

COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

CASE FILE: C19-0020

PROPOSAL: The Columbia River Gorge Commission has received an application for a replacement dwelling and detached garage.

APPLICANT: Breff McLaughlin & Stacey Baker

LANDOWNER: Stacey Baker

LOCATION: The subject parcel is 5 acres in size, and located at 41 Windy Bluff Road, White Salmon, Washington, in the North East Quarter of Section 33, Township 3 North, Range 11 East, W.M., Klickitat County, Tax Lot Number 03-11-3300-0004/00.

LAND USE

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

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 is 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 Breff McLaughlin and Stacey Baker, for a replacement dwelling and detached garage 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 C19-0020, 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-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 or site plan 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 temporary dwelling is only allowed while the replacement dwelling is being constructed and shall be removed within 30 days of obtaining the Certificate of Occupancy for the replacement dwelling.
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:

Exterior:	Benjamin Moore Black Bean Soup (2130-10)
Trim:	Benjamin Moore Tudor Brown (HC-185)
Doors:	Benjamin Moore Mediterranean Olive (2142-10)
Roof:	Bridgersteel Rustic Rawhide® Rustic Rawhide

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. Screening vegetation shall be implemented as specified in the approved landscaping plan. The approved landscaping plan includes a minimum of 84 plantings: 12 trees and 72 shrubs. Half of the planted trees shall be ponderosa pines. At the time of planting, trees shall be three to five-feet-tall, with the root ball wrapped in burlap, and shrubs shall be 3 feet tall.
10. Maintenance and survival of the vegetation is required, and an irrigation plan shall be submitted to the Executive Director for review before landscaping vegetation is planted. Changes to the landscaping plan must be provided to the Executive Director for review and approval.
11. All disturbed areas shall be reseeded with grasses and forbs from the *Recommended Seed Mixes for East Side Environments*, which is included as an attachment to this Director's Decision. Disturbed areas shall be revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80

percent vegetative coverage established within 1 year.

12. 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.
13. 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.
14. 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.
15. 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@gorgecommission.org. Each inspection may take up to seven business days from the time of calling for the inspection.

DATED AND SIGNED THIS 7 day of July 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 7 day of July 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 6 day of August 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 C19-0020
Approved site plan elevations
Recommended Seed Mixes for East Side Environments
International Dark-Sky Association example sheet of acceptable & unacceptable light fixtures

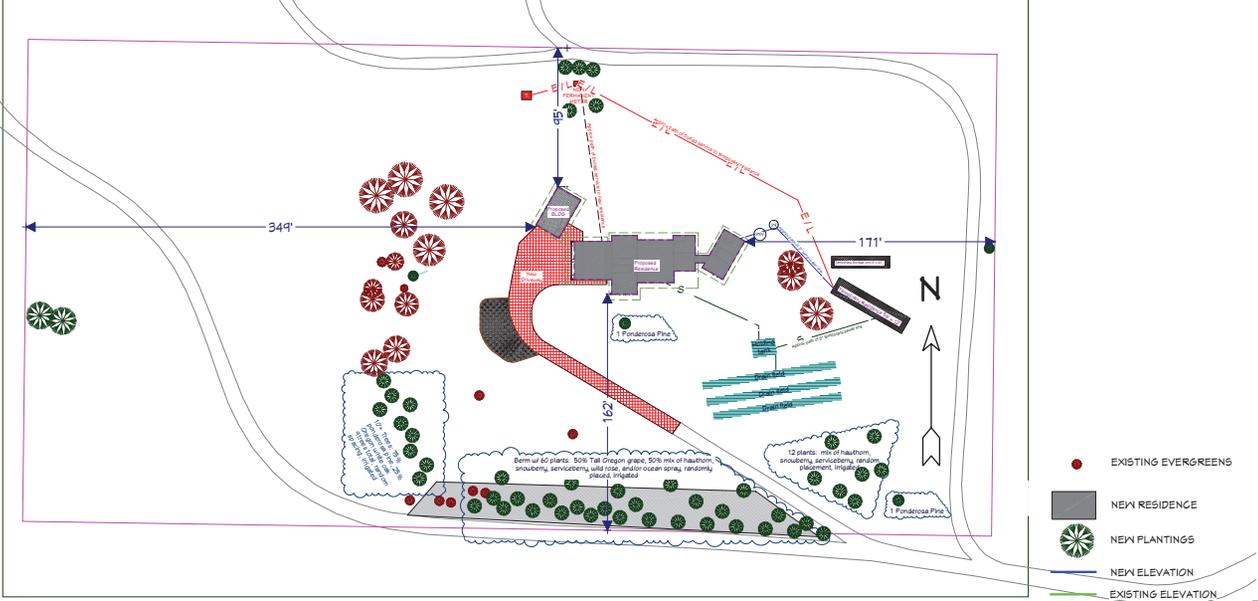
General Structural Notes:

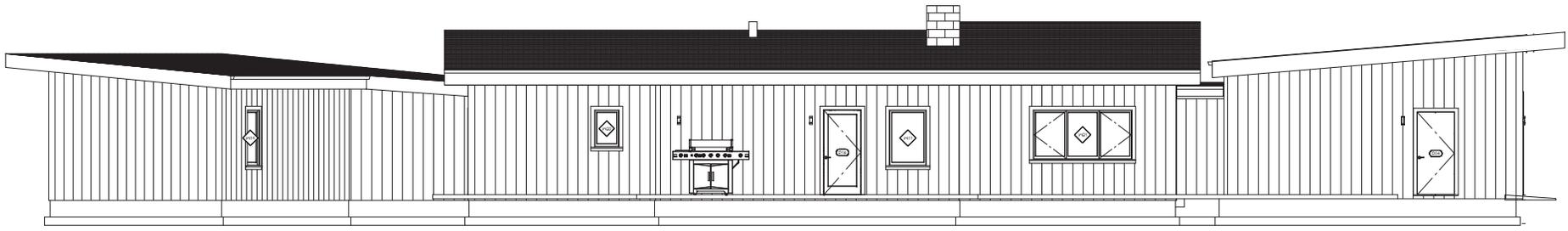
- All work to meet the requirements of the Building Codes as adopted and administered by the city, county and state in which site is located.
- MANUFACTURED ITEMS: shall be installed in strict accordance with manufacturer's recommendation.
- EXCAVATION: Over-excavate and remove any unstable or wet soils and replace with filter cloth under 3/4" minus compacted crushed rock. Drawings may not represent actual terrain contours.
- FOUNDATION: Unless otherwise engineered, Soil Design Loadings in direct bearing = 1500 psf at frost depth. compact 2-4" bed 3/4 minus in questionable areas. Concrete shall be 3/4" aggregate, 5.0 sacks per cubic yard, 5" maximum slump, 5% entrained air. Pour and cure in accordance with ACI Standards. (R402.2 Concrete shall have a minimum specified compressive strength of 2500 *f*_c under "negligible" weathering conditions and up to 3500 *f*_c in "severe"). All rebar shall be grade 40 with proper placement and laps in accordance with ACI Codes. No backfilling to occur prior to 28 day cure. 16" x 8" screened foundation vents spacing and # in accordance with code. 6 mil Visqueen total coverage in all crawl spaces. 12" lap at joints. Beam pockets oversize by 1/2" on 3 sides. Foundation drainage and separate rainwater (roof) disposal system required.
- BACKFILL: Backfill slope not to exceed 6 in 12 grade and must remain 6" minimum from wood siding. Temporarily brace all walls at the top or complete floor framing diaphragm or concrete restraining slab prior to backfill to prevent cracking and/or movement. All backfill shall be free draining against wall to prevent the build up of hydrostatic pressure. Backfill under slabs or parking areas shall be crushed rock, compacted to 95% of AASHTO T-180, CDX or approved equal.
- LUMBER: #2 DF or better unless otherwise specified. 19% moisture content maximum. Plywood to meet APA standards. Laminated beams to meet USFS 56-73.
- FRAMING: Cut pressure treated ends in exterior applications must be re-sealed. Provide temporary supports for walls and floors prior to completion of all vertical load systems. NO penetrations to laminated beams. Framers responsible for all insulation made inaccessible to insulators in floor and walls. See Engineering for walls over 10'. All posts & beams shall have recommended manufactured connectors (Simpson) to withstand normal lateral loads. All floors are designed as diaphragms. 3/4" T&G min, nailed with 8 d 8" in field and 4" on edges, with construction adhesive at all contact points. Floor joists may be offset up to 4" to accommodate plumbing. Roofs to be 5/8" CDX under roofing material, designed to act as a diaphragm, with 8d nails on 8" c in field and 4" on edges. Trusses shall be tied to top plate with Simpson HS-24 Hurricane Ties or 10" timberloks. All exterior walls to be continuously sheathed w 1/2" ply or OSB. Block and nail all SHEAR WALLS edges w 8d @ 6" O.C. Field nail 8d @ 12" O.C. 8d HD-galv into P/T sill plate @ 4" O.C. Plywood shall continue without horizontal joints a minimum of 24" below the top plate. Garage shall be similar to this, and shall also have 1/2" plywood nailed to underside of trusses at the ceiling with similar diaphragm nailing. Custom Shower area requires Manufactured studs for straightness. Blocking for Closet rods/shelving and stair handrails required. RAILING height must be 36" with not more than 4" openings.
- INSULATION MINIMUMS- Window Glazing = 3 or lower, Doors =/+ R-20, Wall =/+ R-21, Floors =/+ R-30, Ceiling =/+ R-38. House envelope must meet state Energy Code Compliance (Owner/builder to fill out form)
- ADDITIONAL: Chimneys must extend 2' higher than any horizontal plane within 10'. Septic systems must be a minimum of 10' from house and water lines. Furnaces and appliances in Garage must be protected from vehicle impact. Dryer and exhaust fan vent to outside and not to exceed 15' in length. No appliance venting under windows or within 3' of soffit. Custom Tiled showers require cementboard backing in place of drywall.

General Notes: McLaughlin Design & Construction LLC (MDC)

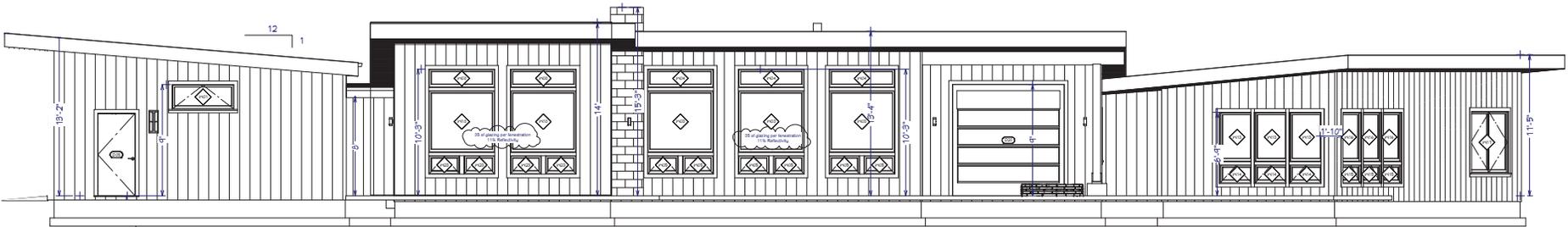
- MDC assumes no responsibility for omissions or errors on the drawings unless notified in writing prior to start of construction.
- Approved Plans & Permit must be present on job site at all times. Failure to comply could result in rescheduling delays and added fees
- Building Permit must be posted in visible location prior to any construction
- Approved plans shall be accompanied by the plan review in order to be valid
- Any changes to these plans must be approved in writing by the building inspector prior to commencement of work
- 7 Sect 307 (a) of the uniform building code prohibits occupancy of this building prior to completion of final inspection
- Owner/Builder shall verify all dimensions in the field and notify MDC of any discrepancies. Written dimension take precedence over scaled.

SQUARE FOOTAGE:	DESIGN CRITERIA:	Table of Contents:
Conditioned: 2242 sf	#55 grd Snow load	A-1 : Site Plan & Renderings
Covered Patio: 194 sf	Seismic Zone = C	A-2 : Foundation Plan
Garages: 1245 sf	Exposure = B	A-3 : Main Floor Plan & Schedules
	Wind = 110 mph	A-4 : Elevations
	Frost = 10'	A-5 : Sections

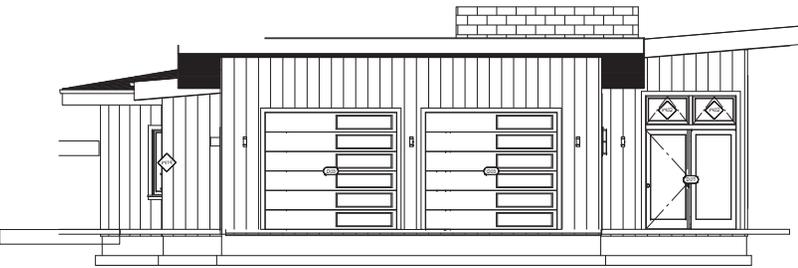




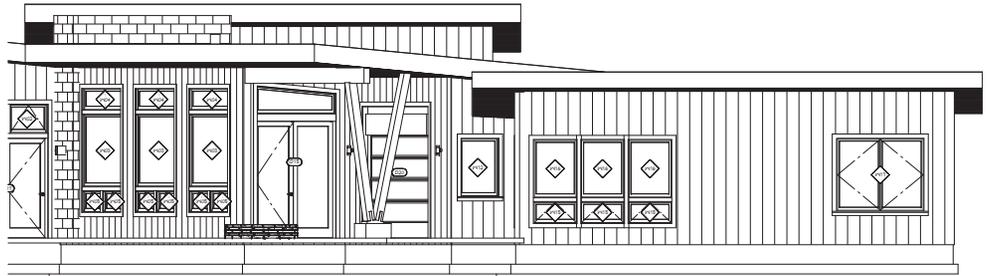
E1 - Elevation North



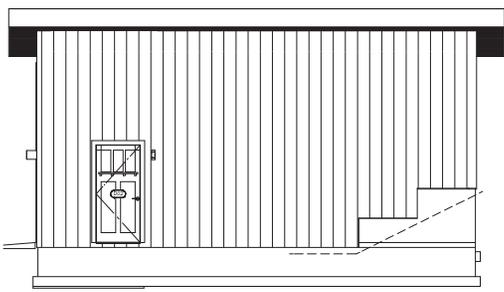
E2 - Elevation South



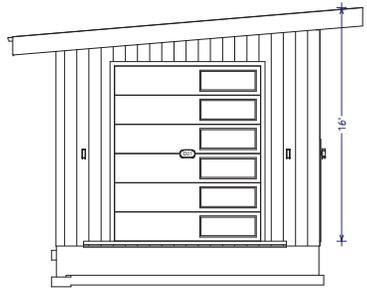
E3 - Elevation West



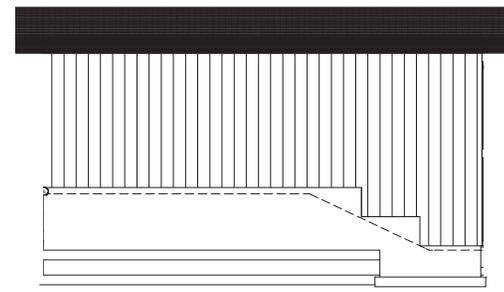
E4 - Elevation Southwest



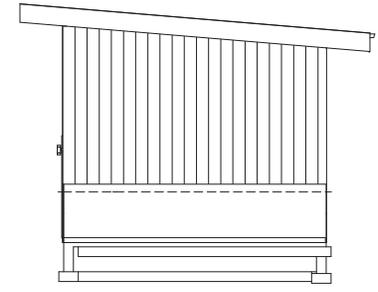
E5 - Out Building East



E6 - Out Building South



E7 - Out Building West



E8 - Out Building North

NO.	DATE

ELEVATIONS

Property Address:
41 Kline Rd, Rte 1, Boscawen, VA 48672
Tax Parcel# 03112300000400

New Construction for:
5140 Boscawen Rd, Boscawen, VA 48627
14722 260th St, Boscawen, VA 48627

REVAUGHN DESIGN & CONSTRUCTION LLC
200 W. Alameda St., Suite 100, Boscawen, VA 48627
MDC
www.mdcva.com
tel: 434-939-1211

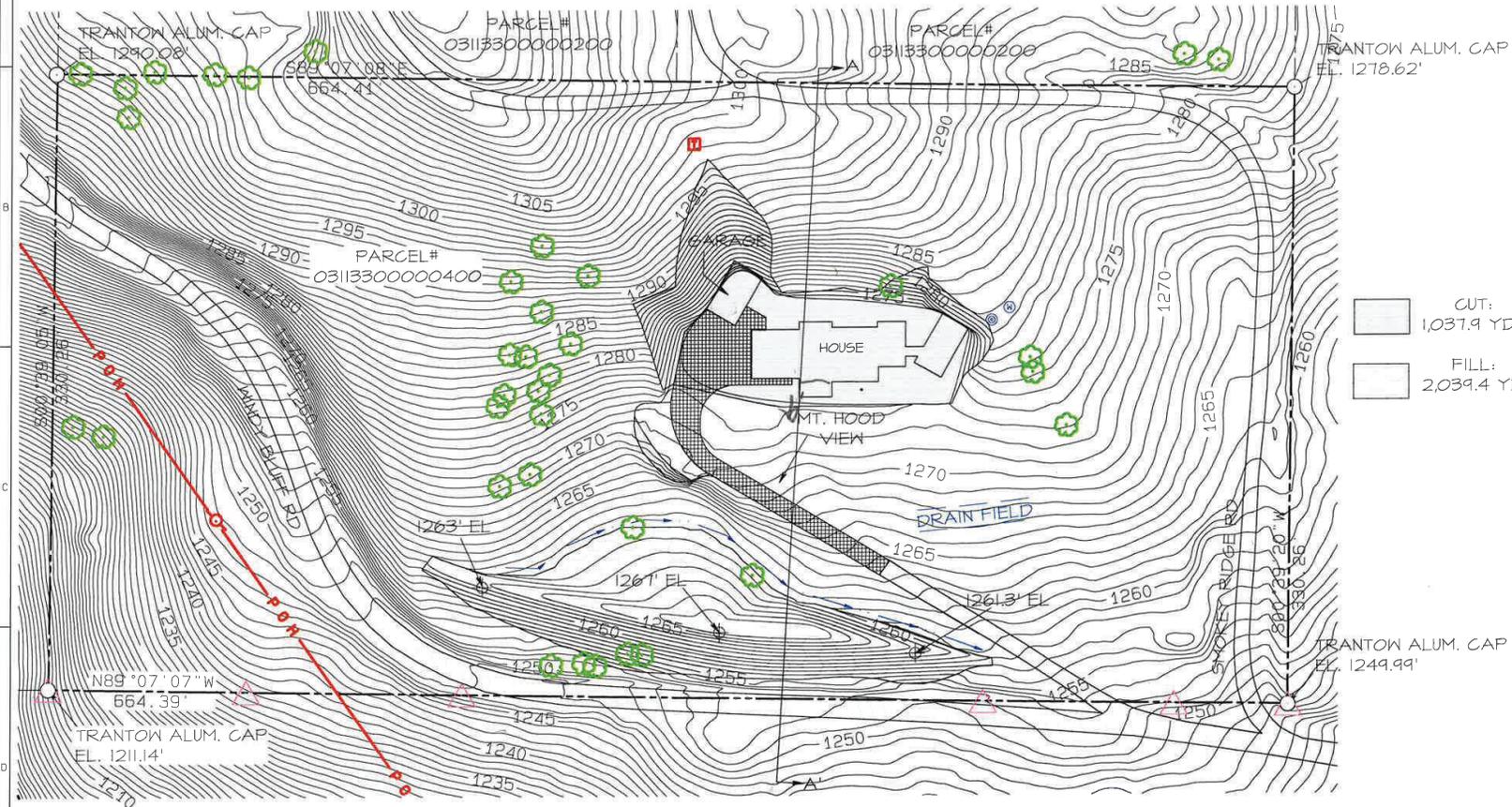
5/25/2020

SCALE:
1/4" = 1 R.

SHEET:
A-4

EXISTING CONDITIONS SURVEY
PARCEL NUMBER 03113300000400
SECTION 33, T3N, R11E
W.M KLIKITAT COUNTY, WA

- LEGEND**
- 4FT WOOD LATHE
 - FOUND MONUMENT AS NOTED
 - TREE
 - LID TO VAULT
 - POH- POWER OVERHEAD
 - DRAIN FIELD
 - POWER POLE
 - TRANSFORMER
 - WELL
 - MAINTAIN DRAINAGE FLOW
 - PAVEMENT
 - GRAVEL ROAD



CUT:
1,037.9 YD3

FILL:
2,039.4 YD3

Bell Design Co. makes no warranty as to matters of unwritten title such as adverse possession, prescriptive rights, easements, estoppel, acquiescence, etc. or to environmental concerns such as hazardous waste, pollution, wet land delineation, riparian changes, flood zones, etc.
 FIELD WORK PERFORMED ON 5-30-19 THIS SURVEY NOT INTENDED TO BE RECORDED VERTICAL DATUM BASED ON NAVD88

PROPOSED SITE PLAN

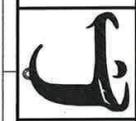
SCALE 1" = 60'-0" CONTOURS AT 1 FOOT INTERVALS

THIS LINE IS 1' LONG. IF THIS LINE IS NOT 1' LONG, ADJUST SCALE ACCORDINGLY

D:\2019\1301\02 NSA Grading Plan\130130.dwg

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BELL DESIGN COMPANY
 CIVIL ENGINEERING LAND SURVEYING
 400 WEST STEUBEN STREET, P.O.B. 308, BINGEN, WA, 98605
 PHONE (509) 443-3866, FAX (509) 443-3665
 belldesigncompany.com



PROPOSED SITE PLAN
 STACEY BAKER
 WASHINGTON
 COOK

JOB NO.	19B130
DATE	9/9/19
DRAWN BY	JED
REVIEWED BY	ARB
REVISIONS	DATE

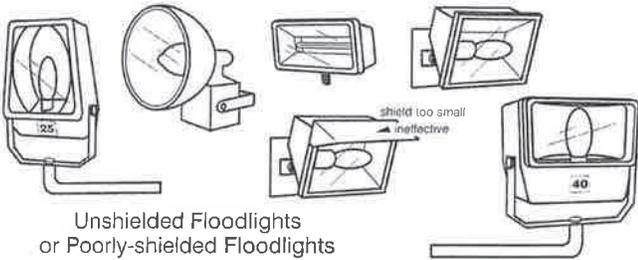
APPROVED
W. W. W. W.
 7/7/20

SHEET NO. **C2.00**
 OF 2 SHEETS

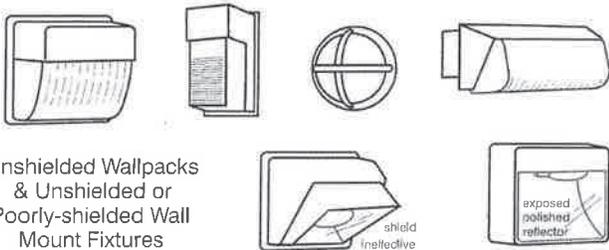
Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

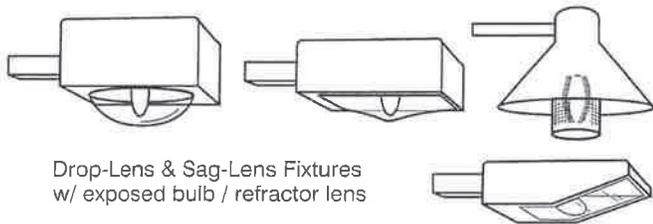
Fixtures that produce glare and light trespass



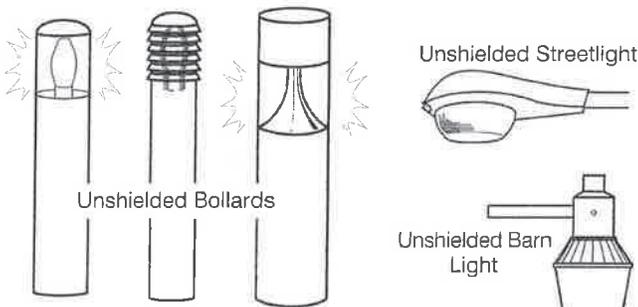
Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures



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

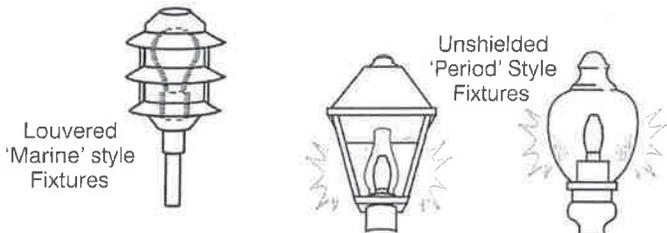


Unshielded Bollards

Unshielded Streetlight



Unshielded Barn Light

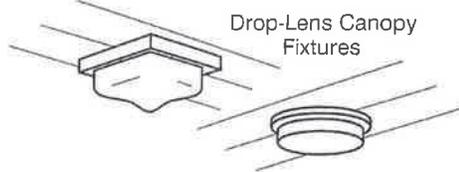


Louvered 'Marine' style Fixtures

Unshielded 'Period' Style Fixtures



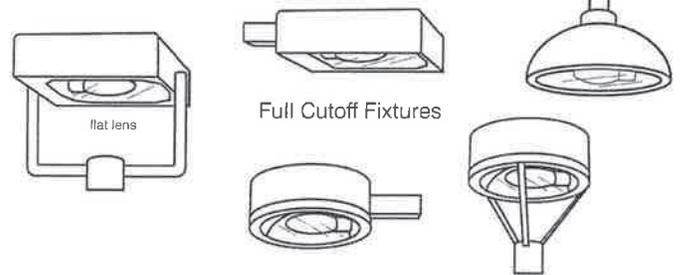
Unshielded PAR Floodlights



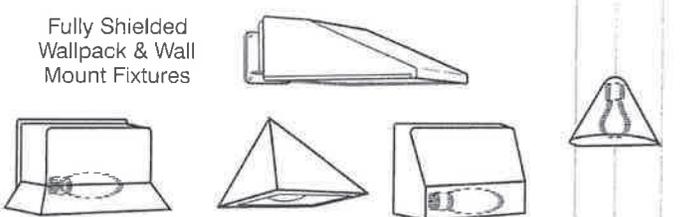
Drop-Lens Canopy Fixtures

Acceptable

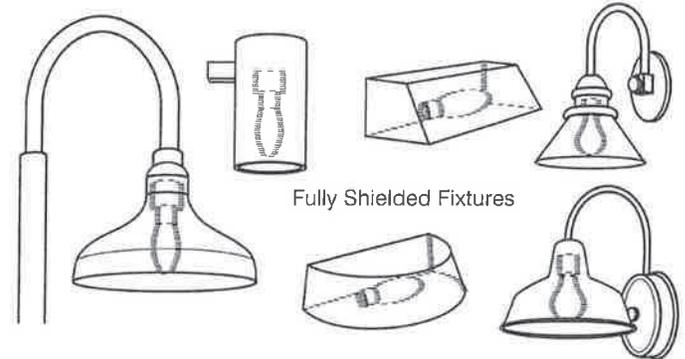
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



Fully Shielded Fixtures



Full Cutoff Streetlight

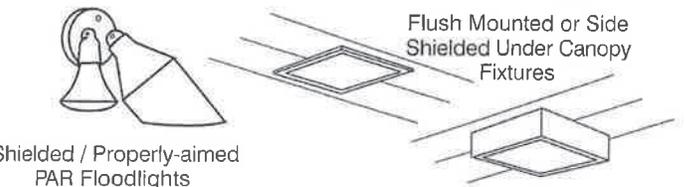
Fully Shielded Barn Light

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

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

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

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

Herbaceous plants can be added after seeding:

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

Notes:

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

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

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

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

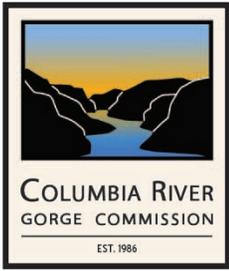
Mulch: Use certified weed free straw mulch whenever possible. Only 1-2" (2 tons/ac.) is needed and should be evenly applied. **Too deep can be more detrimental than none at all.** Ideally, it should be chopped and applied by machine. To further reduce the chance of introducing non-natives in to project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

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

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

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

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



COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

- CASE FILE:** C19-0020
- PROPOSAL:** The Columbia River Gorge Commission has received an application for a replacement dwelling and detached garage.
- APPLICANT:** Breff McLaughlin & Stacey Baker
- LANDOWNER:** Stacey Baker
- LOCATION:** The subject parcel is 5 acres in size, and located at 41 Windy Bluff Road, White Salmon, Washington, in the North East Quarter of Section 33, Township 3 North, Range 11 East, W.M., Klickitat County, Tax Lot Number 03-11-3300-0004/00.
- LAND USE DESIGNATION:** The subject parcel is in the Special Management Area and designated General Management Area Small-Scale Agriculture.

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 is 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.

A. LAND USE

1. The subject parcel is 5 acres in size and located in Klickitat County, east of White Salmon, WA, off of Courtney Road on Burdoin Mountain.
2. In late 2017, during a site visit to a neighboring property, staff became aware of a new, unpermitted garage that was being built on the subject parcel. Staff spoke with Ms. Baker's builder and advised that the garage needed a land use approval and that it appeared to break the skyline as seen from Key Viewing Areas (KVAs). In Winter 2018, Ms. Baker submitted an application for an after-the-fact review of the unpermitted garage. While reviewing the application, staff concluded that the building extended above the skyline as viewed from Key Viewing Areas in violation of Commission Rule 350-80-520(2)(h) and the garage could not be approved as constructed. Staff began working with the landowner to resolve the issue pursuant to Commission Rule 350-30-025, exploring possible changes to the garage design and moving the garage. In Summer 2019, after working with Ms. Baker for more than a year without receiving updated design plans for the garage, the Commission issued Decision C18-0001, requiring the garage to be removed. The garage was removed from the subject parcel in Spring 2020.
3. In Fall 2019, Ms. Baker and her architect, Breff McLaughlin, of *McLaughlin Design & Construction, LLC.*, submitted plans to replace the existing single-family dwelling and construct a new garage. The proposed replacement dwelling is sited in approximately the same location as the existing dwelling and an adjacent accessory storage building that is also being removed. The proposed garage is sited to the northwest of the replacement dwelling, setback further from the bluff. The design includes an extensive landscaping plan, including a vegetative berm, to help screen the development from view of KVAs. They applicants also propose a temporary dwelling and staging area during construction of the replacement dwelling.
4. Commission Rule 350-81-082(2)(a) allows for the replacement of existing structures not damaged or destroyed by disaster. Commission Rule 350-81-020 (60) defines *existing structure* as any structure that was legally established. Commission Rule 350-81-082(2)(a) states:

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 replacement structure shall comply with the following standards:

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

Staff obtained a copy of the original mobile home placement permit from Klickitat County to verify its legal status. The existing mobile home was approved by the Klickitat County Planning Department on October 31, 1986 under permit MP3161. The application for the permit was

submitted before the date of the National Scenic Area Act, November 17, 1986, and therefore was not subject to consistency with the Final Interim Guidelines.

The Gorge Commission received a complete land use application for the replacement dwelling. The applicant will continue to use the existing dwelling until it is removed. The existing dwelling has not been discontinued and will be removed before construction of the replacement dwelling begins. The replacement dwelling will be used in the same manner, for the same purpose and is sited in the same location as the original dwelling. The replacement dwelling will be 1,491 sq. ft. 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. The proposed development follows the standards for the replacement of existing structures not damaged or destroyed by disaster, consistent with this rule.

5. Commission Rule 350-81-190(1)(j) allows only one dwelling on a parcel.

The temporary dwelling will only be allowed while the replacement dwelling is being constructed and must be removed within 30 days of obtaining the Certificate of Occupancy for the replacement dwelling. This is included as a condition of approval.

6. Commission Rule 350-81-190(1)(e) allows the following on lands designated Small-Scale Agriculture:

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

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

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

The garage will be 18 ft. wide, 30 ft. long, and 16 ft. tall. The garage has a footprint of 540 sq. ft., which is less than the 1,500 sq. ft. limit guideline of Commission Rule 350-81-190(1)(e); after development of the proposal is complete there will be no other accessory buildings on the subject parcel. The garage is also under the 24 ft. height limit guideline in Commission Rule 350-81-190(1)(e).

7. Commission Rule 350-81-076(1) contains setbacks from adjacent properties for buildings on lands adjacent to parcels designated Large-Scale or Small-Scale Agriculture. This rule states:

All new buildings in the GMA shall comply with the following guidelines when proposed to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use...

The parcels to the north and west of the subject parcel are Section 8(o) properties in the GMA Small-Scale Agriculture designation, like the subject parcel. The parcels to the south and east are designated SMA Agriculture, owned by the U.S. Forest Service and are not subject to these buffer requirements. Although none of the adjacent parcels are currently used for agriculture, staff concluded the parcels are potentially suitable for agricultural use. To determine if the adjacent lands are suitable for agricultural use, staff considered characteristics of the land, existing uses,

and looked at soil data and crop production data in the Commission's natural resources database. Commission Rule 350-81-154 defines *suitability* as:

The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production; surrounding uses and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, powerlines, dwellings, and size of ownership.

According to the latest data provided by the Natural Resources Conservation Services, the USA Soils Farmland Class rating for the soil of the subject parcel and adjacent parcels is "Farmland of Statewide Importance." Staff observed during site visits to the subject parcel that the adjacent parcels have similar characteristics including low tree coverage, grasses as the dominant vegetation, steep rocky terrain, and high exposure to wind and sun. Staff looked at other parcels in the same land use designation and same landscape setting with similar land characteristics to see what types of agricultural uses the subject parcel and adjacent parcels might be suitable for. In general, the types of agriculture found on nearby land with similar terrain are livestock grazing and pasturelands. Currently, the lands between the subject parcel and the adjacent parcels to the north, west, south, and east are open. According to Commission rule 350-81-076, the setback requirement for livestock grazing, pasture and haying is 100 ft. from adjacent parcels to the north and west.

As currently proposed, the garage is sited 350 ft. from the western boundary and 100 ft. from the northern boundary. The replacement dwelling is sited 370 ft. from the western boundary and 120 ft. from the northern boundary. The proposal places the dwelling and garage in compliance with the 100 ft. agricultural setback from the parcels to the west and north, and is consistent with this rule.

CONCLUSION:

The proposed replacement dwelling and garage are allowed review uses, subject to Commission Rules 350-81-520 through 350-81-620 that protect scenic, cultural, natural, and recreation resources.

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 applicants propose to site the replacement dwelling in approximately the same location as the existing dwelling, which will help minimize grading. The siting requires an estimated 3,077 cubic yards of grading. Slopes on the existing parcel are gentle to moderate. The replacement dwelling will be 1,491 sq. ft. larger than the original dwelling. The replacement dwelling is 63 ft. longer than the existing dwelling and includes areas of covered porches totaling 118 sq. ft. By placing the replacement dwelling at the location of the existing dwelling, the applicants retain existing topography and minimize grading to the maximum extent practicable.

The garage will be 18 ft. wide, 30 ft. long, and 16 ft. tall. The garage has a footprint of 540 sq. ft. The new site for the garage is north-west of the dwelling, but still adjacent, and uses the existing driveway. The siting of the garage allows it to comply with Commission Rule 350-81-520(2)(h), which is discussed in Finding B.14 below. No new excavation is required to site the temporary dwelling or the staging area. The siting of the development is designed consistent with this rule.

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

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

To determine compatibility of the proposed development, Commission staff looked at development surrounding subject parcel within a quarter mile. Staff chose the quarter mile study area because all the parcels are within the same landscape setting as the subject property and have similar visibility from KVAs. Additionally, many of the parcels in the area are developed with single-family dwellings.

Of the 20 parcels in the study area, staff identified 11 parcels with development. There are currently 29 known buildings in the study area. These buildings include single-family dwellings, mobile homes, garages, agricultural structures, and smaller accessory structures. Buildings range in size from 64 to 5,136 sq. ft. Nearby single-family dwellings range in size from 1,316 to 5,136 sq. ft.

As proposed, the house will have 2,384 sq. ft. of interior living space, 619 sq. ft. of attached interior garage space and 116 sq. ft. of covered patio space, for a total footprint of 3,119 sq. ft. At its tallest point, the house will be 14 ft. tall. The general scale of the proposed replacement dwelling – including the square footage and the height – is compatible with the general scale of existing nearby development, consistent with Commission Rule 350-81-520(1)(b).

The garage will be 18 ft. wide, 30 ft. long, and 16 ft. tall. The garage has a footprint of 540 sq. ft., less than the 1,500 sq. ft. limit and the height is less than the 24 ft. height limit specified in Commission Rule 350-81-190(1)(e). The general scale of the garage is compatible with the general scale of existing nearby development, consistent with Commission Rule 350-81-520(1)(b).

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

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

As described in Finding B.14, a landscaping plan is required. The applicants proposed extensive landscaping as part of the development. The plan includes 84 plantings, surrounding the development to the southeast, south and southwest of the building. The landscaping plan also includes a berm to the south of the building. The landscape plan is approved as a condition of approval. With another condition of approval requiring an irrigation plan to help ensure the proper maintenance and survival of planted vegetation, the proposal is consistent with Commission Rule 350-81-520(1)(c).

4. Commission Rule 350-81-520(1)(e) states:

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

The landscape setting for the subject parcel is Oak-Pine Woodlands. Commission Rule 350-81-520(3)(c) contains design guidelines for proposed uses in the Oak-Pine Woodlands landscape setting. A site plan was provided consistent with Commission Rule 350-81-032 (Application for Review and Approval). Findings B.20 through B.22 address the applicable guidelines in Commission Rule 350-81-520(3)(c) using information submitted in the site plan, consistent with this rule.

5. Commission Rule 350-81-520(2) contains guidelines that apply to developments on sites visible from KVAs. Staff analyzed the visibility of the proposed development on the subject parcel by conducting site visits and using geospatial mapping tools, and determined that the subject parcel is topographically visible from the following six KVAs: Columbia River, Highway 35, Historic Columbia River Highway, I-84, Rowena Plateau, SR-14. Because the development site is visible from KVAs, the guidelines of Commission Rule 350-81-520(2) apply to the proposed development.
6. Commission Rule 350-81-520(2)(b) requires new development to be *visually subordinate* to its setting when viewed from KVAs.

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

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

As discussed in Findings B.8 and B.9, Commission Rule 350-81-530(2)(f) requires the extent and type of conditions applied to a development to achieve the scenic standard of *visually subordinate* as seen from KVAs. Additionally, as discussed in Findings B.15 and B.16, 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 and dark earth-tone colors.

Factors contributing to the visual subordination of this development include distance from KVAs, the use of low, the horizontal lines of the replacement dwelling, dark earth tone colors found on the site, non-reflective and low reflective building materials, and new landscaping which includes 84 plantings and a vegetated berm. The Director's Decision contains requirements and conditions of approval to ensure the development is *visually subordinate* to the maximum extent practicable, consistent with this rule.

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

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

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

To determine cumulative effects of the proposed development, staff analyzed existing development and development potential of the subject parcel and the adjacent and nearby lands in the Oak-Woodland Landscape Setting within a quarter mile of the subject parcel. As seen from KVAs, the subject parcel is in an area where existing dwellings are visible but sparsely scattered throughout the landscape. The steep and undulating topography of the area and existing stands of oak and pine trees serve to partially screen these buildings, helping to make them *visually subordinate* from KVAs. Development in the vicinity of the proposal includes eleven single-family dwellings. The dwellings range from 425 sq. ft. to 5,136 sq. ft. in size and are one and two stories in height. The total square footage of the proposed dwelling is 3,119 sq. ft., which is smaller than

the largest dwelling, but is in the top quartile of buildings in the study area. For analysis, staff assumes that all existing dwellings on surrounding lots could be replaced in the future, subject to review.

Several factors ensure the proposed buildings will not cause adverse scenic impacts as viewed from KVAs, including site location and existing topography, distance from KVAs, dark earth tone colors, low or non-reflective building materials, and screening vegetation. If new buildings 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 design guidelines for the Oak-Pine Woodland landscape setting in the GMA recommend that development be clustered and sited to maximize screening of existing topography and vegetation to keep the character of the setting. By using existing topography and vegetation, a design that fits with the landscape setting, and exterior materials that are dark earth-toned and low or non-reflective, there will be no significant increase in visibility of the new development. If new replacement buildings were built in a comparable manner to the proposed dwelling and held to the same resource protection standards, adverse cumulative effects to scenic resources could be avoided and potentially improved. Development designed and sited to achieve the standard *visually subordinate* will not generate adverse cumulative scenic impacts.

There will not be any visual effects from KVAs in the foreground because no development in the study area will be visible in the foreground of any KVA. The development will be visible from KVAs further away, such as I-84 or the Historic Columbia River Highway. From these KVAs, there is already limited existing development in the viewshed, including a dwelling on the subject parcel. Generally however, buildings in these viewsheds are clustered together and appear part of the scattered rural residential development that exists in the landscape.

According to data from Klickitat Assessor Records, within the study area there are 20 parcels. Most 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 13 parcels are privately-owned. Eleven of the thirteen privately-owned parcels are developed with dwellings and accessory structures. Two of the privately-owned parcels are undeveloped. One of the undeveloped privately-owned parcels can be developed in the future and is designated General Management Plan (GMA) Small-Scale Agriculture with a minimum parcel size of 80 acres by the Forest Service, according to Section 8(o) of the National Scenic Area Act. Staff assumes for this analysis that parcel will someday be developed with a dwelling and accessory structures. The other undeveloped privately-owned parcel is 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 none of the parcels are 40 acres or larger. Staff assume this parcel will remain undeveloped.

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 is held in federal ownership and unlikely to contribute to any cumulative impacts.

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 approvable agricultural use.

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).

8. 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).

KEY VIEWING AREAS	DISTANCE ZONE		
	FOREGROUND	MIDDLEGROUND	BACKGROUND
	0 - 1/4 Mile	1/4 - 3 MILES	Over 3 Miles
Historic Columbia River Highway		X	X
Interstate 84		X	X
Columbia River			X
Washington State Route 14		X	X
Highway 35			X
Rowena Plateau			X

The site is visible from the six KVAs listed in Finding B.6. The site is not visible in the foreground of any KVA. The closest KVA is Washington State Route 14, at a distance of approximately .85 miles. The farthest KVA is Tom McCall Viewpoint, at a distance of approximately 6 miles. Using GIS inventories and conducting site visits, staff found that the proposed building site is visible intermittently along SR 14 for 2.4 miles, I-84 for 9.6 miles, the Columbia River for 8.2 miles, Oregon Hwy 35 for .25 miles, and the Historic Columbia River Highway for 8.7 miles.

The elevation of the development site is approximately 1,270 ft. The development site is only visible from a higher elevation from Tom McCall Viewpoint (approximately 1,720 ft. elevation). As seen from Tom McCall Viewpoint, the 6-mile distance and existing vegetation on the site will effectively screen all proposed development.

As seen from lower-elevation KVAs in midground and background, such as I-84 and the Columbia River, the development site is visible because it is near the edge of the bluff of Burdoin Mountain. Topography provides some natural screening, because the project is located much higher than all KVAs except Rowena Plateau. The proposed development is most visible from the Historic Columbia River Highway. The bike path which extends from Hood River to Mosier is at approximately 500 ft. elevation for the duration of the path, and the development is intermittently visible the entire length.

The proposed development is also visible from I-85 and the Columbia River. These KVAs are much lower in elevation than the subject parcel and topography helps to screen most of development from view of these KVAs. From these KVAs the building is varies in visibility depending on direction. From the northeast and north, only the upper part of the proposed buildings will be visible; however as described in Finding B.13, the development is consistent with Commission Rule 350-81-520(2)(h) from these KVAs. From these KVAs in the northeast, specifically around Mosier, most of the development is topographically visible due to the slope of the terrain.

There is limited existing vegetation on the parcel to screen the development from KVAs. There is a stand of small windblown conifers which provide some screening from KVAs to the west, but the rest of the parcel is treeless. Required landscaping includes 84 plantings to the south, southwest and southeast of the building, and a berm to the south of the building to help the vegetation screen the building from KVAs. Conditions requiring dark earth tone colors, minimal grading, and retention of screening vegetation will help the development blend with the landscape.

9. 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).*
- (ii) Retention of existing vegetation.*
- (iii) Design (color, reflectivity, size, shape, height, architectural and design details and other elements).*
- (iv) New landscaping*

Factors contributing to the visual subordination of this development include distance from KVAs, the low horizontal lines of the replacement dwelling, dark earth tone colors found on the site, non-reflective and low reflective building materials, existing vegetation surrounding the subject parcel, and a new landscaping which includes 84 plantings and a vegetated berm. The Director's Decision contains requirements and conditions of approval to ensure the development is *visually subordinate*, consistent with this rule.

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

The applicant has proposed a "ranch-style" house with a roofline that emphasizes horizontal lines and a maximum final height of 14 ft. from the lowest adjacent grade to the highest point of the roof. Architecturally, the ranch-style homes are noted for a long, close-to-the-ground profile, and wide-open layout. As proposed the house will have 2,384 sq. ft. interior living space, 619 sq. ft. of unconditioned garage space and 116 sq. ft. of outdoor covered patio space, for a total footprint of 3,119 sq. ft. Finding B.16 addresses the colors of the development and Finding B.17 address building material reflectivity including windows. Conditions have been applied to ensure compliance with these aspects of the design.

The subject property contains sparse vegetation, and landscaping is required to make the development *visually subordinate*. Directly to the west of the proposed development is a stand of conifers which provide some screening from KVAs to the west. The applicant has a proposed

extensive landscaping as part of the development. Landscaping includes 84 plantings to the south, southeast and southwest of the building. The new landscaping plan also includes a berm to the south of the building to help the vegetation screen the building from KVAs. A condition of approval requires the proper maintenance, care and survival of the screening vegetation, including an irrigation plan. The applicant does not propose to remove any trees as part of the development proposal, and a condition of approval requires all existing vegetation be retained. Another condition of approval requires that all disturbed areas, including trenching for the undergrounded utilities, are reseeded immediately upon completing the project with at least 80 percent vegetative coverage within 1 year.

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

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

As discussed in Section E below, the development does not lie within sites or buffers of any sensitive natural resources. Similarly, as discussed in Section C, the development does not conflict with cultural resource guidelines. The proposed development is consistent with Commission Rule Commission Rule 350-81-520(2)(e).

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

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

The topography of the 5-acre parcel creates design constraints as evidenced in Decision C18-0001 (See Finding B.13). The parcel is found directly on the steep slopes of Burdoin Mountain at 1,270 ft. elevation. Slopes on the parcel are generally gentle to moderate but are extremely steep to the south and exposed to high winds. There is mostly grass coverage with sparse existing vegetation to potentially use as screening for the development. The flattest area is the site of the existing dwelling, which was previously leveled, and lies in approximately the center of the parcel. The proposed development is sited at the same location as the existing dwelling and existing accessory building.

12. 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).

The subject parcel is in the Oak-Pine Woodlands landscape setting. Findings for the Landscape Settings Design Guidelines are addressed below in Findings B.20 through B.22. No trees are proposed to be removed as part of this application. Existing tree cover screening the proposed development from KVAs shall be retained in compliance with Commission Rule 350-81-520(3).

13. 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.

Commission Rule 350-81-020(146) defines skyline as:

The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). In areas with thick, unbroken tree cover, the skyline is generally formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is generally formed by the surface of the ground.

In Winter 2018, Ms. Baker applied for an after-the-fact review of a garage that she constructed without prior National Scenic Area review and approval. In Summer 2019, the Gorge Commission issued Decision C18-0001, which required Ms. Baker to remove the partially built garage because it did not and could not comply with this guideline as viewed from I-84, a KVA.

Staff worked extensively with Ms. Baker, her architect Mr. McLaughlin and Bell Design, a civil engineering and land surveying firm based in Bingen, WA, to design a dwelling and garage that complies with this guideline. As part of the application and grading plan, the applicants submitted a cross sectional profile detail that demonstrated the replacement dwelling would not break the skyline as viewed from KVAs. The existing dwelling is 14 ft. tall and below the skyline of the bluff. As proposed, the replacement dwelling is in the same location as the original dwelling and accessory building, and is 14 feet tall. The proposed development will not be closer to the bluff edge than existing development. The applicants determined that 14 feet was the tallest the replacement dwelling could be without violating Commission Rule 350-80-520(2)(h). The garage, which the applicant wanted to be 16 feet in height to accommodate her proposed use of the building, needed to be set back further to the north than the replacement dwelling, approximately 200 ft. from the southern property line, to comply with Commission Rule 350-80-520(2)(h). Mr. McLaughlin provided video evidence using Google Earth and 3D modeling that demonstrated neither the replacement dwelling nor the garage would break the skyline as viewed from I-84 or other KVAs. Staff confirmed the model's accuracy performing site visits and geospatial analysis. As designed, the project is consistent with this guideline.

14. Commission Rule 350-81-520(2)(j) applies to new landscaping. It states:

The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

- (A) New landscaping (including new earth berms) shall be required only when application of all other available guidelines in 350-81-520 is not sufficient to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.*
- (B) If new landscaping is required to make a proposed development visually subordinate from key viewing areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction.*
- (C) Unless as specified otherwise by provisions in 350-81-520, landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper*

maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(D) The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in 350-81-520(3), and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

The subject property contains sparse vegetation, and landscaping is required to make the development visually subordinate. Directly to the west of the proposed development is a stand of conifers which provide some screening from KVAs to the west. Ms. Baker provided a new landscaping plan that included the use of trees, shrubs and a berm to help screen the garage and dwelling from view. The landscape plan includes 84 plantings surrounding the development to the southeast, south and southwest. Trees include ponderosa pine and Oregon white oak, and shrubs include snowberry, Oregon grape, hawthorn, serviceberry and wild rose. These plantings are native to the area which will help them survive at the development site. The landscaping plan is included as a condition of approval. It requires the vegetation to be the size to provide sufficient screening within 5-years: at the time of planting, the trees shall be three to five-feet-tall, and with the root ball wrapped in burlap, and shrubs shall be 3 feet tall. The vegetation shall be planted as shown on the approved landscaping plan and planted as soon as practicable.

Another condition of approval requires the proper maintenance, care and survival of the screening vegetation, including an irrigation plan. The applicant does not propose to remove any trees as part of the development proposal, and a condition of approval requires all existing vegetation be retained. Consistent with this rule, a condition is also included in this decision requiring all disturbed areas to be reseeded with grasses from the Recommend Seed Mixes for East Side Environments and that disturbed areas are revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year. With a condition approving the landscaping plan and a condition requiring proper maintenance and care of the vegetation, the proposed development is consistent with this rule.

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

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

The applicant has proposed Benjamin Moore *Black Bean Soup (2130-10)* for the exterior walls, Benjamin Moore *Tudor Brown (HC-185)* for the trim, and Benjamin Moore *Mediterranean Olive (2142-10)* for the doors of the replacement dwelling. These dark earth-tone browns are found within the shadows of the surrounding landscape. The roof will be composed of Bridgersteel Rustic Rawhide roofing, and the color is Rustic Rawhide. A condition of approval requires all exterior surfaces of the proposed development, including doors, siding, trim, window sash, and roof to be these specific colors to ensure consistency with Commission Rule 350-81-520(2)(l).

16. 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, glass windows and metal roofing. The fiber cement siding has minimal reflectivity and will be a dark earth tone color.

The dwelling also has several large expanses of glass windows exposed to KVAs. Staff discussed the project and the use of reflective materials with USFS Landscape Architect, Morai Helfen, to help ensure compliance with this rule. The *Scenic Resources Implementation Handbook* recommends limiting continuous unscreened glass to 50 sq. ft. to prevent adverse impacts to scenic resources, but suggests larger areas of glass may be used if visual impacts are reduced by other measures. As proposed, none of the glass arrangements are larger than 50 sq. ft. as defined by the handbook. The *Scenic Resources Implementation Handbook* suggests that the use of glass with 11 percent reflectivity may be allowable when development is located beyond the foreground of KVAs 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 percent. To ensure the replacement dwelling is not composed of reflective materials, the applicant also proposed a design that limits reflective materials to 30 percent of the total surface area of any wall exposed to a KVA.

The applicant requests a metal roof. The metal roof proposed is a product called *Rustic Rawhide*, from Bridgersteel. *Rustic Rawhide* is a textured, painted product designed to replicate natural weathering steel. The texture brings depth and reduces the reflectivity of the metal roof, helping ensure compliance with this rule.

The applicant has also proposed a landscaping plan which includes 84 plantings and a vegetated berm. The landscaping plan helps to screen reflective materials from view of KVAs to the south southeast, and southwest, and is required as a condition of approval.

In sum, with conditions of approval requiring low or non-reflective materials, limiting the amount of glass, and the inclusion of a landscaping plan, the proposed development is consistent with Commission Rule 350-81-520(2)(m).

17. 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 twelve exterior lighting fixtures for the development. A condition of approval is included in the decision ensuring lights are directed downward, hooded, and shielded such that they are not highly visible from KVAs, consistent with this rule. Staff is also providing the applicant with examples of acceptable light fixtures from International Dark-Sky Association as an attachment with this decision.

18. 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.

Excavation and a cut are necessary to site the proposed garage north on the property so that the southern elevation remains below the skyline, in compliance with Commission Rule 350-81-520(2)(h). No modifications are proposed to the existing driveway that serves as access for the

existing dwelling and will also serve the proposed replacement dwelling. Consistent with this rule, a condition is also included in this decision requiring all disturbed areas to be reseeded with grasses from the *Recommend Seed Mixes for East Side Environments* and that disturbed areas are revegetated immediately upon completing the project (or as soon as possible thereafter if the project is completed during the winter months) with at least 80 percent vegetative coverage within 1 year.

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

The applicant provided a grading plan prepared by Bell Design Company consistent with the guidelines of this rule. According to the grading plan, the development will require 1,039 cubic yards of cut material and 2,039 yards of fill material. The fill materials include the proposed berm.

20. The Landscape Settings Map for Columbia River Gorge National Scenic Area classifies the subject parcel as Oak-Pine Woodlands. Commission Rules 350-81-520(3)(c)(A) and (B) contain applicable guidelines for the proposed development in this landscape setting.

21. Commission Rule 350-80-520(3)(c)(A) states:

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

There are no wooded areas on the subject parcel. In wooded portions of this setting in the vicinity of the subject parcel, trees vary in height from 30 to 50 ft. The height of the replacement dwelling is 14 ft., and the height of the accessory building (garage) is 16 ft. Both buildings are lower than the tree canopy level in wooded portions of the Oak-Pinewoods landscape setting.

22. Commission Rules 350-81-520(3)(c)(B) states:

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

(i) 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.

As described in Finding B.14, a landscaping plan is required. The applicant has proposed extensive landscaping, including screening vegetation and a vegetative berm as part of the development proposal. The proposal includes 84 plantings, planted to the southeast, south and southwest of the building in natural looking groupings. Currently, the parcel is primarily covered by grasses with few trees. No other location on the subject property would have afforded the applicant more topographic screening, and all of the buildings are tightly clustered together. There are twelve trees proposed as part of the landscaping proposal, a mix of ponderosa pines and Oregon white oak, and will be planted in small groupings. A condition of approval requires at least half of the trees to be ponderosa pines, consistent with this rule.

CONCLUSION:

The proposed development is consistent with the applicable policies of the Management Plan and guidelines in Commission Rule 350-81-520 that protect scenic resources in the National Scenic Area.

C. CULTURAL RESOURCES

1. Except as specified in Commission Rule 350-81-540(1)(c)(A)(iii), new development requires a reconnaissance survey. Commission Rule 350-81-540(3) requires that, if cultural resources are discovered, an evaluation of the significance is conducted. Commission Rule 350-81-540(3)(d)(C) states that if 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 are required to reduce adverse effects to no adverse effect or no effect.
2. Chris Donnermeyer, Heritage Resource Program Manager for the U.S. Forest Service Columbia River Gorge National Scenic Area, reviewed the land use application and determined in a Cultural Resources Survey Determination, dated November 20, 2020, that pursuant to Commission Rule 350-81-540(1)(c)(A)(iii) a Cultural Resource Reconnaissance Survey is not required because the proposed use would 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 archaeological site.
3. Commission Rule 350-81-540(1)(c)(B) describes when a historic survey is required. In his November 20, 2020 survey determination letter, Mr. Donnermeyer also concluded that a historic survey is not required because the development would not alter the exterior architectural appearance of significant buildings or structures that are 50 years old or older, would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older, and would 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 November 13, 2019, and the comment period ended December 4, 2019. As explained above, the proposed use did not require a reconnaissance survey 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 is included in this decision requiring adherence to these measures if human remains are discovered.

CONCLUSION:

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

C. NATURAL RESOURCES

1. Commission Rule 350-81 provides guidelines for protecting wetlands (Section 560); streams, ponds, lakes, and riparian areas (Section 570); sensitive wildlife areas and sites (Section 580); and sensitive plants (Section 590).
2. The Gorge Commission's natural resource inventories do not show any wetlands in the project vicinity. Therefore, the proposal is consistent with Commission Rule 350-81-560 that protects wetlands.
3. The Gorge Commission's natural resource inventories do not show any streams, ponds, lakes, riparian areas, or resource buffer zones on the 5-acre parcel or in the project vicinity. Therefore, the proposal is consistent with Commission Rule 350-81-570 that protect streams, ponds, lakes, and riparian areas.
4. Commission Rule 350-81-580 contains criteria for the review of potential impacts to sensitive wildlife. The Gorge Commission's sensitive wildlife inventory shows the development site is located within Deer and Elk Winter Range. Commission Rule 350-81-580(1)(a)(A) defines sensitive wildlife areas to include this area.
5. Commission Rule 350-81-580(4)(a) requires the Gorge Commission to notify the Washington Department of Fish and Wildlife and submit a site plan when a new development or land use is proposed within a sensitive wildlife area.

Commission staff notified Washington Department of Fish and Wildlife of the proposed development and sent a copy of the site plan on November 13, 2019.

6. Commission Rule 350-81-580(4)(c) states:

The wildlife protection process may terminate if the Development Review Officer, in consultation with the appropriate state wildlife agency, determines: the sensitive wildlife area is not active; or the proposed use would not compromise the integrity of

the wildlife area, or occur during the time of the year when wildlife species are sensitive to disturbance.

WDFW did not indicate any concerns with the proposed development. Pursuant to Commission Rule 350-81-580(4)(c), staff does not believe the proposed development compromises the integrity of the parcel as wildlife site, due to the location and existing development, and lack of proposed fencing.

7. Commission Rule 350-81-580(1)(c) states:

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

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.

As noted in finding D.4 above, the development site is located within winter range. WDFW did not indicate any concerns with the proposed development. Pursuant to Commission Rule 350-81-580(1)(c), staff does not believe the proposed development creates any adverse effects, including cumulative effects, to the integrity of the parcel as wildlife site, due to the location and the nature of the development and the lack of proposed fences.

8. The Gorge Commission’s sensitive plant inventory does not show any sensitive plant sites within 1,000-feet of the proposed development. Therefore, Commission Rule 350-81-590 that protects sensitive plants does not apply.

CONCLUSION:

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

E. 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.

F. TREATY RIGHTS PROTECTION

1. Commission Rule 350-81-084(1) provides protection of tribal 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 Native American 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 Treaty Tribe governments on November 13, 2019. The notice included a comment period of 21 days that ended on December 4, 2019.

3. Commission Rule 350-81-084(1)(b) lists guidelines for tribal government consultation when those governments submit substantive written comments. No substantive comments were received.
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 treaty rights and any other rights of any Native American tribe.

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