

IN THE COUNTY COURT OF THE STATE OF OREGON

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IN AND FOR THE COUNTY OF WASCO

KAREN R. LEBRETUN
COUNTY CLERK

IN THE MATTER OF AMENDMENTS TO THE GOAL 4)	
POLICY SECTION OF THE WASCO COUNTY)	
COMPREHENSIVE PLAN , AND THE WASCO COUNTY)	ORDINANCE
LAND USE AND DEVELOPMENT ORDINANCE TO)	99-109
AMEND THE ZONING ORDINANCE TO INCLUDE LOT OF-)	
RECORD DWELLINGS, WITHIN A FIRE DISTRICT, IN THE)	
"F-2" FOREST ZONE, WITHIN THE TRANSITION LAND)	
STUDY AREA.)	

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 March 18, 1998, Ordinance No. 97-102 adopted a recommendation to allow "lot-of-record" dwellings in the F-2 Commercial Forest zone, in the Transition Lands Study Area (TLSA) for parcels within a fire protection district. This amendment will implement Ordinance No. 97-102.; and

IT FURTHER APPEARING TO THE COURT: That the proposed amendment is to adopt the implementing ordinance for Lot of Record dwelling provisions in the "F-2" Forest zone, consistent with uses allowed by the OAR 660 Division 6, Forest Lands Rule adopted June 1, 1998; and

IT FURTHER APPEARING TO THE COURT: That on Tuesday, August 3, 1999, in the Columbia Gorge Community College Board Room #1.162, The Dalles, Oregon, the Wasco County Planning Commission, met to conduct a legally notified public hearing on the above matter. Staff

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explained the decision to implement this amendment was approved by the County Court in 1998 during a public process for the TLSA. The Commission received testimony from a property owner in favor of the ordinance, and reviewed the ordinance text before it was sent to the County Court for final adoption. No action was required on these amendments; and

IT FURTHER APPEARING TO THE COURT: That at 1:30 p.m. on Wednesday, October 6, 1999, in the County Courtroom, Room 202, of the Wasco County Courthouse, 511 Washington Street, The Dalles, Oregon, this Court met to conduct a legislative public hearing on the above matter. The members of the Court were determined to be qualified to hear the matter; and

IT FURTHER APPEARING TO THE COURT: That the Court reviewed the record of the Planning Commission and heard the Staff report. No parties presented testimony. The Court closed the hearing for further input, and then deliberated, resulting in a 3-0 vote to adopt the proposed legislative amendments to adopt the implementing ordinance for Lot-of-Record dwellings in the "F-2" Commercial Forest zone, in a fire district, within the Transition Lands Study Area. Based upon the full record and evidence and testimony presented, the Court being fully apprised in the premises, did hereby make the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. In making its decision, the County Court recognizes and adopts the findings of fact in the Staff Report presented to them and made a part of this record at the hearing held on October 6, 1999.
 - A. The Transition Lands Study Area recommended amending the "F-2" Commercial Forest Zone to include provisions for lot-of-record dwellings. That recommendation was adopted by Ordinance 97-102 in March 1998.
 - B. This proposed amendment to the land use and development ordinance will codify the changes to the text of the "F-2" zone to allow lot-of-record dwellings.
 - C. This amendment will adopt a Policy to the Goal 4 section of the comprehensive plan relating to Forest lands.

2. Proper notice was given and the hearing was held in accordance with procedural rules for legislative hearings and in conformity with said requirements as set forth in the Wasco County Comprehensive Plan.
3. Three (3) members of the County Court were present and were qualified to sit as decision-makers after full disclosure was made and the matter of qualifications was discussed by the Court;
4. In making its decision, the Court recognizes the procedural and legal requirements of the Wasco County Comprehensive Plan and the Wasco County Land Use and Development Ordinance and weighed fully each requirement in arriving at its decision.

CONCLUSIONS OF LAW

1. The amendments are being made to implement the ordinance for Lot-of-Record dwellings in the "F-2" Commercial Forest zone within the Transition Lands Study Area, as approved in Ordinance 97-102.
2. The Court adopts the Conclusions of Law as set forth in the Staff Report presented to them and made a part of this record at the hearing held on October 6, 1999.
3. The request is for a Wasco County Comprehensive Plan amendment and Wasco County Land Use and Development Ordinance amendment.


NOW, THEREFORE, THE WASCO COUNTY COURT ORDAINS AS FOLLOWS: The Wasco County Comprehensive Plan and Wasco County Land Use and Development Ordinance are hereby amended to adopt the implementing ordinance for Lot-of-Record dwelling provisions in the "F-2" Forest zone in the Transition Land Study Area. The revised Wasco County Comprehensive Plan text amendments adopted by this ordinance are attached as Exhibit "C"; the Wasco County Land Use and Development Ordinance text amendments and Map of F-2 Zoned land and Fire Districts within the Transition Lands Study Area is attached as Exhibit "A".

SIGNED this 3rd day of November, 1999.

WASCO COUNTY COURT


John Mabrey, Judge


Scott McKay, Commissioner


Dan Ericksen, Commissioner

Approved as to Form:


Eric J. Nisley
Wasco County District Attorney

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Attachments: Exhibit A, Map
Exhibit C, Ordinance

NOTE: Wording in **BOLD** indicates new text, wording in ~~wording~~ which is ~~strikeout~~ indicates wording that is being eliminated;

EXHIBIT "A"
Amendments to the Goal 4 Policy of the Comprehensive Plan

GOAL # 4 Forest Lands

To conserve forest lands for forest uses.

POLICY 1 Land use regulations and tax incentives should be designed to perpetuate sustained timber production and to protect the big game winter range area.

IMPLEMENTATION

- A. Encourage the preservation of timber site productivity classes I-VI in commercial timber production.
- B. Allow recreational development (i.e., public and private parks, playgrounds and recreational grounds as described in Section 3.120 ~~(2)(e)~~ (D) (5) of the Wasco County Zoning Ordinance as a conditional use in the "F-2" zones.
- C. The minimum lot size on areas designated on the Comprehensive Plan Maps as "Watershed" shall be eight (80) acres.
- D. All timber harvesting shall be in accordance with the Oregon State Forest Practices Act.
- E. Lands south of the Willamette base Line are primarily owned by the United States Government, State of Oregon, and private timber companies. Lot sizes are large and are not likely to be partitioned. The eighty acre minimum lot size will help to protect the winter range areas. The minimum lot size on lands south of the Willamette Base Line designated as "Forest" on the Comprehensive Plan Map shall be eighty (80) acres.
- F. Lands north of the Willamette Base Line are totally under private ownership with minimum lot sizes . ~~The forty (40) acre minimum lot size would prevent seventy-eight (78%) of the lots from being further partitioned, protecting the winter range habitat.~~ The minimum lot size on lands north of the Willamette Base Line designated as Forest on the Comprehensive Plan Map shall be ~~Forty (40)~~ **(80) eighty acres.**

POLICY 2 Landscape and visual design should be applied in timber harvest area.

IMPLEMENTATION

- A. The Wasco County Planning Commission shall require that changes in land use shall not destroy tree growth along streams, and may require developers to include tree plantings along streams in the design of projects.

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- ~~B. Clear cutting shall be discourages within the visual of the Columbia River Gorge in accordance with Goal # 5.~~
- ~~B.C. Maximum utilization of existing utility rights-of-way should be required before permitting new rights-of-way.~~
- ~~C.D. Selective cutting of commercial timber along the White River should take into consideration the preservation of this scenic river, in accordance with Goal # 5.~~

POLICY 3

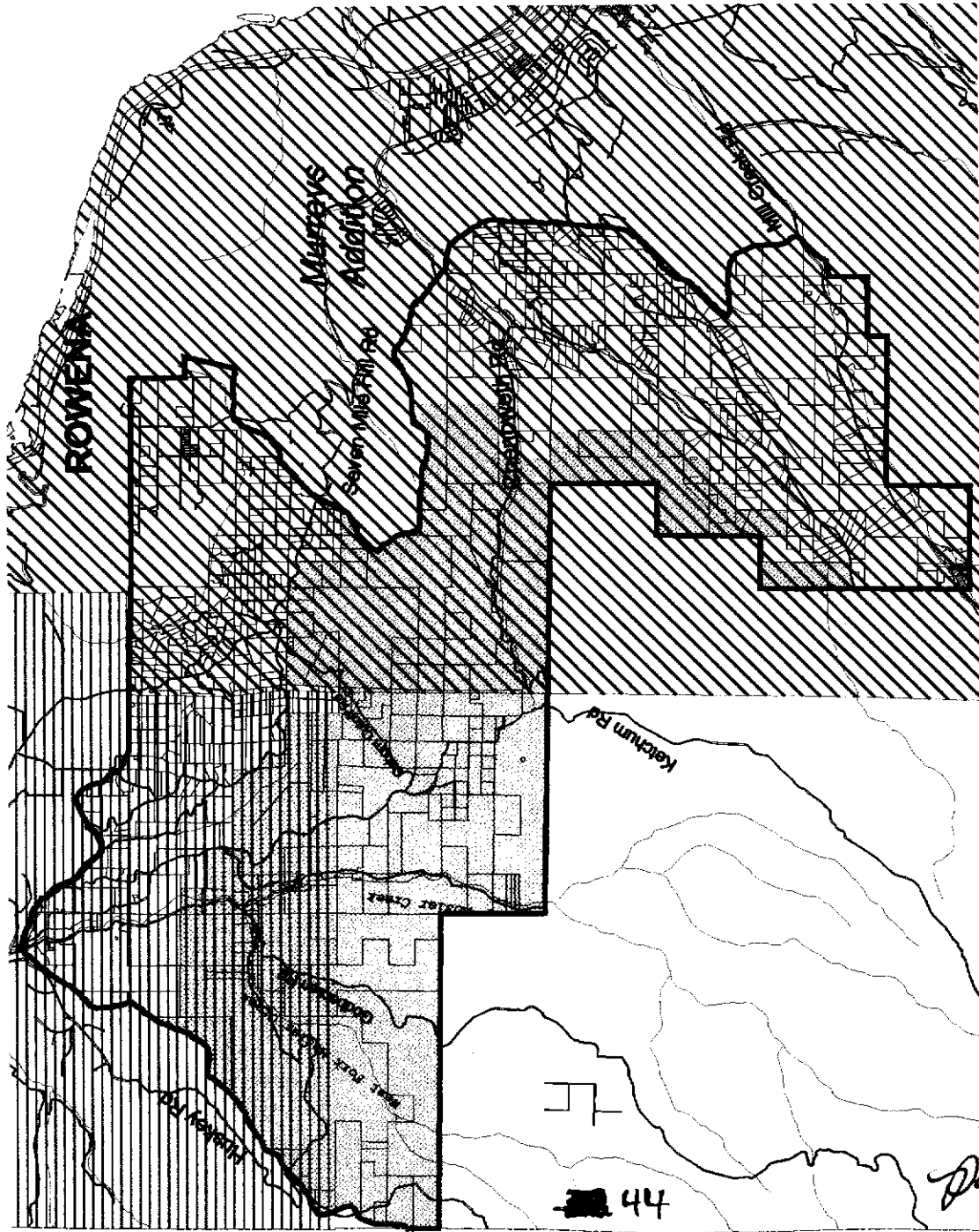
Dwellings should be permitted on lands owned prior to extensive implementation of Goal 4 protection (Jan. '85) where consistent with the Transition Lands Study Area study dated September 17, 1997.

IMPLEMENTATION

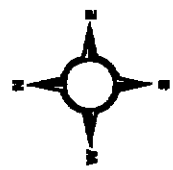
- A. Adopt the Transition Lands Study document (September 12, 1997), and comprehensive plan map (ATTACHMENT A) by reference, as background information for planning purposes within Transition Lands Study Area.**
- B. Implement the 'lot of record' provision in the TLSA, for parcels within a fire protection district (OAR 660-006-0027 adopted June 1, 1998).**
- C. Do not implement the OAR provision for the 'template test' in the TLSA based on the available area wide information regarding overall landuse patterns, land values, and lack of infrastructure in the forest zone, based on the Transition Lands Study Area study dated September 17, 1997.**

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Exhibit A



- County Boundary
- Roads
- Streams
- TLSA Boundary
- Parcels
- Fire Districts
- MOSIER R.F.P.D.
- MID-Columbia F&F
- TLSA F-2 Zoning
- F-2(80)



Wasco County GIS
 June 1999

6 Miles



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EXHIBIT "C"

SECTION 3.120 "F-2" FOREST ZONE

A. Purpose

The purpose of the "F-2" Forest Zone is to protect land designated as Forest on the Comprehensive Plan Map that is suitable and desirable for commercial forestry activities. The scope of the zone also encompasses the management of areas for the continued use of lands for renewable resource production, retention of water resources, open space, recreation, wildlife habitats and related forest uses. Residential development which might be affected by or in itself affect accepted forest management practices will be limited or prohibited so as to maximize the productivity of forest resource management in the zone.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the "F-2" Forest Zone shall comply with the following regulations:

B. Definitions

1. **Auxiliary** - A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.
2. **Accessory to** - The dwelling is incidental and subordinate to the main forest use.
3. **Commercial Tree Species** - Trees recognized under rules adopted under ORS 527.715 for commercial production.

"F-2" Forest Zone, Revised August 5, 1992

LUA-99-105-L

Ordinance No. 99-109

Exhibit C

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3. ~~4~~Necessary for - The dwelling will contribute substantially to effective and efficient management of the forest or farm land to be managed by the resident(s) of the dwelling.

4. Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by this section. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground. A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites. All parks and/or campgrounds shall comply with the definition of parks and campgrounds as defined in this ordinance ~~Section (B)(4) of this zone.~~ Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

- ~~5,6~~.Temporary - A structure or use used, located or enjoyed for a period of time not to exceed the length of the particular forestry operation. Any structure associated with a temporary use in the "F-2" zone shall not be located on a permanent foundation.

7. Tract - One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

C. Permitted Uses

In the "F-2" Forest Zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions and exceptions set forth by this Ordinance:

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash.
2. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation, as set forth in ORS 527.722. All structures proposed shall comply with the definition of temporary as defined in Section (B)(5) of this zone.
3. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for the purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
4. Uses to conserve soil, air and water quality and to provide for wildlife and fish resources.
5. Farm use as defined in Oregon Revised Statutes (ORS) 215.203(2).
6. Additional local distribution lines within existing right-of-ways, accessory utility equipment and

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facilities that provide service hookups, including water service hookups.

7. Temporary portable facilities for the primary processing of forest products. All structures/facilities proposed shall comply with the definition of temporary as defined in Section (B)(5) of this zone.
8. Private hunting and fishing operations without any lodging accommodations or any other physical development.
9. Towers and fire stations for forest fire protection.
10. Widening of roads within existing rights-of-way in conformance with the transportation element of the Wasco Comprehensive Plan including public roads and highway projects as described in ORS 215.213 (l), (m) through (p) and ORS 215.283 (l), (k) through (n).
11. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
12. Uninhabitable structures accessory to fish and wildlife enhancement.
13. Temporary forest labor camps (subject to section C(20)). All structures/facilities proposed shall comply with the definition of temporary as defined in Section (B)(5) of this zone.
14. Maintenance, repair or replacement of existing legally implemented dwellings and/or accessory structures.
15. The rehabilitation, replacements, minor betterment, repair and improvements and other similar construction activities, not considered by the Approving Authority to have land use impact, in public parks, public playgrounds, and public recreational grounds.

D. Conditional Uses

In the "F-2" Forest Zone, the following uses and activities and their accessory buildings and uses may be permitted when authorized by the Approving Authority upon satisfactory demonstration of compliance with the general provisions and exceptions set forth by this Ordinance:

1. Single family dwellings necessary for and accessory to forest operations, subject to the request meeting the requirements of the Approving Authority pursuant to subsection (E), (G), (H) and (J) of this section and Chapter 5 of this Ordinance.
2. Permanent facility for the primary processing of forest products.
3. Log scaling and weigh stations.
4. Disposal site for solid waste, for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
5. Parks and campgrounds. All parks and/or campgrounds shall comply with the definition of parks and campgrounds as defined in Section (B) (4) of this zone.
6. Mining and processing of oil, gas or other subsurface resources as defined in ORS Chapter 520 and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

7. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
8. Television, microwave and radio communication facilities and transmission towers.
9. Fire stations for rural fire protection.
10. Utilities facilities for the purpose of generating five (5) megawatts of power or less (subject to Chapter 19).
11. Aids to navigation and aviation.
12. Water intake facilities, related treatment facilities, pumping stations and distribution lines.
13. Reservoirs and water impoundments.
14. Cemeteries.
15. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
16. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
17. Home occupations as defined in ORS 215.448.
18. A mobile home in conjunction with an existing legally implemented dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.213 and 215.283 (subject to section G and J).

19. Expansion of existing airports.
20. Public road and highway projects as described in ORS 215.213 (2)(q) through (s) and ORS 215.283 (2)(p) through (r).
21. Forest management research and experimentation facilities as defined in ORS 526.215 or when accessory to forest operations
22. Caretaker residence for public parks and public fish hatcheries.
23. Private seasonal accommodations for fee hunting or fishing operations occupied on a temporary basis may be approved upon findings that the request complies with the following requirements;
 - a. Accommodations are limited to no more than fifteen (15) guest rooms as that term is defined in the Oregon Structural Specialty Code.
 - b. Only minor incidental and accessory retail sales are permitted.
 - c. Accommodations shall only be occupied seasonally and temporarily for the purpose of hunting and fishing during seasons authorized by the Oregon Department of Fish and Wildlife.
 - d. Fishing accommodations must be located within 1/4 mile of fish-bearing Class 1 waters.
 - e. Other conditions imposed by the Approving Authority deemed necessary.
24. Firearms training facility.

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25. New distribution lines (e.g. electrical, gas, oil, geothermal) with rights-of-way fifty (50) feet or less in width.

E. Standards for Establishment of Forest Management Dwelling(s)

Prior to submission of an application and "Management Plan" to the Wasco County Planning and Economic Development Office the applicant shall submit a "management plan", on a form provided by the Wasco County Planning and Economic Development Office, to the Oregon Department of Forestry for their review so the Department can, within forty-five (45) days, determine that;

1. The information describing the productivity and current condition of the forest land to be managed is complete and accurate.
2. Fulfillment of the forest management plan will result in the use of the parcel for the required management purpose in terms of stocking, stand density and harvest.
3. The siting and safety standards in OAR 660-06-029/035 have been adequately addressed.

The applicant shall then demonstrate, through the submission of the "Management Plan" and application, on a form prescribed by the Director of Planning, to the Wasco County Planning and Economic Development Office that;

4. The proposed dwelling complies with subsection (G), (H) and (J) of this zone and Chapter 5 of this Ordinance.
5. Each dwelling is necessary for and accessory to a forest operation, including cultured Christmas trees as defined in ORS 215.203(3). All dwellings proposed

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shall comply with the definition of accessory to and necessary for as defined in Section (B)(3) and (4) of this zone.

6. There are no other dwellings on the property which are vacant or currently occupied by persons not engaged in forest or farm management, which could be used as the principal forest or farm dwelling.
7. The property qualifies for and is enrolled in one of Oregon's forest tax programs.
8. The dwelling will not significantly interfere with, significantly increase the costs of, or impede forest or farm management on adjacent forest and agricultural lands.
9. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement.
10. The forest lands to be managed by the resident of the proposed dwelling meet the stocking and survival requirements of the Forest Practices Rules for the Eastern Region (OAR 629-24-402).

F. Uses Permitted Subject to Standards

1. One single family dwelling on a tract of record, located within the Transition lands Study Area, and meeting the following qualifications:
 - a. The lot or parcel on which the dwelling is to be sited was lawfully created and was acquired and owned continuously by the present owner:

1. Prior to January 1, 1985; or

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2. By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel prior to January 1, 1985.

b. On a tract that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined by ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:

1. A United States Bureau of Land Management road; or

2. A United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

c. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993 and no dwelling exists on another lot or parcel that was part of that tract.

d. If the tract on which the dwelling is to be sited consists of more than one lot or parcel, all lots and parcels within the tract shall be consolidated into a single lot or parcel.

e. As used in subsection (a)(2) above, "owner" included the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece nephew, stepparent, stepchild, grandparent or grandchild of

the owner or a business entity owned by any one or combination of these family members.

f. The dwelling shall be located upon a parcel within a fire protection district.

g. When the lot or parcel on which the dwelling will be sited lies within an area designated as big game winter range, the siting of the dwelling shall be consistent with the limitation on density upon which the Section 3.290 (Sensitive Wildlife Habitat Overlay describes to protect habitat.

h. Approval of a dwelling is subject to meeting the siting standards and fire standard requirements for dwellings pursuant to Subsection G, Siting Standards, and J, property Development Standards, and including Fire Safety Standards, of this Section.

G. Siting Requirements for Dwellings and Accessory Structures

The following siting criteria shall apply to all new dwellings and structures in forest and agriculture/forest zones. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands.

1. Dwellings and structures shall be sited on the parcel so that:

a. Siting shall result in the least possible impact on nearby or adjoining forest or agricultural lands.

b. Siting shall ensure that forest operations and accepted farming practices will not be curtailed or impeded.

c.3. Siting shall minimize the amount of forest or farm land removed from production for access roads, service corridors, the dwelling and accessory structures.

d4. Siting shall minimize the risks associated with wildfire by imposing fire prevention standards as described in subsection ~~j(8)~~ J of this zone.

2. Siting criteria satisfying (1) above may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
3. If road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
4. ~~Siting shall allow for a domestic water supply to be obtained from sources either contained within the boundaries of the property or legally acquired through easement or water rights from adjacent property.~~ The applicant shall provide evidence to the approving authority that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (~~OAR 690, Division 10~~) or surface water (~~OAR 690, Division 20~~) and not from a Class II stream as defined in the Forest Practices Rule (~~OAR 629-24-101(3)~~). For purposes of this section, evidence of a domestic water supply means:

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- a. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
- b. A water use permit issued by the Water Resources Department for the use described in the application; or
- c. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements, the applicant shall submit the well constructor's report to the county upon completion of the well.

5. Approval of a dwelling shall be subject to the following requirements:

- a. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;
- b. The director or the director's designee shall notify the county assessor of the above condition at the time any decision to permit a dwelling is approved;
- c. The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that the minimum stocking requirements have not been met;

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- d. Upon notification by the assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements. If the tract does not meet those requirements the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation (ORS 321.359) and impose the additional tax.
- e. The landowner for the dwelling shall sign and record in the deed records for the county a document binding the landowner, and the landowner a 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 actin or claim is allowed under ORS 30.93.936 or 30.937.

H. Conditional Use Approval Standards

In addition to the general standards and conditions that may be attached to the approval of a conditional use as provided by Chapter 5 of this Ordinance, the following review criteria shall apply to a conditional use applied for in subsection (D) of this Section:

1. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
2. The proposed use will not significantly increase the fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

3. A written statement recorded with the deed or written contract with the county is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for use authorized in subsections D(1), (2), (6), (14), (18), (19), and (24).
4. Complies with such other conditions as the governing body of the County considers necessary.

I. Prohibited Uses

1. All other uses not listed which are not determined to be similar uses, as provided in Section 4.010 of this Ordinance.

J. Property Development Standards

1. Property Size - The minimum property size is eighty (80) acres with a one thousand (1,000) foot minimum average lot width.
2. Setback - No structure other than a fence or sign shall be located closer than forty (40) feet from the right-of-way of a public road (front yard), and one hundred (100) feet from all other property lines.
3. Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.
4. Height - Maximum height for all structures shall be thirty-five (35) feet. Maximum height of transmission towers may exceed this height requirement upon administrative approval of a site plan review. Height is measured from average grade.

5. Stream Setbacks - All structures, or similar permanent fixtures (except hydroelectric facilities) shall be setback from the high water line or mark along all streams or lakes a minimum distance of one hundred (100) feet when measured horizontally at a right angle.
6. Signs - Signs shall not extend over a public right-of-way or project beyond the property line.
 - a. Signs shall not be illuminated or capable of movement.
 - b. Signs shall be limited to twelve (12) square feet in area and shall describe only uses permitted and conducted on the property which the sign is located.
 - c. Signs advertising the sale or rental of the premise and temporary in nature are permitted provided the sign is erected no closer than ten (10) feet from right-of-way of public road.
7. Parking - Off street parking shall be provided in accordance with Chapter 4.
8. Fire Safety Standards - All dwellings, and other structures shall institute the following fire safety measures for protection of the development and surrounding forest areas:
 - a. For dwellings and accessory structures;

An adequate water supply, capable of pumping ten (10) gallons per minute (gpm) for two hundred fifty (250) consecutive minutes (2500 gallon supply) with a minimum of twenty-five (25) psi of pressure from the hose nozzle shall be employed prior to issuance of zoning approval; and

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- b. At least one standpipe shall be placed a minimum of fifty (50) feet from the dwelling or accessory structure and shall be capable of handling the (gpm) requirements of (a) above; and
- c. Separate power service independent of the dwelling shall be provided for the pump utilized in (a), above; and shall be provided by a public utility; Any exception to this requirement shall be approved in writing by a state licensed fire engineer, and
- d. **The dwelling shall not be sited on a slope of greater than 40 percent.**
- ed. All structures shall be surrounded by a maintained primary fire break, and a secondary break, not less than thirty (30) feet wide **on land surrounding the dwelling that is owned or controlled by the owner.** The break shall consist of removal of fire fuels from the ground, shrubs from under large trees, and tree limbs within eight (8) feet of the ground; based on the slope of the area surrounding a building site the width of the primary fire break may increase; and
- fe. Any chimney or stovepipe on any structure for use with a woodstove or fireplace shall be screened, with a spark arrester, to prevent discharge of sparks; and
- gf. Access drives (driveways) shall be maintained to a level that is passable for fire equipment.
 - 1) Grades shall not exceed an average of eight percent (8%) with a maximum of twelve percent (12%) on short pitches.
 - 2) Driveway widths shall be a minimum of twelve (12) feet **width of all-weather surface.**

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capable of supporting vehicular traffic equal to or greater than fifty thousand (50,000) pounds of gross vehicle weight.

- 3) Turnouts - Driveways in excess of 200 feet should provide 20-foot wide by 40-foot wide long passage space (turnout) at a maximum spacing of $\frac{1}{2}$ the driveway length, or at 400 feet, whichever is less. ~~shall be provided at four hundred (400) foot intervals on one lane drives (drives less than sixteen (16) feet in width).~~
- 4) Dead-end driveways are defined as dead-end roads over 150 feet in length serving a single residence. Dead end driveways shall have a turnaround of not less than a forty-eight (48) foot radius.
- 5) Bridges, culverts, and other structures in the road bed should be constructed and maintained to support gross vehicle weights of 50,000 pounds.
- 6) Driveways shall be marked with the residents address. Letters and numbers shall be a minimum of three (3) inches in height and made of a reflectorized material. Placement of the address numbers or letters shall occur at the entrance to the driveway.
- 7) Driveways shall have a vertical clearance of 13'6".
- 8) Road Standards for public roads and private roads accessing 2 or more residences shall be constructed to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design culverts and road access taking into consideration seasonal weather conditions. The county shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards.

gH. The exterior roofing of all structures shall be of fire-resistant materials.

hi. Power and telephone lines shall be located underground whenever possible.

~~i. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream or lake, then road access shall be provided for pumping units. The road access shall be sited so as to allow adequate turnaround area for fire fighting equipment. Access roads leading to the water supply shall be signed.~~

9. Lighting - All outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials.

10. New Driveways: All new driveways which access a public road shall obtain a Road Approach Permit from the Wasco County Public Works Department.

karen/tlsa/f2 lot of record

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