PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
p: [541] 506-2560 • **f:** [541] 506-2561 • www.co.wasco.or.us

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NOTICE OF DECISION

FILE #: PLASAR-17-05-0005 **DATE:** September 14, 2017
APPEAL DEADLINE: September 29, 2017, 4:00 p.m.

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

DECISION: Approved with **Conditions**

APPLICANT/OWNER INFORMATION:

Applicant/Owner: Mark Neumann, 3208 Laurel Avenue, Manhattan Beach, CA, 90266

PROPERTY INFORMATION:

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

Tax Lot	Acct #	Acres
2N 12E 6 1800	1608, 442	14.6

Zoning: The property is zoned A-2(40), Small Scale Agriculture Zone, in the General Management Area of the Columbia River Gorge National Scenic Area.

Attachments:
A. Conditions of Approval
B. Time Limits & Appeal Information
C. Maps
D. Staff Report
E. Lighting Standards

Staff Reviewer: Will Smith, Associate Planner

After recording, please return to:
Wasco County Planning Department

ATTACHMENT A – CONDITIONS OF APPROVAL

Pursuant to Wasco County National Scenic Area Land Use Development Ordinance, Chapter 2 – Development Approval Procedures, Section 2.120.A., Notice of a Decision by the Director, the following shall be recorded as conditions of approval and binding upon the owners, developers or assigns.

A. **Current and future property owners** shall comply with the application, site plans, and elevation drawings as reviewed and approved by the staff report, which is available at the Wasco County Planning Department. This report details the restrictions on aspects of the approved development including but not limited to location, dimensions, and use. This decision does not constitute tacit approval for any other development or use.

B. **All on-site trees** shall be retained, with the exception of six (6) apple trees proposed to be removed where the east edge of the proposed dwelling will be placed. Trees that die for any reason shall be replaced by the current owner or successors in interest no later than the next planting season (October – April) after their death with trees of the same species or from the list in the landscape setting for the property. Replacement trees will meet the following standards:

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.

C. **Approved Colors and Materials:** The colors and materials shown below are approved for the construction of this home. If alternative colors are proposed to be used, they shall be dark earth tones, for which color samples with color and brand names are submitted to, and approved by, the Planning Department prior to application of the color on the structure.

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

The deck boards shall of the darkest wood available with multiple coats of stain applied to them to ensure all surfaces meet the dark earth tone standard.

D. **Landscape Plan:** Applicant shall comply with the proposed landscaping on the site plan submitted with the application to plant and maintain eighteen (18) new screening trees: twelve (12) Douglas

Fir, two (2) Oregon White Oak, and four (4) Big Leaf Maple. At least half of any tree species planted for screening purposes shall be coniferous and shall be species native to the setting as provided in Attachment C - Maps.

E. **Revegetation of Disturbed Soil:** The applicant shall maintain existing vegetation to the greatest extent possible. All ground disturbances resulting from development must be revegetated with native plants and/or seed within a year of completion of construction.

F. **Sensitive Plants:** If a sensitive plant is identified on this parcel a 200' buffer zone shall be maintained in an undisturbed, natural condition, unless applicant is granted clearance to reduce that buffer zone by a professional botanist hired by the applicant.

G. **Cultural Resources and Human Remains:** If cultural resources or human remains are discovered during construction, development shall cease immediately and the owner shall notify Wasco County Planning Department (541-506-2560), the Columbia River Gorge National Scenic Area Heritage Program Manager, the Columbia River Gorge Commission (509-493-3323), the four treaty tribes, and the State Historic Preservation Officer. If human remains are found, law enforcement shall be contacted immediately.

H. **Lighting:** Exterior 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 waterways **(See Attachment E)**. Exterior shielding and hooding materials shall be composed of non-reflective, opaque materials.

I. **Fire Safety Plan:** The applicant shall conform to the proposed Modification of Fire Safety Standards Request fire safety plan which includes a 3,000 gallon in ground cistern as well as three water spigots to be used solely for fire response and not as a backup to domestic water supply. Additionally the home will be protected with a NFPA 13D sprinkler system.

J. **Temporary Use Permit:**

1. The Temporary Use Permit is valid for up to two years from the date of final approval or upon completion of the proposed dwelling, whichever comes first. This will expire no later than September 29, 2019.

2. The Temporary Use Permit is issued to Mark Neumann, and is not transferrable.

3. The replacement dwelling's proposed upgraded septic system shall meet all County health and sanitation requirements. Use of the former septic system shall be discontinued once the proposed dwelling is connected to the new system.

4. The applicant must obtain all building related permits for the replacement dwelling construction from Mid-Columbia Building Codes and septic approval from the North Central Public Health District

5. The current dwelling shall be removed upon completion of the proposed replacement dwelling.

ATTACHMENT A – CONDITIONS OF APPROVAL

6. The Temporary Use Permit may be renewed through the same process as the original permit if all applicable criteria can again be met. A renewal requires that an application for an extension of time be submitted to the Planning Department prior to expiration of the current Temporary Use Permit. This is a one-time, two year extension of time.

SIGNED THIS 14TH day of September, 2017, at The Dalles, Oregon.

William M. Smith, Associate Planner
Wasco County Planning Department

State of Oregon
County of Wasco

Signed or attested before me on September 14th, 2017, by William M. Smith, Associate Planner.

Notary Public – State of Oregon

ATTACHMENT B – TIME LIMITS & APPEAL INFORMATION

NOTE: Any new land uses or structural development such as residences; garages, workshops or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: Oregon Revised Statutes, Chapter 215, requires that if you receive this notice, it must promptly be forwarded to the purchaser.

The approved uses shall not commence until the appeal period has expired, and conditions of approval are adhered to.

Section 2.240 of the Wasco County National Scenic Area Land Use and Development Ordinance, this approval shall expire: (1) when construction has not commenced within two years of the date the land use approval was granted, or (2) when the structure has not been completed within two years of the date of commencement of construction. The expiration date for the validity of a land use approval is from the date of expiration of the appeal period and not the date the decision was issued.

Please Note!

No guarantee of extension or subsequent approval either expressed or implied can be made by the Wasco County Planning Department. Please take care in implementing your proposal in a timely manner.

APPEAL PROCESS:

The decision date for this land use review is **Thursday, September 14, 2017.** The decision of the Director shall be final unless an appeal from an aggrieved party is received by the Director within fifteen (15) days of the mailing date of this decision, **Friday, September 29, 2017, at 4:00 p.m.,** or unless the Planning Commission or Board of County Commissioners on its own motion orders review within fifteen (15) days of the date of decision. A complete record of the matter is available for review upon request during regular business hours or copies can be ordered at a reasonable price at the Wasco County Planning Department. Notice of Appeal forms may also be obtained at the Wasco County Planning Department. **The filing fee for an appeal is $250.00. Fees are refunded if appellant prevails.**

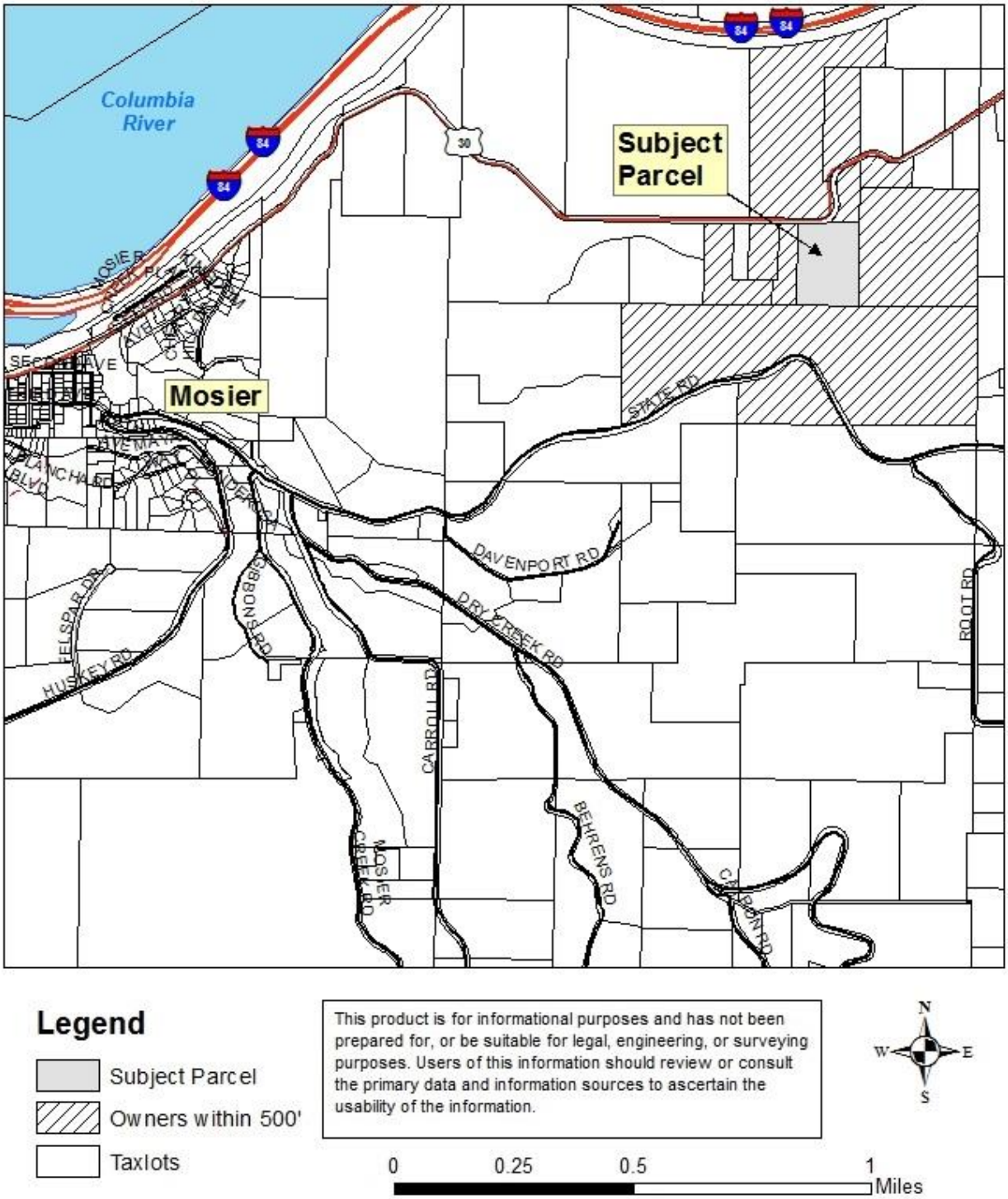
FINDINGS OF FACT:

Findings of fact approving this request may be reviewed at the Wasco County Planning Department, 2705 East Second Street, The Dalles, Oregon, 97058, or are available for purchase at the cost of $0.25 per page. These documents are also available online at: http://co.wasco.or.us/planning/Actions.html. The table is sorted alphabetically by the name of the applicant. The information will be available until the end of the appeal period.

ATTACHMENT C – MAPS

Applicant/Owner: Mark Neumann
2N 12E 6, Tax Lot 1800, Acct #1608,442

Vicinity Map



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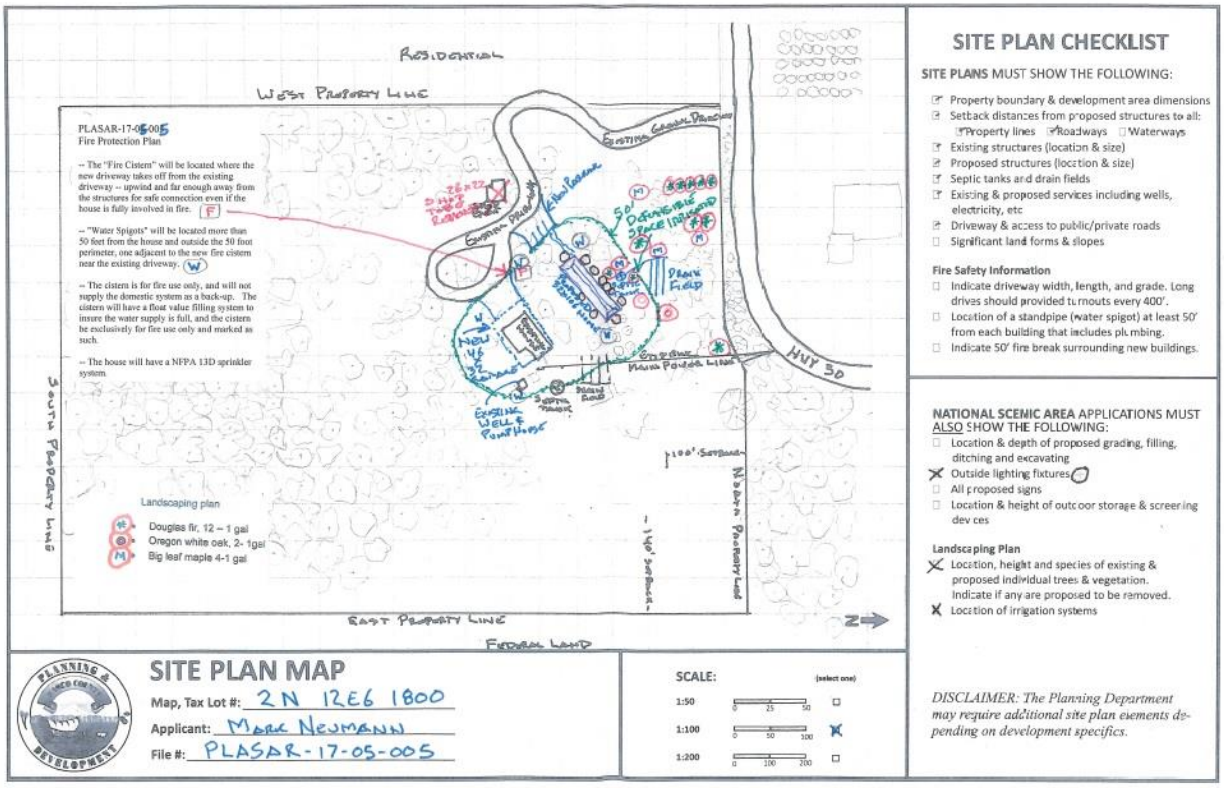
Site Plan and Landscape Plan