

ATTACHMENT D – STAFF REPORT

File Number: PLASAR-17-05-0006

Applicant: Common Energy LLC, Scott Sorenson

Owner: Roberta Ruggeri

Request: Scenic Area Review to add a 24 panel black solar array (approximately 440 square feet) on a south east facing roof of an existing detached garage.

Decision: Approved, with **Conditions**

Decision Date: July 20, 2017

Appeal Deadline: August 5, 2017

Location: The property is located at the intersection of Wagon Road and Dell Road, 0.4 miles east of the intersection of Dell Road and State Road, approximately 3.5 miles east of Mosier, Oregon; more specifically described as 2N 12E 9, Tax Lot 2200, Account # 15139.; more specifically described:

<u>Existing Tax Lot</u>	<u>Acct #</u>	<u>Acres</u>
2N 12E 9 2200	15139	4.77

Zoning: The property is zoned R-R (10), Rural Residential Zone, in the General Management Area of the Columbia River Gorge National Scenic Area.

Past Actions: None

Procedure Type: Administrative

Prepared By: Will Smith, Associate Planner

I. APPLICABLE STANDARDS

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

A. Chapter 3 – Basic Provisions, Section 3.160, R-R, Rural Residential Zone

Section 3.160.D, Uses Permitted Subject to Scenic Area Review

Section 3.160.G, Property Development Standards

B. Chapter 11 – Fire Safety Standards

Section 11.110, Siting Standards

Section 11.120, Defensible Space

Section 11.130, Construction Standards for Dwellings and Structures

Section 11.140, Access Standards

Section 11.150, Fire Protection or On-Site Water Required

C. Chapter 14 – Scenic Area Review

Section 14.100, Provisions for all new development

Section 14.200, Key Viewing Areas

Section 14.300, Scenic Travel Corridors

Section 14.400, Landscape Settings

Section 14.500, Cultural Resources – GMA

Section 14.600, Natural Resources – GMA

Section 14.700, Recreation Resources - GMA

Section 14.800, Indian Tribal Treaty Rights and Consultation - GMA

I. BACKGROUND

A. Legal Parcel: This property is Parcel 2 in Partition Plat from Minor Partition MIP-90-0001, which was a revision from MIP 89-112. This partition was approved by Wasco County and recorded on January 8, 1990. The latest deed, 2005-003042, matches the description from the original partition. The (Legal) Parcel definition reads “A unit of land created as follows: b) A parcel in an existing, duly recorded major or minor land partition...” Staff finds that this lot matches that criterion and is a Legal Parcel.

B. Site Description: This 4.8 acre parcel is predominantly grassland with sparsely scattered Ponderosa Pine trees. The thickest concentration of young pine trees are comprised of previously approved screening trees north of the garage and south of Dell Road. The existing structures sit at an elevation of 890 feet ASL. The property slopes 3-12% to the south and south east towards nearby Rowena Creek with the steepest section in the south east corner. It is accessed from Wagon Road, an unmarked street, but lies south of Dell Road. Both roads are gravel.

C. Surrounding Land Use: All adjacent properties are zoned R-R (10), Rural Residential – GMA. A-2 (40) Small Scale Agriculture zoning begins on the other side of the property to the north, 700 feet from the center of the north property line of the subject parcel. A-1 (160) Large Scale Agriculture – (GMA) zoning begins 950 to the south east. Rowena creek lies 600 feet to the east and runs south to northeast. Land on adjacent properties between the subject parcel and the creek slopes sharply down to the south east. No farm uses are evident in the area. Other properties nearby and along Dell Road are unoccupied or contain single family dwellings with

occasional accessory buildings as well. There are more heavily forested areas to the northwest and south east along the creek.

- D. Public Comment:** Notice of Administrative Action was mailed on June 8, 2017, to all owners of property within 200' of the subject lot, the U.S. Forest Service - Columbia River Gorge National Scenic Area Office, Columbia River Gorge Commission, Oregon State Historic Preservation Office, the four Columbia River Treaty Tribe Indian tribal governments, and other interested parties registered within Wasco County. This notice provided a 20-day pre-notice for public comment. As of the notice of this decision, the following comments were received:

(June 12, 2017) Morai Helfen, Landscape Architect, Columbia River Gorge National Scenic Area
Morai expressed concern that the panels would be fully visible to multiple KVAs, and vegetative screening may be insufficient to meet visual subordination standards. More information will be required to determine how “anti-reflective” the proposed panels are.

Staff Response: In a June 29 follow up email Ms. Helfen informed staff that she took a tour of other similar solar panels, stating “I was surprised at how little reflectivity these demonstrate...” In conversation with staff she stated that a screening plan would likely not be necessary as the pines continued growth from the original screening plan when the garage was built should be sufficient for visual subordination.

(June 14, 2017) Rob Wardwell, Neighboring landowner

Rob stated “Wonderful! We absolutely welcome the use of solar energy and have no objections of any kind to this proposal.”

Staff Response: N/A

(June 16, 2017) Margaret L. Dryden, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area

Ms. Dryden submitted a Cultural Resource Survey Determination dated June 16, 2017, which states that a cultural resource reconnaissance survey is not required, nor is a historic survey required.

Staff Response: Cultural resources are discussed in Section 14.500.

(June 26, 2017) Steven McCoy, Staff Attorney, Friends of the Columbia Gorge

Mr. McCoy cited various review criteria and application requirements and stated that conditions of approval must be recorded.

Staff Response: All applicable criteria are addressed throughout this report.

II. FINDINGS:

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

A. Chapter 3 – Basic Provisions

Section 3.160, R-R, Rural Residential Zone

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

FINDING: Legal parcel information was addressed in I.A. where the subject property was found to be a legal parcel.

2. *Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in 3 below. Non-commercial wind energy conversion systems which fit this category are subject to the applicable provisions of Chapter 19.*

FINDING: The request is to place a 24-panel, 17'x26', 440 square foot solar array on the roof of an existing detached garage, which is accessory to a lawfully established dwelling. This constitutes an addition to that accessory structure and does not add any square footage to the accessory structure total on the property nor does it not meet the requirements for an expedited review. Staff finds that the request complies with Criterion 2.

Section 3.160.G., Property Development Standards

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2. *General Setbacks – all structures other than approved signs and fences shall comply with the following general setback standards:*

<i>Front Yard</i>	<i>25'</i>
<i>Side Yard</i>	<i>15'</i>
<i>Exterior Side Yard</i>	<i>20'</i>
<i>Rear Yard</i>	<i>40'</i>

FINDING: The 2011 staff report (File #PLASAR-11-03-0004) approved this detached garage on the subject parcel. The following minimum setbacks were required to be: West, 40'; North, East, and South, 25'. The existing detached accessory building exceeds the required setbacks: West, 225'; North, East, and South, 165', 65', and 430'. There are no adjacent agricultural uses, so agricultural setback standards do not apply. Staff finds that the request complies with Criterion 2.

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5. *Height - Maximum height for all structures shall be thirty-five feet (35') unless further*

restricted in accordance with Chapter 14 - Scenic Area Review.

FINDING: The current garage is listed as 19' tall. The proposed installation of 24 solar panels will add be on a sloped roof and adds no overall height to the 19' foot tall building, which is less than the 35' stated standard. Staff finds that the request complies with Criterion 5.

D. Chapter 11 – Fire Safety Standards

Section 11.110, Siting Standards – Locating Structures for Good Defensibility

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

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

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

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

FINDING: The Fire Safety Standards, adopted by the Wasco County Court in 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 achieve compliance with them within one year of the date of approval and maintain them through the life of the development. This certification further commits all future property owners to this same requirement. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under Files PLASAR-17-05-0006 and a **condition** of approval is included requiring the applicant to adhere to these standards.

The subject property is located within the boundaries of Mosier Fire District (structural) and Oregon Department of Forestry (wildfire) for fire protection. The proposed solar panels will be constructed of fire-resistant materials. A 50 foot fuel fire break will be provided around all current buildings.

Though not specifically addressed in Chapter 11, it is essential that all new dwellings in Wasco County have a valid address so that emergency responders can quickly find the property. A **condition** of approval is included requiring that current and future owners 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 2½ inches high. On a June 14, 2017 site visit it was noted that these address numbers were installed and in compliance. This **condition** of approval ensures that the address and safety standards remain in compliance.

Chapter 14 – Scenic Area Review

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

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

FINDING: The following applicable sections of Chapter 14 are addressed below: Section 14.200, Key Viewing Areas, Section 14.300, Scenic Travel Corridors, Section 14.400, Landscape Settings, Section 14.500, Cultural Resources – GMA, Section 14.600, Natural Resources – GMA, Section 14.700, Recreation Resources – GMA, and Section 14.800, Indian Tribal Treaty Rights and Consultation – GMA.

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

FINDING: No new buildings or roads are proposed. The request is for a structural addition of a 24-panel, 26'x17', 440 square foot solar array on an existing detached garage. No ground disturbance or grading will occur because the solar array will be placed on the roof of the existing building. Staff finds that the request complies with Criterion B.

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

FINDING: No new buildings are proposed. The structural addition will place 440 square feet of solar panels on the roof of an existing detached accessory building. The array adds 1.3" to the SE facing roof of the 19' tall building but will not affect the overall height. This height is compatible with existing nearby residential development. On a June 14, 2017 site visit staff determined that nearby dwellings and accessory buildings ranged in height from approximately 10' to 24' tall. Staff finds that the request complies with Criterion C.

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

FINDING: According to the application, the solar panels, rails, and hardware will be black. These colors are dark earth tone colors that are further addressed in Criterion I. Staff finds that the request complies with Criterion D.

E. Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.

FINDING: The approved accessory building contains a building footprint of approximately 840 square feet. The solar panels will have a 440 square foot footprint, less than the building footprint. Though the solar panels and hardware could use other colors, they have proposed black for the panels, rails and hardware, and are in compliance. Staff finds that the request complies with Criterion E.

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

Shielding and hooding materials shall be composed of nonreflective opaque materials. There shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic.

FINDING: There is no outdoor lighting proposed or required for the addition of the solar panels. Staff finds that the request complies with Criterion F.

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

FINDING: The request does not require any ground disturbance. The solar panels will be located on the roof of an existing detached accessory building. Staff finds that the request complies with Criterion G.

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

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

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

FINDING: The subject parcel has sparse scattered trees. None are proposed to be removed. A **condition** of approval is included in the Notice of Decision requiring all on-site trees to be retained. Trees that die for any reason shall be replaced by the current owner or successors in interest no later than the next planting season (October – April) after their death with trees of the same species or from the list in the landscape setting for the property. Replacement trees will meet the standards in 1) – 4). With this **condition** of approval, staff finds that the request complies with Criterion H.

Section 14.200, Key Viewing Areas

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

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

FINDING: With adherence to **conditions** of approval throughout Chapter 14 – Scenic Area Review, the request is consistent with Section 14.200.A. The detached accessory building was approved by the Wasco County Planning Department on July 23, 1993 as part of SPR-93-113.

The existing detached accessory building is visible from two Key Viewing Areas (KVAs): the Historic Columbia River Highway (HCRH – Route 30), and Tom McCall Point.

The land use designation (GMA, R-R (10) Rural Residential) and landscape setting (Grassland) require a scenic standard of “visual subordination”.

The primary factors in analyzing the visibility of the proposed solar panels are the distance from KVAs, existing on-site tree screening, and the use of dark earthtone colors.

The development site is located at an elevation of approximately 890’ above sea level (ASL).

HCRH: The subject parcel is located approximately 1.3 miles southwest of the Route 30 and is visible for a quarter mile of its length at that point. The affected portion of the HCRH has an elevation of approximately 720’ ASL.

Tom McCall Point: The subject parcel is located approximately 1.2 miles from Tom McCall Point. The trail leading to the point is approximately a mile long but only the final tenth of a mile of the trail has a view of the subject parcel. The point has an elevation of approximately 1720' ASL.

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

Size/Shape/Height/Design: The request is to place 24 solar panels totaling 440 square feet on a south east-facing roof of an existing detached accessory building. The building includes a pitched gable roof with a ridge that runs approximately south west to north east. The total area, size, and shape of the panels is smaller than the existing roof on which they will be placed. The panels will not increase the overall height of the building at its ridge. They will only be placed on the south east facing roof and will not be visible from the HCRH, which is 1.3 miles to the north of the structure. The design of the panels incorporates an antireflective coating and averages a 4% reflectivity rating according to the manufacturer, SolarWorld. The Scenic Resources Implementation Handbook recommends 11% reflectivity.

The original application for the dwelling and accessory structure (SPR-93-113) included a landscaping plan that indicated screening trees would be planted north of the structures. These young Ponderosa Pines are present and after a discussion with Morai Helfen, the US Forest Service Landscape Architect for the Columbia River Gorge National Scenic Area, staff determined that these trees will be sufficient to screen the garage from KVAs as they continue to grow.

Colors are discussed in Section 14.200.I. Landscaping is discussed in Section 14.400. With adherence to **conditions** of approval throughout Chapter 14 – Scenic Area Review, staff finds that request is consistent with Section 14.200.A.

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

FINDING: As discussed in A., the proposed solar panels will be placed on a south east-facing roof and would be visible from a KVA. As discussed later in Sections 14.500 and 14.600, the development site does not contain any resource buffers, wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites, or conflict with standards to protect cultural resources. Visual subordination is addressed throughout Chapter 14. With **conditions** of approval throughout this report, staff finds that the request complies with Criterion B.

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

FINDING: The solar panels are proposed to be placed on the south east facing roof of an existing accessory structure. This structure was approved in 1993 with an approved landscaping plan to make it visually subordinate, which the previous owners followed. Based on a recommendation from Morai Helfen, the US Forest Service Landscape Architect for the Columbia River Gorge National Scenic Area,

staff determined that the existing pines will sufficiently serve to visually screen the panels from KVAs. No location on the property would be topographically visually subordinate from these KVAs. Staff finds that the request complies with Criterion C.

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

FINDING: There is an existing driveway on the subject parcel. No new driveway is proposed. No new buildings are proposed. The request involves the installation of a solar array on the roof of an existing building. The request will not involve any cut banks or fill slopes. Staff finds that the request complies with Criterion D.

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

FINDING: The proposal is to add solar panels to an existing detached garage on the subject parcel. No new buildings are proposed. The request involves the installation of a solar array on the roof of an existing building, and will not increase the overall height of the building, therefore it will not affect the silhouette. Staff finds that the request complies with Criterion E.

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- I. Unless expressly exempted by other provisions in this chapter, colors of all exterior surfaces of structures visible from Key Viewing Areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.*

FINDING: With a **condition** of approval, the request complies with Section 14.200.I. The existing detached accessory building was approved by Wasco County in 2011 (File #SPR-93-113). The proposed solar panels will be black in color. All accompanying hardware is also black. This is considered to be a dark earth-tone color that blends with the surrounding area. A **condition** of approval is included in the Notice of Decision approving the color (black) of the solar panels and fittings. With this **condition** of approval, staff finds that the request complies with Section I.

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

FINDING: The proposed solar panels have some reflective properties, averaging 4% reflectivity according to the manufacturer SolarWorld. They are being placed on a south east-facing roof and would be visible from one KVA (Tom McCall Point). No location on the property would be topographically screened from this KVA, but they will be sufficiently screened by the vegetation planted in the landscaping plan that was approved with the 1993 application for construction of the garage. A **condition** of approval is included requiring the replacement of any of those existing trees if they are damaged in the placement of these panels. The 4% reflectivity rating is below the 11% recommended rating provided in the Scenic Resources Implementation Handbook. The solar panels are designed to absorb and not reflect light, and come with an anti-reflective coating. The panels have been proposed to be a matte black and a **condition** of approval is included requiring that this be the color used for panels and all associated fittings. Due to these material considerations, and with these conditions of approval, staff finds that the proposal complies with Criterion J.

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

- 1. New landscaping (including new earth berms) shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development visually subordinate in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.*
- 2. If new landscaping is required to make a proposed development visually subordinate in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this criterion shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction.*
- 3. Unless as specified otherwise by provisions in this chapter, landscaping shall be installed as soon as practicable, and prior to project completion.*
- 4. Conditions regarding new landscaping or retention of existing vegetation for new developments shall meet both scenic guidelines and the fuel break guidelines listed in the fire protection standards for each zone.*

FINDING: The proposal is for the placement of 440 square feet of solar panels to be placed on the existing roof of a detached garage. Based on a recommendation from Morai Helfen, the US Forest Service Landscape Architect for the Columbia River Gorge National Scenic Area, no new vegetative screening plan will be required, as the plan that the previous owners had approved and enacted with the initial construction of this garage will be sufficient to screen the solar panels as the trees continue to fill in. A **condition** is included requiring the replacement of any trees that may be damaged in the placement of the solar panels. With that condition, staff finds that the proposal complies with Criterion K.

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

FINDING: A previous review in 1993 approved the detached garage. This building is visible from two KVAs but the solar panels will only be visible from one. The addition of solar panels on the south-facing roof will add no overall height to the roof, and it will be screened from this KVA by the previously approved and enacted vegetative screening plan from 1993. The existing roof is a metal roof. The solar panels that will be added to this roof and covering 440 square feet of it will reduce its current reflectivity as they are designed to be anti-reflective. Therefore there will be no significant visual impact or cumulative effect from the addition of solar panels, and an overall reduction of reflectivity may be achieved. Staff finds that the proposal complies with Criterion L.

Section 14.300, Scenic Travel Corridors

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

FINDING: Staff finds that the request complies with Section 14.300 because the subject parcel is not located along a Scenic Travel Corridor, and all new development will be more than 100' from the edge of the pavement of a Scenic Travel Corridor. Highway 30 is approximately one mile north, and Interstate 84 is located approximately 1.3 miles north of the subject parcel.

Section 14.400, Landscape Settings (GMA & SMA)

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

GMA Only

1. *Accessory structures, outbuildings and accessways shall be clustered together as much as possible. Exceptions to this criterion, where necessary for farming operations, are permitted.*
2. *In portions of this setting visible from Key Viewing Areas, the following standard shall be employed to achieve visual subordination standards for new development and expansion of existing development:*
 - a. *Structures shall be sited on portions of the property which provide maximum screening from Key Viewing Areas utilizing existing topographic features.*
 - b. *Lower structures which emphasize horizontal lines and blend with this sweeping landscape shall be encouraged rather than very tall structures.*
 - c. *Planting of trees for screening shall not be extensive, in character with the openness of this setting. Where utilized, screening vegetation shall either tie in with near-by riparian vegetation in seasonal drainages or emulate windrows. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include: Oregon white oak, Lombardy poplar, black locust, black cottonwood (wet locations), Russian olive and ponderosa pine.*

FINDING: The proposal is for the placement of 440 square feet of solar panels to be placed on an existing roof of a detached garage. Based on a recommendation from Morai Helfen, the US Forest Service Landscape Architect for the Columbia River Gorge National Scenic Area, no new vegetative

screening plan will be required, as the plan that the previous owners had approved and enacted with the initial construction of this garage will be sufficient to screen the solar panels as the trees continue to fill in. A **condition** is included requiring the replacement of any trees that may be damaged in the placement of the solar panels. With that condition, staff finds that the proposal complies with Criterion K.

Section 14.500, Cultural Resources – GMA

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

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

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

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

- (1) The modification, expansion, replacement, or reconstruction of existing buildings and structures.

FINDING: The request includes modifying an approved detached garage to install a solar array on the roof. According to comments dated June 16, 2017 received from Margaret Dryden, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area, a cultural resource reconnaissance survey is not required. Staff finds the proposal complies with Criterion 1.

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

FINDING: The detached accessory building that is proposed to be modified was approved by the Planning Department in 1993, and is less than 50 years old. According to comments dated June 16, 2017, received from Margaret Dryden, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area, an historic survey is not required. The request would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older, and it would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older. Staff finds the proposal complies with Criterion 2.

C. Cultural Resource Reconnaissance and Historic Surveys

1. *Gorge Commission/Tribal Government Notice*

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- c. Indian tribal governments shall have 20 calendar days from the date a notice is mailed to submit written comments to the County Planning Office.*

(1) Written comments should describe the nature and extent of any cultural resources that exist in the project area and identify individuals with specific knowledge about them.

(2) The County shall send a copy of all comments to the Gorge Commission.

FINDING: On May 26, 2017, the four Indian tribal governments and the State Historic Preservation Office (SHPO) were sent notice of the proposed development. As of the comment deadline, June 8, 2017, no comments were received from these organizations. Staff finds the proposal complies with Criterion 1.

(***)

4. *Conclusion of the Cultural Resource Protection Process*

(***)

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

(1) The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 20 calendar days of the date that a notice was mailed.

FINDING: As discussed in Criterion B.1. and 2. above, the proposed uses do not require a reconnaissance or historic survey and no known cultural resources are known to exist in the project area. As discussed in Criterion C.1., there were no concerns voiced by interested persons within 20 calendar days of the date that a notice was mailed that have not been addressed by this report. Staff finds the proposal complies with Criterion 4.

(***)

G. *Discovery During Construction:*

1. *Halt Construction:* *All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.*
2. *Notification:* *The project applicant shall notify the County Planning Office and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.*
3. *Survey and Evaluation:* *The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation Office (see, ORS 358.905 to 358.955).*

FINDING: If cultural resources are found during construction, all construction within 100' of the discovered cultural resource shall cease and the resource shall remain as found; further disturbance is prohibited. In addition, the owner shall notify the Wasco County Planning Department, Gorge Commission and four Indian tribal governments within 24 hours of discovery. **Conditions** of approval are included in the Notice of Decision requiring compliance with these requirements. With these **conditions** of approval, staff finds that the request complies with Criterion G.

H. Discovery of Human Remains

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

FINDING: With a **condition** of approval the request is consistent with Criterion H. If human remains (human skeletal remains, bones, or teeth, with or without attendant burial artifacts) are discovered during construction, all survey, excavation, and construction activities shall cease, and the human remains shall not be further disturbed. The owner shall immediately notify local law enforcement officials, the County Planning Office, the Gorge Commission, and the four Indian tribal governments. A **condition** of approval are included requiring the owner compliance with the requirements in H. With this **condition** of approval staff finds that the request is consistent with Criterion H.

Section 14.600, Natural Resources – GMA

A. Wetlands

FINDING: There are no identified wetlands on the subject parcel. Staff finds that the proposal complies with Criterion A.

B. Streams, Ponds, Lakes, and Riparian Areas

FINDING: There are no streams, ponds, lakes or riparian areas on the subject parcel. The closest year-round water body is Rowena Creek, located approximately 900' east of the subject parcel. Section 14.600.B.2.a.(2) requires a no-disturbance buffer of 50' from Rowena Creek. As proposed, the development site will greatly exceed that minimum buffer. Staff finds that the request complies with Criterion B.

C. Wildlife Habitat

FINDING: There are no sensitive wildlife habitats in the area. Staff finds that the request complies with Criterion C.

D. Rare Plants

FINDING: According to GIS data provided by the Gorge Commission/USFS National Scenic Area and the Oregon Biodiversity Information Center (ORBIC) at Portland State University, the subject parcel potentially contains rare plants. This request is to place solar panels on the roof of the existing detached accessory building. No plants are proposed to be removed as a result of this project, and there will be no ground disturbance. Staff finds that the request complies with Criterion D.

Section 14.700, Recreation Resources – GMA

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

FINDING: There are no nearby recreational uses. The nearest such use is Rowena plateau, approximately 1.5 miles to the northeast of the subject parcel. Staff finds that the request complies with Section 14.700.

Section 14.800, Indian Tribal Treaty Rights and Consultation - GMA

The purpose of this section is to ensure that the Scenic Area Act, the Management Plan, and these implementing ordinances do not affect or modify any treaty or other rights of any Indian tribe. It requires notification to the four tribal governments when new uses are proposed

FINDING: Section 14.800 provides protection of Indian Tribal Treaty Rights from new development in the National Scenic Area. Section 14.800.B.3. lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Indian treaty rights and provides 20 days for tribal governments to submit comments. The subject property has no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or e-mailed to the four tribal governments on January 28, 2016, and a 20-day comment period was provided. No comments were received during the comment period from any tribal body.

Section 14.800.C. lists guidelines for tribal government consultation when those governments submit substantive written comments. No comments were received. Given this information, the proposed development is consistent with Section 14.800.C.

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

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