CASE FILE: C22-0009

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

APPLICANT: Ronald and Sharol Riggleman

LANDOWNER: Ronald and Sharol Riggleman

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

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

DECISION: Based upon the following findings of fact, the land use application by Ronald and Sharol Riggleman, for a replacement 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 C22-0009, 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. 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: Sherwin Williams Urbane Bronze (SW 7048) and Peppercorn (SW 7674)
   Trim: Sherwin Williams Tricorn Black (SW 6258)
   Roof: Iko Granite Black

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.

5. 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.

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

7. Except for dead trees or other dead vegetation that may pose a hazard, existing mature vegetation immediately east, south and west of the dwelling shall be retained and maintained for screening purposes.

8. The site shall be reseeded with grasses from the Recommended 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 11 day of July 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 11 day of July 2024 unless construction has commenced in accordance with Commission Rule 350-81-044(4).

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 10th day of August 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 C22-0009
   Approved site plans and elevation drawings
   Recommended Seed Mixes for East Side Environments
Except for dead trees or other dead vegetation that may pose a hazard, existing mature vegetation immediately east, south and west of the dwelling shall be retained and maintained for screening purposes.

X = Mature Trees
NOTE: Some options may show on your set of house plans that are not included or a part of your construction contract with Reality Homes Inc.

NOTE: See Drainage Plan for all roof pitches.

Scale 1/4" = 1'
NOTE: Some options may show on your set of house plans that are not included or a part of your Construction Contract with Reality Homes Inc.
NOTE: Some options may vary on your set of house plans that are not included or a part of your: Construction Contract with Realty Homes Inc.

**Foundation Notes - One Story**

Describes foundation system and details of footing and foundation. Foundation system is customer's choice. Foundation system details can vary depending on the location and soil conditions.

**Garage Notes**

Details about garage layout, size, and design. Considerations for garage design include space efficiency, accessibility, and style.

**Whole House Ventilation Using Exhaust Fans M1507.3.4**

This section explains the ventilation requirements for whole house ventilation systems using exhaust fans. A ventilation system must be designed to provide sufficient ventilation for indoor air quality and comfort. The ventilation system must comply with the International Residential Code (IRC) and other applicable codes.

- **M1507.3.1** Whole House Ventilation, Exhaust Fans providing whole house ventilation shall have a flow rate of 0.6 cubic feet per minute per square foot of conditioned floor area. The flow rate shall be determined according to ICC Table 1507.3.1.

**Whole House Ventilation Controls & Operation M1507.3.2**

- **M1507.3.2.1** Whole house ventilation systems shall be controlled by the following means:
  - A manual control located in the dwelling unit shall be provided.
  - A manual control shall be provided in the mechanical room.
  - A manual control shall be provided in the garage or unconditioned space.

**Roof Ventilation Requirements**

- **M1507.3.3.1** Roof Ventilation shall be provided to prevent moisture accumulation. Roof vent placement shall be designed to ensure proper ventilation and prevent condensation issues.

**Roof Framing Door Units for 1.94% Clearance**

Details about roof framing and door units. Clearances and clearances are critical for the proper installation and operation of the roofing system.

**Exterior Finish Notes**

- **M1507.3.4.5** Exterior Finish Notes: Exterior finish shall be designed to complement the architectural style and provide durability. Exterior finishes should be selected to match the overall aesthetic of the house.

**Kitchen Cabinet Notes**

- **M1507.3.5.1** Kitchen Cabinet Standards: Kitchen cabinets shall be standard height and depth. Kitchen cabinets shall be designed to meet the International Residential Code (IRC) and other applicable codes.

**Standard Appliance Openings**

- **M1507.3.5.2** Standard Appliance Openings: Standard appliance openings shall be designed to accommodate standard-sized appliances. Standard appliance openings shall be designed to meet the International Residential Code (IRC) and other applicable codes.

**Outdoor Kitchen Notes**

- **M1507.3.5.3** Outdoor Kitchen Notes: Outdoor kitchens shall be designed to comply with the International Residential Code (IRC) and other applicable codes. Outdoor kitchens shall be designed to provide adequate ventilation and fire safety.

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Recommended Seed Mixes, Mulch, and Fertilizer for Temporary and Permanent Revegetation in East Side Environments
Based on recommendations from Andrea Ruchty, district botanist, GPNF, Mt. Adams Dist., and Robin Dobson, CRGNSA botanist

| Native Seed Mixture #1: Recommendations for Composition and Application Rates |
|-----------------------------|---------------------------------|----------------------|
| **Species** | **Hand Seeding including Handheld Spreaders** | **Hydromulcher** |
| blue wildrye (Elymus glaucus) | 20 lbs/acre | 15 lbs/acre |
| California brome (Bromus carinatus) | 20 lbs/acre | 15 lbs/acre |
| slender hairgrass (Deschampsia elongata) | 10 lbs/acre | 5 lbs/acre |
| broadleaf lupine (Lupinus latifolia) | | |
| Idaho fescue (Festuca idahoensis) | | |
| **Total** | 50 lbs/acre | 35 lbs/acre |

| Native Seed Mixture #2: Recommendations for Composition |
|---------------------------------|-----------------|
| **Species** | **% by wt.** |
| California Brome (Bromus carinatus) | 20 |
| Sheep fescue (Festuca ovina) | 40 |
| Blue wildrye (Elymus glaucus) | 10 |
| Canada bluegrass (Poa compressa) | 10 |
| Blue bunch wheatgrass (Agropyron spicatum) | 20 |
| Sickle-keeled lupine (Lupinus albicaulis) | 5 oz./100# seed |
| America vetch (Vicia Americana) | 5 oz./100# seed |

| Non-Native Seed Mixture: Recommendations for Composition and Application Rates |
|---------------------------------|------------------|
| **Species** | **Application Rate** |
| Annual ryegrass (Lolium multiflorum) | 10 lbs/acre (fine seed) |
| Perennial ryegrass (L. perenne) | 10 lbs/acre (fine seed) |
| Soft white winter wheat (Triticum aestivum) | 40 lbs/acre |
| Sickle-keeled lupine (Lupinus albicaulis) | 10 lbs/acre |
| **TOTAL** | 70 lbs/acre |

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 tridentate)
- Arrowleaf Balsam root
Notes:

**Application Method:** Hand or machine, ideally in the fall. Machines such as hydromulchers, usually have agitators which keep the seed well mixed and applied evenly. In hand-seeding operations it is more difficult to achieve an even distribution of seed. For this reason more lbs/acre have been prescribed to compensate for inadvertent patchiness. Hand seeding should utilize two passes of the area: 1 pass for small, fine seed such as slender hairgrass, and a second pass for the larger seeded species such as blue wildrye and California brome. Rice hulls may need to be added to the DEEL to get dispersion distance. Contact with the soil is very important, best results are achieved when the seed is lightly raked or pressed into the soil.

**Seed Storability:** Generally grass and forb species will hold reasonable germination (>80%) for 6-7 years in uncontrolled conditions. Thin-coated species such as *Bromus* will hold only 2-3 years or so.

**Seed Source:** Try to use appropriate local seed source for natives. Some flexibility for elevation is ok in a pinch. One native seed source is Bolson Seed Company, La Grande, OR (541)965-8285. Milestone Nursery (Lyle), Inside Passage Seed Co., Oregon Wholesale Seed Company (http://www.oregonwholesaleseed.com/), Rainier Seeds, Hughes Feed and Grain (the Dalles) and Dallesport Seed are other possible sources of seed, as well.

**Fertilizer:** Where there is a good “A” horizon probably don’t need fertilizer. For sites with little organic matter use 200 lbs 16-20-0/ac.

**Mulch:** Use certified weed free straw mulch whenever possible. Only 1-2” (2 tons/ac.) is needed and should be evenly applied. **Too deep can be more detrimental than none at all.** Ideally, it should be chopped and applied by machine. To further reduce the chance of introducing non-natives in to project areas, straw derived from native species is preferred. If not available, then straw from short-lived or non-persistent mulch sources such as annual rye or cereal grain seed production fields would be the next choice.

Using weed-free straw mulch is an important component in our strategy to control the spread of invasive species on the Forest. Weed-free straw is still a developing resource and its availability may be variable. Finding it will likely take some looking around. Oregon and Washington currently have weed-free certification programs. See the following websites for current lists of weed-free straw suppliers:

- [http://www.nwcb.wa.gov/WWHAM/WWHAM_suppliers.htm](http://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: C22-0009

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

APPLICANTS: Ronald and Sharol Riggleman

LANDOWNERS: Ronald and Sharol Riggleman

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

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

COMMENTS FROM INDIVIDUALS/AGENCIES/GOVERNMENTS:

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

- Confederated Tribes and Bands of the Yakama Nation
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of Warm Springs Reservation of Oregon
- Nez Perce Tribe
- U.S. Forest Service National Scenic Area Office (USFS 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. Ronald and Sharol Riggleman have applied for a replacement single-family dwelling. Director's Decision C20-0014 approved the demolition of a dwelling on the subject property. The new dwelling will be located in the footprint of the demolished dwelling.

2. The subject parcel is in the General Management Area (GMA) and is designated Large-Scale Agriculture with a 40-acre minimum parcel size. The subject parcel is approximately six acres in size and found two miles north of White Salmon, WA on HWY 141. Other existing development on the property includes three acres of orchard trees and powerlines which are owned by Bonneville Power Association (BPA).

3. Commission Rule 350-81-082(2) allows for the Replacement of Existing Structures Not Damaged or Destroyed by Disaster:

   (2) Replacement of Existing Structures Not Damaged or Destroyed by Disaster
   (a) Except as provided in 350-81-082(3), an existing structure may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:
      (A) The replacement structure shall be used in the same manner and for the same purpose as the original structure.
      (B) The replacement structure may have a different size and/or location than the original structure. An existing mobile home may be replaced with a framed residence and an existing framed residence may be replaced with a mobile home.
      (C) The replacement structure shall be subject to the scenic, cultural, recreation and natural resources guidelines; the treaty rights guidelines; and the land use designations guidelines involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.
      (D) The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one year time frame.

Commission Rule 350-81-020 (60) defines existing structure as any structure that was legally established. Removal of the dwelling was completed in the Spring of 2022, consistent with Director's Decision C20-0014. Klickitat County Assessor records show the original dwelling was constructed in 1925. The proposed replacement dwelling has similar dimensions to the original dwelling and will be located in the same location. Finding A.7 discusses the developments consistency with agricultural buffer zone standards. The development is not subject to either approval criteria for fire protection or approval criteria for siting of dwellings on forest land because the development is not on
GMA Forest designated land. The proceeding sections of this Staff Report discuss the proposed replacement dwellings consistency with the guidelines that protect scenic, cultural, recreation and natural resources, and treaty rights guidelines. The proposal is consistent with this rule.

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.

The four parcels surrounding the subject parcel are all designated GMA Large-Scale Agriculture and are privately owned. Commission Rule 350-81-154 defines suitability as:

The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production; surrounding uses and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, powerlines, dwellings, and size of ownership.

In general, the types of agriculture found on nearby land with similar terrain are orchards and livestock grazing. The subject parcel is currently being used as an orchard and is part of the landowner’s larger agricultural operation in the area. The only area of the subject parcel that is not in use as an orchard is the site of the original dwelling, where the replacement dwelling will be located. Currently, the subject parcel is not fenced along its boundaries, but the dwelling site is surrounded by trees on its east, south and west and open to the north. According to Commission rule 350-81-076, the setback requirement is 100 ft for orchards that have a vegetative barrier and 250 ft for areas that are open or fenced. As proposed, the dwelling is sited approximately 50 ft from the parcel to the north, 150 feet from the parcel to the east, 350 feet from the parcel to the south, and 430 feet from the parcel to the west. The proposed siting complies with Commission Rule 350-81-076 on its eastern, southern and northern sides, but does not comply on its northern boundary. Commission Rule 350-81-078(2) provides for variances to residences in the GMA. It states:

In the GMA, a setback or buffer specified in the guidelines for protection of scenic, cultural, natural, recreation, agricultural, or forestry resources may be varied to allow a residence to be built on a parcel of land upon a demonstration that all of the following conditions exist:
(a) The land use designation otherwise authorizes a residence on the tract.
(b) No site exists on the tract (all contiguous parcels under the same ownership) on which a residence could practicably be placed in full compliance with the setback or buffer.

(c) The variance from the specified setback or buffer is the minimum necessary to allow the residence.

The Large-Scale Agricultural land use designation allows residences on the parcel. The landowner’s contiguous tract of land is 35 acres total. The siting of the proposed residence is restricted by the existing agricultural use on the subject parcel, which is entirely dedicated to agricultural use. No site exists on the tract on where a building could practicably be placed in full compliance with the setback or buffer because the existing agricultural use. To minimize the amount of grading necessary for the development, the most practicable site for the dwelling is the same location as the original dwelling. As proposed, the development is sited in such a way that minimizes the variance of the 100-foot buffer to the greatest extent practicable while minimizing ground disturbance and development on the subject parcel. As proposed, the development is sited in such a way that minimizes the variance of the 100-foot buffer to the greatest extent practicable.

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 replacement dwelling is sited in the same footprint as the original dwelling, reducing grading activities to the maximum extent practicable.

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 are within the same Pastoral landscape.
setting as the subject property and have similar visibility from KVAs (Key Viewing Areas). Additionally, many of the parcels in the area are developed with single-family dwellings.

Of the eighteen parcels in the study area, staff identified twelve parcels with development. There are currently twenty known buildings in the study area. These buildings include single-family dwellings, mobile homes, garages, agricultural structures, and smaller accessory structures. Buildings range in size from 64 sq ft to 5,800 sq ft.

The first story of the proposed dwelling is 3,332 sq ft, and includes 2,695 sq ft of living space, a 486 sq ft attached garage, and 151 sq ft covered entry way. The daylight basement is 3,349 sq ft and includes 2,695 sq ft of unimproved living space and a 384 sq ft covered patio. When calculating the general scale of buildings, staff calculates the area of covered decks and half of the area of daylight basements. Only half of the area of a daylight basement is included because this guideline considers the size of the building as seen in the landscape, and generally only half or less of a daylight basement is visible above ground. Half of 2,695 sq ft is 1,348 sq ft, so that calculated sq ft of basement level, including the covered patio is 1,732 sq ft. The total sq ft of the proposed dwelling as proposed is 5,064 sq ft. The proposed dwelling will be 30 ft tall. Nearby dwellings also range in height up to 2 stories and 31 ft tall. The general scale of the proposed dwelling – including the square footage and height – is compatible with the general scale of existing nearby development, consistent with Commission Rule 350-81-520(1)(b).

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 new screening vegetation is required by the guidelines of Commission Rule 350-81-520. To mitigate for alterations to the vegetative cover and natural characteristics of the site, a condition of approval is included requiring the applicants to reseed all exposed and bare soils after the development is completed. The applicants are encouraged to use a certified weed-free seed mix. Staff is providing the applicants 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.

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 Pastoral. Commission Rule 350-81-520(3)(a) contains design guidelines for proposed uses in the Pastoral 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)(a) 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 from SR 141. 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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Foreground</td>
</tr>
<tr>
<td>Columbia River</td>
<td>0 - 1/4 Mile</td>
</tr>
<tr>
<td>Interstate 84</td>
<td>X</td>
</tr>
<tr>
<td>SR-141</td>
<td>X</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*. Several factors ensure the proposed development is *visually subordinate* as viewed from KVAs, including distance from KVAs, site location, existing topography, low reflective building materials with dark earth tone colors, and screening 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 located 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 eighteen parcels, seventeen are privately owned, and one is owned by USFS. Staff assumes for this analysis the parcel owned by USFS will not be developed. Eleven of the parcels are developed with dwellings and accessory structures. The other six privately owned undeveloped parcels are currently being used for agricultural purposes, including orchards and pasturelands, and for forest practices. Two of the privately 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 four undeveloped parcels are designated Large-Scale Agriculture. Staff assumes for this analysis these parcels may someday be developed with a dwelling and accessory structures. None 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. Commission Rule 350-81-190(1) allows accessory buildings on the 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:

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 .20 miles. From SR-141 the proposed building site is visible intermittently in the foreground for .25 miles, and in the middle ground for .6 miles.

The applicant has chosen a site for the development that is setback 450 ft from HWY 141. The elevation of the site is lower than the highway, and vegetation between the development and HWY 141 helps to obstruct the view and provide partial screening. From HWY 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. 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 replacement dwelling is designed to be visually subordinate and to not noticeably contrast with the existing 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:

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.

Several factors ensure the proposed building will be visually subordinate as viewed from KVAs including viewing distance, colors and building materials and screening vegetation.

The proposed building is compatible in size with existing development. The development will be most visible from HWY 141. The applicant has chosen a site for the development that is setback 450 ft from HWY 141. The elevation of the site is lower than the highway, and vegetation between the development and HWY 141 helps to obstruct the view and provide partial screening. 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.

The applicants have proposed wooden siding with a dark stain for the walls of the building and asphalt shingles for the roof. These dark earth-tone colors are found within the shadows of the surrounding landscape and the building materials are nonreflective.

The replacement dwelling is sited in the same location as the original dwelling, reducing the need for new grading. The property has trees surrounding the building site along the eastern, southern and western sides. The vegetation helps 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. To mitigate for alterations to the vegetative cover and natural characteristics of the site, a condition of approval is included requiring the applicants to reseed all exposed and bare soils after the development is completed.

With these conditions included in the Director’s Decision, the proposal will be 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 replacement dwelling is sited in the same location as the original dwelling, reducing the need for new grading. The property has trees surrounding the building site along the eastern, southern and western sides. The vegetation helps 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.

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 Pastoral 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 replacement dwelling will be located at an elevation of 460 ft. 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 parcel is located in a valley with hills rising in elevation to over 1,000 ft. As viewed from KVAs, the hills rise behind the proposed development, creating a skyline high above the proposed dwelling. 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 applicants 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 applicants have proposed Sherwin Williams Urbane Bronze (SW 7048) and Peppercorn (SW 7674) for the exterior walls, and Sherwin Williams Tricorn Black (SW 6258) for the trim. These dark earth-tone are found within the shadows of the surrounding landscape. The roof will be composite asphalt shingles, and the color will be Iko Granite Black. A condition of approval requires all exterior surfaces of the proposed development, including doors, siding, trim, window sash, and roof, to be dark earth-tone colors to ensure consistency with Commission Rule 350-81-520(2)(l).
16. Commission Rule 350-81-520(2)(m) states:

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

The proposed exterior materials for the replacement dwelling are fiber cement siding, glass windows and asphalt shingles. The fiber cement siding and asphalt shingles have minimal reflectivity and will also be an approved dark earth tone color. The applicants have proposed a modest fenestration plan. As proposed, none of the glass arrangements are larger than 50 sq ft as suggested in the *Building in the National Scenic Area Handbook*. A 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). With the condition of approval, the proposed development is consistent with Commission Rule 350-81-520(2)(m).

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

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

The applicant proposes five exterior lighting fixtures for the dwelling: three entry way lights, and two wall mounted lights by the garage doors. A condition of approval is included in the decision ensuring lights are directed downward, hooded and shielded such that they are not highly visible from KVAs, consistent with this rule. Staff also provided the applicant with examples of acceptable light fixtures from International Dark-Sky Association as an attachment with this decision.

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

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

The replacement dwelling will utilize the existing driveway and the original building footprint minimizing 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 new development will be in the same footprint as the original dwelling. No new grading is required. The proposal is consistent with this rule.

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

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

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.

On the subject parcel and in the vicinity, trees vary in height from thirty to fifty feet and are a mix of fir and pine trees. As proposed the dwelling will be thirty feet tall, which is significantly smaller in height than existing vegetation surrounding the development. As proposed, the height of the agricultural building is consistent with this rule.

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

(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.

The property has trees surrounding the building site along the eastern, southern and western sides. The vegetation helps 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 April 25, 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 April 25, 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 April 11, 2022, and the comment period ended on May 2, 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 show one wetland within the vicinity of the proposed site. The wetland is 460 ft. west of the project site, outside of the buffers required by Commission Rule 350-81-560(7)(c). Therefore, the proposal is consistent with Commission Rule 350-81-560 that protects wetlands.

3. The Gorge Commission’s natural resource inventories show one intermittent stream within the vicinity of the project site. The stream is found 520 ft. away from the project site, outside of the buffers required by Commission Rule 250-81-560(7)(a). Therefore, the proposal is consistent with Commission Rule 350-81-570 that protects streams, ponds, lakes, and riparian areas.

4. Commission Rule 350-81-580 has criteria for the review of potential impacts to sensitive wildlife. The Gorge Commission’s sensitive wildlife inventory shows the proposed site is found within Deer and Elk Winter Range. Commission Rule 350-81-580(1)(a)(A) defines sensitive wildlife areas to include these areas.

   Commission staff notified Amber Johnson, with Washington Department of Fish and Wildlife of the proposal and sent a copy of the site plan on April 11, 2022. No comments were received.

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

   The wildlife protection process may terminate if the Development Review Officer, in consultation with the appropriate state wildlife agency, determines: the sensitive wildlife area is not active; or the proposed use would not compromise the integrity of the wildlife area, or occur during the time of the year when wildlife species are sensitive to disturbance.
WDFW did not indicate any concerns with the proposed development 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 a wildlife site due to the size and location of the development and the previously established residential use.

6. 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.

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

CONCLUSION:

The 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 April 11, 2022. The notice included a comment period of 21 days that ended on May 7, 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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