CASE FILE: C22-0005

PROPOSAL: The Columbia River Gorge Commission has received an application for a new accessory building, and the after-the-fact approval of a new driveway and improvements to the existing road.

APPLICANT: Charles Moore

LANDOWNER: Charles & Lana Moore

LOCATION: The subject parcel is 56.46 acres in size, located at 490 Hwy 141, in Section 11, Township 3 North, Range 10 East, Willamette Meridian, Klickitat County, Washington. Tax Lot Number: 03-10-1100-0024/00.

LAND USE DESIGNATION: General Management Area (GMA) – Large-Scale Agriculture (160)

DECISION: Based upon the following findings of fact, the land use application by Charles Moore, for a new accessory building 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 C22-0005, 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 building shall be accessory to the existing single-family dwelling on the property. The building shall not be used as a dwelling.

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

   Exterior: Benjamin Moore *Brown* (2099-10)
   Roof: Windsor *Black Oak*

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

6. All exterior building materials including roofs, doors, siding, trim, window casing and sash, decks, and railings shall be nonreflective or have low reflectivity. Any exterior metal materials shall be painted with low-gloss black colored finish and maintained as necessary to ensure that the material is non-reflective.

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

8. After development is complete, all exposed cut banks and fill slopes, and other bare and exposed areas 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.

9. 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.

10. 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.

11. 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.

DATED AND SIGNED THIS 23 day of June 2022 at White Salmon, Washington.

\[Signature\]

Krystyna U. Wolniakowski
Executive Director

EXPIRATION OF APPROVAL:
Commission Rule 350-81-044 governs the expiration of this Director’s Decision.

This decision of the Executive Director becomes void on the 23 day of June 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 23rd day of July 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 C22-0005  
- Approved site plans and elevation drawings  
- *Recommended Seed Mixes for East Side Environments*
Proposed building
Elevation Plan

proposed building elevation

E. Front View

S. Side View

Scale $\frac{1}{4}'' = 5'$
New development Site Plan A (grade)

- Native hillside grasses
- 30' height
- 30' original
- 2' rise / 5'
- 18' rock wall
- Curtain drain to lower slope

Scale 1" = 15'
Hillside 1.65' rise every 5'

Proposed building

6" minus compacted fill x 100' long
Approx 600 cubic yards
Proposed site plan

Existing oak trees

Stabilized Brook wall
Height 18'

24' height

Proposed building

50' Fill starts

Fill starts

New excavation

compacted fill

Driveway 13.7% grade
20' roadbed width

North

BPA right of way

Scale:
squares are 5'
1" = 20'

existing oaks and Ankara
Side View / looking North:

- Oak
- Siding
- Rock wall
- 120'

Hillside grasses

APPROVED

Scale 1" = 20'

Drive way 120'

W

20'

S

20'

N

1.5' - 2.5' per 5'

6' rock bank

Scale 1" = 20'
### Native Seed Mixture #1: Recommendations for Composition and Application Rates

<table>
<thead>
<tr>
<th>Species</th>
<th>Hand Seeding including Handheld Spreaders</th>
<th>Hydromulcher</th>
</tr>
</thead>
<tbody>
<tr>
<td>blue wildrye (<em>Elymus glaucus</em>)</td>
<td>20 lbs/acre</td>
<td>15 lbs/acre</td>
</tr>
<tr>
<td>California brome (<em>Bromus carinatus</em>)</td>
<td>20 lbs/acre</td>
<td>15 lbs/acre</td>
</tr>
<tr>
<td>slender hairgrass (<em>Deschampsia elongata</em>)</td>
<td>10 lbs/acre</td>
<td>5 lbs/acre</td>
</tr>
<tr>
<td>broadleaf lupine (<em>Lupinus latifolia</em>)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho fescue (<em>Festuca idahoensis</em>)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>50 lbs/acre</td>
<td>35 lbs/acre</td>
</tr>
</tbody>
</table>

### Native Seed Mixture #2: Recommendations for Composition

<table>
<thead>
<tr>
<th>Species</th>
<th>% by wt.</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Brome (<em>Bromus carinatus</em>)</td>
<td>20</td>
</tr>
<tr>
<td>Sheep fescue (<em>Festuca ovina</em>)</td>
<td>40</td>
</tr>
<tr>
<td>Blue wildrye (<em>Elymus glaucus</em>)</td>
<td>10</td>
</tr>
<tr>
<td>Canada bluegrass (<em>Poa compressa</em>)</td>
<td>10</td>
</tr>
<tr>
<td>Blue bunch wheatgrass (<em>Agropyron spicatum</em>)</td>
<td>20</td>
</tr>
<tr>
<td>Sickle-keeled lupine (<em>Lupinus albicaulis</em>)</td>
<td>5 oz./100# seed</td>
</tr>
<tr>
<td>America vetch (<em>Vicia Americana</em>)</td>
<td>5 oz./100# seed</td>
</tr>
</tbody>
</table>

### Non-Native Seed Mixture: Recommendations for Composition and Application Rates

<table>
<thead>
<tr>
<th>Species</th>
<th>Application Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual ryegrass (<em>Lolium multiflorum</em>)</td>
<td>10 lbs/acre (fine seed)</td>
</tr>
<tr>
<td>Perennial ryegrass (<em>L. perenne</em>)</td>
<td>10 lbs/acre (fine seed)</td>
</tr>
<tr>
<td>Soft white winter wheat (<em>Triticum aestivum</em>)</td>
<td>40 lbs/acre</td>
</tr>
<tr>
<td>Sickle-keeled lupine (<em>Lupinus albicaulis</em>)</td>
<td>10 lbs/acre</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>70 lbs/acre</td>
</tr>
</tbody>
</table>

Herbaceous plants can be added after seeding:
- Chrysothamnus nauseosus (rabbitbrush)
- Achillea millefolium (Yarrow)
- Eriogonum strictum
- *Lupinus* bicolor or *latifolius* var. *thompsonianus*
- Eriophyllum lanatum (Oregon sunshine)
- Bitter brush (Purshia tridentata)
- 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/acre.

**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 into 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://www.nwcb.wa.gov/WWHAM/WWHAM_suppliers.htm)

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/](http://www.certifiedwallowacountyhay.com/)
- John Williams, OSU Extension in Wallowa County, 541-426-3143.
- Allen Schnetzky, Weed Supervisor, Wallowa County 541-426-3332.
COLUMBIA RIVER GORGE COMMISSION

STAFF REPORT

CASE FILE: C22-0005

PROPOSAL: The Columbia River Gorge Commission has received an application for a new accessory building, and the after-the-fact approval of a new driveway and improvements to the existing road.

APPLICANT: Charles Moore

LANDOWNERS: Charles & Lana Moore

LOCATION: The subject parcel is 56.46 acres in size, located at 490 HWY 141, in Section 11, Township 3 North, Range 10 East, Willamette Meridian, Klickitat County, Washington. Tax Lot Number: 03-10-1100-0024/00.

LAND USE DESIGNATION: General Management Area (GMA) – Large-Scale Agriculture (160)

COMMMENTS 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 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. Charles Moore has applied for a new accessory building, and the after-the-fact approval of a new driveway and improvements to an existing road.

2. The subject parcel is in the General Management Area (GMA) and is designated Large-Scale Agriculture with a 160-acre minimum parcel size. The parcel is approximately 56 acres in size and is located off Courtney Road.

3. Existing development on the property includes a non-farm dwelling with attached garage and shop, which was approved in Director's Decision C17-0005, a Bonneville Power Administration (BPA) access road, and several overhead transmission lines and towers. BPA owns a parcel that bisects the subject parcel east and west.

4. Commission Rule 350-81-190(e) 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 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.

As proposed, the new accessory building will have a footprint of 1,500 sq ft (30 ft x 50 ft), and will be 24 ft tall, consistent with this rule. Decision C17-0005 approved a non-farm dwelling with an attached garage, and an attached shop. At that time, the garage and shop were subject to Commission Rule 350-81-190. Commission Rule 350-81-020(2) defines accessory structure/building as:

   A structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use. The term “detached” means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.
Because the garage and shop are attached to the dwelling, all three structures are considered one building. The combined square footage of the dwelling and attachments, as approved in C17-0005, is 5,728 sq ft, which is compatible with existing development, as described below in Finding B.2. The proposed accessory building is consistent with this rule.

5. The applicant proposes an after-the-fact driveway for the accessory building, and the after-the-fact approval to pave the existing driveway. Commission Rule 350-81-190(1)(l) allows construction, reconstruction, or modifications of roads not in conjunction with agriculture subject to compliance with scenic, cultural, natural and recreation resources guidelines.

6. 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 applicable to the subject parcel along the eastern, southern, and western boundaries. Lands adjacent to the north of the subject parcel are designated GMA Commercial Forest, so this rule does not apply. The distance between the location of the development and the eastern and western property lines is more than 1,000 feet, exceeding the maximum distance of any buffer required by this rule. The adjacent parcel to the south is developed and used as the HWY 141 and is not being used for agricultural purposes. No additional buffers are needed between the proposed development, and the properties designated GMA Agriculture. 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.*

   The area where the accessory building and road are proposed are steep with slopes between 25 and 30 percent. The entirety of the subject parcel is steep, and there a limited area to site buildings. The accessory building is proposed in the one of the few accessible areas of the subject parcel with slopes under 30 percent. The proposed access route utilizes a 400 ft segment of the existing driveway/BPA road. The new access road intersects the BPA road creating a switch back on the hillside headed in the direction of the building site. The proposed access road runs parallel with the existing contours of the hillside for an estimated distance of 240 ft with an average grade of 8 percent. While a more direct road might be possible, it would disrupt existing topography and require more grading than the proposed access route. As proposed, the building and driveway are designed to minimize necessary grading to the maximum extent practicable, consistent with Commission Rule 350-81-520(1)(a).

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

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

   To determine compatibility of the proposed development, Commission staff looked at development surrounding the subject parcel within a quarter mile. Staff chose the quarter mile study area because the parcels have similar visibility from KVAs (Key Viewing Areas). Additionally, many of the parcels in the area are developed with single-family dwellings. Of the twenty-two parcels in the study area, staff identified seventeen parcels with development. Buildings in the study area include single-family dwellings, mobile homes, garages, agricultural structures, and smaller accessory structures. Buildings range in size from 32 to 5,800 sq ft. As proposed, the agricultural building will be 50 ft x 30 ft (1,500 sq ft) and 24 ft tall. The general scale of the proposed accessory building is compatible with 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.*
The applicant is required to reseed all exposed and bare soils after the development is completed and is encouraged to use a certified weed-free seed mix. Staff is providing the applicant with a list, *Recommended Seed Mixes for East Side Environments*, which is an attachment to the Director’s Decision. The list provides seed and grass mixes available locally for dry eastern gorge climates. Consistent with this rule, a condition is included requiring disturbed areas be revegetated immediately upon completion of the project.

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 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 the subject parcel is topographically visible from three KVAs: Columbia River, I-84, and HWY 141. The subject parcel can be seen in the foreground and middle ground from HWY 141, which forms a portion of the parcel’s southwestern boundary. The northeastern portion of the parcel where the building site is located can also be seen in the background from the Columbia River and I-84. 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 KVAs at the following distance zones:

<table>
<thead>
<tr>
<th>Key Viewing Area (KVA)</th>
<th>Distance Zone</th>
<th>Foreground</th>
<th>Middleground</th>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>0 - 1/4 Mile</td>
<td>1/4 - 3 Miles</td>
<td>Over 3 Miles</td>
</tr>
<tr>
<td>Columbia River</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Interstate 84</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>SR-141</td>
<td></td>
<td>X</td>
<td>X</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. Factors contributing to the visibility of the development include distance from KVAs, building materials and colors, and existing vegetation.

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.*

The subject parcel is located in the steep and narrow White Salmon River valley. The subject parcel is north of the White Salmon Urban Area and approximately 2 miles north of the Columbia River. Existing development in the greater vicinity of the proposal that present visual impacts include HWY 141 and HWY 141A, the BNSF railroad, BPA transmission lines and towers, and development within the White Salmon Urban Area Boundary. As seen from KVAs in the distance, the development area is moderately populated with existing dwellings, accessory buildings, and agricultural structures visibly scattered throughout the landscape.

To evaluate the cumulative effects of the proposal, staff looked at development and development potential surrounding the subject parcel within a quarter mile. According to data from Klickitat Assessor Records, within the study area there are twenty-two parcels, and all the parcels are privately owned. Fourteen of the parcels are developed with dwellings and accessory structures. The seven undeveloped parcels are currently being used for agricultural purposes, including orchards and pasturelands, and for forest practices. Four of the undeveloped parcels are designated Commercial Forest and currently being used for forest practices and pastureland. The Management Plan does not allow new dwellings on Commercial Forest Land, so staff assumes these parcels will remain undeveloped. The other three undeveloped parcels are designated Large-Scale Agriculture. Staff assumes for this analysis these parcels may someday be developed with a dwelling and accessory structures. Only one of the parcels designated Large-Scale Agricultural meets the minimum size requirements for a land division.

It is possible there could be additional similar developments on the ‘same piece of ground,’ given the size limitations of accessory buildings. As proposed, the footprint of
the building is 1,500 sq ft, and Commission Rule 350-81-190(1) allows for up to 1,000 sq ft of additional accessory building square footage on the subject parcel.

Several factors ensure the proposed development will not cause adverse scenic impacts as viewed from KVAs, including distance from KVAs, site location, existing topography, low reflective building materials with dark earth tone colors, and screening vegetation. If new developments are built according to applicable Land Use Designation guidelines in the vicinity of the proposed development, and if they are designed to meet the guidelines of this chapter, they will be held to the same visual resource protection standards and required to be visually subordinate. Development designed and sited to be visually subordinate will not cause adverse cumulative scenic impacts because there will be no significant increase in visibility of new development on the landscape. If new developments are built in a comparable manner to the proposal and are visually subordinate, there will be limited cumulative effects to scenic resources. As designed and conditioned, 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:

\[
\text{The extent and type of conditions applied to a proposed development to achieve visual subordinance should be proportionate to its potential visual impacts as seen from Key Viewing Areas.}
\]

(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 three KVAs listed above in Finding B.5. Using GIS inventories and conducting site visits, staff found that the proposed building site is visible intermittently from the Columbia River in the background for .15 miles. From I-84, the proposed building site is visible intermittently in the background ground for .15 miles. From HWY 141 the proposed building site is visible intermittently in the foreground for .25 miles, and in the middle ground for .6 miles.

The proposed accessory building will be at an elevation of 580 ft. The applicant has chosen a site for the development that is setback 150 ft from HWY 141. From the nearest visible KVA, Highway 141, the development is slightly lower in elevation than the highway, which varies in elevation from 500 ft nearest the development to 600 ft further...
south. The elevation of the site is significantly higher than the highway, which helps to obstruct the view of the development. Trees between the development site and the highway also provide partial screening for the building and the proposed access road. From KVAs further away, the Columbia River and I-84, the development is difficult to see because vegetation and natural topography help obscure the view. From these KVAs further away, development will appear insignificant in the landscape.

As explained below, the accessory building and road have been designed to be \textit{visually subordinate} and to not noticeably contrast with the landscape. 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:

\begin{center}
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:
\begin{enumerate}
  \item Siting (location of development on the subject property, building orientation, and other elements).
  \item Retention of existing vegetation.
  \item Design (color, reflectivity, size, shape, height, architectural and design details and other elements).
  \item New landscaping.
\end{enumerate}
\end{center}

Several factors ensure the proposed building will be \textit{visually subordinate} as viewed from KVAs, including the development site, viewing distance from KVAs, building materials and colors, and screening vegetation. The proposed building is compatible in size with existing development and will be difficult to distinguish from KVAs. The elevation of the site is significantly higher than the highway, which helps to obstruct the view of the development. The location of the proposed development is also near a draw in the terrain. The entire length of the draw is occupied with a mix of mature and immature oak trees which add scattered tree cover to the development and help partially screen the development from view of KVAs and blend with the landscape. Trees between the development site and the highway also provide partial screening for the building and the proposed access road.

Consistent with the Landscape Settings Design Guidelines, a condition of approval requires existing vegetation surrounding the development on the parcel be retained. The applicant proposed wooden siding with a dark brown paint for the walls of the building and a brown asphalt composition shingle roof. These dark earth-tone colors are found within the shadows of the surrounding landscape.

With these conditions included in the Director’s Decision, the proposal will be \textit{visually subordinate} as viewed from KVAs 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 KVAs.
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 the 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.

The applicant has chosen a site for the development that is setback 150 ft from HWY 141. The elevation of the site is significantly higher than the highway, which helps to obstruct the view of the development. Trees between the development site and the highway also provide partial screening for the building and the road. As discussed in Finding A.1 the development has been sited using existing topography to minimize grading activities. The proposal is consistent with this rule.

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.

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...

The proposed accessory building will be located at an elevation of 580 ft. The development is located on a steep hillside which rises directly behind the development to the north to an elevation of 900 ft. As viewed from HWY 141, the development site will be well below the skyline formed by the hillside. 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.

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 proposed Benjamin Moore Brown (2099-10) for the exterior walls of the accessory building and Windsor Black Oak for the shingles of the roof. A condition of approval requires the exterior surfaces of the accessory building including the walls, doors, siding, trim, window casing and sash, decks, and railings to be these colors to ensure consistency with Commission Rule 350-81-520(2)(l). The road will be composed
of dark brown rock gravel found on the site and dark black asphalt pavement. These dark brown and black colors are consistent 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 applicant proposes using Cerber Rustic Fiber Cement siding and asphalt composition shingles for the accessory building. These materials are nonreflective. The siding and roofing are consistent with Commission Rule 350-81-520(2)(m).

Another condition of approval requires all exterior surfaces of the proposed development, including roof, doors, siding, trim, window casing and sash, decks, and railings to be composed of non-reflective materials to ensure consistency 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.

The applicant does not propose any exterior lighting for the accessory building.

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 proposed development is in the southeast corner of the subject parcel on a hill with a moderate a moderate slope of 20 to 30 percent. The location of the building and road are about 80 feet higher in elevation than HWY 141, which helps to obscure some of the cut and fill slopes from view. The proposed road is accessed from the existing driveway and is approximately 250 ft long and 20 ft wide, running parallel with the contours of the hillside for its entire length. Because of the steepness of the hill, the proposal requires significant cuts and fill slopes for both the siting of the road and the accessory building. In order to minimize the visibility of the cut banks, the applicant is required to reseed all exposed cut banks after the development is completed. Consistent with this rule, a condition is included requiring cut banks from the development to be revegetated immediately upon completion of the project. The proposed building area and driveway
minimize necessary grading and limit the visibility of cut banks and fill slopes from HWY 141, consistent with Commission Rule 350-81-520(2)(z).

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 applicant submitted a grading plan consistent with the requirements of this rule. The grading plan outlined the requirements for the project and the need for steep slopes. Staff used the grading plan to analyze compliance with KVA policies.

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.

On the subject parcel and in the vicinity, trees vary in height up to 30 feet and are primarily Oregon white oak. As proposed the accessory building will be 24 feet tall, which is smaller in height than the trees surrounding the development. As proposed, the height of the accessory building is 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., 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.

The property has oaks and other trees surrounding the development which screen the development from view of KVAs. No trees are proposed to be removed, and no new landscaping is required by this Decision. However, a condition of approval is included requiring the applicant to retain existing tree cover screening the development to ensure that the overall visual character and appearance of the landscape is retained, consistent with this rule.

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 March 3, 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 occur on a site that has been determined to be located within a low probability zone, is not within 100 feet of a high probability zone, and does not occur within 500 feet of a known archaeological site.

3. Commission Rule 350-81-540(1)(c)(B) describes when a historic survey is required. In his March 3, 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 identify any wetlands on the subject parcel and no wetlands 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 identify one stream in the vicinity of the project. The stream was identified as modeled by GIS because of the topography. Staff did not observe stream during site visits, and only identified a draw where the stream might be. Staff also looked for culverts where the stream would need to cross under Highway 141 as it went downhill towards the White Salmon River. Staff did not identify any culvert in the field, and Washington State Department of Transportation (WSDOT), does not list any culverts in that vicinity of the highway. Staff concludes no stream is in the vicinity of the development. The proposal is consistent with Commission Rule 350-81-570 that protects water resources.
4. Commission Rule 350-81-580(4)(a) requires the Gorge Commission notify the Washington Department of Fish and Wildlife (WDFW) when a new development or land use is proposed within a sensitive wildlife area, in this case, deer and elk winter range and western gray squirrel habitat.

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 21 days that ended on March 8, 2022. No comments were received.

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

A. Do not cut any tree containing a gray squirrel nest. WDFW recommends a 50-ft no-cut buffer around nest trees to maintain an interlocking tree canopy and minimize disturbance.

B. Do not cut Oregon white oak, except for habitat enhancement. The landowner is encouraged to reduce hazard fuels throughout parcel, including surface and ladder fuels, and by thinning out dense tree stands.

C. Promote “oak release” by removing overtopping and encroaching conifers from the vicinity of oak trees on 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.

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

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

WDFW did not indicate any concerns with the proposed development as wildlife site. 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 size and location of the development.
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 winter range and western gray squirrel habitat. Staff also considered the existing conditions of the study area and the likelihood of other similar development in the area. For the purposes of evaluating the cumulative effects of repeated similar activities, staff focused on similarly zoned Scenic Area lands within the Big White Salmon River Winter Range.

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

WDFW did not indicate any concerns with the proposed development. Staff believes the proposed development will have little effect on existing deer and squirrel habitat. Pursuant to Commission Rule 350-81-580(1)(c), staff does not believe the proposed development creates any adverse effects, including cumulative effects, to the integrity of the parcel as wildlife site, due to the location and size of the development.

8. The Gorge Commission's sensitive plant inventory does not show any sensitive plant sites within 1,000 feet of the proposed development. The proposal complies 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.*

   The parcel is designated Recreation Class 1, according to the Gorge Commission’s Recreation Intensity Class map. No established recreation sites are located in the vicinity of the subject parcel.

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, 2021.

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(1)(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 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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