



Director's Decision (Expedited Review)

Summary of Application

FILE NUMBER:	C24-0006
PROPOSAL:	The Columbia River Gorge Commission has received an application for the enclosure of an existing accessory building with no change to the existing square footage of the building.
APPLICANTS:	Janet Ebright
LANDOWNERS:	Janet Ebright
SIZE and LOCATION:	The subject parcel is approximately 2 acres in size and located at 128 River View Drive and described as tax lot number 02131762000700 in the eastern half of Section 17, Township 2 North, Range 13 East, Willamette Meridian, Klickitat County, Washington.
LAND USE DESIGNATION:	General Management Area (GMA) – Residential (R-5)

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 Janet Ebright, for the enclosure of an existing building, 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

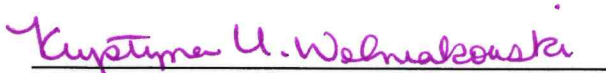
The following conditions of approval are given to ensure that the subject request is consistent with Commission Rules chapter 350, division 082. Compliance with these conditions of approval is required. The Gorge Commission may take one or more enforcement actions at any time to ensure compliance with 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 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. A post-completion inspection is required. Please contact the Gorge Commission office when all construction is complete to schedule this inspection. The applicant may request interim inspections and 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. The proposed use of the building is to be used as a guest space that is accessory to the primary residential use. The applicant shall not use this space as an accessory dwelling unit or as a rental unit.
6. The applicant shall use low or non-reflective building materials including the glass windows. They shall also use non-reflective shielding and hooding materials for any exterior lighting. All windows shall have a low reflectivity rating and be screened on the South and East-facing elevations with vegetation. In addition, the applicant shall plant new vegetation in the proposed 18 inches by 9 foot planter on the south-facing elevation as indicated on the site plan to screen continuous glass greater than 50 square feet from key viewing areas.
7. Only approved dark earth-toned colors for exterior materials shall be used. The following colors submitted by the applicant are consistent with this condition and are hereby approved: KILZ "Salvaged" (paint chip #MAG146D).
8. 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.
9. 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 18 day of July 2024 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 18 day of July 2026 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.

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 those 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 17 day of August 2024.

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

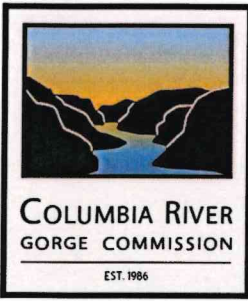
1. Any new land uses or structural development such as driveways, parking areas, garages, workshops, fences or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review. New cultivation also requires a new application 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 C24-0006
Approved site plans and elevations



Development Review Staff Report (Expedited)

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LANDOWNERS:	Janet Ebright
SIZE and LOCATION:	The subject parcel is approximately 2 acres in size and located at 128 River View Drive and described as tax lot number 02131762000700 in the eastern half of Section 17, Township 2 North, Range 13 East, Willamette Meridian, Klickitat County, Washington.
LAND USE DESIGNATION:	General Management Area (GMA) – Residential (R-5)

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
Skamania County
Washington Natural Heritage Program
Washington Department of Fish and Wildlife (WDFW)
Friends of the Columbia Gorge

Written Comments Received From:

USFS CRGNSA (Chris Donnermeyer, Heritage Resource Program manager)
FRIENDS OF THE COLUMBIA GORGE (Steven McCoy, Staff Attorney)
WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION
(Sydney Hanson, Local Government Archaeologist)

Findings of Fact

A. Land Use

1. Janet Ebright has proposed to enclose the existing 528 square foot accessory building (carport) to use as guest quarters. The building is not considered a separate dwelling unit because it does not have a kitchen. A condition of approval is included stating the applicant shall not use this space as an accessory dwelling unit or as a rental unit without submitting a new development review application for a new use. In the application and development notice, which was posted to the public on June 4, 2024, the application also included a proposal for a second accessory building which was removed from the development review at the request of the applicant.
2. The subject parcel is in the General Management Area (GMA) and is designated Residential with 5-acre minimum parcel size. The parcel is approximately 2 acres in size and is located on River View Drive adjacent to Highway 14.
3. Existing development on the property includes a 2,614 square foot single-family residence, a 528 square foot carport, a paved 1,168 square foot patio, septic tank, and driveway.
4. Commission Rule 350-082-0220(1)(b) allows as an expedited review use,
Additions and covered decks for existing buildings, providing the existing building is at least 500 square feet in area and the addition or covered deck is no larger than 200 square feet in area and no taller than the existing building.

In the Gorge Commission Director's Decision C18-0010 the single-family dwelling and the 528 square foot accessory building (carport) were approved. The enclosure of the existing carport is allowed per Commission Rule 350-082-220(1)(b), subject to consistency with guidelines for the protection of scenic, cultural, natural, and recreation resources.

Land Use Conclusion:

The proposal is an allowed review use, subject to Commission Rules 350-082-520 through 350-082-620 that protect scenic, cultural, natural, and recreation resources.

B. SCENIC RESOURCES

1. Commission Rule 350-082-0220(2)(a)(B) states:

Except signs, the colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall not apply to additions, which may match the color of existing buildings.

The carport is located 0.7 miles and is visible from Highway 84. The property is also adjacent to Highway 14 but is topographically screened from the highway. No new structures are included in the applicant's proposal. The proposal is to enclose an existing accessory building painted to match the existing dwelling. The following colors submitted by the applicant are consistent with this condition and are hereby approved: KILZ "Salvaged" (paint chip #MAG146D).

2. Commission Rule 350-082-0220(1)(a)(C) states:

Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.

The addition to the building includes enclosed walls, windows, and a door. The windows facing Key Viewing Areas shall use non-reflective materials. The applicant stated the wall materials and paint will match the existing dwelling using concrete board for the siding and painted with the color listed in Finding B.1. The *Scenic Resources Implementation Handbook* recommends the use of glass with less than 11% reflectivity ratings for new development occurring in the foreground of Key Viewing Areas. The *Scenic Resources Implementation Handbook* notes that a reflectivity rating of 11% to 15% is potentially acceptable for well-screened or shaded areas. The applicant has requested to use the same window style and manufacturer that are part of the existing dwelling which are made with triple pane glass and have a 14% reflectivity rating. Commission staff find that the landscape plan and deep eaves provide sufficient screening and shade for the triple pane windows. All windows shall be composed of low reflectivity glass and shall be screened from the South and East elevations using vegetation.

3. Commission Rule 350-082-0220(1)(a)(D) states:

Outdoor lights shall be directed downward and sited, hooded, and shielded such that they are not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

The carport is located 0.7 miles and is visible from Highway 84. The property is also adjacent to Highway 14, but is topographically screened from the highway. The Columbia River is approximately 300 feet from the development to the South. On the elevation drawings, the applicant proposed four downward hooded lights located on the South and East-facing elevations of the structure. All outdoor lights shall be directed downward and hooded to reduce visibility impacts from Key Viewing Areas.

4. Commission Rule Commission Rule 350-082-0220(2)(a)(F) states:

Structures within one-half mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).

The carport is located approximately 0.7 miles from Highway 84. The carport is also located less than half a mile from Highway 14 but is topographically screened from the highway. The Columbia River is located approximately 300 feet from the development to the South. The applicant has proposed a 9' x 7' (63 square foot) sliding glass door on the South-facing elevation visible from Hwy 84 and the Columbia River. The parcel contains mostly grasses that do not screen the addition from Key Viewing Areas. The *Scenic Resources Implementation Handbook* recommends limiting continuous unscreened glass to 50 square feet to prevent adverse impacts to scenic resources but suggests larger areas of glass may be used if visual impacts are reduced by other measures. The applicant has proposed a 9' x 7' (63 square foot) sliding glass door on the South-facing elevation visible from Hwy 84 and the Columbia River. During a site visit on May 16, 2024, the applicant specified using an 18"x 9' foot concrete planter with vegetation to screen the 9'x7' sliding glass door. The applicant shall plant new vegetation to screen a glass area which measures more than 50 square feet in the proposed concrete planter.

Scenic Resources Conclusion:

With conditions protecting scenic resources, the proposed development is consistent with Commission Rule 350-082-0220 that protects scenic resources in the National Scenic Area.

C. CULTURAL RESOURCES

1. Except as specified in Commission Rule 350-082-540(1)(c)(A)(iii), new development in the NSA requires a reconnaissance survey. Commission Rule 350-082-220(2)(b)(A) states that the expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey as determined by 350-082-0620(2)(a)(C) and 350-082-0620(2)(a)(D).
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, 2024, that pursuant to Commission Rule 350-082-540(1)(c)(A)(iii) a Cultural Resource Reconnaissance Survey is not required because the proposed use does not require ground disturbance of the area and no new development.
3. Commission Rule 350-082-0620(2)(a)(A)(B) describes when a historic survey is required. In his June 27, 2024, 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.

On June 26, 2024, the applicant emailed Commission staff requesting to remove the proposal for any new development, specifically a proposed garden shed. Prior to this modification, Washington State Department of Archaeology and Historic Preservation (DAHP) sent a letter on June 20, 2024, requiring a permit for any ground disturbances. The proposed use did not require a reconnaissance or historic survey, and no ground disturbance is proposed. A shed was originally proposed but was removed from the application. Any future development involving ground disturbance will require a permit from Washington State DAHP. Conditions of approval are included in the director's decision consistent with these rules. Pursuant to 350-082-220(2)(b)(A) the proposal is eligible for the expedited review process.

4. Commission Rule 350-082-220(2)(b)(B) states:

The GMA guidelines that protect cultural resources and human remains discovered during construction (350-082-0620(6) and (7)) shall be applied as conditions of approval for all development approved under the expedited development review process, including development in the SMAs.

Commission Rule 350-082-0620(6) protects cultural resources discovered during construction, and Commission Rule 350-082-0620(7) contains provisions addressing discovery of human remains during construction. Conditions of approval are included in the director's decision consistent with these rules.

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 National Scenic Area.

D. RECREATION RESOURCES

1. Commission Rule 350-082-0220(2)(c) states:

Recreation. The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

The parcel is designated Recreation Class 2 according to the Gorge Commission's Recreation Intensity Class Map. No recreational sites or facilities exist on parcels adjacent to the subject parcel.

Recreation Resources Conclusion:

The proposed development is consistent with Commission Rule 350-082-0220 that protects recreation resources in the National Scenic Area.

E. NATURAL RESOURCES

1. Commission Rule 350-082-0220(2)(d) lists natural resource protection guidelines for expedited review uses. To qualify for the expedited review process, Commission Rule 350-082-0220(2)(d)(A) requires that a new development is located outside buffer zones for wetlands, streams, rivers, ponds, and lakes, except for lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

There are no wetlands on the site. According to the Gorge Commission's resource inventories, the closest wetlands are located over 1,000 feet away from the project site. Pursuant to Commission Rule 350-082-0640(6)(d)(B), the largest buffer for any wetland community is 150-feet. The proposed development is located outside of the buffer zones for any wetlands.

The Columbia River is located more than 300 feet from the building.

A perennial stream is approximately 1,200 feet east of the site. Pursuant to Commission Rule 350-082-0640(6)(f), perennial streams have 100-foot buffers. The proposed development is located more than 50 feet from the ordinary high-water mark of any stream and outside of the buffer zones. The proposal is not located within the vicinity of any wetlands, rivers, ponds, or lakes.

2. Commission Rule 350-082-0220(2)(d)(B) contains expedited review guidelines to protect sensitive wildlife and rare plants. It requires eligible development to meet one of the following circumstances:

(I) The development is at least 1,000 feet from known Priority Habitats or sensitive wildlife sites (excluding sensitive aquatic species and deer and elk winter range) and known rare plants.

(II) The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained.

(III) For sensitive wildlife, the development is within 1,000 feet of known Priority Habitats or sensitive wildlife sites (excluding sensitive aquatic species and deer and elk winter range), but an appropriate federal or state wildlife agency determines the Priority Habitat or sensitive wildlife site is not active, the proposed development would not compromise the integrity of the Priority Habitat or wildlife area, or the proposed development would not occur during the time of the year when wildlife species are sensitive to disturbance.

(IV) For rare plants, the development is within 1,000 feet of known rare plants, but the Oregon Biodiversity Information Center or Washington Natural Heritage Program or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the rare plants.

(ii) Development eligible for expedited review shall be exempt from the field survey requirements for sensitive wildlife or rare plants in 350-082-0650(1)(d) and (2) and 350-082-0660(1)(d) and (2).

The Gorge Commission's Priority Habitat and Species (including deer and elk winter range) inventory indicates the presence of a priority habitat located over 1,000 feet from the proposed development consistent with Commission Rule 350-082-0220(2)(d)(B)(i)(I).

The Columbia River is located approximately 300 feet from the development. Notice of the development was sent to Amber Johnson from Washington Department of Fish and Wildlife (WDFW) on June 4, 2024. Commission staff did not receive any comments from WDFW. The development is separated from the Columbia River by BNSF Railway tracks. Staff does not believe the proposed use compromises the integrity of the Columbia River as a wildlife site, due to the location and the nature of the development, pursuant to Commission Rule 350-82-220(2)(d)(B)(III).

Natural Resources Conclusion:

The proposed development is consistent with Commission Rule 350-082-0220(2)(d) that protects natural resources in the National Scenic Area.

F. TREATY RIGHTS PROTECTION

1. Commission Rule 350-082-0220(2)(e) provides protection of tribal treaty rights from new development in the National Scenic Area. It states:

(A) Proposed development shall not affect or modify any treaty or other rights of any Indian tribe.

(B) The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if a tribal government submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.

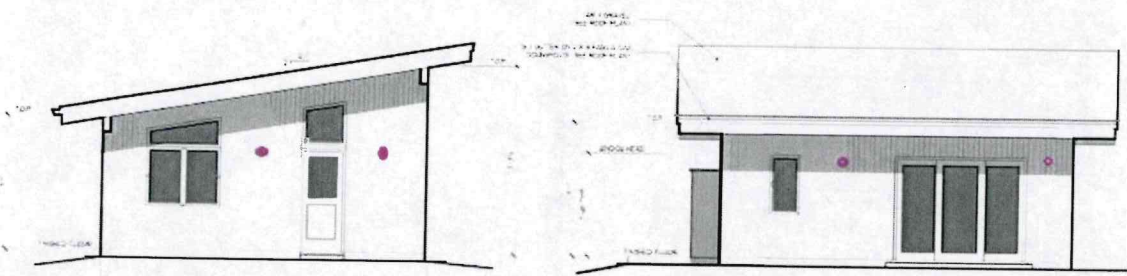
(C) Except as provided in subsection (B) above, 350-082-0130 shall not apply to proposed development reviewed under the expedited review process.

Notice of the proposed development was sent to the four Treaty Tribe governments on June 4, 2024. Pursuant to Commission Rule 350-082-0220(2)(e)(C), the 30-day notice period for tribal treaty rights and consultation does not apply. No comments were received from any tribal government during the comment period for expedited review uses. Staff concludes that the proposed development does not affect or modify any known treaty or other rights of any Indian tribe.

Treaty Rights Conclusion:

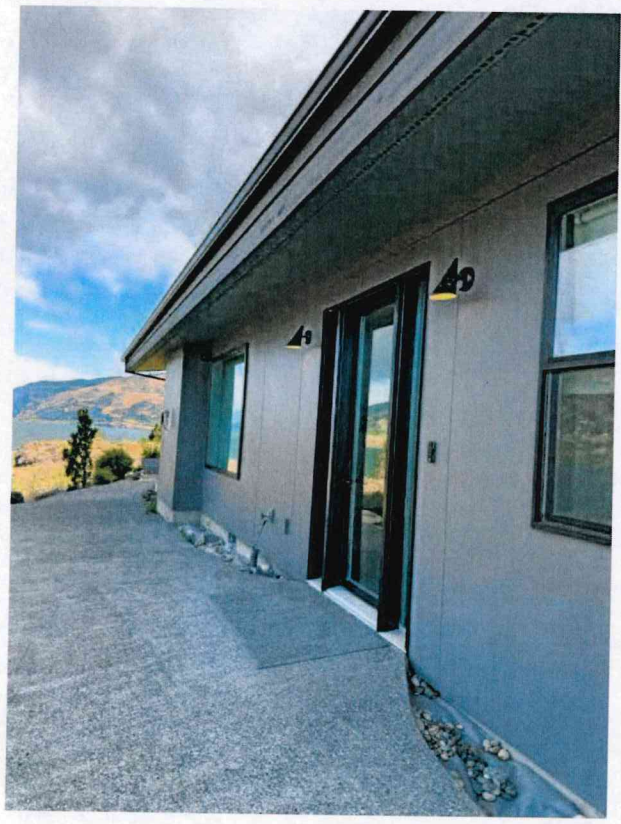
The proposed development is consistent with the guidelines in Commission Rule 350-082-084, which provides protection for treaty rights and any other rights of any Indian tribe.

MA
FIND0006.24



LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

REAR ELEVATION
SCALE: 1/4" = 1'-0"



APPROVED
KW