

Revised Director's Decision

Summary of Application

FILE NUMBER:	C24-0003
PROPOSAL:	The Columbia River Gorge Commission has received an application for the construction of an addition to the existing residence and the removal of a section of an accessory building.
APPLICANTS:	Paul Frys
LANDOWNERS:	Paul Frys
SIZE and LOCATION:	The subject parcel is approximately 12 acres in size and located on McGowan Road and is described as Tax Lot Number 03-12-0900-0008/00 in the Southwest corner of Section 9, Township 3 North, Range 12 East, Willamette Meridian, Klickitat County, Washington.
LAND USE DESIGNATION:	General Management Area (GMA) – Small Woodland F-3 (80)

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 Paul Frys, an addition to the existing residence and the removal of a section of the barn, 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**.

The Executive Director is issuing this Revised Director's Decision after discovering an error in the original Director's Decision. This Revised Director's Decision makes clear the kitchen for the dwelling as proposed in the application will be in the new addition and the existing kitchen in the existing dwelling will be removed. The original Director's Decision dated July 18, 2024 is revoked and replaced with this Revised Director's Decision.

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. The development shall be constructed as shown on the approved project description, site plan and elevation drawings. The addition shall be a 30 ft x 40 ft two story building, no taller than 32 ft. The first floor of the addition shall be 2 ft lower in elevation than the existing manufactured home. Any changes shall be reviewed and approved by the Executive Director before the changes are implemented.
6. The addition shall not be used as a separate dwelling unit or a rental unit and shall be used in a manner that is incidental and subordinate to the dwelling.
7. After the completion of the construction of the addition, the dwelling shall only have one kitchen. The existing kitchen shall be completely removed prior to seeking an occupancy certificate from Klickitat County. All plumbing, electrical, and mechanicals associated with the existing kitchen shall be removed before a new kitchen is placed in the addition.
8. The applicant shall remove the existing 360 sq ft tool shed accessory building. The accessory building shall be removed by the time construction of the addition to the existing residence is complete.
9. All exterior building materials for the addition and accessory buildings, including roofs, 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 applicant are consistent with this condition and hereby approved:

Siding: Behr *Havana Coffee (N210-7)*

Roofing: Pabco Premier *Sherwood Green*

Trim: Behr Mown Grass (M371-7)

Any 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.

10. The proposed development shall comply with the following fire protection criteria. The applicant shall submit a written statement and amended site plan addressing each criterion to the Gorge Commission for review and approval, before construction begins:
 - a. All buildings shall be surrounded by a maintained defensible space of at least 50 feet. Hazardous fuels shall be removed within the defensible space. Irrigated or fire-resistant vegetation may be planted within the defensible space. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation should be removed from beneath trees. The Executive Director may consult with a fire professional to adjust defensible space to account for site slope. Defensible space may be adjusted to protect riparian vegetation and other resources, or as recommended by local fire districts, conservation districts, or other professional.
 - b. Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure(s).
 - c. A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.
 - d. Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet and at the building site. Access drives shall be maintained to a level that is passable to fire equipment.
 - e. Utility supply systems shall be underground whenever possible.
 - f. Roofs of structures shall be constructed of fire-resistant materials such as metal, fiberglass, or asphalt shingle or tile.
 - g. Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be equipped with a spark arrestor that includes at least one screen no coarser than 1/8-inch mesh metal that is noncombustible and corrosion resistant.
 - h. All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the International Building Code.
 - i. Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1/8-inch mesh metal screen that is noncombustible and corrosion resistant.

j. Within one year of the occupancy of a dwelling, the Executive Director shall conduct a review of the development to ensure compliance.

11. All exterior building materials shall be nonreflective or have low reflectivity.
12. Except for trees identified in the site plan and dead trees or other dead vegetation that may pose a hazard, all existing mature vegetation in the vicinity of the site shall be retained and maintained for screening purposes and so the overall visual character and appearance of the landscape is retained.
13. Disturbed areas shall be reseeded with grasses from the Recommend Seed Mixes for East Side Environments handout. 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).
14. 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.
15. 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 13 day of August 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 13 day of August 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 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 12 day of September 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

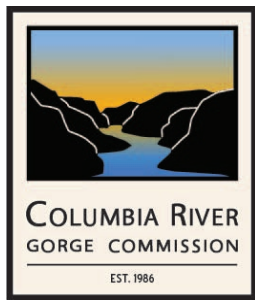
1. Any new land uses or structural development such as driveways, parking areas, garages, workshops, fences or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review. New cultivation also requires a new application 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 C24-0003
Approved site plans and elevation drawings
Eastern Gorge Recommended Seed Mix
International Dark-Sky Association Acceptable Fixtures



Revised Development Review Staff Report

Summary of Application

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LANDOWNERS:	Paul Frys
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LAND USE DESIGNATION:	General Management Area (GMA) – Small Woodland F-3 (80)

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:

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

Findings of Fact

A. Land Use

1. Paul Frys proposes a 30' x 40' addition to an existing manufactured home, and the removal of a 360 sq ft accessory building.
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 61 acres in size and is located approximately a quarter mile up Canyon Road from its intersection with Old Highway 8.
3. Existing development on the property includes a 1,728 sq ft (48' x 28') manufactured home, a 1,440 sq ft (40' x 36') accessory building (Barn 1), a 990 sq ft (22' x 45') accessory building (Barn 2), and a 360 sq ft (12' x 30') tool shed.
4. Commission Rule 350-082-0270(3)(x) allows additions to existing buildings greater than 200 sq. ft. in area or greater than the height of the existing building. Commission Rule 350-81-020 (60) defines *existing structure* as any structure that was legally established. The manufactured home was approved by Director's Decision C96-0010.

The applicant proposes to locate a kitchen in the addition. Because *dwelling unit* is defined as self-contained unit that includes a kitchen, a condition of approval is included requiring that the resulting dwelling after the addition only has one kitchen. The condition states that the existing kitchen shall be removed prior to seeking an occupancy certificate from Klickitat County and that all plumbing, electrical, and mechanicals associated with the existing kitchen shall be removed before a new kitchen is placed in the addition.

5. Commission Rule 350-082-0270(3)(k) allows:

Accessory building(s) larger than 200 square feet in area or taller than ten feet in height for a dwelling on any legal parcel larger than ten acres in size are subject to compliance with 350-082-0270(5) and (6) and the following additional standards:

(A) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(B) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(C) The height of any individual accessory building shall not exceed 24 feet.

There are currently three accessory buildings on the property: a 1,440 sq ft accessory building, a 990 sq ft accessory building and a 360 sq ft tool shed. The total combined footprint of the accessory structures is 2,856 sq ft, which is 356 sq ft larger than is allowed by this rule.

A condition of approval requires the applicant to remove the 360 sq ft tool shed by the time construction of the addition to the existing residence is complete to comply with this rule.

6. Commission Rule 350-082-0270(6) lists the approval criteria for the siting of buildings on Forest Land:

(a) The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties. Clustering or locating proposed development closer to existing development on adjacent lands may minimize impacts on nearby or adjacent forest operations.

Staff visited the property on June 18, 2024. As proposed, the dwelling and addition will be located 350 north of the southern property line, 340 feet east of the western property line and 250 feet southwest of the northeastern adjacent property. The dwelling and addition are sited in compliance with this rule. The accessory buildings are clustered near the dwelling and existing development.

(b) The amount of forest land used to site dwellings, structures, access roads, and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thereby minimizing the length of access roads and utility corridors; or locating the dwelling, access road, and service corridors on portions of the parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing non-forest uses, adjacent dwellings, or land productivity.

All the development on the property is clustered towards the middle of the parcel minimizing the amount of available forest land on the parcel. No new roads are proposed.

(c) Dwellings shall be located to minimize the risks associated with wildfire. Dwellings shall be located on gentle slopes and in any case not on slopes that exceed 30 percent. Dwellings shall be set back from slopes. Narrow canyons and draws shall be avoided. Dwellings shall be located to minimize the difficulty of gaining access to the structure in the case of fire. Dwellings shall be located to make the access roads as short and flat as possible.

The existing topography at the site of the proposed addition is mostly level because of the earlier placement of the manufactured home. Consistent with this rule, the slope of the subject parcel between the McGowan Road and the site for the addition does not exceed 20 percent.

(d) The Executive Director may grant a variance to the siting guidelines contained in subsections (a) through (c) upon a demonstration that the guidelines in 350-082-0590 have been satisfied.

The dwelling does not require a variance from these standards; subsection (d) of this rule is not applicable.

7. Commission Rule 350-81-300 lists the Approval Criteria for Fire Protection on Forest Land. All uses must comply with the following fire safety guidelines.

(a) All buildings shall be surrounded by a maintained defensible space of at least 50 feet. Hazardous fuels shall be removed within the defensible space. Irrigated or fire resistant vegetation may be planted within the defensible space. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation should be removed from beneath trees. The Executive Director may consult with a fire professional to adjust defensible space to account for site slope. Defensible space may be adjusted to protect riparian vegetation and other resources, or as recommended by local fire districts, conservation districts, or other professional.

A condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(b) Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure(s).

A condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(c) A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.

A condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(d) Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet and at the building site. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road guidelines may be made only after consultation with the local rural fire district and the Washington Department of Natural Resources in Washington or the Oregon Department of Forestry in Oregon.

No new access drives are proposed. However, a condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(e) Utility supply systems shall be underground whenever possible.

A condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(f) Roofs of structures shall be constructed of fire-resistant materials such as metal, fiberglass, or asphalt shingle or tile. Roof materials such as cedar shake and shingle shall not be used.

The proposal is consistent with this requirement; the applicant proposes using fire-resistant composite shingles on the addition and a metal roof for the accessory buildings. A condition of approval is also included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(g) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be equipped with a spark arrestor that includes at least one screen no coarser than 1/8-inch mesh metal that is noncombustible and corrosion resistant.

No chimneys or stovepipes are indicated in application; however, a condition of approval is also included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(h) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the International Building Code.

No structural projects are proposed. A condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(i) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1/8-inch mesh metal screen that is noncombustible and corrosion resistant.

A condition of approval is also included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

(j) Within one year of the occupancy of a dwelling, the Executive Director shall conduct a review of the development to assure compliance with subsections (a) through (i).

A condition of approval is included in the decision to make the landowner aware of this requirement and to ensure compliance with this criterion.

Land Use Conclusion:

The proposed development is allowed review uses, 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 contains guidelines for the protection of scenic resources in the National Scenic Area. Commission Rule 350-082-0600(1) applies to all review uses. 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 submitted a grading plan to show compliance with this guideline. The existing topography at the site of the proposed addition is level because of the placement of the manufactured home. The slope of the subject parcel between McGowan Road and the site of the addition does not exceed 20 percent. Grading for the addition is limited to what is necessary for the foundation and is approximately 240 cubic yards.

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 half mile. Staff chose the half-mile study area because the parcels are within the same landscape setting as the subject property.

Of the eighteen parcels in the study area, staff identified eleven parcels with development with twenty-seven known buildings in the study area. These buildings include single-family dwellings, mobile homes, garages, agricultural structures, and smaller accessory structures. Dwellings range in size from 1,408 sq ft to 3,382 sq ft.

The existing dwelling is a 1,725 sq ft single-story manufactured home. The proposed addition is a 30 ft x 40 ft, 32 ft tall two-story building. The first floor of the addition is a daylight basement and is 2 ft lower in elevation than the existing manufactured home. When calculating the general scale of buildings, staff calculates the area of covered decks and half of the area of daylight basements. Only half of the area of a daylight basement is included because this guideline considers the size of the building as seen in the landscape, and generally only half or less of a daylight basement is visible above ground. The daylight basement is 1,200 sq ft and half of 1,200 sq ft is 600 sq ft, so the calculated sq ft of basement level is 600 sq ft. The second story of the proposed addition is 1,200 sq ft with a 20 sq ft breezeway. The total sq ft of the proposed dwelling is 3,545 sq ft. The proposed dwelling and addition will be 32 ft tall. Nearby dwellings also range in height up to 2 stories and 32 ft tall. The general scale of the proposed building 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 applicant is required to reseed all exposed and bare soil after the development is completed, and the applicant is encouraged to use a certified weed-free seed mix. Staff is providing the applicant with a list of *Recommended Seed Mixes for East Side Environments*, which is an attachment to the Director’s Decision. The list supplies seed and grass mixes available locally for eastern Gorge climates. Consistent with this rule, a condition is included requiring disturbed areas be revegetated at once upon completion of the project, or as soon as possible if the project is completed during the winter.

4. Commission Rule 350-082-0600(2) has guidelines that affect developments on sites visible from Key Viewing Areas (KVAs). Staff determined the subject parcel is topographically visible from three KVAs: Historic Columbia River Highway (HCRH), I-84 and Rowena Plateau. 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 four 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
Historic Columbia River Highway			X

Interstate 84			X
Rowena Plateau			X

- 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 has requirements and conditions of approval to ensure the development is *visually subordinate*. Factors contributing to the visibility of the development include the size, shape, dark earth-tone colors, low reflective building materials, distance from KVAs and existing topography, vegetation, and screening.

- 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 determine cumulative effects of the proposed development, staff analyzed existing development surrounding the subject parcel within a half mile. Staff chose the half mile study area because the parcels are within the same Oak-Pine Woodland landscape setting as the subject property and several of the parcels in the area are developed with single-family dwellings. As seen from KVAs, the subject parcel is in an area where existing dwellings are visible but sparsely scattered throughout the landscape.

Of the eighteen parcels in the study area, staff identified eleven parcels with development with twenty-seven known buildings in the study area. These buildings include single-family dwellings, mobile homes, garages, agricultural structures, and smaller accessory structures. Buildings range in size from 16 sq ft to 4,640 sq ft.

The site is visible from three KVAs in the background over four miles away including I-84 and the Historic Columbia River Highway. As seen from these KVAs the area is not densely developed or populated, but existing dwellings and accessory buildings are visibly scattered throughout the landscape. Generally, however, buildings in these viewsheds are clustered together and appear part of the scattered rural residential development and consistent with the landscape settings guidelines.

Using records from the Klickitat County Assessor's office, within the study area there are eighteen parcels. Only one parcel is in public ownership. Government owned land in the National Scenic Area is not typically developed, so staff assume this parcel will not be developed. The remaining seventeen parcels are privately-owned. Of the seventeen privately-owned parcels, ten are developed with dwellings and accessory structures. The remaining seven privately-owned parcels are undeveloped. Four of these seven parcels can be developed in the future with dwellings and other accessory structures because they are designated GMA Small Woodland. The other three parcels are designated GMA Commercial Forest and cannot be developed with dwellings or accessory structures.

It is not possible that there could be similar additions on the 'same piece of ground' given the existing residential use and the size of the addition in the applicant's proposal. Any larger dwelling would not be compatible with existing development and Commission Rule 350-082-0600(1)(b).

Several factors ensure the proposed development will not cause adverse scenic impacts, including size, viewing distance, colors, low reflectivity building materials, and screening vegetation. The proposed development will not create any adverse cumulative effects to scenic resources because the building will be difficult to distinguish from KVAs. If future developments are built according to applicable land use designation guidelines in the vicinity of the proposed development, and if they are designed in an equivalent manner to existing development and consistent with the guidelines of this chapter, they will be held to the same visual resource protection standards and will be required to be visually subordinate. If future developments are built in a comparable manner to the proposal, there will be no cumulative effects to scenic resources. By using existing topography and vegetation, and building materials that are dark, earth-toned, and with low-reflectivity there will be no significant increase in visibility of new developments. Development designed and sited to achieve the standard visually subordinate will not generate adverse cumulative scenic impacts. For the reasons above, 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)(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 three KVAs listed in Finding B.4 and is only visible in the background of these KVAs. From these KVAs, existing vegetation both on and off the subject parcel provides effective screening because the site is located over 4 miles away. At that viewing distance the development will appear insignificant in the landscape and not be visible to the unaided eye. The proposed addition is located at an elevation of 1,690 ft and clustered together near the other accessory buildings and development infrastructure. The buildings are surrounded by mature ponderosa pine and Oregon white oak whose tall canopy helps screen the buildings from the view of KVAs. As designed, the buildings are screened from KVAs by existing vegetation. Given the distance from KVAs, existing topography and screening, and exterior colors, the buildings will have minimal visibility from KVAs.

Using GIS inventories and conducting site visits, staff found that the proposed building site is visible intermittently along the Historic Columbia River Highway KVA to the south of the development for 1.5 miles in the background. From the Interstate 84 KVA, also south of the development, the building site is visible in the background for 1.5 miles at an elevation of 100 feet. As seen from lower-elevation KVAs in the middle ground such as I-84, the Columbia River, and SR-14, the development site is topographically visible because the southern slope of the hillside angles downward towards these KVAs. These KVAs are much lower in elevation than the development site however, and the development site and surrounding areas are covered in scattered tall trees which help to screen the development from view of KVAs. The site is only visible from one higher elevation KVA, Tom McCall Viewpoint (approximately 1,700 ft elevation).

As explained below, conditions are applied to the development's color and reflectivity to ensure the development is visually subordinate to its setting as seen from KVAs. With the retention of the existing trees around the buildings, the buildings will blend with the setting and not noticeably contrast with the landscape.

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.

Factors contributing to the visual subordination of the development include the location, size, shape, dark colors, low reflectivity building materials, distance from KVAs and existing topography, screening, and vegetation. The site is visible from the three KVAs listed in Finding B.4 and is only visible in the background (over four miles away) from those KVAs.

The proposed development is sited on the subject parcel with minimal visibility from KVAs. As designed, the building is primarily screened from KVAs by vegetation. Given the distance from KVAs, existing topography and screening, and exterior colors, the building will have minimal visibility from KVAs. The applicant has chosen dark earth-tone colors for the building which are included as conditions of approval.

Consistent with the landscape settings design guidelines, a condition of approval requires existing vegetation surrounding the development on the parcel be retained except for safety.

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-Pine 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 the development from KVAs.

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 building will be 32 ft tall. The land to the north continues to rise behind the existing and proposed buildings, the proposal will not break the skyline as seen from all KVAs from which the development site is topographically visible. The development is consistent with Commission Rule 350-082-0600(2)(f).

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 proposed development has been designed to achieve visual subordination by the use of the following dark earth-tone colors:

13. Siding: Behr *Havana Coffee (N210-7)*
Roofing: Pabco Premier *Sherwood Green*
Trim: Behr *Mown Grass (M371-7)*

These colors are dark earth-tones that are found at the specific site on the shaded leaves and bark of trees and vegetation. A condition of approval is included in the

Director's Decision requiring all elements of the proposal to be these colors, consistent with Commission Rule 350-082-0600(2)(h).

14. 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 proposed exterior material for the building is Smart Board wooden siding which has low reflectivity. The roof will be composite asphalt shingles which also have low reflectivity. The proposed window fenestration is modest. As designed, the building is mostly screened from KVAs by existing vegetation. Given the distance from KVAs, existing topography and screening, and exterior colors, the building will have minimal reflectivity from KVAs. The proposal is consistent with this rule.

15. 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.

No new exterior lights were included in the application materials. However, 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 is also providing the applicant with examples of acceptable light fixtures from the International Dark-Sky Association as an attachment to this decision.

16. 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 existing topography at the site of the proposed addition is level because of the previous placement of the manufactured home. Grading for the addition is limited to what is necessary for the foundation and daylight basement. No cut banks or fill slopes will be visible from KVAs. The development is consistent with this rule.

17. The Landscape Settings Map for Columbia River Gorge National Scenic Area classifies the subject parcel as Oak-Pine Woodland. Commission Rules 350-082-0600(3)(c)(A) and (B) contain applicable guidelines for the proposed development in this landscape setting.

18. Commission Rule 350-80-0600(3)(c)(A) states:

Structure height shall remain below the tree canopy level of the dominant vegetation types of this setting.

In wooded portions of this setting in the vicinity of the subject parcel trees vary in height from 30 to 50 ft tall. The trees present on the parcel are a mix of ponderosa pine, mixed fir, and Oregon white oak. The height of the proposed addition is 32 ft, which is lower than the tree canopy level in wooded portions of the Oak-Pinewoods landscape setting.

19. Commission Rules 350-082-0600(3)(a)(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. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area.

(ii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

(iii) For substantially wooded portions: Except as is necessary for construction of access roads, building pads, leach fields, etc., the 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 proposal is not found on a site visible from key viewing areas. No trees are proposed to be removed and no new trees are proposed for screening purposes. The proposal is 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 May 16, 2024, 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 sites that have been disturbed by human activities.

3. Commission Rule 350-082-0620(2)(a)(D) describes when a historic survey is required. In his May 16, 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.

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 May 2, 2024, and the comment period ended on May 23, 2024. As explained above, the proposed use did not require a reconnaissance or historical 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 in the National Scenic Area. Commission staff reviewed its natural resource inventories for nearby water resources. The closest wetland is more than 1,000 feet away from the proposed development. There is one stream in the vicinity of the development on the western end of the applicant's property. Commission Rule 350-082-0640(f) requires a 100 ft buffer for streams used by anadromous or resident fish and Commission Rule 350-082-0640(g) requires a 50 ft buffer for intermittent streams not used by

anadromous or residential fish. According to the applicants site plan, the proposed addition will be located 140 ft away from the nearest stream. The proposed development will not take place within any water resource or water resource buffer zones.

2. Commission Rule 350-082-0650 provides guidelines for protecting Priority Habitats and sensitive wildlife sites in the National Scenic Area. The proposed development takes place in deer and elk winter range, which is a Priority Habitat under Commission Rule 350-082-0690, Table 1.
3. Commission Rule 350-082-0650(3) describes the review process for development within 1,000 feet of a priority habitat. Commission Rule 350-082-580(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 May 2, 2024, Gorge Commission staff sent WDFW a copy of the applicant's land use application and site plan. WDFW did not submit a comment in response to the notice. Pursuant the Commission Rule 350-082-0650(3)(d), the wildlife protection process may conclude because the proposed use would not compromise the integrity of the Priority Habitat.
4. Commission Rule 350-082-580(4)(c) states:

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

Amber Johnson, WDFW Habitat Biologist, did not indicate any concerns with the proposal. The proposal will not reduce the acreage of deer and elk winter range nor result in changes to vegetation or accessibility of winter range habitat to wildlife. The proposed use will not compromise the integrity of the wildlife area.

5. Commission Rule 350-81-580(1)(c) states:

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

WDFW did not indicate any concerns about the proposed development. Pursuant to Commission Rule 350-81-580(1)(c), staff does not believe the proposed development results in adverse effects, including cumulative effects, to the integrity of the parcel as a wildlife site due to the nature of the development and existing use of the parcel.

6. 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 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 any adjacent properties. The proposed development will not detract from the use and enjoyment of any established recreation sites.

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. Consistent with Commission Rule 350-082-0130(1)(a), notice of the proposed development was provided to the tribal governments on May 2, 2024.
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 does not adjoin the Columbia River or its fish-bearing tributaries and does not provide access to the Columbia River.
3. Commission Rule 350-082-0130(1)(c) requires the Commission to offer to meet with or consult with the tribal governments prior to making a decision on the proposed development, and to make this offer more than once. The Commission provided the initial offer to meet or consult with the initial notice on May 2, 2024. No treaty tribe requested a meeting or consultation.
4. Commission Rule 350-082-0130(d) provides 30 calendar days for tribal governments to request consultation regarding tribal treaty rights. No comments were received.
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.

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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