

ATTACHMENT D – STAFF REPORT

File Number: PLASAR-16-09-0014

Applicant/Owner: Brad Bowman

Request: Scenic Area Review to construct a 40'L x 24'W x 18'T (960 square feet) detached accessory building (shop), place concrete blocks to stabilize the southern property line (wall will be 10' in height), move the existing wood and chain link fence to the southern property line, place approximately 120' of 4-6' tall chain link fence along the southern property line to match existing fence, and construct a driveway along the southern property line for access to the west side of the property.

Decision: **Approved** with Conditions

Decision Date: October 26, 2016

Appeal Deadline: November 10, 2016

Location: The property is located west of Starlight Street W, approximately 400' north of Allen Place, in the area commonly referred to as "Murray's Addition," approximately one mile northwest of the City of The Dalles, Oregon, more specifically described as:

<u>Existing Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
2N 13E 30CA 3200	2461	0.62

Zoning: R-R(1) and R-R(5), Rural Residential, in the General Management Area of the Columbia River Gorge National Scenic Area.

Past Actions: BP-93-WARS2 (enclose carport), LOC-88-BP (swimming pool), VAR-88-102 & LOC-88-BP (carport), LOC-88-BP (storage building), LOC-78-BP (single family dwelling)

Procedure Type: Administrative

Prepared By: Dawn Baird, Associate Planner

I. APPLICABLE STANDARDS

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

A. Chapter 3 – Basic Provisions

Section 3.160, R-R, Rural Residential Zone

Section 3.160.D.2., Uses Permitted Subject to Review, Accessory Structures to a Dwelling

Section 3.160.D.3., Uses Permitted Subject to Review, Accessory Buildings for a Dwelling

Section 3.160.G, Property Development Standards

B. Chapter 11 – Fire Safety Standards

Section 11.110, Siting Standards

Section 11.120, Defensible Space

Section 11.130, Construction Standards for Dwellings and Structures

Section 11.140, Access Standards

Section 11.150, Fire Protection or On-Site Water Required

C. Chapter 14 – Scenic Area Review

Section 14.100, Provisions for all new development

Section 14.200, Key Viewing Areas

Section 14.300, Scenic Travel Corridors

Section 14.400, Landscape Settings

Section 14.500, Cultural Resources – GMA

Section 14.600, Natural Resources – GMA

Section 14.700, Recreation Resources - GMA

Section 14.800, Indian Tribal Treaty Rights and Consultation - GMA

I. BACKGROUND

A. Legal Parcel: The subject lot is identified as Lot 5, Block G, West Hi-Land Addition, a subdivision recorded with the Wasco County Clerk in November, 1964. It is consistent with the definition of “Legal Parcel” in Section 1.090 of the NSA-LUDO because it is part of a duly recorded subdivision plat.

B. Site Description: The subject lot is located in the southwestern portion of the area commonly referred to as “Murray’s Addition.” The property contains one single family dwelling, a gazebo, an in-ground swimming pool and a pool house, with chain-link and wooden fencing along the southeastern property line. The lot contains southeast-facing slopes that average 20%. Juniper bushes surround existing development, but the southern portion of the property is in natural grass.

C. Surrounding Land Use: Properties to the north and south are zoned R-R(1) and R-R(5), Rural Residential, property to the east is zoned R-R(1), Rural Residential, and property to the west is zoned “R-R(5)”, Rural Residential. All properties are within the General Management Area of the National Scenic Area. Properties to the north and west contain a single family dwelling and property to the south was recently approved to place a single family dwelling. Property to the east is vacant. Most properties that are developed contain some landscaping and irrigated lawn around the structures, but the remainder of the property and vacant property, contain few trees and have natural grass for groundcover. All surrounding properties have southeast-facing slopes averaging 20%.

D. Public Comment: Notice of Administrative Action was mailed on October 6, 2016, to all owners of property within 200’ of the subject lot, the U.S. Forest Service - Columbia River Gorge National Scenic Area Office, Columbia River Gorge Commission, and other interested parties registered with Wasco County. This notice provided a 15-day pre-notice for public comment. Notice was also sent to the Oregon State Historic Preservation Office (SHPO), and the four Columbia River Treaty Tribe Indian tribal governments on October 6, 2016, and a 20-day comment period given. No comments were received from a tribal government, however the following comments were submitted.

(October 20, 2016) Steven D. McCoy, Staff Attorney, Friends of the Columbia Gorge

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

Staff Response: All applicable criteria and Friends of the Columbia Gorge concerns are addressed throughout this report.

(October 13, 2016) Margaret L. Dryden, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area

- A cultural resource reconnaissance survey is not required because the proposed uses involve minor ground disturbance (fence), would occur on a site determined to be located within a low probability zone (construction of accessory building, driveway and concrete blocks), is not within 100’ of a high probability zone, and does not occur within 500’ of a known archaeological site.
- A historic survey is not required because the existing house was constructed in 1978 and is not considered historic. The request would not alter the exterior architectural appearance of significant buildings and structures on the property that are 50 years old or older. Development would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older.
- Recommends conditions be placed in case historic or prehistoric cultural materials are discovered during development.

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

(October 20, 2016) Steven D. McCoy, Staff Attorney, Friends of the Columbia Gorge
Mr. McCoy cited various review criteria and application requirements and stated that conditions of approval must be recorded.

Staff Response: All applicable criteria and Friends of the Columbia Gorge concerns are addressed throughout this report.

II. FINDINGS:

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

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

D. Uses Permitted Subject to Review

The following uses and activities may be allowed on a legal parcel designated Residential subject to Subsection G - Property Development Standards, Chapter 11 – Fire Safety Standards & Chapter 14 - Scenic Area Review, as well as any other listed or referenced standards.

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

FINDING: The owner has requested approval to construct a driveway to the western portion of his subdivision lot to access a proposed detached accessory building. In addition to the driveway, the owner intends to construct a 10' tall concrete block wall, place approximately 120' of new chain link fencing and move existing chain link and wooden fence to the southern property line. This application is being processed in conjunction with a request for a detached accessory building which requires a full review, and is not handled separately as an expedited review for efficiency of process.

It is recommended that the owner terrace the retaining wall into two or more levels to reduce the height of the of individual wall sections. If owner chooses a single wall, they are advised that a building permit is required for the 10' tall retaining wall. Planning approval does not constitute building approval and the owner should contact Mid-Columbia Building Codes Agency (541-298-4461) to determine engineering and design requirements for the wall. A condition of approval stating this is included in the Notice of Decision.

Section G. is addressed below. Chapter 11 is addressed in B. and Chapter 14 is addressed in C.

The request complies with D.2. because the requested development is accessory structures for an existing dwelling.

3. *Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards: (GMA & SMA)*

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

FINDING: The request is to construct a 40'L x 24'W (960 square feet) detached accessory shop. There is an existing detached accessory building (pool house) on the subject lot that is 380 square feet. There is also a gazebo containing approximately 113 square feet for a total of 493 square feet for existing detached accessory buildings on the property. Existing and proposed accessory buildings total 1,453 (380 + 113 + 960 = 1,453). As proposed the combined footprints of all accessory buildings on the subject lot are less than the 1,500 square feet allowed, therefore the request complies with Criterion a.

b. *The height of any individual accessory building shall not exceed 24 feet.*

FINDING: The request is for an 18' tall detached accessory building. Section G. is addressed below. Chapter 11 is addressed in B. and Chapter 14 is addressed in C. As proposed the new building will be less than 24' in height, therefore the request complies with Criterion b.

Section 3.160.G., Property Development Standards

(***)

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

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

FINDING: The owner proposes the following setbacks:

	Required Setback	Proposed Setback - Dwelling	Consistent?
Front Yard (East)	25'	150+'	Yes
Side Yard (North)	15'	15'	Yes
Side Yard (South)	15'	50'+/-	Yes
Rear Yard (West)	20'	36'	Yes

As submitted, the proposed detached accessory building complies with all required setbacks from property lines. The block wall and fence are not required to meet setbacks. Driveways are not required to meet setbacks when they are in conjunction with a single family dwelling.

(***)

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

FINDING: Detached accessory buildings are restricted to 24' in height according to Section 3.160.D.3. The proposed building will be 18' in height, less than the 35' height limit in the zone, and below the 24' height limit for detached accessory buildings, therefore the request complies with Criterion 4.

5. *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 in or near (more than 500 linear feet) a FEMA designated flood zone. 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, therefore Criterion 6. is not applicable to this request.

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

FINDING: Chapter 4, Section 4.040, Off-Street Parking, requires one parking space for each dwelling unit on property developed for residential use. The existing dwelling includes a minimum of two parking spaces in front of the residence. The request will not change the use

of the home as a single family dwelling or alter any of the existing off-street parking spaces, therefore the request complies with Criterion 7.

B. Chapter 11 – Fire Safety Standards

Section 11.110, Siting Standards – Locating Structures for Good Defensibility

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

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

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

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

FINDING: The Fire Safety Standards, adopted by the Wasco County Court and effective February 5, 2007, require property owners to be aware of potential fire risks in areas outside of urban areas of Wasco County, and requires compliance with siting standards, fuel break requirements, construction standards, access standards, and on-site water storage requirements.

As part of a complete application, the property owners completed a Fire Safety Standard Self-Certification Form. By signing the self-certification form, the owners have acknowledged that they understand these standards and commit to achieve compliance with them within one year of the date of approval and maintain them through the life of the development. This certification further commits all future property owners to this same requirement. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under Files PLASAR-16-09-0014.

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

The proposed detached accessory building and accessory structures will be constructed of fire-resistant materials, including the use of composition shingle roofing.

The request complies with Chapter 11 – Fire Safety Standards.

C. 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 subject lot was originally developed in 1978. During the original development the entire lot was leveled. The new building, a detached accessory building, will be built on a previously graded site and will require minimal grading. The proposed driveway will be located along the southern property line. This area is currently planted with juniper bushes and is very steep. This area will require fill material, with an 8' (approximate) retaining wall built with concrete blocks and topped with a 4-6' wooden and chain link fence.

The existing driveway on the east (street) side of the home leads directly to the home but does not provide access to the remainder of the property. There is an existing access road on adjacent property to the south, however due to recently approved development, this driveway will be used to access the approved home to the south and will no longer provide access to the west side of the subject lot. In order to provide access to the western side of the property a new driveway is required. The owner proposes to use the shop for his personal use, including working on and storing vintage cars).

There are no alternative sites to place the driveway due to placement of existing development therefore there is no other alternative location for the driveway that will reduce grading. Staff finds that the proposed building, driveway, retaining wall and fence will retain existing topography and minimize grading activities to the maximum extent practicable.

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

FINDING: The applicant has requested approval to construct a 40'L x 24'W x 18'T (960 square feet) detached accessory building (shop). Staff evaluated development within 200' of the subject lot, all of which are located within the National Scenic Area and found that development ranges in size from 80-1836 square feet and includes single family dwellings and detached accessory buildings. The height of existing buildings ranges in height from 8-20+'. As proposed, the detached accessory building is consistent with the height dimensions and overall mass of development on properties within 200' of the subject lot. 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 request includes construction of a detached accessory building. The building will be constructed of wood and will be dark brown in color. The proposed driveway, retaining wall and chain link fence will be gray in color. The wooden portion of the fence is existing and will be moved 14' south to the southern property line. This fence is natural cedar that has faded to gray. These colors are found in the landscape when viewing the property from Key Viewing Areas. Colors are further discussed in Section 14.200.I., where the proposed colors are found to be consistent with the color requirements for new structures.

The proposed concrete block retaining wall will be stained with Behr concrete stain. It is recommended that integrally colored concrete blocks be used to minimize maintenance and reapplication of stain. If blocks are not integrally colored, the owner shall be responsible for maintaining the stain on the retaining wall in good repair for the life of the wall in order to remain compatible with the approved dark earth tone color. A condition of approval stating this is included in the Notice of Decision.

As proposed, the request complies with Criterion D.

F. Outdoor lighting shall be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River as well as preventing the lighting from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. Shielding and hooding materials shall be composed of nonreflective opaque materials. There shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic.

FINDING: The application does not indicate if any new outdoor lighting will be placed on the property as a result of the new development however the property owner must comply with the outdoor lighting provisions in Wasco County. A **condition** of approval is included in the Notice of Decision advising the owner that 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. With this **condition** of approval, the request complies with Criterion F.

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

FINDING: The proposed driveway will require fill material to be placed. The proposed detached accessory building will require little ground disturbance. 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 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 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 subordination, shall be retained. Additionally, unless allowed to be removed as part of the review use, all trees and vegetation within buffer zones for wetlands, streams, lakes, ponds and riparian areas shall be retained in their natural condition. Any of these trees or other trees required to be planted as a condition of approval that die for any reason shall be replaced by the current property owner or successors in interest no later than the next planting season (Oct-April) after their death with trees of the same species or from the list in the landscape setting for the property.

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

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

FINDING: There is one large tree at the southwestern corner of the existing house providing screening from KVAs. The owner states that the limbs will need to be trimmed so that his vehicles accessing the driveway can get through but the tree will not be removed for the placement of the driveway, retaining wall/fence or accessory building. A **recommendation** is included in the Notice of Decision recommending the retention of the tree located at the southwestern corner of the house. Staff notes that trees over driveways need to be trimmed to a vertical height of 13', so trimming the tree will also achieve compliance with fire safety standards. With this **recommendation**, the request complies with Criterion H.

Section 14.200, Key Viewing Areas

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

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

FINDING: The development site is topographically visible from three Key Viewing Areas (KVAs): Interstate 84 (Background); Columbia River (Middleground and Background); and Washington State Route (SR) 14 (Background). Middleground is defined as ½-3 miles from the subject parcel. Background is defined as >3 miles from the subject parcel.

Section 14.200 is not applicable to portions of a KVA within an Urban Exempt Area (UA) identified by the Management Plan. Urban Exempt Areas identified in this request include the City of The Dalles, Oregon, and the City of Dallesport, Washington.

The development site is located at an elevation of approximately 520 feet above sea level (ASL). The primary factors in analyzing the visibility of the detached accessory building and accessory

structures include the distance from KVAs, existing on-site tree screening and the use of dark earthtone colors on the proposed structures.

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

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

Interstate 84 (I-84): This KVA is located at an elevation of 80-120' ASL. This KVA is located approximately 1.6 miles east of the subject lot however the visible portion of this KVA lies approximately 5.5 miles east of the UA of the City of The Dalles for a linear distance of approximately 4 miles. At a distance of 5.5 miles individual buildings cannot be seen by the naked eye, therefore requiring a dark earthtone color to be used on all exterior surfaces is essential. A **condition** regarding color is discussed in Section 14.200.I. Due to distance the proposed driveway, retaining wall, fence and detached accessory building will be visually subordinate from I-84.

Columbia River: This KVA is located at an elevation of approximately 76' ASL. This KVA is located approximately 2.4 miles east of the subject lot. Based on topography approximately 8 miles of the river are visible from the development site. Much of the southern one-half of the river is not visible from the development site due to intervening City of The Dalles development and off-site tree screening. The new building could be visible if the proposed exterior colors are not dark earthtone colors. Colors are discussed in Section 14.200.I. where the approved colors are dark earthtone colors that blend with the surrounding landscape. Another factor in visibility of development from the Columbia River is reflectivity. Reflectivity is discussed in Section 14.200.J. where the proposed building is found to be consistent with reflectivity standards. With **conditions** regarding color and reflectivity, the proposed development will be visually subordinate from the Columbia River.

Washington State Route (SR) 14: The visible portion of this KVA (outside of the UA of Dallesport, Washington) is located approximately 6.3 miles northwest of the subject lot, at elevations ranging from 120'-200' ASL. Based on topography, the development site is visible from this KVA for approximately 5.5 miles. Of the 5.5 visible miles, the closest 4 miles are not visible to topographic landforms. From the remaining 1.5 miles of this affected KVA, individual buildings are not perceptible. With proposed **conditions** in Section 14.200.I. and J. regarding colors and reflectivity, the new development will not be visible from this KVA due to distance.

Based on distance, the use of dark earthtone colors and the use of non-reflective materials, with proposed **conditions** of approval, the request complies with Criterion A.

B. New development shall be sited to achieve visual subordination from Key Viewing Areas, unless the siting would place such development in a buffer specified for

protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites or conflict with standards to protect cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable. (GMA Only)

FINDING: There are no buffers on the subject lot for protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites or conflict with standards to protect cultural resources. With **conditions** of approval throughout this report, the proposed development will be visual from all KVAs, therefore the request complies with Criterion B.

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

FINDING: There are no locations on the property that can utilize topographic features to screen the proposed accessory building or retaining wall and fence from KVAs. The closest visible KVA is approximately 2.4 miles to the east. Visual subordination can be achieved for the proposed development by the use of dark earthtone colors and non-reflective materials. **Conditions** implementing these two issues are located in Sections 14.200.I. and J. The request complies with Criterion B.

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

FINDING: The proposed accessory building will not create any cut banks and fill slopes as seen from any of the three visible KVAs. The proposed driveway to the west side of the property will require substantial fill. The owner intends to construct a retaining wall consisting of concrete blocks to support the fill. This retaining wall will be stained brown to simulate a rock wall. With the proposed concrete block retaining wall, no cut banks or fill slopes will be visible from KVAs. The request complies with D.

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

FINDING: The development site is located on southeast-facing slopes at an elevation of approximately 520' ASL and is visible from three KVAs. The visible portions of the KVAs are located to the east and northeast. The hillside west and southwest of the subject lot rises to an elevation of over 760' ASL. Based on topography the proposed development will not break the skyline of a bluff, cliff or ridge as seen from KVAs. The request complies with Criterion E.

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

FINDING: The subject lot contains natural slopes of 20%, less than the 30% standard. As proposed the request complies with Criterion H.

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

FINDING: Based on topography, the subject lot is visible from Key Viewing Areas, therefore the exterior of the detached accessory building must be painted or stained dark earthtone colors. Proposed colors include:

	Material	Exterior Color	Manufacturer	Looks Like	Consistent with color requirement?
Siding	Wood	Chocolate Swirl	Behr	Dark Brown	Yes, approved
Trim	Wood	Arts & Crafts	Behr	Dark Brown	Yes, approved
Roof	Composition shingle	Brownwood	Owens Corning (Oakridge)	Dark Brown	Yes, approved
Doors	Wood	Moroccan Henna	Behr	Dark Brown	Yes, approved
Windows	Vinyl	Almond	Barn Pros	Light Brown	Yes, approved
Blocks	Stamped Concrete	Loden	Behr Concrete stain	Brown	Yes, approved
*Fencing	Chain link	Gray		Gray	Yes, approved

*Fencing will be metal, however it will oxidize and lose its reflectivity in the first year.

The owner stated during staff’s site visit to the subject lot on October 6, 2016, that he may decide to place slats in the chain-link fence in the future. A **condition** of approval is included in the Notice of Decision requiring any future slats in the fence to be brown. This **condition** will allow any future slats in the fence to best blend with the surrounding landscape.

The proposed concrete block retaining wall will be stained with Behr concrete stain. It is recommended that integrally colored concrete blocks be used to minimize maintenance and reapplication of stain. If blocks are not integrally colored, the owner shall be responsible for

maintaining the stain on the retaining wall in good repair for the life of the wall in order to remain compatible with the approved dark earth tone color. A condition of approval stating this is included in the Notice of Decision.

As amended, all proposed colors are approved. A **condition** of approval is included in the Notice of Decision listing the approved colors. If alternate colors or materials are proposed for any new development, they shall be submitted to and approved by the Planning Department prior to their use on the exterior of the building.

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

FINDING: The proposed detached accessory building will be constructed of wood and will have a composition shingle roof. The overhead garage doors and the 3' x 6' door on the east/southeastern side of the detached accessory building do not contain windows and will be constructed of wood. One 2' x 3' (approximate) window will be on the southeast side of the building facing KVAs. This window will be partly screened by the proposed chain link fence and will be difficult to see from KVAs. Windows located on the other sides of the building will not be visible from KVAs because they are sides of the building not visible from KVAs, or are screened by the existing house from view from KVAs.

As proposed the request is consistent with Criterion J.

- K. The following criteria shall apply to new landscaping used to screen development from Key Viewing Areas:*
- 1. New landscaping (including new earth berms) shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development visually subordinate in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.*

FINDING: The proposed development is required to be visually subordinate from identified KVAs. There are no alternate sites on the parcel to construct the driveway, retaining wall, fence

and detached accessory building that will minimize visibility due to the topography of the lot. Based on distance between the development site and KVAs, proposed development will be visually subordinate from KVAs based on the use of dark earthtone colors and non-reflective materials. New landscaping is not necessary to improve or achieve visual subordination, therefore the request complies with Criterion 1.

2. *If new landscaping is required to make a proposed development visually subordinate in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this criterion shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction.*

FINDING: As discussed in 1. above, no new landscaping is necessary to achieve visual subordination, therefore the request complies with Criterion 2.

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

FINDING: The subject parcel is topographically visible from three KVAs (I-84, Columbia River and SR-14). The subject parcel is located west of all KVAs. Visible portions of the KVAs are located 2.4-11.8 miles east of the development site. The only KVA where it is possible to distinguish a building from the hillside is the Columbia River. This portion of the KVA begins at the north end of The Dalles UA and extends approximately 1.6 miles to the south. Development within the City of The Dalles dominates the view as seen from the Columbia River.

Development on the higher slopes in “Murray’s Addition” is visible from KVAs however the subject lot is in the lower portion of Murray’s Addition, not on a high hillside. The existing house will screen the new accessory building from the closest portion of the Columbia River. As one travels farther south, the development site becomes less distinguishable until it becomes part of the hillside and appears to be a large rock feature.

The proposed concrete block retaining wall will have a “rock” stamped pattern in it and will be stained brown. With the stamped pattern and brown color, the proposed retaining wall will blend with the surrounding landscape.

Based on the facts above, staff finds that the proposed development will have no impact on scenic resources.

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 1.5 miles (8,000+') east of Interstate 84 and Highway 30 West, outside of any Scenic Travel Corridors. No new development will occur within 100' from the edge of pavement of any Scenic Travel Corridor, therefore the requested development 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.

E. Rural Residential Landscape Setting

GMA Only

- 1. In portions of this setting visible from Key Viewing Areas, and not exempt from visual subordination standards (see J below), the following standards shall be employed to achieve visual subordination for new development:*
 - a. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.*
 - b. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.*

FINDING: As discussed in Section 14.200, new development will be visually subordinate from KVAs without planting new landscaping, therefore the request complies with Criterion E.

Section 14.500, Cultural Resources – GMA

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

*(***)*

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

- 1. The reconnaissance survey standards of C, Cultural Resource Reconnaissance and Historic Survey, apply until a cultural resource survey of the General Management Areas is complete.*
 - a. A reconnaissance survey shall be required for all proposed uses, except:*

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

FINDING: The request is for an addition to an existing single family dwelling. According to Margaret Dryden, Heritage Program Resources Program Manager, Columbia River Gorge National Scenic Area, a cultural resource reconnaissance survey is not required because the proposed uses involve minor ground disturbance (fence), would occur on a site determined to be located within a low probability zone (construction of accessory building, driveway and concrete blocks), is not within 100' of a high probability zone, and does not occur within 500' of a known archaeological site. The request complies with Criterion 1.a.(1).

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

FINDING: According to Margaret Dryden, Heritage Program Resources Program Manager, Columbia River Gorge National Scenic Area, a historic survey is not required because the existing house was constructed in 1978 and is not considered historic. The request would not alter the exterior architectural appearance of significant buildings and structures on the property that are 50 years old or older. Development would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older. The request complies with Criterion 2.

C. Cultural Resource Reconnaissance and Historic Surveys

4. Conclusion of the Cultural Resource Protection Process

*(***)*

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

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

FINDING: According to Margaret Dryden, Heritage Program Resources Program Manager, Columbia River Gorge National Scenic Area, a reconnaissance survey and historic survey are not required to be completed for the subject lot. No substantiated concerns regarding cultural resources were received by the Planning Department within 20 calendar days of the mailing date of the pre-notice. The request complies with Criterion (1).

4. Conclusion of the Cultural Resource Protection Process

(***)

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

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

FINDING: The cultural resource protection process has been met because no cultural resource reconnaissance survey or historic surveys are required and no substantiated concerns about cultural resources were voiced by interested persons within 20 calendar days of the date that the pre-notice was mailed. The request complies with Criterion (1).

(***)

G. Discovery During Construction:

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

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

H. Discovery of Human Remains

The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means

articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

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

Section 14.600, Natural Resources – GMA

A. Wetlands

FINDING: The purpose of this section is to ensure there is no overall net loss of wetlands acreage and functions, and to increase the quantity and quality of wetlands. According to the National Wetland Inventory (NWI) maps, there are no wetlands on the subject lot however Chenoweth Creek, an identified wetland, is located approximately 835' south of the subject lot, south of Chenowith Creek Road. This wetland feature would be characterized as a "Shrub Community" because the land along the wetland feature is characterized by shrubs and trees that are greater than 3' tall and form a canopy cover of at least 40%. A Shrub community requires a no-disturbance buffer of 100'. The proposed development is over 900' north of this wetland and is consistent with Criterion A.

B. Streams, Ponds, Lakes, and Riparian Areas

FINDING: The purpose of this section is to protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas, and to enhance aquatic and riparian areas. According to the National Wetland Inventory (NWI) maps, there are no streams, ponds, lakes or riparian areas on the subject lot however Chenoweth Creek is located approximately 835' to the south, on the south side of Chenowith Creek Road. Chenoweth Creek is a fish-bearing creek which requires a 100' no-disturbance buffer be maintained. Proposed development is located more than 900' from Chenoweth Creek, therefore the request is consistent with Criterion B.

C. Wildlife Habitat

FINDING: According to Jeremy Thompson, Wildlife Biologist, Oregon Department of Fish & Wildlife, The Dalles Region (e-mail dated October 18, 2016), the proposed development will have no impact on wildlife habitat in the area because the requested development is accessory to an existing residence on the property. Based on Mr. Thompson's expertise, staff finds that the request complies with Section 14.600.C.

D. Rare Plants

FINDING: There are no identified rare plants on the subject lot, or within 1,000' of the development site, therefore, the request is consistent with Section 14.600.C.

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. No new recreational use is proposed on the property, and there are no existing recreational uses within 1,000 feet of the subject lot.

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 August 18, 2016, and a 20-day comment period was provided. No comments were received during the comment period.

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

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

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

ATTACHMENT E – OUTDOOR LIGHTING STANDARDS

Good Neighbor OUTDOOR LIGHTING

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

What is good lighting?

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

Why should we be concerned?

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

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

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

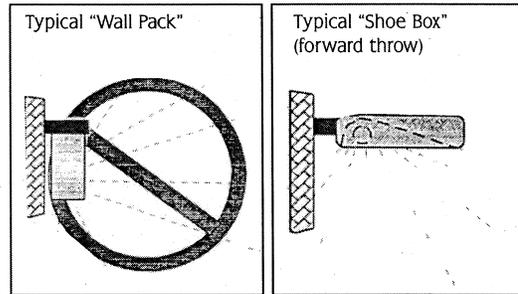
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. Each year we waste more than a billion dollars in the United States needlessly lighting the night sky.

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

How do I switch to good lighting?

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

Some Good and Bad Light Fixtures

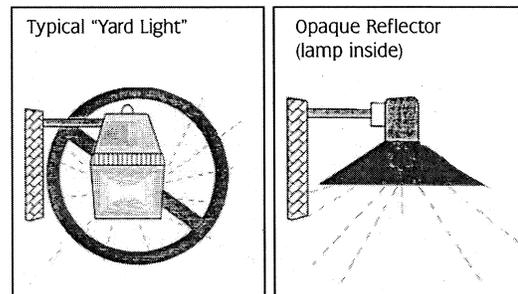


BAD

Waste light goes up and sideways

GOOD

Directs all light down

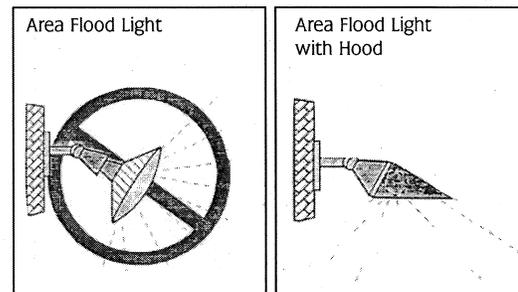


BAD

Waste light goes up and sideways

GOOD

Directs all light down



BAD

Waste light goes up and sideways

GOOD

Directs all light down

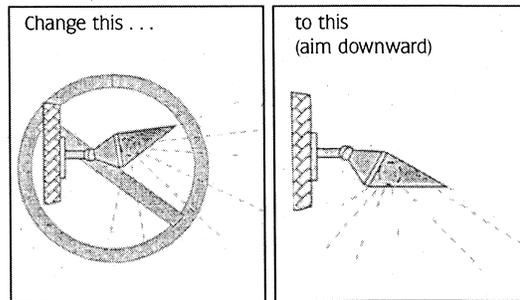
areas 100 times more brightly than the full Moon! More importantly, by choosing properly shielded lights, you can meet your needs without bothering neighbors or polluting the sky.

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

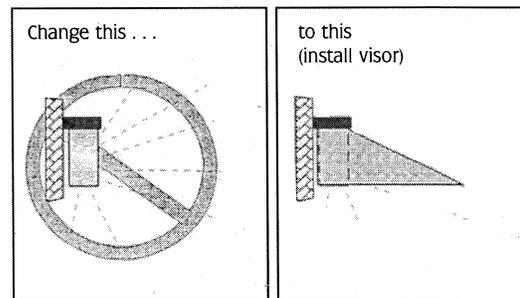
Replace bad lights with good lights.

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

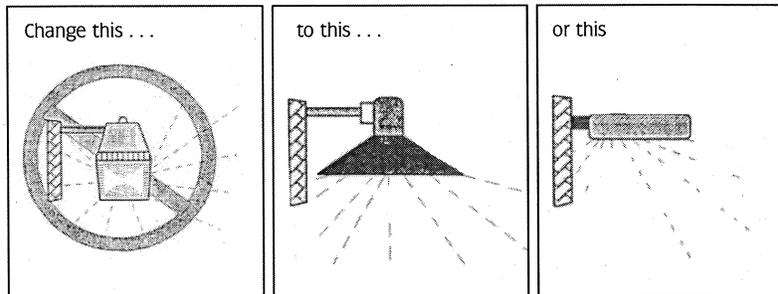
What You Can Do To Modify Existing Fixtures



FLOOD LIGHT



WALL PACK



YARD LIGHT OPAQUE REFLECTOR SHOE BOX

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

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

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

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



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