

DIRECTOR'S DECISION

- Proposal:** The Columbia River Gorge Commission received an application to install roof-mounted solar panels on a detached garage to serve the residential and agricultural uses on the property, move an existing hayshed on the property to a new location and to review an after-the-fact installation of a geothermal heat system that included a 900' trench for buried heat transfer lines.
- Applicant:** Peter Leon
- Landowner:** Peter and Therese Leon
- Location:** The subject property is located approximately 3 miles west of Wishram, north of Highway 14 in the NE 1/4 of Section 15, Township 2 North, Range 14 East, W.M., Klickitat County, Washington (Klickitat County Assessor's ID #0214150000200).
- Case File:** C14-0002
- Zoning:** The subject property is designated Large-Scale Agriculture and is 40.2 acres in size.

DECISION:

Based upon the findings of fact in the Staff Report for Director's Decision C14-0002, the land use application by Peter Leon for: installation of roof-mounted solar panels on a detached garage to serve the residential and agricultural uses on the property; moving an existing hayshed on the property; and review of an after-the-fact installation of a geothermal heat system that included a 900' trench for buried heat transfer lines is found to be consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act P.L. 99-663, and the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and approvable under Commission Rule 350-81, and is hereby **approved**.

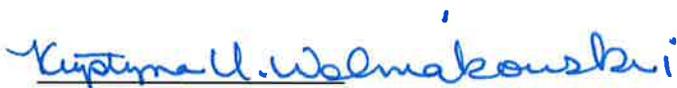
CONDITIONS OF APPROVAL:

The following conditions of approval are given to ensure that the subject request is consistent with the standards of Section 6 and the purposes of P.L. 99-663, and the Management Plan and approvable under Commission Rule 350-81. 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 C14-0002, 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 applicant's responsibility to ensure the use complies with all other applicable federal, state, and county laws.
3. The development shall be constructed as shown on the approved project description, site plan and elevation drawings. Any changes must be reviewed and approved by the Executive Director before the changes are implemented.
4. The color of the solar panels, including the frame, shall be black.
5. The color of the replacement hayshed shall be a dark earthtone color consistent with Commission Rule 350-81-520(2)(l). The applicant may use colors previously approved for structures authorized at this site by Director's Decisions C11-0010 and C10-0001. Alternative colors shall be submitted to the Director for approval prior to commencement of construction.
6. The roofing material of the replacement hayshed shall be composed of low-reflectivity materials consistent with Commission Rule 350-81-520(2)(m). The applicant may use materials previously approved for structures authorized at this site by Director's Decisions C11-0010 and C10-0001. Alternative materials shall be submitted to the Director for approval prior to commencement of construction.
7. 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.
8. 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.

DATED AND SIGNED THIS 18th day of May, 2015 at White Salmon, Washington.



Krystyna U. Wolniakowski
Executive Director (Interim)

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 18th 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 17th day of June, 2015.

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

NOTES:

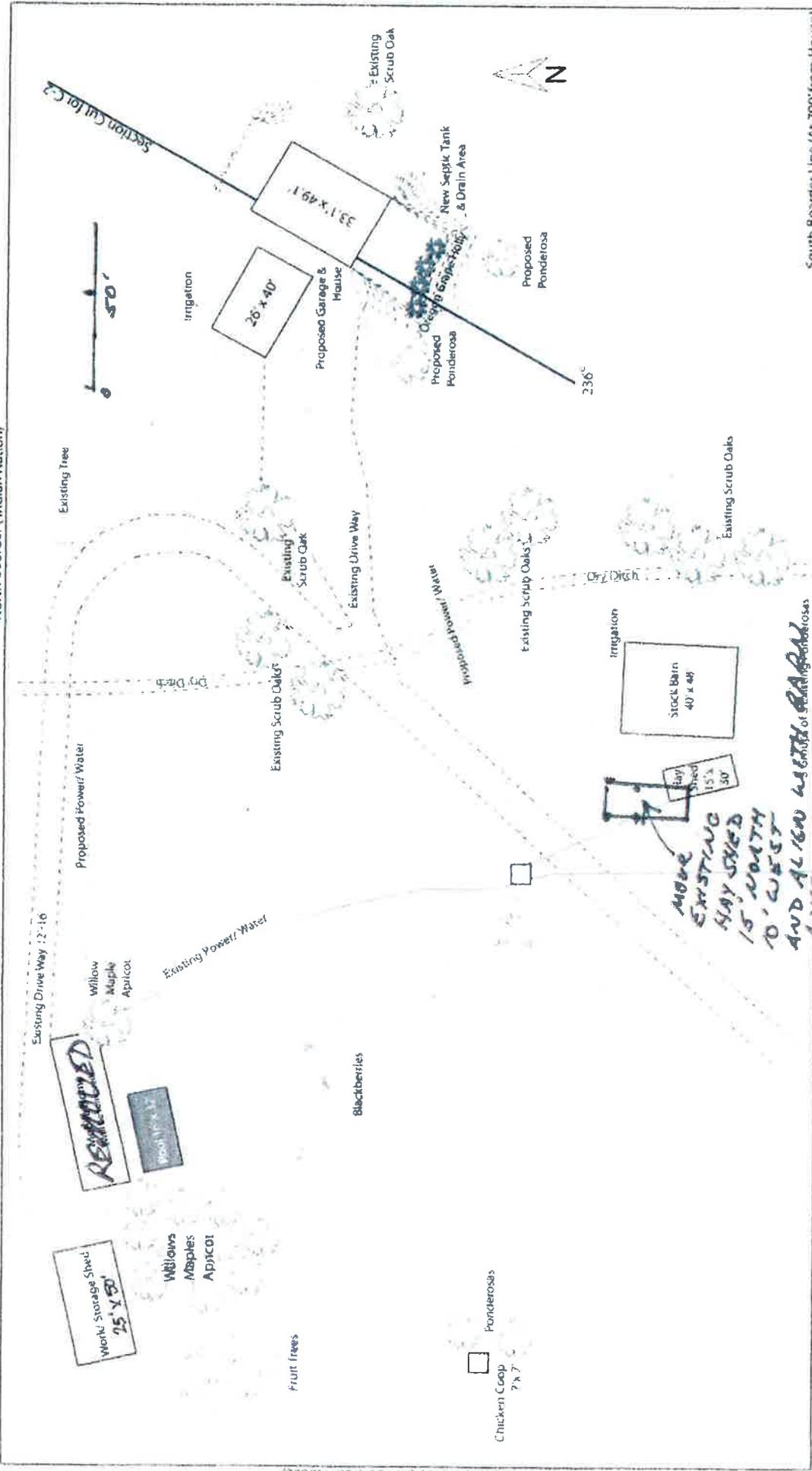
Any new land uses or structural development such as residences; garages, workshops, or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review.

Attachments:

- Staff Report for C14-0002
- Approved site plan

DEC0002.14

North Boarder (Indian Nation)



**This site plan shows portion of 40-acre property affected by proposed development.*

Peter Leon House	
Site Plan	
Scale At 1" = 40'	C-1

Notes
 The house will sit at the ground level of 394' (elevation), with the main floor raised 3' from ground level (397') and the basement 7' underground (387'). From the middle of the front of the house, at a horizontal, the west boarder line lies at 700' away. From that same point, the south boarder line lies at 790'. The property consists of dried grass and is not represented in the site plan by any color. Concerning the mobile home, it will be removed.

AND ALIGN WITH RAN

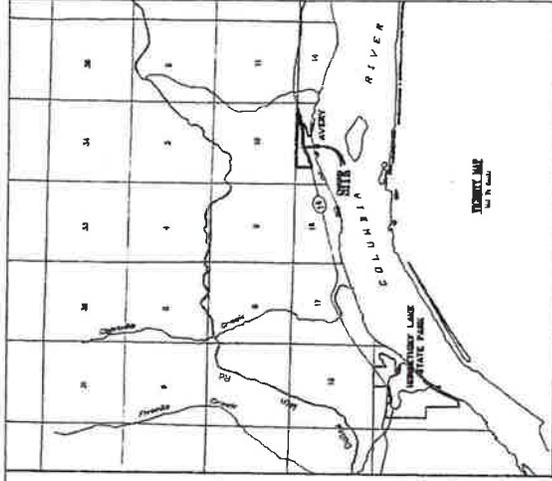
MOVE EXISTING HAY SHED 15' NORTH 10' WEST

RECEIVED

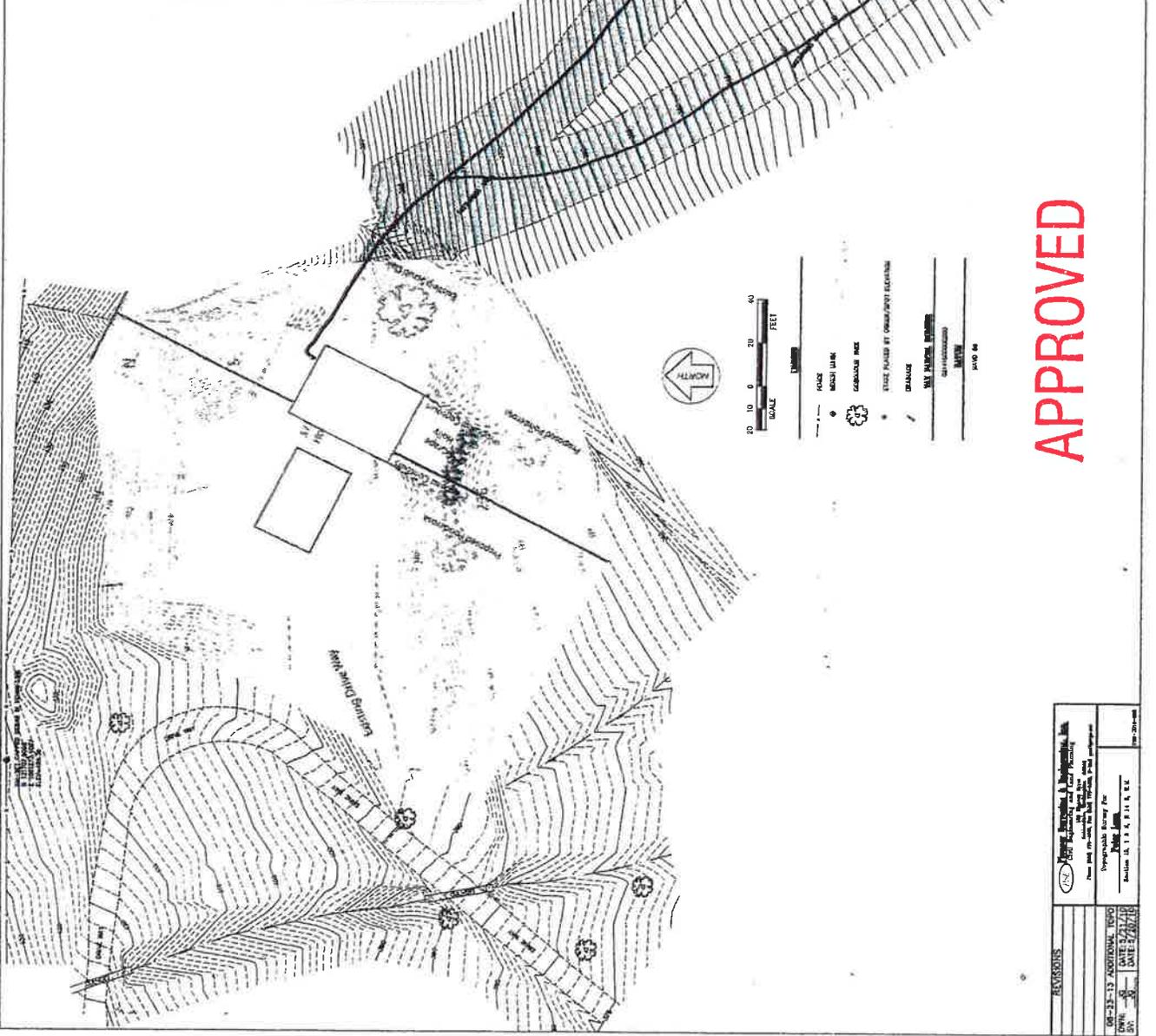
COLUMBIA RIVER GORGE COMM.

APPROVED

TC 5/18/15



GEOTHERMAL LINES
 BURIED 5' DEEP IN
 A 5' WIDE HOLE.
 NO CHANGE IN TERRAIN
 REPLANT WITH
 PASTURE GRASS

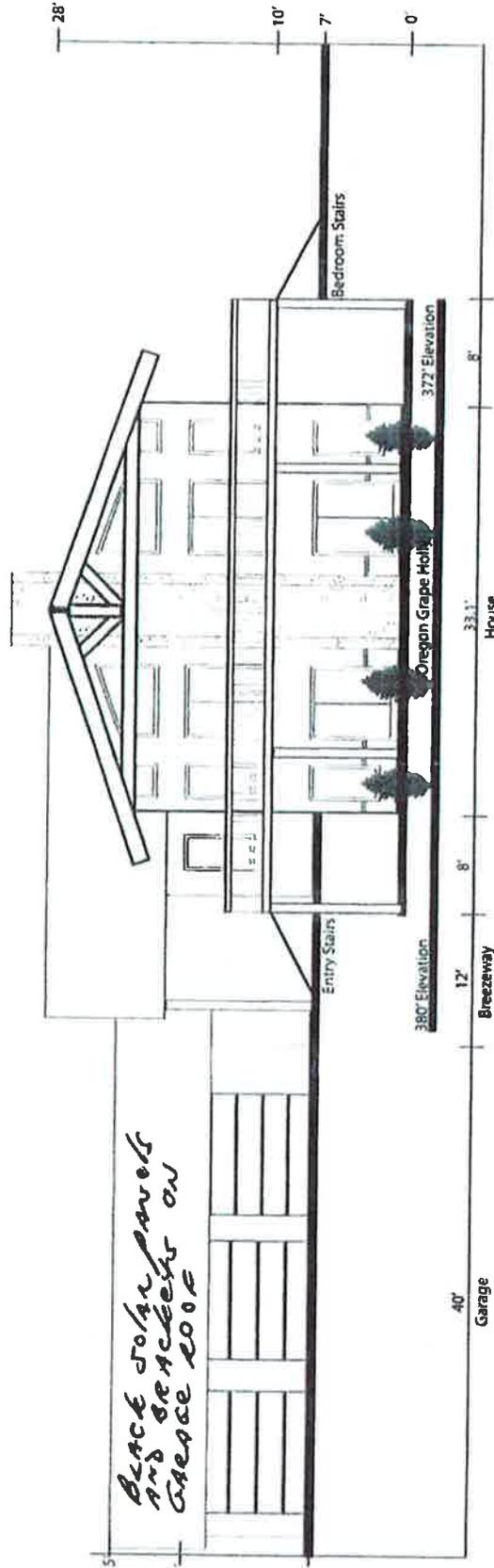


APPROVED

Project Name: _____ Date: _____ Scale: _____ Drawing No.: _____	
Title: _____ Date: _____	Author: _____ Date: _____

TC 51815

2/18/15



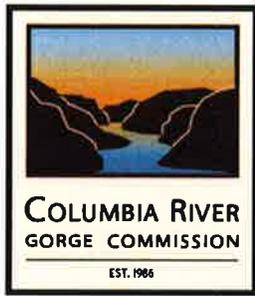
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2-11

COLUMBIA RIVER GORGE COMM.

Notes The Garage is drawn with 10' walls and its roof ridge at 15.5'; it will have 2' overhangs all around except for the breezeway which will have a 3.5' overhang. The house is drawn with west and east overhangs of 4'. Trees shown at a height of 56' and their elevations are noted.	Peter Leon House	
	South West Elevation	
	Scale at 1/8" = 1'0"	A - 3

APPROVED



STAFF REPORT

- Proposal:** The Columbia River Gorge Commission received an application to install roof-mounted solar panels on a detached garage to serve the residential and agricultural uses on the property, move an existing hayshed on the property and to review an after-the-fact installation of a geothermal heat system that included a 900' trench for buried heat transfer lines.
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- Case File:** C14-0002
- Zoning:** The subject property is designated Large-Scale Agriculture and is 40.2 acres in size.

COMMENTS FROM INDIVIDUALS/AGENCIES/GOVERNMENTS:

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

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

Written comments were received from Johnson Meninick, Confederated Tribes and Bands of the Yakama Nation, Gretchen Kaehler, Department of Archaeology and Historic Preservation; and Richard Till, Friends of the Columbia Gorge.

FINDINGS OF FACT:

A. Land Use

1. The subject property is in the General Management Area (GMA) and is designated Large-Scale Agriculture. The parcel is approximately 40.2 acres in size, on a steeply sloped, south facing aspect located along the north side of State Route 14 (SR 14). The parcel is characterized by grasslands, rocky outcrops and has very few trees. The construction of the existing dwelling and detached garage was reviewed and authorized by Director's Decision C11-0010 in 2011.
2. In July 2013 Commission staff received a report of grading occurring on the subject property. Upon contacting the property owner, staff learned that he was in the process of installing a geothermal heat exchange system. The property owner gave a project description indicating that significant grading and excavation had occurred. Gorge Commission staff determined that the project was the type of development that is subject to review under Commission Rule 350-81. The property owner agreed to immediately stop work on the project while the potential violation was investigated (Enforcement Case E13-K-G-148). Subsequently, staff identified the work as a *de minimis* violation pursuant to Commission Rule 350-30-010 to be resolved through submittal of an application authorizing the geothermal heat exchange system as constructed as an addition to the existing dwelling on the parcel. The project was included as part of this application submitted in February 2014.
3. Commission Rule 350-81-190(1)(v) allows the following as a review use subject to compliance with scenic, cultural, natural and recreation resources guidelines:

Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

- The applicant is proposing two additions to serve the existing dwelling approved. The first is authorization to install a solar panel system on the roof of an existing garage adjacent to the house. The panels will cover the south facing half of the 26' x 40' garage roof. The panel is greater than 200 square feet in area and will increase the height of the building by less than six inches. The applicant has submitted documentation regarding energy use history of the dwelling and proposed generation by the panels demonstrating that the panels are sized to only serve the energy needs of the dwelling.
4. The second addition is a geothermal heat exchange system consisting of a heat pump and ten 900-foot long lines buried in parallel within a five foot deep oval trench in the pasture east of the dwelling. The lines were installed in 2013 and resulted in no change to topography. This is an after-the-fact review to resolve Enforcement Case E13-K-G-148.
 5. There is an existing hay shed located next to a structure used for horse boarding (authorized by C10-0001). According to Klickitat County Assessor's records, the hayshed was constructed in 1981, and predated the adoption of the Columbia River Gorge National Scenic Area Act in 1986. The applicant proposes to repair and relocate the shed approximately 15 feet north and 10 feet west of its existing location and continue to use it for storing hay and feed in conjunction with the horse boarding use previously authorized by C10-0001. Commission Rule 350-81-074 (1)(a)(D) allows the repair, maintenance and operation of existing structures as a

use allowed outright and without review in GMA land use designations. Commission Rule 350-81-020(126) defines “repair”:

***Repair:** Replacement or reconstruction of a part of a serviceable structure after damage, decay or wear. A repair returns a structure to its original and previously authorized and undamaged condition. It does not change the original size, scope, configuration or design of a structure, nor does it excavate beyond the depth of the original structure.*

Thus, the repair, maintenance and continued use of this structure in its current location is allowed outright. However, moving a structure to a new location changes the configuration of the structure at the site and the location of the existing use. This change may be reviewed in two different ways under Commission Rule 350-81. Findings A.6 and A.7 below address the two ways of reviewing the applicant’s request to move the structure to a new location.

6. The first way of reviewing the applicant’s proposal to move the existing structure is pursuant to Commission Rule 350-81-082(4), which addresses changes to existing uses and structures. Rule 350-81-082(4)(a) states:

Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structures shall be subject to review and approval pursuant to Commission Rule 350-81.

Moving the structure is a change to the location of the use, which falls within “any change to an existing use” in Commission Rule 350-81-082(4)(a). Thus, moving the hayshed is an allowed review use in the Large-Scale Agriculture land use designation, subject to compliance with the guidelines in Commission Rules 350-81-520 to 350-81-610 that protect scenic, cultural, natural and recreation resources, which are evaluated in sections B through E, below.

7. The second way of reviewing the applicant’s proposal to move the existing structure is pursuant to Commission Rule 350-81-082(2), which addresses replacement of existing structures not damaged or destroyed by disaster. This rule states:

(2) Replacement of Existing Structures Not Damaged or Destroyed by Disaster

(a) Except as provided in 350-81-082(3), an existing structure may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:

(A) The replacement structure shall be used in the same manner and for the same purpose as the original structure.

(B) The replacement structure may have a different size and/or location than the original structure. An existing mobile home may be replaced with a framed residence and an existing framed residence may be replaced with a mobile home.

- (C) *The replacement structure shall be subject to the scenic, cultural, recreation and natural resources guidelines; the treaty rights guidelines; and the land use designations guidelines involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.*
- (D) *The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one year time frame.*

The original structure continues to be in use at this time and is not considered discontinued, so this guideline is not a perfect fit. Nevertheless, the applicant proposes a replacement structure, which in the end is substantially the same use as building a replacement structure that would be used in the same manner and for the same purpose as the original structure. Under this provision, the hayshed is allowed, subject to compliance with the guidelines in Commission Rules 350-81-520 to 350-81-610 that protect scenic, cultural, natural and recreation resources.

- 8. 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.

Conclusion:

The proposed additions and movement and/or replacement of the hayshed are allowed review uses in the Large-Scale Agriculture land use designation, subject to compliance with the guidelines in Commission Rules 350-81-520 to 350-81-610 that protect scenic, cultural, natural and recreation resources.

B. Scenic Resources

- 1. Commission Rule 350-81-520 lists scenic resource protection guidelines for review uses in the GMA. Commission Rule 350-81-520(1) lists guidelines for all review uses in the GMA that apply to all proposed development. These guidelines address new buildings, roads, quarries and planting screening vegetation. The project site is within the GMA, however the proposed project does not propose new buildings, roads, quarries or the planting of screening vegetation. The guidelines of Commission Rule 350-81-520(1) do not apply to this application.
- 2. Commission Rule 350-81-520(2) list guidelines for all review uses that are visible from key viewing areas. 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.

Commission staff observed that the subject parcel is topographically visible from three key viewing areas (KVAs): Washington State Route 14 (SR-14), Interstate 84 (I-84) and the Columbia River. Thus, the guidelines of Commission Rule 350-81-520(2) are applicable.

3. 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 proposed development consists of an underground heat pump system and solar panels on the roof of an existing structure. These are situated in the foreground of the SR-14 KVA and are within a mile as seen from the Columbia River and I-84. However, solar panels are dark, and have a low-reflectivity which closely matches the color of the garage. The panels will not be visually dominant in relation to their surroundings. With conditions, the proposed development can be visually subordinate from all key viewing areas as discussed in the following findings.

4. 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.

The proposed development is an addition to an existing structure which is itself visually subordinate to its setting. The structure is a very dark color and the addition will be hard to discern as separate or contrasting with the existing structure.

The subject parcels are within the Grasslands landscape setting (See finding B.14, below.) The proposed development is within an existing developed cluster of buildings and agricultural uses. The addition of solar panels on the top of an existing structure will not change the visual character of the area since the grassland area and topography will not change. The ground disturbance due to the installation of the heat exchange system was re-seeded with pasture

grasses. The visual character of the area, including the subject parcel, remains consistent with the grasslands landscape setting.

The visibility of the additions to the existing residence from key viewing areas is low and the use of materials and colors that blend with the landscape help ensure the panels will be visually subordinate as viewed from key viewing areas.

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

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

The extent and type of conditions applied to a proposed development to achieve visual subordination shall be proportionate to its potential visual impacts as seen from key viewing areas.

- (A) *Decisions shall include written findings addressing the factors influencing potential visual impact, including but not limited to:*
- (i) *The amount of area of the building site exposed to key viewing areas.*
 - (ii) *The degree of existing vegetation providing screening.*
 - (iii) *The distance from the building site to the key viewing areas from which it is visible.*
 - (iv) *The number of key viewing areas from which it is visible.*
 - (v) *The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).*

The subject property is topographically visible in the foreground of the SR-14 KVA and is within a mile as seen from the Columbia River and I-84. Gorge Commission staff used aerial photography and field observations to determine the distance to and distance along linear key viewing areas is as follows:

- State Route 14: The garage roof is topographically visible along an approximately 1/4 mile stretch of State Route 14 along which the subject property is situated. The site is approximately 700 feet north of the highway. The use of dark colors and materials with low reflectivity will help reduce the visual impact of the development.
- Columbia River: The development site is situated on a hillside below a bluff at an elevation of 400 feet, approximately 250 feet above and 1200 feet north of the

Columbia River. The subject parcel is topographically visible for approximately 3 miles downstream and ½ mile upstream along the Columbia River.

- I-84: The project site is approximately 1 mile from I-84 at its closest point. The subject parcel is topographically visible for a linear distance of approximately 5 miles along I-84.

6. 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.*

Conditions of approval to ensure that the development will be visually subordinate to the surrounding landscape as seen from key viewing areas, consistent with Commission Rule 350-81-520(2)(d)(B) are limited to color and reflectivity, as discussed in the findings below.

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

New development shall be sited to achieve visual subordination from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, development shall comply with this guideline to the maximum extent practicable.

The new development is within an area of existing development on the parcel. The siting choice enabled the majority of the project to be underground or on an existing structure. The siting is consistent with Commission Rule 350-81-520(2)(e).

8. 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.

The project site is set back from the adjacent highway between two hillsides. The siting uses topography to limit visibility of the development from the State Route 14 key viewing area. The siting choice is consistent with Commission Rule 350-81-520(2)(f).

9. 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).

All existing tree cover is retained as specified in the Landscape Settings Design Guidelines in 350-81-520(3).

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

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

The proposed addition is to the existing building authorized by a Director's Decision in 2011 which was subject to this guideline. The project will raise the height of the garage a minor amount, approximately 6 inches. The structure is set back against a hillside which rises behind the garage and house site when viewed from key viewing areas. The building will remain below the skyline as seen from key viewing areas and will remain consistent with Commission Rule 350-81-520(2)(h).

11. 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 application proposes to use solar panels which are a black color within a black anodized aluminum frame on top of the garage which is already a very dark brown color. The surrounding landscape includes basalt rock cliffs, which are dark brown, gray, and black and bluffs which produce shadows. As built, the existing structure uses colors that are dark earth-tone colors found at the site and in the surrounding landscape. The proposed black panels are also consistent with Commission Rule 350-81-520(2)(l).

The black panel and frame color will be included as a condition of approval in the Director's Decision.

The replacement of the hayshed will require that the structure be painted a dark earth-tone color found at the specific site or in the surrounding landscape. A condition of approval will require that the replacement structure be painted a color consistent with Commission Rule 350-81-520(2)(l).

11. 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.

The panels are covered by a tempered solar glass with anti-glare prismatic subsurface texture and an anodized aluminum frame. These materials are of low reflectivity. The exterior of the building will remain consistent with Commission Rule 350-81-520(2)(m).

The replacement of the hayshed will be at a site that is visible from key viewing areas. Commission Rule 350-81-520(m) requires that the roof of the structure be composed of non-reflective or low-reflectivity materials. The existing hayshed has metal roof with high reflectivity. A condition of approval will require that the replacement structure be roofed with materials consistent with Commission Rule 350-81-520(2)(m).

12. 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 proposed addition to the existing garage is smaller in total square area than the existing building.

14. 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.

There is no proposed structural development requiring grading as part of this application. Installation of the geothermal heat exchange lines required excavation of approximately 900 feet of a 5' wide by 5' deep trench. The native trench material was backfilled in place and no change in grade occurred as a result of this work. Commission Rule 350-81-520(2)(aa) is not applicable.

15. Commission Rule 350-81-520(3)(d) lists guidelines for new development in the Grasslands Landscape Setting. Commission Rules 350-81-520(3)(d) states:

(A) *Accessory structures, outbuildings, and access ways shall be clustered together as much as possible. Exceptions to this guideline are permitted where necessary for farming operations.*

(B) *In portions of this setting visible from key viewing areas, the following guidelines shall be employed to achieve visual subordination for new development and expansion of existing development:*

- (i) *Structures shall be sited on portions of the property that provide maximum screening from key viewing areas, using existing topographic features.*
 - (ii) *Lower structures that emphasize horizontal lines and blend with this sweeping landscape should be encouraged rather than very tall structures.*
 - (iii) *Planting of trees for screening shall not be extensive, in character with the openness of this setting. Where used, screening vegetation shall either tie in with nearby riparian vegetation in seasonal drainages or emulate windrows. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include Oregon white oak, Lombardy poplar, black locust, black cottonwood (wet locations), Russian olive and ponderosa pine.*
- (C) *Resource-based recreation uses of a very low-intensity or low-intensity nature that occur infrequently are compatible with this setting, and include hiking, hunting and wildlife viewing.*

No tree removal was needed in order to construct the heat exchange system or is necessary to install the solar panels on the garage. No additional trees were planted for screening purposes. The project is consistent with the requirements of Commission Rule 350-81-520(3)(e).

16. Commission Rule 350-81-520(4) contains guidelines for new uses within ¼ mile of scenic travel corridors. These guidelines apply to new and existing buildings, parking lots, vegetation management, signal wires and power lines, and mineral resources and quarries. Portions of the project are within ¼ mile of Washington SR-14, however no portion of Commission Rule 350-81-520(4) applies to the type of development proposed.

Conclusion:

With a Condition of Approval specifying the approved color for the solar panels and the replacement hayshed, and for the use of low-reflectivity roofing materials for the replacement hayshed, the proposed development is consistent with applicable guidelines in Commission Rules 350-81-052 and 350-81-520 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, completed a reconnaissance survey pursuant to Commission Rule 350-81-540(1)(c). In a Heritage Resource Survey Report dated March 13, 2015, Ms. Dryden determined that there are no prehistoric or historic-period archaeological resources within the area of potential effect, the project avoids cultural resources located in the vicinity, and the proposed development will have no effect on significant cultural resources.

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 confirmed that the proposed development actions would not alter any historic structures.
3. Commission Rule 350-81-540(2)(b) and (4)(b) require the Executive Director to submit a copy of all cultural resource survey reports and assessments of effect to the State Historic Preservation Officer (SHPO) and the Indian tribal governments for their review. The rules provide for a 30-day comment period to submit written comments. The reports were mailed on March 17, 2015. Gretchen Kaehler, Local Governments Archaeologist for the Department of Archaeology and Historic Preservation commented on the report. Ms. Kaehler recommended that there be photographs of site conditions, calculations of amount of land disturbed, and additional field work, including subsurface testing. Please see finding C.5 below for discussion of this comment. The Commission received no other comments.
4. 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.

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 described above, review of the proposed development required a reconnaissance survey. The reconnaissance survey did not identify any impacts to cultural resources on the site and the historic survey found that no historic structures would be altered due to the activities proposed. The reconnaissance survey did not identify any effect on cultural or historic resources due to the proposed activity. No mitigation plan was required for this development proposal. Future similar projects undergrounding communication lines or relocating poles that avoid cultural resources will not cause any cumulative effects to cultural resources. As proposed, the development is consistent with Commission Rule 350-81-540(1)(g).

5. Commission Rule 350-81-540(2)(c)(A) states that the Executive Director shall make a final decision on whether the proposed use would be consistent with 350-81-540. If the final

decision contradicts the comments submitted by the State Historic Preservation Officer, the Executive Director shall justify how an opposing conclusion was reached.

The Washington Department of Archaeology and Historic Preservation (DAHP) submitted a comments in response to Ms. Dryden's reconnaissance survey. DAHP recommended photographs of site conditions, calculations of amount of land disturbed, and additional field work, including subsurface testing. In response, Ms. Dryden provided a report with the requested photographs and calculations, and further description of her field work. Ms. Dryden explained that because the disturbed area was clear of vegetation, she had clear visibility of the ground; that she walked a portion of the trench that was not already filled, and that she walked the length of the trench that had been filled in and adjacent exposed soil with closely spaced (5-meter) transects. Ms. Dryden explained that she was thus able to see subsurface materials as much as six-feet deep and that she had visibility of more than 2500 square meters of disturbed soil, which was significantly more than she would have seen through only subsurface probes.

The Executive Director appreciates DAHP calling attention to the potential for significant disturbance of cultural resources and the need for careful survey work. In this case, the Executive Director believes Ms. Dryden's reconnaissance survey sufficiently covered the site and that her conclusion that the proposal would not impact cultural resources is based on substantial evidence.

6. Commission Rule 350-81-540(2)(c)(B)(ii) states the cultural resource protection process may conclude when a reconnaissance survey demonstrates that cultural resources do not exist in the project area, no substantiated concerns were voiced by interested persons, the State Historic Preservation Office or a Tribal government. Commission Rule 350-81-540(2)(c)(B)(iv)(b) states that the historic resource protection process may also conclude when a historic survey demonstrates that proposed uses would not have an effect on historic buildings or structures because the proposed use would not compromise any historic structures or features on the site.

As discussed in Finding C.6 above, the Washington DAHP raised concerns about the scope of the reconnaissance survey and requested additional field work. These concerns are not unsubstantiated, and in response, Ms. Dryden provided additional information that the Executive Director believes addresses DAHP's concerns. No other person raised concerns. Pursuant to Commission Rule 350-81-540(2)(c)(A), the Executive Director finds that the proposed use is consistent with Commission Rule 350-81-540 and the cultural resource protection process may conclude.

7. Commission Rule 350-81-540(6) protects cultural resources discovered during construction. It requires that if cultural resources are discovered after construction begins, all construction activities within 100 feet of the discovered cultural resource shall cease; further disturbance is prohibited, and the Gorge Commission shall be notified within 24 hours of the discovery. A condition of approval will alert the applicant to this requirement. This requirement is consistent with the comments of the Washington Department of Archaeology and Historic Preservation.
8. Commission Rule 350-81-540(7) protects human remains discovered during construction. It requires that if human remains are discovered after construction begins, all construction activities shall cease and the Gorge Commission, local law enforcement officials and the Indian

tribal governments shall be contacted immediately. A condition of approval will alert the applicant to this requirement.

Conclusion:

With conditions requiring the cessation of work and Commission notification if cultural resources or human remains are discovered during construction, the proposed development is consistent with applicable cultural resources guidelines in Commission Rules 350-81-052(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 inventories show that there are no wetland, pond, lake or riparian resources protected by Commission Rules 350-81-560 and 570 are located in the project vicinity. Commission Rules 350-81-560 and 570 are not applicable.
3. Commission Rule 350-81-580 contains provisions for the protection of sensitive wildlife areas and sites within 1,000 feet of the proposed development. Gorge Commission inventories do not identify any sensitive wildlife areas or sites within 1,000 feet of the subject property; therefore, Commission Rule 350-81-580 is not applicable.
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.

There are no established recreation sites on parcels adjacent to the subject parcel. No buffer is necessary to prevent the proposed development from detracting from the use and enjoyment of any recreation site. The project is consistent with Commission Rule 350-81-086.

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
Gretchen Kaehler, Department of Archaeology and Historic Preservation
Friends of the Columbia Gorge

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