

COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

CASE FILE: C19-0003

PROPOSAL: The Columbia River Gorge Commission has received an application for a replacement single-family dwelling with detached garage, driveway and associated utilities including septic system and electrical service.

APPLICANT: Wendy Dinnerstein

LANDOWNER: W-One Place, LLC.

LOCATION: The subject parcel is located at 16 Sauter Lane, Lyle, Washington, in the South East Quarter of Section 29, Township 3 North, Range 12 East, W.M., Klickitat County Tax Lot Number 03-12-2907-6802/00. The parcel is 40 acres in size.

LAND USE

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

DECISION:

Based upon findings of fact in the attached Staff Report, the land use application by Wendy Dinnerstein to construct a single-family residence, 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 C19-0003, 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 documents 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 to 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 location for the dwelling and attached garage shall be staked for Commission inspection prior to grading or excavation. The applicant shall notify the Commission once staking is complete to arrange for inspection. Grading and excavation may begin after Commission inspection and approval of staking.
5. 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.
6. The manufactured home shall no longer be used as a dwelling. The kitchen as currently constructed, including the range and other appliances for food preparation and storage, shall be removed.
6. All exterior building materials, including doors, siding, trim, window sash, and roof roofing shall be dark earth-tone colors. Only approved dark earth-tone colors for exterior materials shall be used. The following colors submitted by the applicant are consistent with this condition and are hereby approved:

- Benjamin Moore "Durango" (paint chip #2137-30)
- Pabco "Antique Black" asphalt shingles

Any proposed changes to these colors shall be submitted for review by the Executive Director for consistency with this condition of approval. The color of the development shall be maintained by re-painting and re-staining as necessary to maintain the approved color.

7. All exterior building materials, including doors, siding, trim, window sash, and roof roofing, shall be nonreflective or have low-reflectivity. All exterior metal materials shall be painted with low-gloss black colored finish and maintained as necessary to ensure that the material is non-reflective.
9. The driveway shall be constructed of black gravel. Any proposed changes to the driveway material or color shall be submitted for review by the Executive Director before the changes are implemented.
10. All windows shall be composed of low-reflectivity glass. A reflectivity rating of 11% is required. The following triple pane glass coating is approved with a reflectivity of 11%: Anderson "100 Series" with Low-E glass.
11. All outdoor lighting shall be directed downward and sited, hooded, and shielded such that it is not highly visible as seen from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
12. All areas of continuous unscreened surfaces of glass on the south, west, and east sides of the dwelling shall be limited to a combined area of no more than 50 square feet.
13. Any seasonal lighting displays on or around the dwelling shall not exceed 3 months.

14. Screening vegetation shall be implemented as specified in this planting plan, and on the approved landscaping site plan:

Landscaping Plan: Required Planting List									
Variety		Quantity	At Time of Planting			At Maturity		Native	Conifer
Common Name	Scientific Name		Height	Container Size	Spacing	Height	Spread		
Trees									
Ponderosa Pine	<i>Pinus ponderosa</i>	3	3' - 5'	Ball & Burlap	10' - 15'	60' - 120'	20' - 50'	Yes	Yes
White Fir	<i>Abies concolor</i>	3	3' - 5'	Ball & Burlap	10' - 15'	30' - 50'	20' - 30'	No	Yes
Pacific Dogwood	<i>Cornus nutallii</i>	4	6' - 8'	Ball & Burlap	10' - 15'	20' - 30'	10' - 20'	Yes	No
Oregon White Oak	<i>Quercus garryana</i>	3	3'	2 gal	10' - 20'	40' - 90'	20' - 90'	Yes	No
Total:		13							
Shrubs									
Golden Currant	<i>Ribes aureum</i>	6	1' - 3'	1 - 2 gal	3'	3' - 9'	5'	Yes	No
Ocean spray	<i>Holodiscus discolor</i>	5	1' - 3'	2 - 2 gal	5'	8'	6'	Yes	No
Total:		11							
*See Landscaping Site Plan for siting requirements.									

*See Landscaping Site Plan for siting requirements.

15. Maintenance and survival of the vegetation is required, and an irrigation plan shall to be submitted to the Executive Director for review before landscaping vegetation is planted. Changes to the landscaping plan must be provided to the Executive Director for review and approval.
16. All disturbed areas shall be reseeded with grasses and forbs from the approved Recommended Seed Mixes for East Side Environments, which is included as part of the approved landscaping plan.
17. Except for dead trees or other dead vegetation that may serve as a fire hazard, all existing vegetation on the site shall be retained and maintained for screening purposes, or as indicated on the approved landscaping plan.
21. 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.
22. 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.
23. 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 1 day of October 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 1 day of October 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 31 day of October 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:

Nez Perce Tribe

Confederated Tribes and Bands of the Yakama Nation

Kristen Tiede, Confederated Tribes of the Umatilla Indian Reservation

Christian Nauer, Confederated Tribes of Warm Springs Reservation of Oregon

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

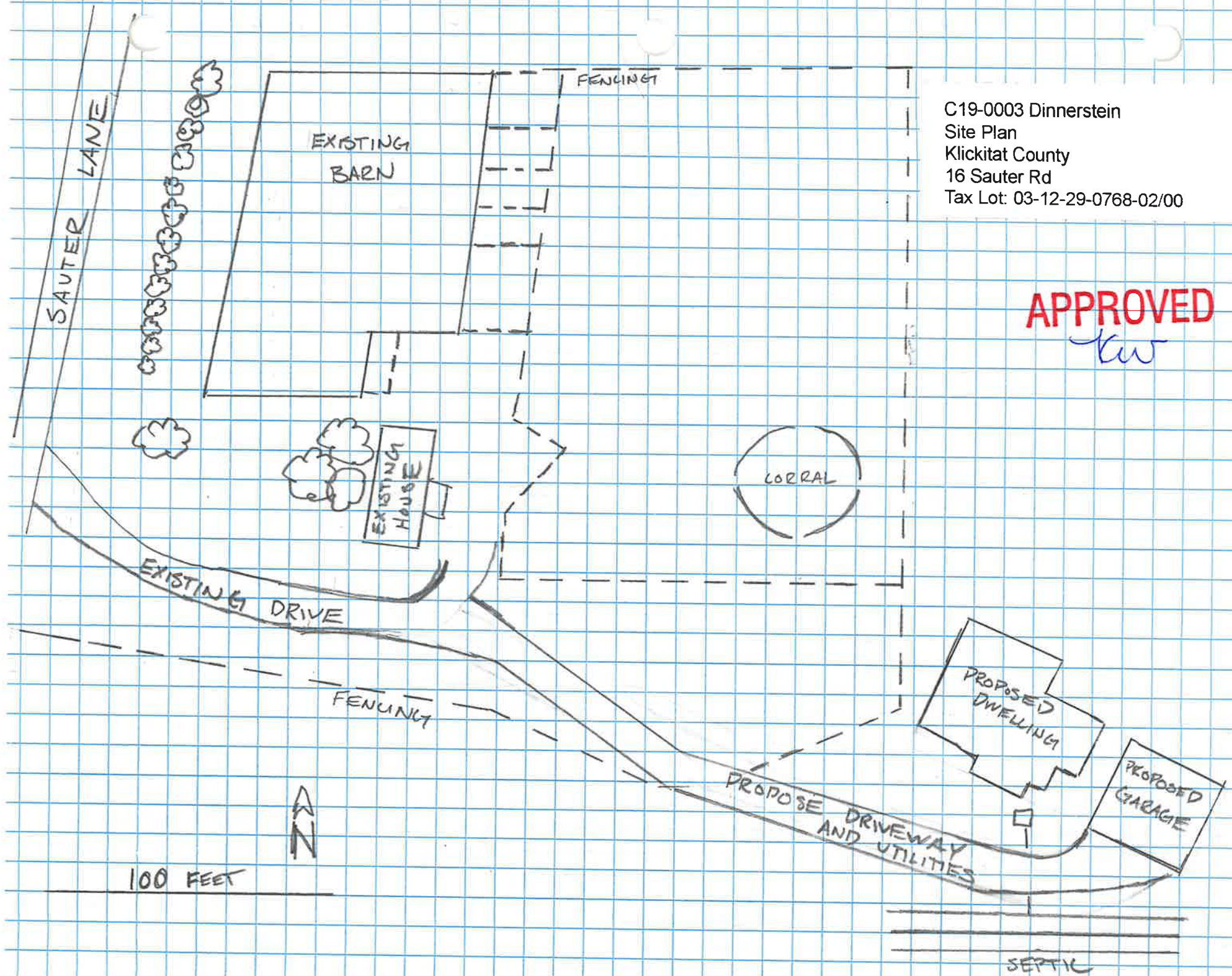
Klickitat County Assessor
Washington Natural Heritage Program
Washington Department of Fish and Wildlife
Steve McCoy, Friends of the Columbia Gorge

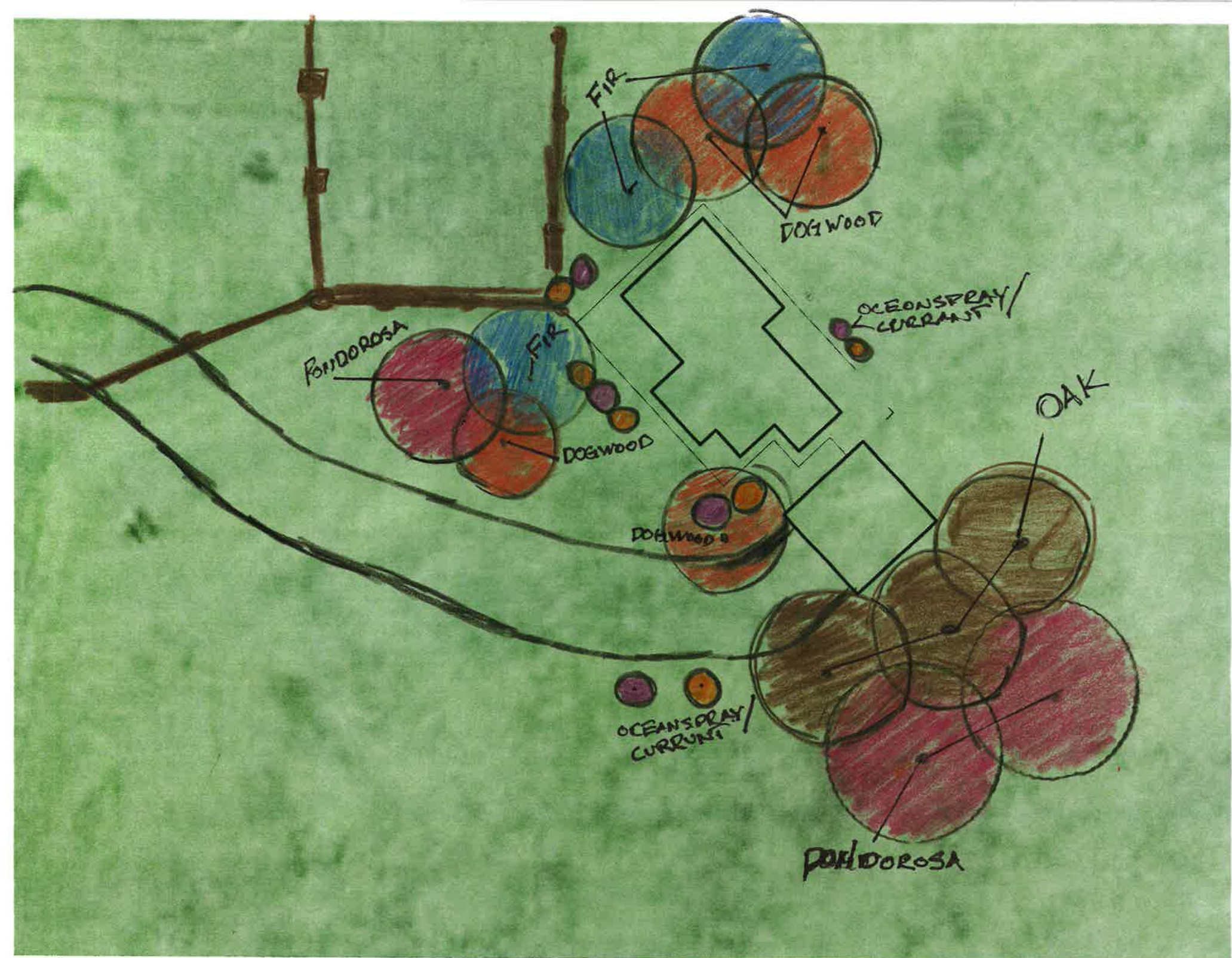
Attachments:

Staff Report for C19-0003
Approved site plan
Approved landscape plan
Approved Handout: Recommended Seed Mixes in East Side Environments

C19-0003 Dinnerstein
Site Plan
Klickitat County
16 Sauter Rd
Tax Lot: 03-12-29-0768-02/00

APPROVED
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1. LED'S WINDOW SHALL HAVE AN OPENING SIZE 8.5'X27.5" WITH A MINIMUM OF 30" WIDE AND A MIN. HEIGHT OF 22" AND A SILL (ELEGANT) NOT MORE THAN 4" AFF. INOTE: A 30" X 27" WINDOW DOES NOT QUALIFY AS 5.3 SQUARE FEET.

2. WINDOWS SHALL HAVE A LIFT-ON OF 6.25 OR BETTER, DECORATIVE OR UNIQUE ARCHITECTURAL, FEATURE WINDOWS NOT EXCEEDING ONE PERCENT OF THE HEATED FLOOR AREA MAY BE EXEMPT FROM THE 10% TEST. ALL WINDOWS SHALL BE NON-FLUORESCENT GLASS.

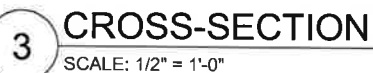
3. ALL EXTERIOR WINDOWS SHALL BE DOUBLE GLAZED (MIN) 10" AIR SPACE BETWEEN THE TWO PICES OF GLASS.

4. ALL EXTERIOR DOORS SHALL BE DOUBLE GLAZED (MIN) 10" AIR SPACE BETWEEN.

5. HATCHED: SAFETY GLASS IS REQUIRED FOR ALL OF THE FOLLOWING:

- WINDOWS THAT ARE BOTH 20" OR A DOOR OR A WINDOW OF THE FLOOR.
- WINDOWS WITH A PANEL LARGER THAN 6'0"X2', MAKING A MINIMUM GLASS GLAZED AREA 14" TO THE FLOOR AND A DOOR HIGHER THAN 3'6" AFF.
- GLASS WITH THE FIRE RATING OF 1/2 HOUR OR MORE.
- GLASS WITH AN AREA LESS THAN 10'0" X 6'0" AND LESS THAN 4'0" ABOVE THE WALKING SURFACE OR ANY OTHER SURFACE.
- GLASS IN ANY DOOR INCLUDING FRENCH DOORS AND SLIDING GLASS DOORS.
- GLASS IN ANY DOOR INCLUDING FRENCH DOORS AND SLIDING GLASS DOORS LESS THAN 10'0" X 6'0" ABOVE THE WALKING SURFACE.







SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"



SCALE: 1/2" = 1'-0"

ENERGY CODE, WATER & MOISTURE PROTECTION NOTES:

1. FOUNDATION MOISTURE BARRIER, DAMP-PROOFING AND WATERPROOFING SHALL BE ADDRESSED ACCORDING TO SECTION 900 OF THE INTERNATIONAL RESIDENTIAL CODE AND ALL LOCAL CODE REQUIREMENTS. FOR ALL BASEMENTS OR OTHER NON-GLAB ON GRADE INSTALLATIONS, APPLY WATERPROOF COATINGS FROM BASE OF FOUNDATION UP TO MINIMUM OF 4 INCHES ABOVE GRADE AND INSTALL DRAINAGE BOARD OVER THE ASPHALT MEMBRANE. DRAINAGE BOARDS SHALL BE INSTALLED PER MANUFACTURER INSTRUCTIONS. FOUNDATION, BASEMENT PUMP, AND ROOF DRAINAGE SHALL BE INSTALLED SUCH THAT ALL WATER IS DUMPED AWAY FROM THE STRUCTURE.

2. ALL BUILDING EXTERIOR SURFACE PENETRATIONS WITH POTENTIAL EXPOSURE TO WEATHER SHALL BE FLASHED AND/OR SEALED PER CODE AND INDUSTRY RECOMMENDED PROPER CONSTRUCTION TECHNIQUES. ALL FLASHING SHALL BE COPPER, ALUMINUM OR PVC, AND FLASHING SHALL BE TURNED OUT AT LOWER EDGE TO DIRECT WATER OUT OF THE STRUCTURE.

3. FLASHING SHALL BE INSTALLED AT WALL AND ROOF INTERSECTIONS WHENEVER THERE IS A CHANGE IN ROOF MATERIAL, SLOPE OR DIRECTION AND AROUND ALL ROOF PENETRATIONS. METAL FLASHING SHALL BE CORROSION RESISTANT WITH A THICKNESS OF NOT LESS THAN 0.018 INCH (NO. 26 GAGE SHEET).

4. PROVIDE A SEALED WATERPROOF BARRIER BEHIND ANY VERTICAL OR GILL TRIM WITH BARRIER TURNED OUT AT FIRST SOUND COURSE BELOW TRIM. WRAP ALL CORNERS WITH 5 MIL POLY VAPOR RETARDER EXTENDING 12" HORIZONTALLY BEYOND VERTICAL CORNERS AND TURNED OVER CLADDING OR FLASHING AT THE BOTTOM OF THE JOINT.

5. GENERAL VENTILATION: IN ROOMS WHERE MECHANICAL VENTILATION IS USED WHICH CONTAIN A SHOWER, TUB, OR LAUNDRY UTILITIES (AND DO NOT HAVE A LAVATORY / WATER CLOSET), PROVIDE FIVE AIR CHANGES PER HOUR BY WINDOW OR OTHER MEANS OF VENTILATION DIRECTLY TO THE OUTSIDE.

6. ALL OPENINGS IN THE EXTERIOR BUILDING ENVELOPE SHALL BE SEALED AGAINST AIR INTRUSION INCLUDING (BUT NOT LIMITED TO) THE FOLLOWING AREAS: JOINTS AROUND WINDOW & DOOR FRAMES, PARTITION STUD PENETRATIONS, RM JOINTS & MOLDINGS AREAS BETWEEN THE GUN ROOM & SOFFIT PLATE AND AT ALL WIND, LOFTING, PLUMBING, VENTS, CHIMNEY / FLUE, HVAC AND OTHER PENETRATIONS.

7. ALL STRUCTURAL PANELS SUCH AS PLYWOOD, OSB, PARTICLE BOARD, AND WATER BOARD SHALL BE LABELED "EXPOSURE 1", "EXTERIOR", OR "WDO-APPROVE" (WDO 401.3) OR BETTER AND INSTALLED ACCORDING TO BOTH ENGINEERS AND MANUFACTURER SPECIFICATIONS.

8. INSULATION: A.1 INSULATION IS TO HAVE A FIRE RATING NOT TO EXCEED 75. A SMOKE-DEVELOPED INDEX NOT TO EXCEED 450 WHEN TESTED IN ACCORDANCE WITH ASTM E 84, AND CRITICAL RADIANT FLUX NOT LESS THAN 0.10 WATTS PER SQUARE CENTIMETER. B. CONFORM TO LOCAL ENERGY CODE. INSULATION SHALL BE USED IN ATTIC SPACES WHERE THE CEILING IS NOT MORE THAN 3 INCHES AND THERE IS AT LEAST 30 INCHES CLEAR FROM THE TOP OF THE BOTTOM CHORD TO THE UNDERSIDE OF THE SHEATHING AT THE ROOF. EXPOSED FOAM INSULATION SHALL COMPLY WITH THE APPLICABLE STATE ENERGY CODE. INSULATION SHALL BE INSTALLED WITH CLEARANCES ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS.

9. ATTIC ACCESS HATCH SHALL HAVE A WOOD DAM OR EQUIVALENT TO RETAIN LOOSE FILL INSULATION. INSULATION Baffles SHALL BE PLACED AT ATTIC AREAS TO MAINTAIN AT LEAST 1" VENTILATION SPACE & EXTEND AT LEAST 6" VERTICALLY ABOVE BATTIS OR 12" VERTICALLY ABOVE LOOSE FILL INSULATION.

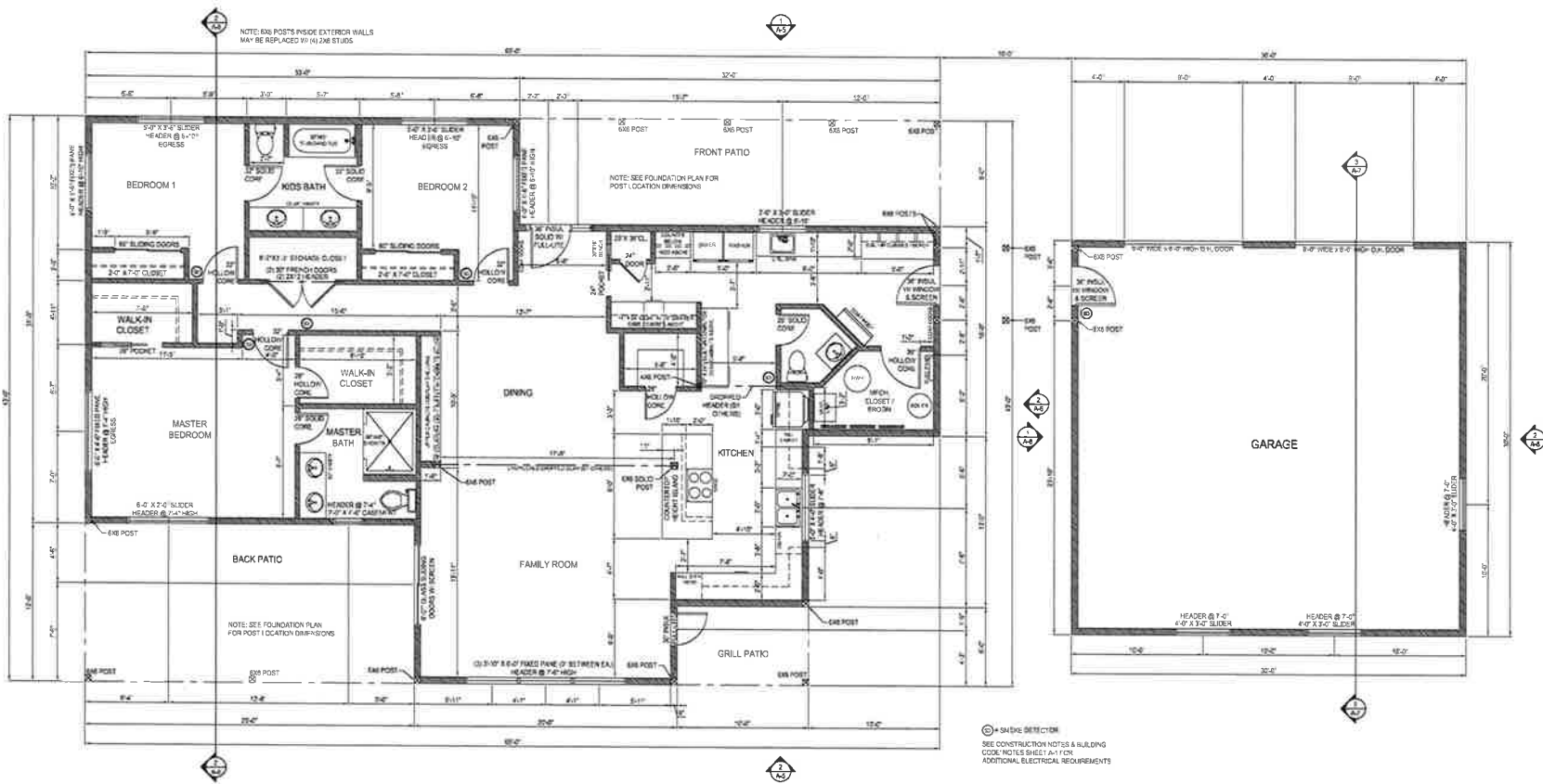
10. GLAZING: ALL EXTERIOR GLASS SHALL BE DOUBLE & GLAZED AND SHALL HAVE A SH A RATION OF 0.45 OR BETTER. SEE WINDOW & DOOR NOTES FOR ADDITIONAL GLAZING REQUIREMENTS.

11. CONTRACTOR IS RESPONSIBLE FOR CONTACTING LOCAL BUILDING OFFICIALS TO DETERMINE CLIMATE ZONE & VERIFY ALL "R" VALUE REQUIREMENTS INDICATED ON THE PLANS. TYPICAL "R" VALUES ARE AS FOLLOWS:

A. WALL INSULATION ABOVE GRADE	R-21
B. WALL INSULATION BELOW GRADE	R-25
C. CEILING	R-38
D. SLAB EDGE PERIMETER	R-10
E. UNFLOOTED	R-10
F. HEATED SLAB INTERIOR	R-10
G. FLOORED AND EXPOSED INSULATION	R-8

12. CRAWLSPACE VENTILATION: THE MINIMUM NET AREA OF VENTILATION OPENINGS SHALL NOT BE LESS THAN 1 SQUARE FOOT FOR EACH 150 SQUARE FEET OF UNDER-FLOOR SPACE AREA UNLESS THE GROUND SURFACE IS COVERED BY A CLASS 1 VAPOR RETARDER MATERIAL. IN WHICH CASE THE MIN NET AREA OF VENTILATION OPENINGS SHALL NOT BE LESS THAN 1 SQUARE FOOT FOR EACH 1,500 SQUARE FEET OF UNDER-FLOOR SPACE AREA. VENT COVER ARE PERMITTED WHEN DIMENSIONS DO NOT EXCEED 14" IN BOTH HEIGHT AND WIDTH AND MATERIALS ARE APPROVED PER IRC 408.1.4. ONE VENTILATION OPENING SHALL BE WITHIN 2 FEET OF EACH CORNER OF THE BUILDING AND ALL VENTILATION OPENINGS SHALL BE APPROXIMATELY EQUALLY DISTRIBUTED OR AT LEAST TWO CORNERS. SEE ALSO IN A MANNER THAT PROVIDES CROSS-VENTILATION OF THE SPACE. UNVENTED CRAWLSPACE SHALL BE PERMITTED WITH CONTINUOUSLY OPERATED MECHANICAL EXHAUST VENTILATION OR CONDITIONED SUPPLY OR PLENUM IN EXISTING STRUCTURES COMPLYING WITH ALL REQUIREMENTS OF IRC 408.1.3.

13. ATTIC VENTILATION: SEE ROOF PLAN NOTES.



HOUSE & GARAGE FLOOR PLAN
SCALE: 1/4" = 1'-0"

PREDECK
RESIDENCE

MINDY SANDERS DESIGN

HOUSE & GARAGE FLOOR PLAN AND
ENERGY CODE, WATER / MOISTURE PROTECTION NOTES

PROJECT:
SHEETS:
SHEET 3 OF 4

A-3

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**Recommended Seed Mixes, Mulch, and Fertilizer
for Temporary and Permanent Revegetation in East Side Environments**
Based on recommendations from Andrea Ruchty, district botanist, GPNF, Mt. Adams Dist.,
and Robin Dobson, CRGNSA botanist

Native Seed Mixture #1: Recommendations for Composition and Application Rates		
Species	Hand Seeding including Handheld Spreaders	Hydromulcher
blue wildrye (<i>Elymus glaucus</i>)	20 lbs/acre	15 lbs/acre
California brome (<i>Bromus carinatus</i>)	20 lbs/acre	15 lbs/acre
slender hairgrass (<i>Deschampsia elongata</i>)	10 lbs/acre	5 lbs/acre
broadleaf lupine (<i>Lupinus latifolia</i>)		
Idaho fescue (<i>Festuca idahoensis</i>)		
Total	50 lbs/acre	35 lbs/acre

Native Seed Mixture #2: Recommendations for Composition	
Species	% by wt.
California Brome (<i>Bromus carinatus</i>)	20
Sheep fescue (<i>Festuca ovina</i>)	40
Blue wildrye (<i>Elymus glaucus</i>)	10
Canada bluegrass (<i>Poa compressa</i>)	10
Blue bunch wheatgrass (<i>Agropyron spicatum</i>)	20
Sickle-keeled lupine (<i>Lupinus albicaulis</i>)	5 oz./100# seed
America vetch (<i>Vicia Americana</i>)	5 oz./100# seed

Non-Native Seed Mixture: Recommendations for Composition and Application Rates	
Species	Application Rate
Annual ryegrass (<i>Lolium multiflorum</i>)	10 lbs/acre (fine seed)
Perennial ryegrass (<i>L. perenne</i>)	10 lbs/acre (fine seed)
Soft white winter wheat (<i>Triticum aestivum</i>)	40 lbs/acre
Sickle-keeled lupine (<i>Lupinus albicaulis</i>)	10 lbs/acre
TOTAL	70 lbs/acre

Herbaceous plants can be added after seeding:

Chrysothamnus nauseosus (rabbitbrush)	1 -2 oz./ac.
Achillea millefolium (Yarrow)	1 -2 oz./ac.
Eriogonum strictum	1 -2 oz./ac.
Lupinus bicolor or latifolius var. thompsonianus	1 -2 oz./ac.
Eriophyllum lanatum (Oregon sunshine)	1 -2 oz./ac.
Bitter brush (Purshia tridentate)	10 small plants/ac.
Arrowleaf Balsam root	

Notes:

Application Method: Hand or machine, ideally in the fall. Machines such as hydromulchers, usually have agitators which keep the seed well mixed and applied evenly. In hand-seeding operations it is more difficult to achieve an even distribution of seed. For this reason more lbs /acre have been prescribed to compensate for inadvertent patchiness. Hand seeding should utilize two passes of the area: 1 pass for small, fine seed such as slender hairgrass, and a second pass for the larger seeded species such as blue wildrye and California brome. Rice hulls may need to be added to the DEEL to get dispersion distance. Contact with the soil is very important, best results are achieved when the seed is lightly raked or pressed into the soil.

Seed Storability: Generally grass and forb species will hold reasonable germination (>80%) for 6-7 years in uncontrolled conditions. Thin-coated species such as *Bromus* will hold only 2-3 years or so.

Seed Source: Try to use appropriate local seed source for natives. Some flexibility for elevation is ok in a pinch. One native seed source is Bolson Seed Company, La Grande, OR (541)965-8285. Milestone Nursery (Lyle), Inside Passage Seed Co., Oregon Wholesale Seed Company (<http://www.oregonwholesaleseed.com/>), Rainier Seeds, Hughes Feed and Grain (the Dalles) and Dallesport Seed are other possible sources of seed, as well.

Fertilizer: Where there is a good "A" horizon probably don't need fertilizer. For sites with little organic matter use 200 lbs 16-20-0 /ac.

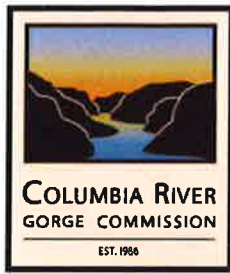
Mulch: Use certified weed free straw mulch whenever possible. Only 1-2" (2 tons/ac.) is needed and should be evenly applied. **Too deep can be more detrimental than none at all.** Ideally, it should be chopped and applied by machine. To further reduce the chance of introducing non-natives in to project areas, straw derived from native species is preferred. If not available, then straw from short-lived or non-persistent mulch sources such as annual rye or cereal grain seed production fields would be the next choice.

Using weed-free straw mulch is an important component in our strategy to control the spread of invasive species on the Forest. Weed-free straw is still a developing resource and its availability may be variable. Finding it will likely take some looking around. Oregon and Washington currently have weed-free certification programs. See the following websites for current lists of weed-free straw suppliers:

- ✓ http://www.nwcb.wa.gov/WWHAM/WWHAM_suppliers.htm
- ✓ http://oregon.gov/ODA/CID/weed_free_forage.shtml

The following are some more potential contacts for weed-free straw:

- Elwyn Crutcher, Stanwood, WA, 360-939-2334 (he will deliver for a charge, is generally sold out by spring).
- Wallowa County Hay Growers Association:
<http://www.certifiedwallowacountyhay.com/>
- John Williams, OSU Extension in Wallowa County, 541-426-3143.
- Randy Black, Oregon Dept of Agriculture, 503-986-4620.
- Allen Schnetzky, Weed Supervisor, Wallowa County 541-426-3332.



COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

CASE FILE: C19-0003

PROPOSAL: The Columbia River Gorge Commission has received an application for a replacement single-family dwelling with detached garage, driveway and associated utilities including septic system and electrical service.

APPLICANT: Wendy Dinnerstein

LANDOWNER: W-One Place, LLC.

LOCATION: The subject parcel is located at 16 Sauter Lane, Lyle, Washington, in the South East Quarter of Section 29, Township 3 North, Range 12 East, W.M., Klickitat County Tax Lot Number 03-12-2907-6802/00. The parcel is 40 acres in size.

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
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 Gorge, Christian Nauer, Archeologist for the Confederated Tribes of the Warm Springs Reservation of Oregon, and Kristen Tiede, Archeologist for the Confederated Tribes of the Umatilla Indian Reservation.

FINDINGS OF FACT:

A. Land Use

1. The subject parcel is in the General Management Area (GMA) and is designated Small-Scale Agriculture with 40-acre minimum parcel size.
2. There are three previous development reviews on the parcel. Commission Rule 350-81-020(114) defines *parcel* to include:

Any unit of land legally created by a short division, partition, or subdivision that was legally recognized under all state laws and local ordinances in effect on November 17, 1986. A unit of land that is eligible for consolidation as provided in the Management Plan shall not be considered a parcel.

Director's Decision C07-0018 approved a land division and the parcel's current lot configuration. Director's Decision C09-0008 approved improvements to an existing horse boarding facility. Director's Decision C11-0009 approved the replacement of a manufactured home.

3. Current development on the property includes a 720 square-foot (approximately) manufactured home, and a 13,840 square foot barn that the applicant used for a horse boarding and training business that includes 22 horse stalls. There are fences, three corrals, and several pens for the horses on the property. The barn predated the National Scenic Area Act. The Commission approved the other structural development in the decisions listed above.

The applicant has discontinued the horse boarding business. The sign approved in the 2009 decision (C9-0008) has been removed, and there are currently no horses on the property. If the applicant or a subsequent owner wants to reestablish the horse boarding business, they will require a new application and review.

4. The applicant proposes to construct a new single-family residence with detached garage, driveway and associated utilities including septic system and electrical service as a replacement for the existing manufactured home. The applicant proposes removing the kitchen from the manufactured home and converting the building into an accessory structure.
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.

Director's Decision C11-0009 approved the current manufactured home. The proposed replacement single-family dwelling will also be used as a residence. The applicants propose to replace the existing manufactured home with a dwelling that is larger in size and located in a different site than the original dwelling. The replacement dwelling is subject to all rules applicable to new structures. The original structure is currently being used as a residence and is therefore considered a continued, existing use.

6. Pursuant to Commission Rule 350-81-190(1)(j), one single-family dwelling per legally created parcel is allowed on land designated GMA Small-Scale Agriculture provided that the dwelling is consistent with the guidelines to protect scenic, cultural, natural, and recreation resources. Commission Rule 350-81-020(53) defines dwelling unit as:

A single unit designed for occupancy by one family and having not more than one cooking area or kitchen.

As currently constructed, the manufactured home has a cooking area. A condition of approval requires the removal cooking facility from the manufactured home, so that it no longer meets the Commission's definition of dwelling unit, and is considered an accessory building to the new replacement dwelling.

7. Commission Rule 350-81-190(2)(i) allows accessory buildings on lands designated SMA-Agriculture. Commission Rule 350-81-190(2)(i) states:

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

- (A) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.*
- (B) The footprint of any individual accessory building shall not exceed 1,500 square feet.*
- (C) The height of any individual accessory building shall not exceed 24 feet.*

The existing mobile home is 720 square feet. The proposed garage would be 900 square feet. The combined square feet of the 1,620 square feet, under the 2,500 square foot combined footprint limit, and the 1,500 square foot individual accessory building limit.

8. Commission Rule 350-81-020(2) defines accessory structure/building as:

A structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use...

The driveway is considered an accessory structure pursuant to Commission Rule 350-81-190(1)(e), a review use on land designated GMA Small-Agriculture subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources.

9. Commission Rule 350-81-076 requires all new buildings in the GMA that are proposed to be located on parcels adjacent to lands that are designated Large or Small-Scale Agriculture currently used for or are suitable for agricultural use to comply with the appropriate buffer.

Adjacent parcels to the north, south, east and west of the subject parcel are zoned Small-Scale Agriculture. They are predominately open pastures and fields suitable for grazing and pasture, and are separated from the subject parcel by roads and fenced boundaries. To comply with the setback guidelines in 350-81-076(1), for adjacent parcels used or suitable for livestock grazing, pasture and haying, the proposal is subject to a 100-foot buffer on each side.

As proposed, the development would be 450 feet from the adjacent parcel to the north, 500 feet from parcel to the south, 400 feet from the parcel to the east, and 1,200 feet from the parcel to the west. The proposal complies with the setback requirements of Commission Rule 350-81-076

Conclusion:

The proposed developments are review uses on lands designated GMA-Residential provided they do not adversely affect scenic, cultural, natural, or recreation resources in the National Scenic Area.

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 parcel is characterized by open pastureland and is generally flat with gently sloping terrain. The proposed replacement dwelling will be in a different location than the existing dwelling, approximately 260 feet east from the original dwelling site. The existing dwelling is sited directly adjacent to the large barn and a corral. The new dwelling site separates the new dwelling from the barn, corrals and fences other agricultural facilities, but still clusters development together on the 40-acre parcel. At the building site the existing grade is generally very flat. The applicants propose a concrete slab foundation on grade to minimize grading activities and retain existing topography. A new driveway is proposed; it utilizes an existing road on the property and new road construction will be limited to approximately 260 linear feet. Consistent with Commission Rule 350-81-520(1)(a), the new dwelling has been sited and designed to minimize grading to the maximum extent practicable.

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. Expansion of existing development shall comply with this guideline to the maximum extent practicable.

To assess compatibility, staff analyzed development within a half mile radius of the subject parcel using records from the Klickitat County Assessor's Office. Development within the vicinity consists of 13 dwellings, 8 agricultural buildings and 24 various accessory structures. The buildings range from 340 to 5,616 square feet, excluding the 13,840 square foot agricultural building on the subject parcel. This building – three times larger than the next largest building in the vicinity – is not considered compatible with general scale of development in the vicinity. According to records obtained from Klickitat County, the horse barn was built in 1975, predating

the National Scenic Area Act. The largest dwelling is 5,616 square feet and the largest non-dwelling is 4,690 square feet. The average dwelling size is 2,160 square feet.

The applicant has proposed a “ranch-style” house with a roofline that emphasizes horizontal lines and a maximum final height of 19 feet from the lowest adjacent grade. Architecturally, the ranch-style homes are noted for a long, close-to-the-ground profile, and wide-open layout. The development has a total foot print of 3,555 square feet including the 1,989 square foot of living space of the dwelling, a 900 square foot detached garage, and 666 square feet of covered outdoor patio space including the breezeway. The proposed dwelling is compatible with the general scale of existing nearby development, 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.

As discussed in Findings B.10, B.15 and B.23, new vegetation is required for the protection of scenic resources viewed from Key Viewing Areas. The applicant is required to develop a watering plan to help establish the required vegetation. A condition of approval is included to ensure survival of the new plantings, consistent with this rule.

4. Commission Rule 350-81-520(1)(d) requires a site plan to be submitted for proposals to construct new buildings. A site plan was provided consistent with Commission Rule 350-81-032 (Application for Review and Approval) and included in the notice materials.
5. Commission Rule 350-81-520(1)(e) refers to the compatibility of the proposed development with the designated landscape setting. The landscape setting is Pastoral. This is discussed below in Findings B.21 through B.23.
6. Commission Rule 350-81-520(2) contains guidelines that affect new buildings and structures on sites that are topographically visible from Key Viewing Areas. The proposed development site for the dwelling can be seen from the following six Key Viewing Areas: SR 14, Old Highway 8, the Columbia River, I-84, the Historic Columbia River Highway and Rowena Crest.
7. Commission Rule 350-81-520(2)(b) requires new development to be visually subordinate to its setting when viewed from Key Viewing Areas. Commission Rule 350-81-020(170) defines visually subordinate as:

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

Findings B.7 through B.24 below address consistency with Commission Rule 350-81-520(2)(b). The proposed development is visible from Key Viewing Areas at distances from approximately 1.5 to 5.5 miles. As seen from Key Viewing Areas, the dwelling is situated adjacent to a large, light-colored barn that pre-dates the National Scenic Area Act. The dwelling is designed to be visually subordinate as seen from Key Viewing Areas, with dark, low reflective materials, and very little grading. Factors contributing to the visual subordination of the development include the distance

from Key Viewing Areas, use of low, horizontal lines of the buildings, dark earth tone colors found on the site, non-reflective and low reflectivity building materials, and screening vegetation to soften the hard edges of the development and blend in with the landscape. The Director's Decision contains requirements and conditions of approval to ensure the development is visually subordinate to the maximum extent practicable.

8. Commission Rule 350-81-520(2)(c) states that the determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

Commission Rule 350-81-020(40) defines "cumulative effects" as:

The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

Several factors ensure the proposed building will not cause adverse scenic impacts as viewed from Key Viewing Areas including the distance from Key Viewing Areas, dark earth tone colors, non-reflective and low reflectivity building materials, and screening vegetation.

The subject parcel and all surrounding lots are designated General Management Area Small-Scale Agriculture. South of Old Highway 8, the subject parcel is surrounded by four lots ranging in size from approximately 5 acres to 35 acres. The minimum parcel size for these properties is 40 acres and, thus, no land divisions to create additional developable parcels could occur. Similarly, north of Old Highway 8, there are three lots ranging in size from approximately 7 to 55 acres. These properties have a minimum parcel size of 80 acres and cannot be divided to create additional developable parcels. There are dwellings on all the surrounding lots. For this analysis, staff assumes that existing dwellings could be replaced, subject to review, on adjacent lots in the future.

Given the gentle topography in this area, the proposed development and neighboring buildings are generally visible from the same Key Viewing Areas. The existing dwelling will be replaced by a larger home with dark exterior colors. If other nearby light-colored dwellings were replaced with smaller dwellings using dark colors and materials with low reflectivity, the cumulative effect would be to reduce the visual impacts of nearby development as seen from Key Viewing Areas. In other words, the cumulative effect of this development proposal and others like it in the future, is to benefit scenic resources.

It is unlikely that there would be multiple similar developments on the 'same piece of ground', given the limitations on the number of dwellings and the size of accessory buildings on the parcel. While additional dwellings for agricultural labor housing or an agricultural operator's relative are allowed uses on the subject property, the need for any such additional dwellings would be based on the agricultural use. Currently, the horse boarding operation that was previously established on the property is not in operation, and no horses or livestock are currently on the parcel. Given regulatory constraints, it is unlikely additional dwellings would be constructed on the subject property that would cause adverse cumulative scenic impacts.

For the reasons above, the proposed development will not cause adverse scenic impacts, and will not cause adverse cumulative scenic impacts, consistent with Commission Rule 350-81-520(2)(c).

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

The extent and type of conditions applied to a proposed development to achieve visual subordination should be proportionate to its potential visual impacts as seen from Key Viewing Areas.

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

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

These factors are addressed below:

(i) The amount of area of the building site exposed to Key Viewing Areas.

The site is not visible in the foreground from any Key Viewing Areas; it is visible in the middle ground and background when viewed from the south and west from SR 14, Old Highway 8, the Columbia River, Interstate 84, the Historic Columbia River Highway, and Rowena Crest. The site is approximately 450 feet in elevation. As seen from Key Viewing Areas, most of the dwelling is at least partially screened by intervening topography and existing vegetation both on and off the subject parcel. The roof will be the most visible portion of the development from any Key Viewing Area as it is the tallest feature of the development. There is no screening vegetation on the subject property. However, the subject development is never in foreground when viewed from Key Viewing Areas, and there are trees, other vegetation, buildings and existing topography between the parcel and Key Viewing Areas which help to provide screening. The use of dark colors and materials with low reflectivity will help the development blend with the landscape.

(ii) The degree of existing vegetation providing screening.

The proposed dwelling at the proposed site is partially screened from KVAs by existing vegetation both on and off the subject parcel. The parcel contains mostly grasses that do not screen the development from Key Viewing Areas. However, the subject development is never in foreground when viewed from Key Viewing Areas. The closest Key Viewing Areas from which the development is visible are all over a mile away, and there are trees, other vegetation, buildings and existing topography between the parcel and Key Viewing Areas which help to provide screening.

(iii) The distance from the building site to the Key Viewing Areas from which it is visible.

KEY VIEWING AREAS	DISTANCE ZONE		
	FOREGROUND 0 - 1/4 Mile	MIDDLEGROUND 1/4 - 3 MILES	BACKGROUND Over 3 Miles
Historic Columbia River Highway			X
Interstate 84		X	X
Columbia River			X
Washington State Route 14		X	X
County Road 1230 (Old Highway 8)		X	X
Rowena Crest			X

(iv) The number of Key Viewing Areas from which the site is visible.

The proposed development site for the dwelling can be seen from the following six Key Viewing Areas: SR 14, Old Highway 8, the Columbia River, I-84, the Historic Columbia River Highway and Rowena Crest.

(v) The linear distance along the Key Viewing Areas from which the building site is visible.

Using GIS inventories and conducting site visits, staff found the proposed building site is intermittently visible from Washington State in the middleground and background along SR-14 for approximately one mile. From Old Highway 8, the site is visible in the middleground and background for approximately a half mile.

From Oregon and the Columbia River, the site is intermittently visible along I-84, the Historic Columbia River Highway and the Columbia River for approximately 4 miles at a distance ranging from 1.5 and 5.5 miles from the property.

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

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

(i) Siting (location of development on the subject property, building orientation, and other elements).

No other location on the subject property would have afforded additional topographic or vegetation screening. The proposed dwelling/garage, and driveway are sited on portions of the subject parcel that minimize visibility from Key Viewing Areas.

(ii) Retention of existing vegetation.

The development site consists primarily of grasses and there are no trees on the parcel. All disturbed areas shall be reseeded with grasses from the approved Recommend Seed Mixes for East Side Environments, which is included as part of the approved landscaping plan.

(iii) Design (color, reflectivity, size, shape, height, architectural and design details and other elements).

Finding B.2 finds the development to be generally compatible with existing development. Finding B.16 addresses the colors of the development, and Finding B.17 address the reflectivity of the building materials including windows.

The applicant has proposed a “ranch-style” house with a roofline that emphasizes horizontal lines and a maximum final height of 19 feet from the lowest adjacent grade. Architecturally, the ranch-style homes are noted for a long, close-to-the-ground profile, and wide-open layout. The total development has a total foot print of 3,555 square feet including 1,989 square foot of living space, a 900 square foot detached garage, and 666 square feet of outdoor patio space including breezeway.

Factors contributing to the visual subordination of the development include the use of low, horizontal lines of the buildings, dark earth tone colors found on the site, non-reflective and low reflectivity building materials, and screening vegetation to soften the hard edges of the development and blend in with the landscape.

(iv) New landscaping.

As discussed in Findings B.21 through B.23 below, the Pastoral Landscape Setting requires the retention of existing trees providing screening and the use of some native and some coniferous tree species for new screening trees. The applicants worked with Commission staff to develop a landscaping plan. The planting list provides additional details:

Landscaping Plan: Required Planting List									
Variety		Quantity	At Time of Planting			At Maturity		Native	Conifer
Common Name	Scientific Name		Height	Container Size	Spacing	Height	Spread		
Trees									
Ponderosa Pine	<i>Pinus ponderosa</i>	3	3' - 5'	Ball & Burlap	10' - 15'	60' - 120'	20' - 50'	Yes	Yes
White Fir	<i>Abies concolor</i>	3	3' - 5'	Ball & Burlap	10' - 15'	30' - 50'	20' - 30'	No	Yes
Pacific Dogwood	<i>Cornus nutallii</i>	4	6' - 8'	Ball & Burlap	10' - 15'	20' - 30'	10' - 20'	Yes	No
Oregon White Oak	<i>Quercus garryana</i>	3	3'	2 gal	10' - 20'	40' - 90'	20' - 90'	Yes	No
Total:		13							
Shrubs									
Golden Currant	<i>Ribes aureum</i>	6	1' - 3'	1 - 2 gal	3'	3' - 9'	5'	Yes	No
Ocean spray	<i>Holodiscus discolor</i>	5	1' - 3'	2 - 2 gal	5'	8'	6'	Yes	No
Total:		11							
*See Landscaping Site Plan for siting requirements.									

*See Landscaping Site Plan for siting requirements.

The landscaping plan helps break up the visual impact and soften the visible lines of the development as seen from Key Viewing Areas. As indicated on the approved Landscape Site Plan, the screening vegetation is planted in naturally appearing clusters as. All disturbed areas shall be reseeded with grasses from the approved Recommend Seed Mixes for East Side Environments, which is included as part of the approved landscaping plan.

11. Commission Rule 350-81-520(2)(e) states:

New development shall be sited to achieve visual subordination from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, development shall comply with this guideline to the maximum extent practicable.

The proposed building site is adjacent to the existing buildings on the parcel. The siting choice takes advantage of the existing driveway which minimize necessary grading. Although siting the dwelling north of and behind the existing barn would screen it from Key Viewing Areas, the building would not be any less topographically visible, would not meet the agricultural setback requirement, and would require more grading. Given the distance of the site from Key Viewing Areas, it is not necessary to relocate the building to achieve visual subordination. The siting choice is consistent with Commission Rule 350-81-520(2)(e).

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

New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from Key Viewing Areas.

There is no on-site vegetation to screen the development from Key Viewing Areas. The proposed building site is partially screened by topography from Key Viewing Areas as described in Finding B.9. The siting choice is consistent with Commission Rule 350-81-520(2)(f).

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

Existing tree cover screening proposed development from Key Viewing Areas shall be retained as specified in the Landscape Settings Guidelines in 350-81-520(3).

Findings for the Landscape Settings Design Guidelines are addressed below in Findings B.21 through B.23.

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

The silhouette of new buildings shall remain below the skyline of a bluff, cliff, or ridge as seen from Key Viewing Areas. Variances to this guideline may be granted if application of the guideline would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the guideline have been made.

A ridge located to the north of the subject property ensures that the proposed dwelling will not break any skyline as viewed from Key Viewing Areas. The proposed development is consistent with Commission Rule 350-81-520(2)(h).

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

The following guidelines shall apply to new landscaping used to screen development from Key Viewing Areas:

- (A) New landscaping (including new earth berms) shall be required only when application of all other available guidelines in 350-81-520 is not sufficient to make the development visually subordinate from Key Viewing Areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.*
- (B) If new landscaping is required to make a proposed development visually subordinate from Key Viewing Areas, existing on-site vegetative screening*

and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction.

- (C) Unless as specified otherwise by provisions in 350-81-520, landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.*
- (D) The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in 350-81-520(3), and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).*

The proposed dwelling at the proposed site is partially screened from Key Viewing Areas by existing vegetation both on and off the subject parcel. As discussed in Findings B.10 and B.23 new landscaping is required to ensure the proposed development meets the scenic standard of visually subordinate. The applicants worked with staff to create a landscaping plan that includes a minimum of thirteen trees including three Ponderosa pine, three white fir, three Oregon white oak, four Pacific dogwoods, five ocean spray, and six golden currants. The Ponderosa pine, Oregon white oak, and Pacific dogwood, ocean spray, and golden currants are considered native to Oregon and Washington and are commonly found in the area. Native grass species are required for seeding all disturbed areas following construction.

A condition of approval ensures new vegetation is of the size to provide sufficient screening within 5-years. A condition of approval requires that at the time of planting, the trees are three to five-feet-tall, and with the root ball wrapped in burlap, and the shrubs are 3 feet tall. The vegetation shall be planted as shown on the approved landscaping plan and planted as soon as practicable. An irrigation plan must also be submitted for approval before the vegetation is planted. With a condition of approval to implement the proposed landscaping plan and ensure the survival of the new vegetation, the proposed development is consistent with this rule.

16. Commission Rules 350-81-520(2)(l) states:

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

The applicant has proposed Benjamin Moore "Durango" (paint chip #2137-30) as the exterior color for the dwelling and garage. This dark earth-tone brown color is found within the shadows of the surrounding landscape. The roof will be composed of Pabco "Antique Black" asphalt shingles, and the driveway is will be dark gravel. The trim of the house, including the fascia and gutters, will be black. A condition of approval requires all exterior surfaces of the proposed development, including doors, siding, trim, window sash, and roof to be dark earth-tone colors to ensure consistency with Commission Rule 350-81-520(2)(l).

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

The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features.

The proposed exterior materials for the manufactured home are wood board and batten siding, wood trim, and composite asphalt shingle roofing. These materials all have minimal reflectivity and will be dark earth tone colors.

The dwelling also has modestly sized windows on all elevations. On the southern elevation, directly facing Key Viewing Areas, is one large bank of windows. The *Scenic Resources Implementation Handbook* recommends limiting continuous unscreened glass to 50 square feet to prevent adverse impacts to scenic resources but suggests larger areas of glass may be used if visual impacts are reduced by other measures. As proposed, there is one bank of windows that is 69 square feet of continuous glass. The applicants worked with staff to create a landscaping plan that utilizes native shrubs and trees to screen the windows from Key Viewing Areas. All areas of unscreened glass over 50 square feet are screened by vegetation.

The *Scenic Resources Implementation Handbook* recommends the use of glass with less than 11% reflectivity ratings for new development occurring in the foreground of Key Viewing Areas. The applicant proposes using Anderson "100 Series" Fibrex windows with Low-E coated glass. This glass is produced by Cardinal Glass, in Hood River, OR. Staff verified the glass has an external reflectivity of 11%.

In sum, with conditions of approval requiring low or non-reflective materials and windows to be screened with vegetation or limited in size to no more than 50 square feet, the proposed development is consistent with Commission Rule 350-81-520(2)(m).

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

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

The applicant provided an outdoor lighting plan which includes thirteen exterior lighting fixtures. A condition of approval ensures lights are directed downward, hooded and shielded such that they are not highly visible from Key Viewing Areas, consistent with this rule. Staff provided the applicant with examples of acceptable light fixtures from International Dark-Sky Association.

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

Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas

As previously discussed, the driveway requires no grading with no cuts and minimal gravel fill. As proposed, the siting minimizes the need for cut and fill slopes.

20. Commission Rule 350-81-520(2)(aa) requires all proposed structural development involving more than 200 cubic yards of grading on sites visible from Key Viewing Areas to include a grading plan containing specific plan elements.

The 40-acre subject parcel is generally flat, sloping gently to the east. The site of the development is flat. The applicant proposes a concrete slab on grade foundation for the dwelling and garage which provides minimal ground disturbance. As a result, the proposal does not involve more than 200 cubic yards of grading.

21. The Landscape Settings Map in the *Management Plan for the Columbia River Gorge National Scenic Area* classifies the subject parcel as Pastoral. Commission Rules 350-81-520(3)(a)(A) and (B) contain applicable guidelines for the proposed development in this landscape setting.

22. Commission Rule 350-80-520(3)(a)(A) states:

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

Ground cover on the site of the proposed development consists primarily of grasses and there are no existing trees. As proposed, the new dwelling and garage will be sited further away from the large barn than the existing dwelling. The applicant expressed a desire for space between the new dwelling and the barn; the existing home was sited directly adjacent to the barn. The applicant has sited the new dwelling approximately 260 feet from the site of the manufactured home. This new site still clusters development to the western portion of the parcel, closer to the edge of the existing pasture land consistent with Commission Rule 350-80-520(3)(a)(A).

23. Commission Rules 350-81-520(3)(a)(B) states:

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

- (i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.*
- (ii) Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.*
- (iii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas-fir, Lombardy poplar (usually in rows), Oregon white oak, big leaf maple, and black locust (primarily in the eastern Gorge).*
- (iv) At least one-quarter of any trees planted for screening shall be coniferous for winter screening.*

As described in Finding B.16, there are no existing trees. The applicants worked with staff to create a landscaping plan that includes a minimum of thirteen trees including three Ponderosa pine, three white fir, three Oregon white oak and four Pacific dogwoods. The *Recommended Plants for Screening* addendum to the *Scenic Resources Implementation Handbook* identifies tree species native to the gorge and appropriate for each landscape setting. The Ponderosa pine, Oregon white oak, and Pacific dogwood are considered native to Oregon and Washington and are commonly found in the area. As proposed, more than one-quarter of the trees proposed for screening are coniferous and native to the region, consistent with the Commission Rules 350-81-520(3)(e)(B)(ii) and (iii).

24. Commission Rule 350-81-520(4)(b) requires that all new buildings be set back at least 100-feet from the edge of pavement of the Scenic Travel Corridor roadway.

The Management Plan identifies SR-14 as a Scenic Travel Corridor. The proposed development is located approximately 2,000 feet from edge of pavement, consistent with Commission Rule 350-80-520(4)(b).

Conclusion:

With conditions regarding siting, design, landscaping, reflectivity, outdoor lighting, and exterior colors, the proposed development is consistent with the applicable policies of the Management Plan and guidelines in Commission Rule 350-81-520 that protect scenic resources in the National Scenic Area.

C. Cultural Resources

1. Except as specified in Commission Rule 350-81-540(1)(c)(A)(iii), new development requires a reconnaissance survey. Commission Rule 350-81-540(3) requires that, if cultural resources are discovered, an evaluation of the significance shall be conducted. Commission Rule 350-81-540(3)(d)(C) states that if it is determined that the cultural resources are significant, the effects of the proposed use shall be assessed. Commission Rule 350-81-540(5)(a) requires mitigation plans when proposed uses would have an adverse effect on significant cultural resources. Mitigation plans shall reduce an adverse effect to no effect or no adverse effect.
2. Chris Donnermeyer, Heritage Resource Program Manager for the U.S.D.A. Forest Service Columbia River Gorge National Scenic Area, reviewed the new land use application and determined in a Cultural Resources Survey Determination, dated March 8, 2019, that pursuant to Commission Rule 350-81-540(1)(c)(A)(ii) a reconnaissance survey is required because the project would occur on a site that has been determined to be located within a high probability zone.
3. Mr. Donnermeyer conducted a field survey and prepared a Reconnaissance Survey Report of the proposed development. In a Heritage Resource Inventory Report dated June 27, 2019, Mr. Donnermeyer concluded that the proposed development would have no adverse effect on cultural resources if conditions of approval are included addressing the incidental discovery of cultural material and human remains.
5. 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.

The applicant does not propose to alter any structures that are 50 years old or older. The proposed development does not 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. Therefore, a historic survey was not required for the proposed use.

6. 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.

7. Commission Rules 350-81-540(2)(b) and (3)(b) require the Executive Director to submit a copy of all cultural resource survey reports and assessments of effect to the State Historic Preservation Officer (SHPO) and the Indian tribal governments for their review. The rules provide for a 30-day comment period to submit written comments. The reports were mailed on July 1, 2019. The comment period ended on July 31, 2019.
8. Commission Rule 350-81-540(4)(c)(B) states:

The cultural resource protection process may conclude if the proposed use would have no effect or no adverse effect on significant cultural resources.

Mr. Donnermeyer assessed the effect of the proposed development in the Cultural Resources Inventory Report. Mr. Donnermeyer report concludes that the proposed development would have no adverse effect on significant cultural resources.

Initial notice of the proposed development was mailed on March 6, 2019 to interested parties. No concerns were voiced within 21 calendar days of that notice. Staff provided the Heritage Resource Inventory Report and Mr. Donnermeyer's letter to the State Historic Preservation Office and the four Columbia River Treaty Tribes on July 1, 2019, and no substantiated concerns were voiced during the 30-day comment period.

9. Commission Rule 350-81-540(1)(g) requires consideration of cumulative effects of proposed developments that require a reconnaissance or historic survey, a determination of significance, an assessment of effect, or a mitigation plan. Commission Rule 350-81-020(40) defines "cumulative effects" as:

The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

In his report, Mr. Donnermeyer makes the determination that the proposed development has no effect on cultural resources conditions. Mr. Donnermeyer's determination of no effect to cultural resources, also means no cumulative effects to cultural resources. The development does not create opportunities for additional development or land uses on the parcel, any additional development will require review.

10. 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 in this Director's Decision requires these procedures be followed.
11. Commission Rule 350-81-540(7) contains provisions addressing discovery of human remains during construction. A condition of approval in this Director's Decision requires these measures to be employed if human remains are discovered.

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 on the subject parcel. According to Commission inventories, the closet wetland is located over 600 feet away from the development site, further than the buffers required by Commission Rule 350-81-560(7)(c). 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 on the parcel. According to Commission inventories, the closet riparian area is pond located over 600 feet away from the development site, further than the buffer required by Commission Rule 350-81-570(7)(c). Therefore, the proposed development is consistent with Commission Rule 350-81-570 that protects streams, ponds, lakes and riparian areas.
4. The Gorge Commission's natural resource inventories do not indicate any sensitive wildlife areas within 1000 feet of the project area. Therefore, the proposed development is consistent with the standards in Commission Rule 350-81-580 that protect sensitive wildlife areas.
5. Commission Rule 350-81-580(4)(a) requires the Gorge Commission to notify the Washington Department of Fish and Wildlife (WDFW) when a new development or land use is proposed within 1,000 feet of a sensitive wildlife area.

Although the project is not located within 1,000 feet Pursuant to other noticing requirements, on March 6, 2019, Gorge Commission staff sent WDFW a copy of the applicant's land use application and site plan. WDFW did not indicate any concerns with the proposed development.

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 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 March 6, 2019. The notice included a comment period of 21 days that ended on March 27, 2019.

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 development 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 Native American tribes.

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