

## COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

**CASE FILE:** C19-0009

**PROPOSAL:** The Columbia River Gorge Commission received an application for the installation of a new 5' x 16' concrete pad and a 500-gallon propane tank as part of an existing wireless communications facility on Haystack Butte.

**APPLICANT:** Nicholas Schirmer, of Powder River Development Services, representing T-Mobile

**LANDOWNER:** Scott Hall

**LOCATION:** The subject parcel is located at 184 Rattlesnake Rd, Centerville, WA, 98613, in South East  $\frac{1}{4}$  of Section 3, Township 2 North, Range 15 East, W.M., Klickitat County Tax Lot Number 02-15-03-0000-08/00. The tax lot is .92 acres in size and part of a larger 71.40-acre parcel (Tax Lot Number 02-15-03-0000-06/00).

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

### **DECISION:**

Based upon findings of fact in the attached Staff Report, the land use application by Nicholas Schirmer, for modifications to an existing communications facility, is consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act, P.L. 99-663, 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 C19-0009, and approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor'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 and to obtain necessary approvals, including utility easement approvals.
3. Any new land uses or structural development such as residences, garages, workshops, or other accessory structures, additions or alterations, or grading not included in the approved application or site plan will require a new application and review.

4. If over 200 cubic yards of grading is necessary, the applicant shall submit a new land use application to the Gorge Commission for review and approval.
5. The development shall be constructed as shown on the approved project description, site plan and elevation drawings. Any changes shall be reviewed and approved by the Executive Director before the changes are implemented.
6. No outdoor lighting is proposed. Any future proposed outdoor lighting shall be submitted to the Executive Director for review and approval prior to installation. All outdoor lighting shall be directed downward and sited, hooded and shielded to not be highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
7. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall immediately cease and the applicant shall notify the Gorge Commission within 24 hours of discovery and the State Physical Anthropologist, Dr. Guy Tasa at (360) 586-3534 or [guy.tasa@dahp.wa.gov](mailto:guy.tasa@dahp.wa.gov). The cultural resources shall remain as found and further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
8. 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.
9. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for an inspection to confirm compliance with conditions of approval. Project completion means completion of all work on exteriors of structures (including painting).

DATED AND SIGNED THIS 4 day of September 2019 at White Salmon, Washington.



Krystyna U. Wolniakowski  
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 \_\_\_ day of September 2021 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 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 on the 4<sup>TH</sup> day of October 2019.***

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

**NOTES:**

Any new land uses or structural development such as driveways, parking areas, garages, workshops, fences or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review. New cultivation also requires a new application and review.

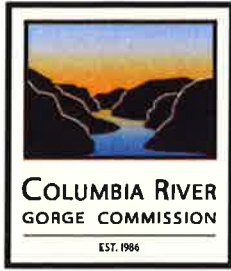
This decision does not address local, state, or federal requirements that may be applicable to the proposed development. The landowner is responsible for obtaining all applicable county, state, or federal permits required for the development.

cc:

Nez Perce Tribe  
Confederated Tribes and Bands of the Yakama Nation  
Confederated Tribes of the Umatilla Indian Reservation  
Christian Nauer, Confederated Tribes of Warm Springs Reservation of Oregon  
U.S. Forest Service National Scenic Area Office  
Washington Department of Archaeology and Historic Preservation  
Klickitat County Planning Department  
Klickitat County Building Department  
Klickitat County Public Works Department  
Klickitat County Health Department  
Klickitat County Assessor  
Washington Natural Heritage Program  
Washington Department of Fish and Wildlife  
Steve McCoy, Friends of the Columbia Gorge

Attachments:

Staff Report for C19-0009  
Approved site plan



## COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

**CASE FILE:** C19-0009

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**APPLICANT:** Nicholas Schirmer, of Powder River Development Services, representing T-Mobile

**LANDOWNER:** Scott Hall

**LOCATION:** The subject parcel is located at 184 Rattlesnake Rd, Centerville, WA, 98613, in South East  $\frac{1}{4}$  of Section 3, Township 2 North, Range 15 East, W.M., Klickitat County Tax Lot Number 02150300000800. The tax lot is .92 acres in size and part of a larger 71.40-acre parcel (Tax Lot Number 02-15-03-0000-06/00).

### LAND USE

**DESIGNATION:** The subject parcel is 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 organizations/agencies/governments:

- Confederated Tribes and Bands of the Yakama Nation
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of Warm Springs Reservation of Oregon
- Nez Perce Tribe
- U.S. Forest Service National Scenic Area Office
- Washington Department of Archaeology and Historic Preservation
- Klickitat County Planning Department
- Klickitat County Building Department
- Klickitat County Public Works Department
- Klickitat County Health Department
- Klickitat County Assessor
- Washington Natural Heritage Program
- Washington Department of Fish and Wildlife
- Friends of the Columbia Gorge

Written comments were received from Steve McCoy, Attorney for Friends of the Columbia Gorge, Christian Nauer, Archeologist for the Confederated Tribes of the Warm Springs Reservation of Oregon.

## FINDINGS OF FACT:

### A. Land Use

1. Nicolas Schirmer has applied to install a new 5' x 16' concrete pad and 500-gallon propane tank as part of an existing wireless communications facility on Haystack Butte. All work will be done within the existing fenced compound.
2. Commission Rule 350-81-182 allows uses listed in the "Expedited Review Process" (Commission Rule 350-81-050) on lands designated Large-Scale Agriculture in the GMA. Commission Rule 350-81-050(1)(r)(A) allows an expedited review for applications to:

*Modify existing aboveground and overhead utility facilities or, except in Agriculture-Special, develop new aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the development would be less than or equal to 120 square feet in area and less than or equal to 12 feet in height.*

The existing facility was built in 1998 (see Director's Decision C98-0023-K-G-21). The proposed development will be 80 sq. ft. in area and the propane tank will sit less than 12 feet above finished grade. The proposed development is eligible for expedited review, consistent with Commission Rule 350-81-050(1)(r)(A).

#### Conclusion:

The proposed development is an allowed expedited review use, subject to compliance with the guidelines in Commission Rule 350-81-052 that protect scenic, cultural, natural and recreation resource treaty rights.

### B. Scenic Resources

1. Commission Rule 350-81-052(1)(a)(B) states:

*Except signs, the colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall not apply to additions, which may match the color of existing buildings.*

The development site is located on Haystack Butte at an approximate elevation of 2,925 feet. The tower on the site is visible in the middle ground (1 to 3 miles) and background (greater than 3 miles) from several Key Viewing Areas (KVAs) to the south including SR-14, the Columbia River, and I-84, all of which are located at lower elevations. The site is set back from the bluff, and as viewed from KVAs, the crest of the hillside provides topographic screening for the bottom 20 feet of the tower and communications shelters, including the proposed concrete pad and propane tank. Because of the size of the proposed equipment, and distance from which it will be viewed from Key Viewing Areas, it is not visible. The concrete pad and propane tank will be located on finished grade, and will not be visible from Key Viewing Areas. Therefore, both the pad and propane tank are not required to be dark earth-tone colors, consistent with Commission Rule 350-81-052(1)(a)(B).

2. Commission Rule 350-81-052(1)(a)(C) states:

*Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents and chimneys.*

No elements of this application will be topographically visible from Key Viewing Areas. Commission Rule 350-81-052(1)(a)(C) does not apply.

3. Commission Rule 350-81-052(1)(a)(D) states:

*Outdoor lights shall be directed downward and sited, hooded, and shielded such that they are not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.*

No new outdoor lights are proposed. A condition of approval will be included in the Director's Decision to ensure any future outdoor lighting complies with this guideline.

4. Commission Rule Commission Rule 350-81-052(1)(a)(B). states:

*Structures within one-half mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).*

No structures topographically visible from Key Viewing Areas are proposed. Commission Rule 350-81-052(1)(a)(B) does not apply.

Conclusion:

The proposed development is consistent with the expedited review guidelines for scenic resources in Commission Rule 350-81-052.

C. Cultural Resources

1. Commission Rule 350-81-052(1)(b) includes cultural resource protection provisions for uses eligible for the expedited review process. It states:

*(A) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey, pursuant to 350-81-54(1)(c)(A) or historic survey, pursuant to 350-81-540(1)(c)(B).*

*(B) The GMA guidelines that protect cultural resources and human remains discovered during construction [350-81-540(6) and (7)] shall be applied as conditions of approval for all development approved under the expedited development review process.*

Chris Donnermeyer, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area, provided a cultural resources survey determination for the proposed development on July 5, 2019. Mr. Donnermeyer determined that the proposed development does not require a reconnaissance survey or historic survey pursuant to Commission Rules 350-81-540(1)(c)(A) and (B) because the proposed use would: (1) involve the modification, expansion, replacement, or reconstruction of existing buildings and structures, (2) would occur on a site that has been disturbed by human activities, (3) would occur on a site that has been adequately surveyed in the past, (3) would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older, and (4) would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older. With conditions of approval to require the protection of cultural resources and human remains discovered during construction, the proposed development is consistent with the cultural resource protection guidelines in Commission Rule 350-81-052(1)(b).

Conclusion:

With conditions to protect unknown cultural resources or human remains discovered during construction, the proposed development is consistent with the cultural resource guidelines for expedited review in Commission Rule 350-81-052(1)(B).

E. Natural Resources

1. Commission Rule 350-81-052(1)(d) lists natural resource protection guidelines for expedited review uses. To qualify for the expedited review process, Commission Rule 350-81-052(1)(d)(A)(i) requires new development is located outside buffer zones for wetlands, streams, rivers, ponds, and lakes, except for lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

There are no wetlands on the site. According to the Gorge Commission's resource inventories, the closest wetlands are located over 3,000 feet away from the project site. Intermittent streams originate below the elevation of the communication site, approximately 2,000 feet from the communication site. Pursuant to Commission Rule 350-81-570(7), intermittent streams require 50-foot buffers. The proposed development will be located more than 50 feet from the ordinary high-water mark of any stream, and outside of the buffer zones. The addition would not be located within the vicinity of any wetlands, rivers, ponds, or lakes.

Additionally, the development will occur within a fenced area that has been used and maintained as a telecommunications site. As such, the site has been previously disturbed and regularly maintained. The proposed development is consistent with 350-81-052(1)(d)(A)(i).

2. Commission Rule 350-81-052(1)(d)(B) contains expedited review guidelines to protect sensitive wildlife and sensitive plants. It requires eligible development to meet one of the following circumstances:
  - (I) *The development is at least 1,000 feet from known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive plants; or*
  - (II) *The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or*
  - (III) *For sensitive wildlife, the development is within 1,000 feet of known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey habitat), but an appropriate federal or state wildlife agency determines (1) the sensitive wildlife area or site is not active or (2) the proposed development 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. For sensitive plants, the development is within 1,000 feet of known sensitive plants, but the Oregon or Washington Natural Heritage Program or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the sensitive plants.*

According to the Gorge Commission's resource inventories, there are no known sensitive plants or wildlife areas or sites within 1,000 feet. Additionally, the development will occur within a fenced area that has been used and maintained as a telecommunications site. As such, the site has been previously disturbed and regularly maintained.

The proposed addition is consistent with the natural resource protection measures in Commission Rule 350-81-052(1)(d)(B)(I) and (II).

Conclusion:

As proposed, the development is consistent with the natural resource protection guidelines for expedited review in Commission Rules 350-81-052(1)(d)(B)(I) and (II).

E. Recreation Resources

1. Commission Rule 350-81-086 states:

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

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

Conclusion:

The proposed development is consistent with Commission Rule 350-81-086 that protects recreation resources in the National Scenic Area.

F. Treaty Rights Protection

1. Commission Rule 350-81-052(2) requires developments reviewed using the expedited review process to comply with the following treaty rights protection guidelines:

- (a) Proposed developments shall not affect or modify any treaty or other rights of any Indian tribe.*
- (b) The expedited development review process shall cease and the proposed developments shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.*

The development will not affect or modify any treaty or other right of any Indian tribe. No substantive comments identifying treaty rights or concerns were received from Indian tribes during the comment period. Given this information, the proposed addition is consistent with Commission Rule 350-81-052(2)

Conclusion:

The proposed development is consistent with the treaty rights protection guidelines for expedited review uses in Commission Rule 350-81-052(2).

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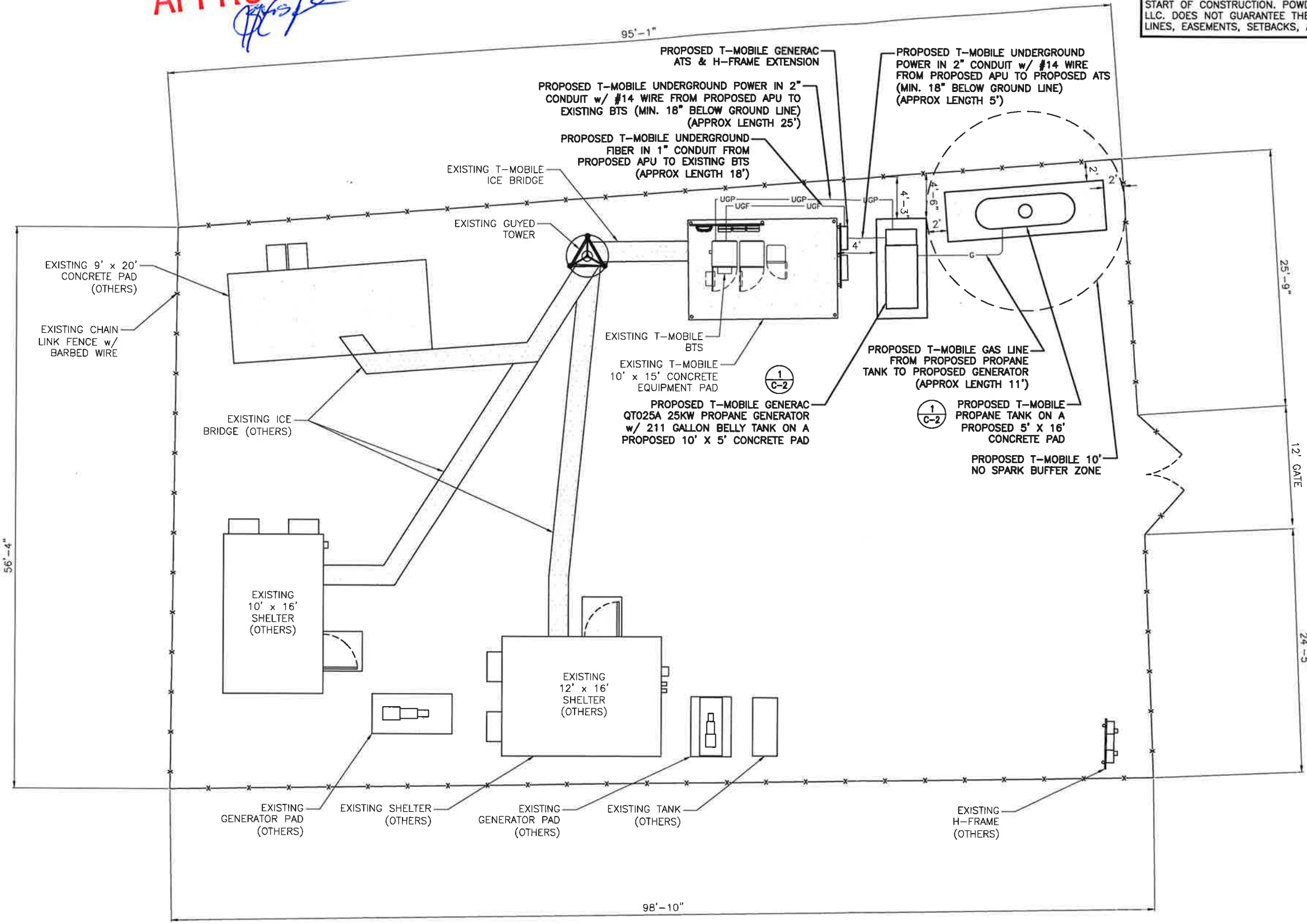


**APPROVED**

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**DISCLAIMER:**

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REVISIONS			
REV	DATE	DESCRIPTION	INT
E	04/04/19	ISSUED FOR REVIEW 90%	MAB
D	05/23/18	ISSUED FOR REVIEW 90%	RJP
C	03/07/18	ISSUED FOR REVIEW 90%	TRT
B	02/07/17	ISSUED FOR REVIEW 90%	JPN
A	09/06/17	ISSUED FOR REVIEW 90%	JHT

PRELIMINARY  
NOT FOR  
CONSTRUCTION

THESE PLANS AND SPECIFICATIONS, AS INSTRUMENTS OF SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF POWDER RIVER DEVELOPMENT SERVICES, LLC WHETHER THE PROJECTS FOR WHICH THEY ARE MADE ARE EXECUTED OR NOT. THESE DRAWINGS AND SPECIFICATIONS SHALL NOT BE USED BY ANY PERSON OR ENTITY ON OTHER PROJECTS WITHOUT PRIOR WRITTEN CONSENT OF THE ENGINEER.

**SITE INFORMATION**

**T-MOBILE #: PO02600A**  
**ATC #: 310444**  
**184 RATTLESNAKE ROAD**  
**CENTERVILLE, OREGON**  
**98613**

SHEET TITLE:

**SITE PLAN**

SHEET NUMBER:

**C-1**

