ATTACHMENT D - STAFF REPORT

File Number: 921-18-000017-PLNG

Applicant: Jon Heltzel

Owner: Solo Properties LLC

Requests:

1. **Conditional Use Permit** for a commercial horse boarding facility for 5 horses; and

2. **Scenic Area Review** to construct a 60'L x 23.75'W x 30'H (2,856 square foot (SF), including the first and second floor), with two attached sheds measuring 36'L x 10'W x 10'H (360 SF), and 60'L x 11.75'W x 10'H (705 SF) for a total of 3,921 SF, horse barn for commercial horse boarding, a 60' diameter x 20'H round pen, a 30'L x 20'W x 12'H equipment shed, a 16'L x 12'W x 10'H loafing shed, approximately 3,000 linear feet of fencing with 12'L x 5'H and 6'L x 5'H gates, and underground utilities including subsurface septic disposal system.

Prepared for: Wasco County Planning Commission

Prepared by: Dawn Baird Associate Planner, Will Smith Senior Planner

Procedure Type: Quasi-Judicial Hearing

Hearing Dates: November 6, 2018; December 4, 2018; January 8, 2019

Decision: Uphold the decision of the Planning Director and **approve** the request with amended Conditions and Findings in the Staff Report

Location: The development site is located north of Huskey Road, approximately 0.1 mile west of Jasper Lane, approximately 0.5 mile south of the City of Mosier, Oregon, more specifically described as:

Map/Tax Lot	Acct. #	Acres
2N 11E 11 2200	327	20.59

Zoning: A-2 (80), Small Scale Agriculture in the General Management Area of the Columbia River Gorge National Scenic Area

Past Actions: None

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 (GMA)
Section 3.130.D.2., Uses Permitted Subject to Review, Agricultural Structures
Section 3.130.D.3., Uses Permitted Subject to Review, Agricultural buildings
Section 3.130.E.3., Uses Permitted Conditionally, Boarding of horses
Section 3.130.G, Property Development Standards

B. Chapter 4 – Supplemental Provisions
Section 4.040, Off-Street Parking
Section 4.070, Off-Street Loading
Section 4.080, General Provisions – Off-Street Parking and Loading

C. Chapter 5 – Conditional Use Review
Section 5.020, Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used
Section 5.030, Conditions
Section 5.040, Revocation of Conditional Use Permit

D. 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

E. 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 Lot: The subject lot is identified as Lot 21 of Rocky Prairie Subdivision, recorded with the Wasco County Clerk on April 27, 1977. It is consistent with the definition of Legal Lot in NSA-LUDO Section 1.200, Definitions, because it was created by a recorded subdivision.

B. Site Description: The subject lot is located between Huskey Road and Quartz Drive, in Rocky Prairie, a subdivision located on the hill above Mosier, Oregon. This property contains northwest-facing slopes averaging 9%. The western 1/3 (approximate) of the lot is heavily vegetated with Oregon white oak trees. Natural grasses are the dominant ground cover. The property ranges in elevation from 620-720' Above Sea Level (ASL).

Surrounding Land Use: Properties located north, east and west of the subject lot are located in the A-2, Small Scale Agriculture Zone. Properties located south of Huskey Road are zoned F-3(80), Small Woodland-Forest. With the exception of one property located north of Quartz Drive, all surrounding properties are used for residential use. Properties located east and west of the subject lot contain similar northwest-facing slopes averaging 8-10%. Property to the southwest, located north of Huskey Road is heavily vegetated with Oregon white oak trees. Property located to the west contains cherry orchard and a cidery, but there are no other commercial farm uses on adjacent properties. Land lying within 750' of Huskey Road averages 30% northwest-facing slopes while farther south, slopes lessen to 5-10%. Properties to the south are generally heavily vegetated with Oregon white oak and Ponderosa pine trees.

C. Public Comment: Notice of the Planning Commission's November 6, 2018, hearing was published in The Dalles Chronicle on October 17, 2018. Agency and affected owner notifications were e-mailed and/or sent on October 17, 2018. This provided 20 days pre-notice of the public hearing as required by NSA-LUDO Chapter 2, Section 2.100. As of October 25, 2018, no comments have been received by the Wasco County Planning Department.

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 (GMA)

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

2. Agricultural structures, except buildings, in conjunction with agricultural use. Non-commercial wind energy conversion systems which fit this category are subject to the applicable provisions of Chapter 19.

<u>FINDING:</u> Structure is defined in Section 1.200 of the NSA-LUDO as: "*That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to buildings, walls, fences, roads, parking lots, signs and additions/alterations to structures.*"

The request is to place approximately 3,000 linear feet of fencing encompassing 14 acres of pasture to keep horses from leaving the property. 12'L x 5'H and 6'L x 5'H metal gates (green or black) are proposed to allow access to trucks and pedestrians. Questions about the proposed fencing were raised by adjacent property owners. The applicant submitted a photograph (see below) that shows what type of fencing is proposed. The fencing will be composed of wooden posts with smooth wire. The top wire will be a "hot wire" to keep horses inside the property. An e-mail from Jeremy Thompson, Wildlife Biologist, Oregon Department of Fish & Wildlife stated that this fence will allow the movement of wildlife through the area.

Installation of power lines will provide electricity to the agricultural buildings. Restroom facilities will be located in the horse barn. All of these structures are intended to support the proposed agricultural use of the property, which is intended to be commercial horse boarding.

Property Development Standards are addressed below. Chapter 11 – Fire Safety Standards is addressed in III.C. Chapter 14 – Scenic Area Review is addressed in III.D.

Staff finds that the request complies with Criterion 2.

3. *Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the following standards:*

   The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use. The applicants shall submit a floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock) as well as a Farm Management Plan defined in Section 1.200 with their land use application.

FINDING: Building is defined in Section 1.200 in the NSA-LUDO as: "*Any structure used or intended for supporting or sheltering any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings.*"

Requested buildings include a 60'L x 23.75'W x 30'H (2,856 square foot (SF), including the first and second floor), with two attached sheds measuring 36'L x 10'W x 10'H (360 SF), and 60'L x 11.75'W x 10'H (705 SF) for a total of 3,921 SF, , horse barn for commercial horse boarding, a 60' diameter x 20'H round pen, a 30'L x 20'W x 12.5'H equipment shed, and a 16'L x 12'W x 10'H loafing shed.

Barn: The proposed barn will be used to shelter the five horses involved in this request. It will contain feed and water for the horses as well as hay and tack storage. This building has an open concept and will not contain individual stalls.

Round pen: The round pen will be used for training the horses and riders in conjunction with the commercial horse boarding operation.

Equipment shed: This shed will contain equipment intended to maintain the property for commercial horse boarding.

Loafing shed: A loafing shed is a small barn that is built inside a pasture or paddock area that enables the horses to get out of the rain or hot sun. The loafing shed will be located at the east corner of the lot near Huskey Road.

All buildings will support a proposed agricultural use. Staff finds that the request complies with Criterion 3.

E. Uses Permitted Conditionally
The following uses and activities may be allowed with conditions on a legal parcel designated Small Scale Agriculture subject to Subsection G - Property Development Standards, Chapter 5 – Conditional Use Review, Chapter 11 - Fire Safety Standards & Chapter 14 - Scenic Area Review, as well as any other listed or referenced standards.

3. Boarding of horses. Findings shall be made on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

FINDING: The original request was for 10 horses but was later amended to five horses. Horse boarding is defined as:

Horse, Boarding of (GMA) *- The stabling, feeding and grooming , or the use of stalls for the care of horses not belonging to the owner of the property, and related facilities, such as training areas, corrals and exercise tracks. These facilities are either operated for a fee or by a nonprofit organization.*

The boarding of horses does not include the following:

a. The mere pasturage of horses or the boarding of horses not owned by the property owner for the purpose of breeding with the owner's stock;

b. The boarding of horses for friends or guests where no charge is made; and

c. Equestrian activities when the raising, feeding, training or grooming of horses is a farm use by the property owner of the land qualifying for farm assessment under regulations of the State Department of Revenue.

On July 11, 2018, staff spoke to Brian Tuck, Professor Dept. of Crop & Soil Science, Oregon State University, Wasco County, regarding the request. Mr. Tuck said that every horse boarding operation is different but the proposed operation could have up to five horses. In the event the applicant or owner wants to increase the number of boarded horses in the future, a request to amend the operation must be submitted to and approved by the Wasco County Planning Department. A **condition** of approval stating this is included in the Notice of Decision.

According to the applicant, the owners' existing horse boarding operation in Hood River will be moved to the proposed site. Horses will be on the property all day and night. Employees will come to the property on a daily basis to feed and care for the horses. In addition to the employees, horse owners will come to the property to train themselves and their animals. Part of the horse boarding operation includes Equine Assisted Therapy. The Hood River operation is called "Triskele Rivers." Their website

states: "*we emphasize the connection between Harmony, Balance and Movement and how it relates to partnering with the equines in our journey to learn more about ourselves*." The site further states: "*Our experiential workshops for adults and teens emphasize the development of a calm mind, body awareness, regulating energy, keeping perspective, and having a clear intention. All necessary skills that support individuals in becoming more confident in managing and directing their own lives. Through studio time and sharing space with the horses, breath work, and yoga-inspired movement participants will tap into the power of their intuition and realize they have all they need inside to move through life with more ease*." ~~The proposed operation will offer one class for horse owners only per day.~~

Comments from an adjacent property owner suggested that the boarding facility may have to provide ADA accessibility to the operation. In an e-mail dated August 2, 2018, John A Rodriguez, Structural / Mechanical Inspector, BCD Pendleton/The Dalles, Oregon, stated that agricultural buildings are exempt from ADA requirements so no conditions are imposed requiring ADA accessibility to the proposed agricultural buildings.

Section 3.160.G., Property Development Standards, is addressed below.

Chapter 11 – Fire Safety Standards is addressed in B.

Chapter 14 – Scenic Area Review is addressed in C.

G. Property Development Standards

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2. <u>General Setbacks</u> - All structures, other than approved signs and fences shall comply with the following general setback standards:

Front Yard	*25'*
Side Yard	*25'*
Rear Yard	*40'*

<u>FINDING:</u> As shown below in 3., all proposed structures excluding fences exceed the general setbacks in the A-2, Small Scale Agriculture Zone. Staff finds that the request complies with Criterion 2.

3. <u>Agricultural Setbacks</u> - 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:

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

FINDING: There is one property located near the subject lot that is currently in commercial orchard production, requiring a 250' setback. One lot to the north has the ability for approximately 8 acres of land to be placed in farm use. All other properties contain poor quality soils and are predominantly developed as large-lot homesites containing 10-15 acres.

The owners propose the following setbacks between the proposed buildings and property lines.

Required Setback	Proposed – Horse Barn	Proposed – Round Pen	Proposed – Equipment Shed	Proposed – Loafing Shed	Consistent?
Northwest (rear), 250'	745'	525'	900'	750'	Yes
Southwest (side), 25'	425'	245'	200+'	900'	Yes
Northeast (side), 25'	475'	540'	700'	25'	Yes
Southeast (front), 25'	150'	410'	100'	25'	Yes

Staff finds that the proposed setbacks exceed the requirements in the A-2, Small Scale Agriculture Zone and that 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 lot is not located within any identified FEMA flood zone. It is located approximately 0.8 mile south of the closest identified flood plain along Rock Creek. Staff finds that 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 applicant proposes the following heights for all new structures:

- Horse barn: 30'
- Round pen: 20'
- Equipment shed: 12'
- Loafing shed: 10'
- Fencing: 5'

All structures are proposed to be less than 35' in height. The applicant and owner need to be aware that elevation drawings for the equipment shed and loafing shed need to be submitted prior to construction. A **condition** of approval requiring final elevation drawings for the equipment and loafing sheds to be submitted prior to construction is included in the Notice of Decision. With this condition staff finds that 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 lot is not located on a corner lot. Staff finds that Criterion 6. is not applicable to this request.

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

FINDING: Off-street parking is addressed below in Chapter 4. There is an existing driveway accessing the property however there is no Road Approach Permit on file with the Wasco County Public Works Department for this driveway. A **condition** of approval is included in the Notice of Decision requiring the applicant/owner to obtain a Road Approach Permit for the existing driveway after expiration of the appeal period. Staff finds that the request complies with Criterion 7.

B. Chapter 4 – Supplemental Provisions

Section 4.040, Off-Street Parking

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this Section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Section. Where square feet are specified the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

FINDING: The application proposes to construct a parking area off the existing drive way on southwest corner of the proposed barn in a location currently used for parking by the owners. The applicant provided a rough drawing of the location of the driveway and parking area. A circular driveway provides adequate turnaround for all vehicles and horse trailers.

There is no specific off-street parking requirement for a commercial horse boarding operation. Staff researched the size of horse trailers. It appears the longest horse trailer is about 40'. A typical parking space needs to be 9'x18', but for a trailer an extra foot of width is added (10'x40'). This totals 400 square feet for one trailer, or 2,000 SF for five trailers.

Assuming a maximum of six employees and five customers could be on the property at one time, another 1,782 SF of parking space would be required. (9’ x 18’ = 162 x 11 = 1,782)

An assumption is made that a veterinarian/farrier could visit the property occasionally so one additional parking space could be added for this purpose. (162 SF)

Total required maximum parking space required for the commercial horse boarding operation if all people and vehicles are on site at the same time would be:

2,000 SF (trailers) + 1,782 (staff & customers) + 162 (veterinarian) = 3,944 SF.

The applicant proposes a total of 2,800 SF of gravel parking area. This needs to be increased to a minimum of 3,944 SF. A **condition** of approval is included in the Notice of Decision requiring a minimum of 3,944 SF of gravel parking area for the commercial horse boarding operation. An amended site plan was submitted showing the location of the gravel parking area on November 19, 2018. With the proposed **condition** of approval staff finds that the request complies with Section 4.040.

Section 4.070, Off-Street Loading

B. Merchandise, materials or supplies: Buildings or structures to be built or substantially altered to receive and distribute materials or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

FINDING: The applicant states that there will be 2-3 deliveries of feed and hay per year. The site plan does not show any off-street loading space however during a site visit to the property the applicant stated that off-street loading would take place in the gravel parking area. Per Criterion B., "off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs." The applicant states that all deliveries will occur when no boarding customers are at the site, and the unloading will occur in the parking area.

A **condition** of approval is included in the Notice of Decision requiring the development adhere to the amended site plan submitted on November 19, 2018 which shows the location of off-street loading . With the **condition** of approval staff finds that the request complies with Criterion B.

Section 4.080, General Provisions – Off-Street Parking and Loading

A. The provisions and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

FINDING: A **condition** of approval is included in the Notice of Decision stating that the owner shall provide and maintain the required amount of parking and loading space required above in Sections 4.040 and 4.070. If any future change in use is proposed then parking and loading areas will be reviewed to ensure adequate space is maintained. With the proposed condition of approval staff finds that the request complies with Criterion A.

B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Director of Planning based upon the requirements of comparable uses listed herein.

FINDING: The proposed use, a commercial horse boarding facility is not listed in the off-street parking requirements. Staff determined the approximate parking area required by looking at the size of horse trailers and the number of potential customers and staff and found that a minimum of 3,944 SF of parking space is required. Staff finds that the request complies with Criterion B.

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F. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

FINDING: A **condition** of approval is included in the Notice of Decision prohibiting the storage of vehicles or materials or for the parking of trucks used in the business/use within the approved parking area. With the proposed condition of approval staff finds that the request complies with Criterion F.

G. Plans shall be submitted in sufficient detail so that they may be reviewed and approved by the appropriate reviewing authority.

FINDING: A **condition** of approval is included in the Notice of Decision requiring the applicant/owner to submit a parking plan in sufficient detail to identify the 3,944 SF parking area with the information required below in H. With the proposed condition of approval staff finds that the request complies with Criterion G.

H. Design requirements for parking lots:

1. Areas used for standing and maneuvering of vehicles shall have a durable and dustless, but not necessarily paved, surface maintained adequately for all weather use.

FINDING: The applicant states that the driveway, turnaround, and parking areas will be graveled. This is considered a durable and dustless surface if it regularly maintained. A **condition** of approval is included in the Notice of Decision requiring the applicant/owner to maintain adequate gravel on the driveway, turnaround, and parking area to minimize dust. With the proposed condition of approval staff finds that the request complies with Criterion 1.

2. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

FINDING: The existing driveway is located on the west side of the subject lot, east of a grove of oak and pine trees. It is located over 400' from any residence in the area. Staff notes that the Rocky Prairie area is not zoned residential, but is zoned Small Scale Agriculture. Due to distance the existing driveway and proposed parking and loading areas will not create a disturbance to residents in the area. Staff finds that the request complies with Criterion 2.

3. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.

FINDING: In addition to the previously discussed parking area size, if the parking area contains an access aisle between rows of parking spaces, the minimum access aisle width shall be 20' in width. A **condition** of approval stating this is included in the Notice of Decision. With this condition of approval staff finds that the request complies with Criterion 3.

4. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movement or other maneuvering will be required within a street.

FINDING: The proposed parking and maneuvering area will occur entirely on the subject lot. No maneuvering will occur on Huskey Road. Staff finds that the request complies with Criterion 4.

5. Lighting of the parking area shall be deflected from a residential zone.

FINDING: A condition of approval in Chapter 11 requires all outdoor lighting to be hooded and shielded from roadways and adjacent properties. The applicant stated that two exterior lights will be installed and they will be motion detector lights. With the proposed condition of approval in Chapter 11 staff finds that the request complies with Criterion 5.

I. Required parking spaces shall be improved and available for use by the time the use to be served by the parking space is ready for occupancy.

FINDING: A **condition** of approval is included in the Notice of Decision requiring the driveway and parking area to be improved and available for use before beginning the commercial horse boarding facility. Staff finds that the request complies with Criterion I.

C. Chapter 5 – Conditional Use Review

Section 5.020, Authorization to Grant or Deny Conditional Uses, and Standards and Criteria Used *Conditional uses listed in this Ordinance shall be permitted, enlarged or otherwise altered or denied upon authorization by Administrative Action in accordance with the procedures set forth in Chapter 2 of this Ordinance. In judging whether or not a conditional use proposal shall be approved or denied, the Administrative Authority shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.*

A. The proposal is consistent with the goals and objectives of the Management Plan for the Columbia River Gorge National Scenic Area, and consistent with the provisions of the County's implementing ordinances.

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

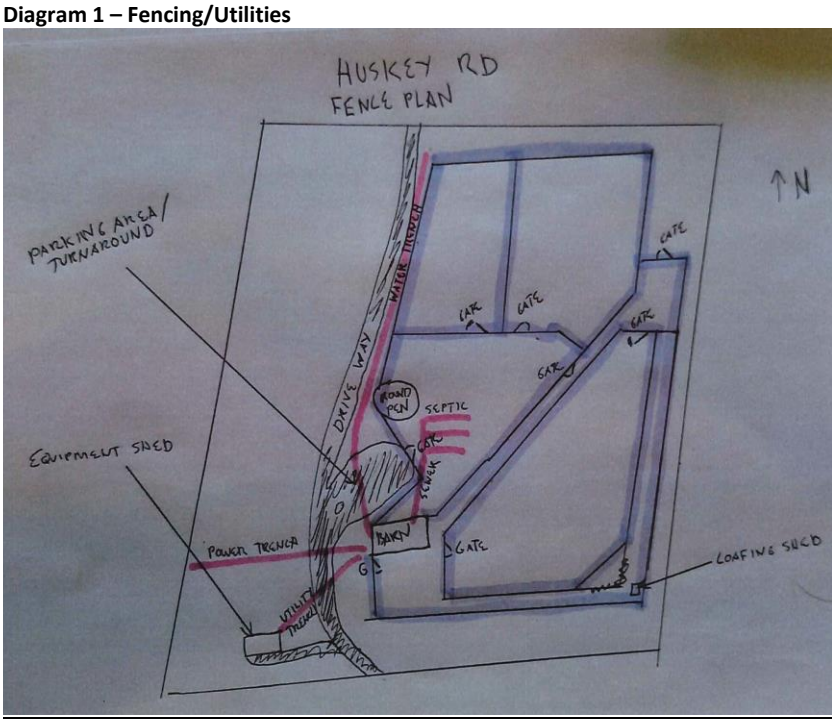
B. Taking into account location, size, design and operational characteristics of the proposed use, the proposal is compatible with the surrounding area and development of abutting properties by outright permitted uses.

FINDING:

- Location & Design: The subject lot is located north of Huskey Road and there is an existing driveway off of Huskey Road to the property. Horse boarding customers will not have to drive through any private property to reach the site. Three of the proposed buildings will be located on the western half of the property: the equipment shed will be located in the grove of Oregon white oak and Ponderosa pine trees located on the western side of the property; the round pen and barn will be located adjacent to the grove of trees on its eastern side. The loafing shed will be located near the southeastern property line. Power will be extended from property to the west and will connect to the equipment shed, barn and round pen and will be available to property located to the north. Fencing will be located as shown in the diagram below. Several

pastures will be fenced, as well as the track system where the horses travel around the property.

Diagram 1 – Fencing/Utilities



- Size: The subject lot is 20.59 acres in size. The proposed commercial horse boarding facility will have a maximum of five horses.

a. Operational Characteristics: Neighbors submitted comments expressing concern about lack of accommodation for an individual to remain on site beyond the listed hours of operation. This is highly unusual for a commercial horse operation, is dangerous for the animals, and leaves neighbors responsible for any issues that occur outside these hours. Comments further state that "*good stewardship of the land and the management of such an endeavor by absentee owners that do not reside on the land or in Wasco County is far from ideal and has the potential for many unforeseen problems*."

Staff understands neighboring property owner concerns but cannot assume there will be a problem with horses at night when the issue is raised as "it might happen." There is no criterion

addressing this issue, nor is there a requirement that anyone who boards, raises or has horses must live on the property.

- Hours of Operation: The applicant states that the hours of operation for the use will be daylight hours throughout the year, seven days per week. Though this is reasonable for feeding the horses, it is excessive for classes/training. Hours of operation for classes and/or training of horses and customers are limited to 8 a.m. – 8 p.m. A **condition** of approval stating this is included in the Notice of Decision.

- Number of employees: The application states that there will be up to six employees. The applicant states that employees will create a maximum of five Average Daily Trips (ADT) to the property because some employees will carpool. One ADT is defined in this report as one

trip to and from the property.

- Pest management:

  Rocky Prairie is generally zoned A-2, Small Scale Agriculture, not Residential. This zone allows farm use and residential use. Private owners have a right to graze horses on their land. The proposed use is to allow horses to graze on the property, as well as provide training for the horses and their owners.

  An adjacent property owner raised concerns about the use creating a potential for pests such as horse flies. He notes that there is an existing cidery and a proposed winery, both with outdoor seating. He states that the flies inevitably associated with horses will make the environment much less favorable for guests.

  Staff notes that there are currently seven horses being grazed on property located west of and adjacent to the cidery. There have been no complaints or concerns raised by the owners of the cidery that flies from these horses have been a problem for their operation. Currently no request for a winery in this area has been submitted to the Planning Department. Though this is a valid concern, based on the size of existing properties, it is unlikely that insects will be a problem to the adjoining properties from five horses.

Staff finds that the proposal is compatible with the surrounding area and complies with Criterion B.

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

FINDING:

Fire protection – Mosier Fire District. Staff contacted Mike Renault, Fire Chief, Mosier Fire District, by e-mail on August 1, 2018, regarding the request. On August 7, 2018, Mr. Renault stated by e-mail that as long as the access road and turn around meet the fire safety standard requirement, there should be no issue with emergency response and access to the property.

Police protection – Wasco County Sheriff's Office. Staff contacted Lane Magill, Wasco County Sheriff, by e-mail on August 1, 2018, regarding the request. Though concerns were expressed by neighboring property owners about an increased burden on police staff, an e-mail from Sheriff Magill dated August 3, 2018, stated that he did not have any concerns with the request.

Sewer – Septic system. Staff contacted John Zalaznik, REHS, Environmental Sanitarian, North Central Public Health District regarding the location of the proposed septic system. Mr. Zalaznik said he is not certain that he would be able to approve a septic system in the proposed location and would have to do a site evaluation to determine if the land would support a septic system. Based on the number of persons (employees/customers) who will use restroom facilities, an alternative to a septic system would be to have a portable restroom on-site. Staff notes that this would have to be located in an area not visible from KVAs. A **condition** of approval is included in the Notice of Decision requiring the applicant/owner to have a septic evaluation conducted by the North Central Public Health District prior to operating the commercial horse boarding facility. If the site is not capable of supporting a septic system in the proposed location, a portable restroom will be required to be located on-site for the use of customers and employees. The portable restroom must be located in an area not visible from KVAs.

Water – On-site well. Staff spoke with Robert Wood, State of Oregon Watermaster, District 3, regarding the request. Mr. Wood stated that the horse boarding facility is a commercial use and the owners are limited to 5,000 gallons of water per day for commercial uses such as employee use (restroom use, hand washing, etc.), and washing the horses. This water cannot be used for irrigation of the pastures; this use requires application for and approval of a water right from the Oregon Water Resources Department. A **condition** of approval is included in the Notice of Decision detailing the permitted water uses on the property and prohibiting the irrigation of the land with water from the well. Though concerns were expressed by adjacent property owners that the use would create a significant draw on the water table within which wells are already running dry, the Watermaster states that the owners have the right to use up to 5,000 gallons of water per day for domestic and commercial use, the same as any other property in the subdivision.

Telephone – Land line – CenturyLink; cell phone service is available through multiple carriers.

Electrical – Pacific Power: Electricity will be extended to the subject lot from the lot located to the west (Conroy). Concerns were raised by a neighboring property owner about trees being removed to extend power to the lot. According to the applicant no trees will be removed to place power lines. A **condition** of approval is included below in Section 14.100.H. prohibiting the removal of any trees on the property unless they are diseased and dying in which case they must be replaced with trees of the same species. The extension of electrical lines is shown in Diagram 1 in this report.

Roads: Roads are addressed in Criterion D.

Staff finds that the proposed use will not exceed or significantly burden public facilities and services available to the area and the request complies with Criterion C.

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

FINDING: Concerns were raised by neighboring property owners about traffic generation and wear and tear on roads in Mosier and the surrounding area if commercial events are permitted. Staff points out that commercial events were eliminated from the original request and that the request is for boarding of up to a maximum of five horses with no commercial events.

Huskey Road is a 2-lane, 24' wide asphalt County Road. Staff contacted Arthur Smith, Public Works Director, regarding this request. Mr. Smith stated that the proposed use will not have a significant impact to the county road system. The applicant estimates 5 Average Daily Trips (ADT) for employees and customers. Huskey Road is a paved collector road and will easily handle the additional traffic.

Concerns expressed by a neighboring property owner state: "*Our experience is that riders become bored with riding in round pens and around the property, and ride on the local roads if adjacent open areas are not available. This will lead to additional congestion on the surrounding dirt roads (e.g. Quartz and Granite Drives) and will be incredibly dangerous for horses on Huskey Road, where many drivers are traveling over 55 mph. Since these are public roads, riders cannot be prohibited from riding their horses on them*." The applicant states that riding will occur in the round pen and on the track system located on the subject parcel. A **condition** of approval is included in the Notice of Decision requiring all riding of boarded horses to occur on the subject lot. Prohibiting the entering or exiting of riders on horseback from boarded horses on the subject lot will ensure traffic safety is maintained in the area. The County cannot regulate personal riding of the property owners. With these conditions staff finds that the request complies with Criterion D.

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

FINDING:

Noise: Concerns have been expressed over the potential noise resulting from a commercial boarding operation. The applicant amended the request in late June 2018, and removed the request for commercial events. Educational training will be provided to horse owners only. Noise will be minimal and will occur near the round pen and the barn. A maximum of 5 customers could access the property in a single day but the applicant stated that this was unlikely because one class per day will be given. Trainers and other employees will make similar amounts of noise as other farm workers/employees which is primarily just their voices speaking. There will be other noises that are common to the area such as mowing. Many of these noises are similar to other commercial and farm operations in the area and are not considered to be excessive.

Dust: Concerns were received about the boarding facility creating excessive dust from the gravel driveway, and overgrazed pasture. An adjacent property owner stated that: "*the dust from the pastures, if not addressed, will be unbearable.*" He further states that the application "*does not address dust created by maintaining the round pen and other areas, nor riding, driving, equipment use, etc.*" and wonders how the dust will be contained.

A previous **condition** of approval required the continued maintenance of the driveway and parking area to prevent blowing dust from these areas. In addition, pastures will not be overgrazed down to the dirt. The applicant states that they bring 40 tons of hay to the site 2-3 times per year and this is the horse's primary feed. The horses will not be kept in the pastures at all times but will be on a track system (see photo below) that surrounds the pastures. According to the applicant the "track" will be a 40' wide path. Based on the number of horses proposed for the facility, the horses would not even create a trail through the grass. The applicant states that the track system is more like a "*wandering path so the horses can move and not be confined.*" The pastures will always have grass. Regarding the round pen, the bottom of the pen will be covered with sand or nut shells, not dirt. The pen will be covered and will not dry out very often. When it dries out it will be wetted down with water. Dust will not be allowed to blow and will not be a problem to neighboring properties.

Photo showing a track system (random photo – not supplied by applicant)

Odor: Neighbors have submitted concerns about odors created by the horses and the fact that this could be a nuisance to the neighbors. Staff points out that there is a private property in Rocky Prairie that is 40 acres in size that currently maintains seven horses on the southern 20 acres. Horses have existed on this property located to the northwest for decades. Though these horses are privately owned they produce more manure and soiled straw than the proposed commercial horse boarding operation. No complaints about odors have been received about this property which is adjacent to a commercial cidery business/farm stand and orchard. There is no reason to believe that the proposed horse boarding operation, which will contain a maximum of five horses, will create an odor problem in the neighborhood.

Staff finds that the request complies with Criterion E.

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

FINDING: Concerns were received from adjacent property owners regarding the ability of the applicant to comply with Criterion F.

Sensitive wildlife habitat:

- Oregon white oak: No Oregon white oak trees are proposed to be removed. There is a vacant area within the oak trees that will accommodate the equipment shed. Staff contacted Jeremy Thompson, Wildlife Biologist, Oregon Department of Fish & Wildlife, The Dalles Region, to seek his input on whether the amended request would have an impact on the wildlife habitat provided by the Oregon white oak trees. On July 16, 2018, Mr. Thompson responded by e-mail and stated: *"With the revised site plan provided, ODFW does not feel the proposed development would adversely affect a sensitive wildlife site".*

- Rock Creek: The subject lot contains a seasonal drainage on the eastern end of the property. The drainage is also identified as a linear wetland feature. The wetland drains into Rock Creek which is located approximately 0.3 mile to the west. Staff contacted Rod French, Wildlife Biologist, Oregon Department of Fish & Wildlife by e-mail on July 31, 2018, regarding the request. Mr. French replied via e-mail on August 2, 2018, and stated: "*If it's a seasonal drainage, probably not a lot different than any other field. If (Dept. of) Ag isn't concerned, then I suppose we don't have any concerns.*"

Riparian vegetation along streambanks: Staff contacted the Oregon Department of State Lands three times regarding the request. The first contact was for the original request. The second was a re-notice for the amended request. The third contact was an e-mail to Christine Stevenson, Jurisidictional Coordinator, Oregon Department of State Lands. Ms. Stevenson stated: "*Based on the submitted site plan, it is unlikely that the proposed impacts (fencing) would approach 50 cubic yards so I did not feel it was necessary to require any further action on this project*." Further clarification provided on August 2, 2018, by Ms. Stevenson stated: "*DSL is concerned about removal fill activities. Animal grazing, training would not be considered a removal fill impact."*

Erosion: Concerns were raised by neighboring property owners that soil erosion "*will block the wetland and prevent flow. Alternatively, eutrophication will destroy the ecology and beauty of our creek, pond and waterfall*." Staff notes that the wetland provides seasonal drainage. The seasonal drainage was dry during both staff site visits to the property. It is not considered to be a creek and questions how a pond and waterfall exist in a seasonal drainage. Regardless, based on the proposed operation there will be no

soil erosion as a result of the horse boarding operation because the land will not be grazed down to the soil.

Staff finds that the request complies with Criterion F.

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

FINDING:

Air Quality: Neighboring property owners have concerns about the air quality from the smell of horse manure. Staff points out that there is a private property in Rocky Prairie that is 40 acres in size that currently maintains seven horses on the southern 20 acres. Horses have existed on this property located to the northwest for decades. Though these horses are privately owned they produce more manure and soiled straw than the proposed commercial horse boarding operation. No complaints about odors have been received about this property which is adjacent to a commercial cidery business and farm stand. There is no reason to believe that the proposed horse boarding operation, which will contain a maximum of five horses, will create an odor problem in the neighborhood.

Water Quality: Concerns were expressed by adjacent property owners regarding the following water quality issues:

- Water quality: The following concerns were raised by neighboring property owners:
  - Environmental impacts of facility on ground water from the accumulation of horse waste, soiled stall
  - There is no general plan for mitigation of animal manure throughout the area of the horse barn and round pen. The owner/developer has a well and neighbors to the north have wells that are downhill from these structures. How will they prevent ground water contamination from the proposed development?
  - The potential physical impact on our surroundings as well as the commercial nature and size of the operation are troubling
  - The owner/developer have a well and the neighbors to the north have wells that are immediately downhill from these structures. How will they prevent ground water contamination from the proposed development?

Robert Wood, District 3 Watermaster, Oregon Water Resources Department, stated in an e-mail dated August 6, 2018, that he would not expect any issue with water quality from the proposed use provided the well is properly constructed. Oregon Administrative Rule (OAR) 690-210-00030, Placement of Water Supply Wells, requires new wells to meet setback requirements. Based on the Watermaster's comments, staff finds there will be no impact to the water quality of existing surrounding wells.

- Water quantity: The following concerns were raised by neighboring property owners:
  - Existing wells on surrounding properties and the heavy demand on well water aquifers should be carefully examined before granting permission.
  - The application states that there will be "little water use from 200' well for washing and drinking water" however washing the horses, facilities, equipment, etc., and drinking water for 10 horses and 5-6 people (increased to an unknown extent during events) will be a significant draw on the water table within which wells are already running dry. Further water use, not described, that will be required for people, facilities, equipment, and horses will create further strain on the water table.

- What impact will the use of more than 5,000 gallons of water every day have on the water table and the neighboring wells?
- Our understanding is that the existing well is not working. If that is correct, then what will be the options to the applicants for the volume of water required by the application?
- The permit is apparently being based on well logs from over 20 years ago and it is a well that was dug and never put into production. What its output was over 20 years ago does not relate to what usage is now and if it is even real data. I will send you a photo tomorrow of the newly discovered well. When I bought my house the local well driller said that well was 1 gallon per minute, and the original well is not in the location where the new well is located.
- Can the existing well supply enough water for such a commercial operation and not draw down the water level of existing properties wells? Has the well even been tested recently? The log record shows a 1976 date.

Staff notes that some of the above comments were received from the original notification. Since that time, the request was reduced to a maximum of five horses, and commercial events were eliminated. Robert Wood, District 3 Watermaster, Oregon Water Resources Department, stated in an e-mail dated August 6, 2018, that he would not expect any issue with water quantity from the proposed use provided the well is properly constructed. Oregon Administrative Rule (OAR) requires new wells to meet setback requirements. Mr. Wood states that 5,000 gallons per day should be sufficient for restroom, stock for five horses, etc. According to the OSU Extension Agent, a horse only consumes 5-20 gallons of water per day. Horses are not washed on a daily basis. Based on the Watermaster's comments, staff finds there will be no impact to the water quantity of existing surrounding wells.

- Water rights: The following comment was raised by a neighboring property owner:
  - *What are the water rights for this parcel of land? We were told by the Water Master, Mr. Robert Wood, that if there are no water rights associated with a parcel, then there is a "commercial exemption" of 5,000 gallons/day. But 10 horses would use more than 5,000 gallons/day. Will the use of the property under this application qualify for the commercial exemption? If it will not qualify then how will the applicants provide the more than 5,000 gallons/day?*

Since the receipt of the above comment, the application was amended to eliminate commercial events and reduce the number of horses to five. The subject parcel does not contain any water rights. According to Robert Wood, District 3 Watermaster, Oregon Water Resources Department, in an e-mail dated August 6, 2018, the proposed use qualifies as a commercial exempt use. All water used in conjunction with the operation will be commercial water rights and no more than 5,000 gallons of water per day can be used. In his e-mail, Mr. Wood stated that 5,000 gallons of water per day should be sufficient for the proposed commercial horse boarding operation of five horses.

- Solid Waste Disposal. *The answer "septic on site" only addresses sanitary sewage and does not address the capacity of the system – will it serve the events? There's no description about the burden created by manure, bedding, trash, etc.*

As amended, no commercial events are proposed in conjunction with the horse boarding operation. The North Central Public Health District will require an appropriate sized drainfield to be placed on the property to accommodate the restroom and gray water needs of the operation. The septic system is not meant to accommodate bedding, manure, trash, etc. Solid waste disposal consists of horse bedding, manure, and trash generated by employees.

- Manure Storage: Many comments were received from neighboring property owners about the lack of a general plan for mitigation of animal manure throughout the area of the horse barn and round

pen, the proximity of manure storage to nearby residences, the potential for pests and rodents, and the need for a Confined Animal Feeding Operation (CAFO) permit.

Comments expressed concern "*as to where the waste will be martialed or how, and its proximity to residences nearby. Placement of manure composting bins or manure/bedding waste piles has not been mentioned or addressed. Small, flies and other pests such as rodents and noise could render my home unlivable and the property undesirable as a building site*."

The applicant stated in an e-mail that "Typically the manure will be naturally deposited in the pastures. They [the horses] don't eat hay off the ground, from slow feeding bags so spoiled hay will not be an issue. The applicant also stated that horse waste at the riding area or trailer boarding area will be placed in a pasture where it will act as a natural fertilizer.

Staff spoke with the Oregon Department of Agriculture regarding this request. Staff exchanged e-mails with Wym Matthews, Program Manager, CAFO Program, and spoke by telephone on August 7, 2018, with Ben Krahn, Livestock Water Quality Specialist, Area 3, Oregon Department of Agriculture regarding manure concerns and wetland concerns as it relates to manure. Mr. Krahn stated that the proposed commercial horse boarding operation consisting of five horses on 20 acres of land does not require a CAFO permit. He said there is nothing that looks odd about the request and it does not create concern to Department of Agriculture staff if the horse pastures are properly managed. The owners' proposal to use the manure and bedding material to fertilize the soil is a good plan, but not during wet weather. Mr. Krahn said during rainy and snowy times of the year, or whenever there is runoff in the seasonal drainageway, manure and straw should not be placed in the field. Instead it should be stored on an impermeable surface, then spread in the spring. Mr. Krahn said if the owners manage the land property, considering the amount of rain this area receives per year (24"), the wetland and Rock Creek will not be impacted. Mr. Krahn stressed that it is the owner's responsibility to store the manure on his own land. If it is deposited on neighboring property or if it runs off the land through the seasonal drainageway, it is violation of State law and should be reported to the Oregon Department of Agriculture where complaint Investigations are conducted for water quality concerns on any permitted or non-permitted livestock operation. Mr. Krahn said that once manure is placed in a pasture it begins to break down rapidly. Once it starts to decompose it is unusual that it can be washed away downstream.

A neighbor's comment asks how invasive plant species (seed from feed, as well as from manure from boarding and competing horses from other facilities) will be contained. Staff notes that it is not possible to prevent invasive plant species from appearing on the property. Though there may be invasive plant species within feed, staff points out that birds and animals can also carry seeds that spread these and other species of vegetation and trees. There are already invasive species found along the driveway on the subject lot which proves animal feed is not the sole cause for invasive plant species. In an agricultural zone, for an agricultural use, feed will be required. The potential for excessive invasive plant species coming from feed required for five horses is low.

Another comment from a neighboring property owner was that the operation would bring pests and rodents into the area. Rocky Prairie Subdivision is already a home for all sorts of small mammals. Orchards and other nearby agricultural uses, are already a common source of food for rat or other rodents, to a far greater extent than the feed for five horses could bring. Any flies brought into the area by the existence of horses will stay near the horses and will be unlikely to spread to all of the neighboring properties. Staff notes the nearby property to the west (west of the cidery) that grazes seven horses. There have never been complaints or reports of pests bothering the neighboring cidery or orchard or their residents. The requested commercial boarding operation will have fewer horses.

Land Resource Quality: Many concerns were received about pasture management. One adjacent property owner had a ranch in Colorado that required 35 acres of pasture to feed one horse. The applicant does not intend to rely on feeding the horses from hay grown on the subject lot's fields. It will take more feed for the proposed commercial horse boarding operation than the land can produce and the applicant stated they would receive 2 or 3 deliveries of 40 tons of hay per year.

Another concern expressed is that the intensity of the use will lead to compaction of the dirt by the horses' hooves and they would decimate the grassland and wildflowers through excessive grazing. Chemical/sediment/dust/waste that will enter the air and wetlands that flow through the property in question from a commercial horse operation will have significant impacts on this and surrounding properties.

During a site visit to the subject lot the applicant explained that the horses will be on a track system which allows them to walk around the pastures but does not allow them continuous access to the pasture. The neighbor's concern is accurate: the vegetation would be devoured in a short time, leaving bare, compacted ground if additional feed is not provided. The owner states that the bare compacted earth will be unsightly compared with the surrounding parcels with their vegetation. This is true and is why the horses will not be pastured on a continuous basis. The applicant states that horses will eat continuously if you let them. The owners do not want bare dirt fields and will not allow the land to be overgrazed to a point where fields are bare dirt or mud.

Comments from the Oregon Department of Agriculture, Oregon Department of State Lands, and Oregon Department of Fish & Wildlife could not concur with the neighbor's potential concerns about chemical/ sediment/dust/waste entering the air and wetlands. In fact they found that there would be no adverse impact on the wetland.

Staff finds that the request complies with Criterion G.

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

FINDING: Comments from neighboring property owners state: "*the large buildings, grazing and commercial nature of the operation will significantly alter the naturel landscape such as the grassland, wildflowers, wildlife habitat, freedom of wildlife movement, views, clean air, lack of odor, peace and quiet.*" Staff points out that any new building in the landscape alters the natural landscape and eliminates wildflowers and grassland. This criterion does not address wildlife habitat or freedom of wildlife movement, clean air, lack of odor, or peace and quiet. It is a matter of opinion whether or not a large barn significantly detracts from the visual character of the area. The area has been developed primarily for residential use, but it is an agricultural zone. Other farm uses in the area, specifically the cidery to the northwest, is a large barn-like structure, as is the property west of the cidery which contains very old, large barn structures. Buildings which support farm use are generally larger than a residence. The character of the area is a mixture of farm and residential uses with a few barns and multiple homes. It is rural in nature. Though the barn will be large, its location and design will not significantly detract from the visual character of the area. Staff finds that the request complies with Criterion H.

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

FINDING: Cultural and historic resources are discussed in Section 14.500, and natural resources are addressed in Section 14.600. Outside of cultural/historic and natural resources, there are no other assets of particular interest to the community that occur on only on this property. Staff finds that the request complies with Criterion I.

For properties located within or adjacent to farm or forest zones, or located nearby agricultural and forest operations, the following shall apply:

J. *The proposed use is compatible with agricultural uses and will not force a change in, or significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to, or available for, farm or forest use.*

FINDING: The subject lot and properties to the west, north and east are zoned Small Scale Agriculture (A-2), and property to the south, south of Huskey Road, is zoned Small Woodland Forest (F-3). All surrounding properties are available for farm or forest use but most of the area is very rocky and is not being farmed. However, properties to the north and west are suitable for and available for farm use. Property to the west and northwest is planted in cherry and/or apple orchard. Comments submitted by property owners identify concerns with the horses and the size of the barn and other structures, but do not discuss the compatibility of the use with farm or forest uses. There are currently seven horses being grazed on property located directly west of existing orchards and a cidery. No conflicts have been identified between the horses and the orchards and cidery. Horses have existed on that property for decades, while the orchards have existed since the mid-1990s. If no conflicts with horse grazing and orchard operations have been identified in the past 25 years, staff concludes that a commercial horse boarding operation of a maximum of five horses will not change agricultural operations or increase the cost of accepted farm or forest practices on surrounding lands devoted to, or available for, farm or forest use. Staff finds that the request complies with Criterion J.

K. *The proposed use or development will be sited in such a way as to minimize the loss of forest or agricultural land suitable for the production of crops or livestock and to minimize the chance of interference and not force a change in accepted farm or forest practices on surrounding lands devoted to, or available for, farm or forest use.*

FINDING: As discussed above in Criterion J., existing private horse grazing has existed west of the existing orchards for over 25 years without forcing a change in accepted farm or forest practices on farm uses on surrounding lands. The subject lot is surrounded by properties containing a residence. Some owners intend to introduce farm use on their property in the future. Orchards are usually the most intensive farm operation seen in Wasco County. Since there is an existing orchard next to horse pasture without negative impacts, staff finds that the proposed horse boarding operation would not interfere or force a change in accepted farm or forest practices on surrounding lands devoted to, or available for, farm or forest uses. The majority of the subject lot will be pasture and a walking track for the horses. The fencing could be removed in the future and the land could be converted to cropland. Proposed buildings will cover less than ¼ acre of the 20.59 acre parcel. Staff finds that the removal of forest or agricultural land from future production will be minimized. Staff finds that the request complies with Criterion K.

L. *The use or development will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel.*

FINDING: In an e-mail dated August 7, 2018, Mike Renault, Fire Chief, Mosier Fire District, stated that as long as the access road and turn around meet the Fire Safety Standards, he does not have any issue with

the request. With this comment, and with findings below in Chapter 11 – Fire Safety Standards, staff concludes that the use will not significantly increase fire hazard, fire suppression costs, or risks to fire suppression personnel. Staff finds that the request complies with Criterion L.

M. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Agriculture-Special, Commercial Forest Land, or Large or Small Woodland.

FINDING: The proposed commercial horse boarding facility is located on land that is not in commercial agricultural production however surrounding lands contain, or have the ability to contain, commercial farm crops therefore the owner must sign a Forest-Farm Management Easement as described in Criterion M. A **condition** of approval is included in the Notice of Decision requiring the property owner to sign and record a Forest-Farm Management Easement (see Attachment G) with the Wasco County Clerk prior to issuance of zoning approval on a building permit application for any new structure. With the proposed **condition**, staff finds that the request complies with Criterion M.

Section 5.030, Conditions
Such reasonable conditions as are necessary to ensure the compatibility of a conditional use to surrounding permitted uses as are necessary to fulfill the general and specific purposes of this Ordinance may be imposed in approving an application, pursuant to 2.120(C). Such conditions may include, but are not limited to, the following…

FINDING: Conditions of approval are indicated throughout this report to ensure the compatibility of the proposed use with surrounding permitted uses. Staff finds that the request complies with Section 5.030.

Section 5.040, Revocation of Conditional Use Permit
Noncompliance with any condition placed on a conditional use permit shall be grounds for revocation of the permit. Revocation of a conditional use permit shall be considered a land use action and reviewed by the Planning Commission. The following procedures shall be completed at least twenty (20) days prior to the date of the revocation hearing:

A. A notice of violation pursuant to Section 15.090 shall be sent to the owner of the property on which the conditional use takes place.

B. Notice of public hearing pursuant to 2.100(B) shall be sent.

The opportunity for review of the Planning Commission decision, pursuant to Section 2.160 shall be available.

FINDING: The request is for the commercial boarding of five horses. Approval of this request is subject to many conditions of approval. Noncompliance with any of the conditions of approval shall be grounds for revocation of this permit. A **condition** of approval stating this is included in the Notice of Decision. With this **condition**, staff finds that the request complies with Section 5.040.

D. Chapter 11 – Fire Safety Standards

Section 11.110, Siting Standards – Locating Structures for Good Defensibility

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

Section 11.130, Construction Standards for Dwellings and Structures – Decreasing the Ignition Risks by Planning for a more Fire-Safe Structure
Section 11.140, Access Standards – Providing Safe Access to and Escape From Your Home
Section 11.150, Fire Protection or On-Site Water Required – Ensuring Dwellings Have Some Fire Protection Available Through Manned or Unmanned Response)

FINDING: The Fire Safety Standards, adopted by the Wasco County Court 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 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 921-18-000017-PLNG. A **condition** of approval stating this is included in the Notice of Decision.

Concerns were raised by a neighboring property owner about the maintenance of a 50' fire break from all structures. Fire safety standards require a 50' fire break to be maintained around all buildings. The fire break will be mown grass no taller than 4" tall. In addition, the west side of the barn will contain a gravel parking lot.

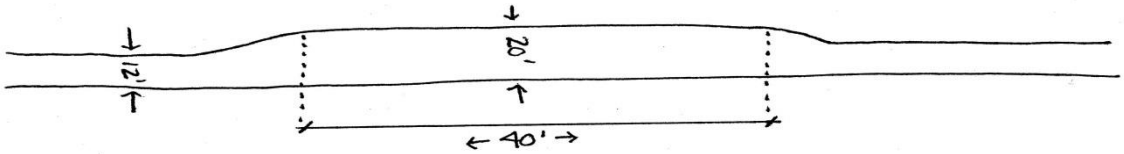
The subject property is located within the boundaries of Mosier Fire District and has structural fire protection therefore no on-site water storage is required. However considering the fact that Mosier's fire district is a volunteer organization, the applicant/owner should give consideration to installing and maintaining a 1,000 gallon water storage tank on the property in case of wild fire. Though this amount of water will not put out a wild fire, it can provide a period of time to evacuate the horses. Staff includes a **recommendation** advising the applicant/owner to consider installation and maintenance of a 1,000 gallon water storage tank on the property for wildland fire response.

This proposed development is located within the Oregon Department of Forestry Fire Protection District and receives wildland fire protection services by ODF, as does surrounding properties.

ODF continues to be concerned about the impact of additional structures and the associated human activities within the wildland urban interface and emphasizes defensible space standards around the building site that contribute to higher likelihood of a structure being saved while reducing risk to firefighting personnel in the event of a wildland fire moving through the area, regardless of how the fire started. Road Standards need to be met regarding road width, vertical clearance, turnarounds and turn outs, and road grades. If any land clearing activities involving power driven machinery are proposed during the Spring or Summer months, applicant or owner will be required to obtain a Permit to Operate Power Driven Machinery (PDM) from ODF prior to the start of these activities. A **condition** stating this is included in the Notice of Decision.

The subject parcel contains an easement that guarantees access to the parcel to the north. All gates and fencing are located east of this access road so there will not be any gates for the property owner to the north to open and close.

The existing driveway provides access to the lot located to the north. The driveway is approximately 1,000' in length. <u>The round pen will be the improvement furthest from Huskey Road (approximately 500'), and fire safety standards must be met by the applicant/owner to this point.</u> Fire safety standards require the driveway to be a minimum of 12' wide, and contain 6-8" of pitrun base rock, and 2-3" ¾ minus leveling course. A 13' vertical clearance must be provided for vehicles, including a fire fuel break of 10' from the centerline of the driveway on each side. The driveway must also contain turnouts every 400' to allow vehicles to pass safety, especially during an emergency. The driveway must also provide a turnaround that is passable for emergency responders.



The site plan does not adequately show access and turnaround for emergency vehicles or turnouts. A **condition** of approval is included in the Notice of Decision requiring the applicant/owner to submit a site plan, drawn to scale, showing the location of the driveway, turnaround for all traffic entering and exiting the property, <u>and at least one turnout between Huskey Road and the round pen</u>.~~every 400' along the driveway.~~

Conditions of approval requiring the driveway to meet the above fire safety standards are included in the Notice of Decision.

Though not specifically addressed in Chapter 11, it is essential that the proposed commercial horse boarding facility have a valid address so that emergency responders can quickly find the property. In accordance with the Wasco County Uniform Addressing Ordinance adopted on June 9, 1982, prior to Building Permit Authorization, the applicant or future owner(s) shall clearly post the address of the subject lot on both sides of a post or mailbox, or other similar post, support, stake or pedestal which cannot be easily removed or destroyed which is within 30' of the driveway which accesses the dwelling. The address numbers shall be legible, reflective, and at least 2 ½ inches high. A **condition** of approval is included in the Notice of Decision requiring the owner to apply for a new address for the new dwelling after expiration of the appeal period but at least 2 weeks prior to issuance of zoning approval on a building permit application, and submit the filing fee ($75) for an address application to the Planning Department prior to issuance of zoning approval on a building permit application.

With these conditions of approval staff finds that the request complies with Chapter 11 – Fire Safety Standards.

E. 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 includes construction of a 60'L x 23.75'W x 30'H (2,856 square foot (SF), including the both floors), with two attached sheds measuring 36'L x 10'W x 10'H (360 SF), and 60'L x 11.75'W x 10'H (705 SF) for a total of 3,921 SF horse barn for commercial horse boarding, a 60' diameter round pen, a 30'L x 20'W x 12.5'H equipment shed, a 16'L x 12'W x 10'H loafing shed, approximately 3,000 linear feet of fencing and underground utilities including subsurface septic disposal system. Slopes on the subject lot are less than 10% and are similar throughout the property. Each new building will require less than 100 cubic yards of grading regardless of its location on the property. Staff finds that the proposed development will retain existing topography and minimize grading activities to the maximum extent practicable and 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 applicant requested approval to construct a 4,032 SF barn. Staff did an exhaustive compatibility analysis of all properties in Rocky Prairie Subdivision, and found one building larger than the barn. It is a 2-story barn with an overall mass of 6,496 SF. This building is considered to be an anomaly because no other building in the area is close to this size. There are six existing buildings in the area ranging from 3,125 to 3,921 SF, as well as dozens of smaller buildings. In order to achieve compatibility with other existing development, the size of the proposed barn must be reduced to no more than 3,921 SF. A **condition** of approval is included in the Notice of Decision requiring the overall mass of the proposed barn to be reduced to no more than 3,921 SF. With the proposed condition, staff finds that the request complies with Criterion C.

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

FINDING: The entire property is visible from one or more KVAs. Staff finds that Criterion D. is not applicable to this request.

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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: Two new lights are proposed as part of the commercial horse boarding request. These lights will be motion detector lights and will not be on all night. The applicant and owner should be aware of the requirements for outdoor lighting and the need to hood and shield outdoor lighting so that it is directed onto the subject lot. A **condition** of approval is included in the Notice of Decision requiring 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. Outdoor Lighting Standards are included as Attachment E. With this **condition** of approval, 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: There will be ground disturbance as a result of new development (barn, round pen, equipment shed and loafing shed). 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 construction of the new development must 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 the replacement of such vegetation that does not survive. With the proposed **condition** of approval, 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 subordinance, 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: A neighboring property owner states that they are "*adamantly opposed to the siting of the barn. It is directly east of my house by only about 100 yards, apparently sited for the convenience of accessing the power box source located on my property. While there are some trees between us now, trees can be cut down losing any small buffer zone they afford now. With a 20 acre parcel it seems there would be a more suitable location for the building, such as in the lower field where it probably is not visible from key viewing areas*."

Staff notes that an individual property owner's view is not protected by the NSA-LUDO, however no trees between the applicant and the neighboring property will be removed. Also, all locations on the property are visible from KVAs, so there is no other location which will minimize visibility from KVAs.

The subject lot contains scattered tree cover over the majority of the property but the southwestern 1/3 (approximate) of the property is heavily vegetated with Oregon white oak trees. Although the applicant and owner do not propose to remove any trees to place the barn, round pen, equipment shed and loafing shed, a **condition** of approval is included in the Notice of Decision to ensure ongoing compliance with Criterion H. To ensure forest health, mitigation of fire risk and scenic resource protection can occur on the subject property, the condition of approval specifies that all existing trees on the property shall be maintained in accordance with the forest health recommendations included in the Building in the Scenic Area Scenic Resources Implementation Handbook Recommended Plant List (Attachment H) and the fire safety standards identified in Chapter 11 of the National Scenic Area Ordinance implemented by Wasco County. Any trees that provide screening from KVAs or provide a backdrop of vegetation for the proposed development, as viewed from KVAs, that die for any reason must be replaced to ensure permanent scenic resource protection. Any replacement trees shall be planted 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 requirements specified in Criterion H.

With the proposed **condition** of approval, staff finds that the request complies with Criterion H.

Section 14.200, Key Viewing Areas

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

A. *Each development and land use shall be visually subordinate to its setting in the GMA as seen from Key Viewing Areas. The extent and type of conditions applied to a proposed development to achieve visual subordinance 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 sites are topographically visible from the following Key Viewing Areas (KVAs):

- Barn: SR 14, the Columbia River, and Highway 30 W (Middle Ground);
- Round pen: SR 14 and the Columbia River (Middle Ground);
- Loafing shed: SR 14 and the Columbia River (Middle Ground); and
- Equipment shed: SR 14, the Columbia River, and Highway 30 W (Middle Ground).

Middleground is defined as 3-5 miles from the subject lot.

Section 14.200 is not applicable to portions of a KVA within an Urban Exempt Area (UA) identified by the Management Plan. The Urban Exempt Area identified in this request is Mosier, Oregon.

The development sites are located at an elevation of approximately 680' feet above sea level (ASL). The primary factors in analyzing the visibility of the proposed ~~kitchen/restroom~~ buildings include the distance from KVAs, the use of dark earthtone colors on the buildings, existing backdrop of trees and the use of nonreflective materials.

The land use designation (GMA, Large Scale Agriculture) and landscape setting (Oak Woodlands) in the project area requires a scenic standard of visual subordinance.

Visual subordinance 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…"

Highway 30 W: The portion of this KVA located within the Urban Area (UA) of Mosier, Oregon, is exempt from review. The portion of the KVA located outside of the UA is located approximately 1.4 mile north of the development site and is visible for a linear distance of approximately 0.4 miles. Based on distance, if dark earthtone colors and nonreflective materials are used on the exterior of the building, it will be visually subordinate as seen from this KVA.

Washington SR 14: This KVA is located at an elevation of 40-80' Above Sea Level (ASL), approximately 1.9 mile north of the development site. The site is sporadically visible among land forms for

approximately 3.3 linear miles. Based on distance, if a dark earthtone color and nonreflective materials are used on the exterior of the building, it will be visually subordinate as seen from this KVA.

Columbia River: This KVA is located at an elevation of approximately 76' (per Corps of Engineers flowage easement between The Dalles Dam and Bonneville Dam). The development site is located approximately 1.1 mile south of the Columbia River. The development site is topographically visible for 3.5 linear miles along the river however existing on- and off-site trees and distance make it very difficult to see the development site from this KVA. If dark earthtone colors and nonreflective materials are used on the exterior of the building, the proposed development will be visually subordinate as seen from this KVA.

The applicant submitted colors which are dark earthtone colors that blend with the surrounding area.

Colors are addressed in Section 14.200.I.

Reflectivity is addressed in Section 14.200.J.

Based on distance between the new development and KVAs, with conditions proposed in Sections 14.200 I. and J., the proposed agricultural buildings and structures will be visually subordinate as seen from KVAs. Staff finds that the request complies with Criterion A.

B. New development shall be sited to achieve visual subordinance 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: All areas on the subject lot are topographically visible from KVAs. The applicant amended the original site plan to move the round pen out of the oak/pine woodland located on the western portion of the property because it is considered to be wildlife habitat.

With **conditions** of approval throughout this report, the proposed development will be visually subordinate from all KVAs therefore staff finds that the request complies with Criterion B.

C. New development shall be sited to achieve visual subordinance 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 required scenic standard in this location is "visually subordinate." There are no on-site topographic features on the subject lot that will screen the new building from KVAs. One building, the equipment shed, will be constructed within a grove of Oregon white oak and Ponderosa pine trees and will be invisible from KVAs. Due to the importance of maintaining the oak trees for wildlife habitat no other buildings can utilize on-site topography for screening purposes. The three other buildings will rely on the use of dark earthtone colors and nonreflective materials to achieve visual subordinance. Staff finds that the request complies with Criterion C.

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

FINDING: Slopes on the subject lot are less than 10%. Each proposed building site will require less than 100 cubic yards of leveling. Since there is little leveling to be done on site, there will be little cut banks and fill slopes on-site, and they will not be visible from KVAs. Staff finds that the request complies with Criterion D.

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

FINDING: Visible KVAs are located north of the subject lot. The development site is located at an elevation of approximately 680' Above Sea Level (ASL). Hills to the south rise to an elevation of approximately 1,200'. The proposed agricultural buildings will be located below the skyline of a bluff, cliff or ridge, and staff finds that the 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 approximately 1 mile south of the Columbia River. Staff finds that 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 average slope on the subject lot is 9%. This is less than 30% and staff finds that 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 request includes construction of four new buildings: horse barn, equipment shed, round riding pen, and loafing shed.

The proposed buildings will be board and batten (cedar) siding with wood trim. The application proposes an amended color: Cabot semi-transparent stain, "Dark Slate." A semi-transparent stain provides a "see through" protective layer that allows most of the wood's natural color to show through. With semi-transparent stains, the pigment color can vary widely. A lot of times a color sample

of the stain is only a general idea because the wood's natural color will affect the overall look of the deck stain. This is important when looking at the size of the proposed barn. It is nearly 4,000 SF in size and it must be a consistently dark color, which the transparent stain will not provide.

An e-mail was sent to the applicant and owner on August 6, 2018, advising them that a semi-solid or solid stain color is required and that it must be a dark earthtone color that blends with the surrounding area (dark gray or dark brown).

The applicant submitted the following amended colors on August 14, 2018:

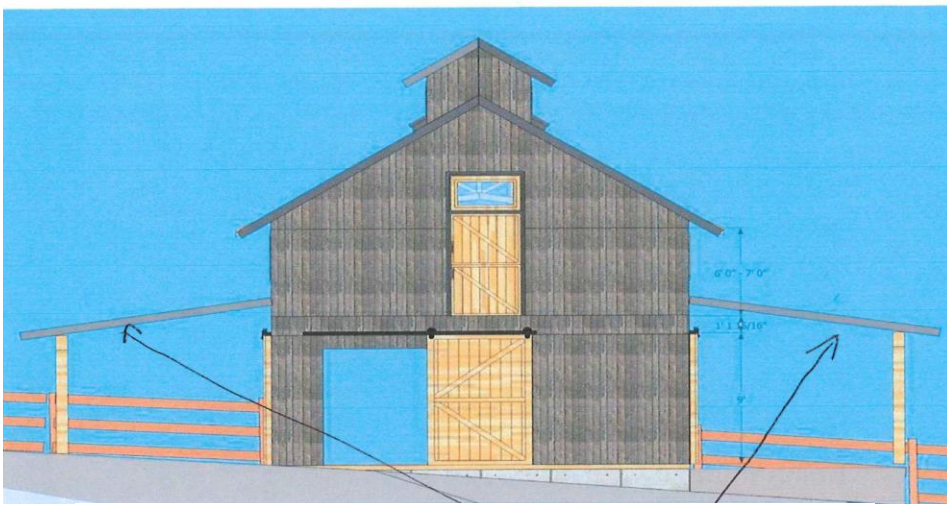
	Material	**Exterior Color**	**Manufacturer**	**Looks Like**	**Consistent with color requirement?**
Siding	Wood	Burnt Hickory	Cabot	Dark Brown	Yes, approved
Trim	Wood	Burnt Hickory	Cabot	Dark Brown	Yes, approved
Door	Wood	Burnt Hickory	Cabot	Dark Brown	Yes, approved
Roof	Composition shingle	Black Onyx	Owens Corning (?)	Black	Yes, approved

A **condition** of approval is included in the Notice of Decision approving these colors. If alternate colors are proposed, they shall be submitted to and approved by the Planning Department prior to their application on the building. With the proposed condition of approval, as amended, 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 subordinance. Recommended square footage limitations for such surfaces will be provided for guidance in the Implementation Handbook.

FINDING: Exterior materials are identified above in Section 14.200.I. Exterior siding is wood, the trim is wood, and the roofing is composition shingles. The doors will also be wooden and painted. Windows on the main floor will not be visible from KVAs due to their height from the ground. Windows above the first floor of the barn have the ability to be reflective. This is only relevant on the north and east sides of the building (see below).

/2018 Mosier Barn Elevation East.jpeg



'9/2018 Mosier Barn Elevation North.jpeg

Because windows above the main floor on the east and north sides of the building have the ability to be reflective, a **condition** of approval is included in the Notice of Decision requiring these windows to be a tinted thermal pane glass (e.g., grey or bronze over low e – glass less than 11% exterior visible light reflectivity rating.

In the elevation drawing submitted for the barn/attached sheds, it appears that the shed portions of the barn will have a metal roof. This is approved because the metal will not be seen from any KVA due to the difference in elevation.

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…

FINDING: The proposed development is required to be visually subordinate from identified KVAs. The subject property contains scattered tree cover between the proposed development and KVAs to the north and northeast provide year-round screening from KVAs. There are no alternate sites on the parcel to place new development to better achieve visual subordinance than the proposed development sites because alternative sites could require tree removal and increased grading. No additional tree

screening, landscaping, or earthen berms are required to be planted to achieve visual subordinance because visual subordinance can be achieved by the retention of all existing on-site trees and the use of dark earthtone colors and nonreflective materials on the exterior surfaces of new development. Staff finds that the request complies with Criterion K.

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

FINDING: The subject lot is topographically visible from three KVAs (Highway 30W, SR 14, and the Columbia River). The development site is located at an elevation of approximately 660' Above Sea Level (ASL). KVAs are located to the north and northeast at elevations ranging from 40-360' ASL. The subject lot is difficult to see from KVAs due to their relatively low elevation and the existence of on- and off-site trees. Most of the buildings will be difficult to see because they are a single story in height and will use dark earthtone colors and nonreflective materials on the exterior of the building. Reflectivity is an important issue when the building contains many windows, especially above the first story of the building. A **condition** of approval was included in the Notice of Decision requiring less reflective windows on the north and east side of the barn above the first floor. This condition will ensure the windows are not reflective as seen from KVAs. The roof will be Onyx Black composition shingle and will not be reflective as seen from KVAs. Together with the dark earthtone colors proposed to be used on the exterior surface of the building, staff finds that the proposed development will have no cumulative impact on scenic resources and will blend into the surrounding landscape. Staff finds that the 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 proposed development site is located approximately 0.9 mile south of Highway 30 W and 1 mile south of Interstate 84. Staff finds that the request 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.

FINDING: The subject lot contains a grove of Oregon white oak trees whose canopy exceeds 30' in height. There are also Ponderosa pine trees up to 60' in height. The proposed barn will be 30' tall, the round pen will be 20' in height, the equipment shed will be 12' in height, and the loafing shed will be 10' in height. The average tree canopy on the subject lot is over 30' tall. Staff finds that the request complies with Criterion 1.

2. In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordinance 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.

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

FINDING: The majority of buildings are located on the eastern side of the oak grove, which is located on the west side of the property. Based on distance from KVAs, the use of dark earthtone colors and nonreflective materials on the exterior of all buildings, no new trees need to be planted to achieve visual subordinance. Staff finds that the request complies with Criterion 2.

Section 14.500, Cultural Resources – GMA
The purpose of this section is to protect and enhance cultural resources, and ensure that proposed development does not have an adverse effect on significant cultural resources.

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

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

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

FINDING: A reconnaissance survey is required for the requested commercial horse boarding operation. Results are discussed below. Staff finds that the request complies with Criterion a.

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4. The primary responsibility and cost of preparing an Evaluation of Significance, D; Assessment of Affect, E; or Mitigation Plan, F, shall be borne by the project applicant.

a. If the applicant has no practicable alternative, according to (5) below, Practicable Alternative Test, allowing them to avoid an affected cultural resource, or is seeking to make a change or addition to a historic resource, the Forest Service has agreed to provide services to aid in the preparation of the Evaluation of Significance, Assessment of Effect, or Mitigation Plan to the greatest extent possible.

b. The responsibility for and cost of any development necessary to protect or mitigate effects on the cultural resource shall be borne by the project applicant.

FINDING: A cultural resource reconnaissance survey dated June 21, 2018, was submitted to the Planning Department. The cost of this survey was borne by the project applicant/property owner.

5. All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are

involved. Principal investigators shall meet the professional standards published in 36 Code of Federal Regulations (CFR) Part 61 and Guidelines for evaluating and Documenting Traditional Cultural Properties (Parker and King, no date).

FINDING: The cultural resource survey was prepared by Justin B. Colon, M.A., Archaeological Services LLC, 601 Officers Row, Vancouver, WA 98661. He is considered to be an expert consistent with the professional standards published in 36 Code of Federal Regulations Part 61, and Guidelines for evaluating and Documenting Traditional Cultural Properties. Staff finds that the request complies with Criterion 5.

Practicable Alternative Test

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

a. *The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on cultural resources;*

FINDING: The request is for a commercial horse boarding operation for five horses in the A-2 (80), Small Scale Agriculture Zone. Cultural resources were identified on a portion of the property. If this portion of the property were not allowed to be developed into pasture/walking track, the developable portion of the property would be approximately 14 acres. Approximately 6.5 acres of Oregon white oak trees and Ponderosa pine trees cannot be used for the horse boarding due to their value for wildlife habitat. Without the use of the oak grove or the identified sensitive area, approximately 7.5 acres of land are available for the use. This amount of land cannot adequately accommodate the proposed use. Staff finds that the request complies with Criterion a.

b. *The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on cultural resources; and*

FINDING: As stated in a. above, the grove of oak/pine trees cannot be removed to increase the amount of land available for the horse boarding operation. There is no way to change the proposed configuration of the operation without reducing the size of the operation to approximately 7.5 acres of land. The remaining 7.5 acres would be "L"-shaped and would be difficult to fence and provide pasture. The basic purpose of the use would not be reasonably accomplished by reducing the size, scope or configuring by changing the design of the use in a way that would avoid or result in less adverse effects on cultural resources. A **condition** is included in D.5. requiring on-site monitoring by an archaeologist when construction of the project occurs in the identified cultural area on the property. This was recommended by the applicant's private archaeologist. With the proposed condition of approval staff finds that the request complies with Criterion b.

c. *Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use*

designation or recreation intensity class is a constraint, an applicant must request a management plan amendment to demonstrate that practicable alternatives do not exist.

FINDING: The land use designation and recreation intensity class are not a constraint in this application. There are no proposed alternatives to this request due to the parcel size and configuration of land outside of the wildlife habitat and cultural area. Staff finds that the request complies with Criterion c.

C. Cultural Resource Reconnaissance and Historic Surveys

1. Gorge Commission/Tribal Government Notice

a. In addition to other public notice requirements that may exist, the County shall notify the Indian tribal governments when:

(1) a reconnaissance survey is required; or

(2) cultural resources that are prehistoric or otherwise associated with Native Americans exist in the project area.

b. Notices sent to Indian tribal governments shall include a site plan as stipulated in Section 14.040.

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: All appropriate notices were sent to the four tribal governments, State Historic Preservation Office (SHPO) and the Gorge Commission. No comments were received from any agency or Tribe. Staff finds that the request complies with Criterion 1.

3. Notice of Survey Results

a. The County shall submit a copy of all cultural resource survey reports to the State Historic Preservation Office and the Indian tribal governments.

(1) Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer zone.

(2) The State Historic Preservation Office and the tribes shall have 30 calendar days from the date a survey report is mailed to submit written comments to the County Planning Office.

(3) The County shall record and address all written comments in its development review order.

FINDING: On June 28, 2018, Planning Department staff sent a copy of the completed cultural resource reconnaissance survey to all four Indian tribal governments and SHPO. Comments were received from two Tribal governments (Nez Perce and Confederated Tribes of Warm Springs).

The Nez Perce Indian tribe comments stated "*With our present level of information, I cannot agree with the consultants opinion that the project will have no effect on historic properties. There is little meaningful written description of the project elements, and the site plan is nearly illegible. Despite this, it appears that much of the proposed project would occur within the site boundaries identified by Archaeological Services, LLC. I am not sure how the site could be developed without creating an adverse impact.*" An amended site plan was sent to all Indian tribes and SHPO to clarify the development. The proposed condition of approval below in 4., requiring an architectural monitor on-site during work in the culturally sensitive area, will ensure no adverse effects will occur to the cultural resource.

The Confederated Tribes of Warm Springs said they had no concerns with the proposed horse boarding operation.

Staff finds that the request complies with Criterion 3.

4. *Conclusion of the Cultural Resource Protection Process*

    a. *The County Planning Office will make a final decision on whether the proposed use would be consistent with the cultural resource goals, policies, guidelines, and standards.*

    b. *If the final decision contradicts the comments submitted by the State Historic Preservation Office, the County must justify how it reached an opposing conclusion.*

FINDING: Through this report and Notice of Decision Wasco County is making a final decision that, with conditions of approval, the proposed use will be consistent with the cultural resource goals, policies, guidelines, and standards. The final decision does not contradict SHPO, who concurred that there will be no adverse effect on cultural resources. Staff finds that the request complies with Criteria a. and b.

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

(***)

(3) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area.

(a) To meet this standard, a reasonable buffer zone must be established around the affected resources or properties;

(b) All ground disturbing activities shall be prohibited within the buffer zone.

(c) Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant.

(d) A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.

FINDING: The applicant/owner will not avoid the affected cultural resource. Staff finds that Criteria (a) – (d) are not applicable to this request.

(e) An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.

FINDING: The applicant/owner propose to use a portion of the identified cultural area for pasture and the track system. The evaluation of significance is addressed in D. Staff finds that the request complies with Criterion (e).

D. Evaluation of Significance

1. Evaluation Criteria

Cultural resources are significant if one of the following criteria is satisfied.

a. The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places.

The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, they must meet one or more of the following criteria…

b. The cultural resources are determined to be culturally significant by an Indian tribal government, based on criteria developed by that Indian tribal government and filed with the Gorge Commission.

FINDING: The site has not been formally evaluated for significance and eligibility consideration for inclusion on the National Register of Historic Places (NRHP). The private consultant recommends that if plans change so that greater impacts are proposed within the site boundaries, it should be formally evaluated. No Indian tribal government submitted comments indicating the site is culturally significant. Because neither of the above criteria can be met, the cultural resource is not considered to be significant. Staff finds that the request complies with Criterion 1.

2. Evaluation Process and Information Needs

If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following standards…

FINDING: The private consultant's report found that there would be no adverse effect on cultural resources. The Forest Service archaeologist and SHPO concur with the consultant's report. Staff finds

that the request complies with Criterion 2.

3. *Notice of Evaluation Results*

   If the evaluation of significance demonstrates that the cultural resources are not significant, the County shall submit a copy of the evaluation of significance to the State Historic Preservation Office and the Indian tribal governments.

   a. *The State Historic Preservation Office, Indian tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the County Planning Office.*

   b. *The County Planning Office shall record and address all written comments in its development review order.*

FINDING: The cultural resources have not been found to be significant. The report was sent to SHPO and the Indian tribal governments. Comments were received from two Tribal governments: Nez Perce and Confederated Tribes of Warm Springs. These comments are addressed in this review. Staff finds that the request complies with Criterion 3.

(***)

5. *Conclusion of the Cultural Resource Protection Process*

   The County will make a final decision on whether the affected resources are significant.

   a. *If the final decision contradicts the comments or recommendations submitted by the State Historic Preservation Office or Cultural Advisory Committee, the County must justify how it reached an opposing conclusion.*

   b. *The cultural resource protection process may conclude if the affected cultural resources are not significant.*

   c. *If the project applicant or the County determines that the cultural resources are significant, the effects of the proposed use shall be assessed according to E below, Assessment of Effect.*

FINDING: Based on the cultural resource reconnaissance survey submitted by the applicant/owner, Wasco County finds that if specific conditions are imposed, the cultural resources are not significant. This decision is consistent with the USFS archaeologist and SHPO and the cultural resource process may conclude. Conditions of approval associated with cultural resources include:

- All ground disturbance within the archaeological site boundaries shall be archaeologically monitored, specifically the installation of fence lines.

- If plans change so that greater impacts are proposed within the archaeological site boundaries, the site shall be formally evaluated for significance and eligibility for inclusion on the National Register of Historic Places (NRHP).

G. Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities.

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.*

FINDING: A **condition** of approval is included in the Notice of Decision requiring all construction within 100' of any discovered cultural resource to cease. The cultural resource shall remain as found and no further disturbance may occur. Staff finds that the request complies with Criterion 1.

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.*

FINDING: A **condition** of approval is included in the Notice of Decision requiring the project applicant to notify the Wasco County Planning Department and the Gorge Commission within 24 hours of any cultural resource discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the applicant shall also notify the Indian tribal government within 24 hours. With the proposed condition of approval staff finds that the request complies with Criterion 2.

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).*

4. *Mitigation Plan: Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in F above, Mitigation Plans.*

5. *All survey and evaluation reports and mitigation plans shall be submitted to the County Planning Office and the State Historic Preservation Office.*

6. *Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.*

7. *Construction activities may recommence when the conditions in the mitigation plan have been executed.*

FINDING: If cultural resources are found to be significant, the process outlined in Criteria 3.-7. will be followed. Staff finds that the request complies with Criteria 3. – 7.

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.

1. *Halt Activities: All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.*

2. *Notification: Local law enforcement officials, the County Planning Office, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.*

FINDING: If any human remains are discovered during construction, all activities shall cease and the human remains shall not be disturbed any further. The project applicant will notify local law enforcement officials, the County Planning Office, the Gorge Commission and all four Indian tribal governments. **Conditions** of approval stating this are included in the Notice of Decision. Staff finds that the request complies with Criteria 1. and 2.

3. *Inspection: The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives from the Indian tribal governments shall have an opportunity to monitor the inspection.*

4. *Jurisdiction: If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.*

5. *Treatment: Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in Oregon Revised Statutes, chapter 97.740 to 97.760.*

6. *If the human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements specified in F above, Mitigation Plans.*

    a. *The plan shall accommodate the cultural and religious concerns of Native Americans.*

    b. *The cultural resource protection process may conclude when the conditions set forth in F above, Mitigation Plans, are met and the mitigation plan is executed.*

FINDING: If human remains are found during construction/ground disturbance, the process outlined in Criteria 3. – 6. will be followed. Staff finds that the request complies with Criteria 3. – 6.

Section 14.600, Natural Resources – GMA

A. Wetlands:

1. *Purpose*

    a. *Achieve no overall net loss of wetlands acreage and functions.*

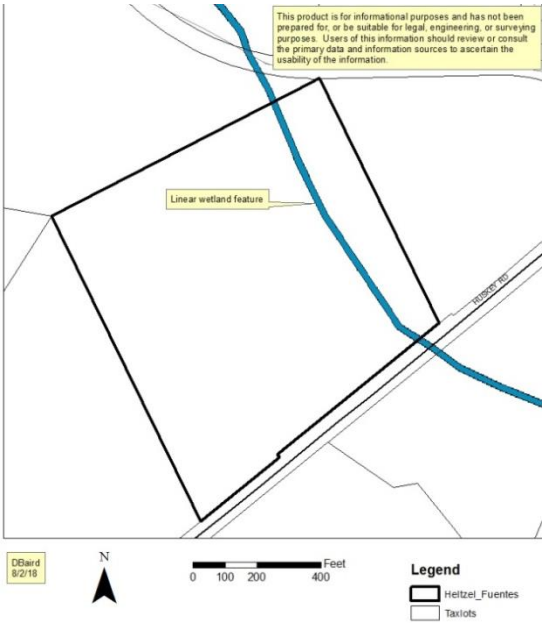
    b. *Increase the quantity and quality of wetlands.*

2. *Rules for Delineating Wetlands Boundaries*

    a. *The approximate location and extent of wetlands in the Scenic Area is shown on the*

National Wetlands Inventory (U.S. Fish and Wildlife Service 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.

FINDING: The National Wetlands Inventory map identifies a linear wetland feature on the eastern portion of the property (see page 42). Staff finds that the subject lot contains a wetland.



3. *Wetlands Buffer Zones*

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b. *The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland. Vegetation communities are classified as forest, shrub, or herbaceous.*

(1) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent.

(2) A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.

(3) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

(4) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines.

FINDING: The subject lot contains a wetland with an herbaceous vegetation community. Staff finds that the request complies with Criterion b.

c. Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required.

(3) Herbaceous communities: 150 feet

d. Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition.

FINDING: A comment from a neighboring property owner states: "*Proposed fenced pasture and a structure are in the wetland and no setbacks are acknowledged or maintained. Significant solids loading from horses pastured in a wetland in the wet season, and solids and nutrient runoff from the watershed, accumulated throughout dry season, as well as from overgrazing will significantly harm the downstream watershed*."

The herbaceous community buffer zone is 150'. Normally the buffer zones cannot be disturbed. The request is to place fencing and fence posts within the buffer zone. Other uses within a wetland and wetland buffer zone are addressed in 6. Staff finds that Criteria c. and d. are not applicable to this request.

(***)

6. Other Uses and Activities Located in Wetlands or Wetland Buffer Zones.

Except for uses permitted without review in Section 3.100 and 3.180(B) (Open Space) and Modifications to Serviceable Structures and Placement of Minor Water-Dependent and Water-Related Structures in Wetlands as specified in (4) above, other uses authorized by the applicable zoning designation may be allowed in wetlands and wetland buffer zones subject to (7) below, Site Plans, the remaining applicable sections of this Chapter and the following criteria:

a. The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by E, Practicable Alternative Test.

FINDING: The proposed use is for a commercial horse boarding facility for a maximum of five horses on 20.59 acres of land. The portion of the project that will occur in the wetland and its no-disturbance buffer area is the placement of fence posts and smooth wire fencing. This use is not water-dependent but has no practicable alternative. The Practicable Alternative Test is addressed in E. Staff finds that the request complies with Criterion A.

b. The proposed use is in the public interest as determined by F , Public Interest Test.

FINDING: The proposed use is for a commercial horse boarding facility for a maximum of five horses on 20.59 acres of land. The portion of the project that will occur in the wetland and its no-disturbance buffer area is the placement of fence posts and smooth wire fencing. The Public Interest Test is addressed in F. Staff finds that the request complies with Criterion b.

c. Measures will be applied to ensure that the proposed use results in the minimum feasible alteration or destruction of the wetland's functions, existing contour,

vegetation, fish and wildlife resources, and hydrology.

FINDING: Comments were submitted by neighboring property owners about impacts to the wetland and the wildlife habitat in Rock Creek. In part, these comments stated:

- *The location of the stream may increase the risk of runoff from livestock manure with adverse effects on downstream fish, plants and humans. There should be a mitigation plan to minimize these risks.*
- *There is a stream that flows to Rock Creek, a protected salmon habitat. Adequate planning to minimize waste, sediment, chemical, nutrient runoff and loading into the wetland and protection of habitat and riparian vegetation needs to be provided by the applicants. Proposed fenced pasture and a structure are in the wetland and no setbacks are acknowledged or maintained.*
- *The applicants suggest that there are no streams on the property. There is a seasonal stream running south to north on the eastern edge of the property, The location of this stream may increase the risk of runoff from livestock manure with adverse effects on downstream fish, plants and humans. There should be a mitigation plan to minimize these risks.*
- *How does what is planned for the Fuentes property impact Rock Creek and salmon reproduction in this protected salmon habitat, where the wetland terminates?*

Staff spoke with the Oregon Department of Agriculture regarding this request. Staff exchanged e-mails with Wym Matthews, Program Manager, CAFO Program, and spoke by telephone on August 7, 2018, with Ben Krahn, Livestock Water Quality Specialist, Area 3, Oregon Department of Agriculture regarding manure concerns and wetland concerns as it relates to manure. Mr. Krahn stated that the proposed commercial horse boarding operation consisting of five horses on 20 acres of land does not require a CAFO permit. He said there is nothing that looks odd about the request and it does not create concern to Department of Agriculture staff if the horse pastures are properly managed. The owners' proposal to use the manure and bedding material to fertilize the soil is a good plan, but not during wet weather. Mr. Krahn said during rainy and snowy times of the year, or whenever there is runoff in the seasonal drainageway, manure and straw should not be placed in the field. Instead it should be stored on an impermeable surface, then spread in the spring. Mr. Krahn said if the owners manage the land properly, considering the amount of rain this area receives per year (24"), the wetland and Rock Creek will not be impacted. Mr. Krahn stressed that it is the owner's responsibility to store the manure on his own land. If it is deposited on neighboring property or if it runs off the land through the seasonal drainageway, it is violation of State law and should be reported to the Oregon Department of Agriculture where complaint Investigations are conducted for water quality concerns on any permitted or non-permitted livestock operation. Mr. Krahn said that once manure is placed in a pasture it begins to break down rapidly. Once it starts to decompose it is unusual that it can be washed away downstream.

Staff contacted the Oregon Department of State Lands three times regarding the request. The first contact was for the original request. The second was a re-notice for the amended request. The third contact was an e-mail to Christine Stevenson, Jurisidictional Coordinator, Oregon Department of State Lands. Ms. Stevenson stated: "*Based on the submitted site plan, it is unlikely that the proposed impacts (fencing) would approach 50 cubic yards so I did not feel it was necessary to require any further action on this project*."

Staff contacted Rod French, Wildlife Biologist, Oregon Department of Fish & Wildlife (fish expert) twice regarding the request. Mr. French said he does not believe the request will result in a negative impact to the resident fish population in Rock Creek.

A **condition** of approval is included in the Notice of Decision requiring the maintenance of the existing

contour, vegetation and hydrology of the wetland. Horses can graze in and around the wetland but shall not destroy the vegetation in or along the wetland. If the contour, vegetation and hydrology of the wetland is maintained, there will be no destruction or alteration of the wetland's function.

Staff often relies on other agency staff members where they lack personal expertise in a matter. Based on input by experts at State agencies, staff finds that the request complies with Criterion c.

d. Groundwater and surface-water quality will not be degraded by the proposed use.

FINDING: Groundwater quality was discussed in Section 5.020.G. where staff found, based on input from the Watermaster, that groundwater quality would not be degraded by the proposed use.

A comment from a neighboring property owner states: "*We are concerned about the water use by horses and the run-off created by washing them and how the run-off will be managed*."

Concerns about manure running off the site via the seasonal drainage are also addressed in Section 5.020.G. where a condition reminds the applicant/owner that no manure runoff onto adjacent properties can occur. If runoff occurs onto the adjacent properties through the stream or other areas, it should be reported to the Oregon Department of Agriculture. If any runoff onto adjacent property is found to occur, the Conditional Use Permit may be revoked by the Planning Commission. A previous condition of approval stating this is included in the Notice of Decision.

Staff finds that the request complies with Criterion d.

e. Those portions of a proposed use that are not water-dependent or have a practicable alternative will not be located in wetlands or wetlands buffer zones.

FINDING: The applicant and owner want to be good stewards of the land and do not want the land to be overgrazed however some grazing is beneficial to the property. Specific benefits include reducing the height of the grass to reduce fire risks, and adding manure and straw to the land as natural manure. There is no practicable alternative site on the property because much of the lot contains Oregon white oak which will not be removed or disturbed. Staff finds that the request complies with Criterion e.

f. The proposed use complies with all applicable federal, state, and local laws.

FINDING: Staff is not aware of any applicable federal laws pertaining to this wetland but has checked with multiple state agencies. This staff report addresses local laws. With conditions of approval, staff finds that the commercial horse boarding operation complies with Criterion f.

g. Areas that are disturbed during construction of the proposed use will be rehabilitated to the maximum extent practicable.

FINDING: Areas will be disturbed by the digging of post holes. Upon completion of the development, all disturbed areas will be replanted. A previous condition of approval required replanting of all disturbed areas. With the previous condition of approval staff finds that the request complies with Criterion g.

h. Unavoidable impacts to wetlands will be offset through the deliberate restoration, creation, or enhancement of wetlands. Wetlands restoration, creation, and enhancement are not alternatives to the guidelines listed above; they shall be used

only as a last resort to offset unavoidable wetlands impacts. Wetlands restoration, creation, and enhancement shall be in accordance with Subsection (8) below, Wetlands Compensation Plans.

FINDING: Impacts to wetlands are not anticipated if all conditions of approval are met. Staff finds that failure to meet all conditions of approval may result in revocation of this permit.

E. Practicable Alternative Test

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

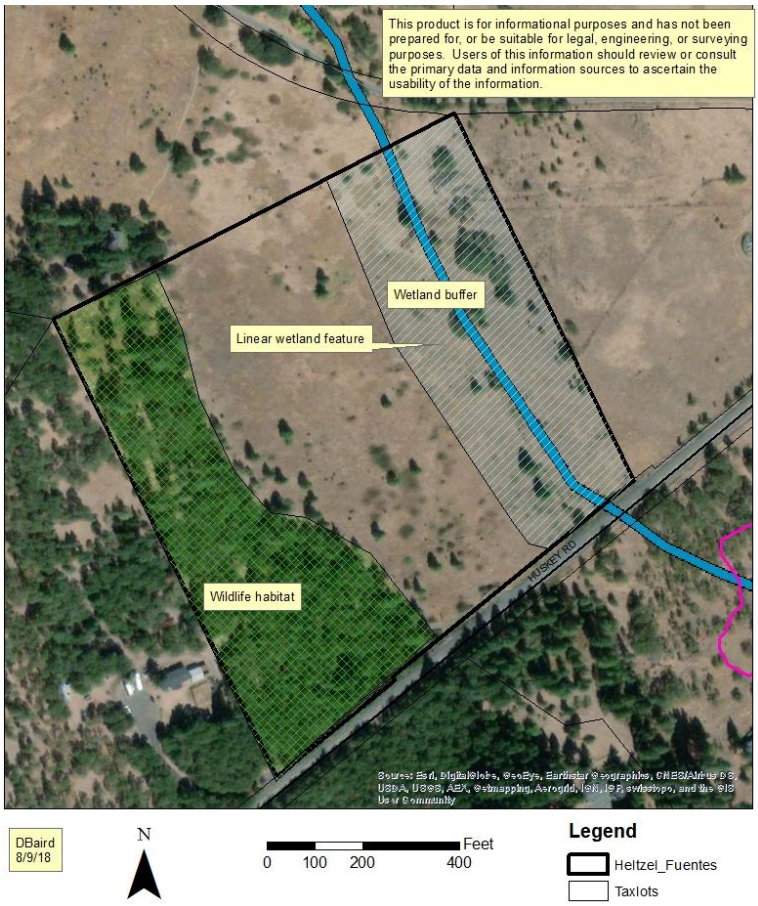
A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

1. *The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, streams, ponds, lakes, riparian areas, wildlife, or plant areas and sites; and*

FINDING: Approximately 6.6 acres of the western portion of the property is located in Oregon white oak trees and is considered to be wildlife habitat. If the wetland no-disturbance buffer is imposed, it would reduce the use from 14 acres to 8 acres in size. The less land available for the horses to walk and graze will result in potential overgrazing of the land by the five horses, and a potential negative impact on surrounding properties. There are no alternative sites on the property that could be used for the proposed use. Staff finds that the request complies with Criterion 1.

2. *The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, streams, ponds, lakes, riparian areas, wildlife or plant areas and sites.; and*

FINDING: As stated in Criterion 1., avoidance of the wetland and wildlife area would result in less than 40% of the lot being available for the use (see aerial photo on Page 47). As previously discussed in this report, staff spoke with the Oregon Department of Agriculture, Confined Animal Feeding Operation, the Oregon Department of State Lands, and the Oregon Department of Fish & Wildlife, on multiple occasions. All of the agencies provided comments indicating they had no concern about the impacts of five horses grazing on the land, including the wetland and buffer area. Detailed comments were provided above in Criterion A.6.c. where State experts stated that there would be no impact on the wetland provided the owner properly managed the land and did not allow overgrazing to occur. A condition of approval is included in the Notice of Decision requiring the maintenance of vegetation within the seasonal drainage/wetland. If vegetation is maintained, there will be no change to the wetland nor there any runoff of manure onto adjacent properties or Rock Creek. Staff finds the request will not result in adverse effects on the wetland and reducing the size, scope, configuration, density, or changing the design of the use will have no impact on the wetland. Staff finds that the request complies with Criterion 2.



3. *Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a management plan amendment to demonstrate that practicable alternatives do not exist.*

FINDING: No alternatives were proposed to the project applicant because the request will cause no impact to the wetland. Staff finds that the request complies with Criterion 3.

F. Public Interest Test

The following factors shall be considered when determining if a proposed use is in the public interest:

1. *The extent of public need for the proposed use.*

FINDING: The applicant states that there is currently a "*shortage of facilities throughout the gorge for people to board their horses especially for those whose priority is natural horsemanship and horse care. The unique approach to horsemanship and personal growth for adults and youth has been well received by local individuals, families, and professional institutions all stating a need for this in the gorge*." Staff notes that there is one horse boarding facility advertised 23 miles from The Dalles, and several others located 50+ miles from The Dalles in both Oregon and Washington. Due to the lack of publicly available facilities in the area, there is a public need for the proposed use. Staff finds that the request complies with Criterion 1.

2. *The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.*

FINDING: A United States Environmental Protection Agency website states: "*Streams, headwaters and streams that flow only part of the year provide many upstream and downstream benefits. They protect against floods, filter pollutants, recycle potentially-harmful nutrients, and provide food and habitat for many types of fish. These streams also play a critical role in maintaining the quality and supply of our drinking water, ensure a continual flow of water to surface waters, and help recharge underground aquifers*." (website: https://www.epa.gov/cwa-404/streams#importance)

While the identified wetland does not provide habitat for fish, it does filter pollutants and hopefully helps recharge underground aquifers. (Staff notes that it is not possible to state definitively if the subject wetland helps recharge underground aquifers.) The goal for the subject wetland is for it to sustain no effect from the proposed commercial horse boarding operation. This will be done by maintaining vegetation and prohibiting any change to the contour of the wetland. Any manure which is deposited in the wetland by a horse will quickly break down and turn into fertilizer and in turn it will maintain the health of the wetland. A **condition** was previously included in this report prohibiting the runoff of any manure or water created by on-site horses.

The applicant states: "*The property is ideally suited to pasture use as the existing pasture, topography, soils, and previous use as a hay field support. Our implementation of a track system for the paddock help the horses move freely around a large area while allowing the quality of the pastures to be managed and preserved to their highest extent possible. The maintenance and grazing of this pasture and continuous maintenance of the underbrush in the wooded area also significantly reduces the spread of fire to neighboring properties during a fire event.* "

With the proposed conditions of approval in this report there will be no temporary or permanent detrimental effects to the wetland, but the fertilization of the wetland and the entire property will create a beneficial effect to the wetland. Staff finds that the request complies with Criterion 2.

3. *The functions and size of the wetland, stream, pond, lake, or riparian area that may be affected.*

FINDING: A United States Environmental Protection Agency website states: "*Wetlands can be thought of as "biological supermarkets." They provide great volumes of food that attract many animal species. These animals use wetlands for part of or all of their life-cycle. Dead plant leaves and stems break down in the water to form small particles of organic material called "detritus." This enriched material feeds many small aquatic insects, shellfish and small fish that are food for larger predatory fish, reptiles, amphibians, birds and mammals*." https://www.epa.gov/wetlands/how-do-wetlands-function-and-why-are-they-valuable

The linear wetland on the subject lot is a seasonal stream that helps moves rainwater and snow melt through the area to Rock Creek, which then flows into the Columbia River. It is likely that historically some debris flows downstream during heavy water runoff, but the neighbors have expressed concern about manure getting into the wetland and flowing downstream through neighboring properties into Rock Creek. As previously stated in this report, manure breaks down quickly and provides nutrients to the soil. According to the Oregon Department of Agriculture, Confined Animal Feeding Operation, manure will break down within a few days and will not wash away in the stream. This means that there will be no effect to the function or size of the wetland. Staff finds that the request complies with Criterion 3.

4. *The economic value of the proposed use to the general area.*

FINDING: The applicant states: "*The operations will contract local services for maintenance and upkeep of facilities and horses as well as local specialists for training and education. The people using our facilities will be exposed to local businesses such as nearby orchards, wine and cider businesses, restaurants, and stores. We will be donating compost to a local orchardist as well as offering discounted or donated services to lower income individuals."* The proposed use will bring people into Mosier, as well as provide employment for local residents. Staff finds that the request complies with Criterion 4.

5. *The ecological value of the wetland, stream, pond, lake, or riparian area and probable effect on public health and safety, fish, plants, and wildlife.*

FINDING: As discussed above in 3., the wetland is a seasonal stream that helps move heavy rainwater and snow melt north through the area to Rock Creek which then flows into the Columbia River.

A United States Environmental Protection Agency website states: "*Streams, headwaters and streams that flow only part of the year provide many upstream and downstream benefits. They protect against floods, filter pollutants, recycle potentially-harmful nutrients, and provide food and habitat for many types of fish. These streams also play a critical role in maintaining the quality and supply of our drinking water, ensure a continual flow of water to surface waters, and help recharge underground aquifers*."

Because the pastures will not be grazed down to bare dirt creating a problem with erosion and dust, and considering the previous condition prohibiting water/manure runoff from the property to adjoining properties, there will no effect on plants in the wetland. Water reaching Rock Creek and the Columbia River will be clean, producing no hazard to fish/wildlife. Since the water flowing through the seasonal creek will be clean, it will not result in any threat to public health or safety. The applicant/owner is reminded that if any runoff occurs from the subject lot onto adjacent properties, neighboring property owners can file a complaint with the Oregon Department of Agriculture. If the complaint is found to be valid, the Conditional Use Permit for the horse boarding facility could be revoked. Staff finds that the request complies with Criterion 5.

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 lot. Staff finds that the request complies with Criterion 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. The proposed horse boarding facility will result in the creation of four buildings: a barn, a round pen, a loafing shed, and an equipment shed. The southwestern 1/3 (approximate) of the subject lot contains Oregon white oak, an important wildlife habitat for big game. One of the proposed buildings, the equipment building, will be located in the area containing oak trees.

Concerns were voiced by adjacent property owners about the Oregon white oak trees and the sensitive wildlife habitat they provide. One neighbor states: *"Rocky Prairie has a complex ecosystem including cougar and bobcat, coyote and fox, deer and elk, numerous other mammals, dozens of bird species from raptors to songbirds, numerous reptiles and amphibians, diverse and important insects…"*

The request was amended to remove the round pen from the area containing Oregon white oak trees. No trees will be removed to place the equipment shed or extend utilities from the equipment shed to the barn. One neighbor pointed out that there is a known nesting area of Coopers hawks in the area.

Staff contacted Jeremy Thompson, Wildlife Biologist, Oregon Department of Fish & Wildlife, The Dalles Region, to seek his input on whether the proposed use would have an impact on this wildlife habitat. On July 16, 2018, Mr. Thompson responded by e-mail and stated:

> *"With the revised site plan provided, ODFW does not feel the proposed development would adversely affect a sensitive wildlife site".*

Staff contacted Mr. Thompson again by e-mail on August 2, 2018, and inquired about whether the proposed fencing would allow wildlife passage. The fence will be constructed with wooden posts and smooth wire with a hot top wire. Mr. Thompson replied by e-mail on August 2, 2018, and stated: "*I prefer smooth wire, and a tophot wire is no impact.*"

Based on Mr. Thompson's comments, staff finds that the request complies with Criterion C.

The following concerns were raised by neighboring property owners about impact to wildlife habitat in Rock Creek:

- The location of the stream may increase the risk of runoff from livestock manure with adverse effects on downstream fish, plants and humans. There should be a mitigation plan to minimize these risks.
- P.9., conditional use criterion 6., there is a stream that flows to Rock Creek, a protected salmon habitat. Adequate planning to minimize waste, sediment, chemical, nutrient runoff and loading into the wetland and protection of habitat and riparian vegetation needs to be provided by the applicants. Proposed fenced pasture and a structure are in the wetland and no setbacks are acknowledged or maintained.
- The applicants suggest that there are no streams on the property. There is a seasonal stream running south to north on the eastern edge of the property, The location of this stream may increase the risk of runoff from livestock manure with adverse effects on downstream fish, plants and humans. There should be a mitigation plan to minimize these risks. *No response to this issue.*
- How does what is planned for the Fuentes property impact Rock Creek and salmon reproduction in this protected salmon habitat, where the wetland terminates?
- We are concerned about the water use by horses and the run-off created by washing them and how the run-off will be managed.

FINDING: These issues were previously discussed in this report and a condition of approval was included in the Notice of Decision prohibiting any water or manure runoff onto adjacent properties. This includes any runoff, water or manure, in any location and is not limited to the seasonal creek/wetland. The applicant was not originally aware of the wetland, but is now aware of it and the sensitivity and care that must be given to it. Based on discussions with Oregon Department of Fish & Wildlife and Oregon Department of Agriculture, previous Findings state that there will be no increase in runoff from livestock manure and that there will be no impact on fish species in Rock Creek.

D. Rare Plants

FINDING: The purpose of this section is to ensure that new uses do not adversely affect plant species listed on an inventory kept by the Gorge Commission.

The applicant provided a botanical survey dated May, 2018, prepared by Lacy Corlis, Botanist, Merlin Biological, Stevenson, Washington. Merlin Biological is a small environmental consulting firm specializing in conducting biological surveys, including fish, wildlife, botanical and forestry throughout Oregon, Washington and the surrounding areas

The report identified a total of 87 plant species within the project area on the subject lot. The result of the survey was that no listed sensitive, strategic or survey and manage species were encountered in the project area. Seven noxious and invasive weeds defined by the Oregon Department of Agriculture Noxious Weed Program were located within the study area, all of which were concentrated along Huskey Road and the private driveway going through the lot.

A concerns submitted by a neighboring property owner states: "*Dozens of plant species including grassland and impressive displays of wild flowers will be impacted by the use*."

Staff notes that there were no sensitive or rare plants discovered in the botanical survey submitted by the applicant. Every use, whether it is an orchard, or construction of a single family dwelling, disturbs grasslands and destroys wild flowers. The Scenic Area regulations do not protect all grasses and wild flowers, only those known to be rare. Staff notes that while the use will impact nature grasses and wild flowers, there is no criterion that requires all on-site vegetation to be undisturbed. This would leave every lot in the National Scenic Area undevelopable, and is not the intent of the Columbia Gorge National Scenic Area Management Plan.

Staff finds that the request complies with Criterion D.

> ***Section 14.700, Recreation Resources – GMA***
> *The purpose of this section is to protect and enhance recreation resources consistent with Indian treaty rights, and to protect scenic, natural, cultural and recreation resources when providing new recreation opportunities.*

FINDING: There are no recreational sites on the subject lot and no new recreational use is proposed on the property. The closest recreational sites are the Twin Tunnels portion of Highway 30 (0.7 mile to the north) and the Columbia River (1 mile to the north). The proposed development will have no impact on the recreational use due to distance. Staff finds that the request complies with Section 14.700.

> ***Section 14.800, Indian Tribal Treaty Rights and Consultation - GMA***
> *The purpose of this section is to ensure that the Scenic Area Act, the Management Plan, and these implementing ordinances do not affect or modify any treaty or other rights of any Indian tribe. It requires notification to the four tribal governments when new uses are proposed*

FINDING: Section 14.800 provides protection of Indian Tribal Treaty Rights from new development in the National Scenic Area. Section 14.800.B.3. lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Indian treaty rights and provides 20 days for tribal governments to submit comments. The subject property has no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or e-mailed to the four tribal governments on July 5, 2018, and a 15-day comment period was provided. Comments were received by the Nez Perce tribal government and the Confederated Tribes of Warm Springs (CTWS). The CTWS had no concerns with the proposal, while Nez Perce submitted

comments stating that the application was vague and they could not support the request because it was unclear. Staff sent the Nez Perce Indian tribal government a copy of a cleaner site plan and no further comments were submitted.

Section 14.800.C. lists guidelines for tribal government consultation when those governments submit substantive written comments. The comments described above were received from the tribal governments but these comments did not contain any claims that the request would affect or modify any treaty or other rights of any Indian tribe. Staff finds that 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.

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.

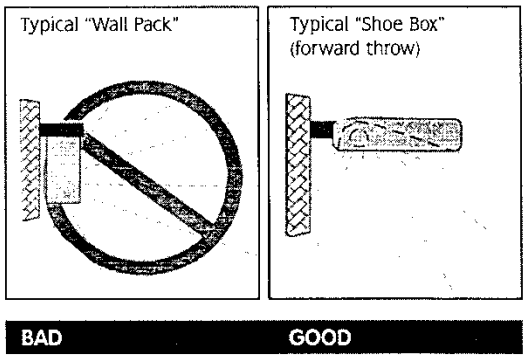
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. Each year we waste more than a billion dollars in the United States needlessly lighting the night sky.

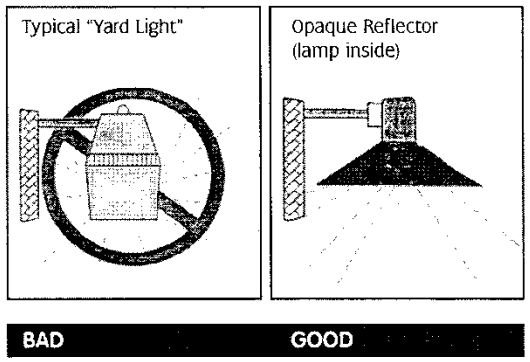
Excess Lighting Some homes and businesses are flooded with much stronger light than is necessary for safety or security.

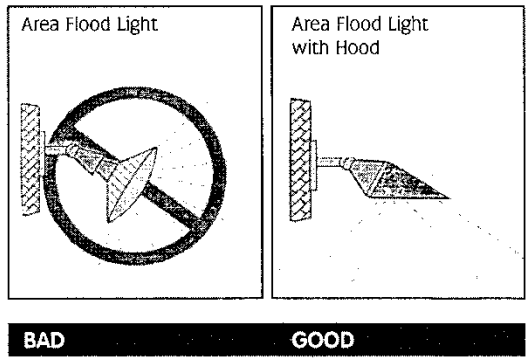
How do I switch to good lighting?

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







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.

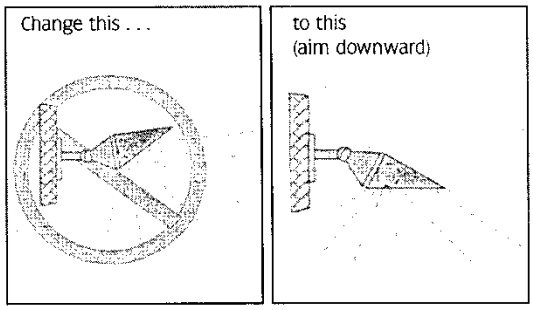
3. Install fixtures carefully to maximize their effectiveness on the targeted area and minimize their impact elsewhere. Proper aiming of fixtures is crucial. Most are aimed too high. Try to install them at night, when you can see where all the rays actually go. Properly aimed and shielded lights may 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 flourescent or metal-halide (MH) bulbs are more energy-efficient than those using incandescent, halogen, or mercury-vapor bulbs.

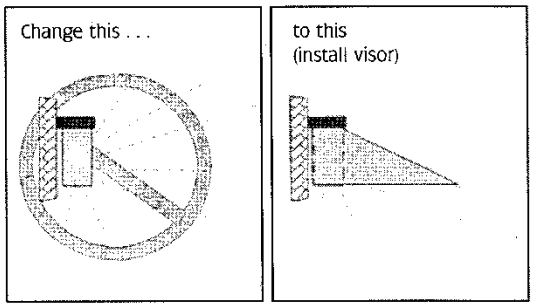
5. Where feasible, put lights on timers to turn them off each night after they are no longer needed. Put home security lights on a motion-detector switch, which turns them on only when someone enters the area; this provides a great deterrent effect!

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.

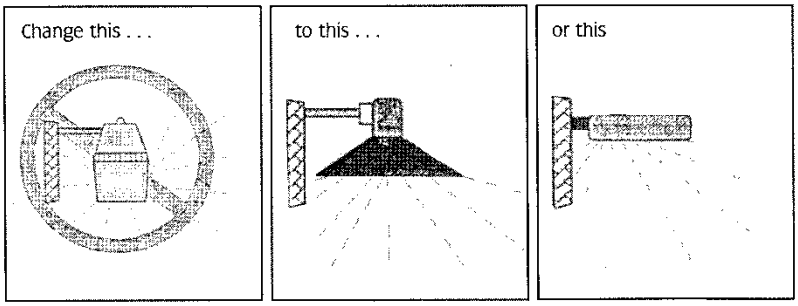
What You Can Do To Modify Existing Fixtures



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.

GNF01

SKY & TELESCOPE

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

ATTACHMENT F – COMMENTS RECEIVED
JULY 5, 2018, RE-NOTICE

Dawn Baird <dawnb@co.wasco.or.us>

Wasco County Planning File # 921-18-000017-PLNG

1 message

Keith P Baird <keithb@nezperce.org> Mon, Jul 2, 2018 at 4:26 PM
To: Dawn Baird <dawnb@co.wasco.or.us>
Cc: "GRIFFIN Dennis * OPRD (Dennis.Griffin@oregon.gov)" <Dennis.Griffin@oregon.gov>

Hi Dawn,

Thank you for sending the archaeological survey report for the Huskey Road Horse Boarding project to the Nez Perce Tribe for review. With our present level of information, I cannot agree with the consultants opinion that the project will have no effect on historic properties. There is little meaningful written description of the project elements, and the site plan is nearly illegible. Despite this, it appears that much of the proposed project would occur within the site boundaries identified by Archaeological Services, LLC. I am not sure how the site could be developed without creating an adverse impact.

Pat

Patrick Baird

Tribal Historic Preservation Officer

Nez Perce Tribe

P.O. Box 365

Lapwai, ID 83540

(208) 621-3851 office

(208) 791-8610 cell

Dawn Baird <dawnb@co.wasco.or.us>

Preliminary Response to Amended File # 921-18-000017-PLNG and Request for Denial of Application

1 message

Kevin McCabe <kmcphd@gmail.com> Tue, Jul 10, 2018 at 4:06 PM
To: "dawnb@co.wasco.or.us" <dawnb@co.wasco.or.us>

Hello,

Below, please find a revised listing of my preliminary concerns around the Commercial Horse Boarding plan as amended and sent to neighboring property owners July 5, 2018. Many of these concerns were raised in the first round of this application, and continue to render this application incomplete.

As noted below throughout my concerns, I am, and I expect the County is, "unable to adequately review the proposal to determine if it is consistent with all applicable criteria" and I remain "unable to appropriately comment on the proposal."

Therefore, before addressing my continued concerns, based upon the current timeline of this application, it's continued incomplete status, the amendment representing an opportunity for the applicant to correct this incompleteness, and per the rules as stated in the application materials under the completeness section of the National Scenic Area Application p3 of 3, "If an application is deemed incomplete within 30 days of receipt, a letter shall be sent to the Applicant notifying him of exactly what information is missing. Applicant shall have 30 days from the date the incomplete letter is sent to submit the missing information. If the missing information is not submitted within this time frame, the application shall be deemed complete for the purposes of the review on 31st day after receipt of the application.

Due to the missing information, Wasco County will be unable to adequately review the proposal to determine if it is consistent with all applicable criteria, and landowners within the required notification area, affected agencies and other interested parties will be unable to appropriately comment on the proposal. As a result, the proposal will be denied. Pursuant to Wasco County National Scenic Area Land Use & Development Ordinance 2.120(D), Applicant will not be able to submit a similar application for a minimum of one year unless the denial is reversed by a higher authority."

I formally request that this application be denied on these grounds, at this time.

If the application will not be denied on these grounds, at this time, I respectfully request communications by the planning office concerning this application with respect to its completeness, and a determination from the planning office of where the application is in the above 30 day + 30day process as described in the completeness section of the NSA Application, as it has now been 118 days since the application was originally received on March 12, 2018.

If needed, I will happily complete any public records request forms.

Should the application not be denied on these grounds, at this time, and it continues to move through the planning process, please consider my concerns below.

Best Regards,

Kevin McCabe

Having previously lived on a horse property with approximately the same number of horses as proposed here, in a reasonably similar dry and windy climate, I have numerous concerns around this proposal.

General Concerns:

1. The application is incomplete. Answers are inconsistent (see General Concern point 2), vague (see Specific Concerns points 2-14), and incorrect (see Specific Concerns point 1). It is difficult to fully respond to an incomplete application and I would like assurances that myself and others will be able to provide additional feedback on a completed application, should this application not be denied for the reasons above regarding the 30 day timeline for completion of an application.

2. The maps are still not to scale. For example, in the satellite overlays (p16 and17), lines marked as 50' and 125' at the SE property corner are 3/8" and 5/8" respectively. Essentially, a distance (125') that is greater than double another measurement (50') is less than that distance again (what would be 2*50' or 100'). Other issues of scale run throughout the maps.

3. Building sizes listed vary throughout the application. (e.g. p1 24'X60 horse barn is 48'X60' on p 21)

4. Buildings are much larger (footprint & height) than is standard in the neighborhood

5. Under sensitive wildlife habitat, turkeys and Oregon white oak are listed. On Rocky Prairie, we have a complex ecosystem including big cats (cougar and bobcat), canines (coyote and fox), deer and elk, numerous other mammals, dozens of bird species from raptors (bald eagle, red tailed hawk, sharp shinned hawk, coopers hawk, kestrel, loggerhead shrike, golden eagle, osprey, owls, etc.) to songbirds (blue birds, finches, towhee, Bullock's oriole, red wing blackbird, etc), numerous reptiles and amphibians, diverse and important insects (wild bees, monarch butterflies etc.), dozens of plant species including grassland and impressive displays of wild flowers, etc. The fencing and building plans significantly impact the free movement of the larger of these organisms and would decimate the grassland and wildflowers through excessive grazing (10 horses in those pastures will reduce them to dirt in a matter of days given their recently mowed state). In addition, the chemical/sediment/dust/waste that will enter the air and wetlands that flow through the property in question from a commercial horse operation will have significant impacts on this and surrounding properties. While the application now acknowledges there is a wetland present, pastures still overlap this wetland,

6. The drawings lack sufficient detail to understand, and then for neighbors to address concerns, around the proposed commercial horse operation. Specifically, the NW corner of the satellite overlay has lines that are coming off of lines marked as fencing, but make no sense as fencing, as a stretch of what appears to be fencing cuts into a pasture and then ends. Where is there parking for workers, and visitors?

7. The applicant and owner do not reside on or near the property in question and, therefore, their residence will not be directly impacted by this development. This raises increased concern on my part, and I feel should merit increased attention to detail in the application to assuage the concerns of those it will directly impact.

8. A recent article in The Gorge Magazine Summer 2018 issue profiles the property owner Carrie Fuentes. https://issuu.com/thegorgemagazine/docs/the_gorge_magazine_summer_2018 See Page 70. This article details Equine Assisted Therapy at their Triskele Rivers facility in Hood River (https://www.triskelerivers.com/). While I applaud this work, and respect the unique way growing up with horses shaped my own outlook on life, I am concerned that such a facility would require many more workers, additional visitors, and trips than listed in the application should they be attempting to replicate such a facility here. Are the design constraints and permitting different for such a facility, if this is indeed what is planned? The feeble description of operations provided in this amended application leaves innumerable questions unanswerable at this stage.

Specific concerns:

1. p3 lists sensitive wildlife habitat, and notes ~15 Oregon white oak to be removed. The equipment shed is still sited in the wooded portion of the property and remains quite large. Including required fuel reduction setbacks, I would expect significantly more trees to be removed for the building placement, as well as construction and ongoing access. In addition, trenching for utilities are now marked to run through the wooded area, requiring additional tree removal.

2. p8 Under conditional use criteria, item 2, the first question asks to describe how the proposal is compatible with the surrounding area and development of abutting properties, but the answer provides only a description of one of the buildings, the size of the property and that it is in an agricultural area. There is no description of compatibility.

3. p8 Under conditional use criteria, item 2, the second question asks to describe the operational characteristics. While concerns around some of this are also addressed later, the answer of "daylight hours, horse training" does not adequately describe the operation such that a complete picture of operations can be understood. See also General Concern Item 8. It is impossible to respond to such an incomplete answer. Further, as the operation of the "commercial horse boarding" operation is now being expanded to a training facility, the scope of the initial description of the operation is also rendered incomplete.

4. p8 Under conditional use criteria, item 2, the third question lists 1-6 people, however this was listed as 5 earlier. Given the inadequate description of operations, it is impossible to assess how many people will actually be required for this operation, or what the impact of that will be.

5. p8 Under conditional use criteria, item 3, Roads they answer "little" however, I have concerns about a commercial operation, so poorly described, potentially having significant impacts on traffic and road wear in town and on our rural roads. Where is parking sited? Where do horse trailers, hay trucks, etc. turn around? Significant grading and gravel work beyond what is described for the buildings will be required. Given this property is in the scenic area, adding significant graveled or even paved surface could be of concern.

6. p8 Under conditional use criteria, item 3, Fire and Police Protection. I do not understand the answer "beneficial maintnence". I have concerns that a horse operation that is carrying out training, is being tended to only during daylight hours, and that is potentially hosting guests for Equine Assisted Therapy will have a significant impact on both police and fire/EMT resources.

7. p8 Under conditional use criteria, item 3, Sewer and Water They describe "little water use from 200' well for washing and drinking water" however, washing the horses, facilities, equipment, etc. and drinking water for 10 horses and 5-6 people will be a significant draw on the water table within which wells are already running dry. Further water use, not described, that will be required for people, facilities, equipment, and horses will create further strain on the water table. Further, this well is not developed and is not currently in use or usable; any use of this well will be a *new* strain on the water table. Currently, there is no pump, tank, nor pumphouse. Where will these be sited? Will the well produce the required amount of water? Is the required on-site water storage going to be provided for? Does this property have water rights to accommodate the several hundreds to thousands of gallons of water per day required for a 10 horse boarding and training operation?

8. p8 Under conditional use criteria, item 3, Electrical and telephone It is unclear from the drawings where the electrical lines will be run, though I now assume they are running power from the West property line based on the trenching drawings provided in the amended application. As trenching is now drawn, much of it through the wooded area, will more trees have to be removed than described in the application?

9. p8 Under conditional use criteria, item 3, Solid Waste Disposal. The answer "septic, on site" only addresses sanitary sewage, and even then does not address the capacity of the system? There is no description about the burden created by other solid wastes, including manure, bedding, trash, etc. What is the solid waste disposal plan? How will these wastes impact the wetlands and downstream watershed?

10. p9 Under conditional use criteria, item 4, The number of trips listed, "1-5" is inconsistent with the number of people listed elsewhere in the application (5 or 6).

11. p9 Under conditional use criteria, item 5, "How will you minimize the effects of noise, dust and odor on adjoining properties during development and operation?" The answer, "gravel road, minimal impact" does not address the question. I have significant concerns around all aspects of the question, noise, dust and odor, created by this operation. 10 horses, grazing ~10 acres will result in overgrazed pasture. Given the winds we experience on Rocky Prairie, the dust from the pastures, if not addressed, will be unbearable. This does not begin to address dust created by maintaining the round pen and other areas, nor riding, driving, equipment use, etc. Further, the waste created by 10 horses will create significant odor. I expect there will be significant noise associated with the activities required to maintain a commercial operation. Remediation of these issues need to be adequately addressed by the applicants.

12. p9 Under conditional use criteria, item 6, The application has been amended here to describe the location of the seasonal watershed, which ultimately flows to Rock Creek, a protected salmon habitat. Adequate planning to minimize waste, sediment, chemical, nutrient runoff and loading into the wetland and protection of habitat and riparian vegitation needs to be provided by the applicants. As the application stands now, fenced pastures are in the wetland, and no setbacks are acknowledged nor maintained. Significant solids loading from horses pastured in a wetland in the wet season, and solids and nutrient runoff from the watershed, accumulated throughout dry season, as well as from overgrazing, will significantly harm the downstream watershed. The siting of the loafing shed in the drainage of the

watershed will provide significant waste and nutrient loading in the wet season, especially as it appears to be open to the prevailing weather, allowing the rain into the floor of the shed.

13. p9 Under conditional use criteria, item 7 states "The proposed use will not adversely affect the air, water, or land resource quality of the area." The answer "no affects, grazing horses". This application, as it stands, does not acknowledge, nor address, the impacts of the horses, nor the operation as a whole, and the impacts it will have on the air, water, or land resources, and these impacts will be significant. The applicants must provide sufficient remediation strategies.

14. p9 Under conditional use criteria, item 8 The structures proposed are outsized relative to the other structures in the area. The large 48'X60' barn appears to have been resited closer to the tree line, but the large, covered round pen has now been moved out of the trees creating additional visual impact in the scenic area.

15. p9 Under conditional use criteria, item 9 The large buildings, grazing, and commercial nature of the operation will significantly alter the natural landscape. Items of particular interest to the community that will be altered are the grassland, wildflowers, habitat for wildlife, freedom of movement for wildlife, views, clean air and water, lack of odor, current lack of large numbers of biting horse flies, peace and quiet, heavy well water usage, etc. Have these impacts been assessed? If so, is it possible to obtain a copy of those reports?

16. In the site drawings, the septic drain field is sited in a fenced pasture. I would expect the large animals to damage the drain field through soil compression. I would also be concerned for the livestock and their potential exposure to pathogens. How will this be addressed by the applicant?

17. Has the number of horses and the use proposed for this property undergone review by OSU Extension? If so, is it possible to obtain a copy of that report?

Operational concerns:

1. The application states that it will consist of "Commercial horse boarding of 10 horses during daylight hours." Are the horses brought in and removed daily? I expect this is incorrect, and that the intention is for the horses to remain on site beyond daylight hours. Therefore:

2. There is no accommodation for an individual to remain onsite beyond the listed hours of operation. This is highly unusual for a commercial horse operation, is dangerous for the animals, and leaves the neighbors responsible for any issues that occur outside these hours.

3. The application describes "5 people with one trip per day." A trip is each way, so, I believe, this at least doubles the number of trips listed, and I expect there will likely be even more than this, especially if the facility evolves into a Equine Assisted Therapy facility.

4. Is there any plan in place by the operator of the facility for *when* a horse gets loose? What is the expected response time with no one on site after hours? What is the liability of the adjacent and nearby land owners should an escaped horse be injured or die on their property? Who is liable for damages caused by escaped animals or other facets of this commercial operation?

Joseph M Czerniecki July 14, 2018

to me, Joe

Hi Dawn, this is my response to the amended application (Hetzel/Fuentes). In the materials that accompanied the amended application it doesn't seem that they have addressed any of the issues I have raised. You will notice that there is a modification to this document relative to the initial response to the application, it includes a comment about driveway fire safety standards.

They define the driveway length as about 150 ft. in reality that driveway goes down to my property and it is the **only** access to my property. So there should be requirement that they meet all of the fire safety standards throughout the length of the driveway.

Could you please confirm that you received the email, and let me know if you have any additional questions.

Thanks

Joe and Janine Czerniecki

July 14, 2018

Comment Re: Development application of John Heltzel and Mark Fuentes – File # 921-18-000017-PLNG, 2N 11E 11 1700

Dear Ms. Baird,

This is a modification of the initial response to the proposed development application as it does not appear that these concerns have been addressed in the amended application. All of the modifications to the initial response have been inserted in bold italic font.

I would like to start off by stating that I have no fundamental objection to the proposed development as long as the concerns I have raised in relation to the development requirements are adequately addressed.

The issues that need to be addressed more completely include:

1. Extensive fencing (approximately 3000 ft) is part of the development application. Yet there is no complete description of the fencing material and location of fencing. To adequately determine the impact of the fencing a more complete description is required. ***No response to this issue.***
2. The applicants suggest that there are no streams on the property. There is a seasonal stream running south to north on the eastern edge of the property, The location of this stream may increase the risk of runoff from livestock manure with adverse effects on downstream fish, plants and humans. There should be a mitigation plan to minimize these risks. ***No response to this issue.***
3. There does not seem to be a general plan for mitigation of animal manure throughout the area of the horse barn and round pen. The owner/developer have a well and the neighbors to the north have wells that are immediately down hill from these structures. How will they prevent ground water contamination from the proposed development? ***No response to this issue.***
4. There is not a defined plan for minimizing the impact of animal manure on adjacent homes and properties. ***No response to this issue.***
5. It is not clear from the site plan if there is a 50 ft fire break from all structures.
6. The proposed development exists on a parcel that has an easement that guarantees access to the parcel to the north. It is unclear from the application what types of gates will be used and how they will provide free access by the owners, deliveries, emergency response vehicles or vehicles related to future agricultural use of that property. ***No response to this issue***
7. The fire protection standards of Chapter 14 suggest that if the well is not able to produce 20 gallons per minute there needs to be a 1000 gal storage capacity. I do not know if the well has the capacity to meet this production

standard. This was not defined in the development plan. ***No response to this issue.***

8. ***An additional issue related to the fire standards is that the driveway development plan states that the driveway is 150 ft in length. In reality this is actually an access driveway that is approximately 1,000 ft in length because of an easement to the adjacent property to the north. The development plan will need to meet appropriate requirements for turnouts, width, and turnarounds. This was not defined in the application.***
9. The development plan does not define a parking/turning area for what might be regular use by 10 vehicles and horse trailers. ***A parking area to accommodate this number and size of vehicles will require a significant cut and fill which may have adverse impacts on key viewing areas.***

As I mentioned at the outset I wish the owners and developers well in their proposed enterprise, and I am sure they will be able to respond to how the proposed development will meet the necessary standards.

Regards,

Joe and Janine Czerniecki

1054 Quartz Drive
Mosier OR

Dawn Baird <dawnb@co.wasco.or.us>

File number 921-18000017-pong

1 message

Mary Kurz <marykurz@gmail.com> Sat, Jul 14, 2018 at 5:37 PM
To: "dawnb@co.wasco.or.us" <dawnb@co.wasco.or.us>

Hi

I am writing in regards to the proposed commercial horse barn in my neighborhood. I am opposed to it as I believe the horses will create a nuisance to our quality of life. We have agriculture close by. We have u-pick cherries and a cider house and these businesses have been welcomed in the neighborhood. The horses however will create a nuisance by bringing odor and flies and possible health hazards to our community as well as create a negative environment for our local businesses.

Please do not approve the commercial horse barn. I hope we neighbors can have a say as to what is allowed near our homes.

Thank you,
Mary Kurz

Dawn Baird <dawnb@co.wasco.or.us>

921-18-000017-PLNG

1 message

McCabe, Edward M.D., Ph.D <EMcCabe@mednet.ucla.edu> Thu, Jul 19, 2018 at 2:14 PM
To: "dawnb@co.wasco.or.us" <dawnb@co.wasco.or.us>
Cc: "McCabe, Linda Ph.D" <LMcCabe@mednet.ucla.edu>, Kevin Mccabe <kmcphd@gmail.com>

Dear Ms. Baird,

Please see our attached comments from April 17 and the comments related to the amended documents.

Thank you.

Ed McCabe

UCLA HEALTH SCIENCES IMPORTANT WARNING: This email (and any attachments) is only intended for the use of the person or entity to which it is addressed, and may contain information that is privileged and confidential. You, the recipient, are obligated to maintain it in a safe, secure and confidential manner. Unauthorized redisclosure or failure to maintain confidentiality may subject you to federal and state penalties. If you are not the intended recipient, please immediately notify us by return email, and delete this message from your computer.

2 attachments

Email to Brent Bybee on April 17 2018.docx
14K

Comments to Dawn Baird.7.19.18.docx
17K

Email to Brent Bybee on April 17, 2018

Brent,

We received a Public Notice of Administrative Action, File Number 921-18-000017-PLNG. Could we discuss this in our meeting on Thursday morning? We think this might help us to understand how to fill out the application for our property.

As background, we owned a ranch in Colorado for 31 years, 1983-2014, where we bred horses for showing and for sale. So, we know a bit about horses and horse properties.

We would like to request the staff report on this application. We would also like to know the zoning rules relevant to the commercial use of property for horses under A-2.

We have a number of concerns about the application. For example on page I/3 of the Land Use Application Coverpage it is stated in two places that the proposed use is "commercial horse boarding." On page 2/3 of the Conditional Use Permit it states under "operational characteristics" "Commercial horse boarding of ten horses during daylight hours" and mentions "events." A horse boarding facility that only boards horses during daylight hours would be highly unusual, in fact unique in our experience.

On page 2/3 of the Conditional Use Permit it states under Compatibility, "The proposed development is compatible with the general scale (height, dimensions and overall mass) of existing nearby development." The barn is described as being 60' long by 24' wide by 30' high and that is already quite large. The drawings show roof overhangs for runs (complete length on one side and partial length on the other) that are 12', 14' or 16' depending on which drawing is read; this means that it is actually up to 60' by 56' by 30', which is impressive and larger than any building on neighboring properties. The other proposed buildings are also large, with the round pen being 60' in diameter and 20' high, and the equipment shed being 30' by 20' by 12' high.

Page 3/4 of the Conditional Use Permit, Item #6 states that there are "No streams or waterways on property." However, this is the wetland that flows from that property through our property and has required setbacks. Their site plan shows the loafing shed in or immediately adjacent to the wetland. Are there setbacks for pastures, since pastures will have manure and that wetland eventually runs into Rock Creek which is a protected habitat for salmon? Similarly, Item #7 states that grazing horses will not affect of air, water or land resource quality. With a proposed population of 10 horses on 20 acres, with land as runs and pastures, there will definitely be dust in summer and mud in winter that will impact the air and the wetland.

We are concerned about the water use by horses and the run-off created by washing them and how the run-off will be managed.

Also it appears that there will be no overnight care taker and we know that horses will get loose.

Thank you for helping us to learn how this process works.

Ed

Comments Regarding Amended Notice of Administrative Action File # 921-18-000017-PLNG

July 19, 2018

We are concerned that the Amended Notice of Administrative Action File # 921-18-000017-PLNG has not incorporated responses to most of the comments we raised in our email to Mr. Brent Bybee, Associate Planner, April 17, 2018. We know that Mr. Bybee was not the planner working on this file, but in our meeting with Mr. Bybee we were introduced to Mr. Will Smith, Senior Planner, who was aware of our email and told us that it would be incorporated into the comments.

One of the issues that came up in the planning for our conditional use application for a winery at 953 Quartz Drive was the wetland that flows from the Fuentes property through our property. We were told that an existing orchard could not be converted to a vineyard, because we needed at least a 100 foot setback for a new use, like the vineyard. While the amended file now acknowledges the existence of the wetland, it has not incorporated the wetland into its planning. For example, the wetland runs through pastures and adjacent to the loafing shed, which will be a collecting area for groups of horses and their associated urine and manure. As we noted in our April 17, 2018 email, we owned a horse breeding ranch in Colorado for 31 years. The amount of nitrogen and other nutrient run off, and eroding dust and dirt from a horse pasture will be far greater than that which would occur from a vineyard. Therefore, we ask the following questions:
What are the setbacks for fencing, pastures, and buildings from the wetland?
What is the impact of horse urine, manure and associated bacteria and parasites on the wetland and downstream?
What is the impact of medications for the horses, including antibiotics and worming medication, on the wetland and downstream?
What is the impact of pesticides and herbicides on the wetland and downstream?
What is the impact on this wetland when it continues onto our property, which is across Quartz Drive?
How do the activities planned for the Fuentes property impact our creek, pond and waterfall? We are concerned that the soil erosion will block the wetland and prevent flow. Alternatively, eutrophication will destroy the ecology and beauty of our creek, pond and waterfall.
How does what is planned for the Fuentes property impact Rock Creek and salmon reproduction in this protected salmon habitat, where the wetland terminates?
We are required to develop a plan for winery waste water (gray water) management with the Department of Environmental Quality. Is no such plan required for water from washing, urine, etc. or manure management? Manure management is a serious concern, because manure piles do catch on fire. We are in an area constantly threatened by wildfires and a new source that has not been addressed is very worrisome.

Our proposed winery is required to be ADA-compliant. Is there no requirement for such a plan to accommodate disabled riders?

Water use for 10 horses and their owners represents a vast excess compared to typical water use for any of the other Rocky Prairie properties. For example, when the pump on our Colorado ranch went out, we had 20,000 gallons delivered every other day for our 17 horses. This translates into more than 5,000 gallons/day for 10 horses. This was water used for drinking only and did not include washing the horses. Therefore, we ask the following questions:

What are the water rights for this parcel of land? We were told by the Water Master, Mr. Robert Wood, that if there are no water rights associated with a parcel, then there is a "commercial exemption" of 5,000 gallons/day. But 10 horses would use more than 5,000 gallons/day. Will the use of the property under this application qualify for the commercial exemption? If it will not qualify then how will the applicants provide the more than 5,000 gallons/day?

What impact will the use of more than 5,000 gallons of water every day have on the water table and the neighboring wells?

Our understanding is that the existing well is not working. If that is correct, then what will be the options to the applicants for the volume of water required by the application?

We are concerned that the applicants have dramatically underestimated traffic and parking. Before we bought our ranch in Colorado, we boarded our horses at a commercial facility. Then our immediate neighbor to our ranch for 31 years was a boarding facility.

Traffic for 10 horses would include the following vehicles: daily stable hand(s) for feeding and cleaning stalls (one or more); daily trainers (one or more); daily owners (up to 10 a day); veterinarians (at least once a week); farriers (at least once a week); feed and supply deliveries (at least once a week), etc. There needs to be adequate parking for all of these individuals' vehicles.

The above estimate assumes a typical boarding and riding facility. However, Ms. Carrie Fuentes, spouse of Mr. Mark Fuentes, was featured in a story by Ms. Ruth Berkowitz in the Summer 2018 issue of The Gorge Magazine, entitled "From the Wisdom of Horses, Equine-Assisted Learning Is the Heart of Triskele Rivers" (pages 70-73). Should this be or become the business plan for this application, then there will be additional vehicular traffic according to the article. Three of the four horses were used for education in the article, so we can extrapolate to seven of ten in this facility. Two teenagers were assigned to each horse, and this would be 14 individuals in each session at the applicants' facility, adding up to 14 additional vehicles. This raises the question, if this application is approved and plans change that increase traffic, parking, etc., then what are the options for the neighbors?

In addition, horse owners boarding their horses, typically park their horse trailers at the boarding facility. This could mean parking for up to 10 horse trailers.

If the property is to be used as a horse show facility, whether the shows are commercial or not, then there will need to be additional parking for competitors' trucks and horse trailers, show judges, competitors' trainers, and spectators.

Our experience is that riders become bored with riding in round pens and around the property, and ride on the local roads if adjacent open areas are not available. This will lead to additional congestion on the surrounding dirt roads (e.g. Quartz and Granite Drives) and will be incredibly

dangerous for horses on Huskey Road, where many drivers are traveling over 55 mph. Since these are public roads, riders cannot be prohibited from riding their horses on them.

Pasture management is also a concern. In Colorado in the area of our ranch it is well-known that 35 acres of pasture is required to feed one horse/year. We do not know this acreage for Rocky Prairie, but the dry summers are similar. OSU would be able to provide this information and this information is essential.
In addition, the intensity of the use will lead to compaction of the dirt by the horses' hooves. With 10 horses on 20.58 acres, the vegetation will be devoured in a month, leaving bare, compacted ground. This bare, compacted earth will be unsightly compared with the surrounding parcels with their vegetation.
How will dust be contained?
How will invasive plant species (seed from feed, as well as from manure from boarding and competing horses from other facilities) be contained?

The applicants have not provided a plan for pest management, specifically control of flies. With neighboring properties including a cidery and proposed winery, both with outdoor seating, the flies that inevitably are associated with horses will make the environment much less favorable for guests.

Given our serious concerns about this application, if this application is approved and the large buildings for horse boarding, training and riding are erected, then this property will be a horse property in perpetuity. Are there limits on what future owners may be able to do with this property?

Dawn Baird <dawnb@co.wasco.or.us>

Amended Notice of Land Use Action - Heltzel/Fuentes Project

1 message

Christian Nauer <christian.nauer@ctwsbnr.org> Thu, Jul 19, 2018 at 2:19 PM
To: Dawn Baird <dawnb@co.wasco.or.us>
Cc: Robert Brunoe <robert.brunoe@ctwsbnr.org>

Dear Dawn,

Thank you for the opportunity to comment on the Amended Notice of Land Use Action - Heltzel/Fuentes Project in Wasco County.

The Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO) Tribal Historic Preservation Office (THPO) has no comment on this Project at this time.

Thank you again for your consideration.

Christian Nauer, MS

Archaeologist
Confederated Tribes of the Warm Springs Reservation of Oregon
Branch of Natural Resources

PO Box C

Warm Springs, OR 97761

christian.nauer@ctwsbnr.org
Office Phone 541.553.2026
Cell 541.460.8448

*The Confederated Tribes of the Warm Springs Reservation of Oregon have reserved treaty rights in Ceded Lands, as well as Usual and Accustomed and Aboriginal Areas, as set forth through the Treaty with the Middle Tribes of Oregon, June 25, 1855.

*Please know that review by the Tribal Historic Preservation Office does not constitute Government-to-Government consultation. Please ensure that appropriate Government-to-Government consultation is made with the Confederated Tribes of the Warm Springs Tribal Council.

Oregon
Kate Brown, Governor

Department of Forestry
Central Oregon District
The Dalles Unit
3701 West 13th
The Dalles, OR 97058
PHONE: 541-296-4626
FAX: 541-298-4993
www.ODFcentraloregon.com

"STEWARDSHIP IN FORESTRY"

8/9/2018

Wasco County Planning and Development
2705 East 2nd Street
The Dalles Or 97058

Attn: Riley Marcus

Re: Heltzel-Fuentes – 921-18-000017 PLNG

Catastrophic wildfires threaten and destroy many homes in Oregon and in other states each year. The Oregon Department of Forestry (ODF) has a responsibility to its landowners to protect their forest lands from wildfire. Since ODF does not provide structure protection it is incumbent on the local fire district (Mosier Fire District) to provide that protection, however, ODF is still responsible for the forest and range land surrounding those structures.

This proposed development is located within the Oregon Department of Forestry Fire Protection District and receives wildland fire protection services by ODF, as does surrounding properties.

ODF continues to be concerned about the impact of additional structures and the associated human activities within the wildland urban interface. Simply stated, people start fires, no matter the good intentions of the landowner or guests to the property. Many activities that result from living in the forest/range zone have the potential to cause fires. Because of these concerns we have worked closely with the planning department to provide consistent and appropriate siting standards for structures.

Although this is not a proposed residence, additional structures in the wildland urban interface create additional fire start risk as well as additional complexity in fire suppression activities. As such, ODF wants to reiterate the importance of fire prevention and risk mitigation. If approved, ODF would expect the planning department to consistently apply the wildfire siting standards adopted by the county as they currently exist.

The standards that ODF are most concerned with include paying particular attention to structures having the least impact on adjoining forest lands, appropriate buffer requirements, and that the risks associated with wildfire are minimized. That said, I would like to emphasize the importance of the defensible space standards around the building site that contribute to higher likelihood of a structure being saved while reducing risk to firefighting personnel in the event of a wildland fire moving through the area, regardless of how the fire started.

We place emphasis on primary and secondary fuel breaks, construction materials, and not siting structures on slopes greater than 40%. It appears as though construction materials are being taken into consideration from a fire risk standpoint.

We also want to see Road Standards with emphasis on road width, vertical clearance, turnarounds and turn outs, and road grades.

Flammable vegetation will continue to grow in and around these structures. However, if the proposal is granted, the long term maintenance of defensible space is an issue that is not addressed in the current planning department standards, and may only be addressed through ongoing maintenance of defensible space surrounding all structures by the landowner.

Finally, any land clearing activities (home site development) involving power driven machinery that occur during the Spring or Summer months will require a Permit to Operate Power Driven Machinery (PDM) from ODF prior to the start of these activities.

It is ODF's hope that through proper wildfire siting standards and continued maintenance of defensible space, landowners will be able to provide a safe and risk free environment for themselves, their neighbors and the firefighters who protect their property.

Thank you for the opportunity to comment.

Regards,
/s/ Kristin Dodd
Unit Forester
Central Oregon District – The Dalles Unit

Dawn Baird <dawnb@co.wasco.or.us>

Fuentes commercial horse facility

1 message

amyhop@gorge.net <amyhop@gorge.net> Thu, Jul 19, 2018 at 10:27 PM
To: dawnb@co.wasco.or.us

Hi Dawn, thank you for considering the impact on the Rocky Prairie neighborhood of Mosier.

We are not nimbys , we are people who live here, up Huskey Road, and many of us have owned our homes for many years. I am a Wasco County resident since 1991 and purchased my home at 1145 Huskey Road in 2001. Hood River County was not even in my grasp of a place to buy, but since I grew up in the country i bought here and I love it here.
I grew up with horses, I learned to ride when I was 4 years old and kept horses until my late 20s. I know what it is like to maintain a stable, pasture and fences, and what it is like to shovel manure and manage the waste horses generate, not to mention that horses are smart and if they want to get out ,they will. I won't even embark into winter conditions that Mr Fuentes has no idea about, living up Huskey Road.
There is nothing in the application from Mark Fuentes that even addresses what and where the disposition of wastes will be, but more concerning is the well and the well log. The permit is apparently being based on well logs from over 20 years ago and its a well that was dug and never put into production. What its output was over 20 years ago does not relate to what usage is now and if it is even real data. I will send you a photo tomorrow of the newly discovered well. When I bought my house the local well driller said that well was 1 gallon per minute, and the original well is not in the location where the new well is located.
If I have only one comment it is " just because you can , doesn't mean you should" ,
Sincerely, Amy Conroy

FRIENDS OF THE COLUMBIA GORGE

Via email

July 20, 2018

Dawn Baird, Associate Planner
Wasco County Department of Planning and Economic Development
2705 East Second Street
The Dalles, Oregon 97058

Re: Heltzel's amended application # 921-18-000017-PLNG to construct a horse barn, a horse pen, an equipment shed, a loafing shed, 3,000 feet of fencing and for a commercial horse boarding business.

Dear Ms. Baird:

Friends of the Columbia Gorge ("Friends") has reviewed and submits these comments on the above-referenced application. Friends is a non-profit organization with approximately 9,000 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends reviews and comments on all land use applications subject to the Wasco County National Scenic Area Land Use and Development Ordinance. These comments are intended to identify application requirements and resource protection standards, provide recommendations to the permitting agency and the public regarding legal requirements, and establish standing.

Application Requirements

Under section 2.080 of the Wasco County National Scenic Area Land Use and Development Ordinance (NSA-LUDO), a complete application is required prior to review. An application must not be accepted until any omissions or deficiencies have been corrected by the applicant. *Id.* Approval of a land use proposal not accompanied by a complete and adequate application violates the county's scenic area ordinance, denies the public any meaningful opportunity to comment on the proposed development, and results in a decision not based on substantial evidence. Such a decision is subject to reversal, as held by the Gorge Commission unanimously in the *Eagle Ridge* case. CRGC No. COA-S-99-01 (June 22, 2001). It is similarly unlawful for the County to use conditions of approval to defer the submission of complete and adequate application materials. *Eagle Ridge* at 9–10.

Site Plan Map
Each site plan must contain a map of the project area. NSA-LUDO § 14.020(B) contains a list of specific elements that must be included in site plan maps. Site plan maps must include the following required elements:

- North arrow
- Map scale
- Boundaries, dimensions, and size of the subject parcel
- Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel
- An illustration of the buildings and parking facilities on abutting parcels
- Bodies of water and watercourses
- Location and width and methods of improvement for all existing and proposed roads, driveways, trails and parking areas
- Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles, and lines, and outdoor lighting
- Location and depth of all proposed grading, filling, ditching, and excavating
- An indication of all existing and proposed point of ingress and egress and whether they are public or private
- Significant terrain features and landforms

Landscaping Plan
Pursuant to NSA-LUDO § 14.020(D), all applications must contain a detailed landscaping plan that must clearly illustrate the following elements:

- The location, height, and species of all existing trees and vegetation, with an indication of any vegetation that would be removed.
- The location, height, and species of individually proposed trees and vegetation groupings.
- The location of automatic sprinkler systems or other irrigation provisions to ensure the survival of any proposed screening vegetation.

Material Samples
All applications must contain material samples for all exterior surfaces of proposed structures, including but not limited to the main portion of each structure, trim or secondary portions, roof, window frames, windowsills, window sashes, doors (including garage doors), and hooding for exterior lighting. NSA-LUDO § 14.020(C)

Elevation Drawings
Pursuant to NSA-LUDO § 14.020(E), applications for new structures must provide elevation drawings showing:

- the appearance of proposed structures, including both natural and finished grade, and
- the geometric exterior of the length and width of structures seen from a horizontal view.

Grading Plan
For structural development that meets either or both of the following conditions, the application must include a grading plan containing the elements specified by NSA-LUDO § 14.020(F)(3):

- More than 100 cubic yards of grading on slopes exceeding 10 percent. NSA-LUDO § 14.020(F)(1).

- More than 200 cubic yards of grading on a site visible from key viewing areas. NSA-LUDO § 14.020(F)(2).

Without the above-mentioned required information, neither the County nor any other reviewing agency can accurately evaluate the potential impacts of the development. In addition, this information is required in order to afford the public a meaningful opportunity to comment on the proposed development.

Allowed Uses

Small-Scale Agriculture Zone

The proposed project is located in a Small-Scale Agriculture zone in the General Management Area. NSA-LUDO § 3.130 specifies which uses are allowed in Small-Scale Agriculture zones. Boarding of horses is a conditional use in this zone. NSA-LUDO § 3.130(E)(3). Therefore NSA-LUDO § 3.130(G) and Chapters 5, 11, and 14 of the NSA-LUDO must be applied. Findings must be made on property characteristics, parcel size, and impacts to neighbors and the decision must specify the maximum number of horses based on the findings and the number of recommended animal units provided in the documentation by the OSU Extension Offices and the Natural Resource Conservation Service for the proposed development's geographic area. NSA-LUDO § 3.130(E)(3).

Resource Impact Review

Scenic Resource Protection

NSA-LUDO §§ 14.100 and 14.200 contain the scenic resource protection standards for the General Management Area. Whether or not the parcel is visible from key viewing areas (KVAs), new buildings and roads must be sited and designed to retain existing topography and to reduce grading to the maximum extent possible. NSA-LUDO § 14.100(B). New buildings must be generally compatible with the general scale of existing nearby development. For purposes of determining compatibility, the height, dimensions (*i.e.*, length, width, and footprint), and visible mass of the proposed building must each be evaluated. NSA-LUDO § 14.100(C).

Key Viewing Areas

The subject parcel may be visible from key viewing areas such as the Columbia River, Washington SR 14, and the Historic Columbia River Highway. If so, then the following rules apply:

- New buildings and roads must be sited so that they are visually subordinate to their settings as seen from KVAs. In determining the least visible site, existing topography and vegetation must be given priority over artificial means of screening. NSA-LUDO § 14.200(R)(4).
- The existing tree cover screening the development area on the subject parcel from KVAs shall be retained except as necessary for site development or fire safety purposes. NSA-LUDO § 14.200(H).
- New buildings and roads must be sited and designed to minimize grading activities and visibility of cut banks and fill slopes from KVAs. NSA-LUDO § 14.200(D).
- The County must evaluate all aspects of the development, including size, height, shape, color, reflectivity, landscaping, and siting, to ensure that the development will be visually subordinate. NSA-LUDO § 14.200(A)(2).
- Exterior colors must be dark earth-tones found at the specific site or in the surrounding landscape. Actual specific colors meeting this standard must be proposed in the land use

application. Colors that are not expressly approved by a land use decision may not be used. 14.200(I).

- The County must evaluate the number of KVAs from which the development site is visible; the amount of area of the building site exposed to KVAs; the degree of existing vegetation providing screening; the distance from the building site to the KVAs; and, for linear KVAs such as roads, the linear distance along which the site is visible. NSA-LUDO § 14.200(A)(1).
- The County must evaluate the potential cumulative visual effects of the proposed development. NSA-LUDO § 14.200(L). This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided. 16 USC 544(a)(3).
- New buildings are not allowed on sites with slopes greater than 30 percent. NSA-LUDO § 14.200(H).
- The silhouette of new buildings must remain below the skyline of bluffs, cliffs, or ridges as seen from KVAs. NSA-LUDO § 14.200(E).
- Unless the building site is fully screened from all key viewing areas by existing topography, building materials must be nonreflective or low-reflective. NSA-LUDO § 14.200(J).

New development must be sited on the parcel in the location that best achieves visual subordinance as seen from KVAs, using existing topography and vegetation for screening before requiring new screening measures. It is unclear from the circulated materials where the proposed equipment shed would be located. If the proposed site for the equipment shed is still in the treed area then it will require significant removal of tree cover including sensitive Oregon White Oaks and it would be proposed for the most visible portion of the parcel from KVAs. The equipment shed should be sited in the open portion of the parcel that is not topographically visible from KVAs.

If the proposed development cannot be conditioned to ensure that the development will achieve visual subordinance, then the County must deny the application. This requirement was upheld by the Oregon Supreme Court in its ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm'n, *346 Or 366, 213 P3d 1164 (2009) ("If the applicant does not or cannot sufficiently alter the proposal to satisfy the [scenic resource protection guidelines], permission to carry out the proposed activity must be denied"). Consequently, if the project would reduce visibility "to the maximum extent practicable" but not achieve visual subordinance the application must be denied.*

Landscape Setting

NSA-LUDO § 14.400 specifies the standards for compatibility of development with the landscape setting in the GMA. Generally, new development in all landscape settings must be compatible with the general scale (height, dimensions, overall mass) of similar development in the vicinity. This development is proposed in an Oak Woodland landscape setting. If the parcel is visible from KVAs, at least half of all new screening trees must be native and coniferous. For portions with fewer trees, (1) structures must be sited on portions of the property that provide maximum screening from KVAs, using existing topographic features; (2) patterns of screening vegetation plantings must match the character of the surrounding area; and (3) buildings and roads must be clustered together, particularly toward the edges of existing open areas. Structure height must remain below the tree canopy level. NSA-LUDO § 14.400(C).

/ / /
/ / /

Natural Resource Protection

Cumulative Adverse Impacts

In 2016, the Gorge Commission adopted amendments to the Management Plan that require counties to prevent cumulative adverse effects to natural resources. The amendments require the County to determine if there would be "[a] reasonable likelihood of more than moderate adverse consequence for the scenic, cultural, recreation or natural resources of the scenic area" considering the context of the proposal, the intensity of the proposal (including magnitude, duration, and likelihood of reoccurrence), other similar actions that may cumulatively lead to "more than moderate adverse consequences," and any proposed mitigation measures. The amendments prohibit adverse effects to wetlands, streams, ponds, lakes, and riparian areas, and their buffer zones. They also prohibit adverse effects to sensitive plants and wildlife areas within 1000 feet of the project area.

Water Resources

NSA-LUDO § 14.600 contains the standards for projects that may affect streams, ponds, lakes, wetlands, or other riparian areas in the General Management Area. If one or more of these resources is present on or adjacent to the subject parcel, then the applicant must determine the *exact* location of the water resource boundary. NSA-LUDO §§ 14.600(A)(2)(c), (B)(2)(b). In addition, the following buffer zones apply:

- Perennial streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1). A perennial stream is a stream that flows year-round during years of normal precipitation. NSA-LUDO § 1.200.
- Special streams: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1).A special stream is a stream that is a primary water supply for a fish hatchery or rearing pond. NSA-LUDO § 1.200.
- Intermittent streams used by anadromous or resident fish: 100 feet. NSA-LUDO § 14.600(B)(2)(a)(1).
- Intermittent streams not used by anadromous or resident fish: 50 feet. NSA-LUDO § 14.600(B)(2)(a)(2).
- Wetlands, lakes, and ponds in forest vegetation communities: 75 feet. NSA-LUDO § 14.600(A)(3)(c)(1). A forest vegetation community is characterized by trees with an average height of at least 20 feet, along with a shrub component. The trees and shrubs must form a canopy cover of at least 40 percent. NSA-LUDO § 14.600(A)(3)(b)(1).
- Wetlands, lakes, and ponds in shrub vegetation communities: 100 feet. NSA-LUDO § 14.600(A)(3)(c)(2). A shrub vegetation community is characterized by shrubs and trees with an average height between 3 feet and 20 feet. The trees and shrubs must form a canopy cover of at least 40 percent. NSA-LUDO § 14.600(A)(3)(b)(2).
- Wetlands, lakes, and ponds in herbaceous vegetation communities: 150 feet. NSA-LUDO § 14.600(A)(3)(c)(3). A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines. NSA-LUDO § 14.600(A)(3)(b)(3).

Buffer zones must be untouched and maintained in their natural condition. NSA-LUDO §§ 14.600(A)(3)(d), (B)(2)(d).

Sensitive Wildlife Resources

NSA-LUDO § 14.600(C) contains the standards for projects in the GMA that may affect sensitive wildlife resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive wildlife area or site. This includes the following areas:

- habitat for wildlife species that are listed as endangered, threatened, sensitive, or candidate by the federal government or by the State of Oregon

- habitat for elk, mountain goat, great blue heron, osprey, golden eagle, or prairie falcon
- deer and elk winter range
- pika colony areas
- waterfowl areas
- shallow water fish habitat in the Columbia River
- sturgeon spawning areas
- tributary fish habitat
- streams that are primary water supplies for fish hatcheries or rearing ponds
- wetlands, mudflats, shallow water, or riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game, and reptiles

NSA-LUDO §§ 1.200 (definition of "sensitive wildlife species"),14.600(C)(1)(b).

If the proposed project is within 1,000 feet of one of these areas, the County must transmit the application to the Oregon Department of Fish and Wildlife, which will review the application to determine the precise locations of wildlife habitat and activities, as well as potential impacts to wildlife areas or sites. As part of its review, Oregon DFW may in its discretion conduct site visits. NSA-LUDO § 14.410(C)(3).

If the County, in consultation with ODFW, concludes that the proposed project is likely to adversely affect a sensitive wildlife area or site and that the impacts cannot be eliminated through site plan modifications or project timing, then the applicant must prepare a wildlife management plan. NSA-LUDO § 14.410(C)(5). The plan will provide a basis for the applicant to redesign the project in a manner that protects sensitive wildlife areas and sites, maximizes his or her development options, and mitigates temporary impacts to the wildlife area or buffer zone. *Id.* A wildlife management plan, prepared by a professional biologist hired by the applicant, includes the following:

- relevant background, such as biology of the species, characteristics of the subject parcel, and regulatory protection and management guidelines
- delineation of core habitat
- wildlife buffer zones
- an indication of the size, scope, configuration or density, and timing of all new uses within core habitat
- rehabilitation and enhancement actions
- a 3-year monitoring plan for federal or state listed species

Id.

Fences

Pursuant to NSA-LUDO § 14.600(C), new fences in deer and elk winter range are allowed only where necessary to control livestock or pets, or to exclude wildlife from specific areas, such as gardens. Fenced areas must be the minimum necessary to meet the needs of the project applicant. If the proposed fence is in deer and elk winter range, the top wire must be no more than 42 inches high, the distance between the two top wires must be at least 10 inches apart, the bottom wire must be at least 16 inches above the ground and must consist of smooth wire, stays or braces must be placed between fence posts to create a more rigid fence, and woven wire may not be used as fencing material. Applicants must demonstrate a specific need for any variance from these rules.

/ / /
/ / /

Sensitive Plant Species
NSA-LUDO § 14.600(D) contains the standards for projects in the GMA that may affect sensitive plant resources. The first step is for the County to determine whether the project is proposed within 1,000 feet of a sensitive plant species. This includes the following plant species:

- species endemic to the Columbia River Gorge and vicinity
- species listed as endangered or threatened by federal or state authorities, including the Oregon Natural Heritage Program

NSA-LUDO §§ 1.200 (definition of "sensitive plant species"), 14.600(D)(1)(a).

If the proposed project is within 1,000 feet of such a species, the next step is for the applicant to prepare a more detailed site plan map at a scale of at least one inch equals 100 feet (1:1,200). NSA-LUDO § 14.600(D)(4)(a). The County must transmit the more detailed map to the Oregon Natural Heritage Program, which will review the application to determine if the project could affect sensitive plants. ONHP must identify the precise location of the affected plants and must delineate a 200-foot buffer zone to protect these plants. NSA-LUDO § 14.600(D)(4)(c)(2). Buffer zones must be maintained in an undisturbed, natural condition.

Cultural Resource Protection

Pursuant to the Oregon Supreme Court ruling in Friends of the Columbia Gorge v. Columbia River Gorge Comm'n, *346 Or 366, 213 P3d 1164 (2009), County land use decisions must protect against cumulative adverse effects to cultural resources. Pursuant to this ruling, the County must review whether the proposed development would contribute to cumulative adverse impacts to cultural resources. This includes evaluation of past, present and likely future actions. Individually insignificant but cumulatively significant actions must be evaluated and cumulative adverse impacts must be avoided.*

NSA-LUDO § 14.500 contains the standards for protection of cultural resources in the General Management Area.

If a use is proposed within 500 feet of a known cultural resource, the Gorge Commission is responsible for preparing a cultural resource reconnaissance survey and report. NSA-LUDO § 14.500(B)(3). For any other small-scale use, a reconnaissance survey need not be prepared if the area has a low probability of containing cultural resources, as determined by the Columbia River Gorge Commission and United States Forest Service. Reconnaissance surveys and reports must comply with the standards found at NSA-LUDO § 14.500(C).

Significant Cultural Resources
If a cultural resource is identified, it must be evaluated for significance. NSA-LUDO § 14.500(D)(2). If the resource is determined to be significant, the County must determine whether the project is likely to adversely affect the resource. NSA-LUDO § 14.500(D)(4). If the County concludes that the project would have an adverse effect on a significant cultural resource, then a mitigation plan must be prepared and reviewed pursuant to section 14.500(F).

Historic Resources
NSA-LUDO § 14.500 contains the standards for protection of historic resources. Historic surveys are required for all proposed uses that would alter the exterior architectural appearance of buildings and

structures that are at least 50 years old. NSA-LUDO § 14.500(B)(2). Historic surveys must contain the following elements:

- a documentation of the location, form, style, integrity, and physical condition of historic buildings and structures
- photographs and maps
- a description of any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures
- detailed architectural drawings and building plans that clearly illustrate all proposed alterations

NSA-LUDO § 14.500(M).

Conditions of Approval

All conditions of approval must be entered into the deeds of the affected parcels and registered with the county.

Conclusion

Thank you for this opportunity to comment.

Sincerely,

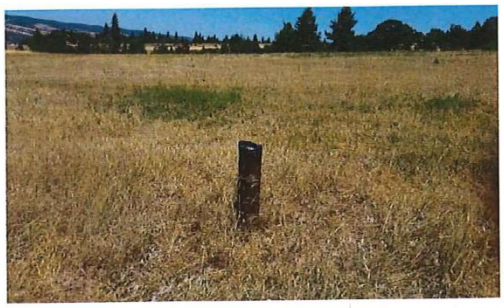
Steven D. McCoy
Staff Attorney

Dawn Baird <dawnb@co.wasco.or.us>

Fuentes

1 message

amyhop <amyhop@gorge.net> Fri, Jul 20, 2018 at 3:41 PM
To: dawnb@co.wasco.or.us



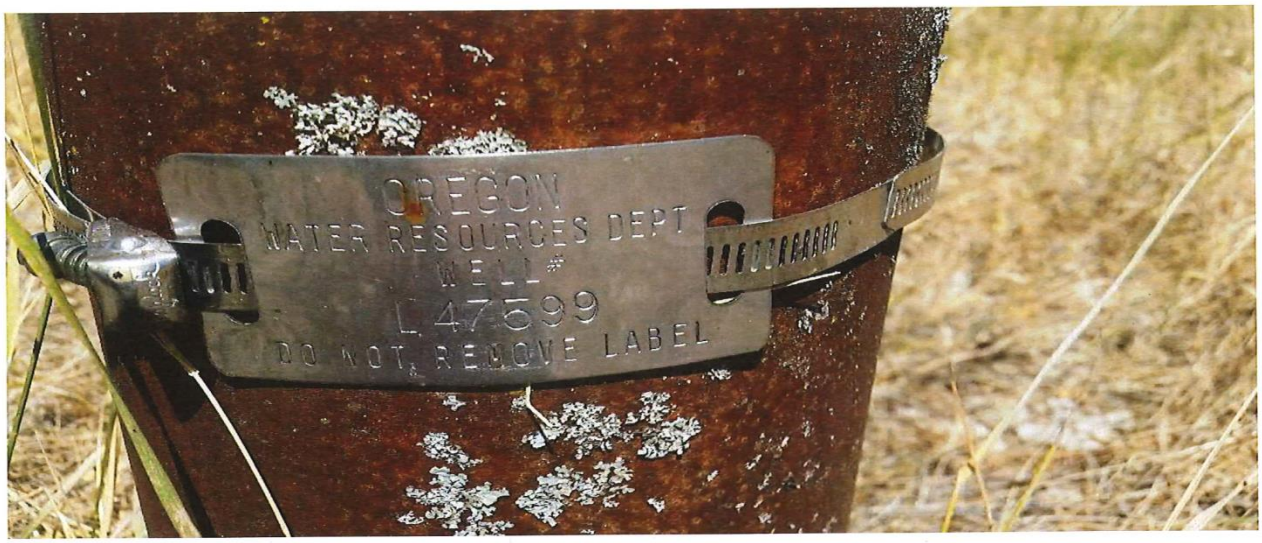
Sent via the Samsung Galaxy S® 5 ACTIVE™, an AT&T 4G LTE smartphone

2 attachments

20180720_143235_resized_1.jpg
451K

20180720_143156_resized.jpg
633K

8/9/2018 20180720_143235_resized_1.jpg



8/9/2018 20180720_143156_resized.jpg

Dawn Baird <dawnb@co.wasco.or.us>

RE: Preliminary Response to Amended File # 921-18-000017-PLNG and Request for Denial of Application

1 message

Kevin McCabe <kmcphd@gmail.com> Sun, Jul 22, 2018 at 10:00 AM
To: Dawn Baird <dawnb@co.wasco.or.us>
Cc: William Smith <wills@co.wasco.or.us>

Hello Dawn,

I was wondering if you had a chance to examine the file in more detail and consider my request that it be denied on the grounds that it remains incomplete? Your last communication didn't address this clearly stated question, nor the corequisite that an explanation be provided should the application not be denied at that point in time. I was hoping you could provide some clarity on the planning department's views as to the completeness of the amended application as it currently stands. State law and Wasco County Planning policy are clear around the timely decision making process for applications that remain incomplete. I received this from Mr. Smith on June 13 indicating that the application was incomplete at that point.

*From: **William Smith** <wills@co.wasco.or.us>*
Date: Wed, Jun 13, 2018 at 11:20 AM
Subject: Re: Preliminary Response to File # 921-18-000017-PLNG
To: Kevin McCabe <kmcphd@gmail.com>

Our procedures stem from ORS procedures so my understanding is that it is currently incomplete in regards to both. It does seem like it might change so if/when that happens for sure then you will be hearing from us again!

Given the minor changes to the amended application, and some of my other discussions with Mr. Smith, I would expect it would remain incomplete at this point. The spirit of the 30day determination of completeness and the 30day period for response by the applicant, at which point the application is deemed complete and should the application not be complete, the application be denied (see ORS 215.427(2) and the land use application itself), seems to me to be to shepherd applications to completeness, or to deny applications that the applicant cannot or will not complete to the satisfaction of the planning department. A related piece of this is to reduce burden on the county, and on those tasked with responding to applications, including neighbors of the project. Continuing to have to respond to an incomplete application is becoming a burden on myself and my neighbors.

As I mentioned, I am happy to fill out any required open records requests for more information around this application, and you will find such a request attached. I would politely request that the planning department consider the attached open records request at its earliest convenience. However, in order to save the County time and money, I would waive this records request should an adequate explanation of the standing of the application's completeness be provided, as I am only requesting these documents to try to find clarity around why this application has not been denied for incompleteness.

Thank you for your time and consideration,

Kevin McCabe

From: Dawn Baird
Sent: Wednesday, July 11, 2018 6:46 AM
To: Kevin McCabe
Subject: Re: Preliminary Response to Amended File # 921-18-000017-PLNG andRequest for Denial of Application

Kevin,

Thanks for your input. Riley is no longer working for the County so I've been handed this application. I'm still working on understanding the application. Please understand that the staff report is part of the decision and is not available for your review prior to the decision, but you definitely have the right to appeal the decision if it does not turn out the way you hope.

Dawn

On Tue, Jul 10, 2018 at 4:06 PM, Kevin McCabe <kmcphd@gmail.com> wrote:

> Hello,
>
> Below, please find a revised listing of my preliminary concerns around the Commercial Horse Boarding plan as amended and sent to neighboring property owners July 5, 2018. Many of these concerns were raised in the first round of this application, and continue to render this application incomplete.
>
> As noted below throughout my concerns, I am, and I expect the County is, "unable to adequately review the proposal to determine if it is consistent with all applicable criteria" and I remain "unable to appropriately comment on the proposal."
>
> Therefore, before addressing my continued concerns, based upon the current timeline of this application, it's continued incomplete status, the amendment representing an opportunity for the applicant to correct this incompleteness, and per the rules as stated in the application materials under the completeness section of the National Scenic Area Application p3 of 3, "If an application is deemed incomplete within 30 days of receipt, a letter shall be sent to the Applicant notifying him of exactly what information is missing. Applicant shall have 30 days from the date the incomplete letter is sent to submit the missing information. If the missing information is not submitted within this time frame, the application shall be deemed complete for the purposes of the review on 31st day after receipt of the application.
>
> Due to the missing information, Wasco County will be unable to adequately review the proposal to determine if it is consistent with all applicable criteria, and landowners within the required notification area, affected agencies and other interested parties will be unable to appropriately comment on the proposal. As a result, the proposal will be denied. Pursuant to Wasco County National Scenic Area Land Use & Development Ordinance 2.120(D), Applicant will not be able to submit a similar application for a minimum of one year unless the denial is reversed by a higher authority."
>
> *I formally request that this application be denied on these grounds, at this time.*
>
> *If the application will not be denied on these grounds, at this time, I respectfully request communications by the planning office concerning this application with respect to its completeness, and a determination from the planning office of where the application is in the*

above 30 day + 30day process as described in the completeness section of the NSA Application, as it has now been 118 days since the application was originally received on March 12, 2018.

If needed, I will happily complete any public records request forms.

Should the application not be denied on these grounds, at this time, and it continues to move through the planning process, please consider my concerns below.

Best Regards,

Kevin McCabe

Having previously lived on a horse property with approximately the same number of horses as proposed here, in a reasonably similar dry and windy climate, I have numerous concerns around this proposal.

General Concerns:

1. The application is incomplete. Answers are inconsistent (see General Concern point 2), vague (see Specific Concerns points 2-14), and incorrect (see Specific Concerns point 1). It is difficult to fully respond to an incomplete application and I would like assurances that myself and others will be able to provide additional feedback on a completed application, should this application not be denied for the reasons above regarding the 30 day timeline for completion of an application.

2. The maps are still not to scale. For example, in the satellite overlays (p16 and17), lines marked as 50' and 125' at the SE property corner are 3/8" and 5/8" respectively. Essentially, a distance (125') that is greater than double another measurement (50') is less than that distance again (what would be 2*50' or 100'). Other issues of scale run throughout the maps.

3. Building sizes listed vary throughout the application. (e.g. p1 24'X60 horse barn is 48'X60' on p 21)

4. Buildings are much larger (footprint & height) than is standard in the neighborhood

5. Under sensitive wildlife habitat, turkeys and Oregon white oak are listed. On Rocky Prairie, we have a complex ecosystem including big cats (cougar and bobcat), canines (coyote and fox), deer and elk, numerous other mammals, dozens of bird species from raptors (bald eagle, red tailed hawk, sharp shinned hawk, coopers hawk, kestrel, loggerhead shrike, golden eagle, osprey, owls, etc.) to songbirds (blue birds, finches, towhee, Bullock's oriole, red wing blackbird, etc), numerous reptiles and amphibians, diverse and important insects (wild bees, monarch butterflies etc.), dozens of plant species including grassland and impressive displays of wild flowers, etc. The fencing and building plans significantly impact the free movement of the larger of these organisms and would decimate the grassland and wildflowers through excessive grazing (10 horses in those pastures will reduce them to dirt in a matter of days given their recently mowed state). In addition, the chemical/sediment/dust/waste that will enter the air and wetlands that flow through the property in question from a commercial horse operation will have significant impacts on this and surrounding properties. While the application now acknowledges there is a wetland present, pastures still overlap this wetland,

6. The drawings lack sufficient detail to understand, and then for neighbors to address concerns, around the proposed commercial horse operation. Specifically, the NW corner of the satellite overlay has lines that are coming off of lines marked as fencing, but make no sense as fencing, as a stretch of what appears to be fencing cuts into a pasture and then ends. Where is there parking for workers, and visitors?

7. The applicant and owner do not reside on or near the property in question and, therefore, their residence will not be directly impacted by this development. This raises increased concern on my part, and I feel should merit increased attention to detail in the application to assuage the concerns of those it will directly impact.

8. A recent article in The Gorge Magazine Summer 2018 issue profiles the property owner Carrie Fuentes. https://issuu.com/thegorgemagazine/docs/the_gorge_magazine_summer_2018 See Page 70. This article details

Equine Assisted Therapy at their Triskele Rivers facility in Hood River (https://www.triskelerivers.com/). While I applaud this work, and respect the unique way growing up with horses shaped my own outlook on life, I am concerned that such a facility would require many more workers, additional visitors, and trips than listed in the application should they be attempting to replicate such a facility here. Are the design constraints and permitting different for such a facility, if this is indeed what is planned? The feeble description of operations provided in this amended application leaves innumerable questions unanswerable at this stage.

Specific concerns:

1. p3 lists sensitive wildlife habitat, and notes ~15 Oregon white oak to be removed. The equipment shed is still sited in the wooded portion of the property and remains quite large. Including required fuel reduction setbacks, I would expect significantly more trees to be removed for the building placement, as well as construction and ongoing access. In addition, trenching for utilities are now marked to run through the wooded area, requiring additional tree removal.

2. p8 Under conditional use criteria, item 2, the first question asks to describe how the proposal is compatible with the surrounding area and development of abutting properties, but the answer provides only a description of one of the buildings, the size of the property and that it is in an agricultural area. There is no description of compatibility.

3. p8 Under conditional use criteria, item 2, the second question asks to describe the operational characteristics. While concerns around some of this are also addressed later, the answer of "daylight hours, horse training" does not adequately describe the operation such that a complete picture of operations can be understood. See also General Concern Item 8. It is impossible to respond to such an incomplete answer. Further, as the operation of the "commercial horse boarding" operation is now being expanded to a training facility, the scope of the initial description of the operation is also rendered incomplete.

4. p8 Under conditional use criteria, item 2, the third question lists 1-6 people, however this was listed as 5 earlier. Given the inadequate description of operations, it is impossible to assess how many people will actually be required for this operation, or what the impact of that will be.

5. p8 Under conditional use criteria, item 3, Roads they answer "little" however, I have concerns about a commercial operation, so poorly described, potentially having significant impacts on traffic and road wear in town and on our rural roads. Where is parking sited? Where do horse trailers, hay trucks, etc. turn around? Significant grading and gravel work beyond what is described for the buildings will be required. Given this property is in the scenic area, adding significant graveled or even paved surface could be of concern.

6. p8 Under conditional use criteria, item 3, Fire and Police Protection. I do not understand the answer "beneficial maintnence". I have concerns that a horse operation that is carrying out training, is being tended to only during daylight hours, and that is potentially hosting guests for Equine Assisted Therapy will have a significant impact on both police and fire/EMT resources.

7. p8 Under conditional use criteria, item 3, Sewer and Water They describe "little water use from 200' well for washing and drinking water" however, washing the horses, facilities, equipment, etc. and drinking water for 10 horses and 5-6 people will be a significant draw on the water table within which wells are already running dry. Further water use, not described, that will be required for people, facilities, equipment, and horses will create further strain on the water table. Further, this well is not developed and is not currently in use or usable; any use of this well will be a *new* strain on the water table. Currently, there is no pump, tank, nor pumphouse. Where will these be sited? Will the well produce the required amount of water? Is the required on-site water storage going to be provided for? Does this property have water rights to accommodate the several hundreds to thousands of gallons of water per day required for a 10 horse boarding and training operation?

8. p8 Under conditional use criteria, item 3, Electrical and telephone It is unclear from the drawings where the electrical lines will be run, though I now assume they are running power from the West property line based on the trenching drawings provided in the amended application. As trenching is now drawn, much of it through the wooded area, will more trees have to be removed than described in the application?

9. p8 Under conditional use criteria, item 3, Solid Waste Disposal. The answer "septic, on site" only addresses sanitary sewage, and even then does not address the capacity of the system? There is no description about the burden created by other solid wastes, including manure, bedding, trash, etc. What is the solid waste disposal plan? How will these wastes impact the wetlands and downstream watershed?

10. p9 Under conditional use criteria, item 4, The number of trips listed, "1-5" is inconsistent with the number of people listed elsewhere in the application (5 or 6).

11. p9 Under conditional use criteria, item 5, "How will you minimize the effects of noise, dust and odor on adjoining properties during development and operation?" The answer, "gravel road, minimal impact" does not address the question. I have significant concerns around all aspects of the question, noise, dust and odor, created by this operation. 10 horses, grazing ~10 acres will result in overgrazed pasture. Given the winds we experience on Rocky Prairie, the dust from the pastures, if not addressed, will be unbearable. This does not begin to address dust created by maintaining the round pen and other areas, nor riding, driving, equipment use, etc. Further, the waste created by 10 horses will create significant odor. I expect there will be significant noise associated with the activities required to maintain a commercial operation. Remediation of these issues need to be adequately addressed by the applicants.

12. p9 Under conditional use criteria, item 6, The application has been amended here to describe the location of the seasonal watershed, which ultimately flows to Rock Creek, a protected salmon habitat. Adequate planning to minimize waste, sediment, chemical, nutrient runoff and loading into the wetland and protection of habitat and riparian vegitation needs to be provided by the applicants. As the application stands now, fenced pastures are in the wetland, and no setbacks are acknowledged nor maintained. Significant solids loading from horses pastured in a wetland in the wet season, and solids and nutrient runoff from the watershed, accumulated throughout dry season, as well as from overgrazing, will significantly harm the downstream watershed. The siting of the loafing shed in the drainage of the watershed will provide significant waste and nutrient loading in the wet season, especially as it appears to be open to the prevailing weather, allowing the rain into the floor of the shed.

13. p9 Under conditional use criteria, item 7 states "The proposed use will not adversely affect the air, water, or land resource quality of the area." The answer "no affects, grazing horses". This application, as it stands, does not acknowledge, nor address, the impacts of the horses, nor the operation as a whole, and the impacts it will have on the air, water, or land resources, and these impacts will be significant. The applicants must provide sufficient remediation strategies.

14. p9 Under conditional use criteria, item 8 The structures proposed are outsized relative to the other structures in the area. The large 48'X60' barn appears to have been resited closer to the tree line, but the large, covered round pen has now been moved out of the trees creating additional visual impact in the scenic area.

15. p9 Under conditional use criteria, item 9 The large buildings, grazing, and commercial nature of the operation will significantly alter the natural landscape. Items of particular interest to the community that will be altered are the grassland, wildflowers, habitat for wildlife, freedom of movement for wildlife, views, clean air and water, lack of odor, current lack of large numbers of biting horse flies, peace and quiet, heavy well water usage, etc. Have these impacts been assessed? If so, is it possible to obtain a copy of those reports?

16. In the site drawings, the septic drain field is sited in a fenced pasture. I would expect the large animals to damage the drain field through soil compression. I would also be concerned for the livestock and their potential exposure to pathogens. How will this be addressed by the applicant?

17. Has the number of horses and the use proposed for this property undergone review by OSU Extension? If so, is it possible to obtain a copy of that report?

Operational concerns:

1. The application states that it will consist of "Commercial horse boarding of 10 horses during daylight hours." Are the horses brought in and removed daily? I expect this is incorrect, and that the intention is for the horses to remain on site beyond daylight hours. Therefore:

2. There is no accommodation for an individual to remain onsite beyond the listed hours of operation. This is highly unusual for a commercial horse operation, is dangerous for the animals, and leaves the neighbors responsible for any issues that occur outside these hours.

3. The application describes "5 people with one trip per day." A trip is each way, so, I believe, this at least doubles the number of trips listed, and I expect there will likely be even more than this, especially if the facility evolves into a Equine Assisted Therapy facility.

4. Is there any plan in place by the operator of the facility for *when* a horse gets loose? What is the expected response time with no one on site after hours? What is the liability of the adjacent and nearby land owners should an escaped horse be injured or die on their property? Who is liable for damages caused by escaped animals or other facets of this commercial operation?

--

Dawn Baird | ***Associate Planner***

PLANNING DEPARTMENT

dawnb@co.wasco.or.us | http://www.co.wasco.or.us/departments/planning/index.php
541-506-2560 | Fax 541-506-2561
2705 E Second Street | The Dalles, OR 97058

Note: This correspondence does not constitute a Land Use Decision per ORS 197.015.

It is informational only and a matter of public record.

Planning for the Future. Wasco County 2040.

Get involved

180722 McCabe Open Records Request 921-18-000017-PLNG.pdf
257K

Exhibit A

Public Records Request

Please submit this form to: Wasco County Administrative Office
511 Washington Street, Suite 101
The Dalles, OR 97058

Unless the records are immediately available, a form will be sent to you indicating what records are available. Pursuant to ORS 192.440, a public body may charge reasonable fees to make records available as well as reproduction charges, if applicable. You will be provided a written estimate if the cost may exceed $25.00.

All fees or deposits must be paid prior to accessing the records.

Name: Kevin McCabe, PhD Phone: 503-784-4258

Address: 960 Quartz Dr

City, State, Zip Code: Mosier, OR 97040

Email: kmcphd@gmail.com

NOTE: State and federal law prohibits disclosure of certain records and permits certain public records to be withheld from disclosure.

Records Requested: *Describe the records as specifically as possible, including relevant dates, subject matter and type of record.*

I am requesting two documents related to the file file number 921-18-000017-PLNG, Heltzel/Fuentes:

First, I am requesting a copy of the written documentation of land use application completeness. This should have been created and sent to the applicant within 30 days of the application date of 3/12/18 and prior to when the initial public notice of the project was sent out on 4/12/18.

Second, I am requesting a copy of the written notice of application deficiencies that is required to be sent to the applicant within 30 days of the initial application submission.

Wasco County's Public Records Policy, including the fee schedule, is available at:

Persons with disabilities may be entitled to have records transferred to fan accessible format at no extra charge.

Dawn Baird <dawnb@co.wasco.or.us>

WLUN #2018-0397-DSL Response (County #921-18-000017PLNG)

1 message

HOWARD Heather <heather.howard@state.or.us> Wed, Jul 25, 2018 at 8:47 AM
To: "jon_heltzel@hotmail.com" <jon_heltzel@hotmail.com>, "mfuentes1100@gmail.com" <mfuentes1100@gmail.com>
Cc: "dawnb@co.wasco.or.us" <dawnb@co.wasco.or.us>

We have completed our review of the Wetland Land Use Notification that was prepared for **Jon Heltzel**. The WLUN form was submitted to the Department for review/response and given the file number **WN2018-0397**.

The results and conclusions from that review are explained in the attached pdf documents. If the attached documents are illegible or difficult to open, you may contact the Department and request paper copies. Otherwise, please review the attachments carefully and direct any questions or comments to Jurisdiction Coordinator, Chris Stevenson at (503) 986-5246 or christine.stevenson@dsl.state.or.us. Thank you for your interest in the project.

Heather Howard

Support Services Specialist

Oregon Department of State Lands

775 Summer St. NE, Ste. 100

Salem, OR 97301

(503) 986-5235

www.oregon.gov/dsl

2 Ways to Pay: DSL Online or by mail

2 attachments

WN2018-0397-Notice.pdf
654K

WN2018-0397-Response.pdf
46K

WETLAND LAND USE NOTIFICATION RESPONSE
OREGON DEPARTMENT OF STATE LANDS
775 Summer Street NE, Suite 100, Salem, OR 97301-1279
Phone (503) 986-5200
www.oregonstatelands.us

DSL File Number: WN2018-0397

Cities and counties have a responsibility to notify the Department of State Lands (DSL) of certain activities proposed within wetlands mapped on the Statewide Wetlands Inventory. Dawn Baird from county of Wasco submitted a WLUN pertaining to local case file #:921-18-000017PLNG.

Activity location:

township: 02N	range: 11E	section: 11	quarter-quarter section:
tax lot(s): 2200			
street address:			
city:		county: Wasco	
latitude: 45.242658		longitude: -121.290245	

Mapped wetland/waterway features:
☒ The national wetlands inventory shows a waterway on the property.

Oregon Removal-Fill requirement (s):
☒ A state permit is required for 50 cubic yards or more of removal and/or fill in wetlands, below ordinary high water of streams, within other waters of the state, or below highest measured tide where applicable.

Your activity:

Contacts:

☒ This is a preliminary jurisdictional determination and is advisory only.

Comments: The National Wetland Inventory has identified a stream on the property. If the stream flows longer than a brief period after storm events, it would be considered an intermittent stream and potentially jurisdictional for DSL. If jurisdictional, DSL would require a permit for impacts that are 50 cubic yards or greater.

Based on the submitted site plan, impacts within this area appear to be below this threshold.

Response by: Christie Stevenson date: 07/16/2018

Dawn Baird <dawnb@co.wasco.or.us>

Re: Huskey Rd application

1 message

Kevin McCabe <kmcphd@gmail.com> Thu, Jul 26, 2018 at 4:40 PM
To: Dawn Baird <dawnb@co.wasco.or.us>
Cc: Jonathan Heltzel <jon_heltzel@hotmail.com>, William Smith <wills@co.wasco.or.us>

Hello Dawn,

Thank you for your response. My continuing concern is that the appropriate process has not been followed with this application, and because of this, the neighborhood has not been given a chance to review a complete application as required by County policy and ORS. The re-notice does not include all of the clarifying information I would expect to find in dozens of emails nor the context likely provided in a site visit, and, lacking that information, does not constitute a complete application, in that, it does not provide a clear picture of the construction and operation to which we could adequately respond.

I'm concerned that simply reviewing the emails would not create a clear picture to which myself an my neighbors could respond, and could increase confusion rather than quell it. We do not have the context of your site visit, which you required to make sense of the application, even given the context of all of the other communications. We would still not have been presented with a complete application, again, I'll point to the rules. Finally, reviewing dozens of emails puts the onus on us, not the applicant.

In my mind, being presented with a complete application incorporating all of the information from the site visit and emails is the only way forward, but even then, the proper process has not been followed with respect to notifications and timelines. Would a withdrawal of the application and resubmission constitute the start of another application process, in which, the proper process could then take place?

I'm grasping for options that will create a clean and legal process for the application.

Best,
Kevin

On Thu, Jul 26, 2018 at 8:50 AM, Dawn Baird <dawnb@co.wasco.or.us> wrote:

> Kevin,
>
> Thanks for your e-mail. I suggested Mr. Heltzel think about contacting you to clarify the application and alleviate some of your concerns. I was assigned this application after the resignation of Riley Marcus, Associate Planner. When I received the application, the first notice had already gone out, thus giving the appearance of the application being complete. I had some concerns about the application, felt that there were many gaps in information and proceeded to procure the missing information through a series of e-mails with Mr. Heltzel and through a site visit to the property with Will Smith on July 19, 2018. No complete or incomplete letter was sent to the applicant. It was through dozens of e-mails that the information was gathered. At the present time, I believe the County has all of the information necessary to make a decision in this matter.
>
> I would be glad to send you a copy of all of the e-mails between Heltzel and Marcus, and Heltzel and myself which provided the County with details of the request which led to completness of the application. I was instructed that a re-notice of the request was necessary and provided that to neighboring property owners on July 5, 2018. This re-notice advised neighbors that the maximum number of horses at the facility would be 5 and that there would be no commercial events.
>
> I provided the Oregon Department of State Lands with a second notification pointing out the loafing shed, fencing and pasture in the area of the identified wetland. They responded yesterday and said they did not have a problem with the request. I sent them an e-mail that basically said, "are you sure since the improvements will cross the wetland?" and they said, yes they considered all things and had no concerns.
>
> I provided the Oregon Department of Fish & Wildlife a second notice and their response was that the request would not adversely affect wildlife habitat since no oak trees will be removed.

I checked with the Oregon Department of Agriculture regarding the method of storing/spreading manure and am waiting to hear back from them.

I have been unable to find ADA requirements for a horse boarding facility but am still researching it. I mention this because you said you had to deal with this for a (proposed?) winery on your property. (I don't see any record of an application for a winery on your property.)

As of this date, the application is considered to be complete. Please let me know if you would like a copy of all the e-mails. These can also be posted on our website if necessary.

Regards,

Dawn

On Wed, Jul 25, 2018 at 4:02 PM, Kevin McCabe <kmcphd@gmail.com> wrote:

Hello Mr Heltzel,
I've cc'd the folks at the county in my reply so that your email can become part of the record associated with your application.

I would prefer communications move through the official channels following the proper processes laid out by the County, State, and National Scenic Area. This way the official record of the proceedings will include all potentially relevant information.

It is my hope that by following the proper public process a fair and legal outcome will be reached in a timely manner.

Best Regards,
Kevin McCabe

On Tue, Jul 24, 2018 at 6:37 PM, Jonathan Heltzel <jon_heltzel@hotmail.com> wrote:

Hi Kevin,
My name is Jon Heltzel and I filed the application for the horse boarding facility. I would like to provide you a brief summary of my application for your records to help explain the appearance of incompletion.
First, the application was completed upon our submittance of all required documents and payment of $2,412 for the gorge scenic application, land use application, and conditional use permit.
Upon our first notification in April, many agencies were required to reply. There were many replies that required further reports submitted to those agencies. The most significant was a cultural study of the area that took several months of archaeological work on the property to complete. We also we're not allowed to remove necessary oak trees to place the round pen in the forested area and were told to move it where no oaks would be disturbed, which required the prenotices to be sent again.
I welcome you to examine the file with the upmost scrutiny. We have been steered by the state agencies to full fill all requirements.
Feel free to contact with me any other questions or concerns and I will be happy to address.
Warmly,
Jon Heltzel

--

WASCO COUNTY
Pioneering pathways to prosperity.

Dawn Baird | ***Associate Planner***
PLANNING DEPARTMENT

dawnb@co.wasco.or.us | http://www.co.wasco.or.us/departments/planning/index.php
541-506-2560 | Fax 541-506-2561
2705 E Second Street | The Dalles, OR 97058

Note: This correspondence does not constitute a Land Use Decision per ORS 197.015.

FOREST-FARM MANAGEMENT EASEMENT

Owner Name: _____ _____

Mailing Address: _____ _____

_____ _____

Solo Properties LLC, Owner, herein called the Grantor(s), is/are the owner(s)s of real property described as follows:

Township 2N, Range 11 East W.M., Section 11, Tax Lot 2200, Account 327

In accordance with the conditions set forth in the decision of Wasco County Planning Staff, dated August 30, 2018, approving a Conditional Use Permit and Scenic Area Review (File #921-18-000017-PLNG) to approve a commercial horse boarding facility for 5 horses on a 20.59 acre parcel, Grantor hereby grants to the Owners of all property adjacent to the above described property, a perpetual nonexclusive easement as follows:

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

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

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

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

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

IN WITNESS WHEREOF, the Grantors have executed this easement on _____, 201___.

_____
Titleholder Signature

STATE OF OREGON)
COUNTY OF WASCO)

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

_____
Notary Public for Oregon

Recommended Plants for Screening

How and when should I use the recommended lists of plants for my project?

If you are required to plant new vegetation to screen your development from key viewing areas (KVAs), these recommended plant lists can help you select types and sizes of trees and shrubs that meet Scenic Area requirements. You can also plant other types of trees and shrubs on your property.

The requirements for screening vegetation in the General Management Area (GMA) are different than those in the Special Management Area (SMA). FIGURE 1 summarizes those requirements including specifics for each landscape setting. Your review agency can help you determine the landscape setting for your property.

A brief discussion of Scenic Area requirements for a planting plan is included in the *Building in the Scenic Area Handbook*. The *Handbook* also discusses other steps you must take to meet scenic requirements before relying on new vegetation to screen your development.

SMA Requirements
In general, projects in the SMA are encouraged to use plant species native to the setting for screening vegetation. Native trees and shrubs that may satisfy this guideline are listed in FIGURES 2 and 3 respectively. Non-native plants with native characteristics are also allowed to screen development from KVAs in the SMA. FIGURES 4 and 5 include non-native trees and shrubs with native characteristics that may be used to meet the SMA landscaping guidelines. In addition, use of plants common to the "Pastoral" setting in the SMA is encouraged. FIGURE 4 also includes non-native trees commonly found in the Pastoral setting.

GMA Requirements
For most projects in the GMA, at least half of the trees planted for screening from KVAs must be species native to the setting. For a few landscape settings that are more developed or where the natural vegetation patterns have been significantly altered (such as agricultural "pastoral" settings), at least half the trees planted for screening may be native to or common to the setting (FIGURE 1). FIGURE 4 includes non-native trees that are commonly found in these GMA landscape settings and which can be used to satisfy these requirements.

List of Figures

FIGURE 1 – Summary of Management Plan Planting Requirements for New Screening
FIGURE 2 – Recommended Native Trees
FIGURE 3 – Recommended Native Shrubs
FIGURE 4 – Recommended Non-Native Trees Common to the Scenic Area or with Native Characteristics
FIGURE 5 – Recommended Non-Native Shrubs with Native Characteristics

FIGURE 1

Summary of Management Plan Planting Requirements for New Screening

LANDSCAPE SETTING	CHARACTER OF NEW SCREENING PLANTINGS	GENERAL MANAGEMENT AREA SPECIFICATIONS FOR NEW SCREENING VEGETATION	SPECIAL MANAGEMENT AREA SPECIFICATIONS FOR NEW SCREENING VEGETATION
Pastoral	Retain open character. Native or common tree species include – Douglas-fir, Lombardy poplar (usually in rows), Oregon white oak, big leaf maple, and black locust (primarily in eastern gorge).	at least ½ native species or common to the area at least ¼ coniferous	Common plant species Placed in rows as common in the landscape
Coniferous woodland	Native tree species include – Douglas-fir, grand fir, western red cedar, western hemlock, big leaf maple, red alder, ponderosa pine, native willows (in riparian areas), and Oregon white oak	at least ½ native species at least ½ coniferous	Natives encouraged Non-natives shall have native characteristics
Oak-Pine Woodland	Native tree species include – Douglas-fir, Oregon white oak, and ponderosa pine	at least ½ native species at least ½ coniferous	Natives encouraged Non-natives shall have native characteristics
(Oak-Pine Forested)	-NA-	at least ½ native species at least ½ coniferous	Natives encouraged Non-natives shall have native characteristics
(Oak-Pine Open)	Retain surrounding character; trees in small groupings retaining open area between groups	at least ½ native species at least ½ coniferous	Natives encouraged Non-natives shall have native characteristics
Grassland	Plantings for screening limited to retain open character, mirror or emulate existing vegetation (riparian areas or windrows). Native or common tree species include – Lombardy poplar, Oregon white oak, black cottonwood (wet locations), ponderosa pine, russian olive, black locust.	at least ½ native species or common to the area	-NA-

FIGURE 1

Summary of Management Plan Planting Requirements for New Screening (continued)

LANDSCAPE SETTING	CHARACTER OF NEW SCREENING PLANTINGS	GENERAL MANAGEMENT AREA SPECIFICATIONS FOR NEW SCREENING VEGETATION	SPECIAL MANAGEMENT AREA SPECIFICATIONS FOR NEW SCREENING VEGETATION
Mixed Designation	For Rural Residential Settings With Mixed Characteristics From Another Rural Setting Refer to Requirements for the Other Rural Setting		
Rural Residential	-NA-	at least ½ native species or common to the area at least ½ coniferous	-NA-
Residential	-NA-	at least ½ native species or common to the area at least ½ coniferous	Natives encouraged Non-natives shall have native characteristics
River Bottomlands	Native tree species include – big leaf maple, red alder, Oregon white ash, Douglas fir, western red cedar, native willows, and western hemlock(west Gorge)	at least ½ native species at least ¼ coniferous	Natives encouraged Non-natives shall have native characteristics
Gorge Walls and Canyonlands	-NA-	all native	Non-native plant species not allowed
Village	-NA-	-NA-	-NA-
Developed Settings	-NA-	-NA-	-NA-

Why use recommended plants in the Columbia River Gorge?

The Management Plan requires that new screening vegetation must be designed and planted to provide sufficient screening within five years of the beginning of construction. The recommended plant list includes trees and shrubs that will thrive in the Scenic Area habitat and blend with their surroundings. Recommended native plants are those plants known to occur naturally in the Gorge. The Management Plan also lists some non-natives that are commonly found in the landscape setting. These non-native species are listed because they will blend with existing vegetation in those landscape settings.

Where is the line between the east side and west side of the Columbia River Gorge? How does being on the east or west side affect plant selection?

The east/west transition generally occurs between the point where the White Salmon River joins the Columbia River in Washington, and where Rock Creek joins the Columbia River, in Mosier, Oregon. Typically the further east you go in the Gorge the less rainfall and more sunshine you have. Summers are hotter, winters are colder, and in many cases building sites can be rockier or have thinner soil layers. The characteristics of your development site will make the biggest difference in what will grow well. An exposed south-facing site located near the transition area may support drought tolerant species. A sheltered north-facing site in a natural draw that collects moisture may support plants that more typically thrive on the west side, even if it is located in the east.

What else should I consider when I am choosing plants, plant locations, and preparing to plant?

Hosts to pests – If your site is near an orchard you should contact the OSU or WSU Extension Service. Contact numbers for extension agents in your county can be found in local telephone directories under County or University listings. Extension agents will help you determine which plants, including some native species, might be a concern as secondary hosts for pests that pose a threat to commercial farm operations. Hawthorns, cascara, western choke cherry, and bitter cherry are some examples of native plants that provide secondary cover for pests posing a threat to orchard crops. Commercial fruit is a critical agricultural product in the Scenic Area. Some areas protect farmers from pests by requiring secondary host species, including fruit-bearing trees, to be removed if planted too close to productive land.

Fire resistance – Fire resistant plants should be selected for the area immediately around structures. Plants that tend to be fire resistant are moist and supple, do not accumulate dead, dry material, and that have thin, non-sticky, mild-smelling sap. Oregon State University Extension Service publishes a list of fire resistant plants for Oregon home landscapes. Your review agency can provide you information about designing a development that is defensible from fire. The plant lists also include some comments about how fire safe various plants may be.

Planting Season – The east side planting season is the wet period during fall and winter when soil is consistently moist. East side plantings should be completed before March 15th. Planting on the west side can be done between September 1st and May 15th.

Irrigation – Plants need to be watered to succeed. On the east side, irrigation is necessary through the summer months for the first three years, tapering off the fourth and fifth years, to achieve good survival and growth rates. On the west side, irrigation may be required for the first three years.

Site preparation – Plants will have a better chance of survival if the ground is prepared before planting. The native soils need to be broken up or deeply tilled to a minimum of 4 feet in diameter. A minimum of 2-3 inches of top soil should be added and worked into the tilled native soils. The plant needs to be watered well and the tilled soil around the plant should be mulched with a minimum of 3 inches of mulch. Mulch should not be worked into the soil but should be layered over the top to help capture and hold moisture needed by the new plant.

Orientation – South-facing sites are hotter and drier than north-facing sites, and may require selection of more drought-tolerant species.

Wind – Many exposed sites in the Gorge are windy; new plantings should be planted and staked to withstand wind until they are successfully established.

Soil depth and type – It is important to consider on-site soil conditions. Steep sites and ridges require careful selection of planting location to ensure sufficient pockets of soil are available. Some rocky areas may not allow screening trees to grow to the required height and breadth within five years of beginning construction.

Rainfall, soil moisture, and drainage – Moisture levels can vary within a site. Plants suited to available moisture levels should be selected. Continuous irrigation may be necessary to help less drought-tolerant species survive on a dry site. Drought-tolerant species may not do well on a wet site.

Need for year-round screening – The Management Plan requires a set proportion of evergreen plantings to help ensure year-round screening. Evergreen plants should be planted where year-round screening is most critical.

Survey the site – Investigating the types of native and compatible plants that are found at the development site will help you to select new plants that will succeed.

What native and non-native plants are recommended for planting in the National Scenic Area?

The recommended plant lists (FIGURES 2-4) were developed based on input from landscape architects, conservation planners, extension agents, native plant growers, the Native Plant Society, and landscape contractors. Planting specifications and some comments about the characteristics of each plant also are included. Many plants are listed for use both in the east and west side of the Gorge but their recommended planting sizes and growth habits may be different. The recommended plant size is the best planting size to achieve good survival and growth rates necessary to provide sufficient screening within five years. If a plant listed on the west side is not listed on the east side it may not be adaptable to or compatible with east side conditions. Plants listed on the east side and not the west side may not be adaptable to or compatible with west side conditions or they may be too aggressive or weedy.

Lists of Recommended Plants

FIGURE 2

Recommended Native Trees

	Deciduous Native Trees	Genus species	Size Mature Ht./spread	Planting Size Height	Spacing	East	West	Comments
Large Trees	Oregon White Oak	*Quercus garryana*	40-90" spread can equal height	seedling – 3' 2 gallon	10-20'	X		Can easily live to 500 years. Leaves are dark green, and the autumn color is usually light brown. Drought tolerant, likes sun, slow growing. For screening, best mixed with conifers. Fire resistant and tolerant except when dry leaves are prevalent on the plant during early fall.
				seedling – 3' 2 gallon	15-25'		X	Same as above but grows more quickly.
	Big Leaf Maple	*Acer macrophyllum*	75' 60' spread	3-4' 2 gallon	20-30'	X		Prefers moist soil and cool, moist environment. Will tolerate dry soils with sun or shade in the west. Does best in moist shady canyons in the east. Fast growth rate. Large leaves. Spreading canopy. Fire resistant.
				5-8' 5 gallon	25-30'		X	
	Black Cottonwood	*Populus trichocarpa*	40-150' 20' spread	1-3' bare-root 2 gallon	10'	X		Fast growing. Best near water. Sends out suckers and forms groves. Loved by beaver. Protect with chicken wire at the base. Not for city streets, lawns, or small gardens. Fire resistant.
				3-5' bare-root 5 gallon	10'		X	
	Oregon Ash	*Fraxinous latifolia*	60' 40' spread	3-5' bare-root 5 gallon	10-15'	X		Tolerates winter wet feet and summer drought. Fire resistant.
				6-8' bare-root 15 gallon	15-20'		X	
Tall, Shrubby Trees	Red Alder	*Alnus rubra*	60' 40' spread	6-8' bare-root 15 gallon	15-20'		X	Naturally takes over new forest openings. Serves as nitrogen producing "nurse tree" for Douglas-fir forests. Not common in residential landscapes. Grows rapidly. Useful along streams or other wetlands on the west side. Loved by tent caterpillars.
	White Alder	*Alnus rhombifolia*	50-80' 40' spread	3-5' bare-root 5 gallon	15-20'	X		Generally found on moist sites along streams and on lower mountain slopes. Prefers partial shade or partial sun to full sun; soil should be moist to wet. Found along tributaries of the eastern Columbia River to Idaho. White alder is more appropriate east side than Red Alder.
				6-8' bare-root 15 gallon			X	
	Pacific Dogwood	*Cornus nutallii*	20-30' 25' spread	6-8' bare-root 15 gallon	15'		X	Taller with larger white flowers than non-native dogwood. Tolerates summer drought very well. Fire resistant.

FIGURE 2

Recommended Native Trees (continued)

	Deciduous Native Trees	Genus species	Mature Size Ht./spread	Planting Size Height	Spacing	East	West	Comments
Tall, Shrubby Trees	Smooth Sumac	*Rhus glabra*	15' 10' spread	3-5' bare-root 5 gallon	5'	X		Native east of The Dalles. Attractive shrub to small tree which commonly forms dense thickets due to the spreading lateral roots which send up new plants wherever they near the surface of the ground. Fire resistant.
	Blue Elderberry	*Sambucus cerulea*	15-20' 10' spread	3-5' bare-root 5 gallon	5'	X	X	Native west of the Little White Salmon River. Suitable as large shrubs for native woodland or riparian plantings. Berries are attractive to birds and mammals.
Small, Shrubby Trees	Red Elderberry	*Sambucus racemosa*	6-20' 10' spread	3-5' bare-root 5 gallon	5'	X	X	Native west of the Little White Salmon River. Suitable as large shrubs for native woodland or riparian plantings. Berries are attractive to birds and mammals. Vigorous.
	Vine Maple	*Acer circinatum*	8-10' 15' spread	3-5' bare-root 5 gallon	6'	X	X	Prefers some shade and moisture. Grows better west side. Fire resistant.
	Douglas Maple	*Acer glabrum*	10-30' 15' spread	3-5' bare-root 5 gallon	6'	X		Small maple similar to vine maple.
				6-8' bare-root 5 gallon	15'		X	
	Quaking Aspen	*Populus tremuloides*	25' 15 spread	1-3' bare-root 2 gallon	3-5'	X		Best near water at higher elevations. Sends out suckers and forms groves. Loved by beaver. Protect with chicken wire at the base. Not a widespread native but very desirable. Re-sprout quickly after fire. Fire resistant and tolerant.
				3-5' bare-root 5 gallon	5'		X	
	Serviceberry	*Amelanchier alnifolia*	25' 15 spread	1-3' bare-root 2 gallon	6'	X		Multi-stemmed, but can be pruned to tree form. Fall color is yellow. The flowers are white and borne in erect clusters in early spring as the leaves are unfolding. The berrylike fruits are showy, edible. Excellent small yard tree. Drought tolerant. Fire resistant and tolerant.
				3-5' bare-root 5 gallon	6'		X	

FIGURE 2

Recommended Native Trees (continued)

	Coniferous Native Trees	Genus species	Mature Size Ht./spread	Planting Size Height	Spacing	East	West	Comments
Large Trees	Ponderosa Pine	*Pinus ponderosa*	60-150' 20-50' Spr.	3-5' bare-root	10-15'	X		Large, drought tolerant, sun or shade, moderate growth rate. Extremely fire resistant and tolerant when older.
				4-8' ball / burlap	20'		X	Grows faster than on east side. Not recommended west of Hood River. Does not tolerate wet soil.
	Douglas Fir	*Pseudotsuga Mensiesii*	70' 20 spread'	4-5' bare-root	10-12'	X		North facing slopes or in areas with more soil moisture. Fire tolerant when older and thick-barked.
			240' 60' spread	5-10' ball / burlap	25'		X	Will grow in most locations, moderate growth rate. Not for very small properties.
	Western Red Cedar	*Thuja plicata*	60-150' 70' spread	5-10' ball / burlap 15 gallon	25-30'		X	Evergreen conifer for moist locations with some shade. Good in riparian areas on the west side. Summer drought tolerant when established.
	Western Hemlock	*Tsuga heterophylla*	60-150' 70' spread	5-10' ball / burlap	25-30'		X	Prefers moist or seasonally wet soils. Native to lower elevations on the west side.
	Western Larch	*Larix occidentalis*	60-150' 45' spread	5-10' ball / burlap 15 gallon	15-20'		X	Tolerant to fire when older. Deciduous conifer native to west side. Best at higher elevations, hardy. Yellow fall color before leaves drop. Bright green in spring.

FIGURE 3

Recommended Native Shrubs

	Deciduous Native Shrubs	Genus species	Mature Size Ht./spread	Planting Size Height	Spacing	East	West	Comments
Large Shrubs	Woods Rose	*Rosa woodsii*	12' 8' spread	root sucker 1 gallon	3'	X		Re-sprouts quickly after fire. Best east side.
	Mockorange	*Philadelphus lewisii*	10' 10' spread	1-3' 1 gallon	6'	X	X	Beautiful white flowers in early summer, very drought resistant.
	Red-flowering Currant	*Ribes sanguineum*	12' 6' spread	1-3' 1-5 gallon	3'	X	X	Beautiful red flowers, needs some moisture.
	Ninebark	*Physocarpus capitatus*	8' 6' spread	1-3' 1 2 gallon	4'	X	X	Prefers moist conditions. Requires summer watering.

FIGURE 3

Recommended Native Shrubs (continued)

	Deciduous Native Shrubs	Genus species	Mature Size Ht./spread	Planting Size Height	Spacing	East	West	Comments
Large Shrubs	Western Azalea	*Rhododendron occidentale*	15' 8' spread	1-3' 1-5 gallon	5'	X	X	Fire resistant. Red to coppery autumn color. Tolerates a variety of habitat from moist to dry.
	Salix/Willow	*Salix sp.*	15-25' 10' spread	1-2' cutting 1-2 gallon	6'	X		Common east of the Cascades wet to dry areas. Keep away from water lines and septic systems.
	Bitterbrush	*Purshia tridentata*	12' 8' spread	seedling 1 gallon	3'	X		Yellow flowers. Fire tolerant.
Medium Shrubs	Western Spirea	*Spirea douglasii*	3-6' 5' spread	1-3' 1-2 gallon	3'	X	X	Fire resistant. Red-pink blooms. Sun or part shade.
	Golden Current	*Ribes aureum*	3-9' 5' spread	1-3' 1-2 gallon	3'	X	X	Fire resistant.
	Honeysuckle Black Twinberry	*Lonicera involucrata*	3-9' 5' spread	1-3' 1-2 gallon	3'	X	X	Yellow flowers in spring. Large, purple-black fruits. Partial sun to shade, moist soil.
	Baldhip Rose	*Rosa gymnocarpa*	4' 5' spread	root sucker 1 gallon	3'	X	X	Pink flowers, red hips. Good in dry shade.
	Ocean Spray	*Holidiscus discolor*	8' 6' spread	1-3' 1-5 gallon	5'	X	X	Graceful plant, white flowers. Sun or shade.
	Rabbitbrush	*Chrysothamnus nauseosus*	6' 6' spread	seedling 1-5 gallon	5'	X		Flammable. Re-sprout quickly after fire. Yellow flowers bloom from August through October. Handles harshest growing conditions and dry, alkaline soils.
	Red-osier Dogwood	*Cornus stolonifera*	6' 8' spread	1-3' 1-5 gallon	3'	X	X	Beautiful red twigs in winter. Sun or part shade. Fire resistant.
	Red Huckleberry	*Vaccinium parvifolium*	4-5' 5' spread	seedling 1-5 gallon	3'		X	Prefers moist soil and organic matter. Needs sun.
	Salmonberry	*Rubus spectabilis*	6' 5' spread	1-3' 1 gallon	3'	X	X	Bright red flowers. Better west side.
	Thimbleberry	*Rubus parviflorus*	6' 3' spread	1-3' 1 gallon	1'		X	Fire resistant and tolerant.
	Ceanothus	*Ceanothus integerrimus/cuneatus*	8' 6' spread	seedling 1 gallon	3'	X		Fragrant blue flowers. Prefers dry and sunny locations. Native to east side. Drought tolerant.
	California Hazelnut	*Corylus cornuta*	6' 5' spread	Seedling 1-5 gallon	3'	X	X	Small shrub good for wildlife forage.

FIGURE 3

Recommended Native Shrubs (continued)

	Evergreen Native Shrubs	Genus species	Mature Size Ht./spread	Planting Size Height	Spacing	East	West	Comments
Medium Shrubs	Oregon Grape Holly	*Mahonia aquifolium*	3-7' 4' spread	1-3' 1-5 gallon	3'	X	X	Drought tolerant. Native east of Troutdale. Fire resistant. Yellow flowers, blue berries.
	Evergreen Huckleberry	*Vaccinium ovatum*	6-8' 6' spread	1-3' 1-2 gallon	3'		X	Best west of the Cascades.

FIGURE 4

Recommended Non-Native Trees – Common to the Scenic Area (in bold) or with native characteristics (all).

	Deciduous Non-Native Trees	Genus species	Mature Size Ht./spread	Planting Size Height	Spacing	East	West	Comments
Large Trees	Lombardy Poplar	*Populus nigra* 'Italica'	100' 20' spread	6-8' bare-root 15 gallon	15'	X	X	**COMMON** in GMA Pastoral and Grassland settings. Used as a very tall windbreak for orchards. Short-lived.
	Red Oak	*Quercus rubra*	90' 70 spread	6-8' bare-root 15 gallon	50'	X	X	Fast grower. Needs plenty of water, good soil. Large property.
	European Ash	*Fraxinus excelsior*	40' 40' spread	6-8' bare-root 15 gallon	20'	X		Grows fast, tolerates hot summers.
			70' 70' spread	3-5' bare-root 5 gallon	40'		X	
	Black Locust	*Robina pseudoacacia*	70' 40' spread	6-8' bare-root 15 gallon	25'	X		**COMMON** in Pastoral and grassland settings. Grows on very harsh sites where few other trees grow. Attracts showy yellow lichen. Use only in eastern gorge.
Medium Trees	Sugar Maple	*Acer saccharum 'Green Mountain'*	60' 30' spread	6-8' bare-root 15 gallon	15'		X	Drought resistant variety. Spectacular orange-red fall color. Somewhat columnar habit. Moderate growth
	Silver Maple	*Acer saccharinum*	60' 50' spread	3-5' bare-root 5 gallon	20'	X		Grows very fast. Weak wood. Fire resistant.
				6-8' bare-root 15 gallon	25'		X	Not recommended west side.
	Heritage Birch	*Betula nigra* 'Cully'	50' 20' spread	6-8' bare-root 15 gallon	15'	X		Characterized by its beautiful tan bark, borer resistance, and fast growth rate.
	Lilac	*Syringa spp.*	5-40' 15'	1-3' 1-2 gallon	10'	X	X	**COMMON** in most settings. Large tree-like shrub. Drought tolerant. Fragrant flowers.

FIGURE 4

Recommended Non-Native Trees (continued) – Common to the Scenic Area (in bold) or with native characteristics (all).

	Deciduous Non-Native Trees	Genus species	Mature Size Ht./spread	Planting Size Height	Spacing	East	West	Comments
Medium Trees	Red Maples	*Acer rubrum* 'October Glory'	40' 20' spread	3-5' bare-root 5 gallon	12'	X		Fairly fast growth. Red fall color. Variety October Glory provides strong fall color (east side) where soils are alkaline.
				6-8' bare-root 15 gallon	15'		X	
		Acer rubrum 'Red Sunset'	40' 20' spread	3-5' bare-root 5 gallon	12'	X		May not color in the fall in alkaline soils.
				6-8' bare-root 15 gallon	15'		X	
	Kousa Dogwood	*Cornus kousa*	30' 30' spread	3-5' bare-root 5 gallon	15'	X		Prefers moist soil but is fairly tolerant of summer drought. Fire resistant.
				6-8' bare-root 15 gallon	15'		X	
Smaller Trees	Washington Thorne	*Crataegus phaenopyrum*	25' 20' spread	3-8' bare-root 15 gallon	15'	X	X	White flowers and glossy leaves.
	Japanese Snowdrop	*Styrax japonicus*	20' 15' spread	3-5' bare-root 5 gallon	10'		X	Flowering small tree.
	Russian olive	*Elaeagnus angustifolia*	20' 15' spread	3-5' bare-root 5 gallon	10'	X		COMMON grassland setting. Only good for extremely dry sites. Weedy elsewhere. Only recommended in eastern gorge.
Large Trees	Sugar Pine	*Pinus lambertiana*	100-250' 20-50' spread	3-5' bare-root	10-15'	X		Very long cones. Large, drought tolerant, sun, moderate growth rate. Extremely fire resistant and tolerant when older.
				4-8' ball / burlap			X	
	Austrian Pine	*Pinus nigra*	40-60' 30' spread	3-5' bare-root	12-15'	X		Looks like ponderosa pine when young but is more dense and grows into smaller tree. Looks best where it can retain lower branches. Good for screening.
				4-8' ball / burlap			X	
Medium Trees	Shore Pine	*Pinus contorta (subsp).contorta*	20-50' 20-50' spread	3-5' bare-root 5 gallon	10-25'	X		Subspecies of lodgepole pine. Not native to the Gorge, but native to Oregon.
				4-8' ball / burlap	20'		X	

FIGURE 5

Recommended Non-Native Shrubs – with native characteristics

	Deciduous Non-Native Shrubs	Genus species	Mature Size Ht./spread	Planting Size Height	Spacing	East	West	Comments
Larger	Beauty Bush	*Kolkwitzia amabilis*	10-12' 5' spread	1-3' 1-2 gallon	4'	X	X	Graceful, arching with small tubular pink flowers. Sun.
	Viburnum	*Viburnum burkwoodii*	6-12' 4-5' spread	1-3' 1-2 gallon	3'	X	X	Part Shade. Nearly evergreen. Fragrant.
	Spirea	*Spirea vanhouttei*	6' 6-8' spread	1-3' 1-2 gallon	4'	X	X	Old fashioned fountain-like white spirea. Doesn't like early spring hard frosts.
Smaller	Virburnum	*Viburnum carlesii*	4-8' 4-5' spread	1-3' 1-2 gallon	3'	X	X	Part Shade. Fragrant.
	Azaleas	*Various.*	4-6' 5'	1-3' 1-2 gallon	3'	X	X	Compatible azaleas tend to be those of moderate height, non-dwarf deciduous-- such as the Exbury hybrids.
	Spirea	*Spirea thunbergii*	5' 4' spread	1-3' 1-2 gallon	3'	X	X	Billowy white spirea. Very hardy.
	Evergreen Non-Native Shrubs	Genus species	Mature Size Ht./spread	Planting Size Height	Spacing	East	West	Comments
Larger	Rhododendron	Ssp.	6-10' 6'	1-3' 1-2 gallon	6'		X	Does not do well in alkaline soils.
Smaller	Glossy Abelia	Abelia grandiflora	8' 5' spread	1-3' 1-2 gallon	3'	X	X	Graceful arching branches with small oval evergreen leaves and pink or white flowers.

Glossary

Bare-root – Refers to plants that are transported with the roots essentially bare of soil. A protective shipping medium may be secured in a bag or wrap around the root. (also appears as bare root in some catalogues)

Gallon – Refers to the container size when a plant is purchased in soil in a container.

Ball / burlap – Balled and burlapped refers to the system of digging large trees and wrapping the roots in burlap for transport. (also appears as B&B in some catalogues)

Flammable – Is a plant that catches fire easily.

Fire tolerant – Is a plant that recovers well after fire.

Fire resistant – Is a plant that does not catch fire easily.

Where can I get more specific plant recommendations?

Sources of information related to site-specific plant selection include the Natural Resource Conservation Service, State University Extension Officers, local master gardeners, Native Plant Society, local plant nurseries, local landscape contractors, and licensed landscape architects. The Plant Native organization web site, www.plantnative.org, is also an excellent resource for planting "how to" information and a nursery directory.

Where can I find the plants I want?

If you need help finding nurseries in your area, please consult your local phone directory or your county planning office may be able to help you.

Other Good Sources

Wasco County Soil and Water Conservation District, 2325 River Rd., Suite 3, The Dalles, OR – 541-296-6178 ext. 3
(Annual winter plant sale bare-root shrubs, trees)

Underwood Conservation District, 170 Lincoln, White Salmon, WA – 509-493-1936
(Bare-root shrubs, trees)

Hood River Soil and Water Conservation District, 3007 Experiment Station Road, Hood River, OR – 541-386-6719
(Annual winter plant sale bare-root shrubs, trees)