

COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

CASE FILE: C20-0002

PROPOSAL: The Columbia River Gorge Commission has received an application for upgrades to an existing communication tower. Modifications to the existing communications facility include excavating a 20' x 20' x 5' area around the pole, removing existing concrete, pouring new concrete, and rehabilitating the site to original condition.

APPLICANT: Dan Wertz, for Mastec, representing T-Mobile

LANDOWNER: Lee Strom

LOCATION: The subject parcel is 5.14 acres and located at 12 Crestview Lane, White Salmon, WA in the Northeast Quarter of the Northwest Quarter of Section 28, Township 3 North, Range 11 East, W.M., Klickitat County Tax Lot Number 03-11-28-5300-02/00.

LAND USE

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

DECISION:

Based upon the following findings of fact, the land use application by Dan Wertz, application for upgrades to an existing communication tower, 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 C20-0002, 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 document 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 obtain necessary approvals, including utility easement approvals.

3. Any new land uses or structural development such as residences; garages, workshops, or other accessory structures; additions or alterations; or grading not included in the approved application or site plan will require a new application and review.
4. The development shall be constructed as shown on the approved project description, site plan and elevation drawings. Any changes shall be reviewed and approved by the Executive Director before the changes are implemented.
5. 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.
6. 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.
7. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for an inspection to confirm compliance with conditions of approval. Project completion means completion of all work on exteriors of structures (including painting).

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



Krystyna U. Wolniakowski
Executive Director

EXPIRATION OF APPROVAL:

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

This decision of the Executive Director becomes void on the 10 day of March 2022 unless construction has commenced in accordance with Commission Rule 350-81-044(4).

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

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

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

The applicant may request one 12-month extension of the time period to commence construction and one 12-month extension to complete construction in accordance with Commission Rule 350-81-044(6). The

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

APPEAL PROCESS:

The appeal period ends on the 9 day of April 2020.

The decision of the Executive Director is final unless the applicant or any other person who submitted comment files a Notice of Intent to Appeal and Petition with the Commission within thirty (30) days of the date of this decision. Information on the appeal process is available at the Commission office.

NOTES:

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

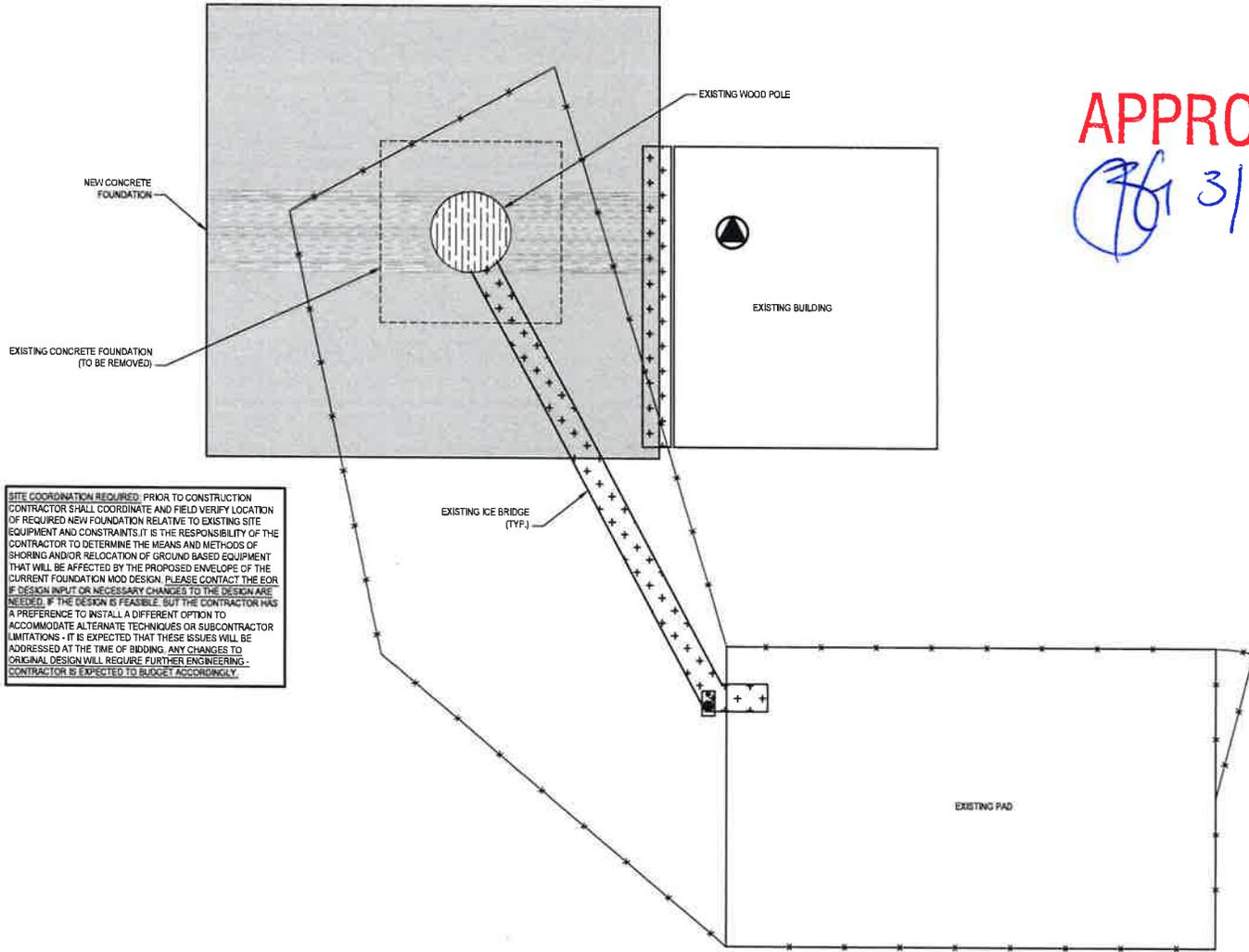
This decision does not address local, state, or federal requirements that may be applicable to the proposed development. The landowner is responsible for obtaining all applicable county, state, or federal permits required for the development.

cc:

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

Attachments:

Staff Report for C20-0002
Approved site plan



SITE COORDINATION REQUIRED: PRIOR TO CONSTRUCTION CONTRACTOR SHALL COORDINATE AND FIELD VERIFY LOCATION OF REQUIRED NEW FOUNDATION RELATIVE TO EXISTING SITE EQUIPMENT AND CONSTRAINTS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE MEANS AND METHODS OF SHORING AND/OR RELOCATION OF GROUND BASED EQUIPMENT THAT WILL BE AFFECTED BY THE PROPOSED ENVELOPE OF THE CURRENT FOUNDATION MOD DESIGN. PLEASE CONTACT THE EOR IF DESIGN INPUT OR NECESSARY CHANGES TO THE DESIGN ARE NEEDED. IF THE DESIGN IS FEASIBLE, BUT THE CONTRACTOR HAS A PREFERENCE TO INSTALL A DIFFERENT OPTION TO ACCOMMODATE ALTERNATE TECHNIQUES OR SUBCONTRACTOR LIMITATIONS - IT IS EXPECTED THAT THESE ISSUES WILL BE ADDRESSED AT THE TIME OF BIDDING. ANY CHANGES TO ORIGINAL DESIGN WILL REQUIRE FURTHER ENGINEERING. CONTRACTOR IS EXPECTED TO BUDGET ACCORDINGLY.

APPROVED
3/10/2020

SITE PLAN 1 S-3

4-15-2016: EDIT POLE HEIGHT

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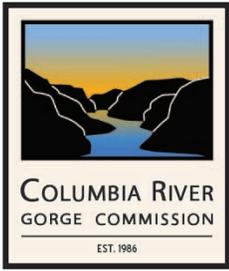
CROWN CASTLE
 5350 NORTH 48TH STREET, SUITE 305, CHANDLER, AZ 85226
 PH: (802) 844-1732

MODIFICATION OF AN EXISTING 65' MONOPOLE
 BU #829066: WHITE SALMON
 WHITE SALMON, WASHINGTON

PROJECT No: 37515-2373.002.7700
 DRAWN BY: B.M.S.
 DESIGNED BY: J.C.M.
 CHECKED BY:
 DATE: 11-11-2015

SITE PLAN

S-3



COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

- CASE FILE:** C20-0002
- PROPOSAL:** The Columbia River Gorge Commission has received an application for upgrades to an existing communication tower. Modifications to the existing communications facility include excavating a 20' x 20' x 5' area around the pole, removing existing concrete, pouring new concrete, and rehabilitating the site to original condition.
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- LANDOWNER:** Lee Strom
- LOCATION:** The subject parcel is 5.14 acres and located at 12 Crestview Lane, White Salmon, WA in the Northeast Quarter of the Northwest Quarter of Section 28, Township 3 North, Range 11 East, W.M., Klickitat County Tax Lot Number 03-11-28-5300-02/00.
- LAND USE DESIGNATION:** The subject parcel is in the General Management Area and designated Small-Scale 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.

FINDINGS OF FACT:

A. Land Use

1. The subject parcel is in the General Management Area (GMA) and is designated Small-Scale Agriculture. The land is not currently supporting any agricultural use. The communication facility is surrounded by a grove of Douglas fir trees and located near the southern boundary of the parcel. There is also a single-family dwelling in the southeast corner of the property, separated from the communications tower by the grove of trees.
2. The applicant proposes modifications to the existing communications facility including excavating a 20' x 20' x 5' area around the pole, removing existing concrete, pouring new concrete, and rehabilitating the site to original condition. The proposed project adds to an existing telecommunications facility on Burdoin Mountain, off Courtney Road, northeast of Bingen, WA.
3. Commission Rule 350-81-020 (60) defines *utility facility* as any structure that provides for the transmission or distribution of water, sewer, fuel, electricity, or communications.
4. Commission Rule 350-81-200(1)(a) allows utility facilities on lands designated Small-Scale Agriculture. Commission Rule 350-81-200(1)(a) states:

The following uses may be allowed on lands designated Large-Scale or Small-Scale Agriculture, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources (350-81-520 through 350-81-620) and the "Approval Criteria for Specified Review Uses," (350-81-220) below.

- (a) *Utility facilities and railroads necessary for public service upon a showing that (1) there is no practicable alternative location with less adverse effect on agricultural or forest lands, and (2) the size is the minimum necessary to provide the service.*

The proposed development allows the existing communications facility to have the structural capacity to carry the proposed and existing loads at the required minimum wind speeds. The structure is designed to be self-supporting and stable after the installation of the reinforcing repair system has been successfully completed. The proposed development is the minimum necessary for the pole to be self-supporting. Because the utility facility is already established, there is no practical alternative location for this proposed development.

5. Commission Rule 350-81-220 lists the additional approval criteria for lands designated Large-Scale or Small-Scale Agriculture. It states:

The uses identified in 350-81-200, may be allowed only if they meet both of the following criteria:

- (a) *The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use.*
- (b) *The use will be sited to minimize the loss of land suitable for the production of crops or livestock.*

The proposed development allows the communication facility to continue to operate as it is intended in a safe manner, self-supported and stable after the installation of the reinforcing repair system has been successfully completed. The project is sited directly adjacent to other

communication facilities on the subject parcel using existing access. The site is currently devoted to this use because the utility facility is already established.

Conclusion:

The proposed development is an allowed use provided it does not adversely affect scenic, cultural, natural, or recreation resources in the National Scenic Area. These additional reviews are below.

B. Scenic Resources

1. 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 the design guidelines for proposed uses in the Oak-Pine Woodlands landscape setting. Finding B.5 addresses the applicable guidelines in Commission Rule 350-81-520(3)(c) using information submitted in the site plan, consistent with this rule.

2. Commission Rule 350-81-520(2) contains guidelines that apply to new development on sites that are topographically visible from Key Viewing Areas (KVAs).

Staff visited the site and concluded the development site is not topographically visible from any KVAs; the bluff provides topographic screening for the existing communications shelters. Commission Rule 350-81-520(2) therefore does not apply.

3. Commission Rule 380-81-520(3)(c) describes the Oak-Pine Woodland landscape setting:

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

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

(C) Compatible recreation uses include resource-based uses of varying intensities. . .

The existing meter pool is under 65 feet in height. The entire communications facility, including the meter pole, is surrounded by a mix of Douglas fir trees that are all taller than the meter pole. As noted in finding B.4, the development site is not visible from KVAs, so subsection (B) does not apply. Subsection (C) specifies compatible recreation uses. The proposed use is not a recreation use, so subsection (C) does not apply. The proposed development is consistent Commission Rule 380-81-520(3).

4. Commission Rule 350-81-520(4) contains guidelines for review uses within ¼ mile of a Scenic Travel Corridor. The proposed development is not adjacent to or near a Scenic Travel Corridor. The closet Scenic Travel Corridor to the project site is SR-14, approximately 1.25 miles away.

Conclusion:

The proposed development is consistent with the guidelines in Commission Rule 350-81-520 that protect scenic resources in the National Scenic Area.

C. Cultural Resources

1. 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 February 5, 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 involve the modification, expansion, replacement, or reconstruction of existing buildings and structures, would occur on sites that have been disturbed by human activities, would occur on a site that has been adequately surveyed in the past (Goodwin 2018), 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 February 5, 2020 determination letter, Mr. Donnermeyer also concluded that a historic survey was not required because the development 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 January 28, 2020, and the comment period ended February 18, 2020. 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 provides guidelines for protecting wetlands (Section 560); streams, ponds, lakes, and riparian areas (Section 570); sensitive wildlife areas and sites (Section 580); and sensitive plants (Section 590).
2. The Gorge Commission's natural resource inventories do not show any wetlands in the project vicinity. Therefore, Commission Rule 350-81-560 that protect wetlands does not apply.
3. The Gorge Commission's natural resource inventories do not show any streams, ponds, lakes, riparian areas, or resource buffer zones in the project vicinity or on the 5.14 acre parcel. Therefore, Commission Rule 350-81-570 that protect streams, ponds, lakes and riparian areas does not apply.
4. The Gorge Commission's sensitive wildlife inventory does not show any sensitive wildlife sites within 1,000 feet of the proposed development. Therefore, Commission Rule 350-81-580 that protects sensitive wildlife areas does not apply.
5. The Gorge Commission's sensitive plant inventory does not show any sensitive plant sites within 1,000 feet of the proposed development. Therefore, Commission Rule 350-81-590 that protects sensitive plants does not apply.

Conclusion:

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

F. Treaty Rights Protection

1. Commission Rule 350-81-084(1) provides protection of 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 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 January 28, 2020. The notice included a comment period of 21 days that ended on February 18, 2020.

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. Given this information, the proposed dwelling 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.

BG
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