

COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

CASE FILE: C20-0014

PROPOSAL: The Columbia River Gorge Commission has received an application for the demolition of an existing dwelling.

APPLICANT: Sharol Riggleman

LANDOWNER: Ronald and Sharol Riggleman

LOCATION: The subject property is approximately 6 acres and located in the south west quarter of Section 11, Township 3 North, Range 10 East, W.M., Klickitat County Tax Lot Number 03-10-1100-0008/00.

LAND USE

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

DECISION:

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

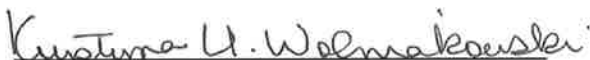
CONDITIONS OF APPROVAL:

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

1. To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report for C20-0014, 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 grading not included in the approved application or site plan will require a new application and review. Ground disturbance shall be limited to the footprint of the dwelling and shall be limited to disturbance necessary for material removal. No grading is approved.

4. The site 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).
5. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall immediately cease and the applicants shall notify the Gorge Commission within 24 hours of discovery and the State Physical Anthropologist, Dr. Guy Tasa at (360) 586-3534 or guy.tasa@dahp.wa.gov. The cultural resources shall remain as found and further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
6. If human remains are discovered during construction activities, all activities shall cease immediately upon their discovery. Local law enforcement, the Executive Director and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
7. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for a **FINAL INSPECTION** to confirm compliance with all of the conditions of approval. **Project completion means removal of the dwelling and rehabilitation of the land beneath the footprint.**

DATED AND SIGNED THIS 26 day of January 2021 at White Salmon, Washington.


Krystyna U. Wolniakowski
Executive Director

EXPIRATION OF APPROVAL:

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

This decision of the Executive Director becomes void on the 26 day of January 2022 unless construction has commenced in accordance with Commission Rule 350-81-044(4).

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

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

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

The applicant may request one 12-month extension of the time period to commence construction and one 12-month extension to complete construction in accordance with Commission Rule 350-81-044(6). The applicant must submit the request in writing prior to the expiration of the approval. If the applicant requests an extension of time to complete construction after commencing construction, the applicants shall specify the date construction commenced. The Executive Director may grant an extension upon

determining that conditions, for which the applicants were not responsible, would prevent the applicants from commencing or completing the proposed development within the applicable time limitation. The Executive Director shall not grant an extension if the site characteristics and/or new information indicate that the proposed use may adversely affect the scenic, cultural, natural or recreation resources in the National Scenic Area.

APPEAL PROCESS:

The appeal period ends on the 25 day of February 2020.

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

NOTES:

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

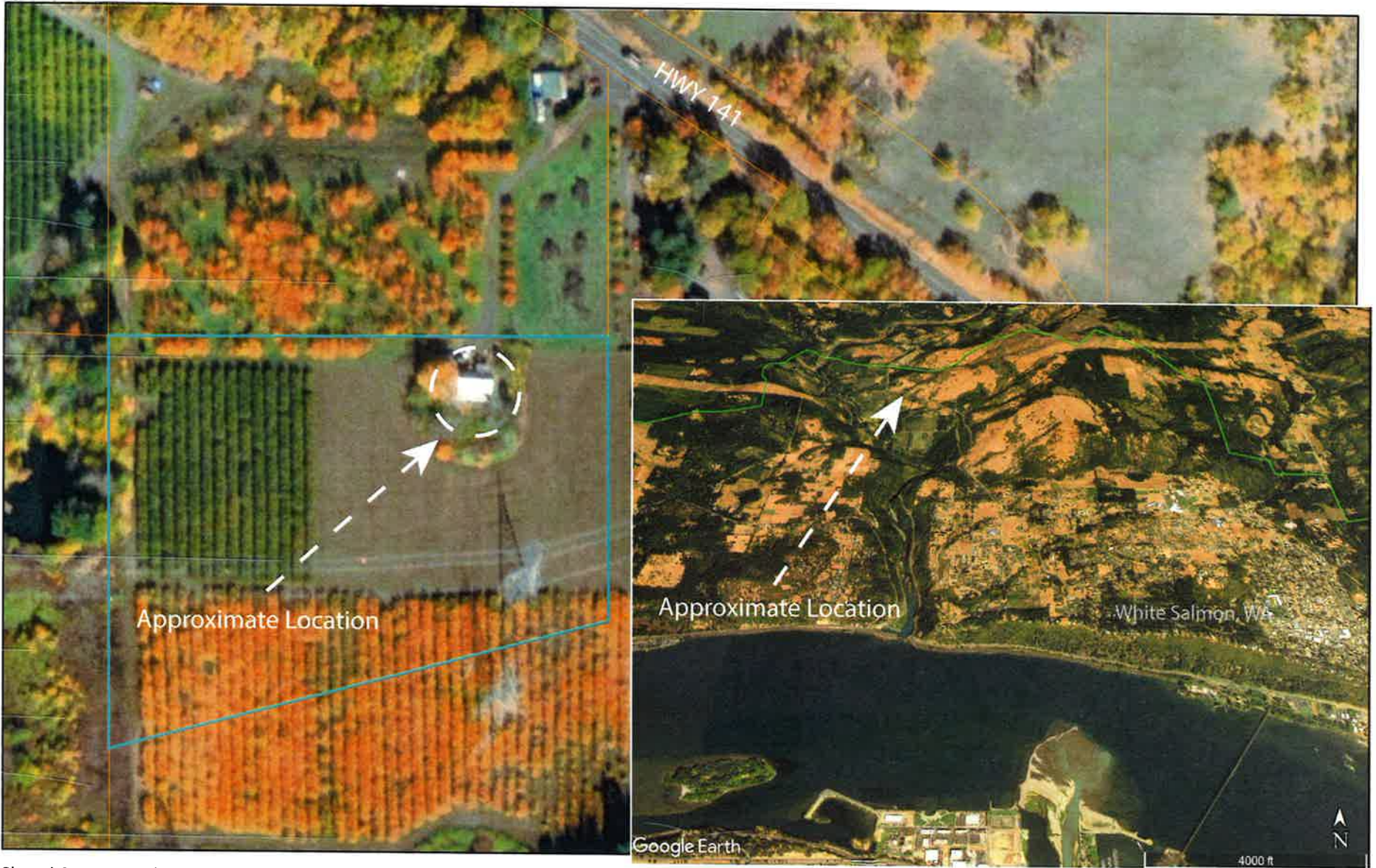
This decision does not address local, state, or federal requirements that may be applicable to the proposed development. The landowner is responsible for obtaining all applicable county, state, or federal permits required for the development.

- 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:

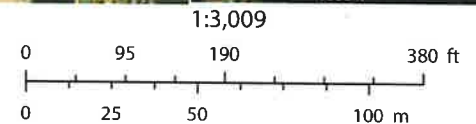
- Staff Report for C20-0014
- Approved site plan
- Recommend Seed Mixes for East Side Environments

C20-0014 Riggleman

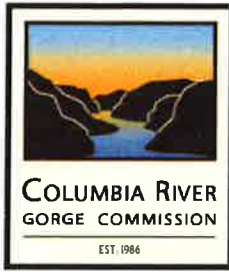


Sharol & Ron Riggleman
497 HWY 141
SW qtr. of Section 11, T3N, R10E, W.M., Klickitat County
TL: 03-10-1100-0008/00

APPROVED
Kw



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS,



COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

CASE FILE: C20-0014

PROPOSAL: The Columbia River Gorge Commission has received an application for the demolition of an existing dwelling.

APPLICANT: Sharol Riggleman

LANDOWNER: Ronald and Sharol Riggleman

LOCATION: The subject property is 6 acres and found in the south west quarter of Section 11, Township 3 North, Range 10 East, W.M., Klickitat County Tax Lot Number 03-10-1100-0008/00.

LAND USE DESIGNATION: General Management Area (GMA) – Large-Scale Agriculture (40)

COMMENTS FROM INDIVIDUALS/AGENCIES/GOVERNMENTS:

Notice of the subject request was mailed to property owners within 200 feet of the subject parcel and the following organizations/agencies/governments:

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

Written comments were received from:

- Steve McCoy, attorney, Friends of the Columbia River Gorge
- Chris Donnermeyer, Heritage Resource Program Manager, USFS NSA
- Holly Borth, Project Compliance Reviewer, DAHP

FINDINGS OF FACT:

A. LAND USE

1. Sharol Riggleman is seeking approval to remove a dwelling. Klickitat County Assessor records show the subject structure was constructed in 1925. No grading is proposed except to rehabilitate the site and allow for natural revegetation.
2. The subject parcel is six acres in size and found two miles north of White Salmon, WA on Washington SR 141. Other existing development on the property includes three acres of orchard trees and powerlines which are owned by Bonneville Power Association (BPA).
3. Commission Rule 350-81-190(1)(x) allows for the removal or demolition of structures that are fifty or more years old on lands designated Large-Scale Agriculture subject to compliance with resource protection guidelines.

The building is more than fifty years old. The removal of the dwelling is allowed per Commission Rule 350-81-190(1)(x), subject to consistency with guidelines for the protection of scenic, cultural, natural, and recreation resources.

CONCLUSION:

The proposed dwelling removal is an allowed review use on lands designated GMA Large-Scale Agriculture, subject to compliance with guidelines that protect scenic, natural, cultural, and recreational resources (350-81-540 through 620).

B. SCENIC RESOURCES

1. Commission Rule 350-81-520 lists scenic resource protection guidelines for review uses. The proposal does not include the construction of any new buildings, roads, fences, or other structures. The applicant proposes to clean up the ground beneath the building footprint to allow for natural revegetation, but no grading is proposed. Because no new development is proposed, the scenic resource protection guidelines in Commission Rule 350-81-520 do not apply.

CONCLUSION:

This application does not propose any new development. Scenic resource protection guidelines in Commission Rule 350-81-520 are not applicable to the proposed dwelling removal. A condition of approval will ensure that no ground disturbance is allowed beyond the footprints of the buildings to be removed.

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 14, 2020, that pursuant to Commission Rule 350-81-540(1)(c)(A)(iii) a Cultural Resource Reconnaissance Survey is not required because the proposal would involve the modification, expansion, replacement, or reconstruction of existing buildings and structures, and does not occur within 500 feet of a known archaeological site.

3. Commission Rule 350-81-540(1)(c)(B) 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 also determined that per Commission Rule 350-81-540(1)(c)(B) a historical survey is needed because the proposed use would alter the exterior architectural appearance of potentially significant buildings and structures that are fifty years old or older and an earlier historic survey has not been conducted. In a Heritage Resource Inventory Report dated December 4, 2020. Mr. Donnermeyer recommended that the dwelling is not eligible for the National Register.

4. Commission Rule 350-81-540(2)(c)(B)(iv)(a) states:

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)

Holly Borth, Project Compliance Reviewer with DAHP, concurred with Mr. Donnermeyer's determination, that the dwelling is not eligible for the National Register of Historic Places, and thus the project would have no effect on significant historic buildings or structures, in a letter dated December 8, 2020.

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.

C. 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 show one wetland within the vicinity of the proposed site. The wetland is 460 ft. west of the project site, outside of the buffers required by Commission Rule 350-81-560(7)(c). Therefore, the proposal is consistent with Commission Rule 350-81-560 that protects wetlands.
3. The Gorge Commission's natural resource inventories show one intermittent stream within the vicinity of the project site. The stream is found 520 ft. away from the project site, outside of the buffers required by Commission Rule 250-81-560(7)(a). Therefore, the proposal is consistent with Commission Rule 350-81-570 that protects streams, ponds, lakes, and riparian areas.
4. Commission Rule 350-81-580 has criteria for the review of potential impacts to sensitive wildlife. The Gorge Commission's sensitive wildlife inventory shows the proposed site is found within Deer and Elk Winter Range. Commission Rule 350-81-580(1)(a)(A) defines sensitive wildlife areas to include these areas.
5. Commission Rule 350-81-580(4)(a) requires the Gorge Commission to notify Washington Department of Fish and Wildlife and submit a site plan when a new development or land use is proposed within a sensitive wildlife area.

Commission staff notified Amber Johnson, with Washington Department of Fish and Wildlife of the proposal and sent a copy of the site plan on August 25, 2020. No comments were received.

6. According to Commission Rule 350-81-580(4)(c) and (d) the wildlife protection process may conclude if the proposed use would not compromise the integrity of the wildlife area or if the proposed use would have only minor effects that can be eliminated by simply modifying the applicant's site plan.

The proposal does not include the construction of any new buildings, roads, fences, or other structures. The applicant proposes to clean up the ground beneath the building footprints to allow for natural revegetation, but no grading is proposed. A condition of approval is included requiring all areas to be reseeded with native vegetation immediately upon completion the project (or as soon as possible thereafter if the project is completed during the winter months). Staff is supplying 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. Because no new development is proposed, with a condition of approval requiring reseeding, the proposal is consistent with Commission Rule 350-81-580(4)(c).

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

CONCLUSION:

The proposal is consistent with the guidelines in Commission Rule 350-81, Sections 560 through 590, that protect natural resources in the General Management 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.

No recreation sites or facilities exist on parcels next to the subject parcel, therefore, no buffers are needed per Commission Rule 350-81-086.

CONCLUSION:

The proposal 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 Indian treaty rights and provides 20 days for tribal governments to submit comments.

The subject parcel has no access to the Columbia River, but following other noticing requirements, notice of the proposal was mailed or emailed to the four Treaty Tribe governments on August 25, 2020. The notice included a comment period of 21 days ending September 15, 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 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 proposal is consistent with the guidelines in Commission Rule 350-81-084, which provides protection for treaty rights or other rights of any Indian tribe.

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