



# Director's Decision

## Summary of Application

<b>FILE NUMBER:</b>	C25-0007
<b>PROPOSAL:</b>	The Columbia River Gorge Commission has received an application for the replacement of an accessory building that was destroyed by the Burdoin Fire.
<b>APPLICANTS:</b>	Kim Carlson
<b>LANDOWNERS:</b>	Kim Carlson
<b>SIZE and LOCATION:</b>	The subject parcel is approximately 5 acres in size and located at 165 Lyle Snowden Road and is described as Tax Lot Number 03-12-2151-0002/00 in the southeast quarter of Section 21, Township 3 North, Range 12 East, Willamette Meridian, Klickitat County, Washington.
<b>LAND USE DESIGNATION:</b>	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 Kim Carlson, for the replacement of an accessory building that was destroyed during the Burdoin Fire, is consistent with Commission Rules chapter 350, division 082, and thus consistent with the *Management Plan for the Columbia River Gorge National Scenic Area* and the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act, Pub. L. 99-663, 100 Stat. 4274 (1986), and is hereby **APPROVED**.

## Conditions of Approval

The following conditions of approval are given to ensure that the subject request is consistent with Commission Rules chapter 350, division 082. Compliance with these conditions of approval is required. The Gorge Commission may take one or more enforcement actions at any time to ensure compliance with these conditions of approval.

1. In accordance with Commission Rule 350-082-0150(3), the applicant shall record the Executive Director's decision and conditions of approval and approved site plan and elevation drawings in county deeds and records (at the Klickitat County Auditor's Office) to ensure notice of the conditions to successors in interest. The record shall be associated with all tax lots and parcels that constitute the subject property. The

applicant need not record the separate staff report document containing the relevant findings and conclusions. Once recorded, the applicants shall submit a copy of the recorded documents to the Executive Director.

2. This decision does not exempt the proposal from other non-National Scenic Area rules and regulations. It is the applicant's responsibility to ensure the use complies with all other applicable federal, state, and county laws and to obtain necessary approvals, including utility easement approvals.
3. A post-completion inspection is required. Please contact the Gorge Commission office when all construction is complete to schedule this inspection. The applicant may request interim inspections and Gorge Commission staff may at its discretion conduct interim inspections.
4. Any new land uses or structural development, alterations, or grading not included in the approved application or site plan will require a new application and review.
5. The developments shall be constructed as shown on the approved project description, site plan and elevation drawings. The proposed accessory building shall be 1,080 sq ft (30' x 36') and 16 ft tall. The walls of the building shall be 10 ft tall.
6. The accessory building shall not be used as a dwelling or receive a certificate of occupancy. The building shall be used in a way that is accessory to the residential use of the property.
7. All exterior building materials for the accessory building, including roofs, doors, siding, trim, window casings and sashes, decks, and railings shall be dark earth-tone colors. Only approved dark earth-tone colors for exterior materials shall be used. The following colors submitted by the applicant are consistent with this condition and hereby approved:

**Siding:** Behr *Vine Leaf (N400-7) & Rare Wood (MQ2-39)*

**Roofing:** ASC Building Products *Classic Brown & Matte Black*

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

8. All exterior building materials including roofs, doors, siding, trim, window casing and sash, decks, and railings shall be nonreflective or have low reflectivity. Any exterior metal materials shall be painted with low-gloss black colored finish and maintained as necessary to ensure that the material is non-reflective.
9. All exterior lighting shall be hooded or shielded at a 90-degree angle to the ground. Hoods/shields should be made of a non-reflective, opaque material, which does not allow light to pass through.
10. Except dead trees or other dead vegetation that may pose a safety hazard, existing mature vegetation shall be retained and maintained for screening purposes and so the overall visual character and appearance of the landscape is retained.

11. If cultural resources are discovered, all activities within 100 feet of the cultural resources shall immediately cease and the applicants shall notify the Gorge Commission within 24 hours of discovery and the State Physical Anthropologist, Dr. Guy Tasa at (360) 586-3534 or [guy.tasa@dahp.wa.gov](mailto:guy.tasa@dahp.wa.gov). The cultural resources shall remain as found and further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
12. 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 17 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 17 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 17 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.

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

Confederated Tribes and Bands of the Yakama Nation  
Confederated Tribes of the Umatilla Indian Reservation  
Confederated Tribes of Warm Springs Reservation of Oregon  
Nez Perce Tribe  
U.S. Forest Service National Scenic Area Office  
Washington Department of Archaeology and Historic Preservation  
Klickitat County Planning Department  
Klickitat County Building Department  
Klickitat County Public Works Department  
Klickitat County Health Department  
Klickitat County Assessor

Washington Natural Heritage Program  
Washington Department of Fish and Wildlife  
Steve McCoy, Friends of the Columbia Gorge

Attachments:

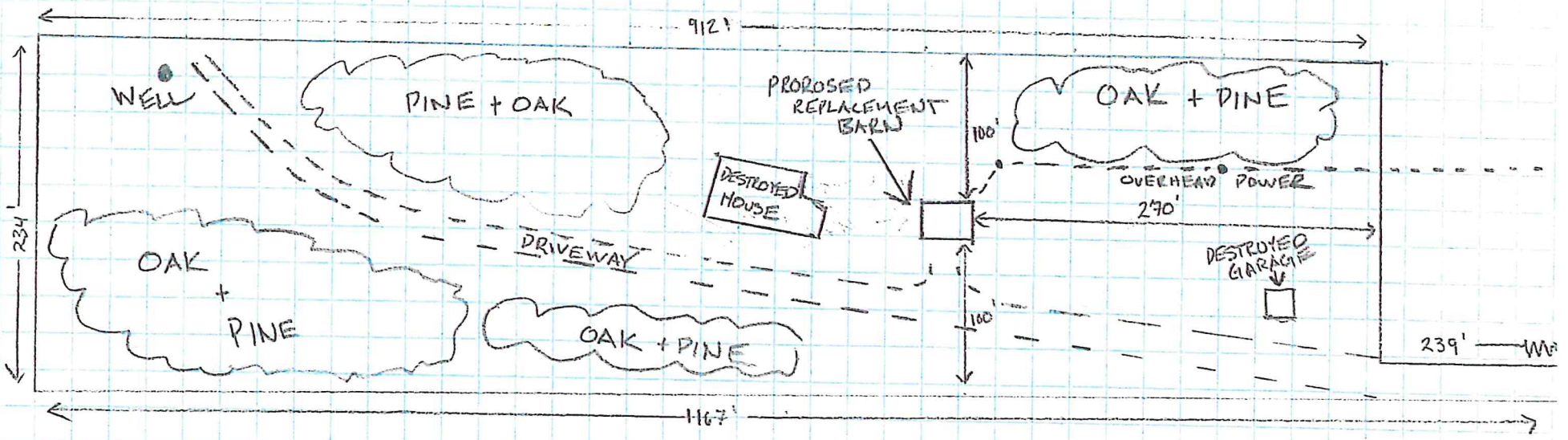
Staff Report for C25-0007

Approved site plans and elevation drawings

International Dark-Sky Association Acceptable Fixtures

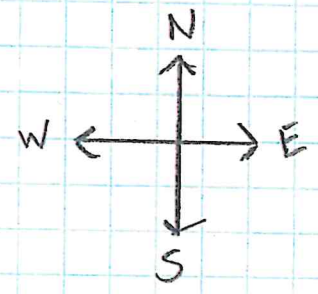
# SITE PLAN CARLSON ACCESSORY BUILDING

EACH GRID EQUALS 25' X 25'



APPROVED

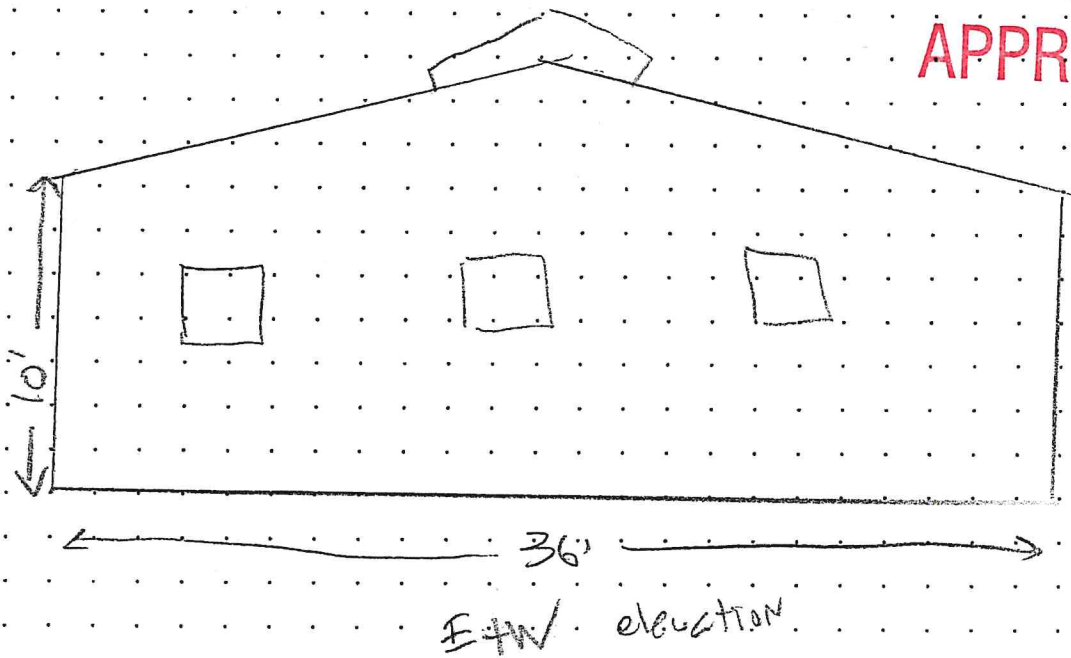
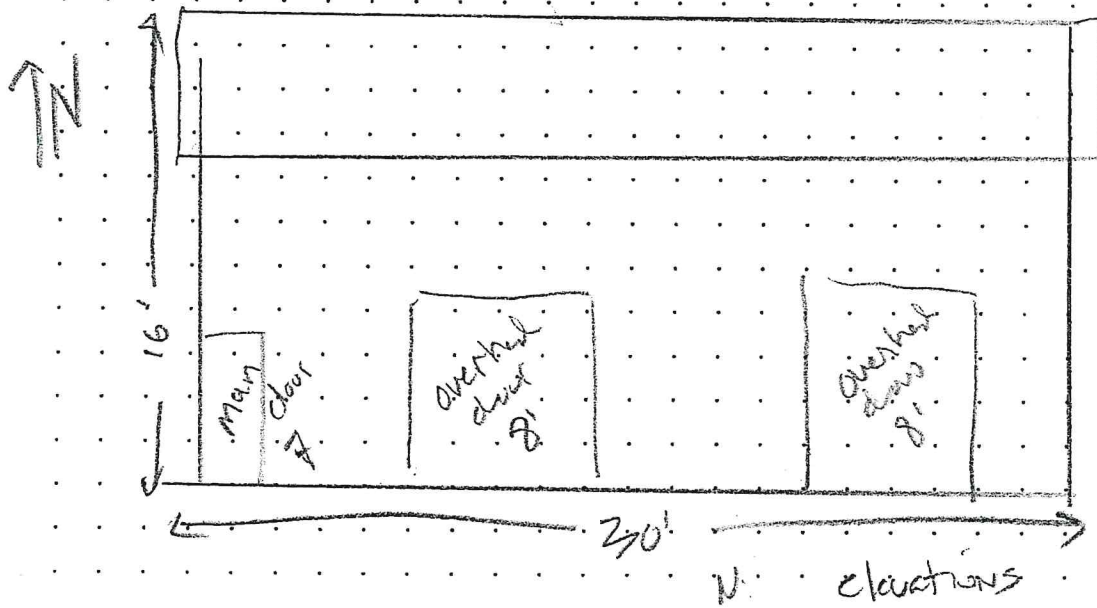
KW



165 LYLE - SNOWDEN RD  
LYLE, WA 98635

# Elevations and Site Plan Details

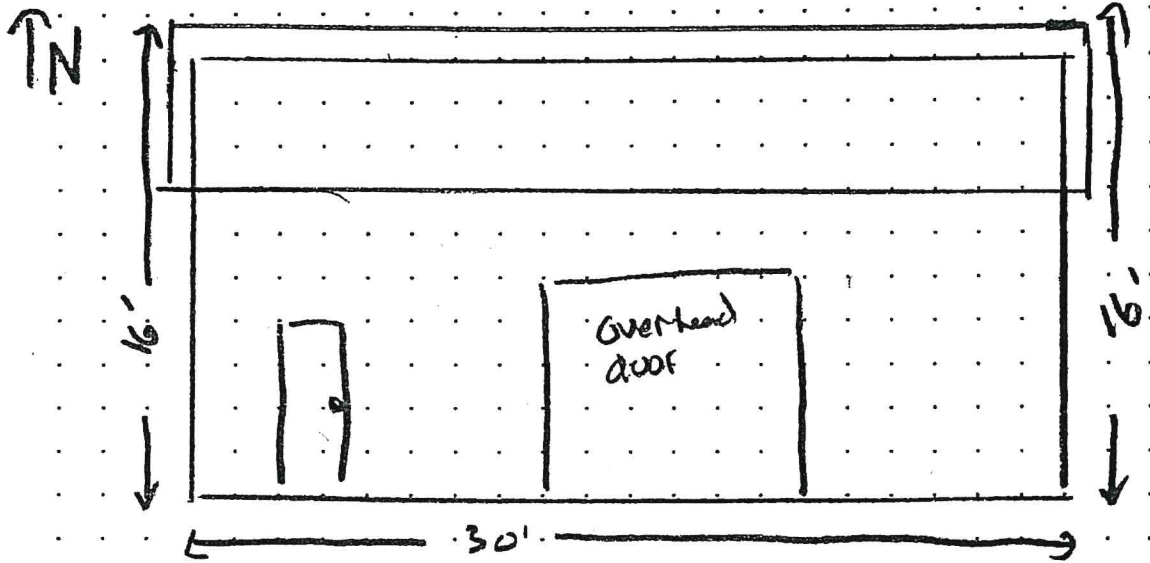
(Indicate scale: each grid equals \_\_\_ x \_\_\_ feet)



**APPROVED**  
law

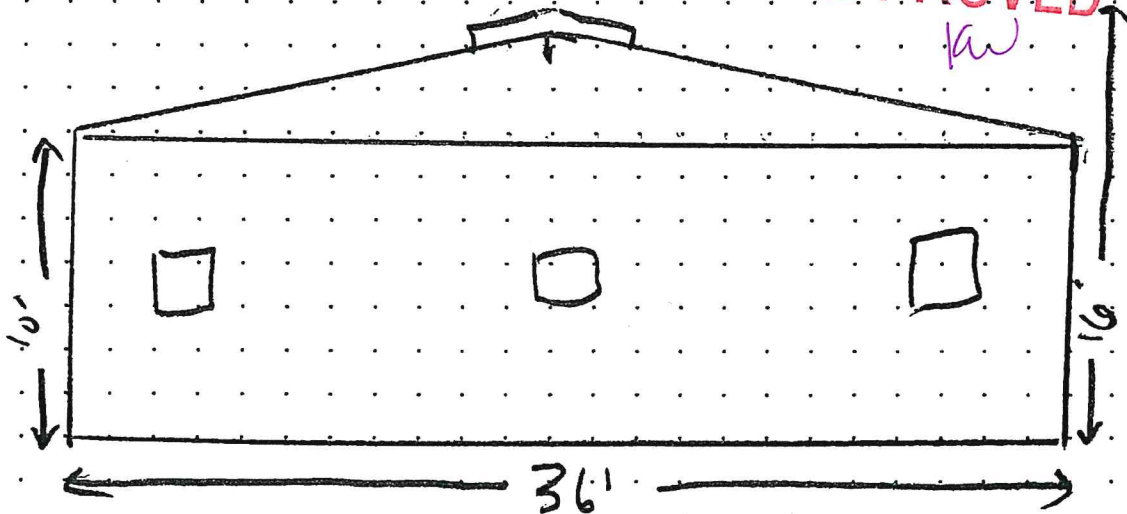
# Elevations and Site Plan Details

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



~~N/S~~ elevations  
SOUTH

APPROVED  
law



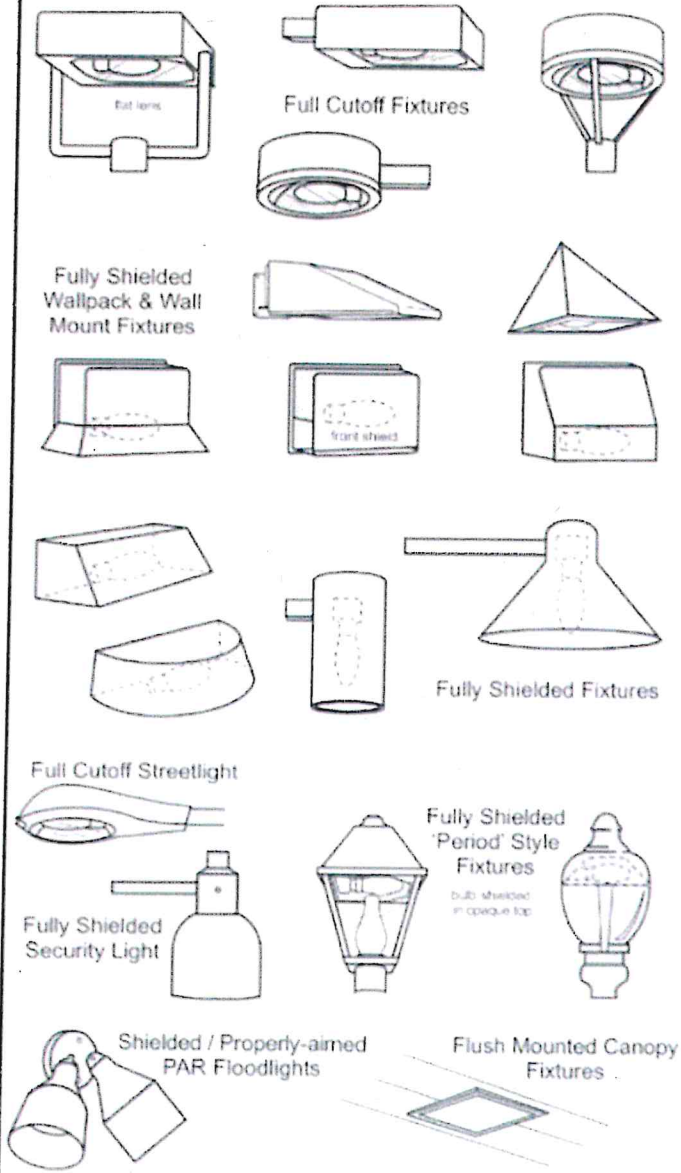
E.A.W. elevations

Rebuild Burdorn fire

# Examples of Acceptable / Unacceptable Lighting Fixtures

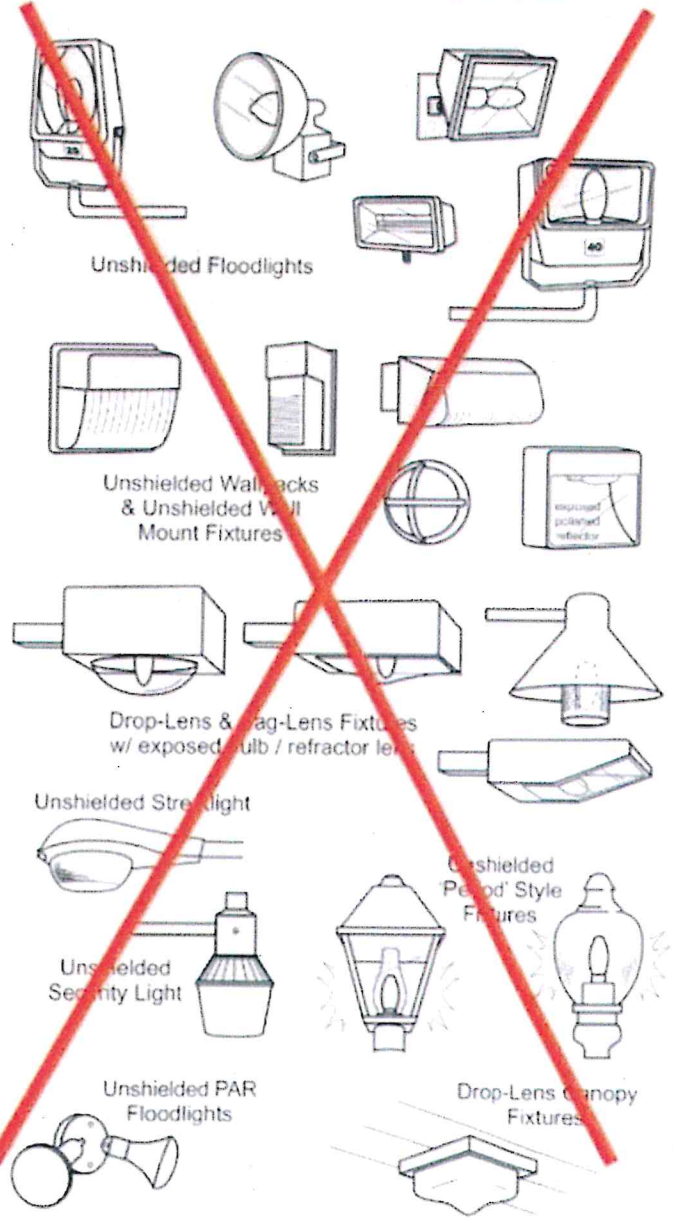
## Acceptable

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

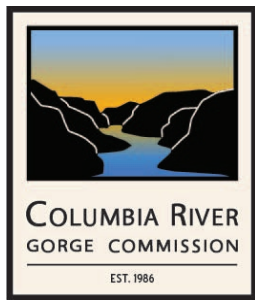


## Unacceptable / Discouraged

Fixtures that produce glare and light trespass



BC 10/02



# Development Review Staff Report

## Summary of Application

<b>FILE NUMBER:</b>	C25-0005
<b>PROPOSAL:</b>	The Columbia River Gorge Commission has received an application for the replacement of an accessory building that was destroyed by the Burdoin Fire.
<b>APPLICANTS:</b>	Kim Carlson
<b>LANDOWNERS:</b>	Kim Carlson
<b>SIZE and LOCATION:</b>	The subject parcel is approximately 5 acres in size and located at 165 Lyle Snowden Road and is described as Tax Lot Number 03-12-2151-0002/00 in the southeast quarter of Section 21, Township 3 North, Range 12 East, Willamette Meridian, Klickitat County, Washington.
<b>LAND USE DESIGNATION:</b>	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 the Warm Springs Reservation Oregon (CTWSRO)  
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 (Luciano Legnini, Archaeologist)

### Findings of Fact

#### A. Land Use

1. Commission Rule 350-082-0200(4)(d) states:

*The replacement structure shall only be subject to the following scenic resources standards...*

Staff believes this provision limits review of the proposed replacement structure to just the standards described in Commission Rule 350-082-0200(4); however, the standard could be interpreted to limit review of the proposed replacement structure to only the scenic standards described in Commission Rule 350-082-0200(4) plus other applicable standards for protection of cultural, natural, and recreation resources, and other standards. Staff have therefore reviewed this application for consistency with the standards for protection of cultural, natural, recreation resources and other applicable standards.

2. Kim Carlson is proposing to replace an accessory building that was destroyed during the Burdoin Fire in July 2025. The subject parcel is approximately 5 acres in size and is located at 165 Lyle Snowden Road.
3. All structures on Ms. Carlson's property were destroyed during the Burdoin Fire. Ms. Carlson would like to replace one of the accessory buildings. The property also had a pre-existing single-family dwelling and detached garage that were destroyed by the fire, but the applicant is not currently requesting to replace those two buildings. The applicant is currently working on an application for a replacement single-family dwelling.
4. Commission Rule 350-082-0200(4) allows for the replacement of existing structures that are damaged or destroyed by disaster. It states:

*An existing structure damaged or destroyed by fire, flood, landslide or other similar disaster may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within two years of the date the original structure was damaged or destroyed.*

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

*Existing use or structure: 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 original accessory building was approved by Director's Decision C08-0014. According to Klickitat County records, the original accessory building was constructed in 2008 (SBD2008-00056). The applicant contacted the Commission shortly after the fire to inquire about a replacement. The applicant applied for the replacement buildings in August 2025; within two years of the date the original buildings were destroyed. The application was complete when submitted by the applicant.

5. Commission Rule 350-082-0200(4)(a) states:

*The replacement structure shall have the same use as the original structure. An existing manufactured home may be replaced with a framed residence.*

The applicant proposes replacing an accessory building that was destroyed in the fire. The building is a pole building and will not be used as a dwelling; it will support the residential use on the property. The applicant is currently working on a separate application for a replacement single-family dwelling.

6. Commission Rule 350-082-0200(4)(b) states:

*The replacement structure shall be in the same location as the original structure...*

The replacement building will be built within the existing footprint and in the same location as the previous building it is replacing.

7. Commission Rule 350-082-0200(4)(c) states:

*The replacement structure shall be the same size and height as the original structure provided:*

*(A) The footprint of the replacement structure may be up to ten percent larger than the footprint of the original structure. The footprint of a structure includes any covered decks and porches, attached garages, and breezeways that share a wall with the structure.*

Staff reviewed existing records from Klickitat County and previous Director's Decision to review size and height of destroyed building. The original accessory building was approved by Director's Decision C08-0014. The original accessory building was 1,080 sq ft (30' x 36') and the replacement accessory building has the same dimensions. The

footprint of the replacement building is no more than 10% larger than the footprints of the original building.

*(B) The walls of the replacement structure shall be the same height as the walls of the original structure unless a minor increase is required to comply with standards in the current jurisdictional building code. Height is generally defined as the greatest vertical distance between the lowest finished grade adjoining any exterior wall and the highest point of the roof.*

The original accessory building was 16 feet tall, and the replacement building will also be 16 ft tall. The walls of the original building were 10 ft tall, and the walls of the replacement building will also be 10 ft tall.

8. Commission Rule 350-082-0200(4)(f) states:

*The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the two-year time frame.*

The original buildings were all destroyed by the Burdoin Fire in July 2025. The applicant contacted the Commission shortly after to inquire about a replacement. The applicant applied for the replacement buildings in August 2025; within two years of the date the original buildings were destroyed. The application was complete when the applicant submitted it.

**Land Use Conclusion:**

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

**B. SCENIC RESOURCES**

1. Commission Rule 350-082-0200(4)(d) states:

*The replacement structure shall only be subject to the following scenic resources standards...*

2. Commission Rule 350-082-0200(4)(d)(A) states:

*In the GMA, the replacement structure shall comply with the guidelines regarding color and reflectivity in 350-082-0600...*

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

*Unless expressly exempted by other provisions in 350-082-0600, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors approved by the reviewing agency shall be included as a condition of approval.*

The proposed development has been designed to achieve visual subordination using the following dark earth-tone colors:

**Siding:** Behr *Vine Leaf (N400-7) & Rare Wood (MQ2-39)*

**Roofing:** ASC Building Products *Classic Brown & Matte Black*

These colors are dark earth-tones that are found at the specific site on the shaded leaves and bark of trees and vegetation. A **condition of approval** is included in the Director's Decision requiring all elements of the proposal to be these colors, consistent with Commission Rule 350-082-0600(2)(h).

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

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

The proposed exterior material for the building is fiber cement siding which has low reflectivity and is fire resistant. The roof will be metal, which can be reflective. However, the colors selected for the roof are a dark earth-tone color with a matte finish which will help to diminish the reflectivity of the metal. Screening trees between the KVAs and the building site will help to reduce the impact of the reflectivity of the roof.

The accessory building also has several modest windows fenestrations. The Scenic Resources Implementation Handbook suggests that the use of glass with 11 percent reflectivity may be allowable when development is located beyond the foreground of KVAs and when partially screened by topography and vegetation. A **condition of approval** is included requiring the glass to have a reflectivity rating of 11 percent, consistent with this rule.

A **condition of approval** is also included requiring all exterior surfaces of the proposed development, including doors, siding, trim, window casing and sash, decks, and railings to be composed of non-reflective materials to ensure consistency with this rule.

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

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

A **condition of approval** is included in the decision ensuring lights are directed downward, hooded, and shielded such that they are not highly visible from KVAs, consistent with this rule. Staff are also providing the applicant with examples of acceptable light fixtures from the International Dark-Sky Association as an attachment to this decision.

4. Commission Rulle 350-082-0200(4)(d)(B) states:

*(B) Decks, verandas, balconies and other open portions of the original structure shall not be rebuilt as enclosed (walls and roof) portions of the replacement structure.*

The original building was fully enclosed. The replacement building will also be fully enclosed.

5. Commission Rulle 350-082-0200(4)(d)(C) states:

*(C) In the GMA, the replacement structure shall comply with the GMA guidelines regarding landscaping (350-082-0600). These guidelines shall be applied to achieve the applicable scenic standard (visually subordinate) to the maximum extent practicable.*

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

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

Staff determined the subject parcel is topographically visible from five KVAs: Columbia River, Historic Columbia River Highway (HCRH), I-84, Rowena Plateau and SR-14. The proposed development is visible from the Rowena Plateau and Nature Conservancy Viewpoint at the following distance zones:

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

Commission Rulle 350-082-0200(4)(d)(C) requires the development to comply with the GMA guidelines regarding landscaping to achieve the standard *visually subordinate* to the maximum extent practicable. The development is only visible in the background over four miles away from these KVAs. As discussed above, Commission Rulle 350-082-

0200(4)(d)(A) require all proposals to be constructed of low-reflective materials and dark earth-tone colors. Additionally, Commission Rule 350-082-0600(2)(c) requires the extent and type of conditions applied to a development to achieve the scenic standard of visually subordinate be proportionate to the building's degree of visibility from KVAs. The proposed development follows the standards for the replacement of existing structures damaged or destroyed by disaster, consistent with this rule. As discussed below, factors contributing to the visibility of the development include the size, shape, dark earth-tone colors, low reflective building materials, distance from KVAs and existing topography, vegetation, and screening. With conditions of approval regarding the colors and reflectivity of the building materials and the retention of existing vegetation on the parcel, the Director's Decision has requirements and conditions of approval to ensure the development is *visually subordinate*.

6. 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 proposal is consistent with Commission Rule 350-082-0600(1)(c).

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

*The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.*

The proposal is for the replacement of buildings and development that were destroyed during the Burdoin Fire. There will be no cumulative effects from the reconstruction of the buildings.

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

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

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

The parcel is rectangular in shape (900 ft long east to west, and 220 feet wide) and is gently sloping from 1030 ft elevation on the eastern boundary to 950 ft elevation on the western boundary. The building site is located at an elevation of 994 feet. The proposed building site is near the center of the property and is partially screened from view by a low ridge to the south. A ridge screens the property from KVAs to the east and southeast. Ridges to the south and to the west also partially block the proposed building site from view, but the upper portions of the building would be topographically visible from KVAs to the west.

A majority of the parcel is forested with a mixture of mature oak and ponderosa pine. This existing vegetation creates an effective screen for those portions of the parcel that are visible from KVAs, including the proposed building site. It appears that most of the pine forest burned during the Burdoin Fire. The parcel is predominantly covered in oak trees, most of the oak survived. They existing oak will continue to provide effective screening for the proposal.

The closest KVAs from which the project is visible are over four miles away. Portions of the buildings site are topographically visible for approximately a half-mile segment along the Columbia River, I-84, and HCRH that extends west from Mosier in Oregon. From SR-14 the development is potentially visible for half a mile directly to the west of the Syncline in Washington. These KVAs are all at low lying elevations varying between 80 and 220 feet. From these KVAs, existing vegetation both on and off the subject parcel provides effective screening because the site is located over four miles away. The large viewing distance and topographic separation make the building site difficult to discern from KVAs.

The site is only visible from one higher elevation KVA, the Tom McCall viewpoint (1,700 ft) at the top of Tom McCall trail. At that viewing distance the development will appear insignificant in the landscape and not be visible to the unaided eye. From the Rowena Plateau/Tom McCall trailhead parking lot (700 ft elevation), the parcel (910 ft elevation) is not visible because of intervening topography and vegetation.

Given the distance from KVAs, existing topography and screening, and proposed building colors and materials, the building will have minimal visibility from KVAs. As explained above, conditions are applied to the development's color and reflectivity to ensure the development is visually subordinate to its setting as seen from KVAs. Along with the retention of the existing oak trees on property that survived the fire, the building will be visually subordinate.

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

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

- (B) Siting (location of development on the subject property, building orientation, and other elements).*
- (C) Retention of existing vegetation on the applicant's property.*
- (D) Design and building materials (color, reflectivity, size, shape, height, architectural and design details and other elements).*
- (E) New landscaping on the applicant's property.*
- (F) New berms or other recontouring on the applicant's property, where consistent with other applicable provisions.*

Commission Rule 350-082-0200(4)(d)(C) requires the development to comply with the GMA guidelines regarding landscaping to achieve the standard *visually subordinate* to the maximum extent practicable. The site is visible in the background from five KVAs all located over four miles away from the subject parcel. The primary contributing factors to the visual subordination of the development include distance from KVAs and existing screening from topography and existing vegetation and building materials with dark earth tone colors and low reflectivity. Given the viewing distance from KVAs over four miles away, the building will be difficult to discern in the landscape. The applicant has chosen dark earth-tone colors and low reflectivity building materials which are included as **conditions of approval**. On the applicant's property, it appears that most of the pine forest burned during the Burdoin Fire, but most of the oak survived. Consistent with the landscape settings design guidelines, a **condition of approval** requires existing vegetation on the parcel to be retained except for safety. With these conditions included in the Director's Decision, the proposal will be visually subordinate, as viewed by KVAs and consistent with the design guidelines for the Oak-Pine Woodlands Landscape Setting. Staff find these conditions to be proportionate to the development's potential visual impact as seen from KVAs.

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

*New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from Key Viewing Areas. The following guidelines shall apply to new landscaping used to screen development from key viewing areas:*

*(A) New landscaping (including new earth berms) shall be required only when application of all other available guidelines in 350-082-0600 is not sufficient to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.*

*(B) If new landscaping is required to make a proposed development visually subordinate from key viewing areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction. If after five years the vegetation has not achieved a size sufficient to screen the development, the Executive*

*Director may require additional screening to make the development visually subordinate.*

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

*(D) Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.*

*(E) The Scenic Resources Implementation Handbook includes recommended species for each landscape setting consistent with 350-082-0600(3) and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).*

No new landscaping is required to screen the development. The proposal is consistent with Commission Rule Commission Rule 350-082-0600(2)(d).

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

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

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

12. The Landscape Settings map in the Management Plan classifies the landscape setting for the subject parcel as Oak-Pine Woodland. Commission Rule 350-082-0600(3)(c) contains guidelines for new development in this landscape setting. It states:

*Oak-Pine Woodland*

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

*(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) At least half of any tree species planted for screening purposes shall be species native to the setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area.*

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

*(iii) For substantially wooded portions: Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from key viewing areas shall be retained.*

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

*(I) Structures shall be sited on portions of the property that provide maximum screening from key viewing areas, using existing topographic features.*

*(II) Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees in small groupings and openings between groupings.*

*(III) Accessory structures, outbuildings, and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures, and farm fields.*

No trees are proposed to be removed except for those that died in the Burdoin Fire and no additional vegetation is required for screening purposes. With a **condition of approval** requiring the retention of existing tree cover not killed by the fire, the proposed development is consistent with Commission Rule 350-082-0600(3)(f)(A) for new development within the Rural Residential in Pastoral landscape setting.

### **Scenic Resources Conclusion:**

The proposed development is consistent with Commission Rule 350-082-200(4) that allows the replacement of existing structures destroyed by disaster.

## **C. CULTURAL RESOURCES**

1. The proposed development must only meet the criteria identified in Commission Rule 350-082-0200(4) which allows the replacement of an existing structure destroyed by disaster; however, staff reviewed the proposed development for consistency with the guidelines for protection of natural resources.
2. Except as specified in Commission Rule 350-082-0620(2)(a)(C), development in the NSA requires a reconnaissance survey.
3. Luciano Legnini, U.S. Forest Service Archeologist, reviewed the land use application and determined in a Cultural Resources Survey Determination letter, dated August 12, 2025, that pursuant to Commission Rule 350-082-0620(2)(a)(B) a Cultural Resource Reconnaissance Survey is not required because the proposed use would involve the modification, expansion, replacement, or reconstruction of existing buildings and structures.
4. Commission Rule 350-082-0620(2)(a)(D) describes when a historic survey is required. In his August 12, 2025, Cultural Resources Survey Determination letter, Mr. Legnini determined that a historical survey is not required.
5. Commission Rule 350-082-0620(2)(g)(B)(i) states the cultural resource protection process may conclude when the following conditions exist:

*The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 30 calendar days of the date that a notice was mailed.*

The project notice was mailed on August 26, 2025, and the comment period ended on September 16, 2025. Because the proposed development must only meet the criteria identified in Commission Rule 350-082-0200(4) staff are using the standard 21-day notice period; no comments were received. As explained above, the proposed use did not require a reconnaissance or historical survey. Pursuant to Commission Rule 350-082-0620(2)(g)(B)(i), the cultural resource protection process may conclude.

6. 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.
7. 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:**

The proposed development is consistent with Commission Rule 350-082-200(4) that allows the replacement of existing structures destroyed by disaster. With conditions protecting unknown cultural resources and human remains discovered during construction, the proposal is consistent with the guidelines in Commission Rule 350-082-0620 that protects cultural resources in the National Scenic Area.

#### **D. NATURAL RESOURCES**

1. The proposed development must only meet the criteria identified in Commission Rule 350-082-0200(4) which allows the replacement of an existing structure destroyed by disaster; however, staff reviewed the proposed development for consistency with the guidelines for protection of natural resources.
2. Commission Rule 350-082-0640 provides guidelines for protecting water resources in the General Management Area.

The Commission staff reviewed its natural resource inventories for nearby water resources which do not show any wetlands in the project vicinity. The closest wetland is over one mile away from the subject parcel.

The Commission staff reviewed its natural resource inventories for nearby water resources which does identify a fish bearing stream crossing the west side of the property. However, the proposal is located over 300 feet from the identified creek. 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.

3. Commission Rule 350-082-0650 provides guidelines for protecting Priority Habitats and sensitive wildlife sites in the General Management Area.

The Gorge Commission's sensitive wildlife inventory shows the applicants development site is within deer and elk winter range. Commission Rule 350-082-0690 Table 1 – Priority Habitats defines sensitive wildlife areas to include these areas. On August 7, 2025, Gorge Commission staff sent WDFW a copy of the applicant's land use application and site plan. No comments were received.

4. Commission Rule 350-082-0660 provides guidelines for protecting rare plants in General Management Area.

Commission staff reviewed its natural resource inventories which do not show any sensitive plants in the project vicinity. The closest sensitive plants are over one mile away from the subject parcel.

#### **Natural Resources Conclusion:**

The proposed development is consistent with Commission Rule 350-082-200(4) that allows the replacement of existing structures destroyed by disaster. Therefore, the proposed development is consistent with the rules in Commission Rule 350-082, Sections 0640 through 0690, that protect natural resources in the National Scenic Area.

### **E. RECREATION RESOURCES**

1. The proposed development must only meet the criteria identified in Commission Rule 350-082-0200(4) which allows the replacement of an existing structure destroyed by disaster; however, staff reviewed the proposed development for consistency with the guidelines for protection of natural resources. Commission Rule 350-082-0650 provides guidelines for protecting recreation sites in the General Management Area. There are no recreation sites adjacent or nearby the subject parcel.

#### **Recreation Resources Conclusion:**

The proposed development is consistent with Commission Rule 350-082-200(4) that allows the replacement of existing structures destroyed by disaster. The proposed development is consistent with Commission Rule 350-082, Sections 0700 through 0720, that protect recreation resources in the National Scenic Area.

### **F. TREATY RIGHTS PROTECTION**

1. Commission Rule 350-082-0130 provides protection of tribal treaty rights from new development in the National Scenic Area. Consistent with Commission Rule 350-082-0130(1)(a), notice of the proposed development was provided to the tribal governments on August 26, 2025.
2. Commission Rule 350-082-0130(1)(c) requires the Commission to offer to meet with or consult with the tribal governments prior to making a decision on the proposed development, and to make this offer more than once. The Commission provided the initial notice on August 26, 2025. No treaty tribe commented on the proposal or requested a meeting or consultation.
3. Commission Rule 350-082-0130(d) provides thirty calendar days for tribal governments to request consultation regarding tribal treaty rights. No comments were received.
4. 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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