

## ATTACHMENT D –STAFF REPORT

**File Number:** PLACUP-17-12-00015

**Applicant/Owner:** Barbara & Philip Rolfe

**Requests:** A Conditional Use Permit for the construction of a 60'L x 40'W x 32'T, 3,000 square foot (SF) non-farm dwelling, and a 40'L x 56'W x 18'T, 2,250 SF detached accessory structure

**Decision:** Approval, with **conditions**

**Decision Date:** April 26, 2018

**Appeal Deadline:** May 8, 2018

**Location:** The subject parcel is located on the north side of Rail Hollow Road, 0.2 miles east of the intersection of Taylor Grade Road and Rail Hollow Road, approximately 6.4 miles southwest of Dufur, Oregon, more specifically described as:

<u>Map/Tax Lot #</u>	<u>Acct. #</u>	<u>Acres</u>
2S 12E 0 2300	10030	19.71

**Zoning:** A-1(160), Exclusive Farm Use

### **Environmental Protection**

**Districts:** Sensitive Wildlife Habitat Overlay (EPD-8)

**Past Actions:**

HB 3661-94-107-WAA18-LOR	Approval of a single family dwelling on a 18.18 acre parcel, allowed through House Bill 3661.
LOC-95-WAA18-LUCS	Land Use Compatibility Statement for On-Site Sewage Disposal System.
PLACUP-15-05-0006	Single Family Non-Farm Dwelling (Withdrawn)

**Procedure Type:** Administrative Action

**Prepared By:** Brent Bybee, Associate Planner

## I. APPLICABLE STANDARDS

### A. Chapter 3 – Basic Provisions

#### Section 3.210 – Exclusive Farm Use (A-1) Zone

Section 3.213	Uses Permitted Subject to Type I Review
Section 3.215(I)	Uses Permitted Subject to Conditional Use Review – Nonfarm Dwelling
Section 3.216	Property Development Standards
Section 3.218	Agricultural Protection
Section 3.219(A)	Additional Standards –Nonfarm Dwelling

#### Section 3.920 – Sensitive Wildlife Habitat Overlay (EPD-8)

Section 3.921	Purpose
Section 3.922	Application of Provisions
Section 3.924	Conditional Uses
Section 3.926	Siting Standards

### B. Chapter 5 – Conditional Use Review

Section 5.020	Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used
Section 5.030	Conditions
Section 5.040	Revocation of Conditional Use Permit

### C. Chapter 10 – Fire Safety Standards

Section 10.110	Siting Standards – Locating Structures for Good Defensibility
Section 10.120	Defensible Space – Clearing and Maintaining a Fire Fuel Break
Section 10.130	Construction Standards for Dwellings and Structures - Decreasing the Ignition Risks by Planning for a more Fire-Safe Structure
Section 10.140	Access Standards – Providing Safe Access to and Escape From Your Home
Section 10.150	Fire Protection or On-Site Water Required – Ensuring Dwellings Have Some Fire Protection Available Through Manned or Unmanned Response

## II. BACKGROUND

- A. Legal Parcel:** The subject parcel was legally created by Minor Partition MIP-79-117, recorded with the Wasco County Clerk’s Office on February 26, 1979. The property is consistent with the definition of “(Legal) Parcel” in LUDO Section 1.090 – Definitions, as it was created as a parcel in an existing, duly recorded major or minor land partition.
- B. Site Description:** The majority of the property contains south-facing slopes leading down to Rail Hollow Road and averaging 10-20%. The proposed nonfarm dwelling will be located on south-facing slopes approximately 240 feet north of Rail Hollow Road. Orchard Ridge Ditch, identified as a stream (non fish bearing), runs in an east to west direction on the subject parcel. The parcel is partially forested with pine and oak trees on the east and northern portion of the parcel. The remaining 8.7 acres of the parcel are dedicated to dry wheat land production.
- C. Surrounding Land Use:** All surrounding properties are in the A-1(160), Exclusive Farm Use Zone and contain somewhat similar topography as the subject parcel which consists of hilltops with

gentle slopes leading steeply downhill to roads and drainage ways such as South Valley Road and Taylor Grade Road. Planted croplands generally follow the good soils, and nonproductive soils are generally on steep rocky slopes. Outside of the cropped areas, a large number of trees exist along Fifteenmile Creek, but are less prominent across the remainder of the landscape. Properties along Rail Hollow Road contain a mixture of irrigated crops (wheat/alfalfa/grasses) as well as grazing. Fifteenmile Creek, an identified creek lies south of South Valley Road and continues in a southwest to northeast direction. Approximately 0.5 miles to the northwest of the subject property is an area of F-F(10) zoning known as Sportsman's Paradise. This area is dedicated mainly to residential and recreational uses.

- D. Public Comment:** Pre-notice of the proposed administrative action was sent on February 15, 2018, to all property owners within 750' of the subject parcel and affected agencies. As of the expiration of the comment period (4 p.m., February 27, 2018) the following comments were submitted:

(February 8, 2018) Jeremy Thompson, District Wildlife Biologist, Mod Columbia District, ODFW: "I have spoken with Ms. Rolfe regarding her application (attached) for a new dwelling off of Rail Hollow Road. From the site plan that was provided and from that conversation, it appears that the proposed developments will all take place to the south and therefore outside of any deciduous (assuming oak) trees, and within 300' of the main road. With those two factors, ODFW would not file any comments opposing the development."  
Staff Response: See Chapter 3, Section 3.926 – Siting Standards below.

(February 15, 2018) Heidi Hartman, Aquatic Resource Coordinator, Oregon Department of State Lands: "No Concerns".  
Staff Response: See Chapter 3, Section 3.216 – Property Development Standards below.

### III. FINDINGS:

#### A. Chapter 3 – Basic Provisions

##### **Section 3.213 - Uses Permitted Subject to Type I Review**

*The following uses are permitted on a legal parcel on lands designated Exclusive Farm Use (A-1) Zone subject to Section 3.216 - Property Development Standards, Chapter 10 - Fire Safety Standards and any other listed, referenced or applicable standards:*

*This review involves an evaluation by Planning and Development staff but only requires formal zoning approval if the use is required to meet building codes approval. If the use does not require formal zoning approval but that is requested by the applicant for future documentation they will be charged the appropriate Type I review fee. (Added 4/12)*

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

**FINDING:** The request is for a Conditional Use Permit to construct a 60'L x 40'W x 32'T, 3,000 SF non-farm dwelling, and a 40'L x 56'W x 18'T, 2,250 SF detached accessory structure. Section 1.090 – Definitions states:

**Accessory Structure** - A detached structure, its footprint being less than 3/4 of the primary structures footprint, the use of which is customarily incidental to that of the primary structure or the primary use of the land and which is located on the same lot-of-record with the primary structure or use. Accessory structures shall not include agricultural exempt buildings. (Revised 1/92, 5/93)

A **condition** of approval is included in the Notice of Decision stating that the accessory structure shall be less than 3/4 of the dwellings footprint. Zoning approval for the accessory structure shall be obtained simultaneously with the primary dwelling, or after the home has been built, not before. With the condition of approval, staff finds the request complies with Criterion B.

**Section 3.215 - Uses Permitted Subject to Conditional Use Review/Type II or Type III**

The following uses may be permitted on a legal parcel designated Exclusive Farm Use (A-1) Zone subject to Section 3.216 - Property Development Standards, Section 3.218 - Agricultural Protection, Chapter 5 - Conditional Use Review, Chapter 10 - Fire Safety Standards, Chapter 20 - Site Plan Review only if the request includes off-street parking, off-street loading or bicycle parking, as well as any other listed, referenced, or applicable standards:

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*Residential Uses*

- I. *Non-Farm Dwelling: One single family dwelling not provided in conjunction with farm use, subject to Section 3.219 A, below.*

**FINDING:** The request is for a Conditional Use Permit to construct a 60'L x 40'W x 32'T, 3,000 SF non-farm dwelling, and a 40'L x 56'W x 18'T, 2,250 SF detached accessory structure. Sections 3.216, Property Development Standards, Section 3.218 – Agricultural Protection, Chapter 5 – Conditional Use Review, Chapter 10 – Fire Safety Standards, and Chapter 20 – Site Plan Review are all addressed below. Staff finds the requests comply with Criterion I.

**Section 3.216 - Property Development Standards**

*Property development standards are designed to preserve and protect the character and integrity of agricultural lands, and minimize potential conflicts between agricultural operations and adjoining property owners. A variance subject to WCLUDO Chapter 6 or Chapter 7 may be utilized to alleviate an exceptional or extraordinary circumstance that would otherwise preclude the parcel from being utilized. A variance to these standards is not to be used to achieve a preferential siting that could otherwise be achieved by adherence to these prescribed standards.*

A. *Setbacks*

1. *Property Line*

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

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

**FINDING:** The request is for a Conditional Use Permit to construct a 60’L x 40’W x 32’T, 3,000 SF non-farm dwelling, and a 40’L x 56’W x 18’T, 2,250 SF detached accessory structure. The required and proposed setbacks for each structure are listed below:

**Dwelling Setbacks**

Required Setback	Proposed Setback	Consistent?
200’ (North)	300’	Yes
200’ (East)	475’	Yes
200’ (South)	240’	Yes
200’ (West)	275’	Yes

**Accessory Structure Setbacks**

Required Setback – Parcel #3	Proposed Setback	Consistent?
200’ (North)	300’	Yes
200’ (East)	325’	Yes
200’ (South)	300’	Yes
200’ (West)	425’	Yes

All proposed setbacks meet the minimum requirements in the Exclusive Farm Use Zone, therefore staff finds the request complies with Criterion a, (1).

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2. *Waterways*

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

(2) *A minimum distance of fifty (50) feet when measured horizontally at a right angle for all water bodies designated as non-fish bearing by any federal, state or local inventory.*

**FINDING:** Orchard Ridge Ditch runs from east to west along the northern portion of the subject parcel. It is identified as “seasonal riverine” within the state inventory, which requires a minimum setback of 50’. A **condition** of approval is included in the Notice of Decision stating that no development or ground disturbance shall occur within 50’ of the Orchard Ridge Ditch. Any ground disturbance or development must be reviewed by the Wasco County Planning Department and Oregon Department of State Lands prior to commencement. With the condition of approval, staff finds the request complies with Criterion (2).

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B. *Height: Except for those uses allowed by Section 4.070 - General Exception to Building Height Requirements, no building or structure shall exceed a height of 35 feet. Height is measured from average grade.*

**FINDING:** The request is for a Conditional Use Permit to construct a 60'L x 40'W x 32'T, 3,000 SF non-farm dwelling, and a 40'L x 56'W x 18'T, 2,250 SF detached accessory structure. A **condition** of approval is included in the Notice of Decision requiring the owner to submit full construction plans for the new single family dwelling and accessory structure prior to issuance of zoning approval on a building permit application. The final plans shall show the finished height of each proposed building. With the proposed condition of approval, staff finds the request complies with Criterion B.

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- E. *Lighting: Outdoor lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways and waterways. Shielding and hooding materials shall be composed of non-reflective, opaque materials.*

**FINDING:** The application does not indicate the placement of any new outdoor lighting; however it is not unusual for a dwelling to contain one or more lights by the door(s), and on/around detached accessory buildings. A **condition** of approval is included in the Notice of Decision advising the owner that outdoor lighting must be sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways. Shielding and hooding materials shall be composed of nonreflective, opaque materials. With the proposed condition, staff finds the request complies with Criterion E.

- F. *Parking: Off street parking shall be provided in accordance with Chapter 20.*

**FINDING:** Chapter 20 requires one off-street parking space for a single family dwelling. The proposed nonfarm parcels each contain over 19 acres and contain adequate space for multiple off-street parking spaces around the proposed dwelling. Staff finds that the request complies with Criterion F.

- G. *New Driveways: All new driveways and increases or changes of use for existing driveways which access a public road shall obtain a Road Approach Permit from the appropriate jurisdiction, either the Wasco County Public Works Department or the Oregon Dept. of Transportation.*

**FINDING:** The subject parcel has never had development on it. The proposal includes the addition of a new 13' wide driveway to access the proposed development on the property. A **condition** of approval is included in the Notice of Decision stating that the owner shall obtain a road approach permit from the Wasco County Public Works Department prior to zoning approval. With the condition of approval, staff finds the request complies with Criterion G.

**Section 3.218 - Agricultural Protection**

*The uses listed in Section 3.214 - Uses Allowed Subject to Standards and Section 3.215 - Conditional Uses must meet the following standards:*

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

**FINDING:** The proposed nonfarm dwelling and accessory structure is located on land that is not in commercial agricultural production. Surrounding lands do contain commercial farm crops necessitating that the owners of the subject parcel sign a Forest-Farm Management Easement as described in Criterion A. A **condition** of approval is included in the Notice of Decision requiring that the property owners sign and record a Forest-Farm Management Easement (see Attachment F) with the Wasco County Clerk prior to obtaining zoning approval from the Wasco County Planning Department. With the proposed condition, staff finds the request complies with Criterion A.

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

**FINDING:** The Farm Mediation Ordinance is being provided to the property owner as Attachment G. Staff finds that the request complies with Criterion B.

### **Section 3.2185 - Challenging Soil Class Rating**

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- B. All Other: The soil class or soil rating or other soil designation of a specific lot or parcel on lands other than Lot of Record as specified above, or High Value soils as specified by NRCS, may be changed if the property owner:*
- 1. Submits a report to the Wasco County Planning Department from an accredited soils scientist, certified by ARCPACS that the soil class, soil rating or other soil designation should be changed and the rationale for the soil class change. The report will include the following technical data:*
    - a. Copy of the most current National Cooperative Soil Survey map(s) for the specified area;*
    - b. Methods used by the Soil Scientist;*
    - c. Level of order of survey used in field survey, scale, type of maps, number of sample locations and observation points all confirming or disagreeing with the NRCS mapping units;*
    - d. Methods used for observations (backhoe, auger, shovel, etc.) and methods used for documentation;*
    - e. Notation of any limitations encountered;*
    - f. Results, findings and decisions;*
    - g. Overview of geology, parent material, and related factors;*
    - h. Description of landforms, topography, confirming relationship of landforms to soil mapping units;*
    - i. Description of on-site and adjacent hydrology, including surface and subsurface features;*

j. Description of revised soil mapping units;

**FINDING:** On November 8, 2017, a soils assessment was completed for the subject property to challenge the soil class rating. The soils scientist who completed the assessment was Gary A. Kitzrow, Master of Science, Certified Professional Soil Classifier, Certified Professional Soil Scientist #1741. Kitzrow is also certified by ARCPACS. A copy of the most current National Cooperative Soil Survey map for the subject parcel was provided with the report.

**Methods:** The soils scientist instituted the use of a backhoe, auger, and shovel to complete his observations. After 19 test holes were dug, the scientist used the munsell color chart for soil colors, and a standard soil pH kit. A field assessment was then conducted for soil structure, consistence, pores, drainage class, root distribution, effective/absolute rooting depths, and related morphology testing.

No limitations were encountered.

The soils survey conducted was an Order I survey. Below is a copy of the NRCS soils map, and the map showing where each test hole was conducted.

NRCS Soil Map



Soil Test Pit Sites





Test Pit Findings

Test Pit Number	NRCS Soil Type	Original Classification	Surveyed Soil Type	Surveyed Classification	Agree or Disagree With Classification?
1	49C	IV	49C	III/IV	Agree
2	49C	IV	51D	VII	Disagree
3	51D	Complex Trending Good	39E	VII/VIII	Disagree
4	51D	Complex Trending Good	51D	VII	Disagree
5	51D	Complex Trending Good	51D	VII	Disagree
6	51D	Complex Trending Good	51D	VII	Disagree
7	51D	Complex Trending Good	51D	VII	Disagree
8	51D	Complex Trending Good	51D	VII	Disagree
9	49C	IV	49B	III/IV	Agree
10	49C	IV	49C	III/IV	Agree
11	49C	IV	49B	IV	Agree
12	51D	Complex Trending Good	49C	IV	Disagree
13	51D	Complex Trending Good	49C	IV/VI	Disagree
14	51D	Complex Trending Good	51D	VI/VII	Disagree

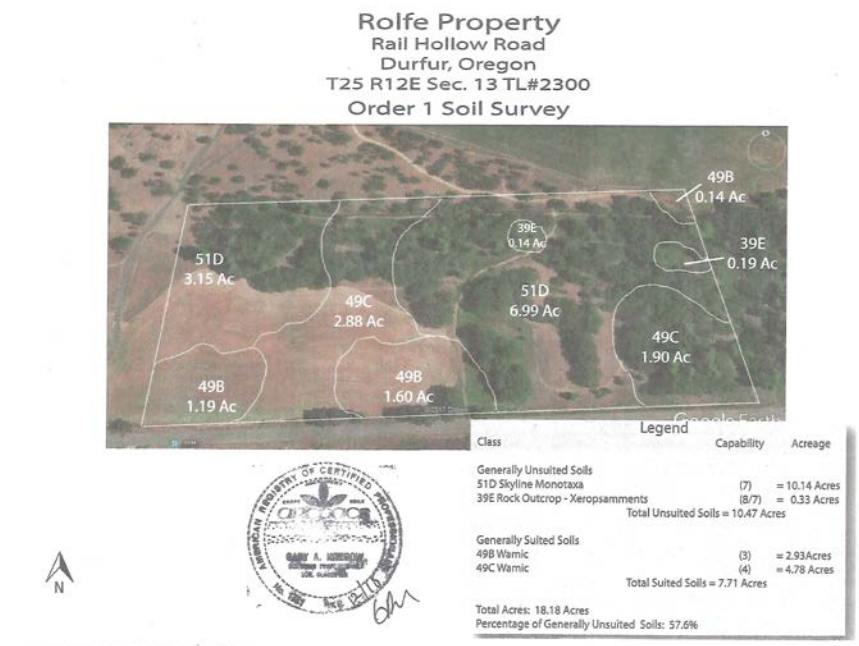
15	51D	Complex Trending Good	49C	III/IV	Disagree
16	49B	III	51D	VII	Disagree
16A	49B	III	51D	III/IV	Agree
17	51D	Complex Trending Good	39E	VIII	Disagree
18	51D	Complex Trending Good	51D	III/IV	Disagree
19	49C	IV	49C	IV	Agree

The assessment included individual Soil Profile Documentation Sheets for all 19 test pits utilized to conduct the assessment. The Soil Profile Documentation Sheets included all of the information required in Criterion g-j above. These sheets can be found on file with the application at the Wasco County Panning Office, file number PLACUP-17-12-0015. Below is a map of the results. The findings and decisions are stated within the Soils Assessment as,

*“In conjunction with the above reporting, I hereby certify that a preponderance (57.6%) of the legal lot of record, T02 S R12 W Sec 13 TL# 2300 {18.18 Ac.}, is comprised of generally unsuited Capability Class 7 and 8 soils. These mapping units have not been farmed and have been fallow in perpetuity. A small area in the southwest corner of the parcel, has been cultivated and is made up of suited Class 3 and 4 soils along with a couple other isolated mapping units elsewhere within the ownership.*

*The above legal lot of record is made up of mostly Class 7 (and minor Class 8) soils. These soils are incapable of producing farm crops including grazing and hay and pasture as well as merchantable timber crops.”*

Results Map:



With the provided information in the Soils Assessment, staff finds the required technical information was provided and the request complies with Criterion B.1.

2. *Acquires Wasco County Planning Department administrative approval of soils class change, in conjunction with land use application request.*

**FINDING:** On November 8, 2017, a soils assessment was completed for the subject property to challenge the soil class rating. The assessment was in conjunction with a Conditional Use Permit to construct a 60'L x 40'W x 32'T, 3,000 SF non-farm dwelling, and a 40'L x 56'W x 18'T, 2,250 SF detached accessory structure. A Conditional Use Permit is subject to an administrative approval by the Wasco County Planning Department. Since the soils class change is being approved in conjunction with the Conditional Use Permit, staff finds the request complies with Criterion 2.

### **Section 3.219 - Additional Standards**

#### **A. Non-Farm Dwelling:**

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

**FINDING:** The subject parcel is located in the A-1(160) Exclusive Farm Use Zone, therefore staff finds that the request complies with Criterion 1.

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

**FINDING:** Staff conducted a site visit to the subject parcel on April 4, 2018, and verified that there are no dwellings on the subject parcel. Staff finds the request complies with Criterion 2.

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

**FINDING:** The subject parcel was evaluated and approved for a subsurface septic disposal system by the North Central Public Health District on April 9, 2015. Domestic water will be provided by a private well. Based on the building envelope and the size of the subject parcel, 19.71 acres respectively, staff finds that drainage on the property will be unaffected by the proposed dwelling and accessory structure. Staff finds the request complies with Criterion 3.

4. *Criteria for Farmland within the EFU Zone:*

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

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

*a lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use.*

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

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

**FINDING:** The proposed development will be occurring on a 19.7 acre parcel. Wasco County's data on soil classes comes from the Natural Resources Conservation Service (NRCS) Soil Survey and for this property indicated that the majority of soils were Class VI or better. In order to meet this criterion, the landowner chose to challenge the soils classification rating through a process approved by the state of Oregon in 2010, House Bill 3647, and codified in Wasco County's LUDO as discussed above in section 3.2185. Through an onsite soils analysis conducted by a qualified soil scientist, it was found that the property actually contains 57.6% Class VII or poorer soils, which meets the criterion that over 50% of the parcel must be soil Class VII or poorer. The details of the challenge to the soils classification rating can be found within the findings for Section 3.2185 – Challenging Soils Class Rating. Findings for Criterion c. are listed below. Staff finds the request complies with Criterion a.

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- c. Generally Unsuitable Criteria:*

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

**FINDING:** The subject parcel must meet one of the criteria above to be considered generally unsuitable. Criterion (1) cannot be met as the slopes for the subject parcel average between 10% and 20%. Criterion (3) is inapplicable because a portion of the subject parcel has been cropped according to FSA records. Additional coordination was required between the applicants, Aimee Bell (Key Program Technician for Wasco/Hood River County FSA), and Mid-Columbia Producers.

On April 10, 2018 the applicants provided delivery sheets from the years 2015 and 2017 for Lyda Farms (8.7 acres of the subject parcel are included in the Lyda Farms delivery sheets). The following calculations were used to determine the bushels per acre of dryland wheat produced:

Year	Total Bushels/Acreage on Applicants Parcel	Total Bushels/Acre
2015	202.95 Bushels/8.7 Acres	23.33 Bushels/Acre
2017	115.43 Bushels/8.7 Acres	13.26 Bushels/Acre

Through coordination between the FSA and Mid-Columbia Producers, it was determined that the subject parcel produces less than 25 bushels per acre wheat or cereal grains crop, based off the averages of land in production. Averages from 2016 were not included, since dry wheat land typically lays fallow every other year. The location of the proposed non-farm dwelling and accessory structure has never been cropped. The land that has been farmed will still continue being farmed after the addition of the proposed development. Based on this information, staff finds that the request complies with Criterion c(2).

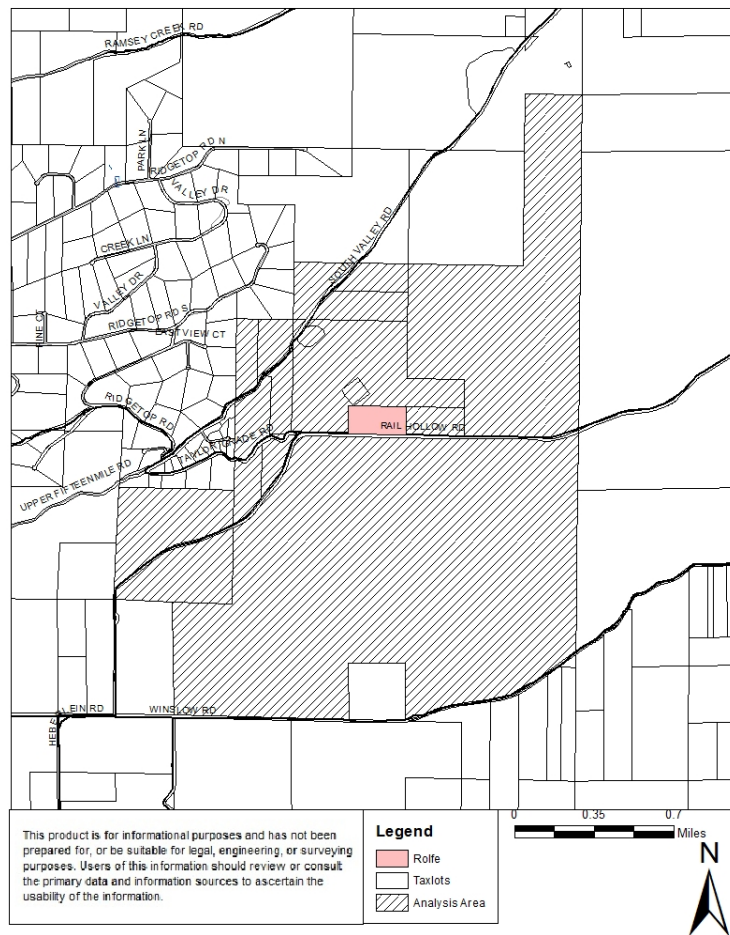
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6. *Cumulative Impact: The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, consideration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

a. *Identify a study area for the cumulative impacts analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;*

**FINDING:** Staff identified a study area containing 2,111.9 acres of land. This study area consists of 15 tax lots. Four of the lots are adjacent properties, with 11 additional farm properties in the direct vicinity. Most of the analysis area has similar topography, soil types, land use patterns, and farm uses. Although the properties to the northwest vary in topography patterns to that of the subject parcel, they are in the direct vicinity of the subject parcel, and are representative of the land patterns found in the area. The proposed nonfarm dwelling will be located between Rail Hollow Road and South Valley Road, with Rail Hollow Road running east and west along the subject parcels southern boundary. See the Study Area Map below. The subject parcel is located near the center of the study area.

Nine tax lots containing 1,848.81 acres are enrolled in a farm deferral program with the Wasco County Assessor. Five tax lots containing 105.21 acres are taxed at a residential rate and one tax lot containing 157.86 acres is enrolled in the forest deferral program.



Soil Types: The analysis area contains a mixture of rich productive soil (agricultural capability Class III) and areas of nonproductive soil (agricultural capability Class VII). The nonproductive soils are generally located on steep slopes and in some areas are mixed among productive soils. Soils to the south and east scale from Class III to complex trending good soils. Soils to the north and east range from Class II to Class VII soils, but are predominantly Class VII.

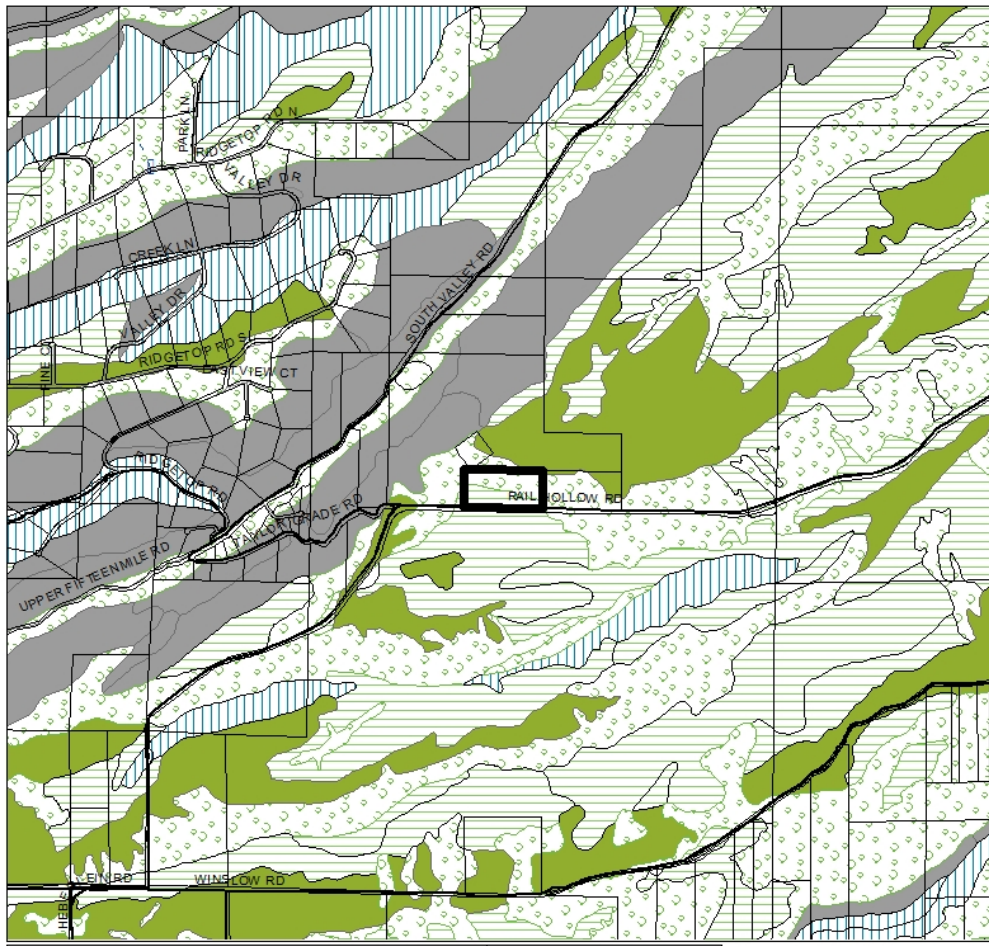
Land use pattern/Type of farm or ranch operations that distinguish it from other adjacent agricultural areas: The land in the study area to the south and east is predominantly in farm uses such as wheat, hay production, and grazing. The land in the study area to the north and west are primarily unsuitable for farm uses, and contain multiple nonfarm dwellings with accessory structures. There are no nearby communities or cities. The nearest city is Dufur, approximately 6.4 miles northeast of the subject parcel.

Study area, its boundaries, the location of the subject parcel within this area, and why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard:

- Study area boundary: The study area boundary contains all property within ¼ mile of the subject parcel in all directions. In addition to properties within ¼ mile, other nearby properties along South Valley Road were included.
- Location of parcel in study area: The subject parcel is located near the center of the study area.

- Topography of the area: The study area, and this portion of Wasco County in general, contains ridge/hilltops and valleys leading down to creeks and streams. Roads are typically the highest points in the area, with the exception of South Valley Road which runs along Fifteenmile Creek. The study area contains land between South Valley Road, and Rail Hollow Road, with Fifteenmile Creek running along South Valley Road. The northwest portion of the study area contains slopes ranging up to 36% along Fifteenmile Creek. Slopes to the east and south of the subject parcel range from 5%-10%.
- Similar agricultural uses: As previously stated in this report, farm uses consisting of grazing, hay, wheat, and forest uses are located to the east and south of the subject parcel. Properties located north and west generally contain poor quality soils, agricultural capability Class VII soils that are considered to be unsuitable for commercial farm use by the State of Oregon. Properties to the north and west contain nonfarm dwellings, while properties to the south and east contain farm dwellings or are vacant.
- Neighboring nonfarm dwellings: Out of the 15 neighboring parcels in the study area, nine nonfarm dwellings were identified. Five parcels contained farm dwellings, and one parcel contained no dwellings. The number of nonfarm dwellings is representative of the agricultural capability within the study area.
- Soils: Soil types in the study area range from Class III to Class VII soils. See page 16 for the map showing existing soils in the area. Lands to the south and east are predominantly Class II, Class IV, and Class VI soils which are generally suitable for agricultural uses. However, lands to the north and west consisting of smaller parcels similar in size to the subject parcel, are predominantly Class VII soils. Class VII soils are considered by the State of Oregon to be unsuitable for commercial agricultural production in eastern Oregon.

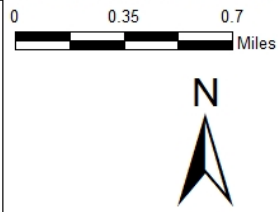




This product is for informational purposes and has not been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

**Legend**

- Subject Parcel
- Taxlots
- Soil\_Class\_NorthWas.co**
- LAND USE CLASS**
- 2
- 3
- 4
- 6
- Complex Trending Good
- 7
- 8
- Water



Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area: All lands within the study area are zoned A-1, Exclusive Farm Use, and do not include any residential, commercial or industrial lands within Wasco County.

This study area falls within the 2000+ acre requirement because the study area contains 2,111.9 acres. Staff concludes the study area is adequate for the purposes of this review based on the uniformity of adjacent farm practices, land uses, soils, topography, slopes, and general land use pattern. These are discussed in detail above. Data regarding the study area was obtained from County Assessor records, digital zoning, soil, farm commodity maps, and a visit to the site by staff on April 4, 2018. For all the reasons above staff finds that the request complies with Criterion a.



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

**FINDING:** Farm Uses: The study area contains 2,111.9 acres. Based on local data from NRCS, approximately 33% of the study area is currently or has a history of being planted in farm crops (hay, wheat, or Conservation Reserve Program(CRP)) while the remaining 63% (approximate) are rangeland. Only 7% of the 2,111.88 acre study area is identified in GIS data as not in commercial agricultural use.

Number, Location and Type of Existing Dwellings: There are five existing single family **farm** dwellings in the study area on five farm properties. The average property size in the study area is approximately 40 acres, with exception to a few larger properties containing 442 acres and 1148 acres. Existing homes are generally located north and west of the subject parcel along public roads.

Dwelling Development Trends Since 1993: A total of two farm dwellings have been approved in the study area since 1993. A total of seven nonfarm dwellings have been approved since 1993.

Potential Number of Nonfarm/Lot-of-Record Dwellings and Nonfarm Divisions that could be approved: Based on the existing zoning and parcel creation date for properties in the study area, potentially three properties could contain a non-farm dwelling. There are no properties identified that would qualify for a lot of record dwelling. Two of the properties that could potentially contain a Nonfarm Dwelling in the study area were identified as potentially being divided by a Nonfarm Division. A Nonfarm Division would likely be the avenue a landowner would need to pursue to obtain a Nonfarm Dwelling on those properties.

Predominant Soil Classifications: Soils classifications in the area range from Class III – Class VII. The entire study area is composed of 2,111.9 acres. Class III soils compose approximately 417.19 acres of the study area. Class IV soils compose approximately 725.3 acres of the study area. Class VI soils compose 83.2 acres of the study area. Complex trending good soils compose 587.5 acres of the study area. Lastly, Class VII soils compose 318.4 acres of the study area. Properties directly to the northwest of the subject parcel are primarily composed of Class VII soils, are approximately 20 acres, and represent the predominant soils classifications within the area. The property directly to the south is the largest with 1,148.7 acres, and is primarily composed of Class III – Class VI, which are classified as productive soils by the State of Oregon. However, due to this properties size, it is not representative of the entire study area.

Land use pattern that could result from approval of possible nonfarm dwellings: Based on parcel sizes and soils in the area, there is the potential for three nonfarm dwellings in the study area. All future nonfarm dwellings must meet all pertinent criteria in the Exclusive Farm Use zone, including but not limited to, showing that the subject parcel is generally unsuitable for farm use. In addition, any future nonfarm dwelling will have to be able to prove that it will not significantly increase the cost of, or force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use. The land use pattern that is likely to occur by new development is the location of a

nonfarm residence, a minimum of two hundred feet from planted or irrigated farm fields, on lands that are not capable of producing crops or providing grass for livestock. Allowing a nonfarm dwelling on poor soils protects productive soils from being threatened by development, and allows them to continue to be farmed. Any future nonfarm dwelling would be located so that it does not interfere with surrounding farm use, and the primary activity in the area will continue to be farming. Therefore, staff finds the request complies with Criterion b.

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

**FINDING:** The study area, including the subject parcel, contains 2,111.9 acres. Less than one acre will be disturbed by residential development, including driveway, septic, well, etc. This area equals approximately 0.08% of the total land base of the study area. Future applications will be evaluated for their cumulative impacts on the land use pattern of the area.

Beyond the request there is a potential for the creation of three additional nonfarm dwellings, with two of them being through a nonfarm land division in the study area. All future dwellings will be in similar locations, close to existing public roads, and away from existing farm fields on potential nonfarm sites that contain predominantly agricultural capability class VII soils considered nonproductive in eastern Oregon. There is limited farm use that can occur on these properties due to the mixture of productive and unproductive soils, slopes, and lack of water rights. The potential nonfarm parcels are currently not farmed therefore no land will be taken out of agricultural production to locate a home. The construction of new nonfarm dwellings in the area will not affect agricultural expansion, purchase or lease because they are on nonproductive sites.

The area currently has an agricultural character because lands within approximately ½ mile of the subject parcel are predominantly in CRP, wheat, hay and cattle grazing. After future nonfarm dwellings are constructed, the character of the area will remain unchanged due to the location of nonfarm dwellings on nonproductive soils.

Because the entire study area is zoned Exclusive Farm Use with a 160 acre minimum lot size requirement, and has restrictions on property divisions and residential development, approval of this application will not result in destabilization of the agricultural land use pattern.

Based on the reasons above the proposed nonfarm parcels will not result in destabilization of the overall land use pattern within the study area therefore staff finds that the request complies with Criterion c.

- d. *In addition to a – c, if the application involves the creation of a new parcel for a nonfarm dwelling, consideration shall be given to whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying a – c above.*

**FINDING:** The request is for a Conditional Use Permit to construct a 60'L x 40'W x 32'T, 3,000 SF non-farm dwelling, and a 40'L x 56'W x 18'T, 2,250 SF detached accessory structure. Since the application

approval will not result in the creation of any new parcels for a nonfarm dwelling, the above criterion does not apply. Findings in Criterion c., above, provides findings showing that the nonfarm dwelling will not result in destabilization of the overall land use pattern in the study area. Staff finds that Criterion d. is not applicable.

7. *Disqualification of Special Assessment: The owner of the parcel shall provide evidence that:*
  - a. *The County Assessor has been notified that the proposed non-farm parcel or parcel to contain the non-farm dwelling is no longer being used as farmland; and*
  - b. *A Request has been made in writing to the County Assessor to disqualify the parcel from special assessment; and*
  - c. *Prior to receiving zoning approval on a building permit application or a final plat map, the non-farm parcel has been disqualified from special assessment pursuant to ORS 215.236 and any additional tax imposed upon disqualification from special assessment have been paid; and*

**FINDING:** The subject parcel is enrolled in a farm tax deferral program; therefore the property owner must request disqualification from special assessment. The Planning Department will provide notice to the Wasco County Assessor that the proposed nonfarm dwelling has been approved. A **condition** of approval is included in the Notice of Decision requiring the owner to submit a request to the County Assessor to disqualify the subject parcel from special assessment, and pay any additional tax imposed. Proof of disqualification shall be provided by the applicant to the Planning Department prior to zoning approval. With the condition of approval, staff finds the request complies with Criteria a. – c.

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

**FINDING:** A **condition** is included in the Notice of Decision requiring that the owners record a new deed for the subject parcel. Within the newly created and recorded deed it will list the following statement: “This parcel may not qualify for special assessment unless, when combined with another contiguous lot or parcel, it constitutes a qualifying parcel by meeting the minimum lot size for commercial agriculture enterprises within the area“. With the condition, staff finds the request complies with Criterion d.

***Section 3.920 – Sensitive Wildlife Habitat Overlay (EPD-8)***

*In any zone which is in the Wildlife Overlay (EPD-8), the requirements and standards of this Chapter shall apply in addition to those specified in this Section for the underlying zone. If a conflict in regulation or standards occurs, the provisions of this Section shall govern except that the larger minimum lot size shall always apply.*

**FINDING:** According to the most up to date GIS data on file, the subject parcel is within the Sensitive Wildlife Habitat Overlay (EPD-8), High Elevation. Therefore, this section of the ordinance will apply, and if any conflict in regulation or standards occurs then the provisions of Section 3.290 – Sensitive Wildlife Habitat Overlay (EPD-8) shall govern.

**Section 3.921 – Purpose**

*The purpose of this overlay district is to conserve important wildlife areas by providing supplementary development standards; to promote an important environmental, social, and economic element of the area; and to permit development compatible with the protection of the wildlife resource.*

**FINDING:** Supplementary provisions have been applied towards the proposed development further on in this staff report, in accordance with Section 3.290 – Sensitive Wildlife Habitat Overlay to promote an important environmental, social, and economic element of the area; and to permit development compatible with the protection of the wildlife resource. Staff finds the request complies with Criterion 3.921 – Purpose.

**Section 3.922 - Application of Provisions**

*Except as provided in Section 3.923 below, this overlay district shall be applied to all areas identified in the Comprehensive Plan as Big Game Winter Range Habitat and Area of Voluntary Siting Standards.*

**FINDING:** According to Wasco County records, the subject parcel is within the Sensitive Wildlife Habitat Overlay (EPD-8), High Elevation and section 3.920 – Sensitive Wildlife Habitat Overlay (EPD-8) will apply to the proposed development.

**Section 3.925 - Conditional Uses**

*The conditional uses permitted in the zones in which this overlay is applied, shall be those permitted conditionally by the underlying zone subject to the other applicable standards of this Section.*

**FINDING:** The request is for a Conditional Use Permit to construct a 60’L x 40’W x 32’T, 3,000 SF non-farm dwelling, and a 40’L x 56’W x 18’T, 2,250 SF detached accessory structure. In addition to the Chapter 5 – Conditional Use Review criteria addressed further on in this staff report, the proposed development will also be subject to the applicable criteria of Section 3.920 – Sensitive Wildlife Habitat Overlay (EPD-8). Staff finds the request complies with Section 3.925 – Conditional Uses.

**Section 3.926 - Siting Standards**

- A. *For lands within the Area of Voluntary Siting Standards a meeting between the applicant and Oregon Department of Fish and Wildlife shall be required if Oregon Department of Fish and Wildlife determines that habitat values exist which may be important to discuss with the applicant. The result of the meeting shall be included as information in the county review of a land use application.*

**FINDING:** The request is for a Conditional Use Permit to construct a 60’L x 40’W x 32’T, 3,000 SF non-farm dwelling, and a 40’L x 56’W x 18’T, 2,250 SF detached accessory structure. The proposed development falls within the high elevation area (Big Game Winter Range) for the Sensitive Wildlife Habitat Overlay. Criterion A ensures that those in the lower elevation voluntary areas have a chance to discuss pertinent issues with ODFW but does not include requirements for those areas. The applicant did meet with the Oregon Department of Fish and Wildlife concerning the proposed

development. The results of the meeting are addressed below. Staff finds Criterion A does not apply.

*B. In the area designated Big Game Winter Range the following siting standards shall be applied as a condition of approval for all new dwellings. In the area designated Area of Voluntary Siting Standards the following siting standards shall be by voluntary agreement of the applicant.*

- 1. New dwellings shall be located within three hundred feet (300') of public roads or easement or private roads or easements existing as of October 22, 1997, unless it can be found that:
  - a. Habitat values (browse, forage, cover, access to water) are afforded equal or greater protection through a different development pattern; or,*
  - b. The siting within three hundred feet (300') of such roads or easements would force the dwelling to be located on irrigated land, in which case, the dwelling shall be located to provide the least impact on wildlife habitat possible considering browse, forage cover, access to water, and minimizing length of new access roads.**

**FINDING:** The request is for a Conditional Use Permit to construct a 60'L x 40'W x 32'T, 3,000 SF non-farm dwelling, and a 40'L x 56'W x 18'T, 2,250 SF detached accessory structure. As the proposed development is located in Big Game Winter Range (identified on County GIS data as "High Elevation") these site requirements are mandatory. In email correspondence dated February 8, 2018, with Jeremy Thompson, District Wildlife Biologist for the Mid-Columbia District ODFW, He stated,

*"I have spoken with Ms. Rolfe regarding her application (attached) for a new dwelling off of Rail Hollow Road. From the site plan that was provided and from that conversation, it appears that the proposed developments will all take place to the south and therefore outside of any deciduous (assuming oak) trees, and within 300' of the main road. With those two factors, ODFW would not file any comments opposing the development."*

A **condition** of approval is included in the Notice of Decision stating that the development shall not be located further than 300' from Rail Hollow Road, and any existing oak trees on the property shall be preserved. With the condition of approval, staff finds the request complies with Criterion B.

## **B. Chapter 5 – Conditional Use Review**

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

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

- A. *The proposal is consistent with the goals and objectives of the Comprehensive Plan and implementing Ordinances of the County.*

**FINDING:** The goals and objectives of the Comprehensive Plan are implemented through the Wasco County Land Use & Development Ordinance, which are addressed throughout this report. Staff finds the request complies with Criterion A.

- B. *Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses.*

**FINDING:** (Location) The subject parcel has access via direct frontage onto Rail Hollow Road.

The proposed nonfarm dwelling will be constructed near the center of the subject parcel, on land that contains unproductive agricultural capability class VII soils. The applicant proposes setbacks from adjacent properties to the east a minimum of 200' from all other property lines. These distances meet or exceed the requirements of the A-1 Zone intended to protect agricultural and resource uses. The lack of complaints over the years in rural Wasco County has demonstrated that nonfarm dwellings are generally compatible with farm uses that do not require aerial spraying, such as wheat/hay/grazing, therefore, staff finds the proposed development will be compatible with the surrounding area and development on abutting properties.

(Size and Design) In considering this criterion, staff interprets the ordinance to place emphasis on the nature of the use, more than on the particular architectural characteristics of a proposed structure. In this instance, the proposal is for one single family dwelling and accessory structure, each less than 35' in height measured at average grade. The relative size of the structure to the site provides sufficient area to accommodate onsite utilities, circulation and drainage.

(Operational Characteristics) The proposed nonfarm dwelling and accessory structure will not adversely affect surrounding agricultural land because: (1) there are adequate separation distances between the proposed dwellings and existing and potential farm uses; and (2) the development of a single family dwelling will neither destabilize the land use pattern of the area which is farm in nature, nor have a cumulative impact that will result in substantial changes in the land use pattern.

Staff finds that the proposed nonfarm dwelling will not adversely affect surrounding properties, and that the request complies with Criterion B.

- C. *The proposed use will not exceed or significantly burden public facilities and services available to the area, including, but not limited to: roads, fire and police protection, sewer and water facilities, telephone and electrical service, or solid waste disposal facilities.*

**FINDING:** The subject parcel has frontage on Rail Hollow Road, a 22' wide, 2-lane paved County road. Staff spoke to Arthur Smith, Wasco County Public Works Director, on June April 11, 2018, regarding Rail Hollow Road. Mr. Smith stated that, "Rail Hollow is a well maintained county road. This additional dwelling will not significantly burden the services provided by my department. I have no issues with this proposed development." Roads are further addressed in D.

The subject parcel is not located within the Oregon State Forestry wildfire protection district. The owner is advised that it is imperative that on-site water be provided in case of fire so that the owner may be able to

protect buildings on the property. Fire standards are further addressed below in C., Chapter 10 – Fire Safety Standards.

This area of the County is already patrolled by the Wasco County Sheriff's Office. Staff concludes one additional dwelling in this location will not significantly burden the Wasco County Sheriff's Office.

No public water or sewer services are available to the area, but will be served by an on-site private well and subsurface septic disposal system. Therefore there is no additional burden placed upon utility providers.

A **condition** of approval is included in the Notice of Decision reminding the owner that sanitation approval on the building permit application is required prior to issuance of zoning approval on the application.

Electricity is provided to the subject parcel by Wasco Electric Cooperative. Telephone service is currently available via land lines and cellular telephone service.

Garbage pick-up is currently available from The Dalles Disposal.

With the proposed condition of approval staff finds that the request complies with Criterion C.

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

**FINDING:** Staff visited the subject parcel on April 4, 2018. The property has frontage onto Rail Hollow Road. A **condition** of approval is included in the Notice of Decision stating that the owner shall obtain a road approach permit from the Wasco County Public Works Department prior to zoning approval. Upon approval for the road approach permit, verification will be provided that the approach is located in an area that provides adequate sight distance in each direction to safely enter the road. With the condition of approval, staff finds that the request complies with Criterion D.

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

**FINDING:** (Noise and Odor) Residential construction of this scale and nature is short in duration and will not create undue noise or odor given the distance and existing vegetation between the proposed development and all property lines.

(Dust) During residential construction vegetation will be disturbed that exposes soil and creates a high probability for airborne dust that can create a nuisance for surrounding property owners. A **condition** is included requiring the owners to maintain existing vegetation to the greatest extent possible and to reseed and/or revegetate disturbed areas within the first planting season (October – April).

The proposed driveway will have a gravel surface. Dust from driveways can create airborne dust which could be a nuisance to adjacent land owners. To suppress dust on the proposed subject parcel, a **condition** of approval is included in the Notice of Decision requiring the current or future property owner(s) to maintain the driveway from Dufur Gap Road to the proposed nonfarm dwelling and accessory structure with enough gravel on the running surface to cover the dirt base and minimize the amount of airborne dust.

With the proposed **conditions** of approval the request complies with Criterion E.

*F. The proposed use will not significantly reduce or impair sensitive wildlife habitat, riparian vegetation along streambanks and will not subject areas to excessive soil erosion.*

**FINDING:** The subject parcel is located within the Sensitive Wildlife Habitat Overlay, and is subject to the provisions of that overlay, which are addressed in previous findings. A **condition** of approval is included in the Notice of Decision stating that the development shall not be located further than 300' from Rail Hollow Road, and any existing oak trees on the property shall be preserved.

A **condition** of approval is also included in the Notice of Decision requiring the owners to maintain existing vegetation to the greatest extent possible and to reseed and/or revegetate disturbed areas within the first planting season (October – April).

With the conditions of approval, staff finds the request complies with criterion F.

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

**FINDING:** (Air) The proposed single family dwelling will not adversely affect air quality because air pollution created by a single family dwelling is minimal. The most common form of air pollution would be smoke from a woodstove/fireplace. This pollutant is regulated by the Oregon Department of Environmental Quality via standards for woodstoves.

(Water) The owner is required to comply with all North Central Public Health District requirements to install a septic system. Compliance with all sanitation requirements will ensure groundwater quality in the area will not be adversely affected by the new dwelling. Site evaluation was performed and approved by the North Central Public Health District on April 9, 2015. A previous **condition** was included requiring the owners to obtain sanitation approval on a building permit application prior to receiving zoning approval on the application.

A domestic well is proposed to serve the nonfarm dwelling. A well to withdraw water for home use does not affect water quality because it does not involve depositing contaminants into the ground.

(Land) A previous **condition** requiring maintenance of vegetation and reseeding or revegetation of all disturbed areas upon completion of the dwelling will ensure that excessive soil erosion does not occur.

To further ensure that land currently devoted to or available for agricultural use is not adversely affected by the proposed development, a previous **condition** in Section 3.218, Agricultural Protection of the Exclusive Farm Use Zone, was included requiring the owner to file a farm management easement with the County Clerk's Office.

With the previously stated **conditions**, staff finds the request complies with Criterion G.

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

**FINDING:** The standard does not require that there be no visual impact from the dwelling, but that any impact not be significant. The development pattern on surrounding land consists of scattered farm dwellings at low densities. The proposed nonfarm dwelling will be located over 300' north of Rail Hollow Road in an area containing poor soils. The home will be located a minimum of 200' from all other property lines. Staff finds the request complies with Criterion H.



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

**FINDING:** According to the Wasco County Comprehensive Plan, there are no historic, natural, cultural, or archaeological sites on the subject parcel, nor are there any assets of particular interest to the community. Staff finds that the request complies with Criterion I.

- J. *The proposed use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to or available for farm and forest use. (Revised 1-92)*

- K. *The proposed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to or available for farm or forest use. (Revised 1-92)*

**FINDING:** For the purpose of addressing these criteria, "surrounding lands" are considered to be those within the study area described in Section 3.210.J.1.f.

All properties surrounding the subject parcel have a history of crop production and properties to the northwest do not have a history of farm uses, and are mainly composed of non-farm dwellings. All proposed structural improvements will be located a minimum of 200' from the planted fields to the west and a minimum of 200' from all other surrounding properties.

As part of a recent update process to the LUDO, the Agricultural Resource Group (ARG) determined that nonfarm buildings should be located a minimum of 200' from all adjacent properties that contain planted fields, and 100' from grazing operations. The ARG was composed of County residents in all occupations, but focused on residents who operate lands in agricultural production (orchard, wheat, cattle). The group determined that the identified setbacks maintain an adequate distance from planted cropland and grazing operations that will eliminate the need for a farmer to change his farming practices or increase his cost of operation.

To minimize potential conflicts between the proposed non-farm dwelling and surrounding farm uses, a previous **condition** was included requiring the applicant to sign and record in the deed records for the County a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937 prior to receiving zoning approval on a building permit (See Attachment F). With this previous condition of approval, staff finds the request complies with Criteria J. and K.

**Section 5.030 - Conditions**

*Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding permitted uses as are necessary to fulfill the general and specific purposes of this Ordinance may be imposed in approving an application, pursuant to Section 2.110(D). Such conditions may include, but are not limited to, the following...*

**FINDING:** Conditions of approval are implemented throughout this report to ensure the use is compatible with surrounding permitted uses. Staff finds that the request is consistent with Section 5.030.

**Section 5.040 - Revocation of Conditional Use Permit (added 2 89)**

*Noncompliance with any condition placed on a conditional use permit shall be grounds for revocation of the permit. Revocation of a conditional use permit shall be considered a land use action and reviewed by the Planning Commission. The following procedures shall be completed at least twenty (20) days prior to the date of the revocation hearing: (Revised 1-92)*

- A. *A notice of violation pursuant to Section 15.090 shall be sent to the owner of the property on which the conditional use takes place.*
- B. *Notice of public hearing pursuant to Section 2.080 shall be sent.*

*The opportunity for review of the Planning Commission decision, pursuant to Section 2.170 shall be available.*

**FINDING:** The request is for a Conditional Use Permit to construct a 60'L x 40'W x 32'T, 3,000 SF non-farm dwelling, and a 40'L x 56'W x 18'T, 2,250 SF detached accessory structure in the A-1, Exclusive Farm Use Zone in Wasco County.

Compliance with all Conditional Use criteria is required throughout the life of this permit. A **condition** of approval is included in the Notice of Decision advising the owner that noncompliance with any condition of approval shall be grounds for revocation of the permit. Revocation of the Conditional Use Permit shall be considered to be a land use action and shall be reviewed by the Planning Commission according to the requirements in Section 5.040.

With the proposed **condition** of approval, staff finds that the request complies with Section 5.040.

**C. Chapter 10 – Fire Safety Standards**

*Section 10.110, Siting Standards – Locating Structures for Good Defensibility*

*Section 10.120, Defensible Space – Clearing and Maintaining a Fire Fuel Break*

*Section 10.130, Construction Standards for Dwellings and Structures - Decreasing the Ignition Risks by Planning for a more Fire-Safe Structure*

*Section 10.140, Access Standards – Providing Safe Access to and Escape From Your Home*

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

**FINDING:** The request is for a Conditional Use Permit to construct a 60'L x 40'W x 32'T, 3,000 SF non-farm dwelling, and a 40'L x 56'W x 18'T, 2,250 SF detached accessory structure. The subject parcel is not located within a structural fire protection district, but is located within the Oregon Department of Forestry wild fire protection district. According to LUDO Section 10.150.B. properties located outside a structural fire protection district must provide a year-round on-site water source containing a minimum of 4,000 gallons of water or access to a stream or spring having continuous year-round flow of at least 1 cubic foot per second. A **condition** of approval is included in the Notice of Decision requiring the owner to provide water storage of at least 4,000 gallons on a year-round basis for the nonfarm dwelling, or provide evidence of the right to use water from a stream or spring having continuous year-round flow of at least 1 cubic foot per second.

The fire safety standards, adopted by the Wasco County Court and effective February 5, 2007, require property owners to be made 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 achieving compliance with them within one year of the date of approval and maintaining 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 PLACUP-17-12-0015. A **condition** of approval stating this is included in the Notice of Decision.

The proposed development site will have access from Rail Hollow Road. The proposed driveway will be 13' wide and 300' long.

A **condition** of approval is included in the Notice of Decision stating that since the driveway will be more than 200' long, a turnout must be provided along the driveway measuring 40' long, and 10' wide.

A **condition** of approval is included in the Notice of Decision stating that since the driveway is more than 150' long, a 96' diameter cul-de-sac, or a 120' hammerhead must be provided at the end of the driveway for proper access. See Section 10.140 – Access Standards in the Wasco County Land Use and Development Ordinance for possible alternatives.

A 50' fuel fire break will be provided around each building. This space will be maintained for the life of the buildings.

Though not specifically addressed in Chapter 10, it is essential that a new dwelling in Wasco County 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 the proposed **conditions** of approval in the Notice of Decision staff finds that the request complies with Chapter 10 – Fire Safety Standards.

# ATTACHMENT E – LIGHTING STANDARDS

## Good Neighbor **OUTDOOR LIGHTING**

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

### What is good lighting?

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

### Why should we be concerned?

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

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

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

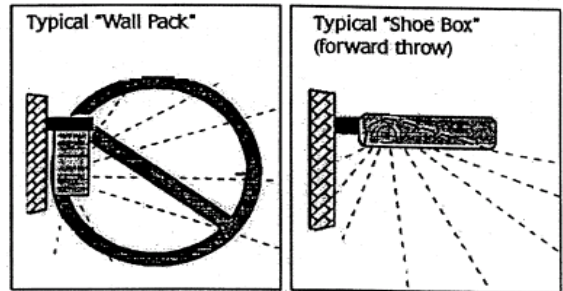
**Energy Waste** Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

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

### How do I switch to good lighting?

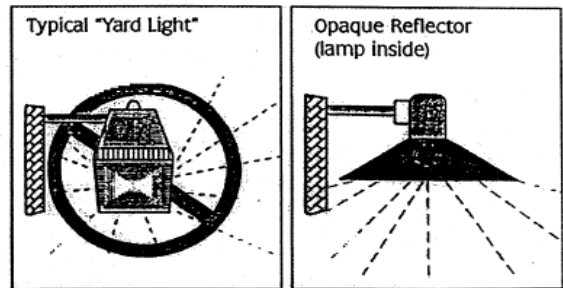
- 1 Provide only enough light for the task at hand; don't over-light, and don't spill light off your property. Specifying enough light for a job is sometimes hard to do on paper. Remember that a full Moon can make an area quite bright. Some lighting systems illuminate areas 100 times more brightly than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

### Some Good and Bad Light Fixtures



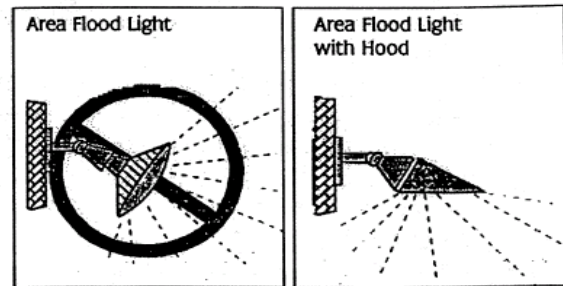
BAD

GOOD



BAD

GOOD



BAD

GOOD

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

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

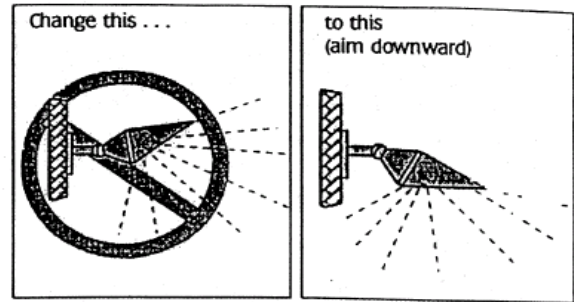
Properly aimed and shielded lights may cost more initially, but they save you far more in the long run. They can illuminate your target with a low-wattage bulb just as brightly as a wasteful light does with a high-wattage bulb.

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

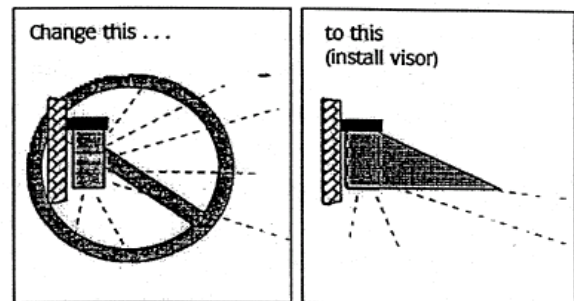
**Replace bad lights with good lights.**

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

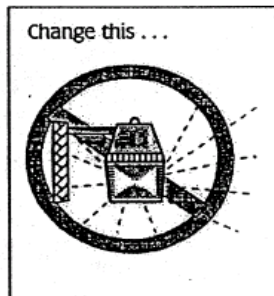
**What You Can Do To Modify Existing Fixtures**



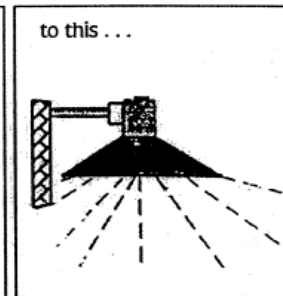
**FLOOD LIGHT**



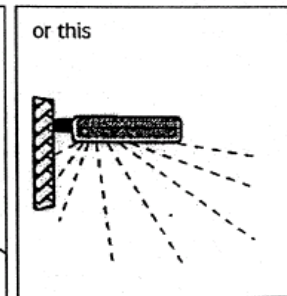
**WALL PACK**



**YARD LIGHT**



**OPAQUE REFLECTOR**



**SHOE BOX**

Presented by the

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

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

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



Sky Publishing Corp.  
49 Bay State Road  
Cambridge, MA 02138



## ATTACHMENT F - FOREST-FARM MANAGEMENT EASEMENT

**Owner Name:** \_\_\_\_\_  
**Mailing Address:** \_\_\_\_\_  
\_\_\_\_\_

Barbara & Philip Rolfe, Property Owners, herein called the Grantor(s), is/are the owner(s) of real property described as follows:

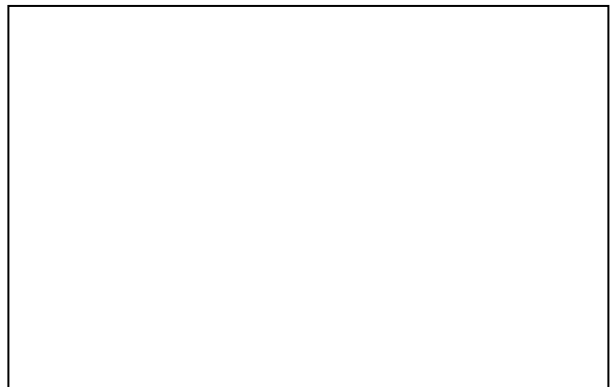
Township 2 South, Range 12 East W.M., Section 0, Tax Lot 2300, Account# 10030

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In accordance with the conditions set forth in the decision of Wasco County Planning Staff, dated April 26, 2018, approving a Conditional Use Permit (File #PLACUP-17-12-0015) to construct a Nonfarm Dwelling on a 19.71 acre parcel, Grantors hereby grant to the Owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

1. The Grantors, their heirs, successors, and assigns hereby acknowledge by granting of this easement that the above described property is situated in an Exclusive Farm Use/ Forest/Forest-Farm zone in Wasco County, Oregon, and may be subjected to conditions resulting from farm or forest operations on adjacent lands. Farm operations include, but are not limited to, the raising, harvesting and selling of crops or the feeding, breeding, management and sale of livestock or poultry, application of chemicals, road construction and maintenance, and other accepted and customary farm management activities conducted in accordance with Federal and State laws. Forest operations include, but are not limited to reforestation of forest land, road construction and

**After recording, please return  
original to: Wasco County  
Planning Department.**



maintenance, harvesting of forest tree species, application of chemicals and disposal of slash, and other accepted and customary forest management activities conducted in accordance with Federal and State laws. Said farm or forest management activities ordinarily and necessarily produce noise, dust, odor, and other conditions, which may conflict with Grantors' use of Grantors' property for residential purposes. Grantors hereby waive all common law rights to object to normal and necessary farm or forest management activities legally conducted on adjacent lands which may conflict with grantors' use of grantors' property for residential purposes and grantors hereby give an easement to adjacent property owners for such activities.

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

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

IN WITNESS WHEREOF, the Grantors have executed this easement on \_\_\_\_\_,  
201\_\_\_\_.

\_\_\_\_\_  
Titleholders Signature

\_\_\_\_\_  
Titleholders Signature

STATE OF OREGON )  
COUNTY OF WASCO)

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

\_\_\_\_\_  
Notary Public for Oregon

# ATTACHMENT G – MEDIATION ORDINANCE

IN THE COUNTY COURT OF THE STATE OF OREGON

FILED  
WASCO COUNTY

IN AND FOR THE COUNTY OF WASCO

2003 SEP 12 P 3:15

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

MARGIE LEBRETON COATS  
COUNTY CLERK  
AMENDED  
ORDINANCE

RECEIVED  
SEP 12 2003

THE WASCO COUNTY COURT ORDAINS AS FOLLOWS

Section 1. SHORT TITLE. This Ordinance may be cited as the Wasco

County Farming and Forestry Practices Protection and Complaint Mediation

Ordinance.

Section 2. PURPOSE.

RECEIVED  
SEP 23 2003  
By: \_\_\_\_\_

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

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

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

1 – AMENDED ORDINANCE



Section 3. DEFINITIONS. As used in this Ordinance:

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

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

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

- (a) Reforestation of forest land;
- (b) Road construction and maintenance;
- (c) Harvesting of forest tree species;
- (d) Application of chemicals; and
- (e) Disposal of slash.

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

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

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

2 - AMENDED ORDINANCE

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

(7) "RESOURCE USE" does not include:

(a) Any unlawful act;

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

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

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

(9) "COMPLAINT MEDIATION PROCESS"

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

3 – AMENDED ORDINANCE

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

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

Section 4. PROTECTING RESOURCE USES.

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

(2) This Section applies regardless of:

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

4 - AMENDED ORDINANCE

- (c) Whether the resource use or nonresource use has undergone any change or interruption; and
- (d) Whether the resource use is inside or outside an urban growth boundary to the extent permissible under State law.

Section 5. RESOURCE USE COMPLAINT RESPONSE AND MEDIATION

PROCEDURE.

- (1) Initial resource use complaints involving farming or forestry practices or facilities shall:
  - (a) Be referred to the Six Rivers Community Mediation Services during regular operating hours or the Wasco County Sheriff's Office after hours and on weekends; and
  - (b) Be responded to as soon as possible.
  
- (2) The responding Six Rivers Community Mediation Services Agent or Designee shall:
  - (a) Use Six Rivers Community Mediation Services' procedures to respond to a complaint;
  - (b) Notify the Wasco County Court about the documented complaint as soon as possible and report on the effort and/or success in resolving the complaint.
  
- (3) If the initial contact is through the Wasco County Sheriff's Department, or any other law enforcement agency, the responding officer should:

5 - AMENDED ORDINANCE

- (a) Contact the complainant and document the complaint; and
  - (b) Encourage the complainant to call or meet with the resource user and attempt a one-on-one resolution of the complaint; and
  - (c) Provide both complainant and resource user with written documentation of the complaint, including, but not limited to the name and address of complainant, the name and address of the resource user, and a description of the nature of the complaint; and
  - (d) Inform both parties that the complaint will be referred to Six Rivers Community Mediation Services and that they will be contacted by that agency; and
  - (e) Deliver a copy of the complaint to the Six Rivers Community Mediation Services as soon as possible.
- (4) If the complainant and resource user that are principles in a documented resource use complaint within Wasco County request assistance beyond that provided by the Case Developer, the Case Developer shall implement the Complaint Mediation Process.
- (5) The Complaint Mediation Process shall:
- (a) Set a date to hear the complaint from both complainant and resource user within a reasonable amount of time; and

Work with both complainant and resource user in an attempt to resolve the complaint.

## 6 - AMENDED ORDINANCE

- (6) The Complaint Mediation Process may:
- (a) Request the Wasco County Court to set up a Peer Review Board for assistance in determining whether an activity or facility is a generally accepted farming or forestry practice or facility;
  - (b) Suggest recommendations for Peer Review Board members to the Wasco County Court; and
  - (c) Meet with the complainant and resource user any number of times if the Mediators determine that progress is being made toward a resolution of the complaint.

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

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

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

## 7 - AMENDED ORDINANCE

- (1) Concerns matters other than a resource use nuisance;
- (2) Does not expressly purport to prohibit or regulate a farming or forestry practice as a resource use nuisance; or
- (3) Prohibits or regulates the use or physical condition of resource use activities or facilities that adversely affect public health or safety.

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

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

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

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8 - AMENDED ORDINANCE

DONE AND DATED this 3rd day of September, 2003

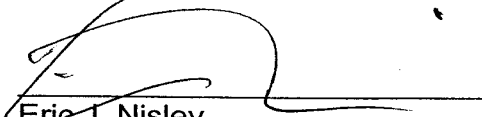
WASCO COUNTY COURT

  
\_\_\_\_\_  
Dan Ericksen, County Judge

  
\_\_\_\_\_  
Scott McKay, County Commissioner

  
\_\_\_\_\_  
Sherry Holliday, County Commissioner

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Eric J. Nisley  
Wasco County District Attorney

9 – AMENDED ORDINANCE