

## COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

**CASE FILE:** C19-0015

**PROPOSAL:** The Columbia River Gorge Commission received an application for an addition to an existing single-family dwelling including a garage.

**APPLICANT:** Mark Callison

**LANDOWNERS:** Mark Callison

**LOCATION:** The subject parcel is located at 11 Rick Bob Lane, White Salmon, WA, in the South East  $\frac{1}{4}$  of Section 28, Township 3 North, Range 11 East, W.M., Klickitat County Tax Lot Number 03-11-28-5500-02/00. The parcel is 5 acres in size.

### LAND USE

**DESIGNATION:** The subject parcel is in a Special Management Area (SMA) and designated Agriculture.

### DECISION:

Based upon the following findings of fact, the land use application by Mark Callison, for an addition to an existing single-family dwelling 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 C19-0015, 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 developments 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 living space above the garage shall not contain a cooking area or kitchen appliances, including, but not limited to, a stove, range, refrigeration, sink and other appliances for food preparation, storage, and clean up. The living space above the garage shall not be used as a second dwelling unit or short-term rental.
6. All exterior building materials, including doors, siding, trim, window sash, and roof roofing shall be dark earth-tone colors. Only approved dark earth-tone colors for exterior materials shall be used. The following colors submitted by the applicant for the exterior of the house are consistent with this condition and are hereby approved:

- TruLog® Steel Board & Batten Siding: *Dark Walnut*
- Cabot® Semi Colored Stain: *Oak Brown, Spanish Moss and Newburyport Blue*

The following colors submitted by the applicant for the roof of the house are consistent with this condition and are hereby approved:

- ASC Building Products®: *Chestnut Brown, Matte Black, Weathered Copper and Forest Green*
- American Building Components® Lokseam®: *Colonial Red, Harbor Blue and Coal Black*
- Taylor Metal Products®: *Colonial Red, Pine Green and Pacific Blue*

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

7. All exterior building materials, including doors, siding, trim, window sash, and roofing shall be nonreflective or have low-reflectivity. All exterior metal materials shall be painted with low-gloss black colored finish and maintained as necessary to ensure that the material is non-reflective.
8. 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. Any seasonal lighting displays on or around the dwelling shall not exceed 3 months.
9. All disturbed areas shall be reseeded with grasses and forbs from the approved Recommended Seed Mixes for East Side Environments, which is included as an attachment to this Director's Decision.
10. Except for dead trees or other dead vegetation that may pose a hazard, all existing vegetation on the site shall be retained and maintained for screening purposes, or as indicated on the approved landscaping plan.
11. 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](mailto: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.

12. 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.
13. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for a **FINAL INSPECTION** to confirm compliance with all of the conditions of approval. Project completion means completion of all work to the exteriors of structures (including painting). The applicants shall arrange the inspection by calling the Gorge Commission at (509) 493-3323 or info@gorgecommissin.org. Each inspection may take up to seven business days from the time of calling for the inspection.

DATED AND SIGNED THIS 18 day of December 2019 at White Salmon, Washington.



Krystyna U. Wolniakowski  
Executive Director

**EXPIRATION OF APPROVAL:**

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

***This declsion of the Executive Director becomes void on the 18 day of December 2021 unless construction has commenced in accordance with Commission Rule 350-81-044(4).***

Commission Rule 350-81-044(4) specifies that commencement of construction means actual construction of the foundation or frame of the approved structure.

Construction must be completed within two years of the date that the applicant commenced construction. The date of the Executive Director's preconstruction inspection to confirm the location of proposed structural development as required by this decision shall be considered the date the applicant commenced construction, unless the applicant demonstrates otherwise.

Once the applicant has commenced construction of one element in this decision, the applicant will need to complete all elements in this decision in accordance with Commission Rule 350-81-044. The Commission does not use different "commencement of construction" dates for different elements in this decision.

The applicant may request one 12-month extension of the time period to commence construction and one 12-month extension to complete construction in accordance with Commission Rule 350-81-044(6). The applicant must submit the request in writing prior to the expiration of the approval. If the applicant requests an extension of time to complete construction after commencing construction, the applicants shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicants were not responsible, would prevent the applicants from commencing or completing the proposed development within the applicable time limitation. The Executive Director shall not grant an extension if the site characteristics and/or new information indicate that the proposed use may adversely affect the scenic, cultural, natural or recreation resources in the National Scenic Area.

**APPEAL PROCESS:**

***The appeal period ends on the 17 day of January 2020.***

The decision of the Executive Director is final unless the applicant or any other person who submitted

comment files a Notice of Intent to Appeal and Petition with the Commission within thirty (30) days of the date of this decision. Information on the appeal process is available at the Commission office.

**NOTES:**

Any new land uses or structural development such as driveways, parking areas, garages, workshops, fences or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review. New cultivation also requires a new application and review.

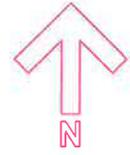
This decision does not address local, state, or federal requirements that may be applicable to the proposed development. The landowner is responsible for obtaining all applicable county, state, or federal permits required for the development.

cc:

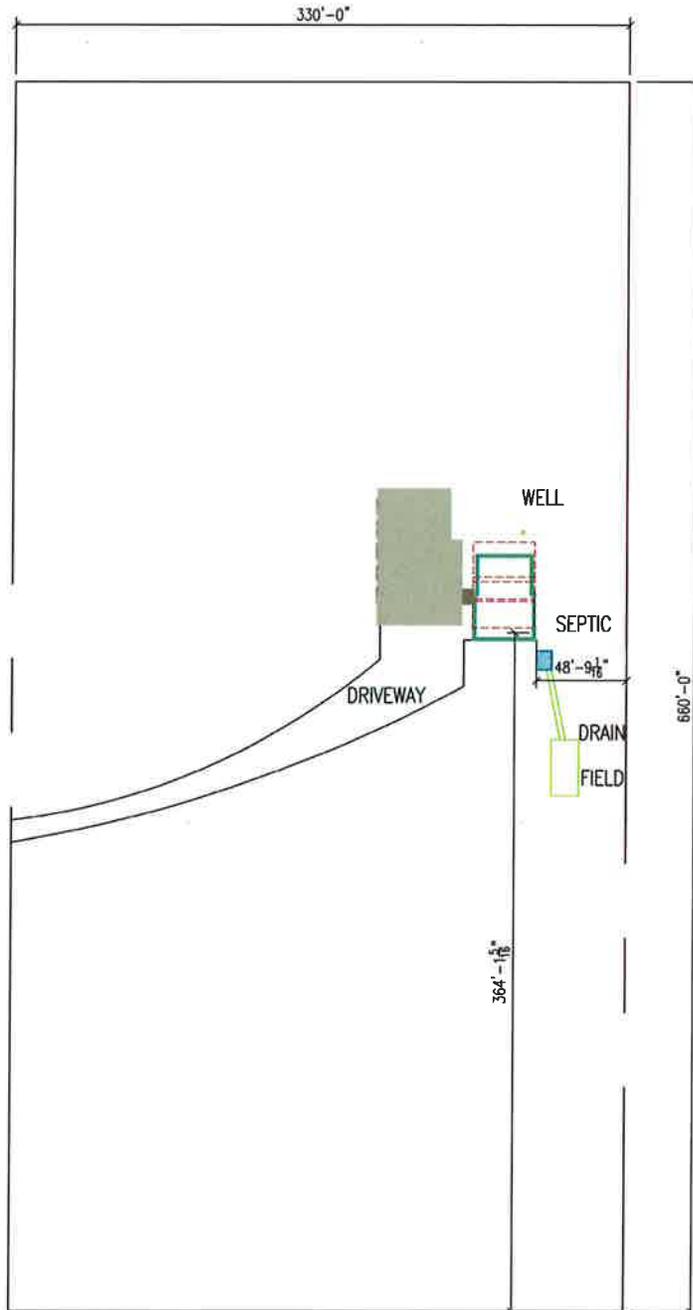
Confederated Tribes and Bands of the Yakama Nation  
Confederated Tribes of the Umatilla Indian Reservation  
Confederated Tribes of Warm Springs Reservation of Oregon  
Nez Perce Tribe  
U.S. Forest Service National Scenic Area Office  
Washington Department of Archaeology and Historic Preservation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

**Attachments:**

Staff Report for C19-0015  
Approved site plan  
Recommended Seed Mixes for East Side Environments handout  
International Dark-Sky Association example sheet of acceptable & unacceptable light fixtures



11 RICK BOB LANE  
1"=84'



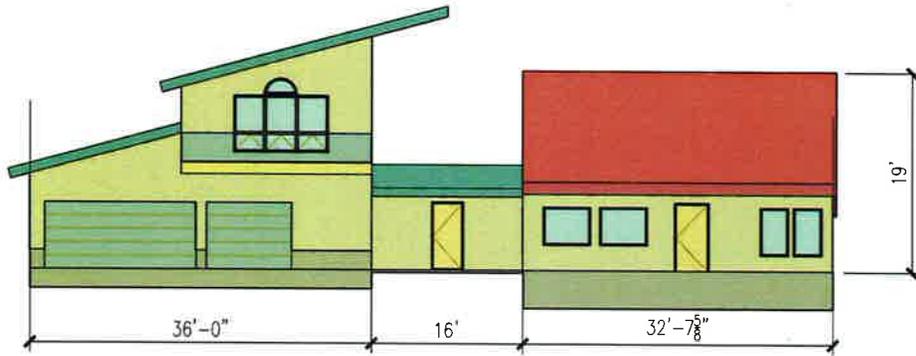
**APPROVED**

RC 12/10/19

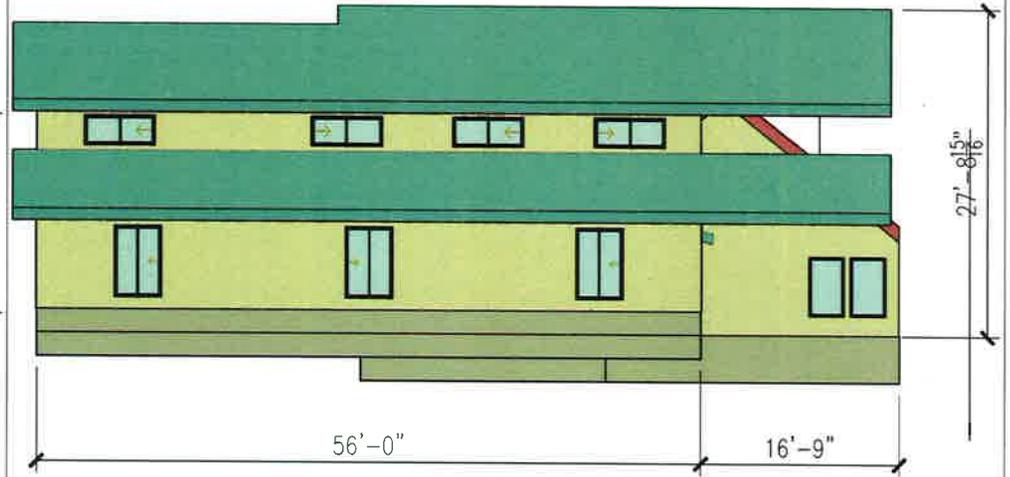
**APPROVED**

*DE* 12/18/19

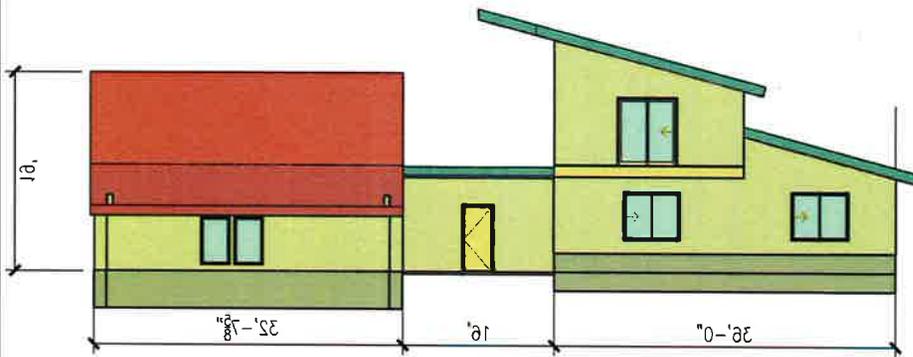
LOOKING NORTH



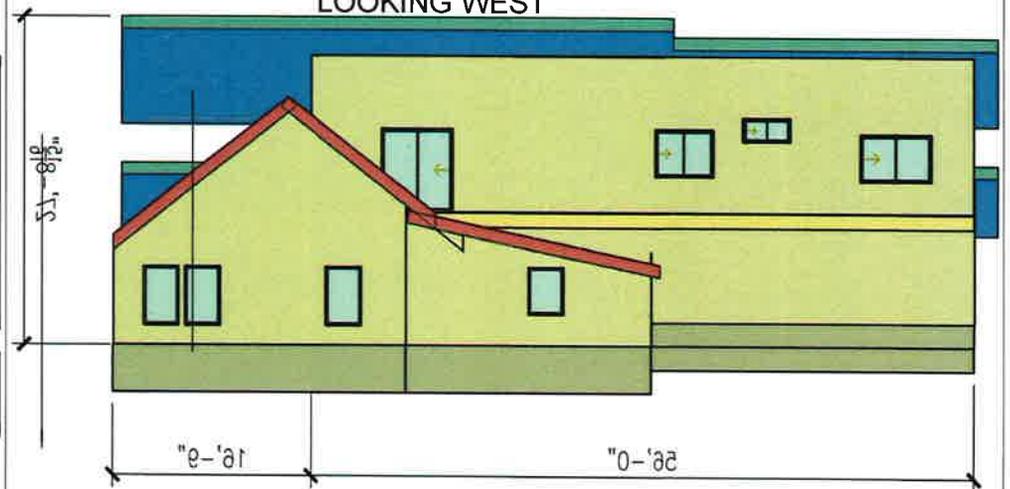
LOOKING EAST



LOOKING SOUTH



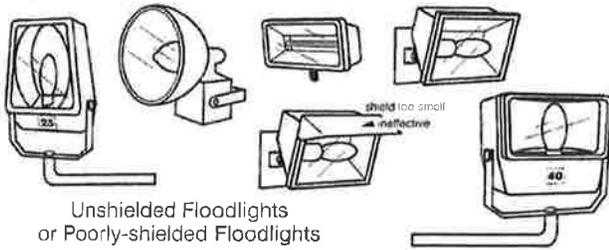
LOOKING WEST



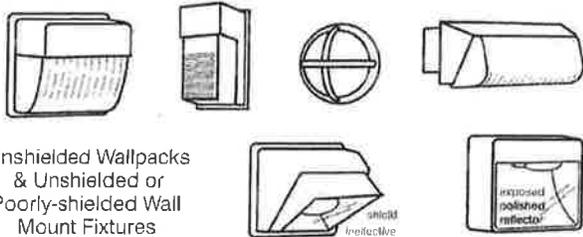
# Examples of Acceptable / Unacceptable Lighting Fixtures

## Unacceptable / Discouraged

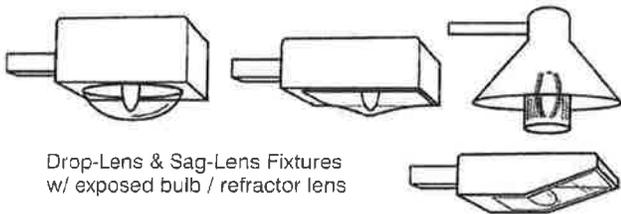
Fixtures that produce glare and light trespass



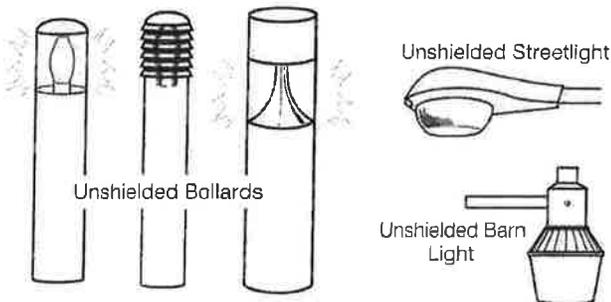
Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures



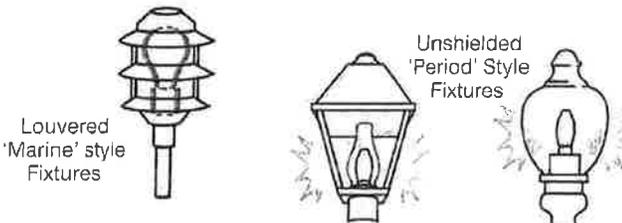
Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens



Unshielded Bollards

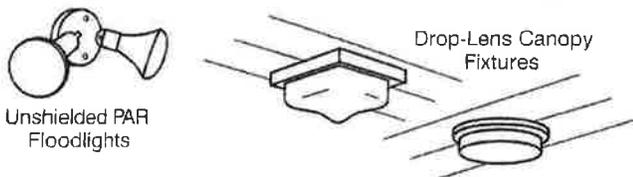


Unshielded Barn Light



Louvered 'Marine' style Fixtures

Unshielded 'Period' Style Fixtures

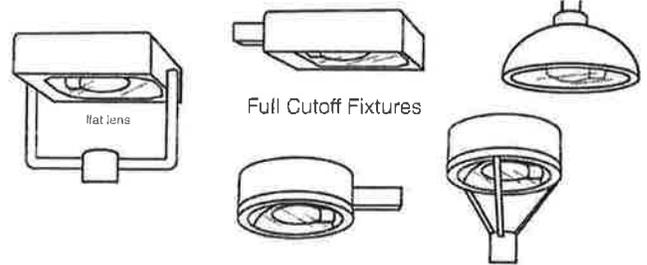


Unshielded PAR Floodlights

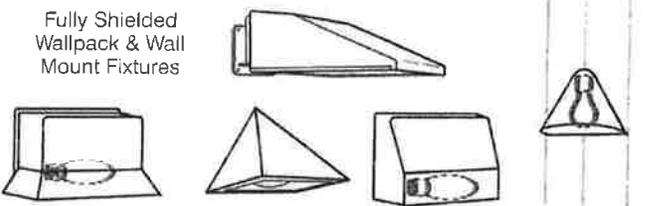
Drop-Lens Canopy Fixtures

## Acceptable

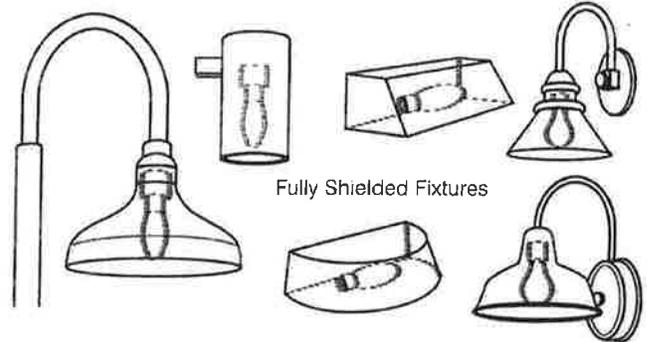
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



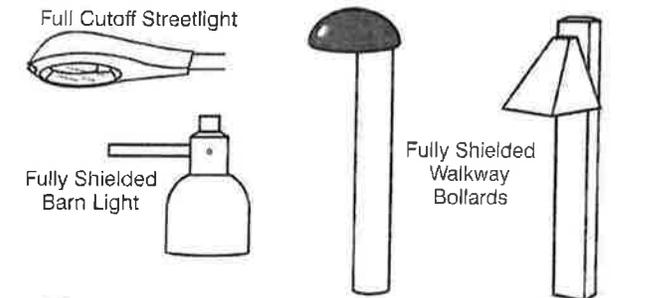
Flat lens Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



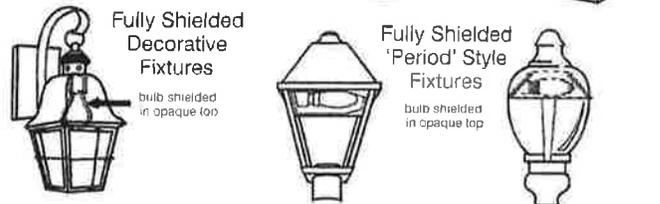
Fully Shielded Fixtures



Full Cutoff Streetlight

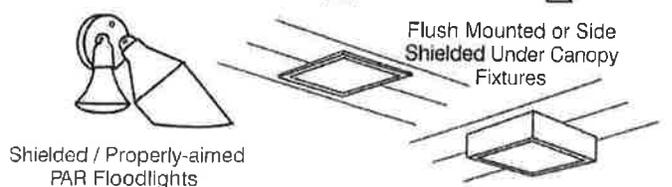
Fully Shielded Barn Light

Fully Shielded Walkway Bollards



Fully Shielded Decorative Fixtures

Fully Shielded 'Period' Style Fixtures



Shielded / Properly-aimed PAR Floodlights

Flush Mounted or Side Shielded Under Canopy Fixtures

Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

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

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

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

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

Herbaceous plants can be added after seeding:

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

## Notes:

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

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

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

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

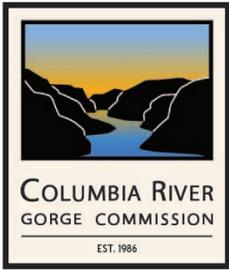
**Mulch:** Use certified weed free straw mulch whenever possible. Only 1-2" (2 tons/ac.) is needed and should be evenly applied. **Too deep can be more detrimental than none at all.** Ideally, it should be chopped and applied by machine. To further reduce the chance of introducing non-natives in to project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

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

- ✓ [http://www.nwcb.wa.gov/WWHAM/WWHAM\\_suppliers.htm](http://www.nwcb.wa.gov/WWHAM/WWHAM_suppliers.htm)
- ✓ [http://oregon.gov/ODA/CID/weed\\_free\\_forage.shtml](http://oregon.gov/ODA/CID/weed_free_forage.shtml)

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

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



## COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

**CASE FILE:** C19-0015

**PROPOSAL:** The Columbia River Gorge Commission received an application for an addition to an existing single-family dwelling including a garage.

**APPLICANT:** Mark Callison

**LANDOWNER:** Mark Callison

**LOCATION:** The subject parcel is located at 11 Rick Bob Lane, White Salmon, WA, in the South East ¼ of Section 28, Township 3 North, Range 11 East, W.M., Klickitat County Tax Lot Number 03-11-28-5500-02/00. The parcel is 5 acres in size.

### LAND USE

**DESIGNATION:** The subject parcel is in a Special Management Area (SMA) and designated Agriculture.

### COMMENTS FROM INDIVIDUALS/AGENCIES/GOVERNMENTS:

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

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

Written comments were received from Steve McCoy, Attorney for Friends of the Columbia River Gorge and Christian Nauer, Archeologist Confederated Tribes of the Warm Springs Reservation of Oregon.

## FINDINGS OF FACT:

### A. LAND USE

1. The subject parcel is in a Special Management Area and designated Agriculture. The parcel's street address is 11 Rick Bob Lane, which is located off Courtney Road, on Burdoin Mountain, in Klickitat County. The subject parcel is approximately 5 acres in size, rectangular in shape, and is covered by existing mature trees, primarily pines and firs, but also Oregon white oak. Existing development on the property includes a 1,691 square foot dwelling and three accessory buildings, which are designated as a pump house, a shed, and a utility building.
2. The applicant requests approval to build a new addition to the existing dwelling. The addition expands the living space and adds an attached garage. The existing dwelling was constructed and established in 1979, prior to the National Scenic Area Act. According to Klickitat County records, a permit for a dwelling was issued May 23, 1979. Klickitat County was unable to locate the original permit for the dwelling, but had records of a permit being issued and had the inspection history for the dwelling. There are no prior Director's Decisions that apply to the parcel.
3. Commission Rule 350-81-190(2)(x) allows as a review use:

*Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.*

Commission Rule 350-81-020(4) defines an addition as,

*An extension or increase in the area or height of an existing building.*

Commission Rule 350-81-020(2) defines an 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 term "detached" means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.*

In a letter dated July 6, 2006, the Gorge Commission clarified the definition of *accessory structure/building* and advised County Planning Directors and Planners to treat covered and enclosed walkways as part of the building and not as breezeways. The proposed addition is attached to the existing building by an enclosed and covered walkway, and is therefore considered an addition.

The total area of the proposed addition is 3,136 square feet. The first floor of the addition will be a garage with a total 2,016 square feet of unconditioned space. The proposed living space would add 1,120 square feet above the garage. The existing dwelling is 1,691 square feet and 19 feet tall. The height of the proposed attached garage is 29 feet, taller than the existing dwelling. The total square footage of the dwelling and new addition will be 4,827 square feet; the total dwelling space will comprise of 2,811 square feet, the garage will be 2,016 square feet, with an additional 832 square feet of outdoor covered space.

4. Commission Rule 350-81-190(2)(c) allows one single-family dwelling necessary for and accessory to agricultural use. Commission Rule 350-81-020(53) defines dwelling unit as:

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

The floor plans did not show any interior kitchen appliances, such as a range, oven, refrigerator, or any other feature distinctive of a cooking area or kitchen in the living space above the garage. However, the proposal shows the living area above the garage largely disconnected from the living area of the existing dwelling. As proposed, the addition is consistent with this standard. A condition of approval is included in the Decision to alert the landowner that the addition may not be used as a short-term rental or second dwelling. Commission Rule 350-81-190(2)(k) allows as a reviewable use "Bed and Breakfast Inns," but the applicant has not applied for a bed and breakfast inn or other type of short-term rental facility.

5. The applicant proposes to remove two of the accessory buildings as part of this proposal. The remaining shed is 6' x 6'. Commission Rule 350-81-180 allows the uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" [Commission Rule 350-81-074(1)] without review on lands designated SMA Agriculture. Commission Rule 350-81-074(E) allows accessory structures 60 square feet or less in area and 10 feet or less in height unless within the buffer zone of a wetland, stream, pond, lake or riparian area. The 6' x 6' shed is a use allowed outright because the shed is under 60 square feet and 10 feet in height and is not within the buffer zone of a wetland, stream, pond, lake or riparian area.

Conclusion:

The addition is a review use on lands designated SMA Agriculture, subject to the guidelines to protect scenic, cultural, natural, or recreation resources in the National Scenic Area.

## B. SCENIC RESOURCES

1. Commission Rule 350-81-530(1)(a) includes design guidelines for lands within Special Management Areas based on Landscape Settings, regardless of visibility from Key Viewing Areas (KVAs). The subject parcel is in the Oak Woodlands Landscape Setting, and Commission Rule 350-81-530(1)(a)(B) states that Pastoral areas shall retain the overall appearance of a woodland landscape.

The proposed development site is generally level and has been previously disturbed; minimal grading will be necessary to site the addition. As proposed, the dwelling is sited and designed to retain the existing topography and reduce grading necessary to site the new addition to the greatest extent practicable, consistent with Commission Rule 350-81-520(1)(a).

2. Commission Rule 350-81-530(2) includes guidelines for development and uses visible from Key Viewing Areas. Commission Rule 350-81-530(2)(a) states,

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

The site is visible from the following Key Viewing Areas: Historic Columbia River Highway, Interstate 84, Columbia River and Rowena Crest. Commission Rule 350-81-530(2) applies.

3. Commission Rule 350-81-530(2)(b) states:

*New developments and land uses shall be evaluated to ensure that the required scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from key viewing areas.”*

Commission Rule 350-81-530(2)(c) requires the scenic standard for all developments and uses on lands designated Agriculture in the Oak-Woodland Landscape Setting be *visually subordinate*.

Commission Rule 350-81-020(170) defines *visually subordinate* as:

*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.*

As discussed in Findings B.6 and B.7, Commission Rule 350-81-530(2)(f) requires the extent and type of conditions applied to a development to achieve the scenic standard be proportionate to the building’s degree of visibility from Key Viewing Areas. Additionally, as discussed in Findings B.11 and B.12, Commission Rule 350-81-530(2)(k) and Commission Rule 350-81-530(2)(l) require all proposals to be constructed of low-reflective materials that are also dark earth-tone colors.

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.*

To determine cumulative effects of the proposed development, staff analyzed existing development and development potential of the subject parcel and the adjacent and nearby land also in the Oak-Woodland Landscape Setting, within a quarter mile of the subject parcel. The landscape is covered by a dense forest of mixed oak, fir and pine trees. As seen from Key Viewing Areas, the subject parcel is in an area where existing dwellings and buildings are sparsely scattered throughout the landscape.

According to data from Klickitat Assessor Records, within the study area there are twenty-one parcels. Nine of the parcels, comprising approximately 45 acres, are owned by the United States Forest Service; each of the parcels is approximately the same size as the subject parcel. Government owned land in the National Scenic Area is not typically developed, so staff assumes that government owned lands near the subject parcel will not be developed.

The remaining 12 parcels are privately owned. Five of the nine privately-owned parcels are developed with dwellings and accessory structures, and four of the privately-owned parcels are undeveloped. Two of the undeveloped privately-owned parcels are designated General Management Plan (GMA) Small-Scale Agriculture by the Forest Service, according to Section 8(o) of the National Scenic Area Act. Staff assumes for this analysis, those parcels will some day be developed with dwellings and accessory structures like development on the subject parcel. The other two undeveloped privately-owned parcels are designated SMA Agriculture. According to

Commission Rule 350-81-190(c)(D), the minimum parcel size for new dwellings on parcels designated SMA Agriculture is 40 acres and neither parcel is 40 acres or larger. Staff assume these parcels will remain undeveloped.

Commission Rule 350-81-190(2)(x) allows additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building, provided that the additions are consistent with the guidelines to protect scenic, cultural, natural, and recreation resources. Following these SMA and GMA scenic standards, any new additions will need to be a design that fits with the landscape setting, use exterior materials that are dark, earth-toned and low- or non-reflective and be sited to reduce visibility from Key Viewing Areas using existing development and vegetation to screen the development from view. Design guidelines for the Oak-Pine Woodland Landscape Setting require that development retain the overall appearance of a woodland landscape.

Development in the vicinity of the proposed development includes eleven single-family dwellings. The dwellings range from 425 square feet to 5,136 square feet in size and are one and two stories in height. The total square footage of the dwelling and proposed addition will be 4,827 square feet square feet, which is smaller the largest dwelling in the vicinity.

There will not be cumulative effects from Key Viewing Areas in the foreground because the development will not be visible in the foreground of any Key Viewing Areas. Similarly, the development will be visible from Key Viewing Areas further away. From these KVAs, such as I-84 or the Historic Columbia River Highway, there will be limited development in the viewshed of the proposed development that already exists on Courtney Road, but the buildings are clustered together and appear part of the existing scattered rural residential development, while the proposal will not be visible. If developments are fully screened from all Key Viewing Areas, like the proposed development, the cumulative impact will be less significant.

If new buildings and additions are built according to applicable Land Use Designations on each parcel in the vicinity of the proposed development, and if they are designed in a similar manner to existing development and consistent with the guidelines of this chapter, they will be held to the same visual resource protection standards and will be required to be visually subordinate to the maximum extent practicable. The approval of this proposed development, in combination with potential future development that is required to be designed and sited to achieve the standard *visually subordinate* will not generate adverse cumulative scenic impacts.

4. Commission Rule 350-81-530(2)(d) states,

*In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.*

The parcel is in the Oak-Woodland Landscape Setting, and the adjacent natural landscape is characterized by a mix of mature Oregon white oak, ponderosa pine and Douglas fir trees. Retention of vegetation will help ensure the building blends in with the adjacent natural landscape elements and achieve the scenic standard *visually subordinate*. The exterior of the addition is finished with colors that are as dark or darker than the shadows of natural elements in the surrounding landscape.

5. Commission Rule 350-81-530(2)(e) states,

*Proposed developments or land uses shall be sited to achieve the applicable scenic standard. Development shall be designed to fit the natural topography, to take advantage of landform and vegetation screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.*

The proposed development site is generally level and has been previously disturbed; minimal grading will be necessary to site the addition. As proposed, the addition is sited and designed to retain the existing topography and vegetation and reduce necessary grading to the maximum extent practicable, consistent with this guideline. As seen from Key Viewing Areas, the entire addition is screened by intervening topography and existing vegetation both on and off the subject parcel.

6. Commission Rule 350-81-530(2)(f)(A) states:

*The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas.*

*(A) Decisions shall include written findings addressing the factors influencing the degree of visibility, including but not limited to:*

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

While the proposed dwelling is topographically visible from Key Viewing Areas at the proposed site, the addition is completely screened from Key Viewing Areas by topography and existing vegetation both on and off the subject parcel.

*(ii) The degree of existing vegetation providing screening.*

As seen from Key Viewing Areas, the entire addition is screened by intervening topography and existing vegetation both on and off the subject parcel. The closest Key Viewing Areas from which the development is visible are all over a mile away, and there are trees, other vegetation, buildings and existing topography between the parcel and Key Viewing Areas which help to provide screening.

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

<u>KEY VIEWING AREAS</u>	<u>DISTANCE ZONE</u>		
	FOREGROUND 0 - 1/4 Mile	MIDDLEGROUND 1/4 - 3 MILES	BACKGROUND Over 3 Miles
Historic Columbia River Highway		X	X
Interstate 84		X	X
Columbia River		X	X
Rowena Crest			X

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

The site is visible from the following Key Viewing Areas: Historic Columbia River Highway, Interstate 84, Columbia River and Rowena Crest.

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

Using GIS inventories and conducting site visits, staff found that due to existing vegetation both on and off the subject parcel, the development is completely obstructed from view from all Key Viewing Areas.

7. Commission Rule 350-81-530(2)(f)(B) states:

*The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas.*

*(B) Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for 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 addition is sited to minimize visibility from Key Viewing Areas.

*(ii) Retention of existing vegetation,*

Five immature fir trees have been identified for removal to site the addition. The proposal is completely screened from all Key Viewing Areas by existing vegetation both on and off the subject parcel. A condition of approval is included in the decision to ensure that existing vegetation will be retained to ensure continued screening.

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

The design guidelines for the Oak-Pine Woodland Landscape Setting within SMAs require that development retain the overall appearance of a woodland landscape by using existing development and vegetation to screen the development from view. The addition has been sited to reduce visibility from Key Viewing Areas, and is fully screened by vegetation both on and off the subject parcel. The exterior materials of the addition and dwelling are dark, earth-toned colors and built with materials that are low- or non-reflective.

*(iv) New landscaping.*

No new landscaping is required by the guidelines of this chapter.

8. Commission Rule 350-81-530(2)(g) states,

*Sites approved for new development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources.*

As addressed in Sections C and D, the proposed development is consistent with the applicable cultural resource guidelines in Commission Rule 350-81-550 and natural resource guidelines in Commission Rule 350-81-600.

9. Commission Rule 350-81-530(2)(h) states,

*Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from key viewing areas.*

The subject property is approximately 1490 feet above sea level part way up Burdoin Mountain, which rises to 2200 feet above sea level directly north of the subject the parcel. There are no cliffs, bluffs or ridges in vicinity of the subject property. The parcel us set back from the bluff approximately 1700 feet. The proposed dwelling will not exceed 29 feet in height. The tree canopy rises over 50 feet. The silhouette of the proposed new buildings will not be seen from Key Viewing Areas, consistent with Commission Rule 350-81-520(2)(h).

10. Commission Rule 350-81-530(2)(i) states,

*Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that meeting this guideline is not feasible considering the function of the structure.*

The nearby trees to the site are a mix of mature pine and fir trees, and Oregon white oak, with an average tree canopy height of approximately 50 feet.

11. Commission Rule 350-81-530(2)(j) includes guidelines for new landscaping used to screen development from key viewing areas:

- a. *New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.*
- b. *If new landscaping is necessary to meet the required standard, 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 meet the scenic standard within five years or less from the commencement of construction.*
- c. *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 this chapter,*

*and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).*

While the proposal is topographically visible from Key Viewing Areas, it will be completely screened from Key Viewing Areas by existing vegetation both on and off the subject parcel. A condition of approval is included in the Director's Decision ensuring existing vegetation will be retained to ensure continued screening.

12. Commission Rule 350-81-530(2)(k) states:

*Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape.*

The applicants provided colors and samples for the proposed exterior material colors. Staff approved those colors that are consistent with the dark earth-tones found at the site and surrounding landscape and with the recommendations provided in the *Scenic Resources Implementation Handbook*. The approved colors for the siding of the dwelling are TruLog® Steel Board & Batten Siding *Dark Walnut*, and Cabot® Semi-Solid Stain *Oak Brown*, *Spanish Moss*, *Newburyport Blue*. The acceptable colors for the roof are American Building Components® Lokseam® *Colonial Red*, *Harbor Blue* and *Coal Black*, ASC Building Products® *Chestnut Brown*, *Matte Black*, *Weathered Copper* and *Forest Green*, and Taylor Metal Products® *Colonial Red*, *Pine Green* and *Pacific Blue*. All the exterior material colors are dark colors found in the shadows of the surrounding landscape, consistent with this rule.

13. Commission Rule 350-81-530(2)(l) states,

*The exterior of structures on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity.*

The proposed exterior materials for the dwelling are wood board and batten siding and metal siding treated with a non-reflective coating. The roof will be constructed of dark earth tone colored metal. The roof will be angled northwest, away from all Key Viewing Areas and below average tree canopy height. The roof will not be visible from Key Viewing Areas. With a condition of approval requiring dark earth tone colors, as discussed in Finding B.12 above, the proposed development is consistent with Commission Rule 350-81-520(2)(l).

14. Commission Rule 350-81-530(2)(m) states,

*Any exterior lighting shall be sited, limited in intensity, shielded, or hooded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes.*

The application has proposed two exterior lights for the addition. A condition of approval is included in the Director's Decision requiring the lights to be 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 the International Dark-Sky Association, which are consistent with these guidelines.

15. Commission Rule 350-81-530(2)(n) states,

*Seasonal lighting displays shall be permitted on a temporary basis, not to exceed months.*

A condition of approval is included in the Director's Decision requiring seasonal lighting displays to not exceed 3 months, consistent with this guideline.

16. Commission Rule 350-81-530(3) contains guidelines for all new developments and land uses within the foreground of Key Viewing Areas and immediately adjacent to scenic routes. As discussed in Finding B.6. the development is not visible in the foreground from any Key Viewing Areas. Commission Rule 35081-530(3) does not apply.

#### CONCLUSION:

Based on these findings, which include conditions of approval addressing color, reflectivity, landscaping, and retention of existing vegetation, the proposed development is consistent with the guidelines in Commission Rule 350-81-530 that protect scenic resources in the National Scenic Area.

#### C. CULTURAL RESOURCES

1. Except as specified in Commission Rule 350-81-540(1)(c)(A)(iii), new development requires a reconnaissance survey. Commission Rule 350-81-540(3) requires that, if cultural resources are discovered, an evaluation of the significance shall be conducted. Commission Rule 350-81-540(3)(d)(C) states that if it is determined that the cultural resources are significant, the effects of the proposed use shall be assessed. Commission Rule 350-81-540(5)(a) requires mitigation plans when proposed uses would have an adverse effect on significant cultural resources. Mitigation plans shall reduce an adverse effect to no effect or no adverse effect.
2. Chris Donnermeyer, Heritage Resource Program Manager for the U.S.D.A. Forest Service Columbia River Gorge National Scenic Area, reviewed the new land use application and determined in a Cultural Resources Survey Determination, dated July 30, 2019, that pursuant to Commission Rule 350-81-540(1)(c)(A)(iii) a Cultural Resource Reconnaissance Survey is not required because the proposed use will involve the modification, expansion, replacement, or reconstruction of existing buildings and structures, the development will occur on a site that has been determined to be located within a low probability zone, is not within 100 feet of a high probability zone, and does not occur within 500 feet of a known archeological site.
3. Commission Rule 350-81-540(1)(c)(B) describes when a historic survey is required. In his July 30, 2019 determination, Mr. Donnermeyer also concluded that a historic survey was not required because the use will not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older and will not compromise other historic features in the surrounding area that are important in defining the historic or architectural character of significant historic structures. Given this information, a historic survey was not required, consistent with Commission Rule 350-81-540(1)(c)(B).
4. Commission Rule 350-81-540(2)(c)(B)(i) states the cultural resource protection process may conclude when the following conditions exist:

*The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed.*

The project notice was mailed on July 29, 2019, and the comment period ended on August 19, 2019. As explained above, the proposed use did not require a reconnaissance or historic survey

and no comments were received regarding cultural resource concerns. Pursuant to Commission Rule 350-81-540(2)(c)(B)(i), the cultural resource protection process may conclude.

5. 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.
6. Commission Rule 350-81-540(7) contains provisions addressing discovery of human remains during construction. A condition of approval requiring adherence to these measures if human remains are discovered is included in this Director's Decision.

#### CONCLUSION:

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

#### D. RECREATION RESOURCES

1. Commission Rule 350-81-086 states:

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

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

#### CONCLUSION:

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

#### E. NATURAL RESOURCES

1. Commission Rule 350-81-600 provides guidelines for protecting water resources, wildlife and plants in Special Management Areas.
2. Commission Rule 350-81-600(2) includes buffers for water resources. A minimum 200-foot buffer is required for perennial or fish bearing streams and a 50-foot buffer for intermittent (including ephemeral), non-fish bearing streams.

The development is located greater than 800 feet away from the nearest wetland and intermittent stream, and thus located outside the buffer of any of the nearby water resources. The proposed use will not impact protected wetlands, streams, ponds, lakes, riparian areas, or buffers; therefore, it is consistent with Commission Rules 350-81-600.

3. Commission Rule 350-81-600(3) allows uses within 1,000 feet of a sensitive wildlife/plant area or site subject to review under Commission Rule 350-80-600(3). The natural resource inventory indicates the development is 1,000 feet of the following sensitive wildlife/plant areas and sites:

deer and elk winter range, Western gray squirrel habitat, spotted owl habitat, and Oregon white oak woodlands.

4. Commission Rule 350-81-600(3)(b) requires that the U.S.D.A. Forest Service, in consultation with state biologists, review the site plan and field survey records. Commission Rule 350-81-600(3)(c) includes site plan review criteria to ensure that the proposed developments or uses do not compromise the integrity and function of or result in adverse effects to the wildlife or plant areas or sites.

The Forest Service and Washington Department of Fish and Wildlife (WDFW) received the site plans for review on July 29, 2019, during the public notice period which ended August 8, 2019. In an email dated July 29, 2019, Amber Johnson, WDFW habitat biologist, expressed limited concern with the proposal, given the clustered nature of the development with existing development on the subject parcel, and the limited number of trees being removed.

5. Commission Rule 350-81-600(4) includes guidelines for protecting soil productivity. Projects must control all soil movement within the area shown on the site plan. The soil area disturbed by new development or land uses, except for new cultivation, must not exceed 15 percent of the project area. Within one year of completion, 80 percent of the disturbed area must be restored using effective native ground cover species. The development is sited on a previously disturbed area, and the only soil moved during the construction of the development is for excavating the foundation. However, as a condition of approval consistent with this guideline, the applicant is required to restore all disturbed with native ground cover species after project construction is completed.

Conclusion:

The proposed development is consistent with the guidelines in Commission Rule 350-81-600, which provide protection for natural resources in the National Scenic Area.

#### F. TREATY RIGHTS

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 July 29, 2019. The notice included a comment period of 21 days that ended on August 19, 2019.

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

4. Commission Rule 350-81-084(c)(B) states,

*“The treaty rights protection process may conclude if the Executive Director determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.”*

The subject parcel does not provide access to the Columbia River or its fish bearing tributaries. No known treaty rights are affected by this proposal and no treaty rights concerns were raised by the tribal governments. Because the proposed use does not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to Commission Rule 350-91-084(c)(B).

CONCLUSION:

The proposed development is consistent with the guidelines in Commission Rule 350-81-084, which provides protection for treaties and any other rights of any Native American tribe.

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