

DIRECTOR'S DECISION

- CASE FILE:** C18-0007
- PROPOSAL:** The Columbia River Gorge Commission received an application for the replacement of a single-family dwelling.
- APPLICANT:** Kent & Marjorie Smith
- LANDOWNER:** Kent & Marjorie Smith
- LOCATION:** The subject parcel is 490 acres in size and located at 45 Smith Ranch Road, Dallesport, WA, in Section 15, Township 2 North, Range 13 East, W.M. Klickitat County Tax Lot Number 02-13-1500-0001/00.
- LAND USE DESIGNATION:** The subject parcel is located in the General Management Area and designated Large-Scale Agriculture.

DECISION:

Based upon the following findings of fact, the land use application by Kent and Marjorie Smith to replace an existing single-family dwelling is consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act, P.L. 99-663, the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and approvable under Commission Rule 350-81, and is hereby **approved**.

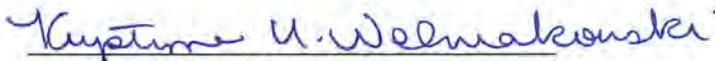
CONDITIONS OF APPROVAL:

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

1. To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report for C18-0007, and approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor's Office. Once recorded, the applicants shall submit a copy of the recorded document to the Executive Director.
2. This decision does not exempt the proposal from other non-Scenic Area rules and regulations. It is the applicant's responsibility to ensure the use complies with all other applicable federal, state, and county laws; and obtain necessary approvals, including utility easement approvals.
3. Any new land uses or structural development such as residences; garages, workshops, or other accessory structures; additions or alterations; or grading not included in the approved application or site plan will require a new application and review.

4. 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.
5. All outdoor lighting shall be directed downward and sited, hooded and shielded so that the light is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials. Examples of acceptable and unacceptable lighting fixtures are included with this Decision.
6. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall immediately cease and the applicants shall notify the Gorge Commission within 24 hours of discovery and the State Physical Anthropologist, Dr. Guy Tasa at (360) 586-3534 or guy.tasa@dahp.wa.gov. The cultural resources shall remain as found and 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 immediately upon their discovery. Local law enforcement, the Executive Director and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
8. 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).

DATED AND SIGNED THIS 3 day of December 2018 at White Salmon, Washington.



Krystyna U. 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 3 day of December 2020 unless construction has commenced in accordance with Commission Rule 350-81-044(4).

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

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

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

The applicant may request one 12-month extension of the time period to commence construction and one 12-month extension to complete construction in accordance with Commission Rule 350-81-044(6). The applicant must submit the request in writing prior to the expiration of the approval. If the applicant requests an extension of time to complete construction after commencing construction, the applicants shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicants were not responsible, would prevent the applicants from commencing or completing the proposed development within the applicable time limitation. The Executive Director shall not grant an extension if the site characteristics and/or new information indicate that the proposed use may adversely affect the scenic, cultural, natural or recreation resources in the National Scenic Area.

APPEAL PROCESS:

The appeal period ends on the 2 day of January 2019.

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

NOTES:

Any new land uses or structural development such as driveways, parking areas, garages, workshops, fences or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review. New cultivation also requires a new application and review.

This decision does not address local, state, or federal requirements that may be applicable to the proposed development. The landowner is responsible for obtaining all applicable county, state, or federal permits required for the development.

cc:

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 Public Works Department
Klickitat County Health Department
Klickitat County Assessor
Washington Natural Heritage Program
Washington Department of Fish and Wildlife
Friends of the Columbia Gorge

Attachments:

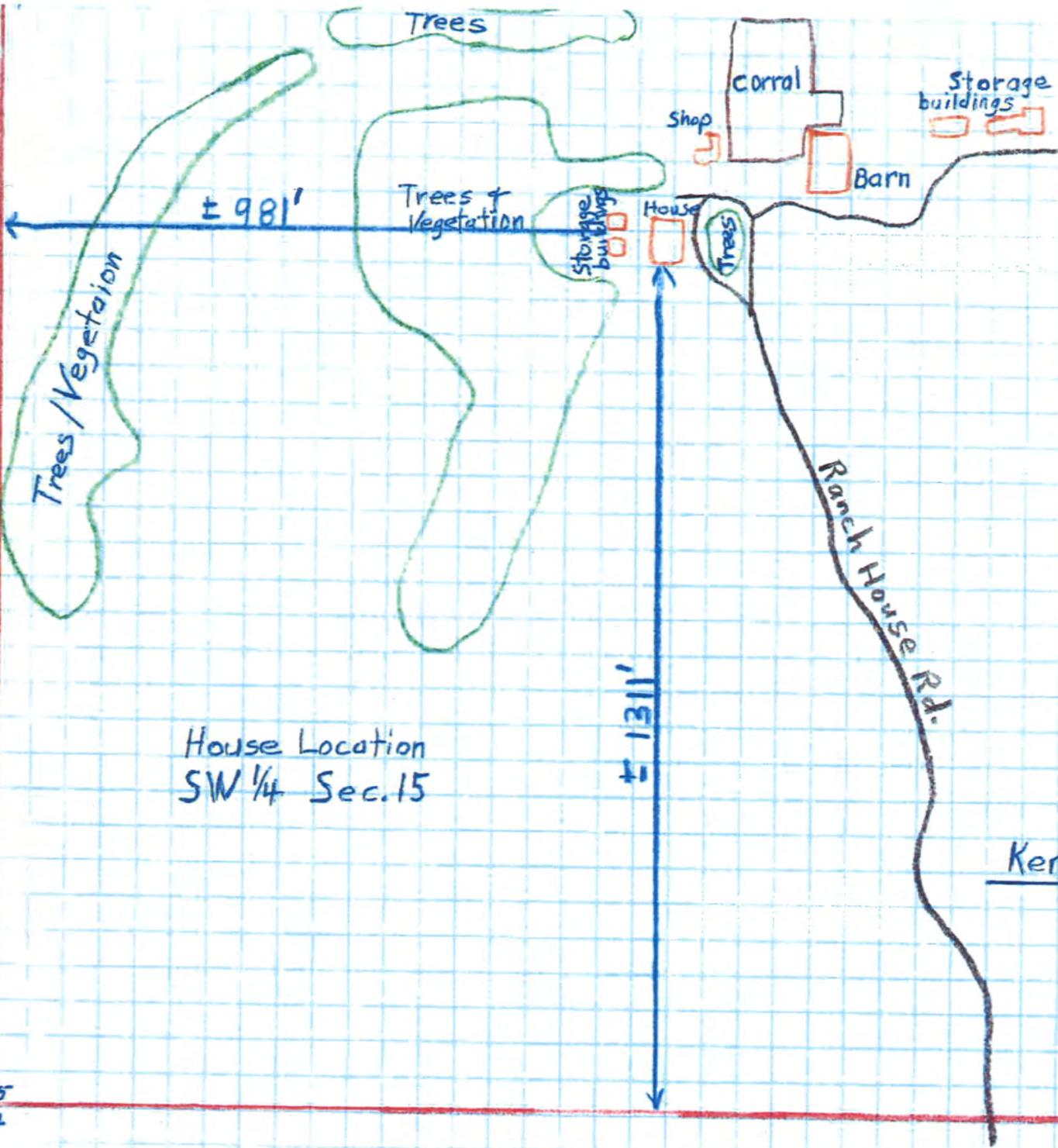
Staff Report for C18-0007
Approved site plan
Example sheet of acceptable & unacceptable light fixtures

LoVine

Schreiner

N ↑

- Buildings ———
- Vegetation ———
- Road ———
- Corral ———
- Sec. line ———
- Distances ———



House Location
SW 1/4 Sec. 15

APPROVED
Weliuli
12/3/18

Kent Smith Ranch, LLC

15
22

15
22

APPROVED

W. B. Beseda 12/3/2018



- REFERENCES:**
- 1) G.L.O. FIELD NOTES FOR SURVEY OF TOWN, RISE, W.M. BY MAXIM, CONTRACT No. 60, JULY 1881
 - 2) SURVEY FOR WEBSTER, ORCHARDS BY TENNISON ENGR. CORP. WD 214312 RECORDED APRIL 10, 2015 A.F. 2112593
 - 3) SURVEY FOR KENT PACIFIC CO. BY TENNISON ENGR. CORP. WD 218897 RECORDED SEPTEMBER 23, 1997 A.F. 2200567
 - 4) SURVEY FOR MIKE & KENT SMITH BY TENNISON ENGR. CORP. W.O. #14586 RECORDED JULY 21, 2015 A.F. 2114415
 - 5) STATE OF WASHINGTON, S.O.T., S.R. 14 SHADAT TO GRAND DALLAS, SHEET 4 OF 4, FEBRUARY, 1935
 - 6) STATE OF WASHINGTON, D.P.R., THE DALLAS BRIDGE NORTH, APPROACH TO U.S. 830, JUNE, 1975 (NOW HWY. 197), SHEET 1 OF 4

- LEGEND:**
- SET 5/8" x 3/32" REBAR WITH YELLOW PLASTIC CAP, OR BESEDA P.S. 15092
 - FOUND MONUMENTS, AS NOTED
 - CALCULATED CORNERS, NOT SET
 - EXISTING FENCE LINE
 - SURVEY REFERENCE NUMBER
 - FOUND
 - CALCULATED
 - RECORD SURVEY OR DEED DATA
 - MONUMENT
 - COUNTY SURVEY NUMBER
 - RAILROAD
 - RIGHT OF WAY
 - DOCUMENT
 - ALUMINUM
 - APPROXIMATE
 - PARTITION PLAT
 - LAND CORNER
 - CORRUGATED METAL PIPE WITH YELLOW PLASTIC CAP
 - INTERSECTION
 - STEEL
 - EXISTING
 - HOSE HUB
 - WATER VALVE

Design	T.E.C.	Survey	T.E.C.
DWG. No.	14586	Scale	1" = 100' / 200'
Date	7/30/2018	Drawn	S.D.H.
Work Order No.	14586		

SITE PLAN
FOR
KENT SMITH RANCH, LLC.
PORTION OF TAX PARCEL 02-13-15-0000-01/00
IN SECTION 15, TOWNSHIP 2 N., RANGE 13 E., W.M.
KLUCKITAT COUNTY, WASHINGTON

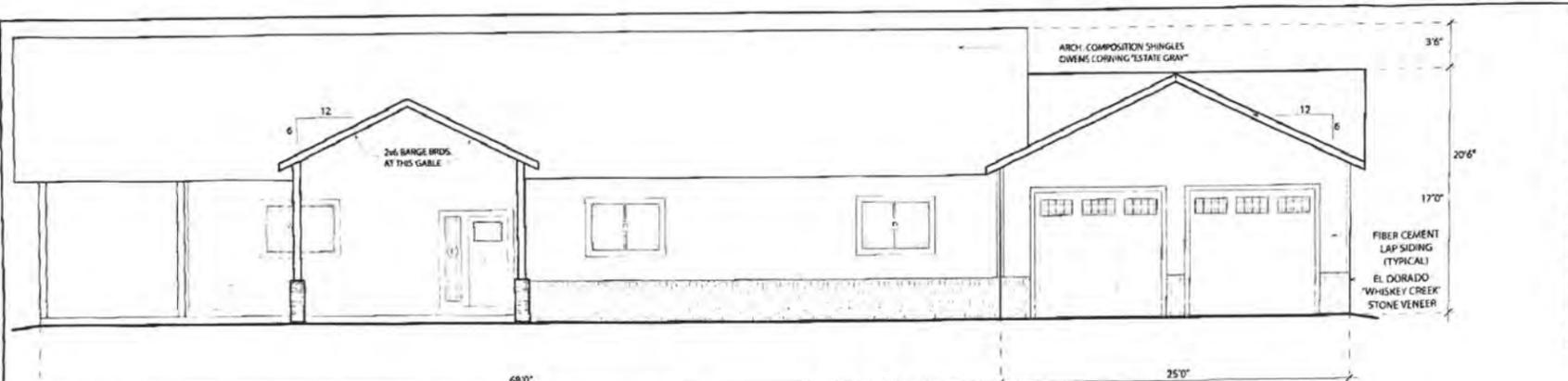
TENNISON ENGINEERING Corp.
CONSULTING ENGINEERS
3775 CRATES WAY
THE DALLAS, OREGON 97058
PH. 541-296-9177 FAX 541-296-6657

PLOT DATE: 7/31/2018

BENJAMIN B. BESEDA
STATE OF WASHINGTON
35092
REGISTERED
PROFESSIONAL LAND SURVEYOR
DATE:

SHEET 1 OF 1

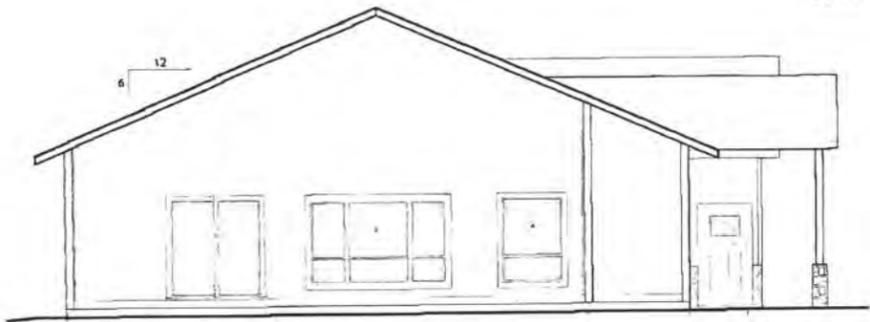
Work Order No.
14586



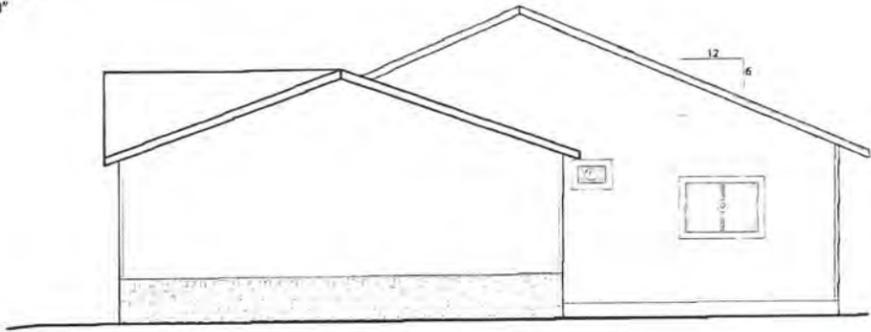
EAST ELEVATION
SCALE: 1/4" = 1'0"

NOTE:
ENERGY CONSERVATION & ENVELOPE ENHANCEMENT MEASURES: CONDITIONED SPACES WITHIN HOUSE SHALL COMPLY WITH ORSC 2014 PRESCRIPTIVE ENVELOPE REQUIREMENTS PER TABLE N1101.1(1) PLUS OPTION... AND OPTION... FROM TABLE 1101.1(2) ADDITIONAL MEASURES

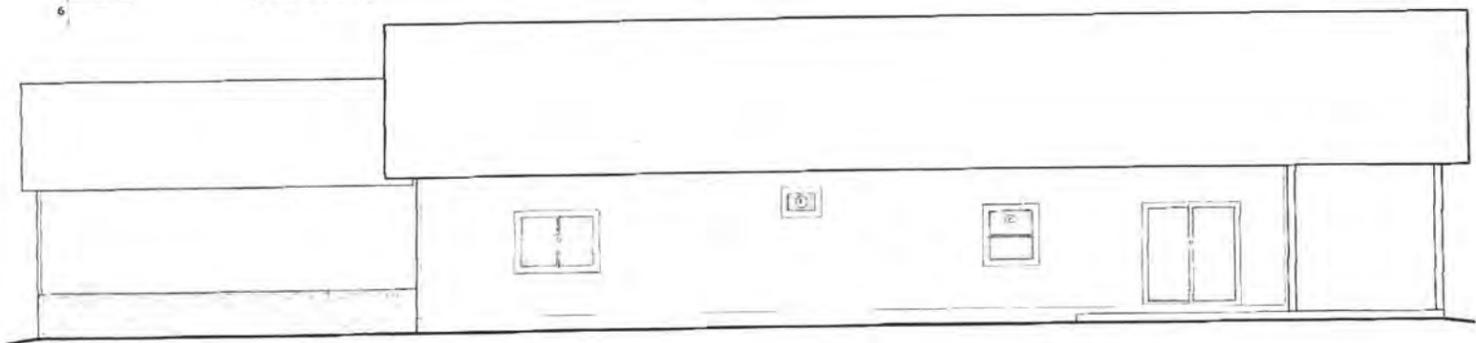
EXTERIOR PAINT COLORS:	
MATERIALS	SHERWIN WILLIAMS COLOR
SIDING, MAIN BODY OF HOUSE	"WELL-BRED BROWN"
TRIM INCLUDING FASCIAS, BARGE BOARDS, WINDOW TRIM, KNEE BRACES ETC	"TURKISH COFFEE"
EXTERIOR DOORS INCLUDING GARAGE DOOR, FULL LITE DOORS & FRONT DOOR	"FORESTWOOD"



SOUTH ELEVATION
SCALE: 1/4" = 1'0"



NORTH ELEVATION
SCALE: 1/4" = 1'0"



WEST ELEVATION
SCALE: 1/4" = 1'0"

APPROVED
K. W. [Signature]
12/3/2018

INDEX OF DRAWINGS	
A	SITE PLAN, GRADING PLAN, EXT. LIGHTING PLAN
1	EXTERIOR ELEVATIONS AND ENERGY EFFICIENCY SPECIFICATIONS
2	MAIN FLOOR PLAN, WINDOW SCHEDULE, GENERAL NOTES AND DETAILS
3	FLOOR FRAMING PLAN, SECTIONS AND DETAILS
4	FOUNDATION PLAN, ROOF PLAN AND DETAILS
5	SECTIONS AND DETAILS
ISSUED: 6/7/2018	
SHARP CONSTRUCTION	SHEET #
RESIDENCE FOR KENT SMITH	1
	OF 5

SUMMARY OF FLOOR AREA

MAIN FLOOR AREA	= 2,235 sq. ft.
GARAGE FLOOR AREA	= 872 sq. ft.
GRAND TOTAL	= 2,907 sq. ft.

GENERAL NOTES

CODES AND STANDARDS

1. ALL CONSTRUCTION TO BE IN COMPLIANCE WITH THE FOLLOWING CODES:
 A. IRC AND 2014 OREGON RESIDENTIAL SPECIALTY CODE

DESIGN LOADS

1. HOUSE FLOOR LIVE LOAD= 40 PSF
 ROOF LIVE LOAD= 25 PSF
 SOIL BEARING CAPACITY= 1500 PSF (ASSUMED)
 DECK LIVE LOAD= 50 PSF

WOOD

1. ALL WOOD SPECIES AND GRADES AS FOLLOWS:
 A. JOISTS, RAFTERS, STRINGERS DOUGLAS FIR NO. 2
 B. BLOCKS, BLOCKING AND BRIDGING, DOUGLAS FIR NO. 3
 C. STUDS STUD GRADE
 D. WALL SHEATHERS, PLATES, NAILING BLOCKS EMBEDDED IN CONCRETE PRESSURE TREATED DOUGLAS FIR
 E. POSTS, BEAMS, POLE RISERS DOUGLAS FIR NO. 1
 F. GIRDERS, NOT EXPOSED 2B MFR NO. 2
 G. BLOCKING, EXPOSED SELF-T AND BETTER
 H. GUSSET LAM BEAMS JAKOB 1/4 OF 4F
 2. ALL INTERIOR AND EXTERIOR BEARING WALLS TO HAVE 4X8 JOIST HEADERS (MINI UNLESS NOTED OTHERWISE) UNID ON PLANS
 3. SHEATHING MATERIALS (UNLESS NOTED OTHERWISE) ON PLANS:
 A. PLYWOOD WALL SHEATHING 1/2" C.D. INTERIOR WITH EXTERIOR GLEU 32/16 NDS
 B. PLYWOOD FLOOR SHEATHING 5/8" C.D. INTERIOR WITH EXTERIOR GLEU 32/16 NDS
 C. PLYWOOD ROOF SHEATHING 1/2" C.D. INTERIOR WITH EXTERIOR GLEU 42/16 NDS
 4. MINIMUM PLYWOOD NAILING AT ROOF, FLOOR AND WALL SHEATHING SHALL BE 80 COR @ 4" O.C. AT EDGES AND 12" O.C. AT INTERMEDIATE SUPPORTS. 10" O.C. @ INTERMEDIATE SUPPORTS AT FLOORS. 10" O.C. ROOF AND FLOOR SHEATHING WITH FACE GRAIN PERPENDICULAR TO SUPPORTS AND STAGGER JOISTS
 5. ALL WELDED CONNECTIONS FOR JOIST-TABLE RAFTERS WHERE FABRICATED METAL CONNECTIONS, JOIST HANGERS, POST CAPS, ETC. ARE INDICATED ON PLANS USE "STRONG-TIE" CONNECTIONS AS SHOWN BY SIMPSON STRONG-TIE CO. INC. OR CONNECTIONS WITH LOCAL LOAD VALUES. ALL FASTENERS & METAL CONNECTIONS IN CONTACT WITH PRESSURE TREATED LUMBER SHALL BE HOT DIP GALVANIZED OR EQUIVALENT

CONCRETE

1. MINIMUM COMPRESSIVE STRENGTH OF CONCRETE SHALL BE AS FOLLOWS: 3000 PSI FOR WALLS, FOOTINGS, AND OTHER CONCRETE. 3500 PSI FOR CONCRETE SLABS
 2. MAXIMUM SLAB SPAN SHALL BE 11'-0" FOR SLAB AND 4" FOR OTHER CONC. PROVIDE 5% AIR ENTRAINMENT FOR CONCRETE EXPOSED TO EXTERIOR CONDITIONS.
 3. ALL FOOTINGS TO BEAR ON FIRM UNDISTURBED SOIL 24" BELOW GRADE AND 24" BELOW FINISHED GRADE. VERIFY LOCAL FROST LINE.

INSULATION (PRESCRIPTIVE ENVELOPE REQUIREMENTS TABLE 1201.1.1.1 IRC 2014)

1. EXCEPT WHERE NOTED ON PLANS, PROVIDE A MIN. INSULATION OF:
 A. FLAT CEILING R-38
 B. VAULTED CEILING R-30/150N MAX
 C. FLOORS OVER UNHEATED SPACE R-30
 D. EXTERIOR WALLS R-21
 E. SLAB @ EXTERIOR EDGE R-15 X 24" REED
 F. FORCE D AIR OUT? INSULATION R-8
 2. VAPOR BARRIERS: EXT. WALLS TO HAVE AN APPROVED BARRIER WITH:
 A. 1/2" PLYWOOD OR 6 MIL POLYETHYLENE ON WARM SIDE
 3. ALL EXPOSED INSULATION TO HAVE 8 FLAME SPREAD RATING OF LESS THAN 25 & SMOKE DENSITY OF LESS THAN 450

GLAZING

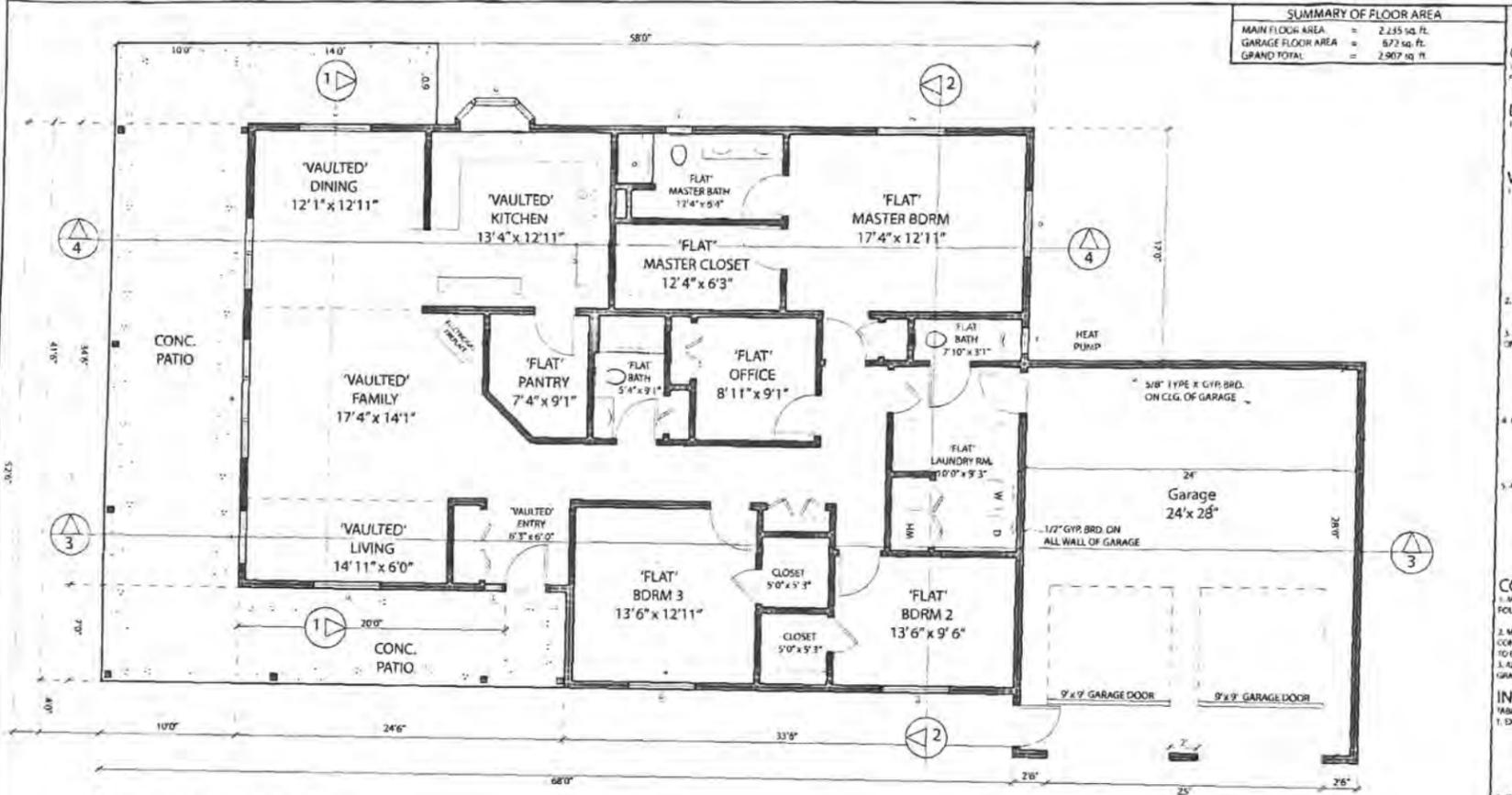
1. ALL WINDOWS AND SKYLIGHTS TO BE INSULATED AS REQUIRED BY LOCAL CODE U-15 MAXIMUM
 2. WINDOW SUPPLIER TO VERIFY AND PROVIDE TEMPERED GLASS AS REQUIRED BY CODE
 3. EACH BEDROOM TO HAVE A CODE APPROVED EGRESS WINDOW

MISCELLANEOUS

1. TUB AND SHOWER ENCLOSURES TO HAVE WATERPROOF GYPSUM BOARD 6" MINIMUM UP WALLS
 2. EXHAUST FANS: RANGE HOOD 11" MIN ABOVE COOK TOP, CLOTHES DRYER TO VENT OUTSIDE VIA METAL DUCTING
 3. FIREPLACES AND STOVES SHALL HAVE OUTSIDE AIR INLET OF 6.5 SQ INCHES CLOSABLE FROM BUILDING
 4. PROVIDE SMOKE DETECTORS PER IRC-SECT. 903.4 WHERE SHOWN ON PLANS & CONNECT TO HOUSEHOLD ELECTRICAL SYSTEM INTERCONNECT FOR SIMULTANEOUS OPERATION WITH BATTERY BACKUP SYMBOL 10
 5. APPROVED CARBON MONOXIDE ALARMS OR A HOUSEHOLD CARBON MONOXIDE DETECTION SYSTEM SHALL BE PROVIDED IN EACH BEDROOM OR WITHIN 15' OUTSIDE OF EACH BEDROOM DOOR PER IFT-RETS SYMBOL 10

ISSUED: 6/7/2018

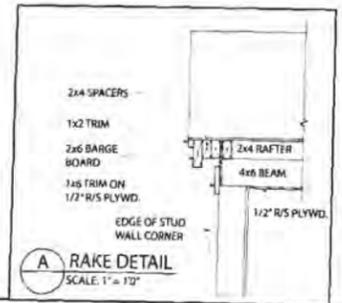
SHARP CONSTRUCTION SHEET # 2 OF 5
 RESIDENCE FOR RENT SMITH



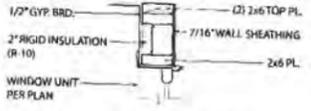
MAIN FLOOR PLAN
 SCALE: 1/4" = 1'0"

APPROVED

Kwelulu
 12/3/2018



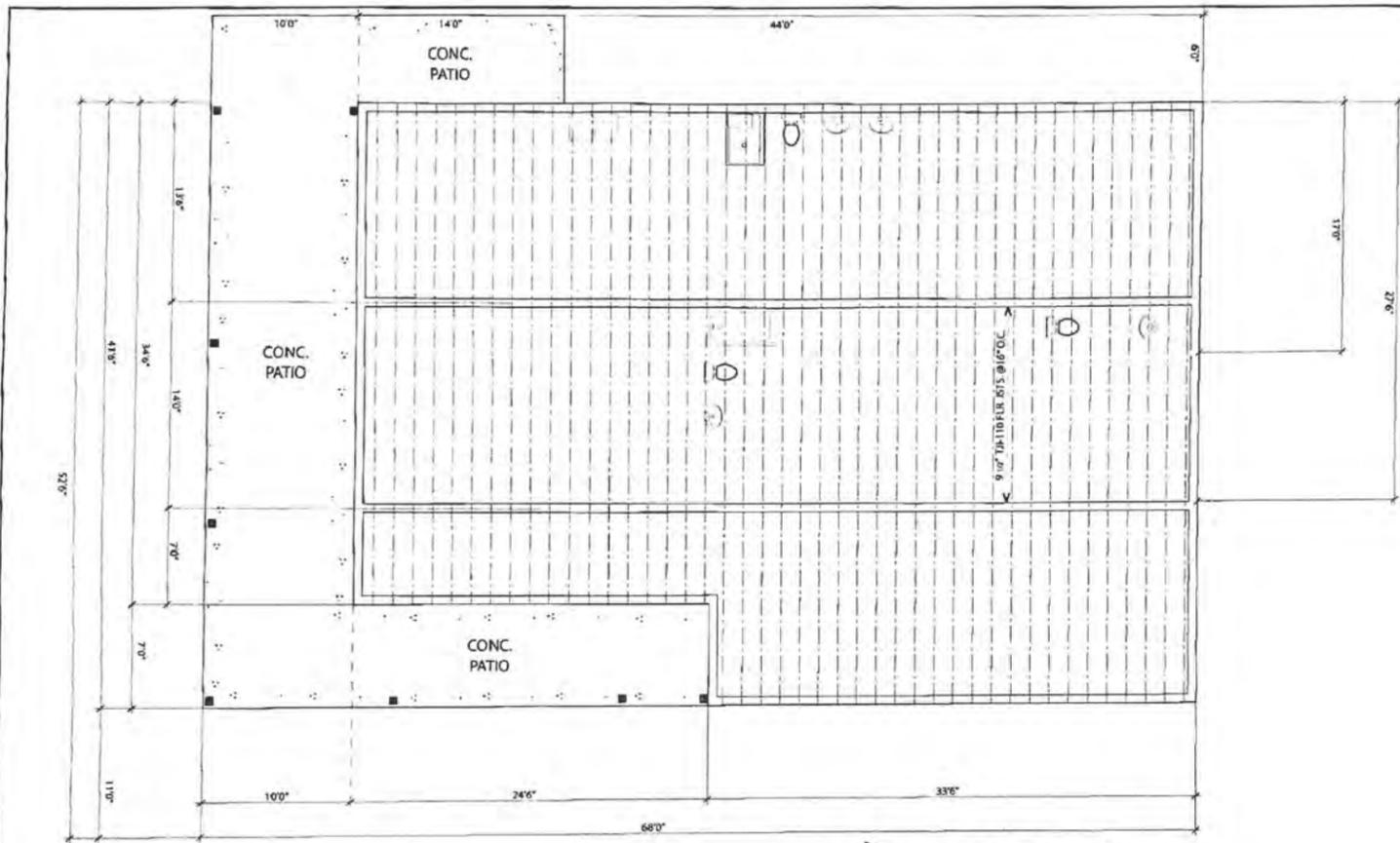
NOTE:
 LATERAL BRACING METHOD TO BE CONTINUOUS SHEATHING - SIDING SHALL BE INSTALLED OVER W.R.B ON 7/16" OSB OR CDX PLYWD NAILED W/8d @ 6" O.C. EDGES & 12" O.C. AT INTERMED SUPPORTS.



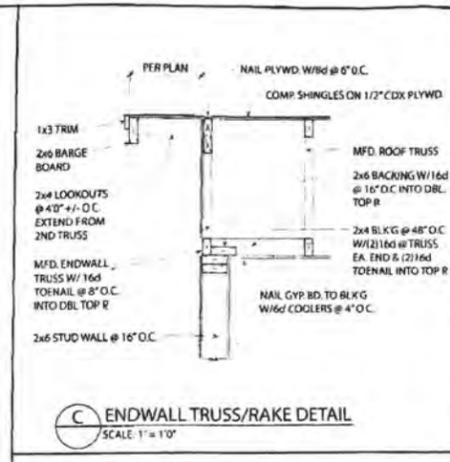
VINYL WINDOW SCHEDULE

VINYL WINDOWS TO BE MILGARD "MENDOCINO" IN CLASSIC BROWN EXTERIOR COLOR WITH WHITE ON THE INTERIOR SIDE

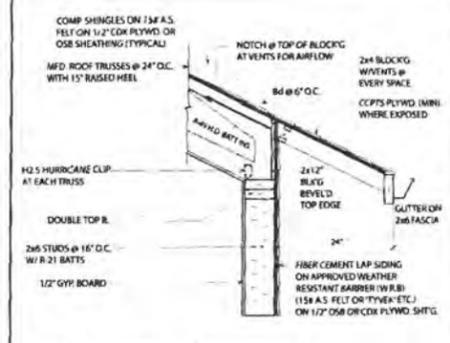
SIZE	TYPE	NO. HT.	REMARKS
A 4'0" x 4'6"	FIXED/OP		BOTTOM "B" OPERABLE
B 8'0" x 4'6"	FIXED/OP		BOTTOM "B" OPERABLE
C 6'0" x 4'6"	SLIDER		
D 5'0" x 3'6"	SLIDER		
E 3'6" x 6'6"	FIXED		
F 1'6" x 2'0"	OPERABLE		
G 3'0" x 2'6"	OPERABLE		
H 7'0" x 3'6"	SLIDER DOOR		



FLOOR FRAMING PLAN
SCALE: 1/4" = 1'0"



C ENDWALL TRUSS/RAKE DETAIL
SCALE: 1" = 1'0"



D EAVE DETAIL AT DINING RM.
SCALE: 1" = 1'0" 15" RAISED HEEL



ROOF PLAN
SCALE: 1/8" = 1'0"

APPROVED

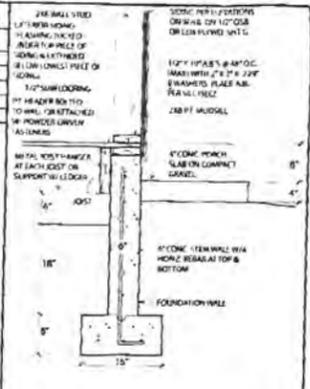
Kudumalshi
12/3/2018

NOTE:
PROVIDE ATTIC VENTILATION TO TOTAL 1/300 OF ATTIC AREA WITH HALF OF VENTS @ EAVES & HALF @ UPPER THIRD OF ATTIC. (DISTRIBUTED EQUALLY AROUND PERIMETER)

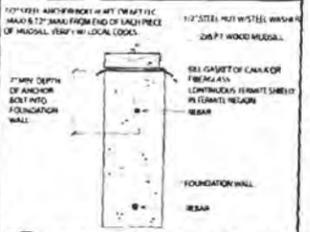
VENTED ATTIC AREA OF HOUSE=
1/300 OF TOTAL VENTED AREA=
790 SQUARE INCHES TOTAL NET FREE VENT AREA REQUIRED

ISSUED: 6/7/2018	SHEET #
SHARP CONSTRUCTION	3
RESIDENCE FOR KENT SMITH	OF 5

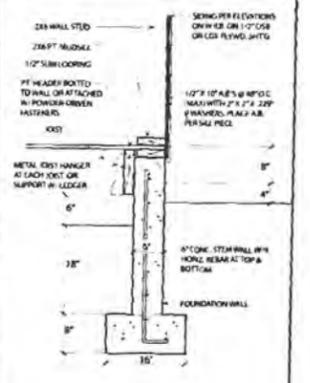
SIZE	STEEL	REMARKS
8" x 16"		
6" x 24"		



G PATIO DET @ FOUND. WALL
SCALE 1" = 1'0"

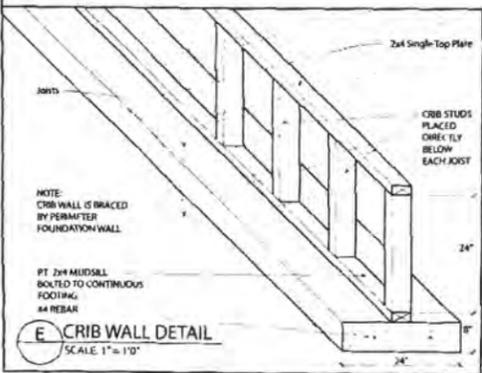
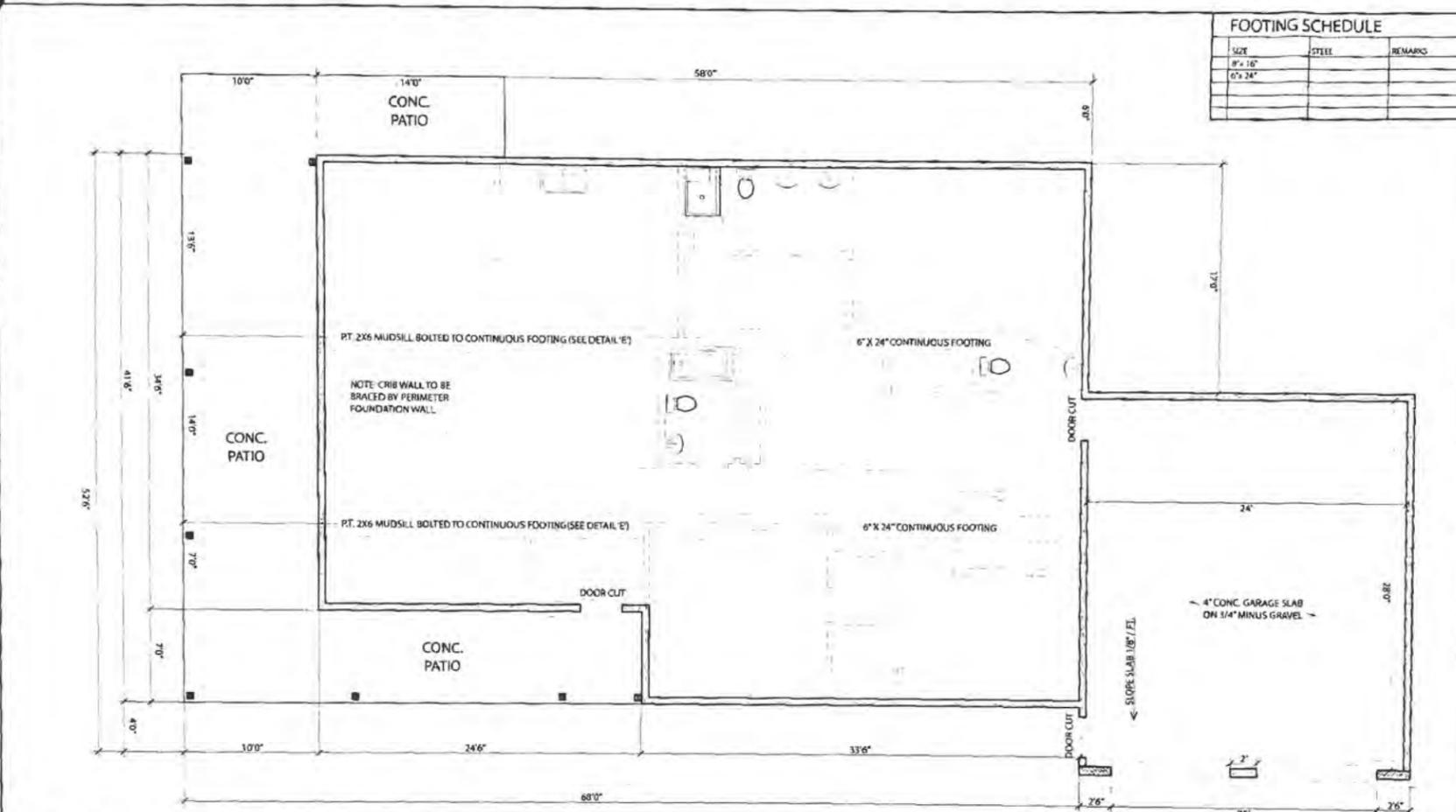


F MUDDSILL W/ ANCHOR BOLT DET.
SCALE 2" = 1'0"



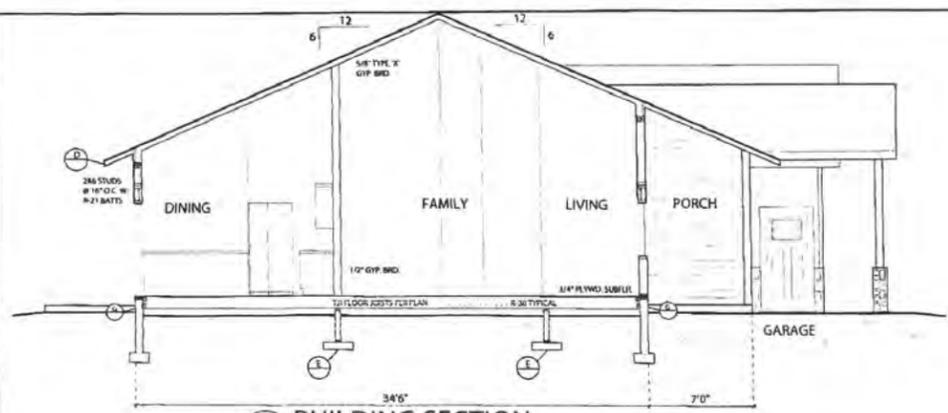
H JOISTS FLUSH W/ MUDDSILL
SCALE 1" = 1'0"

ISSUED: 6/7/2018
SHARP CONSTRUCTION
RESIDENCE FOR KENT SMITH
SHEET # 4 OF 5

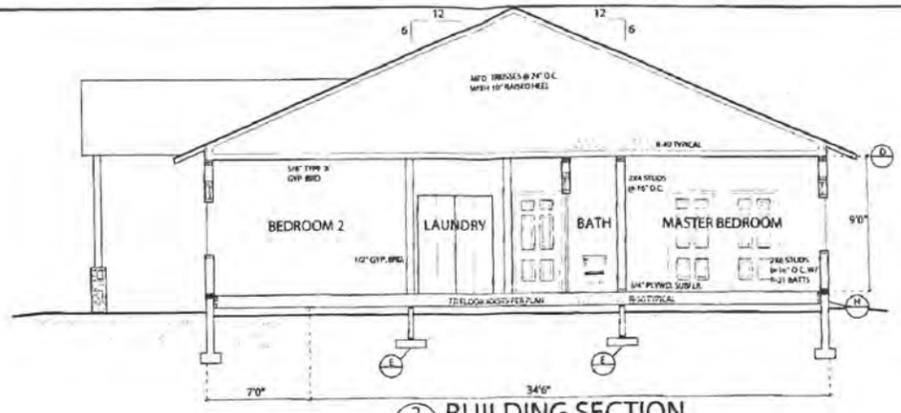


FOUNDATION PLAN
SCALE: 1/4" = 1'0"

APPROVED
Kwelmahesh
12/3/2018



1 BUILDING SECTION
SCALE: 1/4" = 1'0"



2 BUILDING SECTION
SCALE: 1/4" = 1'0"



3 BUILDING SECTION
SCALE: 1/4" = 1'0"



4 BUILDING SECTION
SCALE: 1/4" = 1'0"

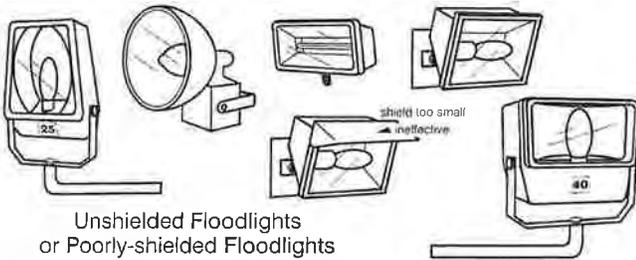
APPROVED
Kwaku
12/3/2018

ISSUED: 6/7/2018	
SHARP CONSTRUCTION	SHEET #
RESIDENCE FOR KENT SMITH	5
	OF 5

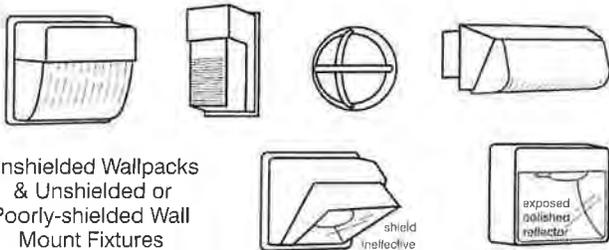
Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

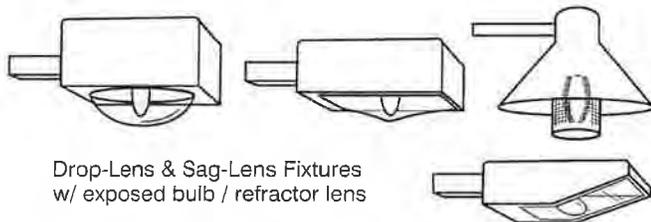
Fixtures that produce glare and light trespass



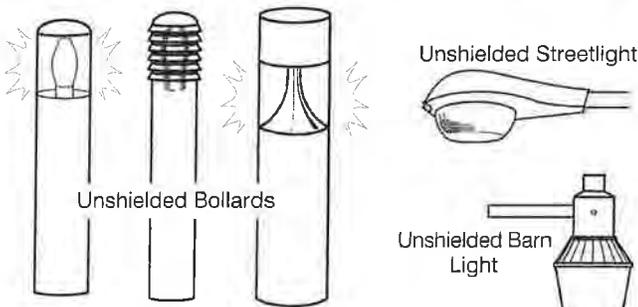
Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures



Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens

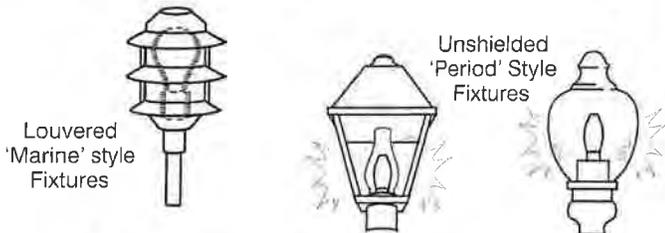


Unshielded Streetlight

Unshielded Bollards

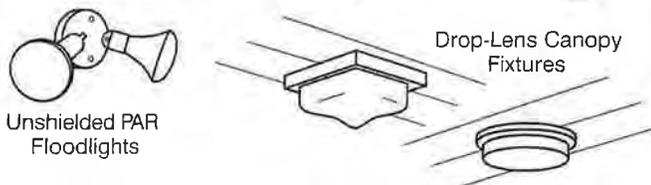


Unshielded Barn Light



Louvered 'Marine' style Fixtures

Unshielded 'Period' Style Fixtures

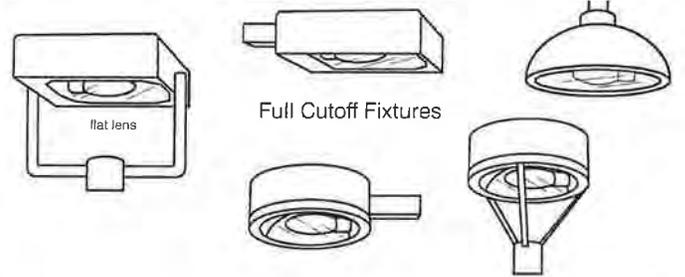


Unshielded PAR Floodlights

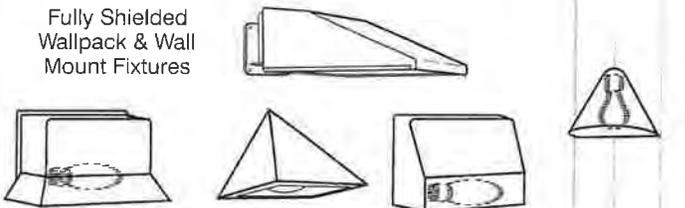
Drop-Lens Canopy Fixtures

Acceptable

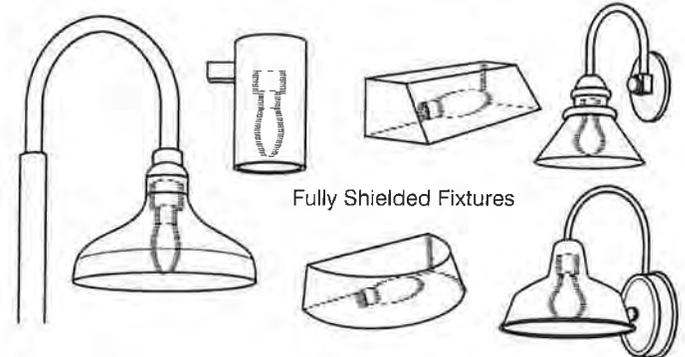
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



Fully Shielded Fixtures



Full Cutoff Streetlight

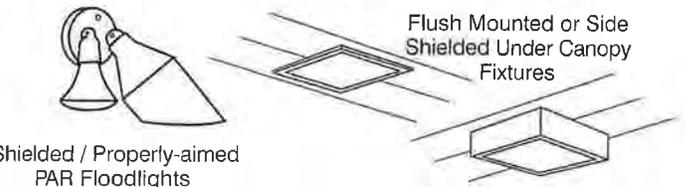
Fully Shielded Barn Light

Fully Shielded Walkway Bollards



Fully Shielded Decorative 'Period' Style Fixtures

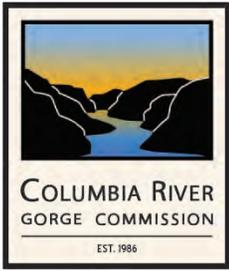
Fully Shielded 'Period' Style Fixtures



Shielded / Properly-aimed PAR Floodlights

Flush Mounted or Side Shielded Under Canopy Fixtures

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STAFF REPORT

- CASE FILE:** C18-0007
- PROPOSAL:** The Columbia River Gorge Commission received an application for the replacement of a single-family dwelling.
- APPLICANT:** Kent & Marjorie Smith
- LANDOWNER:** Kent & Marjorie Smith
- LOCATION:** The subject parcel is 490 acres in size and located at 45 Smith Ranch Road, Dallesport, WA, in Section 15, Township 2 North, Range 13 East, W.M. Klickitat County Tax Lot Number 02-13-1500-0001/00.
- LAND USE DESIGNATION:** The subject parcel is located in the General Management Area and designated Large-Scale Agriculture.

COMMENTS FROM INDIVIDUALS/AGENCIES/GOVERNMENTS:

Notice of the subject request was mailed to property owners within 200 feet of the subject parcel and the following organizations/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 Public Works Department
- Klickitat County Health Department
- Klickitat County Assessor
- Skamania County
- Washington Natural Heritage Program
- Washington Department of Fish and Wildlife
- Friends of the Columbia Gorge

Written comments were received from Steve McCoy, Attorney for Friends of the Columbia River Gorge.

FINDINGS OF FACT:

A. Land Use

1. The subject parcel is in the General Management Area (GMA) and is designated Large-Scale Agriculture.
2. The subject parcel is approximately 490 acres and is operated as a ranch. The parcel is characterized by open pasture and grasslands. In the area where the buildings are sited and clustered together, there is substantial vegetation of both native and non-native tree species including oaks, poplars and maples. The topography of the extensive parcel varies from gentle southern flowing slopes to steeper terrain with exposed basalt walls. Where the existing development is located the parcel is generally flat, near the south-east portion of the property clustered together with two other dwellings, a machine shop and a barn.
3. The applicant proposes to remove the existing dwelling and replace it with a new single-family dwelling in the exact same location. The new home is one story with a 3,700 square foot footprint that includes an attached two car garage and covered porches.
4. Commission Rule 350-81-076 states that all new buildings in the GMA adjacent to lands designated Large or Small-Scale Agriculture and currently used for or suitable for an agricultural use shall comply with the applicable agriculture setback.

The subject parcel is surrounded by parcels designated Large-Scale Agriculture to the north, east and west. The Dallesport Urban Area Boundary (UAB) is the southern boundary of the parcel. The surrounding parcels are all used for grazing activities. Setbacks specified for livestock grazing, pasture, and haying include a 100-foot buffer for open or fenced areas, a 15-foot buffer when a natural or created vegetation barrier exists, and a 20-foot buffer when a terrain barrier exists. The building site contains an existing vegetation barrier of trees on all sides. As proposed, the replacement dwelling is located more than 3,200 feet from the northern property line, 3,500 feet from the eastern property line and 1,000 feet from the western property line. The proposed development is consistent with Commission Rule 350-81-076.

5. Commission Rule 350-81-082(2)(a) allows for the replacement of existing structures not damaged or destroyed by disaster. Commission Rule 350-81-020 (60) defines *existing structure* as any structure that was legally established. Commission Rule 350-81-082(2)(a) states:

An existing structure may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:

- (A) *The replacement structure shall be used in the same manner and for the same purpose as the original structure.*
- (B) *The replacement structure may have a different size and/or location than the original structure.*
- (C) *The replacement structure shall be subject to the scenic, cultural, recreation and natural resources guidelines; the treaty rights guidelines; and the land use designations guidelines involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.*

(D) The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one-year time frame.

According to records provided by the Klickitat County Assessor, the existing single-family dwelling was built in 1952. The existing single-family dwelling is currently in use, and is therefore considered a continued, existing use. The replacement dwelling is the same size and in the same location as the existing dwelling. As described in the findings of fact below, the replacement dwelling is subject to the same rules applicable to new buildings. The replacement single-family dwelling complies with Commission Rule 350-81-082(2).

Conclusion:

The proposed replacement dwelling replaces a legally-established structure on the subject parcel and is an allowed review use on lands designated Large-Scale Agriculture. The use may be allowed provided it does not adversely affect scenic, cultural, natural, or recreation resources in the National Scenic Area. These additional reviews are below.

B. Scenic Resources

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

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

The proposed development site is level and minimal grading is necessary to site the replacement dwelling. The site is in the same location as the existing dwelling, and the design does not include a basement or crawlspace. The existing driveway will remain the access road from State Route 14, and no further grading is necessary for road improvements. As proposed, the dwelling is sited and designed to retain the existing topography and reduce necessary grading 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.

Staff looked at buildings in the Large-Scale Agriculture Land Use Designation of the subject parcel and surrounding lands, which encompasses an area of 17,000 acres and contains 8 parcels with single-family dwellings. According to Klickitat County Assessor records, single-family dwellings in the vicinity range from 1,712 to 5,714 square feet in size, and 12 feet to 29 feet tall. According to the records, the average total square footage for single-family dwellings in the area is 3,700 sq. ft. The proposed single-family dwelling is within this range and therefore consistent with Commission Rule 350-81-520(1)(b).

Staff also looked at single-family dwellings in the Grasslands landscape setting of the subject parcel and surrounding lands, which encompasses an area of 17,000 acres and contains 17 parcels with single-family dwellings. According to Klickitat County Assessor records, single-family dwellings in the vicinity range from 1,583 to 5,714 square feet in size, and 12 feet to 29 feet tall. According to the records, the average total square footage for single-family dwellings per parcel in the area is 3,200 sq. ft. The proposed single-family dwelling is within the general range of dwellings for the area, therefore consistent with Commission Rule 350-81-520(1)(b).

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

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

No new vegetation is required by the guidelines of this chapter.

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

For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.

The landscape setting for the subject parcel is Grasslands. Commission Rule 350-81-520(3)(d) contains the applicable guidelines for proposed uses in this landscape setting. Commission Rule 350-81-520(3)(d)(A) states:

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

According to information submitted in the site plan, the new dwelling is clustered together with other development on the parcel, consistent with the design guidelines for the Grassland landscape setting, and Commission Rule 350-81-520(1)(e).

5. Commission Rule 350-81-520(2) contains guidelines that apply to new development on sites that are topographically visible from Key Viewing Areas (KVAs).

Staff visited the site on October 24, 2018 and concluded the development site is not topographically visible from any KVAs. Commission Rule 350-81-520(2) therefore does not apply.

6. Commission Rule 380-81-520(3)(d) describes the Grassland landscape setting:

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

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

(i) *Structures shall be sited on portions of the property that provide maximum screening from key viewing areas, using existing topographic features.*

(ii) *Lower structures that emphasize horizontal lines and blend with this sweeping landscape should be encouraged rather than very tall structures.*

(iii) *Planting of trees for screening shall not be extensive, in character with the openness of this setting. Where used, screening vegetation shall either tie in with nearby riparian vegetation in seasonal drainages or emulate windrows. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include Oregon white oak, Lombardy poplar, black locust, black cottonwood (wet locations), Russian olive and ponderosa pine.*

(C) Resource-based recreation uses of a very low-intensity or low-intensity nature that occur infrequently are compatible with this setting, and include hiking, hunting and wildlife viewing.

The proposed siting ensures the development is not visible from KVAs, and the new development is clustered with already existing buildings. The siting allows for the retention of all vegetation. The replacement dwelling is consistent Commission Rule 380-81-520(3).

7. Commission Rule 350-81-520(4) requires that all review uses within Scenic Travel Corridors be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. The proposed development is not adjacent to or near a Scenic Travel Corridor.

Conclusion:

With conditions regarding siting, the proposed development would be consistent with the guidelines in Commission Rule 350-81-520 that protect scenic resources in the National Scenic Area.

C. Cultural Resources

1. Commission Rule 350-81-540(1)(c)(A)(ii) requires a cultural resources reconnaissance survey for all proposed uses except those in 350-81-540(1)(c)(A)(ii)(I) through(VI).
2. Chris Donnermeyer, Heritage Resource Program Manager for the Columbia River Gorge National Scenic Area, reviewed the new land use application and determined in a Cultural Resources Survey Determination, dated August 24, 2018, that pursuant to Commission Rule 350-81-540(1)(c)(A)(ii) a reconnaissance survey is not required because the proposed use would involve the modification, expansion, replacement, or reconstruction of existing buildings and structures.
3. Commission Rule 350-81-540(1)(c)(B) states:

A historic survey shall be required for all 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 or structures that are 50 years old or older.

Mr. Donnermeyer determined that pursuant to Commission Rule 350-81-540(1)(c)(B) a historical survey is required because the proposed use would alter the exterior architectural appearance of potentially significant buildings and structures that are 50 years old or older and a previous historic survey had not been conducted.

In a Heritage Resource Inventory Report dated October 18, 2018, Mr. Donnermeyer recommended that the dwelling is not eligible for the National Register of Historic Places. That report was presented to the Washington State Office of Archeology and Historic Preservation for a 30-day review ending November 17, 2018.

4. Commission Rule 350-81-540(2)(c)(B)(iv) states:

The cultural resource protection process may conclude when one of the following conditions exists...

(iv) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures because:

(a) The State Historic Preservation Officer concludes that the historic buildings or structures are clearly not significant, as

determined by using the criteria in the "National Register Criteria for Evaluation" (36 CFR 60.4)

The State Office of Archaeology and Historic Preservation concurred that the building to be removed is not eligible for the National Register of Historic Places, and the project would have no effect on significant historic buildings or structures. Therefore, the cultural protection process may conclude, consistent with Commission Rule 350-81-540(2)(c)(B)(iv)(a).

5. Commission Rules 350-81-540(6) and (7) protect cultural resources and human remains discovered during construction. They require that if cultural resources or human remains 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. Conditions of Approval are included in the Director's Decision to alert the applicant to these requirements.

Conclusion:

With conditions protecting unknown cultural resources and human remains discovered during construction, the proposed development is consistent with the guidelines in Commission Rule 350-81-540 that protects cultural resources in the National Scenic Area.

D. Recreation Resources

1. Commission Rule 350-81-086 states:

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

No recreation sites or facilities exist on parcels adjacent to the subject parcel, therefore, no buffers are required pursuant to Commission Rule 350-81-086.

Conclusion:

The proposed development is consistent with Commission Rule 350-81-086 that protects recreation resources in the National Scenic Area.

E. Natural Resources

1. Commission Rule 350-81 provides guidelines for protecting wetlands (Section 560); streams, ponds, lakes, and riparian areas (Section 570); sensitive wildlife areas and sites (Section 580); and sensitive plants (Section 590).
2. Commission Rule 350-81-020(173) defines wetlands as:

"Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes."

According to Commission inventories, the current location of the dwelling to be replaced, and thus the location of the proposed development, is within 200 feet of a wetland. The wetland identified in Commission inventories is in the same site as where the barn is currently located. According to

Klickitat County Assessor's records, the barn was built in 1940. Historical aerial imagery shows no signs of a wetland and the area being dry most of the year.

3. According to Commission Rule 350-81-560(7)(b)(C) the subject parcel would be considered an herbaceous vegetative community because it is characterized by the presence of herbs, including grass and glasslike plants, forbs, ferns, and nanobody vines. The maximum buffer zone width for a wetland in an herbaceous community is 150 feet. Because the proposed development would be located approximately 200 yards from the wetland identified in the Commission's natural resource inventories, Commission Rule 350-81-560 that protects wetlands does not apply.
4. The Gorge Commission's natural resource inventories do not show any streams, ponds, lakes, riparian areas, or resource buffer zones in the project vicinity or on the 490-acre parcel. Therefore, Commission Rule 350-81-570 that protect streams, ponds, lakes and riparian areas does not apply.
5. The Gorge Commission's sensitive wildlife inventory does not show any sensitive wildlife sites within 1,000 feet of the proposed development. Therefore, Commission Rule 350-81-580 that protects sensitive wildlife areas does not apply.
6. The Gorge Commission's sensitive plant inventory does not show any sensitive plant sites within 1,000 feet of the proposed development. Therefore, Commission Rule 350-81-590 that protects sensitive plants does not apply.

Conclusion:

The proposed development is consistent with the guidelines in Commission Rule 350-81, Sections 560 through 590 that protect natural resources in the National Scenic Area.

F. Treaty Rights Protection

1. Commission Rule 350-81-084(1) provides protection of Tribal treaty rights from new development in the National Scenic Area.
2. Commission Rule 350-81-084(1)(a) lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Indian treaty rights and provides 20 days for tribal governments to submit comments.

The subject parcel is located 1.32 miles away from the Columbia River and has no river access, but pursuant to other noticing requirements, notice of the proposal was mailed or emailed to the four tribal governments on August 13, 2018. The notice included a comment period of 21 days that ended on September 3, 2018.

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

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

The subject parcel does not provide access to the Columbia River or its fish bearing tributaries. No known treaty rights are affected by this proposal and no treaty rights concerns were raised by the

tribal governments. Because the proposed use would not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to Commission Rule 350-91-084(c)(B).

Conclusion:

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

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