

DIRECTOR'S DECISION

APPLICANT: Klickitat County Fire District #3

LANDOWNER: Kreps Ranch, LLC

FILE NO.: C11-0006

REQUEST: To place a 30,000 gallon steel water storage tank and associated hydrant and pullout along Tunnel Road for fire department use.

LOCATION: The subject property is located on Tunnel Road in the NE 1/4 of Section 20, Township 3 North, Range 11 East, W.M., Klickitat County, Washington (Klickitat County Assessor's ID 03112000000100).

LAND USE DESIGNATION: The subject property is in the General Management Area and is designated Large -Scale Agriculture.

DECISION:

Based upon the findings of fact in the Staff Report for Director's Decision C11-0006, the land use application by the Klickitat Fire District #3 to place a 30,000 gallon water tank and associated hydrant and road pullout is found to be consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act P.L. 99-663, and the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and approvable under Commission Rule 350-81 and is hereby **approved**.

CONDITIONS OF APPROVAL:

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

1. Locations for the water tank, hydrant, and road pullout shall be staked for Commission inspection prior to grading or excavation. The applicant shall notify the Commission once staking is complete to arrange for an inspection. Grading and excavation may begin after Commission inspection and approval of staking.
2. The development shall be constructed as shown on the approved site plan and elevation drawing. Grading and excavation shall be limited to the footprint of the water tank, the hydrant, the trench for the pipe connecting the tank to the hydrant, and that which is necessary to pave the 30 foot road pullout.

3. **The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for an inspection to confirm compliance with conditions of approval.** Project completion means placement of the tank, installation of the hydrant, and, if applicable, paving of the road pullout.
4. If cultural resources are discovered during 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 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 17th day of May, 2011 at White Salmon, Washington.



Jill Arens
Executive Director

EXPIRATION OF APPROVAL:

This decision of the Executive Director becomes void on the 17th day of May, 2013.

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 indicate 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 16th day of June, 2011.

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 grading, 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.

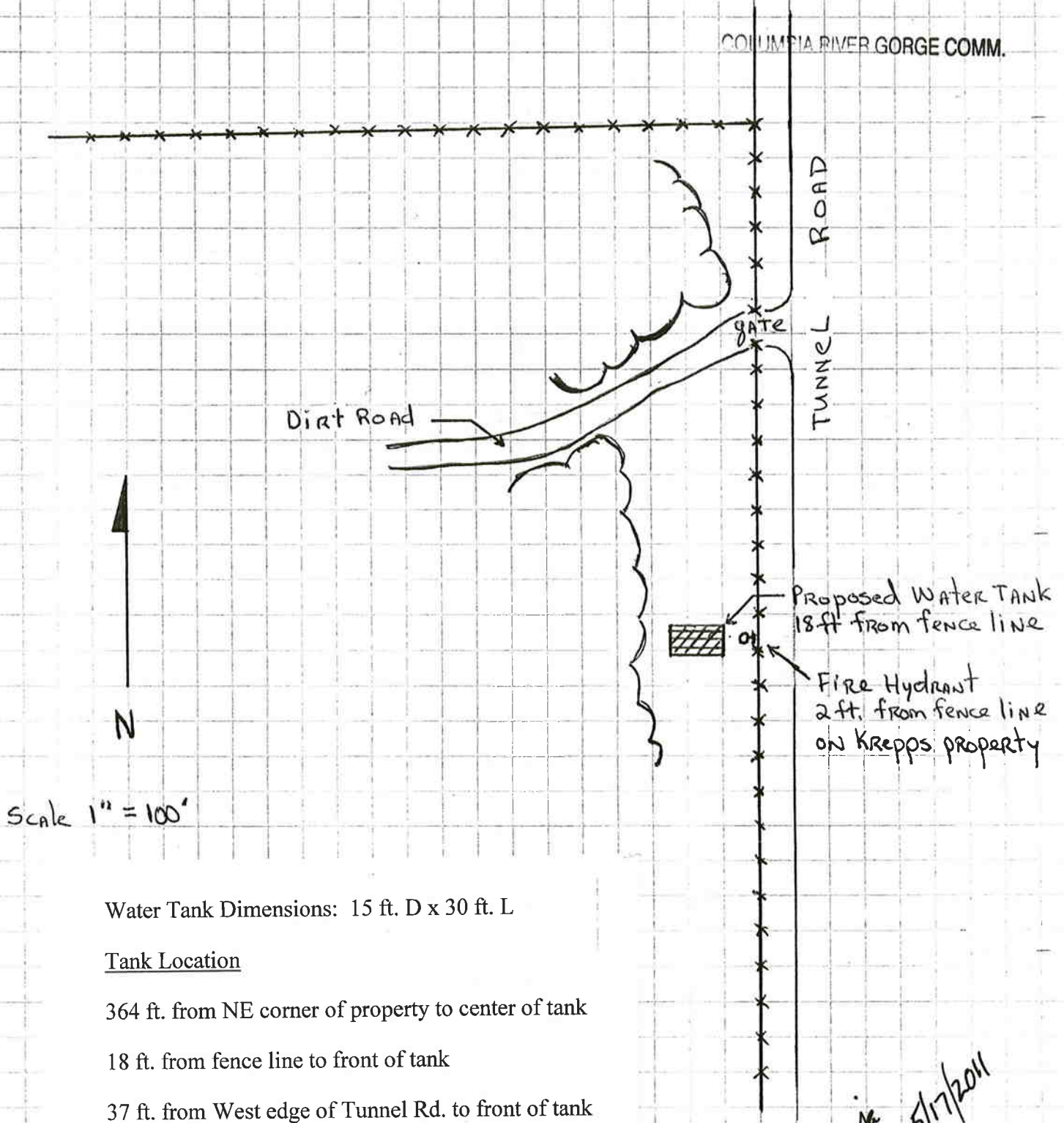
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APR - 6 2011

COLUMBIA RIVER GORGE COMM.



Water Tank Dimensions: 15 ft. D x 30 ft. L

Tank Location

364 ft. from NE corner of property to center of tank

18 ft. from fence line to front of tank

37 ft. from West edge of Tunnel Rd. to front of tank

10 ft. from tree line to rear of tank

jk 5/17/2011

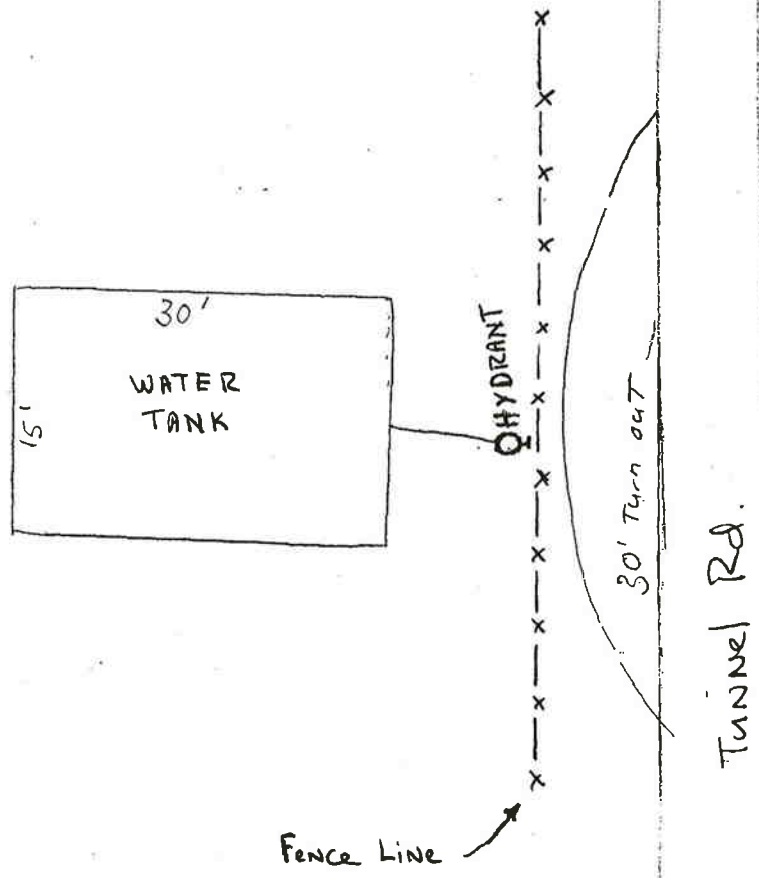
APPROVED

Revised 5 April 2011

C11-0006

Tank size
15' x 30'
30,000 Gal
TANK SITE

AP: 03-11-2000000100 TUNNEL ROAD



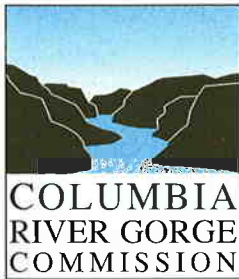
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COLUMBIA RIVER GORGE COMM.



STAFF REPORT

APPLICANT: Klickitat County Fire District #3

LANDOWNER: Kreps Ranch, LLC & Klickitat County

FILE NO.: C11-0006

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LOCATION: The subject property is located on Tunnel Road in the NE 1/4 of Section 20, Township 3 North, Range 11 East, W.M., Klickitat County, Washington (Klickitat County Assessor's ID 03112000000100).

LAND USE DESIGNATION: The subject property is in the General Management Area and is designated Large -Scale Agriculture.

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
Washington Department of Fish and Wildlife
Friends of the Columbia Gorge

Written comments were received from adjacent property owner Harold Wacek, Richard Till with the Friends of the Columbia Gorge, and Johnson Meninick with the Confederated Tribes and Bands of the Yakama Nation.

FINDINGS OF FACT:

A. Land Use

1. The Klickitat County Fire District #3 is seeking approval to place a 30,000 gallon steel water storage tank, hydrant, and pullout along Tunnel Road for fire department use.

The tank and hydrant would be located on land owned by Kreps Ranch, LLC. The steel water tank is prefabricated, black, and 30 feet in length, with a diameter of 15 feet. The fire district proposes to place the water tank on its side, partially burying it at a depth of approximately 4 feet. The resulting height of the tank will be approximately 11 feet. A 4-inch diameter pipe will connect the tank to a fire hydrant, located 2 to 3 feet west of the existing fence on the eastern edge of the Kreps Ranch property.

The proposed pullout along Tunnel Road would be approximately 30 feet in length and located in the Tunnel Road right-of-way, owned by Klickitat County. The fire district is unsure whether the pullout will be necessary for fire trucks to access the hydrant. If constructed, Klickitat County will require the pullout to be paved to match the asphalt on Tunnel Road and a culvert will likely be set to prevent obstruction of the roadside ditch. If the pullout is not constructed, the right-of-way will be undisturbed.

The grading required for the project includes the 4 foot cut for the water tank – for an area approximately 30 feet in length and 15 feet wide - and a narrow trench approximately 3-foot deep and 15 feet in length from the tank to the hydrant for the connecting water pipe. The material excavated for the tank will be backfilled under the haunches of the tank. Minor excavation work in the road right-of-way may also be necessary to set a culvert. No trees will be removed for the project.

2. The Kreps Ranch property is approximately 626.7 acres and is designated Large-Scale Agriculture in the General Management Area. The property is partially forested and its current use is listed as agriculture by Klickitat County. No other development exists on the property. The adjacent Tunnel Road right-of-way also is designated Large-Scale Agriculture.
3. Commission Rule 350-81-190(1)(o) allows for “towers and fire stations for forest fire protection.” The intended use of the tank is to provide “a static water source that could be tapped for use by area fire departments” for fire suppression. There is no public water system in the area. While the tank, hydrant, and associated road pullout is neither a “tower” nor a “station” per se, the project is consistent with development associated with rural fire protection and its intended use is consistent with Commission Rule 350-81-190(1)(o). The water tank and associated hydrant and road pullout is allowed pursuant to Commission Rule 350-81-190(1)(o), subject to consistency with guidelines for the protection of scenic, cultural, natural, and recreation resources.
4. Commission Rule 350-81-076 requires setbacks for new buildings on or adjacent to lands designated Large or Small-Scale Agriculture. No new buildings are proposed therefore, Commission Rule 350-81-076 is not applicable.
5. Commission Rule 350-81-084(1) lists guidelines for Indian Tribal Treaty Rights and Consultation within the General Management Area. Commission Rule 350-81-084(1)(a) lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Indian treaty rights and provides 20 days for tribal governments to submit comments. This proposal is not located near the shoreline of the Columbia River or other streams and would not affect Indian treaty rights. Notice of the proposal was mailed to the four tribal governments with a 20 day comment period.

6. Commission Rule 350-81-084(1)(b) lists guidelines for tribal government consultation when those governments submit substantive written comments. A letter from Johnson Meninick of the Confederated Tribes and Bands of the Yakama Nation was received April 25, 2011. The letter recommended an on-site monitor during ground disturbing activities. It did not request consultation or suggest that treaty rights would be affected by the proposal. Section C of this decision includes more information on the protection of cultural resources.
7. Commission Rule 350-81-084(1)(c)(B) states:

The treaty rights protection process may conclude if the Executive Director determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.

Because the proposed use would not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to Commission Rule 350-91-084(1)(c)(B). Cultural resource survey requirements are addressed in Section C of this decision.

Conclusion:

The placement of a water tank and associated hydrant and road pullout for fire suppression is consistent with development for forest fire protection and 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 350-81-520(1)(a) through (g) lists scenic resource protection guidelines for all review uses. Commission Rule 350-81-520 (1)(a) is applicable to new buildings and roads and Commission Rule 350-81-520(1)(b) and (d) are applicable to new buildings. No new buildings or roads are proposed with this project. Commission Rule 350-81-520(1)(c) applies to projects requiring new vegetation, which also is not applicable for this project. Commission Rule 350-81-520(1)(e) refers to the compatibility of the proposed development with the designated landscape setting. This is discussed below in Findings B.3 through B.6. Commission Rules 350-81-520(1)(f) and (g) apply only to mineral resource production and quarries which are not proposed with this project. The proposed development is, for the most part, not subject to the scenic resource protection measures in Commission Rule 350-81-520(1).
2. Commission Rule 350-81-520(2) lists scenic resource protection guidelines for review uses on land topographically visible from key viewing areas. Portions of the 626 acre property on which the water tank will be placed may be visible from key viewings areas, but the project is located in an area on the back side of hills that rise above White Salmon and Bingen. Commission staff confirmed that the northeast corner of the subject property and the adjacent section of Tunnel Road are topographically screened from key viewing areas. As such, Commission Rule 350-81-520(2) is not applicable.
3. Commission Rule 350-81-520(3) includes scenic resource protection measures for new development based on the designated landscape setting for the subject property. The

Landscape Settings map in the Management Plan classifies the subject parcel as Oak-Pine Woodland. Commission Rule 350-81-520(3)(c) contains guidelines for new development in this landscape setting.

4. Commission Rule 350-81-520(3)(c)(A) requires the height of new structures to be below the tree canopy level in wooded portions of the landscape setting. The water tank and associated hydrant and road pullout will be located on a portion of the property that is not wooded. However, nearby conifer trees are significantly taller than the height of the proposed water tank. The proposed tank is consistent with Commission Rule 350-81-520(3)(c)(A).
5. Commission Rule 350-81-520(3)(c)(B) applies only to development on lands visible from key viewing areas and, therefore, is not applicable.
6. Commission Rule 350-81-520(3)(c)(C) applies only to resource-based recreation development and, therefore, is not applicable to the proposed water tank.

Conclusion:

The proposed development would not be visible from key viewing areas and does not involve any new buildings or roads, therefore most of the scenic resource protection guidelines in Commission Rule 350-81-520 are not applicable to the proposed water tank and associated hydrant and road pullout. The proposed development is consistent with the requirements for the Oak-Pine Woodland landscape setting. The proposed development is consistent with applicable measures that protect scenic resources from adverse effects.

C. Cultural Resources

1. Commission Rule 350-81-540(1) lists cultural resource protection guidelines for review uses. Commission Rule 350-81-540(1)(c)(A) is used to determine when a cultural resource reconnaissance survey is required. In a cultural resources survey determination dated April 18, 2011, Margaret Dryden, U.S. Forest Service Archaeologist, reviewed the proposed use pursuant to this rule and determined a reconnaissance survey of the proposed use was not required because the use does not occur within 500 feet of a known archaeological site and would occur in an area with a low probability of containing cultural resources. The proposed use is thus exempt from reconnaissance survey requirements pursuant to Commission Rules 350-81-540(1)(c)(A)(i) and (ii)(VI).
2. Commission Rule 350-81-540(1)(c)(B) is used to determine when a historic survey is required. Ms. Dryden determined that the proposed use did not require a historic survey as the use would not alter the exterior architecture of buildings or structures that are 50 years old or older nor would it 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, pursuant to Commission Rule 350-81-540(1)(c)(B).
3. Commission Rule 350-81-540(2)(a)(A) allows interested parties who so request during the comment period to consult with the applicant regarding cultural resources. A comment from Johnson Meninick of the Confederated Tribes and Bands of the Yakama Nation was received April 25, 2011. The letter recommended monitoring the site during ground disturbing activities and requested notification if cultural sites are discovered in the project area. The letter did not request consultation with the project applicant.

Because the proposed use does not require a reconnaissance survey or historic survey, and no known cultural resources exist in the project area, an on-site monitor is not required for this project. A condition is included requiring Commission notification should any cultural resources be discovered during project construction.

4. Commission Rule 350-81-540(2)(c)(B)(i) states the cultural resource protection process may conclude when the following conditions exist:

The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 21 calendar days of the date that a notice was mailed.

As explained in Findings C.1 and 2 above, the proposed use does not require a reconnaissance or historic survey. A comment was received from the Yakama Nation as described above. The concerns raised in the letter were addressed pursuant to the cultural resources protection process in Commission Rule 350-81-540. Pursuant to Commission Rule 350-81-540(2)(c)(B)(i), 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.
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.

Conclusion:

With conditions requiring the cessation of work and Commission notification if cultural resources or human remains are discovered during construction, the proposed development is consistent with applicable guidelines in Commission Rule 350-81-540 that protect cultural resources in the National Scenic Area from adverse effects.

D. Natural Resources

1. Commission Rules 350-81-560 through 590 contain natural resource protection guidelines. 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 do not identify any wetlands, streams or riparian areas, or sensitive plants within 1,000 feet of the development site. Therefore, Commission Rules 350-81-560, 350-81-570, and 350-81-590 are not applicable.
3. Commission Rule 350-81-580 contains guidelines to protect sensitive wildlife areas and sites. The Gorge Commission's sensitive wildlife inventory identifies the subject

property is within deer winter range. Commission Rule 350-81-580(1)(a)(A) lists deer winter range as a sensitive wildlife area.

4. Commission Rule 350-81-580(4) contains guidelines for review of proposed uses within 1,000 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 David Howe, Region 5 Habitat Program Manager for the Washington Department of Fish and Wildlife on April 12, 2011 for review, pursuant to Commission Rule 350-81-580(4). On April 18, 2011, a comment was received from Mr. Howe stating the proposed development would not compromise the integrity of the deer and elk winter range.

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.*

Comments received from the Washington Department of Fish and Wildlife confirmed that the proposed water tank would not compromise sensitive wildlife areas or sites. Consistent with Commission Rule 350-81-580(4)(c), the wildlife protection process concluded.

Conclusion:

The proposed development is consistent with the applicable guidelines in Commission Rules 350-81-560 through 350-81-590 that protect sensitive natural resources from adverse effects.

E. Recreation Resources

1. Commission Rule 350-81-086 prevents adverse impacts to existing recreation sites by requiring appropriate buffers for new buildings and structures adjacent to existing recreation sites. No new buildings or structures are proposed with this application and there are no existing recreation sites nearby. Commission Rule 350-81-086 is not applicable.

Conclusion:

The proposed development is will not adversely affect existing recreation resources.

cc: Johnson Meninick, 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
Rick Till, Friends of the Columbia Gorge
Washington Department of Fish and Wildlife
Harold Wacek

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