

## **DEVELOPMENT REVIEW**

### **Director's Decision**

**APPLICANT:** Brad Gearhart

**FILE NO.:** C08-0022-K-G-22

**REQUEST:** To construct a 48' x 68' (3264 sq. ft.) agricultural structure with utilities for water, sewer, and electricity, and plant an approximately 6-acre vineyard with fencing and irrigation on a 27-acre parcel.

**LOCATION:** The subject parcel is located south of State Route 14 near the west side of Murdock, Washington. The parcel is located within the SW ¼ of Section 16, Township 2 North, Range 13 East, Willamette Meridian, 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 Brad Gearhart to plant an approximately 6-acre vineyard 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. The request to construct a 48' x 68' (3264 sq. ft.) agricultural structure is denied.

This approval does not exempt the applicant or successors in interest from complying with all other applicable local, state, and federal laws.

### **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 first two pages of this decision shall be recorded in county deeds and records (Klickitat County Auditor's Office) to ensure notice of the conditions to successors in interest. The applicants shall submit a copy of the recorded decision to the Planning Manager prior to any construction.

2. All cultivation, fencing and irrigation shall occur only in the location shown on the site plan approved March 24, 2009, and as modified by these conditions of approval. This includes the riparian buffer area at the south corner of the parcel shown on the approved site plan and the areas described in condition 4, below, which are not depicted on the site plan. If changes to the location of cultivation and associated development are proposed, a revised site plan shall be submitted to the Planning Manager for review and approval prior to ground disturbance.
3. Fencing shall be composed of dark brown or black wire mesh and dark brown or black metal or wooden fence posts. The height of the fence shall not exceed eight feet above adjacent grade.
4. The proposed cultivation, vineyard, trellises and irrigation system, as well as all other ground disturbing activities and development, shall be prohibited within the archaeological resource boundary and buffer zone as described in the *Heritage Resource Inventory Report for the Columbia Gorge Estates New Construction and Cultivation Project*, dated February 10, 2009 (*Site Area and Buffer Location Map for Brad Gearhart – Columbia Gorge Estates*).

Ground disturbing activities and developments prohibited within the archaeological resource boundary and buffer zone include, but are not limited to, excavating, trenching, filling, underground waterlines, wells, and buildings.

5. If cultural resources are discovered during construction, all construction 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 Planning Manager of the Gorge Commission.
6. To ensure compliance with these conditions of approval the following site inspections shall be arranged by the applicant:
  1. The applicant shall arrange for a Forest Service archaeologist to locate and mark the archaeological resource buffer zone on the ground.
  2. The applicant shall stake out the proposed fence line and boundary of the vineyard and notify and receive approval from the Gorge Commission before any ground disturbing activities occur.
  3. Within 30 days of installation of the fencing the applicant shall notify the Gorge Commission that the project is ready for a final inspection.

DATED AND SIGNED THIS 23rd day of March, 2009, at White Salmon, Washington.



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Brian Litt  
Planning Manager

**EXPIRATION OF APPROVAL:**

*This decision of the Planning Manager becomes void on the 23rd day of March, 2011.*

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 Planning Manager 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 Planning Manager 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 Monday of April, 2009.*

The decision of the Planning Manager 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:

- 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
- Washington Department of Fish and Wildlife
- Friends of the Columbia Gorge

Written comments were received from Richard Till, Land Use Law Clerk for the Friends of the Columbia Gorge; Bill Weiler of Washington Dept. of Fish and Wildlife; and Mo-chi Lindblad of the Klickitat County Planning Department, and Bert Arndt.

**FINDINGS OF FACT:**

A. Land Use

1. The subject parcel is 23.5 acres in size and located just northwest of Dallesport, Washington, between State Route 14 and the BNSF Railroad line and the Columbia River.

The application is proposing new cultivation on approximately 6 acres, extending somewhat beyond the area that was once an orchard. The applicant is also proposing to construct a 48 foot wide by 68 foot long (3264 square feet) agricultural building. The building would be no greater than 20 feet in height from the final adjacent grade. Water, electrical, telephone and septic utility lines from existing sites on the property would be installed to serve the structure. The proposed agricultural building would be used by the land owner for storage of agricultural equipment.

2. Commission Rule 350-81-020(38) defines "cultivation" as:

*Any activity that prepares land for raising crops by turning, breaking, or loosening the soil. Cultivation includes plowing, harrowing, leveling, and tilling.*

3. Commission Rule 350-81-074(1)(a)(A) specifies as a use allowed outright in all GMA and SMA land use designations except Open Space and Agriculture-Special the following:

*In the General Management Area, agricultural uses except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation.*

4. A fire burned down the residence on the subject parcel in August, 2002, and damaged the fruit orchard located on approximately 5 acres of the subject property. The trees died and were subsequently removed. No cultivation has occurred since the orchard burned more than 5 years ago. Thus, pursuant to 350-81-074(1)(a)(A) the proposed cultivation shall be considered new cultivation.

5. 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.

6. Commission Rule 350-81-190(1)(a) allows the following on lands designated Large-Scale Agriculture:

*New cultivation, subject to compliance with guidelines for the protection of cultural resources (350-81-540) and natural resources (350-81-560 through 350-81-590).*

The proposed vineyard is an allowed review use, subject to review for consistency with the guidelines specified in Sections C (Cultural Resources) and E (Natural Resources), below.

7. Commission Rule 350-81-190(1)(c) allows the following on lands designated Large-Scale Agriculture:

*Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (350-81-090).*

The applicant proposes to cultivate approximately 6 acres of the parcel as a vineyard. The proposed agricultural building would support the vineyard operations. However, because no current agricultural use occurs on the parcel, an agricultural building can not be approved at this time. Once the agricultural use is established, the property owner may apply for an agricultural building.

8. Commission Rule 350-81-190(1)(b) allows the following on lands designated Large-Scale Agriculture:

*Agricultural structures, except buildings, in conjunction with agricultural use.*

The applicant proposes to surround the proposed vineyard with a 8-foot high wire fence and to install irrigation lines to support the vineyard. These are agricultural structures in conjunction with a proposed agricultural use and are subject to review for consistency with guidelines for the protection of scenic, cultural, natural and recreation resources (350-81-520–350-81-620).

#### Conclusion:

The proposed new cultivation is an allowed review use on lands designated Large-Scale Agriculture in the GMA, subject to compliance with guidelines that protect natural and cultural resources (350-81-540 and 350-81-560 through 590). The proposed agricultural building is not an allowed review use until an agricultural use is established on the parcel. Because it cannot be approved with this application, consistency of the agricultural building with the guidelines for the protection of scenic, cultural, natural and recreation resources will not be evaluated. The proposed fencing and irrigation are agricultural structures subject to compliance with guidelines for the protection of scenic, cultural, natural and recreation resources (350-81-520–350-81-620).

#### 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.*

In this application, only the proposed fencing is subject to review under the guidelines for protection of scenic resources. Scenic Resources Policy 2 (Management Plan pg. I-1-3) exempts irrigation equipment from the scenic guidelines. Thus, this guideline does not apply.

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

*Project applicants shall be responsible for the proper maintenance and survival of any planted vegetation required by the guidelines in this chapter.*

Vegetation is not required to be planted by the guidelines of this chapter due to the reasons described in Findings B.7 and B.8, below. This guideline does not apply.

3. Commission Rule 350-81-520(2) contains guidelines that apply to new development on sites that are topographically visible from Key Viewing Areas (KVAs).

The proposed development site is topographically visible from the following KVAs: the Historic Columbia River Highway, Interstate 84, the Columbia River, State Route 14 (SR14), and the Rowena Plateau and Nature Conservancy Viewpoint. The proposed fencing is subject to the scenic resources guidelines in Commission Rule 350-81-520(2) to ensure that it would be visually subordinate to its setting as seen from KVAs.

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

*Each development shall be visually subordinate to its setting as seen from key viewing areas.*

The proposed fencing would be topographically visible when viewed from the above mentioned KVAs. Finding B.7 provides an analysis of visual impacts of the proposed fencing as seen from KVAs, and Finding B.8 describes requirements necessary to ensure the development meets the visually subordinate scenic standard. These findings show the proposed development would be consistent with Commission Rule 350-81-520(2)(b).

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

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

The proposal is an agricultural development. The visual impact is small and mitigated through application of conditions. These factors will prevent this development from creating an adverse cumulative effect. The proposed development is consistent with Commission Rule 350-81-520(1)(c).

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

*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 key viewing areas.*

(A) *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 amount of area of the building site exposed to Key Viewing Areas.*

Overall, the subject parcel slopes down from SR14 on the NE toward the Columbia River on the SW. The proposed vineyard site is located at the southern and lowest elevation portion of the parcel. A broad, rock plateau forms the northern 2/3 of the parcel, rising 20-40 feet above the proposed building site. The vineyard site is exposed to KVAs located to the west (Columbia River, I-84, Historic Columbia River Highway). Topography shields the site somewhat from KVAs located to the north and east (SR 14) such that much of the proposed fencing is screened from the SR14 KVA by topographic features and existing structures in the Dallesport Urban Area.

*The degree of existing vegetation providing screening.*

There is very little existing vegetation that will provide screening for the fencing.

*The distance from the building site to the Key Viewing Areas from which it is visible.*

At the closest point, the vineyard site is in the foreground within ¼-mile from the Columbia River and SR14, in the mid-ground approximately 4000 feet east from the Historic Columbia River Highway and Interstate 84, and in the background over 5 miles south from the Rowena Plateau and Nature Conservancy Viewpoint.

*The number of Key Viewing Areas from which the site is visible.*

The proposed development would be topographically visible from five KVAs, the Historic Columbia River Highway, Interstate 84, the Columbia River, SR 14 and the Rowena Plateau and Nature Conservancy Viewpoint.

*The linear distance along the Key Viewing Areas from which the building site is visible.*

The proposed development would be topographically visible intermittently along the Historic Columbia River Highway and Interstate 84 for approximately three miles, from SR 14 for two miles, and approximately three miles along the Columbia River.

In sum, the proposed fencing would be topographically visible from five KVAs. With conditions for design and color, the fencing would be visually subordinate from all of these KVAs, consistent with Commission Rule 350-81-520(2)(d).

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

- (B) *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), and*
  - (iv) *New landscaping.*

As described below, conditions for design and color are applied to ensure that the development is visually subordinate to its setting as seen from KVAs.

*Siting (location of development on the subject property, building orientation, and other elements),*

The proposed vineyard has been sited at the lowest elevation on the parcel where topography helps screen the development from SR14 and makes it less visible from the Rowena Plateau and Nature Conservancy Viewpoint KVAs. Other portions of the property are higher in elevation and more prominently located when viewed from KVAs. With conditions to ensure the siting of the vineyard does not change, the fencing would be consistent with this guideline.

*Retention of existing vegetation*

Little existing vegetation will screen the proposed vineyard. No restrictions on vegetation removal are necessary.

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

As proposed, the agricultural fencing would have a maximum height of 8 feet and be composed of a coarse wire mesh. Metal posts will support the fence. With conditions that require dark color choices, the proposed development would be visually subordinate.

*New landscaping*

No new landscaping has been proposed by the applicant and due to the limited visual impact no new landscaping would be required.

9. 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.*

The proposed development is located in the best location to achieve visual subordination when viewed from KVAs, as explained in Finding B.8, and is thus consistent with Commission Rule 350-81-520(2)(e).

10. 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 described in Findings B.1, B.7 and B.9, the most suitable site for development was chosen. The proposed development is sited so as to utilize topographic features to screen the proposed development from KVAs and also is the only area where soils are of sufficient depth for agricultural uses. The proposed development would be consistent with Commission Rule 350-81-520(2)(f).

11. 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).*

As explained above, little existing vegetation screens the proposed development, so Commission Rule 350-81-520(2)(g) is not applicable.

12. Commission Rule 350-81-350(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.*

No new buildings are proposed, so Commission Rule 350-81-350(2)(h) is not applicable.

13. Commission Rule 350-81-520(2)(j) lists guidelines that apply to new landscaping used to screen development from key viewing areas. Commission Rule 350-81-520(2)(j)(A) states:

*New landscaping (including new earth berms) shall be required only when application of all other available guidelines in 350-81-520 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.*

Conditions regarding color will ensure that the development would be visually subordinate as seen from KVAs. New landscaping is not needed and will not be required, consistent with Commission Rule 350-81-520(2)(j)(A).

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

*Conditions regarding new landscaping or retention of existing vegetation for new developments on lands designated GMA Forest shall meet both scenic guidelines and fuel break requirements in 350-81-300(1)(a).*

The subject parcel is designated General Management Area Small-Scale Agriculture. Thus Commission Rule 350-81-520(2)(k) is not applicable and the proposed use is not subject to this guideline.

15. Commission Rules 350-81-520(2)(l) 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 applicant has proposed using dark brown or black metal or wooden posts and a dark brown or black wire mesh for the fencing. A condition of approval is included requiring the exterior surfaces of the proposed fencing to be dark earth-tone colors. With this condition, the proposed structure would be consistent with Commission Rule 350-81-520(2)(l).

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

*The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features.*

The proposed fencing is not a building, thus this guideline does not apply.

17. 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 lights are proposed. This guideline does not apply.

18. The Landscape Settings Map in the *Management Plan for the Columbia River Gorge National Scenic Area* classifies the building site as Pastoral. Commission Rules 350-81-520(3)(a)(A) and (B) contain applicable guidelines for proposed development in this landscape setting.

19. Commission Rule 350-81-520(3)(a)(A) states:

*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..*

The proposed fencing surrounds the vineyard at the edge of the proposed cultivated lands on the parcel, consistent with Commission Rule 350-81-520(3)(a)(A).

22. Commission Rule 350-81-520(3)(a)(B) states:

*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) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.*
- (ii) Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.*
- (iii) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas-fir, Lombardy poplar (usually in rows), Oregon white oak, big leaf maple, and black locust (primarily in the eastern Gorge).*
- (iv) At least one-quarter of any trees planted for screening shall be coniferous for winter screening.*

No new vegetation will need to be planted for additional screening and no existing trees will be removed. The requirements of Commission Rule 350-81-520(3)(a)(B) are met.

23. Commission Rule 350-81-520(4) requires that all review uses within Scenic Travel Corridors be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway.

The closest Scenic Travel Corridor, State Route 14, is located approximately 1000 feet north of the subject parcel. The proposed development is farther than 100 feet from the roadway, and is thus consistent with Commission Rule 350-81-520(4).

#### Conclusion:

With a condition regarding the color of the fencing, the proposed development would be consistent with the guidelines in Commission Rule 350-81-520 that protect scenic resources in the National Scenic Area.

#### C. Cultural Resources

1. Commission Rule 350-81-540(1)(c)(A)(ii) requires a cultural resources reconnaissance survey for all proposed uses except those described in 350-81-540(1)(c)(A)(ii)(I) through (VI).
2. Marge Dryden, Heritage Resource Program Manager for the Columbia River Gorge National Scenic Area, reviewed the new land use application and determined that pursuant to Commission Rule 350-81-540(1)(c) (A) a reconnaissance survey was required.
3. Pursuant to Commission Rule 350-81-540(1)(c)(C) Ms. Dryden prepared a Heritage Resource Inventory Report dated February 10, 2009 for this application. The report identified a potentially significant cultural resource site on the property and concluded that any potential adverse affect of new cultivation can be avoided by maintaining a 30-foot buffer around the site within which new cultivation and ground disturbance would not be allowed.
4. Pursuant to Commission Rule 350-81-540(2)(b), on February 12, 2009 the cultural resource survey was submitted to the State Historic Preservation Officer and the Indian tribal governments for comment. They were provided a 30-day period within which to comment. No responses were received from either the tribes or the State Historic Preservation Officer.
5. The applicant chose to avoid the potentially significant cultural resource site rather than hire an archaeologist to collect additional information needed to conduct an evaluation of significance pursuant to Commission Rule 350-81-540(3)(a).

6. Commission Rule 350-81-540(2)(c)(B) states:

*The cultural resource protection process may conclude when one of the following conditions exists...*

- (iii) *The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. To meet this guideline, a reasonable buffer zone must be established around the affected resources or properties; all ground-disturbing activities shall be prohibited within the buffer zone.*

The reconnaissance survey identified an archaeological resource in the project area. A 30-foot buffer zone around the site was delineated. Conditions of approval will prohibit ground disturbance within both the site and the 30-foot buffer zone and require the deed to reflect this restriction.

Additionally, 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 cultural resource impacts were voiced by the State Historic Preservation Officer or Indian tribal governments during the comment period. Therefore, the cultural resource protection process may conclude.

7. 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.

Conclusion:

With a conditions requiring avoidance of the known cultural resource and the protection of unknown cultural resources discovered during construction, the proposed development is consistent with the guidelines in Commission Rule 350-81-540 that protect cultural resources in the National Scenic Area.

D. 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, an appropriate buffer shall be established between the building/structure and the parcel.*

No recreation sites or facilities exist on parcels that are adjacent to the subject parcel, therefore, no buffers are required pursuant to Commission Rule 350-81-086.

Conclusion:

The proposed new cultivation and agricultural structures are consistent with Commission Rule 350-81-086 that protects recreation resources in the National Scenic Area.

E. Natural Resources

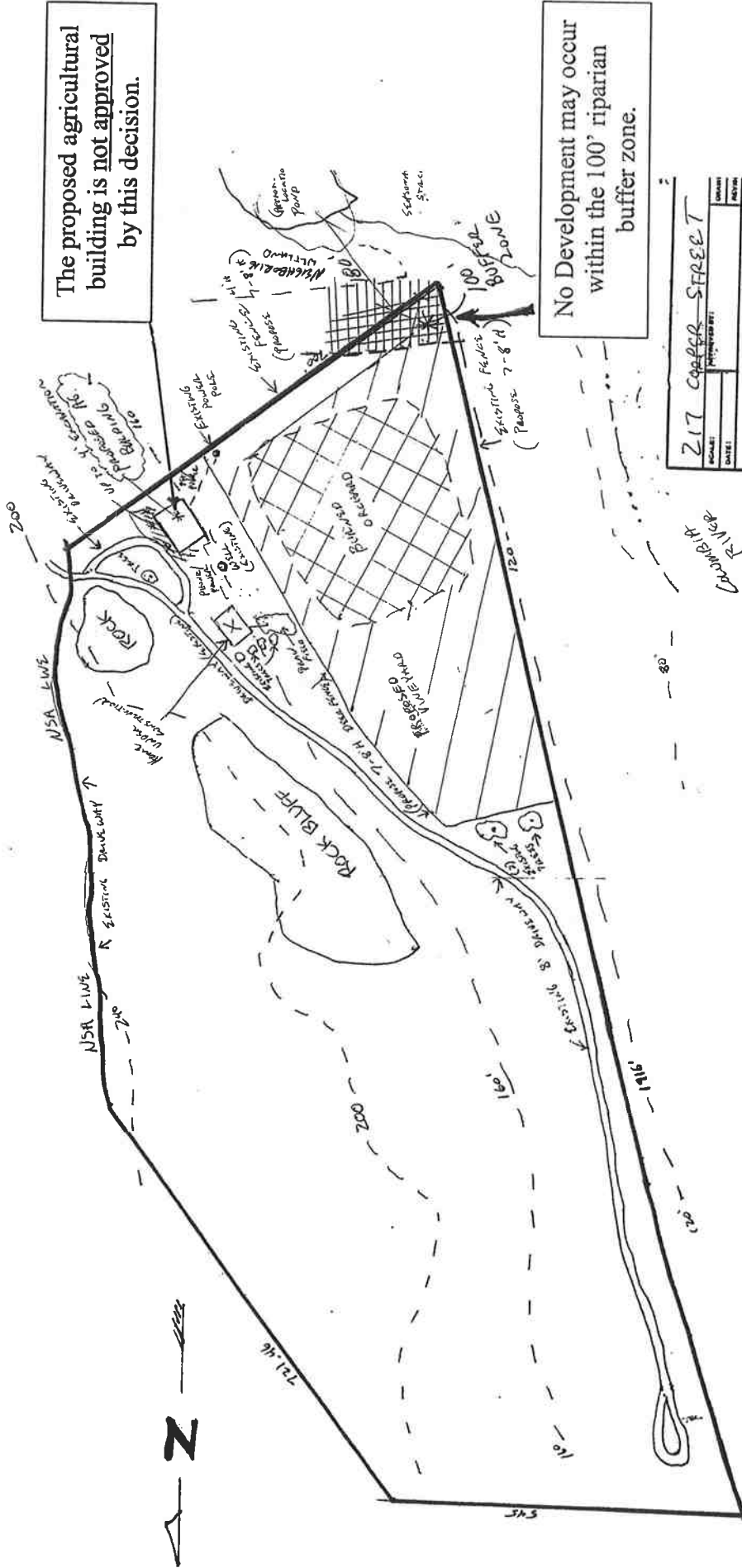
1. Commission Rule 350-81 provides guidelines for protecting wetlands (Section 560); streams, ponds, lakes, and riparian areas (Section 570); sensitive wildlife areas and sites (Section 580); and sensitive plants (Section 590).
2. The Gorge Commission's natural resource inventories do not show any wildlife or sensitive plant areas or sites within 1,000 feet of the subject parcel. The proposed development would be consistent with Commission Rules 350-81-580 and 590 that protect these resources.
3. The Gorge Commission's natural resource inventories show a stream to the north of the subject parcel and a lake and perennial stream to the south of the subject parcel. Due to the proximity of this feature to the proposed vineyard, a wetland study was required as part of the application. This study found no wetland areas on the parcel. The report did describe the deeply incised perennial streams at the north and south corners of the parcel. The southern stream drains from a lake and wetland system on the adjacent parcel. The report described their riparian areas as composed of a mixture of shrubs and deciduous trees such as cottonwood and maples. The report also notes that the Washington Department of Natural Resources maps these streams as non-fish bearing.
4. Commission Rule 350-81-570(7)(a)(A) defines a riparian buffer area of 100 feet for perennial streams. Commission Rules 350-81-570(7)(a)(C) and 350-560(7)(c)(B) defines a riparian buffer area of 100 feet for lakes and wetlands where the buffer area is characterized by a shrub vegetation community as is found at this site. The applicant proposes to maintain a 100-foot buffer zone from these features by avoiding use of the southeast corner of the subject parcel. The proposed vineyard is over 1000 feet from the northern stream. A condition of approval will ensure that all areas where cultivation is allowed through this decision will be located outside of the required buffer areas. No disturbance will occur within the riparian buffer area, lake or stream.

Conclusion:

The proposed new cultivation and agricultural structures are consistent with the guidelines in Commission Rule 350-81, Sections 560 through 590 that protect natural resources in the National Scenic Area.

TA  
FIND0009.08

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 Dept. of Fish and Wildlife  
Washington Dept. of Natural Resources  
Bert Arndt



The proposed agricultural building is not approved by this decision.

No Development may occur within the 100' riparian buffer zone.

Z17 COOPER STREET	
OWNER:	PROJECT:
DATE:	NOV:
	NOV:
	NOV:

**SITE PLAN**  
**Development Review C08-0022-K-G-22**

**Notice:** There is a Resource Boundary and Buffer Zone where development is prohibited that is not shown on this map.

The proposed cultivation, vineyard, trellises and irrigation system, as well as all other ground disturbing activities and development, are prohibited within the archaeological resource boundary and buffer zone as described in the *Heritage Resource Inventory Report for the Columbia Gorge Estates New Construction and Cultivation Project*, dated February 10, 2009 (*Site Area and Buffer Location Map for Brad Gearhart – Columbia Gorge Estates*).

**APPROVED**  
 as per all conditions noted  
 on this site plan: *BC*  
 3/23/09