

COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

CASE FILE: C18-0008

PROPOSAL: The Columbia River Gorge Commission received an application to install a new electric meter base and underground power installation from an existing Klickitat County PUD power pole to an existing communication tower.

APPLICANT: Bjorn Morfin, representing T-Mobile

LANDOWNER: Lee Strom

LOCATION: The subject parcel is 5.14 acres and located at 12 Crestview Lane, White Salmon, WA in the Northeast Quarter of the Northwest Quarter of Section 28, Township 3 North, Range 11 East, W.M., Klickitat County Tax Lot Number 03-11-28-5300-02/00.

LAND USE

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

DECISION:

Based upon the following findings of fact, the land use application by Bjorn Morfin, to install a new electric meter base and underground power for an existing communications tower, 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 C18-0008, 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. 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.
6. 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.
7. 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 24 day of January 2019 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 23RD day of January 2021 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 23rd day of February 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.

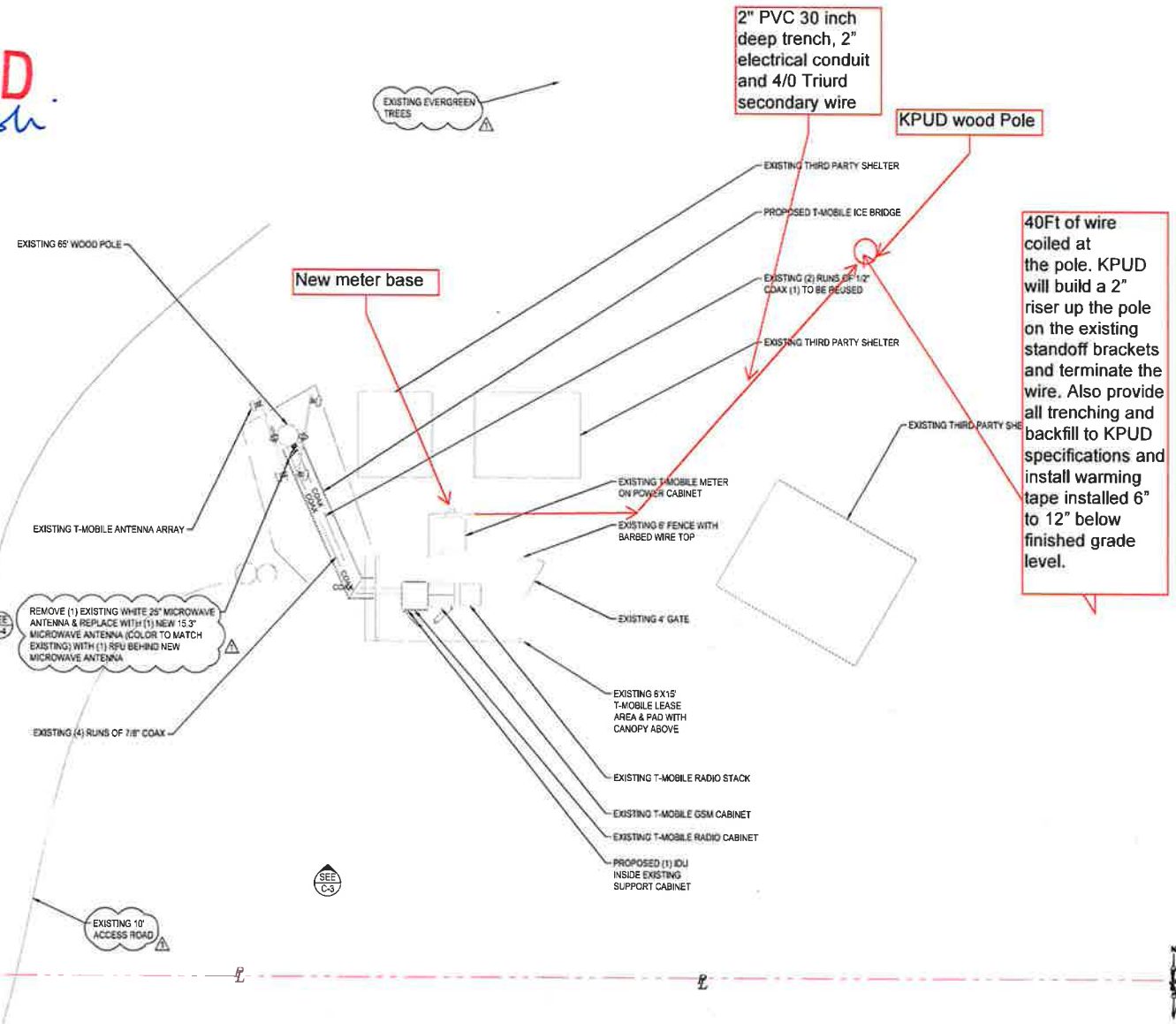
cc:

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 C18-0008
Approved site plan

APPROVED
Y. Wolenski
 1/24/2019



2" PVC 30 inch deep trench, 2" electrical conduit and 4/0 Triurd secondary wire

KPUD wood Pole

40Ft of wire coiled at the pole. KPUD will build a 2" riser up the pole on the existing standoff brackets and terminate the wire. Also provide all trenching and backfill to KPUD specifications and install warming tape installed 6" to 12" below finished grade level.

ENLARGED SITE PLAN

11X17 SCALE: 1" = 10'-0" 22X34 SCALE: 1" = 5'-0" 4

T-Mobile

8960 NE ALDERWOOD ROAD
 PORTLAND, OR 97220
 PHONE: (503) 813-9000
 FAX: (503) 736-3014

PROJECT INFORMATION:
PO02423A
WHITE SALMON
 12 CRESTVIEW LN
 WHITE SALMON, WA 98672

| DATE | RELEASE |
|----------|------------------------------|
| 12/14/15 | PRELIMINARY CLIENT REVIEW |
| 01/07/16 | FINAL CONSTRUCTION SUBMITTAL |
| 01/07/16 | FINAL CONSTRUCTION SUBMITTAL |
| 01/07/16 | FINAL CONSTRUCTION SUBMITTAL |
| 01/07/16 | CONSTRUCTION CHECKSHEET |
| 01/07/16 | COMMISSION ACTION |

DRAWING INFORMATION:
 THIS DRAWING IS COPYRIGHTED AND IS THE SOLE PROPERTY OF THE OWNER. IT IS PRODUCED SOLELY FOR USE BY THE OWNER AND ITS AFFILIATES. REPRODUCTION OR USE OF THIS DRAWING AND/OR THE INFORMATION CONTAINED IN IT IS FORBIDDEN WITHOUT THE WRITTEN PERMISSION OF THE OWNER.

PLANS PREPARED BY:

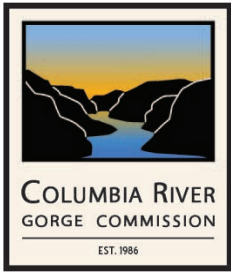
cushing
 Don Cushing Associates
 Civil Engineers
 107 SE WASHINGTON STREET
 SUITE 286
 PORTLAND, OR 97214
 (503) 347-0231
 www.cushingengr.com

LICENSURE:

 RENEWAL DATE 12/31/17

SHEET TITLE:
ENLARGED SITE PLAN

SHEET NUMBER:
C-2



COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

CASE FILE: C18-0008

PROPOSAL: The Columbia River Gorge Commission received an application to install a new electric meter base and underground power installation from an existing Klickitat County PUD power pole to an existing communication tower.

APPLICANT: Bjorn Morfin, representing T-Mobile

LANDOWNER: Lee Strom

LOCATION: The subject parcel is 5.14 acres and located at 12 Crestview Lane, White Salmon, WA in the Northeast Quarter of the Northwest Quarter of Section 28, Township 3 North, Range 11 East, W.M., Klickitat County Tax Lot Number 03-11-28-5300-02/00.

LAND USE

DESIGNATION: The subject parcel is in the General Management Area and designated Small-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 and the Confederated Tribes of the Warm Springs Reservation of Oregon.

FINDINGS OF FACT:

A. Land Use

1. The subject parcel is in the General Management Area (GMA) and is designated Small-Scale Agriculture. The land is not currently supporting any agricultural use. The communication facility is surrounded by a grove of Douglas fir trees and located near the southern boundary of the parcel. There is also a single-family dwelling in the south east corner of the property, separated from the communications tower the grove of trees.
2. The applicant proposes to install a new electric meter base and install underground power from an existing Klickitat County PUD power pole to an existing communications tower. The proposed project adds to an existing telecommunications facility on Burdoin Mountain, off Courtney Road, northeast of Bingen, WA.
3. Commission Rule 350-81-020 (60) defines *utility facility* as any structure that provides for the transmission or distribution of water, sewer, fuel, electricity, or communications.
4. Commission Rule 350-81-200(1)(a) allows utility facilities on lands designated Small-Scale Agriculture. Commission Rule 350-81-200(1)(a) states:

The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources (350-81-520 through 350-81-620) and the "Approval Criteria for Specified Review Uses," (350-81-220) below.

(a) Utility facilities and railroads necessary for public service upon a showing that (1) there is no practicable alternative location with less adverse effect on agricultural or forest lands, and (2) the size is the minimum necessary to provide the service.

The proposed development allows the existing communications facility to have an exclusive electrical meter, separate from the rest of the parcel. Because the utility facility is already established, there is no practical alternative location for this proposed development. The proposed cable is #4/0 AWG, which is sized to meet the current communication needs.

5. Commission Rule 350-81-220 lists the additional approval criteria for lands designated Large-Scale or Small-Scale Agriculture. It states:

The uses identified in 350-81-200, may be allowed only if they meet both of the following criteria:

(a) The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use.

(b) The use will be sited to minimize the loss of land suitable for the production of crops or livestock.

The proposed development allows the communication facility to have an exclusive electrical meter, separate from the rest of the parcel. The site is currently devoted to this use because the utility facility is already established, the new electrical meter box has no significant increase on the cost of accepted agricultural practices on nearby lands. The new underground power line

likewise has no effect on lands suitable to produce crops or livestock. The line is underground, and the estimated length of the trench is 40 feet.

Conclusion:

The proposed development is an allowed use 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)(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 Oak-Pine Woodlands. Commission Rule 350-81-520(3)(c) contains the design guidelines for proposed uses in the Oak-Pine Woodlands landscape setting. Finding B.5 addresses the applicable guidelines in Commission Rule 350-81-520(3)(c) using information submitted in the site plan, consistent with this rule.

2. 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 November 27, 2018 and concluded the development site is not topographically visible from any KVAs; the bluff provides topographic screening for the existing communications shelters. Commission Rule 350-81-520(2) therefore does not apply.

3. Commission Rule 380-81-520(3)(c) describes the Oak-Pine Woodland landscape setting:

- (A) *Structure height shall remain below the tree canopy level in wooded portions of this setting.*
- (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. . .*
- (C) *Compatible recreation uses include resource-based uses of varying intensities. . .*

The existing meter pool is under 20 feet in height. The entire communications facility, including the meter pole, is surrounded by a mix of Douglas Fir trees that are all taller than the meter pole. As noted in finding B.4, the development site is not visible from KVAs, so subsection (B) does not apply. Subsection (C) specifies compatible recreation uses. The proposed use is not a recreation use, so subsection (C) does not apply. The proposed development is consistent with Commission Rule 380-81-520(3).

4. Commission Rule 350-81-520(4) contains guidelines for review uses within ¼ mile of a Scenic Travel Corridor. The proposed development is not adjacent to or near a Scenic Travel Corridor. The closest Scenic Travel Corridor to the project site is SR-14, approximately 1.25 miles away.

Conclusion:

The proposed development is consistent with the guidelines in Commission Rule 350-81-520 that protect scenic resources in the National Scenic Area.

C. Cultural Resources

1. Commission Rules 350-81-540(1)(c)(A) and (B) contain provisions regarding when reconnaissance and historic surveys are required. Chris Donnermeyer, Heritage Program Manager for the U.S. Forest Service Scenic Area Office, evaluated the proposed use and determined that, pursuant to these rules, a reconnaissance and a historic survey were required.
2. Commission Rule 350-81-540(1)(c)(C) defines the proposed upgrades to the utility facility as a large-scale use. This rule requires that cultural resource reconnaissance surveys for large-scale uses be conducted by the applicant. The applicant hired Willamette Cultural Resources Associates, Ltd. (WCRA) to conduct the field work and complete the reconnaissance survey for the proposed development.
3. Commission Rule 350-81-540(1)(c)(F) and (G) include requirements for reconnaissance surveys and survey reports for large-scale uses. The reconnaissance survey and report compiled by Matt Goodwin of WCRA, dated April 25, 2018.
4. Mr. Donnermeyer received and reviewed the report for compliance with the requirements for reconnaissance surveys and survey reports for large-scale uses in Commission Rules 350-81-540(1)(c)(F) and (G) and submitted his comments in a letter on October 4, 2018. Mr. Donnermeyer concurs with WCRA's findings that the proposed development has no effect on known cultural resources and agrees that no additional archeological work is necessary.
5. Commission Rule 350-81-540(2)(a)(A) and (B) allow interested parties who so request during the comment period to consult with the applicant and request ethnographic research regarding cultural resources. No such consultation or research was requested of the applicant during the comment period.
6. Commission Rule 350-81-540(2)(b) requires that copies of the reconnaissance survey be submitted to the State Historic Preservation Office and Indian tribal governments, and that all comments received be recorded and addressed. Staff submitted copies of the survey on October 8, 2018. Comments were received from the Confederated Tribes of the Warm Springs Reservation of Oregon.
7. Commission Rule 350-81-540(2)(c)(B)(ii) states:

The cultural resource protection process may conclude when a reconnaissance survey demonstrates that cultural resources do not exist in the project area, no substantial concerns were voiced by interested person within 21 calendar days of the date that a notice was mailed, and no substantiated concerns regarding the reconnaissance survey were voiced by the state Historic Preservation Officer or Indian tribal governments during the 30-day comment period.

On October 4, 2018, the Gorge Commission received a letter from Chris Donnermeyer, Heritage Program Manager with the Forest Service, confirming review of the cultural resource survey report prepared by WCRA for the proposed project. In his letter, Mr. Donnermeyer states that he concurs with the recommended determination of "No Historic Properties Affected" (36 CFR § 800.4 (d)(1)) for the project, which includes consultation with treaty tribes. No concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed, and no substantiated concerns were voiced by the State Historic Preservation Officer or Indian tribal governments regarding the reconnaissance survey during the 30-day comment period. Therefore, pursuant to Commission Rule 350-81-540(2)(c)(B)(ii), the cultural resource protection process may conclude.

8. Commission Rule 350-81-540(6) protects cultural resources discovered during construction. It requires that if cultural resources are discovered after construction begins, all construction activities within 100 feet of the discovered cultural resource shall cease; further disturbance is prohibited, and the Gorge Commission shall be notified within 24 hours of the discovery. A condition of approval implementing this requirement is included in this decision.
9. Commission Rule 350-81-540(7) contains provisions addressing discovery of human remains during construction. A condition of approval requiring adherence to these measures if human remains are discovered is included in this Director's Decision.

Conclusion:

With conditions 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. The Gorge Commission's natural resource inventories do not show any wetlands in the project vicinity. Therefore, Commission Rule 350-81-560 that protect wetlands does not apply.
3. 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 5.14 acre parcel. Therefore, Commission Rule 350-81-570 that protect streams, ponds, lakes and riparian areas does not apply.
4. 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.
5. 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 has no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or emailed to the four tribal governments on 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 substantive 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 does 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.

BG
FIND0008_18