

COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

CASE FILE: C21-0004

PROPOSAL: The Columbia River Gorge Commission has received an application for an addition to an existing single-family dwelling.

APPLICANT: Ira Martin

LANDOWNER: Donald Toan

LOCATION: The subject property is 20 acres and located at the south end of Sauter Road, off Old Highway 8, approximately 2 miles west of Lyle, Washington, in Klickitat County, in Section 32, Township 3 North, Range 12 East, Willamette Meridian. Tax Lot Number 03-12-3200-0002/00.

LAND USE

DESIGNATION: General Management Area (GMA) – Small-Scale Agriculture (40)

DECISION:

Based upon the following findings of fact, the land use application by Ira Martin, for an addition to an existing single-family dwelling is consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act, P.L. 99-663, the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and approvable under Commission Rule 350-81, and is hereby **APPROVED**.

CONDITIONS OF APPROVAL:

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

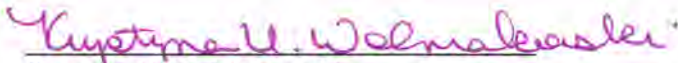
1. To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report for C21-0004, and approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor's Office. Once recorded, the applicants shall submit a copy of the recorded documents to the Executive Director.
2. 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. This decision does not exempt the proposal from other non-National Scenic Area rules and regulations.
3. Any new land uses or structural development such as buildings or other accessory structures, additions, 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 or alterations shall be reviewed and approved by the Executive Director before the changes are implemented.
5. All exterior building materials, including roof, doors, siding, trim, window casing and sash, decks, and railings shall be dark earth-tone colors. Only approved dark earth-tone colors for exterior materials shall be used. The approved color for the walls and roof of the addition is Benjamin Moore 'Clinton Brown'.

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

6. All exterior building materials including roofs, doors, siding, trim, window casing and sash, decks, and railings shall be nonreflective or have low reflectivity. All windows shall be composed of low-reflectivity glass. A reflectivity rating of 11% or less is required.
7. The existing dwelling has a highly reflective metal roof that is out of compliance with Director's Decision C88-0113. The roof shall be non-reflective and painted with the approved natural dark earth-tone color, Benjamin Moore 'Clinton Brown'. The color of the development shall be maintained by painting and staining as necessary to maintain the approved color.
8. All outdoor lighting shall be directed downward and sited, hooded, and shielded. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
9. Except for dead trees or other dead vegetation that may pose a hazard, all existing mature vegetation on the site, including the oak and pine trees immediately south and west of the dwelling, shall be retained and maintained for screening purposes.
10. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall immediately cease and the applicants shall notify the Gorge Commission within 24 hours of discovery and the State Physical Anthropologist, Dr. Guy Tasa at (360) 586-3534 or guy.tasa@dahp.wa.gov. The cultural resources shall remain as found and further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
11. If human remains are discovered during construction activities, all activities shall cease immediately upon their discovery. Local law enforcement, the Executive Director and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
12. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for a **FINAL INSPECTION** to confirm compliance with all the conditions of approval. Project completion means completion of all work to the exteriors of structures and landscaping. The applicants shall arrange the inspection by calling the Gorge Commission at (509) 493-3323 or info@gorgecommissin.org.

DATED AND SIGNED THIS 10 day of August 2021 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 August 2023 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 September 2021.

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:

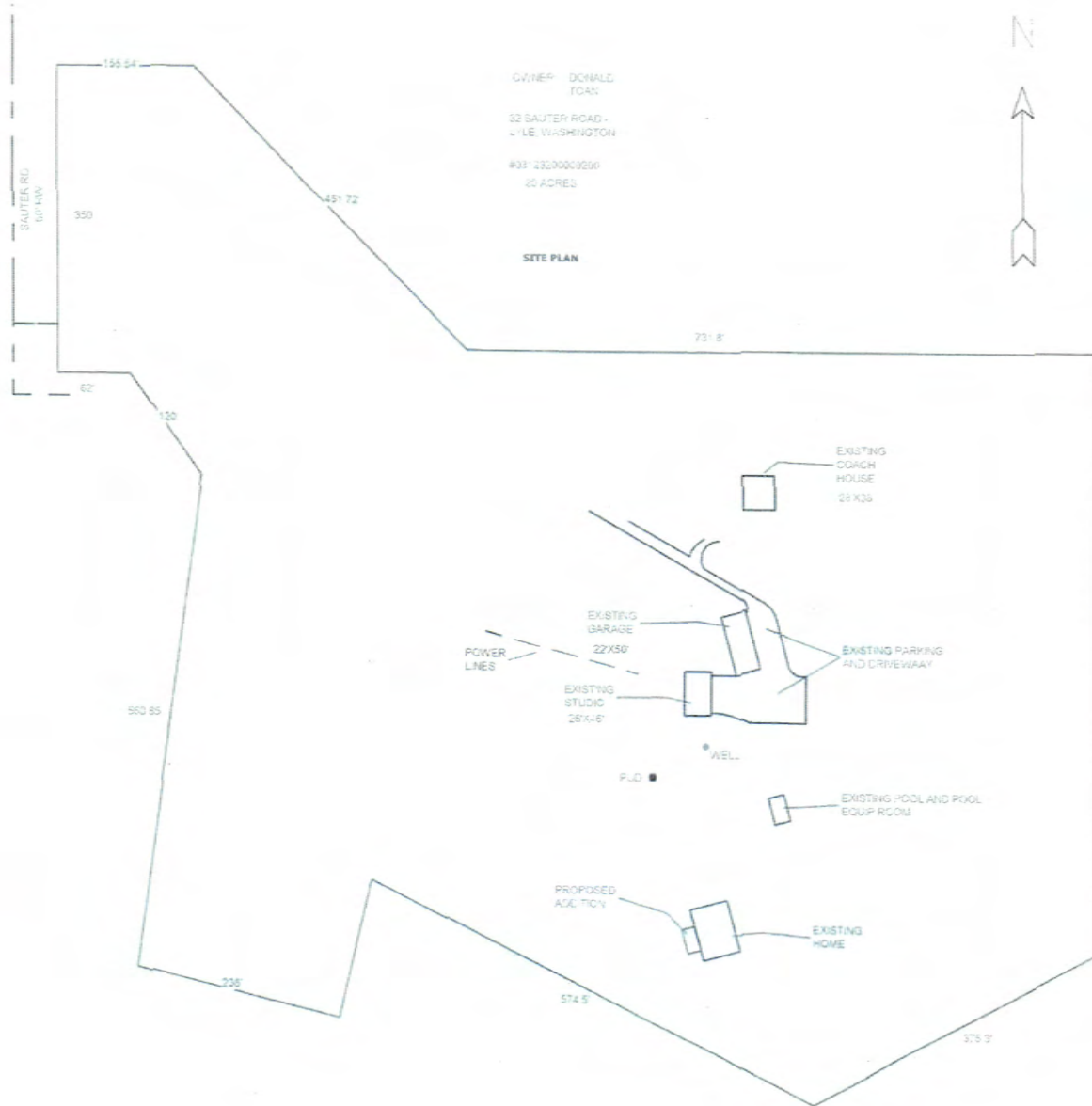
Any new land uses or structural development such as driveways, parking areas, garages, workshops, fences or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review. New cultivation also requires a new application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

c: 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 C21-0004
Approved site plan and elevation drawings
International Dark-Sky Association example sheet of acceptable & unacceptable light fixtures

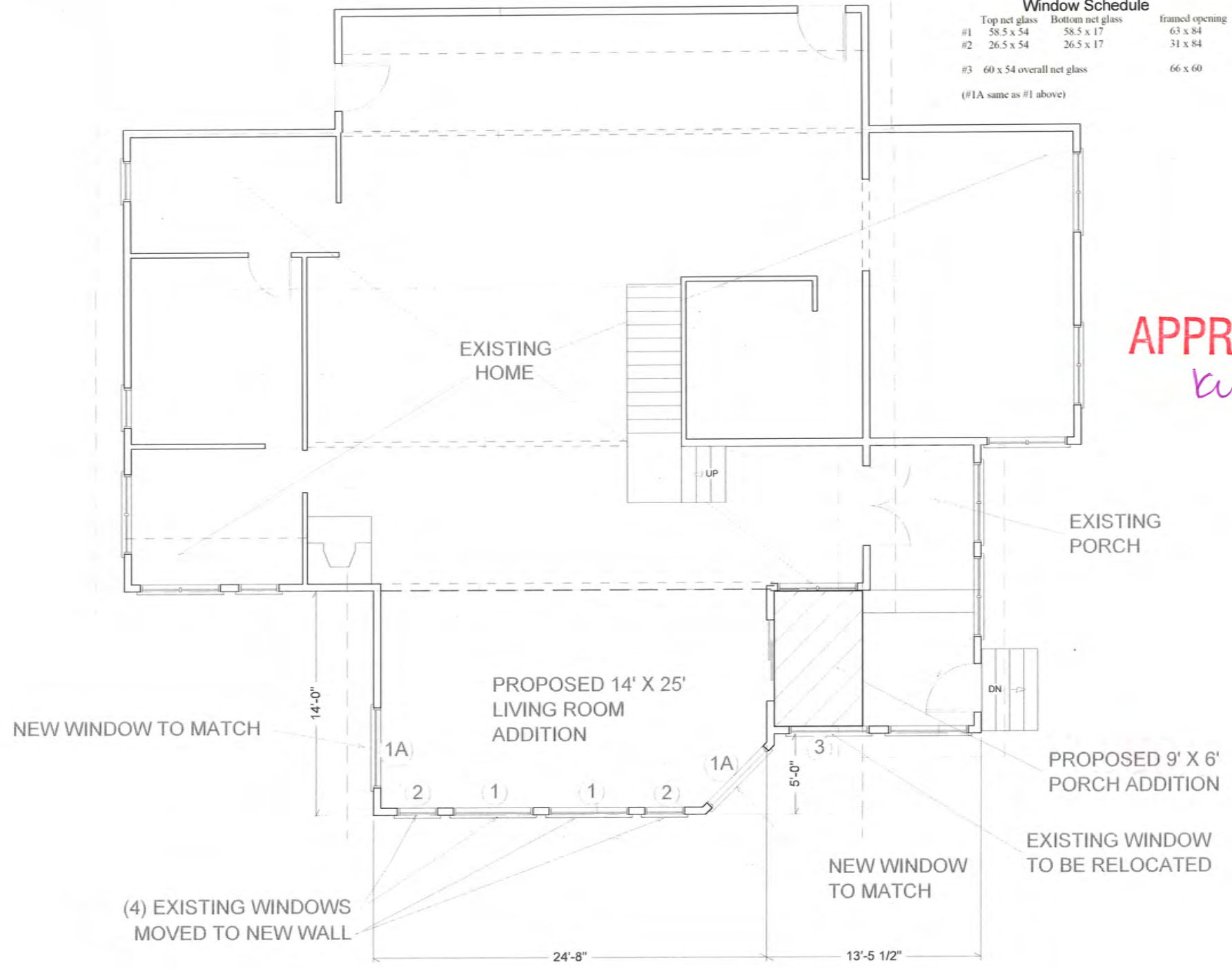


APPROVED
kw

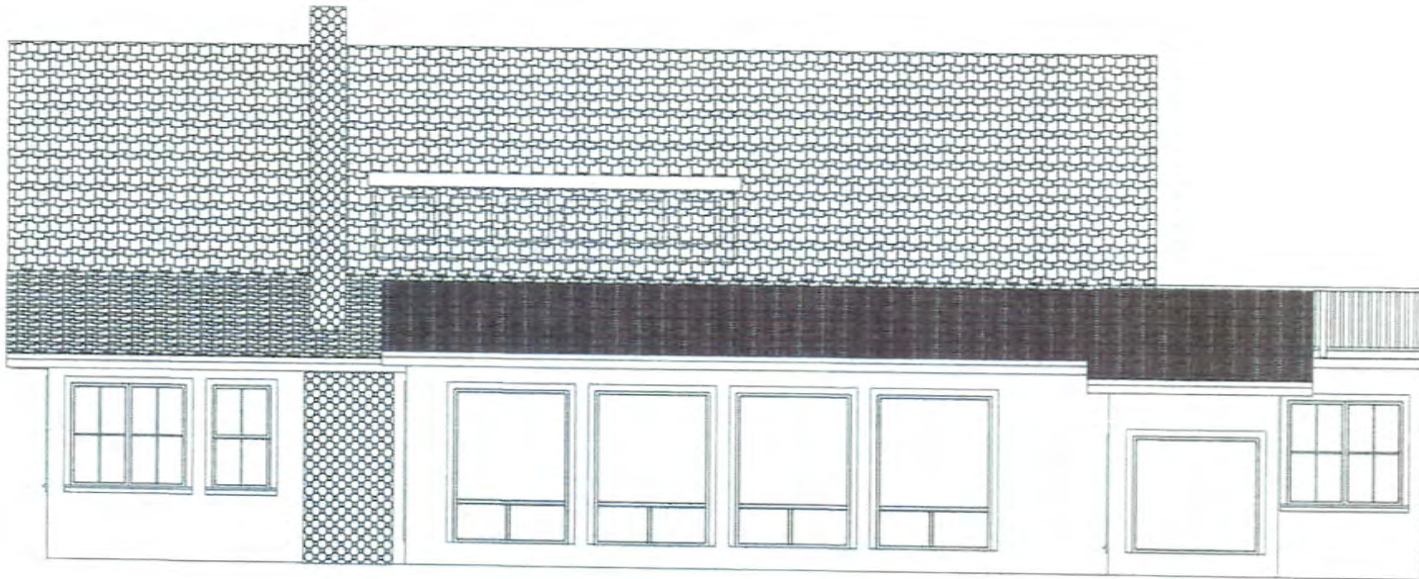
Window Schedule

	Top net glass	Bottom net glass	framed opening
#1	58.5 x 54	58.5 x 17	63 x 84
#2	26.5 x 54	26.5 x 17	31 x 84
#3	60 x 54 overall net glass		66 x 60
(#1A same as #1 above)			

APPROVED
kw



FLOOR PLAN



WEST ELEVATION - PROPOSED

WINDOWS TO MATCH APPROVED FLOOR PLAN

APPROVED
kw



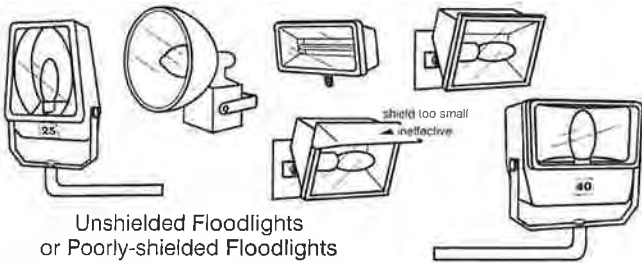
APPROVED

KW

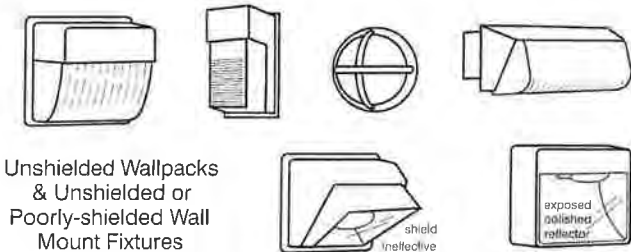
Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

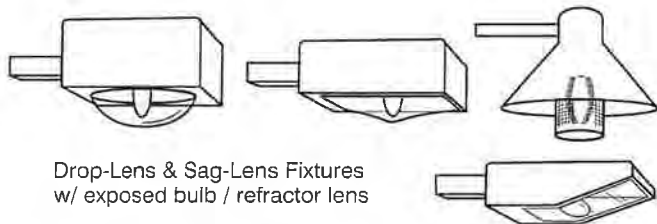
Fixtures that produce glare and light trespass



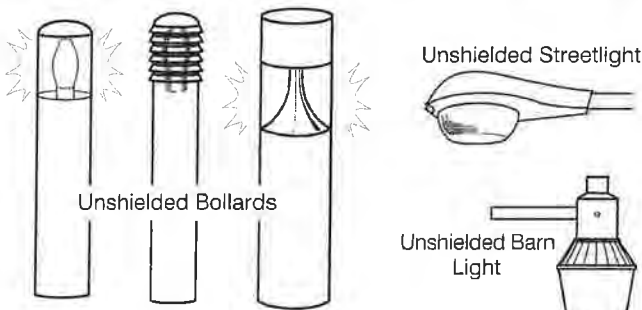
Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures

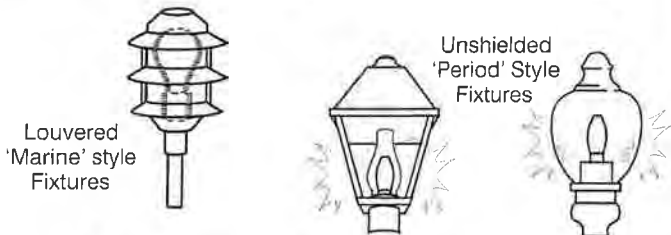


Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens



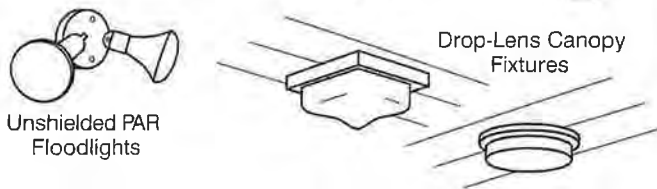
Unshielded Bollards

Unshielded Barn Light



Louvered 'Marine' style Fixtures

Unshielded 'Period' Style Fixtures

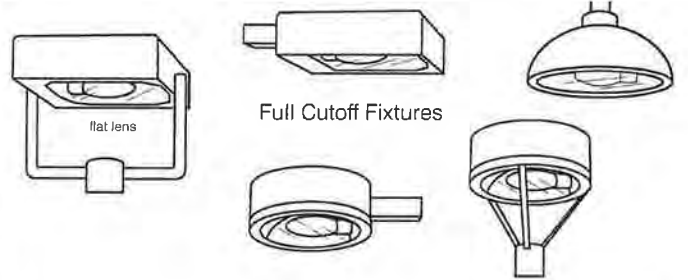


Unshielded PAR Floodlights

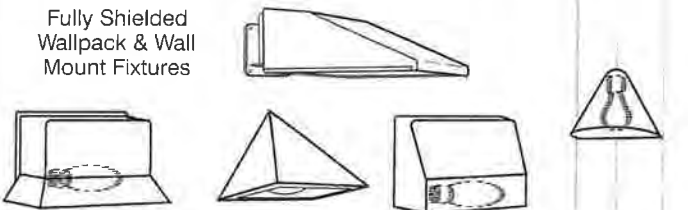
Drop-Lens Canopy Fixtures

Acceptable

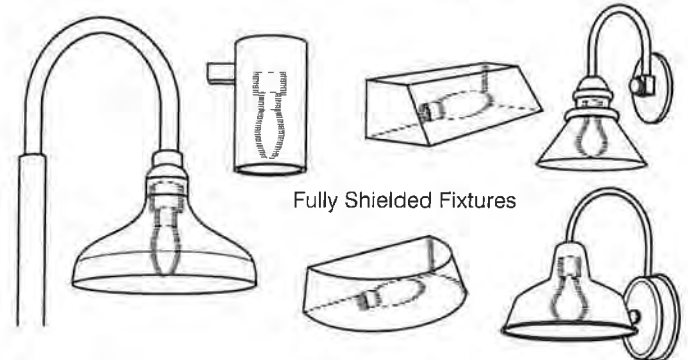
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



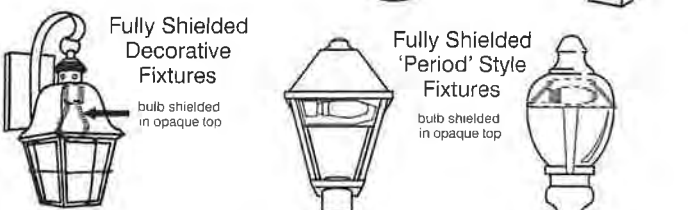
Fully Shielded Fixtures



Full Cutoff Streetlight

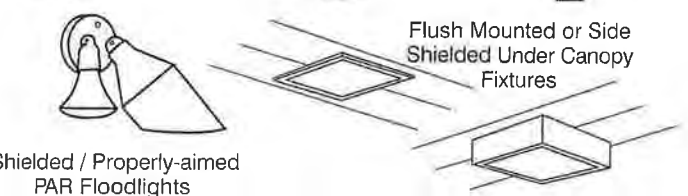
Fully Shielded Barn Light

Fully Shielded Walkway Bollards



Fully Shielded Decorative 'Period' Style Fixtures

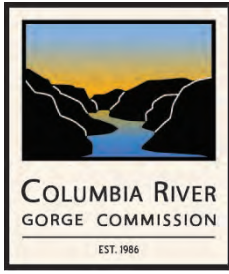
Fully Shielded 'Period' Style Fixtures



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.



COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

CASE FILE: C21-0004

PROPOSAL: The Columbia River Gorge Commission has received an application for an addition to an existing single-family dwelling.

APPLICANT: Ira Martin

LANDOWNER: Donald Toan

LOCATION: The subject property is 20 acres in size and located at the south end of Sauter Road, off Old Highway 8, approximately 2 miles west of Lyle, Washington, in Klickitat County, Section 32, Township 3 North, Range 12 East, Willamette Meridian. Tax Lot Number 03-12-3200-0002/00.

LAND USE

DESIGNATION: General Management Area (GMA) – Small-Scale Agriculture (40)

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 (USFS NSA)
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 (WDFW)
Friends of the Columbia Gorge

Written comments were received from:

Steve McCoy, Staff Attorney, Friends of the Columbia Gorge
Chris Donnermeyer, Heritage Resource Program manager, USFS NSA

FINDINGS OF FACT:

A. LAND USE

1. The subject parcel is twenty acres and designated GMA Small Scale Agriculture and is located off Old Hwy 8 on Sauter Road. The property is located on steep rocky south-facing basalt cliffs, and vegetation consists of open grassy areas with a mixture of mature Oregon white oak and interspersed ponderosa pine. The elevation of the parcel ranges from 300 to 500 ft elevation, and the location of the existing dwelling is at 490 ft elevation. The existing dwelling is located 75 feet northeast of the cliff edge. The parcel is in the Oak-Pine Woodland Landscape Setting.
2. Four previous Director's Decisions apply to the parcel. Director's Decision C88-0113-K-G-11 approved the subject existing single-family dwelling. Director's Decision C01-0005-K-G-11 approved additions to the living room and bedroom of the existing dwelling, a garage with art studio, and a parking barn and driveway extension. Director's Decision C02-0013-K-G-11 approved a pool, pool shed and greenhouse. Director's Decision C05-0008 approved an accessory building.
3. Commission Rule 350-81-190(1)(v) allows additions to existing buildings greater than 200 sq. ft. in area or greater than the height of the existing building. Commission Rule 350-81-020 (60) defines *existing structure* as any structure that was legally established.

As mentioned above, the existing dwelling was approved by the Gorge Commission (C88-0113-K-G-11) and was constructed by a previous owner in 1992.

4. 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. Three parcels designated Small-Scale Agriculture border the subject parcel in the north, west and south. The 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...

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.

The parcels to the west and south are not suitable for agricultural because of steep topography. The parcel to the north is suitable for agricultural use and used for grazing. Currently, the subject parcel is not fenced along its boundaries. According to Commission rule 350-81-076, the setback requirement for pasturelands that are open or fenced is 100 ft. As currently proposed, the dwelling and addition will be sited over 600 ft from the northern boundary, in compliance with Commission rule 350-81-076.

CONCLUSION:

The proposed addition to the existing single-family dwelling is an allowed review use, 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 applicant has sited the addition west of the existing dwelling. The area to the west of the existing dwelling where the addition will be located is already topographically flat and minimal grading will be necessary.

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 within a quarter mile of the surrounding subject parcel using tax assessor records from Klickitat County. Staff chose the quarter mile study area because all the parcels are within a similar landscape setting as the subject property and have similar visibility from KVAs. According to Klickitat County records, existing nearby development consists of eleven dwellings and twenty-nine accessory buildings. Buildings in the study area include single-family dwellings, mobile homes, garages, agricultural structures, and smaller accessory structures and range from 200 to 13,000 sq ft in visible mass and are 12 to 29 ft tall. These calculations include all interior living space which encompasses daylight and above-ground basements, attached garages, and covered decks and patios.

As proposed, the addition is a 14 ft x 25 ft interior addition and a 9 ft x 6 ft porch extension, which will add 404 sq ft to the existing dwelling size, which is currently approximately 2,300 sq ft and 29 ft tall. Staff finds that the proposal fits within 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.

No planted vegetation is required by the guidelines of this chapter.

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 the 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.

- Commission Rule 350-81-520(2) contains guidelines that affect developments on sites visible from KVAs. Staff determined the subject parcel is topographically visible from six KVAs: Columbia River, Historic Columbia River Highway, Interstate 84, Old Highway 8, Rowena Plateau, and Washington SR-14. Because the proposed development is topographically visible from these KVAs, the guidelines of Commission Rule 350-81-520(2) are applicable. The proposed development is visible from KVAs at the following distance zone:

Key Viewing Area (KVA)	Distance Zone		
	Foreground	Middleground	Background
	0 - 1/4 Mile	1/4 - 3 Miles	Over 3 Miles
Columbia River		X	X
Historic Columbia River Highway		X	X
Interstate 84		X	X
Old Highway 8		X	
Rowena Plateau		X	
Washington State Route 14		X	X

- 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.

The Director’s Decision contains requirements and conditions of approval to ensure the development is *visually subordinate*. Factors contributing to the visibility of the development include the distance from the KVA, dark earth tone colors, and existing vegetation.

- 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 consider the cumulative visual effects associated with the proposed development, staff considered parcels in the NSA within a quarter mile of the subject parcel. This area is primarily used for residential and agricultural uses near Old Highway 8 and Sauter Rd. The subject parcel and surrounding parcels are in an area where existing homes and accessory buildings are common but sparsely visible throughout the landscape because of distance, existing vegetation,

and topography. The parcels in this area are designated GMA Small Scale Agriculture and Open Space. According to Klickitat County Assessor records, within the quarter mile study area there are nineteen tax lots. Existing development in the study area consists of eleven dwellings and twenty-nine accessory buildings; seven of the parcels are undeveloped.

Several factors ensure the proposed building and addition will be *visually subordinate* as viewed from KVAs, including the size of the building, viewing distance, colors, non-reflective and low reflectivity building materials, and screening vegetation. The proposed addition to the existing building is compatible in size with existing development and will be difficult to distinguish from the existing building. There will not be any visual cumulative effects from any KVAs in the foreground because the development will not be visible from any KVA within a quarter mile.

It is possible that there may be other additions on the 'same piece of ground' given the existing buildings on the subject property. It is also possible that other landowners can apply to the Gorge Commission for additions to buildings on their properties. However, given the limitations on the size of buildings, the size of these potential building additions will remain compatible with existing development.

If new additions are built according to applicable Land Use Designation guidelines in the vicinity of the proposed development, and if they are designed to meet the guidelines of this chapter, they will be held to the same visual resource protection standards and required to be *visually subordinate*. Development designed and sited to be *visually subordinate* will not cause adverse cumulative scenic impacts because there will be no significant increase in visibility of new development on the landscape. If new developments, including additions, are built in a comparable manner to the proposal and are *visually subordinate*, there will be limited cumulative effects to scenic resources. For the reasons above, the proposed development will not cause adverse scenic impacts, and will not cause adverse cumulative scenic impacts, consistent with Commission Rule 350-81-520(2)(c).

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).

The site is visible from the six KVAs listed above in Finding B.5, and not visible in the foreground of any KVA. Using GIS inventories and conducting site visits, staff found that the proposed building site is visible intermittently from the Columbia River in the middle ground for 4.5 miles and in background for 6.5 miles. From HCRH, the proposed building site is visible intermittently in the middle ground for 4.5 miles and in background for 3.5 miles. From I-84 the proposed building site is visible intermittently in the middle ground for 2.5 miles and in background for 2.75 miles. From Old Highway 8, the building site is visible in the middle ground for one mile. From Rowena Plateau, the site is visible in the middle ground. From SR-14 the proposed building site is visible intermittently in the middle ground for two miles and in background for a half mile.

The bluff south of the project area is at an elevation of approximately 490 feet, and the dwelling is set back 75 feet from the bluff edge. The addition is located on the western side of the buildings. There are several groups of mature oak and pine trees immediately adjacent to and within 200 feet of the dwelling and provide partial screening from KVAs to the south and west. The elevation of the bluff edge varies but provides some screening in the direction of the KVAs to the southwest. As seen from lower-elevation KVAs in the middle ground the development site is topographically visible because the downward slope of the cliffs angle towards these KVAs.

The site is most visible from the Historic Columbia River Highway (HCRH). The bike path and road extend from Hood River to The Dalles. Only a recreational trail between Hood River and Mosier, HCRH is at 500 ft elevation until it arrives in Mosier and drops as low as 100 ft elevation. After arriving in Mosier, HCRH merges with Oregon HWY 35 and slowly climbs to Rowena Plateau at 700 ft elevation. The development is intermittently visible for eight miles along HCRH. The HCRH and Memaloose Overlook (approximately 520-foot elevation) to the southwest are higher than the project site (490 ft elevation). Because the elevation of the project site and the HCRH are similar, the addition will be more visible from this KVA than other nearby KVAs and will not be screened as effectively by existing vegetation.

The site is only visible from one higher elevation KVA, Tom McCall Viewpoint (1,700 ft elevation) accessed from Rowena Plateau. From this KVA, existing vegetation both on and off the subject parcel provides effective screening because the site is in the background, 5.7 miles away. At that viewing distance the development will appear insignificant in the landscape and not be visible to the unaided eye.

The four other Key Viewing Areas – Columbia River, I-84, Old Highway 8 and SR-14 – are substantially lower in elevation than the development site. Because the development is set back 75 ft from the bluff, from these lower elevation KVAs, the development site and the surrounding areas are densely covered in tall trees which help screen it from view.

As explained below, the dwelling has been designed to be *visually subordinate*, and to retain screening vegetation. With the retention of the existing trees around the dwelling, the building will blend with the backdrop and not noticeably contrast with the landscape. The findings in this staff report include conditions of approval in accordance with this rule.

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*

Several factors ensure the proposed building and addition will be *visually subordinate* as viewed from KVAs, including the size of the building, viewing distance, colors, non-reflective and low reflectivity building materials, and screening vegetation.

The proposed addition to the existing building is compatible in size with existing development and will be difficult to distinguish from the existing building. There will not be any visual effects from any KVAs in the foreground because the development will not be visible from any KVA within a quarter mile.

The applicant has proposed wood siding and a dark brown paint for the walls of the addition. This dark earth-tone brown is found within the shadows of the surrounding landscape. As discussed below in Findings B.15 and B.16, the roof the addition and the existing roof of the dwelling will be painted the same dark brown matte color as the walls of the dwelling so that the entire dwelling is a dark earth-tone color and is not reflective.

The property has scattered tree cover which helps to partially screen the development from view of KVAs. Several groups of oak and pine trees immediately south and west of the dwelling partially screen the proposed development as seen from KVAs, the Historic Columbia River Highway, in particular. Consistent with the Landscape Settings Design Guidelines, a condition of approval requires existing vegetation surrounding the development on the parcel be retained except for safety.

With these conditions included in the Director's Decision, the proposal will be *visually subordinate* as viewed from KVAs and consistent with the design guidelines for the Oak-Woodlands Landscape Setting. Staff finds these conditions to be proportionate to the development's potential visual impact as seen from the KVA.

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 is located within the buffer of sensitive natural resource sites but does not conflict with natural resource guidelines. 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.

Because the proposal is for an addition, there are no alternative siting locations on the subject property would afford the proposal more topographic or vegetative screening.

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. No trees are proposed to be removed as part of this application.

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.

The existing dwelling is below the skyline as seen from KVAs. The proposed addition would be one story and would not increase the height of the existing dwelling. The development is consistent with Commission Rule 350-81-520(2)(h).

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

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

- (A) New landscaping (including new earth berms) shall be required only when application of all other available guidelines in 350-81-520 is not sufficient to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.*
- (B) If new landscaping is required to make a proposed development visually subordinate from key viewing areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction.*
- (C) Unless as specified otherwise by provisions in 350-81-520, landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.*
- (D) The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in 350-81-520(3), and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species)*

The applicant did not propose a landscaping plan as part of the proposal, and no new landscaping is required to screen development from KVAs.

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 a paint that is a dark brown color for the addition that matches the existing dwelling for all aspects of the exterior including siding, trim and roof. For the dwelling, the applicant has proposed Benjamin Moore 'Clinton Brown' for the exterior walls and roof. This dark earth-tone brown is found within the shadows of the surrounding landscape. A condition of

approval requires all exterior surfaces of the proposed development, including roof, doors, siding, trim, window casing and sash, decks, and railings to be this specific color and maintained as is necessary 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 applicant proposes using T-111 wooden siding for the addition to match the wood siding of the existing dwelling. This material is non-reflective.

The existing dwelling has a highly reflective metal roof that is prominent from several KVAs. Director's Decision C88-0113 approved the original dwelling and included condition of approval four which states, "The roof shall be non-reflective material that is a dark natural color." Staff discussed the roof with the applicant and explained that the roof was currently out of compliance with the original decision and would need to be painted a dark earth-tone color. The applicant has proposed to paint the roof the same brown color as the exterior walls. To comply with Commission Rule 350-81-520(2)(m) and the previous Director's Decision, a condition of approval is included requiring all metal roofing on the dwelling to be a low or non-reflective finish and a dark earth tone color.



Figure 1 The subject dwelling from Memaloose Outlook, part of the Historic Columbia River Highway (HCRH) KVA.

The addition also has several expanses of glass windows exposed to KVAs. The Scenic Resources Implementation Handbook recommends limiting continuous unscreened glass to 50 sq ft to prevent adverse impacts to scenic resources. The applicant proposes to reuse all the existing windows on the west side of the dwelling and add two additional windows. Consistent with the

handbook, the proposed windows are under 50 sq ft. The Scenic Resources Implementation Handbook suggests that glass with eleven percent reflectivity may be allowable when development is located beyond the foreground of KVAs and when partially screened by topography and vegetation. A condition of approval is included requiring the glass has an external reflectivity of eleven percent. With a condition requiring low or non-reflective materials including the porch railings, roof, doors, windows, and trim, the addition would comply with Commission Rule 350-80-520(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.

No new exterior lighting fixtures are proposed. The applicant provided a lighting plan for the existing exterior light fixtures. Currently, the property has eight fixtures. The dwelling has a security flood light on the northern facade which is only activated by motion, and a front entry and rear patio lights that are directed downward. A condition of approval is included to ensure that all outdoor lighting is directed downward, hooded, and shielded such that lights are not highly visible from KVAs, consistent with this rule. Staff provided the applicant with examples of acceptable light fixtures from International Dark-Sky Association consistent with Commission Rule 350-81-520(2)(p).

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.

The required grading for the addition is very minimal and will not require any visible cut banks or fill slopes. No new driveways are proposed.

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.

No grading is necessary to site the addition; a grading plan is not required.

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.

In wooded portions of the Oak-Pine Woodlands Landscape Setting in the vicinity of the subject parcel, trees vary in height from thirty to fifty feet and are a mix of ponderosa pine and Oregon white Oak. As currently constructed the existing buildings are taller than the existing tree canopy level. As proposed, the addition will not alter the height of either building and is consistent with this rule.

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.*

No landscaping is required by the guidelines of this chapter. The property has scattered tree cover which helps to partially screen the development from view of KVAs. Several groups of oak and pine trees immediately south and west of the dwelling partially screen the proposed development as seen from the Historic Columbia River Highway, in particular. Consistent with this rule, to provide maximum screening from KVAs, a condition of approval is included requiring the applicant to retain the existing tree cover in the vicinity of the development, including the trees to immediately to the south and west of the dwelling, except for safety purposes including, but not limited to, fire protection and hazard tree removal.

CONCLUSION:

The proposed development is consistent with Commission Rule 350-81-520 that protects 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 in the NSA requires a reconnaissance survey.
2. Chris Donnermeyer, Heritage Resource Program Manager, U.S. Forest Service Columbia River Gorge National Scenic Area, reviewed the land use application and determined in a Cultural Resources Survey Determination letter, dated April 14, 2021, 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, 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 April 14, 2021, Cultural Resources Survey Determination letter, Mr. Donnermeyer determined that a historical survey is not required because the proposed use would alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older and would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older.
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 April 8, 2021, and the comment period ended on April 29, 2021. 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 is included in the director's decision consistent with this rule.
6. Commission Rule 350-81-540(7) contains provisions addressing discovery of human remains during construction. A condition of approval is included in the director's decision consistent with this rule.

CONCLUSION:

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

D. 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 on the subject parcel, and no wetlands were observed during site visits. Therefore, the proposal is consistent with Commission Rule 350-81-560 that protects wetlands.
3. The Gorge Commission's natural resource inventories identify one intermittent stream on the subject parcel. The stream is located west of the development, in a steep draw, down the steep cliffs from the development site. The stream is located over 400 ft from the proposed development site, outside of required 50 ft buffer for intermittent streams in the GMA. Therefore, the proposal is consistent with Commission Rule 350-81-570 that protects water resources.
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 1,000 ft of Western Pond Turtle habitat, Lewis Woodpecker habitat and Western Gray Squirrel Habitat and potential raptor nesting areas. Commission Rule 350-81-580(1)(a)(A) defines sensitive wildlife areas to include these areas.

5. Commission Rule 350-81-580(4)(a) requires the Gorge Commission to notify Washington Department of Fish and Wildlife and submit a site plan when a new development or land use is proposed within 1,000 ft of a sensitive wildlife area.

Commission staff notified Amber Johnson, with Washington Department of Fish and Wildlife of the proposed development and sent a copy of the site plan on April 8, 2021. The notice included a comment period of 21 days that ended on April 29, 2021. No comments were received.

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 to the nature of proposal, an addition to an existing building.

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 is located within 1,000 ft of Western Pond Turtle habitat, Lewis Woodpecker habitat and Western Gray Squirrel Habitat and potential raptor nesting areas. 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. Staff also considered the existing conditions of the study area and the likelihood of other similar development in the area. WDFW did not indicate any concerns with the proposed development. Staff believes the proposed development will have little, if any, effect on existing habitat due to the to the nature of proposal, a minor addition to existing dwelling. The proposed addition will not increase the disturbance on the property as a wildlife site because the property already has an active residential use. 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 which is clustered with other existing development and the lack of new fences.

8. The Gorge Commission's sensitive plant inventory identified potentially multiple sensitive plant sites within 1,000 feet of the proposed development. On August 3, 2021, staff sent the DNR Natural Heritage Program a copy of the applicant's land use application and site plan. Jasa Holt, Natural Heritage Program, reviewed the proposal and determined in an email to staff on August 3, 2021, that no sensitive plants are within or directly adjacent to the subject parcel and no buffers were necessary, pursuant to Commission Rule 350-81-590(4)(a). Therefore, the proposal complies with Commission Rule 350-81-590 that protects sensitive plants.

CONCLUSION:

With the conditions of approval discussed above, the proposed development is consistent with the rules in Commission Rule 350-81, Sections 560 through 600, 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.

The parcel is designated Recreation Class 3 according to the Gorge Commission's Recreation Intensity Class Map. 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 requirements for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect tribal 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 April 8, 2021. The notice included a comment period of 21 days that ended on April 29, 2021.

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

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 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 Indian tribe.

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