

Director's Decision

Summary of Application

FILE NUMBER:	C24-0009
PROPOSAL:	The Columbia River Gorge Commission has received an application for the construction of a replacement single-family dwelling, detached garage, and associated utilities.
APPLICANTS:	Ron & Carol Kroeskop, Dave Sauter
LANDOWNERS:	Ron & Carol Kroeskop
SIZE and LOCATION:	The subject property is located at 323 Old Highway 8, and is described as Tax Lot Number 03-12-2900-000/600 in the western half of Section 29, Township 3 North, Range 12 East, Willamette Meridian, Klickitat County, Washington. The property is located on a parcel that is approximately 80 acres in size and is associated with these additional Tax Lot Numbers: 03-12-2900-001/700 and 03-12-2900-001/800.
LAND USE DESIGNATION:	General Management Area (GMA) – Small-Scale Agriculture (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 Ron and Carol Kroeskop for the construction of a replacement single-family dwelling, detached garage, and associated utilities, 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 applicant 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 and site plan require a new application and review.
5. The developments shall be constructed as shown on the approved application, site plan and elevation drawings. The house shall be 56 feet x 32 feet and 23 feet in height. The garage shall be 36 feet x 28 feet and 23 feet in height.
6. The garage 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. The garage shall not contain appliances distinctive of a cooking area or kitchen.
7. The temporary recreational vehicles being used as temporary dwelling units are only allowed while the replacement dwelling is being constructed and shall be removed within 30 days of obtaining the Certificate of Occupancy for the replacement dwelling.
8. All exterior building materials for the garage, including, but not limited to roofs, doors, garage 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 visible from key viewing areas shall be used. The applicant shall submit railing, wall, trim, roof, window casings and sash colors consistent with scenic standards that are dark earth-toned and non-reflective before beginning construction of the dwelling unit and garage.

Any changes or additions to these colors and materials made after this decision is issued 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.


9. All exterior building materials including roofs, doors, siding, trim, window casing and sash, decks, and railings shall be non-reflective or have low-reflectivity rating of 11% or less.

10. All exterior lighting fixtures shall be made from non-reflective material and be directed downward and hooded. A handout with recommended International Dark-Sky Association Acceptable Fixtures is included with this decision.
11. Except for trees identified in the site plan, dead trees or other dead vegetation that may pose a hazard, all existing mature vegetation on the parcel shall be retained and maintained for screening purposes.
12. Disturbed areas shall be reseeded with grasses from the Recommended Seed Mixes for East Side Environments handout attached to this decision. Disturbed areas shall be revegetated immediately following the completion of the project (or as soon as possible thereafter if the project is completed during the winter or summer months).
13. All in-stream work shall be conducted during low-flow months of the year, between the months of July to November.
14. Stream restoration efforts shall include restoring the affected streambed area to match undisturbed upstream characteristics (including matching the streambed and bank to the original width, depth, and path) using all available resources to minimize the alteration of the water resource within 90 days of the utility line installation being complete.
15. The applicant shall follow the restoration guidelines listed in WDFW's *Riparian Ecosystems, Volume 2: Management Recommendations* included with this decision. The following mitigation measures are required to restore the stream bed and buffer:
 - a. Improve quality of vegetation for both aquatic and terrestrial wildlife by removing invasive species wherever present. Further, to avoid the likely return of invasive species, cleared areas should be replaced with native riparian vegetation.
 - b. Where riparian areas already possess some native vegetation, enhance them with a greater mixture of native plants that provide necessary habitat components (forage, cover, breeding, roosting, etc.) for a diversity of species and multiple riparian functions.
 - c. Reduce soil erosion by increasing vegetation complexity and density, excluding (or substantially minimizing) soil compacting activities, and implementing upland soil management techniques where applicable.
 - d. Improve fencing structures to increase the amount of riparian area acreage from which livestock are excluded to reduce compaction, erosion, and overgrazing.
16. Seventy-five percent of revegetation survival shall be evident within five years of the project's completion. The applicant shall provide photographic documentation to staff no later than five years from the completion of the project.
17. As part of ongoing monitoring of the stream restoration, the applicant shall supply staff with photograph documentation of the rehabilitation and state of the streambed every

12 months for up to five years from the date of the final inspection of the development site.

18. To ensure the integrity of Oregon white oak habitat, no trenching for the proposed utilities shall be allowed within the dripline of any Oregon white oaks.
19. An archaeologist monitor shall be present for any ground disturbing activities and for maintaining the identified cultural resource buffer zone during development.
20. The applicants shall submit a deed covenant establishing a development buffer around the cultural resources to ensure the resources are protected on the property. The applicant shall record the deed covenant (at the Klickitat County Auditor's Office) to ensure notice to successors in interest. The deed covenant shall be recorded no later than one year from the date of this decision.
21. 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.
22. 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 4 day of September 2025 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 4 day of September 2027 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 4 day of October 2025.

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

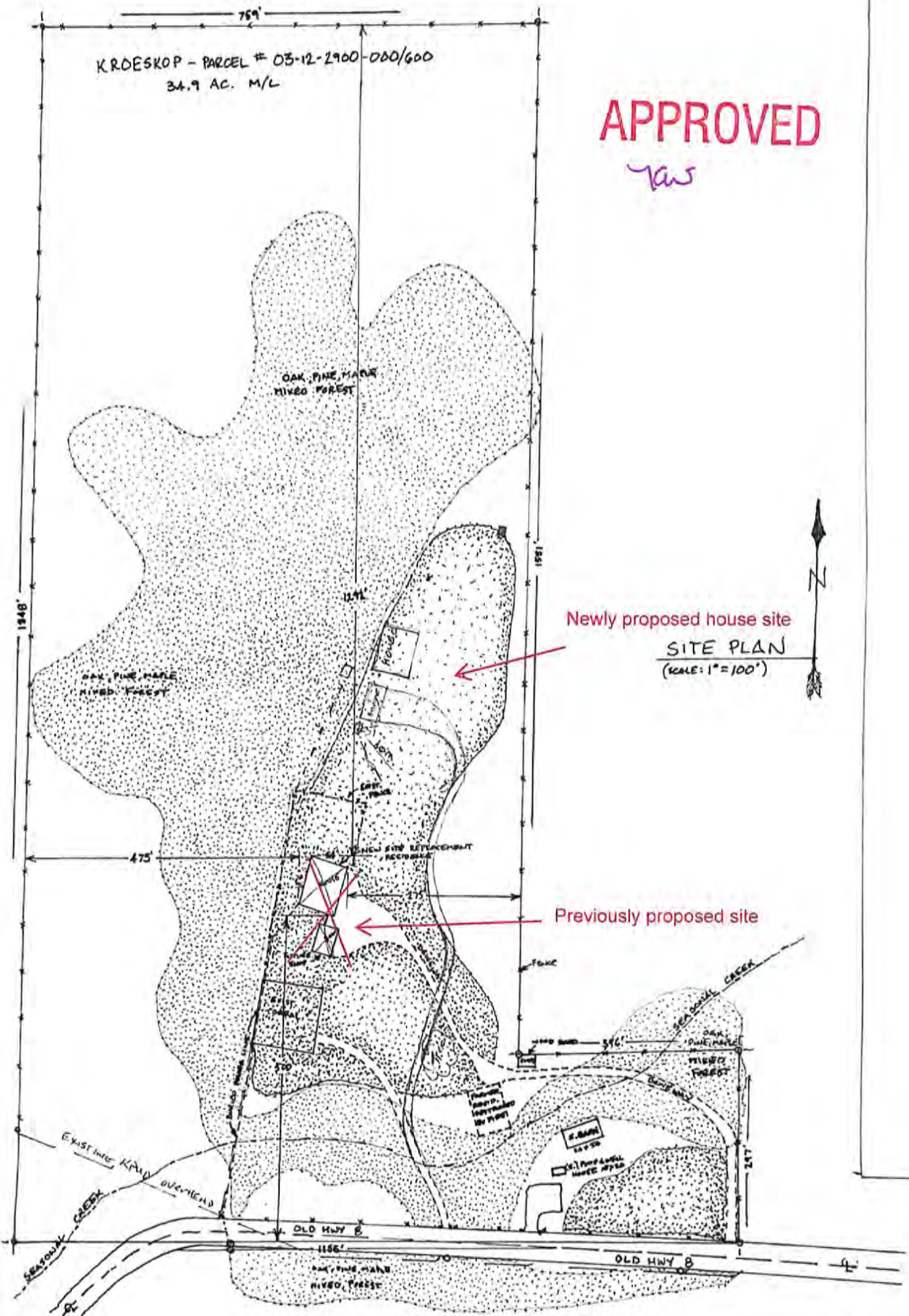
Attachments:

Staff Report for C24-0009
Approved site plans and elevation drawings
WDFW Riparian Ecosystems, Volume 2: Management Recommendations
Eastern Gorge Recommended Seed Mix
International Dark-Sky Association Acceptable Fixtures

KROESKOP - PARCEL # 03-12-2900-000/600
34.9 AC. M/L

APPROVED

Law

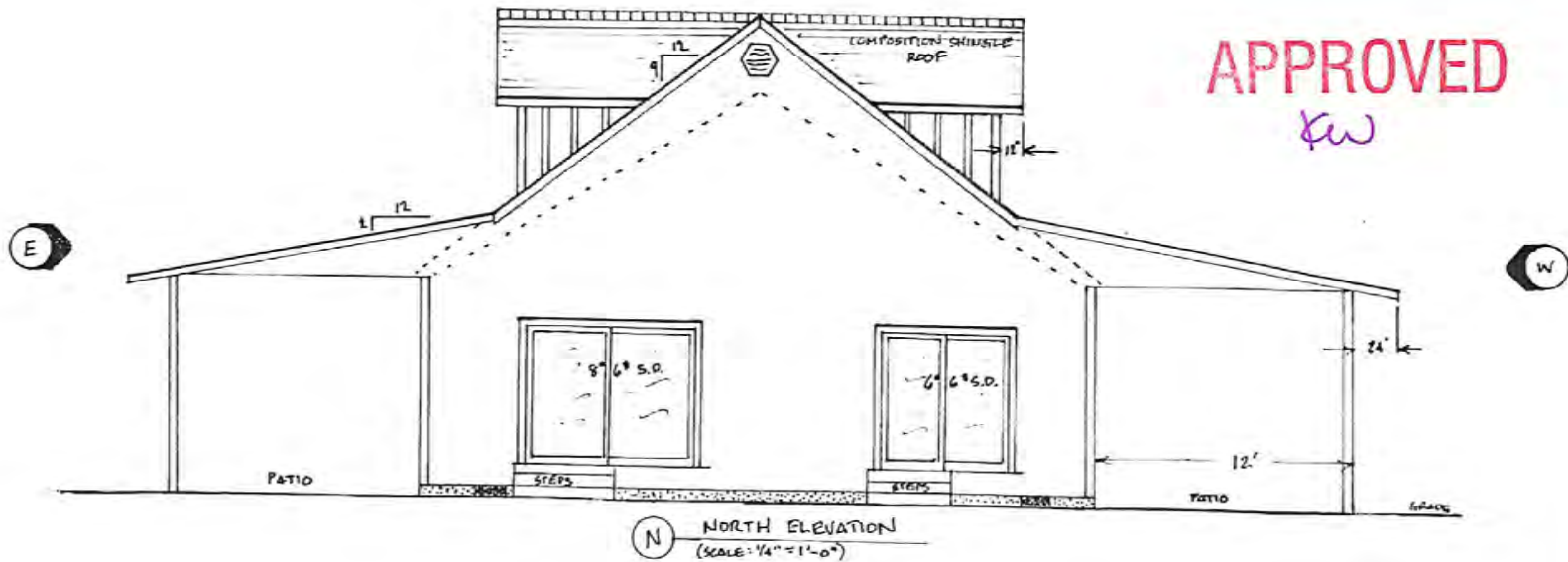
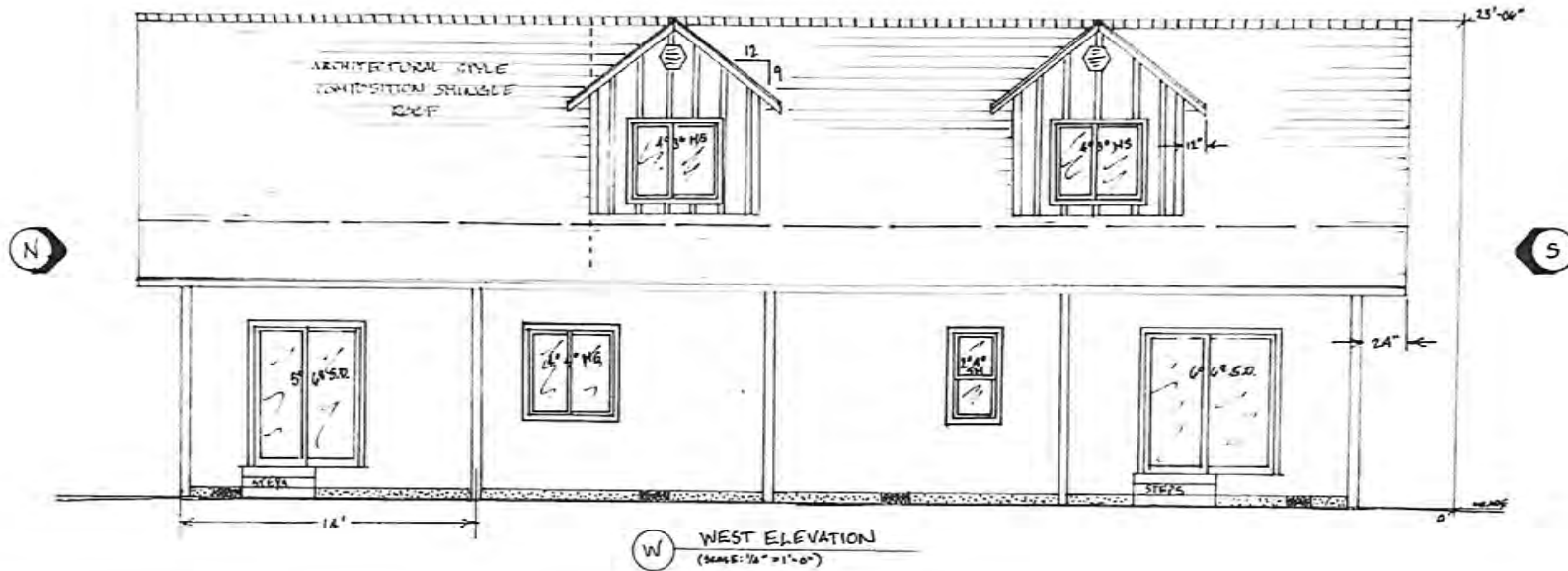


Newly proposed house site

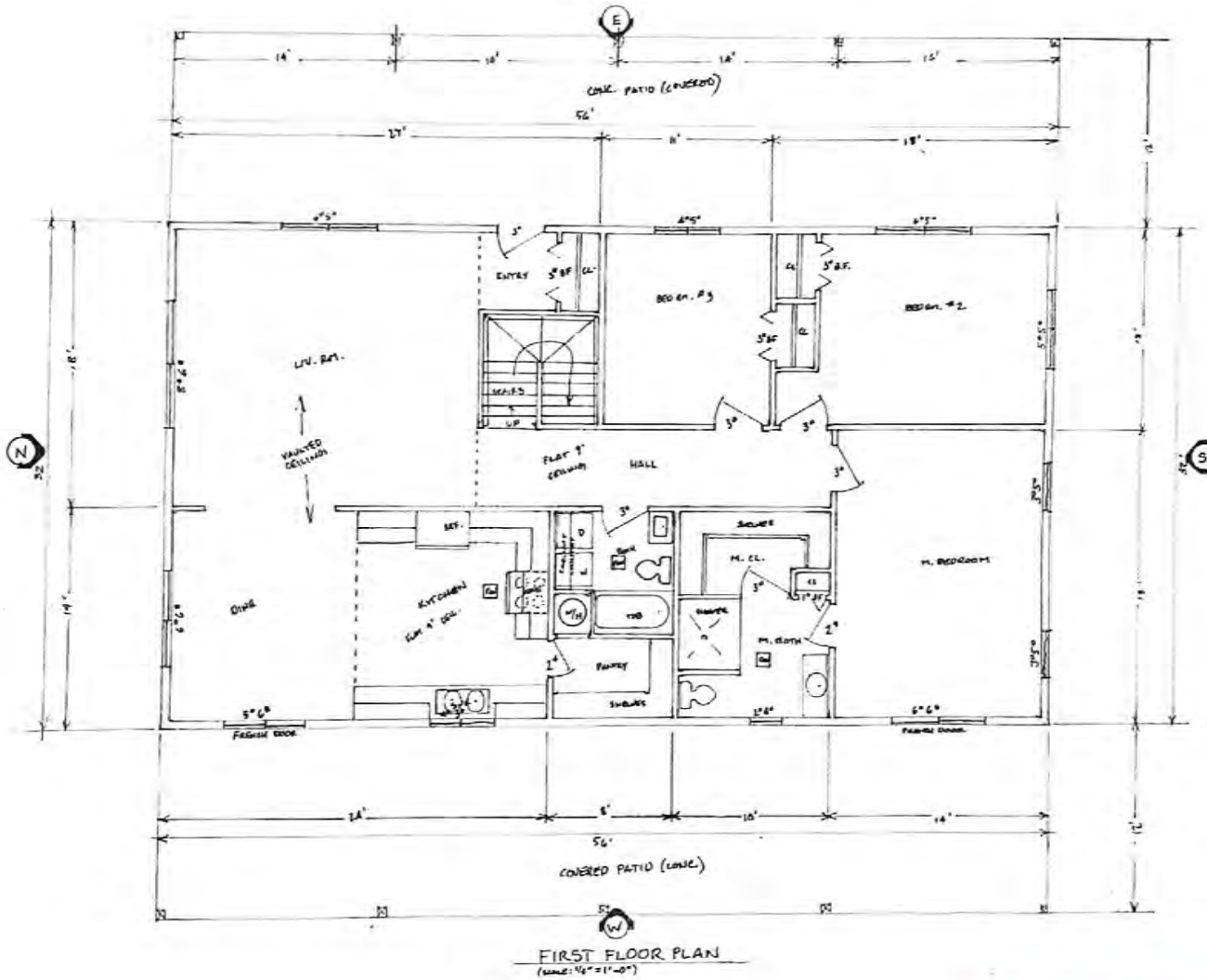
SITE PLAN
(SCALE: 1" = 100')

Previously proposed site

KROESKOP/SAUTER

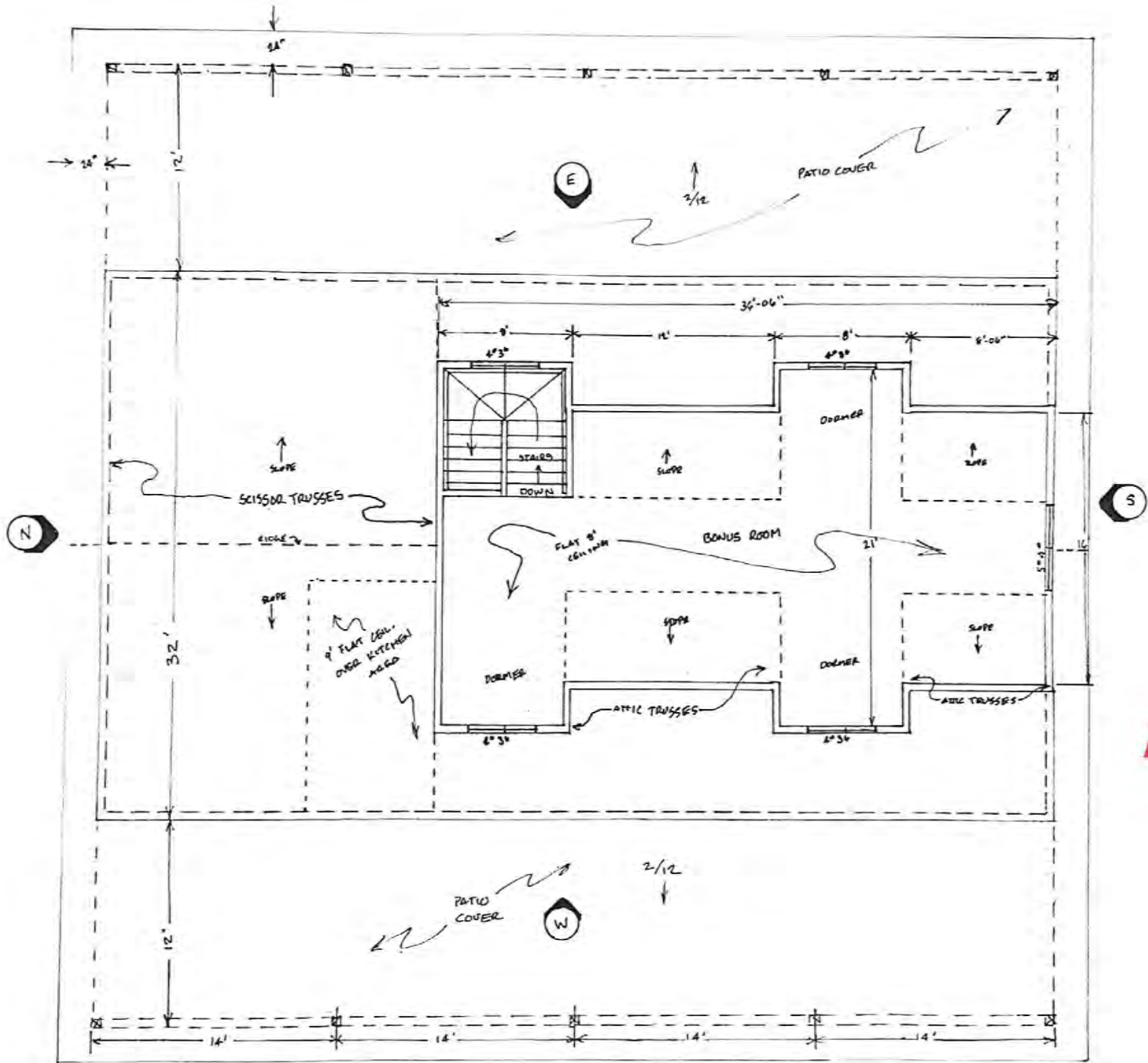


KROESKOP / SAUTER



APPROVED

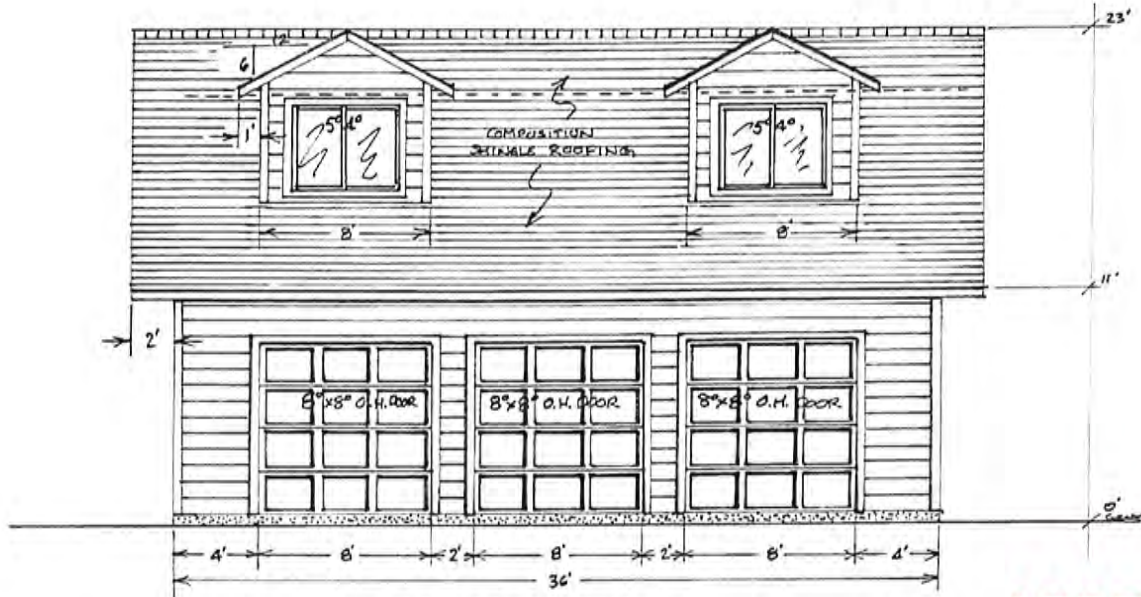
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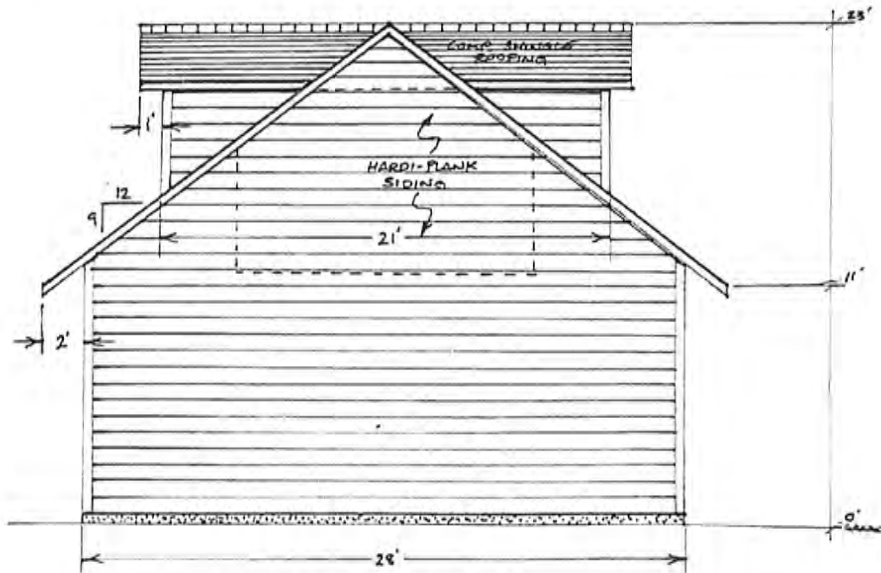
SECOND FLOOR PLAN
(SCALE: 1/4" = 1'-0")

KROESKOP

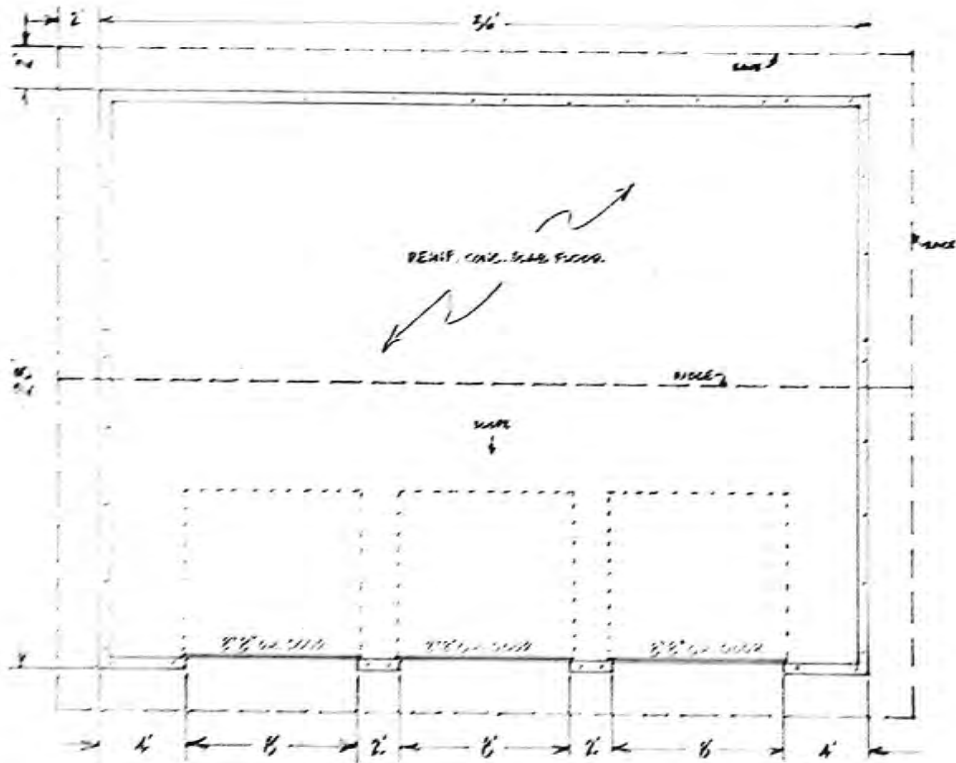


EAST ELEVATION
(SCALE: 1/4" = 1'-0")

APPROVED
KW



SOUTH ELEVATION
(SCALE: 1/4" = 1'-0")



36' x 24' ROOM
 11' x 8' x 11/2'

APPROVED
 JW

Chapter 4. Restoring Riparian Ecosystems

4.1. Introduction

This chapter provides high-level guidance to landowners, land use decision makers, and conservation partners to promote restoration of riparian areas. Despite recent efforts to protect existing riparian systems, imperiled salmon stocks and other riparian dependent endangered species are not recovering as hoped (Table 4.1). Since non-indigenous settlement of Washington began in the 1800s, between 50 percent and 90 percent of riparian ecosystems have been lost or extensively modified (RCO 2019). While two subspecies (Hood Canal summer chum and Snake River fall Chinook) are moving towards recovery, most listed salmon in Washington are below recovery goals (Table 4.1).

The lack of recovery is also evidenced in the ongoing decline of salmon fishing, which affects the long-term health of Washington’s tribes, Washington’s economy, and our shared cultural heritage. The lack of salmon is one of the primary reasons Southern Resident Killer Whales are at risk of extinction, in addition to other impacts such as vessel disturbance and pollutants. (Lacy et al. 2017, Murray et al. 2019)

Table 4.1. Non-statistical evaluation of natural origin (wild) fish that returned to spawn with consideration for threats and factors affecting health including habitat, harvest, and hydropower. (Adapted from RCO 2019; Data sources: WDFW, Indian tribes, NOAA).

Below Goal (Endangered Species Act-Listed Salmon in Washington)			Near Goal
<i>Getting Worse</i>	<i>Not Making Progress</i>	<i>Showing Signs of Progress</i>	<i>Approaching Goal</i>
Upper Columbia River Spring Chinook	Upper Columbia River Steelhead Lower Columbia River Chum Lower Columbia River Coho	Mid-Columbia River Steelhead Lake Ozette Sockeye Lower Columbia River Steelhead	Hood Canal Summer Chum
Puget Sound Chinook	Lower Columbia River Fall Chinook Lower Columbia River Spring Chinook Snake River Spring Chinook Snake River Summer Chinook	Snake River Steelhead Puget Sound Steelhead	Snake River Fall Chinook



Former lake-bed above the area where the Glines Canyon Dam once stood on the Elwha River, Clallam County. Following dam removal, salmonids returned even faster than expected./Rachel Blomker, WDFW

Given the extent of historical loss, WDFW recognizes that protection alone of remaining riparian ecosystems, will not recover salmon or the Southern Resident Killer Whale population. Therefore, WDFW recommends restoring and enhancing riparian ecosystems to achieve healthy, intact, and fully functioning riparian systems statewide. Continued investments in restoration will be required at all levels of government and in concert with Washington tribes.

4.2. Restoration Actions

Although this section focuses on restoring riparian areas for the benefit of salmon, emulating historical conditions benefits many other aquatic and terrestrial species as well. WDFW is available to provide technical assistance and species-specific guidance for terrestrial species-focused restoration and recovery efforts. To recover salmon, we must protect all remaining existing riparian and watershed functions, while seeking opportunities to restore functions that have been lost over time. We provide the following information to assist the restoration community¹⁰ in understanding what is important to restore.

4.2.1. Developing a Restoration Strategy

Aquatic restoration strategies typically start with a clear set of goals and objectives. The selection of appropriate restoration strategies is informed by the political, social, and ecological context of the watershed, and bounded by the extent of opportunities and constraints. It is important in ecosystem restoration to consider the habitat attributes and scale necessary for a desired suite of species, be they aquatic or terrestrial. At a watershed scale, restoration efforts should focus first on projects that offer the greatest potential for success. The [Stream Habitat Restoration Guidelines](#) (Cramer 2012) suggest the following prioritization of stream habitat restoration strategies that are specific to instream related activities most often geared at anadromous fish:

1. **Protect existing habitat.** Protect areas that provide healthy, high-quality habitat functions (strongholds, refugia, and key sub-watersheds) to prevent further degradation. Secure, expand, and link protected areas.
2. **Connect habitat.** Connect and provide access to isolated habitat, including instream, off-channel, and estuarine habitat made inaccessible by culverts, levees, fragmentation, or other man-made obstructions.
3. **Restore habitat-forming processes.** Employ land use recovery and watershed restoration techniques to restore processes that create, maintain, and connect habitats (including restoring sediment dynamics, large wood dynamics, and flow regimes; avoiding/removing manmade disturbances within the riparian ecosystem; and maintaining water quality, floodplain connectivity, and channel evolutionary processes). Employ a combination of active or passive restoration techniques, as necessary. Active restoration involves accelerating processes or attempting to change the trajectory of succession; passive restoration simply involves ceasing environmental stressors such as agriculture, grazing, or timber harvest, and then allowing nature to take its course.

¹⁰ Many watersheds in Washington have salmon recovery restoration goals that can be obtained from regional Salmon Recovery Boards or Lead Entities for Salmon Recovery. Lead Entities and Salmon Recovery Boards are in every region of the state, including those areas without salmon or other anadromous fish (https://www.wa.gov/salmon_recovery/regions/regional_orgs.shtml).

4. **Create new or enhance existing habitat.** Improve existing or create new habitat for specific species by installing instream structures such as large woody debris; reconfiguring channel shape, cross-section, or profile to reduce incision or restore flow; or constructing one or more new side channels.

In conjunction with other state agencies and partners, WDFW provides multiple technical guidance documents to help design and implement riparian restoration projects that have proven successful in different types of landscapes, including on marine shorelines, and on river- and streambanks. These are part of a suite of Aquatic Habitat Guidelines found at <https://wdfw.wa.gov/licenses/environmental/hpa/application/assistance>. They include:

- [Water Crossing Design Guidelines](#) (Barnard et al. 2013)
- [Stream Habitat Restoration Guidelines](#) (Cramer 2012)
- [Integrated Streambank Protection Guidelines](#) (Cramer et al. 2002)
- [Land Use Planning for Salmon, Steelhead and Trout: A land use planner's guide to salmonid habitat protection and recovery](#) (Knight 2009)
- [Draft Fishway Guidelines for Washington State](#) (Bates 2000)
- [Draft Fish Protection Screen Guidelines for Washington State](#) (Nordlund and Bates 2000) [Marine Shoreline Design Guidelines](#) (Johannessen et al. 2014)
- [Your Marine Waterfront](#) (WDFW 2016)
- [Protecting Nearshore Habitat and Functions in Puget Sound](#) (AHGP 2010)

4.3. Implementing Riparian Strategies Through Incentives

There are several types of conservation incentives available to individuals and local governments:

- **Financial assistance:** grant programs that provide funding for conservation activities
- **Tax adjustment:** tax reductions for landowners undertaking conservation activities
- **Technical assistance:** advice and/or hands-on help for landowners on tools or techniques
- **Recognition:** promotion of landowners who undertake conservation actions

Each of these will be described (and examples provided) in more detail, below.

4.3.1. Financial Assistance

State and federal grant funds are available for riparian ecosystem conservation and restoration projects on public and private lands through the Recreation and Conservation Office (RCO) and Salmon Recovery Funding Board. To access these funds and to learn more, go to <https://www.rco.wa.gov>. Grant programs include:

- [Aquatic Lands Enhancement Account](#)
- Washington Wildlife and Recreation Program ([Farmland](#), [Forestland](#), [Habitat](#), and [Recreation](#) categories)
- [Estuary and Salmon Restoration Program](#)—a program of WDFW
- [Land and Water Conservation Fund](#)
- [Salmon Recovery and Puget Sound Acquisition and Restoration](#)

Land trusts also help land owners conserve habitat for key aquatic and terrestrial species, often leveraging funds from foundations and other non-governmental sources; see www.walandtrusts.org for a county-specific list of land trusts.

For agricultural property owners, local conservation districts and the Washington State Conservation Commission (WSCC) can provide technical assistance to find an approach that works for the farmer and improves riparian ecosystem function. Technical assistance is also available from the federal Natural Resources Conservation Service (NRCS), Washington State University Extension, and WDFW. Additionally, a host of state and federal financial incentives to expand and maintain riparian functions within the riparian management zone (RMZ) are available, some of which are listed below. For example, the Conservation Reserve Enhancement Program (CREP) provides funding to landowners for riparian preservation and is the most successful riparian buffer program in Washington. Since CREP's 1999 inception in our state, more than 900 miles of stream buffers have been planted, and as of October 2020, producers had over 13,500 acres actively enrolled in CREP. Contact your local conservation district or the RCO to learn more.

- [Conservation Reserve Enhancement Program](#) (NRCS)
- [Environmental Quality Incentives Program](#) (NRCS)
- [Conservation Stewardship Program](#) (NRCS)
- [Conservation Reserve Program](#) (NRCS)
- [Regional Conservation Partnership Program](#) (NRCS)
- [Agricultural Conservation Easement Program](#) (NRCS)
- [Agricultural Land Easements](#) (NRCS)
- WWRP [Farmland Preservation Grants](#) (RCO)

Timber landowners have access to a variety of forestry-oriented conservation incentive programs (see list, below) and can also receive technical assistance from DNR's Forest Stewardship Program (foreststewardship@dnr.wa.gov, 360-902-1428):

- [Forestry Riparian Easement](#) (DNR)
- [Rivers and Habitat Open Space Program](#) (DNR)
- [Healthy Forests Reserve Program](#) (NRCS)
- [Family Forest Fish Passage Program](#) (DNR)
- [Forest Legacy](#) (USFS)
- WWRP [Forestland Preservation Grants](#) (RCO)



The federal Conservation Reserve Enhancement Program (CREP) funded this vegetation planting project along a stream in Skagit County./Wendy Cole, WDFW

4.3.2. Tax Reduction Incentives

Landowners can receive a substantial tax reduction by converting land into "open space" status because of the Open Space Taxation Act ([WAC 458-30](#)), enacted in 1970. Lands with riparian areas often qualify for this incentive; see your county assessor and local planning department for details.

4.3.3. Technical Assistance

Local governments and individual landowners who want to improve riparian habitat for a suite of species can request land use advice from a variety of sources, including:

- WDFW regional habitat and district wildlife biologists. Go to <http://arcg.is/1SgsHqk> to find the names and direct contact information for your local biologists, or call the regional office in your area:
 - Region 1 – Eastern: 509-892-1001
 - Region 2 – North Central: 509-754-4624
 - Region 3 – South Central: 509-575-2740
 - Region 4 – North Puget Sound: 425-775-1311
 - Region 5 – Southwest: 360-696-6211
 - Region 6 – Coastal: 360-249-4628
- Salmon Recovery Lead Entities or Regional Fisheries Enhancement Groups
- Tribal natural resource departments
- Local [Conservation Districts](#)



4.4. Suggested Restoration Practices

The following section provides a series of suggested restoration practices promoted by WDFW, other state and federal agencies, and conservation partners. We encourage consideration of these activities and others within and adjacent to the RMZ, as delineated in accordance with our recommendations in Chapter 2. Further, it is not unusual to find other types of Priority Habitats (e.g., wetlands, shrub-steppe) adjacent to riparian areas. In such cases, restoration practices should not degrade or disturb the adjacent habitat, but rather—if feasible—improve it in addition to improving the riparian habitat. The same approach should be used where riparian-adjacent Priority Species areas are present.

Like most restoration practices, the ones recommended below can range in complexity, both biologically and technically, so landowners are strongly encouraged to seek technical assistance from WDFW and other experts before taking any action: This will help save money, time, and greatly increase the likelihood of success for any restoration activity. Landowners should also be aware that many of these activities may require permits^{11,12} issued by one or more

¹¹ The Governor's ORIA Office provides additional assistance for general permitting questions (https://www.oria.wa.gov/site/alias_oria/347/Permitting.aspx)

¹² Larger projects may also trigger permit requirements with federal agencies, such as the U.S. Army Corps of Engineers (USACE).

agencies such as WDFW for the [Hydraulic Code rules](#), and DNR for the [Forest Practices rules](#); as well as permits from the local jurisdiction.

1. Improve quality of vegetation for both aquatic and terrestrial wildlife by removing invasive species wherever present. Further, to avoid the likely return of invasive species, cleared areas should be replaced with native riparian vegetation: specifically, native vegetation that provides needed ecosystem functions as described in Volume 1 and throughout this document (e.g., shade, large wood, pollution removal).
2. Where riparian areas already possess some native vegetation, enhance them with a greater mixture of native plants that provide necessary habitat components (forage, cover, breeding, roosting, etc.) for a diversity of species and multiple riparian functions (e.g., streambank stability, wood recruitment, organic litter input, and pollutant removal). The specific mix of vegetation will vary by ecoregion and local needs, but likely includes conifers, grasses, and herbaceous plants.
3. Increase off-channel habitat and improve natural flow regimes by removing dikes or levees and restoring access to and within the floodplain.
4. In areas of incised channels, reintroduce beaver or construct beaver dam surrogates to store sediments, raise streambed elevation, raise water table elevation, and restore riparian vegetation.
5. Remove reed canary grass, which can greatly inhibit channel morphology and aquatic species movement. (Management techniques for reed canary grass vary and are often site-specific: contact your local WDFW regional habitat biologist for technical assistance.)
6. Through proper consultation with WDFW and tribal biologists, increase the presence of large wood in streams and rivers to improve habitat for salmon, resident fish species, and aquatic amphibians.
7. Increase connectivity through removal of non-fish passing culverts. If replacement culverts are needed, ensure they are adequately sized and climate-change-resilient; see WDFW's online resource on [Incorporating Climate Change into the Design of Water Crossing Structures](#) (Wilhere et al. 2016).
8. Reduce soil erosion by increasing vegetation complexity and density, excluding (or substantially minimizing) soil compacting activities, and implementing upland soil management techniques where applicable.
9. For agricultural operators: add and/or improve fencing structures to increase the amount of riparian area acreage from which livestock are excluded to reduce compaction, erosion, and overgrazing.



Cooperative riparian enhancement project led by the Lower Columbia Fish Enhancement Group along the Toutle River, Cowlitz County/Josh Nicholas, WDFW

**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>)		
Total	50 lbs/acre	35 lbs/acre

<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
TOTAL	70 lbs/acre

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://oregon.gov/ODA/CID/weed_free_forage.shtml

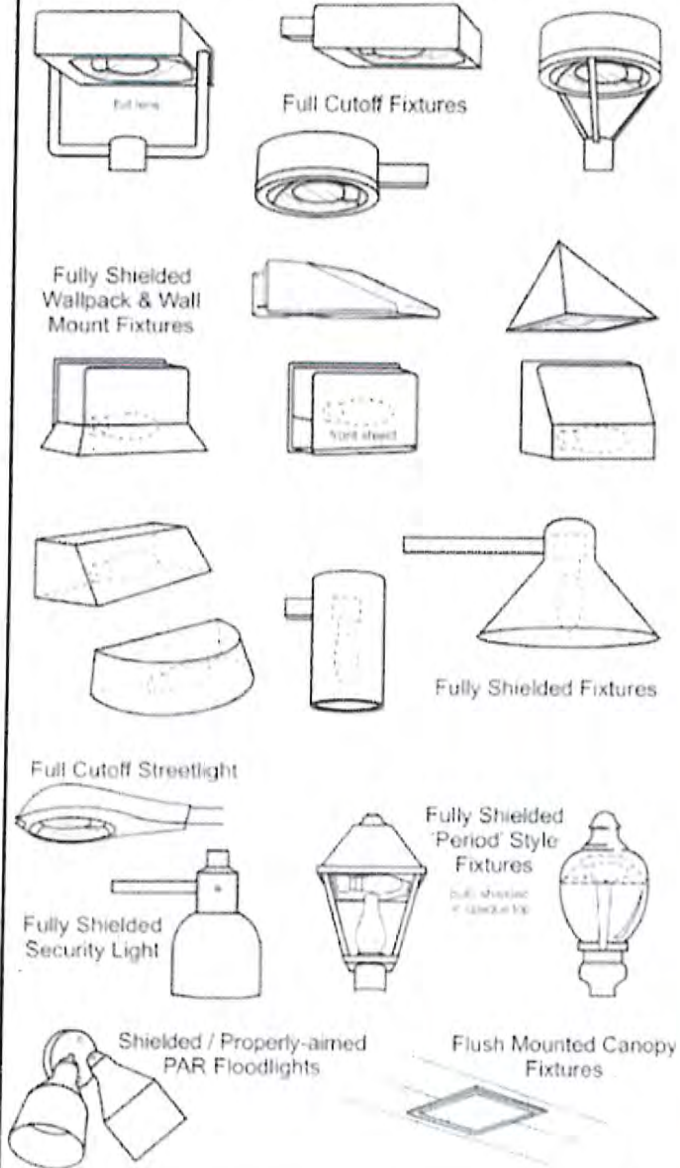
The following are some more potential contacts for weed-free straw:

- 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.

Examples of Acceptable / Unacceptable Lighting Fixtures

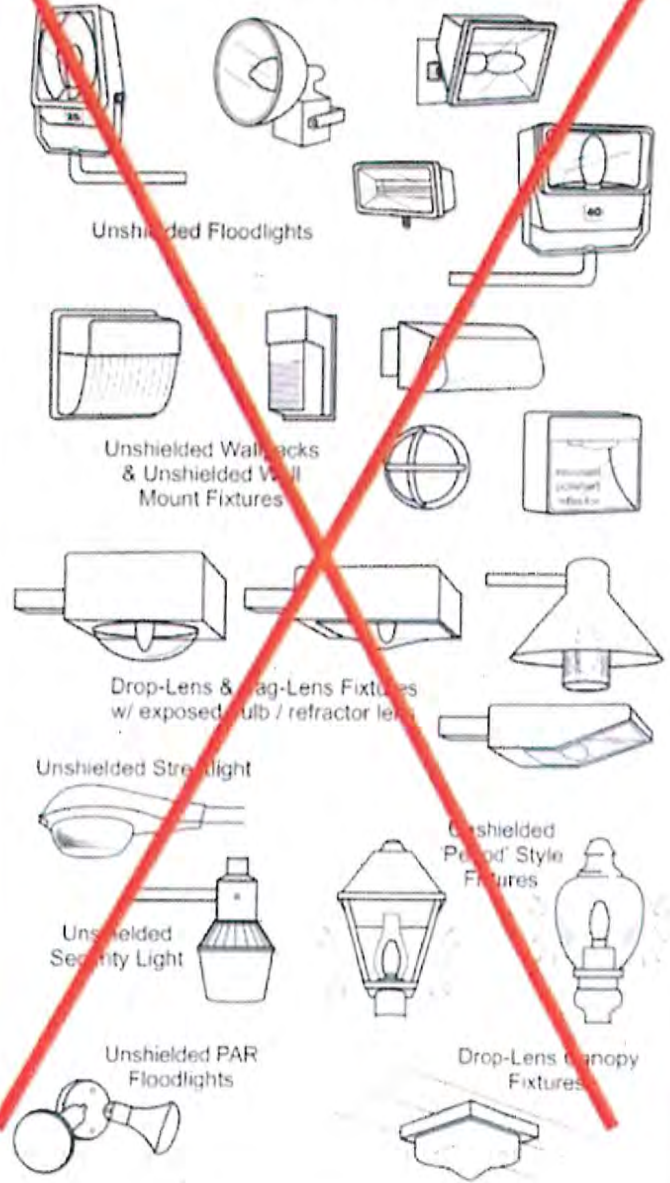
Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night

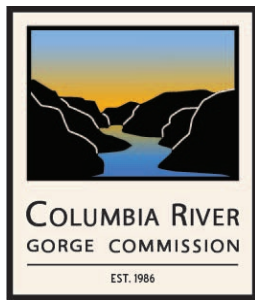


Unacceptable / Discouraged

Fixtures that produce glare and light trespass



BC 10/02



Development Review Staff Report

Summary of Application

FILE NUMBER:	C24-0009
PROPOSAL:	The Columbia River Gorge Commission has received an application for the construction of a replacement single-family dwelling with a detached garage and associated utilities.
APPLICANTS:	Ron & Carol Kroeskop, Dave Sauter
LANDOWNERS:	Ron & Carol Kroeskop
SIZE and LOCATION:	The subject property is located at 323 Old Highway 8 and is described as Tax Lot Number 03-12-2900-000/600 in the western half of Section 29, Township 3 North, Range 12 East, Willamette Meridian, Klickitat County, Washington. The property is located on a parcel that is approximately 80 acres in size and is associated with these additional Tax Lot Numbers: 03-12-2900-001/700 and 03-12-2900-001/800.
LAND USE DESIGNATION:	General Management Area (GMA) – Small-Scale Agriculture (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)
Confederated Tribes of the Warm Springs Reservation of Oregon (David E. Witt, Review & Compliance Specialist Coordinator)
Confederated Tribes and Bands of the Yakama Nation (Aulena Carl, Archaeology Technician Cultural Specialist)
Washington State Department of Archaeology and Historic Preservation (Jessica Stone, Assistant State Archaeologist)

Findings of Fact

A. Land Use

1. Carol and Ron Kroeskop propose to build a replacement single-family dwelling and detached garage in a new location on the subject property to replace the existing home that burned down in July 2024. The applicants also propose two temporary recreational vehicles to be used as temporary dwelling units while the house is being constructed.

The proposed single-family dwelling is 3,712 square feet in size and 23 feet in height. The proposed detached garage is 1,008 square feet in size and 23 feet in height.

2. The subject parcel is in the General Management Area (GMA) and is designated Small-Scale Agriculture with an 80-acre minimum parcel size. The parcel is approximately 80 acres in size and is located off Old Highway 8. The tax lot associated with this proposal is approximately 30 acres in size and part of the larger 80-acre parcel associated with two other tax lots.
3. According to Klickitat County Assessor's records existing development on the property includes a 24 ft x 60 ft (1,440 square feet) agricultural building built in 1920, a 10 ft x 20 ft (200 square feet) structure and a 10ft x 10ft (100 square feet) utility shed constructed in 2001. Gorge Commission records indicate an application for a 7.5 ft x 30 ft (225 square feet) recreational vehicle that was approved in 2005. Additionally, there is an unpermitted dry campground with tent platforms which is under review for application C25-0001.

This Director's Decision does not in any way validate any or resolve other pending violations on the larger subject parcel.

4. Commission Rule 350-082-0240(2)(j) allows only one dwelling on a parcel designated Small Scale Agriculture.

Two temporary recreational vehicles exist on the property as temporary dwelling units. The temporary dwelling units shall only be allowed while the replacement dwelling is being constructed and shall be removed within 30 days of obtaining the Certificate of Occupancy for the replacement dwelling. This is included in the Director's Decision as a condition of approval.

5. Commission Rule 350-082-0240(3)(f) 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 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.*

The application includes a proposal for a detached garage with a footprint that is 1,008 square feet in size and 23 feet in height.

According to Klickitat County Assessor's records, existing accessory buildings on the entire legal 80-acre parcel include the following associated with each tax lot:

Tax lot A: 3122900001700 (Sauter Trust) includes a 210 square foot accessory building.

Tax lot B: 3122900001800 (David Sauter) does not have any accessory buildings.

Tax Lot C (subject parcel): 3122900000600 (Carol Kroeskop, applicant) includes 525 square feet of existing accessory building square footage, including the above listed 200 square foot accessory structure, 100 square foot utility shed, and a 225 square foot recreational vehicle (approved by C05-0004). The 1,440 square foot barn is an existing agricultural building and is therefore not included in the accessory building square footage of the property.

The addition of the detached garage brings the total square footage of accessory building footprints for the parcel to 1,743 square feet. A condition of approval is included to ensure the garage is used in a manner that is incidental and subordinate to the dwelling and not as a separate dwelling unit.

6. Commission Rule 350-082-240(3)(d) allows accessory structures for an existing or approved dwelling. The applicants propose to modify an existing road and to trench new utility lines to the proposed replacement dwelling and detached garage. There is an existing road located on the property that runs from the southern boundary of the lot and extends north to the proposed site of the development. A 150-foot section of the road curves tightly around an Oregon white oak tree located at the east boundary of the

property. The applicants have proposed that this section of the road be re-routed approximately seventy-five feet to the west. The new utility line will run from the southwest corner of the property underground approximately 850 feet north to the site of the proposed replacement dwelling.

7. Commission Rule 350-082-0200(3) allows for replacement structures not damaged or destroyed by disaster. It states:

Except as provided in section (4) below, an existing structure may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:

- (a) The replacement structure shall have the same use as the original structure.*
- (b) The replacement structure may have a different size or location than the original structure. An existing manufactured home may be replaced with a framed residence and an existing framed residence may be replaced with a manufactured home.*
- (c) The replacement structure shall be subject to the scenic, cultural, recreation and natural resources guidelines; the treaty rights guidelines; and the land use designations guidelines involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.*
- (d) The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one-year time frame.*

Commission Rule 350-082-0070(73) defines “existing use or structure” as:

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

- (a) The landowner or developer obtained applicable land use and building permits and complied with land use regulations and other laws that were in effect at the time the use or structure was established, or that were in effect at the time the landowner or developer corrected an improperly established use or structure;*
- (b) The use or structure was initially operated or constructed according to those applicable permits, land use regulations and other laws, or has been operated or constructed according to permits obtained to correct an improperly established use or structure; and*
- (c) Any changes to the original use or structure must comply with all applicable permit requirements, land use regulations and*

other laws that were in effect at the time the change was established.

The applicant proposes to construct a new single-family dwelling that has 3,712 square feet of living space. The new single-family dwelling is replacing a house that was destroyed by fire in July 2024. The original building was constructed in 1995 (Director's Decision C94-0042). The application was submitted one month after the fire in August 2024, within the one-year time frame.

8. Commission Rule 350-082-0580(2) provides buffer distances for all new buildings in the GMA proposed on parcels adjacent to lands designated Large-Scale Agriculture or Small-Scale Agriculture that are currently used or suitable for agricultural use. All parcels surrounding the subject parcel are designated Small-Scale Agriculture. Commission Rule 350-082-0580 Table 1 – Setback Guidelines describes the buffers for agricultural uses and buffer types. Commission Rule 350-082-0580(2)(b) states:

New buildings adjacent to lands designated Large-Scale Agriculture or Small-Scale Agriculture that are suitable, but currently not used for agriculture, shall use the open or fenced setback associated with the dominant type of agriculture in the vicinity. If a vegetation barrier, eight-foot berm, or terrain barrier exists, the corresponding setback shall apply. If more than one type of agriculture is dominant, the setback shall be the larger width.

Commission Rule 350-082-0070(183) defines suitability as:

The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production; whether the land is committed by development to another land use that does not allow for agricultural use; surrounding uses and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, powerlines, dwellings, and size of ownership.

This rule is applicable to the subject parcel along all of the parcel's boundaries. Staff evaluated other parcels in the vicinity to see what types of agricultural uses the subject parcel and adjacent parcels are suitable for. In general, the types of agriculture found on nearby land with similar terrain are livestock grazing/pasturelands and vineyards/berries. According to Commission Rule 350-082-0580 Table 1 – Setback Guidelines, the setback requirement is 100 ft for pasturelands and 150 ft for vineyards. The proposed development is 220 feet from the eastern property line which borders vineyards on the adjacent parcel, 750 feet from the southern property line, 1,300 feet from the closest part of western property line and 1,070 feet from the northern property line. No additional buffers are needed between the subject property and adjacent properties.

Land Use Conclusion:

The proposed developments are 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(1)(a) states:

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

The proposed replacement dwelling and detached garage are located on a site with less than 10 feet of elevation change. Staff observed on a site visit on June 11, 2025, (see Figure 1) that the site is relatively level and minimal grading would be necessary to make the site suitable for building. No new excavation is required to site the temporary dwellings.



Figure 1: Alternative Development Site

There is an existing road located on the property that runs from the southern boundary of the lot and extends north to the proposed site of the development. An approximately 150-foot section of the road curves tightly around an Oregon white oak tree located at

the east boundary of the property. The applicants have proposed that this section of the road be re-routed approximately 75 feet to the west. The re-route of the road is screened to the south and west by existing oak-pine groves (see Figure 2).



Figure 2: Looking to the south, the existing road and oak tree.

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 the 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 the 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.

Applicable landscape setting design guidelines are discussed in Finding B.11. Findings in this section will apply to the proposed single-family dwelling. The proposed detached garage is 1,008 square feet in size and is therefore exempt from this guideline.

Staff evaluated surrounding existing single-family dwellings within a half mile of the subject parcel. The evaluation was completed prior to the Burdoin Fire in July 2025. According to Klickitat County Assessor's records, there are twelve single-family dwellings within a half mile of the subject parcel with the largest recorded at 6,884 square feet and the smallest recorded at 730 square feet. The square footage of all dwellings in the study area included evaluations of all the required features required by (C) of this rule.

Excluding the largest dwelling, the average size of a single-family dwelling in the area is 2,633 square feet. The proposed dwelling of 3,712 square feet which includes the above ground square footage and covered decks falls within the range of the general scale of dwellings in the area with the largest in the included list being 4,032 square feet.

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.

No landscaping is required. The applicant is required to revegetate disturbed areas with grasses from the Recommended Seed Mixes for East Side Environments handout (attached to this report) immediately following the completion of the project (or as soon as possible thereafter if the project is completed during the winter or summer months).

4. Commission Rule 350-082-0600(2) discusses review uses related to Key Viewing Areas.

(a) Each development shall be visually subordinate to its landscape setting as visible from key viewing areas. New development shall be sited to achieve visual subordination from key viewing areas, unless siting would place such development in a buffer specified for protection of

wetlands, riparian corridors, rare plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, new development siting shall comply with this guideline to the maximum extent practicable.

- (b) *Determination of potential visual effects and compliance with 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.*

- (c) *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 proposed site of the single-family dwelling and detached garage was initially noticed on December 17, 2024. On January 16, 2025, Luciano Legnini, Archaeologist for the USFS Columbia River Gorge National Scenic Area sent Gorge Commission staff a Cultural Resources Survey Determination letter notifying that a Cultural Resource Reconnaissance Survey would be required for the proposed site.

A Cultural Resource Reconnaissance Survey was conducted by Kathryn M. Boula, Archaeologist for Inland Northwest Cultural Resources, on March 13, 2025. Following

the survey, and in consultation with Chris Donnermeyer, USFS Archaeologist for the Columbia River Gorge National Scenic Area, an alternative site was proposed for the development contingent on the findings of a survey of the alternative site.

On May 6, 2025, Kathryn M. Boula completed a second survey of the proposed alternative site located to the North of the original proposed site. Ms. Boula recommended that a monitor be present for any ground-disturbing activities at the alternative site location. Staff sent an amended notice of the alternative site location on June 5, 2025 (see Figure 3).

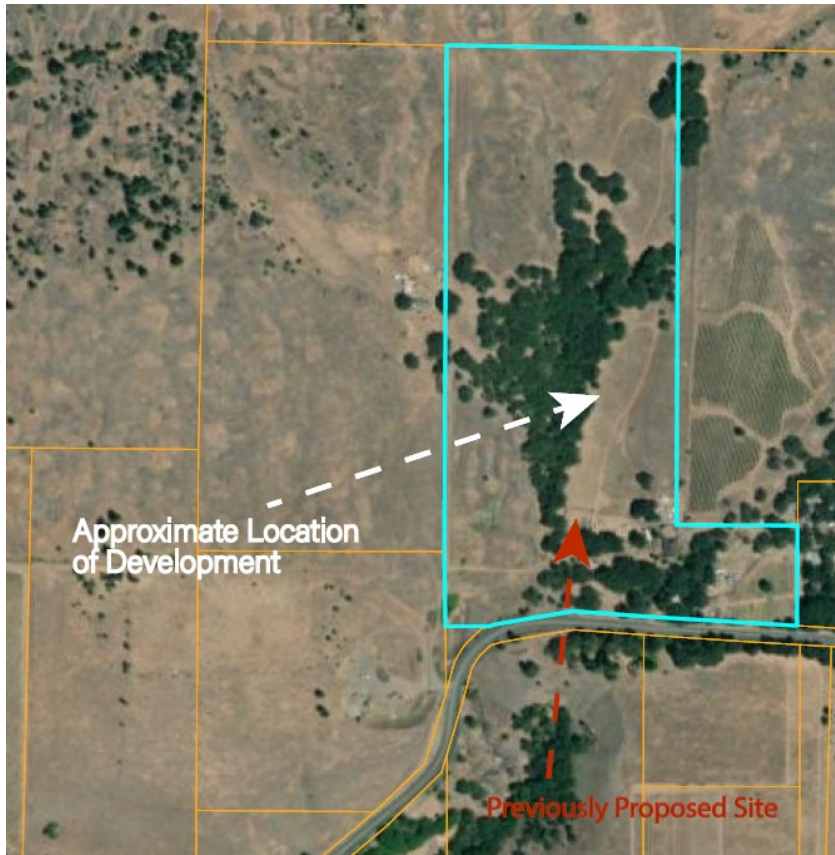


Figure 3: Alternative Site Location Map

The proposed development is sited to achieve visual subordination to the maximum extent possible with consideration to cultural resource buffer requirements as recommended by USFS archaeologists and Ms. Boula. The proposed dwelling and detached garage are located to the east of a grove of oak and pine trees so that the main features of the house and garage are screened to the west by the grove of oak and pine trees and to the east by undulating topography.

According to Gorge Commission GIS maps, the proposed development site is visible from the following key viewing areas:

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	
Rowena Plateau		X	
Interstate 84		X	

Staff completed a key viewing area analysis prior to the occurrence of the Burdoin Fire. The site is topographically visible from Interstate 84 for approximately four miles between Mosier and McClure Lake from varying distances ranging from one to two miles. Additionally, the site is also visible for approximately four miles along the Historic Columbia River Highway just before the Memaloose Overlook to the Rowena Plateau Viewpoint from varying distances ranging from approximately 1.25 to 3 miles.

The site is partially screened to the west and south by an extended mixed grove of oak and pine trees. Topography located to the southeast of the site screens the development to the Southeast from key viewing areas along Interstate 84 east of McClure Lake and Rowena Plateau. Additionally, the Coyote Wall syncline topography screens the development from key viewing areas Interstate 84 west of Mosier.

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 or 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 half a mile. Staff chose the half mile study area because the parcels are within the same Pastoral landscape setting and developments on the parcels within the study area contain similar dwellings and accessory buildings and use. As seen from key viewing areas, the subject parcel is in an area where existing dwellings and accessory buildings are visible but developments on parcels are clustered together in accordance with guidelines for the Pastoral landscape setting.

Out of the seventeen parcels within the study area, ten parcels had developments similar in size and number to the subject parcel which included single-family dwellings, accessory buildings, and agricultural-related structures and buildings.

Potential visual impacts from the garage and dwelling unit are focused on the south-facing elevations which consist of dark earth-toned cement board and dark asphalt

shingle roof materials. The south elevation of the house consists of three windows which are spaced apart from each other and will be shielded to the south by the detached garage. Conditions of approval included in the Director's Decision state that the applicant shall use dark-earth-toned materials for all building elevations.

5. Commission Rule 350-082-0600(2)(e) states that existing tree cover screening proposed development from key viewing areas shall be retained as specified in 350-082-0600(3). A condition of approval is included in the Director's Decision for the applicant to retain all existing vegetation.
6. Commission Rule 350-082-0600(2)(f) states that the silhouette of new buildings shall remain below the skyline of a bluff, cliff, or ridge as visible from key viewing areas. According to CalTopo online maps, the proposed development site of the garage and dwelling is sited at approximately 475 feet above sea level. The key viewing areas listed in Finding B.4 are located at elevations ranging from 100 feet to 700 feet. A gradual sloping hill is located behind the proposed development to the North, rising to approximately 2,400 feet. At a height of 475 feet, the garage and dwelling remain well below the skyline.
7. Commission Rule 350-082-0600(2)(h-j) discusses standards for developments visible from key viewing areas:

(h) 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.

A condition of approval is included in the Director's Decision related to the requirements for dark earth-tone colors.

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

The applicants propose to use cement board for the buildings' siding and asphalt shingles for the roof in dark earth-tone colors. These materials have a rough texture and low reflectivity. The design of the garage and dwelling include broadly spaced window patterns facing away or screened from key viewing areas. A condition of approval is included in the Director's Decision related to the requirements for low reflectivity materials in dark earth-tone colors.

(j) 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 noticeable contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes.

No exterior lighting was proposed in the application materials. However, a condition of approval is included in the Director's Decision stating lights shall be directed downward, hooded, and shielded to prevent lights from being highly visible from key viewing areas. Included with the decision packet, staff are providing the applicant with examples of acceptable light fixtures from the International Dark-Sky Association.

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

New main lines on lands visible from key viewing areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.

The applicant proposes to trench a new electrical line underground from the road to the development site. Staff documented that the existing overhead electrical line had been destroyed by fire on July 2, 2024.

9. Commission Rule 350-082-0600(2)(q) states that new buildings shall not be permitted on lands visible from key viewing areas with slopes in excess of 30 percent. Analysis using CalTopo online maps determined the site slope to be less than 10%.

10. Commission Rule 350-082-0600(2)(r) states that driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from key viewing areas. The applicant did not propose a new driveway and the development site will be located on a slope of less than 10%. The proposed dwelling will be accessed by an existing agricultural road. The visibility and re-route of a 150-foot portion of the existing road is discussed in Finding B.1. No cut banks or fill slopes are required for the re-route of the existing road.

11. Commission Rule 350-082-0600(3)(a) discusses review uses within the Pastoral landscape setting:

(A) 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 proposed detached garage will be sited next to the dwelling. Due to recommendations from USFS Archaeologists and Kathryn M. Boula based on cultural resource discovery in the area, the garage site is located next to a grove of oak and pine trees at the edge of an existing farm field.

(B) 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) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.*

- (ii) *Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.*
- (iii) *At least half of any trees planted for screening purposes shall be species native to the setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate for the area.*
- (iv) *At least one-quarter of any trees planted for screening shall be coniferous for winter screening. Variances may be granted to this guideline when development is directly adjacent to or adjoining a landscape setting where coniferous trees are not common or appropriate (see Scenic Implementation Handbook for guidance), and trees species ultimately selected for winter screening are natives characteristic to that setting.*

Existing vegetation consists of thick stands of Oregon white oak and pine along the southern and western boundary of the property as well as being sparsely located throughout the southeastern corner. The applicant did not propose removing any existing vegetation or planting new vegetation. A condition of approval is included in the Director's Decision for the retention of existing vegetation.

(C) Compatible Recreation Use Guideline: Resource-based recreation uses of a very low-intensity or low-intensity nature (350-082-0700(1) and (2)), occurring infrequently in the landscape, are compatible with this setting.

The applicant did not propose any new recreational use. Recreation resources are evaluated below in Section E.

Scenic Resources Conclusion:

With conditions of approval listed in the Director's Decision, this application meets the criteria for guidelines for protecting Scenic Resources in the National Scenic Area.

C. Cultural Resources

1. Commission Rule 350-082-0620(1) describes general provisions for implementing the Cultural Resources Protection Process.
2. Except as specified in Commission Rule 350-082-0620(2)(a)(C), new development in the Columbia River Gorge National Scenic Area requires a reconnaissance survey.
3. Luciano Legnini, Archeologist for the 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 January 16, 2025, that pursuant to Commission Rule 350-082-0620(2)(a)(C) a Cultural Resource Reconnaissance Survey is required because the proposed development would occur on a site that has been determined to be located within a high probability zone for cultural resources.
4. Commission Rule 350-082-0620(2)(a)(D) describes when a historic survey is required. In his January 16, 2025 Cultural Resources Determination letter, Mr. Legnini determined that a historic survey is not required.

5. Commission Rule 350-082-0620(2)(b) describes requirements for Reconnaissance Surveys and Reports for Small-Scale Uses. Kathryn M. Boula, Archaeologist for Inland Northwest Cultural Resources conducted the initial reconnaissance survey on March 13, 2025, and a subsequent one on May 6, 2025.
6. Commission Rule 350-082-0620(2)(b) describes requirements for the results of reconnaissance surveys for small-scale uses. On July 6, 2025, Ms. Boula submitted a reconnaissance survey report to the Gorge Commission. Luciano Legnini, USFS Archeologist, received and reviewed the reconnaissance survey for compliance with the requirements for reconnaissance surveys and survey reports for Small-Scale Uses in Commission Rules 350-082-0620(2)(b) and submitted his comments in a letter on July 8, 2025. Mr. Legnini concurred with Ms. Boula's evaluation of No Historic Properties Affected for the proposed development and agrees that no additional archeological work is necessary.
7. Commission Rule 350-082-0620(2)(f) details the process for sending a Notice of Survey Results:

(A) The Executive Director shall submit a copy of all cultural survey reports to the State Historic Preservation Officer and the tribal governments. Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer zone.

(B) The State Historic Preservation Officer and the tribal governments shall have 30 days from the date a survey report is mailed to submit written comments to the Executive Director. The Executive Director shall record and address all written comments in the development review order.

Gorge Commission staff sent a Notice of Survey Results to the tribal governments and the Washington Department of Archaeology and Historic Preservation on July 9, 2025. The comment period ended August 7, 2025. Comment letters were received from Aulena Carl, Archaeology Technician Cultural Specialist for Yakama Nation Cultural Resources on August 4, 2025, and David E. Witt, Review and Compliance Specialist Contractor for the Confederated Tribes of the Warm Springs Reservation on August 7, 2025. Additionally, staff received a comment letter from Jessica Stone, Assistant State Archaeologist for Washington State's Department of Archaeology and Historic Preservation, on August 8, 2025. All comments were forwarded to Mr. Legnini.

8. Commission Rule 350-082-0620(2)(g)(B)(iii) describes the criteria for the conclusion of the Cultural Resource protection process.

The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this guideline, a reasonable buffer zone must be established around the affected resources or properties; all ground-disturbing activities shall be prohibited within the buffer zone. Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant. A deed

covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.

In the reconnaissance survey report, Ms. Boula recommended avoidance of the original proposed site and the presence of a monitor for any ground disturbing activities at the alternative site due to the discovery of cultural resources in the area. USFS Archaeologist Luciano Legnini identified a buffer zone and designated an alternative development site. A condition of approval is included in the Director's Decision that a monitor shall be present for any ground disturbing activities and for maintaining the identified buffer zone during development. A condition of approval is also included requiring the applicants to develop a deed covenant to ensure the cultural resources are protected.

9. 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 one hundred 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.
10. 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 avoiding and protecting known and unknown cultural resources and human remains discovered during construction, the proposal is consistent with the guidelines in Commission Rule 350-082-540 that protects cultural resources in the National Scenic Area.

D. Natural Resources

1. Commission Rule 350-082-0640(1) discusses wetlands boundaries and site plans for review uses in wetlands. Staff conducted site visits and consulted Gorge Commission natural resource inventory maps, and found no wetlands are present within the buffer zone of the site. The closest wetland is more than 2,000 feet from the proposed development.
2. According to Gorge Commission GIS maps, two streams converge in the southwest corner of the property labeled as fish-bearing. The applicant proposes replacing the electrical utility line that burned in the fire on July 2, 2024, by running the new line as designated on the site plan from the southwest corner of the property underground for approximately 850 feet north to the site of the proposed replacement dwelling. The path of the trench crosses the stream bed that flows from the northeast corner of the property, exiting at the southwest corner.

Commission Rule 350-082-0640(5) describes uses that are not allowed outright in water resource buffer zones.

(a) Uses that are not allowed outright or listed in subsections (3)(a) and (4)(a) above, may be allowed in water resources (except wetlands) and in all water resources buffer zones (including wetland buffer zones), subject to compliance with 350-082-0600 through 350-082-0720 and subsection (b) below. These provisions do not apply to uses listed in subsections (3)(a) and (4)(a) that cannot meet the criteria in subsections (3)(b) and (4)(b).

Commission Rule 350-082-0640(4)(a) discusses uses that may be allowed in water resources (except wetlands) and water resource buffer zones. The uses allowed are the modification, expansion, replacement or reconstruction of serviceable structures.

As described above, the applicant is proposing the replacement of an overhead electrical utility line that was destroyed previously. Under Commission Rule 350-082-0640(4)(a) this is described as an allowed use if such actions would not:

- (i) Increase the size of an existing structure by more than 100 percent;*
- (ii) Result in a loss of water resources acreage or functions;*
- (iii) Result in a loss of water quality, natural drainage, and fish and wildlife habitat; and*
- (iv) Intrude further into water resources or water resources buffer zone. New structures shall be considered intruding further into a water resource or associated buffer zone if any portion of the structure is located closer to the water resource or buffer zone than the existing structure.*

The existing overhead electrical line was approximately three hundred feet in length. In the applicant's original proposal as noticed on December 17, 2024, the proposed utility line was approximately four hundred feet in length, 30% longer than the original line. As described in Finding B.4 and C.8, an alternative development site was recommended by archaeologists approximately 475 feet to the north therefore adding additional and unavoidable length to the replacement utility lines. As noted from site visits conducted by staff, the pre-existing overhead electrical line had also crossed an identified stream.

Amber Johnson, Habitat Biologist for Washington Department of Fish and Wildlife, evaluated the path of the proposed utility line and recommended that the stream be rehabilitated after the installation of the new lines as discussed further in Finding D.4 and expressed no further concerns that post rehabilitation the installation of the line would result in a loss of water resources, quality, drainage, or fish habitat.

Commission Rule 350-082-0640(4)(b) states that the uses listed in subsection 4(a) may be allowed only if they meet all of the following criteria:

- (A) Practicable alternatives for locating the structure outside of the water resource or buffer zone do not exist.*

Findings related to practicable alternatives for locating the structure are discussed in Finding D.3.

(B) All reasonable measures have been applied to ensure that the structure will result in the minimum alteration or degradation of ecological functions, water quality, existing contour, vegetation, fish, and wildlife resources, and hydrogeology.

Finding D.3 discusses in detail the measures applied to ensure minimum alteration to Priority Habitats.

(C) The structure will be constructed using best management practices. Best management practices can include measures to prevent soil erosion, the introduction of and spread of invasive plants and aquatic species, and other impacts to plants, wildlife, soil, and water. Boardwalks and observation decks shall be constructed using non-toxic materials to protect water quality.

The utility line will be placed by digging a two-to-three-foot-wide trench. Rehabilitation best management practices are discussed in Commission Rule 350-082-0640(5)(b)(C) below.

(D) Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable.

Finding D.4 discusses rehabilitation measures recommended by WDFW.

(E) Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

During a site visit on February 6, 2025, in consultation with Amber Johnson from WDFW, Gorge Commission staff determined that following rehabilitation measures, the stream bed would not sustain adverse effects.

(F) The structure complies with all applicable federal, state, and local laws.

Klickitat County Public Utility District (KPUD) recommended the use of a trench to install power lines underground.

Commission Rule 350-082-0640(5)(b) continues:

The uses identified in subsection (a) above may be allowed only if they meet all of the following criteria:

(A) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by 350-082-0680.

The proposed utility line is not water dependent. Findings related to the Practicable Alternatives Test are discussed in Finding D.3.

(B) The proposed use is in the public interest. All of the following factors shall be considered when determining if a proposed use is in the public interest:

- (i) *The extent of public need for the proposed use. For uses in wetlands, public need is limited to uses necessary to alleviate a current public safety issue supported by evidence establishing the safety issue.*
- (ii) *The extent and permanence of the beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.*
- (iii) *The functions and size of the water resource that may be affected.*
- (iv) *The economic value of the proposed use to the general area.*
- (v) *The ecological value of the water resource and probable effect on public health and safety, fish, plants, and wildlife.*

In Policy Bulletin Number 16, provided by KPUD in an email sent to Gorge Commission staff on December 16, 2025, Section 3 describes Line Design Criteria for installation of utilities to a property. Section 3.2 states, “All line extensions will be installed underground on designated circuits, in an effort to increase reliability and safety, while minimizing risk and future liabilities.” KPUD advised that since the original overhead electrical line connection was destroyed in the same fire that destroyed the applicant’s original dwelling, that the new electrical line should be placed underground for public safety reasons for both the property residents and adjacent parcels.

As discussed in Finding D.3, Ms. Johnson and Gorge Commission staff determined that in the interest of protecting Oregon white oak and Gray Squirrel habitats, and with consideration to the subject stream being evaluated as seasonal and intermittent, installation of the electrical utilities as directed by KPUD would have the least amount of adverse effects to all natural resource at the site.

(C) Measures will be applied to ensure that the proposed use results in the minimum feasible alteration of the resource. As a starting point, the following measures shall be considered when new development and uses are proposed in water resources and buffer zones:

- (i) *Ecological functions, contour, and hydrology shall be maintained. Nonstructural controls and natural processes shall be used to the greatest extent possible.*
- (ii) *Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in Oregon or Washington state’s published guidelines for in-water work, or as advised by the applicable Department of Fish and Wildlife.*
- (iii) *All vegetation shall be retained to the greatest extent practicable, including wetland, aquatic, and riparian vegetation.*
- (iv) *Bridges, roads, pipelines and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.*

- (v) *Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used. State agencies with permitting responsibility for culverts shall be consulted.*
- (vi) *Temporary and permanent control measures shall be applied to minimize erosion and sedimentation when water resource areas are disturbed, such as slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.*
- (vii) *Measures shall be taken to prevent the introduction or spread of invasive plants or aquatic species.*

According to WDFW's website, they advise that all in-stream work be conducted during low-flow months of the year, usually between the months of July to November. For non-fish-bearing streams, work can continue outside of low-flow months during dry weather. As discussed in Finding D.3, WDFW maps show that the two streams that converge in the southwestern portion of the property are identified as non-fish bearing streams a few hundred feet downstream of the proposed site due to the geological features of the area. No culverts were proposed and a Hydraulic Project Approval (HPA) was not required by WDFW because the stream was designated as non-fish bearing by Ms. Johnson. An HPA ensures that construction is done in a manner that protects fish and their aquatic habitats.

Restoration of the streambed affected area shall match undisturbed upstream characteristics (including width, depth, and path) of the streambed and banks. Included with this decision is WDFW's *Riparian Ecosystems, Volume 2: Management Recommendations*, Chapter 4 provides specific guidance for the applicant to use when restoring the streambed in order to prevent erosion and to restore the contours, hydrology, and ecological functions of the stream. Suggested restoration practices include:

1. Improve quality of vegetation for both aquatic and terrestrial wildlife by removing invasive species wherever present. Further, to avoid the likely return of invasive species, cleared areas should be replaced with native riparian vegetation.
2. Where riparian areas already possess some native vegetation, enhance them with a greater mixture of native plants that provide necessary habitat components (forage, cover, breeding, roosting, etc.) for a diversity of species and multiple riparian functions.
3. Reduce soil erosion by increasing vegetation complexity and density, excluding (or substantially minimizing) soil compacting activities, and implementing upland soil management techniques where applicable.

4. Improve fencing structures to increase the amount of riparian area acreage from which livestock are excluded to reduce compaction, erosion, and overgrazing.

A condition of approval is included in the Director's Decision to ensure the applicant uses all available resources to minimize the alteration of the water resource.

No vegetation is proposed to be removed by the applicant except what is needed for the trenching. No trees are proposed to be removed. A condition of approval is discussed in Finding D.7 related to the retention of existing vegetation, specifically Oregon white oak.

(D) Groundwater and surface-water quality will not be degraded by the proposed use.

The proposed utility line will be installed in a plastic conduit approximately 3 feet underground. WDFW did not express any concern with regard to surface-water quality.

(E) Those portions of a proposed use that are not water-dependent or that have a practicable alternative will not be located in water resources or buffer zones.

The proposed utility line is not water dependent. Findings related to the Practicable Alternatives Test are discussed in Finding D.3.

(F) The proposed use complies with all applicable federal, state, and local laws.

Klickitat County Public Utility District recommended the use of a trench to install power lines underground. A Hydraulic Project Approval (HPA) was not required by WDFW because the stream was designated as non-fish bearing by Ms. Johnson. An HPA ensures that construction is done in a manner that protects fish and their aquatic habitats.

(G) Areas that are disturbed during construction of the proposed use will be rehabilitated. When a project cannot be completely restored or rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

(H) Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

Findings related to adverse effects and cumulative effects are discussed in Finding D.3.

(I) Unavoidable impacts to water resources shall be offset through deliberate restoration, creation, or enhancement of impacted resources. Restoration, creation, and enhancement are no alternatives to the guidelines listed above; they shall be used only as a last resort to offset unavoidable water resource impacts.

Included with this decision is WDFW's *Riparian Ecosystems, Volume 2: Management Recommendations*. Chapter 4 provides specific guidance for the applicant to use when restoring the streambed in order to prevent erosion and to restore the contours,

hydrology, and ecological functions of the stream. Conditions of approval included in the Director's Decision include details outlining timeline for the restoration process and monitoring requirements.

(J) Restoration, creation, and enhancement shall improve water quality, natural drainage, and fish and wildlife habitat of the affected wetland, stream, pond, lake, or buffer zone. When a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. The following water resource guidelines shall apply:

- (i) Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred approach when wetlands are impacted.*
- (ii) Water resources restoration and enhancement shall be conducted in accordance with a wetlands compensation plan or water resources mitigation plan. Voluntary enhancement project applications shall be encouraged. See 350-082-0460 and Part III, Chapter 4: Enhancement Strategies in the Management Plan.*

The affected area is designated as a stream, not a wetland.

- (iii) Water resources shall be replanted with native plant species that replicate the original vegetation community.*

Included with this report is the *Recommended Seed Mixes, Mulch, and Fertilizer for Temporary or Permanent Revegetation in East Side Environments* information sheet. A condition of approval is included in the Director's Decision for the applicant to replant with native plant species specific to vegetation found in the area of the development site.

- (iv) Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.*
- (v) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient. Riparian areas shall be rehabilitated to their original configuration, including slope and contour.*
- (vi) The bed of the affected aquatic area shall be rehabilitated with materials appropriate for the channel and hydrologic features.*
- (vii) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structural habitat features including large woody debris and boulders.*

During the February 6, 2025 site visit, Ms. Johnson confirmed that the stream is non-fish bearing, seasonal, and intermittent. No water was flowing in the streambed at the

time of the site visit. Included with this decision is WDFW's *Riparian Ecosystems, Volume 2: Management Recommendations*. Chapter 4 provides specific guidance for the applicant to use for restoration efforts of the streambed in order to prevent erosion and to restore the contours, hydrology, and ecological functions of the stream.

- (viii) *Rehabilitation and enhancement efforts shall be completed no later than 90 days after the water resource or buffer zone has been altered, or as soon thereafter as is practicable.*

A condition of approval is included in the Director's Decision regarding the timeline for stream rehabilitation.

- (ix) *The size of replacement wetlands shall equal or exceed the following ratios. The first number specifies the required acreage of replacement wetlands, and the second number specifies the acreage of wetlands altered.*
 - (I) *Restoration: 2:1*
 - (II) *Creation: 3:1*
 - (III) *Enhancement: 4:1*
- (x) *Replacement wetlands shall replicate the functions of the wetlands that will be altered such that improvement of wetlands functions occurs.*
- (xi) *Replacement wetlands should replicate the type of wetland that will be altered. If this standard is not feasible or practical because of technical constraints, a wetland type of equal or greater benefit may be substituted, provided that improvement of wetlands functions occurs.*
- (xii) *Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this guideline is not practicable because of physical, or technical constraints, replacement shall occur within the same watershed and as close to the altered wetland as practicable.*

The affected area is designated as a stream, not a wetland.

- (xiii) *Restoration, creation, and enhancement efforts should be completed before a water resource is altered. If it is not practicable to complete all restoration, creation, and enhancement efforts before the water resource is altered, these efforts shall be completed before the new use is occupied or used.*
- (xiv) *Five years after a wetland is restored, created, or enhanced, or three years after a stream, pond, lake, or riparian area is restored, at least 75 percent of the replacement vegetation shall survive. The project applicant shall monitor the hydrology and vegetation of the replacement water resource, provide reports, and shall take corrective measures to ensure*

that it conforms with the approved wetlands compensation plan or water resources mitigation plan and this guideline.

Rehabilitation measures are discussed further in Finding D.4. Included with this decision is WDFW's *Riparian Ecosystems, Volume 2: Management Recommendations*. Chapter 4 provides specific guidance for the applicant to use when restoring the streambed in order to prevent erosion and to restore the contours, hydrology, and ecological functions of the stream.

3. Commission Rule 350-082-0680 contains the guidelines for the Practicable Alternative Test in the GMA and SMA. It states:

- (1) An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.*
- (2) A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:*
 - (a) The basic purpose of the use cannot be reasonably accomplished using one or more sites in the vicinity that would avoid or result in less adverse effects on water resources, wildlife areas and sites, or plant areas and sites.*
 - (b) The basic purpose of the use cannot be accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on water resources, wildlife areas and sites, or plant areas and sites.*
 - (c) Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.*

On February 6, 2025, Amber Johnson evaluated the site of the utility trench path. Ms. Johnson identified that the two streams located on the property are identified on WDFW maps as non-fish bearing to the south of the property due to the nature of steep geographical features located approximately 2,300 feet southeast of the corner of the property. Commission Rule 350-082-0640(6)(f) requires a 100 ft buffer for streams used by anadromous or resident fish and Commission Rule 350-082-0640(6)(g) requires a 50 ft buffer for intermittent streams not used by anadromous or residential fish.

The purpose of the proposed utility line is to provide electrical utilities to the proposed single-family dwelling and detached garage for daily use. As discussed above, the utility line will be approximately 850 feet in length. The potential of overhead utility lines was evaluated as an avoidance measure to trench underground through a streambed. The property contains thick stands of Oregon white oak trees. The path of the proposed overhead line was determined to run through a thick stand of oak stretching

approximately 800 feet along the west side of the property. Commission Rule 350-082-0650(3)(b) states that Oregon white oak shall not be removed if practicable alternatives exist.

Staff evaluated three alternative paths for overhead lines. All available paths documented by staff involved running the lines through groves of Oregon white oak. One of the alternative paths considered using the overhead path of the previously installed line that ran from the road to the original house that was destroyed by fire. This path was measured at approximately 950 feet of overhead utility lines, 100 feet more than the proposed line.

The second alternative path was connecting to an existing overhead line on the adjacent tax lot approximately five hundred feet to the east of the site. This path involved cutting a path through the densest Oregon white oak grove.

The third alternative was to run an overhead line along the existing driveway entering from the southern boundary of the property, running north to the site for a distance of approximately 800 feet. This path involved running the overhead lines directly through a stand of Oregon white oak located at the southern portion of the property.

In an email dated March 18, 2025, Klickitat County Public Utility District (KPUD) sent a diagram showing the amount of area needed to be cleared around an overhead utility line being at least 10 feet on either side of the utility lines and 15 feet of clearance above the top of the line.

In consultation with Amber Johnson, Gorge Commission staff determined that the least impact to natural resources would be to trench the utility line underground along the proposed path to the site of the dwelling in order to protect Oregon White Oak and Gray Squirrel habitat. The stream was identified as seasonal and Ms. Johnson did not pose any concerns about adverse effects to the stream. Ms. Johnson recommended that the stream be rehabilitated to its original depth, width, and path. A condition of approval is included in the Director's Decision related to the rehabilitation of the stream affected.

4. Commission Rule 350-082-0680(8) contains guidelines for water resource mitigation plans. Water resource mitigations plans are required when a project applicant is required to rehabilitate or enhance a stream, pond, lake, or buffer zone. It states:
 - (a) *Mitigation plans are the responsibility of the project applicant; they shall be prepared by qualified professionals.*
 - (b) *All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake, or buffer zone. The assessment shall include hydrology, flora, and fauna.*
 - (c) *Plans shall include plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least two feet, slope percentages, and final grade elevations; and other technical information in sufficient detail to explain and illustrate:*

- (A) Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake, and buffer zone.*
- (B) Planting plans that specify native plant species, quantities, size, spacing, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and where appropriate, measures to protect plants from predation.*
- (C) Water quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.*
- (d) A minimum 3-year monitoring, maintenance, and replacement program shall be included in all mitigation plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems, and contingency actions. Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation shall survive. The project applicant shall monitor the replacement vegetation and take corrective measures to meet this guideline. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.*
- (e) A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a mitigation plan.*

The applicant shall apply all of the mitigation strategies described in this section. In consultation with Amber Johnson, Gorge Commission staff determined that the affected streambed (described in Finding D.2) shall be rehabilitated within 90 days of the new utility line installation being complete. The affected area of the stream bed measures approximately 150 square feet in total. Ms. Johnson determined that mitigation of the affected area be efforts to rehabilitate the stream bed to its existing width, depth, and path. Because the affected area is 150 square feet in total, Ms. Johnson and Gorge Commission staff determined that a formal site plan was unnecessary for the efficacy of rehabilitating the stream.

Included with this decision is WDFW's *Riparian Ecosystems, Volume 2: Management Recommendations*. Chapter 4 provides specific guidance for the applicant to use when restoring the streambed in order to prevent erosion and to restore the contours, hydrology, and ecological functions of the stream. The affected areas along the stream bank shall be revegetated with native vegetation. The *Recommended Seed Mixes, Mulch, and Fertilizer for Temporary or Permanent Revegetation in East Side Environments* information handout is attached to this staff report to be referenced by the applicant. To avoid negative impacts on native vegetation, soil disturbance should be minimized.

As part of the ongoing monitoring, the applicant shall supply staff with photograph documentation of the rehabilitation and state of the stream bed every 12 months following the final inspection of the development site for up to five years. Seventy-five percent of revegetation survival shall be evident within five years of the project's completion. The Director's Decision includes conditions of approval for requirements for mitigation and monitoring the rehabilitation of the affected stream bed.

5. 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.
6. 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 notifies 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 December 17, 2024, Gorge Commission staff sent WDFW a copy of the applicant's land use application and site plan. WDFW did not send 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.

7. Commission Rule 350-082-0650(3)(b) states:

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

As described above in Finding D.2, the proposed development takes place in Oregon white oak woodlands. To ensure the integrity of Oregon white oak habitat on the subject property, no trenching for the proposed utility lines shall be allowed within the drip line of any Oregon white oaks.

8. Commission Rule 350-082-0650(4)(d) 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 express any concerns with the proposal regarding deer and elk winter range. The proposal will not reduce the acreage of deer and elk winter range, nor will it 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.

9. Commission Rule 350-082-0650(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 express any concerns about the proposed development. Pursuant to Commission Rule 350-082-0650(1)(c), staff do not believe the proposed development

will result 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.

10. 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.

The property is designated Recreation Intensity Class 1 and 3. There are no established recreation sites on any adjacent properties. There is currently an application from the applicant for a low intensity campground on the southern end of the property which is allowed as a reviewable use. The proposed development will not detract from the use and enjoyment of any established recreation sites or proposed recreation sites.

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 December 17, 2024.
2. Commission Rule 350-082-0130(1)(b) lists other 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 first offer to meet or consult with the initial notice on December 17, 2024. Staff notified the tribes of the cultural resources survey results on July 9, 2025, and again offered to meet or consult with the tribes.
4. Commission Rule 350-082-0130(d) provides thirty calendar days for tribal governments to request consultation regarding tribal treaty rights. No comments were

received after the initial notice was provided on December 17, 2024, or after the second notice was provided on June 5, 2025.

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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