

DIRECTOR'S DECISION

APPLICANT: Keith and Christina Bowen

LANDOWNER: Keith and Christina Bowen

FILE NO.: C14-0005

REQUEST: The application requests approval to (1) construct a deck on an existing single-family dwelling, (2) replace an existing well house, (3) construct a greenhouse, (4) remove pole power and water lines to garden and dwelling, and (5) remove two areas of fill. During the course of review, the Commission discovered a carport that has no permit history, so this decision is addressing the carport as well

LOCATION: The subject parcel is located at 12 Bailey Lane, Lyle, Washington in the SE 1/4 of Section 21, Township 3 North, Range 12 East, W.M., Klickitat County, Washington (Klickitat County Parcel Number 03122100001400).

LAND USE

DESIGNATION: The 21-acre parcel is located in the General Management Area and is designated Small Woodland.

DECISION:

Based upon the findings of fact in the Staff Report for Director's Decision C14-0005 the land use application by Keith and Christina Bowen 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.**

CONDITIONS OF APPROVAL:

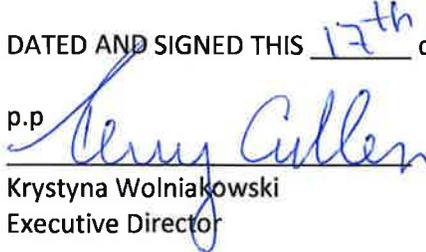
The following conditions of approval are required to ensure that the proposal is consistent with the standards of Section 6 and the purposes of P.L. 99-663, and the Management Plan and approvable under Commission Rule 350-81. Compliance with them is required. **This decision must be recorded in county 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 C14-0005, 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 exterior color of the deck may be left natural as proposed. If the applicants propose any other color for the deck, they shall submit a sample of the color to the Executive Director for review and approval prior to changing the color.
4. The current blue color of the carport roof is not approved. The applicants may paint the color of the carport roof a dark earth tone color or the same color as the roof of the dwelling. The applicants shall also apply a textured coating to the roof of the carport to reduce the reflectivity of the roof. The applicants shall submit a sample of the color and texture to the Executive Director prior to painting. The sample shall be applied to a piece of metal roof.
5. The applicants did not specify a precise color for the siding or a precise roofing material and color for the accessory building. The applicants shall submit a sample of the siding color and roofing material and color for the accessory building to the Executive Director for review and approval prior to applying any color or roofing.
6. The applicants shall not affix the greenhouse to the ground by a foundation; the approved location for the greenhouse is generally north of three coniferous trees. If these trees should die or be removed by any cause, the applicants shall move the greenhouse to a location where it is fully screened from key viewing areas.
7. 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.
8. **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.
9. 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.
10. 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 17th day of September, 2015 at White Salmon, Washington.

p.p


Krystyna Wolniakowski
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 17th day of September, 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 October, 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:

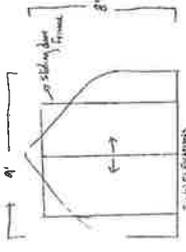
Any new land uses or structural development such as residences; garages, workshops, or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review.

Attachments:

Staff Report for C14-0005

MAP I
D. GREENHOUSE
(FOOTPRINT + ELEVATIONS)

(Plans + elevations of greenhouse lot:
www.multipurposehouse.blogspot.com)



8' x 8' ELEVATIONS
(utilization 100% no roof)

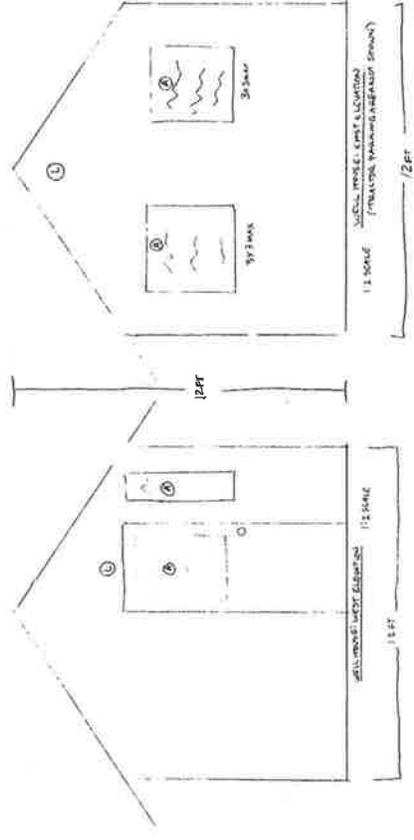


8' x 8'

SELECTION OF
COMPONENTS OF
THE GREENHOUSE
AND AIRFLOW PLANE
(Proposed with 1/4" rain on
Porch-Rain-Collector)

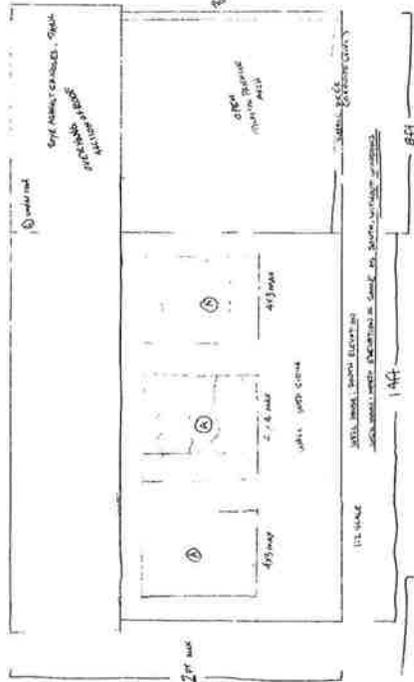


8' x 8' ELEVATIONS



15' 0" SCALE
WELL HOUSE, WEST ELEVATION

12' 0" SCALE
WELL HOUSE, WEST ELEVATION



MAP I B
LEGEND

- ① Proposed structure (see plan)
- ② Proposed structure (see plan)
- ③ Proposed structure (see plan)

MAP I
B. PROPOSED
WELL HOUSE
(FOOTPRINT +
ELEVATIONS)

USE MAP I FOR MEASURING
DIMENSIONS

①: Impervious construction

APPLICATION #: C14-005
APPLICANTS: KEITH + CHRISTINA BOWEN
KILGERRIT COUNTY PARCEL #: 03122100014
9/14/15 (with Brian)

- MAP I A
LEGEND
- ① Proposed structure (see plan)
 - ② Proposed structure (see plan)
 - ③ Proposed structure (see plan)
 - ④ Proposed structure (see plan)
 - ⑤ Proposed structure (see plan)
 - ⑥ Proposed structure (see plan)
 - ⑦ Proposed structure (see plan)
 - ⑧ Proposed structure (see plan)
 - ⑨ Proposed structure (see plan)
 - ⑩ Proposed structure (see plan)
 - ⑪ Proposed structure (see plan)
 - ⑫ Proposed structure (see plan)
 - ⑬ Proposed structure (see plan)
 - ⑭ Proposed structure (see plan)
 - ⑮ Proposed structure (see plan)
 - ⑯ Proposed structure (see plan)
 - ⑰ Proposed structure (see plan)
 - ⑱ Proposed structure (see plan)
 - ⑲ Proposed structure (see plan)
 - ⑳ Proposed structure (see plan)
 - ㉑ Proposed structure (see plan)
 - ㉒ Proposed structure (see plan)
 - ㉓ Proposed structure (see plan)
 - ㉔ Proposed structure (see plan)
 - ㉕ Proposed structure (see plan)
 - ㉖ Proposed structure (see plan)
 - ㉗ Proposed structure (see plan)
 - ㉘ Proposed structure (see plan)
 - ㉙ Proposed structure (see plan)
 - ㉚ Proposed structure (see plan)
 - ㉛ Proposed structure (see plan)
 - ㉜ Proposed structure (see plan)
 - ㉝ Proposed structure (see plan)
 - ㉞ Proposed structure (see plan)
 - ㉟ Proposed structure (see plan)
 - ㊱ Proposed structure (see plan)
 - ㊲ Proposed structure (see plan)
 - ㊳ Proposed structure (see plan)
 - ㊴ Proposed structure (see plan)
 - ㊵ Proposed structure (see plan)
 - ㊶ Proposed structure (see plan)
 - ㊷ Proposed structure (see plan)
 - ㊸ Proposed structure (see plan)
 - ㊹ Proposed structure (see plan)
 - ㊺ Proposed structure (see plan)



MAP I C
A. SHELTER BUILDING

- MAP I C
LEGEND
- ① Proposed structure (see plan)
 - ② Proposed structure (see plan)
 - ③ Proposed structure (see plan)
 - ④ Proposed structure (see plan)
 - ⑤ Proposed structure (see plan)
 - ⑥ Proposed structure (see plan)
 - ⑦ Proposed structure (see plan)
 - ⑧ Proposed structure (see plan)
 - ⑨ Proposed structure (see plan)
 - ⑩ Proposed structure (see plan)
 - ⑪ Proposed structure (see plan)
 - ⑫ Proposed structure (see plan)
 - ⑬ Proposed structure (see plan)
 - ⑭ Proposed structure (see plan)
 - ⑮ Proposed structure (see plan)
 - ⑯ Proposed structure (see plan)
 - ⑰ Proposed structure (see plan)
 - ⑱ Proposed structure (see plan)
 - ⑲ Proposed structure (see plan)
 - ⑳ Proposed structure (see plan)
 - ㉑ Proposed structure (see plan)
 - ㉒ Proposed structure (see plan)
 - ㉓ Proposed structure (see plan)
 - ㉔ Proposed structure (see plan)
 - ㉕ Proposed structure (see plan)
 - ㉖ Proposed structure (see plan)
 - ㉗ Proposed structure (see plan)
 - ㉘ Proposed structure (see plan)
 - ㉙ Proposed structure (see plan)
 - ㉚ Proposed structure (see plan)
 - ㉛ Proposed structure (see plan)
 - ㉜ Proposed structure (see plan)
 - ㉝ Proposed structure (see plan)
 - ㉞ Proposed structure (see plan)
 - ㉟ Proposed structure (see plan)
 - ㊱ Proposed structure (see plan)
 - ㊲ Proposed structure (see plan)
 - ㊳ Proposed structure (see plan)
 - ㊴ Proposed structure (see plan)
 - ㊵ Proposed structure (see plan)
 - ㊶ Proposed structure (see plan)
 - ㊷ Proposed structure (see plan)
 - ㊸ Proposed structure (see plan)
 - ㊹ Proposed structure (see plan)
 - ㊺ Proposed structure (see plan)

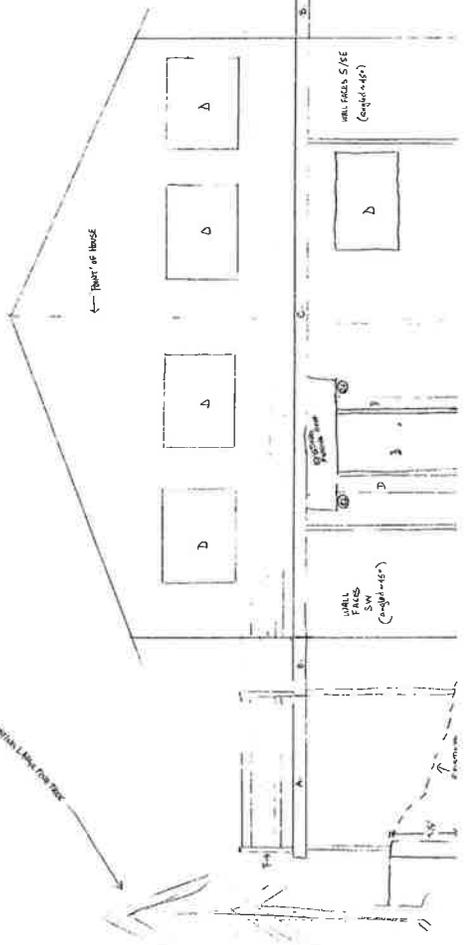
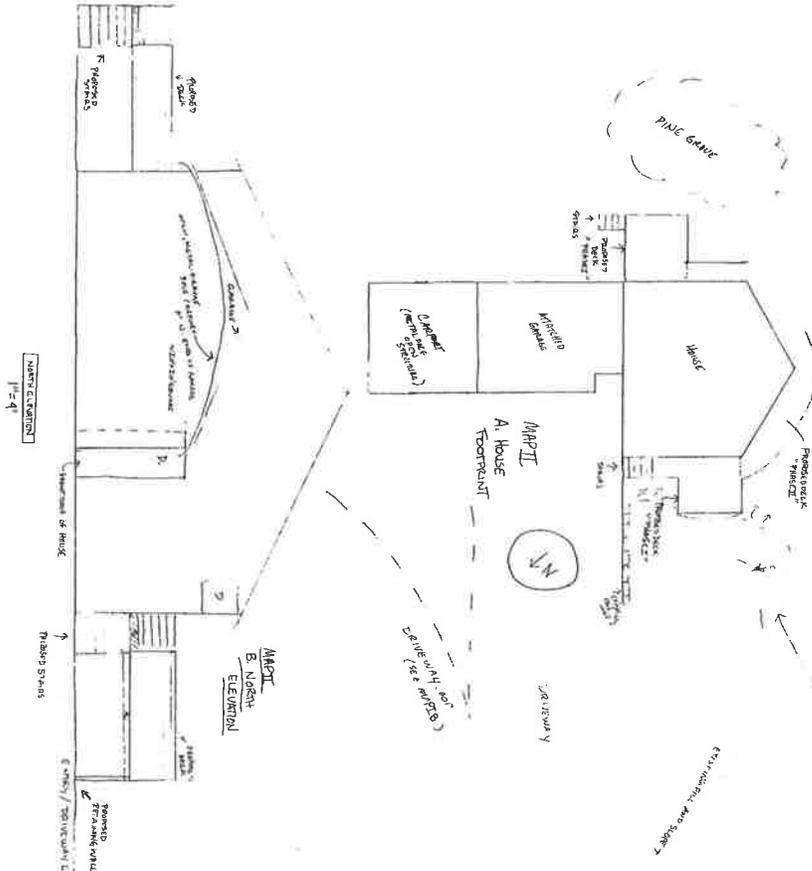
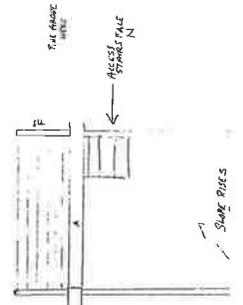
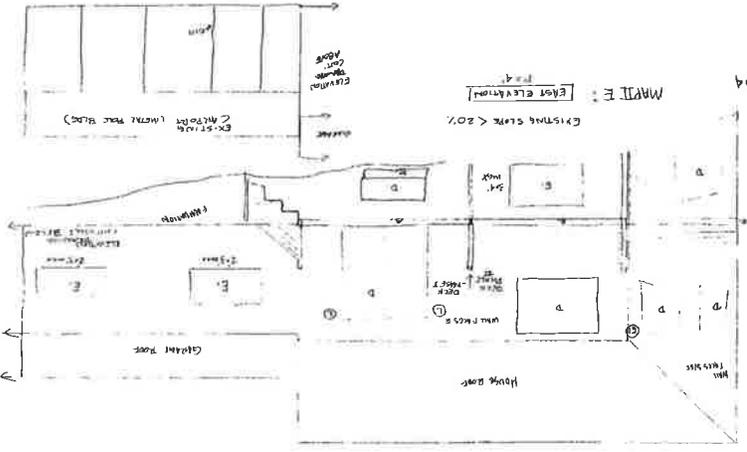
9/14/15
APPROVED

SEE DARK WOOD (P.E.) WITH
 MILLIES & WOOD POSTS.
 JESTER WINDOWS WILL BE LOW E. GLASS
 THE SIDING WILL BE DARK GREEN
 SE SIDING WILL BE BOYD MATERIAL
 NO DARK COLOR
 REPAIRS & LEAKAGE W/CL COMPANY WITH
 ARCH HANDBOOK GUIDELINES

4/14/15
 APPLICATION # : CIA-005
 OWNERS : KENNETH & CHRISTINA BOVEN
 CLICKMOUNT COUNTY PARCEL # : 0312210004
 C. J. BOVEN

- LEGEND
- A. STRUCTURE TO REMAIN BUT 12' X 12' CORNER
 - B. STRUCTURE TO REMAIN
 - C. THIS CORNER TO REMAIN WITH
 EXISTING CORNER WITH SIDE WITH
 TRUSS ROOF TO REMAIN
 TRUSS ROOF TO REMAIN WITH EXISTING
 SIDE WALLS TO REMAIN WITH EXISTING
 SIDE WALLS TO REMAIN WITH EXISTING
 SIDE WALLS TO REMAIN WITH EXISTING
 - D. EXISTING DOORS AND WINDOWS
 TO REMAIN WITH EXISTING
 TRUSS ROOF TO REMAIN WITH EXISTING
 - E. EXISTING WINDOWS
 - F. EXISTING EXTERIOR LIGHTS
 - G. EXISTING EXTERIOR LIGHTS
 - H. EXISTING EXTERIOR LIGHTS
 - I. EXISTING EXTERIOR LIGHTS
 - J. EXISTING EXTERIOR LIGHTS
 - K. EXISTING EXTERIOR LIGHTS
 - L. EXISTING EXTERIOR LIGHTS
 - M. EXISTING EXTERIOR LIGHTS
 - N. EXISTING EXTERIOR LIGHTS
 - O. EXISTING EXTERIOR LIGHTS
 - P. EXISTING EXTERIOR LIGHTS
 - Q. EXISTING EXTERIOR LIGHTS
 - R. EXISTING EXTERIOR LIGHTS
 - S. EXISTING EXTERIOR LIGHTS
 - T. EXISTING EXTERIOR LIGHTS
 - U. EXISTING EXTERIOR LIGHTS
 - V. EXISTING EXTERIOR LIGHTS
 - W. EXISTING EXTERIOR LIGHTS
 - X. EXISTING EXTERIOR LIGHTS
 - Y. EXISTING EXTERIOR LIGHTS
 - Z. EXISTING EXTERIOR LIGHTS

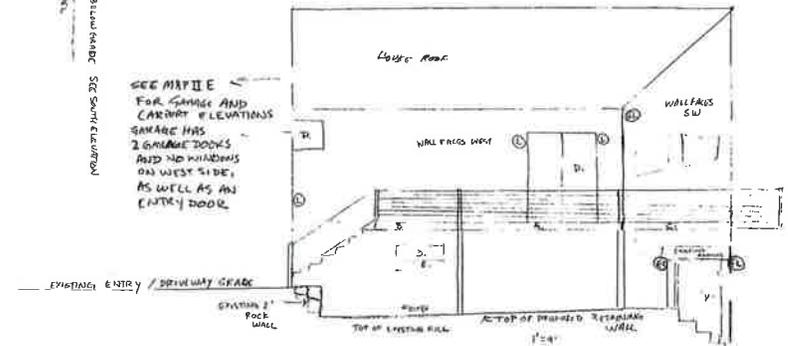
MAP II (A,B,C,D,E)



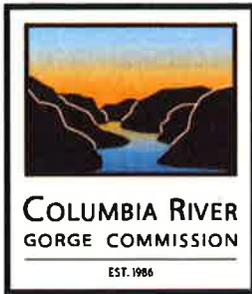
FILL PAD (CONCRETE) GOES UP IN ELEVATION ~ 5' WEST OF HOUSE (SCOPE RUNS TO RAIL)

SEE MAP I E FOR GARAGE AND CARPORT ELEVATIONS GARAGE HAS 2 GARAGE DOORS AND NO WINDOWS ON WEST SIDE, AS WELL AS AN ENTRY DOOR

MAP II C : WEST ELEVATION



C14-0005



STAFF REPORT

APPLICANT: Keith and Christina Bowen

LANDOWNER: Keith and Christina Bowen

FILE NO.: C14-0005

REQUEST: The application requests approval to (1) construct a deck on an existing single-family dwelling, (2) replace an existing well house, (3) construct a greenhouse, (4) remove pole power and water lines to garden and dwelling, and (5) remove two areas of fill. During the course of review, the Commission discovered a carport that has no permit history, so this decision is addressing the carport as well.

LOCATION: The subject parcel is located at 12 Bailey Lane, Lyle, Washington in the SE 1/4 of Section 21, Township 3 North, Range 12 East, W.M., Klickitat County, Washington (Klickitat County Parcel Number 03122100001400).

LAND USE DESIGNATION: The 21-acre parcel is located in the General Management Area and is designated Small Woodland.

COMMENTS FROM OTHER INDIVIDUALS/AGENCIES/GOVERNMENTS:

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

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

Written comments were received from Marge Dryden, U.S. Forest Service National Scenic Area office; Mark

FINDINGS OF FACT:

A. Land Use

1. The subject parcel is approximately 21 acres in size and rectangular in shape with a small flagpole for the driveway. Vegetation consists of a mixture of mature oaks and pine trees of varying density around the east and south edges of the property. Most of the property is open with some scattered trees. Topography gently slopes down generally from the north to the south. Existing development consists of a single-family dwelling and attached garage and a well house. The flagpole driveway begins at Lyle-Snowden Rd and travels south until it reaches the main (rectangular) part of the parcel at the northwest corner. The driveway then turns east for approximately one-half of the length of the property and then turns south to reach the dwelling. The dwelling is roughly a little north of center on the property.

Currently there is a dwelling with the lower level being a daylight basement. The size of the dwelling is unclear. The applicants state that it is 1760 square feet in size; Klickitat County Assessor records show that it is 1904 square feet in size. The difference is immaterial in this decision, but could be material for future applications to expand the dwelling (see Commission Rule 350-81-520(1)(b)). This decision will use the 1904-square-foot size to illustrate compliance with the rules using the larger size. The applicants may want to clarify the size with Klickitat County records, and a future application for an expansion of the dwelling should provide a precise calculation for use at that time. There is an attached garage and carport, which Klickitat County records show is 748 square feet total. The attached garage is approximately 18' x 20' in dimension, 360 square feet, and the attached carport is approximately 21' x 21' in dimension, 420 square feet. As discussed in the next paragraph, the carport is not considered existing and requires review and approval. The combined size of the existing dwelling and garage is 2211 square feet (1904 sq. ft. dwelling + 307 sq. ft. garage). The dwelling is oriented approximately 45 degree off of north. There is also an approx. 51-square-foot well building to the northeast of the dwelling and a garden to the east of the dwelling.

The carport is a metal pole building with a blue roof. The current landowners installed it in 2010 replacing a prior wood carport structure of approximately the same size. There is no permit history for the carport; it is unknown whether the original carport would have needed a permit from Klickitat County, or when it was built. If it was built after the date of the National Scenic Area Act (November, 1986), then the original carport would have needed a National Scenic Area approval. Replacement of the carport in kind would have also required review (See Commission Rule 35-81-082). This development review decision will therefore address the carport.

2. The applicants propose to construct a raised deck at the same height as the main floor of the dwelling. The deck would be on the northwest, southwest, and southeast sides of the dwelling. The deck would be constructed in two phases. Two 12' x 12' sections of deck, one on the northwest and one on the southeast would be constructed in phase 1. These sections would each have stairs down to the ground. One of the stairs is part of the 12 x 12 dimension; the other section of stairs is an additional 10' x 3' extending to the north. The remaining section of deck, a radius curve along the southwest side of the dwelling, would be constructed in phase 2. The radius curve would be approximately 44 feet in length and between 3 and 5

feet in width. The applicant proposes wire railing with dark wood posts on the entire deck.

The applicants also propose to replace the existing well building with a new well building that would be 22' x 12.' 14' x 12' would be enclosed and used for the well pump, a backup generator, and utility shed/greenhouse area. A 12' x 8' area would be a covered area for tractor parking. There is no ongoing agricultural use of the property, so this building is best described as an accessory building—accessory to the dwelling. This size of this building is 264 square feet.

The applicants also propose to construct a 12' x 9' greenhouse from a kit. The greenhouse would be clear polycarbonate plastic and would be located on the north side of the garden adjacent to an existing fence around the garden.

Finally, the applicants propose to remove some fill, less than 100 cubic feet and to put the electricity and water lines in separate trenches between the pump accessory building and the dwelling. The fill to be removed is located to the west of the dwelling. The applicants state that the fill is rubble and they propose to replace it with soil and to plant eight fruit trees. The electricity trench would be roughly a straight line between the buildings, bending slightly east to avoid existing vegetation north of the dwelling. The water trench from the accessory building would bend to the east to get close to the garden before reaching the house.

Although the applicants did not request approval of the carport, the Commission is reviewing the carport as part of this application. The carport is 21' x 21' feet in size and is located immediately adjacent to the north side of the garage. The southern edge of the carport sits under the northern eave of the garage; thus the carport is effectively attached to the dwelling, even if not physically attached, and is reviewed as an addition to the dwelling.

3. The Land Use Designation map in the *Management Plan for the Columbia River Gorge National Scenic Area* designates the subject parcel as Small Scale Agriculture in the General Management Area (GMA).
4. Commission Rule 350-81-190(1) specifies uses that may be allowed on lands designated small scale agriculture subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources (350-81-520 through 350-81-620).
5. Commission Rule 350-81-190 does not specifically list decks; however, in the past, the Commission has treated applications for decks as applications for additions to existing dwellings. Commission Rule 350-81-190(1)(v) allows additions to existing buildings greater than 200 square feet in area or greater than the height of the existing dwelling. The proposed deck is approximately 500 square feet and would be lower than the height of the existing dwelling. The proposed deck may be permitted if it is consistent with the guidelines for the protection of scenic, cultural, natural, and recreation resources (350-81-520 through 350-81-620). Consistency with those guidelines is reviewed in Section B through E, below.

The carport is another addition to the dwelling. It is approximately 441 square feet in size. The carport may be permitted if it is consistent with the guidelines for the protection of scenic, cultural, natural, and recreation resources (350-81-520 through 350-81-620). Consistency with those guidelines is reviewed in Section B through E, below.

6. Commission Rule 350-81-270(1)(f) allows accessory buildings if consistent with the guidelines for the protection of scenic, cultural, natural, and recreation resources (350-81-520 through

350-81-620) and subject to with specified restrictions:

Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

- (A) *The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 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 footprint of any individual accessory building shall not exceed 1,500 square feet.*
- (C) *The height of any individual accessory building shall not exceed 24 feet.*

The applicants propose two accessory buildings, a 22' x 12' (264 sq. ft.) accessory building, and a 12' x 9' (108 sq. ft.) greenhouse. Each is less than 1,500 square, and together they total 372 square feet, which is less than 2,500 square feet. The accessory building would be 12 feet in height and the greenhouse would be 8 feet in height. The proposed trenching between the dwelling and accessory building is reviewed as part of the allowed accessory building, and does not need to fall within a distinct land use type. The application complies with the specified restrictions in Commission Rule 350-81-190(1)(f) (A) through (C). The accessory buildings may be permitted if they are consistent with the guidelines for the protection of scenic, cultural, natural, and recreation resources (350-81-520 through 350-81-620). Consistency with those guidelines is reviewed in Section B through E, below.

7. The applicants describe the fill to be removed as rubble and propose to replace the fill with soil to support approximately 8 new fruit trees. The new trees are decorative and will not be reviewed separately as new cultivation. Removal of the fill is part of residential use of the parcel and is reviewed because it is a ground-disturbing action.

Conclusion:

All of the proposed actions are uses allowed on the property subject to compliance with the guidelines to protect scenic, cultural, natural, and recreation resources.

B. Scenic Resources

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

New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to the maximum extent practicable.

The proposed deck is not considered a new building, nevertheless, it will be built on posts which will require minimal grading. The applicants state the deck on the west side will require some grading (they estimate less than 100 cubic yards) to create a properly draining slope. The new accessory building will be on flat ground and will require minimal grading and no changes to topography. The greenhouse will likely require changes to topography; it sits on an aluminum base that appears to be designed to sit on a flat surface. The carport is on a flat surface. As proposed, the buildings are sited and designed to retain the existing topography

and reduce necessary grading to the extent practicable, consistent with Commission Rule 350-81-520(1)(a).

2. Commission Rule 350-81-520(1)(b) states:

New buildings shall be compatible with the general scale (height, dimensions and overall mass) of existing nearby development.

The proposed carport will add approximately 441 square feet to the dwelling. For the purpose of comparing scale of the proposed building with the scale of existing nearby development, the total size of the dwelling would be 2652 square feet (2211 sq. ft. for the dwelling and garage + 441 sq. ft. for the carport). The proposed deck is uncovered. The Commission does not consider uncovered decks when comparing scale of a proposed building with the scale of existing nearby development. There are more than 10 buildings within one-half mile that are of similar or larger size. With the addition of the carport, the dwelling would remain compatible with the scale of existing nearby development.

The proposed accessory building will be 264 square feet and the proposed greenhouse will be 108 square feet. Both these are much smaller than the existing dwelling. These new buildings are compatible with the height and size of existing nearby development, and are consistent with Commission Rule 350-81-520(1)(b).

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

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

This decision does not require the applicants to plant additional vegetation.

4. Commission Rule 350-81-520(1)(d) requires a site plan to be submitted for proposals to construct new buildings.

The applicant submitted a site plan, which is smaller in scale than the application requirements; nevertheless, it shows the required elements and their locations in sufficient detail to allow for adequate review. The notice materials for this application included a copy of the site plan.

5. 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.23 through B.26. Commission Rules 350-81-520(1)(f) and (g) apply only to mineral resource production and quarries, which are not proposed with this project.

6. Commission Rule 350-81-520(2)(a) states:

The guidelines in this section shall apply to proposed developments on sites topographically visible from key viewing areas.

The subject property is topographically visible from the Rowena Plateau in the background. The property contains wooded areas, but the locations of the proposed development are mostly open and unscreened. Because the proposed development is topographically visible from key viewing areas, the guidelines of Commission Rule 350-81-520(2) are applicable.

7. 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.

Commission Rule 350-81-520(2)(c) states:

Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

The key viewing area from which the subject property is topographically visible is approximately 3 miles distant. The existing well building that the applicants propose to replace with the new accessory building is unscreened, but it is also indistinguishable in the landscape as seen from key viewing areas. The southwestern section of the deck will be partially screened by the existing dwelling and vegetation, but the remainder of the deck will not be screened. The carport is screened by the existing dwelling. The greenhouse will be located on the north side of the garden, which is located north of (behind) screening trees as seen from the Rowena Plateau.

The applicants state that the deck will be built with pressure treated support structure, Ipe decking, and cable railings with Ipe posts. These are dark colors and will provide some shading to the lower section of the dwelling, which create a darker appearance of the dwelling as seen from key viewing areas. The existing dwelling is light gray in color. The dwelling predated the National Scenic Area Act, so the color did not and does not need Commission review and approval. The addition of shadowed areas will improve the situation, helping to make the existing dwelling more visually subordinate.

The carport is a blue metal building, which will need to be painted a different color and with texture as described in findings below. The carport is not distinguishable in the landscape as seen from the Rowena Plateau. One reason that it is indistinguishable is because it is located behind the dwelling as seen from the Rowena Plateau. The elevation of the dwelling is approximately 1000 feet and the elevation of the Rowena Plateau is lower, with the maximum height at approximately 700 feet at the Rowena Overlook. Looking up at the carport does not allow a viewer to see the carport.

The applicants state that the new accessory building would have a dark green color with dark asphalt shingles; they have not selected a specific color, so no color can be approved in this decision. To help the applicants choose a color, the Commission notes that generally, dark greens need to have a significant brown or gray tint for the color to work in the landscape where a building is unscreened. Trim, doors, and other elements of the building will need to

be dark earth tones as well. One positive design element of this building is the western one-third of the building would be open. This open section creates variation in the façade of the building, which would also create shadowing. By having a smaller façade with more shadowing, the overall appearance of the building is reduced. The current building is approximately 8' x 6' with a shed roof and a white window, the new building, albeit larger than the existing building will be indistinguishable in the landscape and thus will be visually subordinate without need for new screening vegetation.

The applicants state that the greenhouse would be clear polycarbonate plastic with a UV coating to reduce glare. The applicants also state that they will site and screen the building to ensure that it is visually subordinate. The location shown on the site plan is screened by trees to the south.

The net effect of the deck on the dwelling would be positive. It would darken a large portion of the existing light-colored dwelling and shade daylight basement windows. Other similar proposals would result in a net improvement for scenic resources. The addition of the carport as proposed would not have any increase in visibility of the dwelling.

Replacement of the well building with a larger accessory building would have some additional impact on scenic resources. There will be an increase in visible area of the façade, approximately 64 additional sq. ft. of wall and 108 square feet of roof. However, the new building will be darker in color; will not have a white window; and will have a varied southern façade facing key viewing areas. The existing well building is indistinguishable in the landscape; and the proposed replacement accessory building will be similarly indistinguishable.

The proposed greenhouse will be located so that it is screened. Without screening, it will appear white, shiny, and with glare as seen from key viewing areas. By having it screened, it will have no impact on scenic resources. The condition of approval required to comply with Commission Rule 350-81-520(2)(m) (see Finding B.16 below) will ensure that the greenhouse remains screened even if the existing screening trees are lost.

Finally, the applicants have removed a considerable amount of debris, old cars, and other non-natural things on the parcel. They have removed roads that a prior landowner created, are re-contouring cut banks, and allowing native grasses to grow again where the prior landowner denuded the land.

There would be no adverse cumulative effect from this proposal. Similar opportunities exist on surrounding parcels for creating new shadowed areas on existing buildings, replacing existing buildings that have non-visually subordinate features with new darker, more varied, and screened façades (even if slightly larger than the existing building), and for locating small greenhouses. Overall, the new development would not add to the visual mass of development in the vicinity and would reduce the visibility of a currently light-colored dwelling. In addition, the applicants have removed discordant issues on the property, and will be planting trees not required by the Commission's rules. Other similar actions by adjacent and nearby landowners would be an improvement to visual quality of the vicinity as seen from key viewing areas.

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).*

As described above, the property is topographically visible from the Rowena Plateau. It is visible in the background, approximately 3 miles from the key viewing area. There is no screening vegetation for the dwelling and well building, both of which predated the National Scenic Area Act; however, the buildings are indistinguishable as seen from key viewing areas.

The application thus complies with Commission Rule 350-81-520(2)(d).

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

- (B) *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.*

These factors are applied in other findings for compliance with other applicable standards. There is no need to apply additional conditions of approval specifically responsive to this rule.

10. 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 Rowena Plateau is approximately 3 miles distant. As discussed above, the proposed raised deck will add shadowing and a dark element to the existing light-color dwelling. The deck will be visually subordinate and help make the dwelling more visually subordinate than it is in its current state. The carport is screen by the dwelling. The proposed accessory building replacing the well building will have no screening topography or vegetation as seen from key viewing areas. Typically, the Commission would require the applicants move that building to a portion of the property where it would be visually subordinate. That is not possible here because the building will serve as a new well building for an existing well in addition to other uses. A site visit confirmed that the new accessory building would be indistinguishable as seen from the Rowena Plateau. The proposed location of the greenhouse uses existing vegetation to achieve visual subordination.

The locations of the proposed deck, carport, new accessory building and greenhouse are not within any buffer areas.

The proposed development complies with this guideline.

11. 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 in Finding B.10 above, there is no topographic screening opportunities on the subject property. The deck will be attached to the existing dwelling, and without additional vegetation screening, will make the dwelling more visually subordinate now by adding shadowing and a dark element to the existing light-color dwelling. The carport is screened by the existing dwelling. The location of the greenhouse will use existing vegetation to make the greenhouse visually subordinate. There is no opportunity for screening using topography or vegetation for the proposed new accessory building. Because the building is visually indistinguishable as seen from the Rowena Plateau, it is visually subordinate without additional screening.

12. Commission Rule 350-81-520(2)(g) states:

Existing tree cover screening proposed development from key viewing areas shall be retained as specified in the Landscape Settings Design Guidelines in 350-81-520(3).

Findings for the Landscape Settings Design Guidelines are addressed below in B.23 through B.26.

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

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

The subject property is approximately 1000' above sea level, part way up a slope of hills rising above Lyle that reach an elevation of approximately 2500' above sea level. Because the land continues to rise behind the development as seen from the key viewing area, the proposed

accessory building and greenhouse will not break the skyline as seen from any key viewing area. The development is consistent with Commission Rule 350-81-520(2)(h).

14. Commission Rule 350-81-520(2)(j) states:

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

- (A) *New landscaping (including new earth berms) shall be required only when application of all other available guidelines in 350-81-520 is not sufficient to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.*
- (B) *If new landscaping is required to make a proposed development visually subordinate from key viewing areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction.*
- (C) *Unless as specified otherwise by provisions in 350-81-520, landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.*

The deck additions would create shadowed areas that will decrease the visibility of the dwelling. As discussed in Finding B.10, there is no opportunity for alternative siting for the new accessory building. There is no landscaping in the vicinity of the accessory building, and the well cap and the locations of nearby buried electrical lines and water lines limit the types and location of screening. Screening in this case, however, is not necessary because the accessory building and the decks on the dwelling will be indistinguishable as seen from key view areas. The greenhouse will be screened with existing vegetation. The proposal complies with Commission Rule 350-81-520(2)(j).

15. Commission Rule 350-81-520(2)(l) states:

Unless expressly exempted by other provisions in 350-81-520, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval.

The applicants' written description for the deck states that the deck will be constructed with a pressure treated support structure and Ipe decking. Pressure treated wood is a natural color that is typically medium brown. The applicants state that Ipe is a dark wood. Ipe can be naturally dark, but is not always so. Often, Ipe is a medium brown. No matter whether it starts dark or medium, Ipe fades to a light gray unless treated. Ipe is typically treated with oil,

which can range from neutral to dark in color. The applicants also state that the deck will have cable railings.

Natural Ipe that has faded would match or be slightly darker than the exterior color of the existing dwelling. Commission Rule 350-81-520(2)(q), discussed below, allows additions to existing dwellings to be the same color as the existing building. The proposed Ipe decking meets that standard and is permitted. The proposed pressure treated support structure is a brown color that is commonly found in the landscape on the subject property and is permitted. Cable railings are a twisted wire that would not appear shiny or reflective as seen from the Rowena Plateau key viewing area in background and are permitted. A condition of approval will mention these colors.

The carport must meet this color criterion, or consistent with Commission Rule 350-81-520(2)(q), may be the same color as the existing dwelling. The existing blue color is not permitted and must be changed. As well, Finding B.16 discusses that the applicants will need to apply a textured coating to reduce the reflectivity of the metal carport. A condition of approval is necessary to require the applicants to repaint the roof of the carport a dark earth tone color consistent with this guideline, or the same color as the roof of the existing dwelling.

The applicants' written description for the greenhouse states that it is clear polycarbonate plastic that is UV coated and corrugated. As seen from key viewing areas, this will appear very light and reflective. The applicants' written description for the accessory building states that the siding will be dark green and the roof will be dark asphalt shingle.

The clear polycarbonate for the greenhouse does not comply with Commission Rule 350-81-520(2)(l); however, using a dark earth tone color would not create a functional greenhouse. Moving the greenhouse to a location where it is screened and not visible from key viewing areas, as required by Finding B.7 and B.10, would make the greenhouse not subject to Commission Rule 350-81-520(2)(l).

The applicants' site plan states that the exterior of the accessory building will be Hardiplank that is "dark green" and the roof will have "dark asphalt" shingles. The description of the colors is insufficient for the Commission to determine whether the proposed colors comply with Commission Rule 350-81-520(2)(l). As advice to the applicants, typically, dark green is not a color found at a specific site or in the surrounding landscape in the vicinity of the subject property and cannot be approved. The Commission has approved dark green colors that have a significant dark brown or dark gray hue, or where a building would be built within a stand of existing mature coniferous vegetation. The applicants will need to submit precise color choices for the accessory building to the Executive Director for review and approval. The applicants should submit a physical sample along with technical information, such as manufacturer, item name and identifying numbers.

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

The exterior of buildings on lands seen from key viewing areas shall be composed of non-reflective 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 proposed exterior materials for the deck and accessory building are non-reflective. The materials for the greenhouse (clear polycarbonate) is reflective. The greenhouse cannot be located where it would be completely screened from key viewing areas by topography. Findings B.7 and B.10 describe a location where it would be screened by vegetation.

The Management Plan for the National Scenic Area does not specifically address greenhouses. Greenhouses cannot be treated like typical development because by design, greenhouses must have large expanses of glass or similar clear material. Applied strictly, this rule would not allow new greenhouses in the National Scenic Area where the proposed site is topographically visible. The applicants propose the location of the greenhouse behind screening trees as seen from key viewing areas, which accomplishes the same result as topographic screening, except if the trees must be removed. The greenhouse that the applicants propose is a kit building and is not affixed to a foundation in the ground. The greenhouse can be moved. A condition of approval requiring the applicants to move the greenhouse if it ever becomes non-visually subordinate (which in practical terms means if it would be visible) as seen from key viewing areas is necessary to ensure compliance with this standard.

The carport is a blue metal building which is screened by the existing dwelling, not by topography. Metal buildings are reflective. The applicants will need to apply a textured coating to the roof to reduce reflectivity. With a condition of approval requiring a textured coating and for the Commission to review and approve the material and color of the textured coating, the carport can comply with this requirement.

17. Commission Rule 350-81-520(2)(n) states:

In addition to the site plan requirements in 350-81-032(5), applications for all buildings visible from key viewing areas shall include a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used; number, size, locations of plantings; and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).

The application describes the proposed development as required.

18. 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 site plan shows two exterior lights on the southeast elevation. A condition of approval is appropriate to require all outdoor lights, if any, must be hooded and shielded so as to screen them from key viewing areas. With this condition, the proposal is consistent with Commission Rule 350-81-520(2)(p).

19. 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.

The proposed deck will have multiple materials and colors. The wood posts will be a medium brown earth tone. The railings will be cable and the decking will be Ipe. Natural Ipe that has faded will match or be slightly darker than the exterior color of the existing dwelling. The proposed deck meets this standard and is permitted. The proposal is consistent with Commission Rule 350-81-520(2)(q).

The carport addition is smaller than existing building; therefore, the carport may be painted the same color as the existing dwelling.

20. Commission Rule 350-81-520(2)(y) states:

New buildings shall not be permitted on lands visible from key viewing areas with slopes in excess of 30 percent.

The building site for the proposed new accessory building is generally flat. The site for the greenhouse as described in Finding B.7 is sloping, but less than 30%. Thus, no new buildings would be constructed on lands visible from key viewing areas with slopes in excess of 30 percent. The proposal is consistent with Commission Rule 350-81-520(2)(y).

21. 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.

The building site for the proposed new accessory building is generally flat and will require little, if any, cut and fill groundwork. The site for the greenhouse as described in Finding B.7 is sloping and may require some cut and fill, but the location would be screened by vegetation between the greenhouse and the Rowena Plateau. The proposal is consistent with Commission Rule 350-81-520(2)(z).

22. 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.

Because the proposed buildings will be on flat ground, there will not be in excess of 200 cubic yards of grading for the structural development. A grading plan is not required. Although not structural development, the applicants' written statements notes that they will be removing some prior fill material and placing soil, and will be trenching, which they describe as less than 100 cubic yards each.

23. The Landscape Settings map in the Management Plan classifies the subject parcel as Oak-Pine Woodland. Commission Rule 350-81-520(3)(c) contains guidelines for new development in this landscape setting.

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

Structure height shall remain below the tree canopy level in wooded portions of this setting.

As proposed, the deck will remain below the height of the dwelling; the carport is lower than the roofline of the garage which is lower than the roofline of the dwelling; the accessory building will be 12 feet in height, and the greenhouse will be eight feet in height. The surrounding trees are mostly pine with some oaks. The height of the surrounding tree canopy ranges from less than 8 feet to over 30 feet in height. The proposed development will be below the canopy of trees on the subject property and is consistent with Commission Rule 350-81-520(3)(c)(A).

25. Commission Rule 350-81-520(3)(c)(B) lists guidelines for new development in portions of the Oak-Pine Woodland Landscape Setting visible from KVAs. Commission Rules 350-81-520(3)(c)(B)(i) and (ii) state:

- (i) *At least half of any tree species planted for screening purposes shall be species native to the setting. Such species include Oregon white oak, ponderosa pine, and Douglas-fir.*
- (ii) *At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.*

No new landscaping is required.

26. Commission Rules 350-81-520(3)(c)(B)(iii) applies to new development in portions of the Oak-Pine Woodland Landscape Setting visible from KVAs that are substantially wooded. Commission Rule 350-81-520(3)(c)(B)(iii) states:

- (iii) *Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from key viewing areas shall be retained.*

No trees will need to be removed for the proposed development. The application is consistent with Commission Rule 350-81-520(3)(d)(c)(B)(iii).

27. Commission Rule 350-81-520(4) includes guidelines applicable to development located on land within 1/4 mile of Scenic Travel Corridors. The closest scenic travel corridor is Washington State Route 14, located well over 1/4 mile to the south. Therefore, Commission Rule 350-81-520(4) is not applicable.

Conclusion:

With conditions of approval regarding additional screening and exterior colors for the accessory building and lighting, the proposed development is consistent with applicable guidelines in Commission Rule 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.

Ms. Dryden's survey report stated that no early historic or prehistoric artifacts, features, or sites were observed during the survey. Ms. Dryden also noted that the current development on the property was not historic. The Yakama Nation had submitted comments in a letter dated May 15, 2015 and requested that a cultural resources survey be conducted and that the Yakama be given a copy of the report. Margaret Dryden, Heritage Resources Program Manager with the USDA Forest Service National Scenic Area, reviewed the land use application and conducted a reconnaissance survey (aka Heritage Resource Inventory) on July 1, 2015. This report was transmitted to the Yakama Nation by email on July 7, 2015 with a 30 day comment period ending August 6, 2015. No subsequent comments were received.

2. Commission Rule 350-81-540(1)(g) states that the determination of potential effects to significant cultural resources shall include consideration of cumulative effects of proposed development that are subject to any of the following: 1) a reconnaissance or historic survey, 2) a determination of significance, 3) an assessment of effect, or 4) 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.

Because no known cultural resources are affected by the proposal, no cultural resources will be affected and there will be no cumulative effect to resources. As proposed, the development is consistent with Commission Rule 350-81-540(1)(g).

3. 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 and no person raised any substantive concerns within the comment period.

As explained in Finding C.1 above, the reconnaissance survey demonstrated that cultural resources do not exist in the project area. No comments of concern were received regarding cultural resources. Pursuant to Commission Rule 350-81-540(2)(c)(B)(ii), the cultural resource protection process may conclude.

4. 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 implementing this requirement is included in this decision.
5. Commission Rule 350-81-540(7) contains provisions addressing discovery of human remains during construction. A condition of approval requiring adherence to these measures if human remains are discovered is included in this Director's Decision.

Conclusion:

With conditions to protect unknown cultural resources and human remains discovered during construction the proposed development is consistent with the guidelines in Commission Rule 350-81-540 that protect cultural

resources in the National Scenic Area from adverse effects.

D. Natural Resources

1. Commission Rule 350-81 provides guidelines for protecting wetlands (Section 560); streams, ponds, lakes, and riparian areas (Section 570); sensitive wildlife areas and sites (Section 580); and sensitive plants (Section 590).
2. There are no wetlands, ponds, lakes, or riparian areas on the subject parcel or within 1000 feet of the proposed development. There is a stream on the subject property that appears on the Commission's inventory as a perennial stream. Mark Kreiter, Hydrologist, U.S. Forest Service, conducted a site visit on the subject property on February 25, 2015. Mr. Kreiter's report of his site visit clarified that the stream is ephemeral, and that he discovered another stream that he classified as ephemeral too. Neither stream has any anadromous or resident fish, therefore the appropriate buffer zone is 50 feet.

The proposed development will be more than 50 feet from the two ephemeral streams, so standards for proposed development in Commission Rule 350-81-570 for a stream or its buffer zone are not applicable. Additionally, Mr. Kreiter raised no concerns with the proposed development. The proposed development is consistent with Commission Rules 350-81-560 and 350-81-570.

3. The Commission's inventory information does not show the proposed development is within 1000 feet of a sensitive wildlife site or sensitive plant site. The proposed development is consistent with Commission Rules 350-81-580 and 350-81-590.

Conclusion:

As proposed, the development is consistent with guidelines in Commission Rules 350-81-560 through 350-81-590 that protect natural resources from adverse effects.

E. Recreation Resources

1. Commission Rule 350-81-086 states:

If new buildings or structures may detract from the use and enjoyment of established recreation sites, an appropriate buffer shall be established between the building/structure and the parcel.

No recreation sites or facilities exist on parcels that are adjacent to the subject parcel, consistent with this rule.

Conclusion:

The proposed development is consistent with applicable recreation resource guidelines in Commission Rule 350-81-086 that protect recreation resources from adverse effects.

F. Treaty Rights Protection:

1. Commission Rule 350-81-084(1) provides protection of Tribal treaty rights from new

development in the National Scenic 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 has no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or emailed to the four tribal governments on May 11, 2015.

2. Commission Rule 350-81-084(1)(b) lists guidelines for tribal government consultation when those governments submit substantive written comments. No substantive comments were received. Given this information, the proposed development is consistent with Commission Rule 350-81-084(1)(b).
3. 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.

The subject property does not provide access to the Columbia River or its fish bearing tributaries. No known treaty rights are affected by this proposal and no substantive treaty rights concerns were raised by the tribal governments. Because the proposed use would not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to Commission Rule 350-91-084(c)(B).

Conclusion:

The proposed development is consistent with the guidelines in Commission Rule 350-81-084, which provides protection for treaties and any other rights of any Indian tribe.

JL

FIND0005.14

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
Marge Dryden, US Forest Service National Scenic Area
Mark Kreiter, US Forest Service, National Scenic Area
Klickitat County Planning
Klickitat County Building
Klickitat County Health
Klickitat County Public Works

