

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application by Benjamin and Amber)
Bruce for a Conditional Use Permit to Build a Dwelling) Final Order No. 67-2006
in the FA-19 Zone)

WHEREAS, on March 23, 2006, Benjamin and Amber Bruce (hereinafter referred to as the "Applicant" submitted an application for a Conditional Use Permit to build a dwelling on an approximately 3.5 acre parcel of property zoned as Forest Agriculture (FA-19), having Tax Account Number 6302-000-00800; and

WHEREAS, the Columbia County Planning Commission held a hearing in the matter and voted to approve the application on June 5, 2006, and Final Order CU 06-32 was signed on June 8, 2006; and

WHEREAS, on June 15, 2006, David Roush, a neighboring property owner, filed an appeal of the Planning Commission's decision with the Columbia County Board of Commissioners; and

WHEREAS, on August 9, 2006, the Board of County Commissioners held a de novo hearing on the application; and

WHEREAS, during the hearing evidence was received into the record, a list of which is attached hereto as Attachment 1, and is incorporated herein by this reference; and

WHEREAS, after hearing testimony and receiving evidence, the Board closed the hearing and voted to tentatively approve the application;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- A. The Board of County Commissioners adopts the Findings of Fact and Conclusions of Law in the Staff Report to the Board of County Commissioners, dated August 2, 2006, which is attached hereto as Attachment 2, and is incorporated herein by this reference.
- B. The Board of County Commissioners adopts additional findings of fact and conclusions of law which are attached hereto as Attachment 3, and are incorporated herein by this reference.
- C. The Application for a Conditional Use Permit CUP 06-32, is APPROVED subject to the following conditions of approval:
 - 1. This Permit shall become void 4 years from the date of final approval if development has not begun on the property. Extensions of time may be granted by the Planning Director if requested in writing before the expiration date and if the Applicant was

not responsible for failure to develop.

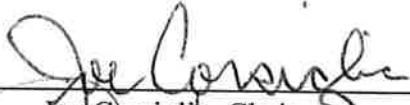
2. Prior to obtaining a building permit the Applicant shall obtain the services of a licensed septic installer and prepare a to-scale measured drawing indicating improvements on the subject property and adjacent properties to determine the effect of wells and tax account 6302-000-00700's septic drain lines on the approved drainfield for the subject property.
3. Prior to obtaining a building permit, the Applicant shall sign a Waiver of Remonstrance regarding current and accepted farm and forest management practices on adjacent properties devoted to agriculture and timber production.
4. The Applicant shall comply with the requirements of OAR 660-06-029 to 660-06-040, as interpreted by the Oregon Department of Forestry in their "Land Use planning Notes: Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Road," dated March, 1991. To comply with such standards, the Applicant shall create a 30 foot primary fuel-free break around all structures, and shall create a 100 foot secondary fuel-free break area around the dwelling. If the Applicant cannot meet the 100 foot secondary fuel-free break area on the Applicant's property, the Applicant shall meet the firebreak standards by one of the following methods:
 - A. Prior to obtaining a building permit, by obtaining a written and recorded easement agreement with the owner of Tax Account Number 6302-000-00700 and/or Tax Account Number 6302-000-00900, establishing the Applicant's right to a sufficient firebreak easement on the adjacent properties;
 - B. Prior to obtaining a building permit, by obtaining a court order establishing the Applicant's right to a sufficient firebreak easement on the adjacent properties (Tax Account Number 6302-000-00700 and/or Tax Account Number 6302-000-00900); or
 - C. Prior to obtaining a building permit, following other firebreak equivalents to avoid the need for a firebreak easement on the adjacent properties (Tax Account Number 6302-000-00700 and/or Tax Account Number 6302-000-00900).
5. Prior to obtaining a building permit, pursuant to OAR 660-06-029(3) the Applicant shall obtain and submit a well constructor's report or documentation from the District Watermaster verifying that adequate domestic water is available to the site.
6. Prior to obtaining a building permit, the Applicant shall submit a fire break plan and map indicating the 30' primary and 100' secondary fire breaks, in accordance with

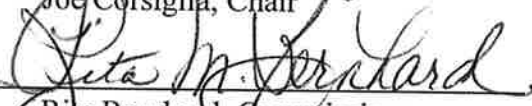
Condition Number 4, above.

7. Prior to obtaining a building permit, the Applicant shall obtain an Access Approach Permit from the Columbia County Road Department and shall make all necessary road improvements to Hammond Road, in accordance with the Columbia County Road Standards, as directed by the Public Works Director.

Dated this 23rd day of August, 2006.

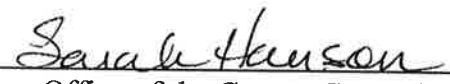
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Joe Corsiglia, Chair

By: 
Rita Bernhard, Commissioner

By: 
Anthony Hyde, Commissioner

Approved as to form

By: 
Office of the County Counsel

ATTACHMENT 1

RECORD

EXHIBIT 1-

- (1) Notice of Public Hearing- property owner notice;
- (2) Notice of Public Hearing-Publication
- (3) Affidavit of Mailing property owner notice;
- (4) Affidavit of publication
- (5) Board Communication dated August 4, 2006, with the following attachments:
 - a. Staff Report to the Board of County Commissioners dated August 2, 2006;
 - b. Appeal submitted by David Roush, dated June 16, 2006;
 - c. Warranty Deed from Rocky Point Timberlands to Roy and Doris Mendenhall;
 - d. Final Order CU 06-32;
 - e. Easement and Maintenance Agreement;
 - f. Letter from Greg Norman to Land Development Services;
 - g. Quitclaim Deed from Rocky Point Timberland Inc to Gregory and Peggy Swanson;
 - h. Easement from Gregory and Peggy Swanson to Roy and Doris Mendenhall;
 - i. Referral and Acknowledgment County Sanitarian;
 - j. Referral and Acknowledgment Rainier CPAC;
 - k. Referral and Acknowledgment Roadmaster;
 - l. Referral and Acknowledgment Columbia River Fire and Rescue;
 - m. Conditional Use Permit Application;
 - n. Address Map;
 - o. Template Map;
 - p. Zoning Map;
 - q. Vicinity Map;
 - r. Firebreak Map;
 - s. Plot Plan;
- (6) Tax Account Information 6302-000-00800;
- (7) State of Oregon Water Supply Well Report received July 19, 2006;
- (8) Photo of Road;
- (9) Waiver of Remonstrance;
- (10) State of Oregon Water Supply Well Report received July 13, 2006;
- (11) Fax from Amber Bruce with Firebreak Easement Addendum;
- (12) Addendum to Real Estate Sale Agreement;
- (13) Access Approach Road Construction Application and Permit;
- (14) Certificate of Mailing- Appeal Information for Final Order CU 06-32;
- (15) Notice of Public Hearing dated April 24, 2006;
- (16) Appeal Information for CU 06-32
- (17) Staff Report to the Columbia County Planning Commission;
- (18) Photos of property;

- (19) Letter to Benjamin and Amber Bruce dated April 21, 2006;
- (20) Certificate of Mailing -Letter to Benjamin and Amber Bruce;
- (21) Notice regarding CPAC discussion;
- (22) Limited/Special Power of Attorney;
- (23) Referral Contact List;
- (24) Request to Set Hearing from Land Development Services with the following attachments:
 - a. Notice of Public Hearing;
 - b. List of Persons to Receive Notice;
 - c. Referral Contact List;
 - d. Final Order CU 06-32;
 - e. Planning Commission Staff Report;
 - f. Photos of Property;
- (25) Minutes of Planning Commission Hearing;
- (26) Letter to Benjamin and Amber Bruce from Jan Greenhalgh and return receipt;
- (27) Note to file regarding notice to Diane Pohl from Jan Greenhalgh

Exhibit 2- Letter from Diane Pohl dated August 8, 2006

Exhibit 3- Notice and affidavit of Mailing

ATTACHMENT 2

COLUMBIA COUNTY BOARD OF COMMISSIONERS
STAFF REPORT

August 2, 2006

Conditional Use Permit

HEARING DATE: July 19, 2006

FILE NUMBER: CU 06-32

APPLICANT: Benjamin L & Christine A Bruce
30907 Timoney Lane
Rainier, OR 97048

OWNER: Gregory G & Peggy A Swanson
2626 Pacific Highway
Longview, WA 98632

PROPERTY LOCATION: Between 26587 & 26673 Hammond Road

TAX ACCT. NUMBER: 6302-000-00800

ZONING: Forest Agriculture-19 (FA-19)

SIZE: 3.5 Acres

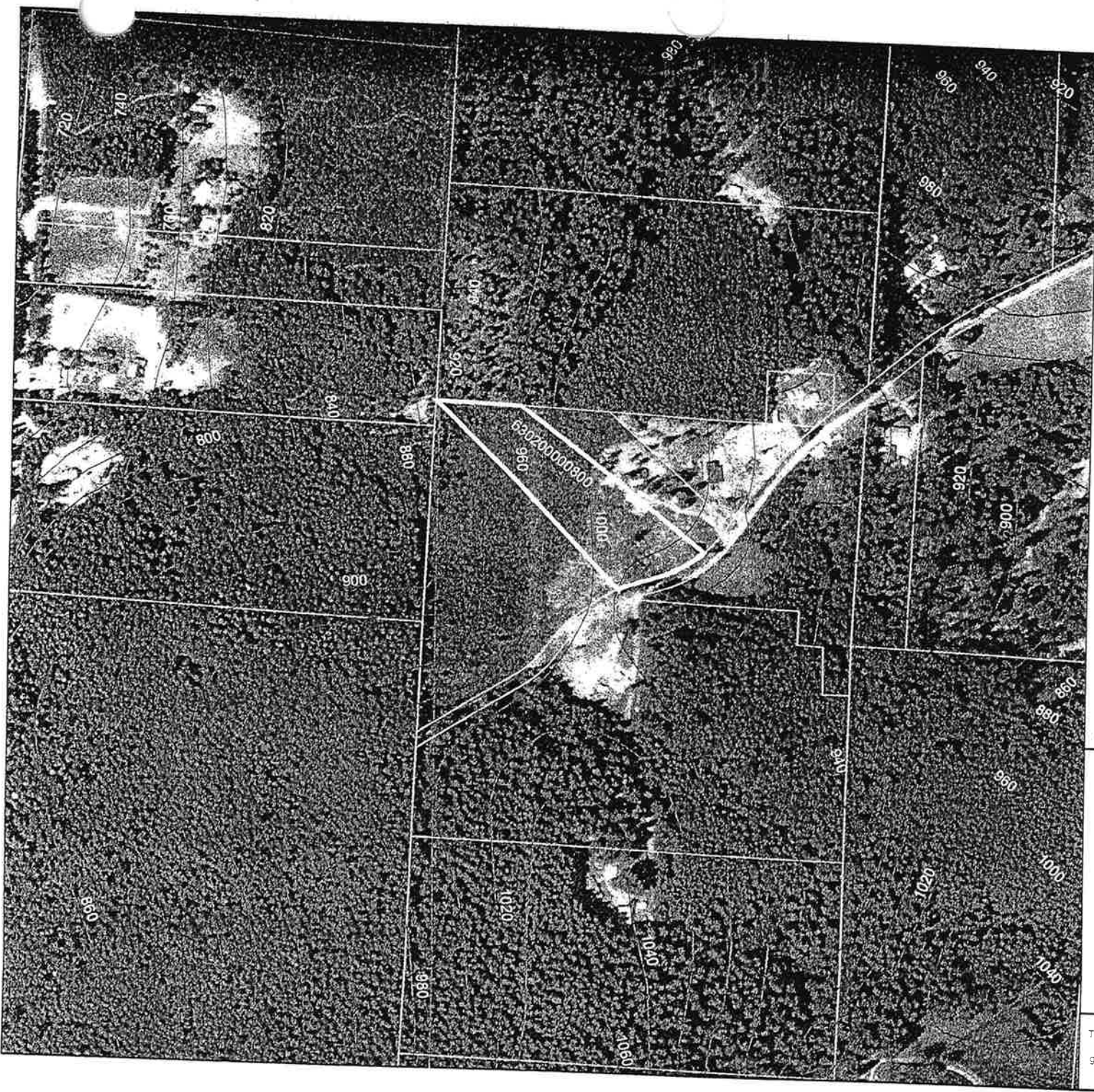
REQUEST: To site a single-family dwelling on a 3.5 acre parcel in a FA-19 zone, using the template option found in OAR 660-06-027(1).

APPLICATION COMPLETE: 04/21/06

150 DAY DEADLINE: 09/21/06

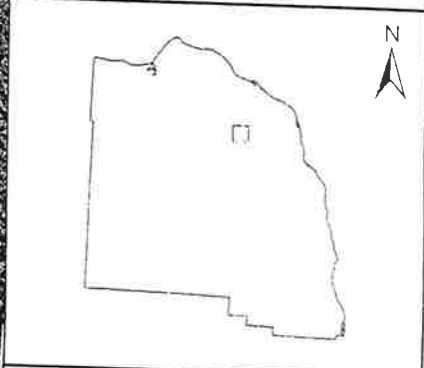
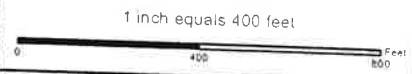
APPLICABLE REVIEW CRITERIA:

<u>Columbia County Zoning Ordinance</u>	<u>Page</u>
Section 401	3
Section 404	3
Section 405	5
Section 406	6
Section 412	6
Section 1190 Big Game Range Overlay	7
Section 1503 Conditional Uses	8
<u>Oregon Revised Statutes</u>	
ORS 215.417	11
<u>Oregon Administrative Rules</u>	
OAR 660-006-0027	11
OAR 660-006-0029	12
OAR 660-006-0035	14
AR 660-006-0040	15



CU 06-32

- Parcels
- Subject Property
- Contours



This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities. The County is not responsible for map errors, omissions, misuse, or misinterpretation.

BACKGROUND:

The applicants request approval to site a single-family dwelling, septic system and well on a 3.5 acre parcel that is in the Forest Agriculture-19 (FA-19) zone. The subject property is located on the north side of Hammond Road between addresses 26673 and 26587 in Rainier. The north half of the subject property is comprised of forested area and the southern half, where the proposed homesite is located, is mostly grassland. The proposed homesite is located approximately 250 feet from Hammond Road and will be accessible via a 260 foot driveway. Due to the lot configuration the applicants are proposing to utilize an easement to extend the secondary fire break approximately 85 feet into tax account 6302-000-00700. Elements of a septic system that serves tax account 6302-000-00700 are present on the subject property and must be delineated in order to determine the impact on proposed utilities.

The National Wetlands Inventory Map does not present any indication of wetlands being located on the subject property. According to FEMA flood hazard map # 41009C0045C the subject property is not located within any defined flood hazard zone. Also, in accordance with the Rainier Beak Maps, the subject property is located in a peripheral big game habitat, but not located in an area where there are identified threatened, endangered, or sensitive plants and wildlife. Emergency Services are provided by the Columbia River Fire and Rescue and the Columbia County Sheriff.

REVIEW CRITERIA & FINDINGS:

Columbia County Soil Survey:

<u>Soils on the 3.5 acre parcel are as follows:</u> 6D - Bacona silt loam, 3 to 30 % slopes	Site Index <u>CMAI</u> 172	Est. % <u>of Area</u> 100%	Ag.Cap. <u>Class</u> VI e
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Finding 1: The subject property contains a soil type of Bacona silt loam, which has a Culmination of Mean Annual Increment (CMAI) of 172 for the production of Douglas fir. According to the Soil Survey of Columbia County the Douglas Fir production capability for the 3.5 acre subject property is 602 cubic feet per year for the Culmination of the Mean Annual Increment. Property that can produce greater than 5,000 cubic feet/tract/year is viewed by Columbia County as high value timber land. Owners of high value timberland are required to submit a forest resource management plan to the Columbia County Department of Land Development Services. The subject property contains a high value for the site index but is too small for any productive yield of Douglas fir. Therefore the subject property is not considered high valued forestland.

Applications for dwellings in the mixed Forest/Agriculture zone are reviewed under the provisions for forestland in the FA-19 zone. Both Forest and Agricultural uses are permitted outright in the FA-19 zone. Forestland properties in the FA-19 zone greater than 10 acres in size are required, as a condition of approval of a Conditional Use Permit for a dwelling, to have to Forest Land Assessment completed by the applicant to determine if the property already has forest tax deferral and is adequately stocked with trees; or to indicate that the property is under farm tax deferral and being used for agricultural purposes where timber stocking is not required. The subject property is 3.5 acres in size, therefore the applicant will not be required to submit a forest land assessment as a condition of approval.

COLUMBIA COUNTY ZONING ORDINANCE:

Section 400 FOREST AGRICULTURE - 19

- 401 **Purpose:** The purpose of this zone is to protect and promote farm and forest uses on lands which have resource value, but which are not suited for either the Farm (PA-38) zone or the Forest (PF-76) zone because of smaller parcel size, conflicting adjacent uses, adverse physical features, or other limiting factors.

Finding 2: The subject parcel is not considered high valued resource land in regards to timber or agricultural production. The site index for the Culmination of Mean Annual Increment contains a high value but the property is too small in size for any productive yield. In regards to farming the soil type on the subject property has a poor agricultural capability class. The proposed use should not conflict with any adjacent uses as there are numerous dwellings within close proximity located along Hammond Road.

- 404 **Conditional Uses:** In an FA-19 zone, the following uses and their accessory uses are permitted subject to the provisions of Sections 405 and 406. A conditional use shall be reviewed according to the procedures provided by Section 1503.

- .13 One-family dwellings, mobile homes, or recreation vehicles and their accessory uses not provided in conjunction with farm or forest use may be granted conditional approval upon a finding that each such proposed use:

Finding 3: The applicant requests approval to site a single family dwelling on a 3.5 acre parcel of land in the Forest Agriculture - 19 (FA-19) zone. The proposed dwelling will not be associated with any commercial farm or forest use; therefore, a conditional use permit is required and the following criteria apply.

- A. Is compatible with farm or forest uses and is consistent with the intent and purpose set forth in this ordinance relating to farm or forest lands; and

Finding 4: The resource districts are intended to preserve and enhance the agricultural lands that offer the greatest potential for food production and to retain forest land for forest use. The soil types of the subject site are poorly suitable for commercial forest production of douglas fir and agricultural production in accordance with the Columbia County Soil Survey. Property that can produce greater than 5,000 cu. ft./tract/year qualifies as high value timber land. The subject property is not a high value timber parcel. Staff finds that the proposed dwelling will be compatible with farm and forest uses on lands in the area and is consistent with the intent and purpose set forth in the Columbia County Zoning Ordinance relating to farm and forest lands.

- B. Does not interfere seriously with accepted farming or forest practices on adjacent lands devoted to farm or forest use; and

Finding 5: The proposed use will have no anticipated off-site impacts on forest or farm uses in the area. A single family dwelling generally has minimal impact on accepted small farm or forest practices. The owners will be required to sign and record a waiver of remonstrance against farm and forest practices as a condition of approval, which should further protect neighboring resource uses. The county expects no negative impacts for an additional dwelling in this area.

TABLE 1: Surrounding Properties Within 750' of Subject Property

TAX ACCOUNT #	ACRES	ZONE	USE	TAX CODE
6302-000-00301	19.56	PF-76	Vacant	8
6302-000-00302	18.66	PF-76	Vacant	8
6302-000-00400	34.59	PF-76	26970 Hammond Road	6
6302-000-00404	10.00	PF-76	26797 Hammond Road	6
6302-000-00500	3.10	PF-76	26760 Hammond Road	N/A
6302-000-00599	0.14	FA-19	Vacant	N/A
6302-000-00600	5.50	FA-19	26715 Hammond Road	N/A
6302-000-00601	2.06	FA-19	26701 Hammond Road	N/A
6302-000-00700	1.76	FA-19	26673 Hammond Road	N/A
6302-000-00900	6.80	FA-19	26587 Hammond Road	6
6302-000-01000	16.70	PF-76	71612 Apiary Road	6
6302-000-01100	10.79	PF-76	71614 Apiary Road	6
6302-000-01200	5.38	PF-76	Vacant	N/A
6302-000-01300	18.66	PF-76	71710 Apiary Road	6
6302-000-01800	155.90	PF-76	Vacant	6
6302-000-01902	18.32	PF-76	26593 Hammond Road	8
6302-000-02000	75.00	PF-76	71300 Mauris Drive	6

* 6= Designated Forest Land (includes Reforestation); 8= Optional Timber Tax

C. Does not materially alter the stability of the overall land use pattern of the area; and

Finding 6: The overall land use pattern of the area along Hammond Road is both forest and farm lands that have residential homes within the immediate vicinity. There are 12 dwellings within 750 feet of the subject property, 5 of which were sited through conditional use permits. A dwelling in this location would be consistent with the surrounding uses.

D. Is situated upon generally unsuitable land for the production of farm or forest crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.

Finding 7: The 3.5 acre tract of land is generally unsuitable for the production of farm or forest crops. The parcel too small for any productive timber yield and the soil type is not well suited for agricultural production. The

proposed homesite is situated upon the best location for the small, narrow lot. By siting the home on the southern portion of the subject property which is mostly grassland the forested areas in the northern portion of the property will be preserved.

405 All Conditional Uses Permitted in the FA-19 Zone Shall Meet the Following Requirements:

- .1 The use will not significantly increase the cost, nor interfere with accepted forest management practices or farm uses on adjacent or nearby lands devoted to forest or farm use.

Finding 8: The proposed use will not increase the cost, nor interfere with farming or forest uses on adjacent lands. If approved, the a dwelling on the site should not disrupt or have any effect on timber activity or agricultural production. The surrounding properties contain both farm and forest lands that have dwellings within the immediate vicinity. The applicant's proposed use is similar in nature to other properties in the vicinity and the proposed use will not interfere or increase the cost of farm or forest practices.

- .2 The use will be limited to a site no larger than necessary to accommodate the activity and, as such will not materially alter the stability of the overall land use pattern of the area or substantially limit or impair the permitted uses of surrounding properties. If necessary, measures will be taken to minimize potential negative effects on adjacent forest lands.

Finding 9: The proposed residence will be limited to a site no larger than necessary to accommodate the use. The 3.5 acre subject property is zoned Forest Agriculture - 19 (FA-19). The surrounding parcels in the immediate vicinity of the subject property are all zoned for resource use, either FA-19 or PF-76. The overall land use pattern along Hammond Road is resource lands with residential dwellings. Staff does not feel the use would impair or preclude surrounding property owners from enjoying and managing their properties. The permitted uses listed in the Columbia County Zoning Ordinance for the FA-19 zoning district include farm uses; the propagation or harvesting of forest products; dwelling's necessary and accessory to farm and forest uses; buildings customarily provided in conjunction with farm or forest uses and operations conducted for the exploration of geothermal resources. The proposed dwelling will in no way preclude surrounding properties from these primary uses.

- .3 The use does not constitute an unnecessary fire hazard, and provides for fire safety measures in planning, design, construction, and operation.

Finding 10: The new dwelling is proposed to be located approximately 250 feet from Hammond Road. The fire break for the FA-19 zoning district is a 30-foot primary and a 100-foot secondary break for a total fire buffer of 130 feet. The property line setback for all structures in the FA-19 zone is 30 feet. Due to the lot configuration the applicants are proposing to utilize an easement to extend the secondary fire break approximately 85 feet into tax account 6302-000-00700. The applicant will be required to provide a fire buffer plan.

- .4 Public utilities are to develop or utilize rights-of-way that have the least adverse impact on forest resources. Existing rights-of-way are to be utilized wherever possible.

Finding 11: Public utilities for the proposed dwelling will be required to use existing rights-of-ways that have the least adverse impact on forest resource. Public utilities are available near the homesite and servicing the proposed dwelling should not have an impact on forest resources. electrical service will be provided by West Oregon Electric.

- .5 Road standards shall be limited to the minimum width necessary for management and safety.

Finding 12: No new roads are associated with the proposed dwelling. The applicant will access the proposed residence from a driveway located on the westernmost edge of the subject parcel from Hammond Road. The driveway must meet County standards and will be required to be inspected by the local rural fire protection district on feasibility of serving a single-family dwelling. The County Road Department is requiring improvements to Hammond Road outlined in the Comments section of this report.

- .6 Development within major and peripheral big game range shall be consistent with the maintenance of big game habitat. In making this determination, consideration shall be given to the cumulative effects of the proposed action and other development in area on big game habitat. Where such a finding is made, development shall be sited to minimize the impact on big game habitat. To minimize the impact, structures shall: be located near existing roads; be as close as possible to existing structures on adjoining lots; and be clustered where several structures are proposed.

Finding 13: As noted on the Wildlife Game Habitat Beak Map for the Rainier CPAC of 1995 the subject property is located in the Peripheral Area for Big Game Habitat. The proposed homesite will be located approximately 250 feet from Hammond Road. The proposed dwelling will be located in an already impacted area as numerous dwellings are in close vicinity.

406 All dwelling units, including mobile homes, shall meet the following additional requirements:

- .1 That on forest land, provision has been made for fire safety measures in accordance with the guide published by the Northwest Interagency Fire Prevention Group entitled, "Fire Safety Considerations for Development in Forest Areas".

Finding 14: Provisions for fire safety measures in accordance with the guide published by the Northwest Inter-Agency Fire Prevention Group have been made with this proposal for a dwelling in the FA-19 zone. Approximately half of the subject property contains forested areas.

- .2 That responsibility for protection from wildlife damage on the property be assumed by the dwelling's owner or occupant.

Finding 15: The owner must assume responsibility for protection from wildlife damage on the subject property.

- .3 That the use does not impose any limitation on the operation of a primary wood processing facility.

Finding 16: There are no primary wood processing facilities in the vicinity of the subject parcel. Therefore, the proposed use will not impose any limitation on the operation of these facilities.

- .4 That a farm or forest management impact statement may be required that shows the relationship between the proposed residential use and surrounding resource uses, including setbacks for any dwellings from forest or farm uses to assure that the above conditions are met.

Finding 17: A farm/forest management impact statement may be required by the Planning Commission.

412 Fire Siting Standards for Dwellings and Roads: The following fire siting standards or their equivalent shall apply to all new dwellings in this zone:

- .1 If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- .2 The owner of the dwelling shall maintain a primary fuel-free break area around all structures, shall clear and maintain a secondary fuel-free break area, and shall maintain adequate access to the dwelling for fire fighting vehicles in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association.
- .3 All roads in this zone, except private roads and bridges for commercial forest uses, shall be constructed so as to provide adequate access for fire fighting equipment, according to the standards provided by the local rural fire protection district or State Department of Forestry.

Finding 18: Fire safety measures have been taken into account with this application. In accordance with State standards, the applicant will be required as a condition of approval to submit a plot plan indicating both a 30- foot primary and 100- foot secondary fire break around the residence and all outbuildings. The applicant will be required to install and maintain the required fire breaks. The applicant has rights to an easement for the secondary fire break to extend approximately 85 feet into tax account 6302-000-00700. The driveway access shall be improved to accommodate emergency service vehicles and must be approved by the local Fire District. There are no suitable natural water supplies within the vicinity of the subject property.

Continuing with the Columbia County Zoning Ordinance:

Section 1190 BIG GAME RANGE OVERLAY

1193 Development Standards:

All new development located in Major and Peripheral Big Game Habitat shall implement the following siting standards:

- .1 Dwellings and structures shall be located as near each other and existing developed areas as possible considering topography, water features, required setbacks and firebreaks.

Finding 19: The subject property is located in the Peripheral Big Game Area according to the 1995 BEAK Big Game Habitat Map for the Rainier Area. In the general vicinity of the subject parcel there are numerous dwellings located along Hammond Road, many of which were approved through conditional use permits. Many of the parcels in the vicinity are small in size, therefore most of the dwellings are close in range, as evidenced by fire break easements for the two dwellings on the east and west side of the subject property.

- .2 Dwellings and structures shall be located to avoid habitat conflicts and utilize least valuable habitat areas.

Finding 20: According to the Beak Maps, the subject property is within Peripheral Big Game Habitat Area. The applicant proposes to site the dwelling approximately 250 feet from Hammond Road. This location will effectively cluster the home site near existing dwellings located off of Hammond Road within the immediate vicinity. The homesite will be located in a grassland area on the southern half of the subject property, preserving the forested areas in the northern half of the parcel. For these reasons, staff finds that this criterion is met.

- .3 Road development shall be minimized to that which is necessary to support the proposed use and the applicant shall utilize existing roads as much as possible.

Finding 21: The applicants do not intend to create any new roads. The applicants propose to construct a 250 foot driveway off Hammond Road that should pose minimal impact to natural resources on the subject property. Staff finds that this criteria is met, but not needed.

- .4 The owner/occupant of the resource parcel shall assume responsibility for protection from damage by wildlife.

Finding 22: Staff notes that the owners of the subject property shall assume responsibility for protection from damage by wildlife. This criteria is met.

- .5 Riparian and Wetland areas shall be protected in accordance with Sections 1170 and 1180.

Finding 23: In accordance with the National Wetlands Inventory (NWI) and Oregon Department of Forestry (ODF) Stream Maps there does not appear to be any wetlands or streams with associated riparian areas located on the subject property.

- .6 Columbia County shall notify the Oregon Department of Fish and Wildlife (ODFW) of all proposed uses or activities located within the Big Game Range Habitat. The County will consider the comments and recommendations of ODFW before making a decision concerning the requested use or activity.
- .7 Columbia County shall notify the Oregon Department of Fish and Wildlife (ODFW) and the U.S. Fish and Wildlife (USFW) of all proposed uses or activities located within the Columbian White-Tailed Deer habitat. The County will consider the comments and recommendations of ODFW and USFW before making a decision concerning the requested use or activity.

Finding 24: The subject property is located within a Peripheral Big Game Habitat area as designated on the 1995 Beak Wildlife Maps for Rainier. The County has not notified Oregon Department of Fish and Wildlife (ODFW) of the proposed development. The subject property is not located within the Columbian White-Tailed Deer habitat.

Continuing with Zoning Ordinance Section 1500 Discretionary Permits:

1503 CONDITIONAL USES:

- .5 **Granting a Permit:** The Commission may grant a Conditional Use Permit after conducting a public hearing, provided the applicant provides evidence substantiating that all the requirements of this ordinance relative to the proposed use are satisfied and demonstrates the

proposed use also satisfies the following criteria:

- A. The use is listed as a Conditional Use in the zone which is currently applied to the site;

Finding 25: The subject site is zoned Forest Agriculture - 19 (FA-19). Section 404.13: Conditional Uses (in the FA-19 zone) of the Columbia County Zoning Ordinance lists "One-family dwellings...not provided in conjunction with farm or forest use..."

- B. The use meets the specific criteria established in the underlying zone;

Finding 26: The applicable criteria of the FA-19 zoning district has been reviewed in this report. Staff has found that the proposed use complies with the specific criteria of the FA-19 zoning district in Findings 2 through 18.

- C. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features;

Finding 27: The characteristics of the site are suitable for the proposed use in relation to the size, topography, and location. The proposed homesite is comprised of mostly grassland and the topography is fairly level. The subject property is served by an adequate public right of way in an area where numerous single family dwellings reside in the resource zone.

- D. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;

Finding 28: The subject property will be accessible from Hammond Road, a 40 foot wide public right of way. Public facilities are power and telephone, which are readily available to the subject property. The proposed water source is a private well and West Oregon Electric will provide electrical power. The parcel is inside the Columbia River Fire and Rescue district. The public facilities and services in this part of Columbia County are adequate to service the proposed use.

- E. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district;

Finding 29: The 3.5 acre subject property is zoned Forest Agriculture - 19 (FA-19). The surrounding parcels in the immediate area are of farm and forest lands with residential dwellings. The proposed dwelling will not alter the character of the surrounding area because it will be similar to adjacent properties that also maintain single family dwellings on farm and forest lands. Staff does not feel the use would impair or preclude surrounding property owners from enjoying and/or managing their properties.

The permitted uses listed identified in the Columbia County Zoning Ordinance for the FA-19 zoning district include farm uses; the propagation or harvesting of forest products; dwelling's necessary and accessory to farm and forest uses; buildings customarily provided in conjunction with farm or forest uses and operations conducted for the exploration of geothermal resources. The proposed dwelling will in no way preclude surrounding properties from these primary uses.

- F. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use;

COLUMBIA COUNTY COMPREHENSIVE PLAN:

PART IV FOREST LANDS

- 7. Limit non-forest dwellings to individual lots or parcels where it can be shown that:
 - A. The proposed site is on land generally unsuitable for forest uses;
 - B. The proposed use will not significantly impact forest uses on adjacent and nearby forest lands;
 - C. The proposed use will not significantly increase the costs of forest management on adjacent and nearby forest lands;
 - D. The site is limited in size to that area suitable and appropriate only for the needs of the proposed use;
 - E. Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby forest lands; and,
 - F. The proposed use is consistent with the forest policies contained in the Comprehensive Plan.

Finding 30: The proposed residence complies with Policy 7 of the Columbia County Comprehensive Plan. The applicant has proposed to site a non-forest dwelling on a parcel of land zoned FA-19. As previously discussed, the subject property is generally unsuitable for forest or farm use. Sub-policies A, B, C, D, E, and F are addressed elsewhere in this staff report.

Continuing with the Columbia County Comprehensive Plan:

PART VI HOUSING

GOAL: To provide for the housing needs of the citizens of the County by allowing adequate flexibility in housing location, type, and density.

Finding 31: The applicant has proposed a dwelling in an already impacted area that would provide a housing opportunity for a resident of the County. In addition, the parcel is not suited for forest or farm use. Therefore, the proposal meets the Housing goal of the Comprehensive Plan.

Continuing with Zoning Ordinance Section 1503:

- G. The proposal will not create any hazardous conditions.

Finding 32: The site would contain a single family home within a F-19 zoning district, which would not appear to create any hazards as result of its location. A firebreak shall be maintained in order to reduce the risk of any potential wildfires.

- .6 **Design Review:** The Commission may require the Conditional Use be subject to a site design review by the Design Review Board or Planning Commission.

Finding 33: A Site Design Review may be required by the Planning Commission.

OREGON REVISED STATUTES (ORS):

ORS 215.417 Time to act under certain approved permits; extension. (1) If a permit is approved under ORS 215.416 for a proposed residential development on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293 or 215.317 to 215.438 or under county legislation or regulation, the permit shall be valid for four years.

Finding 34: If this permit is approved, the approval period for construction for the new dwelling is 4 years from the date of approval.

OREGON ADMINISTRATIVE RULES (OAR):

660-006-0027

Dwellings in Forest Zones

(1) Dwellings authorized by OAR 660-006-0025(1)(d) are:

(f) In western Oregon, the governing body of a county or its designate may allow the establishment of a single family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(A) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber if:

(i) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(ii) At least three dwellings existed on January 1, 1993 on the other lots or parcels;

(B) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber if:

(i) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(ii) At least three dwellings existed on January 1, 1993 on the other lots or parcels;

(C) Capable of producing more than 85 cubic feet per acre per year of wood fiber if:

(i) All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and

(ii) At least three dwellings existed on January 1, 1993 on the other lots or parcels.

(h) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements under subsections (1)(f) and (1)(g) of this section.

(i) A proposed dwelling provided for by subsection (1)(f) and (1)(g) is not allowed if the tract on which the dwelling will be sited includes a dwelling.

(3) If the tract under subsection (1)(d) or (e) of this rule abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.

Finding 36: Using the Columbia County Soil Survey, for a typical forest parcel, it was determined that for the 3.5 acre parcel, there is a Douglas-fir production capability of 602 cubic feet for the designated soil types on this subject parcel. OAR 660-006-0027(1)(f)(A) would require that all or part of at least 11 other lots or parcels and at least 3 dwellings, existing on January 1, 1993, are within the 160-acre square or a rectangular template centered on the subject property. A 160-acre square template, centered on the subject property, was submitted by the applicant indicating 14 +/- discrete parcels and 8 dwellings sited prior to 1993 that were not located within an urban growth boundary. Therefore, this criterion is met.

Continuing with Oregon Administrative Rules (OAR):

660-006-0029

Siting Standards for Dwellings and Structures in Forest Zones

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

(a) They have the least impact on nearby or adjoining forest or agricultural lands;

Finding 36: The proposed home should not interfere with nearby forest or agricultural lands in the area and should not cause any changes to the residential or resource use of adjacent property owners. The proposed use will have no off-site impacts to forest or farm uses in the area. If the dwelling is approved by the Planning Commission, extra protection will be provided by a Waiver of Remonstrance which will protect forest and farm management practices on adjacent properties.

(b) The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

Finding 37: The subject property is currently comprised of forest and grassland. The location of the proposed homesite will not disturb any potential forest operations or farming practices on the subject property. Staff feels this location would be ideal and does not foresee any adverse impacts on forest operations and accepted farming practices from the proposed site.

(c) The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and

Finding 38: The driveway for the proposed homesite will be located approximately 250 feet from Hammond Road and will require minimal removal of trees to site.

(d) The risks associated with wildfires are minimized.

Finding 39: The applicant will be required to provide primary and secondary fuel buffers for the home. The site is 3.5 acres and will require an easement for the secondary firebreak due to the lot configuration. Therefore, this criterion is met.

(3) The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources department's administrative rules for the appropriation of ground water or surface water and not from a class II stream as defined in the Forest Practices Rules (OAR Chapter 629). For purposes of this subsection, evidence of a domestic water supply means:

(c) Verification from the Water Resources department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements...the applicant shall submit the well constructor's report to the county upon completion of the well.

Finding 40: The proposed water source for the subject property is a private well. Prior to the issuance of building permit the applicant shall submit documentation that there is an adequate water supply available on the subject property.

(4) As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

Finding 41: The applicant will access the subject property from a 250 foot driveway located off Hammond Road, a 40 foot wide County public right of way. Documentation from Columbia River Fire and Rescue indicating that road improvements to the proposed development site are suitable for access by fire service equipment.

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

(a) Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(b) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved.

(c) If the lot or parcel is more than 10 acres in western Oregon, as defined in ORS 321.257, or more than 30 acres in eastern Oregon, as defined in ORS 321.405, the property owner shall submit a stocking survey report to the county assessor and the assessor shall verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor shall inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met.

(d) Upon notification by the assessor the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those

requirements, the department shall notify the owner and the assessor that the land is not being managed as forest land. The assessor shall then remove the forest land designation and impose the additional tax pursuant to ORS 321.372.

(e) The County governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or a forest zone, that the landowner for the dwelling sign and record in the deed records for the county of 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.

Finding 42: The subject property is 3.5 acres in size, and has minimal resource value. Due to the size of the subject property the applicant will not be required to submit a Forest Land Assessment/Timber Stocking survey. If approved by the Planning Commission, the applicant will be required to record a Waiver of Remonstrance against standard farm and forest management operations on nearby and neighboring properties.

Continuing with Oregon Administrative Rules (OAR):

660-006-0035

Fire-Siting Standards for Dwellings and Structures

The following fire siting standards or their equivalent shall apply to new dwellings or structures in a forest or agriculture/forest zone:

(1) The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the governing body may provide an alternative means for protecting the dwelling from fire hazards. The means selected may include a fire sprinkling system, onsite equipment and water storage or other methods that are reasonable, given the site conditions. If a water supply is required for fire protection, it shall be a swimming pool, pond, lake, or similar body of water that at all times contains at least 4,000 gallons or a stream that has a continuous year round flow of at least one cubic foot per second. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(2) Road access to the dwelling shall meet road design standards described in OAR 660-06-040.

(3) The owners of the dwelling and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991 and published by the Oregon Department of Forestry.

The dwelling shall have a fire retardant roof.

(5) The dwelling shall not be sited on a slope of greater than 40 percent.

(6) If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

Finding 43: The subject parcel for the proposed dwelling is located within the Columbia River Fire and Rescue District. The standard fire break for the FA-19 zoning district is a 30-foot primary and a 100-foot secondary break for a total of 130 feet of fire buffer. A condition of approval of the application requires compliance with County fire siting standards. The site can meet the standards with by means of a properly described and recorded easement for the secondary fire break on the adjacent parcel to the east or compliance with equivalent IR1 standards for the structures to be constructed on the site. The road access meets the requirements of OAR 660-060-040. Therefore, this criteria is met.

Continuing with Oregon Administrative Rules (OAR):

OAR 660-006-0040

Fire Safety Design Standards for Roads

The governing body shall establish road design standards, except for private roads and bridges accessing only commercial forest uses, which ensure that public roads, bridges, private roads and driveways are constructed so as to provide adequate access for fire fighting equipment. Such standards shall address maximum grade, road width, turning radius, road surface, bridge design, culverts, and road access taking into consideration seasonal weather conditions. The governing body shall consult with the appropriate Rural Fire Protection District and Forest Protection District in establishing these standards.

Finding 44: All building permits in forested areas and forest zones require documentation by the local Fire Protection District approving the driveway if it is greater than 150 feet in length. The applicant is proposing to use a 250 +/- foot driveway for access from Hammond Road. The applicant has received approval from Columbia River Fire and Rescue. An on-site inspection by the Fire District indicated that access to the parcel is suitable for fire service equipment. If a full-length driveway is constructed, a reinspection by the Fire District will be required. The County Road department is requiring improvements to Hammond Road outlined in the comment section below.

COMMENTS:

1. The Sanitarian has reviewed the application and has no objections to its approval as submitted with comments: "The subject property has an approved lot evaluation."
2. Columbia River Fire & Rescue has reviewed the application and has no objections to its approval as submitted.
3. The Roadmaster has reviewed the application and has no objections to its approval as submitted with comments: "An access permit has been applied for, and site location approved, but improvements to Hammond Road will be required beyond the County maintained section. 5 loads (10 ton) of 3/4 inch minus gravel is to be applied to the road from the driveway to the section maintained by the County."

4. The Rainier CPAC has reviewed the application and has no objections to its approval as submitted with comments regarding recording of the secondary fire break easement and providing documentation relating to elements of tax account 700's septic system on the subject property.
5. The owner of tax account 6302-000-00900 submitted comments regarding concerns over the location of the septic system in relation to his well. The adjacent property owner also expressed concern over access to the property and how it might affect his current access and utilities.

No other comments have been received from notified nearby property owners or government agencies as of the date of this staff report (May 26, 2006).

PLANNING COMMISSION PUBLIC HEARING

The Columbia County Planning Commission reviewed and approved, with amendments, staff report CU 06-32 on June 5, 2006. In the public hearing two parties spoke in favor and two parties spoke in opposition of the proposal to site a dwelling in the Forest Agriculture (FA-19) zone. The applicant, Benjamin Bruce, and his representative, Diane Pohl, spoke in favor of the proposal. David Roosh, owner of tax account 6302-000-00700, and Barbara Bullock (26701 Hammond Road) spoke in opposition of the proposal.

Numerous issues were addressed in the public hearing regarding the siting of a dwelling on tax account 6302-000-00800, prompted by either the Planning Commission or surrounding property owners. The first issue is relating to the location of the drain lines that serve tax account 6302-000-00700, owned by David Roosh, present on the subject property. David Roosh expressed concerns over a secondary fire break easement located on his property for the benefit of the subject property and the proposal to use a utility easement. Greg Norman, owner of property described as tax account 6302-000-00900, expressed concerns over the location of the approved drainfield for the subject property in relation to the location of his well.

Barbara Bullock expressed concerns over the condition of Hammond road and the potential impact of an additional dwelling.

A majority of these concerns were mitigated through amended condition #2, which required a scaled map to be drawn indicating all improvements on the subject property and adjacent tax accounts. The map submitted indicated that the drain lines were not located in the approved drainfield area but the setback for the well located on tax account 900 was encroaching on the approved drainfield. The approved drainfield for the subject property was created based on the location of a hand-dug well located in the right-of-way of Hammond Road. After consulting with the Sanitarian the applicant was advised to fill in the hand-dug well in order to shift the drainfield to the east to meet the setback from the well on tax account 900.

David Roosh's reason for appeal is based on the lack of an adequate legal description for the secondary firebreak easement present on his property for the benefit of the applicant's (Benjamin Bruce) property (tax account 6302-000-800). Benjamin Bruce has provided proof that an easement is present on deeds obtained for the subject property, but due to lack of a legal description to indicate its specific location, the easement is not acceptable for use in satisfying the County's secondary fire break requirements. If the appellant is not agreeable to re-record the easement with an adequate legal description meeting County requirements, then the applicant still may comply with the County's fire break requirements by meeting IR1 equivalents for the proposed structures.

STAFF CONCLUSIONS & RECOMMENDATION:

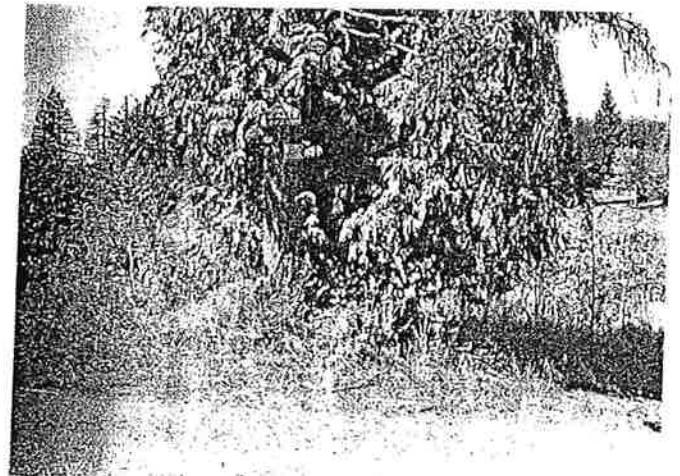
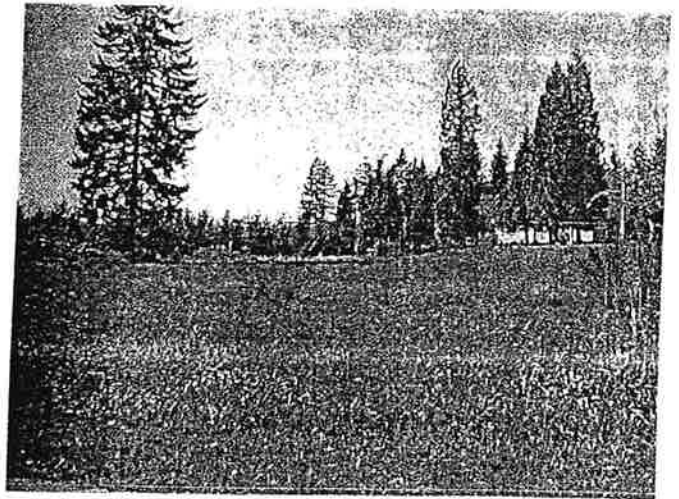
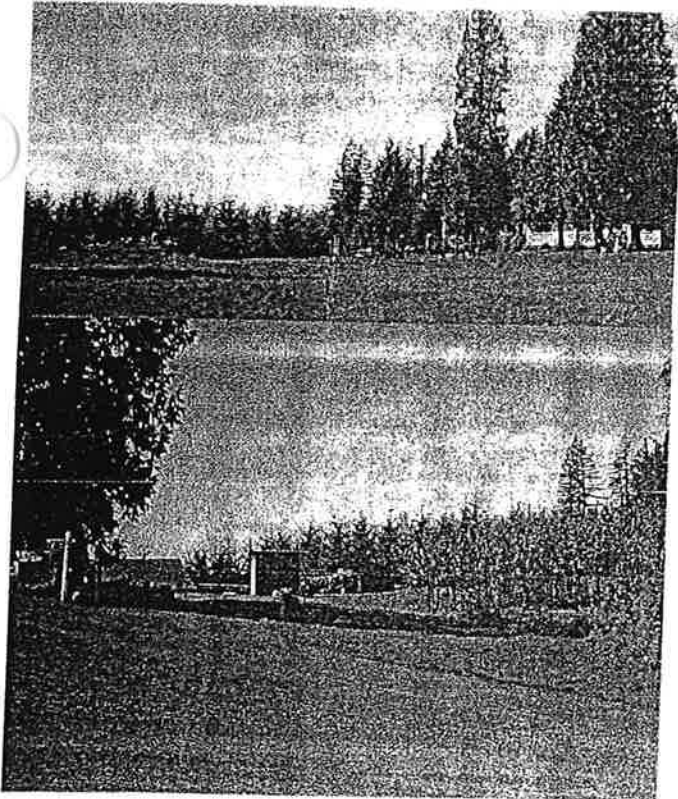
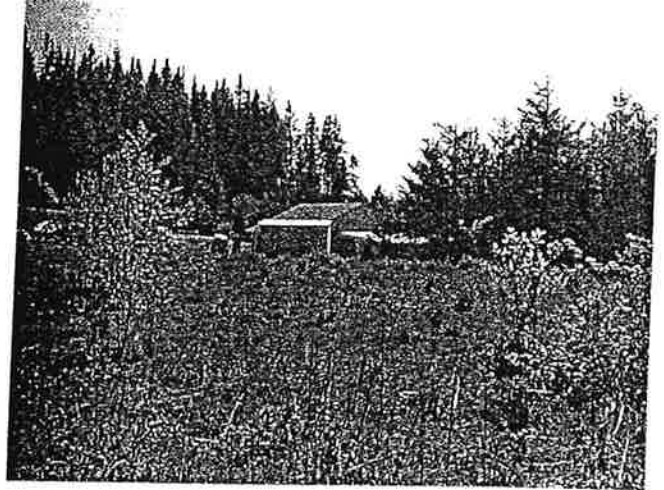
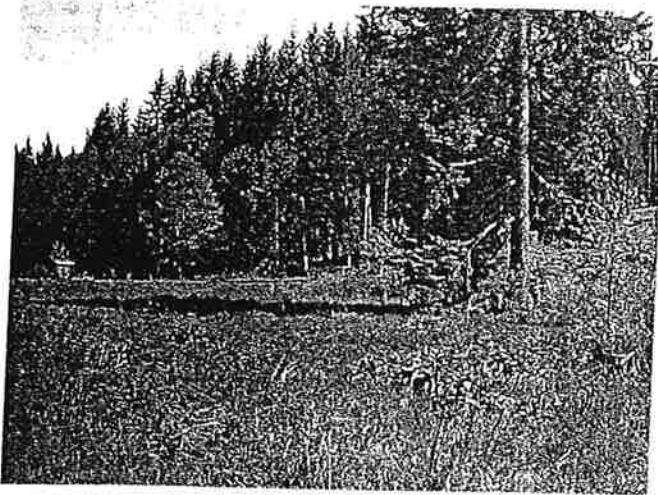
Based upon research about the property and findings of the above staff report (CU 06-32), staff recommends **Approval** of this request to place a single family dwelling on a 3.5 acre parcel in a Forest Agriculture (FA-19) zone, with the following conditions:

CONDITIONS OF APPROVAL:

1. This permit shall become void 4 years from the date of the final decision if development has not begun on the property. Extensions of time may be granted by the Planning Director if requested in writing before the expiration date and if the applicant was not responsible for the failure to develop.
2. Prior to building permit issuance, the applicant shall obtain services of a licensed septic installer and prepare a to scale measured drawing indicating improvements on the subject property and adjacent properties to determine the effect of wells and tax account 6302-000-00700's septic drain lines on the approved drainfield for the subject property.
3. The applicant shall sign a Waiver of Remonstrance regarding current and accepted farm and forest management practices on adjacent properties devoted to agriculture and timber production prior to any building permits being issued.
4. The requirements of OAR 660-06-029 to 660-06-040, as interpreted by the Oregon Department of Forestry in their "Land Use Planning Notes: Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads," dated March 1991, shall be followed in the construction of the access driveway and all structures on the site, including a fire retardant roof, spark arresters on all chimneys, and not placing the residence on a slope greater than 40%.
5. Pursuant to OAR 660-06-029(3)(C) a well constructor's report or documentation from the District Watermaster shall be submitted verifying adequate domestic water is available to the site prior to any building permits being issued.
6. The requirements of OAR 660-06-029 to 660-06-040, as interpreted by the Oregon Department of Forestry in their "Land Use Planning Notes: Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads," dated March 1991; or their equivalent shall be followed. Depending upon the percentage of the slopes of the homesite area, a 30' (0-9% slope), 50' (10-19% slope), 75' (21-25% slope), or 150' (26'-39% slope) primary fuel-free break area shall be created around all structures; in addition, a 100' secondary fuel-free break area shall be created and maintained around the dwelling.
7. The applicant shall submit a fire break plan and map indicating a 30' primary and additional 100'

secondary fire break.

8. A road access permit shall be obtained from the Columbia County Roadmaster and all necessary improvements shall be made to Hammond Road.



ATTACHMENT 3

SUPPLEMENTAL FINDINGS

1. CCZO, Section 405.3 requires that the proposed dwelling will not constitute an unnecessary fire hazard, and provides for fire safety measures in planning, design, construction, and operation. The Applicant asserts that the dwelling will not be an unnecessary fire hazard because the Applicant will implement 30' primary and 100' secondary firebreaks, and that they have a right to an 85' easement onto the adjacent property (Tax Account Number 6302-000-00700) which will act as an equivalent to the secondary firebreak requirement. However, the Board finds that there is a dispute between the Applicant and the adjacent property owner (David Roush) regarding the Applicant's right to a firebreak easement and as to the location of any such easement if indeed there is a right to an easement. Mr. Roush testified that 85' is too far onto his property. The Board finds that the deed conveying Tax Account Number 6302-000-00700 reserved an easement "for firebreak purposes along the Westerly boundary line of the above described property, for the benefit of what is known as tax lot 03 02 3 6302 000 00800." However, the deed does not describe how wide the easement is. The Board finds that it is not in the position to determine whether the proposed 85' firebreak will accomplish the intended purpose of the easement with reasonable minimum levels of damage or interference to the servient estate. Because there is disagreement as to the extent of the Applicant's rights, the Board will require additional evidence of the Applicant's rights to an easement in the form of an easement agreement or in the form of a court order locating the easement area. If the Applicant cannot provide such additional evidence before obtaining a building permit, the Applicant may still obtain a building permit by proposing a new conforming home site, or by meeting other firebreak equivalents. The Board finds that if the firebreaks are established or other equivalents are implemented Section 405.3 will be met.
2. CCZO Section 412 requires the following standards be met for all new dwellings in the FA-19 zone:
 - .1 If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire fighting equipment. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
 - .2 The owner of the dwelling shall maintain a primary fuel-free break area around all structures, shall clear and maintain a secondary fuel-free break area, and shall maintain adequate access to the dwelling for fire fighting vehicles in accordance with the provisions in "Protecting Your Home From Wildfire" published by the National Fire Protection Association.
 - .3 All roads in this zone, except private roads and bridges for commercial forest uses,

shall be constructed so as to provide adequate access for fire fighting equipment, according to the standards provided by the local rural fire protection district or State Department of Forestry.

The Board finds that fire safety measures have been taken into account by the Applicant. In accordance with the State standards, the Applicant will be required to submit a plot plan indicating a 30' primary and 100' secondary firebreak around the residence and all the outbuildings. The Applicant will be required to install and maintain the required firebreaks. The Board finds that upon compliance with Condition #4, the Applicant will comply with Standard .2 related to fuel-free fire breaks. In addition, the Board finds that the driveway access will be improved to accommodate emergency service vehicles and must be approved by the local Fire District. Therefore, Standard .3 is met. Finally, the Board finds that there are no suitable natural water supplies within the vicinity of the subject property. Therefore, the Board finds that Standard .3 is met.

3. OAR 660-06-029(1)(d) requires dwellings and structures be sited on forest zone parcels so that risks associated with wildfires are minimized. The Board finds that the applicant will be required to provide primary and secondary fuel free buffers for the dwelling and structures or meet equivalents, in accordance with Condition #4. Therefore, this criteria is met.
4. The Board finds that after the record was closed Amber Bruce delivered a letter to the Board of County Commissioners for consideration in the matter. The Board finds that the letter will not be entered into the record, and will not be considered by the Board.
5. The Board finds that after the record was closed, Commissioner Rita Bernhard had a ex parte telephone conversation with Diane Pohl on the subject of the application. Thereafter, notice was sent to the participants of the hearing on August 10, 2006, notifying them of the ex parte contact, that the content of the ex parte contact would be disclosed during the Board's meeting on August 20, 2006, and that the participants would have an opportunity to ask Commissioner Bernhard about the contents of the communication, and to refute the contents. The Board finds that a copy of the notice and affidavit of mailing is entered into the record as Exhibit 3. Thereafter, David Roush requested that the Board continue the matter for declaration of ex parte contact so that he could attend. On August 20, 2006, the Board continued the matter to Thursday, August 24, 2006, at 9:00 a.m. for the declaration and deliberations.