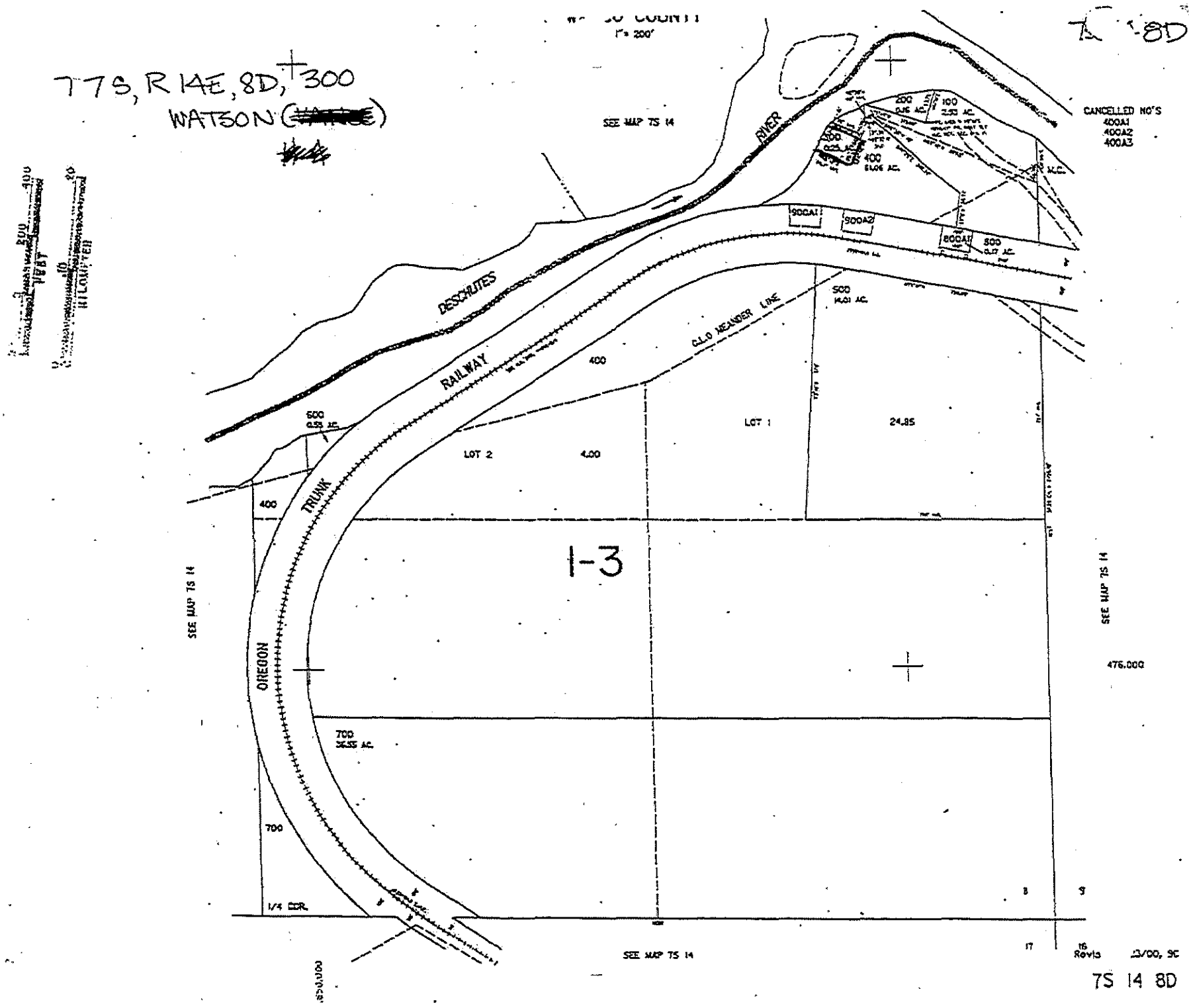
11. ☐ If the proposed improvements, change of land use or activity are not fully and clearly described in by the foregoing, attach a detailed description.

12. Signature of applicant [signature] Date 5/17/2011

13. Signature of legal landowner [signature] Date 5/17/2011

NOTICE: Legal landowner is responsible for any violations 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, Suite 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.

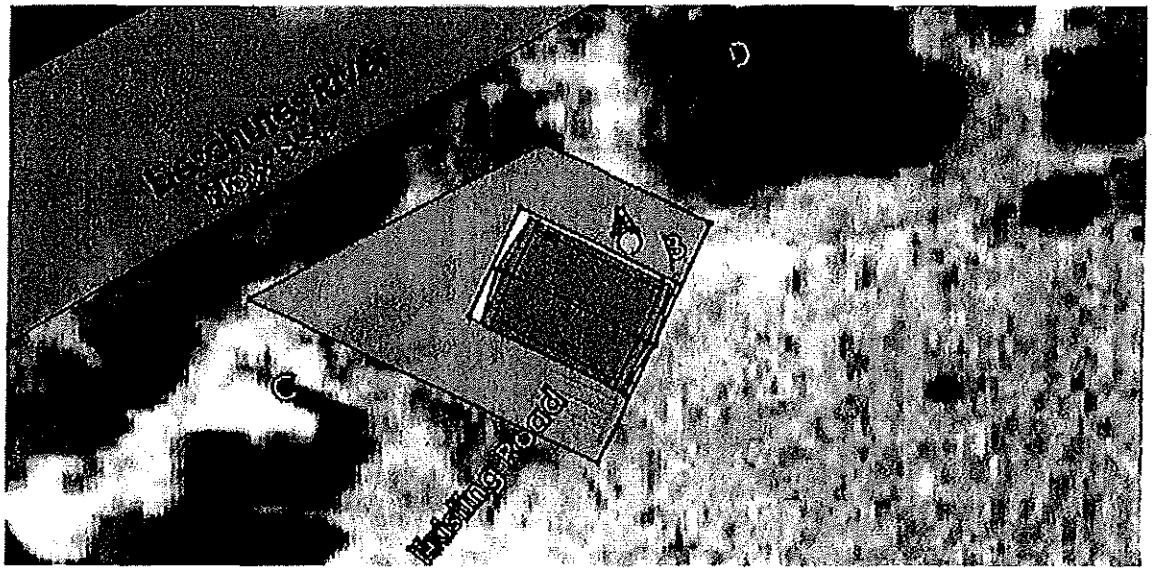

7S, R 14E, 8D, TL 300
WATSON (ACCESS)
1" = 200'
SEE MAP 7S 14
DESCHUTES RIVER
CANCELLED NO'S
400A1
400A2
400A3
500A1
500A2
800A1
500
500
14.01 AC.
O.L.O. MEANDER LINE
RAILWAY
400
600
0.55 AC.
LOT 1
24.85
LOT 2
4.00
400
I-3
OREGON TRUNK
SEE MAP 7S 14
476.000
700
36.55 AC.
700
1/4 COR.
SEE MAP 7S 14
17
16
Revis
7S 14 8D

2-248

Site Plan

Location:		Dimensions of Proposed Structure:	
County:	Wasco	Height:	26' (above grade)
Township:	7S	Width:	35'
Range:	14E	Length:	47'
Section:	8D		
Tax Lot:	300	Nearest Distance to River:	66'

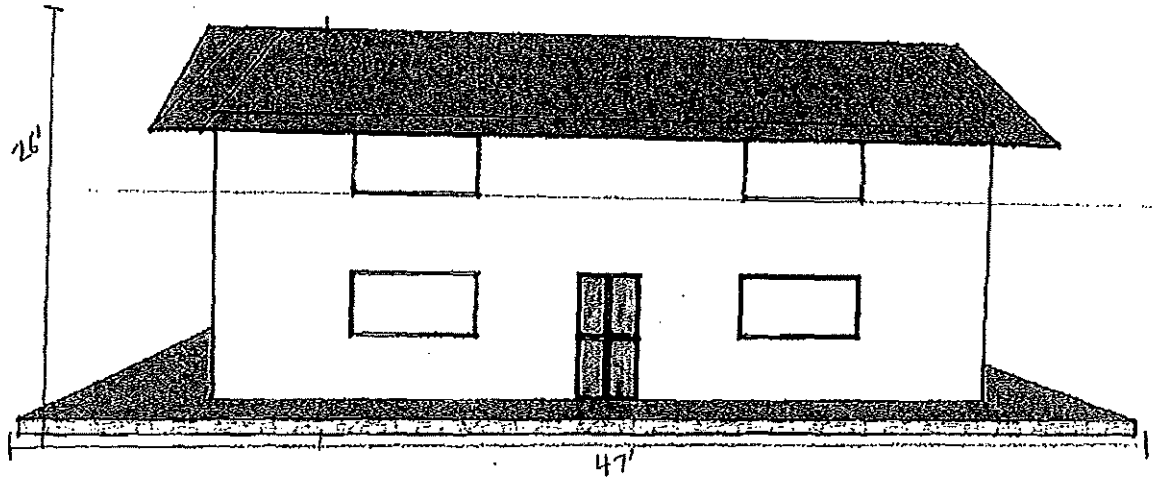
NORTH



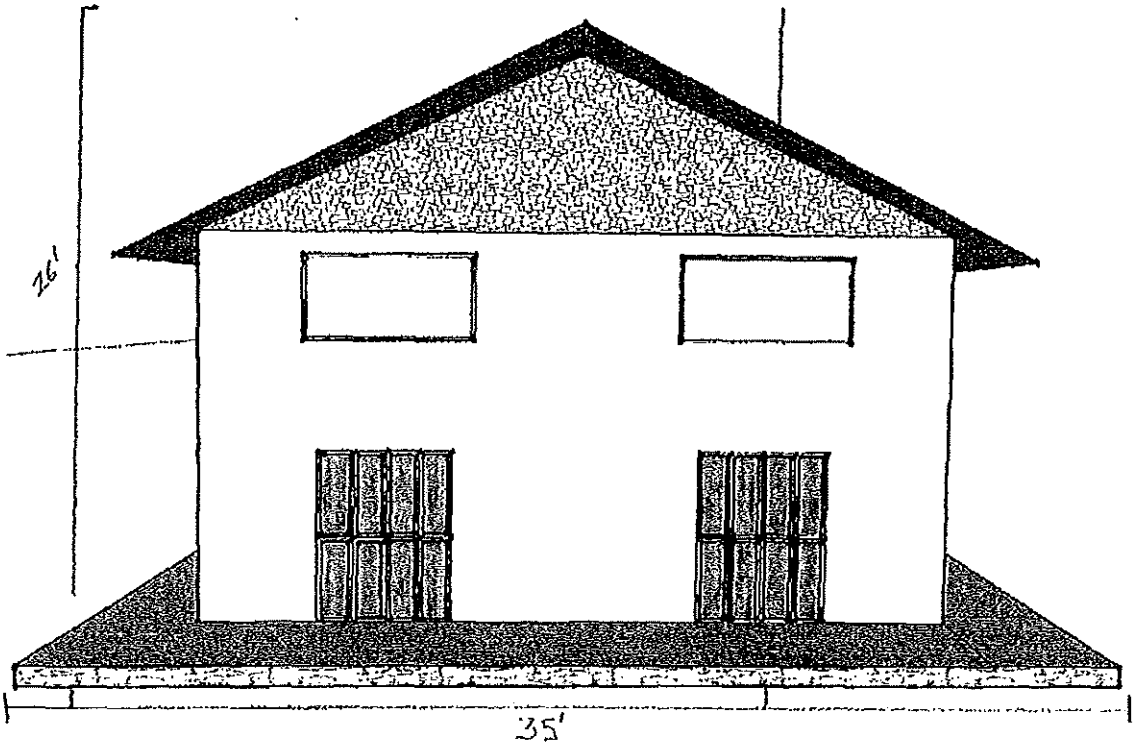
KEY:
A: On-Site water storage tank (below ground)
B: Septic tank
C: Adjacent Structure (Hortung)
D: Adjacent Structure (Robertson)

North View of Watson Property

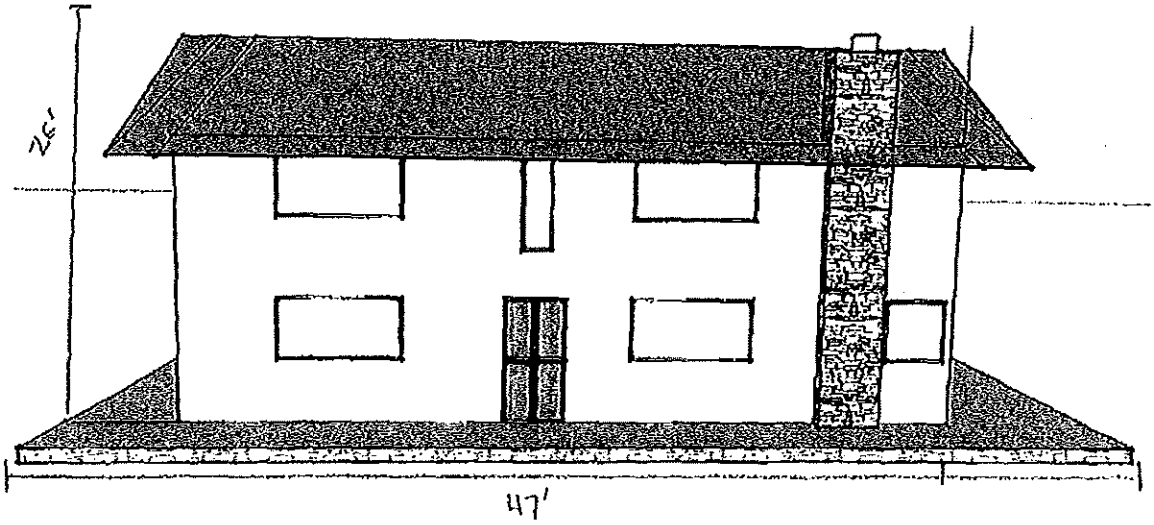
West View of Watson Property



South View of Watson Property



East View of Watson Property



Landscape Management Plan for Watson Property
North Junction, Lower Deschutes River, Wasco County

Goal

Provide native tree vegetation screening along the Deschutes River so as to fully screen proposed recreational structure from sight from the Deschutes River. Provide for maintenance of vegetation during initial period (approximately 5 yrs) from time of planting to ensure survival of new vegetation and permanent screening of structure.

Objective

Plant and maintain native trees along exposed portion of rivers edge and floodplain.

Scope:

1. During spring (May/early June)

   Plant 12-15, mature (8' or taller) Pine trees, with 10' spacing along rivers edge in areas where no trees currently exist. Trees are to be transplanted into holes of same depth as those created by their removal. Holes are to be pre-watered, and soils conducive to successful transplantation are to be used.

2. Throughout summer and fall

   Maintain transplanted trees by watering at least one time per week, up to three times per week; assess for sustainability of transplanted trees and where necessary, supplement with:

3. White alder and black cottonwood trees, 1-2 gallon sized, planted along rivers edge and on flood plain.

Maintenance:

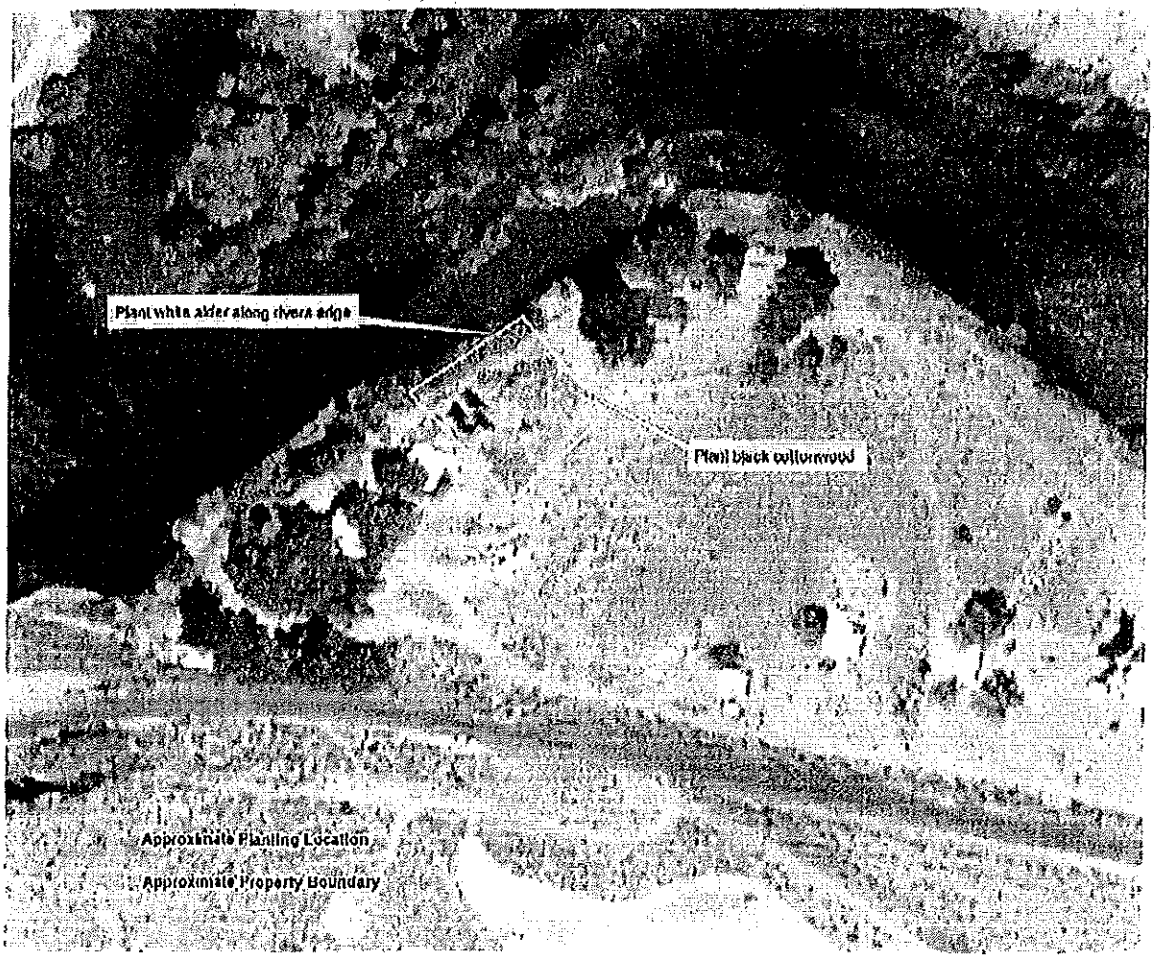
1. Weekly/bi-weekly watering to occur during summer months of all transplanted Pine, and if necessary, White alder and Black cottonwood trees for period of 5 yrs. to ensure successful growth in perpetuity.

Conclusion:

Applicants will continue to provide for screening of proposed structure, as per Scenic waterways requirements, in perpetuity. As necessary, additional planting, landscaping, watering, or supplementation will be performed by applicants.

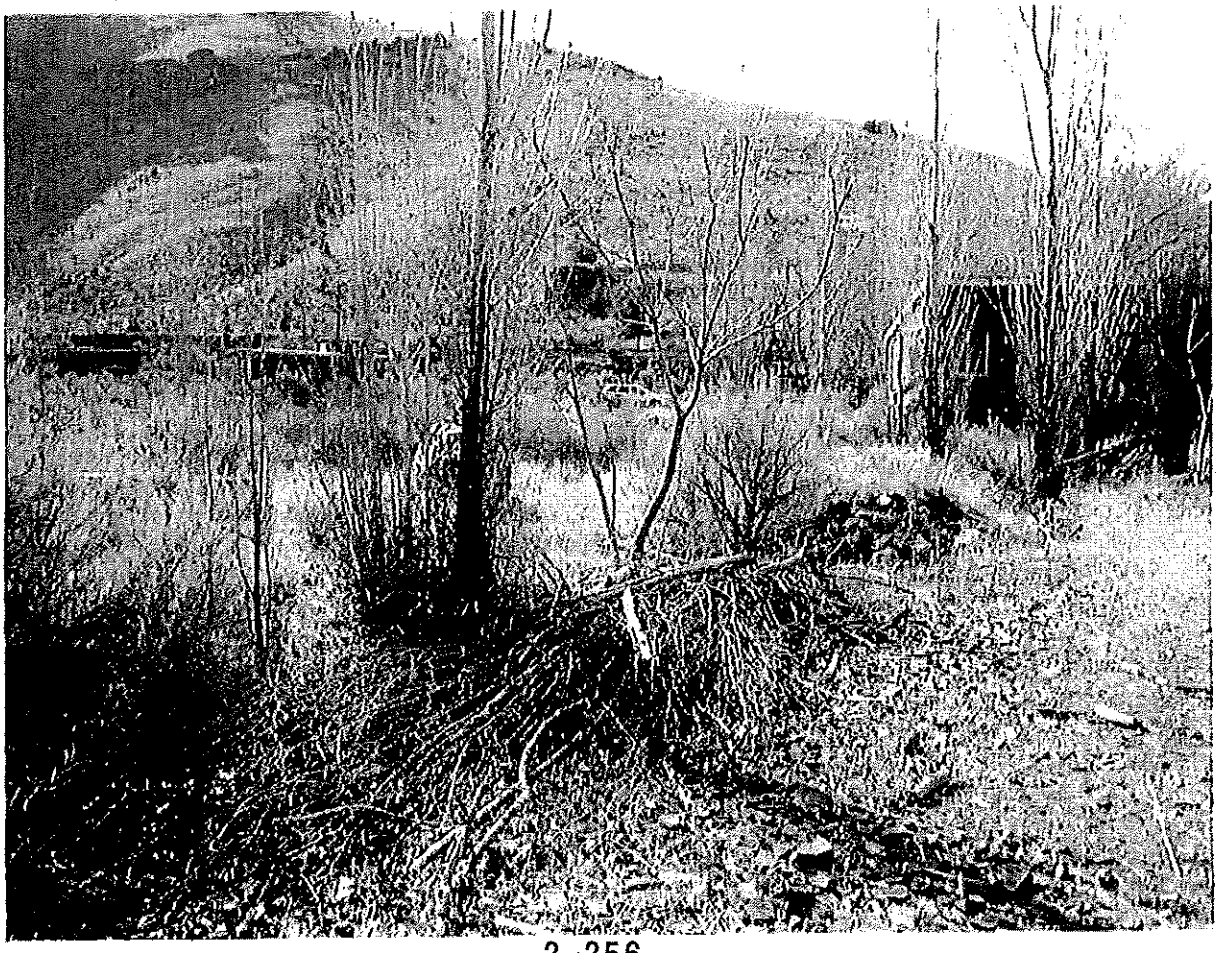
See Attached map for approximate planting locations.

Watson Property North Junction – Lower Deschutes River

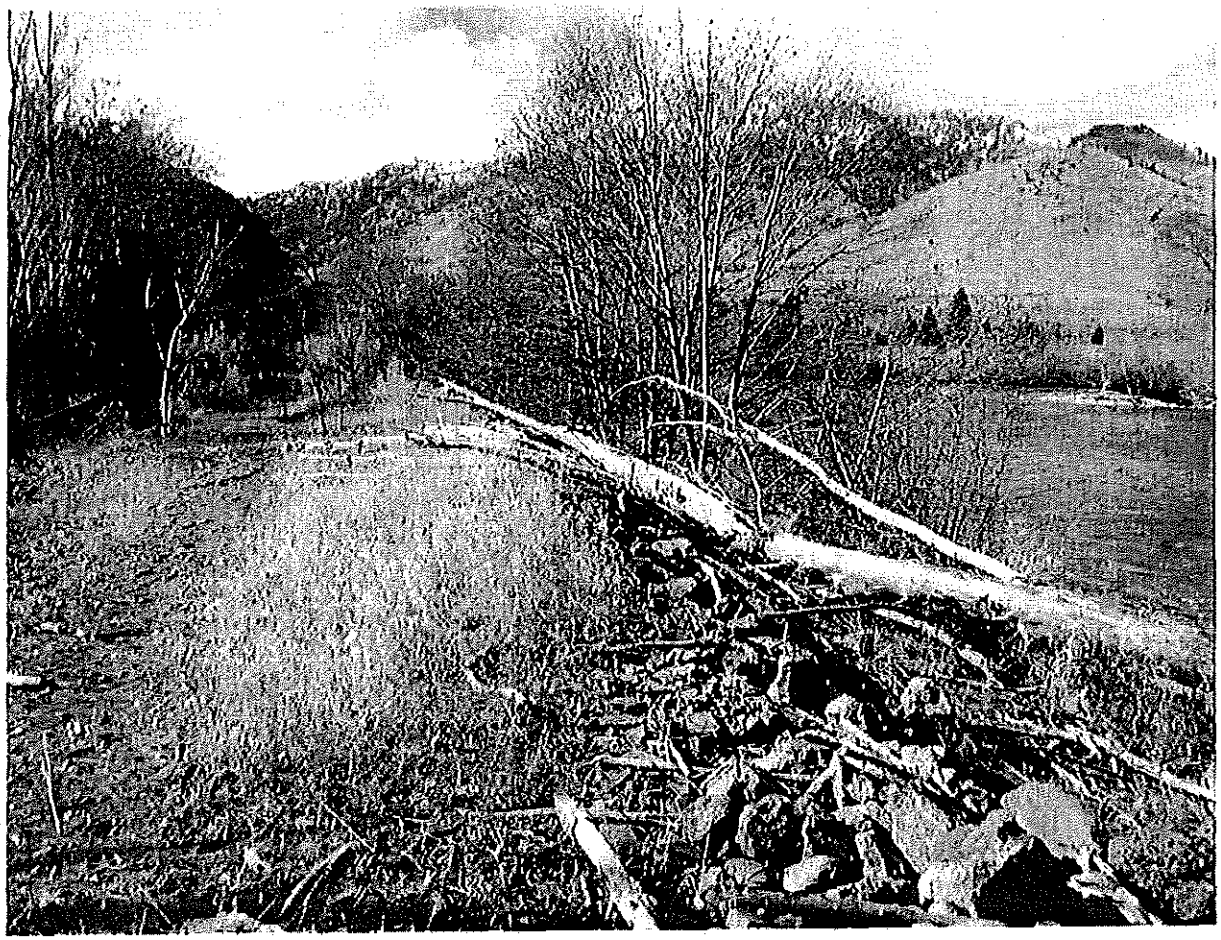




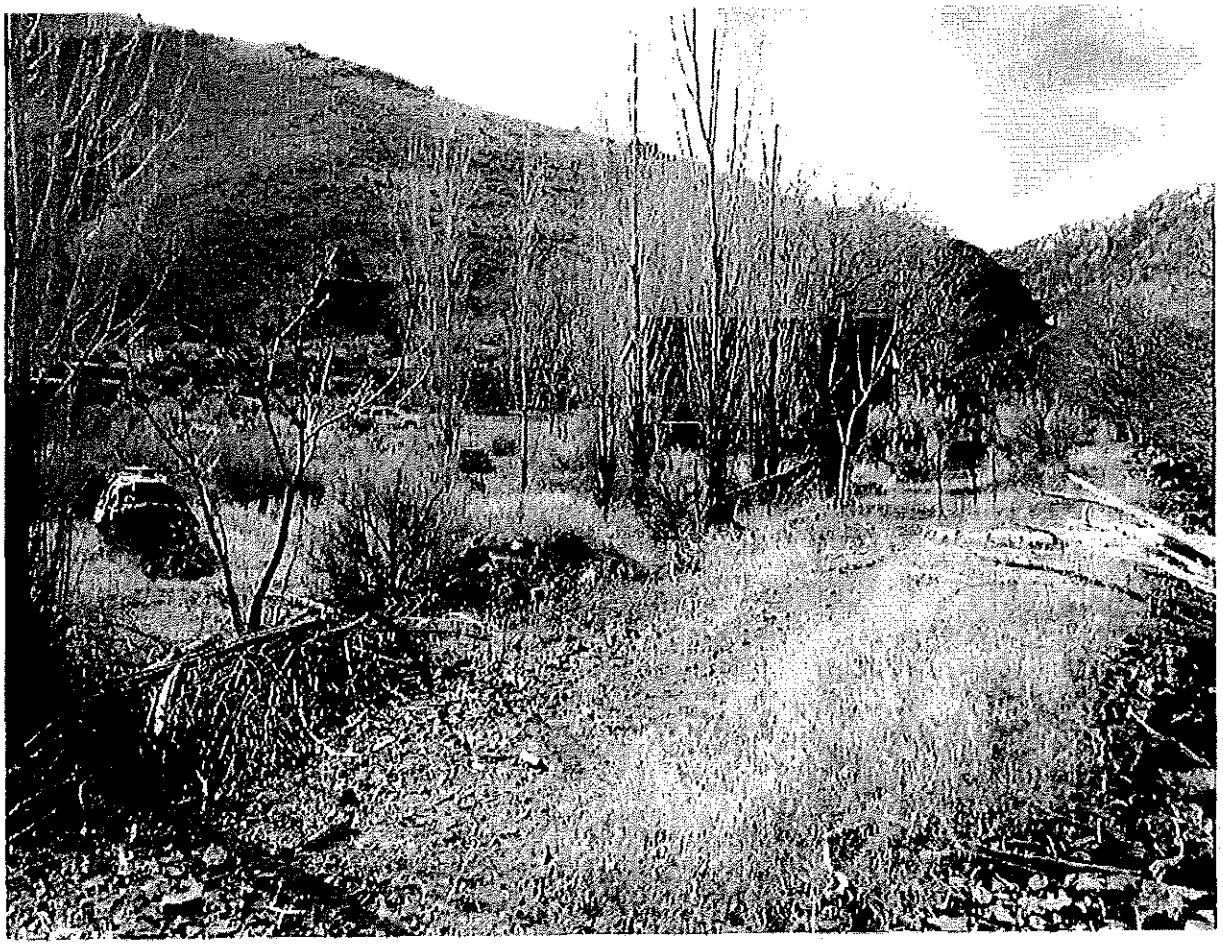
Looking at dwelling site, from neighboring property upstream



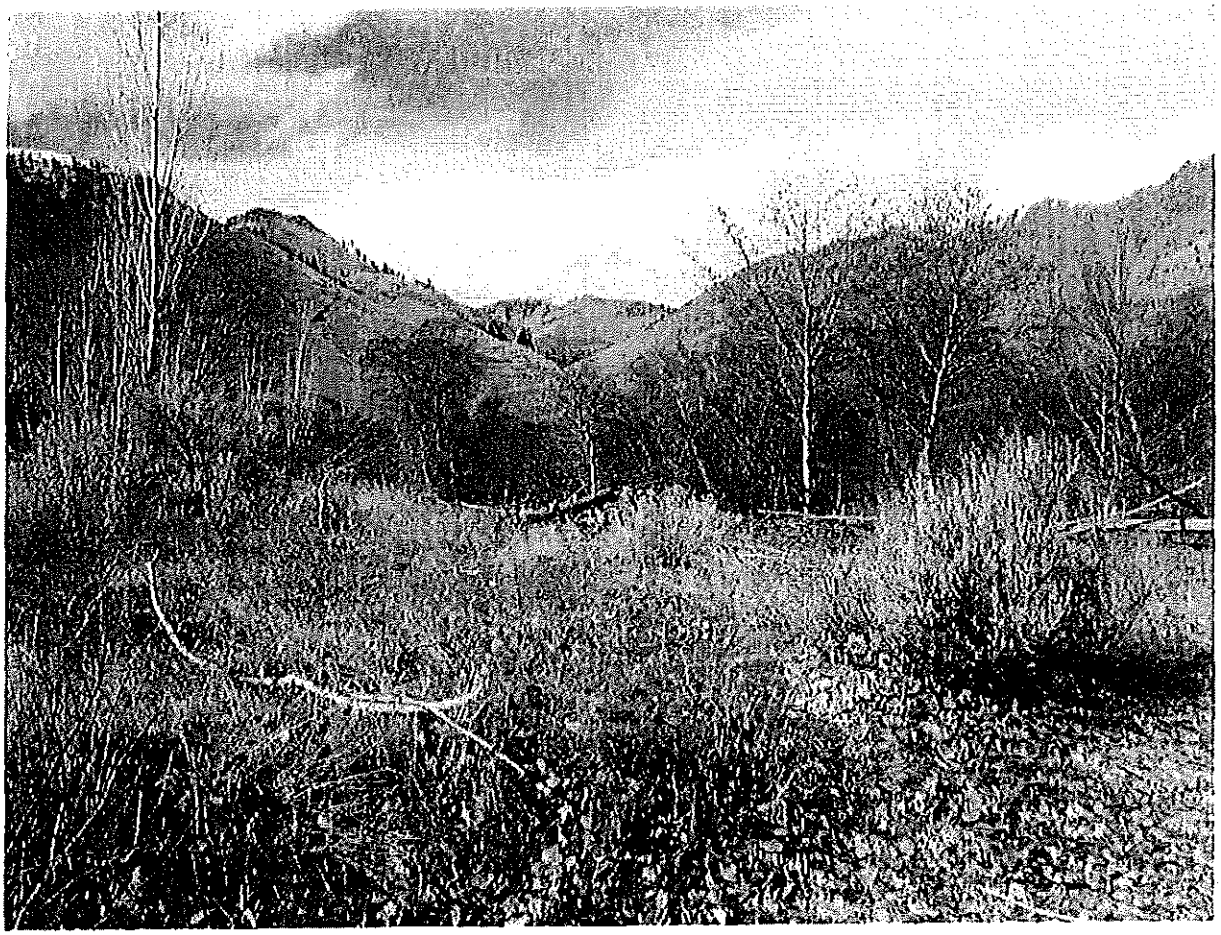
Looking at dwelling site, river at back



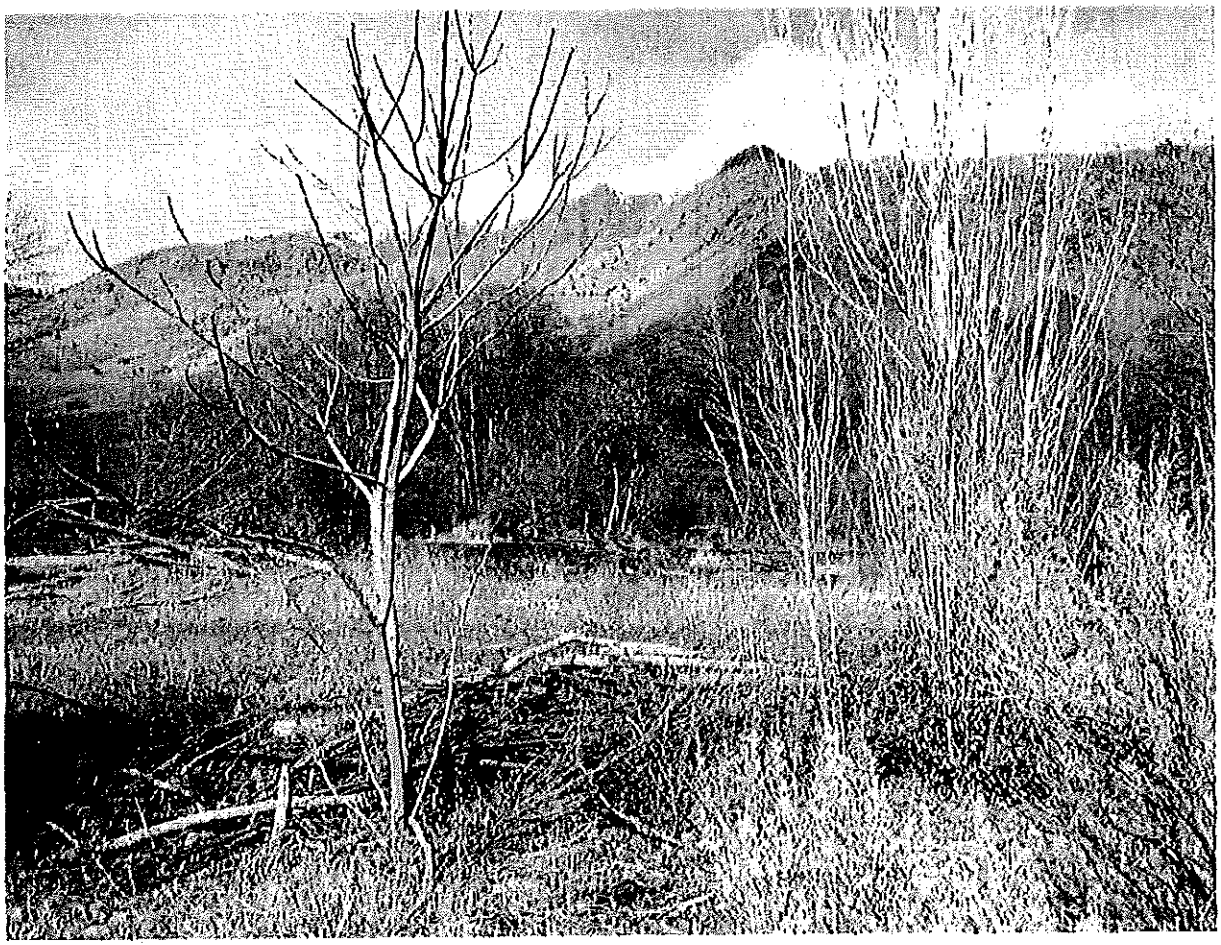
Looking upstream, dwelling site to the left



Picture taken from same locale above, looking at dwelling site



Looking at river from dwelling site



Looking at river from dwelling site

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

March 5, 2012

Gabriel A. Watson
3215 NE Klickitat
Portland, OR 97212

Re: Notification File No.: 2-194-10
Property Location: T7S R14E Section 80 Taxlot 300

The Oregon Parks and Recreation Commission grants its approval to Gabriel Watson for the construction of a recreational dwelling and shed on legal parcel 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. In no case shall debris, silt or other materials will be allowed to reach the waters of the 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.
4. Newly planted trees shall be maintained (watering, mulching, and browse protection) for five years minimum until fully established.
5. All Wasco County permits shall be secured prior to any work commencing.

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 Clannella
Program Coordinator

CC: Jeanette Montour, Wasco County Planning

WASCO COUNTY

John Roberts <johnr@co.wasco.or.us>

Fwd: Scenic Waterway review - Watson

2 messages

Jeanette Montour <jeanettem@co.wasco.or.us> Thu, Aug 23, 2012 at 8:42 PM
To: John Roberts <johnr@co.wasco.or.us>

Hi John,

This just came in..

---------- Forwarded message ---------
From: **Greg Clannella** <greg.clannella@state.or.us>
Date: Thu, Aug 23, 2012 at 4:48 PM
Subject: Scenic Waterway review - Watson
To: jeanettem@co.wasco.or.us

Hi Jeanette,

The Department of Justice (DOJ) has reviewed the Watson application in conjunction with the rules and regulations of the Oregon Scenic Waterway Program for the Lower Deschutes.

The DOJ has recommended park staff request the Oregon Parks Commission to withdraw the approval of the Watson application, to reconsider the application. The Oregon Parks Commission meets next week, and will likely vote in favor of this approval withdraw.

This withdraw is not a denial of the Watson's application. Rather, it allows for further understanding and research into the rules intent when it was derived and voted into legislation. It allows the Watson's the opportunity to prove they are allowed to have a dwelling on the property.

The OPRD hopes to have a final decision on the Watson application during its November meeting

Contact me with any questions. I'll follow up when I learn more.

Greg

Greg Clannella
Natural Resource Specialist
OPRD Region 3 (Central/Eastern Oregon)
1645 NE Forbes Road Ste 112
Bend, OR 97701-4990

Office: 541.388.6236
Cell: 503.580.2434
Hours: M-TH 7a.m - 5:30p.m

Jeanette Montour
Senior Planner
Wasco County Planning and Development

PLAQJR-12-08-0001
Watson Application

Deed Information

PLAQJR-12-08-0001
Watson Application

Deed Information

Wasco County Official Records 2009-000233
DEED-D
Cnt=1 Stn=1 WASCO COUNTY 01/22/2009 03:08 PM
$15.00 $11.00 $10.00 $15.00 $51.00

00031787200900002330030038

I, Karen LaBraton Coats, County Clerk for Wasco County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

After recording return to: (Name, Address, Zip)
Michael Watson
3412 SW 13 AVENUE
PORTLAND OR 97239

Until requested otherwise, send all tax statements to: (Name, Address, Zip)
SAME AS ABOVE

SPACE ABOVE RESERVED FOR RECORDER'S USE

WARRANTY DEED

VICKI W. JONES, Grantor, conveys and warrants to MICHAEL A. WATSON, Grantee, the following described real property free of encumbrances, except as specifically set forth herein: situated in Wasco County, State of Oregon, described as follows, to-wit:

See Exhibit 'A' attached hereto and by this reference incorporated herein

Subject to and excepting: See attached Exhibit "B"

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (BALLOT MEASURE 49 (2007)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (BALLOT MEASURE 49 (2007)).

The true and actual consideration for this conveyance is $70,000.00. (Here comply with requirements of ORS 93.030.)

Dated this 21st day of January, 2009.

Vicki W. Jones
VICKI W. JONES

STATE OF WASHINGTON)
)
County of SKAGIT)

This instrument was acknowledged before me on this 21st day of January, 2009 by VICKI W. JONES.

Gary T. Jones
Notary Public for Washington
My commission expires: 3/10/2010

GARY T. JONES NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 3-10-10

WASCO TITLE, INC. 14700

EXHIBIT "A"

All of the real property bounded by the intersection of the herein described lines and the Southerly (Easterly bank) line of the Deschutes River, all in Wasco County, Oregon.

The point of beginning may be established by traversing 65.30' on a line bearing South 00° 36' East from the (most Easterly) meander corner on the Section Line between Sections 8 and 9, Township 7 South, Range 14 East of the Willamette Meridian, then 589.50' on a line bearing North 67° 42' West, then 10.00' on a bearing South 46° 36' West, then 78.95' on a line bearing South 24° 48' West to a point.

From that point all the property bounded by the 3 herein described lines and the Southerly line of the Deschutes River: Traverse 50.00' to a line bearing South 24° 48' West to the point of beginning. Then continue the traverse 35' South 24° 48' West, then 118.7' more or less on a line bearing North 65° 12' West to the Southerly (Easterly bank) of the Deschutes River. ALSO from the identical point of beginning traverse 110' more or less on a line bearing 65° 12' West to the Southerly (Easterly bank) line of the Deschutes River being a common line described in a previous deed to the same grantee, all bearings being based on true North.

All of the property bounded by the 3 herein described lines and the Southerly line of the Deschutes River. From that point which is the point of beginning traverse 15' on a line bearing North 24° 48' East then 86' more or less on a line bearing North 65° 12' West to the Southerly line of the Deschutes River. ALSO from the identical point of beginning 95' more or less on a line bearing North 65° 12' West to the Southerly line of the Deschutes River being a common line described in the previous deed to the same grantee, all bearings being based on true North.

TOGETHER WITH an Access Easement as disclosed by Warranty Deed, recorded June 7, 1995 as Microfilm No. 95-2065, Wasco County records.

EXHIBIT "B"

1. The usual reservations as contained in patent issued by the United States of America.
2. Rights of the Public in and to the portions thereof included within the boundaries of roads and highways.
3. Public utility easements, if any, shall be found to exist in the premises.
4. The rights of the public and of governmental bodies in and to any portion of the above property lying below highwater mark of the Deschutes River.
5. Exception is hereby made if the premises shall not be accessible from any legally dedicated road or highway.

FORM No. 223—BARGAIN AND SALE DEED. STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

1957

KNOW ALL MEN BY THESE PRESENTS, That Inez Hartung

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Edwin J. Welsh

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Wasco, State of Oregon, described as follows, to-wit:

All the real property bounded by the intersection of the herein described lines and the southerly (easterly bank) line of the Deschutes River, all in Wasco County, Oregon. The point of beginning may be established by traversing 65.30' on a line bearing S 00°36' E from the (most easterly meander corner on the section line between Sections 8 and 9, Township 7 S. R. 14 E.W.M., then 589.50' on a line bearing N 67° 42' W, then 10.00' on a bearing S 46° 36' W, then 78.95' on a line bearing S 24°48' W to a point.

From that point all the property bounded by the 3 herein described lines and the southerly line of the Deschutes River: Traverse 50.00' to a line bearing S 24°48' W to the point of beginning. Then continue the traverse 35' S 24°48' W, then 118.7' more or less on a line bearing N 65°12' W to the southerly (easterly bank) of the Deschutes River. Also from the identical point of beginning traverse 110' more or less on a line bearing 65°12' W to the southerly (easterly bank) line of the Deschutes River being a common line described in a previous deed to the same grantee, all bearings being based on true North.

All the property bounded by the 3 herein described lines and the southerly line of the Deschutes River. From that point which is the point of beginning traverse 15' on a line bearing N 24°48' E then 86' more or less on a line bearing N 65°12' W to the southerly line of the Deschutes River. Also from the identical point of beginning 95' more or less on a line bearing N 65°12' W to the southerly line of the Deschutes River being a common line described in the previous deed to the same grantee, all bearings being based on true North. *

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ 0 ... ①However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which)①

In construing this deed the singular includes the plural as the circumstances may require.

Witness grantor's hand this 1st day of ..., 19 ...

*The purpose of this deed is to grant 35' additional property upstream and 15' additional property downstream to Edwin J. Welsh from the property upon which is located an S.P. & S. caboose which property presently approximates 50' x 100' on the southerly (easterly bank) line of the Deschutes River; which property I have previously conveyed to Edwin J. Welsh.

Inez M Hartung

STATE OF OREGON, County of Multnomah) ss.

Personally appeared the above named Inez Hartung

and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me: [illegible]

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires ... 13

①Strike out whichever is inapplicable, should be deleted per Chapter 450, Oregon Laws 1955, as amended by the 1957 Special Session.

Bargain and Sale Deed

Inez Hartung

TO

Edwin J. Welsh

AFTER RECORDING RETURN TO

No. 710815

STATE OF OREGON, County of Wasco, ss.

I, H. A. HOWARD, County Clerk and ex officio Recorder of Conveyances, in and for said county, do hereby certify that the within instrument of writing was received for record

JAN 21 11 29 AM '57

and recorded in the DEED records of said County vol. Micro Film

Witness my hand and seal of office of The Dalles, Oregon

H. A. HOWARD, County Clerk

By [illegible] Deputy

Fees $

Address

NUMBER 710815

COMPARED INDEXER

723

DEED OF PERSONAL REPRESENTATIVE
VICKI WELSH JONES, Personal Representative, Grantor
VICKI M. JONES, Grantee
After recording return to: VICKI M. JONES, 1180 Landing Road, Mt. Vernon WA 99273
Tax Statements: Same as above

CORRECTIVE DEED TO CORRECT LEGAL DESCRIPTION
(Recorded in Records of Wasco County - No. 951665)
DEED OF PERSONAL REPRESENTATIVE

VICKI WELSH JONES, personal representative of the estate of EDWIN J. WELSH, deceased, Grantor, transfers and conveys with the tenements, hereditaments and appurtenances to VICKI M. JONES, Grantee, the following real property situated in the County of Wasco, State of Oregon, to-wit:
All of the real property bounded by the intersections of the three herein described lines and the southerly line of the Deschutes River, all in Section 8, Township 7 South Range 14 East of the Willamette Meridian, Wasco County, Oregon, to-wit: Beginning at a point South 00° 36' east from the most easterly meander corner on the section line between Sections 8 and 9, Township 7 South Range 14 East of the Willamette Meridian; thence North 67° 42' 889.80 ft; thence South 46° 36' West 10 ft; thence South 24° 48' West 78.95 ft to the true point of beginning; thence from said true point of beginning South 24° 48' West 80 ft; thence North 65° 12' West 110 ft more or less to the southerly line of the Deschutes River; also from the said identical true point of beginning North 65° 12' West 95 ft more or less to the southern line of the Deschutes River, All bearings being based on true north.

All of the real property bounded by the intersection of the herein described lines and the southerly (easterly bank) line of the Deschutes River, all in Wasco County, Oregon. The point of beginning may be established by traversing 65.30' on a line bearing S 00°36' E from the (most easterly) meander corner on the Section Line between Sections 8 and 9, Township 7 S. R. 14 E.W.M., then 889.80' on a line bearing N 67° 42' W, then 10.00' on a bearing S 46° 36' W, then 78.95' on a line bearing S 24°48' W to a point.

From that point all the property bounded by the 3 herein described lines and the southerly line of the Deschutes River: Traverse 50.00' to a line bearing S 24°48' W to the point of beginning. Then continue the traverse 35' S 24°48' W, then 118.7' more or less on a line bearing N 65°12' W to the southerly (easterly bank) of the Deschutes River. Also from the identical point of beginning traverse 110' more or less on a line bearing 65°12' W to the southerly (easterly bank) line of the Deschutes River being a common line described in a previous deed to the same grantee, all bearings being based on true North.

All the property bounded by the 3 herein described lines and the southerly line of the Deschutes River. From that point which is the point of beginning traverse 15' on a line bearing N 24°48' E then 86' more or less on a line bearing N 65°12' W to the southerly line of the Deschutes River. Also from the identical point of beginning 95' more or less on a line bearing N 65°12' W to the southerly line of the Deschutes River being a common line described in the previous deed to the same grantee, all bearings being based on true North.

Together with an easement as follows:
A permanent easement and right of way across property owned by grantor to the property previously conveyed by said grantor to Edwin J. Welsh and upon which there is now situate a building comprised of a caboose, the said property being approximately 80 ft. x 100 ft. in area and having been previously described in such conveyance which was intended to convey approximately 80 ft. x 100 ft. in the area in which said caboose is situated, the description being as follows, to-wit:

All the real property bounded by the intersections of the 3 herein described lines and the southerly line of the Deschutes River, all in Wasco County, Oregon. The point of beginning may be established by traversing 65.30' on a line bearing S 00° 36' E. from the (most easterly) meander corner on the Section Line between Sections 8 and 9, Township 7 S. R. 14 E.W.M., then 889.80' on a line bearing N 67° 42' W, then 10.00' on a bearing S. 46° 36' W, then 78.95' on a line bearing S 24° 48' W, at which the point of beginning is located. From the point of beginning traverse 50.00' on a line bearing S 24° 48' W, then 110' more or less on a line bearing N 65° 12' W to the southerly line of the Deschutes River. Also from the identical point of beginning 95' more or less on a line bearing N 65° 12' W to the southern line of the Deschutes River, all bearings being based on true North.

The true and actual consideration for this deed is $33,000.00.

DATED this 30th day of May, 1995.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Vicki Welsh Jones PR
VICKI WELSH JONES, Per.Rep.

STATE OF Washington)
) ss.
County of Skagit)

Personally appeared on the 30 day of May, 1995, VICKI WELSH JONES and acknowledged the foregoing instrument to be her voluntary act and deed as personal representative.

Janice M. Williams
Notary Public for Oregon Washington
My commission expires: 1-15-98

952065(2)

MULTNOMAH COUNTY OREGON
DEPARTMENT OF PROBATE

LETTERS TESTAMENTARY

CASE NO. 9406911S3

THIS CERTIFIES that the Will of Edwin J. Welsh deceased, has been proved and Vicki Welsh Jones have been and is/are at the date hereof the duly appointed, qualified and acting Personal Representative(s) of the Will and estate of the decedent.

IN WITNESS WHEREOF, I, as Clerk of the Circuit Court of the State of Oregon for the County of Multnomah, in which proceedings for administration upon the said estate are pending, do hereby subscribe my name and affix the seal of said court.

Dated this 6th day of July ,1994 .

Clerk of the Court
By JANE L. DUDGEON

CERTIFICATE

STATE OF OREGON)
MULTNOMAH COUNTY) ss.

I, Administrator of the Circuit Court of the State of Oregon, for Multnomah County, which Court has exclusive jurisdiction of all probate proceedings in said County, do hereby certify that the foregoing copy of Letters Testamentary has been compared by me with the original, and that it is a correct transcript therefrom, and of the whole of such original, as the same appears of record in my office and in my custody.

I further certify that said Letters are now in full force and effect.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court.

This: JUL 12 1994

ADMINISTRATOR
By P. Wilson

952065 (3)

952065 (3)

FILED
THE DALLES OR.
Jan 7 10 04 AM '95
COUNTY CLERK
STATE OF OREGON
DEED

PLAQJR-12-08-0001
Watson Application

Affidavit of Mailing
&
Public Noticing

PLAQJR-12-08-0001
Watson Application

Affidavit of Mailing
&
Public Noticing

Wasco County Planning Department

"Service, Sustainability & Solutions"

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

AFFIDAVIT OF MAILING

APPLICANT: Gabe Watson

FILE NUMBER(S): PLAQJR-12-08-0001

I, John Roberts, do hereby swear that on the 15th day of January, 2013, I was the Planning Director for the Wasco County Planning Department, County of Wasco, State of Oregon, and I caused to be mailed to the attached list on the above mentioned date a copy of the referenced Prenotice, dated January 15th, 2013, and Attachments as follows:

Signature: _____

State of Oregon)

County of Wasco)

Signed and affirmed to me on January 15, 2013, by

John Roberts, Planning Director.

_____
(Notary Signature)

Notary Public
(Title)

OFFICIAL SEAL
BRENDA L JENKINS
NOTARY PUBLIC OREGON
COMMISSION NO. 464550
MY COMMISSION EXPIRES FEBRUARY 24, 2016

ACCOUNT	OWNER	MAILING_AD	MAIL_CITY	MAIL_STATE	ZIP_CODE
12780	Robertson Family Investment LLC (Harlow)	29 HILLSHIRE DR	LAKE OSWEGO	OR	97034
12782	KNAKL CO/PARTNER	2646 SW DAVENPORT CT	PORTLAND	OR	97201
12783	WATSON GABRIEL A	1824 SE TAYLOR ST	PORTLAND	OR	97214
12784	HARTUNG JOHN S	15143 SE THORNTON DR	PORTLAND	OR	97267
12781	WILSON JR O MEREDITH ET AL	202 NW 20TH AVE	PORTLAND	OR	97209
16601	ROBSON ROBERT M ET AL	10731 NE MORRIS	PORTLAND	OR	97220
12785	GEMMET MICHAEL ET AL	PO BOX 950	VANCOUVER	WA	98666
12786	SHIELDS PAUL D	1725 SW 89TH AVE	PORTLAND	OR	97225
16543	UNITED STATES OF AMERICA	3050 NE 3RD ST	PRINEVILLE	OR	97754

Agency	Care_of	Mail_ad	Mail_city	Mail_state	Zip_code	Email
On Master Email Notification List:						
County Sanitarian		See Email				glennp@co.wasco.or.us
						johnz@co.wasco.or.us
	Kevin Dworschak					kevind@co.wasco.or.us
	Alyssa Borders					alyssab@co.wasco.or.us
Wasco County Health Dept	Teri Thalhofer					TeriT@co.wasco.or.us
Mid Columbia Building Codes Services	Bob Futter	See Email				robert.futter@mccog.com
						kristyb@co.wasco.or.us
County Watermaster	Sandy Smith	See Email				sandys@co.wasco.or.us
	Bob Wood	See Email				robert.l.wood@wrd.state.or.us
County Assessor		See Email				darlenel@co.wasco.or.us
						donnam@co.wasco.or.us
						melanieb@co.wasco.or.us
						brandonj@co.wasco.or.us
						suea@co.wasco.or.us
						timl@co.wasco.or.us
County Public Works	Marty Matherly					martym@co.wasco.or.us
County District Attorney	Eric Nisley	See Email				ericn@co.wasco.or.us
State Building Codes		See Email				Stephanie.J.Ziegler@state.or.us
NRCS	Ron Graves	See Email				ron.graves@or.nacdnet.net
State Fire Marshal's Office- County	Heather Miller	See Email				heather.miller@state.or.us
State Fire Marshal's Office- The Dalles/Mosier	Ted Megert	See Email				ted.megert@state.or.us
Oregon Dept. of Fish & Wildlife	Jeremy Thompson	See Email				jeremy.l.thompson@state.or.us
Oregon Dept. of Fish & Wildlife	Rod French	See Email				rod.a.french@state.or.us
Oregon Dept. of Forestry	David Jacobs	See Email				djacobs@odf.state.or.us
OR Dept. of Land Conservation & Dev.	Jon Jinings	See Email				jon.jinings@state.or.us
OR Dept. of Land Conservation & Dev.	Karen Swirsky	See Email				karen.swirsky@state.or.us
Office of Michael J Lilly		See Email				mikelilly@michaeljlilly.com
Kathleen Fitzpatrick		See Email				kfitzz77@gmail.com
Bonneville Power Admin		See Email				rowapplications@bpa.gov
The Dalles Chronicle	Keri Brenner	See Email				kbrenner@thedalleschronicle.com
OR State Highway Division, Bend	Ana Jovanovic	See Email				ana.jovanovic@odot.state.or.us
OR State Highway Division, The Dalles	Brad DeHart	See Email				bradley.k.dehart@odot.state.or.us
OR State Highway Division, The Dalles	Robert Perisho	See Email				Robert.A.Perisho@odot.state.or.us
Reviewing Planner to Notify:						
Oregon Parks and Recreation Department	Greg Ciannella					greg.ciannella@state.or.us
Bureau of Land Management: Prineville District	3050 N.E. 3rd St.		Prineville	OR	97754	BLM_OR_PR_Mail@blm.gov
Confed. Tribes of Warm Springs	Sally Bird	PO Box C	Warm Springs	OR	97761	sbird@wstribes.org
Confed. Tribes of Warm Springs	Elmer Ward					eward@wstribes.org

NOTICE OF QUASI JUDICIAL PUBLIC HEARING
WASCO COUNTY PLANNING COMMISSION

HEARING DATE & LOCATION INFORMATION: NOTICE IS HEREBY GIVEN that the WASCO COUNTY PLANNING COMMISSION will conduct a public meeting on Tuesday, February 5th, 2013, beginning at 3:00 pm in the Gorge Discovery Center, Lower Level Classroom, The Dalles, Oregon 97058. *The meeting facility is handicapped accessible, and language interpreters are available with one week notice. Please call (541) 506-2560, if you need special accommodations to attend the work session.*

Hearings before the Wasco County Planning Commission are governed by ORS 197.763 and ORS 215.402 to 215.431, Section 2.180 of the Wasco County Land Use and Development Ordinance. The meeting agenda includes the following:

HEARING DETAILS: File PLAQJR-12-08-0001 (previously named: PLACUP-10-11-0023_PLASTS-10-11-0026_PLAQJR-10-11-0006). Request by owner and applicant, Gabriel Watson, for review of the following:

- 40' x 28' x 24' (1,120 square foot), non-farm dwelling
- 18' x 12' x 12' (216 square foot) shed
- Variance to property line setbacks. Requested setbacks are as follows:
  - 25' from front and rear property line
  - 25' from side property lines
  - 25' from Deschutes River
- Floodplain Development Review of requested structures located within the FEMA delineated floodplain
- Modification to Wasco County Fire Safety Standards Review

The property is within the A-1 (160) zone within Wasco County. The subject property is located in the North Junction of the Deschutes River Access Road, approximately 19.6 miles south of the City of Maupin, Oregon. The property is further described legally as: 7S 14E 8D 300.

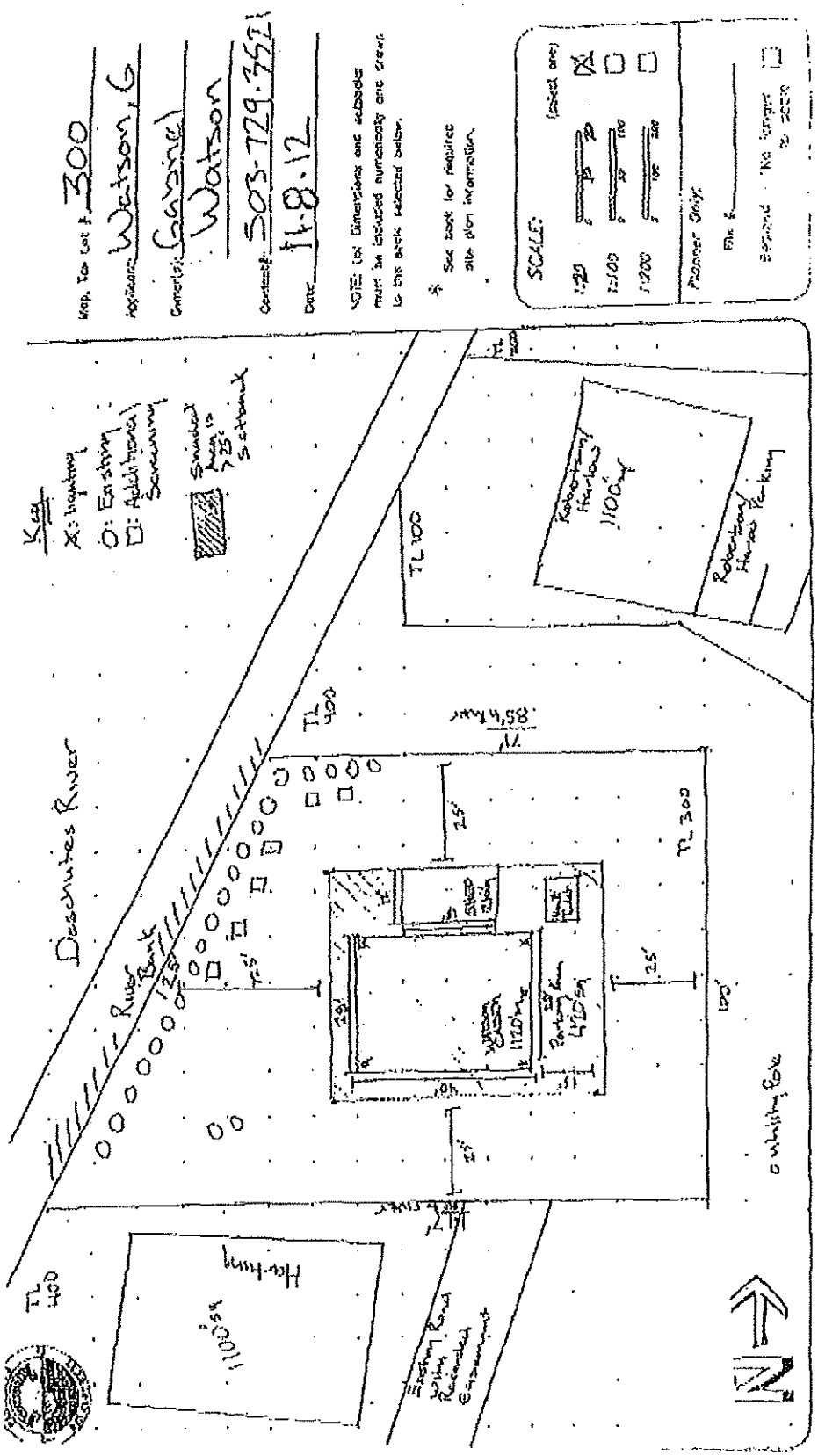
REVIEW AUTHORITY: Chapter 2, Section 2.060.B.8 & 14 of the Wasco County Land Use and Development Ordinance. REVIEW CRITERIA: Chapter 3 (Basic Provisions), Section 3.210 (Exclusive Farm Use zone), Section 3.210 (F) Setbacks, Section 3.740 (Flood Hazard Overlay), Section 3.910 (EPD 7 Natural Area- Wild and Scenic Rivers Boundary Area); Chapter 5 (Conditional Use Review); Chapter 6 (Variances); Chapter 10 (Fire Safety Standards).

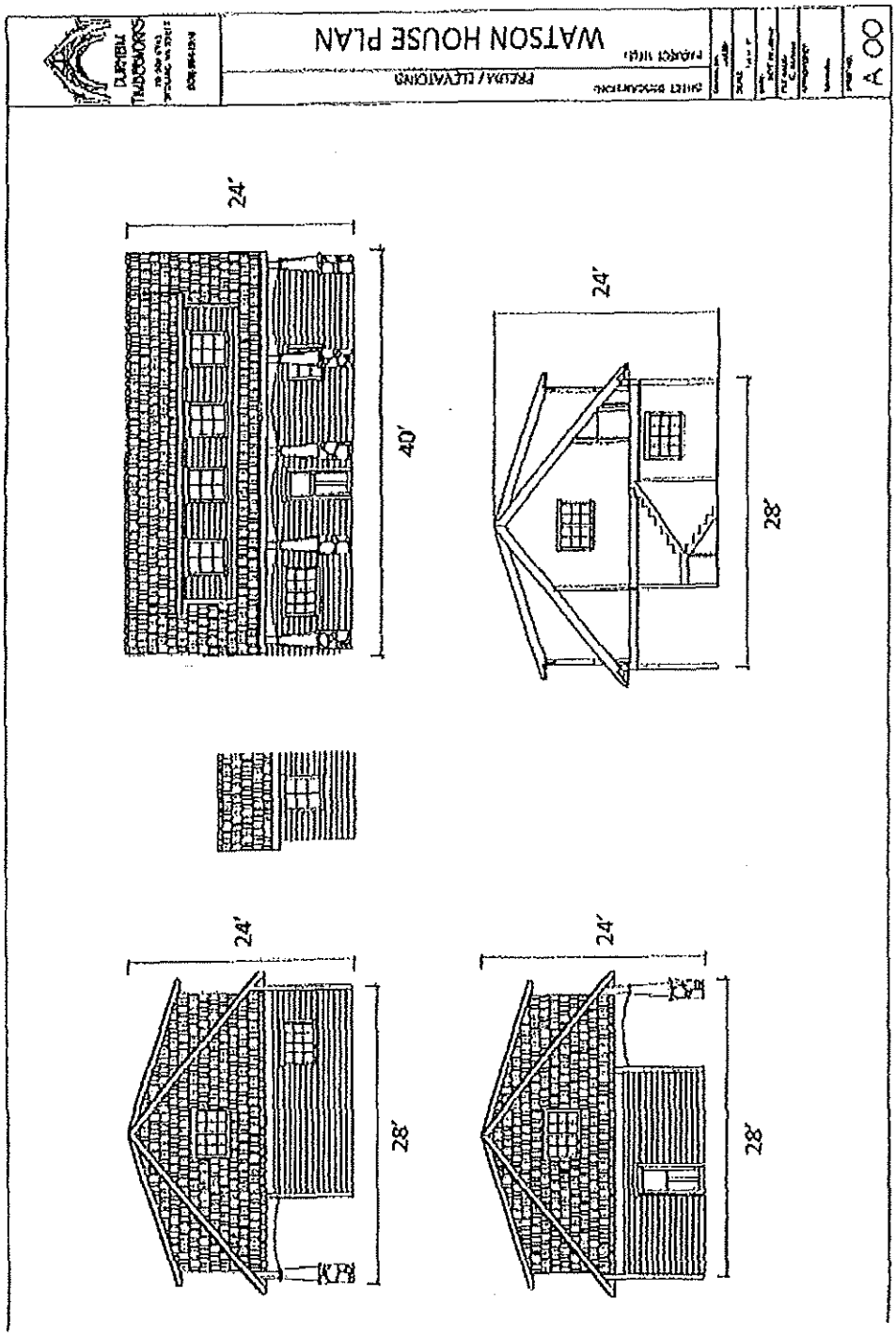
QUESTIONS/COMMENTS are to be submitted in writing to the Wasco County Planning Office, 2705 East Second St., The Dalles, Oregon 97058, or in person at the hearing. Testimony and evidence must be directed toward the listed review criteria or land use regulation which the person believes to apply to that decision. Questions and comments regarding PLAQJR-12-08-0001 or the public hearing should be directed to: John Roberts, Planning Director, at (541) 506-2563 or e-mail: wcplanning@co.wasco.or.us.

AVAILABILITY OF INFORMATION: A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable costs. Any staff report or memo prepared for the hearing shall be available for inspection at no cost seven (7) days prior to the work session and will be available online at: **http://co.wasco.or.us/planning/default.html.** .

APPEAL INFORMATION: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Board of Commissioners based on that issue.

[Publication Date: January 15th, 2013]


Map, Tax Lot # 300
Applicant: Watson, G
Owner(s): Gabriel Watson
Contact: 503-729-3571
Date: 11.8.12
NOTE: All Dimensions and setbacks must be included numerically and drawn to the scale selected below.
* See back for required site plan information.
SCALE: (select one)
1"=20'
1"=50'
1"=100'
Planner Only:
File #
Received No Longer Required
Key:
X: Inventory
O: Existing
□: Additional Screening
Sawdust Burn 75' Setback
Deschutes River
Riverbank
TL 100
TL 400
TL 300
Roberson Homes Parking
Roberson Homes
110'±
114.58'
25'
125'
120'
Existing Road Recorded Easement
Hershey
Whistling Ave


WATSON HOUSE PLAN
A 00
24'
40'
24'
28'
24'
28'
24'
28'

PLAQJR-12-08-0001
Watson Application

Copy of 150 Day
Waiver Requirement

PLAQJR-12-08-0001
Watson Application

Copy of 150 Day
Waiver Requirement

Wasco County Planning Department

"Service, Sustainability & Solutions"

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

WAIVER OF 150 DAY REQUIREMENT

We do hereby agree to extend, per ORS 215.427, the 150 day requirement for final action on land use application # AJR-12-08-0001. At such time that we wish to recommence the 150 day period, we will notify the Wasco County Planning Department in writing.

Gabriel Watson
(Print Applicant Name)

(Applicant Signature) 8/21/12 (Date)

(Print Applicant Name)

(Applicant Signature) (Date)

PLAQJR-12-08-0001
Watson Application

Receipts

PLAQJR-12-08-0001
Watson Application

Receipts

Wasco County
Permit Receipt
RECEIPT NUMBER 00000765

Account name: 0008728 **Date:** 11/17/2010

Applicant: LESLIE WATSON

Type: check # 1017

Permit Number	Fee Description	Amount
PLACUP-10-11-0023	CUP FEE	1,500.00
PLACUP-10-11-0023	CLERKS RECORDING FEE - nod	71.00
PLAQJR-10-11-0006	QUASI-JUDICIAL REVIEW	425.00
PLASTS-10-11-0026	SUBJECT TO STANDARDS	300.00
	Total:	2,296.00

Gabe Watson submitted an updated application on July 31, 2012. All fees have remained the same & the application will continue to be opened.

Jennifer Mortimer, Senior Planner July 31, 2012

WASCO COUNTY PLANNING COMMISSION

Columbia Gorge Discovery Center
Lower Level Classroom
5000 Discovery Drive
The Dalles, OR 97058

WASCO COUNTY PLANNING COMMISSION

SUPPLEMENTAL PACKET

FOR

Hearing Date: February 5, 2013

Action Item(s):

File PLAQJR-12-08-0001 (previously named: PLACUP-10-11-0023_PLASTS-10-11-0026_PLAQJR-10-11-0006).

The request by owner, Gabriel Watson, is for an administrative (quasi-judicial) review of the following:

1) 40' x 28' x 24' (1,120 square foot), non-farm dwelling
2) 18' x 12' x 12' (216 square foot) shed
3) 7' x 7' sealed vault toilet
4) Variance to property line setbacks. Requested setbacks are as follows:
   - 25' from front and rear property line
   - 25' from side property lines
   - 25' from Deschutes River
5) Floodplain Development Review of requested structures located within the FEMA delineated floodplain
6) Modification to Wasco County Fire Safety Standards Review

PLAQJR-12-08-0001
Watson Application

Supplemental Information Submitted by Applicant

Wasco County Approval in 1985 for Conditional Use Permit (CUP) to allow non-farm (recreational) dwelling in the North Junction Area

PLAQJR-12-08-0001
Watson Application

Supplemental Information Submitted by Applicant

Wasco County Approval in 1985 for Conditional Use Permit (CUP) to allow non-farm (recreational) dwelling in the North Junction Area

WASCO COUNTY PLANNING OFFICE

1721 W. 10th STREET THE DALLES, OREGON 97058

DANIEL C. DUROW, Director of Planning PHONE: (503) 298-5169

August 6, 1985

O. Meredith Wilson, Jr.
800 Pacific Building
Portland OR 97204

Dear Mr. Wilson:

This letter will serve as your official notification that on August 5, 1985, the Wasco County Planning Commission granted, with conditions, your request for a Conditional Use Permit to allow a non-farm (recreational) dwelling.

The conditions of approval include:

(1) The height of the dwelling not exceed a height which would be visible from the Deschutes River.

(2) All siding and roof be of an earth-tone color.

(3) The development comply with all applicable standards of the Scenic Waterways Act.

(4) Garden hose outlets shall be plumbed on the exterior of the building and standpipes located at least fifty (50) feet from the building.

(5) Should electric service and a pump be provided, a separate electric service from the dwelling shall be provided for any pump. This will assure a water supply if the dwelling is burning.

(6) If a fireplace or woodstove is to be used, a fire-screen shall be placed over the chimney/stovepipe during fire season.

This permit applies to property described as: Township 7 South, Range 14 East, Section 8D, Tax Lot 101.

The above-referenced decision was based upon the staff report and testimony received at the hearing. Please note that this decision is subject to appeal to the County Court. Any appeal must be filed within ten (10) days of the date of the Planning Commission decision.

If this office can be of further assistance, please feel free to contact us at any time.

Sincerely,

James W. Johnson
Associate Planner

cc: Wasco County Court
Wilford Carey, Land Use Counsel
Tom Paul, County Watermaster
Jim Payne, Rivers Program, Dept. of Transportation, Parks and Recreation Division
Scott M. Kelley
John Hartung
Bureau of Land Mgt., Prineville Dist.

dm

APPEAL FROM DECISION OF PLANNING COMMISSION

Gentlemen:

The undersigned hereby appeals from a decision of the Planning Commission. The nature of the alleged error, the specific order, requirement, decision or determination appealed from, and any Section or Sections of this Ordinance which the Commission purports to enforce are in error as follows:

O.M. Wilson Conditional Use Permit

~~The decision of the commision was arbitrary, capricious-- without justifiable basis in fact. The proposed development~~ is situated on land that is traditionally grazing land. Staff reports without on-site inspection that ~~xxxx~~ grazing is no longer viable. A visit to the area would reveal a large flat, sloping to a near vertical hillside. A fragile ecology which could not be maintained with a subdivision on the property with increased population density, building, auto parking and attendant signs of habitation. What is to prevent further development on this virgin area? This prpposed development is against the law- the LCDC and the Comprehensive Plan. Further, it constitutes a commercial enterprise in an agricultural area. OWING TO SPACE LIMITATIONS FURTHER INFORMATION AVAILABLE ON SEPARATE PAGE. THANK YOU.

Dated this 15 day of AUGUST, 19 85.

Signed: [signature] (Petitioner)

Address: 929 SW 10th
Portland, 97205

Filing Fee: $125.00

WASCO COUNTY PLANNING OFFICE

1721 W. 10th STREET THE DALLES, OREGON 97058

DANIEL C. DUROW, Director of Planning PHONE: (503) 298-5169

August 20, 1985

O. Meredith Wilson, Jr.
800 Pacific Building
Portland OR 97204

Dear Mr. Wilson:

This letter is to notify you that an appeal has been filed with the Wasco County Court to the Planning Commission's decision to grant you a Conditional Use permit for a non-farm dwelling on your property, described as: Township 7 South, Range 14 East, Section 8D, Tax Lot 101.

You will be notified of the time, date and place of the hearing when set. Please note that any development associated with the Planning Commission's decision is at your own risk, subject to the outcome of the appeal.

If you have any questions regarding this matter, please contact this office.

Sincerely,

James W. Johnson

James W. Johnson
Associate Planner

cc: Wasco County Court
Wilford Carey, Land Use Counsel
Tom Paul, County Watermaster
Jim Payne, Rivers Program, D.O.T.
Scott M. Kelley
John Hartung
B.L.M., Prineville Dist.

dm

3-120-85 Des.

NOTICE OF REVIEW
OF A DECISION OF THE
PLANNING COMMISSION

STATE OF OREGON)
COUNTY OF WASCO) ss

NOTICE IS HEREBY GIVEN: That at the hour of 9:30 a.m. on September 25, 1985, in the Courtroom of the Wasco County Courthouse, The Dalles, Oregon, a review of the decision of the Planning Commission to grant a Conditional Use Permit, to O.M. Wilson, Jr. for a non-farm dwelling will be held. This review shall be confined to the record of the Planning Commission proceedings and argument by the applicant or parties or their legal representatives at the time of review. The subject parcel is described as: Township 7 South, Range 14 East, Section 8D, Tax Lot 101.

By ORDER of the Wasco County Court.

Sue A. Proffitt, Wasco Co. Clerk

for Wilford K. Carey, Land Use Counsel for Wasco County

RECEIVED
SEP 1 1985
STATE PARKS
RECREATION SECTION

WASCO COUNTY PLANNING OFFICE

1721 W. 10th STREET THE DALLES, OREGON 97058

DANIEL C. DUROW, Director of Planning PHONE: (503) 298-5169

NOTED
J. PAYNE

November 7, 1985

TO: All Parties of Record

RE: Review of The Planning Commission Decision to Grant a Conditional Use Permit to O.M. Wilson

Enclosed is a copy of the Wasco County Court Order pertaining to the action taken on the above referenced matter. The effective date of this decision is November 6, 1985.

If you should have any questions regarding this matter, please contact this office.

Sincerely,

James W. Johnson

James W. Johnson
Associate Planner

Encl.

cc: Wasco County Court

dm

IN THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

FILED WASCO CO.
THE P.M. ...
NOV 6 2 31 PM '85
SUE A. FRENETTE
COUNTY CLERK

IN THE MATTER OF THE REVIEW OF THE	)	
PLANNING COMMISSION DECISION TO GRANT	)	
CONDITIONAL USE PERMIT FOR A NON-FARM	)	O R D E R
DWELLING TO O.M. WILSON, JR.	)	

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

IT APPEARING TO THE COURT: That on August 5, 1985, the Wasco County Planning Commission granted with conditions, a request for a Conditional Use Permit to allow a non-farm dwelling:

IT FURTHER APPEARING TO THE COURT: That on August 16, 1985, a petition for appeal of the Planning Commission's decision was received in a timely manner for such appeal;

IT FURTHER APPEARING TO THE COURT: That on September 25, 1985, at 9:30 a.m., in the County Courtroom of the Wasco County Courthouse, The Dalles, Oregon, this Court met to conduct a review hearing on the above

matter and considered the record of the Planning Commission and all testimony from the parties to the above matter. The members of the Court were determined to be qualified to hear the matter.

IT FURTHER APPEARING TO THE COURT that the Court took notice of the record of the Planning Commission, heard the staff report and received all testimony and evidence from the parties and then closed the hearing for further input. The Court then announced it would deliberate and voted to continue the hearing until 1:30 p.m. on October 23, 1985, when based upon the findings of the Planning Commission and Planning Staff, and being fully apprised in the premises, the Court did hereby find as follows:

1. That the petition for appeal was received in a timely manner.

2. That the findings of the staff report and the Planning Commission be adopted.

3. The Court cannot find any evidence in the record to justify the reversal of the Planning Commission's action nor was any testimony presented which would justify the matter being remanded to the Planning Commission.

NOW, THEREFORE, based upon the above findings of fact and conclusion of law and the Court being fully advised in the premises,

IT IS HEREBY ORDERED: That the decision of the Wasco County Planning Commission to grant, with conditions, a conditional use permit for a non-farm dwelling is upheld.

DATED this 6th day of November 1985.

WASCO COUNTY COURT

William L. Hulse

William L. Hulse, Judge

Ray Matthew

Ray Matthew, Commissioner

Jim Comini

Jim Comini, Commissioner

Approved as to Form:

Wilford K Carey
Land Use Counsel for Wasco County

[Page 3 of 3 - ORDER]

PLAQJR-12-08-0001
Watson Application

Supplemental Information Submitted

Analysis of Permits Issued on the Deschutes River

(Presumably by the Oregon Parks & Recreation Department)

PLAQJR-12-08-0001
Watson Application

Supplemental Information Submitted

Analysis of Permits Issued on the Deschutes River

(Presumably by the Oregon Parks & Recreation Department)

Oregon
Theodore R. Kulongoski, Governor

Parks and Recreation Department
Central Oregon
Area 5 Office
1645 NE Forbes Rd., Suite 112
Bend, OR 97701
(541) 388-6211
Fax: (541) 388-6391

July 17, 2009

Leslie Watson
3215 NE Klickitat
Portland, OR 97212

RE: **File No.:** **2A-192-09**
Property Location: **T7S R14E Sec 08D TL 300**
Owners Name: **Leslie Watson**

The Oregon Parks and Recreation Commission grants its approval for construction of storage shed with power within the statutory boundaries of the Lower Deschutes River Scenic Waterway. This approval is for the project outlined in your Notification of Intent verified as complete on June 23, 2009. This approval is subject to the following conditions:

1. This approval is based upon the information submitted. Any substantial change in the approved development information shall require a new notification.
2. All permits from Wasco County shall be acquired prior to making any land use change.
3. All Wasco County requirements shall be satisfied.
4. All existing vegetation between the structure and the river shall be retained and maintained.
5. All soils exposed as a result of construction activity shall be planted with native vegetation or otherwise covered to prevent erosion.
6. New structure is required to have vegetative screening and shall be completely screened from view from river.
7. Construction shall begin within one year (June 23, 2010). If, due to unforeseen circumstances, the project cannot be started by this date, you may request a time extension. A time extension may be granted based on submittal of a revised schedule for completion. Any additional time extensions must be requested prior to this approval expiring.
8. In no case shall debris, silt or other materials be allowed to reach the waters of the Lower Deschutes Scenic Waterway.
9. The exterior of the new dwelling shall be completed within one year after construction has commenced.
10. The Commission shall be notified in writing when construction has commenced and again when the exterior is completed. Notices shall be sent to Rivers Program, Oregon Parks and Recreation Department, at 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,

Letha Crawford
Program Coordinator

C: Wasco County Planning/Keith Cleveland ✓
file

ID	NotificationYear	SWATERWAY	TAXLOT	LNAME
1017		Lower Deschutes	4	Ward
1013		Lower Deschutes		Kingery
1018		Lower Deschutes	1200	Coe
1019		Lower Deschutes	1200	Coe
1012		Lower Deschutes		Morrison
1051	0	Lower Deschutes		Burlington Northern Railroad
984	1971	Lower Deschutes	10	Morrison
986	1972	Lower Deschutes		Soother
985	1972	Lower Deschutes		Eastern Oregon Land
992	1973	Lower Deschutes		Morrison
989	1973	Lower Deschutes		Morrison
994	1973	Lower Deschutes		Wildlife Commission
991	1973	Lower Deschutes		Collis Johnson Ranch
993	1974	Lower Deschutes		Bonneville Power
996	1974	Lower Deschutes		Webb
995	1974	Lower Deschutes		Anderson
998	1975	Lower Deschutes	2	Corbett
999	1975	Lower Deschutes		City of Maupin
1000	1975	Lower Deschutes	400	McInturff
1001	1975	Lower Deschutes		Tsubota
997	1975	Lower Deschutes		Morrison
1002	1976	Lower Deschutes	3	Kaufman

1008	1976	Lower Deschutes		City of Maupin
1003	1976	Lower Deschutes	5	McInturff
1004	1976	Lower Deschutes	301	
1005	1976	Lower Deschutes	7	Ward
1007	1976	Lower Deschutes	1	Goeth
1006	1976	Lower Deschutes		Luelling
1009	1977	Lower Deschutes		Sherars Bridge
1010	1977	Lower Deschutes	4	Ward
1011	1978	Lower Deschutes	1100,1000	Campbell
1014	1979	Lower Deschutes		Jackson
1016	1980	Lower Deschutes	2	Ames
1015	1980	Lower Deschutes	7	Deschutes Club
1020	1981	Lower Deschutes	1700	Byerly
1025	1982	Lower Deschutes		BLM
1027	1982	Lower Deschutes	500	Wishard
1023	1982	Lower Deschutes	4,5	McInturff
1021	1982	Lower Deschutes	2300	Forster
1026	1982	Lower Deschutes	1100	Harding
1022	1982	Lower Deschutes		Kaiser
1024	1982	Lower Deschutes	4	Cieminski
1029	1983	Lower Deschutes	5	State Parks
1028	1983	Lower Deschutes	7	Riley
1030	1983	Lower Deschutes	7	Morrison
1034	1984	Lower Deschutes	1200	Oregon State Parks
1036	1984	Lower Deschutes	1200	Ellett
1041	1984	Lower Deschutes		Deschutes River
1037	1984	Lower Deschutes		Dept. of Fish &
1039	1984	Lower Deschutes		Deschutes Club
1035	1984	Lower Deschutes	3	Harder
1040	1984	Lower Deschutes		Dant Homeowners
1033	1984	Lower Deschutes	4,5	BLM
1031	1984	Lower Deschutes		Oregon State Parks
1042	1984	Lower Deschutes		Co.
1052	1984	Lower Deschutes		Hartung
1054	1984	Lower Deschutes		Limmeroth
1032	1984	Lower Deschutes		Limmeroth
1055	1985	Lower Deschutes	101	Harlow
1057	1985	Lower Deschutes	900	Morrison
1056	1985	Lower Deschutes	101	Wilson
1058	1985	Lower Deschutes		Bishop

1059	1986	Lower Deschutes		
90	1997	Lower Deschutes	1200	Deschutes Rec. Area
123	1998	Lower Deschutes	Various	Easter/Western, Co.
103	1998	Lower Deschutes	1200	OPRD
111	1998	Lower Deschutes	600	OPRD
114	1998	Lower Deschutes	1200	Deschutes S.P.
115	1998	Lower Deschutes	1200	Deschutes S.P.
116	1998	Lower Deschutes		BNSF
124	1998	Lower Deschutes		Deschutes Club of OR
220	1999	Lower Deschutes	1800	Eastern/Western Co.
225	2000	Lower Deschutes		OPRD
242	2000	Lower Deschutes	100	Harlow
315	2001	Lower Deschutes	400	Robson
335	2001	Lower Deschutes	6	Klarquist
319	2001	Lower Deschutes		OPRD
337	2001	Lower Deschutes	107, 200,	Bauhoffer
304	2001	Lower Deschutes	100 & 102	CTWS
376	2002	Lower Deschutes	1600	Deschutes Club
589	2003	Lower Deschutes	9002	BLM
1067	2003	Lower Deschutes	100/	BLM
1111	2004	Lower Deschutes	2600	CTWS
1167	2005	Lower Deschutes		The Deschutes Club
1137	2005	Lower Deschutes	Gov Lot 6	Klarquist
1159	2005	Lower Deschutes	1000	Nieder
1211	2006	Lower Deschutes	902 & 903	New
1274	2007	Lower Deschutes	100	Riffle Ranch LLC
1278	2007	Lower Deschutes	200	Knaki Partnership
1273	2007	Lower Deschutes	900A	Watson
1293	2008	Lower Deschutes	100	Riffle Ranch
1337	2009	Lower Deschutes	100	Harlow
1333	2009	Lower Deschutes	300	Watson
1339	2009	Lower Deschutes	100	Harlow
1358	2010	Lower Deschutes	300	Watson
1378	2011	Lower Deschutes		OPRD - Deschutes
1368	2010	Lower Deschutes River	RM 7	Anderson
1402	2011	Lower Deschutes River	200 + 300	Bachman
1388	2011	Lower Deschutes River	3300	Baker
1387	2011	Lower Deschutes River	1600	Francis
1405	2012	Lower Deschutes River	600	Watson

FNAME	LE NUMBE	ZIP	DESCRIPTION
Eric	2-91-80		Contruction of three houses for employees of ranching operation. Executed Concurrence sign 1/23/81 Ercl Ward
Frederick	2-87-79	97219	Addition to an existing single family residence.
Buck	2-92-81	97037	Mobile home placement (temp) See also 2-93-81 for single family dwelling. SEE NOTES
Buck	2-93-81	97037	Single family dwelling. SEE ALSO 2-92-81 for mobile home placement (Temp) SEE NOTES
R.H.	2-86-78	97761	
	2-116-84	97207	Replace existing building to house maintenance material, equiptment and personnel.
#2	2-51-71		Juniper Springs Resort requested permission to improve their land. Some of which is located within the SWW system on the Deschutes River.
	2-56-72		Proposed construction of residence (3/73) may keep all changes outside of 1/4 mile limit
	2-53-72		Proposed development at Sherars Falls (transient trailer park)
Duke #4	2-64-73		County telling of proposed development. They gave their approval. Not approved as of 10/10/76 because of lack of info & rec veh. Are still visible from river.
#3	2-57-73		Residence construction & access road.
	2-68-74		Notified of poor sanitary conditions etc. due to over-use and overnight use of "day-use" area. SEE NOTES
	2-63-73		Proposed land sale (320 acres plus resort)
	2-66-74		Replacement of a power line in 1977.
Agnes	2-70-74		trailer campground to be constructed.
Carl	2-69-74		Single family residence.
C.F.	2-72-75		cabin relocation - 15 1/2 mi. S. of Maupin east bank.
	2-73-75		Possible boat ramp on E. bank of river.
Robert	2-74-75		down SEE 2-77-76
Isami	2-75-75		Property located in fill area beyond the actual mouth of the river.
R.H.	2-71-75		& belonged to Morrison, it was mainly for esthetic purposes & owner
Randall	2-76-76		Possible house

	2-82-76		Proposal for sewage treatment plant.
Bob	2-77-76		Building destroyed by fire (store/tavern)
	2-78-76		Within Maupin city limits???? A.G. opinion asked. W/in the city
Eric	2-79-76		Shop building
Frederick	2-81-76		selection of structure Re color, material used on siding & roof etc.
Chester	2-80-76		Farm building. No approval necessary
	2-83-77		Possible bridge replacement by highway.
Eric	2-84-77		Construction of 3 houses for employees of ranching operations.
Verne	2-85-78		Mobile homw placement - beyond 1/4 mile boundary.
George	2-88-79	97307	Single family residence
Homer	2-90-80	97140	Request to construct a cedar deck
	2-89-80	97225	Addition to existing structure and replacement/repair of existing
Bruce	2-94-81	97204	NOTES
District	2-99-82	97754	and Sherar's falls.
Clarence	2-101-82	97741	Single family dwelling
Bob	2-97-82	97741	Removal of brush along banks of Deschutes for raft launches.
Don	2-95-82	97219	change in land use. SEE NOTES
Dave	2-100-82	97761	family.
Nick	2-96-82		Rebuild cabin that burned down in 1971
Thomas	2-98-82	97202	natural stone fireplace.
	2-103-83		restrooms.
Joe	2-102-83	97232	Placement of mobile home - sent to Transportation Commission
Duke	2-104-83	97761	meeting
Moody Launch	2-108-84		grading parking areas paving roadwway, providing restrooms and
James	2-110-84	97058	Commercial outfitter has placed a permanent campsite on his
	2-114-84		Install mobile home and satellite antenna
	2-111-84		Gravel removal, to restore continuous river flow around Harris Island
1984	2-112-84		Violations
Micheal	2-109-84	98662	Deck of natural fir.
	2-113-84		Mobile home - caretaker trailer
Prineville	2-107-84		Improvement of two toilets, upgrading of trails to roads, and
	2-105-84		Excavation and removal of approx. 3600 cu of granular embankment material to be used for construction of parking lot and boat access - Rainbow Site- Deschutes River
	2-115-84	97230	Camping facilities
Inez (John)	2-117-84	97232	Major addition to existing dwelling.
Al	2-118-84	97021	Remove rocks from existing trail to move cattle between pastures.
Al	2-106-84		Remodeling of barn
Jim	2-119-85	97037	Construct fishing cabin.
R.H.	2-121-85	97761	Placing mobile home on developed home site.
O.M. JR	2-120-85	97204	Recreational dwellling
Broughton H.	2-122-85	97201	Add rooom to existing cabin.

	2-123-86		
	2-164-97	97065	Provide clorination and water storage to elimnate bad water
	2-170-98	97208	Replacement of 2 residences; repair roof of barn.
	2-165-98	97065	Install new potable water and power services to 35 camp sites.
	2-166-98	97310-	Install boat portable toilet dumping stations and water service line.
	2-167-98	97065	Install a Camperwagon in an existing campsite.
	2-168-98	97065	Interpretive Kiosk.
	2-169-98	98660	on the east side of the river to signal location on the west side of the
	2-171-98	97202	Stablilize tunnel portals for safety of vehicular and pedestrian traffic.
	2-172-99	97208	Addition to an existing home.
	2-173-00	97065	Vault toilet replacement.
Jim	2-174-00	97301	Remodel existing cabin.
R.	2-176-01	2845	Addition to existing structure.
Stephen	2-178-01	97204	Fill eroded bank adjacent to cabin.
	2-177-01	97065	Trailhead parking lot.
Don	2-179-01	97701	Subdivision.
	2-175-01	97761	Bank stabalization.
	2-180-02	97201	Renovation of existing Club Cabin.
	2-181-03	97754	Replace existing two hole, dual use toilets.
	2-182-03	97754	Vault toilets.
	2-183-04	97761	Toilet replacement.
	2-186-05	97201	Temporary Radio Telemetry Station
Stephen	2-184-05	97204	Shed replacement.
James	2-185-05	2178	Addition to existing single family dwelling.
Tom	2-187-06	97009	Subdivision Development
	2-189-07	97114	After the fact review of fishing camp, temp.tents on wheels, barn,
	2-190-07	97204	Construct 12' x 12' sleeping room on existing deck
Leslie	2-188-07	97212	After-the-fact review of deck; deck enlargement, stairs and shed
	2-191-08	97224	Water tower construction
James	4-192-09	97317	Construct Shed
Leslie	2-192-09	97212	Construct storage shed with power
James	2-193-09	97317	construct shed
Leslie	2-194-10	97212	Construct recreational dwelling and shed on legal parcel
	2-196-11	97065	Heritage Landing (every other year maintenance occurance)
Jim	2-195-10	97065	Install a composting toilet on ODFW property in the Kloan area just
Laura	2-199-11		Replace in existing residence that was lost in the white lightening fire
Perry	2-198-11		Springs Fish Hatchery
C.W "Win"	2-197-11		Replacement dwelling
Hank	2-200-12	97058	Deschutes River, upstream of Maupin (no address). Remove existing

NOTICE DATE	ACTION TAKEN	PMT DATE	NOTES
27-Jan-81	Approved		
19-May-81			Legal owner: Calvin
15-Apr-81	Approved		Legal owner: Calvin
21-Aug-84		11-Sep-84	
29-May-73	Approved		
19-Sep-82	Approved		
			Asked approval
	Approved	04-Apr-74	of plans
	Approved	28-May-74	
	Approved	23-Sep-75	
	No Action taken		
	Approved	04-Apr-75	

	Approved	14-Apr-77	
	Approved	11-Jun-76	
	Approved	09-Nov-76	
		15-Feb-77	
	Approved	24-Mar-76	
	Approved	10-Apr-79	
	Approved	01-Oct-79	
	Approved	17-Dec-80	
			Hogan,
24-Sep-81	Approved		approved
01-Jun-82			
19-Jul-82	Approved		Owners:
	Approved	06-Aug-82	
12-Oct-82			
02-Jun-82	Approved		
21-Jun-83	Approved		
	Approved		2-128-87
		11-Jan-84	2-136-87
			combined
		24-Sep-84	
		22-Mar-84	
		24-Sep-84	
		17-Jan-84	
	Withdrawn		
26-Jul-85		16-Sep-85	

30-Dec-97	1	15-Jan-98	Jeannette
27-Apr-98	1		Site visit
05-Mar-98	1	27-Mar-98	
03-Apr-98	1	04-May-98	
06-Apr-98	1	04-May-98	
10-Apr-98	1	04-May-98	
13-Apr-98	3	26-Oct-98	n on
29-Apr-98	1	28-May-98	
23-Nov-99	1	10-Feb-00	Oregon
03-Jan-00	1	14-Feb-00	The.
04-Apr-00	1	25-Apr-00	1. This
18-Jun-01	1	17-Jul-01	Oregon
14-Sep-01	1	03-Oct-01	The
23-Jul-01	1	13-Aug-01	Oregon
15-Oct-01	1	26-Nov-01	Oregon
07-May-01	1	19-Jun-01	Oregon
12-Sep-02	1	04-Oct-02	The
01-May-03	Approved	22-May-03	Oregon
15-Aug-03	Approved	15-Sep-03	Oregon
23-Jul-04	Approved	29-Jul-04	Oregon
31-May-05	Approved	09-Jun-05	The
29-Dec-04	Approved	03-Jan-05	The
26-Apr-05	Approved	02-May-05	for the
30-Jan-06	Approved	18-Dec-06	Approved
24-Aug-07			
12-Sep-07			
16-Jul-07			
21-Apr-08			
18-Aug-09	Approved	11-Sep-09	Approved
23-Jun-09	Approved	13-Jul-09	Approved
18-Aug-09	Approved		Approved
19-Apr-10		17-May-11	commissio
07-Feb-11	Approved		Commissio
30-Aug-10	Approved	23-Sep-10	OPRD
11-Jul-11	Approved	22-Sep-11	OPRD
	Approved	02-Jun-11	visible
	Approved	06-Jun-11	commissio
06-Mar-12	Approved	20-Mar-12	Commissio

PLAQJR-12-08-0001
Watson Application

Supplemental Information Submitted by Applicant

Miscellaneous Types of State Approvals Along the Deschutes River

PLAQJR-12-08-0001
Watson Application

Supplemental Information Submitted by Applicant

Miscellaneous Types of State Approvals Along the Deschutes River

OREGON STATE
HIGHWAY DIVISION

HIGHWAY BUILDING • SALEM, OREGON • 97310

TOM McCALL
GOVERNOR

F. B. KLABOE
Administrator of Highways

December 21, 1973

Mr. R.H. Morrison
P.O. Box 205
Warm Springs, Oregon 97761

Dear Mr. Morrison:

How are your plans for construction within the Deschutes River Scenic Waterway progressing? In order to keep our records up to date we would like to know if you have started construction.

Please let us know if you have any questions concerning your approved construction or if we can be of assistance in any way.

Sincerely,

Wallace A. Hibbard
Assistant to the Coordinator
Oregon Scenic Waterways System

WAH:jw

RECEIVED
APR 1973
SCENIC WATERWAYS
File #

April 9, 1973

Mr. R. K. Potter, Coordinator
Scenic Waterways, Parks Division
Highway Building, 3rd Floor
Salem, Oregon

Dear Bob:

Please accept this letter as my application to erect a one-story, three-bedroom dwelling on the Deschutes River directly downstream from the See subdivision, immediately below Pelton Re-Regulating Dam.

I am enclosing a plat of the location, an aerial photo, plus the house and floor plans and building material specifications.

I plan to use a muted color of green paint for the exterior.

This homesite will require only the barest minimum of leveling and filling, if any.

Your earliest consideration for approval will be appreciated.

Sincerely,

R. H. Morrison

RHM

Enclosures

RECEIVED
STATE PARKS
PARKS DIVISION
SALEM, OREGON

GAME COMMISSION

OFFICE OF THE DIRECTOR

P.O. BOX 3503 • 1634 S.W. ALDER ST. • PORTLAND, OREGON • 97208 • Ph. 229-5551

TOM McCALL
GOVERNOR

COMMISSIONERS
DAN CALLAGHAN, Chairman
ALLAN L. KELLY, Member
J. PAT METKE, Member
FRANK A. MOORE, Member
JAMES W. WHITTAKER, Member

JOHN W. McKEAN
State Game Director

April 12, 1973

RECEIVED
APR 16 1973
SCENIC WATERWAYS
File #

Mr. Wallace A. Hibbard
Assistant to the Coordinator
Oregon Scenic Waterways System
Highway Building
Salem, Oregon 97310

Dear Wally:

It's almost impossible to make sound judgment from the information submitted by Mr. R. H. Morrison for construction of a house on the Deschutes River.

Immediately my questions are:

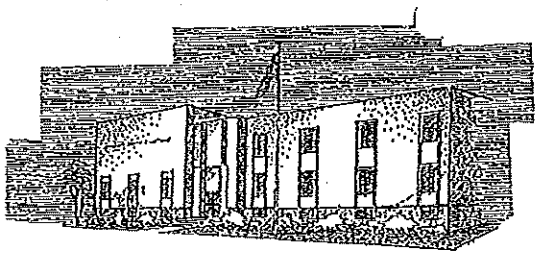
1. Is the proposal consistent with your zoning regulations?
2. Is there a satisfactory plan to handle sewage?
3. Is the soil suitable for a septic tank drain field?

If these criteria are satisfied, we do not have any legitimate objections.

Sincerely yours,

Bob

R. H. Stein
Planning Coordinator



Jefferson County

Madras, Oregon 97741

April 13, 1973

Mr. Wallace A. Hibbard
Assistant to the Coordinator
Oregon Scenic Waterways System
Highway Building
Salem, Oregon 97310

Dear Mr. Hibbard,

In answer to your letter of April 11, 1973 regarding notification of intent from R. H. Morrison who proposes construction of a single-family dwelling within the Deschutes River Scenic Waterway, the Planning Commission has no objection other than he have approval of the county sanitarian for sub-surface sewage disposal and any other state regulations that pertain to building of homesites.

The area is not presently zoned.

Sincerely,

PLANNING COMMISSION - JEFFERSON COUNTY

Bryan Christian

By
Bryan Christian

BC:ab

RECEIVED
APR 16 1973
SCENIC WATERWAYS
File #

10 April 73 3:45 p.m.

Talked to Judge Herschel Read concerning Morrison proposal and Jefferson County Zoning Requirements. He said that County had no Zoning yet and the only control over development is sanitation and road requirements.

11 April 1973 11:45 AM

Talked to Bryan Christian - Jefferson County Planner. He confirmed what Judge Herschel Read told me on the 10th.

April 11, 1973

Mr. R.H. Morrison
P.O. Box 205
Warm Springs, OR 97761

Dear Mr. Morrison:

This is to acknowledge receipt of your 9 April 1973 letter notifying us of your plans to construct a single-family dwelling within the Deschutes River Scenic Waterway.

Your notification will be processed with as little delay as possible.

Thank you for your cooperation.

Sincerely,

Wallace A. Hibbard
Assistant to the Coordinator
Oregon Scenic Waterways System

WAH:jw

APR 17 1973

Mr. R. H. Morrison
P.O. Box 206
Warm Springs, Oregon 97761

Dear Mr. Morrison:

This is to advise you that approval under authority of the State Highway Commission has been given for your plans to construct a dwelling on Section 1, Township 10 South, Range 12 East, Jefferson County, near the Pelton Reregulating Dam within the Deschutes River Scenic Waterway, as described in your April 9, 1973, notification of intent. Approval is subject to compliance with these stipulations:

1. All sanitation requirements shall be met.

2. Roofing material shall be nonreflective and muted in tone.

3. Construction work shall begin within one year of approval and exterior work shall be completed within six months after it has begun.

4. The Commission shall be notified when work commences and when it is completed.

This approval by the Highway Commission under the Scenic Waterways Act does not affect any obligation you might have to other governmental agencies, local, state, or federal.

Your cooperation is appreciated. Please let me know if you have any questions or if we can be of assistance.

Sincerely,

George H. Baldwin
Administrator of Highways

cc: David Talbot
J. F. Putnam

WH:jw kw

April 17, 1973

Oregon State Highway Commission

Gentlemen:

Using the authority delegated to me at your regular meeting on September 19, 1972, I have approved the following proposal for construction within the Deschutes River Scenic Waterway in Jefferson County:

File No.	Name	Type of Improvement
2-57-73	R. H. Morrison	Single-family dwelling

Plans for this proposal meet the standards for design, siting, finish and density established in your scenic waterways rules and regulations and are compatible with the Act.

Sincerely,

George H. Baldwin
Administrator of Highways

cc: David Talbot

WH:jw kw

FORM E-30 (REV. 10-69)

OREGON STATE HIGHWAY DIVISION

INTER-DEPARTMENT CORRESPONDENCE

Salem, Oregon
April 11, 1973

SUBJECT: Scenic Waterways
Notification of Intent #2-57-73
Deschutes River, Jefferson County
R.H. Morrison

To: George Baldwin
Administrator of Highways

BUILDING

The attached scenic waterway file deals with the above proposal for construction of a single-family residence within the Deschutes River Scenic Waterway in Jefferson County. The proposal is compatible with the Act and with the Commission's rules and regulations.

I recommend your approval under the authority delegated to you by the Commission 19 September 1972.

A draft of a letter to the Commission advising them of your action and a letter draft to the applicant are attached for your consideration.

This is not an agenda item.

David G. Talbot
State Parks Superintendent

DGT:jw
Attachment

RECEIVED
APR 12 1973
OFFICE OF
ADMINISTRATOR OF HIGHWAYS

GPO 52475-231

FORM 8-30 (REV. 10-69)

OREGON STATE HIGHWAY DIVISION

INTER-DEPARTMENT CORRESPONDENCE

Salem, Oregon
April 11, 1973

To: Dave Talbot
State Parks Superintendent

O F F I C E

SUBJECT: Scenic Waterways
Notification of Intent #2-57-73
Deschutes River, Jefferson County
R.H. Morrison

Mr. R.H. Morrison of P.O. Box 205, Warm Springs, Oregon 97761, has submitted notification of his intent to construct a home in Section 1, Township 10 South, Range 12 East, Willamette Meridian, Jefferson County, within the Deschutes River Scenic Waterway. The site is on the right bank of the river, approximately 1200 feet downstream from the Pelton Reregulating Dam. The area is classified in the Commission's rules as a River Community Area.

The proposed building site is located adjacent to the See Addition, an established subdivision which contains 12 houses. The addition of another residence within this area will not substantially alter the present scene.

Mr. Morrison's proposal is for a three-bedroom, 1300-sq. ft. family dwelling of simple, contemporary design. The house is to be sided in resawn fir plywood painted green.

I recommend approval of Mr. Morrison's proposal, subject to the following sipulations:

1. All sanitation requirements shall be met.

2. Roofing material shall be nonreflective and muted in tone.

3. Construction work shall begin within one year of approval and exterior work shall be completed within six months after it has begun.

4. The Commission shall be notified when work commences and when it is completed.

Bob Potter

Bob Potter, Coordinator
Oregon Scenic Waterways System

RKP:jw

Attachments:
1. Morrison letter to Potter, 9 April 1973
2. Sketch map of homesite
3. Copy of aerial photo showing homesite
4. Schematic of floorplan
5. Building specifications

RECEIVED
STATE HWY ENGR
MAY 10 '73
REFER TO
FOR
Info | Invest | R/D | DIR | Sten | Act | File

PAR 72-5
Deschutes
Morrison,
R. H.

OREGON STATE HIGHWAY DIVISION
INTER-DEPARTMENT CORRESPONDENCE

Salem, Oregon
May 10, 1973

SUBJECT:

To: J.F. Putnam
Regional Engineer
Bend

Thank you for forwarding Bob Lammert's report on Mr. R.H. Morrison's Highway 26 access situation and its relation to his scenic waterways proposal.

Bob Lammert's concluding statement that this office has by-passed the region is incorrect. I am unable to understand how he could have come to this conclusion; the correspondence and telephone conversations to which he responded clearly confirm that this office has consulted him before proceeding with our investigation and report.

It should be remembered that the provisions of the Scenic Waterways Act could compel the Commission to buy this expensive property if a change of use is denied *under terms of the Act*. The access question must be dealt with separately.

You may be sure that our final recommendation in the matter will not in any way jeopardize a sound decision in the question of access.

Robert K. Potter, Coordinator
Oregon Scenic Waterways System

RKP:jw

cc: D.G. Talbot
A.E. Johnson
R.L. Lammert

NOTED
A. E. JOHNSON

NOTIFICATION OF INTENT TO MAKE IMPROVEMENTS,
CHANGE LAND USE, OR ENGAGE IN REGULATED ACTIVITIES
WITHIN THE OREGON SCENIC WATERWAYS SYSTEM

To process your application promptly, the State Highway Commission must have complete, 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 Robert R. Parr, Builder Telephone 475-2687

2. Address Warm Springs Rt., Madras, Ore , 97741

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

   a. Name Mr. & Mrs. Carl Anderson Telephone 639-1055

   b. Address 11650 S. W. Ann, Tigard, Ore. 97223

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

   County Jefferson Township 10 S Range 12 E, Section 1 Lot ---

5. Type of improvement, change of land use or activity proposed and its purpose:

   Lot has been used to park a mobile home for the last fifteen years. Now plan to build a new home. No change of land use.

6. When do you want to begin? In about thirty days, from today.

   How long will it take? Approximately four months.

7. Attach a map showing the following: (The map may be hand-drawn, need not be professional, but accuracy of detail, distances, scale, etc., are important. Appropriate photographs may be helpful.)

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

RECEIVED
SCENIC WATERWAYS
File #

1-

8. Complete the following where applicable:

A. Proposed building or structure:

1. Exterior dimensions: Length 44' Width 26'4" Height from natural grade 8'

2. Siding: Material and color Oladboard, sage green color.

3. Roof: Material and color 235 lb. asphalt shingles, Silver grey.

4. Architectural style Spanish influence.

5. How much clearing of vegetation will be necessary?

None what so ever. Mobile homesite to be used.

6. Does the site need leveling or grading? Just the dirt from crawl space to be leveled. Most of lawn is in.

7. If so, how much?

8. How will excess material be disposed of? none.

9. Attach drawings, photographs, or working plans of the proposed structure which clearly show its exterior appearance on all sides.

B. Road construction: None.

1. Width , Length in feet

2. Equipment to be used

3. % slope

4. Type of surface

5. How will road be drained?

6. How will excess material be disposed of None.

9. If the proposed improvements, change of land use or activities are not fully and clearly described by the foregoing, attach a detailed description.

10. Signature of applicant Robert K Potter Builder Date May 24, 1974

11. Signature of legal landowner Date

Remember: You should not begin any regulated activity until the State Highway Commission's written approval is obtained. If you have any questions, please get in touch with the appropriate District Highway Engineer (see attached list) or with Robert K. Potter, Scenic Waterways System Coordinator, Parks and Recreation Section, State Highway Division, Salem 97310, telephone 378-6500.

R. H. MORRISON
PRESIDENT

PHONE 553-1249

K. L. MORRISON
VICE PRESIDENT

DUKE PROPERTIES CORP.
MAILING ADDRESS — P. O. BOX 205, WARM SPRINGS, OREGON 97761

January 20, 1974

Mr. Wallace A. Hibbard
Assistant to the Coordinator
Oregon Scenic Waterways System
Highway Building
Salem, Oregon 97310

Dear Mr. Hibbard:

In reply to your letter of December 21, 1973, my construction plans have not moved as rapidly as I had hoped or expected.

Please bear with me for a while and I will keep you advised.

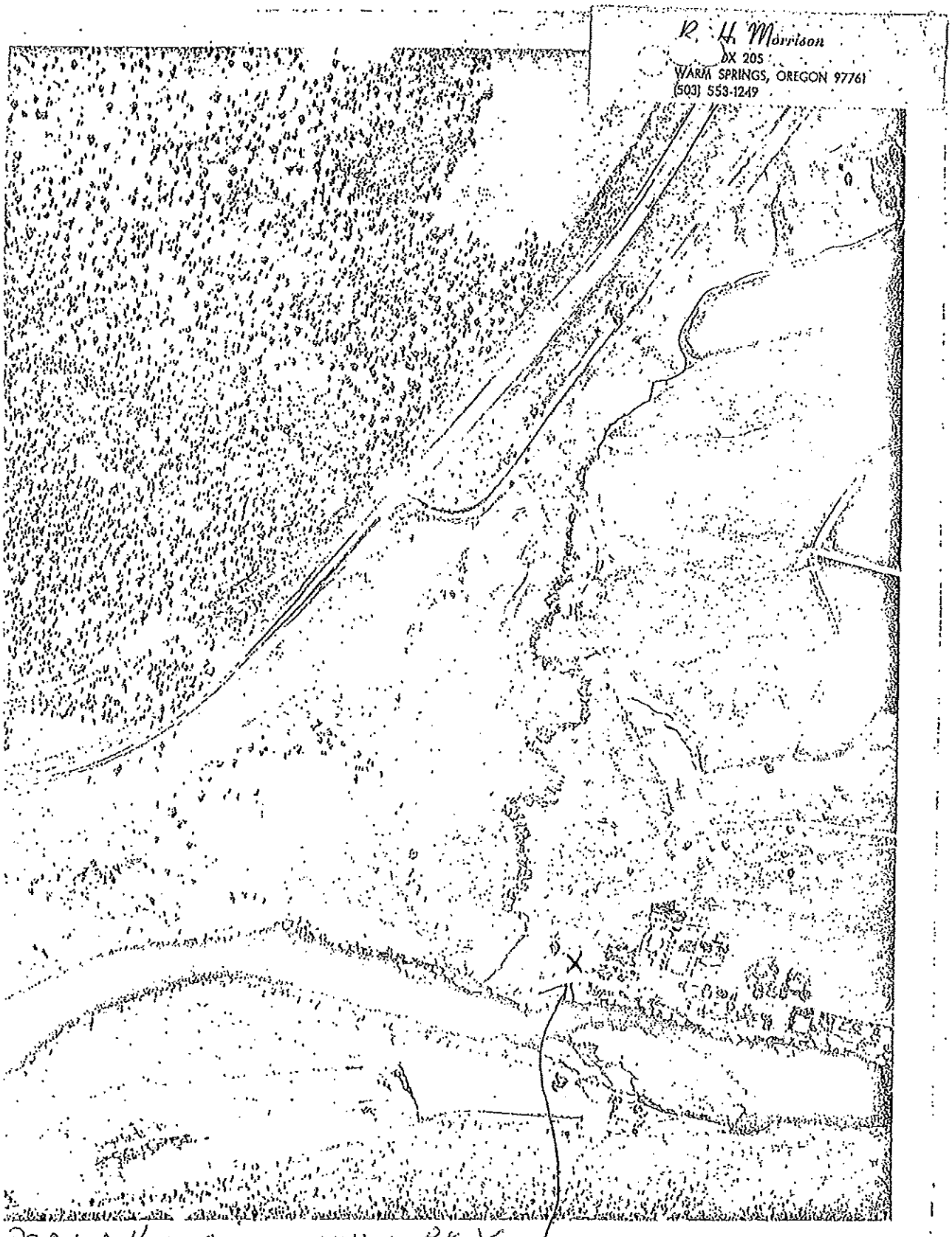
Sincerely,

R. H. Morrison

R. H. Morrison
President

RHMbt

RECEIVED
FEB 6 1973
SCENIC WATERWAYS
File #



PROPOSED HOME SITE MARKED BY X

R. H. Morrison
BOX 205
WARM SPRINGS, OREGON 97761
(503) 553-1249

March 25, 1974

Mr. Robert K. Potter, Coordinator
Oregon Scenic Waterways System
Highway Building
Salem, Oregon 97310

Dear Bob:

To bring you up to date on the progress of building a dwelling on the river property adjoining the Sec Addition below Pelton Dam, we have done some filling of dirt, concrete forms are on the site and some excavation started for the foundation.

Will keep you advised.

Sincerely,

R. H. Morrison

RHMot

RECEIVED
APR 1 1973
SCENIC WATERWAYS
File #

RECEIVED
APR 1 1974
STATE PARKS
SECTION

May 28, 1974

Mr. and Mrs. Carl Anderson
11650 S.W. Ann
Tigard, Oregon 97223

Dear Mr. and Mrs. Anderson:

Approval under authority of the Oregon Transportation Commission has been given for your plan to construct a new home in the Sea Subdivision within the Deschutes River Scenic Waterway.

This approval does not affect any obligations you might have to other persons or agencies and is subject to the following stipulations:

1. Requirements of the Jefferson County Planning Commission shall be satisfied.

2. Requirements of the County Sanitarian shall be satisfied.

3. Work shall commence within one year of approval and exterior work shall be completed within six months after it begins.

4. The Commission shall be notified when work begins and when exterior work is completed.

We hope you will enjoy your new home in this lovely area.

Sincerely,

David G. Talbot
State Parks Superintendent

DGT:jw

bc: Geo. Baldwin
F.B. Klaboe
Bob Lammert
Gary Sund
C.W. Head
Andy Ryan
Bob Potter
Brian Christian
Jefferson County Sanitarian

May 21, 1974

Mr. and Mrs. Carl Anderson
11650 SW Ann
Tigard, Oregon 97223

Dear Mr. and Mrs. Anderson:

In order to process your plans to build a new house in the See Addition within the Deschutes River Scenic Waterway we will need certain information in addition to that supplied by Mr. Parr.

Copies of a form for notification of intent are enclosed, with copies of the Scenic Waterways Act (ORS 390.805 to 390.925) and the Commission's rules.

Work should not commence until written approval is received.

Please specify the colors planned for roofing and siding, bearing in mind that white or bright colors are not acceptable.

You may be sure that the matter will be attended to promptly upon receipt of the necessary information. Your cooperation is appreciated.

Sincerely,

Robert K. Potter, Coordinator
Oregon Scenic Waterways System

Phone 639-1053

RKP:jw
Encls.
cc: Robert Parr

FORM 61-734-3030

OREGON STATE HIGHWAY DIVISION

INTER-OFFICE CORRESPONDENCE

Salem, Oregon

May 28, 1974

FILE:

FROM: Bob Potter, Coordinator
Scenic Waterways System

TO: Dave Talbot
State Parks Superintendent

SUBJECT: Scenic Waterways
Notification #2-69-74
Deschutes River
Jefferson County
Carl Anderson

Mr. Robert Parr, a Madras builder, acting for Carl and Dorothy Anderson, 11650 S.W. Ann, Tigard 97223, has submitted notification of his intent to construct a residence in Township 10 South, Range 12 East, Section 1, See Addition, Jefferson County, within the Deschutes River Scenic Waterway.

The proposed house would replace an existing mobile home in this classified River Community Area adjacent to the Pelton Reregulating Dam. The proposal satisfies the Commission's rules in all respects. I recommend your administrative approval, subject to the following stipulations:

1. Requirements of the Jefferson County Planning Commission shall be satisfied.

2. Requirements of the County Sanitarian shall be satisfied.

3. Work shall commence within one year of approval and exterior work shall be completed within six months after it begins.

4. The Commission shall be notified when work begins and when exterior work is compieted.

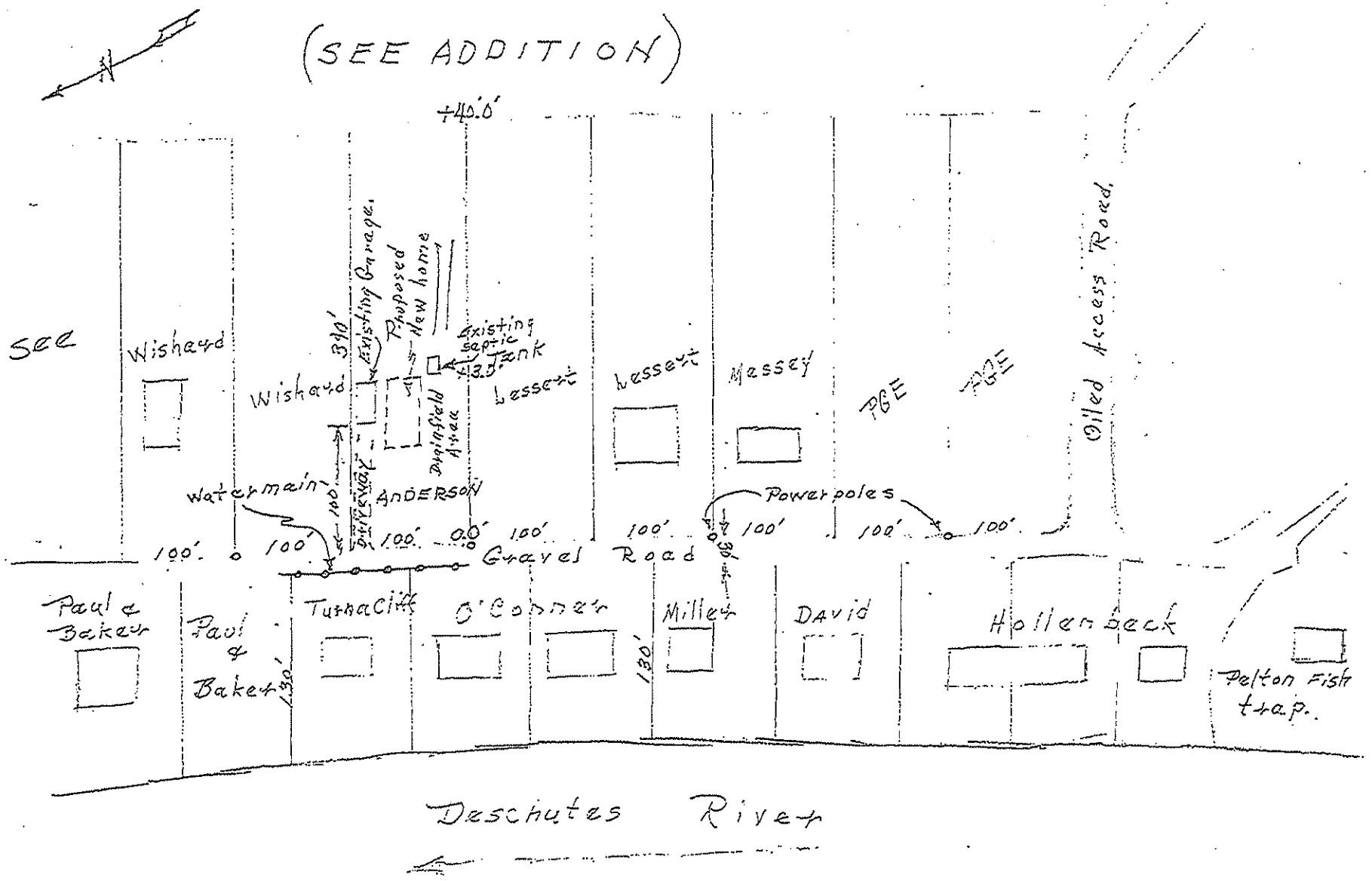
RKP:jw

Attachments:

1. Parr notification with plot plan and photo
2. Potter letter, 21 May 74
3. Building specifications
4. Plans, two sheets

S.W. 1/4 S.E 1/4 SEC. 1 T. 10 S. R. 12 E. W.M.

JEFFERSON COUNTY



3-45

IN REPLY REFER TO

6223

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
District Office
P. O. Box 550
Prineville, Oregon 97754

'CERTIFIED' BEE'd

March 16, 1976

Mr. Robert K. Potter
State Scenic Waterways Coordinator
State Highway Bldg.
Salem, Oregon 97310

Dear Bob:

Attached is a copy of a letter we received from an individual wanting to build a house adjacent to the Deschutes on land previously owned by Gus Delude.

You may want to follow up on the response we sent him.

Sincerely yours,

Paul W. Arrasmith
District Manager

Attachment:
Copy of Randall Kaufman letter
Carbon copy of BLM response

RECEIVED
MAR 17 1976
RIVER PROGRAMS
FILE # _____

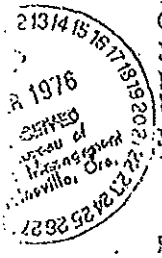
CONSERVE AMERICA'S ENERGY

Save Energy and You Serve America!

Bureau of Land Management
Prineville, Oregon

Dear Sirs:

I would like to build a house along the Deschuttes River at Trout Creek just north of Gateway. Are there any restrictions in regard to your jurisdiction and the pending Scenic Rivers Act which would prohibit this? Would there be any other State Dept. or Federal bureau which I could also contact in regard to this matter? Thank you very much. Oh, this is private land along the river just off the public road in the area.



Randall Kaufmann
15207 SW 119th
Tigard, Ore 97223

	ACTION	INFO
	D.M.	
	RES. MGMT.	
	OPERATIONS	
	ADMIN.	
	CENTRAL OREGON	
X	D SCHUTES	
	READING FILE	

United States Department of the Interior

IN REPLY REFER TO
6223

BUREAU OF LAND MANAGEMENT
District Office
P. O. Box 550
Prineville, Oregon 97754

March 16, 1976

Mr. Randall Kaufmann
15207 SW 119th
Tigard, Oregon 97223

Dear Mr. Kaufmann:

The Deschutes River from the Pelton Re-gulating Dam to its confluence with the Columbia River (which includes the Trout Creek area) is being considered for possible inclusion in the National Wild and Scenic Rivers System. This action will not have any affect on the use or development of any private land until such time as the river is formally designated and a scenic easement is purchased by the government. This same river segment has also been designated by the State of Oregon as a State Scenic Waterway. This requires any landowner within ¼ mile of the Deschutes River to obtain a permit from the state for any changes in the use or development of a tract of land.

I am forwarding a copy of your letter to Robert Potter, the coordinator for the State Scenic Waterways System. He will be better able to answer any questions you may have regarding necessary permits to build your house in this area.

Sincerely yours,

Paul W. Arrasmith
District Manager

cc: Robert Potter

CONSERVE AMERICA'S ENERGY

Save Energy and You Serve America!

OREGON STATE HIGHWAY DIVISION

ROBERT W. STRAUB
GOVERNOR

F. B. KLABOE
Administrator and
State Highway Engineer

April 12, 1976

CERTIFIED MAIL

Mr. Randall Kaufmann
15207 S.W. 119th
Tigard, OR 97223

Dear Mr. Kaufmann:

We have learned from Paul Arrasmith of the Bureau of Land Management that you are considering building a house in the Deschutes River country.

The Deschutes is one of eight Oregon streams along which the state enforces certain regulations to ensure protection of natural values.

I am enclosing copies of the Scenic Waterways Act and rules. Forms for notifying the Transportation Commission of your plans are also enclosed.

I think you will find that these are not burdensome if you plan ahead.

Please let me know if you have any questions. My phone in Salem is 378-6500.

Sincerely,

James Murkin
River Programs

JM:lb

Enclosures

Form 81-734-3123

STATE OF OREGON

INTEROFFICE MEMO

Parks and Recreation (DEPT.) 378-6747 (TELEPHONE)

TO: The Files

DATE: June 6, 1979

FROM: Jim Payne
River Programs

SUBJECT: Deschute River Proposals by Duke Morrison

In a telephone conversation on June 6, 1979 with Duke Morrison, on several of his proposals that he has not taken any action on in a considerable amount of time, Mr. Morrison informed that due to the change of times and present problems with DEQ and local planning, has held him up on doing any further action with his proposals to us. I asked Mr. Morrison if he would please send me something sometime in the next month stating what his proposals were for the property on file, Juniper Springs, Canyon Park Trailer Park and a house proposal. Mr. Morrison said that he should be able to supply me with something by next month, as he was having tests run on all his property for feasibilies.

JP:nmw

July 3, 1979

Mr. Jim Payne, River Programs
Scenic Waterways System
Highway Building
525 Trade Street
Salem, Oregon 97310

Dear Jim:

In order for you to bring your files up to date as to progress made on development of Juniper Springs Resort and the property below Warm Springs bridge, both of which come under Scenic Waterways approval to develop, are both in limbo at present. This is due to the Jefferson County Planning Commissions new proposed ruling to change their zoning ordinance from a minimum of 10,000 sq. ft. per home site lots to 2½ acre minimum home sites. They are having a public hearing on this sometime in July 1979 (unannounced as yet).

Until we are certain of the new ruling requirements, it is impossible for us to make any definite plans as yet.

Certainly appreciate your patience in this matter and will advise you as soon as we know where we stand.

Certainly H&PR you will give me a call anytime you might be in this area in the near future.

Sincere wishes,

R. H. Morrison

RHMbt

Department of Transportation
PARKS AND RECREATION BRANCH
525 TRADE STREET S.E., SALEM, OREGON 97310

September 11, 1979

WASCO COUNTY PLANNING OFFICE
DAVID R. MOON, DIRECTOR OF PLANNING
401 WEST 4TH STREET
THE DALLES OR 97058

Dear Mr. Moon:

RE: T5S, R14E, Sec. 6

Enclosed is a Notification of Intent from George W. Jackson. Mr. Jackson proposes to construct a single-family residence within the Deschutes River Scenic Waterway.

Your comments on this proposal are solicited. We would appreciate hearing from you no later than September 25, 1979.

Sincerely,

Jim Payne

Jim Payne
Rivers Program

JP:nmw

enclosures

Form 734-3122

NOTIFICATION OF INTENT TO MAKE IMPROVEMENTS
CHANGE LAND USE, OR ENGAGE IN REGULATED ACTIVITIES
WITHIN THE OREGON SCENIC WATERWAYS SYSTEM

To process your application promptly, the Oregon Department of Transportation must have complete, 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 effect the situation.

1. Name George W. Jackson Telephone 395-2280
2. Address Rt. 1 Box 4 Maupin, ore. 97037
3. Name and address of *legal* landowner if different from above:
   a. Name _____ Telephone _____
   b. Address _____
4. Location of improvement, land use change or activity:
   County Wasco Township 5 Range 14 Section 6 Tax Lot _____
5. Type of improvement, change of land use or activity proposed and its purpose:
   Build home on 35 acres
6. When do you want to begin? 10-1-79
   How long will it take? ago 2 years
7. Attach a map showing the following: (The map may be hand-drawn, need not be professional, but accuracy of detail, distances, scale, etc., are important. Appropriate photographs may be helpful.)
   a. North
   b. Shape, size and dimensions of the property
   c. Location of the river and direction of its flow
   d. Principal features of terrain and vegetation
   e. Roads, driveways, etc. (existing and/or proposed)
   f. Existing structures and improvements
   g. Well or other water supply (existing and/or proposed)
   h. Sewage disposal system (existing and/or proposed)
   i. Utility poles and lines (power and telephone, existing and proposed)
   j. Location of proposed structures, improvements or activities
   k. Nearest distance from proposal to river

T5S, R14E Sec. 6

Department of Transportation
PARKS AND RECREATION BRANCH
525 TRADE STREET S.E., SALEM, OREGON 97310

September 11, 1979

WASCO COUNTY SANITATION
WASCO COUNTY COURTHOUSE
THE DALLES OR 97058

Dear Sir:

RE: T5S, R14E, Sec. 6

Enclosed is a Notification of Intent from George W. Jackson. Mr. Jackson proposes to construct a single-family residence within the Deschutes River Scenic Waterway.

Your comments on this proposal are solicited. We would appreciate hearing from you no later than September 25, 1979.

Sincerely,

Jim Payne

Jim Payne
Rivers Program

JP:nmw

enclosures

Form 734-3122

Department of Transportation
PARKS AND RECREATION BRANCH
525 TRADE STREET S.E., SALEM, OREGON 97310

September 11, 1979

GEORGE W. JACKSON
RT 1 BOX 4
MAUPIN OR 97037

Dear Mr. Jackson:

We have received your Notification of Intent to construct a single-family residence within the Deschutes River Scenic Waterway. Your application is being processed at this time.

Should you have any questions, please feel free to contact me in Salem at 378-6747.

Sincerely,

Jim Payne
River Programs

JP:nmw

Form 734-3122

WASCO COUNTY PLANNING OFFICE

1721 W. 10th St. THE DALLES, OREGON 97058

DAVID R. MOON, Director of Planning PHONE: (503) 298-5169

September 19, 1979

Mr. Jim Payne
Rivers Program
Parks & Recreation Branch
525 Trade Street, S.E.
Salem, OR 97310

RE: Township 5 South,
Range 14 East,
Section 6

Dear Mr. Payne:

The application by Mr. George W. Jackson is in compliance with the applicable rules and regulations of the Wasco County Zoning Ordinance and Comprehensive Plan.

Zoning verification will be given after application has been made for a building permit.

Sincerely,

David R. Moon
Planning Director

DRM/dcm

VICTOR ATIYEH
GOVERNOR

Department of Transportation

PARKS AND RECREATION DIVISION

525 TRADE STREET S.E., SALEM, OREGON 97310

October 1, 1979

GEORGE W JACKSON
RT 1 BOX 4
MAUPIN OR 97037

Dear Mr. Jackson:

RE: T5S, R14E, Sec. 6

Your request to construct a single-family residence within the Deschutes River Scenic Waterway as described in your Notification of Intent dated September 6, 1979, has been approved under the authority of the Oregon Transportation Commission. This approval is subject to compliance with the following stipulations:

1. All Wasco County Planning Department requirements shall be satisfied.

2. All Wasco County sanitation requirements shall be satisfied.

3. All vegetation on your land between the structure and the river shall be maintained.

4. Construction shall begin within one year, and the exterior shall be completed within six months after it is commenced.

5. The Commission shall be notified when construction begins and when the exterior has been completed.
Address: John E. Lilly, Manager, Scenic Waterways Programs, 525 Trade Street SE, Salem, OR 97310.

This approval does not affect any obligations you might have to other persons or agencies--local, state or federal.

Sincerely,

John E. Lilly, Manager
River Programs

JEL:js
cc: Wasco County Planning Office
Wasco County Sanitation
Wally Hibbard

STATE OF OREGON

INTEROFFICE MEMO

Parks and Recreation 378-6747

TO: File Memo

DATE: July 25, 1980

FROM: Jim Payne
River Programs

SUBJECT: George Jackson--Deschutes River Scenic Waterway

On the morning of July 25, 1980, I had a telephone conversation with George Jackson, Deschutes River Scenic Waterway about possible building violations within the Descutes Scenic Waterway. Mr. Jackson informed me that the shed that was now presently on his property was indeed moved there from the Fir Mountain Lumber Company and that he was using it for a shed, but as soon as his home was completed, he would build another room on to this facility and use it as a residence. He indicated during a meeting with Dan Durow, planner representing the City of Maupin, that the dwelling was outside the ¼-mile boundary of the Deschutes River Scenic Waterway. I called Dan Durow to confirm this. Dan said he did not have a formal meeting with Mr. Jackson the meeting had been during a council meeting and that his maps had been out on the table and he felt that Mr. Jackson at that time had decided that his dwelling was outside the Deschutes River Scenic Waterway.

JP:nmw

Contains Recycled Materials
81-125-1367

SP*75663.125

STATE OF OREGON

INTEROFFICE MEMO

Parks and Recreation 378-6747

TO: The Files

DATE: July 25, 1980

FROM: Jim Payne
River Programs

SUBJECT: Possible Illegal Construction within the Deschutes River Scenic Waterway

On the morning of July 25, 1980, I had a telephone conversation with Dan Durow, Planning Coordinator, City of Maupin, about the possible construction violation taking place on the area proposed for an urban growth zone for the City of Maupin. Dan informed me that he was not aware of any type of building activity taking place other than that proposed for Mr. Jackson's property within the Maupin urban growth zone. The two structures that were viewed he felt one was the shed that Mr. Jackson had drug over from Mountain Fir Company to use as a tool shed, while he was constructing his home. Dan Durow had been in the Maupin area earlier in the week and was not aware of any activity taking place other than Mr. Jackson's building. He felt that this was all that was taking place since at this time, any building taking place in that area would have to be cleared through the county building people and they would contact us about any activity taking place.

JP:nmw

Contains Recycled Materials
81-126.1387

SP*75663.126

VICTOR ATIYEH
GOVERNOR

Department of Transportation
PARKS AND RECREATION DIVISION
525 TRADE STREET S.E., SALEM, OREGON 97310

January 8, 1981

George W. Jackson
Rt 1 Box 4
Maupin, OR .97037

Dear Mr. Jackson:

RE: T5S, R14E, Sec 6

We have not heard from you since the Transportation Commission approved your development plan within the Deschutes River Scenic Waterway. The Commission stipulated that construction shall begin within one year from the date of their approval. For your convenience, we have enclosed a copy of the Commission's letter.

In order for the requirements of the Commission's approval to be satisfied, we need to know the current status of your proposal.

We have enclosed a pre-addressed questionnaire that will help in updating our files. Please take a minute to complete this card and return it to us.

If we can be of assistance, please feel free to contact me at 1-800-452-7813 extension 86747.

Thank you,

Jim Payne
River Programs

JP:ma

Enclosures

Form 734-3122

STATE OF OREGON

INTEROFFICE MEMO

Parks and Recreation 378-6747

TO: The Files

DATE: April 13, 1981

FROM: Jim Payne
River Programs

SUBJECT: Single-Family Dwelling, Deschutes River Scenic Waterway

On April 10, 1981, I had a telephone conversation with Mr. Buck Coe about his single-family dwelling within the Deschutes River Scenic Waterway. It was in regard to the type of siding that would be placed on the dwelling. Mr. Coe assured me that it would be left in natural tones. If anything was put on it at all, it would be a light stain.

I relayed Mr. Lilly's message to him that he had no problem with the structure and that he would be sending him an approval letter at the first of the week.

JP/js

Contains Recycled Materials
81-125-1387

VICTOR ATIYEH
GOVERNOR

Department of Transportation
PARKS AND RECREATION DIVISION
526 TRADE STREET SE., SALEM, OREGON 97310

April 15, 1981

Buck Coe
Box 4 Star Route
Maupin, OR 97037

Dear Mr. Coe:

RE: T8S, R14E, Sec 10, Tax Lot 1200

Your request to construct a single-family dwelling within the Rogue River Scenic Waterway as described in your Notification of Intent dated April 8, 1981, has been approved under the authority of the Oregon Transportation Commission. If in the process of developing this proposal you contemplate changing these plans, you must notify this office immediately. This approval is subject to compliance with the following stipulations:

1. All Wasco County Planning Department requirements shall be satisfied.

2. All Wasco County sanitation requirements shall be satisfied.

3. All vegetation on your land between the structure and the river shall be maintained. We are concerned with the removal of vegetation 3" D.B.H. or larger. Notify this office prior to removing any trees that screen you homesite from view from the river.

4. Construction shall begin within one year, and the exterior shall be completed within six months after it is commenced.

5. The Commission shall be notified when construction begins and when the exterior has been completed.
   Address: John E. Lilly, Assistant Administrator, River Programs
   525 Trade St. SE, Salem, OR 97310.

This approval does not affect any obligations you might have to other persons or agencies--local, state or federal.

Sincerely,

John E. Lilly
Assistant Administrator

JEL:ma
cc: Wasco County Planning
Wasco County Sanitation

Deschutes River
N
54'
90'
NEW House
OLD House
22'
FREEZER ROOM
TRAILER
WELL HOUSE
PARKING LOT
POWER LINE
121'
DRAIN FIELD
90'
T. 8S. - R14E. - SEC 10.
WASCO COUNTY
Rail Road
DRIVEWAY
DRIVEWAY
ROAD
CORRALS
SHOP

New House

NOTIFICATION OF INTENT TO MAKE IMPROVEMENTS
CHANGE LAND USE, OR ENGAGE IN REGULATED ACTIVITIES
WITHIN THE OREGON SCENIC WATERWAYS SYSTEM

To process your application promptly, the Oregon Department of Transportation must have complete, 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 effect the situation.

1. Name T. E. Buck Coe Telephone 395 2582
2. Address Box 4 Star Route Maupin Ore. 97037
3. Name and address of *legal* landowner if different from above:
   a. Name Bette Z. Souther, John B. Souther & Calvin N. Souther, Jr., Trustees Telephone 224-4051
   b. Address 2300 S.W. 1st Ave Portland Ore 97201
4. Location of improvement, land use change or activity:
   County Wasco Township 8s Range 14e Section 10 Tax Lot 1200
5. Type of improvement, change of land use or activity proposed and its purpose:
   Remove old Ranch house because of bad Deterioration and Replace with Ranch Style house.
6. When do you want to begin? Now
   How long will it take? Approx. 6 Months
7. Attach a map showing the following: (The map may be hand-drawn, need not be professional, but accuracy of detail, distances, scale, etc., are important. Appropriate photographs may be helpful.)

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

VICTOR ATIYEH
GOVERNOR

Department of Transportation
PARKS AND RECREATION DIVISION
525 TRADE STREET SE., SALEM, OREGON 97310

April 1, 1982

WASCO COUNTY SANITATION
1721 WEST 10TH STREET
THE DALLES, OR 97058

Dear Sir:

RE: T6S, R14

Enclosed is a Notification of Intent from Nick Kaiser. Mr. Kaiser proposes to rebuild a cabin that was burned down in 1971 within the Deschutes River Scenic Waterway.

Your comments on this proposal are solicited. We would appreciate hearing from you no later than April 15.

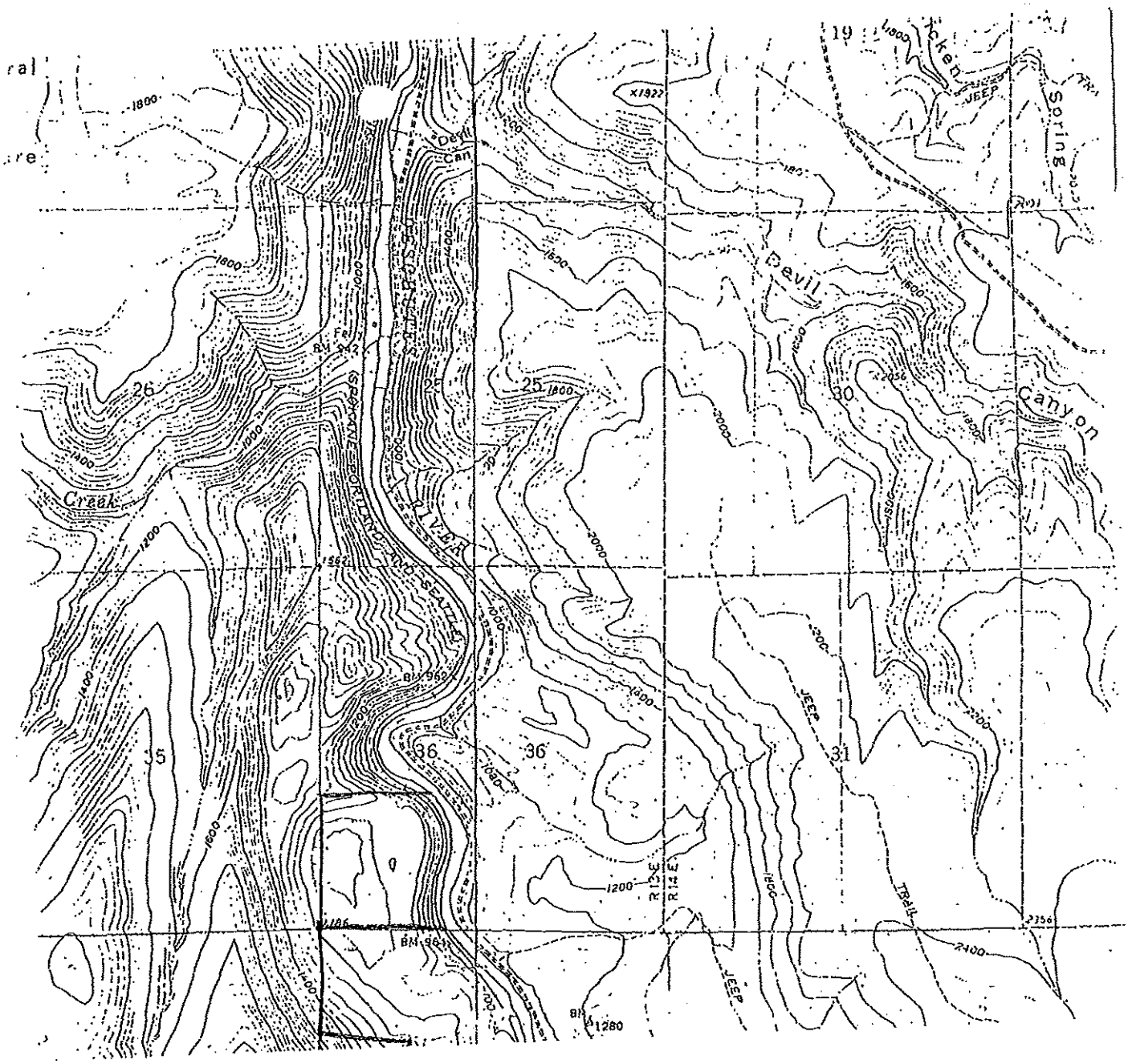
Sincerely,

Jim Payne

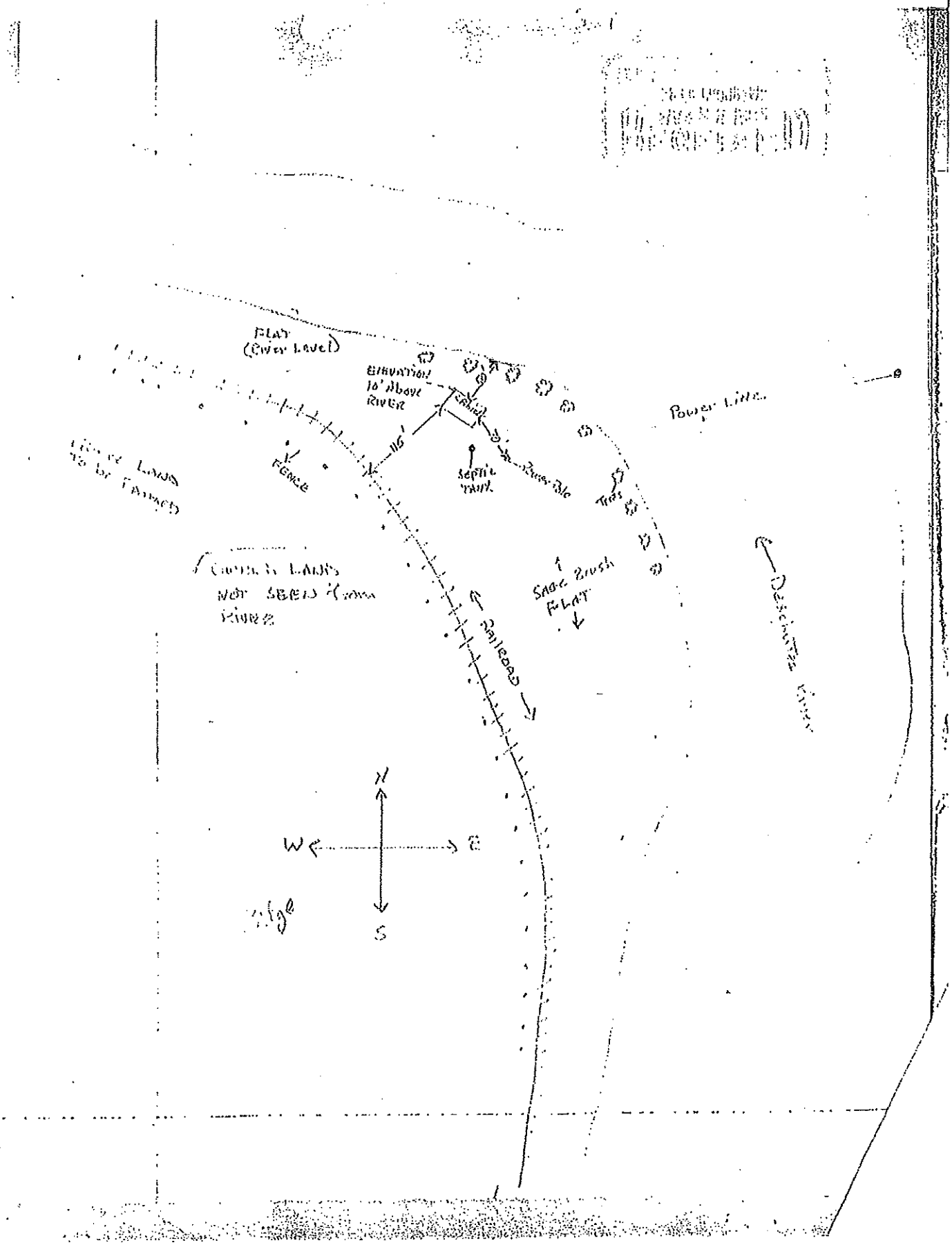
Jim Payne, Assistant Manager
Rivers Program

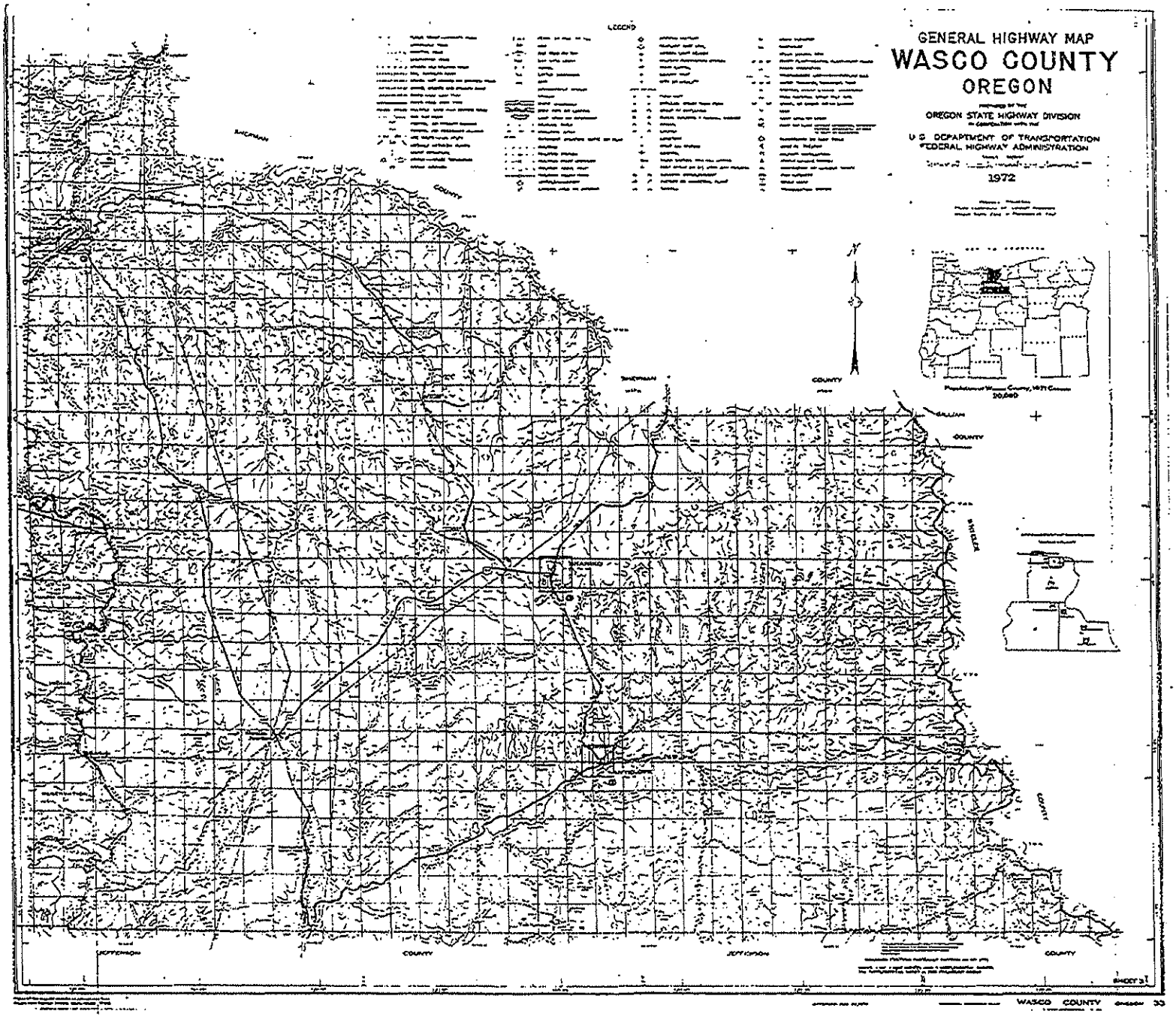
JP:md

Enclosures



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MAR 2 9 1982
RIVER PROGRAMS
FILE #


FLAT
(River Level)
Elevation
10' Above
River
Power Line
116'
FENCE
Septic
Tank
Trail
Railroad
Sage Brush
FLAT
N
W
E
S


GENERAL HIGHWAY MAP
WASCO COUNTY
OREGON
OREGON STATE HIGHWAY DIVISION
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
1972
LEGEND
WASCO COUNTY

NOTIFICATION OF INTENT TO MAKE IMPROVEMENTS
CHANGE LAND USE, OR ENGAGE IN REGULATED ACTIVITIES
WITHIN THE OREGON SCENIC WATERWAYS SYSTEM

To process your application promptly, the Oregon Department of Transportation must have complete, 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 effect the situation.

1. Name Nick Kaiser Telephone 687-0977

2. Address 1845 Balboa Eugene, ORe 97401

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

   a. Name Same Telephone _____

   b. Address _____

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

   County LANE Township 16 S Range 14 Section 00 Tax Lot 600

5. Type of improvement, change of land use or activity proposed and its purpose:

   Rebuild Cabin That burned down in 1971

6. When do you want to begin? 7-1-82

   How long will it take? 6 months

7. Attach a map showing the following: (The map may be hand-drawn, need not be professional, but accuracy of detail, distances, scale, etc., are important. Appropriate photographs may be helpful.)

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

400 ACRES - 3 TAX LOTS

VICTOR ATIYEH
GOVERNOR

Department of Transportation
PARKS AND RECREATION DIVISION
525 TRADE STREET SE., SALEM, OREGON 97310

April 1, 1982

ZEKE ZIEGLER
PRINEVILLE BLM
185 EAST 4TH STREET
PO BOX 550
PRINEVILLE OR 97754

Dear Mr. Ziegler:

RE: T6S, R14

Enclosed is a Notification of Intent from Nick Kaiser. Mr. Kaiser proposes to rebuild a cabin that burned down in 1971 within the Deschutes River Scenic Waterway.

Your comments on this proposal are solicited. We would appreciate hearing from you no later than April 15.

Sincerely,

Jim Payne

Jim Payne, Assistant Manager
Rivers Program

JP:md

Enclosures

VICTOR ATIYEH
GOVERNOR

Department of Transportation
PARKS AND RECREATION DIVISION
525 TRADE STREET SE., SALEM, OREGON 97310

April 1, 1982

WASCO COUNTY PLANNING
DOROTHY BROWN
1721 WEST 10TH STREET
THE DALLES, OR 97058

Dear Ms. Brown:

RE: T6S, R14

Enclosed is a Notification of Intent from Nick Kaiser. Mr. Kaiser proposes to rebuild a cabin that was burned down in 1971 within the Deschutes River Scenic Waterway.

Your comments on this proposal are solicited. We would appreciate hearing from you no later than April 15.

Sincerely,

Jim Payne

Jim Payne, Assistant Manager
Rivers Program

JP:md

Enclosures

VICTOR ATIYEH
GOVERNOR

Department of Transportation
PARKS AND RECREATION DIVISION
525 TRADE STREET SE., SALEM, OREGON 97310

April 2, 1982

NICK KAISER
1845 BALBOA
EUGENE, OR 97401

Dear Mr. Kaiser:

We have received your Notification of Intent to rebuild a cabin that burned down in 1971 within the Deschutes River Scenic Waterway. Your application is being processed at this time.

Should you have any questions, please feel free to contact me in Salem at 378-6500, or toll free at 1-800-452-7813, extension 86500.

Sincerely,

Jim Payne

Jim Payne, Assistant Manager
River Programs

JP:md

IN REPLY REFER TO

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
District Office
P.O. Box 550
Prineville, Oregon 97754

April 7, 1982

Jim Payne
Dept. of Transportation
Parks and Recreation Div.
525 Trade Street S.E.
Salem, OR 97310

Dear Jim:

The request of Nick Kaiser to rebuild a cabin burned in 1971 appears to meet the objectives along the scenic waterways. We have no additions to this proposal.

Sincerely yours,

Maurice Ziegler
Area Manager

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RIVER PROGRAMS
FILE #

File
NOTES
J. PAYNE

WASCO COUNTY PLANNING OFFICE

1721 W. 10th STREET THE DALLES, OREGON 97058

DOROTHY M. BROWN, Director of Planning PHONE: (503) 298-5169

April 8, 1982

Mr. Jim Payne,
Assistant Manager
Rivers Program
Parks and Recreation Division
525 Trade Street, S.E.
Salem, OR 97310

RE: Township 6 South, Range 14 East, Tax Lot 600 - Nick Kaiser

Dear Mr. Payne:

Reference is made to your letter of April 1, 1982 regarding the Notification of Intent from Nick Kaiser.

This property, consisting of approximately 78.43 acres, is zoned "A-1" Exclusive Farm Use with a minimum lot size of eighty (80) acres. The density is one dwelling unit per 80 acres. Dwellings in conjunction with farm use are permitted in this zone as long as the following setbacks can be met:

Front Yard: Twenty-five (25) Feet

Side Yard: Twenty-five (25) Feet

Rear Yard: Forty (40) Feet

Stream Setback: One hundred (100) feet measured at right angles.

A Conditional Use for a dwelling not in conjunction with farm use can be granted by the Planning Commission upon a demonstration that the use is compatible with farm use and is consistent with the legislative intent of Oregon Revised Statute 215.243 and the County Comprehensive Plan; does not interfere with accepted farming practices on adjacent lands devoted to farm use; does not materially alter the stability of the over-all land use pattern of the area; and is situated upon generally

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unsuitable land for the production of farm crops, livestock and wildlife; and complies with other conditions the Planning Commission may consider necessary.

It appears that unless the applicant's residence is in conjunction with farm use, a Conditional Use permit from the Planning Commission would be required.

I trust this is the information you desire, but if you have further questions, please do not hesitate to contact this office at any time.

Sincerely,

Dorothy M. Brown

Mrs. Dorothy M. Brown
Director of Planning

DMB/dm

STATE OF OREGON

INTEROFFICE MEMO

Parks and Recreation Division 378-6500

TO: The Files

DATE: May 24, 1982

FROM: Jim Payne
River Programs

SUBJECT: Nick Kaiser - Deschutes River Scenic Waterway

On May 4, John Lilly and I met with Nick Kaiser and his father to discuss Nick Kaiser's application for a cabin on the Deschutes River Scenic Waterway. The cabin would be situated on the left bank of the Deschutes River at approximate river mile 67. The cabin would be placed on an old cabin site. The structure would be visible from the river. Vegetation would offer no screening for the property. Mr. Kaiser did comment, however, that he would plant some vegetation to help break up the contours of the home. There would be no development of roads. Sanitation would be septic tank. It appears that there is no drainfield, however, connected to the septic tank. Kaiser owns approximately 78 acres. Small portions of it once were farmed, but no agricultural use has been made of the area for some time.

In reviewing the administrative rules for the Deschutes River, this area is classified as a Recreational River Area. "No new structures or improvements which are visible from the river other than those erected or making connection with compatible existing use or those needed for public outdoor recreation or resource protection will be permitted." I think our rules are fairly clear that this cabin would not be allowable as it is not needed for an agricultural use. The cabin can be placed on the east side of the Burlington Northern railroad tracks and be screened from view of the river. Mr. Kaiser does not feel that this would be adequate for his needs and would like to stand by his notification as submitted to this office.

There is some doubt as to the actual burning of the original cabin. It appears that the cabin may have been destroyed before the Scenic Waterway Act went into effect. Mr. Kaiser maintains, however, that the cabin burned the same year that the Scenic Waterway went into effect. If this statement is accurate, this would be a period of about 10 years that there has been no cabin on this site.

After reviewing our rules and reviewing the site, my recommendation from Mr. Kaiser's proposal would be:

1. That the cabin be placed behind the Burlington Northern Railroad tracks out of view from the river.

81-125-1387

2. I would recommend denial of this proposal as submitted based upon definition for the Recreational River Area for the Deschutes River.

I do not think that Mr. Kaiser can substantially prove that his need for an agricultural use facilitates having a cabin on the bank of the Deschutes River.

JP/js

VICTOR ATIYEH
GOVERNOR

Department of Transportation
PARKS AND RECREATION DIVISION
525 TRADE STREET SE., SALEM, OREGON 97310

May 25, 1982

MR NICK KAISER
1845 BALBOA ST
EUGENE OR 97401

Dear Mr. Kaiser:

Thank you for the opportunity to meet with you and your father on your property located within the Deschutes River Scenic Waterway in Wasco County. Our visit to the site allowed us to get a very clear picture of the possible impact of your proposed house on the scenic waterway. At this time, we are preparing to recommend to the Transportation Commission that your proposed new cabin be approved but only for construction at a site west of the railroad grade. It is our feeling that the placement of the cabin on the site you chose would substantially impact the natural beauty of the scenic waterway. Our primary concern here is for allowing as much topographic screening between the new structure and the river as possible. Placement of the structure behind the railroad grade and away from the river would in our opinion appear to strike a balance between our objective to protect the river's natural beauty and your objectives of developing a new cabin for your own personal recreational or agricultural pursuits. Basically, we do not object to your proposal to construct a cabin on this property; the issue here is exactly where the cabin should be placed.

I would ask that you and your father mull this proposal over. If it is agreeable to you, I believe that I can, following consultation with our legal counsel, give administrative approval to your plan. However, should you not agree, I will submit the issue to the Oregon Transportation Commission for their consideration at either their June or July meeting. At that time, our staff recommendation would be to approve the project only if constructed on the location west of the railroad grade.

I look forward to your response.

Very truly yours,

John E. Lilly
Assistant Administrator

JEL:kc
cc: David Talbot
Dale Hormann

STATE OF OREGON
Parks and Recreation Division

INTEROFFICE MEMO

378-5000

TO: The Files

DATE: June 29, 1982

FROM: John E. Lilly
Assistant Administrator

SUBJECT: Nick Kaiser Proposal - Deschutes River Scenic Waterway

On the morning of June 23, I had a telephone conversation with Eric Larsen, an attorney in Gresham (665-1161). Mr. Larsen says that he represents Nick Kaiser. Mr. Kaiser has submitted a notification of intent to rebuild a cabin on his property on the Deschutes River. The cabin was destroyed by fire in 1971. Mr. Larsen called to let me know that he had read over the law and rules. He asked for an explanation of our position on this case. He also said that Mr. Kaiser had provided him with our correspondence. I told Mr. Larsen that, at this point, we did not dispute Mr. Kaiser's right to rebuild his structure. However, our dispute is over the particular location that he has chosen. I told him that it was our opinion that putting the cabin where it would be in full view of the river would substantially impair the natural beauty of the scenic waterway. I went on to say that I felt that placing a structure behind the railroad grade would give it a measure of topographic screening and soften its impact on the river's visual scene.

There was some discussion over the state's timetable in terms of acquisition by condemnation. I told him that our year was running and that we were in the process as defined by law. I gave him a little history on past actions in terms of numbers of notifications reviewed, approved, negotiated, parcels purchased, and condemnation utilized.

He said that he would be visiting the site this weekend with Mr. Kaiser and would probably be getting back to us next week.

JEL/js

cc: Dale Hormann
Jim Payne

81-125-1367

VICTOR ATIYEH
GOVERNOR

Department of Transportation
PARKS AND RECREATION DIVISION
525 TRADE STREET SE., SALEM, OREGON 97310

July 26, 1982

MR NICK KAISER
1845 BALBOA
EUGENE OR 97401

Dear Mr. Kaiser:

Thank you for your recent letter which I received on July 14 concerning your plans to move your proposed new cabin back away from the river and provide for more landscaping.

While we continue to hope that you would be able to find a location on your property with more topographic screening, I recognize that for various reasons that a site closer to the river may be more convenient for you. We are more than willing to entertain any options that you may want to put before us. In order to help us in our discussion, I have included several copies of an aerial photograph of your property. If you want to locate your alternative house locations on these photos and return them to me, that will speed up the discussion.

Thank you for your reply to our May 25 letter. I look forward to hearing from you at your earliest convenience.

Very truly yours,

John E. Lilly
Assistant Administrator

JEL:js

cc: Jim Payne

VICTOR ATIYEH
GOVERNOR

Department of Transportation
PARKS AND RECREATION DIVISION
525 TRADE STREET SE., SALEM, OREGON 97310

April 20, 1981

Buck Coe
Box 4 Star Route
Maupin, OR 97037

Dear Mr. Coe:

RE: T8S, R14E, Sec 10, Tax Lot 1200

Your request to construct a single-family dwelling within the Deschutes River Scenic Waterway as described in your Notification of Intent dated April 8, 1981, has been approved under the authority of the Oregon Transportation Commission. If in the process of developing this proposal you contemplate changing these plans, you must notify this office immediately. This approval is subject to compliance with the following stipulations:

1. All Wasco County Planning Department requirements shall be satisfied.

2. All Wasco County sanitation requirements shall be satisfied.

3. All vegetation on your land between the structure and the river shall be maintained. We are concerned with the removal of vegetation 3" D.B.H. or larger. Notify this office prior to removing any trees that screen you homesite from view from the river.

4. Construction shall begin within one year, and the exterior shall be completed within six months after it is commenced.

5. The Commission shall be notified when construction begins and when the exterior has been completed.
   Address: John E. Lilly, Assistant Administrator, River Programs
   525 Trade St. SE, Salem, OR 97310.

This approval does not affect any obligations you might have to other persons or agencies--local, state or federal.

Sincerely,

John E. Lilly
Assistant Administrator

JEL:ma
cc: Wasco County Planning
Wasco County Sanitation

Nick Kaiser
1845 Balboa
Eugene, Oregon
97401

Jim - It's gonna take another on-site discussion. I'd like him to move it closer to the center of the flat. Which do you think? Nick

August 12, 1982

Mr. John E. Lilly
Dept. of Transportation
Parks and Recreation Division
525 Trade Street S.E.
Salem, Oregon 97310

Dear John:

I would like to respond to your letter of July 26th pertaining to my cabin location. As I mentioned in my phone conversation with you on August 11th, it will be difficult to show you exactly where the cabin location will be on the aerial photo, but I feel the location I have shown is fairly close. I have also indicated on the aerial photo what improved screening from the river might look like.

I appreciate your expediance in dealing with the approval process and would hope I could get final agreement soon.

Please contact me if you need more information or a trip to the river to again review the indicated site location.

Nick Kaiser

Nick Kaiser

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AUG 16 1982
RIVER PROGRAMS
FILE #

Department of Transportation
PARKS AND RECREATION DIVISION
525 TRADE STREET SE., SALEM, OREGON 97310

August 25, 1982

NICK KAISER
1845 BALBOA
EUGENE OR 97401

Dear Mr. Kaiser:

RE: T6S, R14, Sec. 1, TL 600

Your letter of August 12, 1982, with the enclosed aerial depicting a new location for your cabin on the Deschutes River Scenic Waterway, is appreciated. Your new proposed location for the cabin would still have an impact on the view from the river. While planting some vegetation will help screen the cabin, it will take several years to accomplish adequate screening. We feel that a more central location on the flat and surrounded by landscaping will meet the scenic waterway requirements. This would provide maximum screening and would be less obtrusive on the view from the river. We have enclosed an aerial depicting the location we feel would be acceptable. Give it some thought and get back to us. You may want us to get together again on-site to discuss it further. Should you approve of our suggestion, we would like you to give consideration to these stipulations of approval:

1. All Wasco County Planning Department requirements shall be satisfied.

2. All Wasco County sanitation requirements shall be satisfied.

3. There would be no alteration of existing contours of the natural river bank, and no clearing of riparian vegetation along the river bank.

4. All soils disturbed during the construction of the cabin must be leveled and replanted to grass or appropriate native plant species.

5. The cabin would be located near the center of the lot which would be approximately upstream from the old site 200 feet and approximately 200 feet from the river, as indicated on the enclosed aerial.

6. Adequate landscaping shall be planted and maintained to allow for partial screening of the structure from view from the river within a reasonable amount of time. Choice of landscape materials shall be agreed upon prior to planting. Planting shall take place within 120 days of completion of the cabin. Such plant materials as poplar, Russian olive, and tree of heaven will be considered appropriate.

7. Construction shall begin within one year, and the exterior shall be completed within six months after it is commenced.

8. The Commission shall be notified when construction begins and when the exterior has been completed. Address: John E. Lilly, Assistant Administrator, River Programs, 525 Trade Street, SE, Salem, OR 97310.

If you concur with the above stipulations, please sign the enclosed copy of this letter and return it in the enclosed envelope within 14 days. Should you have any questions concerning this matter, please feel free to contact this office at any time. The telephone number in Salem is 378-5000 (toll free from Portland 229-5700, ext. 85000 or anywhere else in Oregon 1-800-452-7813, ext. 85000).

Sincerely,

John E. Lilly
Assistant Administrator

JEL:JP:md
enclosures

I concur with the stipulations included in this letter dated August 25, 1982 Nick Kaiser 10-7-82
(date)

RECEIVED
OCT 7 1982
RIVER PROGRAMS
FILE #

John Lilly
File - Kaiser Dec R.

Nick Kaiser
1845 Balboa
Eugene, Oregon
97401

John Lilly
Department of Transportation
Parks and Recreation Department
525 Trade Street S.E.
Salem, Oregon 97310

Dear John:

After receiving your letter of May 25, 1982, I felt there should be further investigation on my part to develop a compromise that would fit both my needs and that of the Scenic River Act. I would like to restate the reasons why I feel the house should remain at the current location.

1. The house is at it's current location because of the Homestead Act requirement to build a house on a proved up piece of ground. The homestead house was built fifty years ago to meet the Homestead Act requirements which are still valid today.

2. The only access to my property is by crossing the river. All general activity, whether farming or recreational, would commence by boat, which by necessity, only has access to the river side of the railroad. Utilization of a house on the river side of the railroad would be required to make all or any activities economically and practically feasable.

3. Access by railroad can only be used when large amounts of material and equipment need to be sent to the property.

4. Power access is by crossing the river to only the river side of the railroad.

5. Visability from the river is limited.

6. Wasco County has zoned all my riverfront property as Improved Recreational Property, and I am paying a large tax assessment because of this zoning.

After our discussions, (on the river), I felt confident that we could reach a compromise on the house location. In fact, I believed that prior to our departure, the idea of moving the house back somewhat closer to the railroad property line and improving screening from the river with a planting of indigenous trees and shrubs would be acceptable. I would like to recommend the original proposal with an emphasis on moving the house back and planting specific tree and shrub

species that will improve isolation from the river. Trees and shrubs to be planted would be Alder and Locust trees and Red Sumac. I will provide you with site drawings of the house location.

I would hope that you would agree to this compromise so that I can proceed with my plans in a timely and feasable manner. This would allow me to utilize my property to the benefit of both the Scenic River Act and myself as a private property owner.

Thank you for considering this request.

Nick Kaiser

STATE OF OREGON
Parks and Recreation Division

INTEROFFICE MEMO
378-6500

TO: The Files

DATE: June 7, 1982

FROM: James L. Payne, Assistant Manager
River Programs

SUBJECT: Nick Kaiser -- Wasco County Coop, Inc., Services

On June 3, 1982, I had a telephone conversation with the clerk at the Wasco County Electric Co-op in The Dalles, Oregon, about the placement of a power pole and line to the Nick Kaiser property. She researched the files and gave me the following information.

Services were put in but never used in 1965; the end of the contract was 1975. Also, there was a note on the file about the cabin burning in 1976 or 1977. There was a question mark after the 1977. She was not sure when the cabin burned. Records show no usage through 1978, '79, and I believe that the clerk was alluding to the fact they removed the meter sometime during this period.

JLP:kc

VICTOR ATIYEH
GOVERNOR

Department of Transportation
PARKS AND RECREATION DIVISION
525 TRADE STREET SE., SALEM, OREGON 97310

October 12, 1982

MR NICK KAISER
1845 BALBOA
EUGENE OR 97401

Dear Mr. Kaiser:

RE: Deschutes River Scenic Waterway
T6S, R14E, Sec. 1, TL 600

I am pleased to transmit to you the approval for your request to construct a cabin within the Deschutes River Scenic Waterway as described in your notification of intent dated March 26, 1982, and in accordance with the stipulations of your letter of concurrence signed by you on October 7, 1982. This approval has been made under the authority of the Oregon Transportation Commission. If, in the process of developing this proposal, you contemplate changing these plans, you must notify this office immediately.

Consistent with our conversation of October 7, the Division agrees that the measurements referred to in stipulation #5 of the attached letter shall be held as approximate. We understand that the actual location of the new cabin will be about 175 feet west of the river and about 195 feet south of the original cabin location.

This approval does not affect any obligations you might have to other persons or agencies--local, state or federal.

Thank you for your cooperation.

Sincerely,

John E. Lilly
Assistant Administrator

JEL:js

cc: Dan Durow, Wasco Co. Planning Dept.
Maurice Ziegler, BLM Prineville

enclosure

Department of Transportation
PARKS AND RECREATION DIVISION
525 TRADE STREET SE., SALEM, OREGON 97310

December 21, 1982

Clarence Wishard
6325 NW Vanora Drive
Madras, OR 97741

RE: Notification of Intent
T10, R12, Sec 1, Tax Lot 500
Deschutes River Scenic Waterway

Dear Mr. Wishard:

Your request to construct a single family dwelling within the Deschutes River Scenic Waterway as described in your Notification of Intent dated August 24, 1982, has been approved under the authority of the Oregon Transportation Commission. If in the process of developing this proposal you contemplate changing these plans, you must notify this office immediately. This approval is subject to compliance with the following stipulations:

1. All Jefferson County Planning Department requirements shall be satisfied.

2. All Jefferson County sanitation requirements shall be satisfied.

3. All vegetation on your land between the structure and the river shall be maintained. We are concerned with the removal of vegetation 3" D.B.H. or larger. Notify this office prior to removing any trees that screen your homesite from view from the river.

4. Construction shall begin within one year, and the exterior shall be completed within six months after it is commenced.

5. The Commission shall be notified when construction begins and when the exterior has been completed. Address: John E. Lilly, Assistant Administrator, River Programs, 525 Trade Street SE, Salem, OR 97310.

This approval does not affect any obligations you might have to other persons or agencies--local, state or federal.

Sincerely,

John E. Lilly
Assistant Administrator

JEL:ma

2-93-81 file Buck Coe - Deschutes R. case file

VICTOR ATIYEH
GOVERNOR

Department of Transportation
PARKS AND RECREATION DIVISION
525 TRADE STREET SE., SALEM, OREGON 97310

August 5, 1983

Buck Coe
Box 4 Star Route
Maupin, OR 97037

Dear Mr. Coe: Buck

During an inspection trip of the Deschutes River Scenic Waterway we noticed that you have placed a satellite receiving antenna within the Deschutes River Scenic Waterway. It appears that this installation may be in violation of the State Scenic Waterway Act, (ORS 390.305-390.925) and the rules of the Oregon Transportation Commission governing Scenic Waterways (OAR 736-40-05 and OAR 736-40-095). Both the Act and the Commission's rule requires that prior to any change of land use within a Scenic Waterway, the property owner must submit a Notification of Intent to the Scenic Waterway Program.

Enclosed is a copy of the Act and the Commission's rules for your information.

If you are still installing the antenna, we would ask that you stop and submit to the Scenic Waterways Program, a Notification of Intent for land use change. Should you have any question(s) on this matter, please contact us. The telephone number is 378-6500 or 378-5000, State Parks.

Sincerely,

John E. Lilly
Assistant Administrator

JEL:JP:tla
8943B

enclosures

VICTOR ATIYEH
GOVERNOR

9/6/85

Department of Transportation

PARKS AND RECREATION DIVISION

525 TRADE STREET SE., SALEM, OREGON 97310

September 3, 1985

O. Meredith Wilson, Jr.
800 Pacific Building
Portland, OR 97204

Dear Mr. Wilson:

RE: T7S, R14E, Sec. 8, TL 101

Your request to construct a recreational dwelling within the Deschutes River Scenic Waterway as described in your Notification of Intent dated July 18, 1985, has been approved under the authority of the Oregon Transportation Commission. If, in the process of developing this proposal, you contemplate changing these plans you must notify this office immediately. This approval is subject to compliance with the following stipulations:

1. Structure shall be designed and placed as to be topographically screened from view from the river.

2. All Wasco County Planning Department requirements shall be satisfied.

3. All Wasco County sanitation requirements shall be satisfied.

4. Establish and maintain landscaping around the structures that will blend into the natural scene.

5. Construction shall begin within one year and the exterior shall be completed within six months after it has commenced.

6. The Commission shall be notified when construction begins and when the exterior has been completed. Please contact Jim Payne, Assistant Manager, River Programs, 525 Trade Street S.E., Salem, OR 97310.

This approval does not affect any obligations you might have to other persons or agencies--local, state or federal.

Sincerely,

John E. Lilly,
Assistant Administrator

JEL:JP:tsb
7471C

WASCO COUNTY PLANNING OFFICE
1721 W. 10th STREET THE DALLES, OREGON 97058
DANIEL O. DUROW, Director of Planning PHONE: (503) 298-5169

August 6, 1985

O. Meredith Wilson, Jr.
800 Pacific Building
Portland OR 97204

Dear Mr. Wilson:

This letter will serve as your official notification that on August 5, 1985, the Wasco County Planning Commission granted, with conditions, your request for a Conditional Use Permit to allow a non-farm (recreational) dwelling.

The conditions of approval include:

(1) The height of the dwelling not exceed a height which would be visible from the Deschutes River.

(2) All siding and roof be of an earth-tone color.

(3) The development comply with all applicable standards of the Scenic Waterways Act.

(4) Garden hose outlets shall be plumbed on the exterior of the building and standpipes located at least fifty (50) feet from the building.

(5) Should electric service and a pump be provided, a separate electric service from the dwelling shall be provided for any pump. This will assure a water supply if the dwelling is burning.

(6) If a fireplace or woodstove is to be used, a fire-screen shall be placed over the chimney/stovepipe during fire season.

This permit applies to property described as: Township 7 South, Range 14 East, Section 8D, Tax Lot 101.

The above-referenced decision was based upon the staff report and testimony received at the hearing. Please note that this decision is subject to appeal to the County Court. Any appeal must be filed within ten (10) days of the date of the Planning Commission decision.

If this office can be of further assistance, please feel free to contact us at any time.

Sincerely,

James W. Johnson

James W. Johnson
Associate Planner

cc: Wasco County Court
Wilford Carey, Land Use Counsel
Tom Paul, County Watermaster
Jim Payne, Rivers Program, Dept. of Transportation, Parks and Recreation Division
Scott M. Kelley
John Hartung
Bureau of Land Mgt., Prineville Dist.

dm

WASCO COUNTY PLANNING OFFICE

1721 W. 10th STREET THE DALLES, OREGON 97058

DANIEL C. DUROW, Director of Planning PHONE: (503) 298-5169

August 20, 1985

O. Meredith Wilson, Jr.
800 Pacific Building
Portland OR 97204

Dear Mr. Wilson:

This letter is to notify you that an appeal has been filed with the Wasco County Court to the Planning Commission's decision to grant you a Conditional Use permit for a non-farm dwelling on your property, described as: Township 7 South, Range 14 East, Section 8D, Tax Lot 101.

You will be notified of the time, date and place of the hearing when set. Please note that any development associated with the Planning Commission's decision is at your own risk, subject to the outcome of the appeal.

If you have any questions regarding this matter, please contact this office.

Sincerely,

James W. Johnson

James W. Johnson
Associate Planner

cc: Wasco County Court
Wilford Carey, Land Use Counsel
Tom Paul, County Watermaster
Jim Payne, Rivers Program, D.O.T.
Scott M. Kelley
John Hartung
B.L.M., Prineville Dist.

dm

VICTOR ATIYEH
GOVERNOR

9/6/85

Department of Transportation

PARKS AND RECREATION DIVISION

525 TRADE STREET SE., SALEM, OREGON 97310

September 3, 1985

O. Meredith Wilson, Jr.
800 Pacific Building
Portland, OR 97204

Dear Mr. Wilson:

RE: T7S, R14E, Sec. 8, TL 101

Your request to construct a recreational dwelling within the Deschutes River Scenic Waterway as described in your Notification of Intent dated July 18, 1985, has been approved under the authority of the Oregon Transportation Commission. If, in the process of developing this proposal, you contemplate changing these plans you must notify this office immediately. This approval is subject to compliance with the following stipulations:

1. Structure shall be designed and placed as to be topographically screened from view from the river.

2. All Wasco County Planning Department requirements shall be satisfied.

3. All Wasco County sanitation requirements shall be satisfied.

4. Establish and maintain landscaping around the structures that will blend into the natural scene.

5. Construction shall begin within one year and the exterior shall be completed within six months after it has commenced.

6. The Commission shall be notified when construction begins and when the exterior has been completed. Please contact Jim Payne, Assistant Manager, River Programs, 525 Trade Street S.E., Salem, OR 97310.

This approval does not affect any obligations you might have to other persons or agencies--local, state or federal.

Sincerely,

John E. Lilly,
Assistant Administrator

JEL:JP:tsb
7471C

73410-1647

O. MEREDITH WILSON, JR.
800 PACIFIC BUILDING
PORTLAND, OREGON 97204

February 4, 1986

Mr. Jim Payne
Parks and Recreation Division
Department of Transportation
Vick Building
525 Trade Street, S.E.
Salem, Oregon 97310

Dear Mr. Payne:

This follows up on our telephone conversation in which I told you I was now contemplating putting a log cabin on my property at North Junction near the Deschutes River. A permit was given to me based on my application for putting a manufactured home on the site. I enclose a drawing showing the exterior and floor plan of the log cabin I am considering. This plan may be modified some. I am informed by the seller that the height is 13 feet from ground to the top of the roof. I believe that compares favorably with the manufactured home described in my application.

Please let me know if I need to do anything further. Thank you for your assistance.

Sincerely,

Enclosure

VICTOR ATIYEH
GOVERNOR

Department of Transportation
PARKS AND RECREATION DIVISION
525 TRADE STREET SE., SALEM, OREGON 97310

February 10, 1986

O. Meredith Wilson, Jr.
800 Pacific Bldg.
Portland, OR 97204

RECEIVED
FEB 12 1986

RE: Deschutes River Scenic Waterway

Dear Mr. Wilson:

Thank you for your letter noting the change in your plans for your residence within the Deschutes River Scenic Waterway. The plans have been noted in our file. Please notify us of any future changes that may occur.

Cordially,

Jim Payne

Jim Payne, Assistant Manager
River Programs

JP:jn
9185C

Oregon

PARKS AND RECREATION DEPARTMENT

Central Oregon
Area 6

August 12, 1996

John Hartung
4325 NE 21st
Portland, OR 97211

RE: File Number: 2-162-96
T07S, R14E, SEC.8D, TL400

Dear Mr. Hartung:

The Oregon Parks and Recreation Commission grants approval to your request to rebuild a flood damaged structure within the Lower Deschutes River Scenic Waterway as described in your Notification of Intent dated June 19, 1996. If you contemplate changing your proposed plans you must notify the Commission immediately. Approval is subject to the following stipulations:

1. All Wasco County Planning Department requirements shall be satisfied.

2. All Wasco County sanitation requirements shall be satisfied.

3. All vegetation on your land between the structure and the river shall be maintained. You must notify this office prior to removing any vegetation that screens your homesite from view from the river.

4. Construction shall begin within one year and the exterior shall be completed within six months after it has commenced.

5. The Commission shall be notified when construction begins and when the exterior has been completed. Please send notification to Scenic Waterways Program, Oregon Parks and Recreation Department, 20300 Empire Avenue, Suite B1, Bend, OR 97701.

This approval does not affect any obligations you might have to other persons or agencies -- local, state or federal.

Sincerely,

Jan E. Houck

Jan E. Houck
Program Coordinator
(541)388-6073

/jeh

Empire Corporate Park
20300 Empire Ave. Ste. 1
Bend, OR 97701
(541) 388-6211
FAX (541) 388-6391

73410-859

Oregon
John A. Kitzhaber, M.D., Governor

Parks and Recreation Department
Central Oregon
Area 5
Empire Corporate Park
20300 Empire Ave. Ste. 1
Bend, OR 97701
(541) 388-6211
FAX (541) 388-6391

November 3, 1999

Mr. John Hartung
4326 NE 21st Avenue
Portland, OR 97211

Re: Notification File No.: 2-162-96
Property Location: T07S R14E Sec.8D TL400

Dear Mr. Hartung:

The Oregon Parks and Recreation Commission grants approval to replace a flood damaged dwelling within the Lower Deschutes River Scenic Waterway. This approval is for the project outlined in your Notification of Intent Application which was verified as complete on October 12, 1999. THIS APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. This approval is based upon the information submitted. Any substantial change in the approved development information will require a new notification.

2. Any permits from Wasco County shall be acquired prior to making any land use change. All Wasco County requirements shall be satisfied.

3. In no case shall debris, silt or other materials will be allowed to reach the waters of the Lower Deschutes River Scenic Waterway.

4. All vegetation between the structure and the river shall be retained and maintained.

5. Construction shall begin within one year (November 3, 2000). If, due to unforseen circumstances, the project cannot be started by this date, you may request a time extension. A time extension may be granted based on submittal of a revised schedule for completion.

6. The exterior shall be completed within six months after construction has commenced.

7. The Commission shall be notified in writing when construction has commenced and when the exterior has been completed. Notices shall be sent to Rivers Program, Oregon Parks and Recreation Department, at 20300 Empire Avenue #B1, Bend, OR 97701.

This approval does not affect any obligation you might have to other persons or agencies, — local, state or federal.

Sincerely,

Jan E. Houck
Program Coordinator
/jeh

c: Dawn Baird, Wasco County Planning Department

73410-0858

Oregon
John A. Kitzhaber, M.D., Governor

Parks and Recreation Department
Central Oregon
Area 5
Empire Corporate Park
20300 Empire Ave. Ste. 1
Bend, OR 97701
(541) 388-6211
FAX (541) 388-6391

April 25, 2000

Randy Kletke
P.O. Box 330
Maupin, OR 97037

Re: **Notification File No.: 2-174-00**
Property Location: T7S R14E Sec.8D TL100
Owners: Jim and Vanessa Harlow

Dear Mr. Kletke:

The Oregon Parks and Recreation Commission grants approval to remodel an existing cabin within the Lower Deschutes River Scenic Waterway. This approval is for the project outlined in your Notification of Intent Application, which was verified as complete on April 24, 2000. THIS APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. This approval is based upon the information submitted. Any substantial change in the approved development information will require a new notification.

2. Any permits from Wasco County shall be acquired prior to making any land use change. All Wasco County requirements shall be satisfied.

3. In no case shall debris, silt or other materials will be allowed to reach the waters of the Lower Deschutes River Scenic Waterway.

4. All existing vegetation between the structure and the river shall be retained and maintained.

5. Construction shall begin within one year (April 25, 2001). If, due to unforeseen circumstances, the project cannot be started by this date, you may request a time extension. A time extension may be granted based on submittal of a revised schedule for completion.

6. The exterior shall be completed within six months of the date construction begins.

7. The Commission shall be notified in writing when installation has commenced and completed. Notices shall be sent to Rivers Program, Oregon Parks and Recreation Department, at 20300 Empire Avenue #B1, Bend, OR 97701.

This approval does not affect any obligation you might have to other persons or agencies, local, state or federal.

Sincerely,

Jan E. Houck
Program Coordinator
/jeh

73410-0858

Oregon
John A. Kitzhaber, M.D., Governor

Parks and Recreation Department
Central Oregon
Area 5
Empire Corporate Park
20300 Empire Ave. Ste. 1
Bend, OR 97701
(541) 388-6211
FAX (541) 388-6391

January 24, 2001

Mr. Randy Klettke
P.O. Box 330
Maupin, OR 97037

Re: **Notification File No.: 2-174-00**
Property Location: T7S R14E Sec.8D TL100
Owners: Jim and Vanessa Harlow

Dear Mr. Klettke:

The Oregon Parks and Recreation Commission grants approval for the changes to the above file outlined in your Notification of Intent Application received by this office on January 22, 2001. THIS APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. This approval is based upon the information submitted. Any substantial change in the approved development information will require a new notification.

2. All permits from Wasco County shall be acquired prior to making any land use change. All Wasco County requirements shall be satisfied.

3. In no case shall debris, silt or other materials will be allowed to reach the waters of the Lower Deschutes River Scenic Waterway.

4. All existing vegetation between the structure and the river shall be retained and maintained.

5. Construction shall begin within one year (January 24, 2002). If, due to unforeseen circumstances, the project cannot be started by this date, you may request a time extension. A time extension may be granted based on submittal of a revised schedule for completion.

6. The Commission shall be notified in writing when construction has commenced and is completed. Notices shall be sent to Rivers Program, Oregon Parks and Recreation Department, at 20300 Empire Avenue #B1, Bend, OR 97701.

This approval does not affect any obligation you might have to other persons or agencies, local, state or federal.

Sincerely,

Jan E. Houck
Program Coordinator

/jeh

C: Jim and Vanessa Harlow
Dave Wright, Policy and Planning Manager
Steve Brutscher, Rivers Program Team Leader
Wasco County Planning Department
Wasco County Building Department

73410-0858

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 RANDY KLETTKE Telephone 541-395-2662

2. Address PO BOX 330 MAUPIN OR 97037

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

   a. Name JIM HARLOW Telephone 305-744-0126

   b. Address 16657 HOLLY LANE SUGARLOAF KEY FL 33042

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

   County WASCO Township 7S Range 14 Section 8-D Tax Lot 100

5. Scenic Waterway DESCHUTES RIVER

6. Type of improvement, change of land use or activity proposed and its purpose: (1) A PORTION OF THE ORIGINAL STRUCTURE IS MOVED AND CONVERTED INTO A STORAGE SHED. (2) THE REMAINING STRUCTURE, DUE TO EXTENSIVE DRY ROT AND DAMAGE FROM FLOOD OF 96 IS COMPLETELY REMOVED AND REPLACED. (3) AS PER ENCLOSED SITE PLAN & BLDG. PLANS, THE ADDITION OF A NEAR GROUND LEVEL DECK TO BE ADDED ON DOWNSTREAM SIDE OF HOUSE.

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

8. When do you want to begin? IN PROGRESS

   How long will it take? 3 MONTHS

9. Attach a map showing the following: (The map may be hard-drawn, need not be professional, but accuracy of detail, distance, scale, etc. is important. **Submit drawings and maps on paper no larger than 11" x 17".** Appropriate photographs may be helpful.)

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

10. Complete the following where applicable:

    A. Proposed building or structure:

① SHED IS 12'X12'
② HOP IS APPROX. 22'X44'
③ DECK. EXTENSION IS 16'X22'

1. Exterior dimensions: Length _____ Width _____ Height from natural grade _____
2. Siding: Material and color CEDAR CHANNEL W/ NATURAL OIL
3. Roof: Material and color SAGE GREEN METAL ROOF
4. Architectural style CRAFTSMAN STYLE
5. How much clearing of vegetation will be necessary? NONE
6. Does the site need leveling or grading? NO
7. If so, how much? _____
8. How will excess material be disposed of? USED FOR FINAL GRADING/BACKFILL
9. Attach drawings, photographs, or working plans of the proposed structure which will clearly show its exterior appearance on all sides.

B. Road construction: N/A

1. Width _____ Length in feet _____
2. Equipment to be used _____
3. Percent of slope _____
4. Type of surface _____
5. How will the road be drained? _____
6. How will excess material be disposed of? _____

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.
12. Signature of applicant RLK Date 1/15/01
13. Signature of legal landowner _____ Date _____

NOTICE: Legal landowner is responsible for any violations 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, Salem, OR 97310-1001; telephone 378-6378.

PROPOSALS RELATING TO OREGON SCENIC WATERWAYS SHOULD BE SUBMITTED TO:

RECEIVED
JAN 22 2001
OPRD - BEND

Scenic Waterways
Oregon Parks and Recreation Department
20300 Empire Avenue, Suite B1
Bend, OR 97701

SITE PLAN
1" = 50'-0"
LEGAL: SEE ATTACH
DESCHUTES RIVER
NORTH
RECEIVED
JAN 2001
OHNO - BEND
RECEIVED
2000
OHNO - BEND
REVISED 1/15/01
60'-0"
278.80
265.18
90.74'
EXIST. CABIN
15'
PROPOSED 11'10" x 14' CABIN
NEW DECK
EXIST. POSS. CABIN
HARPER MOUNTAIN

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 RANDY LAYNE KLETTKE Telephone 541-395-2662
2. Address P.O. BOX 330 / 206 DESCHUTES AVE MAUPIN OR 97037
3. Name and address of legal landowner if different from above:
   a. Name JIM & VANESSA HARLOW Telephone 503-399-8327
   b. Address 517 SANDPIPER DR SE SALEM OR 97301
4. Location of improvement, land use change or activity: NORTH JUNCTION
   County WASCO Township 7S Range 14 Section 8D Tax Lot 100
5. Scenic Waterway: DESCHUTES RIVER
6. Type of improvement, change of land use or activity proposed and its purpose:
   REMODEL EXISTING CABIN
7. Logging Proposal - Please complete Timber Harvest or Salvage Activities supplement sheet.
8. When do you want to begin? A.S.A.P.
   How long will it take? 5-6 MONTHS
9. Attach a map showing the following: (The map may be hard-drawn, need not be professional, but accuracy of detail, distance, scale, etc. is important. Submit drawings and maps on paper no larger than 11" x 17". Appropriate photographs may be helpful.)
   a. North
   b. Shape, size and dimensions of the property.
   c. Location of the river and direction of its flow.
   d. Principal features of terrain and vegetation.
   e. Roads, driveways, etc. (existing and/or proposed)
   f. Existing structures and improvements
   g. Well or other water supply (existing and/or proposed)
   h. Sewage disposal system (existing and/or proposed)
   i. Utility poles and lines (power and telephone, existing and proposed)
   j. Location of proposed structures, improvements or activities.
   k. Nearest distance from proposal to river.
10. Complete the following where applicable:
    A. Proposed building or structure:

1. Exterior dimensions: Length 32' Width 44' Height from natural grade 14'
2. Siding: Material and color CEDAR - NATURAL TONE
3. Roof: Material and color METAL - BLUE?
4. Architectural style RANCH STYLE
5. How much clearing of vegetation will be necessary? NONE
6. Does the site need leveling or grading? YES
7. If so, how much? VERY LITTLE
8. How will excess material be disposed of? USED FOR BACKFILL
9. Attach drawings, photographs, or working plans of the proposed structure which will clearly show its exterior appearance on all sides.

B. Road construction: NOT APPLICABLE

1. Width _____ Length in feet _____
2. Equipment to be used _____
3. Percent of slope _____
4. Type of surface _____
5. How will the road be drained? _____
6. How will excess material be disposed of? _____

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.
12. Signature of applicant R K [illegible] Date 2/31/00
13. X Signature of legal landowner [illegible] Date 15 Apr '00

NOTICE: Legal landowner is responsible for any violations 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, Salem, OR 97310-1001; telephone 378-6378.

RECEIVED
APR 24 2000
OPRD - BEND

PROPOSALS RELATING TO OREGON SCENIC WATERWAYS SHOULD BE SUBMITTED TO:

File # 2-174-00

Scenic Waterways
Oregon Parks and Recreation Department
20300 Empire Avenue, Suite B1
Bend, OR 97701

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

June 6, 2011

C.E "Win" Francis
1148 NW Hill Street
Bend, OR 97701

Re: Notification File No.: 2-197-11
Property Location: T 6S R 14E-WM Taxlot 1600
Portland Deschutes Club Property

The Oregon Parks and Recreation Commission grants its approval to C.E "Win" Francis for constructing a replacement dwelling within the Lower Deschutes River Scenic Waterway Corridor, on Portland Deschutes Club Property. This approval is for the project outlined in your Notification of Intent Application verified as complete on February May 5th 2011. THIS APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. The activity shall be in conformance with the plans submitted.
2. All vegetation between the replacement dwelling area and the river shall be retained and maintained, in addition new vegetation planted along river (as outlined in your notification).
3. The replacement dwelling be constructed within in one year (by June 6, 2012).
4. All Wasco County permits/approvals be acquired prior to work.
5. The Commission shall be notified in writing when the thinning activity begins and when the thinning 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

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 C.E. "Win" Francis Telephone (541) 389-5010
2. Address 1148 NW Hill Street, Bend, OR 97701
3. Name and address of legal landowner if different from above:
   a. Name Portland Deschutes Club Telephone (503) 221-0141
   b. Address 888 SW Fifth Ave., #800, Portland, OR 97204
4. Location of improvement, land use change or activity:

County Wasco Township 6 South Range 14 EWM Section _____ Tax Lot 1600

5. Scenic Waterway Deschutes River
6. Type of improvement, change of land use or activity proposed and its purpose:
   replacement dwelling
7. Logging Proposal - Please complete Timber Harvest or Salvage Activities supplement sheet.
8. When do you want to begin? upon approval (2011-2012)
   How long will it take? 6 months
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.)

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

10. Complete the following where applicable:
    A. Proposed building or structure:
       1. Exterior dimensions: Length 69' Width 27' Height from natural grade 28'
       2. Siding: Material and Color Wood - natural (oil)
       3. Roof: Material and Color Steel - green or grey

4. Architectural style: sustainable

5. How much clearing of vegetation will be necessary?
1 - 2 trees

6. Does the site need leveling or grading? ☐ Yes ☒ No

7. If so, how much?

8. How will excess material be disposed of?
if any, it will be removed

☐ 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:

1. Width n/a Length (in feet)

2. Equipment to be used

3. Percent of slope

4. Type of surface

5. How will the road be drained?

6. How will excess material be disposed of?

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.

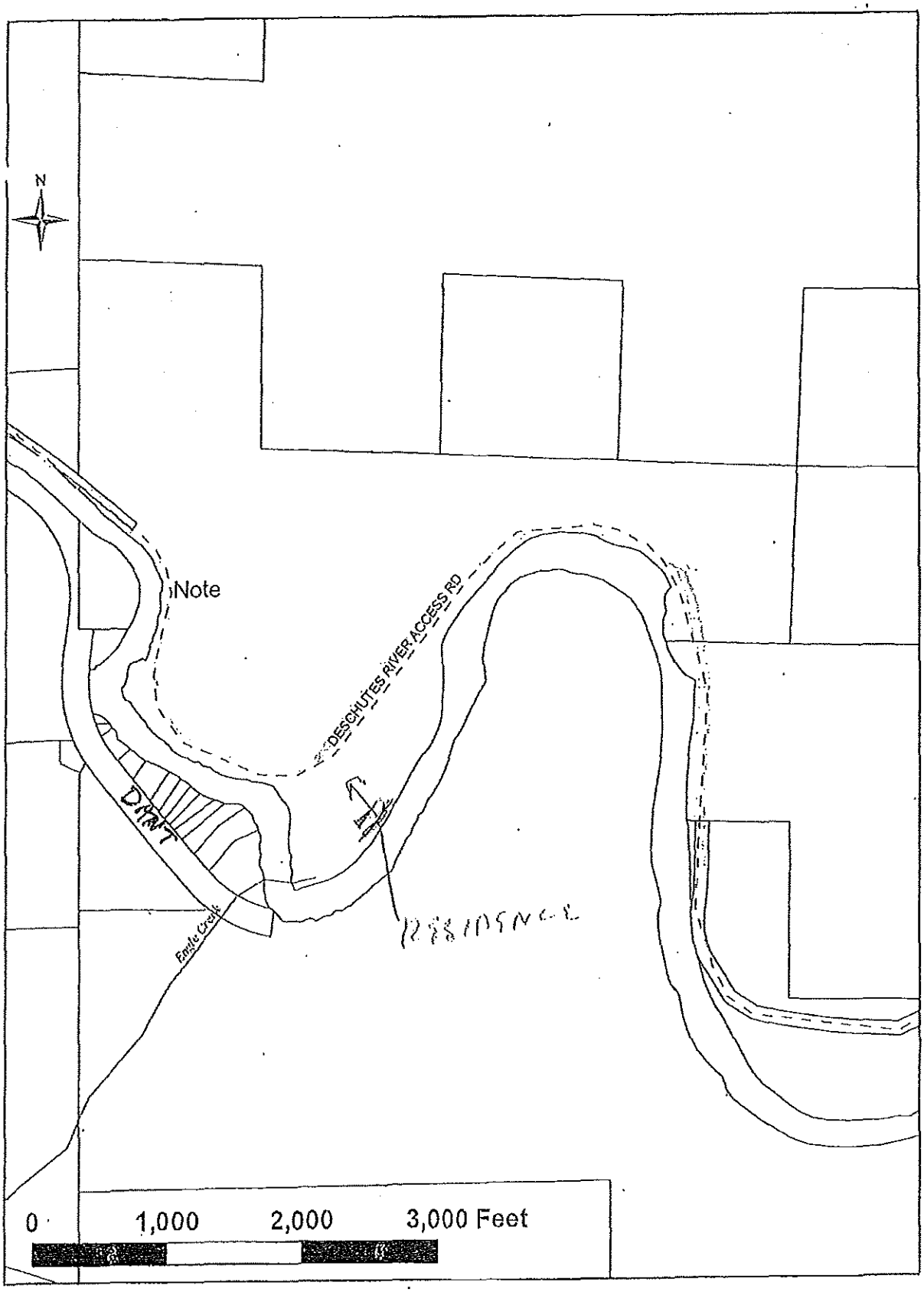
12. Signature of applicant C. G. J Date 4-9-11

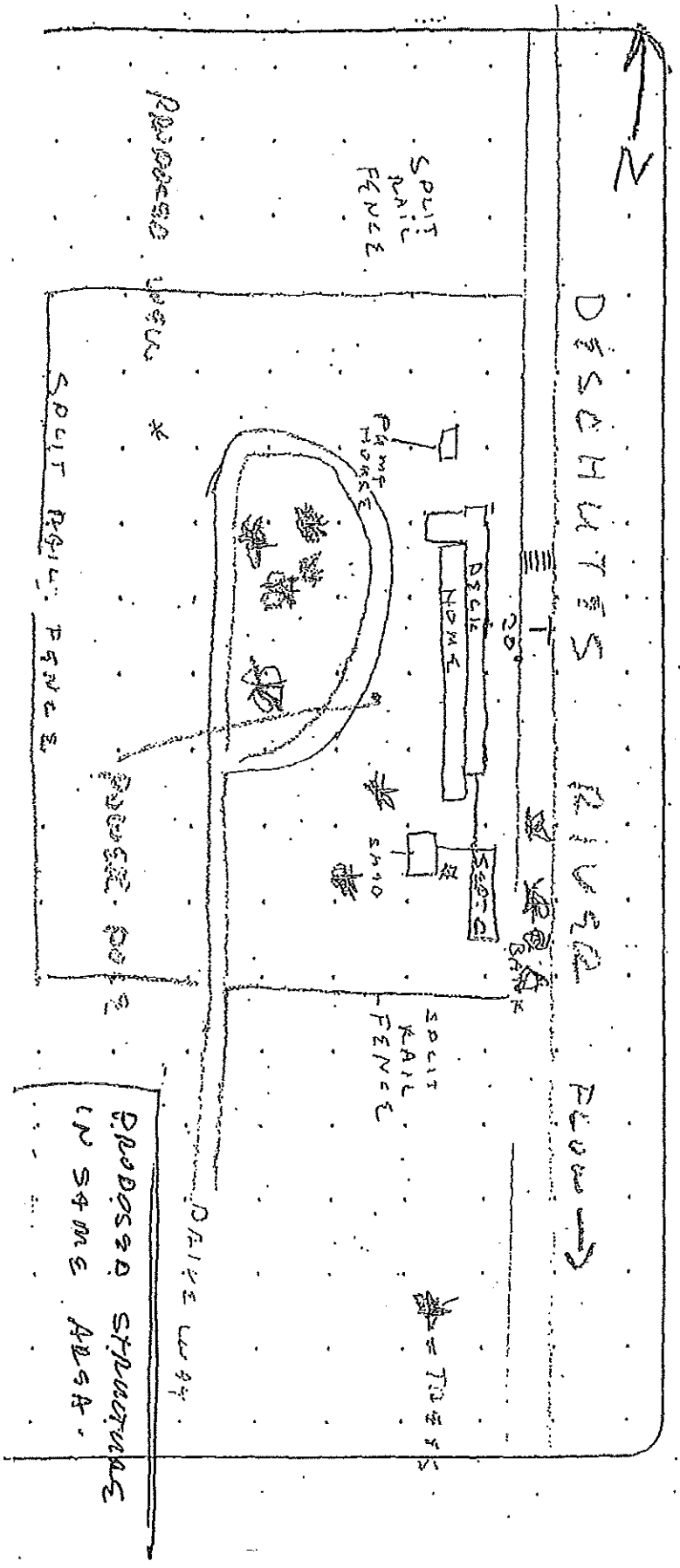
13. Signature of legal landowner Dale Fowler, President, Deschutes Club Date April 4, 2011

NOTICE: Legal landowner is responsible for any violations 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, Suite 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.


Deschutes River


N
Note
DESCHUTES RIVER ACCESS RD
DIRT
Eagle Creek
0
1,000
2,000
3,000 Feet



SITE PLAN MAP

Map, Tax Lot #: 1600

Applicant: C.E. FRANCIS

Owner(s): THE DESCHUTES CLUB

Contact/#: DON FRANCIS

Date: 11/23/2010

NOTE: Lot Dimensions and setbacks must be included numerically and drawn to the scale selected below..

* See back for required site plan information.

SCALE: (select one)

1:50	0 25 50	☒
1:100	0 50 100	☐
1:200	0 100 200	☐

Planner Only:

File #:

Resized – No longer to scale ☐

SITE PLAN MAP

Map, Tax Lot #: 1600

Applicant: C & FRANCIS

Owner(s): THE DESCHUTES LAND

Contact: LAND RESOURCES

Date: 5-2-11

NOTE: Lot Dimensions and setbacks must be included numerically and drawn to the scale selected below.

* See back for required site plan information.

SCALE: (select one)

1:50 0 25 50 ☒

1:100 0 50 100 ☐

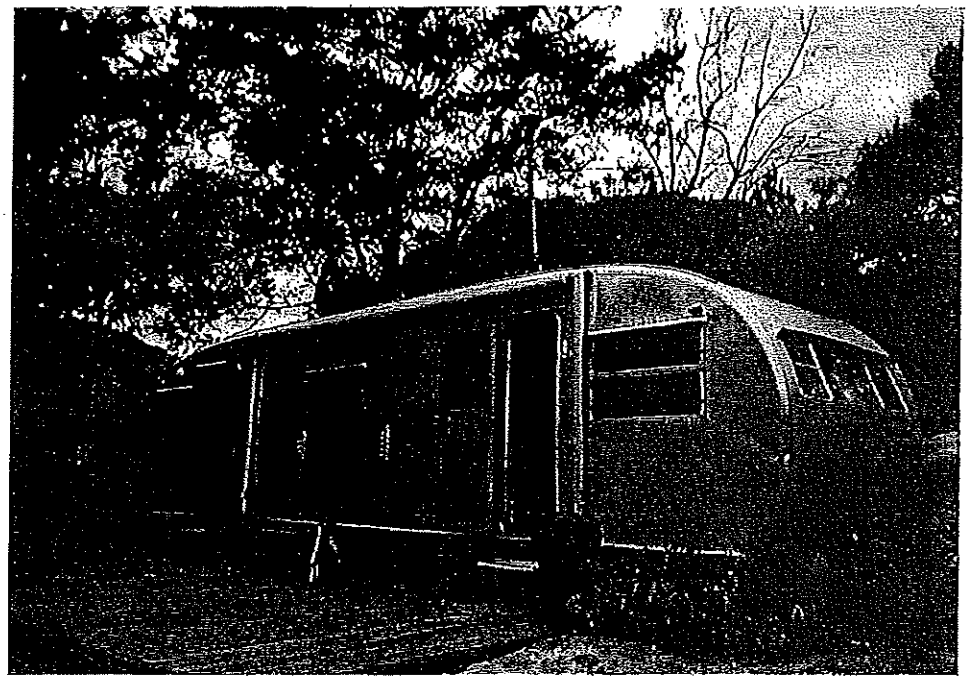
1:200 0 100 200 ☐

Planner Only:

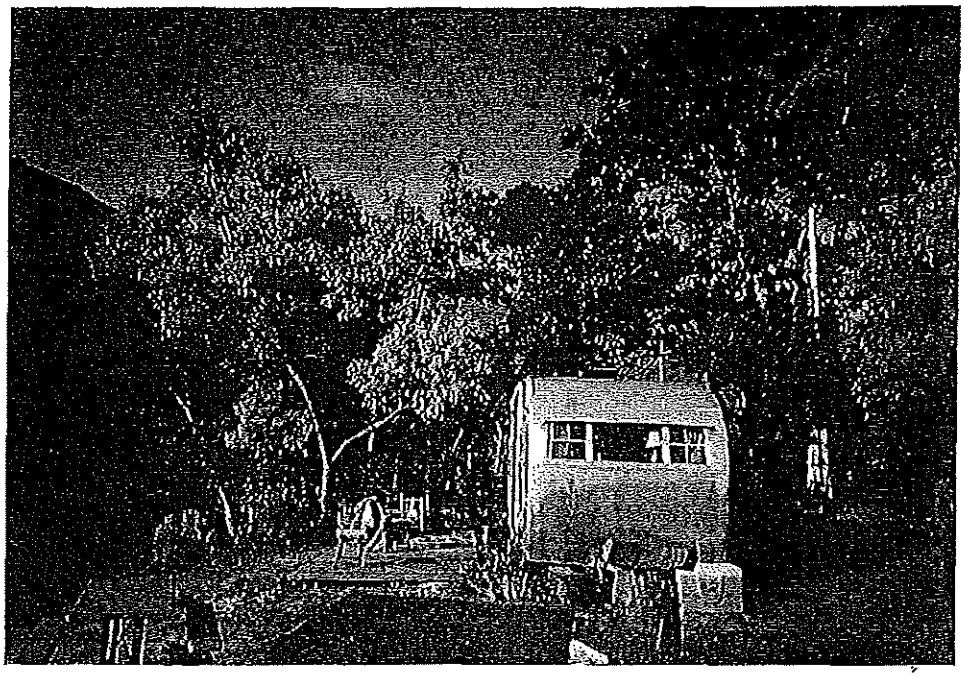
File #

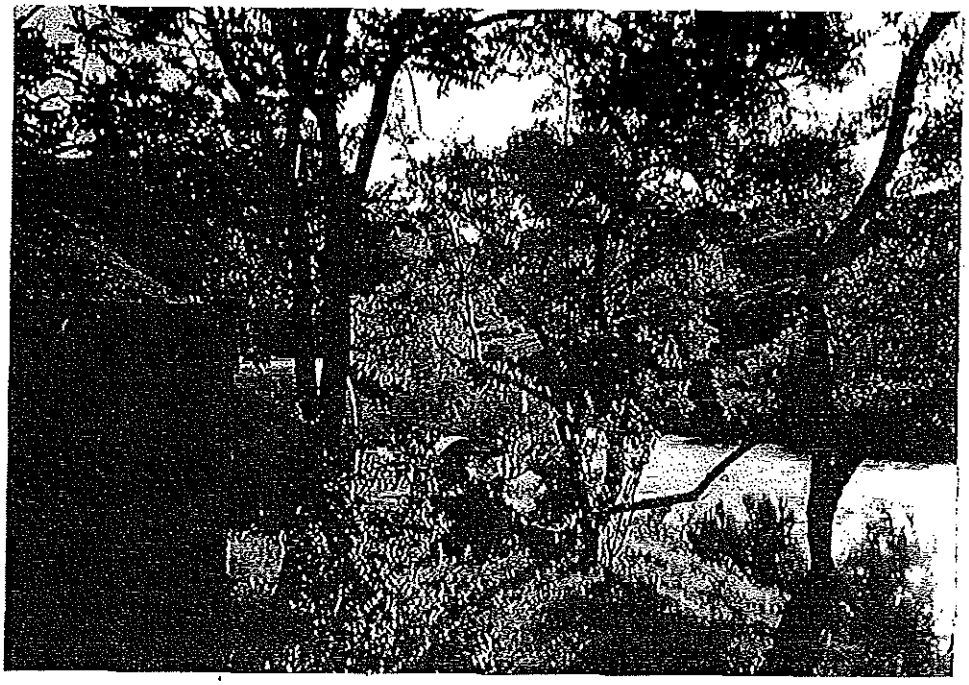
Resized – No longer to scale ☐

Dwelling being replaced

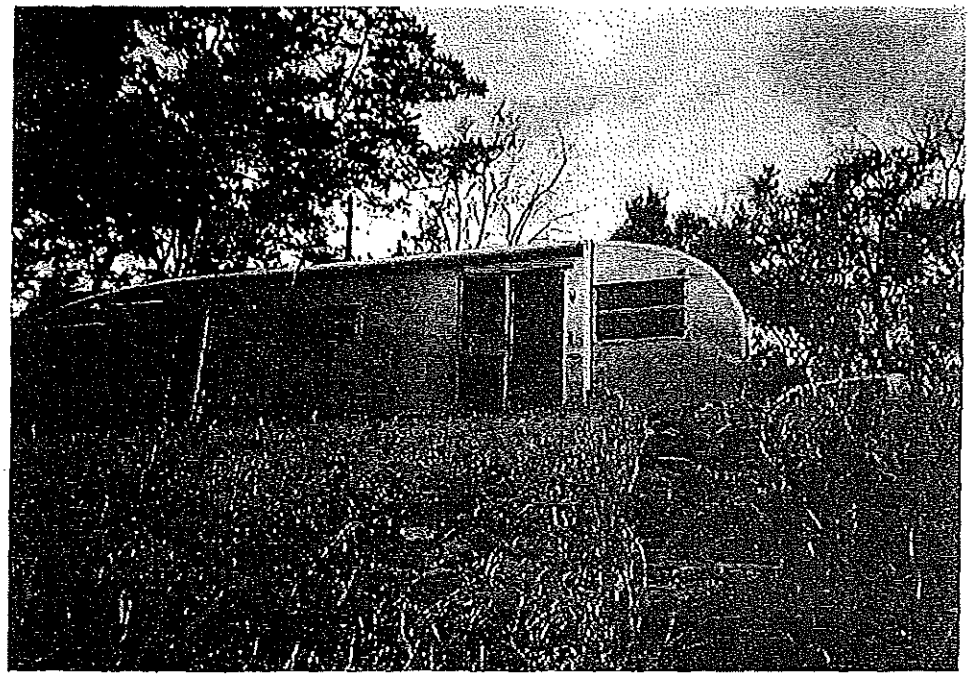












Oregon
John A. Kitzhaber, M.D., Governor

Parks and Recreation Department
Office of the Director
1115 Commercial St. NE
Salem, OR 97310-1001
(503) 378-5019
FAX (503) 378-8936

July 6, 2001

John Hartung
4325 NE 21st
Portland, OR 97211

RE: File Number: 2-162-96
Property Location: T7S R14E Sec.8D TL400

Dear Mr. Hartung:

Thank you for the notice (dated June 6, 2001) of changes to your original proposal for a replacement cabin. The Oregon Parks and Recreation Commission grants its approval to these changes subject to the following conditions:

1. This approval is based upon the information submitted. Any substantial change in the approved development information will require a new notification.
2. All permits from Wasco County shall be acquired prior to making any land use change.
3. All Wasco County requirements shall be satisfied.
4. All vegetation between the structure and the river shall be retained and maintained.
5. In accordance with the attached map, six additional native willows shall be planted in the top of the side channel of the Lower Deschutes River upstream, facing and downstream of the cabin. These plantings should occur in the late winter/early spring.
6. In no case shall debris, silt or other materials be allowed to reach the waters of the Lower Deschutes River Scenic Waterway.
7. The Commission shall be notified in writing when construction has commenced and is completed. Notices shall be sent to Rivers Program, Oregon Parks and Recreation Department, at 20300 Empire Avenue #B1, Bend, OR 97701.

This approval does not affect any obligation you might have to other persons or agencies, local, state or federal.

Sincerely,

Jan E. Houck

Jan E. Houck
Program Coordinator

/jeh

C: Wasco County Planning Department
Wasco County Building Department

Form 73410-846

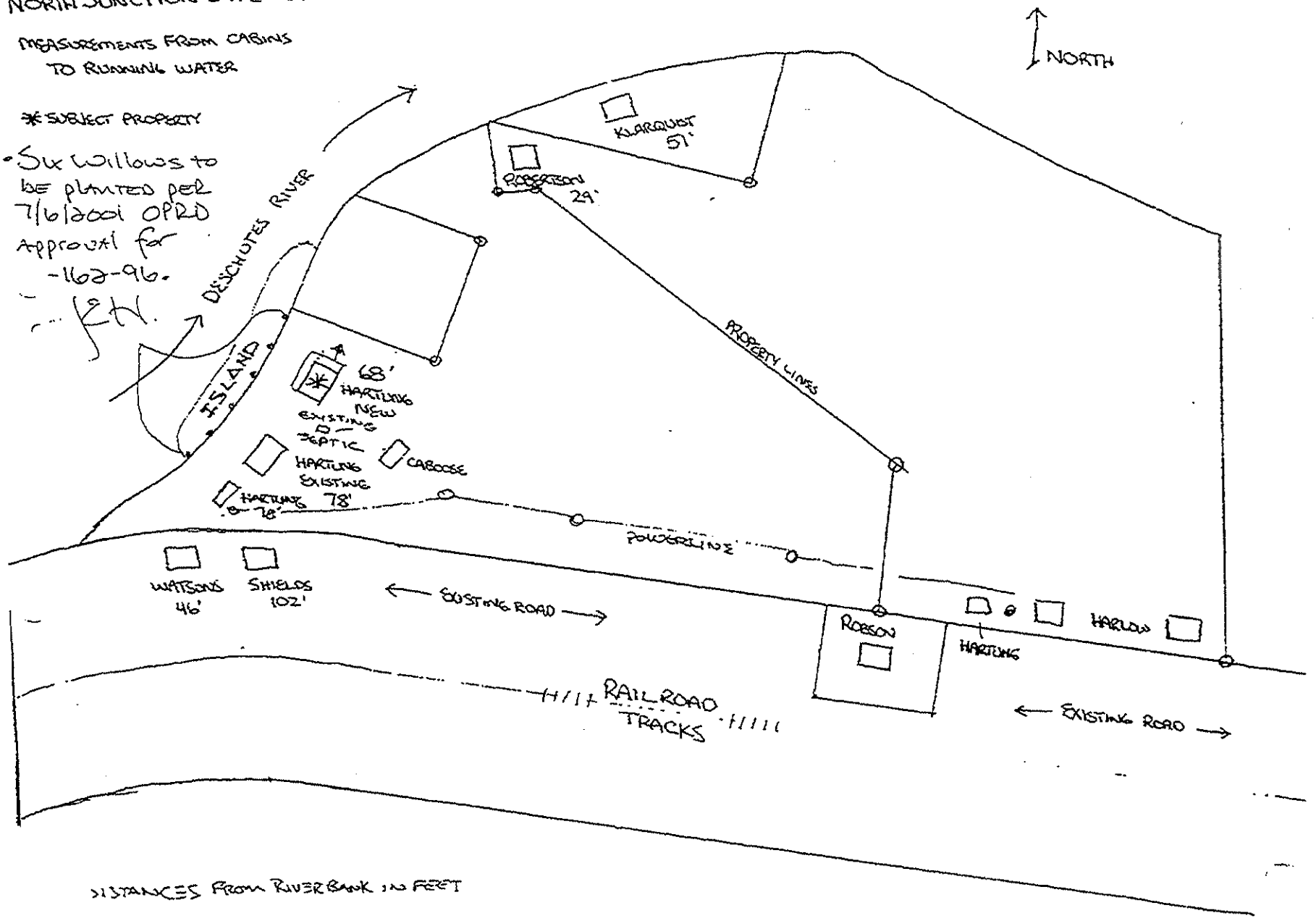
North Junction Site Plan

Measurements from cabins to running water

* Subject property

- Six willows to be planted per 7/6/2001 OPRD Approval for -162-96.

- EH.



DISTANCES FROM RIVERBANK IN FEET

3-118

Oregon
John A. Kitzhaber, M.D., Governor

Parks and Recreation Department
Central Oregon
Area 5
Empire Corporate Park
20300 Empire Ave. Ste. 1
Bend, OR 97701
(541) 388-6211
FAX (541) 388-6391

July 17, 2001

Mr. R.M. Robson
10731 NE Morris Street
Portland, OR 97220-2845

RE: File Number: 2-176-01
Property Location: T7S R14E Sec.08 TL400

Dear Mr. Robson:

The Oregon Parks and Recreation Commission grants its approval to construct an addition to an existing dwelling within the Lower Deschutes River Scenic Waterway. This approval is for the project outlined in your Notification of Intent Application verified as complete on June 28, 2001. THIS APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. This approval is based upon the information submitted. Any substantial change in the approved development information will require a new notification.
2. All development permits from Wasco County shall be acquired prior to making any land use change.
3. All Wasco County requirements shall be satisfied.
4. All vegetation between the structure and the river shall be retained and maintained.
5. In no case shall debris, silt or other materials be allowed to reach the waters of the Lower Deschutes River Scenic Waterway.
6. The Commission shall be notified in writing when construction has commenced and is completed. Notices shall be sent to Rivers Program, Oregon Parks and Recreation Department, at 20300 Empire Avenue #B1, Bend, OR 97701.

This approval does not affect any obligation you might have to other persons or agencies, local, state or federal.

Sincerely,

Jan E. Houck

Jan E. Houck
Program Coordinator

/jeh

C: Todd R. Cornett, Director, Wasco County Planning Department

73410-0858

OREGON P/ KS AND RECREATION DEP RTMENT
NOTIFICATION OF INTENT TO MAKE IMPROVEMENTS, CHANGE LAND USE, OR ENGAGE IN REGULATED ACTIVITIES WITHIN THE OREGON SCENIC WATERWAY SYSTEM

D-176-01

To process your application promptly, the Oregon Parks and Recreation Department must have completed, detailed information full describing your plan to make improvements, change land use, or engage in regulated activities within a scenic waterway. Pleas 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 R. M. ROBSON Telephone 503-252-6430
2. Address 10731 N.E. MORRIS ST, PORTLAND, OR. 97220-2845
3. Name and address of legal landowner if different from above:
   a. Name SAME Telephone
   b. Address
4. Location of Improvement, land use change or activity:

County WASCO Township 07S DAVIDSON Range 14 E Section 08 Tax Lot 400

5. Scenic Waterway DESCHUTES RIVER
6. Type of improvement, change of land use or activity proposed and its purpose:
   ADDITION TO EXISTING STRUCTURE
7. Logging Proposal - Please complete Timber Harvest or Salvage Activities supplement sheet. DOES NOT APPLY
8. When do you want to begin? 2001
   How long will it take? APPROX. ONE MONTH (WEEKENDS ONLY)
9. ☐ Attach a 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.)

- ☑ a. North
- ☑ b. Shape, size and dimensions of the property.
- ☑ c. Location of the river and direction of its flow
- ☑ d. Principal features of terrain and vegetation
- ☐ e. Roads, driveways, etc. (existing and/or proposed)
- ☑ f. Existing structures and improvements
- ☑ g. Well or other water supply (existing and/or proposed)
- ☑ h. Sewage disposal system (existing and/or proposed)
- ☑ i. Utility poles and lines (power and telephone, existing or proposed)
- ☑ j. Location of proposed structures, improvements or activities
- ☑ k. Nearest distance from proposal to river 350 TO 400 FT

10. Complete the following where applicable:

A. Proposed building or structure:
   1. Exterior dimensions: Length 20' Width 6' Height from natural grade 9'
   2. Siding: Material and Color T1-11 - HERITAGE BLUE
   3. Roof: Material and Color METAL - CHARCOAL

4. Architectural style: Recreational RV

5. How much clearing of vegetation will be necessary?
NONE

6. Does the site need leveling or grading? ☐ Yes ☒ No

7. If so, how much? _____

8. How will excess material be disposed of?
No Excess Material (Soil, Etc.)

☐ 9. Attach drawings, photographs or working plans of the proposed structure which will clearly show its exterior appearance on all sides

B. Road construction: None

1. Width _____ Length (in feet) _____

2. Equipment to be used _____

3. Percent of slope _____

4. Type of surface _____

5. How will the road be drained?

6. How will excess material be disposed of?

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.

12. Signature of applicant _____ Date June 12, 2001

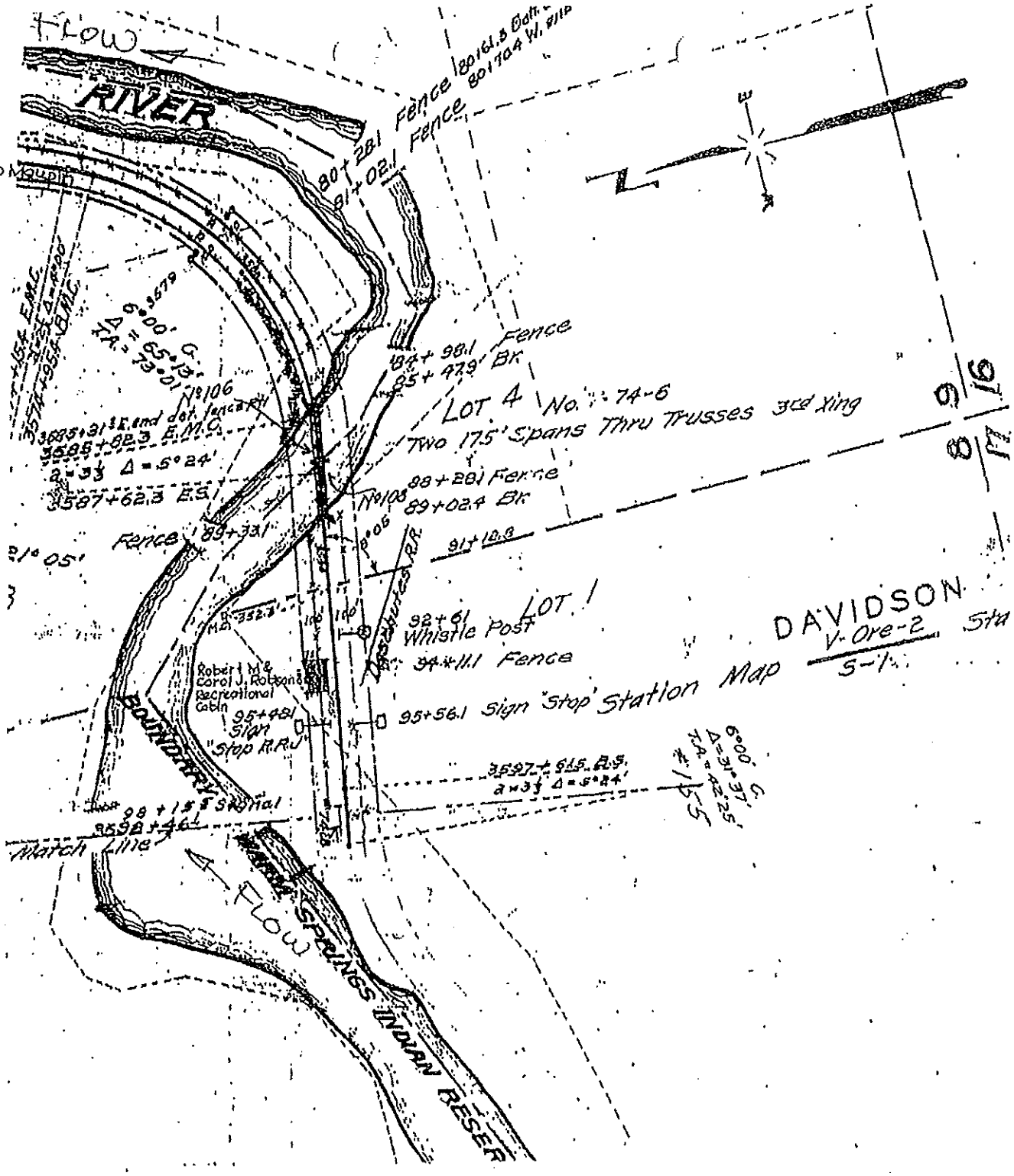
13. Signature of legal landowner _____ Date June 12, 2001

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

PROPOSALS RELATING TO OREGON SCENIC WATERWAYS SHOULD BE SUBMITTED DIRECTLY TO:

Jan Houck
Scenic Waterway Coordinator
Oregon Parks and Recreation Department
20300 Empire Ave.
Bend OR 97701

RECEIVED
JUN 13 2001
OPRD - BEND


FLOW
RIVER
TO Maupin
80+28.1 Fence
81+02.1 Fence
80+61.5 Bath
80+70.4 W. Bldg
Fence
184+98.1
185+47.9 BK
LOT 4
No. 74-6
Two 175' Spans Thru Trusses 3rd Xing
9/16
8/17
88+28.1 Fence
89+02.4 BK
89+33.1 Fence
91+10.8
LOT 1
92+61 Whistle Post
94+11.1 Fence
DAVIDSON
V-Ore-2 Sta
Station Map
S-1
Robert M & Carol J. Rotsom's Recreational Cabin
95+49.1 Sign "Stop R.R."
95+56.1 Sign "Stop"
BOUNDARY
98+15.5 Sta Ahead
March Line
FLOW
WARM SPRINGS INDIAN RESER

Oregon
Theodore R. Kulongoski, Governor

Parks and Recreation Department
725 Summer Street NE, Suite C
Salem, OR 97301-1266
(503) 986-0707
FAX: (503) 986-0794
www.oregonstateparks.org

October 2, 2007

Ms. Leslie Watson
3215 NE Klickitat
Portland, OR 97212

RE: **File No.:** 2-188-07
Property Location: T7S R14E Sec.8D TL900A

Dear Ms. Watson:

The Oregon Parks and Recreation Commission grants its approval to for a previously illegally constructed deck, additional construction of a stairway, railings, and storage shed on the above-described tax lot within the Lower Deschutes River Scenic Waterway. This approval is for the project outlined in your Notification of Intent verified as complete on July 25, 2007. This approval is subject to the following conditions:

1. This approval is based upon the information submitted, with the following modifications. Any substantial change in the approved development information shall require a new notification.

2. All permits from Wasco County shall be acquired prior to making any land use change.

3. All Wasco County requirements shall be satisfied.

4. The stairway shall be moved to follow the line of the north side of the cabin with the landing attaching to the deck at the point it is centered between the hybrid poplar and cabin.

5. The roofing material for the shed shall be a matte finished metal, brown or green in color (darker tones preferred).

6. Finish colors for the deck, railings, stairway and shed will blend with the existing exterior of the cabin.

7. Within one year of the completion of the deck and storage building, a landscape plan will be submitted to and for approval by the OPRD. This plan will display additional vegetation to be added to the riparian area of the river in order to provide screening of the storage shed.

8. All soils exposed as a result of construction activity shall be removed, planted with native vegetation or otherwise covered in compliance with OAR 736-040-0035 (7) (a)

Oregon
Theodore R. Kulongoski, Governor

Parks and Recreation Department
Central Oregon
Area 5 Office
1645 NE Forbes Rd., Suite 112
Bend, OR 97701
(541) 388-6211
Fax: (541) 388-6391

March 16, 2009

Certified Mail #7007 3020 0000 7081 3248

John Hartung
4325 NE 21st
Portland, OR 97211

RE: Lower Deschutes River Scenic Waterway
T7S R14E Sec.8D TL400

Mr. Hartung:

It has come to our attention that you are constructing permanent and/or semi permanent structures, installing utilities, cutting trees and removing vegetation within the statutory boundaries of the Lower Deschutes River Scenic Waterway. State law and the Oregon Parks and Recreation Commission rules for scenic waterway management require that plans for such activities be reviewed and approved by the Oregon Parks and Recreation Department prior to construction.

We have no record of these activities being approved. Since our Department has not approved this work, these activities in violation of State law ORS 390.845(3) and OPRD rules OAR 736-040-0030 (1). All work that is in currently in progress must cease immediately.

Enclosed is a copy of the law (ORS 390.805 - 390.940, and 390.990), rules (OAR 736-040-0055 through 736-040-0095), project application form (Notification of Intent).

In addition to any other penalties provided by law, OPRD is vested with power to obtain injunctions and other appropriate relief against violations of any provisions of State Scenic Water Laws and Rules (ORS 390.925) and may institute condemnation proceedings any time related adjacent land is used in a manner violating State Scenic Waterway laws or rules (ORS 390.845(6)). In such a condemnation the owner of the land shall not receive any award for the value of any improvements after December 3, 1970 unless the OPRD has received written Notification of Intent for such improvements (ORS 390.845(7)).

In order to avoid such actions by the State, our directive to you is to cease activity until the legally required approvals have been given by OPRD. Please respond in writing within 30 days of receipt of this letter with your completed Notification of Intent application or your intentions in resolving this matter.

There is no fee for filing the OPRD notification. Please contact me at 541-388-6073 or the address listed above with any questions.

Sincerely,

Letha Crawford

Letha Crawford
Program Coordinator

Enclosures.

C: John Potter/Assistant Director OPRD
Larry Miller/OPRD Region 4 Manager
Jan Houck/OPRD
Steve Shipsey/OR Dept. of Justice
Wasco County Planning

Oregon
Theodore R. Kulongoski, Governor

Parks and Recreation Department
Central Oregon
Area 5 Office
1645 NE Forbes Rd., Suite 112
Bend, OR 97701
(541) 388-6211
Fax: (541) 388-6391

July 17, 2009

Leslie Watson
3216 NE Klickitat
Portland, OR 97212

RE: File No.: 2A-192-09
Property Location: T7S R14E Sec 08D TL 300
Owners Name: Leslie Watson

The Oregon Parks and Recreation Commission grants its approval for construction of storage shed with power within the statutory boundaries of the Lower Deschutes River Scenic Waterway. This approval is for the project outlined in your Notification of Intent verified as complete on June 23, 2009. This approval is subject to the following conditions:

1. This approval is based upon the information submitted. Any substantial change in the approved development information shall require a new notification.
2. All permits from Wasco County shall be acquired prior to making any land use change.
3. All Wasco County requirements shall be satisfied.
4. All existing vegetation between the structure and the river shall be retained and maintained.
5. All soils exposed as a result of construction activity shall be planted with native vegetation or otherwise covered to prevent erosion.
6. New structure is required to have vegetative screening and shall be completely screened from view from river.
7. Construction shall begin within one year (June 23, 2010). If, due to unforeseen circumstances, the project cannot be started by this date, you may request a time extension. A time extension may be granted based on submittal of a revised schedule for completion. Any additional time extensions must be requested prior to this approval expiring.
8. In no case shall debris, silt or other materials be allowed to reach the waters of the Lower Deschutes Scenic Waterway.
9. The exterior of the new dwelling shall be completed within one year after construction has commenced.
10. The Commission shall be notified in writing when construction has commenced and again when the exterior is completed. Notices shall be sent to Rivers Program, Oregon Parks and Recreation Department, at 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,

Letha Crawford
Program Coordinator.

C: Wasco County Planning/Keith Cleveland
file

Oregon
Theodore R. Kulongoski, Governor

Parks and Recreation Department
Central Oregon
Area 5 Office
1645 NE Forbes Rd., Suite 112
Bend, OR 97701
(541) 388-6211
Fax: (541) 388-6391

September 11, 2009

James Harlow
517 Sanrodee
Salem, OR 97317

RE: File No.: 2-193-09
Property Location: T7S R14E Sec 08D TL 100
Owners Name: James Harlow

The Oregon Parks and Recreation Commission grants its approval for construction of storage shed within the statutory boundaries of the Lower Deschutes River Scenic Waterway. This approval is for the project outlined in your Notification of Intent verified as complete on June 23, 2009. This approval is subject to the following conditions:

1. This approval is based upon the information submitted. Any substantial change in the approved development information shall require a new notification.
2. All permits from Wasco County shall be acquired prior to making any land use change.
3. All Wasco County requirements shall be satisfied.
4. All existing vegetation between the structure and the river shall be retained and maintained.
5. All soils exposed as a result of construction activity shall be planted with native vegetation or otherwise covered to prevent erosion.
6. New structure is required to have vegetative screening and shall be completely screened from view from river.
7. Construction shall begin within one year (June 23, 2010). If, due to unforeseen circumstances, the project cannot be started by this date, you may request a time extension. A time extension may be granted based on submittal of a revised schedule for completion. Any additional time extensions must be requested prior to this approval expiring.
8. In no case shall debris, silt or other materials be allowed to reach the waters of the Lower Deschutes Scenic Waterway.
9. The exterior of the new dwelling shall be completed within one year after construction has commenced.
10. The Commission shall be notified in writing when construction has commenced and again when the exterior is completed. Notices shall be sent to Rivers Program, Oregon Parks and Recreation Department, at 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,

Letha Crawford
Program Coordinator

C: Wasco County Planning/Keith Cleveland
file

VASCO COUNTY PLANNING COMMISSION

Columbia Gorge Discovery Center
Lower Level Classroom
5000 Discovery Drive
The Dalles, OR 97058

WASCO COUNTY PLANNING COMMISSION AGENDA PACKET

FOR

Hearing Date: September 4, 2012

Action Item(s):

PLAQJR-12-08-0001(previously named: PLACUP-10-11-0023_PLASTS-10-11-0026_PLAQJR-10-11-0006)

Request by owner, Gabriel Watson, for an administrative (quasi-judicial) review of the following:

47' by 30' by 35' (1,410 square foot) non-farm dwelling with attached 10' by 10' by 10' (100 square foot) deck
18' by 12' by 12' (216 square foot) shed
Substantial variance to required 100' setbacks from all property lines. Requested setbacks are as follows:

- 50' from rear property line (river)
- 25' from side property lines
- 25' from front property line

Floodplain Development Review of requested structures located within the FEMA delineated floodplain
Wild and Scenic River Overlay Review
Modification to Wasco County Fire Safety Standards Review

Wasco Coun Planning Department

"Service, Sustainability & Solutions"

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

MEMORANDUM

To: Wasco County Planning Commission

From: Wasco County Planning Office

Date: August 27, 2012

Re: Submittal for Hearing Dated September 4, 2012

File PLAQJR-12-08-0001 (previously named: PLACUP-10-11-0023_PLASTS-10-11-0026_PLAQJR-10-11-0006). Request by owner, Gabriel Watson, for an administrative (quasi-judicial) review of the following:

47' by 30' by 35' (1,410 square foot) non-farm dwelling with attached 10' by 10' by 10' (100 square foot) deck
18' by 12' by 12' (216 square foot) shed
Substantial variance to required 100' setbacks from all property lines. Requested setbacks are as follows:
- 50' from rear property line (river)
- 25' from side property lines
- 25' from front property line

Floodplain Development Review of requested structures located within the FEMA delineated floodplain
Wild and Scenic River Overlay Review
Modification to Wasco County Fire Safety Standards Review

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Wasco County Planning Department

"Service, Sustainability & Solutions"

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

SUMMARY OF INFORMATION

Prepared for the September 4, 2012 Planning Commission Hearing

FILE # PLAQJR-12-08-0001

HEARING DATE: September 4, 2012
PUBLISH DATE: August 27, 2012

REQUEST: Request by owner, Gabriel Watson, for an administrative (quasi-judicial) review of the following:

- 47' by 30' by 35' (1,410 square foot) non-farm dwelling with attached 10' by 10' by 10' (100 square foot) deck
- 18' by 12' by 12' (216 square foot) shed
- Substantial variance to required 100' setbacks from all property lines. Requested setbacks are as follows:
  - 50' from rear property line (river)
  - 25' from side property lines
  - 25' from front property line
- Floodplain Development Review of requested structures located within the FEMA delineated floodplain
- Wild and Scenic River (Oregon Scenic Waterways) Overlay Review
- Modification to Wasco County Fire Safety Standards Review

RECOMMENDATION: Evaluation of Conditions and Continuance

APPLICANT/OWNER INFORMATION:

Applicant & Owner: Gabriel Watson
1824 SE Taylor St
Portland, OR 97214

Contact: Applicant

PROPERTY INFORMATION:

Township	Range	Section	Tax Lot No.(s)	Acres	Acct. #	Zoning
7S	14E	8 D	300	2.5	12783	A-1 (160)/EPD1/EPD 7

Location: The subject parcel is located approximately 19.6 miles south of Maupin along the Deschutes River Access Road. Address: None

ATTACHMENTS: Staff Reviewer: Jeanette Montour, Senior Planner

A. Summary of Information & Conditions
B. Planning Commission Options & Staff Recommendation
C. Maps
D. Staff Report
E. Lighting Standards
F. Farm Forest Management Easement
G. Oregon Parks and Recreation Permit
H. Comments

After recordation, return to:
Wasco County Planning Department

ATTACHMENT A

SUMMARY OF INFORMATION & CONDITIONS

The full staff report with all 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 September 4th, 2012 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.

Staff finds the request by Gabriel Watson for the request is for a quasi-judicial variance to permit the construction of a non-farm dwelling and associated shed located approximately 25' from the closest property line and within the FEMA designated floodplain and within the Wild and Scenic River Overlay needs a more thorough evaluation before being consistent with pertinent State law and the Wasco County Land Use & Development Ordinance (LUDO). If approved, it would be recommended the application be subject to the following certain specified conditions:

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 proposed 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 Standards

- Permanent Fire Safety Obligations: As part of this review the owner has signed a fire safety self certification form acknowledging that they understand the fire protection 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 in file number PLAQJR-12-08-0001.

- Modifications to Fire Safety: Listed below are proposed fire safety mitigation measures. The applicant shall fulfill the stated fire mitigation measures listed below prior to staff's signature on a building permit application.

    1. Placement of structure on lot is such that 50' fuel break will be maintained on windward (river facing) side of structure.
    2. Proposed dwelling will be constructed as per all specifications for fire protection in Section 10.130 of Wasco County LUDO.
    3. Exterior of proposed dwelling will be constructed using James Hardie, Hardiplank lapsiding, Hardipanel siding, Harditex baseboard, and Hardishingle cladding shingles; consistent with 60 minute rated wall assembly designs. These products comply with ASTM-C1186 Standard Specification for Grade II, Type A, Non-Asbestos Fire-Cement Flat Sheets.
    4. Thermal windows will be used on sides of structure where full 50' fire fuel break cannot be maintained. Window size will be limited. Shutters constructed of fire resistive materials will be maintained on all ground level windows.
    5. Roof will be metal and have UL Class A Rating.
    6. Hose bibs will be installed and maintained on all four sides of proposed dwelling.

7. Redundant water supply will be maintained: 1) Deschutes River; surface water can be used without permit for emergency firefighting purposes per Oregon Water Resources Department Aqua Book, and 2) 2,000 gallon on site water storage with 1hp centrifugal pump.
8. The owner will purchase 200' of 1" single jacket wildland firefighting hose, with adapters to ensure compatibility with standpipe, hose bibs, and centrifugal pump discharge port. Hose will be maintained in an exterior hose locker for rapid deployment.
9. The applicant shall install and continuously an emergency-use water pump along the Deschutes River to be used for fire-related emergencies only.
10. The owner shall install a 13-D life safety fire sprinkle system supplied by a 300 gallon tank.
11. The applicants shall supply evidence that all of these conditions are met prior to staff's signature on a building permit application.

C. Miscellaneous Conditions

- Lighting: The applicant shall submit a visual sample of the proposed lighting prior to staff's signature on a building permit application.

- Lighting: Any exterior lighting shall be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways (Attachment E). Exterior shielding and hooding materials shall be composed of non-reflective, opaque materials. There shall be no visual pollution.

- Anchoring of All Structures: T applicant to provide detailed plans showing how the dwelling and shed will be anchored prior to issuance of zoning approval on any building permit application.

- Construction Materials: All materials and utility equipment shall be constructed in accordance with "Protecting Buildings and Utilities from Flood Damage (FEMA 348). The application shall submit a revised site plan which indicates these components are being addressed.

- Above Ground Utilities: All heating, ventilation, plumbing, and air conditioning equipment shall be elevated to prevent water from entering the components during flood conditions. The application shall submit a revised site plan which indicates these components are being addressed.

- Final Finished Floor: It is required that the finished floor of both the proposed dwelling and accessory structure to be at or above 1,100.6 feet.

- Final Elevation Certificate: It is required that the applicant submit a final Elevation Certificate upon completion of the development of each the dwelling and the shed.

- Oregon Parks and Recreation Commission: The applicant shall comply with the following conditions of approval:

  1) The activity shall be in conformance with the plans submitted.
  2) In no case shall debris, silt or other materials be allowed to reach the waters of the 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.
4) Newly planted trees shall be maintained (watering, mulching and browse protection) for five years minimum until fully established.
5) All Wasco County permits shall be secured prior to any work commencing.

Note – The approval from the Oregon Parks & Recreation Department needs to be further discussed with the planning commission at the hearing.

- Height of Buildings: All buildings shall be no higher than 30' in height from natural grade. The applicant shall submit an updated elevation drawing which indicates the accurate height of the structures (house and shed).

- Septic Approval: The applicant shall obtain septic approval on any building permit application.

- Water Tank for Domestic Use: The applicant shows the receipt for this water tank prior to staff's signature on a building permit application.

- Address: The property owner shall be required to make application for, and pay the fee ($170) for a new address.

- Revegetation of Disturbed Soil: The current or future property owner(s) shall maintain existing vegetation to the greatest extent possible and to reseed and/or revegetate disturbed areas within the first planting season (October – April) after the final building inspection is done by Oregon State Building Codes for the proposed accessory structure.

- Revised Site Plan: The owner shall submit a revised site plan prior to staff's signature on a building permit application. The revised site plan shall indicate the following: parking and septic location (outhouse).

- Medium to Dark Earth Toned Colors: The owner shall submit color samples of medium to dark earth toned colors to paint the proposed structures.

- Farm Forest Management Easement: The owner shall sign and record a Farm-Forest Management Easement prior to receiving zoning approval on a building permit (See Attachment F).

ATTACHMENT B

PLANNNING COMMISSION OPTIONS & STAFF RECOMMENDATION

Planning Commission Options

A. Approve the request:
   - 47' by 30' by 35' (1,410 square foot) non-farm dwelling with attached 10' by 10' by 10' (100 square foot) deck
   - 18' by 12' by 12' (216 square foot) shed
   - Substantial variance to required 100' setbacks from all property lines. Requested setbacks are as follows:
     - 50' from rear property line (river)
     - 25' from side property lines
     - 25' from front property line
   - Floodplain Development Review of requested structures located within the FEMA delineated floodplain
   - Wild and Scenic River Overlay Review
   - Modification to Wasco County Fire Safety Standards Review with the findings, conclusions and conditions recommended by the planning department.

B. Approve the request described in A. above with amended findings, conclusions and conditions provided by the planning commission.

C. Denying this request as submitted.

D. Continue the request if additional information is needed to a date and time certain to allow the submittal of specific information.

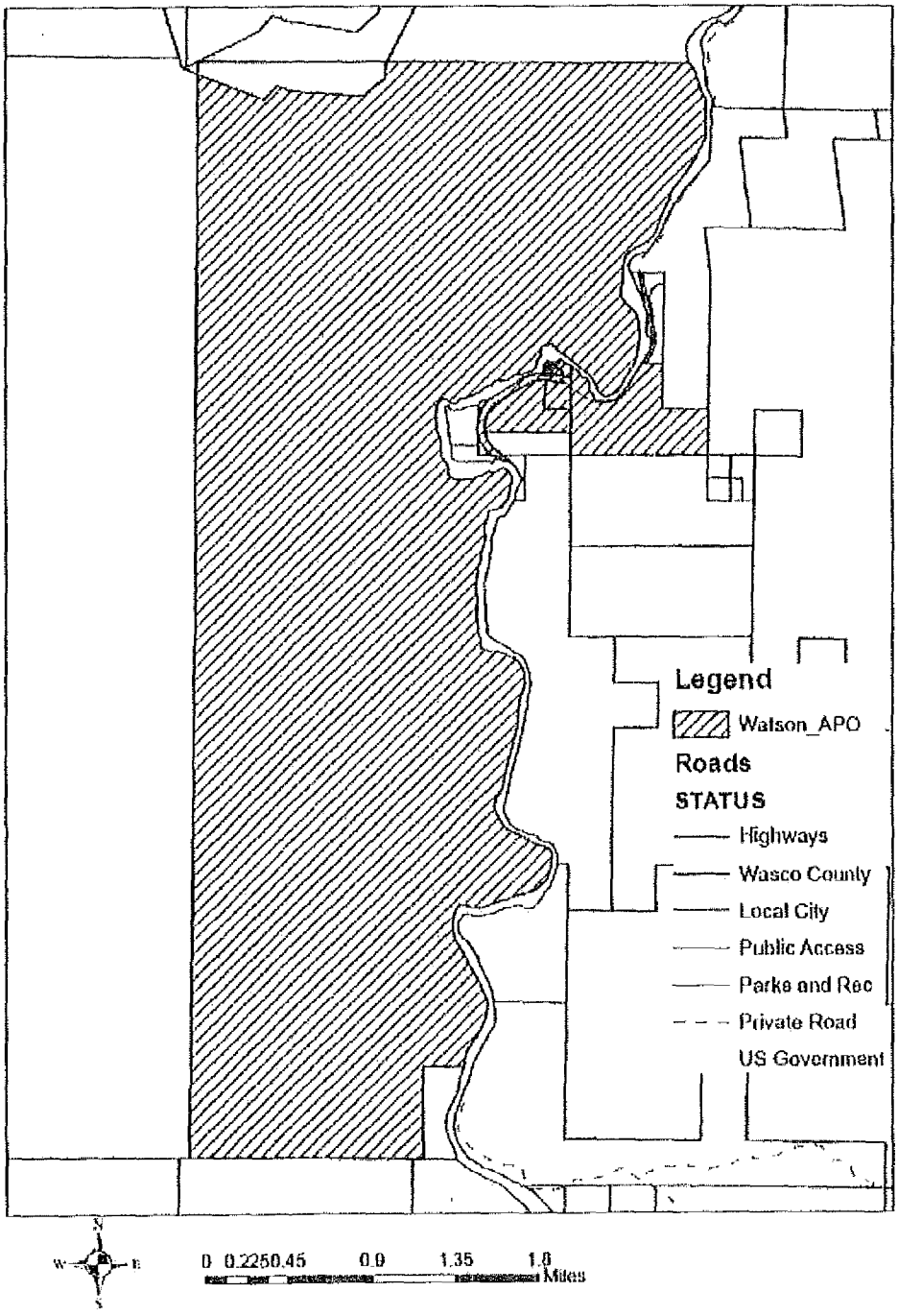
Staff Recommendation

Staff recommends Option D - Continuance

ATTACHMENT C – MAPS

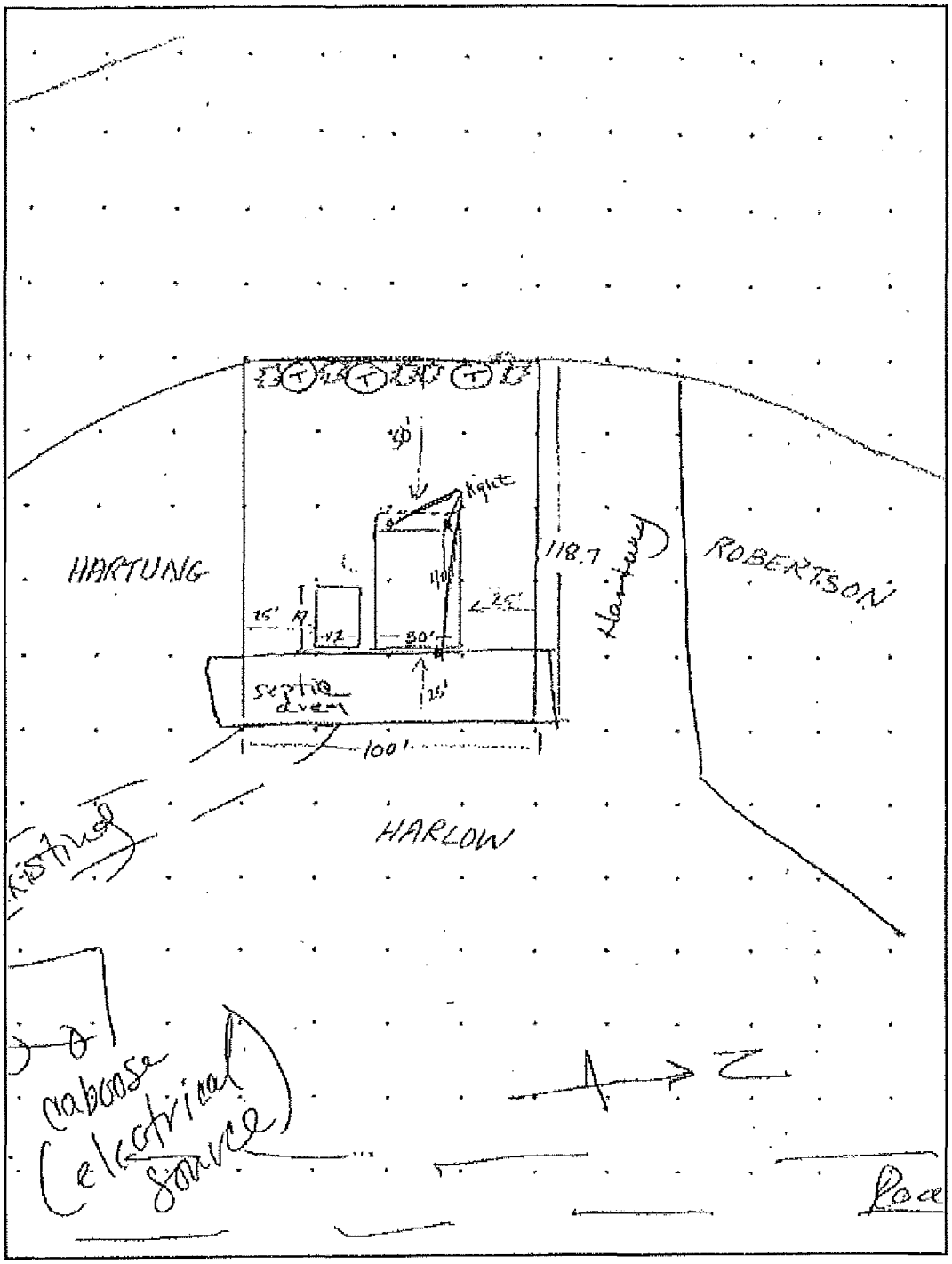
Vicinity Map and Adjacent Property Owner (APO) Notification Radius

Watson Development Associated Property Owner Notification List



ATTACHMENT C – MAPS

Submitted Site Plan Map



ATTACHMENT D- STAFF REPORT

File Numbers: PLAQJR-12-08-0001

Applicants/Owners: Gabriel Watson

Requests: File PLAQJR-12-08-0001 (previously named: PLACUP-10-11-0023_PLASTS-10-11-0026_PLAQJR-10-11-0006). Request by owner, Gabriel Watson, for an administrative (quasi-judicial) review of the following:

- 47' by 30' by 35' (1,410 square foot) non-farm dwelling with attached 10' by 10' by 10' (100 square foot) deck
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  - 25' from front property line
- Floodplain Development Review of requested structures located within the FEMA delineated floodplain
- Wild and Scenic River Overlay Review
- Modification to Wasco County Fire Safety Standards Review

Recommendation: Evaluation of proposed conditions and continuance

Hearing Date: September 4, 2012

Location: The subject property is located in the North Junction of the Deschutes River Access Road, approximately 19.6 miles south of the City of Maupin, Oregon. The property is further described as:

Existing	Previous
7S 14E 8D 300	none

Zoning District: A-1(160); EPD-1, Flood Hazard Zone; EPD-7, Wild and Scenic River Overlay

Contiguous Ownership: None

Past Actions: None

Procedure Type: Administrative & Quasi-Judicial

Prepared by: Jeanette Montour, Senior Planner

ATTACHMENT D- STAFF REPORT

I. APPLICABLE STANDARDS

Oregon Administrative Rules (OAR) – 736-040-0070

- **Deschutes River Scenic Waterway**

Wasco County Comprehensive Plan

- **Definitions**
- **Chapter 7 – Housing**
- **Chapter 15 – Goal #5 (Open Space, Scenic and Historic Areas and Natural Resources) & Goal #10 (Housing)**

Wasco County Land Use & Development Ordinance (LUDO)

A. **Chapter 2 – Development Approval Procedures**
B. **Chapter 3 – Basic Provisions**, Section 3.210 – Exclusive Farm Use Zone
C. Chapter 5 – Conditional Use Review
D. Chapter 6 – Variances
E. Chapter 10 – Fire Safety Standards

II. AFFECTED AGENCIES

- Wasco County Assessor (property taxes)
- Wasco County Sanitarian (septic permit)
- Mid-Columbia Building Codes Services, building/electrical/plumbing/mechanical permits
- Oregon Parks and Recreation Department

III. BACKDROP

The planning department has been aware of the subject proposal for approximately 2 ½ years. For a number of reasons (e.g., staff turnover) this application has proven to be complicated and challenging. In an attempt to provide a historical context and insights into the application's submittal process and complexity, the following identifies dates of some of the significant meetings, correspondence or referrals:

2010

- April 5, 2010 – Applicant met with the senior planner to the discuss proposal (informal pre-application type meeting)
- July 15, 2010 – Senior planning developed a revised schedule for submittal of application and subsequent process
- November 16, 2010 – Applicant submits application and fees
- December 16, 2010 - Incompleteness Letter sent by senior planner addressing defensible space, emergency access and water issues

2011

- February 10, 2011 - Adjacent Property Owner mailing list sent to applicant (indicative of forthcoming coming notice and planning commission meeting)

- February 19, 2011 – Correspondence with senior planner demonstrating modification to water issues and fire safety standards
- March 9, 2011 – State parks and recreation department issues notification of incompleteness (regarding their respective application) and requests landscape and building plans
- June 8, 2011 – Planning director referral to Oregon Parks and Recreation Department indicates the application before the county is incomplete and has expired.
- July 2011 - Applicant submits modifications to fire mitigation plan; water, floodplain and sanitation issues continue to be fleshed out with senior planner
- August 18, 2011 - Deputy State First Marshal provides input on fire mitigation plan

2012

- February 5, 2012 – Applicant touches base with senior planner on status of application and process
- March 5, 2012 – Oregon Parks and Recreation Department grants its approval of the proposal, subject to 5 conditions
- July 31, 2012 - Applicant submits a revised application
- August 21, 2012 - Site visit conducted by staff
- September 4, 2012 - Planning Commission hearing

IV. PROPOSED FINDINGS

Oregon Administrative Rules 736-040-0070

(1) Deschutes River Scenic Waterway Recreation Area
(c): The state managing agencies, including the Department, Department of Fish and Wildlife, Oregon State Marine Board, and Oregon State Police and the local managing agencies, including Sherman, Wasco and Jefferson Counties and the City of Maupin shall perform their management responsibilities relating to the Deschutes River Scenic Waterway Recreation area according to the management plan adopted by this rule and ORS 390.805 to 390.925 and 390.930 to 390.940.

(2) 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.

(b) Within the Recreation River Area described in subsection (2)(a), the Department may not permit any new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection.

(c) Additional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels and lodges which are visible from the river, will not be permitted.

Findings: Application or "management responsibilities" of the Deschutes River Scenic Waterway Recreation Area Management Plan is set out in OAR 736-040-0070. These OAR provisions are very important as the interpretation essentially dictates allowed or

"permitted uses." At this time it is unclear to staff if the management plan allows new dwellings as a permitted use. Interpretation of these provisions by the State Parks and Recreation Department is in a state of flux and evolving.

The parks and recreation department originally approved the application and suggested mitigation measures to the applicant and county in moving forward with evaluating and potentially approving the application. However, subsequent and very recent correspondence with the department indicates they would like additional time to reevaluate their approval and further clarify the specific issue of permitted dwellings in relation to the subject OARs. This notice by the state is the primary reason staff suggests the planning case is continued. However, it is felt this should not preclude an opportunity to review applicable conditions.

Nevertheless, a response from the state could be forthcoming by Wednesday, September 29th (a day after the staff report is mailed and six days before the planning commission hearing). Again, this feedback is very important in determining staff's recommendation on how to proceed. The state's feedback could require the applicant to further resolve the issue of use and the proposed dwelling with them. As such, staff would likely withdraw full-support until such issue was resolved or a final determination from the state was formalized. If this was the case staff would suggest the applicant withdraw the application and reapply in the future.

WASCO COUNTY COMPREHENSIVE PLAN

It is challenging to weigh and balance all the goals and policies of the Wasco County Comprehensive Plan (just like it is challenging (if not impossible) to balance all 19 Oregon statewide planning goals). The following list goals and polices staff felt were relevant to this application:

Comprehensive Plan Definitions (Oregon Revised Statute 197.015)

"Comprehensive plan" means a generalized, coordinated land use map and policy statement of the governing body of a state agency, city, county, or special district that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to, sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs.

"Comprehensive" means all inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan.

"General nature" means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semi-public and private agencies and the citizens of Oregon have been considered and accommodated as much as possible.

"Land" includes water, both surface and subsurface, and the air.

Chapter 7 - Housing

Buildable lands outside the urban area may also be considered as potential residential areas. The criteria that were used to determine potential buildable lands outside the City limits and urban growth boundary areas are listed below in Table 5. It should be noted that these factors do not take into account localized site constraints such as potable water supplies, subsurface sewage disposal or any other specific site constraints.

Table 5 - Buildable Land Limitations

#	Primary considerations which would prohibit building are as follows:
1	Soil Class I-VI: In accordance with Land Conservation and Development Commission guidelines, agricultural lands with soil class I, II, III, IV, V, and VI are to be preserved for agricultural use only.
2	Public Owned Lands: Publicly owned land cannot be built on by private individuals, so it was considered as non-buildable land.
3	Geologic Hazard Areas: Areas designated by the State Department of Geology and Mineral Industries as having potential hazards were considered non-buildable.
4	Slopes greater than 20%
5	Research Natural Areas: As determined by Wasco County.
6	The Dalles City Watershed, Dufur Watershed: These areas provide potable water for The Dalles and Dufur.
7	Forest lands with productivity ratings I - VI.
8	Wildlife Big Game Winter Range: As identified by the State Fish and Game Department.
9	Flood Plains: As determined by the Department of Housing and Urban Development.
10	Aggregate sites: These are preserved as supplies of these materials are scarce and not readily available. Need projections match known supply until the year 2000.

Chapter 15- Goals and Policies

Goal 5 (Open Space, Scenic and Historic Areas and Natural 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.
B. Allow agricultural operations within the Deschutes and John Day Scenic Waterways.
C. Allow only buildings customarily provided in conjunction with farm use within the visual corridors of the Deschutes and John Day Scenic Waterways.
D. Encourage the preservation of landscape features of the John Day and Deschutes Rivers.

Policy 6 - Wild & Scenic Rivers
Cooperate with managing agencies to solve recreation use management on the John Day and Deschutes River Scenic Waterways.

Implementation

A. Coordinate with and support the managing agencies recreation use management issues and facilities necessary for recreation and resource protection.

Goal 10 - Housing

Policy 2
A variety of housing types, locations and densities shall be encouraged.

Implementation

A. Residential developments should be related to physical site characteristics.
B. Residential developments shall be protected from encroachment of incompatible land uses.
C. Multiple family dwellings should be allowed only within the Urban Growth boundaries of the incorporated cities and within excepted areas, unless connected with farm labor.

Finding: Staff has taken into consideration all of the above referenced Wasco County Comprehensive Plan components into the evaluation of the subject application. Specific themes listed above are addressed through findings listed throughout this staff report.

WASCO COUNTY LAND USE AND DEVELOPMENT ORDINANCE (LUDO)

A. Chapter 2 – Development Approval Procedures

Section 2.060.A.1., Conditional Use Review
The above referenced LUDO section provides that the Director will have the authority to review a Conditional Use Permit as an Administrative Action.

Finding: The request is consistent with criterion A1, above. The proposed Conditional Use Permit is being reviewed by the Director as an administrative action in accordance with the Basic Provisions of Sections 2.060.A.1. The applicable Ordinance provisions and required findings are outlined 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 2.080 - Notice, requires notice to the general public and certain specified individuals and agencies.

Finding: Public notice was given, as specified by Section 2.080 of the LUDO, over twelve days prior to the date of this decision (September 4, 2012). Upon issuance of a decision, notice will again be given, and a twelve day appeal period provided.

Section 2.110.D - Conditions of Approval
This section sets forth the parameters for imposing the recordation of conditions of approval on developments.

Finding: 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 conditions of approval associated with this review, the planning department will record the entire notice of decision, including all of the conditions of approval, with the Wasco County Clerk's Office upon expiration of the appeal period.

B. Chapter 3 – Basic Provisions

Section 3.210 – Exclusive Farm Use zone

a. Section 3.210.E.10., Conditional Uses, allows one single family dwelling not provided in conjunction with farm use, on a legal parcel subject to Subsections J - Additional Standards, H – Agricultural Protection, Chapter 5 – Conditional Use Review, and Chapter 10 - Fire Safety Standards.
b. Section 3.210.C.2., Accessory Structures: buildings accessory to a legally established dwelling not provided in conjunction with farm use.

Findings: The request is consistent with criterion a.

- The applicant has requested approval of a Conditional Use Permit to construct a single family dwelling and a shed (accessory structure) not provided in conjunction with farm use. This report details staff's review of these proposed uses.
- The subject parcel was legally created in its current configuration by Warranty Deed in 1971, 71-0815, and recorded with the Wasco County Clerk on June 9, 1971. It is consistent with the definition of Legal Parcel in LUDO Chapter 1, Section 1.090, Definitions.

Section 3.210.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.

1) Setbacks

a. Property Line:
(1) All dwellings (farm and non-farm) and accessory structures not in conjunction with farm use, shall comply with the following property line setback requirements:

(a) If adjacent land is being used for perennial or annual crops, the setback shall be a minimum of 200 feet from the property line.
(b) If adjacent land is being used for grazing, is zoned Exclusive Farm Use and has never been cultivated or is zoned F-1 or F-2,

the setback shall be a minimum of 100 feet from the property line.

(c) If the adjacent land is not in agricultural production and not designated Exclusive Farm Use, F-1 or F-2, the setback shall be a minimum 25 Feet from the property line.

Findings: The proposed development cannot meet Section 3.210 F. above, therefore a variance to setbacks is required.

- According to County Assessor records, the subject parcel is .25 acres in size and was legally created by deed.
- According to County Assessor records and a site inspection on August 21, 2012, neither of the adjacent properties are in agricultural production and have not been cultivated in the past 20 years. Therefore, according to the criteria listed in Section 3.210 F., above, the required setbacks for this property are 100 feet from all property lines. The proposal cannot meet required setbacks in any direction; therefore, an administrative variance is required.
- See Chapter 6, Variances in Section B, below.
- The proposed setbacks are indicated in the chart below (the proposed setbacks to property lines are identical for both dwellings):

Proposed Parcel 2	Required Setback	Proposed Setback	Meet Requirement
Front (east)	100'	25'	NO
Side (north)	100'	25'	NO
Side (south)	100'	25'	NO
Rear (west)	100'	50	NO

b. Waterways:

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

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

(2) Floodplain: Any development including but not limited to buildings, structures or excavation, proposed within a FEMA designated flood zone shall be subject to Section 3.740, Flood Hazard Overlay.

Finding: The request does not comply with resource buffer setbacks and the proposed location of the non-farm dwelling is within the FEMA delineated floodplain area.

- Setbacks are further addressed below in Chapter 6, Variances, below.
- Floodplain is further addressed in Section 3.740 below.

1. Height - Maximum height for all structures shall be thirty-five (35) feet.

   Finding: The request complies with the criterion. The property owner submitted an elevation drawing showing the new home will have an average height of 26', other portions of the application indicate that the dwelling will have a height of 35'. A condition (found elsewhere in this report) indicates that it is required that the all new development be less that 30' in height from natural grade, therefore it is conditional that the applicant submits an updated elevation drawing which indicates the accurate height of the structures (house and shed).

2. Lighting - Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and the Columbia River.

   Findings: With a condition, the request is consistent with the above criterion.

   - The owner proposes to install outdoor lighting.
   - The proposed development area is visible from the Deschutes River, a federally classified Wild and Scenic River and State Scenic Waterway. The proposed development site will be located within close proximity to neighboring properties.
   - The applicant has not submitted samples of the proposed lighting fixtures. To assure staff that the proposed outdoor lighting will be shielded and hooded in a manner to prevent lighting from projecting into adjacent properties and onto the river, it is conditional that the applicant submits a visual sample of the proposed lighting prior to staff's signature on a building permit application.
   - A condition is included requiring outdoor lighting to be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, and roadways.

Section 3.210.H., Agricultural Protection
All proposed conditional uses must meet the following standards:

1) Farm-Forest Management Easement: The landowner is required to sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

   Finding: With a condition, the request is consistent with 1).

   - To minimize potential conflicts between the proposed non-farm dwelling and surrounding farm uses, a condition is included requiring the owners 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 cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937 prior to receiving zoning approval on a building permit application (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: A copy of this document is enclosed as Notice of Decision Attachment F.

Section J.1., Additional Standards: Non-farm Dwelling

a. The parcel is not within the A-1(40) Zone.

Finding: The identified non-farm parcels will be located entirely within the A-1(160), Exclusive Farm Use zone.

b. There is no other dwelling on the parcel;

Finding: Staff verified during a site visit to the proposed non-farm dwelling on August 21, 2012, that there is no other dwelling on the subject parcel.

c. The site shall have appropriate physical characteristics such as adequate drainage, proper sanitation and water facilities to accommodate a residence or other non-farm use;

Findings: With conditions, the request is consistent with criterion above.

- Slopes on the proposed non-farm parcels range from 0% - 5%, and proposed development will not create runoff onto adjacent properties.

- Ongoing septic consolations have been performed with the North Central Public Health District's Environmental Health specialists. The applicant has proposed the installation of an outhouse facility. The applicant has not identified this area on their site plan. Therefore, it is conditional that the applicant identifies the location of the proposed outhouse on a site plan. The applicant needs to be aware that prior to issuance of zoning approval on a building permit application, the County Environmental Health Specialist must issue his approval on the building permit. A condition stating this is included.

- There is currently no domestic water source on the proposed non-farm parcels. The application indicates that domestic water will be facilitated by on-site storage:

  1. Water will be stored using a 2000 gallon Poly-Tank. On-site storage will provide for year round domestic water supply and provide for redundant water supply for emergency firefighting purposes. Storage tank can be filled using water that is:

     a. Transported into the site by vehicle
     b. Drawn from the Deschutes River, see 2. Below.

2. Deschutes River Surface Water
   Surface water from the Deschutes River will be pumped out for emergency firefighting purposes.

- Staff confirmed with the Wasco County Watermaster that on-site wells are not required for new residential development and that permits are not required for pumping water from the Deschutes River for emergency use.

d. Criteria for Farmland within the EFU Zone:
The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land.

A lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, it is not "generally unsuitable." A lot or parcel is presumed to be suitable if it is composed predominantly of Class I - VI soils. Just because a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use.

The term "generally unsuitable" is vague. The following criteria define and specify in clear, objective, measurable means, what is generally unsuitable land for agriculture in Wasco County.

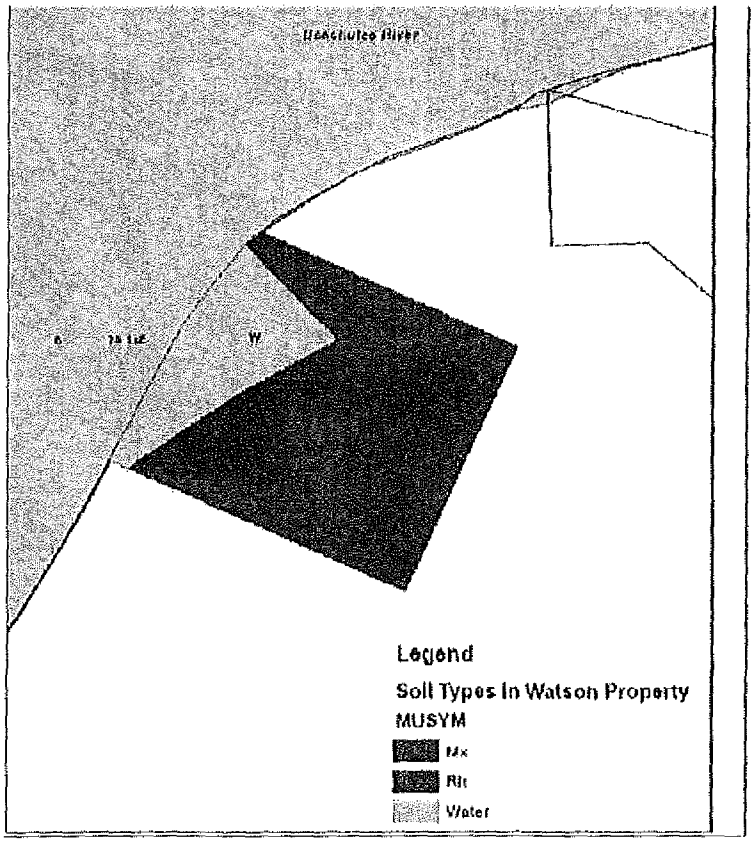
(1) On parcels less than 80 acres that were created prior to January 1, 1993, and parcels created pursuant to the Non-Farm Division (Part of Parcel) provisions when the entire parcel is found to be generally unsuitable. That is, over 50% of the parcel is a Class VII or poorer soil as determined by the NRCS Soil Survey for Wasco County, and (one) 1 of the 3 Generally Suitable Criteria in b).

Findings: The request is consistent with criterion above. The non-farm parcels have been determined to be in excess of 70% Class 8 soils.

- The subject parcel, .25 acres in size, was created by deed prior to September 4, 1974 and is therefore considered to be a legally created parcel.
- Taxlot 300 contains the following soil types: Riverwash (Rh) and Mixed Alluvial land (Mx). According to our analysis of the NRSC generated soil data, over 70% of the subject property is composed of the Riverwash soil, which holds a NRCS soil classification of 8. A small portion of the property is composed of Mixed Alluvial Land soil type, which holds a NRCS classification of 3. The remaining portion of TL 300 is designated as 'water' by NRCS.

Taxlot 300 Soil Type	NRCS Soil Class	Percentage of 25 acre Property
Rh	8	71
Mx	3	8
Water	NA	23

- As previously mentioned, the subject parcel contains over 70% agricultural capability class VII soils; therefore the above criterion has been met.



Generally Unsuitable Criteria:

(a) predominantly greater than 40 % slope, or
(b) produces less than 25 bushels per acre wheat or cereal grains crop, or less than 1 ton per acre of alfalfa or other type of hay as per Farm Service Agency (FSA) registered field crop information. Averages shall be based on acres in production, or
(c) never been cropped according to the ASCS (FSA) aerial photos and records, and requires more than 5 acres per AUM based on the soil productivity as shown in the most up to date soils survey or on a field determination

conducted by an authorized professional using Natural Resource Conservation Service standards.

Finding: The request complies with the above criterion.

- According to Beau Sorenson, Program Technician of the USDA Farm Service Agency, TL 300 is composed of Riverwash and Mixed Alluvial Land with no cropping history.

f. Cumulative Impact: The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed non-farm dwelling will alter the stability of the land use pattern in the area, consideration shall be given to the cumulative impact of non-farm dwellings on other lots or parcels in the area similarly situated by applying the following standards:

(1) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;

FINDINGS: The cumulative impacts study area contained 59 properties within 55,264 acre area. The study boundary area was selected by using County Assessor data to identify properties within 2,000 acres from the development. The subject parcel is located in the center of this study area. Soil types within the study area range from 3 to 9, but are predominately class 6 and 7 soil types. (For agricultural suitability determination purposes, soils class I-VI are determined to be suitable for farm use, while soils classed VII or higher are not.) Within the 55,264 acre study area within Wasco County, 52% of all acreage are classified as Class VI soils, and 56% of all acreage are classified as type VII or higher.

- Staff conducted a site inspection on August 21, 2012. From this experience, and additional County Assessor research conducted on the property and neighboring properties, staff has determined that there is limited agricultural activity along the entire length of the Deschutes River Road, less than 25% of all terrain within the study area is used for agricultural purpose.
- Additionally, the terrain of the subject parcel and surrounding study contains steep slopes, and mountainous area which makes any future agricultural activity unlikely.
- The land use activities currently occurring on these 59 properties are either undeveloped vacant land predominately belonging to BLM or for seasonal, recreational residential use.

(2) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling

development trends since 1993. Determine the potential number of non-farm/lot-of-record dwellings that could be approved under current regulations, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for non-farm dwellings. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings;

Finding: As previously mentioned, within the study area, the majority of dwellings present are non-farm dwellings. Within the 59 parcel study area, there are currently 15 non-farm dwellings and 3 farm dwellings. Since 1993, considerable development within the immediate vicinity of the subject parcel has occurred. Many of the parcels have constructed replacement dwellings destroyed by the 1996 flood. Others have replaced non-conforming dwellings and other contain illegally placed dwellings.

- Depending on the parcel size and the areas proposed for future partitions for the purpose of creating for non-farm parcels, there could potentially be approximately 21 non-farm divisions. However this figure is only an estimate and is based on an evaluation of the parcels large enough to be evaluated for non-farm divisions. Otherwise, there is a potential for 17 (59 properties less 21 non-farm divisions = 17) additional non-farm dwellings to be placed within 55,264 acre study area. Again, this figure only takes into account parcel size and not a complete soil evaluation.

(3) Determine whether approval of the proposed non-farm/lot-of-record dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area;

Finding: As stated above, the current use of the property adjacent to the subject parcel is residential. Out of the 6 most adjacent properties only two properties do not contain dwellings, those property owners are the Deschutes Club and BLM. The other three properties each contain at least one dwelling some contain as many as three. The table below indicates the dwelling size and construction date of the dwelling contained in the four abutting properties:

Account #	Residence #1	Construction Date	Residence #2	Construction Date	Residence # 3	Construction Date
12780	1176	1997	1136	2001	732	1966
12782	984	1997				
12784	1136	1992	632	1940	2002	864
12781	1248	1987				
12750	No Dwellings- Owned by Deschutes Cnty					
16543	No Dwellings- Owned by BLM					

- Also, due to the geographical limitations for farming practices in this area, development of the proposed non-farm dwelling will not cause diminished opportunities to expand or modify the uses on the existing farm land nor would the development of the non-farm parcels impact water rights or diminish the number of tracts available for farm use, which could potentially alter the overall agricultural character of the study area.

(4) In addition to (1) – (3), if the application involves the creation of a new parcel for a non-farm dwelling, consideration shall be given to whether creation of the parcel will lead to creation of other non-farm parcels, to the detriment of agriculture in the area by applying (1) – (3) above.

Finding: Because the above listed geographic and existing development patterns within the study area, and because the remaining lands available for non-farm dwellings within the study area are well distributed it is not believed that this application for a non-farm dwelling will necessarily lead to the creation of other non-farm parcels or dwellings, nor would additional non-farm parcels within the study area have a detrimental impact upon current and anticipated future agricultural uses.

g. Disqualification of Special Assessment:
The owner of the parcel shall provide evidence that:

1. The County Assessor has been notified that the proposed non-farm parcel or parcel to contain the non-farm dwelling is no longer being used as farmland.

Finding: The request is consistent with the above criterion. The subject parcel is not currently taxed for Specially Assessed Farm Use (Assessor Code 15845).

4. Record on the Property Deed the following: This parcel (legal description) has been disqualified from special assessment and may not re-qualify for special assessment unless, when combined with another contiguous lot or parcel, it constitutes a qualifying parcel by meeting the minimum lot size for commercial agriculture enterprises within the area.

Finding: With a condition, the request complies with the above criterion. A condition is included requiring the applicants/owners to record the following statement on the new property deed for the subject parcel: "This parcel has been disqualified for special assessment and may not re-qualify for special assessment unless, combined with another contiguous lot or parcel, it constitutes a qualifying

parcel by meeting the minimum lot size for commercial agriculture enterprises within the area".

Section 3.740: Environmental Protection District
Flood Hazard Overlay Zone Applicability - This chapter shall apply to all Areas of Special Flood Hazards within the jurisdiction of Wasco County.

Basis for Establishing the Areas of Special Flood Hazard: The Areas of Special Flood Hazards identified by the Federal Insurance Administration on its Flood Insurance Rate Map (FIRM), dated September 24, 1984, and any revision thereto, is adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Rate Map is on file at the Wasco County Planning and Development Office.

Finding: According to Federal Emergency Management Agency (FEMA)/Federal Insurance Administration FIRM, the development area is located within Flood Hazard Zone A.

Section 3.742 – Planning Director: The Planning Director shall:

- **Review all development permits to determine that the permit requirements and conditions of this section have been satisfied.**
- **Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.**

Finding: This report along with the findings, conclusions, and conditions constitutes the Director's review of the requested development. All applicable criteria are addressed in this report.

7. Information to be Obtained and Maintained:
   - **Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 3.742.B.5, obtain and record the actual (as-built) elevation (in relation to mean sea level) to the lowest floor (including basements and below grade crawl-spaces) of all new or substantially improved structures, and whether or not the structure contains a basement (Elevation Certificate).**
   - **Maintain for public inspection all records pertaining base flood elevations and flood-proofing certificates required in Section 3.742.B.7.**
   - **Maintain for public inspection all records and data pertaining to this chapter.**

Findings: Subject to a condition, the request complies with the criteria above.

- The applicants have submitted a completed Elevation Certificate as part of their application. The application indicates that the top of bottom floor of all development will be 1100 ft. While the Base Flood Elevation is 1097 ft., a difference of three (3) feet.
- A condition is included requiring that upon completion of the dwelling, the final "as built" Final Elevation Certificate shall be submitted to the planning department prior to the final building inspection by Mid-Columbia Building Codes Services. Failure to submit this documentation in a timely manner shall be considered a violation of

conditions of approval and may be grounds for revocation of approval. After submittal, these documents will be retained at the planning department.

Section 3.743 – Development Permit:
A development permit shall be obtained before construction or development begins within any area of special flood hazard.

Finding: This report along with its findings, conditions, and conclusions constitutes the Development Permit for the proposed project.

Application Requirements - Any application for a Development Permit shall be made on forms furnished by the Planning Director and may include, but not be limited to: plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing structures, proposed structures, fill, storage of materials, utilities, septic facilities, and drainage facilities.

Specifically, the following information is required:
1. General elevation to mean sea level of building site using best information available.
2. Elevation of the lowest floor (including basement) of all structures.
3. Distance between ground elevation and level to which a structure is to be flood-proofed.
4. Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in Section 3.743.E.6 – Specific Standards.
5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
6. Copies of all permits required from any governmental agency, together with a certification under penalties of perjury that all certificates and permits requested have been obtained.

Findings: The applicant originally applied for a Conditional Use Permit and Subject to Standards review on November 16, 2010. The application was deemed incomplete on December 16, 2010. Staff determined the application to be complete on July 31, 2012. Subject to information found in the application along with the finding and condition below, the request complies with criterion d.

- The applicant provided a FEMA generated Letter of Map Amendment, dated November 29, 2011. This report indicates that the general elevation to mean sea level of the building site (based on USGS benchmark P398) is approximately 1097.6 feet.
- The FEMA Elevation Certificate, certified by Certified Surveyor Bradley Cross on March 1, 2012 indicates that the finished floor elevation of the proposed development is 1100.6 feet.
- The structure will not be flood proofed.
- The proposed development will not require wetland permits from DSL or ACOE. The development request does require a permit from the Oregon Parks and Recreation Department and the application received that permit, with conditions on March 5, 2012.

General Standards: In all areas of special flood hazard, all new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

Finding: The applicant has indicated that the proposed dwelling will be built on pilings. These pilings will be sufficient to prevent flotation, collapse, or lateral movement of the dwelling. A condition is included requiring the applicant to provide detailed plans showing how the dwelling and shed will be anchored prior to issuance of zoning approval on any building permit application.

Construction Materials and Methods:

- **All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. See FEMA 348 (Protecting Building Utilities from Flood Damage) for details.**
- **All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.**
- **Electrical, heating, ventilation, plumbing, and air- conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.**

Findings: Subject to conditions, the request complies with the above criterion.

- A condition is included advising the applicant that all materials and utility equipment shall be constructed in accordance with "Protecting Buildings and Utilities from Flood Damage (FEMA 348). The application shall submit a revised site plan which indicates these components are being addressed.

- A condition is included requiring all heating, ventilation, plumbing, and air conditioning equipment shall be elevated to prevent water from entering the components during flood conditions. The application shall submit a revised site plan which indicates these components are being addressed.

Utilities:

- **All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;**
- **New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,**
- **On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the North-Central Public Health District.**

Finding: A condition is included requiring that any new or replacement water supply or waste disposal system is designed and located to avoid impairment of the system during flooding. As previously mentioned, the applicant will be required to obtain septic

authorization from the North Central Public Health District, prior to staff's signature on a building permit application.

Residential Construction:
New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot (1') above base flood elevation.

Findings: Subject to conditions, the request complies with the above criterion.

- As previously mentioned, the applicant provided a FEMA generated Letter of Map Amendment, dated November 29, 2011. This report indicates that the general elevation to mean sea level of the building site (based on USGS benchmark P398) is approximately 1097.6 feet.
- The FEMA Elevation Certificate, certified by Certified Surveyor Bradley Cross on March 1, 2012 indicates that the finished floor elevation of the proposed development is 1100.6 feet.
- A condition is included requiring the finished floor of the proposed dwelling and accessory structure to be at or above 1,100.6 feet.
- A condition is included requiring the applicant to submit a final Elevation Certificate upon completion of the development of each the dwelling and the shed.

Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- **A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.**
- **The bottom of all openings shall be no higher than one foot above grade.**
- **Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.**

Finding: The proposal does not indicate that areas below the lowest floor will be enclosed; therefore, criterion 17 has been met.

Section 3.910: Division 7 - Natural Areas Overlay
This overlay district is intended to pre-empt 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 and John Day Rivers Scenic Areas as defined in ORS 390.805 and 390.825.

Permitted Uses Section states - That 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 non-farm dwelling may be permitted subject to a conditional use review in the A-1(160) zone. Conditional Use Review criteria are addressed below.

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

- Finding: With conditions, it is felt the proposed non-farm dwelling and accessory building will not damage the designated natural value of the identified Natural Area (i.e., the Deschutes River, a Wild & Scenic River). The following list reasons for meeting this finding:

  The proposed development is located within the Deschutes River Wild and Scenic River.

  Overlay area, Division 40 of Oregon Scenic Waterways.

  The proposed dwelling and shed will be located approximately 50 feet away from the river's edge.

  The applicants are proposing to place an outhouse for sanitation needs.

  The applicants are proposing to place a 2,000 gallon water holding tank for residential needs and use (drinking, showering and cleaning).

  The applicants will be required to install a sprinkler system inside the dwelling for fire protection use. Water used for this emergency water usage will be pumped from the Deschutes River.

  On March 5, 2012, the applicant, Gabriel Watson, received approval from the Oregon Parks and Recreation Commission to place improvements (dwelling and shed) on the subject parcel subject to conditions: (A copy of the approval is attached as Attachment G).

  "The Oregon Parks and Recreation Commission grants its approval to Gabriel Watson for the construction of a recreational dwelling and shed on a legal parcel along the Lower Deschutes River Scenic Waterways. This Approval is Subject to the following conditions:

  1) The activity shall be in conformance with the plans submitted.
  2) In no case shall debris, silt or other materials be allowed to reach the waters of the 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.
  4) Newly planted trees shall be maintained (watering, mulching and browse protection) for five years minimum until fully established.
  5) All Wasco County permits shall be secured prior to any work commencing.

Failure to comply with the conditions of approval will constitute in 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."

During discussions with Wasco County's Parks and Recreation Commission representative, Greg Cianella (Program Coordinator), Mr. Cianella explained his justification for his approval, with conditions.

Mr. Cianella's justification for his approval, with conditions is as follows:

The section of the river where the proposed development is to take place is in an area designated as Recreational River Area within the Deschutes River Scenic Waterway (736-040-0070, and 736-040-0035).

736-040-0070 Deschutes River Scenic Waterway

(2) 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.

(b) Within the Recreation River Area described in subsection (2)(a), the Department may not permit any new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection.

(c) Additional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels and lodges which are visible from the river, will not be permitted.

The Oregon Parks and Recreation Commission based their response to this criterion on the following:

- Visibility of development from the river is based upon visibility from the centerline of the main channel of the river. There is a small island located in the river that stands between the proposed development site and the main channel of the river. There is existing vegetation on this island and along the bank that is located directly in front of the proposed development that is between 40 and 70 feet in height.

- Compatible Existing Uses: The entire surrounding area of the subject parcel is developed for residential use. According to the LUDO, development may permitted on this parcel. Therefore, the proposed development would be in connection with existing uses within the immediate vicinity.

736-040-0035 Rules of Land Management

These rules and regulations governing the use of related adjacent lands and improvements made on or to these lands apply to all designated scenic waterways.

(7) Structures, Buildings, and Other Improvements: Except as provided in OAR 736-040-0030(5), sections (3) and (4) of this rule and OAR 736-040-0045 through 736-040-0075, no structures, buildings, or other improvements shall be made, erected or placed on related adjacent lands without notification to the Commission as prescribed by the Act and herein. Permitted new structures, buildings, or other improvements on related adjacent lands which can be seen from the waters within a scenic waterway shall:

(a) Be of such design and be constructed of such materials as to be unobtrusive and compatible with the scenic qualities of the area. For example, the following shall apply:

(A) All structures shall be finished in muted tones appropriate to their natural surroundings;

(B) No large areas, including roofs, shall be finished with white or bright colors or reflective materials;

(C) No structures shall exceed 30 feet in height from natural grade on a side facing the river;

(D) All structures shall be so designed and constructed that little or no soil is left exposed when construction is completed.

(b) Be located in such a way that topography and natural vegetation make them as inconspicuous as reasonably practicable, and in no case obtruding on the view from the river. The Commission may require that additional vegetative screening be established and maintained. In such event, it shall be evergreen, wherever practicable, and compatible with natural growth in the area.

The Oregon Parks and Recreation Commission based their response to these criteria on the following:

- Create a landscaping management plan to create visual screening.
- The scenic value of the area is already compromised by existing development.
- The evaluation was based on existing conditions:
- 30% of the property is potentially visible from the centerline of the main water channel.
- The proposed landscaping plan would consume that 30 % visibility.

In light of this earlier work and referral from the Oregon parks and Recreation Commission, the general opinion was that the existing scenic value of the river would not be negatively impacted by the proposed development.

- *Note** The Federal Wild and Scenic river program (Deschutes R. is administered by the BLM Prineville office) only applies to public land. The program has no administrative authority over private property.*

- After staff's review of the Oregon Scenic Waterways Division 40 regulations and consulting with Mr. Cianella, staff was confident that the determination made by the Oregon Parks and Recreation Commission was well-founded. Also, as a matter of Wasco County practice and process, staff relies on the opinions make by identified experts to develop recommendations and conditions pertaining to development within specific Environmental Protection Overlays (i.e., Geologic Hazard, Sensitive Wildlife Overlays, Modifications to Fire Safety Standards, among others). Thus, staff had originally conveyed the conditions provided by the Oregon Parks and Recreation Commission and issued them as conditions of approval related to this review.

- Additionally, to comply with Section 736-040-0035, 7 (C), "No structure shall exceed 30 feet in height from nature grade on a side facing the river," it is conditional that the dwelling or shed be no higher than 30 feet in height from natural grade.

- Ground disturbance will occur to place the new home and shed. To minimize impact to the natural area through potential erosion, a condition is included requiring the owner to maintain existing vegetation to the greatest extent possible, and to revegetate any disturbed ground within the first planting season, after completion of construction (October – April). All new vegetation planted shall be fire-resistant. See the local Extension Service for a complete list of fire-resistant vegetation. With this proposed condition, there will no erosion into the Deschutes River, and no impact to this natural resource.

C. Chapter 5 – Conditional Use Permit

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

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

  Finding: The goals and objectives of the Comprehensive Plan are implemented through the LUDO, which were address earlier in the report.

- **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.**

  Findings: The request is consistent with the criteria above.

  (Location) The subject parcel is located in an area called North Junction, located approximately 20 miles south from the city of Maupin, along Deschutes River Road. According to the Wasco County Assessor data, this particular area has been developed for residential use since the 1940s.

  (Size and Design) In considering this criterion, staff's interpretation of the ordinance is to place emphasis on the nature of the use over the particular architectural characteristics of a proposed structure. In this instance, the proposal is to construct one, 47' by 30' by 35' dwelling (1,410 total square feet) with attached 10' by 10' by 10' deck and 18' by 12' by 12 (216 sq. ft.) shed. A previous condition states that the dwelling and shed be a maximum of 30' in height from natural grade, therefore the applicant must amend his request in this way. Existing residential development within the immediate area ranges from 632 sq. ft. to 1248 sq. ft. in size (excluding decks). The proposed dwelling is approximately 162 sq. ft. larger in size than any dwelling within the North Junction vicinity.

  The proposed shed is approximately 216 sq. ft. in size, and will be compatible with existing development as proposed.

(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 proposed use will not alter or change the existing use of land within the North Junction area.

Staff has conducted a compatibility study of 59 properties within 55,264 acre area, and determined that the proposed non-farm use will not have a negative impact on existing farm uses within the study area. Based upon the above factors, the proposal is compatible with the surrounding area and development of abutting properties.

- **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.**

Findings: With conditions, the request is consistent with the above criterion.

Roads: The Deschutes River Road is a private road, maintained by property owners.

Fire: Chapter 10, Fire safety standards are addressed in D. The subject parcel is located outside of the boundaries of fire protection district and is therefore under the State Fire Marshall's jurisdiction.

Police Protection: The subject parcel is served by the Wasco County Sheriff's Department.

Sewer Facilities: An outhouse sewage disposal system is proposed. The owners are advised that they must obtain the appropriate septic permits from the North Central Public Health District. Approval by an Environmental Health Officer (EHO) is be required before zoning approval can be given on Mid-Columbia Building Codes Services structural building permit application. This signature upon the document indicates the EHO has approved the septic system that will be utilized for the single family dwelling. A condition is included requiring the owners to obtain the signature of an Environmental Health Officer on a building permit application prior to planning department approval (signature) on any building permit application.

Solid Waste: The owners are responsible for their own solid waste disposal.

Electrical and Telephone: Public electrical service and local telephone service (cell service) are available to the subject parcel.

Water Facilities: There is no water facility currently on the property. The applicant proposes to place a 2000 gallon Poly-Tank for domestic water supply. It is conditional that the applicant shows the receipt for this water tank prior to staff's signature on a building permit application.

Access: Access to the property is achieved by an access easement described in Warranty Deed 95-2065. Since Deschutes River Access Road is not a County or State road, a road

approach permit is not required. Due to the restrictions caused by the parcel size, it is conditional that the applicant identifies a parking area on the site plan.

Address: In accordance with the Wasco County Uniform Addressing Ordinance adopted on June 9, 1982, prior to Building Permit Authorization, the applicant or future owner(s) shall clearly post the address of the subject parcel on both sides of a post or mailbox, or other similar post, support, stake or pedestal which cannot be easily removed or destroyed which is within 30' of the driveway which accesses the dwelling. The address numbers shall be legible, reflective, and at least 2 ½ inches high. A condition is included requiring the property owners to make application for, and pay the fee ($170) for a new address.

In consideration of the above findings of fact and with conditions to the owners, staff finds that the proposed use complies with the standards and existing regulations that are in place to assure the use does not significantly burden public facilities and services available to the area.

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

  Finding: The request complies with the above criterion. The single family dwelling will be served Deschutes River Road, a private road. This road is not regulated by Wasco County.

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

  Findings: With a condition, the request is consistent with the above criterion.

  (Noise and Odor) 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 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 previous condition is included requiring the owners to maintain existing vegetation to the greatest extent possible and to reseed and/or revegetate disturbed areas within the first planting season (October – April).

- **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: With previously stated conditions, the request complies with the above criterion.

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

  Findings: With a previous condition, the request is consistent with the above criterion.

(Air and Water) The owners are requesting a single-family dwelling not provided in conjunction with farm use. Residential air pollution is generally caused by a woodstove/fireplace; however the applicants have not requested a woodstove or fireplace as part of the proposed development. This pollutant is regulated by the Oregon Department of Environmental Quality and not addressed through standards within the LUDO through this review. The owners have not requested a use or practice associated with the dwelling that is identified as a known pollution source or what is commonly permitted and customarily in use in residential settings.

(Water) Subsurface septic disposal suitability is required to be confirmed by providing the signature of a County Environmental Health Officer (Sanitarian) prior to planning authorization and signature on a structural building permit application. A previous condition stating this is included. Additionally, the septic system is not identified on the site plan; it is conditional that the applicants include the location of the septic system on a revised site plan prior to staff's signature on a building permit application.

(River) The Deschutes River is located within ¼ mile of the proposed development site and has been addressed elsewhere in this report.

(Land Resource Quality) Land resource values of the subject parcel were addressed above, where staff concluded that due to existing surrounding residential development and existing size of surrounding parcels, that residential use was appropriate and compatible with uses on adjacent properties.

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

  Findings: The request is consistent with the above criterion.

  The standard does not require that there be no visual impact, but that any impact not be significant.

  The proposed single family dwelling is located in an area where existing residential development exists. A previous condition states that all structures must be less than 30' height, measured from ground level. In order to not detract from the visual character of the area, staff has determined that the color must be evaluated. Therefore, it is conditional that the color of the structures be made of medium to dark- earth tone colors.

  Overall, staff finds that with conditions the proposed dwelling will not significantly detract from the visual character of the area because it will be compatible with existing development and will be screened from the main channel of the Deschutes River. The mitigation measures identified by the state, and discussd above, also help to address this criterion.

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

  Findings: The request is consistent with the above criterion.

According to the inventory of historic landmarks, as inventoried by the Wasco County Historical Landmarks Committee (6/15/81 – present), there are no historic sites located on the subject parcel or surrounding properties.

The inventory of natural areas as listed in the Wasco County Comprehensive Plan, Table 11A, does not identify any significant natural features on the parcel.

Notification was sent to property owners within 750' of the subject parcel and identified agencies. No comments were received from affected agencies or adjacent property owners with regard to impacts of historic value. Therefore, staff concludes that the proposed development will not interfere with areas of historic value, natural or cultural significance, including archaeological sites, or assets of particular interest to the community.

- **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.**

- **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.**

Findings: With a condition, the request is consistent with the above two criteria.

For the purpose of addressing these criteria, "surrounding lands" are considered to be six (6) adjacent properties. One is owned by BLM, the other by the Deschutes Club, and the other four properties are developed for non-farm use. Only the Deschutes Club is registered under farm deferral, however, according to staff's site inspection on August 21, 2012, farm use is currently not occurring on this parcel.

Due to existing size, ownership, and residential development, abutting properties do not generally have the ability to be used for resource purpose; therefore, the proposed development will not significant increase the cost of, or force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use.

That said, any non-farm use could potentially change or increase the cost of accepted farm or forest practices if it creates interference with existing farm or forest practices by complaining about and/or threatening legal action over farm practices. It must be recognized that it is impossible to prove with certainty that a met tower or other non-farm use will not conflict with nearby resource uses. It is possible, however, to evaluate the likelihood of potential conflicts and make a reasonable conclusion regarding potential changes to or increases in costs for resource practices based on review of factual evidence. To minimize potential conflicts between the proposed single family dwelling and potential farm uses, a condition is included requiring the owner to sign and record a Farm-Forest Management Easement prior to receiving zoning approval on a building permit Attachment F).

Section 5.030, Conditions
Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding permitted uses as are necessary to fulfill the general and specific

purposes of this Ordinance may be imposed in approving an application, pursuant to Section 2.110.D.

Finding: Conditions are imposed throughout this report to ensure that the proposed single family dwelling and shed is compatible with surrounding permitted uses.

D. Chapter 6 – Variances

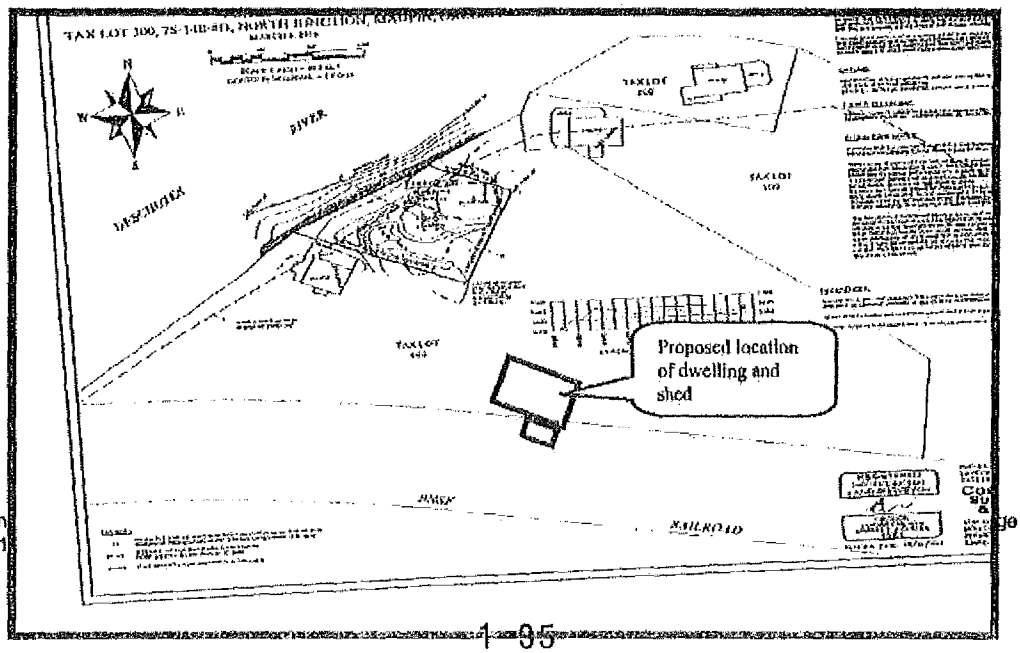
Section 6.020 allows a variance from regulations to dimensional standards defined in Section 3.210.F.1 provided all of the following circumstances are met:

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

Findings: The request complies with criterion (a).

- The subject property is located in the A-1 (160) zone. The required setback to adjacent properties in the A-1 (160) zone varies depending upon use of the adjacent lands. As previously mentioned, TL 300, is surrounded to the east, south and west, by properties that are also zoned A-1 (160) but are not, nor have been utilized for agricultural production within the last 50 years, therefore a 100' setback is required from theses property lines. The Deschutes River (designated as fish bearing by the Oregon Department of Fish and Wildlife) is located on the western property line, therefore a 100' setback is required from the property line to the west.

- The subject property is a legally created .25 acre parcel. There are no structures currently located on the property.



As seen in the figure above, above, the proposed structures will be deficient from setback standards relating to all property lines:

	Required Setback (Agricultural and Waterway)	Proposed Setback	Meet Requirement
Front (east)	100'	25'	NO
Side (north)	100'	25'	NO
Side (south)	100'	25'	NO
Rear (west)	100'	50	NO

- As can also be seen from the figure above existing development located on neighboring properties is located on all sides of TL 300 (the subject parcel) in nearly the same manner/location as the proposed dwelling.

- As indicated below numerous past actions made by the planning department and planning commission have granted permission to construct and make alterations to residential development in this area (this may not be a comprehensive list of all land use actions occurring in this area but includes a majority):

Property Owner	County Land Use Action	Type of Action	Approved
Harlow	QJR-10-08-0003	Variance to required setbacks	yes
Knackl	BP-96	Replacement dwelling due to flooding	yes
	CUP-07-119/VAR-07-109	Variance to required setbacks	yes
Hartung	CUP-85-107	Non-farm dwelling, variance to required setbacks	yes
	APL-85-105	Appeal to CUP-119 (request for neighboring parcel to place a non-farm dwelling	Approval upheld
	LOC96	Floodplain Reconstruction, variance to required	yes

Property Owner	County Land Use Action	Type of Action	Approved
		setbacks	
	ENF-84-106	Alteration to Pre-Existing Conditional Use	yes
	CODENF-09-07-0005	Illegal structure	yes
Wilson	CUP-85-119	Non-farm dwelling and variance to existing setbacks	yes

- Shape: As previously mentioned the subject parcel is .25 acres in size, which makes it not very realistic to achieve required setbacks from any side.

- Existing Topography/ Flood History: The North Junction area flooded in 1996. Adjacent properties were given permission to replace the dwellings that were destroyed during this flood event within a certain timeframe. All proposed development is conditioned to be anchored and placed a minimum of 1' above the base flood elevation.

- Accessory Structures: As such staff has evaluated the application and determined that the proposed location of the accessory structure meets criterion a., exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity which result from the lot size or shape, topography, or other circumstances over which the property owner since the enactment of this Ordinance has had no control, based on the size of the parcel, the location of the proposed dwelling and accessory structure and the analysis of existing nearby development.

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

Findings: The request is consistent with criterion (b).

- The requested placement of a dwelling and accessory structure on TL 300 are allowable uses in the Exclusive Farm Use Zone. Staff research of County Tax Assessor records and a site inspection on August 21, 2012 found that one of the six (6) adjacent tax lots may be currently employing farm use on their property.

- Wasco County Assessor data indicates that four (4) of the adjacent properties contain multiple dwellings and accessory structures ranging in size from 200 to 1,248 square feet in size and that none of these structures have been denied based on the inability to meet required setbacks existing at the time of the review.

- With this in mind, staff finds that the requested variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other nearby property owners.

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

Findings: The request is consistent with criterion (c).

- Section 1.020 of the LUDO defines the purpose of the Ordinance, in part; as being the promotion of public health and safety, and to encourage the most appropriate use of land.
- Specifically, setback standards for developments are in place to assist in the protection of public health and safety.
- The applicant has requested to locate a dwelling and accessory structure in an area that is contained within an existing cluster of nearby development that also do not meet today's property line setback requirements.
- Locating the accessory structure elsewhere on the property would position the dwelling closer to the river and therefore increase the possibility of erosion and flood hazard danger.
- With this in mind staff concludes that the requested variance does conform to the intent of this ordinance and will not be materially detrimental to property in the vicinity, or otherwise conflict or impose a foreseeable conflict with the Wasco County Comprehensive Plan.

d. The variance request is the minimum variance which would alleviate the difficulty.

Finding: The request is consistent with criterion (d).

- The requested variance is for 75 percent (75 feet) of the required setback on three sides and 50 percent (50 feet) from one side (the river side) of the property. As outlined below in (e), the applicant's necessity for a variance is based on environmental considerations and the location of the existing structures and infrastructure constraints currently present on the subject parcel.

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

Findings: The request is consistent with criterion (e).

- As previously discussed, TL 300 was created in its current dimension on June 9, 1971 through a deed filed with Wasco County as 71-0815. Additionally, it should be noted that Wasco County approved the construction of two dwellings and multiple accessory structure in nearly the same location since 1980.
- Staff finds that considering the existence of existing nearby residential development, the ability for the proposal to meet flood hazard standards, water,

fires safety (see Chapter 10 below) and septic needs, the requested variance is not the result of a self-created hardship, and therefore complies with criterion e.

D. Chapter 10 – Fire Safety Standards

1. Section 10.110, Siting Standards – Locating Structures for Good Defensibility
2. Section 10.120, Defensible Space – Clearing & Maintaining a Fire Fuel Break
3. Section 10.130, Construction Standards for Dwellings and Structures – Decreasing the Ignition Risks by Planning for a More Fire-Safe Structure
4. Section 10.140, Access Standards – providing safe access to and escape from your home
5. Section 10.150, Fire Protection or On-Site Water Required – Ensuring Dwellings Have Some Fire Protection Available Through Manned or Unmanned Response.
6. Section 10.220, Modification of Fire Safety Standards

Findings: With conditions and a recommendation, 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.

- During a site visit to the subject parcel on August 21, 2012, staff verified that the proposed single family dwelling and shed are not able to comply with all fire safety standards, therefore modifications to fire safety standards are required.

- 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 planning department under Files PLAQJR-12-08-0001. A condition making current and future owners aware of this is included.

- The proposed development cannot meet all of the required fire safety standards.

- The requested development is unable to comply with the required maintenance of the 50' fire fuel break listed in Section 10.120; the proposed development site places development in areas that are less than 50' from adjacent property boundaries.

- The requested development (as proposed) cannot comply the requirements listed under Section 10.140 Access standards. The location of the proposed development is in an area inaccessible by fire truck.

6. Section 10.230, Fire Safety Mitigation Plan

The applicant was required to compile a list of proposed modifications to fire safety standards. The following are the applicant's proposed modifications to Fire Safety Standards:

Fire Mitigation Plan Prepared by Gabriel Watson, February 19, 2011

Background:

Application for permit to build recreational cabin at aforementioned location is contingent upon recommendation from State Fire Marshal with regard to Fire Safety Standards, Wildfire mitigation, and Life Safety. Cabin is to be occupied on seasonal basis, average of 40 days per year. Structure is to be built using heavy-timber (lodge) type materials. Dual egress from each living space is to be maintained via window, and door. Many of the rooms will have greater than two points of egress.

Modification of Fire Safety Standards

A. Maps (See attached)

1. *Site Description:*
   Site is approximately .25 acre parcel located adjacent to the Deschutes River. Site is non-sloping land with minimal fuel load. Majority of ground is either rocky or soil. See attached Map. Site has several mature White Alder trees native to the Deschutes River riparian zone and three (3) mature Poplar trees. Site is well hydrated as per proximity to the Deschutes River. Wind is generally in the late afternoon and originates from the river facing side. North Junction, area upon which site is located, is peninsula surrounded on three sides by Deschutes River with railroad track on the remaining side. River and railroad tracks create substantial fire breeks protecting entire North Junction area from wildfire.

2. *Site falls outside of formal fire protection district. Access Road is maintained by the Deschutes Club. Deschutes Club maintains two (2) fire Apparatus; (1) Water Tender, with ~2000 gallon capacity; and (1) Brush Rig, with ~250 gallon storage and ~100 g.p.m. flow capacity. These apparatus are available for fires occurring along Deschutes Club access road. Apparatus are of appropriate size to access site despite limited clearance on access road.*

The intent of this proposal is to provide for a more fire-safe structure, and the ability to mitigate incipient stage wildfire starts on area surrounding proposed dwelling.

B. Statement of Need:
Fire safety standards require modification due to site size and location. Applicants have been unable to obtain easement from adjacent property owner to maintain vegetation in a fire-wise fashion despite several attempts. Remote location of proposed dwelling limits availability of fire protection.

C. Risk Assessment
Additional risk from proposed dwelling is minimal. Proposed dwelling will be constructed to meet fire safety standards. On-site protective measures and firefighting capacity will be superior to adjacent properties and will provide greater level of protection against incipient phase wildfires than is currently available. Stored water, standpipe, and wildland hose will be available to adjacent property owners during wildland fire season.

D. Additional Actions to Minimize Risks

PROPOSED PLAN for ON-SITE FIRE PROTECTION

1. Maintain fire fuel breaks to property line as required by Section 10.120 of Wasco County LUDO. Site is not large enough to accommodate alternative placement of proposed dwelling to allow for full 50' fire fuel break on all sides. Placement of structure on lot is such that 50' fuel break will be maintained on windward (river facing) side of structure.
2. Proposed dwelling will be constructed as per all specifications for fire protection in Section 10 of Wasco County LUDO.
3. Exterior of proposed dwelling will be constructed using James Hardie, Hardiplank lapsiding, Hardipanel siding, Harditex baseboard, and Hardishingle cladding shingles; consistent with 60 minute rated wall assembly designs. These products comply with ASTM-C1186 Standard Specification for Grade II, Type A, Non-Asbestos Fire-Cement Flat Sheets.
4. Thermal windows will be used on sides of structure where full 50' fire fuel break cannot be maintained. Window size will be limited. Shutters constructed of fire resistive materials will be maintained on all ground level windows.
5. Roof will be metal and have UL Class A Rating.
6. Hose bibs will be installed and maintained on all four sides of proposed dwelling.
7. Redundant water supply will be maintained: 1) Deschutes River; surface water can be used without permit for emergency firefighting purposes per Oregon Water Resources Department Aqua Book 2) 2000 gallon on site water storage with 1hp centrifugal pump.
8. Owners will purchase 200' of 1" single jacket wildland firefighting hose, with adapters to ensure compatibility with standpipe, hose bibs, and centrifugal pump discharge port. Hose will be maintained in an exterior hose locker for rapid deployment.

7. Section 10.240, Review of Requested Modification(s)

- As previously mentioned the subject parcel is located within the State of Oregon Fire Marshal's jurisdiction. Ted Megert is the County's Deputy State Fire Marshal. Mr. Megert reviewed the applicant's proposed fire safety migrations and agreed with the proposed mitigations to fire safety, in addition, suggested the following: The applicant should install a 13-D life safety fire sprinkle system supplied by a 300 gallon tank.

  Staff concurs with the Fire Marshall Megert, and, in addition, makes it conditional that the applicant installs and continuously maintains an emergency-use water pump along the Deschutes River to be used for fire related emergencies only. Therefore, the conditions of approval related to fire safety are the following:

  1. Placement of structure on lot is such that 50' fuel break will be maintained on windward (river facing) side of structure.
  2. Proposed dwelling will be constructed as per all specifications for fire protection in Section 10.130 of Wasco County LUDO.
  3. Exterior of proposed dwelling will be constructed using James Hardie, Hardiplank lapsiding, Hardipanel siding, Harditex baseboard, and Hardishingle cladding shingles; consistent with 60 minute rated wall assembly designs. These products comply with ASTM-C1186 Standard Specification for Grade II, Type A, Non-Asbestos Fire-Cement Flat Sheets.
  4. Thermal windows will be used on sides of structure where full 50' fire fuel break cannot be maintained. Window size will be limited. Shutters constructed of fire resistive materials will be maintained on all ground level windows.

5. Roof will be metal and have UL Class A Rating.
6. Hose bibs will be installed and maintained on all four sides of proposed dwelling.
7. Redundant water supply will be maintained: 1) Deschutes River; surface water can be used without permit for emergency firefighting purposes per Oregon Water Resources Department Aqua Book 2) 2000 gallon on site water storage with 1hp centrifugal pump.
8. The owner will purchase 200' of 1" single jacket wildland firefighting hose, with adapters to ensure compatibility with standpipe, hose bibs, and centrifugal pump discharge port. Hose will be maintained in an exterior hose locker for rapid deployment.
9. The owner shall install a 13-D life safety fire sprinkle system supplied by a 300 gallon tank.
10. The applicant shall install and continuously maintain an emergency-use water pump along the Deschutes River to be used for fire-related emergencies only.
11. The applicants shall supply evidence that all of these conditions are met prior to staff's signature on a building permit application.

ADDITIONAL PLANNING DEPARTMENT COMMENTS

- It is recognized that the application and application process was not necessarily polished and continuous. A lot of this had to do with changes in planning department staffing resources.

- The notice by the Department of Justice to possibly withdraw the approval of the Watson application is a very important consideration. This would allow for further understanding and research into the Deschutes River Scenic Waterway rules intent when it was derived and put into legislation.

- A more detailed site plan is warranted demonstrating better parking and septic/sanitation conditional approval. Staff will likely also research the access deed in more detail before the planning commission hearing.

- Simply, the application can be separated into 2 core topics (Use and Site Plan Conditions):

  1) Use – Is the proposed new non-farm dwelling a permitted and allowed use? As discussed this needs to be further evaluated due to recent comments received by the state.

  2) Site Plan Conditions – In consideration of the size of the parcel (.25 acres) the site plan was not very detailed. However, it if felt all the specific issues associated with a new non-farm dwelling identified in the staff report can be addressed and appropriately mitigated.

V. PUBLIC COMMENTS: Surrounding property owners and interested agencies were provided notice of this request (August 9th, 2012) and given over 12 calendar days to submit comments. The comments received prior to publishing of this report are contained in Attachment H:

ATTACHMENT D- STAFF REPORT

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.

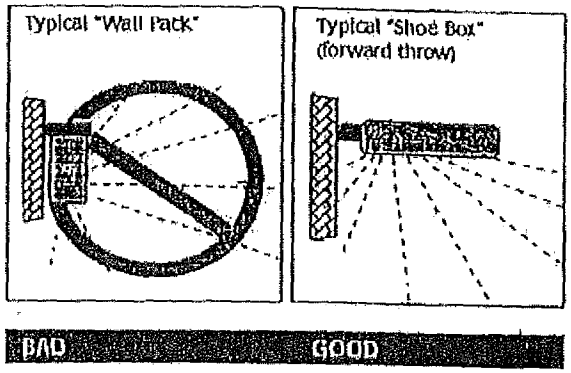
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

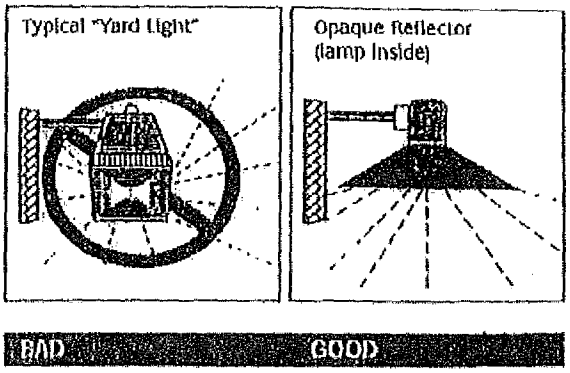
Sky Glow Rays that beam uselessly above the horizon create murky skyglow – the "light pollution" that washes out our view of the stars.

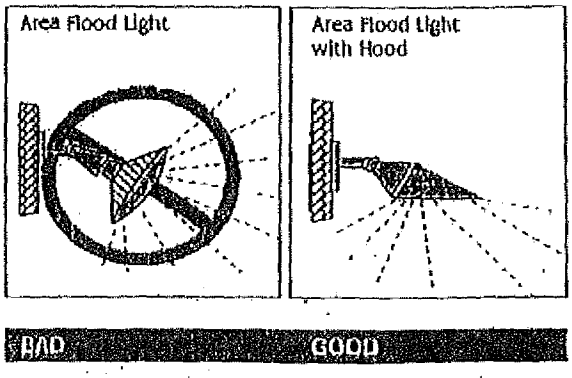
How do I switch to good lighting?

#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







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

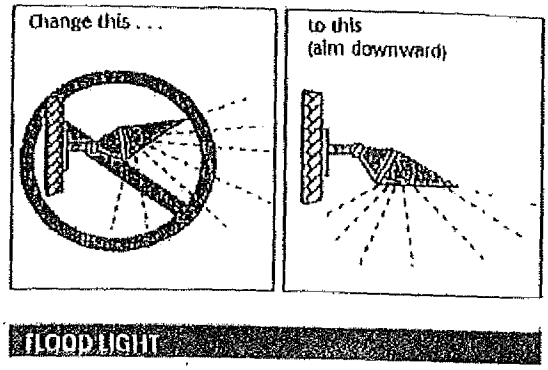
2. Aim lights down. Choose "full-cutoff shielded" fixtures that keep light from going uselessly up or sideways. Such fixtures produce minimum glare. They create a pleasant-looking environment. They increase safety because you see illuminated people, cars, and terrain, not dazzling bulbs.
3. Install fixtures 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.

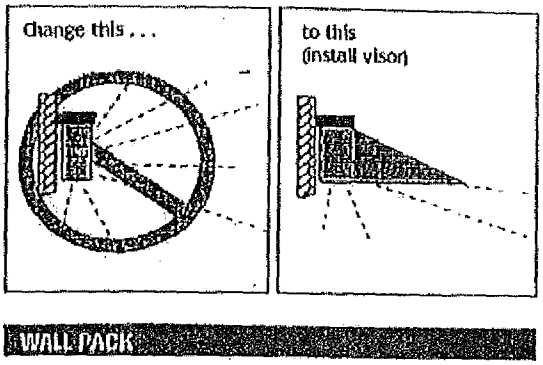
   Properly aimed and shielded lights may cost more initially, but they save you far more in the long run. They can illuminate your target with a low-wattage bulb just as brightly as a wasteful light does with a high-wattage bulb.
4. Choose energy-efficient low-pressure sodium (LPS) or high-pressure sodium (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!

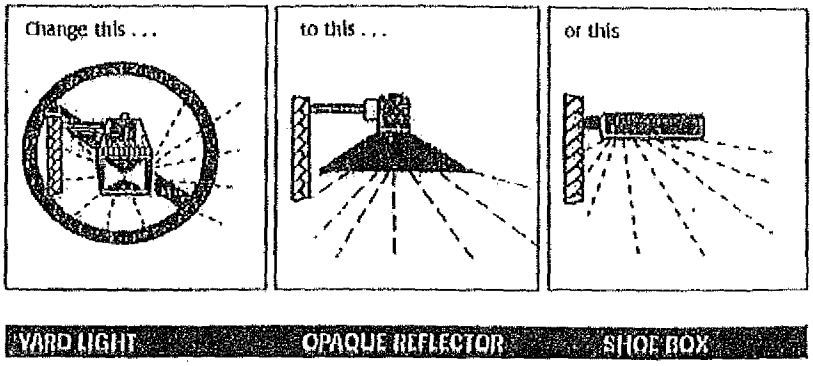
Replace bad lights with good lights.

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







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

ATTACHMENT F - FOREST-FARM MANAGEMENT EASEMENT

Owner Name: _____

_____

Mailing Address: _____

_____

_____

_____

_____, herein called the Grantors, are the owners of real property described as follows:

Township 7S, Range 14E East W.M., Section(s) 8 D,
Tax Lot(s) 300; Assessor Account(s)12783.

In accordance with the conditions set forth in the decision of Wasco County Planning Staff, dated _____, approving a _____ (File #_____) to _____

In consideration of such approval, Grantors hereby grant to the Owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

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1. The Grantors, their heirs, successors, and assigns hereby acknowledge by granting of this easement that the above described property is situated in an Exclusive Farm Use/ Forest/Forest-Farm zone in Wasco County, Oregon, and may be subjected to conditions resulting from farm or forest operations on adjacent lands. Farm operations include, but are not limited to, the raising, harvesting and selling of crops or the feeding, breeding, management and sale of livestock or poultry, application of chemicals, road construction and maintenance, and other accepted and customary farm management activities conducted in accordance with Federal and State laws. Forest operations include, but are not limited to reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash, and 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 Grantors' property for residential purposes. Grantors hereby waive all common law rights to object to normal and necessary farm or forest management activities legally conducted on adjacent lands which may conflict with grantors' use of grantors' property for residential purposes and grantors hereby give an easement to adjacent property owners for such activities.

2. Grantors shall comply with all restrictions and conditions for maintaining residences in the Exclusive Farm Use/Forest/Forest-Farm zone that may be required by State and local land use laws and regulations.

This easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantors have executed this easement on _____, 201___.

_____
Titleholders Signature

_____
Titleholders Signature

STATE OF OREGON)
COUNTY OF WASCO)

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

_____
Notary Public for Oregon

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

March 5, 2012

Gabriel A. Watson
3215 NE Klickitat
Portland, OR 97212

Re: Notification File No.: 2-184-10
Property Location: T7S R14E Section 00 Taxlot 300

The Oregon Parks and Recreation Commission grants its approval to Gabriel Watson for the construction of a recreational dwelling and shed on legal parcel 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. In no case shall debris, silt or other materials will be allowed to reach the waters of the 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.
4. Newly planted trees shall be maintained (watering, mulching, and browse protection) for five years minimum until fully established.
5. All Wasco County permits shall be secured prior to any work commencing.

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

CC: Jeanette Montour, Wasco County Planning

End

ATTACHMENT H- PUBLIC COMMENTS

Name	Date	Relationship
Jim Harlow	August 26, 2012	Interested property owner
Tim Lillebo Oregon Wild 16NW Kansas Ave Bend, OR 97701	Received August 24, 2012	Interest in the area
John Hartung 1025 SE Sandy Blvd Portland, OR 97214	August 23, 2012	Adjacent Property Owner
Greg Ciannella, Program Coordinator Oregon Parks and Recreation Department	August 23, 2012	Scenic Waterways comment
Kennith Klarquist, Jr. Zalutsky, Klarquist and Reinhart 215 SW Washington St. 3rd FL Portland, OR 97204	August 23, 2012	Interest ownership in an adjacent property
David Symes 15213 SW Ashley Dr Tigert, OR 97224	August 20, 2012	Interest ownership in an adjacent property
Michael Moody, Representative of The Native Fish Society 211 Molalla Ave, Suite 100 Oregon City, OR 97045	August 20, 2012	Interest in the Deschutes River
Mark Whitlow 1120 NW Couch St., Tenth Floor, Portland OR 97209	August 19, 2012	Attorney for Douglas Robertson, an adjacent property owner
Tyrell Vance undisclosed	August 19, 2012	Adjacent property owner
Sandra Kindley 5241 Windsor Terrace West Lynn, OR 97068	August 18, 2012	Member of the Deschutes Club
Doug Robertson 29 Hillshire Dr. Lake Oswego, OR 97034	August 17, 19, 22, 2012	Adjacent property owner
John Pavelich 3343 Pioneer Drive SE Salem, OR	August 17,2012	Frequent visitor to the area
Jay Beckstead, MD 217 So. Modoc Ave. Medford, OR 97504	August 17, 2012	No Indication
Greg Ciannella, Program Coordinator Oregon Parks and Recreation	March 5, 2012	Scenic Waterways comment

ATTACHMENT H- PUBLIC COMMENTS

Department		
Ted Megert, Deputy State Fire Marshal	August 18, 2011	Fire Safety comments

WASCO COUNTY

Jeanette Montour< jeanettem@co.wasco.or.us>

RE Watson North Junction Application

1 message

JimInKeys@aol.com< JimInKeys@aol.com> Sun, Aug 26, 2012 at 8:04 PM
To: jeanettem@co.wasco.or.us

Dear Jeanette

Please add my name to the list of people who have "Party Status" for this matter, Thank you,

Sincerely

Jim Harlow
517 Sanrodee Dr SE
Salem, OR
97317

August 22, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

Oregon Wild has spent nearly 40 years working to protect Oregon's forests, rivers, deserts, fish and wildlife. Oregon Wild was involved in supporting and passing the State Scenic Waterways and Federal Wild and Scenic River designations for the Deschutes River. We are concerned that regulations and laws be carefully followed in the management of the Deschutes and other Oregon Scenic Waterways and Wild and Scenic Rivers. We want to be sure that all proposed developments in our Scenic Waterways be treated equally and follow the letter of the law. This letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter a part of your hearing record.

The proposed dwelling should not be allowed or is too large for the small site. We believe that the proposal from the new owners of the very small parcel of land to build a two-story; two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act or, alternatively, is too intensive for that site in many ways. This position is based on the information below.

The Deschutes River Scenic Waterway administrative rules for this reach of the river state that: "Additional dwellings...are not permitted". See attached copy. The site has never had a dwelling on it, except for the old RR caboose which was placed there in 1958 and which was washed off the site in the 1996 flood. Everyone was given six months after the flood to replace their grandfathered dwellings. The owner of this site at the time elected not to do that, so the grandfathered right to have the caboose as a dwelling on that site was lost.

If they are somehow allowed to erect a new dwelling at this late date in spite of the above, the proposed, two-story, two-family dwelling and storage shed are too large for the small .25 acre site. They leave no room for the required setbacks, including the required 50' fire fuel break around the structures, they have inadequate room for a septic field, they have no access or utility easements, and they are providing no room for vehicle parking on their site.

If allowed a dwelling, they are asking to push the limits of the Code with requests for variances and modifications:

- from the required 100' setbacks from all property lines (to only 25' on the side property lines; and
- from the required fire safety standards for a 50' wide fire fuel break around the proposed dwelling and shed to some alternative fire suppression system with an automatic sprinkler system that would be certain to fail in a fire where the power would be lost.

We want neighboring landowners to work together, but the application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place.

Based on the above, we request that the application be denied. Thank you for your attention to this important matter.

Respectfully submitted,
Tim Lillebo

Oregon Wild
16 NW Kansas Ave
Bend, Oregon 97701
W 541 382-2616

WASCO COUNTY

Jeanette Montour< jeanettem@co.wasco.or.us>

Scenic Waterway review - Watson

3 messages

Greg Ciannella< greg.ciannella@state.or.us> Thu, Aug 23, 2012 at 4:48 PM
To: jeanettem@co.wasco.or.us

Hi Jeanette,

The Department of Justice (DOJ) has reviewed the Watson application in conjunction with the rules and regulations of the Oregon Scenic Waterway Program for the Lower Deschutes.

The DOJ has recommended park staff request the Oregon Parks Commission to withdraw the approval of the Watson application, to reconsider the application. The Oregon Parks Commission meets next week, and will likely vote in favor of this approval withdraw.

This withdraw is not a denial of the Watson's application. Rather, it allows for further understanding and research into the rules intent when it was derived and voted into legislation. It allows the Watson's the opportunity to prove they are allowed to have a dwelling on the property.

The OPRD hopes to have a final decision on the Watson application during its November meeting

Contact me with any questions. I'll follow up when I learn more.

Greg

Greg Ciannella
Natural Resource Specialist
OPRD Region 3 (Central/Eastern Oregon)
1645 NE Forbes Road Ste 112
Bend, OR 97701-4990

Office: 541.388.6236
Cell: 503.580.2434
Hours: M-TH 7a.m - 5:30p.m

Jeanette Montour< jeanettem@co.wasco.or.us> Thu, Aug 23, 2012 at 8:42 PM
To: John Roberts <johnr@co.wasco.or.us>

Hi John,

This just came in..
[Quoted text hidden]
--
Jeanette Montour
Senior Planner
Wasco County Planning and Development

August 23, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

This letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family.

I own Tax Lot 400 at North Junction that is adjacent to three sides of the Watson property proposed for development.

I want to work with our neighbor, but the application has been submitted without many of the agreements that should be required for it to go forward. Some of my concerns are as follows:

1. The size of the proposed building on the lot; it is **over-sized** at 47 x 30 feet, the height will be about 40 feet with the required piers.
   For scale, the adjacent cabin on my property is about ½ that size. Variance # 3c. states that with the limitation of lot size this is a "Conservative dimension of development".

2. The Access Standards are not clear per Section H.
   The easement has been unused by the previous owner since before the flood of 1996 and the access route is undetermined.

3. We do not know the specific size & location of the septic drain field.
   The actual drain field layout will likely change the Setback distance from dwelling to river as stated in the application Variance #2.

4. Parking and driveway is problematic in the area for the number of people & vehicles this dwelling is meant to accommodate.
   I am concerned about spill-over onto my adjacent land.

These are a few of the issues that would need to be defined in order to make an informed decision on the merits of this project.

I believe there is reason to fully define this project more formally and have it comply with the intent of the law.

Please grant me party status and provide me with a copy of your staff report.

Respectfully submitted,

John Hartung
1025 SE Sandy Blvd.
Portland, 97214
(503) 780-7040

ZALUTSKY, KLARQUIST & REINHART, P.C.
ATTORNEYS AT LAW

KENNETH S. KLARQUIST, JR.
Admitted in Oregon & Washington

THE WALDO BLOCK
215 SW WASHINGTON ST 3RD FL
PORTLAND, OREGON 97204
(503) 248-0300
FAX (503) 274-8302
E-MAIL SKIP@ERISALAW.COM
WWW.ERISALAW.COM

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AUG 22 2012
WASCO COUNTY PLANNING

RECEIVED
AUG 22 2012
WASCO COUNTY PLANNING

August 22, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

I am a member of a partnership that owns land at North Junction. This letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a 0.25 acre lot in North Junction. Please make this letter a part of your hearing record.

The proposed dwelling should not be allowed as it violates both statutory and regulatory provisions. The proposed dwelling is too large for the small site. Regardless of size, the proposed two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act. Moreover, the proposed dwelling is too intensive for that site in many ways.

The Deschutes River Scenic Waterway administrative rules for this reach of the river state that: "Additional dwellings...are not permitted". See attached copy. The site has never had a dwelling on it, except for an old RR caboose, which was placed there in 1958 and which was washed off the site in the 1996 flood. After the flood, everyone affected was given six months to replace their grandfathered dwellings. The owner of this site at the time elected not to do that, so the grandfathered right to construct a new, replacement dwelling on that site was lost.

If the applicants are somehow allowed to erect a new dwelling at this late date in spite of the above, the proposed, two-story, two-family dwelling and storage shed are too large for the small 0.25 acre site. They leave no room for the required setbacks, including the required 50' fire fuel break around the structures, they have inadequate room for a septic field, they have no access or utility easements, and they are providing no room for vehicle parking on their site.

If allowed a dwelling, they are asking unreasonably to push the limits of the Code too far with requests for variances and modifications:

- from the required 100' setbacks from all property lines (to only 25' on the side property lines; and
- from the required fire safety standards for a 50' wide fire fuel break around the proposed dwelling and shed to some alternative fire suppression system with an automatic sprinkler system that would be certain to fall in a fire where the power would be lost.

I want to work with our neighbor, but the application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place.

Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Respectfully submitted,

Kenneth S. Klarquist, Jr.

(A) The operation complies with the relevant Forest Practices Act rules;

(B) Harvest and management methods with low visual impact are used;

(C) The harvest or vegetation management does not degrade the riparian buffer of any waterway; and

(D) The harvest or vegetation management is designed to enhance the scenic view within a reasonable time (5–10 years). For the purposes of this paragraph, "enhance" means to benefit forest ecosystem function and vegetative health by optimizing forest stand densities and vegetative composition, fostering forest landscape diversity and promoting sustainable forest values.

(i) Improvements needed for public outdoor recreation use or resource protection may be visible from the river but shall be primitive in character and designed to blend with the natural character of the landscape.

(j) Proposed utility facilities shall share existing utility corridors, minimize any ground or vegetation disturbance, and employ non-visible alternatives when reasonably possible.

(k) Whenever the standards of OAR 736-040-0035 and section (2), subsections (c) through (j) of this rule are more restrictive than the Grant County Land Use and Development Ordinance, the above Oregon Administrative Rule shall apply.

Stat. Auth.: ORS 390.124
Stats. Implemented: ORS 390.845(2)
Hist.: PRD 10-2003, f. & cert. ef. 9-1-03

736-040-0070
Deschutes River Scenic Waterway

(1) Deschutes River Scenic Waterway Recreation Area:

(a) ORS 390.932 creates the Deschutes River Scenic Waterway Recreation Area. ORS 390.934 directs the Department to adopt a management plan by rule to administer the Deschutes River Scenic Waterway Recreation Area. ORS 390.124 authorizes the Commission to adopt rules to carry out the duties, functions and powers imposed by law upon the Commission and the Department.

(b) Pursuant to ORS 390.934, the Commission adopts by reference the Lower Deschutes River Management Plan and Environmental Impact Statement, Volume 1 (January 1993), and the Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System, (June 1997) as the management plan for the Deschutes River Scenic Waterway Recreation Area. Copies of the Lower Deschutes River Management Plan and the Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System are available from the Oregon Parks and Recreation Department, 725 Summer St N.E., Suite C, Salem, OR 97301.

(c) The state managing agencies, including the Department, Department of Fish and Wildlife, Oregon State Marine Board, and Oregon State Police and the local managing agencies, including Sherman, Wasco and Jefferson Counties and the City of Maupin shall perform their management responsibilities relating to the Deschutes River Scenic Waterway Recreation area according to the management plan adopted by this rule and ORS 390.805 to 390.925 and 390.930 to 390.940.

(d) The Confederated Tribes of Warm Springs and the Bureau of Land Management are encouraged to exercise their jurisdiction and to manage their lands in a manner consistent with the management plan adopted by section (3) of this rule and with ORS 390.805 to 390.925 and 390.930 to 390.940.

(2) 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.

(b) Within the Recreation River Area described in subsection (2)(a), the Department may not permit any new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection.

(c) Additional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels and lodges which are visible from the river, will not be permitted.

(3) River Community Areas:

(a) The segment of the scenic waterway extending from Pelton Re-Regulating Dam downstream approximately four miles to 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, is classified as a River Community Area. The shoreline and related adjacent lands opposite the City of Maupin, as its boundaries were established on December 3, 1970, is likewise classified as a River Community Area.

(b) Within the River Community Areas described in subsection (3)(a), when consistent with Jefferson County and Wasco County zoning ordinances, the Department may permit uses and structures including agriculture, single-family and multiple-family dwellings, churches, lodges, resorts, motels, transient public trailer parks, and necessary public service facilities. The Commission may establish permitted densities of improvements and structures which are visible from the river after consultation with the appropriate county planning commission, the State Fish and Wildlife Commission, the U.S. Bureau of Land Management, the City of Maupin or the Warm Springs Confederated Tribes and such other persons and agencies as the Commission may select.

(4) Public use of the Deschutes River Scenic Waterway:

(a) Policy: The Commission finds that in order to protect and enhance the Deschutes River Scenic Waterway's unique aesthetic, scenic, fish and wildlife, scientific and recreational features, and because these outstanding and unique features caused this river segment to be designated by the people of Oregon as a scenic waterway, it is necessary to adopt rules for public recreation use of the lands and waters within this scenic waterway area. These rules have as their basis the need to protect and preserve the waterway's outstanding scenic beauty and natural features while maintaining the river's wide range of recreational opportunities. Therefore, in accordance with the management requirements of ORS 390.845, the following rules shall be adhered to by persons using the Deschutes River Scenic Waterway for recreation purposes. These rules are in addition to other rules of the Commission promulgated for the management of all scenic waterways. Where more restrictive or specific than the general rules, these rules will prevail over the general rules except in the instance of private property owners where only OAR 736-040-0035 (Rules for Land Management) or this rule shall apply.

(b) Restricted Areas:

(A) All persons using the Deschutes River Scenic Waterway shall be advised that the Confederated Tribes of the Warm Springs Reservation of Oregon have closed all Reservation lands to public use except by permit. This closure, enacted by the Confederated Tribes, also affects all islands west of the middle of the river between the Pelton re-regulating dam and the north boundary of the Reservation near Two Springs Ranch at the power boat deadline.

(B) All persons using the Deschutes River Scenic Waterway shall be advised that the Confederated Tribes of the Warm Springs Reservation of Oregon own the east and west banks of the Deschutes River between Sandy Beach and the State Route 16 bridge crossing downstream from Sherars Falls. Sandy Beach shall be the last designated boat take out upstream from Sherars Falls. The banks of the Deschutes River from Sandy Beach downstream to the State Route 16 bridge crossing, including the former take out on the west bank of the Deschutes River immediately upstream from Sherars Falls, shall be closed to boat put in or take out. Plan at page 74.

(C) All persons using the Deschutes River Scenic Waterway shall be advised that the Deschutes River from the upstream end of Rattlesnake Rapids at about river mile 2.5 and extending downstream to the no wake zone at the downstream end of Moody Rapids at about river mile .5 is a pass through zone. All floating craft, except float tubes, shall pass through this segment of river and shall not stop along or tie up to the riverbank except in the event of an emergency. Plan at pages 58-60.

(D) Nothing in these rules gives to any person any right to trespass on the private property of others or in any way alters the rights of private property owners in regards to trespass.

WASCO COUNTY

Jeanette Montour< jeanettem@co.wasco.or.us>

Watson Project at North Junction, File PLAQJR-12-08-0001

2 messages

Symes, David P. R. < david.symes@ogletreedeakins.com> Wed, Aug 22, 2012 at 12:44 PM

To: jeanettem@co.wasco.or.us, wcplanning@co.wasco.or.us

Hello Ms. Montour,

Yesterday, I mailed the attached letter to you relating to the above proposed application at North Junction. After mailing my comments, I came to understand that the County may require commenters to have "party status" in order to comment on the proposed application at North Junction.

In the event such status is required, I write to inform you that I own an undivided 1/4 interest in 280 acres of land on the south side of the railroad tracks, described as follows: Northwest quarter of northeast quarter, South half of the northeast quarter, and the Northwest quarter of Section 16, Township 7 South, Range 14 East of the Willamette Meridian, which is an adjacent property. I also have a leasehold interest in the property owned by Met Wilson and others known as Road's End, which is also an adjacent property.

I request party status because my property interests are within the notification area of the proposed application.

My home telephone number is 503.524.6402.

Please accept my letter as my comments on the proposed application.

Sincerely,
David Symes

David P.R. Symes | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
222 SW Columbia Street, Suite 1500 | Portland, OR 97201 | Telephone: 503-552-2141 | Fax: 503-224-4518
david.symes@ogletreedeakins.com | www.ogletreedeakins.com

This transmission is intended by the sender and proper recipient(s) to be confidential, intended only for the proper recipient(s) and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you are not the intended recipient(s) you are notified that the dissemination, distribution or copying of this message is strictly prohibited. If you receive this message in error, or are not the proper recipient(s), please notify the sender at either the email address or telephone number above and delete this email from your computer. Receipt by anyone other than the proper recipient(s) is not a waiver of any attorney-client, work product, or other applicable privilege. Thank you.

Unless expressly stated to the contrary herein, (a) Nothing contained in this message was intended or written to be used, can be used, nor may be relied upon or used, by any taxpayer for the purpose of avoiding penalties that could be imposed upon the taxpayer under the Internal Revenue Code of 1986, as amended; and (b) Any written statement contained herein relating to any federal tax transaction or issue may not be used by any individual or entity to recommend or support the promotion or marketing of any such transaction or issue.

Letter to Wasco County Planning Office.pdf
60K

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wcplanning wcplanning< wcplanning@co.wasco.or.us> Wed, Aug 22, 2012 at 12:45 PM
To: Jeanette Montour <jeanettem@co.wasco.or.us>

[Quoted text hidden]

--

Brenda Jenkins
Planning Coordinator

Wasco County Planning and Development
2705 East 2nd Street
The Dalles OR 97058

Letter to Wasco County Planning Office.pdf
60K

David P.R. Symes
15213 SW Ashley Drive
Tigard, Oregon 97224

August 20, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

RE: **Re: Gabriel Watson Proposed Project at North Junction**
File PLAQJR-12-08-0001

Dear Ms. Montour:

I own land at North Junction and write in response to the Notice of Administrative Hearing on the above-referenced land use application. For the reasons set forth below, I strongly oppose the application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter part of the record of administrative proceedings.

First, the proposed application violates the law. The Deschutes River Scenic Waterway administrative rules say that "[a]dditional dwellings . . . are not permitted." The proposed site never had a dwelling. I remember the site had an old caboose on it, but that washed away in the 1996 flood and was never replaced. Wasco County should be the protector of this Scenic Riverway by making sure applications are complete and comply with the law. It should not ignore regulations and allow incomplete applications that propose new dwellings which will mar the beauty of this riverway.

Second, the dwelling proposed in the application would flagrantly violate other Scenic Waterway regulations. For example, to put a two-story, two-family structure on such a small parcel of land would mean there would be no room for a 50-foot fuel brake and no room for an adequate septic field. These are serious, safety-related deficiencies that variances will not cure. If the County allows this structure to be built in such clear violation of the law, will the County also responsible for damages that arise due to negligently approved fire setbacks and septic fields?

There are other obvious deficiencies with this application that warrant its denial. For example, the proposed application leaves no room for vehicle parking or other required easements, fails to explain how the new dwelling is compatible with the surrounding area, and does not address the new dwelling's significant adverse impact on the visual character of the area.

I mean no offense, but the County absolutely blew it by putting this incomplete and non-comforming application out for public comment. Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Sincerely,

David P.R. Symes

David P.R. Symes
15213 SW Ashley Drive
Tigard, Oregon 97224

August 20, 2012

RECEIVED
AUG 2 2 2012
WASCO COUNTY PLANNING

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

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I mean no offense, but the County absolutely blew it by putting this incomplete and non-comforming application out for public comment. Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Sincerely,

David P.R. Symes

WASCO COUNTY

Jeanette Montour< jeanettem@co.wasco.or.us>

Gabriel Watson Proposed Project at North Junction File PLAQJR-12-08-0001

1 message

Michael Moody< mike@nativefishsociety.org>
To: jeanettem@co.wasco.or.us

Mon, Aug 20, 2012 at 1:26 PM

NATIVE FISH SOCIETY

Advancing the Recovery of Native, Wild Fish In Their Homewaters"

August 21, 2012

Wasco County Planning Office

Attn: Jeanette Montour, Senior Planner

2705 East Second St.

The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

We are a conservation organization with a well-documented history of working to improve the fisheries and ecosystems of the Deschutes River. This letter is written in response to the above-referenced Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter a part of your hearing record.

Native Fish Society has an interest in making sure that the Wild and Scenic Rivers law is upheld in order to protect scenic and outstanding resource benefits. This site is right on the river bank and subject to floods. It is a small parcel of land that is pinched in among other sites. Approval of this would establish encouragement for others to exploit.

The proposed dwelling should not be allowed or is too large for the small site. We believe that proposal from the new owners of the very small parcel of land to build a two-story, two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act or, alternatively, is too intensive for that site in many ways. This position is based on the information below.

The Deschutes River Scenic Waterway administrative rules for this reach of the river state that: "Additional dwellings...are not permitted". The site has never had a dwelling on it, except for an old RR caboose which was placed there in 1958 and which was washed off the site in the 1996 flood. Everyone was given six months after the flood to replace their grandfathered dwellings. The owner of this site at the time elected not to do that, so the grandfathered right to have the caboose as a dwelling on that site was lost.

If they are somehow allowed to erect a new dwelling at this late date in spite of the above, the proposed, two-story, two-family dwelling and storage shed are too large for the small .25 acre site. They leave no room for the required setbacks, including the required 50' fire fuel break around the structures, they have inadequate room for a septic field, they have no access or utility easements, and they are providing no room for vehicle parking on their site.

If allowed a dwelling, they are asking to push the limits of the Code with requests for variances and modifications:

- from the required 100' setbacks from all property lines (to only 25' on the side property lines; and

- from the required fire safety standards for a 50' wide fire fuel break around the proposed dwelling and shed to some alternative fire suppression system with an automatic sprinkler system that would be certain to fail in a fire where the power would be lost.

This application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place.

Based on the above, we request that the application be denied. Thank you for your attention to this important matter.

Respectfully submitted,

Mike Moody

Michael Moody

Executive Director

Native Fish Society

221 Molalla Ave., Suite 100

Oregon City, OR 97045



Image001.png
7K

WASCO COUNTY

Jeanette Montour< jeanettem@co.wasco.or.us>

North Junction - Response to Watson's Land Use Applications

1 message

Whitlow, Mark (Perkins Cole) < MWhitlow@perkinscoie.com> Sun, Aug 19, 2012 at 4:59 PM

To: Jeanette Montour <jeanettem@co.wasco.or.us>
Cc: "robertsj@co.wasco.or.us" <robertsj@co.wasco.or.us>, Doug Robertson <dougr@easystreet.net>, "Vogel, Stephanie (Perkins Cole)" <SVogel@perkinscoie.com>

Jeanette,

This message is sent on behalf of Doug Robertson and will respond to the Watson applications now set for hearing on September 4th. Please make the message part of your record of proceedings.

-

The Application is Incomplete. The application does not submit the information required by Section 2.060, is not ready to proceed to hearing, and the hearing should be cancelled or rescheduled until a date after the applicant files the missing information regarding. Alternatively, the Planning Department should recommend denial of the applications for the same reasons:

Lack of Property Information: The Sewage section is left blank and needs to be completed. No one can determine whether the site plan works until the septic field is engineered and designed. With the general rocky nature of the soils in the area, it is anticipated that a much larger septic field area than the one scribbled on the not-to-scale sketch plan by the applicant. A detailed, to-scale site plan should be submitted based on a septic plan approved by the County's Sanitarian. Before that, the applicant is guessing as to what size dwelling and what location the dwelling can have on the site after the septic filed has been designed. The application omits the critical starting point for the application. It should be deemed incomplete or denied until this critical piece of missing information is submitted as the start point.

Lack of Detailed Structural Information: The applicant does not disclose the total square footage of the proposed dwelling regarding the size of the upstairs loft. That information is needed to access use impacts and calculate the size of the septic field. With the ground floor being 1410 sq ft, we assume that the loft is at least 600 sq ft, for a total building area of over 2,000 sq ft., plus a 216 sq ft shed.

Lack of Narrative Explaining How Criteria Are Satisfied. The application fails to provide any descriptive language that explains how the application addresses the applicable criteria. No narrative is attached and the applicant merely provides short conclusions in the body of the application form without any analysis of how the evidence submitted satisfies the applicable approval criteria. Moreover, the application fails to even fill in all of the blanks in the County's application forms and/or fails to submit the related evidence necessary for the County to review the application regarding several approval regulations, as required by Section 2.060:

I. Does Not Address Conditional Use Application Criteria. Under Section 5.020, the application fails to respond to the criteria of this section:

A. Consistency With Comprehensive Plan and Implementing Ordinances. The application fails to address how the proposal is consistent with the goals and objectives of the Comprehensive Plan and implementing ordinances of the County. Most specifically, the application fails to explain how the proposal to add a new dwelling to an area of the Deschutes River Scenic Waterway does not harm the natural value of the area, when the Scenic Waterway regulations applicable to this reach of the river state that: "Additional dwellings...shall not be permitted." Specifically, the application does not address:

Goal # 5, Policy 5 - Wild and Scenic Rivers. The application needs to provide the following missing information: notice to and comments from BLM and the Warm Springs Indian Reservation; a statement describing how the proposed recreational dwelling is otherwise customarily provided in conjunction with farm use within the visual corridor of the Deschutes Scenic Waterway; and how the proposal will encourage the preservation of landscape features on the Deschutes River when it will remove existing landscaping to build the new dwelling with 50' of the river.

Goal # 6, Policy 3 - Air, Water and Land Resources Quality. The proposal does not address how the proposed subsurface sewage disposal system will be consistent with County regulations or explain the adequacy of the proposed domestic water supply under Policy 3. The only property information provided by the application for Sewage is at page 1 and says: "?".

Goal # 8, Policy 1 - Recreational Needs. The application does not explain how the addition of a new, 2-story, 2-family recreational dwelling with a total square footage of over 2,000 sq ft on a .25 acre tract in a reach of the Deschutes Scenic Waterway where "Additional dwellings...are not permitted" does not over-use the Deschutes River Scenic Waterway, where the predecessor owner only used an antique railroad caboose of approximately 200 sq ft in size to occupy the land as a modest fishing cabin for 2 retirees before it was swept away by the 1996 flood and not re-established as a non-conforming use and development within 6 months of the flood, as other non-conforming uses and developments were then required by the County to be re-established on the other parcels within North Junction.

B. Compatible With Surrounding Area. The application does not explain how the new, 2-story, 2-family dwelling of over 2,000 sq ft in size on a .25 acre lot will be compatible with all of the other properties in North Junction, which have much lower densities of development when comparing their building square footages and heights with their related lot sizes. The proposed new dwelling will have massive urban townhouse appearance that will be totally out of scale and incompatible with the rural character of the natural surrounding area. A rendering or other visual graphic should be produced showing the scale of the proposed development relative to other developments in the immediate area. This section is incomplete

C. Public Services. The application fails to provide any information on public services under this criterion. This section is incomplete.

D. Traffic Flow. The application does not provide a copy of a recorded access easement to provide access to the proposed new 2-story, 2-family dwelling, nor does the application show an area on the proposed dwelling site for vehicular parking. A lack of parking on site would result in parking on adjacent lands, which will cause interference with local traffic flow. This section is incomplete.

E. Construction Impacts. Again, this section provides no real information. It is incomplete as to how the construction will be accomplished on a such a small site without using trespassing on adjacent lands to

access the site for construction and staging of materials. It appears that construction and staging easements will be required and none have been produced by the applicant. This section is incomplete.

F. Impacts to Habitat. Again, the application provides only a conclusion. No evidence is submitted or narrative offered on how the reduction in the required building setback from the property line adjacent to the Deschutes River from the required 100' to 50' will be consistent with streamside and riparian habitat protection. This section is incomplete.

G. Impacts to Natural Areas and Values. The application fails to respond to this section with anything but a conclusion based, with no discussion of evidence relative to the criterion. The County's Natural Areas Overlay in Section 3.910 is implemented by the County for the Deschutes River Scenic Waterway created by ORS 390.805 *et seq*. The Code provides that the uses allowed in the underlying zone shall be reviewed under the conditional use standards of Section 2.260(A), with findings that demonstrate that the designated natural value will not be damaged by the proposed use, where a proposed use that would result in the permanent destruction of natural value shall be denied. The applicant needs to explain how the development of a new, 2-story, 2-family dwelling in an area of the Deschutes River Scenic Waterway where: "Additional dwellings...are not permitted" does not permanently destroy the natural value of the currently undeveloped site. This section is incomplete.

H. Impacts to Visual Character of Area. As stated above, the proposal is out of scale and character with the other, existing developments in the area. A rendering or model to show relative scale and mass of proposed buildings relative to others existing in the area should be provided. This section is incomplete.

I. Preserve the Natural Significance of Area. Same comments as above regarding the need for the applicant to explain how they are entitled to add a new dwelling to the Deschutes River Scenic Waterway where "Additional dwellings...are not permitted". This section is incomplete.

j. No Increase to Farming Costs. This section is left blank by the applicant and is incomplete.

K. No Change in Farm Practices. This section is also left blank and is incomplete.

II. **Does Not Address Variance Application Criteria.** The application omits or misstates the following information:

Natural Scenic Area (NSA)

1. No Resource Protected by Variance Application. The applicant fails to address this criterion. In fact, the application will allow a new dwelling not otherwise permitted in the Deschutes River Scenic Waterway to be even closer to the Deschutes River than the code would provide. This section is incomplete. The application is inconsistent with this criterion and the variance is not needed to protect a resource. In fact, granting the variances will negatively and permanently impact the natural value of the scenic waterway area.

2. Variances Do Not Protect Resources. Again, this section is incomplete because the applicant does not address the issues. The requested variances will do nothing to protect the natural values of the scenic area, because they are inconsistent with them.

3. No Proof That New Residence Allowed in NSA. a. The applicant leaves the subsection blank that asks for the citation to the land use designation that allows the dwelling in the Deschutes River Scenic Waterway that states: "Additional dwellings...are not permitted." This section is incomplete. b. The applicant fails to accurately answer the question. The applicant already has another recreational dwelling in the area and doesn't need this site for a new dwelling. c. The applicant fails to say that the applicant already owns a cabin on adjacent land leased land from the railroad. No alternative site is needed by the applicant. c. The variances are not the minimum necessary to allow the development. The applicant originally proposed a 200 sq ft development which has been expanded to be a 2,000 sq ft new 2-story, 2-family dwelling, plus a 216 sq ft shed. by comparison, the prior owner maintained a 200 sq ft antique railroad caboose as a fishing cabin for 2 retirees. The applicant proposes to intensify the prior nonconforming use (lost through abandonment) tenfold. The dwelling doesn't have to be that big. It is too big to be serviced by a septic field on the same site. It is too big to allow on-site parking. It is too big in mass and scale to be compatible with the surrounding area. The applicant fails to discuss why the proposed structure cannot be downsized. This section is incomplete.

Special Management Area.

1. The application fails to address this section. This section is incomplete.

2. The application fails to address this section. This section is incomplete.

Outside NSA - Section 6.020. The application fails to address or misstates information regarding the applicable criteria:

A. No Exceptional or Extraordinary Circumstances. The application admits that the applicant is attempting to replace a non-conforming use and structure that was lost in the 1996 flood. The applicant purchased the tract knowing that it was too late to replace the grandfathered use and development that was lost in the flood, which was the antique railroad caboose. The prior owner elected not to reestablish that use in the time allowed by the Code as everyone else at North Junction did. The prior owner of this site had the same rights to re-establish grandfathered dwellings after the flood as the other land owners did, but the prior owner of this tract elected not do so, which the applicant knew before they bought the tract. There are no extraordinary or exceptional circumstances.

B. Variance Not Necessary to Preserve Common Property Right. The other dwellings in this area of North Junction are grandfathered developments. They did not obtain or need variances. They are grandfathered. To allow the requested variances to allow the applicant to replace the structure at this late date would be unfair to all other owners in the North Junction area that had to replace them with a short period of time following the 1996 flood. The applicant does not have grandfathered rights to reestablish the prior dwelling on the site because the right to do so was waived by the applicant's predecessor, which waiver runs with the land. The applicant is not entitled to grandfather rights enjoyed by other property owners in the same zone. The applicant cannot satisfy this criterion.

C. Variance Not Minimum Needed to Develop. As stated above, the applicant is proposing too much development on too small of a lot. The prior land owner, a retiree, only used a 200 sq ft caboose for occasional fishing trips for he and his retiree friend who owned the caboose. The applicant now wants to develop something ten times larger than that for 2 families. The applicant has failed to address why the proposal cannot be reduced in size to fit or better fit the site.

D. Self-Created Hardship. The applicant purchased a .25 acre parcel in a 160 acre minimum lot size EFU zone in the Deschutes River Scenic Waterway where "Additional dwellings...are not permitted" and where the prior owner had failed to re-establish the grandfathered dwelling (railroad caboose) that was lost in the 1996 flood. The applicant has occupied another dwelling in North Junction during the entire time since before and after the flood and was fully aware of all of the use and development restrictions on the land before the applicant bought the land. The applicant has no hardship except one that is self-imposed.

Non-Farm Dwelling Application. This application is also incomplete:

2. Parcel Creation - No Documentation. The applicant fails to provide the needed documentation. This section is incomplete.

4. Generally Unsuitable - No Soils Information. The requested soils map and other information in subsections and (2) and (4) is missing. This section is incomplete.

5. Inaccurate Road Requirement Information. The applicant does not provide the correct information regarding road access the site. The applicant says that the parcel has direct access from an existing private road, which is not true. There site has no direct road access. This section is incorrect and incomplete.

6. No Utilities for Residential Use. The applicant has apparently blown off any effort to verify that the proposed dwelling can be serviced by a septic field on site or has a permit to draw water from the river or another source of water. The applicant should be directed to obtain a septic evaluation for the Wasco County Sanitarian and a water right from the Water Master. This section is incomplete.

Fire Safety Standards. The application fails to provide the following required information:

50 Foot Fire Fuel Break - The application fails to show why the property qualifies for "small lot residential zone" treatment when the site is located within a 160 acre minimum lot size zone. The application also states that the proposal will conform with a 30 ' fire fuel break on all sides, when the application requests the ability to have only a 25' building setback from the side yards, unless the applicant plans on getting an easement from an abutting owner to use the owner's land for the remainder of the fire fuel break. The applicant has no such easement. Otherwise, the applicant will need to reduce the requested 25' setback from the side property boundaries to 30'. The application is inconsistent and incomplete regarding this section.

Closing. All in all, this is one of the worst land use applications that I have had an opportunity to comment on. I am disappointed that it has been sent out for hearing without the information that the code requires to make it complete.

Based on the above, I request that the Planning Department rescind any completeness notice and issue a corrected public notice cancelling the public hearing. It really isn't fair to interested parties to make them respond and go to hearing on an application that doesn't provide sufficient information. It is a waste of time for interested parties and the Planning Commission. The County has a legal duty to ensure that land use applicants submit enough information and evidence to allow the decision maker to rule and interested parties to comment on the application. This application does not provide sufficient information for either. The County may not legally defer decision making through conditions of approval that require the applicant to submit the information later. The necessary evidence must be submitted by the applicant into this hearing record which starts with the information required by the Code for the applicant to address the relevant criteria in the application.

Please call me or reply to this message as soon as possible. I will be out of the office travelling tomorrow, but available by cell at (503) 816-9805. In addition, I need to verify that the county imposes the provisions of Section 2.130 to establish party status. I do not see a reference to that code section in the public notice, so I am confused as to whether Section 2.130 is applicable.

Thank you for the opportunity to comment.

Mark Whitlow

Mark Whitlow Perkins Coie LLP
1120 N.W. Couch Street
Tenth Floor
Portland, OR 97209-4128
PHONE:503.727.2073
FAX:503.346.2073
E-MAIL: mwhitlow@perkinscoie.com

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WASCO COUNTY

Jeanette Montour< jeanettem@co.wasco.or.us>

Fwd: proposed Watson project

4 messages

wcplanning wcplanning< wcplanning@co.wasco.or.us> Tue, Aug 21, 2012 at 9:33 AM
To: Jeanette Montour <jeanettem@co.wasco.or.us>

---------- Forwarded message ----------
From: **T. Vance** <tbvancepdx@aol.com>
Date: Sun, Aug 19, 2012 at 7:19 PM
Subject: proposed Watson project
To: wcplanning@co.wasco.or.us

Dear Ms. Montour:

Attached, please find my correspondence, for the record re: the proposed Watson project at North Junction. Your consideration will be appreciated.

T. Vance

Tyrell B. Vance LLC

503-804-3144

This communication may contain privileged and/or confidential information. It is intended solely for the use of the addressee. If you are not the intended recipient, you are strictly prohibited from disclosing, copying, distributing or using any of this information. If you received this communication in error, please contact Tyrell B. Vance immediately and destroy the material in its entirety, whether electronic or hard copy. This communication may contain nonpublic information about individuals and businesses subject to the restrictions of the Gramm-Leach-Bliley Act. You may not directly or indirectly reuse or redisclose such information for any purpose other than to provide the services for which you are receiving the information.

--
Brenda Jenkins
Planning Coordinator

Wasco County Planning and Development
2705 East 2nd Street
The Dalles OR 97058

Wasco_Co_planning_ltr.docx_nojuc.docx
45K

Jeanette Montour< jeanettem@co.wasco.or.us> Tue, Aug 21, 2012 at 9:36 AM
To: wcplanning wcplanning <wcplanning@co.wasco.or.us>

Hello Mr Vance,

What is your relationship to the Watsons, are you an adjacent property owner?

What is your address?

Thank you.

[Quoted text hidden]

--

Jeanette Montour
Senior Planner
[Quoted text hidden]

Jeanette Montour< jeanettem@co.wasco.or.us> Tue, Aug 21, 2012 at 9:39 AM
To: tbvancepdx@aol.com

[Quoted text hidden]

T. Vance < tbvancepdx@aol.com> Tue, Aug 21, 2012 at 12:30 PM
To: Jeanette Montour <jeanettem@co.wasco.or.us>

Good afternoon;

Thank you for your prompt response. Our property is not directly adjacent to the proposed project, it is on the south side of the railroad.

My primary concern is the establishing precedence within the area that may have a long term adverse impact. Allowing variances of such a substantial nature would seem to be clearly outside the overall criteria for that area.

While I am not opposed to their utilization of the property, the size is most troubling. All of of the neighbors in the North Junction area try to work together to provide a positive experience for everyone. We provide parking for the members of The Dallas Rod & Gun Club for instance.

If you have additional questions, please feel free to contact me.

T. Vance

Tyrell B. Vance llc
503-804-3144
[Quoted text hidden]

Tyrell B. Vance

August 19, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second
St. The Dalles, OR
97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

As a property owner at North Junction. this letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter a part of your hearing record.

The proposed dwelling should not be allowed or is too large for the small site. I believe that proposal from the new owners of the very small parcel of land to build a two-story, two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act or, alternatively, is too intensive for that site in many ways. This position is based on the information below.

The Deschutes River Scenic Waterway administrative rules for this reach of river that: "Additional dwellings...are not permitted". See attached copy. The site has never had a dwelling on it, except for the old RR caboose which was placed there in 1958 and which was washed off the site in the 1996 flood. Each property owner was given six months after the flood to replace their grandfathered dwellings. The owner of this site at the time elected not to do that, so the grandfathered right to have the caboose as a dwelling on that site was lost.

If they are somehow allowed to erect a new dwelling at this late date in spite of the above, the proposed, two-story, two-family dwelling and storage shed are too large for the small .25 acre site. They leave no room for the required setbacks, including the required 50' fire fuel break around the structures, they have inadequate room for a septic field, they have no access or utility easements, and they are providing no room for vehicle parking on their site.

If allowed a dwelling, they are asking to push the limits of the Code with requests for variances and modifications:

1. from the required 100' setbacks from all property lines (to only 25' on the side property lines; and

2. from the required fire safety standards for a 50' wide fire fuel break around the proposed dwelling and shed to some alternative fire suppression system with an automatic sprinkler system that would be certain to fail in a fire where the power would be lost.

It seems the application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place.

Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Sincerely,

Tyrell B. Vance

(A) The operation complies with the relevant Forest Practices Act rules;
(B) Harvest and management methods with low visual impact are used;
(C) The harvest or vegetation management does not degrade the riparian buffer of any waterway; and
(D) The harvest or vegetation management is designed to enhance the scenic view within a reasonable time (5-10 years). For the purposes of this paragraph, "enhance" means to benefit forest ecosystem function and vegetative health by optimizing forest stand densities and vegetative composition, fostering forest landscape diversity and promoting sustainable forest values.
(i) Improvements needed for public outdoor recreation use or resource protection may be visible from the river but shall be primitive in character and designed to blend with the natural character of the landscape.
(j) Proposed utility facilities shall share existing utility corridors, minimize any ground or vegetation disturbance, and employ non-visible alternatives when reasonably possible.
(k) Whenever the standards of OAR 736-040-0035 and section (2), subsections (c) through (j) of this rule are more restrictive than the Grant County Land Use and Development Ordinance, the above Oregon Administrative Rule shall apply.
Stat. Auth.: ORS 390.124
Stats. Implemented: ORS 390.845(2)
Hist.: PRD 10-2000, f. & cert. ef. 9-1-00
736-040-0070 -
Deschutes River Scenic Waterway
(1) Deschutes River Scenic Waterway Recreation Area:
(a) ORS 390.932 creates the Deschutes River Scenic Waterway Recreation Area. ORS 390.934 directs the Department to adopt a management plan by rule to administer the Deschutes River Scenic Waterway Recreation Area. ORS 390.124 authorizes the Commission to adopt rules to carry out the duties, functions and powers imposed by law upon the Commission and the Department.
(b) Pursuant to ORS 390.934, the Commission adopts by reference the Lower Deschutes River Management Plan and Environmental Impact Statement, Volume 1 (January 1993), and the Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System, (June 1997) as the management plan for the Deschutes River Scenic Waterway Recreation Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System are available from the Oregon Parks and Recreation Department, 725 Summer St N.E., Suite C, Salem, OR 97301.
(c) The state managing agencies, including the Department, Department of Fish and Wildlife, Oregon State Marine Board, and Oregon State Police and the local managing agencies, including Sherman, Wasco and Jefferson Counties and the City of Maupin shall perform their management responsibilities relating to the Deschutes River Scenic Waterway Recreation aea according to the management plan adopted by this rule and ORS 390.805 to 390.925 and 390.930 to 390.940.
(d) The Confederated Tribes of Warm Springs and the Bureau of Land Management are encouraged to exercise their jurisdiction and to manage their lands in a manner consistent with the management plan adopted by section (3) of this rule and with ORS 390.805 to 390.925 and 390.930 to 390.940.
(2) 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.
(b) Within the Recreation River Area described in subsection (2)(a), the Department may not permit any new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection.
(c) Additional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels and lodges which are visible from the river,not be permitted.
(3) River Community Areas:

RECEIVED
AUG 2 2 2012
WASCO COUNTY PLANNING

August 18, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

I frequent the Deschutes River year around, as I am a member of the Deschutes Club. This letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter a part of your hearing record.

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I want to work with our neighbor, but the application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place.

Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Respectfully submitted,

Sandra Kindley

WASCO COUNTY

Jeanette Montour< jeanettem@co.wasco.or.us>

File PLAQJR-12-08-0001 Watson Proposed Project at North Junction

1 message

Doug Robertson < dougr@easystreet.net> Wed, Aug 22, 2012 at 11:10 AM
To: Jeanette Montour <jeanettem@co.wasco.or.us>

Greetings Jeanette;

Just for your file, I changed ownership of our undivided 1/3 of the property owned with Jim Harlow at North Junction this last month to " Robertson Family Investments LLC" but I am the Principal so have signed everything in this File but just wanted you to know of the name change. My address, standing as a property owner and mailing address , phone 503 638 0331 are all unchanged.

Thank You

Doug

WASCO COUNTY

Jeanette Montour< jeanettem@co.wasco.or.us>

Watson Proposed Project at North Junction; File PLAQJR-12-08-0001

1 message

Doug Robertson < dougr@easystreet.net> Sun, Aug 19, 2012 at 1:10 PM
To: jeanettem@co.wasco.or.us

Dear Ms. Montour;

Please consider this as notice that I wish to establish Party Status so that my letter of August 17, 2012 is considered by the Planning Commission and I have any other rights granted by Wasco County Land Use and Development Ordinance Section 2.130. I am a landowner adjacent to the proposed building and have submitted the particulars of my written statement under separate cover in the above referenced letter and emails to Oregon Parks and copied to you as well as emails addressed to you.

My mailing address is:

Douglas Robertson

29 Hillshire Dr.

Lake Oswego, OR 97034

Thank you and please let me know if I need any further action to have my concerns entered of record and be apprised of action on this application.

Sincerely,

Douglas Robertson

RECEIVED
AUG 20 2012
WASCO COUNTY PLANNING

August 17, 2012

Wasco County Planning Office
Attn: Jeannette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

I own land at North Junction. This letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter a part of your hearing record as well as the e-mails copied to you and Gary Nychyk, the previous Planner.

The proposed dwelling should not be allowed or is too large for the small site. I believe that proposal from the new owners of the very small parcel of land to build a two-story, two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act or, alternatively, is too intensive for that site in many ways. This position is based on the information below.

The Deschutes River Scenic Waterway administrative rules for this reach of the river state that: "Additional dwellings...are not permitted". See attached copy. The site has never had a dwelling on it, except for the old RR caboose which was placed there in 1958 and which was washed off the site in the 1996 flood. Everyone was given six months after the flood to replace their grandfathered dwellings. The owner of this site at the time elected not to do that, so the grandfathered right to have the caboose as a dwelling on that site was lost.

If they are somehow allowed to erect a new dwelling at this late date in spite of the above, the proposed, two-story, two-family dwelling and storage shed are too large for the small .25 acre site. They leave no room for the required setbacks, including the required 50' fire fuel break around the structures, they have inadequate room for a septic field, they have no access or utility easements, and they are providing no room for vehicle parking on their site.

If allowed a dwelling, they are asking to push the limits of the Code with requests for variances and modifications:

- from the required 100' setbacks from all property lines (to only 25' on the side property lines; and

- from the required fire safety standards for a 50' wide fire fuel break around the proposed dwelling and shed to some alternative fire suppression system with an automatic sprinkler system that would be certain to fail in a fire where the power would be lost.

I want to work with our neighbor, but the application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place. In addition, Oregon Parks Department has asked for an Attorney General Opinion which may cause a reconsideration of their conditional approval, which opinion is pending.

Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Sincerely,

Douglas S. Robertson and Nan R. Robertson

(A) The operation complies with the relevant Forest Practices Act rules;

(B) Harvest and management methods with low visual impact are used;

(C) The harvest or vegetation management does not degrade the riparian buffer of any waterway; and

(D) The harvest or vegetation management is designed to enhance the scenic view within a reasonable time (5–10 years). For the purposes of this paragraph, "enhance" means to benefit forest ecosystem function and vegetative health by optimizing forest stand densities and vegetative composition, fostering forest landscape diversity and promoting sustainable forest values.

(i) Improvements needed for public outdoor recreation use or resource protection may be visible from the river but shall be primitive in character and designed to blend with the natural character of the landscape.

(j) Proposed utility facilities shall share existing utility corridors, minimize any ground or vegetation disturbance, and employ non-visible alternatives when reasonably possible.

(k) Whenever the standards of OAR 736-040-0035 and section (2), subsections (c) through (j) of this rule are more restrictive than the Grant County Land Use and Development Ordinance, the above Oregon Administrative Rule shall apply.

Stat. Auth.: ORS 390.124
Stats. Implemented: ORS 390.845(2)
Hist.: PRD 10-2000, f. & cert. ef. 9-1-00

736-040-0070
Deschutes River Scenic Waterway

(1) Deschutes River Scenic Waterway Recreation Area:

(a) ORS 390.932 creates the Deschutes River Scenic Waterway Recreation Area. ORS 390.934 directs the Department to adopt a management plan by rule to administer the Deschutes River Scenic Waterway Recreation Area. ORS 390.124 authorizes the Commission to adopt rules to carry out the duties, functions and powers imposed by law upon the Commission and the Department.

(b) Pursuant to ORS 390.934, the Commission adopts by reference the Lower Deschutes River Management Plan and Environmental Impact Statement, Volume 1 (January 1993), and the Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System, (June 1997) as the management plan for the Deschutes River Scenic Waterway Recreation Area. Copies of the Lower Deschutes River Management Plan and the Supplement to the Lower Deschutes River Management Plan, Final Decision, Lower Deschutes River Allocation System are available from the Oregon Parks and Recreation Department, 725 Summer St N.E., Suite C, Salem, OR 97301.

(c) The state managing agencies, including the Department, Department of Fish and Wildlife, Oregon State Marine Board, and Oregon State Police and the local managing agencies, including Sherman, Wasco and Jefferson Counties and the City of Maupin shall perform their management responsibilities relating to the Deschutes River Scenic Waterway Recreation area according to the management plan adopted by this rule and ORS 390.805 to 390.925 and 390.930 to 390.940.

(d) The Confederated Tribes of Warm Springs and the Bureau of Land Management are encouraged to exercise their jurisdiction and to manage their lands in a manner consistent with the management plan adopted by section (3) of this rule and with ORS 390.805 to 390.925 and 390.930 to 390.940.

(2) 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.

(b) Within the Recreation River Area described in subsection (2)(a), the Department may not permit any new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection.

(c) Additional dwellings, other than those necessary to existing agricultural uses, and commercial public service facilities, including resorts and motels and lodges which are visible from the river, will not be permitted.

(3) River Community Areas:

(a) The segment of the scenic waterway extending from Pelton Re-Regulating Dam downstream approximately four miles to 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, is classified as a River Community Area. The shoreline and related adjacent lands opposite the City of Maupin, as its boundaries were established on December 3, 1970, is likewise classified as a River Community Area.

(b) Within the River Community Areas described in subsection (3)(a), when consistent with Jefferson County and Wasco County zoning ordinances, the Department may permit uses and structures including agriculture, single-family and multiple-family dwellings, churches, lodges, resorts, motels, transient public trailer parks, and necessary public service facilities. The Commission may establish permitted densities of improvements and structures which are visible from the river after consultation with the appropriate county planning commission, the State Fish and Wildlife Commission, the U.S. Bureau of Land Management, the City of Maupin or the Warm Springs Confederated Tribes and such other persons and agencies as the Commission may select.

(4) Public use of the Deschutes River Scenic Waterway:

(a) Policy: The Commission finds that in order to protect and enhance the Deschutes River Scenic Waterway's unique aesthetic, scenic, fish and wildlife, scientific and recreational features, and because these outstanding and unique features caused this river segment to be designated by the people of Oregon as a scenic waterway, it is necessary to adopt rules for public recreation use of the lands and waters within this scenic waterway area. These rules have as their basis the need to protect and preserve the waterway's outstanding scenic beauty and natural features while maintaining the river's wide range of recreational opportunities. Therefore, in accordance with the management requirements of ORS 390.845, the following rules shall be adhered to by persons using the Deschutes River Scenic Waterway for recreation purposes. These rules are in addition to other rules of the Commission promulgated for the management of all scenic waterways. Where more restrictive or specific than the general rules, these rules will prevail over the general rules except in the instance of private property owners where only OAR 736-040-0035 (Rules for Land Management) or this rule shall apply.

(b) Restricted Areas:

(A) All persons using the Deschutes River Scenic Waterway shall be advised that the Confederated Tribes of the Warm Springs Reservation of Oregon have closed all Reservation lands to public use except by permit. This closure, enacted by the Confederated Tribes, also affects all islands west of the middle of the river between the Pelton re-regulating dam and the north boundary of the Reservation near Two Springs Ranch at the power boat deadline.

(B) All persons using the Deschutes River Scenic Waterway shall be advised that the Confederated Tribes of the Warm Springs Reservation of Oregon own the east and west banks of the Deschutes River between Sandy Beach and the State Route 16 bridge crossing downstream from Sherars Falls. Sandy Beach shall be the last designated boat take out upstream from Sherars Falls. The banks of the Deschutes River from Sandy Beach downstream to the State Route 16 bridge crossing, including the former take out on the west bank of the Deschutes River immediately upstream from Sherars Falls, shall be closed to boat put in or take out. Plan at page 74.

(C) All persons using the Deschutes River Scenic Waterway shall be advised that the Deschutes River from the upstream end of Rattlesnake Rapids at about river mile 2.5 and extending downstream to the no wake zone at the downstream end of Moody Rapids at about river mile 5 is a pass through zone. All floating craft, except float tubes, shall pass through this segment of river and shall not stop along or tie up to the riverbank except in the event of an emergency. Plan at pages 58–60.

(D) Nothing in these rules gives to any person any right to trespass on the private property of others or in any way alters the rights of private property owners in regards to trespass.

August 17, 2012

RECEIVED
AUG 2 1 2012
WASCO COUNTY PLANNING

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

As a frequent guest at North Junction this letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter a part of your hearing record.

The proposed dwelling should not be allowed or is too large for the small site. I believe that proposal from the new owners of the very small parcel of land to build a two-story, two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act or, alternatively, is too intensive for that site in many ways. This position is based on the information below.

The Deschutes River Scenic Waterway administrative rules for this reach of the river state that: "Additional dwellings...are not permitted". The site has never had a dwelling on it, except for the old RR caboose which was placed there in 1958 and which was washed off the site in the 1996 flood. Everyone was given six months after the flood to replace their grandfathered dwellings. The owner of this site at the time elected not to do that, so the grandfathered right to have the caboose as a dwelling on that site was lost.

If they are somehow allowed to erect a new dwelling at this late date in spite of the above, the proposed, two-story, two-family dwelling and storage shed are too large for the small .25 acre site. They leave no room for the required setbacks, including the required 50' fire fuel break around the structures, they have inadequate room for a septic field, they have no access or utility easements, and they are providing no room for vehicle parking on their site.

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Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner

- from the required fire safety standards for a 50' wide fire fuel break around the proposed dwelling and shed to some alternative fire suppression system with an automatic sprinkler system that would be certain to fail in a fire where the power would be lost.

I know my frequent host would work with his neighbor, but the application has been submitted without most of the agreements that will be required for them to go forward. Their proposal to build a dwelling too large for the site will require use of adjacent lands for necessary easements for fire fuel breaks, septic field, and road and utility easements. It seems that the county should not have accepted the application as complete when they do not have those collateral agreements in place.

Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Respectfully submitted,

John Pavelich,
3343 Pioneer Drive SE
Salem, OR

contact info:
pavelich@comcast.net or 503 510-3410

August 21, 2012

RECEIVED
AUG 2 2 2012
WASCO COUNTY PLANNING

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St,
The Dalles, OR 97058

I submitted a letter a few days earlier concerning construction of a two family dwelling at North Junction on the Deschutes River. I didn't include my wish to have my letter read by the Planning 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.

Thank you.

Sincerely,

John Pavelich
Salem, OR

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AUG 2 2 2012
WASCO COUNTY PLANNING

August 17, 2012

Wasco County Planning Office
Attn: Jeanette Montour, Senior Planner
2705 East Second St.
The Dalles, OR 97058

Re: Gabriel Watson Proposed Project at North Junction
File PLAQJR-12-08-0001

Dear Ms. Montour:

I wish to have my letter read by the Planning 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.

This letter is written in response to the Notice of Administrative Hearing regarding a land use application to build a new two-story, two-family dwelling on a .25 acre lot in North Junction. Please make this letter a part of your hearing record.

The proposed dwelling should not be allowed or is too large for the small site. I believe that proposal from the new owners of the very small parcel of land to build a two-story, two-family dwelling and accessory shed should not be allowed by the Scenic Waterways Act or, alternatively, is too intensive for that site in many ways. This position is based on the information below.

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Based on the above, I request that the application be denied. Thank you for your attention to this important matter.

Respectfully submitted,

Jay H. Beckstead

Jay H. Beckstead, M.D.
217 So. Modoc Ave
Medford, OR 97504

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

March 5, 2012

Gabriel A. Watson
3215 NE Klickitat
Portland, OR 97212

Re: **Notification File No.:** **2-194-10**
Property Location: **T7S R14E Section 80 Taxlot 300**

The Oregon Parks and Recreation Commission grants its approval to Gabriel Watson for the construction of a recreational dwelling and shed on legal parcel 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. In no case shall debris, silt or other materials will be allowed to reach the waters of the 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.
4. Newly planted trees shall be maintained (watering, mulching, and browse protection) for five years minimum until fully established.
5. All Wasco County permits shall be secured prior to any work commencing.

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

CC: Jeanette Montour, Wasco County Planning

FILED

Jeanette Montour

From: Ted Megert
Sent: Thursday, August 18, 2011 11:16 AM
To: Jeanette Montour
Cc: Brian Huff
Subject: Re: Fire Protection for Proposed Dwelling in Wasco County

Okay, I'll send the response to planning, again:
Jeanette,
A 13-D life safety fire sprinkler system is a reasonable alternative to access, on-site 2,000 gallon water tank w/pump, hose, etc. for exterior firefighting. The proposed fire protection makes no sense, because the property is not protected within any fire district. Access need not be provided if no firefighters will respond. A life safety fire sprinkler system w/300 gallon tank is a reasonable and cost-effective alternative in this rural (remote) setting and can be winterized when unoccupied in winter months. The owner proposes to provide a grey-water system from the river for toilets, showers, etc. and that will work fine to supply the 300 gallon 13-D supply tank. They also propose to truck in the bottled drinking water.
Ted Megert
Deputy State Fire Marshal
(503) 731-3020 x 250
>>> Brian Huff 8/18/2011 10:08 AM >>>
Me too!
If you want and have time, why don't you follow through with this one.

Brian Huff
OSP/OSFM
Deputy State Fire Marshal
Brian.huff@state.or.us
541-420-4263
-----Original Message-----
From: Ted Megert
To: Huff, Brian <bhuff@osp.state.or.us>

Sent: 8/18/2011 10:06:57 AM
Subject: Re: Fire Protection for Proposed Dwelling in Wasco County

I still think he should provide a 13-D system in lieu of the 2,000 gal. tank and pump, hose, etc. A Talco tank w/pump & PEX tubing in a combination grey water system could be winterized when not occupied.

>>> Brian Huff 8/18/2011 9:58 AM >>>
Hey man I am not worried about it at all! Thanks for your comments. It is in the State of Oregon somewhere so shoot at least one of us commented.
By the way, I always agree with your comments, I think we think a lot alike!
Take care,

Brian Huff
OSP/OSFM
Deputy State Fire Marshal
Brian.huff@state.or.us
541-420-4263
-----Original Message-----
From: Ted Megert
To: Huff, Brian <bhuff@osp.state.or.us>

Sent: 8/18/2011 9:49:45 AM
Subject: Re: Fire Protection for Proposed Dwelling in Wasco County

Wasco County Planning Department

"Service, Sustainability & Solutions"

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

AFFIDAVIT OF MAILING

APPLICANT: Gabe Watson

FILE NUMBER(S): PLAQJR-12-08-0001

I, **Jeannette Montour**, do hereby swear that on the 9th day of August, 2012, I was the Senior Planner for the Wasco County Planning and Development Office, County of Wasco, State of Oregon, and I caused to be mailed to the attached list on the above mentioned date a copy of the referenced Prenotice, dated August 9,2012, and Attachments as follows:

Signature: _____

State of Oregon)

County of Wasco)

Signed and affirmed to me on Aug 9th, 2012, by

Jeannette Montour, Senior Planner.

OFFICIAL SEAL
BRENDA L. JENKINS
NOTARY PUBLIC-OREGON
COMMISSION NO. 464550
MY COMMISSION EXPIRES FEBRUARY 24, 2016

Brenda L. Jenkins
(Notary Signature)

Notary Public
(Title)

ACCOUNTI	OWNER	MAILING_AD	MAIL_CITY	MAIL_STA	ZIP_CODE
14530	UNITED STATES OF AMERICA				
12780	HARLOW JAMES M	29 HILLSHIRE DR	LAKE OSWI	OR	97034
12782	KNAKL CO/PARTNER	2646 SW DAVENPORT CT	PORTLAND	OR	97201
12783	WATSON GABRIEL A	1824 SE TAYLOR ST	PORTLAND	OR	97214
12784	HARTUNG JOHN S	15143 SE THORNTON DR			97267
12781	WILSON JR O MEREDITH ET AL	202 NW 20TH AVE	PORTLAND	OR	97209
16601	ROBSON ROBERT M ET AL	10731 NE MORRIS	PORTLAND	OR	97220
12785	GEMMET MICHAEL ET AL	PO BOX 950	VANCOUVI	WA	98666
12786	SHIELDS PAUL D	1725 SW 89TH AVE	PORTLAND	OR	97225
16543	UNITED STATES OF AMERICA	3050 NE 3RD ST	PRINEVILLE	OR	97754

Agency	Care_of	Mail_ad	Mail_ city	Mail_state	Zip_code	Distribution	Email
On Master Email Notification List:							
County Sanitarian		See Email					glennp@co.wasco.or.us
							johnz@co.wasco.or.us
	Kevin Dworschak						kevind@co.wasco.or.us
	Alyssa Borders						alyssab@co.wasco.or.us
Wasco County Health Dept	Teri Thalhofer						TeriT@co.wasco.or.us
Mid Columbia Building Codes Services	Bob Futter	See Email					robert.futter@mccog.com
							kristyb@co.wasco.or.us
County Watermaster	Sandy Smith	See Email					sandys@co.wasco.or.us
	Bob Wood	See Email					robert.l.wood@wrd.state.or.us
County Assessor		See Email					darlenel@co.wasco.or.us
							donnam@co.wasco.or.us
							melanieb@co.wasco.or.us
							brandonj@co.wasco.or.us
							suea@co.wasco.or.us
							timl@co.wasco.or.us
County Public Works	Marty Matherly						martym@co.wasco.or.us
County District Attorney	Eric Nisley	See Email					ericn@co.wasco.or.us
State Building Codes		See Email					Stephanie.J.Ziegler@state.or.us
NRCS	Ron Graves	See Email					ron.graves@or.nacdnet.net
State Fire Marshal's Office- County	Brian Huff	See Email					brian.huff@state.or.us
State Fire Marshal's Office- The Dalles/Mosier	Ted Megert	See Email					ted.megert@state.or.us
Oregon Dept. of Fish & Wildlife	Jeremy Thompson	See Email					jeremy.l.thomson@state.or.us
Oregon Dept. of Fish & Wildlife	Rod French	See Email					rod.a.french@state.or.us
Oregon Dept. of Forestry	David Jacobs	See Email					djacobs@odf.state.or.us
OR Dept. of Land Conservation & Dev.	Jon Jinings	See Email					jon.jinings@state.or.us
OR Dept. of Land Conservation & Dev.	Karen Swirsky	See Email					karen.swirsky@state.or.us
Office of Michael J Lilly		See Email					mikelilly@michaeljlilly.com
Kathleen Fitzpatrick		See Email					kfitzz77@gmail.com
Bonneville Power Admin		See Email					rowapplications@bpa.gov
The Dalles Chronicle	Keri Brenner	See Email					kbrenner@thedalleschronicle.com
OR State Highway Division, Bend	Ana Jovanovic	See Email					ana.jovanovic@odot.state.or.us
OR State Highway Division, The Dalles	Brad DeHart	See Email					bradley.k.dehart@odot.state.or.us
OR State Highway Division, The Dalles	Robert Perisho	See Email					Robert.A.Perisho@odot.state.or.us
OR Parks and Recreation	Greg Cianella						greg.ciannella@state.or.us

NOTICE OF ADMINISTRATIVE HEARING by the
WASCO COUNTY PLANNING COMMISSION

HEARING DATE & LOCATION INFORMATION: NOTICE IS HEREBY GIVEN that the WASCO COUNTY PLANNING COMMISSION will conduct a public meeting on Tuesday, September 4, 2012, beginning at 3:00 pm in the Gorge Discovery Center, Lower Level Classroom, The Dalles, Oregon 97058. *The meeting facility is handicapped accessible, and language interpreters are available with one week notice. Please call (541) 506-2560, if you need special accommodations to attend the work session.*

Hearings before the Wasco County Planning Commission are governed by ORS 197.763 and ORS 215.402 to 215.431, Section 2.180 of the Wasco County Land Use and Development Ordinance. The meeting agenda includes the following:

ADMINISTRATIVE HEARING DETAILS:

1) File PLAQJR-12-08-0001 (previously named: PLACUP-10-11-0023_PLASTS-10-11-0026_PLAQJR-10-11-0006). Request by owner, Gabriel Watson, for an administrative review of the following:

   - 47' by 30' by 30' (1,410 square foot) dwelling with attached 10' by 10' by 10' (100 square foot) deck
   - 18' by 12' by 12' (216 square foot) shed
   - Substantial variance to required 100' setbacks from all property lines. Requested setbacks are as follows:
     -50' from rear property line (river)
     -25' from side property lines
     -25' from front property line
   - Floodplain Development Review of requested structures located within the FEMA delineated floodplain
   - Modification to Wasco County Fire Safety Standards

The property is within the A-1 (160) zone within Wasco County. The subject property is located in the North Junction of the Deschutes River Access Road, approximately 19.6 miles south of the City of Maupin, Oregon. Review Authority: Chapter 2, Section 2.060.B.14 of the Wasco County Land Use and Development Ordinance. Review Criteria: Chapter 2 (Procedures); Chapter 3 (Basic Provisions), Section 3.210 (Exclusive Farm Use zone), Section 3.210 (F) Setbacks, Section 3.740 (Flood Hazard Overlay), Section 3.910 (EPD 7 Natural Area- Wild and Scenic Rivers Boundary Area); Chapter 5 (Conditional Use Review); Chapter 6 (Variances); Chapter 10 (Fire Safety Standards).

2) File PLALNG-12-05-0001 includes proposed amendments to the planning commission bylaws (i.e., Wasco County Planning Commission Rules and Regulations) and the following substantive issues: Interview process, reappointment procedures, alternate positions, and other amendments to clarify and update the bylaws as deemed necessary.

QUESTIONS/COMMENTS are to be submitted in writing to the Wasco County Planning Office, 2705 East Second St., The Dalles, Oregon 97058, or in person at the hearing. Testimony and evidence must be directed toward the listed review criteria or land use regulation which the person believes to apply to that decision. Questions and comments regarding PLAQJR-12-08-0001 should be directed to: Jeanette Montour, Senior Planner, at (541) 506-2560. Any questions or comments regarding the work session should be directed to: John Roberts, Planning Director, at ph: (541) 506-2560 or e-mail: wcplanning@co.wasco.or.us.

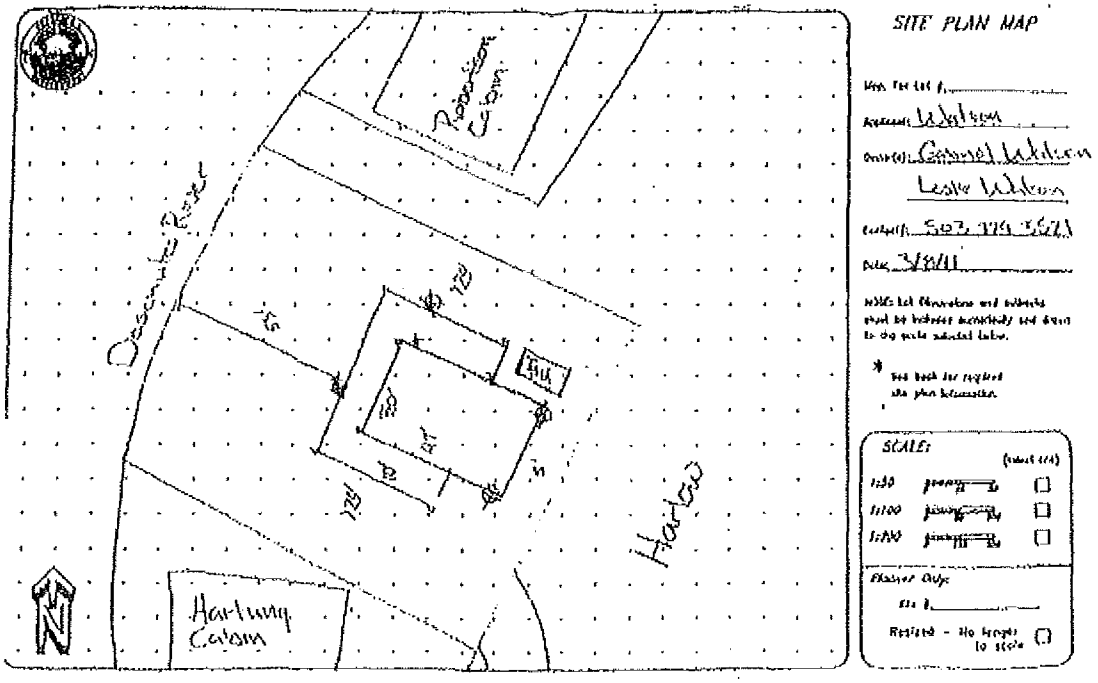
AVAILABILITY OF INFORMATION: Any staff report or memo prepared for the hearing shall be available for inspection at no cost seven (7) days prior to the work session and will be available online at: **http://co.wasco.or.us/planning/default.html.**

[Publication Date: August 9th, 2012]

Site Plan For Proposed Modifications to Fire Safety Standards
Township: T7S Range: 14E Section: 8D Tax Lot: 300

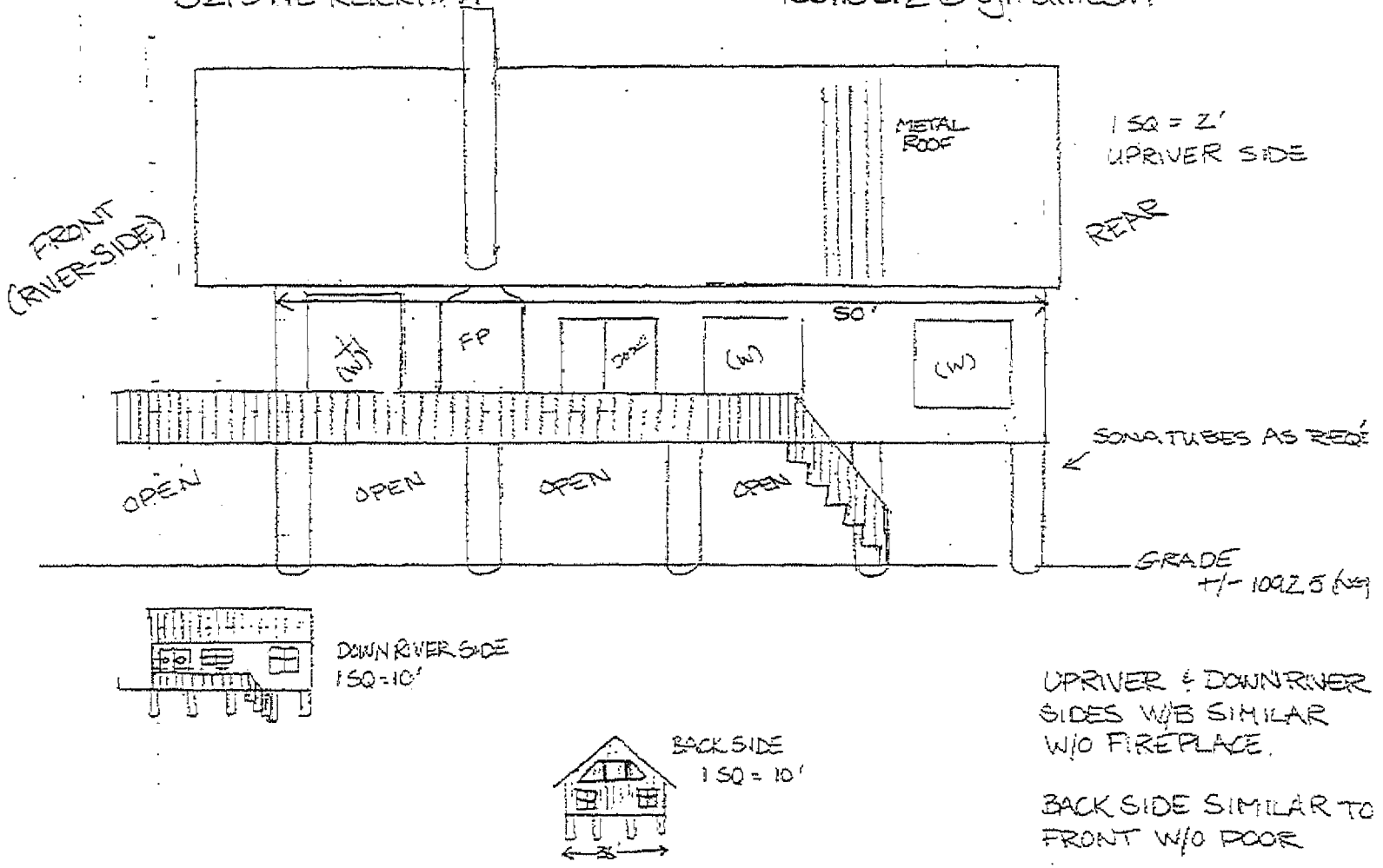
Hose Bibs

Submerged Water Storage Tank
Dimensions: W 98"x H 50" x D 125"



T7S, R1AE, 8D, 300
LESLIE & GABRIEL WATSON
3215 NE KLICKITAT

503-679-2555
lesliecrz@gmail.com



UPRIVER & DOWNRIVER SIDES W/B SIMILAR W/O FIREPLACE.

BACK SIDE SIMILAR TO FRONT W/O DOOR

Wasco County Planning Department

"Service, Sustainability & Solutions"

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

File Number(s): PLA CUP 10-11-0023 Fee: _____ Receipt # _____

_____ _____

_____ _____

Associated M37 File # _____ Revised Application 7/31/12

Date Submitted: 11/8/2010 Planner Initials: JM 7/31/12 Date complete: _____ Planners Initials: _____

Applicant/Owner Information:

Applicant(s) Gabriel Watson Property Owner(s) _____

Mailing Address 1824 SE Taylor Mailing Address _____

Portland, OR, 97214

Phone (H) _____ (W) _____ Phone (H) _____ (W) _____

Email Watsongabe@gmail.com Email _____

Requested Structure(s)/Use(s):

Recreational Property (cabin) w/ Shed

Property Information

Map # 7S 14E 8 D Tax Lot# 300 Acct # 12783 Acreage 1.25 Zoning EFU, A-1 (160)

Property location: N. Junction, OR

Property Address: _____ Tax Status: _____

Water Source: River Pump

Sewage: _____

Power: Elevated

Contiguous Ownership: _____

Legal Access: Road & Easement

Current Use of Property: Recreational Use of Adjacent Properties: Recreational

Legal Parcel Status:
1st pre-Sept. 4, 1974 Deed No., Partition, or Subdivision 71-0815 Date Filed June 9, 1971

Current Deed No. 2007-000233 Date Filed Jan. 22, 2007

2012-001016 May 9, 2012

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

Pre-Application Conference:
Per Section 2.060, a pre-application conference is required for a subdivision, planned unit development, conditional use, farm dwelling or site plan review for a home occupation outside the NSA.

Do you wish to waive the pre-application conference? ☐Yes ☒No
Planner: Conference Date: 4/5/10 Conference Time: ~~10:30~~ 10:30

Signatures:
Applicant(s) Date 7/31/12

Date

Property Owner(s) Date

Date

Date

Date

Date

Date

PLEASE NOTE: Before this application will be processed, you must supply all the requested information including but not limited to a site plan, elevation drawings and responses to all listed or referenced criteria pursuant to the attached instructions. Pursuant to ORS 215.428 this office will review the application for completeness and notify the 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.

Wasco County Official Records 2009-000233
DEED-D
Cnt=1 Stn=1 WASCO COUNTY 01/22/2009 03:08 PM
$15.00 $11.00 $10.00 $15.00 $51.00

00031787200900002330030038

I, Karen LaBreton Coats, County Clerk for Wasco County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

After recording return to: (Name, Address, Zip)
Michael Watson
3412 SW 13 AVENUE
PORTLAND OR 97239

Until requested otherwise, send all tax statements to: (Name, Address, Zip)
SAME AS ABOVE

SPACE ABOVE RESERVED FOR RECORDER'S USE

WARRANTY DEED

VICKI W. JONES, Grantor, conveys and warrants to MICHAEL A. WATSON, Grantee, the following described real property free of encumbrances, except as specifically set forth herein: situated in Wasco County, State of Oregon, described as follows, to-wit:

See Exhibit 'A' attached hereto and by this reference incorporated herein

Subject to and excepting: See attached Exhibit "B"

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (BALLOT MEASURE 49 (2007)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (BALLOT MEASURE 49 (2007)).

The true and actual consideration for this conveyance is $70,000.00. (Here comply with requirements of ORS 93.030.)

Dated this 21st day of January, 2009.

Vicki W. Jones
VICKI W. JONES

STATE OF WASHINGTON)
)
County of SKAGIT)

This instrument was acknowledged before me on this 21st day of January, 2009 by VICKI W. JONES.

GARY T. JONES NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 3-10-10

Notary Public for Washington
My commission expires: 3/10/2010

WASCO TITLE, INC. 4-17004

EXHIBIT "A"

All of the real property bounded by the intersection of the herein described lines and the Southerly (Easterly bank) line of the Deschutes River, all in Wasco County, Oregon.

The point of beginning may be established by traversing 65.30' on a line bearing South 00° 36' East from the (most Easterly) meander corner on the Section Line between Sections 8 and 9, Township 7 South, Range 14 East of the Willamette Meridian, then 689.50' on a line bearing North 67° 42' West, then 10.00' on a bearing South 46° 36' West, then 78.95' on a line bearing South 24° 48' West to a point.

From that point all the property bounded by the 3 herein described lines and the Southerly line of the Deschutes River: Traverse 60.00' to a line bearing South 24° 48' West to the point of beginning. Then continue the traverse 35' South 24° 48' West, then 118.7' more or less on a line bearing North 66° 12' West to the Southerly (Easterly bank) of the Deschutes River. ALSO from the identical point of beginning traverse 110' more or less on a line bearing 65° 12' West to the Southerly (Easterly bank) line of the Deschutes River being a common line described in a previous deed to the same grantee, all bearings being based on true North.

All of the property bounded by the 3 herein described lines and the Southerly line of the Deschutes River. From that point which is the point of beginning traverse 15' on a line bearing North 24° 48' East then 86' more or less on a line bearing North 65° 12' West to the Southerly line of the Deschutes River. ALSO from the identical point of beginning 95' more or less on a line bearing North 65° 12' West to the Southerly line of the Deschutes River being a common line described in the previous deed to the same grantee, all bearings being based on true North.

TOGETHER WITH an Access Easement as disclosed by Warranty Deed, recorded June 7, 1995 as Microfilm No. 95-2065, Wasco County records.

EXHIBIT "B"

1. The usual reservations as contained in patent issued by the United States of America.
2. Rights of the Public in and to the portions thereof included within the boundaries of roads and highways.
3. Public utility easements, if any, shall be found to exist in the premises.
4. The rights of the public and of governmental bodies in and to any portion of the above property lying below highwater mark of the Deschutes River.
5. Exception is hereby made if the premises shall not be accessible from any legally dedicated road or highway.

FORM No. 211—BARGAIN AND SALE DEED. STEVENS-NESS LAW PUB. CO., PORTLAND, ORE. 1957

KNOW ALL MEN BY THESE PRESENTS, That INEZ HARTUNG

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto EDWIN J. WELSH

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Wasco, State of Oregon, described as follows, to-wit:

All the real property bounded by the intersection of the herein described lines and the southerly (easterly bank) line of the Deschutes River, all in Wasco County, Oregon. The point of beginning may be established by traversing 65.30' on a line bearing S 00°36' E from the (most easterly meander corner on the Section line between Sections 8 and 9, Township 7 S. R. 14 E.W.M., then 509.50' on a line bearing N 67° 42' W, then 10.00' on a bearing S 46° 36' W, then 78.95' on a line bearing S 24°48' W to a point.

From that point all the property bounded by the 3 herein described lines and the southerly line of the Deschutes River; Traverse 50.00' to a line bearing S 24°48' W to the point of beginning. Then continue the traverse 35' S 24°48' W, then 118.7' more or less on a line bearing N 65°12' W to the southerly (easterly bank) of the Deschutes River. Also from the identical point of beginning traverse 110' more or less on a line bearing 65°12' W to the southerly (easterly bank) line of the Deschutes River being a common line described in a previous deed to the same grantee, all bearings being based on true North.

All the property bounded by the 3 herein described lines and the southerly line of the Deschutes River. From that point which is the point of beginning traverse 15' on a line bearing N 24°48' E then 86' more or less on a line bearing N 65°12' W to the southerly line of the Deschutes River. Also from the identical point of beginning 95' more or less on a line bearing N 65°12' W to the southerly line of the Deschutes River being a common line described in the previous deed to the same grantee, all bearings being based on true North. *

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is $ 0 ©However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which).©

In construing this deed the singular includes the plural as the circumstances may require.

Witness grantor's hand this 7th day of May, 19 73.

*The purpose of this deed is to grant 35' additional property upstream and 15' additional property downstream to Edwin J. Welsh from the property upon which is located an S.P. & S. caboose which property presently approximates 50' x 100' on the southerly (easterly bank) line of the Deschutes River; which property I have previously conveyed to Edwin J. Welsh.

STATE OF OREGON, County of Multnomah) ss. May 7, 19 73

Personally appeared the above named Inez Hartung

and acknowledged the foregoing instrument to be her voluntary act and deed.

(OFFICIAL SEAL) Before me: Notary Public for Oregon

My commission expires: June 13, 19

NOTE—The sentence between the symbols ©, if not applicable, should be deleted. See Chapter 453, Oregon Laws 1957, as amended by Ch. 1007, Oregon Laws 1965.

Bargain and Sale Deed

Inez Hartung

TO

Edwin J. Welsh

AFTER RECORDING RETURN TO

No. 710815

STATE OF OREGON, County of Wasco, ss.

I, H. A. HOWARD, County Clerk and ex officio Recorder of Conveyances, in and for said county, do hereby certify that the within instrument of writing was received for record —

May 21 11 20 AM 1973

and recorded in the DEED records of said County under Micro Film

NUMBER 710815

H. A. HOWARD, County Clerk

By Deputy

Fee $ 3.00

COMPARED INDEXED

WASCO COUNTY PLANNING
AND DEVELOPMENT
Todd R. Cornett, Director
2705 East Second Street
The Dalles, Oregon 97058

Phone: (541) 506-2560
Fax: (541) 506-2561
www.co.wasco.or.us

File Number(s): _____ Fee: _____ Receipt # _____

PLACUP-10-11-0023, PLASTS-10-11-0026
PLAQJR-10-11-0006

Associated
M37 File # _____

Date Submitted: 11/8/2010 Planner Initials: MA Date complete: _____ Planners Initials: _____

Applicant/Owner Information: LESLIE L. WATSON GABRIEL A. WATSON

Applicant(s) GABRIEL A. WATSON Property Owner(s) LESLIE L. WATSON

Mailing Address 3213 NE KLICKITAT Mailing Address _____

PORTLAND, OR 97212

Leslie cell:

Phone (H) (503) 619-2553(W) 503 287 1920 Phone (H) _____ (W) _____

Email lesleerz@gmail.com Email _____

Requested Structure(s)/Use(s):

Recreational property (cabin) w/shed

47' x 30' Dwelling

Property Information

Map # 7S 14E 8D Tax Lot# 200 Acct # 12183 Acreage .25 Zoning EFU, A-1 (160)

Property location: N. Junction, OR

Property Address: _____ Tax Status: _____

Water Source: River pump

? Sewage: _____

Power: Elevated

? Contiguous Ownership: _____

Legal Access: Road & easement

Current Use of Property: Recreational Use of Adjacent Properties: Recreational

Legal Parcel Status:
1st pre-Sept. 4, 1974 Deed No.,
Partition, or Subdivision Date Filed

Current Deed No. Date Filed

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

Pre-Application Conference:
Per Section 2.050, a pre-application conference is required for a subdivision, planned unit development, conditional use, farm dwelling or site plan review for a home occupation outside the NSA.

Do you wish to waive the pre-application conference? ☐Yes ☒No
Planner: Gary Nychyk Conference Date: 4/5/10 Conference Time: 10:30

Signatures:
Applicant(s) Leslie L. Watson Date

Date

Property Owner(s) Leslie L. Watson Date

Date

Date

Date

Date

Date

PLEASE NOTE: Before this application will be processed, you must supply all the requested information including but not limited to a site plan, elevation drawings and responses to all listed or referenced criteria pursuant to the attached instructions. Pursuant to ORS 215.428 this office will review the application for completeness and notify the 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.

File Number: VAR-_____

WASCO COUNTY
VARIANCE APPLICATION

DETAILED SPECIFIC WRITTEN REQUEST

Ordinance Criterion proposed to be varied? Minimum set back from Deschutes river.

Requirement? 100'

How much is this proposed to be varied? 65%

Administrative Review? (up to 50% of the standard) ☒ YES ☒ NO

Planning Commission Review? (greater than 50% or resulting in less and a 5 foot Setback of the standard) ☒ YES ☐ NO

DETAILED STRUCTURAL INFORMATION

	Length	Width	Height	Square Footage
Existing Improvements				
Dwelling				
Garage				
Other				
Proposed Improvements				
Dwelling	47'	30'	± 35'	1410' main plus loft
Garage				
Shed	18'	12'	12'	216'
Decks	10' 10' 10' in front & 2 sides			
Fences/Gates				
Driveway				
Agricultural Bldg				
Lighting	as req'd by Wasco County			
Other				

NSA CRITERIA ONLY:

General Management Area

1. A building height, setback or buffer specified in this Ordinance to protect one resource would cause the proposed use to fall within a setback or buffer specified in this ordinance to protect another resource.

   Describe the resource that would be protected through the proposed variance.

   Protect 25' setbacks on rear & two sides to protect neighbors.

2. Variation from the specified building height, setbacks or buffer would, on balance, best achieve the protection of the affected resources.

Describe how the variance would best achieve the protection of affected resources.

Setback from river exceeds that of other development in area, and protects side & rear setbacks.

3. A building height, setback or buffer specified in the standards for protection of scenic, cultural, natural, recreational, agricultural, or forestry resources may be varied in the General Management Area in order to allow a residence to be built on a tract of land upon a demonstration that:

? a. The land use designation otherwise authorizes a residence on the tract;

Cite that ordinance criterion that allows a residence.

b. There is no site on the tract (all contiguous lots or parcels under the same ownership) on which a residence could be placed practicably in full compliance with the building height, setback or buffer; and

List any contiguous properties None

Describe why there are no other practicable alternative locations on the tract to site the proposed development in full compliance.

Small (.25 acre) parcel, limited by dimension of lot (parcel) and location of waterway.

c. The variance from the specified building height, setback or buffer is the minimum necessary to allow the residence.

Describe how the proposal is the minimum necessary to allow the development. Reducing the size of the development, or altering its configuration must be discussed to justify the proposal.

Due to limitations of parcel size and conservative dimensions of development, this is the minimum variance required. Cabin to accommodate 1-2 families in 1 Bedroom, 1 bath w/ loft.

Special Management Area

1. It has been shown that no practicable alternatives exist, as evidenced by completion of a practicable alternative test. A practicable alternatives test has been submitted? ☐YES ☐NO

2. The natural resources mitigation plan completed in accordance with Chapter 14 of this ordinance ensures that the development can be mitigated to ensure no adverse effects would result. A resource mitigation plan has been submitted? ☐YES ☐NO

WASCO COUNTY CRITERIA (OUTSIDE OF NSA ONLY):

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

Describe the exceptional or extraordinary circumstances. Replacing structure

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

   What rights of property ownership are denied to you by Ordinance standards, which are enjoyed by other property owners in the same zone?

   Ordinance standards deny applicants to develop small parcel consistent w/ development enjoyed by other property owners in same zone

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

   Describe how approval of the proposed variance would not impact adjacent surrounding properties.

   Requested variance consistent w/ adjacent usage. Setback exceeds adjacent neighbors who already enjoy the standards for which we are applying. No request for variance of side setbacks.

4. The variance requested is the minimum variance which would alleviate the difficulty.

   Reducing the size of the development, altering its configuration, or changing its location must be discussed to justify the proposal.

   Requested permit, configuration and location determined by difficulty of lot size.

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

   Describe how the proposed variance is not the result self-created hardship such as locating the development too close to property lines or wanting something at a size or in a location that could be changed to meet the standards.

   Minimum frontal variance respecting property lines on sides and rear.

County Administrative Variance Only

1. The variance does not result in a setback of less than five (5) feet from the property line.

   Indicate the setback. _____
   If is less than 5 feet from the property line, the variance will be reviewed by the Planning Commission.

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

Review Authority: Sections ☐Chapter 2.060(A)2 or ☐2.060(B)(6), _____
Review Criteria: Chapter 3_____
Chapter 8, Sections 8.010, and ☐ 8.020, 8.030, 8.040, & 8.050 or ☐ 8.070_____
Other:_____

☐ **Legal Parcel:** Property has been determined to be a legal parcel?

☐ **Fire Safety:** A Fire Safety Self Certification Form has been submitted?

☐ **Site Plan:** A site plan has been submitted that includes all required information (verify checklist on site plan sheet)?

☐ **Elevation drawings:** An elevation drawing has been submitted that shows the sides and heights of all proposed buildings including surrounding final grades?

Zoning Overlays – Development Site is within the following Divisions:

1. Flood Hazard: Specify Zone_____	☐NO	☐YES
2. Geological Hazards:	☐NO	☐YES
4. Cultural, Historic and Archeological_____	☐NO	☐YES
6. Mineral & Aggregate	☐NO	☐YES
7. Natural Areas_____	☐NO	☐YES
8. Sensitive Wildlife Habitat_____	☐NO	☐YES
12. Sensitive Bird Sites:	☐NO	☐YES
13. Pond Turtle Sensitive Area:	☐NO	☐YES
Other: Specify _____		

Easements – Are there any easements on the property (aerial or land based)? ☐NO ☐YES
If easement limits development, deed(s) shall be required which explain the easement.
Describe:_____

Water Resources
Are there water sources on property or adjacent properties? ☐NO ☐YES
If yes indicate resource type, location and required buffer.
_____
Does proposed development meet required buffer? ☐NO ☐YES

Setbacks
Proposed development meets all property and agricultural setbacks? ☐NO ☐YES

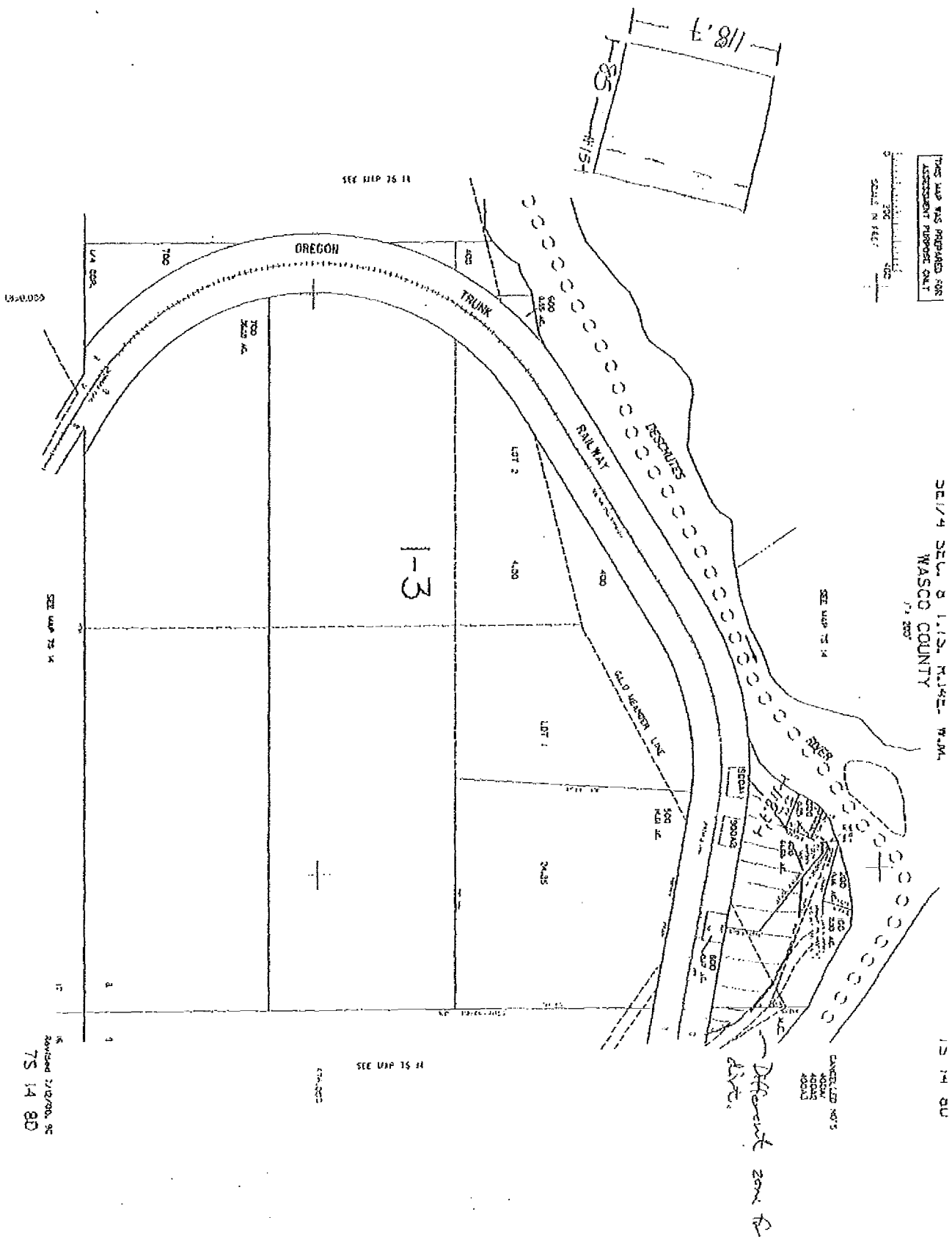
Previous Map and Tax Lot #'s:_____

Past Actions: If yes, list review #(s)_____ ☐NO ☐YES
Is property still subject to conditions from previous review? ☐NO ☐YES
If yes, list review # and condition(s)._____

Access:
Property has a legal access from_____
Waiver of Remonstrance is required? ☐NO ☐YES
County or ODOT approach permit is required and has been obtained or initiated? ☐NO ☐YES

Address:
Address exists and has been verified to be correct?_____ ☐NO ☐YES
Address needs to be assigned after approval? ☐NO ☐YES

* 25' setbacks for any building from property lines.



SITE PLAN MAP

Map, Tax Lot #: T7S R4E 8D 300

Applicant: GABRIEL A. WATSON
LESLIE L. WATSON

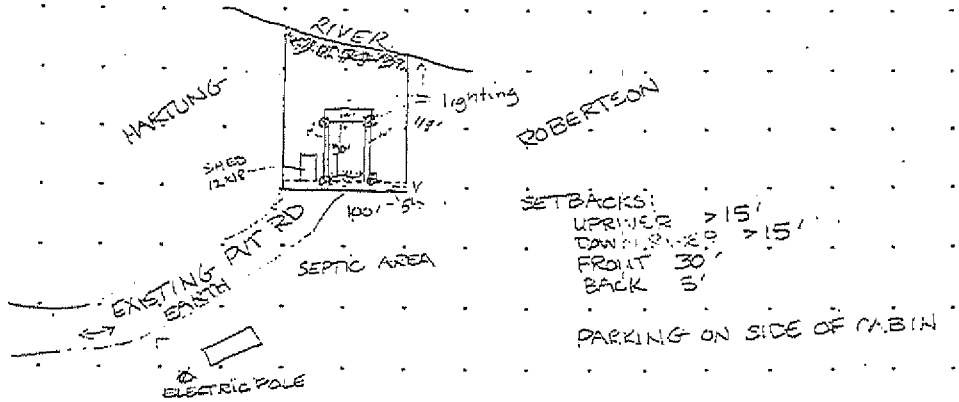
Owner(s): LESLIE L. WATSON
(503-679-2555)
GABRIEL A. WATSON

Contact: 1824 SE TAYLOR
PORTLAND, OR 97214

Date: 11/15/10 (REVISED)

NOTE: Lot Dimensions and setbacks must be included numerically and drawn to the scale selected below.

* See back for required site plan information.



GRADING TO EST. ELEV. OF 1092.5
SONATUBES TO EST. ELEV. OF 1100.0
AS REQ'D.

N

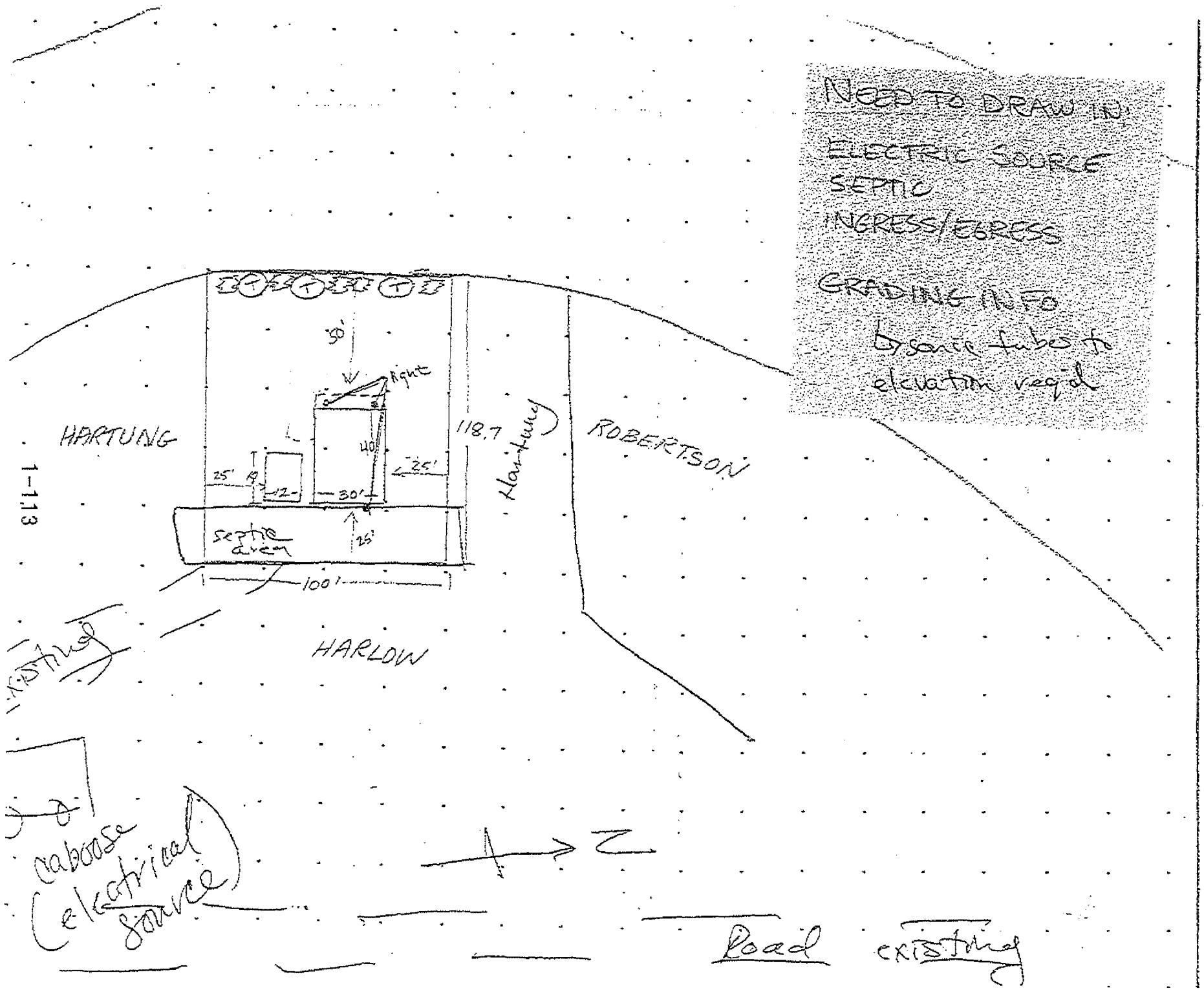
SCALE: (select one)

1:50	0 25 50	☒
1:100	0 50 100	☐
1:200	0 100 200	☐

Planner Only:

File #: _____

Resized – No longer to scale ☐


NEED TO DRAW IN:
ELECTRIC SOURCE
SEPTIC
INGRESS/EGRESS
GRADING INFO
by sonic tubes &
elevation req'd
50'
Right
HARTUNG
118.7
ROBERTSON
25'
19
12
30'
40'
25'
septic area
25'
100'
HARLOW
existing
cabose
(electrical source)
Road
existing
1-113
Map. k
Applicar
Owner(s
Contact
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Date:_
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1:10
1:20
Plan
F

File Number: CUP-_____

WASCO COUNTY
CONDITIONAL USE PERMIT APPLICATION

DETAILED SPECIFIC WRITTEN REQUEST

Permit dwelling for recreational use, and shed.

DETAILED STRUCTURAL INFORMATION

Proposed Improvements	Length	Width	Height	Square Footage
Dwelling	47'	30'	< 35'	1410' main w/ loft
Garage				
Shed	18'	12'	12'	216'
Decks	10' 10' 10'	on front & 2 sides		
Fences/Gates				
Driveway				
Agricultural Bldg				
Lighting	as req'd by Wasco Cty.			
Other				
Existing Improvements				
Dwelling				
Garage				
Other				

1. The proposal is consistent with the goals and objectives of the Comprehensive Plan and Implementing Ordinances of the County.

2. 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.

Operational Characteristics, if applicable (days and hours of operation, number of average daily trips, etc.):

Recreational property. Variable.

Number of people (employees, students, congregation, clients) associated with the proposed use.
Varies.

Buildings, vehicles, equipment, and materials associated with the proposed use.
Cabin 1410' main floor, w/ loft
Shed 216'

3. 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.

Road

Fire Protection

Police Protection

Sewer

Water

Telephone

Electrical

Solid waste disposal facilities

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

The subject property has a road approach permit on file for the use? Existing road. ☐NO ☐YES

How many trips per day will be generated by the proposed use? ≤ 1x per day

5. The effects of noise, dust and odor will be minimized during all phases of development and operation for the protection of adjoining properties. Indicate how this will be done.
Construction will be in accordance w/ Wasco County noise & other applicable ordinances, as well as respectful of adjacent property owners.

6. 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. Check with ODFW if necessary.
Will not reduce or impair any of above.

7. The proposed use will not adversely affect the air, water, or land resource quality of the area.
No impact or adverse affect.

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 though siting, new vegetation, colors, materials or other.

Will not detract. All efforts to maintain and/or enhance visual character will be made.

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

Yes. And improve where

10. 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.

11. 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.

Is proposed development site adjacent to agricultural uses? ☒NO ☐YES

If yes, what is distance and what type of agriculture? (grazing, orchards, grain, other)

Include any additional information the will assist the Planning Department in reviewing the application.

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

Review Authority: Sections 2.060(A)(1) , 2.080, and 2.110(D) _____
Review Criteria: Chapter 3 _____
Chapter 5, Section(s) 5.020 and 5.030 _____
Other: _____

☐ **Legal Parcel:** Property has been determined to be a legal parcel?

☐ **Fire Safety:** A Fire Safety Self Certification Form has been submitted?

☐ **Site Plan:** A site plan has been submitted that includes all required information (verify checklist on site plan sheet)?

☐ **Elevation drawings:** An elevation drawing has been submitted that shows the sides and heights of all proposed buildings including surrounding final grades?

Zoning Overlays – Development Site is within the following Divisions:

1. Flood Hazard: Specify Zone _____	☐NO	☐YES
2. Geological Hazards:	☐NO	☐YES
4. Cultural, Historic and Archeological _____	☐NO	☐YES
5. Mineral & Aggregate	☐NO	☐YES
7. Natural Areas _____	☐NO	☐YES
8. Sensitive Wildlife Habitat _____	☐NO	☐YES
12. Sensitive Bird Sites:	☐NO	☐YES
13. Pond Turtle Sensitive Area:	☐NO	☐YES
Other: Specify _____		

Easements – Are there any easements on the property (aerial or land based)? ☐NO ☐YES
If easement limits development, deed(s) shall be required which explain the easement.
Describe: _____

Water Resources
Are there water sources on property or adjacent properties? ☐NO ☐YES
If yes indicate resource type, location and required buffer.
_____
Does proposed development meet required buffer? ☐NO ☐YES

Setbacks
Proposed development meets all property and agricultural setbacks? ☐NO ☐YES

Previous Map and Tax Lot #'s: _____

Past Actions: If yes, list review #(s) _____ ☐NO ☐YES
Is property still subject to conditions from previous review? ☐NO ☐YES
If yes, list review # and condition(s). _____

Access:
Property has a legal access from _____
Waiver of Remonstrance is required? ☐NO ☐YES
County or ODOT approach permit is required and has been obtained or initiated? ☐NO ☐YES

Address:
Address exists and has been verified to be correct? _____ ☐NO ☐YES
Address needs to be assigned after approval? ☐NO ☐YES

LESLIE L. & GABRIEL A. WATSON

T7S R14E 8D TL: 300

ADDENDUM TO

CONDITIONAL USE PERMIT APPLICATION:

THE APPLICATION TO DEVELOP ON THIS LOT SEEKS TO REESTABLISH A FAMILY DWELLING ENJOYED BY THE CHILDREN OF HAROLD F ERZ FROM 1958 TO FALL 1995. MR. ERZ WAS A CO-OWNER OF THE "RED CABOOSE", BUT POSSESSED ONLY A LIFE ESTATE FOR THE PROPERTY ON WHICH IT SAT. THE HEIR OF THE DECEASED OWNER (VICKI WELCH, HEIR OF ED WELCH) SOLD THE PROPERTY TO LESLIE WATSON & GABRIEL WATSON IN 2009. THUS WE ARE APPLYING FOR A PERMIT TO REPLACE THE DWELLING MOVED BY THE FLOOD OF 1996, AS THE OPPORTUNITY TO DO SO DID NOT EXIST UNTIL OUR LAND PURCHASE LAST YEAR.

LESLIE WATSON AND HER FAMILY HAVE A LONG AND SENTIMENTAL ATTACHMENT TO THIS LAND, AND WOULD LIKE TO RECLAIM THEIR FATHER'S RIGHT TO USE IT RECREATIONALLY FOR GENERATIONS TO COME. LESLIE WATSON IS THE DAUGHTER OF HAROLD F. ERZ; GABRIEL WATSON IS HIS GRANDSON.

THANK YOU FOR YOUR CONSIDERATION,

Leslie Watson

SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT

Review Authority: Sections 2.060(A)(1) , 2.080, and 2.110(D) _____
Review Criteria: Chapter 3 _____
Chapter 5, Section(s) 5.020 and 5.030 _____
Other: _____

☐ **Legal Parcel:** Property has been determined to be a legal parcel?

☐ **Fire Safety:** A Fire Safety Self Certification Form has been submitted?

☐ **Site Plan:** A site plan has been submitted that includes all required information (verify checklist on site plan sheet)?

☐ **Elevation drawings:** An elevation drawing has been submitted that shows the sides and heights of all proposed buildings including surrounding final grades?

Zoning Overlays – Development Site is within the following Divisions:

1. Flood Hazard: Specify Zone _____	☐NO	☐YES
2. Geological Hazards:	☐NO	☐YES
4. Cultural, Historic and Archeological _____	☐NO	☐YES
5. Mineral & Aggregate	☐NO	☐YES
7. Natural Areas _____	☐NO	☐YES
8. Sensitive Wildlife Habitat _____	☐NO	☐YES
12. Sensitive Bird Sites:	☐NO	☐YES
13. Pond Turtle Sensitive Area:	☐NO	☐YES
Other: Specify _____		

Easements – Are there any easements on the property (aerial or land based)? ☐NO ☐YES
If easement limits development, deed(s) shall be required which explain the easement.
Describe: _____

Water Resources
Are there water sources on property or adjacent properties? ☐NO ☐YES
If yes indicate resource type, location and required buffer.
_____
Does proposed development meet required buffer? ☐NO ☐YES

Setbacks
Proposed development meets all property and agricultural setbacks? ☐NO ☐YES

Previous Map and Tax Lot #'s: _____

Past Actions: If yes, list review #(s) _____ ☐NO ☐YES
Is property still subject to conditions from previous review? ☐NO ☐YES
If yes, list review # and condition(s). _____

Access:
Property has a legal access from _____
Waiver of Remonstrance is required? ☐NO ☐YES
County or ODOT approach permit is required and has been obtained or initiated? ☐NO ☐YES

Address:
Address exists and has been verified to be correct? _____ ☐NO ☐YES
Address needs to be assigned after approval? ☐NO ☐YES

File Number: CUP-_____

WASCO COUNTY
NON FARM DWELLING APPLICATION

REQUIREMENTS FOR NON FARM DWELLINGS

1. A completed general CUP application has been submitted with this application? ☐NO ☒YES

2. Parcel Creation: The parcel was created in its current configuration prior to January 1 1993? ☐NO ☒YES

   If no you do not qualify for a non farm dwelling.

   If yes indicate the date of creation _____ Documentation proving the date of creation has been submitted with this application (11-0815) ☐NO ☐YES

3. There is another dwelling on the parcel? ☒NO ☐YES

   If yes you do not qualify for a non-farm dwelling.

4. Generally Unsuitable

   a. Soils: A soils map that indicates the soil classifications for the property and the % breakdown of these soils is required to be submitted as part of this application. These may be obtained either at the Wasco County Planning Department or the Wasco County GIS Department.

      A soils map meeting these requirements has been submitted as part of this application? ☐NO ☐YES

      (1) On parcels less than 80 acres the entire parcel is generally unsuitable for agriculture. That is, 61% of the parcel is a Class VII or poorer soil.

      % of Class VII Soils on the subject parcel 100% Class VIII

      If the less than 61% of the property has Class VII or poorer soils you do not qualify for a non-farm dwelling.

      (2) On parcels at least 80 acres but less than 160 acres, a portion of the parcel that is identified for the dwelling site is a Class VII soil or poorer.

      The subject parcel includes Class VII or poorer soils and the site plan indicates the dwelling will be sited on these Class VII or poorer soils? ☐NO ☐YES

      (3) If the property is zoned A-1(40) it cannot be on High Value Farm Ground as defined by OAR 660-33-020(8)(a) and WCLUDO Section 1.090.

      The subject parcel is zoned A-1(40)? ☒NO ☐YES

      If yes is the property high value farm ground? ☐NO ☐YES

      If yes you do not qualify for a non-farm dwelling.

      (4) Forested Land Only: If the subject parcel is under forest assessment it is presumed unsuitable if it is composed predominantly (51% or greater) of soils capable of producing less than 20 cubic feet of wood fiber per acre per year.

      The subject parcel is under forest assessment? ☐NO ☐YES

If yes list the soils which are capable of producing less than 20 cubic feet of wood fiber per acre per year and the indicate the % of the subject parcel made up of these soils

b. Other: In addition to being generally unsuitable based on soils, the property must meet at least one of the following:

(1) The subject parcel must be comprised of predominantly greater than (51% or more) 40% slope.

Does the subject parcel meet this standard? ☒NO ☐YES

(2) The subject parcel must produce less than 25 bushels per acre of wheat or cereal grains, or less than 1 ton per acre alfalfa or other type of hay (per Farm Services Agency (FSA) registered field crop information).

Does the subject parcel meet this standard? ☐NO ☒YES

(3) The subject parcel has never been cropped according to the FSA aerial photos and records, and requires more than 5 acres per AUM.

Does the subject parcel meet this standard? ☐NO ☒YES

5. Road Requirements: The subject parcel shall be located on an all-weather road that is maintained on a year-round basis and which construction and maintenance meets Wasco County Public Works Department approval.

The subject parcel has direct access from existing road

This road is a
☐ Private Easement Road (must be a 30 foot wide access easement meeting fire safety standards)
☒ Private Road (must meet the standards of WCLUDO Section 21.420)
☐ Publicly Dedicated Road (must meet the standards of WCLUDO Section 21.420)
☐Publicly Maintained
☐Privately Maintained

Describe how the subject road that provides access to the subject parcel currently meets or will meet these standards.

6. The site shall have appropriate physical characteristics such as adequate drainage, proper sanitation and water facilities to accommodate a residence or other non-farm use.

? I have completed a septic evaluation with the Wasco County Sanitarian? ☐NO ☐YES

I have discussed the water rights process with the Water Master? ☐NO ☐YES

7. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use.

List all farm or forest uses on adjacent lands:

None

Taking into consideration the nature of these farm or forest uses and the proposed proximity of the non-farm dwelling to them, describe how the non-farm dwelling will not interfere with these farm or forest uses.

NA

8. The landowner for the dwelling shall 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 cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

I understand this will be required if my application is approved? ☐NO ☒YES

File Number: STS-_____

FLOODPLAIN DEVELOPMENT APPLICATION

DETAILED SPECIFIC WRITTEN REQUEST

DETAILED DEVELOPMENT INFORMATION

	Length	Width	Height	Square Footage/Cubic Yards
Proposed Improvements				
Dwelling	47'	30'	35'	1410' main
Garage				plus loft
Accessory Bldg.				
Decks	10' 10' 10'	on front & 2 sides		
Driveway				
Agricultural Bldg				
Bridge				
Fill				
Other SHED	18'	12'	12'	216'
Existing Improvements				
Dwelling				
Garage				
Other				

REQUIREMENTS FOR ALL DEVELOPMENT IN THE FLOODPLAIN

In addition to structural development, a permit for development in the floodplain includes but is not necessarily limited to mining, dredging, filling, grading, excavating, roads, bridges, culverts, altering or relocating stream channels, storage of materials including gas or liquid storage tanks, and placement of water and septic/sewer systems.

1. Per the floodplain map, what are the following in the area of the proposed development?
   Zone A Panel Number 1102290AB Community Number 0229

2. Elevation to mean sea level at proposed development site: 1099.7 feet National Geodetic Vertical Datum (NGVD).

3. Base Flood Elevation to mean sea level at proposed development site: _____ feet NGVD.
The height of the base flood elevation can only be determined by an engineer, or architect who is authorized by law to certify flood elevation information.
Adequate documentation establishing the base flood elevation has been submitted? ☐ No ☐ Yes

4. Alteration or relocation watercourse: Does the proposal include altering or relocating any watercourse?
☒ No ☐ Yes

If yes the following information is required to be submitted:

-A description of the extent to which any watercourse will be altered or relocated as a result of proposed development must be included. This description is attached? ☐ No ☐ Yes ☐ N/A

-A description of the long term maintenance plan within the altered or relocated portion of the watercourse showing how the flood carrying capacity will not be diminished is included? ☐ No ☐ Yes ☐ N/A

-Notification to adjacent communities, Department of Water Resources, Department of Land Conservation and Development Natural Hazards Coordinator, Department of State Lands, Federal Emergency Management Agency, and the Federal Insurance Administration is required prior to any alteration or relocation. Verification of the notification to these agencies or groups is included?
☐ No ☐ Yes ☐ N/A

6. Adverse affect: The proposed development cannot adversely affect the flood carrying capacity of the special hazard. To prove this, an analysis shall be done which includes but is not necessarily limited to the following:

-Potential damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas; and
-Potential danger to life and property due to increased flood heights or velocities; and
-Potential danger that materials may be swept onto other lands or downstream to the injury of others.

A non-adverse affect analysis is included? ☐ No ☐ Yes

6. Why is a waterfront location required for this facility? What alternative sites are available?

Lot location & dimensions. No alternate sites available.

7. Elevation Drawing: In addition to the general elevation requirements, the following shall also be included for all proposed development within the floodplain:
-Base flood elevation.
-Elevation of lowest floor including basement.
-Areas of ingress and egress of water through any structure.
-Elevation to which any structure will be flood-proofed (required to be 1 foot above base flood elevation).
-Elevation of water supply and sanitary facilities.
-Elevation of utilities including all heating and electrical equipment (furnace, water heater and electrical panel).
This is included? ☐ No ☐ Yes

8. Cross Section:

A Cross-Section of any area of the development site (structure, driveway and/or septic) where filling or excavation will occur showing by an elevation drawing the water table, fill and development elevations.

This is included? ☐ No ☐ Yes

Ask Gary for Original forms

9. Are other Federal, State or local permits required to be obtained?
   -Department of State Lands/Corps of Engineers Removal Fill Permit ☐ No ☐ Yes
   -Oregon State Parks Wild and Scenic River Permit. This may be required if the proposed development is located within ¼ mile of Deschutes River or John Day River ☐ No ☒ Yes
   -Other: Specify_____

WATER AND SEPTIC/SEWER UTILITIES

If new or replacement water or septic/sewer utilities are proposed within the ... wing must be met:
New or replacement water or septic/sewer facilities are proposed ... ☐ No ☒ Yes

1. Explain how it is not practicable to locate the ... outside the floodplain.
   Location of parcel is entirely in Flood Plain
   Best to ask Engineer

2. Documentation has been included which explains ho... or eliminate infiltration of flood waters into the system. ... Yes

3. Documentation has been included which explains how t... ...n will be located to avoid impairment to it or contamination from it during flooding. ☐ No ☐ Yes

4. Documentation has been included which explains how the sewage system is designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. ☐ No ☐ Yes

NON-SUBSTANTIAL IMPROVEMENTS

Non-substantial improvements include alterations, additions, or improvements to existing structures that meet the standards below:

1. What is the estimated market value of the existing structure? $ NA
2. What is the cost of the proposed construction? $ ~~45,000~~

3. If the cost of the proposed construction equals or exceeds 50 percent of the market value of the structure then the proposal is a substantial improvement and the applicable following sections shall be filled out. If not the proposal is a non-substantial improvement and no more of this application is required to be filled out.
   Documentation validating the numbers listed above has been submitted? ☐ No ☐ Yes

RESIDENTIAL DEVELOPMENT

All residential development and non-residential development that will not be flood proofed according to the next section below shall meet the following requirements:

1. Proposed lowest floor elevation (including basement): as per Flood Plain Elevation certificate feet NGVD. This must be at or above the base flood elevation for new residential development and substantial improvements to existing residential development. It is recommended that the first floor elevation be at least one foot above the base flood elevation. No development below Flood Plain.
   For new manufactured homes or existing manufactured homes with substantial improvement they shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.

2. Floodplain Elevation Certificate – A FEMA Elevation Certificate (Form No. 1660-0008) will be required to filled out by a registered professional engineer of architect. This form is available at the Planning Department.

   This elevation certificate has been submitted? ☐ No ☐ Yes

   If the permit application is approved, a second Elevation Certificate will be required indicating the as-built elevations.

3. Below the first floor: Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

   - A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
   - The bottom of all openings shall be no higher than one foot above grade.
   - Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

   Documentation has been included which shows how the proposed development meets or exceeds the requirements above? ☐ No ☐ Yes

   If no, documentation has been included by a registered professional engineer of architect showing how this standard will be met? ☐ No ☐ Yes

4. Requirements of "Additional Standards" section below must also be met.

NON-RESIDENTIAL DEVELOPMENT

If non-residential development is proposed to be located higher than the base flood elevation rather than flood-proofed, use the residential section above.

1. Elevation to mean sea level to which any non-residential structure will be floodproofed: _____ feet National Geodetic Vertical Datum (NGVD). This has to be at least one foot above base flood elevation.

2. FEMA Flood Proofing Certificate (Form No. 3067-0777) will be required to filled out by a registered professional engineer of architect. This form is available at the Planning Department.

   This flood proofing certificate has been submitted? ☐ No ☐ Yes

3. Certification by a registered professional engineer or architect that proposed flood-proofing meets the following flood-proofing criteria:

-The development is watertight with walls substantially impermeable to the passage of water to at least one foot above the base flood elevation.
-The development will have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

This flood proofing certificate has been submitted? ☐ No ☐ Yes

If the permit application is approved, a second flood proofing Certificate will be required indicating the as-built flood proofing methods.

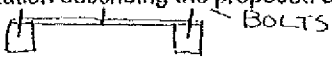
4. Requirements of "Additional Standards" section below must also be met.

ADDITIONAL STANDARDS

The standards included below are for all new construction and substantial improvement.

1. Anchoring: Development shall be anchored to prevent flotation, collapse, or lateral movement of the structure. For manufactured homes anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Any alternative method of anchoring may involve a system designed to withstand a wind-force of ninety (90) miles per hour, or greater.

   Documentation describing the proposed anchoring has been submitted? ☐ No ☒ Yes

   will illustrate in bldg plans.

2. Construction Materials and Methods: All new development shall be constructed with materials and utility equipment resistant to flood damage and using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing, and air- conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. As per Wasco County specs/requirements

   Documentation describing the construction materials and methods has been submitted? ☐ No ☐ Yes

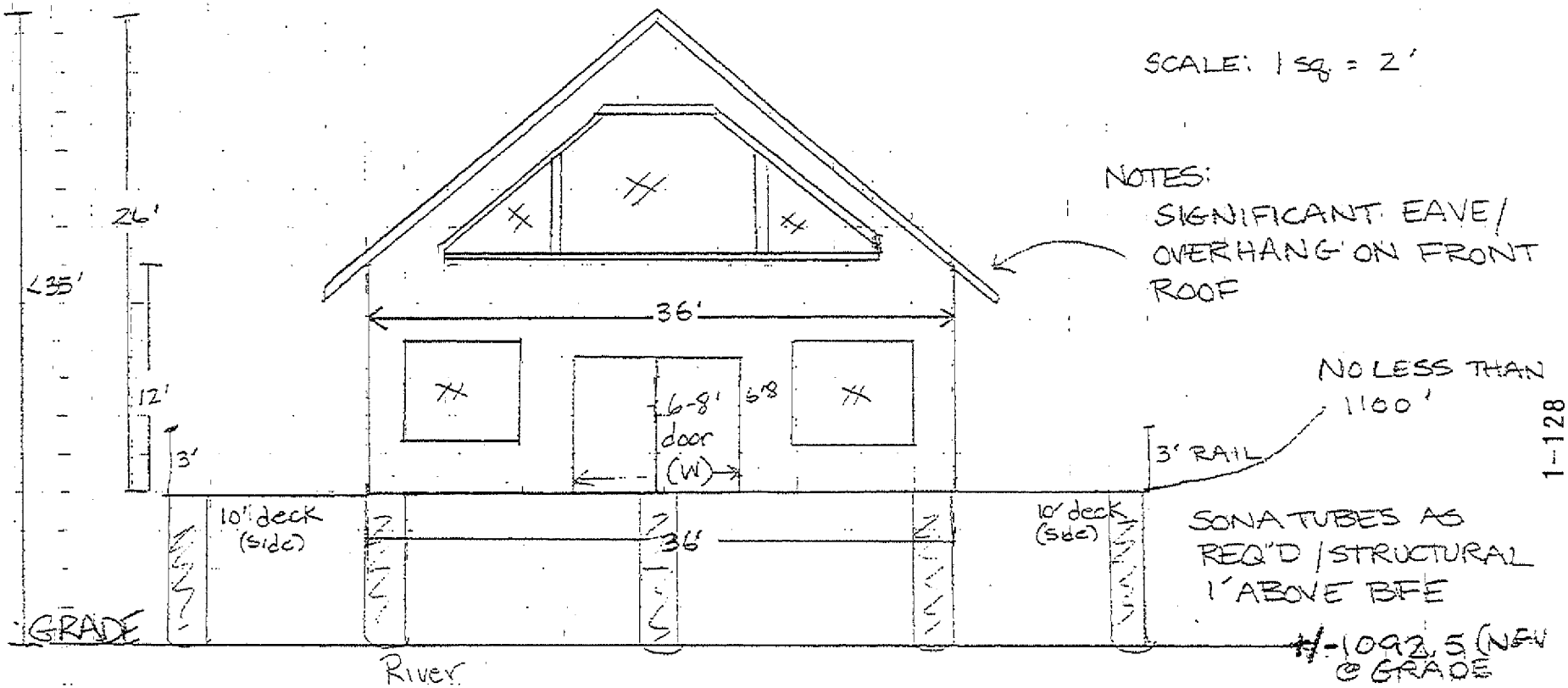
ACKNOWLEDGEMENT

By signing the front page application that goes along with this application I/we have read and understand the following:

I/we agree that all such work shall be done in accordance with the requirements of the Wasco County Floodplain Ordinance as approved through this permit and with all other applicable local, State and Federal regulations. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Wasco County, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

WATSON, LESLIE / GABRE
T7S, R1E, 8D, 300

SCALE: 1 sq = 2'



NOTES:
SIGNIFICANT EAVE/ OVERHANG ON FRONT ROOF

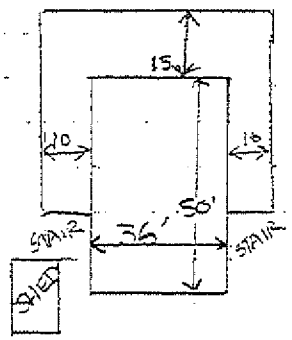
NO LESS THAN 1100'

SONA TUBES AS REQ'D / STRUCTURAL 1' ABOVE BFE

+/- 1092.5 (NGVD) @ GRADE

1-128

SCALE: 1 sq = 10'

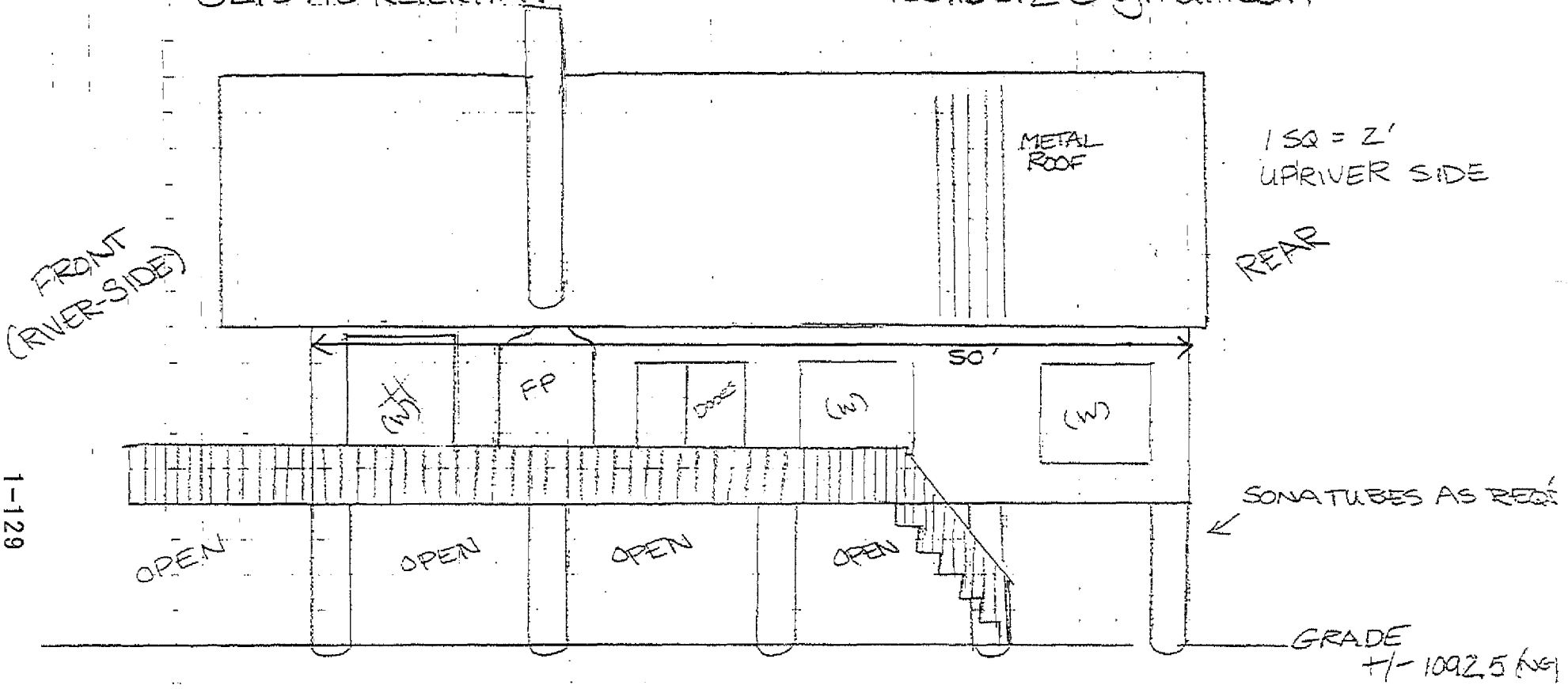


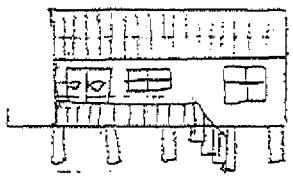
GABRIEL WATSON
1824 SE TAYLOR
PORTLAND, OR 97214

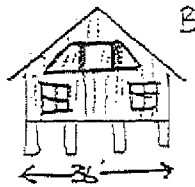
3215 NE KLICKITAT
PORTLAND, OR 97217
503-679-2555
lesliecrz@gmail.com

T7S, R14E, 8D, 300

LESLIE & GABRIEL WATSON
3215 NE KLICKITAT
[illegible]
503-679-2555
leslieerz@gmail.com







UPRIVER & DOWNRIVER SIDES W/B SIMILAR W/O FIREPLACE.

BACK SIDE SIMILAR TO FRONT W/O DOOR

1-129

ADDENDUM TO
FLOODPLAIN DEVELOPMENT APPLICATION

LESLIE L. & GABRIEL A. WATSON
T 7S R14E SD TL: 300

41022.90093

#1 ZONE A PANEL V COMM. # 41 0229 B

#2 AS PER SURVEY, THE ELEVATION AT GRADE RANGES FROM 1088 TO 1095.5 EST. AT BLDG SITE 1092.5

#3 WILL BE PROVIDED AS READ. SEE SURVEY

#7 HAG 1092.5
ELEV. OF LOWEST FLOOR: > 1100 OR 1' ABOVE HAG

ADJACENT DWELLINGS ARE 1098 & 1099 NGVD

INGRESS/EGRESS OF WATER: STRUCTURE OPEN BELOW LOWEST FLOOR

FLOOD PROOFED: > 1' ABOVE HAG

WATER/SANITATION FACILITIES: AS PER DISCUSSION W/ HEALTH OFFICER (WASCO CTY), SANITATION SYSTEM SHALL BE DESIGNED TO SUGGESTED SPECS EG: W/ LOCKING CAP DISALLOWING RELEASE OR BACK FLOW OR

ELEVATED > 1' ABOVE HAG TBD BY HEALTH DEPT. / PLANNING, ETC.

ALL HEATING/ELECTRICAL ELEVATED > 1' ABOVE HAG

#8 EXCAVATION TBD - MINIMUM REQD TO OBTAIN DESIRED DEVELOPMENT.

SEE SURVEY.

U.S. DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
National Flood Insurance Program

ELEVATION CERTIFICATE

Important: Read the instructions on pages 1-9.

OMB No. 1660-0008
Expires March 31, 2012

SECTION A - PROPERTY INFORMATION

For Insurance Company Use:

A1. Building Owner's Name Gabriel Watson

Policy Number

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
Tax Lot 300, 7S-14E-8D, North Junction, Wasco County

Company NAIC Number

City Maupin State OR ZIP Code 97031

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
Tax Lot 300, 7S-14E-8D as described by Wasco County Deed Document No.2009-000346

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) Residential

A5. Latitude/Longitude: Lat. 44.9754 Long. -121.0733 Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 5

A8. For a building with a crawlspace or enclosure(s):
- a) Square footage of crawlspace or enclosure(s) ____ sq ft
- b) No. of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade ____
- c) Total net area of flood openings in A8.b ____ sq in
- d) Engineered flood openings? ☐ Yes ☐ No

A9. For a building with an attached garage:
- a) Square footage of attached garage ____ sq ft
- b) No. of permanent flood openings in the attached garage within 1.0 foot above adjacent grade ____
- c) Total net area of flood openings in A9.b ____ sq in
- d) Engineered flood openings? ☐ Yes ☐ No

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number	B2. County Name	B3. State
Wasco County Oregon (Unincorporated Areas) 410229	Wasco	Oregon

B4. Map/Panel Number	B5. Suffix	B6. FIRM Index Date	B7. FIRM Panel Effective/Revised Date	B8. Flood Zone(s)	B9. Base Flood Elevation(s) (Zone AO, use base flood depth)
4102290093	B	9/24/1984	9/24/1984	A	1097.6

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9.
☐ FIS Profile ☐ FIRM ☐ Community Determined ☒ Other (Describe) LOMA Case No.11-10-2006A

B11. Indicate elevation datum used for BFE in Item B9: ☒ NGVD 1929 ☐ NAVD 1988 ☐ Other (Describe) ____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No
Designation Date ____ ☐ CBRS ☐ OPA

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☒ Construction Drawings* ☐ Building Under Construction* ☐ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. Use the same datum as the BFE.

Benchmark Utilized NGS OPUS GPS Solution Vertical Datum NGVD29

Conversion/Comments ____

			Check the measurement used.	
a)	Top of bottom floor (including basement, crawlspace, or enclosure floor)	1100.6	☒ feet ☐ meters (Puerto Rico only)	
b)	Top of the next higher floor	____	☐ feet	☐ meters (Puerto Rico only)
c)	Bottom of the lowest horizontal structural member (V Zones only)	____	☐ feet	☐ meters (Puerto Rico only)
d)	Attached garage (top of slab)	____	☐ feet	☐ meters (Puerto Rico only)
e)	Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	____	☐ feet	☐ meters (Puerto Rico only)
f)	Lowest adjacent (finished) grade next to building (LAG)	1092.6	☒ feet ☐ meters (Puerto Rico only)	
g)	Highest adjacent (finished) grade next to building (HAG)	1092.9	☒ feet ☐ meters (Puerto Rico only)	
h)	Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	1092.7	☒ feet ☐ meters (Puerto Rico only)	

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. *I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.* ☐
Check here if comments are provided on back of form.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 16, 2002
BRADLEY J. CROSS
60051
RENEWAL DATE: 12/31/13

Certifier's Name Bradley J Cross License Number Oregon PLS 60051

Title President Company Name Columbia River Surveying & Mapping

Address 1767 12th St, #101 City Hood River State OR ZIP Code 97031

Signature [signature] Date 3/1/12 Telephone (541) 386 9002

IMPORTANT: In these spaces, copy the corresponding information from Section A.	For Insurance Company Use:
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. Tax Lot 300, 7S-14E-8D, North Junction, Wasco County	Policy Number
City Maupin State OR ZIP Code 97031	Company NAIC Number

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments Geographic coordinates determined by NGS OPUS Solution.
A Street address has not yet been assigned by the county.
BFE information was determined by LOMA Determination Document (non removal), Case No.11-10-2006A, dated November 29, 2011.
Construction of the building has not yet commenced. Elevations are based on construction drawings supplied by the owner. Items f,g & h of section C are likely to change during construction.

Signature [signature] Date 3/1/12 ☐ Check here if attachments

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____.____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____.____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.

E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8-9 of instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____.____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E3. Attached garage (top of slab) is _____.____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is _____.____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge.*

Property Owner's or Owner's Authorized Representative's Name

Address City State ZIP Code

Signature Date Telephone

Comments

☐ Check here if attachments

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8 and G9.

G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

G3. ☐ The following information (Items G4-G9) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate Of Compliance/Occupancy Issued

G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____.____ ☐ feet ☐ meters (PR) Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____.____ ☐ feet ☐ meters (PR) Datum _____

G10. Community's design flood elevation _____.____ ☐ feet ☐ meters (PR) Datum _____

Local Official's Name Title

Community Name Telephone

Signature Date

Comments

☐ Check here if attachments

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (NON-REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	WASCO COUNTY, OREGON (Unincorporated Areas)	A parcel of land, as described in the Warranty Deed - Statutory Form, recorded as Document No. 2009-000346, in the Office of the County Clerk, Wasco County, Oregon (TM: 7S-14-8D; TL: 300)
	COMMUNITY NO.: 410229	
AFFECTED MAP PANEL	NUMBER: 41022C0093B	
	DATE: 9/24/1984	
FLOODING SOURCE: DECHUTES RIVER		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 44.975, -121.074 SOURCE OF LAT & LONG: STREETS & TRIPS 2009 DATUM: WGS 84

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS NOT REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD 29)	LOWEST ADJACENT GRADE ELEVATION (NGVD 29)	LOWEST LOT ELEVATION (NGVD 29)
--	--	--	--	Property	A	1097.6 feet	--	1085.4 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

ZONE A

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the property(ies) is/are located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). Therefore, flood insurance is required for the property described above. The lowest adjacent grade elevation to a structure must be at or above the Base Flood Elevation for a structure to be outside of the SFHA.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination and information regarding your options for obtaining a Letter of Map Amendment. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 8730 Santa Barbara Court, Elkridge, MD 21075.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (NON-REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

ZONE A (This Additional Consideration applies to the preceding 1 Property.)

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 6730 Santa Barbara Court, Elkridge, MD 21075.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

FLOOD HAZARD SURVEY
FOR BEN VANCE
TAX LOT 300, 7S-14E-3D, NORTH JUNCTION, MAUPIN, OREGON
TAX LOT
300
TAX LOT
DESCHUTES
RAILROAD
COLUMBIA RIVER
SURVEYING
& MAPPING

WATER

February 19, 2011

Gary Nychyk
Senior Planner
Wasco County Planning

Re: FILE NUMBER PLACUP-10-11-0023, PLASTS-10-11-0026, and PLAQJR-10-11—0006: Completeness review for Single Family Dwelling and detached shed on property located at Township 7 South, Range 14 East W.M., Section 8 D, Tax lot 300; Assessor Account 12783

Proposed Access to Water

Water at proposed dwelling will be secured using two methods:

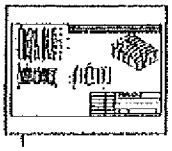
1. On-Site Storage:
   Water will be stored using 2000 gallon Poly-Tank. On Site storage will provide for year round domestic water supply and provide for redundant water supply for emergency firefighting purposes. Storage tank can be filled using water that is:
   a. Transported into site by vehicle
   b. Drawn from Deschutes River (pending approval of Permit for use of Surface Water for limited Domestic Use)

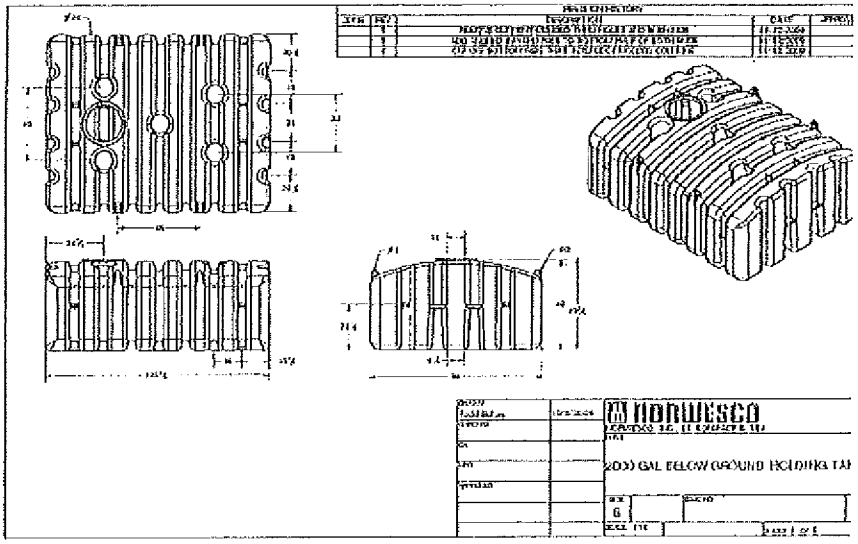
2. Deschutes River Surface Water
   Application for Permit to use Surface Water for limited Domestic Use from Oregon Water Resources Department. (See attached application for Surface Water limited Domestic Use) Water will be secured using 2" suction with foot valve and centrifugal water pump. Surface Water from the Deschutes River is available for emergency firefighting purposes without permit.

   Applicants have discussed water use with Bod Wood, Wasco County Watermaster and per Mr. Wood's recommendation, contacted Tim Willet at State of Oregon Water Resources Department. Applicants have contacted multiple well drilling companies and all have concluded that remote location, and limited clearance beneath railroad trestle, prohibits well rig from reaching location. Application for water right Permit is first step in obtaining a "Perfected Water Right," from the Oregon Water Resources Department.

2000 GAL BELOW GROUND HOLDING TANK (NO PART NUMBER)

janetten@co.wasco.or.us
Save to Google Docs Download original Share
File View Help
Search this document





FIRE

Jeanette Montour

From: Ted Megert
Sent: Thursday, August 18, 2011 11:16 AM
To: Jeanette Montour
Cc: Brian Huff
Subject: Re: Fire Protection for Proposed Dwelling in Wasco County

Okay, I'll send the response to planning, again:
Jeanette,
A 13-D life safety fire sprinkler system is a reasonable alternative to access, on-site 2,000 gallon water tank w/pump, hose, etc, for exterior firefighting. The proposed fire protection makes no sense, because the property is not protected within any fire district. Access need not be provided if no firefighters will respond. A life safety fire sprinkler system w/300 gallon tank is a reasonable and cost-effective alternative in this rural (remote) setting and can be winterized when unoccupied in winter months. The owner proposes to provide a grey-water system from the river for toilets, showers, etc. and that will work fine to supply the 300 gallon 13-D supply tank. They also propose to truck in the bottled drinking water.
Ted Megert
Deputy State Fire Marshal
(503) 731-3020 x 250
>>> Brian Huff 8/18/2011 10:08 AM >>>
Me too!
If you want and have time, why don't you follow through with this one.

Brian Huff
OSP/OSFM
Deputy State Fire Marshal
Brian.huff@state.or.us
541-420-4263
-----Original Message-----
From: Ted Megert
To: Huff, Brian <bhuff@osp.state.or.us>

Sent: 8/18/2011 10:06:57 AM
Subject: Re: Fire Protection for Proposed Dwelling in Wasco County

I still think he should provide a 13-D system in lieu of the 2,000 gal. tank and pump, hose, etc. A Talco tank w/pump & PEX tubing in a combination grey water system could be winterized when not occupied.

>>> Brian Huff 8/18/2011 9:58 AM >>>
Hey man I am not worried about it at all! Thanks for your comments. It is in the State of Oregon somewhere so shoot at least one of us commented.
By the way, I always agree with your comments, I think we think a lot alike!
Take care,

Brian Huff
OSP/OSFM
Deputy State Fire Marshal
Brian.huff@state.or.us
541-420-4263
-----Original Message-----
From: Ted Megert
To: Huff, Brian <bhuff@osp.state.or.us>

Sent: 8/18/2011 9:49:45 AM
Subject: Re: Fire Protection for Proposed Dwelling in Wasco County

Brian,
Somewhere on the Deschutes River and not within any fire protection district. I regret having become involved, but the county planning is always around land descriptions, not addresses and are sent to both of us. Their requirements are excessive, given that some properties are unprotected, so I thought that a 13-D system supplied by a well or other rural water supply would be a reasonable alternative. This applicant says that they will only occupy the dwelling 40 days a year. What is the value of his proposed "fire protection" if nobody will be around to use it? The 13-D system would provide life safety when it is occupied and could be shut off and drained when vacant.
Sorry about that,
Ted

>>> Brian Huff 8/18/2011 8:36 AM >>>
Ted
Where is this property located?

Brian Huff
OSP/OSFM
Deputy State Fire Marshal
Brian.huff@state.or.us
541-420-4263
-----Original Message-----
From: Ted Megert
Cc: Huff, Brian <bhuff@osp.state.or.us>
Cc: Montour, Jeanette <jeanettem@co.wasco.or.us>
To: Watson, Gabriel <watsongabe@gmail.com>

Sent: 8/16/2011 5:10:52 PM
Subject: Re: Fire Protection for Proposed Dwelling in Wasco County

Gabriel,
Your e-mail attachment did not include a usable site map or tank diagram, but your description of the property was very clear.
The proposed property is outside of any fire protection district, so there is no reason to expect that any organized fire suppression will be provided.
The proposed plan for on-site fire protection appears to address exterior firefighting capability during the summer fire season, when the dwelling is occupied.
The proposed fire protection includes:
Hose bibs on all four sides of the dwelling; 2,000 gallon on-site water storage with 1 hp centrifugal pump; 200 feet of wildland firefighting hose; w/suitable adapters in an exterior hose locker.
I can understand your concerns for the costs related to this project, but who is going to use the hose, pump and stored water for fire suppression? If the dwelling is to be occupied for an average of 40 days a year, who is going to use the equipment?
A 13 D fire sprinkler system is for life-safety, not property protection. If you do not plan to rent the property and only occupy the dwelling an average of 40 days a year, you will have to weigh the risk/benefit of a life-safety system vs the proposed fire protection equipment that is useless if nobody is around and no fire department exists.
I will defer to Brian Huff, as it is his district and I have no jurisdiction in your area of Wasco County.
Regards,
Ted Megert
Deputy State Fire Marshal
(Clackamas, Hood River, Multnomah,
Washington, N. Wasco counties (Mosier, MCF&R only))

>>> Gabriel Watson <watsongabe@gmail.com> 8/16/2011 2:55 PM >>>
Ted,

Thanks for taking the time to speak with me today.

The proposal I have attached provides the background for the property and the proposed structure. As I mentioned to you, there are a number of factors that come in to play: limited fire protection, limited use, etc. Accordingly, if there is any way to construct the dwelling without the installation of a type 13d sprinkler system, that is preferable. Again, if you believe that the system is necessary, we are willing to proceed in accordance with your recommendations.

Jeanette at the county has a copy and I will be forwarding this email to her as well.

Please feel free to contact me with any questions you have regarding the proposal. And again, thanks for your time.

Gabriel Watson

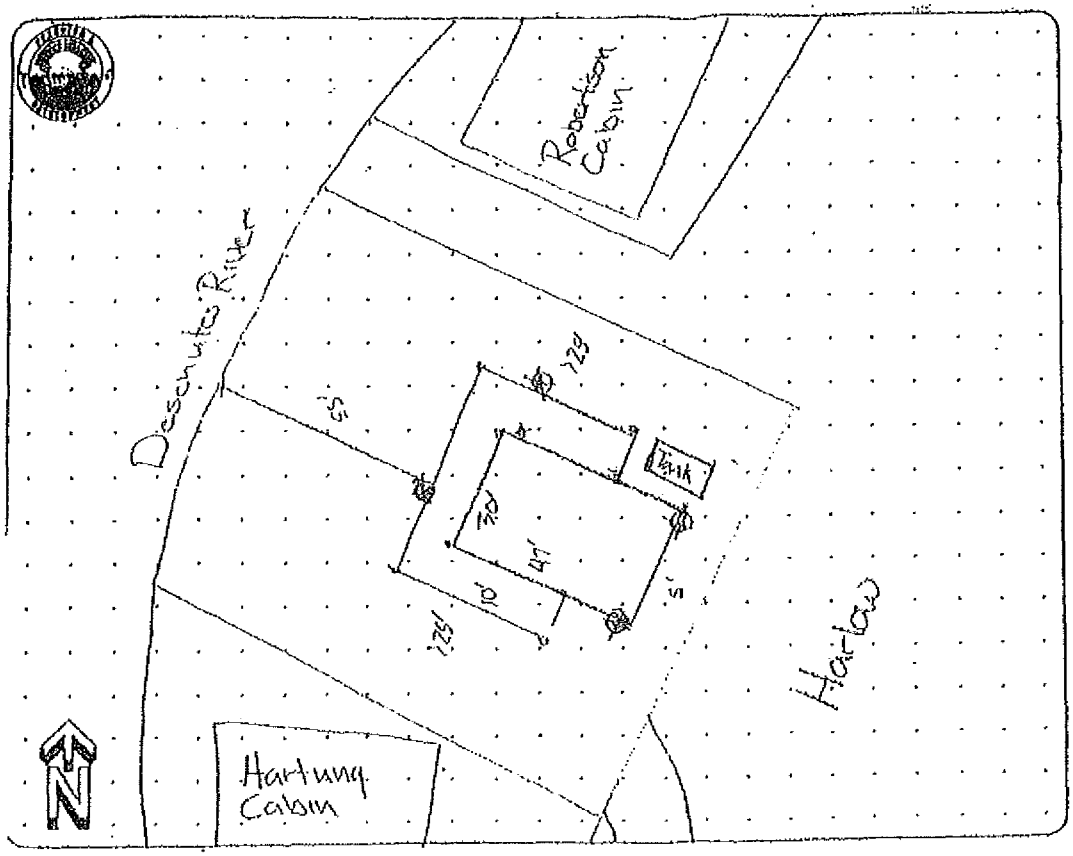
--

Gabriel A. Watson
503-729-3521

Site Plan For Proposed Modifications to Fire Safety Standards
Township: T75 Range: 14E Section: 8D Tax Lot: 300

Hose Bibs

Submerged Water Storage Tank
Dimensions: W 98"x H 50" x D 125"



SITE PLAN MAP

Map, Tax Lot #: _____

Applicant: Watson

Owner(s): Gabriel Watson
Leslie Watson

Contact #: 503 779 3521

Date: 3/8/11

NOTE: Lot Dimensions and setbacks must be included numerically and drawn to the scale selected below.

* See back for required site plan information.

SCALE: (select one)

1:50 ☐
1:100 ☐
1:200 ☐

Planner Only:

File #: _____

Resized – No longer to scale ☐

February 19, 2011

Gary Nychyk
Senior Planner
Wasco County Planning

Re: FILE NUMBER PLACUP-10-11-0023, PLASTS-10-11-0026, and PLAQJR-10-11—0006: Completeness review for Single Family Dwelling and detached shed on property located at Township 7 South, Range 14 East W.M., Section 8 D, Tax lot 300; Assessor Account 12783

Background:

Application for permit to build recreational cabin at aforementioned location is contingent upon recommendation from State Fire Marshal with regard to Fire Safety Standards, Wildfire mitigation, and Life Safety. Cabin is to be occupied on seasonal basis, average of 40 days per year.

Structure is to be built using heavy-timber (lodge) type materials. Dual egress from each living space is to be maintained via window, and door. Many of the rooms will have greater than two points of egress.

Modification of Fire Safety Standards

A. Maps (See attached)
   1. Site Description:
      Site is approximately .25 acre parcel located adjacent to the Deschutes River. Site is non-sloping land with minimal fuel load. Majority of ground is either rocky or soil. See attached Map. Site has several mature White Alder trees native to the Deschutes River riparian zone and three (3) mature Poplar trees. Site is well hydrated as per proximity to the Deschutes River. Wind is generally in the late afternoon and originates from the river facing side. North Junction, area upon which site is located, is peninsula surrounded on three sides by Deschutes River with railroad track on the remaining side. River and railroad tracks create substantial fire breaks protecting entire North Junction area from wildfire.

   2. Site falls outside of formal fire protection district. Access Road is maintained by the Deschutes Club. Deschutes Club maintains two (2) fire Apparatus; (1) Water Tender, with ~2000 gallon capacity; and (1) Brush Rig, with ~250 gallon storage and ~100

7. Redundant water supply will be maintained: 1) Deschutes River; surface water can be used without permit for emergency firefighting purposes per Oregon Water Resources Department Aqua Book 2) 2000 gallon on site water storage with 1hp centrifugal pump.
8. Owners will purchase 200' of 1" single jacket wildland firefighting hose, with adapters to ensure compatibility with standpipe, hose bibs, and centrifugal pump discharge port. Hose will be maintained in an exterior hose locker for rapid deployment.

Attachments:

A. Site map
B. Tank diagram

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

March 5, 2012

Gabriel A. Watson
3215 NE Klickitat
Portland, OR 97212

Re: Notification File No.: 2-194-10
Property Location: T7S R14E Section 80 Taxlot 300

The Oregon Parks and Recreation Commission grants its approval to Gabriel Watson for the construction of a recreational dwelling and shed on legal parcel 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. In no case shall debris, silt or other materials will be allowed to reach the waters of the 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.
4. Newly planted trees shall be maintained (watering, mulching, and browse protection) for five years minimum until fully established.
5. All Wasco County permits shall be secured prior to any work commencing.

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 Clannella
Program Coordinator

CC: Jeanette Montour, Wasco County Planning

WASCO COUNTY

Gary Nychyk <garyn@co.wasco.or.us>

Watson - North Junction

1 message

Greg Clannella <greg.clannella@state.or.us> Wed, Mar 9, 2011 at 1:25 PM
To: GaryN@co.wasco.or.us

Hi Gary,

Currently, the Watson's have an incomplete notification of intent into Oregon Parks and Recreation Department (OPRD) for their proposed structure placement in North Junction along the Lower Deschutes River. Two items are missing, 1.) A landscape plan, 2.) Building plans that show detailed dimensions of structure size, and exterior color schemes. If the Watson's can submit a landscape plan that demonstrated native vegetation planting for screening, a maintenance plan to ensure plant survivability, in addition to building plans that showed structure height no more than 30ft. from natural grade and exterior color schemes that are earth tone and blend into the landscape, OPRD would approve their notification of intent.

As you'll read in the rules and regulations for the Lower Deschutes River "(2) Recreational River Area: (b) Within the Recreation River Area described in subsection (2)(a), the Department may not permit any new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection."

Under OAR rules for Scenic Waterways (http://arcweb.sos.state.or.us/rules/OARS_700/OAR_736/736_040.html) under 736-040-0035 Rules of Land Management, under 7 D(b) "The Commission may require that additional vegetative screening be established and maintained. In such event, it shall be evergreen, wherever practicable, and compatible with natural growth in the area."

As stated above, we will accept the Watson's notification of intent, if he can provide a landscape plan and demonstrate the ability to grow native vegetation for screening. In his approval, I can add yearly check-ups on vegetation establishment, and also put in clauses of re-planting if plants are dying off.

As you are aware of our rules and regulations, if OPRD denies the Watson's notification of intent, they have one year from the date their notification of intent is deemed complete to move forward with their plans, without consulting with OPRD.

I will let you know when the Watson's complete their notification of intent - you will receive a copy of their full application.

Please give me a call if want to discuss this - cell phone is best since I'm and in out a lot 503.580.2434

Greg

Greg Clannella
Natural Resource Specialist
Oregon Parks & Recreation Dept.
Region 3 (Central/Eastern Oregon)
1645 NE Forbes Road Ste 112
Bend, OR 97701-4990

RECEIVED
MAY 23 2011
WASCO COUNTY PLANNING

May 19, 2011

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

RE: File Number: 2-194-10
Property Location: T 7S R 14E Sec. 8D Taxlot 300

Please review the enclosed Notification of Intent from Gabriel Watson; he is seeking approval for construction of a recreational dwelling and storage on legal parcel, within the statutory boundaries of the Lower Deschutes River Scenic Waterway.

Comments are requested by June 13th 2011. You may use the responses below or attach written comments.

_____ Proposal is not regulated by local comprehensive plan and zoning ordinance.

_____ Proposal has been reviewed and is consistent with local comprehensive plan and zoning ordinances.

_____ Proposal has been reviewed and is NOT consistent with local comprehensive plan and zoning ordinances.

X Consistency of the proposal with the local zoning ordinances cannot be determined. The following approvals must be obtained:

- X Conditional Use Approval
- _____ Development Permit
- _____ Plan Amendment
- _____ Zone Change
- _____ Other: Subject to: Standards Review

An application X has ____ has not been submitted for local approvals checked above. (but is incomplete) Note – Application has expired. Needs to re-submit

John Roberts - Planning Director — 6-8-11
Name and title of approving official — Date

RETURN TO:

Rivers Program
Oregon Parks and Recreation Department
1645 NE Forbes Road, Suite 112
Bend, OR 97701

Enclosures.

See – A Hachtel – Application in our office has expired, needs to re-submit.

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 Gabriel A Watson Telephone 503-728-3521

2. Address 1824 SE Taylor, Portland, OR 97214

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

   a. Name SAME Telephone

   b. Address

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

County Wasco Township 7S Range 14 E Section 8D Tax Lot 300

5. Scenic Waterway Lower Deschutes River

6. Type of improvement, change of land use or activity proposed and its purpose:
Construct recreational dwelling and storage on legal parcel as applied to Wasco County Planning. Planting of several trees in
to provide visual barrier between proposed structure and scenic waterway in accordance with Scenic Waterways.

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

8. When do you want to begin? Improvements to begin upon approval from Oregon Parks and Recreation and Wasco Co.
How long will it take? Approximately 1 year from date of 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.)

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

10. Complete the following where applicable:

A. Proposed building or structure:
   1. Exterior dimensions: Length 47' Width 35' Height from natural grade 20'
   2. Siding: Material and Color Hardi Plank fire resistive siding in beige/sage tone

4. Architectural style: Rustic cabin, heavy timber construction, style circa early 1900's

5. How much clearing of vegetation will be necessary?

Minimum clearing of existing vegetation beneath cabin footprint only. Other vegetation to remain as visual obstruction, maintained to fire safety standards.

6. Does the site need leveling or grading? ☐ Yes ☐ No

7. If so, how much? Structure to be placed atop leveling piers; no leveling will be necessary

8. How will excess material be disposed of?
None

☒ 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:

1. Width Existing road 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.

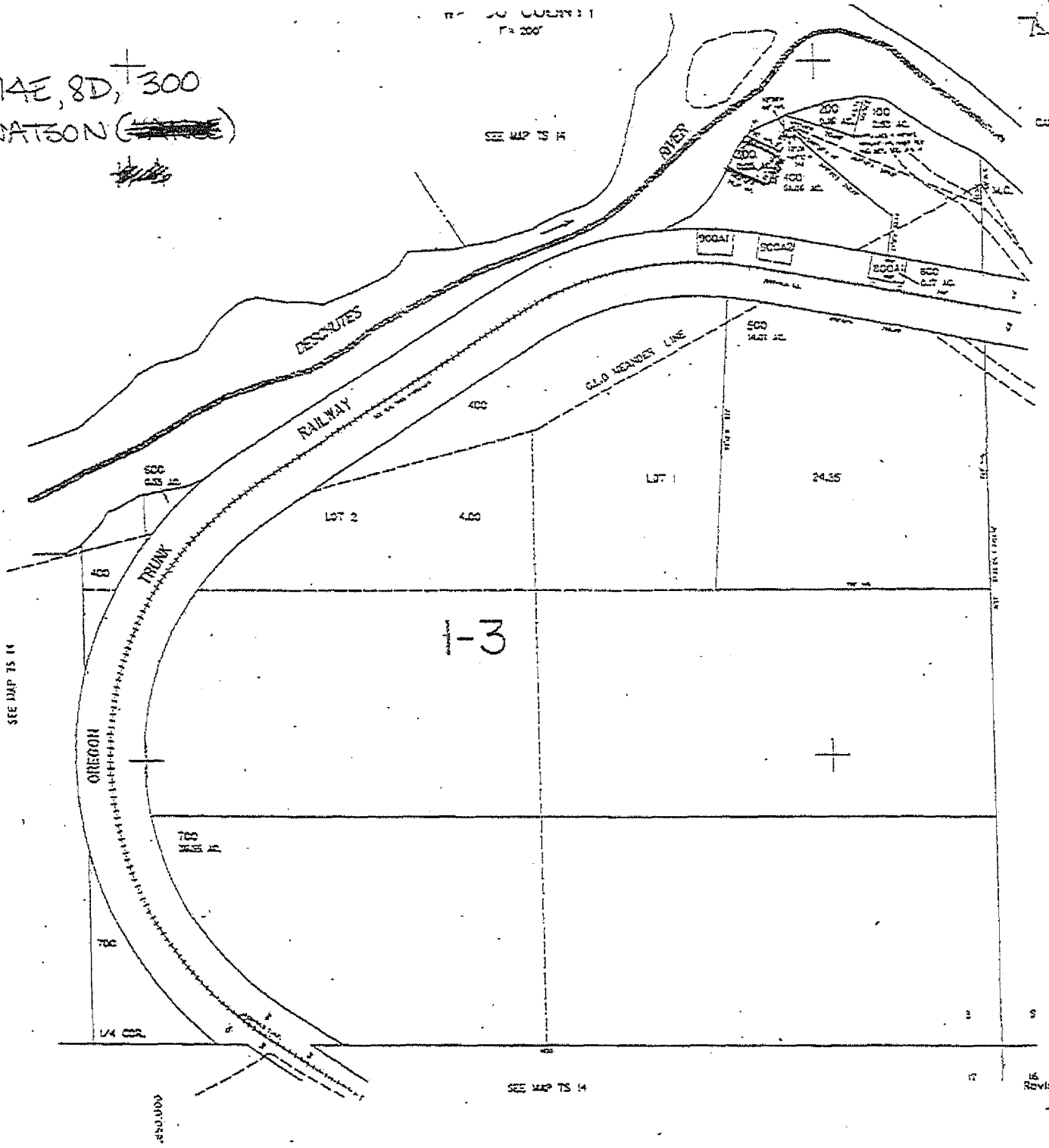
12. Signature of applicant [signature] Date 5/17/2011

13. Signature of legal landowner [signature] Date 5/17/2011

NOTICE: Legal landowner is responsible for any violations 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, Suite 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.

T7S, R14E, 8D, 300
WATSON (~~[redacted]~~)



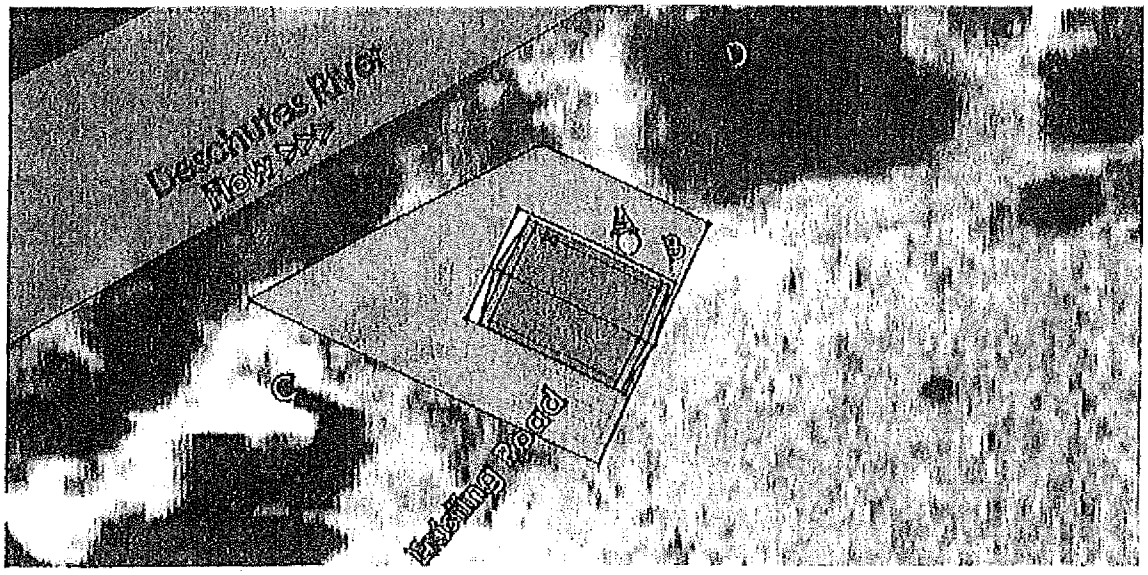
7S 14 8D

1-149

Site Plan

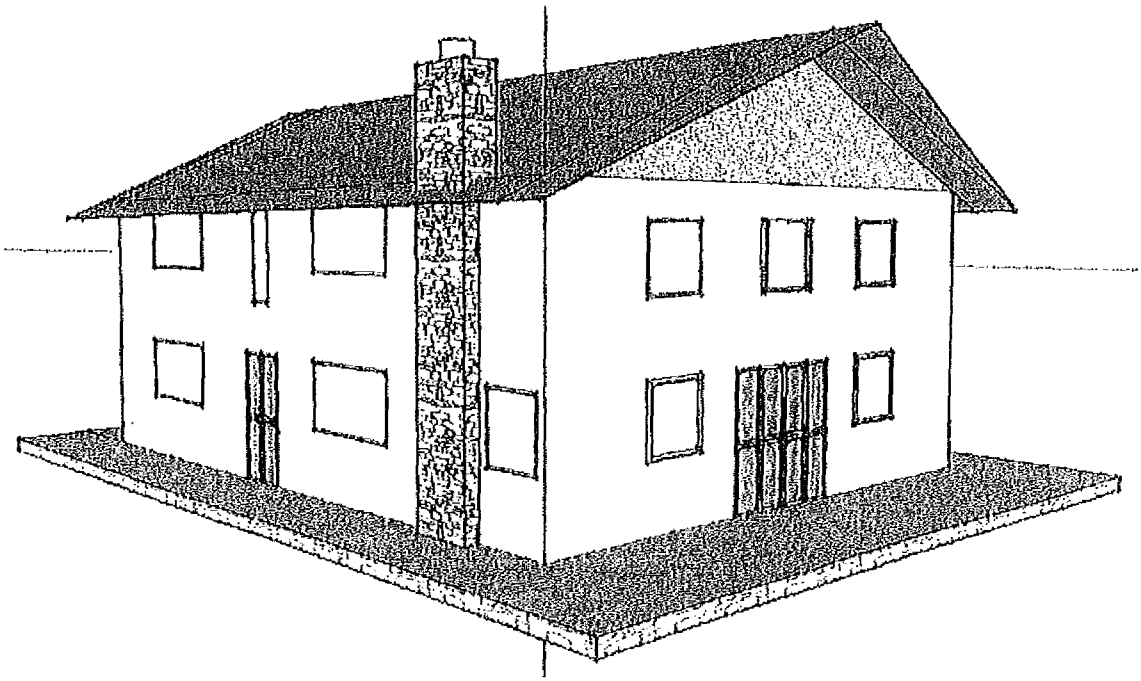
Location:		Dimensions of Proposed Structure:	
County:	Wasco	Height:	26' (above grade)
Township:	7S	Width:	35'
Range:	14E	Length:	47'
Section:	8D		
Tax Lot:	800	Nearest Distance to River:	66'

NORTH

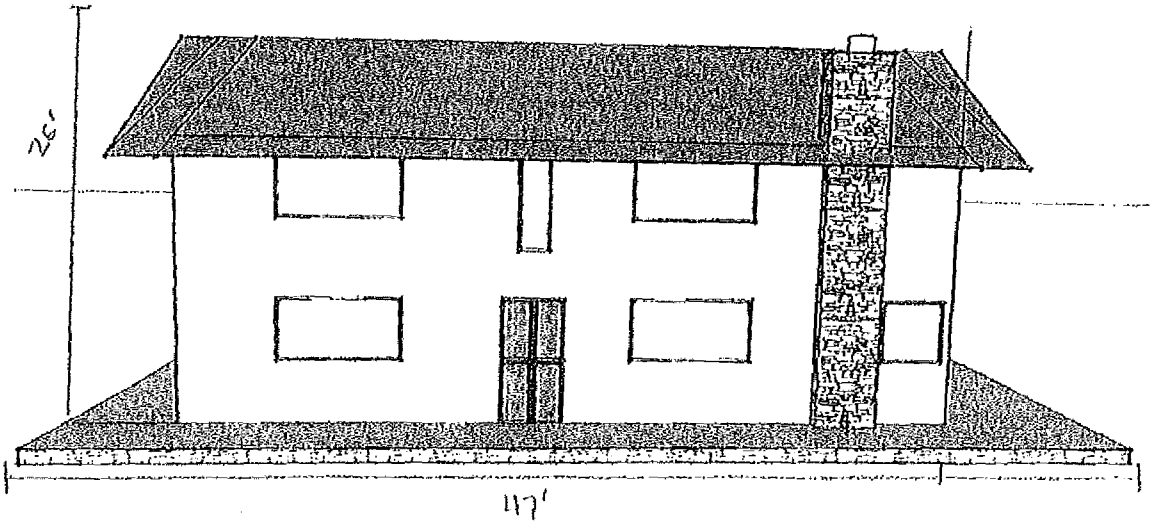


KEY:
A: On-Site water storage tank (below ground)
B: Septic tank
C: Adjacent Structure (Hartung)
D: Adjacent Structure (Robertson)

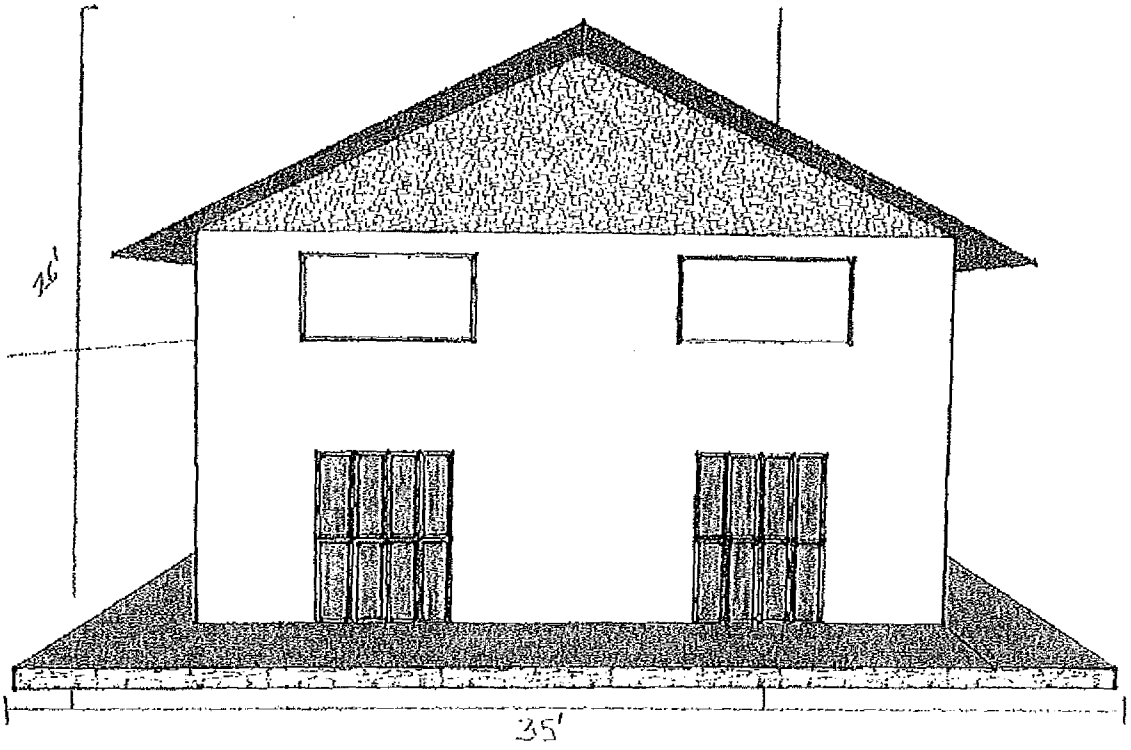
North View of Watson Property



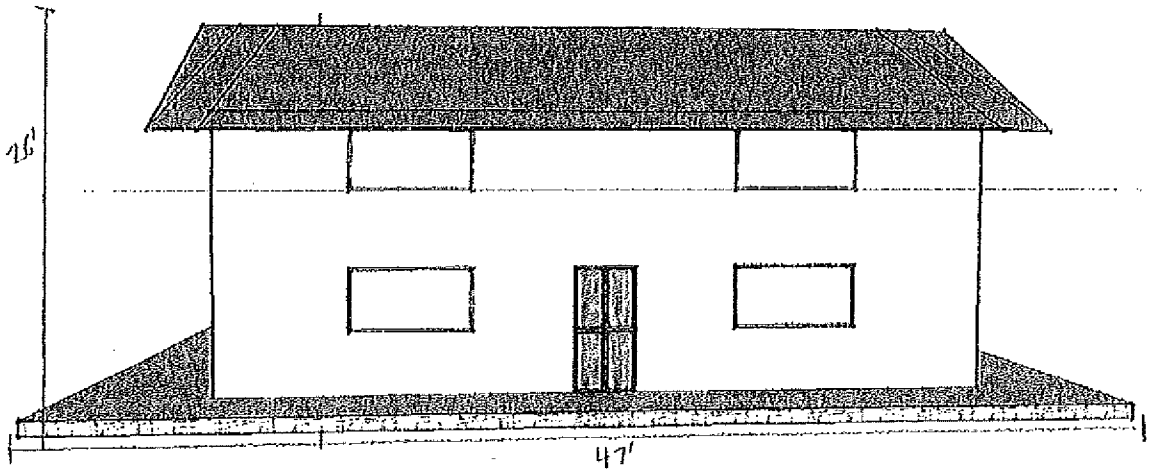
East View of Watson Property



South View of Watson Property



West View of Watson Property



Landscape Management Plan for Watson Property
North Junction, Lower Deschutes River, Wasco County

Goal
Provide native tree vegetation screening along the Deschutes River so as to fully screen proposed recreational structure from sight from the Deschutes River. Provide for maintenance of vegetation during initial period (approximately 5 yrs) from time of planting to ensure survival of new vegetation and permanent screening of structure.

Objective
Plant and maintain native trees along exposed portion of rivers edge and floodplain.

Scope:

1. During spring (May/early June)

   Plant 12-15, mature (8' or taller) Pine trees, with 10' spacing along rivers edge in areas where no trees currently exist. Trees are to be transplanted into holes of same depth as those created by their removal. Holes are to be pre-watered, and soils conducive to successful transplantation are to be used.

2. Throughout summer and fall

   Maintain transplanted trees by watering at least one time per week, up to three times per week; assess for sustainability of transplanted trees and where necessary, supplement with:

3. White alder and black cottonwood trees, 1-2 gallon sized, planted along rivers edge and on flood plain.

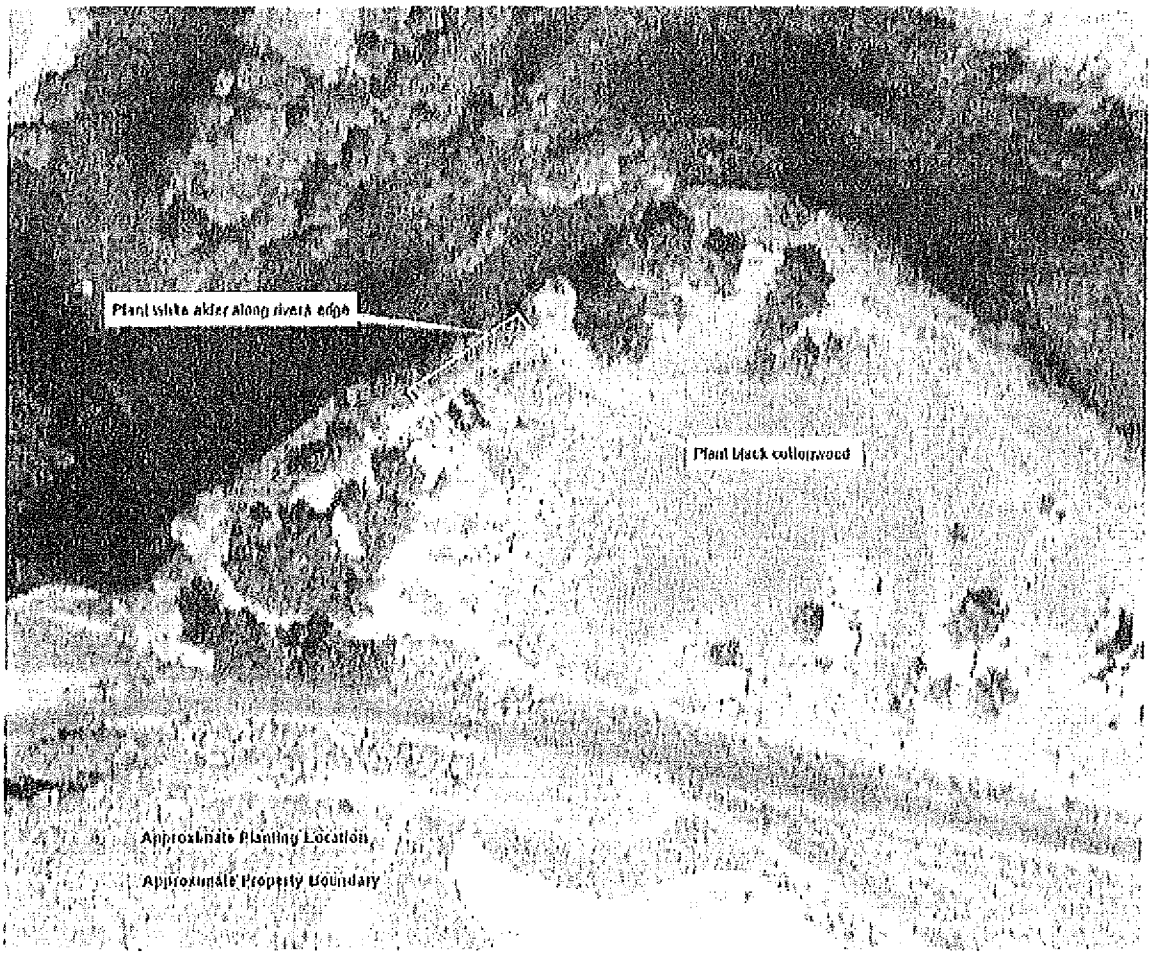
Maintenance:

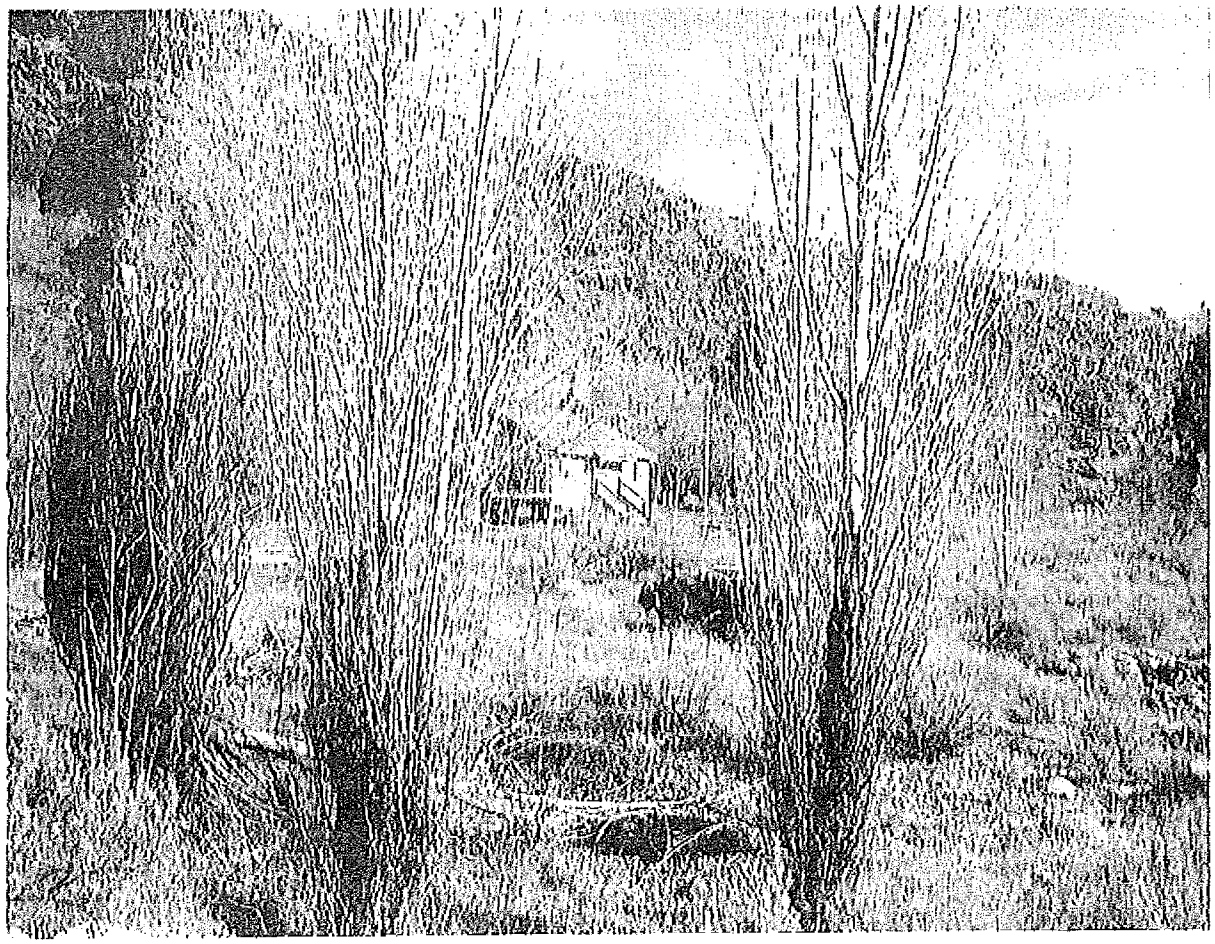
1. Weekly/bi-weekly watering to occur during summer months of all transplanted Pine, and if necessary, White alder and Black cottonwood trees for period of 5 yrs. to ensure successful growth in perpetuity.

Conclusion:
Applicants will continue to provide for screening of proposed structure, as per Scenic waterways requirements, in perpetuity. As necessary, additional planting, landscaping, watering, or supplementation will be performed by applicants.

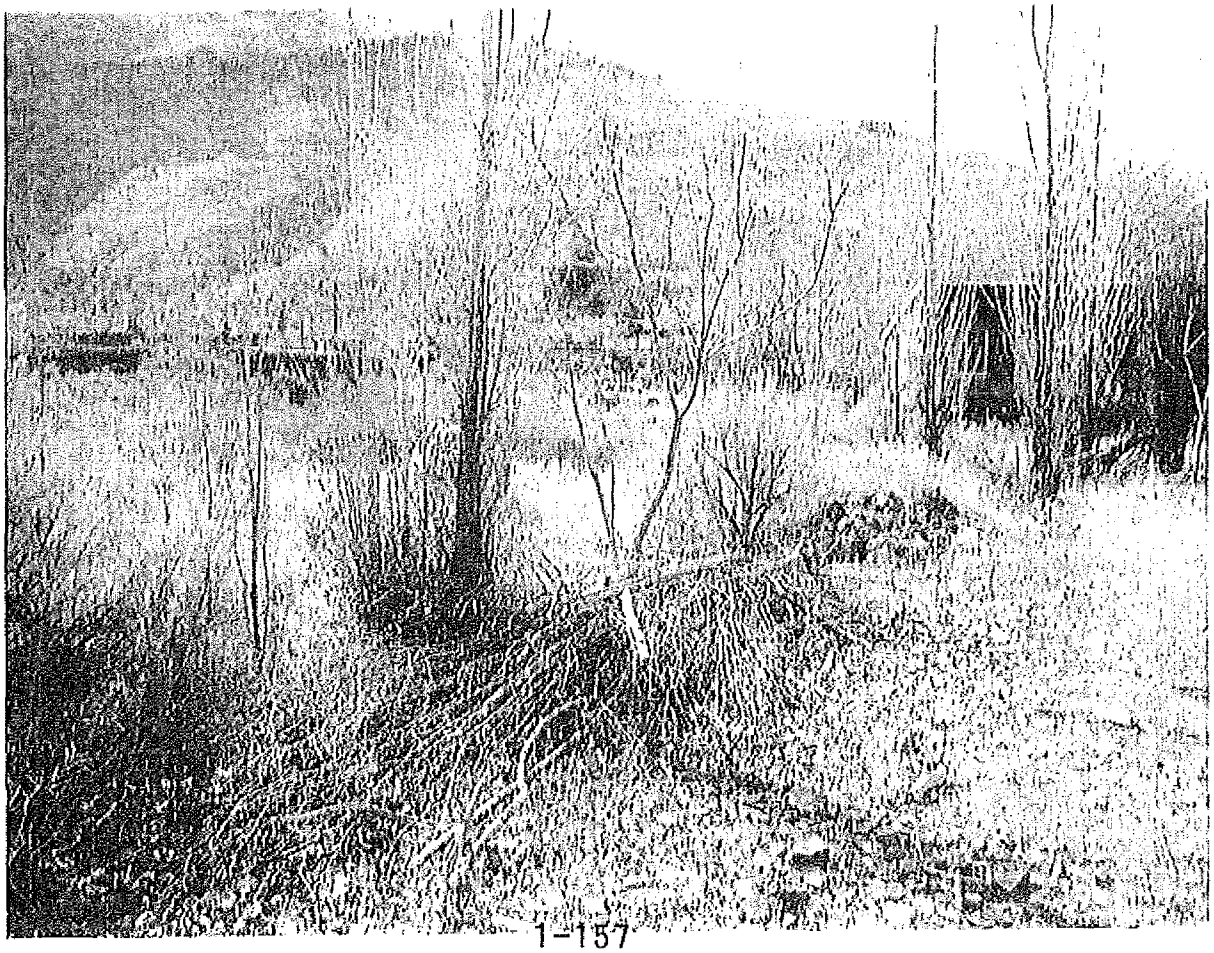
See Attached map for approximate planting locations.

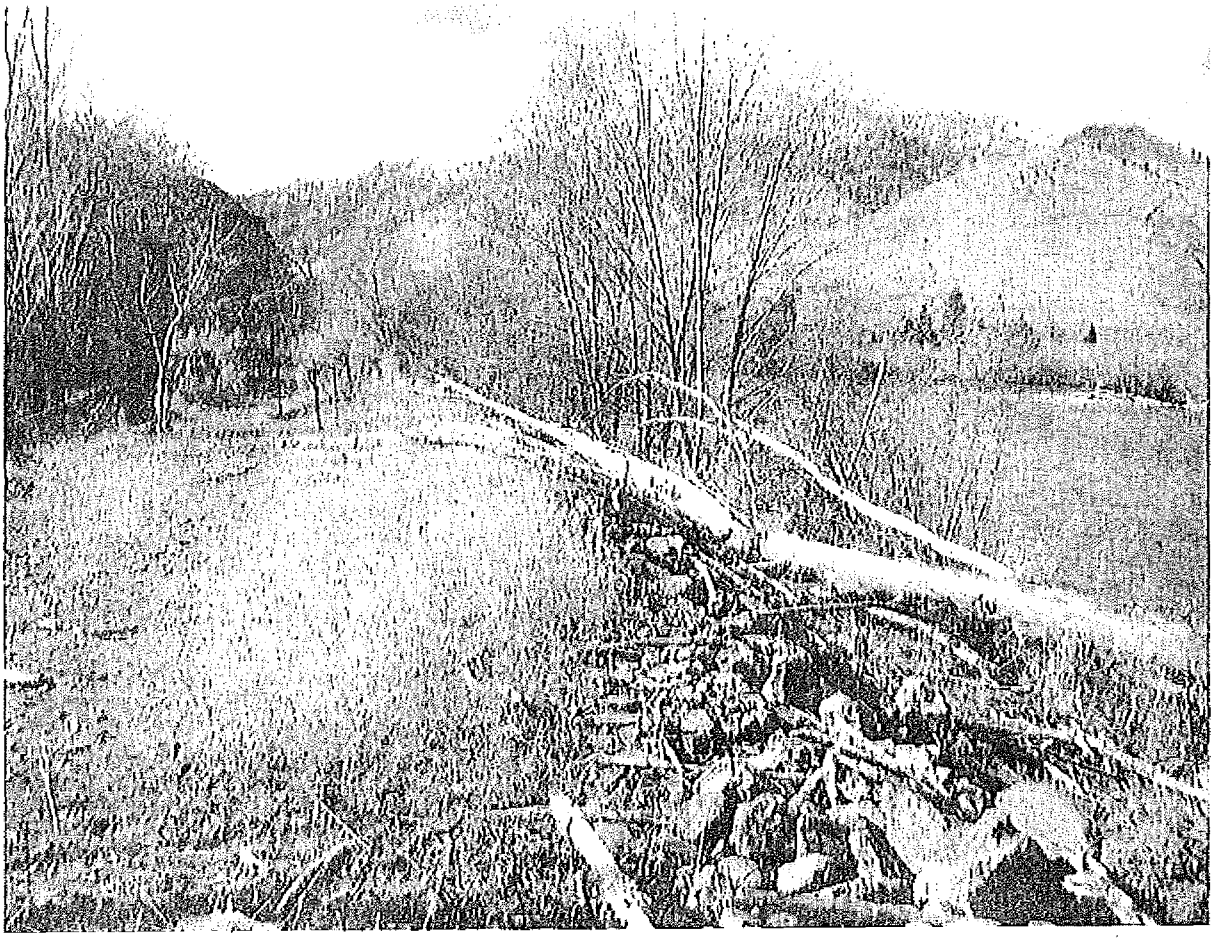
Watson Property North Junction – Lower Deschutes River



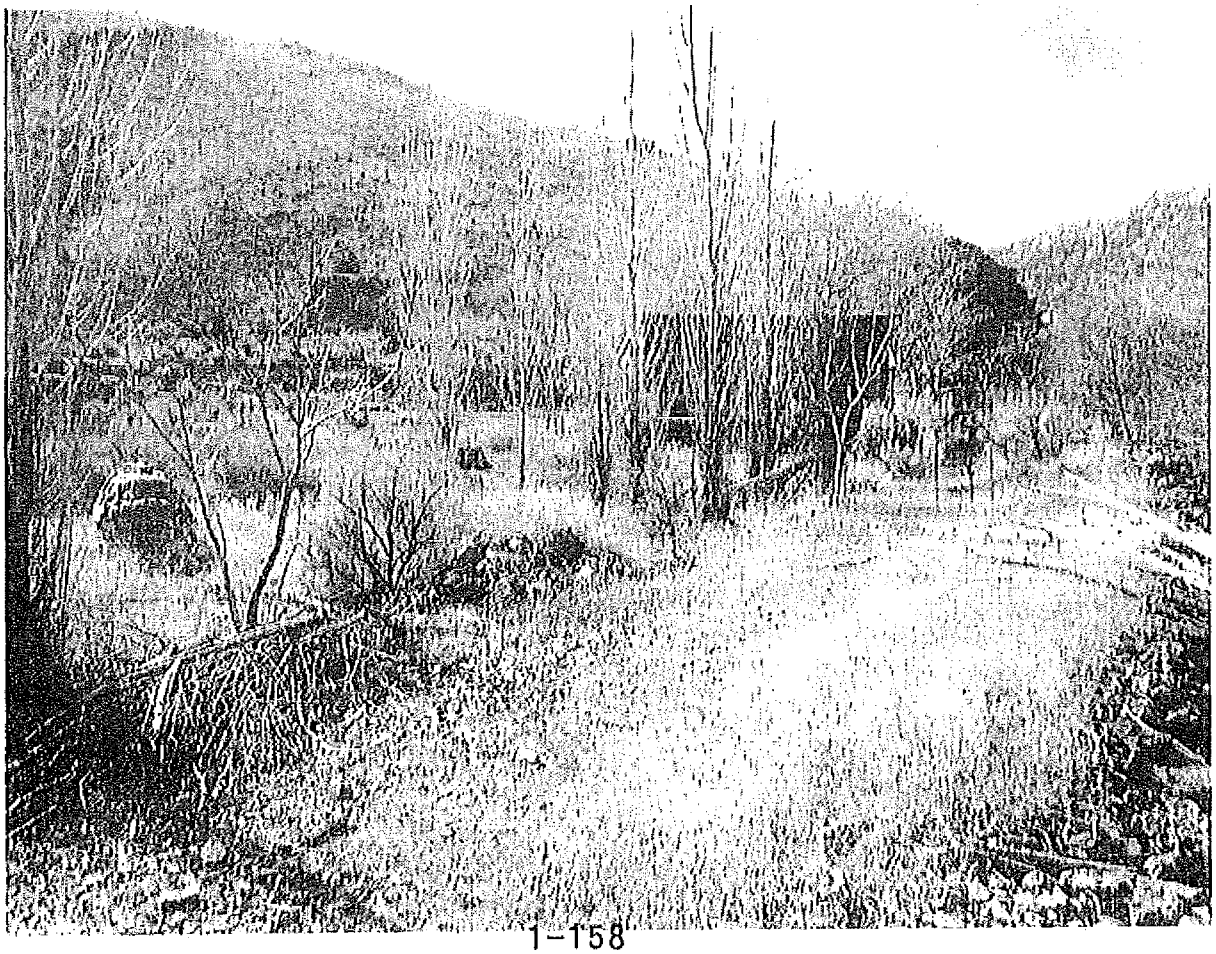


Looking at dwelling site, from neighboring property upstream

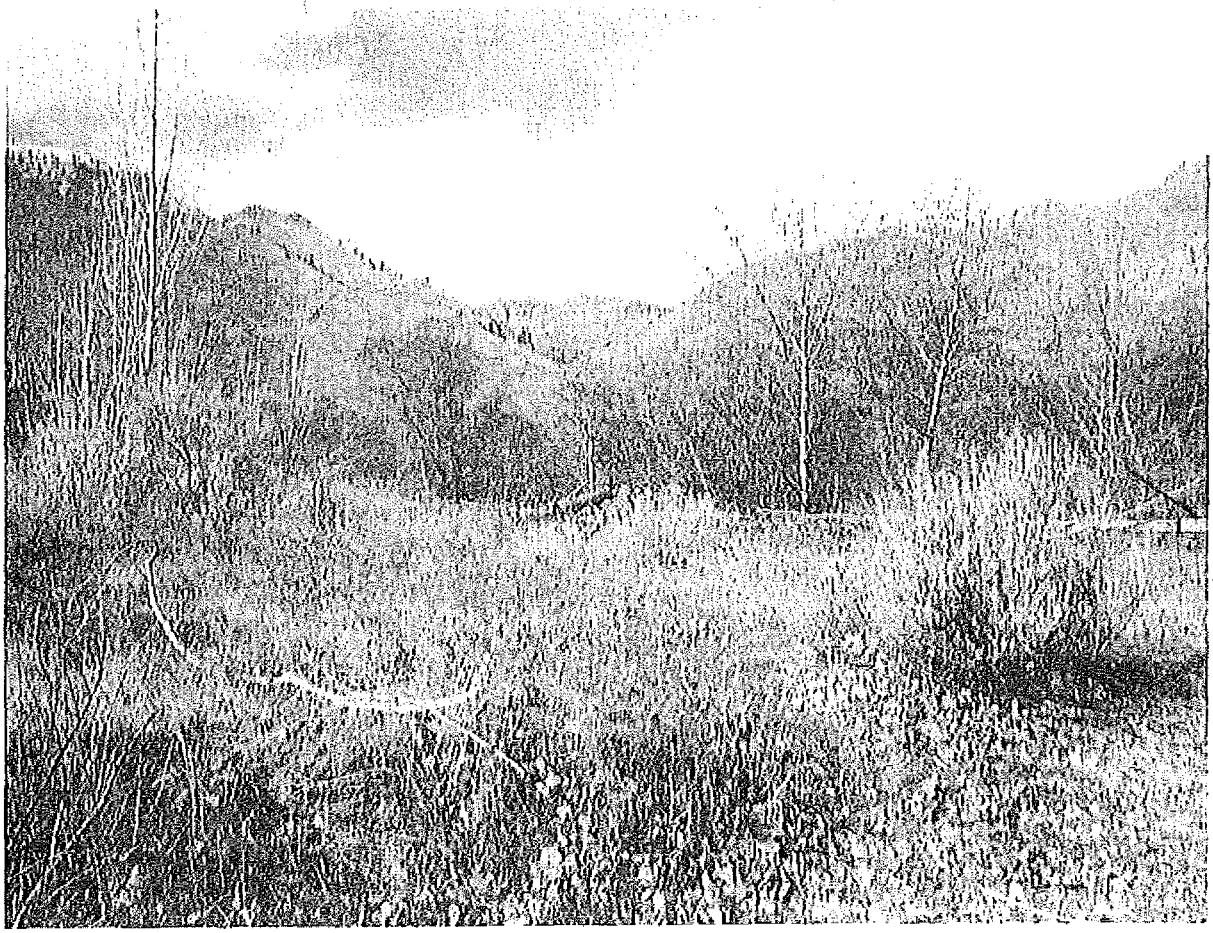




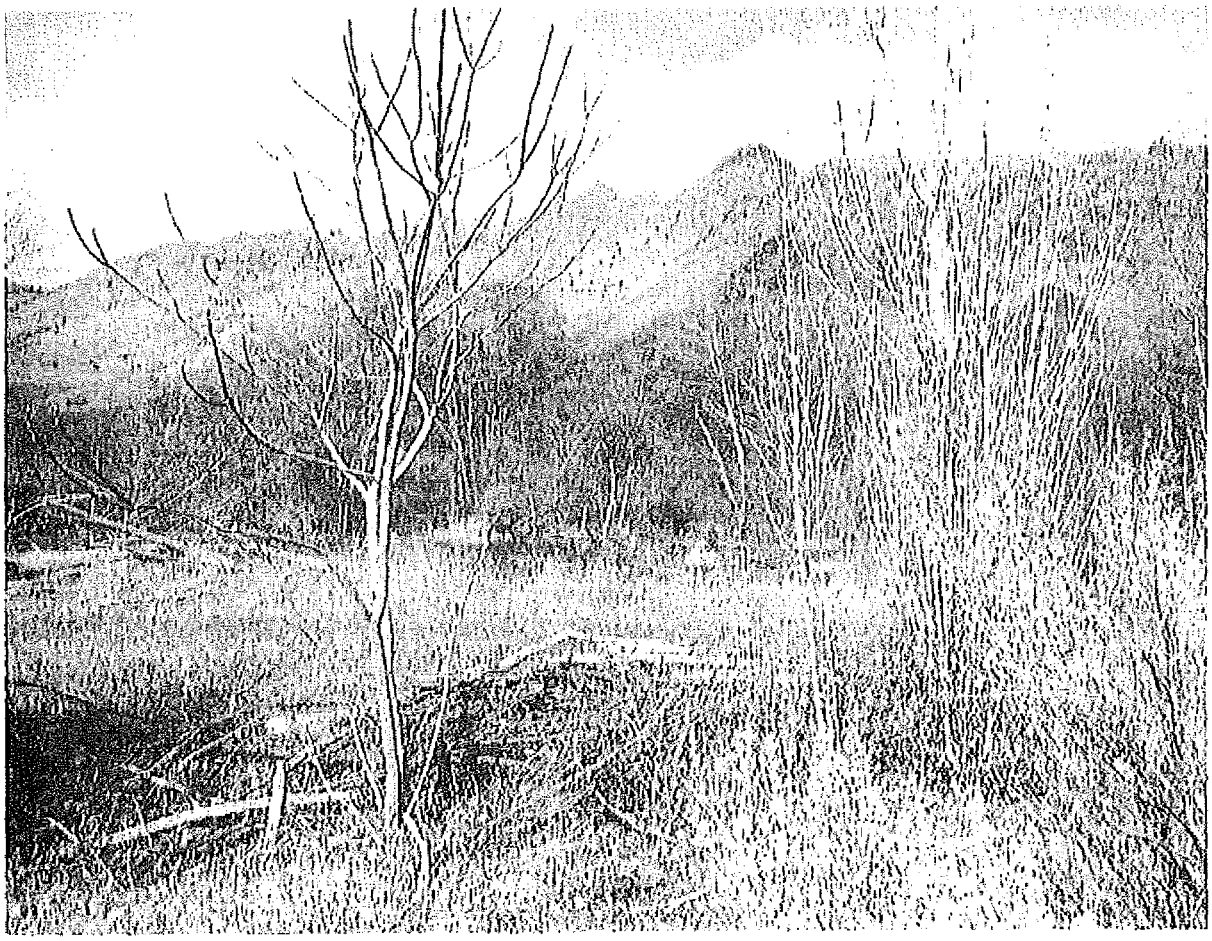
Looking upstream, dwelling site to the left



Picture taken from same locale shown looking at dwelling site



Looking at river from dwelling site



Looking at river from dwelling site

WASCO COUNTY PLANNING
AND DEVELOPMENT
Todd R. Cornett, Director
2705 East Second Street
The Dalles, Oregon 97058

Phone: (541) 506-2560
Fax: (541) 506-2561
Web Address: co.wasco.or.us

December 16, 2010

Gabriel Watson
3216 NE Klickitat
Portland, OR 97212

RE: FILE NUMBER PLACUP-10-11-0023, PLASTS-10-11-0026, and PLAQJR-10-11--0006: Completeness review for Single Family Dwelling and detached shed on property located at Township 7 South, Range 14 East W.M., Section 8 D, Tax lot 300; Assessor Account 12783

Dear Mr. Watson,

Your application for a conditional use permit, subject to standards review, and quasi-judicial variance to construct a 50' x 36' dwelling was received by our office on November 16, 2010. Currently, the application is **INCOMPLETE** as of December 16, 2010. The following information is required:

TPC

1. Defensible Space: The proposed dwelling is situated on the property in a way that precludes the ability to establish a 50-foot fire fuel break on all sides of the dwelling as required by Section 10.120 of the Wasco County LUDO. This can be remedied by either attaining an easement from your neighbor that allows you to maintain vegetation within 50 feet of the dwelling in a fire-wise fashion, or by applying for a Modification to Fire Safety Standards and explaining how you propose to mitigate for the potential increase in fire danger due to the unmanaged vegetation in close proximity to the dwelling.

TPC

2. Emergency Access: Emergency Access to the subject property does not meet fire safety standards due to the width and clearance along the road and driveway. Therefore, a NFPA approved sprinkler system is required. If you cannot provide a sprinkler system, then you will be required to submit a Modification of Fire Safety Standards to address the required access to an emergency water supply. Please provide information regarding your proposed NFPA sprinkler system or onsite water storage design.

3. Water: Please explain your proposed access to water (well, water right, etc.). It may be beneficial for you to contact Bob Wood, Wasco County Water Master at 541-506-2652 to discuss potential permitting issues.

Upon submittal of the requested documentation, Planning Staff will examine it within 30 days to determine if the updated application is complete.

Please Note: Per Oregon Revised Statute 215.427, the applicant has 180 days from the original submittal date to respond to this Letter of Incompleteness. If the applicant does not respond **IN WRITING** within 180 days, then the application will be deemed void on the 181st (day April 20,

2011).To prevent this application from being deemed void, please respond IN WRITING to this Letter of Incompleteness by submitting the following:

- All of the missing information; or
- Some of the missing information and **written notice** that no other information will be provided; or
- **Written notice** that none of the missing information will be provided.

Please note: This letter does not convey tacit approval or denial of any development on the subject property.

Please feel free to contact me at 541-506-2560 with any questions.

Sincerely,

A. Gary Nychyk
Senior Planner Planner

c: Leslie Watson
PLACUP-10-11-0023

Wasco County

Permit Receipt

RECEIPT NUMBER 00000765

Account name: 0008728 **Date:** 11/16/2010

Applicant: LESLIE WATSON

Type: check # 1017

Permit Number	Fee Description	Amount
PLACUP-10-11-0023	CUP FEE	1,500.00
PLACUP-10-11-0023	CLERKS RECORDING FEE - nod	71.00
PLAQJR-10-11-0006	QUASI-JUDICIAL REVIEW	425.00
PLASTS-10-11-0026	SUBJECT TO STANDARDS	300.00
	Total:	2,296.00

Wasco County

Permit Receipt

RECEIPT NUMBER 00000765

Account name: 0008728 **Date:** 11/17/2010

Applicant: LESLIE WATSON

Type: check # 1017

Permit Number	Fee Description	Amount
PLACUP-10-11-0023	CUP FEE	1,500.00
PLACUP-10-11-0023	CLERKS RECORDING FEE - nod	71.00
PLAQJR-10-11-0006	QUASI-JUDICIAL REVIEW	425.00
PLASTS-10-11-0026	SUBJECT TO STANDARDS	300.00
	Total:	2,296.00

Grabe Watson submitted an updated application on July 31, 2012. All fees have remained the same & the application will continue to be opened.

Jennifer Mahrer, Senior Planner July 31, 2012

WASCO COUNTY

Jeanette Montour< jeanettem@co.wasco.or.us>

Fwd: Watson APO

1 message

Gabriel Watson< watsongabe@gmail.com> Tue, Jul 31, 2012 at 3:53 PM
To: Jeanette Montour <jeanettem@co.wasco.or.us>

---------- Forwarded message ----------
From: Gary Nychyk <garyn@co.wasco.or.us>
Date: Thu, Feb 10, 2011 at 1:59 PM
Subject: Watson APO
To: Gabriel Watson <watsongabe@gmail.com>

Gabe,
Here is the Mailing list that we will be using.

Thanks
Gary

--
A. Gary Nychyk, Interim Director
Wasco County Planning Department
(541) 506-2560
garyn@co.wasco.or.us

--
Gabriel A. Watson
503-729-3521

Watson APO.xlsx
11K

WASCO COUNTY

Jeanette Montour< jeanettem@co.wasco.or.us>

Permit Documents for Completion

1 message

Gabriel Watson< watsongabe@gmail.com> Tue, Jul 26, 2011 at 4:29 PM
To: jeanettem@co.wasco.or.us

Jeanette,

Thanks so much for taking the time to talk with me. I am going to forward you the documents that I sent to Gary back on March 10th. 2011.

They include:

1. Tank specifications for below ground tank; I spoke with Gary about this--he said that there would be no problem placing a below ground tank so that we would be able to bring in potable water in the event that a well cannot be dug

2. Fire Safety modifications; again, spoke with Gary, he indicated that the plan I submitted was appropriate, on March 7 he provided me with LUDO Chapter 10 to reference--if you would like I can forward you that email as well.

3. Water plan

Sorry for the confusion--I was very surprised to hear that our permit had expired--especially granted the confirmation I had from Gary that it was complete. At any rate, we are glad to do whatever is needed to move forward in the process. I look forward to working with you and PLEASE don't hesitate to ask if there is anything we can do to help out with the process.

Cheers,

Gabe

--
Gabriel A. Watson
503-729-3521

WASCO COUNTY

Gary Nychyk <garyn@co.wasco.or.us>

Watson - North Junction

1 message

Greg Clannella <greg.clannella@state.or.us> Wed, Mar 9, 2011 at 1:25 PM
To: GaryN@co.wasco.or.us

Hi Gary,

Currently, the Watson's have an incomplete notification of intent into Oregon Parks and Recreation Department (OPRD) for their proposed structure placement in North Junction along the Lower Deschutes River. Two items are missing, 1.) A landscape plan, 2.) Building plans that show detailed dimensions of structure size, and exterior color schemes. If the Watson's can submit a landscape plan that demonstrated native vegetation planting for screening, a maintenance plan to ensure plant survivability, in addition to building plans that showed structure height no more than 30ft. from natural grade and exterior color schemes that are earth tone and blend into the landscape, OPRD would approve their notification of intent.

As you'll read in the rules and regulations for the Lower Deschutes River "(2) Recreational River Area: (b) Within the Recreation River Area described in subsection (2)(a), the Department may not permit any new structures or improvements which are visible from the river, other than those erected or made in connection with compatible existing uses, or those needed for public outdoor recreation or resource protection."

Under OAR rules for Scenic Waterways (http://arcweb.sos.state.or.us/rules/OARS_700/OAR_736/736_040.html) under 736-040-0035 Rules of Land Management, under 7 D(b) "The Commission may require that additional vegetative screening be established and maintained. In such event, it shall be evergreen, wherever practicable, and compatible with natural growth in the area."

As stated above, we will accept the Watson's notification of intent, if he can provide a landscape plan and demonstrate the abillity to grow native vegetation for screening. In his approval, I can add yearly check-ups on vegetation establishment, and also put in clauses of re-planting if plants are dying off.

As you are aware of our rules and regulations, if OPRD denies the Watson's notification of intent, they have one year from the date their notification of intent is deemed complete to move forward with their plans, without consulting with OPRD.

I will let you know when the Watson's complete their notification of intent - you will receive a copy of their full application.

Please give me a call if want to discuss this - cell phone is best since I'm and in out a lot 503.580.2434

Greg

Greg Clannella
Natural Resource Specialist
Oregon Parks & Recreation Dept.
Region 3 (Central/Eastern Oregon)
1645 NE Forbes Road Ste 112
Bend, OR 97701-4990

WASCO COUNTY

Jeanette Montour <jeanettem@co.wasco.or.us>

Watson Permit

1 message

Mon, Feb 6 re Conversation.

Gabriel Watson <watsongabe@gmail.com> Sun, Feb 5, 2012 at 11:14 PM
To: Jeanette Montour <jeanettem@co.wasco.or.us>

Jeanette,

Hello again. Just touching base and giving you a brief update on our progress.

1. Greg Clanella will be visiting the site in early March to conduct the Scenic Waterway review. working on

2. I will be speaking with Public Health to arrange a septic review/site visit either in February or early March. working on

3. We continue to look into well digging options, as that is our primary goal for water supply; we have discussed a subterranean tank, do I need to fill out any paperwork for this. Per the watermaster I do not--does Wasco County have any additional requirements regarding the tank?

4. We have consulted a contractor who will be installing our residential sprinkler system, does this require any further documentation on our end or will this just be included as a requirement for the proposed dwelling? submitting doc.

5. We have the LOMA, has Brad Cross submitted the Flood Elevation Certificate. I have not heard back from him. If he has not, I will complete the form and fax it to him for signature. working on

6. Currently the Permit application is in the name of my mother and myself. She passed away last year and I will be purchasing her share of the property from my father (her heir)either this week or next. Does this change anything with regard to the permitting process? If so, we can delay this as is most streamline for the permit process.
I hope that just about covers it. Once we complete our application, what is the time frame for review? I know this will vary--we are just trying to lay out a calendar.

Again, thanks for all of your help on this. I appreciate your patience and guidence.

Cheers,
Gabe

Gabriel A. Watson
503-729-3521