

COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

CASE FILE: C20-0003

PROPOSAL: The Columbia River Gorge Commission has received an application to convert an existing barn into a winery and tasting room, plant approximately 3.5 acres of grapes, construct a pump house, an irrigation system, a sign, gravel driveway and parking area, and deer fencing.

APPLICANT: Michael Cangiamilla

LANDOWNER: Michael Cangiamilla

LOCATION: The subject parcel is 5 acres and located at 19 Sauter Road in the SW $\frac{1}{4}$ of Section 29, Township 3 North, Range 12 East, W.M., Klickitat County Tax Lot Number 03-12-29-5100-03/00.

LAND USE

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

DECISION:

Based upon the following findings of fact, the land use application by Michael Cangiamilla 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 C20-0003, 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 document 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 obtain necessary approvals, including utility easement approvals.
3. Any new land uses or structural development such as commercial events, including weddings; 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.

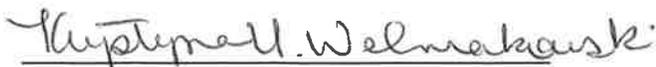
4. The development shall be constructed as shown on the approved project description, site plan and elevation drawings. Any changes shall be reviewed and approved by the Executive Director before the changes are implemented.
5. All exterior building materials, including doors, siding, trim, window sash, and roofing shall be dark earth-tone colors. Only approved dark earth-tone colors for exterior materials shall be used. The following colors submitted by the applicants for the exterior of the house are consistent with this condition and are hereby approved:

Exterior: Behr *Green Agate (M430-&7)*
Roof: Antique Black

Any proposed changes to these colors shall be submitted to the Gorge Commission for consistency review with this condition of approval. The color of the development shall be maintained by painting and staining as necessary to maintain the approved color.

6. All windows shall be composed of low-reflectivity glass. A reflectivity rating of 11% is required.
7. The processing of any wine on the property shall be from grapes grown on the property and in the local region.
8. All trellis materials, fencing, and irrigation lines shall be non-reflective and black or dark earth tone in color. If metal end posts are used, these shall be painted matte black or pre-weathered to achieve a non-reflective and dark appearance. Materials shall be approved by Commission staff prior to installation.
9. 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 and the State Physical Anthropologist, Dr. Guy Tasa at (360) 586-3534 or 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.
10. 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.
11. 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 27 day of August 2020 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 27 day of August 2022 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 26 day of September 2020.

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.

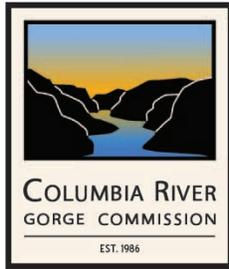
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Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation of Oregon
Nez Perce Tribe
U.S. Forest Service National Scenic Area Office
Washington Department 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

Attachments:

Staff Report for C20-0003
Approved site plan



COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

CASE FILE: C20-0003

PROPOSAL: The Columbia River Gorge Commission has received an application to convert an existing barn into a winery and tasting room, plant approximately 3.5 acres of grapes, construct a pump house, an irrigation system, a sign, gravel driveway and parking area, and deer fencing.

APPLICANT: Michael Cangiamilla

LANDOWNER: Michael Cangiamilla

LOCATION: The subject parcel is 5 acres and located at 19 Sauter Road in the SW $\frac{1}{4}$ of Section 29, Township 3 North, Range 12 East, W.M., Klickitat County Tax Lot Number 03-12-29-5100-03/00.

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
- Skamania County
- 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 River Gorge and James Mantone, neighbor.

A. LAND USE

1. Michael Cangiamilla proposes to convert an existing barn into a winery and tasting room; plant approximately 3.5 acres of grapes, install deer fencing, construct a pump house, and create a new driveway and parking area.
2. The subject parcel is in the General Management Area (GMA) and is designated Small-Scale Agriculture with a 40-acre minimum parcel size. The parcel is 5 acres in size and is located on Sauter Road, south of Old Hwy 8, in Klickitat County.
3. Existing development on the property includes a 24 ft. x 48 ft. (1,152 sq. ft.) dwelling with an attached 24 ft. x 64 ft. (1,536 sq. ft.) four-car garage, a 36 ft. x 42 ft. (1,512 sq. ft.) barn, a 10 ft. x 10 ft. (100 sq. ft.) shed, and a gravel driveway serving the dwelling.
4. Commission Rule 350-81-190(1)(a) allows,

New cultivation, subject to compliance with guidelines for the protection of cultural resources (350-81-540) and natural resources (350-81-560 through 350-81-590).

The applicant proposes to convert approximately 3.5 acres of land currently used for hay production into vineyard. The new vineyards include 3 fields organized into rows of vine grapes, supported by trellises and an irrigation system. The irrigation system will be supported by existing well and the proposed pump house. A row of pine trees along the western boundary will form a windbreak. The new vineyard is a new agricultural use allowed pursuant to this rule, subject to compliance only with the guidelines to protect cultural and natural resources.

5. Commission Rule 350-81-190(1)(b) allows,

Agricultural structures, except buildings, in conjunction with agricultural use.

The trellising and above ground irrigation system are agricultural structures allowed pursuant to this rule, subject to review for consistency with the guidelines for protection of scenic, cultural, natural, and recreation resources.

6. Commission Rule 350-81-190(1)(f) allows,

Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

- (A) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.*
- (B) The footprint of any individual accessory building shall not exceed 1,500 square feet.*
- (C) The height of any individual accessory building shall not exceed 24 feet.*

The applicant proposes an 11 ft. tall, 10' x 10' (100 sq. ft.) building for the pump house to serve the existing residential and proposed agricultural uses. There is already one other accessory building on the property, a 10' x 10' shed. The garage and dwelling are one building, and the barn is an agricultural building. The combined square footage of the two accessory buildings will be 200 sq. ft., well under the 1,500 sq. ft. limit, and below the 24 ft. height restriction, consistent with this rule.

7. Commission Rule 350-81-190(1)(l) allows,

Construction, reconstruction, or modifications of roads not in conjunction with agriculture.

The applicant proposes a new driveway and parking lot to support the tasting room. The proposed driveway and parking lot will serve both the agricultural use on the property and the tasting room, a separate commercial use. The road and parking lot are allowed pursuant to this rule, subject to review for consistency with the guidelines for protection of scenic, cultural, natural, and recreation resources.

8. Commission Rule 350-81-200(1)(d) allows,

Wineries, in conjunction with onsite viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region.

A condition of approval is included in the Director's Decision requiring the processing of any wine on the property to be from grapes grown in the local region, consistent with this guideline. With this condition of approval, the winery is allowed pursuant to this rule, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources (350-81-520 through 350-81-620) and the "Approval Criteria for Specified Review Uses," (350-81-220).

9. Commission Rule 350-81-200(1)(e) allows,

Wine sales/tasting rooms, in conjunction with an on-site winery.

The tasting room is allowed pursuant to this rule, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources (350-81-520 through 350-81-620) and the "Approval Criteria for Specified Review Uses," (350-81-220).

10. Commission Rule 350-81-220 requires that the winery and wine sales/tasting room comply with 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; and*
- (b) The use will be sited to minimize the loss of land suitable for the production of crops or livestock.*

There are already several vineyards located in the vicinity of the of the subject property off of Old Hwy 8, and this new proposed vineyard will not significantly change or increase the

cost of agricultural practices in the area. The tasting room will be located in an existing barn building. No new buildings are proposed. Tasting rooms are typically compatible with agricultural uses and do not force a change in accepted agricultural practices. A new gravel driveway and parking are proposed. The area chosen is already functioning as a road and is heavily compacted from previous vehicle and farm equipment use. Adding gravel and creating permanent road improvements will minimize the loss of agricultural land on the property. The proposal minimizes the loss of suitable agricultural land on the subject parcel to the greatest extent practical.

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

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

The only new building proposed is the pump house. The closest boundary line to the pump house is the southern boundary. The pump house will be sited over 200 ft. from the southern boundary. Staff concluded the parcels are potentially suitable for agricultural use. Staff considered characteristics of the land, existing uses, and looked at soil data and crop production data in the Commission's natural resources database in determining if the adjacent lands are suitable for agricultural use. Commission Rule 350-81-154 defines *suitability* as:

The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production; surrounding uses and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, powerlines, dwellings, and size of ownership.

According to the latest data provided by the Natural Resources Conservation Services, the USA Soils Farmland Class rating for the soil of the subject parcel and adjacent parcels is "Farmland of Statewide Importance." Staff observed during site visits to the subject parcel that the adjacent parcels have similar characteristics including low tree coverage, grasses as the dominant vegetation, and high exposure to wind and sun. Staff looked at other parcels in the same Land Use Designation and same Landscape Setting to see what types of agricultural uses the subject parcel and adjacent parcels are suitable for. The types of agriculture found on nearby parcels are pasturelands and vineyards. Currently, the land between the subject parcel and the adjacent parcel to the south are open. According to Commission rule 350-81-076, the setback requirement for livestock grazing, pasture and haying is 100 ft. and the setback requirement for vineyards is 150 ft. As currently proposed, the pump house is sited 200 ft. from the southern boundary. The proposal places the pump house in compliance with the 150 ft. agricultural setback and is consistent with this rule.

12. Commission Rule 350-81-050(h) allows signs, other than those allowed outright, as an expedited review use. The applicant proposes a 4 ft. x 4 ft. sign on the property, at the

driveway entrance to the tasting room. This type of sign is not a use allowed outright and is therefore a review use under Commission Rule 350-81-050(h).

Commission Rule 350-81-112(1) provides rule for signs in the GMA. It states:

(1) GMA Sign Provisions

(a) Except for signs allowed without review pursuant to 350-81-074, all new signs must meet the following guidelines unless these guidelines conflict with the Manual for Uniform Traffic Control Devices for public safety, traffic control or highway construction signs. In such cases, the standards in the Manual for Uniform Traffic Control Devices shall supersede these guidelines.

(A) The support structure shall be unobtrusive and have low visual impact.

(B) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Signs shall be colored to blend with their setting to the maximum extent practicable.

(C) Backs of all signs shall be unobtrusive, nonreflective, and blend in with the setting.

(D) Spotlighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.

(E) Except for signs along public highways necessary for public safety, traffic control, or road construction and consistent with the Manual for Uniform Traffic Control Devices, the following signs are prohibited:

(i) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays, and other signs that are internally illuminated, exclusive of seasonal holiday light displays.

(ii) New billboards.

(iii) Signs with moving elements.

(iv) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.

(b) Any sign that does not conform with a provision of these guidelines and has existed before their adoption is subject to the following provisions:

(A) Alteration of existing nonconforming signs shall comply with these guidelines.

(B) Any nonconforming sign used by a business must be brought into conformance concurrent with any expansion or change in use that requires a development permit.

There are no signs currently on the property. The proposed sign will advertise the applicant's vineyard with a sign that reads *ViA CAnGiAMiLLA ViNEYARDS*. The sign will be 5 ft. tall, supported by two wood posts. The sign itself will be 4 ft. x 4 ft. and painted purple, red and green. 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 . . ." No lighting is proposed to illuminate the sign. Staff finds the sign is consistent with Commission Rule 350-81-050(h), which allows signs consistent with Commission Rule 350-81-112 as an expedited review use.

13. Commission Rule 350-81-050(1)(e) allows woven wire fences for agricultural use that would enclose 80 acres or less as an expedited review. The applicant proposes to enclose the parcel for the vineyards. The property is approximately 5 acres in size. The deer fencing will be woven wire and 6 ft. 6 in. tall. The applicant is proposing to enclose less than 80 acres. The woven wire fence is thus an allowed use subject to compliance with the standards in 350-81-052. Commission Rule 350-81-052(1)(a)(A) states,

In the General Management Area, the scenic resource protection standards shall not apply to woven wire fences for agricultural uses that would enclose 80 acres or less.

Because they propose to enclose less than 80 acres, the scenic resource standards of Commission Rule 350-81-052 and Commission Rules 350-81-520 do not apply to the woven wire fence.

CONCLUSION:

The proposals for new cultivation of approximately 3.5 acres of vineyard grapes on existing pasture; install deer fencing; construct a sign; and convert an existing barn into a winery and wine sales/tasting room and create a new driveway and parking area are allowed as review uses in the Small-Scale Agriculture land use designation, subject to compliance with the guidelines in Commission Rules 350-81-520 to 350-81-610 that protect scenic, cultural, natural, and recreation resources.

B. SCENIC RESOURCES

1. Commission Rule 350-81-520 lists scenic resource protection guidelines for review uses in the GMA that are not allowed outright or through the expedited review process. Commission Rule 350-81-520(1)(a) states:

New buildings and roads shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

The subject parcel is characterized by open pastureland and is generally flat. The elevation of the subject parcel is between 420 and 440 ft. throughout the entire parcel. The applicant included a new driveway and parking area for the tasting room. The applicant stated to the Commission staff during the site visit that the road would not include any grading but would include new gravel. The new driveway is approximately 190 ft. long and 20 ft. wide. The parking area at the end of the driveway will be approximately 50 ft. x 60 ft. and accommodate 8 cars. This description of the driveway and parking area minimizes grading consistent with Commission Rule 350-81-520(1)(a).

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

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

The only new building proposed is the 100 sq. ft. pump house. The applicant has proposed to convert an existing barn into the winery and tasting room, and does not propose to add any additional space to the barn. This proposal is consistent with this rule.

3. Commission Rule 350-81-520(1)(c) states:

Project applicants shall be responsible for the proper maintenance and survival of any planted vegetation required by the guidelines in this chapter.

No new screening vegetation is required by the guidelines of Commission Rule 350-81-520.

4. Commission Rule 350-81-520(1)(e) refers to the compatibility of the proposed development with the designated landscape setting. The landscape setting is Pastoral. This is discussed below in Findings B.21 through B.24.
5. Commission Rule 350-81-520(1)(e) states:

For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.

The landscape setting for the subject parcel is Pastoral. Commission Rule 350-81-520(3)(a) contains the design guidelines for proposed uses in the Pastoral landscape setting. A site plan was provided consistent with Commission Rule 350-81-032 (Application for Review and Approval). Findings B.21 through B.24 address the applicable guidelines in Commission Rule 350-81-520(3)(c) using information submitted in the site plan, consistent with this rule.

6. Commission Rule 350-81-520(2) contains guidelines that affect new buildings and structures on sites that are topographically visible from Key Viewing Areas (KVAs). The site can be seen from the following six KVAs: SR 14, Old Highway 8, the Columbia River, I-84, the Historic Columbia River Highway and Rowena Plateau. Because the development site is visible from KVAs, the guidelines of Commission Rule 350-81-520(2) apply to the proposed development.
7. Commission Rule 350-81-520(2)(b) requires new development to be visually subordinate to its setting when viewed from Key Viewing Areas.

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

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

The dwelling and barn are in a cluster of several buildings located centrally on the subject property. In addition, there are several other buildings on adjacent properties nearby. Existing vegetation to the south of the dwelling helps the buildings blend in with the adjacent landscape. The new pump house will be a dark-earth tone color and be constructed

with materials that have low reflectivity. It will be sited where the existing well is located which is approximately 90 ft. south of existing development and surrounded by grape vines and trellises.

The vineyard is not subject to scenic review standards (see Finding A.4). The new agricultural structures have potential to affect the natural characteristics of the Landscape Setting. A condition of approval requires the new structures to be non-reflective and black or dark earth tone in color. Trellises shall be dark wood or alternative material and color approved by Commission staff. If metal posts are used, these shall be painted matte black or pre-weathered to achieve a non-reflective and dark appearance. Deer fencing is not subject to scenic review standards (see Finding A.13). If the agricultural structures are dark earth-tone colors the structures will be visually subordinate to the Landscape Setting.

8. Commission Rule 350-81-520(2)(c) states that the determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

Commission Rule 350-81-020(40) defines “cumulative effects” as:

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

To determine cumulative effects of the proposed development, staff analyzed existing development and development potential of the subject parcel and the adjacent and nearby land also in the Pastoral Landscape Setting, within a quarter mile of the subject parcel. As seen from key viewing areas, the subject property is located within an area with several buildings along Sauter Road to the south of Old Highway 8 and along Old Highway 8 to the east and west. The other buildings to the south and east and west of the subject parcel are visible.

Commission Rule 350-81-190(1)(e) limits the combined footprint of accessory buildings to 1,500 sq. ft. The applicant proposes a 11' tall, 100 sq. ft. (10' x 10') building for the pump house to serve the existing residential and proposed agricultural uses. There is already one other accessory building on the property, a 10' x 10' shed. The combined square footage of the two accessory buildings would be 200 sq. ft., well under the 1,500 sq. ft. limit, and below the 24 ft. height restriction, consistent with this rule. The applicant would be eligible for additional accessory buildings in the future. The shed will be dark earth tone color and constructed of non-reflective materials to ensure visual subordination.

Agriculture use does not require analysis of cumulative effect; however, the structures have been designed to be visually subordinate. The trellising is not distinguishable from the planting pattern of the vineyard and causes no impact individually or cumulatively. The woven wire deer-fencing will be dark earth-tone color which will help ensure visual subordination.

Pursuant to Commission Rule 350-81-200(1)(e), no additional tasting rooms are allowed on the subject property and, thus, the proposed development could not be repeated on the same piece of ground' to generate cumulative effects. Tasting rooms are typically

compatible with agricultural uses and do not force a change in accepted agricultural practices. Future tasting rooms in the vicinity of the proposal are possible. To qualify for a tasting room, a landowner must first have a vineyard and winery on the property.

If new buildings and structures are built according to applicable Land Use Designations on each parcel in the vicinity of the proposed development, and if they are designed in a similar manner to existing development and consistent with the guidelines of this chapter, they will be held to the same visual resource protection standards and will be required to be *visually subordinate*. The design guidelines for the Pastoral Landscape Setting in the GMA require that development be clustered and sited to maximize screening of existing topography and vegetation, to retain the character of the setting. If new accessory buildings and structures were built in a similar manner to the proposal, there would be no cumulative effects to scenic resources. By using existing topography and vegetation, a design that fits with the landscape setting, exterior materials that are dark, earth-toned, and low- or non-reflective, and by locating the structures in areas screened by existing development, the visibility of the new development will be minimized. The approval of this proposed development, in combination with potential future development that is required to be designed and sited to achieve the standard *visually subordinate*, will not generate adverse cumulative scenic impacts.

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).

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

The extent and type of conditions applied to a proposed development to achieve visual subordination should be proportionate to its potential visual impacts as seen from Key Viewing Areas.

(A) Decisions shall include written findings addressing the factors influencing potential visual impact, including but not limited to:

- (i) The amount of area of the building site exposed to Key Viewing Areas.*
- (ii) The degree of existing vegetation providing screening.*
- (iii) The distance from the building site to the Key Viewing Areas from which it is visible.*
- (iv) The number of Key Viewing Areas from which it is visible.*
- (v) The linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads).*

Using GIS inventories and conducting site visits, staff found the proposed building site is visible from the following KVAs at the following distances:

<u>KEY VIEWING AREAS</u>	<u>DISTANCE ZONE</u>		
	FOREGROUND	MIDDLEGROUND	BACKGROUND
	0 - 1/4 Mile	1/4 - 3 MILES	Over 3 Miles
Historic Columbia River Highway		X	X
Interstate 84		X	X
Columbia River			X
Washington State Route 14		X	X
Highway 35			X
Rowena Plateau			X

The site is not visible in the foreground from any KVAs; it is visible in the middle ground and background when viewed from the south and west from SR 14, Old Highway 8, the Columbia River, Interstate 84, the Historic Columbia River Highway, and Rowena Crest. The site is approximately 450 feet in elevation.

The closest KVAs from which the development is visible are all over a mile away, and there are trees, other vegetation, buildings and existing topography between the parcel and KVAs which help to provide screening. From these KVAs, agricultural structures including trellises and end posts and deer fencing will be visible.

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

Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from Key Viewing Areas, including but not limited to:

- (i) Siting (location of development on the subject property, building orientation, and other elements).*
- (ii) Retention of existing vegetation.*
- (iii) Design (color, reflectivity, size, shape, height, architectural and design details and other elements).*
- (iv) New landscaping.*

The proposed driveway and parking area are sited behind a cluster of buildings on portions of the subject parcel that minimize visibility from KVAs. The buildings are clustered together centrally on the parcel and takes advantage of existing vegetative screening. With conditions of approval related to building colors and materials of the pump house and the minor modification converting the barn into a winery and tasting room the buildings will be visually subordinate to the surrounding landscape as seen from KVAs.

The new cultivation meets the visually subordinate standard for the Pastoral Landscape Setting. However, the new agricultural structures have potential to affect the natural characteristics of the Landscape Setting. A condition of approval requires the new structures to be non-reflective and black or dark earth tone in color. Trellises shall be dark wood or alternative material and color approved by Commission staff. If metal posts are used, these shall be painted matte black or pre-weathered to achieve a non-reflective and dark appearance. With conditions of approval pertaining to the colors of the agricultural

structures, the structures will not be difficult to distinguish in the landscape as seen from KVAs.

11. Commission Rule 350-81-520(2)(e) states:

New development shall be sited to achieve visual subordination from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, development shall comply with this guideline to the maximum extent practicable.

As discussed in Section E below, the development is not located within the sites or buffers of sensitive natural resources. Similarly, as discussed in Section C, the development does not conflict with cultural resource guidelines. Commission Rule Commission Rule 350-81-520(2)(e) does not apply.

12. Commission Rule 350-81-520(2)(f) states:

New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from Key Viewing Areas.

No other location on the subject property would have afforded additional topographic or vegetation screening. The proposal is consistent with Commission Rule 350-81-520(2)(f).

13. Commission Rule 350-81-520(2)(g) states:

Existing tree cover screening proposed development from Key Viewing Areas shall be retained as specified in the Landscape Settings Guidelines in 350-81-520(3).

The subject parcel is in the Pastoral Landscape Setting. Findings for the Landscape Settings Design Guidelines are addressed below in Findings B.22 through B.24. Existing tree cover screening the proposed development from KVAs shall be retained in compliance with Commission Rule 350-81-520(3). No trees are proposed to be removed as part of this application.

14. Commission Rule 350-81-520(2)(h) states:

The silhouette of new buildings shall remain below the skyline of a bluff, cliff, or ridge as seen from Key Viewing Areas. Variances to this guideline may be granted if application of the guideline would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the guideline have been made.

The proposal is sited on relatively flat ground and is not located near any steep slopes. The elevation of the subject parcel is between 420 ft. and 440 ft. throughout the entire parcel. There are hills to the south of the parcel with gentle southern slopes that rise in elevation to

800 ft. and create a backdrop for the proposal. The proposal is consistent with Commission Rule 350-81-520(2)(h).

15. Commission Rule 350-81-520(2)(j) states:

The following guidelines shall apply to new landscaping used to screen development from Key Viewing Areas:

- (A) *New landscaping (including new earth berms) shall be required only when application of all other available guidelines in 350-81-520 is not sufficient to make the development visually subordinate from Key Viewing Areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.*
- (B) *If new landscaping is required to make a proposed development visually subordinate from Key Viewing Areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction.*
- (C) *Unless as specified otherwise by provisions in 350-81-520, landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.*
- (D) *The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in 350-81-520(3), and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).*

No new screening vegetation is required by the guidelines of Commission Rule 350-81-520.

16. Commission Rules 350-81-520(2)(l) states:

Unless expressly exempted by other provisions in 350-81-520, colors of structures on sites visible from Key Viewing Areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval.

The pump house will be composed of T-111, a wood product that is not reflective. The applicant has chosen the color Behr *Green Agate (M430-&7)* as the primary color and black asphalt shingles for the roof. These color choices are included as conditions of approval.

The new cultivation meets the visually subordinate standard for the Pastoral Landscape Setting. However, the new agricultural structures have potential to affect the natural characteristics of the Landscape Setting. A condition of approval requires the new structures to be non-reflective and black or dark earth tone in color. Trellises shall be dark wood or alternative material and color approved by Commission staff. Deer fencing shall be

matte black or other material and color approved by Commission staff. With conditions of approval pertaining to the colors of the agricultural structures, the structures will be difficult to distinguish in the landscape as seen from KVAs.

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

The exterior of buildings on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features.

The applicant has proposed three small windows to the exterior of the barn. The *Scenic Resources Implementation Handbook* recommends the use of glass with less than 11% reflectivity ratings for new development visible from KVAs. This is included as a condition of approval.

The applicant has proposed metal posts for the trellises. Metal is a reflective material. If metal posts are used, these shall be painted matte black or pre-weathered to achieve a non-reflective and dark appearance. A condition of approval requires the new structures to be non-reflective and black or dark earth tone in color. With conditions of approval pertaining to the colors of the agricultural structures, the structures will be difficult to distinguish in the landscape as seen from KVAs.

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

Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

The application materials do not indicate any new external lighting.

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

Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape.

No additions are proposed to any of the buildings. Commission Rule 350-81-520(2)(q) does not apply to this proposal.

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

Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.

The property is generally flat. No excavation is proposed. The road and driveway only need gravel for development. The proposal is consistent with this rule.

21. Commission Rule 350-81-520(2)(aa) requires all proposed structural development involving more than 200 cubic yards of grading on sites visible from KVAs to include a grading plan containing specific plan elements.

The property is generally flat. No excavation is required for the development of the driveway, parking area, or pump house. A grading plan is not required.

22. The Landscape Settings Map for Columbia River Gorge National Scenic Area classifies the subject parcel Pastoral. Commission Rules 350-81-520(3)(c)(A) and (B) contain applicable guidelines for the proposed development in this landscape setting.

23. Commission Rule 350-80-520(3)(c)(A) states:

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

There are no trees on the subject parcel. Trees characteristic to the area include Oregon white oak and ponderosa pine, which can vary in height up to 50 ft. tall. The well house is 11 ft. tall, consistent with this rule.

24. Commission Rules 350-81-520(3)(c)(B) states:

In portions of this setting visible from Key Viewing Areas, the following guidelines shall be employed to achieve visual subordination for new development and expansion of existing development:

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

For substantially wooded portions:

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

For treeless portions or portions with scattered tree cover:

- (iv) Structures shall be sited on portions of the property that provide maximum screening from Key Viewing Areas, using existing topographic features.*
- (v) Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees in small groupings and openings between groupings.*
- (vi) Accessory structures, outbuildings, and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures, and farm fields.*

No screening vegetation is required for the proposal.

CONCLUSION:

The proposed development is consistent with the applicable policies of the Management Plan and guidelines in Commission Rule 350-81-520 that protect scenic resources in the National Scenic Area.

C. Cultural Resources

1. Except as specified in Commission Rule 350-81-540(1)(c)(A)(iii), new development requires a reconnaissance survey. Commission Rule 350-81-540(3) requires that, if cultural resources are discovered, an evaluation of the significance shall be conducted. Commission Rule 350-81-540(3)(d)(C) states that if it is determined that the cultural resources are significant, the effects of the proposed use shall be assessed. Commission Rule 350-81-540(5)(a) requires mitigation plans when proposed uses would have an adverse effect on significant cultural resources. Mitigation plans shall reduce an adverse effect to no effect or no adverse effect.
2. Chris Donnermeyer, Heritage Resource Program Manager for the U.S.D.A. Forest Service Columbia River Gorge National Scenic Area, reviewed the new land use application and determined in a Cultural Resources Survey Determination, dated November 20, 2020, that pursuant to Commission Rule 350-81-540(1)(c)(A)(iii) a Cultural Resource Reconnaissance Survey is not required because the proposed use would occur on a site that has been surveyed in the past (Dryden 2015), and does not occur within 500 feet of a known archaeological site.
3. Commission Rule 350-81-540(1)(c)(B) describes when a historic survey is required. In his February 7, 2020 survey determination letter, Mr. Donnermeyer also concluded that a historic survey was not required because: the development would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older and would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older and would not compromise other historic features in the surrounding area that are important in defining the historic or architectural character of significant historic structures. Given this information, a historic survey was not required, consistent with Commission Rule 350-81-540(1)(c)(B).
4. Commission Rule 350-81-540(2)(c)(B)(i) states the cultural resource protection process may conclude when the following conditions exist:

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

The project notice was mailed on February 5, 2020, and the comment period ended February 26, 2020. As explained above, the proposed use did not require a reconnaissance or historic survey and no comments were received regarding cultural resource concerns. Pursuant to Commission Rule 350-81-540(2)(c)(B)(i), the cultural resource protection process may conclude.

5. Commission Rule 350-81-540(6) protects cultural resources discovered during construction. It requires that if cultural resources are discovered after construction begins,

all construction activities within 100 feet of the discovered cultural resource shall cease; further disturbance is prohibited, and the Gorge Commission shall be notified within 24 hours of the discovery. A condition of approval implementing this requirement is included in this decision.

6. Commission Rule 350-81-540(7) contains provisions addressing discovery of human remains during construction. A condition of approval requiring adherence to these measures if human remains are discovered is included in this Director's Decision.

CONCLUSION:

With conditions protecting unknown cultural resources and human remains discovered during construction, the proposed development is consistent with the guidelines in Commission Rule 350-81-540 that protects cultural resources in the National Scenic Area.

C. NATURAL RESOURCES

1. Commission Rule 350-81 provides guidelines for protecting wetlands (Section 560); streams, ponds, lakes, and riparian areas (Section 570); sensitive wildlife areas and sites (Section 580); and sensitive plants (Section 590).
2. The Gorge Commission's natural resource inventories do not show any wetlands in the project vicinity. Therefore, Commission Rule 350-81-560 that protect wetlands does not apply.
3. The Gorge Commission's natural resource inventories do not show any streams, ponds, lakes, riparian areas, or resource buffer zones in the project vicinity or on the 5-acre parcel. Therefore, Commission Rule 350-81-570 that protect streams, ponds, lakes and riparian areas does not apply.
4. The Gorge Commission's sensitive wildlife inventory does not show any sensitive wildlife sites within 1,000 feet of the proposed development. Therefore, Commission Rule 350-81-580 that protects sensitive wildlife areas does not apply.
5. The Gorge Commission's sensitive plant inventory does not show any sensitive plant sites within 1,000 feet of the proposed development. Therefore, Commission Rule 350-81-590 that protects sensitive plants does not apply.

CONCLUSION:

The proposed development is consistent with the guidelines in Commission Rule 350-81, Sections 560 through 590, that protect natural resources in the National Scenic Area.

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 350-81-084(1) provides protection of tribal treaty rights from new development in the National Scenic Area.
2. Commission Rule 350-81-084(1)(a) lists additional notice materials for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect Native American treaty rights and provides 20 days for tribal governments to submit comments.

The subject parcel has no access to the Columbia River, but pursuant to other noticing requirements, notice of the proposal was mailed or emailed to the four tribal governments on February 5, 2020. The notice included a comment period of 21 days that ended on February 26, 2020.

3. Commission Rule 350-81-084(1)(b) lists guidelines for tribal government consultation when those governments submit substantive written comments. No substantive comments were received.
4. Commission Rule 350-81-084(c)(B) states,

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

The subject parcel does not provide access to the Columbia River or its fish bearing tributaries. No known treaty rights are affected by this proposal and no treaty rights concerns were raised by the tribal governments. Because the proposed use does not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to Commission Rule 350-91-084(c)(B).

CONCLUSION:

The proposed development is consistent with the guidelines in Commission Rule 350-81-084, which provides protection for treaty rights and any other rights of any Native American tribe.

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