

## **DEVELOPMENT REVIEW**

### **Director's Decision**

**APPLICANT:** Washington State Department of Transportation

**FILE NO.:** C08-0015-K-G-21

**REQUEST:** Approval of a 9-foot by 6-foot tourist activities sign.

**LOCATION:** The sign would be placed in the SW ¼ of Section 34, Township 3 North, Range 12 East, Klickitat County, Washington.

#### **LAND USE**

**DESIGNATION:** The proposed sign is located in the General Management Area in an area designated Small-Scale Agriculture.

#### **DECISION:**

Based upon the following findings of fact, the land use application by Washington State Department of Transportation for approval of a tourist activities sign 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, the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and Commission Rule 350-81 and is hereby approved with conditions.

#### **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-7-58).

1. The existing smaller tourist activities sign shall be removed and replaced with the sign described in this decision.
2. The sign shall be sited as shown on the approved site plan.
3. The sign shall be designed as described in this decision. It shall have a blue background and the back of the sign shall be matte brown. White lettering is approved. It shall be approximately 9-foot by 6-feet in size. The support structure shall be steel posts painted matte brown.
4. No lighting of the sign is approved in this decision. If lighting is desired in the future, lighting design and location shall be submitted for review and approval by the Gorge Commission Executive Director prior to installation.

5. If cultural resources are discovered during any construction activities, all activities within 100 feet of the cultural resources shall cease and the applicants shall notify the Gorge Commission within 24 hours. The cultural resources shall remain as found; further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
6. If human remains are discovered during any construction activities, all activities shall cease 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 AND SIGNED THIS 30<sup>th</sup> day of July, 2008 at White Salmon, Washington.

  
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Jill Arens  
Executive Director

**EXPIRATION OF APPROVAL:**

*This decision of the Executive Director becomes void on the 30<sup>th</sup> day of July, 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 appeal period ends the 29<sup>th</sup> day of August, 2008.*

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 the Commission office.

**NOTES:**

Any new land uses or structural development such as residences; garages, workshops, or other accessory structures; or additions or alterations not included in the approved application or 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 Department 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  
Washington Department of Fish and Wildlife

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

## **FINDINGS OF FACT:**

### **A. Land Use**

1. Washington State Department of Transportation (WSDOT) is seeking approval for a 9-foot by 6-foot tourist activities sign. The sign will be within the WSDOT right-of-way for Washington State Route 14 (SR 14) on the south side of the highway. The sign will be set on steel posts painted brown about 7 feet above the ground and composed of aluminum. The front of the sign will have a blue background with white lettering and border while the back of the sign will be painted matte brown. Advertisements of various tourist activities will be attached to the front of the sign. This sign will replace a smaller tourist activities sign in the same location that was placed without a Scenic Area permit. A condition of approval shall require that the existing sign be removed and replaced with the sign described in this decision.
2. The land use designation at the location of the sign is Small-Scale Agriculture within the General Management Area (GMA).
3. Commission Rule 350-81-050 contains a list of expedited review uses allowed subject to resource protection guidelines and procedural guidelines for expedited uses. Commission Rule 350-81-050(1)(h) allows the following to be eligible for expedited review:

*Signs, other than those allowed outright.*

The sign is not allowed outright, and because a reconnaissance survey was required for cultural resource protection, this application is not eligible for expedited review. The sign therefore may be allowed, subject to compliance with the sign guidelines listed under 350-81-112 and the full review guidelines for the protection of scenic, cultural, natural and recreation resources.

4. Commission Rule 350-81-112(1) lists sign provisions for the General Management Area. Commission Rule 350-81-112(1)(a) states:

*Except for signs allowed without review pursuant to 350-81-074, all new signs must meet the following guidelines unless these guidelines conflict with the Manual for Uniform Traffic Control Devices for public safety, traffic control or highway construction signs. In such cases, the standards in the Manual for Uniform Traffic Control Devices shall supersede these guidelines.*

*(A) The support structure shall be unobtrusive and have low visual impact.*

*(B) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Signs shall be colored to blend with their setting to the maximum extent practicable.*

*(C) Backs of all signs shall be unobtrusive, nonreflective, and blend in with the setting.*

*(D) Spotlighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.*

*(E) Except for signs along public highways necessary for public safety, traffic control, or road construction and consistent with the Manual for Uniform Traffic Control Devices, the following signs are prohibited:*

*(i) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays, and other signs that are internally illuminated, exclusive of seasonal holiday light displays.*

*(ii) New billboards.*

*(iii) Signs with moving elements.*

*(iv) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.*

The support structures will be steel posts painted matte brown to make them unobtrusive. This sign is considered a traffic control sign in the Manual for Uniform Traffic Control Devices (MUTCD) and must conform to the MUTCD tourist-oriented directional signs standards, which require a blue background with white lettering. The blue background provides clear message communication through consistency with national MUTCD standards while blending with the surroundings to the maximum extent practicable. The back of the sign will be painted matte brown. No lighting is present. To the maximum extent practicable while remaining consistent with the MUTCD, the sign will be unobtrusive, blend into its setting and have a low visual impact. With a condition of approval that the sign be installed as proposed, the

proposed sign is consistent with Commission Rule 350-81-112(1)(a).

Conclusion:

With a condition that the existing sign be replaced with the sign described in this decision, the proposed sign is an allowed review use, subject to compliance with the guidelines in Commission Rules 350-81-520 to 350-81-590 that protect scenic, cultural, natural and recreation resources.

B. Scenic Resources

1. The scenic resource protection guidelines that are applicable to signs are listed under Commission Rule 350-81-112. Finding A.4 above applies Commission Rule 350-81-112 to the proposal; that finding demonstrates the proposed sign is consistent with this rule. The proposed sign is thus consistent with all applicable scenic resource protection guidelines.

Conclusion:

The proposed sign is consistent with applicable scenic resource protection guidelines in Commission Rule 350-81.

C. Cultural Resources

1. Commission Rules 350-81-540(1)(c)(A) and (B) include guidelines to determine when a cultural resource reconnaissance survey and a historic survey are required. Margaret Dryden, U.S. Forest Service Archaeologist, reviewed the use pursuant to these rules. Commission Rule 350-81-540(1)(c)(B) states that a historic survey is required for any development that would alter the exterior architectural appearance of buildings or structures 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older. Ms. Dryden determined an historic survey is not required because the sign would not alter the exterior architectural appearance of buildings and structures that are 50 years old or older.
2. Ms. Dryden determined a reconnaissance survey of the use was required because the site is within 500 feet of a known cultural resource, pursuant to Commission Rule 350-81-540(1)(c)(A)(i). She conducted a survey on June 10, 2008. No cultural resources were found within the area of the sign according to Ms. Dryden's survey.
3. Pursuant to Commission Rule 350-81-540(2)(b), notice of the survey results was sent to the State Historic Preservation Officer and the tribes for a 30-day comment period. During that time, no substantiated concerns regarding the reconnaissance survey were made.
4. Commission Rule 350-81-540(2)(c)(B)(ii) states the cultural resource protection process may conclude when the following conditions exist:

*A reconnaissance survey demonstrates that cultural resources do not exist in the project area, no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed, and no substantiated concerns regarding the reconnaissance survey were voiced by the State Historic Preservation Officer or Indian tribal governments during the 30-day comment period required in subsection 2(b)(B) above.*

Pursuant to Commission Rule 350-81-540(2)(c)(B)(ii), the cultural resource protection process may conclude.

5. Commission Rule 350-81-540(6) protects cultural resources discovered during construction. It requires that if cultural resources are discovered after construction begins, all construction activities within 100 feet of the discovered cultural resource shall cease; further disturbance is prohibited, and the Gorge Commission shall be notified within 24 hours of the discovery. A condition of approval will alert the applicant to this requirement for any construction on the site.
6. Commission Rule 350-81-540(7) protects human remains discovered during construction. It requires that if human remains are discovered after construction begins, all construction activities shall cease and the Gorge Commission, local law enforcement officials and the Indian tribal governments shall be contacted immediately. A condition of approval will alert the applicant to this requirement for any construction on the site.

Conclusion:

With conditions requiring the cessation of work and Commission notification if cultural resources or human remains are discovered during any construction, the sign is consistent with applicable cultural resources guidelines in Commission Rule 350-81-540.

D. Natural Resources

1. Commission Rules 350-81-560 through 590 contain natural resource protection guidelines for review uses not eligible for expedited review. Commission Rule 350-81 protects 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. Gorge Commission inventories did not identify any wetlands near the sign. Commission Rule 350-81-560 is not applicable.
3. Commission Rule 350-81-570 provides guidelines for protecting streams, ponds, lakes, and riparian areas. The Commission's resource inventory maps indicate that the sign will be approximately 215 feet from the Columbia River and approximately 200 feet from Chamberlain Lake.
4. Commission Rule 350-81-570(7)(a)(A) requires a buffer zone of 100 feet between new

development and perennial streams used by anadromous fish such as the Columbia River. Commission Rule 350-81-570(7)(a)(C) requires lake buffer zones to be based on the dominant vegetative community as determined by Commission Rule 350-81-560(7)(b). Lakes with an herbaceous vegetative community as found between the sign and Chamberlain Lake require a 150 foot buffer as determined by Commission Rule 350-81-560(7)(c)(C). Because the sign will be 215 feet from the Columbia River and 200 feet from Chamberlain Lake, it is consistent with Commission Rule 350-81-570 for protecting streams, ponds, lakes, and riparian areas.

5. Commission Rule 350-81-580 contains guidelines to protect sensitive wildlife areas and sites. The Gorge Commission's sensitive wildlife inventory identifies the proposed sign will be within 1000 feet of bald eagle habitat and shallow water fish habitat in the Columbia River. Commission Rule 350-81-580(1)(a)(A) lists these as sensitive wildlife areas.
6. Commission Rule 350-81-580(4) contains guidelines for review of proposed uses within 1000 feet of sensitive wildlife areas and sites. Subsection (a) of this section requires that site plans for such uses be submitted to the Washington Department of Fish and Wildlife to review the application and: (A) verify the location of the wildlife area or site; (B) ascertain whether the wildlife area or site is active or abandoned; and (C) determine if the proposed use may compromise the integrity of the wildlife area or site or occur at a time when wildlife species are sensitive to disturbance. The application and site plan were submitted to Bill Weiler, Habitat Biologist for the Washington Department of Fish and Wildlife on June 4, 2008 for review, pursuant to Commission Rule 350-81-580(4).
7. 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 on June 6, 2008, Mr. Weiler stated that he had "no fish and wildlife resource concerns" regarding the proposal. Pursuant to Commission Rule 350-81-580(4)(c), the wildlife protection process may conclude.

8. Gorge Commission inventories did not identify any sensitive plants within 1000 feet of the proposed sign. Commission Rule 350-81-590 is not applicable.

Conclusion:

The sign is consistent with the applicable natural resource guidelines in Commission Rules 350-81-560

through 590.

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.*

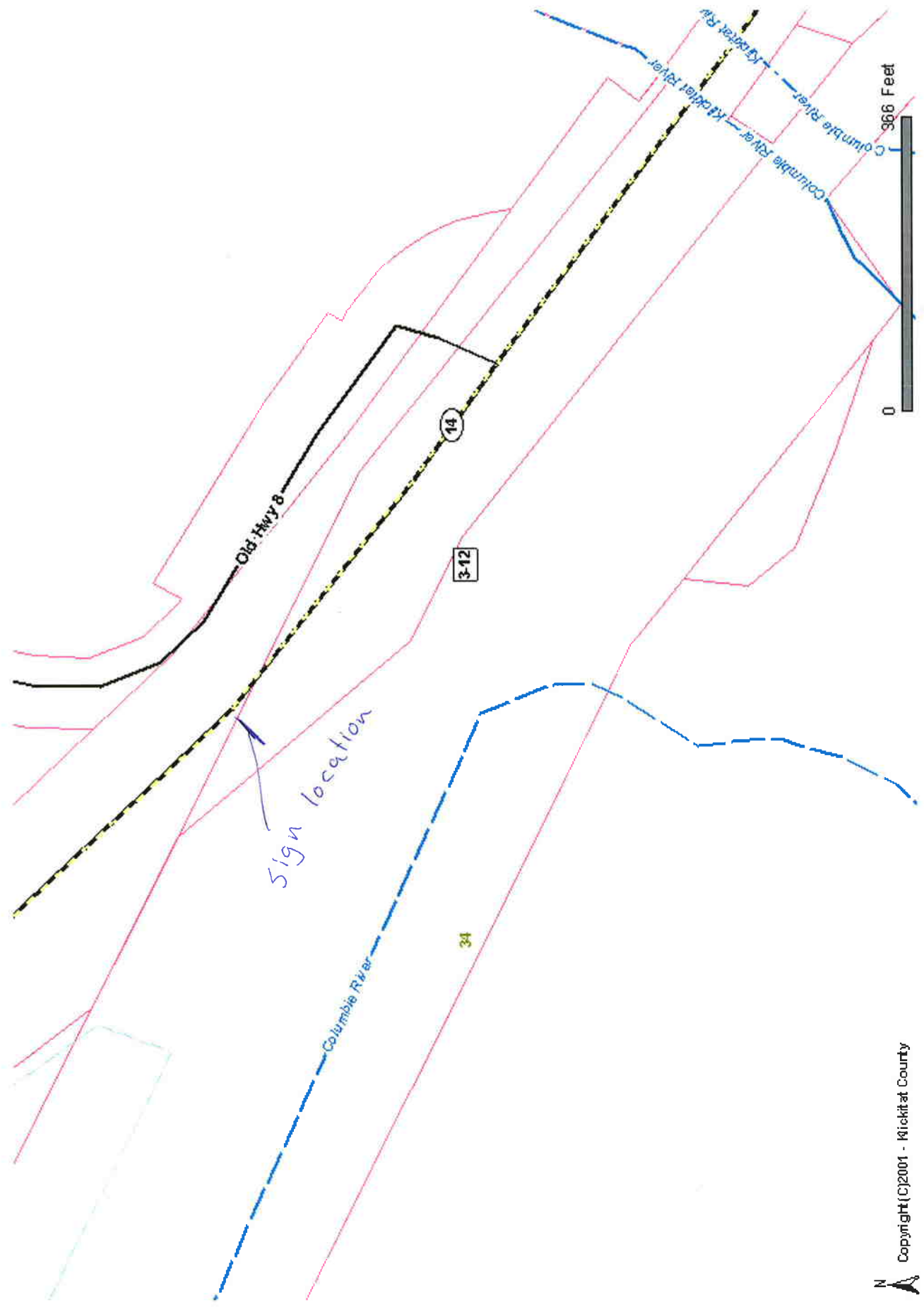
The Balfour-Klickitat Day Use Site operated by the US Forest Service is on the north side of SR 14 across from the sign. The placement of this sign within the right-of-way would not detract from the use and enjoyment of this site, thus no buffers are required pursuant to Commission Rule 350-81-086.

Conclusion:

The sign is consistent with applicable recreation resource guidelines in Commission Rule 350-81-086.

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  
Washington Department of Fish and Wildlife

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*Jill Arnes*  
*7/30/08*

**APPROVED**