



PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
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WASCO COUNTY PLANNING **COMMISSION AGENDA PACKET**

FOR

Hearing Date: June 1, 2021
Hearing Time: 3:00 pm
Hearing Location: Electronically via Zoom
Meeting ID: 898 8021 7094

Hearing #2:

REVIEW OF FILE #921-21-000009-PLNG – Justesen - A Subject to Standards request decided upon by the Planning Commission, for a subdivision to divide a 44.38-acre parcel into eight lots ranging from 5-8.35 acres, and one 1.08-acre park.



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Date: May 25, 2021
To: Wasco County Planning Commission
From: Wasco County Planning Office
Subject: Submittal for hearing dated June 1, 2021
Re: Review File **#921-21-000009-PLNG** – Justesen

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SUMMARY OF INFORMATION

Prepared for Planning Commission Hearing

Hearing Date: June 1, 2021

File Number: 921-21-000009-PLNG

Newspaper Publish Date: May 12, 2021

Request: Subdivision to divide a 44.38 acre parcel into eight lots ranging from 5 to 8.35 acres, and one 1.08 acre park

Applicant: Austin Justesen, 81491 Fairgrounds Road, Tygh Valley, OR 97063

Owner: Jonnie L. & Fred A. Justesen, 59720 Twin Lakes Road, Grass Valley, OR 97029

Property Information:

Location: The subject property is located along the east side of Wamic Market Road, with Emigrant Street running along the entirety of the northern property line, and Homestead Road running along the entirety of the southern property line, within the unincorporated community of Wamic, approximately 9 miles northwest of the City of Maupin, OR, more accurately described as:

<u>Map/Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
4S 12E 14 200	11457	44.38

Zoning: Wamic Residential (WAM-R2) Zone

Environmental Protection

Districts: None

Attachments:

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

ATTACHMENT A – SUMMARY OF INFORMATION AND CONDITIONS

The full staff recommendation with all proposed findings of fact is enclosed as **Attachment D** and was available at the Wasco County Planning Department for review one week prior to the June 1, 2021, hearing. The full staff recommendation 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.

An application was made by Austen Justesen, in coordination with Tenneson Engineering Corporation for a Subdivision to divide a 44.38 acre parcel into eight lots ranging from 5-8.35 acres, and one 1.08 acre park, therefore the Planning Commission must act on this request.

PROPOSED CONDITIONS OF APPROVAL:

1. The owner shall have two years from the date of final approval (the end of the 12 day appeal period) to submit an application for approval of the final subdivision plat. The approval of the preliminary subdivision plan may be extended a maximum of two additional years if the applicant applies for an extension, and meets the requirements of Section 2.125.B.
2. Prior to the final subdivision plat being submitted for approval by the Planning Commission, onsite septic evaluations shall be performed for the proposed residential lots, demonstrating that each lot can meet the DEQ on-site sewage disposal rules in effect.
3. All signs shall not be illuminated or capable of movement. 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. 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 the right-of-way of public road.
4. 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.
5. The final subdivision plat shall not be filed or recorded until it has been submitted to and approved by the Wasco County Planning Commission.
6. Emigrant Street shall meet the design standards for Rural Local Roads with an ADT of 25-250, specifically the standards located Table 21-1-Rural Wasco County Public Roadway Design Standards, in Chapter 21 of the Wasco County Land Use and Development Ordinance. It will be the responsibility of the developer if any improvements to Emigrant Street must occur. Maintenance of this road will not be the responsibility of Wasco County. Prior to submittal of the final subdivision plat for approval, a plan for road maintenance on Emigrant Street shall also be developed, and presented as part of the request.
7. Homestead Road shall meet the design standards for Rural Local Roads with an ADT of 25-250, specifically the standards located Table 21-1-Rural Wasco County Public Roadway Design Standards, in Chapter 21 of the Wasco County Land Use and Development Ordinance. It will be the responsibility of the developer if any improvements to Homestead Road must occur. Maintenance of this road is not be the responsibility of Wasco County. Prior to submittal of the final subdivision

ATTACHMENT A – SUMMARY OF INFORMATION AND CONDITIONS

plat for approval, a plan for road maintenance on Homestead Road shall also be developed, and presented as part of the request.

8. When the final subdivision plat is submitted for approval by the Wasco County Planning Commission, an adequate pedestrian way shall be included from Homestead Road to the proposed park, allowing the owners within the lower portion of the subdivision to safely access the proposed park. The plat shall identify the responsible party(s) for maintaining the pedestrian way and confirm that the responsible party is not Wasco County.
9. Prior to submittal of the final subdivision plat, an adequate turnaround consistent with Chapter 10 shall be illustrated with dimensions shown at the end of Emigrant Street and Homestead Road. Proof shall also be provided demonstrating that the Wamic Rural Fire Protection District approves of the turnarounds.
10. If there are any existing easements for sewers, water mains, electrical lines, or other public utilities, they shall be illustrated and conveyed on the final subdivision plat, to be recorded with the Wasco County Clerk's Office. The easements shall be at least twelve (12) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.
11. The county will place a sign for Homestead Road at its intersection with Wamic Market Road. All other signage within the subdivision shall be the responsibility of the developer, and prior to placement shall have it approved by the Wasco County Public Works Department to ensure it meets county standards.
12. Prior to approval of the final subdivision plat by the planning Commission, the location of the water supply for each parcel shall be identified on the face of the plat. Location of these water sources, type, and any distribution lines shall also be illustrated on the face of the plat. A statement from an authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian shall also be provided regarding the approval of each lot or parcel to be sold for installation of septic tank facilities.
13. Approval of the preliminary subdivision plan is valid for 24 months, from the date of final approval, which is the end of the 12-day appeal period following the final decision from the Planning Commission. A final subdivision plat must be submitted for review by the Planning Commission prior to the expiration of the 24 month period of validity. If that time limitation is exceeded, approval of the preliminary subdivision plan shall be void. Any subsequent proposal by the applicant for a division of the property shall require a new development request. An extension of time may be granted, if it is applied for in accordance with Section 2.125.B of the Wasco County Land Use and Development Ordinance.

ATTACHMENT B - PLANNING COMMISSION OPTIONS & STAFF RECOMMENDATION

PLANNING COMMISSION OPTIONS

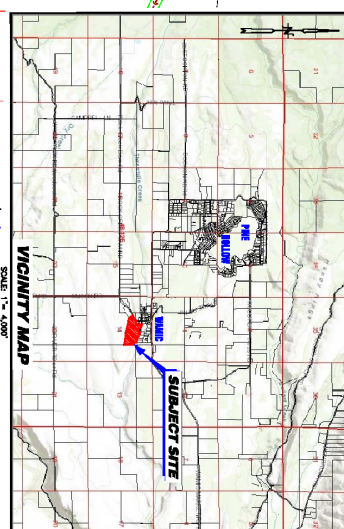
- A. Approve the preliminary subdivision plan as submitted by the applicant, to subdivide the 44.38 acre parcel into eight lots ranging from 5 to 8.35 acres, with the condition that the park be removed from the plan and the acreage added into the adjacent lots.
- B. Approve the request, with amended Conditions and Findings; or
- C. Deny the request with amended Conditions and Findings; or
- D. If additional information is needed, continue the hearing to a date and time certain to allow the submittal of additional information.

STAFF RECOMMENDATION

With conditions, staff recommends Option A: Approve the preliminary subdivision plan with the proposed Conditions and Findings described in the Staff Report.

Masco County Planning Dept

Site Plan



ATTACHMENT D - STAFF REPORT

File Number: 921-21-000009-PLNG

Applicant: Austin Justesen

Owner: Jonnie L. and Fred A. Justesen

Request: Subdivision to divide a 44.38 acre parcel into eight lots ranging from 5 to 8.35 acres, and one 1.08 acre park

Procedure Type: Quasi-Judicial Hearing

Prepared By: Brent Bybee, Associate Planner

Prepared For: Wasco County Planning Commission

Hearing Date: June 1, 2021

Staff Recommendation: **Approval**, with conditions

Location: The subject property is located along the east side of Wamic Market Road, with Emigrant Street running along the entirety of the northern property line, and Homestead Road running along the entirety of the southern property line, within the unincorporated community of Wamic, approximately 9 miles northwest of the City of Maupin, OR, more accurately described as:

<u>Map/Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
4S 12E 14 200	11457	44.38

Zoning: Wamic Residential (WAM-R2) Zone

**Environmental
Protection
District:**

None

Past Actions:	921-20-000050-PLNG	Subdivision Pre-Application Conference
	921-PLAEXT-16-12-0005	Extension of 921-PLAPAR-14-08-0006 (Expired)
	921-PLAPAR-14-08-0006	Partition 44.37 acre parcel into 3 (Expired)
	921-PLAROD-11-02-0001	Road Dedication, Homestead Road
	921-PLAPAR-11-02-0001	Partition (Expired)
	REP-08-106	Replat
	921-PLAARC-08-04-8436	PAR-03-109, PLA to reconfigure then partition

I. APPLICABLE STANDARDS

Wasco County Land Use & Development Ordinance (LUDO)

A. Chapter 2 – Development Approval Procedures

Section 2.060	Application Completeness
Section 2.080	Notice
Section 2.090	Contents of Notice
Section 2.125	Time Limits for Permits and Extensions of Time
Section 2.130	Establishment of Party Status
Section 2.140	Hearing Procedure
Section 2.150	Official Notice
Section 2.190	General Conduct of All Hearings; Legislative, Administrative, or Quasi-Judicial

B. Chapter 3 – Basic Provisions

Section 3.650 – Wamic Residential (WAM-R2) Zone

Section 3.654	Uses Permitted Subject to Standards/Type II Review
Section 3.656	Property Development Standards

C. Chapter 10 – Fire Safety Standards

Section 10.230	(Fire Safety Mitigation Plan)
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D. Chapter 21 – Land Divisions

Section 21.030	Basic Provisions and Design Standards
Section 21.200	Preliminary Subdivision Plan Approval

II. BACKGROUND

- A. **Legal Parcel:** In accordance with the Wasco County Land Use and Development Ordinance, a legal parcel is defined as:

(Legal) Parcel - A unit of land created as follows:

- a. A lot in an existing, duly recorded subdivision; or*
- b. A parcel in an existing, duly recorded major or minor land partition; or*
- c. By deed or land sales contract prior to September 4, 1974.*

Both subject properties were created by REP-08-106, a replat of multiple previously partitioned properties. The final plat was filed with the Wasco County Clerk's office on February 8, 2010. Since the property was created by a duly recorded major or minor land partition, it meets the definition of a legal parcel.

- B. **Site Description:** The subject property is located along the southern border of Emigrant Street, and along the northern border of Homestead Road. A seasonal creek runs from west to east in the southeast corner of the subject property. Slopes on the property ranges widely from 10-40%, with primarily north to northeast facing aspects, and elevations of 1,680-1,760 feet above sea level. Vegetation on the properties is approximately 75% grasses/shrubs, and 25%

deciduous and conifer trees scattered throughout the northern portion. Most of the vegetation is located on the northern border of the property at the bottom of the slopes along the Emigrant Street.

- C. **Surrounding Land Use:** Land to the south and east of the subject property is zoned agricultural A-1(160), Exclusive Farm Use Zone. Agricultural uses on these properties primarily consist of alfalfa and rangeland for cattle. Land to the north is zoned the same as the subject parcel: WAM R-2, Wamic Residential. These properties contain residential development with a mixture of dwellings and accessory buildings. Land to the west is zoned WAM R-5, Wamic Residential. These properties also contain residential development with a mixture of dwellings and accessory buildings. Property along the southwest border is zoned WAM M-2, Wamic Medium Industrial, which is vacant land owned by the South Wasco County School District.

III. FINDINGS:

A. Chapter 2 – Development Approval Procedures

Section 2.060 - 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:*

*(***)*

6. *Uses Permitted Subject to Standards (Chapter 3)*

*(***)*

- B. *The following matters shall be heard by the Planning Commission, pursuant to Sections 2.080, 2.090, 2.130, 2.140, 2.150, and 2.190 of this Ordinance:*

*(***)*

3. *Subdivision (Chapter 21)*

*(***)*

- C. *Complete Application - An application shall be considered complete when it is submitted in accordance with the format and upon such forms as may be established by the Director. A complete application is one which contains the information required to address the relevant standards of this ordinance and the applicable standards and requirements of the Comprehensive Plan as specified by this ordinance. (Added 4/12)*
- D. *Incomplete Application - If an application is incomplete, the Director shall notify the applicant in writing of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection C, Complete Application, upon receipt by the Director of:*

1. *All of the missing information;*
2. *Some of the missing information and written notice from the applicant that no other information will be provided; or*
3. *Written notice from the applicant that none of the missing information will be provided.*

On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information and has not submitted the applicable information as described above. (Added 4/12)

FINDING: The application was submitted as a Subject to Standards Review, in accordance with the underlying zoning. Since the proposal includes a subdivision of land, it must be reviewed by the Planning Commission in a quasi-judicial hearing. Sections 2.080, 2.090, 2.130, 2.140, 2.150, and 2.190 are addressed further on in this report. Since the review must be decided upon by the planning commission, a quasi-judicial public hearing will be held, and the applicable review criteria are addressed throughout this report. The application was submitted for staff's review on January 19, 2021. The application was found to be complete on February 18, 2021, containing the information required to address the relevant standards of the ordinance and applicable standards and requirements of the Comprehensive Plan as specified by the ordinance. The above incompleteness criterion does not apply to the request. With those findings, staff finds the request complies with Section 2.060.A, B, C, & D.

(***)

Section 2.080 - Notice

Citizen and Agency Involvement - The County shall provide opportunities for public and agency input in the planning process. To ensure that there is a coordinated effort to permit land use projects, notice of applications for development approval shall be sent to interested agencies and departments such as County departments, sheriff and fire departments, school districts, utility companies, and the applicable city departments for those municipalities within Wasco County. Affected jurisdictions and agencies could include the Department of Environmental Quality, the Oregon Department of Transportation, Wasco County Transportation Network, and other applicable local, state or federal agencies.

If the subject property is being considered for a comprehensive plan or zone change, notice of receipt of the application shall be provided to the Oregon Department of Transportation.

- A. *At least twenty (20) days prior to the date of a quasi-judicial public hearing under Section 2.060 B, notice shall be sent to: (Revised 1-92)*
 1. *The applicant and all owners or contract purchasers of record of the property which is the subject of the application;*
 2. *All owners of property within one hundred feet (100') if located wholly or in part within an urban growth boundary, three hundred feet (300') if located outside an Urban Growth Boundary and not within a farm, farm/forest or forest zone, and five hundred (500) feet within a farm, farm/forest or forest zone. (Revised 1-92)*

3. *The appropriate Citizen Advisory Group;*
4. *Any affected governmental agency or public district within whose boundary the subject property lies;*
5. *The city within whose recognized Urban Growth Boundary the subject property lies or whose facilities may be impacted;*
6. *Other persons as may be clearly and necessarily affected by the result of the development request.*

*(***)*

- C. *Notice shall be given by publication in the official newspaper of Wasco County at least fifteen (15) days prior to the date of a quasi-judicial public hearing, pursuant to Section 2.060 B. An affidavit of publication shall be made part of the record. (Revised 1-92)*
- D. *Notice of Review by the County Governing Body pursuant to Section 2.180 shall be sent to all parties, posted in at least two (2) different public locations and published in the official newspaper of Wasco County ten (10) days prior to the date set for the hearing. (Revised 1-92)*
- E. *An affidavit of all mailing notices shall be made part of the record.*
- F. *Notice shall be sent to owners of a public use airport of any land use action within 5,000 feet of the side or end of a "visual airport" runway, or within 10,000 feet of an "instrument airport" runway, unless the action involves structures less than thirty five (35) feet tall outside the runway approach surface. (Added 2/89)*

FINDING: The application involves a quasi-judicial hearing under 2.060.B, and the applicable noticing criteria will apply. The hearing will be held on June 1, 2021. On May 12, 2021, 20 days before the hearing date, notice of the hearing was sent in accordance with the criterion in Subsection A above. Notice was also published on the same day in the official newspaper of Wasco County. An affidavit of these notices was made part of the record. The proposed subdivision will not be heard before the County Governing Body, Section 2.180 is not applicable to the request. The closest airport is the Pine Hollow Airport, which is located 11,110 feet northwest of the subject property, beyond the required noticing distance for airports. With those findings, staff finds the request complies with Criterion 2.080.

Section 2.090 – Contents of Notice

- A. *Notice of a quasi-judicial hearing on any development request shall be filed with the Director and also given pursuant to Section 2.080 and shall include the following information:*
 1. *The date, time and place of hearing and the name of the hearing body;*
 2. *The general location of the subject property and legal description;*
 3. *The legal owner of record of the property and the name of applicant seeking the review;*

4. *The present zoning of the subject property and applicable Ordinances and sections that apply to the application at issue;*
5. *The request and purpose of the proposal;*
6. *That 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 based on that issue;*
7. *The name of a local government representative to contact and the telephone number where additional information may be obtained;*
8. *That 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 cost;*
9. *That a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and*
10. *General explanation of the requirements for submission of testimony and the procedure for conduct of hearings.*

FINDING: The proposed use requires a quasi-judicial hearing. Notice of the hearing was sent on May 12, 2021, and included information required in subsections 1-10 above. The notice complies with Section 2.080 of this report, as evidenced by the prior finding. Staff finds the request complies with Criterion 2.090.A.

B. Notice of an Administrative Action on a conditional use permit shall be filed with the Director and also given pursuant to Section 2.080, and shall include the following information: (Revised 1-92, 5-93)

1. *The location, title of the request and the date such notice was sent;*
2. *The general location of the subject property and legal description;*
3. *The legal owner of record and the name of applicant seeking review;*
4. *The present zoning of the subject property and applicable Ordinances and sections;*
5. *The nature of the application;*
6. *The deadline established for rendering a final decision;*
7. *The deadline for filing comments on the request.*

FINDING: The proposed use is being reviewed through a quasi-judicial hearing, Criterion 2.090.B is not applicable to the request.

(***)

Section 2.125 - Time Limits for Permits and Extensions of Time

- A. *Time Limits for Permits: A permit will become invalid without special action if:*
 - 1. *Development has not commenced within two (2) years of the date of approval;*
 - 2. *The use approved is discontinued for any reason for one (1) continuous year or more.*
- B. *Extension of Time Request: If an extension of time is required, the holder of the approved permit must file an application which will be processed as an administrative action. A one-time extension may be granted for a maximum of two (2) years. Extensions shall be granted only upon findings that:*
 - 1. *Request for an extension of time has been made prior to expiration of the approved permit.*
 - 2. *There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval.*
 - 3. *The applicant has provided reasons that prevented the applicant from beginning or continuing development within the approval period.*

FINDING: The above criterion requires development to commence within two years of final approval, and states that the use becomes invalid if it is discontinued for any reason for one continuous year or more. It also allows an extension of the approval for a maximum of two additional years if an application is submitted and approved in accordance with subsection B.1-3 above. A **condition** of approval is included stating that the owner shall have two years from the date of final approval (the end of the 12 day appeal period) to submit an application for approval of the final subdivision plat. The approval of the preliminary subdivision plan may be extended a maximum of two additional years if the applicant applies for an extension, and meets the requirements of Section 2.125.B. With that condition, staff finds the request complies with Section 2.125.

Section 2.130 - Establishment of Party Status

- A. *In order to have standing under this Chapter, a person shall be recognized as a party by the Approving Authority.*

Party status, when recognized by the Approving Authority, establishes the right of the person to be heard, either orally or in writing and to pursue a review or appeal under this Chapter.
- B. *A request for establishment of party status may be made at least ten (10) days before the date set for a quasi-judicial public hearing by any person who files a written statement regarding the application being considered.*
- C. *Seven (7) or more days prior to the date set for a public hearing, the Director shall mail the applicant any statements that have been filed and a copy of the staff report.*
- D. *With respect to applications under Section 2.060 B of this Chapter, the Approving Authority may authorize a person to have party status, at any time prior to the close of a*

hearing, if that person is not otherwise a party, as defined by Section 1.090 of this Ordinance. (Revised 1-92)

- E. A request for establishment of party status for an Administrative decision pursuant to Section 2.060 A of this Chapter shall be made by filing a written statement within a ten (10) day notification period. Such statement shall include:
 - 1. The name, address and telephone number of the person filing the statement;*
 - 2. How the person qualifies as a party; as defined in Section 1.090 of this Ordinance; and*
 - 3. Comments which the party wishes to make with respect to the application under consideration.**
- F. Any party may appeal a decision of the Director relative to an Administrative Action. In the conduct of a hearing, the Approving Authority shall establish the appellant as a party or the appeal shall not be heard and the contested decision shall become final.*

FINDING: Any individuals wishing to obtain party status must do so in accordance with the above criterion. If any individuals do request party status, staff will ensure the request has been made in accordance with Section 2.130. If requests do not follow the above procedures, party status shall not be granted. Staff finds the request complies with Section 2.130.

Section 2.140 - Hearing Procedure

- A. In the conduct of a public hearing, the Approving Authority shall have the authority, pursuant to Rules of Procedure approved by the County Governing Body, to:
 - 1. Determine who qualifies as a party.*
 - 2. Regulate the course, sequence and decorum of the hearing.*
 - 3. Dispose of procedural requirements or similar matters.*
 - 4. Rule on offers of proof and relevancy of evidence and testimony.*
 - 5. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, and rebuttal testimony. (Revised 1-92)*
 - 6. Take such other action appropriate for conduct commensurate with the nature of the hearing.*
 - 7. Grant, deny, or in appropriate cases, attach conditions pursuant to Section 2.110 D of this Chapter to the matter being heard.**
- B. Order of Procedure: Unless otherwise specified, the Approving Authority, in the conduct of a hearing, shall:
 - 1. Announce the nature and purpose of the hearing and summarize the rules for conducting the hearing.**

2. *Recognize parties.*
3. *Ask for disclosure of any potential conflicts of interest by those on the decision making body. (Added 2/89)*
4. *Ask parties to the hearing if there is a challenge to the ability of any member to make an unbiased decision on the case. (Added 2/89)*
5. *Request the Director or his designee to present a summary of staff findings and recommendation, if any, and explain any graphic or pictorial displays which are part of the staff report.*
6. *Allow the applicant to be heard first, on his own behalf or by representative.*
7. *Allow parties or witnesses in favor of the applicant's proposal to be heard.*
8. *Allow other parties or witnesses to be heard next in the same manner as in the case of the applicant.*
9. *Upon failure of any party to appear, the Approving Authority may take into consideration written material submitted by such party.*
10. *Allow only the proponent to offer rebuttal testimony. The scope and extent of rebuttal shall be limited to issues raised during testimony and shall not be used to introduce new evidence. (Revised 1/92)*
11. *Close the hearing to public testimony. Questions may be asked at this time by the Approving Authority. Questions by the Director or his designee may be allowed by the Approving Authority upon request.*
12. *At the conclusion of the hearing, the Approving Authority shall either make a decision and state findings which may incorporate findings proposed by any party, or the Director, or may take the matter under advisement. The Approving Authority may request proposed findings and conclusions from any party to the hearing.*
13. *The Approving Authority, before finally adopting findings and conclusions, may circulate the same in proposed form to the parties for written comment. All actions taken by the Approving Authority pursuant to adopting findings and conclusions shall be made a part of the record. The decision and findings and conclusions which support the decision of the Approving Authority shall be final when signed by the Approving Authority. For the purpose of signing the decision and findings and conclusions, the Approving Authority may be either the Chairman of the Planning Commission or the Director of Planning. (Revised 1-92)*
14. *At the latest, the next regularly scheduled meeting shall be the time the Approving Authority shall grant, deny or, in appropriate cases, pursuant to Section 2.110 D, attach such conditions as may be necessary to carry out the Comprehensive Plan in approving the proposal being heard. The Director may extend the deadline for rendering a decision upon consent of the applicant. The Director shall notify parties of the decision by mail. (Revised 5-93)*

15. *The Approving Authority shall render a decision, may affirm, reverse or modify the action of a lesser authority, and may reasonably grant approval subject to the conditions necessary to carry out the Comprehensive Plan pursuant to Section 2.110 D of this Ordinance.*

- a. *For all cases the Approving Authority shall make a decision based on the record before it as justification for its decision.*
- b. *The Director shall send a notice of the Approving Authority's decision to all parties to the matter and a copy of such decision shall be filed in the records of the Director.*

FINDING: The Planning Commission hearing for the proposed preliminary subdivision plan shall follow the above criterion in relation to conduct of a public hearing, and the order of procedure. The request complies with Section 2.140.

Section 2.150 - Official Notice

A. *The Approving Authority may take official notice of the following:*

- 1. *All facts which are judicially noticeable. Judicially noticed facts shall be stated and made part of the record.*
- 2. *The Comprehensive Plan and other officially adopted plans, ordinances, rules and regulations of Wasco County and comprehensive plans and implementing regulations of cities within Wasco County.*

B. *Matters officially noticed need not be established by evidence and may be considered by the Approving Authority in the determination of the application.*

FINDING: No judicially noticeable facts have been made part of the record. The applicable portions of the Wasco County Comprehensive Plan, officially adopted plans, ordinance, and rules and regulations have been addressed throughout this record. No comprehensive plans or implementing regulations of any cities within Wasco County are applicable towards the request. The Planning Commission hearing was officially noticed to the public on May 12, 2021. Staff finds the request complies with Section 2.150.

(***)

Section 2.190 - General Conduct of All Hearings; Legislative, Administrative or Quasi-Judicial

The following rules apply to the general conduct of the hearing:

- A. *No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.*
- B. *No person shall testify without first receiving recognition from the Approving Authority and stating full name and address.*
- C. *No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence. Formal rules of evidence as used in courts of law shall not apply. Evidence*

received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs.

- D. Audience demonstrations such as applause, cheering, and display of signs, or other conduct disruptive of the hearing shall not be permitted.*
- E. The person in charge of the decision making body shall have the authority, at such person's discretion, to inform, reprimand, or remove any person or persons for violations of the above rules of conduct. Violations of the above rules of conduct shall further be grounds for the immediate suspension of the hearing.*

FINDING: Prior to the opening of the Planning Commission hearing, the Chair shall announce the rules that apply to the general conduct of the hearing. The above criterion will be read aloud and made part of the record. A violation of these rules shall be addressed by the Chair of the Planning Commission, and handled in accordance with Section 2.190. Staff finds the request complies with Section 2.190.

B. Chapter 3 – Basic Provisions

Section 3.650 – Wamic Residential (WAM-R2) Zone

Section 3.651 - Purpose

The purpose of the Wamic Residential (WAM-R2) Zone is to provide for a single family residential use including mobile homes plus related compatible uses such as schools and parks. New marijuana uses are prohibited in this zone.

Buildings or structures hereafter erected, structurally altered, enlarged or moved and land hereafter used in the Wamic Residential (WAM-R2) Zone shall comply with the following regulations.

FINDING: The purpose of the Wamic Residential Zone is to provide for single family residential uses including mobile homes plus related compatible uses such as schools and parks. The applicant has proposed a subdivision of a 44.38 acre parcel into 8 subdivision lots in the Wamic Residential Zone, as well as the dedication of a park. The intention of a subdivision is to provide lots for residential development which meets the purpose of the zoning. Staff finds the request complies with Section 3.651.

Section 3.654 - Uses Permitted Subject to Standards/Type II Review

The following uses may be permitted on a legal parcel on lands designated Wamic Residential (WAM-R2) Zone subject to Section 3.656 - Property Development Standards, 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.

*(***)*

- B. Partitions, Property Line Adjustments and Subdivisions subject to Chapter 21 - Land Divisions. (Added 4/12)*

FINDING: The request is for a Subdivision to divide a 44.38 acre parcel into eight lots and one park. Legal parcel status was discussed above in (II)(A). Section 3.656, Chapter 10, Chapter 20, and Chapter 21 are addressed further on in this report. Staff finds the request complies with Criterion 3.654.B.

Section 3.656 - Property Development Standards

A. Property Size

1. *New lots or parcels served by an approved community, municipal or public water system and an approved community or public sewage system shall have a minimum property size of two (2) acre with a one hundred twenty-five (125) foot average lot width.*
2. *New lots or parcels served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum property size of two (2) acres with a one hundred twenty-five (125) foot average lot width.*
3. *New lots or parcels not served by either an approved community, municipal or public water system or an approved community or public sewage system shall have a minimum width of 300 feet with a minimum area of five (5) acres In addition, an applicant shall demonstrate that:*
 - a. *The lot or parcel can meet DEQ on-site sewage disposal rules then in effect, which can be demonstrated either prior to land division approval or as a condition of such approval.*

FINDING: The application has proposed 8 new residential lots. The proposed park will remain vacant. The proposed lots are not proposed to be served by an approved community, municipal, or public water system or an approved community or public sewage system. The lot sizes proposed range from 5 – 8.35 acres, which is all above the 5 acre minimum. All proposed lots will also have a minimum average width of 300'. The proposed park will be 1.08 acres, which is addressed in Criterion 21.100.Y of this report, and found to comply. No onsite septic evaluations were provided with the request, and the application submitted requested that the approvals be conditioned through the preliminary subdivision review, and required prior to the approval of the final subdivision plat. To ensure compliance, a **condition** of approval is included in the Notice of Decision stating that prior to the final subdivision plat being submitted for approval by the Planning Commission, onsite septic evaluations shall be performed for the proposed residential lots, demonstrating that each lot can meet the DEQ on-site sewage disposal rules in effect. With that condition, staff finds the request complies with Criterion 3.656.A.

B. Setbacks

1. *Front Yard: No structure other than a fence or sign shall be located closer than twenty-five (25) feet from the right-of-way of a public road except where forty (40) percent of the frontage is developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depth shall establish the front yard depth of the entire frontage.*
2. *Side Yard: No structure other than a fence shall be located closer than fifteen (15) feet from side property lines for interior lots and twenty (20) feet from exterior side property lines for corner building sites.*
3. *Rear Yard: No structure other than a fence shall be located closer than twenty (20) feet from the rear yard property line.*

FINDING: No new structures are proposed that would be required to meet the setback standards addressed above. All of the proposed subdivision lots have been designed to allow adequate space for residential development, as illustrated in the preliminary partition plat submitted with the application. Staff finds the request complies with Criterion 3.656.B.

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

D. Height: Maximum height for all dwellings shall be thirty-five (35) feet.

Detached accessory structures shall not exceed a maximum height of eighteen (18) feet.

FINDING: No new development is proposed through the request that would be required to meet the vision clearance or height standards. Criterion 3.656.C & D are not applicable to the request.

E. Stream Setbacks: All structures or similar permanent fixtures shall be setback from the high water line or mark along all streams or lakes a minimum distance of fifty (50) feet when measured horizontally at a right angle.

FINDING: No new development is proposed that would come into conflict with the required stream setbacks, and as proposed the lot configuration of the subdivision will not force any future development to be in violation of this criterion. Criterion 3.656.E is not applicable to the request.

F. 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).

FINDING: The subject property does not contain any areas within a FEMA designated flood zone, Criterion 3.656.F is not applicable to the request.

G. Signs: Signs shall not extend over a public right-of-way or project beyond the property line.

1. Signs shall not be illuminated or capable of movement.

2. 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.

3. 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 the right-of-way of public road.

FINDING: No signs were proposed through the request, but if the developer does wish to install any signage for the subdivision, a **condition** of approval is included in the Notice of Decision stating that all signs shall not be illuminated or capable of movement. 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. 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 the right-of-way of public road. With that condition, staff finds the request complies with Criterion 3.656.G.

- H. *Parking: Off street parking shall be provided in accordance with Chapter 20 - Site Plan Review.*

FINDING: No new development or uses are proposed that would be required to meet the off street parking requirements of Chapter 20 – Site Plan Review, Criterion 3.656.H is not applicable to the request.

- I. *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.*

FINDING: The proposal does not include any lighting. However, a **condition** of approval is included in the Notice of Decision requiring that if lighting is installed on the property, it shall comply with County lighting standards which require 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). With that condition, staff finds the request complies with Criterion 3.226.J.

C. Chapter 10 – Fire Safety Standards

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. A fire safety mitigation plan is also required for any land division creating lots that can accommodate dwellings. A fire mitigation plan shall include the following:

A. *One or more maps and accompanying narrative statement addressing the following:*

1. *Site description.*
2. *Documentation of fire protection service or proposed plan for on-site fire protection.*
3. *Documentation of on-site water supply where required.*
4. *Driveway construction plan including gate features, size and locations of bridges or culverts and proposed signage.*
5. *Documentation of fuel break areas if land on adjoining properties is relied on to meet fuel break requirements.*
6. *Public or private road plans for new roads to serve proposed land divisions (including location, size, and type of bridges and culverts).*
7. *Other information deemed necessary to allow adequate review of the request for modification.*

B. *Statement of need*

A clear statement of why the fire safety standards cannot feasibly be met.

C. *Risk Assessment*

An assessment of increased risk of wildfire damage if standard is modified. Risk assessments shall consider the purpose of the standard that cannot be met, the specific proposal, and site conditions to determine what, if any, additional exposure to wild land fire risks could be created by approval of the modification to fire safety standards. The consideration shall include increased risk of the proposed structure becoming a source of ignition and risks to the proposed structure from a wild land fire ignited elsewhere and traveling through the site.

- D. Statement of Additional Action Proposed to Eliminate or Minimize Increased Risks
A clear list of additional measures proposed by the applicant to address any increased risks identified in the risk assessment.*

FINDING: All partitions are required to submit a Fire Mitigation Plan identifying all home sites, building envelopes, and access as necessary to demonstrate compliance with all applicable fire standards on proposed lots. The mitigation plan included a site description describing the area around both properties. Fire protection services in the area that would respond to the proposed subdivision are the Wamic Rural Fire Protection District for structural protection, and the Oregon Department of Forestry for wildland fire protection. Water sources for the proposed lots would be individual domestic wells until fire services could arrive. The properties would be accessed by Homestead Road and Emigrant Street. Neither road would have gates or bridges, and culverts will be placed as required by the Public Works Director. Speed and stop signs will be placed in accordance with county standards, at the direction of the Wasco County Public Works Director. All fire fuel breaks on the proposed subdivision lots would not rely on neighboring properties to meet the fuel break requirements. A statement of need is not required since the proposal can feasibly meet the fire safety standards.

The proposal can meet the fire safety standards, and a risk assessment is not required, eliminating the need for a statement of additional action as well.

Staff finds the request complies with Section 10.230.

D. Chapter 21 – Land Divisions

Section 21.030 - Basic Provisions and Design Standards

- A. Compliance Required: No land within the unincorporated territory of Wasco County shall be subdivided or partitioned, and no plat shall be filed or recorded until submitted to and approved by the Approving Authority.*
- B. Minimum Standards: The requirements and standards set forth in this chapter are the minimum ones to which a subdivision or partition must conform before approval by the Approving Authority.*
- C. Conformity with the Comprehensive Plan: All divisions of land shall conform to and be in harmony with the Wasco County Comprehensive Plan and Comprehensive Plan Map of that portion of the County within which the subdivision and partition lies.*
- D. Conformity with Zoning Chapter: All divisions of land, regardless of the number of lots or parcels, shall comply with all specifications authorized by Chapter 3 of this Ordinance. All lots created shall conform in all respects with the applicable regulations of Chapter 3, including uses of land, lot size and dimensions, space for off street parking, landscaping and other requirements as may be set forth.*

FINDING: The request is for a subdivision of land to allow residential development. Prior to approval of the final plat, the Wasco County Planning Commission shall approve a preliminary subdivision plan (being addressed in this report). After receiving approval on the preliminary subdivision plan, a final subdivision plat shall be submitted in a separate application for approval from the Wasco County Planning Commission as well.

The standards in Chapter 21 have been applied as the minimum ones necessary for approval of the preliminary subdivision plan, and are addressed throughout this report.

The Comprehensive Plan lists the minimum parcel sizes in the WAM R-2 Zone as 2-5 acres, dependent upon the availability of a municipal water and/or sewer source. Goal 11 within the Wasco County Comprehensive Plan identifies the areas zoned Residential within Wamic, and identifies that until approved facility plans are acknowledged and community sanitary waste systems are in place, the five acre minimum will apply.

The zoning standards were addressed in Sections 3.216 & 3.217 of this report, where the proposal was found to comply.

A **condition** of approval is included in the Notice of Decision stating that the final subdivision plat shall not be filed or recorded until it has been submitted to and approved by the Wasco County Planning Commission. With this condition of approval, staff finds the request complies with Criterion 21.030.A-D.

- E. Relation to Adjoining Street System: A subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivisions or of their proper projection when the adjoining property is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where the Approving Authority determines that topographic conditions make such continuation or conformity impractical, exceptions may be made as provided for in Section 21.450 of this Chapter.*

FINDING: No existing subdivisions adjoin the subject property. Neighboring properties to the east and south are zoned A-1(160) Exclusive Farm Use, where subdivisions are prohibited in accordance with Goal 3 of the Wasco County Comprehensive Plan. One street exists along the northern border of the proposed subdivision. Emigrant Street connects with Wamic Market Road, runs east along the northern border of the proposed subdivision, and ends at the eastern end of the proposed subdivision. Wamic Market road runs north and south along the western boundary of the subdivision, serving as a collector road. A new street has been proposed starting at Wamic Market Road, and along the southern border of the proposed subdivision, through application 921-21-000010-PLNG. Although the neighboring property is not eligible for future subdivisions, the existing and proposed streets will provide for the continuation of the local streets. Staff finds the request complies with Criterion 21.030.E.

F. Redevelopment Plan:

- 1. In subdividing or partitioning tracts of land into large lots which at some future time could be further divided, the Director may require that blocks and lots shall be of such size and shape, be so divided into lots, and meet such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of a smaller size which shall have the minimum lot frontage on a street.*
- 2. No lot in a platted subdivision shall be reduced in size from that shown on the recorded plat if the newly created lot will have less than the minimum lot area for the zone in which it is located.*
- 3. Any lot in a platted subdivision may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.*

4. *Any person dividing tracts of land into large lots which at some future time could be further divided and still meet the minimum lot size requirement of the zone in which the land is located shall provide suitable road access to each created parcel so that the future development of each parcel will provide access for redevelopment parcels or lots.*

FINDING: The proposed subdivision is within the WAM R-2, Wamic Residential Zone, which allows for land to be divided into two acre lots, if they are served by an approved community, municipal, or public water system or an approved community or public sewage system. As proposed, the subdivision lots will not be served by either of those public utilities, and the minimum acreage requirement for that zoning is five acres. No minimum lot frontage is listed within the underlying zoning. If at some point in the future the properties are served by those utilities, they may be further divided into properties containing at least two acres each. The proposed park cannot be divided further since it will already be below the minimum acreage allowed in that zone, and findings for that can be found in Criterion 21.100.Y of this report. Lot 8 of the proposed subdivision, which would be 8.35 acres in size, is illustrated on the face of the preliminary subdivision plan with potential future lot line locations. If divided in the future, all of the lots would have frontage on Emigrant Street. Lots 1-7 of the proposed subdivision will be accessed by Homestead Road, and with the size of the proposed lots ranging from 5-5.20 acres, each lot will have the ability to be divided in half if public water and sewer services are provided. If this occurs, the lots can either be divided lengthwise or widthwise, with the ability to have frontage on Homestead Road. The newly created future lot may also be granted an access easement to Homestead Road, and dedication of this easement would be required at the time the future land division is applied for through the Wasco County Planning Department. Since the proposed preliminary subdivision plan can meet the requirements of the above redevelopment plan criteria, staff finds the request complies with Criterion 21.030.F.

G. *Access: A unit of land shall be considered to have access by way of a public road or street, private road, or private easement road, if the following criteria are satisfied:*

1. *The unit of land abuts on the road or street.*
2. *There is a legal right appurtenant to the unit of land to use the road or street for ingress and egress. A legal right to use a private road or private easement road may be evidenced by: (a) an express grant or reservation of an easement in a document recorded with the County Clerk; (b) a decree or judgment issued by a court of competent jurisdiction; (c) an order of the County Governing Body; or, (d) an express easement set forth in a duly recorded plat.*
3. *The road or street provides actual physical access for the unit of land.*

FINDING: The proposed subdivision lots must all have access by way of a public road or street, private road, or private easement road. As proposed and illustrated in the preliminary subdivision plan, Lot 8 and the Park will have frontage along Emigrant Street, which is a dedicated public road. Lots 1-7 will also have frontage along Homestead Road, which is currently being reviewed through application 921-21-000010-PLNG. Since all of the proposed lots will have frontage along a dedicated public road, staff finds the request complies with Criterion 21.030.G.

H. *Access Requirements for Land Divisions: Each unit of land shall be provided with access by a public road meeting standards noted in Table 1 (Rural Public Roadway Design*

Standards) & 2 (Urban Public Roadway Design Standards), except as provided below and in Table 3 (Private Access Standards):

1. *Private Easement Road In all zones a unit of land may have access by way of a private easement road upon a finding that such road provides access for not more than three (3) units of land, serves not more than three (3) units of land, and that the easement is a minimum 30' in width;*

The requirements of Section 21.300 are not applicable to a Private Easement Road.

If the private easement road could provide access for more than three (3) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public or private road and not the right of way of the private easement road.

2. *Private Road In resource areas only (areas zoned F 1, F 2, and A 1), a unit of land may have access by way of a private road upon findings of the Approving Authority that:*
 - a. *Such private road provides access for not more than ten (10) units of land and serves not more than ten (10) units of land;*
 - b. *Private road approval is obtained pursuant to Section 21.300;*
 - c. *Private road is constructed to standards of Section 21.420 when more than three (3) units of land use roadway;*
 - d. *The primary use of the road is to provide access for resource activities. Conflicting uses shall be minimized;*
 - e. *When service to more than ten (10) units of land is possible, provision shall be made to serve the area by public road, including but not limited to: (a) dedication of right of way; (b) extension and improvement of the roadway to public road standards such that not more than ten (10) units of land may be served.*

If the private road could provide access for more than ten (10) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public road and not the right of way of the private road.

FINDING: The proposed subdivision is not within a resource zone, and the proposed lots will be accessed by dedicated public roads. Criterion 21.030.H is not applicable to the request.

- I. *Alignment: As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than one hundred twenty five (125) feet.*

FINDING: No new streets within the proposed subdivision are proposed. Existing streets include Emigrant Street and Homestead Road run along the northern and southern boundaries from east to west. The only newly proposed section of road will be a reviewed through application 921-21-000010-PLNG, and will be located on the property directly south of the subdivision area. Criterion 21.030.I is not applicable to the request.

- J. Half Streets: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the requirements of this Ordinance and when possible to require the dedication of the other half when the adjoining property is subdivided. Whenever an existing half street is adjacent to land to be subdivided, the remaining half of the street shall be dedicated within such subdivision. Reserve strips and street plugs may be required to insure the objectives of obtaining full width streets.*
- K. Streets Adjacent to Railroads, Freeways and Parkways: When a subdivision or partition contains or is adjacent to a railroad, a parallel street may be required on each side of such railroad. A land strip of not less than twenty five (25) feet in width shall be provided along a railroad right of way for screen planting or park purposes between the railroad and residential lots. Parallel, local service streets shall be provided on each side of a freeway or parkway either within or abutting their right of way. When such parallel streets are less than eighty (80) feet from such freeway or parkway the intervening property shall be used for only park or thoroughfare purposes. Streets paralleling railroads, at those cross streets where grade separations are proposed, shall be located at a distance from the railroad that provides for such grade separation structure.*

FINDING: No new streets are proposed within the subdivision area, and none of the existing streets to be utilized are half streets. None of these streets are adjacent to railroads, freeways, or parkways either. Criterion 21.030.J & K are not applicable to the request.

- L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right of way shall be provided at the time of subdivision or partitioning.*

FINDING: After the completion of the subdivision, and after all of the lots have been developed with single family dwellings, Emigrant Street and Homestead Road are projected to have 25-250 Annual Daily Trips (ADT), classifying them both as Rural Local Roads, in accordance with Table 21-1 – Rural Wasco County Public Roadway Design Standards, located in Chapter 21 of the Wasco County Land Use and Development Ordinance. This information was confirmed with Arthur Smith the Director for the Wasco County Public Works Department by email on April 28, 2021. The following table represents the design standards required for Emigrant Street and Homestead Road:

	Rural Local Roads								
	Unpaved			Unpaved			Paved		
Design ADT	<25			25-250			25-250		
Terrain ¹	L	R	M	L	R	M	L	R	M
Design Speed (mph)	30	30	20	30	30	20	30	30	20
Max Grade (%)	7	10	12	7	10	12	7	10	12
Stopping Sight Distance (ft)	22	23	13	22	23	13	220	235	135
Passing Sight Distance (ft)	0	5	5	0	5	5			
Traveled Way Width (ft)	-	-	-	-	-	-	1,090	2	2
Paved Shoulder Width (each side)	18	18	18	22	22	22	22	22	22
- Non Bike Route									
- Bike Route (ft)	-	-	-	-	-	-	-	-	-
Gravel Shoulder Width (each side)	-	-	-	-	-	-	2	2	2
Roadway Width (Non Bike / Bike Route) (ft)	-	-	-	-	-	-	2	2	2
Number of Lanes	18	18	18	22	22	22	26	26	26
Minimum ROW Width (ft)	2	2	2	2	2	2	2	2	2
Preferred Access Spacing ³	50	50	50	50	50	50	50	50	50
	75			100			100		

While also coordinating with the Director for the Wasco County Public Works Department, he also stated that Emigrant Street and Homestead Road are both, “Public Roads of Local Access, so they will not be maintained by the county”. This comment is addressed in the conditions below.

Emigrant Street is an existing dedicated public road that runs along the northern boundary of the proposed subdivision from east to west. This road serves seven existing properties to the north of the road, and will serve Lot 8 and the park in the proposed subdivision. To ensure the road meets the design standards, a **condition** of approval is included in staff’s recommendation stating that Emigrant Street shall meet the design standards for Rural Local Roads with an ADT of 25-250, specifically the standards located Table 21-1-Rural Wasco County Public Roadway Design Standards, in Chapter 21 of the Wasco County Land Use and Development Ordinance (see table above). It will be the responsibility of the developer if any improvements to Emigrant Street must occur. Maintenance of this road will not be the responsibility of Wasco County. Prior to submittal of the final subdivision plat for approval, a plan for road maintenance on Emigrant Street shall also be developed, and presented as part of the request.

Homestead Road is an existing dedicated public road as well, running along the southern boundary from east to west. This road serves two existing properties to the south of the proposed subdivision, one property to the east of the proposed subdivision, and will serve Lots 1-7 of the proposed subdivision. The road is unimproved and is currently a single lane dirt road. To ensure the road meets the design standards, a **condition** of approval is included in staff’s recommendation stating that Homestead Road shall meet the design standards for Rural Local Roads with an ADT of 25-250, specifically the standards located Table 21-1-Rural Wasco County Public Roadway Design Standards, in Chapter 21 of the Wasco County Land Use and Development Ordinance. It will be the responsibility of the developer if any improvements to Homestead Road must occur. Maintenance of this road will not be the responsibility of Wasco County. Prior to submittal of the final subdivision plat for approval, a plan for road maintenance on Homestead Road shall also be developed, and presented as part of the request.

With those conditions, staff finds the request complies with Criterion 21.030.L.

M. Future Extension of Streets: Where necessary to give access to or permit a satisfactory future subdivision or partitioning of adjoining land, streets shall be extended to the

boundary of the subdivision or partition and the resulting dead end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

FINDING: The land to the north of the proposed subdivision has already been divided, and is served by Emigrant Street, an existing dedicated public road. Lands to the west are separated by Wamic Market Road, and will not require an extension of streets. Land to the east and west of the proposed subdivision is zoned A-1(160) Exclusive Farm Use, where subdivisions of land are prohibited in accordance with the Wasco County Comprehensive Plan. Since these roads will not serve future subdivisions of land, an adequate turnaround must be provided, and is discussed in Criterion 21.030.P of this report. Staff finds the request complies with Criterion 21.020.M.

- N. Alleys: The minimum width of alleys, when provided in residential blocks, shall be twenty (20) feet. Alleys shall be provided in commercial and industrial districts and shall not be less than twenty (20) feet in width. The corners of all alleys at their intersection with streets and other alleys shall be rounded and have a radius of not less than ten (10) feet.*

FINDING: No blocks or alleys have been proposed through the subdivision request. Criterion 21.030.N is not applicable to the request.

- O. Pedestrian Ways: When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.*

FINDING: Since all properties will have frontage along public roads and no blocks are proposed, a pedestrian way will not be required. However, a publically dedicated park has been proposed to serve the proposed subdivision, and the surrounding residentially zoned properties. As proposed, owners of property for lots 1-5 of the proposed subdivision would have to access the park by travelling back along the unimproved sidewalk along Homestead Road to Wamic Market Road, and then down to the end of Emigrant Street along the unimproved sidewalk. Wamic Market Road is a heavily trafficked county road, and could potentially be dangerous for foot traffic travelling to and from the park from the lower portion of the subdivision. To ensure all residents within the proposed subdivision have safe access to this public space, a **condition** of approval is included in the recommendation to the planning commission stating that when the final subdivision plat is submitted for approval by the Wasco County Planning Commission, an adequate pedestrian way shall be included from Homestead Road to the proposed park, allowing the owners within the lower portion of the subdivision to safely access the proposed park. The plat shall identify the responsible party(s) for maintaining the pedestrian way and confirm that the responsible party is not Wasco County. With that condition, staff finds the request complies with Criterion 21.030.O.

- P. Cul-de-sacs: In general, dead end (cul-de-sac) streets are not desirable, but if provided, shall terminate in a turnaround that is consistent with Chapter 10 and the local fire department.*

FINDING: Since both Emigrant Street and Homestead Road will result in a dead end at the eastern portion of the subdivision, adequate turnarounds consistent with Chapter 10 and the Wamic Rural Fire Protection District must be provided. In the preliminary subdivision plan submitted, a turnaround is illustrated near the end of Homestead road with no proposed dimensions. No turnaround is illustrated at the end of Emigrant Street on the preliminary subdivision plan. To ensure adequate access is provided to the area, a **condition** of approval is included in staff's recommendation to the planning commission stating that prior to submittal of the final subdivision plat, an adequate turnaround consistent with

Chapter 10 shall be illustrated with dimensions shown at the end of Emigrant Street and Homestead Road. Proof shall also be provided demonstrating that the Wamic Rural Fire Protection District approves of the turnarounds as well. With that condition, staff finds the request complies with Criterion 21.030.P.

Q. Street Intersections:

- 1. All streets shall intersect at right angles (90 degrees) one to the other; where an intersection at ninety (90) degrees cannot be secured by reason of physical conditions of the site an angular intersection of not less than sixty (60) degrees may be permitted.*
- 2. Property corners at street intersections shall be rounded and with a radius of not less than ten (10) feet.*
- 3. Major thoroughfares intersections shall have roadway curb radii of not less than twenty five (25) feet; all other street intersections shall have roadway curb radii of not less than twenty (20) feet.*

FINDING: No street intersections are proposed within the subdivision, and the only newly dedicated street is the portion of Homestead Road proposed with an entrance at Wamic Market Road. As evidenced by application 921-21-000010-PLNG, the new access will intersect Wamic Market Road at a 90-degree angle. The radius of the intersection corners will also be more than 10 feet. Staff finds the request complies with Criterion 21.030.Q.

R. Reserve Strips: Reserve strips or street plugs dedicated to the County and controlling the access to a street may be approved or required when necessary to:

- 1. Prevent access to the street on a side where additional width is required to meet the minimum right of way standards;*
- 2. Prevent access to abutting property at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or*
- 3. Prevent the uncontrolled development of land.*

FINDING: As discussed in Criterion 21.030.L of this report, the roads accessing the subdivision will be of adequate width to meet the minimum right of way standards. The land to the north of the proposed subdivision already contains residential development, and utilizes Emigrant Street to access those properties. The land east of the ends of Emigrant Street and Homestead Road, and the land to the south of Homestead Road is zoned A-1(160), Exclusive Farm Use. These streets will provide access to these portions of land, but the zoning does not allow subdivisions, and development can only occur through the procedures outlined in that zoning. Uncontrolled development of land will not occur through this request, since the neighboring properties are in a resource zone that limits development to specific criteria. Criterion 21.030.R is not applicable to the request.

S. Marginal Access Streets: Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Approving Authority may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for

adequate protection of residential properties and to afford separation of through and local traffic.

FINDING: The proposed subdivision does not abut any arterial streets, and none are proposed. Criterion 21.030.S is not applicable.

- T. Utility Lines: Easements for sewers, water mains, electrical lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least twelve (12) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.*

FINDING: A **condition** is included in the Notice of Decision stating that if there are any existing easements for sewers, water mains, electrical lines, or other public utilities, they shall be illustrated and conveyed on the final subdivision plat, to be recorded with the Wasco County Clerk's Office. The easements shall be at least twelve (12) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width. With that condition, staff finds the request complies with Criterion 21.030.T.

- U. Water Courses: If a subdivision or partition is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right of way conforming substantially to the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.*

FINDING: One intermittent water course exists on the subject parcel. As this is an intermittent creek and not a major water body heavily impacted by storm water, and is not an irrigation ditch or canal that may require access easements, it does not qualify as a "drainage way, channel, or stream" that would rise to the level of requiring a storm water easement or drainage right of way on the plat. Given this information, Criterion 21.030.U. is not applicable to this request.

- V. Environmental Hazards: If a subdivision or partition contains known hazards resulting from potential for flooding, land movement, high water tables, erosion, or similar natural phenomena, the Approving Authority may require dedication of protective easements for uses that would minimize aggravation of the environmental hazard.*

FINDING: The subject properties are not located within an area mapped or known to contain environmental hazards with potential for flooding, land movement, high water tables, erosion, or similar natural phenomena. Staff finds Criterion 21.030.V is not applicable to the request.

- W. Blocks: No block shall exceed twelve hundred (1200) feet in length between streets. In blocks over eight hundred (800) feet in length there shall be a cross walkway of not less than ten (10) feet in width, near the middle of the block. The width of blocks shall be such as to allow two tiers of lots, except where in the opinion of the Approving Authority a relatively short length of double frontage lots are unavoidable.*

FINDING: No blocks have been proposed for the subdivision, Criterion 21.030.W is not applicable to the request.

- X. Lots:*

1. *Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the types of use permitted. Lot dimensions shall not include part of existing or proposed streets. All lots shall be buildable, except a public utility lot. Depth and width of utility lots shall be adequate to provide for standard setbacks for service structures, and to furnish off street parking facilities required by the kind of use contemplated. In no other case shall the width or area be less than that prescribed for the zone in which the lot is proposed.*

FINDING: The proposed subdivision will be located in WAM R-2, Wamic Residential Zone. The proposed subdivision has been reviewed in accordance with the property development standards for that zoning, where it was found to comply. The purpose of the zoning, and intent of a subdivision is to allow for residential development. The proposed lots will be a minimum of 300 feet wide, which will allow adequate room for property line setbacks for all development. The minimum requirements for new lots in the WAM R-2, Wamic Residential Zone, state that if a property is not served by either an approved community, municipal or public water system or an approved community or public sewage system, the lots shall have a minimum width of 300 feet with a minimum area of five (5) acres. The lot dimensions illustrated on the face of the plat meet those standards, and do not include existing or proposed streets. No utility lots are proposed. Staff finds the request complies with Criterion 21.030.X.1.

2. *Each side lot line shall be at right angles to the adjacent street line or radial to a curved street line, unless the Approving Authority determines that variation from these requirements is necessitated by unusual circumstances such as topography and site location.*
3. *Lots with double frontage shall be avoided, except where the Approving Authority determines that such lots are essential to provide separation or residential development from major traffic arterials or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, across which there shall be no rights of access, may be required along the line of lots abutting such a traffic arterial or other incompatible use. Such area shall be considered the rear portion of the lot.*
4. *Flag lots shall not be permitted, except when unusual circumstances exist. Such circumstances may include characteristics of topography and site which affect construction on the property or access to the property. Approval of the creation of flag lots by the Approving Authority shall be based on specific findings indicating what unusual circumstances exist.*

FINDING: As illustrated in the preliminary subdivision plan, all of the proposed side lot lines will be at right angles to Emigrant street and Homestead Road. The proposed lots will also not have double frontage on either of those two public roads, and their design will not fall under the classification of flag lots. Staff finds the request complies with Criterion 21.030.X.2, 3, & 4.

Y. Public Open Space:

Elementary and high school sites, neighborhood playgrounds, parks and recreation areas shall be located in accordance to the development pattern of the County or the County area. When such public school or recreation sites are within the area of an approved subdivision they may be dedicated to the County or shall be reserved until such time as the County is able to acquire them. Parks and recreation areas shall be provided at the rate of one (1) acre of recreation area to every one hundred people.

FINDING: The applicant has proposed a 1.08 acre park, located in the northeast portion of the proposed subdivision at the end of Emigrant Street. The owner did not submit a maintenance plan, and only stated within the application materials that the “applicant is proposing to dedicate a park”. If approved, the park would end up in the ownership of the Wasco County, or would be reserved until the county is able to acquire it. The proposed park would be within the jurisdiction of the South Wasco Parks and Recreation District (SWPRD). On April 28, 2021, staff contacted SWPRD to foster comment towards the proposed development. SWPRD then made the decision to discuss the matter during a board meeting, and have a discussion prior to making official comments to staff. The board meeting was held on May 4, 2021, at the Wamic Community Center. SWPRD then provided a comment letter by email on May 9, 2021, stating the following,

“The South Wasco Park and Recreation District (SWPRD) board met on May 4, 2021 and agreed to the following with respect to the **Pine Ridge Subdivision** that is currently under review by the Wasco County Planning Department

- a) Because Wasco County does not have a Parks Department, nor any personnel or funds designated for park development or park maintenance in the Wamic area, nor at any other location in South Wasco County with the exception of the Wasco County Fairgrounds in Tygh Valley.
- b) Therefore, the SWPRD board recommends that the Wasco County Planning Commission require that the developers of the **Pine Ridge Subdivision** pay to Wasco County a sum equal to 6-2/3% of the assessed value of the proposed subdivision, as required by ordinance, rather than requiring the donation of land to potentially be used for a park.
- c) Additionally, the SWPRD board asks that the funds paid to Wasco County by the developer of the **Pine Ridge Subdivision** be donated to SWPRD because, as stated above, Wasco County does not have any funds or personnel dedicated to recreation in South Wasco County, and SWPRD has a proven track record of providing recreational services in South Wasco County.”

The portion of the above statement that addresses the 6 and 2/3% assessed value of the land is from Section 21.210.H, which states the following,

Recreational Fund: Where no parks, playgrounds or recreational areas are required by the Commission, the subdivider shall pay to the County a sum equal to six and two thirds percent (6 2/3%) of the assessed value of the land area, exclusive of streets, within the subdivision. Such sum shall be paid to the County Clerk prior to recording of the final subdivision plan and such sum shall be held by him in a special fund for acquisition and development of parks, playgrounds, and recreational areas within the immediate area of the subdivision.

The Recreational Fund criterion is not under review until the final subdivision plat approval is applied for. However, based on the comments provided by SWPRD towards the County’s ability to maintain the proposed park, and the lack of funds to improve this area, staff does not recommend that the Planning Commission approve the proposed park within the proposed subdivision. A condition of approval is included in the Notice of Decision stating that prior to submittal of the final subdivision plat for approval, the park shall be removed, and the acreage distributed to the proposed adjacent subdivision lots. With that condition, staff finds the request complies with Criterion 21.030.Y.

- Z. *Subdivision Name: The name of any subdivision shall not duplicate or be so similar as to be confused with the name of any existing subdivision or parcel or area within the County.*

FINDING: To ensure that the name of the proposed subdivision would not duplicate or be so similar as to be confused with the name of any existing subdivision or parcel or area within the county, staff contacted Bradley Cross, the Wasco County Surveyor by email for confirmation. Staff received a response on April 28, 2021, stating “We have a few subdivisions using the word "Pine", but "Pine Ridge" is unique enough so it's a good name.” Since the name will not duplicate, or be similar enough to be confused with the name of an existing subdivision or parcel or area within the county, staff finds the request complies with Criterion 21.030.Z.

AA. Street Names: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, and shall be subject to the approval of the Approving Authority.

BB. Street Signs: All street and highway signs shall meet the County standards for such signs.

FINDING: All streets serving the proposed subdivision area have been previously approved by the county, and have been verified to be unique names that conform to the established pattern in the surrounding area. Emigrant street is already in use by other properties in the area, and contains adequate signage. Homestead Road is a new road however, that will require improvements and signage. Staff contacted Arthur Smith, Director of the Wasco County Public Works Department by email for comment. On April 28, 2021, he stated that, “All signage within the subdivision is the responsibility of the developer. The county will place a sign for Homestead Rd at its intersection with Wamic Market Road.” To ensure compliance with the criterion, a **condition** of approval is included in the Notice of Decision stating that The county will place a sign for Homestead Road at its intersection with Wamic Market Road. All other signage within the subdivision shall be the responsibility of the developer, and prior to placement shall have it approved by the Wasco County Public Works Department to ensure it meets county standards. With that condition, staff finds the request complies with Criterion 21.030.AA & BB.

Section 21.200 - Preliminary Subdivision Plan Approval

The approval of a preliminary subdivision plan is reviewed by the Planning Commission subject to the provisions of Section 2.060 (c) of this Ordinance.

A. Application for Preliminary Subdivision Plan Approval:

- 1. An application for preliminary subdivision plan approval shall be initiated as provided in Chapter 2 of this Ordinance.*
- 2. The applicant shall file with the Director a preliminary subdivision plan, together with improvement plans and other supplementary information required by subsection B of this Section to demonstrate the design and objectives of the subdivision.*
- 3. The preliminary plan shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale of the*

drawing is to be one (1) inch equals one hundred (100) feet, or one (1) inch equals fifty (50) feet.

FINDING: An application for a subdivision was submitted to the Planning Department on January 19, 2021 as an Administrative, Subject to Standards/Type II Review, which will be decided upon by the Planning Commission. Any other improvement plans or supplementary information required is addressed in subsection B below. The preliminary subdivision plan that was received was legibly drawn and all information located on it was to scale so that the approving authority would have an adequate understanding of what was proposed. The scale of the preliminary subdivision plan submitted was 1" = 100'. Staff finds the request complies with Criterion 21.200.A.1.

B. Information Required in the Preliminary Subdivision Plan:

- 1. The proposed name of the subdivision or major partition.*
- 2. North point, scale, date of application, and basis of bearing.*
- 3. Names and addresses of the subdivider, engineer, surveyor, land planner or landscape architect.*
- 4. The tract description according to the real estate records of Wasco County.*
- 5. The boundary lines (accurate in scale) of the tract to be subdivided.*
- 6. Contour lines may be required at intervals to be determined by the Director.*
- 7. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.*
- 8. The location, width and names of all existing or plotted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights of way and other important features such as section lines, political subdivisions or corporation lines and school district boundaries.*
- 9. Existing sewers, water mains, culverts or underground utilities and improvements within the tract or immediately adjacent thereto together with pipe sizes, grades and locations indicated.*
- 10. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.*
- 11. The location, names, width and approximate grades of all streets proposed or existing in the subdivision, and the approximate widths and locations of proposed easements for drainage, sewerage and public utilities.*
- 12. Typical cross sections of proposed streets, showing all improvements proposed within the street right of way at such scale to clearly show the details thereof.*
- 13. Approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of all watercourses.*

14. *Proposed lots, approximate lot dimensions, and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated upon such lots.*
15. *Parks, playgrounds, recreation areas, parkways, and other open space for public use.*
16. *Locations of proposed tree plantings or other plantings. Appropriate information clearly stating the map is a tentative plan.*
17. *Proposed source of water supply, if any; estimated volume to be available, together with data regarding the location, type, and size of all storage facilities, distribution lines, fire hydrants, and gate valves.*
18. *If domestic water supply proposed by the developer includes the drilling of wells, information on the feasibility of well drilling. Such information will be provided even if the developer is not required by the Commission to drill the wells.*
19. *The proposed method of sewage disposal.*
 - a. *If to be served by a community sewer system, data regarding the location, type, size, approximate grade, and capacity of all collection lines, feeder lines, trunk lines, pumping stations, storage facilities, backflow prevention devices, and gate valves. If treatment is to be accomplished by an existing municipal or public sewage facility, a statement regarding the ability of the facility to accommodate the projected increased load. If treatment is to be accomplished by a new installation or privately owned treatment facility, a statement regarding conformity to applicable regulations of the Oregon State Department of Environmental Quality.*
 - b. *If to be served by a community collection and storage system, data regarding the location, type, size, approximate grade, and capacity of all lines, holding tanks, storage facilities, pumping facilities, and valves.*
 - c. *If to be served by subsurface sewage disposal, a statement from an authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian regarding the approval of each lot or parcel to be sold for installation of septic tank facilities.*
20. *Information on the source of other public utilities; proposed deed restrictions, if any; and the irrigation district involved and provisions for delivering irrigation water to the lots in the subdivision.*
21. *The location of any environmental hazard; area unsuitable for building purposes; or land subject to mass movement, excessive erosion, or similar natural phenomena.*
22. *Proposed building setback lines.*
23. *Vicinity sketch showing how the proposed streets and alleys may connect with existing streets in neighboring subdivisions or undeveloped property.*

FINDING: A preliminary subdivision plan containing the items required in Subsections 1-23 above was submitted to the Planning Department on January 19, 2021, with the exception of Subsections 17, 18, & 19 which were not required by this proposed use. The location of the water supply and septic approvals were not provided or required for each lot to contain residential uses. A **condition** of approval is included in the Notice of Decision stating that prior to approval of the final subdivision plat by the Planning Commission, the location of the water supply for each parcel shall be identified on the face of the plat. Location of these water sources, type, and any distribution lines shall also be illustrated on the face of the plat. A statement from an authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian shall also be provided regarding the approval of each lot or parcel to be sold for installation of septic tank facilities. With that condition, staff finds the request complies with Section 21.200.B.1-23.

C. Development Phasing:

- i. A preliminary subdivision plan may provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.*
- ii. Time limitations for the various phases must meet the following requirements:*
 - a. Phase 1 final plat shall be approved within twelve (12) months of preliminary approval.*
 - b. Phase 2 final plat shall be approved within twenty four (24) months of preliminary approval.*
 - c. Phase 3 final plat shall be approved within thirty six (36) months of preliminary approval.*

FINDING: The applicant has not proposed phasing the development of the subdivision, therefore the timeline criterion in Subsection E below will apply, and Criterion 21.200.C is not applicable to the request.

D. Criteria for Approval of Preliminary Subdivision Plan:

- 1. A decision on the preliminary subdivision plan application shall be made by the Approving Authority as provided in Chapter 2 of this Ordinance.*
- 2. The preliminary subdivision plan shall be approved if the Approving Authority finds the following:*
 - a. The information required by this Chapter has been provided;*
 - b. The design and development standards of Section 21.030 of this Chapter have been met; and*
 - c. If the preliminary plan provides for development in more than one phase, the Approving Authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.*

FINDING: As identified in Chapter 2, the decision on the preliminary subdivision plan will be determined by the Planning Commission. The Planning Commission hearing will be held on June 1, 2021. Staff has recommended approval of the preliminary subdivision plan since the information required by Chapter 21 was provided, and the proposal was found to comply with the development standards of Section 21.030. The development of the subdivision will not be phased. Staff finds the request complies with Criterion 21.200.D.

E. Duration of Preliminary Subdivision Plan Approval:

- 1. Approval of a preliminary subdivision plan shall be valid for twenty-four (24) months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of Section 21.200 C 2 of this Ordinance.*
- 2. If any time limitation is exceeded, approval of the preliminary subdivision plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require a new development request.*

F. Granting of Extensions: Extensions of time may be allowed as outlined in Section 2.125 B.

FINDING: Following approval from the planning commission, the preliminary subdivision plan will be valid for a 24-month period, with no phasing proposed in accordance with Section 21.200C.2. To ensure compliance, a **condition** of approval has been included in the Notice of Decision stating that approval of the preliminary subdivision plan is valid for 24 months from the date of final approval, which is the end of the 12-day appeal period following the final decision from the Planning Commission. A final subdivision plat must be submitted for review by the Planning Commission prior to the expiration of the 24 month period of validity. If that time limitation is exceeded, approval of the preliminary subdivision plan shall be void. Any subsequent proposal by the applicant for a division of the property shall require a new development request. An extension of time may be granted, if it is applied for in accordance with Section 2.125.B of the Wasco County Land Use and Development Ordinance. With that condition, staff finds the request complies with Criterion 21.200.E & F.

ATTACHMENT E – LIGHTING STANDARDS

Good Neighbor OUTDOOR LIGHTING

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

What is good lighting?

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

Why should we be concerned?

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

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

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

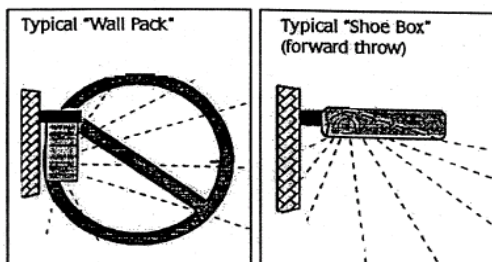
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

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

How do I switch to good lighting?

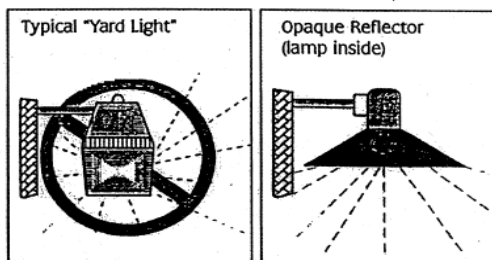
- 1 Provide only enough light for the task at hand; don't over-light, and don't spill light off your property. Specifying enough light for a job is sometimes hard to do on paper. Remember that a full Moon can make an area quite bright. Some lighting systems illuminate areas 100 times more brightly than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

Some Good and Bad Light Fixtures



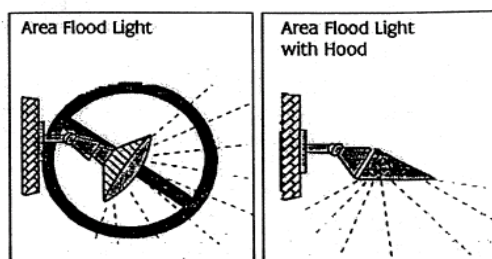
BAD

GOOD



BAD

GOOD



BAD

GOOD

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

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

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

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

Replace bad lights with good lights.

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

Presented by the

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

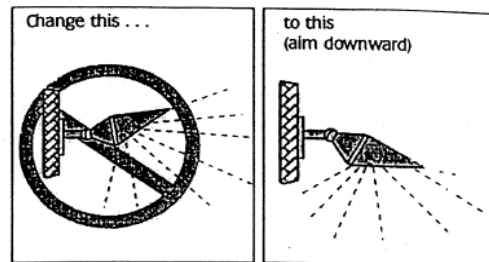
Sky Publishing Corp. (<http://www.skypub.com/>).

NELPAG and Sky Publishing Corp. support the

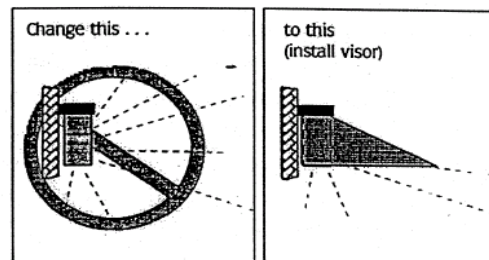
International Dark-Sky Association (IDA) (<http://www.darksky.org/>).

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

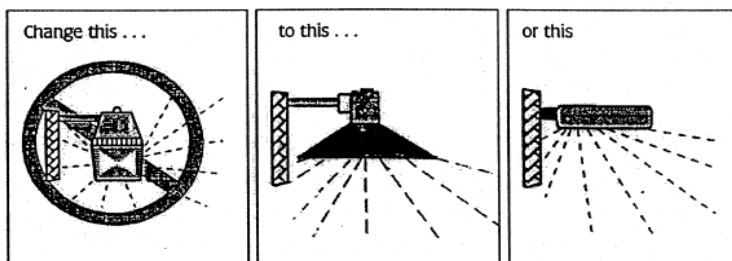
What You Can Do To Modify Existing Fixtures



FLOOD LIGHT



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YARD LIGHT

OPAQUE REFLECTOR

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ATTACHMENT F – CHAPTER 21 – LAND DIVISIONS

SECTION 21.100.C, Final Land Partition Plat Requirements

1. Conformance to Preliminary plan. The plat shall substantially conform to the preliminary plan as approved.
2. Preparation of the Plat.
 - a. A plat shall be prepared on 4 mill (minimum) double matte polyester film, approved by the County Surveyor, on a standard 18" x 24" sheet, with archival permanent black ink, in a format available at the Wasco County Surveyors Office.
 - b. All signatures on the original must be in archival quality black ink.
 - c. The lettering shall be a size or type to be clearly legible when copies are made.
 - d. A face sheet and index must be included for a plat with 3 or more sheets.
3. Compliance with ORS 209.250. A plat shall comply with all requirements of ORS 209.250 including:
 - a. Narrative
 - b. Location of the survey by one-fourth section, Township and Range.
 - c. Date of the survey.
 - d. Scale and North Arrow. The plat shall be drawn to a standard engineering scale sufficient to depict the change, approved by the County Surveyor.
 - e. The distance and course of all lines traces or established, giving the basis of bearing.
 - f. Measured bearings and distances used as a basis for establishing or reestablishing lines or monuments separately indicated from those of record.
 - g. Monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.
 - h. The surveyor's seal and original signature.
 - i. The surveyor's business name and address.
4. Compliance with 92.050. A person shall not submit a plat of a partition for record until all the requirements of ORS 209.250 and the plat requirements of the partition have been met.
 - a. The survey for the plat shall be done in a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.
 - b. The plat shall be made by professional land surveyor.
 - c. The plat shall be of sufficient scale and lettering size, approved by the County Surveyor, so that:

- (1) The survey and mathematical information and all other details are clearly and legibly shown on the plat.
 - (2) Each lot or parcel is numbered consecutively.
 - (3) The lengths and courses of the boundaries of each lot or parcel are shown on the plat.
 - (4) Each street is named and shown on the plat.
- d. The locations and descriptions of all monuments found or set must be carefully recorded upon the plat and the proper courses and distances of all boundary lines, conforming to the Surveyor's Certificate, must be shown.
 - e. The location, dimensions and purpose of all recorded and proposed public and private easements must be shown on the plat along with the County Clerk's recording reference if the easement has been recorded with the County Clerk. Private easements become effective upon the recording of the plat.
 - f. The area of each lot or parcel must be shown on the plat, to the nearest one-hundredth of an acre.
 - g. In addition to showing bearings in degrees, minutes and seconds, and distances in feet and hundredths of a foot, the following curve information must be shown on the plat:
 - (1) Arc length
 - (2) Chord length
 - (3) Chord bearing
 - (4) Radius
 - (5) Central Angle
 - h. The final plat may not be required to show any information or requirement that is or may be subject to administrative change or variance by the county, or any other information unless authorized by the County Surveyor. Examples of authorized information include:
 - (1) Parcels located in an "A-1", "F-1" or "F-2" zone shall contain the following statement: "No investigation has been made of the suitability of any given parcel by an authorized representative of the Department of Environmental Quality, and no warranty is made that any given parcel will be used for subsurface sewage disposal. If subsurface sewage disposal evaluations have been completed, a copy shall be filed with the Wasco County Planning Department."
 - (2) Parcels located in any other zone shall contain the following statement: "The parcels have been approved for subsurface sewage disposal by an authorized representative of the Oregon Department of Environmental Quality."
 - (3) Planning Department File Number

(4) Tax lot Information

(5) Zoning classification and Comprehensive Plan Designation

(6) Table indicating the acreages of all existing and newly created parcels.

(7) Assessor Account Number for each existing property.

J. Monuments.

- a. The Initial Point of a plat must be on the exterior boundary of the plat and must be marked with a monument meeting the specifications of ORS 92.060(1). The location of the monument shall be with reference by survey to a known corner, per ORS 92.060 and shown on the plat.
- b. The exterior boundary and all parcel corners must be monumented per ORS 92.060.
- c. For partitions involving land in a flood plain, the provisions of Section 21.210(5) shall apply.

6. Surveyor's Certificate. The plat must include a Surveyor's Certificate, together with the seal and signature of the surveyor of record, to the effect that the surveyor has correctly surveyed and marked with proper monument the lands represented, including the initial point of the plat and its location, and accurately describing by metes and bounds, or other description as approved by the County Surveyor, the tract of land upon which the parcels are laid out.

7. Declaration.

- a. The plat shall include a declaration, taken before a notary public, stating that the declarant has caused the plat to be prepared in accordance with the provisions of ORS 92.
- b. Any dedication of land to public purposes or any public or private easements create, or any other restrictions made, shall be included in the Declaration.
- c. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the Declaration for the purpose of consenting to the property being partitioned.
- d. If the plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the Declaration
- e. Notwithstanding the provisions of subsection a. to d., the fee owner, vendor or the mortgage trust deed holder may record an affidavit consenting to the declaration, pursuant to ORS 92.075(4).

8. General Information. No plat shall be approved unless:

- a. Streets or Road for public use are dedicated without reservation or restriction other than reversionary rights upon vacation.

- b.** All easements provided for public services, utilities, or access are shown on the face of the plat along with the legal description and any limitations of the easements. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorders number shall appear on the face of the plat.
- c.** Names and addresses of the partitioner, owner, mortgagee, if any, and the person preparing the plat are shown.
- d.** The names of any streets intersecting or within the parcels are shown.
- e.** All easements provided for public services, utilities, or access must be shown on the face of the map along with the legal description and any limitations of the easements. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map.
- f.** Zoning classification and Comprehensive Plan Designation
- g.** Space for date and signatures of the following officials is made:
 - (1)** Planning Director or designee
 - (2)** County Surveyor
 - (3)** County Assessor
 - (4)** County Tax Collector
- h.** Any additional information made a condition of approval of the tentative plan is shown.