

COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

CASE FILE: C19-0013

PROPOSAL: The Columbia River Gorge Commission received an application for a replacement single-family dwelling, an accessory building, and new underground utilities.

APPLICANT: Ernest Matthews

LANDOWNER: Ernest & Nancy Matthews

LOCATION: The subject parcel is located at 39 Locke Road, White Salmon, WA, in the North East ¼ of Section 34, Township 3 North, Range 11 East, W.M., Klickitat County Tax Lot Number 03-11-34-5300-01/00. The parcel is 5 acres in size.

LAND USE DESIGNATION: According to Section 8(o) of the Scenic Area Act, the Forest Service designated the subject property General Management Area (GMA) Small-Scale Agriculture. For the purposes of this development review, the Special Management Area (SMA) guidelines no longer apply to the subject parcel. The proposed development was reviewed according to the applicable GMA land use and resource protection guidelines.

DECISION:

Based upon the following findings of fact, the land use application by Ernest Matthews to replace an existing single family dwelling and install new underground utilities 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**.

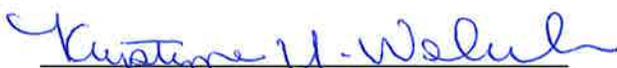
CONDITIONS OF APPROVAL:

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 C19-0013, and the 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-National 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 and site plan will require a new application and review. The proposed accessory building is not approved as part of this Decision

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 areas trenched for the installation of the underground electric utility lines and any other exposed graded areas shall be restored to existing condition and reseeded with native grasses from the approved Recommend Seed Mixes for East Side Environments document attached to the staff report.
6. Trees to the south and east of the development site, as shown on the site plan, shall be retained to ensure that the development remains visually subordinate as seen from Key Viewing Areas.
7. All exterior surfaces of the replacement dwelling, including doors, siding, trim, window sash, and roof shall be dark earth-tone colors. The following exterior color is approved: Glidden® *Monkey Madness* (PPG1020-7) for the exterior of the house, and Glidden® *Wicker Basket* (PPG1020-6) for the trim. The following roof color is approved: Pabco® *Antique Black*.
8. All building materials shall be non-reflective. Windows shall have a reflectivity rating of 11% or less and shall be screened from Key Viewing Areas by existing vegetation. Areas of continuous glass larger than 50 square feet shall be shaded to limit reflectivity from Key Viewing Areas.
9. All 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.
10. 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.
11. 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.
12. 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 26 day of February 2020 at White Salmon, Washington.



Krystyna U. Wolniakowski
Executive Director

EXPIRATION OF APPROVAL:

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

This decision of the Executive Director becomes void on the ___ day of February 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 27 day of March 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.

COPIES OF THIS DECISION SENT TO:

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:

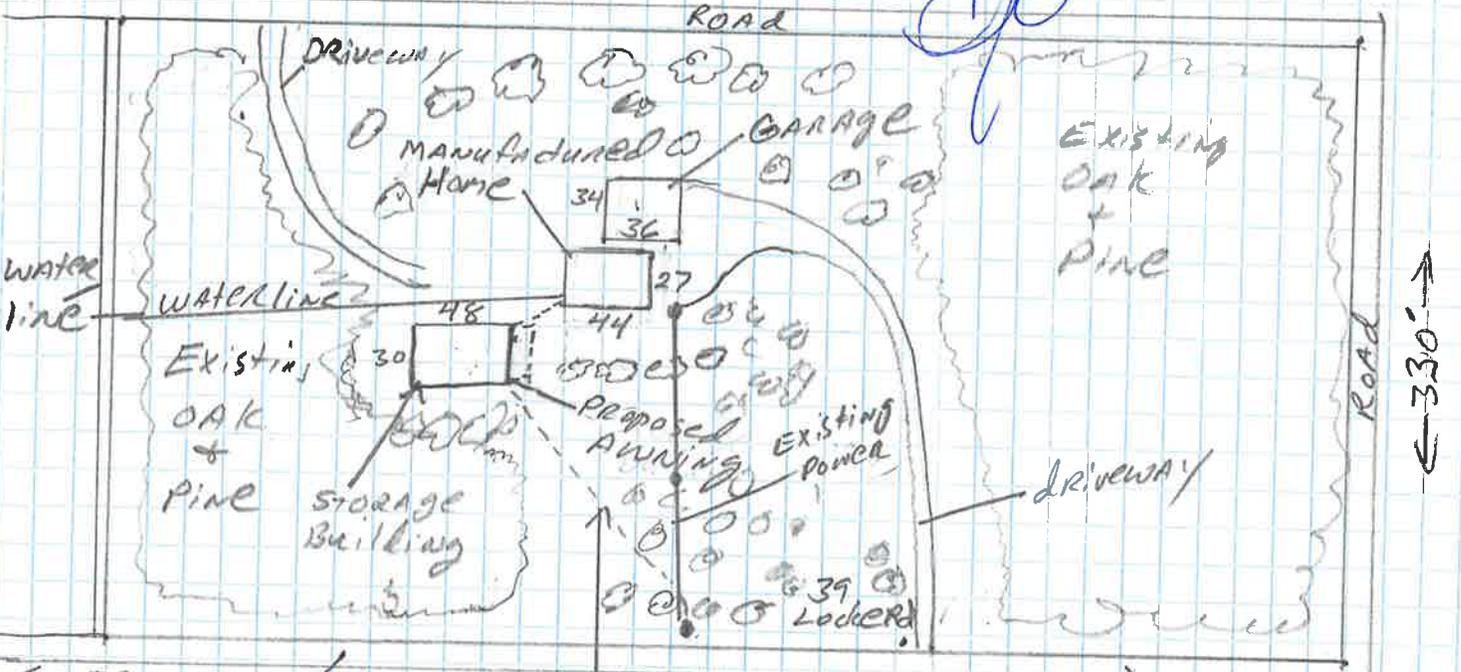
Staff Report C19-0013
Approved Site Plan
Recommend Seed Mixes for East Side Environments

APPROVED

0 100'
SCALE
1 inch

North

660' ROAD



TO Courtney Rd

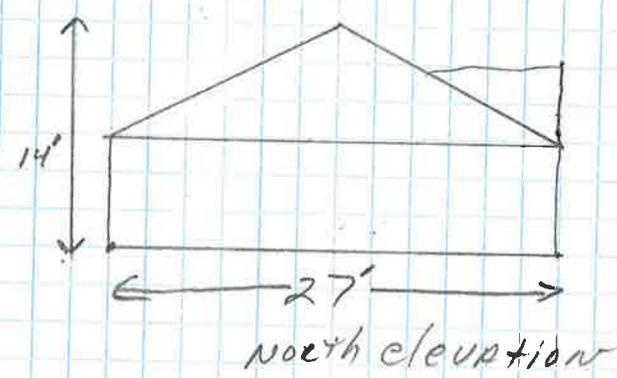
Locke Road

Proposed Power Relocate

Private Drive

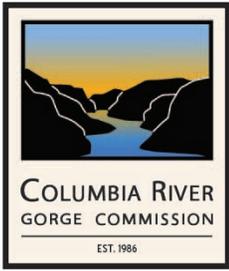
All roads and drive ways 12" W

Proposed Manufactured Home



6° slope

ERNEST MATTHEWS
5 ACRE



COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

CASE FILE: C19-0013

PROPOSAL: The Columbia River Gorge Commission received an application for a replacement single-family dwelling, an accessory building, and new underground utilities.

APPLICANT: Ernest Matthews

LANDOWNER: Ernest & Nancy Matthews

LOCATION: The subject parcel is located at 39 Locke Road, White Salmon, WA, in the North East $\frac{1}{4}$ of Section 34, Township 3 North, Range 11 East, W.M., Klickitat County Tax Lot Number 03-11-34-5300-01/00. The parcel is 5 acres in size.

LAND USE

DESIGNATION: According to Section 8(o) of the Scenic Area Act, the Forest Service designated the subject property General Management Area (GMA) Small-Scale Agriculture. For the purposes of this development review, the Special Management Area (SMA) guidelines no longer apply to the subject parcel. The proposed development was reviewed according to the applicable GMA land use and resource protection guidelines.

COMMENTS FROM INDIVIDUALS/AGENCIES/GOVERNMENTS:

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

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

Written comments were received from Steve McCoy, Attorney for Friends of the Columbia River Gorge. The comments are addressed in the following findings of fact.

FINDINGS OF FACT:

A. Land Use

1. The subject parcel is in the General Management Area (GMA) and is designated Small-Scale Agriculture, with a minimum parcel size of 80 acres.
2. The subject parcel was designated General Management Area by the Forest Service, in accordance with Section 8(o) of the National Scenic Area Act, on March 15th, 2004. The proposed development was reviewed according to the applicable GMA land use and resource protection guidelines.
3. The subject parcel is 5 acres in size and is located at 39 Locke Road, White Salmon, Washington.
4. The applicant requests approval for a replacement single-family dwelling, an accessory building, and new underground utilities.
5. Existing development on the parcel was reviewed and approved under the National Scenic Area Final Interim Guidelines in 1993 (C93-0009, for an attached garage on an existing dwelling and a retaining wall) and under the National Scenic Area Management Plan in 1995 (C95-0041, for a pole storage building).
6. The applicant is requesting approval to replace the original dwelling with a new dwelling. Commission Rule 350-81-082(2) describes the review standards for the replacement of existing structures not damaged or destroyed by disaster:

(a) Except as provided in 350-81-082(3), an existing structure may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within one year of the date the use of the original structure was discontinued.

The Gorge Commission received a complete land use application for the replacement dwelling. The applicants have used and will continue to use the existing dwelling until it is removed before placement of the existing dwelling; therefore, the use of the original structure has not been discontinued. Commission Rule 350-81-082(3) described the review standards for the replacement of existing structures damaged or destroyed by disaster. The applicant is not requesting replacement of an existing structure damaged or destroyed by disaster; this rule does not apply.

The replacement structure shall comply with the following standards:

- (A) The replacement structure shall be used in the same manner and for the same purpose as the original structure.*
- (B) The replacement structure may have a different size and/or location than the original structure. An existing mobile home may be replaced with a framed residence and an existing framed residence may be replaced with a mobile home.*
- (C) The replacement structure shall be subject to the scenic, cultural, recreation and natural resources guidelines; the treaty rights guidelines; and the land use designations guidelines involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.*
- (D) The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one year time frame.*

The replacement dwelling will be used in the same manner and for the same purpose as or the original dwelling. The replacement dwelling will be placed at the same location as the original dwelling. The replacement dwelling will be 592 square feet larger than the original dwelling. The replacement dwelling has been reviewed for compliance with the applicable scenic, cultural, recreation and natural resources guidelines; the treaty rights guidelines; and the land use designations guidelines involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land, which are discussed in sections B through F of this staff report. The original dwelling has not been discontinued, and it will be removed and replaced within a one-year time frame. The proposed development complies with the standards for the replacement of existing structures not damaged or destroyed by disaster. The applicant is also requesting approval to dig a trench to place their electrical utility lines underground, connecting from Locke Road to the existing pole barn, then to the replacement dwelling and existing detached garage.

8) Commission Rule 350-81-190(1)(e) 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 less than or equal to 10 acres in size are subject to the following additional standards:

(A) The combined footprints of all accessory buildings on a single parcel shall not exceed 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 applicant proposes an addition of a 360 square foot awning to the existing pole barn. The pole barn was approved by the Gorge Commission (C95-0041) under a prior version of the Management Plan, and is considered an existing use for this review. The combined footprint of existing accessory structures on the parcel is 2,304 square feet, exceeding the 1,500 square foot limit. The addition of the awning, as proposed, would cause the parcel to further exceed the square footage limit. Staff discussed this with the applicant and made them aware that the addition of the awning was not approvable. The applicant modified their application to remove the addition of the awning to the accessory building. The proposal to construct the addition of a 360 square foot awning to the existing pole barn is not consistent with Commission Rule 350-81-190(1)(f) and has been removed from the application and site plan.

Conclusion:

The replacement dwelling and underground electric utility lines are review uses on lands designated GMA Small-Scale Agriculture, subject to the guidelines to protect scenic, cultural, natural, or recreation resources in the National Scenic Area. The addition to the existing accessory structure would exceed the 1500 square foot limit for individual accessory structures in the GMA-Small Agriculture land use designation and is not an allowable review use; therefore, the remainder of this staff report will not address the proposed addition.

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 replacement dwelling shall be sited at the approximate location of the existing dwelling to minimize necessary grading. The replacement dwelling is 12 feet longer than the existing dwelling, and includes two areas of covered porches total 160 square feet increasing the square footage of the development by 592 square feet. By placing the replacement dwelling at the location of the existing dwelling, the applicants will retain existing topography and minimize grading to the maximum extent practicable.

The undergrounded electrical utility lines will require grading and trenching. A condition of approval shall ensure that all disturbed areas will be restored to existing condition and reseeded with native grasses, after construction is complete. A seed mix shall be chosen from the Recommended Seed Mixes for East Side Environments document, which is included as an attachment with this staff report.

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.

Staff reviewed all developed parcels within one quarter mile of the subject parcel. Of the 31 parcels in that search area, nine parcels included some development. All nine parcels were developed with single family dwellings, ranging from one to two stories in height. The size of the surrounding dwellings, including all finished above-ground square footage, total area of covered decks and porches, attached garages, daylight basements, and breezeways ranges from 1296 square feet to 3076 square feet. The proposed replacement dwelling will be one story in height (14 feet), and will be 1780 square feet in size including the above features. The replacement dwelling will be compatible with the general scale of existing nearby development.

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

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

No plantings are required by the guidelines in this chapter. Commission Rule 350-81-520(1)(c) does not apply.

4. Commission Rule 350-81-520(1)(d) requires a site plan to be submitted for proposals to construct new buildings. A site plan was provided consistent with Commission Rule 350-81-032 (Application for Review and Approval) and included in the notice materials.
5. Commission Rule 350-81-520(1)(e) refers to the compatibility of the proposed development with the designated landscape setting. The landscape setting is Oak-Pine Woodland. This is discussed below in Finding B.21.

6. Commission Rule 350-81-520(2)(a) states:

The guidelines in this section shall apply to proposed developments on sites topographically visible from key viewing areas.

The proposed development site is topographically screened from key viewing areas by higher elevation lands to the north and west. The two previous development reviews, as well as Viewshed analysis using Google Earth Pro and ArcGIS, demonstrated that the proposed replacement dwelling would be visible from the following 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	
Columbia River		X	
Washington State Route 14		X	
Rowena Plateau			X
Tom McCall Viewpoint			X

The proposed developments are located on a site that is topographically visible from key viewing areas. The guidelines in Commission Rule 350-81-520(2) shall apply.

7. Commission Rule 350-81-520(2)(b) requires new development to be visually subordinate to its setting when viewed from Key Viewing Areas. Commission Rule 350-81-020(170) defines visually subordinate as:

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

Findings B.8 through B.21 below address consistency with Commission Rule 350-81-520(2)(b). The proposed development is visible from Key Viewing Areas at distances from approximately .85 to 6 miles. As seen from Key Viewing Areas, the replacement dwelling and undergrounded utilities are situated within an area covered by dense groupings of oak and pine trees. The dwelling is designed to be visually subordinate as seen from Key Viewing Areas, with dark, low reflectivity materials, and minimal grading. A condition of approval shall state that the trenches for the undergrounded utility lines will be restored to existing condition and reseeded with native grasses, after construction is complete. Factors contributing to the visual subordination of the development include the distance from Key Viewing Areas, the use of low, horizontal lines of the replacement dwelling, dark earth tone colors found on the site, non-reflective and low reflective building materials, backfilling of trenches, and existing vegetation obscuring the development and blending it with the landscape. The Director’s Decision contains requirements and conditions of approval to ensure the development is visually subordinate to the maximum extent practicable.

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

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

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

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

The subject parcel is designated GMA Small-Scale Agriculture, changed from SMA Agriculture under Section 8(o) of the NSA Act, with a minimum parcel size of 80 acres. The surrounding parcels within a quarter-mile are a mix of other GMA Small-Scale Agriculture parcels, similarly changed under Section 8(o) and with an 80-acre minimum size, and SMA Agriculture parcels. The SMA Agriculture parcels are owned by both private entities and public agencies,. Lot sizes range from approximately 5 acres to approximately 80 acres.

The 80-acre minimum in the GMA prevents any land divisions, and there are no land divisions allowed in SMA except where a land division would facilitate land acquisition by the federal government to achieve the policies and guidelines in the Management Plan (Commission Rule 350-81-124(1)). Such a land division would create additional developable parcels, but held in federal ownership and unlikely to contribute to any cumulative impacts. There are a total of nine existing dwellings on surrounding lots in the quarter-mile study area. For analysis, staff assumes that all existing dwellings on surrounding lots could be replaced in the future, subject to review. Further, three lots in the study area are in private ownership with no development that could be developed with new dwellings, subject to review.

The surrounding topography limits views of the area to the south and east, exposing the parcels to the six Key Viewing Areas as described in Finding B.6. The existing home on the subject parcel will be replaced by a larger home with dark earth tone colors, placed in the same location, limiting grading, and surrounded by mature trees limiting visibility from Key Viewing Areas. If other nearby dwellings were replaced or constructed in a similar manner, ensuring the use of dark earth tone colors, limiting grading, and obscuring development with existing mature trees, there would be no cumulative effect on scenic resources.

It is unlikely that there would be multiple similar developments on the ‘same piece of ground’, given the limitations on the number of dwellings and the size of accessory buildings on the parcel. While additional dwellings for agricultural labor housing or an agricultural operator’s relative are allowed uses on the subject property, the need for any such additional dwellings would be based on an existing or approvable agricultural use. This parcel is currently committed to residential use and is likely too small to support an agricultural use that would qualify the parcel for additional agricultural labor housing. If surrounding parcels were joined under one ownership it is possible that they could operate a qualifying agricultural use, but existing dwellings on those surrounding parcels would constitute the additional allowed housing, preventing the construction of any new dwelling.

Undergrounding of the electric utility lines, if conducted on all surrounding developments, would have a cumulative effect of improving scenic resources.

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

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

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

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

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

These factors are addressed below:

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

The site is visible from the six Key Viewing Areas listed in Finding B.6. The site is not visible in the foreground of any Key Viewing Area. The closest Key Viewing Area is Washington State Route 14, at a distance of approximately .85 miles. The farthest Key Viewing Area is Tom McCall Viewpoint, at a distance of approximately 6 miles. The only visible aspect of the proposed development once it is completed is the replacement dwelling.

The elevation of the development site is approximately 950 feet above sea level. The site is only visible from a higher elevation at Tom McCall Viewpoint (approximately 1720 feet above sea level). As seen from lower-elevation Key Viewing Areas, the development site is screened by intervening topography and by existing vegetation on and off the site. As seen from Tom McCall Viewpoint, the long viewing distance and existing vegetation on the site will effectively screen all development. Conditions requiring dark earth tone colors, minimal grading, and retention of screening vegetation will help development blend with the landscape.

(ii) The degree of existing vegetation providing screening.

The proposed dwelling at the proposed site is well screened from KVAs by existing vegetation both on and off the subject parcel. The subject parcel contains mature oak and pine trees that surround the development site.

(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 the site is visible

<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	
Columbia River		X	
Washington State Route 14		X	
Rowena Plateau			X
Tom McCall Viewpoint			X

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

Using GIS inventories and conducting site visits, staff found that the proposed building site is visible along approximately:

- .3 miles of SR 14;
- 1.7 miles of Interstate 84;
- 1.7 miles of the Columbia River; and
- 4.5 miles, intermittently, of the Historic Columbia River Highway.

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

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

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

No other location on the subject property would have afforded additional topographic or vegetation screening. The proposed replacement dwelling and undergrounded utilities are sited on portions of the subject parcel that minimize visibility from Key Viewing Areas. The new dwelling is in the same location as the existing dwelling, thereby minimizing grading to the maximum extent practicable.

(ii) *Retention of existing vegetation.*

The development site is surrounded by mature oak and pine trees, which will be retained through a condition of approval for this development. All disturbed areas, including trenching for the undergrounded utilities, shall be reseeded with grasses from the approved Recommend Seed Mixes for East Side Environments. That document is attached to this staff report.

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

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

The applicant has proposed a “ranch-style” house with a roofline that emphasizes horizontal lines and a maximum final height of 14 feet from the lowest adjacent grade. Architecturally, the ranch-style homes are noted for a long, close-to-the-ground profile, and wide-open layout. The total development including existing accessory structures will have a footprint of 3,924 square feet including 1,620 square feet of living space, an 864 square foot detached garage, and a 1,440 square foot pole barn.

Factors contributing to the visual subordination of the development include the use of low, horizontal lines of the buildings, dark earth tone colors found on the site, non-reflective and low reflective building materials, and retention of existing screening vegetation to soften the hard edges of the development and blend in with the landscape. There are no design considerations for the undergrounded utility lines.

(iv) New landscaping.

No new landscaping is required for this development.

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

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

The replacement dwelling is sited at the location of the existing dwelling. There are no resource buffers on site. Due to existing vegetation screening the site from Key Viewing Areas, the proposed development site achieves visual subordination from Key Viewing Areas. The applicant’s proposed development site limits the amount of grading necessary for development to occur. The siting choice is consistent with Commission Rule 350-81-520(2)(e).

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

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

There is substantial vegetation on site to screen the development from Key Viewing Areas. The proposed building site is partially screened by topography from Key Viewing Areas as described in Finding B.9. The siting choice is consistent with Commission Rule 350-81-520(2)(f).

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

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

Findings for the Landscape Settings Design Guidelines are addressed below in Findings B.21 through B.23. Existing tree cover screening the proposed development from Key Viewing Areas shall be retained in compliance with Commission Rule 350-81-520(3).

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

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

A ridge located to the north of the subject property ensures that the proposed replacement dwelling will not break any skyline as viewed from Key Viewing Areas. The property sits at an elevation of approximately 939 feet, and the ridge directly to the north of the development rises to approximately 1,900 feet elevation. The proposed development is consistent with Commission Rule 350-81-520(2)(h).

15. Commission Rule 350-81-520(2)(j) concerns new landscaping used to screen development from Key Viewing Areas. No new landscaping is required for this development.

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

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

The applicant has proposed Glidden® *Monkey Madness* (PPG1020-7) for the exterior walls, and Glidden® *Wicker Basket* (PPG1020-6) for the trim for the replacement dwelling. This dark earth-tone brown color is found within the shadows of the surrounding landscape. The roof will be composed of Pabco® *Antique Black* asphalt shingles. A condition of approval requires all exterior surfaces of the proposed development, including doors, siding, trim, window sash, and roof to be dark earth-tone colors to ensure consistency with Commission Rule 350-81-520(2)(l).

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

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

The proposed exterior materials for the replacement dwelling are fiber cement siding, and fiberglass shingle roofing. These materials all have minimal reflectivity and will be dark earth tone colors.

The dwelling also has modestly sized windows on its southeastern and northwestern elevations. 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.

The *Scenic Resources Implementation Handbook* suggests that the use of glass with 11% reflectivity may be allowable when development is located beyond the foreground of Key Viewing Areas and when partially screened by topography and vegetation. The applicant proposes windows with Low-E coated glass. This glass is produced by Cardinal Glass, in Hood River, OR. Staff verified the glass has an external reflectivity of 11%. As proposed, one window on the southeast elevation of the building is approximately 60 square feet. This window would be shaded by a 4ft deep covered porch, limiting the window's reflectivity as seen from Key Viewing Areas. Further, all glass is adequately screened from Key Viewing Areas by existing vegetation.

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

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

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

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

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

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

Visibility of the replacement dwelling and undergrounded utilities is minimized by the existing vegetation on site and the surrounding topography. No significant grading is proposed, and the grading that is proposed will not create cut banks or fill slopes visible from Key Viewing Areas.

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

The 5-acre subject parcel is generally flat, sloping gently to the east. The development site is flat. The applicant proposes excavation for footings to accommodate the larger replacement dwelling, and approximately 150 linear feet of trenching for the underground utilities, at most approximately 50 cubic yards of grading. The proposal does not involve more than 200 cubic yards of grading.

21. The proposed development is within the Oak-Pine Woodland Landscape Setting. The guidelines for this landscape setting are described in Commission Rule 350-81-520(3)(c):

(A) Structure height shall remain below the tree canopy level in wooded portions of this setting.

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

(i) At least half of any tree species planted for screening purposes shall be species native to the setting. Such species include Oregon white oak, ponderosa pine, and Douglas-fir.

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

For substantially wooded portions:

(iii) Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from key viewing areas shall be retained.

For treeless portions or portions with scattered tree cover:

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

(v) Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees in small groupings and openings between groupings.

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

The parcel is substantially wooded, primarily covered in mature Oregon white oak and ponderosa pine trees, ranging in height from 30 feet to 50 feet. The height of the replacement dwelling is 14 feet high. The structure height shall remain below the tree canopy level, in compliance with Commission Rule 350-81-520(3)(c)(A). The applicant has not proposed and will not be required to plant any trees to achieve visual subordination, and existing tree cover shall be retained, in compliance with Commission Rule 350-81-520(3)(c)(B).

Conclusion:

Based on these findings, and with the conditions regarding reflectivity, color, outdoor lighting, and retention of existing tree cover, the proposed development is consistent with the guidelines in Commission Rule 350-81-520 that protect scenic resources in the National Scenic Area.

C. Cultural Resources

1. Commission Rule 350-81-540 provides guidelines to determine when cultural resource reconnaissance surveys and historic surveys are required for proposed developments.
2. Chris Donnermeyer, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area, provided a cultural resources survey determination for the proposed development on July 25, 2019.
3. Mr. Donnermeyer determined that the proposed development does not require a reconnaissance survey pursuant to Commission Rules 350-81-540(1)(c)(A) because the proposed use: (1) would involve the modification, expansion, replacement, or reconstruction of existing buildings and structures; (2) occurs on a site that has been determined to be located in a low probability zone; (3) is not within 100 feet of a high probability zone; and (4) does not occur within 500 feet of a known archaeological site.
4. Mr. Donnermeyer determined that the proposed development does not require a historic survey pursuant to Commission Rule 350-81-540(1)(c)(B) because the proposed use: (1) would not alter

the exterior architectural appearance of significant buildings and structures that are 50 years old or older; and (2) would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older.

5. Commission Rules 350-81-540(6) and (7) provide guidelines for the inadvertent discovery of cultural resources or human remains during construction activities. These guidelines are included in the Director's Decision as conditions of approval.

Conclusion:

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

D. Recreation Resources

1. Commission Rule 350-81-086 states:

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

The proposed development is a replacement of an existing building and undergrounding of electric utility lines. The proposed development is located approximately .2 miles southwest of the nearest Forest Service land associated with the Coyote Wall recreation site, and .4 miles southwest of the Coyote Wall trail. While the proposed development will be topographically visible from the Coyote Wall recreation site, intervening vegetation and the dark-earth tone colors of the development will limit its visibility for recreation users at that site, and the continued residential use of the parcel will not detract from the use and enjoyment of the site.

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 350-81-560 and 350-81-570 provides guidelines for protecting water resources in the General Management Area. Review of Gorge Commission inventories show that there are no water resources exist on the parcel. Commission inventories show an intermittent stream approximately 240 feet away from the proposed development site on an adjacent parcel designated SMA Agriculture, which is greater than the applicable water resource buffers for SMA resources. The proposed development will have no adverse effect on water resources.
2. Commission Rule 350-81-580 provides guidelines for protecting wildlife habitat in the General Management Area. The Gorge Commission resource inventories show that the proposed development is entirely within an area mapped as black-tail deer winter range by the Washington Department of Fish and Wildlife. The application and site plan were sent to Amber Johnson with WDFW on July 23, 2019 for review and comment. No comments were received.

WDFW does not provide management recommendations for black-tail deer. Commission Rule 350-81-580(6) provides guidelines for new fences in deer and elk winter range. No fencing is proposed as part of this development. As proposed, the development will have no adverse impact on wildlife habitat.

3. Commission Rule 350-81-590 provides guidelines for protecting rare plants in the General Management Area. Commission Rule 350-81-590(1)(c) states:

Proposed uses within 1,000 feet of a sensitive plant shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

Review of Gorge Commission resource inventories show that there are no known sensitive plants within 1000 feet of the proposed development. As proposed, the development will have no adverse impact on rare plants.

4. The proposed development takes place in the Oak Pine Woodland Landscape Setting, and there are several Oregon white oak trees on site. While this area is not a priority habitat for Oregon white oak, Oregon white oak is an important tree species in the eastern Columbia Gorge, and conservation of Oregon white oak trees protects habitat for many animal species, including the Western gray squirrel which is a protected species in Washington State. This staff report does not require that the applicant or future landowners retain the oaks for wildlife habitat protection (though it does require they are retained for scenic resource protection). However, this staff report recommends that the oaks are retained and maintained for wildlife habitat protection.

Conclusion:

The proposed development is consistent with the Commission Rules 350-81-560, 350-81-570, 350-81-580, and 350-81-590, protecting natural resources in the National Scenic Area.

F. Treaty Rights Protection

1. Commission Rule 350-81-084(1) provides protection of tribal treaty rights 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 July 23, 2019. The notice included a comment period of 21 days that ended on August 13, 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 during the 21-day comment period. 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 for protection of tribal treaty rights in the National Scenic Area.

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