



PLANNING DEPARTMENT

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

**FOR**

**Work Session Date:** October 5, 2021  
**Work Session Time:** 3:00 pm  
**Work Session Location:** Electronically via Zoom  
**Meeting ID:** 865 6327 4038

**HEARING DETAILS:** File # 921-19-000193-PLNG. An Appeal of the Planning Director's approval of a new single family dwelling in conjunction with commercial agriculture, accessory buildings, agricultural structures, and the retroactive review of a well on 20.59-acre parcel (2N 11E 11 2200) zoned (GMA) A-2 (80). The property is located north of Huskey Road, approximately .1 miles west of Jasper Lane and .5 miles south of Mosier. The property owner is Adrian Lopez and the appeal has been filed by Joseph Czerniecki. The appeal is based on several grounds including: staff report inconsistencies and errors, the setback requirements from the property line, and allowances for fencing.







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**Date:** September 28, 2021  
**To:** Wasco County Planning Commission  
**From:** Wasco County Planning Office  
**Subject:** Submittal for hearing dated October 5, 2021  
**Re:** Appeal of Director's Approval of #921-19-000193-PLNG

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p: [541] 506-2560 • f: [541] 506-2561

**SUMMARY OF INFORMATION**

Prepared for the Wasco County Planning Commission

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**FILE #:** 921-19-000193-PLNG

**APPEAL HEARING DATE:** October 5, 2021

**NEWSPAPER PUBLISHING DATE:** September 15, 2021

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**REQUEST:** Scenic Area Review of a new dwelling and structures to support the proposed farm use of raising approximately 13 goats. This request includes:

- (1) New Single Family Dwelling (1,889 SF footprint, 50'L x 40'W x 24'H)
- (2) Accessory Buildings (1,500 SF footprint, 50'L x 40'W x 24'H)
- (3) Agriculture Structures: approximately 5,000' of 4' H wire mesh fence (6' fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900' of moveable electric fence to protect a wetland; and a 50' diameter moveable round pen.
- (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000 gallon water cistern, and driveway.

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**APPLICANT/OWNER INFORMATION:**

**APPLICANT/OWNER:** Adrian Lopez, 1150 Huskey Road, Mosier, OR 97040

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**PROPERTY INFORMATION:**

**LOCATION:** The subject parcel is located north of Huskey Road, approximately 0.1 miles west of Jasper Lane and 0.5 miles south of the City of Mosier, Oregon, more specifically described as:

<u>Map/Tax Lot</u>	<u>Acct. #</u>	<u>Acres</u>
2N 11E 11 2200	327	20.59

**ZONING:** A-2 (80), Small Scale Agriculture in the General Management Area of the Columbia River Gorge National Scenic Area

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**Original Staff Reviewer:** Brent Bybee

**Appeal Reviewer:** Daniel Dougherty

## **SUMMARY OF INFORMATION – RECCOMENDED CONDITIONS OF APPROVAL**

### **Attachments:**

- Attachment A** Appeal Staff Report
- Attachment B** Appeal Application
- Attachment C** Additional Appeal Information
- Attachment D** N/A, See Attachment G
- Attachment E** Original Staff Report
- Attachment F** Maps
- Attachment G** Notice of Decision
- Attachment H** Notice of Administrative Action
- Attachment I** Amended Lopez Application
- Attachment J** Map of Adjacent Properties
- Attachment K** Map of USDA Crop Data
- Attachment L** ODFW Comments

## SUMMARY OF INFORMATION – RECOMMENDED CONDITIONS OF APPROVAL

The full staff recommendation with proposed findings of fact addressing issues raised within the appeal is enclosed as Attachment A and was available at the Wasco County Planning Department for review one week prior to the October 5, 2021, hearing. The full staff recommendation is made as part of the record. This summary does not supersede or alter any of the findings or conclusions in the staff report, but provides a summary of the overall request, the recommended conditions of approval, and the Planning Commission's options and staff's recommendation.

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### RECOMMENDED CONDITIONS OF APPROVAL

#### A. Cultural Resources:

1. All ground disturbance within the archaeological site boundaries shall be monitored by a professional archaeologist, specifically the installation of fence lines.
2. If plans change so that greater impacts are proposed within the archaeological site boundaries, the site shall be formally evaluated for significance and eligibility for inclusion on the National Register of Historic Places (NRHP).
3. If cultural resources are discovered during development of any new structure or building, all construction shall cease within 100' of the discovered cultural resource. The cultural resource(s) shall remain as found and further disturbance is prohibited. The owners shall notify the Wasco County Planning Department and Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or associated with Native Americans, the owners shall also notify the Confederated Tribes of Warm Springs, Confederated Tribes of Umatilla, Perce Nez, and Yakama Indian Nation within 24 hours of discovery.
4. If human remains are discovered, all work on the parcel shall cease, and the human remains shall not be disturbed any further. The owners shall immediately notify the Wasco County Sheriff's Office, the Wasco County Planning Department, the Gorge Commission, and the four Indian tribal governments.

#### B. Prior to Issuance of Zoning Approval on any Building Permit and After Expiration of the 15-Day Appeal Period, the Applicant/Owner shall:

1. Obtain a Road Approach Permit from the Wasco County Public Works Department for the existing driveway onto Huskey Road.
2. Oregon Dept. of Forestry Permit: Any land clearing activities involving power driven machinery that occur from May 1<sup>st</sup> through September 30<sup>th</sup> shall obtain a Permit to Operate Power Driven Machinery from the Oregon Dept. of Forestry prior to beginning any development.

#### C. Chapter 11 - Fire Safety Standards:

1. Improvements and requirements listed in Chapter 11 of the Wasco County NSA-LUDO and the signed and completed Fire Safety Standard Self-Certification shall be achieved within one year of the date of approval and maintained through the life of the development. This certification commits all future property owners to the same requirements. A copy of this self-certification

## SUMMARY OF INFORMATION – RECCOMENDED CONDITIONS OF APPROVAL

form is available for inspection at the Wasco County Planning Department under File #921-19-000193-PLNG.

2. Address: Apply for a new address for the proposed dwelling, and submit the County application and fee (\$75) to the Planning Department (prior to issuance of zoning approval on a building permit application). An approved address shall be posted on both sides of a permanent post or mailbox within 30' of the driveway providing access to the dwelling. The address numbers shall be legible, reflective, and at least 2 ½ inches high. Application must be made a minimum of 2 weeks prior to issuance of zoning approval on a building permit application.

### D. Colors and Materials

1. The following materials and colors are approved for the kitchen/restroom building:

	Material	Exterior Color	Looks Like	Consistent with color requirement?
<b>HOUSE</b>				
Main/Body	Hardie Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardie Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
<b>BARN/SHOP &amp; PUMP HOUSE</b>				
Main/Body	Hardi Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardi Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
<b>ROUND PEN</b>	Galvanized Steel	Hunter Green (Rustoleum)	Dark Green	Yes, approved for narrow surfaces only

2. If alternate colors or materials are proposed for any new development, they shall be submitted to and approved by the Planning Department prior to their use on the exterior of the building.
3. All windows shall be thermal pane rated less than 15% visible light reflectivity.

### F. Miscellaneous Conditions:

1. Ground disturbance shall be minimized to the greatest extent possible. All ground disturbance resulting from development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be

## SUMMARY OF INFORMATION – RECCOMENDED CONDITIONS OF APPROVAL

responsible for survival of planted vegetation and the replacement of such vegetation that does not survive.

2. The retention of all conifer trees indicated on the site plan is required to comply with visual subordination standards. Coniferous trees not indicated on the site plan may be removed if they are damaged or diseased, or for fire safety purposes. If coniferous trees indicated on the site plan are removed, die or are destroyed, they shall be replaced in compliance with the following standards:

To ensure survival, new trees and replacement trees shall meet the following requirements

- All trees shall be at least 4 feet tall at planting, well branched, and formed.
  - Each tree shall be braced with 3 guy wires and protected from livestock and wildlife. The guy wires need to be removed after two winters.
  - The trees must be irrigated until they are well established.
  - Trees that die or are damaged shall be replaced with trees that meet the planting requirements above.
3. All conifer trees east of the existing driveway shall be retained.
  4. Trees not impacted by disease or wildfire shall be retained.
  5. 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. Shielding and hooding materials shall be composed of nonreflective, opaque materials.
  6. The round pen shall not be placed inside any property line or resource protection setbacks in the event that it is moved.
  7. Development approved by this decision shall comply with all requirements of the Wasco County Building Codes Services Department.

## **SUMMARY OF INFORMATION – PLANNING COMMISSION OPTIONS & STAFF RECOMMENDATION**

### **PLANNING COMMISSIONERS OPTIONS**

- A. Approve the request as submitted by the applicant with original conditions of approval
- 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**

Staff recommends Option B: Approve the request, with amended Conditions and Findings.



# ATTACHMENT A

**File Number:** 921-19-000193-PLNG

**Request:** Appeal of the Planning Director's decision to approve a new dwelling and agricultural structures to support proposed farm use

**Prepared By:** Daniel Dougherty, Associate Planner

**Prepared For:** Wasco County Planning Commission

**Procedure Type:** Appeal

**Appellant/Applicant:** Joseph Czerniecki

**Owner:** Adrian Lopez

**Staff Recommendation:** Uphold the decision of the Planning Director

**Planning Commission Hearing Date:** October 5, 2021

**Location:** The subject parcel is located north of Huskey Road, approximately 0.1 miles west of Jasper Lane and 0.5 miles south of the City of Mosier, Oregon, more specifically described as:

<u>Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
2N 11E 11 2200	327	20.59

**Zoning:** A-2 (80), Small Scale Agriculture in the General Management Area of the Columbia River Gorge National Scenic Area

**Past Actions:** 921-18-000017-PLNG (Withdrawn): Horse Boarding Facility  
921-19-000193-PLNG Scenic Area Review of a new dwelling and structure to support the proposed farm use.

**Attachments:**

Attachment B	Appeal Application
Attachment C	Additional Appeal Information
Attachment D	N/A, See Attachment G
Attachment E	Staff Report
Attachment F	Maps
Attachment G	Notice of Decision
Attachment H	Notice of Administrative Action
Attachment I	Amended Lopez Application
Attachment J	Map of Adjacent Properties
Attachment K	Map of USDA Crop Data
Attachment L	ODFW Comments

## APPLICABLE STANDARDS

### A. Wasco County National Scenic Area Land Use & Development Ordinance (NSA LUDO)

#### *Chapter 2 – Development Approval Procedures*

##### *Section 2.150 Appeals from the Decision of the Director*

##### *Addressed in Original Staff Report (Attachment E):*

#### A. Chapter 3 – Basic Provisions

Section 3.110	Expedited Review
Section 3.110.A.5	Uses Permitted Subject to Expedited Review, Woven Wire Fences
Section 3.130, A-2	Small Scale Agriculture (GMA)
Section 3.130.D.2	Uses Permitted Subject to Review, Agricultural structures
Section 3.130.D.4	Uses Permitted Subject to Review, One single-family dwelling
Section 3.130.D.6	Uses Permitted Subject to Review, Accessory building(s)
Section 3.130.G	Property Development Standards

#### B. Chapter 4 – Supplemental Provisions

Section 4.040	Off-Street Parking
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#### C. Chapter 11 – Fire Safety Standards

Section 11.110	Siting Standards
Section 11.120	Defensible Space
Section 11.130	Construction Standards for Dwellings and Structures
Section 11.140	Access Standards
Section 11.150	Fire Protection or On-Site Water Required

#### D. Chapter 14 – Scenic Area Review

Section 14.100	Provisions for all new development
Section 14.200	Key Viewing Areas
Section 14.300	Scenic Travel Corridors
Section 14.400	Landscape Settings
Section 14.500	Cultural Resources – GMA
Section 14.600	Natural Resources – GMA
Section 14.700	Recreation Resources - GMA
Section 14.800	Indian Tribal Treaty Rights and Consultation – GMA

## I. BACKGROUND

- A. **Legal Parcel:** Pursuant to the National Scenic Area Land Use and Development Ordinance (NSA-LUDO) Section 1.200, the definition of a legal parcel is the following:

*Parcel (Legal)/Lot of Record - 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.*

The subject lot is identified as Lot 21 of Rocky Prairie Subdivision, recorded with the Wasco County Clerk on April 27, 1977. It is consistent with the definition of Legal Lot in NSA-LUDO Section 1.200, Definitions, because it was created by a recorded subdivision.

- B. Site Description:** The subject lot is located between Huskey Road and Quartz Drive, in Rocky Prairie, a subdivision located on a hill above Mosier, Oregon. This property contains northwest-facing slopes averaging 9%. The western 1/3 (approximate) of the lot is heavily vegetated with Oregon white oak trees. Natural grasses are the dominant ground cover. The property ranges in elevation from 620-720' Above Sea Level (ASL).
- C. Surrounding Land Use:** Properties located north, east and west of the subject lot are located in the "A-2" Small Scale Agriculture Zone (GMA Only). Properties located south of Huskey Road are located in the "F-3" Small Woodland Forest Zone (GMA Only). With the exception of one property located north of Quartz Drive, all surrounding properties are used for residential use. Properties located east and west of the subject lot contain similar northwest-facing slopes averaging 8-10%. Property to the southwest, located north of Huskey Road is heavily vegetated with Oregon white oak trees. Property located to the west contains cherry orchard and a cidery, but there are no other commercial farm uses on adjacent properties. Land lying within 750' of Huskey Road averages 30% northwest-facing slopes while farther south, slopes lessen to 5-10%. Properties to the south are generally heavily vegetated with Oregon white oak and Ponderosa pine trees.
- D. Public Comments:** On September 16, 2021, 19-days prior to the Planning Commission hearing, a hearing notice was sent to all property owners within 750 feet of the subject parcel, and interested public agencies. Public notice of this hearing appeared in The Dalles Chronicle on September 15, 2021. Wasco County received comments from:
  - 1. (Sep 9, 2021) Jeremy Thompson, District Wildlife Biologist for the Oregon Department of Fish and Wildlife (ODFW).

## II. FINDINGS:

### A. Wasco County National Scenic Area Land Use & Development Ordinance (NSA LUDO)

#### *Section 2.150 Appeal from Decision of the Director*

- A. *Any action taken by the Director or the Director's designee in the interpretation, administration or enforcement of this ordinance shall be subject to review by the Planning Commission.*

**FINDING:** The decision under appeal, 921-19-000193 was initially reviewed and approved by the Director's designee. This appeal is brought before the Planning Commission for review on October 5, 2021. Staff finds that Section 2.150.A has been met.

- B. *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. For expedited reviews, party status shall be given to any person.*

**FINDING:** The appellant submitted comment during the full scenic area review and is presenting the case before the Planning Commission.

The Planning Commission may **approve or deny** the appellant as a party.

- C. *The Approving Authority may review the action of the Director upon receipt of a Notice of Appeal as prescribed in this section. For the purpose of this section, an appeal shall be filed with the Director no later than twelve (12) days for an expedited review and fifteen (15) days for all other reviews following the date of the decision or action of the Director. The decision of the Director may also be reviewed by the County Governing Body upon its own motion passed within twelve (12) days for an expedited review and (15) fifteen days for all other reviews following the date of the written decision sought to be reviewed if no appeal is filed. County Governing Body review shall be conducted pursuant to Section 2.170.*

**FINDING:** The appeal deadline for the Administrative Decision was July 9, 2021. The appeal was properly received and filed on July 9, 2021. Staff finds that Section 2.150.C has been met.

D. *Every Notice of Appeal shall contain:*

1. *A reference to the application sought to be appealed.*
2. *A statement as to how the petitioner qualifies as a party.*
3. *The specific grounds relied upon in the petition request for review.*
4. *The date of the final decision of the action.*
5. *The required fee, unless waived pursuant to Section 2.090.*

**FINDING:** The appeal was properly submitted on July 9, 2021, with the following: required fee, specific grounds relied upon in the petition request for review, a statement as to how the petitioner qualifies as a party, reference to the application being appealed, and the date of the final decision of the action. This was provided on the application materials and an additional sheet and is attached to the Planning Commission Packet as Attachment B. Additional evidence was provided on September 3, 2021 and is included as Attachment C.

To summarize the application, the appellant is a neighboring property owner and submitted comments in response to "initial application". The appeal application indicated the case being appealed was 921-19-000193-PLNG with an appeal deadline of June 9, 2021 and was being submitted on June 9, 2021.

Staff assumes the dates listed under the Appeal Deadline and Date Submitted were incorrectly written as June, as staff notation on the application indicates the appeal application was submitted on July 9, 2021.

The appellant lists the specific grounds for appeal as follows:

1. The Notice of Decision for 921-19-000193-PLNG did not match the Public Notice of Administrative Action because the Public Notice did not include the proposal for 900' of moveable electric fence. The appellant lists "other specific differences in the requests for agricultural structures".

2. The appellant cites “many inaccuracies and inconsistencies” in the staff report including:
  - a. Discrepancies with the 900’ electrical fence
  - b. Change between the Request and the Development Proposal in the number of animals in the application
  - c. Error in description of the land use of an adjacent parcel
  - d. Discrepancy in the length of the moveable electric fence
  - e. The number of parcels the subject parcel borders
  - f. The description of existing vegetative barriers
  - g. The description of the project in KVA analysis
3. 100’ setback of structures from property lines are insufficient, given the existing (or lack thereof) vegetative barriers.
4. Approval of fencing based on adverse impacts. The appellant cites a past development for this property as evidence.
5. Lack of a condition requiring preservation of oak trees.

*E. Members of the Approving Authority shall neither:*

1. *Communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; nor*
2. *Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless the parties are afforded an opportunity to contest the material so noticed.*

**FINDING:** The Planning Commission is asked in the initial part of the hearing to disclose any ex parte contact. At the October 5, 2021 hearing, Planning Commission members stated for the record: [insert ex parte disclosures]. Staff finds the criteria \_\_\_\_\_.

*F. Appeal of an administrative decision to the Planning Commission shall be "de novo"; i.e., conducted as a new hearing before the public.*

**FINDING:** Although the appellant did not indicate on the appeal application a request for a de novo hearing, based on the requirement listed in the criterion above staff has treated the appeal as de novo, advised both the applicant and the appellant that the hearing would be de novo, and explained the impact of a de novo hearing. Staff finds that Section 2.150.F has been met.

*G. The review shall be accomplished in accordance with the Rules of Procedure adopted by the County Governing Body. The Approving Authority may continue its hearing from time to time to gather additional evidence or to consider the application fully. Unless otherwise provided by the Approving Authority no additional notice need be given of continued hearings if the matter be continued to a certain date.*

**FINDING:** To be made at the hearing. This review shall be accomplished in accordance with the Rules of Procedure adopted by the County Governing Body. The Planning Commission may continue the hearing “to gather additional evidence or to consider the application fully.” Proposed: The Planning Commission is not requiring a continuance. Staff finds Section 2.150.G is not applicable at this time.

*H. All evidence offered and not objected to shall be received unless excluded by the Approving Authority on its own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conducting of their everyday affairs. Evidence shall be received and notice may be taken of those facts in a manner similar to that provided for in contested cases before state administrative agencies pursuant to Oregon Revised Statutes 183.450 except as otherwise provided for herein.*

**FINDING:** [To be made at the hearing. Proposed: The Planning Commission has received, and not rejected, all evidence of a quality that reasonable persons rely upon in the conducting of their everyday affairs.]

*I. 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 conditions necessary to carry out the Comprehensive Plan and Management Plan for the Columbia River Gorge National Scenic Area pursuant to 2.120(C).*

- 1. For all cases the Approving Authority shall make a decision based on findings and conclusions from the record before it as justification for its action.*
- 2. The Director shall send a copy 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:** [To be made at the hearing. Proposed: The Planning Commission affirms and modifies the decision of the Planning Director, based on the findings and conclusions from the record. The Planning Director will send a copy of the Planning Commission decision to all parties to the matter and a copy will be saved in the file records.]

## **B. Appeal Grounds**

**Appeal Grounds 1:** *The Notice of Decision for 921-19-000193-PLNG did not match the Public Notice of Administrative Action because the Public Notice did not include the proposal for 900’ of moveable electric fence. The appellant lists “other specific differences in the requests for agricultural structures”.*

**FINDING:** The Staff report (Attachment E) and Notice of Decision with a decision date of June 24, 2021 (Attachment G) lists the application as including the following requests:

The Scenic Area Review of a new dwelling and structures to support the proposed farm use of raising approximately 13 goats.

This request includes:

- (1) New Single Family Dwelling (1,889 SF footprint, 50’L x 40’W x 24’H)
- (2) Accessory Buildings (1,500 SF footprint, 50’L x 40’W x 24’H)
- (3) Agriculture Structures: approximately 5,000’ of 4’ H wire mesh fence (6’ fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900’ of moveable electric fence to protect a wetland; and a 50’ diameter moveable round pen.

- (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000 gallon water cistern, and driveway.

The last Public Notice of Administrative Action (Attachment H) provides the following description of requests:

Scenic Area Review of a 1,889 Square Foot (SF) (50'L x 40'W x 24'H), two story single family dwelling, a 1,500 SF (50'L x 30'W x 24'H) accessory structure for a shop and storage, and retroactive approval of an unlawfully placed well to be housed in a proposed 100 SF (10'L x 10'W x 12.5'H) pump house. The request includes a 4' H wire fence on the eastern portion of the property, 150' away from the identified wetland. The request also includes raising 12 goats on the property, and rotating them to different portions of the property on an annual basis. A 50' diameter portable round pen will also be utilized.

The Public Notice of Administrative Action, which was amended due to an updated application posted on the website, accurately reflects the application details and site plan (Attachment I). The original staff report indicates (Attachment E, page 23): "Staff also coordinated with the applicant to ensure that the wetland resource on the property would not be disturbed through the request, by placing the fencing outside of the wetland buffer".

The criteria in the National Scenic Area Land Use and Development Ordinance related to fencing is specifically for permanent or semi-permanent fencing. Fencing definitions reference built fences like stone, wood, or metal and do not include moveable pens or things like kennels.

Section 1.200, provides:

*Fence, Protective - A fence at least six feet tall designed to restrict passage through the fence. A protective fence includes stockade, woven wood, chain link and others, but not split rail or primarily barbed wire.*

*Fence, Site-Obscuring - A fence consisting of wood, metal, or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.*

There are no standards for moveable objects, like moveable fencing, farm equipment, water troughs, feeders, recreational vehicles and so forth. The definition of agricultural structure lists permanent buildings or storage containers for the storage of farm equipment and supplies, but does not list the containment of livestock.

Section 1.200, provides:

*Agricultural structure/building - A structure or building located on a farm or ranch and used in the operation for the storage, repair and maintenance of farm equipment, and supplies or for the raising and/or storage of crops and livestock. These include, but are not limited to: Barns, silos, workshops, equipment sheds, greenhouses, wind machines (orchards), processing facilities, storage bins and structures.*

As such, the standards for the moveable fencing are not addressed in the staff report because they are not subject to the same regulation as permanent or semi-permanent structures.

Based on that lack of standards to evaluate moveable objects, staff concluded moveable objects like the 900' of fencing are permitted without review and therefore not substantive to the application. Therefore, staff concludes it was immaterial for the moveable fence to have been noticed; its presence in the staff

report request portion served only to raise awareness that staff had advised it as a mitigation measure to reduce or eliminate wetland disturbance. **Staff recommends the Planning Commission dismiss this ground for appeal.**

***Appeal Grounds 2:*** The appellant cites “many inaccuracies and inconsistencies” in the staff report including:

- a. *Discrepancies with the 900’ electrical fence*
- b. *Change between the Request and the Development Proposal in the number of animals in the application*
- c. *Error in description of the land use of an adjacent parcel*
- d. *The length of moveable electric fence was elsewhere cited as 1,000 feet.*
- e. *The number of parcels the subject parcel borders*
- f. *The description of existing vegetative barriers*
- g. *The description of the project in KVA analysis*

**FINDING:**

Appeal ground 2a. Staff has addressed a. in the finding for “Appeal Grounds 1” above, and **recommends the Planning Commission dismiss this ground for appeal.**

Appeal ground 2b. This appeal ground states that the number of animals has changed between the request and the development proposal. The staff report and notice of decision indicates 13 goats are proposed. The application (Attachment I) included a farm management plan that indicated the ultimate goal of having 12 female goats and one stud. The farm management plan indicated an expected four year timeline to reach the total maximum number of goats.

The farm management plan, according to the National Scenic Area LUDO, is required to include the following:

- *proof that the parcel is enrolled in a farm deferral program with the Wasco County Assessor;*
- *written description of the current and/or proposed farm operation that identifies the number of acres of land in production, type and number of acres planted to a specific crop;*
- *the current and/or proposed number of animals grazing or being raised on the farm parcel;*
- *existing and/or proposed farm structures (including irrigation sprinklers) supporting the farm use and existing water rights.*
- *description of the existing and/or proposed number of employees, including owners, working the farm parcel, and their responsibilities and the hours per week they will be principally engaged in the farm use.*
- *a map that shows the location of all current and/or proposed farm activities including but not limited to registered fields, grazing areas, areas dedicated to farm structures, acres and location of water rights (Farm Services Agency map); and*
- *a schedule of all proposed agricultural uses which shall be initiated within one year and complete within five years*



The purpose of the farm management plan is to verify that proposed agricultural buildings dwellings are approved in conjunction with agricultural use and in support of commercial agricultural activity.

An earlier iteration of the Farm Management Plan included 15 goats, five cows, and 15 chickens. This was revised to the current Farm Management Plan for 13 goats. This change reflects the reason for the scrivener's error between the request and the development proposal section of the staff report.

The number of animals is only important to the review insomuch as it demonstrates the farm use; the difference between 15 goats and 13 goats is insignificant to the review. **Staff recommends dismissal of grounds for appeal 2b.**

Appeal grounds 2c. This appeal ground relates to page 3 of the staff report "Surrounding Land Use." The appellant provides "staff report states that the land to the west is used for orchard. This is incorrect the immediate property to the west is oak woodland it is the property beyond this to the west that is orchard [sic]."

The staff report provided the following description of west adjacent properties:

"Property to the southwest, located north of Huskey Road is heavily vegetated with Oregon white oak trees. Property located to the west contains cherry orchard..." (Staff Report page 3).

For the purposes of neighborhood compatibility and other analysis, it is common for land use planners to consider properties that not only share a common property line, but also a common point. Land use planners also typically evaluate parcels across roadways because, in rural areas, roads are often owned by the adjacent property owner to the centerline of the road, and therefore the centerline of the road constitutes a common border. The purpose for expanding analysis beyond properties that share a common property line is to have a complete picture of compatibility and understanding neighborhood impacts. This is, in part, due to the requirement in the Management Plan for compatibility with adjacent uses.

Adjacent is not defined in the Management Plan or Wasco County Land Use and Development Ordinance, and so planners use the common dictionary definition of "Adjacent":

Merriam-Webster Dictionary

- a: not distant : NEARBY // the city and adjacent suburbs
- b: having a common endpoint or border // adjacent lots // adjacent sides of a triangle
- c: immediately preceding or following

(Merriam-Webster Dictionary: <https://www.merriam-webster.com/dictionary/adjacent>).

In the case of the Lopez development review, staff considered properties that not only share a common property line, but also a common point or are across Huskey Road (Attachment J). A property to the west, that shares a common point, is an orchard. Staff was not incorrect in identifying this property, albeit did not specify that its relationship to the subject parcel was based on a common point rather than a property line.

**Staff recommends denial of grounds for appeal 2c.**

Appeal grounds 2d. This appeal ground relates to the proposed electric fence. The appellant cites that the staff report finding on page 4 provides that the length of the fence is listed as 1,000 feet.

The staff report provided the following regarding the proposed movable/mobile electric fence:

"This proposal includes approximately... about 1,000' of temporary moveable electric fencing..." (Staff Report page 4).

Although the explicit language within the staff report provides for "about" 1,000 feet of mobile electric fence, it is clear that the listed amount of fencing within the staff report on page 4 is a scrivener's error, and as recommended above in appeal grounds b., is not critical to the analysis.

**Staff recommends denial of ground for appeal 2d.**

Appeal grounds 2e. This appeal ground posits the following: "that the subject parcel shares borders with 7. This is not accurate it shares a border with 3 parcels, and Huskey Road to the South."

For the purposes of neighborhood compatibility and other analysis, it is common for land use planners to consider properties that not only share a common property line, but also a common point. Land use planners also typically evaluate parcels across roadways because, in rural areas, roads are often owned by the adjacent property owner to the centerline of the road, and therefore the centerline of the road constitutes a common border. The purpose for expanding analysis beyond properties that share a common property line is to have a complete picture of compatibility and understanding neighborhood impacts. This is, in part, due to the requirement in the Management Plan for compatibility with adjacent uses.

Adjacent is not defined in the Management Plan or Wasco County Land Use and Development Ordinance, and so planners use the common dictionary definition of "Adjacent":

Merriam-Webster Dictionary

- a: not distant : NEARBY // the city and adjacent suburbs
- b: having a common endpoint or border // adjacent lots // adjacent sides of a triangle
- c: immediately preceding or following

(Merriam-Webster Dictionary: <https://www.merriam-webster.com/dictionary/adjacent>).

The end result of the staff report analyzing seven properties rather than three was a more thorough analysis with greater protections for agricultural use and neighborhood compatibility.

**Staff recommends denial of ground for appeal 2e.**

Appeal grounds 2f. Appeal ground f is related to vegetative barriers. Specifically, the appellant provides that the staff report: "goes on to say that there is vegetative barrier between the Lopez parcel and my parcel to the north...This is incorrect. There are 5 trees over the greater than 900 foot property line. This does not meet the Wasco County definition of a vegetative barrier." In Attachment C, the appellant provides a photograph which shows the cluster of oaks and provides "there is no vegetative barrier".

A vegetative screen, or vegetation barrier, is defined in Chapter 3, A-2 Zone under Section G.3.b.

Section 3.130 "A-2" Small Scale Agriculture Zone (GMA Only)

*The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate lot/parcel line(s), and be continuous.*

This criterion does not define the thickness of vegetation, but rather the height, and requires trees to be at least 15 feet high. The trees in the photograph (Attachment C, labelled as Supplement B) appear to be well over 15 feet high. The term continuous is used in the criterion, but implies continuous to development rather than the property line.

Staff found that development, with the exception of the moveable round pen, would occur more than 500' from the property to the north. According to the detailed site plan (page 19 of Attachment I) the round pen does not run the length of the 940' property line to the north. Instead, it is in the northwest corner of the property, and measures 50' in diameter.

The proposed placement of the round pen is in the same corner where the stand of oak trees exists to the north. Staff found that the round pen's placement, in relation to the existing oak stand, offered the continuous vegetative screen to satisfy a reduction in the setback if it was necessary. According to GIS analysis, the existing oak stand measures 278.3 feet across, in a continuous cluster, providing a vegetative screen for the round pen. The continuous nature of the barrier is related to the development in question. In this case, the oak stand exceeds the length of the 50' barrier.

Furthermore, the requirement for a setback between an open or faced nonagricultural or agricultural use classified as "other" is 100', which the round pen meets. As indicated in the previous finding, the round pen is a moveable, non-permanent farm related implement used for holding animals and not generally subject to Scenic Area standards.

**Based on all these findings, staff recommends denial of ground for appeal 2f.**

Appeal grounds 2g. Finally, grounds for appeal g. provides that on page 13 of the staff report that: "The development sites are located at an elevation of approximately 680' above sea level (ASL). The primary factors in analyzing the visibility of the proposed kitchen/restroom building include the distance from KVAs, the use of dark earthtone colors on the building, existing backdrop of trees and the use of nonreflective materials."

There is no kitchen/restroom building provided for in the development proposal. Staff believes that this may be a cut/paste error from the prior Heltzel/Fuentes development proposal on this property.

This does appear to be an error, as no kitchen/restroom building is proposed in this application. However, staff did perform the Key Viewing Area, reflectivity, and topographic analysis based on the correct proposed structures, as clearly indicated in other portions of this finding and elsewhere in the report (See Pages 13-14, See also Pages 15-18 of Staff Report in Attachment E of this packet).

Regarding grounds for appeal 2g: **Staff recommends the Planning Commission acknowledge this error and except the modified findings for Section 14.200 Key Viewing Areas to be:**

*Finding: Both the dwelling and the shop will be two stories with pitched roofs. The dwelling will have a cross gabled design and will be oriented east-west. They will be just east of the driveway closer to the southern property line (road) than the north. The western third of the property is covered in oak trees. Approximately 15 mature Ponderosa pine trees are scattered throughout the open field in the eastern two thirds of the property.*

*The development sites are topographically visible from the following Key Viewing Areas (KVAs):*

- *Dwelling & Pump House: SR 14, the Columbia River, and Highway 30 W (Middle Ground);*
- *Accessory Structure: SR 14 and the Columbia River (Middle Ground);*

*Middleground is defined as ¼ mile – 3 miles from the subject lot.*

*Section 14.200 is not applicable to portions of a KVA within an Urban Area (UA) identified by the Management Plan. The Urban Area identified in this request is Mosier, Oregon.*

*The development sites are located at an elevation of approximately 680' feet above sea level (ASL). The primary factors in analyzing the visibility of the proposed dwelling and agricultural structures include the distance from KVAs, the use of dark earthtone colors on the buildings, existing backdrop of trees and the use of nonreflective materials.*

*The land use designation (GMA, Large Scale Agriculture) and landscape setting (Oak Woodlands) in the project area requires a scenic standard of visually subordinate.*

*Visually Subordinate is defined in Chapter 1 as "...the relative visibility of a structure ...does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point. As opposed to structures which are fully screened, structures which are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings..."*

*Highway 30 W: The portion of this KVA located within the Urban Area (UA) of Mosier, Oregon, is not included in this review. The portion of the KVA located outside of the UA is located at an elevation ranging from 180-200 beginning approximately 1.4 miles north of the development site and is visible for a linear distance of approximately 0.4 miles. Based on distance, screening vegetation (including the oak grove backdrop, and the scattered conifers onsite in the foreground), proposed dark earth-tone colors and non-reflective materials to be used on the exterior of the building, it will be visually subordinate as seen from this KVA.*

*Washington SR 14: This KVA is located at an elevation of 40-80' Above Sea Level (ASL), approximately 1.9 mile north of the development site. The site is sporadically visible among land forms for approximately 3.3 linear miles. Based on distance, screening vegetation (including the oak grove backdrop, and the scattered conifers onsite in the foreground), proposed dark earth-tone colors and non-reflective materials to be used on the exterior of the building, it will be visually subordinate as seen from this KVA.*

*Columbia River: This KVA is located at an elevation of approximately 76' ASL (per Corps of Engineers flowage easement between The Dalles Dam and Bonneville Dam). The development site is located approximately 1.1 mile south of the Columbia River. The development site is topographically visible for 3.5 linear miles along the river, however existing on-site trees (background and foreground) and distance make it very difficult to see the development site from this KVA. Based on distance, screening vegetation (including the oak grove backdrop, and the scattered conifers onsite in the foreground), proposed dark earth-tone colors and non-reflective materials to be used on the exterior of the building, the proposed development will be visually subordinate as seen from this KVA.*

*The applicant submitted colors for the proposed structures (dwelling, shop, round pen, and pump house) which are dark earth tone colors that blend with the surrounding area. Dark earth tone colors were not submitted, nor required, for the agricultural fencing as Section 3.110.B.1.a states: "a. In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less" and this 20.59 acre property is in the GMA.*

*Colors are addressed further in Section 14.200.I.*

*Reflectivity is addressed in Section 14.200.J.*

*Based on distance between the new development and KVAs, screening vegetation, and proposed colors and materials, with conditions proposed in Sections 14.200 I. and J., the proposed agricultural buildings and structures will be visually subordinate as seen from KVAs. Staff finds that the request complies with Criterion 14.200.A.*

As the revised language does not represent a deviation from the recommended conditions, staff believes a modification of findings to be the most appropriate course of action.

The appellant concludes this section of grounds for appeal with the following statement: "These errors call into question the validity and the accuracy of the whole staffing report. Further it leaves potential respondents uncertain about what is being proposed and what is being approved and what the justification for the approval/conditions might be."

As staff has demonstrated, the errors or perceived errors represented as grounds for appeal are generally immaterial to the analysis and review of the request, and thus, an insufficient basis for reversal or remand.

**Appeal Grounds 3:** The appellant opposes the 100' setback from his property to the north, suggesting all development should be setback 250' from his property on the basis that: "Although my property is not currently being used for orchard activity it is agricultural activity that is most consistent with the agricultural uses of two neighboring properties to the west."

**FINDING:** The appellant did not supply additional information to indicate that any agricultural activity is occurring on his property to the north or support the claim that "it is most consistent with the agricultural uses of two neighboring properties to the west."

Staff relies on the clear and objective standard in the National Scenic Area criteria related to setbacks. All structures proposed in the development are more than 500' from the property line to the north. The exception is the 50' round pen, which is proposed to be 100' from the property line. The round pen is a moveable structure, which for reasons laid out by previous findings, is not generally subject to review. However, for the sake of being thorough and because it was listed in the staff report setback review, the round pen will be reviewed as if it is subject to setback standards.

Agricultural setbacks for the "A-2" Small Scale Agriculture Zone (GMA Only) are provided for in the Wasco County National Scenic Area Land Use and Development Ordinance Chapter 3, under Section 3.130.G Property Development Standards. (See NSA-LUDO Section 3.130.G.3 Agricultural Setbacks Page 3-39). The required criterion and listed setbacks are provided:

*Agricultural Setbacks - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:*

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

These clear and objective standards require staff analyze the actual adjacent use. Because the appellant has not provided additional details or information about the actual farm use on his property, staff analysis has included review of aerial photography (Attachment J), analysis of GIS layers like the United States Department of Agriculture (USDA) Crop data, and a site visit.

A site visit was conducted during the initial application review and staff determined there was not currently an agricultural use on the property in question. Aerial photography shows this property is not planted as an orchard, cultivated for row crops or vegetables, harvested for grains, or in cultivation for berries or vineyards (Attachment J). The USDA Crop data lists the current use as “shrubland” (Attachment K).

Based on the best available data, staff finds the agricultural use on the appellant’s property is more consistent with “other” and as such, the 100’ setback is appropriate.

**Staff recommends denial of this ground for appeal.**

***Appeal Grounds 4:*** *The fourth grounds for appeal are related to fencing being permitted in the oak woodland “because of its adverse affect on wildlife habitat.”*

**FINDING:** The appellant uses several arguments to suggest that fencing should not be allowed within oak woodland habitat.

In item a., the appellant states “Wasco county [sic] development standards in the national scenic area [sic] are required to ensure that new uses do not adversely affect sensitive wildlife areas and sites.”

Wasco County relies on the expert consultation of the Oregon Department of Fish and Wildlife to determine when proposed development represents potential for adverse effects. In a Nov. 4, 2020 email, Jeremy Thompson, District Wildlife Biologist for the Oregon Department of Fish and Wildlife (ODFW) stated: “It does not appear that the applicant is proposing to impact the oak habitat in this application, and with the proximity to town I do not see additional wildlife impacts. ODFW has no concerns.” Staff finds that the original finding, in consultation with ODFW, followed requirements to identify, mitigate and/or eliminate adverse impacts and that ODFW clearly stated they had no concerns related to fencing within the oak woodlands.

In part b. and c., the appellant uses neighbor comments from a prior property owner’s application that is unrelated to the application at hand. Land use reviews consider the property conditions, zoning, and proposed development against current regulations. The review does not include past proposals in making a decision unless submitted as evidence by the applicant. This is for multiple reasons including: findings related to a previous application may have been different because the material facts, proposed uses and development were substantially different; conditions may have changed; regulations may have changed; due process requires land use reviews are conducted de novo or “anew” except when specifically required to consider the full record or history of the property. In the case of Heltzel-Fuentes, referenced by the appellant, the application was for a horse boarding facility and other development inconsistent with the Lopez application and is immaterial to the Lopez proposal.

The appellant included information from an East Cascades Oak Partnership meeting to support ground for appeal c. The East Cascades Oak Partnership is a non-governmental consortium of various stakeholders who are developing a plan to preserve oak habitat in the region. The plan is not adopted, regulatory, or recognized by the Columbia River Gorge Commission as an official guidance document for reviews. These recommendations also do not mention or preclude fencing as the appellant implies.

In part d., the appellant elaborates on fencing standards. Wasco County Planning relies on the expert consultation of the Oregon Department of Fish and Wildlife to determine when proposed development

represents potential for adverse effects. As indicated above, the District Wildlife Biologist found no conflict with the proposed fencing and wildlife. Furthermore, staff reached out to ODFW with the appeal and to clarify ODFW had reviewed all the proposed fencing, including the 900' moveable fence proposed around the wetland to mitigate impacts. In a September 9, 2021 email (Attachment L), Jeremy Thompson, District Wildlife Biologist for the Oregon Department of Fish and Wildlife (ODFW) stated: "ODFW still does not have a concern regarding this proposal. We support the fencing of sensitive areas, such as a wetland area. While strand wire fencing is more hospitable to deer movement, in this scenario woven wire will not have an impact on the deer or elk, as there are no known migratory corridors within the area, and the proposed development is in an area already impacted by human presence, especially considering that within 1500 meters to the west is a large block of commercial orchards, and 1500 meters to the north lies the city of Mosier."

Impacts to the oak habitat were addressed through limiting the removal of trees on this property. The understory component within the area proposed for development is already impacted due to the previous land uses and adjacent human development.

Finally, in item e., the appellant again raises issues from a previous development proposal on the same property. As stated above, this information is irrelevant as it is based on a different development and agricultural use proposal.

Additional information was provided in Attachment C by the appellant which includes a snapshot of staff analysis from the Heltzel-Fuentes review and a report from the University of California Small Farm Center about goat farming in California. Appellant claims that the report's statement about the amount of pasture land required to raise a goat in California suggests 12 goats can be raised on a smaller amount of the parcel. However, the University of California Small Farm Center is relying on the high level of productivity of California's "fertile land" (Attachment C, page 26). Attachment K of the USDA Crop Data shows a mixture of shrubland and grassland/pasture land on the Lopez property, with soils ranging between class four and 8, according to NRCS soil data. Without knowing the average soil classification of a California goat farm, it's impossible to do detailed analysis on the comparison except to say that it is likely the acreage required on "fertile" California pasture land and a mixture of soils/land types in Oregon is different for the rearing of goats.

**Staff recommends the Planning Commission dismiss these grounds for appeal.**

***Appeal Grounds 5: The appellant charges that the proposed fencing does not meet deer and elk winter range requirements for fencing.***

**FINDING:** The applicant has demonstrated that the proposed use includes goats which require a woven wire fence for controlling. In a Nov. 4, 2020 email, Jeremy Thompson, District Wildlife Biologist for the Oregon Department of Fish and Wildlife (ODFW) stated: "It does not appear that the applicant is proposing to impact the oak habitat in this application, and with the proximity to town I do not see additional wildlife impacts. ODFW has no concerns." With no concerns for impact on deer and elk winter range from the proposed fencing, which has been demonstrated to be required for the proposed farm use of controlling goats, staff finds that the request complies with Criterion 14.600.C.2.

ODFW had the opportunity to review the proposed fencing and expressed no concerns. As allowed by the requirements, the applicant was able to demonstrate the need for the specific type of fencing which is alternative to the design standard and allowed an exception conditioned on the review of ODFW not finding any conflicts or having concerns. As indicated above, the District Wildlife Biologist found no conflict with the proposed fencing and wildlife.

**Staff recommends the Planning Commission dismiss these grounds for appeal.**

***Appeal Grounds 6:*** *The appellant request a specific condition to require oak tree preservation.*

**FINDING:** The condition of approval to require retention of all on site conifers is related to criterion 14.200.K which is for new landscaping used to screen development from Key Viewing areas. The finding states that the existing conifer trees can be used to better achieve visual subordination, along with dark earthtone colors and non-reflective materials.

There are no other triggers for requiring tree preservation.

**Staff recommends dismissal of this grounds for appeal but suggests the Planning Commission modify the condition to require preservation of all trees not impacted by wildfire or disease.**





## PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058  
 p: [541] 506-2560 • f: [541] 506-2561 • www.co.wasco.or.us

*Pioneering pathways to prosperity.*

FILE NUMBER: PLAAPL- 921-19-000193  
 FEE: \$ 250

## APPEAL OF LAND USE DECISION

ORIGINAL PLANNING DEPARTMENT FILE NUMBER: 921-19-000-193-PLNG

Date Received: 7/9/21 Planner Initials: BB Date Complete: \_\_\_\_\_ Planner Initials: \_\_\_\_\_

### APPELLANT INFORMATION

Name: JOSEPH CZERNIECKI  
 Mailing Address: (LOCAL) 1054 QUARTZ DR, MOSIER OR  
 City/State/Zip: (RESIDENTIAL SEATTLE) 4232 BAGLEY AVE N, SEATTLE, 98103  
 Phone: 206 849 2179 Email: jczer1@uw.edu

### APPEAL INFORMATION

#### 1. Appeal Type

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

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

2. Appeal Deadline: JUNE 9, 2021 4pm

Date Submitted: JUNE 9, 2021

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

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

NEIGHBORING PROPERTY OWNER / SUBMITTED COMMENTS  
IN RESPONSE TO INITIAL APPLICATION

Party includes the following:

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

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

(see attached)

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

The appeal is to the Board of Commissioners?

☒ NO ☐ YES

I request the hearing to be De Novo or partial De Novo?

☒ NO ☐ YES

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

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

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

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

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

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The request for a De Novo hearing for appeal of a quasi-judicial plan amendment shall be decided by the Board of Commissioners as a nonpublic hearing item, except that the Board may make such provision for notice to the parties and may take such testimony as it deems necessary to fully and fairly address significant procedural or substantive issues raised. The Court shall grant the request only upon findings that:

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

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

List prior appeals filed:

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I have paid all outstanding fees associated with prior appeals:

N/A ☐ NO

☐ YES

#### SIGNATURES

Joseph Czerwinski  
Name, Title

June 9, 2021  
Date

\_\_\_\_\_  
Name, Title

\_\_\_\_\_  
Date

Additional petitioner(s):

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name

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Address

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Last updated 3/9/2017



**Joseph Czerniecki**

**Re: Appeal of proposed Adrian Lopez development – Application number 921-19-000193-PLNG**

First of all I would like to complement Adrian for all of his work on amending the application. The amended version has gone a long way to addressing the majority of my concerns.

The first two appeals A and B below relate to the Notice of Decision and the Staff Report related to this development application. Both of these documents have so many errors that will lead to confusion and probable downstream errors of interpretation that they should be re-written.

- A. The Notice of Decision should be remanded for correction and resubmitted to all involved parties.
  - a. The current notice of decision includes a request that does not match the Public Notice of Administrative action dated June 3,2021
    - i. This leads to confusion and ambiguity about what is being requested and what is being approved.
    - ii. Specifically, the Amended Request (June 3,2021) does not include 900' of electric fence while the Notice of Decision (June 24,2021)states that the request includes 900' of moveable electric fence.
    - iii. It also includes other specific differences in the requests for agricultural structures
    - iv. This error will lead to potential downstream conflict.
- B. The Staff Report should be remanded for modification and correction – there are so many inaccuracies and inconsistencies that there are questions about the overall validity of the report. It also leaves open to ongoing confusion about what is being requested and what is being approved. It also limits the ability of neighbors and other agencies to adequately respond to the development application.
  - a. Page 1. The description of the development states that the proposed development includes 900 ft of moveable electric fence – this was present in the initial application but was not specified in the amended application. The amended application indicates a blue color coding for only 4' MESH fence in all areas including that which runs north/south protecting the wetland in the eastern portion of the property.
  - b. Page 2. Background – staff report states that the proposed agricultural use of the Lopez property is 5 cows, 15 goats and/or sheep. This is not consistent with the amended application which states that the agricultural use will be for 12 goats.
  - c. Page 3. D. Surrounding land use – staff report states that the land to the west is used for orchard. This is incorrect the immediate property to the west is oak woodland it is the property beyond this to the west that is orchard.

- d. Page 4. Finding – the extent of moveable electric fence has now changed to 1,000 ft. – once again moveable fence is not included in the amended application.
- e. Pages 5-6. Finding- the subject parcel shares borders with 7 parcels. This is not accurate it shares a border with 3 parcels, and Huskey Road to the south.
- f. Pages 5-6 – goes on to say that there is vegetative barrier between the Lopez parcel and my parcel to the north. “To the north, one property contains approximately eight acres of land that is not currently farmed, but is suitable for future farm use. Without a barrier, orchards are protected by a 250’ setback. With a barrier, orchards are protected by a 100’ setback. The property to the north contains an oak woodland that creates a natural vegetative barrier and thus only require a 100’ buffer.”
  - i. This is incorrect. There are 5 trees over the greater than 900 foot property line. This does not meet Wasco County definition of a vegetative barrier.
- g. Page 13 – The staff report includes the statement “The development sites are located at an elevation of approximately 680’ feet above sea level (ASL). The primary factors in analyzing the visibility of **the proposed kitchen/restroom building** include the distance from KVAs, the use of dark earthtone colors on the buildings, existing backdrop of trees and the use of nonreflective materials. “
  - i. There is no kitchen/restroom building in the development proposal. I believe this may be a cut/paste error from the prior Hetzel/Fuentes development proposal on this property.
  - ii. These errors call into question the validity and the accuracy of the whole staffing report. Further it leaves potential respondents uncertain about what is being proposed and what is being approved and what the justification for the approval/conditions might be.

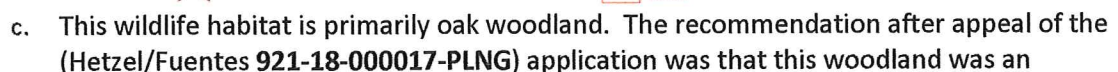
Regarding the proposed development; I have a number of additional points of appeal related to the decisions that were reached regarding this development.

- C. I am appealing the decision to only have a 100’ setback of all structures from my property. Currently there is a roundpen (agricultural structure) that was put into place approximately 100’ from the property line adjacent to my home.
  - i. This proposed decision is based upon the following finding.
    - 1. **“FINDING:** The subject property shares borders with seven other properties. To the west, an adjacent property is currently farmed as a commercial orchard on the other side of a vegetative barrier (oak trees). To the north, one property contains approximately eight acres of land that is not currently farmed, but is suitable for future farm use. Without a barrier, orchards are protected by a 250’ setback. With a barrier, orchards are protected by a 100’ setback. The property to the north contains an oak woodland that creates a natural vegetative barrier and thus only require a 100’ buffer.”
  - ii. The definition of vegetative barrier in the NSA development ordinance is:
    - 1. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback guidelines. Trees shall be 6+ feet high when planted



iii. There are currently 5 trees that separate our parcels over a 900+ foot property line. This does not meet the definition of a vegetative screen. The setback distance to my property therefore should be 250'. Although my property is not currently being used for orchard activity it is agricultural activity that is most consistent with the agricultural uses of two neighboring properties to the west.

- a. Wasco county development standards in the national scenic area are required to ensure that new uses do not adversely affect sensitive wildlife areas and sites.
- b. In the prior development application on this property (Hetzel/Fuentes **921-18-000017-PLNG**) in 2018 there were extensive comments by the neighboring property owners that the protection of habitat was important for wildlife. The Wasco County Development staff made a finding that this property includes wildlife habitat. Below is a map of the subject parcel developed by the Wasco County Development staff.

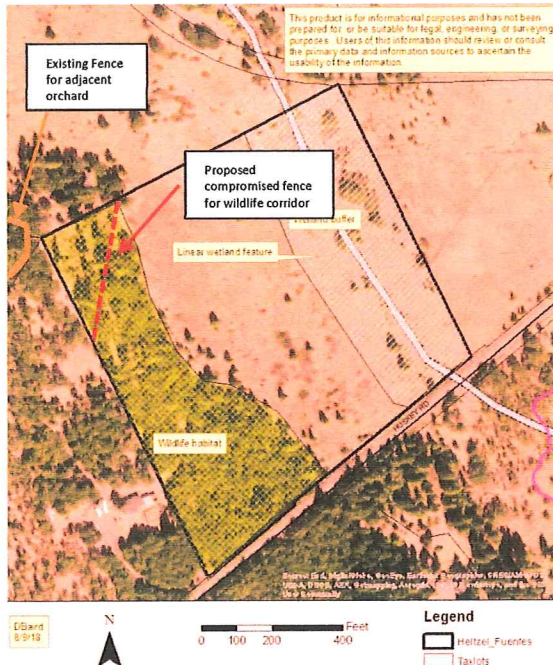


important wildlife corridor. This is supported by the priorities of the East Cascades Oak Partnership which was referenced in the Mosier Watershed Council meeting (see Appendix A)

- d. Wasco County Development standards in the National Scenic area require:
  - i. *New and replacement fences that are allowed in winter range shall comply with the guidelines in Specifications for Structural Range Improvements (Sanderson et. al. 1990), as summarized below, unless the project applicant demonstrates the need for an alternative design:*
  - ii. *To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.*
  - iii. *The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.*
  - iv. *The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.*
  - v. *Stays, or braces placed between strands of wire, shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires. Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet his/her specific and immediate needs, such as controlling hogs and sheep.*
- e. **From Hetzel/Fuentes application 2 years prior staff findings included:**
  - i. **FINDING:** As stated in a. above, the grove of oak/pine trees cannot be removed to increase the amount of land available for the horse boarding operation.
  - ii. **FINDING:** Approximately 6.6 acres of the western portion of the property is located in Oregon white oak trees and is considered to be wildlife habitat.
  - iii. **FINDING:** The purpose of this section is to ensure that new uses do not adversely affect sensitive wildlife areas and sites. The proposed horse boarding facility will result in the creation of four buildings: a barn, a round pen, a loafing shed, and an equipment shed. The southwestern 1/3 (approximate) of the subject lot contains Oregon white oak, an important wildlife habitat for big game.
  - iv. Report of contact included the following:
    - 1. Staff contacted Mr. Thompson again by e-mail on August 2, 2018, and inquired about whether the proposed fencing would allow wildlife passage. The fence will be constructed with wooden posts and smooth wire with a hot top wire. Mr. Thompson replied by email on August 2 2018 and stated: *"I prefer smooth wire, and a tophot wire is no impact."*

- E. The Farm Management Plan included by Mr. Lopez suggests that the fencing is necessary to contain livestock. The proposed fencing does not meet the above noted requirements for preservation of deer and elk winter range. This is in conflict with the preservation of the western fenced area as a wildlife corridor





- a. The importance of maintaining wildlife corridors is being increasingly recognized as important for the preservation of both habitat and the animal species who reside there. Because of this conflict between agricultural use and preservation of deer and elk winter range the best compromise would be to modify the fencing location to allow for a wildlife corridor. As indicated on the figure above. This would allow deer and elk to move freely between adjacent properties, without significant loss of the proposed use of the property for raising 13 goats.
- F. The final area of appeal is that there should be a specific condition that requires preservation of the oak trees in the oak woodland portion of the property.
- a. The conditions in the decision specify the preservation of existing conifer trees on the subject parcel but do not specifically state that the oak trees in the oak woodland must be preserved.
  - b. They should be preserved for both wildlife protection and for reducing the visibility of the proposed structures.
  - c. According to NSALUDO 14.200 The existing tree cover screening the development area on the subject parcel from KVAs shall be retained except as necessary for site development or fire safety purposes.



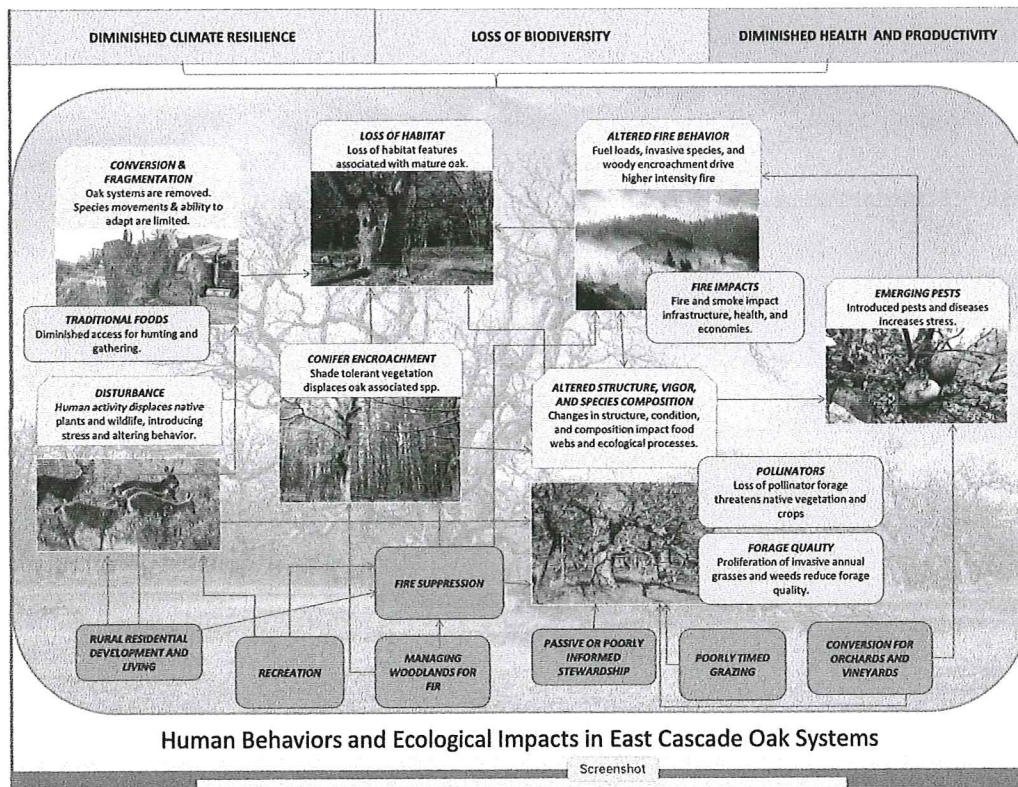
## Appendix A:

### East Cascades Oak Partnership update for September 2020 Watershed Council meeting

The East Cascades Oak Partnership (ECOP) is a group of people collaborating to leverage resources, share knowledge, and implement conservation strategies that will help protect vulnerable oak habitats, encouraging more sustainable human interactions and improving outcomes for people, oaks and wildlife. The partnership recognizes that relationships between public, private, tribal and nonprofit organizations and individuals are essential to protecting and restoring oak habitats in the region.

Over the past three years ECOP has been working on the development of a strategic action plan. The strategic plan effort has the support of over 150 partners, representing 29 public and private organizations and businesses, as well as dozens of private land owners. The result of the strategic planning process is that partners have agreed to focus our strategies around five high priority actions that are guiding the future direction of the group.

1. Protect the most intact, functional oak systems, connectivity and climate resiliency corridors on the landscape and manage for ecological stewardship
2. Establish and distribute best management practices to support positive outcomes in oak systems while advancing other private landowner management goals.
3. Develop conservation projects on a strong research, monitoring, and adaptive management framework.
4. Advocate for oak systems experiencing fir encroachment in existing fuels reduction program funding allocations, expand funding and partner capacity to implement release activities
5. Build and expand outreach and incentive programs that support oak system stewardship by rural residential landowners in core conservation areas, connectivity corridors, and buffers.





**Supplement A: History of Non-compliance:  
Photographic documentation to supplement prior comments**

Figure 1. Round Pen, Shed



Figure 2. Shed



Figure 3. School bus parked for months without approval for a parking area





**Supplement B: Photographic Documentation which supports the absence of a vegetative barrier.**



View south to Lopez Development from the edge of my parking area which corresponds to our adjacent property boundaries. There is no vegetative barrier.

**Figure illustrating the property line and the absence of a vegetative barrier between the Czerniecki and Lopez properties.**





## Supplement C: Documentation to support the feasibility and advantage of wildlife corridor

1. Supplement to my prior comments about a wildlife corridor.
2. The proposed development is in deer/elk winter range and has been determined to be wildlife habitat by Wasco County Development staff on previous Fuentes application.



3. The proposed development includes fencing design which is not allowed under current standards for deer elk winter range.
4. The proposed fencing is being approved to meet agricultural requirements
5. The proposed fencing is unnecessary to meet agricultural requirements
6. This is supported by:
  - a. Accompanying UC Small Farm Center Research Report SFCRR2005-01
  - b. Excerpt from page 5 of Report see highlighted below
    - i. Indicates the proposed 12 goat farm can be financially and functionally viable if an unfenced wildlife corridor is retained

ments. An average California meat goat farm of 24 goats can be raised on 5 to 10 acres of pasture land and can fit into more than 62 percent of the farms in California, contributing to the diversity of these small farms.

Figure 1. Wasco County map illustrating existing fencing (blue), proposed fencing (orange), and recommended fencing to preserve corridor (pink)





# Outlook for a Small Farm ◀ Meat Goat Industry for California



**Sandra G. Solaiman, PhD, PAS**

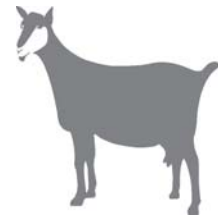
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University of California Small Farm Center  
Research Report SFCRR2005-01

February 2006 (Revised)







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### UC Small Farm Center Research Report SFCRR2005-01

This report was edited by  
Desmond Jolly and Natalie Karst.

Photographs courtesy of  
John Gonzales of Rocky Spot Ranch.

Layout by Natalie Karst.

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## Introduction ◀

Goats are the most popular domesticated animals in the world and goat meat and milk are the most widely consumed animal products. Goats are popular with small holders because of their efficient conversion of feed into edible, high quality meat, milk, and hide. Goats are also used as a holistic tool for land vegetation management and fire fuel-load control. With proper grazing management, goats can eliminate noxious weeds, restore native grasses, and prevent fire through fuel-load reduction.

In the United States, meat goat production has been gaining in popularity in recent years thanks to several factors, including growing populations of ethnic groups that favor goat meat and

faith-based consumers who prefer it. National estimates based on import data indicate that the U.S.'s supply of goats is deficient—more than 500,000 additional goats are required to meet the country's current demand for goat meat.

California, with its large ethnic populations and many faith-based consumers, has great potential for meat goat production. A small herd of meat goats can be produced on 10 to 15 acres of pasture land and can fit into more than 60 percent of California's farmsteads, enhancing small farm diversity and profitability. Goat meat is also lean and healthy and can play a major role in the diet of health-conscious Californians.

All photos are courtesy of John Gonzales of Rocky Spot Ranch and are used by permission.





## Present Status of the Goat Industry in the U.S. and California ◀

### Changes in Farms and Farming Acreage

According to the U.S. Department of Agriculture's (USDA's) 2002 census, the total number of U.S. and California farms and the land area devoted to farming have decreased. However, average acres per farm and total dollars produced per acre of farm land have increased in the U.S. and especially in California (Table 1). California farmers produce on average three times the dollar value per acre as those in the rest of the U.S., and this is partially due to the creativity and diversity of small farms in California. Meat goats, as small grazing units, can quite appropriately fit into California's farming structure and add more diversity to farming—justified by the increase in the percent of the population that consumes goat meat.

The majority of farms in California are small farms. Around 62 percent of California farms are less than 50 acres, 72 percent are less than 100 acres, and 80 percent are less than 180 acres in size (Table 2).

According to the USDA census (2002), while the number of acres in total woodland, pasture land and range land decreased from 1997 to 2002, the number of farms claiming woodland, pasture land, and range land increased (Table 3). This could be an indication that more small farms are utilizing grazing and browsing animals. Especially in California, more small farms seem to be utilizing pasture and range lands that are appropriate for goat production (goats being browsers).

### Status of Goat Farms in the U.S.

According to USDA's census (2002), the number of goat farms in this country increased by more than 19 percent while there was a 12 percent increase in the goat population from 1997 to 2002; however, the number of farms that sold goats increased by more than 45 percent and goat sales were up more than 55 percent (Table 4).

During the same period, the number of angora goat farms declined along with a decrease of about 63 percent in the number of angora goats. The number

► Table 1. Farms' status changes from 1997 to 2002 in the U.S. and California

	U.S.		California	
	1997	2002	1997	2002
Number of Farms	2,215,876	2,128,982	87,991	79,631
Area in Farming (acres)	954,752,502	938,279,056	28,795,834	27,589,027
Average Farm Size (acres)	431	441	327	346
Dollars per Acre	967	1,213	2,643	3,526

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.



► Table 2. California farm size (acres) and numbers

Farm Size in Acres	Number of Farms	Percent of Farms	Accumulated Percent
1–9	21,827	27.4	27.4
10–49	27,307	34.3	61.7
50–69	4,143	5.2	66.9
70–99	4,044	5.1	72.0
100–139	3,505	4.4	76.4
140–179	2,664	3.3	79.7
>180	16,141	20.2	99.9

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.



► Table 3. Farms (acres) with woodland and pasture land

	U.S.		California	
	1997	2002	1997	2002
Total Woodland				
Number of Farms	858,438	818,105	4,944	5,136
Number of Acres	76,854,833	75,878,213	1,213,093	1,191,484
Woodland Pasture				
Number of Farms	402,490	379,795	2,183	2,534
Number of Acres	31,078,705	31,128,955	706,996	679,384
Pasture and Range				
Number of Farms	645,548	850,913	15,890	18,053
Number of Acres	398,232,125	395,278,829	15,021,823	13,987,763
Pasture, All Types				
Number of Farms	1,429,638	1,384,798	26,941	26,462
Number of Acres	495,699,214	486,965,589	17,067,865	16,012,506

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

► Table 4. Changes in all goat farms from 1997 to 2002 in the U.S.

	1997	2002
Number of Farms	76,543	91,462
Number of Goats	2,251,613	2,530,466
Number of Farms that Sold Goats	29,937	43,495
Number of Goats Sold	843,773	1,314,310

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.



of farms that sold angora goats declined as well, with a decrease exceeding 61 percent in the number of angora goats sold (Table 5). The number of farms that sold mohair declined by more than 36 percent with more than 54 percent less mohair sold (Table 6).

By contrast, the number of dairy goat farms increased by 45 percent with a more than 52 percent increase in the number of dairy goats in the U.S. from 1997 to 2002. The number of dairy farms that sold goats increased by 71 percent with a more than 57 percent increase in the number of goats sold (Table 7).

► Table 5. Changes in angora goat farms from 1997 to 2002 in the U.S.

	1997	2002
Number of Farms	5,485	5,075
Number of Goats	829,263	300,753
Number of Farms that Sold Goats	1,883	1,662
Number of Goats Sold	238,674	91,037

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.

► Table 6. Changes in mohair production from 1997 to 2002 in the U.S.

	1997	2002
Number of Farms that Sold Mohair	3,826	2,434
Pounds of Mohair Sold	5,287,312	2,416,376

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.

► Table 7. Changes in dairy goat farms from 1997 to 2002 in the U.S.

	1997	2002
Number of Farms	15,451	22,389
Number of Goats	190,588	290,789
Number of Farms that Sold Goats	5,163	8,850
Number of Goats Sold	72,307	113,654

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.

► Table 8. Changes in meat goat farms from 1997 to 2002 in the U.S.

	1997	2002
Number of Farms	63,422	74,980
Number of Goats	1,231,762	1,938,924
Number of Farms that Sold Goats	24,539	36,403
Number of Goats Sold	532,792	1,109,619

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.

The number of meat goat farms increased by 18 percent with a more than 57 percent increase in the number of meat goats (Table 8). The number of farms that sold meat goats increased by 48 percent with a more than 108 percent increase in meat goats sold from 1997 to 2002. While there was a drastic reduction in angora goat numbers (530,000) and sales, the increase in the total goat population (more than 250,000) in the U.S. can be attributed partially to a small increase in the number of dairy goats (more than 100,000) and a major increase in the number of meat goats (more than 700,000). The 71 percent increase in the number of goats sold by dairy goat farms also may have contributed to the meat goat supply.



► Table 9. Profile of the goat industry in the U.S. and California

	U.S.		California		
	Number	Percent	Number	Percent	Rank
All Goats	2,530,466	100.0	103,122	100.0	3
Meat Goats	1,938,924	76.6	61,241	59.4	6
Milk Goats	290,789	11.5	37,343	36.2	1
Fiber Goats	300,756	11.9	4,538	4.4	4

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

### Status of Goat Farming in California

The 2002 agricultural census for California reported 4,256 farms that had sales of sheep and goat products worth \$52.4 million, whereas the U.S. reported 96,249 farms with sales of \$541.7 million. California claimed 4.4 percent of U.S. farms with a 9.7 percent contribution to sales of sheep and goat products.

### Goat Numbers

California, with more than 103,000 goats, ranks third in the total number of goats after Texas and Tennessee according to USDA's 2002 census (Table 14). More than three-quarters of the U.S.'s goats are meat goats. Meat goats account for 60 percent, milk goats for 36 percent, and fiber goats for 4 percent of the goats in California. For dairy goats, California, with more than 37,000, ranks first; the state's more than 4,500 fiber goats rank the state fourth; and its more than 61,000 reported meat goats place it sixth in the nation. Tables 10, 11, 12, and 13 clearly indicate that California is a leading state for goat production and that there is great potential for the meat goat industry to grow in this state.

### Goat Herd Size

The average size of goat herds in the U.S. is higher for fiber goats, followed by meat and dairy goats. Fiber goats are mainly

concentrated in large herds in the hot, dry climates of Texas, Arizona, and New Mexico. Dairy goats are located mainly in cooler environments such as those found in California and Wisconsin. Meat goats are the most widely distributed across the United States, which is an indication of their adaptability to different environments. An average California meat goat farm of 24 goats can be raised on 5 to 10 acres of pasture land and can fit into more than 62 percent of the farms in California, contributing to the diversity of these small farms.

### Goat Meat Imports

As shown in Table 15, in 2003 the U.S. imported 77.5 million kilograms of mutton and goat meat, up 54.4 percent from 50.2 million kilograms in 1999. Imports were valued at \$353.2 million, up 93.7 percent from \$182.3 million in 1999. The main exporters to the U.S. are Australia, which has about a 66 percent share, and New Zealand, which has about a 34 percent share.

Figures 1 and 2 show changes in goat meat imports and dollars spent from 1999 to 2003. Goat meat imports in 2003 alone were 8.46 million kilograms (valued at \$21.48 million), an increase of 151 percent from the 3.36 million kilograms imported in 1999. The value of goat meat imports



► Table 10. Top ten states for the number of all goats in 2002

	Farms	Goats
U.S.	91,462	2,530,466
Texas	17,411	1,194,289
Tennessee	5,268	114,664
California	3,542	103,122
Oklahoma	3,560	82,792
Georgia	2,975	69,498
Kentucky	3,471	68,412
North Carolina	3,546	67,276
Alabama	2,259	50,574
Missouri	2,411	48,654
Ohio	4,014	45,061

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.

► Table 12. Top ten states for the number of milk goats in 2002

	Farms	Goats
U.S.	22,389	290,789
California	1,301	37,343
Wisconsin	668	25,900
Texas	1,703	22,569
Ohio	1,358	14,420
New York	1,146	12,822
Pennsylvania	1,082	12,652
Michigan	843	8,935
Missouri	749	8,656
Iowa	447	8,524
Oklahoma	865	8,389

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.

► Table 11. Top ten states for the number of meat goats in 2002

	Farms	Goats
U.S.	74,980	1,938,924
Texas	16,145	941,783
Tennessee	4,758	107,211
Oklahoma	3,006	73,302
Georgia	2,786	66,018
Kentucky	2,979	61,618
California	2,613	61,241
North Carolina	3,111	58,993
Alabama	2,042	47,270
South Carolina	1,943	37,985
Missouri	1,852	37,515

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.

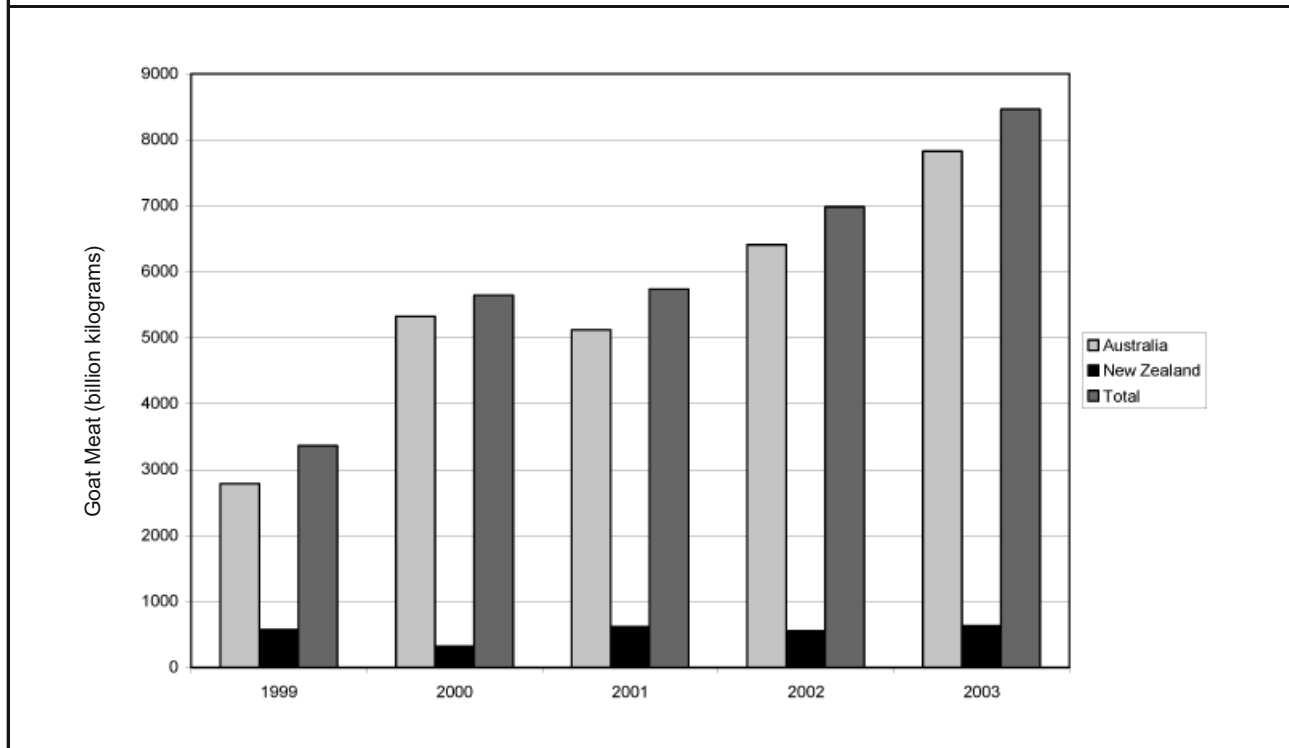
► Table 13. Top ten states for the number of fiber goats in 2002

	Farms	Goats
U.S.	5,075	300,756
Texas	908	229,937
Arizona	53	27,905
New Mexico	98	7,059
California	246	4,538
Missouri	154	2,483
Ohio	253	2,202
Oregon	257	2,156
North Carolina	161	1,571
Michigan	145	1,374
Virginia	124	1,164

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.

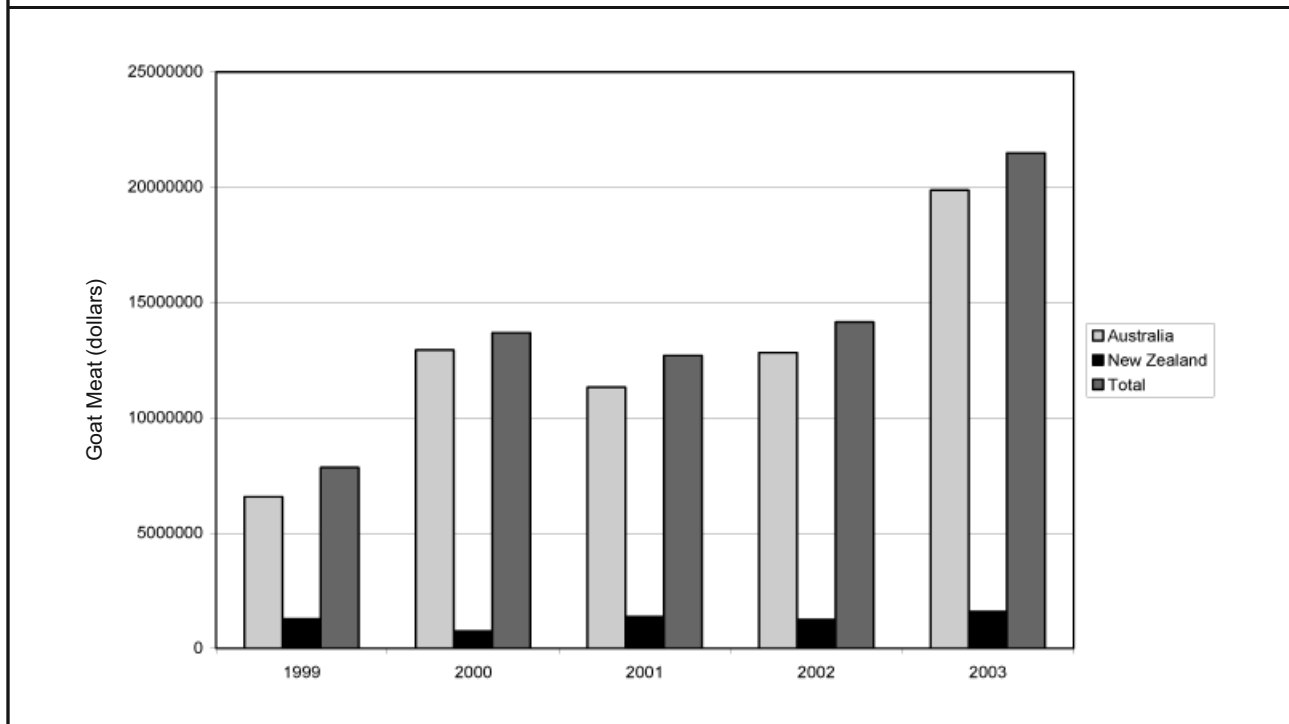


► Figure 1. Changes in goat meat imported to the U.S. from 1999 to 2003



Source: U.S. Department of Agriculture, National Agricultural Statistics Service, *Livestock Slaughter: 2004 Summary*.

► Figure 2. Changes in total dollars spent on goat meat from 1999 to 2003 in the U.S.



Source: U.S. Department of Agriculture, National Agricultural Statistics Service, *Livestock Slaughter: 2004 Summary*.





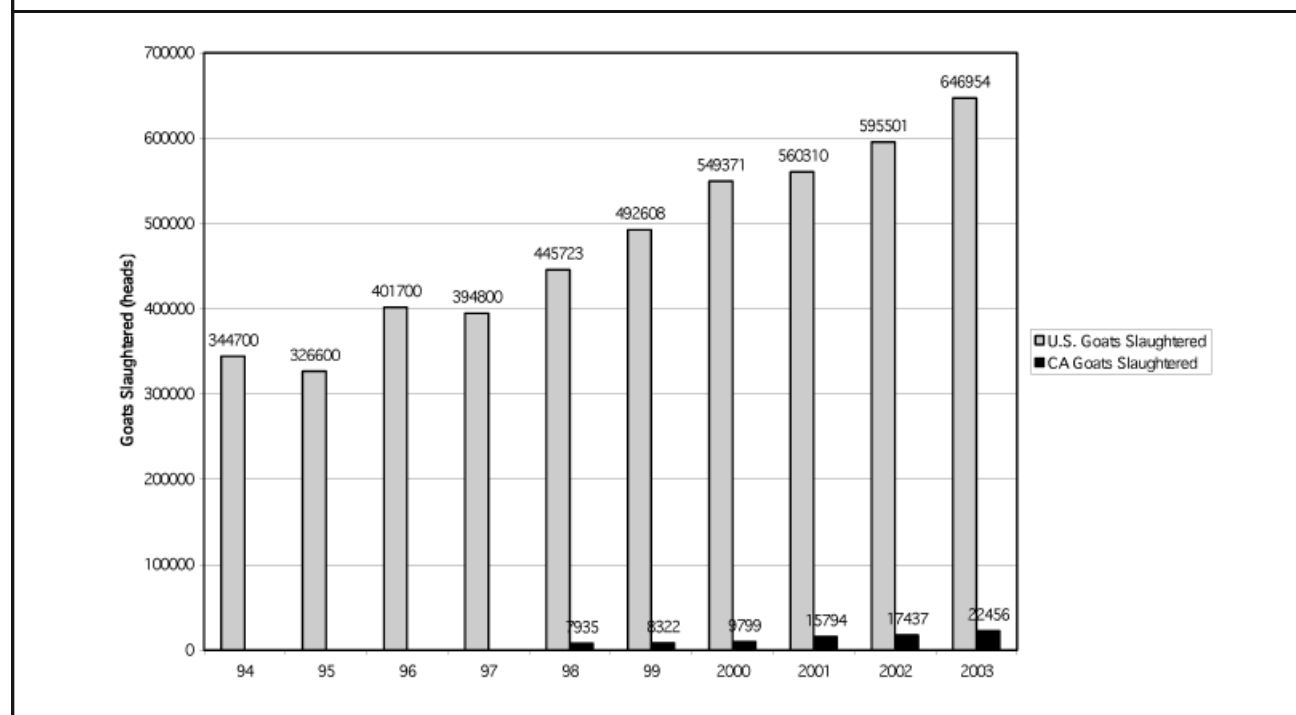
► Table 14.

Average size of goat herds in the U.S. and top ten states for meat, milk, and fiber goats

	All Goats	Meat Goats	Milk Goats	Fiber Goats
U.S.	28	26	13	60
Texas	69	59	14	254
Tennessee	22	23	–	–
California	29	24	29	19
Oklahoma	24	25	10	–
Georgia	24	24	–	–
Kentucky	20	21	–	–
Wisconsin	–	–	39	–
Ohio	11	–	11	9
New York	–	–	11	–
Arizona	–	–	–	527

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.

► Figure 3. Goats slaughtered in USDA-inspected plants in the U.S. and California from 1994 through 2003



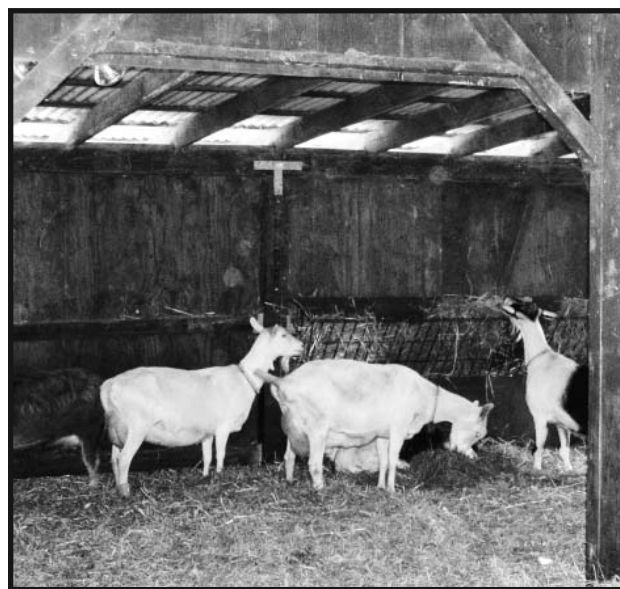
Source: U.S. Department of Agriculture, National Agricultural Statistics Service, *Livestock Slaughter: 2004 Summary*.



represented an increase of 174 percent from \$7.85 million in 1999. As the figures indicate, there was a sharp increase in goat meat imports and dollars spent for goat meat, especially from 2002 to 2003. This trend is likely to continue unless there is an increase in domestic production.

### Goats Slaughtered in USDA-Inspected Plants

The number of all goats slaughtered at federally inspected plants increased by 45.1 percent between 1998 and 2003, and there was a much greater increase in slaughters reported in California—183 percent (Table 16). No slaughter data were reported for California prior to 1998. The number of meat goats slaughtered has shown solid increases since 1998 and will



continue to increase due to a number of factors promoting meat goat production, especially in California (Figure 3). It also

► Table 15. U.S. goat meat and mutton imports and their value

	1999	2003	Percent Change
<b>Goat Meat and Mutton</b>			
Imports in Million Kilograms	182.30	353.20	93.7
<b>Goat Meat Only</b>			
Imports in Million Kilograms	3.36	8.46	151.0
Value in Million Dollars	7.85	21.48	174.0

Source: U.S. Department of Agriculture, National Agricultural Statistics Service, *Livestock Slaughter: 2004 Summary*.

must be noted that the meat goat industry in general and especially in California is in its infancy; therefore, many on-farm slaughters are not reported. For every goat slaughter reported, one can assume that others have not been reported.

► Table 16. Goats (number) slaughtered at federally inspected plants in the U.S. and California

	1998 <sup>a</sup>	2003	Percent Change
U.S.	445,723	646,954	45.1
California	7,935	22,456	183.0

<sup>a</sup> First year that data were reported for goats in California.  
Source: U.S. Department of Agriculture, National Agricultural Statistics Service, *Livestock Slaughter: 2004 Summary*.



## Factors That May Affect Goat Meat Consumption ◀

### U.S. Population Changes with Special Reference to California

According to the 2000 U.S. census, the number of foreign-born people in the U.S. has risen 57 percent since 1990—from 19.8 million to 31.1 million—and continues

1950 and 2000, the Southern share of the population increased from 31 percent to 36 percent; for the West, it increased from 13 percent to 22 percent; and for the Midwest, it dropped from 29 percent to 23 percent (Table 18).

► Table 17. U.S. population changes by ethnic/cultural group with projections to 2050

	2000	Percent	2005	Percent	2050	Percent
Total	281,421,906		295,507,000		419,854,000	
Asian	10,242,998	3.6	12,419,000	4.2	33,430,000	7.9
Black	34,658,190	12.3	38,056,000	12.9	61,361,000	14.6
Hispanic	35,305,818	12.5	41,801,000	14.1	102,560,000	24.4

Source: U.S. Census Bureau, *U.S. Census 2000*.

to increase on an upward trend that started in 1970. Of those born outside the U.S., 51.7 percent are from Latin America and 26.4 percent are from Asia. With this shift in geographic origins, there has also been a major change in regional settlement in the U.S. The number of foreign-born individuals living in the West and South rose from 37.7 percent in 1990 to 65.5 percent in 2000. The U.S. Hispanic population increased at a fast rate and will exceed 100 million or 25 percent of the population in the year 2050 (Table 17). This group of immigrants has a strong preference for goat meat and will create an opportunity for this segment of agriculture to expand.

Because of differences in growth rates, regions' shares of the total U.S. population have shifted considerably in recent decades. Between

### U.S. Hispanic Population Changes

Table 19 indicates changes in the U.S. Hispanic population by regional residency. The Hispanic population is mostly concentrated in the West and South with more than 40 percent in California.

### U.S. Asian Population Changes

About 50 percent of the U.S. Asian population resides in the West with more than 70

► Table 18. U.S. population changes by region

	1990	2000	Percent Change
U.S. Total	248,709,873	281,421,906	13.2
Northeast	50,809,229	53,594,378	5.5
Midwest	59,668,632	64,392,776	7.9
South	85,445,930	100,236,820	17.3
West	52,786,082	63,197,932	19.7

Source: U.S. Census Bureau, *U.S. Census 2000*.



► Table 19. Changes in the U.S. Hispanic population by region

	1990		2000	
	Number	Percent	Number	Percent
U.S.	22,354,056	9.0	35,305,818	12.5
Northeast	3,754,389	7.4	5,254,087	9.8
Midwest	1,726,509	2.9	3,124,532	4.9
South	6,767,021	7.9	11,586,696	11.6
West	10,106,140	19.1	15,340,503	24.3

Source: U.S. Census Bureau, *U.S. Census 2000*.

► Table 20. Changes in the U.S. Asian population by region

	1990		2000	
	Number	Percent	Number	Percent
U.S.	6,908,638	2.8	10,242,998	3.6
Northeast	1,324,865	2.6	2,119,426	4.0
Midwest	755,403	1.3	1,197,554	1.9
South	1,094,179	1.3	1,922,407	1.9
West	3,734,191	7.1	5,003,611	7.9

Source: U.S. Census Bureau, *U.S. Census 2000*.

percent of those in California. Goat meat is a popular staple food for this group of immigrants and provides an opportunity for goat meat production, especially in the West and California (Table 20).

### U.S. Ethnic and Faith-Based Populations with a Preference for Goat Meat

The U.S. ethnic population consuming goat meat changed between 1990 and 2000. More than a million Buddhists and Muslims, more than ten million Asians, and more than 35 million Hispanics (according to

the U.S. 2000 census) currently reside in the United States. Along with these populations come opportunities for U.S. agriculture to promote new products to serve this ever increasing population base (Table 21).

► Table 21. Changes in the U.S. ethnic population from 1990 to 2000

	1990	2000	Percent Change
Muslims	527,000	1,104,000	109
Buddhists	401,000	1,082,000	170
Hispanics	22,354,000	35,305,000	58
Asians	6,908,638	10,242,998	48

Source: U.S. Census Bureau, *U.S. Census 2000*.



## Outlook for Goat Meat Production in California ◀

The major factor contributing to the rise in demand for meat goat production in the U.S. is the shift in population demographics. California, with a Hispanic population of more than 30 percent, can be a major goat meat producer and consumer.

In 2000, 51.7 percent of the foreign-born population was from Latin America, 26.4 percent was from Asia, and 15.8 percent was from Europe. Together, Latin America and Asia accounted for 78.2 percent of the foreign-born population, up from 28.3 percent in 1970.

Along with this major change in the geographic origins of the foreign-born, the U.S. has seen a major change in settlement of these groups within the United States. The proportion of the foreign-born population living in the West and South rose from 37.7 percent in 1970 to 65.5 percent in 2000.

► Table 22. Population changes from 1990 to 2000 in California and surrounding states

	1990	2000	Percent Change
Arizona	3,665,228	5,130,632	40.0
California	29,760,021	33,871,648	13.8
Nevada	1,201,833	1,998,257	66.3
Oregon	2,842,321	3,421,399	20.4

Source: U.S. Census Bureau, *U.S. Census 2000*.

### Ethnic Population Changes in California and Surrounding States

The total population of Arizona increased 40 percent and Nevada saw a 66 percent increase in population from 1990 to 2000 (Table 22).

The increase in population in California, especially among ethnic minorities, has a spillover effect on neighboring states. This shift has impacted the foreign-born population in those states, which could also create a potential market for goat meat production. The Hispanic population doubled in Nevada and Oregon and increased 25 percent in California and

34 percent in Arizona from 1990 to 2000 (Table 23).

The Asian population has also increased more than 28 percent in Arizona, 18 percent in California, 55 percent in

► Table 23. Changes in the Hispanic population in California and surrounding states

	1990		2000	
	Number	Percent	Number	Percent
Arizona	688,338	18.8	1,295,617	25.3
California	7,687,938	25.8	10,966,556	32.4
Nevada	124,419	10.4	393,970	19.7
Oregon	112,707	4.0	275,314	8.0

Source: U.S. Census Bureau, *U.S. Census 2000*.



Nevada, and 30 percent in Oregon. This population increase in California and surrounding states is another promising factor for the goat meat industry in this region (Table 24).

### Sociological and Economic Changes among the Ethnic Population

Not only have ethnic populations increased in number in California, but household incomes for various ethnic groups have increased as well, allowing for more disposable income. Average household income

increased 18.8 percent with the incomes of African Americans and Asians increasing by 25.8 percent and 51.3 percent respectively (Table 25).

Socioeconomic changes in the Hispanic population are indicated by an increase in the number and proportion of Hispanic farmers that are principal operators and farm owners (Table 26). The increase in income could potentially lead to more disposable income in ethnic households, which may result in more consumption of goat meat.

► Table 24. Changes in the Asian population in California and surrounding states

	1990		2000	
	Number	Percent	Number	Percent
Arizona	51,699	1.4	92,236	1.8
California	2,735,060	9.2	3,697,513	10.9
Nevada	35,232	2.9	90,266	4.5
Oregon	64,232	2.3	101,350	3.0

Source: U.S. Census Bureau, *U.S. Census 2000*.

► Table 25. Changes in household income in the U.S.

	1990 Income in 2000 Dollars	2000 Income	Percent Increase
All Households	\$48,024	\$57,047	18.79
Whites	\$49,962	\$59,280	18.65
African Americans	\$31,860	\$40,067	25.76
Hispanics	\$35,915	\$42,411	18.09
Asians	\$46,412	\$70,231	51.32

Source: U.S. Census Bureau, *U.S. Census 2000*.

► Table 26. Changes in Hispanic principal operators from 1997 to 2002

	1997	2002	Percent Change
Farmers	33,450	50,592	51.2
Full Owners	21,742	36,650	68.5

Source: U.S. Department of Agriculture, *2002 Census of Agriculture*.





## Goats Slaughtered at USDA-Inspected Plants in California

The number of goats slaughtered at federally inspected plants in California increased from more than 7,900 reported in 1998 to more than 22,000 in 2003 (Figure 4). This is a clear indication of increased interest in goat meat.

Presently there are 27 federally inspected slaughterhouses in California according to a list compiled by High Sierra Beef. Five of those plants show goat processing and four of the five are open to the public (Table 27). The plants are all located in Central and Northern California.

The majority of California's Hispanic population resides in Southern California locations, including Los Angeles (46.5 percent) and San Diego (25.4 percent)

(Table 28). The population in some areas in Southern California is more than 60 to 90 percent Hispanic, and the presence of a USDA goat-harvesting and processing plant should be justified.

## Imports and Exports of Goat Meat

The United States was a net exporter of goat meat until 1991; however, there were no exports after 1993 (Table 29). This shift is another indication of the increased interest in goat meat consumption nationally. In 2003, the U.S. imported more than 18 million pounds of goat meat. With an average carcass weight of 35 to 40 pounds, an estimated 500,000 goat carcasses were imported. This number of goats is a potentially viable value-added enterprise opportunity by which small farms in California can diversify.

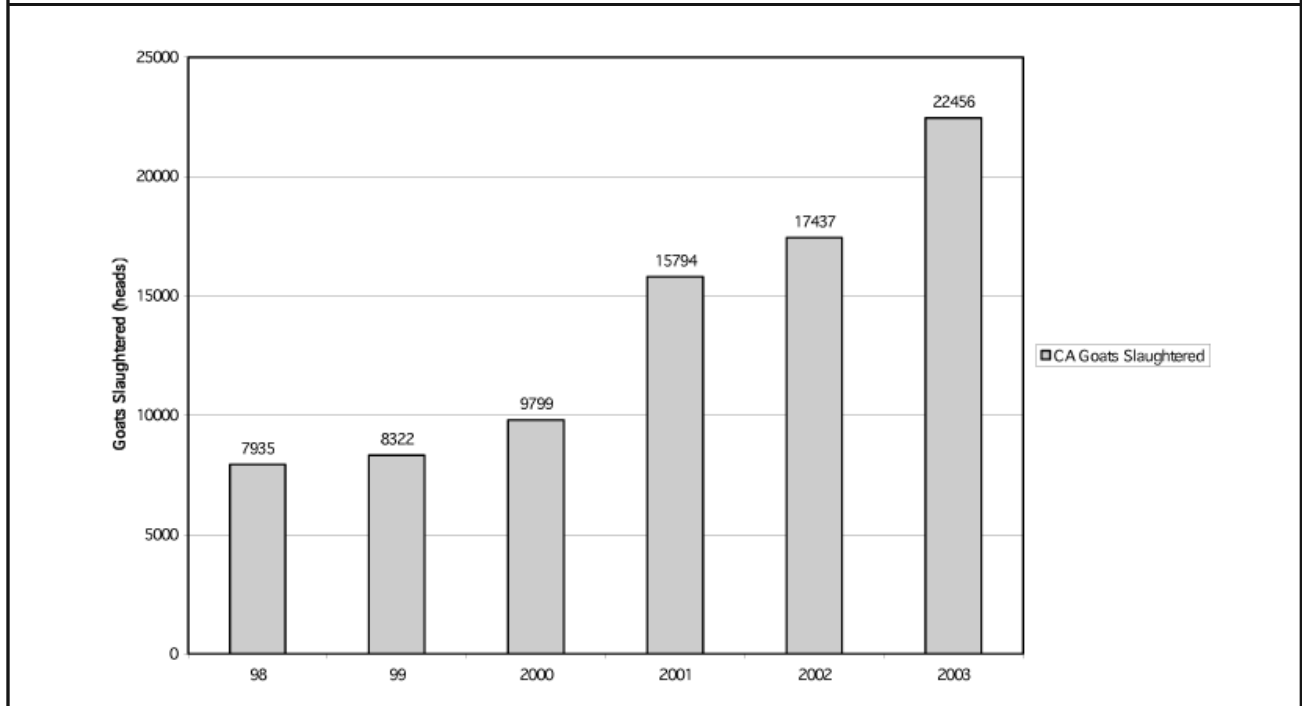
► Table 27. USDA-inspected goat processing sites in California

Abattoir	County	Telephone Number	Days Open	Public
Johansen's Meat Market Road P North of Highway 232 Orland, California	Glenn	530.865.2103	Tuesday– Thursday	Yes
Meridian Meat Company 16761 Kilgore Road Meridian, California	Sutter	530.696.0130	Monday– Tuesday	Yes
Panizzera Meat Company Main Street & Graton Road Occidental, California	Sonoma	707.874.1854	Monday– Wednesday	Yes
Stagno's Meat Company E. Barstow & Woodrow Modesto, California	Stanislaus	209.578.1748	Monday– Friday	Yes
University of California UC Meat Lab One Shields Avenue Davis, California	Yolo	530.752.7410	Monday– Friday	No

Source: [http://ucce.ucdavis.edu/counties/ceplacernevada.ucdavis.edu/custom\\_program550/usda\\_inspected\\_harvesting\\_sites.htm](http://ucce.ucdavis.edu/counties/ceplacernevada.ucdavis.edu/custom_program550/usda_inspected_harvesting_sites.htm).



► Figure 4. Goat slaughters reported from 13 USDA-inspected plants in California



Source: U.S. Department of Agriculture, National Agricultural Statistics Service, *Livestock Slaughter: 2004 Summary*.

► Table 28. Places in California with 100,000 or more individuals making up the Hispanic population

	Population	Percent
East Los Angeles	120,307	96.8
Santa Ana	257,097	76.1
El Monte	83,945	72.4
Oxnard	112,807	66.2

Source: U.S. Census Bureau, *U.S. Census 2000*.

► Table 29. U.S. meat goat import and export balance

	Imports to U.S.	Exports from U.S.	Balance
1989	86,067	122,056	+35,989
1990	99,353	115,413	+16,060
1991	122,932	53,246	-71,506
1992	172,280	60,444	-148,836
1993	136,364	3,504	-132,860
1994	138,481	None	-138,481

Source: U.S. Department of Agriculture, National Agricultural Statistics Service, *Livestock Slaughter: 2004 Summary*.





## Estimated Potential Demand for Goat Meat in California ◀

The largest group of ethnic consumers of goat meat is Hispanics, which increased 57.9 percent in population from 1990 to 2000. Muslims, Asians, and Africans also consume significant amounts of goat meat. Goat meat consumption throughout the year typically remains constant except on special holidays, when it triples or quadruples. There also are increases in demand for goat meat for Easter, the Fourth of July, and some Muslim holidays such as Aideh Ghorban and Aideh Fatre. Goat meat consumption is usually greater in colder months between October and February among the Chinese. Understanding these ethnic traditions and matching demand with production require special education in marketing techniques. Also, special handling and harvesting procedures related to various religions and traditions can contribute added value to goat meat. Halal harvesting procedures for Muslims and Kosher techniques for Jewish people may add value to goat meat.

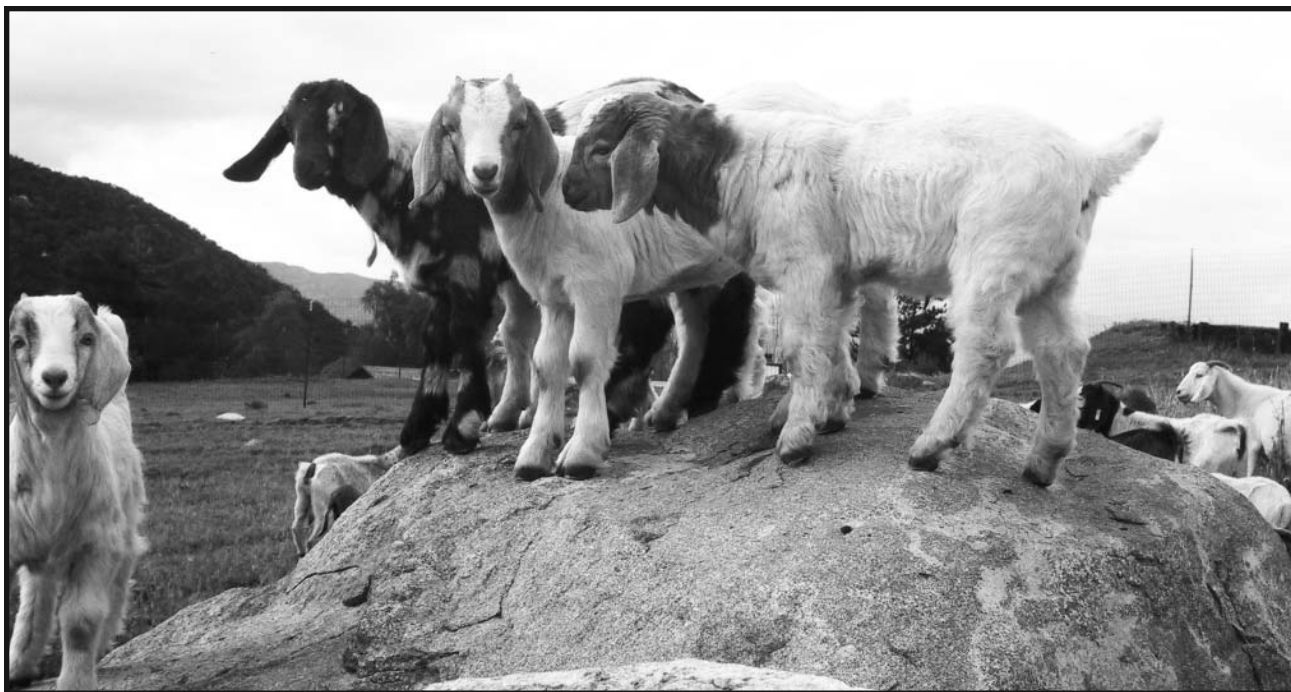
The following estimate of the potential demand for goat meat is based on the Hispanic and Asian population in

California. According to the U.S. census (2000), there are about 3.7 million Asians and about 11 million Hispanics in California. Among 7 million illegal immigrants, more than 50 percent are Mexicans (who consume goat meat), the majority of whom reside in California. In total, there are at least 17 million people belonging to ethnic populations in California. Dividing that figure by an average of 5 persons per household generates an estimated 3.4 million households. If only 10 percent of those households consume goat meat, there would be demand for the meat by 340,000 households. If every household consumes 6 pounds of meat per month (including holidays), there would be a demand for 24,480,000 pounds of meat. Assuming a 40-pound carcass weight, demand as total number of goats is 612,000 head (Table 30).

This is a very modest estimate of demand for meat goats in California. According to the USDA's 2002 census, California has about 61,000 goats that are not dairy or fiber goats. Some of those goats are undoubtedly used for vegetation control and are not usually sold for meat.

► Table 30. Estimated demand for goats and goat meat in California

Total Population (Asian and Hispanic)	17 million
Total number of households assuming five persons per household	3.4 million
Households that consume goat meat (10 percent)	340,000
Household consumption of goat meat per month, including holidays	6 pounds
Total goat meat consumed	24,480,000 pounds
Average goat carcass weight	40 pounds
Total head of goats in demand	612,000



With only 22,000 goats harvested in USDA-inspected plants, it is clear that there is great potential for this industry to grow and become better organized in California. About 50 percent of the U.S. ethnic population resides in California (17–18 million of 35–36 million), which should translate

into consumption of about half of the goat meat imported and harvested in the U.S. The estimated demand for consumption of goat meat in California is a little more than 50 percent of the 1.15 million goats reported consumed in the U.S. in 2003 (domestic slaughters + imports).



## Conditions Promoting Goat Production in California ◀

### Hispanic and Female Principal Operators

The number of female principal operators rose 12 percent between 1997 and 2002, whereas the number of Hispanic principal operators and of Hispanic female principal operators were up 51 percent and 56 percent respectively (Table 31). Goats are smaller animals than cattle and very popular with female producers. Increasing numbers of female principal operators and especially Hispanic principal operators and Hispanic women are encouraging prospects for promoting meat goat production. Proper knowledge in goat husbandry, budgeting, and marketing techniques will ensure a profitable agri-business.

The number of California women as principal operators decreased by 3.2 percent between 1997 and 2002; however, total Hispanic and Hispanic female principal operators were up more than 43 percent according to the USDA's 2002 census (Table 32).

### Farm Size in California

In 2002, California reported 4,256 farms with sales of sheep and goat products worth \$52.4 million, whereas the U.S. reported 96,249 farms with sales of \$541.7 million. California claimed 4.4 percent of U.S. farms with a 9.7 percent contribution to the sale of sheep and goat products.

California, having an average farm size of 346 acres and a median of 35 acres

per farm, is appropriately designed for small-scale meat goat production. Also, more than 50 percent of California's farms are less than 49 acres in size. Goats are smaller-unit animals and 5 to 10 goats can be raised on an acre of improved pasture depending on the intensity of management.

### Sources of Feed

California has the highest product value per acre in the U.S. and a large variety of agricultural products are grown on its fertile land. Energy-source cereal grains such as wheat, barley, and sorghum are grown locally. Protein feeds such as cotton seeds, sunflower meal, and other by-products are readily available. Roughages such as good quality hays

► Table 31. Changes in the characteristics of U.S. farms' principal operators from 1997 to 2002

	1997	2002	Percent Change
Total Women	209,784	238,269	11.95
Total Hispanics	33,450	50,443	50.80
Hispanic Women	3,286	5,138	56.36

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.

► Table 32. Changes in the characteristics of California farms' principal operators from 1997 to 2002

	1997	2002	Percent Change
Total Women	13,018	12,598	-3.20
Total Hispanics	5,347	7,771	45.33
Hispanic Women	512	736	43.75

Source: U.S. Department of Agriculture, 2002 Census of Agriculture.



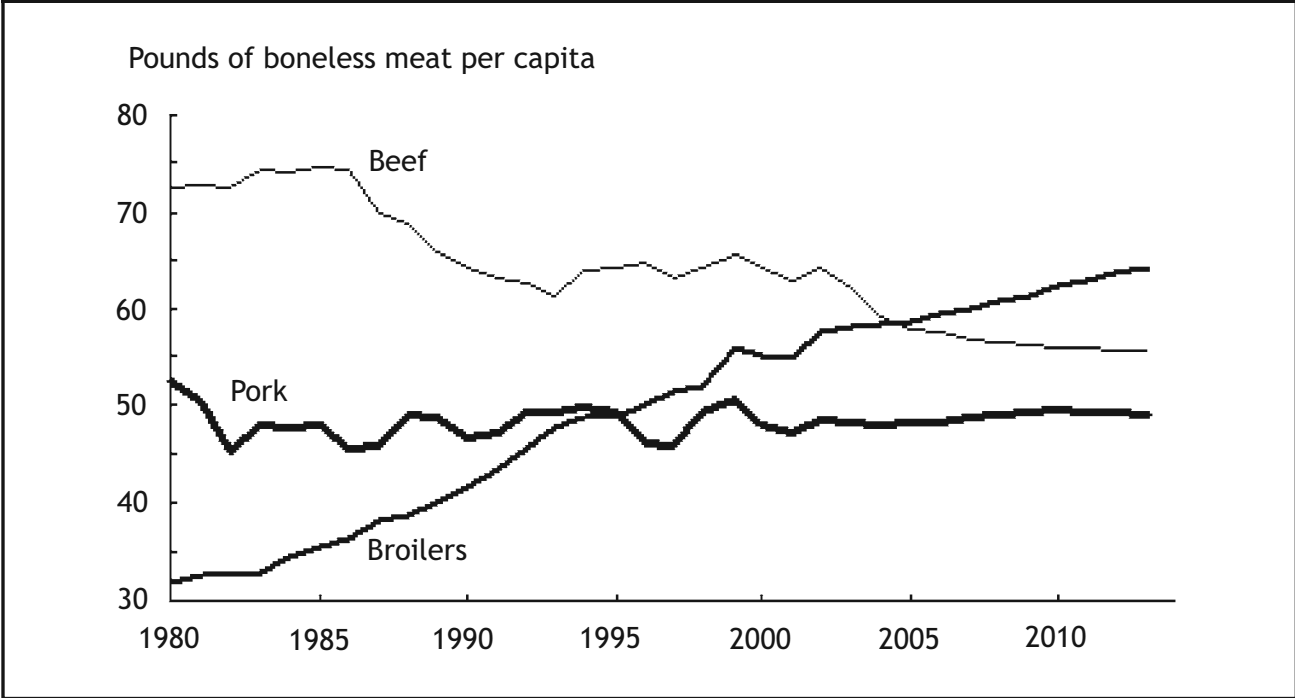
and silages and by-products such as rice bran, wheat bran, and sugar beet pulp are common. Leftover garden produce of all kinds sold in farmers markets is presently being composted, but it is a goat's favorite meal.

**Health Consciousness  
and Goat Meat Quality**

Americans and especially Californians are more conscious of their health and what they eat than ever before. Poultry consumption has increased from less than 35 pounds per capita in 1980 and is projected to exceed 60 pounds per capita by 2010 (Figure 5). Three characteristics of poultry have made major contributions to this increase: 1) it is considered a healthier product as it is leaner than beef and pork, 2) it costs less than beef or pork, and 3) it is readily available. Compared to poultry,

goat meat is leaner with less fat waste, and research has indicated that it has balanced proportions of saturated and unsaturated fatty acids and is a rich source of conjugated linoleic acid (CLA), which is found only in ruminants. However, it is more expensive than poultry, beef, lamb, and pork and it is not readily available. A 2004 report of county fair activities in Merced, California, indicated that the interest in showing meat goats has been increasing each year since the first show of four meat goats in 2001. This year, the number was up to 53. Beef and sheep entries were down and goat and rabbits entries were up. Average prices per pound were \$4.93 for goats, \$4.50 for sheep, \$3.46 for swine, and \$2.50 for beef. Clearly the most expensive meat was goat meat. The high price of goat meat, along with lack of availability, constrains its consumption.

► Figure 5. Meat consumption per capita from 1980 to 2010



Source: U.S. Department of Agriculture, Economic Research Service, *USDA Agricultural Baseline Projections to 2013*, February 2004.



## Challenges to Growth ◀

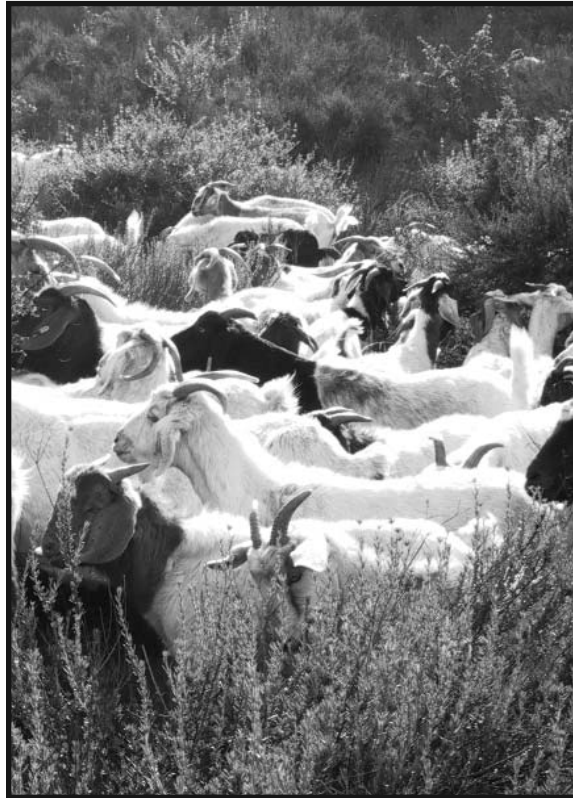
Major problems associated with advancement of goat meat production in California are:

- ▶ Consumer education
- ▶ Producer education
- ▶ Organized market and marketing channels

Consumer education on the quality of goat meat and why all the old cultures such as Greek, Chinese, Mayan (Mexican, Hispanic), and Middle Eastern people, eat this meat should be investigated. Producers should be educated on the best management techniques for raising goats for meat. Utilizing some superior breeds with fast growth rates, especially from South Africa, has revolutionized meat goat production

elsewhere. However, the most important factor in the growth of any industry, including goat meat, is marketing of the product. With high prices for goat meat, it

may be feasible to do direct marketing using the internet. Value-added products, such as specialty sausages and other ready-to-eat meat products, can enhance marketing and profit margins. Special consideration should be given to proper harvesting and handling techniques for goat meat to cater to various customer groups for increased profit margins.





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## Conclusion ◀

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**T**here is increased interest in goat meat consumption in the U.S.

The number of goats harvested in USDA-inspected plants and the amount of goat meat imported from Australia and New Zealand have increased sharply since 1999. The U.S. has changed from a net exporter to a net importer during the last decade. Increases in ethnic populations, especially Hispanics, Asians, and Muslims, in the U.S. in general and in California in

particular may have contributed to this fact. Also, goat meat is a healthy meat that fits the “designer” diets of health-conscious Americans. This is an opportunity for small farm producers in California to target this market and diversify their farm products. There is also an opportunity for value-added products. However, consumer and producer education is needed and marketing structures need development.







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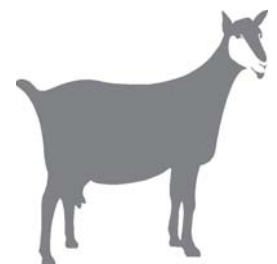
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**The Small Farm Center** offers this Situation and Outlook report as a prelude to more serious analysis and discussion about the possibilities for development of a more rational goat meat production and distribution system in California. As this report suggests, the potential demand for goat meat by various ethnic populations could provide the demand side that would justify developing this industry. On the supply side, it would not be an insuperable task to enable a significant number of California's small farmers to develop the necessary production capacity. More of a challenge would be the logistics of a marketing and distribution system, particularly regarding the location of slaughtering facilities. But through collaboration among potential stakeholders, the constraints may be breached and development enabled.



Desmond Jolly  
*Agricultural Economist,  
University of California, Davis  
Director, UC Small Farm Program*

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**ATTACHMENT D – STAFF REPORT****File Number:** 921-19-000193-PLNG**Applicant/Owner:** Adrian Lopez

**Requests:** Scenic Area Review of a new dwelling and structures to support the proposed farm use of raising approximately 13 goats. This request includes:

- (1) New Single Family Dwelling (1,889 SF footprint, 50'L x 40'W x 24'H)
- (2) Accessory Buildings (1,500 SF footprint, 50'L x 40'W x 24'H)
- (3) Agriculture Structures: approximately 5,000' of 4' H wire mesh fence (6' fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900' of moveable electric fence to protect a wetland; and a 50' diameter moveable round pen.
- (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000 gallon water cistern, and driveway.

**Decision:** **Approved** with Conditions**Decision Date:** June 24, 2021**Appeal Deadline:** July 9, 2021

**Location:** Development site is located north of Huskey Road, approximately 0.1 miles west of Jasper Lane and 0.5 miles south of the City of Mosier, Oregon, more specifically described as:

<u>Map/Tax Lot</u>	<u>Acct. #</u>	<u>Acres</u>
2N 11E 11 2200	327	20.59

**Zoning:** A-2 (80), Small Scale Agriculture in the General Management Area of the Columbia River Gorge National Scenic Area

**Past Actions:** 921-18-000017-PLNG (Withdrawn): Horse Boarding Facility**Procedure Type:** Administrative**Prepared By:** Will Smith, Senior Planner & Brent Bybee, Associate Planner

## **I. APPLICABLE STANDARDS**

### **Wasco County National Scenic Area Land Use & Development Ordinance (NSALUDO)**

#### **A. Chapter 3 – Basic Provisions**

##### **Section 3.110, Expedited Review**

Section 3.110.A.5., Uses Permitted Subject to Expedited Review, Woven Wire Fences

##### **Section 3.130, A-2, Small Scale Agriculture (GMA)**

Section 3.130.D.2., Uses Permitted Subject to Review, Agricultural structures

Section 3.130.D.4., Uses Permitted Subject to Review, One single-family dwelling

Section 3.130.D.6., Uses Permitted Subject to Review, Accessory building(s)

Section 3.130.G, Property Development Standards

#### **B. Chapter 4 – Supplemental Provisions**

Section 4.040, Off-Street Parking

#### **C. Chapter 11 – Fire Safety Standards**

Section 11.110, Siting Standards

Section 11.120, Defensible Space

Section 11.130, Construction Standards for Dwellings and Structures

Section 11.140, Access Standards

Section 11.150, Fire Protection or On-Site Water Required

#### **D. Chapter 14 – Scenic Area Review**

Section 14.100, Provisions for all new development

Section 14.200, Key Viewing Areas

Section 14.300, Scenic Travel Corridors

Section 14.400, Landscape Settings

Section 14.500, Cultural Resources – GMA

Section 14.600, Natural Resources – GMA

Section 14.700, Recreation Resources - GMA

Section 14.800, Indian Tribal Treaty Rights and Consultation – GMA

## **I. BACKGROUND**

- A. Proposal:** The property currently contains a driveway and a residential well that was constructed without review. This application proposes the construction of a two-story single family dwelling, a two story accessory building, fencing, a round pen to assist with the raising of approximately 5 cows, 15 goats and/or sheep, and a new well house and cistern for the well. The applicant has described the use of the property as a “small family farm.” As noted above, the request can be more specifically described as 1,889 Square Foot (SF), 50’L x 40’W x 24’H, two story single family dwelling, a 1,500 SF, 50’L x 30’W x 24’H two story accessory structure for a shop and farm equipment storage, retroactive review of an unlawfully placed well and a new well house and cistern, and approximately 5,000’ of 4’ H wire mesh fence (6’ fence posts) enclosing the three areas on either side of the driveway for livestock pens, approximately 900’ of moveable electric fence to protect a wetland, and a 50’ diameter moveable round pen.

- B. Legal Lot:** The subject lot is identified as Lot 21 of Rocky Prairie Subdivision, recorded with the Wasco County Clerk on April 27, 1977. It is consistent with the definition of Legal Lot in NSA-LUDO Section 1.200, Definitions, because it was created by a recorded subdivision.
- C. Site Description:** The subject lot is located between Huskey Road and Quartz Drive, in Rocky Prairie, a subdivision located on the hill above Mosier, Oregon. This property contains northwest-facing slopes averaging 9%. The western 1/3 (approximate) of the lot is heavily vegetated with Oregon white oak trees. Natural grasses are the dominant ground cover. The property ranges in elevation from 620-720' Above Sea Level (ASL).
- D. Surrounding Land Use:** Properties located north, east and west of the subject lot are located in the A-2, Small Scale Agriculture Zone. Properties located south of Huskey Road are zoned F-3(80), Small Woodland-Forest. With the exception of one property located north of Quartz Drive, all surrounding properties are used for residential use. Properties located east and west of the subject lot contain similar northwest-facing slopes averaging 8-10%. Property to the southwest, located north of Huskey Road is heavily vegetated with Oregon white oak trees. Property located to the west contains cherry orchard and a cidery, but there are no other commercial farm uses on adjacent properties. Land lying within 750' of Huskey Road averages 30% northwest-facing slopes while farther south, slopes lessen to 5-10%. Properties to the south are generally heavily vegetated with Oregon white oak and Ponderosa pine trees.
- E. Public Comment:** Notice of Administrative Action was mailed on July 2, 2020, to all owners of property within 500' of the subject parcel, the U.S. Forest Service - Columbia River Gorge National Scenic Area Office, Columbia River Gorge Commission, the four tribal governments, State Historic Preservation Office, and other interested parties registered with Wasco County. This notice provided a 15-day pre-notice for public comment (ending July 17, 2020). Comments are included as Attachment G of this report. All comments are addressed in applicable Findings throughout this report.

## II. FINDINGS:

### Wasco County National Scenic Area Land Use & Development Ordinance (NSALUDO)

#### A. Chapter 3 - Basic Provisions

##### Section 3.110 Expedited Review

##### A. Uses Permitted Subject to Expedited Review

(\*\*\*)

##### 5. Woven-wire fences for agricultural use that would enclose 80 acres or less. (GMA Only)

**FINDING:** The request includes a 4'H "mesh" or woven-wire fence enclosing the subject property, to support a proposed agricultural use. The property is 20.59 acres and is located in the GMA, meeting the requirements of this criterion. However, it is on a property where a cultural reconnaissance survey was required. Section 3.110.B.2.A. states: "The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey." Because a survey was required, the woven-wire fence is included in the full review below.

### Section 3.130, A-2, Small Scale Agriculture (GMA)

#### D. Uses Permitted Subject to Review

*The following uses and activities may be allowed on a legal parcel designated Small-Scale Agriculture subject to Subsection G - Property Development Standards, Chapter 11 - Fire Safety Standards & Chapter 14 - Scenic Area Review, as well as all other listed or referenced standards.*

*2. Agricultural structures, except buildings, in conjunction with agricultural use. Non commercial wind energy conversion systems which fit this category are subject to the applicable provisions of Chapter 19.*

**FINDING:** This proposal includes approximately 5,000' of perimeter fencing, about 1,000' of temporary moveable electric fencing, and a 50' diameter moveable round pen to support the proposed farm use of a "Small Family Farm." The Farm Management Plan submitted with the application materials describes the potential animal husbandry of approximately 13 goats on this 20 acre parcel. Farm Use is permitted without review in the A-2 zone, unless it involves new cultivation. Agricultural structures are permitted subject to compliance with property development standards, Fire Safety Standards, and Scenic Area Review criteria. Property Development Standards are addressed below. Chapter 11 – Fire Safety Standards is addressed in III.C. Chapter 14 – Scenic Area Review is addressed in III.D. Staff finds that the request complies with Criterion 3.130.D.2.

*4. One single-family dwelling on any legally existing parcel.*

**FINDING:** As noted under section I.B above, the subject parcel was lawfully created. The request includes the construction of one single family dwelling, with associated underground septic system. As permitted by this criterion, new dwellings are an allowed review use in the A-2 Small Scale Agriculture zone subject to compliance with property development standards, Fire Safety Standards, and Scenic Area review criteria. Property Development Standards are addressed below. Chapter 11 – Fire Safety Standards is addressed in III.C. Chapter 14 – Scenic Area Review is addressed in III.D. Staff finds that the request complies with Criterion 3.130.D.4.

*6. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any parcel:*

*b. Larger than 10 acres in size are subject to the following additional standards:*

*(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.*

*(2) The footprint of any individual accessory building shall not exceed 1,500 square feet.*

*(3) The height of any individual accessory building shall not exceed 24 feet.*

**FINDING:** The subject property is larger than 10 acres in size and does not currently contain any lawfully established buildings (the well that was being constructed unlawfully is being reviewed as a new use).

Proposed development includes the construction of one single family dwelling, one 1,500 SF accessory building with a height of 24 feet, and a 144 SF well house. As a result of the proposed development, there will be a total footprint of 1,644 SF worth of accessory structures, which is less than the 2,500 SF maximum. The shop/barn is being reviewed as an accessory structure because it was not proposed to be fully dedicated to farm use. Though that will be a part of its function, storing equipment and feed, it was also proposed as a personal shop, accessory to the residential use. Neither of the proposed accessory structures exceed 24' in height. Staff finds that the request is consistent with Criterion 3.130.D.6.

*G. Property Development Standards*

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2. General Setbacks - All structures, other than approved signs and fences shall comply with the following general setback standards:

Front Yard	25'
Side Yard	25'
Rear Yard	40'

**FINDING:** As proposed, the development will exceed the requirements of General Setbacks. Staff finds that the request complies with Criterion 3.130.G.2.

Required Setback	Proposed – Dwelling	Proposed – Shop	Round Pen	Pump House	Consistent?
East (side) = 25'	400'	400'	660'	475'	Yes
West (side) = 25'	550'	550'	100'	475'	Yes
North (rear) = 25'	700'	500'	100'	800'	Yes
South (front) = 40'	300'	500'	850'	150'	Yes

3. Agricultural Setbacks - In addition to the general setback standards listed in criterion 2 above, all new buildings to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use, shall comply with the following setback standards:

Adjacent Use	Open or Fenced	Natural or Created Vegetation Barrier	8 foot Berm or Terrain Barrier
Orchards	250'	100'	75'
Row crops/ vegetables	300'	100'	75'
Livestock grazing, pasture, haying	100'	15'	20'
Grains	200'	75'	50'
Berries, vineyards	150'	50'	30'
Other	100'	50'	30'

**FINDING:** The subject property shares borders with seven other properties. To the west, an adjacent property is currently farmed as a commercial orchard on the other side of a vegetative barrier (oak trees). To the north, one property contains approximately eight acres of land that is not currently



farmed, but is suitable for future farm use. Without a barrier, orchards are protected by a 250' setback. With a barrier, orchards are protected by a 100' setback. The property to the north contains an oak woodland that creates a natural vegetative barrier and thus only require a 100' buffer. All other adjacent properties contain poor quality soils and are predominantly developed as rural residential properties that are 10-15 acres in size.

As proposed, the following distances will exist between the development and adjacent properties that contain or are suitable for agriculture use:

Required Setback	Barrier Present?	Proposed – Dwelling	Proposed – Shop	Round Pen	Pump House	Consistent?
North = 100'	Yes, existing vegetative	600'	500'	100'	800'	Yes
West = 250'	No, open field	600'	500'	NA (structure is proposed in the portion of the property with the barrier)	900'	Yes

The applicant describes the round pen in their Farm Management Plan narrative as “made up of 10 panels 5' tall ... it can be taken apart and moved in under 20 min so it probably will be moved for some reason or another.” It is permissible to move this pen anywhere on the property as long as it complies with required setbacks, including those listed under the wetland protection section below. As the placement of the pen does not involve ground disturbance, there will be no impact to cultural resources. A **condition** of approval is included requiring that the pen not be placed inside any property line or resource protection setbacks in the event that it is moved.

With that condition, staff finds that the proposed setbacks meet or exceed the requirements in the A-2, Small Scale Agriculture Zone and that request complies with Criterion 3.130.G.3.

4. *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 3.240, Flood Hazard Overlay.*

**FINDING:** The subject property is not located within any identified FEMA flood zone. It is located approximately 0.8 mile south of the closest identified flood plain along Rock Creek. Staff finds that the request complies with Criterion 3.130.G.4.

5. *Height - Maximum height for all structures shall be thirty-five feet (35') unless further restricted in accordance with Chapter 14 - Scenic Area Review.*

**FINDING:** The applicant proposes the following heights for all new structures:

- Dwelling: 24'
- Shop: 24'
- Round Pen: 5'
- Woven-wire fence: 4' fencing, 6' posts
- Well house: 12'

All structures are proposed to be less than 35' in height. Staff finds that the request complies with Criterion 3.130.G.5.

6. *Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.*

**FINDING:** The subject lot is not located on a corner lot. Staff finds that Criterion 3.130.G.6. is not applicable to this request.

7. *Parking - Off street parking shall be provided in accordance with Chapter 4.*

**FINDING:** Off-street parking is addressed below in Chapter 4. There is an existing driveway accessing the property however there is no Road Approach Permit on file with the Wasco County Public Works Department for this driveway. A **condition** of approval is included in the Notice of Decision requiring the applicant/owner to obtain a Road Approach Permit for the existing driveway after expiration of the appeal period. Staff finds that the request complies with Criterion 3.130.G7.

## **B. Chapter 4 – Supplemental Provisions**

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### **Section 4.040, Off-Street Parking**

*At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this Section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.*

#### **A. Residential**

*1. Single-family dwelling: One (1) space per dwelling unit.*

**FINDING:** The proposal involves one single family dwelling and an accessory structure. This section requires one parking space for a dwelling. The house designs submitted with the application indicate a 19' x 19'6" attached garage which is large enough to accommodate two vehicles. Staff finds that the request complies with Criterion 4.040.A.1.

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## **C. Chapter 11 – Fire Safety Standards**

The Fire Safety Standards, adopted by the Wasco County Court and effective February 5, 2007, require property owners to be aware of potential fire risks in areas outside of urban areas of Wasco County, and requires compliance with siting standards, fuel break requirements, construction standards, access standards, and on-site water storage requirements.

As part of a complete application, the property owners completed a Fire Safety Standard Self-Certification Form. By signing the self-certification form, the owners have acknowledged that they

understand these standards and commit to achieve compliance with them within one year of the date of approval and maintain them through the life of the development. This certification further commits all future property owners to this same requirement. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under File 921-19-000193-PLNG. A **condition** of approval stating this is included in the Notice of Decision.

*Section 11.110, Siting Standards – Locating Structures for Good Defensibility*

**FINDING:** There are no slopes on the property in excess of 30%, except short ones right at the road. The slopes around the proposed development are between 5 and 9%. Staff finds the request complies with Section 11.110.

*Section 11.120, Defensible Space – Clearing and Maintaining a Fire Fuel Break*

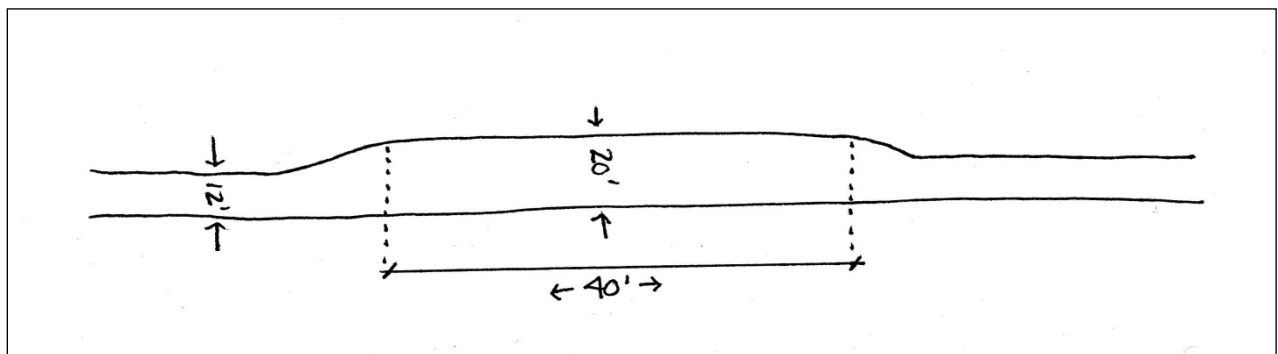
**FINDING:** The applicant included 50' of defensible space on the site plan around the proposed development. Currently that land in a 50' radius around the home and shop consists of grass and three mature ponderosa pine trees. The applicant has committed himself and future property owners in his self-certification form to maintaining that fire fuel break. Staff finds the request complies with Section 11.120.

*Section 11.130, Construction Standards for Dwellings and Structures – Decreasing the Ignition Risks by Planning for a more Fire-Safe Structure*

**FINDING:** The application states that the dwelling and accessory structure will be constructed of fiber cement (Hardie board brand) siding and trim, with asphalt shingles for roofing. Cement and asphalt are fire resistant materials. Staff finds the request complies with Section 11.130.

*Section 11.140, Access Standards – Providing Safe Access to and Escape From Your Home*

**FINDING:** The existing driveway provides access to the lot located to the north. The driveway is approximately 1,000' in length. The site plan shows that the proposed new dwelling will be 360' from the main road. Fire safety standards require the driveway to be a minimum of 12' wide, and contain 6-8" of pitrun base rock, and 2-3"  $\frac{3}{4}$  minus leveling course. A 13' vertical clearance must be provided for vehicles, including a fire fuel break of 10' from the centerline of the driveway on each side. The driveway must also contain turnouts every 400' to allow vehicles to pass safely, especially during an emergency as well as a turnaround that is passable for emergency responders.



The site plan does not show access and turnaround for emergency vehicles or turnouts. However, a January 17, 2020 site visit confirmed that the property is open enough to allow for turnouts and turn

around anywhere along its length, with the exception of the first 100' of driveway where it slopes down steeply from Huskey Road. Staff finds the request complies with Section 11.140.

*Section 11.150, Fire Protection or On-Site Water Required – Ensuring Dwellings Have Some Fire Protection Available Through Manned or Unmanned Response)*

**FINDING:** The subject property is located within the boundaries of Mosier Fire District and has structural fire protection. The proposed structures are not larger than 3,500 SF, which would necessitate on site water storage. No on-site water storage is required. The site plan demonstrates two locations where water spigots will be available outside the dwelling. Staff finds the proposal complies with Section 11.150.

This proposed development is located within the Oregon Department of Forestry Fire Protection District and receives wildland fire protection services by ODF, as does surrounding properties.

Based on comments received from ODF for the application, ODF continues to be concerned about the impact of additional structures and the associated human activities within the wildland urban interface and emphasizes defensible space standards around the building site that contribute to higher likelihood of a structure being saved while reducing risk to firefighting personnel in the event of a wildland fire moving through the area, regardless of how the fire started. Road Standards need to be met regarding road width, vertical clearance, turnarounds and turn outs, and road grades. If any land clearing activities involving power driven machinery are proposed during the spring or summer months, applicant or owner will be required to obtain a Permit to Operate Power Driven Machinery (PDM) from ODF prior to the start of these activities. A **condition** stating this is included in the Notice of Decision.

Though not specifically addressed in Chapter 11, it is essential that the proposed development have a valid address so that emergency responders can quickly find the property. In accordance with the Wasco County Uniform Addressing Ordinance adopted on June 9, 1982, prior to Building Permit Authorization, the applicant or future owner(s) shall clearly post the address of the subject lot on both sides of a post or mailbox, or other similar post, support, stake or pedestal which cannot be easily removed or destroyed which is within 30' of the driveway which accesses the dwelling. The address numbers shall be legible, reflective, and at least 2 ½ inches high. A **condition** of approval is included in the Notice of Decision requiring the owner to apply for a new address for the new dwelling after expiration of the appeal period but at least 2 weeks prior to issuance of zoning approval on a building permit application, and submit the filing fee (\$75) for an address application to the Planning Department prior to issuance of zoning approval on a building permit application.

With these conditions of approval staff finds that the request complies with Chapter 11 – Fire Safety Standards.

**D. Chapter 14 – Scenic Area Review**

***Section 14.100, Provisions For All New Development (GMA & SMA)***

- A. *All new development, except uses allowed through the expedited review process, shall be reviewed under the applicable sections of Key Viewing Areas, Scenic Travel Corridors, Landscape Settings, Natural Resources, Cultural Resources, and Recreation Resources.*

**FINDING:** The following applicable sections of Chapter 14 are addressed below: Section 14.200, Key Viewing Areas, Section 14.300, Scenic Travel Corridors, Section 14.400, Landscape Settings, Section

14.500, Cultural Resources – GMA, Section 14.600, Natural Resources – GMA, Section 14.700, Recreation Resources – GMA, and Section 14.800, Indian Tribal Treaty Rights and Consultation – GMA.

- B. New buildings and roads shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.*

**FINDING:** The request includes a dwelling, accessory structure, approximately 6,000 linear feet of fencing and underground utilities including subsurface septic disposal system. Slopes on the subject lot are less than 10% and are similar throughout the property. As proposed, both buildings will require less than 100 cubic yards of grading, individually. The driveway is existing and will require no further grading. Staff finds that the proposed development will retain existing topography and minimize grading activities to the maximum extent practicable and complies with Criterion 14.100.B.

- C. New buildings shall be compatible with the general scale (height, dimensions and overall mass) of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable.*

**FINDING:** The applicant is requesting approval to construct a two story single family dwelling with a 1,889 Square Foot (SF) footprint 50'L x 40'W x 24'H, and a 1,500 SF, 50'L x 30'W x 24'H accessory structure for a shop and storage. The two story dwelling will have an overall square footage of 2,978 SF.

Staff conducted a compatibility analysis of all properties in Rocky Prairie Subdivision; there are dozens of existing buildings in this study area. The largest building is a 2-story barn with an overall mass of 6,496 SF. This building is considered to be an outlier because no other building in the area is anywhere close to this size. The next largest building in the area is 3,921 SF and many others are smaller but similar in size. As proposed, all proposed buildings are smaller than other nearby structures, and will fit into the general scale of the neighborhood. Staff finds that the request complies with Criterion 14.100.C.

- D. Unless expressly exempted by other provisions, colors of all exterior surfaces of structures on sites not visible from Key Viewing Areas shall be earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.*

**FINDING:** The entire property is visible from one or more KVAs. Staff finds that Criterion 14.100.D. is not applicable to this request.

- E. Additions to existing buildings.....*

**FINDING:** This request involves three new buildings. There are no existing buildings on the subject property (the well is present, but was unlawfully constructed and is being reviewed as new development, not existing, along with the proposed new well house for it). Staff finds that Criterion 14.100.E. is not applicable to this request.

- F. Outdoor lighting shall be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River as well as preventing the lighting from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. Shielding and hooding materials shall be composed of nonreflective opaque materials. There*

*shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic.*

**FINDING:** Two new lights are proposed as part of the dwelling request, one on the garage, and one on the back door. These lights will be motion detector lights and will not be on all night. The applicant and owner should be aware of the requirements for outdoor lighting and the need to hood and shield outdoor lighting so that it is directed onto the subject lot. A **condition** of approval is included in the Notice of Decision requiring outdoor lighting to be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River as well as preventing the lighting from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. Shielding and hooding materials shall be composed of nonreflective opaque materials. There shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic. Outdoor Lighting Standards are included as Attachment E. With this condition of approval, staff finds that the request complies with Criterion 14.100.F.

- G. All ground disturbance as a result of site development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation, and replacement of such vegetation that does not survive.*

**FINDING:** There will be ground disturbance as a result of new development (dwelling, shop, fencing). A **condition** of approval is included in the Notice of Decision requiring ground disturbance to be minimized to the greatest extent possible. All ground disturbance resulting from construction of the new development must be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation and the replacement of such vegetation that does not survive. With the proposed condition of approval, the request complies with Criterion 14.100.G.

- H. Except as is necessary for site development or fire safety purposes, the existing tree cover screening the development area on the subject parcel from Key Viewing Areas and trees that provide a back drop on the subject parcel which help the development area achieve visual subordination, shall be retained. Additionally, unless allowed to be removed as part of the review use, all trees and vegetation within buffer zones for wetlands, streams, lakes, ponds and riparian areas shall be retained in their natural condition. Any of these trees or other trees required to be planted as a condition of approval that die for any reason shall be replaced by the current property owner or successors in interest no later than the next planting season (Oct-April) after their death with trees of the same species or from the list in the landscape setting for the property.*

*To ensure survival, new trees and replacement trees shall meet the following requirements*

- 1. All trees shall be at least 4 feet tall at planting, well branched, and formed.*
- 2. Each tree shall be braced with 3 guy wires and protected from livestock and wildlife. The guy wires need to be removed after two winters.*
- 3. The trees must be irrigated until they are well established.*

4. *Trees that die or are damaged shall be replaced with trees that meet the planting requirements above.*

**FINDING:** The subject lot contains scattered tree cover (15 Ponderosa pine trees) around the proposed development and the southwestern third of the property, behind the development as seen from KVAs, is heavily vegetated with Oregon white oak trees. The applicant does not propose to remove any trees for site development. Appropriate thinning may occur over time to comply with fire safety standards among the oak trees, however the grove acts as backdrop screening to the proposed development and must remain generally intact. The 15 pine trees indicated on the site plan provide visual screening in front and behind the proposed structures, as seen from KVAs. A **condition** of approval is included in the Notice of Decision requiring retention of all conifer trees indicated on the site plan to comply with visual subordination standards. Coniferous trees not indicated on the site plan may be removed if they are damaged or diseased, or for fire safety purposes. If coniferous trees indicated on the site plan are removed, die or are destroyed, they shall be replaced in compliance with Criterion 14.100.H. Staff notes that an individual property owner's view is not protected by the NSA-LUDO, however no trees between the applicant and the neighboring property will be removed. Also, all locations on the property are visible from KVAs, so there is no other location which will minimize visibility from KVAs.

With the proposed condition of approval, staff finds that the request complies with Criterion 14.100.H.

#### ***Section 14.200, Key Viewing Areas***

*The following is required for all development that occurs on parcels/lots topographically visible from Key Viewing Areas.*

- A. *Each development and land use shall be visually subordinate to its setting in the GMA as seen from Key Viewing Areas. The extent and type of conditions applied to a proposed development to achieve visual subordination shall be proportionate to its potential visual impacts as seen from Key Viewing Areas.*
  1. *Decisions shall include written findings addressing the factors influencing potential visual impact including but not limited to:*
    - a. *The number of Key Viewing Areas it is visible from;*
    - b. *The distance from the building site to the Key Viewing Areas it is visible from;*
    - c. *The linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads and the Columbia River);*
    - d. *The difference in elevation between the building site and Key Viewing Areas;*
    - e. *The nature and extent of topographic and vegetative back screening behind the building site as seen from Key Viewing Areas;*
    - f. *The amount of area of the building site exposed to Key Viewing Areas; and*
    - g. *The degree of existing vegetation providing screening.*
  2. *Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA as seen from key viewing areas, including but not limited to:*
    - a. *siting (location of development on the subject property, building orientation, and other elements);*



- b. *design (color, reflectivity, size, shape, height, architectural and design details and other elements); and*
- c. *new landscaping.*

**FINDING:** Both the dwelling and the shop will be two stories with pitched roofs. The dwelling will have a cross gabled design and will be oriented east-west. They will be just east of the driveway closer to the southern property line (road) than the north. The western third of the property is covered in oak trees. Approximately 15 mature Ponderosa pine trees are scattered throughout the open field in the eastern two thirds of the property.

The development sites are topographically visible from the following Key Viewing Areas (KVAs):

- Dwelling & Pump House: SR 14, the Columbia River, and Highway 30 W (Middle Ground);
- Accessory Structure: SR 14 and the Columbia River (Middle Ground);

Middleground is defined as ¼ mile – 3 miles from the subject lot.

Section 14.200 is not applicable to portions of a KVA within an Urban Area (UA) identified by the Management Plan. The Urban Area identified in this request is Mosier, Oregon.

The development sites are located at an elevation of approximately 680' feet above sea level (ASL). The primary factors in analyzing the visibility of the proposed kitchen/restroom building include the distance from KVAs, the use of dark earthtone colors on the buildings, existing backdrop of trees and the use of nonreflective materials.

The land use designation (GMA, Large Scale Agriculture) and landscape setting (Oak Woodlands) in the project area requires a scenic standard of visually subordinate.

Visually Subordinate is defined in Chapter 1 as "...the relative visibility of a structure ...does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point. As opposed to structures which are fully screened, structures which are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings..."

Highway 30 W: The portion of this KVA located within the Urban Area (UA) of Mosier, Oregon, is not included in this review. The portion of the KVA located outside of the UA is located at an elevation ranging from 180-200 beginning approximately 1.4 miles north of the development site and is visible for a linear distance of approximately 0.4 miles. Based on distance, screening vegetation (including the oak grove backdrop, and the scattered conifers onsite in the foreground), proposed dark earth-tone colors and non-reflective materials to be used on the exterior of the building, it will be visually subordinate as seen from this KVA.

Washington SR 14: This KVA is located at an elevation of 40-80' Above Sea Level (ASL), approximately 1.9 mile north of the development site. The site is sporadically visible among land forms for approximately 3.3 linear miles. Based on distance, screening vegetation (including the oak grove backdrop, and the scattered conifers onsite in the foreground), proposed dark earth-tone colors and non-reflective materials to be used on the exterior of the building, it will be visually subordinate as seen from this KVA.

Columbia River: This KVA is located at an elevation of approximately 76' ASL (per Corps of Engineers flowage easement between The Dalles Dam and Bonneville Dam). The development site is located

approximately 1.1 mile south of the Columbia River. The development site is topographically visible for 3.5 linear miles along the river, however existing on-site trees (background and foreground) and distance make it very difficult to see the development site from this KVA. Based on distance, screening vegetation (including the oak grove backdrop, and the scattered conifers onsite in the foreground), proposed dark earth-tone colors and non-reflective materials to be used on the exterior of the building, the proposed development will be visually subordinate as seen from this KVA.

The applicant submitted colors for the proposed structures (dwelling, shop, round pen, and pump house) which are dark earth tone colors that blend with the surrounding area. Dark earth tone colors were not submitted, nor required, for the agricultural fencing as Section 3.110.B.1.a states: “a. In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less” and this 20.59 acre property is in the GMA.

Colors are addressed further in Section 14.200.I.

Reflectivity is addressed in Section 14.200.J.

Based on distance between the new development and KVAs, screening vegetation, and proposed colors and materials, with conditions proposed in Sections 14.200 I. and J., the proposed agricultural buildings and structures will be visually subordinate as seen from KVAs. Staff finds that the request complies with Criterion 14.200.A.

- B. New development shall be sited to achieve visual subordination from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites or conflict with standards to protect cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable. (GMA Only)*

**FINDING:** All portions of the subject property are topographically visible from KVAs. The home has been sited to allow for the shop to be clustered nearest the livestock, without impacting grazing, well or septic areas. No other sites exist on the property that would reduce the overall visibility of the proposed development. With conditions of approval throughout this report, the proposed development will be visually subordinate from all KVAs therefore staff finds that the request complies with Criterion 14.200.B.

- C. New development shall be sited to achieve visual subordination utilizing existing topography, and/or existing vegetation as needed in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas.*

**FINDING:** The required scenic standard in this location is “visually subordinate.” There are no on-site topographic features on the subject lot that will screen the new building from KVAs. The buildings will be partially screened by 15 existing Ponderosa pine trees scattered around the development. As proposed, dark earthtone colors and nonreflective materials will also help the development achieve visual subordination with its surrounding landscape. Staff finds that the request complies with Criterion 14.200.C.

- D. Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.*

**FINDING:** Slopes on the subject lot are less than 10%. Each proposed building site will require less than 100 cubic yards of leveling. Since there is little leveling to be done on site, there will be little cut banks and fill slopes on-site, and they will not be visible from KVAs. The driveway is existing and will not require further grading. A condition of approval is included in the notice of decisions requiring that ground disturbance shall be minimized to the greatest extent possible. All ground disturbance resulting from development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation and the replacement of such vegetation that does not survive. With this condition, staff finds that the request complies with Criterion 14.200.D.

- E. The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. A variance in the General Management Area may be granted according to Chapter 6 if application of the guidelines would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use and may be applied only after all reasonable efforts to modify the design, building height and site to comply with the criteria have been made.*

**FINDING:** KVAs from which the site is visible are located north of the subject property. The development site is located at an elevation of approximately 680' Above Sea Level (ASL). Hills to the south rise to an elevation of approximately 1,200'. When viewed from KVAs, the proposed agricultural buildings will be located below the skyline of a bluff, cliff or ridge. Staff finds that the request complies with Criterion 14.200.E.

- F. An alteration to a building built prior to ....*

**FINDING:** The request involves three new buildings. There are no existing buildings on the subject property. Staff finds that Criterion 14.200.F. is not applicable to this request.

- G. Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to this guideline may be authorized according to Chapter 6 of this Ordinance. In the SMA the setbacks described above shall be 200 feet.*

**FINDING:** The proposed development is located approximately 1 mile south of the Columbia River. Staff finds that the request complies with Criterion 14.200.G.

- H. New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. Variances to this guideline may be authorized according to Chapter 6 of this Ordinance if its application would render a property unbuildable. In determining the slope, the average percent slope of the proposed building site shall be utilized.*

**FINDING:** The average slope on the subject lot is approximately 10%. This is less than 30% and staff finds that the request complies with Criterion 14.200.H.

- I. Unless expressly exempted by other provisions in this chapter, colors of all exterior surfaces of structures visible from Key Viewing Areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be*

included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.

**FINDING:** The subject parcel is visible from several KVAs. The request includes construction of three new buildings (a dwelling, shop, & pump house), a round pen, and a mesh fence. Dark earth tone colors are required on all exterior surfaces, with the exception of the mesh fences as described above. The applicant submitted the following proposed materials and colors:

	Material	Exterior Color	Looks Like	Consistent with color requirement?
<b>HOUSE</b>				
Main/Body	Hardie Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardie Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
<b>SHOP &amp; PUMP HOUSE</b>				
Main/Body	Hardi Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardi Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
<b>ROUND PEN</b>	Galvanized Steel	Hunter Green (Rustoleum)	Dark Green	Yes, approved for narrow surfaces only

A **condition** of approval is included in the Notice of Decision approving these colors. If alternate colors are proposed, they shall be submitted to and approved by the Planning Department prior to their application on the building. With the proposed condition of approval staff finds that the request complies with Criterion 14.200.I.

- J. The exterior of buildings in the GMA and structures in the SMA on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all key viewing areas by existing topographic features. The Scenic Resources Implementation Handbook will include a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this criterion, including those where the specific application meets recommended thresholds in the "Visibility and Reflectivity Matrices" in the Implementation Handbook (once they are created). Continuous surfaces of glass unscreened from Key Viewing Areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces will be provided for guidance in the Implementation Handbook.*

**FINDING:** Exterior materials are identified above in Section 14.200.I. Exterior siding and trim for the buildings will be fiber cement (Hardie board brand), and the roofing will be asphalt shingles. The round

pen is a structure, not a building, and does not need to comply with this criterion as this is not in the SMA. Fiber cement and asphalt are non-reflective materials listed in the Scenic Resources Implementation Handbook as 'Preferred' and are approved.

Windows on the north, east, and west facing walls of the proposed buildings will be visible from KVAs. The application materials state that the windows will be of "low reflectivity glass." No specifications were given. The Scenic Resources Implementation Handbook states that clear thermal pane glass with 11%-15% reflectivity is potentially acceptable outside the foreground of KVAs. Tinted glass with less than 11% visible light reflectivity rating is recommended. The proposed structures are outside the foreground of KVAs. A **condition** of approval is included requiring that all windows be thermal pane rated less than 15% visible light reflectivity.

The Scenic Resources Implementation Handbook also states:

*"The Management Plan does not limit the total amount of glass on buildings. Review agencies recommend, however, that an unscreened window or continuous glass area should not exceed 50 square feet."*

On the dwelling there will be three windows, a door, and a garage door on the north side; one window on the west side, and none on the east side. According to the scaled elevation drawings, only the north side will have one door that will be larger than 50 SF of continuous glass and it will not be visible from KVAs. The site plan indicates that there are several pine trees immediately south of the proposed dwelling which will provide screening. In addition, the proposed shop sits 100' south of the dwelling and will provide additional screening from KVAs. The shop has two small windows proposed on each side that faces the KVAs, with the two large and one small shop doors on the north face which is not visible from KVAs.

As there are no sections of continuous glass larger than 50 SF that face KVAs, all windows are proposed to be low reflectivity, and there is existing vegetative screening as well as proposed structural screening, staff finds that the request complies with Criterion 14.200.J.

*K. The following criteria shall apply to new landscaping used to screen development from Key Viewing Areas...*

**FINDING:** The proposed development is required to be visually subordinate from identified KVAs. The subject property contains scattered tree cover (approximately 15 conifers) between the proposed development and KVAs to the north and northeast provide year-round screening from KVAs. There are no alternate sites on the parcel to place new development to better achieve visual subordination than the proposed development sites because alternative sites could require tree removal and increased grading. No additional tree screening, landscaping, or earthen berms are required to be planted to achieve visual subordination because visual subordination can be achieved by the retention of existing on-site coniferous trees and the use of dark earthtone colors and nonreflective materials on the exterior surfaces of new development. A **condition** of approval is included requiring the retention of all on site conifers east of the existing driveway. Any trees that die shall be replaced in the next growing season. With that condition, staff finds that the request complies with Criterion 14.200.K.

*L. Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.*

**FINDING:** The subject lot is topographically visible from three KVAs (Highway 30W, SR 14, and the Columbia River). KVAs are located to the north and northeast at elevations ranging from 40-360' ASL. The development site is located at an elevation of approximately 660' Above Sea Level (ASL), and the landscape continues to rise behind it, as seen from KVAs. Hills to the south rise to an elevation of approximately 1,200'. When viewed from KVAs, the proposed agricultural buildings will be located below the skyline of a bluff, cliff or ridge.

The subject lot is difficult to see from KVAs due to their relatively low elevation and the existence of intervening vegetation. As proposed, the buildings will be subordinate to the surrounding landscape because the height of the development is within the canopy height of the mature pine trees offering screening on the property, the design uses dark earth-tone colors and non-reflective materials and all large glass surfaces face away from KVAs.

With the distance from KVAs, screening and backdrop provided by existing vegetation, low reflective, small windows being used on KVA facing sides of buildings, and dark earthtone colors proposed to be used on the exterior surfaces, staff finds that the proposed development will have no cumulative impact on scenic resources and will blend into the surrounding landscape. Staff finds that the request complies with Criterion 14.200.L.

*M. New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.*

**FINDING:** This request does not include any items discussed in this criterion. Staff finds Criterion 14.200.M. is not applicable to this request.

*N. New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.*

*O. New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that...*

**FINDING:** This request does not include any communication facilities. Staff finds Criteria 14.200.N. and O. are not applicable to this request.

*P. Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that...*

**FINDING:** This request does not include any items discussed in the above criterion. Staff finds Criterion 14.200.P. is not applicable to this request.

*Q. In addition to all applicable criteria above, all Mineral and Aggregate related uses on lands visible from Key Viewing Areas shall meet all applicable criteria in Chapter 10.*

**FINDING:** This request does not include any Mineral or Aggregate uses. Staff finds Criterion 14.200.Q. is not applicable to this request.

*R. In addition to the GMA standards, the following will be required in the SMA...*

**FINDING:** This request is not for development in the SMA. Staff finds Criterion 14.200.R. is not applicable to this request.

*S. The following are not required to meet scenic standards...*

**FINDING:** This request does not include any items discussed in this criterion. Staff finds Criterion 14.200.S. is not applicable to this request.

**Section 14.300, Scenic Travel Corridors**

*The Historic Columbia River Highway (Highway 30) and Interstate 84 (I-84) are designated as Scenic Travel Corridors, and development along a Scenic Travel Corridor must be set back at least 100' from the edge of pavement of the Scenic Travel Corridor roadway.*

**FINDING:** The proposed development site is located approximately 0.9 mile south of Highway 30 W and 1 mile south of Interstate 84. Staff finds that the request complies with Section 14.300.

**Section 14.400, Landscape Settings (GMA & SMA)**

*Landscape settings are the combination of land uses, landforms and vegetation patterns which distinguish an area in appearance and character from other portions of the National Scenic Area.*

**C. Oak-Pine Woodland Landscape Setting**

*GMA Only*

1. *Structure height shall remain below the tree canopy level in wooded portions of this setting.*

**FINDING:** The subject lot contains a grove of Oregon white oak trees whose canopy exceeds 30' in height. There are also Ponderosa pine trees up to 75' in height. The proposed dwelling and shop will be 24' tall, lower than the nearby canopy. Staff finds that the request complies with Criterion 14.400.C.1.

2. *In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development.*
  - a. *At least half of any tree species planted for screening purposes shall be species native to the setting. Such species include: Oregon white oak, ponderosa pine, Douglas fir.*
  - b. *At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.*

**FINDING:** The buildings are located on the eastern side of the oak grove, which is located on the west side of the property, and have scattered pine trees around them. Based on distance from KVAs, the use of dark earthtone colors and nonreflective materials on the exterior of all buildings, no new trees need to be planted to achieve visual subordination. Staff finds that the request complies with Criterion 14.400.C.2.



**Section 14.500, Cultural Resources – GMA**

*The purpose of this section is to protect and enhance cultural resources, and ensure that proposed development does not have an adverse effect on significant cultural resources.*

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**B. Applicability of the Cultural Resource Reconnaissance and Historic Survey Requirements**

1. *The reconnaissance survey standards of C, Cultural Resource Reconnaissance and Historic Survey, apply until a cultural resource survey of the General Management Areas is complete.*

- a. *A reconnaissance survey shall be required for all proposed uses, except...*

(\*\*\*)

*(5) Proposed uses that would occur on sites that have been adequately surveyed in the past.*

- (a) The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception.*
- (b) Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing.*
- (c) The nature and extent of any cultural resources in the project area must be adequately documented.*

**FINDING:** A new reconnaissance survey is not required for the requested development. One was performed during a 2018-19 application on this property when a prior owner applied for a horse boarding facility but withdrew the application after appeals. In a July 20, 2020 comment, Chris Donnermeyer, the Heritage Program Manager of the Columbia River Gorge National Scenic Area deemed that the prior survey adequately surveyed the area relevant to the new proposal. During the second pre-notice comment period (sent Sept 17, 2020) and the cultural notice comment period (sent October 7, 2020), Chris affirmed this comment.

The cultural resource survey was prepared on June 21, 2018 by Justin B. Colon, M.A., Archaeological Services LLC, 601 Officers Row, Vancouver, WA 98661. He is considered to be an expert consistent with the professional standards published in 36 Code of Federal Regulations Part 61, and Guidelines for evaluating and Documenting Traditional Cultural Properties. His report included surface survey information and subsurface testing, adequately documenting the cultural resources. While the results of this survey are confidential, relevant portions of them are discussed below. Staff finds that the request complies with Criterion 14.500.B.1.a.

2. *A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.*

**FINDING:** This request does not include any structures over 50 years old. Staff finds that Section 14.500 does not apply.

3. *The Gorge Commission will conduct and pay for all reconnaissance and historic surveys for small-scale uses in the General Management Area.*
- a. *When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also will identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone.*

**FINDING:** A cultural resource survey was conducted and delineated during the application process for application #921-18-000017-PLNG. No new delineation is required. Staff finds that the request complies with Criterion 14.500.B.3.a.

- b. *Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.*

**FINDING:** As a request for a new dwelling and a farm use with associated structures, this request does not meet the definition of a large-scale use (described below in Criterion 14.500.d). Staff finds that Criterion 14.500.B.3.b. does not apply to this request.

- c. *The Gorge Commission will conduct and pay for evaluations of significance and mitigation plans for cultural resources that are discovered during construction, subsection G, for small and large-scale uses in the General Management Area.*

**FINDING:** If any cultural resources are discovered during the development of this request, the Gorge Commission will conduct and pay for evaluations of significance and mitigation planning. Staff finds that the request complies with Criterion 14.500.c.

- d. *For this Ordinance, large-scale uses include development involving:*

- (1) two or more new residential dwellings;*
- (2) recreation facilities;*
- (3) commercial and industrial development;*
- (4) public transportation facilities;*
- (5) electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater;*
- (6) communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances; and*
- (7) disposal sites*

**FINDING:** This request is for one new residential dwelling, a farm use, and associated structures. It does not meet the definition of a large-scale use identified above. Staff finds that Criterion 14.500.3.d. does not apply.

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4. *The primary responsibility and cost of preparing an Evaluation of Significance, D; Assessment*

*of Affect, E; or Mitigation Plan, F, shall be borne by the project applicant.*

- a. If the applicant has no practicable alternative, according to (5) below, Practicable Alternative Test, allowing them to avoid an affected cultural resource, or is seeking to make a change or addition to a historic resource, the Forest Service has agreed to provide services to aid in the preparation of the Evaluation of Significance, Assessment of Effect, or Mitigation Plan to the greatest extent possible.*
- b. The responsibility for and cost of any development necessary to protect or mitigate effects on the cultural resource shall be borne by the project applicant.*

**FINDING:** A cultural resource reconnaissance survey dated June 21, 2018, was submitted to the Planning Department. The cost of this survey was borne by the previous project applicant/property owner.

- 5. All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 Code of Federal Regulations (CFR) Part 61 and Guidelines for evaluating and Documenting Traditional Cultural Properties (Parker and King, no date).*

**FINDING:** The cultural resource survey was prepared by Justin B. Colon, M.A., Archaeological Services LLC, 601 Officers Row, Vancouver, WA 98661. He is considered to be an expert consistent with the professional standards published in 36 Code of Federal Regulations Part 61, and Guidelines for evaluating and Documenting Traditional Cultural Properties. Staff finds that the request complies with Criterion 5.

*Practicable Alternative Test*

*An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.*

*A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:*

- a. The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on cultural resources;*

**FINDING:** The request includes small scale livestock (goats) in the A-2 (80), Small Scale Agriculture Zone. A farm use is a use permitted without review in this zone. To enable this farm use however, fencing must be placed on the subject parcel as this is within the Wasco County Livestock District, where it is the responsibility of the landowner to keep cattle on their land, as opposed to Open Range, where they may be allowed to roam free and other landowners need to fence them out.

Cultural resources were identified on a portion of the property. As well, approximately one third of the land (6.5 acres) is oak pine woodland and does not contain adequate forage for the applicant's proposed livestock. It is not feasible to require the removal of the oak pine woodland to provide more forage for the livestock, as that would conflict with other criteria within the NSA LUDO related to visual

subordinance and natural resources.

The soil types on the property include about 19 acres of 50C (wamic loam, class 4) and 51D (wamic skyline complex, class C), as well as just under 2 acres of 39 (rocky outcropping, class 8). The 51 D is in the oak area on the western edge, and the 39 is along the eastern edge, with the 50C occupying the central area of the parcel. The Class C and Class 4 soils have an Animal Unit Monthly (AUM) value ranging from 3.33 (favorable conditions) to 7.02 (unfavorable conditions) according to the USDA soil interpretation guide. The class 8 soil has no listed value for AUM.

Staff also coordinated with the applicant to ensure that the wetland resource on the property would not be disturbed through the request, by placing the fencing outside of the wetland buffer. The proposed farm use on this land cannot reasonably be accomplished by eliminating the cultural resource area from grazing. To do so would concentrate the animals on a much smaller area of the land, and the existing 19 acres is only just adequate during favorable conditions.

A condition described and required below, requires a cultural resources monitor to be onsite during the construction of the fencing. The condition is in response to concerns raised by the Umatilla and Warm Springs tribal government cultural resource protection programs. Staff finds that the request complies with Criterion a.

In sum, staff finds the applicants have exhausted practicable alternatives and coordinated with resource protection agencies to ensure compliance with resource protection requirements of the Wasco County NSA LUDO and the Management Plan for the Columbia River Gorge National Scenic Area.

- b. The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on cultural resources; and*

**FINDING:** As stated in a. above, the basic purpose of the use would not be reasonably accomplished by reducing the size, scope or configuring by changing the design of the use in a way that would avoid or result in less adverse effects on cultural resources. Additional plans were submitted by the applicant to accommodate competing natural and cultural resource buffers with the assistance of resource specialists that meet the regulatory requirements of this plan. A condition is included in D.5. requiring on-site monitoring by an archaeologist when construction of the project occurs in the identified cultural area on the property. As noted below, this was deemed reasonable by the Umatilla tribe and Warm Springs tribes during the cultural notice process for this application. With the proposed condition of approval staff finds that the request complies with Criterion b.

- c. Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a management plan amendment to demonstrate that practicable alternatives do not exist.*

**FINDING:** The land use designation and recreation intensity class are not a constraint in this application. There are no proposed alternatives to this request due to the parcel size and configuration of land outside of the wildlife habitat and cultural area. Staff finds that the request complies with Criterion c.

#### *A. Cultural Resource Reconnaissance and Historic Surveys*

1. *Gorge Commission/Tribal Government Notice*

- a. *In addition to other public notice requirements that may exist, the County shall notify the Indian tribal governments when:*
  - (1) *a reconnaissance survey is required; or*
  - (2) *cultural resources that are prehistoric or otherwise associated with Native Americans exist in the project area.*
- b. *Notices sent to Indian tribal governments shall include a site plan as stipulated in Section 14.040.*
- c. *Indian tribal governments shall have 20 calendar days from the date a notice is mailed to submit written comments to the County Planning Office.*
  - (1) *Written comments should describe the nature and extent of any cultural resources that exist in the project area and identify individuals with specific knowledge about them.*
  - (2) *The County shall send a copy of all comments to the Gorge Commission.*

**FINDING:** All appropriate notices were sent to the four tribal governments, State Historic Preservation Office (SHPO) and the Gorge Commission. This included the original pre-notice (July 2, 2020), the amended pre-notice (Sept. 17, 2020), and a cultural notice (Oct. 7, 2020). SHPO was notified of the original report in 2018. A June 4, 2021, email from Chris Donnermeyer clarifies that they do not need to be updated with the new proposal as they have already affirmed the original report. Kristen Tiede, Archaeologist with the Cultural Resources Protection Program of the Confederated Tribes of the Umatilla Indian Reservation replied with the following statement:

“The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the application for the dwelling, barn, and fence (921-19-000193-PLNG). The CRPP concurs with the condition of requiring an archaeological monitor be present for the construction of the fence.”

Christian Nauer, archaeologist with the Confederated Tribes of the Warm Springs Reservation stated:

“This office considers the report to represent a reasonable and good faith effort to identify and protect historic properties within the Project APE, and concurs with the recommendation for an archaeological monitor to be present during Project activities within the boundaries of the site.”

No other comments were received from any agency or Tribe during the notification periods of the various notices. Staff finds that the request complies with Criterion 1.

3. *Notice of Survey Results*

- a. *The County shall submit a copy of all cultural resource survey reports to the State Historic Preservation Office and the Indian tribal governments.*
  - (1) *Survey reports may include measures to avoid affected cultural resources, such as a*

*map that shows a reasonable buffer zone.*

*(2) The State Historic Preservation Office and the tribes shall have 30 calendar days from the date a survey report is mailed to submit written comments to the County Planning Office.*

*(3) The County shall record and address all written comments in its development review order.*

**FINDING:** On October 7, 2020, Planning Department staff sent a copy of the completed cultural resource reconnaissance survey to all four Indian tribal governments and SHPO. Comments were received from two Tribal governments (Umatilla and Warm Springs). Kristen Tiede, Archaeologist with the Cultural Resources Protection Program of the Confederated Tribes of the Umatilla Indian Reservation replied with the following statement:

*“The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the application for the dwelling, barn, and fence (921-19-000193-PLNG). The CRPP concurs with the condition of requiring an archaeological monitor be present for the construction of the fence.”*

Christian Nauer, archaeologist with the Confederated Tribes of the Warm Springs Reservation stated:

*“This office considers the report to represent a reasonable and good faith effort to identify and protect historic properties within the Project APE, and concurs with the recommendation for an archaeological monitor to be present during Project activities within the boundaries of the site.”*

No other comments were received from any agency or Tribe during the notification periods of the various notices.

Staff finds that the request complies with Criterion 3.

#### *4. Conclusion of the Cultural Resource Protection Process*

- a. The County Planning Office will make a final decision on whether the proposed use would be consistent with the cultural resource goals, policies, guidelines, and standards.*
- b. If the final decision contradicts the comments submitted by the State Historic Preservation Office, the County must justify how it reached an opposing conclusion.*

**FINDING:** Through this report and Notice of Decision Wasco County is making a final decision that, with conditions of approval, the proposed use will be consistent with the cultural resource goals, policies, guidelines, and standards. The final decision does not contradict SHPO, who concurred that there will be no adverse effect on cultural resources. Staff finds that the request complies with Criteria a. and b.

- c. The cultural resource protection process may conclude when one of the following conditions exist:*

*(\*\*\*)*

*(3) The proposed use would avoid archaeological resources and traditional cultural*

resources that exist in the project area.

- (a) To meet this standard, a reasonable buffer zone must be established around the affected resources or properties;*
- (b) All ground disturbing activities shall be prohibited within the buffer zone.*
- (c) Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant.*
- (d) A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.*
- (e) An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.*

**FINDING:** The applicant proposes to use a portion of the identified cultural area for pasture. Instead of following (a)-(d) and avoiding the area entirely, the applicant has elected to construct fencing through that section of the property. A condition of approval has been included requiring an on-site archaeologist to monitor the installation of the fence posts. This condition has been deemed acceptable by the two commenting treaty tribes, as well as by Chris Donnermeyer. Neither of the other tribes has voiced concerns for this proposed condition. Staff finds that the request complies with Criterion 3. (e) and an evaluation of significance is addressed below in B.

#### *D. Evaluation of Significance*

##### *1. Evaluation Criteria*

*Cultural resources are significant if one of the following criteria is satisfied.*

- a. The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places.*

*The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, they must meet one or more of the following criteria...*

- b. The cultural resources are determined to be culturally significant by an Indian tribal government, based on criteria developed by that Indian tribal government and filed with the Gorge Commission.*

**FINDING:** The site has not been formally evaluated for significance and eligibility consideration for inclusion on the National Register of Historic Places (NRHP). The private consultant recommended that



if plans change so that greater impacts are proposed within the site boundaries, it should be formally evaluated. No Indian tribal government submitted comments indicating the site is culturally significant. Because neither of the above criteria can be met, the cultural resource is not considered to be significant. Staff finds that the request complies with Criterion 1.

## *2. Evaluation Process and Information Needs*

*If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following standards...*

**FINDING:** The Forest Service archaeologist and SHPO concurred with the consultant's report. Comments received from both the Umatilla tribe and the Confederated Tribes of the Warm Springs Reservation indicated support for a mitigation plan that would require an archaeological monitor be present for the construction of the fence. A **condition** of approval is included requiring that an archaeological monitor be present for the construction of the fence. With that condition, staff finds that the request complies with Criterion 2.

## *3. Notice of Evaluation Results*

*If the evaluation of significance demonstrates that the cultural resources are not significant, the County shall submit a copy of the evaluation of significance to the State Historic Preservation Office and the Indian tribal governments.*

- a. The State Historic Preservation Office, Indian tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the County Planning Office.*
- b. The County Planning Office shall record and address all written comments in its development review order.*

**FINDING:** After coordinating with Indian Tribal Governments, the SHPO and Mr. Donnermeyer, the cultural resources have not been found to be significant. Comments were received from two Tribal governments, the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of the Warm Springs Reservation. These comments are addressed in this review. Staff finds that the request complies with Criterion 3.

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## *5. Conclusion of the Cultural Resource Protection Process*

*The County will make a final decision on whether the affected resources are significant.*

- a. If the final decision contradicts the comments or recommendations submitted by the State Historic Preservation Office or Cultural Advisory Committee, the County must justify how it reached an opposing conclusion.*
- b. The cultural resource protection process may conclude if the affected cultural resources are not significant.*
- c. If the project applicant or the County determines that the cultural resources are*

*significant, the effects of the proposed use shall be assessed according to E below, Assessment of Effect.*

**FINDING:** Based on the cultural resource reconnaissance survey submitted by the applicant/owner, Wasco County finds that if specific conditions are imposed, the cultural resources are not significant. This decision is consistent with the USFS archaeologist and SHPO and the cultural resource process may conclude. **Conditions** of approval associated with cultural resources include:

- All ground disturbance within the archaeological site boundaries shall be archaeologically monitored, specifically the installation of fence lines.
- If plans change so that greater impacts are proposed within the archaeological site boundaries, the site shall be formally evaluated for significance and eligibility for inclusion on the National Register of Historic Places (NRHP).

With these conditions, staff finds that the request meets Criterion 5.

#### *G. Cultural Resources Discovered After Construction Begins*

*The following procedures shall be effected when cultural resources are discovered during construction activities.*

1. *Halt Construction: All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.*

**FINDING:** A **condition** of approval is included in the Notice of Decision requiring all construction within 100' of any discovered cultural resource to cease. The cultural resource shall remain as found and no further disturbance may occur. With this condition, staff finds that the request complies with Criterion 1.

2. *Notification: The project applicant shall notify the County Planning Office and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.*

**FINDING:** A **condition** of approval is included in the Notice of Decision requiring the project applicant to notify the Wasco County Planning Department and the Gorge Commission within 24 hours of any cultural resource discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the applicant shall also notify the Indian tribal government within 24 hours. With this condition of approval staff finds that the request complies with Criterion 2.

3. *Survey and Evaluation: The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation Office (see, ORS 358.905 to 358.955).*
4. *Mitigation Plan: Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in F above, Mitigation Plans.*
5. *All survey and evaluation reports and mitigation plans shall be submitted to the County*

*Planning Office and the State Historic Preservation Office.*

6. *Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.*
7. *Construction activities may recommence when the conditions in the mitigation plan have been executed.*

**FINDING:** If cultural resources are found to be significant, the process outlined in Criteria 3.-7. will be followed. Staff finds that the request complies with Criteria 3. – 7.

#### *H. Discovery of Human Remains*

*The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.*

1. *Halt Activities: All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.*
2. *Notification: Local law enforcement officials, the County Planning Office, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.*

**FINDING:** If any human remains are discovered during construction, all activities shall cease and the human remains shall not be disturbed any further. The project applicant will notify local law enforcement officials, the County Planning Office, the Gorge Commission and all four Indian tribal governments. **Conditions** of approval stating this are included in the Notice of Decision. Staff finds that the request complies with Criteria 14.500.H.1. and 2.

3. *Inspection: The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.*
4. *Jurisdiction: If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.*
5. *Treatment: Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, chapter 97.740 to 97.760.*
6. *If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements specified in F above, Mitigation Plans.*
  - a. *The plan shall accommodate the cultural and religious concerns of Native Americans.*
  - b. *The cultural resource protection process may conclude when the conditions set forth in F above, Mitigation Plans, are met and the mitigation plan is executed.*

**FINDING:** If human remains are found during construction/ground disturbance, the process outlined in Criteria 3. – 6. will be followed. Staff finds that the request complies with Criteria 14.500.H.3. – 6.

**Section 14.600, Natural Resources – GMA**

**A. Wetlands:**

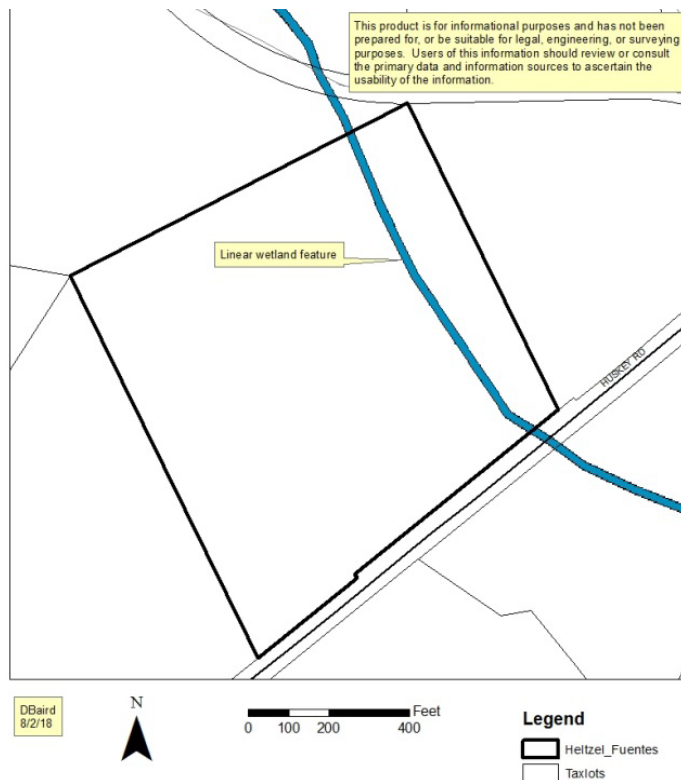
**1. Purpose**

- a. *Achieve no overall net loss of wetlands acreage and functions.*
- b. *Increase the quantity and quality of wetlands.*

**2. Rules for Delineating Wetlands Boundaries**

- a. *The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U.S. Fish and Wildlife Service 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.*

**FINDING:** The National Wetlands Inventory map identifies a linear wetland feature on the eastern portion of the property (see below). Staff finds that the subject lot contains a wetland.



**3. Wetlands Buffer Zones**

(\*\*\*)

- b. *The dominant vegetation community in a buffer zone is the vegetation community*

*that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.*

*(1) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent.*

*(2) A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.*

*(3) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.*

*(4) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines.*

**FINDING:** The subject lot contains a wetland with an herbaceous vegetation community. Staff finds that the request complies with Criterion 14.600.A.3.b.

- c. Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required.*

*(3) Herbaceous communities: 150 feet*

- d. Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition.*

**FINDING:** The herbaceous community buffer zone is 150'. The request does not include development within the buffer of this resource. Staff finds that Criteria 14.600.A.3.c. and d. are not applicable to this request.

*(\*\*\*)*

**6. Other Uses and Activities Located in Wetlands or Wetland Buffer Zones.**

*Except for uses permitted without review in Section 3.100 and 3.180(B) (Open Space) and Modifications to Serviceable Structures and Placement of Minor Water-Dependent and Water-Related Structures in Wetlands as specified in (4) above, other uses authorized by the applicable zoning designation may be allowed in wetlands and wetland buffer zones subject to (7) below, Site Plans, the remaining applicable sections of this Chapter and the following criteria:*

**FINDING:** The proposed use involves a small scale agriculture use. No portions of the proposed project or farm use will occur within the buffer for this resource. This use is not water-dependent. The Practicable Alternative Test is addressed in E. Staff finds Criterion 14.600.A.6 is not applicable.

*(\*\*\*)*

## *B. Streams, Ponds, Lakes, and Riparian Areas*

**FINDING:** The purpose of this section is to protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas, and to enhance aquatic and riparian areas. According to digital data from the Gorge Commission, there are no streams, ponds, lakes or riparian areas on the subject lot. Staff finds that the request complies with Criterion 14.600.B.

(\*\*\*)

## *C. Wildlife Habitat*

### *1. Purpose:*

- a. Ensure that new uses do not adversely affect sensitive wildlife areas and sites.*

*"Sensitive wildlife areas" means the 17 land and water areas that are included in the wildlife inventory of the Management Plan.*

*"Sensitive wildlife sites" is used here in a generic sense to refer to sites that are used by species that are:*

*(1) Listed as endangered or threatened pursuant to federal or state endangered species acts,*

*(2) Listed as sensitive by the Oregon Fish and Wildlife Commission, or*

*(3) Considered to be of special interest to the public, limited to great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.*

*(4) Updated lists of species included in (1), (2), and (3) above can be found on the website for the Wildlife Division of Oregon Department of Fish and Wildlife. A list also is maintained by the USDA Forest Service – Scenic Area Office and available at the Gorge Commission office and on its website.*

- b. Enhance wildlife habitat that has been altered or destroyed by past uses.*

**FINDING:** The purpose of this section is to ensure that new uses do not adversely affect sensitive wildlife areas and sites. The proposed residential use and small family farm will result in the creation of three buildings (a dwelling, shop, and pump house), and one additional structure (a round pen) in addition to the proposed livestock fencing. The southwestern 1/3 (approximate) of the subject lot contains Oregon white oak, which is an important wildlife habitat for many species. Staff confirmed that the development will be occurring within a sensitive wildlife area, and contacted ODFW regarding the proposal. The deer and elk winter range is addressed below. Staff also contacted Andrew Meyers with ODFW on June 21, 2021, to ensure there were no further concerns regarding the Big Game Turkey wildlife area. Meyers confirmed by phone that he had no concerns with the proposal with regard to this wildlife area. Staff finds that the request is subject to Criterion 14.600.C.1.

### *2. Approval Criteria for Fences in Deer and Elk Winter Range*

(\*\*\*)

- c. *Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet his/her specific and immediate needs, such as controlling hogs and sheep.*

**FINDING:** The applicant has demonstrated that the proposed use includes goats, which require a woven wire fence for controlling. In a Nov. 4, 2020 email, Jeremy Thompson, District Wildlife Biologist for the Oregon Department of Fish and Wildlife (ODFW) stated: "It does not appear that the applicant is proposing to impact the oak habitat in this application, and with the proximity to town I do not see additional wildlife impacts. ODFW has no concerns." With no concerns for impact on deer and elk winter range from the proposed fencing, which has been demonstrated to be required for the proposed farm use of controlling goats, staff finds that the request complies with Criterion 14.600.C.2.

#### *D. Rare Plants*

**FINDING:** The purpose of this section is to ensure that new uses do not adversely affect plant species listed on an inventory kept by the Gorge Commission. Inventories provided by the Oregon Biodiversity Information Center and the Columbia River Gorge Commission indicate that a sensitive plant may be located within 1,000 feet of the proposed development. A Sensitive Plant Notification was sent to Sue Vrilakis of ORBIC and Sarah Callaghan of the US Forest Service National Scenic Area. On Sept 17, 2020, Sarah stated: "No concerns. From what I can see of the landscape/habitat for the proposed development, there is unlikely any habitat in the immediate area for the sensitive plant species."

The Scenic Area regulations do not protect all grasses and wild flowers, only those known to be rare. Staff notes that while the use will impact native grasses and wild flowers, there is no criterion that requires all on-site vegetation to be undisturbed. Staff finds that the request complies with Criterion 14.600.D.

#### *E. Practicable Alternative Test*

*An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.*

**FINDING:** A practicable alternative test will not be required since the proposal will meet the criterion for the protection of all natural resources. As previously noted in the cultural resources practicable alternative test, the applicant worked with staff and resource protection professionals to ensure all protected resources were protected and consistent with applicable regulations. Staff finds Criterion E is not applicable.

(\*\*\*)

#### **Section 14.700, Recreation Resources – GMA**

*The purpose of this section is to protect and enhance recreation resources consistent with Indian treaty rights, and to protect scenic, natural, cultural and recreation resources when providing new recreation opportunities.*

**FINDING:** There are no recreational sites on the subject lot and no new recreational use is proposed on the property. The closest recreational sites are the Twin Tunnels portion of Highway 30 (0.7 mile to the

north) and the Columbia River (1 mile to the north). The proposed development will have no impact on the recreational use due to distance. Staff finds that the request complies with Section 14.700.

***Section 14.800, Indian Tribal Treaty Rights and Consultation - GMA***

*The purpose of this section is to ensure that the Scenic Area Act, the Management Plan, and these implementing ordinances do not affect or modify any treaty or other rights of any Indian tribe. It requires notification to the four tribal governments when new uses are proposed on public lands, in or adjacent to the Columbia River or its tributaries that support anadromous or resident fish.*

**FINDING:** Section 14.800 provides protection of Indian Tribal Treaty Rights from new development in the National Scenic Area. Section 14.800.B.3. lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Indian treaty rights and provides 20 days for tribal governments to submit comments. The subject property has no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or e-mailed to the four tribal governments on July 2, 2020, and a 15-day comment period was provided. After that comment period, the application was amended and a second pre-notice was sent out on Sept 17, 2020, with a 20-day comment period. At the conclusion of that comment period, a cultural notice was sent to the four treaty tribes and the US Forest Service on October 7, 2020, with a 30-day comment period. In response to the cultural notice, comments were received from the Umatilla tribe and Warm Springs tribes that they supported the requirement for an archaeological monitor to be present during construction of the fencing. A condition of approval is included requiring this monitor.

Section 14.800.C. lists guidelines for tribal government consultation when those governments submit substantive written comments. The comments described above were received from the tribal governments but these comments did not contain any claims that the request would affect or modify any treaty or other rights of any Indian tribe. Staff finds that the proposed development is consistent with Section 14.800.C.

Section 14.800.D. states that the treaty rights protection process may conclude if the Executive Director determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.

The subject property does not provide access to the Columbia River or its fish bearing tributaries. No known treaty rights are affected by this proposal and no treaty rights concerns were raised by the tribal governments. Because the proposed use would not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to Section 14.800.D.



## Good Neighbor OUTDOOR LIGHTING

PRESENTED BY THE NEW ENGLAND LIGHT POLLUTION ADVISORY GROUP (NELPAG) AND SKY & TELESCOPE.

### 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. Light directed uselessly above the horizon creates murky skyglow — the "light pollution" that washes out our view of the stars.

**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.

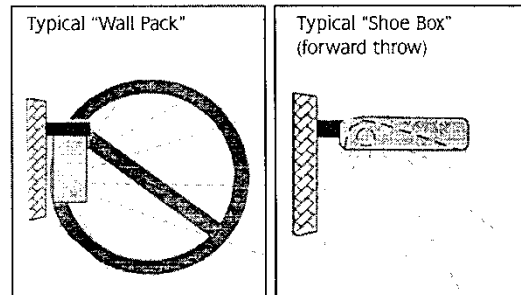
**Energy Waste** Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. Each year we waste more than a billion dollars in the United States needlessly lighting the night sky.

**Excess Lighting** Some homes and businesses are flooded with much stronger light than is necessary for safety or security.

### 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

### Some Good and Bad Light Fixtures

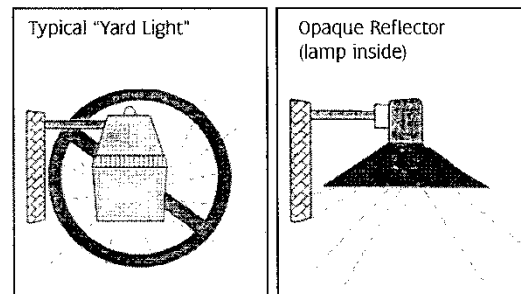


**BAD**

Waste light goes up and sideways

**GOOD**

Directs all light down

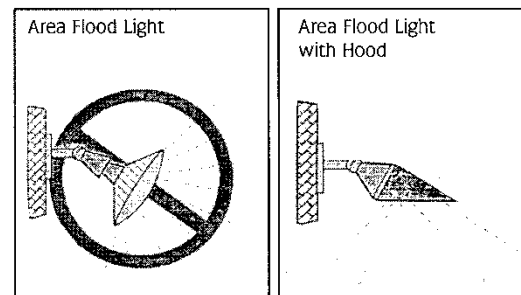


**BAD**

Waste light goes up and sideways

**GOOD**

Directs all light down



**BAD**

Waste light goes up and sideways

**GOOD**

Directs all light down

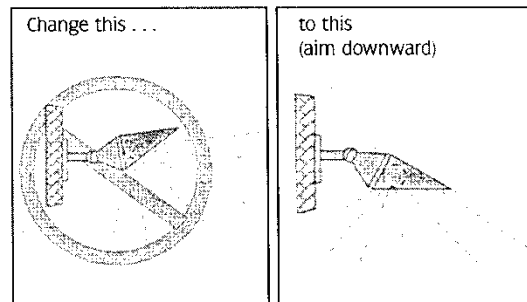
areas 100 times more brightly than the full Moon! More importantly, by choosing properly shielded lights, you can meet your needs without bothering neighbors or polluting the sky.

- 2** Aim lights down. Choose “full-cutoff shielded” fixtures that keep light from going uselessly up or sideways. Full-cutoff 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 well as a wasteful light does with a high-wattage bulb.
- 4** If color discrimination is not important, choose energy-efficient fixtures utilizing yellowish high-pressure sodium (HPS) bulbs. If “white” light is needed, fixtures using compact fluorescent or metal-halide (MH) bulbs are more energy-efficient than those using incandescent, halogen, or mercury-vapor bulbs.
- 5** Where feasible, put lights on timers to turn them off each night after they are no longer needed. Put home security lights on a motion-detector switch, which turns them on only when someone enters the area; this provides a great deterrent effect!

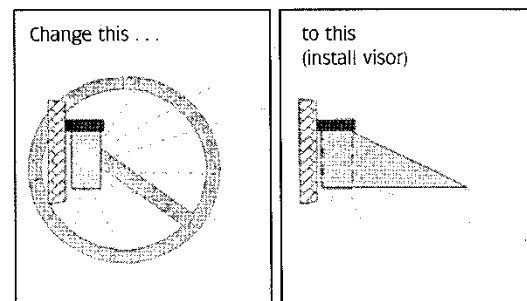
#### Replace bad lights with good lights.

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

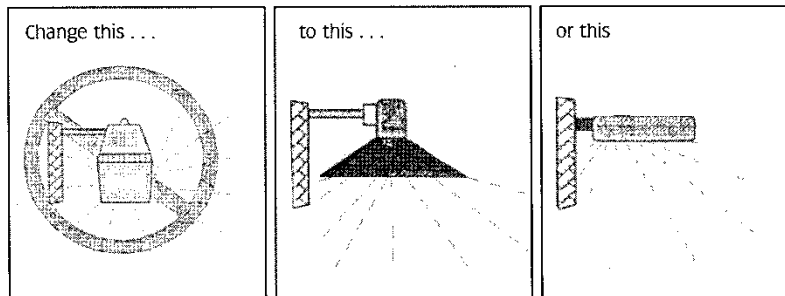
#### What You Can Do To Modify Existing Fixtures



**FLOOD LIGHT**



**WALL PACK**



**YARD LIGHT**

**OPAQUE REFLECTOR**

**SHOE BOX**

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

and **Sky & Telescope** (<http://SkyandTelescope.com/>).

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

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



Sky Publishing Corp.  
49 Bay State Road  
Cambridge, MA 02138  
[SkyandTelescope.com](http://SkyandTelescope.com)

GNF01

## **ATTACHMENT G - COMMENTS**

The following pages contain the comments received.

Wasco County Planners -  
(Planning Dept)

COMMENTS ON 1A LOT 2N 11E 11 2200

PREPARED BY	Amy
DATE	Conroy

July 16, 2020

ADRIAN LOPEZ, owner/applicant

File # 921 19 000193 PLNG

1) Retroactive approval of an unlawfully placed well. No.

I am opposed for several reasons.

First, why would anyone bother with getting a permit for building a structure or siting and drilling a well when it will be approved after the fact anyway?

2) I am also very concerned about the impact of an unregulated well on my well. I have a very good well that I have maintained and am very concerned that there was no geological oversight on the drilling. The negative impact on my property of loss of my water source by a neighboring property is huge.

What is the county doing retroactively to insure the well drilled will not adversely affect the neighboring properties? And what is my recourse against the offending parties, Mark Fuentes, M+M Drilling, unfortunately Adrian Lopez as current landowner and the county of Wasco for allowing it?

3) The sitings of the 2 very large buildings, the single family home and the accessory

I respectfully request that the proposed building structures not be placed directly across from my building structures (house, garage, etc).

My house was sited 10 years before I bought it and I'm stuck with it. (Almost 30 years ago, for siting)

I must also note that the power source, the electrical utility box is on my property and is for my property. It is not a general purpose, anyone can tap into it resource. This has been an issue in the past,

4) Wire fencing around the entire perimeter of the property. NO.

I oppose, We are in a National Scenic Area and a proposed fence will destroy the aesthetic of the Rocky Prairie slope, And what is the purpose of the fence? This is a wildlife corridor and fencing the whole property will force the animals onto Huskey Road endangering them and people driving on Huskey Road.

And there is a legal easement, access to the property owned by Joe + Janine Cerniecki. How will you mitigate that? or plants

And, has there been a cataloging of nature grasses<sup>^</sup> on the property?

Thank you for your time and consideration of these issues.

Amy Conroy (541-578-0188)  
1145 Huskey Rd Mosier, OR 97040





Brent Bybee &lt;brentb@co.wasco.or.us&gt;

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**File # 921-19-000193-PLNG**

3 messages

---

**amyhop@gorge.net** <amyhop@gorge.net>

Fri, Jun 4, 2021 at 2:48 PM

To: brentb@co.wasco.or.us

Cc: kclm98@hotmail.com

My concern is still about the unlawfully dug well and the long term impact on my water supply from my well. Is it county policy to grant retroactive approval, and if so that begs the question as to why a person would get a permit to begin with? The well driller assured me last summer that Mark Fuentes had gotten a permit but refused to show it to me. Did the county level any kind of fine on Mark Fuentes for an unlawfully placed well? This appears to be a case of it's easier to say I'm sorry then go through the procedure of obtaining a permit.

I understand that Adrian Lopez needs a water source to effectively develop his property and that he did not commission the well to be dug, but with the drastic shortage of water we face in these drought conditions, doesn't retroactive approval set a precedent?

Sincerely,

Amy Conroy  
1145 Huskey Road  
Mosier, Oregon 97040  
541 578 0188

---

**Brent Bybee** <brentb@co.wasco.or.us>

Mon, Jun 7, 2021 at 5:42 PM

To: amyhop@gorge.net

Cc: kclm98@hotmail.com

Hello Amy,

Thank you for commenting, I'll be sure to include your comments on the record.

Our department does not regulate water rights for landowners, please contact the Oregon Water Resources Department (OWRD) regarding that request. Our department will only review the actual development of a well to ensure resources will not be affected. It is the responsibility of the landowner to ensure the well can be approved through OWRD. Any approvals may be on file with them as well.

All applicants throughout the entirety of Wasco County are afforded the opportunity to bring nonconforming development built without review into compliance. If the development constructed without review does not meet the land use criteria, it must be removed. If it meets the criteria it may remain after being approved retroactively. In 2020, the Board of County Commissioners approved additional fees for development commenced without land use approval in the National Scenic Area, which would ultimately result in double the cost. This application was submitted before that went into effect, so to answer your question directly no the applicant was not fined.

Brent

[Quoted text hidden]

--



**Brent Bybee | Associate Planner**  
**PLANNING DEPARTMENT**

[brentb@co.wasco.or.us](mailto:brentb@co.wasco.or.us) | [www.co.wasco.or.us](http://www.co.wasco.or.us)

541-506-2544 | Fax 541-506-2561

2705 E 2nd St | The Dalles, OR 97058

**Office Notice about COVID-19**

Welcome back! We have resumed in-person customer service. Office hours are Monday through Thursday, 10am to 4pm with a lunchtime closure. Appointments can be accommodated on Fridays. Masks are required in the office unless you bring your vaccination card to demonstrate you are a full two weeks out from your final COVID-19 vaccination.

Staff continue to stagger their schedules to allow for COVID-19 safe distancing in a shared office environment. Appointments with staff are encouraged to ensure adequate staffing on the day of your visit. We also offer video calls that can save you travel time. We strongly encourage customers to contact us first by phone or email to determine whether an in-person visit is necessary. Please scroll down for many online available tools and resources.

**Need information? Help with a tool? Schedule an in person or video call appointment?**  
Please call 541-506-2560 or write us at [wcplanning@co.wasco.or.us](mailto:wcplanning@co.wasco.or.us)

Thank you for your patience during this time.

*Note: This correspondence does not constitute a Land Use Decision per ORS 197.015.  
It is informational only and a matter of public record.*

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**amyhop@gorge.net** <amyhop@gorge.net>  
To: Brent Bybee <brentb@co.wasco.or.us>

Mon, Jun 7, 2021 at 11:55 PM

So what you are saying is if the unlawfully placed Fuentes well drains my well dry and I decide to replace my well as Fuentes drilled a new well, it would cost me double but he gets off with no penalty. That's fucked up. On the record, an arbitrary date allows a person to steal water yet penalizes the wronged person to correct the issue with the same mechanisms the county turned a blind eye to.

What particularly agreives me is that I have been a resident of Wasco county for 30 years and have owned and resided at the Huskey Road property for 20 years and have many dedicated hours of bringing the value of the property up by physically taking care of fire abatement, that is ongoing, and making it into a beautiful property only to have Wasco county shit on me and say not only if the illegal placed well destroys your water source, if you drill the same type well without a permit it will cost you double. We'll fine you for what your neighbor caused.

Great, Amy Conroy

----- OriginalMessage -----

**From:** "Brent Bybee" <brentb@co.wasco.or.us>

**To:** amyhop@gorge.net

**CC:** kclm98@hotmail.com

**Sent:** Mon, Jun 07, 2021, 05:43 PM

**Subject:** Re: File # 921-19-000193-PLNG

[Quoted text hidden]



Will S &lt;wills@co.wasco.or.us&gt;

## CAFO minimum size?

**William Matthews** <wmatthews@oda.state.or.us>

Wed, Sep 23, 2020 at 2:35 PM

To: Will S <wills@co.wasco.or.us>

Cc: William J Matthews <wmatthew@oda.state.or.us>

Hi Will, There is no minimum number of animals on an operation that may require a CAFO Permit. Based on the details you provided, it appears that the system they propose is a grazing system with minimal confinement. The pasture deposition of manure is allowed as long as it does not cause pollution of surface or ground waters of the state. As long as this facility as described is not proposing a liquid manure or process waste water collection system or creating process waste water from a milking or cheese making activity, we would not require a CAFO Permit. The facility is required to maintain compliance with the ODA AGWQ area management plan. See <https://www.oregon.gov/oda/programs/NaturalResources/AgWQ/Pages/AgWQPlans.aspx> to find the appropriate area management plan for the proposed facility location. -Wym

On Sep 23, 2020, at 1:46 PM, Will S <wills@co.wasco.or.us> wrote:

Good afternoon,

We have a land use application south of Mosier that involves five cows and 15 goats and/or sheep on about 20 acres of land. The land they will be grazing on has a seasonal wetland running through a portion of it. Would they need a CAFO permit as the livestock may be leaving manure in that wetland that runs to Rock Creek and then to the Columbia River? I didn't see a minimum size of ag operation listed on your website.

A little more info about the proposal: They plan on fencing the whole property in with mesh fence, but including a moveable strip of electric fence to keep the livestock out of the wetland during wet portions of the year, only allowing the grazing and use of it when it is dry (most of the year it just looks like a meadow, and it is mostly just damp during the winter - it's not a stream.)

Please let me know if you need more information. Thank you.

--



**Will Smith, AICP | Senior Planner**  
**PLANNING DEPARTMENT**

[wills@co.wasco.or.us](mailto:wills@co.wasco.or.us) | [www.co.wasco.or.us](http://www.co.wasco.or.us)

541-506-2560 | Fax 541-506-2561

2705 East Second Street | The Dalles, OR 97058

**NOTE: DUE TO COVID-19 CONCERNS THE PLANNING DEPARTMENT IS CURRENTLY RESTRICTING FACE TO FACE ASSISTANCE. WE ARE ACCEPTING APPLICATIONS BY MAIL AND INQUIRIES BY PHONE OR EMAIL UNTIL FURTHER NOTICE.**

*This correspondence does not constitute a Land Use Decision per ORS 197.015.*

*It is informational only and a matter of public record.*

**Planning for the Future. Wasco County 2040.**

[Get involved](#)

Wym Matthews, Manager

**Oregon Department of Agriculture – CAFO and Fertilizer Programs**

635 Capitol St NE, Salem, OR 97301-2532

PH: 503-986-4792 | CELL: 503-881-5418 | WEB: [Oregon.gov/ODA](http://Oregon.gov/ODA)

Pronouns: he, him, his



**Response to Lopez Development Application 921-19-000193-PLNG**

**October 3, 2020**

**Joe Czerniecki**

First of all I would like to say that my goal in providing comment on this development is not to obstruct their proposed development but to try to ensure that the adverse impacts of their development plans are minimized. I have only met Adrian a couple of times and he seems like a nice fellow and I look forward to having him as a neighbor. My comments below are focused on ways that the proposed development does not conform to the Wasco County and Columbia River Gorge Commission requirements, as well as how this property has been impacted without development approval.

There has been extensive development and modification of the property without any application or approval. This includes:

1. a well drilled without approval
2. After notification of the county development office about the well drilling, and communication between the county and Mr. Lopez about the need for development approval he engaged in extensive tree cutting, and limbing, as well as spraying of the understory in the designated woodland portion of his property. This was done out of scale with current fire protection requirements and has damaged the quality and character of the woodland which has adversely affected its function as deer and elk winter range.
3. Most recently a paddock for horse training has been installed in the northwest corner of the property, which once again this occurred without county approval.

I am therefore concerned that the pattern of apparently ignoring the Wasco County Development Land Use Ordinances may continue to occur. And that consideration should be given to remediation and special oversight.

The development requirements are designed to protect the character of the Columbia River Gorge in perpetuity and must be followed. I do understand that they create some additional burdens, but the end result is something that I have appreciated in the over 25 years I have had a home in Rocky Prairie. The preservation of the unique and special character of the Columbia River Gorge is not only of value to me but to all of the visitors and other residents.

In the following section I will also outline how the current development application does not meet the Wasco County LUDO requirements. I will be referring extensively to the Hetzel/Fuentes application 921-18-000017-PLNG in my comments. This application was reviewed by the Wasco County Planning and Development office less than 2 years ago and many of the issues that were raised by the neighboring landowners and the decisions reached by the planning office will parallel the issues I will raise.

***A. Problems Related to Inconsistencies and a Lack of Completeness of the Application.***

1. The date on the application is December 31<sup>st</sup> 2019. Because the application was mailed out to neighboring landowners the assumption is that the application was deemed complete. It's current state of ongoing incompleteness is based upon the requirements in Section 2.080. This raises questions about whether the current application should be considered void:

1. **On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection a. of this section and has not submitted information.**

## **2. Incompleteness of the information provided in the application**

**A complete site plan shall be submitted for all new development, except for buildings smaller than 60 square feet in area and less than or equal to 10 feet in height, as measured at the roof peak.**

- a. There continues to be conflicting information on the site plan and the Farm management plan. The site plan includes a 5 foot "MESS fence" around the perimeter of the property and the Farm Management Plan includes a 4 foot fence. The site plan includes a continuous fence around the property , but the Farm Management plan includes a fence around the woodland area to the west of the driveway and a fence around the remaining property. Which is it? These inconsistencies prevent all parties from being able to adequately comment.
- b. There is no access or egress designated to either of the fenced areas. This should be defined in the development plan.
- c. Part of the farm management plan suggests that there will be 5 cows, 15 goats, and a large number of chickens. There is no fencing in the immediate area of the home to exclude the animals from this area. This is very unusual. Will there be no fencing in this area? Typically when chickens are raised they have some type of shelter. There is no designation on the farm management plan, about where these will be, and what the visual appearance and size of this structure will be. The farm management plan is incomplete. The farm management plan also suggests that there will be a moveable electric fence. How will electricity be conducted to this area? Presumably there will be a hot wire, in addition to the proposed fence? If so this is not included in the development plan.

- d. **The site plan shall be prepared at a scale of 1" = 200' or a scale providing greater detail which clearly indicates key information:**

There is no indication of the scale provided with plan.

- e. **Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel.** The site plan provided is largely illegible: this is partly because of an effort on the part of Mr. Lopez to provide all of the necessary information in too small a space. To clearly indicate the relationship of the buildings to one another and all of the necessary detail of the development an additional site plan should be provided that provides the necessary scale to adequately evaluate the development plan. Further, I assume because this is a formal document it should be covered under the ADA

requirements. Anyone with a visual impairment would not be able to read it at all, and therefore would be prevented from having their right to comment.

- f. **Access: Indicate all existing and proposed points of ingress and egress and whether they are public or private.** There is no specific indication on the plan.
- g. **Location, dimensions and method of improvement of all roads, access drives, trails, and parking areas with individual parking spaces and internal circulation patterns.** The dimension (width) of the driveway, which provides access to my property, and which is immediately north of the Lopez property, is not included. I have an easement that gives me free access to and use of the driveway extending from Huskey road, through the Lopez property to my home. The easement is 30' wide, so no fence structure can be installed within the boundaries of this easement.
- h. **Access drives shall be constructed to a minimum of twelve (12) feet in width and not exceed a grade of twelve (12) percent with turnouts provided at a minimum of every five hundred (500) feet.** Although there is an indication on the site plan of a driveway, that extends from Huskey road to my property immediately to the north of the Lopez property, the plan does not indicate the necessary turnout. The development of the Lopez property, with its associated increase in vehicle use on the driveway, will likely result in an increase in potential access problems especially in emergency situations. A turnout should be included in the site plan.
- i. **Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, telephone and power poles and lines. Telephone and power supply systems shall be underground whenever practical.** There is no indication of where trenching will occur to provide power access to the home site.
- j. **The location of the pond, stream, tank or sump with storage of not less than 1,000 gallons if the well or water system is not capable of delivering twenty (20) gallons per minute.** There is no specification of well output and no indication of storage.
- k. **The location of a standpipe (water spigot) a minimum of fifty (50) feet from each flammable structure if the development includes a plumbed water system.** I didn't see this specified in the site plan. Scale and legibility may be the limiting factor in this assessment.
- l. **Location and depth of all proposed grading, filling, ditching and excavating unless a grading plan is required by F below.** There is no indication of where trenching will occur to provide power access to the home site. There is only one indication of grade in the application. That is a 5% grade as the driveway approaches my property to the north. Prior review of a development plan on this property (Hetzl **921-18-000017-PLNG**) in 2018 indicates a finding by Wasco County Development that there is a 10% grade in the area of the homesite. The development plan must include a grading and excavating plan.

- m. **North arrow and map scale.** No indication of map scale
- n. **Elevation Drawing - Elevation drawings shall show the appearance of all sides of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale.** The provided elevation drawings are only of the structures in a plan view. They do not include the natural grade and the finished grade. It is also unclear if the elevations of the structures are labelled correctly-this should be clarified. The north elevation for example should be the north facing side of the building. As currently provided it suggests that in the house elevations the garage doors will be on the north (view) side of the structure. The north elevation of the shop has two large openings penciled in - should they be on the south elevation? There is also no indication of what these openings are so it is difficult to ascertain whether light reflectivity and visual subordination will be a problem. Are they ? windows ? doors?
- o. The site plan does not include the necessary information on the natural grade, finished grade and the relationship of the structures to this grade. It is a requirement to provide this information and it should be provided at an appropriate scale so that it can adequately be assessed.

### ***Problems with the Proposed Development Plan.***

#### **SECTION 14.200 Key Viewing Areas**

**A. Each development and land use shall be visually subordinate to its setting in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA as seen from Key Viewing Areas. The extent and type of conditions applied to a proposed development to achieve visual subordination shall be proportionate to its potential visual impacts as seen from Key Viewing Areas.**

#### **SITING**

**New development shall be sited to achieve visual subordination from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites or conflict with standards to protect cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable. (GMA Only)**

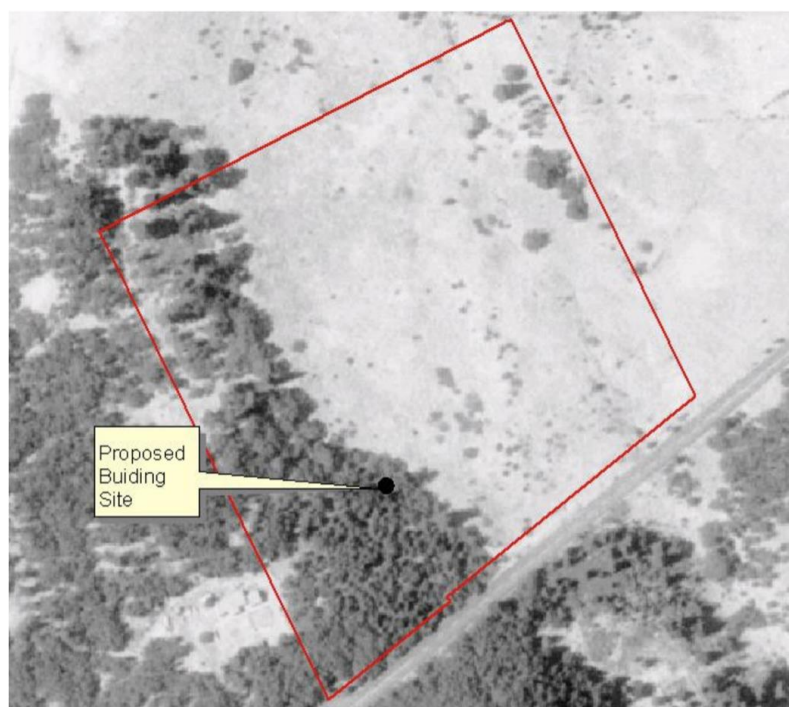
**New development shall be sited to achieve visual subordination utilizing existing topography, and/or existing vegetation as needed in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas.**

**Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.**

The proposed siting of the structures avoids the use of oak pine woodland to the west, and the wetland to the east but places the structures in open grassland, with little to no screening because of the previously-mentioned excessive tree removal and limbing.

Additionally, the orientation of the two proposed structures strongly influences their visual impact from key viewing areas. In the plan view the shop is immediately to the north of the house and there is a 180 foot distance between them. On the surface does not look like this would affect the visual impact, however when the slope is considered the two structures will have the visual appearance from key viewing areas to the north of being 75' high. Prior decision of Wasco County states there is a 10% slope in the area of home/shop development. with a 10 % grade there is 27 foot overall elevation gain between the north wall of the shop and the south wall of the home. This means the total visual height of the two structures is 24' shop + 24' home + 27' resulting from the grade = 75'. This is an imposing visual feature in open grassland without adequate screening. It will likely also require extensive grading depending on the details of the relationship between the buildings, access between the buildings and access to both the driveway and the shop.

Further, as noted above, more detail is required to understand the extent of grading, the overall "visual" stature of the two structures with the 10% north/south grade, to adequately evaluate its impact on Key Viewing Areas and the potential for visual subordination of the two structures. Visual subordination could be improved by shifting the development closer to the woodland or in the edge of the woodland to the west, a site which was approved in a prior application (Shattuck SAR-04-110). See illustration below.



(Figure 4. Location proposed building site in existing vegetation.)

## Proposed Farm Use

Mr. Lopez is proposing as part of the Farm Management Plan to have 5 cows, 15 goats and 15 chickens. The number of animals is excessive relative to the available grazing area.

1. In the summer when the wetland and the wildlife area are excluded from possible grazing, there is inadequate area available to graze the livestock. In the attached table the NRC Soil Survey suggests that 5 cows require at a minimum 5 acres per month and the goats are the equivalent of sheep which would require an additional 3.75 acres per month at .25 acres per goat. Therefore, there is inadequate grazing area for even 1 month and there would be no time for recovery, because this area cannot be watered. The proposed use therefore should not be allowed. If allowed the numbers of livestock should be greatly reduced. In the Hetzel/Fuentes application on the same property the Wasco County Land Use Development office limited the number of livestock to 5 horses.

# of Acres Needed to Feed 1 Animal for 1 Month				
Geographic Area	Soil Name	1 Cow Acre	1 Sheep Acre	1 Horse Acre
TDalles / Mill Crk	Cherry Hill /Chenowith	1.5 Acres	0.03 Acre	2 Acres
Wrentham / Dufur	Walla Walla /Dufur	1.0	0.08	1.1
Juniper Flat	Maupin / Watama	1.0	0.22	1.4
Bakeoven	Condon / Bakeoven	2.0	0.50	2.5
Tygh Ridge	Condon / Cantala	1.2	0.25	1.5
Tygh Valley	Sherar / Sinamox	1.3	0.25	1.7

Data obtained from Wasco County NRCS Soil Survey

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## SECTION 14.600 Natural Resources (GMA Only)

### A. Wetlands

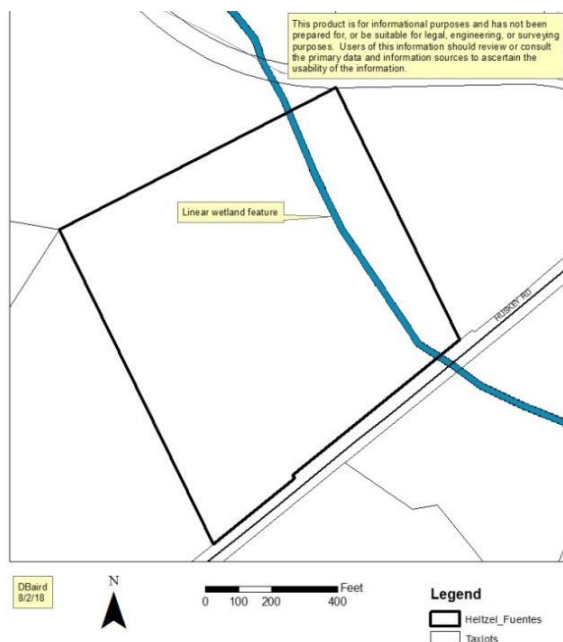
The Wasco County Development staff in the prior development application (Hetzel 2018 **921-18-000017-PLNG**) made a finding that the Lopez property includes a Herbaceous community wetland. This wetland requires a 150' setback for all development including fences. The proposed development includes a plan to install fencing which will disrupt the wetland and should not be allowed in the setback area of the wetland.

The importance of and the preservation of the wetland was raised by many neighbors, in particular by the McCabe comments, in the prior Hetzel/Fuentes **921-18-000017-PLNG** application. In the current Lopez amended proposal, the farm management plan includes a fence that encloses the wetland, with a moveable fence that would prevent grazing of 5 cows and 15 goats in the wetland in the winter season but be allowed to graze in the wetland in the summer season. The farm management plan suggests that this will have a beneficial effect on plant life in the wetland. The consequences of animal grazing are much greater than the soil or plant characteristics in it's immediate vicinity. Nitrites from manure can increase algae and reduce oxygen content in the water which can adversely affect fish survival. There are also increases in bacterial counts in the water which have led to fish die offs and sickness. These consequences in the Rock Creek drainage area which feed the Columbia, can therefore have adverse effects on fish and endangered species. The potential for E coli contamination is enough of an issue that a monitoring plan is being put in place (see minutes of the Mosier Watershed Counsel meeting Appendix A). In addition there are many at-risk and endangered species listed in the Mosier Watershed area which includes Rock Creek which is the destination of the water from the Lopez property. The endangered species are listed in Appendix B.

**This conclusion was also reached by the Wasco County Development office in their evaluation of the Hetzel/Fuentes application.**

***“ FINDING: The National Wetlands Inventory map identifies a linear wetland feature on the eastern portion of the property. Staff finds that the subject lot contains a wetland.***

**Staff Recommendation Page 42 of 52 921-18-000017-PLNG (Heltzel/Fuentes)**



**c. Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required.**

**(3) Herbaceous communities: 150 feet**

**d. Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition.**

**The herbaceous community buffer zone is 150'. Normally the buffer zones cannot be disturbed.**

**A condition of approval is included in the Notice of Decision requiring the maintenance of the existing contour, vegetation and hydrology of the wetland."**

Other published literature further supports the potential adverse effects of livestock grazing in watershed areas(Paul Hansen a Research Associate Professor in the School of Forestry at the University of Montana in Missoula. Dr. Hansen is a Riparian wetland ecologist and principal ecologist for the Montana Riparian Association) in a US forest service publication.

He suggests that there is a delicate balance when grazing is allowed in wetlands (Appendix C)

1. • season-long grazing is not a viable option to improve deteriorated riparian wetland areas or to maintain a healthy riparian-wetland zone.
2. It only takes a few weeks of unauthorized use or overgrazing to set back years of progress in improvements of riparian-wetland systems. Myers (1981) states "that compliance with grazing systems is critical. When livestock are moved from a management pasture, it is commonplace for a few animals to be overlooked. In one stream, annual use by a few head of unauthorized livestock throughout most of the hot season period has nullified positive riparian-wetland habitat responses in an otherwise excellent grazing systems."
3. Therefore, livestock grazing should not be permitted in the wetland. The risk of adverse consequences and history of compliance problems both suggest this would not be advisable.

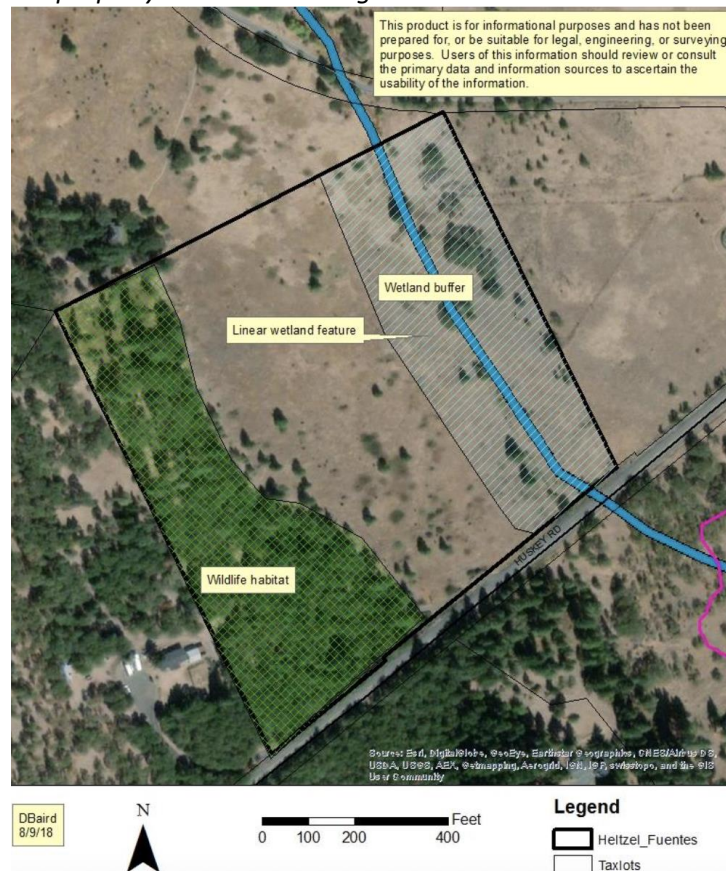
## **C. Wildlife Habitat**

**a. Ensure that new uses do not adversely affect sensitive wildlife areas and sites.**

In the prior application (Hetzl/Fuentes **921-18-000017-PLNG**) there were once again extensive comments by the neighboring property owners that the protection of habitat was important for wildlife. The Wasco County Development staff made a finding that this property includes wildlife habitat.



**Prior Wasco County Development Office FINDING:** Approximately 6.6 acres of the western portion of the property is located in Oregon white oak trees and is considered to be wildlife habitat.



In the interim period from the Hetzel/Fuentes application until now, there has been extensive tree cutting and scraping of the land surface to provide rough roadways through the Wildlife Habitat damaging the understory. With restoration, time and the prevention of development in this area, it should be able to recover and allow this portion of the property to return to wildlife habitat.

This wildlife habitat is primarily oak woodland. The recommendation after appeal of the (Hetzel/Fuentes **921-18-00017-PLNG**) was that this woodland was an important wildlife corridor. This is supported by the priorities of the **East Cascades Oak Partnership** which was referenced in the Mosier Watershed Council meeting (see Appendix D)

The Wasco County Development office has an obligation to require restoration of this wildlife habitat.

## Fencing Requirements

New fences in deer and elk winter range shall comply with the following standards.

1. New fences in deer and elk winter range shall be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.

The addition of the Farm Management Plan suggests that the fencing is necessary to contain livestock. This is in conflict with the preservation of the western fenced area as a wildlife corridor. To preserve the woodland as a wildlife corridor the fencing should not be allowed in this area.

- 2. New and replacement fences that are allowed in winter range shall comply with the guidelines in Specifications for Structural Range Improvements (Sanderson et. al. 1990), as summarized below, unless the project applicant demonstrates the need for an alternative design:**
  - 1. To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.**
  - 2. The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.**
  - 3. The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.**
  - 4. Stays, or braces placed between strands of wire, shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires. Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet his/her specific and immediate needs, such as controlling hogs and sheep.**

There is a conflict between the Farm Management Plan and the Development plan: one suggests a 5 foot high MESS fence and the other has a 4' high MESS fence. Both of these do not conform to the fencing requirements in deer and elk winter range. The fence type does not conform to development standards, and the fence height exceeds the 42" requirement

The post height being proposed (6' posts) do not conform to the fencing needs. It is of particular concern that the current owners have been non-compliant and that the fence height limitations will be exceeded in the future. The posts should be no higher than that required for fencing.

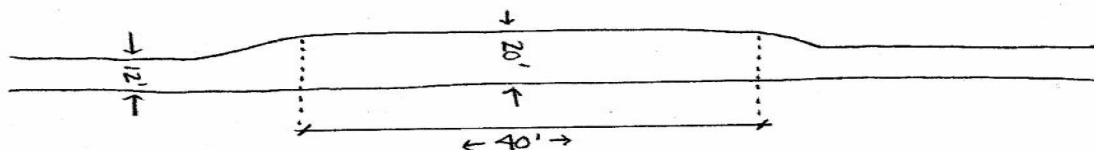
This importance of placing limitations on fencing is supported by the Friends of Columbia Gorge comments in the Hetzel/Fuentes application 2018 **921-18-000017-PLNG**.

*Pursuant to NSA LUDO 14.600© new fences in deer and elk winter range are allowed only where necessary to control livestock or pets, or to exclude wildlife from specific areas such as gardens. Fences must be minimum to meet the needs of the project applicant. If the proposed fence is in deer and elk winter range, the top wire must be no more than 42 inches high, the distance between the top two wires must be 1- inches apart, the bottom wire must be at least 16 inches above the ground, and must be smooth wire, stays or braces must be placed between fence posts to create a more rigid. Fence and woven wire must not be used as fencing material. Applicants must demonstrate a specific need for variance from these rules.*

## CHAPTER 11 FIRE SAFETY STANDARDS

### SECTION 11.140 Access Standards - Providing safe access to and escape from your home.

IF YOUR DRIVEWAY IS LONGER THAN 200 FEET, ARE TURNOUTS PROVIDED ALONG ITS LENGTH?



Turnouts need to be provided at least every 400 feet. Turn outs are intended to allow vehicles to pass safely, especially during an emergency. This should be kept in mind when siting the turnouts. Steeper slopes or tighter corners may require turnouts to be located closer than every 400 feet.

The requirement of “providing safe access to and escape from your home” is an important issue. As already noted, I have an easement that runs with the land giving me free and unencumbered access to my home using the driveway that spans from Huskey road through the Lopez property to the property line separating the Lopez property and my property to the north. This easement is 30’ wide. The current development plan does not specify the spacing of the proposed fence on the east and west sides of the driveway. A finding based upon Wasco County Development staff in their assessment on page 24 of the decision on the Hetzel/Fuentes application paid particular attention to safety access concerns related to my property. The proposed fencing in the Farm Management Plan specifically states that there will be no gate at the south end of the property where it intersects with Huskey Road. It does not state this at the north end where it provides access to my property. It should specifically state there will be no gates at either end of the driveway.

There are no turnouts proposed along the driveway. Because of the proposed farm use the probability that there will be other vehicles using the driveway, the decision should require the required turnouts.

### Summary:

The following list outlines in brief the significant problems associated with the development plan. It is a bullet point summary. Details are included in the above comments.

1. The filing of the application exceeds the required time period required for completeness and consideration should be given to whether or not it is a valid application.
2. The development plan is incomplete, and is inconsistent. I have identified numerous areas where the application is incomplete. It is also inconsistent in that there are differences in what is presented in the on-line application and what is presented in the Farm Management Plan. The development plan is also illegible, likely due in part to the amount of information being provided

at the scale it was drawn. To remedy this a larger scale additional site plan should be provided that allows adequate assessment of grading, visual impact, location of a standpipe, etc. There should also be a reapplication that is consistent in the site plan so that neighboring property owners can adequately determine what is being proposed so that concerns can be addressed.

3. The development plan does not allow the proposed development to be subordinate to the landscape.
4. The plan for development and animal grazing as proposed in the wetlands area should not be allowed as the adverse risks are too high.
5. There is inadequate acreage to graze the proposed number of animals which creates a high risk of destruction of the soils and erosion.
6. Fencing as proposed does not meet the required criteria and should not be allowed.
7. The development plan for the driveway is inadequate to ensure fire and emergency safety.
8. The development plan must allow a 30' minimum clearance to be in compliance with the easement.
9. There should be a requirement to restore the woodland portion of the property to its prior health.

## **Appendix A**

### **From minutes of Mosier Watershed Council January 2020**

#### **Surface Water Monitoring Group Discussion**

Bryce initiated the conversation by sharing how he and Kris have been wanting the council to have an open discussion about the correlation of our creeks and anything that folks have noticed (water quality concerns) that the watershed council could help landowners address. The council has spent a majority of our focus addressing groundwater concerns and thought this would be a great time to also look closer at our surface waters. There are many different reasons to evaluate our creeks. Todd added that a good way to measure the chemistry of the creek is to evaluate how many times it's used before it goes to the Columbia; gathering baseline data to assess areas of improvement. Todd has been gathering *E.coli* and bacteria levels in Mosier Creek for the past several years, and has volunteered to share that information with the council on an annual basis. There are many causes of *E.coli* being present in streams including: flushing during a Summer rain event; livestock in or near the stream; and human contamination. Not just including *E.coli* there are a whole range of parameters that can be measured to investigate water quality. Abbie shared the efforts that The Dalles Watershed Council has been involved with over the past 10 years addressing water quality concerns in

Mill Creek. Susan stated, she is not very knowledgeable of how to be a good steward of the creek. She added that having knowledge of what to do to "do her part" would be very valuable. Council members agreed that providing educational materials to the public would be very beneficial. Karen Lamson added that the Conservation Riparian Enhancement Program has an assessment tool that is used by conservation technicians to look at the landowner's land and quality conditions of the stream. Discussion ensued.

The council members agreed to have Abbie seek out funding to add Mosier Creek monitoring to the current ODA Water Quality Monitoring Plan that is administered through the SWCD. Pete volunteered to work with Todd, Bryce and Abbie to develop a monitoring plan. Part of that plan will be to develop a Sampling Analysis Plan (SAP) and submit to DEQ for their Volunteer Water Quality Monitoring Program in hopes of having monitoring supplies donated. The newly formed Water Quality subcommittee will also find out what data is already available and add that information to the watershed council website so it is accessible to the public.

# Appendix B: Endangered Species Lists for Mosier Watershed including species migrating through Columbia River (US Fish and Wildlife Service, December 26, 2001)

## ATTACHMENT A

### FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES, AND CANDIDATE SPECIES THAT MAY OCCUR WITHIN THE AREA OF THE MOSIER WATERSHED ASSESSMENT PROJECT 1-7-02-SP-110

#### LISTED SPECIES<sup>17</sup>

##### Mammals

Canada lynx <sup>20</sup>	<i>Lynx canadensis</i>	T
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##### Birds

Bald eagle <sup>3</sup>	<i>Haliaeetus leucocephalus</i>	T
Northern spotted owl <sup>40</sup>	<i>Strix occidentalis caurina</i>	CH T

##### Fish

Steelhead (Middle Columbia River) <sup>50</sup>	<i>Oncorhynchus mykiss</i>	**T
Steelhead (Upper Columbia River) <sup>60</sup>	<i>Oncorhynchus mykiss</i>	**E
Steelhead (Snake River Basin) <sup>60</sup>	<i>Oncorhynchus mykiss</i>	**T
Sockeye salmon	<i>Oncorhynchus nerka</i>	CH **E
Salmon River tributary to the Snake River, Idaho		
Chinook salmon (Upper Columbia River) <sup>70</sup>	<i>Oncorhynchus tshawytscha</i>	**E
Chinook salmon	<i>Oncorhynchus tshawytscha</i>	CH **T
S Snake River spring/summer runs		
Chinook salmon	<i>Oncorhynchus tshawytscha</i>	CH **T
S Snake River fall runs		
Bull trout (Columbia River pop) <sup>80</sup>	<i>Salvelinus confluentus</i>	T

#### PROPOSED SPECIES

##### Fish

Coastal cutthroat trout	<i>Oncorhynchus clarki clarki</i>	PT
(Southwestern Washington/Columbia River)		

#### CANDIDATE SPECIES<sup>90</sup>

##### Birds

Yellow-billed cuckoo <sup>100</sup>	<i>Coccyzus americanus</i>
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##### Amphibians and Reptiles

Oregon spotted frog	<i>Rana pretiosa</i>
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##### Fish

Coho salmon (Lower Columbia River) <sup>110</sup>	<i>Oncorhynchus kisutch</i>	**CF
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# Developing a Successful Riparian-Wetland Grazing Management Plan for the Upper Ruby River Cattle and Horse Allotment in Southwestern Montana

Paul Hansen

## Introduction

The Upper Ruby Cattle and Horse Grazing Allotment lies in the Upper Ruby River drainage, a watershed of approximately 88,000 acres in southwestern Montana. The Allotment encompasses 43,261 acres within the Beaverhead National Forest. It is located approximately 35 air miles southeast of Sheridan, Montana. The Ruby River flows northward and is bounded by the Snowcrest Range to the west and the Gravelly Range to the east. To the south lies the Centennial Valley. The entire area has been grazed by livestock since the late 1800's. The landscape of the Upper Ruby River is characterized as having open grasslands and wet meadows, sagebrush and grass slopes, willow and aspen complexes, open conifer/grass stands, and dense coniferous forests. Topography is varied and includes the Ruby River bottoms, large open valley bottoms, high benches, open basins, and rough rocky mountainous terrain. Elevations range from 6,000 ft on the lower Ruby River to over 10,000 ft on the Gravelly crest.

Since the 1970 Allotment Management Plan (AMP) was implemented, a large number of interest groups have expressed concern. More recently; this concern has been elevated to the national level by the various parties. In 1990 the Beaverhead National Forest started to prepare an Environmental Impact Statement (EIS) for the allotment. The draft EIS became a focal point for the various groups.

The major concern with the Upper Ruby Cattle and Horse Grazing Allotment has been the health of the riparian zone. The historic use of the riparian zone along the Upper

Ruby River and its major tributaries has left much of it in a degraded state. The issue is complicated in that both allotted and nonallotted livestock trail along the main road which lies for most of its length immediately adjacent to the Upper Ruby River.

Cattle and sheep are trailed annually to and from the Upper Ruby, adjacent USDA Forest Service allotments, and private, State, and USDI Bureau of Land Management lands in the Centennial Valley. In the spring, approximately 2,919 cow/calf pairs of the Upper Ruby Allotment are trailed from home ranches to the Allotment. Also in the spring, an additional 2,450 nonallotted cow/calf pairs are trailed southward through the allotment to USDI Bureau of Land Management, State, and private lands in the Centennial Valley. In the fall, approximately 3,275 head of nonallotted cattle and 3,245 head of nonallotted sheep trail back through the Allotment. In addition, 2,919 head of cattle from the Upper Ruby Allotment trail back through the Allotment.

Paul Hansen is a Research Associate Professor in the School of Forestry at the University of Montana in Missoula. Dr. Hansen is a riparian-wetland ecologist and principal ecologist for the Montana Riparian Association. He has been working on riparian-wetland classification and management issues in the Northern Great Plains and Northern Rocky Mountain ecosystems for the past 15 years.

The fall trailing has historically taken place immediately before the opening of big game hunting. The fall is typically characterized as a time of increased precipitation when heavy rainfall or snowfall may occur at any time. The main road and livestock trail lie immediately adjacent to the Ruby River, the same location where many of the big game hunting camps are established. This has created a classic case of big game hunting vs. livestock managing.

In 1990 the Beaverhead National Forest began preparing an Environmental Impact Statement (EIS) for the Allotment. The draft EIS became a focal point for the various groups. All sides reached an impasse and wanted an independent third-party review of the Allotment and requested the Section 8 process. Within Montana, the Section 8 process represents a Memorandum of Understanding (MOU) between the Governor of the State of Montana and the Regional Forester of the USDA Forest Service regarding rangeland management issues such as allotment management plans (AMP). (The MOU was signed on May 31, 1990.) The USDA Forest Service has just recently started to develop a memorandum of understanding on a state-by-state basis in the West.

The Section 8 process can be invoked by either the USDA Forest Service or the grazing permittee(s). The process typically occurs after both sides have met an impasse and all other attempts, such as a Coordinated Resource Management Planning (CRMP) process, has failed. If technical concerns develop during the development or revision of an AMP, either the USDA Forest Service or the grazing permittee(s) can request that the Governor's representative become involved in the consultation. The USDA Forest Service, the permittee(s), and the Governor's representative then become the Core Consultation Group or Core Group. The Core Group then selects a Target Group to provide technical services. The issues, concerns, and resource values of the allotment determine the composition of the Target Group. The Target Group reviews existing data in a timely manner and identifies any additional data that will be needed to develop or revise the AMP plan. The Target Group can also

identify responsibilities for additional data collection. In order to resolve the issues in conflict, the Target Group will make recommendations that are based on a consensus. The comments on the recommendations of the Target Group are given to the Core Group. Any consensus reached by the Target Group must comply with applicable federal laws, policies, administrative orders, guidelines, etc. The recommendations of the Target Group are included in the environmental analysis and the National Environmental Policy Act (NEPA) documentation. The appropriate USFS line officer selects an alternative (NEPA decision) and approves the final AMP. If the permittee(s) disagrees with the line officer's decision, the permittee(s) retains the opportunity to appeal the decisions as provided in the appeal regulations.

In 1991, a Target Group was chosen that included Edward Ruppel, state geologist from Butte; Pat Currie, a range consultant from Miles City; Don Collins, a biologist from Montana State University; and myself, Paul Hansen, a riparian-wetland ecologist from The University of Montana. The Target Group prepared a draft set of recommendations. After a review of these recommendations by the Core Group, additional riparian-wetland technical information was requested. The Core Group felt this was necessary to support recommendations concerning riparian-wetland management and monitoring. The following discussion represents my recommendations on developing a riparian-wetland grazing management plan for the Upper Ruby Cattle and Horse Grazing Allotment. The same discussion is also applicable to riparian-wetland areas throughout the West.

## Background

Although the land area is small, riparian-wetland areas occupy a unique position in the landscape and life of the West with their importance far exceeding their total area. Riparian-wetland areas are important islands of diversity within extensive upland ecosystems. Abundant water, forage, and habitat attract a proportionately greater



amount of use and conflict than their small area would indicate. They are of prime importance to water quality, water quantity, stream stability, and fisheries habitat. They are vital to the livestock grazing industry and many are also well suited for development as high quality agricultural farmland. In addition, many riparian-wetland sites are excellent timber producing sites. Most sites provide critical habitat needs for many species and they support a greater concentration of wildlife species and activities than any other type of location on the landscape (Pfister and Batchelor 1984). Finally, riparian-wetland areas can be considered the "thread" that ties together all the other ecosystems. The importance of these areas as wildlife corridors can not be emphasized enough.

Riparian-wetland areas are defined as the green zones associated with lakes, reservoirs, estuaries, potholes, springs, bogs, fens, wet meadows, and ephemeral, intermittent, or perennial streams. The riparian-wetland zone occurs between the upland or terrestrial zone and the aquatic or deep water zone.

In contrast to their importance, riparian-wetland communities are among the least studied and least understood areas in terms of structure, function, and management. The riparian-wetland zone has often been overlooked, ignored, or considered a minor inclusion of the larger terrestrial or aquatic systems. Impacts from improper grazing, timber harvesting, road construction, and agricultural practices may drastically affect these communities. However, in general, riparian-wetland areas are among the most resilient ecosystems. Depending on the health of the site (condition) and potential of the site, riparian-wetland areas usually respond more quickly to changes in management than do drier upland sites.

## Identifying the Problem

The management of livestock grazing in riparian-wetland areas is one of the most difficult and complex issues facing the western rangeland manager today. Kinch (1989) and Clary and Webster (1989) found that in reviewing the literature and in discussions with range managers, it is apparent that no single grazing management system has as yet conclusively proven to result in consistent improvement of degraded riparian-wetland areas throughout western range. Many varying combinations of sites, resource health (condition), and impacts as well as the interaction of many different human perspectives are involved. Therefore, the grazing management strategy designed for an area should be tailored to the conditions, problems, site potential, objectives, and livestock management considerations on a site specific basis that will best meet the resource needs.

Moore and others (1979) summarized it best by stating "From the standpoint of

*"Livestock grazing is a compatible use in riparian-wetland areas when the functions of the riparian system (sediment filtering, streambank building, water storage, aquifer recharge, energy dissipation during storm events, etc.), potential of the site, and the needs of the riparian vegetation guide the development of the grazing management strategy."*

achieving livestock management objectives and minimizing soil, vegetation and water quality impacts, grazing management plans will vary. There is no set formula that will identify the type of grazing system or management plan that will be best for any livestock operation or

allotment. Water quality impact will be closely related to soil erosion and sedimentation, associated with vegetation cover and concentration of livestock grazing. The grazing system must be designed on the basis of soil and vegetation capabilities, water quality considerations and livestock and wildlife requirements."

Livestock grazing is a compatible use in riparian-wetland areas when the functions of the riparian system (sediment filtering, streambank building, water storage, aquifer recharge, energy dissipation during storm events, etc.), potential of the site, and the needs of the riparian vegetation guide the development of the grazing management strategy.

## Developing Management Objectives

Grazing management based only on objectives related to nonriparian-wetland areas (uplands) does not usually result in maintenance or improvement of riparian-wetland areas present in the same pasture or allotment. Therefore, where maintenance or improvement of riparian-wetland areas is desired, land use plan, activity plan objectives, and management prescriptions must be determined specifically for the riparian-wetland features while considering the needs of the entire watershed.

The establishment of specific objectives, description of the desired plant community, and selection of key species should be an interdisciplinary effort carried out in close cooperation with the range user. Objectives need to have realistic and attainable goals. They should be dictated by the present condition and trend of the riparian-wetland habitat in relation to management goals, the resource potential for change, and the importance of other resource values. Major considerations in establishing management objectives in riparian-wetland areas should include the following (Kinch 1989):

### Vegetation

1. The potential of the site (e.g., the riparian-wetland plant association).
2. The desired plant community.
  - If the potential of the site is woody vegetation, then the health and reproduction of woody vegetation should receive equal consideration as the herbaceous vegetation (depending on the riparian-wetland

objectives). If one of the objectives for a riparian-wetland area is streambank stability, then woody vegetation vigor should be of utmost importance due to the vastly different streambank stability protection afforded by the woody vegetation when compared to the herbaceous vegetation.

- The development and/or maintenance of different age classes (e.g., seedlings, saplings, poles, and mature for trees; seedlings, saplings, and mature age classes for shrubs) of the key woody plant species on the site in order to maintain a viable plant community. (Once again, only if the potential of the site is for woody vegetation.)

- The type of vegetation cover necessary to minimize trampling damage and reduce the erosive effects of run-off events.

- The vegetation structure necessary for wildlife cover diversity.

3. The stabilization of streambanks and elimination of bank hoof shearing.

4. The value of the site for forage production.

5. The amount of vegetation stubble required to trap and hold sediment deposits during run-off events to rebuild streambanks and restore/recharge aquifers. It is important to realize that on streams with high gradients and low silt loads, it is more difficult to improve them than those with low gradients and high silt loads (e.g., mud management).

### Water Quality/Quantity Issues

1. Raising the elevation of the present water table.

2. The improvement or maintenance of water quality and quantity or change in the timing of the flow.

### Streambank Stability

1. The establishment of proper stream channels, streambanks, and floodplain conditions and functions.

2. The maintenance of long term adjustment processes which may affect channel/riparian-wetland zone conditions. These processes include sediment deposition, streambank development, floodplain development, and stream dynamics (meandering).

#### Wildlife

1. The improvement or maintenance of the fishery habitat.

2. The importance of the riparian-wetland community to riparian-wetland dependent wildlife and to wildlife species that occur primarily on upland sites but are periodically attracted to riparian-wetland areas.

#### Other

1. The aesthetic values of a healthy riparian-wetland zone.

2. The period of time which is acceptable or necessary for riparian-wetland rehabilitation/restoration.

3. The reduction of upland erosion and stream sediment load and the maintenance of soil productivity.

The proper management of livestock grazing in riparian-wetland areas requires a recognition that:

- grazing management practices which improve or maintain upland sites may not be good management practice for riparian-wetland areas, and

- season-long grazing is not a viable option to improve deteriorated riparian-wetland areas or to maintain a healthy riparian-wetland zone. Grazing management must provide for an adequate cover and height of vegetation on the streambanks and overflow zones to permit the natural stream functions (e.g., sediment filtering, streambank building, flood energy dissipation, aquifer recharge, and water storage) to operate successfully.

## Developing the Monitoring Plan

### Key Areas

As objectives are considered and developed for riparian-wetland areas, key areas for monitoring must be located in representative portions of the riparian-wetland areas as well as in the uplands. These key areas will serve as the location where appropriate monitoring will be conducted and where decisions will be made as to whether management objectives are being met or not. Key areas must possess (or have the potential to produce) all the specific elements in the objective(s) because these will provide data for evaluation of management efforts. In many cases, it is appropriate to select the key areas first and then develop objectives specific to each.

### Key Species

Key species will vary with the potential of each individual site. Key species should be selected which are necessary to the operation of the natural stream functions. The type of vegetation present will affect channel roughness and the dissipation of stream energy. Willows and other large woody vegetation (trees) filter large water-borne organic material, and their root systems provide streambank stabilization. Sedges, rushes, grasses, and forbs capture and filter out the finer materials while their root masses help stabilize streambanks and colonize filtered sediments. On sites where the potential exists for both woody and herbaceous vegetation, the cumulative effect of plant diversity greatly enhances stream function. Finally, it is essential that the physiological and ecological requirements of the key wood species, along with key herbaceous species, be understood so that a proper management program can be designed. This includes determining the effects of grazing/browsing on the particular growth characteristics of the species involved.

## Utilization Guidelines

Utilization targets guidelines are a tool that can be used to help insure that long-term objectives are met. Utilization can be monitored annually, or more often, whereas progress in reaching long-term resource objectives such as streambank stabilization, rebuilding of the streamside aquifer, and the re-establishment of beaver, fish, or moose habitat can only be determined over a longer period of time. The accomplishment of these long term objectives relates directly or indirectly to the need to leave a certain amount of vegetation available for other uses (soil stabilization, trapping sediment, wildlife cover, or forage, etc.). Utilization monitoring provides a means of insuring that the necessary amount of vegetation is left to protect the site and provide for reaching other vegetation-dependent objectives.

The establishment of utilization targets for riparian-wetland key plant species and the management of grazing to insure these targets are met are critical factors involved in proper riparian-wetland area management. It is important to remember that without proper livestock distribution, utilization targets in riparian-wetland zones will usually be reached much sooner than those in adjacent uplands. The establishment of utilization targets requires that the manager know the growth habitats and characteristics of the important plant species for which they are managing and how the plant species respond to grazing and browsing.

The manager must know the characteristics, preferences, and requirements of the grazing /browsing animals. Therefore, utilization targets should be developed for riparian-wetland areas that:

- Will maintain both herbaceous species and woody species (where present) in a healthy and vigorous state and promote their ability to reproduce and maintain different age classes in the desired riparian-wetland plant community.
- Will leave sufficient plant residue necessary to protect streambanks during run-off events and provide for adequate sediment

filtering, and dissipation of flood water energy.

- Are consistent with other resource values and objectives (e.g., aesthetics, water quality, water quantity, wildlife populations, etc.).
- Will limit streambank shearing and trampling to acceptable levels.

In many instances, proper utilization guidelines can only be derived over time through trial and error by monitoring, analyzing, and evaluating the results. Initial results may be different than expected. The manager should not hesitate to make changes in key species or utilization guidelines where required to meet objectives.

When establishing utilization targets to ensure riparian-wetland area improvements, guidelines should be considered that will provide a margin of safety for those years when production is less than average (Riparian Habitat Committee 1982). This could take the form of reduction in the utilization targets for both riparian-wetland and upland areas to provide additional carryover forage and vegetation necessary for streambank protection and sediment filtering. The importance of providing for adequate vegetation vigor and regeneration at the end of the growing season can not be emphasized enough.

Finally, due to the variation in riparian-wetland sites and management, one standard utilization target is not appropriate. However, utilization should be considered, together with regrowth potential, to ensure the presence of vegetation stubble necessary to the operation of natural stream functions or accomplishment of other land use objectives.

## Compliance And Supervision

Range management in riparian-wetland areas will require a greater level of management because livestock are attracted to riparian-wetland areas during certain seasons. Resource managers must work closely with users to insure that alternate water sources are functional, that fences are

maintained, that salt and supplements are located as required in the management plan, that essential riding and herding is done, that livestock are in the proper pasture at the proper time, and that the necessary vegetation stubble is left. It only takes a few weeks of unauthorized use or overgrazing to set back years of progress in improvements of riparian-wetland systems. Myers (1981) states "that compliance with grazing systems is critical. When livestock are moved from a management pasture, it is commonplace for a few animals to be overlooked. In one stream, annual use by a few head of unauthorized livestock throughout most of the hot season period has nullified positive riparian-wetland habitat responses in an otherwise excellent grazing systems." Therefore, compliance is one of the key issues in proper riparian-wetland management.

### Steps Necessary for a Successful Management Plan

The following steps are necessary in order to have a successful riparian-wetland grazing management plan (Kinch 1989, Skovlin 1984):

1. The grazing management designed for an area must be tailored to a particular site or stream reach. The management plan should include the following: a) determine the site potential(s), b) determine the existing vegetation type(s) (community type[s]), and c) determine the desired plant community or desired future condition. Determine the current health (e.g., condition) of the site or stream reach. Identify the factors contributing to undesirable habitat conditions (if applicable). Grazing must be managed to leave sufficient vegetation stubble on the banks and overflow zones to permit the natural functions of the stream to operate successfully. Define realistic and attainable management objectives for the site or stream reach. Those involved in the management of the area including the livestock user and the involved public (if applicable) should understand and agree on the problems and objectives to be addressed, as well as understand the changes which can occur, and how they can benefit from proper management and improvements in the riparian-wetland conditions. All parties

involved need to share the commitment to achieve the management objectives. Rangeland rest should be employed wherever and whenever possible. Implement the management plan. Design a monitoring plan that will evaluate the effectiveness of the management plan. Monitor the site or the stream reach over time. Grazing management must be flexible enough to accommodate changes based on experience. Mistakes need to be documented and not repeated elsewhere. Once the management is in progress, the most important element is frequent use of supervision. This is necessary to foresee and avoid adverse impacts (e.g., trampling damage to streambanks and excessive utilization). Determine the outcome of the management plan. If it is successful, then proceed with the existing management plan. If the plan was either a partial or complete failure, then modify the management objectives.



## Literature Cited

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Pfister, Robert D., and Ronald F. Batchelor. 1984. Montana riparian vegetation types. *Western Wildlands* 9(4):19-23. School of Forestry, University of Montana, Missoula, MT.

Riparian Habitat Committee--Western Division American Fisheries Society. 1982. The best management practices for the management and protection of western riparian stream ecosystems. American Fisheries Society, Western Division. 45 p.

Skovlin, J. M. 1984. Impacts of grazing on wetlands and riparian habitat: A review of our knowledge. *In: Developing Strategies for Rangeland Management*. Westview Press, Boulder, CO. pp. 1001-1104.

*"When man obliterates wilderness,  
he repudiates the evolutionary force  
that put him on this planet. In a deeply  
terrifying sense man is on his own."  
David Brower*



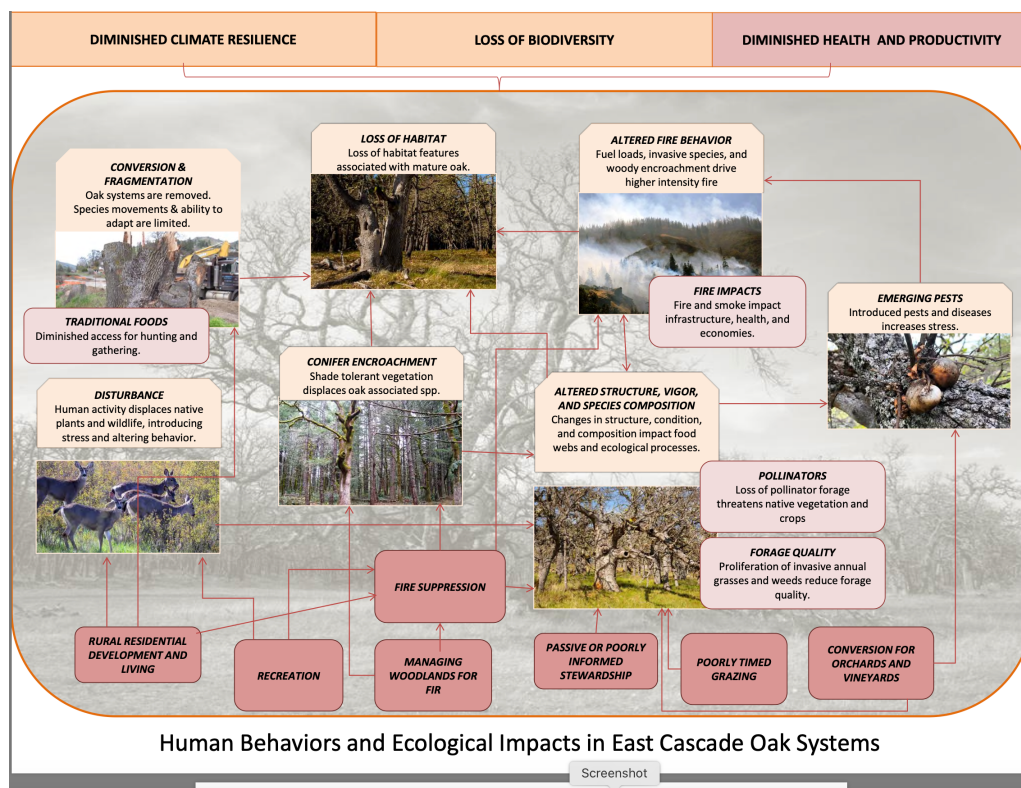
## Appendix D:

### East Cascades Oak Partnership update for September 2020 Watershed Council meeting

The East Cascades Oak Partnership (ECOP) is a group of people collaborating to leverage resources, share knowledge, and implement conservation strategies that will help protect vulnerable oak habitats, encouraging more sustainable human interactions and improving outcomes for people, oaks and wildlife. The partnership recognizes that relationships between public, private, tribal and nonprofit organizations and individuals are essential to protecting and restoring oak habitats in the region.

Over the past three years ECOP has been working on the development of a strategic action plan. The strategic plan effort has the support of over 150 partners, representing 29 public and private organizations and businesses, as well as dozens of private land owners. The result of the strategic planning process is that partners have agreed to focus our strategies around five high priority actions that are guiding the future direction of the group.

1. Protect the most intact, functional oak systems, connectivity and climate resiliency corridors on the landscape and manage for ecological stewardship
2. Establish and distribute best management practices to support positive outcomes in oak systems while advancing other private landowner management goals.
3. Develop conservation projects on a strong research, monitoring, and adaptive management framework.
4. Advocate for oak systems experiencing fir encroachment in existing fuels reduction program funding allocations, expand funding and partner capacity to implement release activities
5. Build and expand outreach and incentive programs that support oak system stewardship by rural residential landowners in core conservation areas, connectivity corridors, and buffers.



**Addendum to Czerniecki Comments:**

October 6, 2020

1. An additional component of my objection to the proposed development plan is the reference to the *50 foot diameter* round pen. The reference to this pen in the farm management plan is: "It can be taken apart and moved in about 20 minutes so it probably will be moved for some reason or another". This round pen is a structure and the vague reference to be moved for some reason or another is inadequate. It would be assumed that in a Farm Management Plan, there would be a clear idea of how the pen would be used, what criteria would be considered to move the pen, and where it might be moved to. Even if some flexibility is required the development plan and the farm management plan should define where it might be moved to and under what conditions it might be moved. This would allow individuals to comment on the impact of this structure.





Brent Bybee &lt;brentb@co.wasco.or.us&gt;

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## 921-19-000193-PLNG Fencing Question

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**Donnermeyer, Christopher -FS** <christopher.donnermeyer@usda.gov>

Tue, Jun 15, 2021 at 8:59 AM

To: Brent Bybee &lt;brentb@co.wasco.or.us&gt;

Hi Brent,

Since the railroad posts will require excavation, an archaeological monitor will need to be hired by the applicant. No monitoring will be needed for installation of t-posts.

Thanks,

Chris

**Chris Donnermeyer, MA, RPA**  
**Heritage Program Manager****Forest Service****Columbia River Gorge National Scenic Area****p: 541-308-1711****c: 541-288-8027**[christopher.donnermeyer@usda.gov](mailto:christopher.donnermeyer@usda.gov)[902 Wasco Ave. Suite 200](#)

Hood River, OR 97031

[www.fs.fed.us](http://www.fs.fed.us)**Caring for the land and serving people**

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**From:** Brent Bybee <brentb@co.wasco.or.us>**Sent:** Monday, June 7, 2021 8:23 AM**To:** Donnermeyer, Christopher -FS <christopher.donnermeyer@usda.gov>**Subject:** [External Email]Fwd: 921-19-000193-PLNG Fencing Question

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;

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Will S &lt;wills@co.wasco.or.us&gt;

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## Wasco Co., 02N 11E 11 #2200; RE: Notice of Land Use Action - Lopez

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**BROWN Jevra** <jevra.brown@state.or.us>

Thu, Jul 2, 2020 at 4:32 PM

To: Will S &lt;wills@co.wasco.or.us&gt;

Cc: TAYLOR Clara &lt;clara.taylor@state.or.us&gt;, EVANS Daniel &lt;Daniel.Evans@state.or.us&gt;, HARTMAN Heidi &lt;heidi.m.hartman@state.or.us&gt;, "jensis@co.wasco.or.us" &lt;jensis@co.wasco.or.us&gt;

Hi Will,

We have some history with this property. We have previous WLUNs for a horse barn and associated structures: WN2018-0267, WN2018-0397, and WN2019-0125. Please check the location of the proposed house and associated structures against the SWI mapping and submit a WLUN if appropriate.

Stay home, stay healthy,

Jevra Brown, Aquatic Resource Planner

Department of State Lands

Office (M-W) 503-986-5297; cell (Th-F) 503-580-3172; fax 503-378-4844

**Have you heard about the Statewide Wetlands Inventory update? [Learn More!](#)**

Messages to and from this e-mail address may be available to the public under Oregon Public Record Law.

Most of the Department of State Lands staff is currently teleworking to help prevent the spread of COVID-19.

**Customer Satisfaction Survey open until Monday June 29<sup>th</sup>**

Agencywide: <https://www.surveymonkey.com/r/OregonDSL>

ARM: [https://www.surveymonkey.com/r/DSL\\_waters](https://www.surveymonkey.com/r/DSL_waters)

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**From:** Will S <wills@co.wasco.or.us>

**Sent:** Thursday, July 2, 2020 8:54 AM

**To:** Cindy Miller <millerc@nwasco.k12.or.us>; Mike Renault <mike.renault@mosierfire.com>; jeffd@wascoelectric.com; EVANS Daniel <Daniel.Evans@state.or.us>; BROWN Jevra <jevra.brown@dsl.state.or.us>; Lane Magill <lanem@co.wasco.or.us>; scottw@co.wasco.or.us

**Subject:** Fwd: Notice of Land Use Action - Lopez

----- Forwarded message -----

From: **Jensi Smith** <jensis@co.wasco.or.us>

Date: Thu, Jul 2, 2020 at 8:34 AM

Subject: Notice of Land Use Action - Lopez

To: Nicole Bailey <nicoleba@ncphd.org>, Jaime Solars <jaimes@co.wasco.or.us>, Jesus Elias <Jesuse@ncphd.org>, Teri Thalhofer <TeriT@ncphd.org>, Building Codes <buildingcodes@co.wasco.or.us>, Jill Amery <jilla@co.wasco.or.us>, Adam Fourcade <adamf@co.wasco.or.us>, Melanie Brown <melanieb@co.wasco.or.us>, Marci Beebe <marcib@co.wasco.or.us>, Brandon Jones <brandonj@co.wasco.or.us>, Sheridan McClellan <sheridanm@co.wasco.or.us>, Arthur Smith <arthurs@co.wasco.or.us>, Jayme Kimberly <jaymek@co.wasco.or.us>, WOOD Robert L \* WRD <Robert.L.Wood@oregon.gov>, <ykahn@fhco.org>, HARTMAN Heidi

<heidi.m.hartman@state.or.us>, <shilah.olson@or.nacdn.net>, <Candres@osp.state.or.us>, Sue Vrilakas <sue.vrilakas@pdx.edu>, <jeremy.l.thompson@state.or.us>, <rod.a.french@state.or.us>, DODD Kristin \* ODF <Kristin.dodd@oregon.gov>, <kristen.stallman@odot.state.or.us>, <jthomps9999@yahoo.com>, <steve@gorgefriends.org>, Stephanie Krell <stephaniek@co.wasco.or.us>, Tyler Stone <tylers@co.wasco.or.us>, <rshoal@fs.fed.us>, <sacallaghan@fs.fed.us>, <permits@friends.org>, kfitzz77 <kfitzz77@gmail.com>, Gatz, Casey -FS <cgatz@fs.fed.us>, Donnermeyer, Christopher J -FS <cjdonnermeyer@fs.fed.us>, <connie.acker@gorgecommission.org>, <rowapplications@bpa.gov>, MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>, <ODOTR4PLANMGR@odot.state.or.us>, <Patrick.M.Cimmiyotti@odot.state.or.us>, DEHART Brad <bradley.k.dehart@odot.state.or.us>, <scott.peters@odot.state.or.us>, Jacob Powell <jacob.powell@oregonstate.edu>, <nakiaw@nezperce.org>, pat b <keithb@nezperce.org>, <robert.brunoe@ctwsbnr.org>, <THPO@ctwsbnr.org>, <pattyperry@ctuir.org>, Kristen Tiede <kristentiede@ctuir.org>, Sheila Dooley <sdooley3300@yahoo.com>, <casey\_barney@yakama.com>, Will S <wills@co.wasco.or.us>, Angie Brewer <angieb@co.wasco.or.us>

The Wasco County Planning Department has new information which has been updated on the webpage. Please visit the page to view the updated information for the following files. **Please note:** The comment deadline for this action is **4:00 PM, July 17, 2020.**

Lopez	921-19-000193-PLNG	A-2 (80) GMA	Scenic area review for a single family dwelling with accessory structure	2N11E11TL2200	Smith	Notice of Action Comment deadline July 17, 2020 at 4:00 pm
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### Wasco County Planning Department Website



**Jensi Smith | Planning Coordinator**

#### PLANNING DEPARTMENT

[jensis@co.wasco.or.us](mailto:jensis@co.wasco.or.us) | [www.co.wasco.or.us](http://www.co.wasco.or.us)

541-506-2697 | Fax 541-506-2561

2705 East Second Street | The Dalles, OR 97058

**NOTE: DUE TO COVID-19 CONCERNS THE PLANNING DEPARTMENT IS CURRENTLY RESTRICTING FACE TO FACE ASSISTANCE. WE ARE ACCEPTING APPLICATIONS BY MAIL AND INQUIRIES BY PHONE OR EMAIL UNTIL FURTHER NOTICE. EMAIL IS THE BEST METHOD FOR THE QUICKEST RESPONSE. THANK YOU!**

**Will Smith, AICP | Senior Planner**

#### PLANNING DEPARTMENT

[wills@co.wasco.or.us](mailto:wills@co.wasco.or.us) | [www.co.wasco.or.us](http://www.co.wasco.or.us)

7/7/2020

Wasco County Mail - Wasco Co., 02N 11E 11 #2200; RE: Notice of Land Use Action - Lopez



541-506-2560 | Fax 541-506-2561  
2705 East Second Street | The Dalles, OR 97058

**NOTE: DUE TO COVID-19 CONCERNS THE PLANNING DEPARTMENT IS CURRENTLY RESTRICTING FACE TO FACE ASSISTANCE. WE ARE ACCEPTING APPLICATIONS BY MAIL AND INQUIRIES BY PHONE OR EMAIL UNTIL FURTHER NOTICE.**

*This correspondence does not constitute a Land Use Decision per ORS 197.015.*

*It is informational only and a matter of public record.*

## Planning for the Future. Wasco County 2040.

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Will S &lt;wills@co.wasco.or.us&gt;

## RE: Notice of Land Use Action Wasco Co, 02N22E11#2200

**BROWN Jevra** <jevra.brown@state.or.us>  
 To: Will S <wills@co.wasco.or.us>  
 Cc: Brenda Coleman <brendac@co.wasco.or.us>

Thu, Sep 17, 2020 at 2:00 PM

Hi Will,

You might look at WN2019-0125 for the same site last year. It might be applicable for this activity since the only mapped SWI feature is an intermittent stream/wetland similar to what is represented on submitted site plan...especially if this is the same applicant. If applicant is different then giving them a copy of WN2019-0125 or submitting a new WLUN will be an educational opportunity -

Thanks,

Jevra Brown, Aquatic Resource Planner

Department of State Lands

Cell 503-580-3172

Checking for wetlands and waters? – Use the STATEWIDE WETLANDS INVENTORY

To help prevent the spread of COVID-19 many of the DSL staff are telecommuting.

**From:** Brenda Coleman <brendac@co.wasco.or.us>

**Sent:** Thursday, September 17, 2020 10:08 AM

**To:** Nicole Bailey <nicoleba@ncphd.org>; Jaime Solars <jaimes@co.wasco.or.us>; Jesus Elias <Jesuse@ncphd.org>; Shellie Campbell <shelliec@ncphd.org>; Building Codes <buildingcodes@co.wasco.or.us>; Jill Amery <jilla@co.wasco.or.us>; Adam Fourcade <adamf@co.wasco.or.us>; Melanie Brown <melanieb@co.wasco.or.us>; Marci Beebe <marcib@co.wasco.or.us>; Brandon Jones <brandonj@co.wasco.or.us>; Sheridan McClellan <sheridanm@co.wasco.or.us>; Arthur Smith <arthurs@co.wasco.or.us>; Jayme Kimberly <jaymek@co.wasco.or.us>; Robert.L.Wood@oregon.gov; ykahn@fhco.org; HARTMAN Heidi <Heidi.M.Hartman@dsl.state.or.us>; BROWN Jevra <jevra.brown@dsl.state.or.us>; TAYLOR Clara <clara.taylor@dsl.state.or.us>; shilah.olson@or.nacdn.net; Candres@osp.state.or.us; Sue Vrilakas <sue.vrilakas@pdx.edu>; THOMPSON Jeremy L <Jeremy.L.Thompson@state.or.us>; FRENCH Rod A <Rod.A.French@state.or.us>; Kristin.dodd@oregon.gov; Kristen Stallman <kristen.stallman@odot.state.or.us>; Jeff Thompson <jthomps9999@yahoo.com>; Steve McCoy <steve@gorgefriends.org>; Stephanie Krell <stephaniek@co.wasco.or.us>; Tyler Stone <tylers@co.wasco.or.us>; Robin Shoal <rshoal@fs.fed.us>; sacallaghan@fs.fed.us; permits@friends.org; Kathleen Fitzpatrick <kfitzz77@gmail.com>; Gatz, Casey -FS <cgatz@fs.fed.us>; Donnermeyer, Christopher J -FS <cjdonnermeyer@fs.fed.us>; connie.acker@gorgecommission.org; Bonneville Power <rowapplications@bpa.gov>; DONALD.MOREHOUSE@odot.state.or.us; ODOTR4PLANMGR@odot.state.or.us; Patrick Cimmiyotti <Patrick.M.Cimmiyotti@odot.state.or.us>; Bradley DeHart <bradley.k.dehart@odot.state.or.us>; Scott Peters <scott.peters@odot.state.or.us>; jacob.powell@oregonstate.edu; Nakia Williamson <nakiaw@nezperce.org>; Nez Perce Tribe <keithb@nezperce.org>; robert.brunoe@ctwsbnr.org; THPO@ctwsbnr.org; Confed Tribes of Umatilla <pattyperry@ctuir.org>; kristentiede@ctuir.org; Sheila Dooley <sdooley3300@yahoo.com>; casey\_barney@yakama.com  
**Cc:** William Smith <wills@co.wasco.or.us>; Angie Brewer <angieb@co.wasco.or.us>; Jensi Smith <jensis@co.wasco.or.us>

**Subject:** Notice of Land Use Action

The Wasco County Planning Department has new information which has been updated on the webpage. Please visit the page to view the updated information for the following files. **Please note:** The comment deadline for Planning Commission Agenda Packet

PC 1 - 137

this decision is **4:00 PM, October 7, 2020.**

Lopez	921-19-000193-PLNG AMENDED APPLICATION - Farm Management Plan	A-2 (80) GMA	Scenic area review for a single family dwelling with accessory structure	2N11E11TL2200	Smith	AMENDED Notice of Action Comment deadline October 7, 2020 at 4:00 pm
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**Brenda Coleman | Office Assistant**

**PLANNING DEPARTMENT**

[brendac@co.wasco.or.us](mailto:brendac@co.wasco.or.us) | [www.co.wasco.or.us](http://www.co.wasco.or.us)

541-506-2562 | Fax 541-506-2561

2705 East Second Street | The Dalles, OR 97058

***Email is the best way to reach me! In an effort to prevent, slow, and stop the spread of COVID-19 to our citizens and staff, our office will be limiting business to phone, email and online service. If you are not sure how to access services online, or you have a need that requires in-person assistance, please call our office at 541-506-2560 to discuss. Please keep in mind that response time may vary depending on staffing. Thank you for your patience during this time.***

*This correspondence does not constitute a Land Use Decision per ORS 197.015. It is informational only and a matter of public record.*





July 17, 2020

Will Smith, Senior Planner  
Wasco County Department of Planning and Economic Development  
2705 East Second Street  
The Dalles, Oregon 97058  
*via email*

**Re: Adrian Lopez's application #921-20-000193 to construct a single family dwelling and accessory building, and for after-the-fact approval of a well.**

Dear Mr. Smith:

Friends of the Columbia Gorge ("Friends") has reviewed and submits these comments on the above-referenced application. Friends is a non-profit organization with approximately 6,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends reviews and comments on all land use applications subject to the Wasco County National Scenic Area Land Use and Development Ordinance. These comments are intended to identify application requirements and resource protection standards, provide recommendations to the permitting agency and the public regarding legal requirements, and establish standing.

**Requests for after-the-fact approval must be reviewed as if the development has not taken place. Otherwise, landowners have no incentive to properly apply for permits and permittees have an incentive to violate the terms of their permits since relief will be available afterwards. As such, after-the-fact approval must be based upon the conditions on the ground prior to development even in instances of honest mistake.**

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Under section 2.080 of the Wasco County National Scenic Area Land Use and Development Ordinance (NSA-LUDO), a complete application is required prior to review. An application must not be accepted until any omissions or deficiencies have been corrected by the applicant. *Id.* Approval of a land use proposal not accompanied by a complete and adequate application violates the county's scenic area ordinance, denies the public any meaningful opportunity to comment on the proposed development, and results in a decision not based on substantial



evidence. Such a decision is subject to reversal, as held by the Gorge Commission unanimously in the *Eagle Ridge* case. CRGC No. COA-S-99-01 (June 22, 2001). It is similarly unlawful for the County to use conditions of approval to defer the submission of complete and adequate application materials. *Eagle Ridge* at 9–10.

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Each site plan must contain a map of the project area. NSA-LUDO § 14.020(B) contains a list of specific elements that must be included in site plan maps. Site plan maps must include the following required elements:

- North arrow
- Map scale
- Boundaries, dimensions, and size of the subject parcel
- Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel
- An illustration of the buildings and parking facilities on abutting parcels
- Bodies of water and watercourses
- Location and width and methods of improvement for all existing and proposed roads, driveways, trails and parking areas
- Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles, and lines, and outdoor lighting
- Location and depth of all proposed grading, filling, ditching, and excavating
- An indication of all existing and proposed point of ingress and egress and whether they are public or private
- Significant terrain features and landforms

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Pursuant to NSA-LUDO § 14.020(D), all applications must contain a detailed landscaping plan that must clearly illustrate the following elements:

- The location, height, and species of all existing trees and vegetation, with an indication of any vegetation that would be removed.
- The location, height, and species of individually proposed trees and vegetation groupings.
- The location of automatic sprinkler systems or other irrigation provisions to ensure the survival of any proposed screening vegetation.

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All applications must contain material samples for all exterior surfaces of proposed structures, including but not limited to the main portion of each structure, trim or secondary portions, roof, window frames, windowsills, window sashes, doors (including garage doors), and hooding for exterior lighting. NSA-LUDO § 14.020(C)

### ***Elevation Drawings***

Pursuant to NSA-LUDO § 14.020(E), applications for new structures must provide elevation drawings showing:

- the appearance of proposed structures, including both natural and finished grade, and
- the geometric exterior of the length and width of structures seen from a horizontal view.

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### ***Grading Plan***

For structural development that meets either or both of the following conditions, the application must include a grading plan containing the elements specified by NSA-LUDO § 14.020(F)(3):

- More than 100 cubic yards of grading on slopes exceeding 10 percent. NSA-LUDO § 14.020(F)(1).
- More than 200 cubic yards of grading on a site visible from key viewing areas. NSA-LUDO § 14.020(F)(2).

*Without the above-mentioned required information, neither the County nor any other reviewing agency can accurately evaluate the potential impacts of the development. In addition, this information is required in order to afford the public a meaningful opportunity to comment on the proposed development.*

### **Allowed Uses**

#### ***Accessory Buildings and Structures***

Buildings and structures accessory to a dwelling must be incidental and subordinate to the dwelling and located on the same parcel as the dwelling. NSA-LUDO § 1.200 (definition of “accessory structure/building”). All accessory buildings and structures with a footprint of at least 60 square feet, with a height of at least 10 feet, or located within the buffer zone of a riparian area must be reviewed under all applicable rules at NSA-LUDO Chapter 14 (scenic, cultural, natural, and recreational resources). NSA-LUDO § 3.100(E).

In most zones, the height of any individual accessory building must not exceed 24 feet and the combined footprints of all accessory buildings on a parcel must not exceed 1,500 square feet. This combined limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings. **If the parcel is larger than 10 acres and is located within an agricultural or forest zone, the combined footprints of all accessory buildings on the parcel must not exceed 2,500 square feet and the footprint of any individual accessory building must not exceed 1,500 square feet. The accessory structure in the application is listed as 30’x 50’ in one location and 40’x 50’ in another. If the accessory structure is in fact proposed as 40’x 50’, the structure exceeds the 1,500 square foot maximum footprint of any individual accessory building.**

#### ***Small-Scale Agriculture Zone***

The proposed project is located in a Small-Scale Agriculture zone in the General Management Area. NSA-LUDO § 3.130 specifies which uses are allowed in Small-Scale Agriculture zones.

Only one single-family dwelling is allowed per legally created parcel, and only if the development is consistent with all applicable rules protecting scenic, cultural, natural, and recreational resources. The applicant bears the burden of proving the legality of the parcel and the County has the responsibility of making a determination of the parcel’s legality prior to a decision.

### **Resource Impact Review**

#### ***Scenic Resource Protection***

NSA-LUDO §§ 14.100 and 14.200 contain the scenic resource protection standards for the General Management Area. Whether or not the parcel is visible from key viewing areas (KVAs),

new buildings and roads must be sited and designed to retain existing topography and to reduce grading to the maximum extent possible. NSA-LUDO § 14.100(B). New buildings must be generally compatible with the general scale of existing nearby development. For purposes of determining compatibility, the height, dimensions (*i.e.*, length, width, and footprint), and visible mass of the proposed building must each be evaluated. NSA-LUDO § 14.100(C).

#### *Key Viewing Areas*

The subject parcel may be visible from key viewing areas such as the Historic Columbia River Highway, SR-14, and the Columbia River. If so, then the following rules apply:

- New buildings and roads must be sited so that they are visually subordinate to their settings as seen from KVAs. In determining the least visible site, existing topography and vegetation must be given priority over artificial means of screening. NSA-LUDO § 14.200(R)(4).
- The existing tree cover screening the development area on the subject parcel from KVAs shall be retained except as necessary for site development or fire safety purposes. NSA-LUDO § 14.200(H).
- New buildings and roads must be sited and designed to minimize grading activities and visibility of cut banks and fill slopes from KVAs. NSA-LUDO § 14.200(D).
- The County must evaluate all aspects of the development, including size, height, shape, color, reflectivity, landscaping, and siting, to ensure that the development will be visually subordinate. NSA-LUDO § 14.200(A)(2).
- Exterior colors must be dark earth-tones found at the specific site or in the surrounding landscape. Actual specific colors meeting this standard must be proposed in the land use application. Colors that are not expressly approved by a land use decision may not be used. 14.200(I).
- The County must evaluate the number of KVAs from which the development site is visible; the amount of area of the building site exposed to KVAs; the degree of existing vegetation providing screening; the distance from the building site to the KVAs; and, for linear KVAs such as roads, the linear distance along which the site is visible. NSA-LUDO § 14.200(A)(1).
- The County must evaluate the potential cumulative visual effects of the proposed development. NSA-LUDO § 14.200(L). This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided. 16 USC 544(a)(3).
- New buildings are not allowed on sites with slopes greater than 30 percent. NSA-LUDO § 14.200(H).
- The silhouette of new buildings must remain below the skyline of bluffs, cliffs, or ridges as seen from KVAs. NSA-LUDO § 14.200(E).
- Unless the building site is fully screened from all key viewing areas by existing topography, building materials must be nonreflective or low-reflective. NSA-LUDO § 14.200(J).

**New development must be sited on the parcel in the location that best achieves visual subordination as seen from KVAs, using existing topography and vegetation for screening before requiring new screening measures.**

*If the proposed development cannot be conditioned to ensure that the development will achieve visual subordination, then the County must deny the application. This requirement was upheld by*

*the Oregon Supreme Court in its ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm'n, 346 Or 366, 213 P3d 1164 (2009) ("If the applicant does not or cannot sufficiently alter the proposal to satisfy the [scenic resource protection guidelines], permission to carry out the proposed activity must be denied"). Consequently, if the project would reduce visibility "to the maximum extent practicable" but not achieve visual subordination the application must be denied.*

#### *Landscape Setting*

NSA-LUDO § 14.400 specifies the standards for compatibility of development with the landscape setting in the GMA. Generally, new development in all landscape settings must be compatible with the general scale (height, dimensions, overall mass) of similar development in the vicinity.

This development is proposed in an Oak-Pine Woodland landscape setting. If the parcel is visible from KVAs, at least half of all new screening trees must be native and coniferous. For portions with fewer trees, (1) structures must be sited on portions of the property that provide maximum screening from KVAs, using existing topographic features; (2) patterns of screening vegetation plantings must match the character of the surrounding area; and (3) buildings and roads must be clustered together, particularly toward the edges of existing open areas. Structure height must remain below the tree canopy level. NSA-LUDO § 14.400(C).

#### *Natural Resource Protection*

##### *Cumulative Adverse Effects*

The County must determine if there would be "[a] reasonable likelihood of more than moderate adverse consequence for the scenic, cultural, recreation or natural resources of the scenic area" considering the context of the proposal, the intensity of the proposal (including magnitude, duration, and likelihood of reoccurrence), other similar actions that may cumulatively lead to "more than moderate adverse consequences," and any proposed mitigation measures. NSA-LUDO § 1.200 (Definition of "Adversely affect or Adversely affecting"). No adverse effects to wetlands, streams, ponds, lakes, and riparian areas, and their buffer zones are allowed. NSA-LUDO §§ 14.600(A)(7), (B)(6). In addition, there may be no adverse effects to sensitive plants and wildlife areas within 1000 feet of the project area. NSA-LUDO §§ 14.600(C)(3)(i), (D)(3)(d).

##### *Water Resources*

NSA-LUDO § 14.600 contains the standards for projects that may affect streams, ponds, lakes, wetlands, or other riparian areas in the General Management Area. If one or more of these resources is present on or adjacent to the subject parcel, then the applicant must determine the *exact* location of the water resource boundary. NSA-LUDO §§ 14.600(A)(2)(c), (B)(2)(b). In addition, the following buffer zones apply:

- Perennial streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A perennial stream is a stream that flows year-round during years of normal precipitation. NSA-LUDO § 1.200.
- Special streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A special stream is a stream that is a primary water supply for a fish hatchery or rearing pond. NSA-LUDO § 1.200.
- Intermittent streams used by anadromous or resident fish: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1).

- Intermittent streams not used by anadromous or resident fish: 50 feet. NSA-LUDO § 14.600(B)(2)(a)(2).
- Wetlands, lakes, and ponds in forest vegetation communities: 75 feet. NSA-LUDO § 14.600(A)(3)(c)(1). A forest vegetation community is characterized by trees with an average height of at least 20 feet, along with a shrub component. The trees and shrubs must form a canopy cover of at least 40 percent. NSA-LUDO § 14.600(A)(3)(b)(1).
- Wetlands, lakes, and ponds in shrub vegetation communities: 100 feet. NSA-LUDO § 14.600(A)(3)(c)(2). A shrub vegetation community is characterized by shrubs and trees with an average height between 3 feet and 20 feet. The trees and shrubs must form a canopy cover of at least 40 percent. NSA-LUDO § 14.600(A)(3)(b)(2).
- Wetlands, lakes, and ponds in herbaceous vegetation communities: 150 feet. NSA-LUDO § 14.600(A)(3)(c)(3). A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines. NSA-LUDO § 14.600(A)(3)(b)(3).

Buffer zones must be untouched and maintained in their natural condition. NSA-LUDO §§ 14.600(A)(3)(d), (B)(2)(d).

### *Sensitive Wildlife Resources*

NSA-LUDO § 14.600(C) contains the standards for projects in the GMA that may affect sensitive wildlife resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive wildlife area or site. This includes the following areas:

- habitat for wildlife species that are listed as endangered, threatened, sensitive, or candidate by the federal government or by the State of Oregon
- habitat for elk, mountain goat, great blue heron, osprey, golden eagle, or prairie falcon
- deer and elk winter range
- pika colony areas
- waterfowl areas
- shallow water fish habitat in the Columbia River
- sturgeon spawning areas
- tributary fish habitat
- streams that are primary water supplies for fish hatcheries or rearing ponds
- wetlands, mudflats, shallow water, or riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles

NSA-LUDO §§ 1.200 (definition of “sensitive wildlife species”), 14.600(C)(1)(b).

If the proposed project is within 1,000 feet of one of these areas, the County must transmit the application to the Oregon Department of Fish and Wildlife, which will review the application to determine the precise locations of wildlife habitat and activities, as well as potential impacts to wildlife areas or sites. As part of its review, Oregon DFW may in its discretion conduct site visits. NSA-LUDO § 14.410(C)(3).

If the County, in consultation with ODFW, concludes that the proposed project is likely to adversely affect a sensitive wildlife area or site and that the impacts cannot be eliminated through site plan modifications or project timing, then the applicant must prepare a wildlife management plan. NSA-LUDO § 14.410(C)(5). The plan will provide a basis for the applicant to redesign the project in a manner that protects sensitive wildlife areas and sites, maximizes his or her development options, and mitigates temporary impacts to the wildlife area or buffer zone. *Id.*

A wildlife management plan, prepared by a professional biologist hired by the applicant, includes the following:

- relevant background, such as biology of the species, characteristics of the subject parcel, and regulatory protection and management guidelines
- delineation of core habitat
- wildlife buffer zones
- an indication of the size, scope, configuration or density, and timing of all new uses within core habitat
- rehabilitation and enhancement actions
- a 3-year monitoring plan for federal or state listed species

*Id.*

#### *Fences*

Pursuant to NSA-LUDO § 14.600(C), new fences in deer and elk winter range are allowed only where necessary to control livestock or pets, or to exclude wildlife from specific areas, such as gardens. Fenced areas must be the minimum necessary to meet the needs of the project applicant. **If the proposed fence is in deer and elk winter range, the top wire must be no more than 42 inches high**, the distance between the two top wires must be at least 10 inches apart, the bottom wire must be at least 16 inches above the ground and must consist of smooth wire, stays or braces must be placed between fence posts to create a more rigid fence, and woven wire may not be used as fencing material. Applicants must demonstrate a specific need for any variance from these rules.

#### *Sensitive Plant Species*

NSA-LUDO § 14.600(D) contains the standards for projects in the GMA that may affect sensitive plant resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive plant species. This includes the following plant species:

- species endemic to the Columbia River Gorge and vicinity
- species listed as endangered or threatened by federal or state authorities, including the Oregon Natural Heritage Program

NSA-LUDO §§ 1.200 (definition of “sensitive plant species”), 14.600(D)(1)(a).

If the proposed project is within 1,000 feet of such a species, the next step is for the applicant to prepare a more detailed site plan map at a scale of at least one inch equals 100 feet (1:1,200).

NSA-LUDO § 14.600(D)(4)(a). The County must transmit the more detailed map to the Oregon Natural Heritage Program, which will review the application to determine if the project could affect sensitive plants. ONHP must identify the precise location of the affected plants and must delineate a 200-foot buffer zone to protect these plants. NSA-LUDO § 14.600(D)(4)(c)(2). Buffer zones must be maintained in an undisturbed, natural condition.

**If one of the following uses is proposed, then a field survey must be prepared by a professional wildlife biologist hired by the applicant:**

- **communications, water and sewer, and natural gas transmission lines, pipes, etc.**

**NSA-LUDO § 14.410(C)(4)(b).**

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## ***Cultural Resource Protection***

*Pursuant to the Oregon Supreme Court ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm'n, 346 Or 366, 213 P3d 1164 (2009), County land use decisions must protect against cumulative adverse effects to cultural resources. Pursuant to this ruling, the County must review whether the proposed development would contribute to cumulative adverse impacts to cultural resources. This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided.*

NSA-LUDO § 14.500 contains the standards for protection of cultural resources in the General Management Area.

If a use is proposed within 500 feet of a known cultural resource, the Gorge Commission is responsible for preparing a cultural resource reconnaissance survey and report. NSA-LUDO § 14.500(B)(3). For any other small-scale use, a reconnaissance survey need not be prepared if the area has a low probability of containing cultural resources, as determined by the Columbia River Gorge Commission and United States Forest Service. Reconnaissance surveys and reports must comply with the standards found at NSA-LUDO § 14.500(C).

### ***Significant Cultural Resources***

If a cultural resource is identified, it must be evaluated for significance. NSA-LUDO § 14.500(D)(2). If the resource is determined to be significant, the County must determine whether the project is likely to adversely affect the resource. NSA-LUDO § 14.500(D)(4). If the County concludes that the project would have an adverse effect on a significant cultural resource, then a mitigation plan must be prepared and reviewed pursuant to section 14.500(F).

## **Conditions of Approval**

All conditions of approval must be entered into the deeds of the affected parcels and registered with the county.

## **Conclusion**

Thank you for this opportunity to comment.

Sincerely,



Steven D. McCoy  
Staff Attorney



October 7, 2020

Will Smith, Senior Planner  
Wasco County Department of Planning and Economic Development  
2705 East Second Street  
The Dalles, Oregon 97058  
*via email*

**Re: Adrian Lopez's revised application #921-19-000193 to construct a single family dwelling and agricultural building, and for after-the-fact approval of a well.**

Dear Mr. Smith:

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*Without the above-mentioned required information, neither the County nor any other reviewing agency can accurately evaluate the potential impacts of the development. In addition, this information is required in order to afford the public a meaningful opportunity to comment on the proposed development.*

### **Allowed Uses**

#### ***Small-Scale Agriculture Zone***

The proposed project is located in a Small-Scale Agriculture zone in the General Management Area. NSA-LUDO § 3.130 specifies which uses are allowed in Small-Scale Agriculture zones. Only one single-family dwelling is allowed per legally created parcel, and only if the development is consistent with all applicable rules protecting scenic, cultural, natural, and recreational resources. The applicant bears the burden of proving the legality of the parcel and the County has the responsibility of making a determination of the parcel's legality prior to a decision.

Agricultural buildings and structures must be located on a farm or ranch; must be proposed in conjunction with a **current** agricultural use; and must be used for the storage, repair, and maintenance of farm equipment and supplies, or for the raising and/or storage of crops and livestock. NSA-LUDO § 1.200 (definition of "agricultural structure/building"), NSA-LUDO § 3.120(D)(3), (D)(4). An "agricultural use," as defined at NSA-LUDO § 1.200, means the current employment of land for the primary purpose of obtaining a monetary profit by one or more of the following practices:

- the raising, harvesting, and selling of crops, including Christmas trees;
- the feeding, breeding, management, and sale or production of livestock, poultry, fur-bearing animals or honeybees (not including livestock feed lots);
- dairying and the sale of dairy products;
- any other agricultural or horticultural use.

Pursuant to NSA-LUDO § 3.120(D)(4), the size of agricultural buildings must not exceed the size needed to serve the current agricultural use (and, if applicable, any proposed agricultural uses). All applications for agricultural buildings must contain the following information:

- A description of the size and characteristics of current agricultural uses.
- If any new agricultural uses are proposed, a plan specifying the types, locations, and schedules of such uses and details regarding any agricultural structures that would support the uses.
- A floor plan showing the intended uses of the agricultural building (*e.g.*, space for equipment, supplies, agricultural products, livestock).

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## **Resource Impact Review**

### ***Scenic Resource Protection***

NSA-LUDO §§ 14.100 and 14.200 contain the scenic resource protection standards for the General Management Area. Whether or not the parcel is visible from key viewing areas (KVAs), new buildings and roads must be sited and designed to retain existing topography and to reduce grading to the maximum extent possible. NSA-LUDO § 14.100(B). New buildings must be generally compatible with the general scale of existing nearby development. For purposes of determining compatibility, the height, dimensions (*i.e.*, length, width, and footprint), and visible mass of the proposed building must each be evaluated. NSA-LUDO § 14.100(C).

### ***Key Viewing Areas***

The subject parcel may be visible from key viewing areas such as the Historic Columbia River Highway, SR-14, and the Columbia River. If so, then the following rules apply:

- New buildings and roads must be sited so that they are visually subordinate to their settings as seen from KVAs. In determining the least visible site, existing topography and vegetation must be given priority over artificial means of screening. NSA-LUDO § 14.200(R)(4).
- The existing tree cover screening the development area on the subject parcel from KVAs shall be retained except as necessary for site development or fire safety purposes. NSA-LUDO § 14.200(H).
- New buildings and roads must be sited and designed to minimize grading activities and visibility of cut banks and fill slopes from KVAs. NSA-LUDO § 14.200(D).
- The County must evaluate all aspects of the development, including size, height, shape, color, reflectivity, landscaping, and siting, to ensure that the development will be visually subordinate. NSA-LUDO § 14.200(A)(2).
- Exterior colors must be dark earth-tones found at the specific site or in the surrounding landscape. Actual specific colors meeting this standard must be proposed in the land use application. Colors that are not expressly approved by a land use decision may not be used. 14.200(I).
- The County must evaluate the number of KVAs from which the development site is visible; the amount of area of the building site exposed to KVAs; the degree of existing vegetation providing screening; the distance from the building site to the KVAs; and, for linear KVAs such as roads, the linear distance along which the site is visible. NSA-LUDO § 14.200(A)(1).
- The County must evaluate the potential cumulative visual effects of the proposed development. NSA-LUDO § 14.200(L). This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided. 16 USC 544(a)(3).
- New buildings are not allowed on sites with slopes greater than 30 percent. NSA-LUDO § 14.200(H).
- The silhouette of new buildings must remain below the skyline of bluffs, cliffs, or ridges as seen from KVAs. NSA-LUDO § 14.200(E).
- Unless the building site is fully screened from all key viewing areas by existing topography, building materials must be nonreflective or low-reflective. NSA-LUDO § 14.200(J).

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**New development must be sited on the parcel in the location that best achieves visual subordination as seen from KVAs, using existing topography and vegetation for screening before requiring new screening measures.**

*If the proposed development cannot be conditioned to ensure that the development will achieve visual subordination, then the County must deny the application. This requirement was upheld by the Oregon Supreme Court in its ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm'n, 346 Or 366, 213 P3d 1164 (2009) ("If the applicant does not or cannot sufficiently alter the proposal to satisfy the [scenic resource protection guidelines], permission to carry out the proposed activity must be denied"). Consequently, if the project would reduce visibility "to the maximum extent practicable" but not achieve visual subordination the application must be denied.*

#### *Landscape Setting*

NSA-LUDO § 14.400 specifies the standards for compatibility of development with the landscape setting in the GMA. Generally, new development in all landscape settings must be compatible with the general scale (height, dimensions, overall mass) of similar development in the vicinity.

This development is proposed in an Oak-Pine Woodland landscape setting. If the parcel is visible from KVAs, at least half of all new screening trees must be native and coniferous. For portions with fewer trees, (1) structures must be sited on portions of the property that provide maximum screening from KVAs, using existing topographic features; (2) patterns of screening vegetation plantings must match the character of the surrounding area; and (3) buildings and roads must be clustered together, particularly toward the edges of existing open areas. Structure height must remain below the tree canopy level. NSA-LUDO § 14.400(C).

#### *Natural Resource Protection*

##### *Cumulative Adverse Effects*

The County must determine if there would be "[a] reasonable likelihood of more than moderate adverse consequence for the scenic, cultural, recreation or natural resources of the scenic area" considering the context of the proposal, the intensity of the proposal (including magnitude, duration, and likelihood of reoccurrence), other similar actions that may cumulatively lead to "more than moderate adverse consequences," and any proposed mitigation measures. NSA-LUDO § 1.200 (Definition of "Adversely affect or Adversely affecting"). No adverse effects to wetlands, streams, ponds, lakes, and riparian areas, and their buffer zones are allowed. NSA-LUDO §§ 14.600(A)(7), (B)(6). In addition, there may be no adverse effects to sensitive plants and wildlife areas within 1000 feet of the project area. NSA-LUDO §§ 14.600(C)(3)(i), (D)(3)(d).

##### *Water Resources*

NSA-LUDO § 14.600 contains the standards for projects that may affect streams, ponds, lakes, wetlands, or other riparian areas in the General Management Area. If one or more of these resources is present on or adjacent to the subject parcel, then the applicant must determine the *exact* location of the water resource boundary. NSA-LUDO §§ 14.600(A)(2)(c), (B)(2)(b). In addition, the following buffer zones apply:

- Perennial streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A perennial stream is a stream that flows year-round during years of normal precipitation. NSA-LUDO § 1.200.

- Special streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A special stream is a stream that is a primary water supply for a fish hatchery or rearing pond. NSA-LUDO § 1.200.
- Intermittent streams used by anadromous or resident fish: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1).
- Intermittent streams not used by anadromous or resident fish: 50 feet. NSA-LUDO § 14.600(B)(2)(a)(2).
- Wetlands, lakes, and ponds in forest vegetation communities: 75 feet. NSA-LUDO § 14.600(A)(3)(c)(1). A forest vegetation community is characterized by trees with an average height of at least 20 feet, along with a shrub component. The trees and shrubs must form a canopy cover of at least 40 percent. NSA-LUDO § 14.600(A)(3)(b)(1).
- Wetlands, lakes, and ponds in shrub vegetation communities: 100 feet. NSA-LUDO § 14.600(A)(3)(c)(2). A shrub vegetation community is characterized by shrubs and trees with an average height between 3 feet and 20 feet. The trees and shrubs must form a canopy cover of at least 40 percent. NSA-LUDO § 14.600(A)(3)(b)(2).
- Wetlands, lakes, and ponds in herbaceous vegetation communities: 150 feet. NSA-LUDO § 14.600(A)(3)(c)(3). A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines. NSA-LUDO § 14.600(A)(3)(b)(3).

Buffer zones must be untouched and maintained in their natural condition. NSA-LUDO §§ 14.600(A)(3)(d), (B)(2)(d).

#### *Sensitive Wildlife Resources*

NSA-LUDO § 14.600(C) contains the standards for projects in the GMA that may affect sensitive wildlife resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive wildlife area or site. This includes the following areas:

- habitat for wildlife species that are listed as endangered, threatened, sensitive, or candidate by the federal government or by the State of Oregon
- habitat for elk, mountain goat, great blue heron, osprey, golden eagle, or prairie falcon
- deer and elk winter range
- pika colony areas
- waterfowl areas
- shallow water fish habitat in the Columbia River
- sturgeon spawning areas
- tributary fish habitat
- streams that are primary water supplies for fish hatcheries or rearing ponds
- wetlands, mudflats, shallow water, or riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles

NSA-LUDO §§ 1.200 (definition of “sensitive wildlife species”), 14.600(C)(1)(b).

If the proposed project is within 1,000 feet of one of these areas, the County must transmit the application to the Oregon Department of Fish and Wildlife, which will review the application to determine the precise locations of wildlife habitat and activities, as well as potential impacts to wildlife areas or sites. As part of its review, Oregon DFW may in its discretion conduct site visits. NSA-LUDO § 14.410(C)(3).

If the County, in consultation with ODFW, concludes that the proposed project is likely to adversely affect a sensitive wildlife area or site and that the impacts cannot be eliminated through site plan modifications or project timing, then the applicant must prepare a wildlife

management plan. NSA-LUDO § 14.410(C)(5). The plan will provide a basis for the applicant to redesign the project in a manner that protects sensitive wildlife areas and sites, maximizes his or her development options, and mitigates temporary impacts to the wildlife area or buffer zone. *Id.* A wildlife management plan, prepared by a professional biologist hired by the applicant, includes the following:

- relevant background, such as biology of the species, characteristics of the subject parcel, and regulatory protection and management guidelines
- delineation of core habitat
- wildlife buffer zones
- an indication of the size, scope, configuration or density, and timing of all new uses within core habitat
- rehabilitation and enhancement actions
- a 3-year monitoring plan for federal or state listed species

*Id.*

#### *Fences*

Pursuant to NSA-LUDO § 14.600(C), new fences in deer and elk winter range are allowed only where necessary to control livestock or pets, or to exclude wildlife from specific areas, such as gardens. Fenced areas must be the minimum necessary to meet the needs of the project applicant. **If the proposed fence is in deer and elk winter range, the top wire must be no more than 42 inches high,** the distance between the two top wires must be at least 10 inches apart, the bottom wire must be at least 16 inches above the ground and must consist of smooth wire, stays or braces must be placed between fence posts to create a more rigid fence, and woven wire may not be used as fencing material. Applicants must demonstrate a specific need for any variance from these rules.

#### *Sensitive Plant Species*

NSA-LUDO § 14.600(D) contains the standards for projects in the GMA that may affect sensitive plant resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive plant species. This includes the following plant species:

- species endemic to the Columbia River Gorge and vicinity
- species listed as endangered or threatened by federal or state authorities, including the Oregon Natural Heritage Program

NSA-LUDO §§ 1.200 (definition of “sensitive plant species”), 14.600(D)(1)(a).

If the proposed project is within 1,000 feet of such a species, the next step is for the applicant to prepare a more detailed site plan map at a scale of at least one inch equals 100 feet (1:1,200).

NSA-LUDO § 14.600(D)(4)(a). The County must transmit the more detailed map to the Oregon Natural Heritage Program, which will review the application to determine if the project could affect sensitive plants. ONHP must identify the precise location of the affected plants and must delineate a 200-foot buffer zone to protect these plants. NSA-LUDO § 14.600(D)(4)(c)(2).

Buffer zones must be maintained in an undisturbed, natural condition.

#### *Cultural Resource Protection*

*Pursuant to the Oregon Supreme Court ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm’n, 346 Or 366, 213 P3d 1164 (2009), County land use decisions must protect against cumulative adverse effects to cultural resources. Pursuant to this ruling, the*

*County must review whether the proposed development would contribute to cumulative adverse impacts to cultural resources. This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided.*

NSA-LUDO § 14.500 contains the standards for protection of cultural resources in the General Management Area. If a use is proposed within 500 feet of a known cultural resource, the Gorge Commission is responsible for preparing a cultural resource reconnaissance survey and report. NSA-LUDO § 14.500(B)(3). For any other small-scale use, a reconnaissance survey need not be prepared if the area has a low probability of containing cultural resources, as determined by the Columbia River Gorge Commission and United States Forest Service. Reconnaissance surveys and reports must comply with the standards found at NSA-LUDO § 14.500(C).

#### *Significant Cultural Resources*

If a cultural resource is identified, it must be evaluated for significance. NSA-LUDO § 14.500(D)(2). If the resource is determined to be significant, the County must determine whether the project is likely to adversely affect the resource. NSA-LUDO § 14.500(D)(4). If the County concludes that the project would have an adverse effect on a significant cultural resource, then a mitigation plan must be prepared and reviewed pursuant to section 14.500(F).

#### **Conditions of Approval**

All conditions of approval must be entered into the deeds of the affected parcels and registered with the county.

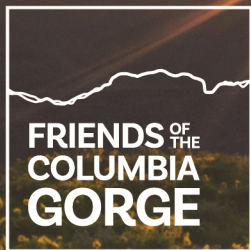
#### **Conclusion**

Thank you for this opportunity to comment.

Sincerely,



Steven D. McCoy  
Staff Attorney



June 17, 2021

Brent Bybee, Associate Planner  
Wasco County Department of Planning and Economic Development  
2705 East Second Street  
The Dalles, Oregon 97058  
*via email*

**Re: Adrian Lopez's revised application #921-19-000193 to construct a dwelling, an accessory structure, an agricultural building, and fencing; for new agricultural uses; and for after-the-fact approval of a well.**

Dear Mr. Bybee:

Friends of the Columbia Gorge ("Friends") has reviewed and submits these comments on the above-referenced application. Friends is a non-profit organization with approximately 6,000 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends reviews and comments on all land use applications subject to the Wasco County National Scenic Area Land Use and Development Ordinance. These comments are intended to identify application requirements and resource protection standards, provide recommendations to the permitting agency and the public regarding legal requirements, and establish standing.

**Requests for after-the-fact approval must be reviewed as if the development has not taken place. Otherwise, landowners have no incentive to properly apply for permits and permittees have an incentive to violate the terms of their permits since relief will be available afterwards. As such, after-the-fact approval must be based upon the conditions on the ground prior to development even in instances of honest mistake.**

### **Application Requirements**

Under section 2.080 of the Wasco County National Scenic Area Land Use and Development Ordinance (NSA-LUDO), a complete application is required prior to review. An application must not be accepted until any omissions or deficiencies have been corrected by the applicant. *Id.* Approval of a land use proposal not accompanied by a complete and adequate application violates the county's scenic area ordinance, denies the public any meaningful opportunity to



comment on the proposed development, and results in a decision not based on substantial evidence. Such a decision is subject to reversal, as held by the Gorge Commission unanimously in the *Eagle Ridge* case. CRGC No. COA-S-99-01 (June 22, 2001). It is similarly unlawful for the County to use conditions of approval to defer the submission of complete and adequate application materials. *Eagle Ridge* at 9–10.

### ***Site Plan Map***

Each site plan must contain a map of the project area. NSA-LUDO § 14.020(B) contains a list of specific elements that must be included in site plan maps. Site plan maps must include the following required elements:

- North arrow
- Map scale
- Boundaries, dimensions, and size of the subject parcel
- Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel
- An illustration of the buildings and parking facilities on abutting parcels
- Bodies of water and watercourses
- Location and width and methods of improvement for all existing and proposed roads, driveways, trails and parking areas
- Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles, and lines, and outdoor lighting
- Location and depth of all proposed grading, filling, ditching, and excavating
- An indication of all existing and proposed point of ingress and egress and whether they are public or private
- Significant terrain features and landforms

### ***Landscaping Plan***

Pursuant to NSA-LUDO § 14.020(D), all applications must contain a detailed landscaping plan that must clearly illustrate the following elements:

- The location, height, and species of all existing trees and vegetation, with an indication of any vegetation that would be removed.
- The location, height, and species of individually proposed trees and vegetation groupings.
- The location of automatic sprinkler systems or other irrigation provisions to ensure the survival of any proposed screening vegetation.

### ***Material Samples***

All applications must contain material samples for all exterior surfaces of proposed structures, including but not limited to the main portion of each structure, trim or secondary portions, roof, window frames, windowsills, window sashes, doors (including garage doors), and hooding for exterior lighting. NSA-LUDO § 14.020(C)

### ***Elevation Drawings***

Pursuant to NSA-LUDO § 14.020(E), applications for new structures must provide elevation drawings showing:

- the appearance of proposed structures, including both natural and finished grade, and
- the geometric exterior of the length and width of structures seen from a horizontal view.

### ***Grading Plan***

For structural development that meets either or both of the following conditions, the application must include a grading plan containing the elements specified by NSA-LUDO § 14.020(F)(3):

- More than 100 cubic yards of grading on slopes exceeding 10 percent. NSA-LUDO § 14.020(F)(1).
- More than 200 cubic yards of grading on a site visible from key viewing areas. NSA-LUDO § 14.020(F)(2).

*Without the above-mentioned required information, neither the County nor any other reviewing agency can accurately evaluate the potential impacts of the development. In addition, this information is required in order to afford the public a meaningful opportunity to comment on the proposed development.*

### **Allowed Uses**

#### ***Small-Scale Agriculture Zone***

The proposed project is located in a Small-Scale Agriculture zone in the General Management Area. NSA-LUDO § 3.130 specifies which uses are allowed in Small-Scale Agriculture zones. Only one single-family dwelling is allowed per legally created parcel, and only if the development is consistent with all applicable rules protecting scenic, cultural, natural, and recreational resources. The applicant bears the burden of proving the legality of the parcel and the County has the responsibility of making a determination of the parcel's legality prior to a decision.

Agricultural buildings and structures must be located on a farm or ranch; must be proposed in conjunction with a **current** agricultural use; and must be used for the storage, repair, and maintenance of farm equipment and supplies, or for the raising and/or storage of crops and livestock. NSA-LUDO § 1.200 (definition of "agricultural structure/building"), NSA-LUDO § 3.120(D)(3), (D)(4). **An "agricultural use," as defined at NSA-LUDO § 1.200, means the current employment of land for the primary purpose of obtaining a monetary profit by one or more of the following practices:**

- the raising, harvesting, and selling of crops, including Christmas trees;
- the feeding, breeding, management, and sale or production of livestock, poultry, fur-bearing animals or honeybees (not including livestock feed lots);
- dairying and the sale of dairy products;
- any other agricultural or horticultural use.

Pursuant to NSA-LUDO § 3.120(D)(4), the size of agricultural buildings must not exceed the size needed to serve the current agricultural use (and, if applicable, any proposed agricultural uses). All applications for agricultural buildings must contain the following information:

- A description of the size and characteristics of current agricultural uses.
- If any new agricultural uses are proposed, a plan specifying the types, locations, and schedules of such uses and details regarding any agricultural structures that would support the uses.
- A floor plan showing the intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).

## **Resource Impact Review**

### ***Scenic Resource Protection***

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### ***Key Viewing Areas***

The subject parcel may be visible from key viewing areas such as the Historic Columbia River Highway, SR-14, and the Columbia River. If so, then the following rules apply:

- New buildings and roads must be sited so that they are visually subordinate to their settings as seen from KVAs. In determining the least visible site, existing topography and vegetation must be given priority over artificial means of screening. NSA-LUDO § 14.200(R)(4).
- The existing tree cover screening the development area on the subject parcel from KVAs shall be retained except as necessary for site development or fire safety purposes. NSA-LUDO § 14.200(H).
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- Exterior colors must be dark earth-tones found at the specific site or in the surrounding landscape. Actual specific colors meeting this standard must be proposed in the land use application. Colors that are not expressly approved by a land use decision may not be used. 14.200(I).
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- The County must evaluate the potential cumulative visual effects of the proposed development. NSA-LUDO § 14.200(L). This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided. 16 USC 544(a)(3).
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- Special streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A special stream is a stream that is a primary water supply for a fish hatchery or rearing pond. NSA-LUDO § 1.200.

- Intermittent streams used by anadromous or resident fish: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1).
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Buffer zones must be untouched and maintained in their natural condition. NSA-LUDO §§ 14.600(A)(3)(d), (B)(2)(d).

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If the proposed project is within 1,000 feet of one of these areas, the County must transmit the application to the Oregon Department of Fish and Wildlife, which will review the application to determine the precise locations of wildlife habitat and activities, as well as potential impacts to wildlife areas or sites. As part of its review, Oregon DFW may in its discretion conduct site visits. NSA-LUDO § 14.410(C)(3).

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NSA-LUDO §§ 1.200 (definition of “sensitive plant species”), 14.600(D)(1)(a).

If the proposed project is within 1,000 feet of such a species, the next step is for the applicant to prepare a more detailed site plan map at a scale of at least one inch equals 100 feet (1:1,200).

NSA-LUDO § 14.600(D)(4)(a). The County must transmit the more detailed map to the Oregon Natural Heritage Program, which will review the application to determine if the project could affect sensitive plants. ONHP must identify the precise location of the affected plants and must delineate a 200-foot buffer zone to protect these plants. NSA-LUDO § 14.600(D)(4)(c)(2).

Buffer zones must be maintained in an undisturbed, natural condition.

### ***Cultural Resource Protection***

*Pursuant to the Oregon Supreme Court ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm’n, 346 Or 366, 213 P3d 1164 (2009), County land use decisions must protect against cumulative adverse effects to cultural resources. Pursuant to this ruling, the County must review whether the proposed development would contribute to cumulative adverse impacts to cultural resources. This includes evaluation of past, present and likely future actions.*

*Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided.*

NSA-LUDO § 14.500 contains the standards for protection of cultural resources in the General Management Area. If a use is proposed within 500 feet of a known cultural resource, the Gorge Commission is responsible for preparing a cultural resource reconnaissance survey and report. NSA-LUDO § 14.500(B)(3). For any other small-scale use, a reconnaissance survey need not be prepared if the area has a low probability of containing cultural resources, as determined by the Columbia River Gorge Commission and United States Forest Service. Reconnaissance surveys and reports must comply with the standards found at NSA-LUDO § 14.500(C).

#### *Significant Cultural Resources*

If a cultural resource is identified, it must be evaluated for significance. NSA-LUDO § 14.500(D)(2). If the resource is determined to be significant, the County must determine whether the project is likely to adversely affect the resource. NSA-LUDO § 14.500(D)(4). If the County concludes that the project would have an adverse effect on a significant cultural resource, then a mitigation plan must be prepared and reviewed pursuant to section 14.500(F).

#### **Conditions of Approval**

All conditions of approval must be entered into the deeds of the affected parcels and registered with the county.

#### **Conclusion**

Thank you for this opportunity to comment.

Sincerely,



Steven D. McCoy  
Staff Attorney



Will S &lt;wills@co.wasco.or.us&gt;

---

**Applicant: Adrian Lopez File Number: 921-19-000193-PLNG**

---

**McCabe, Edward M.D., Ph.D** <EMcCabe@mednet.ucla.edu>

Tue, Jul 7, 2020 at 12:46 PM

To: "wills@co.wasco.or.us" &lt;wills@co.wasco.or.us&gt;

Cc: "McCabe, Linda Ph.D" &lt;LMcCabe@mednet.ucla.edu&gt;

Dear Mr. Smith,

We are extremely pleased to support the Application of Adrian Lopez for development of the lot that is part of the Rocky Prairie subdivision. A corner of the lot abuts Quartz Drive across from our property at 953 Quartz Drive.

We have reviewed the material you sent to us by USPS, as well as the on-line information.

The two buildings planned for this property are of a scale consistent with other buildings on Rocky Prairie. We do not see any information that is concerning to us as neighbors to this property development.

Thank you.

Linda and Edward McCabe

953 Quartz Drive

July 7, 2020

Sent from [Mail](#) for Windows 10

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**UCLA HEALTH SCIENCES IMPORTANT WARNING:** This email (and any attachments) is only intended for the use of the person or entity to which it is addressed, and may contain information that is privileged and confidential. You, the recipient, are obligated to maintain it in a safe, secure and confidential manner. Unauthorized redisclosure or failure to maintain confidentiality may subject you to federal and state penalties. If you are not the intended recipient, please immediately notify us by return email, and delete this message from your computer.





# Oregon

Kate Brown, Governor

## Department of Forestry

Central Oregon District

The Dalles Unit

3701 West 13th

The Dalles, OR 97058

PHONE: 541-296-4626

FAX: 541-298-4993

[www.ODFcentraloregon.com](http://www.ODFcentraloregon.com)



"STEWARDSHIP IN FORESTRY"

7/2/2020

Wasco County Planning and Development  
2705 East 2<sup>nd</sup> Street  
The Dalles Or 97058

Attn: Will Smith

Re: Lopez 921-19-000193 PLNG

Catastrophic wildfires threaten and destroy many homes in Oregon and in other states each year. The Oregon Department of Forestry (ODF) has a responsibility to its landowners to protect their forest lands from wildfire. Since ODF does not provide structure protection it is incumbent on the local fire district (in this case, Mosier Fire District) to provide that protection. However, ODF is still responsible for the forest and range land surrounding those structures.

This proposed development is located within the Oregon Department of Forestry Fire Protection District, hence, this property receives wildland fire protection services by ODF, as does surrounding properties.

ODF continues to be concerned about the impact of putting additional structures and the associated human activities within the wildland urban interface. Simply stated, people start fires, no matter the good intentions of the landowner or guests to the property. Many activities that result from living in the forest/range zone have the potential to cause fires. Because of these concerns we have worked closely with the planning department to provide consistent and appropriate siting standards for structures.

I'd like to emphasize that structures, and human activity associated with those structures in the wildland urban interface, create additional fire start risk as well as additional complexity in fire suppression activities and evacuations. As such, ODF wants to reiterate the importance of fire prevention and risk mitigation. If approved, ODF would expect the planning department to consistently apply the wildfire siting standards adopted by the county as they currently exist.

I would like to also iterate the importance of the defensible space standards around the building site that contribute to higher likelihood of a structure being saved while reducing risk to firefighting personnel in the event of a wildland fire moving through the area, regardless of how the fire started. We place emphasis on primary and secondary fuel breaks, construction materials, and not siting structures on slopes greater than 40%.

We also want to see Road Standards with emphasis on road width, vertical clearance, turnarounds and turn outs, and road grades.

Flammable vegetation will continue to grow in and around these structures over time. However, if the proposal is granted, the long term maintenance of defensible space is an issue that is not addressed in the current planning department standards, and may only be addressed through ongoing maintenance of defensible space surrounding all structures by the landowner.

It is ODF's hope that through proper wildfire siting standards and continued maintenance of defensible space, landowners will be able to provide a safe and risk free environment for themselves, their neighbors and the firefighters who protect their property.

Finally, if applicant intends to clear any brush or vegetation by using power equipment during the months of May through October, they will need to file an eNotification for a 'Permit to Operate Power Driven Machinery' with the Oregon Department of Forestry. Information for this free electronic permit can be found at: <https://www.oregon.gov/odf/working/pages/ENotification.aspx>.

Thank you for the opportunity to comment.

Regards,

/s/ *Kristin Dodd*

Unit Forester

Central Oregon District – The Dalles Unit



Brent Bybee &lt;brentb@co.wasco.or.us&gt;

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## Notice of Land Use Action - Lopez

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**Scott Williams** <scottw@co.wasco.or.us>

Thu, May 20, 2021 at 12:38 PM

To: Brent Bybee &lt;brentb@co.wasco.or.us&gt;

Cc: Cindy Miller &lt;millerc@nwasco.k12.or.us&gt;, Mike Renault &lt;mike.renault@mosierfire.com&gt;, Jeff Davis &lt;jeffd@wascoelectric.com&gt;, EVANS Daniel &lt;Daniel.Evans@state.or.us&gt;, BROWN Jevra &lt;jevra.brown@state.or.us&gt;, Lane Magill &lt;lanem@co.wasco.or.us&gt;

no issues for law enforcement

[Quoted text hidden]

--

**Scott Williams** | *Chief Deputy*  
**SHERIFF'S OFFICE**[scottw@co.wasco.or.us](mailto:scottw@co.wasco.or.us) | [www.co.wasco.or.us](http://www.co.wasco.or.us)

541-506-2593 | Fax 541-506-2581

511 Washington Street suite 102 | The Dalles, OR 97058



Will S &lt;wills@co.wasco.or.us&gt;

---

## Notice of Land Use Action - Lopez

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**Lane Magill** <lanem@co.wasco.or.us>

Thu, Jul 2, 2020 at 9:37 AM

To: Will S &lt;wills@co.wasco.or.us&gt;

Cc: Cindy Miller &lt;millerc@nwasco.k12.or.us&gt;, Mike Renault &lt;mike.renault@mosierfire.com&gt;, Jeff Davis &lt;jeffd@wascoelectric.com&gt;, EVANS Daniel &lt;Daniel.Evans@state.or.us&gt;, BROWN Jevra &lt;jevra.brown@state.or.us&gt;, Scott Williams &lt;scottw@co.wasco.or.us&gt;

I don't see any issues with this application.

Lane

[Quoted text hidden]

--

**Lane Magill | Wasco County Sheriff  
SHERIFF'S OFFICE**[lanem@co.wasco.or.us](mailto:lanem@co.wasco.or.us) | [www.co.wasco.or.us](http://www.co.wasco.or.us)

541-506-2592 | Fax 541-506-2581

511 Washington St. Suite 102 | The Dalles, OR 97058



Will S &lt;wills@co.wasco.or.us&gt;

---

## Notice of Land Use Action

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**Lane Magill** <lanem@co.wasco.or.us>

Thu, Sep 17, 2020 at 11:29 AM

To: Will S &lt;wills@co.wasco.or.us&gt;

Cc: Cindy Miller &lt;millerc@nwasco.k12.or.us&gt;, Mike Renault &lt;mike.renault@mosierfire.com&gt;, Jeff Davis &lt;jeffd@wascoelectric.com&gt;, EVANS Daniel &lt;Daniel.Evans@state.or.us&gt;, BROWN Jevra &lt;jevra.brown@state.or.us&gt;, Scott Williams &lt;scottw@co.wasco.or.us&gt;

I don't see any issues with this.

I do have a question. Most of the applications we see have a physical address and this one didn't. I know there was Section information but I don't have any access to that type of information.

Thanks  
Lane

On Thu, Sep 17, 2020 at 10:19 AM Will S <wills@co.wasco.or.us> wrote:

[Quoted text hidden]

--



**Lane Magill | Wasco County Sheriff**  
**SHERIFF'S OFFICE**

[lanem@co.wasco.or.us](mailto:lanem@co.wasco.or.us) | [www.co.wasco.or.us](http://www.co.wasco.or.us)

541-506-2592 | Fax 541-506-2581

511 Washington St. Suite 102 | The Dalles, OR 97058



Will S &lt;wills@co.wasco.or.us&gt;

---

## Cultural notice for 921-19-000193-PLNG

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**Kristen Tiede** <KristenTiede@ctuir.org>

Thu, Oct 8, 2020 at 7:41 AM

To: Will S &lt;wills@co.wasco.or.us&gt;

Cc: "Donnermeyer, Christopher J -FS" &lt;christopher.donnermeyer@usda.gov&gt;

Good morning Mr. Smith,

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the application for the dwelling, barn, and fence (921-19-000193-PLNG). The CRPP concurs with the condition of requiring an archaeological monitor be present for the construction of the fence.

Thank you,

Kristen Tiede

Archaeologist

Cultural Resources Protection Program

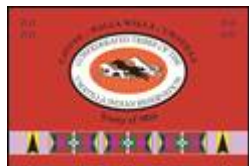
Confederated Tribes of the Umatilla Indian Reservation

46411 Timine Way, Pendleton, OR 97801

Direct Line/Fax: (541) 429-7206

Main Office: (541) 276-3447

[KristenTiede@ctuir.org](mailto:KristenTiede@ctuir.org)



---

**From:** Will S [mailto:[wills@co.wasco.or.us](mailto:wills@co.wasco.or.us)]

**Sent:** Wednesday, October 7, 2020 4:30 PM

**Subject:** Cultural notice for 921-19-000193-PLNG

EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.

[Quoted text hidden]

The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.



Brent Bybee &lt;brentb@co.wasco.or.us&gt;

## Notice of Land Use Action - Lopez

**Kristen Tiede** <KristenTiede@ctuir.org>

Thu, Jun 3, 2021 at 8:26 AM

To: Brent Bybee <brentb@co.wasco.or.us>, Jensi Smith <jensis@co.wasco.or.us>  
Cc: "Donnermeyer, Christopher -FS" <christopher.donnermeyer@usda.gov>

Good morning,

As the CRPP recommended previously on this project, a cultural resources monitor should be present for the fence construction if it is near the previously recorded archaeological site. Please let me know if there are any questions or concerns.

Thank you,

Kristen Tiede

Archaeologist

Cultural Resources Protection Program

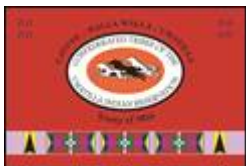
Confederated Tribes of the Umatilla Indian Reservation

46411 Timine Way, Pendleton, OR 97801

Direct Line/Fax: (541) 429-7206

Main Office: (541) 276-3447

[KristenTiede@ctuir.org](mailto:KristenTiede@ctuir.org)



**From:** Jensi Smith [mailto:[jensis@co.wasco.or.us](mailto:jensis@co.wasco.or.us)]

**Sent:** Thursday, May 20, 2021 5:30 AM

**To:** Nicole Bailey <[nicoleba@ncphd.org](mailto:nicoleba@ncphd.org)>; Jaime Solars <[jaimes@co.wasco.or.us](mailto:jaimes@co.wasco.or.us)>; Jesus Elias <[Jesuse@ncphd.org](mailto:Jesuse@ncphd.org)>; Shellie Campbell <[shelliec@ncphd.org](mailto:shelliec@ncphd.org)>; Building Codes <[buildingcodes@co.wasco.or.us](mailto:buildingcodes@co.wasco.or.us)>; Jill Amery <[jilla@co.wasco.or.us](mailto:jilla@co.wasco.or.us)>; Adam Fourcade <[adamf@co.wasco.or.us](mailto:adamf@co.wasco.or.us)>; Melanie Brown <[melanieb@co.wasco.or.us](mailto:melanieb@co.wasco.or.us)>; Marci Beebe <[marcib@co.wasco.or.us](mailto:marcib@co.wasco.or.us)>; Brandon Jones <[brandonj@co.wasco.or.us](mailto:brandonj@co.wasco.or.us)>; Sheridan McClellan <[sheridanm@co.wasco.or.us](mailto:sheridanm@co.wasco.or.us)>; Arthur Smith <[arthurs@co.wasco.or.us](mailto:arthurs@co.wasco.or.us)>; Kara Davis <[karad@co.wasco.or.us](mailto:karad@co.wasco.or.us)>; WOOD Robert L \* WRD <[Robert.L.Wood@oregon.gov](mailto:Robert.L.Wood@oregon.gov)>; [ykahn@fhco.org](mailto:ykahn@fhco.org); [Heidi.M.Hartman@dsl.state.or.us](mailto:Heidi.M.Hartman@dsl.state.or.us);

Planning Commission Agenda Packet

PC 1 - 171



BROWN Jevra \* DSL <jevra.brown@dsl.state.or.us>; clara.taylor@dsl.state.or.us; shilah.olson@or.nacdnet.net; Candres@osp.state.or.us; Sue Vrilakas <sue.vrilakas@pdx.edu>; jeremy.l.thompson@state.or.us; Andrew.R.Meyers@state.or.us; rod.a.french@state.or.us; DODD Kristin \* ODF <Kristin.dodd@oregon.gov>; kristen.stallman@odot.state.or.us; jthomps9999@yahoo.com; steve@gorgefriends.org; Stephanie Krell <stephaniek@co.wasco.or.us>; Tyler Stone <tylers@co.wasco.or.us>; rshoal@fs.fed.us; sacallaghan@fs.fed.us; permits@friends.org; kfitzz77 <kfitzz77@gmail.com>; Gatz, Casey -FS <cgatz@fs.fed.us>; Donnermeyer, Christopher J -FS <cjdonnermeyer@fs.fed.us>; Connie Acker <connie.acker@gorgecommission.org>; rowapplications@bpa.gov; MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>; ODOTR4PLANMGR@odot.state.or.us; Patrick.M.Cimmiyotti@odot.state.or.us; DEHART Brad <bradley.k.dehart@odot.state.or.us>; PETERS Scott <scott.peters@odot.state.or.us>; Jacob Powell <jacob.powell@oregonstate.edu>; nakiaw@nezperce.org; pat b <keithb@nezperce.org>; robert.brunoe@ctwsbnr.org; THPO@ctwsbnr.org; Patty Perry <PattyPerry@ctuir.org>; Kristen Tiede <KristenTiede@ctuir.org>; Sheila Dooley <sdooley3300@yahoo.com>; casey\_barney@yakama.com; Angie Brewer <angieb@co.wasco.or.us>; Brent Bybee <brentb@co.wasco.or.us>

**Subject:** Notice of Land Use Action - Lopez

**EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.**

[Quoted text hidden]

The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.

----- Forwarded message -----

From: Kristen Tiede <KristenTiede@ctuir.org>

To: Will S <wills@co.wasco.or.us>

Cc: "Donnermeyer, Christopher J -FS" <christopher.donnermeyer@usda.gov>

Bcc:

Date: Thu, 8 Oct 2020 14:41:05 +0000

Subject: RE: Cultural notice for 921-19-000193-PLNG

Good morning Mr. Smith,

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the application for the dwelling, barn, and fence (921-19-000193-PLNG). The CRPP concurs with the condition of requiring an archaeological monitor be present for the construction of the fence.

Thank you,

Kristen Tiede

Archaeologist

Cultural Resources Protection Program

Confederated Tribes of the Umatilla Indian Reservation

46411 Timíne Way, Pendleton, OR 97801

Direct Line/Fax: (541) 429-7206

Main Office: (541) 276-3447

[KristenTiede@ctuir.org](mailto:KristenTiede@ctuir.org)



---

**From:** Will S [mailto:[wills@co.wasco.or.us](mailto:wills@co.wasco.or.us)]  
**Sent:** Wednesday, October 7, 2020 4:30 PM  
**Subject:** Cultural notice for 921-19-000193-PLNG

**EXTERNAL EMAIL: Please use caution when clicking links or opening attachments.**

Good afternoon,

This application involves locating a fence in the vicinity of a confirmed cultural resource and I wanted to ensure we received your input in the process. A previous application for a horse boarding facility proposed a fence around the property and they hired an archaeologist to conduct a study (see attached, no new study was required for this application due to the work performed in 2018, but a new notification for your review is required.) That application ended up being withdrawn, but staff had proposed a condition to require an archaeologist to be on site when the fence was built. The current application is for a dwelling, barn, and fence (for 5 cows, 15 goats/sheep, and chickens). The dwelling and the barn are not in the impacted area. We would propose the same condition for this application regarding the placement of the fence. This cultural notice has a 30 day review period, ending November 6, but if you have comments or concerns, or if you have none and find it acceptable, please let me know as soon as possible. Thank you!

Attachments:  
Cultural Notice (including location and site plan maps)

2018 Survey

2018 USFS Response

Regards,

--



**Will Smith, AICP | Senior Planner**

**PLANNING DEPARTMENT**

[wills@co.wasco.or.us](mailto:wills@co.wasco.or.us) | [www.co.wasco.or.us](http://www.co.wasco.or.us)

541-506-2560 | Fax 541-506-2561

2705 East Second Street | The Dalles, OR 97058

**NOTE: DUE TO COVID-19 CONCERNS THE PLANNING DEPARTMENT IS CURRENTLY RESTRICTING FACE TO FACE ASSISTANCE. WE ARE ACCEPTING APPLICATIONS BY MAIL AND INQUIRIES BY PHONE OR EMAIL UNTIL FURTHER NOTICE.**

*This correspondence does not constitute a Land Use Decision per ORS 197.015.*

*It is informational only and a matter of public record.*

## **Planning for the Future. Wasco County 2040.**

[Get involved](#)

The opinions expressed by the author are his or her own and are not necessarily those of the Confederated Tribes of the Umatilla Indian Reservation. The information, contents and attachments in this email are Confidential and Private.



**RE: Cultural notice for 921-19-000193-PLNG.eml**  
54K



## Wetland Land Use Notice Response

### Response Page

Department of State Lands (DSL) WN#\*

WN2019-0125

### Responsible Jurisdiction

**Staff Contact**

William Smith

**Jurisdiction Type**

County

**Municipality**

Wasco

**Local case file #**

921-18-000017-PLNG

**County**

Wasco

### Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
02N	11E	11		2200

Street Address

1139 Huskey Rd

Address Line 2

City

Mosier

Postal / Zip Code

97040

State / Province / Region

OR

Country

Wasco

**Latitude**

45.669989

**Longitude**

-121.406104

### Wetland/Waterway/Other Water Features

☒ There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

☒ The National Wetlands Inventory shows wetland, waterway or other water features on the property

### Your Activity

☒ It appears that the proposed project **may** impact wetlands and **may** require a State permit.

### Applicable Oregon Removal-Fill Permit Requirement(s)

Planning Commission Agenda Packet

October 5, 2021

PC 1 - 175

☒ A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

## Closing Information



### Additional Comments

There is a National Wetland Inventory-mapped channel on the east side of the parcel. The proposed project appears to have impacts of <50 cubic yards associated with fence post installation around and through this channel. A state permit is not required for projects with <50 cy of removal or fill activities. No permit will be required for the DSL if impacts are below 50 cy or removal or fill..

**This is a preliminary jurisdictional determination and is advisory only.**

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

☒ A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

### Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

### Response Date

4/3/2019

### Response by:

Daniel Evans

### Response Phone:

503-986-5271



Property line setbacks

Home 40'x50'

North - 700'

South - 300'

East - 400'

West - 550'

Huskey Rd - 350'

Shop 30'x50'

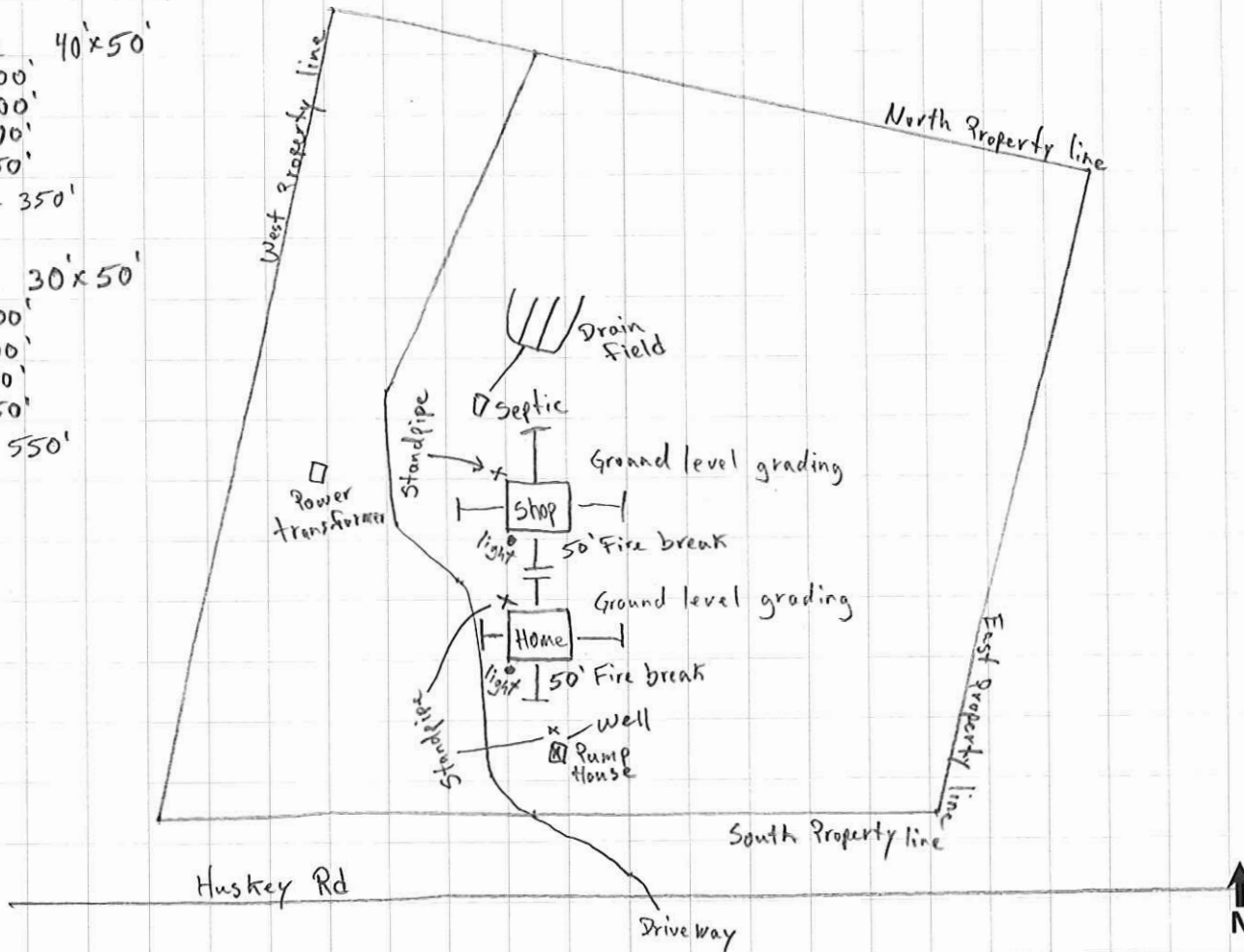
North - 500'

South - 500'

East - 400'

West - 550'

Huskey Rd - 550'



## SITE PLAN MAP

Map, Tax Lot #: \_\_\_\_\_

Applicant: Adrian Lopez

File #: \_\_\_\_\_



SCALE:

(select one)

1:50

0 25 50

☐

1:100

0 50 100

☐

1:200

0 100 200

☐

## SITE PLAN CHECKLIST

SITE PLANS MUST SHOW THE FOLLOWING:

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

### Fire Safety Information

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

### NATIONAL SCENIC AREA APPLICATIONS MUST ALSO SHOW THE FOLLOWING:

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

### Landscaping Plan

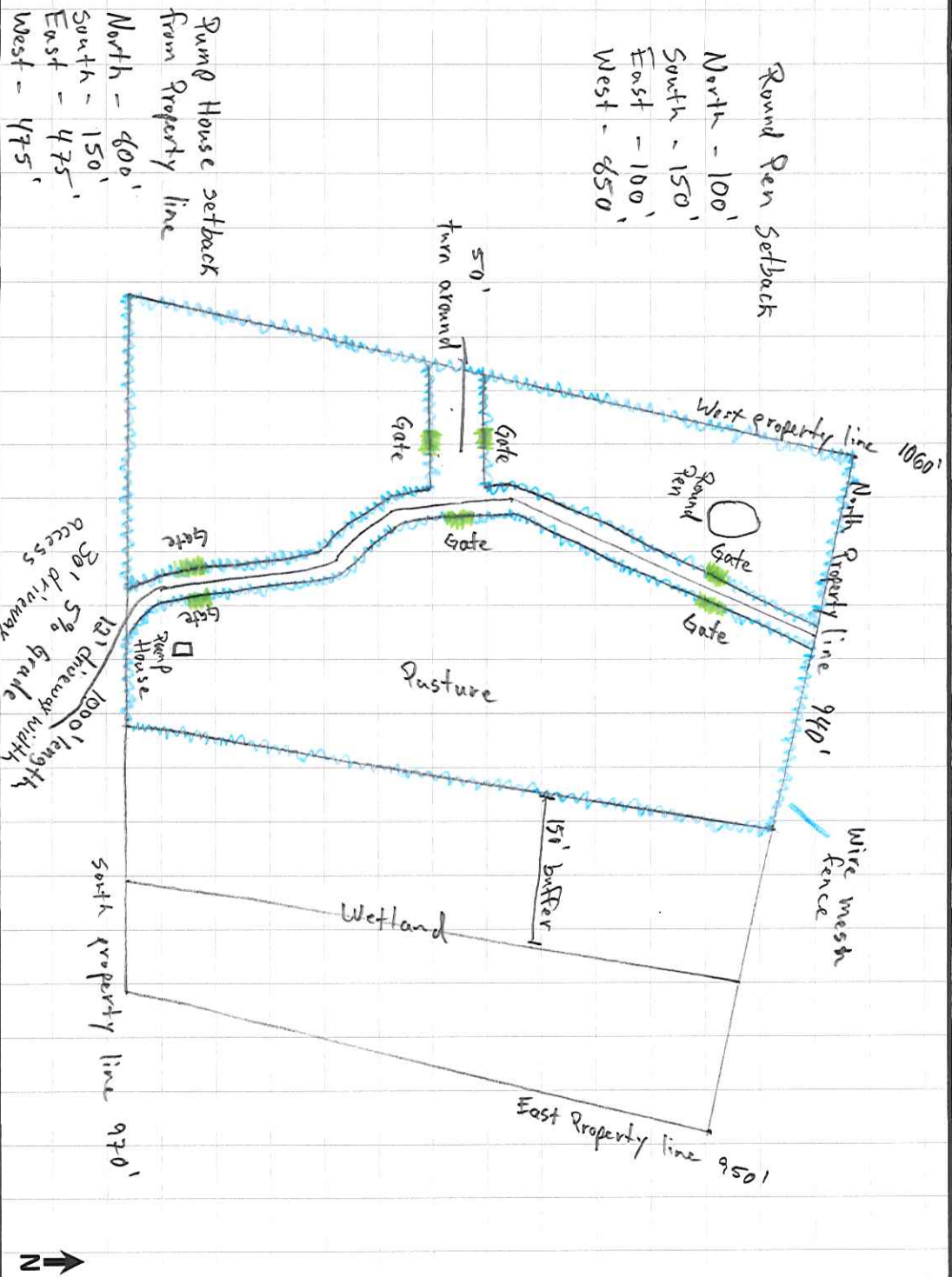
- ☐ Location, height and species of existing & proposed individual trees & vegetation. Indicate if any are proposed to be removed.
- ☐ Location of irrigation systems

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



Map, Tax Lot #:  
Applicant: Adrian Lopez  
File #:

## SITE PLAN MAP



## SITE PLAN CHECKLIST

### SITE PLANS MUST SHOW THE FOLLOWING:

- ☐ Property boundary & development area dimensions
- ☐ Setback distances from proposed structures to all:
  - ☐ Property lines
  - ☐ Roadways
  - ☐ Waterways
- ☐ Existing structures (location & size)
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- ☒ Driveway & access to public/private roads
- ☐ Significant land forms & slopes
- Fire Safety Information**
  - ☒ Indicate driveway width, length, and grade. Long drives should provided turnouts every 400'.
  - ☐ Location of a standpipe (water spigot) at least 50' from each building that includes plumbing.
  - ☐ Indicate 50' fire break surrounding new buildings.

### NATIONAL SCENIC AREA APPLICATIONS MUST ALSO SHOW THE FOLLOWING:

- ☐ Location & depth of proposed grading, filling, ditching and excavating
- ☐ Outside lighting fixtures
- ☐ All proposed signs
- ☐ Location & height of outdoor storage & screening devices
- Landscaping Plan**
  - ☐ Location, height and species of existing & proposed individual trees & vegetation. Indicate if any are proposed to be removed.
  - ☐ Location of irrigation systems

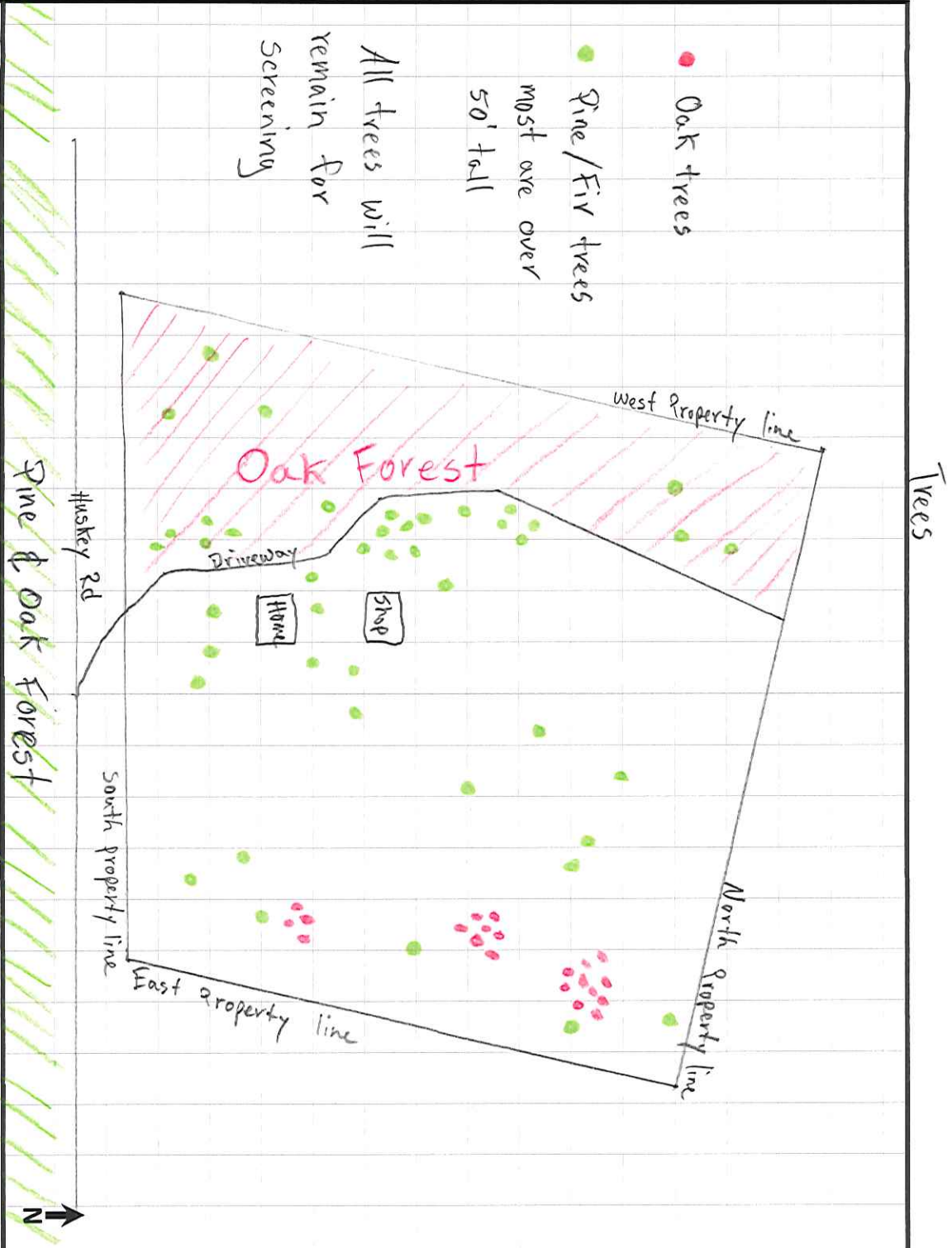
**DISCLAIMER:** The Planning Department may require additional site plan elements depending on development specifics.





**SITE PLAN MAP**  
 Map, Tax Lot #: \_\_\_\_\_  
 Applicant: Adrian Lopez  
 File #: \_\_\_\_\_

**SCALE:**  
 1:50 0 25 30 ☐ (select one)  
 1:100 0 50 100 ☐  
 1:200 0 100 200 ☐



## SITE PLAN CHECKLIST

SITE PLANS MUST SHOW THE FOLLOWING:

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

### Fire Safety Information

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

### NATIONAL SCENIC AREA APPLICATIONS MUST ALSO SHOW THE FOLLOWING:

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

### Landscaping Plan

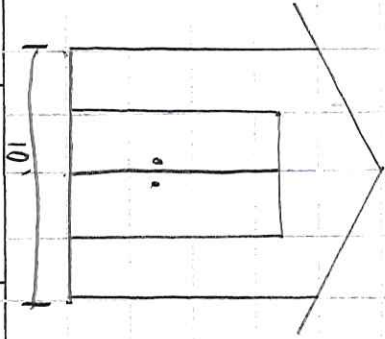
- ☒ Location, height and species of existing & proposed individual trees & vegetation. Indicate if any are proposed to be removed.
- ☐ Location of irrigation systems

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

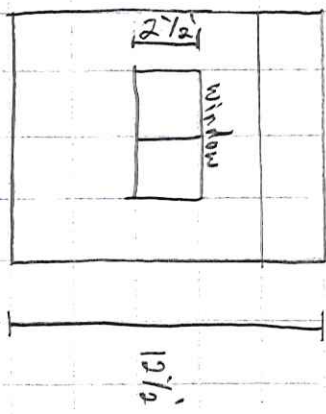


Rump House

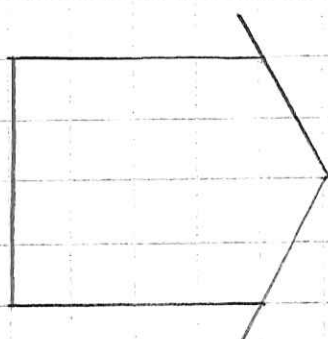
Front View



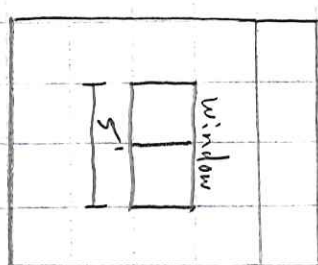
Side View 1



Rear View



Side View 2



# ELEVATION DRAWING

- ☐ Natural Grade
- ☒ Finished Grade
- ☒ Dimensions (L x W x H)

Elevation drawings must be drawn to scale. Use additional pages if necessary. See back for more information.

- ☐ Each grid equals 5' x 5' at a scale of 1"=10', or
- ☒ Each grid equals 2.5' x 2.5' at a scale of 1"=5'



Same color and material as Home



**PLANNING DEPARTMENT**

2705 East Second Street • The Dalles, OR 97058  
p: [541] 506-2560 • f: [541] 506-2561

**NOTICE OF DECISION**

**FILE #:** 921-19-000193-PLNG

**DECISION DATE:** June 24, 2021

**APPEAL DEADLINE:** July 9, 2021

**REQUEST:** Scenic Area Review of a new dwelling and structures to support the proposed farm use of raising approximately 13 goats. This request includes:

- (1) New Single Family Dwelling (1,889 SF footprint, 50'L x 40'W x 24'H)
- (2) Accessory Buildings (1,500 SF footprint, 50'L x 40'W x 24'H)
- (3) Agriculture Structures: approximately 5,000' of 4' H wire mesh fence (6' fence posts) enclosing three areas on either side of the driveway for livestock pens; approximately 900' of moveable electric fence to protect a wetland; and a 50' diameter moveable round pen.
- (4) Retroactive review of an unlawfully placed well to serve the residential use and a new 12'L x 12'W x 12'H well house with 1,000 gallon water cistern, and driveway.

**DECISION:** Approved with **Conditions**

**APPLICANT/OWNER INFORMATION:**

**APPLICANT/OWNER:** Adrian Lopez, 1150 Huskey Road, Mosier, OR 97040

**PROPERTY INFORMATION:**

**LOCATION:** The development site is located north of Huskey Road, approximately 0.1 miles west of Jasper Lane and 0.5 miles south of the City of Mosier, Oregon, more specifically described as:

<u>Map/Tax Lot</u>	<u>Acct. #</u>	<u>Acres</u>
2N 11E 11 2200	327	20.59

**ZONING:** A-2 (80), Small Scale Agriculture in the General Management Area of the Columbia River Gorge National Scenic Area

**Attachments:**

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

**Staff Reviewer:** Will Smith, Senior Planner &  
Brent Bybee, Associate Planner

After recording, please return to:  
Wasco County Planning Department

## ATTACHMENT A – CONDITIONS OF APPROVAL

Pursuant to Wasco County National Scenic Area Land Use Development Ordinance, Chapter 2 – Development Approval Procedures, Section 2.120.A., Notice of a Decision by the Director, the following shall be recorded as conditions of approval and binding upon the owners, developers or assigns.

### A. Cultural Resources:

1. All ground disturbance within the archaeological site boundaries shall be monitored by a professional archaeologist, specifically the installation of fence lines.
2. If plans change so that greater impacts are proposed within the archaeological site boundaries, the site shall be formally evaluated for significance and eligibility for inclusion on the National Register of Historic Places (NRHP).
3. If cultural resources are discovered during development of any new structure or building, all construction shall cease within 100' of the discovered cultural resource. The cultural resource(s) shall remain as found and further disturbance is prohibited. The owners shall notify the Wasco County Planning Department and Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or associated with Native Americans, the owners shall also notify the Confederated Tribes of Warm Springs, Confederated Tribes of Umatilla, Perce Nez, and Yakama Indian Nation within 24 hours of discovery.
4. If human remains are discovered, all work on the parcel shall cease, and the human remains shall not be disturbed any further. The owners shall immediately notify the Wasco County Sheriff's Office, the Wasco County Planning Department, the Gorge Commission, and the four Indian tribal governments.

### B. Prior to Issuance of Zoning Approval on any Building Permit and After Expiration of the 15-Day Appeal Period, the Applicant/Owner shall:

1. Obtain a Road Approach Permit from the Wasco County Public Works Department for the existing driveway onto Huskey Road.
2. Oregon Dept. of Forestry Permit: Any land clearing activities involving power driven machinery that occur from May 1<sup>st</sup> through September 30<sup>th</sup> shall obtain a Permit to Operate Power Driven Machinery from the Oregon Dept. of Forestry prior to beginning any development.

### C. Chapter 11 - Fire Safety Standards:

1. Improvements and requirements listed in Chapter 11 of the Wasco County NSA-LUDO and the signed and completed Fire Safety Standard Self-Certification shall be achieved within one year of the date of approval and maintained through the life of the development. This certification commits all future property owners to the same requirements. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under File #921-19-000193-PLNG.
2. Address: Apply for a new address for the proposed commercial horse boarding facility, and submit the County application and fee (\$75) to the Planning Department (prior to issuance of zoning approval on a building permit application). An approved address shall be posted on both sides of a permanent post or mailbox within 30' of the driveway providing access to the



## ATTACHMENT A – CONDITIONS OF APPROVAL

dwelling. The address numbers shall be legible, reflective, and at least 2 ½ inches high. Application must be made a minimum of 2 weeks prior to issuance of zoning approval on a building permit application.

### D. Colors and Materials

1. The following materials and colors are approved for the kitchen/restroom building:

	Material	Exterior Color	Looks Like	Consistent with color requirement?
<b>HOUSE</b>				
Main/Body	Hardie Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardie Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
<b>BARN/SHOP &amp; PUMP HOUSE</b>				
Main/Body	Hardi Board Fiber Cement	SW Thunder Grey (SW 7645)	Dark Gray	Yes, approved
Trim	Hardi Board Fiber Cement	SW Forest Wood (SW 7730)	Dark Green	Yes, approved
Roof	Owens Corning Asphalt Shingles	Gray	Dark Gray	Yes, approved
<b>ROUND PEN</b>	Galvanized Steel	Hunter Green (Rustoleum)	Dark Green	Yes, approved for narrow surfaces only

2. If alternate colors or materials are proposed for any new development, they shall be submitted to and approved by the Planning Department prior to their use on the exterior of the building.
3. All windows shall be thermal pane rated less than 15% visible light reflectivity.

### F. Miscellaneous Conditions:

1. Ground disturbance shall be minimized to the greatest extent possible. All ground disturbance resulting from development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation and the replacement of such vegetation that does not survive.
2. The retention of all conifer trees indicated on the site plan is required to comply with visual subordination standards. Coniferous trees not indicated on the site plan may be removed if they are damaged or diseased, or for fire safety purposes. If coniferous trees indicated on the site

## ATTACHMENT A – CONDITIONS OF APPROVAL

plan are removed, die or are destroyed, they shall be replaced in compliance with the following standards:

To ensure survival, new trees and replacement trees shall meet the following requirements

- All trees shall be at least 4 feet tall at planting, well branched, and formed.
  - Each tree shall be braced with 3 guy wires and protected from livestock and wildlife. The guy wires need to be removed after two winters.
  - The trees must be irrigated until they are well established.
  - Trees that die or are damaged shall be replaced with trees that meet the planting requirements above.
3. All conifer trees east of the existing driveway shall be retained.
  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 the Columbia River. Shielding and hooding materials shall be composed of nonreflective, opaque materials.
  5. The round pen shall not be placed inside any property line or resource protection setbacks in the event that it is moved.
  6. Development approved by this decision shall comply with all requirements of the Wasco County Building Codes Services Department.

SIGNED THIS 24<sup>th</sup> day of June, 2021, at The Dalles, Oregon.



Brent Bybee, Associate Planner  
Wasco County Planning Department

**NOTE: Any new land uses or structural development such as residences; garages, workshops or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review.**

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: Oregon Revised Statutes, Chapter 215, requires that if you receive this notice, it must promptly be forwarded to the purchaser.**

## ATTACHMENT B – TIME LIMITS AND APPEAL INFORMATION

Proposed development shall not commence until the appeal period has expired, and conditions of approval are adhered to.

Section 2.240 of the Wasco County National Scenic Area Land Use and Development Ordinance, this approval shall expire: (1) when construction has not commenced within two years of the date the land use approval was granted, or (2) when the structure has not been completed within two years of the date of commencement of construction. **The expiration date for the validity of a land use approval is from the date of expiration of the appeal period and not the date the decision was issued.**

### **Please Note!**

No guarantee of extension or subsequent approval either expressed or implied can be made by the Wasco County Planning Department. Please take care in implementing your proposal in a timely manner.

### **APPEAL PROCESS:**

The decision date for this land use review is **Thursday, June 24, 2021**. The decision of the Director shall be final unless an appeal from an aggrieved party is received by the Director within fifteen (15) days of the mailing date of this decision, **Friday, July 9, 2021, at 4:00 p.m.**, or unless the Planning Commission or Board of County Commissioners on its own motion orders review within fifteen (15) days of the date of decision. A complete record of the matter is available for review upon request during regular business hours or copies can be ordered at a reasonable price at the Wasco County Planning Department. Notice of Appeal forms may also be obtained at the Wasco County Planning Department. **The filing fee for an appeal is \$250.00. Fees are refunded if appellant prevails.**

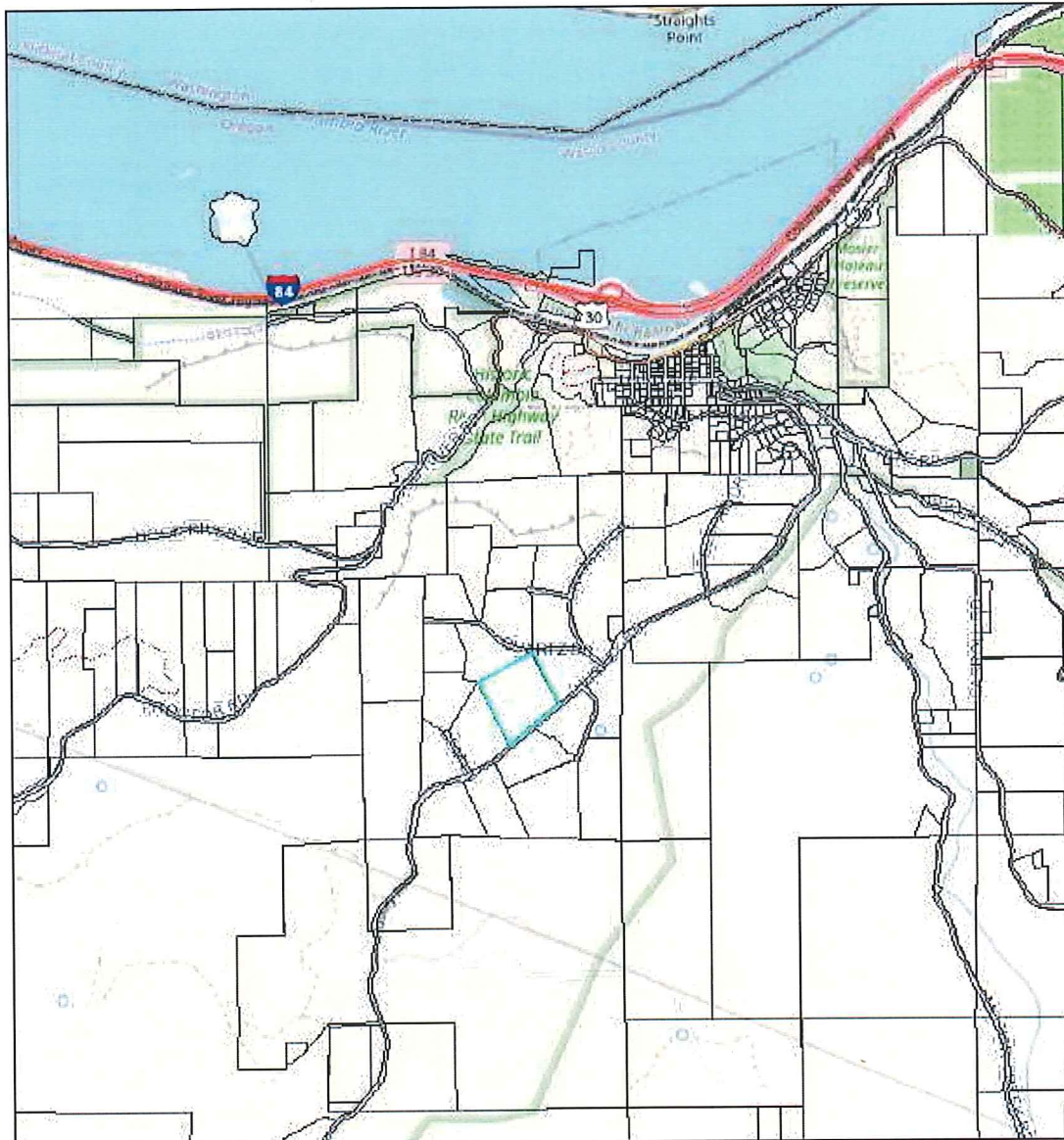
### **FINDINGS OF FACT:**

Findings of fact approving this request may be reviewed at the Wasco County Planning Department, 2705 East Second Street, The Dalles, Oregon, 97058, or are available for purchase at the cost of \$0.25 per page. These documents are also available online at: <http://co.wasco.or.us/departments/planning/index.php>. Click the drop-down arrow to the right of Zoning Permits, click on Active Applications. The table is sorted alphabetically by the name of the applicant. The information will be available until the end of the appeal period.



ATTACHMENT C – MAPS  
 Applicant/Owner: Adrian Lopez  
 2N 11E 11, Tax Lot 2200; Account #327  
 Vicinity Map

Wasco County Planning Dept



6/25/2020, 10:03:28 AM

1:36,112


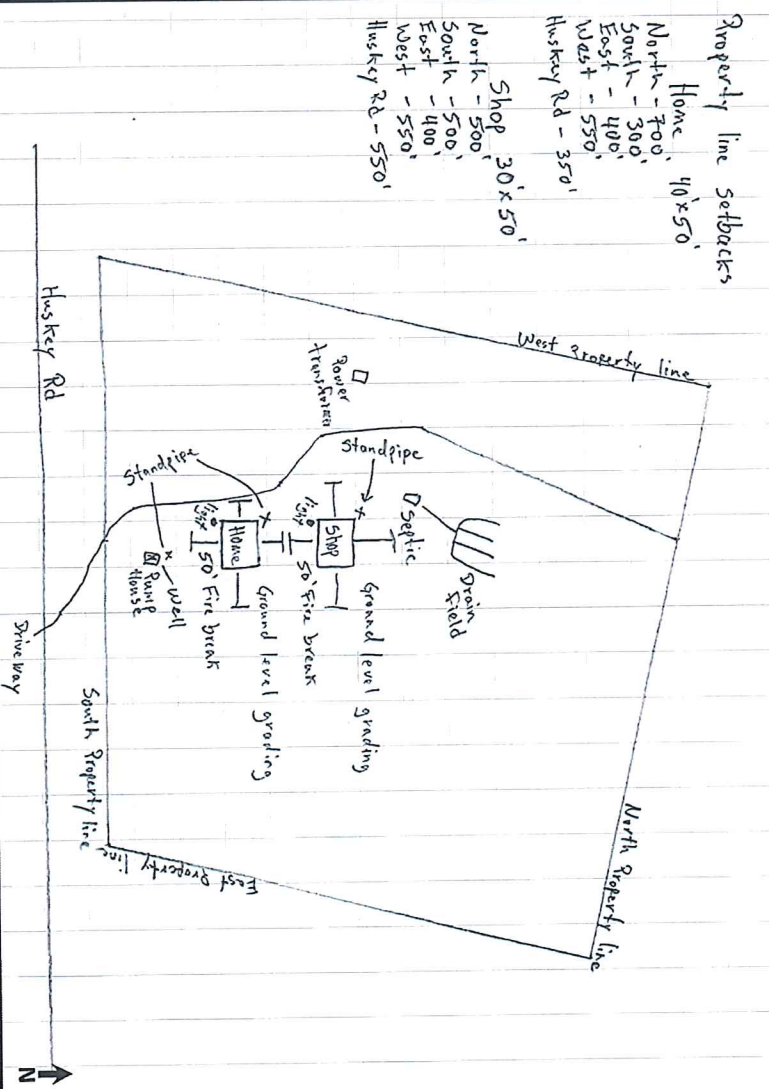
- Taxlots
- City
- Railroad
- Public Access
- Roads**
- State
- Private
- Road Labels
- County
- Wasco County Boundary Line

0 0.2 0.4 0.8 mi  
 0 0.33 0.65 1.3 km

© OpenStreetMap (and) contributors, CC-BY-SA, Wasco County GIS, DOGAMI, State of Oregon, Wasco County GIS, Lane County, Assessor, Wasco County GIS

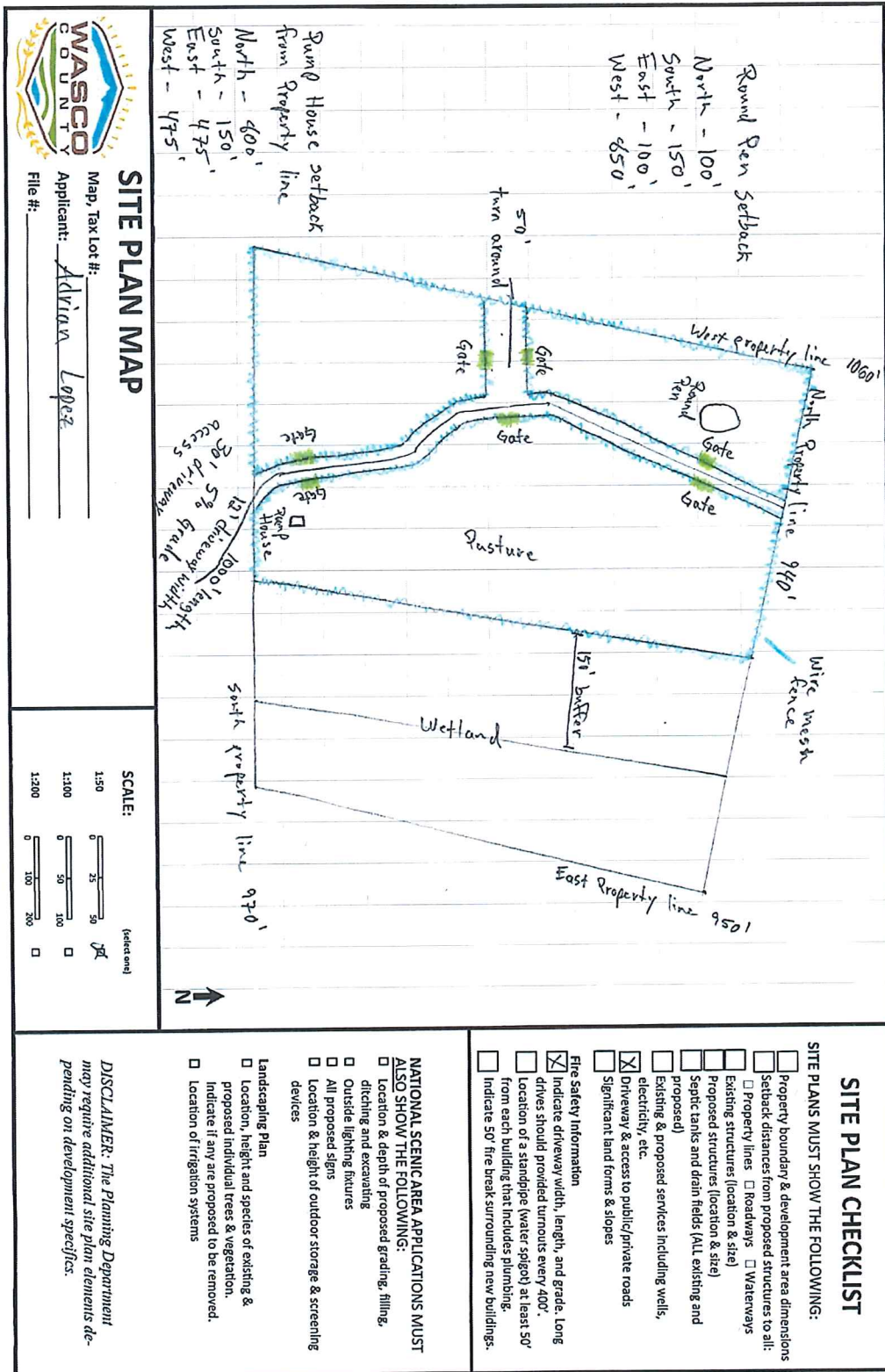
Wasco County Planning  
 This Map is for Informational Purposes Only

**ATTACHMENT C – MAPS**  
**Applicant/Owner: Adrian Lopez**  
**2N 11E 11, Tax Lot 2200; Account #327**  
**Site Plan**

 <p><b>SITE PLAN MAP</b></p> <p>Map, Tax Lot #: _____</p> <p>Applicant: <u>Adrian Lopez</u></p> <p>File #: _____</p>	 <p><b>Property line setbacks</b></p> <p>Home 40x50'</p> <p>North - 700'</p> <p>South - 300'</p> <p>East - 400'</p> <p>West - 550'</p> <p>Huskey Rd - 350'</p> <p>Shop 30x50'</p> <p>North - 500'</p> <p>South - 500'</p> <p>East - 400'</p> <p>West - 550'</p> <p>Huskey Rd - 550'</p>	<p><b>SCALE:</b></p> <p>1:50      0      25      50      □</p> <p>1:100      0      50      100      □</p> <p>1:200      0      100      200      □</p> <p align="right"><small>(select one)</small></p>
<p align="center"><b>SITE PLAN CHECKLIST</b></p> <p><b>SITE PLANS MUST SHOW THE FOLLOWING:</b></p> <p><input checked="" type="checkbox"/> Property boundary &amp; development area dimensions</p> <p><input checked="" type="checkbox"/> Setback distances from proposed structures to all:</p> <p>    <input checked="" type="checkbox"/> Property lines    <input type="checkbox"/> Roadways    <input type="checkbox"/> Waterways</p> <p><input checked="" type="checkbox"/> Existing structures (location &amp; size)</p> <p><input checked="" type="checkbox"/> Proposed structures (location &amp; size)</p> <p><input checked="" type="checkbox"/> Septic tanks and drain fields (ALL existing and proposed)</p> <p><input checked="" type="checkbox"/> Existing &amp; proposed services including wells, electricity, etc.</p> <p><input type="checkbox"/> Driveway &amp; access to public/private roads</p> <p><input type="checkbox"/> Significant land forms &amp; slopes</p> <p><b>Fire Safety Information</b></p> <p><input type="checkbox"/> Indicate driveway width, length, and grade. Long drives should provided turnouts every 400'.</p> <p><input checked="" type="checkbox"/> Location of a standpipe (water spigot) at least 50' from each building that includes plumbing.</p> <p><input checked="" type="checkbox"/> Indicate 50' fire break surrounding new buildings.</p>		
<p><b>NATIONAL SCENIC AREA APPLICATIONS MUST ALSO SHOW THE FOLLOWING:</b></p> <p><input checked="" type="checkbox"/> Location &amp; depth of proposed grading, filling, ditching and excavating</p> <p><input checked="" type="checkbox"/> All proposed signs</p> <p><input type="checkbox"/> Location &amp; height of outdoor storage &amp; screening devices</p> <p><b>Landscaping Plan</b></p> <p><input type="checkbox"/> Location, height and species of existing &amp; proposed individual trees &amp; vegetation.</p> <p>Indicate if any are proposed to be removed.</p> <p><input type="checkbox"/> Location of irrigation systems</p>		
<p><small><b>DISCLAIMER:</b> The Planning Department may require additional site plan elements depending on development specifics.</small></p>		




**ATTACHMENT C – MAPS**  
**Applicant/Owner: Adrian Lopez**  
**2N 11E 11, Tax Lot 2200; Account #327**  
**Site Plan**



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

**ATTACHMENT C – MAPS**  
**Applicant/Owner: Adrian Lopez**  
**2N 11E 11, Tax Lot 2200; Account #327**  
**Site Plan**




**SITE PLAN MAP**

Map, Tax Lot #: \_\_\_\_\_

Applicant: Adrian Lopez

File #: \_\_\_\_\_



*Oak trees*

*Pine/Fir trees most are over 50' tall*

*All trees will remain for screening*

*Oak Forest*

*Pine & Oak Forest*

*West Property line*

*North Property line*

*East Property line*

*South Property line*

*Driveway*

*House*

*Shop*

*Trees*

*1:50*

*1:100*

*1:200*

*0 25 50 100 200*

*SCALE:*

*(select one)*

*N*

**SITE PLAN CHECKLIST**

**SITE PLANS MUST SHOW THE FOLLOWING:**

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

**Fire Safety Information**

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

**NATIONAL SCENIC AREA APPLICATIONS MUST ALSO SHOW THE FOLLOWING:**

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

**Landscaping Plan**

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

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



PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058  
p: [541] 506-2560 • f: [541] 506-2561 • www.co.wasco.or.us

*Pioneering pathways to prosperity.*

June 3, 2021

**PUBLIC NOTICE OF ADMINISTRATIVE ACTION**

Notice is hereby given that an Administrative Decision will be made by the Wasco County Planning Director pertaining to the following request. You are entitled to comment for or against the proposal. Comments must address review criteria and may be submitted to the Wasco County Planning Department, 2705 East Second Street, The Dalles, OR 97058.

This notice is in response to comments received regarding an incorrect version of the application on our website. The correct application is now on the website for review, and staff is allowing for another 15 day comment period.

**COMMENTS DUE:** June 18, 2021

**FILE NUMBER:** 921-19-000193-PLNG

**AMMENDED**

**REQUEST:** Scenic Area Review of a 1,889 Square Foot (SF) (50'L x 40'W x 24'H), two story single family dwelling, a 1,500 SF (50'L x 30'W x 24'H) accessory structure for a shop and storage, and retroactive approval of an unlawfully placed well to be housed in a proposed 100 SF (10'L x 10'W x 12.5'H) pump house. The request includes a 4' H wire fence on the eastern portion of the property, 150' away from the identified wetland. The request also includes raising 12 goats on the property, and rotating them to different portions of the property on an annual basis. A 50' diameter portable round pen will also be utilized.

**APPLICANT/OWNER:** Adrian Lopez, 1150 Huskey Road, Mosier, OR 97040

**LOCATION:** The subject property is located approximately .5 miles south of the City of Mosier, OR, 879 feet to the southwest of Quartz Drive, along Huskey Rd; More specifically described as:

<u>Tax Lot:</u>	<u>Account #:</u>	<u>Acres:</u>
2N 11E 11 2200	327	20.58

**ZONING:** (GMA)A-2(80), General Management Area in the Small Scale Agriculture Zone

**REVIEW AUTHORITY:** Section 2.050(A) of the Wasco County National Scenic Area Land Use and Development Ordinance (NSA LUDO).

**REVIEW CRITERIA:** Chapter 2, Chapter 3, Chapter 5, Chapter 11 and Chapter 14 of the NSA LUDO

**AVAILABLE INFORMATION:** More information regarding this application is available on the Wasco



County Planning Department website at <http://co.wasco.or.us/planning/actions.html>. The table is sorted alphabetically by the name of the application. The information will be available until the end of the appeal period.

Copies of all review criteria and evidence relied upon by the applicant are available for free review or may be purchased at \$0.25 per page at the Wasco County Planning Department.

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: Oregon Revised Statutes, Chapter 215, requires that if you receive this notice, it must promptly be forwarded to the purchaser.**

**COMMENTS:**

1. ***Written comments are due by 4:00 pm on June 18, 2021.***
2. This form is for your convenience if you wish to comment. Comments may also be submitted via email to [brentb@co.wasco.or.us](mailto:brentb@co.wasco.or.us). If you wish to comment, please provide sufficient detail to allow the Director to respond to the issue(s).
3. Comments received are a matter of public record and are made available to the applicant. 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.

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Date: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_

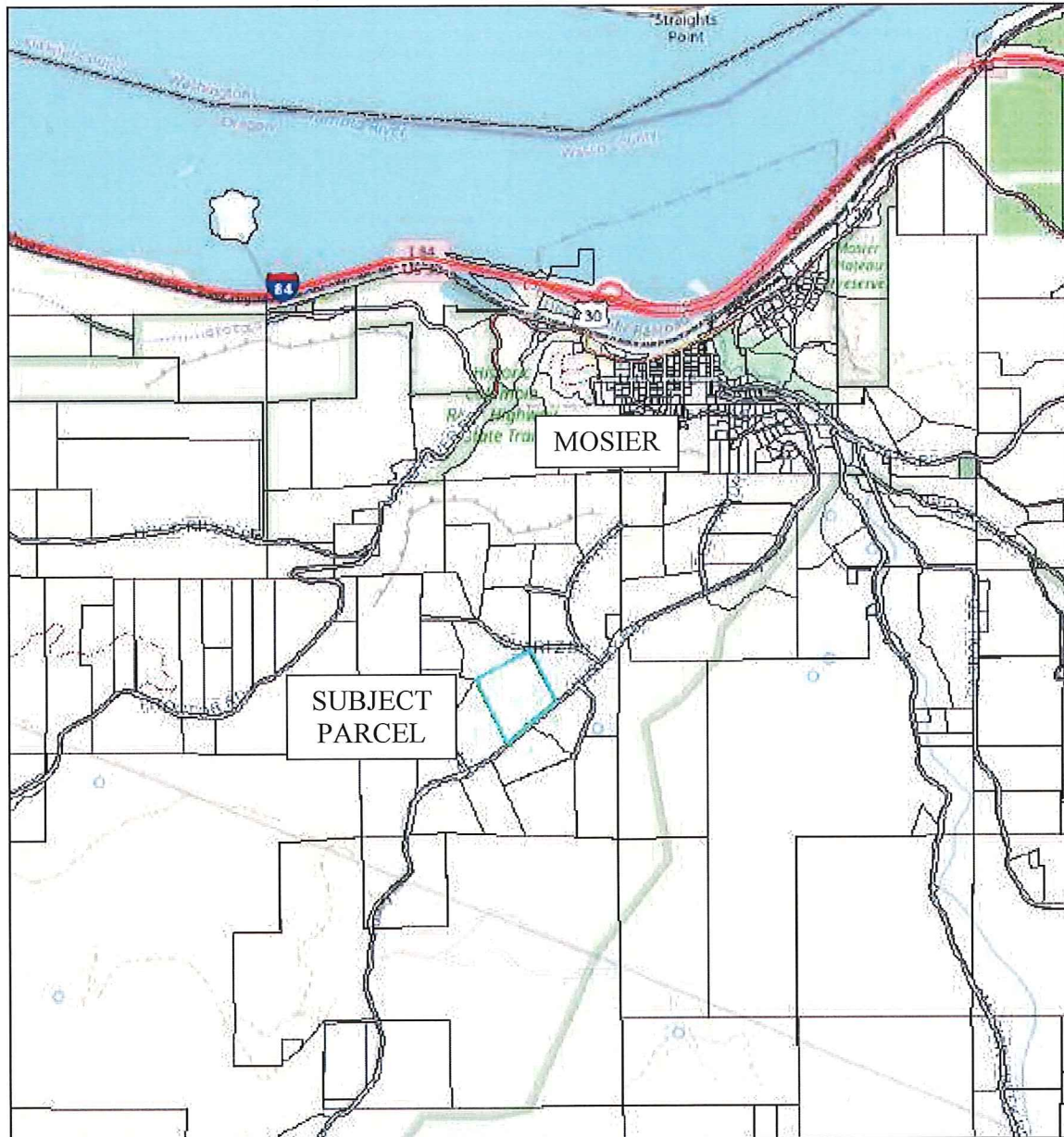
**DECISION PROCESS:**

1. An application is received and reviewed for completeness.
2. When deemed complete, the Public Notice of Administrative Action is mailed to affected public agencies, interested parties, and property owners within 200 or 500 feet of the subject property. Timely comments are weighed against the NSA LUDO criteria in a staff report.
3. A decision is reached by the Director based on findings in the staff report.
4. Parties of Record (affected agencies, property owners within 200 or 500 feet of the subject parcel, plus those other parties who comment) will receive a Notice of Decision.
5. Aggrieved parties may appeal a decision of the Director within 15 days of the decision date.

  
\_\_\_\_\_  
Brent Bybee, Associate Planner

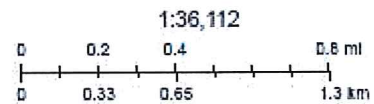
# MAPS Vicinity

Wasco County Planning Dept



6/25/2020, 10:03:28 AM

- Taxlots
- City
- Railroad
- Public Access
- Roads**
- State
- Private
- Road Labels
- County
- Wasco County Boundary Line



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Wasco County Planning  
This Map is for Informational Purposes Only

# MAPS Site Plan

**MASCO COUNTY**

Map, Tax Lot #: \_\_\_\_\_

Applicant: Adrian Lopez

File #: \_\_\_\_\_

**SITE PLAN MAP**

Property line setbacks

Home 40'x50'

North - 700'

South - 300'

East - 400'

West - 550'

Huskey Rd - 350'

Shop 30'x50'

North - 500'

South - 500'

East - 400'

West - 550'

Huskey Rd - 550'

**SCALE:**

1:50 0 25 50

1:100 0 50 100

1:200 0 100 200

(select one)

**SITE PLAN CHECKLIST**

**SITE PLANS MUST SHOW THE FOLLOWING:**

- ☒ Property boundary & development area dimensions
- ☒ Setback distances from proposed structures to all:
  - ☐ Property lines
  - ☐ Roadways
  - ☐ Waterways
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- ☐ Indicate driveway width, length, and grade. Long drives should provide turnouts every 400'.
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- ☒ All proposed signs
- ☐ Location & height of outdoor storage & screening devices

**Landscaping Plan**

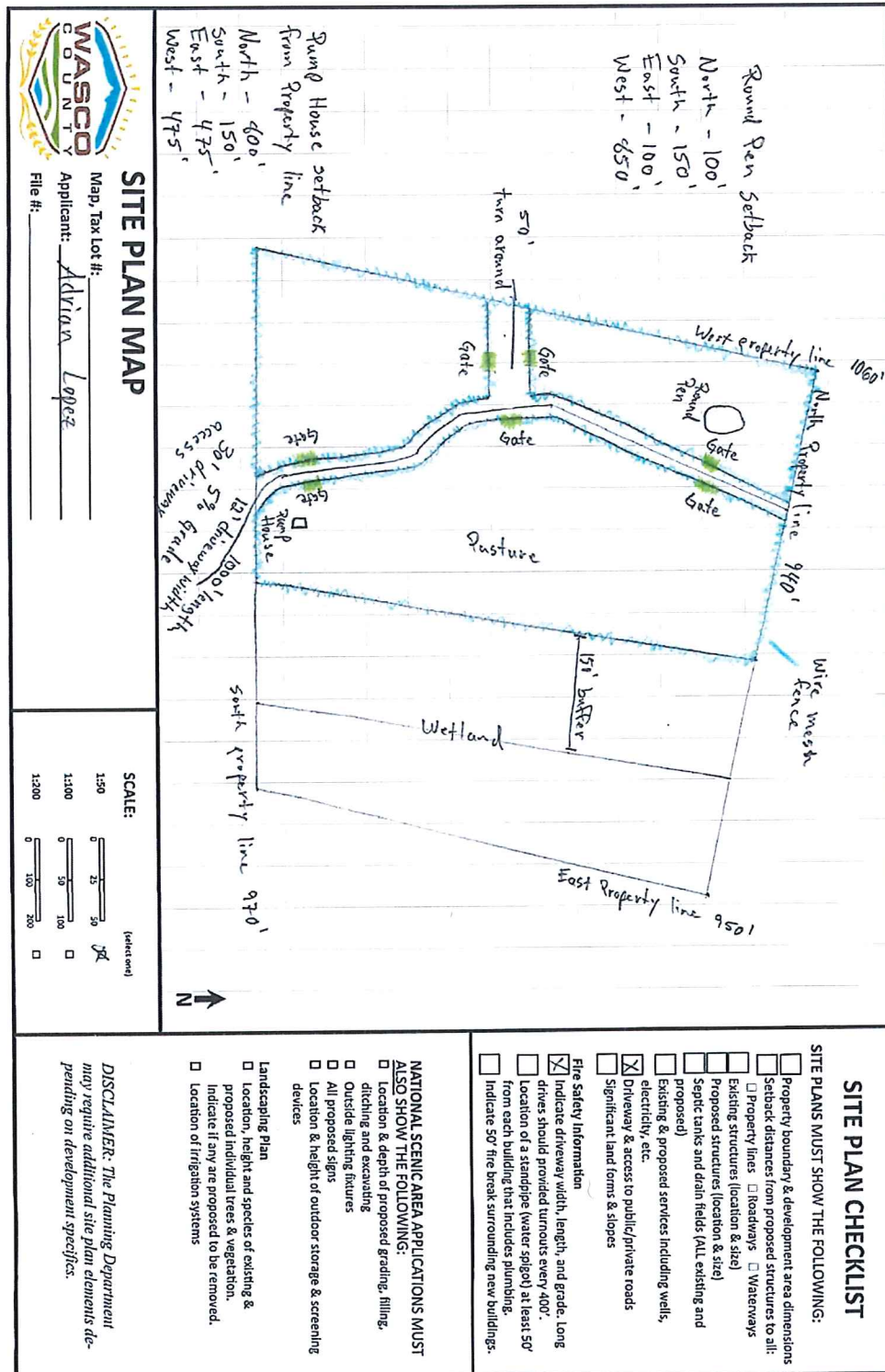
- ☐ Location, height and species of existing & proposed individual trees & vegetation. Indicate if any are proposed to be removed.
- ☐ Location of irrigation systems

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



# MAPS

## Additional Farm Management Plan maps





## PLANNING DEPARTMENT

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*Pioneering pathways to prosperity.*

FILE NUMBER: \_\_\_\_\_

FEE: \_\_\_\_\_

## LAND USE APPLICATION COVERPAGE

Date Received: 12/31 Planner Initials: AX Date Complete: \_\_\_\_\_ Planner Initials: \_\_\_\_\_

### APPLICANT INFORMATION

Name: Adrian Lopez

Address: 1150 Huskey Rd, Mosier Oregon 97040

City/State/Zip: \_\_\_\_\_ City/State/Zip: Mosier Oregon 97040

Phone: 541-490-0088

Email: adrianlopez5@yahoo

### PROPERTY INFORMATION

Township/Range/Section/Tax Lot(s)	Acct #	Acres	Zoning
<u>2N 11E 11 2000</u>	<u>327</u>	<u>20.59</u>	<u>(GMA) A-2(80)</u>

Property address (or location): 1139 Huskey Rd, Mosier Oregon 97040

Zoning Designation: \_\_\_\_\_ Environmental Protection District: \_\_\_\_\_

Proposed Use: Residential Permitted Subject to Section: \_\_\_\_\_

Water source: Well Sewage disposal method: Septic

Are there wetlands/waterways on your property? ☐ NO ☒ YES (description) Riverine eastern portion of property

Name of road providing access: Huskey Rd

Current use of property: Lot Use of surrounding properties: Residential

Do you own neighboring property? ☒ NO ☐ YES (description) \_\_\_\_\_

DETAILED PROJECT DESCRIPTION (proposed use, structures, dimensions, etc.): 40'x50' Residential home on a 21 acre lot. 40'x50' Pole barn for storage/workshop 24' high.

☒ Additional description/maps/pictures attached



---

**LEGAL PARCEL STATUS**


Partition, Subdivision, OR

Most Recent Pre-9/4/1974 Deed #: \_\_\_\_\_ Date Filed: \_\_\_\_\_

Current Deed #: \_\_\_\_\_ Date Filed: \_\_\_\_\_

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

---

**SIGNATURES**Applicant(s):  Date: 12-31-19Erika Gonzalez Date: 12-31-19X Property Owner(s):  Date: 12-31-19Erika Gonzalez Date: 12-31-19\_\_\_\_\_  
Date: \_\_\_\_\_

---

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

**ALL LAND USE APPLICATIONS MUST INCLUDE:**

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

☐ \_\_\_\_\_☐ \_\_\_\_\_**APPLICATIONS FOR PROPERTIES IN THE NATIONAL SCENIC AREA MUST ALSO INCLUDE:**

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

☐ \_\_\_\_\_☐ \_\_\_\_\_

**SHADED AREA TO BE COMPLETED BY PLANNING DEPARTMENT**

**Legal Parcel** ☐ NO ☐ YES  
Deed/Land Use Action: \_\_\_\_\_

**Previous Map and Tax Lot:** \_\_\_\_\_

**Past Land Use Actions:** If yes, list file #(s) \_\_\_\_\_ ☐ NO ☐ YES

\_\_\_\_\_  
Subject to previous conditions? ☐ NO ☐ YES

**Assessor Property Class:** \_\_\_\_\_

**Zoning:** \_\_\_\_\_

**Environmental Protection Districts** – List applicable EPDs:

☐ EPD # \_\_\_\_\_

☐ EPD # \_\_\_\_\_

☐ EPD # \_\_\_\_\_

☐ EPD # \_\_\_\_\_

**Water Resources**

Are there bodies of water or wetlands (seasonal or permanent) on property or adjacent properties? ☐ NO ☐ YES

Describe (include setback distances): \_\_\_\_\_

☐ Fish bearing ☐ Non fish bearing ☐ Seasonal Creek  
☐ Irrigation ditch ☐ Wetland ☐ Pond/Lake ☐ Not identified

*(Note: Check buffers. Different zones have different setback requirements that may require a more extensive permitting process.)*

**Access:**

County or ODOT approach permit on file? ☐ NO ☐ YES, # \_\_\_\_\_

**Address:**

Address exists and has been verified to be correct? ☐ NO ☐ YES

Address needs to be assigned after approval? ☐ NO ☐ YES

**Fire District:** \_\_\_\_\_

**Fees (List Review Type and Cost):** \_\_\_\_\_



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FILE NUMBER: PLASAR-

FEE: \_\_\_\_\_

## NATIONAL SCENIC AREA APPLICATION

Date Received:

Planner Initials:

Date Complete:

Planner Initials:

Please describe your proposed development in the National Scenic Area below. Attach additional narrative if necessary.

	LENGTH	WIDTH	HEIGHT	SQ. FT.	MATERIAL, COLOR, NAME & VENDOR (Samples Must Be Submitted)
<b>EXISTING Development</b>					
Dwelling					
Garage					
Other (shed, road etc...)					
<b>PROPOSED Improvements</b>					
Dwelling	50'	40'		1889	
Main/Body					Fiber Cement Sherwin Williams Hardi lap siding Thunder Gray SW7645
Trim					Fiber cement Sherwin Williams Hardi lap trim Forestwood SW7730
Roof(Fire Resistant)					Owens Corning Roofing Asphalt shingles - Grey
Doors					Fiberglass 6 panel
Windows (frame, sill & sash)					Vinyl thermal pane windows Hardi trim
Window Reflectivity Specs					low Reflectivity Glass
Other Building(s) Shop	40	50	16	2000	
Main/Body					Fiber Cement Hardi lap siding
Trim					Fiber cement Hardi lap siding
Roof(Fire Resistant)					Owens Corning Roofing Asphalt shingles Grey
Doors					Fiberglass
Windows (frame, sill & sash)					Vinyl thermal pane windows Hardi trim
Window Reflectivity Specs					low Reflectivity Glass
Decks					
Fences/Gates					
Driveway					20' concrete of of House Garage
Exterior Lighting & Hooding					Can lights Motion sensor flood on entry lights on garage and backdoor

---

## ADDITIONAL INFORMATION

Your proposed development will be reviewed according to the following criteria. It is important that your proposed design takes them into consideration. Please consult [Building in the Scenic Area - Scenic Resources Implementation Handbook](#) for additional guidance regarding the siting and design of your proposed development.

### KEY VIEWING AREAS

Check which Key Viewing Areas can be seen from the development site:

- ☐ Interstate 84, including rest stops
- ☒ Washington State Route 14
- ☒ Historic Columbia River Highway
- ☒ Columbia River
- ☐ Rowena Plateau and Tom McCall Point
- ☐ Washington State Route 142 (Lyle and Klickitat River road)
- ☐ Old Washington State Route 14 (County Road 1230)

Is property within ¼ mile of Interstate 84 or Historic Columbia River Highway (30)?

☒ NO

☐ YES

If YES, indicate setbacks to the paved edge of the Scenic Travel Corridors \_\_\_\_\_

Is any structure on property 50 years old or older?

☒ NO

☐ YES, year built: \_\_\_\_\_

Is proposed development site adjacent to agricultural uses?

☒ NO

☐ YES, type (grazing, orchards, grain, other): \_\_\_\_\_

\_\_\_\_\_  
Please describe the operational characteristics of non-residential uses/structures, including hours of operation, number of average daily trips, number of commercial events per year, etc. (attach additional pages if necessary):  
\_\_\_\_\_  
\_\_\_\_\_

### MAINTAIN TOPOGRAPHY

- ☒ The proposed development has been designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

### COMPATIBILITY

- ☒ The proposed development is compatible with the general scale (height, dimensions and overall mass) of existing nearby development.

### SKYLINE

- ☒ The proposed development does not break the skyline as seen from any Key Viewing Areas.

### VISUAL SUBORDINANCE

- ☒ The proposed development is sited to achieve visual subordination from Key Viewing Areas by utilizing existing topography and existing vegetation. Please explain (attach additional pages if necessary):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## APPLICATION REQUIREMENTS

In addition to the items listed on the Land Use Application and Site Plan forms, the following information must be included with all applications for development in the National Scenic Area.

### MATERIAL SAMPLES

All samples of exterior colors and materials have been included with the application.

- ☒ If visible from Key Viewing Areas: Dark earth-tone colors found at the specific site or in the surrounding landscape and either non-reflective or minimally reflective (non-metal with low-reflectivity glass); OR
- ☐ If not visible from Key Viewing Areas: Earth-tone colors found at the specific site.

### GRADING PLAN

All applications for structural development, except for trails in the SMA, involving more than 100 cubic yards of grading and with slopes greater than 10 percent shall include a grading plan. All proposed structural development involving more than 200 cubic yards of grading on sites visible from Key Viewing Areas shall include a grading plan.

A grading plan is required

☒ NO ☐ YES

If yes, a grading plan meeting the requirements below is included with the application:

- ☐ A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with contour intervals of at least 5 feet, including:
- (1) Natural and finished grades.
  - (2) Location of all areas to be graded, with cut banks and fill slopes delineated.
  - (3) Estimated dimensions of graded areas.
- ☐ A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:
- (1) Its purpose.
  - (2) An estimate of the total volume of material to be moved.
  - (3) The height of all cut banks and fill slopes.
  - (4) Provisions to be used for compactions, drainage, and stabilization of graded areas. (Preparation of this information by a licensed engineer or engineering geologist is recommended.)
  - (5) A description of all plant materials used to revegetate exposed slopes and banks, including the species, number, size, and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings.
  - (6) A description of any other interim or permanent erosion control measures to be used.

### COMPLETENESS

☒ I have read and understand the following:

If an application is deemed incomplete within 30 days of receipt, a letter shall be sent to the Applicant notifying him of exactly what information is missing. Applicant shall have 30 days from the date the incomplete letter is sent to submit the missing information. If the missing information is not submitted within this time frame, the application shall be deemed complete for the purposes of the review on 31<sup>st</sup> day after receipt of the application.

Due to the missing information, Wasco County will be unable to adequately review the proposal to determine if it is consistent with all applicable criteria, and landowners within the required notification area, affected agencies and other interested parties will be unable to appropriately comment on the proposal. **As a result, the proposal will be denied.** Pursuant to Wasco County National Scenic Area Land Use & Development Ordinance 2.120(D), Applicant will not be able to submit a similar application for a minimum of one year unless the denial is reversed by a higher authority.



## INCLUSIVE FEATURES

### STRUCTURAL

8' or 9' ceiling height (per plan)  
Vaulted ceilings (per plan)  
24" foundation wall  
Engineered wood I – Joist floor system  
Vapor barrier in crawl space  
Tongue and groove sub-floor glued and nailed  
2"x 6" exterior stud walls – Garage (per plan)  
2"x 4" interior stud walls  
Kiln dried framing lumber  
Engineered Truss system  
6/12 Roof pitch for enhanced curb appeal  
Architectural comp roofing

### EXTERIOR

Exterior paint, three color scheme  
Siding caulked and painted  
50 year LP® Smart Side (limited warranty)  
LP® Smart Trim all external windows  
House wrap to prevent water intrusion  
Vinyl thermal pane windows  
Vinyl thermal pane sliding glass door (per plan)  
Fiberglass 6 panel front door  
LP® paint grade shake panels at front gables  
Two exterior outlets (per plan)  
Two exterior hose bibs (per plan)  
Schlage brushed nickel exterior door knobs  
and deadbolts

Light fixtures at garage and back door  
Can lights at front entry (per plan)  
Covered front porch/entry (plan specific)  
Front porch, concrete (plan specific)

### INTERIOR

Interior painting, walls, ceilings,  
trim and doors  
Recessed lighting in common spaces  
Sheet rocked and fire taped garage  
Rounded drywall corners  
Staggered upper cabinets in kitchen with  
crown molding  
Solid wood doors, face frame and drawer  
faces on cabinets  
Tile entry (plan specific)  
GE® appliances, range, dishwasher and  
micro/hood in white  
Stair skirting on two story homes  
200 AMP electrical service  
Zoned electrical heating  
1 phone and 2 cable outlets  
Insulation meets or exceeds building codes  
Orange peel texture on walls throughout home  
Knock down ceiling texture in common areas  
and bedrooms  
Archways (per plan)  
Plant shelves (plan specific)

2" colonial base and case trim  
Window sills in formal areas  
3 panel hollow core interior doors  
Wood shelving throughout home  
Merillat® Birch cabinets  
Moen® faucets  
50 gallon hot water tank gas or electric  
Ice maker plumbing connection  
Brushed nickel light fixture package  
Wilsonart® laminate counter tops  
6" tile backsplash at all counter surfaces  
Mannington® vinyl flooring at kitchen,  
bath and utility  
Quality Shaw® carpet  
Garbage disposal  
Micro/hood vented to outside

### INTANGIBLES

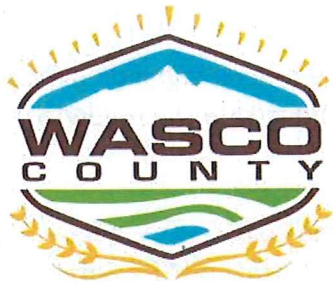
Professional knowledgeable sales staff  
Multiple award winning home plans  
Customization available  
Professional back office administration staff  
Many preferred lender relationships  
Professional construction management  
New Home Orientation Walkthrough  
Exceptional value  
Robust IT systems and internal processes

We invite you to compare these Simplicity Home inclusive features. You will find the industry standard is to charge extra for many of these items. Not with us, just one more of the many Simplicity Advantages.

### SIMPLICITY MISSION

With integrity we strive to build value driven, high quality homes. Our team centric professionals are dedicated to providing an unparalleled customer experience.



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## **FIRE SAFETY STANDARDS SELF CERTIFICATION FORM**

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

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

File Number: \_\_\_\_\_

PROJECT DESCRIPTION: Residential home on a 21 acre lot.

**APPLICANT INFORMATION**

Name: Adrian Lopez  
Address: 1150 Huskey Rd  
City/State/Zip: Mosier Oregon 97040  
Phone: 541-490-0088  
Email: adrianlopez5@yahoo

**OWNER INFORMATION**

Name: Adrian Lopez  
Address: 1150 Huskey Rd  
City/State/Zip: Mosier Oregon 97040  
Phone: 541-490-0088  
Email: adrianlopez5@yahoo

**PROPERTY INFORMATION**

Township/Range/Section/Tax Lot(s)	Acct #	Acres	Zoning
2N 11E 11 2200	327	20.59	(6MA) A-2(80)

Property address (or location): 1139 Huskey Rd, Mosier Oregon 97040

**SITING 10.110/11.110** – Please show approximate areas of steep slopes and proposed building locations relative to the slopes on the site plan. Information shall be sufficient to demonstrate the following:

**NOTE: Select either B(1) or B(2).**

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

☒ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

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

☒ Yes – Comment No slope over 30% ☐ No, See Attached Fire Safety Plan

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

☒ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

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

**NOTE: Select either A or B.**

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

☒ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

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

☐ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

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

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

☐ Yes – Comment \_\_\_\_\_

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

☒ Yes – Comment \_\_\_\_\_



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

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

☒ Yes – Comment \_\_\_\_\_

Decks less than three feet above ground will be screened with noncombustible corrosion resistant mesh screening material with openings ¼" or less in size.

☒ Yes – Comment \_\_\_\_\_

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

☒ Yes – Comment \_\_\_\_\_

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

☒ Yes – Comment \_\_\_\_\_

**B(2).** Please confirm that all openings into and under the exterior of the building including vents and louvers, will be screened with noncombustible corrosion resistant mesh screening material with openings of ¼" or less.

☒ Yes – Comment \_\_\_\_\_

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

☒ Yes – Comment \_\_\_\_\_

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

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

☒ Yes – Comment \_\_\_\_\_

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

☒ Yes – Comment \_\_\_\_\_

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

☒ Yes – Comment \_\_\_\_\_

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

☒ Yes – Comment \_\_\_\_\_

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

**A(1).** New or improved driveways will be built and maintained to all weather design standards.

(2-3" of  $\frac{3}{4}$  minus over 6-8" of pitrun base rock OR capable of supporting 75,000 lbs GVW)

☒ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

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

☒ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

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

☒ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

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

☒ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

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

☒ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

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

☒ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

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

☒ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

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

☐ Yes – Comment \_\_\_\_\_ ☒ No, See Attached Fire Safety Plan

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

☒ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

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

☒ Yes – Comment \_\_\_\_\_

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

☒ Yes – Comment \_\_\_\_\_

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

☒ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

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

---

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

☒ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

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

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

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

☐ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

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

☐ Yes – Comment \_\_\_\_\_ ☐ No, See Attached Fire Safety Plan

---

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

X 

Owner Signature

12-31-19

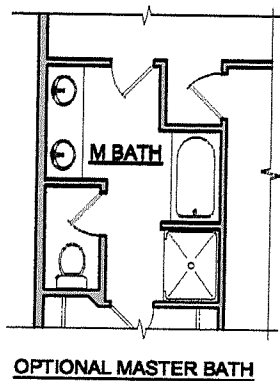
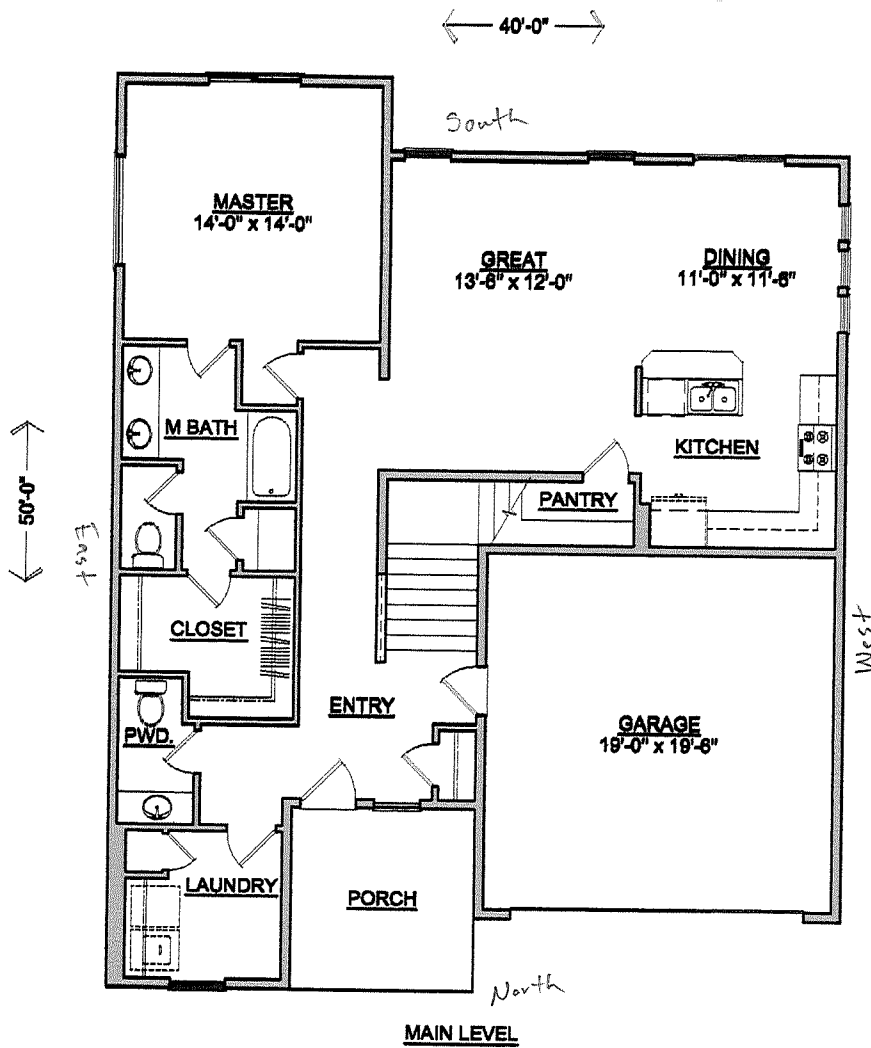
Date

X 

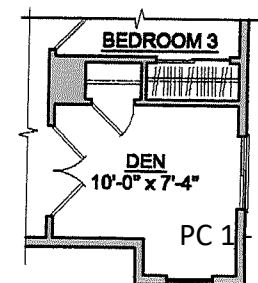
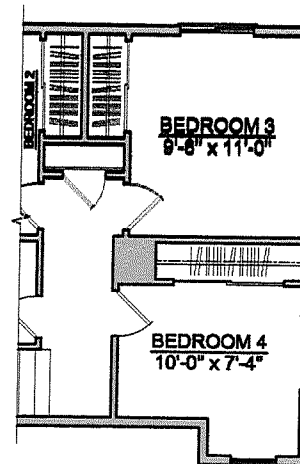
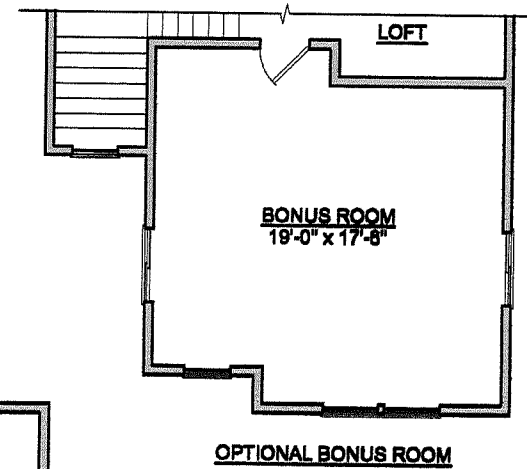
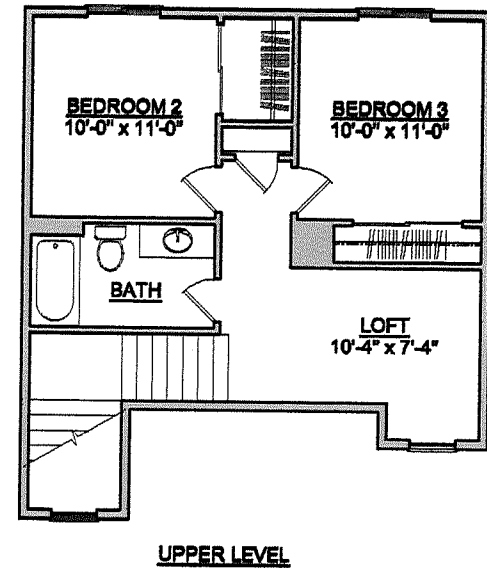
Owner Signature

12-31-19


Date



Parkland



Shop

<p>North Elevation</p> <p><b>Front View</b></p>	<p>South</p> <p><b>Rear View</b></p>
<p>West</p> <p><b>Side View 1</b></p>	<p>East</p> <p><b>Side View 2</b></p>
<p align="center"><b>ELEVATION DRAWING</b></p> <p> <input type="checkbox"/> Natural Grade               <input checked="" type="checkbox"/> Finished Grade               <input checked="" type="checkbox"/> Dimensions (L x W x H)         </p> <p>             Elevation drawings must be drawn to scale. Use additional pages if necessary. See back for more information.         </p> <p> <input checked="" type="checkbox"/> Each grid equals 5' x 5' at a scale of 1"=10', or  <input type="checkbox"/> Each grid equals 2.5' x 2.5' at a scale of 1"=5'         </p> 	

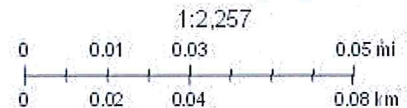


# ArcGIS Web Map



10/31/2019, 12:25:30 PM

- |              |                    |                     |
|--------------|--------------------|---------------------|
| Taxlots      | City               | <b>Legal Status</b> |
| Railroad     | Public Access      | UNKNOWN             |
| <b>Roads</b> | Private            | YES                 |
| State        | <b>Road Labels</b> | POTENTIAL           |
| County       |                    | PENDING             |



NRCS, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Wasco County GIS, Lane County, Assessor, Wasco County GIS

Wasco County Planning  
This Map is for Informational Purposes Only.

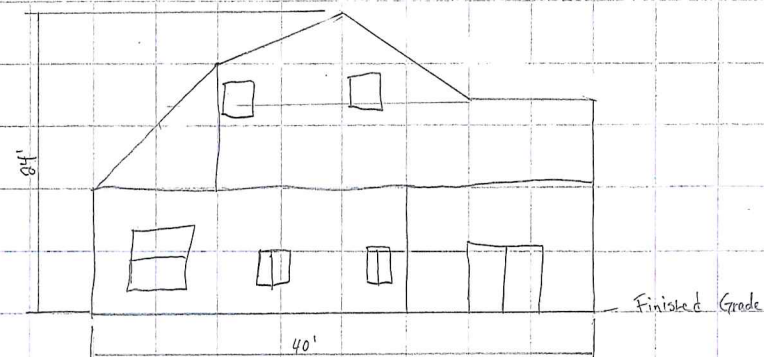
Front View

North



Rear View

South



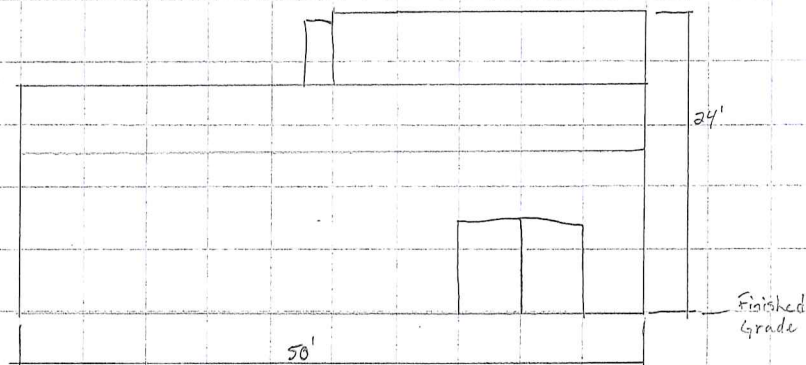
Side View 1

West



Side View 2

East



# ELEVATION DRAWING

Proposed Home

☐ Natural Grade ☒ Finished Grade ☒ Dimensions (L x W x H)

Planning Commission Agenda Packet

October 5, 2021

Elevation drawings must be drawn to scale. Use additional pages if necessary. See back for more information.

- ☒ Each grid equals 5' x 5' at a scale of 1"=10', or
- ☐ Each grid equals 2.5' x 2.5' at a scale of 1"=5'



PC 1-210





## X SITE PLAN CHECKLIST

### SITE PLANS MUST SHOW THE FOLLOWING:

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

### Fire Safety Information

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

### X NATIONAL SCENIC AREA APPLICATIONS MUST ALSO SHOW THE FOLLOWING:

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

### Landscaping Plan

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



## SITE PLAN MAP

Map, Tax Lot #: 2N 11E 11 2200

Applicant: Adrian Lopez

File #:

### SCALE:

(select one)

1:50



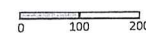
☐

1:100



☒

1:200



☐

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

## Property line setbacks

Home 40'x50'

North - 700'

South - 300'

East - 400'

West - 550'

Huskey Rd - 350'

Shop 30'x50'

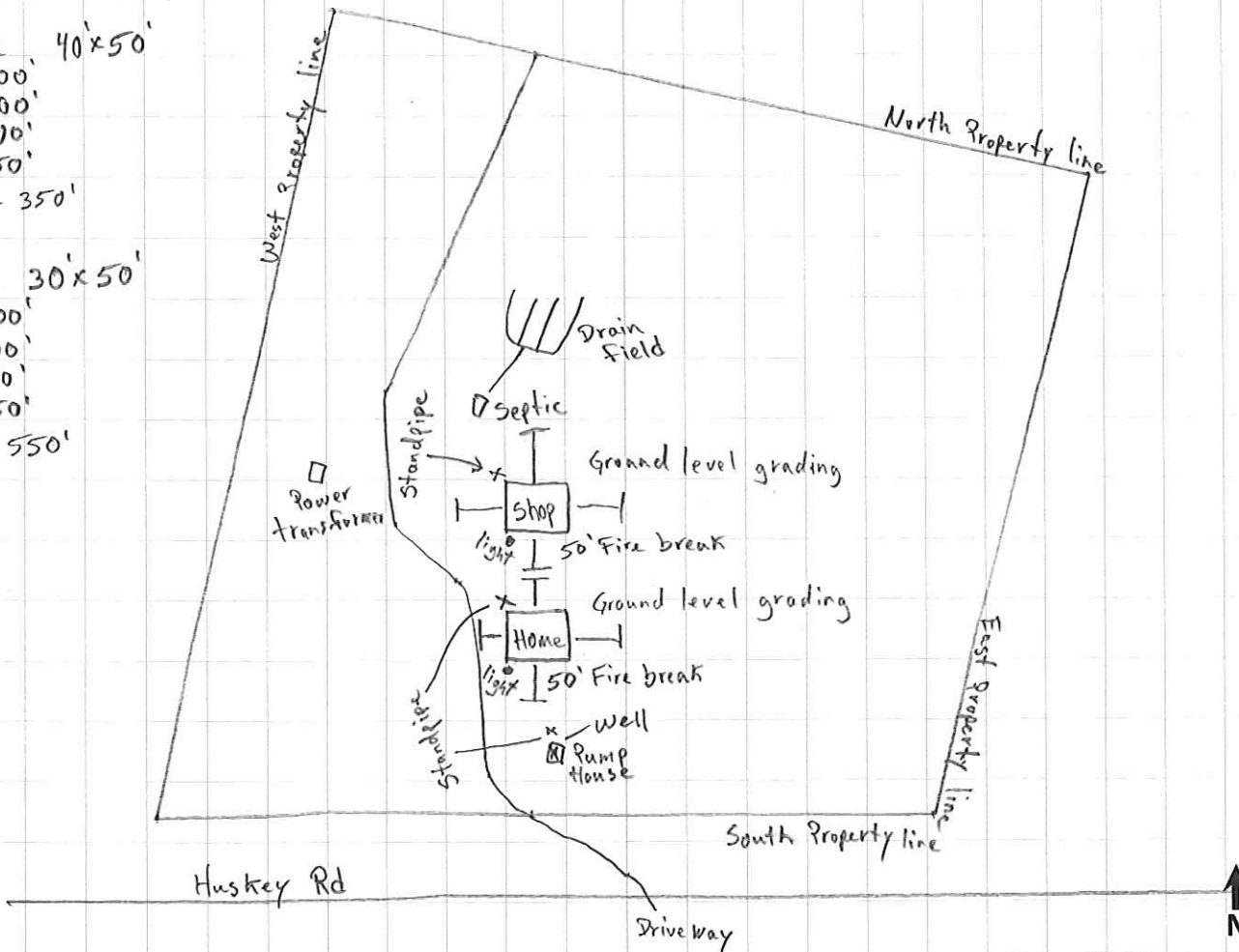
North - 500'

South - 500'

East - 400'

West - 550'

Huskey Rd - 550'



## SITE PLAN CHECKLIST

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Map, Tax Lot #: \_\_\_\_\_

Applicant: Adrian Lopez

File #: \_\_\_\_\_

### SCALE:

(select one)

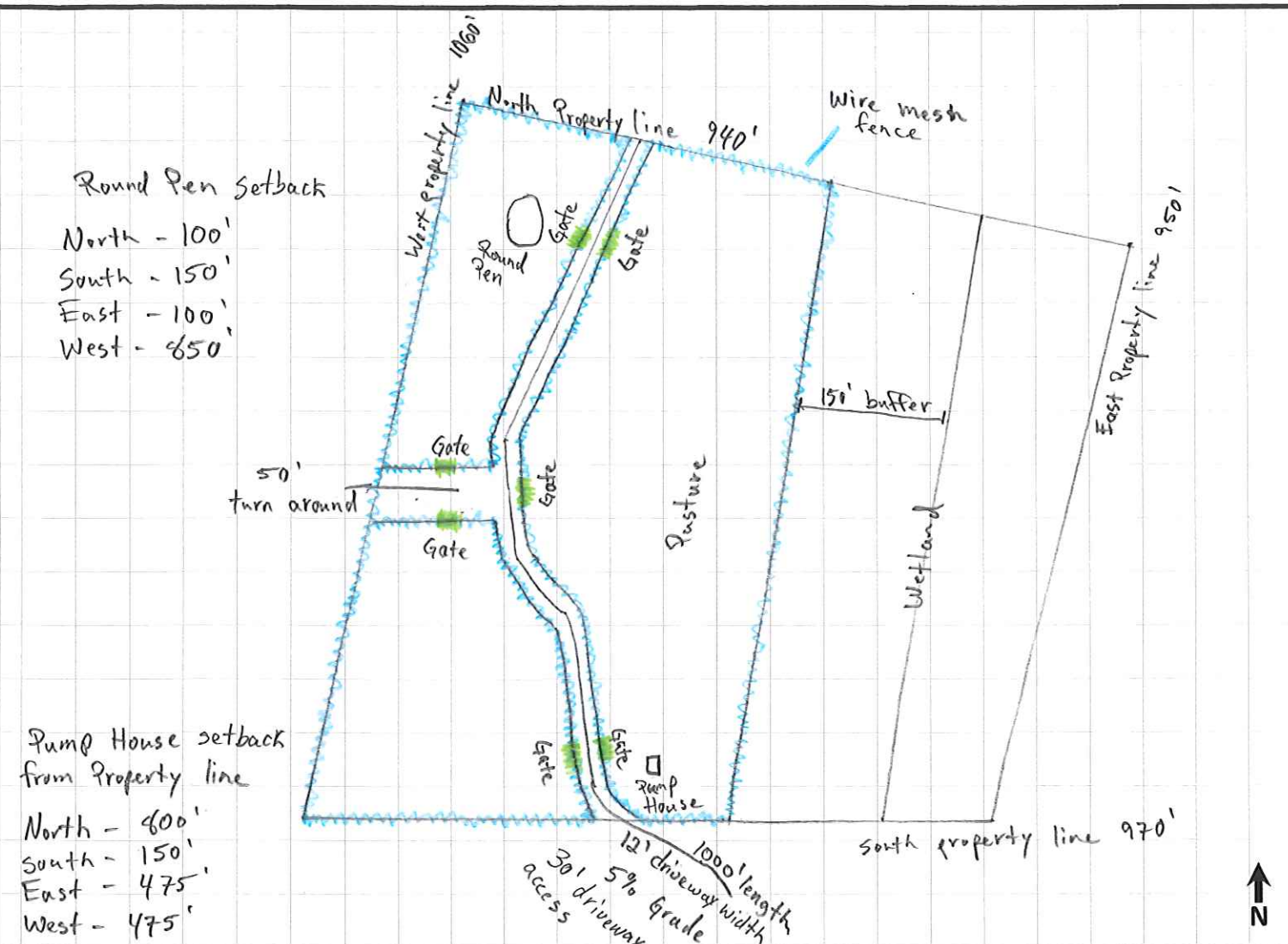
1:50 ☐

1:100 ☐

1:200 ☐

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





# SITE PLAN MAP

Map, Tax Lot #: \_\_\_\_\_  
 Applicant: Adrian Lopez  
 File #: \_\_\_\_\_

SCALE:	(select one)
1:50	<input checked="" type="checkbox"/>
1:100	<input type="checkbox"/>
1:200	<input type="checkbox"/>

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Trees

● Oak trees

● Pine/Fir trees  
most are over  
50' tall

All trees will  
remain for  
screening



## SITE PLAN CHECKLIST

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## SITE PLAN MAP

Map, Tax Lot #: \_\_\_\_\_

Applicant: Adrian Lopez

File #: \_\_\_\_\_

### SCALE:

(select one)

1:50 ☐

1:100 ☐

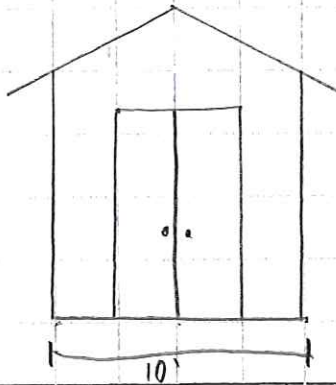
1:200 ☐



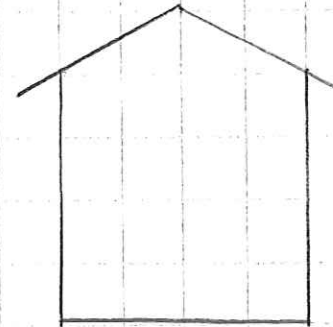


# Pump House

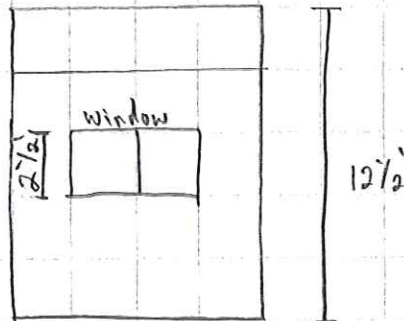
Front View



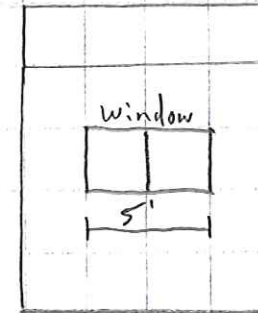
Rear View



Side View 1



Side View 2



## ELEVATION DRAWING

☐ Natural Grade ☒ Finished Grade ☒ Dimensions (L x W x H)

Elevation drawings must be drawn to scale. Use additional pages if necessary. See back for more information.

- ☐ Each grid equals 5' x 5' at a scale of 1"=10', or  
☒ Each grid equals 2.5' x 2.5' at a scale of 1"=5'



Same color and material as Home

# Farm Management Plan

The proposed farm will be breeding meat goats for profit and will be ran by myself. I plan on starting my own heard so that will take years to develop and breed a full heard of around 12 females and one stud, maybe around 4 years or so. Beginning with a few females and a male, I will breed and keep the offspring with the traits I want. The remanding animals will be sold at an auction or to a private party once a year. Goats are well known to eat most plants including poison oak, there is a good possibility they will also be rented to people once the full heard is established.

On the property there is a 50' round pen that will be used to load the animals into the trailer to be moved/sold. The pen made of 12 corral panels hooked together and is not permanent. It has been painted a non reflective dark green that has been approved. A proposed 30'x50' shop will be used to store a tractor, implements, animal feed, and supplies. The proposed fencing indicated on the site plan is split into pens that I will use to move the heard to graze when necessary. The stud is separated from the females when they are not in heat so it is required to have him in a different area. In Oregon the general guidelines for goats to acres ratio is 3-5 head to acre, depending on bred.

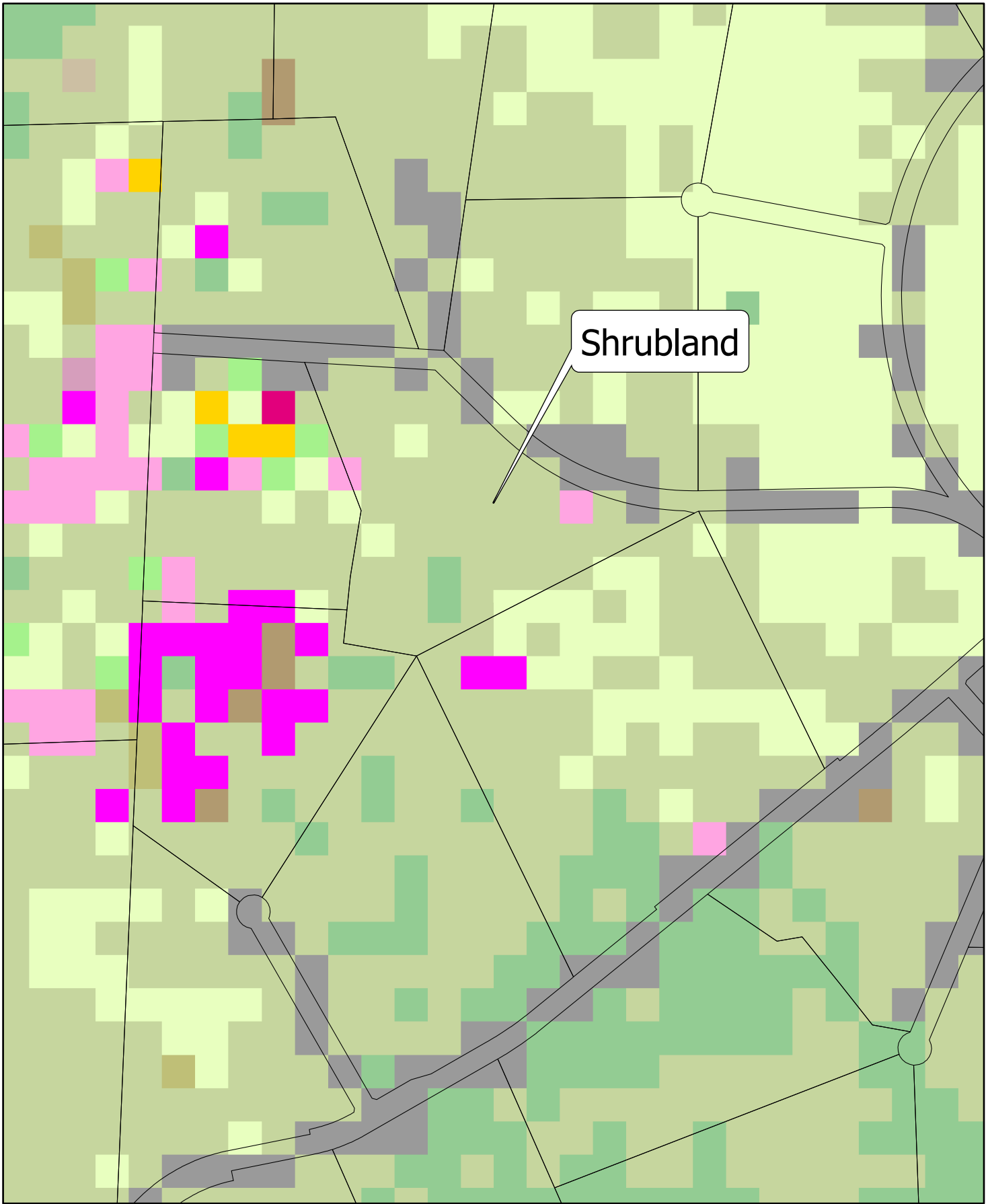




Attachment J

Subject Parcel





2N 11E 11 1600

Taxlots



0 115 230 460 690 920 Feet

This product is for informational purposes and has not been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Kelly Howsley - Glover &lt;kellyg@co.wasco.or.us&gt;

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## Goat farm, dwelling, agricultural structures and fencing in the NSA

---

**THOMPSON Jeremy L \* ODFW** <Jeremy.L.THOMPSON@odfw.oregon.gov>

Thu, Sep 9, 2021 at 9:36 AM

To: Kelly Howsley - Glover &lt;kellyg@co.wasco.or.us&gt;

Cc: Jeremy Thompson <jeremy.l.thompson@state.or.us>, MEYERS Andrew R \* ODFW  
<Andrew.R.MEYERS@odfw.oregon.gov>

Kelly,

ODFW still does not have a concern regarding this proposal. We support the fencing of sensitive areas, such as a wetland area. While strand wire fencing is more hospitable to deer movement, in this scenario woven wire will not have an impact on the deer or elk, as there are no known migratory corridors within the area, and the proposed development is in an area already impacted by human presence, especially considering that within 1500 meters to the west is a large block of commercial orchards, and 1500 meters to the north lies the city of Mosier.

Impacts to the oak habitat were addressed through limiting the removal of trees on this property. The understory component within the area proposed for development is already impacted due to the previous land uses and adjacent human development.

Let me know if you need any further clarification.

### Jeremy Thompson

District Wildlife Biologist

Mid-Columbia District, ODFW

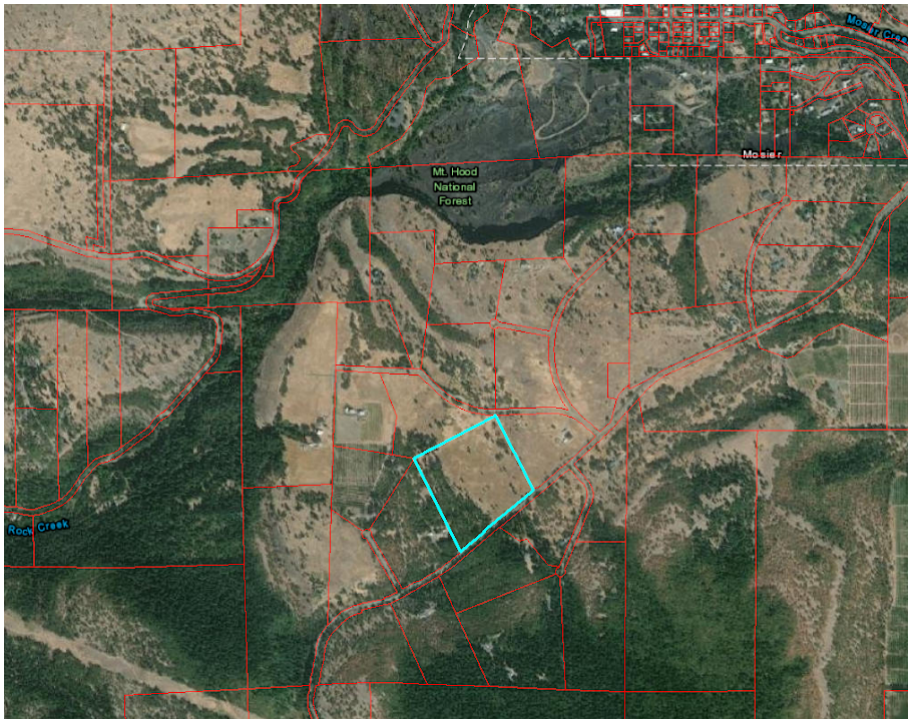
3701 W. 13<sup>th</sup>. St.

The Dalles, OR 97058

541-967-6794 office

541-980-8524 cell

541-298-4993 fax



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