

## **DEVELOPMENT REVIEW**

### **Director's Decision**

**APPLICANT:** Robert McCormick

**FILE NO.:** C08-0008-K-G-15

**REQUESTS:** To enclose a 400 square foot overhang on an existing winery building and to extend an existing concrete slab by five feet (adding approximately 200 square feet).

**LOCATION:** The proposed use is located in the NE ¼ of Section 28, Township 3N, Range 12E, W.M., Klickitat County, Washington (parcel number 03-12-2800-0004/00).

### **LAND USE**

**DESIGNATION:** The 109.5 acre parcel is designated General Management Area Small-Scale Agriculture with an 80 acre minimum.

### **DECISION:**

Based upon the following findings of fact, the land use application by Robert McCormick to enclose an existing overhang and extend a concrete slab by five feet, is found to be consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act P.L. 99-663, and the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and approvable under Commission Rule 350-81 and is hereby **approved**.

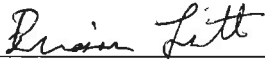
### **CONDITIONS OF APPROVAL:**

The following conditions of approval are given to ensure that the subject request is consistent with the standards of Section 6 and the purposes of P.L. 99-663, and the Management Plan and approvable under Commission Rule 350-81. These conditions must be recorded in county deeds and records to ensure notice of the conditions to successors in interest (Management Plan, Review Uses Guideline 1, pg. II-96).

1. The proposed addition shall be constructed as shown on the approved site plan. Any changes to the height, design or location of the addition shall be submitted to the Planning Manager for review prior to construction.
2. Any new outdoor lighting associated with this use shall not be installed until first reviewed and approved by the Planning Manager, and the site plan revised to reflect such fixtures.

3. If at any time cultural resources are discovered, all construction activities within 100 feet of the cultural resources shall cease. Further disturbance is prohibited and the applicants shall notify the Gorge Commission within 24 hours.

DATED AND SIGNED THIS 2nd day of June 2008 at White Salmon, Washington.



Brian Litt  
Planning Manager

*This decision of the Executive Director becomes void on the 2nd day of June, 2010.*

As per Commission Rule 350-81-044(6), an extension of the validity of a development approval may be requested. Such a request shall be submitted in writing prior to the expiration of the approval. The Executive Director may grant an extension if it is determined that conditions, for which the applicant was not responsible, would prevent the applicant from commencing the proposed development within the original time limitation. The Executive Director shall not grant an extension if the site characteristics and/or new information indicates that the proposed use may adversely affect the scenic, cultural, natural or recreation resources in the National Scenic Area.

#### **APPEAL PROCESS**

The decision of the Executive Director shall be final unless a Notice of Intent to Appeal and Petition is filed with the Commission within thirty (30) days of the date of this decision by the applicant or any person who submitted comment. Information on the appeal process may be obtained at Commission offices.

*The appeal period ends the 2nd day of July, 2008.*

#### **NOTES**

Any new residential development, related accessory structures such as garages, workshops and satellite dishes and additions or alterations not included in the approved site plan, will require a new application and review.

#### **COMMENTS FROM OTHER INDIVIDUALS/AGENCIES/GOVERNMENTS:**

Notice of the subject request was mailed to property owners within 200 feet of the subject parcel and the following individuals/agencies/governments:

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 Office of Archaeology and Historic Preservation  
Klickitat County Planning Department  
Klickitat County Building Department  
Klickitat County Health Department

Klickitat County Assessor  
Friends of the Columbia Gorge  
Skamania County Planning Department

Written comments were received from Richard Till, Friends of the Columbia Gorge and Bill Weiler, Washington Department of Fish and Wildlife.

## **FINDINGS OF FACT:**

### **A. Land Use**

1. The subject property is 109.5 acres in size and currently contains an existing dwelling, a winery building and two accessory buildings (all of these buildings were previously approved in Director's Decision C92-0206-K-G-11). The barn was retrofitted in Director's Decision C06-0025-K-G-15 for a winery building use. The property also contains an active vineyard that the Commission approved in 2001 and 2002 (Director's Decision C01-0011-K-G-22 and C02-0006-K-G-22).

The applicant has applied to enclose an existing overhang on his winery building and extend the entry way concrete slab by five feet. The winery building currently measures 30 feet by 50 feet, including the 10 foot wide open overhang currently used for storage, and is 26 feet tall. The applicant has proposed to enclose this 10 foot wide overhang to make the storage area more usable.

2. The Land Use Designation map in the *Management Plan for the Columbia River Gorge National Scenic Area* designates the subject parcel Small-Scale Agriculture in the General Management Area with an 80 acre minimum parcel size.
3. Commission Rule 350-81-190(1) permits the following review uses to occur on lands in the General Management Area designated Small-Scale Agriculture subject to compliance with scenic, cultural, natural and recreation resources guidelines and Commission Rule 350-81-220:

(v) *Additions to existing buildings greater than 200 square feet in area or greater than the height of the building.*

The applicant has proposed to enclose an existing overhang on the northeast side of the winery building that measures 10 feet by 40 feet and add five feet to the existing concrete pad on the eastern side (about 200 square feet). This would enclose an additional 400 square feet to be used as storage and other winery uses.

4. Commission Rule 350-81-220(1) contains additional approval criteria for specified land uses on lands designated Large or Small-Scale Agriculture. It states that the use must meet both of the following criteria:

- (a) *The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use.*
- (b) *The use will be sited to minimize the loss of land suitable for the production of crops or livestock.*

The proposed use would be utilizing the products of on-site and local agriculture without the loss of agricultural land or additional development. The use would not affect the cost of accepted agricultural practices on nearby lands devoted to agriculture. In essence, the use of local products would promote local vineyards and encourage nearby agricultural practices. The proposed uses are consistent with Commission Rule 350-81-220(1).

Conclusion:

The proposed addition is an allowed review use pursuant to the guidelines in Commission Rules 350-81-200 and 220, subject to guidelines found in Commission Rules 350-80-520 to 350-80-620 that protect scenic, cultural, recreation, and natural resources.

**B. Scenic Resources**

1. Commission Rule 350-81-520(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 existing building was approved under the Final Interim Guidelines in 1992. No new buildings, road construction or grading activities are proposed at this time. Therefore, Commission Rule 350-81-520(1)(a) does not apply.

2. Commission Rule 350-81-520(1)(b) states:

*New buildings shall be compatible with the general scale (height, dimensions and overall mass) of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable.*

As proposed, the enclosure of the existing overhang and extension of the concrete pad would not add to the existing visible size of the building when viewed from the landscape. The existing and final size of the winery building is 1,600 square feet. Currently 76 other buildings exist within one half mile of the proposed development. Of the 76 buildings, which includes all dwellings, accessory and agricultural buildings, 21 of them are 1,600 square feet or larger, with the largest

measuring 4,875 square feet. Sixteen of the buildings are between 1,000 and 1,599 square feet; 14 are between 500 and 999 square feet and 25 are less than 500 square feet. As proposed, the final size of the building would be compatible with existing nearby development, consistent with Commission Rule 350-81-520(1)(b).

3. Commission Rule 350-81-520(2)(a) contains guidelines for proposed developments on sites topographically visible from key viewing areas.

The development site is visible to the southwest when viewed from the Historic Columbia River Highway and to the south from Tom McCall Point (the Nature Conservancy Viewpoint). Therefore the proposed development will be reviewed for consistency with the guidelines under Commission Rule 350-81-520 pursuant to this rule.

4. Commission Rule 350-81-520(2)(b) states that each development shall be visually subordinate to its setting as seen from Key Viewing Areas (KVAs). As it currently exists, the winery building is visible from the south and southwest. The proposed addition would occur on the northeast and east sides of the building. The addition would not be visible from KVAs and would not change the visibility of the rest of the building from KVAs, consistent with Commission Rule 350-81-520(2)(b).

5. Commission Rule 350-81-520(2)(c) states:

*Determination of potential effects and compliance with visual subordination policies shall include consideration of the cumulative effects of the proposed development.*

The addition would enclose an existing overhang (lean-to) that is already counted in the size of the building and overall size when viewed in the landscape and does not change the size of the existing building. The extension of the concrete pad, although adding approximately 200 square feet to the footprint of the building, does not include walls and does not add to the size of the building when viewed from KVAs or within the landscape. Given that the visible size of the winery building would not change as a result of this development, no cumulative effects are expected, consistent with this rule.

6. Commission Rules 350-81-520(2)(d)(A) and (B) include guidelines to ensure that the extent and type of conditions applied to a proposed development to achieve visual subordination shall be proportionate to its potential visual impacts as seen from KVAs. Rule 520(d)(A) states:

*Decisions shall include written findings addressing the factors influencing potential visual impact, including but not limited to:*

- (i) *The amount of area of the building site exposed to key viewing areas.*
- (ii) *The degree of existing vegetation providing screening.*
- (iii) *The distance from the building site to the key viewing areas from which it is visible.*
- (iv) *The number of key viewing areas from which it is visible.*
- (v) *The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).*

*The number of key viewing areas from which it is visible.*

The proposed addition would occur on the north and northeast side of an existing building that is visible from two KVAs to the south and southwest, including the Historic Columbia River Highway and Tom McCall Point. The building is topographically visible, but the site of the proposed development is not.

*The amount of area of the building site exposed to key viewing areas.*

The addition would occur on the northeast and east side of the building which is not visible to the KVAs to the south and southwest from which the building is visible. Therefore, the site of the proposed development would not be visible from KVAs.

*The degree of existing vegetation providing screening.*

The building is surrounded by mature ponderosa pine whose high canopy effectively screens the building from KVAs.

*The distance from the building site to the key viewing areas from which it is visible.* At the closest point from which it is topographically visible, the existing building is approximately 2.8 miles northeast of the Historic Columbia River Highway and approximately 3.6 miles north-northwest of Tom McCall Point. As previously stated, the actual site of the proposed development (only a portion of the existing building) would not be visible from KVAs.

*The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).*

As previously explained above, the addition would not be visible from KVAs. The existing building however, is intermittently topographically visible for approximately two miles along the Historic Columbia River Highway. A mature stand of ponderosa pine effectively screens the entire building, which is visually subordinate to its surrounding landscape.

7. Commission Rule 350-81-520(2)(d) (B) states:

*Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to:*

- (i) Siting (location of development on the subject property, building orientation, and other elements).*
- (ii) Retention of existing vegetation.*
- (iii) Design (color, reflectivity, size, shape, height, architectural and design details and other elements).*
- (iv) New landscaping.*

*Siting (location of development on the subject property, building orientation, and other elements).* The proposed addition has been sited on the northern side of the building, which is not visible from KVAs.

*Retention of existing vegetation.*

The proposed addition encloses an existing overhang that is currently used for storage. The concrete pad would be extended into a gravel area that is also used for storage. Both areas are previously disturbed and do not contain any existing vegetation that would require removal, consistent with this guideline.

*Design (color, reflectivity, size, shape, height, architectural and design details and other elements).*

The proposed addition would be the same materials as the existing building – dark brown painted metal siding. The size and shape has been limited to that of the existing lean-to. The proposed addition would occur on a portion of the building that is not visible from KVAs. Therefore, the use of these materials will not affect the building's ability to be visually subordinate when viewed from KVAs.

*New landscaping.*

No new landscaping has been proposed.

8. Commission Rule 350-81-520(2)(e) states:

*New development shall be sited to achieve visual subordination from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In*

*such situations, development shall comply with this guideline to the maximum extent practicable.*

As proposed, the addition is sited so that it would not be visible from KVAs. The addition would not be located within the buffer for any protected resources, consistent with this rule.

9. Commission Rule 350-81-520(2)(f) states:

*New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.*

As previously discussed, the proposed addition would not be visible from KVAs and is therefore consistent with this rule.

10. Commission Rule 350-81-520(2)(g) states:

*Existing tree cover screening proposed development from key viewing areas shall be retained as specified in the Landscape Settings Design Guidelines in 350-81-520(3).*

No vegetation removal has been proposed. The addition would not be visible from KVAs and unlike the rest of the existing building, does not obtain screening from the surrounding stand of large ponderosa pine.

11. Commission Rule 350-81-520(2)(h) states:

*The silhouette of new buildings shall remain below the skyline of a bluff, cliff, or ridge as seen from key viewing areas. Variances to this guideline may be granted if application of the guideline would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the guideline have been made.*

The addition would not alter the height of the existing building and no new buildings are proposed. Therefore this guideline does not apply.

12. Commission Rule 350-81-520(2)(j) and (k) contain guidelines for new landscaping and the retention of existing landscaping for new developments visible from KVAs. This rule requires the use of new landscaping only if the use of all other available means (design, site/location, color etc.) does not make the development visually subordinate to its setting. The proposed development does not require the removal of any existing vegetation or the addition of new screening vegetation to achieve visual subordination.

13. Commission Rule 350-81-520(2)(l) regarding the exterior colors of new developments visible from KVAs. It states:

*Unless expressly exempted by other provisions in 350-81-520, 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 or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.*

Pursuant to Commission Rule 350-81-520(2)(q) the proposed development is exempt from this requirement. Please see Finding B.16 below for more information.

14. Commission Rule 350-81-520(2)(m) states:

*The exterior of buildings on lands seen from key viewing areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all key viewing areas by existing topographic features. The Scenic Resources Implementation Handbook will include a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this guideline, including those where the specific application meets recommended thresholds in the "Visibility and Reflectivity Matrices" in the Implementation Handbook (once they are created). Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces will be provided for guidance in the Implementation Handbook.*

As proposed the enclosure of the existing lean-to would utilize the same material as the existing building: dark brown aluminum siding. The proposed addition is small (approximately 400 square feet) and would not be visible from KVAs. The *Scenic Resources Implementation Handbook* lists aluminum siding as a highly reflective material that would not comply with regulations in most circumstances, but could be approved with special limitations and design considerations. The addition would be located on the north and northeast side of an existing building that is only visible to KVAs located to the south and southwest. Under no circumstances would the proposed addition become visible to KVAs because it is screened by the building on which it exists. If the screening development were removed, the addition would also be removed. Given these circumstances, the proposed addition would not be visible from KVAs, and is deemed consistent with this rule.

15. Commission Rule 350-81-520(2)(p) states:

*Exterior lighting shall be directed downward and sited, hooded, and shielded such that it is not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.*

No exterior lighting has been proposed in this application. A condition of approval will require any new lighting to be reviewed and approved by the Planning Manager prior to installation.

16. Commission Rule 350-81-520(2)(q) states:

*Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors or a list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.*

As explained in Finding B.2, the addition would not be larger than the existing building and therefore qualifies for this color guideline. The applicant has requested to paint the addition with the same dark brown color as the rest of the existing winery building. The brown is a dark earth tone color consistent with the findings of the Directors Decision that approved the building in 1992 (C92-0206-K-G-11).

17. The Landscape Settings map in the Management Plan classifies the subject parcel as oak woodland. Commission Rule 350-80-520(3)(c) contains guidelines for new development in this landscape setting. Rule 520(3)(c)(A) states:

*Structure height shall remain below the tree canopy level in wooded portions of this setting.*

The existing winery building is effectively screened with a mature stand of large ponderosa pine trees. The proposed addition would not alter the height of the building. The height of the existing building is well below that of the tree canopy consistent with this rule.

18. Commission Rule 350-80-520(3)(c)(B) states:

*(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. Such species include Oregon white oak, ponderosa pine, and Douglas-fir.*
- (ii) *At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.*

*For substantially wooded portions:*

- (iii) *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.*

Because the addition would not be visible from KVAs, no new vegetation has been proposed or will be required. And, as previously explained in Finding B.7, no vegetation removal would be necessary in order to construct the addition or extension of the concrete pad. Given that no new vegetation is required and no existing vegetation would be removed, the proposed development would be consistent with Commission Rule 350-80-520(3)(c)(B).

- 19. Commission Rule 350-81-520(4) contains guidelines for review uses within Scenic Travel Corridors. The proposed development would not occur within a Scenic Travel Corridor and is therefore exempt from these regulations.

Conclusion:

As proposed, the development is consistent with the guidelines for the protection of scenic resources found in Commission Rule 350-81-520.

### **C. Cultural Resources**

- 1. Commission Rule 350-81-540(1)(c)(A) and (B) include guidelines to determine when a cultural resource reconnaissance survey and a historic survey are required.
- 2. Margaret Dryden, U.S. Forest Service Archaeologist, reviewed the proposed use pursuant to the above rules. In her Cultural Resources Survey Determination dated April 17, 2008, Ms. Dryden determined that the proposed use did not require a historic survey or a reconnaissance survey because the use would not be affecting any historic buildings and would not be disturbing the ground. The proposed use is thus exempt from reconnaissance survey requirements pursuant to Commission Rule 350-81-540(1)(c)(A)(ii)(II).

3. Commission Rule 350-81-540(2)(a)(A) allows interested parties to consult with the applicant regarding cultural resources. No substantiated comments regarding cultural resources on the subject parcel were received during the comment period.
4. Commission Rule 350-81-540(2)(c)(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 21 calendar days of the date that a notice was mailed.*

As stated above, no comments were received regarding the cultural resources of this parcel and Ms. Dryden did not require a historic or reconnaissance survey. Therefore, pursuant to Commission Rule 350-81-540(2)(c)(B)(i), the cultural resource protection process may conclude.

5. Commission Rules 350-81-540(6)(a) and (b) require that, if cultural resources are discovered during project construction, all construction cease within 100' of the discovered resource and the Commission notified within 24 hours of the discovery.

A condition of approval will alert the applicant of this guideline.

#### Conclusion:

With a condition requiring the cessation of work and Commission notification if cultural resources are discovered during construction, the proposed addition is consistent with applicable cultural resources guidelines in Commission Rule 350-81.

#### **D. Natural Resources**

1. Commission Rule 350-81 contains guidelines that protect wetlands (350-81-560); streams, ponds, lakes and riparian areas (350-81-570); sensitive wildlife areas and sites (350-81-580); and sensitive plants (350-81-590).
2. The Gorge Commission's natural resource inventories do not show any wetlands near the applicant's building site. Commission Rule 350-81-560 does not apply.
3. Approximately 375-feet of an unnamed intermittent creek enters the parcel on the eastern property line. Commission Rule 350-81-570(7)(a)(B) requires a 50-foot buffer zone on each side of intermittent streams to extend landward from the ordinary high water mark on each bank of the creek.

The development site is located approximately 530 feet from the stream, exceeding the 50-foot stream buffer requirement. The current proposal does not

include new development within the stream buffer. Due to the large distance between the development site and the ordinary high water mark of the intermittent stream, Commission Rule 350-81-570 has been satisfied.

4. The Gorge Commission's sensitive wildlife inventory shows that the parcel is located within mule deer and black tailed deer winter range habitat. Commission Rule 350-81-580(1)(a) defines sensitive wildlife areas to include deer and elk winter range.
5. Commission Rule 350-81-580(4)(a) requires the Gorge Commission to submit site plans to the Washington Department of Fish and Wildlife (WDFW) when a new development or land use is proposed within a sensitive wildlife area. WDFW reviews the site plan and determines if the proposed use would compromise the integrity of the wildlife area or site.

On April 30, 2008 Gorge Commission staff sent Washington Department of Fish and Wildlife (WDFW), a copy of the applicant's land use application and site plan.

6. Commission Rule 350-81-580(4)(c) states:

*The wildlife protection process may terminate if the Executive Director, in consultation with the state wildlife agency, determines:*

*(A) The sensitive wildlife area or site is not active, or*

*(B) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.*

In an email (dated May 1, 2008) to Commission staff, Bill Weiler, Area Habitat Biologist with WDFW, reported that "We have no resource concerns associated with C08-0008-K-G-15." It was determined that the proposed development would not compromise the integrity of sensitive wildlife areas or sites, consistent with Commission Rule 350-81-580(4)(c).

7. The Gorge Commission's sensitive plant inventory does not show any sensitive plants within 1,000 feet of the subject property.

#### Conclusion:

The proposed addition is consistent with the guidelines in Commission Rules 350-80-560 through 350-80-590 that protect natural resources.

**E. Recreation Resources**

1. Commission Rule 350-81-086 states:

*If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.*

Established recreation sites do not exist on parcels that adjoin the subject parcel. Therefore, no buffer is required pursuant to Commission Rule 350-81-086.

**Conclusion:**

The proposed development is consistent with the applicable recreation resource guidelines in Commission Rule 350-81.

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cc: Confederated Tribes and Bands of the Yakama Indian Nation  
Confederated Tribes of the Umatilla Indian Reservation  
Confederated Tribes of Warm Springs Reservation  
Nez Perce Tribe  
Klickitat County Planning  
Klickitat County Building  
Friends of the Columbia Gorge  
Bill Wieler, WDFW

