

## ATTACHMENT D – STAFF REPORT

**File Number:** PLASAR-17-05-0005

**Applicant/Owner:** Mark Neumann

**Request:** Scenic Area Review to remove existing dwelling and outbuildings, and construct a new 32' x 106' single family dwelling with a 48' x 32' detached garage. Applicant also requests a Temporary Use Permit to allow occupation of the existing dwelling until construction of the replacement dwelling is complete.

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

**Decision Date:** September 14, 2017

**Appeal Deadline:** September 29, 2017

**Location:** The property is located south of the Historic Columbia River Highway, Route 30, approximately 1.5 miles east of the City of Mosier, Oregon, more specifically described as:

<u>Tax Lot</u>	<u>Acct #</u>	<u>Acres</u>
2N 12E 6 1800	1608, 442	14.6

**Zoning:** The property is zoned A-2(40), Small Scale Agriculture 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

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## I. APPLICABLE STANDARDS

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

#### A. Chapter 3 – Basic Provisions, Section 3.130, A-2, Small Scale Agriculture Zone

Section 3.130.D.5, Uses Permitted Subject to Scenic Area Review

Section 3.130.G, Property Development Standards

#### B. Chapter 8 – Temporary Use Permit

Section 8.020, Permitted Temporary Uses

Section 8.030, Criteria for Decisions

Section 8.040, Conditions Relative to the Issuance of Temporary Permits

Section 8.050, Issuance of Permits

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

Section 11.110, Siting Standards

Section 11.120, Defensible Space

Section 11.130, Construction Standards for Dwellings and Structures

Section 11.140, Access Standards

Section 11.150, Fire Protection or On-Site Water Required

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

Section 14.100, Provisions for all new development

Section 14.200, Key Viewing Areas

Section 14.300, Scenic Travel Corridors

Section 14.400, Landscape Settings

Section 14.500, Cultural Resources – GMA

Section 14.600, Natural Resources – GMA

Section 14.700, Recreation Resources - GMA

Section 14.800, Indian Tribal Treaty Rights and Consultation - GMA

## I. BACKGROUND

**A. Legal Parcel:** This parcel was created in its current configuration by deed 73-2397 and recorded with Wasco County on October 23, 1973. The current deed (2017-000938) matches the original deed and identifies Mark Neumann as the owner. The Wasco County Land Use and Development Ordinance defines a legal parcel as: “(Legal) Parcel – A unit of land created as follows: ... c. By deed or land sales contract prior to September 4, 1974.” Staff finds this parcel meets this definition and is a legal parcel.

**B. Site Description:** This parcel lies south of a curve in Highway 30. There are currently seven structures on the 14.6 acre parcel – one single family dwelling and six accessory structures including two barns, four sheds, and a pump house. The current dwelling is in the north central area of the parcel at the end of a winding gravel driveway coming uphill from Highway 30. Accessory structures are scattered to the east, south, and west of the dwelling. Tree cover south of the dwelling consists of predominantly Ponderosa Pines ranging in height from 30’ to 70’. The northern portion consists mainly of tall grasses and various scattered oak and fruit trees as well as low shrubs. The north east area of the parcel is an open meadow with north east

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facing slopes. Views from this section include the Columbia River, Highway 30, and Washington State Route 14. The existing dwelling lies at an elevation of 500' ASL and slopes are generally 25% with a north east facing aspect.

- C. Surrounding Land Use:** This property is bordered on the east and west by parcels with the same zoning as the subject parcel - GMA A-2 (40). To the north and south the zoning is GMA A-1 (40). Properties to the west and south of Highway 30 are residential or small farms. Orchards and vineyards are located to the northwest. The historic Mayerdale Mansion is across the street to the north. Further northwest of the subject parcel along Highway 30 properties are in residential use. Lands to the east are conservation lands owned by the US Forest Service. One quarter mile further east the Forest Service owned land is zoned SMA Ag. A vacant 110 acre parcel consisting almost entirely of open meadows lies over the ridge to the south of the forested section of the subject parcel. Adjacent properties have similar slopes of 20-30% rising to the southwest with several knobs, the Memaloose Hills, a half mile to the west.
- D. Public Comment:** Notice of Administrative Action was mailed on June 15, 2017 to all owners of property within 500' 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 15, 2017) Robin Dobson, Ecologist, Columbia River Gorge National Scenic Area

Mr. Dobson noted that sensitive species nevius onion and/or endemic lupine is possible on this site and recommended a plant survey.

Staff Response: Staff contacted the applicant and he obtained a survey from a botanist, Mike Igo. All applicable criteria are addressed throughout this report.

(June 21, 2017) Sue Vrilakis, Botanist, Oregon Biodiversity Information Center

Ms. Vrilakis mentioned that white meconella has been reported to the north as well.

Staff Response: Staff contacted the applicant and he obtained a survey from a botanist, Mike Igo. All applicable criteria are addressed throughout this report.

(June 16, 2017) Kristin Dodd, Unit Forester, Oregon Department of Forestry

Ms. Dodd expressed concern about the impact of additional structures and associated human activities within the wildland urban interface. Her letter addressed several features of the application that should take this risk into consideration.

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

(June 24, 2017) Michael Glass, Neighbor

Mr. Glass expressed support for the proposed development.

Staff Response: N/A.

(June 29, 2017) Morai Helfen, Landscape Architect, Columbia River Gorge National Scenic Area

Ms. Helfen expressed concern with the size of the original proposal and it's ability to achieve visual subordination.

Staff Response: Staff had similar concerns. After a site visit and a discussion with the applicant,

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the applicant submitted a new site plan placing the home further down the slope, behind existing trees, reduced it's size, and submitted a vegetative screening plan to enable the application to meet visual subordination standards.

(June 29, 2017 & August 7, 2017) Margaret Dryden, Heritage Resource Program Manager, Columbia River Gorge National Scenic Area

Ms. Dryden reviewed the proposed undertaking and area of potential effect against the Scenic Area records and inventories and determined that a Cultural Resource Reconnaissance Survey would be required. The survey, conducted on June 29, 2017 and submitted to this office on August 7, 2017, found “no cultural resources within the area of potential effects.”

Staff Response: Cultural resources are discussed in Section 14.500.

(July 3, 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.

(August 23, 2017), Dennis Griffin, State Archaeologist, OR State Historic Preservation Office

Mr. Griffin was replying to staff's cultural notice notifying them about Ms. Dryden's findings. He agreed with her conclusion that “the project will likely have no effect on any significant archaeological objects or sites.”

Staff Response: Cultural resources are discussed in Section 14.500.

(September 7, 2017), Jessica Gabriel, Historian, OR State Historic Preservation Office

Ms. Gabriel was replying to staff's cultural notice notifying them about Ms. Dryden's findings. She requested information about the age of the structures to be removed.

Staff Response: Staff provided information from the applicant on the age of the structures. Cultural resources are discussed in Section 14.500.

## II. FINDINGS:

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

#### A. Chapter 3 – Basic Provisions

##### *Section 3.130, A-2, Small Scale Agriculture 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.

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

**FINDING:** The request is to construct a single family dwelling and detached garage and remove existing structures, including the current dwelling. The applicant requests a temporary use permit to leave the current dwelling in place until the replacement dwelling is completed. Wasco County only permits one single family dwelling on a legal parcel. However, a temporary use permit may be issued to allow the temporary use of one as a dwelling while the new one is constructed. The applicant has requested this temporary use permit and that request is addressed below in Chapter 8. With various **conditions** of approval indicated in that section, Staff finds the request complies with Criterion 4.

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

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

**FINDING:** The request is to construct a single family dwelling and detached garage and remove existing structures, including the current dwelling. The garage is proposed to be 1,472 square feet. Three accessory buildings that consist of a 572 square foot shop, and two sheds of 64 square feet and 36 square feet will be removed. Three accessory buildings will remain: a 16 square foot pump house, and two barns of 460 square feet and 180 square feet. Once the current dwelling is removed, the garage is constructed, and the three accessory buildings are removed the total square footage of all accessory buildings will be 2,128 square feet, less than the 2,500 square foot maximum. The parcel is 14.6 acres. Staff finds this proposal complies with Criterion 1.

### **Section 3.130.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>

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

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

**FINDING:** The request is to construct a single family dwelling and detached garage, and remove existing structures, including the current dwelling. The applicant requests a temporary use permit to leave the current dwelling in place until the replacement dwelling is completed. The property is zoned A-2 (40) and both properties to the north and south are zoned A-1 (40), thus the more stringent setbacks may apply. Property to the north west of the proposed development has an orchard therefore the development and must meet the orchard setback listed. The property directly to the north of the dwelling is sloped and wooded and not suitable for crops but is suitable for grazing. The property to the east is Forest Service owned conservation land and will not be farmed. The setbacks are proposed as follows:

	Used or are suitable for	Required Setback	Proposed Dwelling	Proposed Garage	Compliant?
Front (N)	Grazing	100	175	250	Yes
Front (NW)	Orchard	250	320	430	Yes
Side (E)	Other	100	390	340	Yes
Side (W)	Residential	20	180	280	Yes
Rear (S)	Grazing	100	705	610	Yes

All setbacks meet minimum requirements for this zone. Staff finds the proposal complies with setback criteria 2 and 3.

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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 proposed structure will be 20' tall. Staff finds that the request complies with Criterion 5.

### B. Chapter 8 – Temporary Use Permit

*Section 8.020 - Permitted Temporary Uses*

*Temporary structures, activities or uses may be permitted, pursuant to Section 2.060(A) of this Ordinance, as necessary to provide for housing of personnel; storage and use of supplies and equipment; or provide for temporary sales offices for uses permitted in the zoning district. Other*

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*uses may include temporary signs, outdoor gatherings, short term uses, roadside stands, or other uses not specified in this Ordinance and not so recurrent as to require a specific or general regulation to control them.*

**FINDING:** The property owner submitted a request for a Temporary Use Permit on May 25, 2017, to allow occupancy of the existing dwelling during construction of a new primary dwelling. After construction is complete the existing dwelling will be removed and replaced with a garage. This is a short term use, permitted by this section. Residential use is a permitted use in the A-2 (40) zone. Staff finds that the request complies with Section 8.020.

### Section 8.030 - Criteria for Decision

*No temporary permits shall be issued except upon a finding that the proposed structure, activity or use would not permit the permanent establishment within a zoning district any use not permitted within the zoning district, or any use for which a conditional use permit is required.*

**FINDING:** The requested Temporary Use Permit would allow occupancy of the existing dwelling while the owner constructs a new primary dwelling. After construction is complete the existing dwelling will be removed and replaced with a garage. **Conditions** restricting time limits on this permit are imposed by Section 8.040. These **conditions** prevent the permanent establishment of two single family dwellings on the subject parcel. With these conditions, staff finds that the request complies with Section 8.030.

### Section 8.040 - Conditions Relative to the Issuance of Temporary Permits

A. *Reasonable conditions may be imposed pursuant to Section 2.110(D) by the Approving Authority in connection with the temporary permit to minimize the potential impact of the proposed use to other uses in the vicinity. Guarantees and evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to:*

1. *Special yards and spaces;*
2. *Fences or walls;*
3. *Control of points of vehicular ingress and egress;*
4. *Special provisions on signs;*
5. *Landscaping and maintenance thereof;*
6. *Maintenance of the grounds;*
7. *Control of noise, odors, or other nuisances;*
8. *Limitation of time for certain activities.*

**FINDING:** **Conditions** are imposed throughout this Chapter to ensure there will be no impact to proposed uses on other properties in the vicinity.

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- B. Any temporary permit shall clearly set forth the conditions under which the permit is granted and shall clearly indicate the time period for which the permit is issued. No temporary permit shall be transferable to any other owner or occupant, but may be renewable through the Administrative Action process.*

**FINDING:** A Temporary Use Permit is valid until occupancy is granted for the replacement dwelling and shall not exceed two years from the date of final approval for a maximum of a two year period of time. A **condition** of approval is included in the Notice of Decision stating that the Temporary Use Permit is valid for up to two years from the date of final approval, or until the proposed dwelling is completed, whichever comes first. This will expire no later than September 29, 2019.

Another **condition** of approval is included stating that the Temporary Use Permit is issued to Mark Neumann, and is not transferrable. The Temporary Use Permit may be renewed through the original Administrative Action process if all applicable criteria can again be met. Staff finds that with these **conditions** of approval the request complies with Criterion B.

- a. All structures for which a temporary permit is issued:*

- 1. shall meet all other requirements of the zoning district in which they are located;*

**FINDING:** The requirements in the GMA A-2 (40) zone are discussed in Section 3.130 and the request was found to comply with all requirements. Staff finds that the request complies with Criterion 1.

- 2. shall meet all applicable County health and sanitation requirements;*

**FINDING:** The applicant proposes upgrading his septic system in a new location. To ensure sanitation requirements are met, a **condition** of approval is included in the Notice of Decision requiring that the new system meets all applicable County health and sanitation requirements and that once the owner connects the proposed replacement dwelling to the new septic system that the current dwelling be disconnected from the previous septic system and that system no longer be used. With that **condition** of approval, staff finds that the request complies with Criterion 2.

- 3. shall meet all applicable County building code requirements;*

**FINDING:** A **condition** of approval is included in the Notice of Decision advising the owners that they must obtain all building related permits for the replacement dwelling construction from Mid-Columbia Building Codes and septic approval from the North Central Public Health District. With that **condition** of approval, staff finds that the request complies with Criterion 3.

- 4. shall be removed upon expiration of the temporary permit unless renewed by the Director, or used in conjunction with a permitted use; and*

**FINDING:** A **condition** of approval is included in the Notice of Decision requiring that the current dwelling shall be removed upon completion of the proposed replacement dwelling, or removed within two years of final approval of this application, whichever comes first.

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The Temporary Use Permit can be renewed one time by the Planning Director for an additional two year time period if the replacement dwelling is still being constructed. An application or an extension of time shall be submitted to the Planning Department prior to expiration of the current Temporary Use Permit. With that **condition** of approval, staff finds that the request complies with Criterion 4.

5. *Shall be hooked up to the same septic system as the primary dwelling.*

**FINDING:** The applicant proposes an upgraded septic system to serve the new dwelling, and to discontinue use of the previous septic system. A **condition** of approval is included in the Notice of Decision requiring that the new system meets all applicable County health and sanitation requirements and that once the owner connects the proposed replacement dwelling to the new septic system, that the current dwelling be disconnected from the previous septic system and that system no longer be used. With that **condition** of approval, staff finds that the request complies with Criterion 5.

### Section 8.050 - Issuance of Permits

A. *Temporary permits shall be issued for the time period specified by the Approving Authority but may be renewable upon expiration as an Administrative Action if all applicable conditions can again be met.*

**FINDING:** A prior **condition** of approval in Section 8.040.B. states that the permit shall not exceed two years, but may be renewed through an application to the Planning Director. This **condition** shall state that it shall be approved if all applicable criteria can again be met. With a previous **condition** of approval, staff finds that the request complies with Criterion A.

B. *Renewal of a temporary permit shall follow the same procedure as the initial application.*

**FINDING:** A **condition** of approval is included in the Notice of Decision stating that renewal of a Temporary Use Permit shall follow the same procedure as the initial application. With that **condition** of approval, staff finds that the request complies with Criterion B.

### C. 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 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.

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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-17-05-0005.

The applicant, through consultation with Jim Appleton of Mosier Rural Fire District, submitted a Modification of Fire Safety Standards Request with the application. To allow the large dwelling construction to meet fire safety standards the applicant agreed to establish a 3,000 gallon in ground cistern as well as three water spigots to be used solely for fire response and not as a backup to domestic water supply. Additionally the home will be protected with a NFPA 13D sprinkler system. A **condition** of approval is included in the Notice of Decision requiring this fire safety plan be adhered to.

The subject property is located within the boundaries of Mosier Rural Fire District (structural fire protection) and Oregon Department of Forestry (wild fire protection).

With that **condition** regarding these modifications staff finds that the request complies with Chapter 11 – Fire Safety Standards.

### D. Chapter 14 – Scenic Area Review

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

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

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

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

**FINDING:** The request is to construct a single family dwelling and detached garage, and remove existing structures, including the current dwelling. The applicant requests a temporary use permit to leave the current dwelling in place until the replacement dwelling is completed. The proposed garage will be in the same location as the current home and will require no grading. The existing driveway will continue to be used to access the garage, and will also access the proposed home just north of the garage. It enters the property at the northwest corner, curves up the slope, and is 800' long with a turnaround at the end, terminating outside the existing home. If the applicant proposed a new driveway access to the house directly off Highway 30, more grading would have been required to ascend the slope at a low enough angle for vehicle access. The dwelling will rest on the hillside to the south, and be elevated

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downslope with pilings to eliminate additional fill. Any fill produced from home construction will be used under the home downslope to balance the immediate construction site. No other grading will be performed. 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:** The request is to construct a single family dwelling and detached garage and remove existing structures, including the current dwelling. The proposed new single family dwelling will be a single story, 20' tall, 3,415 square foot building. The proposed garage, in place of the current dwelling, will be 1,472 square feet and 22' tall. One 16 square foot pump house will remain, as will two small barns; all other outbuildings will be removed. The proposed new dwelling is a one story rectangular design with a gable/hip roof combination separated by a clerestory for light.

This compatibility analysis takes into account “existing nearby development” which consists of structures along Highway 30 that are in parcels visible from the subject parcel or within ¼ mile, whichever is greater, and does not consider development on the south slope of the ridge to the south of the proposed development which is along State Road. The parcel to the east and the south are undeveloped. To the west along Highway 30 there are two other single family dwellings of 2,444 square feet and 1,404 square feet, according to assessor records. Both properties have detached garages like the proposed development. The historic Mayerdale home is directly across the street from the subject parcel and is 4,530 square feet. It is three stories tall. Significant structures on the Garnier parcels to the west of the Mayerdale mansion along Highway 30 are 1,170 square feet, 1,554 square feet, 1,740 square feet, 2,112 square feet, 3,402 square feet, and 3,418 square feet. These parcels also contain eight other small outbuildings ranging in size from 8 to 616 square feet. Nearby dwellings in parcels to the northeast of the subject parcel along Highway 30 are 888 square feet, 1,400 square feet, and 1,924 square feet.

These nearby developments are also accompanied by outbuildings and detached garages. The majority of dwellings are single story, with three being multiple stories. The single story Garnier buildings are 20' tall, and similar in height to this proposed single family dwelling. Two other structures are larger in both square footage and height than the proposed new single family dwelling – one of the Garnier buildings, and the Mayerdale home across the street. The Mayerdale home has a gable style roof with dormers, and similar hip style roofing on the perimeter around it's lower levels. Other single family dwellings in the area display a wide variety of construction styles. Since the proposed development is not larger in height, dimensions, or overall mass of “existing nearby development” as defined above, 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.*

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**FINDING:** The proposed development will be visible from Key Viewing Areas and will need to be dark earth tones. This requirement is addressed in Criterion I in Section 14.200 and conditions of approval are included to ensure colors match these requirements.

- 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:** This is not an addition. 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:** The proposal is for a single family dwelling and a detached garage with lighting by Minka Lavery. With a **condition** of approval that all lighting standards (See Attachment E) are adhered to for all lighting on this property, 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 is to construct a single family dwelling and detached garage and remove existing structures, including the current dwelling. The location of the proposed dwelling does not necessitate any additional driveway grading. With a **condition** of approval requiring that all ground disturbances as a result of site development be revegetated no later than the next planting season (Oct-April) with native species, 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.*

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*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 request is to construct a single family dwelling and detached garage and remove existing structures, including the current dwelling. The applicant proposes to remove six (6) apple trees from the small orchard where the east edge of the house will be located. The subject parcel contains six Ponderosa Pines and one Douglas Fir trees immediately north of the proposed development that will provide significant visual screening. An additional line of native trees is proposed to be planted as vegetative screening further north and northwest of the proposed development as shown on the landscape plan. A **condition** of approval is included in the Notice of Decision requiring all other on-site trees 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). An additional **condition** of approval is included requiring the owner to comply with the proposed landscaping on the site plan submitted with the application to plant and maintain the proposed planting of native trees for vegetative screening. With these **conditions** 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;*

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- 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 proposed development will be topographically visible from five Key Viewing Areas (KVAs): the Historic Columbia River Highway (Hwy 30) in Oregon; County Road 1230 (Old Highway 8), State Route 14, and the Cook Underwood Road in Washington; and the Columbia River.

The land use designation (GMA, A-2 (40) Small Scale Agricultural) and landscape setting (Oak-Pine Woodlands) require a scenic standard of visual subordination.

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

The development site is located at an elevation of approximately 480' above sea level (ASL).

Historic Columbia River Highway (Hwy 30): The subject parcel is located along Route 30. The home will be sited 100' from the road. Native vegetation will be planted where it is not currently screened by vegetation. The elevation at the highway here is 440' ASL, 40' below the proposed development.

Columbia River: The subject parcel is located 1 mile from the Columbia River. The River lies at 160' elevation, 320' below the proposed development. Approximately ten miles of the Columbia River is topographically visible from the proposed development site.

Old Highway 8: The subject parcel is located approximately 1.8 miles south of the old highway in Washington. The affected portion of the old highway has an elevation of approximately 240' ASL, or 240' below the subject parcel. The proposed development site is visible from approximately 1.5 miles of the old highway.

SR 14: The subject parcel is located approximately 1.3 miles south and 3.2 miles east of the affected section of SR 14. That portion of SR 14 has an elevation of approximately 200' ASL, or 280' below the subject parcel. The proposed development site is visible from approximately 3.5 miles of SR 14.

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Cook Underwood Road: The subject parcel is located approximately 11 miles east of Cook Underwood Road. The affected portion of the road has an elevation of approximately 1040' ASL, or 560' above the subject parcel. The proposed development site is visible from approximately 0.5 miles of this road.

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 construct a 3,415 square foot, 20' tall, single story, single family dwelling and a 1,472 square foot 22' tall detached garage, and remove existing structures, including the current 1,440 square foot, 14' tall dwelling. The current dwelling is vegetatively visually subordinate from all KVAs. The proposal to remove this dwelling and replace it with the detached garage will not change it's visual subordination as it will still be screened by existing vegetation and will be darker in color. The proposed dwelling will be located just north and downslope from the existing dwelling. There are six (6) Ponderosa Pine and one (1) Douglas Fir trees immediately north of the proposed home site. The applicant submitted a vegetative screening plan to add eighteen (18) native trees north and northwest of the proposed dwelling, between it and the KVAs from which it is topographically visible from. Due to elevation differences, distances, and intervening current and proposed vegetation, the proposed development will be visually subordinate from all KVAs.

Through a combination of existing vegetation, planned landscaping, and the proposed dark earth tone of the siding, trim, frames, and roof, as well as the low or non-reflective materials to be used on all sides, staff finds that this development will achieve visual subordination from all potentially affected KVAs and complies with Criterion A.

Colors are discussed in Section 14.200.I. Landscaping is discussed in Section 14.400.

- 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:** The proposed development will be visually subordinate as addressed throughout Chapter 14. There are no buffers required on this parcel for the protection of wetlands, riparian corridors, or wildlife sites. A June 29, 2017 reconnaissance survey by USFS archaeologist Marge Dryden found no cultural resources in the proposed area of effects. This is addressed in Section 14.500 where compliance and findings are listed. It does lie within the buffer for protection of listed plants. This is addressed in section 14.600.D where compliance and findings are listed. Staff finds that, with **conditions** of approval throughout this report, 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.*

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**FINDING:** The request is to construct a single family dwelling and detached garage and remove existing structures, including the current dwelling. Based on topography, preservation of on-site trees, and proposed new landscaping the request was found to be visually subordinate as seen from all KVAs. With a **condition** that all screening vegetation shall be maintained or replaced if lost, staff finds that this proposal 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 800' existing driveway on the subject parcel. No addition or extension of the driveway is proposed. Staff finds that the proposal 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 request is to construct a single family dwelling and detached garage and remove existing structures, including the current dwelling. The proposed new single family dwelling is lower on the slope, to the north of the current dwelling. The proposed detached garage is in the same location as the current dwelling which is in the middle portion of the slope 500' north of the ridgeline and screened by the forested portions of the property surrounding this location. As the new development will be located lower or in the same location on the slope as current development, and all proposed development will be below the skyline, 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:** The request is to construct a single family dwelling and detached garage and remove existing structures, including the current dwelling. The development will be located in an area that is topographically visible from several KVAs and thus must be constructed using materials in dark earth tones that blend with the surrounding area. The following colors and materials have been submitted:

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Location	Material	Manufacturer	Color/Finish	Comply?
Roof	Stone Coated Steel - Shake	Decra	Charcoal	Yes
Siding	Hardie Board	Behr	Dark Truffle	Yes
Trim	Hardie Trim	Behr	Chocolate Swirl	Yes
Door/Window Frames	Vinyl	Milgard	Espresso/Classic Brown	Yes
Deck	Wood	NA	Dark Brown	Yes
Lighting Fixture	Metal	Minka Lavery	Aspen Bronze	Yes

Staff finds that these all qualify as dark earth tones compatible with the surrounding landscape. Variations in the grain on the surface of the cedar create a situation where a tighter gradient meets the dark earth tone standard after one coat, and wider gradients require additional coats to comply. A **condition** of approval is included requiring that the wood deck boards be the darkest available with multiple coats of stain applied to them to ensure all surfaces meet the dark earth tone standard. An additional **condition** of approval is included that the above colors are approved and if alternative colors are proposed to be used, they shall be dark earth tones approved by the Wasco County Planning Department prior to application of the color on the building. With these conditions, staff finds that 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:** The proposal consists of a total of 18 windows and 2 glass doors on the west side and 2 windows and 1 door on the south side. The east and south side face into the slope and are not visible from KVAs. To the north a six (6) Ponderosa Pine and one (1) Douglas Fir provide vegetative screening. The proposed vegetative screening plan will result in eighteen (18) additional trees, including 12 conifers to further screen the home from KVAs.

The Scenic Area Implementation Handbook recommends a maximum of 50 square feet of unscreened, unbroken glass. The largest area of unscreened, unbroken glass proposed is 27 square feet. All proposed unscreened glass areas are under the recommendation of 50 square feet. One 96 square feet and both 100 square foot glass doors will be fully screened by the existing conifers initially and then by the additional conifers from the vegetative screening plan as they grow in. All other windows are 9, 16, 20, or 24 square feet. Windows on the north side are two sets of three adjacent 16 square foot windows for a total of 48 square feet of unbroken glass but they will all be screened from KVAs by conifers and shrubs to the northwest. A **condition** of approval is included requiring that the applicant

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adheres to his proposed landscape plan as show on in Attachment in C, and that any screening trees that die shall be replaced.

In addition to the vegetative screening, the proposal also includes an eave overhanging the windows on the north side by 3.5 feet, as suggested in the Implementation Handbook. The proposed windows will be Milgard windows with a 10% reflectivity rating. The Implementation Handbook recommends 11% or less.

The roof will be composed of stone coated steel created by Decra. The surface is rough textured with a granular finish tab that resembles dimensional asphalt shingles. A sample of the material was deemed by staff as being of low reflectivity and acceptable for use in the Scenic Area.

With the large overhanging eave, low reflectivity window rating, and vegetative screening plan including twelve (12) new conifers, staff finds that the 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.*
- 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 request is to construct a single family dwelling and detached garage and remove existing structures, including the current dwelling. The current dwelling is visually subordinate due to surrounding vegetation. This is the location for the proposed garage. The lot is sloped with a north facing aspect so no location would be topographically screened for visual subordination. Areas south and west of the current dwelling are wooded and would require the removal of trees to construct the proposed dwelling. A ridge line is near the southern property line. The original application proposed a

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home location in an open field on the east side of the property. The updated site plan changed that location to its current configuration closer to the current dwelling, where it will be well screened by existing and proposed vegetation. A reduction in home size was also requested and the applicant complied with both requests.

The applicant obtained the services of a botanist to create a landscaping plan to further address visual subordination at this location. This plan would add all local, native tree species between the proposed development and the Key Viewing Areas, with an emphasis on conifers in order to maintain that subordination year round. The applicant proposes planting twelve (12) Douglas Firs, two (2) Oregon White oaks, and four (4) Big Leaf Maples. The quantity, future size, and location of these plantings will ensure that the home is visually subordinate from Key Viewing Areas within five (5) years. A **condition** of approval is added requiring that vegetation be installed as soon as practicable (and prior to project completion), maintained, and replaced if destroyed or damaged. Another **condition** of approval is included requiring that the applicant adheres to his proposed landscape plan as demonstrated in Attachment C. An additional **condition** of approval is added requiring that the new vegetation adheres to Fire Safety Standards discussed in Chapter 11. With these **conditions**, and other **conditions** relating to the landscaping plan throughout this report, staff finds that the 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 request is to construct a single family dwelling and detached garage and remove existing structures, including the current dwelling. Currently there is a dwelling and six (6) outbuildings. That dwelling and three (3) of the outbuildings will be removed, to be replaced with two structures – the detached garage and new dwelling. The current home is 1,440 square feet and is 14' tall. The garage will be 1,472 square feet and will be 22' tall – 32 square feet larger and 7' taller. Staff finds that the garage to be placed in the same location as the current dwelling is not significantly larger, will be darker, and will not negatively contribute to cumulative effects thus meeting visual subordination standards.

The outbuildings to be removed consist of the following dimensions: 26' x 22' (572 square feet), 8' x 8' (64 square feet), and 6' x 6' (36 square feet). Three that will remain are small barns and a pump house of the following sizes: 20' x 23' (460 square feet), 15' x 12' (180 square feet), and 4' x 4' (16 square feet). This removal of three buildings to be replaced by two represents a decrease in cumulative effects. However the proposed dwelling will be larger than the scattered outbuildings that are being removed. Although this will be a larger development the character of the development is unchanged and there is no change in cumulative impacts. With the application meeting other criteria throughout this report addressing visual subordination, including vegetative screening, and dark earth tones, staff finds that the proposal complies with visual subordination and that there will be no change in cumulative effects.

The parcel is 14.62 acres, or 636, 847 square feet. The total square footage of all structures on the property currently is 2,768 square feet, or 0.43% lot coverage. The proposed development would increase the total square footage to 5,543 or 0.87%. Staff finds that this increase does not represent a significant change or result in cumulative impact.

The subject parcel is topographically visible from five KVAs (the Historic Columbia River Highway, the Columbia River, Old Highway 8, State Route 14, and Cook Underwood Road).

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Staff visited the visible portion of each KVA and attempted to locate the existing dwelling. On SR 14, Old Highway 8, and from the Washington banks of the river, staff could identify one of the large oak trees that will be just west of the proposed new dwelling with binoculars, but not the current dwelling. Due to topographic differences, the parcel is not visible from the Oregon side of the Columbia River until staff was more than four (4) miles west. Other homes in the area were visible from the Washington KVAs. When removing the binoculars and viewing the site with the naked eye, staff could still just barely see neighboring homes. Nothing was discernible from Cook Underwood Road with or without binoculars. The current dwelling could not be seen easily from the western approach on Highway 30, nor could it be seen easily through the trees while driving from the northern section adjacent to the property boundary.

On-site vegetation north of the proposed development, accompanied by shrubs and small on-site trees that will be retained and will screen the majority of the proposed structure, along with the proposed eighteen (18) new trees (66% of which will be coniferous) proposed on the landscaping plans between the proposed development and the Key Viewing Areas. A **condition** of approval is included requiring that the applicant adhere to this vegetation plan as shown in Attachment C.

Staff finds the cumulative effects of the current development do not, and the proposed development will not, adversely affect visual subordination and 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:** The proposed development will be 100' from Highway 30. Staff finds that the proposal complies with Section 14.300.

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

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

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

##### *GMA Only*

1. *Structure height shall remain below the tree canopy level in wooded portions of this setting.*
2. *In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development.*
  - a. *At least half of any tree species planted for screening purposes shall be species native to the setting. Such species include: Oregon white oak, ponderosa pine, Douglas fir.*

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- b. *At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.*

*For treeless portions or portions with scattered tree cover:*

- c. *Structures shall be sited on portions of the property which provide maximum screening from Key Viewing Areas utilizing existing topographic features.*
- d. *Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees in small groupings and openings between groupings.*
- e. *Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.*

**FINDING:** The request is to construct a single family dwelling and detached garage and remove existing structures, including the current dwelling. The parcel is sloped with a north facing aspect so no location would be topographically screened from Key Viewing Areas. The proposed garage will be 22' tall and it will be located in the same location as the current dwelling. Trees surrounding the current dwelling and providing screening from Key Viewing Areas range in height from 30' – 50' thus the garage will be below the tree canopy. Three outbuildings will be removed. Two of the three that remain are within 200' of the current dwelling which is where the proposed garage will be placed and less than 50' apart from each other. The third is a small pump house immediately adjacent to the proposed garage.

The proposed dwelling will be 20' tall. Six (6) Ponderosa Pine trees and one (1) Douglas Fir lie immediately north of the proposed development and range in height from 20'-35' tall. Further visual subordination will be achieved by following the landscaping plan that the applicant had prepared by a botanist and submitted as part of his application.

The landscaping plan calls for planting eighteen (18) trees – all species native to the setting – and will be 66% coniferous with twelve (12) Douglas Firs, two (2) Oregon White Oaks, and four (4) Big Leaf Maples trees to be planted in small groups with openings between groupings. With a **condition** of approval requiring that at least half of any tree species planted for screening purposes shall be coniferous and shall be species native to the setting, as has been proposed in Attachment C, staff finds that the request complies with Criterion C.

### **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*

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*is complete.*

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

*(\*\*\*)*

**FINDING:** Section 14.500.B.1.a defines instances in which a reconnaissance survey is required for new development. This section lists six exemptions from the cultural survey requirements. The proposed development does not meet any of the exception criteria and was required for this proposal. On June 29, 2017, USFS archaeologist Marge Dryden conducted a Cultural Reconnaissance survey and found “no cultural resources within the area of potential effects.” A **condition** is included that if cultural resources are discovered during construction, development shall cease immediately and the owner shall notify Wasco County Planning and the Columbia River Gorge Commission.

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:** No historic survey was required as no historic buildings are involved in this proposal. Staff finds that the request complies with criterion 2.

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

1. *Gorge Commission/Tribal Government Notice*

*(\*\*\*)*

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:** The request complies with Criterion c. On Thursday, August 10, 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, Monday, September 11, 2017, one comment was received from a SHPO historian requesting information on the age of the structures. The applicant provided the following construction dates for all structures to be removed, none of which are more than 50 years old and are not historical structures:

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Structure	Built	Age
Manufactured Home	1973	44
Shop	1985	33
Shed	Recent	< 5-10
Shed	Recent	< 5-10

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

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

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2. A reconnaissance survey demonstrates that cultural resources do not 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 did require a reconnaissance but not a historic survey. The cultural survey resulted in the discovery of no cultural resources within the area of potential effects. As discussed in Criterion C.1., there were no concerns about cultural resources voiced by interested persons within 20 calendar days of the date that a notice was mailed. Staff finds that the request complies with Criterion 4.c.2.

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#### 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).

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**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 criteria. Staff finds that with these **conditions** of approval, 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. **Conditions** of approval are included requiring compliance with Criterion H.

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

#### *A. Wetlands*

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

**FINDING:** There are no wetlands, streams, ponds, lakes or riparian areas on the subject parcel. The closest body of water is on the parcel to the west. The National Wetlands Inventory identifies this as a Freshwater Pond. The pond is 530 feet from the property boundary and 850 feet from the proposed development site. No other bodies of water are within ¼ mile of the property. The Columbia River lies ¾ mile to the north of the property. Section 14.600.B.2.a.(1) requires a no-disturbance buffer of 100’ from fish bearing streams. As proposed, the development site will exceed that minimum buffer for all bodies of water. Staff finds that the request complies with Criteria A and 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*

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#### *2. Sensitive Plant Buffer Zones:*

*a. A 200 foot buffer zone shall be maintained around sensitive plants. Buffer zones shall remain in an undisturbed, natural condition.*

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**FINDING:** ORBIC records identify sensitive plant species potentially within 1000’ of this parcel. The Oregon Natural Heritage Program was sent a pre notice, including the site plan, of this potential development on June 15, 2017. On June 15, 2017 Robin Dobson, USFS Botanist, noted that it was possible sensitive species could be found in this area and a plant review would be necessary. Sue Vrilakis, ORBIC botanist, concurred on June 21, 2017. The applicant was notified on June 15, 2017 and obtained a survey from botanist Mike Igo who found no sensitive plant species. He contacted Robin Dobson who contacted Planning Staff on June 21, 2017 stating “given this information, I think it is very unlikely that any sensitive flora are within 200 feet of this proposed development.” Staff finds that the rare plant protection process may conclude and this 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:** The Memaloose Hills trail system is a half mile east of the proposed development. No new recreation opportunities are proposed on the subject parcel and a replacement dwelling on this property will not interfere with recreation users of the nearby trail system as there is no increase or change in use proposed. 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 October 18, 2016, and a 20-day comment period was provided. No concerns were received during the comment period.

Section 14.800.C lists guidelines for tribal government consultation when those governments submit substantive written comments. No concerns 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 – LIGHTING STANDARD

## Good Neighbor OUTDOOR LIGHTING

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

### What is good lighting?

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

### Why should we be concerned?

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

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

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

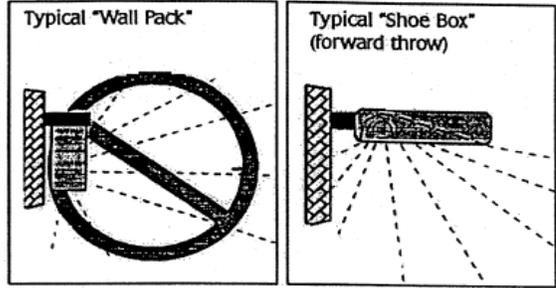
**Energy Waste** Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. We waste over a billion dollars a year in the United States needlessly lighting the night sky.

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

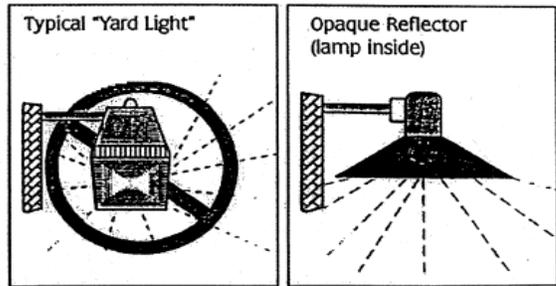
### How do I switch to good lighting?

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

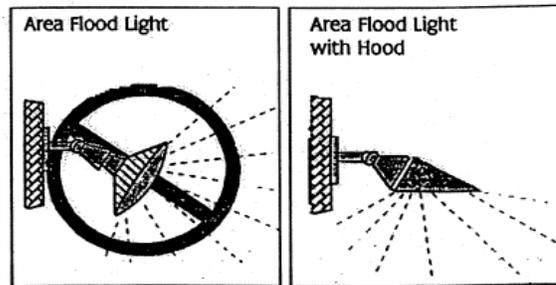
### Some Good and Bad Light Fixtures



**BAD** **GOOD**



**BAD** **GOOD**



**BAD** **GOOD**

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

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

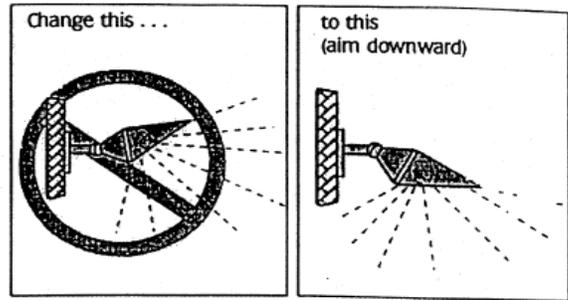
Properly aimed and shielded lights may cost more initially, but they save you far more in the long run. They can illuminate your target with a low-wattage bulb just as brightly as a wasteful light does with a high-wattage bulb.

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

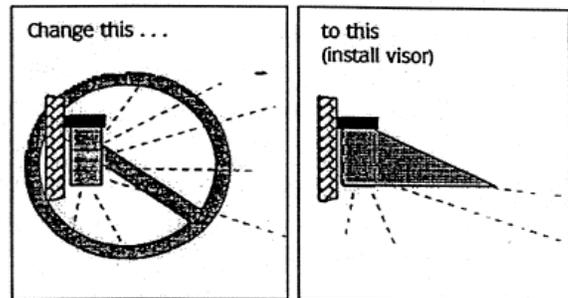
**Replace bad lights with good lights.**

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

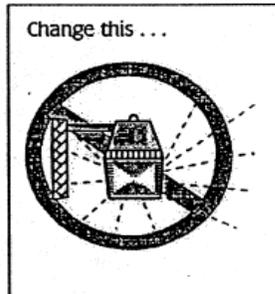
**What You Can Do To Modify Existing Fixtures**



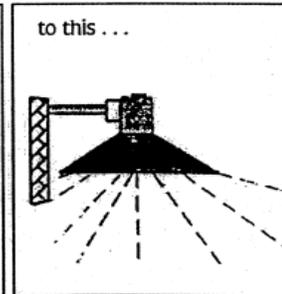
**FLOOD LIGHT**



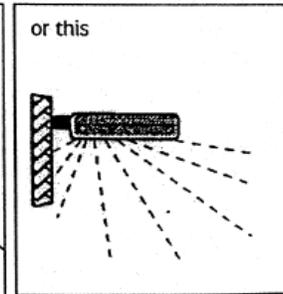
**WALL PACK**



**YARD LIGHT**



**OPAQUE REFLECTOR**



**SHOE BOX**

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**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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