

DIRECTOR'S DECISION

APPLICANT: Robert Lorkowski

LANDOWNER: Robert Lorkowski

FILE NO.: C14-0003

REQUEST: The Columbia River Gorge Commission has received an application to construct a covered crush deck and an agricultural structure at the Cascade Cliffs Winery.

LOCATION: The subject parcel is located south of and adjacent to Highway 14, about 3 miles east of Horsethief Lake State Park, in the NE 1/4 of Section 16, Township 2 North, Range 14 East, W.M., Klickitat County, Washington (Parcel No. 0214160000500).

LAND USE

DESIGNATION: The 23.85-acre parcel is located in the General Management Area and is designated Large-Scale Agriculture.

DECISION:

Based upon the findings of fact in the Staff Report for Director's Decision C14-0003, the land use application by Robert Lorkowski 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).

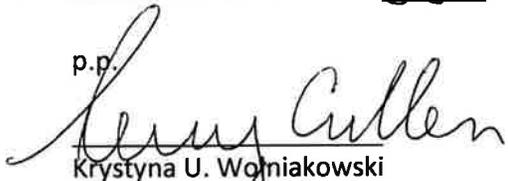
1. To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report for C14-0003, and approved site plan, shall be recorded in county deeds and records at the Klickitat County Assessor's Office. Once recorded, the applicants shall submit a copy of the recorded documents 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. Any changes must be reviewed and approved by the Executive Director before the

changes are implemented.

4. Wine processed at Cascade Cliffs Winery shall predominately use grapes grown on the subject property or on vineyards located within the Columbia River Gorge National Scenic Area Counties.
5. Colors used for the two proposed buildings shall be dark earth-tone colors found at the site and in the surrounding landscape, consistent with Commission Rule 350-81-520(2)(l). The following color choices have been discussed with the applicant, are consistent with the Scenic Resources Implementation Handbook, and may be used in this project:
 - Barn and Crush Deck (either both one or both the other):
 - Wood siding stained dark brown color Behr "Cordovan Brown" or "Chocolate" with composite roof shingle e by Owens Corning, color Oakridge Series-Color Palette "Brownwood"; or
 - Charred wood siding stained a dark brown color, TimberSoy "Deep Ebony" with roofing material Sika Sarnafil color Lead Grey (G410) and composite roof shingle with color Landmark Series-Color Palette Moire Black with concrete, colored Dark Gray (carbon) #8084.
6. All exterior glass surfaces shall have a reflectance rating of 11% or less. No window shall be greater 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 by the crush deck building, the winery building and the barn as shown on the 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 proposed buildings 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. Any approved 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 22nd day of September, 2015 at White Salmon, Washington.

p.p.



Krystyna U. Worniakowski
Executive Director

EXPIRATION OF APPROVAL:

Commission Rule 350-81-044 governs the expiration of this Director's Decision.

This decision of the Executive Director becomes void on the 22nd day of September, 2017 unless construction has commenced in accordance with Commission Rule 350-81-044(4).

Commission Rule 350-81-044(4) specifies that commencement of construction means actual construction of the foundation or frame of the approved structure.

Construction must be completed within two years of the date that the applicant commenced construction. The date of the Executive Director's preconstruction inspection to confirm the location of the proposed structural development as required by this decision shall be considered the date the applicant commenced construction, unless the applicant demonstrates otherwise.

Once the applicant has commenced construction of one element in this decision, the applicant will need to complete all elements in this decision in accordance with Commission Rule 350-81-044. The Commission does not use different "commencement of construction" dates for different elements in this decision.

The applicant may request one 12-month extension of the time period to commence construction and one 12-month extension to complete construction in accordance with Commission Rule 350-81-044(6). The applicant must submit the request in writing prior to the expiration of the approval. If the applicant requests an extension of time to complete construction after commencing construction, the applicants shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicants were not responsible, would prevent the applicants from commencing or completing the proposed development within the applicable 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:

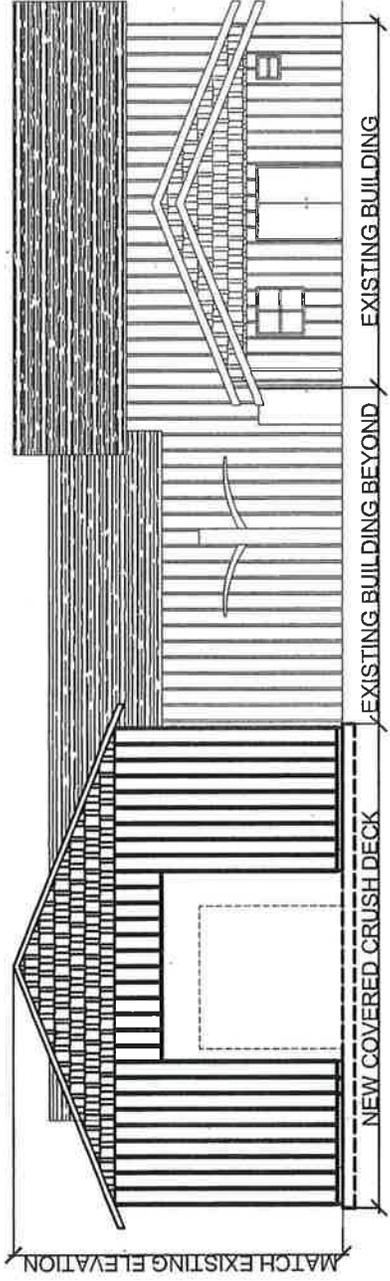
The appeal period ends the 22nd day of October, 2015.

The decision of the Executive Director shall be final unless a Notice of Appeal is filed with the Commission within thirty (30) days of the date of this decision by the applicants 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.

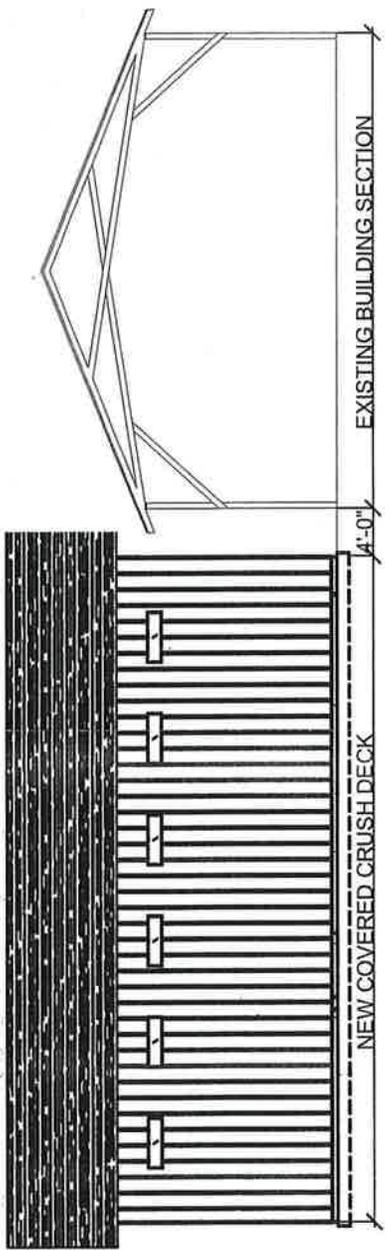
TC/DEC0014.03



A-1 CRUSH DECK NORTH ELEVATION
 S2.1 1/16" = 1'-0"

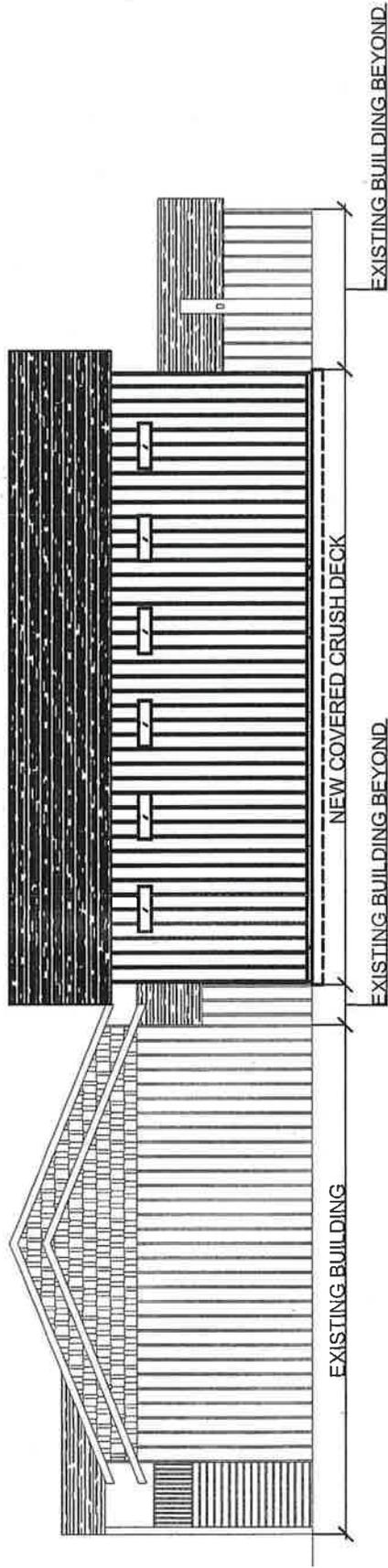
APPROVED
 TE 9/22/15

W



C-1 CRUSH DECK SOUTH ELEVATION
 S2.1 1/16" = 1'-0"

APPROVED
 TC 9/22/15



B-1 CRUSH DECK EAST ELEVATION
 S2.1 1/16" = 1'-0"

No Crush Deck West Elevation needed. Crush Deck not visible from west side perspective.

APPROVED
 TC 9/22/15

Screwwing Trees

Klickitat Maps



February 25, 2014

1:2,257

0.035/185 ft. 0.07 mi / 370 ft.



Sections

State

County

City Limits

Parcels

County Boundary

Township Range

Creek

Other Govt

Parcels

City

Towns

River

Private

City

City

Towns

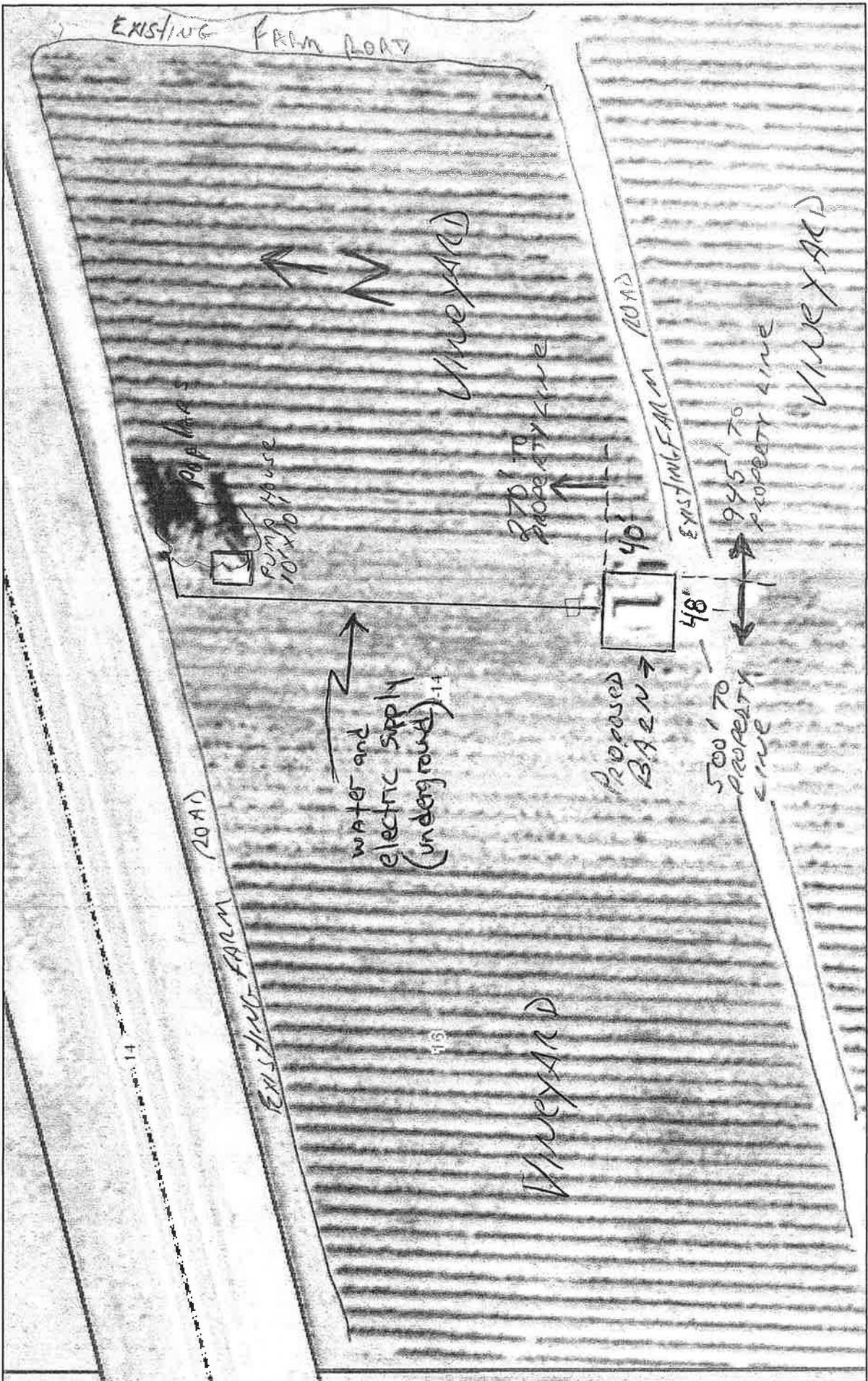
APPROVED
TC 9/22/15

Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, GeoEye, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

BAIN Location and Utilities

Klickitat Maps

Site Plan



February 25, 2014

SEE CHAPTER 7 PAGE 7 AND 8 FOR VINEYARD INFORMATION

SEE CHAPTER 7 PAGE 4 WATER 1:1,128

0 0.0075 0.015/80ft. 0.03 mi/160ft.

0 0.015 0.03 0.06 km

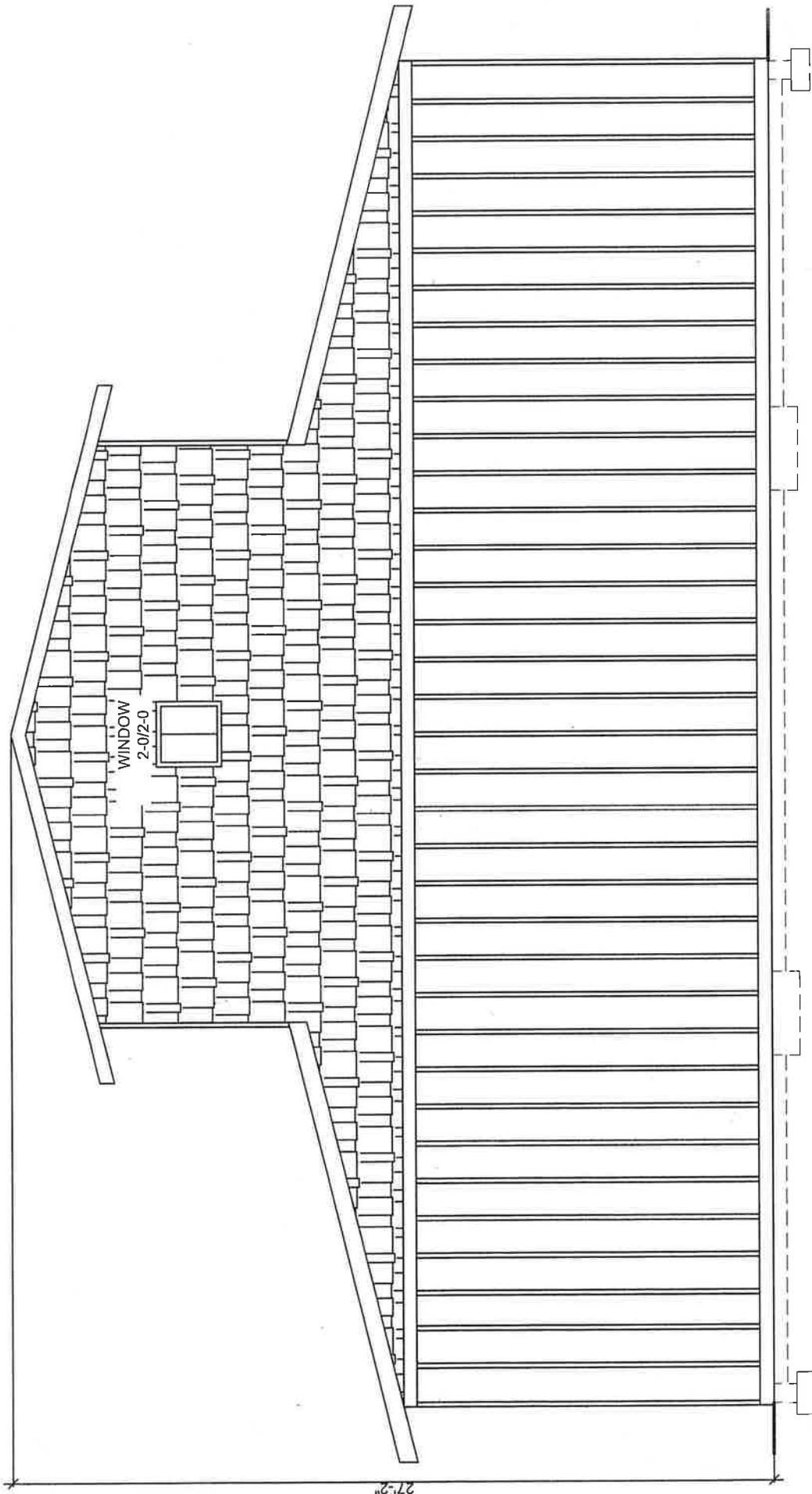
February 25, 2014

0 0.015 0.03 0.06 km

Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Geomapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

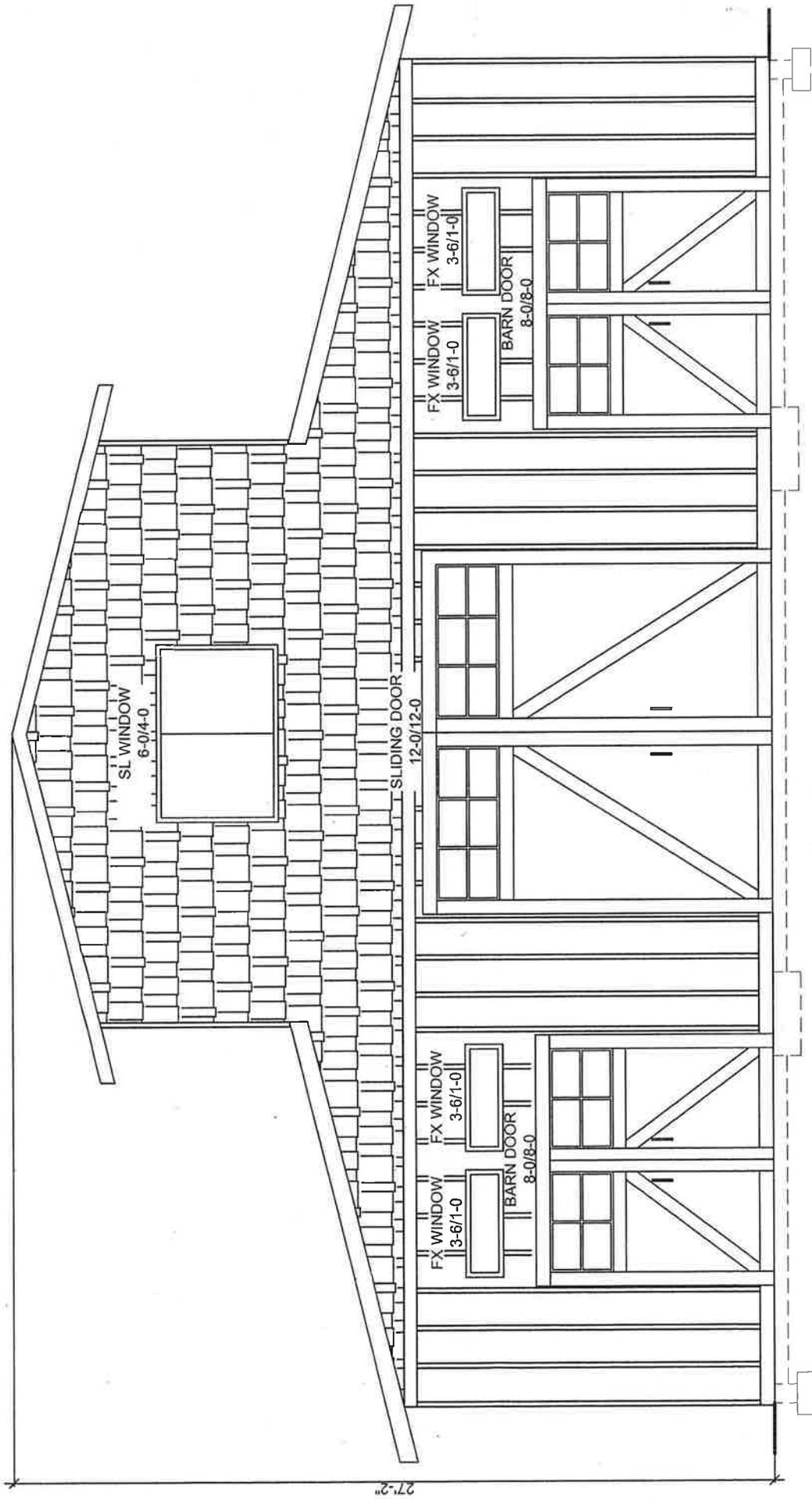
Created by: Garin Group copyright 2014

APPROVED TC 9/22/15



B-3 BARN NORTH ELEVATION
 A1.1 3/16" = 1'-0"

APPROVED TC 9/22/15

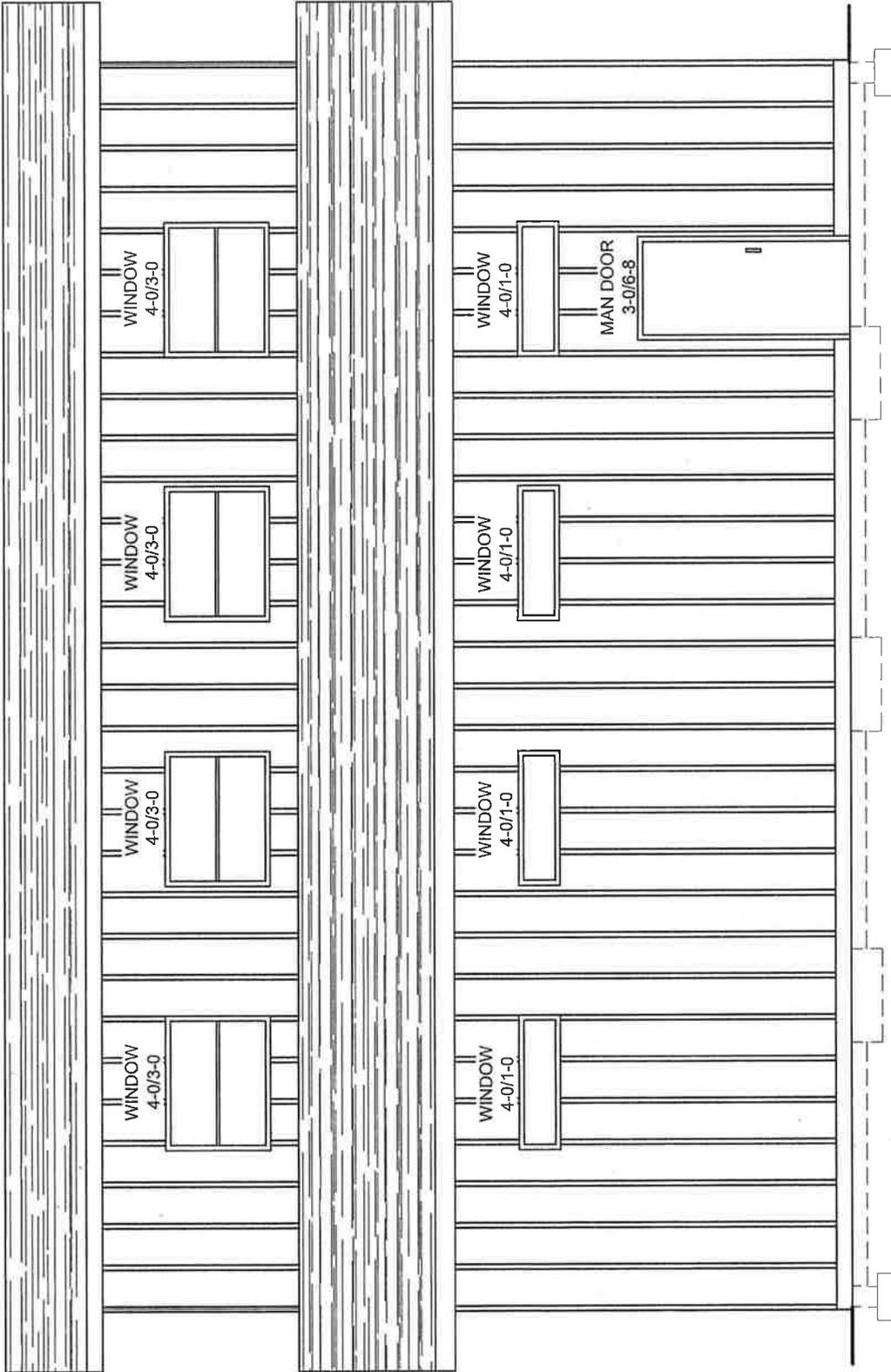


C-3 BARN SOUTH ELEVATION
 A1.1 3/16" = 1'-0"

APPROVED

TC abals

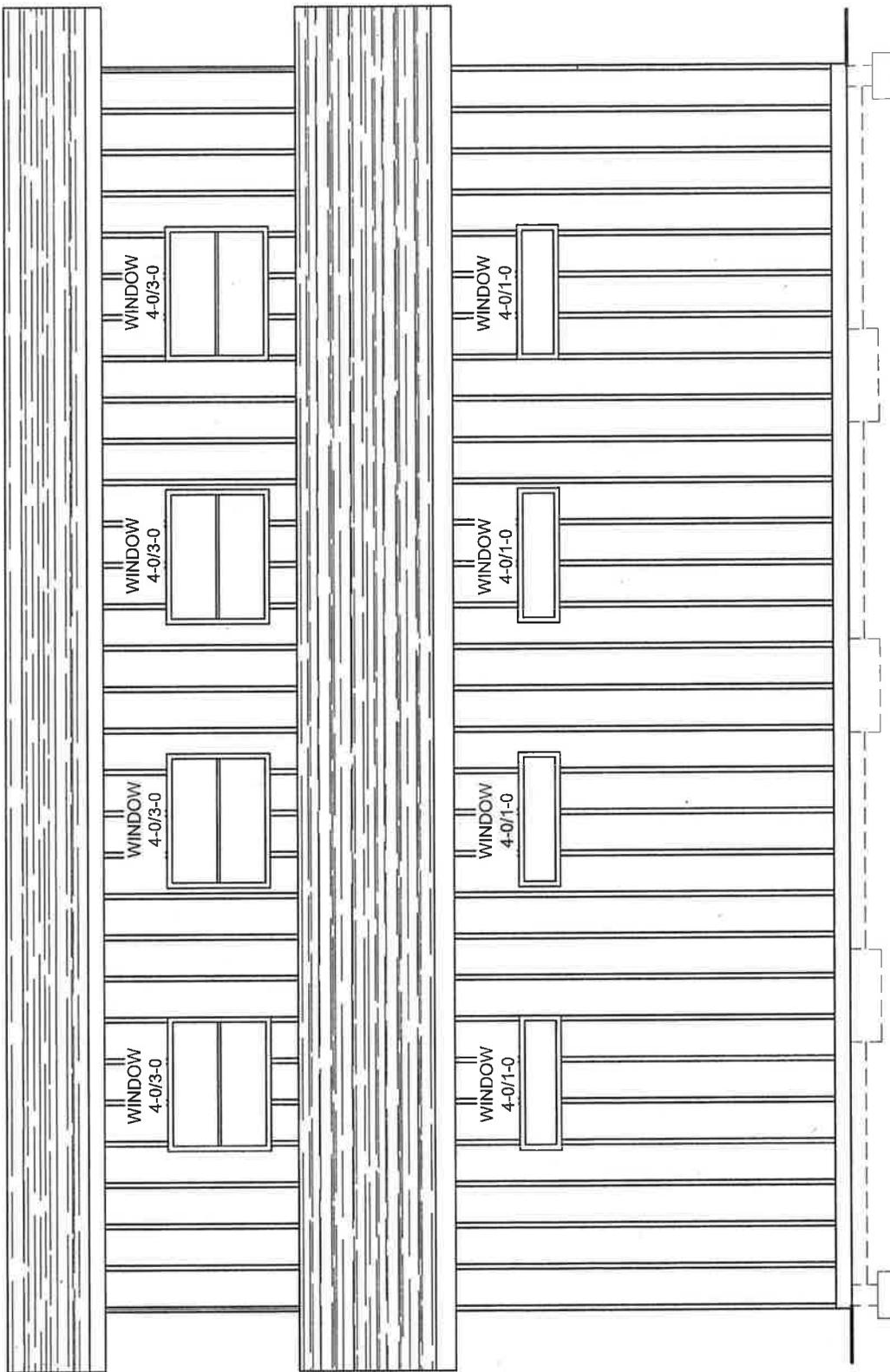
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C-1 BARN EAST ELEVATION
 AT.1 3/16" = 1'-0"

APPROVED
 TC a/22/15

5



B-1 BARN WEST ELEVATION
 A1.1 3/16" = 1'-0"

APPROVED

TC 9/22/15

**FACTS AND FINDINGS
COLUMBIA RIVER GORGE COMMISSION STAFF REPORT**

APPLICANT: Robert Lorkowski, Cascade Cliffs Winery

LANDOWNER: Robert Lorkowski, Cascade Cliffs Winery

FILE NO.: C14-0003

REQUEST: The Columbia River Gorge Commission received an application to construct a covered crush deck and an agricultural structure at the Cascade Cliffs Winery.

LOCATION: The subject parcel is located south of, and adjacent to, Highway 14, about 3 miles east of Horsethief Lake State Park, in the NE 1/4 of Section 16, Township 2 North, Range 14 East, W.M., Klickitat County, Washington (Parcel No. 02141600000500).

LAND USE DESIGNATION: The 23.85-acre parcel is located in the General Management Area and is designated Large-Scale Agriculture.



Figure 1-In the Vineyards Looking East to the winery building.

SCOPE OF REVIEW: This development review petition has been reviewed in accordance with, and for consistency with, the Columbia River Gorge Commission Administrative Rules, Chapter 350-81.

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
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

DATE THIS REPORT WAS COMPLETED: September 21, 2015

STAFF PERSON THAT PREPARED THIS REPORT: *Terry Cullen, AICP, Principal Planner, Columbia River Gorge Commission*

HOW/WHERE TO OBTAIN FURTHER INFORMATION: Questions and comments should be directed to Terry Cullen, AICP, Principal Planner, Columbia River Gorge Commission, 57 NE Wauna Ave, PO Box 730, White Salmon WA 98672, (509) 493-3322 Ext 223, terry.cullen@gorgecommission.org. A copy of this report may be obtained online at www.gorgecommission.org or by contacting Terry Cullen at any of the above listed contacts.

USE, AS PROPOSED BY THE APPLICANT, AND STAFF FACTS AND FINDINGS OF CONSISTENCY WITH CHAPTER 350-81-LAND USE ORDINANCE, COLUMBIA RIVER GORGE COMMISSION

PURPOSE AND APPLICABILITY
Columbia River Gorge Commission Administrative Rules 350-81-010 through 350-81-018 describe the purpose and applicability of the Chapter 350-81-Land Use Ordinance.
DEFINITIONS
Columbia River Gorge Commission Administrative Rule 350-81-020 sets forth the definitions of words and word derivations used throughout Chapter 350-81-Land Use Ordinance.
Fact-The definitions were consulted and used as part of the review of this development review application.
Conclusions of Law – In the staff’s best professional opinion, the staff review and report for development review application C14-03 is consistent with the definitions in Chapter 350-81-Land Use Ordinance.

APPLICATIONS AND PROCEDURES

Columbia River Gorge Commission Administrative Rules 350-81-030 through 350-81-046 specifies the standards for applications, the application, pre-application conference, acceptance of application, notice of development review, comment period, decision of the executive director, expiration of approvals and changes or alterations to an approved action.

<p>350-81-030 Standards for Applications</p> <p>Findings of Fact: To current staff’s best knowledge, development review application C14-03 was accepted on behalf of the Executive Director as a complete application. The file contains a complete application form, a complete site plan and all the applicable information specified in the various sections of this land use ordinance. Development review application C14-03 is a complete application and staff is able to review it in accordance with Rule 350-81-030.</p> <p>Conclusions of Law: Development review application C14-03 is consistent with this rule requirement.</p>
<p>350-81-032 Application for Review and Approval</p> <p>Findings of Fact: Development review application C14-03 was completed pursuant to this rule (350-81-032(1)). A Columbia River Gorge Commission planner, on behalf of the Executive Director, accepted development review application C14-03 and reviewed the application for consistency with guidelines specified in Rules 350-81-030 through 350-81-046 (350-81-032(2)). The Columbia River Gorge Commission may charge a fee to review development review applications after a public hearing (350-81-032(3)). The Commission has not done so. As such, no fee is charged to the applicant for this development review application. Standard application forms are available at Commission’s offices and provided to county and city planning offices and the Forest Service (350-81-032(4)). The applicant obtained a development review application from the Commission’s offices and submitted as part of the overall application. There are multiple information needs that are required as part of the application and they are identified in 350-81-032(5). The applicant has submitted all necessary and applicable information per this rule.</p> <p>Conclusions of Law: Development review application C14-03 is consistent with this rule requirement.</p>
<p>350-81-034 Pre-Application Conference</p> <p>Findings of Fact: An applicant may request a pre-application conference prior to submitting an application for development review. This is discretionary, not mandated and at the request of the applicant. Staff has not knowingly refused the applicant the right to request such a conference.</p> <p>Conclusions of Law: Development review application C14-03 is consistent with this rule requirement.</p>

350-81-036 Acceptance of Application

Findings of Fact: A Columbia River Gorge Commission planner, on behalf of the Executive Director, has reviewed development review application, C14-03, has determined it is complete and has accepted the application (350-81-036(1)). Development review application, C14-03, does not propose any uses that are explicitly prohibited by this ordinance (350-81-036(2)). The land use ordinance sets a goal for the Executive Director to accept the application as complete within 14 days of receipt or notify the applicant of any deficiencies. Staff is unable to determine if this goal was met. Planning staff working at the time this application was received are no longer working at the Commission. This is a goal and not a mandated requirement. (350-81-036(3)).

Conclusions of Law: Development review application C14-03 is consistent with this rule requirement.

350-81-038 Notice of Development Review

Findings of Fact: Staff, on behalf of the Executive Director, issued a notice of a proposed development review on May 13, 2015. It was not within 7 days of the accepted application (350-81-038)(1). The notice did contain the name of the applicant, general and specific location of the subject property, a brief description of the proposed action and a deadline for filing comments on the proposed action (350-81-038(1)(a)(b)(c)(e)). It did not include a deadline for issuing a decision (350-81-038)(1)(d). The notice did state the application and supporting documents are available for inspection at the Commission's office during normal working hours. The notice was mailed to the Forest Service, the applicable state, the four Indian tribal nations (Yakama, Umatilla, Warm Springs and Nez Perce), the applicable city or county planning office (Klickitat County Planning Dept), owners within a radius as determined by 350-81-630 (determined to be 200 feet; 3 different land owners as provided by the applicant); and other agencies and interested parties which request a notice or the Executive Director determines should be notified (1 interested party, Friends of the Columbia Gorge, has a standing request to be notified of all development review applications) (350-81-038(4)(a)(b)(c)). A copy of the notice was posted on the Commission's website (350-81-038(5)).

Conclusions of Law: Development review application C14-03 is consistent with this rule requirement.

350-81-040 Comment Period:

Findings of Fact: Interested parties were given 21 days from the date the notice was sent to submit written comments to the Executive Director relative to the consistency of the proposed actions with the guidelines of Commission Rule 350-81. The notice was sent April 22, 2015 and the public comment deadline was established to be May 13, 2015.

Conclusions of Law: Development review application C14-03 is consistent with this rule requirement.

350-81-044 Expiration of Approvals

Findings of Fact: There have been 3 development reviews in the past for the subject site. In 1988, the Forest Service approved the conversion of the agricultural building's use to a winery (F88-0050-K-G-C17). The winery building was expanded in 2002 to include a tasting room under Development Review C02-0002-K-G-19, and then expanded again in 2006 under Development Review C06-0004. The incremental amount of development proposed with this application is new development and does not directly affect any of the development approved through prior actions. The issue of expiration of approvals is not relevant to what is being proposed in this application.

Conclusions of Law: This rule requirement is not applicable to this development review application.

350-81-046 Changes or Alterations to an Approved Action

Findings of Fact: Development review application, C14-03, is not a change or alteration to a development action approved by the Executive Director.

Conclusions of Law: This rule requirement is not applicable to this development review application.

EXPEDITED DEVELOPMENT REVIEW PROCESS

350-81-050 Development Eligible for Expedited Review

Findings of Fact: Development review application, C14-03, proposes a crush deck production facility for a winery and a barn. This does not meet any of the development identified as a use that may be considered for expedited review (350-81-050(1)).

Conclusions of Law: This rule requirement is not applicable to this development review application.

350-81-052 Resource and Treaty Rights Protection Guidelines

Findings of Fact: Development review application, C14-03, proposes a crush deck production facility for a winery and a barn. This does not meet any of the development identified as a use that may be considered for expedited review (350-81-050(1)). This rule requirement applies only to those proposed development reviewed using the expedited review process.

Conclusions of Law: This rule requirement is not applicable to this development review application.

350-81-054 Procedures for Expedited Review Process

Findings of Fact: Development review application, C14-03, proposes a crush deck production facility for a winery and a barn. This does not meet any of the development identified as a use that may be considered for expedited review (350-81-050(1)).

Conclusions of Law: This rule requirement is not applicable to this development review application.

EMERGENCY/DISASTER RESPONSE ACTIONS

350-81-060 Emergency/Disaster Response Actions

Findings of Fact: Development review application, C14-03, is not an application being filed as an action in response to an emergency/disaster, as defined in Columbia River Gorge Commission Rule 350-81-020(54). (350-81-060(1)(a))

Conclusions of Law: This rule requirement is not applicable to this development review application.

GENERAL POLICIES AND GUIDELINES

350-81-070 Exempt Land Uses and Activities

Findings of Fact: Development review application, C14-03, does not propose any use which is considered to be exempt from review (350-81-070(1) and Section 17, Columbia River Gorge National Scenic Area Act).

Conclusions of Law: This rule requirement is not applicable to this development review application.

350-81-072 Prohibited Land Uses and Activities

Findings of Fact: Development review application, C14-03, does not propose any use that is prohibited per this rule requirement (350-81-072(1)).

Conclusions of Law: This rule requirement is not applicable to this development review application.

350-81-074 Uses Allowed Outright

Findings of Fact: Development review application, C14-03, does not propose any uses which may be considered as use(s) allowed outright (350-81-074(1)).

Conclusions of Law: This rule requirement is not applicable to this development review application.

350-81-076 Agricultural Buffer Zones in the General Management Area

Findings of Fact: The subject parcel is surrounded primarily by parcels designated Large-Scale Agriculture. The only agricultural use in the immediate vicinity of the winery is a vineyard located to the west of the subject parcel. The agricultural buffer for vineyards open or fenced is 150 ft. The proposed barn will be the closest proposed new development to the west property line. The application shows that its location is 500 ft away and that exceeds the minimum buffer needed.

The proposed crush deck will be located on the east side of the subject parcel immediately adjacent to the existing winery building. That location is very close to the eastern property line, approximately 100 ft. The parcel to the east is Large Scale Agriculture planned but it is uncultivated. According to the NRCS soil survey (<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>, accessed 4/28/2015) soils on the adjacent parcel to the east are Haploxerol complex soils (basalt outcrops surrounded by poorly-drained loess) which are not classified as suitable for agricultural use, including grazing. This rule requires that a buffer zone in proximity to lands are suitable for agricultural use. The east abutting property is not suitable for agriculture based on its soil type. As such, this rule requirement is not applicable.

In contrast, cultivated portions of the subject parcel encompass the Walla-Walla soil unit, a well-drained silt loam suitable for irrigated crops such as grapes. No impact on adjacent agricultural uses is expected due to the proposed development. The siting of the proposed winery building is located in the existing developed area of the property, which minimizes the loss of land suitable for the production of crops or livestock on the subject parcel.

Conclusions of Law: The development review application, C14-03, is consistent with this rule requirement.

350-81-078 Variances

Findings of Fact: This rule allows for setbacks and buffers to be varied when the protection of agricultural and other types of resources overlap or conflict. There is no overlap between the resources nor is there any conflict. A variance is not required for this application.

Conclusions of Law: The development application, C14-03, is consistent with this rule.

350-81-080 Applying New Less-Stringent Regulations to Development Approved Under Prior Scenic Area Regulations

Findings of Fact: There are no new less-stringent regulations to development approved under prior scenic area regulations for the subject property that are being applied in this development review application, C14-03.

Conclusions of Law: This rule requirement is not applicable to this development review application.

350-81-082 Existing Uses and Discontinued Uses

Findings of Fact: This development review application, C14-03, includes an existing winery, tasting room, vineyards and appurtenant structures. All may continue as long as it is used in the same manner and for the same purpose (350-81-082(1)(a)).

The development review application does not include replacement of existing structures either damaged or

destroyed by disaster, or not (350-81-082(2)(3)); any changes to existing uses and structures (350-81-082(4)); or the re-establishment of any discontinued existing uses and structures (350-81-082(5)(6)).

Conclusions of Law: The development application, C14-03, is consistent with Rule 350-81-082(1)(a). Rules 350-81-082(2)(3)(4)(5)(6) are not applicable to this development review application

350-81-084 Indian Tribal Treaty Rights and Consultation

Findings of Fact: These rule requirements address Tribal Government Notice, Tribal Government Consultation, Conclusion of the Treaty Rights Protection Process and Treaty Rights and Consultation in the Special Management Area.

These requirements are triggered when a new use is located in, or providing recreation river access to, the Columbia River or its fish bearing tributaries. The proposed use is not located in either of these locations.

Conclusions of Law: This rule requirement is not applicable to this development review application.

350-81-086 Buffers from Existing Recreation Sites

Findings of Fact: The subject property in development review application, C14-03, does not abut any established recreation sites, and its off-site impacts are not expected to detract from the use and enjoyment of any established recreation sites.

Conclusions of Law: The development application, C14-03, is consistent this rule requirement.

USES AND STRUCTURES ALLOWED IN VARIOUS LAND USE DESIGNATIONS

350-81-090 Agricultural Buildings

Findings of Fact: This development review application, C14-03 includes 2 new agricultural buildings – a covered crush deck for the grape crushing operations of a winery, and a barn.

350-81-090(1) requires that the size of the proposed agricultural buildings shall not exceed the size needed to serve the current and/or proposed agricultural use.

350-81-090(2) has 3 information requirements that need to be included with this application. Generally they include: a) description, size, characteristics of the current use; b) an agricultural plan; c) a floor plan of the building. The following contains a summary of that information:

Cascade Cliffs Winery sits on 23.85 acres of land and produces wine from grapes grown on the grounds and from local growers. The company's practice is to efficiently and sustainably use the land for wine production using low impact agriculture, organic and bio-dynamic growing practices. The current winery started approximately 16 years ago from a small existing winery. At the time, there were 5 acres of vines, 1 tractor and 600 cases of wine were produced annually. Since then, the vineyards have been increased to 20 acres. Over 5000 cases of wine are produced annually. The winery has 4 tractors, 2 forklifts along with crushers, de-stemmers, wine presses, bin dumps, fermentation bins, tanks and barrels. In 2013, CCW sold \$830,000 of wines and produced wine from 98 tons of fruit (48 tons from the grounds and 50 tons from local growers).

Currently there is a tasting room (30' X 15', 450 sf) and two wine production buildings (one is 30' X 60', 1800 sf and the other is 40' X 90', 3600 sf) connected and configured in an L shape on the property. Wine production has increased over the years, and the facilities are too small to conduct all of the processing operations. The grapes are being crushed outside and the equipment, staff and fruit are exposed to the

elements. A proposed covered crush deck is included in this application in the outside location where the grapes are currently being crushed. That area is between the winery building and tasting room, inside the L shape of the two existing buildings.

A covered crush deck is safer for the employees (especially during inclement weather), and it is easier to maintain a sanitary environment. It will minimize down time due to weather conditions and increase efficiency.

The plan for the future is to grow 100 tons of fruit and produce 6250 cases of wine annually. Gross revenue is estimated to be \$1.25 million. The winery expects to employ 15 full time and 20 additional seasonal employees. The winery also produces hay, garlic, melons, raisins and other agricultural crops which are sold to local markets. The winery and vineyard operate 24 hours per day, 7 days per week.

The proposed covered crush deck is 40' wide X 60' long X 28' high, 2400 sf in size. A floor plan on file shows the building will house a press, crusher, de-stemmer, a bin dump and rotator (18' high), a fork lift and fermentation bins (measuring 4' X 4' X 4' stacked 4 high up to 16' in height).

Bio-dynamic agriculture is similar to other types of organic farming. For example, it may use manure and composting to replenish soil nutrients and it doesn't use artificial chemicals in the soil or on the plants. Animals, crops and soil are treated as a single system. The agricultural plan includes a proposed barn to house existing and future livestock (including sheep, goats, chickens, ducks, turkeys, cows), store sundry items related to bio-dynamic farming methods, and house an office for the vineyard manager.

The proposed barn is 48' wide X 40' long X 27' high, 1920 sf. A floor plan on file shows the barn will house bio-dynamic supplies, a chicken pen, mating pen, birthing pen, sheep and goats, cows and an access and staging area.

Both the floor plans for the crush deck and the barn show full utilization of the buildings for current use and proposed growth. This, along with the information provided above, is a rough proxy used to demonstrate the need is matched to the use and the future growth.

Conclusions of Law: This development review application, C14-03, is consistent with Rule 350-81-090.

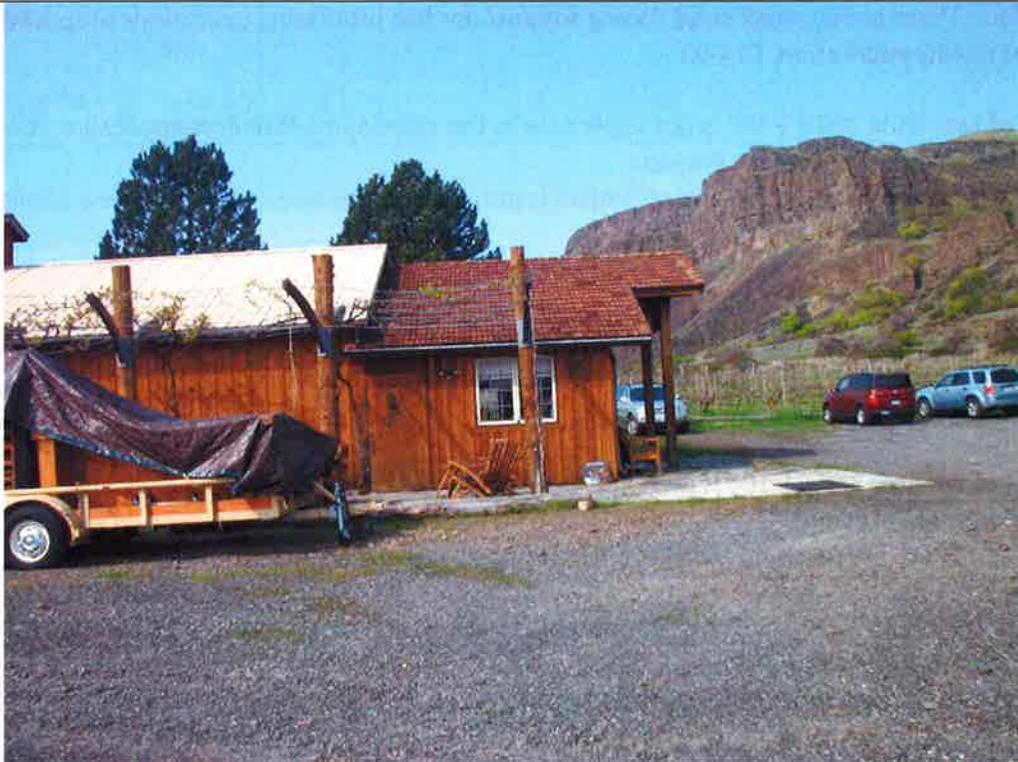


Figure 2-West Elevation Existing Tasting Room with Location for Proposed Crush Deck in Foreground

350-81-092 Temporary Use-Hardship Dwelling

Findings of Fact: This development review application, C14-03, does not include a hardship dwelling use.

Conclusions of Law: Rule 350-81-092 is not applicable to this development review application, C14-03.

350-81-094 Sewer and Water Services

Findings of Fact: Sewer lines are not being extended from an Urban Area to serve this use (350-81-094(1)). 350-81-094(2) allows for consideration of new uses to be connected into existing water lines.

Conclusions of Law: Rule 350-81-094(1) is not applicable to this development review application, C14-03. The development review application, C14-03, is consistent with Rule 350-81-094(2).

350-81-096 Docks and Boathouses

Findings of Fact: There are no new private docks or boathouses or public docks requested as part of this development review application, C14-03.

Conclusions of Law: Rule 350-81-096 is not applicable to this development review application, C14-03.

350-81-098 Home Occupations and Cottage Industries

Findings of Fact: There are no home occupations nor cottage industries proposed in this development review application, C14-03.

Conclusions of Law: Rule 350-81-098 is not applicable to this development review application, C14-03.

350-81-100 Bed and Breakfast Inns

Findings of Fact: No bed and breakfast inn is proposed in this development review application, C14-03.

Conclusions of Law: Rule 350-81-100 is not applicable to this development review application, C14-03.

350-81-102 Small-Scale Fishing Support and Fish Processing Operations

Findings of Fact: There are no small-scale fishing support nor fish processing operations proposed in this development review application, C14-03.

Conclusions of Law: Rule 350-81-102 is not applicable to this development review application, C14-03.

350-81-104 Resource Enhancement Projects

Findings of Fact: No resource enhancement project is proposed in this development review application, C14-03.

Conclusions of Law: Rule 350-81-104 is not applicable to this development review application, C14-03.

350-81-106 Disposal Sites for Spoil Materials from Public Road Maintenance Activities

Findings of Fact: There are no disposal sites for spoil materials from public road maintenance activities proposed in this development review application, C14-03.

Conclusions of Law: Rule 350-81-106 is not applicable to this development review application, C14-03.

350-81-108 Commercial Events

Findings of Fact: There are no commercial events proposed in this development review application, C14-03.

Conclusions of Law: Rule 350-81-108 is not applicable to this development review application, C14-03.

350-81-110 Columbia River Bridge Replacement

Findings of Fact: No bridge replacements are proposed in this development review application, C14-03.

Conclusions of Law: Rule 350-81-110 is not applicable to this development review application, C14-03.

350-81-112 Signs

Findings of Fact: There are no signs proposed in this development review application, C14-03.

Conclusions of Law: Rule 350-81-112 is not applicable to this development review application, C14-03.

350-81-114 Special Uses in Historic Buildings

Findings of Fact: There are no historic buildings on site or part of this development review application, C14-03.

Conclusions of Law: Rule 350-81-114 is not applicable to this development review application, C14-03.

LAND DIVISIONS AND LOT LINE ADJUSTMENTS

350-81-120 Consolidation of Lots

Findings of Fact: This development review application does not contain or propose any consolidation of lots.

Conclusions of Law: Rule 350-81-120 is not applicable to this development review application, C14-03.

350-81-124 Land Divisions and Cluster Development

Findings of Fact: This development review application does not contain or propose any land divisions or cluster development.

Conclusions of Law: Rule 350-81-124 is not applicable to this development review application, C14-03.

350-81-126 Lot Line Adjustments

Findings of Fact: This development review application does not contain or propose any lot line adjustments.

Conclusions of Law: Rule 350-81-126 is not applicable to this development review application, C14-03.

LAND USE DESIGNATIONS

Land Use Designations – General Management Area (applicable Administrative Rule Criteria are listed and **bolded** below):

<u>Agriculture</u>	<u>Forest Land</u>	<u>Open Space</u>	<u>Residential Land</u>	<u>Rural Center</u>	<u>Commercial Land</u>	<u>Recreation</u>
350-81-170 Agricultural Land Designations	350-81-250 Forest Land Designations	350-81-330 Open Space Designations	350-81-350 Residential Land Designations	350-81-400 Rural Center	350-81-430 Commercial Land	350-81-470 Recreation Land Designation
350-81-180 Uses Allowed Outright	350-81-260 Uses Allowed Outright	350-81-335 Uses Allowed Outright	350-81-360 Uses Allowed Outright	350-81-410 Uses Allowed Outright	350-81-440 Uses Allowed Outright	350-81-480 Uses Allowed Outright
30-81-182 Uses Allowed Through the Expedited Development Review	350-81-262 Uses Allowed Through the Expedited Development Review	350-81-338 Uses Allowed Through the Expedited Development Review	350-81-365 Uses Allowed Through the Expedited Development Review	350-81-415 Uses Allowed Through the Expedited Development Review	350-81-445 Uses Allowed Through the Expedited Development Review	350-81-485 Uses Allowed Through the Expedited Development Review
350-81-182 Review Uses	350-81-270 Review Uses	350-81-340 Review Uses	350-81-370 Review Uses	350-81-420 Review Uses		350-81-490 Review Uses
350-81-200 Review Uses with Additional Approval Criteria – Large Scale or Small Scale Agriculture	350-81-280 Review Uses with Additional Approval Criteria – Commercial Forest Land, or Large or Small Woodland Designations		350-81-380 Review Uses with Additional Approval Criteria – Residential Land		350-81-450 Review Uses with Additional Approval Criteria – Commercial Land	
350-81-210 Approval Criteria for Life Estates-Large Scale or Small-Scale Agriculture Designations	350-81-290 Approval Criteria for Specified Review Uses on Lands Designated Commercial Forest Land or Large or Small Woodland		350-81-390 Approval Criteria for Specified Review Uses on Lands Designated Residential		350-81-460 Approval Criteria for Review Uses on Lands Designated Commercial	350-81-500 Approval Criteria for Non-Recreational Uses in GMA Public Recreation Designations
350-81-220 Approval Criteria for Specified Review Uses on Lands Designated Large-Scale or Small-Scale Agriculture	350-81-300 Approval Criteria for Fire Protection in GMA Forest Designations					350-81-510 Approval Criteria for Non-Recreational Uses in GMA Commercial Recreation Designations
350-81-230 Uses Allowed Outright for Lands Designated	350-81-310 Approval Criteria for Siting of Dwellings on					

Agriculture – Special	Forest Land in the GMA					
350-81-231 Uses Allowed through the Expedited Development Review Process – Agriculture – Special	350-81-320 Approval Criteria for Life Estates in Commercial Forest Land Or Small or Large Woodland					
350-81-232 Review Uses for Lands Designated Agriculture – Special						
350-81-234 Approval Criteria for Review Uses on Lands Designated Agriculture - Special						
350-81-236 Uses Prohibited on Lands Designated Agriculture – Special						
350-81-240 Range Conservation Plans						

<u>Agriculture</u>
<p>350-81-170 Agricultural Land Designations Findings of Fact: The land use designation for the subject property is General Management Area, Large Scale Agriculture. Columbia River Gorge Commission Administrative Rules 350-81-170 through 350-81-240 apply to the Agricultural Land Use Designations and must be considered as part of this development application. The findings and conclusions for each are listed below.</p> <p>Conclusions of Law: This development review application, C14-03, is consistent with this rule requirement.</p>
<p>350-81-180 Uses Allowed Outright Findings of Fact: The uses requested, a covered crush deck and a barn, do not qualify as uses allowed outright.</p> <p>Conclusions of Law: This rule requirement is <u>not</u> applicable to this development review application, C14-03.</p>
<p>30-81-182 Uses Allowed Through the Expedited Development Review Findings of Fact: The uses requested, a covered crush deck and a barn, do not qualify as expedited development review uses.</p>

Conclusions of Law: This rule requirement is not applicable to this development review application, C14-03.

350-81-182 Review Uses

Findings of Fact: Rule 350-81-190(1)(c) allows for consideration of agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (350-81-090).

The proposed barn and covered crush deck qualify as agricultural buildings (see 350-81-090 earlier in this report), and both qualify as review uses under the agricultural land designation review criteria.

Findings of Fact: This development review application, C14-03, is consistent with this rule provision

350-81-200 Review Uses with Additional Approval Criteria – Large Scale or Small Scale Agriculture

Findings of Fact: The winery building was originally constructed as an agricultural building prior to adoption of the Scenic Act. In 1988, the Forest Service approved the conversion of the agricultural building's use to a winery (F88-0050-K-G-C17). The winery building was expanded in 2002 to include a tasting room under Development Review C02-0002-K-G-19, and then expanded again in 2006 under Development Review C06-0004. This information is provided to demonstrate that the winery has been a winery for many years and has received multiple development approvals as a winery.

Rule Requirement 350-81-200 identifies uses that require additional approval criteria. A winery, in conjunction with onsite viticulture (350-81-200(1)(d)) that processes grapes grown on the property or in the region and a wine sales/tasting room (350-81-200(1)(e)), are review uses which require additional review criteria.

The application states that in 2013, the on-site vineyard produced 48 tons of fruit and the winery used and additional 50 tons of fruit grown in the local region. This meets the criteria of 350-81-200(1)(d) which then qualifies this as a review use that requires additional review criteria.

Those additional criteria are defined in Rule 350-81-220. This development review application, C14-03, is subject to those additional review criteria. Staff has completed that review as part of this report and the findings and conclusions of law are described in the section of the staff report below (see section of report 350-81-220).

Conclusions of Law: This development review application, C14-03, is consistent with this rule requirement.

350-81-210 Approval Criteria for Life Estates-Large Scale or Small-Scale Agriculture Designations

Findings of Fact: The development review application does not propose any uses that are listed or considered as a life estate.

Conclusions of Law: This rule requirement is not applicable to this development review application, C14-03.

350-81-220 Approval Criteria for Specified Review Uses on Lands Designated Large-Scale or Small-Scale Agriculture

Findings of Fact: The uses identified in 350-81-200 (i.e. the proposed barn and covered crush deck), may be allowed only if they meet both of the following criteria:

- (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 agricultural use.
- (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 Large-scale Agriculture. The only agricultural use in the immediate vicinity of the winery is a vineyard located to the west of the subject parcel. The proposed structure is located on the east side of the subject parcel immediately adjacent to the existing winery building. The parcel to the east is uncultivated. According to the NRCS soil survey (<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>, accessed 4/28/2015) soils on the adjacent parcel to the east are Haploxerol complex soils (basalt outcrops surrounded by poorly-drained loess) which are not classified as suitable for agricultural use, including grazing. In contrast, cultivated portions of the subject parcel encompass the Walla-Walla soil unit, a well-drained silt loam suitable for irrigated crops such as grapes. No impact on adjacent agricultural uses is expected due to the proposed development. The siting of the proposed winery building is located in the existing developed area of the property, which minimizes the loss of land suitable for the production of crops or livestock on the subject parcel.

Conclusions of Law: This rule requirement is not applicable to this development review application.



Figure 3-View of the Vineyards NW to SE (Columbia River in background).

350-81-230 Uses Allowed Outright for Lands Designated Agriculture – Special

Findings of Fact: The land use plan category for this development review application is not Agriculture-Special.

Conclusions of Law: This rule requirement is not applicable to this development review application.

350-81-231 Uses Allowed through the Expedited Development Review Process – Agriculture – Special

Findings of Fact: The land use plan category for this development review application is not Agriculture-Special.

Conclusions of Law: This rule requirement is not applicable to this development review application.

350-81-232 Review Uses for Lands Designated Agriculture – Special

Findings of Fact: The land use plan category for this development review application is not Agriculture-Special.

Conclusions of Law: This rule requirement is not applicable to this development review application.

350-81-234 Approval Criteria for Review Uses on Lands Designated Agriculture - Special

Findings of Fact: The land use plan category for this development review application is not Agriculture-Special.

Conclusions of Law: This rule requirement is not applicable to this development review application.

350-81-236 Uses Prohibited on Lands Designated Agriculture – Special

Findings of Fact: The land use plan category for this development review application is not Agriculture-Special.

Conclusions of Law: This rule requirement is not applicable to this development review application.

350-81-240 Range Conservation Plans

Findings of Fact: The development review application does not propose any range conservation activities.

Conclusions of Law: This rule requirement is not applicable to this development review application.

350-81-250 Forest Land Designations

Findings of Fact: The development review application does not contain any properties with a Forest Land Designation.

Conclusions of Law: Rule requirements 350-81-250 up to, and including 350-81-320, which pertain to Forest Land Designations are not applicable to this development review application.

350-81-330 Open Space Designations

Findings of Fact: The development review application does not contain any properties with an Open Space Land Designation.

Conclusions of Law: Rule requirements 350-81-330 up to, and including 350-81-340, which pertain to Open Space Land Designations are not applicable to this development review application.

350-81-350 Residential Land Designations

Findings of Fact: The development review application does not contain any properties with a Residential Land Designation.

Conclusions of Law: Rule requirements 350-81-350 up to, and including 350-81-390, which pertain to Residential Land Designations are not applicable to this development review application.

350-81-400 Rural Center Land Designations

Findings of Fact: The development review application does not contain any properties with a Rural Center Land Designation.

Conclusions of Law: Rule requirements 350-81-400 up to, and including 350-81-420, which pertain to Rural Center Land Designations are not applicable to this development review application.

350-81-430 Commercial Land Designations

Findings of Fact: The development review application does not contain any properties with a Commercial Land Designation.

Conclusions of Law: Rule requirements 350-81-430 up to, and including 350-81-460, which pertain to Commercial Land Designations are not applicable to this development review application.

350-81-470 Recreation Land Designations

Findings of Fact: The development review application does not contain any properties with a Recreation Land Designation.

Conclusions of Law: Rule requirements 350-81-470 up to, and including 350-81-510, which pertain to Recreation Land Designations are not applicable to this development review application.

Resource Protection Guidelines

350-81-520 General Management Area Scenic Review Criteria

Findings of Fact: The two proposed structures are to be placed on level areas that do not require significant grading or excavation. No new roads are proposed. The proposed buildings are sited and designed to retain the existing topography consistent with Commission Rule 350-81-520(1)(a).

The proposed covered crush deck building is 40' x 60' (2400 square feet) and 28 feet high at the tallest point from finished grade. The proposed barn is 48' x 40' (1920 square feet) and 27 feet high at the tallest point from finished grade. Existing nearby development includes properties running from the eastern edge of the Horsethief Butte recreation area to the western edge of the Wishram Urban Area. Existing nearby development consists of single-family dwellings, agricultural buildings, winery buildings and accessory buildings. The individual buildings range in size from approximately 64 to 2,640 square feet. A few larger winery and agricultural buildings exist in the vicinity, including the existing winery building on the subject parcel. Most of the buildings are one story in height although several are as tall as 28 feet at the peak with clear-stories for added agricultural storage. Building dimensions range from simple 6' x 8' sheds to 60' x 112' agricultural buildings. While on site visits, staff noted clustered buildings on several nearby properties. It is common in this area to see a dwelling clustered with accessory and/or agricultural buildings and the rest of the land in agricultural use. Placement of the proposed covered crush deck building adjacent to the existing winery complex is consistent with the style and scale of other nearby agricultural complexes.

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

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 further 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.

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 further 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.

Field observation by staff indicates that the project site is topographically visible from State Route 14, the Columbia River, and the Interstate 84 key viewing areas (KVA). Thus, Commission Rule 350-81-520(2)(a) is applicable.

The key viewing areas from which this development is visible are between a few hundred feet and 2 miles distant from the site. The proposed development consists of a new building which is situated in an existing developed portion of the property among another existing structures and a barn located within a vineyard. 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.

(350-81-520(2)(b))

The proposal is for construction of a covered crush deck production area immediately adjacent to the existing winery building and construction of a 40' x 48' barn and associated utility lines within the adjacent vineyard.

The subject parcel is within a large area designated General Management Area (GMA) Large-scale Agriculture with a minimum lot size of 160 acres. Most of the existing parcels in the area have developed clusters surrounded by agricultural uses. 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 Grasslands landscape setting. The proposed development on the subject parcel within an existing developed cluster will not change the visual character of the area.

The most visible KVA is SR14 which is located in the foreground. The visibility of the proposed development is typical of the other developed parcels along SR 14, with a developed cluster adjacent to agricultural uses viewed for a short distance while traversing the highway. Visibility from other KVAs is much less and located only in the middle-ground and background. As discussed further in findings below, the distance from the more distant key viewing areas, the use of exterior building materials and colors that blend with the landscape, planting of screening vegetation, and clustering of the new development will ensure the proposed buildings will be visually subordinate as viewed from key viewing areas.

The proposed development's incremental change to 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. Screening vegetation using native species will help blend the development into the surrounding landscape. The cumulative effect of similar development proposals that are consistent with the visible character of the vicinity will be negligible.

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).

The subject property is topographically visible from three KVAs: SR 14, Interstate 84, and the Columbia River. The crush deck building site is located 250 feet from SR 14 and visible for approximately 1 mile along the highway. A row of poplars and a Common Hackberry tree partially screens the building site from view from SR 14. The barn site is also located 250 feet from SR 14 amidst the existing vineyard. A poplar tree partially screens the barn site from SR 14.

The existing winery building and crush deck building site and barn building sites are visible from the KVAs to the south (Columbia River, I-84), but set on a topographic bench approximately 50 feet above river level. The building sites are set back from the bluff edge approximately 200 feet, and is approximately one-quarter mile from the Columbia River and three-quarters of a mile from I-84 at its closest point. The barn building site and the existing winery building and crush deck building site are both intermittently visible for approximately 7 linear miles from the Columbia River and I-84 KVAs. The development review application is consistent with Commission Rule 350-81-520(2)(d)(A).

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.

The proposed new development is within an area of existing development on the parcel. The siting choice

takes advantage of the existing winery building, driveway, and crush deck 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).

On-site vegetation consisting of mature trees and vineyard are located to the west and north of the development site partially screening the proposed development from key viewing areas. The siting choice is consistent with Commission Rule 350-81-520(2)(f).

Findings for the Landscape Settings Design Guidelines are addressed below in below. (Rule 350-81-520(2)(g))

A development site is located back from the bluff edge adjacent to the Columbia River, while a ridge located to the north of the subject property ensures that the proposed development will not break a skyline as viewed from key viewing areas. The proposed development is consistent with Commission Rule 350-81-520(2)(h).

There are no alterations to existing structures built before November 17, 1986 that protrude above the skyline of a bluff, cliff or ridge, and Commission Rule 350-81-520(2)(i) is not applicable.

The existing winery building is well screen when viewed from the west by a wind row of poplars and three mature pines. Viewed from SR 14, two hackberry trees provide partial screening of the existing building and crush deck building site. A row of fruit trees have recently been planted along the eastern property line. These trees are approximately 5 or 6 feet high and do not provide effective screening of neither the existing nor proposed buildings. New plantings must reach a height of about 20-30 feet to provide effective screening of the proposed 28 foot high building. The existing winery building will screen the proposed crush deck building when viewed from KVAs to the south. The applicant submitted a proposed vegetation plan, which consists of Lombardy poplar trees planted at 15 foot intervals along the east side of the proposed crush deck. This is a listed plant species recommended by the Scenic Resources Implementation Handbook. Conditions of approval will require the applicant to ensure the survival and replacement of screening vegetation.

The proposed barn is located amidst the vineyard. A couple of poplars provide partial screening of the site when viewed from SR 14. The applicant has submitted a proposed vegetation plan utilizing windrows consisting of ½ poplar and ½ ponderosa pine planted at 15-foot intervals. The wind rows would be located to the east and south of the covered crush deck building and surrounding the barn on the north, west and east, with two additional clusters of trees south of the barn site. The development review application is consistent with Commission Rule 350-81-520(2)(j).

Commission Rule 350-81-520(2)(k) is for lands designated GMA Forest and it is not applicable to this development review application.

Colors used for the two proposed buildings will be dark earth-tone colors found at the site and in the surrounding landscape, consistent with Commission Rule 350-81-520(2)(l). The following color choices have been discussed with the applicant, are consistent with the Scenic Resources Implementation Handbook, and may be used in this project:

- Barn and Crush Deck (either both one or both the other):
 - Wood siding stained dark brown color Behr “Cordovan Brown” or “Chocolate” with

composite roof shingle by Owens Corning, color Oakridge Series-Color Palette "Brownwood"; or

- Charred wood siding stained a dark brown color, TimberSoy "Deep Ebony" with roofing material Sika Sarnafil color Lead Grey (G410) and composite roof shingle with color Landmark Series-Color Palette Moire Black with concrete, colored Dark Gray (carbon) #8084.

The proposed exterior materials are wood siding and asphalt shingles. Windows on both structures are relatively small and are discontinuous. A condition of approval will require that all exterior glass surfaces shall have a reflectance rating of 11% or less. The chosen materials have low reflectivity and are consistent with Commission Rule 350-81-520(2)(m).

The proposed development is visible from key viewing areas and a description of the proposed buildings' heights, shapes, colors, exterior building materials, exterior lighting and landscaping details has been provided with the application. This development review application is consistent with 350-81-520(2)(n).

There is no mining or associated activity on the subject property and Commission Rule 350-81-520(2)(o) is not applicable to this development review application.

The elevation drawings do not show any exterior light fixtures however some may be added in the future. A condition of approval shall require all outdoor lights to comply with Commission Rule 350-81-520(2)(p).

There are no additions to existing buildings in the development review application and Commission Rule 350-81-520(2)(q) is not applicable.

There is no rehabilitation of, or modifications to, existing significant historic structures in the development review application and Commission Rule 350-81-520(2)(r) is not applicable.

There are no new main lines on lands visible from key viewing areas in the development review application and Commission Rule 350-81-520(2)(s) is not applicable.

There are no new communication facilities proposed in the development review application and Commission Rule 350-81-520(2)(t) and 350-81-520(2)(u) are not applicable.

There are no road or highway facilities that are proposed in the development review application and Commission Rule 350-81-520(2)(v) is not applicable.

There is no Commission Rule 350-81-520(2)(w), which would be the next one in sequence.

Commission Rule 350-81-520(2)(x) requires the proposed development to be set back 100 feet from the normal pool elevation of the Columbia River. The building sites are located on a bluff above river level and both are more than 500 feet north of the Columbia River at the normal pool elevation.

The building sites are 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).

The existing driveway will serve the winery building. No new driveways or roads are proposed. Therefore, the development is consistent with Commission Rule 350-81-520(2)(z).

The proposed development requires only minor excavation and fill to support footings for the proposed structures. Total grading is less than 200 cubic yards of grading and/or fill. Commission Rules 350-81-520(2)(aa)(A) and 350-81-520(2)(aa)(B) are not applicable to this development review application.

There are no mining quarries, new production and/or development of mineral resources proposed in this development review application. Commission Rules 350-81-520(2)(bb) and 350-81-520(2)(cc) and 350-81-520(2)(dd) and 350-81-520(2)(ee) are not applicable.

The Landscape Settings map in the Management Plan classifies the subject parcel as Grasslands. Commission Rules 350-81-520(3)(a) Pastoral, 350-81-520(3)(b) Coniferous Woodland, 350-81-520(3)(c) Oak-Pine Woodland are not applicable to this development review application.

The proposed crush deck building has been clustered together with the existing winery building and that reduces overall visual impact. The two buildings are separated only by a few feet in order to enable equipment and materials to travel easily between the two structures. The barn will support the existing agricultural use of the majority of the property. Locating this structure in the vineyard itself is necessary because the barn provides storage for the livestock and equipment used in the biodynamic agricultural techniques used in the vineyard. Given this information, the development is consistent with Commission Rule 350-81-520(3)(d)(A).

The developed and cultivated portions of the parcel are flat, and there is no topographical screening when viewed from the SR 14 KVA. There are no other areas of the parcel suitable for development that would provide greater topographic screening from KVAs. The proposed structures are similar height to the existing structures on the parcel for operational reasons related to winery production processes and equipment. The proposed screening vegetation plantings emulate wind rows and are all species native to the setting or commonly found in the area. The development review application is consistent with Commission Rule 350-81-520(3)(d)(B).

The Landscape Settings map in the Management Plan classifies the subject parcel as Grasslands. Commission Rules 350-81-520(3)(e) Rural Residential, 350-81-520(3)(f) Rural Residential/Pastoral, Rural Residential/Coniferous Woodland and Rural Residential/Oak-Pine Woodland, 350-81-520(3)(g) Residential, 350-81-520(3)(h) Village, 350-81-520(3)(i) River Bottomlands, 350-81-520(3)(j) Gorge Walls, Canyons and Wildlands and 350-81-520(3)(k) Development Settings and Visual Subordination Policies are not applicable to this development review petition.

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 adjacent to the northern boundary of the subject property. Commission Rule 350-81-520(4) applies to the proposed development. The rule states that the foreground of the scenic travel corridor includes all lands within ¼ mile of the edge of pavement of the scenic travel corridor roadway. The proposed development is within the foreground area of SR 14. The rule requires that all new buildings at the subject parcel be located at least 100 feet from the edge of SR 14 pavement. The proposed building sites comply with this requirement. No other portions of Commission Rule 350-81-520(4) apply to the proposed project.

350-81-530 Special Management Area Scenic Review Criteria

Findings of Fact: This development review application is for property wholly contained in the General Management Area. There are no lands in this application that are located in the Special Management Area.

Conclusions of Law: This rule requirement is not applicable to this development review application, C14-03.

350-81-540 General Management Area Cultural Resource Review Criteria

Findings of Fact: Marge Dryden, Archaeologist and Heritage Resources Program Manager with the USFS National Scenic Area, is the cultural resources expert for the Gorge Commission. She is qualified to be the cultural resources expert for this development review application. (350-81-540(1)(a))

The cultural resource survey (aka Heritage Resource Inventory Report) was shared with the National Scenic Area Treaty Tribal Nations and the Washington State Department of Archaeological and Historic Preservation. The review and comment period was 30 days, July 7, 2015 to August 6, 2015. (350-81-540(1)(b))

A reconnaissance survey and report was completed by Marge Dryden for the subject property in accordance with the land use ordinance requirements. (350-81-540(1)(c))

The reconnaissance survey and report concluded that no prehistoric or historic period archaeological resources within the area of potential effect were revealed. No evaluation of significance, assessment of effect or mitigation plan is required and the applicant incurs no responsibility nor cost of preparing any of them. (350-81-540(1)(d))

The reconnaissance survey and report concluded that there were no significant cultural resources. (350-81-540(1)(e)) Gretchen Kaehler, Assistant State Archaeologist, Local Governments, Washington State Department of Archaeological and Historic Preservation concurred with the survey and report findings in an email dated August 6, 2015. (350-81-540(1)(e))

The requirement to have a Gorge Commission Cultural Advisory Committee review any evaluations of significance that contradict is not applicable because there is no evaluation of significance required. (350-81-540(1)(f))

This development review application 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. Logically, if there is no effect created to cultural resources as a result of this proposed development, there is no incremental change to the overall cumulative effect. That is the consideration of cumulative effects. (350-81-540(1)(g))

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).

The Washington State Department of Archaeological and Historic Preservation provided the only written response to the reconnaissance survey. The Department concurred with the survey results. There were not comments. As such there was no need to offer a meeting. The Department's concurrence with the reconnaissance survey is noted in this report. (350-81-540(2)(a)(A))

The proposed development in this application, C14-03, does not qualify as a large-scale use and no interested persons have submitted a request for ethnographic research. (350-81-540(2)(a)(B))

The reconnaissance survey results were sent to the four Treaty Tribes in the Gorge and the State Historic Preservation Officer (Washington State Department of Archaeological and Historic Preservation). Each was given an opportunity to submit written comments. The review and comment period was 30 days, July 7, 2015 to August 6, 2015. Gretchen Kaehler, Assistant State Archaeologist, Local Governments, Washington State Department of Archaeological and Historic Preservation concurred with the survey and report findings in an email dated August 6, 2015. (350-81-540(2)(a)(A and B))

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 within the original review and comment period and no substantiated concerns regarding the reconnaissance survey were voiced by the State Preservation Officer or Indian tribal governments during the 30 day comment period. All of these conditions have been met and the culture resource protection process is concluded. (350-81-540(2)(c)(A and B))

Conclusions of Law: This development review application is consistent with these rule provisions.

350-81-550 Special Management Area Cultural Resource Review Criteria

Findings of Fact: This development review application is for property wholly contained in the General Management Area. There are no lands in this application that are located in the Special Management Area.

Conclusions of Law: This rule requirement is not applicable to this development review application, C14-03.

350-81-560 General Management Area Wetland Review Criteria

Findings of Fact: Commission inventories show that the proposed 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.

Conclusions of Law: This rule requirement is not applicable to this development review application, C14-03.

350-81-570 General Management Area Stream, Pond, Lake and Riparian Area Review Criteria

Findings of Fact: Commission inventories show that the proposed 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.

Conclusions of Law: This rule requirement is not applicable to this development review application, C14-03.

350-81-580 General Management Area Sensitive Wildlife Review Criteria

Findings of Fact: The Gorge Commission's sensitive wildlife inventory identifies that the subject property is located within 1,000 feet of Columbia River basalt cliff habitat, a sensitive wildlife area, and within 1,000 feet of a peregrine falcon nest site, a sensitive wildlife site, as defined by Commission Rule 350-81-580(1)(a)(A) and (B), respectively. 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 Amber Johnson, Habitat Biologist for the Washington Department of Fish and Wildlife on April 29, 2015 for review, pursuant to Commission Rule 350-81-580(4).

Commission Rule 350-81-580 (1)(c) requires consideration of cumulative effects of proposed developments within 1,000 feet of sensitive wildlife areas and sites when determining the potential effects to significant natural resources.

The Columbia River basalt cliff habitat area and corresponding raptor site run along a 4-mile stretch of the Columbia River in the vicinity of the subject parcel both north and south of SR 14. Existing conditions in the project area can be described as rural with dispersed structural development. The habitat areas are both vertically and horizontally separated (elevation and distance) from the developed portions of this area. The proposed development is sited in areas previously disturbed or previously cultivated. Due to the spatial separation of the development from habitat areas and sites, the proposal will at most a negligible effect on wildlife use of habitat areas or sites. Other development in the area will be similarly spatially buffered and would have a similar negligible impact. The cumulative effects resulting from the proposed development have little potential for an adverse effect on habitat areas and sites.

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 May 8, 2015, Ms. Johnson stated that the impacts of the proposed development would not compromise the integrity of the wildlife area or site. Further, a staff wildlife biologist explained that since the proposed development is located south of SR 14, minimal impacts are expected. No modifications to the proposed development were provided. The wildlife protection process as defined in the provisions of this land use ordinance are terminated.

Conclusions of Law: This development review application, C14-03, is consistent with the rule requirement.



Figure 4-Basalt cliff habitat (background).

350-81-590 General Management Area Rare Plant Review Criteria

Findings of Fact: Commission Rule 350-81-590 contains provisions for the protection of sensitive plants within 1,000 feet of the proposed development. Gorge Commission inventories do not identify any sensitive plant species within 1,000 feet of the subject property. No further review pursuant to Commission Rule 350-81-590 is required.

Conclusions of Law: This development review application, C14-03, is consistent with the rule requirement.

350-81-600 Special Management Areas Natural Resource Review Criteria

Findings of Fact: This development review application is for property wholly contained in the General Management Area. There are no lands in this application that are located in the Special Management Area.

Conclusions of Law: This rule requirement is not applicable to this development review application, C14-03.

350-81-610 General Management Areas Recreation Resource Review Criteria

Findings of Fact: The provisions in this rule requirement address recreation intensity classes, approval criteria for recreation uses and facility design guidelines for all recreation projects. There are no proposed uses in this development review application, C14-03, that are considered to be recreation uses.

Conclusions of Law: This rule requirement is not applicable to this development review application, C14-03.

350-81-620 Special Management Area Recreation Resource Review Criteria

Findings of Fact: This development review application is for property wholly contained in the General Management Area. There are no lands in this application that are located in the Special Management Area.

Conclusions of Law: This rule requirement is not applicable to this development review application, C14-03.

350-81-630 Notice of Application Requirements

Findings of Fact: This is not an expedited review use. It is a full review use. Step 1 of 350-81-630 requires

notice of application to: Tribes, USFS, County, State.

Findings: Notice of application was sent on April 22, 2015 to representatives on record of the above listed groups. This development review application, C14-03, is consistent with Step 1, 350-81-630.

Findings of Fact: Step 2 of 350-81-630 requires that landowners within 500 feet be sent notice of application for applications that meet one or more of the following conditions:

- The application is a request for single family dwellings in the GMA Residential Land Use Designation adjacent to GMA Agriculture or Forest Land Use Designations.
- The application is a request for commercial events and special uses in historic buildings adjacent to GMA agriculture or Forest Land Use Designations.
- The application requests non-farm single family dwellings in the GMA Large-Scale Agriculture Land Use Designation.
- The subject property of the application is located within GMA Forest Land Use Designations and is a request for one or more of the following uses: utility facilities, railroads, home occupations, fruit & produce stands, wineries, wine sales/tasting rooms, agricultural product processing and packaging, mineral resources, geothermal resources, aquaculture, boarding of horses, temporary asphalt/batch plants, expansion of non-profit camps/retreats/conference centers, B&Bs, non-profit learning/research facilities, fish processing operations, road spoils disposal sites.

Findings:

- The subject property for this development review application is not a request for a single family dwelling in the GMA Large-Scale Agriculture Land Use Designation; and
- This application is not a request for commercial events and special uses in historic buildings adjacent to GMA agriculture or Forest Land Use Designations; and
- This application is not a request for a non-farm single family dwelling in the GMA Large-Scale Agriculture Land Use Designation; and
- The subject property is not located on lands within a GMA Forest Land Use Designation nor is it a request for any one or more of the uses listed above pertaining to this rule requirements; and as such
- This rule requirement is not applicable to this development review petition, C14-03.

Findings of Fact: Step 2 of 350-81-630 requires that notice of application for all other Full and Expedited Review Uses must be sent to landowners within 200 feet.

Conclusions of Law: This development review application meets the qualifications in Step 2, 350-81-630 to be considered as 'other full and expedited review uses'. Notice of application was sent on April 22, 2015 to all properties of record identified by the applicant in their application within 200 feet of the subject property of this development review application, C14-03.

Findings of Fact: Step 3 requires that notice of application be sent to:

- The State Department of Wildlife for all Full and Expedited Review Uses within 1000 feet of a sensitive wildlife area or site;
- The State Natural Heritage Program for all Full and Expedited Review Uses within 1000 feet of a rare plant; and
- The State Natural Heritage Program for all Full and Expedited Review Uses with Agriculture-Special Land Use Designation.

Conclusions of Law: The subject property is located within 1,000 feet of Columbia River basalt cliff habitat and within 1,000 feet of a falcon nest site, a sensitive wildlife area and a sensitive wildlife site under Commission rules. Washington State Dept of Fish and Wildlife was sent notice of this development application. No rare plants were identified within 1000 feet of the subject site, per GIS data housed by the Columbia River Gorge Commission. Also, the subject property of this development review application is not located in land designated Agriculture-Special. As such, it is not required that notice of application be sent to the State Natural Heritage Program notice of this development review application. The requirements of

Step 350-81-630 have been followed, and this development review application is consistent with these rule provisions.

END OF STAFF REPORT

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
Amber Johnson, Washington Department of Fish and Wildlife