

COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

CASE FILE: C19-0007

PROPOSAL: The Columbia River Gorge Commission received an application for construction of a new single-family dwelling, detached garage/guest suite/office, in-ground soaking tub and retaining wall, driveway, and associated utilities.

APPLICANT: Tradewind LLC

LANDOWNER: Lesley Lamb

LOCATION: The subject parcel is Lot 3 of the Riverview Tracts, approximately 1/4 mile northwest of Murdock, south of and adjacent to S.R. 14. It is within the NE ¼ of Section 17, Township 2 North, Range 13 East, Willamette Meridian, Klickitat County, Washington (Tax Lot # 02-13-17-6200-03/00). The parcel is 2.22 acres in size.

LAND USE

DESIGNATION: The subject parcel is in the General Management Area and designated Residential.

DECISION:

Based upon findings of fact in the attached Staff Report, the land use application by Tradewind LLC for Lesley Lamb, to construct a single-family residence and detached accessory structure, 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 C19-0007, and approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor's Office. Once recorded, the applicants shall submit a copy of the recorded 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 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. The accessory structure shall not contain appliances distinctive of a cooking area or kitchen and shall be used in a manner that is incidental and subordinate to the approved dwelling. The accessory structure shall not be used as a second dwelling unit.
6. Only approved dark earth-toned colors for exterior materials shall be used. The following colors submitted by the applicant are consistent with this condition and are hereby approved:
 - PPG "Dark Granite" (PPG1005-7)
 - PPG "Metropolis" (PPG1006-7)
 - Miller "Sturgis Gray" (H0119)
 - Behr "Satin Black" (PPU26-01D)
 - Behr "Shadow Mountain" (PPU24-22D)
 - Magnolia "Pecan Grove" (MAG135D)
 - Magnolia "Salvaged" (MAG146D)

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 roofing, railings, trim, and siding, shall be nonreflective or have low-reflectivity. All exterior metal materials shall be weathered and rusted to eliminate reflectivity and maintained as necessary to ensure that the material is non-reflective.
8. The roof of the dwelling and garage shall be Pabco "Antique Black" composite shingles.
9. The driveway shall be composed of dark crushed 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 use of the following glass coating is approved: *LoE3-366 #2*.
11. All outdoor lighting, including rope 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 the approved landscaping plan. The approved landscaping plan includes a minimum of six trees and thirty-one shrub plantings. The plantings include two smooth sumac trees, four ponderosa pine trees, five juniper shrubs, six bitterbrush bushes, three Ceanothus bushes, four golden currant bushes, eleven red-osier dogwood bushes, and three rabbitbrush bushes.

At the time of planting, the ponderosa pine and smooth sumac trees shall be three- to five-feet tall and bare-root. The golden currant and red-osier dogwood shall be one- to three-feet tall, and a minimum of one-gallon pot size. The remaining shrubs shall be established in a minimum one-gallon pot size. This ensures that new vegetation will be of sufficient size to provide screening for the development within five years. The vegetation shall be planted as shown on the approved landscaping plan and planted as soon as practicable.

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 from the approved Recommend Seed Mixes for East Side Environments, which is included as part of the approved landscaping plan. This includes the existing driveway.
18. Except for dead trees or other dead vegetation that may serve as a hazard, all existing vegetation on the site shall be retained and maintained for screening purposes, or as indicated on the approved landscaping plan.
19. The applicant shall request an archaeological excavation permit from the Washington Department of Archaeology and Historic Preservation prior to any excavation.
20. A qualified archaeological monitor shall prepare a plan to address any cultural resources discovered during construction. The archaeological monitor shall be onsite to monitor all ground disturbing activities for the detached garage, driveway, and trenching of the sewer line to ensure that a professional is present in the event of an unanticipated discovery. The monitor shall submit a monitoring report letter following construction. No archaeological monitor is recommended for construction of the house, drain field, and in-ground hot tub.
21. A durable geotextile shall be placed on all native surfaces prior to placement of fill material. The applicants shall ensure that any needed cutting for the project is minimized or eliminated to reduce the risk of disturbing cultural resources.
22. 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.
23. 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.

24. 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 16 day of December 2019 at White Salmon, Washington.

Krystyna U. Wolniakowski

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 16 day of December 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 15 day of January 2020.

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.

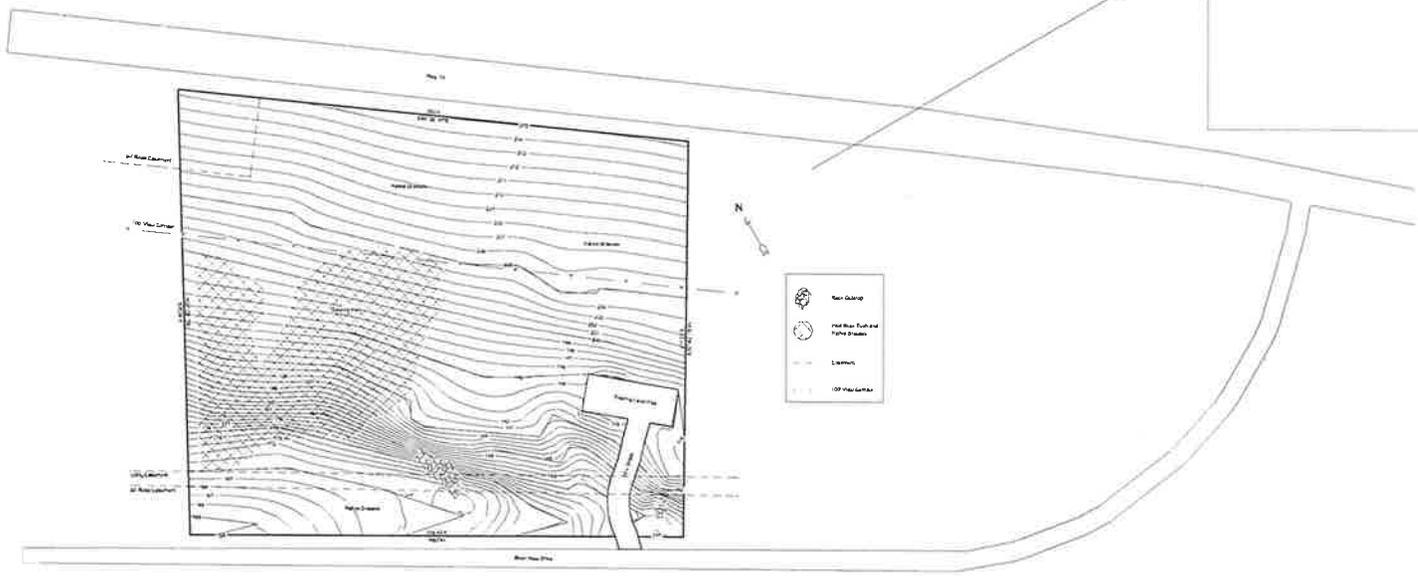
cc:

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 C19-0007
Approved site plan
Approved landscape plan
Approved Handout: Recommended Seed Mixes in East Side Environments

APPROVED *KW*



Present Day Site
Scale 1/4" = 10ft

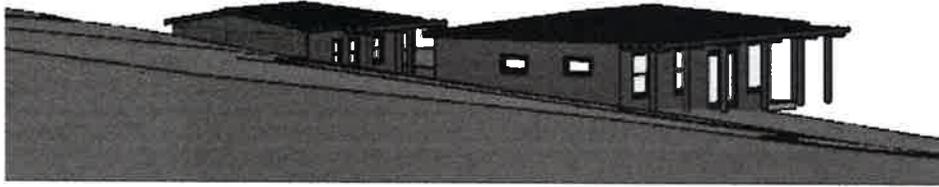
REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION

LAUREL RESIDENCE
LOT 3
RIVERVIEW TRACTS
MURDOCK, VA

DRAWINGS PROVIDED BY:
TRADWIND, LLC
509 281 1821

DATE:
4/2/2019
SCALE:
SHEET:

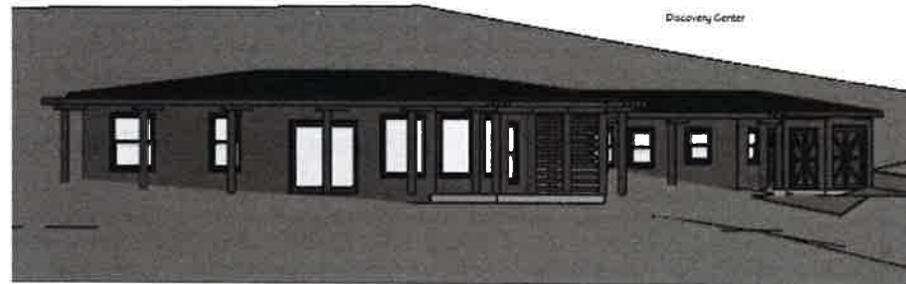
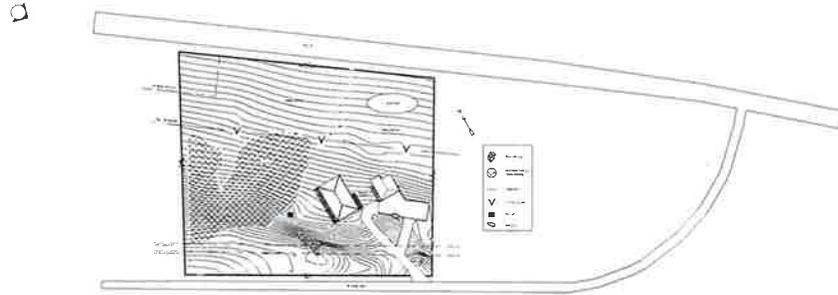
APPROVED *YAW*



Eastbound Hwy 14



Westbound Hwy 14



Discovery Center

REVISION TABLE			
NUMBER	DATE	REVISION BY	DESCRIPTION

RVA Perspective View

LAMB RESIDENCE
LOT 3
RIVER VIEW TRACT
HUNSBROCK, PA

DRAWINGS PROVIDED BY:
THAYVIND, LLC
508 281 1823

DATE:

4/2/2019

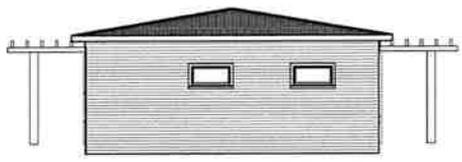
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SHEET:

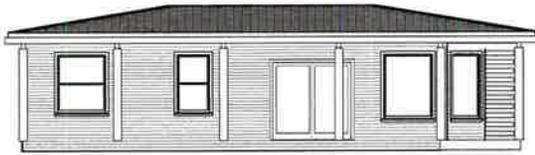
KW

APPROVED

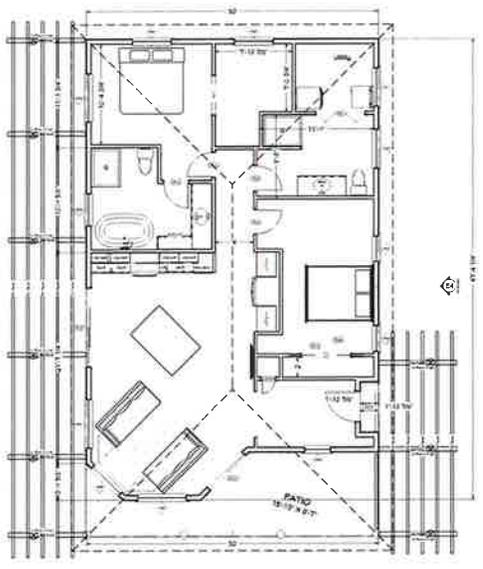
WINDOW SCHEDULE											
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	GLAZING SQFT	NO	REGRESS	DESCRIPTION	HEADER
W02	2060GH	1	1	3600GH	40"	32"	128.0	1	61'X32"	DOUBLE HUNG	2060X44" (2)
W03	3480GH	1	1	3480GH	40"	32"	113.3	1	41'X32"	DOUBLE HUNG	2060X44" (2)
W04	5048FX	2	1	5048FX	60"	80"	35.4	1	61'X60"	FIXED GLASS	2060X44" (2)
W05	4088FX	1	1	4088FX	48"	80"	24	1	49'X60"	FIXED GLASS	2060X44" (2)
W06	2384GH	1	1	2384GH	32"	78"	14.8	1	33'X78"	DOUBLE HUNG	2060X38" (2)
W07	4850GH	2	1	4850GH	32"	80"	11.2	1	33'X80"	DOUBLE HUNG	2060X38" (2)
W08	4020FX	4	1	4020FX	48"	24"	6.5	1	49'X24"	FIXED GLASS	2060X32" (2)



Northwest



Southwest



Northeast



Southeast

DOOR SCHEDULE										
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	NO	REGRESS	DESCRIPTION	HEADER
D01	3600GH	1	1	3600GH	40"	32"	128.0	1	61'X32"	DOUBLE HUNG
D02	3480GH	1	1	3480GH	40"	32"	113.3	1	41'X32"	DOUBLE HUNG
D03	5048FX	2	1	5048FX	60"	80"	35.4	1	61'X60"	FIXED GLASS
D04	4088FX	1	1	4088FX	48"	80"	24	1	49'X60"	FIXED GLASS
D05	2384GH	1	1	2384GH	32"	78"	14.8	1	33'X78"	DOUBLE HUNG
D06	4850GH	2	1	4850GH	32"	80"	11.2	1	33'X80"	DOUBLE HUNG
D07	4020FX	4	1	4020FX	48"	24"	6.5	1	49'X24"	FIXED GLASS

REVISION	DATE	DESCRIPTION

Main House Elevations and Glazing

LAMB RESIDENCE
LOT 3
RIVER VIEW TRACTS
MURDOCK, MA

DRAWINGS PROVIDED BY:
TRADWIND, LLC
307 281 1847

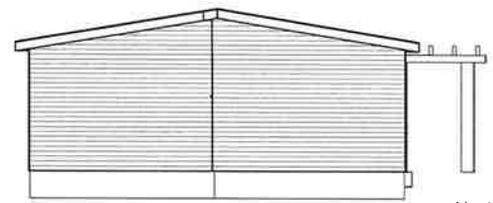
DATE:
4/2/2019
SCALE:
1/8" = 1'-0"
SHEET:

KW

APPROVED

WINDOW SCHEDULE										
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	REQ	EGRESS	DESCRIPTION	HEADER
W01	2016AW1	1	1	2016AW1	32"	16"	13"X14"		SINGLE AWNING	2X6X8" (2)
W02	2036DH	2	1	2036DH	36"	42"	19"X24"		DOUBLE HUNG	2X6X8" (2)
W03	2040DH	1	1	2040DH	36"	48"	19"X24"		DOUBLE HUNG	2X6X8" (2)
W04	5044FX	1	1	5044FX	60"	82"	61"X93"		FIXED GLASS	2X4X4" (2)

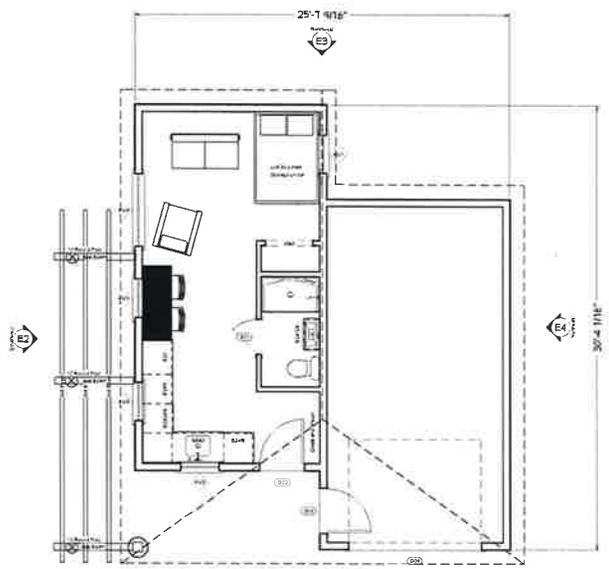
DOOR SCHEDULE								
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	REQ	DESCRIPTION
D01	2466	1	1	2466 L IN	28"	80"	60"X61 1/2"	HINGED DOOR F04
D02	3080	1	1	3086 R EX	36"	80"	65"X83"	EXT HINGED DOOR EXT
D03	3086	1	1	3086 R EX	36"	80"	65"X83"	EXT HINGED GARAGE DOOR CHD01
D04	4070	1	1	4070	108"	84"	110"X84"	GARAGE GARAGE DOOR CHD01



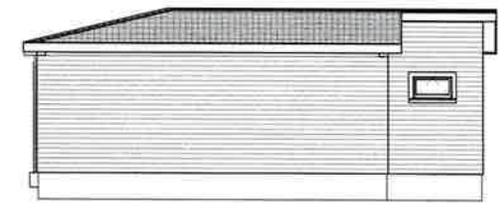
Northwest



Southwest



INTERIOR AREA
629 SQ FT



Northeast



Southeast

NUMBER	DATE	REVISION	DESCRIPTION

Garage Elevations and Glazing

LAMB RESIDENCE
LOT 3
RIVER VIEW TRACT'S
MURDOCK, MA

DRAWINGS PROVIDED BY:
TUDORVILLE, LLC
501 BELL STREET

DATE:
4/2/2019
SCALE:
SHEET:

APPROVED *kw*

1 Smooth sumac (x2)
10ft spread, 15ft height, 5ft spacing

2 Juniper (x5)
6ft spread, 4ft height

3 Bitterbrush (x6)
8ft spread, 12ft height, 3ft spacing

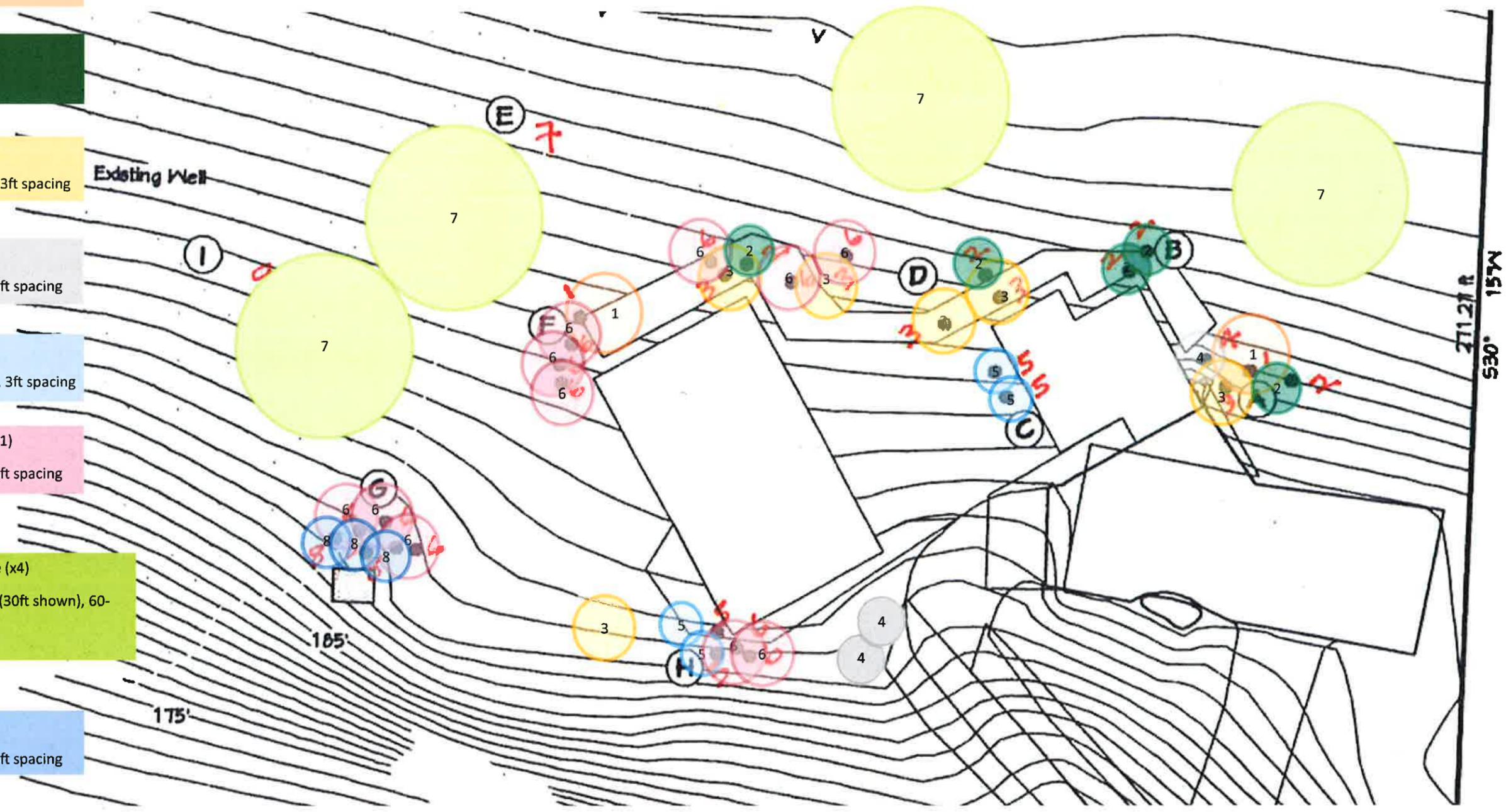
4 Ceanothus (x3)
6ft spread, 8ft height, 3ft spacing

5 Golden Currant (x4)
5ft spread, 3-9ft height, 3ft spacing

6 Red-osier Dogwood (x11)
8ft spread, 6ft height, 3ft spacing

7 Ponderosa pine (x4)
20-50ft spread (30ft shown), 60-150ft height

8 Rabbitbrush (x3)
6ft spread, 6ft height, 5ft spacing



**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

<i>Native Seed Mixture #1: Recommendations for Composition and Application Rates</i>		
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

<i>Native Seed Mixture #2: Recommendations for Composition</i>	
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

<i>Non-Native Seed Mixture: Recommendations for Composition and Application Rates</i>	
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.

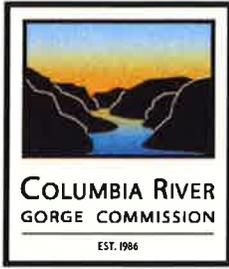
Mulch: Use certified weed free straw mulch whenever possible. Only 1-2" (2 tons/ac.) is needed and should be evenly applied. **Too deep can be more detrimental than none at all.** Ideally, it should be chopped and applied by machine. To further reduce the chance of introducing non-natives in to project 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: C19-0007

PROPOSAL: The Columbia River Gorge Commission received an application for construction of a new single-family dwelling, detached garage/guest suite/office, in-ground soaking tub and retaining wall, driveway, and associated utilities.

APPLICANT: Tradewind LLC

LANDOWNER: Lesley Lamb

LOCATION: The subject parcel is Lot 3 of the Riverview Tracts, approximately 1/4 mile northwest of Murdock, south of and adjacent to S.R. 14. It is within the NE ¼ of Section 17, Township 2 North, Range 13 East, Willamette Meridian, Klickitat County, Washington (Tax Lot # 02-13-17-6200-03/00). The parcel is 2.22 acres in size.

LAND USE

DESIGNATION: The subject parcel is in the General Management Area and designated Residential.

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 Kristen Tiede, Archaeologist for the Confederated Tribes of the Umatilla Indian Reservation, Christian Nauer, Archaeologist for the Confederated Tribes of the Warm Springs Reservation, Steve McCoy, Attorney for Friends of the Columbia Gorge, David Kavanagh,

Environmental Health Director for Klickitat County Public Health, and Dennis Wardlaw, Transportation Archaeologist for the Washington Department of Archaeology and Historic Preservation.

FINDINGS OF FACT:

A. Land Use

1. The subject parcel is in the General Management Area (GMA) and is designated Residential.
2. The applicant proposes to construct a new 1,330 square foot single-family residence, a detached 630 square foot garage/guest suite/office, a 45 square foot in-ground soaking tub with surrounding retaining wall, a driveway, and associated utilities including septic system, well, and electrical service.
3. Pursuant to Commission Rule 350-81-370(1)(a), one single-family dwelling per legally created parcel is allowed on land designated GMA-Residential provided the dwelling is consistent with the guidelines to protect scenic, cultural, natural, and recreation resources.
4. Pursuant to Commission Rule 350-81-370(1)(c), accessory building(s) larger than 200 square feet in area or taller than 10 feet in height are allowed for a dwelling on any legal parcel, so long as the combined footprint of all accessory buildings on the parcel does not exceed 1,500 square feet, the height of any individual accessory building does not exceed 24 feet, and the accessory buildings are consistent with the guidelines to protect scenic, cultural, natural, and recreation resources.
5. 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.

The subject 2-acre parcel is Lot 3 of a twelve-lot subdivision created in 1980 as the Riverview Tracts (Plat of Riverview Tracts recorded May 12, 1980, Vol. 5, page 13, Klickitat County Auditor's No. 176653). This parcel has been the subject of a previously approved development review and Director's Decision, C03-0019. The subject parcel is a legal parcel, consistent with the definition.

6. Commission Rule 350-81-370(1)(A)(a) states:

If the subject parcel is located adjacent to lands designated Large-Scale or Small-Scale Agriculture ... the use shall comply with the buffer and notification requirements for agricultural land (350-81-076 and 350-81-190(1)(q)(E)) ...

The parcel is adjacent to lands designated Residential on its south, east, and west borders. The adjacent parcel to the north is State Route 14 and is owned by the Washington Department of Transportation. The subject parcel is designated GMA Residential on its southern half and GMA Large-Scale Agriculture on its northern half, with the change in designation occurring generally along the course of SR 14.

Two parcels north of the subject parcel are designated GMA Large-Scale Agriculture, both owned by Schreiner Farms. Because these large parcels are separated from the subject parcel by SR 14, the parcels are not considered adjacent.

A portion of the parcel north of the subject parcel is designated as Large-Scale Agriculture. The buffer and notifications requirements in Commission Rule (350-81-076 and 350-81-190(1)(q)(E)) shall apply.

7. Commission Rule 350-81-76 gives the required agricultural buffers for proposed developments adjacent to different agricultural uses on parcels designated Agricultural. The adjacent parcel is designated Large-Scale Agriculture, however is not being used for agricultural purposes. It is developed and used as the SR 14 highway. Therefore, the buffer requirements in this rule do not apply.
8. Commission Rule 350-81-190(1)(q)(e) states:

All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland that is within 500 feet of the perimeter of the subject parcel on which the dwelling is proposed to be located have been notified and given at least 10 days to comment prior to a decision.

Notice of the proposed development was sent to all landowners within 500 feet of the perimeter of the subject parcel on May 21, 2019, as part of the standard notice procedure for review uses in the National Scenic Area in Klickitat County. All landowners were given 21 days to comment. This requirement has been met.

9. 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...

Commission Rules 350-81-370(1) and 350-81-380(1) define all review uses allowed on parcels designated GMA Residential. The applicant proposes a detached accessory building that will function as a garage, guest suite, and office. The Gorge Commission received comments that the use of the accessory building as a guest suite needs conditions to ensure that the guest suite is not converted into a dwelling or used as a short-term rental. These uses are not allowed under Commission Rules 350-81-370(1) and 350-81-380(1).

Commission Rule 350-81-20(53) defines a dwelling unit as “a single unit designed for occupancy by one family and having not more than one cooking area or kitchen.” The site plan for the application included interior floor plans for the accessory structure. The floor plans did not show any interior kitchen appliances, such as a range, oven, or full-sized refrigerator, or any other feature distinctive of a cooking area or kitchen other than a bar sink. As proposed, the accessory structure does not meet the definition of a dwelling unit. A condition of approval states that the accessory structure shall not contain appliances distinctive of a cooking area or kitchen and shall be used in a manner that is incidental and subordinate to the approved dwelling. A condition of approval states that the use of the accessory structure as a second dwelling is not permitted.

10. Commission Rule 350-81-20(153) defines structures as:

That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to, buildings, walls, fences, roads, parking lots, signs, and additions/alterations to structures.

As defined, the proposed in-ground soaking tub and the associated retaining wall are structures, and are accessory structures as defined in Commission Rule 350-81-20(2) above.

Commission Rule 350-81-360(1) states that "the uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" [350-81-074(1)] are allowed without review on lands designated Residential." Commission Rule 350-81-074(1)(E) states that "Accessory structures 60 square feet or less in area and 10 feet or less in height, unless within the buffer zone of a wetland, stream, pond, lake or riparian area. This category does not include signs, fences, outdoor lights, retaining walls, flagpoles, transportation facilities, or utility facilities."

Although the in-ground soaking tub and retaining wall may be uses allowed without review, where an applicant concurrently proposes some development that is allowed outright without review and some development that must be reviewed, the Commission reviews all proposed development under the standard "review uses" process. The in-ground soaking tub and retaining wall are thus being concurrently reviewed under the full review process with the remainder of the proposed uses.

11. The Gorge Commission previously received two applications for development on this property, C03-0019 and C07-0002. Both proposed new dwellings, accessory structures, and associated site improvements, including a driveway and leveled pad. C03-0019 was approved on April 18, 2004, but the applicants never constructed those structures. The property was sold to new owners who at some point constructed the driveway and pad as permitted in C03-0019, but they did not follow the conditions of approval requiring notification to the Yakama Nation and on-site monitoring during construction. According to satellite imagery from Google Earth, the driveway and pad were constructed sometime between August 2005 and July 2006.

In March 2007, Margaret Dryden, Heritage Program Manager for the US Forest Service at the time, required that the new owners who constructed the driveway and pad to survey the excavated fill material to determine if there were any adverse impacts to cultural resources on site. That survey was completed in July 2007 and found that there were no adverse impacts to cultural resources.¹ Subsequently, the new owners submitted application C07-0002 which included reconstruction of the driveway, but the application was never deemed complete and was withdrawn after the owners stopped communicating with Gorge Commission staff. Commission staff have not received any other applications for this parcel outside of this current application, and no other development has taken place on the parcel since 2007.

The initial construction of the driveway and pad was found to have no adverse impacts to cultural resources. As the compliance issue with the conditions of approval was resolved, staff considers the driveway and leveled pad on site to be an existing use.

1. Margaret Dryden to Jessica Metta, 17 July 2007. Gorge Commission application records.

Conclusion:

The proposed developments are allowable review uses on lands designated GMA Residential subject to compliance with the guidelines for the protection of scenic, cultural, natural, and 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 development site is located at one of the Riverview Tracts lots, west of Murdock. The parcel is mostly uneven, sloping ground with few sites that are level for development. The parcel also contains sensitive cultural resources, as discussed in Section C. The applicants propose grading activities that include approximately 90 cubic yards of fill material for a new driveway construction and 308 cubic yards of cut material for construction of the dwelling, accessory structure, driveway, and in-ground hot tub. The cut material will be used on site where fill material is required, and any remaining material will be used to construct a berm to the north and east of the structures to achieve visual subordination from SR 14. The cut areas are necessary to take maximum advantage of the existing level pad on site, thereby retaining the existing topography and minimizing grading activities to the maximum extent practicable, while providing for the protection of cultural resources on site.

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.

Development in the vicinity of the proposed development includes existing and recently approved single family dwellings with attached garages within the Riverview Tracts lots. Other nearby developments are located within the Urban Area of Dallesport, not subject to the National Scenic Area Management Plan. Due to the unique resource constraints of the Riverview Tracts lots, only the developments within Riverview Tracts are being considered for compatibility.

There are ten dwellings in this area (including one recently approved but not yet built), one and two-stories tall, ranging from 2,451 square feet to 3,775 square feet in size, 12 to 23 feet in height, and between 35 and 115 feet in length and width.

The total footprint of the proposed dwelling and detached garage and living space is 2,952 square feet. This calculation includes the wood pergolas on the east and west sides of the house and on the west side of the detached accessory building, though their expected contribution to the appearance of overall mass of the structures will be minimal. Excluding them, the total footprint is 2,206 square feet. In either case, the footprint of the proposed development is lower than the average footprint of existing and approved development in the vicinity.

The dwelling is 15 feet, 6 inches tall from the peak of the roof to the lowest point of the final grade. This is compatible with existing development because the height of nearby existing development is between 12 and 23 feet in height.

The total length of the proposed dwelling and detached accessory building is 110 feet at its longest cross-section. Of the ten dwellings in the vicinity, the longest development is approximately 115 feet long, and two other dwellings are approximately 100 feet long. The overall length of the proposed development is compatible with existing development.

The overall scale of the project is consistent with existing development, pursuant to this rule.

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.16 and B.24, new vegetation is required for the protection of scenic resources viewed from Key Viewing Areas. The applicants are 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)(e) states:

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

A site plan was provided consistent with Commission Rule 350-81-032 (Application for Review and Approval). The landscape setting for the subject parcel is Rural Residential. Commission Rule 350-81-520(3)(e) contains the design guidelines for proposed uses in the Rural Residential landscape setting. Findings B.22 through B.24 address the applicable guidelines in Commission Rule 350-81-520(3)(e) using information submitted in the site plan, consistent with this rule.

5. 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 is topographically visible from the following six Key Viewing Areas.

<u>KEY VIEWING AREAS</u>	<u>DISTANCE ZONE</u>		
	FOREGROUND	MIDDLEGROUND	BACKGROUND
	0 - 1/4 Mile	1/4 - 3 MILES	Over 3 Miles
Historic Columbia River Highway		X	X
Interstate 84		X	X
Columbia River	X	X	X
Washington State Route 14	X	X	X
Rowena Plateau			X
Nature Conservancy Viewpoint			X

To mitigate both individual and cumulative effects to scenic resources and provide guidance to applicants to meet the visual subordination standard, Commission staff in 2003 developed a series of recommended measures for proposed development in Riverview Tracts. These design guidelines are incorporated throughout this Staff Report and addressed specifically in Finding B.8.

6. 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 follows:

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

Findings B.7 through B.24 below address consistency with Commission Rule 350-81-520(2)(b). The proposed development incorporates design guidance developed for the Riverview Tracts area. The Director's Decision contains requirements and conditions of approval to ensure the development is visually subordinate to the maximum extent practicable. Factors contributing to the visual subordination of the building include the use of low, horizontal lines to emulate the sweeping landscape, large overhangs to shade exterior walls and windows, dark earth tone colors found on the site, non-reflective building materials, and screening vegetation to soften the hard edges of the development and blend in with the landscape.

7. 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.

This analysis focuses on the geographic scope of the Riverview Tracts subdivision and visible surrounding agricultural lands directly to the east and adjacent to the Dallesport Urban Area. This area was selected because it is a discrete subdivision of residential parcels that predated the National Scenic Area Act. Areas within the Dallesport Urban Area were not included in the analysis.

The Riverview Tracts design guidelines, developed by Commission staff, consider cumulative impacts to scenic resources in the Riverview Tracts subdivision. The area is highly visible from several Key Viewing Areas, lacks topography and vegetation to screen development, and includes existing development at a density that is higher than typical in the National Scenic Area. With conditions of approval that ensure the development blends with the surrounding landscape, the dwelling is visually subordinate. Due to the topographic visibility of the site and the density of existing and future development in the subdivision, the proposed dwelling combined with other dwellings in the analysis area has a cumulative effect on scenic resources. However, the development is compatible with the rural residential landscape setting.

Limits to the height, size, color, siting and other aspects of development on this and nearby parcels are necessary to best achieve visual subordination. Such measures have been applied to nearby Riverview Tracts parcels and to the subject parcel through Commission Rule 350-81-520 and specific Riverview Tracts design guidelines. To mitigate both individual and cumulative effects to scenic resources and provide guidance to applicants, Commission staff created special design guidelines that describe best practices for how to implement the scenic resource provisions in the land use ordinance for this landscape. The design guidelines are not Commission rules and thus are not binding development standards. The guidelines provide design guidance to property owners ensuring that, to the maximum extent practicable, the visual subordination standard can be achieved in this difficult landscape and adverse cumulative effects of future development can be avoided. The guidelines are discussed below in Finding B.8.

The applicant used the guidelines to design the proposed dwelling. The design includes a single-story dwelling and detached accessory building with a maximum height of 15-feet 6-inches to minimize visibility. The proposed buildings emulate the sweeping horizontal lines found in the surrounding landscape by clustering development, using low-angle hip roofs, and through landscaping and design features that emphasize the horizontal features of the development. The textured concrete board exterior, low-hip roof with dark composite shingles, and low reflectivity windows minimize the reflectance of light towards Key Viewing Areas. The windows are shaded with wide overhanging eaves and pergolas. The colors selected for the development are dark earth-tone grays and browns found within the shadows of nearby basalt rock outcrops. These colors enable the development to recede into the landscape when viewed from the middleground and background. New landscaping, including mostly native species, will be planted in naturally appearing clusters to soften the hard lines of the development and allow it to blend in with the nearby riparian area. The low, horizontal design of the dwelling, combined with the use of exterior building materials and colors that blend with the landscape, and the retention of vegetation and planting of new screening vegetation ensure the proposed development is visually subordinate when viewed from Key Viewing Areas.

The subject property is one of 12 parcels² in the Riverview Tracts Subdivision, all of which are designated Residential with a five-acre minimum parcel size in the Management Plan. There are six Riverview Tracts lots adjacent to the subject parcel. The four parcels to the south and east are developed with dwellings and range from 2.01 to 2.12 acres in size. The parcel to the west is also developed and is 2.02 acres in size. The parcel to the northwest is undeveloped and is 2.89 acres in size. The largest of the Residential parcels in the subdivision is 4.43 acres, and thus no land divisions to create additional developable parcels could occur within the Riverview Tracts area. Excluding the subject parcel, three other parcels within the Riverview Tracts Subdivision remain vacant and could be developed with residential uses in the future.

Surrounding areas, excluding the nearby Dallesport Urban Area, are designated Large-Scale Agriculture, with minimum parcel sizes of 40 acres (to the south) and 160 acres (to the north, west and east). Of the nearby Agriculture lands, there are three parcels with a 40-acre minimum parcel size, none of which appear to contain sufficient acreage needed for future land divisions. Based on county assessor's records, several parcels on the north side of SR-14 appear to be held in contiguous ownership, totaling more than 6,000 acres of contiguously owned land, spanning several miles beyond the project area. These parcels are primarily used for livestock grazing and other commercial scale agriculture. Very few of these parcels contain residential development. It is possible that additional dwellings to support agricultural uses could be developed in the future on these parcels.

2. Staff did not conduct a legal parcel analysis for the adjacent properties.

Nine dwellings exist on nearby parcels within the Residential land use designation, and one dwelling has been approved on a nearby parcel but has not yet been constructed. Most of the developed parcels occur in the south half of the subdivision and two other residentially zoned parcels south of Riverview Tracts. The north half of the subdivision includes three parcels that have not yet been developed. These sites have similar topography and visibility from Key Viewing Areas, when compared to the subject parcel. At this time staff intends to continue to encourage landowners to refer to the Riverview Tracts design guidelines, in addition to the applicable Management Plan policies, for future development in the subdivision. Staff believes future dwellings and associated development will be similar to the proposed dwelling.

In sum, three dwellings could be constructed on nearby parcels within the subdivision, each with similar site characteristics and potential impacts to scenic resources. Additional dwellings would be held to the same visual resource protection standards and would be required to be visually subordinate to the maximum extent practicable as well. As described in the Riverview Tracts Design Guidelines developed by staff in 2003, future development should utilize low pitch roofs and designs that emphasize the horizontal lines found in the surrounding landscape, dark earth tone colors and low reflective materials to ensure the development recedes from the view, and naturally appearing clusters of new vegetation (where appropriate) to break up the hard lines of the development. The approval of this proposed development, in combination with potential future development that is required to be designed and sited to achieve the standard of visually subordinate will not generate adverse cumulative scenic impacts.

As described in Finding A.3, one single-family dwelling is allowed per legally created parcel on lands designated GMA Residential and thus the proposed development could not be repeated on the "same piece of ground." No additional dwellings could be constructed on the subject property.

8. To mitigate both individual and cumulative effects to scenic resources and provide guidance to applicants to meet the visual subordination standard, Commission staff in 2003 developed a series of recommended measures for proposed development in Riverview Tracts. The following summarizes the recommendations to ensure, to the maximum extent practicable, that proposed developments in Riverview Tracts do not noticeably contrast with the surrounding landscape.

Size: *The overall size of dwellings should be limited, including garages and accessory structures. Outdoor parking and storage (including but not limited to recreational vehicles, boats, trailers, old cars, etc.) should also be limited and should be predominantly screened from Key Viewing Areas.*

Height: *Buildings should be low and be excavated into the ground to reduce overall height. Buildings should be limited to a single-story.*

Shape: *Building designs should emphasize horizontal lines and blend with the sweeping landscape. Dwellings, garages, or other accessory structures should be designed to appear as a single building as seen from Key Viewing Areas. Detached garages or accessory structures should be clustered with the dwelling and integrated into the landscape with common walls, berming, planting, or other techniques.*

Color: *Exteriors of structures should be dark, earth tone colors that are darker than those commonly found in the surrounding landscape.*

Reflectivity: *The exterior of buildings should consist of low reflectivity, highly textured surfaces such as asphalt composition roofing, natural stone, wood, or other materials.*

- Windows:** *Windows should be designed to avoid large expanses of glass that would flare in daylight or lantern at night; windows should be shaded through recessing and/or wide overhanging eaves.*
- Grading:** *Grading plans should be included in applications as specified in Commission Rule 350-81-520(2)(aa)(A) and (B).*
- Landscaping:** *Applications shall include a landscape plan. Building designs should emphasize burying over berming and use native shrubs (predominantly), native trees (sparingly) to soften the lines of a building or structure and to blend it with the surrounding natural terrain. Landscaping for defensible space against the threat of wildfire should use irrigated lawns sparingly.*
- Siting:** *Siting should utilize topographic screening opportunities as available. The SR-14 Scenic Travel Corridor setback of 100 feet from edge of pavement, and any considerations regarding cultural resource mitigation measures need to be factored in siting decisions.*
- Driveways:** *Driveway widths should be minimized and designed to be the shortest practicable length. Paving surfaces should be dark, non-reflective, such as basalt gravel or plantable paving blocks. Driveway designs need to incorporate cultural resource mitigation measures.*

As discussed in Findings B.10, and B.16 – B.24, this decision specifies in conditions of approval exterior color and reflectivity, outdoor reflectance limits on windows, and landscaping. The proposed development has been designed to address the above approaches to minimizing visual impacts by **size:** limiting the footprint of the proposed development below what may otherwise be allowed, **height:** a single story dwelling with low building height, **shape:** the use of horizontal lines to blend with the sweeping landscape, clustering buildings and integrating development into the landscape, **windows:** limiting window sizes and ensuring adequate shading by using exterior pergolas and covered porch areas, **reflectivity:** windows with a low reflectance rating, **driveways:** a short driveway design that limits both length and width, and **landscaping:** the use of primarily native trees and shrubs to soften the visual impact of the development from Key Viewing Areas.

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.

As previously described, the building site is topographically visible from six Key Viewing Areas and from multiple directions. The site is at approximately 200-foot elevation. Staff conducted multiple site visits, and concluded that the site is visible in the foreground from the Columbia River and SR-14. From SR-14, the building site is approximately 25 feet below the grade of the highway. The road is higher in elevation than the building site, such that passersby on SR-14 will primarily view the roof and eastern and western elevations as they travel. The building will be dug into the ground lower than existing grade, further obscuring the building site from Key Viewing Areas.

The site is visible in the middle ground and background when viewed from the south and west from the Columbia River, I-84, the Historic Columbia River Highway, Nature Conservancy Viewpoint and the Rowena Plateau. Along I-84 and Historic Columbia River Highway in Oregon, the site is visible intermittently from across the Columbia River at approximately the same elevation as the development site. The Nature Conservancy Viewpoint and Rowena Plateau are situated significantly higher in elevation than the development site.

In sum, the proposed building site is highly visible from six Key Viewing Areas and particularly visible in foreground views from the Columbia River and SR-14.

(ii) The degree of existing vegetation providing screening.

The parcel contains mostly grasses and Woods rose bushes that do not screen the development from Key Viewing Areas.

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

At the closest point from which it is visible, the proposed building site is approximately 150 feet from SR-14, 700 feet from the Columbia River, approximately .75 miles from I-84 and the Historic Columbia River Highway, and approximately 5 miles from the Rowena Plateau and Nature Conservancy Viewpoint.

(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 and the Columbia River in the foreground, I-84, the Historic Columbia River Highway in the middle-ground, and the Rowena Plateau and Nature Conservancy Viewpoint (Tom McCall Point) in the background.

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

The proposed building site is intermittently visible in the middle ground along SR-14 for approximately 4 miles and in the foreground for about a half-mile. The site is intermittently visible along I-84 and the Historic Columbia River Highway for approximately 5 miles. Commission GIS inventories show that the site is visible from the Columbia River for roughly 8 miles. Staff verified the linear distances in the field.

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).

The development is sited adjacent to the River View Drive right-of-way, resulting in a short driveway and clustered development. The parcel includes an existing graded area, and the proposed development incorporates that area into the siting. This siting minimizes the length of the new driveway. The existing driveway at 18% grade is too steep for emergency vehicles. 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, and will be dug into the landscape to further minimize the visual impact of the development.

(ii) Retention of existing vegetation.

The development site consists primarily of grasses and there are no trees on the parcel. The development proposal includes landscaping vegetation to ensure visual subordination, and no other significant landscaping that would remove existing grasses.

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

The applicant has proposed a dwelling with a roofline that emphasizes horizontal lines and has a maximum final height of 15 feet 6 inches from the lowest adjacent grade. As proposed, the low hip roof uses dark composite shingles and the siding is wood textured concrete board in shiplap style. The colors submitted by the applicant are dark gray and dark browns and resemble dark earth-tone colors found within the landscape (see Finding B.18 below). The pergolas are attached to the structures and will be painted with approved dark earth tone colors. The shingles will be Pabco "Antique Black" composite shingles. The hot tub will be painted with approved dark earth tone colors, and the retaining wall behind will be constructed from "Norwest Blend" Manor Stone blocks, a dark-earth tone stone similar to what is found in the landscape. These exterior colors are required conditions of approval.

(iv) New landscaping.

According to the Riverview Tracts design recommendations, landscaping plans should emphasize burying over berming, native shrubs over trees, and sparing use of irrigated lawns for defensible space against wildfire. As discussed in Findings B.22 through B.24 below, the Rural Residential 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 that includes 2 smooth sumac trees, 4 ponderosa pine trees, 5 juniper shrubs, 6 bitterbrush bushes, 3 Ceanothus bushes, 4 golden currant bushes, 11 red-osier dogwood bushes, and 3 rabbitbrush bushes. This is a total of 6 trees and 32 shrubs. With the exception of the juniper shrubs, all of the proposed landscaping plants can be found in the Commission's recommended plant list, included as an addendum to the *Scenic Resources Implementation Handbook*. The landscaping plan helps break up the visual impact and soften the visible lines of the development as seen from Key Viewing Areas. The screening vegetation is planted in naturally appearing clusters as shown on the approved landscaping plan. All disturbed areas are to be reseeded with native grasses. A list of recommended seed mixes is included with this Decision.

The applicant has proposed several large windows on the western and southern elevations of the dwelling that would overlook the Columbia River. As proposed, the windows are shaded with large pergolas, covered patio space, trees and shrubs. These design and landscaping features will render the windows visually subordinate as seen from the Columbia River and other KVAs to the west and south.

11. 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 *Scenic Resources Implementation Handbook* notes that a reflectivity rating of 11% acceptable for well-screened or shaded areas. All windows shall be composed of low reflectivity glass. The applicants requested the following glass coating: *LoE3-366 #2*. This coating is approved and is required as a Condition of Approval.

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

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

As explained in Finding B.13 below, the proposed development is sited to achieve visual subordination to the maximum extent practicable while avoiding known cultural resources. Thus, the proposed development is sited in a manner that is consistent with this rule.

13. 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.

The development is sited adjacent to the River View Drive right-of-way, resulting in a short driveway and clustered development. The development is sited on and adjacent to an existing leveled area, lower than the area immediately north of the site, which helps the development achieve visual subordination when viewed from SR 14. No other location on the subject property would have afforded additional topographic or vegetation screening while also complying with other Commission Rules. The proposed dwelling, detached accessory building, and driveway are sited on portions of the subject parcel that minimize visibility from Key Viewing Areas and achieve visual subordination, consistent with Commission Rule 350-81-520(2)(f).

14. 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).

As explained above in Finding B.10, the property is dominated by grasses and Woods rose, and there is no existing tree cover.

15. 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.

The subject parcel is located between the Columbia River and SR-14 approximately 200 feet above sea level. Grassy hills to the north gradually slope up to elevations greater than 800 feet above sea level, and hills to the east gradually slope up to elevations greater than 500 feet above sea level, providing a backdrop for the proposed development. Visual assessment using Google Earth Pro indicated that the development as proposed may break the skyline of the lower elevation hills to the east. Staff verified from the north shore of the Columbia River that the development would not break the skyline of the hills to the north or east. The development will be dug into the landscape, reducing the apparent height the development above grade and keeping the highest point of the development below the skyline. As proposed, the development would not break the skyline as seen from all Key Viewing Areas, consistent with this rule.

16. 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).*

As discussed in Findings B.10 and B.24, new landscaping is required to ensure the proposed development meets the scenic standard of visual subordination to the maximum extent practicable. The applicants worked with Commission staff to develop a landscaping plan that includes 2 smooth sumac trees, 4 ponderosa pine trees, 5 juniper shrubs, 6 bitterbrush bushes, 3 Ceanothus bushes, 4 golden currant bushes, 11 red-osier dogwood bushes, and 3 rabbitbrush bushes. This is a total of 6 trees and 32 shrubs. With the exception of the juniper shrubs, all of the proposed landscaping plants can be found in the Commission's recommended plant list, included as an addendum to the *Scenic Resources Implementation Handbook*. Native grass species are required in all disturbed areas following construction. The applicant also proposes to deposit excess fill material north and east of the development, creating a berm to further obscure the development from SR 14.

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 plants are sized as follows:

- 4 Ponderosa pine: 3-5 foot tall, bare root
- 2 Smooth sumac: 3-5 foot tall, bare root, 5 gallon pot size
- 6 Bitterbrush: seedling, 1 gallon pot size
- 3 Ceanothus: seedling, 1 gallon pot size
- 4 Golden currant: 1-3 foot tall, 1-2 gallon pot size
- 11 Red-osier dogwood: 1-3 foot tall, 1-5 gallon pot size
- 3 Rabbitbrush: seedling, 1-5 gallon pot size
- 5 Juniper shrubs: seedling, 1 gallon pot size

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. No specific plant species are recommended in the *Scenic Resources Implementation Handbook* for the Rural Residential landscape setting. 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.

17. 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 intends to choose their exterior paint colors once the proposed structures have been built and submitted several potential exterior colors for the proposed structures for review.

The following colors are dark earth tone colors that can be found within the shadows of the surrounding landscape, and have been approved for use:

- PPG “Dark Granite” (PPG1005-7)
- PPG “Metropolis” (PPG1006-7)
- Miller “Sturgis Gray” (H0119)
- Behr “Satin Black” (PPU26-01^D)
- Behr “Shadow Mountain” (PPU24-22^D)
- Magnolia “Pecan Grove” (MAG135^D)
- Magnolia “Salvaged” (MAG146^D)

The proposed roof material is a dark composite shingle (Pabco “Antique Black”) and the proposed driveway is dark gravel. Both are dark-earth tones found at the site. A condition of approval requires the 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).

18. 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.

As described in Finding B.12, the subject parcel is topographically visible from six Key Viewing Areas. Therefore, the exterior of the proposed dwelling must be composed of non-reflective materials or materials with low reflectivity. As shown on the approved elevation drawings and described in the narrative submitted by the applicant, the textured concrete board siding, low hip roof with composite shingles and low reflective windows are materials with no or low reflectivity and minimize the reflectance of light towards Key Viewing Areas. These low reflective materials are consistent with Commission Rule 350-81-520(2)(m).

The proposed dwelling has windows on the northwest (4% of surface area), northeast (7%), southwest (24%, includes a glass door), and southeast (29%) sides. The proposed accessory structure has windows on the northeast (2%), southwest (20%), and southeast (4%) sides. A condition of approval requires the use of low glare glass with a reflectance rating of 11% or less. As proposed, the largest windows and the glass door are placed on the southwest and southeast elevations, but they are shaded by deep pergolas and eaves and screened by clusters of native shrubs and trees. The proposed windows and glass door are widely spaced. All windows are between 4 square feet and 30.4 square feet in size. The proposed glass door is 55 square feet in size. 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.

Consistent with the *Handbook*, the applicant has taken steps to reduce the impact of the proposed windows by including 8-foot overhung eaves and pergolas. Windows are placed sparingly on the eastern and northern aspects to reduce visual impacts to SR-14. 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 will be screened from Key Viewing Areas by planted vegetation.

In an email to staff during the application review process, the applicants asked to use a rusted metal flashing to cover the insulating foam around the concrete stem walls. These materials need to weather to final condition on site. A condition of approval ensures that the weatherization process will conclude prior to final inspection.

In sum, with conditions of approval to use low or non-reflective materials, the proposed development is consistent with Commission Rule 350-81-520(2)(m).

19. 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. They proposed to use two lights on the entry door and one light on the kitchen door of the dwelling, and rope lighting along the pergolas. The applicants will shield the rope lighting in such a way that light is only directed towards the dwelling and not itself visible from Key Viewing Areas. A condition of approval ensures that all proposed lights are directed downward, hooded and shielded such that they are not highly visible from Key Viewing Areas, consistent with this rule.

20. 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 proposed development is sited to minimize grading pursuant to Commission Rule 350-81-520(1)(a). The location of the dwelling is close to River View Drive, requiring only a short driveway consistent with the Riverview Tracts Design & Development Standards. The new driveway requires both cut and fill to construct at a useable grade. The existing driveway is approximately 18% grade and is not suitable for emergency access. In order to minimize the visibility of graded areas on site from Key Viewing Areas, a condition of approval shall require that the existing driveway is covered and reseeded with native grasses.

As proposed and conditioned, the site minimizes the need for cut and fill slopes (grading) because of its proximity to River View Drive and the relatively flat building site, consistent with this rule.

21. 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 applicant intends to leave most of the property in a natural state. However, more than 200 cubic yards of grading is necessary for the construction of the proposed development. Pursuant to this rule, a grading plan was submitted for the proposed development. The applicants' grading plans and narrative describe the locations and depths of cut and fill areas. As proposed, the dwelling, detached accessory building, in-ground tub and driveway require 308 cubic yards of excavation and 90 cubic yards of fill. Cut materials will be used to construct the driveway, as well as landscaping berms east of the development to reduce the visual impact of the development when viewed from KVAs.

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

23. Commission Rule 350-80-520(3)(e)(A) states:

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

The site of the proposed development consists primarily of grasses and there are no existing trees. Therefore, Commission Rule 350-80-520(3)(e)(A) does not apply.

24. Commission Rules 350-81-520(3)(e)(B) describes the Rural Residential landscape setting. It states:

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

(i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.

There are no existing trees. Commission Rule 350-81-520(3)(e)(B)(i) does not apply.

(ii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.

(iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

As described in Finding B.16, the applicants worked with Commission staff to develop a landscaping plan that includes 2 smooth sumac trees, 4 ponderosa pine trees, 5 juniper shrubs, 6 bitterbrush bushes, 3 Ceanothus bushes, 4 golden currant bushes, 11 red-osier dogwood bushes, and 3 rabbitbrush bushes. This is a total of 6 trees and 32 shrubs. With the exception of the juniper shrubs, all of the proposed landscaping plants can be found in the Commission's recommended plant list, included as an addendum to the *Scenic Resources Implementation Handbook*. As proposed, more than half 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).

25. 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 150 feet from the edge of pavement, consistent with Commission Rule 350-80-520(4)(b).

Conclusion:

With the implementation of conditions regarding siting, design, landscaping, reflectivity, outdoor lighting, and exterior colors, the proposed development would be 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 May 28, 2019, that pursuant to Commission Rule 350-81-540(1)(c)(A)(ii) a reconnaissance survey is required because the project occurs within the boundary of a known archeological site.
3. Mr. Donnermeyer and Reed Fischer, Archeological Technician U.S.D.A. Forest Service Columbia River Gorge National Scenic Area, conducted a field survey and prepared a Reconnaissance Survey Report of the proposed development. In a Cultural Resource Inventory Report dated September 6, 2019, Mr. Donnermeyer concluded that the proposed development would have no adverse effect on cultural resources if proposed measures were followed. The report is confidential because it gives site specific information about cultural resources near the development. The report included the following recommendations:

1) The application states that the driveway will be constructed with cut and fill material. It is recommended that durable geotextile be placed on the native surface prior to placement of the fill. It is also recommended that any needed cutting be minimized or eliminated from the plan.

2) It is recommended that an archaeological monitor be present during ground disturbing activities for the detached garage, and ground disturbance for the driveway, as well as for trenching of the sewer line. ... No archaeological monitor is recommended for construction of the house, drain field, and hot tub.

3) A copy of the attached Columbia River Gorge National Scenic Area Inadvertent Discovery Plan must be included as a condition of the permit, as is customary for all developments in the CRGNSA.

The geotextile is required to differentiate fill material from native soil. The archaeological monitor is required to ensure that a professional is present in the event of an unanticipated discovery. The applicant is responsible for hiring the archaeological monitor. The applicant can contact the Gorge Commission for a list of qualified archeological professionals. These recommendations are included as conditions of approval in this Director's Decision (C19-0007). The applicant must comply with the conditions of approval. Failure to comply with these conditions of approval will result in the Commission bringing an enforcement action.

4. 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 September 9, 2019. A comment was received from Christian Nauer, MS, Archaeologist for the Confederated Tribes of the Warm Springs Reservation, concurring that the report's recommendations, if followed, would result in no adverse effect to cultural resources.
5. 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 and determined that it would have no adverse effect on significant cultural resources if the applicant complied with the recommendations listed in Finding C.3 above.

Initial notice of the proposed development was mailed on May 25, 2019 to interested parties. Dennis Wardlaw, M.A., Transportation Archaeologist with the Washington Department of Archaeology and Historic Preservation, stated that based on the project's proximity to known cultural resources, that the applicants would need to request an archaeological excavation permit from the Department. This requirement is included as a condition of approval, in addition to the recommendations listed in C.3.

Staff provided the Heritage Resource Inventory Report to the State Historic Preservation Office and the four Columbia River Treaty Tribes on September 9, 2019. We received comment on the report from Christian Nauer, MS, Archaeologist for the Confederated Tribes of the Warm Springs Reservation. No substantiated concerns were voiced during the 30-day comment period.

6. 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, Chris Donnermeyer makes the determination that the proposed development has no adverse effect on cultural resources given the low density of cultural materials in the project area, seeming lack of cultural materials at the locations of the other components of the proposed development, the proposed measures during development listed in Finding C.3 and conditions of approval protecting unknown cultural resources and human remains discovered during construction included in Findings C.7 and C.8. The parcel is 2.22 acres in size, and after this development is constructed there will be limited opportunities for more development on the parcel. Mr. Donnermeyer's determination of no adverse effect to cultural resources, also means no adverse cumulative effects to the cultural resources.

7. 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.
8. 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 known significant cultural resources, 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 show one wetland approximately 600 feet from the project site. Commission Rule 350-81-560(7)(c) states that the largest wetland buffer zone is 150 feet, for wetlands with surrounding communities of herbaceous plants. The project site is entirely outside of this maximum buffer range. Therefore, the project is consistent with the guidelines in Commission Rule 350-81-560 for protection of wetlands.
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 parcel. The development is located approximately 600 feet away from the Columbia River, further than the required buffer. Therefore, the project is consistent with the guidelines in Commission Rule 350-81-570 that protects streams, ponds, lakes and riparian areas.

4. The Gorge Commission's sensitive wildlife inventory shows the applicant's development site is within 1,000 feet of the Columbia River, a sturgeon spawning area and shallow water and tributary fish habitat, and within 1,000 feet of basalt cliffs identified as priority habitat for potential raptor nesting sites. Commission Rule 350-81-580(1)(a)(A) defines sensitive wildlife areas to include these 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 a sensitive wildlife area. On May 21, 2019, Gorge Commission staff sent WDFW a copy of the applicant's land use application and site plan.
6. Commission Rule 350-81-580(4)(c) states:

The wildlife protection process may terminate if the Development Review Officer, in consultation with the appropriate state wildlife agency, determines: the sensitive wildlife area is not active; or the proposed use would not compromise the integrity of the wildlife area, or occur during the time of the year when wildlife species are sensitive to disturbance.

WDFW did not indicate any concerns with the proposed development. The development is separated from the Columbia River and the basalt cliffs by two intervening properties and the BNSF Railway tracks. Staff does not believe the proposed use compromises the integrity of the Columbia River or the basalt cliffs as a wildlife site, due to the location and the nature of the development, pursuant to Commission Rule 350-81-580(4)(c).

7. The Gorge Commission's sensitive plant inventory does not show any sensitive plant sites within 1,000 feet of the proposed development. Therefore, the project is consistent with the guidelines in Commission Rule 350-81-590 that protect sensitive plants.

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 May 21, 2019. The notice included a comment period of 21 days that ended on June 11, 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 any Native American tribe.

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