

# ATTACHMENT D – STAFF REPORT

**File Number:** PLASAR-17-05-0004

**Applicant:** Brandon Kuehn

**Owners:** Algis Steponaitis & Petra Jakobs

**Requests:** Scenic Area Review for a 2,159 square foot manufactured single family dwelling, 96 square foot accessory structure, 550 feet of six foot high boundary fencing, and a 100 foot driveway.

**Decision:** **Approved** with Conditions

**Decision Date:** Aug 10, 2017

**Appeal Deadline:** Aug 25, 2017

**Location:** The subject property is located within Block “E” in the West Hi-Land Addition in the area commonly referred to as “Murray’s Addition,” located approximately 0.8 mile northwest of the City of The Dalles, more specifically described as:

<u>Map/Tax Lot</u>	<u>Acct. #</u>	<u>Acres</u>
2N 13E 30 BD 2201	16497	0.43

**Zoning:** (GMA) R-1, Rural Residential in the General Management Area of the Columbia River Gorge National Scenic Area

**Past Actions:** None

**Procedure Type:** Administrative

**Prepared By:** Riley Marcus, Assistant Planner

## I. APPLICABLE STANDARDS

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

#### A. Chapter 3 – Basic Provisions

##### Section 3.160, R-R(1), Rural Residential Zone (GMA)

Section 3.160(D) - Uses Permitted Subject to 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:** The subject parcel was created through the approval of application 98-101-WARR1-GA, which was a replat of lots 3-8, Blk “E” of the West Hi-land addition, recorded with the Wasco County Clerk on May 17, 1999. It is consistent with the definition of Legal Parcel in NSA-LUDO Section 1.200, Definitions, because it was created by a duly recorded partition.
- B. Site Description:** The subject parcel is located in Block “E” of the West Hi-land addition, in an area commonly referred to as “Murray’s Addition”. The subject lot is vacant, rectangular in size, approximately 149 feet long by 125 feet wide, and located off of Sunflower Street West. The western half of the property is approximately 25-30 feet higher in elevation than the eastern half of the property. The subject parcel is undeveloped, with no signs or indication of previous development, except for the driveway. It contains southeast-facing slopes, which have an approximate grade of 24%. The entire site contains natural grass cover.

- C. Surrounding Land Use:** All surrounding properties are located in the National Scenic Area and are zoned R-R(1), Rural Residential in the Hi-Land Addition Subdivision. With the exception of one lot to the east, all surrounding lots contain single-family dwellings.
- D.** Surrounding properties contain southeast-facing slopes ranging in grade from approximately 10-25%. The area is mostly vegetated with grasses, however a few surrounding properties to the north and east have irrigated lawns and some trees.
- E. Public Comment:** Notice of Administrative Action was mailed on June 15, 2017 to all owners of property within 200' of the subject parcel, the U.S. Forest Service - Columbia River Gorge National Scenic Area Office, Columbia River Gorge Commission, and other interested parties registered with Wasco County. This notice provided a 15-day pre-notice for public comment (June 30, 2017). Notice was also sent to the Oregon State Historic Preservation Office (SHPO), and the four Columbia River Treaty Tribe Indian tribal governments on June 15, 2017 and a 20-day comment period was given (July 5, 2017). No comments were received from a tribal government however the following comments were submitted.

(June 12, 2017) Margaret L. Dryden, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area

- A cultural resource reconnaissance survey is not required because the proposed use would occur on a site that has been determined to be located within a low probability zone, is not within 100' of a high probability zone, and does not occur within 500' of a known archaeological site.
- A historic survey is not required because the request would not alter the exterior architectural appearance of significant buildings and structures on the property that are 50 years old or older. Development 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.
- Recommends conditions be placed in case historic or prehistoric cultural materials are discovered during development.

Staff Response: Cultural and historic resources are addressed in Section 14.500.

(July 3, 2017) Steven D. 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 and Friends of the Columbia Gorge concerns 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 Residential subject to Subsection G - Property Development Standards, Chapter 11 – Fire Safety Standards & Chapter 14 - Scenic Area Review, as well as any other listed or referenced standards.*

- 1. One (1) single family dwelling per legally created lot/parcel. (GMA Only)*

**FINDING:** The request is for a 2,159 square foot manufactured single family dwelling. Section 3.160(G), Property Development Standards, is addressed below. Chapter 11 Fire Safety Standards are addressed in B and Chapter 14 Scenic Area Review is addressed in C.

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

**FINDING:** The request includes new wooden fencing, 550 lineal feet of 6 foot tall fencing, and the reuse of a 100 foot long driveway. The existing driveway is level, and is located on the northern edge of the property, and is approximately 14 feet wide. No new grading will occur for any modifications of the existing driveway. The wooden fence will be placed on the property line of the subject parcel, and is approximately 550 linear feet in total length. It will be six feet in height, composed of wood, and will be painted with a dark brown stain. It will be non-reflective. The new fencing on the northern half of the subject property will not be visible from any Key Viewing Areas (KVAs) as surrounding development and vegetation will screen it from view. The new fencing on the southern half of the parcel will be partially screened from KVAs by the new dwelling and shed. The remaining section of the fence will be visible from KVAs, however it will be made visually subordinate through the use of the dark stained natural wood, and 1.5+ mile distance away from impacted KVAs, and the use of existing vegetation that surrounds the development and blends it into the natural landscape. This request complies with Criterion 2 for accessory structures.

- 3. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards: (GMA & SMA)*
  - a. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.*
  - b. The height of any individual accessory building shall not exceed 24 feet.*

**FINDING:** As discussed above, the subject lot was legally created as part of Hi-Land Addition Subdivision, recorded with the Wasco County Clerk on May 17, 1999. The application includes a PLASAR-17-05-0004 (Kuehnl)

request for the construction of a 96 square foot accessory building (shed). The shed may be permitted through an expedited review once the home has been approved, however to streamline the process, the proposed shed is being reviewed through the full Scenic Area Review process, along with the proposed single family dwelling development. The existing lot is vacant other than the existing driveway. The 96 square foot shed is the only proposed accessory building and is less than 1,500 sq. ft. in size. The proposed shed will be 10' in height, less than the 24' height limit. As proposed, this request complies with Criterion 3.

*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>Interior Side Yard</i>	<i>15'</i>
<i>Exterior Side Yard</i>	<i>20'</i>
<i>Rear Yard</i>	<i>20'</i>

**FINDING:** The application indicates the following setbacks:

	<b>Required Setback</b>	<b>Proposed Setback - Dwelling</b>	<b>Proposed Setback – Accessory Building</b>	<b>Consistent?</b>
Front Yard (East)	25'	25'	35'	Yes
Side Yard (South)	15'	15'	100'+/-	Yes
Side Yard (North)	15'	40'	15'	Yes
Rear Yard (West)	20'	80'+/-	95'+/-	Yes

As proposed the single family dwelling and detached storage building exceed the general setback requirements from property lines therefore the request complies with Criterion 2.

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

**FINDING:** The subject parcel is surrounded on all sides by Rural Residential zoning therefore agricultural setbacks are not applicable to the request. The request complies with Criterion 3.

4. *Floodplain: Any development including but not limited to buildings, structures or*

*excavation, proposed within a FEMA designated flood zone, or sited in an area where the Planning Director cannot deem the development reasonably safe from flooding shall be subject to Section 3.240, Flood Hazard Overlay.*

**FINDING:** The subject parcel is located approximately 3,600' from a FEMA designated flood zone. The request complies with Criterion 4.

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

**FINDING:** The proposed dwelling will be 18'6" in height at its highest peak. The proposed accessory building will be 10' in overall height. As proposed the single family dwelling and detached accessory building will be less than 35' tall therefore the request complies with Criterion 5.

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

**FINDING:** The subject parcel is not located on a corner lot therefore Criterion 6 is not applicable to this request.

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

**FINDING:** Chapter 4, Section 4.040, Off-Street Parking, requires one parking space for a single family dwelling. The site plan includes a new driveway approximately 100' in length which will provide multiple parking spaces. As proposed, the request complies with Criterion 7.

## **B. 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 and effective February 5, 2007, require property owners to be aware of potential fire risks in areas outside of urban areas of Wasco County, and requires compliance with siting standards, fuel break requirements, construction standards, access standards, and on-site water storage requirements.

As part of a complete application, the property owners completed a Fire Safety Standard Self-Certification Form. By signing the self-certification form, the owners have acknowledged that  
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they understand these standards and commit to achieve compliance with them within one year of the date of approval and maintain them through the life of the development. This certification further commits all future property owners to this same requirement. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under File. **A CONDITION OF APPROVAL** is included in the Notice of Decision requiring that these standards be achieved within one year of the date of approval and maintained through the life of the development.

The subject property is located within the boundaries of Mid-Columbia Fire & Rescue and has structural fire protection.

The existing/proposed single family dwelling and detached accessory building will be constructed of fire-resistant materials and will provide a defensible fire break area around the proposed buildings.

Based upon the above facts, the request complies with Chapter 11 – Fire Safety Standards.

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

#### ***Section 14.020, Complete Application Requirements for a Scenic Area Review***

- A. Application Form Requirements*
- B. Site Plan*
- C. Material Samples*
- D. Landscaping Plan*
- E. Elevation Drawing*
- F. Grading Plan*

**FINDING:** Section 14.020 provides application submittal requirements to ensure the proposed development can be adequately evaluated for resource impacts. An application was provided by the applicant, and deemed complete by staff on June 15, 2017. This request complies with the criterion provided in Section 14.020.

#### ***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 applicable sections of Chapter 14 are addressed within this staff report. Each section includes a review and finding of the relevant criteria and Conditions of Approval to ensure compliance with the following section.

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:** Minimal grading is required to place the new development and shed on the subject parcel, and the driveway pre-exists. The applicants are proposing to remove approximately 300 yards of dirt for the location of the single family dwelling. The applicants will use 200 yards of this dirt to fill the north half of the subject parcel, and will be exporting 100 yards of fill from the property. After a site visit on June 15, 2017, staff confirmed that the site of the proposed dwelling is the most suitable in terms of minimizing grading and retaining existing topography and achieving visual sub ordinance as it is sited on the most level location on the property and is the closest to the road.

There are no alternative sites for the new development that would better retain the existing topography or minimize grading activities to the maximum extent practicable. **A CONDITION OF APPROVAL** is included in the Notice of Decision requiring that the proposed development retain existing topography and minimize grading activities to the maximum extent practicable to comply 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:** The applicant has requested approval to construct a 2,159 square foot manufactured single-family dwelling. Staff evaluated development on properties within 400 feet of the subject parcel, all of which are located within the National Scenic Area, and found that development ranges in size from 60 - 2,160 square feet in size and includes single family dwellings and detached accessory buildings (garages, storage buildings, carports, barns). The proposed dwelling will be a single story (18'6" tall) and the proposed accessory structure will be 10' in height. The area contains primarily single story buildings. As proposed, the dwelling addition and detached garage will be consistent with the height dimensions and overall mass of development on adjacent properties. 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 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 proposed development site is visible from four KVAs therefore criterion D is not applicable to this request. Colors are discussed in Section 14.200(L).

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*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:** The application does not describe any new outdoor lighting, however it is typical for a dwelling to have one or two outdoor lights near the doors. The applicant should be aware of the requirements for outdoor lighting and the requirement to hood and shield outdoor lighting so that it is directed onto the subject parcel. **A CONDITION OF APPROVAL** is included in Attachment E in the Notice of Decision that requires outdoor lighting to be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River as well as preventing the lighting from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. Shielding and hooding materials shall be composed of nonreflective opaque materials. There shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic. This request complies with Criterion F.

*G. All ground disturbances 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:** **A CONDITION OF APPROVAL** is included in the Notice of Decision requiring ground disturbance to be minimized to the greatest extent possible. All ground disturbance resulting from placement of the dwelling, construction of the detached accessory building and placement of underground utilities and septic shall be revegetated no later than the next planting season (Oct-April) with native species. The property owner and his successors in interest shall be responsible for survival of planted vegetation and the replacement of such vegetation that does not survive. This 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 does not contain any trees. It consists of long grasses and balsamroot. There is one large bush on the northern edge of the subject property, located just to the south of the driveway. Section 14.400, Landscape Setting, requires new trees to be planted to meet visual subordination. The requested development will meet visual subordination without the planting of any new trees. This 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:** The development site is topographically visible from four Key Viewing Areas (KVAs): Columbia River (background and middle ground), Interstate 84 (background and middle ground), Historic Columbia River Highway (middle ground), and State Route 14 (back ground).

Foreground is defined as being less than ½ mile from the subject parcel. Middleground is defined as ½-3 miles from the subject parcel. Background is defined as >3 miles from the subject parcel.

The development site is located at an elevation of approximately 560' feet above sea level (ASL). The primary factors in analyzing the visibility of the single family dwelling and accessory structure include the distance from KVAs, the use of dark earthtone colors on the buildings, existing vegetative screening and the use of nonreflective materials.

The land use designation (GMA, Rural Residential) and landscape setting (Grasslands) in the project area requires a scenic standard of visual subordination.

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..."

Historic Columbia River Highway (HCRH): The HCRH is located directly east of the subject parcel, and extends up to the north and the northeast of the subject parcel, paralleling the Columbia River and Interstate 84. The subject parcel is not visible from the HCRH from the north or northeast, as a hill with an elevation of 800' ASL is located 1,500' directly north of the subject parcel, blocking any view, as the route of the HCRH to the north and northeast has an elevation range of between 100'- 260' ASL. The section of the HCRH that lies directly to the east of the subject parcel, is approximately 1.5 miles away, and sits at an elevation of 160' ASL. There is some topographic screening of the subject parcel from this location, however dwellings located directly to the east of the subject property, on the other side of Sunflower Street W, as well as a handful of evergreen trees and other shrubs, will screen any new development on the subject property from this KVA. In order to see the subject property from the HCRH, a person would have to look through the urban development within the City of The Dalles. The applicant has agreed to paint the entire house a dark earthtone color that blends with the surrounding landscape and use non-reflective materials on the exterior of all buildings. Colors are discussed in Section 14.200(L) where the approved colors are dark earthtone colors that blend with the surrounding landscape. Reflectivity is discussed in Section 14.200(J) where the proposed building is found to be consistent with reflectivity standards. With conditions regarding color and reflectivity, the proposed development will be visually subordinate from the Historic Columbia River Highway.

Interstate 84 (I-84): I-84 is located directly east of the subject parcel and continues to the north, northeast and to the southeast of the subject parcel; paralleling the curve of the Columbia River. I-84, at its closest point to the east, is approximately 1.5 miles away from the subject property. I-84 ranges in elevation from 120-240' ASL. There is a .5- 1 mile stretch of I-84 that can be seen from the subject property. When trying to locate the subject property from this stretch on I-84, the foreground view will include a significant amount of interceding development located within the Urban Area of The Dalles. The subject property is located in the middle ground from this KVA. The surrounding dwellings and large evergreen trees to the east will provide a significant amount of screening. The applicant also proposes to paint the new development a dark earth tone color (Sherwin William's Briar Patch and Bird House) that blends with the surrounding landscape and use non-reflective engineered wood materials on the exterior of all buildings. Colors are discussed in Section 14.200(L) where the approved colors are dark earthtone colors that blend with the surrounding landscape. Reflectivity is discussed in Section 14.200(J) where the proposed building is found to be consistent with reflectivity standards. With conditions regarding color and reflectivity, the proposed development will be visually subordinate from Interstate 84.

Washington State Route (SR) 14: This KVA is located approximately 4 miles to the northeast of the subject parcel, at an elevation ranging between 320 – 480 feet ASL. The subject parcel is in the background view from SR-14. From this Key Viewing Area, the urban area of Dallesport will also be visible. The subject parcel is topographically screened from this KVA. The proposed development will be difficult to see with the naked eye, as this KVA is located four miles away, and only visible for a .25 mile section on SR-14. The screening of the neighboring homes and vegetation, as well as the dark earth tone colors and low reflectivity of the proposed dwelling, will make all new development visually subordinate. Colors are discussed in Section 14.200(L) where the approved colors are dark earth tone colors that blend with the surrounding landscape. Reflectivity is discussed in Section 14.200(J) where the proposed building is found to be consistent with reflectivity standards. With conditions regarding color and reflectivity, the proposed development will be visually subordinate from State Route 14.

Columbia River: This KVA is located approximately 2.59 miles to the east of the subject parcel at an elevation of approximately 120' ASL. The northern half of the subject parcel will not be visible from the river, as much of the new development will be screened by surrounding dwellings and vegetation. The southern half of the property will be difficult to see with the naked eye from the river. All new development will be visually subordinate from this Key Viewing Area as the applicant has proposed to paint the dwelling and shed dark earth tone colors, and the fencing a natural wood color, painted with a dark brown stain. The new development will also be non-reflective. Colors are discussed in Section 14.200(L). Another factor in visibility of development from the Columbia River is reflectivity. Reflectivity is discussed in Section 14.200(J) where the proposed building is found to be consistent with reflectivity standards. With conditions regarding color and reflectivity, the proposed development will be visually subordinate from the Columbia River.

Based on distance, intervening topography, on-site trees located between new development and KVAs, the use of dark earthtone colors and the use of non-reflective materials, with

proposed conditions of approval, the requested development will be visually subordinate as seen from all KVAs. Therefore the request complies with Criterion 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:** There are no required buffers on the subject parcel for protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites nor does the request conflict with standards to protect cultural resources. With the proposed development elements and conditions of approval, the proposed development will be visually subordinate from all KVAs and shall not result in buffer encroachments, therefore 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 subject property is visible from four KVAs. There are several hills and ridges that will topographically screen the proposed development from the KVAs. Adjacent properties contain vegetation and structural development that will also provide a significant amount of screening from the KVAs. The proposed development will be painted dark earth tone colors and composed of non-reflective materials, further resulting in development that will result in rom all KVAs. Conditions implementing color requirements and reflectivity are located in Sections 14.200(L) and (J). This 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:** The proposed dwelling is designed and sited on a location that minimizes cut banks and fill to level the site for the proposed development. Development will occur on the eastern edge of the property that has the lowest elevation. The cut bank and fill will be screened from Key Viewing Areas because of the existing single family dwelling trees on the adjacent property to the east. The driveway is existing and is already located at the lowest elevation from the ridgeline and skyline. The driveway will not require any further grading. This 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 proposed development site is located in the West Hi-Land addition of Murray's Addition. The subject parcel slopes down from the northwest to the southeast, at a slope of approximately 24%. The proposed development will be located at the lowest elevation on the subject parcel, approximately 560' ASL, as far below the ridgeline as possible. The elevation of the lot increases as you move to the north and the west from the subject parcel. The highest elevation of the subject parcel is approximately 590', along the southern boundary. As a result the silhouette of the new development will remain well below the skyline. This request complies with criterion E.

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

**FINDING:** The proposed development is located more than 2.25 miles from the Columbia River therefore the request complies with Criterion G.

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

**FINDING:** The subject lot contains natural slopes of 24%, less than the 30% standard. As proposed the request complies with Criterion H.

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

**FINDING:** The applicant has submitted the following colors for all new development on the subject parcel:

	Material	Exterior Color	Manufacturer	Looks Like	Consistent with color requirement?
Siding	Vertical Engineered Wood Product	SW2182 - Briar Patch	Sherwin Williams	Dark Brown	Yes, approved
Trim	Vertical Engineered Wood Product	SW2203 - Bird House	Sherwin Williams	Dark Brown	Yes, approved
Roof	Composition shingle	Estate Gray	Owens Corning	Dark gray, black	Yes, approved
Doors	Fiberglass	Clay	Sherwin Williams	Tan	Yes, approved
Windows	Vinyl	Clay	Sherwin Williams	Tan	Yes, approved
Fencing	Wood	Dark Brown stain on natural wood		Brown	Yes, approved

Colors proposed in the above chart are all approved for the exterior of all new development. **A CONDITION OF APPROVAL** is included in the Notice of Decision requiring all exterior paints to have a flat finish.

All of these colors are dark-earth tone colors with the exception of the clay colored door and windows. The door and windows will not be visible from any Key Viewing Areas, as they are small enough in size that they will not be seen.

**A CONDITON OF APPROVAL** is included in the Notice of Decision listing the approved colors and a requirement that if alternate colors or materials are proposed for any new development, they shall be submitted to and approved by the Planning Department prior to their use on the exterior of the building. With the proposed condition of approval the request complies with Criterion I.

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

**FINDING:** Exterior materials are discussed under Section I. All materials are non-reflective and have low reflectivity. The applicant has submitted an engineered wood material for the exterior for the dwelling, and shed, which will all be painted flat, dark earth tone colors, Sherman Williams colors Briar Patch for the trim and Bird House for the main exterior of the dwelling.

The fencing will be cedar and will be painted with a dark, natural stain. The applicant also submitted composition shingles for the roofing of the dwelling and shed, which is non-reflective. The windows proposed on the dwelling have the ability to be reflective however they are less than 50 square feet in area and are well screened from KVAs by surrounding development and vegetation. This request 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.*

**FINDING:** The proposed development is required to be visually subordinate from identified KVAs. The subject property is surrounded by several dwellings, structures, and vegetation that will provide a significant amount of screening for any development from the identified KVAs. There are no alternate sites on the parcel to place new development to better achieve visual subordination than the proposed development sites. No additional tree screening, landscaping or earthen berms are required to be planted to achieve visual subordination because visual subordination can be achieved by painting all development a dark earthtone color and the use of nonreflective materials on the exterior surfaces of new development. This request 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:** The subject parcel is topographically visible from four KVAs (Columbia River, State Route 14, Interstate 84 and the Historic Columbia River Highway). The proposed dwelling is compatible with the sizes of the existing surrounding development. All new development will be visually subordinate from the above listed KVAs. This is a result of the surrounding development and existing vegetation providing screening, and existing topography. The applicant has proposed to limit grading, use dark earth tone colors and non-reflective materials

for all the new development on the subject property, resulting in development that will blend with the surrounding landscape, resulting in visual sub ordinance from the KVAs. Staff finds that the proposed development will have no cumulative impact on scenic resources and this request 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:** The subject parcel is located approximately 1.56 miles to the east of I-84 and 1.43 miles to the east of the Historic Columbia River Highway. Both Scenic Travel Corridors are in excess of the minimum 100 foot setback requirement. This request is consistent with Section 14.300 for Scenic Travel Corridors.

**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.*

*Landscape Setting goals, policies,*

**D. Grassland Landscape Setting (GMA Only)**

- 1. Accessory structures, outbuildings and access ways shall be clustered together as much as possible. Exceptions to this criteria, 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 proposed dwelling and shed are sited on the lowest elevation on the subject parcel. This location allows for more of the proposed development to be screened by existing topography, as well as surrounding development and vegetation. The southern half of the property is higher in elevation and will provide a backdrop to the proposed development. The applicants have proposed a dwelling with a maximum height of 18'6" and will not break the horizon.

The subject parcel contains grasses and balsamroot. The surrounding development and vegetation will provide screening, and the dark earth tone colors and non-reflective materials result in development that is visually subordinate. Additional trees do not need to be planted to achieve visual subordination. The request complies with Criterion E.

***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.*

(\*\*\*)

***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 the development of a new manufactured single-family dwelling and accessory structure. A cultural resources survey determination dated June 12, 2017 was submitted to the Planning Department by Margaret L. Dryden, Heritage Resources Program Manager of the Columbia River Gorge National Scenic Area. According to the determination, the proposed development would occur on a site that has been determined to be located within a low probability zone, is not within 100 feet of a high probability zone, and does not occur within 500' of a known archaeological resource, therefore the request does not require a reconnaissance survey. The request for an addition to the existing residence complies with Criterion (1).

***C. Cultural Resource Reconnaissance and Historic Surveys***

***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:** According to Margaret Dryden, Heritage Program Resources Program Manager, Columbia River Gorge National Scenic Area, a reconnaissance survey and historic survey are not required to be completed for the subject parcel. No substantiated concerns regarding cultural resources were received by the Planning Department within 20 calendar days of the mailing date of the pre-notice to Indian tribal governments or the State Historic Preservation Office (SHPO). The request complies with Criterion 4(c)(1).

(\*\*\*)

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: A CONDITION OF APPROVAL** is included in the Notice of Decision to stating that 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. With conditions, the request complies with Criterion G.

H. Discovery of Human Remains

*The following procedures shall be affected 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:** 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** is included in the Notice of Decision requiring the owner to comply with the requirements in H. With the proposed conditions, the request complies with Criterion H.

### ***Section 14.600, Natural Resources – GMA***

#### *A. Wetlands*

**FINDING:** The purpose of this section is to ensure there is no overall net loss of wetlands acreage and functions, and to increase the quantity and quality of wetlands. According to the National Wetland Inventory (NWI) maps and digital data from the Gorge Commission, there are no wetlands on the subject parcel. The Columbia River, located to the north, northeast and east of Interstate 84 and Union Pacific Railroad, more than 2.5 miles from the subject parcel, is the closest identified wetland. The wetland feature along the Columbia River would be characterized as an “Herbaceous Community” because the land along the wetland feature is characterized by grass and grasslike plants, forbs, ferns and nonwoody vines. An herbaceous community requires a no-disturbance buffer of 150’. The proposed development is over 450’ south of this wetland therefore the request complies with Criterion A.

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

**FINDING:** The purpose of this section is to protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas, and to enhance aquatic and riparian areas. According to digital data from the Gorge Commission, there are no streams, ponds, lakes or riparian areas on the subject parcel or on any adjacent properties. This request complies with Section 14.600(B).

#### *C. Wildlife Habitat*

**FINDING:** The purpose of this section is to ensure that new uses do not adversely affect sensitive wildlife areas and sites. According to digital data from the Columbia River Gorge Commission, there are no identified sensitive wildlife habitat locations on the subject parcel or within 1,000 feet of the subject property. This request complies with Section 14.600(C).

#### *D. Rare Plants*

**FINDING:** The purpose of this section is to ensure that new uses do not adversely affect sensitive wildlife areas and sites. According to digital data from the Gorge Commission, there are no identified rare plants on the subject parcel, or within 1,000’ of the development site, therefore, the request complies with Section 14.600(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 recreational sites on the subject parcel or any adjacent parcels. No new recreational use is being proposed. This 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 June 15, 2017, and a 20-day comment period was provided. No comments were received during the comment period.

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).

# Attachment E – Outdoor Lighting Standards

## Good Neighbor OUTDOOR LIGHTING

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

### What is good lighting?

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

### Why should we be concerned?

Many outdoor lights are poorly designed or improperly aimed. Such lights are costly, wasteful, and distractingly glary. They harm the nighttime environment and neighbors' property values. Light directed uselessly above the horizon creates murky skyglow — the "light pollution" that washes out our view of the stars.

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

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

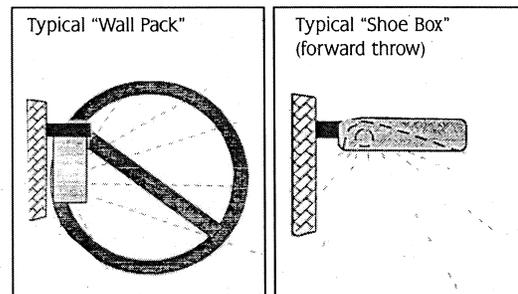
**Energy Waste** Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. Each year we waste more than a billion dollars in the United States needlessly lighting the night sky.

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

### How do I switch to good lighting?

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

### Some Good and Bad Light Fixtures

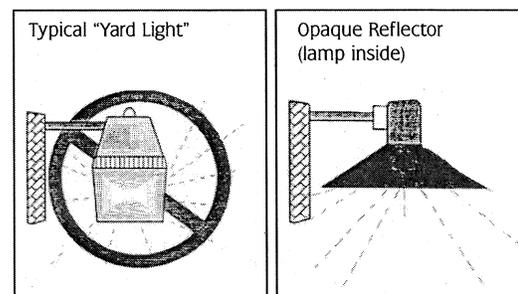


**BAD**

Waste light goes up and sideways

**GOOD**

Directs all light down

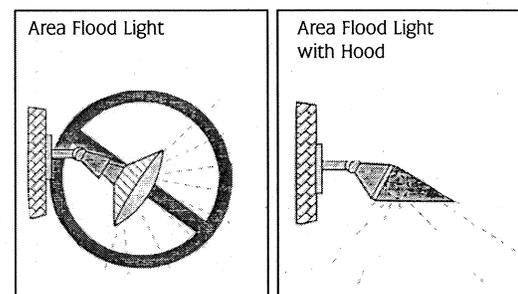


**BAD**

Waste light goes up and sideways

**GOOD**

Directs all light down



**BAD**

Waste light goes up and sideways

**GOOD**

Directs all light down

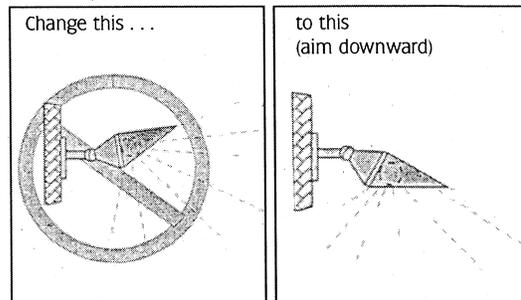
areas 100 times more brightly than the full Moon! More importantly, by choosing properly shielded lights, you can meet your needs without bothering neighbors or polluting the sky.

- 2** Aim lights down. Choose “full-cutoff shielded” fixtures that keep light from going uselessly up or sideways. Full-cutoff fixtures produce minimum glare. They create a pleasant-looking environment. They increase safety because you see illuminated people, cars, and terrain, not dazzling bulbs.
- 3** Install fixtures carefully to maximize their effectiveness on the targeted area and minimize their impact elsewhere. Proper aiming of fixtures is crucial. Most are aimed too high. Try to install them at night, when you can see where all the rays actually go. Properly aimed and shielded lights may cost more initially, but they save you far more in the long run. They can illuminate your target with a low-wattage bulb just as well as a wasteful light does with a high-wattage bulb.
- 4** If color discrimination is not important, choose energy-efficient fixtures utilizing yellowish high-pressure sodium (HPS) bulbs. If “white” light is needed, fixtures using compact fluorescent or metal-halide (MH) bulbs are more energy-efficient than those using incandescent, halogen, or mercury-vapor bulbs.
- 5** Where feasible, put lights on timers to turn them off each night after they are no longer needed. Put home security lights on a motion-detector switch, which turns them on only when someone enters the area; this provides a great deterrent effect!

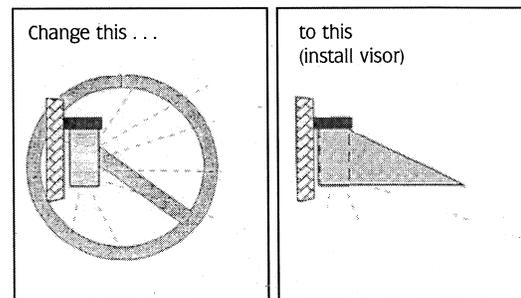
**Replace bad lights with good lights.**

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

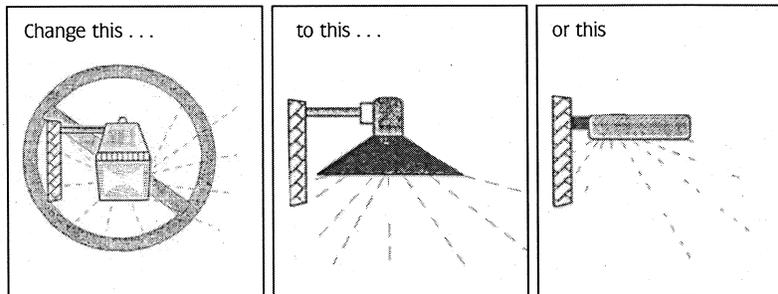
**What You Can Do To Modify Existing Fixtures**



**FLOOD LIGHT**



**WALL PACK**



**YARD LIGHT**

**OPAQUE REFLECTOR**

**SHOE BOX**

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

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

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

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



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