

**DIRECTOR'S DECISION  
EXPEDITED REVIEW**

**APPLICANT:** Brian Hayden

**LANDOWNER:** Brian and Rhonda Griffin

**FILE NO.:** C13-0010

**REQUEST:** The application requests to remove a covered porch from an existing single-family dwelling and replace it with a new detached 16'L x 8'W x 9'H covered pergola with a stone patio, in the same location.

**LOCATION:** The subject parcel is located at 27 Monagon Howard Road, east of Lyle-Snowden Road, approximately 2 miles northwest of Lyle, in the NE 1/4 of Section 28, Township 3 North, Range 12 East, W.M., Klickitat County, Washington (Klickitat County parcel number 03122854000200).

**LAND USE**

**DESIGNATION:** The 9.84-acre parcel is located in the General Management Area and is designated Small-Scale Agriculture.

**DECISION:**

Based upon the findings of fact in the Staff Report for Director's Decision C12-0010, the land use application by Brian Hayden to remove a covered porch from an existing single-family dwelling and replace it with a new detached covered pergola with stone patio, in the same location, is consistent with the purposes of the Columbia River Gorge National Scenic Area Act (Act) and the standards in Section 6 of the Act, 16 U.S.C. §§ 544(a), 544(d), the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and Commission Rule 350-81, and is hereby **approved with conditions**.

**CONDITIONS OF APPROVAL:**

The following conditions of approval are necessary to ensure that the request is consistent with the Act, the Management Plan, and Commission Rule 350-81. **The applicant must record this decision document, including conditions of approval, in Klickitat County deeds and records to ensure notice to successors in interest (Management Plan, Review Uses Guideline 1, pg. II-7-58).**

1. Locations for the new structure 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. **Prior to the Commission conducting this inspection, the applicant shall provide the Commission a copy of the recorded Director's Decision document.** Grading and excavation may begin only after Commission inspection and approval of staking.

2. Pursuant to Commission Rule 350-81-050(1)(b), which specifies developments allowed under the expedited review process, the height of the addition shall not exceed the height of the existing dwelling.
3. Pursuant to Commission Rule 350-81-052(1)(a)(D), which specifies requirements for outdoor lights, any outdoor lights included as part of this addition shall be directed downward and sited, hooded and shielded such that they are not highly visible from key viewing areas.
4. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall immediately cease and the applicants shall notify the Gorge Commission within 24 hours of discovery. The cultural resources shall remain as they were discovered; further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
5. If human remains are discovered during construction activities, all activities shall cease immediately 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.
6. **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.

DATED AND SIGNED, for the Executive Director, this 18th day of September, 2014 at White Salmon, Washington.



Angie Brewer, AICP  
Senior Regional Planner

**EXPIRATION OF APPROVAL:**

***This decision of the Executive Director becomes void on the 18th day of September, 2016.***

Commission Rule 350-81-044(6) allows the Executive Director discretion to grant an extension of the validity of a development approval. A request shall be submitted in writing prior to the expiration of the approval. The Executive Director may grant an extension if he determines that conditions for which the applicant was not responsible 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 indicate 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 on the 18th day of October, 2014.***

The decision of the Executive Director is final unless the applicant or any other person who submitted comment files a Notice of Intent to Appeal and Petition with the Commission within thirty (30) days of the date of this decision. Information on the appeal process is available at the Commission office.

**LIMITS OF DECISION:**

Any new land uses or structural development such as driveways, parking areas, 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.

This decision does not address local, state, or federal requirements that may be applicable to the proposed development. The landowner is responsible for obtaining all applicable county, state, or federal permits required for the development.

**COPIES OF THIS DECISION SENT TO:**

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  
Klickitat County Public Works  
Washington Department of Fish and Wildlife  
Friends of the Columbia Gorge

AMB  
DEC0010.13

## Site Plan for C13-0010

Applicant: Brian Hayden

Landowners: Brian and Ronda Griffin

### Notes:

Site plan shows the garage recently Approved In Directors' Decision C12-0008. At the time of this application, construction has started but has not yet finished.

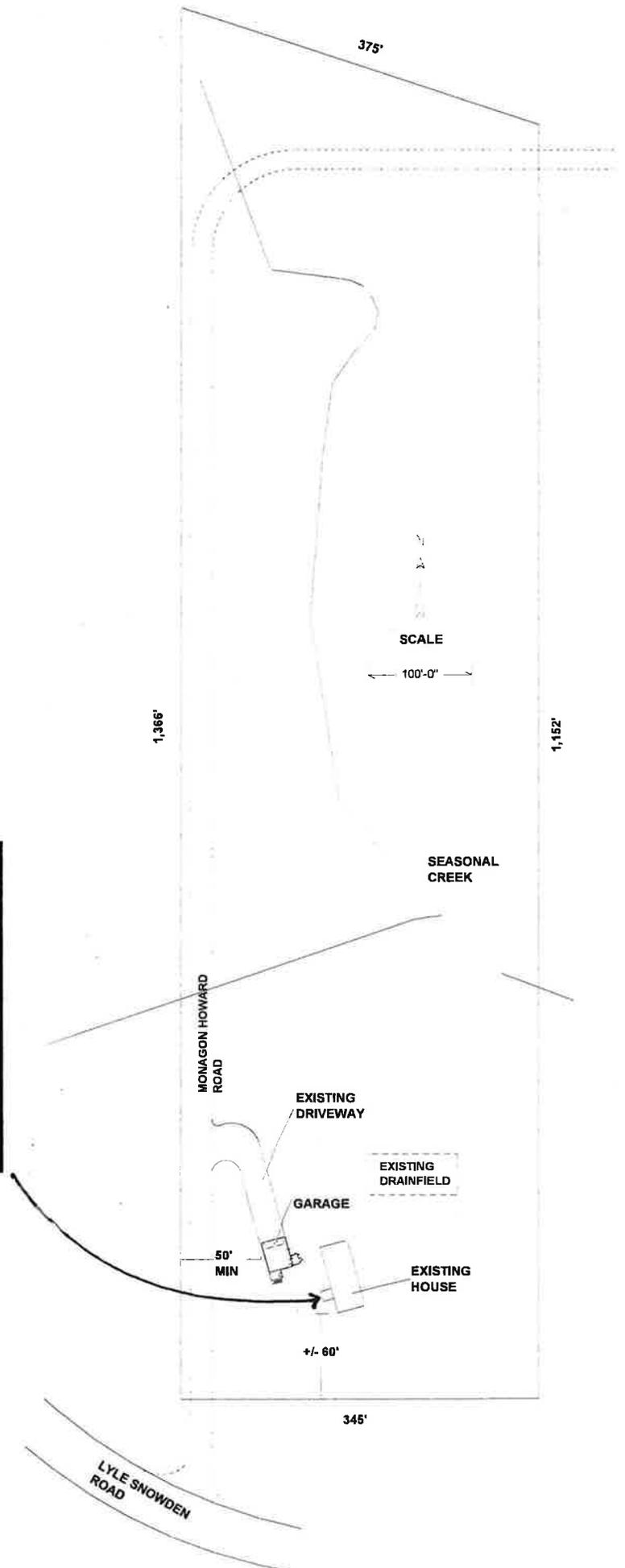
The proposed stone patio and pergola will be constructed in the same location as the existing covered porch, marked with an asterisk below (\*)

No vegetation removal will be necessary.  
No significant grading will occur.  
No ground disturbance will occur within The buffer or near the buffer of the stream.  
The development will not be visible from KVAs.

### (\*) Please see supplemental drawings

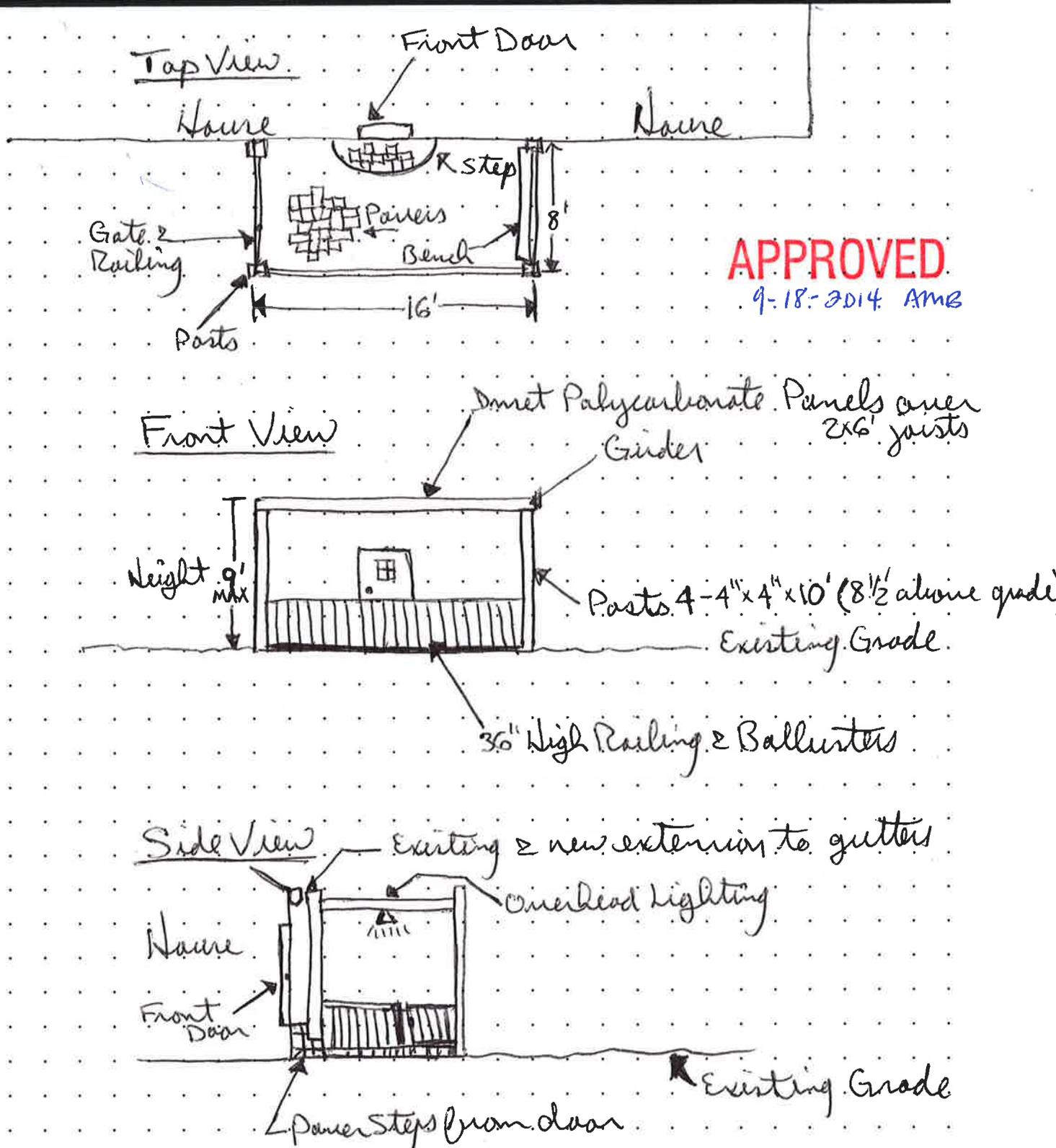
The patio will be constructed with stone pavers, and will be covered by a wooden pergola. Translucent plastic panels will be mounted on top of the pergola to block rain fall. The patio will be enclosed by a railing and built-in bench feature. Overhead lighting will be mounted from the ceiling of the pergola.

**APPROVED**  
9-18-2014 AMB

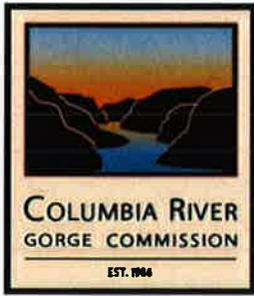


# Elevation Drawings

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



Each grid equals 2' x 2' at a scale of 1" = 8'.



**STAFF REPORT  
EXPEDITED REVIEW**

**APPLICANT:** Brian Hayden

**LANDOWNER:** Brian and Rhonda Griffin

**FILE NO.:** C13-0010

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**LOCATION:** The subject parcel is located at 27 Monagon Howard Road, east of Lyle-Snowden Road, approximately 2 miles northwest of Lyle, in the NE 1/4 of Section 28, Township 3 North, Range 12 East, W.M., Klickitat County, Washington (Klickitat County parcel number 03122854000200).

**LAND USE DESIGNATION:** The 9.84-acre parcel is located in the General Management Area. It is designated Small-Scale Agriculture.

**COMMENTS FROM OTHER INDIVIDUALS/AGENCIES/GOVERNMENTS:**

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

Confederated Tribes and Bands of the Yakama Nation  
Confederated Tribes of the Umatilla Indian Reservation  
Confederated Tribes of Warm Springs Reservation of Oregon  
Nez Perce Tribe  
U.S. Forest Service National Scenic Area Office  
Washington Department of Archaeology and Historic Preservation  
Klickitat County Planning Department  
Klickitat County Building Department  
Klickitat County Health Department  
Klickitat County Assessor  
Friends of the Columbia Gorge

Written comments were received from Marge Dryden, U.S. Forest Service National Scenic Area Office; and Richard Till, Friends of the Columbia Gorge.

## FINDINGS OF FACT:

### A. Land Use

1. The subject parcel is rectangular in shape and contains 9.84 acres. The parcel contains a mixture of mature oak woodlands, scattered pine trees and open grasslands. Topography varies, with significant slopes along the western and northern property lines that range from 20% to 45% or more.
2. The parcel contains existing development, including a single-story dwelling and a detached accessory building located near the southern property line (see Director's Decision C12-0008). The home site is accessed by a short driveway off of Monagon-Howard Road just east of Lyle-Snowden Road. The current proposal is to remove an existing attached 12'L x 8'W covered porch from the dwelling and replace it with a detached 16'L x 8'W x 9'H covered pergola with Douglas fir timber for the supports, clear polycarbonate panels across the ceiling joists as a rain barrier, and standard railing and balusters around the perimeter. Concrete pavers will be used for the stone patio surface.
3. Pursuant to Commission Rule 350-81-020, the Definitions chapter of the Gorge Commission's Land Use Ordinance, the proposed detached covered pergola with stone patio meets the definition of an accessory building. Commission Rules 350-81-020(2) and (20) define "accessory structure/building" and "building" as the following:
  - (2) **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 term "detached" means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.*
  - ...
  - (20) **Building:** *Any structure used or intended for supporting or sheltering any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings.*
4. The Land Use Designation map in the *Management Plan for the Columbia River Gorge National Scenic Area* designates the subject parcel Small-Scale Agriculture in the General Management Area (GMA).
5. Commission Rule 350-81-182(1) allows uses listed in "Expedited Development Review Process" (Commission Rule 350-81-050) on lands designated Small-Scale Agriculture in the GMA with review for resource impacts through the expedited review resource protection guidelines and expedited review procedural process (Commission Rules 350-81-052 and 054).
6. Commission Rule 350-81-050(1)(a) allows small accessory buildings to be reviewed through the expedited review process, provided they comply with the expedited review resource protection and procedural process guidelines in Commission Rule 350-81-052. It states:

*Except in Open Space and Agriculture-Special, accessory structures between 60 and 200 square feet in area and 10 feet or less in height. Only one accessory building per parcel may be allowed under this guideline, regardless of whether the parcel already includes an accessory building(s). Additional accessory*

*buildings shall be subject to full review. This category does not include signs, decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.*

The proposed development is a detached 16'L x 8'W x 9'H covered pergola and stone patio with a final footprint of 128 square feet. The new structure will replace an existing attached 12' x 8'W attached covered porch. Although the new development will be located in the same location, it will not be attached to the dwelling. The property contains an existing accessory building through the full review process specified in Commission Rule 350-81-190 (see Director's Decision C12-0008). No other existing accessory buildings exist on the subject parcel and no other building have previously been approved or constructed under this provision. As proposed, the accessory building is consistent with Commission Rule 350-81-050(1)(a) and is therefore an allowed review use subject to compliance with the scenic, cultural, natural, and recreation resources and treaty rights protection guidelines of Commission Rule 350-81-052.

7. Commission Rule 350-81-050(1)(m) allows for the removal and demolition of structures that are less than 50 years old, provided they comply with the expedited review use resource protection and procedural guidelines in Commission Rule 350-81-052. It states:

*Removal/demolition of structures that are less than 50 years old, including wells, septic tanks and fuel tanks.*

According to data from the Klickitat County Assessor's office, the existing home, including the attached covered porch, is less than 50 years old. Therefore, the removal of the existing porch is allowed subject to compliance with the scenic, cultural, natural, recreation resources, and treaty rights protection guidelines of Commission Rule 350-81-052.

Conclusion:

As proposed, the removal of an attached covered porch and construction of a detached covered pergola with stone patio, are allowed review uses subject to compliance with the guidelines in Commission Rule 350-81-052 that protect scenic, cultural, natural and recreation resources and treaty rights from adverse effects.

B. Scenic Resources

1. Commission Rule 350-81-052(1)(a) contains scenic resource protection guidelines for uses eligible for the expedited review process.
2. Commission Rule 350-81-052(1)(a)(A) states:

*In the General Management Area, the scenic resources protection guideline shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.*

The proposal does not include any fences. This rule does not apply.

3. Commission Rule 350-81-052(1)(a)(B) states:

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

While visiting the property for Development Review C12-0008, Commission staff confirmed that the proposed development site is sited in a location that is not topographically visible from any designated key viewing areas. Given this information, Commission Rule 350-81-052(1)(a)(B) does not apply.

4. Commission Rule 350-81-052(1)(a)(C) states:

*Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.*

As previously described, the proposed development will be topographically screened from all designated key viewing areas. Given this information, Commission Rule 350-81-052(1)(a)(C) does not apply.

5. Commission Rule 350-81-052(1)(a)(D) states:

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

As proposed, an overhead light fixture will be installed from a ceiling joist of the pergola. Elevation drawings provided by the applicant show the light fixture as directed downward, hooded, and shielded to focus light down towards the ground. The building site is not topographically visible from any designated key viewing areas, but light cast upward from the site may be. Therefore, a condition of approval will be included in the Director's Decision document to ensure this guideline is implemented and light does not shine up or out in such a way that it might impact views from key viewing areas. As proposed and conditioned, the outdoor light fixture is consistent with Commission Rule 350-81-052(1)(a)(D).

6. Commission Rule 350-81-052(1)(a)(E) states:

*Signs shall comply with 350-81-112.*

This rule does not apply because the proposal does not include any signs.

7. Commission Rule 350-81-052(1)(a)(F) states:

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

The proposed development is located more than one-half mile from designated key viewing areas. Intervening topography completely screens the proposed development from designated key viewing areas from all distances. Given this information, Commission Rule 350-81-052(1)(a)(F) does not apply.

Conclusion:

With a condition of approval for outdoor lighting, the removal of an attached covered porch and construction of a detached covered pergola with stone patio are consistent with the guidelines in Commission Rule 350-81-052 that protect scenic resources from adverse effects.

C. Cultural Resources

1. Commission Rule 350-81-052(1)(b)(A) includes cultural resource protection provisions for uses eligible for the expedited review process. The rule provides:

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

On August 28, 2013, Marge Dryden, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area, confirmed in an email to Commission staff that a cultural resources survey for the site was completed for Director's Decision C12-0008.

The proposed development does not require a reconnaissance survey or historic survey pursuant to Commission Rules 350-81-540(1)(c)(A)–(B) because the proposal (1) involves the modification of an existing building, (2) occurs on a site that has been disturbed by human activities, (3) has been adequately surveyed in the past, (4) does not occur within 500 feet of a known archaeological site, (5) does not alter the exterior architectural appearance of any significant buildings or structures that are 50 years old or older, and (6) would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older.

Given this information, proposed development is consistent with Commission Rule 350-81-052(1)(b)(A) and therefore eligible for the expedited development review process.

2. Commission Rule 350-81-052(1)(b)(B) requires the GMA guidelines that protect cultural resources and human remains discovered during construction [350-81-540(6) and (7)] shall be applied as conditions of approval for all development approved under the expedited review development review process. A condition of approval will be included in the Director's Decision document to ensure compliance with this requirement.

Conclusion:

With conditions of approval requiring the cessation of work and notification of the Commission if cultural resources or human remains are discovered during construction, the proposed development is consistent with the guidelines in Commission Rule 350-81-052(1)(b) that protect cultural resources from adverse effects.

D. Natural Resources

1. Commission Rule 350-81-052(1)(d) lists natural resource protection guidelines for expedited review uses, and includes provisions for wetlands, streams, rivers, ponds, and lakes, and sensitive wildlife and plants.
2. Commission Rule 350-81-052(1)(d)(A)(i) requires new development be located outside buffer zones for wetlands, streams, rivers, ponds, and lakes, except for lot line adjustments or

development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

There are no wetlands, wetland buffer zones, lakes or ponds on the subject parcel and the proposed development is not located within the buffer of any known buffer zones on adjacent parcels. An intermittent stream not used by anadromous or resident fish is located on the parcel, north of the development site. Commission Rule 350-81-570(7)(a)(B) requires a 50-foot buffer zone on each side of intermittent streams. The proposed development will be more than 50 feet from the ordinary high water mark of the stream, consistent with Commission Rule 350-81-570.

3. Commission Rule 350-81-052(1)(d)(B)(i) contains expedited review guidelines to protect sensitive wildlife and sensitive plants. It requires eligible development to meet one of the following circumstances:

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

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

(III) *For sensitive wildlife, the development is within 1,000 feet of known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey habitat), but an appropriate federal or state wildlife agency determines (1) the sensitive wildlife area or site is not active or (2) the proposed development would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.*

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

The proposed development will occur in the same location as the existing covered porch – an area that has been previously disturbed and regularly maintained. The Gorge Commission's sensitive wildlife inventory shows the development is located within deer and elk winter range, a sensitive wildlife area listed in Commission Rule 350-81-580(1)(a)(A); no other sensitive wildlife areas exist within 1,000 feet of the development site. The proposed development is consistent with Criteria (I), (II), and (III) listed above and therefore consistent with Commission Rules 350-81-052(1)(d)(B)(i). For additional analysis and coordination with the Washington Department of Fish and Wildlife regarding deer and elk winter range habitat on this property, please see Director's Decision C12-0008.

The Gorge Commission's sensitive plant inventory does not show any sensitive plant sites within 1,000 feet of the proposed development.

As proposed, the development is consistent with the natural resource protection measures in Commission Rule 350-81-052(1)(d)(B)(i)(I) and (III).

4. Commission Rule 350-81-052(1)(d)(B)(ii), provides an exemption from field survey requirements for development that are eligible for the expedited review process. As previously discussed above, the development is located within deer and elk winter range but no other sensitive wildlife or plant species, and therefore does not require any additional analysis or review to be consistent with the natural resource protection provisions of Commission Rule 350-81-052.

**Conclusion:**

As proposed, the removal of an existing attached covered porch and construction of a detached covered development is consistent with the natural resource protection guidelines in Commission Rules 350-81-052(1)(d) for uses eligible for expedited review.

**E. Recreation Resources**

1. Commission Rule 350-81-052(1)(c)(A) requires new development approved under the expedited review process to not detract from the use and enjoyment of recreation sites on adjacent parcels.

No established recreation sites exist on adjacent properties. Given this information, no impacts to established recreation sites are anticipated, consistent with Commission Rule 350-81-052(1)(c)(A).

**Conclusion:**

As proposed, the removal of an existing attached covered porch and construction of a detached covered development is consistent with the natural resource protection guidelines in Commission Rules 350-81-052(1)(c)(A) that protect recreation resources from adverse effects.

**F. Treaty Rights Protection**

1. Commission Rule 350-81-052(2) requires developments reviewed using the expedited review process to comply with the following treaty rights protection guidelines:
  - (a) *Proposed developments shall not affect or modify any treaty or other rights of any Indian tribe.*
  - (b) *The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.*
  - (c) *Except as provided in 2.b above, the GMA and SMA treaty rights and consultation goals, policies and guidelines in Chapter 3, Section IV of the Management Plan shall not apply to proposed developments reviewed under the expedited review process.*

The subject property does not provide access to the Columbia River or its fish bearing tributaries and no known cultural resources exist within 500 feet of the development site. Notice of the proposed development was provided to the four treaty tribes of the Columbia River Gorge National Scenic Area. No substantive comments identifying treaty rights or concerns were received from Indian tribes during the comment period. The proposed development will not affect or modify any treaty or other right of any Indian tribe. Given this information, the proposed development is consistent with Commission Rule 350-81-052(2).

**Conclusion:**

The proposed development is consistent with the treaty rights protection guidelines for expedited review uses in Commission Rule 350-81-052(2).

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