

DIRECTOR'S DECISION

APPLICANT: John and Rosemary Hoyt

LANDOWNER: Same as applicant

FILE NO.: C14-0006-K-G-11

REQUEST: To install solar panels to serve an existing single-family dwelling.

LOCATION: The subject parcel is located in the NE ¼ of Section 33, Township 3N, Range 12E, Willamette Meridian, Klickitat County, Washington (Klickitat County Parcel Number 03-12-3351-0001/00).

LAND USE DESIGNATION: The subject parcel is in the General Management Area and is designated Small-Scale Agriculture.

DECISION:

Based upon the findings of fact in the Staff Report for Director's Decision C10-0009, the land use application by Mr. and Mrs. Hoyt to construct two accessory buildings and an agricultural building is found to be consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act P.L. 99-663, and the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and approvable under Commission Rule 350-81 and is hereby **approved**.

CONDITIONS OF APPROVAL:

The following conditions of approval are given to ensure that the subject request is consistent with the standards of Section 6 and the purposes of P.L. 99-663, and the Management Plan and approvable under Commission Rule 350-81. **These conditions must be recorded in county deeds and records** to ensure notice of the conditions to successors in interest (Management Plan, Review Uses Guideline 1, pg. II-96).

1. Locations for all new structures shall be staked for Commission inspection prior to grading or excavation. The applicant shall notify the Commission once staking is complete to arrange for an inspection. Grading and excavation may begin after Commission inspection and approval of staking.
2. The development shall be sited and constructed as shown on the approved site plan and elevation drawings.

3. Existing tree cover screening the development site from the key viewing area (KVA) shall be retained as shown on the approved site plan. If reviewed and approved by the Executive Director, an exception can be made to remove and replace hazard trees.
4. All building materials shall be colored a dark earth-tone color. The support structure for the solar panels shall be painted flat black.
5. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for an inspection to confirm compliance with conditions of approval. Project completion means final placement of all buildings and completion of all work on exteriors of structures (including painting).
6. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall cease and the applicants shall notify the Gorge Commission within 24 hours. The cultural resources shall remain as found; further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
7. If human remains are discovered during construction activities, all activities shall cease upon their discovery. Local law enforcement, the Executive Director and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.

DATED AND SIGNED THIS 8TH day of January, 2015 at White Salmon, Washington.



Darren Nichols
Executive Director

EXPIRATION OF APPROVAL:

This decision of the Executive Director becomes void on the 8th day of January, 2017.

As per Commission Rule 350-81-044(6), an extension of the validity of a development approval may be requested. Such a request shall be submitted in writing prior to the expiration of the approval. The Executive Director may grant an extension if it is determined that conditions, for which the applicant was not responsible, would prevent the applicant from commencing the proposed development within the original time limitation. The Executive Director shall not grant an extension if the site characteristics and/or new information indicates that the proposed use may adversely affect the scenic, cultural, natural or recreation resources in the National Scenic Area.

APPEAL PROCESS:

The appeal period ends the 7th day of February, 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.

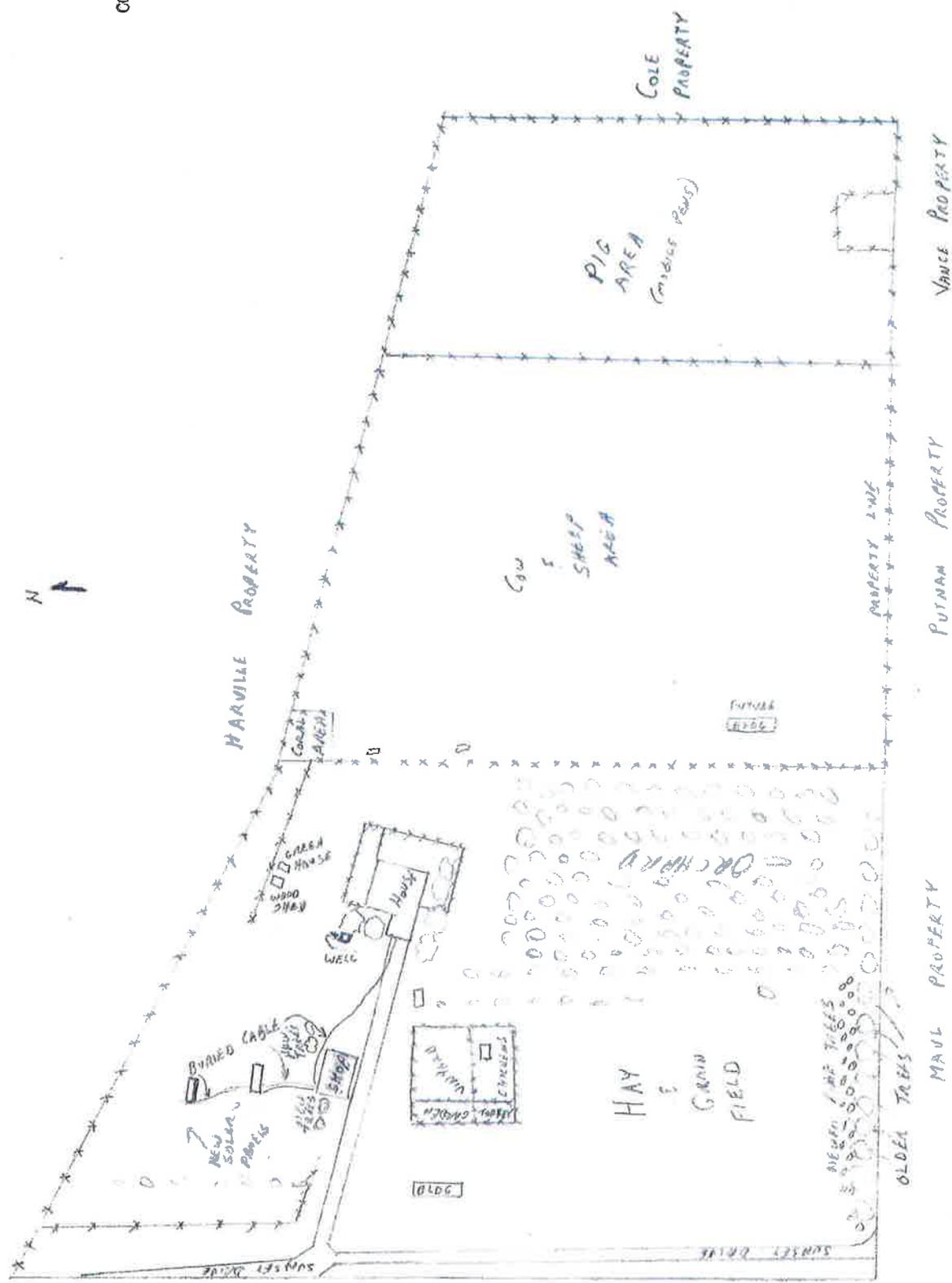
NOTES:

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.

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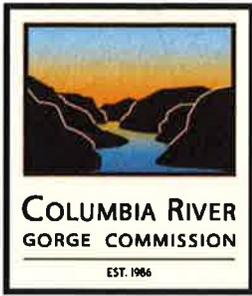
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COLUMBIA RIVER GORGE COM



11/8/2015

APPROVED



STAFF REPORT

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LANDOWNER: Same as applicant

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LOCATION: The subject parcel is located in the NE ¼ of Section 33, Township 3N, Range 12E, Willamette Meridian, Klickitat County, Washington (Klickitat County Parcel Number 03-12-3351-0001/00).

LAND USE DESIGNATION: The subject parcel is in the General Management Area and is designated Small-Scale Agriculture.

COMMENTS FROM OTHER INDIVIDUALS/AGENCIES/GOVERNMENTS:

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

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

Written comments were received from Richard Till with the Friends of the Columbia Gorge and Peter and Lia Davidson, nearby property owners.

FINDINGS OF FACT:

A. Land Use

1. John and Rosemary Hoyt have proposed to install two 11' x 45' solar panel arrays on the ground in the northwest corner of their property. The panels will serve power to an existing single-family dwelling on the parcel. Power lines will be buried between the panels and an existing accessory structure near the panels, and then on to the residence on the parcel in order to conduct power from the panels to the residence.
2. The subject 13.17 acre property is in the General Management Area and is designated Small-Scale Agriculture with a 40-acre minimum parcel size. Existing development on the parcel includes a single family dwelling, several accessory buildings and a chicken coop. (See Director's Decisions C98-0003 and C10-0009.) Existing vegetation on the parcel includes an approximately 2 acre fruit orchard located south of the dwelling, mixed wind rows of pines and deciduous trees along the west and south property lines and scatterings of young pines throughout the west half of the property. The east half of the property is maintained as an enclosed pasture for livestock.
3. Commission Rule 350-81-190(1)(d) allows "accessory structures for an existing or approved dwelling that are not otherwise allowed outright" or otherwise approved. The two arrays are too large to be allowed outright or permitted through the expedited review process. The power supplied by the panels will serve an approved dwelling.
4. Commission Rule 350-81-084(1) lists guidelines for Indian Tribal Treaty Rights and Consultation within the General Management Area. Commission Rule 350-81-084(1)(a) lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Indian treaty rights and provides 20 days for tribal governments to submit comments. This proposal is not near the Columbia River or other streams and would not affect Indian treaty rights. Notice of the proposal was mailed to the four tribal governments and 20 days provided for comments. No comments were received from tribal governments during the comment period.
5. Commission Rule 350-81-084(c)(B) states:

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

Because the proposed use would not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to Commission Rule 350-91-084(c)(B). Cultural resource survey requirements are addressed in Section C of this decision.

Conclusion:

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

B. Scenic Resources

1. Commission Rule 350-81-520 lists scenic resource protection guidelines. Commission Rule 350-81-520(1)(a) states:

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

The subject parcel is relatively level with a gentle north facing slope that gradually increases on the parcel from the west to the east. Proposed sites for the panels do not require construction of any road or excavation other minor excavation needed for a framework upon which the panels will be mounted. Given this information, grading activities have been minimized to the maximum 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...

No new buildings are proposed. This rule is not applicable.

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

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

Previous Director's Decisions have found that the subject is visible from the Nature Conservancy Viewpoint atop Tom McCall Point. Therefore, Commission Rule 350-81-520(2) is applicable and the scenic resource protection guidelines apply to the proposed development.

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

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

5. Commission Rule 350-81-020(170) defines visually subordinate as follows:

Visually subordinate: A description of the relative visibility of a structure where the structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a Key Viewing Area, for the Management Plan). As opposed to structures that are fully screened, structures that are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings.

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

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

The subject parcel is topographically visible from one KVA (Tom McCall Point) in the middle-ground at a distance of more than two miles. The proposed structures have been sited and designed to be minimally visible as seen from this KVA. The structures are low to the ground, use dark, low reflective materials in order to blend into the landscape, and require only minimal grading to install. Other developments similarly sized, designed and distant from KVAs would not cause adverse scenic impacts. As designed and conditioned by this decision, the proposed development would not generate adverse cumulative scenic impacts.

7. Commission Rule 350-81-520(2)(d) states that the extent and type of conditions applied to a proposed development to achieve visual subordination shall be proportionate to its potential visual impacts as seen from key viewing areas.
8. Commission Rule 350-81-520(2)(d)(A) states:

Decisions shall include written findings addressing the factors influencing potential visual impact, including but not limited to:

- (i) The amount of area of the building site exposed to key viewing areas.*
- (ii) The degree of existing vegetation providing screening.*
- (iii) The distance from the building site to the key viewing areas from which it is visible.*
- (iv) The number of key viewing areas from which it is visible.*
- (v) The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).*

The primary factors influencing potential visual impact of the proposed structures are their distance from the lone KVA from which the site is visible, and the degree of existing vegetation providing screening. The proposed site for the arrays is at the northwest corner of the parcel, which benefits from topographic screening when viewed from lower elevation KVAs such as the Historic Columbia River Highway and Interstate 84. The site is visible from the top of Tom McCall Point at a distance of 2.8 miles. Existing vegetation and an accessory structure to the immediate south of the site provides partial screening. Primarily due to the large distance from the KVA to the site, the potential visual impact of the development is small.

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

Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to:

- (i) Siting (location of development on the subject property, building orientation, and other elements).*
- (ii) Retention of existing vegetation.*
- (iii) Design (color, reflectivity, size, shape, height, architectural and design details and other elements).*

(iv) *New landscaping.*

Application of conditions to ensure that the proposed development will be visually subordinate, consistent with Commission Rule 350-81-520(2)(d) are discussed in the findings below.

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.

As proposed, the structures are sited in a location with only slight exposure to the KVA from which they are visible and where there is existing screening vegetation. There are no natural or cultural resources affecting siting. The siting choice helps the proposed development achieve visual subordination as seen from KVAs, consistent with Commission Rule 350-81-520(2)(e).

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.

Because views experienced from the top of Tom McCall Point are higher in elevation than the subject parcel, and most of the subject parcel is at the same elevation as the proposed site, no other site on the parcel offers more effective topographic screening than what has been proposed. The siting of the panels is to the north of the existing screening vegetation arrayed along the southern portions of the parcel. With a condition of approval to retain screening vegetation near the larger accessory building, the proposed siting choices are consistent with Commission Rule 350-81-520(2)(f).

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

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

Findings for the Landscape Settings Design Guidelines are addressed below in B.21 through B.24.

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

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

The subject property is located on a plateau situated just above State Route 14 and the Columbia River. According to Commission inventories, the subject parcel has an approximate elevation of 600 feet above sea level. After slightly decreasing in elevation near County Road

1230, the topography rises to the north, containing peaks approximately 1,250 feet above sea level. The proposed structures will not break the skyline as seen from the KVA and are therefore consistent with Commission Rule 350-81-520(2)(h).

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

The applicant has proposed planting two new trees on both the east and west sides of the existing accessory structure to the south of the panel site. The design, siting behind screening vegetation and distance from KVA effectively ensure visual subordination without requiring additional screening vegetation. The applicant is encouraged to plant the trees as proposed to further mitigate any potential visual impact due to the proposed structures.

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 proposed color for all exterior surfaces of both structures is black. As proposed, the black exterior color is consistent with Commission Rule 350-81-520(2)(l).

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

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

This guideline applies to buildings, a specific class of structure. The solar panel arrays are structures, but not buildings, therefore this guideline does not apply. Nevertheless, the proposed exterior materials for the structures are metal and glass. The surface glass of the panels is low reflectivity in order to maximize transmission and power generation. The arrays are a continuous surface of glass, but their low aspect angle, siting behind screening vegetation and distance from the KVA effectively ensure visual subordination.

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

Exterior lighting shall be directed downward and sited, hooded, and shielded such that it is not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

The applicant has not shown any exterior lighting associated with the proposed structures. A previous Director's Decision included a condition of approval requiring all outdoor lights to be hooded and shielded to screen them from key viewing areas. The proposal is consistent with Commission Rule 350-81-520(2)(p).

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

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

No new buildings are proposed.

19. Commission Rule 350-81-520(2)(z) states:

Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from key viewing areas.

No new driveways or modifications to existing driveways are proposed. No grading will be visible from key viewing areas. The development is consistent with Commission Rule 350-81-520(2)(z).

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

All proposed structural development involving more than 200 cubic yards of grading on sites visible from key viewing areas shall include submittal of a grading plan.

The proposed development involves only minimal excavation to prepare the sites for the array footings. Because less than 200 cubic yards of grading is proposed, a grading plan is not required, consistent with this guideline.

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

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

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

Consistency with the Rural Residential and Pastoral landscape setting guidelines are discussed below. Because no new landscaping is required for the proposed development to achieve visual subordination from the KVA, there are no conflicts between the two sets of guidelines. Findings B.22 and B.23 below discuss how the proposed development is consistent with both applicable landscape setting guidelines and therefore, consistent with Commission Rule 350-81-520(3)(f).

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

(A) *Accessory structures, outbuildings, and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures, and farm fields.*

As proposed, two of the arrays are sited north of an existing shop structure, and clustered near other existing development in the northeast corner of the property. The site is easily accessed from an existing gravel driveway that parallels the southern property line – reducing the need for additional access ways. As proposed, the development has been clustered with existing development or toward the edge of the pasture, consistent with this guideline.

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

(i) *Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.*

(ii) *Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.*

(iii) *At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas-fir, Lombardy poplar (usually in rows), Oregon white oak, big leaf maple, and black locust (primarily in the eastern Gorge).*

(iv) *At least one-quarter of any trees planted for screening shall be coniferous for winter screening.*

No trees are proposed to be removed as a result of this application. With a condition to retain existing tree cover providing screening south of the existing accessory building that the arrays will be sited north of, no new screening vegetation is required for the proposed development to achieve visual subordination from the KVA.

In sum, the proposed development is consistent with the landscape setting guidelines for lands designated Pastoral.

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

(A) *Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.*

(B) *In portions of this setting visible from key viewing areas, and not exempt from visual subordination guidelines (see 350-81-520(3)(k)), the following guidelines shall be employed to achieve visual subordination for new development and expansion of existing development:*

- (i) *Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.*
- (ii) *At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.*
- (iii) *At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.*

No trees are proposed to be removed as a result of this application. No screening vegetation is required for the two structures to achieve visual subordination from the KVA. With a condition to retain existing screening vegetation, no new vegetation would be required to achieve visual subordination from the KVA.

In sum, the proposed development is consistent with the landscape setting guidelines for lands designated Rural Residential.

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

Conclusion:

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

C. Cultural Resources

- 1. Commission Rule 350-81-540(1) lists cultural resource protection guidelines. Commission Rules 350-81-540(1)(c)(A) and (B) include guidelines to determine when a cultural resource reconnaissance survey and a historic survey are required.
- 2. In her December 16, 2014 Heritage Resource Inventory Report, US Forest Service Heritage Program Manager Marge Dryden determined that a reconnaissance survey was not required because the development would be occurring on a site that has been adequately surveyed in the past. Ms. Dryden also determined that an historic survey was not required because the existing development on the property is less than 50 years old and is not historic.
- 3. Commission Rule 350-81-540(1)(g) requires consideration of cumulative effects to significant cultural resources when a reconnaissance or historic survey is required and other instances. There are no known significant cultural resources on the subject property and no reconnaissance or historic surveys are required for this project, therefore Commission Rule 350-81-540(1)(g) is not applicable and the project, as conditioned in the event cultural resources or human remains are discovered during construction, will not cause adverse effects to cultural resources. Additionally, because no known cultural resources are affected by the proposal, no determination of significance, assessment of effect or mitigation plan is required. No cumulative effects analysis is required, pursuant to Commission Rule 350-81-540(1)(g).

4. Commission Rule 350-81-540(2)(a)(A) allows interested parties who so request during the comment period to consult with the applicant regarding cultural resources. No such comments were received.
5. Commission Rule 350-81-540(2)(c)(B)(i) states the cultural resource protection process may conclude when the following conditions exist:

The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed.

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

6. 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.
7. Commission Rule 350-81-540(7) protects human remains discovered during construction. It requires that if human remains are discovered after construction begins, all construction activities shall cease and the Gorge Commission, local law enforcement officials and the Indian tribal governments shall be contacted immediately. A condition of approval will alert the applicant to this requirement.

Conclusion:

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

D. Natural Resources

1. Commission Rules 350-81-560 through 590 contain natural resource protection guidelines. Commission Rule 350-81 protects wetlands (350-81-560); streams, ponds, lakes and riparian areas (350-81-570); sensitive wildlife areas and sites (350-81-580); and sensitive plants (350-81-590).
2. Gorge Commission inventories do not identify any wetlands, streams, ponds, lakes, or riparian areas within 1,000 feet of the development site. Previous site visits by Gorge Commission Planners have confirmed this information. Commission Rules 350-81-560 and 570 are not applicable.
3. Commission Rule 350-81-580 contains guidelines to protect sensitive wildlife areas and sites. Gorge Commission inventories do not identify sensitive wildlife areas or sites within the vicinity of the proposed development sites. Commission Rule 350-81-580 is not applicable.

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

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

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

Commission staff provided application information to Joseph Arnett of the Washington Natural Heritage Program. Mr. Arnett concluded that no known sites of sensitive plants occurred within 200 feet of the proposed development and that the likelihood of impacts to unknown plant sites was low due to the level of disturbance (agricultural activities) on the property.

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

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

Conclusion:

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

E. Recreation Resources

1. Commission Rule 350-81-086 states:

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

Established recreation sites do not exist on parcels that adjoin the subject parcel. Commission Rule 350-81-086 is not applicable.

Conclusion:

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

cc: Confederated Tribes and Bands of the Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation
Nez Perce Tribe
Klickitat County Planning
Klickitat County Building
Friends of the Columbia Gorge
Washington Department of Fish and Wildlife
Washington Department of Natural Resources Natural Heritage Program
Peter and Lia Davidson

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