

## DIRECTOR'S DECISION

- APPLICANT:** Doug Warman, Warman Architecture LLC
- LANDOWNER:** Rolin and Lauree Vance
- FILE NO.:** C14-0001
- REQUEST:<sup>1</sup>**
- 1) Construct a 225 square-foot addition to the dwelling that connects the dwelling to the garage, plus a 75 square-foot covered back porch, plus a 30 square-foot covered side entry;
  - 2) Construct a new entry porch and covered porch, the entry alcove will be 36 square feet with a covered area totaling 200 square feet; and
  - 3) Construct a 1344 square-foot addition to an existing 2880 square-foot barn/storage building.
- LOCATION:** The subject parcel is located at 40 Sunset Drive, Lyle, Washington, in the NE 1/4 of Section 33, Township 3 North, Range 12 East, W.M., Klickitat County, Washington. The parcel is Lot 2 of Klickitat County Short Plat No. 82-21 (Klickitat County Assessor's ID No. 03123351000200).
- LAND USE DESIGNATION:** The subject parcel is 16.05 acres in size, located in the General Management Area, and designated Residential and Small-Scale Agriculture.

### DECISION:

Based upon the findings of fact in the Staff Report for Director's Decision C14-0001 the land use application by Doug Warman, Warman, Architecture, LLC, representing Rolin and Lauree Vance, for the request as stated above and as required to be modified as specified in the conditions of approval below, is 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 Commission Rule 350-81, and is hereby **approved subject to the following conditions of approval.**

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<sup>1</sup> The applicant's site plan (sheet S1, revised Feb. 2, 2015), main floor plan (sheet 2, dated, Dec. 18, 2013), and written description (submitted Feb. 4, 2015) show some conflicting square foot sizes for specific elements of the request. The applicant clarified the sizes in an email to the Commission staff. This statement of the applicant's request uses the clarified sizes.

## CONDITIONS OF APPROVAL:

The following conditions of approval are required to ensure that the proposal 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. Compliance with them is required. **This decision must be recorded in county deeds and records to ensure notice of the conditions to all successors in interest** (Management Plan, Review Uses Guideline 1, pg. II-96).

1. To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report for C14-0001, and approved site plan, shall be recorded in county deeds and records at the Klickitat County Assessor's Office. Once recorded, the applicants shall submit a copy of the recorded documents to the Executive Director.
2. This decision does not exempt the proposal from other non-Scenic Area rules and regulations. It is the applicants' responsibility to ensure the use complies with all other applicable federal, state, and county laws.
3. The applicants shall submit a revised plan set and written project description that describes and shows the final location and revised elevation drawings for the new agricultural building, consistent sizes for the additions to the dwelling and garage, and the location of the unpermitted 192-square foot building and mark the building for removal. The applicant shall submit this material electronically in addition to a paper set. The paper set may be 8 ½ x 11 in size. The Commission will issue an approved plan set and description from this revised submittal. The final development shall be constructed as described in the staff report and as shown on the approved project description, site plan and elevation drawings, and as described in the staff report. Any changes must be reviewed and approved by the Executive Director before the changes are implemented.
4. This approval does not approve planting any row crops (corn, etc.) or orchard trees. These agricultural uses constitute new cultivation pursuant to Commission Rule 350-81-370(1)(g), which must be reviewed and approved in advance of the applicants beginning these uses.
5. The proposed addition to the existing storage/shop building is not approved as proposed. The applicants shall construct the agricultural building as a separate stand-alone building that shall meet the following requirements:
  - a. The building shall be the same north, south, east, and west dimensions (24' x 56') as the proposed addition, and in the same location as the proposed addition, except that the building may be moved north the minimum setback distance that Klickitat County Building Codes allow.
  - b. The finished grade for the building shall be two feet below the finished grade of the existing storage/shed building.
  - c. The building shall use a gable roof (with the ridge centered) with no greater than a 6-in-12 pitch. The height of the northern wall shall be no greater than 9'-6" as measured from the top of the slab to the bottom of the eave. All dimensions for the building shall be measured from this reference wall.
  - d. Any addition to this agricultural building requires review and approval pursuant to the National Scenic Area standards applicable at the time of the proposed addition, which may include additional evidentiary support demonstrating the need for the additional space to the building.

- e. The applicants shall stake the location of the agricultural building and the gravel driveway extensions and shall contact the Executive Director prior to ground disturbing construction activities. The Executive Director will conduct an inspection of the staked area to ensure compliance with this Director's Decision.
6. Any conversion of the existing storage/shop building to agricultural building use requires review and approval pursuant to the National Scenic Area standards applicable at the time of the proposed addition, which may include additional evidentiary support demonstrating the need for additional agricultural use space.
7. The applicants shall remove the approximately 192-square foot building currently used to store farm equipment. The applicants shall also remove the foundation and adjoining concrete aprons, gravel, and outdoor storage, and restore the land beneath for use in their hay growing and cutting agricultural operation.
8. The applicants shall preserve and maintain in a healthy state the existing trees that are to the south of the dwelling and to the west of the garage that provide screening of the dwelling, garage, and addition connecting the dwelling and garage as seen from key viewing areas. The applicant shall not remove these trees without the Executive Director's approval in advance of removal. The Executive Director may require the applicant submit an arborist's report explaining the need to remove the trees, may seek independent review of the arborist's report, and may require planting replacement trees and vegetation sufficient to achieve substantially similar screening.
9. The exterior of the additions to the dwelling may use the same materials and color for the siding and roof as the existing dwelling or garage. If the applicants propose any different materials or color, the applicants shall submit a sample of the proposed materials and colors for review and approval by the Executive Director.
10. The exterior color of the agricultural building (including the sides, doors, gutters, trim, roof, and windows) shall be a dark natural or earth-tone color with flat finish and low reflectivity.
  - a. The applicants' proposed color for the siding, Behr Premium Plus 770F-4, Gray Area, is not approved. The applicants may use the colors that the Commission approved for the storage/shop building in 2001, *Cavern Gray* (GS7 Behr 1-Coat Paint) and *Blind Date* (42G3, Behr Expressions), or their current equivalents. If the applicants choose different colors, the applicants must submit samples of the colors for review and approval prior to construction.
  - b. For the roof, the applicants proposed gray-black architectural shingles; however, they listed "Owens Corning: Woodmoor, Color: Mesquite." The Mesquite color is medium to dark brown, not gray-black in color. The Owens Corning product has low reflectivity and the Mesquite color is sufficiently dark and is a natural color, and is approved. If the applicants choose a different roofing material or shingle color, the applicants must submit samples of the colors for review and approval prior to construction.
  - c. The Commission did not approve the existing white finish of the doors, windows, or gutters for the storage/shed building. The applicants shall submit samples of colors for these elements on the agricultural building.
11. All new outdoor lighting must be directed downward and sited, hooded and shielded to direct light away from key viewing areas. The fixtures shall be non-reflective or made with materials having low reflectivity.

12. **The applicants 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 planting of any required vegetation.
13. 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 found; further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
14. 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.
15. The applicants shall bring the storage/shop building into compliance with the 2001 Director's Decision. Specifically, the applicants will need to remove the second floor, make the doors, windows, and gutters dark natural or earth-tone color, and add hoods to exterior lights and direct those lights downward. The 2001 Director's Decision did not permit living space in the storage/shop building. The applicant shall complete this work concurrently with construction of the additions to the dwelling and the agricultural building. **The applicants shall notify the Gorge Commission within 30 days of project completion to arrange for an inspection of the storage/shop building to confirm compliance with the 2001 Director's Decision.**

DATED AND SIGNED THIS 5<sup>th</sup> day of May, 2015 at White Salmon, Washington.

per   
Krystyna Wolniakowski  
Interim Executive Director

**EXPIRATION OF APPROVAL:**

Commission Rule 350-81-044 governs the expiration of this Director's Decision.

***This decision of the Executive Director becomes void on the 5<sup>th</sup> day of May, 2017 unless construction has commenced in accordance with Commission Rule 350-81-044(4).***

Commission Rule 350-81-044(4) specifies that commencement of construction means actual construction of the foundation or frame of the approved structure.

Construction must be completed within two years of the date that the applicant commenced construction. The date of the Executive Director's preconstruction inspection to confirm the location of the proposed structural development as required by this decision shall be considered the date the applicant commenced construction, unless the applicant demonstrates otherwise.

Once the applicant has commenced construction of one element in this decision, the applicant will need to complete all elements in this decision in accordance with Commission Rule 350-81-044. The Commission does not use different "commencement of construction" dates for different elements in this decision.

The applicant may request one 12-month extension of the time period to commence construction and one 12-month extension to complete construction in accordance with Commission Rule 350-81-044(6). The applicant must submit the request in writing prior to the expiration of the approval. If the applicant requests an extension of time to complete construction after commencing construction, the applicants shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicants were not responsible, would prevent the applicants from commencing or completing the proposed development within the applicable 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 the 4<sup>th</sup> day of June, 2015.*

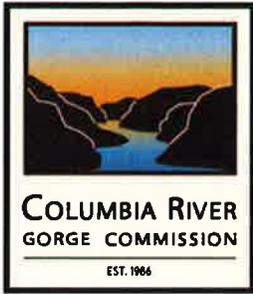
The decision of the Executive Director shall be final unless a Notice of Appeal is filed with the Commission within thirty (30) days of the date of this decision by the applicants or any person who submitted comment. Information on the appeal process may be obtained at the Commission office.

**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.

**Attachments:**

Staff Report for C14-0001



## STAFF REPORT

**APPLICANT:** Doug Warman, Warman Architecture LLC

**LANDOWNER:** Rolin and Lauree Vance

**FILE NO.:** C14-0001

**REQUEST:<sup>1</sup>**

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- 2) Construct a new entry porch and covered porch, the entry alcove will be 36 square feet with a covered area totaling 200 square feet; and
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### LAND USE

**DESIGNATION:** The subject parcel is 16.05 acres in size, located in the General Management Area, and designated Residential and 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  
Friends of the Columbia Gorge  
Klickitat County Planning Department  
Klickitat County Building Department  
Klickitat County Public Works Department

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Klickitat County Health Department  
Klickitat County Assessor  
Nez Perce Tribe  
Skamania County Planning Department  
U.S. Forest Service National Scenic Area Office  
Washington Department of Fish and Wildlife  
Washington State Historic Preservation Office  
White Salmon Library

Written comments were received from Amber Johnson, Washington Department of Fish and Wildlife; Marge Dryden, U.S. Forest Service; and Richard Till, Friends of the Columbia Gorge.

## **FINDINGS OF FACT:**

### **A. Land Use**

1. Doug Warman, Warman Architecture, LLC, on behalf of Rolin and Lauree Vance, applied to construct a 225 square-foot addition to the dwelling that connects the dwelling to the garage, plus a 75 square-foot covered back porch, plus a 30 square-foot covered side entry; a new entry porch and covered porch, the entry alcove will be 36 square feet with a covered area totaling 200 square feet; and a 1344 square-foot addition to an existing 2880 square-foot barn/storage building.

The file for this application contains communications to and from Doug Warman, the applicant, Rolin and Lauree Vance, the landowners, and Ben Vance, the landowners' son. This staff report does not distinguish between these individuals. References to "the applicants" refer to any of the above, unless the reference is to one of the individuals specifically.

2. The subject parcel is in the General Management Area (GMA) and is designated Residential and Small-Scale Agriculture. The proposed development would occur on the portion of the property designated Residential. The entire parcel is approximately 16.05 acres in size,<sup>2</sup> and is located at the southern end of Sunset Drive in Klickitat County. Sunset Drive connects to Old Highway 8 between Balch Road and Canyon Road. The parcel is irregular in shape; it includes a flat area that has existing development and grazing or hay production, and a portion of the bluff and a bench just above Chamberlain Lake.
3. Existing development on the property includes a single family dwelling (approx. 1810 square feet in size) and detached garage (768 square feet in size), both of which received a building permit from Klickitat County in 1983, and then a revised building permit on January 13, 1987; a storage/shop building (2880 square feet in size (40' x 60' footprint plus a second floor that the applicants described as 12' x 40') pursuant to a 2001 application to the Gorge Commission; and a pumphouse (64 square feet in size) and a lean-to (approx. 192 square feet in size) neither of which have any permit history. The garage and other buildings are all north of the dwelling, and there is a pool to the south of the dwelling. The dwelling, garage, pool, and storage/shop building are connected with concrete aprons and driveways.
4. There are a number of compliance issues on the subject parcel that the applicants can and will need to address in conjunction with their proposed new development.

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<sup>2</sup> The acreage of each land use designation is not relevant and was not calculated.

The storage/shop building that the Commission approved in 2001 is out of compliance with the 2001 permit in several ways. First, a site inspection revealed five second-floor windows on the south side of the building. The 2001 approval did not include any mention of an interior second floor, so the Commission asked Ben Vance to describe the second floor. Mr. Vance responded, stating that the building had a second floor when his parents purchased the property; it is approximately 12' x 40', that it is "basic light weight storage type," and that his parents use it for lightweight storage of office and paperwork items.

The 2001 application did not include any mention of a second story. The 2001 Director's Decision allowed a building that is 2400 square feet in size, which corresponded to the footprint of the building. Thus in creating the second floor, Gerald Dickerson, the applicant for the 2001 Director's Decision, constructed a building larger than permitted. As discussed in Finding A.7 below, the building already exceeds the maximum permitted size under the current code, so there is no possibility that the applicants could seek to legalize a second floor at this time.

Additionally, the 2001 building permit from Klickitat County also approved a 2400-square foot building; there is no mention of a second floor. In addition, Mr. Dickerson signed an "Outbuilding Statement of Acknowledgment," which stated that the structure did not obtain a normal building permit; that Klickitat County did not do any of the normal inspections, and that building would not have any electrical, plumbing, or mechanical activities. Thus, to the extent the building is designed or built for any use other than storage and shop activities, or contains electrical, plumbing, and mechanical elements, it also exceeds the size and type of use that the Executive Director approved in 2001 and may be out of compliance with Klickitat County building permit and code requirements.

The Commission points out that it approved storage and shop uses, which could include some electrical, plumbing, and mechanical activities to support those uses. The applicant will need to resolve the building permit issue stating that there would be no such activities directly with Klickitat County. As a note to the applicants, the Commission points out that the 2001 Director's Decision did not allow sleeping, cooking, bathroom or other similar living space.

Second, the storage/shop building currently has white doors, windows, and gutters. These white elements violate condition of approval no. 3 of the 2001 Director's Decision, which requires, "The exterior of the shop building shall be dark and either natural or earth-tone colors. The exterior includes sides, doors, gutters, trim and roof. . . ." The Director's Decision does not specifically mention windows in condition no. 3, but under the legal interpretive principle of *ejusdem generis* (meaning, of the same kind), the windows fall within the meaning of the general term, "exterior of the shop building." The 2001 file contains no document showing approval of these white elements.

Third, the storage/shop building contains more windows than was approved in 2001. The elevation drawings for the 2001 showed a building with 12 windows. As built, the storage/shop building has 15 windows. The Commission will use its enforcement discretion and not require the applicants to remove the windows that were not part of the 2001 approval, provided the applicants make all of the windows comply with condition no. 3 in the 2001 Director's Decision.

Finally, the existing lights on the storage/shop building are neither hooded, nor directed downward; the applicants will need to correct the lighting on the storage/shop as well.

As a condition of approval for this development proposal, the applicants will need to bring the storage/shop building into compliance with the 2001 Director's Decision. Specifically, the applicants will need to remove the second floor, make the doors, windows, and gutters dark natural or earth-tone color, and add hoods to exterior lights and direct those lights downward.

The pumphouse exceeds the 60-square foot size for which buildings are exempt from review; however, the Commission will use its enforcement discretion to not require new review and approval for that building. The building may stay in place provided the applicant paints the building a dark natural or dark earth-tone color to match the agricultural building.

The 192-square foot lean-to building that the applicant is using to store farm equipment has no permit history. This building was not mentioned or shown in a site plan for the 1983 or 1987 building permits; thus there is no evidence that it was constructed prior to the date of the National Scenic Area Act. In this situation, the Commission has previously required applicants to receive a new approval pursuant to the currently applicable National Scenic Area authorities. As discussed below, the Director's Decision will include a condition of approval requiring the applicant to remove this building and consolidate farm equipment storage in the new agricultural building.

5. The building permit history of the dwelling also raises an issue whether the dwelling should have received National Scenic Area approval.<sup>3</sup> To address this, the Commission requested and received a copy of Klickitat County's building permit file for the parcel.

In 1983, a former owner of the property, Robin Hale, applied for a building permit for a dwelling and a shop/agricultural building. Klickitat County approved the permit (No. B6213) on July 22, 1983, prior to the date of the National Scenic Area Act (Nov. 17, 1986). The building permit file also contains a revised building permit, issued on January 13, 1987, which is after the date of the National Scenic Area Act. Mr. Hale applied for the revised building permit on December 9, 1986. The building permit file contains a letter to the record from the building permit coordinator that states the 1987 permit,

is a revision of the original permit (the 1983 permit). This was necessary due to the fact that a complete change of plans on the structure was done prior to starting the building process. The building inspector, due to the changes, felt it was necessary to reevaluate the plans.

The Commission has addressed situations where a development proposal started prior to the date of the National Scenic Area Act, but then completed after the date of the National Scenic Area Act as an existing pre-Act development so long as an applicant kept the building permit valid. If the building permit expired, then the Commission has, in the past, concluded that issuing a new building permit could only occur after review and approval pursuant to the National Scenic Area Act.

In this case, the building permit file contains evidence that the landowner conducted some construction activities pursuant to the 1983 permit before receiving the revised 1987 building permit. Two documents in the building permit file are especially important. The first document is a page containing three handwritten notes: "time ext. 5/6/85"; "footing 11/86 W. Lewis" and "foundation 11/86 W. Lewis." The first note is not clear whether it refers to an extension granted through May 6, 1985 or an extension granted on May 6, 1985 for an

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<sup>3</sup> The Commission's approval of the storage/shop building in 2001 did not address this issue.

unspecified amount of time and thus is not relevant. The second and third notes are relevant because they suggest that the 1983 building permit was valid at least until sometime in November 1986 because those notes appear to be inspection notes. Although those notes were not made on a standard inspection form, they follow the same format (element inspected, date, inspector signature written in columns) as the standard inspection form. The second document contains a handwritten note from the building permit coordinator stating, "A continuation of his 1983 permit. See file for further info." This second page note suggests that Klickitat County did not treat the 1983 permit as expired, but rather as a revised continued permit.

The evidence in the building permit file thus seems to show that Mr. Hale began construction prior to November 1986 pursuant to the 1983 permit, received an inspection sign-off of the footings and foundation, and then sought a new building permit. The evidence of inspections for footings and foundation contradicts the building permit coordinator's letter to the record cited above, which stated there was "a complete change of plans . . . prior to starting the building process."

There are no plans in the building permit file, so we cannot determine what changes were made; however, the building permit applications from 1983 and 1986 show the same square foot size of the dwelling and shop/garage, and the same number and types of plumbing and mechanical items.

Because Klickitat County appears to have treated the 1987 permit as a continuation of the 1983 permit and because there were inspections of the footings and foundation in November 1986 (although the exact date is unknown), the building permit file contains enough evidence to show that Mr. Hale (the former owner) started construction pursuant to the 1983 building permit. There is no subsequent footing or foundation inspection. While the building permit file does not show what changes Mr. Hale made to necessitate a new building permit, the changes do not appear to have changed the size of the dwelling or the number or types of systems in the dwelling.

Finally, the dwelling and garage are substantially similar in size and shape as compared to the building permit applications. The current dimensions of the dwelling (according to Klickitat County records) are 80' x 30', and the dimensions in the building permit file are 78' x 25'. The current size of the dwelling is 1810 square feet and the size stated in the building permit application is 1715 square feet. The current dimensions of the garage (according to the applicants) are 24' x 32', and the dimensions in the building permit file are 24 x 48. The size of the garage is 768 square feet and the size stated in the building permit application is 1152 square feet.

Based on the evidence available, the development of the dwelling and garage did not require review and approval pursuant to the National Scenic Area Act. The dwelling and garage are pre-Act existing uses.

6. Commission Rule 350-81-370(1)(g) allows, "New cultivation, subject to compliance with guidelines for the protection of cultural resources (350-81-540) and natural resources (350-81-560 through 590)."

The applicants propose to use approximately 8 to 10 acres of the property for growing and harvesting hay. Aerial photos from 1988 show that the subject property was used for hay or grazing (photo no. 588-26, 1988 series), so growing hay use does not constitute new

cultivation and does not require review and approval. After submitting the application, Ben Vance stated that his parents (the owners) intend to also plant corn and orchard trees. These other farm uses were not part of the application or notice materials; there is no site plan showing where the orchard would be; and the planting of row crops and orchard trees would constitute new cultivation because it requires tilling and ground disturbance to a greater extent than existing. The Commission's archaeologist did not review the application for impacts to cultural resources from planting orchard trees. For all of these reasons, this staff report does not address or allow planting row crops or orchard trees.

Planting the row crops and orchard trees is a new agricultural use allowed pursuant to Commission Rule 350-81-370(1)(g) subject to compliance only with the guidelines to protect cultural and natural resources. The landowners will need to apply to the Commission for review and approval prior to planting of corn or orchard trees. A note in the Director's Decision will put the landowner on notice of this requirement.

7. Commission Rule 350-81-370(1)(m) allows: "Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building" subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources (350-81-520 through 350-81-620).

The applicants propose to add approximately 530 square feet to the existing dwelling and garage. The additions to the dwelling and garage are allowed subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources.

The applicants propose to add 1344 square feet to an existing storage/shop building that the Commission approved as accessory to the residential use in Commission File C01-0002-K-G-11, (Gerald Dickerson, applicant). As discussed in Findings A.8 and A.9, immediately below, the Commission cannot approve the proposed addition to the storage/shop building, rather the addition will need to be constructed as a separate stand-alone agricultural building.

8. Commission Rule 350-81-370(1)(c) allows, "Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(A) The combined footprints of all accessory buildings on a single parcel shall not exceed 1500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings, and proposed buildings.

(B) The height of any individual accessory building shall not exceed 24 feet.

The Commission adopted subsections (A) and (B) in 2004, after it approved the existing storage/shop building. In 2001, when the Commission approved the storage/shop building, the Commission's rules did not contain these size limits on accessory buildings.

All together, the subject parcel contains 3712 square feet of existing accessory buildings. This includes the storage/shop building that the Commission approved in 2001 (which is out of compliance at 2880 square feet in size), the pumphouse (64 square feet in size), and the detached garage (768 square feet in size). The lean-to (192 square feet in size) is used for storing agricultural equipment and thus is not considered accessory to the dwelling.

The size of the storage/shop building that the Commission approved in 2014 exceeds the 1500-square foot limitation on accessory buildings contained in Commission Rule 350-81-370(1)(c)(A), and collectively, the total square foot size of all of the accessory buildings exceed the 1500-square foot limitation. The applicants are proposing to connect the detached garage to the dwelling, which, if approved, would reduce the total square foot size of accessory dwellings to 2924 square feet. The storage/shop building is a non-conforming use. Even if it were built in compliance with the 2001 approval, it would be non-conforming because it exceeds the maximum 1500 square foot size limit on accessory building in Commission Rule 350-81-370(1)(c)(A).

The landowners do not need to modify the storage/shop building to make it conform to current National Scenic Area standards; however, as mentioned in Finding A.4 above, the Director's Decision will require the landowners to bring the storage/shop building back into compliance with its 2001 approval, which will minimize the non-conformity.

The applicants' proposal to add 1344 square feet to the storage/shop building would cause an existing non-conforming use to become more non-conforming and therefore is not permitted. This is so, even though the applicants intend to use the addition for agricultural use because the Commission's rules specify building size, not the square foot size of the uses within buildings. For this reason, the Commission cannot approve the agricultural building as an addition.

9. Commission Rule 350-81-370(1)(I) allows,

*Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete with five years, subject to the standards in "Agricultural Buildings" (350-81-090).*

The proposed addition to the storage/shop building could be approved as a separate, stand-alone agricultural building provided that it complies with the guidelines for the protection of scenic, cultural, natural, and recreation resources, and meets the standards in 350-81-090. The remainder of this staff report evaluates the proposed addition to the storage/shop building as a new agricultural building located in approximately the same location as the proposed addition. Based on the information provided in the application to the Commission, Klickitat County Planning informed the Commission that the general setback between a storage/shop building and an agricultural building is 10 feet; however, the applicants will need to verify this at the time of building permit approval. Thus the Commission is evaluating this new agricultural building shifted 10 feet to the north of the location proposed for the addition.

The Director's Decision will include a condition of approval requiring the applicants to construct the addition to the storage/shop building as a separate stand-alone building.

10. Commission Rule 350-81-090 states,

- (1) *The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.*
- (2) *To satisfy 350-81-090(1), applicants shall submit the following information with their land use application:*

- (a) *A description of the size and characteristics of current agricultural use.*
- (b) *An agricultural plan for any proposed agricultural use that specifies agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing).*
- (c) *A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).*

The applicants submitted information describing the current agricultural use as pasture; however, historical and current aerial photos show linear patterns, which is indicative of some recent formal cutting. The applicants also described the proposed agricultural plan, which is primarily a more intensive hay crop, with two to four cuttings per year, corn, and apple trees. As discussed above, because the mention of corn and orchard trees is new (not part of the original application and thus not part of the development review notice or review by the Commission's archaeologist and natural resource agencies), this decision does not permit corn or orchard trees. The applicants will need to apply to the Commission for this new cultivation. As allowed by Commission Rule 350-81-370(1)(I), the agricultural building, however, can be approved for a size necessary to accommodate the orchard trees provided that the applicants begins orchard operations within one year and completes planting within five years.

The applicants stated that no irrigation will be needed for the hay and corn crop, and that any irrigation required for the orchard trees will come from an existing water tank.

The applicants' plan does not mention wind machines or other and structures that are common to orchard operations; these will need to be included in the subsequent review for the orchard trees.

The applicants' floor plan for the addition shows a 24' x 56' building that is divided roughly equally into three 18' x 24' sections. One section would have a mower and associated implements, fertilizer, and seed. Another section would be for a tractor and associated implements, and the third section would be a workbench and storage area. The applicants' description of the farm operation does not describe how the size of the agricultural building is needed to serve the proposed agricultural use; for example, the applicant for the storage/shop building originally described using a portion of that building for a shop, and in the Commission's experience, landowners do not commonly have personal workshops and separate agricultural workshops. The applicant's description of the farm operation is incomplete. For example, the applicant does not discuss storing produce bins, ladders, or other equipment common to orchard operations. Despite these deficiencies in the application materials, in the Commission's experience, 1344 square feet is a modest and appropriate size for type and acreage of farm use that the applicant proposes. The Director's Decision will include a note to alert the applicants and future landowners that any addition to the agricultural building, or conversion of the storage/shop building to agricultural building use will need to have the evidentiary support of a more robust and complete agricultural plan.

In addition, the applicants do not show on their site plan or discuss in their application any need to use the 192-square foot lean-to that has no permit history. Because there is no expressed need for using this building, and because the building was not constructed with a required National Scenic Area approval, and because the Commission's rules would not allow a farm building in the middle of the field to be farmed (see Commission Rule 350-81-520(3)(a)(A)), the Director's Decision will require the applicants to remove this building, including the foundation and adjoining concrete aprons and restore the land beneath for use in their hay growing and cutting agricultural operation.

11. Commission Rule 350-81-076(1) contains setbacks from adjacent properties for buildings on lands adjacent to parcels designated Large-Scale or Small-Scale Agriculture. This rule states:

*All new buildings in the GMA shall comply with the following guidelines when proposed to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use.*

A portion of the subject parcel is designated Residential and a portion is designated Small-Scale Agriculture. All of the existing and proposed development will be located on the portion of the parcel designated Residential. The bench area to the south of and lower in elevation than the dwelling is designated Small-Scale Agriculture. The adjacent parcel to the west is designated GMA Residential. The adjacent parcels to the north, east, and south are designated Small-Scale Agriculture.

The setback requirements of Commission Rule 350-81-076(1) require a 100-foot setback where the proposed development is separated from adjacent properties used for or designated agriculture by open pasture or a fence. The existing additions to the dwelling would not encroach on the existing setbacks in any direction, so no buffer requirement is applicable. The new agricultural building is subject to a 100-foot setback from the parcels to the north and east. The setback to the south does not apply because of the intervening development between the agricultural building and the southern parcel boundary. The site plan shows the agricultural building is more than 500 feet from the northern property boundary and 130 feet from the eastern property boundary. The proposed development complies with Commission Rule 350-81-076(1).

12. 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. The subject property does not provide access to the Columbia River or fish bearing tributaries and would not affect Indian treaty rights. Notice of the proposal was mailed to the four tribal governments and 20 days provided for comments. The Commission did not receive any response to this notice.

13. 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 Commission has no information suggesting that the proposed use could 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 applicants' proposal to connect the dwelling and garage into one building and construct a new entry alcove and covered area is an addition to an existing building, which is an allowed use, subject to review for compliance with the standards to protect and enhance scenic, cultural, natural, and recreation resources.

The applicants' proposal to add 1344 square feet to the existing storage/shop building for agricultural use is not permitted pursuant to Commission Rule 350-81-370(1)(m), which allows a maximum size of 1500 square feet for all accessory buildings. The applicants may, however, construct the proposed agricultural building separate from the existing storage/shop building (the buildings cannot touch in any manner) pursuant to Commission Rule 350-81-370(1)(f).

In addition, the applicants will need to bring the existing storage/shop building into compliance with the 2001 Director's Decision approving the building.

B. Scenic Resources

1. Commission Rule 350-81-520 lists scenic resource protection guidelines for review uses in the GMA that are not allowed outright or through the expedited review process. 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 addition between the dwelling and the garage will require the applicants to remove a 42-cubic yard planter. Otherwise the addition will be on level ground at the existing grade level of the dwelling and garage. The entry alcove/porch will be on level ground at the existing grade level. The proposed additions comply with Commission Rule 350-81-520(1)(a).

The agricultural building will be on level ground at the existing grade level and will require only minimal grading; the existing grade at the location of the agricultural building is two feet lower than the finished grade of the existing storage/shop building because the storage/shop building was raised on gravel fill at its north end.

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 Commission applies this guideline by comparing development within a vicinity that it defines based on a number factors, including nearby development, land use designations, and visibility from key viewing areas. Here, the subject property is located within an area with many residences and other buildings between Balch Rd. and Canyon Rd (north of Old Hwy 8) and Old Hwy 8 where it turns south. West of Balch Rd, there is an area where development is

not seen from the relevant key viewing areas (the Historic Columbia River Highway around Marsh Cutoff Rd. and the Rowena Crest viewpoint) that visually separates this area from development further west of Balch Rd. East of Canyon Rd and east of Old Hwy 8 there is a similar undeveloped area. Within this area, the Commission identified 46 parcels with development.

The Commission uses height and dimensions in feet as its means of evaluating height and dimensions. The Commission uses square foot size as its means of comparing overall mass. The Commission includes the area of covered decks when evaluating proposed development for compatibility with general scale of nearby existing development because covered deck adds to the visual mass of the dwelling.

The existing dwelling is one story in height, but a portion of the dwelling has a tall ceiling, approximately 21 feet in height (as measured using a scale on the applicants' elevations sheet) and the applicants do not propose to increase the existing height. The combined dwelling and garage will also result in a building that is approximately 112 feet in length as measured along the south elevation. The applicants submitted plans that state the existing garage is 768 square feet in size, and Klickitat County Assessor records show the dwelling is 1810 square feet. The new mudroom connecting the dwelling and the garage is 330 square feet in size, including the enclosed space and covered porch and covered entry on the north and south sides of mudroom. The new entry and covered alcove on the north side of the dwelling is 200 square feet. Thus, for the purpose of this standard, the dwelling, mudroom and garage attached together would result in a building that is 3108 square feet in size.

Many of the buildings in the analysis area are two stories in height. The proposed additions are one-story in height connecting two building that are each also one-story in height. The proposal is compatible with the height of existing nearby development. Existing development in the vicinity ranges in size up to 4618 square feet. Approximately 1000 feet to the west, there is a dwelling that is 3508 feet in size. The applicants' dwelling of 3108 square feet is compatible with the overall mass of nearby development.

Not including the subject parcel, five of the buildings within the analysis area have a dimension between 80 and 85 feet in length, one building has a dimension of approximately 100 feet in length, and one building has a dimension of approximately 106 feet in length. The dimension of the attached dwelling and garage would exceed the maximum dimension of any building in the vicinity. If the proposal were for new construction, the Commission would not permit it. The existing development, however, is unique in that the dwelling and garage already appear in the landscape to be connected by a raised planter bed. Additionally, the dwelling and garage are oriented a wide angle relative to each other, so there is not any single plane of the dwelling and garage that is actually 112 feet in length; the longest plane is 80 feet in length, which is within the general dimensions of existing nearby development.

The proposed addition connecting the dwelling and garage comply with this guideline.

3. Commission Rule 350-81-520(1)(c) requires project applicants are responsible for the maintenance and survival of any new vegetation planted as a requirement of this decision. No new screening vegetation is required for the proposed additions and decks; however, the Director's Decision will need to include a condition of approval requiring the applicants to maintain the existing trees that are to the south of the dwelling and to the west of the garage that provide screening of the dwelling, garage, and addition connecting the dwelling and garage as seen from key viewing areas (discussed below).

4. Commission Rule 350-81-520(1)(d) requires a site plan to be submitted for proposals to construct new buildings. The applicants submitted a site plan generally meeting the application requirements. Commission Rule 350-81-520(1)(e) refers to the compatibility of the proposed development with the designated landscape setting. This is discussed below in Findings B.19 through B.22. Commission Rules 350-81-520(1)(f) and (g) apply only to mineral resource production and quarries, which are not proposed with this project.
5. 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.*

All of the proposed development is topographically visible from two key viewing areas: the Historic Columbia River Highway and Tom McCall Point, which is part of the Rowena Plateau and Nature Conservancy Viewpoint. Thus, the standards in Commission Rule 350-81-520(2) are applicable.

6. 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.*

The key viewing areas from which this development is visible are approximately 1.5 to 2 miles from the Historic Columbia River Highway to the dwelling and approximately 2.5 miles from Tom McCall Point to the dwelling. The dwelling is the southernmost dwelling of a cluster of several buildings on several properties to the north and west of the subject property. The dwelling and garage are visible from these key viewing areas, but the addition connecting the dwellings would not be distinguishable because the dwelling would screen all or a portion of it and the garage already appears connected to the dwelling by the existing planter bed and the location and orientation of the two buildings as seen from key viewing areas. Additionally, there is vegetation immediately south and west of the addition. The addition connecting the dwelling to the garage and the new front entry are visually subordinate as proposed.

The proposed new front entry is on the north side of the dwelling and not visible from key viewing areas.

The agricultural building is on the north side of the existing storage/shop building. The roof line of the agricultural building is lower than the roof line of the existing barn and as proposed would extend more than 24 feet, sloped to the north. This building will be visible from the key viewing areas because the key viewing areas are higher in elevation than the dwelling. However, there is no other location on the subject property that would provide better screening. A portion of the southern elevation will be screened by the existing storage/shop

building. The roof line sloping to the north will be visible, as will the east and west elevations, but with use of dark color and non-reflective material, those features will not be dominant relative to the other development on the subject property and in the vicinity.

7. 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.*

Commission Rule 350-81-020(40) defines “cumulative effects” as:

*The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.*

As seen from key viewing areas, the subject property is located within an area with several buildings along Old Highway 8, McConiga Rd., Sunset Dr., Crosby Ln., and the southern portion of Canyon Rd. where it meets Old Hwy 8. This area has more than 60 buildings in it. The proposed additions to the dwelling and a new agricultural building will be located where they will be partially screened by the existing buildings and by existing vegetation. Other similar proposals for additions that are similarly screened will have no effect on scenic resources individually or collectively.

There cannot be similar building developments on the “same piece of ground” because the proposed addition to the dwelling would result in a size that is close to the maximum size allowed by Commission Rule 350-81-520(2)(b). The subject parcel already has accessory buildings that exceed the maximum size allowed pursuant to Commission Rule 350-81-370(1)(c), and the applicants have demonstrated the agricultural building is appropriately sized to the current and proposed agricultural use of the property pursuant to Commission Rule 350-81-370(1)(f).

The proposed additions and decks to the dwelling will have similar siding and color and will have covered decks that will create shadow lines and will screen the windows and other possibly reflective elements, which will have the effect of making the addition appear darker in the landscape. If proposed additions on other parcels incorporated similar design elements, the overall effect would be a reduction in the visibility and prominence of development in the vicinity.

If other proposed agricultural buildings would be located in areas screened by existing development, there would be no significant increase in visibility or reflectivity of agricultural buildings.

For the reasons above, the proposed development will not cause adverse scenic impacts, and will not cause adverse cumulative scenic impacts, consistent with Commission Rule 350-81-520(2)(c).

8. 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).*

*Number of Key Viewing Areas from which the building site is visible.* The existing dwelling is located on land that it topographically visible from two KVAs: the Historic Columbia River Highway (HCRH) and the Rowena Plateau and Nature Conservancy Viewpoint. With regard to the latter KVA, the proposed building site would be seen from Tom McCall Point. The building sites are screened by topography from other KVAs.

*Linear distance along the Key Viewing Areas from which the building site is visible.* The subject parcel on which the dwelling is visible for short glimpses on the Historic Columbia River Highway between Memaloose Overlook and the top of the Rowena Loops. The subject parcel is visible with few obstructions for approximately .2 miles to the east of March Cutoff Road and again in the vicinity of the top of the Rowena Loops.

*Distance from the building site to the Key Viewing Areas from which it is visible.* The building site would be approximately 1.5 to 2 miles from the Historic Columbia River Highway and approximately 2.5 miles from Tom McCall Point. Because the existing buildings on the subject parcel are the buildings that are closest to the bluff in the vicinity, it is best described as being visible in the middle ground of the views from the Historic Columbia River Highway at the top of the Rowena Loops. The parcel is in the background as seen from other points along the Historic Columbia River Highway.

*Degree of existing vegetation providing screening.* The dwelling is located in an area that is not screened by vegetation; however, the garage is partially screen by a large ponderosa pine. And the location of the addition connecting the dwelling and garage are screened by that pine and other vegetation. There is no vegetation directly screening the agricultural building.

*Amount of area of the building site exposed to Key Viewing Areas.* The building site for the front door addition is completely screened from key viewing areas by the existing dwelling. The building site for the addition connecting the dwelling and garage is partially screened by

the dwelling, the garage, and a large ponderosa pine. The building site for the agricultural building is partially screened by the existing storage/shop building, which is partially screened by large ponderosa pine trees.

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 agricultural building will be located approximately 10 feet north of the existing storage/shop building. The applicants originally proposed it as addition to the storage/shop building that would be approximately 18 feet in height, starting at grade two feet lower than the storage/shop building, and rising to a height of approximately one foot below the roof line of the storage/shop building. The roof would be a shed roof design and would slope to the north to a final height of 9'-6" at the north edge of the eave. The roof pitch is 4-in-12.

Moving the building with its current shed roof design 10 feet to the north and adding an eave on the south side would make the shed roof approximately 19 feet in height—approximately the same height as the north eave on the storage/shop building. Because the key viewing areas are higher in elevation than the development on the property, the south wall of the agricultural building and the shed roof would be visible. However, using a gable roof at the same 4-in-12 pitch would create a building that is approximately 15 feet in height and using a 6-in-12 pitch (the same as on the storage/shop building) would create building that is approximately 17 feet in height. With the two-foot step down in finished grade, the agricultural building with a shed roof would be approximately two feet lower than the height of the eave on the north side of the storage/shop building, approximately six feet lower with a 4-in-12 gable roof, and approximately four feet lower with a 6-in-12 gable roof. The gable roof scenarios would create lower buildings, which would be better screened by the existing storage/shed building, and have a smaller roof plane, and thus would be more appropriately visually subordinate. The Director's Decision will include a condition of approval requiring the applicants to use a gable roof, which may have a maximum 6-in-12 pitch, for the new agricultural building.

The applicants proposed to use T-1-11 siding and gray black-architectural shingles for the agricultural building, the same as the storage/shop building. In 2001, the Commission approved two proposed colors for the storage/shop building: "*Cavern Gray* (GS7 Behr 1-Coat Paint) and *Blind Date* (42G3, Behr Expressions). Both of these have a flat finish." The applicants' written statement proposes Behr Premium Plus 770F-4, Gray Area. The applicant's proposed color is not a match to either of the colors that the Commission approved in 2001.

The applicants' proposed color is much lighter than the colors approved in 2001; it is not a dark color. The applicants' proposed color is not approved.

The applicants may use the same color for the exterior elements (sides, doors, gutters, trim, roof, and windows) of the agricultural building as approved for the storage/shop building (note the current white color of the doors, windows, and gutters are not approved). If the applicants choose different colors, the applicants must submit samples of the colors for review and approval prior to construction.

The Director's Decision will include a condition of approval requiring the applicants to submit color samples to the Executive Director for review and approval prior to construction.

The additions to the dwellings are reviewed pursuant to Commission Rule 350-81-520(2)(q)

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 discussed above, the siting of the additions to the dwelling use existing vegetation for screening. There is no topography or vegetation that could screen the agricultural building. Instead, the agricultural building is sited and designed so that it is partially screened by the existing storage/shop building. The proposal 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.19 through B.22.

12. Commission Rule 350-81-520(2)(j) lists guidelines that apply to new landscaping used to screen development from key viewing areas. As described above, new landscaping is not required for this development; therefore, Commission Rule 350-81-520(2)(j) is not applicable.

13. 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 applicants' written description for the agricultural building proposes to stain siding of the storage/shop building using Behr Premium Plus 770F-4- Gray Area. This is not a dark color and so this color is not approved. The colors of the siding and trim of the existing storage/shop building comply with this standard. In 2001, the Commission approved two proposed colors

for the storage/shop building: “*Cavern Gray* (GS7 Behr 1-Coat Paint) and *Blind Date* (42G3, Behr Expressions). However, as described above, the doors, windows, and gutters are white and are not painted with an approved color, so the applicants will need to submit proposed colors for these elements for review and approval. For the roofing, the applicants proposed gray-black architectural shingles, Owens Corning: Woodmoor, Color: Mesquite. The Mesquite color is medium to dark brown, not gray-black in color. The Owens Corning product has low reflectivity and the Mesquite color is sufficiently dark and is a natural color. The Director’s Decision will include conditions of approval listing the acceptable colors approved for the storage/shop and requiring review and approval for use of any other color and for the doors, windows, and trim.

14. 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, 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 applicants’ written description for the agricultural building states that they propose to use the same T-1-11 siding and roofing materials, both of which were approved in 2001. These materials are non-reflective. The application complies with Commission Rule 350-81-520(2)(m).

15. 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 applicants’ elevations show wall lights on the agricultural building. The Director’s Decision will include a condition of approval requiring all outdoor lights to comply with Commission Rule 350-81-520(2)(p).

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

*Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape.*

The applicants’ written statement notes that they intend to use the same colors for the additions to the dwelling as exists on the dwelling. As a note in this decision, the applicants state that the exterior color is Behr Premium Plus 770F-4 - Gray Area, and the roofing is gray-black architectural shingles, Owens Corning: Woodmoor, Color: Mesquite. The Mesquite color is medium to dark brown, not gray-black in color. The applicant may use the same color shingle as the existing roofs on the dwelling and garage. The proposed additions to the dwelling comply with Commission Rule 350-81-520(2)(q).

17. 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 driveways, cut banks, or fill slopes are proposed. Commission Rule 350-81-520(2)(z) does not apply to this proposal.

18. 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 will be on flat ground and will involve less than 200 cubic yards of grading. A grading plan is not required for this application.

19. 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.

Commission Rules 350-81-520(3)(f)(A) and (B) state:

*(A) New development in this setting shall meet the design guidelines described for both the Rural Residential and the more rural setting with which it is combined [in this case "Pastoral"] 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 [in this case, "Pastoral"] shall apply unless it can be demonstrated that application of such guidelines would not be practicable.*

Commission Rule 350-81-520(3)(a) contains the standards for the Pastoral Landscape Setting and Commission Rule 350—81-520(3)(f) contains the standards for the Rural Residential Landscape Setting.

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

*Accessory structures, outbuildings, and accessways shall be clustered together as much as possible, particularly toward the edges of existing meadows, pastures, and farm fields.*

The agricultural building will be located at the southern end of the existing farm field. It will actually extend approximately 35 feet into the farm field. The Commission considered alternative locations, particularly to the east of the existing storage/shop building, but that location has much less available screening. On balance, the location immediately north of the existing storage/shop building is the best location

considering visibility from key viewing areas and protection of the pastoral landscape setting.

21. Commission Rule 350-81-520(3)(a)(B) contains subsections that address vegetation on a subject parcel, including requiring the preservation of existing tree cover screening the development from key viewing areas.

The findings in response to Commission Rules 350-81-520(1)(c) and 520(2)(d) require preservation of the existing vegetation. As proposed, the development complies with Commission Rule 350-81-520(3)(a)(B).

22. Commission Rule 350-80-520(3)(e) contains standards that require preservation of existing tree cover.

Findings above adequately address these standards. As proposed, the development complies with Commission Rule 350-81-520(3)(e).

23. Commission Rule 350-81-520(4) contains guidelines for new uses within ¼ mile of scenic travel corridors. The closest scenic travel corridor, Washington SR 14, is more than ¼ mile from the subject property. Commission Rule 350-81-520(4) does not apply to the proposed

#### Conclusion:

With conditions of approval addressing preservation of existing vegetation, roof type and height of the agricultural building, exterior color of the agricultural building, and exterior lighting, the proposed development is consistent with applicable guidelines in Commission Rules 350-81-520 and 350-81-052 that protect scenic resources from adverse effects.

#### C. Cultural Resources

1. Except as specified in Commission Rule 350-81-540(1)(c)(A)(ii), new development requires a reconnaissance survey. Commission Rule 350-81-540(3) requires that, if cultural resources are discovered, an evaluation of the significance shall be conducted. Commission Rule 350-81-540(3)(d)(C) states that if it is determined that the cultural resources are significant, the effects of the proposed use shall be assessed. Commission Rule 350-81-540(5)(a) requires mitigation plans when proposed uses would have an adverse effect on significant cultural resources. Mitigation plans shall reduce an adverse effect to no effect or no adverse effect.

Margaret Dryden, Heritage Resources Program Manager with the USDA Forest Service National Scenic Area, submitted a report stating that a reconnaissance survey is not required because the area of the proposed development has been disturbed by human activities and because the area has been surveyed in the past, in conjunction with the 2001 application for the storage/shop building.

Ms. Dryden recommended that conversion of the grazing/hay use to row crops and orchard would involve tilling to a greater depth than current disturbance so a cultural resources survey would be required for that activity. The Commission did not request Mr. Dryden survey the areas for the row crops or orchard because the applicants did not include the new cultivation in the original application, the applicants did not include a map showing these uses, and the public notice did not include any information about row crops or orchard. As noted in Section A, above, the row crops and orchard are not permitted uses at this time. The applicants will need to

reapply to the Gorge Commission before any ground disturbing activity to plant row crops or orchard trees.

2. Commission Rule 350-81-540(1)(c)(B) requires that a historic survey be required for all proposed uses that would alter the exterior appearance of buildings and structures that are 50 or more years old. Ms. Dryden noted that no historic survey was conducted at this time because the proposal would not alter the appearance of any building that is 50 years old or older or 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.
3. Commission Rule 350-81-540(1)(g) requires consideration of cumulative effects of proposed developments that require a reconnaissance or historic survey, a determination of significance, an assessment of effect, or a mitigation plan

This guideline is not applicable because no reconnaissance or historic survey was required for this application.

4. Commission Rule 350-81-540(2)(c)(B)(i) states the cultural resource protection process may conclude when reconnaissance and historic surveys are not required, there are no known cultural resources in the project area, and no substantive concerns were raised by interested parties.

Surveys were not required; there are no known resources in the project area, and the Commission received no substantive concerns. The proposed development is consistent with Commission Rule 350-81-540(c)(B)(i).

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 applicants to this requirement. This requirement is consistent with the comments of the Washington Department of Archaeology and Historic Preservation.
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 applicants to this requirement.

#### Conclusion:

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

#### D. Natural Resources

1. Commission Rules 350-81-560 through 590 contain provisions for the protection of natural resources. 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. Commission Rules 350-81-560 and 350-81-570 contains provisions for the protection of wetlands, stream, ponds, lakes, and riparian areas. Gorge Commission inventories do not identify any such areas within the vicinity of the subject property, and a site visit did not show any unrecorded areas; therefore, 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. The Gorge Commission's sensitive wildlife inventory identified the property as within 1000 feet of a Bald Eagle polygon. Amber Johnson, Habitat Biologist, Washington Department of Fish and Wildlife confirmed the project will not "compromise the integrity of wildlife areas" in an email dated March 3, 2015. Therefore, the Commission's wildlife protection process may conclude.
4. Commission Rule 350-81-590 contains provisions for the protection of sensitive plants within 1,000 feet of the proposed development. Gorge Commission inventories do not identify any sensitive plant species within 1,000 feet of the subject property; therefore, Commission Rule 350-81-590 is not applicable.

Conclusion:

The proposed development is consistent with the applicable guidelines in Commission 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.*

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  
Amber Johnson, Washington Department of Fish and Wildlife

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