

COLUMBIA RIVER GORGE COMMISSION MINOR CHANGE TO A DIRECTOR'S DECISION

CASE FILE: C18-0010

MINOR CHANGE APPLICANT : John Sullivan & Janet Ebright

ORIGINAL APPLICANT: John Sullivan & Janet Ebright

LANDOWNER: John Sullivan & Janet Ebright

ORIGINAL PROPOSAL: Construction of a single-family residence, attached garage, pergola, screening walls, a small garden area, potting shed, solar panel array, driveway and associated utilities including septic system, well, and electrical service.

MINOR CHANGE REQUEST : The same development as in the original approved Director's Decision with changes as follows :

- 1) Reorient and reconfigure home on lot
- 2) Detach the carport

LOCATION: The subject parcel is located at 128 River View Drive, Lyle, Washington, in the North East Quarter of Section 17, Township 2 North, Range 13 East, W.M., Klickitat County Tax Lot Number 02-13-17-6200-07/00. The parcel is two acres in size.

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

AUTHORITY TO APPROVE MINOR CHANGE:

This application was received and reviewed under Commission Rule 350-81. The proposed minor changes are therefore being reviewed pursuant to Commission Rule 350-81-046.

Commission Rule 350-81-046 states:

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

MINOR CHANGE DECISION:

Based upon the findings of fact in the Staff Report for Director's Decision C18-0010, the request for a

minor change by John Sullivan & Janet Ebright, is consistent with the purposes of the Columbia River Gorge National Scenic Area Act (Act) and the standards in Section 6 of the Act, 16 U.S.C. §§ 544(a), 544d(d), the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and Commission Rule 350-81, and is hereby approved.

CONDITIONS OF APPROVAL:

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

1. To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report for C18-0010, and approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor's Office. Once recorded, the applicants shall submit a copy of the recorded documents to the Executive Director.
2. This decision does not exempt the proposal from other non-Scenic Area rules and regulations. It is the applicant's responsibility to ensure the use complies with all other applicable federal, state, and county laws and to obtain necessary approvals, including utility easement approvals.
3. Any new land uses or structural development such as residences, garages, workshops, or other accessory structures, additions or alterations, or grading not included in the approved application or site plan will require a new application and review.
4. The location for the dwelling and attached garage shall be staked for Commission inspection prior to grading or excavation. The applicant shall notify the Commission once staking is complete to arrange for inspection. Grading and excavation may begin after Commission inspection and approval of staking.
5. The development shall be constructed as shown on the approved project description, site plan and elevation drawings. Any changes shall be reviewed and approved by the Executive Director before the changes are implemented.
6. 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: KILZ "Salvaged" (paint chip #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. The pergola, solar panels, and all exterior metal materials shall be painted with low-gloss black colored paint and maintained as necessary to ensure that the material is non-reflective. Solar panels shall be black, including panels and frames, to minimize reflectivity, with no bare aluminum framing or bare structural surfaces.
8. The roof of the dwelling and garage shall be a dark basalt gravel with black tar. A sample of the rock for the roofing material shall be submitted to the Gorge Commission for approval, prior the installation.
9. The driveway shall black asphalt. Any proposed changes to the driveway material or color shall be submitted for review by the Executive Director before the changes are implemented.

10. All windows shall be composed of low-reflectivity glass. A reflectivity rating of 11% is required. The following triple pane glass coating is approved with a reflectivity of 14%: LoE3-366 #2. Unless using the explicitly named glass coating and triple pane glass, a reflectivity rating of 11% is required.
11. All outdoor lighting shall be directed downward and sited, hooded, and shielded such that it is not highly visible as seen from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
12. All areas of continuous unscreened surfaces of glass on the south, west, and east sides of the dwelling shall be limited to a combined area of no more than 50 square feet.
13. Any seasonal lighting displays on or around the dwelling shall not exceed 3 months.
14. Screening vegetation shall be implemented as specified in the approved landscaping plan. The approved landscaping plan includes a minimum of twelve trees and thirty-eight plantings. The plantings include two Ponderosa pines, two Eastern white pines, two columnar Eastern white pines, three quaking aspens, one Pacific dogwood, ten spirea, four mock orange, rosemary, lavender, and guara.

At the time of planting, the trees shall be three to five-feet-tall, and with the root ball wrapped in burlap. The spirea, mock orange and other shrubs shall be 3 feet tall. 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.
17. Except for dead trees or other dead vegetation that may serve as a fire hazard, all existing vegetation on the site shall be retained and maintained for screening purposes, or as indicated on the approved landscaping plan.
18. 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 including excavation of the drain field to ensure that a professional is present in the event of an unanticipated discovery. The monitor shall submit a monitoring report letter following construction.
19. A durable geotextile shall be placed on all native surfaces prior to placement of fill material.
20. The historic rock wall shall be avoided during construction. It should be noted that the rock wall is outside of the project area but, given its fragile nature, it shall be avoided by all contractor personnel.
21. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall immediately cease and the applicants shall notify the Gorge Commission within 24 hours of discovery and the State Physical Anthropologist, Dr. Guy Tasa at (360) 586-3534 or guy.tasa@dahp.wa.gov. The cultural resources shall remain as found and further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
22. If human remains are discovered during construction activities, all activities shall cease immediately upon their discovery. Local law enforcement, the Executive Director and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.

23. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for an inspection to confirm compliance with conditions of approval. Project completion means completion of all work on exteriors of structures (including painting).

DATED AND SIGNED THIS 10 day of March 2020 at White Salmon, Washington.



Krystyna U. Wolniakowski
Executive Director

EXPIRATION OF MINOR CHANGE APPROVAL:

Commission Rule 350-81-044 governs the expiration of this Director's Decision.

This decision of the Executive Director becomes void on the 10 day of March 2022 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 9 day of April 2020.

The minor change 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.

LIMITS OF DECISION:

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:

Approved site plan

COMMENTS FROM INDIVIDUALS/AGENCIES/GOVERNMENTS:

Notice of the subject request was mailed to property owners within 200-feet of the subject parcel and the following organizations/agencies/governments:

Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation of Oregon
Nez Perce Tribe
U.S. Forest Service National Scenic Area Office
Washington Department of Archaeology and Historic Preservation
Klickitat County Planning Department
Klickitat County Building Department
Klickitat County Public Works Department
Klickitat County Health Department
Klickitat County Assessor
Washington Natural Heritage Program
Washington Department of Fish and Wildlife
Friends of the Columbia Gorge

Written comments were received from Steve McCoy, Attorney for Friends of the Columbia Gorge and the Confederated Tribes of the Umatilla Indian Reservation.

AMENDED FINDINGS OF FACT AND CONCLUSIONS AND ANALYSIS OF CONSISTENCY OF PROPOSED CHANGES: *(Note: Findings and Conclusions with changes are shown with strikethrough text indicating deletions to the original findings and underlined text indicating additions to the original findings. Original, unchanged Findings and Conclusions are not included.)*

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 ~~2,448~~ 1,983 square foot single-family residence, attached ~~942~~ 605 square foot garage, ~~detached~~ 528 sq. ft. accessory building, a pergola, ~~screening walls~~, a small garden area, 120 square foot potting shed, solar panel array, driveway and associated utilities including septic system, well, and electrical service. A swimming pool was

originally proposed, but removed from this application.

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 that the dwelling is consistent with the guidelines to protect scenic, cultural, natural, and recreation resources.
4. 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 7 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). The subject parcel is a legal parcel, consistent with the definition.

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

If the subject parcel is located adjacent to lands designated Large-Scale Agriculture... the use shall comply with the buffer and notification requirements of Commission Rule 350-80-150(2) and 350-80-190(1)(n)(E) ...

The parcel is adjacent to lands designated Residential to the north, east and west. Railroad tracks are adjacent to the subject parcel to the south on a parcel designated Large-Scale Agriculture. This parcel, owned by BNSF, is unsuitable for Agriculture use due to its existing use as railroad tracks. A small 10-acre parcel designated Large-Scale Agriculture is located across the railroad tracks south of the subject parcel. However, because the parcels are separated by the railroad, they are not considered adjacent. Therefore, Commission Rules 350-81-150(2) and 350-80-190(1)(n)(E) do not apply to the subject parcel.

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

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

The proposed solar panel array is two 12-foot-long rows with 8 panels per row. Each display is 78 inches tall. Commission Rule 350-81-020(90)(d) defines *Industrial Uses* as any use of land or water primarily involved in the production of electric power for commercial purposes. According to staff research, in 2015, in Washington, the average annual electricity consumption for a residential use was 32-kilowatt hours (kWh) per day, and the applicants anticipate similar usage at the proposed residence. An 8-kW solar system can produce between 23 and 37 kWh per day. The proposed system is 5-kW; sized to meet only the consumption of the residence, accessory to the dwelling, consistent with the definition of accessory structure. The solar panels included in this development are intended to be accessory and subordinate to the primary use of the parcel as a residential use.

7. Pursuant to Commission Rule 350-81-370(1)(b), the solar panel array, pergola and screening walls are accessory structures; these are review uses on lands designated GMA-Residential subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources.

8. Commission Rule 350-81-365(1) allows all the uses listed in “Expedited Development Review Process” (Commission Rule 350-81-050) on lands designated Residential. Commission Rule 350-81-050(1)(a) lists “accessory structures between 60 and 200 square-feet in area and 10 feet or less in height” as development that may be reviewed using the expedited review process, provided they comply with the resource protection and procedural guidelines contained in Commission Rule 350-81-050.

Although the 120 sq. ft. garden shed may qualify for review using the expedited review process, where an applicant concurrently proposes some development that qualifies for expedited review and some development that does not, the Commission reviews all proposed development under the standard “review uses” process. The garden shed accessory building is thus being concurrently reviewed under the full review process with the remainder of the proposed uses.

Commission Rule 350-81-370(1)(c) states,

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

(A) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(B) The height of any individual accessory building shall not exceed 24 feet.

The proposed carport is 24 feet by 22 feet, which is 528 square feet in area. The proposed garden shed is 120 square feet. The combined the footprint of the two accessory building is 648 square feet. The carport is 12' 9" from ground level to its tallest point, under the 24-foot height limit required by this rule.

Conclusion:

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

Analysis of Consistency of Proposed Change:

This finding is hereby amended to accurately describe the proposed changes. The amended finding continues to support the conclusion that the project will be consistent with Commission Rule 350-81.

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 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 1,600 cubic yards of fill material and 50 cubic yards of cut material. The fill material is only for the building site; it reduces the impact to sensitive cultural resources because it limits ground disturbance. Minimizing the ground disturbance and creating a level building site requires a significant amount of fill material. The proposed site for the new dwelling

abuts the River View Drive right-of-way, minimizing the length of new driveway required. The site of the house and driveway are at the same elevation as the adjacent River View Drive and level with the driveway. The fill material reduces the impact to cultural resources and creates a level building site, which retains existing topography and minimizes grading activities to the maximum extent practicable.

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

New buildings shall be compatible with the general scale (height, dimensions and overall mass) of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable.

Nearby development consists of nine dwellings in the GMA within approximately 1,000 feet of the subject parcel. Several additional dwellings to the east are located in the Dallesport urban area and are not considered in this analysis. The dwellings are one and two-stories tall with attached garages and range from 1,500 to 3,775 square feet in size, 12 to 23 feet in height, and between 35 and 115 feet in length and width. These calculations include all interior living space, including daylight and above-ground basements, attached garages, and covered decks or terraces, all of which contribute to the appearance of overall mass. The calculations do not include pergolas or other uncovered terraces, patios or walkways, which do not significantly contribute to appearance of overall mass.

The total footprint of the proposed dwelling and attached garage is ~~3,723~~ 2,588 square feet. Staff worked with the applicants to reduce the proposed footprint of the development by ~~842 square feet~~. The dwelling space is ~~2,448~~ 1,983 square feet, attached garage space is 605 square feet, and the covered patio space is ~~eliminated altogether~~. ~~333 square feet~~. The average total footprint for dwellings in the Riverview Tracts is 3,021 square feet. There are three dwellings in the area that are over 3,600 square feet. The footprint of the proposed development is compatible with existing development in the vicinity because existing development is between 1,500 square feet and 3,775 square feet in size.

At the highest point, the dwelling is 16 feet, ~~4 inches~~ tall from the peak of the roof to lowest point of the final grade. Staff worked with the applicants to reduce the total height of the proposal by 2 feet. The proposal is between 12 and 16 feet in height with a low pitch roof. The height of the proposed dwelling is compatible with existing nearby development because existing development is between 12 to 23 feet in height.

The total length of the proposed dwelling and attached garage is 54 ~~112~~ feet at its longest cross-sectional length. Commission staff worked with the applicants to reduce the overall length of the house from 145 feet, as originally proposed, to 54 ~~112~~ feet. Due to the long and narrow alignment of the parcel, a longer development is proposed. The development has a long, narrow design that emphasizes the horizontal lines found in the landscape. Of the nine 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 six Key Viewing Areas. The site is located within the foreground and middle ground views from SR-14 and the Columbia River; the middle ground and background views from Interstate 84 (I-84) and the Historic Columbia River Highway; and in the background when viewed from the Rowena Plateau and Nature Conservancy Viewpoint (Tom McCall Point). The guidelines of Commission Rule 350-81-520(2) apply to the proposed development.

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.

To mitigate both individual and cumulative effects to scenic resources and provide guidance to applicants to meet the visual subordination standard, Commission staff 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. Cumulative impacts to scenic resources are a significant issue for development 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 partially 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 additional 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 applicants used the additional guidelines to design the proposed dwelling. The design includes a single-story dwelling and attached garage with a maximum height of 16-feet 4-inches to minimize visibility. The flat roof is designed to emulate the sweeping lines found in the surrounding landscape. The highly textured stucco-look, gravel roof and low reflectivity windows minimize the reflectance of light towards Key Viewing Areas. The windows are shaded with wide

overhanging eaves. The colors selected for the development are dark earth-tone grays found within the shadows of nearby basalt rock outcrops. These colors enable the development to recede into the landscape when viewed from the middle and background. New landscaping, including 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 parcels¹ in the Riverview Tracts Subdivision, all of which are designated Residential with a five-acre minimum parcel size in the Management Plan. The adjacent parcel to the south is located outside of the subdivision but is also designated Residential and is 5.87 acres. One other property, further south, is primarily designated Residential as well and is 3.5 acres. 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. Excluding the subject parcel, four 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. New development on these lands is limited to a density of one dwelling per 160 acres or lower density.

Nine dwellings exist on nearby parcels within the residential land use designation. 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 four parcels that have not yet been developed. These sites have similar topography and visibility from Key Viewing Areas. 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, four 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 the maximum extent practicable as well. As described in the Riverview Tracts Design Guidelines developed by staff, 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.

¹ Staff did not conduct a legal parcel analysis for the adjacent properties.

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.” Given this information, 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**: reducing the length of the new building by combining the garage and dwelling into one structure, **height**: a single story dwelling with low building height, **shape**: the use of

horizontal lines to blend with the sweeping landscape **windows:** 6 and 13 feet long overhanging eaves designed to shade north, south, east and west-facing windows, **reflectivity:** windows with a low reflectance rating, **driveways:** a short driveway design that limits both length and width, and **landscaping:** the use of 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 exposed to six Key Viewing Areas and from multiple directions. The site is at approximately 150-foot elevation. Staff completed multiple site visits, and concluded the site is visible in the foreground from the Columbia River and SR-14. From SR-14, the development site is approximately 50 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, although the eastern and western elevations will be visible from SR-14 for short stretches from further away. The steep slopes between SR-14 and the development and rock outcroppings along the highway help to obscure the development from view.

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 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 300 feet from SR-14, 300 feet from the Columbia River, .7 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 3¾ miles. Commission GIS inventories show that the site is visible from the Columbia River for roughly 10-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. This siting minimizes the length of the new driveway. No other location on the subject property would have afforded additional topographic or vegetation screening. The proposed dwelling/garage, and driveway are sited on portions of the subject parcel that minimize visibility from Key Viewing Areas.

(ii) Retention of existing vegetation.

The development site consists primarily of grasses and there are no trees on the parcel.

(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 16 feet 4 inches from the lowest adjacent grade. As proposed, the flat roof uses dark basalt gravel and the siding is a stucco finish. The colors submitted by the applicant are dark gray-browns and resemble dark earth-tone colors found within the landscape (see Finding B.18 below). The pergola will be painted black. The garden shed will be the same color as the house. These paint 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 a minimum of twelve trees and thirty-eight plantings. The plantings include two Ponderosa pines, two Eastern white pines, two columnar Eastern white pines, three quaking aspens, one Pacific dogwood, ten spirea, four mock orange, rosemary, lavender, and guara. 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. The four mock orange will be used as landscaping specifically for the solar panel array. 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 eaves, covered patio space, trees and shrubs. Research conducted by Commission staff indicates that the spirea shrubs proposed can reach heights of five feet and should provide screening when viewed from the west and south. Because the proposed dwelling is 16.5 feet high, twelve trees are also required to provide additional screening as Conditions of Approval.

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% to 15% is potentially acceptable for well-screened or shaded areas. The applicants requested triple pane glass, to reduce the noise of the train tracks and train travel directly south of the subject property. Only windows with a reflectivity rating of 14% or higher are available that use triple pane glass. Staff finds that the proposed landscape plan, deep eaves and covered patios sufficiently shade and obscure the windows so that triple pane glass coatings are approved that have a reflectivity of 14%: LoE³-366 #2. This coating is required as a Condition of Approval. All windows shall be composed of low reflectivity glass. The following triple pane glass coating is approved with a reflectivity of 14%: LoE³-366 #2. Unless using the explicitly named glass coating and triple pane glass, a reflectivity rating of 11% is required.

The solar panel array will be composed of black panels, specifically black frames, and with black backing, with no bare aluminum framing or bare structural surfaces. This requirement is included 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. 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 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 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 150-feet above sea level. Grassy hills to the north gradually slope up to elevations greater than 800-feet above sea level, providing a backdrop for the proposed development. Staff verified from the north shore of the Columbia River that the development would not break the skyline of the hills to the north. 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 a minimum of twelve trees and thirty-eight plantings. The plantings include two Ponderosa pines, two Eastern white pines, two columnar Eastern white pines, three quaking aspens, one Pacific dogwood, ten spirea, four mock orange, rosemary, lavender, and guara. Native grass species are required in all disturbed areas following construction. A condition of approval ensures new vegetation is of the size to provide sufficient screening within 5-years. A condition of approval requires that at the time of planting, the trees are three to five-feet-tall, and with the root ball wrapped in burlap, and the spirea, mock orange and other shrubs are 3 feet tall. The vegetation shall be planted as shown on the approved landscaping plan and planted as soon as practicable. An irrigation plan must also be submitted for approval before the vegetation is planted. 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.

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 stucco finish, gravel roof and low reflective windows are materials with no or low reflectivity and minimize the reflectance of light towards Key Viewing Areas. The proposed roof uses dark basalt gravel. These low reflective materials are consistent with Commission Rule 350-81-520(2)(m).

The proposed dwelling has windows on the north (~~8%~~ 15% of the surface area), west (~~30%~~ 27%) south (~~15%~~ 25%) and east (~~15%~~ 5%) sides. The carport does not have windows. A condition of approval requires the use of low glare glass with a reflectance rating of 11% or less, unless the approved Low-E coating is used. As proposed, the largest windows are placed on the western and southern elevations but are shaded by deep eaves and screened by clusters of native shrubs and trees. The proposed windows are widely spaced and range in size from 24- to 70-square-feet. 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 including the 6- ~~and 13-foot~~ overhangs and eaves. Windows are placed sparingly on the southern, eastern and northern aspects to reduce visual impacts to SR-14. The applicants also worked with staff to create a landscaping plan that utilizes native shrubs and trees to screen the

windows from Key Viewing Areas. All areas of unscreened glass over 50-square-feet are screened by vegetation.

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. A condition of approval ensures lights are directed downward, hooded and shielded such that they are not highly visible from Key Viewing Areas, consistent with this rule.

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 driveway requires grading with no cuts and minimal fill. As proposed 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, attached garage and driveway require 50 cubic yards of excavation and 1,600 cubic yards of fill.

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 staff to create a landscaping plan that includes a minimum of twelve trees including two Ponderosa pine, two Eastern white pines, two columnar Eastern white pines and three quaking aspens, one Pacific dogwood. The *Recommended Plants for Screening* addendum to the *Scenic Resources Implementation Handbook* identifies tree species native to the gorge and appropriate for each landscape setting. The Ponderosa pines, quaking aspens, and Pacific dogwood are considered native to Oregon and Washington. 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 300-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.

Analysis of Consistency of Proposed Change

This finding is hereby amended to accurately describe the proposed changes. The amended findings continue to support the conclusion that the project will be consistent with Commission Rule 350-81-520.

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 November 11, 2018, 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 conducted a field survey and prepared a Reconnaissance Survey Report of the proposed development. In a Cultural Resource Inventory Report dated December 20, 2018, 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. *Per the application, the driveway will be constructed on fill material. It is recommended that durable geotextile be placed on the native surface prior to placement of the fill.*
 2. *It is recommended that an archaeological monitor be present during all excavation for the drain field to ensure that a professional is present in the event of an unanticipated discovery.*
 3. *It is recommended that the historic rock wall be avoided during construction. It should be noted that the rock wall is outside of the project area but, given its fragile nature, it should be avoided by all contractor personnel.*
 4. *No archaeological monitor is recommended for construction of the house, detached garage, swimming pool, and solar array. However, 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 (C18-0010). 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 December 20, 2018. No comments were received following the notice.

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. Mr. Donnermeyer's recommended assessment is that the proposed development 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 October 10, 2018 to interested parties. No concerns were voiced within 21 calendar days of that notice. Staff provided the Heritage Resource Inventory Report to the State Historic Preservation Office and the four Columbia River Treaty Tribes on December 20, 2018 and no substantiated concerns were voiced during the 30-day comment period. Staff contacted the Yakama Nation Cultural Resources Program on May 2, 2019 to discuss the development and received no response.

While reviewing the Minor Change request, Gorge Commission staff consulted with Chris Donnermeyer, U.S. Forest Service Archeologist Heritage Program Manager on February 27, 2020. After consultation, it was concluded the driveway expansion was in an area that had already been impacted beyond what the driveway widening would cause. The development was in an area that had been included in the Reconnaissance Survey, and that the proposed development would cause no adverse effect.

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 at the drain field location, 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 under two 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.

Analysis of Consistency of Proposed Change

This finding is hereby amended to accurately describe the proposed changes. The amended finding continues to support the conclusion that the project will be consistent with Commission Rule 350-81-540.

D. Recreation Resources

1. Commission Rule 350-81-086 states:

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

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

Conclusion:

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

E. Natural Resources

1. Commission Rule 350-81 provides guidelines for protecting wetlands (Section 560); streams, ponds, lakes, and riparian areas (Section 570); sensitive wildlife areas and sites (Section 580); and sensitive plants (Section 590).
2. The Gorge Commission's natural resource inventories do not show any wetlands in the project vicinity. Therefore, Commission Rule 350-81-560 that protect wetlands does not apply.
3. The Gorge Commission's natural resource inventories do not show any streams, ponds, lakes, riparian areas, or resource buffer zones in the project vicinity or on the parcel. The development is located greater than 300 feet away from the Columbia River, further than the required buffer. Therefore, Commission Rule 350-81-570 that protect streams, ponds, lakes and riparian areas does not apply.
4. The Gorge Commission's sensitive wildlife inventory shows the applicants development site is within 1,000-feet of the Columbia River, a sturgeon spawning area and shallow water and tributary fish habitat. Commission Rule 350-81-580(1)(a)(A) defines sensitive wildlife areas to include these areas. The project site is approximately 300-feet away from the Columbia River.
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, in this case, the Columbia River.

On October 10, 2018, 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 by BNSF Railway tracks. Staff does not believe the proposed use compromises the integrity of the Columbia River 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, Commission Rule 350-81-590 that protects sensitive plants does not apply.

Conclusion:

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

F. Treaty Rights Protection

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

The subject parcel has no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or emailed to the four tribal governments on October 11, 2018. The notice included a comment period of 21 days that ended on November 1, 2018.

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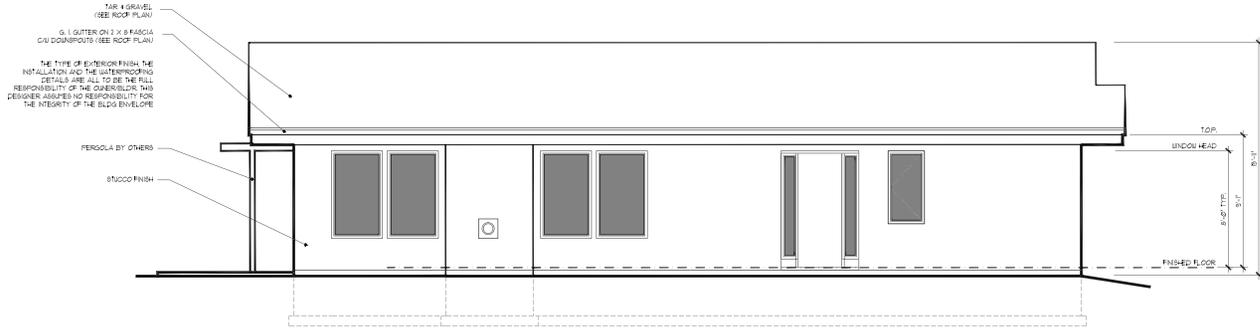


SITE PLAN

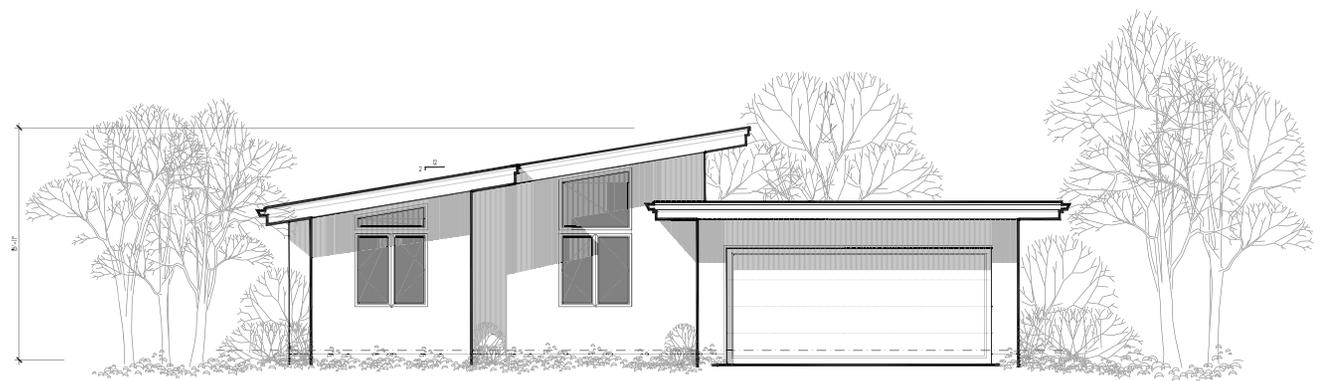
SCALE 1" = 20'-0"

PLAN 1146H EBRIGHT
 JANUARY 10, 2020

C18-0010 Minor Change
Approved 3.10.2020



LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



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

C18-0010 Minor Change

THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE CORRECT INSTALLATION OF ALL EXTERIOR FINISHES AND WEATHERPROOFING.

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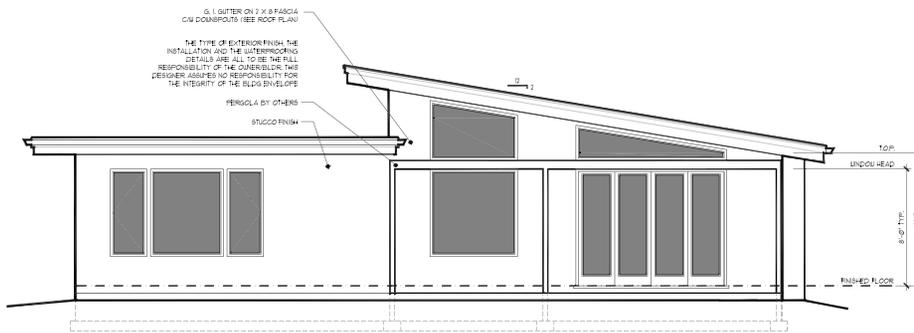
REVISIONS
1146H-1 EBRIGHT/SULLIVAN
PROJECT MANAGER
DRAWN 05/19/20 ADM

RESIDENCE FOR JARRET & JOHN
EBRIGHT/SULLIVAN
114 RIVERVIEW DRIVE
LITTLE ROCK, ARIZONA

25# SNOW LOAD

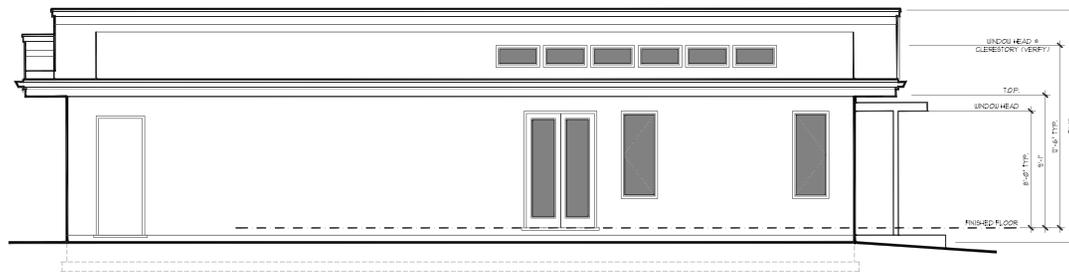
SHEET NO. 1
DATE 05/19/20

1146H
1



REAR ELEVATION

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



RIGHT SIDE ELEVATION

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

C18-0010 Minor Change

THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE CORRECT INSTALLATION OF ALL EXTERIOR FINISHES AND WEATHERPROOFING.

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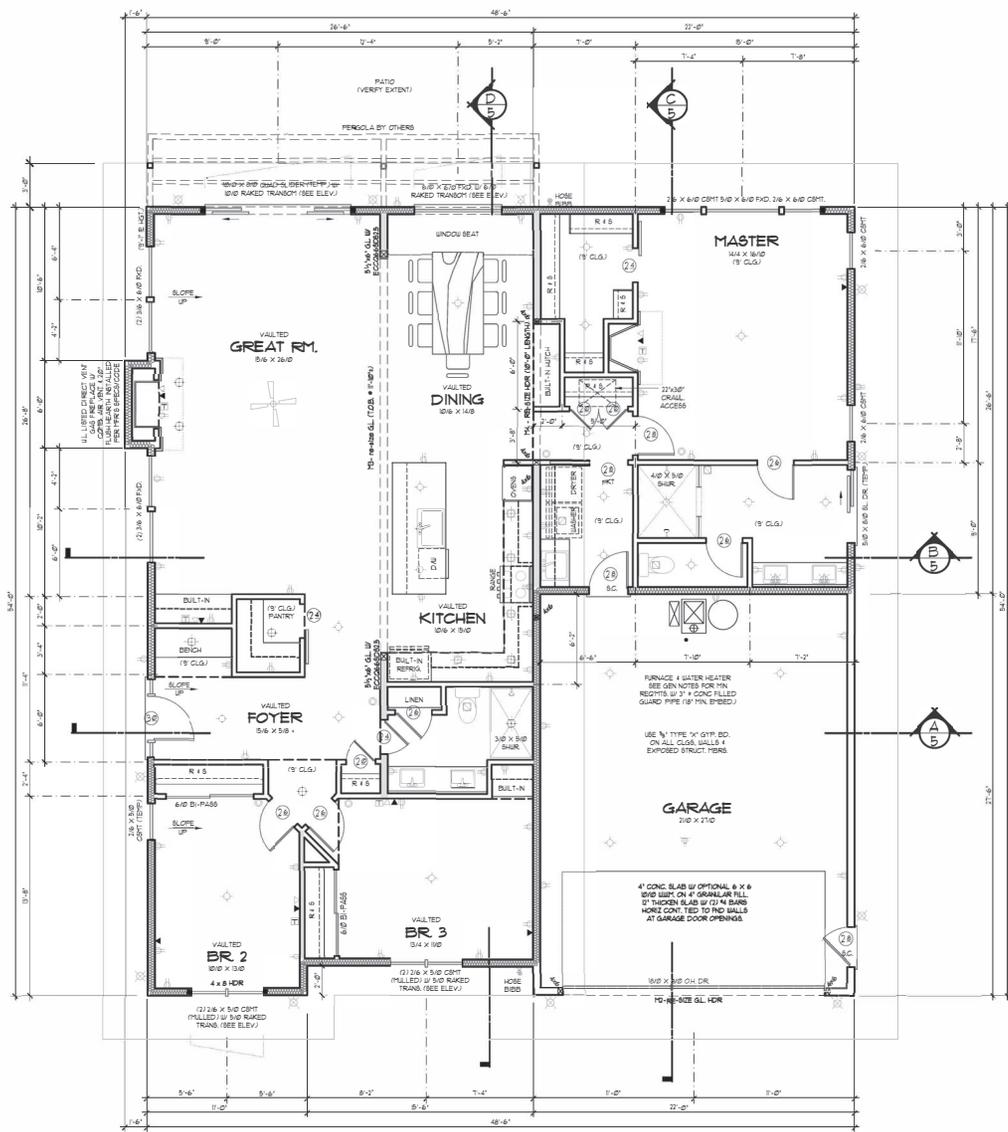
Mascord
COLLECTION

1146H-3 EBRIGHT/SULLIVAN
PROJECT MANAGEMENT
DRAWN 05/13/20 AEM

RESIDENCE FOR JARRET & JOHN
EBRIGHT/SULLIVAN
114 RIVERVIEW DRIVE
LITTLE ROCK, ARIZONA

25# SNOW LOAD

1146H
2

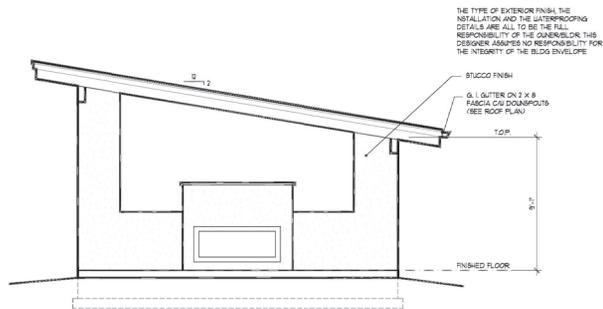


MAIN FLOOR PLAN

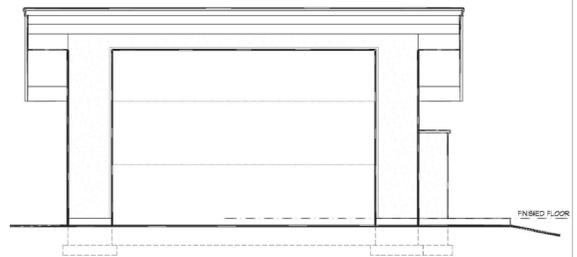
SCALE: 1/4" = 1'-0"

IF LATERAL ENGINEERING IS REQUIRED, REFER TO ENGINEERING SHEETS FOR LATERAL SPECIFICATIONS

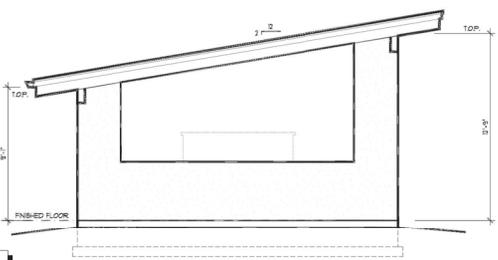
C18_0010 Minor Change



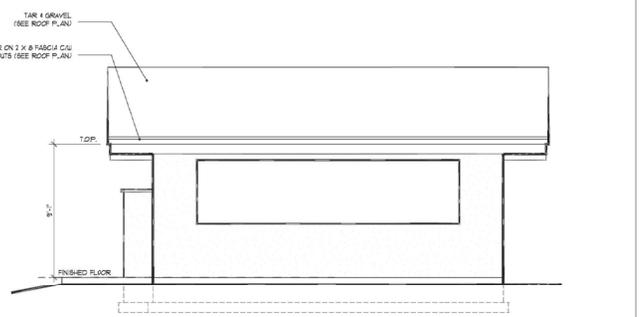
RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



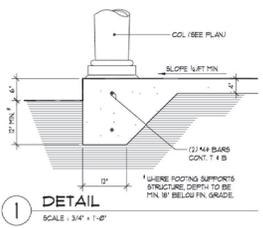
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



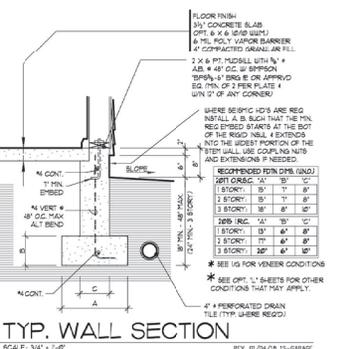
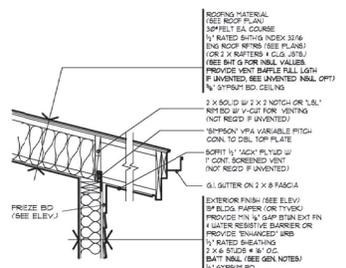
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



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

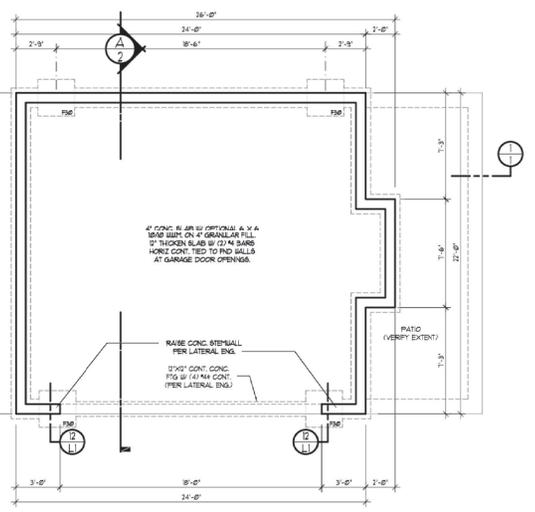


DETAIL
SCALE: 3/4" = 1'-0"

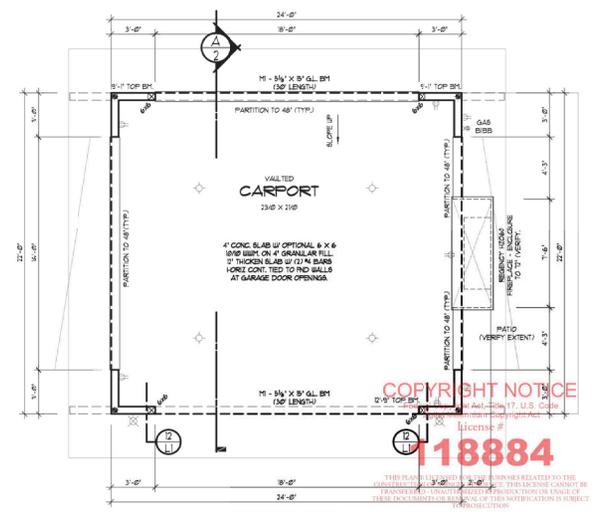


TYP. WALL SECTION
SCALE: 3/4" = 1'-0"

TAG	GRID SIZE	REINFORCING	MAX BRG
F01	10' DIA x 11'	N.A.	2,474 *
F02	20'0\"/>		
F04	24'0\"/>		
F08	28'0\"/>		
F10	30'0\"/>		
F36	36'x36'x3'	(4) #4 BARS @ 1' O.C. E.U.	8,231 *
F42	42'x42'x3'	(8) #4 BARS @ 9\"/>	
F48	48'x48'x3'	(4) #4 BARS @ 9\"/>	
F54	54'x54'x3'	(8) #4 BARS @ 9\"/>	
F60	60'x60'x3'	(12) #4 BARS @ 9\"/>	
ASSUMED FIN. 48\"/>			
#4 @ 4\"/>			
#3 @ 12\"/>			

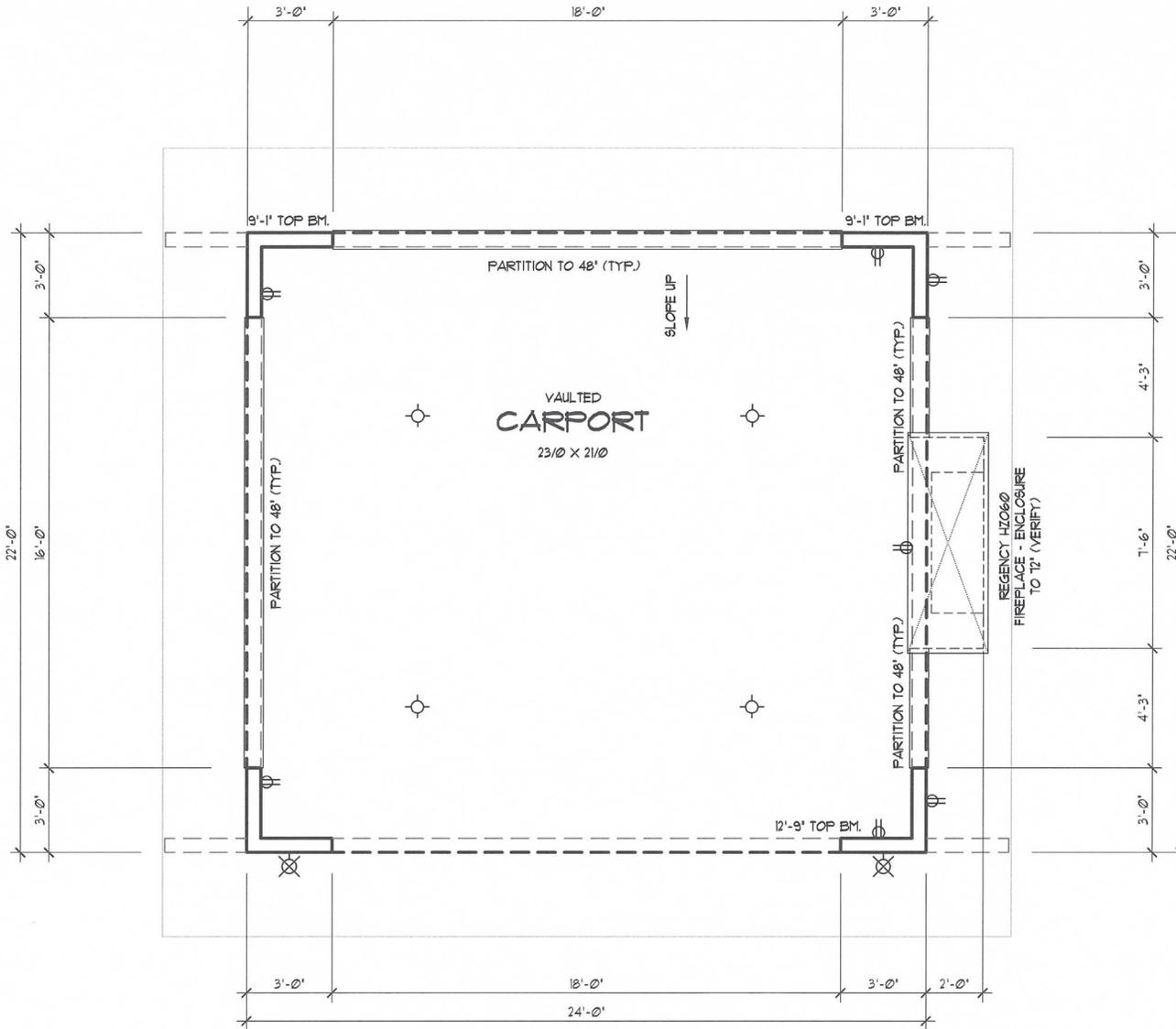


FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



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

EBRIGHT/SULLIVAN
 ARCHITECTS
 258 SNOW LEAD
 5041
 1



MAIN FLOOR PLAN

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

C18-0010 Minor Change

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CARPORT FOR JANET & JOHN

EBRIGHT/SULLIVA

114 RIVERVIEW DRIVE
LYLE, WASHINGTON

25# SNOW LOAD

CARPORT AREA 528 SQ. FT.

5041

1

**C18-0010 Minor Change Sullivan & Ebright
Landscape Planting Plan 2/27/2019
At a minimum 38 plantings**

Trees

2 ponderosa pine: <i>Pinus ponderosa</i> Native	Total Height @ Maturity: Total Spread: Height at Planting: Spacing:	60' - 150' 20' - 50' 3'-5' burlap root ball 10' - 15'
2 eastern white pine: <i>Pinus strobus</i> Non-Native	Total Height @ Maturity: Total Spread: Height at Planting: Spacing:	50 - 80' 20'-40' 3'-5' burlap root ball 10' - 15'
2 columnar eastern white pine: <i>Pinus strobus 'Fastigiata'</i> (1 west, 1 south) Non-Native	Total Height @ Maturity: Total Spread: Height at Planting: Spacing:	20 - 80' 15'-20' 3'-5' burlap root ball 5' - 10'
3 quaking aspen: <i>Populus tremuloides</i> Native	Total Height: Total Spread: Height at Planting: Spacing:	25' 15' wide/spread 3' - 5' burlap root ball 5'
1 pacific dogwood: <i>Cornus nutallii</i> Native	Total Height: Total Spread: Height at Planting: Spacing:	20-30' 25' wide/spread 6' - 8' burlap root ball 15'

One additional tree in the south west corner of the dwelling as indicated on the site plan; something with a wider spread than a columnar eastern white pine, such as ponderosa.

Shrubs

4 mockorange <i>Philadelphus lewisii</i> (behind & at sides of solar) Native	Total Height @ Maturity: Total Spread: Height at Planting: Spacing:	10' 10' 1-3' (1 gallon) 6'
10 spirea <i>Spiraea thunbergii</i>	Total Height @ Maturity: Total Spread: Height at Planting: Spacing:	5' 4' -5' 3' (2 gallon) 3'
3 Hidcote Blue Lavender <i>Lavandula angustifolia 'Hidcote Blue'</i>	Total Height @ Maturity: Total Spread: Height at Planting:	2' - 3' 2' - 3' 2' - 3'

Spacing:

3 Rosemary <i>Rosmarinus officinalis 'Blue Spires'</i>	Total Height @ Maturity:	4' - 5'
	Total Spread:	2' - 3'
	Height at Planting:	
	Spacing:	
Multiple Gaura "Whirling Butterflies" <i>Gaura lindheimeri</i>	Total Height @ Maturity:	36"
	Total Spread:	1' - 2'
	Height at Planting:	
	Spacing:	20"

Additional Grouping of Shrubs (3 additional clusters as indicated on the approved landscaping plan):

- 1) One cluster: 3 small/medium shrubs between the driveway and walking paths to screen from northern KVAs (SR 14)
- 2) One cluster: 1 large shrub and 1 small shrub to screen eastern bank of windows from southern KVAs
- 3) One cluster: 1 large shrub, or a grouping of smaller shrubs, near the lavender and rosemary to screen the sliding glass door from southeast KVAs

Design Standards:

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

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

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.