



# Director's Decision

## Summary of Application

<b>FILE NUMBER:</b>	C23-0002
<b>PROPOSAL:</b>	The Columbia River Gorge Commission has received an application for after-the-fact review for replacement of roofing material on a dwelling, and new review for replacement of roofing materials on an accessory building.
<b>APPLICANTS:</b>	George Axford
<b>LANDOWNERS:</b>	George Axford
<b>SIZE and LOCATION:</b>	The subject parcel is 4.72 acres in size and located at 24 Wishram Road, and is described as Tax Lot Number 02-15-1651-0002/00 in the northwest quarter of Section 16, Township 2 North, Range 15 East, Willamette Meridian, Klickitat County, Washington.
<b>LAND USE DESIGNATION:</b>	General Management Area (GMA) – Large-Scale Agriculture (160)

## 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 George Axford, for the replacement of roofs on two buildings, 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. 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. Areas that are disturbed in the process replacing the roofs will require reseeding and revegetation within one year of completion of construction. A recommended seed mix handout is included with this Decision.
6. All exterior building materials, including but not limited to roof, doors, siding, trim, window casing and sash, decks, and railings shall be dark earth-tone colors. Only approved dark earth-tone colors for exterior materials shall be used. The following colors submitted by the applicant for the roof replacements are consistent with this condition and are hereby approved:

"Kodiak Brown" from Taylor Metals

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

7. All exterior building materials including roofs, doors, siding, trim, window casing and sash, decks, and railings shall be nonreflective or have low reflectivity. The applicants proposed Behr brand textured, low-luster enamel anti-slip paint is consistent with this standard and is hereby approved. The textured surface shall be maintained by painting as necessary to maintain the low reflective surface of the roofs.
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](mailto: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 \_\_\_\_ day of May 2023 at White Salmon, Washington.

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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 \_\_\_\_ day of May 2025 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 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 \_\_\_\_ day of June 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.

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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

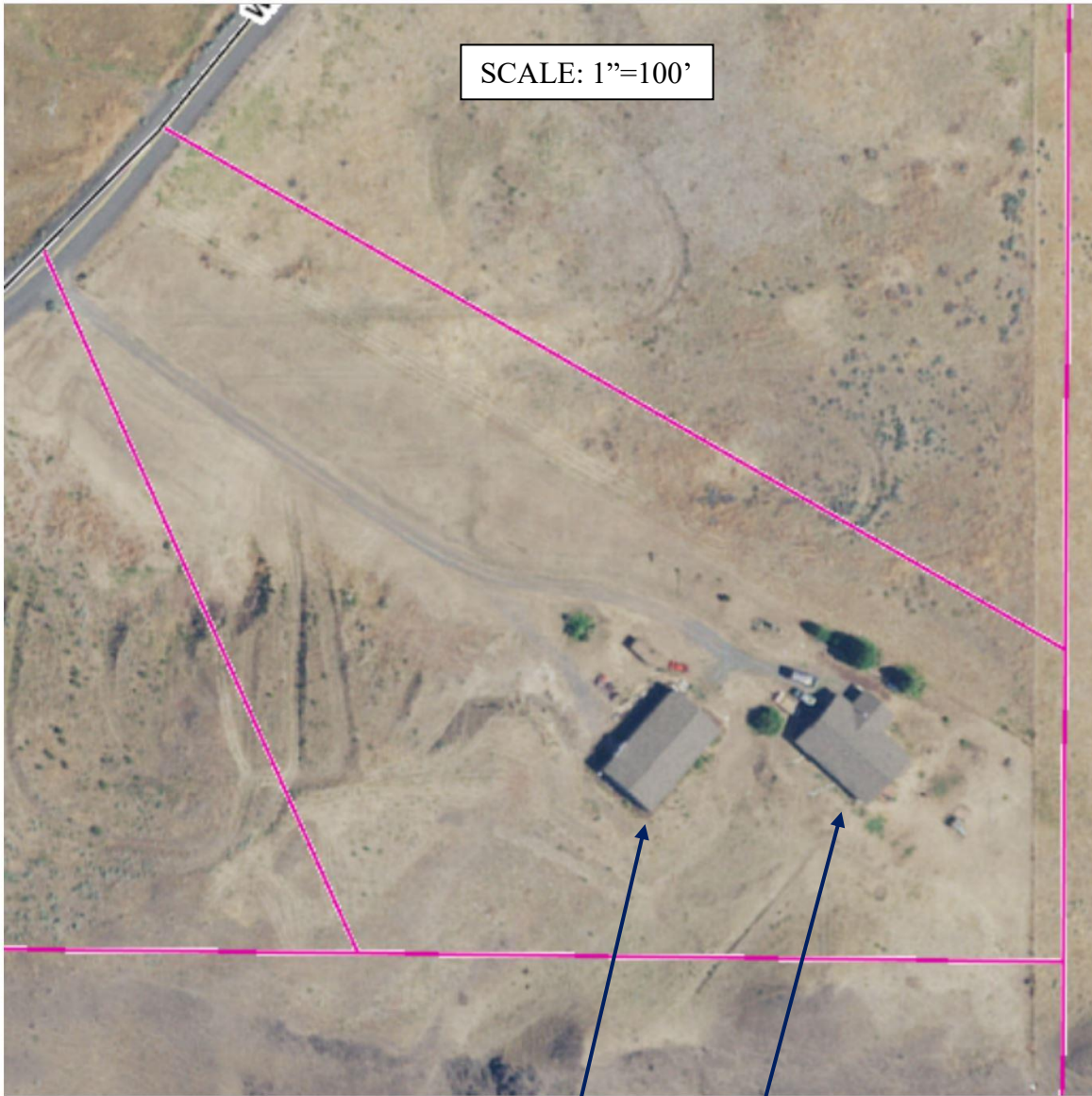
Attachments:

Staff Report for C23-0002  
Approved site plans and elevation drawings  
Eastern Gorge Recommended Seed Mix

# Site Plan

(Indicate scale: each grid equals \_\_\_ x \_\_\_ feet)

## Klickitat County Map Axford



### Legend

County Boundary



Towns (Points)



City Limits



Roads

City

County

Other Govt

Private

State

Parcels



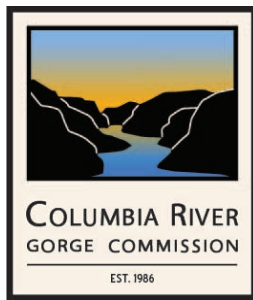
RESIDENCE

POLE BARN



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# Development Review Staff Report

## Summary of Application

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

## 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)

## 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. George Axford replaced the roof of the dwelling on his property without review by the Gorge Commission. He proposes after-the-fact review of that roof, as well as the replacement of the roof of the accessory building on the subject parcel.
2. The subject parcel is in the General Management Area (GMA) and is designated Large-Scale Agriculture with a 160-acre minimum parcel size. The parcel is 4.75 acres in size and is located on Wishram Road, just east of the Wishram Urban Area.
3. Existing development on the property includes a 2,008 square foot dwelling with attached garage, and a 2,800 square foot detached garage. The dwelling was permitted by the Gorge Commission in application C92-0186-K-G-11, under the Final Interim Guidelines. The detached garage was permitted by the Gorge Commission in application C97-0006-K-G-11, under the Commission's Land Use Ordinance for Klickitat County (Commission Rule 350-80). Both are considered legally established and existing uses on the subject parcel.
4. Staff identified that George Axford had replaced his roof without review in 2022, as part of the Commission's Klickitat County Compliance Review project. In late 2022, staff contacted Mr. Axford by letter, informing him that we had identified the unpermitted development and that he should contact the Commission to discuss next steps. George responded to the letter promptly, contacting Commission staff on January 2, 2023. After some discussion, Mr. Axford submitted a full application for after-the-fact review of the replacement roof of the dwelling as well as replacement of the roof of the detached garage on March 7<sup>th</sup>, 2023.
5. Staff conducts after-the-fact review as though no development had occurred. This staff report will refer to both the after-the-fact review and the current review as the "proposed roof replacements" or similar for the remainder of the staff report.
6. Commission Rule 350-082-200(2) states:

*Changes to Existing Uses and Structures. Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to Commission Rule 350-082. Changes to exterior color and replacing siding, windows, chimneys, fences, paving; and other similar exterior features is considered a change to an existing structure.*

The applicant proposes to replace the existing composite shingle roofs of the dwelling and the detached garage with metal roofs. This is considered a modification to the existing buildings. As such, the proposed development is subject to review and approval pursuant to Commission Rule 350-82.

**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) applies to all review uses in the National Scenic Area. 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 proposed development does not require any grading. This rule does not apply.

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

*(b) 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.*

No new buildings are proposed. This rule does not apply.

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 disturbed soil 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. Consistent with this rule, a condition is included requiring disturbed areas be revegetated immediately upon completion of the project, or as soon as possible if the project is completed during the winter.

- 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 three KVAs: Columbia River, I-84, 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 three KVAs at the following distance zones:

Key Viewing Area (KVA)	Distance Zone		
	Foreground	Middleground	Background
	0 - 1/2 mile	1/2 - 4 miles	Over 4 miles
Columbia River	<b>X</b>	<b>X</b>	
Interstate 84		<b>X</b>	
SR-14	<b>X</b>	<b>X</b>	

- 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 distance from KVAs, dark earth tone color and reflectivity of the proposed roof replacements, and existing screening vegetation.

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

*(b) 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. 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.*

Commission Rule 350-082-070(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 analyzed existing development and development potential of the adjacent and nearby lands east of Wishram, WA, excluding the lands outside of the Commission's jurisdiction (Wishram Urban Area, lands owned or held in trust for Treaty Tribes that are in the "BIA" Land Use Designation, and lands outside of the National Scenic Area).

This area of the National Scenic Area is primarily designated as GMA Large-Scale Agriculture, with a 160 acre minimum parcel size. There are three exceptions. On the Washington side of the Columbia River, there is an approximately 11 acre undeveloped area adjacent to the Columbia River that is designated as GMA Public Recreation, on lands held by the BNSF Railway. On the Oregon side of the Columbia River, there is an approximately 20 acre area adjacent to the Columbia River designated as GMA Public Recreation and developed as a recreation site (Celilo Park), and an approximately 50 acre undeveloped area on the southern side of Interstate 84 designated as GMA Agriculture-Special, both of which are on lands held by the federal government.

The subject parcel is approximately 5 acres in size and is developed with a single family dwelling. Three parcels adjacent to the subject parcel to the north, northwest, and west are similarly sized, but undeveloped. One parcel adjacent to the subject parcel to the south is approximately 20 acres in size, and is undeveloped.

Other nearby lots around the subject parcel are generally much larger in size. Many lots are around 160 acres in size, meaning they cannot be divided. A few lots are around 320 acres in size, meaning they may potentially be divided into two legal parcels. However, given the limited number of these larger parcels and the 160 acre minimum parcel size, division of all larger lots in the area would not meaningfully increase the development potential of the area.

The proposed development is the replacement of two existing roofs. The roofs are visible in the foreground of SR 14 KVA to the north of the proposed development, and visible in the foreground and middleground of the Columbia River and the middleground of Interstate 84 KVAs to the south of the proposed development. Limited vegetative screening partially obscures the roof of the dwelling from view of SR 14; significant topographic screening obscures both roofs from view along the Columbia River and along Interstate 84, except for one viewshed to the southwest of the development site. The proposed development is intermittently visible along approximately one linear mile of SR 14, visible for two linear miles down the Columbia River, and intermittently visible for two linear miles along Interstate 84. As discussed in Finding B.7, the proposed roof replacements will be conditioned to be dark earth tone colors and to be low reflectivity, which will reduce the potential visual impact of the proposed development. Repeated replacement of these roofs would be subject to the same standards, and could only be permitted if found to be visually subordinate, meaning no cumulative impact can occur from “repeated activities on the same piece of ground.”

While future residential development may occur on these lots, either as agricultural dwellings or as non-agricultural dwellings, and while new agricultural buildings such as barns may also be permitted, the proposed development considered in this application is the replacement of existing roofs on existing buildings. As such, the potential cumulative impact can only consider the existing development surrounding the subject parcel. There are only three properties within two miles that are developed with any buildings. (Properties within the Wishram Urban Area are not subject to review under Commission Rule 350-082 and are not considered here.) One property is at a higher elevation than all nearby KVAs, which would considerably limit the visibility of the roofs. The other two properties have similar visibility from KVAs as the subject parcel; one property has substantial existing vegetative screening that would ensure that any replacement roof would be screened from view. The last property is mostly unvegetated and has a similar exposure to KVAs as the subject parcel, but a replacement roof on a building on this property would be subject to the same color and reflectivity conditions as the subject parcel, limiting the potential visual impact of that development.

If new developments are built according to applicable Land Use Designation guidelines in the vicinity of the proposed development, and if they are designed to meet the guidelines of this chapter, they will be held to the same visual resource protection standards and required to be visually subordinate. Development designed and sited to be visually subordinate will not cause adverse cumulative scenic impacts because there will be no significant increase in visibility of new development on the landscape. If new

developments are built in a comparable manner to the proposal and are visually subordinate, there will be limited cumulative effects to scenic resources. As designed and conditioned, the proposed development will not cause adverse scenic impacts, and will not cause adverse cumulative scenic impacts, consistent with Commission Rule 350-082-0600(2)(b).

7. 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 three KVAs listed above in Finding B.4, and in the foreground of the SR 14 and Columbia River KVAs. Staff examined the visibility of the development site using GIS inventories and by conducting site visits. The existing dwelling and accessory building on the parcel are located on a topographic shelf that largely obscures the development from immediate view from KVAs to the south. The roofs are the highest part of that existing development, however, so they are more visible than the buildings overall. The proposed roof replacements will be visible in the foreground of the SR 14 KVA to the north and east of the subject parcel at a distance of approximately 1000 feet, and in the middleground to the east of the subject parcel. The proposed roof replacements will be visible in the foreground of the Columbia River KVA to the southeast of the subject parcel, and in the middleground to the southeast, south, and intermittently to the southwest of the subject parcel. The proposed roof replacements will be visible in the middleground of the Interstate 84 KVA, to the south and southeast of the subject parcel. The subject parcel is not visible in the background of any KVA.

Because the proposed roof replacements must necessarily be located on top of the existing buildings, it is not feasible to limit their visibility by applying conditions requiring screening by topography or siting the development elsewhere on the property. Existing vegetation on the property is limited to small trees planted adjacent to the dwelling. That vegetation was required to be planted as part of Director's Decision C92-0186 which approved the dwelling. Director's Decision C97-0006, which approved the accessory building, did not require any screening vegetation to be planted. The existing vegetation slightly obscures the roof of the dwelling as seen from

the SR 14 KVA, and will not be removed as part of this development. New berms or other recontouring are not being considered to meet this standard, as conditions regarding the design of the proposed roof replacements and new landscaping on the property will adequately ensure the development is visually subordinate.

The proposed replacement roofs are required by Commission Rules 350-082-0600(2)(h) and 350-082-0600(2)(i) to be colored a dark earth tone and be non-reflective. The size, shape, and height of the proposed roof replacements cannot be changed while still achieving their purpose as roofs. The architectural choice to use metal roofing materials as opposed to something inherently less reflective, like composite shingles, is mitigated by the application of the non-reflective surface to the metal roofing materials. The color and reflectivity conditions applied to the proposed roof replacement will reduce their potential visual impact.

Additional reduction to the potential visual impact of the proposed roof replacements could be achieved by requiring new landscaping. However, staff believes requiring new landscaping would not be proportionate to the potential visual impacts of the proposed roof replacements. The change from one dark earth tone, low reflectivity roof to another dark earth tone, low reflectivity roof does not constitute a change that creates new visual impacts. No new landscaping will be required in this Decision.

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

*New development shall be sited using existing topography and 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).*

No new landscaping is required to screen the development from key viewing areas. This rule does not apply.

9. 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).*

Commission Rule 350-082-0600(3) are the landscape setting guidelines. No trees are proposed to be removed as part of the proposed development.

10. Commission Rule 350-082-0600(2)(f) and (g) apply to new buildings and to new landscaping in GMA Forest Land Designations. The proposed roof replacements are not new buildings and the development is taking place in a GMA Agricultural Land Designation. These rules do not apply.

11. 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 subject parcel is not exempt from this requirement. The applicant proposes using the “Kodiak Brown” color offered by Taylor Metals as the color for the proposed roof replacements. “Kodiak Brown” is a dark earth tone brown color that can be found in the shadows cast by the existing development on site. The applicant also proposes using a Behr brand textured, low-luster enamel anti-slip paint to reduce the reflectivity of the roof, which will be color matched to the “Kodiak Brown” surface. This color is a dark earth tone found at the specific site and will be included as a condition of approval.

12. Commission Rule 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 applicant proposes the use of Behr brand textured, low-luster enamel anti-slip paint. The applicant provided a sample of the roofing material showing the difference between untreated metal surface and the painted metal surface. Staff examined the

reflectivity of the roofing material and determined that the textured surface greatly diminished the reflectivity of the metal surface. As such, the use of the textured, low-luster paint is approved, and will be included as a condition of approval.

13. Commission Rules 350-082-0600(2)(j) through (r) do not apply to the proposed development.
14. The Landscape Settings Map for Columbia River Gorge National Scenic Area classifies the subject parcel as Grassland. Commission Rules 350-082-0600(3)(d)(B) contains the applicable guidelines for the proposed development in this landscape setting.
15. Commission Rule 350-082-0600(3)(d)(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) Structures shall be sited on portions of the property that provide maximum screening from key viewing areas, using existing topographic features.*
- (ii) Lower structures that emphasize horizontal lines and blend with this sweeping landscape should be encouraged rather than very tall structures.*
- (iii) Planting of trees for screening shall not be extensive, in character with the openness of this setting. Where used, screening vegetation shall either tie in with nearby riparian vegetation in seasonal drainages or emulate windows. At least half of any trees planted for screening purposes shall be species native to the setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area.*

The proposed roof replacements will be on top of existing buildings, which cannot be sited differently or made to be lower than they are for the purpose of this Commission Rule. Guidelines (i) and (ii) do not apply. Guideline (iii) applies to new landscaping required to screen the proposed development. No new landscaping is required. These guidelines do not apply.

16. Commission Rule 350-082-0600(4) applies to uses within 1/4 mile of the edge of the pavement of a scenic travel corridor. SR 14 is identified as a scenic travel corridor in Commission Rule 350-082-0070(162). The proposed roof replacements will occur on existing buildings that are located approximately 1,000 feet from the edge of the pavement of SR 14, or approximately 1/5 mile. The proposed roof replacements will be reviewed under the applicable guidelines of this rule.
17. Commission Rule 350-082-0600(4)(b)(A) states that “[all] new buildings and alterations to existing buildings shall be set back at least 100 feet from the edge of pavement of the scenic travel corridor roadway.” The proposed replacement roofs are an alteration to an existing building. The roofs will be set back at least 100 feet from the edge of the pavement of SR 14.

18. Commission Rules 350-082-0600(4)(b)(B) to (F) do not apply to the proposed development.

### **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)(iii), 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 March 14, 2023, that pursuant to Commission Rule 350-082-0620(2)(a)(C)(iii) a Cultural Resource Reconnaissance Survey is not required because the proposed use would involve the modification of existing buildings and structures, and would not disturb the ground. The letter also notes that future development that disturbs the ground will likely require a new reconnaissance survey.
3. Commission Rule 350-082-0620(2)(a)(D) describes when a historic survey is required. In his March 14, 2023, 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 March 8, 2023, and the comment period ended on March 29, 2023. 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 during construction. It requires that if cultural resources are discovered after construction begins, all construction activities within 100 feet of the discovered cultural resource shall cease; further disturbance is prohibited, and the Gorge Commission shall be notified within 24 hours of the discovery. A condition of approval is included in the director's decision consistent with this rule.

6. Commission Rule 350-082-0620(7) contains provisions addressing discovery of human remains during construction. A condition of approval is included in the director's decision consistent with this rule.

### **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. NATURAL RESOURCES**

1. Commission Rule 350-082-0640 provides guidelines for protecting water resources. The Gorge Commission's natural resource inventories do not identify any water resources on the subject parcel. The nearest water resource is an intermittent stream more than 500 feet away from the development site. The largest water resource buffer in the General Management Area is 200 feet, for identified cold water refuge streams. The proposed roof replacements will not be within any water resource buffer. The proposal is consistent with Commission Rule 350-082-0650 that protects water resources.
2. Commission Rule 350-082-0650 provides guidelines for protecting sensitive wildlife. 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. The Gorge Commission's natural resource inventories indicate that the proposed roof replacements are not within a sensitive wildlife site. Regardless, On March 8, 2023, Gorge Commission staff sent WDFW a copy of the applicant's land use application and site plan. WDFW did not comment on the application. The proposal is consistent with Commission Rule 350-082-0650 that protects sensitive wildlife.
3. Commission Rule 350-082-0660 provides guidelines for protecting rare plants. Commission Rule 350-082-0660(3)(a) requires the Gorge Commission notify the Washington Natural Heritage Program when a new development or land use is proposed within 1,000 feet of a rare plant. The Gorge Commission's sensitive plant inventory does not show any sensitive plant sites within 1,000 feet of the proposed development. Regardless, On March 8, 2023, Gorge Commission staff sent WNHP a copy of the applicant's land use application and site plan. WNHP did not comment on the application. 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 0660, that protect natural resources in the National Scenic Area.

## **E. RECREATION RESOURCES**

1. Commission Rule 350-082-0580(3) states:

*Buffers from Existing Recreation Sites. 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 or structure and the parcel.*

There are no established recreation sites on parcels adjacent to the subject parcel. An area designated GMA Public Recreation is located more than 1,000 feet to the southwest, however the area is undeveloped and is not an established recreation site. The Columbia River is south of the subject parcel and may itself be an established recreation site, but it is also more than 1,000 feet away from the proposed development. The residential use of the site at such a distance will not detract from the use and enjoyment of the Columbia River as a recreation 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)(b) lists additional notice requirements for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect tribal treaty rights. 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 March 8, 2023.
3. Commission Rule 350-082-0130(1)(c) requires the Commission to make more than one offer to tribal governments to discuss the proposed development. Staff emailed this second offer to the Treaty Tribe governments on May 8, 2023. Staff did not receive any response.
4. Commission Rule 350-082-0130(1)(d) provides 30 calendar days from the date a notice is mailed to request that the Executive Director consult with the tribal government regarding potential effects or modifications to treaty or other rights of the tribe. This comment period ended on April 7, 2023. No substantive comments were received from any treaty tribe.
5. Commission Rule 350-082-0130(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 350-082-0130(i).

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

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

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

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

Herbaceous plants can be added after seeding:

Chrysothamnus nauseosus (rabbitbrush)	1 -2 oz./ac.
Achillea millefolium (Yarrow)	1 -2 oz./ac.
Eriogonum strictum	1 -2 oz./ac.
Lupinus bicolor or latifolius var. thompsonianus	1 -2 oz./ac.
Eriophyllum lanatum (Oregon sunshine)	1 -2 oz./ac.
Bitter brush (Purshia tridentate)	10 small plants/ac.
Arrowleaf Balsam root	

**Notes:**

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

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

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

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

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

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

- ✓ [http://www.nwcb.wa.gov/WWHAM/WWHAM\\_suppliers.htm](http://www.nwcb.wa.gov/WWHAM/WWHAM_suppliers.htm)
- ✓ [http://oregon.gov/ODA/CID/weed\\_free\\_forage.shtml](http://oregon.gov/ODA/CID/weed_free_forage.shtml)

The following are some more potential contacts for weed-free straw:

- Elwyn Crutcher, Stanwood, WA, 360-939-2334 (he will deliver for a charge, is generally sold out by spring).
- Wallowa County Hay Growers Association:  
<http://www.certifiedwallowacountyhay.com/>
- John Williams, OSU Extension in Wallowa County, 541-426-3143.
- Randy Black, Oregon Dept of Agriculture, 503-986-4620.
- Allen Schnetzky, Weed Supervisor, Wallowa County 541-426-3332.