COLUMBIA RIVER GORGE COMMISSION
MINOR CHANGE TO A DIRECTOR’S DECISION

CASE FILE: C21-0010

MINOR CHANGE
APPLICANT: Breff McLaughlin

ORIGINAL
APPLICANT: Jeri Rutherford

LANDOWNER: Jeri Rutherford

ORIGINAL
PROPOSAL: The Columbia River Gorge Commission has received an application for a new single-family dwelling, a detached garage, an agricultural building, and livestock fencing.

MINOR CHANGE
REQUEST: The same development as in the original approved Director’s Decision with changes as follows:

1. Reconfigure the size and location of the single-family dwelling from 4,350 sq. ft. and 31 ft. tall to 3,750 sq. ft. and 33 ft. tall.
2. Reconfigure the size and location of the garage from 672 sq. ft. and 24 ft. tall to 729 sq. ft. and 22 ft. tall.

LOCATION: The subject property is approximately 5 acres in size and located at 24 Locke Road, east of White Salmon, WA, on Burdoin Mountain, in the Northeast 1/4 of Section 34, Township 3 North, Range 11 East, Willamette Meridian, Klickitat County. Tax Lot Number 03-11-3452-0004/00.

LAND USE
DESIGNATION: General Management Area – Small-Scale Agriculture (80)

Note: According to Section 8(o) of the National Scenic Area Act (NSA), the Forest Service (USFS) designated the subject parcel GMA Small-Scale Agriculture. For the purposes of this development review, the Special Management Area (SMA) guidelines no longer apply to this parcel; they will be reviewed according to the applicable GMA land use and resource protection guidelines.
AUTHORITY TO APPROVE MINOR CHANGE:
This application was received and reviewed under Commission Rule 350-81. The proposed minor changes are therefore being reviewed pursuant to Commission Rule 350-81-046.

Commission Rule 350-81-046 states:

Any change to a development action approved by the Executive Director shall be processed as a new action, except that the Executive Director may approve minor changes to findings, conclusions, and conditions of approval deemed to be consistent with the guidelines of Commission Rule 350-81 and the findings and conclusions for the original action. If the Executive Director approves a minor change, the Director shall notify all of the parties that would have standing to appeal the change, including the applicant, the Forest Service, the four Indian tribal governments, the county planning department, and anyone who submitted comments during the comment period on the original land use application. The change itself (not the original decision) would be subject to appeal under the same time frames applicable to the original decision.

DECISION:
Based upon the findings of fact in the Staff Report for Director’s Decision C20-0010, the request for a minor change by Breff McLaughlin is consistent with the purposes of the Columbia River Gorge National Scenic Area Act (Act) and the standards in Section 6 of the Act, 16 U.S.C. §§ 544(a), 544d(d), the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and Commission Rule 350-81, and is hereby approved.

AMENDED 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). (Note: Conditions with changes are shown with strikeout text indicating deletions to the original condition and underlined text indicating additions to the original condition.)

1. To ensure notice of the conditions to successors in interest, this Director’s Decision, Staff Report for C20-0010, and approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor’s Office. Once recorded, the applicants shall submit a copy of the recorded documents to the Executive Director.

2. This decision does not exempt the proposal from other non-Scenic Area rules and regulations. It is the applicant’s responsibility to ensure the use complies with all other applicable federal, state, and county laws and to obtain necessary approvals, including utility easement approvals.

3. Any new land uses or structural development such as 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. The stem wall of the garage is to be completely backfilled and vegetated so that the greatest vertical distance between any point of the exposed stem wall and the highest point of the roof is no more than 24 ft. tall.  

6. The proposed agricultural use must be initiated within 1 year of the commencement of construction for any aspect of this development review.

7. All exterior building materials, including roof, doors, siding, trim, window casing and sash, decks, and railings shall be dark earth-tone colors. Only approved dark earth-tone colors for exterior materials shall be used. The following colors submitted by the applicants for the exterior of the single-family dwelling, garage, and barn are consistent with this condition and are hereby approved:

   Exterior: Benjamin Moore Boreal Forest (AF-480)  
   Trim: Behr Black Bamboo (N380-7)  
   Roof: Pabco Antique Black  
   Deck: Black Fiberglass  
   Porch Screen: Snapp Pool and Patio Screen

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

8. All exterior building materials including roofs, 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.

9. All exterior glass shall be composed of low-reflectivity glass. An exterior reflectivity rating of 11% is required. The applicant has chosen Kolbe windows and LaCantina glass doors for the exterior of the building. The dining room windows shall be screened year-round with the approved porch screening as indicated on the approved elevation drawings. Any proposed changes shall be submitted to the Gorge Commission for consistency review with this condition of approval.

10. All areas of continuous unscreened surfaces of exterior glass shall be limited to no more than 50 square feet. Prior to framing the dwelling, the applicant shall submit a new fenestration pattern for the living room as indicated on the approved elevation drawings.

11. Maintenance and survival of the landscaping vegetation, which includes the living roof, is required, and an irrigation plan shall be submitted to the Executive Director for review before landscaping vegetation is planted. Changes to the landscaping plan must be provided to the Executive Director for review and approval.

12. All fencing shall adhere to the following specifications:
   A. the top wire is not more than 42 inches high, to make it easier for deer to jump over the fence;
   B. 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;
   C. the bottom wire is a smooth wire, placed at least 16 inches above the ground to allow fawns to crawl under the fence
   D. 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.

13. 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.

14. The following mitigation measures are required to enhance habitat for 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, 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 the subject parcel, thereby reducing the competition for light, water, and nutrients.

15. Except for dead trees or other dead vegetation that may pose a hazard, all existing vegetation on the site shall be retained and maintained for screening purposes, or as indicated on the approved landscaping plan.

16. All areas on the property disturbed during construction activities shall be reseeded with grasses from the Recommend Seed Mixes for East Side Environments. Disturbed areas shall be revegetated immediately upon completion of the project (or as soon as possible thereafter if the project is completed during the winter) with at least 80 percent vegetative coverage within 1 year.

17. 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.

18. 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.

19. 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 19 day of August 2021 at White Salmon, Washington.

[Signature]
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 19th day of August 2023 unless construction has commenced in accordance with Commission Rule 350-81-044(4)._ 

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

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

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

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

APPEAL PROCESS:
_The appeal period ends on the 18th day of September 2021._

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

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

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

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

Attachments:
Amended Staff Report for C20-0010

**COMMENTS FROM INDIVIDUALS/AGENCIES/GOVERNMENTS:**
Notice of the original 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
Friends of the Columbia Gorge

Written comments were received from:

Chris Donnermeyer, Heritage Resource Program Manager, USFS NSA
Steve McCoy, attorney, Friends of the Columbia Gorge
Kristen Teide, archeologist, Confederated Tribes of the Umatilla

**AMENDED FINDINGS OF FACT AND CONCLUSIONS AND ANALYSIS OF CONSISTENCY OF PROPOSED CHANGES:** *(Note: Findings and Conclusions with changes are shown with strikeout text indicating deletions to the original findings and underlined text indicating additions to the original findings. Original, unchanged Findings and Conclusions are not included.)*

**A. LAND USE**

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

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

(A) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(B) The footprint of any individual accessory building shall not exceed 1,500 square feet.

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

The garage is 672 sq. ft. (24 ft. x 28 ft.) 729 sq ft (27 ft x 27 ft), under 1,500 sq. ft., consistent with this rule.

Commission Rule 350-81-020(80) defines *height 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.

According to the grading plan, from the highest point of the roof to the lowest finished grade for the garage was 26 ft. tall, inconsistent with this rule. The garage included a 12 ft. tall stem wall on the south facing side with 2 ft. exposed and 8 ft. backfilled to existing grade. As designed, the building was inconsistent with this rule. The applicant collaborated with staff and submitted an updated grading plan that reoriented the building slightly and moved it 20 ft. north west, which significantly reduced the size of the stem wall by 6 ft. The applicant proposes to backfill around the stem wall to make up for the exposed wall. With a condition of approval requiring the stem wall of the garage to be completely backfilled so that the greatest vertical distance between any point of the exposed stem wall and the highest point of the roof is no more than 24 ft. tall, the building would be consistent with Commission Rule 350-81-190(1)(f).

According to the revised grading plan and elevation drawings, from the highest point of the roof to the lowest finished grade, the garage is 22 ft. tall, consistent with this rule.

**CONCLUSION:**

With conditions of approval requiring the applicant to initiate the proposed agricultural use within one year of the commencement of construction of the agricultural building, the new single-family dwelling, detached garage, agricultural building, and livestock fencing are allowed review uses, subject to Commission Rules 350-81-520 through 350-81-620 that protect scenic, cultural, natural, and recreation resources.

**ANALYSIS OF CONSISTENCY OF PROPOSED CHANGE:**

This finding is hereby amended to accurately describe the proposed changes. The amended findings continue to support the conclusion that the project will be consistent with Commission Rule 350-81-520.
B. SCENIC RESOURCES

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

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

To determine compatibility of the proposed development, Commission staff looked at development surrounding the subject parcel within a half mile. Staff chose the half mile study area because all the parcels are within the same Oak-Pine Woodland landscape setting as the subject property and have similar visibility from KVAs.

Of the 45 parcels in the study area, staff identified 17 parcels with development. There are currently 29 known buildings in the study area. These buildings include single-family dwellings, mobile homes, garages, agricultural structures, and smaller accessory structures. Buildings range in size from 60 sq. ft. to 4,462 sq. ft. 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 this guideline 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 second story is 60 ft. x 40 ft. and the covered deck space is 25 ft. 21 ft. x 12 ft., or 2,700 sq. ft. The daylight basement, or the first story, including covered decks is 66 ft. x 50 ft. 60 ft. x 37 ft., or 3,300 sq. ft. 2,220 sq. ft. Half of 3,300 sq. ft. plus 2,700 sq. ft. equals 4,350 sq. ft. total size for the dwelling. Half of 2,220 sq. ft. plus 2,650 sq. ft. equals 3,750 sq. ft. total size for the dwelling. It is 31 ft. tall 33 ft. tall. 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, consistent with Commission Rule 350-81-520(1)(b).

The garage is 672 sq. ft. (24 ft. x 28 ft.) 729 sq. ft. (27 ft. x 27 ft.), under 1,500 sq. ft., 24 ft. tall 22 ft. tall, and consistent with Commission Rule 350-81-190(1)(f) as discussed in Finding A3. The barn is 48 ft. x 50 ft. (2,400 sq. ft. footprint) and 24 ft. tall, consistent with Commission Rule 350-81-090 as discussed in Finding A6. Staff finds the three buildings are compatible with the general scale of existing nearby development, consistent with Commission Rule 350-81-520(1)(b).

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

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

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

To determine cumulative effects of the proposed development, staff analyzed existing development and development potential of the subject parcel and the adjacent and nearby lands in the Oak-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 serve to partially screen these buildings, helping to make them visually subordinate from KVAs. Buildings range in size from 60 sq. ft. to 4,462 sq. ft. Nearby single-family dwellings range in size from 949 to 4,462 sq. ft. The total square footage of the proposed dwelling is 4,300 sq. ft. 3,752 sq. ft. which is smaller than the largest dwelling, but still be one of the largest buildings in the study area. For analysis, staff assumes that all existing dwellings on surrounding lots could be replaced in the future, subject to review.

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 built in a comparable manner to the proposed development and 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. 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. 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.

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).

9. Commission Rule 350-81-520(2)(d)(B) states:

Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from Key Viewing Areas, including but not limited to:

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

Factors contributing to the visibility of the development include distance from KVAs, proportions of the dwelling, dark earth tone colors, low reflectivity building materials, existing vegetation, and 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, garage and barn 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 applicant has proposed a design for the house that is compatible with existing development and has square proportions. The building is 60 ft. long and has a maximum final height of 31 ft. 33 ft. from the lowest adjacent grade to the highest point of the roof. Finding B.16 addresses the colors of the development which are dark earth tone colors found at the site. Finding B.17 address building material reflectivity including windows. Conditions have been applied to ensure compliance with these aspects of the design.

The subject property is densely vegetated and no new landscaping is required to screen the development from KVAs. The subject property is predominately covered in thick vegetation including mature oak, pine and fir trees which provide ample screening from KVAs. Although the oak trees are deciduous, they provide year-round screening at the site because of the density of the branches. The property is in the Oak-Pine Woodland landscape setting and consistent with those guidelines, a condition of approval is included that requires 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.

In order to 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 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. 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.

16. Commission Rule 350-81-520(2)(m) states:

*The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features.*

The proposed exterior materials for the dwelling and garage are BamCore bamboo siding, glass windows, and a roof with a combination of mixed materials including a black asphalt architectural shingles, glass and a “living roof,” a membrane roof with vegetative cover. The wood siding and living roof have minimal reflectivity. The deck will be black fiberglass. The railings will be thin galvanized threaded cable. The barn will be composed of materials with minimal reflectivity including wood T-111 siding and black asphalt architectural shingles for the roof.

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 applicant proposes a screened-in porch on the second story of the dwelling in front of the dining room that includes a glass roof. The screened-in porch provides screening for this fenestration. The applicant has chosen Snapp Pool and Patio Screen for the screening. A condition of approval requires the screening be retained year-round to reduce the reflectivity of continuous glass.

As proposed, the fenestration pattern for the living room has over 50 sq. ft. of unscreened continuous glass. The applicant discussed the issue with staff and decided to add 18 inches of space between the sliding doors. A condition of approval requires the applicant to submit a new fenestration pattern for the living room, prior to framing the dwelling, that demonstrates this requirement.

The Scenic Resources Implementation Handbook suggests that the use of glass with 11% reflectivity may be allowable when development is located beyond the foreground of KVAs and when partially screened by topography and vegetation. The applicant has chosen Kolbe windows and LaCantina glass doors for the exterior of the building. Staff verified the glass has an external reflectivity of 11%. To ensure the replacement dwelling is not composed of reflective materials, the applicant also proposed a design that limits reflective materials to 30 percent of the total surface area of any wall exposed to a KVA.

In sum, with conditions of approval requiring low or non-reflective materials, limiting the amount of continuous glass on windows, doors and the roof to 50 sq. ft., and a condition of approval requiring the screening for the second story porch be retained year round, the proposed development is consistent with Commission Rule 350-81-520(2)(m).
20. Commission Rule 350-81-520(2)(y) states:

    *New buildings shall not be permitted on lands visible from key viewing areas with slopes in excess of 30 percent. Variances to this guideline may be authorized if the guideline’s application would render a property unbuildable. In determining the slope, the average percent slope of the proposed building site shall be used.*

The applicant provided a grading plan that includes a cross section and narrative. At the site of the home, the slope of the building site is 28 percent, consistent with this rule. At the garage site the slope is 24 percent, and at the barn site the slope is 28 percent, consistent with this rule.

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

The applicant provided a grading plan prepared by Bell Design Company consistent with the guidelines of this rule. According to the grading plan, the development including roads, dwelling, garage, and barn will require 1,695 cu. yds. of cut material and 1,220 cu. yds. of fill material.

**CONCLUSION:**

With conditions of approval regarding the color of the buildings, outdoor lighting, and the retention of existing vegetation, the proposed development is consistent with the applicable policies of the Management Plan and guidelines in Commission Rule 350-81-520 that protect scenic resources in the National Scenic Area.

**ANALYSIS OF CONSISTENCY OF PROPOSED CHANGE:**

This finding is hereby amended to accurately describe the proposed changes. The amended findings continue to support the conclusion that the project will be consistent with Commission Rule 350-81-520.

**C. CULTURAL RESOURCES**

4. Commission Rule 350-81-540(2)(c)(B)(i) states the cultural resource protection process may conclude when the following conditions exist:

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

The project notice was mailed on May 20, 2020, and the comment period ended June 10, 2020. As explained above, the proposed use did not require a reconnaissance survey or historic survey and no comments were received regarding cultural resource concerns. Pursuant to Commission Rule 350-81-540(2)(c)(B)(i), the cultural resource protection process may conclude.

While reviewing the minor change request, Gorge Commission staff contacted Chris Donnermeyer, U.S. Forest Service Archeologist Heritage Program Manager. Mr. Donnermeyer concluded in a
message dated August 7, 2021, the proposed changes to the dwelling and the garage do not change his original survey determination.

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.

ANALYSIS OF CONSISTENCY OF PROPOSED CHANGE:

This finding is hereby amended to accurately describe the proposed changes. The amended finding continues to support the conclusion that the project will be consistent with Commission Rule 350-81-540.

BG
FIND0010.20MC1
GRADING PLAN
PROJECT OVERVIEW - RESIDENCE / DRIVEWAYS / BARN
PARCEL No. 03113452000400
THE E1/2 OF THE NE1/4 OF THE SW1/4 OF THE NE1/4
SECTION 34, T3N, R11E, W.M., KLICKITAT COUNTY, WASHINGTON

NOTES
- TOPOGRAPHIC DATA AND BOUNDARY PROVIDED BY KLEIN & ASSOCIATES
  WORK PERFORMED SEPTEMBER, 2014.
- LIDAR / TOPOGRAPHIC DATA FIELD VERIFIED BY BELL DESIGN COMPANY
  APRIL, 2021.
- NOT INTENDED TO BE RECORDED.
- VERTICAL DATUM BASED ON NAVD88.

OWNER
JERI RUTHERFORD & RAYMOND BACKEN
5048 N. BREMERTON
BOISE, ID 83714

PROPERTY ADDRESS / LEGAL
LOT 4 S/P BO-II, A/F 176750
HOUSE LOCATION APPROX.
1000' FEET NORTH OF COURTNEY RD.
KLICKITAT COUNTY, WASHINGTON

Bell Design Co. makes no warranty as to matters of
unwritten title such as adverse possession, prescriptive
rights, easements, escheat, acquiescence, etc. or to
environmental concerns such as hazardous waste, pollution,
well land delineation, riparian changes, flood zones, etc.

APPROVED

CIVIL ENGINEERINGS

CLEAR & GRADE PLAN
FOR JERI RUTHERFORD & RAYMOND BACKEN
WASCO COUNTY, OREGON

DATE: JUN 30, 2021

BELL DESIGN COMPANY
GRADING PLAN

RESIDENCE / GARAGE DETAIL
PARCEL No. 03113452000400
THE E1/2 OF THE NE1/4 OF THE SW1/4 OF THE NE1/4
SECTION 34, T3N, R11E, W.M., Klickitat County, Washington

OWNER

JERI RUTHERFORD & RAYMOND BACKEN
5640 N. BREMERTON
BOISE, ID 83714

PROPERTY ADDRESS / LEGAL

LOT 4 SP BO-11, APR 178780
HOUSE LOCATION APPROX.
1000 FEET NORTH OF COURTNEY RD.
Klickitat County, Washington

APPROX. EARTHWORK GRADEING VOLUMES RESIDENTIAL AREA

<table>
<thead>
<tr>
<th>Excavation Volume</th>
<th>Fill Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>480 (yd³)</td>
<td>850 (yd³)</td>
</tr>
</tbody>
</table>

APPROX. EARTHWORK GRADEING VOLUMES BARN AREA

<table>
<thead>
<tr>
<th>Excavation Volume</th>
<th>Fill Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>78 (yd³)</td>
<td>247 (yd³)</td>
</tr>
</tbody>
</table>

APPROX. EARTHWORK GRADEING VOLUMES - 650 LF OF PRIMARY DRIVEWAY AND BARN ROAD

<table>
<thead>
<tr>
<th>Excavation Volume</th>
<th>Fill Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 (yd³)</td>
<td>123 (yd³)</td>
</tr>
</tbody>
</table>

APPROX. TOTAL EARTHWORK VOLUMES

<table>
<thead>
<tr>
<th>Excavation Volume</th>
<th>Fill Volume</th>
</tr>
</thead>
<tbody>
<tr>
<td>580 (yd³)</td>
<td>1,220 (yd³)</td>
</tr>
</tbody>
</table>

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environmental concerns such as hazardous waste, pollution,
net land delineation, riparian changes, flood zones, etc.

CLEAR & GRADE PLAN
FOR JERI RUTHERFORD & RAYMOND BACKEN
WASCO COUNTY, OREGON

DATE: JUL 2021
NARRATIVE

AN AREA 12,800 SF HILL BE GRADED FOR A RESIDENCE, GARAGE & PARKING.
THE LARGEST CUT WILL BE 5.4' AND THE LARGEST FILL WILL 5.4'.

AN AREA 4,350 SF WILL BE GRADED FOR A BARN. THE LARGEST CUT WILL BE 4.0' AND THE LARGEST FILL WILL BE 5.2'.

650 LF OF A 14' WIDE DRIVEWAY AT A MAX. 12% SLOPE WILL BE CONSTRUCTED TO THE RESIDENCE, AND ALSO THE BARN SITE FROM AN EXISTING ROAD TO THE SOUTH.

THE ROAD SURFACE WILL CONSIST OF 12' OF ROCK/GRAVEL ADDED, OR 220 YDS ADDED TO GRADED SURFACE.

THIS GRADING PLAN DOES NOT PROVIDE STRUCTURAL DESIGN, DRAINAGE SOLUTIONS, OR RETAINING WALL ANALYSIS.

Bell Design Co. makes no warranty as to matters of unwritten title such as adverse possession, prescriptive rights, easements, esstoppel, acquiescence, etc., or to environmental concerns such as hazardous waste, pollution, wetland delineation, riparian changes, flood zones, etc.