

DIRECTOR'S DECISION

APPLICANT: Robert Hansen

LANDOWNER: Same as applicant

FILE NO.: C10-0012-K-G-11

REQUEST: To install a free-standing, solar panel array and buried electric line to serve residential energy needs.

LOCATION: The subject parcel is located south of County Road 1230 (Old Highway 8) in the NE ¼ of Section 33, Township 3N, Range 12E, Willamette Meridian, Klickitat County, Washington (Klickitat County Parcel Number 03-12-3353-0005/00).

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

DECISION:

Based upon the findings of fact in the Staff Report for Director's Decision C10-0012, the land use application by Mr. Hansen to install a free-standing solar array and associated buried electric 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 locations of the new structure 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 development shall be sited and constructed as shown on the approved site plan and elevation drawings.
3. Existing oak and pine trees shall be retained as shown on the approved site plan. An exception can be made to remove and replace hazard trees.
4. Two naturally appearing clusters of medium-sized native shrubs (approximately six feet in height) such as red osier dogwood or western spirea, shall be planted southeast and southwest of the structure as shown on the approved site plan. Landscaping shall occur prior to project completion. Shrubs that do not survive shall be replaced.

5. The applicant shall be responsible for the proper maintenance and survival of all required screening vegetation.
6. All exterior building materials shall be dark earth-tone colors. Exposed portions of the concrete block footings shall be painted a dark earth-tone color. The applicant shall submit a proposed color to the Executive Director for approval. The proposed antique bronze finish of the pole frames and the dark blue/black solar panels are approved by this decision.
7. 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 final placement of all structures and completion of all work, including planting of new vegetation.
8. 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.
9. 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 7th day of December, 2010 at White Salmon, Washington.


Jill Arens, Executive Director

EXPIRATION OF APPROVAL:

This decision of the Executive Director becomes void on the 7th day of December, 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 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 6th day of January, 2011.

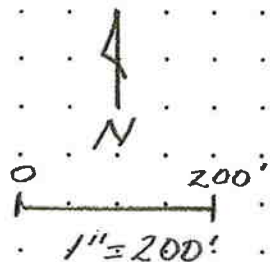
The decision of the Executive Director shall be final unless a Notice of Intent to Appeal and Petition is filed with the Commission within thirty (30) days of the date of this decision by the applicant or any person who submitted comment. Information on the appeal process may be obtained at the Commission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

AMB
DEC0012.10

Site plan (continued)



OLD HIGHWAY 8

Projected yearly production
61,935 kW-hr

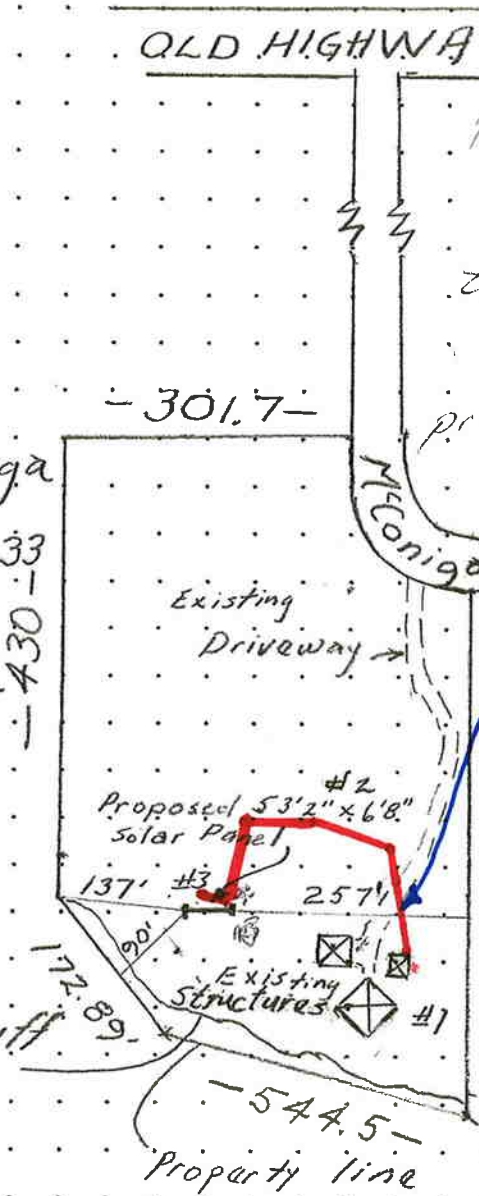
2009 actual consumption
15,130 kW-hr

producing 46% of need

#18 McConiga

T3N R12E NE 1/4 Sec 33

Lot 5, Riches Add'n
w/ Lot Line Adjustment



Proposed trench
and transmission
line. (see cross-
section below)

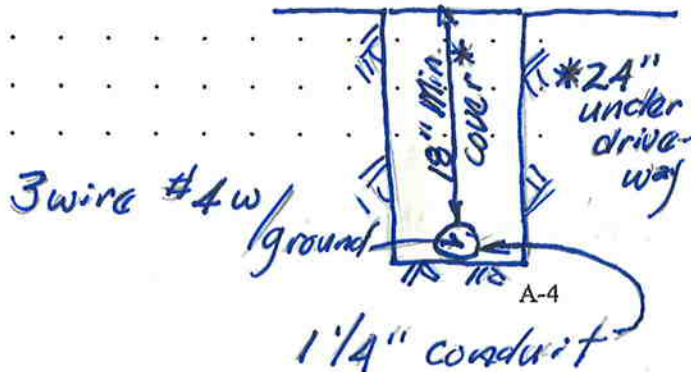
#1, #2, #3
refers to site
in project
description.

Existing structures consist of house,
garage and pump house.

Proposed trench and
transmission line cross-
section



APPROVED
JPK 12/7/2010

Each grid equals 50' x 50' at a scale of 1" = 200'.



Landscaping Plan for C10-0012

Landscaping Plan Key:

-  = Retain existing trees circled in this plan
-  = Clusters of new medium-size native shrubs (6' tall)



1" = 100'

Billette

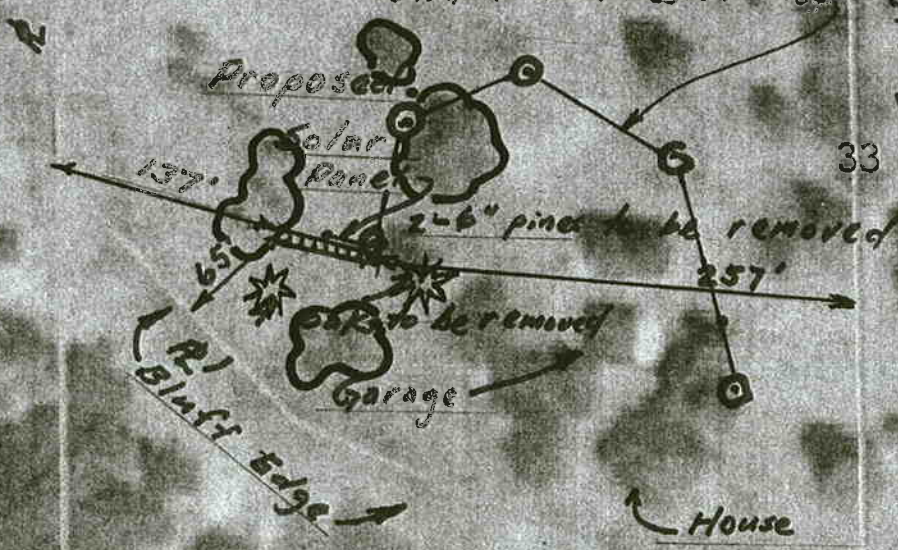
APPROVED
JMK 12/7/2016

Brogoitti

Hansen

Proposed trench
and transmission lines

Soelling

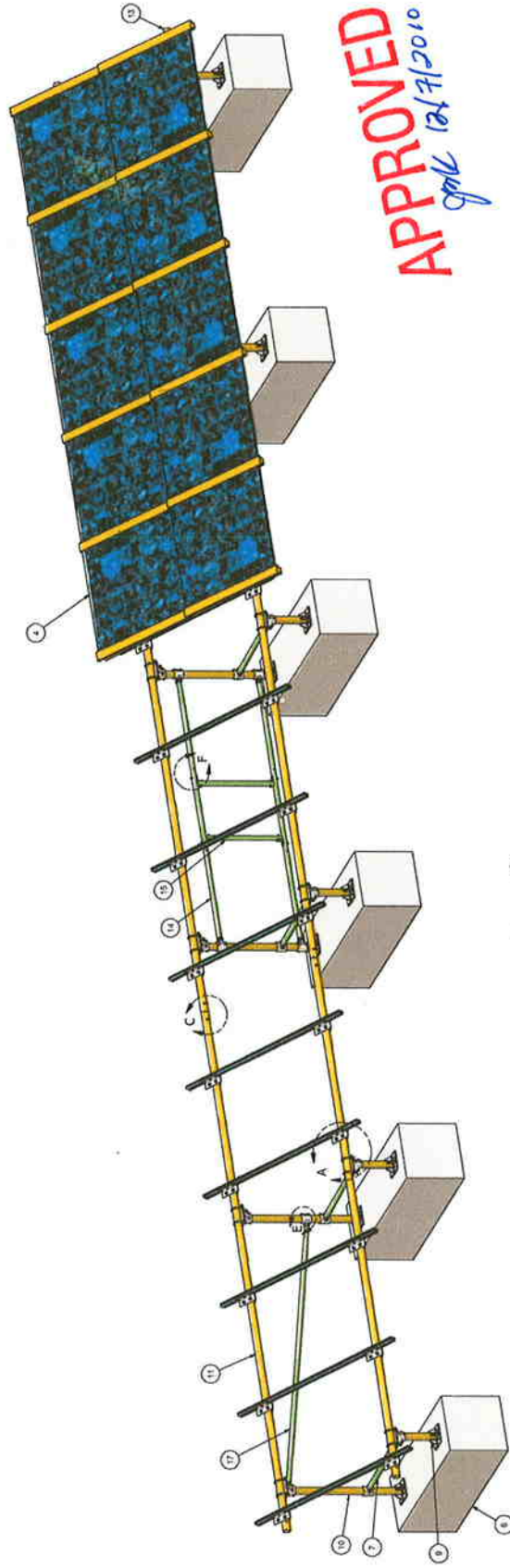


Wilkins



C10-0012-

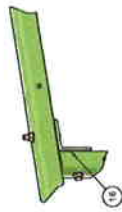
NOTES: UNLESS OTHERWISE SPECIFIED
 1. DIMENSIONS SHOWN ARE INCHES



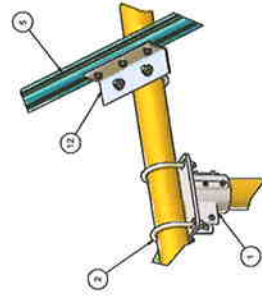
APPROVED
 12/7/2010



DETAIL E



DETAIL F



DETAIL A

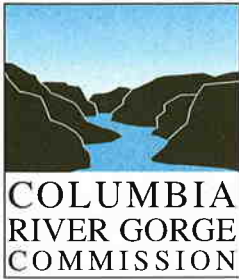


DETAIL C

ITEM PART NUMBER	DESCRIPTION	QTY
17	K10013-18 60MM X 4MM 50 TUBE BRACE KIT	2
18	K10012-006 1/2" X 1/2" ANGLE MOUNT KIT	4
19	K10013-102 1/2" X 1/2" ANGLE MOUNT KIT	4
20	K10013-102 1/2" X 1/2" ANGLE MOUNT KIT	4
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100	K10013-102 1/2" X 1/2" ANGLE MOUNT KIT	4

Summodo Corp.
 1111 HWY 140 SOUTH (400' CORNER) WY 80007
 MULTIPLE POLE SYSTEM 2X13(7MM)
 SCALE: NONE SHEET 1 OF 3

PRELIMINARY DRAWING



PO Box 730 • #1 Town & Country Square • White Salmon, Washington 98672 • 509-493-3323 • fax 509-493-2229
www.gorgecommission.org

STAFF REPORT

APPLICANT: Robert Hansen

LANDOWNER: Same as applicant

FILE NO.: C10-0012-K-G-11

REQUEST: To install a free-standing solar panel array and buried electric line to serve residential energy needs.

LOCATION: The subject parcel is located south of County Road 1230 (old Highway 8) in the NE ¼ of Section 33, Township 3N, Range 12E, Willamette Meridian, Klickitat County, Washington (Klickitat County Parcel Number 03-12-3353-0005/00).

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

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
Washington Department of Natural Resources Natural Heritage Program
Friends of the Columbia Gorge

Written comments were received from Richard Till with the Friends of the Columbia Gorge, John Gamon of the Washington Department of Natural Resources, Anne Friesz of the Washington Department of Fish and Wildlife, Marge Dryden of the USFS National Scenic Area Office, and Frank Slavens.

FINDINGS OF FACT:

A. Land Use

1. Robert Hansen has applied to install a 53'2" x 6'8" x 7' free-standing solar panel array mounted on concrete blocks and a buried electric line (approximately 300 feet in length) to connect the panels to an existing well house and residence.

2. The subject 6 acre property is in the General Management Area and is designated Residential with a 10-acre minimum parcel size. Existing development on the subject property includes a dwelling, garage, well-house and driveway. Development is clustered near the southern portion of the property, leaving the northern portion in a natural state. Existing vegetation includes ponderosa pine trees, Oregon white oaks and a mixture of grasses and other low-growing herbaceous plants. To install the panel, a cluster of four small oaks and two small ponderosa pine trees are proposed to be removed.
3. Commission Rule 350-81-370(1)(b) allows accessory structures for an existing or approved dwelling that are not otherwise allowed outright or eligible for the expedited review process. Pursuant to Commission Rule 350-81-074(1)(a)(E), accessory structures allowed outright are limited to 60 square feet and 10 feet in height. Accessory structures eligible for the expedited review process are limited to structures between 60 and 200 square feet and 10 feet in height. With an approximate size of 358 square feet, the proposed solar array structure is not allowed outright or under the expedited review process and must be reviewed through Commission Rule 350-81-370(1), subject to compliance with the guidelines for the protection of scenic, cultural, natural and recreation resources (350-81-520 through 620).
4. Commission Rule 350-81-020(2) defines "accessory structure/building". It states:

Accessory structure/building: A structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use...

The main use of the property is residential. Existing development includes a dwelling, garage and well-house. The proposed solar panel array would provide solar power to the existing residence. Mr. Hansen provided information regarding the energy used by his property in 2009 and the projected yearly production of the proposed solar array. As noted on the approved site plan, the residential property used 15,130 kilowatt hours of energy in 2009. The proposed solar array has an anticipated yearly production of 6,935 kilowatts. Based on this information, the proposed solar production does not exceed the energy consumption needs of the property and is subordinate to that of the main use on the property, consistent with Commission Rule 350-81-020(2).

5. Commission Rule 350-81-084(1) lists guidelines for Indian Tribal Treaty Rights and Consultation within the General Management Area. Commission Rule 350-81-084(1)(a) lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Indian treaty rights and provides 20 days for tribal governments to submit comments. This proposal is not located near the shoreline of the Columbia River or other streams and would not affect Indian treaty rights. Notice of the proposal was mailed to the four tribal governments with a 20 day comment period. No comments were received.
6. Commission Rule 350-81-084(c)(B) states:

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

Because the proposed use would not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to Commission Rule

350-91-084(c)(B). Cultural resource survey requirements are addressed in Section C of this decision.

Conclusion:

The proposed accessory structure is an allowed review use, subject to compliance with the guidelines in Commission Rules 350-81-520 to 350-81-590 that protect scenic, cultural, natural and recreation resources.

B. Scenic Resources

1. Commission Rule 350-81-520 lists scenic resource protection guidelines. 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. Therefore, Commission Rule 350-81-520(1)(a) does not apply.

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...

No new buildings are proposed. Therefore, Commission Rule 350-81-520(1)(b) does not apply.

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 development site is topographically visible from Tom McCall Point (the Nature Conservancy Viewpoint), the Rowena Plateau, the Historic Columbia River Highway, the Columbia River and Interstate 84. Therefore, the proposed development is subject to the guidelines for the protection of scenic resources found in Commission Rule 350-81-520(2) below.

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

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

5. 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.

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.

The development site is topographically visible from several KVAs located between 1 and 2.5 miles to the south, southeast and southwest. The proposed development has been sited and designed to be visually subordinate as seen from KVAs, with dark earth-tone colors, partial topographic screening and minimal grading. The use of existing vegetation and proposed landscaping will assist the development in blending with the surrounding landscape. Other developments similarly sized, designed and distant from KVAs would not cause adverse scenic impacts. As designed and condition by this decision, the proposed development would not generate adverse cumulative scenic impacts.

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

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

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 proposed development is located on a bluff above the Columbia River. The distance from the site to KVAs from which it is visible ranges from one to two and a half miles. According to Commission inventories, the subject property has an elevation of 560 feet above sea level (absl). Sections of Interstate 84 and the Columbia River from which the site is visible, have elevations ranging between 80 and 100 feet absl. The section of the Historic Columbia River Highway from which the site is visible, has an approximate elevation of 600 feet absl. The Rowena Plateau is 680 feet absl and Tom McCall Point is 1,720 feet absl. Due to the difference in elevation and the angle from which it will be viewed, the proposed development will be partially screened by existing topography when viewed from Interstate 84 and the Columbia River. There is no topographic screening of the proposed development when viewed from KVAs at higher elevations. Existing vegetation includes mixed clusters of oak trees and pine trees on all sides except the southeast and southwest. Vegetation to the south provides some screening of the site from KVAs while other surrounding vegetation to the north, west and east break up the straight lines of the structure by providing a background that allows the structure to blend with its surrounding landscape. Linear KVAs include the

Columbia River, Interstate 84 and the Historic Columbia River Highway. The proposed development would be visible in the middle ground, intermittently, to travelers on these KVAs for a distance of approximately one and a half to two miles. The visual impact of the proposed development is mitigated by the distance to KVAs, structure size, existing vegetation, dark earth-tone colors and partial topographic screening.

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

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.*

The proposed development site was selected to utilize partial topographic screening and minimize impacts to existing vegetation. New landscaping will be required by this decision to screen the structure from KVAs to the southeast and southwest. The proposed siting, along with conditions of approval to retain vegetation, and utilize dark earth-tone colors, ensure that the proposed development will be visually subordinate, consistent with Commission Rule 350-81-520(2)(d).

10. Commission Rule 350-81-520(2)(e) and 2(f) state:

- (e) 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.*
- (f) New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.*

Several sites were considered for the proposed development. Locations to the north of the dwelling would have required extensive vegetation removal, including trees screening the dwelling from KVAs, to allow for adequate solar energy collection. Other sites located east of the dwelling are close to the bluff line with no topographic screening and without room for new screening vegetation. The site selected utilizes partial topographic screening from KVAs that are lower in elevation, while minimizing impacts to existing vegetation. The site also enables the solar array to capture sufficient quantities of sunlight while utilizing vegetation to blend with its surrounding landscape. As proposed, the development has been sited to achieve visual subordination as seen from KVAs, consistent with Commission Rule 350-81-520(2)(e) and (2)(f).

12. 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.21 through B.24.

13. 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

No new buildings are proposed. Therefore, Commission Rule 350-81-520(2)(h) does not apply.

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

The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

- (A) *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.*
- (B) *If new landscaping is required to make a proposed development visually subordinate from key viewing areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction.*
- (C) *Unless as specified otherwise by provisions in 350-81-520, landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.*
- (D) *The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in 350-81-520(3), and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).*

As previously discussed, several locations were considered for the proposed development. The final proposed site, as shown on the approved site plan, offers partial topographic screening and utilizes existing vegetation to assist in achieving visual subordination from KVAs. New landscaping will be required through a condition of approval to screen the proposed development as viewed from KVAs higher in elevation. Required vegetation will consist of medium-sized shrub species recommended by *The Scenic Resources Implementation Handbook* consistent with the landscape setting guidelines described below. A condition will require the screening shrubs to be planted prior to project completion and alert the applicant of his responsibility to maintain the required shrubs and replace those that do not survive. As conditioned, the proposed development is consistent with Commission Rule 350-81-520(2)(j).

15. 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 solar array will use a “dark bronze” pole frame that will blend with the colors of the nearby basalt cliffs. The panels (silicone energy modules) will be a dark blue and black color that will blend with the shadows of existing vegetation to the north. A condition of approval will be included to require the concrete block footings to be painted a dark earth-tone color. As proposed, the development will consist of dark earth-tone colors found in the surrounding landscape, consistent with Commission Rule 350-81-520(2)(l).

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

The exterior of buildings on lands seen from key viewing areas shall be composed of nonreflective materials or materials with low reflectivity...

No new buildings are proposed. Therefore, Commission Rule 350-81-520(2)(m) does not apply.

17. 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.

No exterior lighting is proposed at this time. Therefore, Commission Rule 350-81-520(2)(p) does not apply.

18. 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.

No new buildings are proposed. Therefore, Commission Rule 350-81-520(2)(y) does not apply.

19. 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 new driveways or buildings are proposed. Therefore, Commission Rule 350-81-520(2)(z) does not apply.

20. 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.

Footings for the proposed structure require only minimal grading to the site. The associated cable needed to convey the collected energy will be placed in a conduit and buried 18 inches underground (24 inches as it crosses underneath the gravel driveway). The trench will be approximately four inches wide and approximately 300 feet in length. Because less than 200 cubic yards of grading is proposed, a grading plan is not required, consistent with this guideline.

21. The Landscape Settings map in the Management Plan classifies the subject parcel as Rural Residential/Pastoral. Commission Rule 350-81-520(3)(f) contains guidelines for new development in this landscape setting. It states:

(A) *New development in this setting shall meet the design guidelines described for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral, Coniferous Woodland or Oak-Pine Woodland), unless it can be demonstrated that compliance with the guidelines for the more rural setting is impracticable. Expansion of existing development shall comply with this guideline to the maximum extent practicable.*

(B) *In the event of a possible conflict between the two sets of guidelines, the guidelines for the more rural setting (Coniferous Woodland, Oak-Pine Woodland or Pastoral) shall apply, unless it can be demonstrated that application of such guidelines would not be practicable...*

Consistency with the Rural Residential and Pastoral landscape setting guidelines are discussed below. Findings B.23 and B.24 below discuss how the proposed development is consistent with both applicable landscape setting guidelines and therefore, consistent with Commission Rule 350-81-520(3)(f).

22. Commission Rule 350-81-520(3)(a) contains landscape setting guidelines for properties designated Pastoral. It 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.*

The proposed site is clustered near the existing dwelling, garage and well-house near the southern property line.

- (B) *In portions of this setting visible from key viewing areas, the following guidelines shall be employed to achieve visual subordination for new development and expansion of existing development:*
 - (i) *Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.*
 - (ii) *Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.*
 - (iii) *At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas-fir, Lombardy poplar (usually in rows), Oregon white oak, big leaf maple, and black locust (primarily in the eastern Gorge).*
 - (iv) *At least one-quarter of any trees planted for screening shall be coniferous for winter screening.*

As proposed, it will be necessary to remove four small oak trees and two small pine trees for site development. A condition of approval will be included in this decision to retain other existing trees that help the development blend with the landscape. The panels will have a final height of seven feet. In order to retain the open character of the existing landscape, and to ensure that the panels will retain sun exposure, clusters of medium sized shrubs (approximately six feet in height) will be required in natural appearing clusters to screen the structure from KVAs to the southeast and southwest. A condition of approval will require two clusters of shrubs native to the setting, such as red osier dogwood and western spirea, to be planted south of the proposed structure (as shown on the approved site plan). In sum, the proposed development, as conditioned, is consistent with the landscape setting guidelines for lands designated Pastoral.

- 23. Commission Rule 350-81-520(3)(e) contains landscape setting guidelines for properties designated Rural Residential. It states:

- (A) *Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.*
- (B) *In portions of this setting visible from key viewing areas, and not exempt from visual subordination guidelines (see 350-81-520(3)(k)), the following guidelines shall be employed to achieve visual subordination for new development and expansion of existing development:*
 - (i) *Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.*

- (ii) *At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.*
- (iii) *At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.*

As previously described above, six small trees will be removed for site development. Conditions included in this decision require the retention of existing screening vegetation and the addition of two naturally appearing clusters of shrubs native to the setting south the development. The additional shrub clusters will reach the necessary height to provide screening of the seven foot tall structure without compromising exposure of the solar array to the sun. In sum, the proposed development is consistent with the landscape setting guidelines for lands designated Rural Residential.

- 24. Commission Rule 350-81-520(3)(f)(C) contains guidelines for recreation uses on lands designated Rural Residential/Pastoral. Because no new recreation uses are proposed at this time, Commission Rule 350-81-520(3)(f)(C) is not applicable.

Conclusion:

With conditions of approval for color, siting, retention of existing screening vegetation and some new landscaping, the proposed development is consistent with applicable scenic resource protection guidelines in Commission Rule 350-81-520.

C. Cultural Resources

- 1. Commission Rule 350-81-540(1) lists cultural resource protection guidelines. 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.
- 2. Commission Rule 350-81-540(1)(c)(ii)(V) exempts reconnaissance survey requirements for proposed uses that would occur on sites that have been adequately surveyed in the past.
- 3. In her October 21, 2010 Cultural Resource Survey Determination Report, US Forest Service Heritage Program Manager Marge Dryden determined that a reconnaissance survey was not required because the use would occur on a site that has been adequately surveyed in the past and does not occur within 500 feet of a known archaeological site. Ms. Dryden also determined that historic survey was not required because the existing development on the property is less than 50 years old and is not historic.
- 4. 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 such comments were received.
- 5. 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.

As explained above, the proposed use does not require a reconnaissance survey or historic survey, no known cultural resources exist in the project area and no concerns were expressed by interested persons. Pursuant to Commission Rule 350-81-540(2)(c)(B)(i), the cultural resource protection process may conclude.

7. 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.
8. 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 350-81-540 that protect cultural resources from adverse effects.

D. Natural Resources

1. Commission Rules 350-81-560 through 590 contain natural resource protection guidelines. 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. Gorge Commission inventories do not identify any wetlands, streams, ponds, lakes, or riparian areas within 1,000 feet of the development sites. A site visit by a Gorge Commission Planner and Forest Service Hydrologist confirmed this information. Commission Rules 350-81-560 and 570 are not applicable.
3. Commission Rule 350-81-580 contains guidelines to protect sensitive wildlife areas and sites. According to Commission inventories, the proposed development is located within the vicinity of western gray squirrel sites, identified as a sensitive wildlife species by Commission Rule 350-81-580(1)(a)(B)(i) that protects species listed as endangered or threatened pursuant to state or federal endangered species acts.
4. Commission Rule 350-81-580(3) states that review uses may be allowed within 1,000 feet of a sensitive wildlife area or site, when approved pursuant to Commission Rule 350-81-580(4) and reviewed under the applicable provisions of 350-81-520 through 620.
5. Commission Rule 350-81-580(4)(a) states that uses proposed within 1,000 feet of a sensitive wildlife area or site shall be reviewed as follows:

Site plans shall be submitted to the Oregon Department of Fish and Wildlife or the Washington Department of Fish and Wildlife by the Development Review Officer. State wildlife biologists will review the site plan and their field survey records and:

- (A) *Identify/verify the precise 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 during the time of the year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons. In some instances, state wildlife biologists may conduct field surveys to verify the wildlife inventory and assess the potential effects of a proposed use.*

Commission staff provided application information to the Washington Department of Fish and Wildlife (WDFW). Assistant Regional Habitat Manager Anne Friesz responded via email, stating that WDFW did not have any concerns regarding the proposed project.

- 6. Commission Rule 350-81-580(4)(c)(B) states that the wildlife protection process may terminate if the Executive Director, in consultation with the state wildlife agency determines that the proposed use would not compromise the integrity of the wildlife area or site or occur during the time of year when wildlife species are sensitive to disturbance.

As previously described above, staff consulted with the state wildlife agency and determined that the proposed use would not compromise the integrity of the wildlife area or site, consistent with this rule.

- 7. Commission Rule 350-81-590 contains guidelines to protect sensitive plants. According to Gorge Commission inventories, the proposed development would occur within 1,000 feet of sensitive plants. Therefore, Commission Rule 350-81-590 applies the proposed development.
- 8. Commission Rule 350-81-590(3) states that review uses may be allowed within 1,000 feet of a sensitive plant, when approved pursuant to Commission Rule 350-81-590(4) and reviewed under the applicable provisions of 350-81-520 through 620.
- 9. Commission Rule 350-81-590(4)(a) states:

Site plans shall be submitted to the Oregon or Washington Natural Heritage Program by the Executive Director. The Natural Heritage Program staff will review the site plan and their field survey records. They will identify the precise location of the affected plants and delineate a 200-foot buffer zone on the project applicant's site plan.

If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.

Commission staff provided application information to the Washington Natural Heritage Program. No concerns were expressed regarding the proposed development or any potential impacts on nearby sensitive plant species.

10. Commission Rule 350-81-590(4)(b) states that the rare plant protection process may conclude if the Executive Director, in consultation with the Natural Heritage Program staff, determines that the proposed use would be located outside of a sensitive plant buffer zone.

Commission staff consulted with Natural Heritage Program staff and confirmed that the proposed development would not occur within 200 feet of any known sensitive plant site. Given this information, the rare plant protection process may conclude pursuant to Commission Rule 350-81-590(4)(b).

Conclusion:

The proposed development is consistent with the applicable guidelines in Commission Rule 350-81-560 through 350-81-590 that protect natural resources from adverse effects.

E. Recreation Resources

1. 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. Commission Rule 350-81-086 is not applicable.

Conclusion:

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

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 Natural Resources Natural Heritage Program
Frank Slavens

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