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www.gorgecommission.org

DEVELOPMENT REVIEW

Director's Decision

APPLICANT: Washington State Department of Transportation

FILE NO.: C08-0017-K-G-21

REQUEST: After-the-fact approval of a 4-foot by 5-foot tourist activities sign.

LOCATION: The sign is placed in the NW ¼ of Section 14, Township 3 North, Range 10 East, Klickitat County, Washington.

LAND USE

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

DECISION:

Based upon the following findings of fact, the land use application by Washington State Department of Transportation for after-the-fact 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 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 sign shall be sited as shown on the approved site plan.
2. 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 4-feet by 5-feet. The support structure shall be steel posts painted matte brown.
3. 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.

4. If cultural resources are discovered during any future 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.
5. If human remains are discovered during any future construction activities, all activities shall cease upon their discovery and 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 15th day of September, 2008 at White Salmon, Washington.



Jill Arens
Executive Director

EXPIRATION OF APPROVAL:

This decision of the Executive Director becomes void on the 15th day of September, 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 15th day of October, 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
Washington Natural Heritage Program

Written comments were received from Richard Till with Friends of the Columbia Gorge, Mo-Chi Lindblad with Klickitat County Planning Department, Bill Weiler with the Washington Department of Fish and Wildlife, Sandy Swope-Moody with the Washington Natural Heritage Program and Matthew Sterner with Washington Department of Archaeology and Historic Preservation.

FINDINGS OF FACT:

A. Land Use

1. Washington State Department of Transportation (WSDOT) is seeking after-the-fact approval for a 4-foot by 5-foot tourist activities sign. The application was originally submitted prior to the sign being installed and stated that the sign would be 300 feet south of Arnett Road along Washington State Route 141-Alternate (SR 141-Alt). Staff made a site visit on August 18, 2008 and found that the sign had been installed prior to the decision being issued. Furthermore, the sign was installed at the junction of SR 141-Alt. and Arnett Road rather than 300 feet to the south. The application was modified to reflect the new location and to describe the project as after-the-fact and was re-noticed. The sign is within the WSDOT right-of-way on the west side of SR 141-Alt. The sign is set on steel posts painted brown about 7 feet above the ground and composed of aluminum. The front of the sign has a blue background with white lettering and border while the back of the sign is painted matte brown. Notice of a tourist activity (a fruit stand) is attached to the front of the sign.
2. The land use designation at the location of the sign is Large-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. Pursuant to Commission Rule 350-81-052(1)(b)(A), the expedited review process can only be used for applications not requiring reconnaissance or historic surveys. Because a reconnaissance survey was required for

cultural resource protection, this application is not eligible for expedited review. The sign therefore is potentially allowable, 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 are 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 is painted matte brown. No lighting is present. To the maximum extent practicable while remaining consistent with the MUTCD, the sign is unobtrusive, blends into its setting and has a low visual impact. With a condition requiring the sign to be sited and designed as described, the sign is consistent with Commission Rule 350-81-112(1)(a).

Conclusion:

With a condition that the sign be sited and designed as described, the 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. Commission Rule 350-81-112 includes the scenic resource protection guidelines that apply specifically to signs. Finding A.4 above applies Commission Rule 350-81-112 to the proposal and finds it to be consistent with those rules. The sign is thus consistent with all applicable scenic resource protection guidelines.

Conclusion:

The 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 July 22, 2008 which reviewed both the original sign location and the current sign location. No cultural resources were found in either location 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 the comment period, 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 future 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 future 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 future 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 is

approximately 52 feet from an intermittent stream not used by anadromous fish or resident fish. Commission Rule 350-81-570(7)(a)(B) requires a buffer zone of 50 feet between new development and such streams. Because the sign is 52 feet from the stream, it is consistent with Commission Rule 350-81-570 for protecting streams, ponds, lakes, and riparian areas.

4. Commission Rule 350-81-580 contains guidelines to protect sensitive wildlife areas and sites. The Gorge Commission's sensitive wildlife inventory identifies the sign is within deer and elk winter range. Commission Rule 350-81-580(1)(a)(A) lists this as a sensitive wildlife area.
5. 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 July 8, 2008 and August 22, 2008 for review, pursuant to Commission Rule 350-81-580(4).
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 on July 22, 2008 and again on August 22, 2008, Mr. Weiler stated that he had no natural resource concerns regarding the proposal. Pursuant to Commission Rule 350-81-580(4)(c), the wildlife protection process may conclude.

7. Commission Rule 350-81-590 contains guidelines to protect sensitive plants. The Gorge Commission's sensitive plant inventory identifies the sign is within 1000 feet of a state threatened plant species (diffuse stickseed). Commission Rule 350-81-590(1)(a)(C) lists this as a sensitive plant.
8. Commission Rule 350-81-590(4) contains guidelines for review of proposed uses within 1000 feet of a sensitive plant. Subsection (a) of this section requires that site plans for such uses be submitted to the Washington Natural Heritage Program to review the application and: (A) identify the precise location of the affected plants; and (B)

delineate a 200-foot buffer zone on the site plan. The application and site plan were submitted to Sandy Swope Moody, Environmental Review Coordinator for the Washington Natural Heritage Program on July 8, 2008 and August 22, 2008 for review, pursuant to Commission Rule 350-81-590(4).

9. Commission Rule 350-81-590(4)(b) states:

The rare plant protection process may conclude if the Executive Director, in consultation with the Natural Heritage Program staff, determines that the proposed use would be located outside of a sensitive plant buffer zone.

In a letter received on July 25, 2008 and again on September 8, 2008, Ms. Swope Moody stated that the project is not likely within 1000 feet of the exact location of the sensitive plant. Pursuant to Commission Rule 350-81-590(4)(b), the sensitive plant protection process may conclude.

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.

No established recreation sites exist on parcels adjacent to the sign. Thus no buffers are required pursuant to Commission Rule 350-81-086.

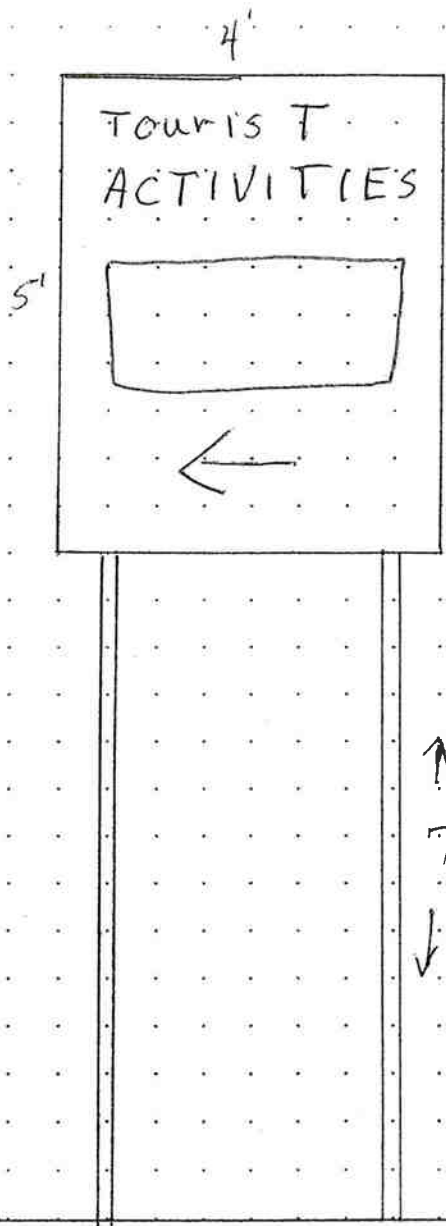
Conclusion:

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
Washington Natural Heritage Program
Washington Department of Archaeology and Historic Preservation

JM/ FIND0017.08

within Hwy 141 AIT. R/w



↑
7' Plus or minus
↓

JM Arens

Ground.

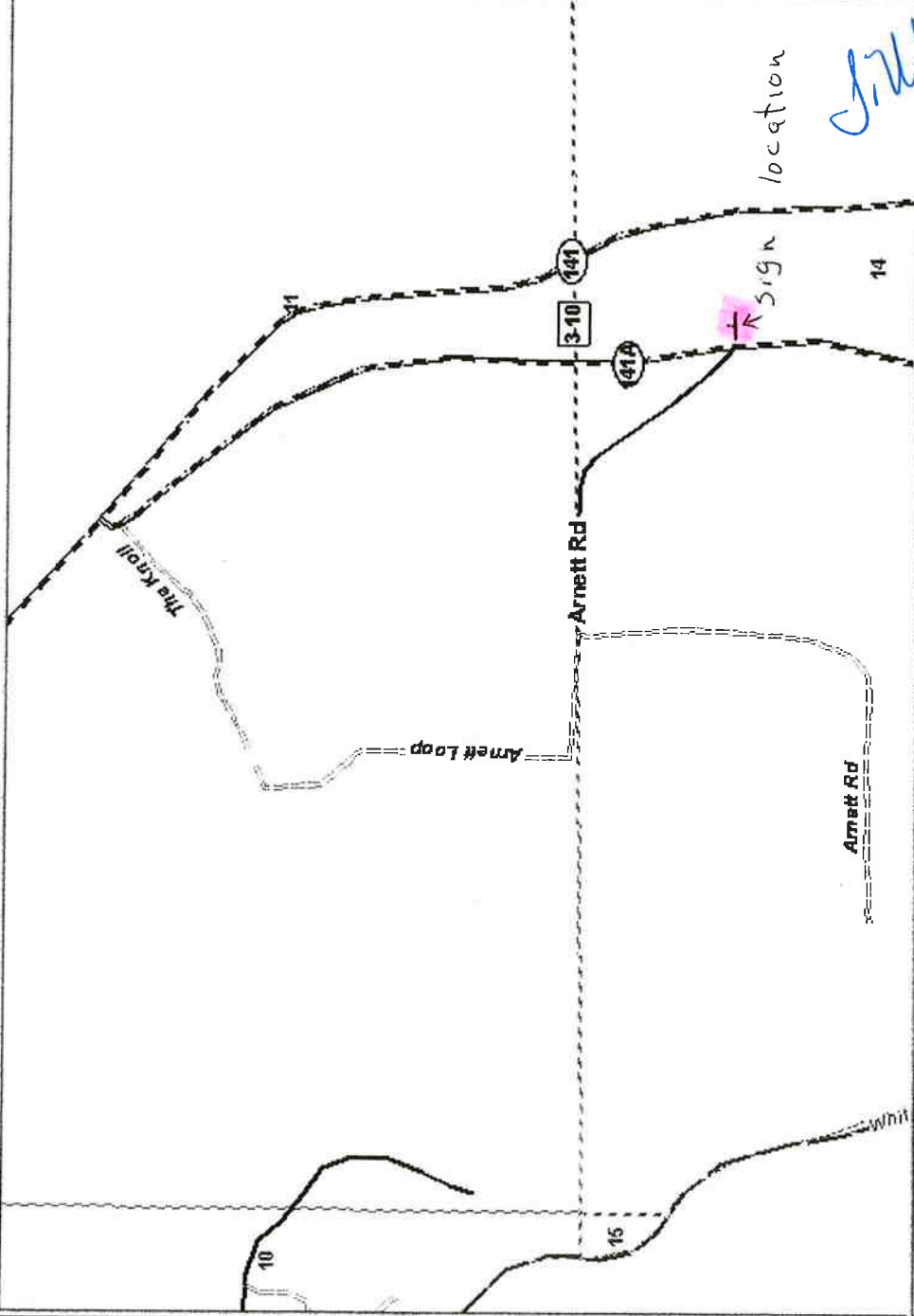
Soil will be covered with straw for soil erosion issues if needed.

APPROVED



Klickitat County Public Works

Refresh Map



ON	ACTIVE	Layers
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Roads
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Hydrology
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sections
<input type="checkbox"/>	<input type="checkbox"/>	P-numbers
<input type="checkbox"/>	<input type="checkbox"/>	Parcels
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Twp_Rge
<input checked="" type="checkbox"/>	<input type="checkbox"/>	City Limits
<input checked="" type="checkbox"/>	<input type="checkbox"/>	towns
<input type="checkbox"/>	<input type="checkbox"/>	Transmission
<input type="checkbox"/>	<input type="checkbox"/>	Pipeline
<input type="checkbox"/>	<input type="checkbox"/>	Railroad
<input type="checkbox"/>	<input type="checkbox"/>	Zoning
<input type="checkbox"/>	<input type="checkbox"/>	comm_dist
<input type="checkbox"/>	<input type="checkbox"/>	cemetery
<input type="checkbox"/>	<input type="checkbox"/>	dog_ord
<input type="checkbox"/>	<input type="checkbox"/>	firedist
<input type="checkbox"/>	<input type="checkbox"/>	herd_law
<input type="checkbox"/>	<input type="checkbox"/>	school_dist
<input type="checkbox"/>	<input type="checkbox"/>	precincts
<input type="checkbox"/>	<input type="checkbox"/>	rec_dist
<input type="checkbox"/>	<input type="checkbox"/>	2006 PHOTO (communities included)
<input type="checkbox"/>	<input type="checkbox"/>	Topo Map

Sign will be located at Arnett Rd northbound on SR 141 Alt.

APPROVED

Zoom In This map is for planning purposes only. Parcels are a graphical representation, use surveys & deeds of record for accurate data. Right of way is preliminary, refer to appropriate agency for status. Survey references may not be a complete list, check individual surveys for other documents. Verify