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## **EXPEDITED DEVELOPMENT REVIEW**

### **Director's Decision**

**APPLICANT:** Washington Department of Natural Resources

**FILE NO.:** C08-0021-K-G-19

**REQUEST:** To place a sign at the entrance of the Columbia Hills Natural Area to educate the public about the use of the site.

**LOCATION:** The subject parcel is located approximately 4 miles northeast of Dallesport, Washington, in the SW ¼ of Section 32, Township 3 North, Range 14 East of the Willamette Meridian, in Klickitat County, Washington.

### **LAND USE**

**DESIGNATION:** The subject parcel is designated Large-Scale Agriculture in the General Management Area.

### **DECISION:**

Based upon the following findings of fact, the land use application by the Washington Department of Natural Resources to place a sign is consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act (Public Law 99-663), 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 proposed sign shall be designed, constructed, and installed as described in the materials submitted by the applicant.
2. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall cease and the applicant 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.

3. If human remains are discovered during 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 12<sup>th</sup> day of September 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 12<sup>th</sup> 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 12<sup>th</sup> 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 Office of Archaeology and Historic Preservation  
Klickitat County Planning Department  
Klickitat County Building Department  
Klickitat County Health Department

Comments were received from Richard Till, Land Use Law Clerk for the Friends of the Columbia Gorge.

**FINDINGS OF FACT:**

A. Land Use

1. The applicant has proposed to construct a 7-foot tall by 3.5-foot wide sign to be placed at the entrance to the Columbia Hills Natural Area Preserve. The proposed sign would provide information for the public on allowed uses in the preserve. The sign would be placed in the roadway turnaround located at the gate accessing the preserve.
2. The Land Use Designation map in the *Management Plan for the Columbia River Gorge National Scenic Area* designates the subject parcel Large-Scale Agriculture in the General Management Area.
3. Commission Rule 350-81-050 contains a list of developments that may be reviewed using the expedited review process, as long as they comply with the resource protection guidelines contained in 350-81-052.
4. Commission Rule 350-81-050(1)(h) states:

*Signs, other than those allowed outright.*

Commission Rule 350-81-074(1)(a)(L) lists the various types of signs allowed outright. The proposed sign does not meet any of the types listed, therefore the use is subject to review under the expedited review guidelines, pursuant to Commission Rule 350-81-050(1)(h).

Conclusion:

The proposed sign is an allowed expedited review use, subject to Commission Rule 350-81-052 which protects scenic, cultural, natural, and recreation resources and treaty rights for uses reviewed through the expedited review process.

B. Scenic Resources

1. Commission Rule 350-81-052(1)(a) contains scenic resource protection guidelines for proposed developments being reviewed through the expedited review process. Rule 350-81(1)(a)(A) applies to fences. Signs are exempted from rules 350-81-052(1)(a)(B) and (C). Rule 350-81(1)(a)(D) applies to outdoor lights, which are not a part of the proposed project.

2. Commission Rule 350-81-052(1)(a)(E) states:

*Signs shall comply with 350-81-112.*

The guidelines of 350-81-112 are reviewed below in Finding B.4.

3. Commission Rule 350-81-052(1)(a)(F) states:

*Structures within one-half mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).*

The proposed sign would be located 2.6 miles from State Route 14 and 2.9 miles from the Columbia River, the two closest KVAs. The proposed sign is thus not subject to Commission Rule 350-81-052(a)(F).

4. Commission Rule 350-81-112(1) states provisions for signs in the GMA. Commission Rule 350-81-112(1)(a) states:

(a) *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.*

Support for the proposed sign is made of wood, and will have a low visual impact. The colors are brown and beige, and will blend in with the grassy hillside. No reflective materials will be used. No spotlighting of the sign is proposed and the sign is not one of the prohibited signs listed. The proposed sign complies with the GMA sign provisions of Commission Rule 350-81-112(1).

Conclusion:

The proposed development would be consistent with the scenic resources guidelines in Commission Rule 350-81-052(a) for expedited developments in the National Scenic Area.

C. Cultural Resources

1. Commission Rule 350-81-052(b) includes the following cultural resource protection criteria:

- (A) *The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey, pursuant to 350-81-540(1)(c)(A) or historic survey, pursuant to 350-81-540(1)(c)(B).*
- (B) *The GMA guidelines that protect cultural resources and human remains discovered during construction [350-81-540(6) and (7)] shall be applied as conditions of approval for all development approved under the expedited development review process.*

The findings of this section show that both of these criteria are met.

2. Commission Rule 350-81-540(1)(c)(A)(i) states:

*A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource, including those uses listed as exceptions in 350-80-504(1)(c)(A)(ii) below.*

Marge Dryden, Heritage Resource Program Manager for the U.S. Forest Service National Scenic Area, reviewed the applicant's land use application. On September 5, 2008 Ms. Dryden submitted a Cultural Resources Survey Determination concluding that the proposed development would not be located within 500 feet of any known cultural resource sites. Therefore, a reconnaissance survey is not required pursuant to Commission Rule 350-81-540(1)(c)(A)(i).

3. Commission Rule 350-81-540(1)(c)(A)(ii) lists uses that would not require a reconnaissance survey. Section 540(1)(c)(A)(ii)(III) states:

*Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed and serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger, or similar implement; and placement of mobile homes where septic systems and underground utilities are not involved.*

*The Gorge Commission shall review all land use applications and determine if proposed uses would have a minor ground disturbance.*

The applicant has proposed to use 4 inch by 4 inch posts that will be placed 18 inches into the ground. Concrete would be used to stabilize the posts. No other grading activities are proposed for the installation of the sign. As stated above in Finding C.2, Ms. Dryden determined that the sign would not be located within 500 feet of any known cultural resource sites and would involve only minor ground disturbance. Thus, the proposed development is exempt from reconnaissance survey requirements pursuant to Commission Rule 350-81-540(1)(c)(A)(ii).

4. Commission Rule 350-81-540(1)(c)(B) states:

*A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would 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.*

The Cultural Resources Inventory Determination submitted by Ms. Dryden also concluded that the proposed sign "would not alter the exterior architectural appearance of buildings and structures that are 50 years old or older" and "would not compromise features of the

surrounding area that are important in defining the historic or architectural character of buildings that are 50 years old or older”. Therefore, a historic survey is not required, pursuant to Commission Rule 350-540(1)(c)(B).

In sum, the proposed development does not require a reconnaissance survey or historic survey and may be reviewed through the expedited review process pursuant to Commission Rule 350-81-052(b).

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.
6. Commission Rule 350-81-540(7) protects human remains discovered during a cultural resources survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones or teeth, with or without attendant burial artifacts. All activities shall cease upon the discovery of human remains and any further disturbance is prohibited. Local law enforcement, the Executive Director and Indian tribal governments shall be contacted immediately. A condition of approval will alert the applicant to this requirement.

#### Conclusion:

With conditions protecting unknown cultural resources and human remains discovered during construction, the proposed development is consistent with the guidelines in Commission Rule 350-81-052(1)(c)(B) that protect cultural resources in the National Scenic Area associated with uses undergoing the expedited review process.

#### D. Recreation Resources

1. Commission Rule 350-80-052(1)(c) states:

*The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.*

The sign provides guidance for users of the adjacent Natural Area Preserve. The intent is to enhance the experience for visitors to the preserve. No other recreation sites or facilities exist on parcels that are adjacent to the subject parcel. Use of the recreation site is expected to be improved, therefore, Commission Rule 350-81-086 is met.

#### Conclusion:

The proposed sign would be consistent with Commission Rule 350-81-052(1)(c) which protects recreation resources in the National Scenic Area associated with proposed developments undergoing the expedited review process.

E. Natural Resources

1. Commission Rule 350-81-052(1)(d) contains natural resource protection guidelines for review uses undergoing the expedited review process.
2. Commission Rule 350-81-052(1)(d)(A) requires that all proposed developments are outside any wetland, stream, river, pond or lake buffer zones in order to be reviewed through the expedited review process. It states:

*The development is outside buffer zones for wetlands, streams, rivers, ponds, and lakes. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.*

The proposed development is not located within the vicinity of any known water sources or bodies of water. It is therefore not located within the buffer zone of any wetland, stream, river, pond or lake and may be reviewed under the expedited review process, pursuant to Commission Rule 350-81-052(1)(d)(A).

3. Commission Rule 350-81-052(1)(d)(B) contains guidelines that protect sensitive wildlife and plant species within the vicinity of the proposed development. It states:

(i) *The development meets one of the following:*

(I) *The development is at least 1,000 feet from known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive plants; or*

(II) *The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or*

(III) *For sensitive wildlife, the development is within 1,000 feet of known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey habitat), but an appropriate federal or state wildlife agency determines (1) the sensitive wildlife area or site is not active or (2) the proposed development 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.*

*For sensitive plants, the development is within 1,000 feet of known sensitive plants, but the Oregon or Washington*

*Natural Heritage Program or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the sensitive plants.*

- (ii) *Development eligible for expedited review shall be exempt from the field survey requirements for sensitive wildlife or sensitive plants.*

Other than deer and elk winter range, no known sensitive species of wildlife are known to be found within the vicinity. There is a sensitive plant site in the vicinity. However, the development will only disturb the ground within an existing and regularly maintained vehicle turnaround at the entrance to the Natural Area Preserve. Therefore, the proposed development is consistent with Commission Rule 350-81-052(1)(d)(B).

Conclusion:

The proposed sign would be consistent with Commission Rule 350-81-052(1)(d) which protects natural resources in the National Scenic Area associated with proposed developments undergoing the expedited review process.

F. Treaty Protection:

1. Commission Rule 350-81-052(2) contains treaty rights protection guidelines for proposed developments reviewed using the expedited review process:
  - (a) *Proposed developments shall not affect or modify any treaty or other rights of any Indian tribe.*
  - (b) *The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.*

The proposed installation of the sign would not affect or modify treaty or other rights of any Indian tribe, consistent with this rule. No substantive written comments were received from any Indian tribe during the comment period. The proposed sign is consistent with Commission Rule 350-81-052(2).

Conclusion:

The proposed development is consistent with the guidelines in Commission Rule 350-81-052(2), which provides protection for treaties and any other rights of any Indian tribe impacted or affected by review uses allowed through expedited review.

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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