

ATTACHMENT D – STAFF REPORT

File Number: PLASAR-16-09-0013

Applicant/Owner: Oregon Department of Transportation (ODOT)

Request: Scenic Area Review to remediate and restore approximately 1.5 acre of the “Shooting Quarry” to reduce lead contamination in the soil. The project includes:

1. Excavating 7,800 +/- cubic yards of impacted material;
2. Screening of excavated material to remove rocks >2” (1/2 of the material will be replaced on-site);
3. On-site treatment of up to 3,900 cubic yards of lead-impacted soil;
4. Removal of impacted soil to an approved facility for disposal
5. Site reclamation; and
6. Decommissioning ground water monitoring well

Decision: **Approved** with Conditions

Decision Date: October 26, 2016

Appeal Deadline: November 10, 2016

Location: The property is located west of Highway 30 West, approximately 0.5 mile north of Division Street in the City of The Dalles, Oregon; more specifically described as:

<u>Existing Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
2N 13E 20 800	13760	11.04

Zoning: A-1(160), Large Scale Agriculture in the General Management Area of the Columbia River Gorge National Scenic Area.

Past Actions: PLASAR-08-11-0013 (berm construction)

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 3.120, A-1, Large Scale Agriculture Zone

Section 3.120.D.18., Uses Permitted Subject to Review, Resource Enhancement Projects

Section 3.120.G., Property Development Standards

B. Chapter 13 – Nonconforming Uses, Buildings and Lots

Section 13.060, Verification of Nonconforming Use

Section 13.080, Change to Nonconforming Uses & Structures

C. Chapter 10 – Resource Enhancement Projects, Disposal Sites, and Mineral and Aggregate Review

Section 10.100, Resource Enhancement Projects (GMA and SMA)

D. Chapter 11 – Fire Safety Standards

Section 11.110, Siting Standards

Section 11.120, Defensible Space

Section 11.130, Construction Standards for Dwellings and Structures

Section 11.140, Access Standards

Section 11.150, Fire Protection or On-Site Water Required

E. Chapter 14 – Scenic Area Review

Section 14.100, Provisions for all new development

Section 14.200, Key Viewing Areas

Section 14.300, Scenic Travel Corridors

Section 14.400, Landscape Settings

Section 14.500, Cultural Resources – GMA

Section 14.600, Natural Resources – GMA

Section 14.700, Recreation Resources - GMA

Section 14.800, Indian Tribal Treaty Rights and Consultation - GMA

I. BACKGROUND

A. Legal Parcel: The subject parcel was created by Deed Volume 82, Page 490, recorded with the Wasco County Clerk on October 11, 1930. The property 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 parcel is located directly west of Highway 30 W. Access to the property is from Highway 30W at its southern property line. Natural slopes on the

parcel are east-facing and run between 20-50%. The quarry floor ranges in width from approximately 60-200' and is located at approximately 160' above sea level (ASL). The walls of the quarry range from approximately 160-300' in elevation. This property was used from the 1930s through the early 1960s as a rock quarry for the Oregon Department of Transportation and provided material for Highway 30 W maintenance and construction of Interstate 84. It has been unused since that time, however the public unofficially used the site as a shooting range for several decades after the quarry was abandoned. Due to the use of the quarry as a shooting range, the floor and wall of the quarry are heavily contaminated with lead casings and slugs. Past quarry activities have disturbed the eastern ½ (approximate) of the site. The steepest slopes exist on the northwestern portion of the property. The northwest and southwest portion of the property contain vegetated areas (grasses) mixed with large rock outcroppings. There are approximately 10 trees on the northeast portion of the property outside of the excavated area.

- C. Surrounding Land Use:** All surrounding properties are zoned A-1(160), Large Scale Agriculture in the General Management Area of the National Scenic Area, however the extreme southern end of property to the south is located in the Urban Exempt Area of the City of The Dalles (south of Chenoweth Creek). Properties to the north and west are used as an aggregate extraction operation (Munsen Paving). Property to the south in the NSA was approved for a campground in 1989, but a minimal amount of development has occurred since it was approved. Property to the east lies east of Highway 30 W and is vacant. Properties generally contain east- or southeast-facing slopes. Slopes on properties to the north and west are similar to the subject parcel (over 20%). These properties contain an aggregate extraction site which has operated since the 1960s or earlier, with grassy slopes. Slopes to the south average 10-20%. The majority of the property is undisturbed. Property along the creek contains heavy tree vegetation, with scattered trees throughout the southeast portion of the property. This property contains large landforms along Highway 30 W. Slopes east of Highway 30 W average 5-10%. This land is vacant, contains no trees and is in natural grass vegetation.
- D. Public Comment:** Notice of Administrative Action was mailed on September 8, 2016, to all owners of property within 200' 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 September 8, 2016, and a 20-day comment period given. No comments were received from a tribal government, however the following comment were submitted.

(October 4, 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 occur on a site that has been disturbed by human activities (area was a

developed rock quarry), and would occur on a site that has been adequately surveyed in the past (Connolly, 1996).

- A historic survey is not required because the request will not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older, and 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.
- Historic or prehistoric cultural materials may be discovered during activities associated with this undertaking and such discoveries are to be reported immediately.

Staff Response: Cultural resources are discussed in Section 14.500 where conditions are imposed to protect cultural resources.

(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 3.120, A-1, Large Scale Agriculture 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.

- 18. Resource Enhancement Projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources subject to the Resource Enhancement standards prescribed in Chapter 10: (GMA & SMA)*

FINDING: The request is to enhance natural resources by removing approximately 7,800 cubic yards of lead-contaminated soil/rock, screening excavated material to remove rocks >2", treat approximately 3,900 cubic yards of lead-impacted soil, removing impacted soil to an approved disposal facility, and reclaiming the site. Upon completion of the clean-up work, the remaining soil and rock will contain levels of lead below the threshold for use for Residential and Urban Residential purposes. There are no immediate plans to dispose of/surplus the property,

however if it is incorporated into the Urban Growth Boundary of the City of The Dalles, ODOT would like to have options for the parcel.

A portion of the request involves the decommissioning of a ground water monitoring well. The well was placed in 2014. For wells where contamination has not been found, the well must be abandoned by filling the well from the bottom up with an approved sealant as described in OAR 690-240-475. The casing is then removed below grade as compatible with local site conditions and land practices. Approved sealants include cement grout, sodium bentonite or a cement-bentonite grout mixture. The protective steel casing that extends 2-3' (approximate) above ground and below ground will be removed, as well as a protective bollard (a short vertical post) that was installed next to the well.

All pertinent sections of the NSA-LUDO are addressed in this report where the request is found to comply with all criteria.

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

FINDING: The Wasco County National Scenic Area Land Use & Development Ordinance (NSA-LUDO), Chapter 1, Introductory Provisions, Section 1.200, Definitions, defines "Structure":

Structure - *That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to buildings, walls, fences, roads, parking lots, signs and additions/alterations to structures.*

The only existing structure on the property is the earthen berm approved by the Planning Department on August 6, 2008 (File # PLASAR-08-11-0013). In an e-mail dated September 21, 2016, from Brad DeHart, Project Leader, ODOT, Mr. DeHart stated that there may be some removal of portions of the berm during construction, but upon completion of the project the berm will be restored to its current condition. A **condition** of approval is included in the Notice of decision requiring replacement of any berm that is removed or reduced from its current state. No new structures are proposed, therefore staff finds the request complies with Criteria 2. and 3.

4. *Irrigation Ditch Setbacks: All dwellings and structures shall be located outside of the easement of any irrigation or water district. In the absence of an easement, all dwellings and structures shall be located a minimum of 50 feet from the centerline of irrigation ditches and pipelines which continue past the subject parcel to provide water to other property owners. Substandard setbacks must receive prior approval from the affected irrigation district. These setbacks do not apply to fences and signs. If the irrigation ditch meets the definition of a “stream”, the natural resource provisions of Chapter 14 shall apply.*

FINDING: There are no irrigation ditches on the subject parcel, 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 parcel is not located within a FEMA designated flood zone, therefore the request complies with Criterion 5.

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

FINDING: The only existing structure on the subject parcel is an earthen berm along the eastern property line (Highway 30 W), approved on February 10, 2009. No change to the height of the berm is proposed, therefore the request complies with Criterion 6.

7. *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 property therefore the request complies with Criterion 7.

B. Chapter 13 – Nonconforming Uses, Buildings and Lots

Section 13.060, Verification of Nonconforming Use

Must meet lawfully established and discontinuance or abandonment criteria below.

A. *Lawfully Established: For a nonconforming use to be verified as lawfully established it shall be consistent with all of the following:*

1. *The nonconforming use has not been expanded in size or area or changed in purpose or use beyond what was lawfully established;*

FINDING: The existing ODOT quarry was acquired in 1930 and was used by ODOT for the protection of aggregate material for highway construction projects including Interstate 84 and Highway 30 W. The quarry has not been used since the early 1960s. Staff viewed an aerial photograph from 1972 which shows the ODOT quarry. In comparison the 1972 aerial photo and current aerial photos show that the quarry has not expanded in size or area. Staff visited the subject parcel on September 19, 2016. An abandoned rock quarry continues to exist on the site and this use has not changed since its use was abandoned in the early 1960s, therefore staff finds the request complies with Criterion 1.

2. *The property on which the nonconforming use is located meets the definition of legal parcel in Chapter 1 of this ordinance;*

FINDING: The subject parcel is a legal parcel. It was created by Deed Volume 82, Page 490, recorded with the Wasco County Clerk on October 11, 1930. The property 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.

3. *The nonconforming use was lawfully established on or before the effective date of the provisions of this ordinance prohibiting the use verified by either a or b below. No unlawful use of property existing at the time of the effective date of the provisions of this ordinance shall be deemed a nonconforming use.*

FINDING: It is unknown when the rock quarry was originally established, but its use was discontinued in the early 1960s. Wasco County identifies September 4, 1974, as the date when its first zoning ordinance was implemented throughout Wasco County. Prior to September 4, 1974, no permits were required for the rock quarry. The fact that the rock quarry use was discontinued in the early 1960s confirms that the abandoned quarry use existed prior to September 4, 1974. Staff finds that the abandoned quarry, a nonconforming use, was lawfully established prior to September 4, 1974, therefore the request complies with Criterion 3.

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- b. *Type II Verification: Lacking non-discretionary evidence, lawfully established is verified by a discretionary process consistent with Section 2.060(A)(7).*

It is the burden of the applicant to provide a preponderance of evidence which will allow the Planning Director to conclude the nonconforming use was lawfully established. Such evidence includes but is not limited to:

- Utility Bills and Records (phone, power, sewer, water)*
- Aerial Photographs*
- Dated Photos*
- Notarized Letters or Affidavits affirming the date of establishment*

FINDING: There is no non-discretionary evidence that shows that the rock quarry was lawfully established, therefore discretionary information is necessary to conclude the nonconforming use was lawfully established. Staff discovered printed aerial photographs dated 1972 in the County Surveyor's files. The 1972 aerial photograph clearly shows the existing disturbance from the rock quarry, therefore the request complies with Criterion b.

B. Discontinuance or Abandonment: For a nonconforming use to be verified as lawfully established it must not have been discontinued or abandoned according to the following criteria. Based on the circumstances, the Director shall determine whether discontinuance or abandonment shall be reviewed as a Type I or Type II process as described in A above.

- 1. The reference period for determining whether an abandonment or interruption of a nonconforming use or an aspect thereof has occurred shall be twelve (12) consecutive months. Proof of intent to abandon is not required to determine that a nonconforming use has been discontinued or abandoned.*
- 2. An abandonment or interruption of a use may arise from the complete cessation of the actual use for a twelve (12) month period even if improvements to support the use remain in place.*
- 3. An interruption or abandonment for a twelve (12) month period that constitutes less than full cessation of the use or a portion thereof may result in a declaration of a continuing use, but of a lesser intensity or scope than what would have been allowable if the nature and extent of the use as of the date it became nonconforming had continued, even if improvements to support the full use remain in place.*

FINDING: The purpose of this application is to clean up and reclaim the ODOT Shooting Quarry. The rock quarry has not been used since the early 1960s and ODOT desires to clean up the lead contamination. This will allow its future conversion to a new use or sale of the property. State law specifies that an aggregate site is not considered to be abandoned unless it has not been operated in 12 or more years. Since the cessation of the quarry operation, the public unofficially used the quarry as a gun range and the site has been contaminated by lead casings. ODOT has been monitoring the site and intends to clear up the site to improve natural resources on the property and in the area. As proposed the request to clean up an abandoned quarry complies with Criterion 1.

- 4. If a use or structure is used in a different manner or for a different purpose for a twelve (12) month period than was lawfully established, such a change shall result in a determination that the use has been abandoned or has ceased.*

Factors to be considered in determining whether there has been a change in the nature of a use shall include, but are not limited to, consideration of the type of activities being conducted, the operating characteristics of the activities associated

with the use (including off-site impacts of those activities), changes in structures associated with the use and changes in the degree to which the activities associated with the use occupy the site.

FINDING: The existing use of the property is a rock quarry that has not been used in approximately 50 years. It has been inactive since the early 1960s. No legal change in use of the property has occurred in the last 50 years by ODOT. However the public used the abandoned quarry for decades. This was not a legal, permitted use. The proposed project will clean up the site and improve natural resources including land and water quality. The request complies with Criterion 4. because no change in the use of the property has occurred.

Section 13.080, Change To Nonconforming Uses & Structures

Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Ordinance.

A. Expansion of Existing Industrial Uses in the GMA shall be prohibited:

FINDING: The request does not involve expansion of an existing industrial use. The rock quarry on the subject parcel is considered to be abandoned because it has not been used in more than 12 years. The request is to clear up lead contamination from the soil on the site caused by use of the property as a shooting range for several decades. The request complies with Criterion A. because the use is not proposed to be expanded or reactivated.

B. Conversion of Existing Industrial Uses in the GMA: In the GMA, existing industrial uses may convert to less intensive uses. For this section, a less intensive use is a commercial, recreation, or residential use with fewer adverse effects upon scenic, cultural, natural, and recreation resources.

FINDING: The subject parcel contains a former rock quarry. The property has not been used as a quarry since the 1960s but was used by the public for decades as a gun range (without ODOT's approval or any land use approval). ODOT does not propose a new use for the subject parcel, however they propose to clean up the lead contamination on the property so that it can be used in the future for another use. Staff finds the request complies with Criterion B. because no use to the abandoned quarry is proposed.

C. Chapter 10 – Resource Enhancement Projects, Disposal Sites and Mineral & Aggregate Review

Section 10.100, Resource Enhancement Projects (GMA & SMA)

Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, which may include new structures (e.g., fish ladders, sediment

barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries) subject to the following criteria:

- A. *Applications for resource enhancement projects must describe the goals and benefits of the proposed enhancement project. They must also thoroughly document the condition of the resource before and after the proposed enhancement project.*

FINDING: For many years, the quarry has been used by the public as an unofficial shooting range. In 2009 and again in 2013, soil samples were collected and analyzed to determine the extent of lead and polycyclic aromatic hydrocarbons (PAHs). In addition, a monitoring well was constructed onsite and water samples were collected and analyzed. No contamination was found in the well, but soil on the property is contaminated from the lead shell casings from the years of the property's use as a shooting range. The application states: "The remediation goal would be to achieve cleanup levels of 400 mg/kg Residential Ingestion, Inhalation, and Dermal Contact Risk Based Concentrations (RBC) or lower." The condition of the soil prior to clean-up has been summarized and submitted to DEQ. In an e-mail dated October 5, 2016, Brad DeHart (ODOT Project Leader) states that ODOT is working with DEQ and will be involved with documenting the condition of the site during and after the project. The goal of the project will be a "No Further Action" determination by DEQ, meaning that the site has been accepted by DEQ as cleaned up. A **condition** of approval is included in the Notice of Decision requiring ODOT to provide the Planning Department with a copy of the "No Further Action" determination by DEQ. With the proposed **condition** of approval the request complies with Criterion A.

- B. *In addition to other guidelines that protect scenic, cultural, recreation, and natural resources, quarry enhancement projects shall comply with the following:*

1. *Application Requirements. In addition to other applicable requirements, land use applications for quarry enhancement projects shall include a reclamation plan that provides all the applicable information specified in 10.300(A) except the words "pre-reclamation" and "post-reclamation" should replace the words "pre-mining" and "post-mining," respectively, and the appropriate state agency or local government does not have to approve the reclamation plan and meet the requirements of 10.300(B)(1) if any of the quarry enhancement project is visible from Key Viewing Areas.*

FINDING: The request is to clean lead contamination from an existing rock quarry by digging approximately 2' of soil/rock from the quarry floor and walls. The request involves approximately 1.5 acres of land. ODOT proposes to restore the land to its current topographic state. The subject parcel was used as a rock quarry beginning in the 1930s (approximate) and according to ODOT, was last used as a quarry in the early 1960s. The land is not being reclaimed to recreate natural slopes from the 1930s but will restore the property to its current slopes. According to Vaughn Balzer, Floodplain Mining & Water Quality Reclamationist, Mineral Land Regulation and Reclamation, Oregon Department of Geology & Mineral Industries, the

Oregon did not have any reclamation requirements for rock quarries until 1972, and the ODOT quarry is exempt from reclamation because it existed prior to 1972.

The quarry floor is entirely screened from KVAs, however the upper back wall is visible from four KVAs. ODOT provided a grading plan showing original grade and restored grade that meets the requirements in 1.

Because the request does not include reclamation of the site to its original pre-quarry state, Section 10.300 is not addressed. As proposed, the request complies with Criterion 1.

2. *Scenic Resource Standard. Quarry enhancement projects shall restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable.*

FINDING: The property was originally used by ODOT as a rock quarry prior to requirements for reclamation

A grading plan was submitted with the application and it shows the Original Grade and Proposed Grade to be nearly identical. Staff estimates the finished grade will be within 1' of the existing grade when the project has been completed and will be indistinguishable from its current appearance. For the past 50 years the existing quarry has been the established "natural appearance" and the majority of residents have never seen it appear any differently. As proposed, the request complies with Criterion 2. because when the project is completed the site will be restored to a natural appearance that blends with an emulates surrounding landforms to the maximum extent practicable.

3. *Natural Resource Standard. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.*

FINDING: Approximately 1.5 acres of land will be disturbed by the project. ODOT proposes to replant the area with a seed mix proposed in Attachment B of the application. The mix includes native shrubs, grasses, herbs and acorns (Oregon white oak). A condition of approval is included in the Notice of Decision requiring all disturbed areas to be replanted with the proposed seed mix. With the proposed condition, the request complies with Criterion 3.

4. *Time Frames. The following time frames shall apply to quarry enhancement projects:*

FINDING: Staff notes that Criterion 4. applies only to grading and replanting. Other activities associated with the resource enhancement project such as hauling the stockpiled material off-site to the local landfill will occur after the contract work (grading) is completed. Hauling the stockpiled material off-site will be completed by ODOT workers after the grading is finished with the expected completion date of June 30, 2019. Staff points out that the expected timeline of January, 2017 through June 30, 2019, exceeds the two year life span of the approval. ODOT explained the reasons for the extended haul duration include ODOT

Maintenance's workload, budget limitations, and coordination with the Wasco County Landfill about the best time for them to receive the materials.

A **condition** of approval is included in the Notice of Decision advising the applicant that if the project takes longer than two years, an extension of time will be required. With this condition of approval the request complies with Criterion 4.

- a. *All grading (e.g., excavating, filling and re-contouring) shall be completed within one (1) year of the date an applicant begins on-the-ground work.*

FINDING: The project to decontaminate and restore the rock quarry will require on-site excavation, lead fixation processing and stockpiling work. Grading will likely begin in mid-January, 2017, and be completed in March/April, 2017. This is consistent with Criterion a. A **condition** of approval in the Notice of Decision advising the applicant that all grading must be completed within one year the applicant begins on-the-ground-work, will ensure the request complies with Criterion a.

- b. *All landscaping shall be planted within one (1) year of the date an applicant completes the grading.*

FINDING: The project to decontaminate and restore the rock quarry will require new seed to be planted. As discussed above in 3., ODOT proposes to replant the area with a seed mix described in Attachment B of the application. The mix includes native shrubs, grasses, herbs and acorns (Oregon white oak). According to ODOT representative, Brad DeHart, grading will likely begin in mid-January, 2017, and seeding/mulching will be completed by the end of April, 2017. A condition of approval is included in the Notice of Decision reminding the owner that all disturbed areas shall be replanted within one year of completion of the grading. With the proposed condition, the request complies with Criterion b.

- c. *An applicant may request one one-year extension to the one year grading time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after grading has commenced and before the one year grading time frame has expired.*

FINDING: Once an application is approved, the owner has two years to begin the project. As described in a. above, the owner must complete all grading within one year on-site work begins. A **condition** of approval is included in the Notice of Decision advising the applicant that they may request a one-year extension to the one year grading time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. An extension request will be handled as an administrative action by the Planning Department. An applicant shall submit the request to the Wasco County Planning Department after grading has commenced and before the one year grading time frame has expired. With this **condition** of approval, the request complies with Criterion c.

- d. *An applicant may also request one six-month extension to the one (1) year landscaping time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after landscaping has commenced and before the one-year landscaping time frame has expired.*

FINDING: In the event that there is extreme weather or an emergency/disaster, Criterion d. provides an opportunity for an extension of time, for six months to the one year landscaping time frame. A **condition** of approval is included in the Notice of Decision advising the applicant that they may request one six-month extension to the one year landscaping time frame if a project is unexpectedly delayed by adverse weather or an emergency/disaster. Such request will be processed as an administrative action. The applicant shall submit a request to the Wasco County Planning Department after landscaping has commenced and prior to the expiration of the one-year landscaping time frame. With the proposed **condition** of approval, the request complies with Criterion d.

Section 10.300, Mineral and Aggregate Review (GMA Only)

A. All Mineral and Aggregate Operations

1. *For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required in addition to the site plan. The reclamation plan shall address the restoration of the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable. At a minimum, such reclamation plans shall include...*

FINDING: The request is to clean up lead contamination in the soil of an abandoned rock quarry. No new production or development of mineral resources is proposed. No expansion of the old quarry is proposed. Staff finds the request complies with Criterion 1.

2. *All reclamation plans for new quarries or expansion of existing quarries shall be sent to the Oregon Department of Geological and Mineral Industries (DOGAMI) for review and comment. DOGAMI shall have 30 calendar days from the date a reclamation plan is mailed to submit written comments on the proposal. DOGAMI comments shall address the following:*

FINDING: The request is to clean up lead contamination in the soil of an abandoned rock quarry. No new production or development of mineral resources is proposed. No expansion of the old quarry is proposed. According to Vaughn Balzer, Oregon Department of Geology & Mineral Industries (DOGAMI), a reclamation plan was not required for any quarry existing as of 1972. The ODOT quarry was abandoned in the early 1960s and no reclamation plan is on file for the quarry. Staff finds the request complies with Criterion 2.

B. Mineral and Aggregate Operations Visible from Key Viewing Areas

- 1. For proposed mining and associated activities on lands visible from Key Viewing Areas applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.*

FINDING: Though request involves excavation, screening, treatment and removal of contaminated soil, it is not considered to be mining. The purpose of the project is not to mine materials or crush rock for the production of concrete, but is to clean-up a lead-contaminated rock quarry. No mining activities are proposed. The request complies with Criterion 1.

- 2. Expansion of existing quarries and new production and/or development of mineral resources proposed on sites more than three miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that the area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc., associated with the use would be visually subordinate in the GMA as seen from any Key Viewing areas based on findings addressing the extent of visibility of proposed mining activities from Key Viewing Areas, including...*

FINDING: The request is to clean up lead contamination in the soil of an abandoned rock quarry. No new production or development of mineral resources is proposed. No expansion of the old quarry is proposed. Staff finds the request complies with Criterion 2.

- 3. An interim time period to achieve compliance with visual subordination requirements in the GMA, for expansion of existing quarries and development of new quarries located more than three miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed three years beyond the date of approval.*
- 4. New production and/or development of mineral resources on sites less than 3 miles from the nearest Key Viewing Area may be allowed upon a demonstration that the area to be mined and the area used for primary processing, equipment storage, stockpiling, etc., associated with the use would be fully screened from any Key Viewing Area as described in 5 below. The applicant shall also meet the requirements of B(2) above.*
- 5. An interim time period to achieve compliance with full screening requirements for new quarries located less than three miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed one year beyond the date of approval. Quarrying activity occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide screening, for example the creation of berms and planting*

of trees.

FINDING: The request is to clean up lead contamination in the soil of an abandoned rock quarry. No new production or development of mineral resources is proposed. No expansion of the old quarry is proposed. Staff finds the request complies with Criteria 3., 4. and 5.

D. Chapter 11 – Fire Safety Standards

Section 11.110, Siting Standards – Locating Structures for Good Defensibility
Section 11.120, Defensible Space – Clearing and Maintaining a Fire Fuel Break

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

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

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

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

As part of a complete application, the property owners completed a Fire Safety Standard Self-Certification Form. By signing the self-certification form, the owners have acknowledged that they understand these standards and commit to achieve compliance with them within one year of the date of approval and maintain them through the life of the development. This certification further commits all future property owners to this same requirement. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under Files PLASAR-16-09-0013.

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

No flammable structures exist on the subject parcel.

Staff finds that the request complies with Chapter 11 – Fire Safety Standards.

E. Chapter 14 – Scenic Area Review

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

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

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

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

FINDING: No new buildings or roads are proposed. The purpose of this application is to clean up and reclaim the ODOT Shooting Quarry. The rock quarry has not been used since the early 1960s, but the public used the property as an unofficial shooting range for decades. Lead casings are scattered throughout much of the quarry walls and floor. ODOT desires to clean up the lead contamination in the quarry floor and walls by removing the top 2' (approximate) of soil. The soil will be screened and rock >2" will be replaced on the property while contaminated soil will be treated on-site and transported to an approved disposal facility site. There is no other way to remove the lead contamination from the property unless the proposed ground disturbance occurs. Upon completion of the screening and rock replacement, the topography will be nearly identical to the existing topography. Due to the purpose of this project, staff finds that grading activities will be minimized to the maximum extent practicable to achieve the desired result of natural resource enhancement. As proposed, 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 equipment a contractor chooses to bring in to perform the work varies but in excavation jobs of this character it is common to have a small contractor trailer during the scope of the work. The trailer may be used as a lab, office or break room and will remain on site during the excavation, screening and replanting portion of the project, approximately 3-4 months. This is temporary in nature and will be removed by the contractor at the completion of the excavation and replanting. Staff finds 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: Upon completion of the project, no permanent structures will remain on the property. During the excavation, screening and replanting of the project area, a temporary construction trailer may be placed on the property. This trailer would not be permanent and would be removed upon completion of the excavation, screening and replanting. If a trailer is placed, it would be located on-site and would be removed upon completion of the excavation, screening and replanting. A **condition** of approval is included in the Notice of Decision stating this. With the proposed **condition**, the request complies with Criterion D. because no permanent structures will be placed on the property.

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

FINDING: No outdoor lighting or nighttime work is anticipated however it is up to the contractor to determine whether he will work during the darkness. If any outdoor lighting is installed, the owner is advised 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. A **condition** of approval is included in the Notice of Decision requiring compliance with outdoor lighting standards. With the proposed 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: Chapter 10, Section 10.100.B.4.b. provides the applicant one year from the date of ground disturbance to complete replanting. Chapter 10 specifically applies to resource enhancement projects and is not a general standard, therefore staff interprets the NSA-LUDO Chapter 10, Section 10.100.B.4.b. to supersede this standard. However, to ensure the project does not exceed the scope of work described in this report, a **condition** of approval is included in the Notice of Decision limiting excavation to only clean-up activities. Excavation should be minimized to limit grading and maintain and enhance the conditions of the quarry. In addition, a condition is included in the Notice of Decision requiring the owner to maintain existing vegetation outside of the project area to the greatest extent possible.

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 are no trees in the development area therefore 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 involves remediation and restoration of approximately 1.5 acres of lead-contaminated soil in the “Shooting Quarry” (Chenoweth Quarry). The request includes excavating 7,800 +/- cubic yards of impacted material, screening of excavated material to remove rocks >2”, site reclamation, on-site treatment of up to 3,900 cubic yards of lead-impacted soil, removal of impacted soil to an approved facility for disposal, and decommissioning a ground water monitoring well.

Based on digital data from the Columbia River Gorge Commission office, the development site is topographically visible from four Key Viewing Areas (KVAs): Highway 30 W (Foreground and Middleground); Interstate 84 (Foreground, Middleground and Background); Columbia River (Middleground and Background); and Washington State Route (SR) 14 (Middleground and Background). Foreground is defined as 0-1/2 mile from the subject parcel. Middleground is defined as 1/2-3 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. Identified UAs include the City of The Dalles, Oregon, and Dallesport, Washington.

The development site is located at an elevation ranging from 165-300’ above sea level (ASL). The primary factors in analyzing the visibility of the clean-up and restoration of the Shooting Quarry is the existence of 8’ +/- tall earthen berms along the east property line, and the distance from SR 14, the Columbia River and Interstate 84.

Permanent structures/buildings are not proposed as part of this review. During the excavation, screening and reclamation of the development area construction equipment will be parked on-

site. This will last approximately four months. Once construction equipment is removed stockpiles of contaminated soil will remain waiting to be hauled to the landfill. Staff notes that it is typical for a contractor's trailer to be placed during excavation, screening and reclamation. This would also be temporary in nature and is not addressed in this section because it will only be on-site for approximately four months. According to ODOT construction equipment may include a front end loader, water truck, excavator, screening plant, pug mill and contractor's trailer.

The land use designation (GMA, Large Scale Agriculture) and landscape settings (Pastoral and Grasslands) 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 125' ASL. This KVA is located approximately 0.2 mile east of the development site, and is visible for a linear distance of approximately 0.5 mile. A portion of the KVA located approximately 4.7 miles east of the development site is also visible for a linear distance of approximately 2.7 miles. The KVA is approximately 40' lower in elevation from the subject parcel. Considering the existing 8' (+/-) earthen berms along the eastern side of the development area and the difference in elevation, the development area is screened from the portion of I-84 located 0.2 mile east. The remaining visible portion of I-84 located 4.7 miles to the east is currently visually subordinate due to distance. In addition the earthen berms appear as natural hillside from this this distance of 4.7-7.4 miles. Based on distance, on-site earthen berms, and the nature of the request (clean up the soil and replace it), the request will be visually subordinate from I-84.

Highway 30 W: Highway 30 W is located at an elevation of approximately 155' ASL. This KVA is adjacent to the subject parcel along its eastern boundary. Based on topography, the development site is visible only along the length of the property. Off-site trees and landforms shield the property from Highway 30 W. Along the length of the property, 8+ feet tall earthen berms screen the majority of the project area from view, with the exception of the upper quarry walls. Excavation will occur on portions of the quarry that range from approximately 175-275' ASL, which means that during the excavation and reclamation phase of the project the upper walls will be visible from Highway 30 W.

Columbia River: The Columbia River is located at an elevation of approximately 76' ASL. This KVA is located approximately 0.7 mile east of the development area and the entire river including portions adjacent to Urban Exempt Areas is the KVA (no portions are exempt). Approximately 9.7 linear miles of the Columbia River are potentially visible from the development site but due to existing on-site berms, distance and intervening City development only the quarry walls will be visible. No permanent structures are being established as a result of this request and the development area will be restored to its current condition. Based on

distance between the KVA and SR 14 the proposed development will be visually subordinate from SR 14.

Washington State Route (SR) 14: SR 14 is located at an elevation of ranging from 80-440' ASL. This KVA is located approximately 1.8 miles northeast of the development area. In this area the KVA is topographically visible for approximately 0.5 mile west of the Dallesport Urban Exempt Area. It is visible for approximately 500 west of the Dallesport Road/SR 14 intersection. Another portion of this KVA is visible from the development site. It is located approximately 4.7-9.5 (approximate) miles northeast of the site. Considering topographic features between SR 14 and the development site, staff estimates 2-3 miles of this KVA are visible from the development area, at a distance of 7-9.5 miles. The remainder of the KVA is hidden from view by land forms lying south of SR 14. The Urban Exempt Area around the City of Dallesport, Washington is excluded from this review. Due to distance between the development site and KVAs, the subject parcel appears to be part of the hillside and cannot be distinguished from the larger hill to the north (Munsen rock quarry). No permanent structures are being established as a result of this request and the development area will be restored to its current condition. Based on distance between the KVA and SR 14 the proposed development will be visually subordinate from SR 14.

Though the active remediation and reclamation of the site is temporary in nature (4 months) it is important to retain the on-site earthen berms to the greatest extent possible. A condition of approval is included in the Notice of Decision requiring maintenance of on-site earthen berms to the greatest extent possible during the excavation, screening and reclamation process. Upon completion of these activities, any berms disturbed by the project shall be restored or replaced to their pre-development activity. With the proposed **condition**, the request complies with Criterion A.

Based on distance, limited visibility of proposed development due to off-site landforms and intervening structural development in Dallesport and The Dalles, the proposed development will be visually subordinate from all KVAs.

Revegetation of disturbed areas was addressed in Section 10.100.B.4.b.

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 specified for the protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites, or conflict with standards to protection cultural resources. New development will be temporary in nature. A previous **condition** requiring retention of existing berms to the greatest extent possible and post-development restoration of the berms to their pre-development condition will help screen the site from

KVAs. In addition, the project is temporary in nature and upon removal of contaminated material, it will be restored to its current condition, and will be visually subordinate from KVAs.

- 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: Based on findings in A. and B. above, with conditions throughout this report, the project area will be visually subordinate from all KVAs.

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

FINDING: No new driveways are proposed. The first phase of the project includes the excavation and screening of lead-contaminated soil. Portions of the wall of the quarry will be visible during excavation however this phase is limited in duration (4 months) and upon completion, the quarry walls be restored to their current condition. Staff finds that the request complies with Criterion D. because the project is temporary in nature and is screened by existing on-site berms. Any cut banks or fill slopes created by the project may be visible for a maximum of 4 months and will then be restored to their current condition.

- 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: No new buildings are proposed, therefore the request complies with Criterion E.

- F. *An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Area, may itself protrude above the skyline if...*

FINDING: The request is to clean up and rehabilitate an abandoned rock quarry and does not include the alteration of a building built prior to November 17, 1986, therefore the request complies with Criterion F.

- G. *Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to this guideline may be*

authorized according to Chapter 6 of this Ordinance. In the SMA the setbacks described above shall be 200 feet.

FINDING: The request does not include any water-dependent development or water-related recreation development. In addition, the subject parcel is located west of Highway 30 West, approximately 0.68 mile (3,600+’) therefore the request complies with Criterion G.

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

FINDING: The request includes the remediation and reclamation of an abandoned rock quarry. No new buildings are proposed, therefore 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: As proposed, the request does not include the construction or placement of any new structure, therefore 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 subject parcel is located in the GMA and is visible from four KVAs. However, no new buildings are proposed, therefore 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 subject parcel contains an earthen berm, approximately 8' in height, along the eastern property line. These berms provide screening of over 90% of the quarry floor area. The walls of the quarry extend approximately 150' above the floor and there is no way to screen it from KVAs. No new landscaping is required to screen the project area because of the existence of the earthen berms. Upon completion of the remediation and reclamation of the site, the development area will appear the same as it does pre-development. As proposed, 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 Criterion 1, no new landscaping is necessary to achieve visual subordination, therefore the request complies with Criterion 2.

- 3. Unless as specified otherwise by provisions in this chapter, landscaping shall be installed as soon as practicable, and prior to project completion.*

FINDING: Chapter 10, Section 10.100.B.4.b. requires landscaping to be completed within one year of completed ground disturbance. This requirement is specific to resource enhancement projects. A condition of approval in Chapter 10 requires consistency with the replanting requirement. With the prior condition of approval, the request complies with Criterion 3.

- 4. Conditions regarding new landscaping or retention of existing vegetation for new developments shall meet both scenic guidelines and the fuel break guidelines listed in the fire protection standards for each zone.*

FINDING: The owner intends to reseed disturbed areas within 4 months from the beginning of ground disturbance. No other vegetation is required to be planted. The development area contains an abandoned rock quarry which is unlikely to burn. Chapter 11 – Fire Safety Standards are addressed above in D. Scenic guidelines are addressed in Chapter 14. Due to the nature of the development site, the fact that no new structures are being placed/constructed, and the limited on-site vegetation, staff finds the request complies with Criterion 4.

- 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 four KVAs (Highway 30, I-84, Columbia River and SR-14).

Disturbance of the development area will last for approximately 4 months, with the removal of the lead-contaminated soil lasting approximately 2 years. This amount of time will be determined by the Wasco County Landfill, and their ability to take the soil. There will be a temporary visual effect during the grading, excavation and reclamation, however once completed the development area will look the same as it looks prior to the development. There will be no cumulative effect to scenic resources from the project because, although the site will be disturbed, it will be returned to its original state upon completion of the reclamation. Based on these facts, the request complies with Criterion L.

Section 14.300, Scenic Travel Corridors

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- B. *The Historic Columbia River Highway and Interstate 84 are designated as Scenic Travel Corridors. Development along these corridors shall be subject to the following standards:*

- 1. *For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Scenic Travel Corridor roadway.*

FINDING: The subject parcel is adjacent to Highway 30 W and is located approximately 0.17 mile from the surface of Interstate 84, therefore this section is applicable to both Scenic Travel Corridors.

- 2. *All new buildings and alterations to existing buildings shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to Chapter 6. All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.*

FINDING: There are no buildings on the subject parcel, and no new buildings are proposed, therefore new buildings and alterations to existing buildings will be more than 100' from the edge of both Scenic Travel Corridors, and the request complies with Criterion 2.

- 3. *Additions to existing buildings or expansion of existing parking lots located within*

100 feet of the edge of pavement of a Scenic Travel Corridor roadway shall comply with standard 2 of this subsection to the maximum extent practicable.

FINDING: There are no buildings or parking lots on the subject parcel nor are any buildings or parking lots proposed within 100' of the edge of the pavement of Highway 30 West or Interstate 84, therefore the request complies with Criterion 3.

- 4. All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following...*

FINDING: The request is to clean up and reclaim an abandoned rock quarry and does not include any proposed vegetation management projects in public rights-of-way, therefore the request complies with Criterion 4.

- 5. When evaluating which locations to consider undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory, prepared in April, 1990.*

FINDING: The request involves cleaning up soil contaminated by lead and does not involve the undergrounding of signal wires or powerlines. As proposed, the request complies with Criterion 5.

- 6. New production and/or development of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project...*

FINDING: The request does not involve new production or development of mineral resources, therefore the request complies with Criterion 6.

- 1. Expansion of existing quarries may be allowed pursuant to Section 10.300(B)(2). Compliance with visual subordination requirements shall be achieved within timeframes specified in Section 10.300(B)(3). (GMA Only)*

FINDING: The request does not involve expansion of an existing quarry, therefore the request complies with Criterion 7.

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.

A. Pastoral Landscape Setting

GMA Only

1. *Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.*

FINDING: The request involves the clean-up of lead from the wall and ground of an old rock quarry owned by the State of Oregon. No new structures or accessways are proposed, therefore the request complies with Criterion 1.

2. *In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:*
 - a. *Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.*
 - b. *At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge).*
 - c. *At least one-quarter of any trees planted for screening shall be coniferous for winter screening.*

FINDING: As discussed in Section 14.200, the project is visually subordinate from KVAs and no new landscaping, other than reseeding the site, is required. The request complies with Criterion 2.

D. Grassland Landscape Setting (*GMA Only*)

1. *Accessory structures, outbuildings and accessways shall be clustered together as much as possible. Exceptions to this criterion, where necessary for farming operations, are permitted.*

FINDING: No permanent accessory structures are proposed as part of this project. Upon completion of the project temporary construction structures will be removed from the property, therefore the request complies with Criterion 1.

2. *In portions of this setting visible from Key Viewing Areas, the following standard shall be employed to achieve visual subordination standards for new development and expansion of existing development:*

- a. *Structures shall be sited on portions of the property which provide maximum screening from Key Viewing Areas utilizing existing topographic features.*

FINDING: No permanent structures are proposed as part of this project. Upon completion of the project temporary construction structures will be removed from the property, therefore the request complies with Criterion 1.

- b. *Lower structures which emphasize horizontal lines and blend with this sweeping landscape shall be encouraged rather than very tall structures.*

FINDING: No permanent structures are proposed as part of this project. Large construction vehicles will be parked on the property. It is possible a small construction trailer will also be placed for 3-4 months during grading, screening and completion of the project. This is a temporary structure and will be removed. A **condition** of approval is included in the Notice of Decision requiring all temporary construction structures to be removed from the property upon completion of the project. This **condition** will ensure the request complies with Criterion b.

- c. *Planting of trees for screening shall not be extensive, in character with the openness of this setting. Where utilized, screening vegetation shall either tie in with near-by riparian vegetation in seasonal drainages or emulate windrows. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include: Oregon white oak, Lombardy poplar, black locust, black cottonwood (wet locations), Russian olive and ponderosa pine.*

FINDING: As discussed in Section 14.200 the project area is visually subordinate from KVAs. No new trees are required to be planted, however a condition requiring reseeding of disturbed areas is required. With the condition of approval, in Section 14.200, the request complies with Criterion c.

Section 14.500, Cultural Resources – GMA

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

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

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

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

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(5) *Proposed uses that would occur on sites that have been adequately surveyed in the past.*

- (a) The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception.
- (b) Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing.
- (c) The nature and extent of any cultural resources in the project area must be adequately documented.

FINDING: The request is to remediate and reclaim an old rock quarry used for many years as a shooting range. In an e-mail dated October 4, 2016, Margaret L. Dryden, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area, stated that the proposed site has been adequately surveyed in the past by Thomas Connolly (1996, Archaeological Survey of the “Shooting Range” Rock Quarry, Chenoweth Interchange Project, Wasco County. OSMA Report. Oregon SHPO Bibliographic No. 15481). Ms. Dryden states that this survey meets the standard in the Wasco County NSA-LUDO, therefore staff finds the request complies with Criterion 1.a.(5).

- 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: The request is to remediate and reclaim an old rock quarry used for many years as a shooting range. In an e-mail dated October 4, 2016, Margaret L. Dryden, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area, stated that the request would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older. In addition, it 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, therefore a historic survey is not required, and 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: The request is to remediate and reclaim a former rock quarry that has been used as a shooting range for decades, and decommission a monitoring well. Comments submitted by Margaret L. Dryden, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area (October 4, 2016) state that the request does not require a cultural resource reconnaissance survey or a historic survey because the proposed use would occur on a site that has been disturbed in the past, would occur on a site that has been adequately surveyed in the past (Thomas Connolly, 1996). Although the development site is within 500 feet of two known archaeological sites, it is located 200-500' from these sites. The archaeological sites are higher in elevation and are not threatened by the proposed project work. The combination of distance and elevation provide a sufficient buffer for the purposes of Wasco County's Ordinance. Ms. Dryden also states that a historic survey is not required for this project because it would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older, and 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.

Ms. Dryden's comments note that there is always the possibility that historic or prehistoric cultural materials may be discovered during activities associated with this undertaking, and such discoveries should be reported immediately. The applicant is required to cease work within the immediate vicinity of the discovery and immediately notify the Columbia River Gorge Commission and the Washington Department of Archaeology and Historic Preservation.

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 request is to remediate and reclaim property that was previously used as a rock quarry and shooting range. According to Margaret Dryden, Heritage Program Resources Program Manager, Columbia River Gorge National Scenic Area (10/4/16 e-mail), a cultural resource reconnaissance survey is not required for the proposed project area. Notice of the

proposed development was sent to affected persons and agencies on October 6, 2016. As of October 27, 2016, no comments were received, therefore the cultural resource protection process may conclude. 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: It is unlikely that any cultural resources are found during reclamation and clean-up of the Shooting Quarry because the site has been extensively graded during its time as an active rock quarry. However, if any cultural or prehistoric resources are discovered during grading and clean-up of the property, 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. With these **conditions**, the request complies with Criterion G.

H. Discovery of Human Remains

The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones, or teeth, with or without attendant burial artifacts.

FINDING: It is unlikely that any cultural resources are found during reclamation and clean-up of the Shooting Quarry because the site has been extensively graded during its time as an active rock quarry. However, 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. With these **conditions**, the request is consistent with Criterion 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. There are no wetlands identified on the subject parcel, however due to its proximity to the Columbia River, there are numerous wetlands identified on surrounding properties. According to the National Wetland Inventory (NWI) maps, the following wetlands exist on surrounding or nearby properties:

- Chenoweth Creek, a Freshwater Forested/Shrub Wetland, is located approximately 1,100' (0.2 mile) to the south
- Gooseberry Creek, a riverine feature is located approximately 0.48 mile (2,550') to the north
- Freshwater ponds are located east of Interstate 84, approximately 0.3 mile (1,600+') to the southeast and east
- Two freshwater ponds are located to the north and west, over 0.4 mile (2,100+')
- Taylor Lake is located approximately 2,500' (0.49 mile) to the northeast

Buffer zones for wetlands are based on the dominant vegetation that covers the most surface area in the buffer zone. The largest buffer zone is 150' (herbaceous community). The proposed development site is located more than 1,100' from the closest wetland, therefore staff finds the request complies with Criterion A.

B. Streams, Ponds, Lakes, and Riparian Areas

FINDING: The request is to remediate and reclaim an old rock quarry that was used for decades as a shooting range. The following streams, ponds and lakes exist in the vicinity:

- Chenoweth Creek, a fish-bearing stream, is located approximately 1,100' (0.2 mile) to the south
- Gooseberry Creek, an intermittent, non-fish bearing stream, is located approximately 0.48 mile (2,550') to the north
- Two freshwater ponds are located east of Interstate 84, approximately 0.3 mile (1,600+') to the southeast and east
- Two freshwater ponds are located to the north and west, over 0.4 mile (2,100+')
- Taylor Lake, a small lake stocked with fish by Oregon Department of Fish & Wildlife, is located approximately 2,500' (0.49 mile) to the northeast

Buffer zones for streams are determined on whether they are year-round and if they are fish-bearing. The largest required buffer zone is 100'.

Buffer zones for ponds and lakes are based on the dominant vegetation that covers the most surface area in the buffer zone. The largest buffer zone is 150' (herbaceous community). The proposed development site is located more than 1,100' from the closest pond or lake, therefore staff finds 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 is consistent 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 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: The request is to clean up and reclaim an old rock quarry last used in the 2004 Chenoweth Interchange construction, and used for decades as a shooting range. No recreation development is proposed on the subject parcel. A partially developed campground is located on property to the south. The development site is located over 1,000' from the campground development. Considering the proposed development and its distance from the adjacent campground (1,000+') the request complies with Section 14.700.

The request complies with Section 14.700 because no new recreational use is proposed, and there are no existing recreational uses within 1,000 feet of the subject parcel.

FINDING: The request complies with Criterion A. 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 any property within 0.4 mile (2,449') of the proposed development, therefore the request is consistent with Criterion A.

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 September 8, 2016, and a 20-day comment period was provided. No comments were received during the comment period which ended on September 28, 2016.

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.

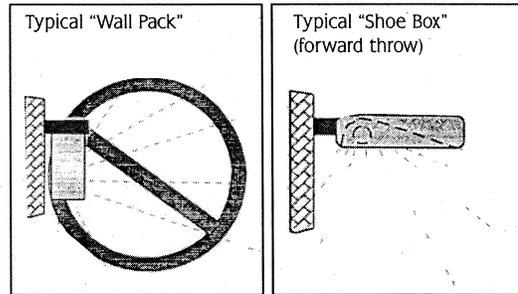
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. Each year we waste more than a billion dollars in the United States needlessly lighting the night sky.

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

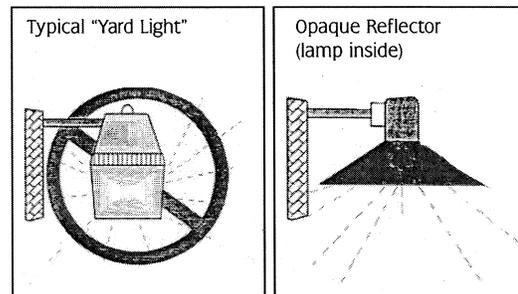


BAD

Waste light goes up and sideways

GOOD

Directs all light down

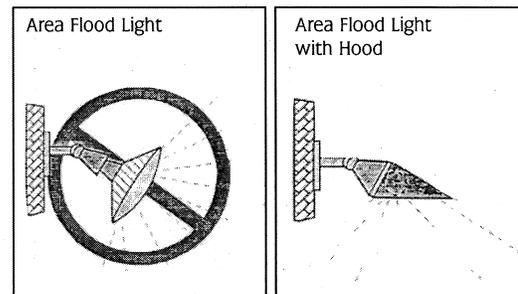


BAD

Waste light goes up and sideways

GOOD

Directs all light down



BAD

Waste light goes up and sideways

GOOD

Directs all light down

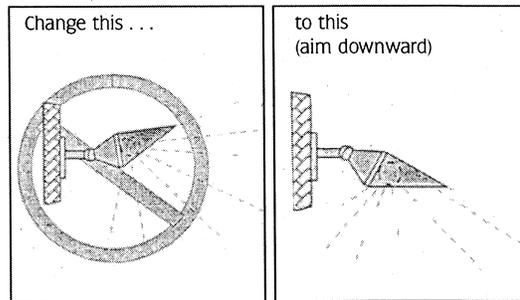
areas 100 times more brightly than the full Moon! More importantly, by choosing properly shielded lights, you can meet your needs without bothering neighbors or polluting the sky.

- 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!

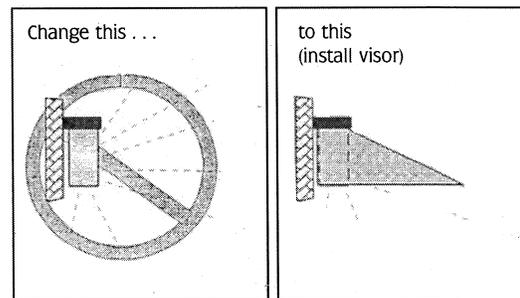
Replace bad lights with good lights.

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

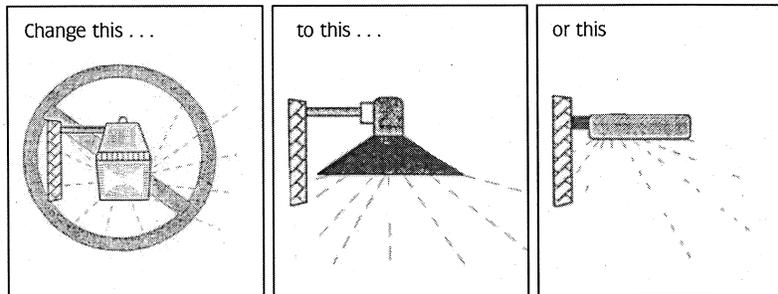
What You Can Do To Modify Existing Fixtures



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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