

COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

CASE FILE: C20-0006

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

APPLICANT: Charles Bloom

LANDOWNER: Charles Bloom

LOCATION: The subject parcel is approximately 5 acres, located at 80 Courtney Road, White Salmon, Washington, in the northeast quarter of Section 34, Township 3 North, Range 11 East, Willamette Meridian, Klickitat County. Tax Lot 03-11-34-0000-02/00.

LAND USE

DESIGNATION: Special Management Area – Agriculture

DECISION:

Based upon the following findings of fact, the land use application by Charles Bloom, for a replacement 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 C20-0006, 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 garages, workshops, 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 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. All exterior building materials, including roof, doors, siding, trim, window casings and sashes, decks, and railings shall be dark earth-tone colors. **Only approved dark earth-tone colors for exterior materials shall be used.** The following colors submitted by the applicants for the exterior of the house are consistent with this condition and are hereby approved:

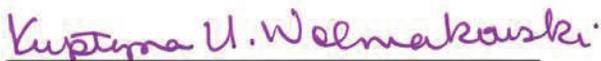
Exterior Stucco:	Resubmit Color Sample
Exterior Wood:	Vermont Natural Coatings, <i>Brackish Brow</i>
Exterior Metal:	Bridgersteel, <i>Rustic Rawhide</i>
Roof:	Corten steel Pre-Weathered
Window Casings:	Black

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

6. All exterior building materials, including s including roof, doors, siding, trim, window casing and sash, decks, and railings shall be nonreflective or have low reflectivity. Any exterior metal materials shall be painted with low-gloss black colored finish and maintained as necessary to ensure that the material is non-reflective.
7. All windows shall be composed of low-reflectivity glass. A reflectivity rating of 11% is required.
8. Four exterior lights are indicated on the site plan and application materials. 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.
9. The applicant shall implement and comply with the proposed mitigation measures and best management practices described in the approved mitigation plan (*Underwood Conservation District, 2021*).
10. Restoration and enhancement efforts shall be completed no later than one year after the sensitive resource or buffer zone has been altered or as soon thereafter as is practicable.
11. The following mitigation measures are required to enhance habitat for Oregon white oak and western gray squirrel:
 - A. Do not cut any tree containing a gray squirrel nest. WDFW recommends a 50-ft no-cut buffer around nest trees to maintain an interlocking tree canopy and minimize disturbance.
 - B. Do not cut Oregon white oak. The landowner is encouraged to reduce hazard fuels throughout parcel, including surface and ladder fuels, and by thinning out dense tree stands.
 - C. Promote “oak release” by removing overtopping and encroaching conifers from the vicinity of oak trees on the subject parcel, thereby reducing the competition for light, water, and nutrients.
12. **Except for dead trees or other dead vegetation that may pose a hazard, all existing mature vegetation on the site shall be retained and maintained, and as indicated on the approved site plan.**

13. All disturbed areas shall be reseeded with native grasses and forbs. 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 within 1 year. The Commission encourages the applicant to use a seed mix from the *Recommended Seed Mixes for East Side Environments*, which is included as an attachment to this Director's Decision.
14. 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.
15. 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.
16. 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 10 day of May 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 May 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 June 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:

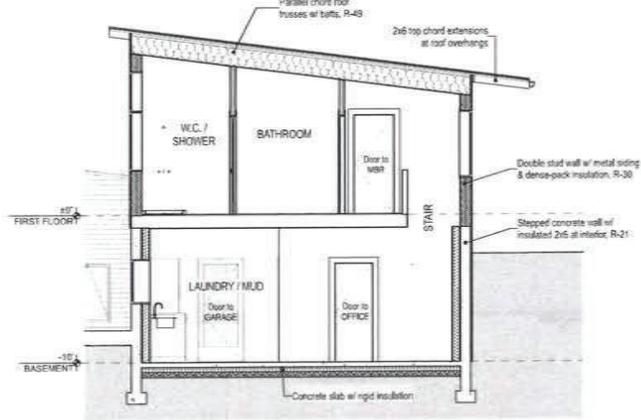
Any new land uses or structural development such as driveways, parking areas, garages, workshops, fences or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review. New cultivation also requires a new application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

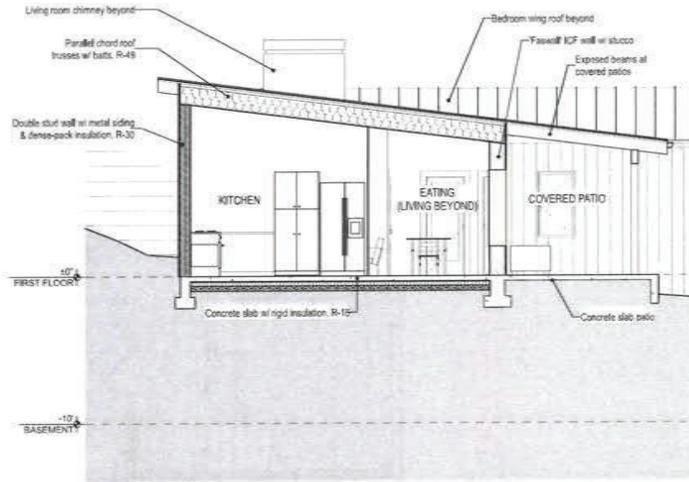
- c: Confederated Tribes and Bands of the Yakama Nation
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of Warm Springs Reservation of Oregon
- Nez Perce Tribe
- U.S. Forest Service National Scenic Area Office
- Washington Department of Archaeology and Historic Preservation
- 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
- Amber Johnson, WDFW
- Aaron Levinson, neighbor
- Marilyn Levinson, neighbor
- Jeri Rutherford, neighbor

Attachments:

- Staff Report for C20-0006
- Approved site plan and elevation drawings
- International Dark-Sky Association example sheet of acceptable & unacceptable light fixtures
- Recommend Seed Mixes for East Side Environments
- Mitigation Plan (Underwood Conservation District, 2021)



1 SECTION AT BEDROOM WING
SCALE: 1/8" = 1'-0"



2 SECTION AT KITCHEN WING
SCALE: 1/8" = 1'-0"

Bloom Residence

85 Courtney Rd
White Salmon, WA 98672

client:
Charles Bloom

Rev	Description	Date

© Jack Barnes Designer, P.C. 2018

**PRELIMINARY:
NOT FOR
CONSTRUCTION**

Sections

A-4

LAND USE APPLICATION
Sheet C01 - 4 of 6



VIEW A: HOUSE FROM DRIVEWAY - LOOKING NORTHWEST



VIEW B: HOUSE FROM DRIVEWAY - LOOKING NORTH

JACK BARNES DESIGNER

111 SW Oak Street, Suite 400A
Portland, Oregon 97204

T 503.232.1620

jack@jackbarnesarchitect.com
www.jackbarnesarchitect.com

**Bloom
Residence**

80 Courtyard Rd
White Salmon, WA 98672

Client:
Charles Bloom

Rev #	Description	Date

© Jack Barnes Designer, P.C. 2018

**PRELIMINARY:
NOT FOR
CONSTRUCTION**

3D Views

A-5

LAND USE APPLICATION
Plotted On: 4/9/18

kw

Mitigation Plan for structure removal activities

Property Owner: Charles Bloom

Site: 80 Courtney Road

Prepared by:
Underwood Conservation District

April 23, 2021

This plan is not comprehensive of all natural resource conservation opportunities for this project, but rather is focused on addressing specific outstanding concerns related to the mitigation for structure removal with the Columbia River Gorge National Scenic Area.

Property Location and Description

Section, Township, Range:	T03 N R11 E S34
Latitude / Longitude:	45.703879, -121.409017
Number of Acres:	2,248 square feet (48+320+1880)
Land Use:	<i>Klickitat County Land Use Codes 11, 83, 88; Commission Rule 350-81: Special Management Area AG</i>
WRIA:	29
Elevation:	580 ft
Average Annual Precipitation:	14.5 inches
Average Annual Temperature:	Avg. high of 87°F (July) /avg. low of 29°F (January)

Project Objectives

Mr. Charles Bloom is proposing to remove three structures in order to build a new house on the property. The project will impact an approximate total of 2,248 square feet within the Columbia River Gorge National Scenic Area along an unnamed, non-fish ephemeral stream.

This Mitigation Plan is intended to identify mutually agreeable and biologically relevant mitigation actions to offset the impacts to stream habitat, native vegetation and wildlife on the property. Underwood Conservation District is a local, non-regulatory natural resource agency and provides information and advice to partners and willing cooperators. No part of this plan is intended to supersede or replace other project permits or requirements, regulated at the local, state or federal level. This plan may be referenced as an advisory

resource in the project planning and the Columbia River Gorge Commission's permit review process.

Resource Concerns

Water Resources: Ephemeral Stream

A small seasonal stream runs through the property, leading approximately 2,500 linear feet toward a lake adjacent to the Columbia River. The stream is mapped as a non-fish stream by WA Department of Natural Resources (Forest Practices Application Mapping Tool, fpamt.dnr.wa.gov). The stream flows during significant rain events and likely serves as a hydrologic feature recharging area wetlands and groundwater. Seasonal streams such as this serve as important habitat corridors and water sources for native wildlife and vegetation. Approximately 70 linear feet of the stream are involved in the proposed project.

The long-term benefits of restoring the native plants in and around the riparian area include decreased erosion, decreased soil compaction, protection of water quality, increased shade (lower water temperatures), higher-quality habitat, moisture retention of soils, and aquifer recharge.

Plants and Wildlife Resources

The project is located in a mixed oak and oak-pine forest. Identified Washington Department of Fish and Wildlife (WDFW) Priority Habitats on the property include: *Oak Forest, Oak/Pine Mixed Forest, Mule and Black-Tailed Deer Winter Range, California Mountain Kingsnake Habitat, and Western Gray Squirrel Habitat*¹. The Western Gray Squirrel is listed as a threatened species in Washington State.

Oregon White Oak Woodland

Recognized as a unique habitat type in Washington State, WDFW published a guidance document for Oregon White Oak Woodlands. The following excerpt from *Management Recommendations for Washington's Priority Habitats: Oregon White Oak Woodlands* (WDFW 1998) describes the habitat value to wildlife:

“Oregon white oak woodlands are used by an abundance of mammals, birds, reptiles, and amphibians. Many invertebrates, including various moths, butterflies, gall wasps, and spiders, are found exclusively in association with this oak species. Oak/conifer associations provide contiguous aerial pathways for animals such as the State Threatened western gray squirrel, and they provide important roosting, nesting, and feeding habitat for wild turkeys and other birds and mammals. Dead oaks and dead portions of live oaks harbor insect populations and provide nesting cavities. Acorns, oak leaves, fungi, and insects provide food. Some birds, such as the Nashville warbler, exhibit unusually high breeding densities in oak. Oaks in

¹¹Washington Department of Fish & Wildlife, PHS on the Web <http://apps.wdfw.wa.gov/phsontheweb/>.

Washington may play a critical role in the conservation of neotropical migrant birds that migrate through, or nest in, Oregon white oak woodlands.”

The project does not involve removal of any Oregon white oak trees, however it is noted that removal/relocation of existing sanitary and water lines would likely negatively impact mature, medium and large-size class trees, as well as those with well-formed, dominant crowns.

Native Vegetation and Invasive Weeds

During an early spring site visit, Underwood Conservation staff identified the native houndstongue (*Cynoglossum grande*) in addition to a native yellow glacier lily (*Erythronium grandiflorum*), both of which are plant species to protect as possible during the project.

The property was likely historically used for cattle grazing, and there are remnant invasive grasses and weeds on the site, including yellow star thistle, hedgehog dog-tail grass, and Himalayan blackberry. If not managed or controlled, these plant species can spread and dominate the site. Avoiding excessive soil disturbance will help minimize the spread of these invasive species.

Western Gray Squirrel Habitat

In Washington, Western Gray Squirrels are associated with transitional forests of ponderosa pine, Oregon white oak, Douglas-fir and various riparian tree species². The Klickitat population (Klickitat, Yakima, and eastern Skamania counties) is one of three known populations in Washington State. Initial observation by Underwood Conservation staff did not produce any visible signs of nesting trees within the project area. It is recommended that mature, medium-large oak trees are retained and minimally disturbed during the project in order to protect potential squirrel habitat.

Mule and Black-Tailed Deer Winter Range Habitat

Deer forage and habitat needs include shrubs, mid-story vegetation, and early season grasses and forbs. Also needed are appropriate travel corridors and access to watering sources. The property currently has some of these elements, and the mitigation actions identified below will help protect and enhance the habitat features that Mule and Black-Tailed Deer depend upon.

California Mountain Kingsnake Habitat

The California Mountain Kingsnake has a very limited habitat range in Washington, with the only known occurrences being in the Columbia River Gorge in Skamania and Klickitat Counties. The following are recommendations for protection of California Mountain

² Washington Department of Fish & Wildlife, Western Gray Squirrel Recovery Plan. 2007.

Kingsnake habitat, from the *WDFW Management Recommendations for Washington's Priority Species Volume III: Amphibians and Reptiles*:

“...dead and down woody material and organic surface debris should be left for cover, as should talus and other rocky areas. Adjacent open areas may be equally important for thermoregulation and digestion. Oak and pine forested riparian corridors containing surface water should be left undisturbed as habitat for the California mountain kingsnake. Tree and shrub-covered stream banks provide an important moist microclimate.”

The mitigation actions identified below will help protect and enhance the habitat features the California Mountain Kingsnake requires.

Mitigation Actions

The landowner's goal is to build a home while restoring a healthy Oregon White Oak forest habitat. The following mitigation actions are proposed in collaboration with the landowner to help protect, restore or enhance the multiple resource concerns identified above.

On-Site Habitat Mitigation Recommendations

- No trees will be removed for the demolition activities. Protect existing oak and large conifer trees from collateral damage during structure removal and home construction activities. High-value trees should be flagged for protection and communicated to the demolition and construction contractors. Use of machinery will be avoided where it could damage the root structure of trees. The Oregon State University Extension guidebook titled, *Tree Protection on Construction and Development Sites*³, provides important guidelines for incorporation into contract specifications for the demolition and new construction. Underwood Conservation District is available to provide additional recommendations for best management practices during construction for the protection of oak and large conifer trees, if needed.
- In areas where existing structures are removed or soil is otherwise disturbed, restore and replant with appropriate native species, including grasses, groundcovers, shrubs, oaks and other trees, where appropriate. New plantings will aim to retain the soil, restore natural wildlife habitat and compete with invasive species. Slopes should be restored to original grade. Scarifying and placing soil on top of compacted areas (where the machinery worked) will significantly improve planting success. Any fill or soil that is imported to these areas should be weed-free, and bare soil should be covered with weed-free straw, hydro-seed or other mulch to prevent invasive species establishment. Newly planted vegetation needs to be watered through the first season for successful establishment. Mulching with weed-

³ OSU Extension publication #EM 8994, December 2009, <https://catalog.extension.oregonstate.edu/sites/catalog/files/project/pdf/em8994.pdf>

free straw or other medium also assists in moisture retention and weed management.

Recommended native plant species include:

Trees

Oregon White Oak

Ponderosa Pine

Douglas fir

Shrubs

Golden currant (*Ribes aureum*)

Serviceberry (*Amelanchier aifolia*)

Deerbrush (*Ceanothus integerrimus*)

Rabbitbrush (*Chrysothamnus nauseosus*)

Bitter brush (*Purshia tridentate*)

Grasses and Groundcovers

California Brome (*Bromus carinatus*)

Sheep fescue (*Festuca ovina*)

Slender Hairgrass (*Deschampsia elongate*)

Blue wildrye (*Elymus glaucus*)

Idaho fescue (*Festuca idahoensis*)

Bluebunch wheatgrass (*Agropyron spicatum*)

Canada bluegrass (*Poa compressa*)

Sickle-keeled lupine (*Lupinus albicaulis*)

Yarrow (*Achillea millefolium*)

Blue mountain buckwheat (*Eriogonum strictum*)

Broadleaf lupine (*Lupinus latifolia*)

Miniature lupine (*Lupinus bicolor*)

Oregon sunshine (*Eriophyllum lanatum*)

Arrowleaf balsamroot (*Balsamorhiza sagittate*)

Columbia desert parsley (*Lomatium columbianum*)

- Minimize soil disturbance to avoid negative impacts to native vegetation and reduce the spread of noxious weeds. Actively manage for invasive species during and after project implementation. Any fill or soil that is imported to the project should be weed-free, and bare soil should be covered with weed-free straw, hydro-seed or other mulch to prevent invasive species establishment. Fill and soil, both disturbed or imported by the project, will be vulnerable to weed infestation, and early detection/rapid response of noxious weeds will be critical to long-term management. Weed removal and replacement with competitive native plant species will help minimize impacts of the project and improve wildlife habitat in the future.

One excellent resource for ongoing weed management is:

Marty Hudson, Coordinator
Klickitat County Noxious Weed Control Board
228 W. Main St. MS-CH-23
Goldendale, WA 98620
509-773-5810
martyh@klickitatcounty.org

- To protect wildlife travel corridors in the project area, any fencing within the road right of way that is unnecessary or otherwise unfriendly to wildlife crossing should be modified or removed altogether. Any new fencing installed should adhere to the following specifications:
 - The top wire is not more than 42 inches high, to make it easier for deer to jump over the fence;
 - A gap of at least 10 inches is maintained between the top two wires to make it easier for deer to free themselves if they become entangled;
 - The bottom wire is a smooth wire, placed at least 16 inches above the ground to allow fawns to crawl under the fence;
 - Stays, or braces placed between strands of wire, are positioned between fence posts where deer are most likely to cross, creating a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.

Monitoring Recommendations

After construction is completed: The landowner should provide the Gorge Commission a post-construction report on area of ground disturbance, measures taken to minimize disturbance, and species planted to restore areas of disturbance.

Annual Report: On an annual basis for five years, the landowner should monitor re-establishment and survival of native vegetation, as well as monitor invasive weeds, taking action to remove them from the project site. In addition, photo monitoring of areas re-planted or habitat enhanced should be submitted to the Gorge Commission.

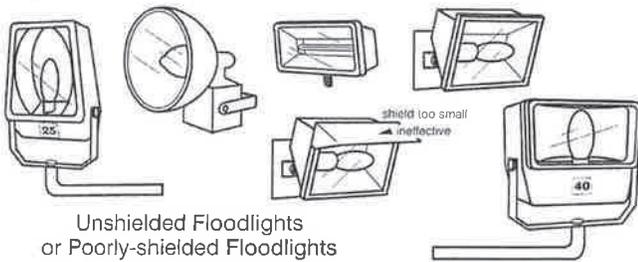
Conclusion

The project area is rich in natural resources and habitat that are valuable to this region and relatively unique to the state of Washington. By implementing the recommendations presented in this plan, the negative impacts of the project can be minimized and the natural resources can be protected, enhanced, and replaced in the long-term. This plan is aimed at providing the most beneficial outcome for all parties as well as the natural resources and wildlife habitat on this site.

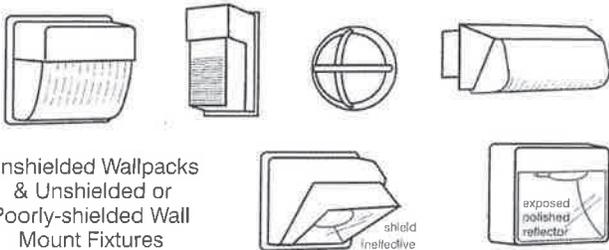
Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

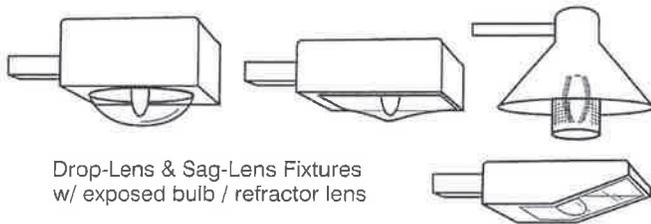
Fixtures that produce glare and light trespass



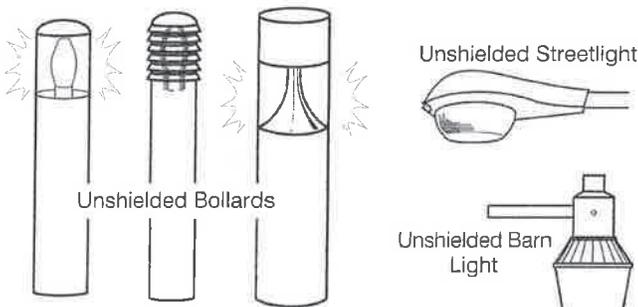
Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures



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

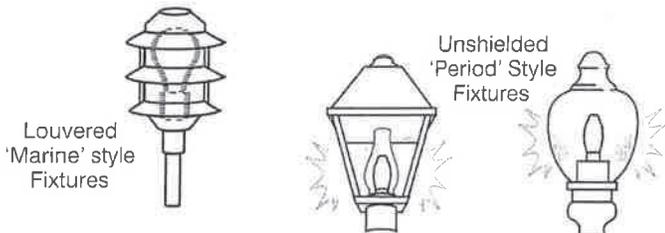


Unshielded Bollards

Unshielded Streetlight



Unshielded Barn Light

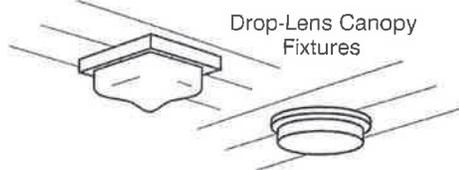


Louvered 'Marine' style Fixtures

Unshielded 'Period' Style Fixtures



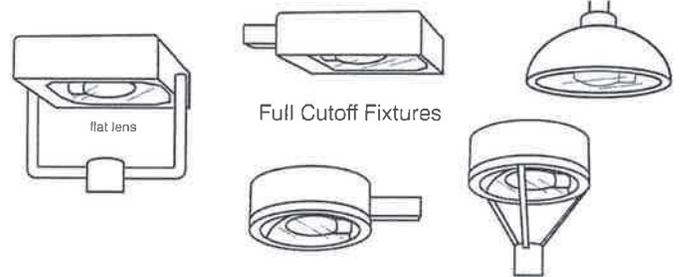
Unshielded PAR Floodlights



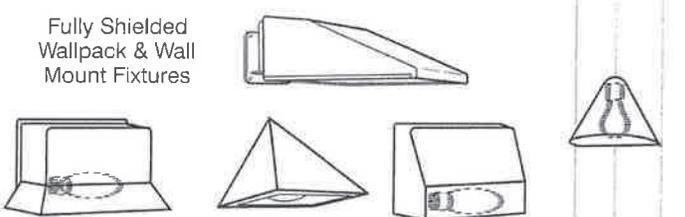
Drop-Lens Canopy Fixtures

Acceptable

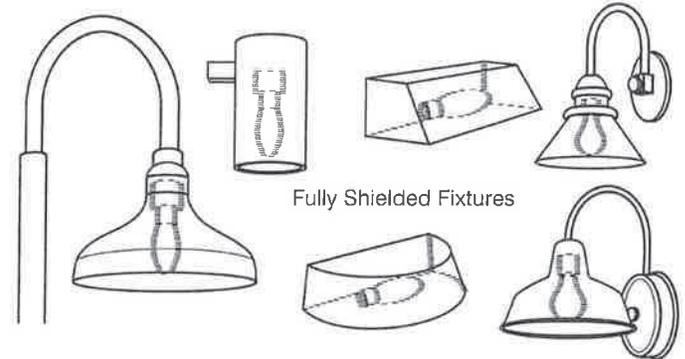
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



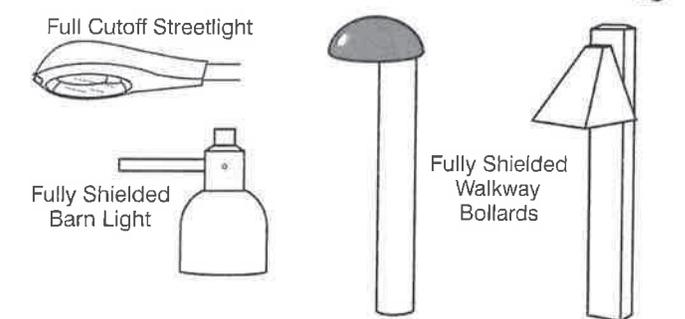
Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



Fully Shielded Fixtures



Full Cutoff Streetlight

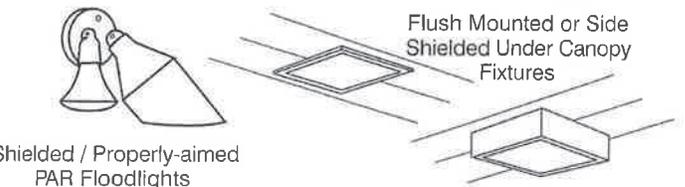
Fully Shielded Barn Light

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

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

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

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

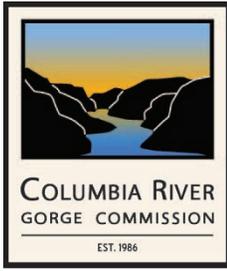
Mulch: Use certified weed free straw mulch whenever possible. Only 1-2" (2 tons/ac.) is needed and should be evenly applied. **Too deep can be more detrimental than none at all.** Ideally, it should be chopped and applied by machine. To further reduce the chance of introducing non-natives in to project 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: C20-0006

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

APPLICANT: Charles Bloom

LANDOWNER: Charles Bloom

LOCATION: The subject parcel is approximately 5 acres, located at 80 Courtney Road, White Salmon, Washington, in the northeast quarter of Section 34, Township 3 North, Range 11 East, Willamette Meridian, Klickitat County. Tax Lot 03-11-34-0000-02/00.

LAND USE

DESIGNATION: Special Management Area (SMA) – 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 (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:

Chris Donnermeyer, Heritage Resource Program manager, USFS NSA
Casey Gatz, Resources and Planning Staff Officer, USFS
Steve McCoy, attorney, Friends of the Columbia Gorge
Amber Johnson, habitat biologist WDFW

Christian Nauer, archeologist, Confederated Tribes of the Warm Springs Reservation of Oregon
Aaron Levinson, neighbor
Marilyn Levinson, neighbor
Jeri Rutherford, neighbor

FINDINGS OF FACT:

A. LAND USE

1. The subject parcel is five acres and designated SMA Agriculture. The parcel is rectangular in shape (660 ft north and south x 330 ft east and west) with Courtney Road running along the southern boundary. The parcel has a southeast-facing slope with a 20 percent average slope. Vegetation on the parcel consists of a mixture of mature Oregon white oak, interspersed ponderosa pine, and scattered Douglas fir with some open grassy areas particularly towards the center of the property. The parcel is in the Oak-Pine Woodland Landscape Setting. Current development on the property includes the existing building (referred to in this decision as the existing dwelling), the driveway and access gate, two dilapidated accessory buildings (a 16 ft x 20 ft 'stable' and 8 ft x 6 ft 'coop') and the remnants of a foundation of a previous building. The accessory buildings and foundation remnants are discontinued and thus not "existing" structures pursuant to Commission Rule 350-81-082(5).
2. The applicant proposes to remove and replace the existing dwelling with a new single-family dwelling with attached garage. The two dilapidated accessory buildings and foundation remnants will be removed.
3. Commission Rule 350-81-082(2)(a) allows for the replacement of existing structures not damaged or destroyed by disaster. It states:

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.*

As proposed, the replacement single-family dwelling will be used in the same manner and purpose as the existing single-family dwelling, however, the building will be a different location and size than the existing dwelling. The proceeding sections of this Staff Report discuss the proposed replacement dwellings consistency with the guidelines that protect scenic, cultural, recreation and natural resources, and treaty rights guidelines. The development is not subject to either approval criteria for fire protection or approval criteria for siting of dwellings on forest land because the development is not on GMA Forest designated land. The proposal is consistent

with this rule. The proposed replacement dwelling is an allowed use pursuant to Commission Rule 350-81-082(2).

4. Commission Rule 350-81-082(2) requires the structure to be replaced must be an “existing structure.” Commission Rule 350-81-020(62) defines *existing use or structure* as:

Any use or structure that was legally established. "Legally established" means:

- (1) the landowner or developer obtained applicable land use and building permits and complied with land use regulations and other laws that were in effect at the time the use or structure was established, or that were in effect at the time the landowner or developer corrected an improperly established use or structure;*
- (2) the use or structure was initially operated or constructed according to those applicable permits, land use regulations and other laws, or has been operated or constructed according to permits obtained to correct an improperly established use or structure; and*
- (3) any changes to the original use or structure must comply with all applicable permit requirements, land use regulations and other laws that were in effect at the time the change was established.*

The permitting history for the existing dwelling is complicated and disjointed and shows both non-compliance with applicable law and compliance with applicable law. Klickitat County’s many actions recognizing the existing dwelling lack documentation and explanation.

On May 13, 1982, the Klickitat County Building Department issued a building permit to June Stockman for construction of a permanent 3-bedroom residence (Permit #B6032). That same year, the Southwest Washington Health District issued a sewage disposal permit for the same parcel. The sewage disposal permit did not identify a building that the permit applied to.

On June 23, 1983, the Klickitat County Building Department issued a permit to June Stockman allowing a temporary mobile home on the property (Permit #MP1956). A condition of approval stated, “Must have unit removed at such time as dwelling under construction inhabited.”

The Klickitat County Assessor first assessed a mobile home on the property in 1983. The Klickitat County Public Utility District installed a new utility power pole (#34332) and transformer on the property in 1983.

On June 22, 1984, the Klickitat County Building Department issued a building permit to June Stockman for an “agricultural building – shop – garage” on the property (Permit #B6407). The Klickitat County Assessor first documented this building on the property in 1984. In 1986, the Klickitat County Assessor first assessed a living area above the garage. The Klickitat County Building Department has no record of permits or inspections for the living area.

On August 4, 1989, Skip Grimes, building inspector for Klickitat County Public Works sent a letter to John Stockman. In the letter, Mr. Grimes stated that very little progress had been made on Permit #B6032 (the 1982 permit for a permanent 3-bedroom residence), and accordingly it is expired. Mr. Grimes stated that Permit #BP6407 (the agricultural building) is nearly complete, and due to Mr. Stockman’s willingness to comply with all requirements including inspections, Permit #B6407 remains valid.

On January 25, 1991, Diane Gallagher at the Klickitat County Building Department, sent a letter to Realty World, regarding Permit #B6032 (the residence) and Permit #MP1956 (temporary mobile

home). The letter confirms Permit #B6032 is expired, and states because no dwelling is being built, Permit #MP1956 is no longer temporary but considered a permanent placement, finalized on October 25, 1983, the date of Klickitat County Building Department's final inspection.

On January 28, 1991, Sinclair Kinsey, a planner with the Columbia River Gorge Commission, sent a letter to Realty World, Klickitat County Building, Klickitat County Planning, and Klickitat County Assessor. Mr. Kinsey summarized a conversation with Mr. Grimes at the Klickitat County Public Works Department that the mobile home can remain as a permanent dwelling in lieu of a site-built home, and that the mobile home is legal and requires no additional permit. Mr. Kinsey stated that replacing the mobile home with a site-built home requires filing an application to the Commission Office for review. In the letter, Mr. Kinsey did not mention any work associated with Permit #B6407.

On December 7, 1993, the mobile home was moved off the subject parcel.

On March 8, 1994, the Washington Department of Labor & Industries received a Work Permit Application for a "Meter/Permanent Power installation -- inside previously approved" Only one house is identified on the permit application, and it is unclear what previously approved structure the permit application is referring to.

In 1995, the Klickitat County Assessor began assessing the existing dwelling as a ranch style home built in 1995.

In 2014, Cliff Fleury, a local resident of Courtney Road and realtor representing the Stockman's, contacted the Columbia River Gorge Commission to settle the discrepancies on the parcel and bring it into compliance. According to records provided by the Klickitat County Building Department, the existing dwelling on the parcel is not legally established on the subject parcel with a County building permit.

Gorge Commission legal counsel, Jeff Litwak, wrote a letter of response to Mr. Fleury on March 20, 2014, that stated in relevant part:

Nevertheless, Mr. Nichols [the Commission's Executive Director] believes there was some permitted residential use of the property as of the date of the National Scenic Area Act of 1986. This is based on documentation that the Commission has at this time...

Because Mr. Stockman undertook changes in use and construction activities without prior Scenic Area approval, the property is in violation of the National Scenic Area authorities and will need to be brought into compliance with the National Scenic Area standards, which require a land use application that applies for all development currently on the property. In reviewing the application, the Commission will begin with the presumption that there is an existing residential use on the property; however new research and documentation obtained through the development review process may definitively prove that assumption incorrect, in which case the residential use would need to be removed.

In June 2017, Charles Bloom contacted the Gorge Commission about the subject parcel and inquired about building on the parcel. Mr. Bloom spoke with Commission Planner Jason Hildreth. In an email message, dated June 15, 2017, Mr. Bloom explained that there were no documents clearly proving residential use. At the time, Mr. Bloom was working with Mr. Fleury as his realtor. In response, Mr. Hildreth replied to Mr. Bloom:

From my research, the former executive director decided that there is an established residential use on the property, it just needs to be legitimized through the land use application process. Therefore, if someone were to make a land use application for the property, they would not have to prove that there is a residential use, the former director already decided that. The application would still have to meet all the resource protection criteria that any project in the National Scenic Area must meet. In short, we do not need any documentation on your part to demonstrate the residential use. You would still need to resolve whatever issues Klickitat County might have with the property.

On July 3, 2017, Charles Bloom purchased the property from the Stockman's with a Statutory Warranty Deed (Recorded August 31, 2017, Klickitat County Auditor No. 1125404).

The property had a legally established residential use with Klickitat County prior to the date of the National Scenic Area Act. Klickitat County has continued to recognize the residential use of the property since the use was established. Staff finds, that while the property has a complicated history of compliance, the residential use has not discontinued and still exists. As such, the property is eligible for a replacement single-family dwelling.

CONCLUSION:

The replacement single-family dwelling and attached 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 350-81-530(1)(a) includes design rules for lands within SMAs based on Landscape Setting, regardless of visibility from Key Viewing Areas (KVAs). The subject parcel is in the Oak-Pine Woodland Landscape Setting. Commission Rule 350-81-530(1)(a)(B) states:

Coniferous Woodland and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous Woodland and Oak-Pine Woodland landscape.

- (i) Buildings shall be encouraged to have a vertical overall appearance in the Coniferous Woodland landscape setting and a horizontal overall appearance in the Oak-Pine Woodland landscape setting.*
- (ii) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.*

The property is in the Oak-Pine Woodland landscape setting. Vegetation on the parcel consists of a mixture of mature Oregon white oak, interspersed ponderosa pine, and scattered Douglas fir with some open grassy areas particularly towards the center of the property. Four small ponderosa pine trees will be removed to accommodate the building footprint. All mature vegetation is being retained. With the retention of the existing trees around the house, the building will blend with the backdrop and not noticeably contrast with the landscape. The proposed dwelling and attached garage are 23 ft tall with low sloping shed roofs, giving the building a low horizontal appearance, which is consistent with this rule.

A condition of approval is included requiring the applicant to retain existing tree cover on the property to preserve the overall appearance of an Oak-Pine Woodland landscape setting, except for dead trees or other trees that may pose a hazard.

To mitigate for alterations to the vegetative cover and natural characterizes of the site, consistent with this rule, another condition of approval is included requiring all areas disturbed during construction activities to be reseeded with native vegetation immediately upon completion 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. Staff is providing the handout, *List of Recommended Seed Mixes for East Side Environments*, as an attachment to the Director's Decision, which has options of seed mixes available locally for drier eastern gorge climates.

With conditions of approval requiring the retention of the existing trees and that disturbed areas are revegetated immediately; the development is consistent with this rule.

2. Commission Rule 350-81-530(2) includes rules for development and uses visible from KVAs. Commission Rule 350-81-530(2)(a) states,

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

Staff analyzed the visibility of the proposed development on the subject parcel by conducting site visits and using geospatial mapping tools including ArcGIS and Google Earth, and determined the subject parcel is topographically visible from five KVAs: Columbia River, Historic Columbia River Highway, I-84, Rowena Plateau, and SR-14. Because the development site is visible from KVAs, the guidelines of Commission Rule 350-81-530(2) apply to the proposed development.

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

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

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

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

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

As discussed in the following findings, the proposed development is designed to be *visually subordinate*. Factors contributing to the visibility of the development include distance from KVAs, elevation above KVAs, retention of existing trees, and building design including building shape, size, exterior materials, and dark earth-tone colors. The findings in this staff report include conditions of approval in accordance with this rule.

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-Pine Woodland landscape setting within a half 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 thick stands of oak and pine trees partially screen many of these buildings helping make them *visually subordinate* from KVAs.

Buildings in general range in size from 60 to 4,462 sq ft, and nearby single-family dwellings range in size from 949 to 4,462 sq ft. When calculating the general scale of buildings, staff calculates the area of covered decks and half of the area of daylight basements. Only half of the area of a daylight basement is included because the Commission considers the size of the building as seen in the landscape, and generally only half or less of a daylight basement is visible above ground. The first story is 1,925 sq ft and the covered deck space is 903 sq ft. The daylight basement is 751 sq ft, and half of 751 sq ft is 375 sq ft. The garage is 780 sq ft. The total square footage of the proposed dwelling including the attached garage is 3,883 sq ft, which is smaller than the largest dwelling, but still be one of the larger buildings in the study area. The height of the proposed dwelling and garage is 23 ft above grade, below the canopy of the surrounding oak trees which are double that height. Nearby dwellings also range in height up to 2 stories and 31 ft. tall. The general scale of the proposed dwelling – including the square footage and height – is compatible with the general scale of existing nearby development.

The proposed development is designed to be *visually subordinate*. If new buildings in the vicinity of the proposed development are built according to applicable Land Use Designations and 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 required to be *visually subordinate*. Similarly, the design guidelines for substantially wooded portions of the Oak-Pine Woodland landscape setting in the GMA recommend that except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from KVAs shall be retained. If new buildings are held to the same scenic resource protection standards, there will be no significant increase in the visibility of new development on the landscape, and adverse cumulative effects to scenic resources will be avoided and potentially improved. Development designed and sited to fit with the landscape setting and achieve the scenic 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 and the Historic Columbia River Highway. From these KVAs, there is already limited existing development in the viewshed. Generally, however, buildings in these viewsheds are clustered together and appear part of the scattered rural residential development that exists in the landscape and consistent with the Landscape Setting guidelines.

According to data from Klickitat Assessor Records, within the study area there are 45 parcels. Most of the parcels, comprising approximately 333 acres, are owned by the USFS. 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 19 parcels

are privately-owned. Of the 19 privately-owned parcels, 15 are developed with dwellings and accessory structures. Three of the privately-owned parcels are undeveloped. Three of the undeveloped privately-owned parcels can be developed in the future and are designated GMA Small-Scale Agriculture with a minimum parcel size of 80 acres by the USFS, according to Section 8(o) of the National Scenic Area Act. Staff assumes for this analysis that these three parcels 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 the parcel is larger than 40 acres. Staff assumes this parcel will be developed.

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, the property size, and the size of the proposed accessory building and agricultural building. It is possible there could be additional smaller developments on the parcel, the 'same piece of ground.' Commission Rule 350-81-190(1) allows additional accessory buildings on the parcel. While additional dwellings for agricultural labor housing or a dwelling for an agricultural operator's relative are allowed uses on the subject property, the need for any such additional dwellings would be based on necessary agricultural use. This parcel is currently committed to residential use and is likely too small to support an agricultural use that would qualify the parcel for additional agricultural labor housing. Agricultural building and additional dwellings for agricultural labor housing or for an agricultural operator's relative are allowed uses on the subject property, but the landowner would be required to demonstrate a need for any such additional development in support of agricultural use. If surrounding parcels were joined under one ownership it is possible that they could operate a qualifying agricultural use, but existing dwellings on those surrounding parcels would constitute the additional allowed housing, preventing the construction of any new dwelling.

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).

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

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

The parcel is in the Oak-Woodland landscape setting and the scenic standard is *visually subordinate*. Oak-Pine Woodland landscape setting. The adjacent natural landscape to the proposed development is characterized by a mixture of mature Oregon white oak, interspersed ponderosa pine, and scattered Douglas fir with some open grassy areas particularly towards the center of the property. Factors contributing to the visibility of the development include distance from KVAs, elevation above KVAs, retention of existing trees, and building design including building shape, size, exterior materials, and dark earth-tone colors. The proposed dwelling and attached garage are 23 ft tall and have low sloping shed roofs, giving the building a low horizontal appearance. Building size, exterior building materials are nonreflective and dark earth tones, and retention of existing vegetation and topography help the development blend with the adjacent landscape as seen from KVAs without the need for new landscaping. Existing mature tree cover is being retained. With the conditions of approval requiring non-reflective exterior materials and

dark earth-tone colors, retention of existing tree cover, and that all disturbed areas are revegetated with native vegetation, the new development is consistent with Commission Rule 350-81-530(2)(d).

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

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

The subject property slopes to the southeast towards KVAs, which provides limited opportunity to use topographic features to screen new development. The parcel has a south east facing slope with a 20 percent average grade. Vegetation on the parcel consists of a mixture of mature Oregon white oak, interspersed ponderosa pine, and scattered Douglas fir with some open grassy areas particularly towards the center of the property. Existing mature tree cover is being retained. Because the site is densely wooded, only a small portion of the building will be visible from KVAs. Although the oak trees are deciduous, they provide year-round screening at the site because of the density in number and the density of the branches. In order to minimize the visible grading, mitigate for alterations to the vegetative cover and natural characterizes of the site, a condition of approval is included requiring all areas disturbed during construction activities to be reseeded immediately.

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

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

- (A) Decisions shall include written findings addressing the factors influencing the degree of visibility, including but not limited to:*
 - (i) The amount of area of the building site exposed to Key Viewing Areas.*
 - (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 the site is visible.*
 - (v) The linear distance along the Key Viewing Areas from which the building site is visible.*

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

The site is visible from the five KVAs listed in Finding B.5. The site is not visible in the foreground of any KVA. The closest KVA is Washington State Route 14 (SR 14) at .4 miles. The farthest KVA is Tom McCall Viewpoint, at 5.7 miles. Using GIS inventories and conducting site visits, staff found that the proposed building site is visible intermittently along SR 14 in the middle ground for .3 miles, I-84 in the middle ground for 2.3 miles, the Columbia River in the middle ground for 2.2 miles, and the Historic Columbia River Highway for 4.8 miles in the middle ground and .2 miles in the background.

The elevation of the development site is 600 ft. The site is only visible from one higher elevation KVA, Tom McCall Viewpoint (1,700 ft elevation). 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.

As seen from lower-elevation KVAs in the middle ground, I-84, Columbia River, and SR-14, the development site is topographically visible because the downward slope of the hillside angles towards these KVAs. However, these KVAs are much lower in elevation than the development site, and the development site and the surrounding areas are densely covered in tall trees which help to screen the development from view of 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 lies 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 five miles along the HCRH. Because the elevation of the site and the HCRH are similar, the building site will be more visible from this KVA than other nearby KVAs and will not be screened as effectively by existing vegetation as from other KVAs.

As explained below, the dwelling has been designed to be *visually subordinate*, and to retain screening vegetation. Existing vegetation screens most of the existing dwelling from KVAs. With the retention of the existing trees around the dwelling and attached garage, 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.

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

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

(B) Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for their setting as seen from key viewing areas, including but not limited to:

- (i) Siting (location of development on the subject property, building orientation, and other elements),*
- (ii) Retention of existing vegetation,*
- (iii) Design (color, reflectivity, size, shape, height, architectural and design details and other elements), and*
- (iv) New landscaping.*

Factors contributing to the visibility of the development include distance from KVAs, elevation above KVAs, retention of existing trees, and building design including building shape, size,

exterior materials, and dark earth-tone colors. The proposed dwelling and attached garage are 23 ft tall and have low sloping shed roofs, giving the building a low horizontal appearance. Building size, exterior building materials are nonreflective and dark earth tones, and retention of existing vegetation and topography help the development blend with the adjacent landscape as seen from KVAs without the need for new landscaping. The Director's Decision contains requirements and conditions of approval to ensure the development is visually subordinate, consistent with this rule.

The proposed dwelling and attached garage are sited on portions of the subject parcel that minimize visibility from KVAs. No other location on the subject property would have afforded additional topographic or vegetative screening.

The parcel has a south east facing slope with a 20 percent average grade. Vegetation on the parcel consists of a mixture of mature Oregon white oak, interspersed ponderosa pine, and scattered Douglas fir with some open grassy areas particularly towards the center of the property. The only significant areas cleared of trees are the driveway, proposed building site, and existing dwelling site. The development has been designed to retain screening vegetation. Existing vegetation screens most of the existing dwelling from KVAs. Although the oak trees are deciduous, they provide year-round screening at the site because of the density in number and the density of the branches. Four small ponderosa pine trees will be removed to accommodate the building footprint. None of the vegetation to be removed would screen the building from KVAs. All mature vegetation is being retained. With the retention of the existing trees around the house, the building will blend with the backdrop and not noticeably contrast with the landscape. The property is in the Oak-Pine Woodland landscape setting and consistent with those guidelines, a condition of approval is included requiring the applicant to retain the existing tree cover on the property to help screen the development from KVAs, except for dead trees or other trees that may pose a hazard. Additionally, another condition of approval is included requiring all areas disturbed during construction activities to be reseeded with grasses from the *Recommended Seed Mixes for East Side Environments* and that disturbed areas are revegetated immediately upon completion 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.

The applicant has proposed a building design that is *visually subordinate* and compatible with existing development. The total square footage of the proposed dwelling including the attached garage is 3,883 sq ft, and a height of 23 ft, which is smaller than the largest dwelling, but still be one of the larger buildings in the study area. The dwelling and garage have shed roofs, giving a square, horizontal appearance consistent with the landscape setting design guidelines. The colors of the development are dark earth tone colors found at the site, as discussed in Finding B.11, and the building is designed with materials that have low reflectivity including glass, as discussed in Finding B.12. Areas with glass are well spaced and located under extended eaves to ensure reduce potential reflection. The proposed dwelling has deep eaves to shade areas of significant glazing with depths ranging from 3 ft to as much as 15 ft under the covered porches. The exterior lighting of the building is hooded and directed downward as discussed in Finding B.13. Conditions are included in the decision to ensure compliance with these aspects of the design.

With conditions of approval regarding the retention of existing vegetation, reseeded of disturbed areas, and exterior building materials and colors that will not noticeably contrast with the landscape, the development will be *visually subordinate* as seen from KVAs without the need for new landscaping, consistent with this rule.

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

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

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

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

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

The subject property is at an elevation of 600 ft, partway up the steep slopes of Burdoin Mountain which reaches an elevation of over 2,000 ft. The land continues to rise steeply behind the development as seen from KVAs creating a large background and keeping the proposed development below the skyline. As proposed, the building is consistent with this rule.

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

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

Commission Rule 350-81-020(80) defines *Hight of building* as:

The greatest vertical distance between the point of lowest finished grade adjoining any exterior wall of a building and the highest point of the roof, such as the highest coping or parapet of a flat roof, the highest deck line of a mansard roof, or the highest ridge of a hip, gable, gambrel, shed or other pitched roof.

The height of the proposed dwelling and garage is 23 ft above grade, below the canopy of the surrounding oak trees, some of which are double that height. Thus, the proposed dwelling is consistent with Commission Rule 350-81-530(2)(i).

11. Commission Rule 350-81-530(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) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.

(B) If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to

provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.

(C) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

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

As described in this section, no new landscaping is required to screen development from KVAs. Therefore, the provisions in Commission Rule 350-81-530(2)(j) are not applicable.

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

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

The application materials, including the site plan and elevation drawings, described the selection of exterior building materials.

The applicant has proposed stucco, wood and metal siding for the exterior walls of the building dwelling and garage. The applicant has proposed Vermont Natural Coatings, *Brackish Brown*, a dark earth tone color, for the exterior stain of the dwelling. The metal siding proposed is a product called Rustic Rawhide, from Bridgersteel. The stucco color has not been approved and will need to be resubmitted. 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 window casings and sash will be black.

The applicant has proposed Corten steel roof of the building. As discussed below, a condition of approval is included to ensure that the Corten steel paneling is the appropriate dark-earth tone prior to installation. The texture brings depth and reduces the reflectivity of the metal roof, helping ensure compliance with this rule.

These dark rust and black colored tones are 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 these specific colors to ensure consistency with Commission Rule 350-81-530(2)(k).

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

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

The applicant has proposed stucco and wood for the walls of the building.

The dwelling has several large 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 but suggests larger areas of glass may be used if visual impacts are reduced by other measures. The proposed windows range in size up to 80 sq ft.

Consistent with the handbook, the applicant has taken steps to reduce the impact of the proposed windows including the extended eaves. Areas with glass are well spaced and located under extended eaves to ensure reduce potential reflection as designed, the building is screened by existing mature vegetation which helps to obscure the reflection of the glass from KVAs. A condition of approval is included requiring the retention of existing vegetation to help ensure compliance with this rule.

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 Anderson 100 windows with Low-E coated glass. This Low-E glass for Anderson windows is produced by Cardinal Glass, in Hood River, OR. Staff verified the glass has an external reflectivity of 11 percent.

The applicant requests Corten weathering steel for the metal roof. Corten steel is a steel building material that can be used for siding. It is a group of steel alloys which were developed to eliminate the need for painting and form a stable rust-like appearance after several years' exposure to weather. The texture brings depth and reduces the reflectivity of the metal roof, helping ensure compliance with this rule. Corten steel can be treated to accelerate the corrosion process, and a condition of approval is included to ensure that the Corten steel paneling has been treated and "pre-rusted" to the appropriate dark-earth tone prior to installation. The texture brings depth and reduces the reflectivity of the metal roof, helping ensure compliance with this rule.

In sum, with conditions of approval requiring the Corten steel to be rust colored at the time of installation, and windows to 11 percent reflective or less, the proposed development is consistent with Commission Rule 350-81-520(2)(m).

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

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

The applicant proposes four exterior lighting fixtures: two wall-mounted lights underneath the covered porch and two wall-mounted entry way lights on either side of the garage door. 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 also provided the applicant with examples of acceptable light fixtures from International Dark-Sky Association as an attachment with this decision.

15. Commission Rule 350-81-530(3) contains rules for all new developments and land uses within KVA foregrounds and immediately adjacent to scenic routes. SR 14 is listed as a Scenic Travel Corridor in Commission Rule 350-81-020(133). The subject parcel is approximately .3 miles from the SR 14 at its closest intersection. The project is not within the developed prism of SR 14 or in the immediate foreground of a KVA. Commission Rule 350-81-530(3) does not apply.

CONCLUSION:

With conditions of approval as discussed above, the proposed development is consistent with the rules in Commission Rule 350-81-530 that protect scenic resources in the National Scenic Area.

C. CULTURAL RESOURCES

1. Commission Rule 350-81-550(2) states that the procedures and rules in 350-81-540 shall be used to review all proposed developments and land uses other than those on federal lands, federally assisted projects, and forest practices. The proposal is in an SMA, but because it is not on federal lands, the rules of Commission Rule 350-81-540 apply.
2. 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 any adverse effect to no effect or no adverse effect.
3. Chris Donnermeyer, heritage resource program manager for USFS NSA, reviewed the land use application and determined in a Cultural Resources Survey Determination, dated April 15, 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.
4. Commission Rule 350-81-540(1)(c)(B) describes when a historic survey is required. In his April 15, 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 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).
5. 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 March 24, 2020, and the comment period ended April 14, 2020. As explained above, the proposal 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.

6. 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.
7. 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.

D. NATURAL RESOURCES

1. Commission Rule 350-81-600 protects natural resources in SMAs. Commission Rule 350-81-600(1) states:

All new developments and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following guidelines to ensure that natural resources are protected from adverse effects. Cumulative effects analysis is not required for expedited review uses or developments. Comments from state and federal agencies shall be carefully considered. (Site plans are described in 350-81-032).

The applicant submitted a site plan consistent with Commission Rule 350-81-032. The plans identify the location of all proposed development along the full extent of the project area. Notice of this application was mailed directly to multiple local, state, and federal agencies including U.S. Forest Service, WDFW, and the Natural Heritage Program. Amber Johnson, habitat biologist with WDFW, and Casey Gatz, resources and planning officer with USFS, provided comments.

2. Commission Rule 350-81-600(2) protects water resources in SMAs. Commission inventories identified two intermittent streams crossing the property. The project site plan identifies the streams and a 50 ft buffer. Both streams lead 2,500 linear feet towards Rowland Lake, adjacent to the Columbia River. As currently developed the driveway crosses both stream beds with culverts.

The existing dwelling, the accessory building, and utility pole and a portion of the existing driveway are located within the required 50 ft buffer of an intermittent stream. The stream is mapped as a non-fish stream by WA Department of Natural Resources. The intermittent stream does not flow every year and is not used by anadromous or resident fish. The stream flows during significant rain events and likely serves as a hydrologic feature recharging area wetlands and groundwater. The replacement dwelling will be located outside of the required buffer.

The applicant proposes to remove the existing dwelling and other improvements from the stream buffer and restore the stream and its buffer to a natural state. The long-term benefits of restoring the native plants in and around the riparian area include decreased erosion, decreased soil compaction, protection of water quality, lower water temperatures, higher-quality habitat, moisture retention of soils, and aquifer recharge.

3. Commission Rule 350-81-600(2)(a) requires that all water resources are protected by establishing undisturbed buffers. Commission Rule 350-81-600(2)(a)(A) states:

(A) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a mitigation plan.

The Klickitat County Land Use Ordinance describes mitigation plans:

Mitigation Plan

(1) Mitigation Plan shall be prepared when:

- (a) The proposed development or use is within a buffer zone (wetland, pond, lakes, riparian areas, wildlife or plant areas and/or sites).*
- (b) There is no practicable alternative (see the “practicable alternative” test).*

Consistent with this rule, removing the existing dwelling from within the 50 ft buffer zone of an intermittent stream requires the applicant to submit a mitigation plan. Construction of the replacement dwelling does not require a mitigation plan because it is located outside the required buffer. The Practicable Alternative Test is described in below in Findings D.5.

- (2) In all cases, Mitigation Plans are the responsibility of the applicant and shall be prepared by an appropriate professional (botanist/ecologist for plant sites, a wildlife/fish biologist for wildlife/fish sites, and a qualified professional for water resource sites).*
- (3) The primary purpose of this information is to provide a basis for the project applicant to redesign the proposed use in a manner that protects sensitive water resources, and wildlife/plant areas and sites, that maximizes his/her development options, and that mitigates, through restoration, enhancement, and replacement measures, impacts to the water resources and/or wildlife/plant area or site and/or buffer zones.*
- (4) The applicant shall submit the mitigation plan to the Executive Director. The Executive Director shall submit a copy of the mitigation plan to the Forest Service, and appropriate state agencies. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the Executive Director shall justify how the opposite conclusion was reached.*

The applicant worked with Underwood Conservation District and submitted a mitigation plan to the Commission on April 23, 2021. Underwood Conservation District is a local, non-regulatory natural resource agency and provides information and advice to partners and willing cooperators. The mitigation plan provides a plan for enhancing the buffer zone. Removing buildings from stream buffer allows for the stream function to return to a more natural state. The stream and its buffer will be enhanced permanently by the removal of the existing dwelling and site rehabilitation with native vegetation. Staff submitted the mitigation plan to the U.S. Forest Service.

- (5) A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a mitigation plan involving wetland creation.*
- (6) Mitigation plans shall include maps, photographs, and text. The text shall:*
 - (a) Describe the biology and/or function of the sensitive resources (e.g. Wildlife/plant species, or wetland) that will be affected by a proposed use...*
 - (b) Describe the physical characteristics of the subject parcel, past, present, and future uses, and the past, present, and future potential impacts to the sensitive resources.*
 - (c) Explain the techniques that will be used to protect the sensitive resources and their surrounding habitat that will not be altered or destroyed...*
 - (d) Show how restoration, enhancement, and replacement (creation) measures will be applied to ensure that the proposed use results in minimum feasible impacts to sensitive resources, their buffer zones, and associated habitats.*
 - (e) Show how the proposed restoration, enhancement, or replacement (creation) mitigation measures are NOT alternatives to avoidance...*

The applicant worked with Underwood Conservation District and submitted a mitigation plan to the Commission on April 1, 2021. The mitigation plan provides a plan for enhancing the buffer zone and is intended to identify mutually agreeable and biologically relevant mitigation actions to offset the impacts to stream habitat, native vegetation and wildlife on the property. The mitigation plan assessed the water resources impacted and its effect on plants and wildlife. The mitigation plan proposed actions that mitigate for the impacts to the buffer.

Commission staff did not receive any comment from WDFW. Commission staff consulted with Casey Gatz, planning staff officer for the U.S. Forest Service to assess the sufficiency of the mitigation plan in protecting the buffer zone. Mr. Gatz consulted with natural resource staff in the U.S. Forest Service office. Mr. Gatz informed the Commission staff that the mitigation planting plan provided by the applicant complies with the requirements for mitigation plans and the proposed restoration work could be approved.

According to the mitigation plan, the property was historically used for cattle grazing, and there are remnant invasive plants, including yellow star thistle, hedgehog dog-tail grass, and Himalayan blackberry. Avoiding excessive soil disturbance will help minimize the spread of these invasive species.

To protect trees and large conifers, no trees will be removed for the demolition activities. Mature trees should be identified with flagging and the use of machinery should be avoided where it could damage the root structure of trees by avoiding the use of heavy machinery in the buffer to only what is necessary to remove the concrete foundation and minimizing soil disturbances to the maximum extent practicable.

To restore riparian vegetation, the mitigation plan recommends reseeding impacted soils with native grasses and forbs, and actively managing for invasive species during and after project implementation. Any fill or soil that is imported to the project should be weed-free, and bare soil should be covered with weed-free straw, hydro-seed or other mulch to prevent invasive species establishment. Fill and soil, both disturbed or imported by the project, will be vulnerable to weed infestation, and early detection/rapid response of noxious weeds will be critical to long-term management. Weed removal and replacement with competitive native plant species will help minimize impacts of the project and improve wildlife habitat in the future.

Because the stream is intermittent, it is recommended that demolition of the dwelling occur when the stream is not flowing in order to minimize erosion. If work is to be conducted during the wet season, silt fencing should be placed between the demolition area and the stream. The fencing should be left in place until the disturbed areas have been re-seeded and mulched to prevent erosion.

The Executive Director concurs with the comments and recommendation of the U.S. Forest Service. A condition of approval will require the implementation of the recommendations listed by the applicant in the mitigation plan and require the mitigation plan be implemented as approved to ensure minimal impacts to the stream and the riparian habitat. A condition to apply erosion control measures for the demolition work will ensure the proposed use results in only minimum feasible impacts to water quality, natural drainage, and riparian habitat of the affected stream, consistent with Commission Rule.

(7) At a minimum, a project applicant shall provide to the Executive Director a progress report every 3-years that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor all mitigation progress.

(8) A final monitoring report shall be submitted to the Executive Director for review upon completion of the restoration, enhancement, or replacement activity. This monitoring report shall document successes, problems encountered, resource recovery, status of any sensitive wildlife/plant species and shall demonstrate the success of restoration and/or enhancement actions. The Executive Director shall submit copies of the monitoring report to the Forest Service; who shall offer technical assistance to the Executive Director in helping to evaluate the completion of the mitigation plan. In instances where restoration and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the restoration and enhancement guidelines.

The following the following mitigation recommendations were included in the Mitigation Plan and are included as conditions of approval in the Director's Decision, consistent with this rule:

After construction is completed: The landowner should provide the Gorge Commission a post-construction report on area of ground disturbance, measures taken to minimize disturbance, and species planted to restore areas of disturbance.

Annual Report: On an annual basis for five years, the landowner should monitor re-establishment and survival of native vegetation, as well as monitor invasive weeds, taking action to remove them from the project site. In addition, photo monitoring of areas re-planted or habitat enhanced should be submitted to the Gorge Commission.

The applicant shall be responsible for implementing and complying with the proposed mitigation measures and best management practices described the mitigation plan. These requirements are included in the Director's Decision as conditions of approval. With the approval of the mitigation provided by the applicant, staff finds the proposal in consistent with Commission Rule 350-81-580.

- (9) Mitigation measures to offset impacts to resources and/or buffers shall result in no net loss of water quality, natural drainage, fish/wildlife/plant habitat, and water resources by addressing the following:*
- (a) Restoration and enhancement efforts shall be completed no later than one year after the sensitive resource or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.*
 - (b) All natural vegetation within the buffer zone shall be retained to the greatest extent practicable. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management, and noxious weed control. Within five years, at least 75 percent of the replacement vegetation must survive. All plantings must be with native plant species that replicate the original vegetation community.*
 - (c) Habitat that will be affected by either temporary or permanent uses shall be rehabilitated to a natural condition. Habitat shall be replicated in composition, structure, and function, including tree, shrub and herbaceous species, snags, pool-riffle ratios, substrata, and structures, such as large woody debris and boulders.*
 - (d) If this standard is not feasible or practical because of technical constraints, a sensitive resource of equal or greater benefit may be substituted, provided that no net loss of sensitive resource functions occurs and provided the Executive Director, in consultation with the appropriate State and Federal agency, determine that such substitution is justified.*

- (e) Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods.
Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted.*
- (f) Nonstructural controls and natural processes shall be used to the greatest extent practicable.*
- (A) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.*
- (B) Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to hydrologic and biologic functions. Culverts shall only be permitted if there are no practicable alternatives as demonstrated by the 'Practical Alternative Test'.*
- (C) Fish passage shall be protected from obstruction.*
- (D) Restoration of fish passage should occur wherever possible.*
- (E) Show location and nature of temporary and permanent control measures that shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.*
- (F) Groundwater and surface water quality will not be degraded by the proposed use. Natural hydrologic conditions shall be maintained, restored, or enhanced in such a manner that replicates natural conditions, including current patterns (circulation, velocity, volume, and normal water fluctuation), natural stream channel and shoreline dimensions and materials, including slope, depth, width, length, cross-sectional profile, and gradient.*
- (G) Those portions of a proposed use that are not water-dependent or that have a practicable alternative will be located outside of stream, pond, and lake buffer zones.*
- (H) Streambank and shoreline stability shall be maintained or restored with natural revegetation.*
- (I) The size of restored, enhanced, and replacement (creation) wetlands shall equal or exceed the following ratios. The first number specifies the required acreage of replacement wetlands, and the second number specifies the acreage of wetlands altered or destroyed.
Restoration: 2: 1
Creation: 3: 1
Enhancement: 4: 1*

The purpose of the proposed work in the buffer is to remove the existing buildings in a previously disturbed area within the 50-foot buffer of the seasonal stream and rehabilitate the site. Removing buildings from the stream buffer allows for the stream function to return to a more natural state. The stream and its buffer will be enhanced permanently by the removal of the existing dwelling and site rehabilitation with native vegetation. All the proposed improvements will take place within previously disturbed areas and will not encroach any further into the buffer zone. In accordance with this rule, a condition of approval requires that restoration and enhancement efforts shall be completed no later than one year after the sensitive resource or buffer zone has been altered or as soon thereafter as is practicable.

4. Commission Rule 350-81-600(2)(a)(B) states:

(B) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:

- (i) A minimum 200 foot buffer on each wetland, pond, lake, and each bank of a perennial or fish bearing stream, some of which can be intermittent.*
- (ii) A 50-foot buffer zone along each bank of intermittent (including ephemeral), non-fish bearing streams.*
- (iii) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:
 - (I) The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way.*
 - (II) The wetland is not critical habitat.*
 - (III) Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.**

The applicant provided adequate site plans which identify the location of all proposed development along with the full extent of the project area and the streams with a 50 ft buffer. Consistent with this rule, a 50 ft buffer is required for the intermittent streams that cross the parcel.

5. Commission Rules 350-81-600(2)(b) states:

When a buffer zone is disturbed by a new use, it shall be replanted with only native plant species of the Columbia River Gorge.

The mitigation planting plan provided by the applicant proposes enhancing the intermittent buffer zone through the planting of native plants only. The mitigation planting plan proposes only native plantings listed from the *Recommended Seed Mixes for East Side Environments*. A condition of approval requires all disturbed areas to be reseeded with grasses and forbs from the *Recommended Seed Mixes for East Side Environments* and that disturbed areas 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 within 1 year. With conditions of approval requiring reseeded of exposed soils with native grasses and forbs, the proposal is consistent with Commission Rule 350-81-600(2)(b).

4. Commission Rules 350-81-600(2)(c), (d), (e), and (f) state:

- (c) The applicant shall be responsible for identifying all water resources and their appropriate buffers. (see above)*
- (d) Wetlands Boundaries shall be delineated using the following:
 - (A) The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U. S. Department of the Interior 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.**

- (B) Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.*
- (C) The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the '1987 Corps of Engineers Wetland Delineation Manual (on-line Edition)'.*
- (D) All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures, such as a soil scientist, botanist, or wetlands ecologist.*
- (e) Stream, pond, and lake boundaries shall be delineated using the bank full flow boundary for streams and the high water mark for ponds and lakes. The project applicant shall be responsible for determining the exact location of the appropriate boundary for the water resource.*
- (f) The Executive Director may verify the accuracy of, and render adjustments to, a bank full flow, high water mark, normal pool elevation (for the Columbia River), or wetland boundary delineation. If the adjusted boundary is contested by the project applicant, the Executive Director shall obtain professional services, at the project applicant's expense, or ask for technical assistance from the Forest Service to render a final delineation.*

The applicant provided adequate site plans identifying applicant identified the streams on the site plan with a 50 ft buffer. The plans identify the location of all proposed development along with the full extent of the project area, consistent with Commission Rule 350-81-600(2)(c), (d) and (e).

5. Commission Rule 350-81-600(2)(g) states:

- Buffer zones shall be undisturbed unless the following criteria have been satisfied:*
- (A) The proposed use must have no practicable alternative as determined by the practicable alternative test.
Those portions of a proposed use that have a practicable alternative will not be located in wetlands, stream, pond, lake, and riparian areas and/or their buffer zone.*
 - (B) Filling and draining of wetlands shall be prohibited with exceptions related to public safety or restoration/enhancement activities as permitted when all of the following criteria have been met:*
 - (i) A documented public safety hazard exists or a restoration/ enhancement project exists that would benefit the public and is corrected or achieved only by impacting the wetland in question, and*
 - (ii) Impacts to the wetland must be the last possible documented alternative in fixing the public safety concern or completing the restoration/enhancement project, and*
 - (iii) The proposed project minimizes the impacts to the wetland.*
 - (C) Unavoidable impacts to wetlands and aquatic and riparian areas and their buffer zones shall be offset by deliberate restoration and enhancement or creation (wetlands only) measures as required by the completion of a mitigation plan.*

The Practicable Alternative Test is defined under Commission Rule 350-81-600 as follows:

- (1) An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.*

A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

- (a) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife, or plant areas and sites.*
- (b) The basic purpose of the use cannot be reasonably accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife, or plant areas and sites.*
- (c) Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.*

The basic purpose of the proposed work in the buffer is to remove the existing buildings in a previously disturbed area within the 50-foot buffer of the seasonal stream and rehabilitate the site. Removing buildings from the stream buffer allows for the stream function to return to a more natural state. The stream and its buffer will be enhanced permanently by the removal of the existing dwelling and site rehabilitation with native vegetation. All the proposed improvements will take place within previously disturbed areas and will not encroach any further into the buffer zone, thus avoiding adverse impacts to the surrounding buffer zone. There are no alternatives to removing the buildings without impacting the buffer.

Because the proposed improvements will remove existing development from the buffer, there are no alternative sites that the improvements can take place that would avoid or result in less adverse impacts to the buffer zone. All the proposed improvements will take place on previously disturbed land, and no further encroachment into the buffer zone is proposed.

Based on the findings of the practicable alternative test, the proposed use has no practicable alternative sites on the subject parcel that would avoid or result in less adverse impacts to the buffer zone and are therefore consistent with Commission Rule 350-81-600(2)(g).

5. Commission Rule 350-81-600(3) allows uses within 1,000 feet of a sensitive wildlife/plant area or site subject to review. Commission Rule 350-80-600(3)(a) states:

Wildlife and Plants

- (a) Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 ft of a sensitive wildlife/plant site and/or area...*

The natural resource inventory indicates that the accessory building is within 1,000 feet of the following sensitive wildlife/plant areas and sites: mule and black-tailed deer winter range, western gray squirrel habitat, and Oregon white oak woodlands.

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

Pursuant to this notice requirement, staff provided copies of the site plan and application materials to the U.S. Forest Service and Washington Department of Fish and Wildlife, and Washington Natural Heritage Program on March 24, 2020. The application includes maps and narrative descriptions of the proposed activity and methods of work. According to the applicant, four immature pine trees will be removed to site the dwelling. The property already has an existing residential use, and the proposed development has a small footprint. Due the nature of the development, staff believes proposal will not compromise the integrity of the area as a wildlife or sensitive plant site. Staff discussed the project with U.S. Forest Service staff, who agreed that the proposal would not compromise the integrity of the area as a wildlife or sensitive plant site.

The proposed development takes places in the Oak Pine Woodland landscape setting, and there are several Oregon white oak trees on site. While this area is not a priority habitat for Oregon white oak, Oregon white oak is an important tree species in the eastern Columbia Gorge, and conservation of Oregon white oak trees protects habitat for many animal species, including the Western gray squirrel which is a protected species in Washington State. To ensure the integrity of western gray squirrel habitat on subject parcel, the following recommendations are included as conditions of approval:

- A. Do not cut any tree containing a gray squirrel nest. WDFW recommends a 50-ft no-cut buffer around nest trees to maintain an interlocking tree canopy and minimize disturbance.
- B. Do not cut Oregon white oak, except for habitat enhancement. The landowner is encouraged to reduce hazard fuels throughout parcel, including surface and ladder fuels, and by thinning out dense tree stands.
- C. Promote “oak release” by removing overtopping and encroaching conifers from the vicinity of oak trees on

A condition of approval requires all disturbed areas to be reseeded with grasses and forbs from the *Recommended Seed Mixes for East Side Environments* and that disturbed areas 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 within 1 year. With conditions of approval requiring reseeded of exposed soils with native grasses and forbs, the proposal is consistent Commission Rule 350-81-600(3)(g).

7. Commission Rule 350-81-600(3)(i) states:

(i) Proposed uses and developments within 1,000 feet of sensitive wildlife areas and sites or within 1,000 feet of rare plants shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited.

As noted above, the development site is located within winter range and western gray squirrel habitat. Staff also considered the existing conditions of the study area and the likelihood of other similar development in the area. For the purposes of evaluating the cumulative effects of repeated similar activities, staff focused on similarly zoned Scenic Area lands within the Klickitat River Winter Range.

The White Salmon River Winter Range is approximately 16,000 acres spanning three to four miles on either side of the White Salmon River. Existing conditions in the study area can be described as rural with dispersed structural development. Corridors of trees exist in the study area, primarily along stream corridors which have protected buffers.

The White Salmon River Winter Range includes a significant amount of Oregon white oak. Klickitat County supports the largest portion of the remaining white oak habitat in Washington State. Stands greater than five acres are considered a priority habitat. Priority species associated within this oak woodland region include mule and black-tailed deer, and the western gray squirrel, listed as a State threatened species.

WDFW did not indicate any concerns with the proposed development. Staff believes the proposed development will have little effect on existing deer habitat. 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. Commission Rule 350-81-600(4) protects soil productivity. It states:

Soil Productivity

(a) Soil productivity shall be protected using the following guidelines:

(A) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.

(B) New developments and land uses shall control all soil movement within the area shown on the site plan.

(C) The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed 15 percent of the project area.

(D) Within 1 year of project completion, 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.

To ensure compliance with the above standards, a condition of approval is included with the Director Decision requiring that all disturbed areas 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 within 1 year.

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 proposed development is located near Forest Service lands associated with the Coyote Wall recreation site and is .3 miles northwest of the Coyote Wall trailhead. While the proposed development will be topographically visible from the Coyote Wall recreation site, intervening vegetation and the dark-earth tone colors of the development will limit its visibility for recreation users at the site. The continued residential use of the parcel will not detract from the use and

enjoyment of the site, and the removal of the pre-act building will improve scenic resources at the site.

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 March 24, 2020. The notice included a comment period of 21 days that ended on April 14, 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.
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 Indian tribe.

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