

Director's Decision

Summary of Application

FILE NUMBER:	C22-0012
PROPOSAL:	The Columbia River Gorge Commission has received an application for a replacement single-family dwelling.
APPLICANTS:	Eric Becker
LANDOWNERS:	Lori Hendren & Semen Kharif
SIZE and LOCATION:	The subject parcel is 10 acres in size located adjacent to Courtney Road and is described as 03-11-3300-0001/00 in the NE 1/4 of Section 33, Township 3 North, Range 11 East, Willamette Meridian, Klickitat County, Washington.
LAND USE DESIGNATION:	General Management Area (GMA) – Small-Scale Agriculture (80)

Note: According to Section 8(o) of the National Scenic Area Act, the Forest Service designated the subject parcel General Management Area (GMA) Small-Scale Agriculture. For the purposes of this development review, the Special Management Area (SMA) guidelines no longer apply, and the parcel will be reviewed according to the applicable GMA land use and resource protection guidelines.

Decision

Based upon the findings of fact and conclusions of law in the staff report accompanying this decision and the conditions of approval in this decision document, the land use application by Eric Becker, for a replacement single-family dwelling is consistent with Commission Rules chapter 350, division 082, and thus consistent with the *Management Plan for the Columbia River Gorge National Scenic Area* and the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act, Pub. L. 99-663, 100 Stat. 4274 (1986), and is hereby **APPROVED**.

Conditions of Approval

The following conditions of approval are given to ensure that the subject request is consistent with Commission Rules chapter 350, division 082. Compliance with these

conditions of approval is required. The Gorge Commission may take one or more enforcement actions at any time to ensure compliance with these conditions of approval.

1. In accordance with Commission Rule 350-082-0150(3), the applicant shall record the Executive Director's decision and conditions of approval and approved site plan and elevation drawings in county deeds and records (at the Klickitat County Auditor's Office) to ensure notice of the conditions to successors in interest. The record shall be associated with all tax lots and parcels that constitute the subject property. The applicant need not record the separate staff report document containing the relevant findings and conclusions. 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-National 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. Inspections Required, contact the Gorge Commission office to schedule:
 - A. Post-completion inspection required.
 - B. Applicants may request interim inspections, and the Gorge Commission staff may, at its discretion, conduct interim inspections.
4. 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.
5. All exterior building materials, including roof, doors, siding, trim, window casings and sashes, decks, and railings shall be dark earth-tone colors. Only approved dark earth-tone colors for exterior materials shall be used. The following colors submitted by the applicants for the exterior of the house are consistent with this condition and are hereby approved:

Exterior Wood:	Nakamoto Forestry product Gendai (SKU# NM1673)
Exterior Stone:	Willamette Greystone, Midnight
Roof:	Bridgersteel, Rustic Rawhide
Window Casings:	Black

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

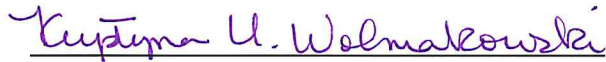
6. All exterior building materials including roofs, doors, siding, trim, window casing and sash, decks, and railings shall be nonreflective or have low reflectivity. Any exterior metal materials shall be painted with low-gloss black colored finish and maintained as necessary to ensure that the material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

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

Wood screening shall be constructed as proposed in the approved elevation drawings. To provide permanent screening, the wooden screens may be operable as proposed in the approved elevation drawings, but the screens shall stay in alignment with the fenestration being screened.

8. 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.
9. The following mitigation measures are required to enhance Oregon white oak woodlands:
 - A. Do not cut Oregon white oak. The landowner is encouraged to reduce hazard fuels throughout parcel, including surface and ladder fuels, and by thinning out dense tree stands.
 - B. 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.
 - C. 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.
10. Except for dead trees or other dead vegetation that may pose a hazard, all existing mature vegetation in the vicinity the site shall be retained and maintained for screening purposes and to overall visual character and appearance of the landscape is retained.
11. The site shall be reseeded with grasses from the Recommend Seed Mixes for East Side Environments. Disturbed areas shall be revegetated immediately upon completion of the project (or as soon as possible thereafter if the project is completed during the winter).
12. 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.
13. If human remains are discovered, all activities shall cease immediately upon their discovery. Local law enforcement, the Executive Director and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.

DATED THIS 21 day of December 2022 at White Salmon, Washington.



Krystyna U. Wolniakowski
Executive Director

Expiration of Approval

Commission Rule 350-082-0160 governs the expiration of this Director's Decision.

Expiration of this Director's Decision is automatic. The Executive Director does not notify applicants or landowners of decisions that are expired or may be close to expiring.

This decision of the Executive Director becomes void on the 21 day of December 2024 unless construction has commenced in accordance with Commission Rule 350-082-0160(4).

Commission Rule 350-082-0160(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. Commission Rule 350-082-0160(5) specifies that completion of the structure means completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the National Scenic Area approval. The date of the Executive Director's preconstruction inspection to confirm the location of proposed structural development shall be considered the date the applicant commenced construction unless the Gorge Commission or applicant demonstrates otherwise.

Once the applicant has commenced construction of one element in this decision, the applicant must complete all elements in this decision in accordance with Commission Rule 350-082-0160. The Gorge 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 350-082-0160(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 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 20 day of January 2023.

The decision of the Executive Director is final unless the applicant or any other person who submitted comment files a Notice of Appeal with the Commission within thirty (30) days of the date of this decision. Commission Rule chapter 350, division 70 governs appeal of this decision. This rule is available on the Gorge Commission's website and at the Gorge Commission office. You may contact the Gorge Commission office if you have questions about appealing this decision.

Notes

1. 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.
2. 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.

In accordance with Commission Rule 350-082-0150(6), the Gorge Commission staff mailed notice of this decision to the following governments, agencies, and organizations and persons who provided comment on the application:

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 C22-0012
Approved site plans and elevation drawings



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HENDREN RESIDENCE
250 COURTNEY RD.
WHITE SALMON, WA 98672

GORGE SCENIC
REVIEW SET
5.24.22

PROJECT /SITE INFORMATION

PARCEL_NUM: 0311330000100
 LEGAL: N2NENENE; SWNENENE; SENENENE; 33-3-11 :MH.
 NAME: HENDREN, LORI
 ADDRESS: 6501 SE RIVERSIDE DR VANCOUVER WA 98661

ACRES: 10.00
 LAND: 170000
 IMPRV: 13100
 TOTAL_AV: 183100
 TAXCODE: 42
 USECODE: 18

OWNER

LORI HENDREN + SEMON KHARIF
 6501 SE RIVERSIDE DR, WA
 VANCOUVER, WA 98661
 503.260.0328 - LORI cell
 503.810.2558 - SEMON cell
 lori@heritagespecialtyfoods.com
 slkharif@yahoo.com

ARCHITECT

ERIK BECKER
 eb architecture + design llc
 6631 NE GARFIELD
 PORTLAND, OR 97211
 erik.becker@gmail.com
 503.734.8800
 eb-arch.com

SCOPE OF WORK:

NEW CONSTRUCTION OF A 1780 SF SINGLE FAMILY RESIDENCE.

DRAWING LIST

CS	COVER SHEET
00	INFORMATION SHEET
A1.1	ENLARGED AERIAL / CONTEXT MAP
A1.2	SITE PLAN / TREE REMOVAL PLAN
A2.0	AREA OF GRADING PLAN & SECTION
A2.1	PROPOSED FLOOR PLAN
A2.2	ROOF PLAN
A3.1	EXTERIOR ELEVATIONS
A3.2	EXTERIOR ELEVATIONS
A3.3	BUILDING SECTIONS

LEGEND OF SYMBOLS

	BUILDING SECTION LINE OR WALL SECTION REFERENCE
	EXTERIOR ELEVATION REFERENCE
	DRAWING REFERENCE NUMBER DRAWING NAME & SCALE



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HENDREN RESIDENCE
 WHITE SALMON, WA

SCENIC REVIEW
 5.24.22

INFORMATION
 GENERAL NOTES

01 AERIAL CONTEXT MAP OVERALL
 plan

N.T.S.



00



Parcels
 PARCEL_NUM: 03113300000100
 LEGAL: N2NENENE; SWNENENE; SENENENE; 33-3-11 : MM
 NAME: HENDREN, LORI
 ADDRESS: 6501 SE RIVERSIDE DR VANCOUVER WA 98661
 SURVEY1: 175003
 SURVEY2:
 SURVEY3:
 AUDITOR_NO:
 COMMENT:
 ACRES: 10.00

HENDREN RESIDENCE
 WHITE SALMON, WA

SCENIC REVIEW
 5.24.22





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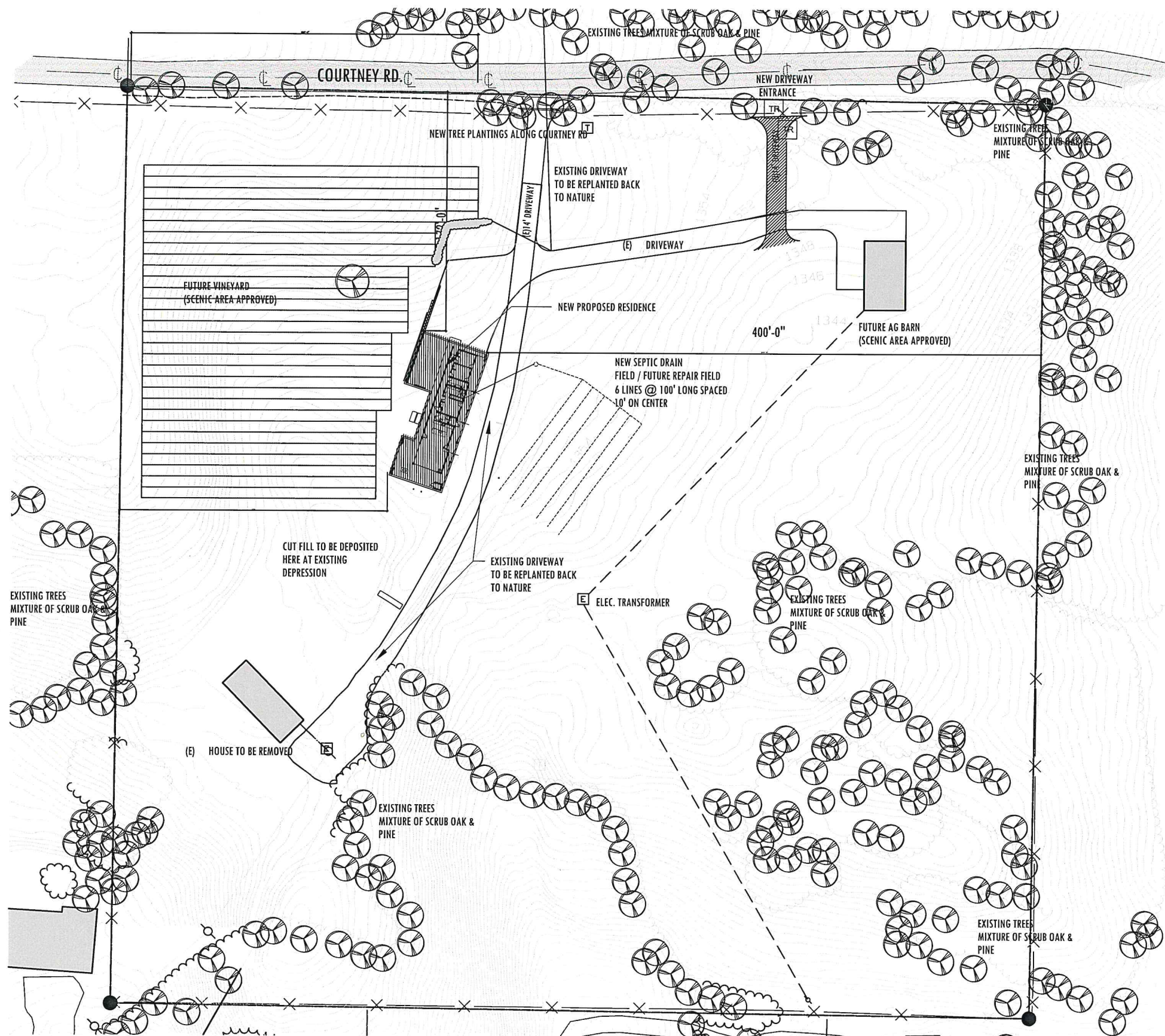
SITE INFORMATION

PARCEL_NUM: 0311330000100
LEGAL: N2NENENE; SWNENENE; SENENENE; 33-3-11 .MH.
NAME: HENDREN, LORI
ADDRESS: 6501 SE RIVERSIDE DR VANCOUVER WA 98661

ACRES: 10.00
LAND: 170000
IMPRV: 13100
TOTAL_AY: 183100
TAXCODE: 42
USECODE: 18

HEIGHT LIMIT: 24' FOR ACCESSORY STRUCTURES

SETBACKS: PER SMA GUIDELINES



HENDREN RESIDENCE
WHITE SALMON, WA

APPROVED
kw

SCENIC REVIEW
5.24.22

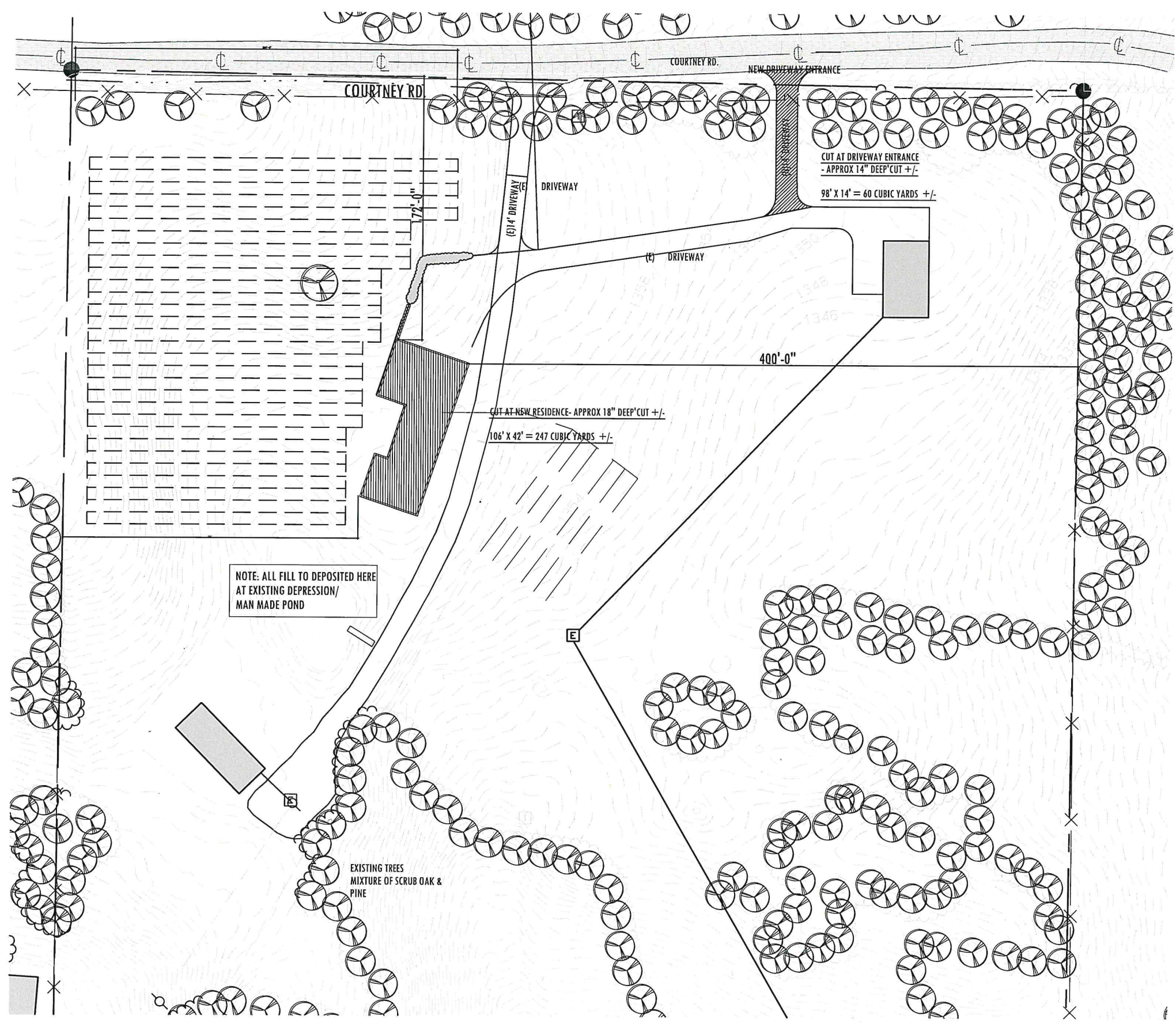
KEY NOTES

- TR TRES ON PROPERTY TO BE REMOVED
TOTAL OF (2)
1) 6" DIA EVERGREEN
2) SCRUB OAK TREE BRUSH

01 OVERALL SITE PLAN
plan

SITE PLAN /
TREE REMOVAL
PLAN

A1.2



SITE INFORMATION

PARCEL_NUM: 0311330000100
 LEGAL: N2NENENE, SWNENENE, SENENENE, 33-3-11 :MH:
 NAME: HENDREN, LORI
 ADDRESS: 6501 SE RIVERSIDE DR VANCOUVER WA 98661

ACRES: 10.00
 LAND: 170000
 IMPRV: 13100
 TOTAL_AV: 183100
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SETBACKS: PER SMA GUIDELINES

APPROVED
kw

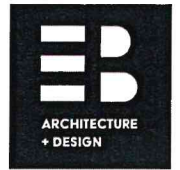


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GRADING
 PLAN



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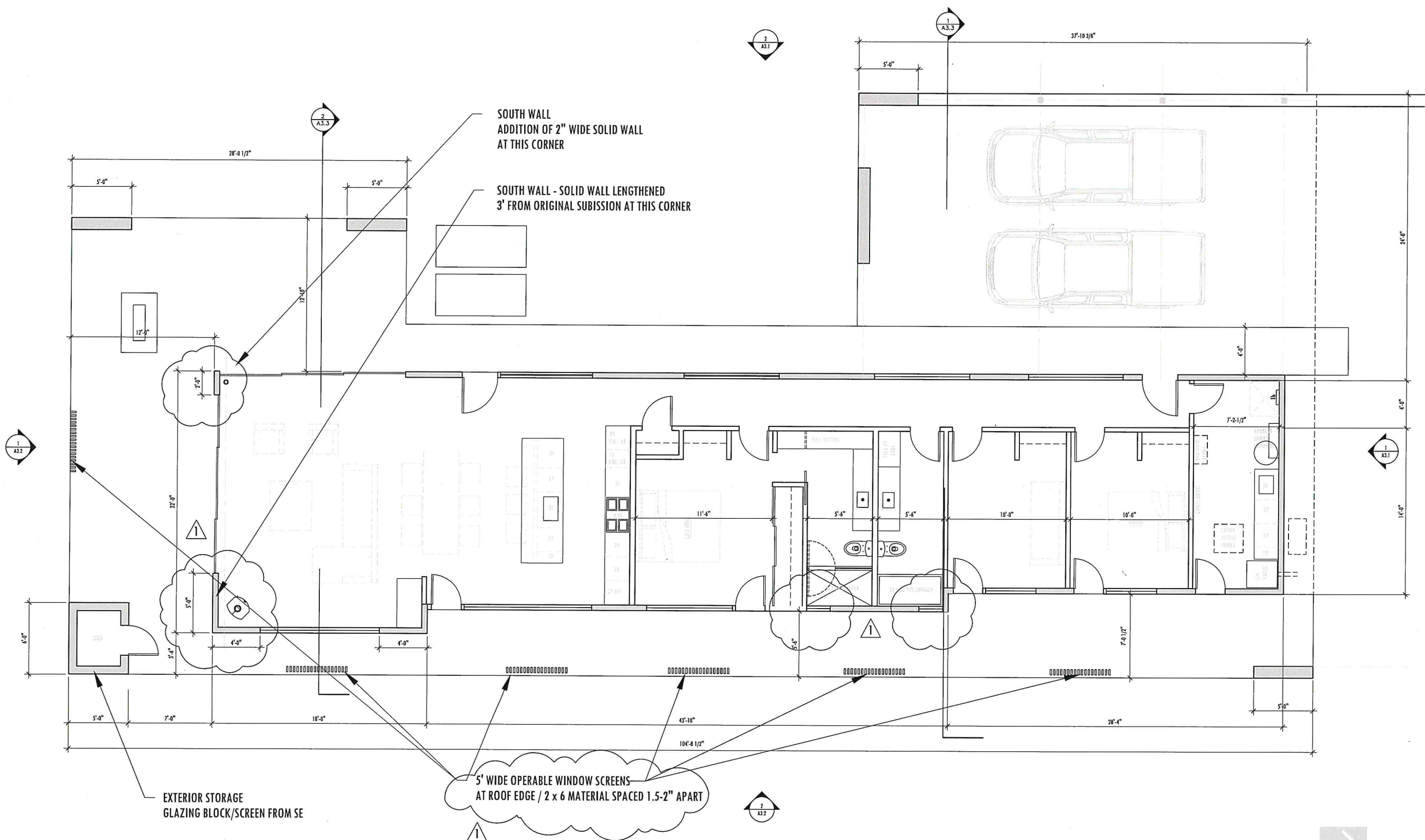
APPROVED

kw

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WHITE SALMON, WA

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5.24.22

FLOOR PLAN
NEW RESIDENCE



01 FLOOR PLAN
plan

1/8"=1'-0"

⚠ UPDATE PER REVIEW COMMENTS 11-22-22

A2.1

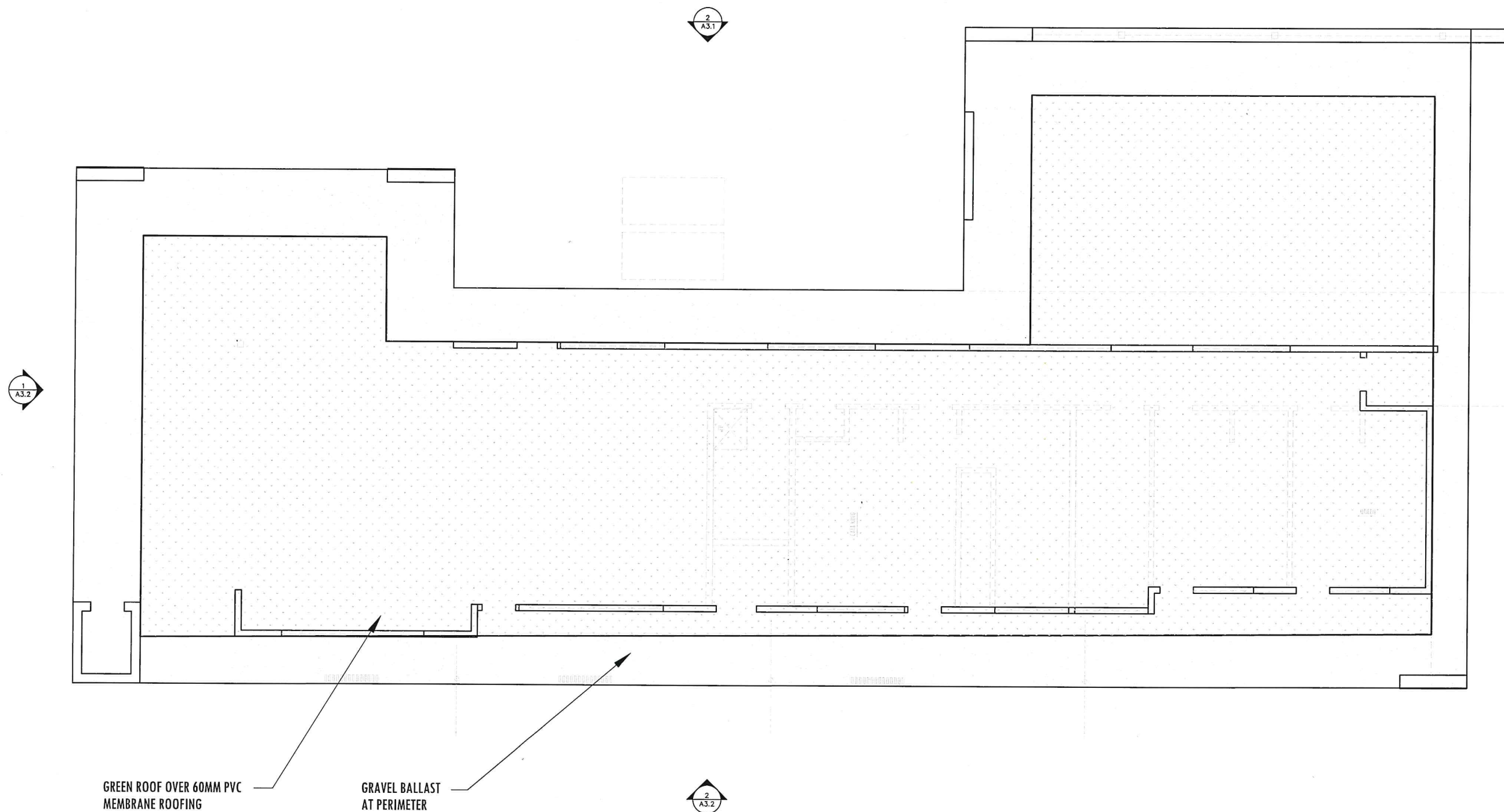
APPROVED

kw

HENDREN RESIDENCE
WHITE SALMON, WA

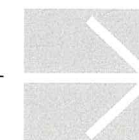
SCENIC REVIEW
5.24.22

ROOF
PLAN



01 ROOF PLAN
plan

1/8"=1'-0"



A2.2

GENERAL NOTES

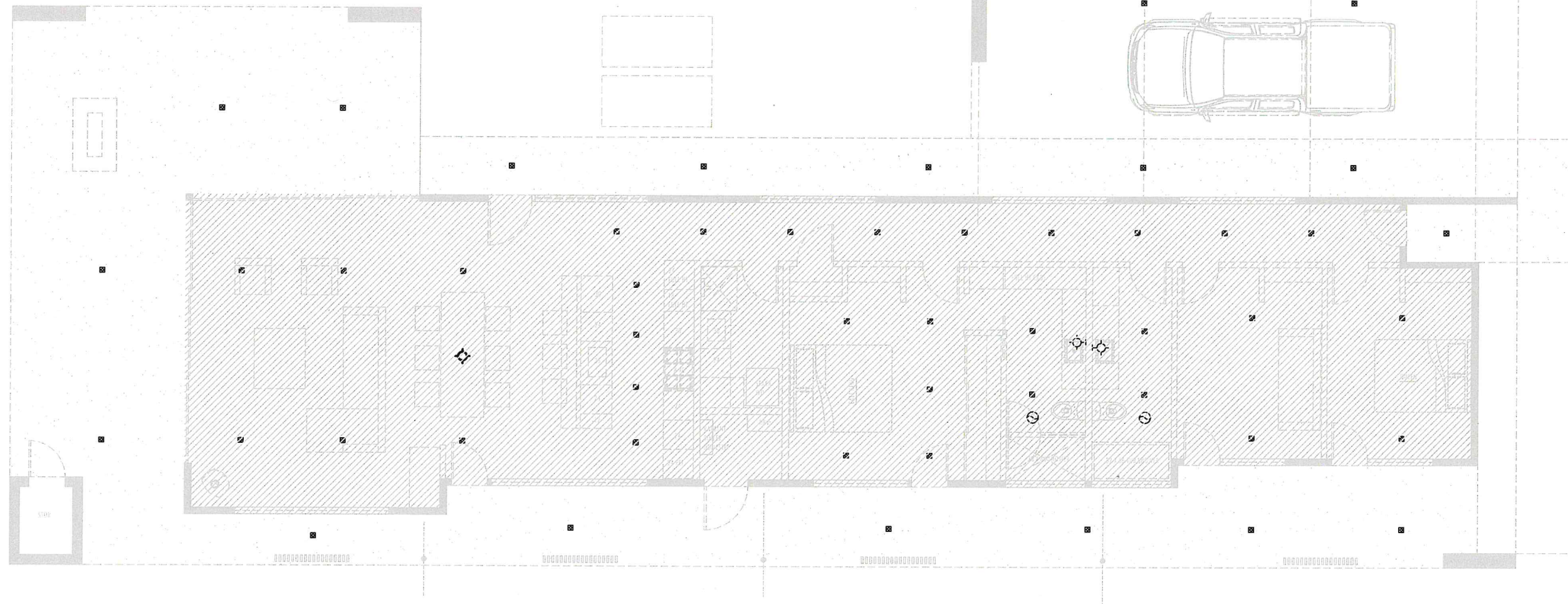
1. ALL EXTERIOR LIGHTING TO INDIRECT / RECESSED FIXTURES IN THE OVERHEAD ROOF/ CEILING PLANE.

APPROVED

Kw

HENDREN RESIDENCE
WHITE SALMON, WA

SCENIC REVIEW
5.24.22



01 REFLECTED CEILING / LIGHTING PLAN
plan

1/8"=1'-0"



REFLECTED CEILING SYMBOLS

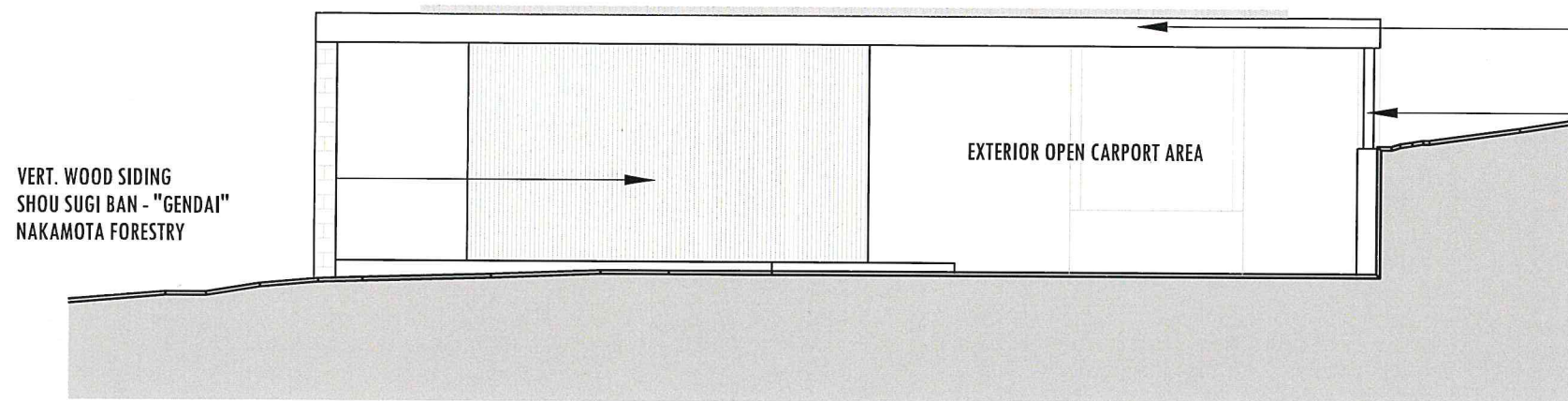
○	6" RECESSED LED DOWNLIGHT	⊕	PENDANT OR SURFACE MTD. FIXTURE	⊠	EMERGENCY BATTERY LIGHT	+	SPRINKLER HEAD	⊛	SWITCHING
◦	3" LED RECESSED ROUND DOWNLIGHT / WETLISTED AT EXTERIOR AND DAMP LOCATIONS	— —	TRACK LIGHT W/ HEADS	●	SOLA TUBE	⊙	SPEAKER	⊛	MOTION DETECTOR SWITCH
●	SURFACE MOUNTED LED DOWNLIGHT	— — — — — — —	LED TAPE UNDER HANDRAIL LIGHTING	⊖	EXHAUST FAN	⊙	SMOKE DETECTOR W/ CARBON MONOXIDE SENSOR REF. FIG. 12	⊛	HRV SUPPLY/INTAKE VENTS COORDINATE WITH MECH. PLAN
■	3" RECESSED WALL WASHER	— — — — — — —	4" UTILITY STRIP FIXTURE	⊠	ACCESS PANEL	⊙	POWER POLE		
⊕	WALL MTD. FIXTURE			⊠	RETURN GRILL	⊙	JUNCTION BOX		
				⊠	SUPPLY GRILL	⊙	CLG. DUPLEX OUTLET		

EXTERIOR
REFLECTED CEILING
/LIGHTING PLAN

A2.3



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VERT. WOOD SIDING
SHOU SUGI BAN - "GENDAI"
NAKAMOTA FORESTRY

EXTERIOR OPEN CARPORT AREA

"RAWHIDE" TEXTURED METAL PANEL
FASCIA AT ROOF / CONCEALED FASTENERS

GROUND FACE CMU BLOCK
"MIDNIGHT" - WILLAMETTE GRAYSTONE

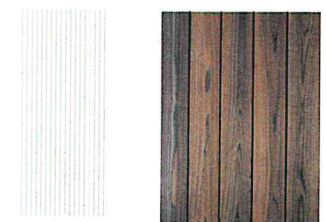
ALTERNATE: CAST IN PLACE
CONCRETE



ALTERNATE: CAST IN PLACE
CONCRETE

GROUND FACE CMU BLOCK
"MIDNIGHT" - WILLAMETTE GRAYSTONE

"RAWHIDE" TEXTURED METAL PANEL
FASCIA AT ROOF



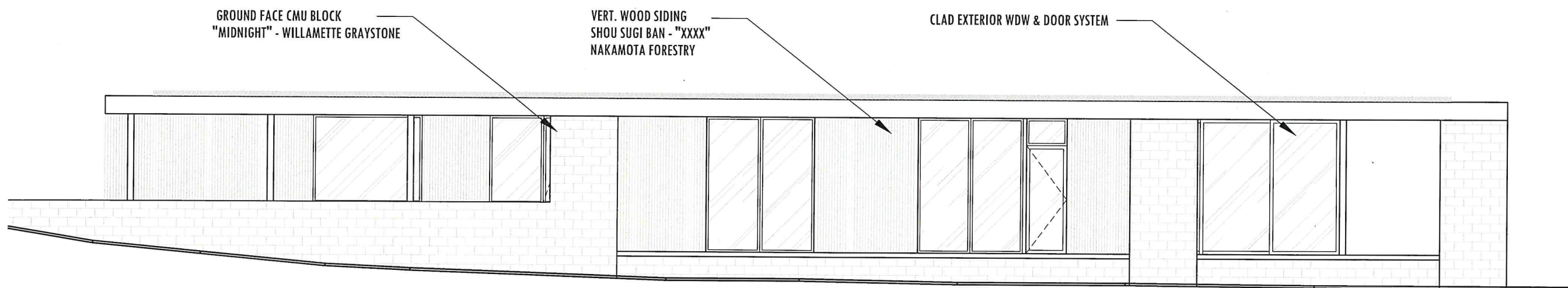
VERT. WOOD SIDING
SHOU SUGI BAN - "GENDAI"
NAKAMOTA FORESTRY

01 NORTH ELEVATION
elevation

1/8"=1'-0"

HENDREN RESIDENCE
WHITE SALMON, WA

SCENIC REVIEW
5.24.22



GROUND FACE CMU BLOCK
"MIDNIGHT" - WILLAMETTE GRAYSTONE

VERT. WOOD SIDING
SHOU SUGI BAN - "XXXX"
NAKAMOTA FORESTRY

CLAD EXTERIOR WDW & DOOR SYSTEM

APPROVED
kw

02 WEST ELEVATION
elevation

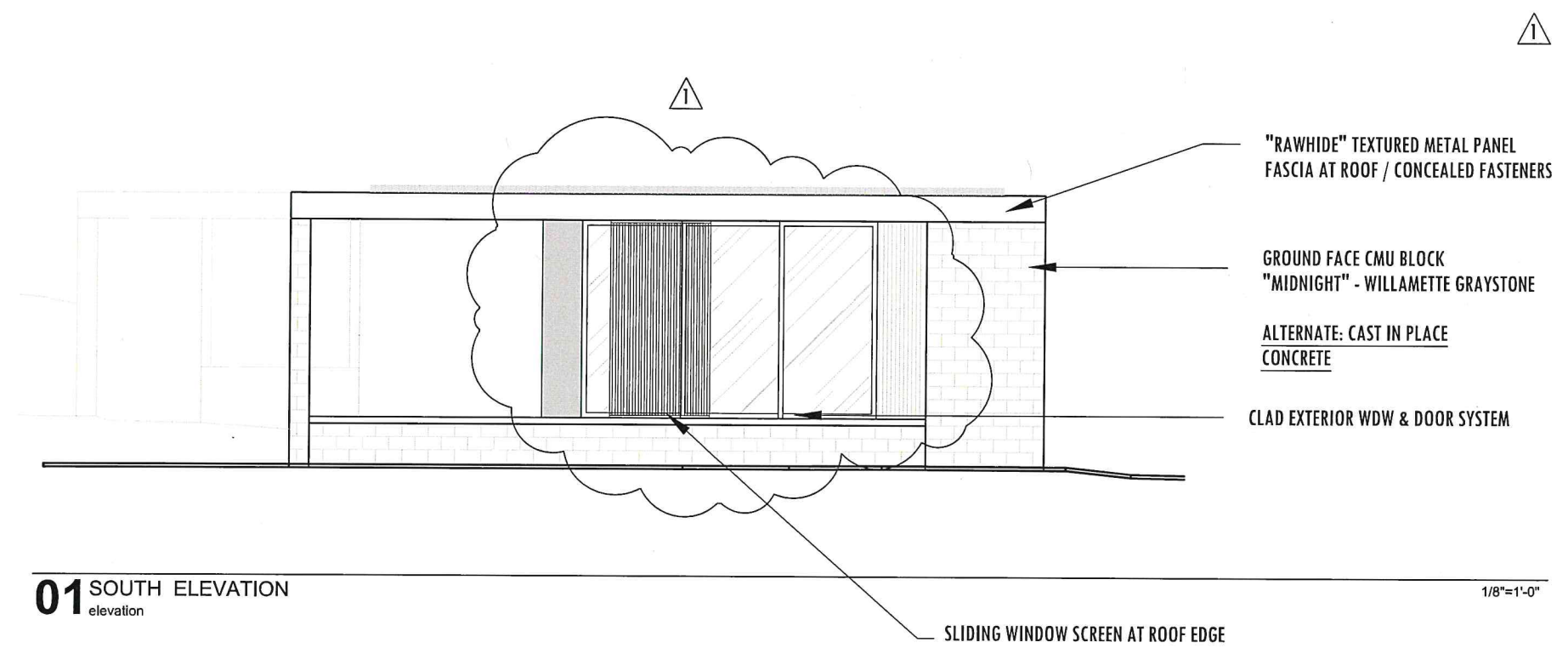
1/8"=1'-0"



BUILDING
ELEVATIONS

⚠ UPDATE PER REVIEW COMMENTS 11-10-22

A3.1

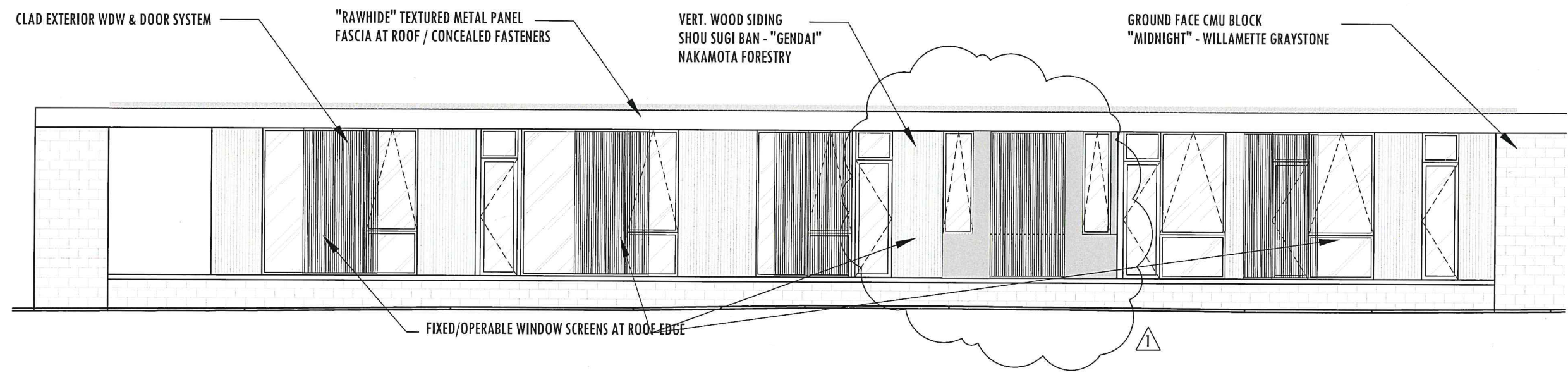


01 SOUTH ELEVATION
elevation

1/8"=1'-0"

APPROVED
kw

HENDREN RESIDENCE
WHITE SALMON, WA



02 EAST ELEVATION
elevation

1/8"=1'-0"



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5.24.22

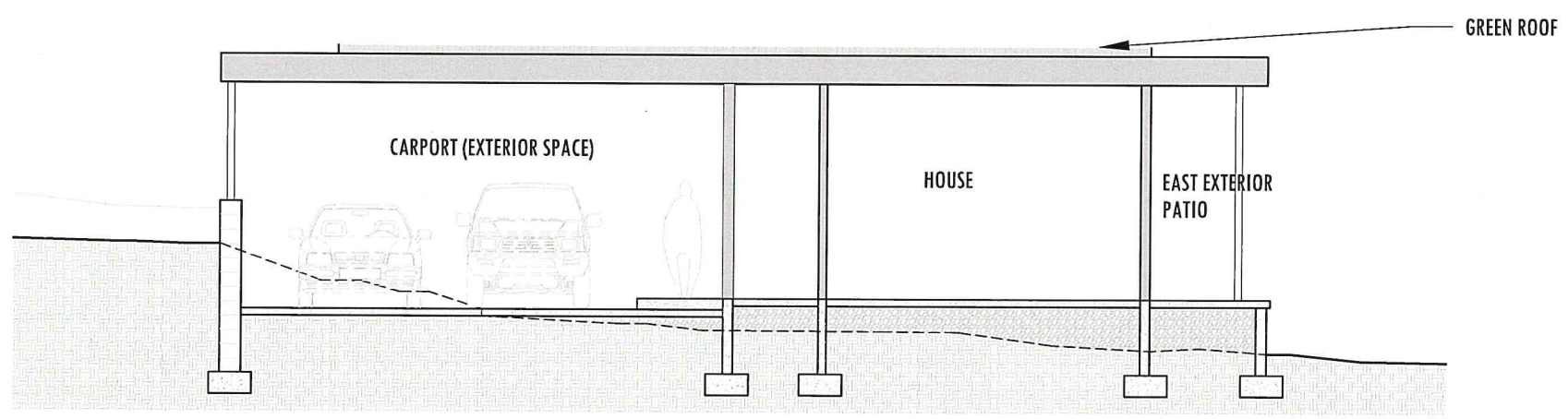
BUILDING
ELEVATIONS

⚠ UPDATE PER REVIEW COMMENTS 11-22-22
Sliding window screens shall stay in alignment with the fenestration being screened.

A3.2



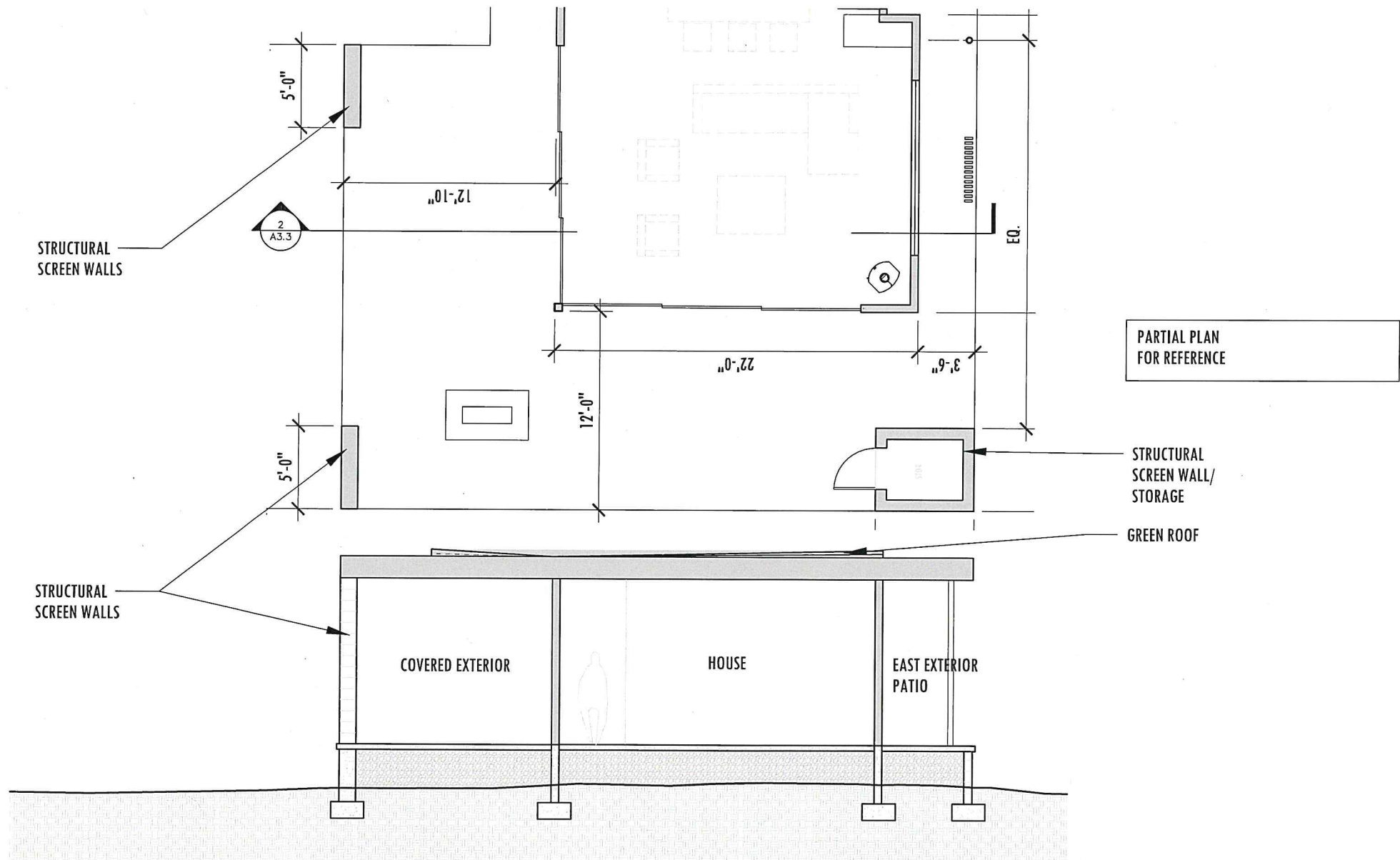
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01 WEST EAST BUILDING SECTION @ CARPORT
section

1/8"=1'-0"

APPROVED
kw



02 WEST EAST BUILDING SECTION @ MAIN LIVING
section

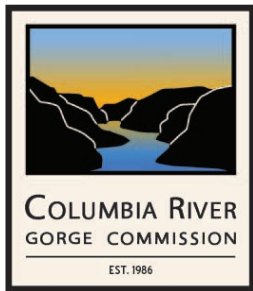
1/8"=1'-0"

HENDREN RESIDENCE
WHITE SALMON, WA

SCENIC REVIEW
5.24.22

BUILDING
SECTIONS

A3.3



Development Review Staff Report

Summary of Application

FILE NUMBER:	C22-0012
PROPOSAL:	The Columbia River Gorge Commission has received an application for a replacement single-family dwelling.
APPLICANTS:	Eric Becker
LANDOWNERS:	Lori Hendren & Semen Kharif
SIZE and LOCATION:	The subject parcel is 10 acres in size located adjacent to Courtney Road and is described as 03-11-3300-0001/00 in the NE 1/4 of Section 33, Township 3 North, Range 11 East, Willamette Meridian, Klickitat County, Washington.
LAND USE DESIGNATION:	General Management Area (GMA) – Small-Scale Agriculture (80) Note: According to Section 8(o) of the National Scenic Area Act, the Forest Service designated the subject parcel General Management Area (GMA) Small-Scale Agriculture. For the purposes of this development review, the Special Management Area (SMA) guidelines no longer apply, and the parcel will be reviewed according to the applicable GMA land use and resource protection guidelines.

Notice of Application Mailed to:

In accordance with Commission Rule 350-082-0110, the Gorge Commission staff mailed notice of this application to property owners within 200 feet of the subject parcel and sent email notice of this application to the following governments, agencies, and organizations:

Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs
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

Written Comments Received From:

Friends of the Columbia Gorge (Steve McCoy, Staff Attorney)
USFS CRGNSA (Chris Donnermeyer, Heritage Resource Program manager)

Findings of Fact

A. Land Use

1. Lori Hendren & Semen Kharif have applied to replace an existing mobile home with a single-family dwelling. Development includes the removal of the existing mobile home, and the construction of the replacement dwelling in a different location on the subject parcel.
2. The subject parcel is in a Special Management Area (SMA) but is designated General Management Area (GMA) Small-Scale Agriculture with a 40-acre minimum parcel size, consistent with Section 8(o) of the National Scenic Area Act. The parcel is ten acres in size and is located on Burdoin Mountain and accessed off Courtney Road.
3. Existing development on the property includes a 14 ft x 60 ft (840 sq ft) mobile home and a gravel driveway, and development recently approved in Decision C22-0001 which includes a vineyard and agricultural building.
4. Commission Rule 350-082-0200(3) allows for the replacement of existing homes not damaged or destroyed by disaster. It states:

*Replacement of Existing Structures Not Damaged or Destroyed by Disaster.
Except as provided in section (4) below, 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 have the same use as the original structure.*
- (b) The replacement structure may have a different size or location than the original structure. An existing manufactured home may be replaced with a framed residence and an existing framed residence may be replaced with a manufactured 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 350-082-0070(73) defines “existing use or structure” as:

Any use or structure that was legally established and that has continued to operate lawfully and has not been discontinued. “Legally established” means:

(a) The landowner or developer obtained applicable land use and building permits and complied with land use regulations and other laws that were in effect at the time the use or structure was established, or that were in effect at the time the landowner or developer corrected an improperly established use or structure;

(b) The use or structure was initially operated or constructed according to those applicable permits, land use regulations and other laws, or has been operated or constructed according to permits obtained to correct an improperly established use or structure; and

(c) Any changes to the original use or structure must comply with all applicable permit requirements, land use regulations and other laws that were in effect at the time the change was established.

The existing mobile home was approved by the Gorge Commission on October 16, 2000, with Director’s Decision CC-00-0007-K-S-11. The existing mobile home is a legally established existing structure.

The Gorge Commission received a complete land use application for the replacement dwelling. The existing dwelling has not been discontinued and will be removed before construction of the replacement dwelling begins. The replacement dwelling will be used in the same manner, for the same purpose and is sited in the same location as the original dwelling. The replacement dwelling will be 4,050 sq ft, which is larger than the original dwelling, and in a different location.

The replacement dwelling is subject to the scenic, cultural, recreation and natural resources guidelines; the treaty rights guidelines; and the land use designations guidelines involving agricultural buffer zones. The proposed development follows the standards for the replacement of existing structures not damaged or destroyed by disaster, consistent with this rule.

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

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

This rule is applicable to the subject parcel along the southern and western boundaries. Lands adjacent to the north and east of the subject parcel are designated SMA

Agriculture, and this rule does not apply to lands designated SMA. Currently, neither the parcel to the south, nor the parcel to the west are actively engaged in an agricultural use, so staff looked at other parcels in the vicinity to see what types of agricultural uses the subject parcel and adjacent parcels might be suitable for. In general, the types of agriculture found on nearby land with similar terrain are livestock grazing/pasturelands and vineyards/berries. Currently, the subject parcel is fenced along its southern and western boundaries. According to Commission Rule 350-082-0580 Table 1 – Setback Guidelines, the setback requirement is 100 ft for pasturelands and 150 ft for vineyards. The distance between the location of the development and the southern property line is 350 ft and 175 ft from the western property boundary. As currently proposed the replacement dwelling follows the agricultural setback for the parcels to the west and south and is consistent with this rule. No additional buffers are needed between the subject property and the properties designated GMA Agriculture. The proposal is consistent with this rule.

Land Use Conclusion:

The proposal is an allowed review use, subject to Commission Rules 350-082-0600 through 350-082-0720 that protect scenic, cultural, natural, and recreation resources.

B. SCENIC RESOURCES

1. Commission Rule 350-082-0600(1)(a) states:

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

The applicants has sited the replacement dwelling in the northwest corner of the property near the existing driveway and the recently approved vineyard. The building will be located on a gentle slope which helps retain existing topography, utilizing the existing natural grade and eliminating large cut and fill areas. The applicants provided a grading plan for the proposal. Estimated cut and fill areas will total approximately 307 cu. Yds.

2. Commission Rule 350-082-0600(1)(b) states:

New buildings and expansion of existing development shall be compatible with the general scale of existing nearby development. New buildings that are 1,500 square feet or less are exempt from this guideline. Findings addressing this guideline shall include, but are not limited to:

(A) Application of the landscape setting design guidelines, if applicable.

(B) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.

(C) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

(i) All finished above ground square footage;

(ii) Total area of covered decks and porches;

(iii) Attached garages;

- (iv) Daylight basements;*
 - (v) Breezeways, if the breezeway shares a wall with an adjacent building; and*
 - (vi) Dimensions, based on information from the application or in Assessor's records.*
- (D) An overall evaluation demonstrating the compatibility of proposed development with surrounding existing development and development approved but not yet constructed. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.*

The landscape setting for the subject parcel is Oak-Pine Woodland. Commission Rule 350-082-0600(3)(c) contains applicable guidelines for the proposed development in this landscape setting.

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 Oak-Pine Woodland 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 24 parcels in the study area, staff identified fourteen parcels with development. There are currently 34 known buildings in the study area. These buildings include sixteen single-family dwellings, and eighteen other buildings which include garages, agricultural buildings, and smaller accessory structures. Buildings range in size from 64 to 5,136 sq ft.

The proposed replacement dwelling is a 14 ft tall, single-story building that is 4,050 sq ft, which includes 1,766 sq ft of living space, and 2,284 sq ft of roof covered areas including an attached 888 sq ft carport. Nearby dwellings range in height up to two stories and 31 ft tall. The general scale of the proposed replacement dwelling – including the square footage and height – is compatible with the general scale of existing nearby development, consistent with Commission Rule 350-082-0600(1)(b).

3. Commission Rule 350-082-0600(1)(c) states:

Landowners shall be responsible for the proper maintenance and survival of any planted vegetation required by 350-082-0600.

The applicants are required 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 350-082-0600(2) contains guidelines that affect developments on sites visible from KVAs. Staff determined the subject parcel is topographically visible from five KVAs: Columbia River, Historic, Columbia River Highway (HCRH), I-84, Rowena Plateau, and SR 14. Because the proposed development is topographically visible from KVAs, the guidelines of Commission Rule 350-082-0600(2) are applicable. The proposed development is visible from the five KVAs at the following distance zones:

Key Viewing Area (KVA)	Distance Zone		
	Foreground	Middle ground	Background
	0 -1/4 mile	1/4 - 4 miles	Over 4 miles
Columbia River		X	
Historic Columbia River Highway		X	X
Interstate 84		X	X
Rowena Plateau			X
SR-14			X

5. Commission Rule 350-082-0600(2)(a) requires new development to be visually subordinate to its landscape setting as visible from key viewing areas.

Commission Rule 350-082-0070(202) defines *visually subordinate* as follows:

... A description of the relative visibility of a development, structure, or use where that development, structure, or use does not noticeably contrast with the defining landscape setting characteristics, as viewed from a specified vantage point (generally a key viewing area, for the Management Plan) and the setting appears only slightly altered (distinctive characteristics of that setting remain dominant). As opposed to development, structures, or uses that are fully screened, structures that are visually subordinate may be partially visible but would be difficult to discern to the common viewer. Visually subordinate development, structures, or uses as well as forest practices in the SMAs shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of scale, proportion, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

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 the siting, size, shape, dark earth-tone colors, low reflective building materials, distance from KVAs and existing topography and vegetation.

6. Commission Rule 350-082-0600(2)(b) requires that a determination of potential visual effects and compliance with the visual subordination standard in subsection (a) above shall include consideration of the cumulative effects of proposed development. Commission Rule 350-082-0070(50) 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.

To evaluate the cumulative effects of the proposal, staff looked at development and development potential surrounding the subject parcel within a quarter mile. Staff chose the quarter mile study area because the parcels are within the same Oak-Pine Woodland 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 24 parcels in the study area, staff identified fourteen parcels with development, including sixteen single-family dwellings, and eighteen other accessory buildings. The study area is located on Burdoin Mountain, a large feature in the National Scenic Area and western Klickitat County. It climbs to 2,258 ft elevation, located just north of Bingen, WA. The southern slope occupies approximately 2,750 acres in the National Scenic Area. As seen from KVAs in the distance, the area is not densely populated, but existing dwellings and accessory buildings are visibly scattered throughout the landscape. Existing development in the vicinity of the proposal that present visual impacts include Courtney Road, SR-14, the BNSF railroad, and the Coyote Wall Recreation Area parking lot. Currently, Courtney Road is the only public road on the southern slope of Burdoin Mountain and is the only road providing access to residential homes in the area.

Several factors ensure the proposed development will not cause adverse scenic impacts as viewed from KVAs, including distance from KVAs, site location, existing topography, dark earth tone building colors, low reflective building materials, and screening vegetation. The proposed development is not visible in the foreground of any KVA; the development will only be visible from KVAs further away including I-84, the Historic Columbia River Highway, the Columbia River and Rowena Plateau. From these KVAs, there is already existing development in the viewshed, including a dwelling on the subject parcel that will be replaced. However, buildings in the viewshed are clustered together and appear part of the scattered rural residential landscape. The proposed development will be difficult to distinguish in the landscape because the closest KVA is 1.5 miles away.

According to data from Klickitat Assessor Records, within the study area there are 24 parcels. The United States Forest Service owns seven of the parcels, comprising of approximately 115 acres; each of the parcels are between five and forty acres in size. Government owned land in the National Scenic Area is not typically developed, so staff assumes that government owned lands near the subject parcel will not be developed. The remaining seventeen parcels are privately-owned. Fourteen of the seventeen privately-owned parcels are developed with dwellings and accessory structures, and three of the privately-owned parcels are undeveloped. Two of the undeveloped privately-owned parcels can be developed in the future and are designated General Management Plan (GMA) Small-Scale Agriculture by the Forest Service, according to

Section 8(o) of the National Scenic Area Act. Staff assumes for this analysis that these two parcels will someday be developed with a dwelling and accessory structures. The other undeveloped privately-owned parcel is designated SMA Agriculture. According to Commission Rule 350-81-190(c)(D), the minimum parcel size for new dwellings on parcels designated SMA Agriculture is forty acres and none of the parcels are forty acres or larger. Staff assume this parcel will remain undeveloped.

The 80-acre minimum in the GMA prevents any land divisions, and there are no land divisions allowed in SMA except where a land division would facilitate land acquisition by the federal government to achieve the policies and guidelines in the Management Plan (Commission Rule 350-81-124(1)). Such a land division would create additional developable parcels, but they would be held in federal ownership and unlikely to contribute to any cumulative impacts. None of the parcels in the study area are eligible for a future land division.

If new development is 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).

7. Commission Rule 350-082-0600(2)(b) states:

A determination of the potential visual impact of a new development shall include written findings addressing the following factors:

- (A) The amount of area of the building site exposed to key viewing areas;*
- (B) The degree of existing vegetation providing screening;*
- (C) The distance from the building site to the key viewing areas from which it is visible;*
- (D) The number of key viewing areas from which it is visible;*
- (E) The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads); and*
- (F) Other factors the reviewing agency determines relevant in consideration of the potential visual impact.*

The site is visible from the five KVAs listed above in Finding B.5, and not visible in the foreground of any KVA. The proposed replacement dwelling will be at an elevation of 1,350 ft. There are several groups of mature oak pine and fir trees within 200 ft of the development surrounding it from the north, east and south and provide partial screening from KVAs to the south and southeast. The KVAs to the south and southeast of the development are substantially lower in elevation than the development site. Staff used GIS inventories and conducted site visits to verify the visibility of the

development. The elevation of the bluff and the distance of the development from the bluff's edge to the south, over 900 feet, provides some topographic screening from KVAs to the south. As seen from KVAs from the southeast, the development site is more topographically visible because the gentle downward slope of the mountain angles towards these KVAs.

Staff found that the proposed building site is visible intermittently from the Columbia River to the east of the development site, in the middle ground for a half mile and in the background for 2.5 miles at an elevation of approximately 80 ft.

From HCRH to the south, southeast and southwest of the development, the proposed building site is visible intermittently in the middle ground for 4.75 miles and in the background for 2.25 miles at an elevation varying between 360 ft and 785 ft.

From I-84 to the southeast of the development, the proposed building site is visible intermittently in the middle ground for 1.25 miles and in the background for 1.25 miles at an elevation varying between 100 ft and 260 ft.

From Rowena Plateau, which is located southeast of the development, the site is visible in the background from the Rowena Crest Viewpoint at 635 ft elevation and from the top of McCall Point at 1,700 ft elevation. McCall Point is the only KVA higher in elevation than the proposal. From this KVA, existing vegetation both on and off the subject parcel provide screening because the site is in the background 6.5 miles away. At that viewing distance the development will appear insignificant and blend in the with landscape. The development will not be visible to the unaided eye.

From SR-14, to the east of the development site, the proposed building site is visible intermittently in the background for one mile at an elevation of 350 to 150 ft to the west of Lyle. From this KVA, the development site is obstructed primarily from trees on the property directly to the east, which is owned by USFS.

As explained below, the replacement dwelling and driveway have been designed to be visually subordinate and not noticeably contrast with the landscape. The findings in this staff report include conditions of approval in accordance with this rule.

8. Commission Rule 350-082-0600(2)(c) states:

The extent and type of conditions applied to a proposed development to achieve visual subordination to its landscape setting shall be proportionate to its potential visual impacts as visible from key viewing areas. Conditions may include, and shall be applied using the following order of priority, with (A) being the first condition to require and (F) being the last condition to require if the prior conditions do not achieve visual subordination:

(A) Screening by existing topography.

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

(C) Retention of existing vegetation on the applicant's property.

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

(E) New landscaping on the applicant's property.

(F) New berms or other recontouring on the applicant's property, where consistent with other applicable provisions.

The site is visible from the five KVAs listed above in Finding B.4 and not visible in the foreground of any KVA. Factors contributing to the visual subordination of the development include the siting, size, shape, dark earth-tone colors, low reflective building materials, distance from KVAs and existing topography and vegetation.

The proposed building is compatible in size with existing development. The development will be most visible from the HCRH and I-84. The elevation of the site is significantly higher than these KVAs, and vegetation between the development and KVAs helps to provide screening. From KVAs further away, such as Rowena Plateau, 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.

There are several groups of mature oak pine and fir trees within 200 ft of the development surrounding it from the east, south and southwest that help provide partial screening from KVAs to the south and southeast. The applicants propose to site the building in the northwest quarter of the property on a flat portion of the parcel to reduce grading, and to site the replacement dwelling back over 300 ft from the southern property line, which is also over 650 from the edge of the bluff to the southwest and 900 ft from the edge of the bluff to the south.

The KVAs to the south and southeast of the development are substantially lower in elevation than the development site. The elevation of the bluff and the distance of the development from the bluff's edge, over 900 feet, provide some topographic screening for these KVAs. As seen from KVAs from the southeast, the development site is more topographically visible because the gentle downward slope of the mountain angles towards these 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 applicants 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.

The applicants have proposed wooden siding with a dark stain, dark brown stone for the walls of the building, and textured metal for the roof. These dark earth-tone colors are found within the shadows of the surrounding landscape and the building materials are nonreflective. The project has some large expanses of glass, but they are screened by wooden screens and existing vegetation and topography.

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.

9. Commission Rule 350-082-0600(2)(d) states:

New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from Key Viewing Areas. 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 350-082-0600 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 subordination. 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. If after five years the vegetation has not achieved a size sufficient to screen the development, the Executive Director may require additional screening to make the development visually subordinate.

(C) Unless as specified otherwise by provisions in 350-082-0600, landscaping shall be installed as soon as practicable, and prior to project completion.

(D) 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.

(E) The Scenic Resources Implementation Handbook includes recommended species for each landscape setting consistent with 350-082-0600(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. As described above in Finding B.8, the development has been sited using existing topography and vegetation to help achieve visual subordination.

10. The Commission Rule 350-082-0600(2)(e) states:

Existing tree cover screening proposed development from key viewing areas shall be retained as specified in 350-082-0600(3).

The subject parcel is in the Oak-Pine Woodlands landscape setting. Findings for the Landscape Settings Design Guidelines are addressed below.

11. Commission Rule 350-082-0600(2)(f) 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 agricultural building will be located at an elevation of 1,350 ft. The development is located on Burdoin Mountain which rises north of the development to an elevation of 2,258 ft. The applicants propose to site the building in the northwest quarter of the property on a flat portion of the parcel to reduce grading, and to site the replacement dwelling back over 300 ft from the southern property line, which is also over 650 ft from the edge of the bluff to the southwest and 900 ft from the edge of the bluff to the south. The replacement dwelling is setback from the bluff edge helps provide topographical screening ensure the building does not break the skyline from lower elevation KVAs to the south and southwest. A hill on the subject property rises to the north and west of the development to an elevation of 1390 ft; the building is 14 ft tall and is not taller than the hill. Trees to the south and southwest of the property, smaller Oregon white Oak, also help screen the project from view and blend with the landscape from KVAs to the east and southeast of the development. The development is consistent with Commission Rule 350-81-520(2)(h).

12. Commission Rule 350-082-0600(2)(h) states:

Unless expressly exempted by other provisions in 350-082-0600, 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 approved by the reviewing agency shall be included as a condition of approval.

The applicants have proposed Nakamoto Forestry product Gendai (SKU# NM1673) for the exterior walls of the replacement dwelling. Gendai is a Shou Sugi Ban charred wood treatment that stains and seals the wood siding a dark black color. The dark black color is consistent with Commission Rule 350-81-520(2)(l). The roof will be composed of Bridgersteel Rustic Rawhide roofing, and the color is Rustic Rawhide, a dark earth-tone brown color. These dark earth-tone browns are found within the shadows of the surrounding landscape. A condition of approval requires the exterior surfaces of the replacement dwelling including the walls, doors, siding, trim, window casing and sash, decks, and railings to be black or an dark earth tone color approved by the Gorge Commission to ensure consistency with Commission Rule 350-81-520(2)(l).

13. Commission Rules 350-082-0600(2)(i) states:

The exterior of buildings on lands visible from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. Continuous surfaces of glass shall be limited to ensure visual subordination. The Scenic Resources Implementation Handbook includes a list of recommended exterior materials and screening methods.

The applicants propose using wooden siding and masonry stone for the siding of the replacement dwelling. Both materials are non-reflective and are consistent with this rule.

The applicants requests a metal roof. The metal roof proposed is a product called Rustic Rawhide, from Bridgersteel. Rustic Rawhide is a textured, painted product designed to replicate natural weathering steel. The texture brings depth and reduces the reflectivity of the metal roof, helping ensure compliance with this rule.

The replacement dwelling also has several large expanses of glass windows exposed to KVAs. The *Scenic Resources Implementation Handbook* recommends limiting continuous unscreened glass to 50 sq. ft. to prevent adverse impacts to scenic resources, but suggests larger areas of glass may be used if visual impacts are reduced by other measures. As proposed, some of the glass arrangements are larger than 50 sq. ft. as defined by the handbook. The *Scenic Resources Implementation Handbook* suggests that the use of glass with 11 percent reflectivity may be allowable when development is located beyond the foreground of KVAs and when partially screened by topography and vegetation. As proposed, the largest windows are placed on the eastern, southern, western elevations but are shaded by deep eaves and screened by vertical wooden slats at the end of the eaves that extend from the eave to the ground. The wooden slats serve as screening to break up the appearance of continuous glass. The eaves extend 12 feet on the southern side of the replacement dwelling and 6 feet on the eastern and western sides.

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 this rule.

14. Commission Rule 350-082-0600(2)(j) states:

Any exterior lighting shall be sited, limited in intensity, shielded, or hooded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes.

The applicants propose eighteen exterior lighting fixtures for the replacement dwelling. All the features are recessed soffit lights that are directed downward and shielded. 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 applicants with examples of acceptable light fixtures from International Dark-Sky Association as an attachment with this decision.

15. Commission Rule 350-082-0600(2)(r) states:

Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from key viewing areas.

The applicants have sited the replacement dwelling adjacent to the existing driveway. The replacement dwelling will be located on a flat area, reducing the need for additional extensive grading. The applicants propose to regrade the existing home site to a natural state and decommission the portion of the driveway. The road will be located on a gentle slope which also helps retain existing topography by utilizing the natural

topography on site and eliminating large cut and fill areas. As designed, there will be no visible cut banks or fill slopes from KVAs.

16. The Landscape Settings Map for Columbia River Gorge National Scenic Area classifies the subject parcel as Oak-Pine Woodlands. Commission Rule 350-082-0600(3)(c) contains applicable guidelines for the proposed development in this landscape setting.

17. Commission Rule 350-82-0600(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 fifty feet and are a mix of oak, fir, and pine trees. As proposed the replacement dwelling will building will be eighteen feet tall, which is significantly smaller in height than existing vegetation in the vicinity of the development. As proposed, the height of the agricultural building is consistent with this rule.

18. Commission Rules 350-082-0600(3)(c)(B) states:

In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordination 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.

(iv) For treeless portions or portions with scattered tree cover:

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

(II) 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.

(III) 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 to the east, south and west of the development that help 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 applicants to retain existing tree cover that screens the development to ensure that the overall visual character and appearance of the landscape is retained, consistent with this rule.

Scenic Resources Conclusion:

The proposed development is consistent with Commission Rule 350-082-0600 that protects scenic resources in the National Scenic Area.

C. CULTURAL RESOURCES

1. Except as specified in Commission Rule 350-082-0620(2)(a)(C), new development in the NSA requires a reconnaissance survey.
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 June 27, 2022, that pursuant to Commission Rule 350-082-0620(2)(a)(C) 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 350-082-0620(2)(a)(D) describes when a historic survey is required. In his June 27, 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 350-082-0620(2)(g)(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 30 calendar days of the date that a notice was mailed.

The project notice was mailed on June 22, 2022, and the comment period ended on July 13, 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 350-082-0620(2)(g)(B)(i), the cultural resource protection process may conclude.

5. Commission Rule 350-082-0620(6) protects cultural resources discovered after construction begins. 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 350-082-0620(6) contains provisions addressing discovery of human remains. A condition of approval is included in the director's decision consistent with this rule.

Cultural Resources Conclusion

With conditions protecting unknown cultural resources and human remains discovered during construction, the proposal is consistent with the guidelines in Commission Rule 350-082-0620 that protects cultural resources in the General Management Area.

D. NATURAL RESOURCES

1. Commission Rule 350-81 provides guidelines for protecting wetlands, streams, ponds, lakes, and riparian areas (Section 0640); sensitive wildlife areas and sites (Section 0650); and sensitive plants (Section 0660) in the GMA.
2. Commission inventories show that there are no wetlands, streams, ponds, lakes, riparian areas, or their buffer zones on the subject parcel. The proposed development is consistent with Commission Rule 350-82-0640.
3. The Gorge Commission's sensitive wildlife inventory shows the development site is located within Winter Range and Oregon white oak woodlands; sensitive wildlife areas defined by Commission Rule 350-082-0690 Table 1 – Priority Habitats. Commission Rule 350-082-0650, which protects sensitive wildlife areas and sites, applies to the proposal.
4. Commission Rule 350-082-0650(3)(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. On June 22, 2022, Gorge Commission staff sent WDFW a copy of the applicant's land use application and site plan.
5. Commission Rule 350-082-0650(3)(b) states:

Oregon white oak shall not be removed if practicable alternatives exist. If no practicable alternative exists, a wildlife survey and mitigation plan shall be required. This guideline shall not apply to forest practices that are otherwise allowed and that do not violate conditions of approval for other approved uses.

The proposed development takes places in the Oregon white oak woodlands and there are several Oregon white oak trees on site. To ensure the integrity Oregon white oak habitat on subject parcel, the following recommendations are included as conditions of approval:

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

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 350-082-0650(3)(d) states:

The wildlife protection process may conclude if the Executive Director, in consultation with the state wildlife agency, determines:

(A) The sensitive wildlife site is not active; or

(B) The proposed use would not compromise the integrity of the Priority Habitat or sensitive wildlife site 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. With conditions of approval regarding the protection Oregon white oak on the subject parcel, staff does not believe the proposed development compromises the integrity of the parcel as wildlife site due to the size, location and nature of the development.

7. Commission Rule 350-082-0650(1)(c) states:

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

Commission Rule 350-082-0070(50) 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 the Big White Salmon River Winter Range. Staff considered the existing conditions of the study area and the likelihood of other similar development. For the purposes of evaluating the cumulative effects of repeated similar activities, staff focused on similarly zoned National 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, including Douglas fir and Oregon white oak 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 Winter Range and Oregon white oak woodlands. Pursuant to Commission Rule 350-082-580(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 size, location and nature 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 350-082-0660 that protects sensitive plants.

Natural Resources Conclusion:

With the conditions of approval discussed above, the proposed development is consistent with the rules in Commission Rule 350-082, Sections 0640 through 0690, that protect natural resources in the National Scenic Area.

E. RECREATION RESOURCES

1. Commission Rule 350-082-0580(3) 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 property is designated Recreation Class 2, according to the Gorge Commission's Recreation Intensity Class map. The proposed development is located near Forest Service lands associated with the Coyote Wall recreation site, but the proposal will not detract from the use and enjoyment of the site.

Recreation Resources Conclusion:

The proposed development is consistent with Commission Rule 350-082-0580(3) that protects recreation resources in the National Scenic Area.

F. TREATY RIGHTS PROTECTION

1. Commission Rule 350-082-0130 provides protection of tribal treaty rights from new development in the National Scenic Area.
2. Commission Rule 350-082-0130(1) lists additional notice requirements for comments 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 30 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 June 22, 2022. The notice included a comment period of 30 days that ended on July 22, 2022.

3. Commission Rule 350-082-0130 (1)(d) lists guidelines for tribal government consultation when any of those governments submit substantive written comments.

No substantive comments were received.

4. Commission Rule 350-082-0130(1)(i) states,

The treaty rights protection process may conclude if the Executive Director determines that the proposed uses would not affect or modify treaty or other

rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.

The subject parcel does not provide access to the Columbia River or its fish bearing tributaries. No known treaty rights are affected by this proposal and no treaty rights concerns were raised by the tribal governments. Because the proposed use does not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to Commission Rule 350-91-084(c)(B).

Treaty Rights Conclusion:

The proposed development is consistent with the guidelines in Commission Rule 350-082-0130, which provides protection for treaty rights and any other rights of any Indian tribe.

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