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## **DEVELOPMENT REVIEW**

### **Director's Decision**

**APPLICANT:** OTAK, Inc., representing Washington State Parks and Recreation Commission

**FILE NO.:** C09-0007-K-G-20

**REQUEST:** To construct a parking lot near the existing trailhead for Horsethief Butte, including installation of a vault toilet, signage, entrance and exit gates, and construction of a new trail leading from the parking lot to the existing trail.

**LOCATION:** The project is located at the Columbia Hills State Park, approximately 3 miles east of the SR14 and Hwy. 197 intersection in Dallesport, WA. The parcel is located within the NE ¼ of Section 19 and the SW ¼ of Section 18, Township 2 North, Range 14 East, Willamette Meridian, Klickitat County, Washington.

### **LAND USE**

**DESIGNATION:** The subject parcels are designated Open Space in the General Management Area.

### **DECISION:**

Based upon the following findings of fact, the land use application by the Washington Parks and Recreation Commission to construct a parking lot near the existing trailhead for Horsethief Butte, including installation of a vault toilet, signage, entrance and exit gates, and construction of a new trail leading from the parking lot to the existing trail is consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act (Public Law 99-663), Management Plan, and Commission Rule 350-81, and is hereby approved, with conditions.

This approval does not exempt the applicant or successors in interest from complying with all other applicable local, state, and federal laws.

### **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 is approvable under Commission Rule 350-81.

1. To ensure notice of the requirements of this decision to successors in interest, all conditions of approval in this Director's Decision shall be recorded in the county deeds and records with references to the subject parcel prior to the commencement of construction. Commencement of

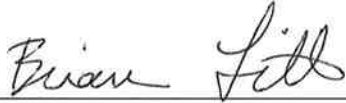
construction means the start of grading, excavation or other ground-disturbing activities associated with the approved use. The property owner shall also sign and record with county deeds and records a declaration specifying that the owner is aware that operators are entitled to carry on accepted forest or farm practices on lands designated Large-scale or Small-scale Agriculture, Commercial Forest Land, or Large or Small Woodland. Deeds may be amended through the Klickitat County Auditor's office. The Klickitat County Auditor's office can be reached toll free at 1-800-583-8050.

2. The development shall be sited and constructed as shown on the approved set of site plans (Sheets 1 – 17). All existing wetland and buffer vegetation in the project area shall be retained, except where removal is shown on the approved site plans. If changes to the location, height or design of the project are proposed, a revised site plan and elevation drawings shall be submitted to the Executive Director for review and approval prior to construction.
3. 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.
4. 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 and installation of any required screening vegetation.
5. All components of the Wetland Mitigation Plan (prepared by OTAK, dated May 20, 2009) shall be followed and plantings completed prior to public use of the parking area. Monitoring reports described with the plan shall be submitted to the Columbia River Gorge Commission annually for a period of five years.
6. All components of the Archaeological Treatment Plan (prepared by D. Meatte, dated July 2009) shall be followed. In addition, a professional archaeologist shall be included at the preconstruction conference and shall be on site for all ground-disturbing activities during project construction. Following completion of archaeological monitoring, the Letter Report described in the plan shall be submitted to the Columbia River Gorge Commission in addition to those parties listed in the plan.
7. All federal, state, and local laws shall be followed. Any in-water work shall occur in accordance with the requirements of permits issued by the U.S. Corps of Engineers for this project.
8. The exterior of all structures shall be dark earth-tone colors. The proposed color for the restroom building, Bittersweet Chocolate (CXT Incorporated), is approved. The color of other project structures, including gates and support poles for signs, shall also match the Bittersweet Chocolate tone. Any proposed changes from the approved exterior color shall be submitted for review and approval by the Principal Planner before construction begins.
9. The exterior of the restroom building shall be composed of non-reflective materials or materials with low reflectivity. The exterior includes, but is not limited to, sides, doors, decks, gutters,

roofs, and trim. The material proposed for the CXT Cascadian vault toilet structure are approved. Any proposed changes from the approved exterior building materials shall be submitted for review and approval by the Principal Planner before construction begins.

10. If cultural resources are discovered during construction, all construction 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 Principal Planner 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 Principal Planner of the Gorge Commission.

DATED AND SIGNED THIS 28<sup>th</sup> day of August, 2009, at White Salmon, Washington.



Brian Litt  
Principal Planner

**EXPIRATION OF APPROVAL:**

*This decision of the Executive Director becomes void on the 28<sup>th</sup> day of August, 2011.*

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 Executive Director 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 Executive Director 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 27<sup>th</sup> day of September, 2009.*

The decision of the Executive Director 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:

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 Office 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  
Washington Department of Ecology  
Washington Department of Natural Resources  
Friends of the Columbia Gorge

Written comments were received from Amy Senn, Archaeologist, Confederated Tribes of the Umatilla Indian Reservation; Richard Till, Land Use Law Clerk for the Friends of the Columbia Gorge; Robert Whitlam, State Archaeologist, Washington Department of Archaeology and Historic Preservation; and Catherine Reed, Washington Department of Ecology.

#### **FINDINGS OF FACT:**

##### **A. Land Use**

1. The proposed project is a public recreation development at Columbia Hills State Park, located approximately 1 mile east of the Dallesport, WA urban area. The project is located on land owned by the Washington State Parks and Recreation Commission. The application proposes construction of a 25-space parking lot and a new trailhead to provide safe access to Horsethief Butte. The project also includes installation of a vault toilet, interpretive and directional signage, entrance and exit gates, and construction of a new trail leading from the facility to the existing trail. Wetland fill and mitigation are proposed. The existing area used for parking and a trailhead will be restored. The project is described in detail by a set of plans (17 sheets) titled "Horsethief Butte Trailhead Parking Safety Improvements". In addition, a Wetland Mitigation Plan and Archaeological Treatment Plan include detailed plans for specific aspects of the project.
2. Currently, the public accesses a trail to Horsethief Butte, a popular hiking and rock climbing location, by parking along the shoulder of State Route 14 (SR 14). For many years, people have used an informal network of hiking trails around Horsethief Butte at Columbia Hills State Park. The ad-hoc parking and establishment of trails has created significant traffic safety hazards and threats to nearby cultural resource sites. Washington State Parks has identified a project involving parking and trailhead improvements at Horsethief Butte as its highest priority project for the eastern Washington region.

Field surveys for cultural resources, wetlands, sensitive wildlife species and habitats, and sensitive plants accompany the application. They show that options for siting a

recreation facility in the vicinity of Horsethief Butte are severely limited by topography and the presence of both cultural and natural resources. At the project site, SR 14 travels through a narrow valley set between steep bluffs on the north and basalt outcrops to the south. Areas to the north of SR 14 are not practicable for siting a parking area due to traffic safety issues related to pedestrians crossing the highway. Sites to the west are impractical due to steep slopes, drainages, and traffic safety requirements. Two ravines occur in this area south of SR 14, and a curve in SR 14 just west of this area reduces sight distance to a proposed parking area for eastbound traffic. Sites to the west would require a much larger degree of site disturbance for construction, and not have the same sight distance as the proposed location.

However, two areas to the east of the existing trailhead are located immediately adjacent to the south side of SR 14 and are level and large enough to be potentially suitable for siting a parking area. A wetland survey identified a series of small wetlands scattered along the length of this area. The authors of the cultural survey worked with representatives from the Yakama Nation to evaluate both sites. The report concluded that construction at the site proposed in the application is preferred over the alternative farther to the east because it could be designed so that the project did not have adverse affects to cultural resources. An Archaeological Treatment Plan describing measures necessary to protect cultural resources is included as part of the application (See Finding C.3). The final design limits direct wetland impacts to less than 0.03 acre and includes a Wetland Mitigation Planting Plan designed to enhance the on-site wetland and buffer area (See Finding D.7.h).

3. The Land Use Designation map in the *Management Plan for the Columbia River Gorge National Scenic Area* designates the project area as Open Space in the General Management Area.
4. Commission Rule 350-81-340(1)(a) allows the following on lands designated Open Space:

*Low-intensity recreation, subject to the guidelines for recreation intensity classes (350-81-610).*

The proposed project is a recreation development in the Open Space designation. Recreation developments may only include uses that are allowed under the site's Recreation Intensity Class (RIC). The Recreation Intensity Class map designates the project site as Low Intensity (RIC2). Findings in Section D, below, evaluate whether the proposed use is consistent with the applicable RIC guidelines of 350-81-610 and demonstrate that it is.

The components of the proposed project are all part of a single recreation development. Finding 1 of Section D, below, demonstrates that all of the proposed uses are allowed in the low-intensity (RIC2) Recreation Intensity Class. Thus, the proposed use is an allowed review use in the Open Space land use designation, subject to compliance with guidelines that protect scenic, natural, cultural and recreational resources (350-81-540 through 620).

Conclusion:

The proposed recreation project is a permitted use in the Open Space land use designation, subject to compliance with Commission Rules 350-81-520 through 350-81-620 that protect scenic, cultural, natural, and recreation resources.

B. Scenic Resources

1. 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 proposed project involves construction of both a new building and a parking area. The project is located in a level area adjacent to SR 14 that does not require excavation for construction, thereby retaining the existing topography. Small amounts of fill is used create a level parking surface with proper drainage. The proposed project is consistent with Commission Rule 350-81-520(1)(a).

2. 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.*

The proposed restroom building measures 15' x 7' (115 square feet). The buildings in the nearby state park compound are the only other development in the vicinity. Those buildings are in the 1000 to 2000 square feet size range. The new building would be compatible with the scale of these structures. This criterion is met.

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

*Project applicants shall be responsible for the proper maintenance and survival of any planted vegetation required by the guidelines in this chapter.*

No vegetation is required to be planted by the guidelines of this chapter.

4. Commission Rule 350-81-520(2) contains guidelines that apply to new development on sites that are topographically visible from Key Viewing Areas (KVAs).

The proposed development would be topographically visible only from the SR 14 KVA. The proposed development is subject to the scenic resources guidelines in Commission

Rule 350-81-520(2) to ensure that it would be visually subordinate to its setting as seen from KVAs.

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

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

Finding B.7 provides an analysis of the potential visual impacts of the proposed development as seen from the KVA, and Finding B.8 describes requirements necessary to ensure the development meets the visually subordinate scenic standard. Together, these findings show the proposed development would be consistent with Commission Rule 350-81-520(2)(b).

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.*

Conditions addressing siting, retention of existing vegetation, color and use of non-reflective materials will ensure visual subordination. These conditions, along with land use designations and recreation intensity class guidelines will prevent this development from creating an adverse cumulative effect. The proposed development is consistent with Commission Rule 350-81-520(1)(c).

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).*