

DIRECTOR'S DECISION

APPLICANT: Sprint

LANDOWNER: Scott Hall and Wendy Jackel-Hall

FILE NO.: C15-003

REQUEST: The request is to make modifications to an existing cellular communications tower. The modifications include: removing a microwave antenna and DragonWave antenna/CAT5 cable (a twisted pair cable for carrying signals); and adding two runs of CAT5 cable and two Dragonwave Horizon Compacts (a high capacity, packet maintenance system).

LOCATION: The subject parcel is located north of Rattlesnake Road (Haystack Butte) in the SE ¼ of Section 3, Township 2 North, Range 15 East, W.M., Klickitat County, Washington (Klickitat County Parcel Number 02150300000600)

LAND USE DESIGNATION: The 71.58-acre property is located in the General Management Area and is designated Large Scale Agriculture.

DECISION:

Based upon the following findings of fact, the land use application by Sprint Wireless to install a wireless communication facility as described above 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. **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 Guidelines pg. II-96).

Overall Conditions

1. **To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report for C15-0003, and approved site plan and elevation, shall be recorded in county deeds and records at Klickitat County Assessor's Office. Once recorded, the applications shall submit a copy of the recorded document to the Executive Director.**
2. The development shall be constructed as shown on the approved project description, site plan and elevation drawings. Any changes shall be reviewed and approved by the Executive Director before the changes are implemented.
3. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for an inspection to confirm compliance with conditions of approval. Project completion means completion of all work on exteriors of structures (including painting).

Land Use Conditions (no conditions specified)

Scenic Resources

4. The replacement antenna(s) shall be a flat, light-grey, low reflective finish consistent with Commission Rule 350-81-052 (1) (a) (c). The final color selection shall be submitted to and approved by the Planner prior to painting.
5. No outdoor lighting is approved in this Director's Decision. Any future proposed outdoor shall be submitted for review and approval by the Executive Director prior to installation.

Cultural Resources Conditions

6. All access to the telecommunication tower site shall be utilized by Rattlesnake Road only. The applicant and contractors shall refrain from pulling off Rattlesnake Road until they reach the fenced telecommunication site. The applicant shall use Rattlesnake Road "as-is" and shall not utilize blading or modifying the existing road.
7. 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.
8. If human remains are discovered during construction activities, all activities shall cease upon their discovery. Local law enforcement, the Executive Director, Indian Tribal governments and the Washington State Department of Archaeology shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.

Natural Resources Conditions (no conditions specified)

Recreation Resources Conditions (no conditions specified)

DATED AND SIGNED THIS 3rd day of December 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 3rd day of December, 2017 unless construction has commenced in accordance with the 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 (2) 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 (1) 12-month extension of time period to commence construction and one (1) 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 request an extension of time to complete construction, the applicant shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicant 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 recreational resources in the National Scenic Area.

Appeal Process:

The appeal period ends January 02, 2016

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 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 or other accessory structures; or alterations not included in the approved application or site plan will require a new application and review.

Attachments:

Staff Report C15-0003
Approved Site Plan

RJDEC15-003

DATE

11/17/14

PROFESSIONAL RECORD

DATE

11/17/14

PROFESSIONAL RECORD

DATE

11/17/14

PROFESSIONAL RECORD

PROJECT

PO03WO105
HAYSTACK
184 RATTLESNAKE RD
CENTERVILLE, WA 98613

SHEET TITLE

EXISTING AND PROPOSED ELEVATIONS

PROJ. NO.

3

REV

DATE

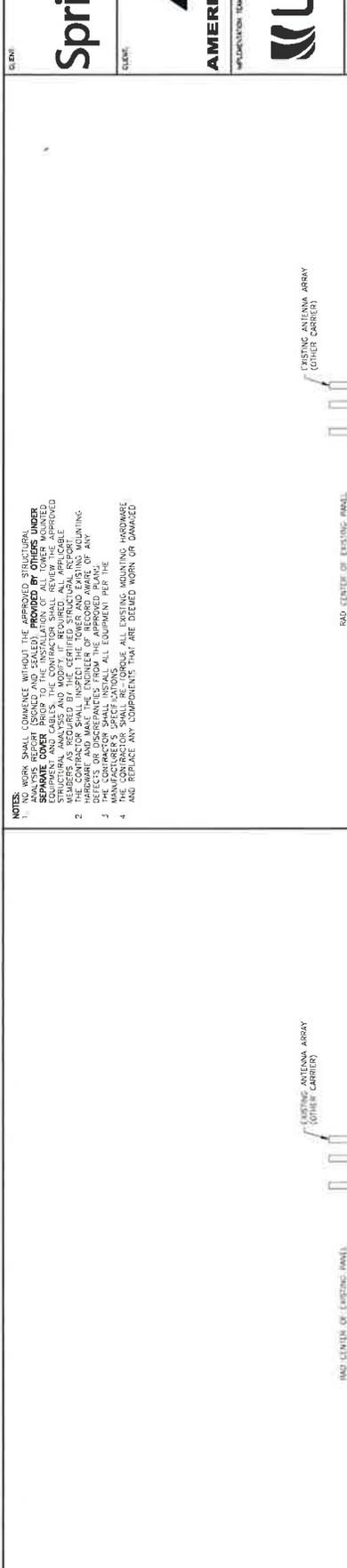
DESCRIPTION

1 11/18/14 ISSUED FOR REVIEW

2 1/25/15 ISSUED FOR REVIEW

3 1/29/15 ISSUED FOR SUBMITTAL

DO NOT SCALE DIMENSIONS. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND MATERIALS ON THE JOB. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. ALL PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS OF THE PROFESSIONAL ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. ALL PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS OF THE PROFESSIONAL ENGINEER.



NOTES

1. WORK SHALL COMMENCE WITHOUT THE APPROVED STRUCTURAL ANALYSIS REPORT (SCALED AND SEALED). PROVIDED BY OTHERS UNDER SEPARATE COVER. THE CONTRACTOR SHALL REVIEW THE ASSIGNED STRUCTURAL ANALYSIS AND MODIFY IT, IF REQUIRED, ALL APPLICABLE. THE CONTRACTOR SHALL INSPECT THE TOWER AND EXISTING MOUNTING HARDWARE AND MAKE THE ENGINEER OF RECORD AWARE OF ANY DEFICIENCIES. THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT PER THE MANUFACTURER'S INSTRUCTIONS AND MAKE SURE ALL EXISTING MOUNTING HARDWARE AND REPLACE ANY COMPONENTS THAT ARE DAMAGED OR DEFORMED.

SCALE

1/8" = 1'-0"

1/16" = 1'-0"

EXISTING ELEVATION 2

EXISTING ELEVATION 1

PROPOSED ELEVATION 2

PROPOSED ELEVATION 1

CLIENT: **Sprint**

CLIENT: **AMERICAN TOWER**
INFRASTRUCTURE NETWORKS

CLIENT: **LYNX**

REGISTERED PROFESSIONAL ENGINEER
BERTRAND WHITE
STATE OF WASHINGTON
REGISTERED PROFESSIONAL ENGINEER

REV. DATE DESCRIPTION

1 1/09/15 ISSUED FOR SUBMITTAL

2 1/05/15 ISSUES FOR REVIEW

3 1/17/14 ISSUES FOR REVIEW

PROJECT: **PO03WO105 HAYSTACK**
184 RATTLESNAKE RD
CENTERVILLE, WA 98613

SHEET TITLE: **CONSTRUCTION DETAILS**

PROJECT NUMBER: 2014010235
DATE: 11/17/14
PROFESSIONAL ID NUMBER: [blank]
TITLE: [blank]
SCALE: [blank]
REVISION NO.: [blank]
SHEET NO.: 3
TOTAL SHEETS: A-3

NOT USED 4

NOTE: THIS COMPACT PLUS RADIO SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS

HORIZON COMPACT PLUS SPECIFICATIONS

MANUFACTURER	HORIZON
MODEL	COMPACT PLUS
WIDTH	8.70"
LENGTH	9.60"
DEPTH	4.00"
WEIGHT	7.5 LBS

NOT USED 5

NOTE: THIS COMPACT PLUS RADIO SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS

DPRM SPECIFICATIONS

MANUFACTURER	DPRM
MODEL	7.20"
DIAMETER	5.63"
DEPTH	3.0 LBS

NOT USED 6

NOTE: THIS COMPACT PLUS RADIO SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS

NOT USED 3

NOTE: THIS COMPACT PLUS RADIO SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS

25'-0" SCALE: NOT TO SCALE
11'-0" SCALE: NOT TO SCALE

25'-0" SCALE: NOT TO SCALE
11'-0" SCALE: NOT TO SCALE

25'-0" SCALE: NOT TO SCALE
11'-0" SCALE: NOT TO SCALE

HORIZON COMPACT PLUS RADIO 1

DPRM RADIO 2

3



AMERICAN TOWER



LYNX



REV	DATE	DESCRIPTION
1	1/09/15	ISSUED FOR SUBMITTAL
2	1/05/15	ISSUES FOR REVIEW
3	11/19/14	ISSUED FOR REVIEW

PO03WO105
HAYSTACK
 184 RATTLESNAKE RD
 CENTERVILLE, WA 98613

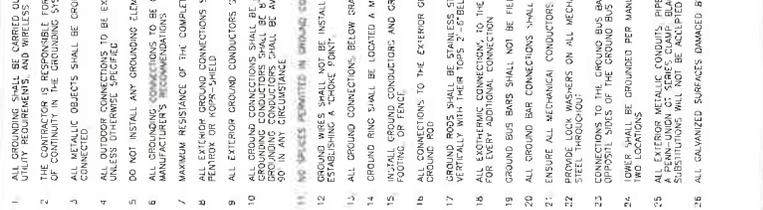
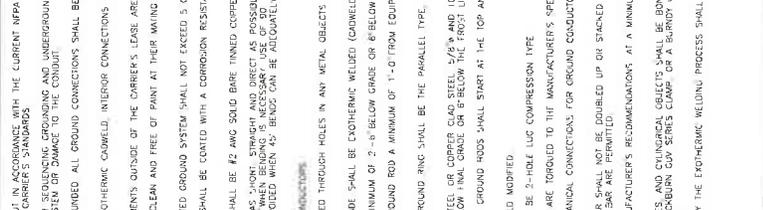
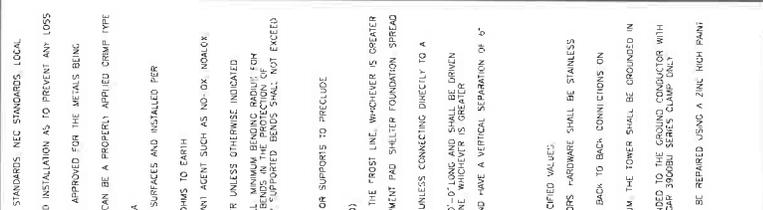
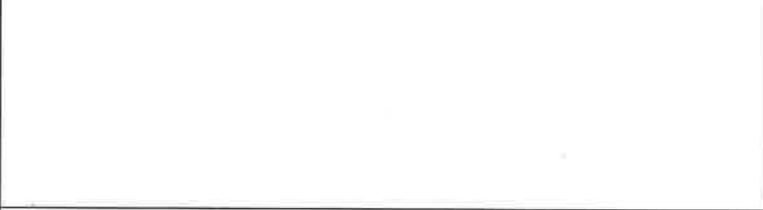
GROUNDING
 NOTES AND
 DETAILS

PROJECT NUMBER	20140.0205
DATE	11/17/14
DESIGNED BY	BEW
CHECKED BY	BEW
REVISION NO.	3
SHEET NO.	E-1

1. ALL GROUNDING SHALL BE CONFORMANT WITH THE CURRENT NFPA STANDARDS, LOCAL, UTILITY REQUIREMENTS AND WIRELESS CARRIER STANDARDS.
2. THE CONTRACTOR IS RESPONSIBLE FOR DESIGNING, GROUNDING AND UNDERGROUND INSTALLATION AS TO PREVENT ANY LOSS OF CONTINUITY IN THE GROUNDING SYSTEM OR DAMAGE TO THE CONDUIT.
3. ALL METALLIC OBJECTS SHALL BE GROUNDED. ALL GROUND CONNECTIONS SHALL BE APPROVED FOR THE METALS BEING CONNECTED.
4. ALL OUTDOOR CONNECTIONS TO BE EXOTHERMIC GOWELD. INTERIOR CONNECTIONS CAN BE A PROPERLY APPLIED CRIMP TYPE UNLESS OTHERWISE SPECIFIED.
5. DO NOT INSTALL ANY GROUNDING ELEMENTS OUTSIDE OF THE CARRIER'S LEASE AREA.
6. ALL GROUNDING CONNECTIONS TO BE CLEAN AND FREE OF PAINT AT THEIR MAKING SURFACES AND INSTALLED PER MANUFACTURER'S RECOMMENDATIONS.
7. MAXIMUM RESISTANCE OF THE COMPLETED GROUND SYSTEM SHALL NOT EXCEED 5 OHMS TO EARTH.
8. ALL EXTERIOR GROUND CONNECTIONS SHALL BE COATED WITH A CORROSION RESISTANT AGENT SUCH AS NO. 00, KODOLON, PENETROX OR KORP-SHIELD.
9. ALL EXTERIOR GROUND CONDUCTORS SHALL BE #2 AWG SOLID BARE TINNED COPPER UNLESS OTHERWISE INDICATED.
10. ALL GROUND CONNECTIONS SHALL BE AS SHOWN, STRAIGHT AND OBJECT AS POSSIBLE. MAXIMUM BENDING RADIUS FOR GROUNDING CONDUCTORS SHALL BE 8" WHEN BENDING IS NECESSARY. USE OF 90° BENDS IN THE PROTECTION OF GROUNDING CONDUCTORS SHALL BE AVOIDED WHEN 45° BENDS CAN BE ADEQUATELY SUPPORTED. BENDS SHALL NOT EXCEED 90° IN ANY SITUATION.
11. TWO SPACES PERMITTED IN GROUND CONDUCTORS.
12. GROUND WIRES SHALL NOT BE INSTALLED THROUGH HOLES IN ANY METAL OBJECTS OR SUPPORTS TO PRECLUDE ESTABLISHING A "DRONE POINT".
13. ALL GROUND CONNECTIONS BELOW GRADE SHALL BE EXOTHERMIC WELDED (GOWELD).
14. GROUND RING SHALL BE LOCATED A MINIMUM OF 2'-6" BELOW GRADE OR 6" BELOW THE "FOOT LINE" WHICHEVER IS GREATER.
15. INSTALL GROUND CONDUCTORS AND GROUND ROD A MINIMUM OF 1'-0" FROM EQUIPMENT PAD SHELLER FOUNDATION, SPREAD FOOTING, OR FENCE.
16. ALL CONNECTIONS TO THE EXTERIOR GROUND RING SHALL BE THE PARALLEL TYPE, UNLESS CONNECTING DIRECTLY TO A GROUND ROD.
17. GROUND RODS SHALL BE STAINLESS STEEL OR COPPER CLAD STEEL, 1/2" DIA AND 10'-0" LONG AND SHALL BE DRIVEN VERTICALLY WITH THEIR TOPS 2'-6" BELOW FINAL GRADE OR 6" BELOW THE "FOOT LINE" WHICHEVER IS GREATER.
18. ALL EXOTHERMIC CONNECTIONS TO THE GROUND RODS SHALL START AT THE TOP AND HAVE A VERTICAL SEPARATION OF 5" FOR EVERY ADDITIONAL CONNECTION.
19. GROUND BUS BARS SHALL NOT BE FIELD MODIFIED.
20. ALL GROUND BAR CONNECTIONS SHALL BE 3"-HOLE LUG COMPRESSION TYPE.
21. ENSURE ALL MECHANICAL CONNECTIONS ARE TORQUED TO THE MANUFACTURER'S SPECIFIED VALUE.
22. PROVIDE LOCK WASHERS ON ALL MECHANICAL CONNECTIONS FOR GROUND CONDUCTORS - HARDWARE SHALL BE STAINLESS STEEL "THROUGH-OUT".
23. CONNECTIONS TO THE GROUND BUS BAR SHALL NOT BE DOUBLED UP OR STACKED BACK TO BACK CONNECTIONS ON OPPOSITE SIDES OF THE GROUND BUS BAR ARE PERMITTED.
24. LOWER SHALL BE GROUNDED PER MANUFACTURER'S RECOMMENDATIONS AT A MINIMUM THE TOWER SHALL BE GROUNDED IN TWO LOCATIONS.
25. ALL EXTERIOR METALLIC CONDUITS, PIPES AND CYLINDRICAL OBJECTS SHALL BE BONDED TO THE GROUND CONDUCTOR WITH EXOTHERMIC WELDING. ALL EXTERIOR METALLIC CONDUITS SHALL BE GROUNDED WITH BURNDY GSP 3008BU SERIES CLAMP ONLY. SUBSTITUTIONS WILL NOT BE ACCEPTED.
26. ALL GALVANIZED SURFACES DAMAGED BY THE EXOTHERMIC WELDING PROCESS SHALL BE REPAIRED USING A ZINC RICH PAINT.



NOTES:
 1. GROUND CONDUCTORS SHALL BE #2 SOLID BARE TINNED COPPER WIRE UNLESS AN ALTERNATIVE SPECIFICATION IS PROVIDED BY THE EQUIPMENT MANUFACTURER.
 2. CONTRACTOR SHALL INSPECT EXISTING GROUND BUS BAR AND GROUND RODS TO DETERMINE IF THE EXISTING GROUNDING IS ADEQUATE FOR THE ADDITIONAL EQUIPMENT GROUNDING.



GROUNDING NOTES 5

GROUND BAR 3

GROUNDING SCHEMATIC 2

NOT USED 4

22'-3/4\"/>

22'-3/4\"/>

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**FACTS AND FINDINGS
COLUMBIA RIVER GORGE COMMISSION STAFF REPORT**

APPLICANT: Sprint

LANDOWNER: Scott Hall and Wendy Jackel-Hall

FILE NO.: C15-0003

REQUEST: The request is to make modifications to an existing cellular communications tower. The modifications include: removing a microwave antenna and DragonWave antenna/CAT5 cable (a twisted pair cable for carrying signals); and adding two runs of CAT5 cable and two Dragonwave Horizon Compacts (a high capacity, packet maintenance system).

LOCATION: The subject parcel is located north of Rattlesnake Road (Haystack Butte) in the SE ¼ of Section 3, Township 2 North, Range 15 East, W.M., Klickitat County, Washington (Klickitat County Parcel Number 02150300000600)

LAND USE DESIGNATION: The 71.58-acre property is located in the General Management Area and is designated Large Scale Agriculture.

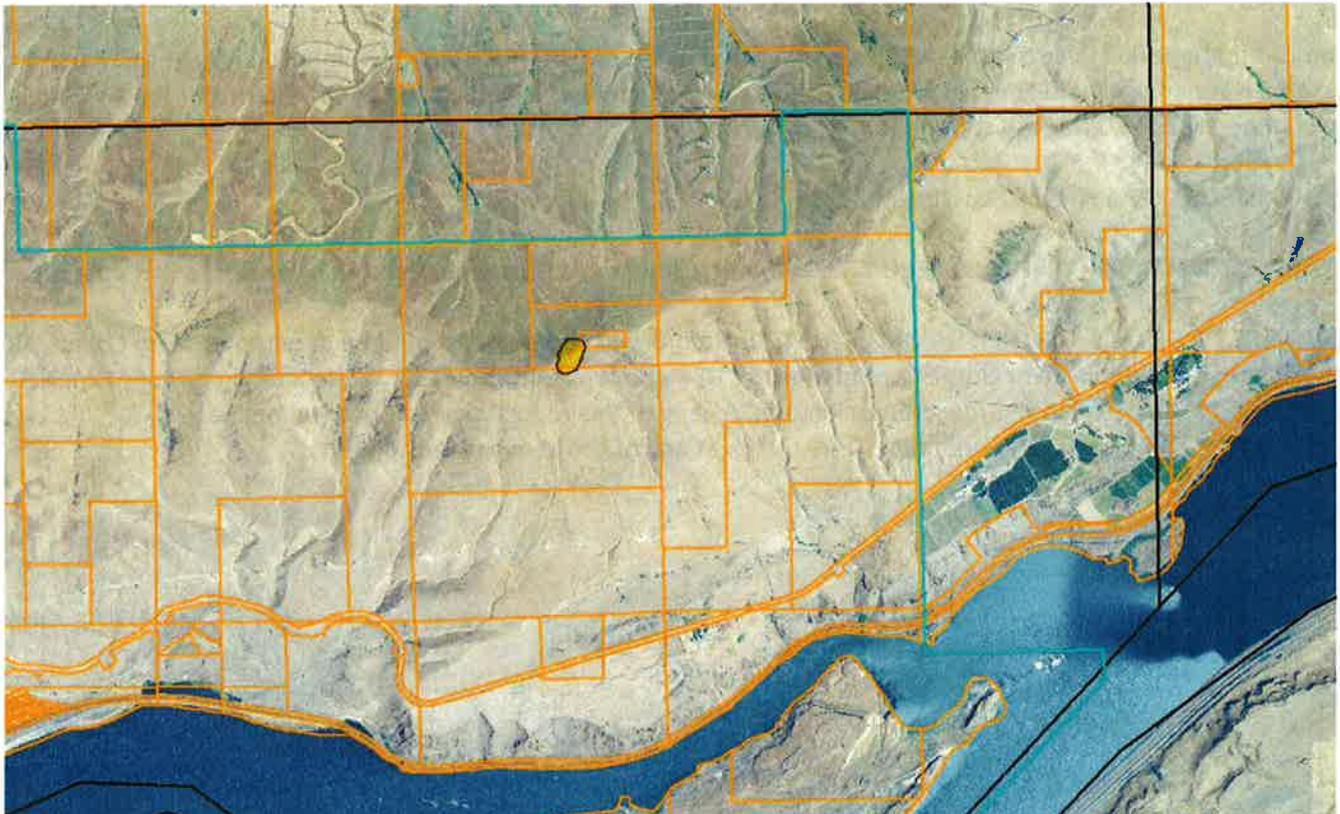


Figure 1-A

HISTORY: The existing tower was constructed in 1998 (see Director's Decisions C98-0023-K-G-21). The project will modify an existing telecommunications facility on Haystack Butte, northeast of Wishram, Washington. Prior development review actions have been taken by the Columbia River Gorge Commission for the subject property, including C13-0008 by High Gain Wireless for installation of two new antennas.

SCOPE OF REVIEW: This development review application, C15-03, has been reviewed for consistency with the Columbia River Gorge Commission Chapter 350, Division 81 Land Use Ordinance.

COMMENTS FROM OTHER INDIVIDUALS/AGENCIES/GOVERNMENTS:

350-81-630 requires that notice of application for all full review uses must include be sent to the Tribes, USFS, County and State and landowners within 200 feet.

The notice of application for C15-03 was sent to the landowners within 200 feet of the subject property, as identified by the petitioner, and also to the following:

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

Written comment period ended on May 13, 2015. Written comment was received from Johnson Meninick, Manager of the Yakama Nation Cultural Resources Program. Written comment was also received by the Friends of the Columbia Gorge on June 18, 2015, after the comment period had ended.

DATE THIS REPORT WAS FINALIZED: November 30, 2015.

STAFF PERSON THAT PREPARED THIS REPORT: Raymond S. Joseph, Jr. Planner, Columbia River Gorge Commission

HOW/WHERE TO OBTAIN FURTHER INFORMATION: Questions and comments should be directed to Terry Cullen, AICP, Principal Planner, Columbia River Gorge Commission, 57 NE Wauna Ave, PO Box 730, White Salmon WA 98672, (509) 493-3322 Ext 223, terry.cullen@gorgecommission.org. A copy of this report may be obtained online at www.gorgecommission.org or by contacting Terry Cullen at any of the above listed contacts.

USE, AS PROPOSED BY THE APPLICANT, AND STAFF FACTS AND FINDINGS OF CONSISTENCY WITH CHAPTER 350-81-LAND USE ORDINANCE, COLUMBIA RIVER GORGE COMMISSION

PURPOSE AND APPLICABILITY
Columbia River Gorge Commission Administrative Rules 350-81-010 through 350-81-018 describe the purposes and applicability of the Chapter 350-81-Land Use Ordinance.

DEFINITIONS
Columbia River Gorge Commission Administrative Rule 350-81-020 sets forth the definitions of words and word derivations used throughout Chapter 350-81-Land Use Ordinance. Findings of Fact -The definitions were consulted and used as part of the review of this development review application. Conclusions of Law – In the staff’s best professional opinion, the staff review and report for development review application C15-03 is consistent with the definitions in Chapter 350-81-Land Use Ordinance.

APPLICATIONS AND PROCEDURES

Columbia River Gorge Commission Administrative Rules 350-81-030 through 350-81-046 specifies the Standards for Applications (350-81-030); Application for Review and Approval (350-81-032); Pre-Application Conference (350-81-034); Acceptance of Application (350-81-036); Notice of Development Review (350-81-038); Comment Period (350-81-040); Decision of the Executive Director (350-81-042); Expiration of Approvals (350-81-044); and 350-81-046 (Changes or Alterations to an Approved Action). These code provisions specify the requirements that had to be met to accept, file and notice this application before staff review could take place and this report written. These code provisions have been met.

350-81-030 Standards for Applications
Complete Application Required: Any proposed use, development or structure shall be reviewed according to the standards in effect on the date an application submitted a complete land use application. A complete application is one that the Executive Director determines meeting this Land Use Ordinance’s requirement for: (1) a complete application form; (2) a complete site plan; and (3) all applicable information specified in the various sections of this land use ordinance. Incomplete applications shall not be received. Findings of Fact To current staff’s best knowledge, development review application C15-0003 was reviewed as a complete application. In this respect, ‘complete’ is defined as containing a complete application form, a complete site plan and all the applicable information specified in the various sections of this land use ordinance. Development review application C15-03 is a complete application and staff is able to review it in accordance with Rule 350-81-030. Conclusions of Law: Development review application C15-03 is consistent with this rule requirement.

350-81-32 Application for Review and Approval
(1) Prior to initiation any use or development which requires review and approval by the Executive Director, an application shall be completed pursuant to 350-81-032. (2) The Executive Director shall accept and review the application pursuant to 350-81-030 through 350-81-046

for consistency with the appropriate guidelines of this rule.

- (3) The commission may charge a fee for the review of applications after a public hearing. The Gorge Commission shall set the fee.
- (4) Standards application form shall be available at the Commission Office and shall be provided to county and city planning offices and the Forest Service.
- (5) Applications for review and approval of a proposed use or development shall provide the following information:
 - (a) The applicants name, address and telephone number;
 - (b) The land owner's name, address and telephone number (if different from applicants)
 - (c) The county in which the proposed use or development would be located
 - (d) The section, quarter section, township and range in which the proposed development would be located
 - (e) The street address of the proposed use or development
 - (f) The tax lot number(s) and size in acres of the parcel(s) involved;
 - (g) A description of the current land use for the parcels involved and adjoining lands;
 - (h) A written description of the proposed use or development, including details on the height, exterior color(s) and construction materials of the proposed structures.
 - (i) A list of Key Viewing Area from which the proposed use would be visible
 - (j) A map of the project area. The map shall be drawn to scale. The scale of the map shall be large enough to allow the Executive Director to determine the location and extent of the proposed use or development and evaluate its effects on scenic, cultural, natural, and recreation resources. The map shall be prepared at a scale of 1 inch equals 200 feet (1:2,400), or a scale providing greater detail. If a parcel is very large, the map does not need to show the entire parcel. Rather, it can show only those portions of the parcel affected by the proposed use. The map shall include the following elements:
 - (a) North arrow
 - (b) Map scale
 - (c) Boundaries, dimensions and size of the subject parcel
 - (d) Significant terrains feature or landforms
 - (e) Groupings and species of trees or other vegetation on the parcel

- (f) Location and species of vegetation that would be removed or planted
- (g) Bodies of water and watercourses
- (h) Location and width of existing and proposed roads, driveways and trails
- (i) Location and size of existing and proposed structures
- (j) Location of existing and proposed services including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting
- (k) Location and depth of all proposed grading and ditching

(l) Elevation drawings, which shall show the appearance of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale.

(m) A list of names and addresses of the adjacent property owners within a distance of the subject parcel as determined in 350-81-630.

(n) Any additional information that the applicant feels will assist in the evaluation of the proposal, including but not limited to, maps, drawings, and development plans.

(o) The signature of the applicant and property owner or a statement from the property owner indicating that he is aware of the application being made on his property.

(p) The signature of the property owner on a statement that authorizes the Executive Director or the Executive Director's designee reasonable access to the site in order to evaluate the application.

(6) Applications for the following uses or developments shall include additional information as required by the appropriate guidelines in Commission Rule 350-81 or by the Executive Director:

- (A) In the General Management Area, for all buildings visible from key viewing areas, pursuant to 350-81-520(2)(n).
- (B) In the General Management Area, production and/or development of mineral resources and expansion of existing quarries pursuant to 350-81-520(1)(f), (2)(o), and (2)(bb).
- (C) A grading plan that complies with the requirements of 350-81-520(2)(aa)(A) and (B) is required for the following:
 - (a) In the General Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes over 10 percent shall include a grading plan;
 - (b) In the General Management Area, all proposed structural development on sites visible from key viewing areas and involving more than 200 cubic yards of grading, regardless of slope; and

- (c) In the Special Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes greater than 10 percent (except trails) shall include a grading plan.
- (D) In the General Management Area, vegetation management projects in public rights of way along Scenic Travel Corridors, pursuant to 350-81-520(4)(d).
- (E) Large-scale uses as defined by guideline 350-81-540(1)(c)(C) shall include reconnaissance survey reports, pursuant to 350-81-540(1)(c)(F), and (G).
- (F) Proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings that are 50 years old or older, pursuant to 350-81-540(1)(c)(H)(iii).
- (G) In the General Management Area, new uses located in, or providing recreational access to the Columbia River or its fish bearing tributaries, pursuant to 350-81-084(1)(a)(A).
- (H) In the General Management Area, any review use in a wetland or within a wetland buffer zone, pursuant to 350-81-560(1)(b).
- (I) In the General Management Area, any review use in a stream, pond, lake, or within their buffer zones, pursuant to 350-81-570(1)(b).
- (J) In the General Management Area, any review use within 1000 feet of a sensitive wildlife area or site, pursuant to 350-81-580(1)(b). Large-scale uses as defined by 350-81-580(2) shall also include field survey information, pursuant to 350-81-580(2)(e).
- (K) In the General Management Area, any review use within 1000 feet of a sensitive plant, pursuant to 350-81-590(1)(b). Large-scale uses as defined by 350-81-590(2) shall also include field survey information, pursuant to Commission Rule 350-81-590(2)(e).
- (L) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling in conjunction with agricultural use, pursuant to 350-81-190(1)(h), and if applicable, 350-81-190(1)(i).
- (M) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling not in conjunction with agricultural use, pursuant to Commission Rule 350-81-190(1)(q).
- (N) In the General Management Area, on lands designated Large-Scale Agriculture, a single-family dwelling for an agricultural operator's relative, pursuant to Commission Rule 350-81-190(1)(k).
- (O) In the General Management Area, on lands designated Large-Woodland, a single-family dwelling, pursuant to 350-81-270(1)(a).
- (P) In the Special Management Area, on lands designated Agriculture, Forest, or Public Recreation, a single-family dwelling, pursuant to 350-81-270(2)(j).
- (Q) In the Special Management Area, on lands designated Agriculture, Forest, Residential, or Public Recreation, clearing trees for new agricultural use, pursuant to 350-81-270(2)(x).

- (R) In the Special Management Area, on lands designated Agriculture, Forest, Residential, or Public Recreation, forest practices, pursuant to 350-81-270(2)(y).
- (S) In the Special Management Area, on lands designated Open Space, any new use or development, pursuant to 350-81-340(4).
- (T) In the General Management Area, on lands designated Agriculture-Special, a single-family dwelling pursuant to 350-81-232(1)(g).
- (U) In the Special Management Area, on lands designated Agriculture, Forest, or Public Recreation, a single-family dwelling necessary and accessory to agricultural use, pursuant to 350-81-190(2)(c).
- (V) In the Special Management Area, on lands designated Agriculture, Forest, or Public Recreation, farm labor housing, pursuant to 350-81-190(2)(d).
- (W) In the General Management Area, on lands designated Small Woodland, a single-family dwelling pursuant to 350-81-270(1)(b).
- (X) In the General Management Area, on lands designated Commercial Forest, Large Woodland, or Small Woodland, a single-family dwelling in conjunction with agricultural use pursuant to 350-81-270(1)(c).
- (Y) In the General Management Area, on lands designated Commercial Forest, Large Woodland, or Small Woodland, agricultural labor housing, pursuant to 350-81-270(1)(s) and on lands designated Large-Scale Agriculture or Small-Scale Agriculture, pursuant to 350-81-190(1)(p).
- (Z) In the General Management Area, on lands designated Agriculture-Special, new livestock grazing, new fences, livestock watering facilities, and corrals; or soil, water, and vegetation conservation activities, pursuant to 350-81-240.
- (AA) In the General Management Area and Special Management Area, agricultural buildings, pursuant to 350-81-090(2).
- (BB) Other uses as deemed necessary by the Executive Director.

(7) Completed application forms shall be submitted directly to the office of the Columbia River Gorge Commission.

Findings of Fact: Development review application C15-03 was completed pursuant to this rule (350-81-032(1)). A Columbia River Gorge Commission planner, on behalf of the Executive Director, accepted development review application C15-0003 and reviewed the application for consistency with guidelines specified in Rules 350-81-030 through 350-81-046 (350-81-032(2)). The Columbia River Gorge Commission may charge a fee to review development review applications after a public hearing (350-81-032(3)). The Commission has not done so. As such, no fee is charged to the applicant for this development review application. Standard application forms are available at Commission's offices and provided to county and city planning offices and the Forest Service (350-81-032(4)). The applicant obtained a development review application from the Commission's offices and submitted it as part of the overall application. There are multiple information needs that are required as part of the application and they are identified in 350-81-032(5). The applicant has submitted all necessary and applicable information per this rule.

Conclusions of Law: Development review application C15-0003 is consistent with this rule requirement.

350-81-034. Pre-Application Conference

An applicant may request a pre-application meeting conference prior to submitting an application for development review. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Commission Rule 350-81, to discuss the principle elements of the proposed action, and to identify guidelines that create opportunities or pose constraints for the proposed action

Findings of Fact: Staff is unaware of a requested pre-application meeting to review the applicable standards for C15-0003.

Conclusions of Law: Development review application C15-0003 is consistent with this rule requirement.

350-81-036 Acceptance of Application

The Executive Director shall review the application for completeness and if complete, shall accept the application for review.

- (1) No application shall be accepted until all documented omissions and deficiencies have been corrected by the applicant. The Executive Director shall notify the applicant of all omissions and deficiencies in writing. The Executive Director shall review supplemental application materials to determine if the application is complete.
- (2) No application for a proposed use, which is explicitly prohibited by this ordinance, shall be accepted.
 - (a) The application shall be returned to the applicant.
 - (b) A letter, signed by the Executive Director, stating that the proposed use is prohibited and citing the guideline which explicitly prohibits the proposed use, shall be sent to the applicant.
 - (c) Issuance of this letter shall not prohibit the applicant from appealing the decision pursuant to 350-70.

Findings of Fact: The applicant originally the application on January 14, 2015. It was not complete and the application was not filed. The missing information was subsequently supplied on April 22, 2015 and the application was formally accepted, filed and a file number assigned.

Conclusions of Law: Development review application C15-0003 is consistent with this rule requirement.

350-81-038 Notice of Development Review

- (1) Within 7 days of the acceptance of an application, the Executive Director shall issue notice of a proposed development review. The notice shall provide the following information:
 - (a) The name of the applicant;
 - (b) The general and specific location of the subject property;
 - (c) A brief description of the proposed action;

(d) The deadline for issuing a decision; and

(e) The deadline for filing comments on the proposed action.

(2) The notice shall state that the application and supporting documents are available for inspection at the Commission office during normal working hours.

(3) The notice shall be mailed to:

(a) The Forest Service, the applicable state, the four Indian tribal governments, and the applicable county or city planning office; and

(b) Owners of property within a radius of the subject parcel(s) as determined by 350-81-630; and

(c) Other agencies and interested parties which request a notice or which the Executive Director determines should be notified.

(4) A copy of the notice shall be posted on the commission's website.

Finding of Fact: This application was formally accepted as complete, the application was filed and a file number was assigned on April 22, 2015. Staff, on behalf of the Executive Director, issued a notice of a proposed development review on April 22, 2015. The notice did contain the name of the applicant, general and specific location of the subject property, a brief description of the proposed action and a deadline for filing comments on the proposed action (350-81-038(1)(a)(b)(c)(e)). It did not include a deadline for issuing a decision (350-81-038) (1)(d).

The notice did state the application and supporting documents are available for inspection at the Commission's office during normal working hours. The notice was mailed to the Forest Service, the Washington State Historic Preservation Office, four Indian tribal nations (Yakama, Umatilla, Warm Springs and Nez Perce) plus one other tribe (Cowlitz), the applicable county agencies (Klickitat County Planning, Building, Health and Assessor offices), owners within a radius as determined by 350-81-630 (determined to be 500 feet; two (2) different land owners as provided by the applicant); and other agencies and interested parties which request a notice or the Executive Director determines should be notified (1 interested party, Friends of the Columbia Gorge, has a standing request to be notified of all development review applications) (350-81-038(4)(a)(b)(c)). A copy of the notice was posted on the Commission's website (350-81-038(5)).

Conclusions of Law: Development review application C15-0003 was processed in a manner that is consistent with these rule requirements.

350-81-040 Comment Period

Interested persons shall have 21 days from the date which the notice is sent to submit written comments to the Executive Director relative to the consistency of the proposed actions with the guidelines of Commission Rule 350-81:

(1) Based on comments received and other applicable information, the Executive Director shall determine if a wildlife management plan pursuant to 350-81-580(5), or a rare plant protection and rehabilitation plan pursuant to Commission Rule 350-81-590(5) is required.

(2) For proposed uses or developments where a cultural resources survey (reconnaissance or historic) is required and where the Commission is performing the survey, the survey shall be completed by the close of the

comment period. Upon receipt of the completed survey, the Executive Director shall forward the survey to the applicable State Historic Preservation Officer, and the four Indian tribal governments pursuant to 350-81-540(1)(b) and (2)(b)(A).

- (3) The State Historic Preservation Officers and the four Indian tribal governments shall have 30 days to submit comments on the cultural resources survey. Based on the survey results, comments received, and other applicable information, the Executive Director shall determine if an evaluation of significance pursuant to 350-81-540(3) is required.

Findings of Fact: Interested parties were given 21 days from the date the notice was sent to submit written comments to the Executive Director relative to the consistency of the proposed actions with the guidelines of Commission Rule 350-81. The notice was sent April 22, 2015 and the public comment deadline was established to be May 13, 2015. Written comments were received within this timeframe by:

- Johnson Meninick, Confederated Tribes and Bands of the Yakama Nation dated May 6, 2015

Conclusions of Law: This development review application, C15-0003 is consistent with this rule requirement.

350-81-042 Decision of the Executive Director

- 1) In making a decision on a proposed use or development the Executive Director shall:
 - (a) Consult with the applicant and such agencies as the Executive Director deems appropriate;
 - (b) Consider information submitted by the applicant and all other relevant information available;
 - (c) Consider all comments submitted pursuant to Commission Rule 350-81-040; and
 - (d) Solicit and consider the comments of the forest service.
- 2) The Executive Director shall approved a proposed use or development only if it is consistent with the standards of section 6 and the purposes of P.L. 99-663 and Commission Rule 350-81.
 - (a) In approving a proposed development action, the Executive Director may impose conditions as necessary to ensure consistency with the guidelines of the Commission Rule 350-81.
 - (b) Conditions attached to approval of a proposed development actions shall be recorded in county deeds and records to ensure notice of the conditions to successors in interest. The Executive Director's decision shall include this requirement.
- 3) The Executive Director shall issue a decision on a proposed use or development including finding of fact and conclusions of law and any conditions to ensure consistency with the standards of section 6 and the purposes of P.L. 99-663 and Commission Rule 350-81. As a goal, the Executive Director shall attempt to issue a decision within 72 days after acceptance of the acceptance of application.
- 4) The Executive Director shall send a copy of the decision to the applicant, the Forest Service, the applicable state, the four Indian tribal governments, the applicable county and/or city and each person who submitted comments under Commission Rule 350-81-040. The decision shall set forth the rights of appeal under Commission Rule 350-70
- 5) The decision of the Executive Director shall be final unless a Notice of Appeal is filed in accordance with Commission Rule 350-70

- 6) The 72-day time period in this rule is effective retroactively to all development review applications that has been submitted to the Commission and for which the Executive Director has not made a decision.

Findings of Fact: Development review application, C15-003, is the subject of approval issued pursuant to the Commission Rule 350-81-042.

Conclusions of Law: This rule requirement is applicable to this development review application.

350-81-044 Expiration of Approvals

- (1) Notice Not Required: Expiration of any land use approval issued pursuant to this Management Plan shall be automatic. Failure to give notice of expiration shall not affect the expiration of land use approval.
- (2) Land Use Approvals without Structures: Any land use approval issues pursuant to this Management Plan for a use of development that does not include a structure shall expire two years after the date the land use approval was granted, unless the use or development was established according to all specifications and conditions of approval in the land use approval. For land division, established means the final deed or plat has been recorded with the county recorder or auditor.
- (3) Land Use Approvals with Structures: Any land use approval issued pursuant to this Management Plan for a use or development that includes a structure shall expire as follows:
 - (a) When construction has not commenced within two years of the date the land use was granted, or
 - (b) When the structure has not been completed within two years of the date of commencement of construction
- (4) Commencement of Construction: As used in subsection 3(a) above, commencement of construction shall mean actual construction of the foundation or frame or foundation, commencement of construction shall mean actual construction of support structures for approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.
- (5) Completion of Structure: As used in subsection 3(b) above, completion of the structure shall mean (1) completion of the exterior surface of the structure and (2) compliance with all condition of approval in the land use approval.
- (6) Extension of Validity of Land Use Approval: A request for extension of the time frames in subsections 2, 3(a) or 3(b) above, shall be submitted in writing before the applicable expiration date.
 - a. A reviewing agency may grant one 12-month extension to the validity of a land use approval if it determines that events beyond the applicant prevented commencement of construction within the two year time frame.
 - b. An agency may also grant a one 12-month extension if it determines that events beyond the control of the applicant prevented completion of the structure.

c. A request for extension shall state the reason why events beyond the control of the applicant warrant an extension.

d. Approval or denial of a request for extension shall be considered an administrative decision.

(7) Vested Rights: The laws of the states of Oregon and Washington shall not apply in the National Scenic Area. A person has a vested right for as long as the land use approval does not expire.

Findings of Fact Development review application, C15-003, is the subject of a prior approval issued pursuant to the Management Plan.

Conclusions of Law: This rule requirement is applicable to this development review application.

350-81-046 Changes or Alteration to an Approved Plan

Any change to a development action approved by the Executive Director shall be processed as a new action, except that the Executive Director shall be processed as a new action, except that the Executive Director may approve minor changes to findings, conclusion and conditions for the original action. If the Commission Rule 350-81 and the finding and combustion to the original action. If the Executive Director approves a minor change, the director shall notify all that would have a standing to appeal the change, including the applicant, the Forest Service, the four Indian tribal governments, the county planning department, and anyone who submitted comments during the comment period on the original land use application. The change itself (not the original decision) would be subject to appeal under the same time frames applicable to the original decision.

Findings of Fact: Development review application, C15-003, is the subject of approval issued pursuant to the Commission Rule 350-81-046.

Conclusions of Law: This rule requirement is applicable to this development review application.

350-81-050 Expedited Development Review Process

(1) The following developments may be reviewed using the expedited development review process, provided they comply with the resource protection and procedural guidelines contained in this section.

(a) Except in Open Space and Agriculture-Special, accessory structures between 60 and 200 square feet in area and 10 feet or less in height. Only one accessory building per parcel may be allowed under this guideline, regardless of whether the parcel already includes an accessory building(s). Additional accessory buildings shall be subject to full review. This category does not include signs, decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.

(b) Additions and covered decks for existing buildings, provided the existing building is at least 500 square feet in area and the addition or covered deck is no larger than 200 square feet in area and no taller than the height of the existing building. Only one addition and one covered deck per parcel may be allowed under this guideline, regardless of whether the parcel already includes an addition or covered deck.

- (c) Rail, solid or semi-solid fences accessory to existing dwellings less than or equal to 6 feet in height and less than or equal to 100 feet in length.
- (d) Wire-strand fences other than those allowed outright, provided the fence complies with 350-81-580(6) if it is inside deer and elk winter range as delineated in the Gorge Commission/USDA Forest Service natural resource inventories or determined by an appropriate federal or state agency.
- (e) In the General Management Area, woven-wire fences for agricultural use that would enclose 80 acres or less.
- (f) Decks that are: (1) uncovered; (2) attached and accessory to existing dwellings; and (3) 500 square feet or less in area and 30 inches or less in height above existing grade.
- (g) Road closure gates.
- (h) Signs, other than those allowed outright.
- (i) Outdoor lights.
- (j) Air, weather, water and other similar research and monitoring facilities, provided the facilities are attached to existing structures or are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.
- (k) Lot line adjustments in the General Management Area that would not result in the potential to create additional parcels through subsequent land divisions, subject to 350-81-126(1), except all lot line adjustments for parcels designated Open Space, Agriculture-Special, Public Recreation, or Commercial Recreation shall be reviewed through the full development review process.
- (l) Lot line adjustments in the Special Management Area, subject to 350-81-126(2).
- (m) Removal/demolition of structures that are less than 50 years old, including wells, septic tanks and fuel tanks.
- (n) Decommission non-paved roads, including ripping the road surface, barriers, and revegetation.
- (o) Trail reconstruction involving up to 1,000 feet of trail re-route.
- (p) The following transportation facilities, provided they are not a part of larger construction or reconstruction projects (which shall be reviewed as a whole):
 - (A) New guardrails and guardrail ends, other than those allowed outright, and new wire-strand and woven-wire access control fences. This category does not include jersey barriers.
 - (B) New traffic detection devices, vehicle weighing devices, and signal boxes less than or equal to 120 square feet in size and less than or equal to 12 feet in height. This category does not include signs.
 - (C) Pave existing dirt and gravel roads, provided the activity does not increase the width of the

road or disturb the toe of adjacent embankments, slopes or cut banks.

- (D) New weather, air, traffic or other monitoring equipment attached to existing structures or that are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

Except in Agriculture-Special, the following underground utility facilities:

- (A) New underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided (1) no ditch for linear facilities would be more than 36 inches wide and (2) no excavation for non-linear facilities would exceed 20 cubic yards.

(r) The following aboveground and overhead utility facilities:

- (A) Modify existing aboveground and overhead utility facilities or, except in Agriculture-Special, develop new aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the development would be less than or equal to 120 square feet in area and less than or equal to 12 feet in height.
- (B) Replace existing aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the replacement facilities would be in the same location as and no more than 15 percent larger than the physical size of the existing facilities.
- (C) New antennas and associated support structures necessary for public service on existing wireless communication poles and towers other than those allowed outright, provided the size is the minimum necessary to provide the service.

(s) Replace an existing mobile home in a mobile home space within a mobile home park, provided: (1) the mobile home to be replaced, the mobile home space and the mobile home park shall be existing, lawful uses according to the definition of *existing use or structure* and 350-81-082(1) through (4); (2) the replacement mobile home shall be in the same location as the mobile home to be replaced; (3) the height of the replacement mobile home shall be no more than 20 percent greater than the mobile home to be replaced, and (4) the mass and footprint of the replacement mobile home shall be no more than 100 percent greater than a single-wide mobile home to be replaced or no more than 25 percent greater than a double-wide mobile home to be replaced.

(t) Retaining walls accessory to existing dwellings less than or equal to 2 feet in height and less than or equal to 100 feet in length.

(u) In the Special Management Area, wind machines for frost control in conjunction with agricultural use.

Findings of Fact This Development review application, C15-0003, is a modification to an existing aboveground and overhead utility facility (350-81-050(1)(r)(A) and it includes new antennas and associated support structures necessary for public service on wireless communication poles and towers (350-81-050(1)(r)(C). This development

review application proposes uses that qualify it wholly as a development eligible for expedited review. As such, it is being processed using the rule requirements for Expedited Development Review, 350-81-050 through 350-81-054. (Please note, there are other standards in the Expedited Development Review Process that if not met, require an application be processed as a full review.)

Conclusions of Law: This development review application, C15-003, is consistent with this rule provision.

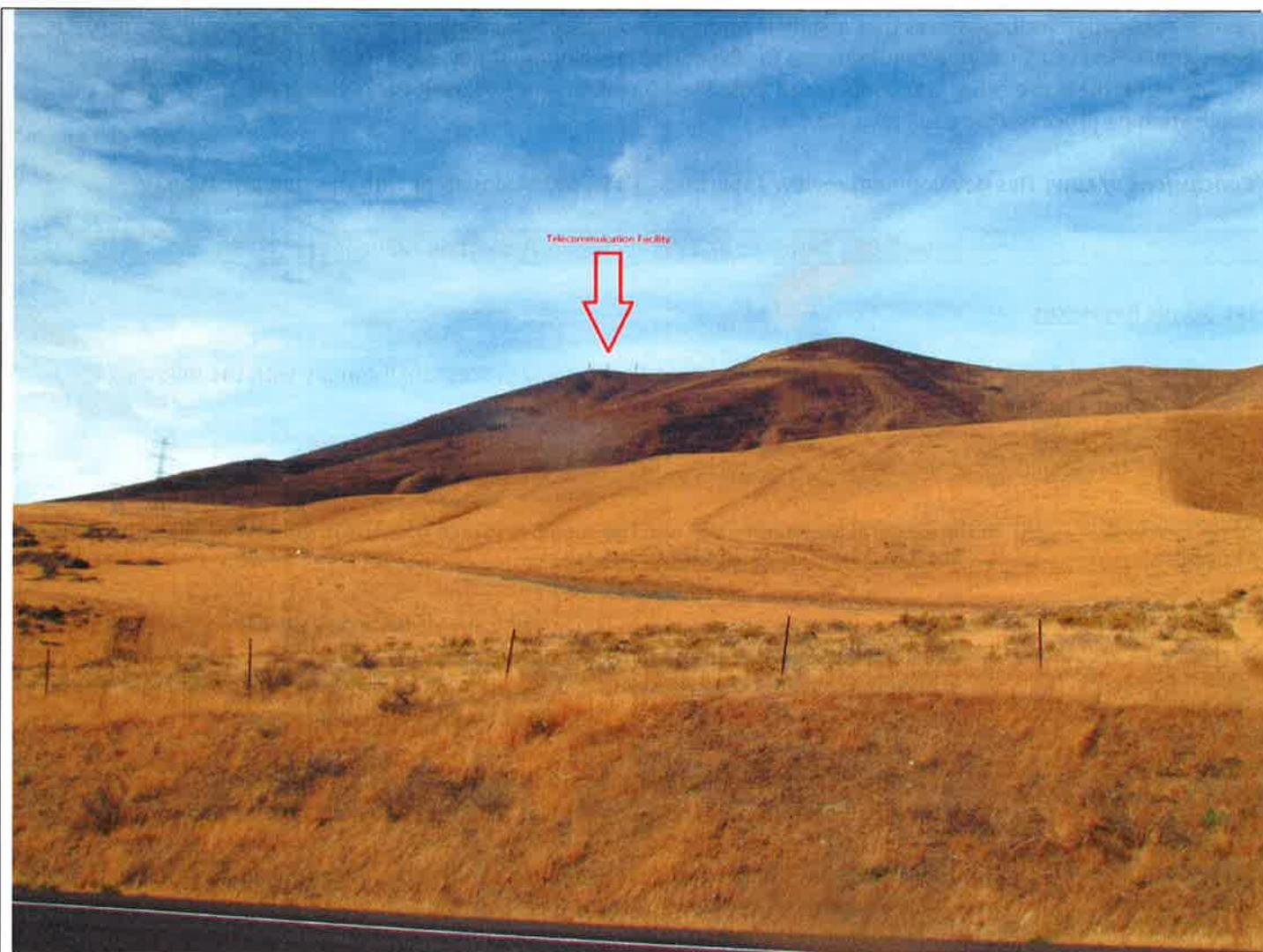
350-81-052 Resource and Treaty Rights Protection Guidelines

(a) Scenic Resources

(1) Proposed developments reviewed using the expedited review process shall comply with the following resource protection guidelines:

(a) Scenic

- (A) In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.
- (B) Except signs, the colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall not apply to additions, which may match the color of existing buildings.
- (C) Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.
- (D) Outdoor lights shall be directed downward and sited, hooded, and shielded such that they are not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
- (E) Signs shall comply with 350-81-112.
- (F) Structures within one-half mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).



Telecommunication Facility as seen from SR14, a key viewing area.

Findings of Fact

350-81-052 (1)(a)(A): This rule requirement is not applicable. The proposed use is not an agricultural use.

350-81-052(1)(a)(B) and 350-81-052(1)(a)(C)

The proposal is to modify an existing wireless facility. The development site is located on Haystack Butte at an approximate elevation of 2,925 feet.

The proposed tower mounted radios will be mounted behind an existing microwave antenna. The radios will be mounted at a height of 89 feet. Two proposed CAT5 cables will be installed following an existing cable route near the base of the existing tower. The radios are described as Dragonwave Horizon Compact Plus and the Dragonwave, with dimensions of 8.7" x 9.6" x 4.0" and 7.50" x 5.63" respectively. In past scenic resource impact analyses for communications equipment, it has been found that light gray earth-tone colored antennas, whose surrounding landscape is comprised of the sky, are visually subordinate because they blend in to the lighter colored sky. The CAT5 cable mounted near the ground following an existing cable run will not be topographically visible from key viewing areas. As such, the cable is not required to be painted a dark earth-tone color.

Key Viewing Area Interstate 84

Visually the telecommunication facility is located in the background of the visual plane as viewed from US Interstate 84 (I84). As one travels east on I84, the telecommunication facility is not present in visual plane of the National Scenic Area until mile marker post #99. The distance to the tower is approximately 14,700 feet from the mile marker. The rise elevational change from I84 to the base of the tower is approximately 2,740 feet. The foreground view from I84 traveling west is the Columbia River, the middle ground view is Haystack view and the background view is the horizon. The tower is scarcely noticeable from this Key Viewing Area. The proposed antenna replacement is NOT visibly evident from I84.



Telecommunication Facility as seen from I84

Key Viewing Area State Highway 14

Visually, the telecommunication tower is located in the background of the visual plane on State Highway 14 (SR14). The dominating view from SR 14 is Haystack Butte. As one traveling east to west on SR 14, the telecommunication tower does not enter into the visual plane of the key viewing area(s) until SR 14 mile marker 96, which is approximately 6,600 feet from the tower. The elevational difference from the closest location on SR 14, as the bird flies, has a rise of 2,220'. The foreground view consists of the fence line, the middle ground entails a grassy area ending with the PUD utility tower and the background includes the horizon, tops of the utility towers and the telecommunication facility.

The existing antennas are visually subordinate from the key viewing area. The proposed antenna replacement will be not visually evident from the key viewing area on SR 14.

As one travels from west to east, the dominate background items include the wind farm and the wind turbines. The

telecommunication tower is location does not have a controlling presence in the background. The antenna replacement will be visually subordinate from the eastern view of the key viewing area SR 14.

Additionally, a condition of approval will be included in the Director's Decision to require a flat, low-reflective finish consistent with Commission Rule 350-81-052(1) (a) (C).

350-81-052(1)(a)(D) No new outdoor lights are proposed. This rule requirement is not applicable.

350-81-052(1)(a)(E) The proposed use does not include any existing or new signs. This rule requirement is not applicable.

350-81-052(1)(a)(F) The site location is approximately 6600 feet in distance from the nearest key viewing area, Washington State Route 14. This exceeds the ½ mile standard (2640 feet) referenced in this rule requirement and, as such, this requirement is not applicable to this development review application, C15-03.

Conclusions of Law: Development review application, C15-03, is consistent with these rule requirement.

(b) Cultural Resources

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

(B) The GMA guidelines that protect cultural resources and human remains discovered during construction [350-81-540(6) and (7)] shall be applied as conditions of approval for all development approved under the expedited development review process.

Findings of Fact: Marge Dryden, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area, provided a cultural resources survey determination for the proposed development on May 14, 2015. Ms. Dryden determined that the proposed development does not require a reconnaissance survey or historic survey pursuant to Commission Rules 350-81-540(1)(c)(A) and (B) because the proposed use:

- 1) involves the modification of an existing building,
- 2) occurs on a site that has been disturbed by human activities,
- 3) has been adequately surveyed in the past,
- 4) does not occur within 500 feet of a known archaeological site,
- 5) does not alter the exterior architectural appearance of any significant buildings or structures that are 50 years old or older, and
- 6) would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older.

The GMA guidelines that protect cultural resources and human remains discovered during construction [350-81-540(6) and (7)] shall be applied as conditions.

Gorge Commission staff (Planners and Executive Director) and Marge Dryden presented the development for the antenna replacement in Toppenish to the Yakama Nation's Cultural Resources staff. The Cultural Resources staff indicated that they didn't not have any issues with the antenna replacement.

Conclusions of Law: Development review application, C15-03, is consistent with this rule requirement.

(c) Recreational Resources

(A) The development shall not detract from the use and enjoyment of established recreational sites on adjacent parcels.

Findings of Fact: No established recreation sites exist on adjacent properties.

Conclusions of Law: This rule requirement is not applicable to this development review application.

(d) Natural

(A) Wetlands, Streams, Rivers, Ponds, and Lakes

- (I) The development is outside buffer zones for wetlands, streams, rivers, ponds, and lakes. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

(B) Sensitive Wildlife and Sensitive Plants

- (i) The development meets one of the following:

- (I) The development is at least 1,000 feet from known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive plants; or
- (II) The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or
- (III) For sensitive wildlife, the development is within 1,000 feet of known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey habitat), but an appropriate federal or state wildlife agency determines (1) the sensitive wildlife area or site is not active or (2) the proposed development would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance. For sensitive plants, the development is within 1,000 feet of known sensitive plants, but the Oregon or Washington Natural Heritage Program or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the sensitive plants.

- (ii) Development eligible for expedited review shall be exempt from the field survey requirements for sensitive wildlife or sensitive plants [350-81-580(1)(b) and (2); 350-81-590(1)(b) and (2)].

Findings of Fact: 350-81-052(1)(d)(A) The proposed modification of an existing tower is located outside buffer zones for wetlands, streams, rivers, ponds, and lakes. All work will be on the tower and there will be no ground disturbance.

350-81-052(1)(d)(B) There are no known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive plants on the subject property or within 1,000 feet. The development will occur within a fenced area that has been used and maintained as a telecommunications site. The site has been previously disturbed and regularly maintained.

Conclusions of Law: Development review application C15-0003 is consistent with this rule requirement.

(2) Treaty Rights Protection Guidelines Proposed developments reviewed using the expedited review process shall comply with the following treaty rights protection guidelines:

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

Findings of Fact: 350-81-052(1)(d)(2)(a) The proposed modification of an existing tower will be within an area that has been previously disturbed and developed. It is not expectation that this proposed development will affect or modify any treaty rights or other rights of any Indian tribe.

350-81-052(1)(d)(2)(b). The Confederated Tribes and Bands of the Yakama Nation did submit written comment on May 6, 2015, stating that an inadvertent discovery plan should be in place for this project. A condition to this effect will be included in the Director's Decision for this application.

No substantive written comments identifying treaty rights were received for this particular development review application. (It should be noted that the Yakama Nation did submit comment on another and later development review application affecting this same tower, C15-06. Gorge Commission staff with the Yakama Nation on November 3, 2015 in Toppenish, Washington to discuss that case, and this case was referenced in that discussion.) A concern was raised about Rattlesnake Road. The unimproved access to the site. A condition will be included in the Director Decision that the road will not be bladed or modified in any way and vehicles shall stay on the road until they reach the telecommunication site.

350-81-052(1)(d)(2)(c) The goals, policies and guidelines Indian Tribal Treaty Rights and Consultation, Chapter 3, Section IV of the Management Plan were not used in this development review application process.

Conclusions of Law: Development review application C15-0003 is consistent with this rule requirement.

350-81-054 Procedures for Expedited Review Process

(1) Applications

- (a) Prior to initiating any use or development which requires review and approval by the Executive Director, an application shall be completed pursuant to 350-81-054.
- (b) The Executive Director shall accept and review the application pursuant to 350-81-054 for consistency with the appropriate guidelines of this rule.
- (c) The Commission may charge a fee for review of applications after a public hearing. The Gorge Commission shall set the fee.
- (d) Standard application forms shall be available at the Commission Office, and shall be provided to county and city planning offices for which this ordinance is effective and the Forest Service.
- (e) Applications for uses eligible for expedited review shall include the information required for review uses listed in 350-81-032(5). They shall also include elevation drawings if the proposed development would be visible from a key viewing area. The drawing shall show natural grade and finished grade.

Findings of Fact: 350-81-054(1)(a) and 350-81-054(1)(b) An application was completed per the requirements of this Land Use Ordinance. Columbia River Gorge Commission Planner, on behalf of the Executive Director, reviewed development review application, C15-0003, determined it was complete and accepted the application on April 22, 2015.

350-81-054(1)(c) The Columbia River Gorge Commission may charge a fee to review development review applications after a public hearing. The Commission has not done so. As such, no fee is charged to the applicant for this development review application.

350-81-054(1)(d) Standard application forms are available at Commission's offices and provided to county and city planning offices and the Forest Service. The applicant obtained a development review application from the Commission's offices and submitted as part of the overall application.

350-81-054(1)(e) There are multiple information needs that are required as part of the application. The applicant has submitted all necessary and applicable information per this rule.

Conclusion of Law: Development review application, C15-0003, is consistent with this rule requirement.

(2) Acceptance of Application:

- (a) The Executive Director shall review the application for completeness, and if complete, shall accept the application for review.
- (b) No application shall be accepted until all documented omissions and deficiencies have been corrected by the applicant. The Executive Director shall notify the applicant of all omissions and deficiencies in writing. The Executive Director shall review supplemental application materials to determine if the application is complete.

- (c) As a goal, the Executive Director shall attempt to accept the application as complete or notify the applicant of omissions and deficiencies in writing within 14 days of receipt of the application. The Executive Director shall attempt to review supplemental application materials within 14 days of receipt of the materials.

Findings of Fact: 350-81-054(2)(a) A Columbia River Gorge Commission Planner, on behalf of the Executive Director, reviewed the application, made a determination that it was complete and accepted the application for review on April 22, 2015.

350-81-054(2)(b) and 350-81-054(2)(c) The applicant originally submitted the application on January 14, 2015. The application was missing information required by the Land Use Ordinance and the application was determined to be incomplete. The applicant was notified. The application was not accepted at that time.

Conclusions of Law: Development review application C15-0003 is consistent with this rule requirement.

(3) Notice of Development Review

- (a) Within 7 days of the acceptance of an application, the Executive Director shall issue notice of a proposed development review. The notice shall provide the following information:

- (A) The name of the applicant;
- (B) The general and specific location of the subject property;
- (C) A brief description of the proposed action;
- (D) The deadline for issuing a decision; and
- (E) The deadline for filing comments on the proposed action.

- (b) The notice shall state that the application and supporting documents are available for inspection at the Commission office during normal working hours.

- (c) The notice shall be mailed to the Forest Service, the four Indian tribal governments, applicable county or city planning office(s), and other agencies and interested parties that request a notice or that the Executive Director determines should be notified.

- (d) A copy of the notice shall be posted on the Commission's website.

Findings of Facts: Staff, on behalf of the Executive Director, accepted the application on April 22, 2015 and issued a notice of a proposed development review that same day. The notice did contain the name of the applicant, general and specific location of the subject property, a brief description of the proposed action and a deadline for filing comments on the proposed action 350-81-054(3)(A)(B)(C)(D)(E). It did not include a deadline for issuing a decision 350-81-054(3)(D). The notice did state the application and supporting documents are available for inspection at the Commission's office during normal working hours. The notice was mailed to the Forest Service, the applicable state, the four Treaty Tribal Nations (Yakama, Umatilla, Warm Springs and Nez Perce), the applicable city or county planning office (Klickitat County Planning Dept.), owners within a radius as determined by 350-81-630 (determined to be 200 feet; different land owners as provided by the applicant); and other agencies and interested parties which request a notice or the Executive Director determines should be notified (1 interested party, Friends of the Columbia Gorge, has a standing request to be notified of all development review applications) 350-81-054(3)(b)(d). A copy of the notice

was posted on the Commission's website 350-81-054 (3) (e).

Conclusion of Law: Development review application C15-0003 is consistent with this rule requirement, with the exception of 350-81-054(3) (D). A deadline for issuing a decision was not included in the Notice of Development Review.

- (4) Comment Period: Any interested person or party shall submit written comments within 10 days from the date a notice is sent.

Findings of Fact: Interested parties were given 21 days from the date the notice was sent to submit written comments to the Executive Director relative to the consistency of the proposed actions with the guidelines of Commission Rule 350-81. The notice was sent April 22, 2015 and the public comment deadline was established to be May 13, 2015. Written comments were received by Johnson Meninick, Cultural Resources Program Manager, Confederated Tribes and Bands of the Yakama Nation on May 6, 2015. Comments were also submitted by the Friends of the Columbia Gorge, however, they were received June 18, 2015, after the public comment period closed.

Marge Dryden, (Heritage Resources Program Manager, USFS) acting as a resource expert for the Columbia River Gorge Commission made the determination that a cultural resources survey (reconnaissance or historic) was not required (350-81-540(1)(c)(A) and (B)). A Cultural Resources Survey Determination was prepared by Ms. Dryden on May 14, 2015.

Conclusions of Law: Development review application C15-03 is consistent with this rule requirement.

(5) Written Decision

- (a) In making a decision on a proposed use or development the Executive Director shall:
- (A) Consult with the applicant and such agencies as the Executive Director deems appropriate;
 - (B) Consider information submitted by the applicant and all other relevant information available;
 - (C) Consider all comments submitted pursuant to 350-81-054(4); and
 - (D) Solicit and consider the comments of the Forest Service.

Findings of Fact: The written decision was made in accordance with the above rule requirements.

Conclusions of Law: *This development review, C15-03, is consistent with these rule requirements.*

- (b) The Executive Director shall approve a proposed use or development only if it is consistent with the standards of section 6 and the purposes of P.L. 99-663 and Commission Rule 350-81.
- (A) In approving a proposed development action, the Executive Director may impose conditions as necessary to ensure consistency with the guidelines of Commission Rule 350-81.
 - (B) Conditions attached to approval of a proposed development action shall be recorded in county deeds and records to ensure notice of the conditions to successors in interest. The Executive Director's decision shall include this requirement.

- (c) The Executive Director shall issue a decision on a proposed use or development including findings of fact and conclusions of law and any conditions to ensure consistency with the standards of section 6 and the purposes of P.L. 99-663 and Commission Rule 350-81. As a goal, the Executive Director shall attempt to issue a decision within 30 days after acceptance of the application.
- (d) The decision of the Executive Director shall be final unless a Notice of Appeal is filed in accordance with Commission Rule 350-70. An applicant who chooses to proceed with an approved development during the appeal period shall assume all associated risks and liabilities.

Findings of Fact: The approval of this development review application is consistent with the citations above. Conditions of approval are noted in the Director's Decision. One such condition is the requirement that the Director's Decision and staff report be recorded in county deeds and records. A staff report identifying findings of fact and conclusions of law was prepared for this development review application.

Conclusions of Law: *This development review, C15-03, is consistent with these rule requirements.*

(6) Notice of Decision and Opportunity to Appeal

- (a) The Executive Director shall send a copy of a decision issued under the expedited review process to the four Indian tribal governments, the Forest Service, landowners within 200 feet of the perimeter of the subject parcel, and anyone who submitted comments pursuant to 350-81-054(4).
- (b) Any person shall be allowed to appeal a decision issued under the expedited review process in accordance with Commission Rule 350-70.

(7) Expiration of Approvals. Approvals issued under the expedited review process shall expire in accordance with the standards for expiration of approvals for review uses (Commission Rule 350-81-044, above).

(8) Changes or Alterations to an Approved Action. Changes or alterations to an approval issued under the expedited review process shall be made in accordance with the standards for changes or alterations to approved actions for review uses (Commission Rule 350-81-046, above).

(9) The time periods in this rule are effective retroactively to all expedited review applications that have been submitted to the Commission and for which the Executive Director has not made a decision.

Findings of Fact: The decision for this development review application will be sent to the parties listed above. Information about appeals is contained in the Director's Decision.

Conclusions of Law: *This development review, C15-03, is consistent with these rule requirements.*

cc:

Applicant

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

END OF STAFF REPORT

