

DIRECTOR'S DECISION

- APPLICANT:** Washington State Parks and Recreation Department
- LANDOWNER:** State of Washington
- FILE NO.:** C09-0009-K-G-20
- REQUEST:** To install a 15' x 12' permanent restroom structure at Doug's Beach State Park. This structure will replace the portable toilets currently located at the park.
- LOCATION:** The subject parcel is located along SR 14 approximately 2 miles east of Lyle, in the NW 1/4 of Section 7, Township 2 North, Range 13 East, W.M., Klickitat County, Washington.
- LAND USE DESIGNATION:** The subject parcel is in the General Management Area and is designated Public Recreation.

DECISION:

Based upon the findings of fact in the Staff Report for Director's Decision C09-0009, the land use application by the Washington State Parks and Recreation Department to replace the existing portable toilets with a 15' x 12' permanent restroom structure at Doug's Beach State Park 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. Locations for all new structures, roads and other ground-disturbing development shall be staked for Commission inspection prior to grading or excavation. The applicant shall notify the Commission once staking is complete to arrange for an inspection. Grading and excavation may begin after Commission inspection and approval of staking.
2. The existing portable toilets shall be removed within 30 days of the initial use of the new restroom facility.
3. The development shall be constructed as shown on the approved site plan and elevation drawings.

4. Existing tree cover screening the development from key viewing areas shall be retained as indicated on the approved site plan. These trees are located to the south and east and within 100 feet of the proposed building. If reviewed and approved by the Executive Director, an exception can be made to remove hazard trees or to create a fuel break for fire safety purposes.
5. All exterior building materials shall be colored a dark earth-tone color. The proposed color "Java Brown" is approved for use on this project.
6. All exterior building materials shall have low reflectivity. The proposed textured, pre-cast concrete structure is approved for use on this project.
7. The proposed exterior light shall be directed downward and sited, hooded and shielded so as to not be highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
8. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for an inspection to confirm compliance with conditions of approval. Project completion means completion of all work on exteriors of structures (including painting), completion of grading and excavation.
9. All requirements of the cultural resource mitigation plan (consisting of project design and siting revisions as described in August 27, 2010 letter report from Washington State Parks Archaeologist Lisa Kelly) A qualified archaeological monitor shall be present on site during installation of the vault toilet building (including site preparation and placement of fill).
10. 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 Executive Director of the Gorge Commission.
11. If human remains are discovered during construction activities, all activities shall cease upon their discovery. Local law enforcement, the Executive Director and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.

DATED AND SIGNED THIS 28th day of October, 2010 at White Salmon, Washington.



Brian Litt
Principal Planner

EXPIRATION OF APPROVAL:

This decision of the Principal Planner becomes void on the 28th day of October, 2012.

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 Principal Planner 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 Principal Planner 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 November, 2010.

The decision of the Principal Planner 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.

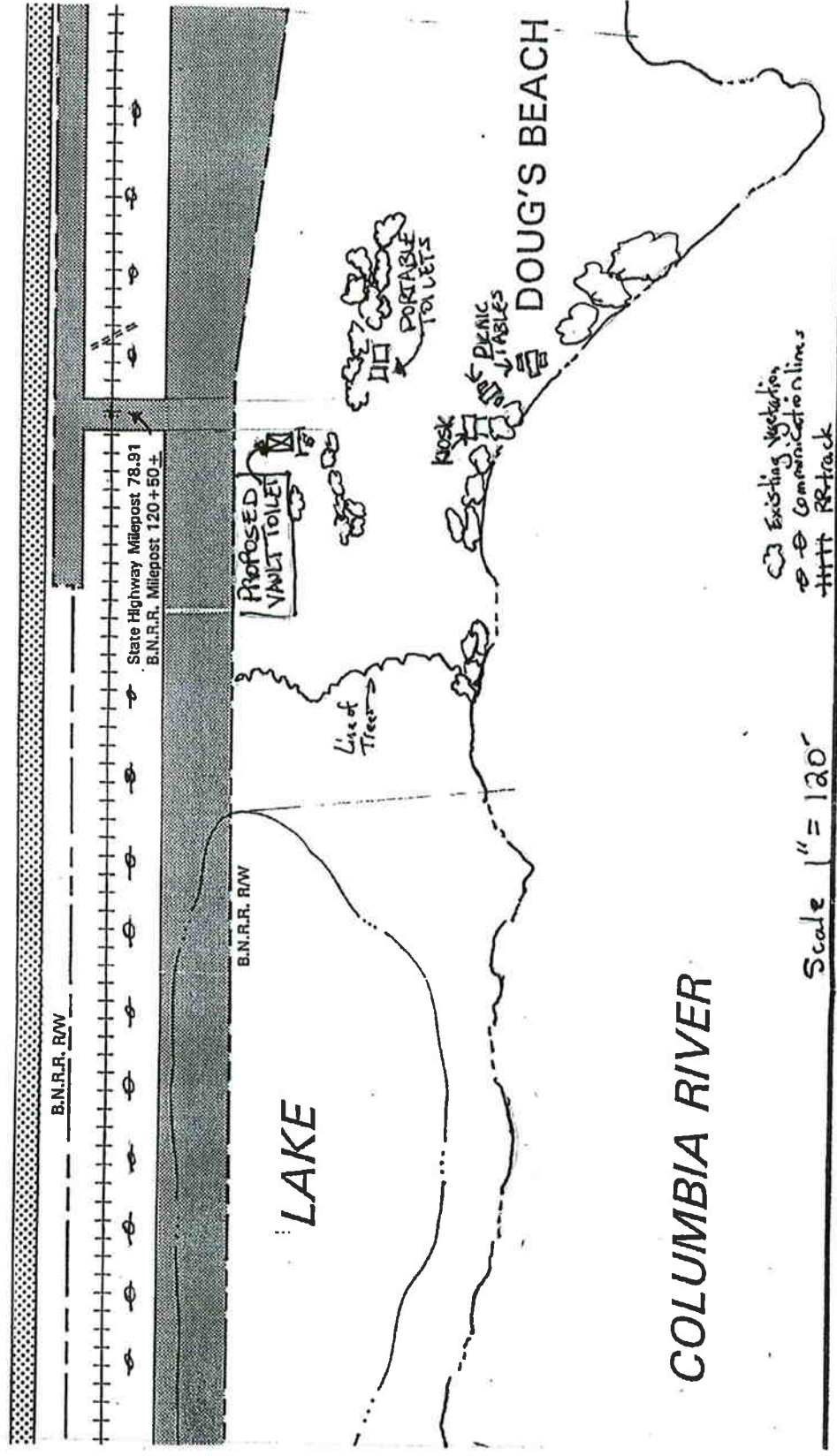
NOTES:

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.

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APPROVED

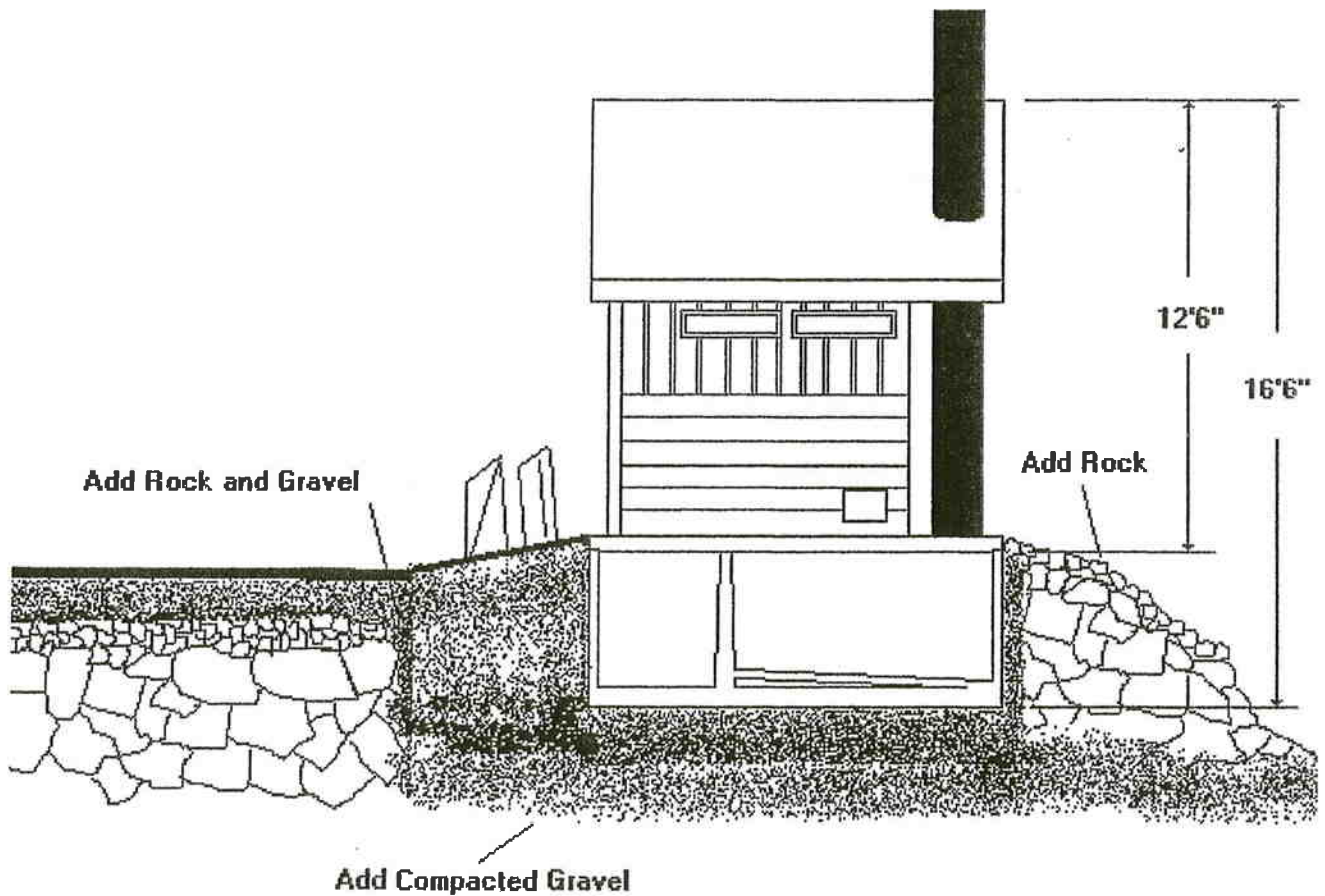
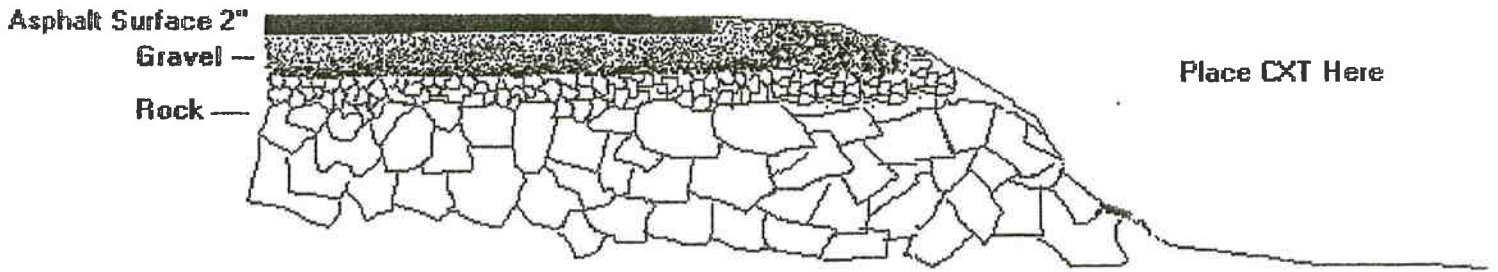
10/25/10



AT: COLUMBIA HILLS STATE PARK
 PURPOSE: INSTALL TOILET AT DOUG'S BEACH
 APPLICATION BY: WA STATE PARKS & REC COMMISSION

SITE PLAN

SHEET ___ OF ___
 DATE: 5/27/09



Toilet Placement Plan

AT: COLUMBIA HILLS STATE PARK
 PURPOSE: INSTALL TOILET AT DOUG'S BEACH
 APPLICATION BY: WA STATE PARKS & REC
 COMMISSION

CROSS-SECTIONAL VIEW
 NOT TO SCALE

APPROVED

SHEET ___ OF ___
 DATE: 5/27/09

BR
 10/28/10

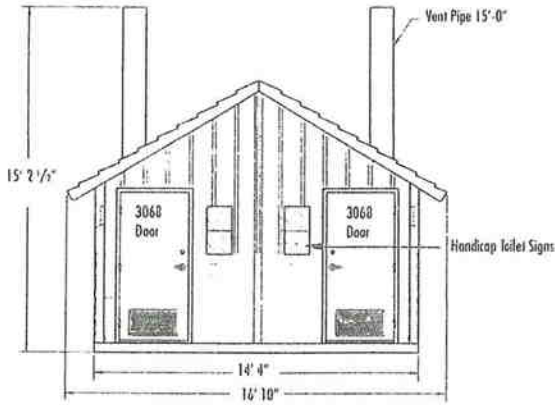


Precast Products

Product Data DOUBLE CASCADIAN STYLE TOILET BUILDING

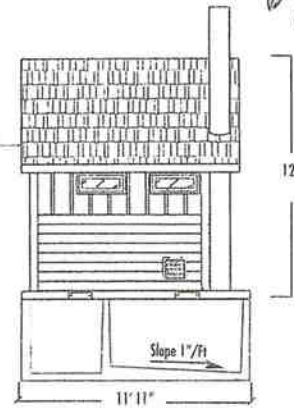
APPROVED

Handwritten initials and date: 10/28/10



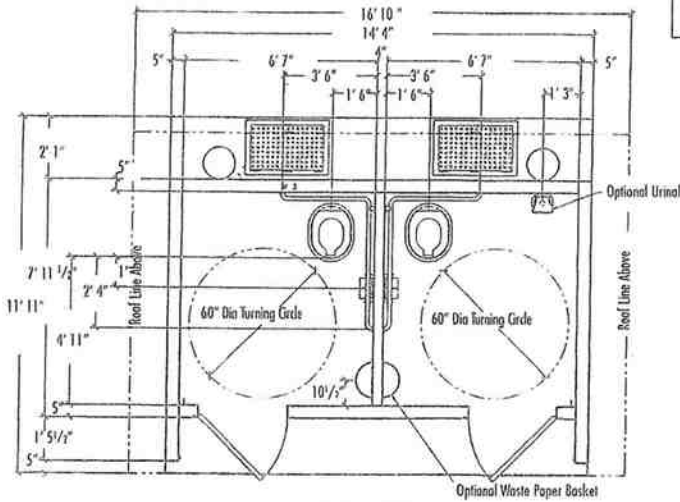
Front Elevation

Simulated Shake Roof

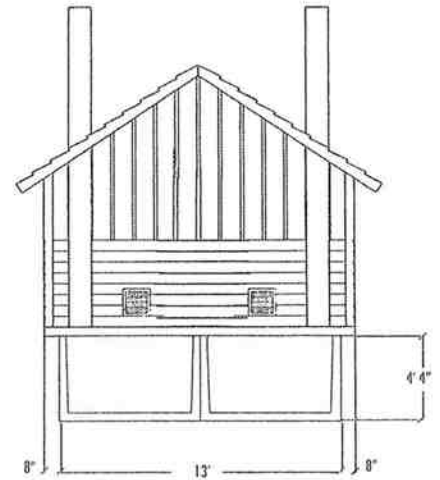


Right Side Elevation

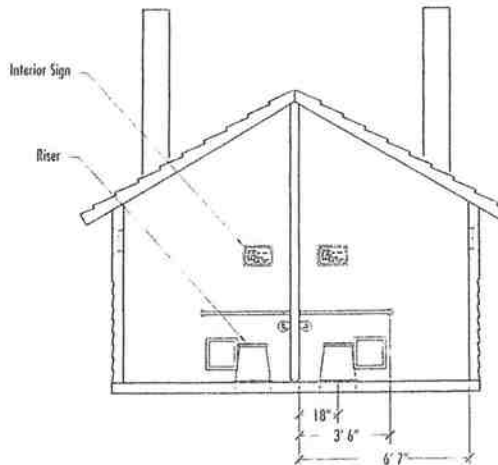
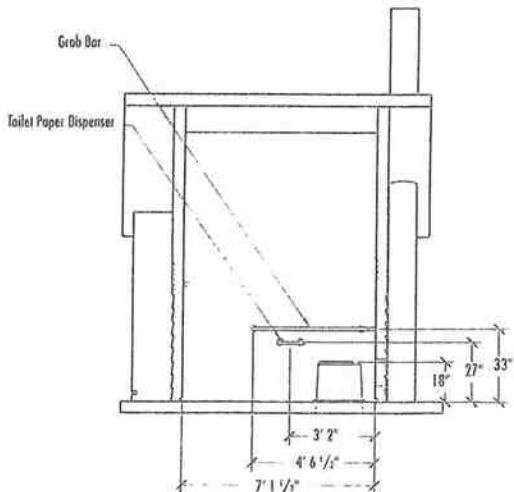
These drawings are for reference only. Room vents shown for illustrative purposes only. Customer to choose one vent location per room.



Floor Plan



Rear Elevation



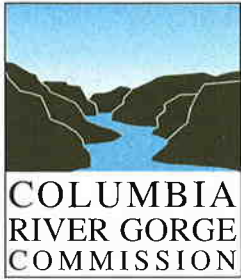
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STAFF REPORT

APPLICANT: Washington State Parks and Recreation Commission

LANDOWNER: State of Washington

FILE NO.: C09-0009-K-G-20

REQUEST: To install a 15' x 12' permanent restroom structure at Doug's Beach State Park. This structure will replace the portable toilets currently located at the park.

LOCATION: The subject parcel is located along SR 14 approximately 2 miles east of Lyle, in the NW 1/4 of Section 7, Township 2 North, Range 13 East, W.M., Klickitat County, Washington.

LAND USE DESIGNATION: The subject parcel is in the General Management Area and is designated Public Recreation.

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
Washington Department of Fish and Wildlife
Friends of the Columbia Gorge

Written comments were received from Richard Till with the Friends of the Columbia Gorge, John Gamon at the Washington Department of Natural Resources, Ted Labbe at Washington Department of Fish and Wildlife, and Robert Whitlam and Gretchen Kaehler, both from the Washington Department of Archaeology & Historic Preservation.

FINDINGS OF FACT:

A. Land Use

1. The Washington State Parks and Recreation Commission is seeking approval to replace two portable toilets with a pre-fabricated double-vault restroom at Doug's Beach State Park, east of Lyle, WA. The footprint of the proposed single-story structure is approximately 15' x 12' with a height of 12 feet 6 inches. The project site is adjacent to the access pathway leading across the BNSF railroad tracks to the river, approximately 80 feet to the northwest of the portable toilets.
2. The subject property is in the General Management Area (GMA). The land use designation (LUD) for the subject parcel is Public Recreation. The landscape setting is River Bottomlands. The Recreation Intensity Class is High Intensity (RIC4). Director's Decision C96-0008-K-G-20 established that the public recreation use at this location was legally established through a 1988 Forest Service consistency review of park improvements, including the existing sanitation facilities.
3. Commission Rule 350-81-082(2)(a) governs the replacement of existing structures not damaged or destroyed by disaster. Replacement structures shall comply with the following guidelines:
 - (A) *The replacement structure shall be used in the same manner and for the same purpose as the original structure.*
 - (B) *The replacement structure may have a different size and /or location than the original structure.*
 - (C) *The replacement structure shall be subject to the scenic, cultural, recreation and natural resources guidelines, the treaty rights guidelines; and the land use designations guidelines involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.*

The existing portable toilets are located in a day-use park frequented by windsurfers. Picnic tables and an information kiosk are also located in the park. The new toilet facility will provide a cleaner sanitation facility for park visitors that is available for year-round use. This use is consistent with Commission Rule 350-81-082(2)(a)(A).

The proposed 168 square foot structure is larger than the existing portable structures and will be in a different location to better protect sensitive resources, as allowed by Commission Rule 350-81-082(2)(a)(B).

The project is shown to be consistent with the scenic, cultural, recreation and natural resources guidelines in sections B – E, below. The treaty rights guidelines are not applicable to this project since it is not a new use located in, or providing recreation river access to the Columbia River. The project is shown to be consistent with the land use designations guidelines involving agricultural buffer zones in Finding A.4, below. The approval criteria for fire protection, and approval criteria for siting of dwellings on forest land are not applicable in the Public Recreation land use designation. Thus, the project is consistent with Commission Rule 350-81-082(2)(a).

4. Commission Rule 350-81-076 requires that all new buildings in the GMA on parcels adjacent to lands that are designated Large-Scale or Small-Scale Agriculture shall comply with agricultural buffers. Parcels to the north of the subject parcel are designated Large-Scale Agriculture. These lands are suitable for livestock grazing and pasture. The largest buffer required for this type of situation is 100 feet. The location of the proposed structure is at least 300 feet from lands designated Large-Scale Agriculture, consistent with Commission Rule 350-81-076.

Conclusion:

The proposed replacement toilet structure is an allowed review use, subject to compliance with the guidelines in Commission Rules 350-81-520 to 350-81-610 that protect scenic, cultural, natural and recreation resources.

B. Scenic Resources

1. Commission Rule 350-81-520 lists scenic resource protection guidelines for review uses. 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.

The structure is proposed to be located adjacent to an existing access pathway into the park. The structure will be placed entirely on fill without excavation of any materials in conformance with the cultural resource protection plan. The use of fill is minimized, and is utilized as necessary to protect other resources. The existing topography is retained to the maximum extent practicable. Approximately 50 cubic yards of fill will be necessary to create a level pad to set the pre-fabricated structure on top of. In addition, a minimal amount of excavation within previously disturbed materials at the paved railroad crossing will occur. No other grading is necessary. The proposed placement of the structure will minimize grading activities to the maximum extent practicable, consistent with Commission Rule 350-81-520(1)(a).

3. Commission Rule 350-81-520(1)(b) states:

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.

There are few, if any buildings within a mile of the park. However, the small size of the proposed structure – 15' x 12' with a height of 12 feet 6 inches – is compatible with the general scale of development anywhere in the Scenic Area, and thereby consistent with Commission Rule 350-81-520(1)(b).

4. 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 project site is topographically visible from several key viewing areas, including the Columbia River, Interstate 84, the Historic Columbia River Highway and State Route 14. Thus, Commission Rule 350-81-520(2) is applicable.

5. Commission Rule 350-81-520(2)(b) states:

Each development shall be visually subordinate to its setting as seen from key viewing areas.

Commission Rule 350-81-020(170) defines visually subordinate as follows:

Visually subordinate: A description of the relative visibility of a structure where the structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a Key Viewing Area, for the Management Plan). As opposed to structures that are fully screened, structures that are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings.

Due to topography and existing vegetation the proposed structure will only be partially visible from key viewing areas. The findings of this section support the conclusion that, with conditions, the proposed development would be visually subordinate to its setting as seen from key viewing areas.

6. Commission Rule 350-81-520(2)(c) states:

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

Doug's Beach State Park is the only area within a mile on either side of the proposed project site suitable for development. Sites designated for public recreation such as this are limited in the Scenic Area and there are no others in the vicinity. The project area is well vegetated and the development has been sited to use topography and existing screening vegetation to minimize the visual impact of the structure. The development replaces existing portable toilets and has also been designed to be visually subordinate as seen from key viewing areas, with a small size, dark colors, low reflective materials, and minimal site grading. Other similarly sized park restroom structures, similarly sited and designed, would not cause adverse scenic impacts, either individually or cumulatively. The proposed development would not generate adverse cumulative scenic impacts.

7. Commission Rule 350-81-520(2)(d) states:

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.

(A) Decisions shall include written findings addressing the factors influencing potential visual impact, including but not limited to:

- (i) *The amount of area of the building site exposed to key viewing areas.*
- (ii) *The degree of existing vegetation providing screening.*
- (iii) *The distance from the building site to the key viewing areas from which it is visible.*
- (iv) *The number of key viewing areas from which it is visible.*
- (v) *The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).*

The project site is topographically visible from five key viewing areas: State Route 14, the Columbia River, Interstate 84, the Historic Columbia River Highway and Tom McCall Point (a part of Rowena Plateau and Nature Conservancy Viewpoint). Existing vegetation will partially screen the building site from views from the south, west and east, but not from SR 14.

The project site is approximately 150 feet away from SR 14 and approximately 160 feet the Columbia River at their closest points respectively. I-84 and the Historic Columbia River Highway are approximately .75 miles distant at their closest points. Tom McCall Point is three miles distant.

The distance along linear key viewing areas from which the building site is visible is as follows:

- State Route 14: visible only immediately north of the project site for a distance of 500 feet.
- Columbia River: visible for a length of approximately 5.5 miles.
- Interstate 84: visible intermittently for a length of approximately 4.7 miles.
- Historic Columbia River Highway: visible intermittently for a length of approximately 6 miles.

The greatest potential visual impact is when viewed from SR 14 directly in front of the building site; however topography will screen all but the roof and upper walls of the structure. The entire building site is topographically visible from the other KVAs listed, however those views are well screened by existing vegetation so the site is only intermittently visible. The visual impact of a small structure at this site is also reduced due to distance.

8. Commission Rule 350-81-520(2)(d)(B) states:

(B) Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to:

- (i) Siting (location of development on the subject property, building orientation, and other elements).*

(ii) *Retention of existing vegetation.*

(iii) *Design (color, reflectivity, size, shape, height, architectural and design details and other elements).*

(iv) *New landscaping.*

As explained later in this section, conditions are applied to the development's color and reflectivity and for retention of existing vegetation to ensure the development is visually subordinate to its setting as seen from key viewing areas. The distance to key viewing areas, use of topography and existing vegetation on the site, building size and design considerations make it unnecessary to require new landscaping in order to achieve visual subordination.

9. Commission Rule 350-81-520(2)(e) states:

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, sensitive plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, development shall comply with this guideline to the maximum extent practicable.

The proposed project site is located to the south of SR 14. The BNSF railroad grade is located between SR 14 and the project site. The elevation of the project site is approximately 10 feet below the railroad grade and SR 14 elevation, so that the lower portions of the structure are screened, thereby reducing the visual impact of the structure. There are other sites further south within the park that are more screened by vegetation and topography from SR 14. However, the guidelines for the protection of cultural resources prevent the use of these sites. The proposed project location was chosen in order to be consistent with guidelines to protect cultural resources. The proposed site complies with the guideline to the maximum extent practicable, consistent with Commission Rule 350-81-520(2)(e).

10. Commission Rule 350-81-520(2)(f) states:

New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.

As described above in Finding B.9, topography helps partially screen the development from the north. The proposed site also uses existing vegetation to the west, south and east for screening. The siting choice is consistent with Commission Rule 350-81-520(2)(f).

11. Commission Rule 350-81-520(2)(g) states:

Existing tree cover screening proposed development from key viewing areas shall be retained as specified in the Landscape Settings Design Guidelines in 350-81-520(3).

Findings for the Landscape Settings Design Guidelines are addressed below in B.20 through B.22. A condition of approval will require the retention of screening vegetation consistent with the guidelines of 350-81-520(3).

12. Commission Rule 350-81-520(2)(h) states:

The silhouette of new buildings shall remain below the skyline of a bluff, cliff, or ridge as seen from key viewing areas

A high bluff rises to the north of the project site such that the proposed building will not break the skyline as seen from any key viewing area to the south, east or west. The building will not break the skyline from SR 14 either. The development is consistent with Commission Rule 350-81-520(2)(h).

13. Commission Rule 350-81-520(2)(j) lists guidelines that apply to new landscaping used to screen development from key viewing areas. Commission Rule 350-81-520(2)(j)(A) states:

New landscaping (including new earth berms) shall be required only when application of all other available guidelines in 350-81-520 is not sufficient to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.

Application of other guidelines in this section, particularly those relating to siting, color, reflectivity and retention of existing vegetation, are sufficient to make the development visually subordinate from key viewing areas. Therefore, no new landscaping is required for visual subordination, consistent with Commission Rule 350-81-520(2)(j).

14. Commission Rule 350-81-520(2)(l) states:

Unless expressly exempted by other provisions in 350-81-520, colors of structures on sites 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 proposed exterior color for the building is a custom-mixed dark brown, "Java Brown", which closely matches the color in the B-10 square in the "recommended colors" of the *Scenic Resources Implementation Handbook*. This is a dark earth-tone color that is found in the surrounding rock outcrops in the area. With a condition of approval requiring the use of "Java Brown" exterior color, the project is consistent with Commission Rule 350-81-520(2)(l).

15. Commission Rule 350-81-520(2)(m) states:

The exterior of buildings on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all key viewing areas by existing topographic features... Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination.

The proposed structure is a textured, precast concrete product. This material has a low reflectivity. The elevation drawings for the structure indicate no windows are proposed. The exterior of the structure is consistent with Commission Rule 350-81-520(2)(m).

16. Commission Rule 350-81-520(2)(p) states:

Exterior lighting shall be directed downward and sited, hooded, and shielded such that it is not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

The structure has a single exterior light on the east face. A condition of approval shall require all outdoor lights to be hooded and shielded so as to screen them from key viewing areas. With this condition, the proposal is consistent with Commission Rule 350-81-520(2)(p).

17. Commission Rule 350-81-520(2)(y) states:

New buildings shall not be permitted on lands visible from key viewing areas with slopes in excess of 30 percent.

The building site has a slope of less than 5 percent. Thus, no new buildings would be constructed on lands visible from key viewing areas with slopes in excess of 30 percent, consistent with Commission Rule 350-81-520(2)(y).

18. Commission Rule 350-81-520(2)(z) states:

Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from key viewing areas.

No cut banks are proposed. The structure will be set onto a small fill that will be supported by rocks on the south and west sides of the building walls. The visibility of the fill slopes from KVAs to the south and west will be minimized by the gentle topography, distance and existing screening vegetation. The design minimizes fill slopes visible from key viewing areas in a manner consistent with all resource protection guidelines. The development is consistent with Commission Rule 350-81-520(2)(z).

19. Commission Rule 350-81-520(2)(aa) states:

All proposed structural development involving more than 200 cubic yards of grading on sites visible from key viewing areas shall include submittal of a grading plan.

The proposed development involves approximately 50 cubic yards of grading, therefore a grading plan is not required. Commission Rule 350-81-520(2)(aa) is not applicable.

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

21. Commission Rule 350-81-520(3)(i)(A) lists guidelines for new development in portions of the River Bottomlands Landscape Setting visible from KVAs. Commission Rule 350-81-520(3)(i)(A)(i) states:

(i) Except as is necessary for site development or safety purposes, existing tree cover screening the development from key viewing areas shall be retained.

No existing trees will be removed for the proposed development. A condition of approval will require the retention of existing vegetation screening the development from KVAs.

Commission Rules 350-81-520(3)(i)(A)(ii) and (iii) pertain to new landscape planting necessary for screening. No new landscaping is required so these guidelines are not applicable. The project is consistent with Commission Rule 350-81-520(3)(i)(A)

22. Commission Rule 350-81-520(3)(i)(C) states:

Compatible recreation uses depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity uses which do not impair wetlands or special habitat requirements may be compatible.

In other River Bottomland areas, nodes of moderate-intensity and/or high-intensity recreation uses may be compatible, provided that:

- (i) their designs emphasize retention and/or enhancement of native riparian communities,*
- (ii) structures and parking areas are visually subordinate*
- (iii) they are separated from other areas of concentrated recreation usage by stretches of natural-appearing shoreline and adjacent uplands.*

The proposed structure supports an existing recreation use in a node of high-intensity use. The findings of Section B show that the approved design and siting of the structure retains existing vegetation and will be visually subordinate. The site is separated from other areas of concentrated recreation by many miles of natural appearing shoreline. Commission Rule 350-81-520(3)(i)(C) is met.

23. Commission Rule 350-81-520(4) describes guidelines for review uses within scenic travel corridors. SR 14 is a scenic travel corridor. Commission Rule 350-81-520(4)(a) defines all lands within ¼-mile of the edge of pavement as being within the foreground of the scenic corridor roadway. The proposed project is located approximately 150 feet from the edge of pavement on SR 14, therefore the proposed project is in the foreground of the scenic travel corridor.
24. Commission Rule 350-81-520(4)(b) requires all new buildings to be set back at least 100 feet from the edge of pavement of scenic corridor roadway. The proposed project is set back 150 feet. The project complies with this guideline. No other guidelines related to scenic travel corridors apply to this project.

Conclusion:

With conditions of approval for color, reflectivity, outdoor lighting and retention of existing screening vegetation, 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 350-81-540(1) lists cultural resource protection guidelines for review uses. Commission Rule 350-81-540(1)(c)(A)(i) requires a cultural resource reconnaissance survey for all proposed uses within 500 feet of a known cultural resource. The proposed project site is within 500 feet of a known cultural resource.

The project vicinity has been surveyed several times in the past. The applicant submitted a letter report prepared by Lisa Kelley, State Parks Archaeologist, reviewing existing survey records and describing how the project is sited and designed to avoid effects to cultural resources. In a cultural resources survey determination dated March 10, 2009, Margaret Dryden, U.S. Forest Service Archaeologist, reviewed the proposed use, letter report and conclusions. Ms. Dryden determined a new reconnaissance survey of the proposed use was not required as the use would occur in an area that had previously been surveyed for cultural resources and that the proposed use was occurring entirely within an area of fill brought onto the site in the past. She concurred with Ms. Kelly's assessment of effect that project as proposed would have no effect on cultural resources, and met the reconnaissance survey requirements of Commission Rule 350-81-540(1)(c)(A)(i).

2. Commission Rule 350-81-540(1)(c)(B) requires a historic survey for all proposed uses that would alter buildings or structures that are 50 years or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years or older. Ms. Dryden also determined that no historic structures or features would be affected.
3. Commission Rule 350-81-540(4)(b)(A) requires the Executive Director to submit a copy of all cultural resource assessments to the State Historic Preservation Officer and the Indian tribal governments. Commission Rule 350-81-540(4)(b)(B) allows interested parties 30 days to comment. Ms. Dryden's assessment of effect for the project was distributed on March 4, 2010. The State Historic Preservation Office responded on April 21, 2010 requesting confirmation that the project would be located entirely within fill. Ms. Dryden visited the site with State Parks personnel and determined the depth of fill at the site, based on the original site plan and design, is not sufficient to avoid and provide protection for cultural resources.

In July 2010, State Parks developed a mitigation plan which modified the project design to avoid any excavation into the existing ground at the building site. The design modifications involve moving the building location approximately 3 feet to the west of the originally proposed location, and importing an additional 10 cubic yards of fill, so that the structure and underground tank could be sited entirely on fill.

State Parks conducted an additional cultural resources survey at the proposed building site and compiled a report dated August 27, 2010 describing the results and proposed mitigation plan design changes. U.S. Forest Service Archaeologist Margaret Dryden

reviewed the survey report and provided an assessment of effect and review of the proposed mitigation measures in a September 17, 2010 letter. Ms. Dryden recommended the project, as modified by the mitigation measures and with a condition requiring a cultural resources monitor be present during vault toilet installation, would not adversely affect cultural resources. The August 27, 2010 survey and mitigation plan and the September 17, 2010 Assessment of Effect were circulated for comment to the State Historic Preservation Officer and the Indian tribal governments pursuant to Commission Rule 350-81-540(5)(b).

The Commission received a letter from the Washington Department of Archaeology and Historic Preservation concurring with Ms. Dryden's conclusions and supporting the recommended condition for an onsite monitor during project installation. Amy Senn, Archaeologist from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), indicated by voice mail that the CTUIR also concurred with the proposed mitigation measures and assessment of effect. No other substantive comments were received.

4. Commission Rule 350-81-540(5)(c)(B) states the cultural resource protection process may conclude when a mitigation plan for the proposed use would reduce an adverse affect to no effect or no adverse effect on significant archaeological resources that exist in the project area. Ms. Dryden's findings confirmed that the proposed mitigation plan and revised project design and location avoid archaeological resources and, with conditions for an onsite monitor, will have no adverse effect on cultural resources in the project area. Conditions of approval will require a qualified onsite archaeological monitor and that the project shall be sited and constructed as proposed in the revised site plan and application materials received by the Gorge Commission on July 7, 2010. Pursuant to Commission Rule 350-81-540(5)(c)(B), 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 that: 1) the project be sited and constructed as proposed; 2) a qualified archaeological resources monitor be present during vault toilet installation; and 3) work cease and the Commission be notified 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 that protect cultural resources from adverse effects.

D. Natural Resources

1. Commission Rules 350-81-560 through 590 contain natural resource protection guidelines for review uses. 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).
2. Doug's Beach State Park is located near the shore of the Columbia River, lying approximately 160 feet from the river at its closest point. Gorge Commission inventories did not identify any wetlands, streams (other than the Columbia River), ponds, or lakes within 150 feet of the development site. A site visit by a Gorge Commission Planner confirmed this information. The widest buffer area for wetlands, ponds, or lakes required by Commission Rule 350-81-560 is 150 feet. The widest buffer area for streams required by Commission Rule 350-81-570 is 100 feet. Therefore the site is outside of any potential buffer area required by Commission Rules 350-81-560 and 570.
3. 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 1000 feet of sensitive wildlife habitat defined by Commission Rule 350-81-580(1)(a)(A).
4. Commission Rule 350-81-580(4) contains guidelines for review of proposed uses within 1,000 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 Ted Labbe, Biologist for the Washington Department of Fish and Wildlife (WDFW) for review, pursuant to Commission Rule 350-81-580(4). Mr. Labbe responded that WDFW has no issue or comments associated with this proposal.
5. 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.

Comment from the Washington Department of Fish and Wildlife gave no indication that the use would compromise the integrity of the wildlife area or site. The project is small in scale and is located in a previously disturbed location. Given this, the Executive Director determines the wildlife protection process may conclude consistent with Commission Rule 350-81-580(4)(c).

6. Commission Rule 350-81-590 contains guidelines to protect sensitive plant sites. The Gorge Commission's sensitive plant site inventory identifies the project site is within 1000 feet of a sensitive plant site as defined by Commission Rule 350-81-590(1)(a).
7. Commission Rule 350-81-590(4) contains guidelines for review of proposed uses within 1,000 feet of sensitive plant sites. Subsections (a) and (e) of this section requires that site plans and field surveys for such uses be submitted to the Washington Natural Heritage Program for review. The application, site plan and survey were submitted to John Gamon, Natural Heritage Program Manager for the Washington Department of Natural Resources (WDNR) for review, pursuant to Commission Rule 350-81-590(4). Mr. Gamon responded that WDNR has no issue or comments associated with this proposal. In addition, the applicant provided a rare plant and vegetation survey completed by Pacific Biodiversity Institute dated December 2008, which indicated no sensitive plants are located at the project site.

Based on the absence of sensitive plants found at the project vicinity by the field survey and the comment from WDNR, pursuant to Commission Rule 350-81-590(5) the Executive Director determines that the project is consistent with all applicable rare plant policies and guidelines in Commission Rule 350-81-590.

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 from adverse effects.

E. Recreation Resources

1. Commission Rule 350-81-086 applies to 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.

The proposed restroom is intended to support the currently existing use at an established recreation site. The development will not detract from use and enjoyment of the park and thus is consistent with Commission Rule 350-81-086.

2. Commission Rules 350-81-610(1) through (4) list allowable recreation uses for the four Recreation Intensity Classifications (RIC) that the Management Plan defines and maps within the scenic area. The proposed project site is within a High Intensity (RIC 4) classification. Commission Rule 350-81-610(4) allows all uses permitted in Recreation Intensity Classes 1, 2, and 3 in RIC 4 areas. Commission Rule 350-81-610(1)(I) allows "restroom/comfort facilities" in RIC 1 areas. Pursuant to Commission Rule 350-81-610, the proposed use is allowable, subject to compliance with 350-81-610(5) and (6).
3. Commission Rule 350-81-610(5) lists approval criteria that all recreation uses must satisfy. Commission Rule 350-81-610(5)(a) requires that the use must comply with 350-81-520 through 350-81-610. The findings in Sections B through E of this decision demonstrate compliance of this project with those rules.

4. Commission Rule 350-81-610(5)(b) states:

Cumulative effects of proposed recreation projects on landscape settings shall be based on the "compatible recreation use" guideline for the landscape setting in which the use is located.

Finding B.22, above, demonstrates the project's compliance with this guideline.

5. Commission Rules 350-81-610(5)(c) states:

For proposed recreation projects in or adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland:

- (A) *The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of on-site buffers may be used to partially or fully comply with this criterion, depending upon project design and/or site conditions.*
- (B) *A declaration has been signed by the project applicant or owner and recorded with county deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland.*

The park is adjacent to lands designated Large-Scale Agriculture located to the north. The Columbia River surrounds the park on other sides. SR 14 and the BNSF railway line separate the park development from agricultural lands to the north, providing an effective buffer between recreation and agricultural uses. Steep topography adjacent to SR 14 further limits the potential for interference by recreation uses with agricultural uses. These factors support the conclusion that the use would not seriously interfere with accepted forest or agricultural practices on adjacent lands. A condition of approval will require that the applicant record with county deeds the declaration described in 350-81-610(5)(c)(B). This guideline is met.

6. Commission Rules 350-81-610(5)(d) and (e) are not applicable because the proposed project does not include facilities for outdoor fires, campgrounds, trails, or trailheads.
7. Commission Rule 350-81-610(5)(f) and (g) apply to projects providing boating, windsurfing or other recreational access to the Columbia River or its tributaries. The Director's Decision C96-0008-K-G-20 determined that the use of this site for windsurfing access was a legally-established use that existed prior to the effective date of the Scenic Area Act. The proposed restroom use does not provide additional boating or windsurfing access, rather it supports the existing recreation use. Commission Rule 350-81-610(5)(f) is not applicable. For similar reasons, Commission Rule 350-81-610(5)(g) is not applicable.
8. Commission Rules 350-81-610(5)(h) and (i) are not applicable because the project does not include interpretation of natural or cultural resources and the project is not a

new RIC 4 project. Therefore, all of the approval criteria of Commission Rule 350-81-610(5) are satisfied.

9. Commission Rule 350-81-610(6) lists facility design guidelines that all recreation uses must satisfy. Commission Rule 350-81-610(6)(a) requires that recreation facilities that are not resource-based in nature may be included at sites providing resource-based recreation as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses and/or facilities. The proposed use is critical to supporting resource-based recreation at Doug's Beach. The proposed use is consistent with Commission Rule 350-81-610(6)(a).
10. Pursuant to Commission Rule 350-81-610(6)(b), Doug's Beach State Park is an individual recreation facility. The proposed structure is to be located within this recreation facility.
11. Commission Rules 350-81-610(6)(c), (d), (e), (f) and (h) apply to projects involving parking areas, access roads, signs and campsites. These rules do not apply to the proposed restroom project.
12. Commission Rule 350-81-610(6)(i) requires exterior lighting to be shielded, designed and sited in a manner which prevents such lighting from projecting off-site or being highly visible from KVAs. Finding B.16 describes project lighting and applies a condition of approval that will ensure the project is consistent with this guideline.
13. Commission Rule 350-81-610(6)(l) requires that all structures be designed so that they blend with their setting. The findings of section B, above, describe project features and conditions of approval that will render the project visually subordinate to its setting as seen from KVAs, and thus consistent with Commission Rule 350-81-610(6)(l) as well.
14. Commission Rules 350-81-610(6)(j), (k), (m), (n), (o), (p), (r), (s), and (t) apply to projects involving new landscaping and parking areas. These rules do not apply to the proposed restroom project.
15. Commission Rule 350-81-610(6)(q) requires that grading or soil compaction within the drip line of existing mature trees shall be avoided. A project site inspection by staff confirmed that all soil disturbance and compaction will occur at least 20 feet outside of the drip line of any mature tree in the project vicinity. This guideline is met.
16. Commission Rule 350-81-610(u) requires RIC 4 level projects on RIC 4 lands shall comply with 350-81-610(5)(i). This guideline is addressed in Finding E.8, above, which explains why this guideline does not apply.

Conclusion:

The proposed development is consistent with applicable recreation resource guidelines in Commission Rules 350-81-086 and 350-81-610.

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
Washington Department of Archaeology & Historic Preservation
USDA Forest Service, Scenic Area Office

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