

## DIRECTOR'S DECISION

**APPLICANT:** COR Cellars, LLC

**LANDOWNER:** Luke Bradford

**FILE NO.:** C13-0011

**REQUEST:** To make improvements to an existing winery and tasting room facility, specifically:

1. Demolition of three existing buildings: a shed, a restroom building and a storage building;
2. Construction of three new winery buildings: a barrel and case storage building with office space, a winery lab/mechanical building with additional storage, and a shop and covered storage to support the winery needs;
3. Painting an existing winery building and tasting room;
4. New cultivation of 1.2 acres of vineyard grapes within the area of resource enhancement; and
5. Resource enhancement consisting of 1.6 acres of noxious weed control requiring ground disturbance (after-the-fact review).

**LOCATION:** The subject parcel is located at 151 Old Highway 8, approximately 1 mile northwest of Lyle, in the SE 1/4 of Section 28, Township 3 North, Range 12 East, W.M., Klickitat County, Washington (Klickitat County Parcel No. 03122800001300).

### LAND USE

**DESIGNATION:** The subject parcel is 22.8-acres in size, located in the General Management Area, and designated Small-Scale Agriculture.

### DECISION:

Based upon the findings of fact in the Staff Report for Director's Decision C13-0013, the land use application by Luke Bradford, COR Cellars, LLC for the above request 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**.

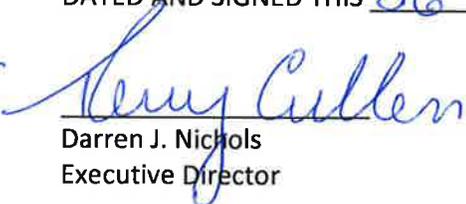
### CONDITIONS OF APPROVAL:

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. Compliance with them is required. **This decision must be recorded in county deeds and records to ensure notice of the conditions to all successors in interest** (Management Plan, Review Uses Guideline 1, pg. II-96).

1. To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report for C13-0011, and approved site plan, shall be recorded in county deeds and records at the Klickitat County Assessor's Office. Once recorded, the applicants shall submit a copy of the recorded documents to the Executive Director.
2. This decision does not exempt the proposal from other non-Scenic Area rules and regulations. It is the applicant's responsibility to ensure the use complies with all other applicable federal, state, and county laws.
3. The development shall be constructed as shown on the approved project description, site plan and elevation drawings. The proposed storage building north of the existing winery/tasting room building shall be moved at least 7 feet westward of the location shown on the approved site plan. Any changes must be reviewed and approved by the Executive Director before the changes are implemented.
4. Wine processed at COR Cellars shall predominately use grapes grown on the subject property or on vineyards located within the Columbia River Gorge National Scenic Area Counties.
5. All project components shall be as described in the project description or as indicated on approved site plans. Specific colors to be used are: the charred wood siding will be stained a dark brown color, TimberSoy "Deep Ebony"; the concrete color is Dark Gray (carbon) #8084; the roofing material, Sika Sarnafil, will be color Lead Grey (G410); the composite roof shingle color will be Landmark Series-Color Palette Moire Black; and the existing winery building will be painted Behr "Broadway".
6. All exterior glass surfaces shall have a reflectance rating of 11% or less. No window shall be great in size than 50 square feet and adjacent panes shall be separated by a minimum of 12 inches. Any changes must be reviewed and approved by the Executive Director before the changes are implemented.
7. The applicant shall maintain and ensure survival of the new vegetation planted at the southwest corner of the case good storage/office building as shown on approved site plan.
8. All new outdoor lighting must be directed downward and sited, hooded and shielded to direct light away from key viewing areas. The fixtures shall be non-reflective or made with materials having low reflectivity.
9. **The location for the dwelling and attached garage 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. **The applicant shall also 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), completion of grading and excavation, and planting of any required vegetation.
10. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall immediately cease and the applicants shall notify the Gorge Commission within 24 hours of discovery. The cultural resources shall remain as found; further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.

11. If human remains are discovered during construction activities, all activities shall cease immediately 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 26<sup>th</sup> day of February, 2015 at White Salmon, Washington.

per   
Darren J. Nichols  
Executive Director

**EXPIRATION OF APPROVAL:**

*This decision of the Executive Director becomes void on the 26<sup>th</sup> day of February, 2017.*

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 28<sup>th</sup> day of March, 2015.*

The decision of the Executive Director shall be final unless a Notice of Intent to Appeal and Petition is filed with the Commission within thirty (30) days of the date of this decision by the applicant or any person who submitted comment. Information on the appeal process may be obtained at the Commission office.

**NOTES:**

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

**Attachments:**

Staff Report for C13-0011  
Approved site plan

TFA  
DEC0011.13

**APPROVED**

3) Each window shall not exceed 50 square feet in glazing area and will be separated from adjacent glazing by 1' - Planting Scheme referenced on Amended Sheet A1.02 will provide adequate screening

**goCstudio llc**  
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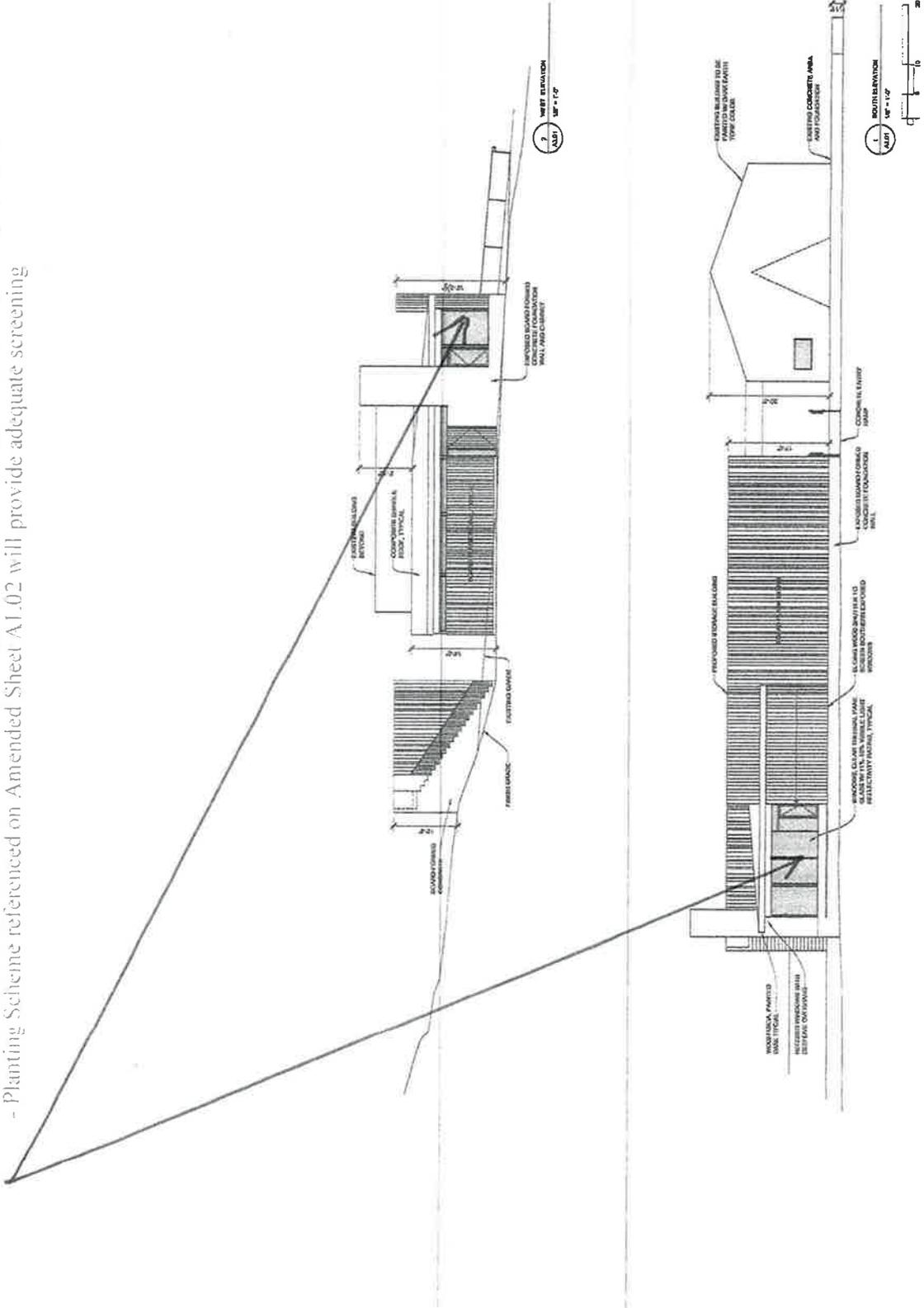
project:  
**COR Cellars**  
101 1st Highway S  
Lynn, WA 98533

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Project Name	COR Cellars
Project No.	101-1st-Hwy-S
Sheet No.	101-1st-Hwy-S-01
Date	08/01/2013
Scale	1/8" = 1'-0"

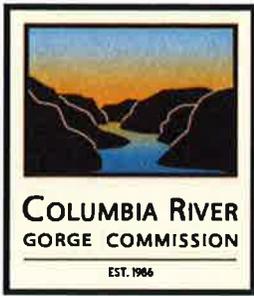
CIRC APPLICATION  
AUGUST 01, 2013

**BUILDING ELEVATIONS**  
**A3.01**



*TC 2/26/15*





## STAFF REPORT

**APPLICANT:** COR Cellars, LLC

**LANDOWNER:** Luke Bradford

**FILE NO.:** C13-0011

**REQUEST:** To make improvements to an existing winery and tasting room facility, specifically:

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3. Painting an existing winery building and tasting room;
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5. Resource enhancement consisting of 1.6 acres of noxious weed control requiring ground disturbance (after-the-fact review).

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### LAND USE

**DESIGNATION:** The subject parcel is 22.8-acres in size, located in the General Management Area, and designated Small-Scale Agriculture.

### COMMENTS FROM 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  
Friends of the Columbia Gorge  
Klickitat County Planning Department  
Klickitat County Building Department  
Klickitat County Health Department  
Klickitat County Assessor  
Skamania County Planning Department  
U.S. Forest Service National Scenic Area Office

Washington Department of Fish and Wildlife  
Washington Department of Natural Resources Natural Heritage Program  
Washington State Historic Preservation Office  
White Salmon Library

Written comments were received from Samuel Kolb, Washington Department of Fish and Wildlife; Jasa Holt, Washington Natural Heritage Program; Russell Holter, Project Compliance Reviewer, Department of Archaeology and Historic Preservation; and Richard Till, Friends of the Columbia Gorge.

**FINDINGS OF FACT:**

A. Land Use

1. Luke Bradford of COR Wine Cellars, LLC is requesting authorization to make improvements to an existing winery and tasting room facility. The project plan proposes demolition of three existing buildings; construction of three new winery buildings; repainting the existing winery building and tasting room; planting 1.2 acres of vineyard grapes and an after-the-fact review of a resource enhancement project where 1.6 acres of noxious weed control that included ground disturbance occurred. A gabion wall will support a cut bank between two of the structures.
2. The subject parcel is in the General Management Area (GMA) and is designated Small-Scale Agriculture. The parcel is approximately 22.8 acres in size, and is located along the north side of Old Highway 8 (County Road 1230) in Klickitat County.
3. Existing development on the property includes several structures: a single-family dwelling, a barn, a shed, restroom building, a storage building and a winery building with a tasting room. Only the storage building, shed, and restroom building are proposed to be removed. Existing development also includes two signs: one at the main entrance to the property and one on the winery building; a well, and two vineyard areas (approximately 0.2 -and 0.4 acres in size.) The construction of the winery building was approved by the Gorge Commission through Development Review C94-0080 in January 1995. Use of the structure as a winery and tasting room were approved by the Gorge Commission in Development Review C05-0006. The winery facility has been in continuous operation since opening in 2006. Neither approval set conditions specifying the color of the winery structure.
4. Commission Rule 350-81-090(1)(x) allows the following as a review use subject to compliance with scenic, cultural, natural and recreation resources guidelines:

*Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks are allowed.*

The applicant proposes removal of two small sheds (55 sq. ft. and 133 sq. ft.) and a larger 1675 sq. ft. storage building. A historic survey of the parcel found that there are structures that are more than 50 years old on the subject parcel: the house, the barn and a well-house. However none of those structures are affected by the proposed demolition. Therefore Commission Rule 350-80-090(1)(x) is not applicable.

5. Commission Rule 350-80-200(1)(d) lists wineries, in conjunction with on-site viticulture, as an allowed use on lands designated Small-Scale Agriculture. Commission Rule 350-80-200(1)(d

requires that an applicant show that processing of wine is from grapes grown on the subject farm or in the local region, and additional approval criteria listed in Commission Rule 350-80-220. In addition, the use is subject to compliance with the scenic, cultural, natural, and recreation resource guidelines listed in Commission Rule 350-80-520 through 350-80-620.

The applicant proposes expanding the existing winery by constructing a 2,180 sq. ft. case goods storage/office building, a 660 sq. ft. lab/mechanical building, and a 1,300 sq. ft. building with a shop and covered storage for the winery. There are no proposed changes to the current tasting room other than repainting the structure a dark, earth-tone color to match the proposed structures. The winery would continue to be open for tastings and sales on weekends and by appointment only. The applicant proposes to use the existing driveway and gravel parking area at the south end of the proposed winery building. No changes are proposed to the current parking area. Water will be supplied by an existing on-site well. Wastewater will be disposed of through an existing on-site septic/sewer system.

The applicant provided information showing that the grapes to be processed in the expanded winery are from the subject property and from several vineyards in the local region: Underwood Mountain and Celilo Vineyards in Underwood, Hogback Ridge Vineyard in The Dalles, Jewett Creek Vineyards in White Salmon, and McKinley Springs and Alder Ridge Vineyards near Alderdale, Washington. A condition of approval to require that wine processed at COR Cellars predominately uses grapes grown on the subject property or on vineyards located within the Columbia River Gorge National Scenic Area counties is part of this decision.

6. Commission Rule 350-80-200(1) requires that wineries allowed in Commission Rule 350-80-200(1)(d) must meet the criteria of Commission Rule 350-80-220:

- (a) *The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agriculture use; and*
- (b) *The use will be sited to minimize the loss of land suitable for the production of crops or livestock.*

The subject parcel is surrounded primarily by parcels designated Small-scale Agriculture. An area to the southeast is designated Residential. The primary agricultural use in the immediate vicinity of the winery is grazing. There are also at least 3 other wineries located within a mile of the subject parcel. The proposed winery buildings are subject to setbacks from agricultural uses (see Finding A.7, below) that help ensure they are compatible with adjacent agricultural uses and minimize potential impacts on agriculture occurring on adjacent properties. The footprint of the proposed buildings is located in the existing developed area of the property, which minimizes the loss of land suitable for the production of crops or livestock. Additional area is available for future expansion of the vineyards

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 parcels designated Small-Scale Agriculture are used for livestock grazing, haying and pasture. The setback requirements of Commission Rule 350-81-076(1) require a 100-foot setback in open or fenced buffer areas as are found on the subject property. This setback applies to the proposed new buildings and is measured from all adjacent property lines.

All of the proposed new winery buildings will be located more than 150 feet from all adjacent property lines except the proposed covered storage which is located just 93.3 feet from the eastern property line. A condition of approval will require the location of this structure be moved to the west 7 feet in order for the proposal to meet the guidelines identified in Commission Rule 350-81-076(1). The applicant has amended the site plan indicating compliance.

8. The property currently has approximately 0.5 acre of vineyard. The applicant proposes to plant 1.2 acres of wine grapes in an area west of the winery buildings. The site occupies a gentle slope and no trees will need to be removed. This new cultivation will occur in an area that has been previously disturbed by a resource enhancement project to remove noxious weeds (See Finding A.10, below). Commission Rule 350-80-190(1)(a) lists New Cultivation as a use that may be allowed on lands designated Small-Scale Agriculture, subject to compliance with the scenic, cultural, natural, and recreation resource guidelines listed in Commission Rules 350-80-520 through 350-80-620).
9. Commission Rule 350-81-190(1)(m) allows for "resource enhancement projects for the purpose of enhancing...natural resources," subject to consistency with Commission Rule 350-81-104. Commission Rule 350-81-104 requires that applications for resource enhancement projects describe the goals and benefits of the project, and to document the condition of the resource before and after the project. Starting in 2007, the applicant was approached by Klickitat County Weed Control due to an overabundance of Yellow Starthistle over approximately 1.6 acres to the west of the existing winery complex on the subject parcel. Subsequently, the applicant embarked on a program recommended by Klickitat County Weed Control involving the removal of Starthistle, regular mowing of the pasture, and discing the soil annually prior to the time of Starthistle's flowering in order to eradicate it. The purpose of this activity was to protect and enhance natural resources in the vicinity by removing a source of noxious weeds. This activity has occurred annually since 2007. The applicant has submitted documentation showing the benefit of these activities in getting the spread of the weed under control.

The removal of Yellow Starthistle as a resource enhancement project is an allowed use on the subject parcel subject to compliance with the scenic, cultural, natural, and recreation resource guidelines listed in Commission Rules 350-80-520 through 350-80-620).

10. 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. The subject property does not provide access to the Columbia River or fish bearing tributaries and would not affect Indian treaty rights. Notice of the proposal was mailed to the four tribal governments and 20 days provided for comments.

A letter from Johnson Meninick of the Confederated Tribes and Bands of the Yakama Nation was received February 21, 2014. The letter recommended a cultural resources survey be conducted for the project. A survey was conducted by Forest Service staff as part of the

cultural resource protection requirements, addressed in Section C. The letter did not identify any treaty rights that would be affected by the proposal.

11. 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.*

No treaty rights affected by the proposal were identified through consultation with the tribal governments. Therefore the Executive Director determines that the proposed use would not affect or modify treaty or other rights of any Indian tribe, and that the treaty rights protection process may conclude pursuant to Commission Rule 350-91-084(c)(B).

**Conclusion:**

The proposed removal of existing buildings, construction of new winery buildings, new cultivation, construction of fencing, and after-the-fact resource enhancement activities for weed control are allowed review uses in the Small-Scale Agriculture land use designation, and are subject to compliance with the guidelines in Commission Rules 350-81-520 to 350-81-610 that protect scenic, cultural, natural and recreation resources. These uses comply with the applicable guidelines in Commission Rules 350-80-104, 350-80-190, 350-80-200, and 350-80-220, and may be approved if they also comply with the guidelines in Commission Rules 350-80-520 to 350-80-610 that protect scenic, cultural, recreation, and natural resources.

**B. Scenic Resources**

1. Commission Rule 350-81-520 lists scenic resource protection guidelines for review uses in the GMA that are not allowed outright or through the expedited review process. 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 three proposed structures are to be placed around the perimeter of a level area previously constructed when the property was originally developed. The engineered grading plan states that approximately 1175 cubic yards of excavation and 605 cubic yards of fill will be required to site the proposed buildings. Excavation will be required to place two new buildings along the northern side of the level area. The northern walls of the structures and a gabion wall between the two structures will support this excavation. No new roads are proposed. Siting of the structures in other parts of the property would require development of undeveloped portions of the property and would require a larger footprint of excavation and the construction of additional roads. The proposed siting also allows them to be connected to the existing septic system, reducing excavation. The proposed plan minimizes grading area to the maximum extent practicable 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 covered storage building is 1300 square feet and 14.25 feet high at the tallest point from finished grade. The proposed mechanical and lab building is 660 square feet and 17 feet high at the tallest point from finished grade. The proposed storage and office building is the largest of the three proposed buildings at 2180 square feet and a height of 18 feet, 3 1/2 inches from final grade. Existing nearby development consists of a mix of one and two-story single-family dwellings, agricultural buildings and accessory buildings. Building sizes in the vicinity range from small 600 square foot sheds to dwellings and agricultural buildings with a footprint of up to 2,280 square feet in size. Most of these structures are one or two stories in height.

The proposed buildings are within the range of sizes found nearby and is thus compatible with the general scale of existing nearby development, consistent with Commission Rule 350-81-520(1)(b).

3. Commission Rule 350-81-520(1)(c) requires that project applicants are responsible for the maintenance and survival of any new vegetation planted as a requirement of this decision. As discussed in Finding B.14, below, new screening vegetation is required for this project. Therefore, Commission Rule 350-81-520(1)(c) is applicable. A condition of approval will require that the project applicant maintain and ensure survival of new vegetation planted as a requirement of this decision.
4. 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 in Findings B.22 through B.25, below. Commission Rules 350-81-520(1)(f) and (g) apply only to mineral resource production and quarries which are not proposed with this project.
5. 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 subject parcel is topographically visible from two key viewing areas: the Historic Columbia River Highway and Tom McCall Point, which is part of the Rowena Plateau and Nature Conservancy Viewpoint. Thus, Commission Rule 350-81-520(2) is applicable.

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

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

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.*

The key viewing areas from which this development is visible are between approximately 1.75 and 3 miles distant from the site. The proposed development consists of three buildings which are situated in an existing developed portion of the property among other existing structures. The buildings will be partially visible as seen from key viewing areas. The proposal incorporates design elements in order to be visually subordinate as seen from key viewing areas. With conditions, the proposed development can be visually subordinate from all key viewing areas as discussed in the following findings.

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.*

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 proposal is to replace three small pre-1986 buildings totaling 1,863 square feet in size that are light in color with three larger buildings totaling 4,140 square feet in size that would be dark earth tone in color consistent with the National Scenic Area standards. In addition, the proposal includes painting an existing building dark earth tone color. The existing building to be repainted was approved under National Scenic Area standards without a requirement to be dark earth tone.

The subject parcel is designated General Management Area (GMA) Small-Scale Agriculture and is adjacent to an area of GMA-Residential with minimum parcel size of 10 acres. Most of the existing parcels in the area have developed clusters and new parcels are unlikely to be created due to minimum parcel size requirements. The visual character of the area, including the subject parcel is consistent with the Rural Residential in Pastoral landscape setting. The proposed development on the subject parcel within an existing developed cluster will not change the visual character of the area.

The visibility of the vicinity from key viewing areas is low and in the middle-ground and background. As discussed further in findings below, the distance from key viewing areas, the use of exterior building materials and colors that blend with the landscape, and clustering of the new development will ensure the proposed buildings will be visually subordinate as

viewed from key viewing areas. An existing building will also be painted a dark color which will reduce the visual impact of development on the parcel.

The proposed development replaces existing buildings in the same portion of the property where development already exists. Specifically, the proposed buildings of 660, 1300, and 2180 square feet will replace buildings of 55, 130, and 1675 square feet. The net increase of building size is 2277 square feet; however, the incremental change the visible character of the site and the surrounding landscape is minimal because the existing buildings are light in color and the proposed buildings would be dark earth tones consistent with the National Scenic Area standards. The cumulative effect of similar development proposals that replace existing non-conforming development with development that conforms to National Scenic Area standards would be an improvement in scenic resources in the National Scenic Area.

For the reasons above, the proposed development will not cause adverse scenic impacts, and will not cause adverse cumulative scenic impacts, consistent with Commission Rule 350-81-520(2)(c).

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).*

The subject property is topographically visible in middle-ground and background views from portions of two key viewing areas to the south and southwest: the Historic Columbia River Highway and Tom McCall Point. The one non-linear key viewing area, Tom McCall Point, is approximately 3 miles distant. The distance to and distance along linear key viewing areas is as follows:

- Historic Columbia River Highway: visible from the Memaloose Overlook section of the highway (at a distance of approximately 2.5 miles), and again intermittently for a segment approximately 1 mile long heading east starting 0.5 miles east of Memaloose and at a distance of approximately 2 miles from the property. The Highway and the proposed development are at about the same elevation, which

reduces the visibility of the site along the highway, as does the existence of screening trees along the highway.

- The proposed structures would be visible from Tom McCall Point, but in the background at a distance of more than 3 miles. The covered storage building is located behind the existing winery/tasting room building, partially screening that building. There is some screening vegetation located to the south of the proposed structures on the subject property, which partially screens the case goods storage/office building and the mechanical building. The use of dark colors and materials with low reflectivity will help reduce the visual impact of the development. Overall, the potential visual impact of the proposed development is greatly reduced by the distance from key viewing areas, topography (elevation), and the existence of screening vegetation.

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

*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.*

Application of conditions of approval to ensure that the development will be visually subordinate to the surrounding landscape as seen from key viewing areas, consistent with Commission Rule 350-81-520(2)(d)(B) are discussed in the findings below.

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.*

The proposed new development is within an area of existing development on the parcel. An existing winery building will be retained and three existing structures are to be removed. The siting choice takes advantage of the existing driveway and septic system to minimize necessary grading. The site also takes advantage of existing screening vegetation and buildings on the property that partially screen the proposed development. Siting the proposed structures elsewhere on the parcel would be more visible from key viewing areas, and would require more grading. The siting choice is 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.*

On-site vegetation consisting of mature trees and shrubs located to the south of the development site partially screens the proposed development from key viewing areas. The proposed development is also located at lower elevations of the subject parcel which also helps decrease visibility of the proposed development because it puts the development at approximately the same elevation as the key viewing areas from which it is visible. The siting choice is 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*

A ridge located to the north of the subject property ensures that none of the proposed dwelling will break a skyline as viewed from key viewing areas which are at about the same elevation as the proposed development. The proposed 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. As described above, new landscape is required for this development, therefore, Commission Rule 350-81-520(2)(j) is applicable.

The following guidelines apply to new landscaping used to screen development from key viewing areas:

(A) *New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.*

(B) *If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic*

*standard within five years or less from the commencement of construction.*

- (C) *Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.*
- (D) *The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).*

The existing house and trees surrounding it provide partial screening to the office windows in the southwest corner of the case goods storage/office building. The structure has been well sited and the office windows reduced in size from originally proposed so that no pane is greater than 50 square feet. Pane separation has been increased to 1 foot with textured concrete between. New plantings must reach a height of about 12 feet to provide effective screening of the windows. The applicant submitted a proposed native vegetation plan, which consists of species planted at sizes as recommended by the Scenic Resources Implementation Handbook. Conditions of approval will require the applicant to ensure the survival and replacement of screening vegetation.

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 application proposes to use a charred wood siding, stained a dark brown color, TimberSoy "Deep Ebony". Exposed concrete siding will be colored Dark Grey (carbon). Based on samples of the siding color submitted, these colors are appropriate for the surrounding landscape. One roofing material proposed is a PVC membrane roof, Sika Sarnafil, color Lead Grey (G410). The composite roof shingle color will be Landmark Series-Color Palette Moire Black . In addition, the applicant proposes to re-paint the existing winery building a dark color, Behr "Broadway". As conditioned, the proposed colors are dark earth-tone colors found at the site and in the surrounding landscape, consistent with Commission Rule 350-81-520(2)(l).

These colors will be included as a condition of approval in the Director's Decision.

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

*The exterior of buildings on lands seen from key viewing areas shall be composed of nonreflective 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 manufactured home are “board formed concrete” partially covered with cedar siding. The roofing materials are Sika Sarnafil and composite shingle. These materials all have low reflectivity. Dark gravel will cover the Sarnafil roofing to further mitigate reflectivity. A condition of approval will require that the windows on the southwest will be no larger than 50 square feet each and separated by 1 foot between panes. The windows will also be low-reflectivity glass. A condition of approval will require that all exterior glass surfaces shall have a reflectance rating of 11% or less. These design changes to the windows along with the planting of screening vegetation will ensure visual subordination. The chosen 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 shows at least one small exterior light fixture on the elevation drawings. The applicant has submitted material regarding proposed fixtures that are consistent with this guideline. A condition of approval shall require all outdoor lights to comply 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.*

The building site is relatively flat. Excavation and fill will occur along the perimeter of the flat area to accommodate the proposed development. No new buildings would be placed 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.*

The existing driveway will serve the winery and proposed buildings. No new driveways are proposed. A cut bank along the north side of the development area will be supported by a gabion retaining wall. This wall allows for a much smaller graded area, which reduces visibility of the cut bank. The gabion wall will be a dark color, which helps minimize visibility. Therefore, the development is consistent 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.*

The proposed development includes a grading plan describing a total of 1175 cubic yards of grading/excavation and 605 cubic yards of fill. The submitted grading plan is consistent with Commission Rule 350-81-520(2)(aa).

21. Commission Rule 350-81-520(2)(aa)(A) and (B) sets content requirements for grading plans. The submitted grading plan includes a map and narrative description addressing all of the content requirements of Commission Rule 350-81-520(2)(aa)(A) and (B).
22. The Landscape Settings map in the Management Plan classifies the landscape setting for the subject parcel as Rural Residential in Pastoral. Commission Rule 350-81-520(3)(f) contains guidelines for new development in this landscape setting. Commission Rule 350-81-520(3)(f)(A) states:

*(A) New development in this setting shall meet the design guidelines described for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral, Coniferous Woodland or Oak-Pine Woodland), unless it can be demonstrated that compliance with the guidelines for the more rural setting is impracticable. Expansion of existing development shall comply with this guideline to the maximum extent practicable.*

A majority of the parcel consists of large, open pastures. The proposed winery buildings are sited within and adjacent to the existing developed portion of the property. The proposed development is consistent with Commission Rule 350-81-520(3)(a)(A).

23. Commission Rule 350-81-520(3)(e) lists guidelines for new development in the Rural Residential Landscape Setting. Commission Rules 350-81-520(3) states:

*(A) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.*

*(B) In portions of this setting visible from key viewing areas, and not exempt from visual subordination guidelines (see 350-81-520(3)(k)), 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) At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.*

*(iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.*

- (C) *Compatible recreation uses should be limited to small community park facilities, but may occasionally include low-intensity resource-based recreation uses (such as scenic overlooks).*

Development is sited so that existing mature trees help screen the development from view from KVAs. These trees will be retained, consistent with this guideline. Additional trees will be planted for screening purposes. The approved planting plan specifies species to be used and is consistent with the requirements of Commission Rule 350-81-520(3)(e).

24. Commission Rule 350-81-520(3)(a)(B) lists guidelines for new development in portions of the Pastoral Landscape Setting visible from KVAs. Commission Rules 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 structures are clustered together in a previously developed portion of the parcel, located outside of existing meadows, pastures and farm fields. The proposal is consistent with this guideline.

25. Commission Rules 350-81-520(3)(a)(B)(i) through (iv) state:

- (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.*

Development is sited so that existing mature trees help screen the development from view from KVAs. These trees will be retained, consistent with this guideline. Additional trees will be planted for screening purposes. The approved planting plan specifies species to be used and is consistent with the requirements of Commission Rule 350-81-520(3)(a)(B).

26. Commission Rule 350-81-520(4) contains guidelines for new uses within ¼ mile of scenic travel corridors. The closest scenic travel corridor, Washington SR 14, is more than ¼ mile from the subject property. Commission Rule 350-81-520(4) does not apply to the proposed development.

## Conclusion:

With conditions of approval addressing building color, reflectivity, screening vegetation, and outdoor lighting the proposed development is consistent with applicable guidelines in Commission Rules 350-81-052 and 350-81-520 that protect scenic resources from adverse effects.

### C. Cultural Resources

1. Except as specified in Commission Rule 350-81-540(1)(c)(A)(ii), new development requires a reconnaissance survey. Commission Rule 350-81-540(3) requires that, if cultural resources are discovered, an evaluation of the significance shall be conducted. Commission Rule 350-81-540(3)(d)(C) states that if it is determined that the cultural resources are significant, the effects of the proposed use shall be assessed. Commission Rule 350-81-540(5)(a) requires mitigation plans when proposed uses would have an adverse effect on significant cultural resources. Mitigation plans shall reduce an adverse effect to no effect or no adverse effect.

Margaret Dryden, Heritage Resources Program Manager with the USDA Forest Service National Scenic Area, completed a reconnaissance survey pursuant to Commission Rule 350-81-540(1)(c). In a Heritage Resource Survey Report dated April 7, 2014, Ms. Dryden determined that the proposed development will have no effect on significant cultural resources.

2. Commission Rule 350-81-540(1)(c)(B) requires that a historic survey be required for all proposed uses that would alter the exterior appearance of buildings and structures that are 50 or more years old. Ms. Dryden confirmed that she had performed a historic survey pursuant to Commission Rule 350-81-540(1) and had found three historic structures are located on the subject parcel: the house, the barn and a well-house. The proposed development actions would not alter any of the historic structures. In a Heritage Resource Survey Report dated April 7, 2014, Ms. Dryden determined that the proposed development will have no effect on significant cultural resources.
3. Commission Rule 350-81-540(2)(b) and (4)(b) require the Executive Director to submit a copy of all cultural resource survey reports and assessments of effect to the State Historic Preservation Officer (SHPO) and the Indian tribal governments for their review. The rules provide for a 30-day comment period to submit written comments. The reports were mailed on April 9, 2014. The only comment received following the notice was from Russell Holter, Project Compliance Review for the Department of Archaeology and Historic Preservation. Mr. Holter concurred with Ms. Dryden's findings and conclusions.
4. 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

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.*

As described above, review of the proposed development required a reconnaissance survey. The reconnaissance survey did not identify any cultural resources on the site and the historic survey found that no historic structures would be altered due to the activities proposed. The reconnaissance survey did not identify any effect on cultural or historic resources due to the proposed activity. No mitigation plan was required for this development proposal. Staff finds that future foreseeable development activities in the area that undergo the reconnaissance survey process and do not affect any prehistoric or historic-period archaeological resources within the project area will not cause adverse cumulative effects to cultural resources. As proposed, the development is consistent with Commission Rule 350-81-540(1)(g).

5. Commission Rule 350-81-540(2)(c)(B)(ii) states the cultural resource protection process may conclude when a reconnaissance survey demonstrates that no cultural resources exist in the project area, and no substantive concerns were raised by interested parties. Commission Rule 350-81-540(2)(c)(B)(iv)(b) states that the historic resource protection process may also conclude when a historic survey demonstrates that proposed uses would not have an effect on historic buildings or structures because the proposed use would not compromise any historic structures or features on the site.

No other concerns were raised in response to notice. Pursuant to Commission Rule 350-81-540(2)(c)(A), the Executive Director finds that the proposed use is consistent with Commission Rule 350-81-540 and the cultural resource protection process may conclude.

6. 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. This requirement is consistent with the comments of the Washington Department of Archaeology and Historic Preservation.
7. 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 cultural resources guidelines in Commission Rules 350-81-052(1)(b) and 350-81-540 that protect cultural resources from adverse effects.

**D. Natural Resources**

1. Commission Rules 350-81-560 through 590 contain provisions for the protection of natural resources. 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. Commission inventories show that the proposed cultivation and development sites are more than 200 feet from any wetland, stream, pond, lake or riparian resources protected by Commission Rules 350-81-560 and 570. Therefore, Commission Rules 350-81-560 and 570 is not applicable.
3. The Gorge Commission's sensitive wildlife inventory identifies the subject property as located within 1000' of deer and elk winter range. Commission Rule 350-81-580(4) contains guidelines for review of proposed uses within 1000' 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 Samuel Kolb, Habitat Biologist for the Washington Department of Fish and Wildlife on February 26, 2014 for review, pursuant to Commission Rule 350-81-580(4).

In an email on February 26, 2014, Mr. Kolb verified that winter range habitat is located in the vicinity of the proposed development. Mr. Kolb stated that the impacts of the proposed development "would not compromise the integrity of winter range habitat in the area" and did not propose any modifications to the proposal.

4. Commission Rule 350-81-580 (1)(c) requires consideration of cumulative effects of proposed developments within 1,000 feet of sensitive wildlife areas when determining the potential effects to significant natural resources. The subject property is within 1000' of a deer winter range, a sensitive wildlife area referred to as the Klickitat River Winter Range by local wildlife biologists.

The Klickitat River Winter Range is nearly 123,000 acres spanning the hills to the north of the subject parcel from the west side Klickitat River on up through the Major and Catherine Creek drainages to the northwest. The subject parcel is located at the southern margin of the winter range in a stretch of rural development along County Road 1230. Existing conditions in the project area can be described as rural with dispersed structural development. The subject property has an existing fence that runs across the southern portion of the parcel from the barn to the west property line to separate their farm animals from other portions of the parcel. No new fences are proposed. The proposed development is sited in areas previously disturbed or previously cultivated or used as pasture. No aspect of the proposal will affect the movement of game animals within the winter range. Other development in the area that is similarly sited to avoid winter range and to minimize the development footprint would have a similarly negligible impact. The cumulative effects resulting from the proposed development have little potential for an adverse effect on existing deer habitat.

5. Commission Rule 350-81-580(4)(c) states:

*The wildlife protection process may terminate if the Executive Director, in consultation with the state wildlife agency, determines:*

*(A) The sensitive wildlife area or site is not active, or*

*(B) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.*

In an email on February 26, 2014, Mr. Kolb stated that the impacts of the proposed development “would not compromise the integrity of winter range habitat in the area” and did not propose any modifications to the proposal. Potential adverse cumulative effects of the proposed development are insignificant. Pursuant to Commission Rule 350-81-580(4)(c), the wildlife protection process may conclude.

6. Commission Rule 350-81-590 contains provisions for the protection of sensitive plants within 1,000 feet of the proposed development. Gorge Commission inventories identified the possibility of a sensitive plant species within 1,000 feet of the subject property. Commission Rule 350-81-590(3) states that review uses may be allowed within 1,000 feet of a sensitive plant, when approved pursuant to Commission Rule 350-81-590(4) and reviewed under the applicable provisions of 350-81-520 through 620.
7. Commission Rule 350-81-590(4)(a) states:

*Site plans shall be submitted to the Oregon or Washington Natural Heritage Program by the Executive Director. The Natural Heritage Program staff will review the site plan and their field survey records. They will identify the precise location of the affected plants and delineate a 200-foot buffer zone on the project applicant's site plan.*

*If the field survey records of the state heritage program are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.*

Commission staff provided application information to Jasa Holt of the Washington Natural Heritage Program. In an email dated February 28, 2014, Mr. Holt stated that no known sites of sensitive plants or high quality ecosystems occurred within 1000 feet of the proposed development. Mr. Holt did note that the site of an endemic plant is described in an earlier Director’s Decision. This site is more than 200 feet from the development under review at this time.

8. Commission Rule 350-81-590(4)(b) states that the rare plant protection process may conclude if the Executive Director, in consultation with the Natural Heritage Program staff, determines that the proposed use would be located outside of a sensitive plant buffer zone.

Commission staff consulted with Natural Heritage Program staff and confirmed that the proposed development would not occur within 200 feet of any known sensitive plant site. Given this information, the rare plant protection process may conclude pursuant to Commission Rule 350-81-590(4)(b).

**Conclusion:**

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

E. Recreation Resources

1. Commission Rule 350-81-086 applies to the proposed development that is not eligible for expedited review. Commission Rule 350-81-086 states:

*If new buildings or structures may detract from the use and enjoyment of established recreation sites on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel.*

Established recreation sites do not exist on parcels that adjoin the subject parcel. Commission Rule 350-81-086 is not applicable.

**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  
Friends of the Columbia Gorge  
Samuel Kolb, Washington Department of Fish and Wildlife  
Jasa Holt, Washington Department of Natural Resources  
Russell Holter, Project Compliance Reviewer, Department of Archaeology and Historic Preservation

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