

ATTACHMENT D – STAFF REPORT

File Number: PLASAR-16-10-0015

Applicant: Common Energy, LLC

Owners: John & Jennifer Coughlin

Request: Scenic Area Review to place 14 black roof-mounted solar panels (252 square feet) on the south-facing roof of an existing single family dwelling.

Decision: **Approved** with Conditions

Decision Date: November 9, 2016

Appeal Deadline: November 28, 2016

Location: The property is located north of Dell Road, approximately 0.2 mile east of State Road, approximately three miles southeast of the City of Mosier, Oregon; more specifically described as:

<u>Existing Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
2N 12E 9 1200	1689	4.32

Present Zoning: R-R(10), Rural Residential Zone, in the General Management Area of the Columbia River Gorge National Scenic Area.

Past Actions: SPR-99-128-WARR1-GA (Dwelling, shop, fence); APL-99-106-WARR1-GP (appeal of SPR-99-128); SPR-04-113 (single family dwelling, detached accessory buildings); and EXT-05-105 (Extension of time for SPR-04-113)

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.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 property was originally created as Lot 2 of Cameron Tracts Subdivision, recorded with the Wasco County Clerk on October 2, 1907. This property was further divided by Deed Volume 148, Page 468, recorded with the Wasco County Clerk on January 2, 1963. It is consistent with the definition of “Legal Parcel” in Section 1.090 of the NSA-LUDO because it was created by deed prior to September 4, 1974.

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 20, 2016, to all owners of property within 500’ of the subject parcel, the U.S. Forest Service - Columbia River Gorge National Scenic Area Office, Columbia River Gorge Commission, and other interested parties registered with Wasco County. This notice provided a 15-day pre-notice for public comment. Notice was also sent to the Oregon State Historic Preservation Office (SHPO), and the four Columbia River Treaty Tribe Indian tribal governments on October 20, 2016, and a 20-day comment period given. No comments were received from a tribal government however the following comments were submitted.

(November 2, 2016) Scott Currie, affected property owner

“This is a GREAT idea! Love it. What’s not to like? Environmentally sensitive consistent with our national agenda, renewable energy, and makes use of a great Mosier natural resource – the SUN”.

Staff Response: N/A

(November 1, 2016) Rob Wardwell, affected property owner

"We absolutely welcome the use of solar energy and have no objections of any kind to this proposal."

Staff Response: N/A

(October 31, 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 25, 2016) Jessica Gabriel, Historian, State Historic Preservation Office

There are no structures on the property 50 years old or older, therefore no historic properties will be affected for this undertaking. This concludes the requirement for above-ground consultation with SHPO.

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

(October 24, 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 use would involve the modification or an existing building, the use will not disturb the ground, would occur on a site that has been determined to be located in a low probability zone, is not within 100' of a high probability zone, and does not occur within 500' of a known archaeological site.
- A historic survey is not required because the use 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 25, 2016) Jessica Gabriel, Historian, Oregon Parks and Recreation Department, State Historic Preservation Office (SHPO)

No historic properties will be affected for this undertaking. Based on the materials submitted on the project, this concludes the requirement for above-ground consultation with SHPO under the Wasco County Ordinance that historic properties be evaluated for National Register significance.

Staff Response: Cultural resources are addressed in Section 14.500.

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 place 14 black roof-mounted solar panels (252 square feet) on the south-facing roof of an existing single family dwelling. The request does not

qualify for an expedited review because it is larger than 200 square feet. Section G. is addressed below. Chapter 11 is addressed in B. and Chapter 14 is addressed in C.

Section 3.160.G., Property Development Standards

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

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

FINDING: The request is to place roof-mounted solar panels on an existing single family dwelling. The original proposed and approved setbacks for the home are:

	Required Setback	Approved Setback	Consistent?
Front Yard (South)	25'	224'	Yes
Side Yard (East)	15'	152'	Yes
Side Yard (West)	15'	370'	Yes
Rear Yard (North)	20'	20'	Yes

The roof-mounted solar panels will be mounted on the south-facing portion of the roof. The existing home meets or exceeds all setback requirements in the Rural Residential Zone, therefore the solar panels also meet or exceed all setback requirements. The request complies with Criterion G.2.

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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: The existing dwelling is 14' tall. The proposed solar panels will add 1.3' to the height of the dwelling, with a total height of 15'3". As proposed, the development is less than 35' in height and 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 parcel is not located in or near 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 parcel is not located on a corner lot, therefore Criterion 6. is not applicable to this request.

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

FINDING: Chapter 4, Section 4.040, Off-Street Parking, requires one parking space for each dwelling unit on property developed for residential use. The existing dwelling includes a minimum of two parking spaces near 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-16-10-0015.

The subject property is located within the boundaries of Mosier Fire District-Columbia Fire & Rescue and has structural fire protection. The subject parcel is also located within the Oregon Department of Forestry boundary and has wild fire protection.

The proposed roof-mounted solar panels are constructed of fire-resistant materials.

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 request is to place roof-mounted solar panels on the south-facing roof of an existing single family dwelling. No grading is required to complete the proposed development, therefore the request complies with Criterion B.

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

FINDING: The applicant has requested approval to place an accessory structure, solar panels, on the roof of an existing single family dwelling. No new buildings are proposed. The project will add 1.3' to the existing 14' tall home. Development on properties within 200' of the subject parcel consist of 1- and 2-story homes, ranging in height from approximately 12-24' in height. Staff finds the request complies with Criterion C. because the height of the home after placement of the solar panels will be 15'3".

- 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 placement of 252 square feet of roof-mounted solar panels. The solar panels are black, and the rails that hold the panels are also black. The surface of the entire structure will be black, which is a dark earthtone color that 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: No 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: According to the applicant, there will be no ground disturbance involved with this request. The solar panels are installed on the roof and the electrical lines from the panels to the subpanel are located in the interior of the house. The new meter will be mounted on the exterior wall of the dwelling. As proposed, 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: No trees are proposed to be removed as a result of the proposed solar panels. A **condition** of approval is included in the Notice of Decision prohibiting the removal of any trees located to the east and north. These trees provide visual subordination of the existing home from KVAs. Trees that die for any reason shall meet the standards in 1. – 4. above. With this **condition** of approval 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 five Key Viewing Areas (KVAs): Interstate 84 (Background), Columbia River (Background), Highway 30 W (Middleground and Background), Rowena (Middleground), 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.

The development site is located at an elevation of approximately 880 feet above sea level (ASL). The primary factors in analyzing the visibility of the roof-mounted solar panels are their location on the south-facing portion of the existing residence, distance, on-site trees and the use of dark earthtone colors.

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 approximately 100’ ASL. Based on topography the visible portion of this KVA is located approximately 3 miles northwest of the subject parcel, however the proposed development (roof-mounted solar panels) will be located on the south side of the roof which slopes to the south. Due to on-site tree screening consisting primarily of Ponderosa pine trees which provide year-round screening, the proposed development site is not visible from Interstate 84. In addition, due to the location of the development on the south-facing side of the roof, staff finds the request will be visually subordinate from I-84.

Highway 30 W: This KVA is located at elevations ranging from 280-680’ ASL. Based on topography the visible portions of this KVA are located approximately 1.4 miles northeast and 2.7 mile northwest of the subject parcel. The proposed development (roof-mounted solar panels) will be located on the south side of the roof which slopes to the south. Due to on-site tree screening consisting primarily of Ponderosa pine trees which provide year-round screening,

the proposed development site is not visible from Highway 30 W. Staff finds the request will be visually subordinate from Highway 30 W.

Rowena: This KVA consists of the Rowena Viewpoint, located at an elevation of 680' ASL and Tom McCall Trail/Point ranging in elevation from 680-1,600' ASL. Based on topography this KVA is visible for a linear distance of approximately 1 mile. Portions of the trail are located on east-facing slopes that are not visible from the development site. During the original application for the existing development, with vegetative screening the request was found to be visually subordinate from Rowena. The current development will not change the visibility of the residence and it will remain visually subordinate. Due to on-site trees (Ponderosa pine) located east and south of the existing residence, and distance (1.3 +/- miles) from the KVA, the proposed development site is and will be visually subordinate from Rowena.

Columbia River: This KVA is located at an elevation of approximately 76' ASL. The visible portion of this KVA is located approximately 3 miles northwest of the subject parcel. The proposed development (roof-mounted solar panels) will be located on the south side of the roof which slopes to the south. The proposed development will not be visible from the Columbia River due to its location on the south side of the roof. Staff finds the request will be visually subordinate from the Columbia River.

Washington State Route (SR) 14: This KVA is located approximately 2.3 miles north of the subject parcel, at an elevation of approximately 80' ASL. Visible portions of this KVA are located approximately 4.5 miles northeast, and 3.2 miles northwest of the development site. Though the subject parcel is topographically visible from SR 14, the proposed development (roof-mounted solar panels) will be located on the south side of the roof which slopes to the south. Due to on-site tree screening consisting primarily of Ponderosa pine trees which provide year-round screening, the proposed development site is not visible from SR 14. Staff finds the request will be visually subordinate from SR 14.

The primary reasons that the proposed development will be visually subordinate from KVAs include existing on-site tree screening, the use of dark colors associated with the use, distance from KVAs, and the location of the solar panels on the south-facing portion of the roof. As proposed, staff finds that 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 parcel for protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites or conflict with standards to protect cultural resources. As discussed in Criterion A. above, the location of the development on the south-facing side of the roof, existing tree screening and distance from KVAs will ensure new

development is visually subordinate from all KVAs. 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.*

with vegetative screening the request was found to be visually subordinate from Rowena. The current development will not change the visibility of the residence and it will remain visually subordinate

FINDING: There are no locations on the property that can utilize topographic features to screen the proposed development. During the original development request there was concern about the visibility of the site from Rowena/Tom McCall Point. During the original application for the existing development, the owners were required to plant nine Ponderosa pine trees between the house/garage and this KVA. The home is not visible from KVAs due to the existence of the Ponderosa pine trees. The proposed solar panels will be located on the south-facing roof and the panels and railing are black to blend with the existing roof and will not change the visual subordination of the home. Due to the on-site trees, and a condition of approval in Section 14.100.H. requiring retention of these trees, new development will be visually subordinate from Rowena/Tom McCall Point. Due to the placement of the panels on the south-facing portion of the roof, the development will not be visible from any other KVA. 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: The proposed development will not result in any cut banks or fill slopes, therefore 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 request is to add 14 roof-mounted solar panels totaling 252 square feet onto the south side of the existing development. This will increase the height of the home by 1.3'. The building currently sits at an elevation of approximately 880' ASL. Hills to the west and south exceed 1,160' ASL and hills to the east exceed 1,080' ASL. As seen from KVAs, the modified dwelling height will remain below the skyline of any bluff, ridge or cliff, therefore the request complies with Criterion E.

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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 parcel contains slopes averaging approximately 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 parcel is visible from five Key Viewing Areas, however due to the placement of the solar panels on the south-facing side of the roof, it will only be visible from Rowena/Tom McCall Point. The proposed solar panels are black glass with an anti-reflective coating and the rails are also black.

These colors are consistent with the requirement that all new development topographically visible from KVAs be dark earthtone colors. A **condition** of approval is included in the Notice of Decision approving the black panels and black railings. If alternative colors or materials are proposed for the new development, they shall be submitted to and approved by the Planning Department prior to their placement on the exterior of the single family dwelling. As proposed the request complies with Criterion I.

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

FINDING: The proposed roof-mounted solar panels are made of glass with an anti-reflective coating. The rails that hold the panels in place, as well as the clamps, rails, and other items, are made of aluminum and are painted black. With the anti-reflective coating on the panels and

the painted aluminum surfaces, the surfaces of all materials will be nonreflective. The request complies with Criterion J.

K. The following criteria shall apply to new landscaping used to screen development from Key Viewing Areas:

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

FINDING: The proposed development is required to be visually subordinate from identified KVAs. There are no alternate sites on the parcel to place roof-mounted solar panel that will utilize topographic features to achieve visual subordination. The development is visually subordinate from Highway 30W, Interstate 84, SR 14, and the Columbia River other KVAs due to placement of the solar panels on the south-facing roof. Concerns about visual subordination of the original development required the placement of nine Ponderosa pine trees. These trees have matured in the last 10 years and provide complete screening from Rowena/Tom McCall Point. The proposed development will not change the visual subordination of the house as seen from this KVA. Based on existing screening trees, color of the new development and distance between the development site and KVAs, proposed development will be visually subordinate from KVAs. No new screening is necessary to 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 five KVAs (I-84, Highway 30 W, Rowena/Tom McCall Point, Columbia River and SR-14). With the exception of Rowena/Tom

McCall Point, all KVAs are located north of the subject parcel. The proposed development will not be visible from I-84, Highway 30 W, the Columbia River and SR 14 because the proposed roof-mounted solar panels will be placed on the south-facing portion of the roof of the existing dwelling. Rowena/Tom McCall Point is located east of the subject parcel. During the initial development of the property, the owners were required to plant nine Ponderosa pine trees to screen development from Rowena/Tom McCall Point. Ten years after planting, these trees exceed 20' in height. The trees are planted in a staggered pattern and appear to be part of the natural landscape. The trees providing screening are taller than the existing house. In addition, there are several 25+' tall large oak trees located directly east of the existing home which provides additional screening for much of the year. The current development will not change the visibility of the residence and it will remain visually subordinate

With the retention of all existing trees the solar panels will not be visible from any KVA, therefore there will be no visual effect from the request. 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 (4,700+') south of Highway 30 West and 1.3 miles (7,100+') south of Interstate 84, 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 placement of solar panels on the roof of an existing single family dwelling. In an e-mail dated October 24, 2016, Margaret Dryden, Heritage Program Resources Program Manager, Columbia River Gorge National Scenic Area, stated that a cultural resource reconnaissance survey is not required because the proposed use would involve the modification or an existing building, the use will not disturb the ground, would occur on a site that has been determined to be located in a low probability zone, is not within 100' of a high probability zone, and does not occur within 500' of a known archaeological site. For these reasons, 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: In an e-mail dated October 24, 2016, Margaret Dryden, Heritage Program Resources Program Manager, Columbia River Gorge National Scenic Area, stated that a historic survey is not required because the use 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. For these reasons, 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 parcel. No substantiated concerns regarding cultural resources were received by the Planning Department within 20 calendar days of the mailing date of the pre-notice. 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 parcel or within ¼ mile of the development site, therefore the request complies with Criterion A.

B. Streams, Ponds, Lakes, and Riparian Areas

FINDING: The purpose of this section is to protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas, and to enhance aquatic and riparian areas. According to the National Wetland Inventory (NWI) maps, there are no streams, ponds, lakes or riparian areas on the subject parcel or within ¼ mile of the development site therefore the request complies with Criterion B.

C. Wildlife Habitat

FINDING: There is no identified wildlife habitat on the subject parcel or within 1,000' of the development site therefore the request complies with Section 14.600.C.

D. Rare Plants

FINDING: There are no identified rare plants on the subject parcel, or within 1,000' of the development site, therefore, the request complies with Section 14.600.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 parcel. No new recreational use is proposed on the property, and there are no existing recreational uses within 1,000 feet of the subject parcel.

Section 14.800, Indian Tribal Treaty Rights and Consultation - GMA

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

FINDING: Section 14.800 provides protection of Indian Tribal Treaty Rights from new development in the National Scenic Area. Section 14.800.B.3. lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Indian treaty rights and provides 20 days for tribal governments to submit comments. The subject property has no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or e-mailed to the four tribal governments on October 20, 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.

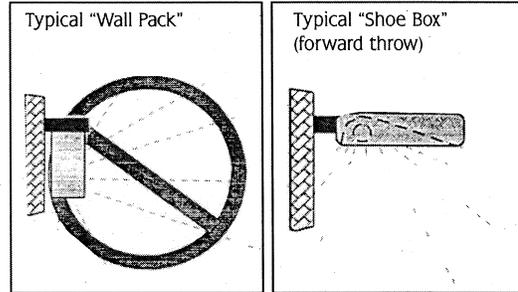
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. Each year we waste more than a billion dollars in the United States needlessly lighting the night sky.

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

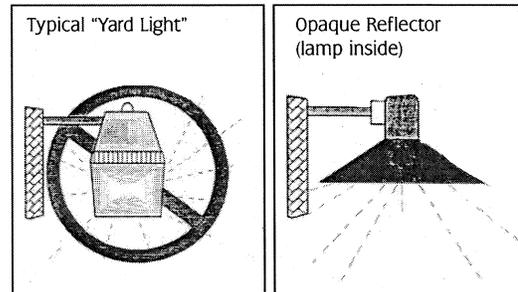


BAD

Waste light goes up and sideways

GOOD

Directs all light down

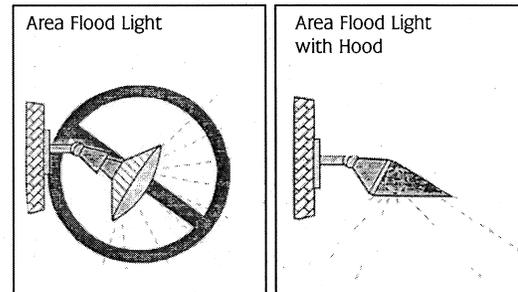


BAD

Waste light goes up and sideways

GOOD

Directs all light down



BAD

Waste light goes up and sideways

GOOD

Directs all light down

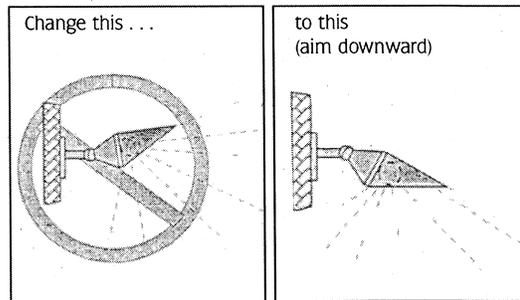
areas 100 times more brightly than the full Moon! More importantly, by choosing properly shielded lights, you can meet your needs without bothering neighbors or polluting the sky.

- 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!

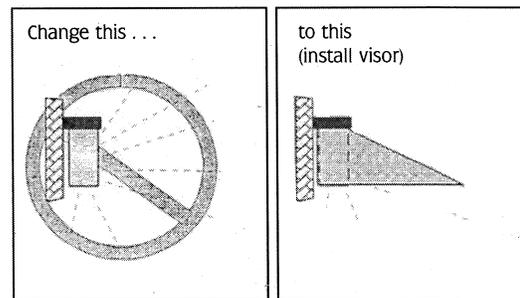
Replace bad lights with good lights.

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

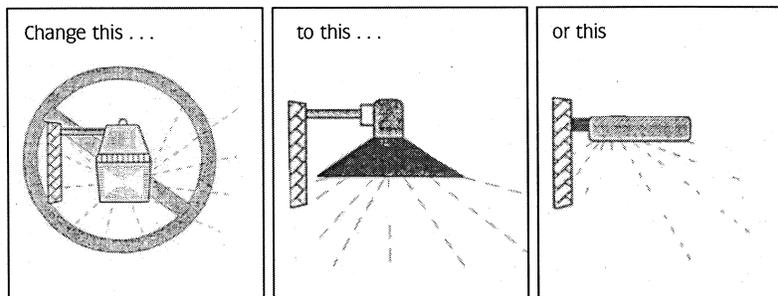
What You Can Do To Modify Existing Fixtures



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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