

DEVELOPMENT REVIEW

Director's Decision

APPLICANT: Donald Stewart

FILE NO.: C08-0012-K-G-11

REQUEST: To construct a 10 foot by 10 foot addition to an existing dwelling and place an underground power line.

LOCATION: The parcel is in the SW $\frac{1}{4}$ of Section 11, Township 3 North, Range 10 East, Klickitat County, Washington.

LAND USE

DESIGNATION: The parcel is located in the General Management Area and is designated Large-Scale Agriculture.

DECISION:

Based upon the following findings of fact, the land use application by Donald Stewart to construct a 10 foot by 10 foot addition to an existing dwelling and place an underground power line is found to be consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act P.L. 99-663, and the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and approvable under Commission Rule 350-81 and is hereby approved.

CONDITIONS OF APPROVAL:

The following conditions of approval are given to ensure that the subject request is consistent with the standards of Section 6 and the purposes of P.L. 99-663, and the Management Plan and approvable under Commission Rule 350-81. These conditions must be recorded in county deeds and records to ensure notice of the conditions to successors in interest (Management Plan, Review Uses Guideline 1, pg. II-96).

1. The addition and power line shall be constructed as shown on the approved site plan.
2. All work within the stream buffer shall occur within the existing disturbed driveway and shall only occur between June 1 and November 1. The driveway shall be returned to its pre-existing condition after construction and prior to November 1.
3. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall cease and the applicants shall notify the Gorge Commission

within 24 hours. The cultural resources shall remain as found; further disturbance is prohibited until permission is granted by the Planning Manager of the Gorge Commission.

4. If human remains are discovered during construction activities, all activities shall cease upon their discovery. Local law enforcement, the Planning Manager and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Planning Manager of the Gorge Commission.

DATED AND SIGNED THIS 27th day of June, 2008 at White Salmon, Washington.



Brian Litt
Planning Manager

EXPIRATION OF APPROVAL:

This decision of the Planning Manager becomes void on the 27th day of June, 2010.

As per Commission Rule 350-81-044(6), an extension of the validity of a development approval may be requested. Such a request shall be submitted in writing prior to the expiration of the approval. The Planning Manager may grant an extension if it is determined that conditions, for which the applicant was not responsible, would prevent the applicant from commencing the proposed development within the original time limitation. The Planning Manager shall not grant an extension if the site characteristics and/or new information indicates that the proposed use may adversely affect the scenic, cultural, natural or recreation resources in the National Scenic Area.

APPEAL PROCESS:

The appeal period ends the 27th day of July, 2008.

The decision of the Planning Manager shall be final unless a Notice of Intent to Appeal and Petition is filed with the Commission within thirty (30) days of the date of this decision by the applicant or any person who submitted comment. Information on the appeal process may be obtained at the Commission office.

NOTES:

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

COMMENTS FROM OTHER INDIVIDUALS/AGENCIES/GOVERNMENTS:

Notice of the subject request was mailed to property owners within 200 feet of the subject parcel and the following individuals/agencies/governments:

Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation of Oregon
Nez Perce Tribe
U.S. Forest Service National Scenic Area Office
Washington Department of Archaeology and Historic Preservation

Klickitat County Planning Department
Klickitat County Building Department
Klickitat County Health Department
Klickitat County Assessor
Friends of the Columbia Gorge
Washington Department of Fish and Wildlife

Written comments were received from Ryan Couch with Friends of the Columbia Gorge, Bill Weiler with the Washington Department of Fish and Wildlife, and Mo-chi Lindblad with Klickitat County Planning Department.

FINDINGS OF FACT:

A. Land Use

1. Donald Stewart is seeking approval to construct a 10 foot by 10 foot addition to an existing dwelling and place an underground power line. The addition would match the existing dwelling in color and materials (wooden siding and cedar shake roof both with a natural finish). It would also match the existing roofline of the dwelling at 18 feet in height. The underground power line would connect the dwelling to an existing Klickitat County PUD line on the property. It would mostly follow an old access road and the existing driveway, with a short portion traveling through a wooded hillside to reach the dwelling. The power line will be approximately 320 feet in length. The property is currently heavily wooded with an existing dwelling and two small accessory buildings that were all constructed prior to the National Scenic Area Act. A previous decision approving an addition to the dwelling (C90-0111-K-G-11 for Bob Connolly) found that the dwelling was built in the 1960's.
2. The land use designation on the subject parcel is Large-Scale Agriculture in the General Management Area (GMA).
3. Commission Rule 350-81-050 contains a list of expedited review uses allowed subject to resource protection guidelines and procedural guidelines for expedited uses. Commission Rule 350-81-050(1)(b) allows the following as eligible for expedited review:

Additions and covered decks for existing buildings, provided the existing building is at least 500 square feet in area and the addition or covered deck is no larger than 200 square feet in area and no taller than the height of the existing building. Only one addition and one covered deck per parcel may be allowed under this guideline, regardless of whether the parcel already includes an addition or covered deck.

The existing dwelling is approximately 720 square feet. The proposed addition would be 100 square feet and 18 feet tall, the same height as the dwelling. When the existing dwelling was built in the 1960's, Klickitat County did not require building permits. The

dwelling was thus legally placed prior to the National Scenic Area Act. No other additions or covered decks have been allowed under this guideline on this parcel. The proposed addition is eligible for expedited review pursuant to Commission Rule 350-81-050(1)(b), subject to review with the resource protection guidelines contained in 350-81-052.

4. Commission Rule 350-81-190 lists review uses for lands designated Large-Scale Agriculture allowed subject to compliance with scenic, cultural, natural and recreation resources guidelines. Commission Rule 350-81-190(1)(d) allows:

Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (1)(e) and (f) below.

The underground power line is considered an accessory structure for the existing dwelling. It is not allowed outright, eligible for expedited review or allowed in 350-81-190(1)(e) or (f) which apply to accessory buildings. The power line would be placed in a trench approximately three feet deep and one foot wide which would be refilled after the line is placed. From the existing Klickitat County PUD line, this line will be placed down an old access road and the existing driveway to reach a small residential transformer. From the transformer, the line will travel up a wooded hillside to reach the dwelling. The only vegetation disturbed for this line will be small shrubby vegetation along the wooded hillside; no trees will be removed. The power line is an allowed review use pursuant to Commission Rule 350-81-190(1)(d), subject to compliance with guidelines for the protection of scenic, cultural, natural and recreation resources.

Conclusion:

The proposed addition and underground power line are allowed review uses, subject to compliance with the guidelines in Commission Rules 350-81-052 and 350-81-520 to 350-81-590 that protect scenic, cultural, natural and recreation resources.

B. Scenic Resources

1. Commission Rule 350-81-052(1)(a) lists scenic resource protection guidelines for expedited review uses. Only the addition is eligible for expedited review. Commission Rule 350-81-052(1)(a) states:

(A) In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.

(B) The colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall not apply to additions, which may match the color of existing buildings.

(C) Structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.

(D) Outdoor lights shall be directed downward and sited, hooded, and shielded such that they are not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

(E) Signs shall comply with 350-81-112.

(F) Structures within one-half mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).

The subject parcel is not topographically visible from key viewing areas. The color, reflectivity and visual subordination guidelines are thus not applicable. No fences, signs or outdoor lighting are included in this proposal. The proposed addition is consistent with Commission Rule 350-81-052(1)(a).

2. Commission Rule 350-81-520 lists scenic resource protection guidelines for review uses that are not eligible for expedited review. The proposed power line is not eligible for expedited review. Commission Rule 350-81-520(1)(a) states:

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

No new buildings or roads are proposed. Commission Rule 350-81-520(1)(a) is not applicable.

3. Commission Rule 350-81-520(2)(a) states:

The guidelines in this section shall apply to proposed developments on sites topographically visible from key viewing areas.

The subject parcel is not topographically visible from key viewing areas. Thus, the guidelines under Commission Rule 350-81-520(2) are not applicable.

4. The Landscape Settings map in the Management Plan classifies the subject parcel as Pastoral. Commission Rule 350-81-520(3)(a) contains guidelines for new development in this landscape setting.

5. Commission Rule 350-81-520(3)(a)(A) states:

(A) Accessory structures, outbuildings, and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures, and farm fields.

No outbuildings or access ways are proposed. The power line is considered an accessory structure. It follows an old access road and the existing driveway for most of its alignment. The subject parcel is heavily wooded and has no existing meadows, pastures or farm fields. The proposal is consistent with Commission Rule 350-81-520(3)(a)(A).

6. Commission Rule 350-81-520(3)(a)(B) lists guidelines for new development in portions of the Pastoral landscape setting that are visible from key viewing areas. The subject parcel is not topographically visible from key viewing areas. Commission Rule 350-81-520(3)(a)(B) is therefore not applicable.
7. Commission Rule 350-81-520(3)(a)(C) states:

Compatible recreation uses include resource-based recreation of a very low-intensity or low-intensity nature (as defined by 350-81-610) occurring infrequently in the landscape.

No recreation uses are proposed. Commission Rule 350-81-520(3)(a)(C) is not applicable.

Conclusion:

The proposed development is consistent with applicable scenic resource protection guidelines in Commission Rules 350-81-052 and 350-81-520.

C. Cultural Resources

1. Commission Rule 350-81-052(1)(b) lists cultural resource protection guidelines for expedited review uses. The addition is eligible for expedited review. Commission Rule 350-81-052(1)(b) states:

(A) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey, pursuant to 350-81-540(1)(c)(A) or historic survey, pursuant to 350-81-540(1)(c)(B).

(B) The GMA guidelines that protect cultural resources and human remains discovered during construction [350-81-540(6) and (7)] shall be applied as conditions of approval for all development approved under the expedited development review process.

As explained in Finding C.2 below, Margaret Dryden, U.S. Forest Service Archaeologist, determined that a reconnaissance survey was not required as the use

would occur on a site with a low probability of cultural resources. Findings C.5 and C.6 below apply Commission Rules 350-81-540(6) and (7) which protect cultural resources and human remains discovered during construction as conditions of approval. With these conditions of approval, the proposed addition is consistent with Commission Rule 350-81-052(1)(b).

2. Commission Rule 350-81-540(1) lists cultural resource protection guidelines for review uses not eligible for expedited review. The power line is not eligible for expedited review. Commission Rules 350-81-540(1)(c)(A) and (B) include guidelines to determine when a cultural resource reconnaissance survey and a historic survey are required. Margaret Dryden, U.S. Forest Service Archaeologist, reviewed the proposed use pursuant to these rules. Ms. Dryden determined that the proposed use did not require a historic survey as the use would not alter the exterior architecture of buildings or structures that are 50 years old or older nor would it compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older, pursuant to Commission Rule 350-81-540(1)(c)(B).

Ms. Dryden determined a reconnaissance survey of the proposed use was not required as the use would occur in an area with a low probability of containing cultural resources. The proposed use is thus exempt from reconnaissance survey requirements pursuant to Commission Rule 350-81-540(1)(c)(A)(ii)(VI).

3. Commission Rule 350-81-540(2)(a)(A) allows interested parties who so request during the comment period to consult with the applicant regarding cultural resources. No comments regarding cultural resources on the subject parcel were submitted and no consultation was requested.
4. Commission Rule 350-81-540(2)(c)(B)(i) states the cultural resource protection process may conclude when the following conditions exist:

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 21 calendar days of the date that a notice was mailed.

Pursuant to Commission Rule 350-81-540(2)(c)(B)(i), the cultural resource protection process may conclude.

5. Commission Rule 350-81-540(6) protects cultural resources discovered during construction. It requires that if cultural resources are discovered after construction begins, all construction activities within 100 feet of the discovered cultural resource shall cease; further disturbance is prohibited, and the Gorge Commission shall be notified within 24 hours of the discovery. A condition of approval will alert the applicant to this requirement.

6. Commission Rule 350-81-540(7) protects human remains discovered during construction. It requires that if human remains are discovered after construction begins, all construction activities shall cease and the Gorge Commission, local law enforcement officials and the Indian tribal governments shall be contacted immediately. A condition of approval will alert the applicant to this requirement.

Conclusion:

With conditions requiring the cessation of work and Commission notification if cultural resources or human remains are discovered during construction, the proposed development is consistent with applicable cultural resources guidelines in Commission Rules 350-81-052(1)(b) and 350-81-540.

D. Natural Resources

1. Commission Rule 350-81-052(1)(d) lists natural resource protection guidelines for expedited review uses. The addition is eligible for expedited review. Commission Rule 350-81-052(1)(d) states:

(A) Wetlands, Streams, Rivers, Ponds, and Lakes

- (i) The development is outside buffer zones for wetlands, streams, rivers, ponds, and lakes. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.*

(B) Sensitive Wildlife and Sensitive Plants

- (i) The development meets one of the following:*

(I) The development is at least 1,000 feet from known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive plants; or

(II) The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or

(III) For sensitive wildlife, the development is within 1,000 feet of known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey habitat), but an appropriate federal or state wildlife agency determines (1) the sensitive wildlife area or site is not active or (2) the proposed development would not

compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.

For sensitive plants, the development is within 1,000 feet of known sensitive plants, but the Oregon or Washington Natural Heritage Program or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the sensitive plants.

(ii) Development eligible for expedited review shall be exempt from the field survey requirements for sensitive wildlife or sensitive plants.

The proposed addition is outside buffer zones for wetlands, streams, rivers, ponds, and lakes as explained in Findings E.3 and 4 below. The addition is not within 1,000 feet of known sensitive plants as explained in Finding E.14 below. Consistent with Commission Rule 350-81-052(1)(d)(B)(i)(I), the addition is not within 1,000 feet of known sensitive wildlife areas or sites (excluding deer and elk winter range). The addition is consistent with Commission Rule 350-81-052(1)(d) for natural resource protection for expedited review uses.

2. Commission Rules 350-81-560 through 590 contain natural resource protection guidelines for review uses not eligible for expedited review. The power line is a review use not eligible for expedited review. Commission Rule 350-81 protects wetlands (350-81-560); streams, ponds, lakes and riparian areas (350-81-570); sensitive wildlife areas and sites (350-81-580); and sensitive plants (350-81-590).
3. Gorge Commission inventories did not identify any wetlands or wetland buffer zones in the project area. Commission Rule 350-81-560 is not applicable.
4. Commission Rule 350-81-570 protects streams, ponds, lakes and riparian areas. Gorge Commission inventories did not identify any ponds or lakes near the subject parcel but did identify two intermittent, non-fish bearing streams on the parcel. These converge into one stream which passes through an existing culvert under the driveway. Commission Rules require a 50-foot buffer for intermittent streams without anadromous or resident fish. The addition is over 200 feet from the stream and thus not within the stream buffer. The power line is entirely within the existing driveway as it passes through the stream buffer. The power line is therefore subject to the guidelines under Commission Rule 350-81-570 for protection of streams.
5. Commission Rule 350-81-570(3) states:

(3) The following uses may be allowed in streams, ponds, lakes and riparian areas when approved pursuant 350-81-570(5), and reviewed under the applicable provisions of 350-81-520 through 350-81-620:

(a) The modification, expansion, replacement, or reconstruction of serviceable structures, provided that such actions would not:

(A) Increase the size of an existing structure by more than 100 percent,

(B) Result in a loss of water quality, natural drainage, and fish and wildlife habitat, or

(C) Intrude further into a stream, pond, lake, or buffer zone. New structures shall be considered intruding further into a stream, pond, lake, or buffer zone if any portion of the structure is located closer to the stream, pond, lake, or buffer zone than the existing structure.

The driveway includes an existing culvert under it through which the stream passes. Telephone and water lines are currently buried within the driveway and pass over the culvert. The power line would be installed in a similar way down the driveway and in between the road surface and culvert for the segment of it within the stream buffer. The driveway's road prism thus currently consists of the culvert, gravel and dirt fill, and utilities. The addition of another utility would be a modification of the serviceable structure of the road prism and hence subject to Commission Rule 350-81-570(3)(a).

The addition of the power line to the driveway would marginally increase the size of underground utilities buried within the road but would not increase the overall size of the driveway. A trench would be dug within the road, the line placed, and the trench refilled. No vegetation will be removed for the portion of the power line within the stream buffer. With a condition of approval that all work in the stream buffer occur only within the driveway and occur only during the drier months (June 1 to November 1), the power line within the driveway will not affect water quality, natural drainage or fish and wildlife habitat. The power line will not intrude further into the stream buffer than the existing driveway, utilities and culvert. With the above condition of approval, the proposed power line is consistent with Commission Rule 350-81-570(3)(a), subject to consistency review with Commission Rule 350-81-570(5).

6. Commission Rule 350-81-570(5) states:

(5) Applications for modifications to serviceable structures and minor water-dependent and water-related structures in aquatic and riparian areas shall demonstrate that:

(a) Practicable alternatives to locating the structure outside of the stream, pond, lake, or buffer zone and/or minimizing the impacts of the structure do not exist;

Available power sources cross the northern half of the property while the existing dwelling is on the southern half. Because the two streams cross the property between the available power and the dwelling, there are no alternatives for bringing power to the dwelling that would not also cross the streams. While the power line could be placed above ground, it would still require work within the stream buffer. Such work would have to occur in a previously-undisturbed area because the driveway is currently not wide enough to accommodate poles for an overhead line. An overhead line could also increase the risk of a fire hazard on this heavily wooded property. The proposed location minimizes fire hazards while also minimizing impacts to the stream by placing the development underground within the previously-disturbed area of the existing driveway and over the existing culvert. There are thus no practicable alternatives to locating the structure outside of the stream buffer and all practicable measures for minimizing impacts of the structure have been utilized. The proposal is consistent with Commission Rule 350-81-570(5)(a).

7. Commission Rule 350-81-570(5)(b) states:

All reasonable measures have been applied to ensure that the structure will result in the minimum feasible alteration or destruction of water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas;

The proposed power line will be placed in the existing driveway and over the existing culvert. This placement minimizes ground disturbance within the stream buffer and avoids development within previously-undisturbed buffer areas. Any equipment to install the line will be only within the existing driveway and the trench for the proposed line will be refilled and packed down so the driveway returns to its existing condition. Furthermore, all work will occur during the dry months and the driveway returned to its existing condition by the beginning of the rainy season. With a condition of approval requiring these measures, the power line will result in the minimum feasible alteration or destruction of water quality, natural drainage, and fish and wildlife habitat of the streams, consistent with Commission Rule 350-81-570(5)(b).

8. Commission Rule 350-81-570(5)(c) states:

The structure will be constructed using best management practices;

Commission Rule 350-81-020(16) defines best management practices as:

Conservation techniques and management measures that (1) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; (2) minimize adverse affects to groundwater and surface water flow and circulation patterns; and (3) maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams, and riparian areas.

No activity will occur outside the existing driveway. The trench dug for the power line will be refilled and packed down so the driveway returns to its existing condition. All work will occur during the dry months and the driveway returned to its existing condition by the beginning of the rainy season. These measures will avoid any new ground disturbance outside previously-disturbed areas within the stream buffer. The proposal will not cause soil loss or water quality degradation, adverse effects to ground water or surface water, or effects to the chemical, biological, and physical characteristics of the streams. With a condition of approval requiring these measures, the proposal is consistent with Commission Rule 350-81-570(5)(c).

9. Commission Rule 350-81-570(5)(d) states:

Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and

Any equipment to install the line will be only within the existing driveway and the trench for the proposed line will be refilled and packed down so the driveway returns to its existing condition. With a condition of approval requiring these measures, the proposal is consistent with Commission Rule 350-81-570(5)(d).

10. Commission Rule 350-81-570(5)(e) states:

The structure complies with all applicable federal, state, and local laws.

A Scenic Area permit is not a substitute for applicable federal, state and county laws. Washington State Office of Regulatory Assistance Environmental Permit Service Center verbally indicated to Commission staff that permits from the Washington Department of Fish and Wildlife or Washington Department of Ecology may be necessary. It is the applicant's responsibility to contact all applicable federal, state and county agencies and obtain any necessary permits.

The proposed power line is consistent with all guidelines under Commission Rule 350-81-570(5) and hence an allowed use within the stream buffer.

11. Commission Rule 350-81-580 contains guidelines to protect sensitive wildlife areas and sites. The Gorge Commission's sensitive wildlife inventory identifies the subject property is within deer and elk winter range. Commission Rule 350-81-580(1)(a)(A) lists deer and elk winter range as a sensitive wildlife area.
12. Commission Rule 350-81-580(4) contains guidelines for review of proposed uses within 1000 feet of sensitive wildlife areas and sites. Subsection (a) of this section requires that site plans for such uses be submitted to the Washington Department of Fish and Wildlife to review the application and: (A) verify the location of the wildlife area or site; (B) ascertain whether the wildlife area or site is active or abandoned; and (C) determine if the proposed use may compromise the integrity of the wildlife area or site or occur at a time when wildlife species are sensitive to disturbance. The application and

site plan were submitted to Bill Weiler, Habitat Biologist for the Washington Department of Fish and Wildlife on May 21, 2008 for review, pursuant to Commission Rule 350-81-580(4).

13. Commission Rule 350-81-580(4)(c) states:

The wildlife protection process may terminate if the Executive Director, in consultation with the state wildlife agency, determines:

(A) The sensitive wildlife area or site is not active, or

(B) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.

In an email on June 16, 2008, Mr. Weiler stated that he had “no fish and wildlife concerns” regarding the proposal. Pursuant to Commission Rule 350-81-580(4)(c), the wildlife protection process may conclude.

14. Gorge Commission inventories did not identify any sensitive plants within 1000 feet of the subject property. Commission Rule 350-81-590 is not applicable.

Conclusion:

The proposed development is consistent with the applicable guidelines in Commission Rules 350-81-052(1)(d) and 350-81-560 through 350-81-590 that protect natural resources.

E. Recreation Resources

1. Commission Rule 350-81-052(1)(c) lists recreation resource protection guidelines for expedited review uses. The addition is eligible for expedited review. Commission Rule 350-81-052(1)(c) states:

(A) The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

Established recreation sites do not exist on parcels that adjoin the subject parcel. Commission Rule 350-81-052(1)(c)(A) is not applicable.

2. Commission Rule 350-81-086 applies to the power line, the proposed development that is not eligible for expedited review. Commission Rule 350-81-086 states:

If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.

Established recreation sites do not exist on parcels that adjoin the subject parcel. Thus, no buffers are required pursuant to Commission Rule 350-81-086.

Conclusion:

The proposed development is consistent with applicable recreation resource guidelines in Commission Rules 350-81-052(1)(c) and 350-81-086.

F. Treaty Protection:

1. Commission Rule 350-81-052(2) contains treaty rights protection guidelines for proposed developments reviewed using the expedited review process. Only the addition is eligible for expedited review. Commission Rule 350-81-052(2) states:

(a) *Proposed developments shall not affect or modify any treaty or other rights of any Indian tribe.*

(b) *The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.*

The addition would not affect or modify treaty or other rights of any Indian tribe, consistent with this rule. No substantive written comments were received from any Indian tribe during the comment period. The addition is consistent with Commission Rule 350-81-052(2).

Conclusion:

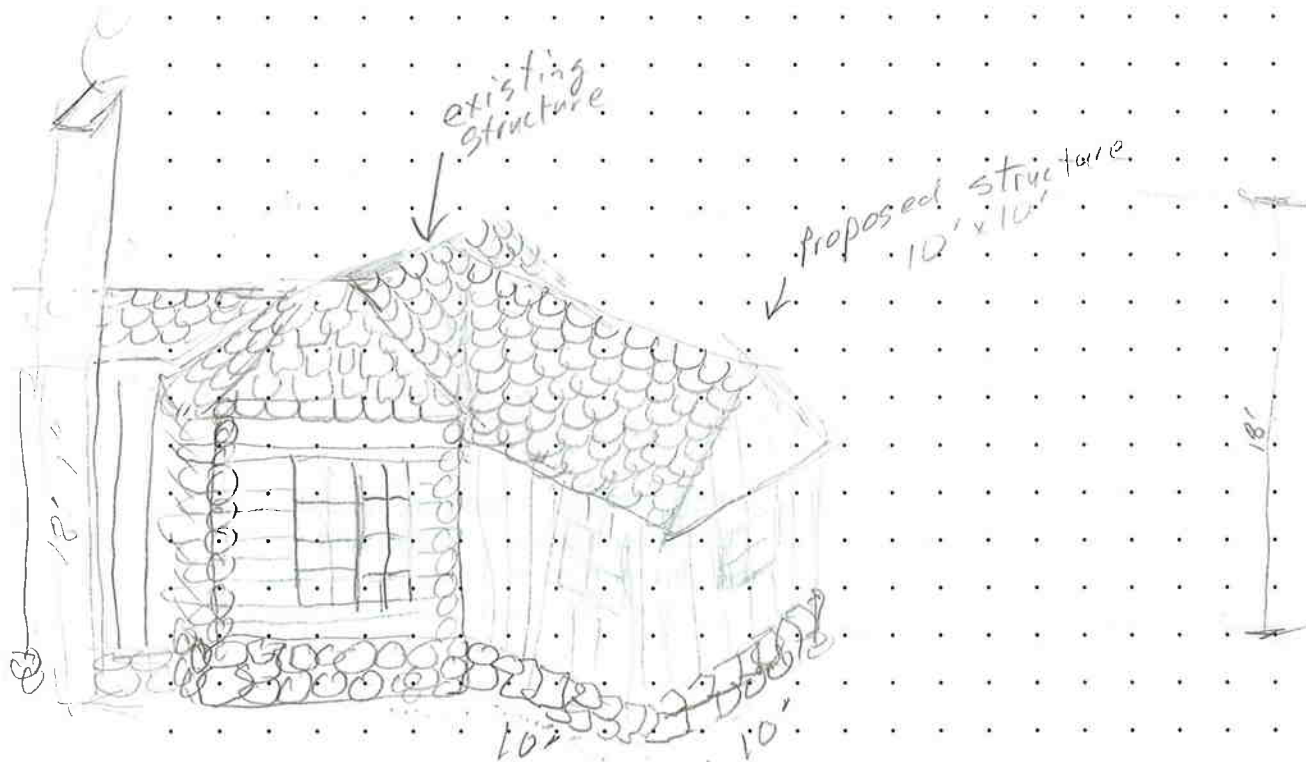
The addition is consistent with Commission Rule 350-81-052(2), which provides protection for treaties and any other rights of any Indian tribe impacted or affected by review uses allowed through expedited review.

cc: Confederated Tribes and Bands of the Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation
Nez Perce Tribe
Klickitat County Planning
Klickitat County Building
Friends of the Columbia Gorge
Washington Department of Fish and Wildlife

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Elevation Drawings

Elevation drawings showing the appearance of all proposed structures are required for all applications. Elevation drawings depict the entire length and width of each structure as seen from a horizontal view. The drawings must also include the natural and finished grade and be drawn to scale.



APPROVED

BC
6/27/08