

ATTACHMENT D – STAFF REPORT

File Number: PLASAR-16-10-0017

Applicant: Omeg Family Orchards

Owners: Omeg Properties, LLC; Mel & Linda Omeg Rev. Trust

Request: Scenic Area Review to install a 16’ tall trellis system within four existing orchards. The system consists of steel posts spaced 30’ apart down each row. Posts will be 3-4’ deep in the ground. Posts are rusted and three high tensile steel wires coated in black plastic will run along the trellis. Two additional wires will be attached to the posts and will carry a drip irrigation tube and a suspended micro sprinkler tube.

Decision: **Approved** with Conditions

Decision Date: December 8, 2016

Appeal Deadline: December 23, 2016

Location: Site #1: The property is located north of Mill Creek Road, approximately 0.1 mile west of Orchard Road, approximately 1 mile southwest of The Dalles, Oregon; more specifically described as:

<u>Existing Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
1N 13E 8 400	7523	38.4

Site #2: The property is located on the north and south sides of Dry Hollow Lane at its intersection with Dry Hollow Road, approximately 1.2 miles south of The Dalles, Oregon; more specifically described as:

<u>Existing Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
1N 13E 16 1100	7721	51.38

Site #3: The property is located south of Dry Hollow Lane, approximately 0.6 mile west of Dry Hollow Road, approximately 1.8 miles south of The Dalles, Oregon; more specifically described as 1N 13E 21 200; Account 7799.

<u>Existing Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
1N 13E 21 200	7799	22.93

Site #4: The property is primarily located south of Cherry Heights Road, approximately 125’ west of Knob Hill Road, approximately 0.2 mile south

of The Dalles, Oregon; more specifically described as 1N 13E 5 100; Accounts 7435/8328.

<u>Existing Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
1N 13E 5 100	7435/8328	34.35

Zoning: A-1(40), Large Scale Agriculture Zone, in the General Management Area of the Columbia River Gorge National Scenic Area.

Site #1 is also located within the EPD-1, Flood Hazard Overlay Zone, and Site #3 is located within the EPD-8, Sensitive Wildlife habitat Overlay Zone (Low Elevation Winter Range).

Past Actions: Site #1 (Mill Creek): SPR-97-155-WAA14-GA/VAR-97-128-WAA14-GA (frost fan)

Site #2 (Homeplace): PLASAR-14-08-0015 (Property Line Adjustment), PLAEXP-12-10-0004 (addition to agricultural labor housing), PLALUV-09-01-0001 (Land Use Verification Letter), PLAMNN-08-11-0014 (nest boxes), PLAADD-08-12-0009 (address), SAR-04-105/ VAR-04-103/ CUP-04-124 (2-story addition to existing migrant housing and agricultural exempt permit for storage garage), SPR-04-118 (replace nonconforming use – power/utilities), CUP-03-118/ SPR-03-140/ VAR-03-106 (agricultural building addition, remove 2 agricultural buildings, add one agricultural building, replace one agricultural building; variance to road right-of-way), LOC-88-BP (migrant housing), LOC-88-AGEX (farm equipment storage), LOC-87-BP (office addition)

Site #3 (Stinson): No prior land use actions

Site #4 (Fleck): PLALUV-09-01-0001 (Land Use Verification letter), SAR-05-107 (construct deer fence, agricultural labor housing, replace three existing agricultural labor housing units; Variance to setback), SPR-88-102-WAA12-G6A (farm labor housing), LOC-86-BP (addition), LOC-83-BP (shower/restroom for agricultural laborers)

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.3., Uses Permitted Subject to Scenic Area Review – Agricultural Structures

Section 3.120.G., Property Development Standards

B. Chapter 11 – Fire Safety Standards

Section 11.110, Siting Standards

Section 11.120, Defensible Space

Section 11.130, Construction Standards for Dwellings and Structures

Section 11.140, Access Standards

Section 11.150, Fire Protection or On-Site Water Required

C. Chapter 14 – Scenic Area Review

Section 14.100, Provisions for all new development

Section 14.200, Key Viewing Areas

Section 14.300, Scenic Travel Corridors

Section 14.400, Landscape Settings

Section 14.500, Cultural Resources – GMA

Section 14.600, Natural Resources – GMA

Section 14.700, Recreation Resources - GMA

Section 14.800, Indian Tribal Treaty Rights and Consultation - GMA

II. BACKGROUND

A. Legal Parcel:

1. Site 1: The subject property is identified as Parcel #2 of Minor Partition 83-134, recorded with the Wasco County Clerk on December 30, 1983. The property is consistent with the definition of “Legal Parcel” in Section 1.090 of the NSA-LUDO because it was created by a duly recorded partition.
2. Site #2: The subject parcel was created by Warranty Deed 73-2699, recorded with the Wasco County Clerk on December 4, 1973. It is consistent with the definition of “Legal Parcel” in Section 1.090 of the NSA-LUDO because it was created by contract prior to September 4, 1974.
3. Site #3: The subject parcel was created by Contract 74-1576, recorded with the Wasco County Clerk on July 8, 1974. It is consistent with the definition of “Legal Parcel” in Section 1.090 of the NSA-LUDO because it was created by contract prior to September 4, 1974.

4. Site #4: The subject parcel was created by Warranty Deed Volume 137, Page 437, recorded with the Wasco County Clerk on July 15, 1958. It is consistent with the definition of "Legal Parcel" in Section 1.090 of the NSA-LUDO because it was created by contract prior to September 4, 1974.

B. Site Description:

1. Site 1: The subject parcel is located north of Mill Creek Road. It was created as a "flag lot" with the southern 2,000' of the property being approximately 40' wide and providing access to the main portion of the property. The northern portion of the property (approximately 35 acres in size) is entirely planted in cherry orchard. The property contains southeast-facing slopes averaging 20%. The 40' acre strip of land contains the orchard's driveway, with natural grass at the side of the road. Mill Creek flows southwest to northeast through the property at a located approximately 220' north of Mill Creek Road. According to Assessor records, the subject parcel contains no buildings or structures with the exception of an irrigation system.
2. Site #2: The majority of the subject 53.14 acre parcel is located west of Dry Hollow Road and north of Dry Hollow Lane, with approximately 5.6 acres located south of Dry Hollow Lane at its intersection with Dry Hollow Road. The property contains east-facing slopes averaging 10-15%. The majority of land north of Dry Hollow Lane/west of Dry Hollow Road is planted in orchard with nonproductive areas in natural grass with an occasional oak tree. Bonneville Power Administration transmission lines run at a southwest to northeast angle through the northern portion of the property. The area directly north of Dry Hollow Lane contains a single family dwelling and farm office. Land south of Dry Hollow Lane contains agricultural labor housing and agricultural structures/buildings with many oak trees between the buildings and creek. Dry Hollow Creek flows southwest to northeast through the center of the land south of Dry Hollow Lane. The remaining land, east of the creek, is not in agricultural production. It contains natural grass with an occasional oak tree.
3. Site #3: The subject parcel is primarily located approximately 250' south of Dry Hollow Lane. It was created as a "flag lot" with the western 170' +/- of the property being approximately 100' wide and providing access east of Dry Hollow Lane to the main portion of the property. The property contains northwest-facing slopes averaging 11-31%. With the exception of the strip providing access and approximately 3.5 acres, the land is planted in cherry orchard. The southeastern portion of the property consists of a hilltop and change in topography creating southern slopes. There are no structural improvements on the property except for an irrigation system. Natural grasses grow in the non-orchard areas. Dry Hollow Creek flows southwest to northeast through the 100' strip providing access to the orchard.

4. Site #4: The subject parcel is located south of Cherry Heights Road, primarily east of Knob Hill Road. Slopes on the property are east-facing and average 11%. Approximately 0.75 acre of land is located south of Knob Hill Road. According to Assessor records, the subject parcel contains one single family dwelling, carport, shed, farm labor housing, a shower building, miscellaneous agricultural buildings and an irrigation system. With the exception of structural development and area surrounding the development, the entire parcel is planted in cherry orchard. Areas around structures contain irrigated or non-irrigated grass, with surrounding deciduous trees. There are also scattered trees located along the west side of Cherry Heights Road.

C. Surrounding Land Use:

1. Site 1: All surrounding properties are planted in cherry orchard and contain full-time single family dwellings, seasonal labor housing and agricultural buildings. Slopes on all surrounding properties average 12-25% and are southeast-facing. Land within 1,000' of Mill Creek Road averages southeast-facing slopes of 14%. Areas of land not containing orchard contain natural grassland and contains a moderate amount of natural deciduous trees
2. Site #2: All surrounding land except property located to the northwest is fully or partially planted in cherry orchard. Most portions of land not planted in orchard are used for other farm uses such as housing or agricultural buildings, or is not productive due to excessive slopes. Property to the east contains 18-24% east-facing slopes, property to the north contains 20-34% east-facing slopes, property to the west contains 5-65+% east-facing slopes, and property to the south contains 5-27% northeast-facing slopes. Areas of land not containing orchard contain natural grassland and contains a moderate amount of natural deciduous trees
3. Site #3: Property located south of Dry Hollow Lane is generally planted in cherry orchard with the exception of property directly northwest of the subject parcel which contains a single family dwelling and is in a natural grassy state with many trees. Property located north of Dry Hollow Lane contains three single family dwellings, farm labor housing and miscellaneous farm buildings. Though this land is not in production, it supports farm use by providing labor housing. Slopes to the east average 10-15% northeast-facing, slopes to the southeast are southwest-facing and average 17-40%, slopes to the southwest are 10-20% southwest-facing, and slopes to the north are 10-50% northwest-facing.
4. Site #4: Properties to the east, south and west are planted in cherry orchard. Land north of the subject parcel is in a natural state with a sprinkling of deciduous trees. One property to the north is in residential use and the other property is vacant. Slopes to the north are 10-15% east-facing, slopes to the east are 10-15% southeast-facing, slopes to the south are 7-13% northeast-facing, and slopes to the west are 15% east-facing.

D. Public Comment: Notice of Administrative Action was mailed on November 17, 2016, to all owners of property within 500' of the subject parcel, the U.S. Forest Service - Columbia River Gorge National Scenic Area Office, Columbia River Gorge Commission, and other interested parties registered with Wasco County. This notice provided a 15-day pre-notice for public comment. Notice was also sent to the Oregon State Historic Preservation Office (SHPO), and the four Columbia River Treaty Tribe Indian tribal governments on November 3, 2016, and a 20-day comment period given. No comments were received from a tribal government however the following comments were submitted.

(November 29, 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.

(November 28, 2016) Stacie Hensley, Regional Realty Officer – South, Bonneville Power Administration

Portions of the property are encumbered by rights-of-way for high voltage transmission lines owned by Bonneville Power Administration (BPA). BPA acquired rights for these rights-of-way that limit the landowner's use of these areas. All activities planned within the BPA easement, including digging, building, planting and fences need to be reviewed and approved by BPA prior to their occurrence. Do not build, dig or plant within the BPA rights-of-way areas without first contacting BPA.

Staff Response: On November 23, 2016, the owner was advised by e-mail that BPA had concerns about the project and would be submitting comments. On November 29, 2016, the owner was provided with a copy of BPA's comments.

November 22, 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 sites that have been disturbed by human activities (100%, 46.2 acres, occurs within existing orchards), would occur on a site that has been determined to be located within a low probability zone (100% occurs within low probability areas; is not within 100' of a high probability zone (97%, 44.8 acres, are not within 100' of a high probability zone; 3% (1.4 acres) is located within 100' of a high probability zone; and does not occur within 500' of a known archaeological site.
- A historic survey is not required because the proposed use would not alter the exterior architectural appearance of significant buildings and structures on the property that are 50 years old or older. Development would not compromise features of the surrounding area that are important in defining the historic or

architectural character of significant buildings or structures that are 50 years old or older.

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

(November 20, 2016) Timothy Dahle, notified property owner

Orchard trellis and covers should be permitted without going through the permit process.

Staff Response: Due to the height of the agricultural trellis and its location within the National Scenic Area, the Columbia River Gorge National Scenic Area Management Plan and Wasco Count National Scenic Area Land Use & Development Ordinance require review of the trellis system.

III. 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

Section 3.120.D, Uses Permitted Subject to Review

D. Uses Permitted Subject to Review

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

- 3. Agricultural structures, except buildings, in conjunction with agricultural use. Non-commercial wind energy conversion systems which fit this category are subject to the applicable provisions of Chapter 19. (GMA & SMA).*

FINDING: The request is to place a trellis system for orchard trees within existing orchard lands. The request does not involve non-commercial wind energy conversion systems therefore Chapter 19 is not applicable to this request. The proposed structures, including wiring and irrigation are proposed in conjunction with farm use, cherry orchard.

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

As proposed, the request complies with Criterion 3.

Section 3.120.G., Property Development Standards

(***)

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

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

FINDING: The proposed structures are posts with wire stretching between them to, similar to a fence. Fences are not required to comply with setback, therefore staff finds that the proposed structures are not required to comply with the general setback requirements. The request complies with Criterion 2.

- 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:*

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

FINDING: No new buildings are proposed therefore the request complies with Criterion 3.

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

FINDING: The request complies with Criterion G.4. The proposed structures, orchard trellises, will have 16' tall posts. As proposed, the maximum height for all structures will be below 35'.

- 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 three parcels containing Sites #2, #3 and #4 are not located with any identified floodplain. A portion of the parcel containing Site #1 is located within the Flood Hazard Overlay Zone (near Mill Creek Road). The development site is located over 1,600' north of the identified Flood Hazard Overlay Zone, therefore the request is consistent with Criterion 5.

6. *Vision Clearance - Vision clearance on corner properties shall be a minimum of thirty (30) feet.*

FINDING: The proposed development areas are located more than 200' from any roadway, therefore the request complies with Criterion 6.

B. Chapter 11 – Fire Safety Standards

- Section 11.110, Siting Standards – Locating Structures for Good Defensibility*
Section 11.120, Defensible Space – Clearing and Maintaining a Fire Fuel Break
Section 11.130, Construction Standards for Dwellings and Structures – Decreasing the Ignition Risks by Planning for a more Fire-Safe Structure
Section 11.140, Access Standards – Providing Safe Access to and Escape From Your Home
Section 11.150, Fire Protection or On-Site Water Required – Ensuring Dwellings Have Some Fire Protection Available Through Manned or Unmanned Response)

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

As part of a complete application, the property owners completed a Fire Safety Standard Self-Certification Form. By signing the self-certification form, the owners have acknowledged that they understand these standards and commit to achieve compliance with them within one year of the date of approval and maintain them through the life of the development. This certification further commits all future property owners to this same requirement. A copy of this self-certification form is available for inspection at the Wasco County Planning Department under Files PLASAR-16-10-0016.

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

The proposed orchard trellis will be constructed of fire-resistant materials and all properties contain on-site irrigation water.

As proposed the request complies with Chapter 11.

C. Chapter 14 – Scenic Area Review

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

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

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

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

FINDING: The request involves the placement of a metal and wire trellis system on existing orchard lands. No new buildings or roads are proposed therefore the request complies with Criterion B.

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

FINDING: The request involves the placement of a metal and wire trellis system on existing orchard lands. No new buildings or roads are proposed therefore 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: Each of the four sites is visible from Key Viewing Areas therefore colors are required to be dark and natural or earthtone. Colors are discussed in Section 14.200.I. where the colors are found to be dark earthtone colors. As proposed the request complies with Criterion D.

(***)

- F. *Outdoor lighting shall be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River as well as preventing the lighting from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. Shielding and hooding materials shall be composed*

of nonreflective opaque materials. There shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic.

FINDING: There is no proposed outdoor lighting in conjunction with this request. A **condition** of approval is included in the Notice of Decision advising the owner that outdoor lighting shall be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River as well as preventing the lighting from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. Shielding and hooding materials shall be composed of nonreflective opaque materials. There shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic.

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

FINDING: The only ground-disturbing activity that will take place to implement the request involves the placement of posts into the ground which will result in minimal ground disturbance. A **condition** of approval is included in the Notice of Decision requiring ground disturbance to be minimized to the greatest extent possible. All ground disturbance resulting from development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation and the replacement of such vegetation that does not survive.

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: The proposed development is a trellis system to support cherry trees. There are no on-site trees that screen the orchard from KVAs. This criterion is intended to retain on-site trees to screen development. The orchard trees will screen the trellis system from KVAs. Due to the size and type of structure involved (16' tall rusted poles and three high tensile wires coated in black plastic) the new development is not visible to the naked eye from KVAs. No new trees are required to be planted therefore a condition is not required for tree retention. 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: With **conditions** of approval in this report, the request is consistent with Section 14.200.A. The development site is topographically visible from three Key Viewing Areas (KVAs): Interstate 84 (Background and Middleground), the Columbia River (Background and Middleground), and Washington State Route (SR) 14 (Background). Middleground is defined as ½-3 miles from the subject parcel. Background is defined as >3 miles from the subject parcel.

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

The request includes the placement of a trellis system on existing orchard lands. According to the applicant this consists of cherry trees being pruned and trailed to the Upright Fruiting Offshoot (UFO) system, a system being widely planted in orchards throughout Washington State and Europe. Orchards are being converted to the UFO system to ensure they remain competitive in the future. The UFO is capable of higher productivity and significantly increases labor efficiency. It is expected that many orchards will be converting to the UFO or similar systems on trellis in the next five years. Materials used in the trellis system include steel posts spaced 30' apart down each row and measuring 16' above ground with 3-4' in-ground. The posts are not galvanized and will be well rusted at the time of placement and will continue to rust during their lifetime. Three high tensile steel wires coated in black plastic will run along the trellis. These wires will serve as training guides for the tree branches. The trellis will not support the crop, but serves to keep the upright branches trained vertically in a single line or "fruiting wall." The weight of the crop will be borne by the trees themselves. Two additional high tensile galvanized wires will run along the trellis to support the irrigation system. Each of these wires will have black poly tubing attached to them. One wire will carry a drip irrigation tube and the other will carry a suspended micro sprinkler tube. All five wires will be anchored to the ground by a trellis anchor at the end of each row.

The land use designation (GMA, Large Scale Agriculture) and landscape setting (Pastoral) 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..."

1. KVAs, Site #1 (Mill Creek)

Columbia River: This KVA is located at an elevation of approximately 76' ASL. Site #1 is located at elevations ranging from 460-580' ASL. Based on topography, approximately 9.3 acres of the 13.3 acre project area is visible from KVAs. The visible portion of the Columbia

River begins near the center of downtown The Dalles, Oregon, approximately 3.5 miles northeast of the subject parcel and extends east for approximately 8.5 miles. Off-site trees screen the southern 25% (approximate) of the Columbia River from the development site but the remainder of the site is visible from the river. The proposed development site is surrounded on all four sides by existing cherry orchards. The proposed development will be visually subordinate from the Columbia River due to distance and the use of dark earthtone colored materials. Due to distance and the use of dark earthtone and natural colors on all new structures, the proposed development will be visually subordinate as seen from the Columbia River.

Interstate 84 (I-84): This KVA is located at an elevation of approximately 80' ASL. Site #1 is located at elevations ranging from 460-580' ASL. I-84 within the UA of The Dalles is not subject to this review. The visible portion of I-84 begins approximately 5.2 miles northeast of the development site, at the intersection of East Second Street/Fifteenmile Road. The site is topographically visible for approximately 4.1 linear miles of I-84 however due to intervening development within the City of The Dalles and off-site screening trees, approximately 2.4 actual miles are visible at a distance of over 6.5 miles. The proposed development will be visually subordinate from the Columbia River due to distance and the use of dark earthtone colored materials. In addition, once orchard trees begin to grow the materials supporting them will disappear due to the tree screening the structures. Due to distance and the use of dark earthtone and natural colors on all new structures, the proposed development will be visually subordinate as seen from I-84.

Washington State Route (SR) 14: This KVA is located at elevation of 80-520' ASL. Site #1 is located at elevations ranging from 460-580' ASL. SR 14 within the UA of Dallesport is not subject to this review. The visible portions of SR 14 are located: (1) beginning at the western edge of the Dallesport UA and extending approximately 1.5 miles to the west; and (2) beginning at the eastern edge of the Dallesport UA and extending approximately 4.2 miles to the east. The area identified as (1) is sporadically visible through land forms located south of SR 14. Rare glimpses of the orchard can be seen from area identified as (2) due to constant interruptions by land forms south of SR 14. Both visible areas are located over 5 miles from SR 14. Due to distance and with the use of dark earthtone and natural colors on all new structures, the proposed development will be visually subordinate as seen from SR 14.

2. KVAS, Site #2 (Mill Creek)

Approximately 2.9 acres of the 4.3 +/- acre development site is visible from KVAs.

Columbia River: This KVA is located at an elevation of approximately 76' ASL. Site #2 is located at elevations ranging from 920-990' ASL. Based on topography, approximately 1.4 acres of the southern end of the 4.5 acre project area is visible from the Columbia River. The visible portion of the Columbia River is located east of The Dalles Dam and extends for approximately 3.8 miles at a distance of 8+. Off-site trees screen the southern 25% (approximate) of the Columbia River from the development site but the remainder of the

site is visible from the river. Due to distance and the use of dark earthtone and natural colors on all new structures, the proposed development will be visually subordinate as seen from the Columbia River.

Interstate 84 (I-84): This KVA is located at an elevation of approximately 80' ASL. Site #2 is located at elevations ranging from approximately 920-990' ASL. I-84 within the UA of The Dalles is not subject to this review. The visible portion of I-84 begins approximately 1 mile east of The Dalles Dam and is topographically visible for approximately 2 linear miles. The proposed development will be visually subordinate from I-84 primarily due to distance. However, the use of dark earthtone colored materials, intervening City development and off-site trees are also factors in achieving visual subordination. Once orchard trees begin to grow the materials supporting them will disappear due to the tree screening the structures. Due to distance and the use of dark earthtone and natural colors on all new structures, the proposed development will not be visible from I-84.

Washington State Route (SR) 14: This KVA is located at elevation of 80-520' ASL. Site #2 is located at elevations ranging from 920-990' ASL. SR 14 within the UA of Dallesport is not subject to this review. The visible portion of SR 14 begins at the eastern edge of the Dallesport UA approximately 6.6 miles northeast of the subject parcel, and extends approximately 5 miles to the east. Rare glimpses of the orchard are seen from this KVA due to constant interruptions by land forms south of SR 14. The visible portion of SR 14 is located over 10 miles from the development site. Due to distance and with the use of dark earthtone and natural colors on all new structures, the proposed development will be visually subordinate as seen from SR 14.

3. KVAs, Site #3 (Stinson):

Columbia River: This KVA is located at an elevation of approximately 76' ASL. Site #3 is located at elevations ranging from 1,040-1,150' ASL. The visible portion of the Columbia River is located east of The Dalles Dam and extends for approximately 3.8 miles at a distance of 8+. Off-site trees screen the southern 25% (approximate) of the Columbia River. Intervening City development from the development site but the remainder of the site is visible from the river. Due to distance and the use of dark earthtone and natural colors on all new structures, the proposed development will be visually subordinate as seen from the Columbia River.

Washington State Route (SR) 14: This KVA is located at elevation of 80-520' ASL. Site #2 is located at elevations ranging from 920-990' ASL. SR 14 within the UA of Dallesport is not subject to this review. The visible portion of SR 14 begins at the eastern edge of the Dallesport UA approximately 6.6 miles northeast of the subject parcel, and extends approximately 5 miles to the east. Rare glimpses of the orchard are seen from this KVA due to constant interruptions by land forms south of SR 14. The visible portion of SR 14 is located over 10 miles from the development site. Due to distance and with the use of dark earthtone and natural colors on all new structures, the proposed development will be visually subordinate as seen from SR 14.

4. KVAs, Site #4 (Fleck)

Approximately 7 acres of the 12+ acre development site is visible from KVAs. Visibility of Site #4 from KVAs is similar to Site #1.

Columbia River: This KVA is located at an elevation of approximately 76' ASL. Site #4 is located at elevations ranging from 560-680' ASL. The river is located approximately 1.6 miles northeast of the subject parcel. Based on topography the site is visible for a linear distance of approximately 8.5 miles beginning at the Port of The Dalles and running 8.5 miles to the east. The southern 25% (approximate) of the river is screened from the development site by intervening City development and off-site trees. The visible portion of the site is surrounded on all four sides by other cherry orchards. The proposed development will be visually subordinate from the Columbia River primarily due to distance, surrounding orchards and the use of dark earthtone colored materials.

Interstate 84 (I-84): This KVA is located at an elevation of approximately 80' ASL. Site #4 is located at elevations ranging from 560-680' ASL. I-84 is located approximately 0.8 mile northeast of the development site, however the UA of The Dalles is not subject to this review. The visible portion of I-84 begins approximately 4.6 miles northeast of the development site, at the intersection of East Second Street/Fifteenmile Road. The site is topographically visible for approximately 4.1 linear miles of I-84 however due to intervening development within the City of The Dalles and off-site screening trees, the entire length is not visible. The primary visibility occurs approximately 5-8 miles east of The Dalles UA. Once orchard trees begin to grow the materials supporting them will disappear due to the tree screening the structures. Due to distance and the use of dark earthtone and natural colors on all new structures, the proposed development will be visually subordinate as seen from I-84.

Washington State Route (SR) 14: This KVA is located at elevation of 80-520' ASL. Site #4 is located at elevations ranging from 560-680' ASL. SR 14 within the UA of Dallesport is not subject to this review. The visible portion of SR 14 begins at the eastern edge of the Dallesport UA and extending approximately 4.2 miles to the east. Rare glimpses of the orchard can be seen from SR 14 due to constant interruptions by land forms south of the KVA. The visible portion of SR 14 is located over 5 miles from the development site. Considering the distance between the development site and SR 14 and with the use of dark earthtone and natural colors on all new structures, the proposed development will be visually subordinate as seen from SR 14.

Staff notes that once orchard trees begin to grow, the materials supporting them will disappear due to the tree screening the structures. Individual orchard trees are not visible from any KVA. As proposed, all proposed development on all four sites will be visually subordinate from KVAs, therefore the request complies with Criterion A.

- B. New development shall be sited to achieve visual subordination from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites or conflict with standards to protect cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable. (GMA Only)*

FINDING: New development consists of a trellis system for orchard trees. The four proposed development sites are located outside of any identified buffer for the protection of resources. Proposed development was found to be visually subordinate in A. above, based on distance from KVAs and the use of dark earthtone colors on all new structures, therefore the request complies with Criterion B.

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

FINDING:

Site #1: Based on topography to the northwest, approximately 5.2 acres of the 12.3 (approximate) acre site is screened from KVAs. There is no on- or off-site screening between the orchard and KVAs however based on distance and the use of dark earthtone colors for all materials, Site #4 is visually subordinate from all KVAs.

Site #2: Based on topography to the north, approximately 2.9 acres of the 4.2 (approximate) acre site is screened from KVAs. There is no on- or off-site screening between the orchard and KVAs however based on distance and the use of dark earthtone colors for all materials, Site #4 is visually subordinate from all KVAs.

Site #3: Based on topography, the entire 17.3 (approximate) acre orchard is visible from KVAs. acre site is screened from KVAs. There is no on- or off-site screening between the orchard and KVAs however based on distance and the use of dark earthtone colors for all materials, Site #4 is visually subordinate from all KVAs.

Site #4: Based on topography to the northeast the western 200-300' of the orchard is not visible from KVAs. There is no on- or off-site screening between the orchard and KVAs however based on distance and the use of dark earthtone colors for all materials, Site #4 is visually subordinate from all KVAs.

Based on the above factors the request complies with Criterion C.

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

FINDING: No new driveways or buildings are proposed and there will be no cut banks or fill slopes as a result of the proposed development, therefore the request complies with Criterion D.

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

FINDING: No new buildings are proposed, therefore Criterion E. is not applicable to this request.

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:

- 1. The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration; and*
- 2. There is no practicable alternative means of altering the building without increasing the protrusion.*

FINDING: The request is to place an orchard trellis system in four existing orchards. No buildings are proposed and no alteration to any building is proposed 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 Columbia River is located 1.3+ miles from each of the four development sites 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 proposed development involves the placement of structures including posts, wires and irrigation hoses and sprinklers. 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: The proposed development will use the following materials:

	Material	Exterior Color	Supplier	Looks Like	Consistent with color requirement?
Posts	Galvanized steel	Rust	Oregon Vineyard Supply	Dark reddish-brown	Yes, approved
Coated Tree Wire	Poly tubing	Black	Oregon Vineyard Supply	Black	Yes, approved
Suspended Dripline	Poly tubing	Black	Wilson Irrigation	Black	Yes, approved
Suspended Microsprinkler	Plastic	Black and gray	Wilson Irrigation	Black	Yes, approved

The proposed posts are galvanized steel that were under irrigation sprinklers for much of the summer and have rusted to a dark reddish-brown. The owner proposes that all posts be rusted to the dark reddish-brown colors. All other proposed colors are black with the exception of a small portion of the sprinkler which is gray.

In summary, all proposed exterior colors are found to be dark earthtone colors that blend with the area and are approved. A **condition** of approval is included in the Notice of Decision listing the approved colors. If alternate colors or materials are proposed for any new development, they shall be submitted to and approved by the Planning Department prior to their use on the exterior of the building.

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

limited to ensure visual subordination. Recommended square footage limitations for such surfaces will be provided for guidance in the Implementation Handbook.

FINDING: The proposed posts are highly reflective however they have been purposely rusted to a dark reddish-brown color. All other materials are plastic-type materials and are not reflective. The request complies with Criterion J.

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

FINDING: The proposed development will be naturally screened from KVAs within 1-2 years by the orchard trees. It is not possible for any new landscaping to screen development from KVAs for many years and the proposed development will be hidden from view in a short time by the orchard trees. With the use of dark colors on all exterior materials and considering the distance between the proposed development and KVAs, the requested development will be visually subordinate from KVAs. As proposed, the request complies with Criterion K.

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

FINDING: Affected KVAs include the Columbia River, I-84 and SR 14. The closest distance between the visible portion of a KVA and a development site (Site #3) is 3.8 miles. Staff viewed a similar orchard development in the Dallesport Urban Area at a distance of approximately 3.5 miles. At this distance there is no visual difference between orchards with the trellis system and those without. Because existing sites are currently planted in orchard, conversion to the trellis system will result in no change to visual effects as seen from KVAs. In addition all proposed materials are non-reflective and are dark earthtone in color. As proposed the request complies with Criterion L.

Section 14.300, Scenic Travel Corridors

The Historic Columbia River Highway (Highway 30) and Interstate 84 (I-84) are designated as Scenic Travel Corridors, and development along a Scenic Travel Corridor must be set back at least 100' from the edge of pavement of the Scenic Travel Corridor roadway.

FINDING: All four development sites are located more than 0.8 mile (4,200+') south of Highway 30W and I-84 therefore the request complies with Section 14.300.

Section 14.400, Landscape Settings (GMA & SMA)

Landscape settings are the combination of land uses, landforms and vegetation patterns which distinguish an area in appearance and character from other portions of the National Scenic Area.

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.*
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: The request is for a trellis system within existing orchards. The structures must be placed in the orchard to support orchard trees and cannot be clustered at the edge of the orchard. No new trees or vegetation are required to be planted for the proposed development because it will screen itself as orchard trees mature and grow branches. As previously discussed in Section 14.200, the proposed development will be visually subordinate from KVAS due to distance, the use of dark earthtone colors for all materials, and the use of non-reflective materials. As proposed, the request complies with Section 14.400.A.

Section 14.500, Cultural Resources – GMA

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

*(***)*

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

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

(4) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed depth and extent of existing ground disturbance.

(a) To qualify for this exception, a project applicant must demonstrate that land disturbing activities occurred in the project area.

(b) Land disturbing activities include grading and cultivation.

FINDING: The request is to replace existing orchard trees on a trellis system. All existing sites are currently planted in orchard and have recently been replaced or will be replaced in the near future. According to Margaret L. Dryden, Heritage Resources Program Manager, (USFS) Columbia River Gorge National Scenic Area, a cultural resource reconnaissance survey is not required because the proposed use would occur on sites that have been disturbed by human activities (100%, 46.2 acres, occurs within existing orchards), would occur on a site that has been determined to be located within a low probability zone (100% occurs within low probability areas; is not within 100' of a high probability zone (97%, 44.8 acres, are not within 100' of a high probability zone; 3% (1.4 acres) is located within 100' of a high probability zone; and does not occur within 500' of a known archaeological site. The request complies with Criterion (4).

- 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 replace existing orchard trees on a trellis system. All existing sites are currently planted in orchard and have recently been replaced or will be replaced in the near future. According to Margaret L. Dryden, Heritage Resources Program Manager, (USFS) Columbia River Gorge National Scenic Area, the proposed trellis system would not alter the exterior architectural appearance of significant buildings and structures on the property that are 50 years old or older. Development would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older. The request complies with Criterion 2.

C. Cultural Resource Reconnaissance and Historic Surveys

4. Conclusion of the Cultural Resource Protection Process

*(***)*

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

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

FINDING: In comments received on November 22, 2016, Margaret Dryden, Heritage Program Resources Program Manager, (USFS) Columbia River Gorge National Scenic Area, finds that neither a cultural resource reconnaissance survey or historic survey are required for the reasons stated in B.1.a.(4) and B.2., therefore the request complies with Criterion C.4.c.(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 will be found during replanting of orchards due to previous extensive ground disturbance. However, if any cultural or prehistoric resources are discovered during development, all work 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. With this **condition**, 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: 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. A **condition** of approval is included in the Notice of Decision requiring the owner to comply with the requirements in H.

Section 14.600, Natural Resources – GMA

A. Wetlands

FINDING: The purpose of this section is to ensure there is no overall net loss of wetlands acreage and functions, and to increase the quantity and quality of wetlands.

Site #1: According to the National Wetland Inventory (NWI) maps, there are two identified wetlands that cross the subject parcel. These include Mill Creek which is located 1,000+’ south of the development site, and Whiskey Gulch which cross the property 800’ south of the development site. Whiskey Gulch flows northwest to southeast through an orchard located west of the development site. The dominant vegetation community along this wetland is shrub community which is characterized by shrubs and trees that are greater than 3’ tall and form a canopy cover of at least 40%. A no-disturbance buffer of 100’ is required for a shrub community. The proposed development site is located 110+’ from the identified wetland therefore Site #1 complies with Criterion A.

Site #2: According to the National Wetland Inventory (NWI) maps there are no wetlands located on the subject parcel however Dry Hollow Creek, an identified wetland is located on property south of Dry Hollow Lane. This identified wetland is located 830+’ south of the development site. The dominant vegetation community along this wetland is forest community which is characterized by trees with an average height equal to or greater than 20’, accompanied by a shrub layer; trees must form a canopy cover of at least 40’ and shrubs must form a canopy of at least 40%. A no-disturbance buffer of 75’ is required for a forest community. The proposed development site is located 830+’ from the identified wetland therefore Site #2 complies with Criterion A.

Site #3: According to the National Wetland Inventory (NWI) maps there is one wetland, Dry Hollow Creek, located on the southwestern end of the property. The dominant vegetation community along this wetland is forest community which is characterized by trees with an average height equal to or greater than 20’, accompanied by a shrub layer; trees must form a canopy cover of at least 40’ and shrubs must form a canopy of at least 40%. A no-disturbance buffer of 75’ is required for a forest community. The proposed development site is located 75’ from the identified wetland therefore Site #3 complies with Criterion A.

Site #4: According to the National Wetland Inventory (NWI) maps, there are no wetlands on or within 1,000’ of the subject parcel therefore the request complies with Criterion A.

B. Streams, Ponds, Lakes, and Riparian Areas

FINDING: The purpose of this section is to protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas, and to enhance aquatic and riparian areas.

Site #1: There are no ponds or lakes on the subject parcel or adjacent properties however Mill Creek with its adjacent riparian area flows through the southern part of this parcel. The creek is located approximately 275' north of Mill Creek Road, and approximately 1090' from the development site. Mill Creek is a fish-bearing stream and requires a minimum no-disturbance buffer of 100'. As proposed new development will be more than 100' from Mill Creek therefore the request complies with Criterion B.

Site #2: There are no ponds, lakes or riparian areas on the subject parcel or adjacent properties. Dry Hollow Creek is located approximately 830+' to the south, on the south side of Dry Hollow Lane. This is a non-fish bearing stream and requires a 50' no-disturbance buffer. As proposed new development will be more than 50' from Dry Hollow Creek therefore the request complies with Criterion B.

Site #3: There are no ponds, lakes or riparian areas on the subject parcel or adjacent properties. Dry Hollow Creek is located approximately 75' north of the development site. This is a non-fish bearing stream and requires a 50' no-disturbance buffer. As proposed new development will be more than 50' from Dry Hollow Creek therefore the request complies with Criterion B.

Site #4: There are no ponds, lakes, creeks or riparian areas on the subject parcel or adjacent properties therefore the request complies with Criterion B.

C. Wildlife Habitat

FINDING: No wildlife habitat is identified on or within 1,000' of any of the four development sites therefore the request complies with Section 14.600.C.

D. Rare Plants

FINDING:

Site #1: There are no identified rare plants on Site #1 or within 1,000' of the development site. Digital information from the Forest Service identifies areas of Oregon white oak trees located 800+' north and west of Site #1. These trees will remain undisturbed. The request complies with Section 14.600.C.

Site #2: There are no identified rare plants on Site #2 or within 1,000' of the development site however digital information from the Forest Service identifies areas of Oregon white oak trees along a small portion of the southwestern property containing Site #2. All new development will occur within the existing orchard approximately 300' north of the oak trees. There will be

no disturbance to the existing Oregon white oak trees therefore Site #2 complies with Section 14.600.C.

Site #3: There are no identified rare plants on Site #3 or within 1,000' of the development site however digital information from the Forest Service identifies areas of Oregon white oak trees on the southwest corner of the property along Dry Hollow Creek. All new development will occur within the existing orchard located directly east of the oak trees. There will be no disturbance to the existing Oregon white oak trees therefore Site #3 complies with Section 14.600.C.

Site #4: There are no identified rare plants on Site #4 or within 1,000' of the development site though digital information from the Forest Service identifies areas of Oregon white oak trees north and west of Site #4. The request complies with Section 14.600.C.

Section 14.700, Recreation Resources – GMA

The purpose of this section is to protect and enhance recreation resources consistent with Indian treaty rights, and to protect scenic, natural, cultural and recreation resources when providing new recreation opportunities.

FINDING: No new recreational uses are proposed, and there are no existing recreational uses within 1,000' of the four development sites, therefore the proposed development will have no impact on recreation resources. The request complies with Section 14.700.

Section 14.800, Indian Tribal Treaty Rights and Consultation - GMA

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

FINDING: Section 14.800 provides protection of Indian Tribal Treaty Rights from new development in the National Scenic Area. Section 14.800.B.3. lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Indian treaty rights and provides 20 days for tribal governments to submit comments. The subject property has no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or e-mailed to the four tribal governments on November 17, 2016, and a 20-day comment period was provided. No comments were received during the comment period.

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

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

The subject parcels do 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.

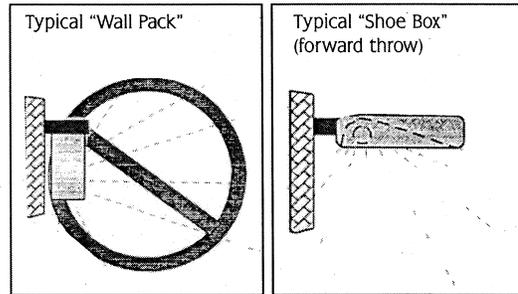
Energy Waste Many outdoor lights waste energy by spilling much of their light where it is not needed, such as up into the sky. This waste results in high operating costs. Each year we waste more than a billion dollars in the United States needlessly lighting the night sky.

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

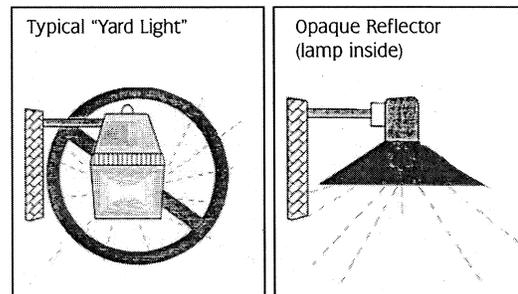


BAD

Waste light goes up and sideways

GOOD

Directs all light down

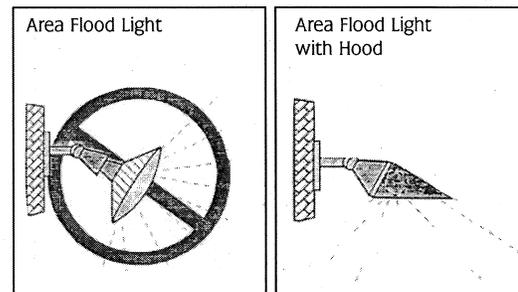


BAD

Waste light goes up and sideways

GOOD

Directs all light down



BAD

Waste light goes up and sideways

GOOD

Directs all light down

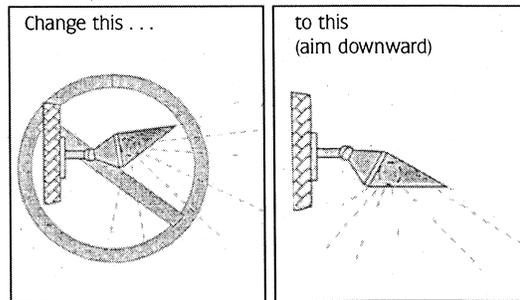
areas 100 times more brightly than the full Moon! More importantly, by choosing properly shielded lights, you can meet your needs without bothering neighbors or polluting the sky.

- 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!

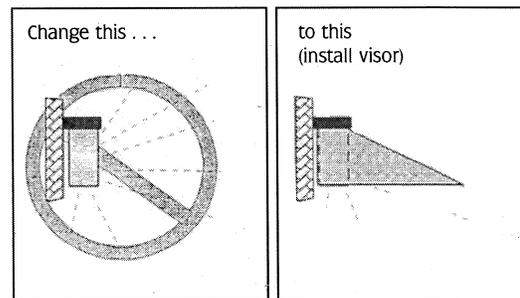
Replace bad lights with good lights.

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

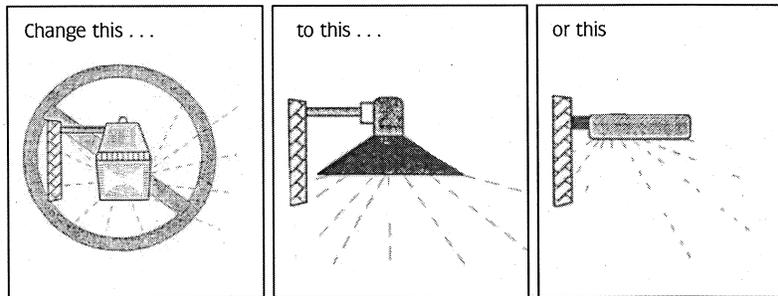
What You Can Do To Modify Existing Fixtures



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.



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

GNF01