

DIRECTOR'S DECISION

- APPLICANTS:** Merriann Bell and Franklin Petersen
- LANDOWNER:** Same
- FILE NO.:** C11-0011
- REQUEST:**
- 1) After-the-fact review of construction of one greenhouse, a shade house, a potting shelter and a propagation house associated with an agricultural use;
 - 2) Construction of a second greenhouse associated with an agricultural use;
 - 3) Construction of a woodshed and a sauna (accessory buildings) associated with an approved dwelling; and
 - 4) After-the-fact review of a footbridge crossing an intermittent stream.
- LOCATION:** The subject parcel is located about 1.5 miles north of Lyle at 58 Canyon Road in the SW 1/4 of Section 27, Township 3 North, Range 12 East, W.M., Klickitat County, Washington (Klickitat County Assessor's ID 03122700000500).
- LAND USE DESIGNATION:** The subject parcel is approximately 5 acres in size and is designated Small-Scale Agriculture in the General Management Area.

DECISION:

Based upon the findings of fact in the Staff Report for Director's Decision C11-0011, the land use application by Merriann Bell and Franklin Petersen to construct five agricultural buildings, two accessory buildings, and one accessory structure (footbridge), 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. The development shall be constructed as shown on the approved site plan and elevation drawings.
2. All exterior building materials for the sauna and woodshed shall be dark earth-tone colors. Specific paint or stain colors shall be submitted to the Executive Director for approval prior to

painting the exterior siding of the woodshed and sauna. Corten or rusted metal is approved for the roof material of both buildings.

3. All exterior building materials shall be non-reflective or have low reflectivity. Approved exterior building materials for the woodshed and sauna include wood siding and Corten or rusted metal roofing.
4. No outdoor lights are shown on the development plans. If any outdoor lights are installed, they shall be directed downward and sited, hooded and shielded so as to not be highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
5. **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 completion of all work on exteriors of structures (including painting).
6. 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.
7. 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 7th day of December, 2011 at White Salmon, Washington.



Jill Arens
Executive Director

EXPIRATION OF APPROVAL:

This decision of the Executive Director becomes void on the 7th day of December, 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 6th day of January, 2012.

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 land uses or structural development such as fences, footbridges, greenhouses, workshops, garages, or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review. Any change of use of structures or buildings will require a new application and review.

Attachments: Site plan, elevation drawings

JBK

DEC0011.11

cc: 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

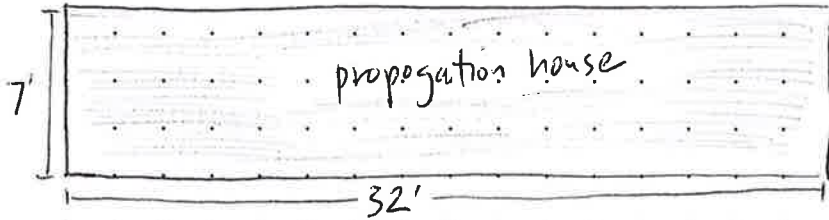
Elevation Drawings

C11-0011 Bell/Petersen

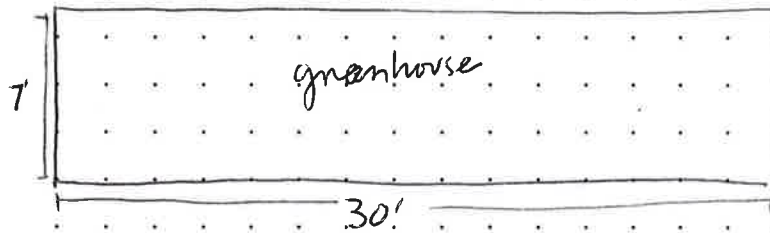
Elevation drawings showing the appearance of all proposed structures are required for all applications. Elevation drawings depict the entire length and width of each structure as seen from a horizontal view. The drawings must also include the natural and finished grade and be drawn to scale.

□ = 2ft

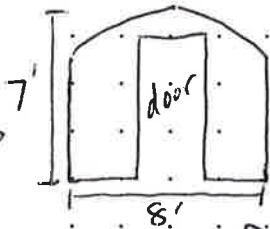
East or West view.
~~North or South view~~



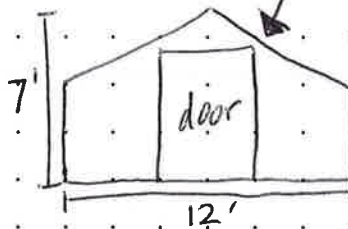
permanently covered with white, translucent, corrugated plastic - also black shade cloth all summer.



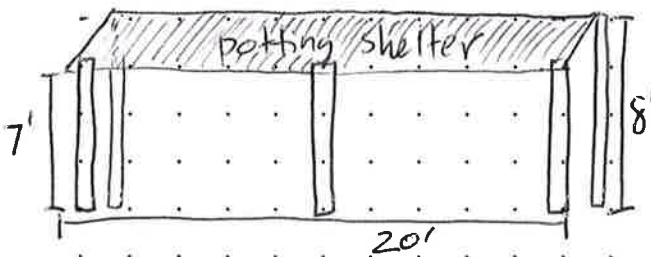
~~North or South view~~ East or West view
- covered with 6ml poly film with addition of black shade cloth in summer.



South end / no door on North



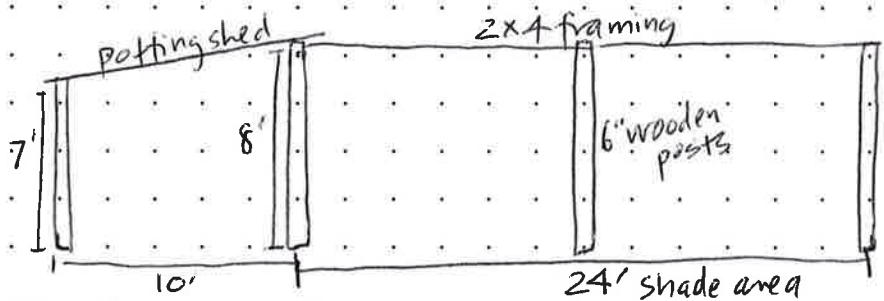
North end / no door on South



APPROVED

ja

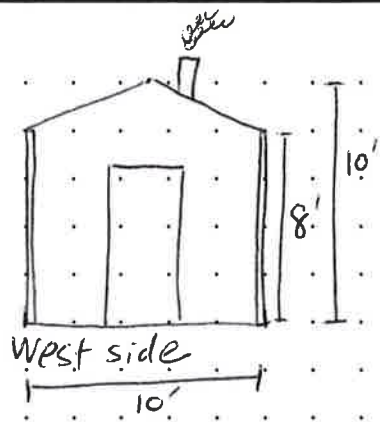
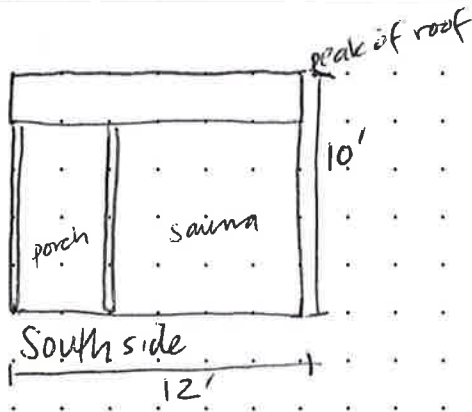
W side



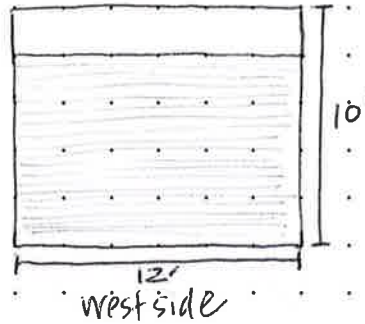
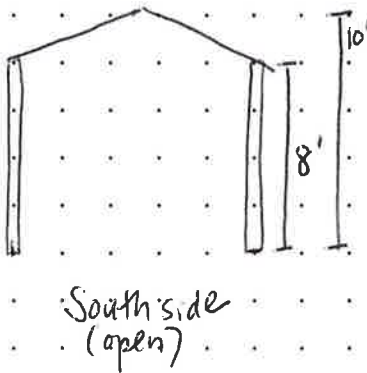
Each grid equals 2' x 2' at a scale of 1" = 8'.

□ = 2'

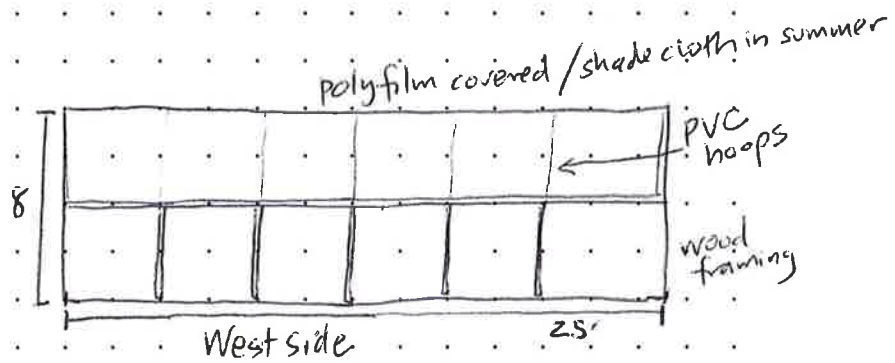
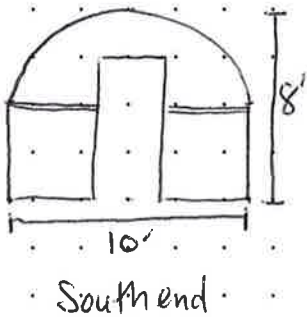
Sauna



woodshed

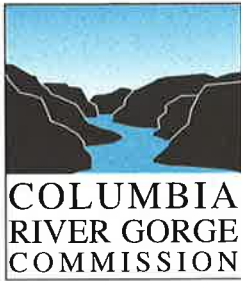


one more greenhouse:



Each grid equals 50' x 50' at a scale of 1" = 200'

APPROVED *ja*



PO Box 730 • #1 Town & Country Square • White Salmon, Washington 98672 • 509-493-3323 • fax 509-493-2229
www.gorgecommission.org

STAFF REPORT

APPLICANT: Merriann Bell and Franklin Petersen

LANDOWNER: Same

FILE NO.: C11-0001

REQUEST:

- 1) After-the-fact review of construction of one greenhouse, a shade house, a potting shelter and a propagation house associated with an agricultural use;
- 2) Construction of a second greenhouse associated with an agricultural use;
- 3) Construction of a woodshed and a sauna (accessory buildings) associated with an approved dwelling; and
- 4) After-the-fact review of a footbridge crossing an intermittent stream.

LOCATION: The subject parcel is located about 1.5 miles north of Lyle at 58 Canyon Road in the SW 1/4 of Section 27, Township 3 North, Range 12 East, W.M., Klickitat County, Washington (Klickitat County Assessor's ID 03122700000500).

LAND USE DESIGNATION: The subject parcel is approximately 5 acres in size and is designated Small-Scale Agriculture in the General Management Area.

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 George Fornes of the Washington Department of Fish and Wildlife and Richard Till of the Friends of the Columbia Gorge.

FINDINGS OF FACT:

A. Land Use

1. The subject property is 5 acres in size. It is partially wooded with pine and oak trees. The topography varies with the lowest portion at the north where the property is accessed from Canyon Road rising gently up to the highest point at the southeast corner near the new pump house.

Existing development on the property includes a 1,305 square foot dwelling (circa 1932), a detached garage (506 square feet) built around the same time, an accessory barn-like building (720 square feet), a driveway accessing the dwelling and accessory building, a cabin (dated 1948) on the western edge of the property along Canyon Road, an old pump house (64 square feet) and well near the existing dwelling, and an old dirt road approximately 10 feet in width that runs north-south the length of the property toward the southeast property corner.

In early 2011, Merriann Bell and Franklin Petersen received approval to remove the 1,305 square foot dwelling and 506 square foot garage; construct a new 1,400 square foot single-family dwelling with septic system and driveway extension; construct a new pump house; install a perimeter fence; and modify a barn-like accessory building. The current use of the property is residential and includes an agricultural use: raising heirloom seed stock and other nursery plants in pots (not in-ground cultivation).

Merriann Bell and Franklin Petersen are seeking after-the-fact approval of several nursery buildings: a green house (12' x 30'), a shade house (20' x 24'), a potting shelter (10' x 20'), and a propagation house (8' x 32'). They are also seeking approval a second greenhouse (10' x 25'), and two accessory buildings: a woodshed (10' x 12') and a sauna (10' x 12'). All of the structures are one story in height, ranging from 7 feet to 10 feet tall. Last, they are also seeking after-the-fact approval of a small footbridge that crosses an intermittent stream.

2. The subject property is in the General Management Area (GMA) and is designated Small-Scale Agriculture.
3. Commission Rule 350-81-190(1)(c) allows agricultural buildings in conjunction with current agricultural use and subject to the standards in Commission Rule 350-81-090.

Commission Rule 350-81-020(8) defines agricultural use as follows:

- (8) **Agricultural use:** *The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops; or by the feeding, breeding, management, and sale of, or production of, livestock, poultry, fur-bearing animals or honeybees; or for dairying and the sale of dairy products; or any other agricultural or horticultural use, including Christmas trees. Current employment of land for agricultural use includes:*
 - (a) *The operation or use of farmland subject to any agriculture-related government program.*
 - (b) *Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry.*

- (c) *Land planted in orchards or other perennials prior to maturity.*
- (d) *Land under buildings supporting accepted agricultural practices.*

Agricultural use does not include livestock feedlots.

The proposed nursery buildings will be used for the purpose of raising heirloom seed stock, vegetable starts, and other container plants for profit for the applicants' nursery operation, Rattlesnake Plants. The buildings qualify as agricultural buildings pursuant to Commission Rule 350-81-190(1)(c) and are thus subject to Commission Rule 350-81-090.

4. Commission Rule 350-81-090 includes the following requirements for proposed agricultural buildings:

- (1) *The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.*
- (2) *To satisfy 350-81-090(1), applicants shall submit the following information with their land use application:*
 - (a) *A description of the size and characteristics of current agricultural use.*
 - (b) *An agricultural plan for any proposed agricultural use that specifies agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing).*
 - (c) *A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).*

The applicants supplied information as part of the application materials addressing the requirements of Commission Rule 350-81-090(1).

Rattlesnake Plants has been growing seed stock, vegetable starts and other seedlings for more than a decade for the purpose of obtaining a profit in their sale. Sales of the plants primarily occur at the Hood River Saturday Market and at Mother's Market in Hood River. No sales occur on-site.

The applicants provided floor plans for each of the buildings which are used for producing plants grown in containers. The applicants purchased the subject property several years ago and have moved the business to this location in the past two years. The nursery area occupies approximately half of an acre of the 5-acre property. Most of the agricultural buildings are being reviewed after-the-fact. As such, staff observed the use of the buildings in conjunction with the nursery business and confirmed the areas within the buildings are fully utilized during the growing season to serve the current agricultural use.

The applicants have demonstrated that the greenhouses, shade house, propagation house, and potting shed are agricultural buildings in conjunction with and necessary to support a current agricultural use, consistent with Commission Rules 350-81-190(1)(c) and 350-81-090(1).

5. Commission Rule 350-81-190(1)(d) allows accessory structures for an existing or approved dwelling, subject to review for consistency with the guidelines for protection of scenic, natural, cultural and recreation resources.

Commission Rule 350-81-020(2) defines an accessory structure or building to be:

A structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use. The term "detached" means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.

A footbridge (approximately 4' x 6') crosses an intermittent stream on the property. The footbridge was in place when the applicants purchased the property, but there is no record of its review. The footbridge is used by the applicants (residents) to access property areas on both sides of the stream. There is an existing dwelling on the parcel and the bridge is incidental to residential and agricultural uses of the property. Pursuant to Commission Rule 350-81-190(1)(d), the footbridge is an allowed use, subject to review for consistency with the guidelines for protection of scenic, natural, cultural and recreation resources.

6. Commission Rule 350-81-190(1)(e) allows accessory buildings larger than 200 square feet for an existing or approved dwelling on parcels less than 10 acres in size if the combined footprints of all accessory buildings on the parcel do not exceed 1,500 square feet in area and the height of any individual building does not exceed 24 feet. The applicants propose to construct two accessory buildings (a woodshed and a sauna). Each of the buildings will be approximately 120 square feet (10' x 12') and 10 feet in height. Although smaller than 200 square feet each, the buildings are not eligible for expedited review because Commission Rule 350-81-050(1)(a) allows only one accessory building using the expedited process. Director's Decision C11-0001 approved one accessory building (pumphouse) using the expedited process.

These buildings will be detached from the dwelling and are incidental to the residential use of the property. Existing accessory buildings on the subject parcel include a barn-like building with a 720 square foot footprint, a 72 square foot pumphouse, an old pumphouse (64 square feet), and an old cabin (391 square feet). The proposed accessory buildings are 120 square feet each. Combined, the total square footage of the building footprints for existing and proposed accessory buildings will be 1,487 square feet. As described, the proposed sauna and woodshed are consistent with the size limitations for accessory buildings in Commission Rule 350-81-190(1)(e). The buildings are allowed uses, subject to review for consistency with guidelines for protection of scenic, natural, cultural and recreation resources.

7. Commission Rule 350-81-076(1) contains setbacks from adjacent properties for buildings on lands adjacent to parcels designated Large-Scale or Small-Scale Agriculture. This rule states:

All new buildings in the GMA shall comply with the following guidelines when proposed to be located on a parcel adjacent to lands that are designated Large-Scale or Small-Scale Agriculture and are currently used for or are suitable for agricultural use....

Adjacent properties to the south and west are designated GMA Small-Scale Agriculture and adjacent properties to the north and east are designated GMA Large-Scale Agriculture. The subject and adjacent properties have scattered mixed pine and oak forest providing a natural vegetative buffer. There is a vineyard on land west of the subject parcel. Pursuant to Commission Rule 350-81-076(1), new buildings on lands adjacent to vineyards in areas with a natural vegetative buffer requires a 50 foot buffer from adjacent parcels. The proposed woodshed and propagation house will be the closest of the proposed buildings to the adjacent property to the west and are sited approximately 100 and 80 feet respectively from the western property boundary (adjacent to Canyon Road), consistent with this setback requirement. Properties to the north and east are currently used for some grazing, which requires new buildings to be setback at least 15 feet from properties with a natural vegetative buffer. The property to the south is not currently used for agriculture but may be suitable for grazing (15' setback) or vineyards (50' setback). Consistent with Commission Rule 350-81-076(1), at their closest points, the proposed agricultural and accessory buildings are located more than 100 feet from properties to the south, approximately 60 feet from the property to the east, and more than 200 feet from land to the north. The locations of the proposed agricultural and accessory buildings are consistent with Commission Rule 350-81-076(1).

8. Commission Rule 350-81-084(1) lists guidelines for Indian Tribal Treaty Rights and tribal consultation requirements 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. Notice of the proposal was mailed or emailed to the four tribal governments on September 26, 2011 and 20 days provided for comments.
9. Commission Rule 350-81-084(1)(b) lists guidelines for tribal government consultation when those governments submit substantive written comments. No comments were received tribal governments.
10. Commission Rule 350-81-084(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.

The subject property does not provide access to the Columbia River or its fish bearing tributaries. No known treaty rights are affected by this proposal and no treaty rights concerns were raised by the tribal governments. 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(c)(B). Cultural resource survey requirements are addressed in Section C of this decision.

Conclusion:

The proposed development - five agricultural buildings (two greenhouses, a shade house, a propagation house, and a potting shelter), two accessory buildings (woodshed and sauna), and a footbridge - are allowed review uses, 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) 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.

The proposed agricultural buildings are sited on a portion of the property that is flat and was graded by a prior property owner. No grading is proposed for these nursery buildings. The applicants propose to construct the sauna and woodshed buildings using pier blocks instead of a traditional foundation – also resulting in no necessary construction grading. As proposed, the new buildings have been sited and designed to minimize grading, consistent with Commission Rule 350-81-520(1)(a).

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

New buildings shall be compatible with the general scale (height, dimensions and overall mass) of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable.

The proposed buildings range in size from 120 square feet to 360 square feet with one story heights up to 10 feet. Existing nearby development on adjacent properties includes houses and accessory or agricultural buildings ranging in size from approximately 1,200 square feet to approximately 2,250 square feet with heights up to one and one-half stories. As proposed, the sizes and heights of the proposed agricultural and accessory buildings are compatible with the general scale of existing nearby development and are therefore consistent with Commission Rule 350-81-520(1)(b).

3. Commission Rule 350-81-520(1)(c) applies to projects requiring new vegetation, which is not applicable for this project. Commission Rule 350-81-520(1)(d) requires a site plan to be submitted for proposals to construct new buildings. A site plan meeting the application requirements was submitted by the applicants and included in the notice materials. 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.22 through B.25. Commission Rules 350-81-520(1)(f) and (g) apply only to mineral resource production and quarries which are not proposed with this project.

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

The guidelines in this section shall apply to proposed developments on sites topographically visible from key viewing areas.

The southern portion of the subject property is topographically visible from a short stretch of the Historic Columbia River Highway west of Rowena Plateau and likely from the Tom McCall Point portion of the Nature Conservancy Viewpoint. The woodshed and sauna are proposed to be sited on this portion of the property near the approved, but not yet built, dwelling. The northern portion of the property where the proposed agricultural buildings and footbridge will be located is lower in elevation and is topographically screened from all key viewing areas. Thus, the proposed agricultural buildings will not be visible from key

viewing areas. Because only the southern portion of the property – where the new woodshed and sauna are proposed - is topographically visible from key viewing areas, Commission Rule 350-81-520(2) applies only to the proposed accessory buildings.

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

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

6. Commission Rule 350-81-020(170) defines visually subordinate as follows:

Visually subordinate: A description of the relative visibility of a structure where the structure does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a Key Viewing Area, for the Management Plan). As opposed to structures that are fully screened, structures that are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings.

7. 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 key viewing areas from which the proposed accessory buildings are topographically visible are approximately 2.2 and 3.3 miles distant. The subject parcel is wooded with pine and oak trees. No vegetation is proposed to be removed. As proposed, the woodshed and sauna would be fully screened from key viewing areas by existing trees. Also, the buildings are small (120 square feet each) and low (10 feet in height), and proposed to be constructed of materials with no or low-reflectivity: wood siding and rusted metal roofing (Corten). With a condition of approval requiring the wood siding of the buildings to be stained a dark earthtone color, the buildings will not be visible from key viewing areas – exceeding the standards of visual subordination.

The subject 5-acre property is surrounded by five parcels, ranging from 34.5 to 160 acres. The minimum parcel size for surrounding properties to the west and south is 80 acres and it is 160 acres to the north and east. Based on aerial photos and information from the Klickitat County Assessor's office, it appears dwellings and accessory buildings exist on adjacent properties to the west, north and south. The property to the east does not appear to have any structural development. Given the apparent presence of three dwellings on adjacent properties, staff assumes other small accessory buildings may be proposed in the future. The small size of the proposed buildings, the distance from key viewing areas, use of exterior building materials and colors that blend with the landscape, and the presence of screening vegetation ensure the proposed buildings will not cause adverse scenic impacts as viewed from key viewing areas. Staff has not evaluated the visibility of likely building sites on other properties, however, given the large minimum parcels sizes in the area, it is unlikely that other similarly sited, sized, and designed accessory buildings would generate adverse scenic impacts or adverse cumulative scenic impacts.

8. 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).*

As described above, the portion of the property where the woodshed and sauna are proposed is topographically visible for a short stretch along the Historic Columbia River Highway at a distance of approximately 2.2 miles and from Tom McCall Point at a distance of approximately 3.3 miles. Existing coniferous vegetation on the site will fully screen the development year-round. Even without screening vegetation, it will be nearly impossible to see the proposed buildings from key viewing areas without binoculars given their sizes and the distance of the building sites from key viewing areas.

9. 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).*
- (iv) New landscaping.*

The proposed woodshed and sauna are small (120 square feet each) and only 10 feet tall. There is existing vegetation fully screening the building sites from key viewing areas year-round. With a condition to require dark earthtone colors for the exteriors of the buildings, the buildings would be visually subordinate from key viewing areas even in the event the screening vegetation was lost to fire or disease. With a condition requiring the

use of dark earthtone colors, it is unnecessary to apply conditions for the retention of screening vegetation or new landscaping in order to achieve visual subordination.

10. 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.

No portion of the subject property is highly visible from key viewing areas. The accessory buildings have been sited near the approved dwelling (Director's Decision C11-0001) which is screened from key viewing areas by existing vegetation. The northern portion of the property which is not visible from key viewing areas is either committed to development or is within a buffer for an intermittent stream. As proposed, the chosen building sites will allow the buildings to be visually subordinate from key viewing areas, consistent with Commission Rule 350-81-520(2)(e).

11. 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 Finding B.10 above, no portion of the property is highly visible from key viewing areas and existing vegetation screens the accessory building sites. The siting choices are consistent with Commission Rule 350-81-520(2)(f).

12. 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).

Findings for the Landscape Settings Design Guidelines are addressed below in B.22 through B.25.

13. Commission Rule 350-81-520(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

The subject property is approximately 600' above sea level, mid-way up a slope of hills rising above Canyon Creek that reach an elevation approximately 1,000' above sea level. Other hills to the north rise higher to approximately 1,400' above sea level. Because the land continues to rise behind the development, the 10' tall accessory buildings will not break the skyline as seen from any key viewing area. The development is consistent with Commission Rule 350-81-520(2)(h).

14. Commission Rule 350-81-520(2)(j) lists guidelines that apply to new landscaping used to screen development from key viewing areas. The proposed development is on a wooded property at a distance of more than two miles from any key viewing area. Application of other guidelines in this section, such as those relating to color and reflectivity are sufficient to make the small accessory buildings visually subordinate from distant key viewing areas. Therefore, no new landscaping is required for visual subordination, consistent with Commission Rule 350-81-520(2)(j).

15. Commission Rule 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 applicants proposed to use "raw wood" siding for the wood shed and sauna buildings. The wood sample submitted is a light wood which appears to be pine. The applicants expect the untreated wood to weather to a light gray color. A condition of approval will require the wood siding to be stained a dark earth tone color, consistent with Commission Rule 350-81-520(2)(l). The color of the Corten roof will be a dark reddish brown. Although this color may not work for all developments in all locations, it will work for this site given the small building sizes, low structure height, and distance from key viewing areas. As conditioned, the stained wood and Corten roof colors are 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... Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination.

The proposed exterior materials for the wood shed and sauna are wood siding and rusted metal roofing. These materials have low reflectivity and are consistent with Commission Rule 350-81-520(2)(m).

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.

The applicant has not shown any exterior lighting on the proposed accessory buildings. A condition of approval shall require all outdoor lights to be hooded and shielded so as to screen them from key viewing areas. With this condition, the proposal is consistent with Commission Rule 350-81-520(2)(p).

18. Commission Rule 350-81-520(2)(y) states:

New buildings shall not be permitted on lands visible from key viewing areas with slopes in excess of 30 percent.

Mapping information indicates the building sites have slopes between 15-25%. A site visit by a Gorge Commission planner confirmed the buildings will be located in areas with gentle slopes. The only very steep portion of the property is along Canyon Road, away from the building sites. Thus, no new buildings would be constructed on lands visible from key viewing areas with slopes in excess of 30 percent, consistent with Commission Rule 350-81-520(2)(y).

19. Commission Rule 350-81-520(2)(z) states:

Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from key viewing areas.

As explained previously, no new grading is proposed. The accessory buildings will be constructed using pier posts instead of traditional foundations. No cut banks are proposed. Therefore, the development is designed consistently with Commission Rule 350-81-520(2)(z).

20. Commission Rule 350-81-520(2)(aa) states:

All proposed structural development involving more than 200 cubic yards of grading on sites visible from key viewing areas shall include submittal of a grading plan.

Because no grading is proposed, no grading plan was required, consistent with this guideline.

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

22. Commission Rule 350-81-520(3)(c)(A) states:

Structure height shall remain below the tree canopy level in wooded portions of this setting.

As proposed, the tallest accessory and agricultural buildings will be approximately 10 feet at the roof peaks. The footbridge is constructed at ground level. The surrounding trees are mostly pine with some oaks. The average height of the surrounding tree canopy is approximately 40 feet. Given this information, the proposed development is consistent with Commission Rule 350-81-520(3)(c)(A).

23. Commission Rule 350-81-520(3)(c)(B) lists guidelines for new development in portions of the Oak-Pine Woodland Landscape Setting visible from KVAs. Commission Rules 350-81-520(3)(c)(B)(i) and (ii) state:

- (i) *At least half of any tree species planted for screening purposes shall be species native to the setting. Such species include Oregon white oak, ponderosa pine, and Douglas-fir.*
- (ii) *At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.*

As described in Finding B.9, no new landscaping is required. Therefore, Commission Rules 350-81-520(3)(c)(B)(i) and (ii) are not applicable.

24. Commission Rules 350-81-520(3)(c)(B)(iii) applies to new development in portions of the Oak-Pine Woodland Landscape Setting visible from KVAs that are substantially wooded. Commission Rule 350-81-520(3)(c)(B)(iii) states:

- (iii) *Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from key viewing areas shall be retained.*

No vegetation is proposed to be removed for this project, consistent with Commission Rule 350-81-520(3)(d)(c)(B)(iii).

25. Commission Rule 350-81-520(4) includes guidelines applicable to development located on land within ¼ mile of Scenic Travel Corridors. The closest scenic travel corridor is Washington State Route 14, located approximately 1.5 miles to the south. Therefore, Commission Rule 350-81-520(4) is not applicable.

Conclusion:

With conditions of approval regarding exterior building colors and outdoor lighting, the proposed development is consistent with applicable guidelines in Commission Rule 350-81-520 that protect scenic resources from adverse effects.

C. Cultural Resources

1. Commission Rules 350-81-540(1)(c)(A)(i) requires a cultural resource reconnaissance survey (archaeological resources) for all proposed uses within 500 feet of a known cultural resource. Margaret Dryden, Heritage Resources Program Manager with the USDA Forest Service National Scenic Area, reviewed the applicant's land use application and determined a reconnaissance survey was not required pursuant to Commission Rule 350-81-540(1)(c)(A)(ii)(V). In a Heritage Resource Inventory Report dated September 26, 2011, Ms. Dryden concluded that although a known cultural resource exists in the vicinity, the project area has been adequately surveyed in the past and no additional surveys are required.
2. Commission Rule 350-81-540(1)(c)(B) is used to determine when a historic survey is required. Ms. Dryden reviewed the application and determined in a Heritage Resource Inventory Report dated September 26, 2011, a historic survey was not required because the proposal would not alter a structure or building more than 50 years old 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.

3. Commission Rule 350-81-540(1)(g) requires consideration of cumulative effects of proposed developments that require a reconnaissance or historic survey, a determination of significance, an assessment of effect, or a mitigation plan. As described above, this development proposal did not require a reconnaissance or historic survey. Additionally, because no known cultural resources are affected by the proposal, no determination of significance, assessment of effect or mitigation plan is required. No cumulative effects analysis is required, pursuant to Commission Rule 350-81-540(1)(g).
4. Commission Rule 350-81-540(2)(c)(B)(i) states the cultural resource protection process may conclude when reconnaissance and historic surveys are not required, there are no known cultural resources in the project area, and no substantive concerns were raised by interested parties.

As explained in Findings C.1 and 2 above, new surveys were not required for the project and past surveys there are no known resources in the immediate project area. No comments of concern were received regarding cultural resources. 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:

The proposed project would not adversely affect known archaeological or historic cultural resources. With a condition protecting unknown cultural resources or human remains 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 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). Gorge Commission inventories did not identify any wetlands within 1,000 feet of the development site. A site visit by a Gorge Commission Planner confirmed this information. Gorge Commission inventories do not identify any sensitive plants within 1,000 feet of the subject property. Therefore, Commission Rules 350-81-560 and 590 are not applicable.
2. An intermittent stream with a narrow channel traverses the northeast portion of the subject parcel, as shown on the site plan. The stream does not flow every year and is not used by anadromous or resident fish. Commission Rule 350-81-570(7)(a)(B))

requires 50 foot buffers for intermittent streams, provided they are not used by anadromous or resident fish.

A footbridge constructed at an unknown date in the past crosses the stream near the existing house and irrigation pumphouse. The bridge is constructed of wood and is approximately 4 feet wide and 6 feet long. The footbridge is located within the 50-foot stream buffer.

3. Commission Rule 350-81-570(4) states that uses other than those listed in Commission Rules 350-81-570(2) and (3) [e.g. modification of existing structures, water-related recreation structures, fish and wildlife management structures] may be allowed in stream buffers, when approved pursuant to Rule Commission Rule 350-81-570(6) and reviewed under the applicable provisions of Rules 350-81-520 through 620.
4. Commission Rule 350-81-570(6) includes six criteria for uses allowed in stream buffers. Commission Rule 350-81-570(6)(a) states:

The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by 350-81-560(6)(a), substituting the term stream, pond, lake, or riparian area as appropriate.

5. Commission Rule 350-81-560(6)(a) states:

The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:

- (A) *The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands [streams];*
- (B) *The basic purpose of the use cannot be reasonably accomplished by reducing its size, scope, configuration, or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands [streams]; and*
- (C) *Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and zone designations. If a land designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.*

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

The stream traverses the subject property. The purpose of the footbridge is to allow the landowners easy access to their property on both sides of the stream without tramping through the stream itself. Currently, the dwelling and irrigation pumphouse are located on the north side of the stream and the nursery buildings and accessory barn are

located on the south side the stream. While the current landowners did not construct the footbridge, they use it daily as they move around the property working outside. Although other locations along the stream could be used for the footbridge, constructing another bridge for the same function in a different location along the stream would not result in any less impact on the stream buffer. The footbridge is reasonably sized to allow safe foot traffic across the stream. Because the basic function of the footbridge is to allow the applicants to cross the stream near the irrigation pumphouse and existing dwelling, no site or scope changes can be made to eliminate this disturbance in the stream buffer and accomplish the basic purpose of the bridge.

In sum, the footbridge has no practicable alternative design or location, consistent with Commission Rule 350-81-560(6)(a).

6. Commission Rule 350-81-570(6)(b) requires uses in streams and stream buffers to be in the "public interest" based on the following factors:

- (A) *The extent of public need for the proposed use.*
- (B) *The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited.*
- (C) *The functions and size of the wetland [stream] that may be affected.*
- (D) *The economic value of the proposed use to the general area.*
- (E) *The ecological value of the wetland [stream] and probable effect on public health and safety, fish, plants, and wildlife.*

The proposed development in the stream buffer includes the after-the-fact review of a footbridge constructed by a previous property owner at an unknown date. The footbridge is located on private property and primarily used by the applicants. There is no known public need for the privately used structure per se. The property is zoned, suited, and used for agricultural and residential uses. The footbridge benefits the private uses for which the property is suited by providing a convenient crossing of a stream that traverses the property. Because the stream is intermittent and may not flow every year, there is no ecological value for fish and the value for plants and wildlife is low. The footbridge does not obstruct the stream flow – it was constructed to reach from bank to bank of the stream, with the water channel a foot or two below the structure. Allowing the bridge to remain is in the public interest because it encourages a single crossing point outside the stream channel instead of multiple, informal crossing points in the stream channel itself. Without a convenient footbridge, foot traffic across the stream would likely lead to erosion of the stream banks that is otherwise avoided. The footbridge is in the public interest because it minimizes the number of crossing points, associated ground disturbance, and potential stream bank erosion associated with the private uses of the property. Given this information, the proposed development is in the public interest, consistent with 350-81-560(6)(b).

7. Commission Rule 350-81-570(6)(c) states:

Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone.

At a minimum, the following mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

- (A) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted ... In Washington, the Washington Department of Fish and Wildlife shall evaluate specific proposals and specify periods for in-water work.*
- (B) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.*
- (C) Nonstructural controls and natural processes shall be used to the greatest extent practicable.*
- (D) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.*
- (E) Stream channels should not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used.*
- (F) Temporary and permanent control measures should be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.*

Criteria A, C and F are not applicable from a practical standpoint because this is an after-the-fact review of a footbridge constructed at an unknown date by a previous property owner. No culvert is proposed, consistent with criteria E. With respect to criteria B, no natural vegetation will be disturbed at this point in time and it appears that any vegetation that was disturbed when the bridge was constructed has re-grown. Criteria D states water crossings should be minimized and bridges should serve multiple properties. This small footbridge for private use on private property is not inconsistent with Criteria D which is primarily intended for larger-scale water crossings. As described in Finding D.6 above, this stream has little ecological value. The stream supports no fish habitat and serves primarily as drainage for the adjacent hillside. The footbridge does not impede the intermittent drainage function of the stream. The existing footbridge results in no known impacts to water quality, natural drainage, and fish and wildlife habitat; therefore, no mitigation measures are necessary for the bridge to be consistent with Commission Rule 350-81-570(6)(c).

8. Commission Rule 350-81-570(6)(d) states:

Groundwater and surface-water quality will not be degraded by the proposed use.

As explained above, the subject stream does not run every year and therefore does not contain water at all times. The bridge sits one to two feet above the stream surface and does not appear to include any structure much below grade that would interfere with groundwater quality. Given this information, the proposed use is consistent with Commission Rule 350-81-570(6)(d).

9. Commission Rule 350-81-570(6)(e) states:

Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.

The portions of this development proposal that are not water-dependent (accessory buildings and agricultural buildings) will be located outside the stream buffer zone. In sum, the portions of the proposed use that have a practicable alternative are located outside the stream buffer, consistent with this rule.

10. Commission Rule 350-81-570(6)(f) states:

The proposed use complies with all applicable federal, state, and county laws.

The applicant has been made aware of this guideline. Because the Commission can only enforce its own laws, it is the applicant and landowner's responsibility to ensure the proposed use complies with all other applicable county, state, and federal laws.

11. Commission Rule 350-81-570(6)(g) requires unavoidable impacts to riparian areas to be offset through rehabilitation and enhancement.

As previously noted, the intermittent stream has little ecological value and no ground disturbance is proposed at this time. In emails dated October 6 and 10, 2011, staff biologists for the Washington Department of Fish and Wildlife said the agency had no concerns about the proposal, did not identify any impacts to riparian areas, and did not recommend any rehabilitation or enhancement measures. Because no impacts to riparian areas are anticipated, no rehabilitation or enhancement measures are required, consistent with this guideline.

12. Commission Rule 350-81-570(1)(c) requires the consideration of cumulative effects for proposed development within a stream buffer. Commission Rule 350-81-020(40) defines "cumulative effects" as:

The combined effects of two or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

The action considered is the construction of a small footbridge in the buffer of an intermittent stream. To evaluate the cumulative effects, staff considered the location of the stream and the area it serves, the existing conditions of the stream and its buffer, and the likelihood of other similar development in the stream buffer.

A short segment of the stream (roughly 160 feet) traverses the northern portion of the property and feeds into Canyon Creek west of the subject property on the other side of Canyon Road. Most of the stream (upstream) traverses an adjacent, privately owned 160-acre property to the east that is zoned Large-Scale Agriculture with a minimum parcel size of 160 acres. Based on information available in aerial photos and the Commission's GIS stream mapping information, the subject stream, including two smaller intermittent tributaries, drains an area roughly 80 – 100 acres in size. Staff considered this area for cumulative effects.

As described above, the subject stream is an unnamed intermittent stream that does not support fish habitat and has little ecological value. The stream serves as a seasonal drainage of the adjoining hillside east of the subject property. Other known development along the corridor of the stream buffer includes a portion of a dwelling, a garage, and a section of fence on the subject property. These items are planned to be removed under Director's Decision C11-0001. Downstream from the footbridge is a culvert under the existing driveway access and Canyon Road. Staff confirmed through aerial photographs, Commission development review records, and Klickitat County's on-line interactive mapping program that there is no development in the stream or stream buffer upstream from the footbridge. The vegetation in the stream buffer near the footbridge is dominated by grasses with some shrubs. Upstream, the buffer corridor becomes more wooded with a mix of pine and oak trees. Based on aerial photos, the buffer corridor on the adjacent property appears to be wooded and in a natural state.

Other than the removal of buildings approved in Director's Decision C11-0001, staff does not anticipate changes to the stream or stream buffer downstream from the footbridge. On the subject property, no other development is anticipated in the stream buffer – all of the existing and planned development is located south of and outside the stream buffer. Upstream, on the adjacent property to the east – where the stream primarily located – there is no existing structural development and no visible evidence of agricultural activity in the stream buffer corridor. It is reasonable to assume the possibility of tree clearing, cultivation, and construction of a farm dwelling with accessory buildings on the adjacent property at some point in the future. However, the property owner owns an adjacent 160 acres to the south on which a dwelling, barn, and accessory buildings exist. Until ownership of the adjacent property changes, the likelihood of structural development on the adjacent property is low. Given this, the likelihood that a footbridge or similar structure will be proposed for construction in the stream buffer on the adjacent property in the near future is also low.

With the exception of erosion control measures and revegetation required for the removal of buildings (Director's Decision C11-0001), no other change or impact to the riparian area – adverse or beneficial, now or in the near future – is anticipated that would make the cumulative effect of this development different from the effect of the individual action, which has no adverse effect to the riparian area. Staff finds the proposed development would not generate adverse cumulative riparian impacts.

13. 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.
14. 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 George Fornes, Priority Habitats and Species Biologist for Region 5 of the Washington Department of Fish and Wildlife on September 28, 2011 for review, pursuant to Commission Rule 350-81-580(4). Comments were received on October 6 and 10, 2011. Mr. Fornes had had no concerns about the impacts of the proposed development on deer winter range.
15. Commission Rule 350-81-580(4)(c) states that the wildlife protection process may terminate if the Executive Director, in consultation with the state wildlife agency determine either the site or area is not active or the use would not compromise the integrity of the site.

As described above, through consultation with the state wildlife agency, it was determined that the proposed use would not compromise the integrity of deer winter range, consistent with Commission Rule 350-81-580(4)(c).

16. Commission Rule 350-81-580 (1)(c) requires consideration of cumulative effects of proposed developments within 1,000 feet of sensitive wildlife areas. The subject property is within deer winter range, a sensitive wildlife area. The proposed action within the sensitive wildlife area is the development proposal as a whole: the construction of five agricultural buildings, two accessory buildings, and one accessory structure (footbridge). To consider the cumulative effects, staff considered similarly zoned land in the subject winter range area mapped by the Washington Department of Fish & Wildlife and called the "Klickitat River Winter Range" (study area). Staff also considered the existing conditions of the study area and the likelihood of other similar development in the area.

The Klickitat River Winter Range is nearly 123,000 acres spanning three to four miles on either side of the Klickitat River. The Klickitat River Winter Range also straddles the nearby Scenic Area boundary to the north and east of the subject property. For the purposes of evaluating the cumulative effects of repeated similar activities, staff focused on similarly zoned Scenic Area lands within the Klickitat River Winter Range. This study area includes approximately 40 other properties designated Small-Scale Agriculture in Sections 21, 22, 27, and 28. Aerial photos indicate that dwellings or other structures exist on most of these properties. Staff is aware of several vineyards and some grazing in the study area, but it appears that the majority of the properties function as rural residential properties.

Existing conditions in the study area, as indicated above, can be described as rural with dispersed structural development. Corridors of trees exist in the study, primarily along stream corridors. The Gorge Commission does not have any specific information about

the deer population in this area and was unable to obtain information from the Washington Department of Fish and Wildlife. Commission staff knows deer live in the area because some landowners have requested and received approval for fences to protect vineyards and other agricultural uses from deer. The subject property has a fence along the perimeter of the property intended to keep deer out to protect the current agricultural use and personal gardens (fence approved in Director's Decision C11-0001). The proposed development will be located within the fenced area and therefore, will not reduce habitat for deer. Given the presence of the fence, no new development on the subject property will affect – adversely or otherwise – the function of the winter range.

To assess the likelihood of future similar development in the Klickitat River Winter Range, staff considered similarly zoned land where similar development – agricultural and accessory buildings – is allowed subject to review. Land in this area is subject to an 80 acre minimum parcel size – primarily for the purpose of protecting winter range (Management Plan GMA wildlife habitat policies 4 and 6, p. 1-3-19). All of the properties in this study area are less than 160 acres, the size necessary to divide a parcel into two legal parcels (with the exception of land divisions for conservation purposes). Therefore, staff assumes no new land divisions in this area are unlikely.

Although staff has no comprehensive information about existing development and agricultural uses in the area, it is reasonable to assume the possibility of additional agricultural and accessory buildings in the area. Future agricultural buildings will be limited to the number and size necessary to serve agricultural uses (Commission Rules 350-81-190(1)(c) and 350-81-090). Accessory buildings are limited to total footprint sizes of 1,500 or 2,500 square feet depending on property size. Fences intended to exclude deer are limited to the minimum necessary for agricultural uses or personal gardens. These and other factors ensure the study area will continue to provide winter habitat for deer. Furthermore, other similarly situated agricultural and accessory buildings – within existing fenced areas restricting deer access – would have no effect on the subject winter range. Therefore, staff finds the proposed development would not generate adverse cumulative winter range impacts.

Conclusion:

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

E. Recreation Resources

1. Commission Rule 350-81-086 prevents adverse impacts to existing recreation sites for new development. Established recreation sites do not exist on parcels that adjoin the subject parcel. Given this information, Commission Rule 350-81-086 does not apply.

Conclusion:

The proposed development 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
Rick Till, Friends of the Columbia Gorge
George Fornes, Washington Department of Fish and Wildlife

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