COLUMBIA RIVER GORGE COMMISSION
DIRECTOR'S DECISION

CASE FILE: C20-0013

PROPOSAL: The Columbia River Gorge Commission has received an application for

1) an addition and deck for an existing single-family dwelling,
2) new exterior finish and windows for another existing single-family dwelling,
3) a deck and new windows for an existing agricultural building,
4) a new deck and agricultural labor housing in another existing agricultural building,
5) a greenhouse (30 ft x 60 ft),
6) a well house (11 ft x 18 ft),
7) a carport (19 ft x 17 ft), and
8) the after-the-fact reviews of replacement fencing, road improvements, and maintenance and repair to several farm buildings.

APPLICANT: Mary Kleihege

LANDOWNER: Mary Kleihege

LOCATION: The subject property is 214 acres located in Klickitat County at 386 Lyle Snowden Rd, Lyle, WA, in the east half of Section 9, Township 3 North, Range 12 East, Willamette Meridian; Tax Lot Number 03-12-0900-0001/00.

LAND USE DESIGNATION: General Management Area (GMA) – Commercial Forest (80)

DECISION: Based upon the following findings of fact, the land use application by Mary Kleihege, 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 C20-0013, 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. 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:  | Valhalla Lifetime Wood Treatment |
   | Roof:      | Taylor Metal Saddle Tan (SRI-37) |

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 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. Solar panels shall be black, including panels and frames, to minimize reflectivity, with no bare aluminum framing or bare structural surfaces.

7. All windows shall be composed of low-reflectivity glass. A reflectivity rating of 11% is required.

8. The proposed development shall comply with the following fire protection criteria. The applicant shall submit a written statement and amended site plan addressing each criterion to the Gorge Commission for review and approval by the Executive Director, before construction begins. The applicant shall notify the Commission when construction is complete, so an inspection of the dwelling can be made to verify compliance with the fire safety guidelines.

   a. All buildings shall be surrounded by a maintained fuel break of 50 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire-resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.

   b. Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structures.

   c. A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separated from the dwelling.
d. Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent.

e. Telephone and power supply systems shall be underground.

f. Roofs of structures shall be constructed of fire-resistant materials such as metal, fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.

g. Any chimney or stovepipe on any structure for use with a woodstove or fireplace shall be screened with no coarser than ¼ inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.

h. All structural projections such as balconies, decks and roof gables shall be built with fire resistant materials equivalent to that specified in the Uniform Building Code. The applicant shall submit building materials for the decks of the development to the Gorge Commission for review and approval.

i. Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1/4-inch mesh metal screen that is noncombustible and corrosion resistant.

9. 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.

10. 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 mature 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.

11. All cattle fencing, including all recently replaced 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.

12. 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.

13. If cultural resources are discovered during construction activities, all activities within 100 feet of
the cultural resources shall immediately cease and the applicants shall notify the Gorge Commission within 24 hours of discovery and the State Physical Anthropologist, Dr. Guy Tasa at (360) 586-3534 or guy.tasa@dahp.wa.gov. The cultural resources shall remain as found and further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.

14. If human remains are discovered during construction activities, all activities shall cease immediately upon their discovery. Local law enforcement, the Executive Director and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.

15. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for a FINAL INSPECTION to confirm compliance with all of the conditions of approval. Project completion means completion of all work to the exteriors of structures (including painting). The applicants shall arrange the inspection by calling the Gorge Commission at (509) 493-3323 or info@gorgecommission.org. Each inspection may take up to seven business days from the time of calling for the inspection.

DATED AND SIGNED THIS 10th day of May 2021 at White Salmon, Washington.

 signatures

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 10th 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 9th 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

**Attachments:**

- Staff Report for C20-0013  
- Approved site plan and elevation drawings  
- International Dark-Sky Association example sheet of acceptable & unacceptable light fixtures  
- Recommend Seed Mixes for East Side Environments
North
Both pre existing

 East
 Proposed addition

 South
 Window enlarged
 original size unknown

 West
 Pre existing
 enlarged size
 original size unknown

 Farm house    Door/window layout

 Both pre existing

 Enlarged windows
 original size unknown
Farm House Addition

Overview

Addition East Wall

Extend Roof over walkway

2\(\frac{5}{12}\) Roof Pitch

Agricultural 7" Door
38" x 22"

Existing Structure

Cross Section

Roof Pitch 2\(\frac{5}{12}\)

2x6 Construction

R- Insulation

R- Insulation

\(\frac{3}{4}\) x 7 siding "light gray"

Bolted to existing concrete pressure treated plate

\(\text{WM}\)
East Face

West Face

Add two sliding doors.

South Face

North Face

Pattern to change to 3' x 97" windows evenly spaced.
Big Barn

Overview

Proposed Deck

N.

15'

12'

43'
All perimeter and pasture fencing, including all recently replaced 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.
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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.
Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged
Fixtures that produce glare and light trespass

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

Unshielded Floodlights or Poorly-shielded Floodlights

Full Cutoff Fixtures

Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures

Fully Shielded Wallpack & Wall Mount Fixtures

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

Fully Shielded Fixtures

Unshielded Streetlight

Full Cutoff Streetlight

Unshielded Barn Light

Fully Shielded Barn Light

Unshielded Bollards

Fully Shielded Walkway Bollards

Unshielded 'Period' Style Fixtures

Fully Shielded 'Period' Style Fixtures

Louvered 'Marine' style Fixtures

Fully Shielded Decorative Fixtures

Unshielded PAR Floodlights

Shielded / Properly-aimed PAR Floodlights

Drop-Lens Canopy Fixtures

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

<table>
<thead>
<tr>
<th>Native Seed Mixture #1: Recommendations for Composition and Application Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Species</strong></td>
</tr>
<tr>
<td>blue wildrye (<em>Elymus glaucus</em>)</td>
</tr>
<tr>
<td>California brome (<em>Bromus carinatus</em>)</td>
</tr>
<tr>
<td>slender hairgrass (<em>Deschampsia elongata</em>)</td>
</tr>
<tr>
<td>broadleaf lupine (<em>Lupinus latifolia</em>)</td>
</tr>
<tr>
<td>Idaho fescue (<em>Festuca idahoensis</em>)</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Native Seed Mixture #2: Recommendations for Composition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Species</strong></td>
</tr>
<tr>
<td>California Brome (<em>Bromus carinatus</em>)</td>
</tr>
<tr>
<td>Sheep fescue (<em>Festuca ovina</em>)</td>
</tr>
<tr>
<td>Blue wildrye (<em>Elymus glauces</em>)</td>
</tr>
<tr>
<td>Canada bluegrass (<em>Poa compressa</em>)</td>
</tr>
<tr>
<td>Blue bunch wheatgrass (<em>Agropyron spicatum</em>)</td>
</tr>
<tr>
<td>Sickle-keeled lupine (<em>Lupinus albicaulis</em>)</td>
</tr>
<tr>
<td>America vetch (<em>Vicia Americana</em>)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-Native Seed Mixture: Recommendations for Composition and Application Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Species</strong></td>
</tr>
<tr>
<td>Annual ryegrass (<em>Lolium multiflorum</em>)</td>
</tr>
<tr>
<td>Perennial ryegrass (<em>L. perenne</em>)</td>
</tr>
<tr>
<td>Soft white winter wheat (<em>Triticum aestivum</em>)</td>
</tr>
<tr>
<td>Sickle-keeled lupine (<em>Lupinus albicaulis</em>)</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
</tr>
</tbody>
</table>

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.
- Allen Schnetzky, Weed Supervisor, Wallowa County 541-426-3332.
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PROPOSAL: The Columbia River Gorge Commission has received an application for
1) an addition and deck for an existing single-family dwelling,
2) new exterior finish and windows for another existing single-family dwelling,
3) a deck and new windows for an existing agricultural building,
4) a new deck and agricultural labor housing in another existing agricultural building,
5) a greenhouse (30 ft x 60 ft),
6) a well house (11 ft x 18 ft),
7) a carport (19 ft x 17 ft), and
8) the after-the-fact reviews of replacement fencing, road improvements, and
maintenance and repair to several farm buildings.

APPLICANT: Mary Kleihege

LANDOWNER: Mary Kleihege

LOCATION: The subject property is 214 acres located in Klickitat County at 386 Lyle Snowden Rd, Lyle, WA, in the east half of Section 9, Township 3 North, Range 12 East, Willamette Meridian; Tax Lot Number 03-12-0900-0001/00.

LAND USE DESIGNATION: General Management Area (GMA) – Commercial Forest (80)

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
Steve McCoy, attorney, Friends of the Columbia Gorge

FINDINGS OF FACT:

A. LAND USE

1. The subject parcel is 214 acres and designated GMA Commercial Forest with an 80-acre minimum parcel size. The subject parcel is one of several parcels in Klickitat County that make up L77 Ranch, and the ranch compromises over 1,000 acres in the NSA.

Lyle-Snowden Rd forms the western boundary of the property, and the parcel’s northern and western boundary lines are also the boundary of the National Scenic Area (NSA). The parcel is one mile long from north to south and has a south facing slope with an average grade of three percent.

In general, the subject parcel is heavily vegetated with mature trees, a mixture of Oregon white oak, interspersed ponderosa pine, and scattered Douglas fir with some open grassy areas particularly towards the center of the property where most of the existing and proposed development is located. The parcel is in the Oak-Pine Woodland Landscape Setting.

2. There are currently eight buildings on the subject parcel. The application materials name them as:

<table>
<thead>
<tr>
<th>Building Name</th>
<th>Footprint</th>
<th>Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Farmhouse (dwelling)</td>
<td>1,908 sq ft (53 ft x 36 ft)</td>
<td>14 ft</td>
</tr>
<tr>
<td>2. Hermitage (dwelling)</td>
<td>1,152 sq ft</td>
<td>29 ft</td>
</tr>
<tr>
<td>3. White House (dwelling)</td>
<td>280 sq ft (20 ft x 14 ft)</td>
<td>12 ft</td>
</tr>
<tr>
<td>4. Office Building</td>
<td>1,248 sq ft (48 ft x 26 ft)</td>
<td>27 ft</td>
</tr>
<tr>
<td>5. Big White Barn</td>
<td>3,010 sq ft (70 ft x 43 ft)</td>
<td>23 ft</td>
</tr>
<tr>
<td>6. Machine Shop</td>
<td>1,794 sq ft (46 ft x 39 ft)</td>
<td>20 ft</td>
</tr>
<tr>
<td>7. Pig Barn</td>
<td>2,772 sq ft (77 ft x 36 ft)</td>
<td>11 ft</td>
</tr>
<tr>
<td>8. Red Straw Barn</td>
<td>1,152 sq ft (48 ft x 24 ft)</td>
<td>20 ft</td>
</tr>
<tr>
<td>9. Carport</td>
<td>323 sq ft (19 ft x 17 ft)</td>
<td>15 ft</td>
</tr>
<tr>
<td>10. Grain Silos (2)</td>
<td>14 ft diameter</td>
<td>11 ft</td>
</tr>
</tbody>
</table>

The applicant stated all the buildings were on the property when she acquired it in 2001. Staff reviewed Klickitat County records for the property and was able to verify the dates when some of the buildings were constructed. Klickitat County started issuing building permits September 8, 1970. According to Klickitat County building permit records, two dwellings were permitted through the County prior to the date of the National Scenic Area Act, November 17, 1986.

There is a permit (Permit No. 001010) from September 1971, for an addition to an existing dwelling. The addition was 18’ x 35’ with a basement of the same size. According to the Klickitat County Assessor’s records, the dwelling was originally built in 1950. This building is referred to as the ‘Farmhouse’ on the applicant’s site plan.

There is also a 1981 permit issued for a farm dwelling on the property (Permit No. 81/907). Farm dwellings were permitted by Klickitat County as an additional dwelling for family members or employees actively engaged in operating a farm. According to the application materials, there was already one dwelling established on the property, presumptively the dwelling and addition associated with Permit No. 001010 above. According to the Klickitat County Assessor’s records
this second dwelling, referred to as the 'Hermitage,' was built in 1980. The building also has an electrical meter indicating it was built in 1980.

There is no permit on record, for the small cabin, referred to as the 'White House' on the applicant's site plan. According to the Klickitat County Assessor's records, the cabin was built in 1950, which predates county permitting.

Accessor's Records indicate that the 'office building,' 'big white barn,' 'machine shop,' 'pig barn,' 'red straw barn,' and 'carport' were built prior to Klickitat County permitting, and prior to the National Scenic Area Act.

3. The applicant has multiple development requests for the property. The applicant proposes the following modifications to existing buildings:

   1. Farmhouse: Add a 12 ft x 18 ft entry way addition, replace windows and finish repairs to existing deck.
   2. Hermitage: Repair building within its existing footprint including exterior decks, which had begun to rot. Enlarge some of the windows, as indicated on the elevation drawings.
   3. Office Building: Formerly used as an office building and guest housing, to be converted into worker housing. Add a second-floor exterior deck 8 ft. wide running the length of the building.
   4. Big White Barn: First floor: Level concrete floor, enlarge windows on east, north, and south sides as indicated on the elevation drawings. On the south side of the barn, with the shed addition, reinstall metal roof, and add windows evenly spaced across the south side. Top floor: enlarge the windows evenly spaced across the south side. On the east end, build a 30 ft x 10 ft deck on the second floor.

The applicant proposes the following new buildings:

<table>
<thead>
<tr>
<th>Building Name</th>
<th>Footprint</th>
<th>Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Carport (accessory)</td>
<td>323 sq ft (19 ft x 17 ft)</td>
<td>15 ft</td>
</tr>
<tr>
<td>2. Greenhouse (agricultural)</td>
<td>1,800 sq ft (30 ft x 60 ft)</td>
<td>10 ft</td>
</tr>
<tr>
<td>3. Well House (agricultural)</td>
<td>198 sq ft (11 ft x 18 ft)</td>
<td>10 ft</td>
</tr>
</tbody>
</table>

The applicant also requests after-the-fact review of replacement fencing and for road maintenance. The applicant originally requested three greenhouses, but during the course of the review withdrew the request for two of the greenhouses.

4. Commission Rule 350-81-270(1)(i) allows:

   Agricultural structures, except buildings, in conjunction with agricultural use, subject to the "Approval Criteria for Fire Protection" (350-81-300).

The decks proposed for the big white barn and the office building are allowed review uses subject to Commission Rule 350-81-300, see Finding A.10 below.

5. Commission Rule 350-81-270(1)(j) allows:

   Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and
complete within five years, subject to the "Approval Criteria for Fire Protection" (350-81-300) and the standards in "Agricultural Buildings" (350-81-090).

Commission Rule 350-81-020(8) defines agricultural use:

The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops; or by the feeding, breeding, management, and sale of, or production of; livestock, poultry, fur-bearing animals or honeybees; or for dairying and the sale of dairy products; or any other agricultural or horticultural use, including Christmas trees. Current employment of land for agricultural use includes:

(a) The operation or use of farmland subject to any agriculture-related government program.
(b) Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry.
(c) Land planted in orchards or other perennials prior to maturity.
(d) Land under buildings supporting accepted agricultural practices.

Agricultural use does not include livestock feedlots.

The applicant supplied information as part of the application materials addressing the requirements of Commission Rule 350-81-090(1). The parcel is currently developed with an active agricultural use. The subject parcel is one of several parcels operated as the L77 Ranch. Currently, 30-50 cows are maintained on the property year-round, with about 15 calves each spring. This is one of four herds maintained on the ranch, that total 300-400 head. The applicant sells the meat locally. The ranch intends to add pigs, sheep and laying chickens to the existing facilities once restored. The applicant also proposes one greenhouse building for agricultural use. The greenhouse will be for growing starts and for vegetable gardens located on the subject parcel.

6. Commission Rule 350-81-270(1)(m) allows:

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 "Approval Criteria for the Siting of Dwellings on Forest Land" (350-81-310) and "Approval Criteria for Fire Protection" (350-81-300) and 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 carport will have a 323 sq ft footprint (19 ft x 17 ft) and be 15 ft tall. The well house will have a 198 sq ft footprint (11 ft x 29 ft) and be 10 ft tall. Because the well house is under 200 sq ft, it is not subject to Commission Rules 350-81-300 or 350-81-310. Currently, the only existing accessory building on the property is a carport with the same dimensions as the proposed carport (19 ft x 17 ft and 15 ft tall). The combined footprints of the accessory buildings will be 844 sq ft, which is less than the 2,500 sq. ft. limit guideline of Commission Rule 350-81-270(1)(m). The two proposed buildings are also under the 24 ft height limit in Commission Rule 350-81-270(1)(m)(C).
7. Commission Rule 350-81-270(1)(s) states the conditions under which agricultural labor is allowed:

(A) The proposed housing is necessary and accessory to a current agricultural use.
(B) The housing shall be seasonal, unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject agricultural unit. Seasonal use shall not exceed 9 months.
(C) The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock, and shall not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

The applicant proposes to convert one of the older pre-existing agricultural buildings, named the "office building" in the application materials, into agricultural labor housing. As described above, the applicant is actively raising livestock on the property. Utilizing the existing agricultural building for the farm housing minimizes the need for any new conversion of land as no new land will be developed to support the use. The office building will provide living space for up to three farmworker couples. The proposed use will not significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use because the labor housing is supporting an existing agricultural use that is consistent with other agricultural operations in the area.

8. Commission Rule 350-81-(270)(1)(z) states:

Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

As discussed in Finding A.3, the applicant proposed an addition to the farmhouse, one of the existing dwellings on the property.

9. Commission Rule 350-81-090 has the following requirements for proposed agricultural buildings:

(1) The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.
(2) To satisfy 350-81-090(1), applicants shall submit the following information with their land use application:
   (a) A description of the size and characteristics of current agricultural use.
   (b) An agricultural plan for any proposed agricultural use that specifies agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing).
   (c) A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock)

The applicant supplied a layout of the big white barn and the greenhouse as part of the application materials to address the requirements of Commission Rule 350-81-090(1). The barn is used as a woodshop and workshop to serve ranch needs. Use of the second floor will be for storage, a work area and break area for employees. The office building will provide office space and rooms for potentially three farmworker couples. The greenhouse is designed for the purpose of housing and propagating plants. The well house is designed for the well, pumps and pressure
tanks. Staff finds the proposed agricultural buildings consistent with Commission Rule 350-81-090.

10. Commission Rule 350-81-300 lists the Approval Criteria for Fire Protection on Forest Land. The three new buildings proposed are the greenhouse, the well house, and carport. Only the carport is subject to Commission Rule 350-81-300. The decks proposed for the dwellings and big white barn are also subject to this rule.

(a) All buildings shall be surrounded by a maintained fuel break of 50 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire-resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.

A condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(b) Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure(s).

A condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(c) A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.

The applicant has a well capable of delivering 65 gallons per minute. A condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(d) Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road guidelines may be made only after consultation with the local rural fire district and the Washington Department of Natural Resources in Washington or the Oregon Department of Forestry in Oregon.

No access drives are proposed. The proposal is consistent with this requirement; however, a condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(e) Within 1 year of the occupancy of a dwelling, the local government shall conduct a review of the development to assure compliance with these guidelines.

A condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.
(f) Telephone and power supply systems shall be underground whenever possible.

No new telephone or power supply systems are proposed. The proposal is consistent with this requirement; however, a condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(g) Roofs of structures should be constructed of fire-resistant materials such as metal, fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.

The three new buildings proposed are the greenhouse, the well house, and carport. An addition is proposed to one of the dwellings. Consistent with this requirement, the greenhouse will have a glass roof, and the other two buildings will have fire-resistant metal roofing. A condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(h) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 1/4-inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.

A condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(i) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code.

A condition of approval is included in the decision requiring all of the proposed decking materials for each building is composed of fire-resistant materials to ensure compliance with this criterion.

(j) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1/4-inch mesh metal screen that is noncombustible and corrosion resistant.

A condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with these guidelines.


The Gorge Commission received two complaints about new fencing along the perimeter of the subject parcel before the applicant submitted the application. Staff discussed the nature and merit of the complaints with applicant and whether further compliance work was required. The applicant stated in the application materials that she had repaired the previously existing perimeter fencing and replaced it in the same location where it was not salvageable. She also stated she had removed thousands of feet of cross fencing. While replacement fencing is a use allowed outright, the replacement fencing needs to comply with Commission Rule 350-81-580(6)(b) because the property is in deer and elk winter range. Compliance with Commission Rule 350-81-580(6)(b) is discussed below in Section D of this staff report.
The Gorge Commission also received several complaints about unauthorized road building on the subject parcel. Staff also discussed this issue with the applicant. The applicant stated new gravel was applied on what was a dirt road that crossed the property in order to safely use it when wet. There are other preexisting logging roads which are used to bring feed to cattle, and plan to put some base rock on one of the steep sections. Staff explained the Commission’s definition of maintenance and explained that any new road building required review and approval by the Gorge Commission.

12. Commission Rule 350-81-082(4)(a) allows the following changes to existing uses and structures:

Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to Commission Rule 350-81.

Pursuant to this rule, the new fenestration patterns are allowed uses for the hermitage, farmhouse, and the big white barn will be reviewed under Commission Rule 350-81.

CONCLUSION:

With conditions of approval requiring the proposed developments are allowed review uses, subject to Commission Rules 350-81-520 through 350-81-620 that protect scenic, cultural, natural, and recreation resources.

B. SCENIC RESOURCES

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

New buildings and roads shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

The applicant proposes to site the dwelling on a flat portion of the parcel and minimal grading is necessary to site either of the accessory buildings or the greenhouse. The applicant has chosen a flat area of the parcel located near existing development that helps retain existing topography. The siting of the development is designed consistent with this rule.

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

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

To determine compatibility of the proposed development, Commission staff looked at development within a half mile of the surrounding subject parcel using tax assessor records collected from Klickitat County. Staff chose the half mile study area because all the parcels are within a similar landscape setting as the subject property and have similar visibility from KVAs. According to Klickitat County records, existing nearby development consists of seventeen dwellings and thirty-four accessory buildings. Buildings in the study area include single-family dwellings, mobile homes, garages, agricultural structures, and smaller accessory structures. The Buildings range from 200 to 3,743 square-feet in visible mass and are 12 to 29 feet-tall. These calculations include all interior living space which encompasses daylight and above-ground basements, attached garages, and covered decks or terraces.

As proposed, the greenhouse is the largest proposed building with footprint of 1,800 sq ft, smaller than the largest building on the property, the big white barn, which has a 3,010 sq ft footprint and
is 29 ft tall. Staff finds that the proposal fits within the general scale of existing nearby development, consistent with Commission Rule 350-81-520(1)(b).

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

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

No vegetative screening is required by the guidelines of this chapter. However, to mitigate for alterations to the vegetative cover and natural characteristics of the site, a 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 winter months) with at least 80 percent vegetative cover 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 a condition of approval requiring disturbed areas are revegetated immediately; the development is consistent with this rule.

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

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

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

5. **Commission Rule 350-81-520(2) contains guidelines that affect developments on sites visible from KVAs.** Staff determined with site visits and geospatial map tools that the subject parcel is topographically visible from Rowena Plateau in the background. Because the proposed development is topographically visible from a KVA, the guidelines of Commission Rule 350-81-520(2) are applicable. The proposed development is visible from the Rowena Plateau at the following distance zone:

<table>
<thead>
<tr>
<th>KEY VIEWING AREAS</th>
<th>FORGROUND 0 - 1/4 Mile</th>
<th>MIDDLEGROUND 1/4 - 3 MILES</th>
<th>BACKGROUND Over 3 Miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rowena Plateau</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. **Commission Rule 350-81-520(2)(b) requires new development to be *visually subordinate* to its setting when viewed from KVAs.**

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

*Visually subordinate: A description of the relative visibility of a structure where the structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a Key Viewing Area, for the Management Plan). As opposed to structures that are fully screened, structures that are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings.*
The Director’s Decision contains requirements and conditions of approval to ensure the development is visually subordinate. As discussed in Findings B.8 and B.9, Commission Rule 350-81-530(2)(f) requires the extent and type of conditions applied to a development to achieve the scenic standard of visually subordinate be proportionate to the building’s degree of visibility from KVAs. Factors contributing to the visual subordinance of the development include the distance from the KVA, dark earth tone colors, building materials, and existing vegetation. The KVA from which this development is topographically visible is more than five miles away. Additionally, as discussed in Findings B.15 and B.16, Commission Rule 350-81-530(2)(k) and Commission Rule 350-81-530(2)(l) require all proposals to be constructed of low-reflective materials and dark earth-tone colors.

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:

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

To consider the cumulative visual effects associated with the proposed development, staff considered parcels in the NSA within a half mile of the subject parcel. This area is primarily used for residences near McGowen Rd, Bertha-N Orchard Rd, and Lyle-Snowden Rd at the northern edge of the National Scenic Area in Klickitat County. The parcels in this area are designated GMA Small-Woodland and GMA Commercial Woodland. As seen from Rowena Plateau KVA, the development is over five miles away and will be difficult to distinguish from its surroundings. From this KVA, the subject parcel is in an area where existing homes and accessory buildings are prevalent but are sparsely visible throughout the landscape or are indistinguishable in the landscape due to the distance from the KVA, existing vegetation and topography.

According to data from Klickitat Assessor Records, within this area there are twenty-four parcels. Existing development in the study area consists of seventeen dwellings and thirty-four accessory buildings within a half mile of the subject parcel. The dwellings in this vicinity are one and two-stories tall and range from 200 to 3,743 square-feet in size, and 12 to 29 feet-tall. Sixteen of the twenty-four parcels are developed, and the remaining eight are undeveloped. Four of the eight undeveloped parcels are approximately five acres, smaller in size than the subject property. Staff assumes residential dwellings and accessory buildings will be proposed in the future. Two of the undeveloped parcels are owned by the applicant and are both 476 acres and would be eligible for future land divisions. Staff assumes each of these undeveloped parcels could potentially be divided into five separate parcels and have dwellings and other buildings and development. One of the undeveloped parcels is owned by SDS Lumber Company and was clear-cut approximately seven years ago. Another of the undeveloped parcels is owned by Washington Department of Natural Resources; staff assumes this parcel will remain undeveloped.

It is possible that there may be similar agricultural buildings and structures on the ‘same piece of ground’ given the existing agriculture use and the size of the applicant’s ranch. Dwellings for agricultural labor housing or an agricultural operator’s relative are allowed uses on the subject property, the need for any such additional dwellings would be based on an existing or approvable agricultural use. However, given the limitations on the number of dwellings and the size of accessory buildings on the parcel, it unlikely that there will be more residential development.

Several factors ensure the proposed building will not cause adverse scenic impacts as viewed from Rowena Plateau, including distance, colors, non-reflective and low reflectivity building
materials, and screening vegetation. The proposed buildings and additions are compatible in size with existing development and will not create any adverse cumulative effects to scenic resources because the buildings will be difficult to distinguish from the KVA. There will not be any visual cumulative effects from any KVAs in the foreground and midground because the development will not be visible from any KVAs at those distances. If new buildings are built according to applicable Land Use Designation guidelines on each parcel in the vicinity of the proposed development, and if they are designed in an equivalent manner to existing development and consistent with the guidelines of this chapter, they will be held to the same visual resource protection standards and will be required to be **visually subordinate**. The design guidelines for the Oak-Pine Woodland landscape setting in the GMA recommend that development be clustered and sited to maximize screening of existing topography and vegetation to keep the character of the setting. If new developments are built in a comparable manner to the proposal, there would be no cumulative effects to scenic resources. By using existing topography and vegetation, and exterior materials that are dark, earth-toned, low- or non-reflective there will be no significant increase in visibility of new development. Development designed and sited to achieve the standard **visually subordinate** will not generate adverse cumulative scenic impacts. For the reasons above, the proposed development will not cause adverse scenic impacts, and will not cause adverse cumulative scenic impacts, consistent with Commission Rule 350-81-520(2)(c).

8. Commission Rule 350-81-520(2)(d)(A) states:

   *The extent and type of conditions applied to a proposed development to achieve visual subordinance should be proportionate to its potential visual impacts as seen from Key Viewing Areas.*

   *(A) Decisions shall include written findings addressing the factors influencing potential visual impact, including but not limited to:
   
   (i) The amount of area of the building site exposed to Key Viewing Areas.
   
   (ii) The degree of existing vegetation providing screening.
   
   (iii) The distance from the building site to the Key Viewing Areas from which it is visible.
   
   (iv) The number of Key Viewing Areas from which it is visible.
   
   (v) The linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads).

The proposed development on the property is at an elevation of 1,790 ft. The property is topographically visible from Rowena Plateau in the background over five miles away from the subject property. From the Rowena Plateau/Tom McCall trailhead parking lot (700 ft. elevation), the parcel (1,900 ft. elevation) is not visible because hills screen the parcel completely from view. However, the hills do not provide complete screening from higher elevations of Rowena Plateau while hiking Tom McCall trail. From the top of Tom McCall trail, (1,700 ft. elevation), the parcel is still higher in elevation than the KVA and topography visible but is difficult to distinguish in the landscape because of distance, existing tree coverage, and topography.

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*
The proposed developments are sited on the subject parcel with minimal visibility from the KVA. The applicant has chosen dark earth tone colors for the exterior of the buildings and the greenhouse, which are included as conditions of approval. Consistent with the Landscape Settings Design Guidelines, a condition of approval requires existing vegetation surrounding the development on the parcel be retained except for safety. With these conditions included in the Director's Decision, the proposal will be visually subordinate as viewed from the KVA and consistent with the design guidelines for the Oak-Woodlands Landscape Setting. Staff finds these conditions to be proportionate to the development's potential visual impact as seen from the KVA.

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

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

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

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

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

No other location on the subject property would have afforded the proposal more topographic or vegetative screening because the building will only be visible from the Rowena Plateau KVA, over five miles away. From that viewing distance, the development be nearly indistinguishable in the landscape and achieve visual subordinance from the KVA.

12. Commission Rule 350-81-520(2)(g) states:

   Existing tree cover screening proposed development from Key Viewing Areas shall be retained as specified in the Landscape Settings Guidelines in 350-81-520(3).

The subject parcel is in the Oak-Pine Woodlands landscape setting. Findings for the Landscape Settings Design Guidelines are addressed below. No trees are proposed to be removed as part of this application. According to Commission Rule 350-81-520(3)(c)(B)(iii), in substantially wooded portions of the landscape, existing tree cover screening the proposed development from KVAs shall be retained in compliance with Commission Rule 350-81-520(3)(c)(B)(iii). This requirement is included as a condition of approval.

13. Commission Rule 350-81-520(2)(h) states:

   The silhouette of new buildings shall remain below the skyline of a bluff, cliff, or ridge as seen from Key Viewing Areas. Variances to this guideline may be granted if application of the guideline would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the guideline have been made.
The proposed development on the property is at an elevation of 1,790 ft. The highest part of the property, the northern property boundary, varies around 2,010 ft, which is part way up the slope of hills rising above Lyle that reach an elevation of 2,500 ft. Because the land continues to rise behind the development as seen from the KVA, the proposed buildings will not break the skyline. The development is consistent with Commission Rule 350-81-520(2)(h).

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

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

(A) New landscaping (including new earth berms) shall be required only when application of all other available guidelines in 350-81-520 is not sufficient to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordinance. Development shall be sited to avoid the need for new landscaping wherever possible.

(B) If new landscaping is required to make a proposed development visually subordinate from key viewing areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction.

(C) Unless as specified otherwise by provisions in 350-81-520, landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

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

The applicant did not propose a landscaping plan as part of the proposal, and no new landscaping is required to screen development from KVAs. However, in order to achieve the scenic standard of visually subordinate and ensure the development blends with its setting as seen from the KVA, the following condition of approval is required pursuant to this rule: All disturbed areas shall be reseeded with grasses from the approved Recommend Seed Mixes for East Side Environments. 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.

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

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

The applicant has proposed Valhalla Wood Preservatives Lifetime Wood Treatment for the exterior walls of the wellhouse, carport and the addition to the dwelling, and Taylor Metal Saddle Tan (SRI-37) for the roofing. These dark earth-tone browns are found within the shadows of the surrounding landscape. A condition of approval requires all exterior surfaces of the proposed
development, including doors, siding, trim, window sash, and roof, to be dark earth-tone colors to ensure consistency with Commission Rule 350-81-520(2)(l).

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

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

The proposed exterior materials for the addition, the carport, the well house are wood siding, glass windows and metal roofing. The wood siding has minimal reflectivity and is an approved dark earth tone color.

The applicant proposed metal roofing for the addition, well house and carport. The metal roofing will be a dark earth-tone color, *Taylor Metal Saddle Tan* (SRI-37). The metal roofing proposed for the addition to the farmhouse will match the existing roofing material. Metal roofing is also fire resistant and complies with Commission Rule 350-81-300.

The farmhouse, hermitage, and big white barn all have new proposed fenestration patterns that include larger glass windows exposed to KVAs than previously existed. As seen from the KVA, the buildings are screened by vegetation, and will be difficult to distinguish.

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

With a condition of approval requiring the windows to be 11% reflective or less the proposed development is consistent with Commission Rule 350-81-520(2)(m).

17. Commission Rule 350-81-520(2)(p) states:

*Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.*

No light fixtures were indicated on the applicant's site plan or elevation drawings. Nevertheless, 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 the KVA, consistent with this rule. Staff is also providing the applicant with examples of acceptable light fixtures from the International Dark-Sky Association as an attachment with this decision.

18. Commission Rule 350-81-520(2)(z) states:

*Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.*

The buildings will be indistinguishable from the natural landscape, as seen from the KVA, which is over five miles away. Consistent with this rule however, the three proposed buildings have been sited on flat portions of the property that eliminate the need for any cut banks and fill slopes. No new roads are proposed.
19. Commission Rule 350-81-520(2)(aa) requires all proposed structural development involving more than 200 cubic yards of grading on sites visible from KVAs to include a grading plan containing specific plan elements.

The proposed greenhouse, the well house and the carport are small and will be constructed on flat ground and no other buildings or roads are proposed. There will not be in excess of 200 cubic yards of grading for the structural development. A grading plan is not required.

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

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

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

In wooded portions of this setting in the vicinity of the subject parcel trees vary in height from 30 to 50 ft. Trees present on the parcel are a mix of ponderosa pines and Oregon white Oak. The height of the proposed carport is 15’ and the heights of the proposed greenhouse and pump house are both 10’, lower than the tree canopy level in wooded portions of the Oak-Pinewoods landscape setting, and consistent with this rule.

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

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

(i) At least half of any tree species planted for screening purposes shall be species native to the setting. Such species include Oregon white oak, ponderosa pine, and Douglas-fir.

(ii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

For substantially wooded portions:

(iii) Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.

For treeless portions or portions with scattered tree cover:

(iv) Structures shall be sited on portions of the property that provide maximum screening from Key Viewing Areas, using existing topographic features.

(v) Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees in small groupings and openings between groupings.

(vi) Accessory structures, outbuildings, and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures, and farm fields.

No landscaping is required by the guidelines of this chapter. No other location on the subject property would have afforded the applicant more topographic or vegetative screening. The property is substantially wooded. Consistent with this rule, a condition of approval is included requiring the applicant to retain existing tree cover surrounding the development except for safety purposes including, but not limited to, fire protection and hazard tree removal.
CONCLUSION:

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

C. CULTURAL RESOURCES

1. Except as specified in Commission Rule 350-81-540(1)(c)(A)(iii), new development requires a reconnaissance survey. Commission Rule 350-81-540(3) requires that, if cultural resources are discovered, an evaluation of the significance is conducted. Commission Rule 350-81-540(3)(d)(C) states that if the cultural resources are significant, the effects of the proposed use shall be assessed. Commission Rule 350-81-540(5)(a) requires mitigation plans when proposed uses would have an adverse effect on significant cultural resources. Mitigation plans must reduce adverse effects to no adverse effect or no effect.

2. Chris Donnermeyer, Heritage Resource Program Manager for the U.S. Forest Service Columbia River Gorge National Scenic Area, reviewed the land use application and determined in a Cultural Resources Survey Determination, dated September 11, 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 not disturb the ground and would involve a lot-line adjustment or partition, is not within 100 feet of a high probability zone, and does not occur within 500 feet of a known archaeological site.

3. Commission Rule 350-81-540(1)(c)(B) states:

   A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older.

   Mr. Donnermeyer determined in the Cultural Resources Survey Determination, dated September 11, 2020, that pursuant to Commission Rule 350-81-540(1)(c)(B) a historical survey is needed because the proposed use would alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older, and potentially compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older. In Heritage Property Reports dated February 1, 2021, Mr. Donnermeyer recommended that none of the building on the property are eligible for the National Register of Historic Places.


   The cultural resource protection process may conclude when one of the following conditions exists...

   (iv) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures because:

   (a) The State Historic Preservation Officer concludes that the historic buildings or structures are clearly not significant, as determined by using the criteria in the "National Register Criteria for Evaluation" (36 CFR 60.4)

   In a letter dated February 5, 2021, Holly Borth, Project Compliance Reviewer with DAHP, concurred with Mr. Donnermeyer's determination, that none of the buildings are eligible for the
National Register of Historic Places, and thus the project would have no effect on significant historic buildings or structures. Pursuant to Commission Rule 350-81-540(2)(c)(B)(iv)(a), the cultural resource protection process may conclude.

5. Commission Rule 350-81-540(6) protects cultural resources discovered during construction. It requires that if cultural resources are discovered after construction begins, all construction activities within 100 feet of the discovered cultural resource shall cease; further disturbance is prohibited, and the Gorge Commission shall be notified within 24 hours of the discovery. A condition of approval implementing this requirement is included in this decision.

6. Commission Rule 350-81-540(7) contains provisions addressing discovery of human remains during construction. A condition of approval is included in this decision requiring adherence to these measures if human remains are discovered.

CONCLUSION:

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

D. NATURAL RESOURCES

1. Commission Rule 350-81 provides guidelines for protecting wetlands (Section 560); streams, ponds, lakes, and riparian areas (Section 570); sensitive wildlife areas and sites (Section 580); and sensitive plants (Section 590).

2. The Gorge Commission’s natural resource inventories do not show any wetlands on the subject parcel, and no wetlands were observed during site visits. Therefore, the proposal is consistent with Commission Rule 350-81-560 that protects wetlands.

3. Review of Gorge Commission resource inventories identified one unnamed perennial stream west of the proposed development on the subject parcel. Commission Rule 350-81-570(7)(a)(A) states that the buffer for a perennial stream is 100 feet. The closest part of the proposed development is over 300 feet from the stream. Staff verified the stream and its proximity to the proposed development during a January 22, 2020 site visit.

Review of Gorge Commission resource inventories also identified two unnamed seasonal streams within 50 ft of the proposed development on the subject parcel. Commission Rule 350-81-020(152) defines the word *stream* as:

> Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, springs and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses.

Staff conducted a site visit on January 22, 2020 and were not able to identify any defined stream channel or bed on the property for the seasonal streams. During the site visit staff examined the area to determine if there was a defined channel or bed. The applicant stated that the area indicated in Commission inventories as a seasonal stream is an area where water from snowmelt collects in the spring. The area contains gravel, lawn grasses, wild grasses, blackberry bushes, and
Oregon white oak. The area where water collects was visible, but there was not a defined stream bed or channel.

The Washington State Department of Natural Resources (WDNR) Forest Resources Application Mapping Tool identified both water courses as an unknown hydrographic stream feature occurring upstream of a modeled end point. Given this information the area does not meet the Commission’s definition of a stream.

5. Commission Rule 350-81-580 contains criteria for the review of potential impacts to sensitive wildlife. The Gorge Commission’s sensitive wildlife inventory shows the development site is located within Deer and Elk Winter Range and Western Gray Squirrel Habitat. Commission Rule 350-81-580(1)(a)(A) defines sensitive wildlife areas to include these areas.

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

Commission staff notified Amber Johnson, with Washington Department of Fish and Wildlife of the proposed development and sent a copy of the site plan on August 24, 2020. The notice included a comment period of 21 days that ended on September 14, 2020. No comments were received.

8. The proposed development takes places in the Oak Pine Woodland landscape setting, and there are 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 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 the subject parcel, thereby reducing the competition for light, water, and nutrients.

Due to the size and nature of the development, with these conditions of approval, staff does not believe the proposed development compromises the integrity of the parcel as a wildlife site.

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

New fences in deer and elk winter range
(a) New fences in deer and elk winter range shall be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.

(b) New and replacement fences that are allowed in winter range shall comply with the guidelines in Specifications for Structural Range Improvements (Sanderson, et al. 1990), as summarized below, unless the applicant demonstrates the need for an alternative design:
(A) To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.
(B) The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.
(C) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.
(D) Stays, or braces placed between strands of wire, shall be positioned between fences posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.
(c) Woven wire fences may be authorized only when it is clearly demonstrated that such a fence is required to meet specific and immediate needs, such as controlling hogs and sheep.

The applicant is actively engaged in agricultural activities including raising livestock. A condition of approval is included requiring all replacement pasture and perimeter fencing to meet these standards.

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

   The wildlife protection process may terminate if the Development Review Officer, in consultation with the appropriate state wildlife agency, determines: the sensitive wildlife area is not active; or the proposed use would not compromise the integrity of the wildlife area, or occur during the time of the year when wildlife species are sensitive to disturbance.

WDFW did not indicate any concerns with the proposed development. Pursuant to Commission Rule 350-81-580(4)(c), staff does not believe the proposed development compromises the integrity of the parcel as wildlife site due to the to the nature of proposal, which is clustered together with existing development on the property.

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

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

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

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

As noted in finding D.4 above, the development site is located within winter range and western gray squirrel habitat. To consider the cumulative effects, staff considered similarly zoned land in the subject winter range and western gray squirrel habitat areas mapped by the Washington Department of Fish & Wildlife. 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 also in the Oak-Woodland Landscape Setting. Staff also considered the existing conditions of the study area and the likelihood of other similar development in the area.

The Klickitat River Winter Range is nearly 123,000 acres spanning three to four miles on either side of the Klickitat River. The Klickitat River Winter Range also straddles the Scenic Area boundary to the east of the subject property. 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 subject property has a fence along the perimeter, and no new fencing is proposed to reduce winter range habitat. A condition of approval in included with this decision requiring the applicant to use the fencing standards in Commission Rule Commission Rule 350-81-580(6).

WDFW did not indicate any concerns with the proposed development. Staff believes the proposed development will have little, if any, effect on existing deer or squirrel habitat due to the to the nature of proposal, which is clustered together with existing development on the property. Pursuant to Commission Rule 350-81-580(1)(c), staff does not believe the proposed development creates any adverse effects, including cumulative effects, to the integrity of the parcel as wildlife site, due to the location and the nature of the development which is clustered with other existing development and the lack of new fences. With a condition of approval required new fencing comply with Commission Rule 350-81-580(6), the proposal does create any adverse cumulative effects to sensitive natural habitats.

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

CONCLUSION:

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

E. RECREATION RESOURCES

1. Commission Rule 350-81-086 states:

   If new buildings or structures may detract from the use and enjoyment of established recreation sites, an appropriate buffer shall be established between the building/structure and the parcel.

The parcel is designated Recreation Class 2 according to the Gorge Commission’s Recreation Intensity Class Map. No recreation sites or facilities exist on parcels adjacent to the subject parcel, therefore, no buffers are required pursuant to Commission Rule 350-81-086.

CONCLUSION:

The proposed development is consistent with Commission Rule 350-81-086 that protects recreation resources in the National Scenic Area.
F. TREATY RIGHTS PROTECTION

1. Commission Rule 350-81-084(1) provides protection of tribal treaty rights from new development in the National Scenic Area.

2. Commission Rule 350-81-084(1)(a) lists additional notice requirements for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect tribal treaty rights and provides 20 days for tribal governments to submit comments.

   The subject parcel has no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or emailed to the four Treaty Tribe governments on August 24, 2020. The notice included a comment period of 21 days that ended on September 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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