CASE FILE: C22-0004

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

APPLICANT: Thomas Cowell

LANDOWNER: Thomas Cowell

LOCATION: The subject parcel is 5 acres in size, located at 187 Old Hwy, in the southeast quarter of Section 28, Township 3 North, Range 12 East, Willamette Meridian, Klickitat County, Washington. Tax Lot Number: 03-12-2852-0002/00.

LAND USE DESIGNATION: General Management Area (GMA) – Residential (10)

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

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

1. To ensure notice of the conditions to successors in interest, this Director’s Decision, Staff Report for C22-0004, and approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor’s Office. Once recorded, the applicants shall submit a copy of the recorded documents to the Executive Director.

2. 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, alterations, or grading not included in the approved application or site plan will require a new application and review.

4. The applicant selected the following dark earth tone colors for the exterior building surfaces previously in Director's Decision C14-0007:
   a. House - Behr Paint Double Espresso, BNC-21
   b. Garage and Breezeway - Taylor Metal Products, Weathered Copper SRI-25

   These colors shall be used for the all-exterior building surfaces consistent with Commission Rule 350-81-520(1) including, but not limited, to all siding, all trim, all stone/rock/brick, eaves and any building appurtenances excluding window surfaces.

5. One exterior light was approved in Director's Decision C14-0007. The light must be directed downward and hooded, and the exterior surface must be either one of the following colors: Behr Paint Double Espresso, BNC-21 or Taylor Metal Products, Weathered Copper SRI-25.

6. If cultural resources are discovered, 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.

7. If human remains are discovered, 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.

DATED AND SIGNED THIS _____ day of April 2022 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 ____ day of April 2024 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.
4. The applicant selected the following dark earth tone colors for the exterior building surfaces previously in Director's Decision C14-0007:
   a. House - Behr Paint Double Espresso, BNC-21
   b. Garage and Breezeway - Taylor Metal Products, Weathered Copper SRI-25

   These colors shall be used for the all-exterior building surfaces consistent with Commission Rule 350-81-520(2)(l) including, but not limited, to all siding, all trim, all stone/rock/brick, eaves and any building appurtenances excluding window surfaces.

5. One exterior light was approved in Director's Decision C14 C14-0007. The light must be directed downward and hooded, and the exterior surface must be either one of the following colors: Behr Paint Double Espresso, BNC-21 or Taylor Metal Products, Weathered Copper SRI-25.

6. If cultural resources are discovered, 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.

7. If human remains are discovered, 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.

DATED AND SIGNED THIS 21 day of April 2022 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 21 day of April 2024 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 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 applicant shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicant is not responsible, would prevent the applicant 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 31 day of May 2022.*

The decision of the Executive Director is final unless the applicants 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 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 C22-0004
Approved site plans
CASE FILE: C22-0004

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

APPLICANTS: Thomas Cowell

LANDOWNERS: Thomas Cowell

LOCATION: The subject parcel is 5 acres in size, located at 187 Old Hwy, in the southeast quarter of Section 28, Township 3 North, Range 12 East, Willamette Meridian, Klickitat County, Washington. Tax Lot Number: 03-12-2852-0002/00.

LAND USE DESIGNATION: General Management Area (GMA) – Residential (10)

COMMENTS FROM INDIVIDUALS/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 CRGNSA)
- 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 (WDFW)
- Friends of the Columbia Gorge

Written comments were received from:

- Steve McCoy, Staff Attorney, Friends of the Columbia Gorge
- Chris Donnermeyer, Heritage Resource Program manager, USFS CRGNSA
FINDINGS OF FACT:

A. LAND USE

1. The subject parcel is in the General Management Area (GMA) and is designated Residential with a 10-acre minimum parcel size. The parcel is approximately five acres in size and is located on Old Hwy 8.

2. Existing development on the property includes a 66 ft x 28 ft (1,848 sq ft) mobile home, a 36 ft x 36 ft (1,296 sq ft) garage, a 36 ft x 10 ft (360 sq ft) covered breezeway and a gravel driveway. These developments were reviewed and approved in Director’s Decision C14-0007. At that time, the mobile home was approved as a hardship dwelling, consistent with Commission Rule 350-81-092.

3. Mr. Cowell has stated the hardship no longer exists, and he would like he would like to convert the mobile home into a single-family dwelling, independent of Mr. Cowell’s dwelling. He does not propose any new development on the subject parcel. Mr. Cowell owns two adjacent parcels, both were created in 1972 with the same plat (Plat of Greydigger Heights, Dennis & Sondra Clark, recorded December 22, 1975, Klickitat County Auditor’s No. 154978). The subject parcel is Lot 2 of the Greydigger Heights plat (Lot: 03-12-2852-0002/00) and includes the mobile home, currently in use as a hardship dwelling, an attached garage and breezeway. Mr. Cowell also owns Lot 1 of the Greydigger Heights plat (Lot: 03-12-2852-0001/00), which is used as his primary residence and includes his dwelling and other accessory buildings. The two properties will continue to share water using a shared water system. Both properties currently have a connected septic system which will be separated into two independent systems. A new septic system is not required for the conversion of the mobile home into a single-family dwelling.

4. Commission Rule 350-81-370(1)(a) allows on lands designated Residential a single-family dwelling on any legally existing parcel, subject to consistency with the guidelines for the protection of scenic, cultural, natural, and recreation resources. Commission Rule 350-81-020(112)(b) defines parcel as:

   Any unit of land legally created and separately described by deed, sales contract, or record of survey prior to November 17, 1986, if the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.

From January 1, 1983 through May 10, 1995, land divisions in Klickitat County were subject to the “Klickitat County Subdivision and Short Platting Ordinance, As Amended.” Section 4.00 of this ordinance included the following definition:

   “Lot” is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts, parcels, building sites, or divisions. A lot shall be considered as all contiguous land under single ownership unless
legally platted or short platted. Property bisected by a public road or river shall not be deemed contiguous.

The subject parcel is Lot 2 of a five-lot subdivision created in 1979 (Plat of Greydigger Heights, Dennis & Sondra Clark, recorded December 22, 1975, Klickitat County Auditor’s No. 154978). The subject parcel is a legal parcel, consistent with the definition.

5. Commission Rule 350-81-076(1) contains setbacks from adjacent properties for buildings on lands adjacent to parcels designated Large-Scale or Small-Scale Agriculture. This rule states:

All new buildings in the GMA shall comply with the following guidelines when proposed to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use.

This rule is only applicable to the subject parcel along the northern boundary. The parcel has land adjacent to the north that is designated GMA Small-Scale Agriculture. Lands adjacent to the east, south and west of the subject parcel are designated GMA Residential. The distance between the location of the development and the northern property line is more than 350 feet, exceeding the distance of the buffers required by 350-81-076, and no additional buffers are needed between the subject property and the property to the north. The proposal is consistent with this rule.

CONCLUSION:

The proposal is an allowed review use, subject to Commission Rules 350-81-520 through 350-81-620 that protect scenic, cultural, natural, and recreation resources.

B. SCENIC RESOURCES

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

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

No new buildings or roads are proposed. Currently, the mobile home on the subject parcel shares a driveway with Mr. Cowell’s other parcel, Lot 1. In the future, a new driveway that does not share access would require an application for review and approval.

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.
No new buildings are proposed.

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

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

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

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

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

   A site plan was provided consistent with Commission Rule 350-81-032 Application for Review and Approval. The landscape setting for the subject parcel is Rural Residential in Pastoral. Commission Rule 350-81-520(3)(f) contains the design guidelines for proposed uses in the Rural Residential in Pastoral landscape setting. The applicable guidelines require new development to meet the design guidelines described for both the Rural Residential and Pastoral setting. Findings B.20 through B.22 address the applicable guidelines in Commission Rule 350-81-520(3)(f) 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 the subject parcel is topographically visible from five KVAs: Columbia River, Historic Columbia River Highway (HCRH), I-84, Rowena Plateau, and SR-14. Because the proposed development is topographically visible from KVAs, the guidelines of Commission Rule 350-81-520(2) are applicable. The proposed development is visible from the four KVAs at the following distance zones:

<table>
<thead>
<tr>
<th>Key Viewing Area (KVA)</th>
<th>Distance Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Foreground</td>
</tr>
<tr>
<td></td>
<td>0 - 1/4 Mile</td>
</tr>
<tr>
<td>Columbia River</td>
<td></td>
</tr>
<tr>
<td>Historic Columbia River Highway</td>
<td>X</td>
</tr>
<tr>
<td>Interstate 84</td>
<td>X</td>
</tr>
<tr>
<td>Rowena Plateau</td>
<td>X</td>
</tr>
<tr>
<td>SR-14</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.

No new development is proposed. The Director’s Decision contains requirements and conditions of approval to ensure the development is visually subordinate. Factors contributing to the visibility of the development include distance from KVAs and dark earth tone colors of the building.

7. Commission Rule 350-81-520(2)(c) states that the determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed developments. Commission Rule 350-81-020(40) defines cumulative effects as:

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

There will be no cumulative effects to scenic resources from this proposal because the proposal does include any new development activity.

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 site is visible from the five KVAs listed above in Finding B.5 and is not visible in the foreground of any KVA. Using GIS inventories and conducting site visits, staff found that the proposed building site is visible intermittently from the Columbia River in background for 2 miles. From HCRH, the proposed building site is visible intermittently in the middle ground for 4 miles and in the background for 1.25 miles. From I-84, the proposed building site is visible intermittently in the middle ground for a half mile and in
the background for 1.75 miles. From Rowena Plateau, the site is only visible in the background. From SR-14 the proposed building site is visible intermittently in the background for one mile.

The existing development is located just off Old Hwy 8 at an elevation of 610 feet, setback a third of a mile from steep basalt cliffsides to the south. As seen from lower-elevation KVAs in the middle ground and background – Columbia River, I-84, and SR-14 – the development site is not topographically visible because the steep cliffsides obscure visibility.

The site is most visible from the Historic Columbia River Highway (HCRH). The development is intermittently visible for 5.25 miles along HCRH. In Mosier, the HCRH merges with Oregon HWY 35 and climbs from 100 ft elevation to Rowena Plateau at 700 ft elevation before descending towards The Dalles. Topography, vegetation, and other development between HCRH and the development site help to obscure the development from view, but because the elevation of the project site and the HCRH are similar, the development is more visible from this KVA than other nearby KVAs.

The site is only visible from one higher elevation KVA, Tom McCall Viewpoint (1,700 ft elevation) accessed from Rowena Plateau in the middle ground, two miles away. From this KVA, the development is visible, but the dark earth tone colors and existing vegetation off the subject parcel help the building blend with the landscape. As explained below, the dwelling has been designed to be visually subordinate. The findings in this staff report include conditions of approval in accordance with this rule.

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

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

   (i) Siting (location of development on the subject property, building orientation, and other elements).

   (ii) Retention of existing vegetation.

   (iii) Design (color, reflectivity, size, shape, height, architectural and design details and other elements).

   (iv) New landscaping.

Scenic conditions were applied to the development when it was originally approved in 2014. No new scenic conditions are being applied to the development resulting from this proposal, but conditions from the original 2014 decision are included in this decision as a reminder to the landowner.

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

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 new development is proposed.

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).*

   No new development is proposed. The existing development approved in C14-0007 was subject to the landscape settings guidelines at that time. The subject parcel is in the Rural Residential in Pastoral landscape setting, and consistency with those requirements are included in Findings B.20 through B.22 below.

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...*  

   No new buildings are proposed.

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)

No new landscaping is required.

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 existing buildings were approved in Director's Decision C14-0007. The existing mobile home is painted a dark earth tone color, specifically, Behr Paint Double Espresso (BNC-21) and the garage and breezeway are painted Taylor Metal Products, Weathered Copper (SRI-25).

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 existing buildings were approved in Director's Decision C14-0007. The existing house and garage are constructed out of pressed wood painted dark earth tone colors, specifically, Behr Paint Double Espresso (BNC-21) and Taylor Metal Products, Weathered Copper (SRI-25).

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

Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
No new lighting fixtures are proposed. One exterior light was approved in C14-0007. A condition is included requiring the light to be hooded, shielded and composed of non-reflective materials.

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.

No driveways or buildings are proposed.

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

No grading is proposed.

20. The Landscape Settings Map in the Management Plan for the Columbia River Gorge National Scenic Area classifies the building site as Rural Residential in Pastoral. Commission Rule 350-81-520(3)(f) contains applicable guidelines for proposed development in this landscape setting. The applicable guidelines require new development to meet the design guidelines described for both the Rural Residential setting and the Pastoral setting with which it is combined.

21. Commission Rule 520-81-520(3)(a) describes the Pastoral landscape setting:

(A) 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.

(B) 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) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.

(ii) Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.

(iii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas-fir, Lombardy poplar (usually in rows), Oregon white oak, big leaf maple, and black locust (primarily in the eastern Gorge).

(iv) At least one-quarter of any trees planted for screening shall be coniferous for winter screening.

(C) Compatible recreation uses include resource-based recreation of a very low-intensity or low-intensity nature (as defined by 350-81-610) occurring infrequently in the landscape.
No new development or expansion of existing development is proposed. The proposal is consistent with Commission Rule 520-81-520(3)(a).

22. Commission Rule 520-81-520(3)(e) describes the Rural Residential landscape setting:

   (A) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.
   (B) In portions of this setting visible from key viewing areas, and not exempt from visual subordinance guidelines (see 350-81-520(3)(k)), the following guidelines shall be employed to achieve visual subordinance for new development and expansion of existing development:
      (i) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.
      (ii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.
      (iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.
   (C) Compatible recreation uses should be limited to small community park facilities, but may occasionally include low-intensity resource-based recreation uses (such as scenic overlooks).

No new development or expansion of existing development is proposed. No trees are being removed. A condition is included requiring existing tree cover to be retained, consistent with Commission Rule 520-81-520(3)(e)(A). The proposal is consistent with Commission Rule 520-81-520(3)(e).

CONCLUSION:

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

C. CULTURAL RESOURCES


2. Chris Donnermeyer, Heritage Resource Program Manager, U.S. Forest Service Columbia River Gorge National Scenic Area, reviewed the land use application and determined in a Cultural Resources Survey Determination letter, dated Mach 2, 2022, 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, and does not occur within 500 feet of a known archaeological site.
3. Commission Rule 350-81-540(1)(c)(B) describes when a historic survey is required. In his March 2, 2022, Cultural Resources Survey Determination letter, Mr. Donnermeyer determined that a historical survey is not required because the proposed use would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older and would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older.

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

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

   The project notice was mailed on February 15, 2022, and the comment period ended on March 8, 2022. As explained above, the proposed use did not require a reconnaissance or historic survey and no comments were received regarding cultural resource concerns. Pursuant to Commission Rule 350-81-540(2)(c)(B)(i), the cultural resource protection process may conclude.

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

6. Commission Rule 350-81-540(7) contains provisions addressing discovery of human remains during construction. A condition of approval is included in the director's decision consistent with this rule.

**CONCLUSION:**

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

**D. NATURAL RESOURCES**

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

2. The Gorge Commission’s natural resource inventories do not show any wetlands on the subject parcel or within 1,000-feet of the proposed development, and none were observed.
during site visits. The proposal is consistent with Commission Rule 350-81-560 that protects wetland resources.

3. The Gorge Commission’s natural resource inventories do not show any stream, pond, lake or riparian area, or resource buffer zones on the subject parcel or within 1,000-feet of the proposed development and none were observed during site visits. The proposal is consistent with Commission Rule 350-81-570 that protects water resources.

4. Commission Rule 350-81-580 contains criteria for the review of potential impacts to sensitive wildlife. The Gorge Commission’s sensitive wildlife inventory shows the development site is located within 1,000 feet of 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 1,000 feet of a sensitive wildlife area.

Commission staff notified Amber Johnson, with Washington Department of Fish and Wildlife of the proposed development and sent a copy of the site plan on February 15, 2022. The notice included a comment period of 210 days that ended on March 8, 2022. 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.

WDFW does not provide management recommendations for black-tail deer. According to the applicant, no trees will be removed. The property already has an existing residential use, and no new development is proposed. Due the nature of the proposal, staff believes the proposal will not compromise the integrity of the area as a wildlife site.

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

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

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

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

As noted in finding D.4 above, the development site is located within deer and elk winter range. 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 Rural Residential in Pastoral 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 north 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. No new fences are proposed to reduce winter range habitat.

WDFW did not indicate any concerns with the proposed development. 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 a wildlife site, due to the nature of the development.

8. The Gorge Commission’s natural resource inventories do not show any sensitive plant sites on the subject parcel or within 1,000-feet of the proposed development. The proposal is consistent with Commission Rule 350-81-590 that protects sensitive plants.

CONCLUSION:

With the conditions of approval discussed above, the proposed development is consistent with the rules in Commission Rule 350-81, Sections 560 through 600, that protect natural resources in the National Scenic Area.

E. RECREATION RESOURCES

1. Commission Rule 350-81-086 states:

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

No new buildings or structures are proposed. The subject parcel is designated both Recreation Intensity Class 1 and 2, according to the Gorge Commission’s Recreation Intensity Class map. There are no established recreation sites adjacent to or nearby the subject parcel. The proposed development will not detract from the use and enjoyment of any recreation sites, consistent with this rule.
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 February 15, 2022. The notice included a comment period of 21 days that ended on March 8, 2022.

3. Commission Rule 350-81-084(1)(b) lists guidelines for tribal government consultation when any of 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.

BG
FIND0004.22
CASE FILE: C22-0004

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

APPLICANT: Thomas Cowell

LANDOWNER: Thomas Cowell

LOCATION: The subject parcel is 5 acres in size, located at 187 Old Hwy, in the southeast quarter of Section 28, Township 3 North, Range 12 East, Willamette Meridian, Klickitat County, Washington. Tax Lot Number: 03-12-2852-0002/00.

LAND USE DESIGNATION: General Management Area (GMA) – Residential (10)

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

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

1. To ensure notice of the conditions to successors in interest, this Director’s Decision, Staff Report for C22-0004, and approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor’s Office. Once recorded, the applicants shall submit a copy of the recorded documents to the Executive Director.

2. 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, alterations, or grading not included in the approved application or site plan will require a new application and review.

4. The applicant selected the following dark earth tone colors for the exterior building surfaces previously in Director’s Decision C14-0007:
   a. House - Behr Paint Double Espresso, BNC-21
   b. Garage and Breezeway - Taylor Metal Products, Weathered Copper SRI-25

   These colors shall be used for the all-exterior building surfaces consistent with Commission Rule 350-81-520(2)(l) including, but not limited, to all siding, all trim, all stone/rock/brick, eaves and any building appurtenances excluding window surfaces.

5. One exterior light was approved in Director’s Decision C14 C14-0007. The light must be directed downward and hooded, and the exterior surface must be either one of the following colors: Behr Paint Double Espresso, BNC-21 or Taylor Metal Products, Weathered Copper SRI-25.

6. If cultural resources are discovered, 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@nahp.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.

7. If human remains are discovered, 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.

DATED AND SIGNED THIS ____ day of April 2022 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 ____ day of April 2024 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 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 applicant shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicant is not responsible, would prevent the applicant 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 ___ day of May 2022.
The decision of the Executive Director is final unless the applicants 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 C22-0004
Approved site plans